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8.22 (e) corrected 36455
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10.0 Revised 38352
10.2 (a) amended 38352
10.4 (c) revised; (d) removed; (e) redesignated as (d) 38352
10.5 (a) revised 38352

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346.5 Revised 37520
346.8 (d)(2) footnote 1 redesignated as footnote 3; (b)(2) and (d)(2) footnote 3 amended 37520
346.9 (a) amended 37520
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865.107 (d) amended 36450
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183.516 (b) and (c) amended 36253
183.520 Heading amended 36253
183.524 (c) revised 36253
183.526 (a) removed 36253
183.532 Table 7 revised 36253
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183.582 (a) amended 36253
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52.220 (c)(24)(iii)(B) and (ix)(A), (27)(iv)(A), (29)(ii) through (v), (30)(vi)(C) and (ix), (31)(v)(B)(vi) through (xii), (32)(iii), and (35)(i) through (iv) added 37977
52.225 (b)(i) through (x), (c)(3)(v), (d)(1), (2), (4), and (5) revised; (c)(3)(vi) and (vii) removed 37977
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52.795 (b) added 34519
52.970 (c)(6) added 37000
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52.1120 (c)(8) revised 35834
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85 Appendixes I through VI removed 36457
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4.1 Revised	*22145
63.1 (a) and (c) amended; (c)(2) added	*36149
63.2 (b)(1) amended; (b)(2) added	*36149
63.6 (a), (b) heading, (b)(8) and (9) amended; (b)(10) redesignated as (d) and heading added; (c) added	*36149
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74.23 (b) revised	44552
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74.150—74.159 (Subpart P) Revised	44553
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121f.22 Added	*20300
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144.12 (d) added	*31794
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177.4 (c)(3)(xxix) added	44041
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177.12 (a)(1) introductory text, (a)(1)(i) and (ii) and (a)(2) revised; (a)(1)(xv) added	*33291
177.15 Added	*33292
177.37 Added	*29010
177.43 (a) and (b) revised	*33292
177.73 Revised	54488
177.77 (b) and (c) revised	54488
182a Added	47163
185.14 (c) revised	*3842
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185.71—185.77 (Subpart H) Revised *33902
185.101—185.110 (Subpart L) Added *33876
187 Revised *32786
188 Revised *32797
190.31—190.39 (Subpart C) Revised *33503
190.41—190.48 (Subpart D) Revised *33505
193 Added *1192
196.3 Amended 44860
196.5 (b) amended 44860
196.12 Amended 44680
196.13 (a) amended 44860

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

201.66 Added *28884
205.40 (a) introductory text, (b) (3) (iv), and (c) revised; eff. 7-1-75 ..... *14718
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205.41 Removed; eff. 7-1-75 ..... *14719
205.50 (a) CFR correction *12046
205.146 (d) redesignated as (e); new (d) added 55346
205.200 (a) amended *33293
224 Revised 47688
228 Revised *5848
228.24 (a) (3) revised; (b) added 55670
228.26 (a) and (c) amended; (f) added 55671
228.29 (c) added 55671
228.35 (c) added 55671
228.40 (c) added 55671
228.41 (d) added 55671
228.42 (c) and (d) added 55671
228.44 (b) added 55672
228.48 Added 55672
228.51 (c) added 55672
228.52 (c) (3) added 55672
228.55 Removed 55672
228.56 (b) revised 55672
228.60 (d) revised; (e) (2) (i) republished; (e) (2) (ii) added 55672
228.61 (a), (c) and (d) revised 55672
228.63 Added 55673
228.100—228.102 (Subpart J) Added 55673
231 Added *5980

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233.20 Technical correction 47065
(a) (1) and (3) (vi) and (x) revised 54489
(a) (3) (vi) corrected 56646
(a) (2) (iv) revised; (a) (2) (viii) added *6584
Technical correction *13292
(a) (3) (ii) (B) and (a) (3) (ix) revised *16145
(a) (2) (vii) removed; (a) (4) (ii) revised *26427
233.90 (a) revised *3307, 6584
233.100 (a) (5) (i) and (ii) revised *16145
235.40 Added; effective date extended to 7-1-76 ..... *17877
246.160 Added *33293
248.3 (b) (1), (2), and (3) revised; (b) (4), (5), and (6) redesignated as (b) (7), (8), and (9); new (b) (4), (5), and (6) added *2686
248.21 (a) (2) revised *2687
249.10 (d) (3) added *4125
(b) (15) (i) (D) revised *15064
249.12 (c) (6) revised *15064
(c) (3) (ix) added *28702
249.13 Introductory text revised *15064
(b) (6) (i) and (xi) revised *28703
249.33 (a) (8) and (a) (8) (i) (B) revised *15064
(a) (2), (a) (4) (iii) introductory text and (A), (iv) introductory text, and (5) (iv) revised; (a) (8) removed *28703
250.25 Revised *37208
250.30 (a) (2) (i) and (iii) and (b) (1) revised 51402
(a) (3) (iii) (B) (1) and (4), (a) (3) (iv) introductory text and (A) amended 53994
(a) (3) (iii) (B) (1) and (4), (a) (3) (iv) introductory text and (A) corrected *779
250.210 Added; interim rule effective date 12-31-72 48738
Added; final rule *23509

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

302.39 Revised 55348
303 Heading revised 55348
303.0 Revised 55348
304.25 Revised *26427

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304.29 Added *3843
304.40 Added *28885
305 Added 55348

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409 Removed *15810
416 Removed *5276

Chapter V—Foreign Claims Settlement Commission

500.3 (c) revised *24741
504 Heading revised; existing text designated as Subpart A *11010
504.1 Heading revised *11010
504.2 Heading revised *11010
504.20—504.29 (Subpart B) Added *11010
531.1 (i) added *24741
531.2 (i) and (j) redesignated as (j) and (k); new (i) added *24741
580—581 (Subchapter F) Heading revised 49094
581 Added 49094

Chapter VI—National Science Foundation

613.3 (b) amended; (e) added *8638
613.4 (c) amended *8639
614 Added *14719
614.4 (b) correctly designated *17447

Chapter VII—Commission on Civil Rights

702 Heading revised *14107
702.1—702.18 Designated as Subpart A *14108
702.50—702.57 (Subpart B) Added *14108
706.3 (b) revised; (c) added *12046
706.4 (d) revised *12046
706.7 Amended *12046
706.8 (d) (3) amended *12047
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Chapter VIII—Civil Service Commission

801.202 Appendix A amended 47938, 48739

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1005 Part heading revised 44860
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(b) (2) technical correction *19329
1005.8 (b) (3) added 48739
1005.10 (c) (1) amended *3165
1006 Part heading revised 44860
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1010 Part heading revised 44860
1012 Part heading revised 44860
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1026 Part heading revised 44860
1042 Removed 44860
1050 Removed 44860
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1060 Part heading revised 44860
1060.2-1 Revised *21108
1060.2-2 Revised *21108
Undesignated table heading added *23151
1061 Part heading revised 44860
1061.20-1—1061.20-10 (Subpart) Revised *13292
1061.30-14 Appendix A added *37208
1061.31-1—1061.31-6 (Subpart) Added 52876
1061.50-1—1061.50-14 (Subpart) Added *12047
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1062 Part heading revised 44860
1067 Part heading revised 44860
1067.1-1—1067.1-11 (Subpart) Removed *18047
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1067.30-1—1067.30-5 (Subpart 1067.30) Added 56197
1067.40-1—1067.40-5 (Subpart) Added *10689
1067.40-3 (f) and (g) revised *18402
(f) table corrected *21292
(f) table revised *22365
1068 Part heading revised 44860
Effective date corrected *22145
1068.6 Authority citation revised *3165
1068.9-1—1068.9-5 (Subpart) Removed *18038
1068.10-1—1068.10-9 (Subpart) Removed *18038

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1068.23–1—1068.23–4 (Subpart) Added *3165
1068.24–1—1068.24–3 (Subpart Added *20469
1069 Part heading revised 44860
1069.3–4 (a)(2) revised 50825
1069.4–1—1069.4–5 (Subpart 1069.4) Revised 50825
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1071 Part heading revised 44860
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1075 Part heading revised 44860
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1078 Part heading revised 44860

Chapter XII—ACTION

1209 Added; redesignated and revised from Part 1221 53483
1221 Removed; redesignated and revised as Part 1209 53483

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1340.1–2 (h) revised 53663
1340.1–3 (a) revised 53663
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1340.2–3 Revised 53663
1340.4–1—1340.4–4 (Subpart D) Added 54763
1351 Added 54297
1369 Added *15810
1385 Added *5276
1386 Added *5279
1386.61 (b) corrected *34282
1387 Added *5287

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

1440 Added *14721

Chapter XVI—Legal Services Corporation

1611 Added 51606
Appendix A revised *24271
Appendix A corrected *25734
1617 Added 51608
1618 Added 51609
1619 Added *4848
1620 Added 51610
1621 Added 37551

Chapter XVII—National Commission on Libraries and Information Science

1703 Added *13553

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1801 Added *38303
1802 Added *14723

Chapter XIX—National Commission on the Observance of International Women's Year

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1901 Added *16411
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Chapter XX—National Fire Prevention and Control Administration, Department of Commerce

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2.20–60 Removed *28886
5.30–30 (a) amended, (d) removed *31160
7 Added *35793
10.02–5 (f) revised 45842
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10.13–13 (a) revised 45842
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10.15–25 (d) revised *26985
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25.05–1 Revised; authority citation added *35797
25.05–10 (b) introductory text and (1) revised *35797
30—40 (Subchapter D) Note revised *32539
31.10–32 Added *28887
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35.20–1 (d) revised *5963
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77.09–1 (Subpart 77.09) Added *5963
77.11–1 (Subpart 77.11) Added *5963
77.13–1 (b) added *5963
77.27–1 Amended *5963
78.05–5 Revised *5963
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96.25–1 (Subpart 96.25) Added *5964
96.27–1 (a) amended *5964
96.35–15 Revised *5964
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97.16–1 (Subpart 97.16) Added *5964
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148.01–7 Table amended 55352
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151–154 (Subchapter O) Note revised *32539
151.01–10 (c–1) added *28887
(c–1) corrected *35650
151.05 Table amended *8378
151.55–1 (j) revised *8378
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167.40–40 Added *5964
167.40–45 Added *5964
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187.10–15 (c) amended *29483
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195.19–1 (Subpart 195.19) Added *5965
195.20–1 Revised; authority citation added *35797
195.27–1 Amended *5965
195.35–10 (b) amended *5965
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207 Added 50259
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250 Added *33036
252.21 (a) amended 54934
294.5 (a) amended; (c) added *11837
297—298 (Subchapter D) Heading revised 44403
297 Removed 44403
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308.206 Amended *13023
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310.58 (c) amended 55715

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390.8 (c)(1) revised *34882
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0.241 (c) revised 56068
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0.457 Introductory text amended; (c) introductory text revised *12867
0.465 (a) revised; (d) added 51610
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

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July 8	July 25	August 8	August 22	September 6	October 6
July 11	July 26	August 10	August 25	September 9	October 11
July 12	July 27	August 11	August 26	September 12	October 11
July 13	July 28	August 12	August 29	September 12	October 11
July 14	July 29	August 15	August 29	September 12	October 12
July 15	August 1	August 15	August 29	September 13	October 13
July 18	August 2	August 17	September 1	September 16	October 17
July 19	August 3	August 18	September 2	September 19	October 17
July 20	August 4	August 19	September 6	September 19	October 18
July 21	August 5	August 22	September 6	September 19	October 19
July 22	August 8	August 22	September 6	September 20	October 20
July 25	August 9	August 24	September 8	September 23	October 25
July 26	August 10	August 25	September 9	September 26	October 25
July 27	August 11	August 26	September 12	September 26	October 25
July 28	August 12	August 29	September 12	September 26	October 26
July 29	August 15	August 29	September 12	September 27	October 27

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
FPCA—National Fire Prevention and Control Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

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V

presidential documents

Title 3—The President

Executive Order 12000 June 29, 1977

Exemption of Arthur S. Flemming from Mandatory Retirement

Arthur S. Flemming, Commissioner on Aging, Department of Health, Education, and Welfare, and Chairman, Commission on Civil Rights, became subject to mandatory retirement for age on June 30, 1975, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive order. Arthur S. Flemming was exempted from mandatory retirement until June 30, 1976, by Executive Order No. 11869 of June 24, 1975. He was again exempted from mandatory retirement until June 30, 1977, by Executive Order No. 11924 of June 29, 1976.

In my judgment, the public interest requires that Arthur S. Flemming continue to be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt Arthur S. Flemming from mandatory retirement until June 30, 1978.

Jimmy Carter

THE WHITE HOUSE,
June 29, 1977.

[FR Doc.77-19106 Filed 6-30-77;10:33 am]

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Executive Order 12001 • June 29, 1977

Transferring Certain Bicentennial Functions to the Secretary of the Interior

By virtue of the authority vested in me by Section 7(b) of the Act of December 11, 1973 (87 Stat. 701), hereinafter referred to as the Act, Section 202(b) of the Budget and Accounting Procedures Act of 1950 (64 Stat. 838, 31 U.S.C. 581c(b)), and Section 301 of Title 3 of the United States Code, and as President of the United States of America it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior, hereinafter referred to as the Secretary, shall, through existing National Park Service programs, provide for the continuation of appropriate commemoration of events relating to the American Revolution until December 31, 1983.

SEC. 2. The Secretary shall administer existing contracts and grants of the American Revolution Bicentennial Administration, hereinafter referred to as ARBA.

SEC. 3. In performing the functions described in Section 1 and 2 of this Order, the Secretary may, in addition to any other available authority, exercise the following powers under the Act which are hereby transferred to him for such purposes until December 31, 1983, except as otherwise provided in subsection (b) of this Section:

(a) All powers described in Section 2(f) of the Act with respect to the expenditure of funds donated to ARBA prior to the effective date of this Order, and the expenditure of revenues received or which may be received pursuant to contracts described in Section 2 of this Order.

(b) Until December 31, 1977, all powers exercised by ARBA prior to the effective date of this Order which relate to enforcement of Section 2(i) of the Act.

(c) All powers described in Section 5(a) of the Act.

SEC. 4. All personnel, records, property and appropriations, including all funds and revenues described in Section 3(a) of this Order, as relate to the powers and functions assigned or transferred by this Order are hereby transferred to the Secretary.

SEC. 5. The Director of the Office of Management and Budget shall make such determinations and issue such orders as may be necessary or appropriate to carry out the transfers provided by this Order.

SEC. 6. Executive Order No. 11840 of February 18, 1975, is hereby revoked.

SEC. 7. This Order shall be effective June 30, 1977.

Jimmy Carter

THE WHITE HOUSE,
June 29, 1977.

[FR Doc.77-19107 Filed 6-30-77;10:34 am]

rules and regulations

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976/1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1	$1.65
2 [Reserved]	
3	3.00
4	3.25
5	4.70
7 Parts:	
0–45	5.30
46–51	4.20
52	5.20
53–209	5.80
210–699	6.10
700–749	4.10
750–899	1.80
900–944	4.25
945–980	2.40
981–999	2.50
1000–1059	4.25
1060–1119	4.40
1120–1199	3.20
1200–1499	4.20
1500–end	7.25
8	2.60
9	6.80
10 Parts:	
0–199	4.40
200–end	4.60
12 Parts:	
1–299	7.40
300–end	7.30
13	4.20
14 Parts:	
1–59	6.00
60–199	5.10
200–1199	6.20
1200–end	2.20
15	5.35
16 Parts:	
0–149	5.50
150–999	4.25
1000–end	3.00

CFR Unit (Rev. as of April 1, 1977):

Title	Price
18 Parts:	
150–end	$4.00
19	5.75
20 Parts:	
500–end	4.00
21 Parts:	
1–99	3.25
200–299	2.10
300–499	5.00
600–1299	3.50
23	5.50

CFR Unit (Rev. as of July 1, 1976):

28	$3.10
29 Parts:	
0–499	7.30
500–1899	5.50
1900–1919	7.55
1920–end	4.05
30	4.80
31	5.65
32 Parts:	
1–39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
40–399	6.50
400–589	5.20
590–699	3.10
700–799	7.85
800–999	6.05
1000–1399	2.20
1400–1599	3.65
1600–end	1.95
32A	2.90
33 Parts:	
1–199	6.20
200–end	5.85
34	1.00
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75

Title	Price
40 Parts:	
0–49	3.15
50–59	6.80
60–99	5.70
100–399	4.50
400–end	6.70
41 Chapters:	
1–2	5.70
3–6	5.90
7	1.85
8	1.80
9	4.35
10–17	4.15
19–100	3.55
101–end	6.80
CFR Index	3.20

CFR Unit (Rev. as of Oct. 1, 1976):

42	5.95
43 Parts:	
1–999	3.10
1000–end	6.00
44 [Reserved]	
45 Parts:	
1–99	3.45
100–199	10.00
200–499	3.15
500–end	6.40
46 Parts:	
1–29	2.15
30–40	2.20
41–69	4.00
70–89	2.10
90–109	1.95
110–139	1.90
140–165	4.00
166–199	2.65
200–end	7.25
47 Parts:	
0–19	3.80
20–69	5.00
70–79	4.90
80–end	6.20
48 [Reserved]	
49 Parts:	
1–99	2.05
100–199 (Rev. 12/31/76)	6.50
200–999	7.55
1000–1199	3.95
1200–1299	7.40
1300–end	3.60
50	4.20

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Agency for International Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator because the position is confidential in nature.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3368(a)(5) is amended as set out below:

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* • • •

(5) Two Special Assistants to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18885 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Deputy

for Congressional Affairs is excepted under Schedule C because it is confidential in nature.

designation. The other purpose of this amendment is to except from the com-

(1) One Executive Assistant to the Assistant Secretary.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKET-

per carton on 664 cars for the week ended June 23, as compared with $3.87 per carton on 829 cars the previous

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for Congressional Affairs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3313(c)(14) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * * *

(c) *Office of the Deputy Secretary.* * * *

(14) One Deputy for Congressional Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18881 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment reestablishes under Schedule C one position of Labor Liaison Advisor to the Director, Defense Civil Preparedness Agency because of the confidential nature of the position.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3306(e)(4) is added as set out below:

§ 213.3306 Department of Defense.

* * * * * *

(e) *Defense Civil Preparedness Agency.* * * *

(4) One Labor Liaison Adviser to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18880 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One purpose of this amendment is to change the organizational title of the Office of the Associate Administrator for Policy and Program Evaluation to the Office of the Associate Administrator for Policy and Program Analysis to reflect an organizational redesignation. The other purpose of this amendment is to except from the competitive service under Schedule C one position of Staff Assistant to the Associate Administrator for Policy and Program Analysis because the position is confidential in nature.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(p) is amended and (p)(2) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * * *

(p) *Office of the Associate Administrator for Policy and Program Analysis.*

(2) One Staff Assistant to the Associate Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19037 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Assistant Administrator for Strategic Petroleum Reserve because the position is confidential in nature.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(m)(2) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * * *

(m) *Office of the Assistant Administrator for Strategic Petroleum Reserve.* * * *

(2) One Staff Assistant to the Assistant Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19036 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One purpose of this amendment is to advise that a position recently excepted under Schedule C, Urban Policy Advisor to the Secretary, has policy-determining characteristics in addition to being confidential in nature. The other purpose of this amendment is to except under Schedule C one position of Assistant to the Urban Policy Advisor to the Secretary because the position is confidential in nature.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3384(a)(62) is amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(62) One Urban Policy Advisor to the Secretary and one Assistant to the Urban Policy Advisor to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18882 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C the position of Executive Assistant to the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection because the position is confidential in nature and has policy-determining characteristics.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3384(1) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * * *

(1) *Office of the Assistant Secretary for Neighborhood Organizations, Voluntary Associations, and Consumer Protection.* * * *

(1) One Executive Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18884 Filed 6–30–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions because they are confidential in nature: one position of Staff Assistant to the Ambassador at Large and Special Representative of the President for the Law of the Sea Conference, two positions of Member of the Policy Planning Staff, one position of Staff Assistant to the U.S. Representative to the Council of the Organization of American States, and one position of Special Assistant to the Assistant Secretary for Public Affairs.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3304(a)(27) is amended, (a)(29) is added, (h)(2) is amended, and (y)(2) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(27) Two Staff Assistants to the Ambassador at Large and Special Representative of the President for the Law of the Sea Conference.

* * * * * *

(29) Two Members of the Policy Planning Staff.

* * * * * *

(h) *Bureau of International Organization Affairs.* * * *

(2) One Secretary and Personal Assistant and one Staff Assistant to the U.S. Representative to the Council of the Organization of American States.

* * * * * *

(y) *Office of the Assistant Secretary for Public Affairs.* * * *

(2) One Special Assistant to the Assistant Secretary for Public Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18883 Filed 6–30–77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 562]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 1–7, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges is fair. Average f.o.b. price was $3.80 per carton on 664 cars for the week ended June 23, as compared with $3.87 per carton on 829 cars the previous week. Track and rolling supplies at 406 cars were down 75 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information becomes available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on June 28, 1977.

§ 908.862 Valencia Orange Regulation 562.

(b) Order. (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 1, 1977, through July 7, 1977, are hereby fixed as follows:

(i) District 1: 205,000 cartons;
(ii) District 2: 295,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: June 29, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–18996 Filed 6–29–77;11:57 am]

[Lemon Reg. 99]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

gage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL

able producers to obtain price support on 1977 crop honey.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans

tendered for loan or purchase by CCC

added to § 309.7 of the regulation. This paragraph lists the specific officials with-

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[Lemon Reg. 99]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 3–9, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–3545.)

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is similar to last week with size 165's and smaller good and size 140's and larger steady. Average f.o.b. price was $6.51 per carton the week ended June 25, 1977, compared to $6.55 per carton the previous week. Track and rolling supplies at 240 cars were the same amount as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held; and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on June 28, 1977.

§ 910.399 Lemon Regulation 99.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 3, 1977, through July 9, 1977, is established at 270,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 29, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–19136 Filed 6–30–77;11:44 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1977 Crop Honey Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth (1) the final loan and purchase availability dates, (2) maturity dates, (3) loan and purchase rates, and (4) premiums and discounts under which Commodity Credit Corporation will extend price support for 1977 crop honey. The need for this rule is to satisfy statutory requirements of Section 201 of the Agricultural Act of 1949 which provides that price support shall be available on honey. This final rule will enable producers to obtain price support on 1977 crop honey.

EFFECTIVE DATE: July 1, 1977.

ADDRESS: Grains, Oilseeds, and Cotton Division, ASCS, U.S. Department of Agriculture, 3752–South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202–447–9224.

SUPPLEMENTARY INFORMATION: On January 14, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 2980) regarding certain determinations for the 1977 crop honey. Such determinations included price support rates based on color, differentials, class, grade, and the program availability period. Eight responses were received concerning the price support rates. After considering the responses and other factors, the price support rate was established at the legal minimum of 60 percent of parity.

The Honey Price Support Regulations for the 1977 and Subsequent Crops which contain regulations of a general nature with respect to loan and purchase operations are supplemented for the 1977 crop of honey as stated herein. The material previously appearing in this subpart in §§ 1434.40 through 1434.44 are revised to read as follows, effective as to 1977 crop honey. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Subpart—1977 Crop Honey Loan and Purchase Program

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Loan and purchase rates.
1434.44 Discounts.

AUTHORITY: Sec. 4 and 5, 62 Stat. 1070, 1072, as amended. (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

Subpart—1977 Crop Honey Loan and Purchase Program

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1977 and Subsequent Crops, (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to loans and purchases for 1977 crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1977 crop eligible honey on or before March 31, 1978.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a purchase agreement (Form CCC–614) at the county ASCS office on or before June 30, 1978.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1978.

§ 1434.43 Loan and purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1977 crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color	Cents per pound
Table honey:	
1. White and lighter	33.5
2. Extra light amber	32.5
3. Light amber	31.5
4. Other table honey	29.5
Nontable honey	29.5

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	Discount (cents per pound)
Substandard on account of defects	2

(b) *Moisture.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	Discount (cents per pound)
18.5	0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The loan and purchase rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a farm storage loan, shall be adjusted by the following discount:

	Discount (cents per pound)
Bulk commingled	1.5

NOTE.—The Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Signed at Washington, D.C., on June 24, 1977.

KEISTER N. ADAMS,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77–18831 Filed 6–30–77;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 309—DISCLOSURE OF INFORMATION

Adoption of Revision of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation revises its regulations on the disclosure of information. The previous regulation had become long and complex as a result of frequent amendment. The revision is intended to simplify and update the format of the regulations.

DATE: Effective on July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas H. Jones, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. (202–389–4433).

SUPPLEMENTARY INFORMATION: Part 309 of the rules and regulations of the Federal Deposit Insurance Corporation ("FDIC") provides the procedures for public disclosure of FDIC records and information and delegates the authority for the release of certain confidential information. The revision is intended to accomplish two things: (1) To simplify and update the procedures followed by the FDIC in disclosing records it maintains; and (2) to clarify and provide greater authority at the divisional level of the FDIC for disclosures which presently require the authorization of the Chairman of the FDIC's Board of Directors.

On April 13, 1977, the FDIC published in the FEDERAL REGISTER (42 FR 19351) notice of its proposed revision of Part 309. Interested parties were given the opportunity to submit, not later than May 13, 1977, data, views and recommendations regarding the proposed revision. No comments were received from the public. One change has been made, however. A new paragraph (a) has been added to § 309.7 of the regulation. This paragraph lists the specific officials within the FDIC upon whom subpoenas or any other legal process are to be served.

The substantive content of the regulation remains largely unchanged as a result of the revision; however, the recodification does provide increased clarity. To facilitate public access, the regulation is divided functionally into seven sections. Included among these are sections providing specifically for the method of access to prescribed public documents, the procedures for using the Freedom of Information Act, and the provisions for disclosing records exempt from the requirements of the Freedom of Information Act. By dividing the regulation in this manner, it is expected that the public will be benefited by both the simpler format and the resulting ease in utilization.

Under these revisions, substantive changes have been made with regard to the level at which confidential information may be disclosed. Under the present regulation, there are only a few narrowly defined and often vague instances in which a Director or Chief of an FDIC Division or Office could disclose information maintained by the FDIC. All other disclosures require the express consent of the Chairman of the FDIC's Board of Directors. The revised regulation both clarifies existing delegations and expands the authority of the Director of the FDIC's Division of Bank Supervision to disclose confidential information and its General Counsel to authorize the disclosure of confidential information in response to a subpoena or other legal process. The revision will enable the FDIC to respond more quickly to those seeking access to confidential information and will free the Chairman of FDIC's Board of Directors from the necessity of reviewing many routine requests for disclosure.

These revisions are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth").

With the exception of several typographical errors and the change referred to in paragraph 2 of the section of SUPPLEMENTARY INFORMATION, the proposed revision has been adopted without change and is set forth below. Because the revision affects only internal FDIC policy, the Board of Directors of the FDIC has determined, pursuant to § 302.6 of the rules and regulations of the FDIC (12 CFR 302.6), that good cause exists for the waiver of the thirty day period before the revision becomes effective.

By Order of the Board of Directors, June 27, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

Sec.
309.1 Purpose and scope.
309.2 Definitions.
309.3 Publication.
309.4 Information made available for public inspection.

Sec.
309.5 Information made available under the Freedom of Information Act.
309.6 Disclosure of exempt records by Corporation.

policy or interpretations of general applicability formulated and adopted by the Corporation; (5) every amendment, re-

come for commercial banks,' (iii) Reports of Condition for mutual savings banks,' (iv) Reports of Condi-

the index at the direct cost of duplication as set forth in § 309.5(b). All such

ceed $200.00, the person making the request will be required to pay in advance

(1) Records which are (1) specifically authorized under criteria established by

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Sec.
309.6 Information made available under the Freedom of Information Act.
309.6 Disclosure of exempt records by Corporation personnel.
309.7 Service of process.

§ 309.1 Purpose and scope.

This regulation sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information.

§ 309.2 Definitions.

For purposes of this part:

(a) The term "bank", as used in § 309.6, includes banks that have applied to the Corporation for federal deposit insurance, closed banks, and presently operating banks, and all affiliates of any of the foregoing;

(b) The term "Corporation" means the Federal Deposit Insurance Corporation;

(c) The words "disclose" or "disclosure" means to give access to a record, whether by producing the written record or by verbal discussion of its contents, but, unless specifically stated otherwise, do not extend to the making of copies or verbatim transcriptions of a record;

(d) The term "examination" includes, but is not limited to, formal and informal investigations of irregularities involving suspected violations of Federal or State civil or criminal laws, or unsafe and unsound banking practices, as well as such other investigations as may be conducted pursuant to law;

(e) The term "record" includes records, files, documents, reports, correspondence, books, and accounts, or any portion thereof; and

(f) The term "report of examination" includes, but is not limited to, examination reports resulting from examinations of banks conducted jointly by Corporation examiners and State banking authority examiners, as well as reports resulting from examinations conducted solely by Corporation examiners.

§ 309.3 Publication.

(a) *Information published in the "Federal Register."* In accordance with the requirements of 5 U.S.C. 552(a)(1), the Corporation publishes the following information in the FEDERAL REGISTER for the guidance of the public: (1) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (3) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations; (4) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Corporation; (5) every amendment, revision or repeal of the foregoing; and (6) general notices of proposed rulemaking.

(b) *Documents published by the Corporation.* The Corporation periodically publishes a number of documents pertaining to its operations and those of the insured banks it supervises. A current list of Corporation publications may be obtained, at no charge, from the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, telephone 202–389–4221.

§ 309.4 Information made available for public inspection.

The following information is available for public inspection and copying during normal business hours at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, or at the appropriate Regional Office of the Corporation for information maintained at those offices:

(a) *Information required by law to be made public.* (1) All final opinions (including concurring and dissenting opinions) and all final orders made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Corporation but have not been published in the FEDERAL REGISTER;

(3) The Corporation's Manual of Examination Policies and Instructions to Liquidators; and

(4) Filings and reports required under the provisions of 12 CFR Part 335 and the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78a), by insured nonmember banks the securities of which are registered with the Corporation pursuant to section 12 of that Act (15 U.S.C. 78*l*). These filings and reports are available as detailed in § 335.3.

To the extent permitted by law, the Corporation may delete identifying details when it makes available or publishes a final opinion, final order made in the adjudication of a case, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion will be explained in writing.

(b) *Information made available at the Corporation's discretion.* (1) The following reports filed by insured nonmember banks (and certain nonfederally insured banks in the case of reports of condition) on or after January 1, 1973, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Consolidated Reports of Income for mutual savings banks,[1] (ii) Consolidated Reports of Income for commercial banks,[2] (iii) Reports of Condition for mutual savings banks,[3] (iv) Reports of Condition for commercial banks;[4]

(2) Public files on applications filed with the Corporation. These files are maintained, in accordance with § 303.14(c), at the Regional Office of the Corporation where the applicant bank is located and include information on applications for deposit insurance by proposed new banks, and applications by existing banks to establish branches or to relocate their main or branch offices;

(3) Reports required under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) on changes in the control of an insured bank, to the extent that such reports contain; (i) the name of the bank in which control has changed; (ii) the names of the sellers and purchasers of the stock; (iii) the number of shares of stock involved in the transaction; and (iv) the number of shares of issued stock of the bank that are outstanding; and

(4) The following statistical surveys filed by insured banks, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Summary of Deposits for commercial banks;[5] and Summary of Deposits for mutual savings banks.[6] Requests for information contained in the surveys should be sent to the Chief of the Bank Statistics and Financial Analysis Section, Division of Management Systems and Economic Analysis, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, D.C. 20429, telephone 202–389–4545.

(5) All requests for the above information, unless otherwise indicated, should be sent either to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 for information located at the Corporation's Washington office; or, to the appropriate Corporation Regional Office for information under § 309.4(b)(2). A list of the Corporation's Regional Offices is available at no charge from the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (telephone 202–389–4221).

(c) *Index.* The Corporation also maintains and makes available for public inspection and copying a current index of matters covered by § 309.4(a)(1) and (2) which were issued, adopted, or promulgated after July 4, 1967. The Corporation on request will provide copies of

[1] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73 (Savings).

[2] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73.

[3] Report of Condition, Form 64 (Savings).

[4] Consolidated Report of Condition of Bank and Domestic Subsidiaries, Form 64.

[5] Summary of Deposits—Commercial Banks, Form 8020/05.

[6] Summary of Deposits—Mutual Savings Banks, Form 8020/46.

the index at the direct cost of duplication as set forth in § 309.5(b). All such requests should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(d) *Fee schedule.* The Corporation will provide copies of any records made available pursuant to this § 309.4 to any person who agrees to pay the cost of searching and duplicating as set forth in § 309.5(b).

§ 309.5 Information Made Available Under the Freedom of Information Act (5 U.S.C. 552).

(a) *Disclosure upon request.* Except for information which is: (1) Published or made available for public inspection pursuant to §§ 309.3 and 309.4 (the availability of which is governed by those sections); (2) held by the Corporation as the receiver of a closed insured bank, or liquidator of assets of an open or closed insured bank; (3) information furnished by another agency which remains the property of that agency; or (4) information exempted from disclosure under § 309.5(f), the Corporation, upon request for any records in the possession or control of the Corporation or any officer, employee, or agent of the Corporation, will make such records available to any person who agrees to pay the costs of searching for[7] (whether or not the search is successful) and duplicating them. The request must be in writing and reasonably describe the records sought. All requtsts for records under this § 309.5(a) should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(b) *Fees for searching and duplicating.* Persons requesting records of the Corporation under § 309.5(a) shall be charged at the rate of (1) $4.50 per hour for searching where clerical personnel are used, (2) $10.00 per hour for searching where supervisory or professional personnel are used, (3) $175.00 per central processing unit hour for computer time used, and (4) 10 cents per page for duplicating. Any request for records should specify an aggregate dollar limit which the person making the request is willing to pay for the costs of searching and duplicating unless such costs are believed to be nominal. Where the Corporation estimates that the cost of searching and duplicating will exceed the aggregate amount specified in the request, or where no dollar amount is specified, the Corporation will promptly advise the person requesting the records of the estimated cost. In addition, whenever the Corporation estimates that the cost of searching and duplicating will exceed $200.00, the person making the request will be required to pay in advance an amount equal to 20 percent of the estimated cost. For purposes of computing the time in which the Corporation must grant or deny a request for records, such a request will not be deemed to have been received by the Corporation until the person requesting the records agrees in writing to pay the cost of searching and duplication, as estimated by the Corporation and, where advance payment is required, until the Corporation receives the advance payment. Upon written request and at fees comparable to those listed in this § 309.5(b), the Corporation will undertake to compile requested information in summary, tabular or other form, unless the Corporation determines, in its discretion, that compliance with such a request would be unduly burdensome or time consuming.

(c) *Waiver or reduction of fees.* Whenever the Corporation determines that furnishing any requested record is in the public interest because it primarily benefits the general public, it may reduce or waive any fees which would normally be imposed. In no event will the Corporation impose a charge for furnishing records when the aggregate fees do not exceed $2.00 for any one request.

(d) *Records of another agency.* If a requested record is the property of another Federal agency or Department, and that agency or Department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the Corporation will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or Department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

(e) *Records of receiver or liquidator of assets.* If a requested record is held by the Corporation in its capacity as the receiver of a closed insured bank or the liquidator of assets acquired from an open or closed insured bank, upon receipt of a request for the record the Corporation will inform the requester of the capacity in which it holds such record and shall forward the request to the Corporation's Division of Liquidation for processing and disposition. Disclosure of such records shall be subject to appropriate Federal or State law applicable to FDIC as receiver or liquidator as well as to the determination of any Federal or State court having jurisdiction over FDIC or over such record.

(f) *Exempt records.* The Corporation may refuse to grant a request for records which fall within one or more of the following exemptions: [8]

(1) Records which are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the Corporation;

(3) Records specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Corporation;

(6) Personnel and medical files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that disclosure of the records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; and

(8) Records contained in or related to examination, operating, or condition reports prepared by or on behalf of, or for the use of, the Corporation or any agency responsible for the regulation or supervision of financial institutions.

To the extent that nonexempt portions of records are reasonably segregable from the exempt portions, the nonexempt portions shall be provided to the person making the request after deletion of the portions which are exempt.

(g) *Denial of requests.* Requests for records will be forwarded by the Executive Secretary to the head of the Corporation Division or Office which has custody of such records. Where it is determined that the requested information may be released, the appropriate Division or Office head will grant access to the information. A request for records may be denied only by the Executive Secretary or his designee, except that a request for records not responded to within 10 business days following its receipt by the Office of the Executive Secretary—by notice to the requester either granting the request, denying the request, or extending the time for making a determination on the request—shall, if the requester chooses to treat such delay in response as a denial, be deemed to have been denied by the head of the Division or Office to

[7] As used in this paragraph, the term "searching for" includes any method of extracting requested information from computerized record systems. The costs of searching for records may include, where applicable, any direct costs associated with their transfer and, where required to maintain the integrity of the Corporation's record systems, their indexing and/or filing.

[8] Classification of a record as exempt from disclosure under the provisions of § 309.5(f) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

which the request was referred for ac- § 309.6 Disclosure of exempt records by Corporation personnel.

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which the request was referred for action.

(h) *Appeals from denials of requests.* A person whose request for records has been denied, in whole or in part, has the right to appeal the denial to the Corporation's Board of Directors within 30 business days following receipt of notification of the denial.[9] All appeals of denials of requests for records should be forwarded in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(i) *Time limits.* (1) *Initial response.* The Corporation will notify the person making the request of its initial determination within 10 business days following the receipt of a request.

(2) *Appeals.* In the case of appeal from an initial denial, the Corporation will notify the appellant of the disposition thereof within 20 business days following receipt of the appeal.

(3) *Extension of time.* Under unusual circumstances the Corporation may require additional time, up to a maximum of 10 business days, to initially determine whether to grant or deny a request or to respond to an appeal of a previous denial. These circumstances would arise only in cases where (i) the records are in facilities, such as field offices or storage centers, that are not part of the Corporation's Washington office, (ii) the records requested are voluminous and are not in close proximity to one another, or (iii) there is a need to consult with another agency or among two or more components of the Corporation having a substantial interest in the determination. The Corporation will promptly give written notification to the person making the request of the estimated date it will make its initial determination and the reasons why additional time is required.

(j) *Contents of denial letters.* Where the Corporation denies, in whole or in part, a request for records, or denies an appeal with respect to a previous denial, the person making the request will be sent written notification of the denial. The written notification will (1) specify whether all or only a specific part of the request or appeal is being denied, (2) set forth the names and titles of each person responsible for the denial (where other than the person who signs the notification), (3) list the exemptions relied upon for the denial, and (4) inform the person making the request of either (i) the right to appeal the initial denial of any part of the request to the Corporation's Board of Directors within 30 business days following receipt of notification of the initial denial, or (ii) the right to judicial review under the Freedom of Information Act with respect to the denial of an appeal.

[9] This provision shall not be construed as barring the Corporation's Board of Directors from reconsidering the denial on its own motion at any time within the 30-day period.

§ 309.6 Disclosure of Exempt Records by Corporation Personnel.

(a) *Exempt records.* The provisions of § 309.6 apply to any records which are exempt from disclosure under § 309.5(f) regardless of the fact that such records may be subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of the Corporation or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

(b) *Disclosure prohibited.* Except as provided in this § 309.6 or by Part 310,[10] no officer, employee, or agent of the Corporation shall disclose or permit the disclosure of any exempt records, or information contained therein, to any persons other than those officers, employees, or agents of the Corporation who have a need for such records in the performance of their official duties.

(c) *Disclosure authorized.* The following Corporation personnel are authorized to disclose or, where applicable, to furnish exempt records, subject to the restrictions stated below. Where, pursuant to this § 309.6, exempt records can be disclosed or furnished only in response to a written request from another governmental agency or a private party, the request should be signed by an individual authorized to make the request. The Corporation may require proof of such authorization prior to granting any such request.

(1) *Reports of examination and other exempt records—disclosure to bank.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose or furnish to any director or authorized officer or employee of any bank, information contained in, or copies of, reports of any examination of the bank (except the supervisory section of the report of examination) and other exempt records pertaining to that bank. However, all copies of such reports of examination and other information so furnished to any bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officers, or employees disclose or otherwise make public in any manner such reports or exempt records without express written authorization from the Director of the Corporation's Division of Bank Supervision as provided in § 309.6 (c)(6).

(2) *Reports of examination and other exempt records—disclosure to other banking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, any Federal Reserve Bank, and any State agency or authority which exercises general supervision over banks, reports of any examination of a bank and other exempt records pertaining to the bank. Copies of reports of examination or any other exempt records may be furnished by the Director of the Corporation's Division of Bank Supervision, or anyone designated by hi min writing, to any State agency or authority which exercises general supervision over banks, to the extent that such reports and records pertain to a State chartered bank supervised by such agency or authority. In all other instances, copies of reports of examination or other exempt records may be furnished by the Director of the Division of Bank Supervision, or anyone designated him in writing, to a Federal or State banking agency or authority only in response to a written request from the head of the agency or authority seeking the record, or anyone whom he designates in writing as authorized to make such a request, which (i) identifies the record or records sought and (ii) gives the reasons for the request.[11] In every instance in which a copy of a report of examination or other exempt record is furnished, it shall remain the property of the Corporation and under no circumstances shall the agency or authority, or any official thereof, disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(3) *Reports of examination and other exempt records—disclosure to nonbanking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may furnish to the proper Federal or State prosecuting or investigatory authorities copies of exempt records pertaining to irregularities discovered in banks which are believed to constitute violations of any Federal or State civil or criminal law, or unsafe and unsound banking practices. In addition, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any Federal or State agency or authority, for good cause shown, reports of any examination of a bank or other exempt records pertaining to that bank, *Provided*, That such disclosure only shall be made in response to a written request (signed by an authorized official of the agency making the request) which (i) identifies the record or records to which access is requested and (ii) gives the reasons for the request.

(4) *Reports of examination and other exempt records—disclosure by Corporation's General Counsel.* The Corporation's General Counsel may disclose to the proper Federal or State prosecuting or investigatory authorities exempt records relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(5) *Reports of examination and other exempt records—disclosure to private parties.* The Director of the Corporation's Division of Bank Supervision may disclose or furnish copies of reports of any examination of a bank or other exempt records pertaining to that bank to any private party where requested to do so in writing. The Director of the Corporation's Division of Bank Supervision shall furnish copies of the requested record only upon the fulfillment of such terms and conditions as he deems necessary to protect the confidential nature of the record, the financial integrity of the bank to which the record relates, and the legitimate privacy interests of any individual named in such record.

(6) *Reports of examination and other exempt records—disclosure by bank.* The Director of the Corporation's Division of Bank Supervision may authorize any director, officer or employee of a bank to disclose any report of examination or other exempt record in his custody to anyone who is not a director, officer or employee of the bank, under the same conditions as provided in § 309.6(c)(5). Such authorization may be given only in response to a written request from the party seeking the record which specifies the record being sought, the party's interest therein and the party's relationship to the bank to which the record relates. As a condition precedent to giving his authorization, the Director of the Corporation's Division of Bank Supervision may require that both the party seeking disclosure and the director, officer or employee having custody of the record agree to such limitations as the Director of the Corporation's Division of Bank Supervision deems necessary to protect the confidential nature of the record and to prevent unauthorized use thereof or disclosure of any information therein.

(7) *Production of exempt records and testimony of Corporation personnel.* The Corporation's General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record in response to a valid subpoena, court order, or other legal process and may direct any officer, employee, or agent of the Corporation to appear and testify regarding any exempt record at any administrative or judicial hearing or proceeding where such person has been served with a valid subpoena, court order, or other legal process requiring him to so testify, *Provided*, That such testimony shall relate solely to matters of which such individual had knowledge by virtue of his or her employment by the Corporation. The General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record sought in connection with any hearing or proceeding without the service of a subpoena, or other process requiring production, if he determines that the records to be produced are relevant to the hearing or proceeding and that production is in the best interests of justice. Where the General Counsel authorizes the production of any exempt record, or the testimony of any officer, employee or agent of the Corporation relative thereto, pursuant to this § 309.6(c)(7), he shall limit his authorization to so much of the record or testimony as is relevant to the issues at the hearing or proceeding, and he shall give his authorization only upon fulfillment of such conditions as he deems necessary to protect the confidential nature of the record consistent with any requirement that it be produced and made a part of the record of the hearing or proceeding.

(8) *Authority of the Chairman of the Corporation's Board of Directors.* Except where expressly prohibited by law, the Chairman of the Corporation's Board of Directors may authorize the disclosure of any information or the furnishing of copies of any records and, except where disclosure is required by law, he may direct any officer, employee or agent of the Corporation to refuse to disclose any record if it is determined that refusal to permit such disclosure is in the best interests of the Corporation and is not contrary to the public interest.

(9) *Limitations on disclosure.* Any disclosure permitted by this § 309.6(c) is discretionary and nothing in this § 309.6 (c) shall be construed as requiring the disclosure of information. Further, nothing in this § 309.6(c) shall be construed as restricting, in any manner, the authority of the Board of Directors, the Chairman of the Board of Directors, the Director of the Corporation's Division of Bank Supervision or anyone designated by him in writing, or the General Counsel or anyone designated by him in writing, in their discretion and in light of the facts and circumstances attendant in any given case, to impose conditions upon and to limit the form, manner, and extent of the disclosures permitted hereunder.

§ 309.7 Service of Process.

(a) *Service.* Any subpoena or other legal process shall be duly issued and served upon either the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W. Washington, D.C. 20429 or the Regional Director of the FDIC region where the legal action from which the subpoena or process was issued, is pending.

(b) *Advice by person served.* If any officer, director, or agent of the Corporation is served with a subpoena, court order, or other process requiring that person's personal attendance as a witness or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section. If any person who is not an officer, employee, or agent of the Corporation and who has custody of exempt records belonging to the Corporation is served with a subpoena, court order, or other legal process directing that person to produce such records or to testify with respect thereto, such person should give the same notice to the General Counsel and to the court or tribunal.

(c) *Appearance by person served.* Absent the authorization of the Corporation's General Counsel (or anyone designated by him in writing) to disclose the requested information, any officer, employee, or agent of the Corporation (and any person having custody of exempt records of the Corporation who is not an officer, employee, or agent of the Corporation), who is required to respond to a subpoena, court order, or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

[10] The procedures for disclosing records under the Privacy Act are separately set forth in Part 310.

[11] The request may be a blanket request for certain categories of records where appropriate.

[FR Doc. 77-18828 Filed 6-30-77; 8:45 am]

PART 310—SAFEGUARDING PERSONAL INFORMATION

Miscellaneous Amendments

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: Section 310.13 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 310.13) identifies the systems of records maintained by the FDIC which are exempt from the disclosure provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The FDIC has renumbered its systems of records and these amendments are intended to correct the regulation's references to specific FDIC systems of records by referencing the new numerical designations of the systems.

DATE: Effective on July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas H. Jones, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. (202-389-4433).

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (the "Act," 5 U.S.C. 552a) requires the Federal Deposit Insurance Corporation ("FDIC") to publish rules specifically providing for the exemption from the disclosure provision of the Act of information contained in any FDIC systems of records. 5 U.S.C. 552a(k). Under this requirement, § 310.13 represents the FDIC's systems of records exempted from the requirements of the Act. 12 CFR 310.13. Section 310.13 references the applicable systems of records by numbers assigned to the systems upon their original publication in August 1975. The FDIC has now revised its systems of records and has redesignated the systems with index numbers recommended by the Office of Management and Budget. Accordingly, it is now necessary to amend § 310.13 in order that it accurately reflects the cor-

rect numbers of the systems exempted

World Airlines. No answers in opposition

contract must be for the entire capacity or for less than the entire capacity (see

1. Revise paragraph (b) of § 208.32 to

in which an affinity group was the shar-

FOR FURTHER INFORMATION CON-

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rect numbers of the systems exempted from the Act.

These amendments reflect merely a change in the numerical identification of the FDIC's systems of records; therefore, the Board of Directors of the FDIC has determined that public participation in the rulemaking is not necessary. Similarly, the amendments have no adverse effect on any individual and the Board of Directors has determined good cause exists for the waiver of any deferred effective date.

12 CFR Part 310 is amended as follows:

1. Section 310.13(a) is amended by deleting "FDIC/2" and inserting "30–64–0002" in lieu thereof and by deleting "FDIC/11" and inserting "30–64–0011" in lieu thereof.

2. Section 310.13(b) is amended by deleting "FDIC/1" and inserting "30–64–0001" in lieu thereof.

3. Section 310.13(c) is amended by deleting "FDIC/9" and inserting "30–64–0009" in lieu thereof.

By order of the Board of Directors, June 27, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-18829 Filed 6-30-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket 29434; Reg. ER-1004, Amdt. 9]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Carrier Charges for Charter Ferry Mileage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule allows air carriers and charterers to agree in advance on a total charter price, including a stipulated charge for ferry mileage. It was suggested in a rulemaking petition filed by a direct air carrier, United Air Lines.

DATES: Effective: July 31, 1977. Adopted: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. (202–673–5442).

SUPPLEMENTARY INFORMATION: On June 21, 1976, United Air Lines (United) filed a petition for rulemaking to eliminate the requirement contained in Parts 207, 208, 212, and 214 of the Board's Economic Regulations that a direct air carrier must refund to charterers any charge stated in the contract for ferry mileage, if the mileage is not in fact flown. Answers in support of United's petition were filed by American Airlines, Pan American World Airways, and Trans World Airlines. No answers in opposition were filed. By EDR–310, dated October 15, 1976, the Board issued a notice of proposed rulemaking, proposing that direct carriers and all types of charterers be permitted to agree in advance on a total charter price, including a stipulated charge for ferry mileage, which would not change despite any variance between the estimated mileage and the actual mileage flown.

In accordance with the Notice, comments in general support of the proposed rules were filed by Allegheny Airlines, American Airlines, National Air Carrier Association (NACA),[1] Northwest Airlines, Pan American World Airways, Trans World Airlines, and United Air Lines. No comments were filed in opposition.

Upon consideration, the Board has decided to adopt the rules as proposed, with two modifications discussed below. The tentative findings and conclusions set forth in EDR–310 are incorporated here and made final, except as modified. All requests contained in the comments are denied unless specifically granted here.

The Board's Economic Regulations (14 CFR Part 207, 208, 212, and 214) provide that if a direct carrier's price for chartering an aircraft, computed according to a mileage tariff, includes a charge for ferry mileage, the carrier must refund to the charterer the charges for ferry mileage not in fact flown. The carrier may not, however, make additional charges for mileage which exceed those stated in the contract, unless the additional mileage is flown for the convenience of, and at the express direction of, the charterer. These two provisions do not apply to single entity charters, but do apply to all other forms of charters. The underlying purpose of these rules has been to ensure fair treatment for charterers in matters in which they have little expertise.[2] If the ferry mileage exceeds that stated in the charter, the added costs have been placed on the carrier since it, rather than the charterer, has knowledge concerning aircraft utilization and positioning problems crucial in determining required ferry mileage.[3]

These rules have, in more recent years, begun to create serious problems for both direct carriers and charterers. Many charter contracts are signed well in advance of the charter operation, in order to allow the charterer to make its final plans. This forces the direct carrier to estimate ferry mileage when the positioning of the aircraft and other operational conditions are not completely known. If the estimate is too low in comparison to the actual ferry mileage flown, the carrier is prohibited from collecting the additional cost from the charterer.

The charter market itself has changed since the promulgation of the current rules. At that time there were primarily two types of charters—pro rata charters in which an affinity group was the charterer, and single entity charters. The Board applied the refund requirement only to the pro rata charter in order to protect the charter participants from ferry mileage overcharges. Since the single-entity character was presumed to be more sophisticated in charter operations, such protection was considered not to be needed. The charter market has now been greatly expanded, however, with most charters being operated by experienced tour operators or arranged by professional agents who are equipped to assess and assume the risks involved.

In notice of proposed rulemaking EDR–310, the Board proposed amendments which would require the carrier to compute its estimate of ferry mileage on a reasonable and nondiscriminatory basis, stating that basis in the charter contract. It was also proposed to allow a stipulated ferry charge, and to eliminate the requirement for a refund where the estimate exceeded the ferry mileage ultimately flown, as well as to delete the proviso prohibiting additional charges where the ferry mileage flown exceeded the contract estimate, unless the additional mileage was flown at the request of the charterer.

Upon review, the Board considers that the permissive nature of the proposed rule in regard to stipulated ferry charges might permit certain abuses. Specifically, a charter contract could state that the charge for ferry mileage was to be based on actual mileage flown, but with an estimate stated in the contract. The direct carrier could then notify the charterer shortly before departure of the flight that an aircraft then at a very distant point would be utilized, causing the actual ferry mileage to be several times greater than the estimate. The charterer would then have only two options: to accept the additional charge, or to cancel the flight and incur a substantial cancellation penalty.

In order to prevent these possible abuses, we have made two modifications to the proposed rules. In addition to the basis used by the carrier to estimate ferry mileage, the estimated ferry charge itself must also be expressly stated in the contract. Additionally, the proviso at the end of the present rule, which prohibits charges for additional ferry mileage unless the mileage is at the request of the charterer, has been retained. Under the new rule, as modified, the charterer and the carrier can either enter into a contract as is now permitted, or use a predetermined charge for ferry mileage.

We intend that these new rules shall apply only to charter contracts entered into on or after their effective date.

Accordingly, 14 CFR Part 207 is amended as follows:

1. Revise paragraph (a) of § 207.13 to read as follows:

§ 207.13 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity or for less than the entire capacity (see § 207.11(c)) of one or more aircraft. Where a carrier's charter price includes a charge for ferry mileage, the carrier shall compute the estimate on a reasonable and nondiscriminatory basis, and such charge and basis shall be expressly set forth in the charter contract: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer. Charter contracts may provide that the stated charge for estimated ferry mileage will be the stipulated charge for ferry mileage (i.e., refunds shall not be paid to charterers for estimated ferry mileage not in fact flown, and charterers shall not be charged additional sums for ferry mileage in excess of the estimate on which the stipulated charge was based).

* * * * *

2. Revise § 207.51 to read as follows:

§ 207.51 Terms of service.

The provisions of paragraph (a) of § 207.13 shall apply to charters under this subpart.

(Secs. 204(a), 401, Federal Aviation Act, as amended, 72 Stat. 743, 754 (as amended); (49 U.S.C. 1324, 1371).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-18913 Filed 6-30-77;8:45 am]

[Regulation ER–1005, Amdt. 9; Docket No. 29434]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Carrier Charges for Charter Ferry Mileage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule allows air carriers and charterers to agree in advance on a total charter price, including a stipulated charge for ferry mileage. The amendment was suggested in a petition for rulemaking filed by a direct air carrier, United Air Lines. Supplementary information concerning this amendment is given in the preamble to ER–1004, which is being issued simultaneously.

DATES: Effective July 31, 1977. Adopted: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. (202–673–5442).

Accordingly, 14 CFR Part 208 is amended as follows:

1. Revise paragraph (b) of § 208.32 to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(b) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity or for less than the entire capacity (see § 208.6 (c)) of one or more aircraft. Where a carrier's charter price includes a charge for ferry mileage, the carrier shall compute the estimate on a reasonable and nondiscriminatory basis, and such charge and basis shall be expressly set forth in the charter contract: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer. Charter contracts may provide that the stated charge for estimated ferry mileage will be the stipulated charge for ferry mileage (i.e., refunds shall not be paid to charterers for estimated ferry mileage not in fact flown, and charterers shall not be charged additional sums for ferry mileage in excess of the estimate on which the stipulated charge was based).

* * * * *

2. Revise § 208.301 to read as follows:

§ 208.301 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart, except that paragraphs (e) and (f) shall not be so applicable.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended); 49 U.S.C. 1324, 1371.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18946 Filed 6-30-77;8:45 am]

[Reg. ER–1007, Amdt. 18; Docket 29434]

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Carrier Charges For Charter Ferry Mileage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule allows air carriers and charterers to agree in advance on a total charter price, including a stipulated charge for ferry mileage. The amendment was proposed in a rulemaking petition filed by a direct air carrier, United Air Lines. Supplementary information concerning this amendment is given in the preamble to ER–1004, which is being issued simultaneously.

DATES: Effective: July 31, 1977. Adopted: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. (202–673–5442).

Accordingly, 14 CFR Part 214 is amended as follows:

1. Revise paragraph (a) of § 214.14 to read as follows:

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity or for less than the entire capacity (see § 214.7 (b)) of one or more aircraft. Where a carrier's charter price includes a charge for ferry mileage, the carrier shall compute the estimate on a reasonable and nondiscriminatory basis, and such charge and basis shall be expressly set forth in the charter contract: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer. Charter contracts may provide that the stated charge for estimated ferry mileage will be the stipulated charge for ferry mileage (i.e., refunds shall not be paid to charterers for estimated ferry mileage not in fact flown, and charterers shall not be charged additional sums for ferry mileage in excess of the estimate on which the stipulated charge was based).

* * * * *

2. Revise § 214.41 to read as follows:

§ 214.41 Terms of service.

The provisions of paragraph (a) of § 214.14 shall apply to charters under this subpart.

(Secs. 204(a), 402, Federal Aviation Act, as amended, 72 Stat. 743, 757; (49 U.S.C. 1324, 1372).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18909 Filed 6-30-77;8:45 am]

[Regulation ER–1006, Amdt. 19; Docket No. 29434]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Carrier Charges for Charter Ferry Mileage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule allows air carriers and charterers to agree in advance on a total charter price, including a stipulated charge for ferry mileage. The amendment was suggested in a rulemaking petition filed by a direct air carrier, United Air Lines. Supplementary information concerning this amendment

[1] Member carriers joining in NACA's comments were: Evergreen International Airlines, McCulloch International Airlines, Overseas National Airways, Trans International Airlines, and World Airways.

[2] See, ER–659, January 29, 1971, pp. 5–7.

[3] See, PS No. 3, January 7, 1968, p. 2.

is given in the preamble to ER–1004, which is being issued simultaneously.

(d) *Exemption from certification.* generally, including those intended for

ments of 1960 (Title II, Pub. L. 86–618,

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is given in the preamble to ER–1004, which is being issued simultaneously.

DATES: Effective: July 31, 1977. Adopted: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202–673–5442.)

Accordingly, 14 CFR Part 212 is amended as follows:

1. Revise paragraph (a) of § 212.10 to read as follows:

§ 212.10 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight, and the contract must be for the entire capacity or for less than the entire capacity (see § 212.8 (b)) of one or more aircraft. Where a carrier's charter price includes a charge for ferry mileage, the carrier shall compute the estimate on a reasonable and nondiscriminatory basis, and such charge and basis shall be expressly set forth in the charter contract: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer. Charter contracts may provide that the stated charge for estimated ferry mileage will be the stipulated charge for ferry mileage (*i.e.*, refunds shall not be paid to charterers for estimated ferry mileage not in fact flown, and charterers shall not be charged additional sums for ferry mileage in excess of the estimate on which the stipulated charge was based).

* * * * *

2. Revise § 212.51 to read as follows:

§ 212.51 Terms of service.

The provisions of paragraph (a) of § 212.10 shall apply to charters under this subpart.

(Secs. 204(a) and 402 of the Federal Aviation Act, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–18945 Filed 6–30–77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 243—CONDUCT OF OFFICES

Revocation of Regulations on Vending Stands and Vending Machines

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This document revokes Postal Service regulations on the establishment of blind stands in postal buildings since they are in conflict with the Randolph-Sheppard Act Amendments of 1974 and regulations implementing that statute issued in March 1977 by the Department of Health, Education and Welfare.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

W. Allen Sanders, 202–245–4636.

SUPPLEMENTAL INFORMATION: On March 23, 1977, the Department of Health, Education and Welfare issued regulations implementing the Randolph-Sheppard Act Amendments of 1974. These implementing regulations, which prescribe requirements and procedures to be followed by the Postal Service (and other Federal agencies) in establishing blind stands in postal buildings, conflict with previously existing postal regulations on the subject at 39 CFR 243.2(g).

Therefore, the latter regulations must be revoked.

§ 243.2 [Amended]

Accordingly, in 39 CFR 243.2 revoke paragraph (g) and redesignate paragraphs (h) and (i) as (g) and (h) respectively.

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

[FR Doc.77–19007 Filed 6–30–77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77C–0126]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOOD, DRUGS, AND COSMETICS

β-Carotene

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends regulations to "permanently" list β-carotene for safe use in coloring externally applied drugs and in cosmetics generally, including those intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association, Inc., filed a petition for such use.

DATES: Effective August 2, 1977; objections by August 1, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St., SW., Washington, DC 20204. (202–472–5740).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of May 27, 1977 (42 FR 27299) stated that a petition (CAP 6C0121) for the "permanent" listing of β-carotene as a color additive for use in externally applied drugs and in cosmetics generally, including those used in the area of the eye, had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc., 1130, 15th St. NW., Washington, D.C. 20005. The petition was filed pursuant to section 706 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 376).

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that β-carotene is safe and suitable for use, under the conditions prescribed in this order, in coloring externally applied drugs and in coloring cosmetics generally, including drugs and cosmetics intended for use in the area of the eye, and that certification is not necessary for the protection of the public health.

With permanent listing, the provisional entry for "carotene" in § 81.1(g) (21 CFR 81.1(g)) will become obsolete. That entry is being deleted from the regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Sec. 203, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note, and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. In Part 73:

a. In § 73.1095 by revising paragraph (b) to read as follows:

§ 73.1095 β-Carotene.

* * * * *

(b) *Uses and restrictions.* The color additive β-carotene may be safely used in coloring drugs generally, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

* * * * *

b. In Subpart C, by adding new § 73.2095 to read as follows:

§ 73.2095 β-Carotene.

(a) *Identity and specifications.* The color additive β-carotene shall conform in identity and specifications to the requirements of §73.94 (a) (1) and (b).

(b) *Use and restrictions.* The color additive β-carotene may be safely used in coloring cosmetics generally, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practices.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. In Part 81, by amending the table in paragraph (g) of § 81.1 Provisional lists of color additives by deleting the entry for "Carotene."

Any person who will be adversely affected by the foregoing order may at any time on or before August 1, 1977 file with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Reveived objections may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 2, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), Pub. L. 717, 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: June 28, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–18940 Filed 6–30–77;8:45 am]

[Docket No. 77C–0153]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Bronze Powder and Copper Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends regulations to "permanently" list bronze powder and copper powder for use in externally applied drugs and in cosmetics generally, including those intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association, Inc. filed a petition for such use.

DATES: Effective August 2, 1977; objections by August 1, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods, (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204. (202–472–5740).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0083) for the use of bronze powder and copper powder in coloring cosmetics generally, including those intended for use in the area of the eye, had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, D.C. 20005. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A notice published in the FEDERAL REGISTER of March 5, 1976 (41 FR 9584) amended the filing of this petition to include the additional use of bronze powder and copper powder in all types of cosmetics subject to ingestion. A notice published in the FEDERAL REGISTER of June 17, 1977 (42 FR 30893) amended the filing of this petition to include the use of bronze powder and copper powder in externally applied drugs.

This order "permanently" lists bronze powder and copper powder for use in externally applied drugs and in cosmetics generally, including those for use in the area of the eye, under new §§ 73.1646 and 73.1647 (21 CFR 73.1646 and 73.1647) for drug use and new §§ 73.2646 and 73.2647 (21 CFR 73.2646 and 73.2647) for cosmetic use. The provisional listing of bronze powder and copper powder for use in cosmetics under § 81.1(g) (21 CFR 81.1(g)), which was extended to July 1, 1977 by regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992) is being deleted because it will become obsolete when this order becomes effective on August 2, 1977, unless this order is stayed by the timely filing of objections.

The Commissioner, having evaluated the data in the petition and other relevant material, concludes that bronze powder and copper powder are safe under the conditions set forth below for use in coloring cosmetics generally and externally applied drugs including cosmetics and drugs for use in the area of the eye, and that certification is not necessary for the protection of the public health.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), (d)) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended:

a. In Subpart B, by adding new § 73.1646 to read as follows:

§ 73.1646 Bronze powder.

(a) *Identity.* (1) The color additive bronze powder is a very fine metallic powder prepared from alloys consisting principally of virgin electrolytic copper and zinc with small amounts of the virgin metals aluminum and tin. It contains small amounts of stearic or oleic acid as lubricants.

(2) Color additive mixtures for drug use made with bronze powder may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Bronze powder shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Stearic or oleic acid, not more than 5 percent.
Cadmium (as Cd), not more than 15 parts per million.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Aluminum (as Al), not more than 0.5 percent.
Tin (as Sn), not more than 0.5 percent.
Copper (as Cu), not more than 95 percent and not less than 70 percent.
Zinc (as Zn), not more than 30 percent.

Maximum particle size 45μ (95 percent minimum). Aluminum, zinc, tin, and copper content shall be based on the weight of the dried powder after being thoroughly washed with ether.

(c) *Use and restriction.* Bronze powder may be safely used in coloring externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of the color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

b. In Subpart B, by adding new § 73.1647 to read as follows:

§ 73.1647 Copper powder.

(a) *Identity.* (1) The color additive copper powder is a very fine free-flowing metallic powder prepared from virgin electrolytic copper. It contains small amounts of stearic or oleic acid as lubricants.

(2) Color additive mixtures for drug use made with copper powder may con-

tain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Copper powder shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Stearic or oleic acid, not more than 5 percent.
Cadmium (as Cd), not more than 15 parts per million.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Aluminum (as Al), not more than 0.5 percent.
Tin (as Sn), not more than 0.5 percent.
Copper (as Cu), not more than 95 percent and not less than 70 percent.
Zinc (as Zn), not more than 30 percent.

Maximum particle size 45μ (95 percent minimum). Aluminum, zinc, tin, and copper content shall be based on the weight of the dried powder after being thoroughly washed with ether.

(c) *Use and restriction.* Copper powder may be safely used in coloring externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of the color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

2. In Part 81:

a. In § 81.1 Provisional lists of color additives by deleting the entry for "Aluminum powder" and "Copper powder."

b. By adding new § 81.1646 to read as follows:

§ 81.1646 Bronze powder.

(a) *Identity.* (1) The color additive bronze powder is a very fine metallic powder prepared from alloys consisting principally of virgin electrolytic copper and zinc with small amounts of the virgin metals aluminum and tin. It contains small amounts of stearic or oleic acid as lubricants.

(2) Color additive mixtures for drug use made with bronze powder may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Bronze powder shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Stearic or oleic acid, not more than 5 percent.
Cadmium (as Cd), not more than 15 parts per million.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Aluminum (as Al), not more than 0.5 percent.
Tin (as Sn), not more than 0.5 percent.
Copper (as Cu), not more than 95 percent and not less than 70 percent.
Zinc (as Zn), not more than 30 percent.

Maximum particle size 45μ (95 percent minimum). Aluminum, zinc, tin, and copper content shall be based on the weight of the dried powder after being thoroughly washed with ether.

(c) *Use and restriction.* Bronze powder may be safely used in coloring externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

3. In Part 81, by amending the table in paragraph (g) of § 81.1 Provisional lists of color additives by deleting the entry for "Copper powder."

Any person who will be adversely affected by the foregoing order may at any time on or before August 1, 1977 file with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Reveived objections may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 2, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), Pub. L. 717, 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: June 28, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–18941 Filed 6–30–77;8:45 am]

[Docket No. 77C–0154]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Aluminum Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs is postponing the closing date for the provisional listing of 12

for the color additives aluminum powder, annatto, bronze powder, carmine, carotene, chromium hydroxide green, chromium-cobalt-aluminum oxide, ferrocyanide, potassium sodium copper chlorophyllin (chlorophyllin-copper complex), dihydroxyacetone, disodium EDTA-copper, and ferric ammonium citrate. The Commissioner concludes that the regulation as proposed is appropriate. It is the statutory responsibility of the Food and Drug Administration to monitor the safety of chlorophene in edible products of food-producing animals treated with new animal drugs. The Commissioner is also concerned that the agency's ability to monitor the safety of chlorophene in edible products of food-producing animals treated with new animal drugs. The Commissioner is also concerned that the agency's ability to monitor the safety of chlorophene in edible products of food-producing animals treated with new ani-

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tain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Copper powder shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice.

Stearic or oleic acid, not more than 5 percent.
Cadmium (as Cd), not more than 15 parts per million.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Copper (as Cu), not less than 95 percent.
Maximum particle size 45μ (95 percent minimum).

(c) *Use and restriction.* Copper powder may be safely used in coloring externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended soley or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of the color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

C. In Subpart C, by adding new § 73.2646 to read as follows:

§ 73.2646 Bronze powder.

(a) *Identity and specifications.* The color additive bronze powder shall conform in identity and specifications to the requirements of § 73.1646 (a) (1) and (b).

(b) *Use and restriction.* Bronze powder may be safely used in coloring cosmetics generally, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of the color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

d. In Subpart C, by adding new § 73.2647 to read as follows:

§ 73.2647 Copper powder.

(a) *Identity and specifications.* The color additive copper powder shall conform in identity and specifications to the requirements of § 73.1647(a) (1) and (b).

(b) *Use and restriction.* Copper powder may be safely used in coloring cosmetics generally, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(d) *Exception from certification.* Certification of the color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 81.1 [Amended]

2. In Part 81, paragraph (g) of § 81.1 *Provisional lists of color additives* is amended by deleting from the table the entries "Bronze powder" and "Copper, metallic powder."

Any person who will be adversely affected by the foregoing order may at any time on or before August 1, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the Hearing Clerk's office, from 9 a.m. to 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective August 2, 1977 except as to any provisions that may be stayed by the filing of proper objections. Notice of filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 375 (b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: June 28, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc 77-18941 Filed 6-30-77;8:45 am]

[Docket No. 76N-0366]

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs is postponing the closing date for the provisional listing of 12 color additives for use in cosmetics. The new closing date will be August 30, 1977. This action is taken to provide for the orderly processing of orders listing the color additives as "permanent" color additives.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5740).

SUPPLEMENTARY INFORMATION:

The current closing date of July 1, 1977 for the provisional listing of aluminum powder, annatto, bronze powder, carmine, carotene, chromium hydroxide green, chromium oxide greens, copper metallic powder, ferric ferrocyanide, guanine, mica, and zinc oxide was established by regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992).

The order set forth below will postpone the closing date for the provisional listing of these 12 color additives until August 30, 1977. This postponement will provide time for an orderly processing of the orders for these colors as required by the Federal Food, Drug, and Cosmetic Act. During the time provided by this postponement, there will be an opportunity for objections to the actions being taken with respect to the listing of aluminum powder, annatto, bronze powder, carmine, carotene, chromium hydroxide greeen, chromium oxide greens, copper metallic powder, ferric ferrocyanide, guanine, mica, and zinc oxide and the possible necessity for a response to any objections that might be received before the effective dates.

Because of the shortness of time until the July 1, 1977 closing date, the Commissioner concludes that notice and public procedure on this regulation are impracticable and, contrary to the public interest and that good cause exists for issuing this postponement as a final order. The regulation, to be effective on July 1, 1977, will permit the uninterrupted use of the affected color additives during the brief period before the listing regulations become effective. Therefore, in accordance with 5 U.S.C. 553(b) (B) and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on July 1, 1977.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 81 is amended as follows:

§ 81.1 [Amended]

In § 81.1 *Provisional lists of color additives*, the entries for the closing date

for the color additives aluminum powder, annatto, bronze powder, carmine, carotene, chromium hydroxide green, chromium oxide greens, copper metallic powder, ferric ferrocyanide (iron blue), guanine (pearl essence), mica, and zinc oxide listed in paragraph (g) are changed to read "August 30, 1977."

Effective date: July 1, 1977.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: June 28, 1977.

JOSEPH J. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-18942 Filed 6-30-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0372]

PART 500—GENERAL

Subpart B—Specific Administrative Rulings and Decisions

HEXACHLOROPHENE

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document requires approved new animal drug applications (NADA's) for animal drugs containing hexachlorophene for use in or on animals, with certain exceptions. The regulation results from concern over the known toxicity of hexachlorophene to humans.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Howard Meyers, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3183).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed, in the FEDERAL REGISTER of June 23, 1976 (41 FR 25911), new § 500.46 Hexachlorophene in animal drugs to require approved NADA's for animal drugs containing hexachlorophene for use in or on animals, other than as part of a product preservative system at a level of not more than 0.1 percent in topical preparations for use in non-food-producing animals.

The proposed regulation resulted from the Commissioner's concern over the known toxicity of hexachlorophene to humans and the lack of adequate data to support its safe and effective use in or on animals other than as part of a product preservative system at a level of not more than 0.1 percent in topical preparations for use in non-food-producing animals.

Interested persons were given until August 23, 1976, to file written comments on the proposal. One response was received to the proposal, that from a practicing veterinarian who requested moderation of the "extreme stand."

The Commissioner concludes that the regulation as proposed is apropriate. It is the statutory responsibility of the Food and Drug Administration to require that drugs be safe and effective. Because animal drugs containing hexachlorophene above a preservative level of 0.1 percent in non-food-producing animals have not been demonstrated to be safe and effective by current standards such products are new animal drugs requiring approved NADA's for their continued use.

The respondent also made several other comments, which, along with the Commissioner's response, are as follows:

1. Hexachlorophene is clinically effective when used topically for treating a generalized hemolytic staphylococcal infection of the skin of dogs.

The Federal Food, Drug, and Cosmetic Act requires that effectiveness be established by substantial evidence consisting of adequate and well-controlled investigations by experts on which it could reasonably be concluded that the drug has its purported effect (21 U.S.C. 360b(d)(3)). Therefore, opinions, even those of an expert, unless based upon such adequate and well-controlled investigations, do not qualify as substantial evidence establishing effectiveness.

2. Adequate directions for use can be given to protect humans from the potential hazards from use of the drug on animals.

The Commissioner concludes that, until hexachlorophene is shown to be safe and effective for its labeled uses, whether or not adequate directions for use can be given to protect humans from the potential hazards from the use of the drug on animals is irrelevant.

3. The potential hazard to humans is less from contamination with hexachlorophene than with hemolytic staphylococci, which are distributed throughout the house by infected animals.

The Commissioner concludes that the distribution of potentially harmful hemolytic staphylococci throughout the home can be avoided safely by other means.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 500 is amended by adding new § 500.46 to read as follows:

§ 500.46 Hexachlorophene in animal drugs.

(a) The Commissioner of Food and Drugs has determined that there are no adequate data to establish that animal drugs containing hexachlorophene are safe and effective for any animal use other than in topical products for use on non-food-producing animals as part of a product preservative system at a level not to exceed 0.1 percent; that there is no information on the potential risk to humans from exposure to hexachlorophene by persons who apply animal products containing the drug at levels higher than 0.1 percent; and that there is likewise no information on human exposure to animals on which these animal drugs have been used and no information on possible residues of hexachlorophene in edible products of food-producing animals treated with new animal drugs that contain any quantity of hexachlorophene.

(b) Animal drugs containing hexachlorophene for other than preservative use on non-food-producing animals at levels not exceeding 0.1 percent are considered new animal drugs and shall be the subject of new animal drug applications (NADA's).

(c) Any person currently marketing animal drugs that contain hexachlorophene other than as part of a product preservative system for products used on non-food-producing animals at a level not exceeding 0.1 percent shall submit a new animal drug application, supplement an existing application, or reformulate the product by September 29, 1977. Each application or supplemental application shall include adequate data to establish that the animal drug is safe and effective. If the animal drug is currently subject to an approved new animal drug application, each reformulation shall require an approved supplemental application. The interim marketing of these animal drugs may continue until the application has been approved, until it has been determined that the application is not approvable under the provisions of § 514.111 of this chapter, or until an existing approved application has been withdrawn.

(d) After September 29, 1977, animal drugs that contain hexachlorophene other than for preservative use on non-food-producing animals at a level not exceeding 0.1 percent that are introduced into interstate commerce shall be deemed to be adulterated within the meaning of section 501(a)(5) of the act (21 U.S.C. 351(a)(5)) unless such animal drug application submitted pursuant to paragraph (c) of this section. Action to withdraw approval of new animal drug applications will be initiated if supplemental new animal drug applications have not been submitted in accordance with this section.

(e) New animal drug applications submitted for animal drugs containing hexachlorophene for use in or on food-producing animals shall include adequate data to assure that edible products from treated animals are safe for human consumption under the labeled conditions of use.

Effective date: This regulation becomes effective August 1, 1977.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)).)

Dated: June 27, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-18939 Filed 6-30-77;8:45 am]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of

ACTION: Final regulations.

SUMMARY: This document contain

trict director (or with any person assigned the administrative supervision of

SUBCHAPTER C—EMPLOYMENT TAXES

local office constituting a permanent

(1) *Persons other than corporations.*

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SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application filed by The Farnam Companies, Inc., providing for safe and effective use of dichlorophene/toluene capsules for treating certain helminth infections in dogs and cats.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3430).

SUPPLEMENTARY INFORMATION: Under section 512(i) of the Federal Food, Drug, and Cosmetic Act, § 520.580 of the animal drug regulations is amended to reflect approval of a new animal drug application (NADA 107-189V) filed by The Farnam Companies, Inc., 8701 North 29th St., Omaha, NE 68112.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 520.580 is amended by revising paragraph (c)(1) to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

• • • • •

(c)(1) *Sponsor.* Nos. 000010, 000081, 000124, 000856, 010290, 011519, 011536, 011614, 015563, 017135, and 023851 in § 510.600(c) of this chapter.

• • • • •

Effective date: This amendment shall be effective July 1, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: June 24, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-18938 Filed 6-30-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

PERSONS WITH WHOM HAND CARRIED RETURNS MAY BE FILED

[T.D. 7495]

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains amendments to the regulations relating to the place for filing returns and other documents which are filed by hand carrying. These regulations provide necessary guidance for compliance with the law relating to filing requirements for returns and other documents and affect taxpayers generally.

DATE: These regulations are effective on July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Smith of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3909).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to regulations promulgated under the authority of section 6091 which relate to the place for filing returns and other documents which are filed by hand carrying. Present regulations generally permit returns and other documents which are filed by hand carrying to be filed only with district directors of internal revenue. The amendments contained in this document permit returns and other documents which are filed by hand carrying to be filed with the heads of area, zone or local offices constituting permanent posts of duty within internal revenue districts as well as with district directors.

DRAFTING INFORMATION

The principal author of this regulation was Mr. Larry Smith of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Parts 1, 20, 25, 31, 46, 48, 49, 53 and 301 are amended as follows:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. The last sentence of § 1.6031-1(e)(1)(ii) is revised to read as follows:

§ 1.6031-1 Return of partnership income.

• • • • •

(e) *Place and time for filing returns*—(1) *Place for filing* • • •

(ii) *Returns filed with service centers* • • • Returns which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) in accordance with paragraph (e)(1)(i) of this section.

• • • • •

SUBCHAPTER B—ESTATE AND GIFT TAXES

PART 20—ESTATE TAXES

PAR. 3. Paragraph (a)(2) of § 20.6091-1 is revised to read as follows:

§ 20.6091-1 Place for filing returns or other documents.

(a) *General rule.* • • •

(2) The district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) in whose district the decedent was domiciled at the time of his death, if paragraph (1) does not apply.

• • • • •

PART 25—GIFT TAXES

PAR. 4. The last sentence of § 25.6091-1(b) is revised to read as follows:

§ 25.6091-1 Place for filing returns and other documents.

• • • • •

(b) *Returns filed with service centers.* • • • Returns which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) in accordance with paragraph (a) of this section.

• • • • •

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 5. Paragraph (e)(1) and (2) of § 31.6091-1 is revised to read as follows:

§ 31.6091-1 Place for filing returns.

• • • • •

(e) *Hand-carried returns.* • • •

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

• • • • •

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 46—MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 6. Paragraph (e)(1) and (2) of § 46.6091-1 is revised to read as follows:

§ 46.6091-1 Place for filing returns.

• • • • •

(e) *Hand-carried returns.* • • •

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

• • • • •

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 7. Paragraph (e)(1) and (2) of § 48.6091-1 is revised to read as follows:

§ 48.6091-1 Place for filing returns.

• • • • •

(e) *Hand-carried returns.* • • •

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

• • • • •

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 8. Paragraph (e)(1) and (2) of § 49.6091-1 is revised to read as follows:

§ 49.6091-1 Place for filing returns.

• • • • •

(e) *Hand-carried returns.* • • •

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

• • • • •

PART 53—FOUNDATION EXCISE TAXES

PAR. 9. The last sentence of § 53.6091-1(c) is revised to read as follows:

§ 53.6091-1 Place for filing chapter 42 tax returns.

• • • • •

(c) *Returns filed with service centers.* • • • Returns which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) in accordance with paragraph (a) or (b) of this section, whichever is applicable.

• • • • •

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 10. The first sentences of paragraph (b)(1) and (2) of § 301.6091-1 are revised to read as follows:

§ 301.6091-1 Place for filing returns and other documents.

• • • • •

(b) *Exception for hand-carried documents other than returns.* • • •

(1) *Persons other than corporations.* If a document, other than a return, of a person (other than a corporation) is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) for the internal revenue district in which is located the legal residence or principal place of business of such person, or, in the case of an estate, the internal revenue district in which was the domicile of the decedent at the time of his death. • • •

(2) *Corporations.* If a document, other than a return, of a corporation is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) for the internal revenue district in which is located the principal place of business or principal office or agency of the corporation.

• • • • •

Because the amendments made by this Treasury decision are permissive, it is unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code.

(Sec. 6091, 7805, Internal Revenue Code 1954, (68A Stat. 917; 26 U.S.C. 7805))

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: June 24, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-18855 Filed 6-29-77;9:00 am]

[T.D. 7493]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Group-Term Life Insurance, Wage Continuation Payments, and Moving Expenses

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to withholding with respect to group-term life insurance, wage continuation payments, and moving expenses. Changes in the applicable tax law were made by the Revenue Act of 1964. These regulations provide necessary guidance for compliance with the law, and affect all persons who may be required to withhold with respect to group-term life insurance, wage continuation payments, and moving expenses.

DATE: The regulations apply retroactively and are effective in accordance

with the effective date provisions for the relevant sections of the Revenue Act of 1964.

(ii) (a), (b) (1), and (d) have been revised to make clear that the regulations do not

(d) *Amounts paid before January 1, 1977 by person other than the employer*

(i) Separately show the amount of each such payment and the excludable

absence and $35 for the second week of absence). No wage continuation payment is

the period for which the payment was made was due to a personal injury or

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with the effective date provisions for the relevant sections of the Revenue Act of 1964.

FOR FURTHER INFORMATION CONTACT:

Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. (Attention: CC:LR:T), (202-566-3459).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 14, 1976, the FEDERAL REGISTER published proposed amendments to the Employment Tax Regulations (26 CFR Part 31) under section 3401 of the Internal Revenue Code of 1954, 41 FR 2087. The amendments were proposed to conform the regulations to sections 204 (b), 205, and 213(c) of the Revenue Act of 1964 (78 Stat. 36, 38 and 52). A public hearing was held on August 31, 1976. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

DISCUSSION

Section 204(b) of the Act added new paragraph (14) to section 3401(a) of the Code to provide an exception from the definition of wages, which are subject to the withholding of income tax, for remuneration paid in the form of group-term life insurance on the lives of employees. Section 31.3401(a)(14)-1(b) of the proposed regulation also provides that the cost of group-term life insurance on the life of an employee's spouse or children is not subject to withholding if it is excludable from the employee's gross income under paragraph (d)(2)(ii)(b) of § 1.61-2 of the Income Tax Regulations (26 CFR Part 1) because it is merely incidental.

Section 205 of the Act amended section 105(d) of the Code to provide new rules for determining the extent to which wage continuation payments made by or on behalf of an employer are excludable from the gross income of an employee. This change necessitates revision of § 31.3401(a)-1(b)(8)(ii) which sets forth the conditions under which employers may refrain from withholding on wage continuation payments to employees.

Section 213(c) of the Act added new paragraph (15) to section 3401(a) of the Code to provide an exception from the definition of wages, which are subject to withholding of income tax, for remuneration paid to or on behalf of an employee for moving expenses if, at the time of payment, it is reasonable to believe that the moving expenses are deductible by the employee under section 217 of the Code.

Several comments were received with respect to the proposed regulations and a public hearing was held on August 31, 1976. After careful consideration it was decided not to adopt any of the suggested changes. However, with respect to withholding on wage continuation payments, the provisions of § 31.3401(a)-1(b)(8)(ii)(a), (b)(1), and (d) have been revised to make clear that the regulations do not reflect the amendments made to section 105(d) of the Code by section 505 of the Tax Reform Act of 1976. The dates in examples (1) and (2) of § 31.3401(a)-1(b)(8)(ii)(b)(2) have likewise been changed to reflect taxable years beginning before January 1, 1977, the effective date for changes to section 105(d) by the Tax Reform Act of 1976, as amended by section 301 of the Tax Reduction and Simplification Act of 1977.

DRAFTING INFORMATION

The principal author of this regulation was Jacob Feldman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the amendments to 26 CFR Part 31 are adopted as proposed subject to the following changes:

PAR. 1. Section 3401(a)-1(b)(8), as set forth in paragraph (1) below is amended by revising the heading of subdivision (ii), the first sentence of subdivision (ii)(a), that portion of subdivision (ii)(b)(1) as precedes (i) thereof, and the heading of subdivision (ii)(d) to read as set forth below, and by amending subdivision (ii)(b)(2) by substituting "1974" for "1976" each time it appears in example (1) and by substituting "1975" for "1977" where it appears in example (2).

(b) *Certain specific items.* * * *

(8) *Amounts paid under wage continuation plans.* * * *

(ii) *Amounts paid after December 31, 1955 and before January 1, 1977—(a) In general.* The term "wage continuation payment", as used in this subdivision, means any payment to an employee which is made after December 31, 1955 and before January 1, 1977, under a wage continuation plan (as defined in paragraph (a)(2)(i) of § 1.105-4 and § 1.105-5 of Part 1 of this chapter (Income Tax Regulations)) for a period of absence from work on account of personal injuries or sickness, to the extent such payment is attributable to contributions made by the employer which were not includible in the employee's gross income or is paid by the employer. Any such payment, whether or not excluded from the gross income of the employee under section 105(d), constitutes "wages" (unless specifically excepted under any of the numbered paragraphs of section 3401(a) or under section 3402(e)) and withholding thereon is required except as provided in paragraphs (b)(8)(ii)(b), (c), and (d) of this section.

(b) *Amounts paid before January 1, 1977, by employer for whom services are performed for period of absence beginning after December 31, 1963.* (1) Withholding is not required upon the amount of any wage continuation payment for a period of absence beginning after December 31, 1963, paid before January 1, 1977, to an employee directly by the employer for whom he performs services to the extent that such payment is excludable from the gross income of the employee under the provisions of section 105(d) in effect with respect to such payments, provided the records maintained by the employer—* * *

(d) *Amounts paid before January 1, 1977 by person other than the employer for whom services are performed.*

* * * * * *

PAR. 2. Section 31.3401(a)(13), as set forth in paragraph 2 of the appendix of the notice of proposed rulemaking, is hereby deleted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805.)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: June 24, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Paragraph (b) of § 31.3401(a)-1 is amended by revising subparagraph (8)(ii) (a) and (b), by redesignating subparagraph (8)(ii) (c) and (d) as subparagraph (8)(ii) (d) and (e), and by inserting a new subparagraph (8)(ii)(c) immediately after subparagraph (8)(ii)(b). These revised, redesignated, and added provisions read as follows:

§ 31.3401(a)-1 Wages.

* * * * * *

(b) *Certain specific items.* * * *

(8) *Amounts paid under wage continuation plans.* * * *

(ii) *Amounts paid after December 31, 1955 and before January 1, 1977—(a) In general.* The term "wage continuation payment", as used in this subdivision, means any payment to an employee which is made after December 31, 1955, and before January 1, 1977 under a wage continuation plan (as defined in paragraph (a)(2)(i) of § 1.105-4 and § 1.105-5 of Part 1 of this chapter (Income Tax Regulations)) for a period of absence from work on account of personal injuries or sickness, to the extent such payment is attributable to contributions made by the employer which were not includible in the employee's gross income or is paid by the employer. Any such payment, whether or not excluded from the gross income of the employee under section 105(d), constitutes "wages" (unless specifically excepted under any of the numbered paragraphs of section 3401(a) or under section 3402(e)) and withholding thereon is required except as provided in paragraphs (b)(8)(ii)(b), (c), and (d) of this section.

(b) *Amounts paid before January 1, 1977, by employer for whom services are performed for period of absence beginning after December 31, 1963.* (1) Withholding is not required upon the amount of any wage continuation payment for a period of absence beginning after December 31, 1963, paid before January 1, 1977, to an employee directly by the employer for whom he performs services to the extent that such payment is excludable from the gross income of the employee under the provisions of section 105(d) in effect with respect to such payments, provided the records maintained by the employer—

(i) Separately show the amount of each such payment and the excludable portion thereof, and

(ii) Contain data substantiating the employee's entitlement to the exclusion provided in section 105(d) with respect to such amount, either by a written statement from the employee specifying whether his absence from work during the period for which the payment was made was due to a personal injury or to sickness and whether he was hospitalized for at least one day during this period; or by any other information which the employer reasonably believes establishes the employee's entitlement to the exclusion under section 105(d). Employers shall not be required to ascertain the accuracy of any written statement submitted by an employee in accordance with this subdivision (b)(1)(ii).

For purposes of this subdivision (b)(1), wage continuation payments reasonably expected by the employer to be made on behalf of the employer by another person after August 1, 1977, the thirtieth day after the publication of this regulation in the FEDERAL REGISTER as a Treasury decision (and, at the option of the employer, such payments reasonably expected to be made prior thereto) shall be taken into account in determining whether the 75 percent test contained in section 105(d) is met and in computing the amount of any wage continuation payment made directly by the employer for whom services are performed by the employee which is within the $75 or $100 weekly rate of exclusion from the gross income of the employee provided in section 105(d). In making this latter computation, the amount excludable under section 105(d) shall be applied first against payments reasonably expected to be made on behalf of the employer by the other person and then, to the extent any part of the exclusion remains, against the payments made directly by the employer. In a case in which wage continuation payments are not paid at a constant rate for the first 30 calendar days of the period of absence, the determination of whether the 75 percent test contained in section 105(d) is met shall be based upon the length of the employee's absence as of the end of the period for which the payment by the employer is made, without regard to the effect which any further extension of such absence may have upon the excludability of the payment.

(2) The computation of the amount of any wage continuation payment with respect to which the employer may refrain from withholding may be illustrated by the following examples:

Example (1). A, an employee of B, normally works Monday through Friday and has a regular weekly rate of wages of $100. On Monday, November 5, 1974, A becomes ill, and as a result is absent from work for two weeks, returning to work on Monday, November 19, 1974. A is not hospitalized. Under B's noncontributory wage continuation plan, A receives no benefits for the first three working days of absence and is paid benefits directly by B at the rate of $85 a week thereafter ($34 for the last two days of the first week of absence and $85 for the second week of absence). No wage continuation payment is made by any other person. Since the benefits are entirely attributable to contributions to the plan by B, such benefits are wage continuation payments in their entirety. The wage continuation payments for the first seven calendar days of absence are not excludable from A's gross income because A was not hospitalized for at least one day during his period of absence, and therefore B must withhold with respect to such payments. Under section 105(d), the wage continuation payments attributable to absence after the first seven calendar days of absence are excludable to the extent that they do not exceed a rate of $75 a week. Under the principles stated in paragraph (e)(6)(iv) of § 1.105-4 of this chapter (Income Tax Regulations), the wage continuation payments in this case are at a rate not in excess of 75 percent (119/200 or 59.5 percent) of A's regular weekly rate of wages. Accordingly, B may refrain from withholding with respect to $75 of the wage continuation payment attributable to the second week of absence.

Example (2). Assume the facts in example (1) except that A is unable to return to work until Monday, February 11, 1975, and that, of the $85 a week of wage continuation payments $35 is paid directly by B and $50 is reasonably expected by B to be paid by C, an insurance company, on behalf of B. In such a case, both the $50 and the $35 payments constitute wage continuation payments and the amount of such payments which is attributable to the first 30 calendar days of absence is at a rate not in excess of 75 percent (323/440 or 73.4 percent) of A's regular weekly rate of wages. Therefore, under section 105(d), the portion of such payments which is attributable to absence after the first seven calendar days of absence is excludable to the extent that it does not exceed a rate of $75 a week for the eighth through the thirtieth calendar day of absence and does not exceed a rate of $100 a week thereafter. B may refrain from withholding with respect to $25 a week (the amount by which the $75 maximum excludable amount exceeds the $50 reasonably expected by B to be paid by C) of his direct payments for the eighth through the thirtieth calendar day of absence. Thereafter, B may refrain from withholding with respect to the entire $35 paid directly by him, since the maximum excludable amount ($100 a week) exceeds the total of payments made by B and payments which B reasonably expects will be made by C.

(c) *Amounts paid by employer for whom services are performed for period of absence beginning before January 1, 1964.* Withholding is not required upon the amount of any wage continuation payment for a period of absence beginning before January 1, 1964, made to an employee directly by the employer for whom he performs services to the extent that such payment is excludable from the gross income of the employee under the provisions of section 105(d) in effect with respect to such payments, provided the records maintained by the employer—

(1) Separately show the amount of each such payment and the excludable portion thereof, and

(2) Contain data substantiating the employee's entitlement to the exclusion provided in section 105(d) with respect to such amount, either by a written statement from the employee specifying whether his absence from work during the period for which the payment was made was due to a personal injury or whether such absence was due to sickness, and, if the latter, whether he was hospitalized for at least one day during this period; or by any other information which the employer reasonably believes establishes the employee's entitlement to the exclusion under section 105(d). Employers shall not be required to ascertain the accuracy of the information contained in any written statement submitted by an employee in accordance with this paragraph (b)(8)(ii)(c)(2). For purposes of this paragraph (b)(8)(ii)(c), the computation of the amount excludable from the gross income of the employee under section 105(d) may be made either on the basis of the wage continuation payments which are made directly by the employer for whom the employee performs services, or on the basis of such payments in conjunction with any wage continuation payments made on behalf of the employer by a person who is regarded as an employer under section 3401(d)(1).

* * * * * *

(d) *Amounts paid before January 1, 1977 by person other than the employer for whom services are performed.* * * *

(e) *Cross references.* * * *

PAR. 2. Section 31.3401(a)(13)-1 is amended by revising paragraph (b) thereof to read as follows:

§ 31.3401(a)(13)-1 Remuneration for services performed by Peace Corps volunteers.

* * * * * *

(b) Sections 5 and 6 of the Peace Corps Act (22 U.S.C. 2504, 2505) provide, in part, as follows:

Sec. 5 *Peace Corps Volunteers* [Peace Corps Act (75 Stat. 613); as amended by sec. 2(b), Act of December 13, 1963 (P.L. 88-200, 77 Stat 359); sec. 2(a), Act of August 24, 1965 (P.L. 89-134, 79 Stat. 549); sec. 3(a), Act of July 24, 1970 (P.L. 91-352, 84 Stat. 464)]

* * * * * *

(c) *Readjustment allowances.* Volunteers shall be entitled to receive a readjustment allowance at a rate not to exceed $75 for each month of satisfactory service as determined by the President; except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of Title 5. For purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is trans-

ferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

Sec.
99.80 Retention of records.
99.81 Program income and procurement

section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this sec-

ing after the table of contents for 29 CFR Part 98 the following new table of contents for 29 CFR Part 99:

matching share for the program, but specifies that funds "originating from another Federal source" may not be

the Secretary of the Treasury covering the withholding of District of Columbia, State, city and county income or employ-

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ferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

* * * * *

Sec. 6. Peace Corps Volunteer Leaders; number; applicability of chapter; benefits [Peace Corps Act (75 Stat. 615), as amended by sec. 3, Act of December 13, 1963 (P.L. 88-200, 77 Stat. 360)] The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this chapter (referred to in this Act as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) Volunteer leaders shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President;

* * * * *

PAR. 3. Section 31.3401(a)(14)-1 which was previously reserved is amended to read as follows:

§ 31.3401(a)(14)-1 Group-term life insurance.

(a) The cost of group-term life insurance on the life of an employee is excepted from wages, and hence is not subject to withholding. For provisions relating generally to such remuneration, and for reporting requirements with respect to such remuneration, see sections 79 and 6052, respectively, and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations).

(b) The cost of group-term life insurance on the life of an employee's spouse or children is not subject to withholding if it is excludable from the employee's gross income because it is merely incidental. See paragraph (d)(2)(ii)(b) of § 1.61-2 in Part 1 of this chapter (Income Tax Regulations).

PAR. 4. Section 31.3401(a)(15)-1 which was previously reserved is amended to read as follows:

§ 31.3401(a)(15)-1 Moving expenses.

(a) An amount paid to or on behalf of an employee after March 4, 1964, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred is excepted from wages, and hence is not subject to withholding, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217. See § 1.6041-2(a) in Part 1 of this chapter (Income Tax Regulations), relating to return of information as to payments to employees, and § 31.6051-1(e), relating to the reporting of reimbursements of or payments of certain moving expenses.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3401(a), amounts paid to or on behalf of an employee for moving expenses constitute wages subject to withholding.

[FR Doc.77-18854 Filed 6-29-77;9:00 am]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7491]

PART 54—PENSION, ETC., EXCISE TAXES

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

Correction

In FR Doc. 77-17894 appearing at page 32384 in the issue for Friday, June 24, 1977, on page 32389, the title of the signing official should be corrected to read "Acting Commissioner of Internal Revenue."

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Consolidated Table of Contents; Correction

AGENCY: Department of Labor.

ACTION: Correction of regulation.

SUMMARY: On May 13, 1977 at 42 FR 24522 (FR Doc. 77-13797) the Department of Labor published amendments to the regulations at 29 CFR Parts 94, 95 and 99. This document inserts the new table of contents for Part 99 at 29 CFR 94.3 Consolidated table of contents for Parts 94-99. The insertion was inadvertently omitted from the May 13, 1977 publication.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Hugh Davies, Chief, Division of Program Planning and Design, Room 5322, 601 D Street, NW., 20213. Telephone (202-376-7006).

* * * * *

Accordingly, 29 CFR 94.3 Consolidated table of consolidated table of contents for Parts 94-99 is amended by adding after the table of contents for 29 CFR Part 98 the following new table of contents for 29 CFR Part 99:

§ 94.3 Consolidated table of contents for Parts 94-99.

* * * * *

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—General

Sec.
99.1 Scope and purpose of this Part 99.
99.2 Allocation of funds.
99.3 Eligibility for funds.

Subpart B—Grant Application

99.10 General.
99.11 Planning process; advisory councils.
99.12 Content and description of grant application.
99.13 Application for Federal assistance.
99.14 Comprehensive Title VI plan.
99.15 Assurances and certifications.
99.16 Grant signature sheet.
99.17 Comment and publication procedures relating to submission of grant application.
99.18 Submission of grant application; standards for reviewing grant applications.
99.19 Application approval; application disapproval; grant agreement.
99.20 Use of alternative eligible applicant; services by the Secretary.
99.21 Modifications.

Subpart C—Program Operation Requirements for Prime Sponsors

99.30 General.
99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.
99.32 Program performance requirements for prime sponsors.
99.33 Public service job activities in the Title VI level of sustainment.
99.34 Maintenance of effort.
99.35 Linkages with other employment and training programs; training and supportive services.
99.36 Placement goals.
99.37 Compensation and working conditions for participants.
99.38 Place of residence for participants.

Subpart D—Program Operation Requirements Under the Emergency Jobs Programs Extension Act of 1976

99.40 Apportionment of the prime sponsor's allocation.
99.41 Project approval.
99.42 Eligibility for participation in Title VI programs.
99.43 Verification of participant eligibility.
99.44 Special considerations on selection.
99.45 Administrative staff selection and compensation.

Subpart E—Administrative Provisions

99.70 General.
99.71 Payments, financial management systems and audit.
99.72 Reporting requirements.
99.73 Reallocation of funds.
99.74 Allowable Federal costs.
99.75 Grantee contracts and subgrants.
99.76 Allocations of allowable costs among program activities.
99.77 Basic personnel standards for eligible applicants.
99.78 Adjustments in payments.
99.79 Termination of grant and closeout procedures.

Sec.
99.80 Retention of records.
99.81 Program income and procurement standards.
99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.
99.83 Assessment and evaluation.
99.84 Hearings and judicial review.

Subpart F—Special Conditions for Grants to Indian Tribes and Alaskan Native Villages

99.90 General.
99.91 Grant responsibility.
99.92 Distribution of funds.
99.93 Eligibility for funds.
99.94 Funding of prime sponsors.
99.95 Participant eligibility.
99.96 Comments and publication procedures relating to submission of application for funding.
99.97 Planning process; advisory councils.
99.98 Travel requirements.
99.99 Nepotism and conflict of interest.
99.100 Nondiscrimination; political activities.
99.101 Subgrants.

Signed at Washington, D.C., this 28th day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-18935 Filed 6-30-77;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1951—GRANTS FOR IMPLEMENTING STATE APPROVED PLANS

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: This rule amends § 1951.24(b)(1) of this Part setting forth the cash contributions that are allowable for a State's matching share of the costs of an occupational safety and health program to include funds allocated under the State and Local Fiscal Assistance Amendments of 1976. This change makes the section comply with the 1976 amendments removing the prohibition on use of revenue sharing funds directly or indirectly for the purpose of obtaining Federal funds in matching programs.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W. Washington, D.C., 20210. (202)-523-8041).

SUPPLEMENTARY INFORMATION: Grants to assist States in administering and enforcing programs for occupational safety and health contained in State plans approved under section 18 of the Occupational Safety and Health Act of 1970 are authorized under section 23(g) of the Act for up to 50% of the total cost to the State of such a program. Section 1951.24(b) of this Part sets forth the sources, including cash contributions, from which a State may derive its matching share for the program, but specifies that funds "originating from another Federal source" may not be counted as part of the State's matching share. Inasmuch as possible conflict exists between this language and the action and explanation of Congress in removing the prohibition of the use of revenue sharing funds as State matching funds, it is necessary to amend it to comply with the purpose of Congress. This purpose was stated as: "Revenue sharing funds are intended to be available for use in essentially the same manner the recipient could use funds from their own sources." (H. Rept. 94-1165, Part I, pp. 9-10; See also Cong. Rec. June 9, 1976, pp. H. 5463, 5465 and Senate Rept. No. 94-1207, p. 19). As the rule conforms Part 1951 to this Congressional purpose, no public notice and comment prior to its effectiveness is necessary.

Accordingly, § 1951.24(b)(1) is amended effective July 1, 1977 to read as follows:

§ 1951.24 Federal share; matching requirements.

* * * * *

(b) * * *

(1) *Cash contributions.* Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public (other-than-Federal) agencies and institutions and private organizations and individuals, except that funds originating from another Federal source other than General Revenue Sharing funds provided to the State under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512) as amended, or funds provided by a State as its matching share under another Federal grant, may not be counted as part of a State's matching share for grants awarded under this Part.

* * * * *

(Secs. 8(g), 23(g), 84 Stat. 1600, 1614 (29 U.S.C. 657(g), 672(g)))

Signed at Washington, D.C., this 27th day of June 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18912 Filed 6-30-77;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

PART 215—WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY AND COUNTY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Change in Rule To Include District of Columbia, State, and County Withholding

AGENCY: Fiscal Service (FS), Treasury.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the District of Columbia, States, cities and counties to follow in order to enter into an agreement with the Secretary of the Treasury covering the withholding of District of Columbia, State, city and county income or employment taxes by Federal agencies. A Standard Agreement governing such withholding is also contained in the rule. The rule provides the basis for withholding District of Columbia and State income taxes from the compensation of members of the Armed Forces in accordance with the Tax Reform Act of 1976 and combines District of Columbia, State, city and county withholding provisions into a single rule.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Allan I. Lund, Government Accounting Systems Staff, Bureau of Government Financial Operations, Room 412, Annex No. 1, Department of the Treasury, Washington, D.C. 20226. (202-566-8374).

SUPPLEMENTARY INFORMATION: On May 2, 1977, the Fiscal Service of the Department of the Treasury published a proposed rule (42 FR 22174) to change 31 CFR 215 to include District of Columbia and State income tax withholding from the compensation of Federal employees and members of the Armed Forces. Subsequent to the publication of the proposed rule, legislation was enacted (Pub. L. 95-30, sec. 408, 91 Stat. 157) which additionally provided for the withholding of county income or employment taxes from the compensation of Federal employees. Accordingly, county tax withholding has been included in the final rule.

DISCUSSION OF MAJOR COMMENTS

1. SHOULD UNIFORM REMITTING FORMS AND PROCEDURES BE ESTABLISHED AND SHOULD A UNIFORM WITHHOLDING CERTIFICATE BE UTILIZED BY THE ARMED FORCES?

The Fiscal Service received comments that the Standard Agreement be revised to provide that Federal agencies remit withheld taxes to all jurisdictions at one time on a standard form and that the Armed Forces be allowed to use Treasury Form W-4 for all members of the Armed Forces in lieu of various forms which may be required by states. The Fiscal Service concluded that under the law (5 U.S.C. 5516, 5517 and 5520) and Executive Order 11997 of June 22, 1977, the Treasury does not have authority to establish such uniform procedures unilaterally. The Federal Government, with respect to the duty of withholding District of Columbia, State, city and county income or employment taxes from the pay of Federal employees and members of the Armed Forces and making returns of the sums withheld, is in fact, an employer for purposes of each taxing jurisdiction. It is incumbent upon Federal employers to adhere to the requirements imposed by each taxing jurisdiction. This fact does not preclude a Federal agency from requesting requirement modifications from a taxing jurisdiction.

2. SHOULD STATES BE SUPPLIED WITH A LIST OF MILITARY PERSONNEL WHICH PROVIDES THE NAME OF THE STATE OF RESIDENCE AT

Subpart C—Standard Agreement

Sec.
215.6 In general.

the sums to a designated city officer, department, or instrumentality; and (2)

which it is located and which has the

Agreement of Subpart C, is entered into

which has entered into this agreement

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2. SHOULD STATES BE SUPPLIED WITH A LIST OF MILITARY PERSONNEL WHICH PROVIDES THE NAME OF THE STATE OF RESIDENCE AT THE TIME OF ENTERING THE ARMED FORCES?

The Fiscal Service received a comment that the Standard Agreement contained in the proposed rule be revised to require that states be supplied with a list of military personnel which provides the state of residence at the time of entering the Armed Forces. This information was, in effect, reported to the states when military departments reported W-2 data for the year ending December 31, 1976. Since the Fiscal Service regards the W-2 information furnished to the states to be a reliable source for establishing legal residence, no revision to the Standard Agreement was made in the final rule.

3. SHOULD STATES BE NOTIFIED ANNUALLY REGARDING MEMBERS OF THE ARMED FORCES ENTERING UPON ACTIVE DUTY?

The Fiscal Service received a comment that the Standard Agreement be revised to require heads of agencies to notify the party state annually of the name, social security number and current mailing address of each member of the Armed Forces entering upon active duty from that state in the previous 12 months. The Fiscal Service concluded that such notification would not conform to the usual fiscal practices of agencies and, therefore, should not be included in the Standard Agreement. However, the Department of Defense will provide the data upon request when a state identifies the name(s) and social security number(s) of the military personnel involved. It should be noted that the income of new military personnel will be reported and the appropriate withholdings provided to the state of residence indicated by the new member upon entering the Armed Forces. If there is a change in the state of residence, the procedure set forth in § 215.10 of the Standard Agreement will be followed. The final rule retains the notification procedure contained in the proposed rule.

The Department of the Treasury has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

ADOPTION OF AMENDMENT

Accordingly, 31 CFR 215 is revised to read as follows:

Subpart A—General Information

Sec.
215.1 Scope of part.
215.2 Definitions.

Subpart B—Procedures

215.3 Relationship of Standard Agreement to existing agreements.
215.4 Procedures for entering into a Standard Agreement.
215.5 Procedures for an agreement other than a Standard Agreement.

Subpart C—Standard Agreement

215.6 In general.
215.7 Parties.
215.8 Compliance by agencies.
215.9 Withholding certificates.
215.10 Change of legal residence by members of the Armed Forces.
215.11 Agency withholding procedures.
215.12 Miscellaneous provisions.
215.13 Supersession, amendment and termination provisions.

Authority: 5 U.S.C. 5516, 5517, and 5520 and section 4 of Executive Order 11997, June 22, 1977 (42 FR 31759).

Subpart A—General Information

§ 215.1 Scope of part.

This Part relates to agreements between the Secretary of the Treasury and States (including the District of Columbia), cities or counties for withholding of State, city or county income or employment taxes from the compensation of civilian Federal employees, and for the withholding of State income taxes from the compensation of members of the Armed Forces. Subpart A contains general information and definitions. Subpart B prescribes the procedures to be followed in entering into an agreement for the withholding of State, city or county income or employment taxes. Subpart C is the Standard Agreement which the Secretary will enter into with any State, city or county which qualifies to have tax withheld. Requests for deviations from this Standard Agreement will be agreed to by the Secretary only if the State, city or county's unique circumstances require it.

§ 215.2 Definitions.

As used in this Part:

(a) "Agency" means each of the executive agencies and military departments (as defined in 5 U.S.C. 105 and 102, respectively) and the United States Postal Service; and in addition, for city or county withholding purposes only, all elements of the judicial branch.

(b) "City" means any unit of general local government.

(1) Which (A) is classified as a municipality by the United States Bureau of the Census, or

(B) Is a town or township which, in the determination of the Secretary of the Treasury,

(i) Possesses powers and performs functions comparable to those associated with municipalities,

(ii) Is closely settled, and

(iii) Contains within its boundaries no incorporated places as defined by the United States Bureau of the Census; and

(2) Within the political boundaries of which five hundred or more persons are regularly employed by all agencies of the Federal Government.

(c) "City income or employment taxes" means any form of tax for which, under a city ordinance, (1) collection is provided by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to a designated city officer, department, or instrumentality; and (2) the duty to withhold generally is imposed on the payment of compensation earned within the jurisdiction of the city in the case of employees whose regular place of employment is within such jurisdiction. Whether the tax is described as an income, wage, payroll, earnings, occupational license, or otherwise, is immaterial.

(d) "Compensation" as applied to employees of an agency and members of the Armed Forces means "wages" as defined in 26 U.S.C. 3401(a) and regulations issued thereunder.

(e) "County" means any unit of local general Government which is classified as a county by the Bureau of the Census and within the political boundaries of which 500 or more persons are regularly employed by all agencies of the Federal Government.

(f) "County income or employment taxes" means any form of tax for which, under a county ordinance, (1) collection is provided by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to a designated county officer, department, or instrumentality; and (2) the duty to withhold generally is imposed on the payment of compensation earned within the jurisdiction of the county in the case of employees whose regular place of employment is within such jurisdiction. Whether the tax is described as an income, wage, payroll, earnings, occupational license, or otherwise, is immaterial.

(g) "District of Columbia income tax" means the income tax imposed under 47 District of Columbia Code, Chapter 15, Subchapter II.

(h)(1) "Employees" for purposes of State, City and county income or employment tax withholding, means all employees of an agency, other than members of the Armed/Forces. The term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the Federal Government, who are not performing active civilian service or persons receiving remuneration for services on a contract-fee basis.

(2) "Employees" for purposes of District of Columbia income tax withholding, means employees as defined in 47 District of Columbia Code 1551c(z).

(i) "Members of the Armed Forces" means all individuals in active duty status (as defined in 10 U.S.C. 101(22)) in regular and reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard, except members of the National Guard while participating in exercises or performing duty under 32 U.S.C. 502, and members of the Ready Reserve while participating in scheduled drills or training periods or serving on active duty for training under 10 U.S.C. 270(a).

(j) "Ordinance" means an ordinance, order, resolution, or similar instrument which is duly adopted and approved by a city or county in accordance with the constitution and statutes of the state in which it is located and which has the force of law within such city or county.

(k) "Regular place of Federal employment" means the official duty station, or other place, where an employee actually and normally (i.e., other than in a travel or temporary duty status) performs services, irrespective of residence.

(l) "Secretary" means Secretary of the Treasury and Fiscal Assistant Secretary or his designee.

(m) "State" means a State of the United States or the District of Columbia, unless otherwise specified.

(n) "State income tax" means any form of tax for which, under a State statute, (1) collection is provided, either by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the State or by granting to employers generally the authority to withhold sums from the compensation of employees, if any employee voluntarily elects to have such sums withheld; and (2) the duty to withhold generally is imposed, or the authority to withhold generally is granted, with respect to the compensation of employees who are residents of such State.

Subpart B—Procedures

§ 215.3 Relationship of Standard Agreement to existing agreements.

(a) Subpart C of this Part is the Standard Agreement which the Secretary will enter into with a State, city or county. This Standard Agreement replaces all prior agreements between the Secretary and the State or city covering the withholding of income or employment taxes from the compensation of Federal employees. The Standard Agreement is essentially the same as the prior agreements. A State or city which currently is a party to an agreement with the Secretary covering the withholding of income or employment taxes from the compensation of Federal employees does not need to apply for a new agreement under this Part. A State or city currently a party to an agreement will be presumed to have consented to be bound by the terms of the Standard Agreement (Subpart C). If a State or city, which is currently a party, does not want to be bound by the Standard Agreement, it shall notify the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, in writing over the signature of an officer authorized to bind contractually the State or city within 90 days of the effective date of this Part. The procedures of § 215.5 shall be followed by a State or city which proposes to be bound by an agreement other than the Standard Agreement.

(b) The effective date for the replacement of existing State or city Standard Agreements by the Standard Agreement appearing as Subpart C of this Part is the effective date of this Part. For current other-than-Standard-Agreements, it is 120 days after the effective date of this Part unless an earlier effective date is specifically agreed to or a new agreement, which is other than the Standard Agreement of Subpart C, is entered into as provided in this Subpart.

§ 215.4 Procedures for entering into a Standard Agreement.

(a) A State, city or county which does not have an existing agreement and wishes to enter into a Standard Agreement shall indicate in a letter its agreement to be bound by the provisions of Subpart C. The letter shall be addressed to the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, and be signed by an officer authorized to bind contractually the State, city or county. Copies of all applicable State laws, city or county ordinances and implementing regulations, instructions, and forms shall be enclosed. The letter shall also indicate the title and address of the official whom Federal agencies may contact to obtain forms and other information necessary to implement withholding.

(b) Within 120 days of the receipt of the letter from the State, city or county official, the Fiscal Assistant Secretary will, by letter, notify the State, city or county (1) that the Standard Agreement has been entered into as of the date of the Fiscal Assistant Secretary's letter, or (2) that an agreement cannot be entered into with the State, city or county and the reasons for that determination. The withholding of the State, city or county income or employment tax shall commence within 90 days after the effective date of the agreement.

§ 215.5 Procedures for an agreement other than a Standard Agreement.

(a) If a State, city or county proposes an agreement which varies from the Standard Agreement, the State, city or county shall follow the procedure in section 215.4(a), except that its letter shall indicate which provisions of the Standard Agreement are not acceptable and the basis therefor, and propose substitute provisions.

(b) Within 60 days of the receipt of the letter from the State, city or county official, the Fiscal Assistant Secretary will notify the State, city or county which substitute provisions may be included in the agreement. The State, city or county shall, by letter, notify the Fiscal Assistant Secretary if it accepts such an agreement. When accepted by the State, city or county the effective date of that agreement shall be the date such acceptance letter is received by the Fiscal Assistant Secretary. The withholding of the State, city or county income or employment tax shall commence within 90 days after the effective date of the agreement.

Subpart C—Standard Agreement

§ 215.6 In general.

This Subpart is the text of the Standard Agreement between the Secretary and the State, city or county. The terms used in this agreement are defined in § 215.2 of this Part.

§ 215.7 Parties.

The parties to this agreement are the Secretary and the State, city or county which has entered into this agreement pursuant to 5 U.S.C. 5516, 5517, or 5520 and Executive Order No. 11997 (June 22, 1977).

§ 215.8 Compliance by agencies.

(a) In the case of an agreement with a State, the head of each agency is required to withhold State income taxes from the compensation of (1) employees of such agency who are subject to such taxes and whose regular place of Federal employment is within the State, and (2) members of the Armed Forces who are subject to such taxes and who are legal residents of the State. The foregoing is also applicable with respect to a State whose statutes permit but do not require withholding by employers, provided the employee voluntarily elects to have such tax withheld.

(b) In the case of an agreement with a city or county, the head of each agency is required to withhold city or county income or employment taxes from the compensation of employees of such agency who are subject to such taxes and whose regular place of Federal employment is within the city or county.

(c) In withholding taxes, the head of each agency, except as otherwise provided in this agreement, shall comply with the withholding provisions of the State, city or county income or employment tax statute, regulations, procedural instructions and reciprocal agreements related thereto.

§ 215.9 Withholding certificates.

Each agency may require employees or members of the Armed Forces under its jurisdiction to complete a withholding certificate in order to calculate the amount to be withheld. The agency shall use the withholding certificate which the State, city or county has prescribed. Where the State, city or county has not prescribed a certificate, the agency may use a certificate approved by the Department of the Treasury. The agency may rely on the information in the certificate. Copies of completed certificates shall be provided to the taxing authority by agencies upon request.

§ 215.10 Change of legal residence by members of the Armed Forces.

(a) In determining the legal residence of a member of the Armed Forces for tax withholding purposes, the head of an agency at all times may rely on the agency's current records, which may include a certificate of legal residence. The form of the certificate of legal residence shall be approved by the Department of the Treasury. A change of legal residence of a member of the Armed Forces shall become effective for tax withholding purposes only after a member of the Armed Forces completes a certificate indicating a new legal residence and delivers it to the agency.

(b) Heads of agencies shall notify the State of prior legal residence of the member of the Armed Forces involved on a monthly basis concerning the change of the member's legal residence. The notification shall include the name, social

security number, current mailing address and the new legal residence of such member of the Armed Forces. The effective

(c) To consent to procedures for withholding, filing of returns, and payment of the withheld taxes to a State, city or

Accordingly, Part 354 reads as follows:

Sec.

(h) Participate in the National Photographic Interpretation Center and the Defense Special Missile and Astronautics

(u) Provide the DoD focal point for relationships with foreign intelligence services.

(b) The Military Departments and other DoD components shall provide such support and assistance to the DIA

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security number, current mailing address and the new legal residence of such member of the Armed Forces. The effective date of the change in legal residence shall also be included in the notification.

§ 215.11 Agency withholding procedures.

(a) State income tax shall be withheld only on the entire compensation of Federal employees and members of the Armed Forces. Nonresident employees, who under the State income tax law are required to allocate at least three-fourths of their compensation to the State, shall be subject to withholding on their entire compensation. Nonresident employees, who under the State income tax law are required to allocate less than three-fourths of their compensation to the State, may elect to (1) have State income tax withheld on their entire compensation, or (2) have no income tax withheld on their compensation.

(b) In calculating the amount to be withheld from an employee's or a member's compensation, each agency shall use the method prescribed by the State income tax statute or city or county ordinance or a method which produces approximately the tax required to be withheld (1) by the State income tax statute from the compensation of each employee or member of the Armed Forces subject to such income tax, or (2) by the city or county ordinance from the compensation of each employee subject to such income or employment tax.

(c) Where it is the practice of a Federal agency under Federal tax withholding procedure to make returns and payment of the tax on an estimated basis, subject to later adjustment based on audited figures, this practice may be applied with respect to the State, city or county income or employment tax where the agency has made appropriate arrangements with the State, city or county income tax authorities.

(d) Copies of Federal Form W-2, "Wage and Tax Statement", may be used for reporting withheld taxes to the State, city or county.

(e) Withholding shall not be required on wages earned but unpaid at the date of an employee's or member's death.

(f) Withholding of District of Columbia income tax shall not apply to pay of employees who are not residents of the District of Columbia as defined in 47 District of Columbia Code, Chapter 15, Subchapter II.

§ 215.12 Miscellaneous provisions.

Nothing in this agreement shall be [illegible]:

(a) To require collection by agencies of the United States of delinquent tax liabilities of Federal employees or members of the Armed Forces, or

(b) To consent to the application of any provision of law of the State, city or county which has the effect of (1) imposing more burdensome requirements upon the United States than it imposes on other employers, or (2) subjecting the United States or any of its officers or employees to any penalty or liability, or

(c) To consent to procedures for withholding, filing of returns, and payment of the withheld taxes to a State, city or county that do not conform to the usual fiscal practices of agencies, or

(d) To permit the withholding of city or county income or employment taxes from the pay of a Federal employee who is not a resident of the State in which the city or county is located unless the employee consents to the withholding, or

(e) To permit the withholding of city or county income or employment taxes from the pay of members of the Armed Forces of the United States, or

(f) To allow agencies to accept compensation from a State, city or county for services performed in withholding of State or city or county income or employment taxes.

§ 215.13 Supersession, amendment and termination provisions.

(a) This agreement supersedes any prior agreement between the Secretary of the Treasury and a State or city pursuant to 5 U.S.C. 5516, 5517, or 5520.

(b) This agreement shall be subject to any amendment of 5 U.S.C. 5516, 5517, 5520 or Executive Order No. 11997, and any rules and regulations issued pursuant to them and amendments thereto.

(c) This agreement may be terminated as to a specific State or city or county which is a party to this agreement by providing written notice to that effect to the Secretary at least 90 days prior to the proposed termination.

* * *

This amendment is effective July 1, 1977.

Issued in Washington, D.C. June 27, 1977.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-18937 Filed 6-30-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

PART 354—DEFENSE INTELLIGENCE AGENCY

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DoD Charter Directive 5105.21.

SUMMARY: The Secretary of Defense has established the Defense Intelligence Agency and has assigned to it certain responsibilities, functions and authorities. This Directive serves as the instrument that defines the charter of the Defense Intelligence Agency.

EFFECTIVE DATE: May 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning Office of the Deputy Assistant Secretary of Defense, (ADMINISTRATION), 202-695-4278.

Accordingly, Part 354 reads as follows:

Sec.
354.1 Purpose.
354.2 Mission.
354.3 Responsibilities and functions.
354.4 Organization and administration.
354.5 Relationships.
354.6 Authorities.
354.7 Delegation of authority.

AUTHORITY: 10 U.S.C. Chapter 4.

§ 354.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, the Defense Intelligence Agency (hereinafter "the DIA") is hereby established with responsibilities, functions and authorities as prescribed herein.

§ 354.2 Mission.

The mission of the DIA is to satisfy, or to ensure the satisfaction of, the foreign intelligence requirements of the Secretary of Defense, the Joint Chiefs of Staff, DoD components and other authorized recipients, and to provide the military intelligence contribution to national intelligence.

§ 354.3 Responsibilities and functions.

The Director, DIA, shall advise the Secretary of Defense on intelligence matters. Under his direction and control, the DIA shall:

(a) Produce, or through tasking and coordination ensure the production of foreign intelligence required for support to the DIA mission. This function specifically includes the maintenance of a strong DoD scientific and technical intelligence program. For the purposes of this section, "production" includes the evaluation, correlation, analysis, interpretation and presentation of foreign intelligence.

(b) Provide intelligence and intelligence staff support to the Joint Chiefs of Staff in accordance with their requirements and established procedures.

(c) Ensure that adequate, timely and reliable intelligence is available to the Unified and Specified Commands.

(d) Participate in the DSARC process as established in DoD Directive 5000.2,[1] by providing the Director of Defense Research and Engineering with threat descriptions based on the information derived from intelligence and threat validation in support of systems acquisition.

(e) Supervise the DoD indications system and provide support to the National Military Command System through the National Military Intelligence Center.

(f) Validate, register, assign, recommend priorities for, and monitor the satisfaction of DoD collection requirements, including those requirements assigned under the provisions of DoD Directive S-3115.7.

(g) Provide central management for the Defense Attache System.

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120 Attention: Code 301.

(h) Participate in the National Photographic Interpretation Center and the Defense Special Missile and Astronautics Center.

(i) Establish, maintain and operate facilities for DoD imagery indexing, processing, duplication, evaluation exploitation and central repository services in support of DoD and other authorized recipients.

(j) Supervise a DoD-wide intelligence dissemination program and provide centralized dissemination services in support of DoD and other authorized recipients.

(k) Provide intelligence bibliography, reference library, and research services as required to fulfill the DIA mission.

(l) Operate the Defense Intelligence School.

(m) In coordination with other intelligence agencies concerned, recommend plans for intelligence operations, including plans for the use of national intelligence systems to support military operational commanders. As directed, coordinate the execution of approved intelligence operations plans.

(n) Subject to the staff supervision of the Assistant Secretary of Defense (Communications, Command, Control and Intelligence) (ASD(C^3I)), act as manager for all aspects of Defense intelligence production within the General Defense Intelligence Program and recommend changes or improvements in collection systems to the ASD(C^3I).

(o) Act as management authority for all DoD intelligence information systems except those systems dedicated to signals intelligence operations and support functions falling within the scope of DoD Directive S-3115.7.

(p) Establish and operate a DoD career development program for civilian general intelligence personnel; review, coordinate, and evaluate effectiveness of career development programs for military general intelligence personnel; conduct planning and guidance activities in coordination with DoD components on these programs to meet DoD requirements. Provide technical assistance in the development and conduct of DoD general intelligence training.

(q) Provide guidance, in conformance with policies of DoD and the Director of Central Intelligence, to DoD components concerning the release of Defense intelligence information to foreign governments, international organizations and the public.

(r) Administer DoD security policies and programs to protect intelligence and intelligence sources and methods, including direction of the Defense Special Security System.

(s) Adjudicate clearance eligibility for DIA civilian personnel and eligibility for access to compartmented intelligence for all personnel assigned to OSD, OJCS, and the Defense Agencies, with the exception of NSA, including contractors and consultants.

(t) Provide representation on national and international intelligence committees, boards and working groups, as appropriate.

(u) Provide the DoD focal point for relationships with foreign intelligence services.

(v) Prepare and submit to the Secretary of Defense the DIA program and budget.

(w) Ensure that all DIA policies, plans, programs and activities are carried out in accordance with law and the provisions of Executive Orders and other directives from higher authority establishing oversight controls on foreign intelligence activities.

(x) Report to the Inspector General for Defense Intelligence and the General Counsel, Department of Defense, any activities that raise questions of legality or propriety.

(y) Establish and conduct or recommend research development, test and evaluation programs or projects to carry out the responsibilities assigned herein.

(z) Perform such other functions and services as the Secretary of Defense may from time to time assign.

§ 354.4 Organization and administration.

(a) The Director, DIA, shall be appointed by the Secretary of Defense. The DIA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(b) The Director, DIA, shall report to the Secretary of Defense and the Chairman, Joint Chiefs of Staff. The Director, DIA, shall be under the operational control of the Joint Chiefs of Staff for the purposes of:

(1) Obtaining the intelligence support required to perform the statutory and assigned responsibilities of the Joint Chiefs of Staff; and

(2) Ensuring that adequate, timely and reliable intelligence support is available to the Unified and Specified Commands.

(c) Staff supervision of the DIA for the Secretary of Defense will be exercised by the Assistant Secretary of Defense (Communications, Command, Control and Intelligence) with respect to resources, and by the Assistant Secretary of Defense (International Security Affairs) with respect to policy.

(d) The performance of the Director, DIA, will be evaluated by the Secretary of Defense. The Chairman, JCS, shall report on performance of the Director, DIA, concurrently with the Secretary of Defense's report.

§ 354.5 Relationships.

(a) In the performance of his duties the Director, DIA, shall:

(1) Coordinate actions, as appropriate, with DoD components and governmental agencies having collateral or related functions in the field of his assigned responsibilities.

(2) Maintain liaison for the exchange of information and advice with DoD components and other governmental agencies in the field of his assigned responsibilities.

(b) The Military Departments and other DoD components shall provide such support and assistance to the DIA as may be necessary for carrying out its mission.

§ 354.6 Authorities.

A delegation of the administrative authorities required by the Director, DIA, to administer and direct the operations of the Agency is contained in § 354.7. In the performance of assigned responsibilities and functions, the Director, DIA, is specifically delegated authority to:

(a) Establish, operate and control all organizations and activities assigned to DIA.

(b) Assign tasks and issue instructions and guidance to DoD components as necessary to carry out the functions assigned herein and such additional functions as may be assigned. All such assignments and issuance to a Military Department shall be through the Secretary of Defense or his designee. For activities under the cognizance of the Joint Chiefs of Staff, the Director, DIA, shall function as the intelligence staff officer of the Joint Staff and assign tasks in accordance with procedures of the Joint Chiefs of Staff.

(c) Have free and direct access to and communication with DoD components, the U.S. Intelligence Community, and other executive departments and agencies as necessary.

(d) Obtain from any DoD component such information as may be necessary for the performance of assigned functions, subject to the provisions of DoD Directive 5000.19.[1]

(e) Enter into agreements on intelligence exchanges and cooperation with foreign military intelligence services as required to fulfill the DIA mission.

§ 354.7 Delegation of authority.

Pursuant to the authority vested in the Secretary of Defense, the Director, DIA, or, in the absence of the Director, his designee, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, authority as required in the administration and operation of DIA to:

(a) Exercise the power vested in the Secretary of Defense by 5 U.S.C. 302 and 5 U.S.C. 3101 pertaining to the employment, direction and general administration of DIA civilian personnel.

(b) Fix rates of pay for wage rate employees exempted from the Classification Act by 5 U.S.C. 5102, on the basis of rates established under the Coordinated Federal Wage System. DIA, in fixing such rates, shall follow the wage schedule established by the DoD Wage Fixing Authority.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DIA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DoD and the Civil Service Commission on employment

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of experts and consultants, dated March 14, 1975.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 U.S.C. 2903(b) and designate in writing, as may be necessary, officers and employees of DIA to perform this function.

(e) Establish a DIA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DIA or its subordinate activities in accordance with the provisions of 5 U.S.C. 4503 and applicable Civil Service Regulations.

(f) In accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450; and 31 FR 13642:

(1) Designate any position in DIA as a "sensitive" position;

(2) Authorize, in case of any emergency, the appointment to a sensitive position in the DIA for a limited period of time of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not terminate the services of, an employee in the interest of national security in positions within DIA.

(g) Clear DIA civilian personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8[1] and Executive Order 11652.

(h) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, as amended; and as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to DIA employees.

(i) Authorize and approve overtime work for DIA civilian officers and employees in accordance with the provisions of subchapter V, Chapter 55, title 5, U.S. Code, and applicable Civil Service Regulations.

(j) Authorize and approve:

(1) Travel for DIA civilian employees in accordance with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel.

(2) Temporary duty travel for military personnel assigned or detailed to DIA in accordance with Joint Travel Regulations, Volume I for Members of the Uniformed Services.

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DIA activities, pursuant to the provisions of 5 U.S.C. 5703.

(k) Approve the expenditure of funds available for travel by military personnel assigned or detailed to DIA for expense incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances when the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412, 5 U.S.C. 4110 and 4111).

(l) Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

(m) Establish and use imprest funds for making small purchases of material and services other than personal for DIA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Directive 5100.71.[1]

(n) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DIA (44 U.S.C. 3702).

(o) Establish and maintain appropriate Property Accounts for DIA, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DIA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(p) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DIA, pursuant to subsection III.A. and V.B. of DoD Directive 5200.8.[1]

(q) Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1.[1]

(r) Enter into support and services agreements with the Military Departments, other DoD components, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DIA.

(s) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

The Director, DIA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 17, 1977.

[FR Doc.77-18244 Filed 6-30-77;8:45 am]

See footnote pg. 33734.

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 178]

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

PART 1-3—PROCUREMENT BY NEGOTIATION

Submission of Bids or Proposals Via Mailgram

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) provides that the procedures for determining the acceptability of telegraphic bids and proposals and the acceptability of telegraphic modifications and withdrawals of bids and proposals shall apply equally to mailgrams.

The Western Union Telegraph Company and the United States Postal Service have inaugurated a system for the electronic transmission of messages to designated post offices from which the messages are delivered to the addressees through the mail. Since these messages, referred to as mailgrams, have some of the characteristics of both telegrams and letters, it has become necessary to indicate how mailgrams are to be treated.

The decision to treat mailgrams the same as telegrams reflects the similarity of mailgrams to telegrams with respect to the evidence of the bidder's intent to be bound.

The amendment prescribes the necessary changes in Subparts 1-2.2 and 1-3.8 of the FPR.

EFFECTIVE DATE: August 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations (703-557-8947).

Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.201(a)(31) is amended to add a note, as follows:

§ 1-2.201 Preparation of invitations for bids.

(a) * * *
(31) * * *

LATE BIDS, MODIFICATIONS OF BIDS, OR WITHDRAWAL OF BIDS

NOTE.—The term "telegram" includes mailgrams.

2. Section 1-2.202-2 is revised as follows:

§ 1-2.202-2 Telegraphic bids.

(a) As a general rule, telegraphic bids will not be authorized. However, when in the judgement of the contracting officer the date set for opening of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized the invitation for bids shall require the bidder to include in the telegraphic bid specific reference to the invitation, the items or sub-items, quantities, and unit prices for which the bid is submitted, the time and place of delivery, and a statement that the bidder agrees to all the terms, conditions, and provisions of the invitation. In order that the contract may be executed on the proper form, the invitation for bids will also provide that telegraphic bids should be confirmed on the prescribed form and submitted promptly to the contracting officer.

(b) The term "telegraphic bids" includes bids or proposals submitted by telegram or by mailgram. Telegram as used herein includes mailgrams.

Subpart 1-2.3—Submission of Bids

3. Section 1-2.301(b) is revised, as follows:

§ 1-2.301 Responsiveness of bids.

* * * * *

(b) Telegraphic bids shall not be considered unless permitted by the invitation for bids. The term "telegraphic bids" includes bids or proposals submitted by telegram or by mailgram.

* * * * *

Subpart 1-3.8—Price Negotiation Policies and Techniques

4. Section 1-3.802-1(a) is amended to add a note, as follows:

§ 1-3.802-1 Consideration of late proposals.

(a) * * *

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWALS OF PROPOSALS

* * * * *

NOTE.—The term "telegram" includes mailgrams.

* * * * *

5. Section 1-3.802-2(b) is amended to add a note, as follows:

§ 1-3.802-2 Alternate procedures for consideration of late proposals.

* * * * *

(b) * * *

LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWALS OF PROPOSALS

* * * * *

NOTE.—The term "telegram" includes mailgrams.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 30, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-18241 Filed 6-30-77;8:45 am]

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 703-7]

PROCUREMENT

Update and Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule updates and revises contract forms to conform with the Federal Procurement Regulations (FPR) prescribed clauses. The revision is reflected in Part 15-16 Procurement Forms. Those contract clauses that are not published in the Federal Procurement Regulations, and that are peculiar to this Agency are now published in Part 15-7 Contract Clauses. The revision of Part 15-16 necessitated an administrative change to Part 15-3, and deletion of clauses and administrative changes to Part 15-60. In addition to the revision of contract forms, the Agency is including in this publication a listing of its miscellaneous forms.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

David S. Taylor, Contracts Policy and Review Branch, Environmental Protection Agency, Washington, D.C. 20460. (202-755-0900).

SUPPLEMENTARY INFORMATION: It is the general policy of the Environmental Protection Agency to provide time for interested persons to participate in the rulemaking process. However, the amendments herein are either administrative procedures affecting only Agency personnel or implementing the requirements of 41 CFR Chapter 1 concerning contract clauses. Because the amendments are administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

BARBARA BLUM,
Acting Administrator, Environmental Protection Agency.

JUNE 27, 1977.

PART 15-3—PROCUREMENT BY NEGOTIATIONS

§ 15-3.408 [Amended]

Amend § 15-3.408(b) as follows: Change the citation in last sentence to § 15-16.553 in lieu of § 15-16.552.1.

PART 15-7—CONTRACT CLAUSES

The Table of Contents for Part 15-7 is added as follows:

Sec.
15-7.000 Scope of part.

Subpart 15-7.1—Fixed-Price Supply Contracts

15-7.100 Scope of subpart.
15-7.102 Required clauses for use in fixed-price supply contracts.
15-7.102-80 Authorization and consent.
15-7.150 Required clauses for use in fixed-price service contracts.
15-7.150-1 Changes.
15-7.150-2 Inspection of services.
15-7.150-3 Payments.
15-7.150-4 Protection of Government buildings, equipment, and vegetation.

Subpart 15-7.2—Cost-Reimbursement Supply Contracts [Reserved]

Subpart 15-7.3—Fixed-Price Research and Development Contracts

15-7.300 Scope of subpart.
15-7.302 Required clauses.
15-7.302-50 Printing.
15-7.302-51 Rights in data.
15-7.302-52 Data requirements.
15-7.302-53 Background patent rights.
15-7.302-54 Gratuities.
15-7.302-55 Authorization and consent.

Subpart 15-7.4—Cost-Reimbursement Type Research and Development Contracts

15-7.400 Scope of subpart.
15-7.402 Required clauses for use in cost-reimbursement type research and development contracts with fixed fee.
15-7.402-50 Printing.
15-7.402-51 Rights in data.
15-7.402-52 Data requirements.
15-7.402-53 Gratuities.
15-7.402-54 Authorization and consent.
15-7.402-55 Background patent rights.
15-7.402-56 Insurance.
15-7.403 Clauses to be used when applicable.
15-7.403-50 Insurance (Partial Immunity).
15-7.450 Required clauses for use in cost-reimbursement type contracts with educational and other nonprofit institutions.
15-7.450-1 Insurance.
15-7.450-2 Negotiated overhead rates.
15-7.450-3 Printing.
15-7.450-4 Gratuities.
15-7.450-5 Data requirements.
15-7.450-6 Rights in data.
15-7.450-7 Background patent rights.
15-7.450-8 Authorization and consent.
15-7.451 Clauses to be used when applicable.
15-7.451-1 Insurance (Partial Immunity).

Subpart 15-7.5—[Reserved]

Subpart 15-7.6—Fixed-Price Construction Contracts

15-7.600 Scope of subpart.
15-7.602 Required clauses.
15-7.602-50 Composition of contractor.
15-7.602-51 Subcontractors.
15-7.602-52 Samples and certificates.
15-7.602-53 Performance of work by contractor.
15-7.602-54 Use of premises.
15-7.602-55 Safety and health.
15-7.602-56 Guarantees.
15-7.602-57 Layout of work.
15-7.602-58 Cleaning up.
15-7.602-59 Modification proposals—price breakdown.
15-7.602-60 Breakdown for payment estimates.
15-7.602-61 Specifications and drawings.
15-7.602-62 Rights in shop drawings.
15-7.602-63 As-built drawings.
15-7.602-64 Standard references.
15-7.602-65 Progress charts and requirements for overtime work.

Subpart 15-7.50—Architect-Engineer Negotiated Contracts

15-7.5000 Scope of subpart.
15-7.5002 Required clauses.

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Sec.
15–7.5002–1 Method of payment.
15–7.5002–2 Composition of contractor.
15–7.5002–3 Gratuities.

AUTHORITY: 40 U.S.C. 486(c).

§ 15–7.000 Scope of part.

This part sets forth uniform EPA contract clauses that are either mandatory or for use when applicable in connection with the procurement of personal property and nonpersonal services (including construction). The same method as in FPR Part 1–7 is used, where possible, to group the clauses. When the FPR grouping cannot be used, the clauses are prescribed in a separate Subpart 15–7.50.

Subpart 15–7.1—Fixed-Price Supply Contracts

§ 15–7.100 Scope of subpart.

This subpart sets forth uniform contract clauses for use in fixed-price supply contracts and fixed-price service contracts other than research and development in addition to those prescribed in FPR 1–7.1. For convenience, these clauses are reproduced on EPA Form 1900–33 and EPA Form 1900–24 respectively.

§ 15–7.102 Required clause for use in fixed-price supply contracts.

§ 15–7.102–50 Authorization and consent.

Insert the following clause in all fixed-price supply contracts.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 15–7.150 Required clauses for use in fixed-price service contracts.

§ 15–7.150–1 Changes.

Insert the following clause only in service contracts other than research and development.

CHANGES

The Contracting Officer may at any time, by written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in the definition of services to be performed, and the time (i.e., hours of the day, days of the week, etc.) and place of performance thereof. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change. *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 15–7.150–2 Inspection of services.

Insert the following clause only in service contracts other than research and development.

INSPECTION OF SERVICES

(a) All services (which term throughout this clause includes services performed, material furnished or utilized in the performance of services, and workmanship in the performance of services) shall be subject to inspection and test by the Government, to the extent practicable at all times and places during the term of the contract. All inspection by the Government shall be made in such a manner as not to unduly delay the work.

(b) If any services performed hereunder are not in conformity with the requirements of this contract, the Government shall have the right to require the Contractor to perform the services again in conformity with the requirements of the contract, at no additional increase in total contract amount. When the services to be performed are of such a nature that the defect cannot be corrected by reperformance of the services, the Government shall have the right to (i) require the Contractor to immediately take all necessary steps to ensure future performance of the services in conformity with the requirements of the contract; and (ii) reduce the contract price to reflect the reduced value of the services performed. In the event the Contractor fails promptly to perform the services again or to take necessary steps to insure future performance of the services in conformity with the requirements of the contract, the Government shall have the right to either (i) by contract or otherwise have the services performed in conformity with the contract requirements and charge to the Contractor any cost occasioned to the Government that is directly related to the performance of such services; or (ii) terminate this contract for default as provided in the clause of this contract entitled "Default."

(c) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the services to be performed hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the term of this contract and for such longer period as may be specified elsewhere in this contract.

§ 15–7.150–3 Payments.

Insert the following clause only in service contracts other than research and development.

PAYMENTS

(a) The Contractor shall be paid, upon submission of proper invoices or vouchers, the price stipulated herein for services rendered in accordance with this contract or for supplies delivered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be for any portion of services rendered or supplies accepted for which a price is separately stated in the contract.

(b) In connection with any discount offered, time will be computed from the date of completion of performance of the services or from the date correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of completion of performance. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

§ 15–7.150–4 Protection of Government buildings, equipment, and vegetation.

Insert the following clause only in service contracts other than research and development.

PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation (such as trees, shrubs, and grass) on the Government installation. If the Contractor fails to do so and damages any such buildings, equipment, or vegetation, he shall replace or repair the damage at no expense to the Government as directed by the Contracting Officer. If he fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost thereof which may be deducted from the contract price.

Subpart 15–7.2 Cost-Reimbursement Supply Contracts [Reserved]

Subpart 15–7.3—Fixed-Price Research and Development Contracts

§ 15–7.300 Scope of subpart.

This subpart sets forth uniform contract clauses for use in fixed-price research and development contracts in addition to those prescribed in FPR Subpart 1–7.3. For convenience, these clauses are reproduced on EPA Form 1900–22.

§ 15–7.302 Required clauses.

§ 15–7.302–50 Printing.

Insert the following clause in fixed-price research and development contracts.

PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract. Provided, however, that performance of a requirement under this contract

involving the duplication of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, such pages not exceeding a maximum image size of 10¾ by 14¼ inches, will not be deemed to be printing.

§ 15–7.302–51 Rights in data.

Insert the following clause in fixed-price research and development contracts.

RIGHTS IN DATA

(a) Definitions. (1) Technical Data, as used in this clause, means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; in machine forms such as punched cards, magnetic tape, computer memory printouts; or may be retained in computer memory. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. Technical data does not include financial, administrative, cost and pricing, and management data, or other information incidental to contract administration.

(2) Limited Rights means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement or (c) used by a party other than the Government, except for:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of (1) above.

(3) Unlimited Rights means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) Government Rights. (1) The Government shall have unlimited rights in: (i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was, specified as an element of contract performance;

(iii) Technical data prepared or required to be delivered under this or any other Government contract or subcontract and constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components or processes, prepared or required to be delivered under this or any other Government contract or subcontact, for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared or required to be delivered under this contract or any subcontract hereunder for installation, operation, maintenance or training purposes;

(vi) Technical data which is in the public domain, or has been or is normally furnished without restriction by the Contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the Schedule of this contract, which the parties have predetermined, on the basis of subparagraphs (i) through (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in technical data, listed or described in an agreement incorporated into the Schedule of this contract, which the parties have agreed will be furnished with limited rights provided that such piece of data to which limited rights are to be asserted is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the Contractor or subcontractor by whom the technical data was generated:

> This technical data, furnished under United States Government Contract No. ------, shall not, without the written permission of ------, be either (a) used, released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement or (c) used by a party other than the Government, except for: (i) Emergency repair or overhaul work only, by or for the Government where the item or process concerned is not otherwise reasonably available to enable timely performance of the work provided that the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b)(2) shall not impair the right of the Government to use similar or identical data if such data is or becomes a part of the public domain or public knowledge by publication or otherwise, or is acquired by the Government from other sources, without restrictions. In preparation of the final report (if required under the contract), any and all technical data in which the Government has limited rights as set forth in (b)(2) above, shall be submitted under separate cover with the final report and marked with the legend set forth above. However, the final report shall include a complete disclosure of all materials, processes, and equipment employed in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances to enable any person skilled in the art to comprehend the results of the work performed under the contract.

(c) Material Covered by Copyright. (1) In addition to the rights granted under the provisions of (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No copyrighted matter shall be included in technical data furnished hereunder without the written approval of the Contracting Officer unless there has been obtained the written permisison of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (c)(1) above.

(3) The Contractor shall report to the Government (or higher-tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) Except for those items set forth in (b)(2) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

(e) Relation to Patents. Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Publications. (1) The Contractor shall submit to the Contracting Officer or his designee at least 30 days prior to publication a copy of each publication and other dissemination of information (other than publicity) that contains information resulting directly or indirectly from a contract supported activity.

(2) Any publication or other dissemination of information shall acknowledge Federal contract assistance by including the following:

> This project has been funded at least in part with Federal funds from the U.S. Environmental Protection Agency under contract number ------. The content of this publication does not necessarily reflect the views or policies of the U.S. Environmental Protection Agency, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

(g) Acquisition of Data from Subcontractors. (1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical date required to be delivered by a subcontractor shall normally be delivered to the next higher-tier Contractor. However, when there is a requirement in the prime contract, or in any deferred order, for data which may be supplied with limited rights pursuant to (b)(2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

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(3) The Contractor and higher-tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

§ 15–7.302–52 Data requirements.

Insert the following clause in fixed-price research and development contracts.

DATA REQUIREMENTS

(a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within one year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items or equipment of the general type and character of the items or equipment furnished under this contract or a set of flow sheets and engineering drawings which will be sufficient to enable performance of any process developed with this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flow sheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Technical Data" within the meaning of the clause of the General Provisions of this contract entitled "Rights in Data."

(c) Nothing contained in this "Data Requirements" clause shall require the Contractor to deliver data previously developed by parties other than the Contractor, independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the same. Unless otherwise directed by the Contracting Officer if any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" clauses shall be of a type and prepared in accordance with good commercial practice.

(e) In the event the Contracting Officer requests the delivery of data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the data requested under (a) above, but only to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Officer made under (a) above, within one year following final payment, provided that suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have been excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph (e) shall not include any amount for the value of the data, as distinguished from the costs set forth above.

§ 15–7.302–53 Background patent rights.

The clause set forth below, prescribed in § 15–9.107–50, will normally be included in any contract that includes a "Patent Rights–Acquisition by the Government" clause as prescribed in FPR 1–9.107–5.

BACKGROUND PATENT RIGHTS

(a) Definitions. Those definitions set forth in the clause of this contract entitled "Patent Rights," and those set forth below apply to this Background Patent Rights clause.

(1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means:

(i) Any machine, manufacture or composition of matter which, at the time of a request for a license pursuant to section (b) of this clause, has been sold, offered for sale, or otherwise made available commercially to the public in the regular course of business at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Specified Work Object" means the specific processes, methods, machines, manufacture or compositions of matter (including relatively minor modifications thereof) which are the subject of the experimental, developmental, or research work performed under this contract.

(4) "Contractor," as applicable to this clause only, means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to this contract and includes entities controlled by the Contractor. The term "controlled" means the direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however,* That foreign entities not wholly owned by the Contractor shall not be considered as "controlled" for purposes of this patent clause.

(5) "Government" means the Federal Government of the United States of America.

(6) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(7) "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his authorized designee.

(8) "General Counsel" means the General Counsel of the U.S. Environmental Protection Agency or his authorized designee.

(b) Licenses Under Background Patents.

(1) The Contractor agrees that it will make its Background Patent(s) available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this Contract or the work called for or required thereunder falls. This may be done (i) by making available, in quality, quantity, and price, all of which are reasonable in the circumstances, an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii) by the sale of an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii) by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Administrator determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in paragraph (b)(1)(i) is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, but for use only in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and for use only in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3)(i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and such Background Patent is not available as set forth in paragraph (b)(1)(i) or (ii), the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer, in writing, of any request for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object; such notification shall indicate if the Contractor or his exclusive licensee will comply with (b)(1)(i)(ii).

(ii) If the Contractor decides to make such domestic Background Patent so available either by himself or by either an exclusive or nonexclusive licensee, he shall so notify the Administrator within the said six (6) months, whereupon the Administrator shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contrctor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Administrator, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, for practice in conjunction with (A) a Specified Work Object, or (B) a Subject Invention, and shall be limited to a specific field of technology in which the purpose of this Contract or the work called for thereunder falls.

(iii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice by or on the behalf of such foreign government, if an embodiment of the Background Patent is not commercially available in that country, *Provided, however,* That no such license will be required unless the Administrator determines that issuance of such license is in the national interest. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in only the specific field of technology in which the purpose of this contract or the work called for thereunder falls.

(iv) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of a domestic Background Patent in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph (b)(1)(i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free, and worldwide to practice such Patent which is not available as a Commercial Item as specified in paragraph (b)(1)(ii) for use of the Federal Government in connection with pilot plants, demonstration plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development, or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the Contractor's obligation to license his Background Patents shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in paragraph (b)(1)(i) or (ii), and a qualified applicant requests a license under such patent for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in connection with the use of a Subject Invention or Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this paragraph, a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity; and, affiliated companies are companies or other entities owned or controlled by the same parent company.

(c) All subcontractors agree that the Government is a third party beneficiary of any subcontract clause granting rights to the public or the Government in Background Patents.

§ 15–7.302–54 Gratuities.

Insert the following clause in fixed-price research and development contracts.

GRATUITIES

(a) The Government may by written notice to the Contractor terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or making of any determinations with respect to the performing of such contract: *Provided,* That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (1) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

§ 15–7.302–55 Authorization and consent.

Insert the clause set forth in § 15–7.102–50.

Subpart 15–7.4—Cost-Reimbursement Type Research and Development Contracts

§ 15–7.400 Scope of subpart.

This subpart sets forth uniform contract clauses for use in cost-reimbursement type research and development contracts with fixed fee, and for use if the contract is with an educational or other nonprofit institution. For convenience, these clauses are reproduced on EPA Form 1900–17 and EPA Form 1900–28 respectively.

§ 15–7.402 Required clauses for use in cost-reimbursement type research and development contracts with fixed fee.

§ 15–7.402–50 Printing.

Insert the clause set forth in § 15–7.302–50.

§ 15–7.402–51 Rights in data.

Insert the clause set forth in § 15–7.302–51.

§ 15–7.402–52 Data requirements.

Insert the clause set forth in § 15–7.302–52.

§ 15–7.402–53 Gratuities.

Insert the clause set forth in § 15–7–302–54.

§ 15–7.402–54 Authorization and consent.

Insert the clause set forth in § 15–7.102–50.

§ 15–7.402–55 Background patent rights.

Insert the clause set forth in § 15–7.302–53 in accordance with the conditions prescribed therein.

§ 15–7.402–56 Insurance.

Insert the following clause in all cost-

$300,000 per claimant and $500,000 per incident;

fiscal period produces an amount greater or

Subpart 15–7.5—[Reserved]

ment for which samples, certifications or

and restoration. The costs of such repairs

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§ 15–7.402–56 Insurance.

Insert the following clause in all cost-reimbursement type contracts. When special circumstances exist the clause may be used in fixed-price contracts (see FPR 1–10.401).

INSURANCE

(a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including that required by Subpart 1–10.5 of the Federal Procurement Regulations as of the date of execution of this contract, and such insurance as the Contracting Officer prescribes by written direction.

(b) At a minimum, the Contractor shall procure and maintain the following types and amounts of insurance:

(1) Workmen's compensation and occupational disease insurance in amounts sufficient to satisfy State law;

(2) Employer's liability insurance, where available;

(3) Public liability insurance, on the comprehensive form of policy, in the amount of $300,000 per claimant and $500,000 per incident;

(4) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve; and

(5) When vessels are used in the performance of the contract, vessel collision liability and protection and indemnity liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve.

(c) With respect to any insurance policy all or part of the premiums of which the Contractor proposes to treat as a direct cost under this contract, and with respect to any proposed qualified program of self-insurance, the written approval of the Contracting Officer shall be obtained prior to any claim for payment therefor. The Contractor shall be reimbursed for the portion allocable to this contract.

(d) The terms of any other insurance policy held by the Contractor shall be submitted to the Contracting Officer for review and/or approval upon request of the Contracting Officer.

§ 15–7.403 Clauses to be used when applicable.

§ 15–7.403–50 Insurance (Partial Immunity).

The following clause shall be inserted in those contracts when the contractor has claimed partial immunity from tort liability as a State Agency or as a charitable institution.

INSURANCE (PARTIAL IMMUNITY)

(a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including that required by Subpart 1–10.5 of the Federal Procurement Regulations as of the date of this contract, and such insurance as the Contracting Officer prescribes by written direction.

(b) At a minimum, the Contractor shall procure and maintain the following types and amounts of insurance:

(1) Workmen's compensation and occupational disease insurance in amounts sufficient to satisfy State law;

(2) Employer's liability insurance, where available;

(3) Public liability insurance, on the comprehensive form of policy, in the amount of $300,000 per claimant and $500,000 per incident;

(4) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve; and

(5) When vessels are used in the performance of the contract, vessel collision liability and protection and indemnity liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve.

(c) With respect to any insurance policy all or part of the premiums of which the Contractor proposes to treat as a direct cost under this contract, and with respect to any proposed qualified program of self-insurance, the written approval of the Contracting Officer shall be obtained prior to any claim for payment therefor. The Contractor shall be reimbursed for the portion allocable to this contract.

(d) The terms of any other insurance policy held by the Contractor shall be submitted to the Contracting Officer for review and/or approval upon request of the Contracting Officer.

§ 15–7.450 Required clauses for use in cost-reimbursement type contracts with educational and other nonprofit institutions.

§ 15–7.450–1 Insurance.

Insert the clause set forth in § 15–7.402–56 in accordance with the conditions prescribed therein.

§ 15–7.450–2 Negotiated overhead rates.

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated fixed overhead rates for the applicable periods to bases agreed upon by the parties, as specified in the Contract Schedule Article entitled "Negotiated Overhead Rates." A negotiated fixed rate or rates is based on an estimate of the costs which will be incurred during the period for which the rates apply. When the application of the negotiated fixed rates against the actual bases during a given fiscal period produces an amount greater or less than the indirect costs determined for such period, such greater or lesser amounts will be carried forward to a subsequent period.

(b) The Contractor, as soon as possible but not later than 90 days after the expiration of his fiscal year, or such other periods as may be specified in the contract, shall submit to the Cost Review and Policy Branch of the Contracts Management Division, with one copy each to the cognizant audit activity and the cognizant negotiating agency delegated in Attachment "A" of the Federal Management Circular 73–8: Coordinating Indirect Cost Rates and Audit at Educational Institutions, a proposed fixed overhead rate or rates, based on the Contractor's actual cost experience during the fiscal year, including adjustments, if any, for amounts carried forward, together with supporting cost data. When the application of the negotiated fixed rates against the actual bases for a given fiscal period produces an amount greater or less than the actual indirect costs determined for that period, such greater or lesser amounts will be carried forward and reflected in the negotiated fixed rates of a subsequent period. Negotiation of the fixed overhead rates by the Contractor and the Government shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (a)(1) of the clause of this contract entitled "Allowable Cost and Payment."

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed fixed overhead rates; (2) the bases to which the rates apply; and (3) the periods for which the rates apply.

(e) Pending establishment of fixed overhead rates for the initial period of contract performance or for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at (1) the rates fixed for the previous fiscal year or other period, or (2) billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other periods are established.

(f) Any failure by the parties to agree on any fixed overhead rate or rates or to the amount of any carry forward adjustment under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period of contract performance the parties fail to agree to a fixed overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in this Clause ------ and as applicable to educational institutions.

§ 15–7.450–3 Printing.

Insert the clause set forth in § 15–7.302–50.

§ 15–7.450–4 Gratuities.

Insert the clause set forth in § 15–7.302–54.

§ 15–7.450–5 Data requirements.

Insert the clause set forth in § 15–7.302–52.

§ 15–7.450–6 Rights in data.

Insert the clause set forth in § 15–7.302–51.

§ 15–7.450–7 Background patent rights.

Insert the clause set forth in § 15–7.302–53 in accordance with the conditions prescribed therein.

§ 15–7.450–8 Authorization and consent.

Insert the clause set forth in § 15–7.302–50.

§ 15–7.451 Clauses to be used when applicable.

§ 15–7.451–1 Insurance (Partial Immunity).

Insert the clause set forth in § 15–7.403–50 under the conditions prescribed therein.

Subpart 15–7.5—[Reserved]

Subpart 15–7.6—Fixed-Price Construction Contracts

§ 15–7.600 Scope of subpart.

This subpart sets forth uniform contract clauses for use in fixed-price construction contracts in addition to those prescribed in FPR Subpart 1–7.6. For convenience, these clauses are reproduced on EPA Form 1900–32.

§ 15–7.602 Required clauses.

The following clauses shall be inserted in advertised construction contracts.

§ 15–7.602–50 Composition of contractor.

COMPOSITION OF CONTRACTOR

If the Contractor hereunder is comprised of more than one legal entity, such entity shall be jointly and severally liable hereunder.

§ 15–7.602–51 Subcontractors.

SUBCONTRACTORS

(a) The divisions or sections of the specifications are not intended to control the Contractor in dividing the work among his subcontractors, or to limit the work performed by any trade. The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of subcontractors and their employees. He shall also be responsible for the coordination of work of the trades, subcontractors, and material men.

(b) The Contractor shall, without additional expense to the Government, employ Specialty Subcontractors where required by the specifications.

(c) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

(d) Within 7 days after award of any subcontract either by himself or a subcontractor, the Contractor shall deliver to the Contracting Officer a statement setting forth the name and address of the subcontractor and a summary description of the work subcontracted. The Contractor shall at the same time furnish a statement signed by the subcontractor acknowledging the inclusion in his subcontract of the clauses of this contract entitled "Equal Opportunity," "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act-Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts" and "Contract Termination-Debarment."

(e) Nothing contained in this contract shall be construed as creating any contractual relation between any subcontractor and the Government.

§ 15–7.602–52 Samples and certificates.

SAMPLES AND CERTIFICATES

When required by the specifications or the Contracting Officer, samples, certificates, and test data shall be submitted after award of contract, prepaid, in time for proper action by the Contracting Officer or his designated representative. Certificates and test data shall be submitted in triplicate to show compliance of materials and construction specified with the specified performance requirements. Samples shall be submitted in duplicate by the Contractor, except as otherwise specified, to show compliance with the contract requirements. Materials or equipment for which samples, certifications or test data are required shall not be used in the work until approved in writing by the Contracting Officer.

§ 15–7.602–53 Performance of work by contractor.

PERFORMANCE OF WORK BY CONTRACTOR

The Contractor shall perform on the site, and with his own organization, work equivalent to at least twenty percent (20%) of the total amount of work to be performed under the contract. If, during the progress of the work hereunder, the Contractor requests a reduction in such percentage, and the Contracting Officer determines that it would be to the Government's advantage, the percentage of the work required to be performed by the Contractor may be reduced, provided, written approval of such reduction is obtained by the Contractor from the Contracting Officer.

§ 15–7.602–54 Use of premises.

USE OF PREMISES

(a) The Contractor shall comply with the security requirements and regulations governing the operation of the premises; shall perform his contract activities in such a manner as not to interrupt or interfere with the conduct of Government business; and shall be liable for all damage caused by him to Government Owned Property, both real and personal.

(b) All operations of the Contractor upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. Materials for construction shall be neatly stored and protected against weather.

(c) The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State or local law or regulation. When it is necessary to cross curbings or sidewalks, protection against damage shall be provided by the Contractor and any damaged roads, curbings, or sidewalks shall be repaired by, or at the expense of the Contractor. The Contractor shall prepare off-the-road areas adjacent to the construction site for parking, storage of equipment and supplies as required during construction and will in no way interfere or block access to any buildings or facilities within the area involved.

(d) Signs and advertisements will not be permitted on the construction site unless approval has been obtained from the Contracting Officer; however, the Contractor shall provide such signs, as required, to expedite deliveries to the contract site, for safety and to prevent interference with Government operations.

(e) The Contractor shall preserve and protect all existing vegetation such as trees, shrubs, and grass on or adjacent to the site except those designated by the Contracting Officer for removal, replacement, or relocation in the course of construction. The Contractor shall be responsible for all cutting or damaging of trees and vegetation, including damage due to careless operation of equipment, stockpiling of materials, or tracking of grass areas by equipment. Any damage to existing structures, utilities, and vegetation caused by the Contractor shall be repaired or restored promptly by and at the expense of the Contractor. If the Contractor fails to act promptly, the Government will make repairs and restoration. The costs of such repairs and restoration shall be charged to the Contractor or deducted from amounts due or to become due.

(f) Temporary buildings, such as storage sheds, shops, and offices, may be erected by the Contractor only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government. Such temporary buildings shall remain the property of the Contractor and shall be removed by him at his expense upon the completion of the work. With the written consent of the Contracting Officer, such buildings may be abandoned and need not be removed.

§ 15–7.602–55 Safety and health.

SAFETY AND HEALTH

(a) In order to protect the life and health of employees and other persons; prevent damage to property, materials, supplies, and equipment; and to avoid work interruptions, the Contractor shall, in the performance of this contract, comply with applicable provisions of Federal, State, and local safety, health, and sanitation laws and codes.

(b) The Contractor shall also comply with all pertinent provisions of the safety and health regulations of the Department of Labor, Occupational Safety and Health Administration, 29 CFR 1926. The Contracting Officer shall notify the Contractor, in writing, of any noncompliance and indicate to the Contractor the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice, when served on the Contractor or his representative(s) at the site of the work, shall be deemed sufficient.

(c) If the Contractor fails or refuses to comply promptly with requirements, the Contracting Officer may issue an order to suspend all or any part of the work. When satisfactory corrective action is taken an order to resume work will be issued. No part of the time lost due to any such suspension order shall entitle the Contractor to any extension of time for the performance of the contract or to excess costs or damages.

(d) The Contractor shall maintain an accurate record of, and shall immediately report orally or otherwise to the Contracting Officer all causes of death, occupational diseases, or traumatic injury arising out of or in the course of employment incident to the performance of work under the contract. Upon receipt of this notice, the Contracting Officer will forward EPA Form 1440–7 entitled, "Safety Officer's Analysis of Accident" which shall be completed by the Contractor and forwarded to the Contracting Officer within seven (7) days after receipt thereof.

(e) During the performance of work under this contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and shall comply with such requirements to prevent accidents as may be specified or issued by the Contracting Officer.

(f) The Contractor shall be responsible for insuring that his subcontractors comply with the provisions of this paragraph.

§ 15–7.602–56 Guarantees.

GUARANTEES

(a) Unless otherwise provided in the specifications, the Contractor guarantees all mechanical and electrical work to be in accordance with contract requirements and free from defective or inferior materials, equipment, and workmanship for one year

after the date of final acceptance or the date

areas used by him, free from accumulations

out the intent of the drawings and specifica-

indexes obtainable from the same source at current prices.

METHOD OF PAYMENT

Sec.
15–16.404–51 [Reserved]

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after the date of final acceptance or the date the equipment or work was placed in use by the Government.

(b) If, within any guarantee period, the Contracting Officer finds that guaranteed work needs to be repaired or changed because of the use of materials, equipment, or workmanship which, in his opinion, are inferior, defective, or not in accordance with the terms of the contract, he shall so inform the Contractor in writing and the Contractor shall promptly and without additional expense to the Government:

(1) Place in a satisfactory condition all of such guaranteed work;

(2) Satisfactorily correct all damage to equipment, the site, the building or contents thereof, which is the result of such unsatisfactory guaranteed work; and

(3) Satisfactorily correct any work, materials, and equipment that are disturbed in fulfilling the guarantee, including any disturbed work, materials, and equipment that may have been guaranteed under another contract.

(c) Should the Contractor fail to proceed promptly in accordance with the guarantee, the Government may have such work performed at the expense of the Contractor.

(d) Any special guarantees that may be required under this contract shall be subject to the stipulations set forth above, insofar as they do not conflict with the provisions of such special guarantees.

(e) The Contractor shall obtain each transferable guarantee or warranty of equipment, materials, or installation thereof which is furnished by any manufacturer, supplier, or installer in the ordinary course of the manufacturer's, supplier's, or installer's business or trade. In addition, the Contractor shall obtain and furnish to the Government all information which is required in order to make any such guarantee or warranty legally binding and effective, and shall submit both the information and the guarantee or warranty to the Government in sufficient time to permit the Government to meet any time limit requirements specified in the guarantee or warranty or, if no time limit is specified, prior to completion and acceptance of all work under this contract.

§ 15–7.602–57 Layout of work.

LAYOUT OF WORK

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the Contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of replacement will be deducted from any amounts due or to become due the Contractor.

§ 15–7.602–58 Cleaning up.

CLEANING UP

(a) The Contractor shall at all times keep the construction area, including storage areas used by him, free from accumulations of waste material or rubbish and prior to completion of the work remove any rubbish from the premises and all tools, scaffolding, equipment, and materials not the property of the Government. Upon completion of the construction the Contractor shall leave the work and premises in a clean, neat, and workmanlike condition satisfactory to the Contracting Officer.

(b) The Contractor agrees to comply with the requirements of guidelines promulgated under section 209 of the Solid Waste Disposal Act as amended (42 U.S.C. 3254e) in carrying out all aspects of construction that take place on Federal property.

§ 15–7.602–59 Modification proposals—Price breakdown.

MODIFICATION PROPOSALS—PRICE BREAKDOWN

The Contractor, in connection with any proposal he makes for a contract modification, shall furnish a price breakdown, itemized as required by the Contracting Officer. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract, and overhead costs, as well as profit, and shall cover all work involved in the modification, whether such work was deleted, added, or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefore shall also be furnished. The proposal, together with the price breakdown and time extension justification, shall be furnished by the date specified by the Contracting Officer.

§ 15–7.602–60 Breakdown for payment estimates.

BREAKDOWN FOR PAYMENT ESTIMATES

(a) Before the first payment under the contract becomes due and to further implement Article 44, "Payments to Contractor," of this contract, the Contractor and Contracting Officer shall jointly prepare a schedule of the estimated values of each principal category of the work which when added together equal the total contract price. The values in the schedule will be used only for determining progress payments and shall be in such detail as may be required by the Contracting Officer. The cost of such work as preparatory work, overhead, profit, bonds and insurance, taxes, warranties, and as-built drawings, shall be prorated into items of work through the life of the contract.

(b) Progress payments containing requests for materials shall be accompanied by itemized inventory lists with unit prices and supporting invoices showing unit costs of materials.

(c) The Contracting Officer may request evidence of payments by the Contractor to subcontractors at any time during the contract period.

§ 15–7.602–61 Specifications and drawings.

SPECIFICATIONS AND DRAWINGS

(a) Six sets of contract drawings and specifications will be furnished the Contractor by the Contracting Officer after award of the contract, without charge. Additional sets may be obtained on request at the cost of reproduction. Six copies will be furnished to the Contractor of drawings and specifications revised as a result of changes under the contract.

(b) Omissions from the drawings or specifications or the misdescription of details of work which are manifestly necessary to carry out the intent of the drawings and specifications, or which are customarily performed, shall not relieve the Contractor from performing such omitted or misdescribed details of the work but they shall be performed as if fully and correctly set forth and described in the drawings and specifications.

(c) The Contractor shall check all drawings furnished him immediately upon their receipt and shall promptly notify the Contracting Officer of any discrepancies. Figures marked on drawings shall in general be followed in preference to scale measurements. Large scale drawings shall in general govern over small scale drawings. The Contractor shall compare all drawings and verify the figures before laying out the work and will be responsible for any errors which might have been avoided thereby.

(d) Deviations from the drawings and the dimensions therein given, whether or not errors are believed to exist, shall be made only after written authority is obtained from the Contracting Officer.

§ 15–7.602–62 Rights in shop drawings.

RIGHTS IN SHOP DRAWINGS

(a) Shop drawings for construction means drawings, submitted to the Government by the Construction Contractor, subcontractor or any lower tier subcontractor pursuant to a construction contract, showing in detail (i) the proposed fabrication and assembly of structural elements and (ii) the installation (i.e., form, fit, and attachment details) of materials or equipment. The Government may duplicate, use, and disclose in any manner and for any purpose shop drawings delivered under this contract.

(b) This clause, including this paragraph (b), shall be included in all subcontracts hereunder at any tier.

§ 15–7.602–63 As-built drawings.

AS-BUILT DRAWINGS

The Contractor shall maintain during the progress of the work a complete and up-to-date set of record prints, which shall be open to inspection by the Contracting Officer at any time. These prints shall be marked up to record all changes in the work and the exact location of all exposed and concealed pipe runs, valves, plugged outlets, cleanouts and other control points including electrical conduits and ducts, in such manner as will provide a complete, accurate as-built record. The location of pipes or control points concealed underground, under concrete, in chases or above hung ceilings shall be dimensioned. As-built drawing shall be neatly marked with colored pencils or ink, and shall be delivered to the Contracting Officer in a condition satisfactory to him as a condition precedent to final acceptance of the work.

§ 15–7.602–64 Standard references.

STANDARD REFERENCES

(a) Any materials, equipment, or workmanship specified by reference to the number, symbol, or title of any specific Standard shall comply with the latest edition or revision thereof and any amendment or supplement thereto in effect on the date of the Invitation for Bids, except as limited to type, class or grade, or modified in these specifications.

(b) Standards referred to in the specifications are incorporated herein by reference

(c) "Federal Specifications," "Commercial Standards," and "Simplified Practice Recommendations" can be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402. Directions for purchase and the price of each copy are contained in the respective

indexes obtainable from the same source at current prices.

(d) Standards of Associations referred to in the specifications may be obtained directly from the Association.

§ 15–7.602–65 Progress charts and requirements for overtime work.

PROGRESS CHARTS AND REQUIREMENTS FOR OVERTIME WORK

This clause is applicable if the performance time of the contract exceeds 4 weeks and then only to the extent set forth in the schedule of this contract.

(a) The Contractor shall within 5 days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant, and equipment) and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion at any time. The Contractor shall enter on the chart the actual progress at such intervals as directed by the Contracting Officer and shall immediately deliver to the Contracting Officer three copies thereof. If the Contractor fails to submit a progress schedule within the time herein prescribed, the Contracting Officer may withhold approval of progress payment estimates until such time as the Contractor submits the required progress schedule.

(b) If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may require him to increase the number of shifts, or overtime operations, days of work, or the amount of construction plant, or all of them, and to submit for approval such supplementary schedule or schedules in chart form as may be deemed necessary to demonstrate the manner in which the agreed rate of progress will be regained, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination the Contracting Officer may terminate the Contractor's right to proceed with the work, or any separable part thereof, in accordance with the clause of the contract entitled "Termination for Default-Damages for Delay-Time Extensions."

Subpart 15–7.50—Architect-Engineer Negotiated Contracts

§ 15–7.5000 Scope of subpart.

This subpart sets forth uniform contract clauses for use in negotiated architect-engineer contracts and are in addition to those prescribed in FPR Subpart 1–16.7. For convenience, these clauses are reproduced on EPA Form 1900–30.

§ 15–7.5002 Required clauses.

§ 15–7.5002–1 Method of payment.

Insert the following clause in negotiated architect-engineer contracts.

METHOD OF PAYMENT

(a) Estimates shall be made monthly of the amount and value of the work and services performed by the Architect-Engineer under this contract, such estimates to be prepared by the Architect-Engineer and accompanied by such supporting data as may be required by the Contracting Officer.

(b) Upon approval of such estimate by the Contracting Officer payment upon properly certified vouchers shall be made to the Architect-Engineer as soon as practicable of 90 percent of the amount as determined above, less all previous payments: *Provided, however*, That if the Contracting Officer determines that the work is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the Government, he may at his discretion release to the Architect-Engineer such excess amount.

(c) Upon satisfactory completion by the Architect-Engineer of the work called for under the terms of this contract, and upon acceptance of such work by the Contracting Officer, the Architect-Engineer shall be paid the unpaid balance of any money due for such work, including the retained percentages relating to this portion of the work.

(d) Upon satisfactory completion of the construction work and its final acceptance, the Architect-Engineer shall be paid the unpaid balance of any money due hereunder. Prior to such final payment under the contract, or prior settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

§ 15–7.5002–2 Composition of contractor.

Insert the clause set forth in § 15–7.602–50, but substitute "Architect-Engineer" for "Contractor".

§ 15–7.5002–3 Gratuities.

Insert the clause set forth in § 15–7.302–53, but substitute "Architect-Engineer" for "Contractor".

The table of contents for Part 15–16—Procurement Forms is deleted in its entirety and a new table of contents is substituted as follows:

PART 15–16—PROCUREMENT FORMS

Sec.

15–16.000 Scope of part.

Subpart 15–16.1—Forms for Advertised Supply Contracts

15–16.100 Scope of subpart.
15–16.101 Contract forms.
15–16.104–50 Listing of additional provisions to Standard Form 32, General Provisions (Supply Contract) (April 1975 edition).

Subpart 15–16.2—Forms for Negotiated Supply Contracts [Reserved]

Subpart 15–16.3—Purchase and Delivery Order Forms [Reserved]

Subpart 15–16.4—Forms for Advertised Construction Contracts

15–16.400 Scope of subpart.
15–16.401 Contract forms.
15–16.404–50 [Reserved].
15–16.404–51 [Reserved].
15–16.404–52 [Reserved].
15–16.404–53 Listing of alterations and additional provisions to Standards Form 23A, General Provisions (Construction Contract) (April 1975 edition).

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

15–16.500 Scope of subpart.
15–16.501 Contract forms.
15–16.550 Additional provisions to Standard Form 32, General Provisions (Service Contract) (April 1975 edition).
15–16.551 Listing of general provisions for a fixed-price type research and development contract.
15–16.552 Listing of general provisions for a cost-reimbursement type research and development contract (with fixed fee).
15–16.553 Letter contract.
15–16.554 General provisions for cost-reimbursement type contracts with educational and other nonprofit institutions.

Subpart 15–16.6—Forms for Leases for Real Property [Reserved]

Subpart 15–16.7—Forms for Negotiated Architect-Engineer Contracts

15–16.700 Scope of subpart.
15–16.701–50 Contract forms.
15–16.703–50 Additional general provisions to Standard Form 253 (April 1975).

Subpart 15–16.8—Miscellaneous Forms

15–16.800 Scope of subpart.
15–16.850 Miscellaneous forms.

AUTHORITY: 40 U.S.C. 486(c).

§ 15–16.000 Scope of part.

This part prescribes the EPA forms used for incorporation of the general provisions in EPA contracts and the additional articles to the general provisions. The clauses are listed for each form in the same arrangement as in the form. A citation following each clause listed identifies it as either an FPR clause, or if prescribed as an additional article to a standard form by FPR, or as an EPA clause. This part also illustrates the format of a letter contract, and identifies and prescribes miscellaneous forms.

Subpart 15–16.1—Forms for Advertised Supply Contracts

§ 15–16.100 Scope of subpart.

This subpart prescribes the EPA form and lists those clauses added to the standard form prescribed by FPR Subpart 1–16.1 for use in procuring supplies by formal advertising.

§ 15–16.101 Contract forms.

The additional provisions listed in § 15–16.104–50 are reproduced on EPA Form 1900–33.

§ 15–16.104–50 Listing of additional provisions to Standard Form 32, General Provisions (Supply Contract) (April 1975 edition).

(a) Additional provisions.

26. Termination for the Government (FPR 1–8.701).
27. Federal, State and local taxes (FPR 1–
50. Modification Proposals—Price Breakdown (Subpart 15–7.6).
42. Cost Accounting Standards (FPR 1–3.1204 (a)).

(b) Additional clauses prescribed by

SCHEDULE

26. Termination for the Government (FPR 1–8.701).
27. Federal, State, and local taxes (FPR 1–11.401–1).
28. Authorization and consent (Subpart 15–7.1).
29. Clean air and water (prescribed by FPR 1–16.101(c)).
30. Disabled veterans and veterans of the Vietnam era (prescribed by FPR 1–16.101(c)).
31. Employment of the handicapped (prescribed by FPR 1–16.101(c)).
32. Convict labor (prescribed by FPR 1–16.101(c)).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

Subpart 15–16.2—Forms for Negotiated Supply Contracts [Reserved]

Subpart 15–16.3—Purchase and Delivery Order Forms [Reserved]

Subpart 15–16.4—Forms for Advertised Construction Contracts

§ 15–16.400 Scope of subpart.

This subpart prescribes the EPA form and lists those clauses added to the standard form prescribed by FPR subpart 1–16.4 for use in procuring construction by formal advertising.

§ 15–16.401 Contract forms.

§ 15–16.404–50 [Reserved]

§ 15–16.404–51 [Reserved]

§ 15–16.404–52 [Reserved]

§ 15–16.404–53 Listing of alterations and additional provisions to Standard Form 23A, General Provisions (Construction Contract) (April 1975 edition).

Additional provisions listed in § 15–16.404–53 are reproduced on EPA Form 1900–32.

(a) Alterations and additional provisions:

7. Payments to Contractor (prescribed by FPR 1–16.401(h)).
15. Convict Labor (prescribed by FPR 1–16.401(h)).
32. Disabled Veterans and Veterans of the Vietnam Era (prescribed by FPR 1–16.401(h)).
33. Clean Air and Water (prescribed by FPR 1–16.401(h)).
34. Employment of the Handicapped.
35. Subcontractor Cost or Pricing Data—Price Adjustments (FPR 1–3.814–3(b)).
36. Price Reduction for Defective Cost or Pricing Data—Price Adjustments (FPR 1–3.814.1(b)).
37. Audit (FPR 1–3.814–2).
38. Composition of Contractor (Subpart 15–7.6).
39. Subcontractors (Subpart 15–7.6).
40. Interest (FPR 1–7.203–30).
41. Notice and Assistance Regarding Patent and Copyright Infringement (FPR 1–7.103–4).
42. Notice to the Government of Labor Disputes (FPR 1–7.203–3).
43. Samples and Certificates (Subpart 15–7.6).
44. Performance of Work By Contractor (Subpart 15–7.6).
45. Use of Premises (Subpart 15–7.6).
46. Safety and Health (Subpart 15–7.6).
47. Guarantees (Subpart 15–7.6).
48. Layout of Work (Subpart 15–7.6).
49. Cleaning Up (Subpart 15–7.6).
50. Modification Proposals—Price Breakdown (Subpart 15–7.6).
51. Breakdown For Payment Estimates (Subpart 15–7.6).
52. Specifications and Drawing (Subpart 15–7.6).
53. Rights In Shop Drawings (Subpart 15–7.6).
54. As-Built Drawings (Subpart 15–7.6).
55. Standard References (Subpart 15–7.6).
56. Progress Charts and Requirements for Overtime Work (Subpart 15–7.6).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect–Engineer Contracts)

§ 15–16.500 Scope of subpart.

This subpart prescribes the EPA forms for nonpersonal service contracts, lists additions to Standard Form 32 when used for service contracts, lists clauses incorporated in the general provisions of other categories of nonpersonal service contracts, and illustrates the format of a letter contract.

§ 15–16.501 Contract forms.

The additional provisions to Standard Form 32 are reproduced on EPA Form 1900–24; the listing of clauses for a fixed-price type research contract are reproduced on EPA Form 1900–22; the listing of clauses for a cost-reimbursement type research and development contract with a fixed fee are reproduced on EPA Form 1900–17; the listing of clauses for a cost-reimbursement type contract with educational and other nonprofit institutions are reproduced on EPA Form 1900–28. EPA Form 1900–28 is only used when the contractor receives no fee.

§ 15–16.550 Additional provisions to Standard Form 32, General Provisions (Service Contract) (April 1975 edition).

(a) Additional provisions.

26. Changes (Subpart 15–7.1).
27. Termination for Convenience of the Government (FPR 1–8.705–1).
28. Inspection of Services (Subpart 15–7.1).
29. Insurance (FPR 1–7.303–46).
30. Payments (substitution for clause no. 7 in the Standard Form 32). (Subpart 15–7.1).
31. Interest (FPR 1–7.203–15).
32. Audit (FPR 1–3.814–2).
33. Federal, State, and Local Taxes (FPR 1–11.401–1).
34. Price Reduction for Defective Cost or Pricing Data—Price Adjustments (FPR 1–3.814–1(b)).
35. Disabled Veterans and Veterans of the Vietnam Era (prescribed by FPR 1–16.101(c)).
36. Authorization and Consent (Subpart 15–7.1).
37. Protection of Government Buildings, Equipment, and Vegetation (Subpart 15–7.1).
38. Service Contract Act of 1965, as amended (FPR 1–12.904–1).
39. Government Property (FPR 1–7.303–7(a)).
40. Employment of the Handicapped.
41. Clean Air and Water (prescribed by FPR 1–16.101(c)).
42. Cost Accounting Standards (FPR 1–3.1204(a)).
43. Administration of Cost Accounting Standards (FPR 1–3.1204(b)).
44. Convict Labor (prescribed by FPR 1–16.101(c)).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

§ 15–16.551 Listing of general provisions for a fixed-price type research and development contract.

(a) Listing of general provisions.

(1) Definitions (FPR 1–7.102–1).
(2) Payments (FPR 1–7.302–2).
(3) Standards of Work (FPR 1–7.302–3).
(4) Inspection (FPR 1–7.302–4(b)).
(5) Assignment of Claims (FPR 1–30.703).
(6) Examination of Records by Comptroller General (FPR 1–7.103–3).
(7) Federal, State, and Local Taxes (FPR 1–11.401–1).
(8) Utilization of Small Business Concerns (FPR 1–1.710–3(a)).
(9) Default (FPR 1–8.710).
(10) Termination for Convenience of the Government (FPR 1–8.701).
(11) Disputes (FPR 1–7.102–12).
(12) Buy American Act Supply and Service Contracts (FPR 1–6.104–5).
(13) Convict Labor (FPR 1–12.204).
(14) Walsh-Healey Public Contracts Act (FPR 1–12.605).
(15) Contract Work Hours and Safety Standards Act—Overtime Compensation (FPR 1–12.303).
(16) Equal Opportunity (FPR 1–12.803–2).
(17) Officials Not To Benefit (FPR 1–7.102–17).
(18) Covenant Against Contingent Fees (FPR 1–1.503).
(19) Notice and Assistance Regarding Patent and Copyright Infringement (FPR 1–7.103–4).
(20) Patent Rights—Acquisition by the Government (FPR 1–9.107–5(a)).
(21) Utilization of Labor Surplus Area Concerns (FPR 1–1.805–3(a)).
(22) Pricing of Adjustments (FPR 1–7.102–20).
(23) Utilization of Minority Business Enterprises (FPR 1–1.1310–2(a)).
(24) Payment of Interest on Contractors' Claims (FPR 1–1.322(b)).
(25) Employment of the Handicapped.
(26) Clean Air and Water (FPR 1–1.2302).
(27) Printing (Subpart 15–7.3).
(28) Interest (FPR 1–7.203–15).
(29) Changes (FPR 1–7.304–1).
(30) Rights in Data (Subpart 15–7.3).
(31) Data Requirements (Subpart 15–7.3).
(32) Cost Accounting Standards (FPR 1–3.1204–1).
(33) Administration of Cost Accounting Standards (FPR 1–3.1204–2).
(34) Price Reduction for Defective Cost or Pricing Data (FPR 1–3.814–1(a)).
(35) Subcontractor Cost or Pricing Data (FPR 1–3.814–3).
(36) Audit (FPR 1–3.814–2).
(37) Background Patent Rights (Subpart 15–7.3).
(38) Disabled Veterans and Veterans of the Vietnam Era.
(39) Special Provisions for Educational and Other Nonprofit Institutions (Termination for Convenience of the Government) (FPR 1–8.704–1).
(40) Gratuities (Subpart 15–7.3).
(41) Authorization and Consent (Subpart 15–7.3).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

§ 15–16.552 Listing of general provisions for a cost-reimbursement type research and development contract (with fixed fee).

(a) Listing of general provisions.

(1) Definitions (FPR 1–7.102–1).
(2) Limitation of Cost (FPR 1–7.202–3(a)).
(3) Allowable Cost, Fixed Fee, and Payment (FPR 1–7.202–4).
(4) Standards of Work (FPR 1–7.320–3).
(5) Inspection (FPR 1–7.402–5(c)).
(6) Assignment of Claims (FPR 1–30.703).
(7) Examination of Records by Comptroller General (FPR 1–7.103–3).
(8) Subcontracts (FPR 1–7.402–8).
(9) Utilization of Small Business Concerns (FPR 1–1.710–3(a)).
(10) Utilization of Labor Surplus Area Concerns (FPR 1–1.805–3(a)).
(11) Utilization of Minority Business Enterprises (FPR 1–1.1310–2(a)).
(12) Termination for Default or for Convenience of the Government (FPR 1–8.702).
(13) Disputes (FPR 1–7.102–12).
(14) Buy American Act Supply and Service Contracts (FPR 1–6.104–5).
(15) Convict Labor (FPR 1–12.204).
(16) Contract Work Hours and Safety Standards Act—Overtime Compensation (FPR 1–12.303).
(17) Walsh-Healey Public Contracts Act (FPR 1–12.605).
(18) Equal Opportunity (FPR 1–12.803–2).
(19) Officials Not To Benefit (FPR 1–7.102–17).
(20) Covenant Against Contingent Fees (FPR 1–1.503).
(21) Notice and Assistance Regarding Patent and Copyright Infringement (FPR 1–7.103–4).
(22) Patent Rights—Acquisition by the Government (FPR 1–9.107–5(a)).
(23) Payment for Overtime Premiums (FPR 1–7.202–29).
(24) Compensation in Subcontracting (FPR 1–7.202–30).
(25) Audit (FPR 1–3.814–2(a)).
(26) Price Reduction for Defective Cost or Pricing Data (FPR 1–3.814–1(a)).
(27) Subcontractor Cost or Pricing Data (FPR 1–3.814–3).
(28) Disabled Veterans and Veterans of the Vietnam Era.
(29) Payment of Interest on Contractors' Claims (FPR 1–1.322).
(30) Employment of the Handicapped.
(31) Excusable Delays (FPR 1–8.708).
(32) Clean Air and Water (FPR 1–1.2302–2).
(33) Printing (Subpart 15–7.4).
(34) Interest (FPR 1–7.203–15).
(35) Changes (FPR 1–7.404–5).
(36) Rights in Data (Subpart 15–7.4).
(37) Data Requirements (Subpart 15–7.4).
(38) Cost Accounting Standards (FPR 1–3.1204–1).
(39) Negotiated Overhead Rates (FPR 1–3.704.1).
(40) Administration of Cost Accounting Standards (FPR 1–3.1204–2).
(41) Gratuities (Subpart 15–7.4).
(42) Authorization and Consent (Subpart 15–7.4).
(43) Background Patent Rights (Subpart 15–7.4).
(44) Insurance (Subpart 15–7.4).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

§ 15–16.553 Letter contract.

EPA letter contracts shall be prepared in a format similar to that illustrated below. The chief officer responsible for procurement at the contracting activity may authorize modifications of the format, provided that the substance of the paragraphs and articles, therein, are not changed.

(a) *Transmittal letter and signature page.*

ENVIRONMENTAL PROTECTION AGENCY

Date: _____
Letter Contract
Contract No.: _____

(Contractor)

GENTLEMEN: 1. This letter, when accepted by you, will constitute a Letter Contract bearing the contract number shown above, whereby you, as Contractor, agree to furnish to the Government the products or services set forth in the attached Contract Schedule in accordance with the terms, conditions, and administrative provisions set forth in the Schedule and the General Provisions identified in the Schedule which are attached hereto and made a part hereof. This Letter, Schedule, and General Provisions are submitted to you in _____ copies.
(number)

2. If you agree to the terms set forth in the Schedule and General Provisions referenced therein, please indicate your acceptance by signing the original and ____ copies of this letter in the place provided in the lower left corner and return the executed copies to the Contracting Officer who signed this letter on behalf of the United States.

3. It is understood by your acceptance hereof that you will undertake, without delay, to enter into negotiations with the Environmental Protection Agency looking to the execution of a definitive contract and to furnish all cost and price information requested by the Contracting Officer. The form and provisions of the definitive contract which the Environmental Protection Agency intends to use as the basis for negotiation are set forth in the Schedule.

THE UNITED STATES OF AMERICA
By _____
_____
(Contracting Officer)

Enclosures:
1. Administrative Recitals.
2. Schedule.
3. General Provisions, EPA Form ____.

Accepted _____ _____
(Date) (Contractor's Name)
By _____
(Name: Official Title)

(b) *Administrative recitals.*

ADMINISTRATIVE RECITALS
LETTER CONTRACT NUMBER _____
BETWEEN
ENVIRONMENTAL PROTECTION AGENCY
AND
(CONTRACTOR)

Installation (EPA Issuing Office)
Purchase Request No. _____
Appropriation
Type of Contract (Type anticipated, i.e., FP, CPFF, etc.)
Office to Make Payment
Contracting Officer
Negotiator
Project Officer

This instrument has been negotiated pursuant to 41 U.S.C. 252(c)().

(c) *Contract schedule.*

SCHEDULE

ARTICLE I—STATEMENT OF WORK

(Include a complete, detailed description of products and services to be furnished or cite an Exhibit and incorporate by reference.)

ARTICLE II—REPORTS AND DATA

(Specify technical, progress, and financial reports and data required or cite reporting and data requirements as Exhibits and incorporate by reference. Reporting requirements should include report contents, reporting periods, dates of submission, distribution, and approval requirements.)

ARTICLE III—PERIOD OF PERFORMANCE [2]

(Specify number of months or other time period required for total performance or list delivery date for each end item, as applicable. If appropriate, show performance period for each phase of work. See optional ARTICLE I below.)

ARTICLE IV—INSPECTION AND ACCEPTANCE

(Specify where and by whom inspection and acceptance will be performed, e.g.:

a. Final inspection of all items and services called for by this contract will be performed by _____[1] at _____[2].

b. Final acceptance of all items and services called for by this contract will be performed by _____[1] at _____[2].

ARTICLE V—F.O.B. POINT

(State F.O.B. point(s) for each item to be delivered and include any instructions concerning transportation modes and charges; see EPPR 15–19.3. Also, packing, packaging, marking, and shipping instructions may be added or referenced here or stated in a separate ARTICLE, as considered appropriate.)

ARTICLE VI—PAYMENT

(Include the following limitations and appropriate billing instructions.

a. Payments under this Letter Contract shall not exceed $_____.

b. The total price or cost and fee to be negotiated for the definitive contract shall not exceed (insert total dollars).

c. The maximum amount for which the Government will be liable if this Letter Contract is terminated is $_____.

d. Nothing shall be paid under this Letter Contract to the Contractor for profit or fee, except as provided in the Termination clause of this Letter Contract.

e. Specify billing instructions. Note Optional ARTICLE 2 below.

Note optional ARTICLE 7 for use in cost sharing situations.)

ARTICLE VII—TECHNICAL DIRECTION

(If applicable, incorporate an appropriate technical direction article. See optional ARTICLES 4, 5 and 6 below.)

ARTICLE VIII—CONTRACTOR PROJECT DIRECTOR

(This ARTICLE may be added when a "Project Director" is to be named in the contract.

Performance of work required by this Letter Contract shall be conducted under the

[1] Insert Project Officer, Contracting Officer, or _____(name), Representative of the Contracting Officer as applicable. If appropriate, add the following statement: "For the purpose of this ARTICLE, the Project Officer named in the Administrative Recitals of this contract is the authorized representative of the Contracting Officer."

[2] State place or places of inspection and acceptance.)

direction of Contractor's representative _____ (name) _____. The Government

ARTICLE XV—DEFINITIVE CONTRACT

a. It is contemplated that a _____ type

of direct labor established as the maximum in paragraph a. above.

Co-sponsorship under separate contractual

(7) Examination of Records by Comptroller

(a) Additional provisions.

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direction of Contractor's representative ---------- The Government (name) reserves the right to approve any successor.)

ARTICLE IX—SUBCONTRACT CONSENT

To facilitate the review by the Contracting Officer of a proposed subcontract, the Contractor shall submit the information required by Clause ------- entitled "Subcontracts, of the General Provisions, EPA Form ---------." The Contracting Officer shall review the request for consent to placement of the subcontract and advise the Contractor of his decision.

(Note: List known subcontractors, if applicable.)

ARTICLE X—PRICING OF PROPRIETARY AND OR STANDARD ITEMS

Any and all proprietary and/or standard items manufactured by the Contractor, used in connection with the work to be performed under this contract, shall be charged to the contract at prices equal to or less than net prices charged, after the most favorable discount, to any customer for similar quantities of similar items, which prices shall also be equal to or less than the most favorable prices at which the standard items could be obtained from other suppliers.

ARTICLE XI—PUBLICITY AND PUBLICATIONS

It is agreed that the Contractor shall acknowledge Environmental Protection Agency support whenever research projects funded in whole or in part by this contract are publicized in any news media. The Contractor shall include in any publication or on any sign or billboard resulting from the research performed under this contract an acknowledgement identifying the Environmental Protection Agency as the sponsoring agency and the asscociated contract number.

ARTICLE XII—TERMINATION

In addition to the consideration specified in Clause(s) ------- of the General Provisions, EPA Form ------, this Letter Contract shall be terminated by the Government and the termination settled in accordance with that TERMINATION Clause if:

a. The Contracting Officer determines that the parties are unable to agree upon a definitive contract, or

b. This Letter Contract is not superseded by a definitive contract within ninety (90) days after acceptance of this Letter Contract, unless an extension of time is granted by the Contracting Officer.

ARTICLE XIII—CLAUSES INCORPORATED

a. There is incorporated by reference in this Letter Contract all the clauses contained in EPA Form ------, General provisions for a *type* ------- contract, except for changes specified in ARTICLE XIV, entitled "ALTERATIONS."

b. (Identify and reference any other clauses or provisions appropriate to the contract and include such clauses with the SCHEDULE.)

ARTICLE XIV—ALTERATIONS

(Identify alterations, e.g.,

a. The following clauses of EPA Form ------, General Provisions ------, are hereby deleted.

b. Clause ------ of EPA Form ------, General Provisions ------, is hereby deleted and Clause ------ is inserted in lieu thereof and hereby made part of the General Provisions.

c. Add corrections or other changes to clauses.)

ARTICLE XV—DEFINITIVE CONTRACT

a. It is contemplated that a ------ type definitive contract will be negotiated on the basis of the Schedule and General Provisions of this Letter Contract and such additional clauses as are appropriate to the subject matter of this contract. However, the parties are not hereby committed to the negotiation of this type of contract.

b. The Contractor agrees to submit cost and pricing data promptly and to enter into negotiation of a definitive contract no later than ---------- (date)

c. It is understood and agreed that pending negotiation of the definitive contract contemplated by this Letter Contract, the Contractor's Proposal No. ---------, dated ----------, shall remain available for acceptance by the Government. To the extent that the ultimate definitive contract is for the same work covered by the aforesaid proposal, the Contractor agrees to negotiate a period of performance or delivery date and a price or cost and fee no less favorable than offered in the proposal.

ARTICLE XVI—DIRECTION TO PROCEED

Except as otherwise expressly provided to the contrary in this Letter Contract, the Contractor is directed, upon his acceptance of this Letter Contract, to proceed immediately to procure the necessary materials, and to pursue such work with all diligence to the end that the products or services called for under ARTICLE I of the Schedule will be delivered or performed in accordance with ARTICLE III of the Schedule and all other terms of this Letter Contract.

ARTICLE XVII—CONTENTS OF CONTRACT

This contract ---------- consists of the (number) following:

Transmittal Letter and Signature Page
Administrative Recitals
Schedule Pages 1 thru -----
General Provisions, EPA Form ---------

(d) *Optional articles.* The following optional articles may be used as appropriate, article numbers may be adjusted as required.

ARTICLE 1—LEVEL OF EFFORT

(The following article may be used in CPFF Term Form situations where the total manhours of effort are specified in the scope of work.)

a. The Contractor's contractual obligation is expressed in terms of total manhours to perform the effort set forth in ARTICLE I—SCOPE OF WORK. The Contractor shall provide approximately ------- manhours of direct labor in pursuit of the effort described in ARTICLE I—SCOPE OF WORK, which numbers of manhours shall hereinafter be referred to as the "Level of Effort" for this contract. Provided, however, the Contractor shall provide not less than ------ nor more than ------- manhours of direct labor in pursuit of the effort described in ARTICLE I—SCOPE OF WORK.

b. The parties hereto agree to negotiate an equitable adjustment in the estimated cost and fee of this contract in the event the "Level of Effort" actually expended by the Contractor is less than the number of manhours of direct labor established as the minimum effort in paragraph a. above.

c. It is recognized that the Contractor is not obligated to furnish, nor is the Government required to accept, any manhours of effort in excess of the number of manhours of direct labor established as the maximum in paragraph a. above.

ARTICLE 2—OPTIONAL PARAGRAPH E. TO PAYMENT ARTICLE VI

d. Contractor's invoices or vendor's shipping documents used as invoices shall be prepared in accordance with the attached form entitled, ----------, which is attached hereto and made a part of this Letter Contract. Vouchers shall be submitted for certification to the EPA Project Officer, who will forward them to ---------- for payment. Payment will be made as provided in Clause ------ of the General Provision, EPA Form ------, except as otherwise provided in this ARTICLE VI. The Contractor shall enter the following statement on the reverse of the voucher.

EPA Project Officer Certificate

I certify to the best of my knowledge and belief that the items for which reimbursement is claimed in this voucher are reasonable and were necessarily incurred in the performance of the related contract; that the Contractor performed the services for which reimbursement is claimed; that all requested reports have been received.

---------- ----------
Date Project Officer

ARTICLE 3—F.O.B. POINT

a. The F.O.B. point for all items, except reports furnished pursuant to the Article hereof entitled "REPORTS OF WORK", under this contract is ----------.

b. The F.O.B. point for reports furnished pursuant to the Article entitled "REPORTS OF WORK" is as set forth therein.

c. Shipments shall be made on commercial bills of lading. The Contractor shall place the following statement on each commercial bill of lading:

"Transportation hereunder is for the Environmental Protection Agency, and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are to be reimbursed by the Government, pursuant to cost-reimbursable contract No. ------. This may be confirmed by contacting such agency at (insert address of contracting activity).

ARTICLE 4—TECHNICAL DIRECTION

The EPA Project Officer or other authorized individual named in the Administrative Recitals of this contract is responsible for guiding the technical aspects of the project and for general surveillance of the work performed. The Project Officer or named individual is not authorized to make any commitments or any changes which constitute work not within the general scope of this contract, change the expressed terms and conditions incorporated into this contract, or constitute a basis for any increase in contract price or extension of the contract Period of Performance.

ARTICLE 5—TECHNICAL DIRECTION

(The following may be used in all Cost Reimbursement situations except cost sharing and co-sponsored Contracts and RFP's:

The attachment entitled "Technical Direction" is hereby made a part of this contract. At the time of award of this contract, the Contracting Officer will designate a Project Officer who will be responsible for the technical administration of this contract in accordance with the provisions of the attachment entitled "Technical Direction.")

ARTICLE 6—TECHNICAL DIRECTION

(The following article will be used in RFP's and Contracts which involve Cost Sharing or Co-sponsorship under separate contractual arrangements:

The attachment entitled "Technical Direction" is hereby made a part of this contract. At the time of award of this Government contract, the Contracting Officer will designate a Project Officer who will be responsible for issuing the technical directives for the Government contract in accordance with the provisions of the attachment entitled "Technical Direction.")

ARTICLE 7—PAYMENT

(The following is for use in RFP's and contracts where the Contractor is required to share some portion of costs incurred:

a. The estimated cost for the performance of this contract is $------. The Contractor agrees to bear without reimbursement by the Government ---- (%) percent of the cost for performance hereunder. Such cost sharing shall be effected as follows:

Public vouchers or invoices submitted in accordance with the provisions of this contract shall show the total cost incurred for the period for which the vouchers or invoice is submitted, the cumulative total of costs incurred through the billing period, and the percentage of costs to be reimbursed by the Government. However, the Government is not obligated to reimburse the Contractor in excess of ---- (%) percent of such amount. The Government shall not be obligated to reimburse the Contractor for the Government's share of the costs in excess of $---------, nor is the Contractor obligated by this contract to expend his own funds in excess of $---------.)

ARTICLE 8—DESIGNATION OF PATENT ADVISOR

The Patent Advisor, Office of General Counsel, Environmental Protection Agency, is hereby designated to represent the Contracting Officer in administering the Patents and Inventions clause of this contract. Correspondence with respect to this clause should be directed to the Patent Advisor with a copy to the Contracting Officer. The requirements of the Patents and Inventions clause regarding the identification and mailing address of the Contracting Officer in subcontracts containing the clause may be satisfied in such subcontracts by including this entire paragraph.

ARTICLE 9—DESIGNATION OF PROPERTY ADMINISTRATOR

---------- Contract Property Administrator, is hereby designated the property administrator for this contract. The Contractor agrees to furnish to the Contract Property Administrator information regarding Government property as specified in this contract and in the manner and to the extent required by the Contract Property Administrator of his duly degisnated successors.

ARTICLE 10—DEFINITIONS

(Define terms, as appropriate.)

§ 15–16.554 General provisions for cost-reimbursement type contracts with educational and other nonprofit institutions.

(a) Listing of general provisions.

(1) Definitions (FPR 1–7.102–1).
(2) Limitation of Cost (FPR 1–7.202–3(a)).
(3) Allowable Cost and Payment (FPR 1–7.402–3(b)).
(4) Standards of Work (FPR 1–7.302–3).
(5) Inspection (FPR 1–7.402–5(c)).
(6) Assignment of Claims (FPR 1–30.703).
(7) Examination of Records by Comptroller General (FPR 1–7.103–3).
(8) Subcontracts (FPR 1–7.402–8).
(9) Utilization of Small Business Concerns (FPR 1–1.710–3(a)).
(10) Termination for Convenience of the Government (FPR 1–8.704–1).
(11) Disputes (FPR 1–7.102–12).
(12) Buy American Act Supply and Service Contracts (FPR 1–6.104–5).
(13) Convict Labor (FPR 1–12.204).
(14) Walsh-Healey Public Contracts Act (FPR 1–12.605).
(15) Contract Work Hours and Safety Standards' Act—Overtime Compensation (FPR 1–12.303).
(16) Equal Opportunity (FPR 1–12.803–2).
(17) Officials Not to Benefit (FPR 1–7.102 17).
(18) Covenant Against Contingent Fees (FPR 1–1.503).
(19) Notice and Assistance Regarding Patent and Copyright Infringements (FPR 1–7.103–4).
(20) Patent Rights—Acquisition by the Government (FPR 1–9.107–5(a)).
(21) Insurance (Subpart 15–7.4).
(22) Utilization of Labor Surplus Area Concerns (FPR 1–1.805–3(a)).
(23) Payment for Overtime Premiums (FPR 1–7.202–29).
(24) Competition in Subcontracting (FPR 1–7.202–30).
(25) Audit (FPR 1–3.814–2(a)).
(26) Price Reduction for Defective Cost or Pricing Data (FPR 1–3.814–1(a)).
(27) Subcontractor Cost or Pricing Data (FPR 1–3.814–3).
(28) Utilization of Minority Business Enterprises (FPR 1–1.1310–2(a)).
(29) Disabled Veterans and Veterans of the Vietnam Era.
(30) Payment of Interest on Contractors' Claims (FPR 1–1.322).
(31) Employment of the Handicapped.
(32) Clean Air and Water (FPR 1–1.2302–2).
(33) Negotiated Overhead Rates (FPR 1–3.704–1; FPR 1–3.704–2; Subpart 15–7.4 in respect to "carry forward" adjustment).
(34) Interest (FPR 1–7.203–15).
(35) Cost Accounting Standards (FPR 1–3.1204–1 and FPR 1–3.1204–2).
(36) Changes (FPR 1–7.404–5).
(37) Printing (Subpart 15–7.4).
(38) Gratuities (Subpart 15–7.4).
(39) Data Requirements (Subpart 15–7.4).
(40) Rights in Data (Subpart 15–7.4).
(41) Background Patent Rights (Subpart 15–7.4).
(42) Authorization and Consent (Subpart 15–7.4).

(b) Additional clauses prescribed by the FPR shall be added when applicable.

(a) Additional provisions.

(19) Disabled Veterans and Veterans of the Vietnam Era (prescribed by FPR 1–16.701(b)).
(20) Employment of the Handicapped (prescribed by FPR 1–16.701(b)).
(21) Clean Air and Water (prescribed by FPR 1–16.701(b)).
(22) Audit (FPR 1–3.814–2(a)).
(23) Price Reduction for Defective Cost or Pricing Data (FPR 1–3.814–1(a)).
(24) Subcontractor Cost of Pricing Data (FPR 1–3.814–3).
(25) Method of Payment (Subpart 15–7.50).
(26) Interest (FPR 1–7.203–15).
(27) Composition of Contractor (Subpart 15–7.50).
(28) Gratuities (Subpart 15–7.50).

Subpart 15–16.8—Miscellaneous Forms

§ 15–16.800 Scope of subpart.

This subpart prescribes miscellaneous forms other than procurement contract forms, for use related to the procurement of supplies and services.

§ 15–16.850 Miscellaneous Forms.

The following contract forms shall be used as set forth below.

(a) Form 1900–2, Profit/Fee Objective, shall be prepared by the contract negotiator to complete his prenegotiation profit/fee position on all negotiated contracts.

(b) Form 1900–3, Assignee's Release, is required to be submitted by assignee for cost-reimbursement contracts prior to final payment under the contract.

(c) Form 1900–4, Assignee's Assignment of Refunds, Rebates, Credits and Other Amounts, must accompany the assignee's release prior to final payment under cost-reimbursement contracts.

(d) Form 1900–5, Contractor's Assignment of Refunds, Rebates, and Credits, must be prepared by contractor prior to final payment under cost-reimbursement contracts and must accompany the contractor's release.

(e) Form 1900–6, Contractor's Release, must be submitted by the contractor under cost-reimbursement contracts prior to final payment thereunder.

(f) Form 1900–7, Request for Cost Analysis, shall be prepared by the contract negotiator to request cost advisory services on contract proposals.

(g) Form 1900–8, Procurement Request/Requisition and Form 1900–8A, Continuation Sheet, shall be used for originating all procurements of personal property and nonpersonal services at Headquarters, Regional Offices, and field stations. Detailed instructions are contained in Chapter 1 of the Contracts Management Manual.

(h) Reserved.

(i) Form 1900–10, Contractor's Cumulative Claim and Reconciliation, shall be used for an accounting of the cumulative charges and costs for cost-reimbursement contracts from the inception of the contract to completion. It shall be submitted by the contractor at the time he submits his completion voucher.

(j) Reserved.

(k) Form 1900–12, Technical Evaluation of Bids/Proposals shall be used by the evaluator to provide the technical

Subpart 15–16.6—Forms of Leases for Real Property [Reserved]

Subpart 15–16.7—Forms for Negotiated Architect-Engineer Contracts

§ 15–16.700 Scope of subpart.

This subpart prescribes the form and lists those clauses added to the standard form prescribed by FPR Subpart 1–16.7 for negotiating architect-engineer contracts.

§ 15–16.701–50 Contract forms.

The additional provisions listed in § 15–16.703–50 are reproduced on EPA Form 1900–30.

§ 15–16.703–50 Additional general provisions to Standard Form 253 (April 1975).

evaluation in support of final selection and award of advertised procurements.

(l) Form 1900–13, Worksheet for Small Purchases, shall be used to record and

(w) Form 3340–3, Contractor's or Grantee's Invention Disclosure, shall be used by contractors to report inventions

PART 15–60—GOVERNMENT PROPERTY

1. The table of contents for Part 15–

Title 47—Telecommunication

ACTION: Report and order.

tional use were set forth in the notice and adequately show the need for the

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evaluation in support of final selection and award of advertised procurements.

(l) Form 1900–13, Worksheet for Small Purchases, shall be used to record and tabulate written and oral quotations in accordance with FPR 1–3.603–2. The form, in original only, shall be prepared by hand and retained in the official procurement file. The "Award Information and Remarks" portion shall be used to record such information as:

(1) Rejection of low offers and technical evaluation;

(2) Justification for noncompetitive procurement; and

(3) Basis for determination of price reasonableness, if other than those listed.

(m) Form 1900–14, Abstract of Bids and Form 1900–14A, Continuation Sheet, shall be used to record the bid information required by FPR 1–2.403. The contracting officer or his authorized representative shall be responsible for abstracting and tabulating all bids. The abstract shall be prepared in duplicate. The original shall be made part of the official procurement file and a legible copy shall be kept in a convenient place for public examination. The following types of information relating to contract award shall be inserted in the "Remarks" block or by attached memorandum:

(1) Responsiveness of lowest acceptable bid;

(2) Responsibility of lowest acceptable bidder and basis for determination;

(3) Citation of applicable paragraph of FPR 1–2.404–2 for rejected bids and technical evaluation.

(4) Correction or waiver of minor information under FPR 1–2.405 and apparent clerical error under FPR 1–2.406–2; and

(5) Late bid determinations. The form may also be used to tabulate proposals received under negotiated procurement.

(n) Reserved.

(o) Reserved.

(p) Form 1900–17, see § 15–16.501.

(q) Form 1900–18, Labor Law Compliance Review, shall be used for construction contracts of $2,000 and over, and be completed by the contracting officer or his authorized representative to assure compliance with 29 CFR 5.6.

(r) Form 1900–19, Contract Memorandum of Transmittal and Check List, shall be used to transmit contractual documents to higher management levels for preaward reviews and approvals. The form is mandatory for submissions to the Director, Contracts Management Division.

(s) Form 1900–20, Contract Check List, shall be prepared by the negotiator for all contracts that are complete and ready for closeout.

(t) Form 1900–21, Contract Records Retirement Notice, shall be completed by the Negotiator, and accompany the contract file for storage and disposal of completed contracts.

(u) Form 1900–22, see § 15–16.501.

(v) Form 1900–23, Statement and Acknowledgment by Contractor, shall be used by construction prime contractors to notify the Government of subcontracts awarded under the contract.

(w) Form 3340–3, Contractor's or Grantee's Invention Disclosure, shall be used by contractors to report inventions made under a contract containing a patents clause. The form should be completed by the contractor within a reasonable time of making the invention.

(x) Form 3340–4, Summary Report of Inventions and Subagreements or Contracts, shall be used by contractors for all contracts containing the patents and inventions clause. The contractor shall submit the report annually and again before final payment under the contract.

(y) Form 1730–1, Report of Nonexpendable Government Property Acquired by Contractor, shall be completed by the contractor and submitted either with the contract voucher, or directly to the property administrator, to report nonexpendable Government property acquired by the contractor.

(z) Form 1900–24, see § 15–16.501.

(aa) Reserved.

(bb) Form 1900–26, Contracting Officer's Evaluation of Contractor Performance, shall be used by the contracting officer to record his evaluation of contractor performance.

(cc) Form 1900–27, Project Officer's Evaluation of Contractor Performance, shall be used by the project officer to record his evaluation of contractor performance.

(dd) Form 1900–28, see § 15–16.501.

(ee) Form 1900–30, see § 15–60.701–50.

(ff) Form 1900–31, Purchase Order Record.

(gg) Form 1900–32, see § 15–16.401.

(hh) Form 1900–33, see § 15–16.101.

(ii) Form 1900–34, Guide for the Preparation of Contractor's Claims for Reimbursement of Costs and Fees Under Cost-Reimbursement Type contracts shall be inserted in all Cost-Reimbursement Type contracts awarded to contractors unfamiliar with the Guide.

(jj) Form 1900–35, Request for Equal Opportunity Clearance of Contract Award is completed by appropriate contracting personnel for all anticipated awards (other than construction) over $1,000,000, to assure that the prospective contractor appears to conform with the equal opportunity clause.

(kk) Form 1900–36, Project Officer Certification is used to provide a means for project officers to advise paying contracting activities whether or not the contractors actually worked on contracts during the periods covered by a submitted voucher.

(ll) Form 1900–37, Record of Procurement Request Review shall be used by the Contracting Officer and Small Business Specialist in reviewing requirements of procurement actions over $2,500 for potential small business participation or small business set-aside.

(mm) Form 1900–38, Procurement Information Notice shall be used as the primary device of the Contracts Management Division to rapidly communicate with field procurement personnel.

(nn) Form 1900–39, Bidder's Mailing Labels, self explanatory.

PART 15–60—GOVERNMENT PROPERTY

1. The table of contents for Part 15–60—Government Property, is revised by deletion of Subpart 15–60.7—Contract Clauses, in its entirety.

§ 15–60.000 [Amended]

2. Section 15–60.000 Scope of Part is amended by deleting the last five words of the first sentence.

3. Section 15–60.102–1 is amended as follows:

§ 15–60.102–1 Prime contractors.

Except for the conditions specified in paragraph (g) of the Government Property clauses set out in FPR 1–7.203–21 (a), 1–7.303–7(a), 1–7.303–7(d), and 1–7.402–25(b), it is EPA policy not to hold a contractor responsible for loss of or damage to Government Property when such property is provided under:

* * * * *

4. Section 15–60.102–2 is amended as follows:

§ 15–60.102–2 Subcontractors.

* * * * * *

(b) * * *

(1) Include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in paragraph (g) of the clause in FPR 1–7.203–2(a) or 1–7.402–25(b); and

(2) Include in any fixed-price subcontract meeting the criteria set forth in § 15–60.102–1(a) a provision similar to that contained in FPR 1–7.303–7(b).

* * * * *

§ 15–60.202 [Amended]

5. Section 15–60.202—Procedure, is revised by deleting the words "Subpart 15–60.7" in paragraph (c) and substituting "FPR part 1–7".

§ 15–60.301–6 [Amended]

6. Section 15–60.301–6—Contract schedule articles, is revised by deleting the words "Subpart 15–60.7" in paragraph (a) and substituting "FPR Part 1–7", and deleting the words "Subpart 7 of this Part 15–60" in paragraph (b)(3) and substituting "FPR Part 1–7".

§ 15–60.402 [Amended]

7. Section 15–60.402—Use without change, is revised by deleting the citation "§ 15–60.301–6(5)" in paragraph (b)(2) and substituting "§ 15–60.301(b)(5)".

§ 15–60.604 [Amended]

8. Section 15–60.604—Risk of loss or damage liability is revised by deleting the words "Subpart 15–60.7", and substituting "FPR Part 1–7".

9. Subpart 15–60.7—Contract Clauses, is deleted in its entirety.

Subpart 15–60.7—Contract Clauses [Removed]

[FR Doc.77–18785 Filed 6–30–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Firm Authorized to Transcribe Proceeding; Address Change

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends its rules to reflect changes in the name and address of the firm authorized to transcribe Commission proceedings.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel. (202–632–6444).

SUPPLEMENTARY INFORMATION:

Adopted: June 27, 1977.

Released: June 29, 1977.

Order. In the Matter of Editorial amendment of § 0.465(b), rules and regulations.

1. Effective July 1, 1977, the name, address and phone number of the firm authorized to transcribe Commission proceedings is International Transcription Services, Inc., 4931 Bethesda Avenue, Bethesda, Md. 20014 (301–656–1030). To inform the public of the change, we are amending § 0.465(b) of the rules and regulations to reflect it.

2. Authority for this amendment is contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d) and 303(r), and in § 0.231(d) of the Commission's rules, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

3. *Accordingly, it is ordered,* Effective July 1, 1977, That § 0.465(b) is amended as set out below.

RICHARD D. LICHTWARDT,
Executive Director.

In § 0.465(b) of Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, the name and address of the current contractor are revised to read as follows:

International Transcription Services, Inc., 4931 Bethesda Avenue, Bethesda, Md. 20014 (301–656–1030).

[FR Doc.77–18907 Filed 6–30–77;8:45 am]

[Docket No. 20625; RM–2450]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Visalia, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action reserves the assignment of TV Channel 43 for noncommercial educational use at Visalia, California. The channel was previously used by a commercial station whose authority to operate has terminated.

EFFECTIVE DATE: August 8, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau. (202–632–7792).

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Visalia, California), report and order (Proceeding Terminated) (42 FR 1291).

Adopted: June 22, 1977.

Released: June 28, 1977.

By the Chief, Broadcast Bureau:

1. The Commission has before it the notice of proposed rulemaking, 40 FR 53596, adopted November 7, 1975, in response to a petition filed by the Tulare County Board of Education, proposing to assign and reserve Channel 59 at Visalia, California, as a first noncommercial educational TV channel. Alternatively, Channel 43 presently assigned at Visalia could be reserved for noncommercial educational use if it were possible to resolve a pending petition for reconsideration regarding the status of Channel 43 at Visalia. Comments have been received from petitioner.

2. The notice indicated that Channel 43 which had been previously licensed to Norwood J. Patterson (formerly Sierra Broadcasting, Inc.) for Station KICU–TV, has been off the air since 1968. Its authority to remain silent expired on December 19, 1970, and the station's call letters were deleted on April 1, 1975. Recently a petition for reconsideration of that action was denied by the Commission on May 4, 1977, FCC 77–311. Although this petition for reconsideration was pending at the time the notice was issued, it has now been resolved and no appeal of that action has been taken.

3. Petitioner has responded that it prefers the assignment of Channel 43 to Visalia since it has acquired broadcasting equipment tuned to that channel and has already prepared engineering studies for a site on Channel 43. It further states that, if Channel 59 were assigned, it would have to bear the expense of revising its engineering studies in order to apply for that channel.

4. We agree with petitioner that, in view of the Commission's action upholding the decision to terminate the broadcast authority of Station KICU–TV, it would be appropriate to make use of Channel 43 in accordance with the interest in it that has been expressed. Supporting data for the reservation of Channel 43 for noncommercial educational use were set forth in the notice and adequately show the need for the proposed utilization. In addition, we do not believe it is necessary at this time to replace Visalia's commercial TV assignment since no interest in operating a commercial station there has been expressed.

§ 73.606 [Amended]

5. Accordingly, *It is ordered,* That effective August 8, 1977, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended, with respect to the city listed below to read as follows:

City	*Channel No.*
Visalia, Calif.	*43

6. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 02.81(b)(3) of the Commission's Rules.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–18838 Filed 6–30–77;8:45 am]

[Docket No. 20123; RM–2622]

PART 87—AVIATION SERVICES

Utilization and Assignment of the Aeronautical Advisory and Aeronautical Multicom Frequencies; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This document corrects the final rule that appeared at page 20469 in the FEDERAL REGISTER of April 20, 1977 (42 FR 20469).

EFFECTIVE DATE: May 20, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, (202–632–7197).

SUPPLEMENTARY INFORMATION:

Released: June 28, 1977.

In the matter of utilization and assignment of aeronautical advisory frequencies; amendment of Part 87 of the FCC rules and regulations regarding utilization and assignment of the aeronautical advisory and aeronautical multicom frequencies, Docket No. 20123, RM–2622.

1. In the Appendix to the Report and Order in the above-captioned matter (FCC 77–253) released April 15, 1977, at 42 FR 20469, the frequency 122.950 MHz

was inadvertently omitted and the last subparagraph inadvertently added in

and those types of transmitters meeting a tolerance of 0.003 percent first type accepted

proposed rules

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was inadvertently omitted and the last subparagraph inadvertently added in Section 87.201(c) and should be corrected to read as follows:

Instruction No. 4:

§ 87.201 Frequencies available.

* * * * *

(c) These frequencies are available to private aircraft stations for communications with aeronautical advisory stations in accordance with Subpart C of this part.

122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz.

* * * * *

2. Additionally, the amendments to footnotes 1 and 2 of § 87.65(a) were inadvertently omitted from the Appendix and should be added to read as follows:

10. Section 87.65(a) is amended as follows:

§ 87.65 Frequency stability.

(a) * * *

* * * * *

[1] The tolerance shown is applicable to all types of transmitters first type accepted after January 1, 1974. Those types of transmitters meeting a tolerance of 0.005 percent which were type accepted before January 1, 1966, and those types of transmitters meeting a tolerance of 0.003 percent first type accepted during the period January 1, 1966, to January 1, 1974, may continue to operate, *Provided, however;* That stations using offset carrier techniques must comply with 0.002 tolerance.

[2] The tolerance shown in the Table is applicable to all types of transmitters first type accepted after January 1, 1974. Transmitters with 0.005 percent tolerance type accepted before January 1, 1974, may continue to be used until further notice.

3. Further, as an additional administrative change, § 87.607(d) of the rules should be corrected to reflect the new frequency assignments in the aeronautical advisory service and included in the Appendix of the subject Report and Order, to read as follows:

§ 87.607 Emergency operation.

* * * * *

(d) The frequencies 122.7, 122.8 and 123.0 MHz may be used, in addition to their normal purposes, * * *

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc 77-18906 Filed 6-30-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

[7 CFR Part 68]

RICE

Proposed Revision of United States Standards

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department proposes the following revisions in the U.S. Standards for Rice which would (1) Provide rice inspection applicants with an optional grade designation for rice certification, (2) delete total broken kernels as a grade-determining factor in brown rice for processing, (3) change the limits of "other types" of rice in U.S. No. 5 and U.S. No. 6 milled rice so that it applies only to whole rice kernels, and (4) make editorial revisions which are intended to improve the clarity and consistency of the standards. The proposed revisions are intended to further facilitate the marketing of rice.

DATES: Comments by August 1, 1977. Proposed effective date will be August 28, 1977.

ADDRESSES: Send comments, in duplicate, to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

N. Gail Jackson, Acting Director, Standardization Division, Federal Grain Inspection Service, Room 0624-S, 1400 Independence Avenue, S.W., Washington, D.C. 20250. (202-447-9329).

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for their voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624) notice is hereby given according to the administrative procedure provisions of 5 U.S.C., section 553, that the U.S. Department of Agriculture, after comprehensive review and comments and recommendations from the various segments of the rice industry, has under consideration proposed revisions of the U.S. Standards for Rice.

Optional Certification Procedure

Rice sales contracts generally specify the minimum quality of rice to be delivered. At times, sellers find when preparing to load rice for shipment that the supply of a particular grade of rice may be insufficient to meet the quality and quantity requirements specified in the sales contract. When this happens, the shipper may find it necessary to ship rice of a better quality.

Certain segments of the rice industry have stated that current inspection procedures do not give them the necessary flexibility to substitute rice of better quality for that specified under the sales contract. They have also stated that delivery of rice of a better quality than that specified in the sales contract is not objectionable to most buyers, and most rice sales contracts already contain the words "or better" following the agreed-upon rice grade.

The Department, in response to these concerns, is proposing to provide for an optional grade designation in the United States Standards for Rice.

The new optional certification procedure is applicable to all grade designations of rice. The applicant for inspection can obtain the optional certification procedure by requesting it on the application for inspection. The request for the optional certification must be filed prior to the beginning of inspection so the inspector knows how the lot will be certified and can immediately notify the applicant of any certification problem. If no request for either is submitted prior to the beginning of inspection, the current method of certification (option 1) shall be applicable.

Option 1 (Current method). Under the current method, rice offered for inspection is certificated as a specific quality (U.S. grade) e.g., "U.S. No. 2 Long-Grain Milled Rice," "U.S. No. 3 Long-Grain Brown Rice for Processing," etc.

For example: If the sales contract grade specification is for "U.S. No. 3 Long-Grain Milled Rice" and during the inspection of that rice lot the rice inspector finds a portion (sublot, carlot, etc.) of the lot that grades "U.S. No. 2 Long-Grain Milled Rice, the rice would be certificated as follows:

a. The U.S. No. 2 portion would be considered "distinctly different" and would be certificated separately from the remainder of the lot; i.e., "U.S. No. 2 Long-Grain Milled Rice."

b. The remainder of the lot would be certificated "U.S. No. 3 Long-Grain Milled Rice."

Option 2 (New method). Under the proposed method, the rice offered for inspection would be certificated as being a particular quality (U.S. grade) "or better"; e.g., "U.S. No. 3 or better Long-Grain Milled Rice". By requesting this option, the rice shipper would be allowed an unlimited opportunity for delivering a better quality rice. The applicant for inspection, rather than risk separate certification under Option 1, can request inspection and Option 2 certification. For example, if the applicant for inspection requested Option 2 on a lot with a contract grade of U.S. No. 3 Long-Grain Milled Rice and 50 percent of the lot graded U.S. No. 2 and 50 percent graded U.S. No. 3, the lot would be certificated as follows:

a. "U.S. No. 3 or better Long-Grain Milled Rice" would be shown as the grade designation on the inspection certificate.

b. No qualifying statement about the lot's uniformity would be necessary, provided that the lot meets the minimum uniform loading requirements for a "U.S. No. 3" load order grade.

Brown Rice Revision

Most brown rice for processing contracts specify a certain milling yield[1] which must be met. The milling yield is important to the miller, because it can be used to predict how the brown rice for processing will perform in the milling process. The milling yield contains the percentages of whole kernels and the percentage of total milled rice. From the differences of the two figures, the miller can calculate the percentage of broken kernels. Therefore, to perform a test and report the percentage of total broken kernels on a brown rice for processing basis is redundant and unnecessary when the milling yield is reported and contains the percentage of broken kernels which can be expected after milling. However, in the event that the percentage of total broken kernels is needed on the basis of the brown rice for

[1] Milling yield is defined as an estimate of the quantity of whole kernels and total milled rice (whole or broken kernels combined) that are produced in the milling of brown rice for processing to a well milled degree. SOURCE: Rice Inspection Handbook, HB 918-11, effective October 1976, U.S. Department of Agriculture, Federal Grain Inspection Service, Inspection Division, Rice and Commodity Branch, Washington, D.C. 20250.

processing, the Department proposes to show the percentage on the inspection

CHANGES APPLICABLE TO THE ROUGH RICE, BROWN RICE FOR PROCESSING, AND

3. In § 68.301 (j) *"Other types,"* Part 2, change the wording; in § 68.309 (Milled

Sec.

(4) "Mixed rough rice" shall consist of

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processing, the Department proposes to show the percentage on the inspection certificate when requested by the applicant for inspection. The current limits for broken kernels removed by a 6 plate (southern production) or a 6½ sieve (western production) would remain in effect. The amount of such material in brown rice for processing provides the miller with needed information about the amount of small broken kernels in the sample.

"OTHER TYPES" CHANGE

In performing an inspection of rice, the inspector examines milled rice samples for the presence of "other types" of rice. "Other types" may be in the form of whole kernels and/or broken kernels. When whole kernels of a type differing from the balance of a sample are found, they function against the "other types" limit. In the case of broken kernels of "other types," a special provision is in effect which specifies that only long-grain broken kernels shall function as "other types" when found in medium- or short-grain milled rice. It further states that only medium- or short-grain broken kernels shall function as "other types" when found in long-grain milled rice. This provision has functioned in a satisfactory manner for some time, because broken kernels of different types (medium- and short-grain broken rice) but of similar size and appearance perform alike in end use. The Department now believes that broken kernels of long-grain should, because of their similar size, appearance, and end-use performance to medium- or short-grain broken kernels, be included in the special provision for milled rice grades of U.S. No. 5 or 6.

Therefore, the Department is proposing that only whole kernels of "other types" be applicable to the milled rice grades of U.S. No. 5 or 6. The current limits of 35 percent and 50 percent for the factor "Broken kernels (total)" will remain in effect for milled rice grades of U.S. No. 5 or 6, respectively. However, most contracts for grades U.S. No. 5 or 6 contain a maximum limit of 20 percent "Broken kernels (total)." Under the proposal, the "Broken kernels (total)" could be of any type up to the limit allowed by the grades of U.S. No. 5 or 6, or the contract requirements.

The Department believes that the change is desirable because: (1) A mixture of broken kernels of "other types," but of similar size and appearance, would not adversely affect the quality of U.S. No. 5 and 6 milled rice; (2) the combining of broken kernels of "other types" will permit more efficient utilization of storage space by millers; and (3) the change, in many instances, should reduce inspection costs by reducing the time required to perform the inspection.

Based on the information stated above, the Department is proposing that the determination of "other types" in grades U.S. No. 5 and 6 milled rice be limited to whole rice kernels.

CHANGES APPLICABLE TO THE ROUGH RICE, BROWN RICE FOR PROCESSING, AND MILLED RICE STANDARDS

1. In § 68.202(h), Part (1); § 68.252(i), Part (1); and § 68.301(j), Part (1); change the wording to remove redundancy and provide clarity while retaining the same intended meaning.

2. In § 68.211(a), § 68.211(b), § 68.262(a), § 68.262(b), § 68.313(a), and § 68.313(b), renumber and add a new number (3) to allow the applicant for inspection to request use, in advance of inspection, of the Option 2 grade designation when he wants to fulfill a rice sales contract with "better" quality rice than that specified in the contract.

3. In § 68.212(a), § 68.262(a), and § 68.314(c), add words to help clarify and prevent confusion in the inspection application of the special grade "Parboiled rice."

4. Provide editorial and format changes to add clarity and consistency to help prevent misinterpretations of the standards.

CHANGES APPLICABLE TO THE ROUGH RICE STANDARDS

In § 68.202(h), Part 2 under "Note" and § 68.211(b)(6) add wording; and in § 68.211(b) insert a new (8).

When inspecting and certificating mixed rough rice, only whole and large broken kernels are analyzed. It is difficult and unnecessary to distinguish rice types in small and medium-sized broken kernels.

CHANGES APPLICABLE TO THE BROWN RICE FOR PROCESSING STANDARDS

In § 68.261, remove the grading factor "total broken kernals" from the grading chart. Since total broken kernels are included in the expression of "milling yield," the Department feels it is not necessary to make an additional total broken kernel determination, unless such a determination is specifically requested by the applicant for inspection.

CHANGES APPLICABLE TO THE MILLED RICE STANDARDS

1. Under "Terms Defined" rearrange § 68.301 "Definition" into two sections—§ 68.301 "Definition of Milled Rice" and § 68.302 "Definition of Other Terms." Renumber the sections, add a new § 68.304 concerning —temporary modifications in equipment and procedures, and reword § 68.307 "Percentages." The above changes are editorial in nature and are intended to make the format of the milled rice standards consistent with those of rough rice and brown rice for processing.

2. In § 68.309 (Milled rice grading chart), § 68.310 (Second head milled rice grading chart), § 68.311 (Screenings milled rice grading chart), and § 68.312 (Brewers milled rice grading chart), change the column designated "Color and Milling Requirements" into two separate columns—one for "Color" and the other for "Milling Requirements." This change is editorial in nature and is intended to emphasize that color and milling requirements are two separate factors.

3. In § 68.301 (j) *"Other types,"* Part 2, change the wording; in § 68.309 (Milled rice grading chart) delete the present "other types" column and replace it with a two-column approach; and in § 68.301 (1), (2), (3), and (4) change the wording to limit the determination of "other types" in U.S. No. 5 and U.S. No. 6 milled rice to whole rice kernels only.

The revised U.S. Standards for RICE are as follows:

UNITED STATES STANDARDS FOR ROUGH RICE

TERMS DEFINED

Sec.
68.201 Definition of rough rice.
68.202 Definition of other terms.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

68.203 Basis of determination.
68.204 Temporary modifications in equipment and procedures.
68.205 Interpretive line samples.
68.206 Milling requirements.
68.207 Milling yield determination.
68.208 Moisture.
68.209 Percentages.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

68.210 Grades and grade requirements for the classes of rough rice. (See also § 68.212.)
68.211 Grade designation.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

68.212 Special grades and requirements.
68.213 Special grade designation.

U.S. STANDARDS FOR BROWN RICE FOR PROCESSING

68.251 Definition of brown rice for processing.
68.252 Definition of other terms.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

68.253 Basis of determination.
68.254 Temporary modifications in equipment and procedures.
68.255 Broken kernels determination.
68.256 Interpretive line samples.
68.257 Milling requirements.
68.258 Milling yield determination.
68.259 Moisture.
68.260 Percentages.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

68.261 Grade and grade requirements for the classes of brown rice for processing. (See also § 68.263.)
68.262 Grade designation.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

68.263 Special grades and special grade requirements.
68.264 Special grade designation.

U.S. STANDARDS FOR MILLED RICE

TERMS DEFINED

68.301 Definition of milled rice.
68.302 Definition of other terms.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

Sec.
68.303 Basis of determination.
68.304 Temporary modifications in equipment and procedures.
68.305 Broken kernels determination.
68.307 Milling requirements.

Sec.
68.308 Moisture.
68.309 Percentages.
68.310 Grades and grade requirements for the classes Long-Grain Milled Rice, Medium Grain Milled Rice, Short-Grain Milled Rice, and Mixed Milled Rice. (See also § 68.315.)
68.311 Grades and grade requirements for the Class Second Head Milled Rice. (See also § 68.315.)
68.312 Grades and grade requirements for the class Screenings Milled Rice. (See also § 68.315.)
68.313 Grades and grade requirements for the Class Brewers Milled Rice. (See also § 68.315.)
68.314 Grade designations.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

68.315 Special grades and special grade requirements.
68.316 Special grade designation.

AUTHORITY: Secs. 203, 205, Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624).

UNITED STATES STANDARDS FOR ROUGH RICE[1]

TERMS DEFINED

§ 68.201 Definition of rough rice.

Rice (*Oryza sativa L.*) which consists of 50.0 percent or more of paddy kernels (see § 68.202(i)) of rice.

§ 68.202 Definition of other terms.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Chalky kernels.* Whole or large broken kernels or rice which are one-half or more chalky.

(c) *Classes.* The following four classes:

Long-Grain Rough Rice
Medium-Grain Rough Rice
Short-Grain Rough Rice
Mixed Rough Rice

Classes shall be based on the percentage of whole kernels, large broken kernels, and types of rice.

(1) "Long-grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole or large broken kernels of medium- or short-grain rice.

(2) "Medium-grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which after milling to a well-milled degree, contains not more than 10.0 percent of whole or large broken kernels of long-grain rice or whole kernels of short-grain rice.

(3) "Short-grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole or large broken kernels of long-grain rice or whole kernels of medium-grain rice.

(4) "Mixed rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains more than 10.0 percent of "other types" as defined in paragraph (h) of this section.

(d) *Damaged kernels.* Whole or large broken kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means, and whole or large broken kernels of parboiled rice in nonparboiled rice. "Heat-damaged kernels" (see paragraph (e) of this section) shall not function as damaged kernels.

(e) *Heat-damaged kernels.* Whole or large broken kernels of rice which are materially discolored and damaged as a result of heating, and whole or large broken kernels of parboiled rice in nonparboiled rice which are as dark as, or darker in color than, the interpretive line for heat-damaged kernels.

(f) *Milling yield.* An estimate of the quantity of whole kernels and total milled rice (whole and broken kernels combined) that are produced in the milling of rough rice to a well-milled degree.

(g) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(h) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice, (ii) medium-grain rice in long- or short-grain rice, (iii) short-grain rice in long- or medium-grain rice, and (2) Large broken kernels of long-grain rice in medium- or short-grain rice and large broken kernels of medium- or short-grain rice in long-grain rice.

NOTE.—Large broken kernels of medium-grain rice in short-grain rice and large broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(i) *Paddy kernels.* Whole or broken unhulled kernels of rice.

(j) *Red rice.* Whole or large broken kernels of rice on which there is an appreciable amount of red bran.

(k) *Seeds.* Whole or broken seeds of any plant other than rice.

(l) *Smutty kernels.* Whole or broken kernels of rice which are distinctly infected by smut.

(m) *Types of rice.* The following three types:

Long grain
Medium grain
Short grain

Types shall be based on the length-width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels of rice that are broken as set forth in Inspection Handbook HB 918–11.[2]

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Inspection Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

(a) Equipment Handbook, effective September 25, 1968, as amended, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Inspection Handbook HB 918–11, effective October 1976, U.S. Department of Agriculture, Federal Grain Inspection Service.

(n) *Ungelatinized kernels.* Whole or large broken kernels of parboiled rice with distinct white or chalky areas due to

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

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(n) *Ungelatinized kernels.* Whole or large broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(o) *Whole and large broken kernels.* Rice (including seeds) that (1) passes over a 6 plate (for southern production), or (2) remains on top of a 6 sieve (for western production).

(p) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(q) *6 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0938 (3/32) inch in diameter.

(r) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (3/32) inch in diameter, and a bottom lamina 0.091-inch thick, without perforations.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.203 Basis of determination.

The determination of seeds, objectionable seeds, heat-damaged kernels, red rice and damaged kernels, chalky kernels, other types, color, and the special grade Parboiled rough rice shall be on the basis of the whole and large broken kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. When determining class, the percentage of (a) whole kernels of rough rice shall be determined on the basis of the original sample, and (b) types of rice shall be determined on the basis of the whole and large broken kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. Smutty kernels shall be determined on the basis of the rough rice after it has been cleaned and shelled as set forth in Inspection Handbook HB 918–11,[2] or by any method that is approved by the Administrator as giving equivalent results.[2] All other determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking as set forth in Inspection Handbook HB 918–11,[2] or by any method that is approved by the Administrator as giving equivalent results.

§ 68.204 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the rough rice standards are applicable to rice produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of rice may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Inspection Division Field Offices, official inspection agencies, and interested parties in the rice industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.205 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual examinations shall be maintained by the Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.206 Milling requirements.

In determining milling yield (see § 68.202(f)) in rough rice, the degree of milling shall be equal to, or better than, that of the interpretive line sample for "well-milled" rice.

§ 68.207 Milling yield determination.

Milling yield shall be determined by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB 918–11, and the Equipment Handbook.[2] For the purpose of this paragraph, "approved device" shall include the McGill Miller No. 3 and any other equipment that is approved by the Administrator as giving equivalent results.[2]

NOTE.—Milling yield shall not be determined when the moisture content of the rough rice exceeds 18.0 percent.

§ 68.208 Moisture.

Water content in rough rice as determined by an approved device in accordance with procedures prescribed in the Inspection Handbook HB 918–11,[2] for the purpose of this paragraph, "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[2]

§ 68.209 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. Milling yield shall be stated to the nearest whole percent.

[2] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§68.210 Grades and grade requirements for the classes of rough rice. (See also §68.212.)

Grade	Maximum limits of ___						
	Seeds and heat-damaged kernels			Chalky kernels 1/			
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)	Red rice and damaged kernels (singly or combined)	In long grain rice	In medium or short grain rice	Other types 2/	Color requirements 1/
	Number in 500 grams	Number in 500 grams	Percent	Percent	Percent	Percent	
U.S. No. 1	4	3	0.5	1.0	2.0	1.0	Shall be white or creamy.
U.S. No. 2	7	5	1.5	2.0	4.0	2.0	May be slightly gray.
U.S. No. 3	10	8	2.5	4.0	6.0	3.0	May be light gray.
U.S. No. 4	27	22	4.0	6.0	8.0	5.0	May be gray or slightly rosy.
U.S. No. 5	37	32	6.0	10.0	10.0	10.0	May be dark gray or rosy.
U.S. No. 6	75	75	15.0 3/	15.0	15.0	10.0	May be dark gray or rosy.
U.S. Sample grade	U.S. Sample grade shall be rough rice which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6 inclusive, (b) contains more than 14.0 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, or (e) is otherwise of distinctly low quality.						

1/ For the special grade Parboiled rough rice see § 68.212(a)
2/ These limits do not apply to the class Mixed Rough Rice
3/ Rice in grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels

§ 68.211 Grade designation.

(a) The grade designation for all classes of rough rice, except Mixed Rough Rice, shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better" when applicable and requested by the applicant prior to inspection; (4) the class; (5) each applicable special grade (see § 68.213); and (6) a statement of the milling yield.

(b) The grade designation for the class Mixed Rough Rice shall include, in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better," when applicable and requested by the applicant prior to inspection; (4) the class; (5) each applicable special grade (see § 68.213); (6) the percentage of whole kernels of each type in the order of predominance; (7) the percentage of large broken kernels of each type in the order of predominance; (8) the percent of material removed by the No. 6 sieve or the No. 6 sizing plate; (9) when applicable, the percentage of seeds; and (10) a statement of the milling yield.

NOTE.—Large broken kernels other than long-grain, in Mixed Rough Rice, shall be certificated as "medium or short grain."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.212 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.210. Such special grades for rough rice are established and determined as follows:

(a) *Parboiled rough rice.* Parboiled rough rice shall be rough rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. No. 1 to U.S. No 6, inclusive, shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grades U.S. No. 5 and U.S. No 6 not more than 0.5 percent of nonparboiled rice. If the rice is: (1) Not distinctly colored by the parboiling process, it shall be considered "Parboiled Light"; (2) distinctly but not materially colored by the parboiling process, it shall be considered "Parboiled"; (3) materially colored by the parboiling process, it shall be considered "Parboiled Dark." The color levels for "Parboiled Light," "Parboiled," and "Parboiled Dark" rice shall be in accordance with the interpretive line samples for parboiled rice.

NOTE.—The maximum limits for "Chalky kernels," "Heat-damaged kernels," "Kernels damaged by heat," and the "Color requirements" shown in § 68.210 are not applicable to the special grade "Parboiled rough rice."

(b) *Smutty rough rice.* Smutty rough rice shall be rough rice which contains more than 3.0 percent of smutty kernels.

(c) *Weevily rough rice.* Weevily rough rice shall be rough rice which is infested with live weevils or other insects injurious to stored rice.

§ 68.213 Special grade designation.

The grade designation for parboiled, smutty, or weevily rough rice shall include, following the class, the word(s) "Parboiled Light," "Parboiled," "Parboiled Dark," "Smutty," or "Weevily," as warranted, and all other information prescribed in § 68.211.

U.S. STANDARDS FOR BROWN RICE FOR PROCESSING[1]

TERMS DEFINED

§ 68.251 Definition of brown rice for processing.

Rice (*Oryza sativa L.*) which consists of more than 50.0 percent of kernels

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

of brown rice, and which is intended for processing to milled rice.

(u) *6½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round

seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, water-

of brown rice, and which is intended for processing to milled rice.

§ 68.252 Definition of other terms.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Brown rice.* Whole or broken kernels of rice from which the hulls have been removed.

(c) *Chalky kernels.* Whole or broken kernels of rice which are one-half or more chalky.

(d) *Classes.* There are four classes of brown rice for processing.

Long-Grain Brown Rice for Processing
Medium-Grain Brown Rice for Processing
Short-Grain Brown Rice for Processing
Mixed Brown Rice for Processing

Classes shall be based on the percentage of whole kernels, broken kernals, and types of rice.

(1) "Long-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of medium- or short-grain rice.

(2) "Medium-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of short-grain rice.

(3) "Short-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of medium-grain rice.

(4) "Mixed brown rice for processing" shall be brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and more than 10.0 percent of "other types" as defined in paragraph (i) of this section.

(e) *Damaged kernels.* Whole or broken kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means (including parboiled kernels in nonparboiled rice and smutty kernals). "Heat-damaged kernels" (see paragraph (f) of this section) shall not function as damaged kernels.

(f) *Heat-damaged kernels.* Whole or broken kernels of rice which are materially discolored and damaged as a result of heating and parboiled kernels in nonparboiled rice which are as dark as, or darker in color than, the interpretive line for heat-damaged kernels.

(g) *Milling yield.* An estimate of the quantity of whole kernels and total milled rice (whole and broken kernels combined) that is produced in the milling of brown rice for processing to a well-milled degree.

(h) *Objectionable seeds.* Whole or broken seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(i) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice, (ii) medium-grain rice in long- or short-grain rice, (iii) short-grain rice in long- or medium-grain rice, and, (2) broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice.

NOTE.—Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(j) *Paddy kernels.* Whole or broken unhulled kernels of rice.

(k) *Red rice.* Whole or broken kernels of rice on which the bran is distinctly red in color.

(l) *Related material.* All by-products of a paddy kernel, such as the outer glumes, lemma, palea, awn, embryo, and bran layers.

(m) *Seeds.* Whole or broken seeds of any plant other than rice.

(n) *Smutty kernels.* Whole or broken kernels of rice which are distinctly infected by smut.

(o) *Types of rice.* There are three types of brown rice for processing.

Long grain
Medium grain
Short grain

Types shall be based on the length/width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels of rice that are broken as set forth in Inspection Handbook HB 918–11.[2]

(p) *Ungelatinized kernels.* Whole or broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(q) *Unrelated material.* All matter other than rice, related material, and seeds.

(r) *Well-milled kernels.* Whole or broken kernels of rice from which the hulls and practically all of the embryos and the bran layers have been removed.

(s) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(t) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (3/32) inch in diameter, and a bottom lamina 0.091-inch thick, without perforations.

(u) *6½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.1016 (6½/64) inch in diameter.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.253 Basis of determination.

The determination of kernels damaged by heat, heat-damaged kernels, parboiled kernels in nonparboiled rice, and the special grade Parboiled brown rice for processing shall be on the basis of the brown rice for processing after it has been milled to a well-milled degree. All other determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking as set forth in Inspection Handbook HB 918–11 [2] or by any method which gives equivalent results.

§ 68.254 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the brown rice for processing standards are applicable to rice produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of rice may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Inspection Division Field Offices, official inspection agencies, and interested parties in the rice industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.255 Broken kernels determination.

Broken kernels shall be determined by the use of equipment and procedures set forth in Inspection Handbook HB 918–11 [2] or by any method which gives equivalent results.

§ 68.256 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.257 Milling requirements.

In determining milling yield (see § 68.252 (g)) in brown rice for processing, the degree of milling shall be equal to, or better than, that of the interpretive line sample for "well-milled" rice.

§ 68.258 Milling yield determination.

Milling yield shall be determined by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB 918–11 [2] and the Equipment Handbook.[3] For the purpose of this paragraph, "approved device" shall include the McGill Miller No. 3 and any other equipment that is approved by the Administrator as giving equivalent results.[3]

NOTE.—Milling yield shall not be determined when the moisture content of the brown rice for processing exceeds 18.0 percent.

§ 68.259 Moisture.

Water content in brown rice for processing as determined by an approved device in accordance with procedures prescribed in the Inspection Handbook HB 918–11.[2] For the purpose of this paragraph, "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

§ 68.260 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. Milling yield shall be stated to the nearest whole percent.

[1] The following publications are referenced in these standards. Copies will be made available upon request to the Inspection Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

(a) Equipment Handbook, effective September 25, 1968, as amended. U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Inspection Handbook HB 918–11, effective October 1976, as amended, U.S. Department of Agriculture, Federal Grain Inspection Service.

[2] Requests for information concerning approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.261 Grade and grade requirements for the classes of brown rice for processing. (See also § 68.263.)

Grade	Maximum limits of —									
	Paddy Kernels		Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky Kernels 1/	Broken Kernels Removed by a 6 plate or a 6½ sieve 2/	Other Types 3/	Well-Milled Kernels
			Total (singly or combined)	Heat-damaged kernels	Objectionable seeds					
	Percent	Number in 500 grams	Number in 500 grams	Number in 500 grams	Number in 500 grams	Percent	Percent	Percent	Percent	Percent
U.S. No. 1	---	20	10	1	2	1.0	2.0	1.0	1.0	1.0
U.S. No. 2	2.0	--	40	2	10	2.0	4.0	2.0	2.0	3.0
U.S. No. 3	2.0	--	70	4	20	4.0	6.0	3.0	5.0	10.0
U.S. No. 4	2.0	--	100	8	35	8.0	8.0	4.0	10.0	10.0
U.S. No. 5	2.0	--	150	15	50	15.0	15.0	6.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice for processing which (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; (b) contains more than 14.5 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.2 percent of related material or more than 0.1 percent of unrelated material; (f) contains live weevils or other live insects; or (g) is otherwise of distinctly low quality.									

1/ For the special grade Parboiled brown rice for processing, see § 68.263(a).
2/ Plates should be used for southern production rice and sieves should be used for western production rice, but any device or method which gives equivalent results may be used.
3/ These limits do not apply to the class Mixed Brown Rice for Processing.

§ 68.262 Grade designation.

(a) The grade designation for all classes of brown rice for processing, except Mixed Brown Rice for Processing, shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better," when applicable and requested by the applicant prior to inspection; (4) the class; and (5) each applicable special grade (see § 68.264).

(b) The grade designation for the class Mixed Brown Rice for Processing shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better," when applicable and requested by the applicant prior to inspection; (4) the class; (5) each applicable special grade (see § 68.264); (6) the percentage of whole kernels of each type in the order of predominance and when applicable; (7) the percentage of broken kernels of each type in the order of predominance; and (8) the percentage of seeds, related material, and unrelated material.

NOTE.—Broken kernels other than long grain, in Mixed Brown Rice for Processing, shall be certificated as "medium or short grain."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.263 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.262. Such special grades for brown rice for processing are established and determined as follows:

(a) *Parboiled brown rice for processing.* Parboiled brown rice for processing shall be rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. Nos. 1 to 5, inclusive, shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grade U.S. No. 5 not more than 0.5 percent of nonparboiled rice.

NOTE.—The maximum limits for "chalky kernels," "Heat-damaged kernels," and "Kernels damaged by heat" show in § 68.261 are not applicable to the special grade "Parboiled brown rice for processing."

(b) *Smutty brown rice for processing.* Smutty brown rice for processing shall be rice which contains more than 2.0 10.0 percent of whole kernels of long- or short-grain milled rice (broken kernels

(g) *Heat-damaged kernels.* Whole or broken kernels of rice which are materi-

0.051-inch thick, perforated with rows may require minor temporary modifica-

(b) *Smutty brown rice for processing.* Smutty brown rice for processing shall be rice which contains more than 3.0 percent of smutty kernels.

§ 68.264 Special grade designation.

The grade designation for parboiled or smutty brown rice for processing shall include, following the class, the word(s) "Parboiled" or "Smutty," as warranted, and all other information prescribed in § 68.262.

U.S. STANDARDS FOR MILLED RICE

TERMS DEFINED

§ 68.301 Definition of milled rice.

Whole or broken kernels of rice (*Oryza sativa L.*) from which the hulls and at least the outer bran layers and a part of the germs have been removed and which contain not more than 10.0 percent of seeds, paddy kernels, or foreign material, either singly or combined.

§ 68.302 Definition of other terms.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Brown rice.* Whole or broken kernels of rice from which the hulls have been removed.

(c) *Chalky kernels.* Whole or broken kernels of rice which are one-half or more chalky.

(d) *Classes.* There are seven classes of milled rice. The following four classes shall be based on the percentage of whole kernels, broken kernels, and types of rice:

Long-Grain Milled Rice
Medium-Grain Milled Rice
Short-Grain Milled Rice
Mixed Milled Rice

The following three classes shall be based on the percentage of whole kernels and of broken kernels of different size:

Second-Head Milled Rice
Screenings Milled Rice
Brewers Milled Rice

(1) "Long-grain milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and in U.S. Nos. 1 through 4 not more than 10.0 percent of whole or broken kernels of medium- or short-grain rice. U.S. No. 5 and U.S. No. 6 long-grain milled rice shall contain not more than 10.0 percent of whole kernels of medium- or short-grain milled rice (broken kernels do not apply).

(2) "Medium-grain milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and in U.S. Nos. 1 through 4 not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of short-grain rice. U.S. No. 5 and U.S. No. 6 medium-grain milled rice shall contain not more than 10.0 percent of whole kernels of long- or short-grain milled rice (broken kernels do not apply).

(3) "Short-grain milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and in U.S. Nos. 1 through 4 not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of medium-grain rice. U.S. No. 5 and U.S. No. 6 short-grain milled rice shall contain not more than 10.0 percent of whole kernels of long- or medium-grain milled rice (broken kernels do not apply).

(4) "Mixed milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of "other types" as defined in paragraph (i) of this section. U.S. No. 5 and U.S. No. 6 mixed milled rice shall contain more than 10.0 percent of whole kernels of "other types" (broken kernels do not apply).

(5) "Second-head milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.303 and 68.304, contains:

(i) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 7.0 percent of broken kernels removed by a 6 plate, (*c*) 0.4 percent of broken kernels removed by a 5 plate, and (*d*) 0.05 percent of broken kernels passing through a 4 sieve (southern production); or

(ii) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 50.0 percent of broken kernels passing through a 6½ sieve, and (*c*) 10.0 percent of broken kernels passing through a 6 sieve (western production).

(6) "Screenings milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.303 and 68.304, contains:

(i) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 10.0 percent of broken kernels removed by a 5 plate, and (*c*) 0.2 percent of broken kernels passing through a 4 sieve (southern production); or

(ii) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 15.0 percent of broken kernels passing through a 5½ sieve; and more than (*c*) 50.0 percent of broken kernels passing through a 6½ sieve; and (*d*) 10.0 percent of broken kernels passing through a 6 sieve (western production).

(7) "Brewers milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.303 and 68.304, contains not more than 25.0 percent of whole kernels and which does not meet the kernel-size requirements for the class Second Head Milled Rice or Screenings Milled Rice.

(e) *Damaged kernels.* Whole or broken kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means, and parboiled kernels in nonparboiled rice. "Heat-damaged kernels" [see paragraph (g) of this section] shall not function as damaged kernels.

(f) *Foreign material.* All matter other than rice and seeds. Hulls, germs, and bran which have separated from the kernels of rice shall be considered foreign material.

(g) *Heat-damaged kernels.* Whole or broken kernels of rice which are materially discolored and damaged as a result of heating and parboiled kernels in nonparboiled rice which are as dark as, or darker in color than, the interpretive line for heat-damaged kernels.

(h) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(i) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice, (ii) Medium-grain rice in long- or short-grain rice, (iii) Short-gran rice in long- or medium-grain rice, and (2) broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice, except in U.S. No. 5 and U.S. No. 6 milled rice. In U.S. No. 5 and U.S. No. 6 milled, rice, only whole kernels will apply.

NOTE.—Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(j) *Paddy kernels.* Whole or broken unhulled kernels of rice and whole or broken kernels of brown rice.

(k) *Red rice.* Whole or broken kernels of rice on which there is an appreciable amount of red bran.

(l) *Seeds.* Whole or broken seeds of any plant other than rice.

(m) *Types of rice.* There are three types of milled rice as follows:

Long grain
Medium grain
Short grain

Types shall be based on the length-width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels that are broken, as set forth in the Inspection Handbook HB 918–11.[2]

(n) *Ungelatinized kernels.* Whole or broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelationization of the starch.

(o) *Well-milled kernels.* Whole or broken kernels of rice from which the hulls and practically all of the germs and the bran layers have been removed.

NOTE.—This factor is determined on an individual kernel basis and applies to the special grade Undermilled milled rice only.

(p) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(q) *5 plate.* A laminated metal plate 0.142-inch thick, with a top lamina, 0.051-inch thick, perforated with rows of round holes 0.0781 (5/64) inch in diameter, 5/32 inch from center to center, with each row staggered in relation to the adjacent rows, and a bottom lamina 0.091-inch thick, without perforations.

(r) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, 5/32 inch from center to center, with each row staggered in relation to the adjacent rows, and a bottom lamina 0.091-inch thick, without perforations.

(s) *2½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0391 (2½/64) inch in diameter, 0.075-inch from center to center, with each row staggered in relation to the adjacent rows.

(t) *4 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0625 (4/64) inch in diameter, 1/8 inch from center to center, with each row staggered in relation to the adjacent rows.

(u) *5 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0781 (5/64) inch in diameter, 5/32 inch from center to center, with each row staggered in relation to the adjacent rows.

(v) *5½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0859 (5½/64) inch in diameter, 3/16 inch from center to center, with each row staggered in relation to the adjacent rows.

(w) *6 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, 5/32 inch from center to center, with each row staggered in relation to the adjacent rows.

(x) *6½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.1016 (6½/64) inch in diameter, 5/32 inch from center to center, with each row staggered in relation to the adjacent rows.

(y) *30 sieve.* A woven wire cloth sieve having 0.0234-inch openings, with a wire diameter of 0.0153 inch, and meeting the specifications of American Society for Testing and Materials Designation E–11–61, as set forth in the Equipment Handbook.[3]

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.303 Basis of determination.

All determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking, as set forth in the Inspection Handbook HB 918–11,[3] or by any method which gives equivalent results.

§ 68.304 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the milled rice standards are applicable to rice produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of rice may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Federal Grain Inspection Service Field Offices, official inspection agencies, and interested parties in the rice industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.305 Broken kernels determination.

Broken kernels shall be determined by the use of equipment and procedures set forth in the Inspection Handbook HB 918–11,[3] or by any method which gives equivalent results.

§ 68.306 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.307 Milling requirements.

The degree of milling for milled rice; i.e., "well milled," "reasonably well milled," and "lightly milled" shall be equal to, or better than, that of the interpretive line samples for such rice.

§ 68.308 Moisture.

Water content in milled rice as determined by an approved device in accordance with procedures prescribed in the Inspection Handbook HB 918–11.[3] For the purpose of this paragraph, "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

§ 68.309 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. Milling yield shall be stated to the nearest whole percent.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Inspection Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250.

(a) Equipment Handbook, effective September 25, 1968, as amended, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Inspection Handbook HB 918–11, effective October 1976, U.S. Department of Agriculture, Federal Grain Inspection Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

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§ 68.310 Grades and grade requirements for the classes Long-Grain Milled Rice, Medium-Grain Milled Rice, Short-Grain Milled Rice, and Mixed Milled Rice. (See also § 68.315.)

Grade	Maximum limits of --											
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels 1/		Broken kernels				Other types 3/		Color Requirements 1/	Milling Requirements (Minimum) 4/
	Total	Heat-damaged kernels and objectionable seeds		In long-grain rice	In medium- or short-grain rice	Total	Removed by a 5 plate 2/	Removed by a 6 plate 2/	Through a 6 sieve 2/	Whole kernels	Whole and broken kernels		
	Number in 500 grams	Number in 500 grams	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent		
U.S. No. 1	2	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1	--	1.0	Shall be white or creamy	Well milled
U.S. No. 2	4	2	1.5	2.0	4.0	7.0	0.06	0.2	0.2	--	2.0	May be slightly gray	Well milled
U.S. No. 3	7	5	2.5	4.0	6.0	15.0	0.1	0.8	0.5	--	3.0	May be light gray	Reasonably well milled
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	0.4	2.0	0.7	--	5.0	May be gray or slightly rosy	Reasonably well milled
U.S. No. 5	30	25	4/ 6.0	10.0	10.0	35.0	0.7	3.0	1.0	10.0	--	May be dark gray or rosy	Lightly milled
U.S. No. 6	75	75	5/15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0	--	May be dark gray or rosy	Lightly milled
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6., inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.1 percent of foreign material; (f) contains live or dead weevils or other insects, insect webbing, or insect refuse; or (g) is otherwise of distinctly low quality.												

1/ For the special grade Parboiled milled rice, see § 68.315(c).
2/ Plates should be used for southern production rice, and sieves should be used for western production rice; but any device or method which gives equivalent results may be used.
3/ These limits do not apply to the class Mixed Milled Rice.
4/ For the special grade Undermilled milled rice, see § 68.315(d).
5/ Grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels.

§68.311 Grades and Grade Requirements for the Class Second Head Milled Rice (See also §68.315)

Grade	Maximum limits of —				Color Requirements 1/	Minimum Milling Requirements 2/
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels 1/		
	Total	Heat-damaged kernels and objectionable seeds				
	Number in 500 grams	Number in 500 grams	Percent	Percent		
U.S. No. 1	15	5	1.0	4.0	Shall be white or creamy	Well milled
U.S. No. 2	20	10	2.0	6.0	May be slightly gray	Well milled
U.S. No. 3	35	15	3.0	10.0	May be light gray	Reasonably well milled
U.S. No. 4	50	25	5.0	15.0	May be gray or slighily rosy	Reasonably well milled
U.S. No. 5	75	40	10.0	20.0	May be dark gray or rosy	Lightly milled
U.S. Sample Grade	U.S. Sample Grade shall be milled rice of this class which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) contains more than 0.1 percent of foreign material; (f) contains live or dead weevils or other insects, insect webbing, or insect refuse; or (g) is otherwise of distinctly low quality.					

1/ For the special grade Parboiled milled rice, see §68.315(c).
2/ For the special grade Undermilled milled rice, see §68.315(d).

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§68.311 Grade designations.

(a) The grade designation for all damaged by heat," and the "Color requirements" in §§ 68.310, 68.311, 68.312, and 68.313

§68.312 Grades and Grade Requirements for the class Screenings Milled Rice. (See also §68.315)

Grade	Maximum limits of --				
	Paddy kernels and seeds				
	Total (singly or combined)	Objectionable seeds	Chalky kernels 1/	Color Requirements 1/	Milling Requirements 2/
	Number in 500 grams	Number in 500 grams	Percent		
U.S. No. 1 3/ 4/	30	20	5.0	Shall be white or creamy	Well milled
U.S. No. 2 3/ 4/	75	50	8.0	May be slightly gray	Well milled
U.S. No. 3 3/ 4/	125	90	12.0	May be light gray or slightly rose	Reasonably well milled
U.S. No. 4 3/ 4/	175	140	20.0	May be gray or rosy	Reasonably well milled
U.S. No. 5	250	200	30.0	May be dark gray or very rosy	Lightly milled
U.S. Sample Grade	U.S. Sample Grade shall be milled rice of this class which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) has a badly damaged or extremely red appearance; (f) contains more than 0.1 percent of foreign material; (g) contains live or dead weevils or other insects, insect webbing, or insect refuse; or (h) is otherwise of distinctly low quality.				

1/ For the special grade Parboiled milled rice see §68.315(c).
2/ For the special grade Undermilled milled rice see §68.315(d).
3/ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice.
4/ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 1.0 percent of material passing through a 30 sieve.

or U.S. No. 2. 1 inch minimum to 2 inches maximum diameter if packed separately.

§68.313 Grades and Grade Requirements for the Class Brewers Milled Rice. (See also §68.315)

Grade	Maximum limits of ____			
	Paddy kernels and seeds			
	Total (singly or combined)	Objectionable seeds	Color Requirements 1/	Minimum Milling Requirements 2/
	Percent	Percent		
U.S. No. 1 3/ 4/ ...	0.5	0.05	Shall be white or creamy	Well milled
U.S. No. 2 3/ 4/ ...	1.0	0.1	May be slightly gray	Well milled
U.S. No. 3 3/ 4/ ...	1.5	0.2	May be light gray or slightly rosy	Reasonably well milled
U.S. No. 4 3/ 4/ ...	3.0	0.4	May be gray or rosy	Reasonably well milled
U.S. No. 5	5.0	1.5	May be dark gray or very rosy	Lightly milled
U.S. Sample Grade ..	U.S. Sample Grade shall be milled rice of this class which: (a) does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive; (b) contains more than 15.0 percent of moisture; (c) is musty, or sour, or heating; (d) has any commercially objectionable foreign odor; (e) has a badly damaged or extremely red appearance; (f) contains more than 0.1 percent of foreign material; (g) contains more than 15.0 percent of broken kernels that will pass through a 2 1/2 sieve; (h) contains live or dead weevils or other insects, insect webbing, or insect refuse; or (i) is otherwise of distinctly low quality.			

1/ For the special grade Parboiled milled rice see §68.315(c).
2/ For the special grade Undermilled milled rice see §68.315(d).
3/ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice.
4/ Grades U.S. No. 1 to U.S. No. 4, inclusive, shall contain not more than 1.0 percent of material passing through a 30 sieve. This limit does not apply to the special grade Granulated brewers milled rice.

Grano-Grano Type Onions (§§ 51.3195-51.3209 of this title), whichever is appli-

Rural Electrification Administration, Room 4307 South Building, U.S. Depart-

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS

§ 68.314 Grade designations.

(a) The grade designation for all classes of milled rice, except Mixed Milled Rice, shall include in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better," when applicable and requested by the applicant prior to inspection; (4) the class; and (5) each applicable special grade (see § 68.316).

(b) The grade designation for the class Mixed Milled Rice shall include, in the following order: (1) The letters "U.S."; (2) the number of the grade or the words "Sample grade," as warranted; (3) the words "or better," when applicable and requested by the applicant prior to inspection; (4) the class; (5) each applicable special grade (see § 68.316); (6) the percentage of whole kernels of each type in the order of predominance and when applicable; (7) the percentage of broken kernels of each type in the order of predominance; and (8) the percentage of seeds and foreign material.

NOTE.—Broken kernels other than long grain, in Mixed Milled Rice, shall be certificated as "medium or short grain."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.315 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.314. Such special grades for milled rice are established and determined as follows:

(a) *Coated milled rice.* Coated milled rice shall be milled rice which is coated, in whole or in part, with glucose and talc.

(b) *Granulated brewers milled rice.* Granulated brewers milled rice shall be milled rice which has been crushed or granulated so that 95.0 percent or more will pass through a 5 sieve, 70.0 percent or more will pass through a 4 sieve, and not more than 15.0 percent will pass through a 2½ sieve.

(c) *Parboiled milled rice.* Parboiled milled rice shall be milled rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. No. 1 to U.S. No. 6, inclusive shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rice. If the rice is: (1) Not distinctly colored by the parboiling process, it shall be considered "Parboiled Light"; (2) distinctly but not materially colored by the parboiling process, it shall be considered "Parboiled"; (3) materially colored by the parboiling process, it shall be considered "Parboiled Dark." The color levels for "Parboiled Light," "Parboiled," and "Parboiled Dark" shall be in accordance with the interpretive line samples for parboiled rice.

NOTE.—The maximum limits for "Chalky kernels," "Heat-damaged kernels," "Kernels damaged by heat," and the "Color requirements" in §§ 68.310, 68.311, 68.312, and 68.313 are not applicable to the special grade "Parboiled milled rice."

(d) *Undermilled milled rice.* Undermilled milled rice shall be milled rice which is not equal to the milling requirements for "well milled," "reasonably well milled," and "lightly milled" rice (see § 68.307). Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 2.0 percent, grades U.S. No. 3 and U.S. No. 4 not more than 5.0 percent, grade U.S. No. 5 not more than 10.0 percent, and grade U.S. No. 6 not more than 15.0 percent of well-milled kernels. Grade U.S. No. 5 shall contain not more than 10.0 percent of red rice and damaged kernels (singly or combined) and in no case more than 6.0 percent of damaged kernels.

NOTE.—The "Color and milling requirements" in §§ 68.310, 68.311, 68.312, and 68.313 are not applicable to the special grade "Undermilled milled rice."

§ 68.316 Special grade designation.

The grade designation for coated granulated brewers, parboiled, or undermilled milled rice shall include, following the class, the word(s) "Coated," "Granulated," "Parboiled Light," "Parboiled," "Parboiled Dark," or "Undermilled," as warranted, and all other information prescribed in § 68.314.

Done at Washington, D.C., June 24, 1977.

DAVID C. MANGUM,
Interim Administrator.

[FR Doc.77 18623 Filed 6-30-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed regulation would require fresh market shipments of onions grown in certain designated counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum quality and size requirements. The regulation should promote orderly marketing of such onions by keeping less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 16, 1977.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two Copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone 202–447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Ontario, Oregon, on June 20, 1977. The recommendations of the committee reflect its appraisal of the composition of the 1977 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about August 1.

The grade, size, pack, maturity and inspection requirements proposed herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to the grade, size, maturity, pack and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets.

Special purpose shipments are allowed for planting, livestock feed, charity, dehydration, extraction and pickling since such shipments do not normally enter the commercial fresh market channels and no useful purpose would be served by regulating such shipments. Onions for canning and freezing are exempt under the legislative authority for this part.

The proposed regulation is as follows:

§ 958.322 Handling regulation.

During the period August 1, 1977, through April 30, 1978, no person may handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements*—(1) White varieties. U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(2) *Red varieties.* U.S. No. 2 or better grade, 1½ inches minimum diameter.

(3) *All other varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) or (e) of this section.

(c) *Special purpose shipments.* The minimum grade, size, maturity, pack and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting; (2) livestock feed; (3) charity; (4) dehydration; (5) canning; (6) freezing; (7) extraction; and (8) pickling.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certification of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, pack and maturity requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other Than Bermuda–Granex–Grano and Creole Types), as amended (§§ 51.2830–51.2854 of this title), or the United States Standards for Grades of Bermuda–Granex–Grano Type Onions (§§ 51.3195–51.3209 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: June 28, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–18915 Filed 6–30–77;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1446]

1977 CROP PEANUT PRICE SUPPORT DIFFERENTIALS

Extension of Comment Period; Correction

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Correction Of Final Date To Receive Comments.

SUMMARY: This document corrects a proposed rule that appeared on page 32257 of the FEDERAL REGISTER of June 24, 1977 (42 FR 32257).

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Dallas R. Smith (ASCS) (202–447–7405).

The date for final receipt of comments is corrected to read July 5, 1977, instead of July 1, 1977.

Signed at Washington, D.C., on June 28, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77–18861 Filed 6–28–77;3:36 pm]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIC PROGRAM

Proposed New Accounting Interpretation for Purchase Rebates

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: This action concerns the accounting for purchase rebates from vendors serving Rural Electric Cooperatives. REA has become aware of instances of improper accounting for purchase rebates. The implementation of this guideline will provide uniform accounting procedures for purchase rebates.

DATE: Comments on or before July 8, 1977.

ADDRESS: Submit comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250; submissions are available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–7221).

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to add Accounting Interpretation No. 114, Accounting for Purchase Rebates, to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers. Accordingly, REA proposes to amend 7 CFR Part 1701 as follows:

ACCOUNTING FOR PURCHASE REBATES

1. General: Some vendors from whom the electric cooperatives purchase plant materials and supplies and merchandise for resale are making purchase rebates based upon the quantity or dollar volume of purchases. These "quantity discounts" may be by cash or credit memorandum, in the form of prepaid package travel arrangements, or a combination of such methods.

II. Questions and Answers:

1. *Question.* If the purchase rebates are paid in cash or by credit memoranda, is it permissible to credit an "Employee Fund" and use the proceeds for educational or recreational benefits for employees?

Answer. No, the rebate is a reduction of the cost of the material or appliances upon which it was based and should be applied to reduce this cost.

2. *Question.* If the material or appliances are no longer in inventory or cannot be identified, how should the rebate be accounted for?

Answer. If the rebate is based upon the purchase of plant materials and operating supplies such as are normally charged to Account 154, Materials and Supplies—Electric, the credit may be made to Account 163, Stores Expense Undistributed. If the rebate is based upon appliances and equipment held for merchandising or contract work, the credit may be spread over the items in Account 155, Merchandise. However, if part of the items upon which the rebate was based are no longer in stock, to avoid materially distorting the cost of the remaining appliances, part of the credit may be prorated to Account 416, Cost and Expenses of Merchandising, Jobbing and Contract Work, in the ratio of the number of items sold to the quantity in stock.

3. *Question.* If the rebate is in the form of package travel or trip arrangements, how should it be recorded in the books of account?

Answer. The value of the rebate should be estimated and recorded as a reduction of the cost of the material or appliances upon which it was based in the same manner as the cash rebates discussed above. The beneficiary of the travel or trip allowance should be designated by or be in accordance with policy established by the board of directors. The contra charge to the reduction in cost should be to an appropriate account depending upon the relationship of the recipient to the cooperative. For employees, this would be

Account 926, Employee Pensions and Benefits; for directors or patrons Account 930.2, Miscellaneous General Expenses.

animal feeding studies which show that saccharin is a carcinogen and on which

three long-term animal toxicity studies with saccharin conducted by the Wis-

that included more than 600 individuals

lies usually can only detect increased risks of

diagnosed during the period April 1974

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Account 926, Employee Pensions and Benefits; for directors or patrons Account 930.2, Miscellaneous General Expenses.

6. *Question.* Are travel or trip allowances taxable to the recipient or subject to withholding?

Answer. Such questions should be directed to the Internal Revenue Service giving complete details about the transaction.

Dated: June 13, 1977.

JOSEPH VELLONE,
Assistant Administrator—Administration.

[FR Doc.77-18531 Filed 6-30-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 131]

[Docket No. 77N-0143]

CULTURED AND ACIDIFIED BUTTERMILK, YOGURTS, CULTURED AND ACIDIFIED MILKS AND EGGNOG

Proposal to Establish New Identity Standards

Correction

In FR Doc. 77-16126 appearing at page 29919 in the issue for Friday, June 10, 1977 make the following corrections:

(1) On page 29920, middle column, in the 6th line of the first full paragraph the reference to "§ 131.45" should have been "§ 131.145".

(2) On page 29922, in § 131.114 (b) (2) was omitted and should be added as follows:

"(b) * * *

"(2) If added, vitamin D shall be present in such quantity that each quart of food contains 400 International Units thereof within limits of good manufacturing practice."

(3) Also, on page 29922, in the third column, in the 7th line of § 131.136(c) "ration" should have read "ratio".

[21 CFR Parts 145, 150, 172, 180, 189, 310, 430, 510, 589, and 700]

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Proposed Rule Making; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of time for comment on proposed rule.

SUMMARY: This document extends the comment period on the Commissioner of Food and Drugs' proposal to restrict the use of saccharin and announces the availability of two recent studies on the safety of saccharin for human consumption, one of which indicates a positive dose- and duration-related correlation between saccharin use and cancer of bladder in human males. This potentially significant finding appears to be consistent with the results of the three animal feeding studies which show that saccharin is a carcinogen and on which the Commissioner relied in proposing to restrict the use of saccharin in food, drugs, and cosmetics (see the FEDERAL REGISTER of April 15, 1977 (42 FR 19996)). The time for submission of public comments on that proposal expired on June 14, 1977, but because of the significance of this new finding, and in order to permit full scientific examination of the two recent studies, the Commissioner is reopening the comment period and inviting the submission of further views on the reliability and significance of the new studies.

DATE: The comment period is extended to August 31, 1977.

ADDRESS: Written comments should be sent (preferably in quadruplicate) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

GENERAL: Ronald J. Wylie, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. (301-443-3480).

FOODS: John J. McAuliffe, Bureau of Foods (HFF-334) Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204. (202-472-5690).

HUMAN DRUGS: Paul Fehnel, Bureau of Drugs (HFD-36), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. (301-443-3640).

COSMETICS: Heinz Eiermann, Bureau of Foods (HFF-440), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204. (202-245-1530).

VETERINARY DRUGS: Edward Ballitch, Bureau of Veterinary Medicine (HFV-231), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. (301-443-3336).

SUPPLEMENTARY INFORMATION:

I. EXPLANATION OF NOTICE

In the FEDERAL REGISTER of April 15, 1977 (42 FR 1996), the Commissioner of Food and Drugs published a proposal to revoke the interim food additive regulation (21 CFR 180.37) permitting the use of saccharin in certain types of human food; to establish a regulation prohibiting the use of saccharin in food for animals; to eliminate saccharin from all cosmetics and most human drugs and all animal drugs; and to permit the marketing of saccharin as a single-ingredient drug sold over-the-counter pending the submission and final action on new drug applications (NDA's) for such products. This proposal was based primarily on three long-term animal toxicity studies with saccharin conducted by the Wisconsin Alumni Research Foundation, the Food and Drug Administration, and the Health Protection Branch of the Government of Canada. These three studies each indicated that saccharin causes cancer of the bladder in laboratory animals. The Canadian study, the most recent of the three, laid to rest speculation that the increase in cancerous tumors noted in the two earlier studies was attributable to an impurity in the saccharin tested, orthotoluenesulfonamide.

On the basis of these findings, the Commissioner concluded that saccharin could not be considered safe for human or animal consumption as a food additive, or as an ingredient in cosmetics; it should not be an ingredient in any drugs for human use unless a persuasive showing could be made that its use was essential, e.g., to make medications intended for diabetics palatable. The Commissioner also concluded that the unequivocal findings from the Canadian carcinogenicity study triggered the application of the Delaney clause of the Food Additives Amendment of 1958, which forbids the approval of any food additive "if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal * * *" (21 U.S.C. 348(c)(3)(A)).

Since the publication of the Commissioner's proposal, a panel of expert scientists assembled by the Office of Technology Assessment (OTA) has examined all of the pertinent data on the safety of saccharin, including the Canadian study. The panel concluded, unanimously, that the Canadian study has been well conducted and its results properly assessed, that it demonstrates unequivocally that saccharin is a carcinogen, albeit perhaps weaker than some other cancer-causing compounds, and that it confirms the results of earlier animal studies. The OTA panel also concluded that the then-reported epidemiological studies of the effect of cancer in humans were not sufficiently sensitive to detect an increase of bladder cancer attributable to saccharin consumption of the magnitude suggested by extrapolation of risk from the animal studies, and therefore did not supply a basis for discounting the risk to humans.

In recent weeks, the Commissioner has been advised about two additional epidemiological studies that relate to the effects of saccharin consumption on humans. These studies are discussed in more detail below. One study was directed toward the examination of smoking, occupational exposure and other factors in the epidemiologic pattern of bladder cancer in humans, and incidentally assembled some limited data that have been described as suggesting no positive association between bladder cancer and saccharin use. The other study, a retrospective case-control study

that included more than 600 individuals with bladder cancer and a like number of controls, reports a positive dose- and duration-related correlation between saccharin use and bladder cancer in human males. This study in particular has renewed and heightened the Commissioner's concern about the safety of long-term saccharin consumption. The Commissioner desires to receive comments on and evaluations of the two studies from members of the scientific and medical communities. The Commissioner believes that a short additional delay in the issuance of final regulations produced by this notice is required, for several reasons:

1. The delay will not significantly increase the risk of cancer for any individual who now consumes saccharin. That risk, although a matter for serious concern, appears to be attributable to prolonged consumption of saccharin and to be dose related. During the additional 2 months required to permit scientific evaluation of the new studies the risk to any saccharin user is not likely to increase measurably.

2. From the beginning of this administrative proceeding, the Commissioner has regarded it as essential that the debate about the correctness of the agency's proposed action and the wisdom of the laws on which it rests be based on reliable scientific evidence, and that all of the data supporting the action be subject to the scrutiny of the scientific community. Thus he welcomed the attentive examination provided by the expert panel of the Office of Technology Assessment. The Commissioner believes that the evidence provided by the two new epidemiological studies should be subject to the same kind of external evaluation before it becomes a basis for regulatory action.

3. The new report of human risk from saccharin consumption raises questions about the advisability of the agency's proposal to permit marketing of saccharin as a single ingredient over-the-counter drug. A further period for comment will permit this issue to be fully addressed in light of the new information.

4. Finally, the Commissioner believes that providing an additional period for the submission of comments and the continuation of discussion of the issue should permit wider public understanding of the new evidence regarding human risk and better appreciation of the propriety of the actions the agency has proposed.

II. DISCUSSION OF EPIDEMIOLOGY

As noted above, the preliminary results of two recent epidemiological studies have become available since the saacharin proposal published in the FEDERAL REGISTER on April 15, 1977. The role of epidemiological studies in risk assessment was discussed in the proposal. In particular, the preamble to the proposal stated on page 20001:

> The estimated increase risk from this moderate use of saccharin cannot be detected in human epidemiological studies. Such studies usually can only detect increased risks of 200 to 300 percent (i.e., 2 to 3 times the baseline rate) or greater. Even the best feasible epidemiologic study is not likely to detect an increased risk of only 2 to 4 percent over background incidence.

Three studies were referenced: (Kessler, I. I., J. Urology, 115: 143-146, 1976), (Armstrong, B. and R. Doll, Brit. J. Prev. Soc. Med., 28: 233-40, 1974) and (Armstrong, B. et al., Brit. J. Prev. Soc. Med., 30: 151-157, 1976). It was concluded that:

> A common feature of all three epidemiological studies is their comparative insensitivity, which could permit a sharply increased incidence of bladder cancer attributable to consumption of saccharin—on the order of more than 20,000 cases per year in the American population—to go undetected.

The first reference (Kessler) was a retrospective case-control study. The cases comprised 209 Baltimore residents with bladder cancer who were discharged from participating Baltimore hospitals during several years before 1975. An equal number of control individuals were selected from cancer-free hospital patients of the same sex, race, age and current marital status. No significant difference in intake of nonnutritive sweeteners was observed between 157 male cases and controls or 52 female cases and controls. The author notes however that the sample sizes used would only permit the detection of an 80 percent increase in bladder cancer owing to nonutritive sweetener use.

The second reference (Armstrong and Doll) consisted of reports on bladder cancer mortality in relation to cigarette smoking and saccharin consumption among the general population in England and Wales born since 1870. Bladder cancer mortality rates for this general population showed a definite relationship with cigarette smoking but not with saccharin consumption. The third reference (Armstrong, et al.) involved a prospective study of members of the British/Diabetic Association in England and Wales. Diabetics identified between 1965 and 1968 were monitored until 1973. Among the deaths occurring in that period, 128 involved cancer but only four cases of bladder cancer were observed. The authors concluded that the use of saccharin by these diabetics had not increased the risk of cancer.

These referenced studies are not inconsistent with the difficulty of demonstrating a relatively small increase in bladder cancer which might be expected from saccharin consumption in large population groups or in small case-control studies. In contrast, the newly available Canadian epidemiological study derives greater sensitivity from its larger sample, and is therefore deserving of thorough evaluation.

This new Canadian study was coordinated by the Epidemiology Unit of the National Cancer Institute of Canada in cooperation with the University of British Columbia; Dalhouse University, Halifax; and Memorial University, St. Johns, Newfoundland. All nonrecurrent cases of primary bladder cancer newly diagnosed during the period April 1974 to June 1976 in the Canadian provinces of British Columbia, Nova Scotia, and Newfoundland were identified through provincial registries and cooperating pathologists and urologists. Of 821 cases ascertained, 632 were personally interviewed in their homes using identical questionnaires. The 632 cases consisted of 480 males and 152 females. For each case individual, a corresponding control individual was selected, matching as closely as possible such characteristics as sex, age, and neighborhood of residence. Standardized questionnaires were employed to gather data for case and control individuals on demographic variables, and such other characteristics as residential history, medical history, occupational history, smoking, and use of artificial sweeteners.

The resulting data from the 480 matched pairs of male individuals showed a bladder cancer risk ratio of 1.6 for users of artificial sweeteners (principally saccharin) versus nonusers. This means that there is an estimated 60 percent increase in the risk of bladder cancer associated with the use of artificial sweeteners in males. The risk ratio of 1.6 is statistically significant.

For those males who were saccharin only users (94 percent of users as determined by brand of artificial sweetener used) the risk ratio was 1.7, which is also statistically significant.

For the 152 matched female pairs, the risk ratio was 0.6 which is not statistically significant.

Furthermore, the study indicates that the risk ratios increase with both frequency and duration of saccharin usage, with the trend being statistically significant in both cases.

Finally, the authors estimated the percentage of bladder cancer which might be attributed to the use of artificial sweeteners (mainly saccharin) among those who use such substances. For all males who were classified as users, 7 percent of the bladder cancers which occurred might be ascribed to the use of artificial sweeteners. For diabetic males, however, this estimate is 33 percent.

The apparent significance of this study derives from the association between bladder cancer and saacharin usage in human males which corresponds to the effects shown in males in animal studies. In addition, this association is noteworthy in light of the observed difficulty in detecting relatively small effects in epidemiological studies.

The second new study was by E. L. Wynder and R. Goldsmith (scheduled for publication in Cancer, Vol. 40, September 1977). It is a broad epidemiological study which included patients with bladder cancer. The overall study collected data on "confirmed diagnoses of diseases suspected of being tobacco and/or alcohol related and from matched controls. Control patients had no previous or present history of a tobacco related condition". This hospital case study was conducted between 1969 and 1974 and included 574 male and 158 female bladder cancer patients, and an equal number of matched

controls. The study was amended in 1973 to include questions on the use of saccharin among some of the subjects

[21 CFR Parts 182 and 184]

[Docket No. 77N-0036]

public that the FHWA was contemplating revising the Manual on Uniform

Revenue Code of 1954. These amend-

the special schedule, the data usually

immediately after the merger, consoli-

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controls. The study was amended in 1973 to include questions on the use of saccharin among some of the subjects.

Based on this 1973–74 subset of data, the authors reported that 13 of 132 males with bladder cancer used artificial sweeteners as compared to 16 of 124 matched controls; 4 of 31 females with bladder cancer used artificial sweeteners, and 5 of 29 used artificial sweeteners in the matched control group. The authors concluded that "no association of bladder cancer with artificial sweetener use was found."

The Wynder and Goldsmith study is similar to the Kessler study in that both involve case-control groups of hospital patients, in contrast to the Canadian study which involved case-control groups of individuals selected from the same neighborhood of residence.

III. Conclusion

The two epidemiological studies described in the previous section add to the body of scientific evidence relating to the risk of saccharin consumption. The recent study performed under the auspices of the Canadian National Cancer Institute significantly alters and enlarges the basis for decisionmaking, for it appears to confirm—from human experience—the real risk of cancer previously projected solely on the basis of animal studies. While animal studies will continue to supply the primary evidence for regulatory decisionmaking by agencies such as FDA, positive human data deserve even greater attention.

The Commissioner specifically invites comments on these studies from all sectors of the scientific community, as well as from the general public. Because of logistic difficulties in securing and reproducing copies of the final reports of the two studies, these will not immediately be available for public examination in the office of the FDA Hearing Clerk. Copies of both final reports will be on file with the Hearing Clerk no later than Tuesday, July 5, 1977. Additional copies will also then be available for public distribution through FDA's Public Records and Documents Center.

Interested persons may, on or before August 31, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the Commissioner's original proposal and, specifically, the new data discussed in this notice. The envelope containing the comment(s) should be prominently marked "Saccharin." Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-18666 Filed 6-30-77;10:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Ch. I]

[FHWA Docket No. 77-7]

METRICATION OF NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES

Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to announce that the Federal Highway Administration is closing Docket No. 77–7 without further action and does not now intend to institute additional rulemaking proceedings on the subject of conversion of traffic control devices to the metric system.

FOR FURTHER INFORMATION CONTACT:

J. J. Crowley, Director, Office of Traffic Operations, 202–426–0372; or Roberta D. Gabel, Attorney, Office of the Chief Counsel 202–426–0790; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. e.s.t., Monday to Friday.

SUPPLEMENTARY INFORMATION: On April 27 and 29, 1977, the Federal Highway Administration issued an advance notice of proposed rulemaking, inviting interested persons to comment on a recommended time table for conversion to the metric system and to advise the public that the FHWA was contemplating revising the Manual on Uniform Traffic Control Devices to establish metric standards for traffic control devices (42 FR 21487, 21827). Upon a preliminary review of the comments received in response to that invitation, the Federal Highway Administration has determined that it would be inappropriate at this time to issue a regulation converting the Manual on Uniform Traffic Control Devices to metric standards. The Advance Notice of Proposed Rulemaking in FHWA Docket No. 77–7 is therefore terminated.

Issued on: June 23, 1977.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-18911 Filed 6-30-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Mergers and Consolidations of Plans and Transfers of Plan Assets or Liabilities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to mergers and consolidations of retirement plans and transfers of plan assets or liabilities. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide the public with the guidance needed to comply with that Act and would apply to all participants in a retirement plan involved in a marger, consolidation or transfer of plan assets or liabilities..

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 15, 1977. The amendments are proposed to be effective for mergers, consolidations and transfers of assets or liabilities which occur after September 2, 1974.

ADDRESS: Sent comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Mrs. Paulette Tino of the Actuarial Division, Office of the Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. (202–566–4266).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 401(a)(12) and 414(l) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1021(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 937) and to section 1015 of that Act (88 Stat. 928) ("ERISA"). Section 208 of ERISA contains provisions substantially similar to the provisions of section 414(l) of the Code. The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

General Rule

Section 414(l) of the Internal Revenue Code of 1954 provides a rule for a merger or consolidation of a plan with another plan after September 2, 1974. This rule also applies to a transfer of assets or liabilities to another plan after that date. Under this section, if one of these events occurs, a trust which forms a part of a pension, profit-sharing or stock bonus plan will not be qualified under section 401, unless each participant in the plan would receive a minimum benefit if the plan terminated immediately after the merger, consolidation or transfer. This benefit must be equal to or greater than the benefit the participant would have been entitled to receive immediately before the merger, consolidation or transfer if the plan in which he was a participant had then terminated. The same rules apply to an annuity or bond purchase plan described in section 403(a) or 405(a). Under the regulations, the benefits which the participants would receive if the plan terminated are those provided exclusively by the plan assets pursuant to section 4044 of the Employee Retirement Income Security Act of 1974 ("ERISA"). Those benefits do not include benefits that might be provided by plan termination insurance under ERISA.

Section 414(l) applies to a multiemployer plan only to the extent determined by regulations of the Pension Benefit Guaranty Corporation.

Specific Rules Concerning Mergers

The regulations provide rules in the case of a merger of defined benefit plans. Often, in this situation, some participants would receive smaller benefits after the merger than they would receive before the merger, if the plans had terminated in both instances. This would mean that the requirements of section 414(l) would not be satisfied after the merger unless the distribution of benefits on termination were modified in some manner. The regulations provide for this modification through the use of a special schedule of benefits.

In the case of a merger which normally would require the creation of a special schedule, the regulations provide that the schedule need not be established if data sufficient to create the schedule is maintained. Additionally, the regulations contain a special rule under which the effects of the special schedule may be ignored 5 years after the date of a merger. Similarly, the regulations provide that where data is maintained instead of the special schedule, the data usually need not be maintained for more than 5 years after a merger.

The regulations also set out rules concerning mergers of defined contribution plans, mergers between a defined contribution and defined benefit plan and cases in which these plans are separated into two plans.

Scope of the Regulations.

These regulations consider the effect of section 414(l) of the Code on certain transactions. The regulations do not consider whether these transactions involve other sections of the Code or ERISA. Thus, for example, a particular transaction may not only involve section 414(l), but it may also involve various other Code sections.

Reliance on Proposals

Because of the need for immediate guidance, the rules contained in these proposed regulations may be relied on where the merger or separation of plans is in connection with the transfer of assets or stock, provided that action has been taken before 30 days after publication of the final regulations and compliance with final regulations would create a substantial hardship.

Comments and Requests for a Public Hearing

Before adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

Drafting Information

The principal author of these proposed regulations was Norman J. Misher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations. The proposed amendments to 26 CFR Part 1 are as follows:

PARAGRAPH 1. The following new section is added immediately after § 1.401(a)–11:

§ 1.401(a)–12 Mergers and consolidations of plans and transfers of plan assets.

A trust will not be qualified under section 401 unless the plan of which the trust is a part provides that in the case of any merger or consolidation with, or transfer of assets or liabilities to, another plan after September 2, 1974, each participant in the plan would receive a minimum benefit if the plan terminated immediately after the merger, consolidation, or transfer. This benefit must be equal to or greater than the benefit the participant would have been entitled to receive immediately before the merger, consolidation, or transfer if the plan in which he was a participant had then terminated. This section applies to a multiemployer plan only to the extent determined by the Pension Benefit Guaranty Corporation. For additional rules concerning mergers or consolidations of plans and transfers of plan assets, see section 414(l) and § 1.414(l)–1.

PAR. 2. The following new section is inserted immediately after § 1.414(g)–1:

§ 1.414(l)–1 Mergers and consolidations of plans or transfers of plan assets.

(a) *General rule.* Under section 414(l), (1) A trust which forms a part of a plan will not constitute a qualified trust under section 401, and (2) A plan will not be treated as being qualified under section 403(a) and 405(a), unless, in the case of a merger or consolidation (as defined in paragraph (b)(2) of this section), or a transfer of assets or liabilities (as defined in paragraph (b)(3) of this section), the following condition is satisfied. This condition requires that each participant receive benefits on a termination basis (as defined in paragraph (b)(5) of this section) from the plan immediately after the merger, consolidation or transfer which are equal to or greater than the benefits the participant would receive on a termination basis immediately before the merger, consolidation, or transfer.

(b) *Definitions.* For purposes of this section:

(1) *Single plan.* A plan is a "single plan" if and only if all the plan assets are available to pay benefits to employees who are covered by the plan. For purposes of the preceding sentence, all the assets of a plan will not fail to be available to provide all the benefits of a plan merely because the plan is funded in part or in whole with allocated insurance instruments. A plan will not fail to be a single plan merely because of the following:

(i) The plan has several distinct benefit structures which apply either to the same or different participants,

(ii) The plan has several plan documents,

(iii) Several employers, whether or not affiliated, contribute to the plan,

(iv) The assets of the plan are invested in several trusts or annuity contracts, or

(v) Separate accounting is maintained for purposes of cost allocation but not for purposes of providing benefits under the plan.

However, more than one plan will exist if a portion of the plan assets is not available to pay some of the benefits. This will be so even if each plan has the same benefit structure or plan document, or if all or part of the assets are invested in one trust with separate accounting with respect to each plan.

(2) *Merger or consolidation.* The terms "merger" or "consolidation" means

the combining of two or more plans into a single plan. A merger or consolidation plan is the one in which the assets would satisfy a lesser proportion of the liabilities of the plan after the merger than before the merger. A transfer of assets or liabilities is a transaction in which assets or liabilities are transferred from one plan to another plan. A transfer of assets or liabilities is a merger or consolidation if the transferee plan is the one in which the assets would satisfy a lesser proportion of the liabilities of the plan after the transfer than before the transfer. A transfer of assets or liabilities is not a merger or consolidation if the transferee plan is the one in which the assets would satisfy a greater proportion of the liabilities of the plan after the transfer than before the transfer. A transfer of assets or liabilities is not a merger or consolidation if the transferee plan is the one in which the assets would satisfy the same proportion of the liabilities of the plan after the transfer as before the transfer. For purposes of the preceding sentence, the proportion of liabilities satisfied by assets is determined immediately before and after the transfer. For purposes of this section, a transfer of assets or liabilities includes a transfer of assets or liabilities to a plan from a plan which is not a qualified trust under section 401(a). Section 414(l) does not apply to any

nation basis as a result of the merger and these benefits are not associated with case of a merger of a smaller plan (or a

the combining of two or more plans into a single plan. A merger or consolidation will not occur merely because one or more corporations undergo a reorganization (whether or not taxable). Furthermore, a merger or consolidation will not occur if two plans are not combined into a single plan, such as by using one trust which limits the availability of assets of one plan to provide the benefits only of that plan.

(3) *Transfer of assets or liabilities.* A "transfer of assets or liabilities" occurs when there is a diminution of assets or liabilities with respect to one plan and the acquisition of these assets or the assumption of these liabilities by another plan. For example, the shifting of assets or liabilities pursuant to a reciprocity agreement between two plans in which one plan assumes liabilities of another plan is a transfer of assets or liabilities. However, the shifting of assets between several funding media used for a single plan (such as between trusts, between annuity contracts, or between trusts and annuity contracts) is not a transfer of assets or liabilities.

(4) *Spinoff.* The term "spinoff" means the splitting of a single plan into two or more plans.

(5) *Benefits on a termination basis.* (i) The term "benefits on a termination basis" means the benefits that would be provided exclusively by the plan assets pursuant to section 4044 of the Employee Retirement Income Security Act of 1974 ("ERISA") and the regulations thereunder if the plan terminated. Thus, the term does not include benefits that are guaranteed by the Pension Benefit Guaranty Corporation, but not provided by the plan assets.

(ii) For purposes of determining the benefits on a termination basis, the allocation of assets to various priority categories under section 4044 of ERISA must be made on the basis of reasonable actuarial assumptions. The assumptions used by the Pension Benefit Guaranty Corporation are deemed reasonable for this purpose.

(iii) If a change in the benefit structure of a plan in conjunction with a merger, consolidation, or transfer of assets or liabilities alters the benefits on a termination basis, the change should be designated, at the time the merger, consolidation, or transfer occurs, to be effective either immediately before or immediately after that occurrence. In the event that no designation is made, the change in the benefit structure will be deemed to occur immediately after the merger, consolidation, or transfer of assets or liabilities.

(6) *Lower funded plan.* (i) The term "lower funded plan" generally means the plan which, immediately prior to the merger, would have its assets exhausted in a higher priority category than the other plan.

(ii) Where two plans, immediately prior to the merger, would have their assets exhausted in the same priority category of section 4044 of ERISA in the event of termination, the lower funded plan is the one in which the assets would satisfy a lesser proportion of the liability allocated to that priority category.

(7) *Priority category.* The term "priority category" means the category of benefits described in each paragraph of section 4044(a) of ERISA. References to higher or highest priority categories refer to those priority categories which receive the first allocation of assets, i.e. the lowest paragraph numbers in section 4044(a).

(8) *Separate accounting of assets.* The term "separate accounting of assets" means the maintenance of an asset account with respect to a given group of participants which is:

(i) Credited with contributions made to the plan on behalf of the participants and with its allocable share of investment income, if any, and

(ii) Charged with benefits paid to the participants, and with its allocable share of investment losses or expenses.

(c) *Application of section 414(l)—(1) Two or more plans.* (i) Section 414(l) does not apply unless more than one plan is involved. It also does not apply unless at least one plan assumes liabilities from another plan or obtains assets from another plan (as in a merger or spinoff). For purposes of section 414(l), a transfer of assets or liabilities will not be deemed to occur merely because a defined contribution plan is amended to become a defined benefit plan. This rule will apply even if, under the facts and circumstances of a particular case, a termination of the defined contribution plan will be considered to have occurred for purposes of other provisions of the Code.

(ii) The requirements of this subdivision may be illustrated as follows:

Example. After acquiring Corporation B, Corporation A amends Corporation B's defined benefit plan (Plan B) to provide the same benefits as Corporation A's defined benefit plan (Plan A). The assets of Plan B are transferred to the trust containing the assets of Plan A in such a manner that the assets of each plan: (1) are separately accounted for, and (2) are not available to pay benefits of the other plan. Because of condition (2) there are still two plans and, therefore, a merger did not occur. As a result, section 414(l) does not apply. If at some later date Corporation A were to sell Corporation B and transfer the assets of Plan B that were separately accounted for to another trust or to an annuity contract solely for the purpose of providing Plan B's benefits, this transfer would also not involve section 414(l). This is so because Plan B was a separate plan before the entire transaction and because no plan assumed liabilities or obtained assets from another plan. If, on the other hand, Corporation A merged Plan A and Plan B at the time of the acquisition of Corporation B by deleting condition (2) above, then section 414(l) would apply both to the merger of Plan A and Plan B and to the spinoff of Plan B from the merged plan. The spinoff would have to satisfy the requirements of paragraph (n) of this section, even if the assets attributable to Plan A and Plan B were separately accounted for in order to allocate funding costs.

(2) *Multiemployer plans.* Except to the extent provided by regulations of the Pension Benefit Guaranty Corporation, section 414(l) does not apply to any transaction to the extent that participants either before or after that transaction are covered under a multiemployer plan within the meaning of section 414(f). Until these regulations are issued, section 414(l) does not apply to any of the following situations:

(i) A multiemployer plan is split into two plans, one or both of which are not multiemployer plans, or (ii) A single employer plan is merged into a multiemployer plan.

Therefore, if some (but not all) of the participants in a single employer plan become participants in a multiemployer plan under an agreement in which the multiemployer plan assumes all the liabilities of the single employer plan with respect to these participants and in which some or all of the assets of the single employer plan are transferred to the multiemployer plan, section 414(l) applies, but only with respect to the participants in the single employer plan who did not transfer to the multiemployer plan.

(d) *Merger of defined contribution plans.* In the case of a merger of two or more defined contribution plans, the requirements of section 414(l) will be satisfied if all of the following conditions are met:

(1) The sum of the account balances in each plan equals the fair market value (determined as of the date of the merger) of the entire plan assets.

(2) The assets of each plan are combined to form the assets of the plan as merged.

(3) Immediately after the merger each participant in the plan as merged has an account balance equal to the sum of the account balances the participant had in the plans immediately prior to merger.

(e) *Merger of defined benefit plans—(1) General rule.* Section 414(l) compares the benefits on a termination basis before and after the merger. If the sum of the assets of all plans is not less than the sum of the present values of the accrued benefit (whether or not vested) of all plans, the requirements of section 414(l) will be satisfied merely by combining the assets and preserving each participant's accrued benefits. This is so because all the accrued benefits of the plan as merged are provided on a termination basis by the plan as merged. However, if the sum of the assets of all plans is less than the sum of the present values of the accrued benefits (whether or not vested) in all plans, the accrued benefits in the plan as merged are not provided on a termination basis.

(2) *Special schedule of benefits.* Generally, for some participants, the benefits provided on a termination basis for the plan as merged would be different from the benefits provided on a termination basis in the plans prior to merger if the assets were merely combined and if each participant retained his accrued benefit. Some participants would, therefore, receive greater benefits on a termination basis as a result of the merger and some other participants would receive smaller benefits. Accordingly, the requirements of section 414(l) would not be satisfied unless the distribution on termination were modified in some manner to prevent any participant from receiving smaller benefits on a termination basis as a result of the merger. This is accomplished through modifying the application of section 4044 of ERISA by inserting a special schedule of benefits.

(f) *Operational rules for the special schedule.* The application of section 4044 of ERISA as modified by the schedule of benefits is accomplished by the following steps:

(1) Section 4044 is applied in the plan as merged through the priority categories fully satisfied by the assets of the lower funded plan immediately prior to the merger.

(2) The assets in the plan as merged are then allocated to the next priority category as a percentage of the value of the benefits that would otherwise be allocated to that priority category. That percentage is the ratio of (i) the assets allocated to the first priority category not fully satisfied by the lower funded plan immediately prior to the merger to (ii) the assets that would have been allocated had that priority category been fully satified.

(3) A schedule of benefits is formed listing participants and scheduled accured benefits. The scheduled accrued benefit is the excess of the benefits provided on a termination basis with respect to any participant from the plans immediately prior to the merger, over the benefits provided on a termination basis in subparagraphs (1) and (2) of this paragraph immediately after the merger. After allocating the assets in accordance with subparagraph (2) of this paragraph, the assets are allocated to the schedule of benefits as follows:

(i) First the assets are allocated to the scheduled benefits to the extent that the participant would have benefits provided in subparagraph (4) of this paragraph if there were no scheduled benefits.

(ii) Then the assets are allocated to the scheduled benefits to the extent that the participant would have benefits provided pursuant to subparagraph (5) of this paragraph if there were no scheduled benefits.

These assets should be allocated first to those scheduled benefits that are in the highest priority category under section 4044.

(4) The assets are then allocated to those benefits in the priority category described in subparagraph (3) of this paragraph with respect to which assets were not allocated. This allocation is made to the extent that these benefits are not associated with benefits in the schedule.

(5) Finally, the assets are allocated in accordance with section 4044 with respect to priority categories lower than the priority category described in subparagraph (4) of this paragraph. This allocation is made to the extent that these benefits are not associated with benefits in the schedule.

(g) *Successive mergers—(1) In general.* In the case of a current merger of a defined benefit plan with another defined benefit plan which as a result of a previous merger has a special schedule, the rules of paragraphs (e) and (f) of this section apply as if the schedule were considered a category described in section 4044 of ERISA. Thus, a second schedule may be formed as a result of the current merger. The second schedule will be inserted in the priority category of section 4044 described in paragraph (f)(2) of this section as of the date of the current merger. This priority category may be higher, lower, or within the schedule of benefits existing on account of a previous merger. If this priority schedule is inserted within a schedule of benefits, a new single schedule of benefits replacing the old schedule of benefits would in effect be created.

(2) *Allocation of assets.* Assets in the new schedule of benefits are allocated as follows:

(i) First to the benefits remaining in the old schedule to the extent that there are assets immediately prior to the second merger to satisfy the original benefits.

(ii) Then to the benefits provided on a termination basis from the plans immediately prior to the second merger to the extent that they are not provided before the schedule after the second merger or in subdivision (i) of this subparagraph,

(iii) Then to benefits remaining in the original schedule not included in subdivision (i) of this subparagraph.

(h) *De minimis rule for merger of defined benefit plan—(1) In general.* In the case of a merger of a defined benefit plan ("smaller plan") whose liabilities (whether or not vested) are less than 3 percent of the assets of another defined benefit plan ("larger plan") as of at least one day in the larger plan's plan year in which the merger of the two plans occurs, section 414(l) will be deemed to be satisfied if the following condition is met. The condition requires that a special schedule of benefits (consisting of all the benefits that would be provided by the smaller plan on a termination basis just prior to the merger) be payable in a priority category higher than the highest priority category in section 4044 of ERISA. Assets will be allocated to that schedule in accordance with the allocation of assets to scheduled benefits in paragraph (f)(3) of this section.

(2) *Application to a series of mergers.* In the case of a series of such mergers in a given plan year of the larger plan, the rule described in subparagraph (1) of this paragraph will apply only if the sum of the liabilities (whether or not vested) assumed by the larger plan are less than 3 percent of the assets of the larger plan as of at least one day in the plan year of the larger plan in which the mergers occurred.

(3) *Application to a merger occurring over more than one plan year.* In the case of a merger of a smaller plan or a protion thereof with a larger plan designed to occur in steps over more than one plan year of the larger plan, the entire transaction will be deemed to occur in the plan year of the larger plan which contains the first of these steps.

(4) *Liabilities of the smaller plan.* (i) For purposes of subparagraphs (2) and (3) of this paragraph, mergers satisfying paragraphs (e), (f) or (g) of this section will be ignored in determining the sum of the liabilities assumed by the larger plan.

(ii) For purposes of this paragraph, the liabilities of the smaller plan will be determined on the basis of reasonable acturial assumptions described in paragraph (b) (5) (ii) of this section.

(i) *Data maintenance—(1) Alternative to the special schedule.* In the case of a merger which would require the creation of a special schedule in order to satisfy section 414 (l), the schedule need not be created at the time of the merger if data sufficient to create the schedule is maintained. The schedule would only have to be created in the event of a subsequent plan termination or a subsequent spinoff. In that case the schedule must be determined as of the date of the merger.

(2) *Required data.* The data that must be maintained depends on the plan. Care should be taken to ensure that each element of data necessary to determine the schedule as of the date of merger is maintained, and an enrolled actuary must so certify to the plan administrator.

(j) *Five year rule—(1) Limitation on the required use of the special schedule.* A plan will not fail to satisfy the requirements of section 414(l) merely because the effects of the special schedule created pursuant to paragraphs (e) (2) or (h) of this section are ignored 5 years after the date of a merger. Furthermore, the data maintained pursuant to paragraph (i) of this section need not be maintained for more than 5 years after the merger, if the plan does not have a spinoff or a termination within 5 years.

(2) *Illustration.* If Plans A and B merge to form Plan AB and if Plan AB merges with Plan C 3 years later to form Plan ABC and if Plan ABC terminates 4 years later, the data relating to the merger of Plans A and B need not be maintained for more than 5 years after the merger of Plans A and B. In addition, after 5 years have elapsed after the merger of Plans A and B, the effect of any special schedule created by the merger of Plans A and B on the schedule created by the merger of Plans AB and C may be ignored in determining the later schedule.

(k) *Examples.* The provisions of paragraphs (e) through (j) of this section may be illustrated by the following examples:

Example (1). Plan A, whose assets are $220,000, is to be merged with Plan B, whose assets are $200,000. Plan A has three employees. Plan B has two employees. If Plans A and B were to terminate just prior to the merger, the benefits provided on a termination basis would be as follows:

(1)	(2)	(3)	(4)

(l) *Merger of defined benefit and defined contribution plan.* In the case of a

(o) *Transfers of assets or liabilities.* Any transfer of assets or liabilities will

the Department of Justice the responsibility for the system of records listed in

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Priority category of sec. 4044 of ERISA:	(1) Annual accrued benefits			(2) Present value of accrued benefits			(3) Fair market value of assets allocated to priority category	(4) Benefits on a termination basis		
	Plan A									
	EE1	EE2	EE3	EE1	EE2	EE3		EE1	EE2	EE3
3	$10,000			$120,000			$120,000	$10,000		
4	2,000	$4,000		24,000	$44,000		68,000	2,000	$4,000	
5		3,000	$4,000		33,000	$40,000	32,000		[1] 1,135	[1] $1,753
6			1,000			10,000				
Total							220,000	12,000	5,315	1,753
	Plan B									
	EE4	EE5		EE4	EE5			EE4	EE5	
3	$10,000			$195,000			$195,000	$15,000		
4		$5,000			$50,000		5,000		[2] $500	
5		8,000			80,000					
Total							$200,000	$15,000	$500	

[1] $3,000 × $32,000/$73,000

[2] $4,000 × $32,000/$73,000

[3] $5,000 × $5,000/[illegible]

i.e. Accrued benefit × Assets available for priority category 5 / Total present value of accrued benefits in category 5

Because Plan B's assets are exhausted in a higher priority category than Plan A's assets, Plan B is the lower funded plan. A schedule will, therefore, be inserted in Priority Category 4 of the plan as merged after providing 10% of the benefits provided in category 4, i.e. the ratio of $5,000 assets in Plan B allocated to category 4 to the $50,000 liability in category 4. The schedule would be constructed as follows:

	(1) Benefits on a termination basis before merger	(2) Benefits provided from priority categories higher than category 4	(3) 10 percent of benefits provided in priority category 4	(4) Benefits provided before schedule (2)+(3)	(5) Schedule of benefits (1)−(4)
EE					
1	$12,000	$10,000	$200	$10,200	$1,800
2	5,315		400	400	4,915
3	1,753				1,753
4	15,000	15,000		15,000	
5	500		500	500	

Example (2). The facts are the same as in Example (1). The plan, however, terminates one year later. Furthermore, no employee has accrued additional benefits during the year except that the $2,000 benefit of EE1 that was originally in category 4 is now in category 3. The assets would be allocated to the priority categories to the extent that there are assets to cover the following benefits.

Priority, termination category	EE1	EE2	EE3	EE4	EE5
3	$12,000			$15,000	
10 pct of 4		$400			$50
Schedule of benefits included in balance of category 4		3,600			
Schedule of benefits included in category 5		1,315	$1,753		
Schedule of benefits included in category 6					
Balance of category 4 not included in schedule					4,500
Balance of category 5 not included in schedule		1,685	2,247		8,000
Balance of category 6 not included in schedule			1,000		

(l) *Merger of defined benefit and defined contribution plan.* In the case of a merger of a defined benefit plan with a defined contribution plan, one of the plans before the merger should be converted into the other type of plan (i.e., the defined benefit converted into a defined contribution or the defined contribution converted into a defined benefit) and either paragraph (d) or paragraphs (e) through (j) of this section, whichever is appropriate, should be applied.

(m) *Spinoff of a defined contribution plan.* In the case of a spinoff of a defined contribution plan, the requirements of section 414(l) will be satisfied if after the spinoff—

(1) The sum of the account balances for each of the participants in the resulting plans equals the account balance of the participant in the plan before the spinoff, and

(2) The assets in each of the plans immediately after the spinoff equals the sum of the account balances for all participants in that plan.

(n) *Spinoff of a defined benefit plan—*(1) *General rule.* In the case of a spinoff of a defined benefit plan, the requirements of section 414(l) will be satisfied if—

(i) All of the accrued benefits of each participant are allocated to only one of the spun off plans, and

(ii) The value of the assets allocated to each of the spun off plans is not less than the sum of the present value of the benefits on a termination basis in the plan before the spinoff for all participants in that spunoff plan.

(2) *De minimis rule.* In the case of a spinoff, the requirements of section 414(l) will be deemed to be satisfied if the value of the assets spun off—

(i) Equals the present value of the accrued benefits spun off (whether or not vested) on the basis of reasonable actuarial assumptions described in paragraph (b)(5)(ii) of this section, and

(ii) In conjunction with other assets spun off during the plan year in accordance with this subparagraph, is less than 3 percent of the assets as of at least one day in that year. Spinoffs occurring in previous or subsequent plan years are ignored if they are not part of a single spinoff designed to occur in steps over more than one plan year.

(3) *Special temporary rule.* In the case of a defined benefit plan maintained for different groups of employees, which is a single plan (as defined in paragraph (b)(1) of this section) and under which there has been separate accounting of assets for each group, a spinoff of the plan on or before July 1, 1978, into a separate plan for each group will be deemed to satisfy section 414(l) if—

(i) All the liabilities with respect to each group of employees are allocated to separate plan for the group of employees, and

(ii) The assets that are separately accounted for with respect to each group of employees are allocated to the separate plan for that group of employees.

(o) *Transfers of assets or liabilities.* Any transfer of assets or liabilities will for purposes of section 414 (l) be considered as a combination of separate mergers and spinoffs using the rules of paragraphs (d), (e) through (j), (l), (m), or (n) of this section, whichever is appropriate. Thus, if a block of assets and liabilities are transferred from Plan A to Plan B, each of which is a defined benefit plan, the transaction will be considered as a spinoff from Plan A and a merger of one of the spinoff plans with Plan B. The spinoff and merger described in the previous sentence would be subject to the requirements of paragraphs (n) and (e) through (j) of this section, respectively.

(p) *Effective date.* The provisions of this section apply to mergers, consolidations and transfers of assets or liabilities which occur after September 2, 1974.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc.77-18641 Filed 6-24-77;4:58 pm]

DEPARTMENT OF JUSTICE

Office of the Deputy Attorney General

[28 CFR Part 16]

[Order No. 730-77]

PRODUCTION OR DISCLOSURE OF INFORMATION

Proposed Exemption of System of Records Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The proposed rule would make editorial changes to 28 CFR § 16.71 in order to indicate that certain systems of records previously maintained by the Office of the Deputy Attorney General are now maintained by the Office of the Associate Attorney General. The rule would also add an additional system, "Miscellaneous Attorney Personnel Records System", to the list of systems exempt from certain provisions of the Privacy Act of 1974. This system contains investigatory material compiled for the purpose of determining qualifications of candidates for positions as attorneys in the Department of Justice. The exemption would provide anonymity to persons who supply information concerning these candidates, and would permit the collection of any information which might possibly be relevant in determining the qualifications of candidates.

DATE: Comments must be received on or before August 2, 1977.

ADDRESS: All comments should be sent to: Executive Office, Room 1116, Office of Management and Finance, Department of Justice, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Harry Gastley, Administrative Counsel (202-739-5361).

SUPPLEMENTARY INFORMATION: As the result of a reorganization within the Department of Justice the responsibility for the system of records listed in 28 CFR 16.71(a) has been transferred from the Office of the Deputy Attorney General to the Office of the Associate Attorney General. To reflect this change in responsibility the section will be amended by substituting the word Associate for Deputy, and by changing the system identification acronym and number.

The proposed rule would also exempt an additional system of records from certain provisions of the Privacy Act of 1974. Subsection 3(d)(1) of the Privacy Act of 1974 (5 U.S.C. 552a) provides that any individual may gain access to any information pertaining to himself which is contained in any system of records in the Federal government. Subsection (e)(1) requires that Federal agencies maintain only such information about an individual which is relevant and necessary.

However, under subsection (k)(5) of the Act, the head of an agency may exempt a records system from these provisions if the records system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal employment. This exemption applies only to the extent that disclosure of this material would reveal the identity of a source who had been promised confidentiality.

This exemption is being proposed for the "Miscellaneous Attorney Personnel Records System" since many persons who are contacted will not provide information on a candidate unless they are guaranteed anonymity. The exemption is also being sought because it is impossible to determine in advance what exact information will be of assistance in determining the qualifications of a candidate.

Some records contained in this system may not be subject to exemption. A determination would be made as to the exemption of a specific record at the time a request for access is made.

The authority for this proposed rule is 5 U.S.C. 552a.

Accordingly, it is proposed that 28 CFR § 16.71 be revised to read as follows:

§ 16.71 Exemption of the Office of the Associate Attorney General Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) Appointed Assistant United States Attorneys Personnel System (JUSTICE AAG-001).

(2) Assistant United States Attorneys Applicant Records System (JUSTICE AAG-002).

(3) Presidential Appointee Candidate Records System (JUSTICE/AAG-007).

(4) Presidential Appointee Records System (JUSTICE/AAG-008).

(5) Special Candidates for Presidential Appointments Records System (JUSTICE/AAG-009).

(6) United States Judges Records System (JUSTICE/AAG-010).

(7) Miscellaneous Attorney Personnel Records System (JUSTICE/AAG-011).

These exemptions apply only to the ex-

Major Norma L. K. Mokuau, 202-767-4545.

SUPPLEMENTARY INFORMATION:

which to submit comments on the above notice of proposed rulemaking published in the FEDERAL REGISTER on May 2, 1977

between the hours of 8:30 a.m. and 5 p.m.

power shortage areas as soon as possible; and (4) Specialty preference, which re-

a current analysis of the four listed factors in the regulations. The recipients

(7) Miscellaneous Attorney Personnel Records System (JUSTICE/AAG-011).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a judgeship or assistant U.S. Attorney position. Permitting access to the information supplied by persons after a promise of confidentiality has been given, could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigation and evaluation purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information, can on occasion provide a composite picture of a candidate for a position which assists in determining whether that candidate should be nominated for appointment.

Dated: June 21, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-18777 Filed 6-30-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 806b]

[AF Reg. 12-35]

PRIVACY ACT OF 1974

Exemption

AGENCY: Department of the Air Force.

ACTION: Proposed rule.

SUMMARY: This document proposes an exemption for a system of records which pertains to Air Force Reserve Officer Training Corps cadets. The exemption is needed to protect the identities of persons who provide data, in confidence, which is used to determine the suitability, eligibility, or qualification of cadets for Federal Military Service.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 2, 1977.

ADDRESS: Send any comments to the Air Force Privacy Act Office, Directorate of Administration, Headquarters, United States Air Force (HQ USAF/DADMP), Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT:

Major Norma L. K. Mokuau, 202-767-4545.

SUPPLEMENTARY INFORMATION: The Department of the Air Force final adopted rulemaking on the Air Force Privacy Act Program was republished by the Office of the Federal Register in Privacy Act Issuances, 1976 Comp, Vol. II, beginning on page 427. It was amended in the FEDERAL REGISTERS of January 31, 1977 (42 FR 5696) and April 29, 1977 (42 FR 21776). Under the authority of the Privacy Act of 1974, Pub. L. 93-579 5 U.S.C. 552a the Air Force now proposes to add paragraph (m) to § 806b.58 in Subpaft H of Part 806b, 32 CFR as follows:

§ 806.58 Specific exemptions.

* * * * *

(m) *04501 Cadet Records*—(1) *Exemptions.* Portions of this system of records (Detachment POC Selection Rating Sheets; AFROTC Form 0-24—Disenrollment Review; Memorandum for Record and Staff papers containing staff advice, opinions, or suggestions) are exempt from the following provisions of 5 U.S.C. 552a: (c)(3), (d), (e)(4)(H), (e)(4)(G), and (f), but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an expressed promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(2) *Authority.* 5 U.S.C. 552a(k)(5).

(3) *Reasons.* The release of information used to determine suitability, eligibility, or disqualification for Federal Military Service would cause the identity of a confidential source to be revealed. The information contained in these documents is considered relevant and necessary to making judicious determinations as to the qualification, eligibility and suitability of cadets for graduation and for commissioning as an officer in the United States Air Force. This information could only be obtained by providing assurance to the source that his or her identity would not be revealed.

JOHN MARTIN,
Acting Under Secretary.

JUNE 24, 1977.

[FR Doc.77-18798 Filed 6-30-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 754-6]

APPENDIX N—EMISSION REDUCTIONS ACHIEVABLE THROUGH INSPECTION AND MAINTENANCE OF LIGHT DUTY VEHICLES, MOTORCYCLES, AND LIGHT AND HEAVY DUTY TRUCKS

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: Petitions have been received requesting additional time in which to submit comments on the above notice of proposed rulemaking published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22177) and corrected May 27, 1977 (42 FR 27267).

As a result of these requests the comment period is hereby extended to August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John O. Hidinger, Director, Office of Transportation and Land Use Policy—AW-445, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: June 24, 1977.

EDWARD F. TUERK,
Assistant Administrator, Office of Air and Waste Management.

[FR Doc.77-18784 Filed 6-30-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 62]

PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations (42 CFR Part 62) implementing the Public Health and National Health Service Corps Scholarship Training Program under section 225 of the Public Health Service Act. This program awards scholarships to individuals who will serve as physicians, dentists, nurses, and other health-related specialists in the National Health Service Corps and other units of the Public Health Service. Based on the Department's experience in administering this program, the proposed amendments are to revise the provisions relating to applicant eligibility and selection criteria, deferments of obligated service, and waiver and suspension of obligations.

DATES: Written comments concerning the proposed regulations are invited and all comments received on or before August 15, 1977, will be considered.

ADDRESSES: Comments must be in writing, preferably in triplicate, and addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 4th Floor, Federal Center Building No. 2, 3700 East West Highway, Hyattsville, Maryland 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Wold, Chief, PHS Scholarship Program, Bureau of Health Manpower, Room 5-44, at the above address. Telephone: 301-436-6443.

SUPPLEMENTARY INFORMATION: The following major amendments are proposed:

1. Under § 62.3, "Eligibility," it is proposed to omit the separate requirement, which is not required by the statute, that applicants be citizens of the Unied States. This provision is unnecessary in view of the requirement that applicants be eligible for, or hold, appointments as Commissioned Officers in the Regular or Reserve Corps of the Public Health Service or be selected for civilian service in the National Health Service Corps. Also, a proposed addition at § 62.3(d) would require that applicants meet other eligibility criteria which the Secretary may determine from time to time and publish in the FEDERAL REGISTER, in accordance with § 62.6. This requirement is added to assure that individuals in the various health-related disciplines can be utilized during the period of obligated service in a manner which will best meet the needs of the Public Health Service. For example, since under the Act (section 225(e)) an individual must performe the obligated service as either a Commissioner Officer in the Service or as a civilian member of the National Health Service Corps, it may be necessary for the Secretary to require that recipients in a specific discipline be eligible for appointments as officers in the Public Health Service Commissioned Corps, as opposed to civilian service in the National Health Service Corps.

2. It is proposed to amend § 62.4(b) by revising and expanding the criteria by which applicants will be evaluated for selection as Public Health and National Health Service Corps Scholarship recipients. The present regulation calls for evaluation based upon academic performance, faculty recommendation, and work experience. To these three, the Secretary is proposing to add four additional criteria which, together with the present criteria, express more fully the variables which experience has shown indicate potential for an individual's successful performance in meeting the needs of the National Health Service Corps, Indian Health Service, and Bureau of Medical Services as a health care practitioner. These new criteria are: (1) Community background, which relates to the social, economic, and cultural background of the applicant; (2) Career goals, which relates to the stated intention of the applicant for professional practice in particular settings, such as health manpower shortage areas; (3) Graduation date, which relates to the anticipated date the applicant will graduate from professional school relevant to the Department's need to place practitioners in health manpower shortage areas as soon as possible; and (4) Specialty preference, which relates to the applicant's intentions to specialize within the discipline.

3. In recognition of the special needs of American Indian and Alaska Native populations for services provided by health care practitioners, particularly from providers who are themselves American Indians or Alaska Natives, the proposed regulations provide in § 62.4(c) that eligible American Indian and Alaska Native applicants will be given priority in the selection of scholarship recipients.

4. A new subsection (d) is proposed to be added to §62.4 to prohibit recipients of Public Health and National Health Service Corps ("PH/NHSC") Scholarships from receiving concurrent benefits through the health professions and nursing 'educational loan repayment' programs authorized by sections 741(f) and 836(h) of the Public Health Service Act. This prohibition would insure that no recipient of a PH/NHSC Scholarship who is performing the resultant period of obligated service could also receive Federal loan repayment benefits based on the same period of service. This prohibition is not to be construed as preventing a recipient from applying for loan repayment benefits pursuant to section 741(f) or 836(h) following completion of the period of obligated service necessitated by receipt of the PH/NHSC Scholarship, if the recipient is otherwise eligible for section 741(f) or 836(h) benefits at that time; nor would this prohibition apply if the PH/NHSC Scholarship funds have been repaid by the recipient, or if the recipient's obligation has been waived by the Secretary.

5. It is proposed to amend the language of § 62.7(c) to include the factors which will be taken into consideration by the Secretary in determining whether to grant a deferment of the period of obligated service. Previously, this determination was to be made only "for good cause shown." The four factors listed in § 62.7(c)(1) are intended to expand and clarify "good cause" and are self explanatory; however, the process of requesting and receiving deferments is explained below.

In September of their final year in professional school, each of the medical, osteopathic, and dental scholarship recipients will submit a form specifying the type of deferment requested, including the specialty, period of time, and whether the internship (or equivalent) and residency would be served in a Public Health Service (PHS) facility or in a non-PHS facility. Each recipient will be asked to list in priority order several internship and residency options, as desired. The request for deferment will be considered for approval in the priority order specified by the recipient. A committee of representatives from the National Health Service Corps, Indian Health Service, and Bureau of Medical Services will recommend to the Secretary approval of one or more of the options requested for deferment, based on a current analysis of the four listed factors in the regulations. The recipients will be informed of the deferment decisions by mail. By April of the following year, these recipients may request a change of deferment based on the results of the National Intern and Resident Matching Program, Intern Registration Program, or other process for matching graduates in medicine, osteopathy, and dentistry with internship (or equivalent) and residency openings. These requests for change of deferment will be considered using the same four factors.

In addition, § 62.7(c)(1) also contains the limitation included in section 408(b)(2)(C) of Pub. L. 94-484 (October 12, 1976), the Health Professions Educational Assistance Act of 1976, that only those periods of internship and residency served in Public Health Service facilities before September 30, 1976, are creditable in satisfying an active duty service obligation.

6. A new subsection (d) is proposed to be added to § 62.7 to require that recipients show evidence of their participation in the internship (or equivalent) or residency for which they have been deferred in order to retain their deferment.

7. The language of § 62.9 on "waiver or suspension" is proposed to be amended to clarify that the provisions of this section apply both to the service obligation, and to the repayment obligation which results from failure to complete the service obligation or from failure to complete academic training. Also the factors which will be taken into consideration in determining whether to waive or suspend an obligation are proposed to be amended by deleting from the list, consideration of the extent to which the recipient is practicing the profession for which support was provided in a manner which is similar to and consistent with the position which the recipient would have occupied in the Public Health Service or the National Health Service Corps. This consideration is felt to be inappropriate in light of the pressing need to place PH/NHSC Scholarship recipients in PHS-sponsored facilities in health manpower shortage areas.

Other changes have been made of a technical and clarifying nature, and to correct typographical errors in the previous text.

It is, therefore, proposed to amend 42 CFR Part 62 as set forth below:

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 25, 1977.

JAMES F. DICKSON III,
Acting Assistant Secretary for Health.

Approved: June 22, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

PART 62—PUBLIC HEALTH AND NA-

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(d) Individuals who are selected and

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shall mean the maximum permissible

FEDERAL COMMUNICATIONS

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PART 62—PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Sec.
62.1 Applicability.
62.2 Definitions.
62.3 Eligibility.
62.4 Application and selection.
62.5 Scholarship and tuition.
62.6 Designation of health-related disciplines, eligibility criteria, and stipend amount.
62.7 Service obligation and deferment.
62.8 Failure to perform.
62.9 Waiver or suspension.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended; 63 Stat. 35 (42 U.S.C. 216); sec. 225, 86 Stat. 1293 (42 U.S.C. 234).

§ 62.1 Applicability.

The regulations in this part are applicable to scholarships awarded pursuant to section 225 of the Public Health Service Act, which authorizes the Secretary to award scholarships in order to obtain trained physicians, dentists, nurses and members of other health-related disciplines for the National Health Service Corps and other units of the Public Health Service.

§ 62.2 Definitions.

As used in this part, the following terms shall have the following meaning:

(a) "Act" means the Public Health Service Act.

(b) "Academic year" means the traditional, approximately nine-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-months duration.

(c) "Full-time student" means a student who is enrolled in a school, pursuing a course of study leading to a degree or diploma, and who is enrolled for a sufficient number of credit hours in any semester or other academic term to enable such student to complete the course of study within not more than the number of semesters or other academic terms normally required therefor at the school in which the person is enrolled.

(d) "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians (including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside) or who is a descendant, in the first or second degree, of any such member, or (2) is an Eskimo or Aleut or other Alaska Native, or (3) is considered by the Secretary of the Interior to be an Indian for any purpose.

(e) "Program" means the Public Health and National Health Service Corps Scholarship Training Program authorized under section 225 of the Act.

(f) "Recipient" means any individual who has received scholarship support under this subpart.

(g) "School" means a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, nursing or other health-related discipline which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Osteopathy, Doctor of Dental Surgery or an equivalent degree, Bachelor of Science in pharmacy or an equivalent degree, an associate degree, diploma, or baccalaureate degree in nursing or an appropriate degree for the particular health-related discipline, and which is accredited or assured accreditation by an accrediting agency or association that is recognized for such purpose by the United States Commissioner of Education, or where appropriate by the Secretary.

(h) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(i) "Service" means the United States Public Health Service.

§ 62.3 Eligibility.

To be eligible for a scholarship under this subpart an applicant must:

(a) Be accepted for enrollment, or be enrolled, as a full-time student in a school in the United States or its territories or possessions in a health-related discipline determined by the Secretary to be eligible for support pursuant to § 62.6;

(b) Maintain an acceptable level of academic standing. For the purpose of this paragraph, acceptable level of academic standing means the eligibility of a student to continue in attendance at the school where the student is enrolled in accordance with the school's standards and practices;

(c) Be eligible for, or hold, an appointment as a Commissioned Officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps;

(d) Meet such other eligibility criteria as the Secretary may prescribe pursuant to § 62.6, and;

(e) Agree in writing to serve, as described in § 62.7, in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps.

§ 62.4 Application and selection.

(a) An application for a scholarship under this subpart shall be submitted in such form and at such time as the Secretary may require.

(b) Eligible applicants will be evaluated and selected by the Secretary, taking into consideration an applicant's (1) academic performance, (2) career goals, (3) community background, (4) faculty recommendations, (5) graduation date, (6) relevant work experience, and (7) specialty preference.

(c) In order to meet the needs of the Indian Health Service and other units of the Service for members of health-related disciplines who are Indians, eligible Indian applicants will be given priority in the selection of scholarship recipients under this part.

(d) Individuals who are selected and receive scholarships under this part may not enter into an agreement with the Secretary pursuant to section 741(f) or 836(h) of the Act until either (1) the recipient has completed the service obligation required by § 62.7, (2) the Secretary has recovered from such recipient an amount determined in accordance with § 62.8, or (3) any obligation under this part has been waived in accordance with §62.9. In no case shall a scholarship received under this part be considered an educational loan for purposes of section 741(f) or 836(h) of the Act.

§ 62.5 Scholarship and tuition.

(a) The Secretary may award scholarships for each approved academic year of training, not to exceed four years for any individual recipient. The amount of the scholarship stipend which will be paid monthly shall be an amount, not in excess of the basic pay and allowances of a Commissioned Officer, without dependents, on active duty in pay grade 0–1 with less than two years of service, as established by the Secretary pursuant to § 62.6.

(b) The Secretary will contract or otherwise arrange for the payment of those tuition and other educational fees necessarily incurred by a full-time student.

§ 62.6 Designation of health-related disciplines, eligibility criteria, and stipend amount.

The Secretary will from time to time determine and publish in the FEDERAL REGISTER:

(a) A list of those health-related disciplines for which the Service has need and for which support under this part will be available;

(b) Any other eligibility criteria, in addition to those in § 62.3, as may be necessary to assure that applicants in the various health-related disciplines can be utilized during the period of obligated service in a manner which will meet the needs of the Service; and

(c) The amount of the scholarship stipend for each health-related discipline for which support under this part will be available.

§ 62.7 Service obligation and deferment.

(a) A scholarship recipient is obligated to serve on active duty for one year as a Commissioned Officer in the Service or as a civilian member of the National Health Service Corps following completion of academic training for each academic year of support or fraction thereof received under this program; *Provided*, That in no event shall a recipient serve less than two years.

(b) At least one-half of the total period of obligated service required by paragraph (a) of this section to be performed by each recipient shall be spent providing health care and services: (1) In an area designated under section 329(b) of the Act as a critical health manpower shortage area; (2) as a member of the Indian Health Service or Bureau of Medical Services and in an area determined by the Secretary (under section 329(b) of the Act or otherwise) to have a health manpower shortage; or (3) in connection with any program designated by the Secretary for the provision of health care and services in such an area.

(c) (1) For recipients receiving a degree from a school of medicine, osteopathy, or dentistry, the period of obligated service will commence upon completion of their academic training, except that such period may be deferred at the option of the Secretary for good cause shown for a period of time for internship (or equivalent training) and residency. In determining whether to grant a deferment, the Secretary shall take into consideration: (i) The needs of the Service for practitioners trained in various specialties; (ii) the needs in the facilities of the Service and the National Health Service Corps for interns (or equivalent) and residents trained in medicine, osteopathy, and dentistry; (iii) the need of the Service to have recipients begin active duty as soon as practicable; and (iv) the necessity for the participant to complete all or part of an internship (or equivalent) or residency in order to practice the recipient's chosen discipline or a specialty thereof consistent with the needs of the Service. Such periods of internship (or equivalent) and residency shall not be creditable in satisfying an active duty service obligation unless such internship (or equivalent) and residency is served before September 30, 1976, in a facility of the Service or other facility of the National Health Service Corps.

(2) For recipients receiving degrees in disciplines other than medicine, osteopathy, and dentistry, the period of obligated service will commence upon completion of their academic training.

(d) (1) A request for a deferment under this section shall be submitted in such form and at such time as the Secretary may require.

(2) The Secretary shall require, as a condition of deferment, annual verification of the recipient's status in the internship (or equivalent) or residency program.

§ 62.8 Failure to perform.

(a) If, for any reason, a recipient fails to complete an active duty service obligation, such recipient shall be liable for the payment of an amount equal to the scholarship stipend, tuition, and other educational fees paid by the Program, plus interest at the maximum legal prevailing rate running from the date such payments were made. Any amount which the United States is entitled to recover under this paragraph shall be paid to the United States within the three-year period beginning on the date on which it is determined that a breach occurred. For the purpose of this paragraph, maximum legal prevailing rate of interest shall mean the maximum permissible rate specified in the District of Columbia Code for this type of debt on the day of breach.

(b) When a recipient undergoing training in the Program terminates academic training, he shall be liable for repayment to the United States for an amount equal to the scholarship stipend, tuition and other educational fees paid by the Program. Any amount which the United States is entitled to recover under this paragraph shall be paid to the United States within three years of the date of termination of academic training.

§ 62.9 Waiver or suspension.

(a) A recipient who fails to complete an active duty service obligation or who fails to complete academic training may seek waiver or suspension of any obligation incurred pursuant to this part upon written request to the Secretary setting forth the bases, circumstances, and causes which support the requested action.

(b) The Secretary may waive or suspend any obligation with respect to any recipient whenever compliance by such recipient:

(1) Is impossible; or

(2) Would involve extreme hardship to such recipient and if enforcement of such obligation with respect to any such recipient would be against equity and good conscience.

(c) For the purpose of paragraph (b)(1) of this section, compliance with an obligation by a recipient will be deemed impossible, and such compliance will be waived, where the Secretary determines, on the basis of such information and documentation as he may require that the recipient has died or suffers from a physical or mental disability that results in the permanent inability of such recipient to perform the service or other activities which would be necessary in order to comply with the obligation.

(d) For the purpose of paragraph (b)(2) of this section, in determining whether to waive or suspend any or all of the indebtedness or service obligation of a recipient as imposing an undue hardship and being against equity and good conscience, the Secretary, on the basis of such information and documentation as he may require, will take into consideration the following:

(1) The recipient's present financial resources and obligations;

(2) The recipient's estimated future financial resources and obligations; and

(3) The extent to which the recipient has problems of a personal nature, e.g., physical or mental disability, terminal illness in the immediate family, which so introduce on the recipient's ability to perform as to raise a presumption that the individual will be unable to perform the obligation incurred.

[FR Doc.77-18455 Filed 6-30-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21239; RM-2803]

FM BROADCAST STATION IN BONITA SPRINGS, FLA.

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This action extends the time for filing comments and reply comments regarding the Notice of Proposed Rulemaking and Order to Show Cause in which it was proposed to assign a Class C FM channel to Bonita Springs, Florida, at the request of Gold Coast Broadcasting Corporation. Separate motions for extension of time were filed by Lee County FM, Inc., Radio South Dade, Inc., and Lighthouse Broadcasting Corporation, in which they stated additional time was necessary in order to complete engineering statements.

DATES: Comments must be received on or before July 18, 1977. Reply comments must be received on or before August 5, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202–632–7792).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bonita Springs, Florida); order extending time for filing comments and reply comments.

Adopted: June 24, 1977.

Released: June 28, 1977.

By the Chief, Broadcast Bureau:

1. The Commission has before it three timely motions requesting extension of time for filing comments regarding the notice of proposed rulemaking and order to show cause in the above-entitled proceeding, 42 FR 26232. The present dates for filing comments and reply comments are June 27, and July 18, 1977, respectively.

2. The requests were filed by Lee County FM, Inc., Radio South Dade, Inc., and Lighthouse Broadcasting Corporation, in which they ask that the date for filing comments be extended to July 5, July 11, and July 18, 1977, respectively.

3. Lee County states that because of several other proceedings before the Commission which have and will continue to occupy its counsel's time, counsel will be unable to complete the comments by the deadline date. Counsel for Radio

South Dade, Inc., states that he proposes to file a counterproposal which would

1934, as amended, and Section 0.281 of the Commission's Rules

In the matter of Commission policy

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South Dade, Inc., states that he proposes to file a counterproposal which would permit the assignment of a new Class C channel in Homestead, Florida, but inasmuch as the feasibility of such a proposal was only recently ascertained, additional time is necessary in order to prepare an engineering statement in support of its proposal. Lighthouse Broadcasting asserts it has sound grounds for opposing the proposed channel reassignment and desires to present its arguments cogently and completely so it has retained the services of a consulting engineer who has outlined several reasons why the proposed change would be undesirable. Lighthouse states that its engineer is unable to complete the work in connection with this matter because of prior commitments requiring considerable out-of-town travel.

3. On the basis of the reasons indicated in the above-mentioned motions, we believe additional time is warranted and will specify a date that will accommodate all three requests. Accordingly, *It is ordered*, That the motions for extension of time for filing comments submitted by Lee County FM, Inc. and Radio South Dade, Inc. and Lighthouse Broadcasting Corporation are granted and the time for filing comments and reply comments is extended to and including July 18, and August 5, 1977, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d) (l) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 77-18839 Filed 6-30-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21136]

EDUCATIONAL BROADCAST STATIONS

Policy Regarding Noncommercial Nature; Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Order extends time for filing comments until July 15, 1977, to assure that Public Broadcasting Service (PBS) can comment and collect information needed to fully respond to the Commission's Notice of Inquiry concerning the noncommercial nature of educational broadcasting.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stephen F. Sewell, Broadcast Bureau (202-632-7048).

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING COMMENTS TO THE NOTICE OF INQUIRY

Adopted: June 24, 1977

Released: June 28, 1977.

In the matter of Commission policy concerening the Noncommercial Nature of Educational Broadcast Stations, Docket No. 21136.

1. The Public Broadcasting Service (PBS) has petitioned for an extension of time until July 15, 1977 to file comments in response to the Notice of Inquiry, 42 FR 15927 (March 24, 1977), FCC 77-162, adopted March 2, 1977, released March 15, 1977. Comments are now due by June 30, 1977.[1]

2. PBS states that this proceeding is of vital importance to education broadcasters and that it needs the brief additional time to complete the gathering of information and the preparation of comments.

3. We believe that the comments of, and information submitted by, PBS will be helpful to the Commission in considering the matters under inquiry. Therefore, we believe that the grant of the extension request will serve the public interest.

4. *Accordingly, it is ordered*, That the period for filing comments in Docket No. 21136 is extended to and including July 15, 1977.

5. This action is taken pursuant to authority found in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-18851 Filed 6-30-77;8:45 am]

[1] See 42 FR 25742, May 19, 1977.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD CARE FOOD PROGRAM

National Averages Payment Factors and Food Cost Factors for the Period July 1–December 31, 1977

Pursuant to Section 17(b) of the National School Lunch Act (42 U.S.C. 1766 (b)) and § 226.4 and § 226.12(h) of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors and food cost factors for meals served to children attending institutions which participate in the Child Care Food Program during the period July 1–December 31, 1977, shall be as follows:

National average payments for breakfasts served in the program: (a) 11.25 cents for each breakfast served in the program; (b) an additional 21.00 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 28.00 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

National average payments for lunches and suppers served in the program: (a) 14.00 cents for each lunch and supper served in the program; (b) an additional 53.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 63.00 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the program: (a) 5.75 cents for each supplement served; (b) an additional 11.50 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 17.25 cents for each supplement served to children from families whose income meet the criterial for free school meals.

The total amount of payments to be made to each State agency from the sums appropriated for the program shall be based upon these national average payment factors and the number of meals of each type served.

The above factors for breakfasts are identical to those prescribed for breakfasts under the School Breakfast Program; the factors prescribed for lunches and suppers are identical to those prescribed for lunches served under the National School Lunch Program. National average payment factors for supplements are unique to the Child Care Food Program. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home.

Food cost factors for meals served to children attending family and group day care homes whose sponsoring organizations participate in the Child Care Food Program during the period July 1–December 31, 1977, shall be as follows: (a) 44.25 cents for each lunch or supper; (b) 24.75 cents for each breakfast; and (c) 15.00 cents for each supplement.

The above food cost factors may be used by sponsoring organizations for all family and group day care homes under their jurisdiction, in lieu of maintaining records on the actual cost of food used. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home.

Definitions: The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

(Catalog of Federal Domestic Assistance Program No. 10.558, National Archives Reference Services.)

Effective date: This notice shall be effective as of July 1, 1977.

Dated: June 28, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-18859 Filed 6-30-77;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payment for the Period July 1–December 31, 1977

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursements. The national average factors for payment for lunches served during the six-month period July 1–December 31, 1977, to children participating in the National School Lunch Program are as follows: (a) 14.00 cents from general cash-for-food assistance fund for each lunch; (b) an additional 53.00 cents from special cash assistance funds for each reduced price lunch, and (c) an additional 63.00 cents from special cash assistance funds for each free lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each state agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 4.9 percent increase in the factors prescribed for the period January–June, 1977. This represents the percent of increase during the six-month period December, 1976–May, 1977 (from 190.0 in November, 1976 to 199.3 in May, 1977) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period July 1–December 31, 1977, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 20.00 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash for food assistance and special cash assistance funds) shall be 92.00 cents for a free lunch and 82.00 cents for a reduced price lunch.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services.)

Effective date: This notice shall be effective as of July 1, 1977.

Dated: June 28, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food, and Consumer Services.

[FR Doc.77-18860 Filed 6-30-77;8:45 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period July 1–December 31, 1977

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average payment factors for breakfasts served during the six-month period July 1–December 31, 1977, to children participating in the School Breakfast Program shall be: (a) 11.25 cents for all breakfasts; (b) an additional 21.00 cents for each reduced price breakfast, and (c) an additional 28.00 cents for each free breakfast. The total

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amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be

preferred alternative identified. The latter recommends that about 49,000 acres of the Planning Unit be studied for in-

pared a Final Environmental Impact Statement Supplement in accordance

The planned works of improvement con-

Federal, State, and local agencies. The

Dated: June 17, 1977:

amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however*, That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for especially needy schools under § 220.9.

The above factors represent a 4.9 percent increase in the factors prescribed for the period January 1–June 30, 1977. This represents the percent of increase during the six-month period December 1976 to May 1977 (from 190.0 in November 1976 to 199.3 in May 1977) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor. For non-especially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts, and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts; the maximum rate of reimbursement for reduced price and free breakfasts shall be 40 and 45 cents, respectively.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services.)

Effective date: This notice shall be effective as of July 1, 1977.

Dated: June 28, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-18858 Filed 6-30-77;8:45 am]

Forest Service

LITTLE KERN UNIT—SEQUOIA NATIONAL FOREST, LAND MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Management Plan Little Kern Unit, Sequoia National Forest, California, USDA–FS–R5–FES(Adm) 77–1.

The environmental statement concerns the proposed land management plan for 111,763 acres of National Forest lands known as the Little Kern Planning Unit of the Sequoia National Forest, located in Tulare County, California. About 102,000 acres within the Planning Unit have been previously inventoried as "roadless area." Nine alternative land management plans are presented and a preferred alternative identified. The latter recommends that about 49,000 acres of the Planning Unit be studied for inclusion in the wilderness preservation system; that timber on the remaining portion be harvested at the rate of 10.85 million board feet per year; that the Little Kern Golden Trout, a species unique to the Little Kern drainage, be maintained through protective management of stream habitat; that developed as well as dispersed recreation be provided; that automobile as well as trail access be provided to the recreation user of the portion not included in the wilderness study area.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on June 24, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Forest Supervisor's Office, Sequoia National Forest, 900 W. Grand Avenue, Porterville, CA 93257.
Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, CA 94111.
District Ranger, U.S. Forest Service, 32588 Highway 190, Porterville, CA 93257.

A limited number of single copies are available upon request to the Forest Supervisor, John Leasure, Sequoia National Forest, 900 W. Grand Avenue, Porterville, CA 93257.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

R. W. FEUCHTER,
Deputy Chief, Forest Service.

[FR Doc.77-18832 Filed 6-30-77;8:45 am]

Packers and Stockyards Administration

HOT SPRINGS COUNTY LIVESTOCK COMMISSION CO., ET AL.

Proposed Posting of Stockyards

Correction

In FR Doc. 77–17641 appearing in the issue of Tuesday, June 21, 1977 on page 31472, the date in the last paragraph should be corrected. The last paragraph should read as follows:

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by July 21, 1977.

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP. HENDERSON, KENTUCKY

Final Environmental Impact Statement Supplement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement Supplement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a commitment to guarantee a $173,364,000 loan to Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky. The loan guarantee is to finance the construction of a 240 MW generating unit at the existing Robert Reid Power Station near Sebree, Kentucky, and approximately 50 miles of 161 kV transmission line and related facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement Supplement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower's address above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this June 14, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-18491 Filed 6-27-77;8:45 am]

Soil Conservation Service

MUD RIVER WATERSHED PROJECT, KENTUCKY

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for floodwater retarding structure No. 44 of the Mud River Watershed project, Butler, Logan, Muhlenberg, and Todd Counties, Kentucky.

The environmental assessment of this Federal action indicates that the structure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the structure. As a result of these findings, Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this structure.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement consist of one single-purpose floodwater retarding structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until July 18, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: June 17, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-18795 Filed 6-29-77;8:45 am]

PINE LOG TRIBUTARY WATERSHED PROJECT, GEORGIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the remaining measures to be installed in the Pine Log Tributary Watershed project, Bartow, Gordon, and Cherokee Counties, Georgia.

The environmental assessment of this Federal action indicates that this portion of the measures will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration include conservation land treatment and floodwater retarding structure No. 86 located in the northwest portion of the project, east of the town of Calhoun, Georgia.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30603. A limited number of copies is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken July 18, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: June 17, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-18796 Filed 6-30-77;8:45 am]

RICHLAND CREEK WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Richland Creek Watershed project, Navarro, Ellis, Hill, Limestone, and Freestone Counties, Texas.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include the installation of floodwater retarding structure Nos. 36, 69, and 143A.

The environmental assessment file is available for inspection during regular working hours at the Soil Conservation Service, USDA, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501. Requests for the negative declaration should be sent to P.O. Box 648, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until July 18, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905.)

Dated: June 17, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-18794 Filed 6-30-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77–6–136, Docket 30564]

AIRLINE TARIFF PUBLISHING CO.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June, 1977.

By letter petition filed March 1, 1977, on behalf of all U.S. scheduled-service certificated air carriers and all motor carriers who might be interested in participating in a consolidated air-motor rules tariff, Airline Tariff Publishing Company (ATP),[1] requests prior Board approval to hold joint airline-motor carrier discussions for the purpose of developing uniform tariff rules for a domestic intermodal rules tariff.

The present outstanding authority granted to ATP member-carriers to discuss uniformity of rules does not include motor carriers, notwithstanding that the scope of ATP's tariff publishing activities has been expanded to include such intermodal tariffs.

The Air Freight Motor Carriers Conference (AFMCC) has filed an answer in support of the discussions.[2] The answer was accompanied by a Motion For Leave to File An Unauthorized Document, which the Board will grant. AFMCC states that a significant number of its members are interested in participating in the proposed joint discussions, and specifically suggests that the discussions embrace liability limits, declared value rules, claim procedures, shipping documents, and all other tariff rules and regulations affecting air/motor service, consistent with the Board's newly prescribed rules and principles set down in the *Liability and Claims Rules and Practices Investigation*, Docket 19923, Order 76—3–139.

Upon consideration of the petition and answer, and other relevant matters, the Board will approve the request for a period of six months.

It is our view that such discussions would be in the public interest. Order 76–3–139 in the *Liability and Claims Rules and Practices Investigation* fixed the monetary limit of liability for direct air carriers at $9.07 per pound per piece, and the air carriers have amended their tariffs accordingly for effectiveness July 12, 1977. At the same time, motor carriers generally, and particularly those

[1] Airline Tariff Publishing Company, Dulles International Airport, P.O. Box 17415, Washington, D.C. 20041.

[2] AFMCC is an association of 55 motor carriers who hold I.C.C. operating authority for traffic having a prior or subsequent movement by air. See Appendix A hereto.

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who specialize in prior-or-subsequent-to-air movements, now enjoy a ICC-granted nationwide Released Rate Order (RRO),[1] whereby their liability per shipment is limited to $50, or fifty cents per pound whichever is greater. Thus, the intermodal shipper will be faced with two separate and differing liability regimes, and an agreement to resolve this conflict would appear to be in the public interest. Additionally, there are four joint ICC/CAB air-motor rates and rules tariffs on file with the Board, issued by American Airlines, Flying Tiger, TWA, and United.[2] The liability is joint as to those motor carriers which have joined in one or more of these joint rates and rules tariffs. But here too Order 76-3-139 has created two differing monetary liability regimes—a situation which should be resolved. It should be noted that not all motor carriers are parties to these joint tariffs. As a matter of fact some motor carriers are parties to only one, two, or three of these joint tariffs. See Appendix A hereto.

Accordingly, there are approximately 250 motor carriers who might participate in a joint and through-service air-motor rules tariff which would govern either a combination of the separate air and motor local or local proportional rates, or alternatively, as market pricing needs may dictate, selected joint rates, or both. Moreover, such a joint and through-service air-motor rules tariff would serve to support the present thru-bill practice and would establish a joint documentation and liability regime.

As given in the answer of AFMCC, this situation needs serious and careful attention by the air carriers, as well as the closest cooperation of the interested motor carriers, and we will so condition our approval of the discussions to permit the carriers to pursue these issues.

The Board will not, however, authorize joint discussions on matters involving rates or charges, consistent with our action on Agreement 23157.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 412 and 414 thereof.

It is ordered, that:

1. The motion of the Air Freight Motor Carriers Conference is granted:

2. The petition of ATP to hold joint and through-service air-motor rules tariff discussions is approved, and all U.S. certificated route air carriers engaged in interstate or overseas air transportation, and all motor carriers subject to the Interstate Commerce Act, are authorized to engage in joint discussions with respect to such tariff rules governing intermodal (air-motor) transportation for a period of 6 months from the date of this order, subject to the conditions that:

(a) such discussions may embrace such matters as the joint monetary limit of liability, time limits on the filing of claims and actions at law, claim handling procedures, documentation, and any other relevant rules and practices necessary to facilitate the maximum possible corrdination and facilitation of intermodal transportation; but such discussions shall not include any matters which directly or indirectly affect the rates or charges paid by the consumer;

(b) an agenda of matters to be discussed shall be filed with the Board in this docket at least 15 calendar days in advance with respect to any meeting called pursuant to this order; [4] and

(c) any interested person may advise ATP that it is interested in these discussions, and all meeting notices, agendas, minutes, and any agreements reached shall also be mailed to such person, interested shippers and indirect air carriers, with such notices to include an invitation to submit comments upon the agenda matters, and/or to request appointments for personal appearances at the carriers' meetings;

3. The Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

4. Complete and accurate minutes shall be kept of all meetings, and a true copy thereof filed with the Board's Docket Section not later than 15 days after the conclusion of each meeting; and

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being filed in tariffs or otherwise placed into effect;

6. This order shall be served upon Airline Tariff Publishing Company, all U.S. certificated route air carriers, all domestic air freight forwarders, the Air Freight Motor Carriers Conference, Air Cargo, Inc., and the Interstate Commerce Commission.[5]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18879 Filed 6-30-77;8:45 am]

[1] ICC RRO MC-638.

[2] The existing joint air-motor domestic rules tariffs are: *American:* Truck-Air Rules Tariff No. 1, MF-ICC No. 1, C.A.B. No. 1, T. R. Phelan, Agent (Phelan's No. 1); governs *combination* rates only; *American:* Truck-Air Rules Tariff No. 1, MF-ICC No. 1, C.A.B. No. 1, W. R. Clarke, Agent (Clarke's No. 1); governs *joint* rates only; *Flying Tiger:* Skyroad Rules Tariff No. 1, MF-ICC No. 1, C.A.B. No. 1, Jerald J. Angel, Agent (Angel's No. 1); governs *joint* rates only; *TWA:* Truck-Air Rules Tariff No. 1, MF-ICC No. 1, C.A.B. No. 1, John B. Barch, Agent (Barch's No. 1); governs *joint* rates only; *United:* Official Joint Air-Motor Rules Tariff No. 1, MF-ICC No. 1, C.A.B. No. 237, Airline Tariff Publishing Company, Agent (ATP No. 1); governs *joint* rates only.

[3] Order 73-4-120, April 27, 1973.

[4] If the air carriers so desire, they may appoint a secretary to represent them for the purposes of preparing meeting notices, agendas, minutes of meetings, and the filing of agreements.

[5] The Board requests that ATP insure that the motor carriers listed in Appendix A are furnished copies of this Order. Appendix A filed as part of the original document.

[Order 77-6-137; Docket 29123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1977.

By Order 77-3-54, dated March 9, 1977, the Board approved, in many respects, agreements adopted by the member carriers of the International Air Transport Association (IATA), which established fares over the North Atlantic for the period April 1, 1977 through March 31, 1978. While the Board determined that the combined forecast earnings of Pan American World Airlines, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) warranted fare increases, it disapproved the increase proposed in normal economy fares on the basis of an analysis which demonstrated that they exceeded full cost by more than 20 percent. The Board's analysis was predicated on the combined actual cost of operations of both Pan American and TWA in 1976 between New York and London, at a 50-percent passenger load factor. The carriers' projected cost escalation of six percent was accepted as was an 18-percent dilution in yield, although the Board indicated that the latter appeared excessive. Based on this analysis it was found that the fares proposed would significantly exceed carrier costs, including return on investment, and that disapproval was warranted since to do otherwise "would impose an excessive and unwarranted burden on passengers traveling at these fares—at least until a more exhaustive inquiry can be undertaken in the pending investigation" (*North Atlantic Fares Investigation*, Docket 27918.

On May 13, 1977, Pan American filed a motion for leave to file an unauthorized document, which is hereby granted, accompanied by a petition for reconsideration of Order 77-3-54. Pan American alleges that the Board's conclusion to deny the proposed increase in normal economy fares was reached on the basis of a finding that the economic data for a single city-pair market warranted disapproval. Use of only a single market, Pan American contends, represents the establishment of an arbitrary and capricious cost-benchmark for evaluating the proposed fares which is not representative of the costs of the entire North Atlantic market in which the fares apply.

In support of its petition, Pan American states that (1) the cost levels in the New York-London market are not representative of those in the overall North Atlantic market and (2) the selection of the New York-London nonstop market as the cost-determinant has a material impact on the evaluation of the proposed fare increase. Pan American alleges that the New York-London nonstop market is more cost-efficient than other North Atlantic markets because it involves a higher volume of traffic; permits more frequent utilization of larger, more efficient aircraft; involves no cost-producing intermediate stops; and permits operation at higher sustained speeds, thus minimizing cost per passenger-mile.

Pan American's adjustments to the Board's analysis allegedly reflect actual average stage-length, actual average revenue block-speeds, and actual fleet compositions for the North Atlantic market in total. Pan American contends that, under these circumstances and by using reported costs rather than projected costs for the relevant period, its costs exceed the proposed economy fares by two percent. The fare level would exceed the composite total economic cost for Pan American and TWA by only eight-percent, rather than the 23 percent found by the Board and that this eight percent disparity itself might be inflated. The use of proper cost figures, Pan American contends, would result in a determination that the proposed fares do not exceed full economic cost by an amount sufficient to impose an undue burden upon normal economy-fare passengers.

In answer to Pan American's petition for reconsideration, the member carriers of the National Air Carrier Association (NACA)[1] urge denial on the ground that the petition is untimely and the case without merit. In support of its position, NACA alleges that the New York-London segment is not atypical of U.S.-Europe operations in that the shorter-haul segments beyond the European gateways are operated by Pan American in substantial part for high-yield Fifth Freedom traffic. Accordingly, if Pan American wishes to use shorter stage-length costs it should also use the higher yields which accompany those costs. NACA further alleges that the Board's use of a 50-percent load factor in determining New York-London costs is quite conservative; that Pan American continues to utilize its unrealistic 24-percent dilution figure, which the Board characterized as unreasonably high; and that accepting *arguendo* Pan American's forecast aggregate cost for itself and TWA which is 14 percent higher than the Board's forecast, the proposed fare level is still substantially higher than necessary to cover the full cost of service.

Upon consideration of Pan American's petition and NACA's reply, we find nothing to convince us that the Board erred in its decision to disapprove the normal economy-fare increases, and the petition will therefore be denied. As noted in our discussion in Order 77-3-54, this issue will be subject to exhaustive inquiry in the pending formal investigation.

Pan American petitions for reconsideration essentially on two grounds: (1) that evaluation of the proposed normal economy fares should be made on the basis of its cost of providing total North Atlantic services and (2) that the use of only the New York-London market as a benchmark for evaluation is inappropriate. We are unable to concur with its approach.

Pan American argues that cost levels in the New York-London market are not representative of the North Atlantic market. While we discuss below our choice of the New York-London market as a benchmark, Pan American is actually arguing that nonstop services, regardless of the particular city pair used, are not representative of costs in the North Atlantic market. We do not disagree. However, in this case, the Board is evaluating a specific fare between the United States and Europe; we are not seeking an average North Atlantic cost figure. In this regard, the use of costs reflecting all of the carriers' many-faceted operations, including multistop operations within Europe, Africa and the Middle East, to determine the fare to be charged the normal economy fare transatlantic passenger is inappropriate.

First, as NACA points out, any evaluation of the type Pan American suggests would have to take into account the level of normal economy fares within Europe. Obviously if intra-European services are to be costed on multistop transatlantic flights, the very high intra-European fares must also be considered and factored out.

Furthermore, while multistop flights are of benefit to certain transatlantic passengers, such operations reflect the carriers' managerial aim to maximum profitability and they do not best serve the demands of the business-oriented normal-fare passenger. Thus, to cost a multistop operation on the basis of a 50-percent normal economy-fare load factor and maintain this load factor over every segment of the operation, considering the high yield of intra-Europe fares, places a quite unreasonable cost burden on the economy-fare passenger and would probably place Pan American in a significantly excess earnings position. In any event, Pan American has provided no data or argument which would justify including intra-Europe economy fare segment costs and the matter will be left for resolution in the currently pending investigation.

In addition, Pan American argues that an average stage length of 1,886 miles should be used as the cost base as representative of its transatlantic services. Such a stage length does not reflect any transatlantic flight but places the aircraft over the Atlantic Ocean far short of any landfall. More importantly, virtually all major European cities receive direct nonstop services. Currently 21 foreign destinations receive nonstop services from New York. The U.S. carriers, which generally have the authority to provide competitive services, presently serve 12 of these destinations nonstop.

In view of the foregoing, we believe our use of nonstop operations for the evaluation of transatlantic normal economy fares is appropriate. Furthermore, we consider our use of New York-London services an appropriate benchmarket from which to evaluate normal economy fares. In fact, the use of this city pair by the Board and carriers alike as typical of the North Atlantic fare structure appears to favor rather than disadvantage the carriers. Pan American alleges that New York-London service is more cost efficient than the average because the market involves a higher volume of traffic, permits greater utilization of larger, more efficient aircraft, involves no cost-producing intermediate stops and permits operation at higher sustained speeds thus minimizing cost per passenger mile. These arguments do not sustain Pan American's conclusions.

We are unable to discern any significant cost differences in providing service to London and to other European cities although this issue can be further developed in the formal investigation. While services to London involve a higher volume of traffic than do other European cities, our use of a 50-percent average passenger load factor takes account of differences in traffic density and, in fact, overstates costs to London. Use of a higher, more realistic load factor reflecting the density of the London market would reduce per passenger costs, thereby further increasing the spread between the proposed economy-fare level and the cost of providing the service. In the same vein, while London involves no cost-producing intermediate stops, our use of the carriers' fare dilution factors, albeit with misgivings about Pan American's high 24 percent compared with 12 percent for TWA, takes this factor into account. Our use of an average dilution factor of 18 percent likewise overstates London costs. Lastly, Pan American's argument that operations to London permit aircraft to be operated at higher sustained speeds is valid only if no other European destination beyond London received nonstop service. Since 21 such destinations currently receive direct nonstop service from New York, it would be expected that fares governing these operations would reflect the usual downward taper in fare per mile considering the greater nonstop distances at higher sustained speeds that are involved. Our analysis of the proposed peak-season normal economy fares indicates, however, that this is not the case. These proposed fares reflect, with only one exception, an inverse taper. Thus our use of New York-London cost as our benchmark is quite conservative and, accordingly, our prior decision will be sustained.

In view, of the above, we conclude that the issues presented by Pan American, are not sufficient to warrant reversal of our disapproval of increases in normal economy fares, in Order 77-3-54, and Pan American's petition will therefore be denied.

Accordingly, *It is ordered*, that:

1. The petition of Pan American World Airways, for reconsideration of Order 77-3-54 be and hereby is denied.

2. The motion of Pan American World Airlines, Inc. for leave to file an otherwise unauthorized document is granted.

[1] Representing Overseas, National Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

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This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18889 Filed 6-30-77;8:45 am]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

NAME: Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control (Committee).

DATE OF MEETING: July 25-27, 1977.

PLACE: Edgewater Inn. Pier 67. Seattle. Washington.
TIME: 9 a.m. to 5 p.m.

PROPOSED AGENDA:

July 25, 1977: Receive public comment; review activities of last meeting; staff reports.
July 26, 1977: Committee reports; new business; meetings of subcommittees.
July 27, 1977: Subcommittee reports; determine future requests of staff; selection of next meeting date and location.

The meeting will be open to the public with approximately 20 seats available on a first-come, first-served basis.

Monday, July 25, 1977, from 9 a.m. to 12 noon, has been set aside for public comment, with participation on first-come, first-served basis. Oral presentations shall be limited to 20 minutes per comment or proposal, with additional time being allowed by the Chairman at his discretion, if time permits. Advanced scheduling is encouraged and may be made by contacting: Ms. Jane Sornberger, National Fire Academy, National Fire Prevention and Control Administration, PO Box 19518, Washington, D.C. 20036 (202-643-7541) on or before July 20, 1977.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing in Room 214, National Fire Prevention and Control Administration, 2400 M Street, NW., Washington, D.C. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: June 28, 1977.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.77-18837 Filed 6-30-77;8:45 am]

National Oceanic and Atmospheric Administration

SOVRYBFLOT, MOSCOW, U.S.S.R.

Issuance of a General Permit

On June 17, 1977, a General Permit was issued to Sovrybflot, Moscow, U.S.S.R., to take marine mammals incidental to commercial fishing operations within the United States Fishery Conservation Zone pursuant to 50 CFR Section 216.24 (39 FR 32117-32124), as amended. The General Permit is available for public inspection in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: June 17, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-18845 Filed 6-30-77;8:45 am]

National Marine Fisheries Service

PUBLIC DISPLAY PERMIT

Receipt of Application

Notice is hereby given that the following Applicant has applied in due form for a Permit to take and import marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Minnesota Zoological Gardens, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota 55124, requests to take and import four (4) beluga whales (*Delphinepterus leucas*).

The whales will be maintained in a pool 50 feet by 80 feet by 16 feet with a volume of 408,000 gallons and a holding pool 24 feet in diameter by 9 feet deep with a capacity of 30,000 gallons.

The Zoological Gardens display is currently under construction and is expected to have some 2,000,000 visitors each year with several educational and research programs to be associated with it. The institution is a non-profit general public facility operating as a State agency open seven days a week.

The whales will be collected by a commercial contractor and shipped to Minnesota by commercial aircraft and truck. The animals will be captured with nets in the Hudson Bay Region of Canada.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices: Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: June 28, 1977.

ROBERT J. AYERS,
Acting Assistant, Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-19033 Filed 6-30-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ANNOUNCING ADDITIONAL OFFICIALS AUTHORIZED TO ISSUE VISAS FOR TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES FROM MACAU

Additions to List

JUNE 28, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Additions to the list of officials authorized to issue visas for cotton, wool and man-made fiber textile products exported from Macau to the United States.

SUMMARY: This action adds the names of Angelo Bemdito Galdino Dias and Joana Maria Sousa Santos to the previously published list of officials who are authorized to issue export visas for cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported to the United States. A complete list of Macau officials currently so authorized is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202-377-5423)

SUPPLEMENTARY INFORMATION: On August 14, 1973, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements, was published in the FEDERAL REGISTER (38 FR 21962), which established an export visa requirement for cotton, wool, and man-made fiber textile products, produced or manufactured in Macau and exported to the United States under the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal. One of the requirements is that the visas must be signed by an authorized official. Macau has requested that the names of Angelo Bemdito Galdino Dias and Joana Maria Sousa Santos be added to the list of officials authorized to issue export visas. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make this change.

ROBERT E. SHEPHERD,
Chairman,, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS,
Washington, D.C., June 28, 1977.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 128, and 131-132; and man-made fiber textile products in Categories 200-243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directives of March 6, 1975, April 28, 1975, February 11, 1976 and May 6, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is hereby further amended to authorize Angelo Bemdito Galdino Dias and Joana Maria Sousa Santos to issue visas in addition to officials previously designated. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

Macau Officials Authorized to Issue Visas for Cotton, Wool and Man-Made Fiber Textile Products Exported to the United States:

Joaquim Leonel Ferreira Marinho de Bastos.
Armando Gil Lopes de Campos.
Olivia Maria dos Remedios Cesar.
Angelo Bemdito Galdino Dias.
Jose Bernardino Marques Ferreira.
Jose Francisco Cadorio Ferreira Lino.
Joana Maria Sousa Santos.

[FR Doc.77-18905 Filed 6-30-77;8:45 am]

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM COLOMBIA EFFECTIVE JULY 1, 1977

Establishing Import Restraint Levels

JUNE 30, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Import restraint levels for certain cotton, wool and man-made fiber textile products from Colombia during the year beginning on July 1, 1977.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, establishes levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia and exported to the United States during the three-year period beginning on July 1, 1975 and extending through June 30, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of cotton, wool, and man-made fiber textile products in Categories 1-4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229, produced or manufactured in Colombia, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning on July 1, 1977 and extending through June 30, 1978.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
June 30, 1977.

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1977 and for the twelve-month period extending through June 30, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-4, 9/10, 22/23, 120, 121, 219, 221, 224, and 229, produced or manufactured in Colombia, in excess of the following levels of restraint:

Category:	12-mo level of restraint
1-4 (pounds)	6,371,617
9/10 (square yards)	7,556,340
22/23 (square yards)	12,593,900
120 (units)	134,130
121 (units)	66,071
219 (dozen)	236,962
221 (dozen)	66,672
224 (pounds)	1,429,290
229 (dozen)	162,367

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Colombia and exported to the United States prior to July 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1976 through June 30, 1977. In the event the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of May 28, 1975, between the Governments of the United States and Colombia, which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60230), December 30,

1971 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry

COUNCIL ON ENVIRONMENTAL QUALITY

made by: COE, DOC, HEW, HUD, DOI, EPA, DOT, FPC, NRC, State and local agencies, concerned citizens. (ELR Order No. 50528.)

Sulphur and Sulphur Rivers from the outflow channel to upstream of SH 26, and enlargement and/or extension of existing

turbidity and destruction of 800,000 cubic yards of coral. (ELR Order No. 70763.)

Square Urban Renewal Project are light industry, technical and general office space,

1971 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

[FR Doc.77-19088 Filed 6-30-77;9:44 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 3, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703-557-1145).

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1977, November 18, 1976 (41 FR 50975):

SIC 7349

Janitorial Custodial Service, Naval Air Station, Whidbey Island, Oak Harbor, Washington. For the following buildings only: 12, 18, 100, 103, 108, 110, 113, 116, 124, 126, 365, 369, 371, 385, 386, 960, 961, 975, 994 and 2547.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-18850 Filed 6-30-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

The following is a list of environmental impact statements received by the Council on Environmental Quality from June 20 through June 24, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 15, 1977.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

The Council on Environmental Quality has completed its report on the environmental impacts of the Proposed Alaska Natural Gas Transportation Systems and has forwarded the report to the President. A limited number of copies of the report are available from the Council.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250 (202-447-6827).

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Draft

New York Animal Import Center, Stewart Airport, Orange County, N.Y., June 20: Proposed is the construction of an Animal Import Center on approximately 75 acres of land at the Stewart Airport near Newburgh, New York. The new facility will replace a present outdated similar facility in Clifton, New Jersey. To provide complete isolation the Import Center will be located within a fenced compound and will contain nineteen buildings. Construction-related impacts are antoicipated. (ELR Order No. 70756.)

FOREST SERVICE

Draft

Fluorospar Prospecting, Lusk Creek Area, Pope County, Ill., June 24: Proposed is approval of an application made by the Ozark-Mahoning Company for a fluorospar prospecting permit on National Forest Lands with the Shawnee National Forest, State of Illinois, Pope County. Application includes tracts of lands which have in the past been recommended in various legislative proposals for inclusion into the Wilderness System. Adverse impacts include increased noise levels and disturbance of soil and vegetation on 4 to 10 acres. (ELR Order No. 70787.)

Final

Skagit, Amendment of Wild and Scenic Rivers Act, Skagit, and Snohomish Counties, Wash., June 22: The proposed action is to amend the Wild and Scenic Rivers Act to include segments of the Skagit, Cascade, Sauk, and Suiattle Rivers of Skagit and Snohomish County, Washington, in the National Wild and Scenic Rivers system. A total of 157.5 miles of rivers and 1,728 acres of property will be added to the system. Comments made by: COE, DOC, HEW, HUD, DOI, EPA, DOT, FPC, NRC, State and local agencies, concerned citizens. (ELR Order No. 70769.)

SOIL CONSERVATION SERVICE

Final

Harquahala Valley Watershed, Maricopa and Yuma Counties, Ariz., June 23: Proposed is a project for watershed protection and flood prevention, including both conservation land treatment and structural measures, in Maricopa and Yuma Counties, Arizona. Conservation land treatment is proposed for 13,000 acres of irrigated cropland and about 200,000 acres of rangeland. The proposed structural program includes two floodwater retarding structures, 1.58 miles of channel work, 4.64 miles of new diversion, and 9.45 miles of levee. About 10,472 acres of land will be required for land easements and rights-of-way. Comments made by: USDA, USA, HEW, DOI, DOT, EPA, State and local agencies, concerned citizens. (ELR Order No. 70773.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202-693-6795).

Draft

Fiscal years 1978, 1979, Navigation Season Extension Demonstration, June 21: This EIS discusses the demonstration of various methods needed to extend the fiscal years 1978 and 1979 Navigation Season. (It is not in itself an EIS for the extension of the winter navigation season.) Thirty-five methods and associated proposed studies are evaluated. Potential adverse impacts to water quality could result from accidential spills of oil and other toxic cargoes. (Detroit District.) (ELR Order No. 70767.)

Slag Filling Permit, Sparrows Point Plant, Baltimore County, Md., June 20: The proposed action is the granting of two permits to the Bethlehem Steel Corporation to create new land in Baltimore Harbor at Sparrows Point by filling two separate sites with slag. Permit No. 30 is for a 45-acre site on the southern side of Sparrows Point to the west of the ore dock basin. Permit No. 27 is for a 7.3-acre site at the southeast corner of Sparrows Point. The action will result in destruction of 52 acres of bottom and water column, as well as an increase in pH in the vicinity of the slag. (Baltimore District.) (ELR Order No. 70757.)

Gulfport Harbor, Channel Deepening, Harrison County, Miss., June 20: Proposed are the deepening and widening of the existing channel to Gulfport Harbor at Gulfport, Mississippi. The present 32- by 300-foot Gulf Entrance Channel would be enlarged to 38 by 400 feet and the channel across Mississippi Sound would be enlarged from 30 by 220 feet to 36 by 300 feet. Adverse effects include destruction of benthic activity in a 340-acre area, and loss of acquatic productivity in 310 acres of the sound. (Alabama District.) (ELR Order No. 70765.)

Final

Cooper Lake and Channels, Texas, June 24: The statement concerns the construction of a multipurpose reservoir and a channel and levees to provide 30-year flood protection for the Sulphur River Basin. Completion of the project will require construction of the reservoir with a dam and spillway works on the South Sulphur River at Mile 23.3, excavation of the spillway outflow channel and realignment of portions of the South Sulphur and Sulphur Rivers from the outflow channel to upstream of SH 26, and enlargement and/or extension of existing levees. Approximately 19,000 acres of terrestrial habitat will be inundated, and high sediment load will be discharged into Wright Patman Lake. (New Orleans District). Comments made by: DOI, EPA, DOC, USDA, DOT, HEW, AHP, State and local agencies, concerned citizens. (ELR Order No. 70780.)

Upper Baker Project, Skagit River Basin (2), Skagit and Whatcom Counties, Wash., June 24: This revised draft presents potential effects of a proposed modification in the operation of the Upper Baker Dam for flood control purposes. The details of this modification concentrate on providing up to 58,000 additional acre-feet of flood control storage by increasing reservoir drawdown in the period 1 November to 15 November of each year. Environmental impacts associated with the project are expected to be minimal. As a flood threat would still remain, human occupation and development of flood-plain lands are expected to increase significantly. (Seattle District.) Comments made by: FPC, USDA, EPA, DOC, DOI, HUD, AHP, State and local agencies. (ELR Order No. 70782.)

Supplement

San Leandro Marina, Dredging (S-2), Alameda County, Calif., June 6: The statement supplements a final EIS filed with CEQ in December of 1975. The proposed action is land disposal of 325,000 cubic yards of dredge material from the routine maintenance dredging of the Federal Navigation Project at the San Leandro Marina. Adverse effects include disruption of on-site ecosystems; loss of 112 acres of marginal wildlife habitat; temporary inundation of 108 acres of seasonal wetland, with short-term displacement of wildlife; and short term adverse sensory effects on nearby residents. (San Francisco District.) (ELR Order No. 70771.)

Big Sioux River, Sioux City (S-1), Iowa and South Dakota, June 24: This statement supplements a final EIS filed with CEQ in September 1975. Proposed is the construction of channel improvements on the Big Sioux River at Sioux City. The supplement discusses the results and conclusions of the water quality survey, including the potential for water quality degradation. (Omaha District.) (ELR Order No. 70786.)

Wilkerson Creek Bridge Replacement (S-1), North Carolina, June 24: This statement supplements a final EIS filed with CEQ in May 1977. The proposed action is replacement of the Wilkerson Creek Bridge in North Carolina. The supplement evaluates the impacts of the use of new borrow areas. Negative effects include loss of terrestrial wildlife habitat and creation of borrow pit lakes of unknown quality for aquatic life. (Wilmington District.) (ELR Order No. 70781.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Ed Johnson, Department of the Navy, Room 4B466, Pentagon, Washington, D.C. 20350, (202) 697-3639.

Draft

Ammunition Port Facility, Mariana Island, Trust Territory, June 20: Proposed is the construction of an ammunition port facility at Orote Island located on the western tip of Orote Peninsula. The port would be capable of berthing two ships simultaneously and would have the capacity to handle up to 9,000,000 pounds of net explosive weight with an explosive safety quantity distance of 10,400 feet. The port will have a dredged depth of 45 feet below mean lower low water. The dredging of 21 acres of the reef area to a depth of 45 feet will result in increased turbidity and destruction of 800,000 cubic yards of coral. (ELR Order No. 70768.)

Fleet Ballistic Missile, Kings Bay, Ga. The proposed action consists of the construction and operation of an Atlantic Fleet submarine refit site at Kings Bay, Georgia. Plans call for the basing of one submarine squadron supported by a submarine repair ship and a floating drydock. The statement also considers the possibility of future expansion of operations at the site to accommodate two submarine squadrons, as well as the possible construction and operation of an ashore refit facility to support either one or two submarine squadrons. Adverse impacts include loss of benthic population in the northern navigation channels, displaced wildlife, and socio-economic effects resulting from an increase in population. (ELR Order No. 70792.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Final

Cranston Wastewater Treatment Facilities, Providence County, R.I., June 6: The proposed action is the consolidation, improvement, and expansion of wastewater treatment facilities in Cranston, Rhode Island. Project plans call for the expansion of treatment plant capacity to 23.0 mgd, with secondary and ammonia removal capabilities. Incineration with on-site ash disposal will be the method of sludge disposal. Negative impacts include a small increase of total suspended particulates, sulfur dioxide and lead in the air, increased use of fuel for solid waste incineration, and loss of 7 sq. miles of forest and farm land. (Region I.) Comments made by: EPA, HUD, DOI, USDA, DOT, DOC, State and local agencies, interested groups and persons. (ELR Order No. 70695.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 566-1100.

Final

W. Denver Metro Area GSA Leasing Program, Jefferson County, Colo., June 20: This statement discusses the cumulative effect of the GSA leasing program in the west Denver metro area. Proposed is the leasing of approximately 350,000 to 400,000 net occupiable square feet of additional office, storage and special purpose space by January 1980 in a 36 square mile delineated area having the following boundaries: Jewell Avenue on the south; Sheriden Boulevard on the east; 32nd Avenue on the north; and McIntyre Street (extended to Jewell Avenue) on the west. The space will be leased during the entire period and throughout the entire delineated area, usually in blocks of 20,000 square feet or more. Comments made by: AHP, USDA, COE, DOC, HEW, DOI, DOT, State and local agencies, concerned citizens. (ELR Order No. 70760.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6306.

Draft

Kendall Square, Cambridge County, Mass., June 24: Proposed is the completion of an on-going urban renewal project approved in 1965 and centered around NASA in the eastern part of the City of Cambridge, Massachusetts. The planned uses of the Kendall Square Urban Renewal Project are light industry, technical and general office space, retail stores, a fire station, possible hotel and residential, and a parking garage. Negative effects include complete relocation of 6 businesses, and construction related impacts. (ELR Order No. 70791.)

Stonefield Subdivision, Charleston County, S.C., June 23: Proposed is the approval of HUD/FHA mortgage insurance for the Stonefield Subdivision in the Charleston area, South Carolina. The development will consist of 1,079 dwelling units on a 330-acre tract of land. Development plans include a golf course with club facilities, tennis courts, swimming pools and a boat basin marina. Adverse effects will be conversion of open and wooded land to urban use, and some increase in storm water runoff into Clark Sound and Seaside Creek. (ELR Order No. 70777.)

Kenswick Subdivision, Harris County, Tex., June 20: Proposed is the approval of FHA mortgage insurance for the Kenswick subdivision in Harris County, Texas. Plans call for the development of 724 acres into a planned community composed of 2,300 single-family homes with some commercial reserves. In addition to the residences, the subdivision will have recreational facilities to include one bathhouse, one 25-meter swimming pool, playground facilities and tennis courts, as well as some open space. Adverse effects include loss of forestland and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70764.)

Final

Williamsburg Subdivision, Harris County, Tex., June 22: Proposed is the granting of FHA approval for housing insurance, to the Williamsburg Development Corporation, to be applied to the 2595-acre "Williamsburg Subdivision" in Harris County, Texas. Adverse effects of project development include the disruption of plan and animal communities on the existing site. Projected demand for community services, specifically fire protection and library facilities, will exceed existing capacity. Comments made by: AHP, EPA, COE, USDA, DOI, State and local agencies, concerned citizens. (ELR Order No. 70770.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Section 104(h)

Supplement

Boston, Mass., Demolition, Unsafe Structures (S-1), Massachusetts, June 23: This statements supplements a final EIS submitted to CEQ in January 1976. The proposed action is to demolish 900 abandoned and unsafe residential buildings over a period of two years. The program will be implemented in 7 areas of the city: Roxbury, Dorchester, Jamaica Plain, South Boston, Franklin Field, Upham's Corner, and Mattapan. Demolition will result in increases in noise and dust levels. (ELR Order No. 70774.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Final

Planet Townsite Land Exchange, Mohave County, Ariz., June 20: The proposal is for

two land exchanges involving a total of 8,660 acres of public land along the Bill Williams River, in order to consolidate private and

F.A.S. S-59 (S.R. 17), S.R. 10-U.S. 30, Marshall County, Ind., June 20: Proposed is the relocation of a segment of existing S.R.

tion of 5.1 miles of interstate Route 390 (Genesee Expressway) between the New York

DEPARTMENT OF DEFENSE

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of

two land exchanges involving a total of 8,660 acres of public land along the Bill Williams River, in order to consolidate private and state holdings for the development by Arizona Ranch and Metal Co. of a planned city of 7,000 families on 11,980 acres. Adverse impacts will include possible minor climatic changes; change in vegetation; diversion of water from agricultural use and degradation of quality; and displacement of wildlife. Comments made by: EPA, USDA, State and local agencies, concerned citizens. (ELR Order No. 70762.)

Colony Development, Oil Shale Resources, Colorado and Utah, June 23: The proposed action is the consideration of a right-of-way permit for an oil shale products pipeline from a plant site in Colorado to Lisbon Valley, Utah. Related to this Federal action would be a 337-acre exchange between BLM and Colony Development Corporation. Adverse impacts include emission of odors characteristic of refining and shale processing, decrease in water quality, destruction of a section of the Middle Fork Creek stream bed, and increased sedimentation. Comments made by: AHP, USDA, COE, DOI, DOT, DOC, State and local agencies, concerned citizens. (ELR Order No. 70772.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, (301) 443-6965.

Draft

Yellow Creek Nuclear Plants, 1 and 2, Tishomingo County, Miss., June 24: The proposed action is the issuance of construction permits to the Tennessee Valley Authority for the construction of the Yellow Nuclear Plants Units 1 and 2. The plant will employ 2 pressurized water reactors to produce up to 3817 megawatts thermal (MWt) from each unit. The exhaust steam will be cooled by mechanical-draft cooling towers with makeup water obtained from the Yellow Creek embayment and discharged to Pickwick Lake. Construction related activities on the site would disturb about 59 hectares. (ELR Order No. 70789.)

Supplement

Midland Plant, U. 1 and 2 (S-2), Midland County, Mich., June 24: This statement supplements a final EIS filed with CEQ in March 1972. The proposed action is the continuance of the construction permits issued on December 15, 1972 to Consumers Power Company for the construction of Midland Plant Units 1 and 2. The supplement assesses energy conservation as an alternative to plant construction and reevaluates the need for power in light of any changed circumstances concerning Dow Chemical Co.'s need for process steam. (ELR Order No. 70783.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Lake City Western Bypass, Columbia County, June 23: The proposed action is construction of a new perimeter highway around the western part of Lake City, Florida. The project would begin from the junction of State Road S-252 and State Road 25 (U.S.-41) south, intersecting S.R. 47, S.R. S-341, S.R. 247, S.R. 10 (U.S. 90), S.R. S-250 and would terminate at the junction of S.R. S-100-A and S.R. 25 (U.S.-41) north. The adverse effects generated by the proposed improvement include loss of agricultural and wood lands, impacts on Lake Harris, and increased air and noise pollution. (Region 4.) (ELR Order No. 70779.)

F.A.S. S-59 (S.R. 17), S.R. 10-U.S. 30, Marshall County, Ind., June 20: Proposed is the relocation of a segment of existing S.R. 17 west of the corporate limits of Plymouth, Indiana. The project improvement would begin at the intersection of S.R. 17 and S.R. 10 immediately north of Culver, and terminate at the intersection of S.R. 17 and U.S. 30. The facility would be a two lane roadway constructed with partial access control and a minimum right-of-way width of 60 feet, and would have a total length of 2.3 to 2.5 miles. Adverse effects include encroachment on wetland vegetation and wildlife, loss of pine tree stands, and the severance of some family farms. (Region 5.) (ELR Order No. 70758.)

Logan Street/DeWitt Road, Kalamazoo St.—I-69, several Counties in Michigan: Proposed is improvement of Logan Street/DeWitt Road from Kalamazoo Street in Lansing to the proposed I-69 in DeWitt Township, a total length of 6 miles. The improvement would provide a fast, safe, and efficient transportation link between I-496 and I-69. Adverse effects include loss of agricultural land, displacement of families and residences, and increases in air and noise pollution. (Region 5.) (ELR Order No. 70766.)

F.A.P. 24, Bonner-Potomac, Missoula County, Montana, June 23: Proposed is construction of a segment of Federal Aid Primary Route No. 24 in Missoula County, Montana. The project begins 6.7 miles northeast of Bonner and extends to the east, 8.8 miles to the vicinity of Potomac. After completion, the new road will have a 40-foot finished top width with two 12-foot traffic lanes and two 8-foot shoulders. The impacts on water quality involved in this project will vary depending on the alternate selected. (Region 8.) (ELR Order No. 70775.)

S.R. 126, New Mexico Forest Highway 12, Sandoval County, N. Mex., June 23: The proposed action involves reconstruction of New Mexico Forest Highway 12 (State Route 126) in Sandoval County, New Mexico. The project would begin at Senorito Divide and continue southeasterly approximately 20 miles to its terminus with existing improved section about one mile east of Fenton Lake. Work will involve grading, placement of drainage structures and asphaltic surfacing for a two-lane primary highway. Adverse impacts include elimination of habitat, crossing a major elk migration route with a higher speed road than now exists, and elimination of wetland habitat on some alternatives. (Region 8.) (ELR Order No. 70776.)

S.T.H. 89, S.T.H. 11—Whitewater Road, Walworth County, Wis., June 21: Proposed is the reconstruction of a 12.5-mile section of a rural two-lane Highway 89 in northwestern Walworth County, Wisconsin. The improved section would begin at the S.T.H. 11 and U.S.H. 14 intersection and extend northerly to the City of Whitewater. Adverse impacts include conversion of 3 acres of woodland, and relocation of 6 families. (ELR Order No. 70768.)

SR 826 (Normandy Dr.), Miami Beach, Dade County, Fla., June 24: The proposed project involves the improvement of a 0.6 mile segment of State Road 826 along an east-west corridor from Rue Versailles to State Road A1A in Miami Beach. The preferred alternative would utilize existing streets east of Indian Creek to develop a one-way pair, thus utilizing the existing bridge over Indian Creek without constructing a new bridge. The project would result in the displacement of 14 businesses and 14 families and increased noise in residential areas. Comments made by: EPA, USCG, USDA, DOT, HEW, State and regional agencies. (ELR Order No. 70785.)

I-390, Genesee Expressway, Monroe County, N.Y., June 20: Proposed is construction of 5.1 miles of interstate Route 390 (Genesee Expressway) between the New York State Thruway (I-90) and the Rochester Outer Loop (I-590) in Henrietta and Brighton, New York. Very little displacement of residential, commercial, and industrial land uses will occur. Construction impacts are anticipated. (Region 1.) Comments made by: DOI, EPA, USDA, HEW, FPC, DOT, HUD, State and local agencies, concerned citizens. (ELR Order No. 70761.)

U.S. 74, Rutherfordton to Columbus, Polk and Rutherford Counties, N.C. June 20: Proposed is the connection of U.S. 74 near Forest City to I-26 near Columbus with a 4-lane freeway type facility. The project is one of two links remaining on U.S. 74 before a 4-lane facility between Asheville and Charlotte is completed. The alternates vary from 17.2 to 17.8 miles in length. Adverse effects include the displacement of 25 to 33 homes and one church. The conversion of 847 to 875 acres of farm and wooded land to highway use will result in the loss of wildlife habitat, premature cutting of timber, and a limited amount of soil erosion. (Region 4.) (85 pages.) Comments made by: USDA, COE, EPA, DOI, HEW, State and local agencies, concerned citizens. (ELR Order No. 70759.)

U.S. 287 and U.S. 84, Anderson County, Tex., June 24: Proposed are improvements on two numbered highway routes within the City of Palestine, Texas. The U.S. 287 portion begins at the intersection of present U.S. 287 with U.S. 79 then proceeds 0.38 mile in a southeasterly direction on proposed new location to intersect with U.S. 84, (Oak St.), approximately midway between Cottage and Debard Streets. The U.S. 84 portion of the route begins at this point and proceeds in an easterly direction to the end of the project at Branberry Street, a distance of 0.68 mile. The relocation of some families and businesses will be required. (Region 6.) Comments made by: DOT, HEW, SOE, USDA, DOI, EPA, State and local agencies, interested parties. (ELR Order No. 70790.)

U.S. COAST GUARD

Supplement

Prince William Sound Vessel Traffic Service (S-1), June 24: This statement supplements a final EIS filed with CEQ in February 1975, on the Prince William Sound Vessel Traffic Service. The supplement reflects a variety of changes made as a result of reevaluating the original environmental statement and in response to written comments and comments made at the public hearing by other agencies and the public. (ELR Order No. 70788.)

VETERANS ADMINISTRATION

Contact: (For Housing Programs), Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389-2691, (For all other programs), Mr. Nicholas Clark, Civil Engineer, Technical Services Division, Engineering Service, Veterans Administration, Washington, D.C. 20420, (202) 389-2086.

Draft

V.A. Hospital, Washington, D.C., June 23: Proposed is the construction of a 120-bed Nursing Home Care Unit (NHCU), Clinical Facilities, and an underground Parking Garage at the Washington, D.C. Veterans Administration Hospital. The NHCU will consist of two 60-bed wings on one level, Clinical Facilities on one level and a basement level. Construction related impacts are anticipated. (ELR Order No. 70778.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-18857 Filed 6-30-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

ALBERT R. DAWE

Limited Exclusive Patent License Granted

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces that on June 14, 1977, it granted to Albert R. Dawe of Deerfield, Illinois, a revocable, nonassignable, limited exclusive license for a period of five years under United States Patent Number 3,998,223 entitled "Syringe Apparatus," issued December 21, 1976, to inventor, Albert Roike Dawe.

Copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217. Telephone No. 202-692-4005.

Dated: June 24, 1977.

K. D. LAWRENCE,
JACC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-18875 Filed 6-30-77;8:45 am]

Office of the Secretary

CHEMICAL PROPULSION ADVISORY COMMITTEE

Meeting

JUNE 27, 1977.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following meeting. JANNAF Advisory Working Group for Safety and Environmental Protection, Transportation Regulations to be held August 2, 1977, Room 3442, DOT Headquarters, Bldg 400, 7th Street, S.W., Washington, DC.

AGENDA

August 2, 1977, 0930 to 1530: Transportation Regulations Compliance.
August 3, 1977, 0930 to 1530: Transportability Requirements.

Purpose: To review and finalize revision of transportation sections of JANNAF Handbook, "Hazards of Chemical Rockets and Propellants.

The public is invited to attend, and those wishing to make a public statement will be allowed time to do so providing the committee monitor is advised three days before the scheduled meeting. All communications should be addressed to Mr Finch Stowell, HQ US Air Force, Directorate of Transportation, Washington, DC 20330.

FINCH STOWELL,
Chairman, Transportations Committee, JANNAF SEPWG.

[FR Doc.77-18874 Filed 6-30-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Meeting

JUNE 28, 1977.

Pursuant to provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) in accordance with the purpose of Section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036) and Section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 2814), notice is hereby given that the General Advisory Committee will hold a meeting on July 19 and 20 in Washington, D.C. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public. The open sessions will be held in Room 8222C at ERDA Headquarters Building, 20 Massachusetts Avenue NW., Washington, D.C.:

JULY 19 - 20 MASSACHUSETTS AVENUE NW., WASHINGTON, D.C.

10:30-12:30 a.m.—ERDA's Solar Research Programs
2:30-4:30 p.m.—ERDA's Solar Research Programs

JULY 20—20 MASSACHUSETTS AVENUE, NW., WASHINGTON, D.C.

9:00-5:00 p.m.—GAC's Solar Study

In addition to the above agenda items, the Committee will meet in closed session under the authority of Section 10(d) of Pub. L. 92-463 as follows:

JULY 19

9:00-10:30 a.m.—Briefing by National Academy of Sciences Committee on Nuclear and Alternative Energy Studies (CONAES) (Exemption 4 of 5 U.S.C. 552b(c)).

This session will involve information exempt from disclosure under 5 U.S.C. 552b(c), exemption (4).

I have determined that it is necessary to close this portion of the meeting to receive and discuss information which falls within exemption (4) of 5 U.S.C. 552b(c). Any non-exempt material that may be discussed at this session will be inextricably intertwined with the discussion of exempt material and no further separation is practical. The public interest will be served by closing such portion of the meeting as it is essential to protect such privileged information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 13 copies thereof, postmarked no later than July 15, 1977, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call to the Office of the Secretary of the Committee on 202-376-4678 between 8:30 a.m. and 5 p.m., eastern time. Members of the public who are interested in attending are urged to call since the location or schedule may change.

(c) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of the minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY PEEBLES,
Deputy Advisory Committee Management Officer

[FR Doc.77-18965 Filed 6-30-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 752-7]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Funding of Sewage Collection System Projects

This notice is published to advise that the following Program Requirements Memorandum from the Administrator has been distributed to Environmental Protection Agency Regional Offices and became effective June 21, 1977. It summarizes Agency policy on the award of grants for sewage collection system projects under Title II of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). It sets forth guidance for rigorous review of grant applications to ensure that proposed projects meet the established requirements of the law and regulations.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Michael B. Cook, Chief, Facility Requirements Branch, Municipal Construction Division (WH-547), Environmental Protection Agency, Washington, D.C. 20460 (202-426-9404).

Dated: June 24, 1977.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

CONSTRUCTION GRANTS

PROGRAM REQUIREMENTS MEMORANDUM NO. [illegible]

A large number of new collection system projects have appeared on FY 1977 State project priority lists. The lists contain both in-

stantial human habitation" and the two-thirds rule.

capacity needed to handle the flows from the new collection system.

Counsel would like to receive public comment concerning various issues

culated Point Emissions, Allowable Emissions for Point Stack Parameters, Emis-

V 42 127 JUL 1 77 UMI

CONSTRUCTION GRANTS

PROGRAM REQUIREMENTS MEMORANDUM
NO. 77-6

JUNE 21, 1977.

Memorandum for Regional Administrators

Subject: Funding of Sewage Collection System Projects

I. Purpose

This memorandum summarizes Agency policy on the award of grants for sewage collection system projects under P.L. 92-500. It sets forth guidance for rigorous review of grant applications to ensure that proposed projects meet the established requirements of the law and regulations.

II. Discussion

Sewage collection system projects may be grant eligible projects under P.L. 92-500 (the Act). Eligibility is limited, however, by Section 211 of the Act which provides for funding of collection systems only 1) for the replacement or major rehabilitation of an existing collection system or 2) for new collection systems in existing communities.

Sewage collection systems are defined in 40 CFR § 35.905-19 as:

For the purpose of § 35.925-13, each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures or from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the grantee.

The eligibility of sewage collection system projects is further defined in 40 CFR § 35.-925-13 which reads:

That, if the project is for, or includes sewage collection system work, such work (a) is for replacement or major rehabilitation of an existing sewer system pursuant to § 35.927-3(a) and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (b) is for a new sewer system in a community in existence on October 18, 1972, with sufficient existing or planned capacity to adequately treat such collected sewage. Replacement or major rehabilitation of an existing sewer system may be approved only if cost effective and must result in a sewer system design capacity equivalent only to that of the existing system plus a reasonable amount for future growth. A community, for purposes of this section, would include any area with substantial human habitation on October 18, 1972. No award may be made for a new sewer system in a community in existence on October 18, 1972 unless it is further determined by the Regional Administrator that the bulk (generally two-thirds) of the flow design capacity through the sewer system will be for waste waters originating from the community (habitation) in existence on October 18, 1972.

This section of the EPA regulations implements Section 211 of P.L. 92-500.

All treatment works funded under the construction grants program must represent the most cost effective alternative to comply with the requirements of the Act. Treatment works are defined in Section 212 to include sewage collection systems. EPA cost-effectiveness requirements are found in 40 CFR § 35.925-7 and in Appendix A to 40 CFR Part 35.

A large number of new collection system projects have appeared on FY 1977 State project priority lists. The lists contain both individual collection system projects and collection systems associated with treatment plant and interceptor sewer projects. Many of these projects may not meet the eligibility and cost-effectiveness requirements set forth above.

Funding must be denied for all collection system projects which are not grant eligible or not cost-effective. This is important for two reasons. First, the requirements of the regulations must be satisfied. Secondly, the funding of collection system projects not meeting the eligibility and cost-effectiveness requirements will commit limited Federal dollars to projects which provide fewer pollution control benefits than more needed treatment plants and interceptors.

Public disclosure of costs is a fundamental prerequisite for all grants projects, including collection systems. Program Requirements Memorandum 76-3, "Presentation of Local Government Costs of Wastewater Treatment Works in Facility Plans," August 16, 1976, requires that cost information be presented at all public hearings held on facility plans after January 2, 1977. However, public hearings were held on many collection system projects prior to this date. Special measures are necessary to ensure the public is aware of the cost implications of collection systems prior to their approval.

The following policy is to be followed in reviewing future grant applications for collection system projects. This policy supplements all existing Agency regulations and policy statements. It does not levy any fundamentally new requirements, but provides guidance for more rigorous review of grant applications to ensure that proposed projects meet the established requirements of the law and regulations. Compliance with this policy will help to assure that only grant eligible and cost-effective collection system projects are funded by EPA.

III. Policy

EPA policy on the funding of sewage collection systems is as follows:

A. *Substantial human habitation.* New collector sewer projects are eligible for funding only in a community in existence on October 18, 1972, with sufficient existing or planned capacity to treat adequately such collected sewage. The Title II regulation states in Section 35.925-13 that a community would include any area with substantial human habitation on October 18, 1972. The bulk (generally two-thirds) of the flow design capacity through the sewer system is to be for wastewaters originating from the habitation.

The Agency policy is that closely populated areas with average densities of 1.7 persons per acre (one household for every two acres) or more on October 18, 1972, shall be considered to meet the requirement for "substantial human habitation". Population density should be evaluated block by block or, where typical city blocks do not exist, by areas of 5 acres or less. The "two-thirds" rule would apply within each area evaluated when making a decision on collector sewer eligibility.

Densities of less than one household for every two acres rarely result in serious localized pollution or public health problems from the use of properly operated on-site systems. These areas should not be considered to have had, on October 18, 1972, substantial habitation warranting collection sewers from a pollution control standpoint.

B. *Cost-effectiveness.* New collector sewers must be proven in the facility plan to be necessary and cost-effective in addition to being eligible under the definition of "substantial human habitation" and the two-thirds rule.

New collector sewers should be funded only when the systems in use (e.g. septic tanks or raw discharges from homes) for disposal of wastes from the existing population are creating a public health problem, contaminating groundwater, or violating the point source discharge requirements of the Act. Specific documentation of the nature and extent of health, groundwater and discharge probelms must be provided in the facility plan. Where site characteristics are considered to restrict the use of on-site systems, such characteristics, (e.g. groundwater levels, soil permeability, topography, geology, etc.) must be documented by soil maps, historical data and other pertinent information.

The facility plan must also document the nature, number and location of existing disposal systems (e.g. septic tanks) which are malfunctioning. A community survey of individual disposal systems is recommended for this purpose, and is grant eligible.

In addition, the facility plan must demonstrate, where population density is less than 10 persons per acre, that alternatives are clearly less cost-effective than new gravity collector sewer construction and centralized treatment. Such alternatives are cited in the previous Administrator's memorandum of December 30, 1976, subject: "Encouraging Less Costly Wastewater Facilities for Small Communities" and Mr. Rhett's memorandum of August 18, 1976 on "Eligibility of Septic Tanks and other Small Treatment Systems". A draft guidance document accompanied the August 18 memorandum. The draft policy represents the policy of the Agency until issued in final form.

The alternatives to be evaluated include the following:

Measures to improve operation and maintenance of existing septic tanks including more frequent inspections, timely pumpouts, and prohibition of garbage grinders.

New septic tanks.

Holding tanks and "honey wagons".

Various means of upgrading septic tanks, including mounds, alternative leaching fields and pressure sewers.

Other systems to serve individual households or a cluster of households. Such systems incide, for example, wastewater separation, water conservation and recycle systems where feasible.

The facility plan, where applicable, must examine alternatives such as limited sewer service for a portion of a community. For example, septic systems work very well in many small towns except in one isolated area such as a business district where open space for adequate on-site disposal is not available.

C. *Public disclosure of costs.* All projects, including collection systems, on which public hearings were held after January 2, 1977, must comply fully with the requirements of Program Requirements Memorandum 76-3 prior to approval.

Agency policy is to ensure public disclosure of the costs of any collection system projects where a public hearing was held on or before January 2, 1977. Such disclosure shall take the form of a prominently published notice in a local newspaper, and the cost is grant eligible. The Agency shall pay the cost of the notice if necessary to expedite the project.

The notice shall include the estimated monthly charge for operation and maintenance, the estimated monthly debt service charge, the estimated connection charge and the total monthly charge to a typical residential customer for the new collection system being funded and any other associated wastewater facilities required. Such associated facilities would include new treatment

capacity needed to handle the flows from the new collection system.

The charges may be only rough estimates, and may be presented as a range of possible costs when major unknowns exist such as whether or not substantial parts of the project are grant eligible.

IV. Implementation

The States are to be advised of the issuance of this policy at once. All pending and future grant applications for collection system projects or projects containing collection systems are to be reviewed for compliance with this policy.

The requirements of sections III-A and III-C are effective immediately.

The requirements of Section III-B are effective immediately for all projects which have received a step 1 facility planning grant but have not yet received approval of their facility plan.

For all other projects, the requirements of section III-B are effective immediately unless the Regional Administrator determines, from information in the facility plan and other sources, that a project is necessary and cost-effective even though the full documentation required by section III-B is not available. In any case, the full requirements of section III-B shall apply without exception to all projects being reviewed for funding after September 30, 1977.

V. References.

A. Sections 201, 211, 212, Pub. L. 92-500.

B. 40 CFR §§ 35.905-19, 925-7, 925-13, Appendix B.

C. PRM 76-3, "Presentation of Local Government Costs of Wastewater Treatment Works in Facility Plans", August 16, 1976.

D. Memorandum to Regional Administrators from Russell E. Train, "Encouraging Less Costly Wastewater Facilities For Small Communities", December 30, 1976.

E. Memorandum to Regional Administrators from John T. Rhett, "Less Costly Treatment Systems", August 18, 1976.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-18908 Filed 6-30-77;8:45 am]

[FRL 754-7]

NATIONAL EMISSIONS DATA SYSTEM

Class Determination Concerning Confidentiality of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: 40 CFR Part 2 Subpart B (41 FR 36906, September 1, 1976) sets out the Environmental Protection Agency (EPA) rules concerning the confidentiality of business information. Under 40 CFR 2.207, the General Counsel has authority to issue class determinations concerning the confidentiality of classes of business information. EPA possesses a large body of information in its National Emissions Data Systems (NEDS). The General Counsel proposes to issue a class determination concerning the confidentiality of the information contained in NEDS. If adopted, the class determination will control how all of the information in NEDS will be treated for purposes of public access. Prior to making a class determination, the General Counsel would like to receive public comment concerning various issues.

DATES: Comments by August 15, 1977.

ADDRESSES: Comments to: Office of General Counsel, Contracts and General Administration Branch (A-134), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

James Nelson, Office of General Counsel, Contracts and General Administration Branch (A-134), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202-755-0794).

SUPPLEMENTARY INFORMATION: For several years EPA has maintained the National Emissions Data System (NEDS). Information is available in NEDS for each point source of air pollution in the United States. The information may be retrieved in the form of a Point Source Report (PSR). Exhibit 1 is a typical PSR. A PSR can be produced from NEDS for each point source and for each emissions point within a point source. The information can also be retrieved in other forms, but the PSR includes all of the information available in NEDS for each point source.

EPA uses the information in NEDS to perform its functions under the Clean Air Act (42 U.S.C. 1857 et seq.). The information in NEDS is sent to EPA by each state. The information is updated periodically with new information from the states and some additional information from other sources. EPA uses the information to monitor performance of point sources, to study state and regional air pollution problems, and to evaluate State Implementation Plans which are submitted to EPA under section 110 of the Act.

Some states have asserted that the information in NEDS is confidential. On the other hand, EPA has received requests from the public under the Freedom of Information Act for copies of the information contained in NEDS. Because of the volume of information in NEDS and the need to respond to pending requests under the Freedom of Information Act, the only solution to the confidentiality question is to issue a class determination to cover all of the information in NEDS.

The following items of information in NEDS are available to the public from other sources or are supplied by EPA for administrative purposes: State, County, AQCR (Air Quality Control Region), City, Name, Address, SIC (Standard Industrial Classification), Ownership, UTM Grid Coordinates, Personal Contact, Plant ID, Point ID, Date of Last Update, Compliance Info, Emergency Control Action Plan, and IPP Process.

Some of the information in NEDS constitutes "emission data" which must be made available to the public under section 114 of the Clean Air Act: SCC (Source Classification Code), Hand Calculated Point Emissions, Allowable Emissions for Point, Stack Parameters, Emission Estimation Methods, Computer Calculated SCC Emissions, Control Device/Method Identification, Control Efficiencies, Source, Normal Operations, Percent Annual Throughput, Fuel Sulphur Content, Fuel Ash Content, and Annual Operating Rate.

Fuel Heat Content is a standard reference that is known once the type of fuel and its sulphur and ash content are known.

The only items of information not included in the above categories are Percent Space Heat, Hourly Maximum Design Rate, and Boiler Design Capacity. These three items of information may be eligible for confidential treatment as trade secrets or commercial or financial information. To find that these items of information are entitled to confidential treatment, EPA must determine that: (1) The businesses in question claim these to be confidential; (2) the businesses have taken reasonable measures to protect the confidentiality of this information and intend to continue to do so; (3) the information is not and has not been reasonably obtainable without the businesses' consent by other persons (other than governmental bodies) by use of legitimate means; (4) no statute requires disclosure of the information; and (5) release of the information by EPA would be likely to cause substantial harm to the competitive positions of the businesses. If these criteria are not met, the information is not confidential and must be available to the public.

Before making this determination, EPA would like to receive public comment concerning the confidentiality issue. Public comment should address the following questions: (1) Is this information claimed to be confidential? (2) Has this information been kept confidential? (3) Is the information reasonably obtainable by legitimate means by other persons without the businesses' consent? (4) Does a statute require disclosure of this information? (5) Would release of this information by EPA be likely to cause substantial harm to the competitive positions of the businesses? In addressing this final question the comments should specify what the harmful effects would be, why they are substantial, and the casual relationship between the disclosure and the harmful effects.

The comments received in response to this notice will be considered in making the class determination. Comments must be received on or before August 15, 1977. EPA has several outstanding Freedom of Information Act requests for information from NEDS and has an obligation to respond to those requests as quickly as possible. In submitting comments, the public should reference "Class Determination 3-77."

Dated: June 27, 1977.

G. WILLIAM FRICK,
General Counsel.

V 42 127 JUL 1 77 UMI

EXHIBIT 1

NATIONAL EMISSIONS DATA SYSTEM

POINT SOURCE LISTING

STATE: AQCR: CITY:
COUNTY: PLANT ID: POINT ID:
NAME-ADDRESS: SIC:
PERSONAL CONTACT: SCC:

GENERAL INFORMATION DATE OF LAST UPDATE: OWNERSHIP: IPP PROCESS: SOURCE: NORMAL OPERATIONS HOURS/DAY: DAYS/WEEK: WEEKS/YEAR: % ANNUAL THROUGHPUT DEC-FEB: MAR-MAY: JUNE-AUG: SEPT-NOV: % SPACE HEAT: % COMPLIANCE INFO SCHEDULED COMPLNCE DATE: COMPLIANCE STATUS UPDATE: EMERGENCY CONTROL ACTION PLAN	UTM GRID COORDINATES UTM ZONE: HORIZONTAL: VERTICAL: STACK PARAMETERS STACK HEIGHT: STACK DIAMETER: GAS TEMPERATURE: GAS FLOW RATE: PLUME HT(NO STACK): SAME STACK VENTS CONTROL DEVICE/METHOD IDENTIFICATION PRIMARY PART: SECOND. PART: PRIMARY SOX: SECOND. SOX: PRIMARY NOX: SECOND. NOX: PRIMARY HC: SECOND. HC: PRIMARY CO: SECOND. CO: FUEL CHARACTERISTICS FUEL SULPHUR CONTENT: FUEL ASH CONTENT: FUEL HEAT CONTENT:	HAND CALCULATED POINT EMISSIONS PARTICULATE: TONS/YR SOX: TONS/YR NOX: TONS/YR HC: TONS/YR CO: TONS/YR EMISSION ESTIMATION METHODS PART: SOX: NOX: HC: CO: CONTROL EFFICIENCIES PART: SOX: NOX: HC: CO: OPERATING RATES ANNUAL OPERATING RATE: HOURLY MAXM DESIGN RATE: BOILER DESIGN CAPACITY: COMMENTS:	ALLOWABLE EMISSIONS FOR POINT PARTICULATE: TONS/YR SOX: TONS/YR NOX: TONS/YR HC: TONS/YR CO: TONS/YR COMPUTER CALCULATED SCC EMISSIONS PART: SOX: NOX: HC: CO:

[FR Doc.77-18786 Filed 6-30-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1057]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

JUNE 27, 1977.

Docket or RM No.	Rule No.	Subject	Date received
21118: RM-2794, RM-2795, RM-2804, RM-2805, RM-2807.	Sec. 73.202(b)	Amendment of sec. 73.202(b) table of assignments, FM broadcast stations. (McConnelsville, Ohio; St. Marys, W. Va.; Boulder City, Nev.; Canadian, Tex.; Yakutat, Alaska.) Filed by Marian R. Schoenleben, president for Lakeside Broadcasting, Inc.	June 14, 1977
RM 2698	Pt. 89 and 91	Amendment of pts. 89 and 91 of the Commission's rules to transfer central station electrical protection industry licensees and certain frequencies allocated for their use from the Business Radio Service to the Special Emergency Radio Service. Filed by Jeremiah Courtney and Philips B. Patton, attorneys for Central Station Electrical Protection Association.	June 20, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 10 d after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18731 Filed 6-30-77;8:45 am]

FEDERAL COUNCIL ON THE AGING

ECONOMICS OF AGING COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Economics of Aging Committee will meet on July 26, from 9:30 a.m.–5 p.m., and on July 27, 1977 from 9:30 a.m.–12:30 p.m. in Room 5051, HEW-North Building, 330 Independence Ave. SW., Washington, D.C. 20201.

The agenda will consist of: Status of Assets Project; Review of Mandatory Retirement Issue; Review of FCA Health Policy Paper; Status of Social Security Financing Proposals; and Review of Energy-Weather Report.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

Dated: June 16, 1977.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.77-18842 Filed 6-30-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ACCOUNTING PRACTICES FOR CRUDE OIL AND NATURAL GAS PRODUCERS

AGENCY: Federal Energy Administration (FEA).

ACTION: Notice.

SUMMARY: Title V, Section 503 of the Act requires that the Securities and Exchange Commission (SEC), in consultation with the FEA, the General Accounting Office and the Federal Power Commission, assure the development and observance of accounting practices to be followed by persons engaged in the production of crude oil or natural gas in the United States.

The Securities and Exchange Commission in Securities Act Release 5837 (appearing at page 33136 in the FEDERAL REGISTER for Wednesday, June 29, 1977) is soliciting comments from interested persons on a number of issues under consideration in connection with the development of these accounting practices.

Title V, Section 505 of the Act amends section 11(c) of the Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319, as amended by Pub. L. 94-163 (ESECA) in the following respect: In order to carry out the responsibility under section 11(a) of ESECA to require the reporting of energy information (as defined in section 11(d) of ESECA) to the FEA, the FEA Administrator shall require that persons engaged in whole or in part in the production of crude oil or natural gas (1) keep energy information in accordance with the accounting practices developed by the SEC pursuant to Section 503 of the Act and (2) submit reports with respect to energy information kept in accordance with such practices.

Accordingly, the FEA encourages all interested parties to submit comments to the Securities and Exchange Commission in response to its release, appearing at page 33136 in the FEDERAL REGISTER for Wednesday, June 29, 1977.

DATES: Comments are due by August 12, 1977.

ADDRESSES: Comments should be made in triplicate and sent to George A. Fitzsimmons, Secretary, SEC, Washington, D.C. 20549. All such communications should refer to File No. S7-708 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549 (202) 755-1671.

Fred Santogrossi, Office of Energy Information and Analysis, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9694).

Issued in Washington, D.C. on June 27, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-18998 Filed 6-29-77;12:08 pm]

BRIDWELL OIL CO.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On April 19, 1977, FEA published notice of a Consent Order which was executed between Bridwell Oil Company (Bridwell) and FEA (42 FR 20337 (April 19, 1977)). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR 205.197(c) was issued simultaneously.

No comments were received. FEA, therefore, has concluded that the Consent Order as executed between FEA and Bridwell is an appropriate resolution of the compliance proceedings described in the notice published on April 19, 1977 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, upon publication of this Notice in the FEDERAL REGISTER.

Issued in Washington, D.C. June 27, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-18848 Filed 6-30-77;8:45 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet on July 19, 1977, from 9:30 a.m. to 5:00 p.m. in Room 5051 of the HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

The agenda will consist of: Status of Assets Project; Review of Mandatory Retirement Issue; Review of FCA Health Policy Paper; Status of Social Security Financing Proposals; and Review of Energy-Weather Report.

This meeting will be open for public observation.

Further information on the Committee may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

Dated: June 16, 1977.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.77-18843 Filed 6-30-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Proposed Prohibition Order and Notice of Opportunity for Public Hearing

Interested persons are invited to sub-

Agenda: Discussion and Development of

Power and Light Company's Sutton

Carolina Power and Light Company's

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Friday, July 22, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C.

The purpose of the Committee is to provide the Federal Energy Administration with advice concerning the impact of FEA policies and programs on consumers and special impact groups.

The agenda for the meeting is as follows:

1. Old Business—Report on the Status of CA SI Advisory Committee Recommendations and Requests and FEA Commitments.
2. Pending Policy Issues.
3. Discussion—Analysis and Evaluation of the National Energy Act and the Impact on Consumers and Special Impact Groups.
4. Subcommittee Reports:

Energy Efficiency Standards Conservation and Ecology.
Energy Consumption Problems and Utilities.
Transportation Programs.
Energy Legislation and Regulations.
Consumer Representation.
Energy Consumption and the Disadvantaged.

5. Discussion of FEA Data Systems and Consumer Needs.
6. The Linear Motion Highway of the Future.
7. Items for Discussion at the Next Meeting.
8. Public Comment.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, 202-566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on June 28, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-18930 Filed 6-30-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact; Kansas Power and Light Company Lawrence Generating Station, Powerplants 3, 4 and 5

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Kansas Power and Light Company's Lawrence Generating Station, Powerplants 3, 4 and 5.

On June 30, 1975, the FEA issued prohibition orders to the above-listed powerplants which prohibited the powerplants from burning natural gas or petroleum products as their primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either, (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; *and*, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above listed powerplants is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c) FEA has determined that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notice of Effectiveness and the associated negative determination and environmental assessment to Executive Communications, Box NM, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination — Proposed NOE to Kansas Power and Light Company's Lawrence Generating Station, Powerplants 3, 4 and 5." Fifteen copies should be submitted on or before July 21, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 27, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18847 Filed 6-30-77;8:45 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE SUBCOMMITTEES

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the subcommittees of the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, July 21, 1977, at the location and time indicated below.

The objective of the subcommittees is to make recommendations to the parent Committee with respect to matters concerning consumer aspects of FEA policies and programs.

The agenda and schedule of meetings is as follows:

ENERGY CONSUMPTION PROBLEMS AND UTILITIES

Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 9 a.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act—Utility Issues.

ENERGY EFFICIENCY STANDARDS CONSERVATION AND ECOLOGY

Room 5041B, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 9 a.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act—Conservation Issues; State Energy Conservation Plans—Update and Discussion.

TRANSPORTATION PROGRAMS

Room 5041A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 9 a.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act—Transportation Programs, Rationing Contingency Plans.

ENERGY LEGISLATION AND REGULATION

Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 1 p.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act; Proposed FEA Regulations; Other Energy Related Legislation.

ENERGY CONSUMPTION PROBLEMS AND THE DISADVANTAGED

Room 5041B, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 1 p.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act; Welfare Reform and Implications for the National Energy Plan.

CONSUMER REPRESENTATION

Room 5041A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 1 p.m.

Agenda: Discussion and Development of Recommendations on the National Energy Act—Consumer Participation.

The subcommittee meetings are open to the public. The Chairman of each subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with a subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

The transcript of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on June 28, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-18932 Filed 6-30-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact; Carolina Power and Light Company's Sutton Generating Station, Powerplants 1, 2 and 3

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Carolina Power and Light Company's Sutton Generating Station, powerplants 1, 2 and 3.

On June 30, 1975, the FEA issued prohibition orders to the above-listed powerplants which prohibited the powerplants from burning natural gas or petroleum products as their primary energy source. The prohibition orders provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the orders would not become effective until either, (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that a particular powerplant will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that a particular powerplant will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplant the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined that issuance of a Notice of Effectiveness for the prohibition orders to the above listed powerplants is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c) FEA has determined that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the FEA National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the environmental impacts of the Notice of Effectiveness and the associated negative determination and environmental assessment to Executive Communications, Box NT, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Carolina Power and Light Company's Sutton Generating Station, Powerplants 1, 2 and 3." Fifteen copies should be submitted on or before July 21, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and sumitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C. June 28, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18849 Filed 6-30-77;8:45 am]

FEDERAL MARITIME COMMISSION

[No 77-19, Agreement No. 10235]

CONSOLIDATED FORWARDERS INTERMODAL CORP.

Correction

In the Commission's June 1, 1977 erratum to the order of investigation in the proceeding, published June 7, 1977 (42 FR 29040), the listing of North Atlantic Baltic Freight Conference as a Protestant should be qualified by the parenthetical statement "(except Seatrain)"

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18887 Filed 6-30-77;8:45 am]

[Docket No. 77-26]

E. L. MOBLEY, INC.

Order of Investigation and Hearing

E. L. Mobley, Inc. (Licensee), 120 W. Bay Street, Savannah, Georgia, was issued independent ocean freight forwarder license FMC No. 1064R on January 20, 1972.[1] Mr. Elton L. Mobley is President, Treasurer, a Director, and 66⅔ percent shareholder of the licensee corporation. His wife, Virginia J. Mobley, is Secretary, Vice President, a Director, and 33½ percent shareholder.[2]

The Commission possesses information which indicates that Mr. Mobley signed the name of a Mr. A. N. Manucy, Jr., to a letter dated June 28, 1976 without having authority from Mr. Manucy to do so. This letter was written on simulated letterhead of "Charleston Overseas Forwarders, Inc.", a firm of which Mr. Manucy was President, for the purpose of inducing the Citizen's & Southern National Bank of Atlanta, Georgia, to clear a letter of credit dated March 24. 1976 covering a shipment of some 5,280 square yards (44 rolls) of carpet shipped by Blue Ridge Carpet Mills, Inc., Ellijay, Georgia (Blue Ridge).

[1] Mr. Elton L. Mobley was licensed as a sole proprietorship between April 26, 1975 and January 20, 1972.

[2] Mr. R. C. Towns of Savannah, Georgia, is also a Director. The Licensee has no other officers, directors, or shareholders.

Charleston Overseas Forwarders, Inc. (Charleston, ...

...casions, Licensee failed to promptly remit ...

...hearing shall include oral testimony and ...

FEDERAL POWER COMMISSION ... site vicinity of the Holtwood Dam on the ...

[Project No. P-1975-20]

V 42 127 JUL 1 77 UMI

Charleston Overseas Forwarders, Inc. (Charleston), was also a licensed ocean freight forwarder (FMC No. 751) until February 27, 1976, when it changed its corporate name to International Forwarders, Inc. (FMC No. 751–R).[4] The letter of credit instructions from the foreign consignee of the carpet shipment in question specified that Charleston be engaged to handle the shipment.[5] Blue Ridge, however, gave the shipment to Licensee, which proceeded to process it without notifying International Forwarders, Inc., of this fact.

The June 28, 1976 letter sent to the Citizen's & Southern Bank was addressed "To Whom It May Concern" and falsely certified that Charleston had received payment of $5,085 in ocean freight applicable to the shipment and was purportedly signed by "A. N. Manucy, President." An identical copy of this letter, but with an obviously different version of the unauthorized signature of A. N. Manucy, Jr., was also sent to Blue Ridge. Licensee received a brokerage payment on the shipment from the carrier, and forwarding and other accessorial fees from Blue Ridge.

The above conduct by Mr. Mobley, who controls Licensee in all respects, appears to violate section 510.23(h) of the Commission's rules[6] and reflects unfavorably upon Licensee's fitness to remain a licensed independent ocean freight forwarder.

The Commission also possesses evidence indicating that on several occasions during 1975 and 1976 Licensee failed to pay freight advanced by shippers to the ocean carriers entitled to such monies within the time period specified by section 510.23(f) of the Commission's rules.[7] On at least two other occasions, Licensee failed to promptly remit monies owed to a shipper/client because of the shipper/client's overpayment of ocean freight, conduct which also violates section 510.23(f).[8]

. A licensee's repeated failure to adhere to the regulations of this Commission or of other government agencies casts substantial doubt upon its fitness to operate in a position of trust such as that of an independent ocean freight forwarder. Accordingly, the Commission has decided to institute an investigation to thoroughly examine the forwarding activities of E. L. Mobley, Inc., from 1975 until the present, with particular attention to be given to the details surrounding the June 26, 1976 shipment of Blue Ridge Carpet on Kuwait Shipping Company. Findings and conclusions are to be reached on whether Elton L. Mobley forged the signature of A. N. Manucy, Jr.; the extent to which E. L. Mobley, Inc., may have violated sections 510.23 (f) or (h) of the Commission's Rules; whether E. L. Mobley, Inc., possesses sufficient standards of business integrity and scrupulousness to remain a Commission licensee; and whether the license of E. L. Mobley, Inc., should be suspended or revoked.

Wherefore, *it is ordered*, That pursuant to sections 22 and 44(d) of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), and section 510.9(3) of the Commission's Rules, a proceeding be instituted to resolve the following issues:

Whether Elton L. Mobley forged the signature of A. N. Manucy, Jr., to letters of certification dated June 26, 1976, and, if so, whether said conduct is attributable to E. L. Mobley, Inc.;

(2) Whether E. L. Mobley, Inc., has violated section 510.23 (f) or (h) of the Commission's Rules between January 1, 1975 and the present;

3 Whether, in light of the evidence adduced pursuant to the foregoing issues, E. L. Mobley, Inc., possesses the requisite "fitness" within the meaning of section 44(b) of the Shipping Act, 1916, to remain licensed as an independent ocean freight forwarder;

(4) Whether, in light of the conclusions reached on the foregoing issues, the independent ocean freight forwarder license of E. L. Mobley, Inc., should be suspended or revoked.

and;

It is further ordered, That, E. L. Mobley, Inc., be made the Respondent in this proceeding and that the matter be assigned for public hearing before an Administrative Law Judge at a date and place to be determined by the Administrative Law Judge presiding, but in no event, later than December 27, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are otherwise necessary for the development of an adequate record; and,

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy thereof be served upon E. L. Mobley, Inc.; and,

It is further ordered, That any person other than Respondent and the Commission's Bureau of Hearing Counsel having an interest and desiring to participate in this proceeding may do so by filing a timely petition for leave to intervene pursuant to section 502.72 of the Commission's Rules; and

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing or of prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18886 Filed 6-30-77;8:45 am]

[4] The shipment moved via Kuwait Shipping Company from Savannah to Bahrain, Saudi Arabia under Bill of Lading No. 2, dated June 26, 1976.

[4] Mr. Manucy continued as President of the corporation.

[5] The overseas consignee issuing the letter of credit was apparently unaware that Charleston had changed its name to International Forwarders, Inc., at the end of Feb-

[6] 46 CFR 510.23(h) states: No licensee shall file or assist in the filing of any claim, affidavit, letter of indemnity, or other paper or document with respect to a shipment handled or to be handled, by such licensee, which he has reason to believe is false or fraudulent.

[7] In some cases, payment was over 30 days overdue. 46 CFR 510.23(f) states: Each licensee shall promptly pay over to the oceangoing common carrier or its agent within seven (7) days after the receipt thereof, excluding Saturdays, Sundays, and legal holidays, or within five (5) days after the departure of the vessel from each port of loading, excluding Saturdays, Sundays, and legal holidays, whichever is later, all sums advanced the licensee by its principal for freight and transportation charges, and shall disburse to other person(s) when due all sums advanced by its principal for the payment of any charges, debts or obligations in connection with the forwarding transaction, and shall promptly account to its principal for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance money paid to the forwarder as the result of claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal.

[8] These incidents involved a $2,511 refund due to Coronet Carpets on a Pace Lines shipment carried in May, 1976 and a $557.43 refund due the same shipper on an Independent Gulf Line shipment carried in November, 1972. Repayment of, neither sum had been made by December 10, 1976, but was accomplished shortly after the matter was brought to Mr. Mobley's attention by a Commission investigator.

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the FMCS Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), will meet on Thursday, July 21 and Friday, July 22, 1977 at 9:30 a.m., in Conference Room 412, 2100 K Street NW., Washington, D.C.

The agenda for the meeting is as follows:

I. Regional library of decisions.
II. Labor arbitrator development planning.
III. Publication of decisions.
IV. Recertification for roster of arbitrators.
V. Regional arbitration activity.
VI. Arbitrator symposia.
VII. Fees and charges.
VIII. Arbitration statistics.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to:

Mr. John Canestraight, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this 27th day of June 1977.

WAYNE L. HORVITZ,
Director.

[FR Doc.77-18806 Filed 6-30-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-278]

ARKANSAS POWER & LIGHT CO.

Settlement Agreement

JUNE 24, 1977.

Take notice that Arkansas Power & Light Company (AP&L) on June 6, 1977, tendered for filing a Settlement Agreement between AP&L and all customer Intervenors in the above captioned proceeding: Conway Corporation, Benton Municipal Light and Water Works, Hope Water and Light Commission, City of North Little Rock, Arkansas, City of Osceola, Arkansas, City of Prescott, Arkansas, City of West Memphis, Arkansas, Farmers Electric Cooperative Corporation, and Mississippi County Electric Cooperative, Inc. AP&L indicates that all of the aforementioned parties have been served with copies of the Settlement Agreement.

Along with the Settlement Agreement, AP&L tendered for filing a motion requesting approval of said Settlement Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-18820 Filed 6-30-77;8:45 am]

[Project No. 2552]

CENTRAL MAIN POWER CO.

Application for Approval of Easement Over Project Lands

JUNE 24, 1977.

Public notice is hereby given that an application was filed on May 11, 1977, under the Federal Power Act, 16 U.S.C. 791a–825r, by Central Maine Power Company (Correspondence to: Mr. Jon S. Readnour, Counselor, Central Maine Power Company, Edison Drive, Augusta, Maine 04336) for Commission approval of the grant of an easement over certain lands of the Halifax Project, FPC No. 2552 to the Town of Winslow, Maine (Grantee), for the installation and operation of municipal sewer pipelines. Project No. 2552 is located in the immediate vicinity of the Halifax Dam on the Sebasticook River in the Town of Winslow, Kennebec Country, Maine.

Applicant proposes to grant a perpetual easement approximately 1,462 feet long and from 20 to 30 feet wide to Grantee for the purpose of constructing a sewer pipeline. The pipeline would consist of two eight-inch-diameter siphon pipes placed side-by-side and parts of a 14-inch sewer line. A 590-foot-long siphon pipe section would extend across and, if possible, would be buried below, the bottom of Sebasticook River. Sections which could not be buried due to the presence of rock would be placed on the river bottom and encased in concrete. The sewer lines would be part of a proposed wastewater treatment facility which would include interceptors, lateral sewers, a pumping station, and a force main. The wastewater treatment facility would be part of the Kennebec Sanitary Treatment District.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's rules of practice and procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 12, 1977, file with the Federal Power Commission, 825 N. Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18819 Filed 6-30-77;8:45 am]

[Docket No. RM75-29]

FUEL ADJUSTMENT PROVISIONS IN FPC RATE SCHEDULES

Order Granting Application for Rehearing for Purposes of Further Consideration

JUNE 24, 1977.

On May 26, 1977, Consumer Owned Systems[1] filed an Application for Rehearing of the Commission's order issued on April 26, 1977, terminating the above-captioned proceeding. In view of the diverse issues contained in the application, the Commission shall grant the application solely for the limited purpose of further consideration. This action does not constitute a grant or denial of the application on the merits in whole or in part.

The Commission orders: Rehearing of the April 26, 1977, order in this proceeding is granted for the limited purpose of further consideration.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18827 Filed 6-30-77;8:45 am]

[Docket No. CP76-285]

MOUNTAIN FUEL RESOURCES, INC.

Amendment to Application

JUNE 24, 1977.

Take notice that on June 13, 1977, Mountain Fuel Resource, Inc. (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-285 an amendment to its application filed on March 3, 1976 in the instant docket pursuant to section 7 of the Natural Gas Act setting forth certain changes in some of the terms and provisions of the original S-1 agreement dated June 8, 1976, as amended November 5, 1976 between Applicant and Northwest Pipeline Corporation (Northwest), and previously filed with the Commission, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The original application in this proceeding requested a certificate of public convenience and necessity authorizing the acquisition, construction, installation and operation of gas storage facilities in the Dakota formation of the Clay Basin Field, Daggett County, Utah, and the rendition of gas storage service to interested parties. Applicant indicates that the original application has been amended three times prior to this amendment. Applicant states that its third amendment requests authorization of the limited participation of El Paso

[1] Consumer Owned Systems are the municipally and cooperatively owned utilities listed in Appendix A of "Comments of Consumer Owned Systems in Support of Proposed Rulemaking" filed on September 2, 1975, in this docket.

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Natural Gas Company (El Paso) in the storage operation provided by Applicant in the Clay Basin Field, Dagget County, Utah. The accelerated development of the Clay Basin Storage Field resulting from El Paso's temporary participation in the project is in exact compliance with the level of development required as result of negotiations and resultant contractual obligations between Applicant and Northwest for storage service to be rendered to Northwest from the Clay Basin Field commencing with the 1978–1979 injection-withdrawal season, and would enable Northwest to receive a volumetrically higher level of service from the Clay Basin Field following the termination of El Paso's temoprary participation in said project, it is said. Applicant indicates that it would have facilities available to support a Northwest storage withdrawal level of 20,000,000 Mcf during the 1978–1979 withdrawal season, it is said.

By this amendment, Applicant states that it and Northwest have agreed to change some of the terms and provisions of their original S–1 agreement dated June 8, 1976, as amended, and that this has been accomplished by a second contract amendment dated April 6, 1977. It is indicated that this contract amendment, provides for a change in certain contract definitions, an increase level of service commencing with the 1978 injection season, an extension of the term of the agreement from 10 to 15 years, a reduction in the depreciation rate, and an increase in the rate of return.

Applicant states that after El Paso's participation has been concluded on April 30, 1978, the configuration of permanent facilities to serve Northwest's storage service requirements would be somewhat different than that previously shown. Listed below are the facilities to be used solely for service to Northwest beginning with the injection season 1978:

ESTIMATED COST OF FACILITIES

LIST OF FACILITIES PROPOSED UNDER THE THIRD AMENDMENT TO THE APPLICATION

1. Pipeline, 14.9 miles 20-in. diameter

Item	Investment [1]
Engineering and survey	$22,000
Right-of-way	7,000
Damages	5,000
Pipe and fittings	1,123,000
Coating (installed)	244,000
Excavation	385,000
Pipelaying	325,000
Inspection	56,000
Assemblies	36,000
Total pipeline	2,103,000

2 Gathering pipelines, 6⅝-in diameter to 26 wells

Item	Investment
Engineering and survey	$73,000
Damages and right-of-way	22,000
Pipe and fittings	1,120,000
Coating (installed)	195,000
Excavation	462,000
Pipelaying	485,000
Inspection	73,000
Total laterals	2,430,000

3. Dehydration units rated at 30 m³/d at 700 lb/in²g and 2,600 lb/in²g maximum working pressure, 26 units

Item	Investment
Engineering and survey	$97,000
Dehydration units	1,612,000
Pipe and fittings	120,000
Installation	504,000
Inspection	75,000
Total dehydration	2,408,000

4. Compressor units 5 at 2,600 hp each (13,000 hp)

Item	Investment
Material:	
Compressor units (5)	$5,775,000
Structures	893,000
Piping	1,467,000
Miscellaneous	375,000
Subtotal, material	8,510,000
Installation/construction	4,040,000
Engineering	220,000
Miscellaneous	100,000
Total compressors	12,870,000

5. Metering and control equipment

Item	Investment
Microwave and communication	$110,000
Metering and control	967,000
Total metering and control	1,077,000

6. Injection withdrawal wells

Item		Investment
Drill 19 wells each	$375,000	$7,125,000
Workover existing wells:		
Unit No. 2	213,000	
Unit No. 3	47,000	
Unit No. 4	210,000	
Unit No. 5	210,000	
Unit No. 6	108,000	
Unit No. 10	114,000	
Subtotal, workover		902,000
Total well investment		8,027,000

7. Facilities transferred to resources from Mountain Fuel

Item	Investment
7 existing wells	$874,000
Measuring facilities	78,000
Total transferred facilities	952,000

Summary of investment

1. Pipeline, 20 in	$2,103,000
2. Gathering pipelines	2,430,000
3. Dehydration	2,408,000
4. Compressors	12,870,000
5. Metering and control	1,077,000
6. Wells	8,027,000
7. Transferred facilities	952,000
Total investment	29,867,000

[1] All investment costs are based upon recent experience of Applicant's parent, Mountain Fuel, in the construction and installation of similar facilities.

The total cost of this modified list of facilities is $29,867,000, and this amount is used as the basis for the estimated cost-of-service to Northwest after April 30, 1977, it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18817 Filed 6-30-77;8:45 am]

[Docket No. RI77-71]

N. C. GINTHER, ET AL.

Application for Declaratory Order

JUNE 23, 1977.

Take notice that on May 6, 1977, N.C. Ginther, et al. ("Ginther") filed an application, pursuant to § 1.7(c) of the regulations, for a declaratory order to determine the rate at which Ginther should be permitted to sell natural gas to Tennessee Gas Pipeline Company ("Tennessee") from the Sarco Creek Area, Goliad County, Texas, under the terms of a 1974 contract. According to the application, the original 1949 base agreement between Ginther and Tennessee expired by its own terms in 1969. Thereafter, a 1971 instrument covering sales of essentially the same gas was executed which later became the subject of substantial dispute. Applicants state that in settlement of all outstanding controversies the parties entered into a 1974 gas purchase agreement to supersede the original 1949 base contract and that the 1974 agreement incorporates substantial changes from the 1949 agreement. The application requests a Commission declaration as to whether the 1974 agreement between Tennessee and Ginther, et al., qualifies as a rollover or replacement contract under the provisions of Opinion Nos. 699, et seq., and 770, et seq. (replacement contract ceiling now 53 cents per Mcf, subject to 30% additional for small producer, plus adjustments).

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18823 Filed 6-30-77;8:45 am]

[Docket No. ER77-446]

NEVADA POWER CO.

Interconnection Agreement

JUNE 24, 1977.

Take notice that on June 14, 1977, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between Nevada and the Tri-State Generation & Transmission Association, Inc. (Tri-State) dated May 12, 1977. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance.
2. Services Schedule B—Economy Energy Interchange.
3. Service Schedule C—Banked Energy.

Nevada requests waiver of the Commission's notice requirements to allow an effective date of May 12, 1977, for this Agreement, with an initial term of one year.

Nevada indicates that copies of this filing were served upon Nevada's jurisdictional customer, the California-Pacific Utilities Company, and upon the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18821 Filed 6-30-77;8:45 am]

[Docket No. ER77-448]

NORTHERN STATES POWER CO.

Cancellation

JUNE 24, 1977.

Take notice that Northern States Power Company (NSPC) on June 13, 1977 tendered for filing a notice of cancellation terminating the Short Term Transmission Service Agreement dated November 29, 1976, designated Rate Schedule FPC No. 384, and effective January 20, 1977, between NSPC and the City of Marshall, Minnesota. NSPC states that notice of the proposed cancellation has been served upon the City of Marshall.

Pursuant to § 35.15 of the Commission's regulations (18 CFR), NSPC requests waiver of the notice requirements to allow said proposed cancellation to be effective as of April 20, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 6, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18825 Filed 6-30-77;8:45 am]

[Docket No. CP77-436]

NORTHWEST PIPELINE CORP.

Application

JUNE 24, 1977.

Take notice that on June 13, 1977, Northwest Pipeline Corporation (Applicant), 315 East Second South, Salt Lake City, Utah 84110, filed in Docket No. CP77-436 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new measuring station and the transportation for, and the exchange of natural gas with Pacific Gas Transmission Company (PGT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport for and exchange up to 10,000 Mcf of natural gas per day on a best efforts basis with PGT. Applicant also requests authorization to construct and operate a measuring station to accept the volumes of gas to be delivered by PGT. Applicant states that it would receive for transportation and exchange up to 10,000 Mcf of natural gas per day from PGT and redeliver to PGT equivalent volumes, less certain volumes sold to Applicant, and compressor fuel usage, at an existing point of interconnection between PGT and Applicant. Applicant indicates that it would utilize its existing transmission facilities.

It is stated that PGT has developed or otherwise acquired a new source of gas supply in the Fontenelle area of Lincoln County, Wyoming which is remote from PGT's existing transmission system. In order to make the volumes of natural gas to be purchased in the Fontenelle area available to its transmission system, PGT has entered into a gas transportation and exchange agreement dated January 4, 1977 with Applicant and the agreement is for a primary term ending December 31, 1986, it is said. It is stated that the gas redelivered by displacement by Applicant to PGT would thereafter be transported and sold to PGT's parent company, Pacific Gas and Electric Company. It is indicated that the initial volumes of gas to be delivered would be approximately 2,873 Mcf of natural gas per day.

Applicant states that PGT would deliver the subject gas, for exchange and transportation to Applicant at a point on Applicant's 30-inch mainline to Lincoln County, Wyoming, and that Applicant would redeliver equivalent volumes to PGT, by exchange less such gas as Applicant has elected to purchase from PGT, less volumes for shrinkage and compressor fuel use at an existing point of interconnection between PGT and Applicant located in Spokane County, Washington. It is stated that the volumes of gas to be delivered for exchange and transportation would be balanced on a Btu basis and such balancing would, to the extent possible, be achieved monthly.

It is indicated that PGT would pay Applicant its system average transmission cost, excluding compressor fuel, of 16.03 cents per Mcf for all volumes of gas redelivered to PGT as compensation for rendering the proposed transportation service. In addition PGT would furnish Applicant's compressor fuel associated with the transportation service, i.e. 2 percent of the volumes of gas remaining after deducting the volumes of gas sold to Applicant, it is said.

It is indicated that pursuant to the transportation agreement dated January 4, 1977, Applicant has the option to purchase up to 25 percent of the volumes delivered by PGT for transportation and exchange, which originated from wells drilled on acreage designated as "Working Interest Acreage Acquired after August 1, 1972". Applicant further indicates that it has exercised its option under the subject agreement to purchase gas from PGT. Applicant states that PGT has informed it that the volumes of natural gas subject to Applicant's option to purchase would be approximately 100 Mcf per day, and that the cost of such gas would be based on PGT's cost of gas purchased in the Fontenelle area, including Btu adjustments, taxes, and other charges allowed, plus a portion of PGT's cost-of-service incurred by PGT in compressing and delivering the gas to Applicant, it is said.

It is stated that all of the gas delivered by PGT to Applicant would be combined with other gas in Applicant's existing pipeline system upstream of Applicant's Opal processing plant and, therefore, would be subject to processing at such

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processing plant for the purpose of removing liquid hydrocarbons. It is further stated that as a result of PGT's gas being processed at Applicant's Opal Plant, approximately 5 percent of PGT's gas would be lost as fuel and shrinkage. Applicant states that it would purchase from PGT 5 percent of the volumes delivered to Applicant for transportation and exchange in order to reimburse PGT for the fuel and shrinkage, and that it would pay PGT for said quantity of gas the same price paid by PGT, including the base price, Btu adjustments, taxes and other charges allowed.

Applicant also proposes to construct and operate such measuring facilities that are required to accept the volumes of gas to be delivered to it by PGT. The measuring facilities so constructed would be located on Applicant's 30-inch mainline in Lincoln County, Wyoming, and the estimated cost of constructing the facilities is $37,000 which cost would be financed by funds on hand, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearings is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18826 Filed 6-30-77;8:45 am]

TENNECO ATLANTIC PIPELINE CO. AND TENNESSEE GAS PIPELINE CO.

[Docket Nos. CP77-100—CP77-103]

Shortening Comment Period and Denying Extension of Time for Evidentiary Hearing

JUNE 23, 1977.

On June 6, 1977, Staff Counsel filed a motion to shorten the time in which to file comments on the Draft Environmental Impact Statement (DEIS) to be circulated July 11, 1977, pursuant to the procedural mileposts set by Commission Order issued May 5, 1977, in the above indicated dockets. A response in support of Staff Counsel's motion was filed June 14, 1977, by Tenneco Atlantic Pipeline Company and Tennessee Gas Pipeline Company.

On June 13, 1977, the Natural Resources Council of Maine ("Council") and its co-petitioners filed a motion for an extension of the July 11, 1977, milepost which the May 5 Order set for the beginning of the evidentiary hearing in this proceeding. The motion requested a period of not less than 45 days from the time the DEIS is circulated to the date the evidentiary hearing begins. A response in opposition to Council's motion was filed June 20, 1977, by Tenneco Atlantic Pipeline Company and Tennessee Gas Pipeline Company.

The Commission stated in its May 5 Order its desire to maintain a schedule which will allow a final decision to be reached in this proceeding by the end of 1977. The Commission believes that shortening the DEIS comment period and maintaining the evidentiary hearing milepost will facilitate the issuance of a final decision by the end of this year.

Notice is hereby given that the time for filing comments on the Draft Environmental Impact Statement in the above proceeding is shortened to within 30 days of the date that notice of the Statement's availability appears in the FEDERAL REGISTER. The procedural milepost for the beginning of the evidentiary hearing will remain July 11, 1977, recognizing that the environmental matters will be heard in accordance with the DEIS and FEIS process.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18824 Filed 6-30-77;8:45 am]

[Docket No. ER77-311]

UTAH POWER & LIGHT CO.

Order Accepting for Filing, Suspending Proposed Rate Changes, Granting Intervention, and Establishing Procedures

JUNE 23, 1977.

On April 20, 1977,[1] Utah Power & Light Company (Utah) tendered for filing a proposed increase in rates to its FPC Electric Tariff. The Company employs three rate schedules to serve its 24 customers (5 Investor owned utilities, 14 municipalities, 4 cooperatives, and Navajo Tribal Utility Authority) depending upon the delivery voltage: Schedule RS-1, Medium Voltage (2.3 to 33 KV), Schedule RS-2, High Voltage (44 to 138 KV), and Schedule RS-3, Extra High Voltage (138 or higher). The proposed changes result in additional revenues of $7,574,628 (25.02%) for the 12 months succeeding the proposed effective date of May 23, 1977.

Notice of the filing was issued on April 29, 1977, with responses due on or before May 11, 1977.

On April 29, 1977, the Idaho Public Utilities Commission gave notice of its intervention pursuant to § 1.8(a)(1) of the Commission's rules of practice and procedure.

On May 6, 1977, Lincoln Service Corporation (Lincoln) filed a request for an extension of time until June 6, 1977, within which to file a protest and/or petition to intervene. On June 6, 1977, Lincoln asked for further extension until July 6, 1977, and by notice of June 7, the Secretary granted such extension.

Petitions to intervene were filed by Sierra Pacific Power Company, Navajo Tribal Utility Authority, California-Pacific Utilities Company, and Mt. Wheeler Power Company (Petitioners). Petitioners generally assert that a substantial portion of the rate increase relates to inclusion of Construction Work in Progress (CWIP) in rate base by Utah and that Commission policy, pursuant to Order 555, Docket No. RM75-13, is to delete these amounts from rate base, unless such amounts represent investment in pollution control or fuel conversion facilities, or unless the utility has shown in its application that severe financial hardship would result from non-inclusion. Petitioners ask that, should the Commission accept the filing without the inclusion of CWIP, the proposed rates be suspended for the maximum five month period. Petitioners also point out that Utah has pending before the Commission an earlier rate increase application (Docket No. ER76-654) in which the issues of CWIP and rate of return have not been resolved.

Following the issuance of Order 555, Commission policy regarding rate-base treatment of CWIP is to exclude that portion of CWIP which relates to facilities not constructed for pollution control or fuel conversion. Order 555 allows prospective inclusion of other portions of CWIP only upon a showing by the Company of "severe financial difficulty which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers • • • ."[2]

The Commission will allow Utah's inclusion of that part of CWIP relating to pollution control facilities, amounting to about $56 million of the $130 million CWIP total. As to the remainder, Order 555 clearly mandates that any allowable inclusion of CWIP based on the "severe financial difficulty" standard can be prospective only from the date of issuance of a final order or rehearing approving inclusion of such amounts in rate base. If it chooses, Utah may pursue this matter at hearing.

Consistent with Commission order in similiar cases,[3] the Commission will require that Utah refile revised tariff sheets and cost of service data reflecting the reduced rates resulting from the elimination of non-qualifying CWIP from rate base.

Our review indicates that the proposed rates filed by Utah on April 20, 1977, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall suspend the proposed rates for five months and establish hearing procedures.

The Commission finds: (1) Good cause exists to require Utah Power to file revised tariff sheets based on exclusion of non-pollution control CWIP rate base.

(2) Good cause exists to accept for filing the proposed rates (to be updated by the requirements of subsection 1 above) in docket No. ER77-311 and to suspend those rates for five months until November 21, 1977, when they shall become effective, subject to refund, as hereinafter ordered and conditioned.

(3) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Idaho's rates as proposed to be revised herein.

(4) Participation in this proceeding by Sierra Pacific Power Company, Navajo Tribal Utility Authority, California-Pacific Utilities Company, and Mt. Wheeler Power Company may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in the subject filing of Utah as proposed to be revised herein.

(B) Within 30 days of the issuance of this Order, Utah shall file revised rate schedules and revised cost of service data reflecting the reduced rates resulting from the elimination of non-pollution control CWIP from rate base as heretofore discussed.

(C) Pending a hearing and final decision thereon, Utah's filing is hereby accepted for filing and suspended for five months, to become effective on November 21, 1977, subject to refund and subject to the condition that it file revised rates pursuant to Paragraph (B) above.

(D) Intervention status is granted to the Navajo Tribal Utility Authority, Sierra Pacific Power Company, California-Pacific Utilities Company, and Mt. Wheeler Power Company, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests and specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Staff shall prepare and serve Top Sheets on all parties for settlement purposes on or before August 23, 1977. (See Administrative Order No. 157.)

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at an initial conference of Top Sheets in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions, except petitions to intervene, motions to consolidate and sever and motion to dismiss), as provided for in the Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18818 Filed 6-30-77;8:45 am]

[Docket No. RP77-64]

VALLEY GAS TRANSMISSION, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing, Permitting Interventions, and Establishing Procedures

JUNE 23, 1977.

On April 29, 1977, Valley Gas Transmission, Inc. (Valley) tendered for filing in the above docket proposed changes to its FPC Gas Tariff[1] which would increase its revenues for jurisdictional natural gas sales $290,337 annually based upon costs and volumes for the 12 months ended December 31, 1976, as adjusted. Valley requested that the proposed increases be permitted to become effective June 1, 1977. On May 24, 1977, Valley submitted certain necessary supplementary information in support of its requested increase. On May 27, 1977, the Commission by letter informed Valley that its initial filing was deficient since it did not include data required pursuant to a settlement in Docket No. RP76-41, and was subject to rejection until it was supplemental by the filing of May 24th. The Commission assigned May 24, 1977, as the filing date in this docket. For the reasons stated below the Commission shall accept the proposed rate increase for filing, suspend it for one day, and set the matter for hearing.

Public notice of this filing was issued May 9, 1977, providing for protests or petitions to intervene to be filed on or before May 22, 1977. Petitions to intervene were filed by Tennessee Gas Pipeline Company and National Fuel Gas Supply Corporation. The petitions to intervene will hereinafter be granted. To date no other petitions to intervene, protests or comments have been filed.

Valley states the principal reason for its proposed rate change is an increase in costs of virtually every aspect of its operations. Valley projected a 19 percent decrease in its sales volumes for the adjusted period, and requested an 11.63 percent overall rate of return, with a return on common equity of 15 percent. In addition, Valley requests a 4.91 percent depreciation rate based upon the Unit-of-production method.

Valley submitted statements L, M, and N pursuant to § 154.63 of the Commission's regulations and requests waiver of the regulations so as not to be required to file statements A through K and O. In view of the relatively small amount of increase sought, the time and expense which would be required to prepare the additional statements, and the fact that the statements submitted are fully adequate for purposes herein, the Commission, therefore, finds that good cause exists to grant the requested waiver.

Valley also requested a waiver of § 154.63(b)(3) to permit the filing of Statement P on May 20, 1977, which is more than 15 days after the initial filing date of April 29, 1977. Since the Commission has assigned an official filing date of May 24, 1977, for this docket, the requirements of § 154.63(b)(3) have been met and no waiver is necessary.

In view of its alleged fragile financial condition, Valley requests that any suspension, if deemed necessary, be limited to one day. Valley states that its total 1976 net income amounted to only $743.

Based upon a review of Valley's filing herein, the Commission finds that the proposed higher rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Valley's proposed rate increase for filing, suspend its use for one day or until June 25, 1977, when it shall be permitted to become effective subject to refund, and shall set the matter for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter

[1] Filing completed on May 24, 1977, with the receipt of additional requested information. See appendix for designations.

[2] Order 555, Docket No. RM75-13. Issued November 8, 1976, at page 16.

[3] See Commission Order in ER76-404 and ER76-658, issued July 15, 1976.

[1] Tenth Revised Sheet No. 2A and First Revised Sheet Nos. 172 through 176.

upon a hearing concerning the lawfulness of the increased rates and charges

§ 1101(b) of the Internal Revenue Code (the "Code"), as amended by Section

Bank on that date.[1] On July 7, 1970, AG directly and through its subsidiaries

such with the Board as a bank holding company on August 23, 1971. AG would

suant to delegated authority (12 CFR 265.2(b)(3)), effective June 23, 1977.

NEW PARENT CO.

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upon a hearing concerning the lawfulness of the increased rates and charges proposed by Valley, and that the same be accepted for filing and suspend as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed herein by Valley.

(B) Pending hearing and decision, Valley's proposed rate increase is accepted for filing and suspended for one day or until June 25, 1977, when it shall be permitted to become effective, subject to refund, upon motion filed by Valley in accordance with the provisions of the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before September 26, 1977.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) Valley's request for waiver of § 154.63(d)(3) of the Commission's regulations as to statements A through K and O is hereby granted.

(F) The petitioners to intervene are permitted to intervene in the captioned proceeding subject to the Commission's rules and regulations: *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18822 Filed 6-30X77;8:45 am]

FEDERAL RESERVE BOARD

[Docket No. TCR 76-141]

AMERICAN GENERAL INSURANCE CO.

Prior Certification

American General Insurance Company, Houston, Texas ("AG"), has requested a prior certification pursuant to § 1101(b) of the Internal Revenue Code (the "Code"), as amended by Section 2(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that its proposed divestiture of all of the 2,632,042 nonvoting shares of common stock (the "TCB Shares") of Texas Commerce Bancshares, Inc., Houston, Texas ("TCB"), presently held by AG,[1] through the pro rata distribution of such shares to the holders of common stock of AG, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*) ("BHC Act").[2]

In connection with this request, the following information is deemed relevant, for purposes of issuing the requested certification:[3]

1. AG is a corporation organized under the laws of the State of Texas on May 8, 1926.

2. AG, directly and through four wholly-owned subsidiaries, acquired ownership or control of a total of 104,363 shares of Texas Commerce Bank, Houston, Texas ("Bank"), by purchase from unrelated parties prior to December 31, 1967. On February 28, 1968, AG and its subsidiaries received 9,523 additional shares of Bank's stock as the result of a stock dividend. On May 17, 1968, AG and 10 of its subsidiaries purchased 807,375 shares, representing approximately 28 per cent of Bank's stock, from Houston Endowment, Inc. Between February 9, 1968 and March 26, 1969, various subsidiaries of AG acquired additional shares of Bank's stock by purchase from unrelated parties. Numerous intercompany sales among AG's subsidiaries occurred between May 17, 1968 and May 13, 1974; however, the only purchase of Bank's stock by AG or its subsidiaries from unrelated parties after July 7, 1970, was 6.0034382 shares acquired on March 4, 1971 to round off fractional shares received by AG and its subsidiaries in connection with the stock dividend of .1034482 shares of Bank stock for each share of Bank stock outstanding paid by Bank on that date.[4] On July 7, 1970, AG, directly and through its subsidiaries, owned or controlled 954,410 shares of Bank's stock, which represented approximately 34.7 per cent of the outstanding voting shares of Bank. On July 7, 1971, as part of the formation of TCB, Bank was merged into a newly created, wholly-owned subsidiary of TCB. Pursuant to the terms of the merger, holders of Bank's stock exchanged their Bank stock for common stock in TCB on a share-for-share basis.[5] On May 30, 1972, pursuant to the previously noted condition of the Board's Order of April 11, 1972, AG and its subsidiaries exchanged their shares of TCB common stock on a share-for-share basis for new Class B stock in TCB, which is in all respects identical to TCB common stock except that while the Class B stock is held by AG and/or its subsidiaries the stock has no voting rights. Upon disposition of the Class B stock by AG and its subsidiaries, the transferee has the right to exchange the Class B stock for TCB common stock on a share-for-share basis. AG has indicated that no gain or loss was recognized on the exchange of the TCB common stock for the Class B stock.[6]

3. AG became a bank holding company on December 31, 1970 as a result of the 1970 Amendments to the BHC Act, by virtue of its direct and indirect ownership and control at that time of more than 25 percent of the outstanding voting shares of Bank, and it registered as

[1] By Order of April 11, 1972, the Board determined that AG had ceased to be a bank holding company for purposes of the BHC Act. The Board's determination was conditioned, in part, upon AG exchanging all voting shares of TCB then held by AG for a new class of shares of TCB that would be nonvoting while held by AG. AG was further required to divest of all its nonvoting shares of TCB by December 31, 1980. See 58 Federal Reserve Bulletin 487 (1972).

[2] By Order of April 14, 1977 (42 FR 20662), the Board approved a plan submitted by AG, whereby AG would divest its interest in TCB through distributions to AG's common shareholders at a rate of not less than one TCB share for every 100 shares of AG common stock owned. AG has committed to divest itself of all interest in TCB by December 31, 1980.

[3] This information derives from AG's correspondence with the Board concerning its request for this certification, AG's Registration Statement filed with the Board pursuant to the BHC Act, and other records of the Board.

[4] Under subsection (c) of § 1101 of the Code, property acquired after July 7, 1970 generally does not qualify for the tax benefits of § 1101(b) when distributed by an otherwise qualified bank holding company. However, where such property was acquired by a qualified bank holding company in a transaction in which gain was not recognized under § 305(a) of the Code, then § 1101(b) is applicable. AG has indicated that pursuant to § 305(a) of the Code, no gain was recognized as a result of the March 4, 1971 stock dividend declared by Bank in which AG received 98,738 additional shares of Bank's stock.

[5] In connection with the formation of TCB, a ruling was obtained from the Internal Revenue Service that the transaction whereby TCB acquired control of Bank and Bank's stockholders exchanged their shares of Bank's stock for common stock of TCB was a qualified tax-free reorganization pursuant to § 368(a)(1)(A) of the Code. Accordingly, even though the TCB stock was received by AG after July 7, 1970, it nevertheless qualifies as property eligible for the tax benefits provided in § 1101(b) of the Code, by virtue of § 1101(c) of the Code, since it was received in a reorganization described in § 368(a)(1)(A) of the Code and no gain was recognized by AG.

[6] AG has indicated that for accounting and tax purposes, this exchange of its TCB common stock for Class B stock was treated as a recapitalization under § 368(a)(1)(E) of the Code. Accordingly, even though the Class B stock was acquired by AG after July 7, 1970, it would nevertheless qualify as property eligible for the tax benefits provided in § 1101(b) of the Code, by virtue of § 1101(c), since the Class B stock was received in a transaction described in § 368(a)(1)(E) of the Code in which no gain was recognized.

such with the Board as a bank holding company on August 23, 1971. AG would have been a bank holding company on July 7, 1970 if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its direct and indirect ownership and control on that date of more than 25 percent of the outstanding voting shares of Bank.

4. AG holds property acquired by it on or before July 7, 1970, the disposition of which would be necessary or appropriate to effectuate section 4 of the BHC Act if AG were to continue to be a bank holding company beyond December 31, 1980, which property is "prohibited property" within the meaning of § 1103(c) of the Code.

5. AG has committed to divest itself of all interest in TCB by December 31, 1980, and no director, officer or policymaking employee of AG does or will serve in a similar capacity with TCB or any of its subsidiaries. Moreover, no officer, director, or policymaking employee of AG, or a person owning 25 percent or more of the shares of AG or any combination of such persons, does or will own or control, directly or indirectly, 25 percent or more of the voting shares of TCB or any of its subsidiaries.

On the basis of the foregoing information, it is hereby certified that:

(A) AG is a qualified bank holding corporation, within the meaning of subsection (b) of § 1103 of the Code, and satisfies the requirements of that subsection;[7]

(B) the shares of TCB that AG proposes to distribute to its shareholders are all or part of the property by reason of which AG controls (within the meaning of section 2(a) of the BHC Act) a bank or a bank holding company; and

(C) the distribution of such shares is necessary or appropriate to effectuate the policies of the BHC Act.

This certification is based upon the representations made to the Board by AG and upon the facts set forth above. In the event the Board should determine that facts material to this certification are otherwise than as represented by AG, or that AG has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)), effective June 23, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18890 Filed 6-30-77;8:45 am]

[7] Although the Board determined in 1972 that AG had ceased to be a bank holding company for purposes of the BHC Act, that determination was conditioned upon AG's divestiture by December 31, 1980 of the new class of nonvoting shares it was to acquire as another condition of that determination. Accordingly, until all conditions of the Board's determination have been satisfied, the Board believes that for purposes of the Tax Act AG should be deemed to continue to control TCB, even though the Board has for regulatory purposes treated the conversion of AG's stock in TCB to nonvoting shares as sufficient basis for relieving AG from the controls of the BHC Act pending final divestiture of those shares.

BRENTWOOD BANCSHARES CORP.

Formation of Bank Holding Company and Commencement of Nonbanking Activity

Brentwood Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Brentwood Bank, Brentwood, Missouri. Brentwood Bancshares Corporation also proposes to engage de novo as agent or broker in the sale of credit life and credit accident and health insurance sold in connection with extensions of credit by Brentwood Bank, in accordance with § 225.4(a)(9) of the Board's Regulation Y. The factors that are considered in acting on the application are set forth in Sections 3(c) and 4(c)(8) of the Act (12 U.S.C. 1842(c) and 1843(c)(8)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 25, 1977.

Board of Governors of the Federal Reserve System, June 23, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18894 Filed 6-30-77;8:45 am]

NATIONAL CITY CORP.

Acquisition of Bank

National City Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of National Union Bank, Columbiana, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 22, 1977.

Board of Governors of the Federal Reserve System, June 24, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18893 Filed 6-30-77;8:45 am]

NEW PARENT CO.

Formation of Bank Holding Company

New Parent Company, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of D. H. Baldwin Company, Cincinnati, Ohio, a registered multi-bank holding company with twelve Colorado banking subsidiaries. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

New Parent Company, Cincinnati, Ohio, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of the following nonbanking subsidiaries of D. H. Baldwin Company: Computer Congenerics Corporation of Colorado (data processing activities), located in Denver and Grand Junction, Colorado; C. C. Fletcher Mortgage Company (mortgage banking activities), Cincinnati, Ohio; Baldwin Finance Company and its subsidiary, The Baldwin Company (real and/or personal property leasing and consumer finance activities), both located in Cincinnati, Ohio; FMC-Baldwin Leasing Company (personal property leasing activities), Chicago, Illinois; and Louisville Mortgage Service Company (mortgage banking and credit-related insurance activities), Louisville, Kentucky. Notice of these applications was published on the following dates in the following newspapers circulated in their respective communities: on June 3, 1977, in The Rocky Mountain News, Denver, Colorado; on June 5, 1977, in The Daily Sentinel, Grand Junction, Colorado; on June 6, 1977, in The Cincinnati Enquirer, Cincinnati, Ohio; on June 6, 1977, in both The Courier Journal and The Louisville Times, Louisville, Kentucky; and on June 8, 1977, in the Chicago Tribune, Chicago, Illinois.

Applicant states that the proposed subsidiaries would continue to engage in their respective activities as indicated above. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing

the evidence the person requesting the hearing proposes to submit or to elicit at

2. Between August 25, 1964, and April 2, 1970, Union acquired ownership and

9. No officer, director (including honorary or advisory director) or employee

sory committee of the Food and Drug Administration (FDA). This notice also

under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub.

mental impact analysis report may be

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the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 22, 1977.

Board of Governors of the Federal Reserve System, June 24, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18892 Filed 6-30-77;8:45 am]

[Docket No. TCR 76-109]

TRANSOHIO FINANCIAL CORP.

Prior and Final Certifications

Transohio Financial Corporation, Cleveland, Ohio ("Transohio"), as the successor in interest to Union Financial Corporation, Cleveland, Ohio ("Union"), has requested a prior certification pursuant to § 6158(a) of the Internal Revenue Code (the "Code"), as amended by section 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the sale on May 31, 1974, by Union of Port Clinton National Bank ("Bank"), to Union Commerce Corporation, Cleveland, Ohio ("Commerce"), was necessary or appropriate to effectuate the policies of the Bank Holding Company Act (12 U.S.C. 1841 et seq.) ("BHC Act"). Transohio has also requested a final certification pursuant to § 6158(c)(2) of the Code that Union has (before the expiration of the period prohibited property is permitted under the BHC Act to be held by a bank holding company) ceased to be a bank holding company.[1]

In connection with these requests, the following information is deemed relevant for purposes of issuing the requested certification: [2]

1. Transohio is a corporation organized under the laws of the State of Delaware on December 22, 1970. Union was a corporation organized under the laws of the State of Ohio on January 25, 1960.

2. Between August 25, 1964, and April 2, 1970, Union acquired ownership and control of 69,534 shares, representing 86.9 per cent of the outstanding voting shares, of Bank.

3. Union became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its ownership and control at that time of more than 25 per cent of the outstanding voting shares of Bank, and it registered as such with the Board on September 1, 1971. Union would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its ownership and control on that date of more than 25 per cent of the voting shares of Bank.

4. On May 31, 1974, Union sold 79,358 shares,[3] representing 99.2 per cent of the total outstanding voting shares, of Bank to Commerce for cash.

5. On May 31, 1974, Union held property acquired by it on or before July 7, 1970, the disposition of which would, but for the proviso of Section 4(a)(2) of the BHC Act, have been necessary or appropriate to effectuate Section 4 of the BHC Act if Union were to have remained a bank holding company beyond December 31, 1980, and which property would, but for such proviso, have been "prohibited property" within the meaning of §§ 6158(f)(1) and 1103(c) of the Code. Section 1103(g) of the Code provides that any bank holding company may elect, for purposes of Part VIII of subchapter 0 of chapter 1 of the Code, to have the determination whether property is "prohibited property" or is property eligible to be distributed without recognition of gain under § 1101(b)(1) of the Code, made under the BHC Act as if such Act did not contain the proviso of Section 4(a)(2) thereof. Transohio, as successor to Union, has represented that it will make such an election.[4]

6. On June 11, 1974, Union and Transohio merged pursuant to the laws of Ohio and Delaware with Transohio continuing as the surviving corporation. Pursuant to contract and the laws of Ohio and Delaware, Transohio succeeded to all the properties, assets, and rights and liabilities of Union.

7. Neither Transohio nor any subsidiary of Transohio holds any interest in Bank, Commerce, or any subsidiary of Commerce, or in any other bank or any company that controls a bank.

8. Neither Commerce, nor any subsidiary of Commerce, including Bank, holds any interest in Transohio or any subsidiary of Transohio.

9. No officer, director (including honorary or advisory director) or employee with policymaking functions of Transohio or any subsidiary of Transohio also holds any such position with Commerce or any subsidiary of Commerce, including Bank, or with any other bank or any company that owns a bank.

10. Transohio does not control in any manner the election of a majority of directors, or exercise a controlling influence over the management or policies, of Commerce, including Bank, or of any other bank or company that controls a bank.

On the basis of the foregoing, it is certified that:

(A) at the time of its sale of the shares of Bank to Commerce, Union was a qualified bank holding corporation, within the meaning of subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection:

(B) the shares of Bank that Union sold to Commerce were all or part of the property by reason of which Union controlled (within the meaning of section 2(a) of the BHC Act) a bank or bank holding company;

(C) the sale of the shares of Bank by Union was necessary or appropriate to effectuate the policies of the BHC Act;

(D) Union has (before the expiration of the period prohibited is permitted under the BHC Act to be held by a bank holding company) ceased to be a bank holding company; and

(E) Union has disposed of all banking property.

This certification is based upon the representations made to the Board by Transohio and upon the facts set forth above, and is conditioned upon Transohio making the election required by § 1103(g) of the Code at such time and in such manner as the Secretary of the Treasury or his delegate may by regulations prescribe. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Transohio, or that Transohio has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)) effective June 24, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18891 Filed 6-30-77;8:45 am]

[1] Pursuant to sections 2(d)(2) and 3(e)(2) of the Tax Act, in the case of any sale that takes place on or before December 31, 1976 (the 90th day after the date of the enactment of the Tax Act), the certification described in § 6158(a) shall be treated as made before the sale, and the certification described in § 6158(c)(2) shall be treated as following the calendar year in which the last such sale occurred, if application for such certification was made before the close of December 31, 1976. Transohio's application for such certifications was received by the Board on December 10, 1976.

[2] This information derives from Transohio's correspondence with the Board concerning its request for this certification, Union's Registration Statement filed with the Board pursuant to the BHC Act, and other records of the Board.

[3] Of the 79,358 shares of Bank sold by Union on May 31, 1974, 9,824 shares had been acquired by Union after July 7, 1970.

[4] Section 1103(g) requires that an election thereunder be made "at such time and in such manner as the Secretary [of the Treasury] or his delegate may by regulations prescribe." As of this date, no such regulations have been promulgated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity.	July 18 and 19, 9 a.m., Conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 18, 9 a.m. to 10 a.m.; open committee discussion July 18, 10 a.m. to 5 p.m., July 19, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed investigational prescription drugs for use in gastrointestinal diseases.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of preclinical testing guidelines.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meeting announced in this notice. The dates and times reserved for the open portions of the committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

The meeting of the advisory committee shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of the meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does no in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of the meeting may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: June 24, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc 77-18672 Filed 6-30-77;8:45 am]

[Docket No. 77F-0175]

CALLAWAY CHEMICAL CO.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Callaway Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethylol propionic acid as a comonomer of polyester resin coatings for paper and paperboard.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5690).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3240) has been filed by the Callaway Chemical Co., P.O. Box 2335, Columbus, GA 31902, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170, formerly § 121.2526 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), be amended by providing for the safe use of dimethylol propionic acid as a comonomer in polyester resin coatings of paper and paperboard.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 21, 1977.

HOWARD R. ROBERTS,
Acting Director Bureau of Foods.

[FR Doc.77-18673 Filed 6-30-77;8:45 am]

[Docket No. 76N-0319]

COTHYROBAL

Refusal To Approve New Drug Application

Correction

In FR Doc.77-15688, appearing at page 28602 in the issue for Friday, June 3, 1977, make the following changes:

1. In the third column of page 28603, 8th line of the second full paragraph, the last word now reading "financial", should be "final".

2. On page 28609, second column 4th full paragraph entitled, *"Conclusion"*, the section number in the 7th line now reading "§ 314.11(a)(5)(ii)", should be "§ 314.111 (a)(5)(ii)".

3. On page 28611 in the second column, paragraph no. "2", in the 13th line, the section reference should be "§ 314.111(a)(5)(ii)(a)(2)(ii)", instead of "§ 314.111(a)(5)(ii)(a)(2)(ii)".

4. On page 28167 in the third column, the second full paragraph, the parenthetical phrase in the 6th line should be "(Exceptions as 165".

5. On page 28621 in the first column, the third line above the first full paragraph starting with *"Diabetic retinopathy * * *"*, the page numbers should be "911-912".

6. In the same column, the 8th line above the first full paragraph starting with *"Diabetic retinopaty * * *"*, the line should be "been used for 25 years without any show-".

7. On page 28623 in the 5th full paragraph of the second column, the 7th line should read "through (6) and (d)(1) through (6) of the act and the regulation".

[Docket No. 77P-0015]

HEALTH RESEARCH GROUP

Filing of Petition Concerning Color Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Health Research Group has filed a petition that proposes the revocation of regulations listing six color additives for use in food.

FOR FURTHER INFORMATION CONTACT:

Gerad R. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5690).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3241) has been filed by Health Research Group, 2000 P St. NW., Washington, DC 20036, proposing that the food additive regulations be amended to provide for the safe use of the following color additives in food: D&C Green No. 5 (21 CFR 74.1205), D&C Orange No. 4 (21 CFR 74.1254), D&C Red No. 6 (21 CFR 74.1306), D&C Red No. 8 (21 CFR 74.1308), D&C Yellow No. 7 (21 CFR 74.1707), and FD&C Yellow No. 6 (21 CFR 74.706).

The petitioner has submitted an environmental impact analysis report which states that the proposed action will not significantly affect the quality of the human environment. Based on this report, the Food and Drug Administration has concluded that the proposed action will not have a significant impact on the human environment and that an environmental impact statement is not required. The petitioner's environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42, or the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 21, 1977.

HOWARD R. ROBERTS,
Acting Director Bureau of Foods.

[FR Doc.77-18674 Filed 6-30-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the National Advisory Council on Vocational Education will hold a meeting on August 3-4, 1977 in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The purpose of the Council is to advise the President, the Congress, and the Secretary of Health, Education, and Welfare on the administration of vocational education and to review the administration and operation of vocational education programs.

The meeting on August 3 will begin at 9:00 a.m. and will adjourn at 5:00 p.m. The meeting on August 4 will begin at 9:00 a.m. and will adjourn at 12:00 noon.

The meeting on August 3-4, 1977 will include the following agenda items:

Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street

in the Notice of Proceedings and Opportunity for Hearing will be held before

Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204. (202–472–5740).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (Docket No. 77P–0015) has been filed by the Health Research Group, 2000 P St. NW., Washington, D.C. 20036, proposing an immediate revocation of the color additive regulations for FD&C Blue No. 1, § 74.101 (21 CFR 74.101, formerly 21 CFR 8.206 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)); Orange B, § 74.250 (formerly § 8.202 prior to recodification); Citrus Red No. 2, § 74.302 (formerly § 8.201 prior to recodificaiton); FD&C Red No. 3, § 74.303 (formerly § 8.242 prior to recodification); FD&C Red No. 40, § 74.340 (formerly § 8.244 prior to recodification); and FD&C Yellow No. 5, § 74.705 (formerly § 8.275 prior to recodification). In addition, the petitioner has requested the institution of full and competent toxicological studies on each of the colors that are listed for food use and exempt from certification.

A copy of the petition and supporting material submitted by the Health Research Group is on file under Docket No. 77P–0015 at the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857 and may be viewed between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1977.

HOWARD R. ROBERTS,
Acting Director Bureau of Foods.

[FR Doc.77–18674 Filed 6–30–77;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Closing Date for Receipt of Applications for the Magnet Schools, University/Business Cooperation and Neutral Site Planning Projects

Under the authority of section 704(d) of the Emergency School Aid ("ESAA;" Title VII of Pub. L. 92–318, as amended (20 U.S.C. 1601–1619)), the Commissioner invites applications from local educational agencies for grants relating to magnet schools, university/business cooperation, and neutral site planning.

Applications must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before August 12, 1977.

A. APPLICATIONS SENT BY MAIL

Applications sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202; Attention 13.589 (for Magnet Schools, University/Business Cooperation) or 13.590 (for Neutral Site Planning). An application sent by mail will be considered to have been received on time if:

(1) The application was sent by registered or certified mail not later than August 8, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailroom or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

Hand delivered applications must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, Room 2017, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. PROGRAM INFORMATION

A total of $7,500,000 is available to support projects solicited by this notice. Of this amount, $500,000 is reserved for neutral site planning activities. The remaining $7,000,000 is available for activities relating to magnet schools or university/business cooperation.

E. PROJECT PERIODS

Grant awards made pursuant to this notice will be for projects beginning no earlier than September 1, 1977 and ending no later than June 30, 1978.

F. APPLICABLE REGULATIONS

Grant awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and in particular, Subpart L of those regulations, and

(2) The Office of Education General Provisions regulations (45 CFR Parts 100, 100a and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

(Catalog of Federal Domestic Assistance Numbers 13.589 and 13.590 Emergency School Aid—Magnet Schools, University/Business Cooperation and Neutral Site Planning)

(20 U.S.C. 1601–1619)

Dated: June 22, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77–18450 Filed 6–30–77;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)). This document is intended to notify the general public of their opportunity to attend.

DATES: August 3, 1977, 9 a.m. to 5 p.m. and on August 4, 1977 from 9 a.m. to 12 noon.

ADDRESS: Cascades Motor House, Williamsburg, Virginia.

FOR FURTHER INFORMATION CONTACT:

Diane Gelet, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. 20004. (202) 376–8873.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, P.L. 90–576. The Council is directed to:

(A) Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

Under the authority of Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463), and clauses (2) and (6) of subsection (c) of Section 552 b of Title 5 of the United States Code, the 2:00 P.M. to 5:00 P.M. session of the Council on August 3, 1977 will be closed to the public. Closure of this section of the Council meeting is to discuss internal personnel matters and if open to the public would constitute a clearly unwarranted invasion of personal privacy, which is exempt from disclosure under 5 U.S.C. 552b(c)(6). The remainder of the Council meeting, from 9:00 A.M. to 12:00 Noon on August 3, 1977 and from 9:00 A.M. to 12:00 Noon on August 4, 1977, will be open to the public.

The meeting of the National Advisory Council on Vocational Education on August 3–4, 1977 will include the following agenda items:

AUGUST 3, 1977—MORNING

Report of the Executive Director
Planning for Council Activities for the coming year

AFTERNOON

Closed Session

AUGUST 4, 1977—MORNING

Planning for Council Activities for the coming year continued

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the office of the National Advisory Council on Vocational Education located at 425–13th Street, NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C. on June 10, 1977.

REGINALD E. PETTY,
Executive Director.

[FR Doc.77–18873 Filed 6–30–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. ER–77–8]

BLUE LAKE CORP.

Hearing

In the matter of: Blue Lake, Harrison County, Mississippi, Blue Lake Corporation, Respondent, OILSR No. 0–04423–28–83.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Blue Lake, Harrison County, Mississippi, Blue Lake Corporation, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701, et seq.) received a Notice of Suspension dated May 20, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of Record adn Property Report for Blue Lake, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 15, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on July 5, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before June 30, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: June 20, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc 77–18836 Filed 6–30–77;8:45 am]

[Docket No. N–77–763]

INDIAN SPRINGS LAND CO.

Hearing

Indian Springs I and II, Indian Springs Land Company, Respondent, OILSR No. 0–01499–05–103, ED–77–6–IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Indian Springs I and II, Indian Springs Land Company, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.) received a Notice of Suspension dated May 12, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of Record and Property Report for Indian Springs I and II, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 12, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 3, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before July 15, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: June 9, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc.77–18833 Filed 6–30–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 77–121]

LESTER & SIMPSON COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Lester & Simpson Coals, Inc., Box 50, Oakwood, Virginia 24631, has filed a petition to modify the application of 30 CFR 75.1100–2b, quantity and location of firefighting equipment; belt conveyors, to its No. 11 Mine, located in McDowell County, West Virginia.

The substance of Petitioner's statement was published in the FEDERAL REGISTER on March 21, 1977.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77–18797 Filed 6–30–77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA–203–3]

STAINLESS STEEL AND ALLOY TOOL STEEL

Notice of Investigation and Hearing

Correction

In FR Doc. 77–18019 appearing in the issue of Friday, June 24, 1977 on page

DEPARTMENT OF JUSTICE

tice, 10th and Constitution Avenue NW.,

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32323, the date in the last paragraph, the first sentence should read "August 23, 1977".

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Oral Argument on Proposed Consent Orders

Notice is hereby given—

(1) On June 6, 1977 the presiding officer certified proposed consent orders to the Commission, entered into by certain respondents. These orders were the subject of a Notice of Proposed Consent Orders, published in the FEDERAL REGISTER on June 13, 1977 (42 FR 30262). On June 16, 1977 the presiding officer certified additional proposed consent orders to the Commission, entered into by the remaining respondents to this investigation.

(2) The Commission will hold oral argument on the terms of the proposed consent orders. The oral argument will be held at 10:00 am. E.D.T., on Tuesday, July 5, 1977, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

(3) The Commission will hear argument on the following issues, among others:

(a) The proposed orders lack a provision waiving the requirement that the Commission determine whether or not there is a violation of section 337.

(b) The proposed consent orders lack a provision providing that the allegations of the complaint may be used to construe the terms of the orders.

(c) Is the proscription of "unlawful" activity sufficient to protect the public interest?

(d) Does the Commission have the authority under Title 44 of the United States Code and its implementing regulations to return the compliance reports to the suppliers thereof?

(e) Are the reporting and inspection requirements adequate to provide a factual basis for monitoring compliance with these [illegible]

(f) Should not the MIC order also provide reporting and inspection requirements?

(g) What basis is there for the differences between the proposed order entered into by Melco and the proposed orders entered into by the other respondents?

(h) Should the Commission rely on the authority conferred upon it by 19 U.S.C. 1337(f) and 19 U.S.C. 1333 in issuing any consent orders in its section 337 investiga- [illegible]

Written statements summarizing a person's argument will be considered if received no later than 10:00 a.m., edt, on Tuesday, July 5, 1977.

By order of the Commission.

Issued: June 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-19091 Filed 6-30-77; 10:03 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 729-77]

PRIVACY ACT OF 1974

Notice of Systems of Records

Due to a reorganization within the Department of Justice, changes are proposed to the notices of 14 systems of records which were previously published under the Privacy Act of 1974 (5 U.S.C. 552a) in the March 4, 1977, issue of the FEDERAL REGISTER (42 FR 12782-12790).

The records systems listed below have been transferred from the Office of the Deputy Attorney General to the Office of the Associate Attorney General. No changes have been made to the categories of records in the system, the categories of individuals covered, the routine uses, or the policies and practices for storing, retrieving, accessing, retaining and disposing of records. Therefore, no system reports have been filed.

The following portions of the systems notices are reprinted to reflect the change in responsibility for maintenance of the systems.

JUSTICE/DAG-001 becomes JUSTICE/AAG-001

System name:

Appointed Assistant United States Attorney Personnel System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

JUSTICE/DAG-002 becomes JUSTICE/AAG-002

System name:

Assistant United States Attorney Applicant Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

JUSTICE/DAG-005 becomes JUSTICE/AAG-003

System name:

Honor Program Applicant System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Honor Program Director, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

JUSTICE/DAG-006 becomes JUSTICE/AAG-004

System name:

Master Index File of Names.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Notification procedure:

Address all inquiries to the Deputy Associate Attorney General; Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for access to these records should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-007 becomes JUSTICE/AAG-005

System name:

Presidential Appointee Candidate Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedure:

A request for access to non-exempt portions of records from this system should be directed orally or in writing

to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should be clearly marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-008 becomes JUSTICE/AAG-006

System name:

Presidential Appointee Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue N.W., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Retention and disposal:

The personnel section of these records is retained indefinitely at the Office of the Associate Attorney General, except in the instance of an appointee who resigns or dies, in which case that section is sent to the St. Louis Records Center for indefinite storage. All other sections of the folders, in the instance where an appointee dies or resigns, are sent to the Suitland, Maryland Records Center for five years and then destroyed.

Record access procedures:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should be clearly marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-009 becomes JUSTICE/AAG-007

System name:

Special Candidates for Presidential Appointments Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue N.W., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for access to these records should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-101 becomes JUSTICE/AAG-008

System name:

Summer Intern Program Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for access to these records should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-011 becomes JUSTICE/AAG-009

System name:

United States Judge and Department of Justice Presidential Appointee Records.

System location:

Office of the Associate Attorney General, United States Dearment of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General; Office of the Associate Attorney General; United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for access to these records should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-012 becomes JUSTICE/AAG-010

System name:

United States Judges Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

Record access procedures:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should be clearly marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG-013 becomes JUSTICE/AAG-011

System name:

Miscellaneous Attorney Personnel Records System.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice,

10th and Constitution Avenue NW., Washington, D.C. 20530.

(1) The second meeting will be held on Monday, July 18, 1977, at 10 a.m., Third Circuit Judicial Council Conference Room, 601 Market Street, Philadelphia, Pennsylvania.

another of any employment or business activity provided by operations of the

Applications received during the week ending June 24, 1977

FOR FURTHER INFORMATION CONTACT:

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10th and Constitution Avenue NW., Washington, D.C. 20530.

Record access procedures:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Deputy Associate Attorney General. When requests are in writing, the envelope and letter should be clearly marked "Privacy Access Request".

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Deputy Associate Attorney General, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment(s) to the information.

JUSTICE/DAG–014 becomes JUSTICE/AAG–012

System name:

Financial Disclosure Statements.

System location:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

System manager(s) and address:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

The following records systems maintained by the Office of the Deputy Attorney General and previously published at 42 FR 12784 are renumbered:

JUSTICE/DAG–003 becomes JUSTICE/DAG–001.

JUSTICE/DAG–004 becomes JUSTICE/DAG–002.

Dated: June 21, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-18750 Filed 6-30-77;8:45 am]

Office of the Attorney General

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, THIRD CIRCUIT PANEL

Meetings

The second, third, and fourth scheduled meetings of the nominating panel for the Third Circuit of the United States Circuit Judge Nominating Commission (Chairman: John J. McLean) is as follows:

(1) The second meeting will be held on Monday, July 18, 1977, at 10 a.m., Third Circuit Judicial Council Conference Room, 20th Floor, Room 20321, 6th and Market Streets, Philadelphia, Pennsylvania, 19160. The purpose of this meeting will be to discuss and evaluate pending applications. This meeting will be closed to the public pursuant to P.L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6))

(2) The third meeting will be held on Monday, July 25, 1977, at 10 a.m., Third Circuit Judicial Council Conference Room, 20th Floor, Room 20321, 6th and Market Streets, Philadelphia, Pennsylvania, 19160. The purpose of this meeting will be to conduct interviews of applicants and to determine the recommendations to be made to the President. This meeting will be closed to the public pursuant to P.L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6))

(3) The fourth meeting will be held on Tuesday, July 26, 1977, at 10 a.m., Third Circuit Judicial Council Conference Room, 20th Floor, Room 20321, 6th and Market Streets, Philadelphia, Pennsylvania, 19160. The purpose of this meeting will be to conduct interviews of applicants and to determine the recommendations to be made to the President. This meeting will be closed to the public pursuant to P.L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6))

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JUNE 27 1977.

[FR Doc.77-18876 Filed 6-30-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

(1) The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 27th day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending June 24, 1977

Name of applicant	Location of enterprise	Principal product or activity
Null Manufacturing Corp. (tenant of Catawba County).	Newton, N.C.	Manufacture of wood furniture.
Paintsville Grocery Co., Inc. (tenant of City of Paintsville).	Paintsville, Ky.	Wholesale grocery.
Anderson's Peanuts (tenant of the town of Goshen).	Goshen, Ala.	Food processor.
Thomas Farm & Garden Supply	Yazoo City, Miss.	Wholesale distribution of agricultural farm supplies.
Farmland Ag-Services, Inc.	Johns, N.C.	Production of agricultural chemicals.
Pilot Furniture Co., Inc.	Newton, N.C.	Manufacture of upholstered furniture.
Northfield Inn, Inc.	Northfield, Minn.	Motor inn with restaurant, lounge, and banquet facilities.
McIntosh Corp.	Sandusky, Ohio	Manufacture of stamped metal parts.
The Mer Rouge Community Services, Inc.	Mer Rouge, La.	Nursing home.
Port Hardware of Lafayette, Inc.	Lafayette, La.	Sales of marine and industrial hardware.
Eastern Foam Products, Inc.	Cookeville, Tenn.	Manufacture of rebond carpet pad, polyurethane foam buns, and rebond buns.
Tennessee Valley Ham Co., Inc.	Paris, Tenn.	Curing dry-cured hams, vacuum packaging of hams, and country ham and biscuits preparation.

[FR Doc.77-18871 Filed 6-30-77;8:45 am]

JOHN DOE, I, ET AL. V. F. RAY MARSHALL

Availability of Report

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public that the report ordered to be prepared by the U. S. District Court for the District of Columbia on January 12, 1977, in the case of *John Doe, I, et al.* v. *F. Ray Marshall* is being made available to the public.

ADDRESSES: Members of the public who wish to receive copies of the report should write to Mr. William B. Lewis, Administrator, United States Employment Service, U.S. Department of Labor, Room 8000, 601 D Street NW., Washington, D.C. 20213, Attention: William E. Daley, Supervisory Manpower Development Specialist. Members of the public may also see the report by calling Mr. Daley at 202–376–6297 and requesting an appointment.

FOR FURTHER INFORMATION CONTACT:

William E. Daley, Supervisor Manpower Development Specialist, U.S. Department of Labor, Room 8410, 601 D Street NW., Washington, D.C. 20213. Telephone 202–376–6297.

SUPPLEMENTARY INFORMATION: On February 11, 1975, John Doe, I, et al., plaintiffs, brought suit against the Secretary of Labor alleging that he had breached his duty with regard to the Wagner-Peyser Act, 29 U.S.C. § 49 et seq. and the regulations regarding the temporary employment of foreign workers, 20 CFR § 602.10–602.10b. On January 12, 1977, the U.S. District Court for the District of Columbia ordered the Secretary of Labor to prepare a report to the Court. The report was to set forth the Secretary's conclusion and reasons as to whether or not a prior report prepared by Department of Labor personnel before the onset of the case (the Sugarman report) provided a reliable basis for further investigation and possible enforcement action against certain employers of foreign cane cutters in the South Florida 1973–1974 sugar cane harvest. The report to the Court has now been completed. This notice notifies the public that they may have access to the report.

Signed at Washington, D.C. this 27th day of June 1977.

WILLIAM B. LEWIS,
Administrator, United States Employment Service.

[FR Doc.77-18872 Filed 6-30-77;8:45 am]

Occupational Safety and Health Administration

[V–77–8]

CLARK GRAVE VAULT CO.

Application

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order. (2) Grant of interim order.

SUMMARY: This notice announces the application of The Clark Grave Vault Company for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.22(c) and 1910.23(c)(3) concerning guardrails. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is July 1, 1977. The last date for interested persons' to submit comments is August 1, 1977. The last date for affected employers and employees to request a hearing on the application is August 1, 1977.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address. Telephone 202–523–7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration 360 S. 3rd Street, Room 109, Columbus, Ohio 43215.

NOTICE OF APPLICATION

Notice is hereby given that The Clark Grave Vault Company, 375 East Fifth Avenue, Columbus, Ohio 43201 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.22(c) and .23(c)(3) guarding of galvanizing tanks.

The address of the place of employment that will be affected by the application is as follows:

The Clark Grave Vault Company,
375 East Fifth Avenue,
Columbus, Ohio 43201.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by §§1910.22(c) and 1910.23(c)(3). Section 22(c) requires that covers and or guardrails shall be provided to protect personnel from the hazard of open pits, tanks, vats, ditches, etc. Section 1910.23(c)(3) requires that galvanizing tanks and similar hazards be guarded with a standard railing and toeboard.

The applicant states that it operates a galvanizing tank which has 30 inch side height and 31½ ledge width. The applicant contends that the erection of a 42 inch guardrail around its galvanizing tank would seriously interfere with the moving of items into and out of the tank and with the skimming of the zinc. However, the applicant contents that the combination of 30 inch side height and a 31½ inch ledge width will provide protection to employees as safe as that which would be provided by using a standard 42 inch guardrail and toeboard.

GRANT OF INTERIM ORDER

adopted of Subpart Q to Part 1952 con-

are identical to the Federal standards

authority from the Assistant Secretary

the exception of the change in reference

the FEDERAL REGISTER (38 FR 2011) of the

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GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order that the use of the galvanizing tank described in the application will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1910.22 (c) and 1910.23(c)(2). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.-11(c) and in Secretary of Labor's Order No. 8–76 (41 FR 25059), that The Clark Grave Vault Company be, and it is hereby, authorized to continue use of its galvanizing tank which has sides 30 inches high from the floor and ledges 31½ inches wide in lieu of the 42 inch guardrail required by 29 CFR 1910.22(c) and 29 CFR 1910.23(c)(3) *provided*, That:

(1) No employee shall walk, step, or sit on the ledge around the tank.

(2) Training and information regarding the hazards associated with and the prohibition against walking, stepping, or sitting on the ledge around the tank shall be provided for current employees within one week of the effective date of the variance, for new employees at the time of their initial assignment, and for all employees on a quarterly basis after their initial training.

The Clark Grave Vault Company shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 27th day of June 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18869 Filed 6-30-77;8:45 am]

KENTUCKY STANDARDS

Approval

1. *Background*. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER (38 FR 20322) of the approval of the Kentucky plan and the adoption of Subpart Q to Part 1952 containing the decision.

The Kentucky plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

The State has submitted by letters dated September 21, 1976; October 27, 1976; and November 4, 1976; from James R. Yocom, Commissioner, Kentucky Department of Labor, to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan amended State standards comparable to amendments to Federal standards. The State submission, in addition to updating State standards, includes the repromulgation of all previously approved State standards. The updated standards covered by this notice which are comparable to Federal amended standards are: amendment to § 1910.1001(l), Asbestos, dated March 19, 1976; deletion of § 1910.184(f)(6), Slings, dated March 30, 1976; § 1910.401 through § 1910.441, Emergency Temporary Standard for Diving Operations, dated June 15, 1976; a new Subpart D to Part 1928, Guarding Farm Field Equipment, dated March 9, 1976; corrections to § 1928.57 (a)(5), (a)(11)(ii) and (d)(2)(i), Guarding of Farm Field Equipment, dated March 16, 1976; amendments to § 1928.57 (a)(3), and (a)(4), Guardin gof Farm Field Equipment, dated June 4, 1976.

The Kentucky plan also provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Included with the response to Federal changes, the State submitted State initiated additions to the standards. Section 2, added to Part 1910, requires the use of a safety tire rack or cage, and gives requirements for changing and charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries). Section 1910.137 was amended by adding specifications for rubber protective equipment for electrical workers.

These Standards were promulgated by Standards Board meetings on March 23, 1976; June 24, 1976; July 14, 1976; and filed with the Legislative Research Commission on April 14, 1976; July 12, 1976; and August 12, 1976 for publication in the Kentucky Administrative Register on May 1, 1976; August 1, 1976; and September 1, 1976; pursuant to the Kentucky Occupational Safety and Health Act and Chapter 13, Kentucky Revised Statutes.

2. *Decision*. Having reviewed the State submission in comparison with the Federal standards, it has been determined that: (1) Those standards repromulgated by the State are identical to State standards previously approved on November 17, 1975 (41 FR 1980, January 13, 1976) and October 21, 1976 (41 FR 51625, November 23, 1976), (2) updated standards are identical to the Federal standards with the following additions which have been found to be consistent with the Federal standards:

(a) Safety tire racks or cages are required when inflating, mounting or dismounting tires installed on split rims equipped with locking rings; Part 1910.

(b) Requirements for changing and charging automotive-type batteries include: areas designated for the purpose; adequate flushing/drenching water with 25 feet; adequate ventilation; specific personal protective equipment, tools, and instructional signs; Part 1910.

(c) Rubber protective equipment used by electrical workers must meet certain specifications in construction and use: Part 1910.

The State standards are hereby approved.

3. *Location of supplement for inspection and copying*. A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Towers, 12th Floor, Frankfort, Kentucky 40601; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Director of Federal Compliance and State Programs, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation*. Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Kentucky State Plan as a proposed change and in making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

The decision is effective July 1, 1977.

(Sec. 18, Pub. L. 91-596; 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Ga., this 24th day of February 1977.

ALAN C. MCMILLAN,
Acting Regional Administrator.

[FR Doc.77-18866 Filed 6-30-77;8:45 am]

KENTUCKY STANDARDS

Approval

1. *Background*. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER (38 FR 20322) of the approval of the Kentucky plan and the adoption of Subpart Q to Part 1952 containing the decision.

The Kentucky plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

The State has submitted by letter dated February 15, 1977, from James R. Yocom, Commissioner, Kentucky Department of Labor, to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan amended State standards comparable to amendments to Federal standards. The State submission, in addition to updating State standards, includes the repromulgation of all previously approved State standards. The updated standards covered by this notice comparable to Federal standards are: § 1910.1029, Exposure to Coke Oven Emissions, dated October 22, 1976; amendment to § 1928.57, Guarding of Farm Field Equipment, dated October 22, 1976.

The Kentucky plan also provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Included with the response to Federal changes, the State submitted the following State initiated additions to the standards: (a) § 1910.1005(c)(7), has been amended to change the temperature of a single solution of 4,4'methylene bis (2-Chloroaniline) above which a regulated area must be established from 120° F to 120° C; (The parallel Federal standard, 29 CFR 1910.1005 was revoked on August 20, 1976—41 FR 35184.) (b) § 1910.101 (b) has been amended to change the reference from pamphlet P-1-1965 to P-1-1974.

These standards were promulgated by Standards Board meetings on December 1, 1976, and filed with the Legislative Research Commission on December 15, 1976, for publication in the Kentucky Administrative Register on January 1, 1977; pursuant to the Kentucky Occupational Safety and Health Act and Chapter 13, Kentucky Revised Statutes.

2. *Decision*. Having reviewed the State submission in comparison with the Federal standards, it has been determined that: (1) Those standards repromulgated by the State are identical to State standards previously on November 17, 1975 (41 FR 1980, January 13, 1976) and October 21, 1976 (41 FR 51625, November 23, 1976), (2) updated standards are identical to the Federal standards with the exception of the change in reference in § 1910.101(b) (from pamphlet P-1-1965 to pamphlet P-1-1974) which has been found consistent with the Federal standard, and (3) amendment to § 1910.-1005(c)(7) modifying the temperature requirement from 120° F to 120° C is acceptable since there is no existing Federal standard against which to evaluate effectiveness. Therefore, the State standards are hereby approved.

3. *Location of supplement for inspection and copying*. A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Towers, 12th Floor, Frankfort, Kentucky 40601; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Director of Federal Compliance and State Programs, the exception of the change in reference Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation*. Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Kentucky State Plan as a proposed change and in making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

The decision is effective July 1, 1977.

(Sec. 18, Pub. L. 91-596; 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Ga., this 20th day of April 1977.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.77-18867 Filed 6-30-77;8:45 am]

NORTH CAROLINA STANDARDS

Approval

1. *Background*. Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter dated March 22, 1977, from John C. Brooks, Commissioner, North Carolina Department of Labor, to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan State standards comparable to the following Federal standards: deletion of § 1910.-1005, 4,4'methylene bis (2-chloroaniline), and deletion of laboratory provisions contained in paragraph (c)(6) of § 1910.1003 through § 1910.1016, dated August 20, 1976; amendment to § 1928.57, Guarding of Farm Field Equipment, dated October 22, 1976; § 1910.1029, Exposure to Coke Oven Emissions, dated October 22, 1976; revocation of Subpart T of Part 1910, Emergency Temporary Standard for Diving Operations, dated November 5, 1976; § 1910.309 and § 1926.400, National Electrical Code—ground-fault protection, dated December 21, 1976; corrections to § 1910.1029, Coke Oven emissions, dated January 18, 1977.

These standards were promulgated by filing with the North Carolina Attorney General on November 1, 1976; November 18, 1976; January 5, 1977; February 1, 1977, respectively, pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision*. Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying*. A copy of the standards supplement along with the approved plan, may be inspected and copied during normal buiness hours at the following locations: Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton, Raleigh, North Carolina 27611; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Director of Federal Compliance and State Programs, Room N3112, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation*. Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the North Carolina State Plan as a proposed change and making the Regional Administrator's ap-

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proval effective upon publication for the following reasons:

Broadway (1 Astor Plaza)—Room 3445, New York, New York 10036.

applicant states that it uses O.B.I. pow-

proval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 1, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Ga., this 20th day of April 1977.

DONALD E. MACKENZIE,
Regional Administrator.

[FR Doc.77 18868 Filed 6-30-77;8:45 am]

[V-77-9]

WEST CO.

Application

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order; (2) Grant of Interim Order.

SUMMARY: This notice announces the application of The West Company for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.217(c)(3)(i)(e) concerning machine guarding.

It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is July 1, 1977. The last date for interested persons to submit comments is August 1, 1977. The last date for affected employers and employees to request a hearing on the application is August 1, 1977.

ADDRESSES: Send comments or requests for a hearing to:

Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pa. 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr., Federal Building, 600 Arch Street, Room 4256, Philadelphia, Pa. 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza)—Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, 519 Federal Street, Room 408, Camden, New Jersey 08101.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Missouri 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 113 West 6th Street, North Platte, Nebraska 69101.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E.—Suite 587, Atlanta, Georgia 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 406, 310 New Bern Avenue, Raleigh, North Carolina 27601.

U.S. Department of Labor, Occupational Safety and Health Administration, 700 Twiggs Street, Room 624, Tampa, Florida 33602.

I. NOTICE OF APPLICATION

Notice is hereby given that The West Company, West Bridge Street, Phoenixville, Pa. 19460 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.217(c)(3)(i)(e) mechanical power presses, point of operation.

The addresses of the places of employment that will be affected by the application are as follows:

The West Company, Incorporated, West Bridge Street, Phoenixville, Pa. 19460.
The West Company, Incorporated, 10th and G Streets, Millville, New Jersey 08332.
The West Company, Incorporated, P.O. Box 698, Kearney, Nebraska 68847.
The West Company, Incorporated, North Carolina State Road, Kinston, North Carolina 28501.
The West Company, Incorporated, 5111 Park Street, N., St. Petersburg, Florida 33709.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.217(c)(3)(i)(e) which requires that application of both of the operator's hands to machine operating controls and locating such controls at such a safety distance from the point of operation that the slide completes the downward travel or stops before the operator can reach into the point of operation with his hands. The applicant states that it uses O.B.I. powered presses with full revolution clutches. They are used in the manufacturing of its line of molded rubber pharmaceutical products. The applicant further states these presses are equipped with controls which confrom to OSHA Regulations. These controls are of a two hand, single stroke, non-repeat type. Uniform inspections which conform with § 1910.217(e)(1)(i) and (ii) are regularly performed on the presses. The presses operate at 90 R.P.M., a few operate at 40 R.P.M., which is necessary for the products trimmed. They have three engaging points per revolution.

The applicant states that it bases its justification for the variance application on the use, by the Company, of a safety device which is not required by the standards, and which the Company claims does result in the operations being as safe as that required by the subject section. This device consists of two pieces of 9" pipe, each weighing about 1½ pounds (hereinafter called safety blocks or blocks) which are used as safety stops between the upper and lower die shoes. The Company contends that these safety blocks are an integral part of the operation of all of the presses operated in the Company's plants. It further contends that the safety distance (DM) calculated using the formula contained in the above referenced OSHA Regulations yields a figure of 35.3 inches for the presses in question. If the variance sought were to be granted the resulting distance would be reduced to approximately 24 inches. The procedure for using the blocks is to grasp one in each hand, remove them from their location between the die shoes, trip the press by depressing the presses hand controls with pipe ends, and return the blocks to the safety position between the die shoes after the press has made its stroke. The Company contends that these blocks are a most important safety feature; since they provide a positive assurance against accidental tripping of the press by any cause, when hands are in the die. The applicant further contends that the safety blocks will not create an additional hazard if the press should trip when they are in position, because the presses are equipped with lightened fly wheels and only two or three or four or six drive belts. In addition, the belts are loosened so they would slip if they met resistance from the pipes.

The Company contends that because the specified safety distance for locations of the hand trips on 90 R.P.M. presses with the engaging points is 35.3 inches and the distance is 79" for 40 R.P.M. presses it states that these distances are not feasible in its operation for the following reasons:

(1) The operators cannot reach 35 or 79 inches from a sitting position, as these presses must be operated.

(2) If the trips were located this far from the operator, they would be removed from the operator's zone of control, and could be inadvertently tripped by other persons or objects.

(3) Reaching this distance with the pipes, which weigh 1½ pounds, fatigues the operations unacceptably.

For these reasons, the Company has developed a sliding gate device to prevent the operator from reaching in the die after it is tripped. This gate drops by gravity, with spring assist so that it falls very fast, and well ahead of the calculated reaction time for the approximately (15) inches distances that the hand trips are located from the die pinch point. The method of operation is to have the gate held up by latches which are attached to the front of the press ram. These latches are tripped by an air cylinder that is actuated from the same valves which trip the press. When the press strokes, the latches on the ram again engage the catches on the gate at the bottom of the stroke, and raise the gate with the ram upward movement.

The measured time for the gate to fall is .15 seconds. This figure was obtained by the use of a digital timer. The factor Tm in the distance formula therefore is .15 seconds. Dm then is 9 inches. The trips on the presses are located twelve to fifteen inches from the pinch point and therefore are at a safe distance as required by the regulations.

The Company states that it has considered other safety devices and have found that they are not as safe as the method employed or are not feasible when applied to the Company's operation.

The Company cites an excellent safety record which it has had with the described method and without a barrier or gate.

The applicant believes that from the information provided by its application that it has clearly shown how conditions, practices, means, method operations and processes used provide employment and places of employment to employees which are as safe as and healthful as that required by the standard from which the variance is sought.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order and from a visit to the worksite to observe the presses equipped with guarding as described in the application, that, as required by section 6(d) of the Act, the operation of O.B.I. mechanical power presses guarded as described in the variance will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1910.217(c)(3)(i)(e). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that The West Company be, and it is hereby, authorized to operate its O.B.I. powered presses with 2 hand controls located at less than the required distance from the die areas, provided that the following controls are in operation:

(1) Two 9" pipes shall be placed between the upper and lower die shoes before the operator places his hands in the die area;

(2) The presses shall be equipped with lightened fly wheels and 2 or 3 loosened drive belts out of a possible 4 or 6 drive belts;

(3) The pipes shall be removed and used to depress the hand controls, thus tripping the press;

(4) The presses shall be equipped with a sliding gate device which drops when the press is tripped, preventing access to the die area;

(5) The closing time for the gates shall be ±.15 seconds. This time shall be routinely checked as part of the maintenance checks and necessary adjustments or repairs made to maintain the closing speed; and,

(6) The two hand controls shall be located not less than 15 inches from the die area.

The West Company shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 27th day of June, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18870 Filed 6-30-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77-8; Application No. D-281]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Transfer of Individual Life Insurance Contracts and Annuities From Employee Benefit Plans to Plan Participants, Certain Beneficiaries of Plan Participants, Employers and Other Employee Benefit Plans

Correction

In FR Doc. 77-17666 appearing in the issue of Tuesday, June 21, 1977 on page 31574, the first line in the 2nd column should read, "1975-1 C.B. 722. All interested persons * * *".

In addition, on page 31575, the portion of the 2nd column under the heading, "EXEMPTION", the 1st paragraph, the last line should read, "1975-1 C.B. 722:".

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77 9]

EMPLOYEE BENEFIT PLANS

Class Exemption for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters and Employee Benefit Plans

Correction

In FR Doc. 77-17896 appearing at page 32395 in the issue for Friday, June 24, 1977, the heading should read as stated above.

Office of the Secretary

[TA-W-1991]

BENSON SHOE COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1991: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 1, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's shoes at Benson Shoe Company, Incorporated, Lynn, Massachusetts.

The Notice of Investigation was published in the Federal Register on May 16, 1977 (42 FR 23215). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Benson Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales

or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any

tion of the workers at Benson Shoe Company, Lynn, Massachusetts. In accord-

creased quantities, either actual or relative to domestic production; and

newly cut slabs need cleaning or repolishing at the shop before installation. Thus,

quantities, either actual or relative to domestic production; and

[TA-W-1807]

MESSINGER BEARINGS, INC.

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or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 3.0 percent from 1974 to 1975 and increased 5.7 percent from 1975 to 1976. Employment declined 16.7 percent in the last quarter of 1976 compared to the same quarter of 1975 and declined 15.4 percent in the first quarter of 1977 compared to the same quarter of 1976. Employment began to decline in September 1976.

The average number of office and salaried workers at Benson declined 3.2 percent from 1974 to 1975 and declined 3.3 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of women's shoes at Benson declined 11.7 percent and 12.5 percent respectively, from 1974 to 1975 and then increased 6.1 percent and 13.9 percent, respectively, from 1975 to 1976.

Production increased in each of the first three quarters of 1976 when compared to the respective quarter of 1975. Production declined in the fourth quarter of 1976 compared to the same quarter of 1975.

Sales and production declined 8.7 percent and 13.1 percent, respectively, in the first quarter of 1977 compared to the same quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased absolutely from 1972 to 1973, declined from 1973 to 1974, and then increased each year from 1974 to 1976. The ratio of imports to domestic production declined from 114.1 percent in 1975 to 106.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

The recent finding of the International Trade Commission based on the very high penetration of imported shoes is that customers of domestic manufacturers such as the Benson Shoe Company increasingly shifted from domestically produced shoes to imported shoes. Customers who decreased purchases of women's shoes from Benson Shoe in 1976 indicated that they increased purchases of imported shoes from 1975 to 1976. Specifically, import purchases increased in the last quarter of 1976 and the first quarter of 1977 compared to the respective quarter of the previous year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at Benson Shoe contributed importantly to the total or partial separation of the workers at Benson Shoe Company, Lynn, Massachusetts. In accordance with the provisions of the Act, I make the following certification:

All workers at Benson Shoe Company, Incorporated, Lynn, Massachusetts who became totally or partially separated from employment on or after September 10, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of June 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-18053 Filed 6-27-77;8:45 am]

[TA-W-1618]

JOSEPH M. CORCORAN, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1618: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 31, 1977 in response to a worker petition received on January 25, 1977 which was filed by the International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Marble Mosaic and Terrazzo Workers' Helpers on behalf of workers and former workers fabricating marble and slate at Joseph M. Corcoran, Incorporated, Huntington Station, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on February 18, 1977 (42 FR 10078). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Joseph M. Corcoran, Incorporated, the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although criteria (1), (2), and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of full-time workers at the Corcoran shop remained unchanged during 1976. There were no layoffs or short work weeks for the full-time workers at the shop in 1976. On January 6, 1977 the marble polisher was laid off due to temporary lack of work at the shop. Employment of full-time workers at the shop increased to 1976 levels in March 1977 and increased again in May 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Total dollar sales by Corcoran, including fabrication and installation costs, declined 21 percent from 1975 to 1976 and 78 percent in January 1977 compared to January 1976.

INCREASED IMPORTS

Imports of marble, breccia, onyx, and travertine increased annually in dollar value from 1972 through 1974, declined in 1975, and rose in 1976. Imports increased from $18,942 thousand in 1975 to $19,810 thousand in 1976 and rose from $4,955 thousand in the first quarter of 1976 to $5,003 thousand in the first quarter of 1977. The ratio of imports to domestic production decreased from 103.7 percent in 1975 to 100.4 percent in 1976.

Imports of building slate increased annually in dollar value from 1972 through 1974 and declined annually from 1974 through 1976. Imports decreased from $6,597 thousand in 1975 to 5,880 thousand in 1976 and declined from $1,342 thousand in the first quarter of 1976 to $1,089 thousand in the first quarter of 1977. In 1975 the ratio of imports to domestic production was 122.2 percent.

CONTRIBUTED IMPORTANTLY

The petition was filed on behalf of the former marble polisher at the Corcoran marble shop, who was laid off due to temporary lack of work at the shop on January 6, 1977.

The Department's investigation revealed that Corcoran buys imports of rough and of pre-polished marble slabs. Imports of rough marble slabs are cut to size, cleaned, and polished at the shop just as marble slabs from domestic sources.

Imports of pre-polished marble slabs accounted for less than five percent of total raw materials purchased by Corcoran in 1976. All imports of pre-polished marble slabs have to be cut to size at the shop, and furthermore, some of the newly cut slabs need cleaning or repolishing at the shop before installation. Thus, imports of pre-polished marble did not eliminate the need for a marble polisher at the shop; employment of full-time workers at the shop rose in March 1977 and again in May 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the marble and slate fabricated at Joseph M. Corcoran, Incorporated, Huntington Station, New York did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 77-18502 Filed 6-27-77; 8:45 am]

[TA-W-1737]

LINDA-JO SHOE COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1737: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 22, 1977, which was filed by the United States Shoe Workers of America on behalf of workers and former workers producing women's sport shoes at Linda-Jo Shoe Company, Incorporated, Gainesville, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Linda-Jo Shoe Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Gainesville and Forestburg plants declined 5.0 percent in 1975 compared to 1974, and further declined 8.3 percent in 1976 compared to 1975. The average number of hours worked per week by each worker declined 0.8 percent in 1975 compared to 1974, and further declined 3.4 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Linda-Jo Shoe Company declined 18.5 percent in 1975 compared to 1974, and further declined 7.9 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear, except athletic, increased to 206.2 million pairs in 1973 from the 192.9 million pairs in 1972. Imports then decreased in 1974 to 179.8 million pairs before increasing to 183.5 million pairs in 1975 and to 183.8 million pairs in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of Linda-Jo Shoe Company revealed that several customers decreased purchases from the subject firm while increasing purchases of imported women's casual shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with women's casual shoes produced at Lindo-Jo Shoe Company, Incorporated, Gainesville, Texas contributed importantly to the total or partial separations of the workers of the company. In accordance with the provisions of the Act, I make the following certification:

All workers at the Gainesville and Forestburg, Texas plants of Linda-Joe Shoe Company, Incorporated, who became totally or partially separated from employment on or after July 25, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18501 Filed 6-27-77;8:45 am]

[TA-W-1807]

MESSINGER BEARINGS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1807: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on March 10, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing specialty bearings at Messinger Bearings, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Messinger Bearings, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Messinger Bearings, Incorporated, located in Philadelphia, Pennsylvania, manufactures specialty ball, roller and combination type anti-friction bearings with outer diameters from four inches to over 300 inches.

The Department's investigation revealed that there are few, if any, imports of specialty bearings—those bearings over four inches in diameter—except as part of a piece of machinery.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that imports of articles like or directly

Signed at Washington, D.C. this 21st

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that imports of articles like or directly competitive with the specialty bearings manufactured at Messinger Bearings, Incorporated, Philadelphia, Pennsylvania, have not increased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of June 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Policy.

[FR Doc 77-18863 Filed 6-30-77;8:45 am]

[TA-W-1487]

REPUBLIC STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1487: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Gulfsteel Works, Gadsden, Alabama plant of the Southern district of Republic Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2380). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria two (2) and four (4) were not met for carbon hot rolled sheet, carbon cold rolled sheet and galvanized steel products. Criterion four (4) was not met for carbon steel plate and alloy steel plate.

SIGNIFICENT TOTAL OR PARTIAL SEPARATIONS

Total employment of production workers at the Gulfsteel Works plant declined 8 percent from 1974 to 1975 and declined 1 percent from 1975 to 1976.

Workers are not identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of carbon hot rolled sheet declined 26 percent from 1974 to 1975 and then increased 9 percent from 1975 to 1976.

Shipments of carbon cold rolled sheet declined 17 percent from 1974 to 1975 and then increased 42 percent from 1975 to 1976.

Shipments of galvanized sheet declined 54 percent from 1974 to 1975 and then increased 27 percent from 1975 to 1976.

Combined shipments of the above three products increased in each quarter of 1976 compared to the like quarter of 1975.

Shipments of carbon plate declined 21 percent from 1974 to 1975 and declined 26 percent from 1975 to 1976.

Shipments of alloy plate increased 13 percent from 1974 to 1975 and then declined 32 percent from 1975 to 1976.

Total raw steel production at the Gulfsteel Works plant declined 14 percent from 1974 to 1975 and declined 8 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of carbon cold rolled sheet declined absolutely and relative to domestic shipments from 1972 to 1973 and declined absolutely from 1973 to 1974 and from 1974 to 1975. Imports increased 14 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption declined from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976.

Imports of carbon hot rolled sheet declined absolutely and relative to domestic shipments from 1972 to 1973 and declined absolutely from 1973 to 1974 and from 1974 to 1975. Imports increased 8 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption declined from 14.0 percent and 12.4 percent, respectively, in 1975 to 11.3 percent and 10.2 percent, respectively, in 1976.

Imports of galvanized steel sheet and strip declined absolutely and relative to domestic shipments from 1972 to 1973, increased absolutely and relatively from 1973 to 1974 and then declined 42 percent from 1974 to 1975. Imports increased 99 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption increased from 19.9 percent and 16.7 percent, respectively, in 1975 to 28.3 percent and 22.2 percent, respectively, in 1976.

Imports of carbon steel plate declined absolutely and relative to domestic shipments from 1972 to 1973, increased absolutely and relatively from 1973 to 1974 and then declined absolutely from 1974 to 1975. Imports increased 15 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption increased from 19.4 percent and 16.6 percent respectively, in 1975 to 27.7 percent and 21.9 percent respectively, in 197C.

Imports of alloy steel plate increased absolutely and relative to domestic shipments in each year from 1972 through 1975. Imports declined 5 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption declined from 15.5 percent and 16.1 percent, respectively, in 1975 to 15.2 percent and 15.8 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Shipments of carbon hot rolled sheet, carbon cold rolled sheet, and galvanized steel from the Gulfsteel Works plant each increased in 1976 compared to 1975. Customers of the Southern district were contacted regarding their purchases of the above products. None of these customers purchased imports of hot rolled sheet, cold rolled sheet, or galvanized steel during the period 1974 through 1976.

Shipments of carbon steel plate and alloy steel plate from the Gulfsteel Works plant each declined in 1976 compared to 1975. Customers of the Southern district were contacted regarding their purchases of steel plate. None of the customers purchased imports of steel plate during the period 1974 through 1976.

Declines in steel plate shipments from the Gulfsteel Works plant of Republic Steel coincide with trends in the domestic steel industry. Declines in total domestic shipments of carbon and alloy steel plate in 1975 and 1976 can be attributed to decreased orders from the industrial machinery and construction industries along with decreased orders from steel service centers.

Steel service centers (distributors), the machinery and equipment industry, and the construction industry represented approximately 15 percent, 14 percent, and 8 percent, respectively, of Republic Steel's total steel shipments in 1975 and 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon hot rolled sheet, carbon cold rolled sheet, galvanized steel, carbon steel plate and alloy steel plate produced at the Gulfsteel Works, Gadsden, Alabama plant of Republic Steel Corporation did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C., this 21st day of June 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-18864 Filed 6-30-77;8:45 am]

[TA-W-1491]

REPUBLIC STEEL CORP.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1491: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Mahoning Valley District, Youngstown, Ohio plant of the Republic Steel Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2378). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Republic Steel Corporation, And its customers, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met with regard to the production of pipe and tubing. It has further revealed that without regard to whether any of the other criteria have been met, criterion (3) has not been met in regard to the production of carbon bars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at the Youngstown, Ohio plant declined 11.2 percent from 1974 to 1975 and declined 12.5 percent from 1974 to 1976. Workers are not separately identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total shipments at the Youngstown, Ohio plant declined 38.0 percent from 1974 to 1975 and 39.0 percent from 1975 to 1976.

Carbon pipe and tubing accounted for 79.3 percent of total shipments in 1976; carbon bars were 20.2 percent of total shipments and alloy pipe and tubing and bars accounted for the remaining portion of shipments.

Shipments of carbon pipe and tubing declined 32.6 percent from 1974 to 1975 and declined 43.2 percent from 1975 to 1976.

Shipments of carbon bars declined 54.9 percent from 1974 to 1975 and declined 11.5 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 13.4 percent from 1974 to 1975 and then increased 18.0 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption increased from 22.8 percent and 20.8 percent, respectively, in 1975 to 35.8 percent and 28.0 percent, respectively, in 1976.

Imports of carbon hot and cold rolled steel bars declined absolutely and relative to domestic shipments and consumption in each year from 1972 through 1976. Imports declined 37.1 percent from 1974 to 1975 and declined 7.0 percent from 1975 to 1976. The ratio of imports to domestic shipments and consumption declined from 7.7 percent and 7.2 percent, respectively, in 1975 to 6.6 percent and 6.3 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Shipments of carbon steel bars at Republic Steel's Mahoning Valley District plants have followed the trend in the industry from 1974 through 1976. Industry wide demand for carbon steel bars is dependent upon demand from the automobile and machine industries and upon orders from steel service centers.

Markets served by Republic Steel are predominantly the automobile industry, distributors (steel service centers) and the machinery and equipment industry. These three markets accounted for over 50 percent of Republic's total shipments in 1972 through 1976.

Domestic shipments fell in 1975 due to decreased demand from the automobile industry as well as reduced orders from steel service centers. Steel service centers reduced orders as they attempted to readjust high inventory levels. Shipments increased in 1976 due to the recovery of, and increased demand from, the automobile industry.

Customers who purchased pipe and tubing from Republic Steel's Youngstown, Ohio plant indicated that either they purchased imported pipe and tubing in 1975 or 1976 or that their competitors were purchasing imports. Customers stated that imports have had influence on the marketing of pipe and tubing in the United States. Due to the lower price of foreign steel, domestic consumers are buying imported steel and tubing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with pipe and tubing produced at the Youngstown, Ohio plant of Republic Steel contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mahoning Valley District, Youngstown, Ohio plant of Republic Steel Corporation engaged in employment related to the production of pipe and tubing who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that imports of articles like or directly competitive with carbon bars produced at the Youngstown, Ohio plant of the Republic Steel Corporation have not increased, as required for certification under Section 222 of the Trade Act of 1974. Therefore, those workers engaged in employment related to the production of carbon bars are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 17th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18500 Filed 6-27-77;8:45 am]

[TA-W-1824]

ROSEMARIE DRESS CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1824: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 18, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of and former workers producing women's dresses at Rosemarie Dress Company #2, Wilkes-Barre, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April

5, 1977 (42 FR 18153). No Public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rosemarie Dress Company #2, Wilkes-Barre, Pennsylvania, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (2) and (4) were not met. Sales or production, or both, did not decrease absolutely in 1975 or 1976 as compared to 1974. Imports did not contribute importantly to the separations, or threat thereof, and to the decrease in sales or production.

SALES OR PRODUCTION, OR BOTH, DID NOT DECREASE ABSOLUTELY

Total sales of the Rosemarie Dress Company #2 plant increased 8.6 percent from 1974 to 1975 and increased 8.6 percent from 1975 to 1976.

Total production of the Rosemarie Dress Company #2 plant increased 8.6 percent from 1974 to 1975 and increased 8.6 percent from 1975 to 1976.

CONTRIBUTED IMPORTANTLY

Imports of dresses declined absolutely and relative to domestic shipments from 1972 to 1973, increased absolutely and relatively from 1973 to 1974 and declined absolutely and relatively from 1974 to 1975. Imports increased 1 percent from 1975 to 1976. The ratio of imports to domestic shipments declined from 3.1 percent in 1975 to 2.9 percent in 1976.

Customers of the Rosemarie Dress Company #2 plant stated that they did not purchase imports of dresses in 1975 or 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with dresses produced at the Rosemarie Dress Company #2, Wilkes-Barre, Pennsylvania plant did not contribute importantly to the total or partial separation of workers of that plant.

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5, 1977 (42 FR 18153). No Public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rosemarie Dress Company #2, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first, second and third criterion have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Rosemarie Dress Company No. 2 employs piecework and hourly workers. Employment data are available for the period of October 1976 to March 1977 but not prior to October 1976 due to a fire which occurred in 1976. Employment remained unchanged from February 1977 to March 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production data covering the period prior to May 1976 were not available because of a fire in 1976. Production declined 18.4 percent in January 1977 compared to the previous month.

INCREASED IMPORTS

Imports of women's and misses' dresses which include ladies' dresses declined absolutely from 1972 to 1973 and then increased absolutely each year from 1974 to 1976 compared to the levels of the previous year. Imports remained the same relative to domestic production and consumption from 1975 to 1976. Imports increased absolutely during the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the investigation revealed that the apparel manufacturers who contracted with Rosemarie Dress Company No. 2 do contract work with firms outside the United States and do not import finished products for sale to their customers. These manufacturers reduced contracts with Rosemarie Dress Company No. 2 and increased contracts with other domestic contractors from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increase of imports like or directly competitive with women's dresses produced at Rosemarie Dress Company No. 2 Wilkes-Barre, Pennsylvania did contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 20th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18499 Filed 6-29-77;8:45 am]

[TA-W-1825]

ROSMAR MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results or TA-W-1825: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 18, 1977 in response to a worker petition received on March 18, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses at Rosmar Manufacturing Co., Wilkes-Barre, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (41 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rosmar Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first, second and third criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at Rosmar Manufacturing Company (Rosmar) declined 9.3 percent from 1974 to 1975 and declined 5.1 percent from 1975 to 1976.

Average quarterly employment declined in the first quarter of 1977 compared to the same respective quarters of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of women's dresses at Rosmar is based on the contracts received from clothing manufacturers. Sales of women's dresses declined 15.9 percent from 1974 to 1975 increased 9.6 percent from 1975 to 1976. Sales declined 37.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses declined absolutely from 1972 to 1973 and then increased absolutely in each year from 1974 to 1976 compared to the levels of the previous year. Imports remained the same relative to domestic production and consumption from 1975 to 1976. Imports increased absolutely during the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the Department's investigation revealed that the apparel manufacturers for which Rosmar Manufacturing Company did contract work did not contract with foreign manufacturers and did not import finished products. The manufacturers that reduced contracts with Rosmar Manufacturing Company in 1976 increased contracts with other domestic firms. One manufacturer increased contracts with Rosmar Manufacturing Company from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with women's dresses produced at Rosmar Manufacturing Co., Wilkes-Barre, Pa. did not contribute to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 21st of June 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-18665 Filed 6-30-77;8:45 am]

[TA-W-1818]

SHARON LEE APPAREL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1818: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 18, 1977 in response to a worker petition received on March 16, 1977 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing junior dresses at Sharon Lee Apparel Co., Plains, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sharon Lee Apparel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first, second and third criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Sharon Lee Apparel Co. declined 3.0 percent from 1974 to 1975 and declined 12.5 percent from 1975 to 1976. Employment remained the same in the first quarter of 1977 compared to the same quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of junior dresses at Sharon Lee Apparel Co. is based on the contracts placed by a clothing manufacturer. Sales increased 8.6 percent from 1974 to 1975 and then declined 22.2 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses declined absolutely from 1972 to 1973 and then increased absolutely in each year from 1974 to 1976 compared to the levels of the previous year. Imports increased absolutely during the first quarter of 1977 compared to the same quarter of 1976. Imports remained the same relative to domestic production and consumption from 1975 to 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the Department's investigation revealed that the apparel manufacturer who contracted Sharon Lee Apparel Co. for cutting and sewing junior dresses reduced contracts with Sharon Lee Apparel Co. in 1976 in favor of other domestic contractors. Contracts with other domestic contractors increased from 1975 to 1976. The inability of Sharon Lee Apparel to compete effectively with other domestic contractors resulted in production and employment declines in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with junior dresses produced at Sharon Lee Apparel Company, Plains, Pennsylvania did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C., this 20th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18498 Filed 6-27-77;8:45 am]

Wage and Hour Division

(Administrative Order No. 650)

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
141–A	Gloves and mittens.
141–B	Leather, leather goods and related products.
142	Men's and boys' clothing and related products.

2. These industries are defined as indicated below:

a. The gloves and mittens industry is defined as the manufacture from any material of gloves and mittens made by knitting, crocheting, cutting, sewing, embroidering, or other processes: *Provided, however,* That the industry shall not include the manufacture of sport and athletic gloves and mitts, or the manufacture of rubber or molded plastic gloves and mittens.

b. The leather, leather goods, and related products industry is defined as the curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the women's outerwear, needlework, and miscellaneous fabricated textile products industry; the rubber footwear industry; the non-rubber footwear industry; the gloves and mittens industry; or the rubber and fabricated plastic products industry, as defined in the wage orders for those industries in Puerto Rico.

c. The men's and boys' clothing and related products industry is defined as the manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico; the military hats and caps industry in Puerto Rico; or in the women's and children's underwear and women's blouse industry in Puerto Rico.

3. Pursuant of Section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed industry committees.

b. Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

c. Gives notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 141–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, August 8, 1977.

Following this hearing Industry Committee No. 141–A will reconvene in executive session to consider the evidence and testimony presented at the hearing and to formulate its recommendations with respect to the minimum rates of wages to be fixed for the industry.

Industry Committee No. 141–B will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, August 15, 1977.

Following this hearing Industry Committee No. 141–B will reconvene in executive session to consider the evidence and testimony presented at the hearing and to formulate its recommendations with respect to the minimum rates of wages to be fixed for the industry.

Industry Committee No. 142 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, August 22, 1977.

Following this hearing Industry Committee No. 142 will reconvene in executive session to consider the evidence and testimony presented at the hearing and to formulate its recommendations with respect to the minimum rates of wages to be fixed for the industry.

4. Notice of the hearings shall be published in the FEDERAL REGISTER at least 30 days prior to the hearings.

5. Each committee shall submit to the Administrator of the Wage and Hour Division its recommendations with respect to the minimum rates of wages to be fixed for the industry within 30 days after the close of the hearings.

Signed at Washington, D.C., this 28th day of June 1977.

ROBERT J. DELEHANT,
Acting Administrator, Wage and Hour Division.

[FR Doc.77-18497 Filed 6-30-77;8:45 am]

Following this hearing Industry Committee No. 141–B will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 142 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, August 15, 1977.

These dates are subject to change depending upon developments in connection with proposed amendments to the FLSA now under consideration in the U.S. Congress.

The hearings will take place in the offices of the Wage and Hour Division on the fourth floor of the New Federal Office Building, Carlos Chardon Street, Hato Rey, Puerto Rico.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by sections 6(a) and 6(b) of the Act, namely $2.30 an hour after December 31, 1976.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rate for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. July 29, 1977 for matters to be considered by Industry Committees No. 141–A and 141–B; and August 5, 1977 for matters to be considered by Industry Committee No. 142.

These dates are also subject to change in the event of legislative developments regarding amendments to the Fair Labor Standards Act.

Signed at Washington, D.C., this 27th day of June, 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77–18895 Filed 6–30–77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL DATA PROCESSING REORGANIZATION STUDY

Request for Comments

AGENCY: Office of Management and Budget.

ACTION: Request for Comments.

SUMMARY: The President's Reorganization Project has initiated a major study of Federal data processing organization, management and policies. This announcement requests public comments on the data processing issues, problems and solutions that should be considered by this study.

DATE: All comments should be received on or before July 30, 1977.

ADDRESS: Submit comments to: Office of Management and Budget, Information Systems Division, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT:

Kenneth B. Allen, Information Systems Division, Office of Management and Budget, Washington, D.C. 20503, Telephone 202–395–3785.

SUPPLEMENTARY INFORMATION: The Federal Data Processing Reorganization Project will be a comprehensive reexamination of Federal data processing and it is anticipated that the full study, including initial implementation of recommendations, will take 10–12 months. The project will focus on:

1. Improving productivity in the delivery of governmental services through the application of computer technology.
2. Improving the acquisition, management and use of these resources, and
3. Eliminating duplication and overlap in agency jurisdictions dealing with computer issues.

The project will be organized into a small, full-time project management staff and a number of issue-oriented task forces. The study will be conducted by the Office of Management and Budget.

In order to assure maximum public participation in this study, persons who are interested in the management of Federal data processing resources are invited to submit comments and suggestions on the issues, problems, and/or solutions that the project staff should consider.

To assist individuals in preparing their comments, a preliminary list of issues that have previously been identified is provided below. This list is not intended to be comprehensive and individuals are free to use or ignore it as appropriate.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

PRELIMINARY LIST OF FEDERAL DATA PROCESSING ISSUES

Data processing planning process
Requirements definition
Economic analysis (justification for use of data processing)
Evaluation of alternative sources of computer support (sharing, private sector, in-house, etc.)
Evaluation of alternative methods of procurement (full competition, brand name or equal, sole make and model, sole source, etc.)
Evaluation of alternative methods of financing procurements (outright purchase, lease, lease with option to purchase, lease to purchase, etc.)
Central agency (OMB, GSA, NBS) vs. user agency responsibilities
Central agency (OMB, GSA, NBS) policies and regulations
Convergence of data processing and telecommunications
Application life-cycle vs. equipment life cycle planning and management
Data processing application program evaluation
Integration of program and data processing budgets
Management audits of data processing operation
Processing of agency procurement requests
Delegations of procurement authority to agencies
Data processing planning and budget information
Interim upgrade policy
Software conversion cost policy
Software development and acquisition
Goals and objectives of standards program
Standards enforcement authority
Computer resources management systems
Data processing work accounting systems
Data processing job classifications
Certification of data processing personnel
Career development and training
Computer security policy
Full cost recovery policy
Data processing fund policy
Functional performance specifications policy
Software Exchange Program

[FR Doc.77–18897 Filed 6–30–77;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES

Increase in Rate

Pursuant to its authority under 39 U.S.C. 407, and consistent with announced plans, which were published in the FEDERAL REGISTER on June 21, 1977 (42 FR 31506), to place into effect the sixth step of phased postage rate increases for certain classes of domestic mail, the Postal Service intends to increase the rate for the first pound of surface printed matter to Mexico and PUAS (Postal Union of the Americas and Spain) countries. Accordingly, effective July 6, 1977, the surface printed matter rate to Mexico and PUAS countries for books and sheet music weighing up to one pound will be increased to 30 cents.

W. ALLEN SANDERS,
Assistant General Counsel, Legislative Division.

[FR Doc.77–18910 Filed 6–30–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–13672; File No. SR–CBOE–77–14]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 13, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change will provide for the trading of stocks and other non-option securities on the floor of the CBOE.

Many of the specific rule amendments set forth in the proposed rule change are editorial or conforming in nature, revising a number of present CBOE rules to reflect the fact that equity securities, in addition to option securities, are proposed to be traded on the CBOE floor. The terms of substance of the proposed rule change are set forth below.

The proposal would permit trading in securities listed on the CBOE or admitted to unlisted trading privileges. As a general proposition, CBOE intends to apply for unlisted trading privileges in these securities, rather than formally listing them. To be eligible for trading on the CBOE, non-option securities must satisfy existing CBOE standards applicable to the maintenance of approval of underlying securities in respect to options trading.

In addition to the security itself, warrants, rights and other non-option securities exchangeable or convertible into that security will also be eligible for trading. Where a non-option security ceases to meet the eligibility requirements, the Board of Directors will have the discretion to delist the security or remove it from unlisted trading privileges.

With respect to clearance and settlement of non-option security trades, it is proposed that each clearing member will designate the clearing agency to which its transactions (and those for which it has clearing responsibilities) are to be submitted for clearing. It is anticipated that the CBOE will develop arrangements for clearing with the designated agencies. In conformance with the practice on other exchanges, settlement would be permitted in the following manner—"cash," "regular way," "seller's option' 'and on a "when issued" basis.

The proposed rule change provides for the use of market, limit and contingency orders, as is presently the case with options trading on the CBOE. The proposal also provides for the use of "hedge" orders, defined as orders to take offsetting positions on a share for share basis in a particular option contract and its related underlying security.

The rule change proposes to permit the market-maker in a particular class or classes of options to act as market-maker in the related underlying securities as well. Similarly, Board Brokers who have been appointed to particular options would be appointed to act as such with respect to the related underlying securities. As a result, trading in both an option contract and its underlying security will take place at the same trading post.

Consistent with the CBOE's separation of broker and dealer functions on the trading floor, the proposal would extend the prohibition on a market-maker's acting as a market-maker and a floor broker on the same business day to executions involving (i) an option contract and its related underlying security and (ii) the same non-option security.

EXCHANGE'S STATEMENT OF GENERAL PURPOSE

The general purpose of the proposed rule change is to enable CBOE to keep pace with competitive developments by providing a framework for CBOE to trade stocks, particularly those stocks which are underlying securities for options listed on CBOE. The proposed change provides for the same market-makers to act as such in both options and their related underlying securities, and will make possible the execution on one floor of combination orders in a particular option and its related underlying security.

Among the developments contributing to CBOE's determination to establish a stock trading capability are the plans of the New York Stock Exchange to develop its own options market and the proposal of the National Association of Securities Dealers (coupled with the tentative decision of the Securities and Exchange Commission to remove restrictions on off-board trading) to create an off-board market in options in conjunction with the existing (and potentially enlarged) off-board market for stocks.

CBOE has expressed its opposition and will continue to oppose both of these developments, and it is not certain at the present time whether either of them will be effectuated or in what form. Nonetheless, CBOE must proceed to establish a unified stock and option capability so that it will be in a position to meet competition, in whatever forms it may take.

EXCHANGE'S BASIS FOR PROPOSED RULE CHANGE

The basis uder the Act for adopting the proposed rule change is (a) the Congressional finding in Section 11A(a)(1)(C)(ii) that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among exchange markets, and between exchange markets and markets other than exchange markets, and (b) the requirement of Section 6(b)(5) that rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The competitive climate is changing rapidly, and currently includes proposals by the New York Stock Exchange and the National Association of Securities Dealers to expand their markets to include options, and proposals by certain exchanges now trading options to reduce or eliminate barriers that prevent the trading of stocks and options together. CBOE has elsewhere raised serious questions as to whether certain of these competitive developments are consistent with the public interest and the protection of investors, and those questions have yet to be answered. Reflecting these competitive developments, CBOE is proposing to amend its rules so as to permit it to trade the stocks that underlie options thereby permitting it to compete more effectively with other exchanges and with market centers away from any exchange. The proposed rule change is patterned after existing CBOE rules so as to meet the standards of Section 6(b)(5) as those standards may develop in connection with the combined trading of stocks and options.

The framework for trading stocks on CBOE provided by the proposed rule change was developed by a task force comprised of representatives drawn from the various types of CBOE members. No comments have been received with respect to the proposed rule change.

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CBOE does not believe that any burden

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CBOE does not believe that any burden on competition is imposed by the proposed rule changes.

On or before August 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 25, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77-18922 Filed 6-30-77;8:45 am]

[Rel. No. 13673; SR-CBOE-77-6]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 24, 1977.

On March 28, 1977, the Chicago Board Options Exchange, Inc. ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would among other things, provide for the award of Board Broker appointments on the basis of competitive bidding, compensation of Board Brokers by the CBOE and imposition of exchange fees upon members who utilize the services of Board Brokers.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13434 (April 6, 1977)) and by publication in the FEDERAL REGISTER (42 Fed. Reg. 20870 (April 22, 1977)). Comments were received on May 17, 1977 from the Board Brokers Association of the CBOE in objection to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.[2]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on March 28, 1977, be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18918 Filed 6-30-77; 8:45 am]

[Release No. 9827; 812-4136]

EDPR SHAREHOLDERS' RETENTION TRUST

Application for an Order Exempting Proposed Transaction From Provisions of Section 17(a) and Permitting Such Transaction

Notice is hereby given that EDPR Shareholders' Retention Trust ("Applicant") c/o John W. Belash, Gaston Snow & Ely Bartlett, One Federal Street, Boston, Massachusetts 02110, a registered investment company, filed an application on May 17, 1977, and amendments thereto on June 15, 1977 and June 22, 1977, pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), for an order exempting the proposed extension and modification of an option held by Applicant to purchase certain securities from EDP Resources, Inc. ("Resources") from the provisions of Section 17(a) of the Act and, pursuant to Rule 17d-1 under the Act, for an order permitting such transaction. All interested parties are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a trust organized and existing under the laws of New York pursuant to a declaration of trust made as of December 13, 1973 by Howard T. Bahse, W. Bryan Satterlee, Jr. and Allan W. Steere (the "Trustees"). It was granted a conditional order (Investment Company Act Release No. 8217, January 31, 1974), pursuant to Section 6(c) of the Act, exempting it from all the provisions of the Act except Sections 8(a), 17, and 36.

Applicant was established for the benefit of shareholders of Resources, whose shares were purchased through a tender offer made by Greyhound Computer Corporation, the present parent of Resources. At the closing in 1974, Applicant was given an option, exercisable until February 4, 1977, to purchase from Resources certain stock of Tele/Resources, Inc. ("T/R") and Iomec, Inc. for a price of $652,500. The stock of Iomec, Inc. was subsequently acquired by Data 100 Corporation ("Data 100"), causing shares of Data 100 to be substituted for the Iomec, Inc. shares.

Applicant represents that such option was its only significant asset and was not exercised because the equity interests represented by the option did not have sufficient value to enable the Trustees to borrow or otherwise obtain the cash needed to pay the exercise price. However, prior to February 4, 1977, the Trustees entered into negotiations with Resources, which owns the 1,130,000 shares or approximately 35.5% of the shares presently outstanding of T/R and the 6,125 shares of Data 100 which were subject to the option, in an effort to preserve some economic benefits for the beneficiaries of Applicant. Applicant states that as a result of these negotiations, Resources agreed, subject to issuance of an order by the Commission, to extend the option to the earlier of (i) December 31, 1979 or (ii) the fifth business day of domestic securities trading after the date of effectiveness under the Securities Act of 1933 of the first effective registration statement of T/R relating to an underwritten public offering of T/R securities. In consideration for the extension, Resources established the following conditions:

(1) Payment of $50,000 to Resources by or on behalf of Applicant;

(2) Release from the option of the 6,125 shares of Data 100 effective February 3, 1977; and

(3) Modification of the exercise price so that such price will be the sum of (i) $600,000 plus (ii) the amount obtained by subtracting $600,000 from the then fair market value of the T/R shares, dividing the remainder by two and subtracting the "Company's selling expense share," as defined in the letters offering such extension.

Applicant represents that the offer of extension extends to the earlier of (i) the date of closing (ii) the termination of any proceedings before the Commission required to permit Applicant to enter into the transaction with an unfavorable determination or (iii) July 29, 1977.

Applicant asserts that it has and will have virtually no assets other than $100 unless it can accept the renegotiated option offered by Resources. In order to be able to do so, Applicant states that it has negotiated with T/R an agreement whereby, if this application is granted, T/R will make available to Applicant or for its benefit $60,500 ($50,000 to pay to Resources and $10,500 to pay legal and other expenses) and will execute an agreement giving Applicant, subject to certain conditions, the right to cause to be included in any registration statement filed by T/R under the Securities Act of 1933 any shares of T/R purchased or purchasable by Applicant upon exercise of the option. Applicant represents that in consideration for the $60,500 and the registration rights, Applicant, when and if the option is exercised, will (i) transfer or cause Resources to transfer to T/R 110,000 of the T/R shares subject to the option; (ii) agree to pay a proportionate share of the expenses relating to registration of the T/R shares under the Securities Act of 1933; (iii) give T/R a right of first refusal for thirty days with respect to any proposed sale by Applicant of 350,000 or more shares of T/R common stock in a single block; and (iv) agree to certain other conditions in connection with any registered offering of T/R's common stock.

Applicant states that its present Trustees are W. Bryan Satterlee ("Satterlee") and Allan W. Steere ("Steere"); that Satterlee is president, chief executive officer and a director of T/R; that Steere is a director of T/R; and that both Satterlee and Steere are controlling persons of Applicant. Applicant further states that Satterlee and Steere, by reason of their official positions with T/R, may be deemed to be part of a group which controls T/R. Pursuant to the terms of the renegotiated option, so long as such option remains outstanding, Applicant will have all voting rights with respect to the optioned securities. Thus, Applicant and T/R may be deemed to be under common control and Applicant may be deemed to control more than five percent of the votign securities of T/R and therefore Applicant and T/R could be considered "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act. Applicant further states that Resources may be deemed to own more than five percent of the voting shares of T/R. Accordingly, Resources would be an affiliated person of T/R within the meaning of Section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or an affiliated person of such affiliated person, acting as principal, from knowingly selling any security or other property to such registered company or knowingly purchasing any security or other property from such registered company. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a proposed transaction from Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction are reasonable and fair, do not involve overreaching by any person concerned, and are consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder make it unlawful for a registered investment company and an affiliated person of such company or an affiliated person of such affiliated person to enter into a joint transaction unless an application has been filed with the Commission and an order granting such application has been issued. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement is on a basis different from, or less advantageous than, that of other participants and whether such participation is consistent with the provisions, policies and purposes of the Act.

Applicant states that the proposed transaction may be deemed to involve the sale by Resources, an affiliated person of an affiliated person of Applicant, of a security to Applicant, and the purchase by T/R, an affiliated person of Applicant, from Applicant of a security in the nature of a contingent right to acquire 110,000 of the T/R shares. Applicant also states that the proposed transaction might be deemed a joint and several transaction among Applicant, T/R and Resources. Accordingly, Applicant requests an order exempting the transactions from Section 17(a) and permitting the joint transaction pursuant to Rule 17d-1.

Applicant represents that the proposed transaction is fair and reasonable to its beneficiaries because it creates a possibility of some eventual benefit to them, whereas they will have nothing at all if the proposed transaction does not take place.

Applicant asserts that the transaction is fair and equitable to Resources because Resources (1) will receive adequate compensation for the renegotiated option and (2) will be benefited by the involvement of T/R in the transaction to the extent that said involvement will increase the likelihood of a public offering of T/R's common stock, an eventuality that would improve the possibility of Resources turning a relatively illiquid investment into cash. Applicant states that the proposed transaction is fair and equitable to T/R since it offers T/R an opportunity to arrange for the dispersal of a relatively large block of common stock in an orderly fashion and to have the possibility of, in effect, acquiring 110,000 of its shares of $.55 per share, the approximate fair market value of said shares on February 3, 1977.

Applicant further asserts that the relief requested is appropriate because the terms of the proposed transaction are reasonable and fair to it and to Resources and T/R and do not involve any overreaching on the part of Applicant or Resources or T/R. Applicant argues that an order will enable the parties to effect a transaction which was negotiated at arms length. Applicant was exempted from the requirements of filing a registration statement and reports under the Act so that there is no recital of investment policy, as such, on file with the Commission. However, Applicant asserts that the proposed transaction is consistent with its original intent which was to preserve for its beneficiaries an interest in certain portfolio securities held by Resources. Applicant further asserts that the granting of the application and the issuance of an order under Rule 17d-1 would be consistent with the provisions, policies and purposes of the Act and, that, to the extent that the participation of Applicant is different from that of T/R and Resources, it is not less advantageous than their participation because the transaction has the effect of preserving a possibility of benefit for the beneficiaries of Applicant which they would otherwise lose.

Notice is further given that any interested person may, not later than July 22, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18925 Filed 6-30-77;8:45 am]

[File No. 81-261]

LOCAL FINANCE CORP.

Application and Opportunity for Hearing

JUNE 27, 1977.

Notice is hereby given that Local Finance Corporation ("Applicant") has

[1] The Commission notes that the proposed rule change does not attempt to delineate the particular terms which will govern the proposed bidding system and award of Board Broker appointments nor does it set forth the precise amount or level of fees or assessments which the exchange will levy upon its members for use of services provided by Board Brokers. Hence, actual implementation by the CBOE of the enabling authority proposed in the instant rule filing will be contingent upon the submission of subsequent proposed rule changes which address these areas.

[2] In its comments on the proposed rule change, the Board Brokers Association (an organization consisting of 28 of the CBOE's 32 Board Broker members) contended, among other things, that the CBOE had acted to deprive Board Brokers of certain "vested rights." It is clear, however, that any "right" a Board Broker may have in continuing to act as such on the CBOE floor is acquired under, and remains subject to, the governing rules of the exchange, so long as these rules are consistent with the substantive requirements of the Act and rules and regulations thereunder and are adopted pursuant to applicable procedural requirements. We find that the instant rule change satisfies these procedural and substantive prerequisites. We note further that specific terms to implement the enabling authority approved here have yet to be proposed by the CBOE. (*See* note 1 *supra*.) At such time, of course, the Board Brokers Association may again urge any objections which they deem pertinent to such subsequent rule filings.

filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from section 15(d) of the

no substantial interest of the investing public to be further protected, and no further need for the dissemination of

under rule A-13. Rule A-13 provides a continuing source of revenue to defray the costs and expenses of operating and

the National Market Advisory Board will conduct open meetings on July 18 and 19,

regarding "approval of underlying stocks." Generally, these criteria will en-

the Exchange's proposed rule relating to Market Makers contains standards

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filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from section 15(d) of the 1934 Act, commencing with the annual report on Form 10–K otherwise required for the period ended December 31, 1976.

Section 15(d) provides that each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt in whole or in part, any issuer or class of issuers from Section 15 (d) if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant, an Indiana corporation, offered $20,000,000 principal amount of Subordinated Capital Notes, Series A, B, C, and D (the "Notes") pursuant to a registration statement on Form S–1 which became effective on June 30, 1975.

2. The Notes are the only class of outstanding securities of Applicant for which Section 13 reports are required under Section 15(d) of the 1934 Act.

3. On January 21, 1977, Post-Effective Amendment No. 2 to the above Registration Statement became effective for the purpose of removing from registration the $14,857,770 principal amount of the Notes remaining unsold upon termination of the offering.

4. Pursuant to the terms of the applicable Indenture and notice given thereunder, all of the outstanding Notes were called for redemption as of January 28, 1977. Interest on the Notes has ceased to accrue. The remaining Notes will be paid and redeemed when surrendered to the Applicant by their holders pursuant to the terms of the redemption notice.

5. Applicant's Form 8–K reports disclosed that at January 31, February 28, and March 31, 1977 there were, respectively, $891,400, $82,500 and $68,500 principal amount of Notes outstanding.

6. On February 24, 1977 there were 31 holders of the Notes remaining.

7. There is no trading or trading interest in the Notes.

In the absence of an exemption, Applicant would be required to file a report on Form 10–K for the period ended December 31, 1976 and to file certain periodic reports with the Commission pursuant to Section 15(d) of the 1934 Act.

Accordingly, Applicant believes that the exemptive order which it has requested is appropriate because there is no substantial interest of the investing public to be further protected, and no further need for the dissemination of the information contained in Section 15 reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than July 25, 1977, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77 18026 Filed 6–30–77;8:45 am]

[Release No. 34–13697; File No. SR–MSRB–77–7]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 28, 1977; the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The amendment to rule A–13 filed by the Municipal Securities Rulemaking Board (the "Board") reduces the fee to be paid by a municipal securities broker or municipal securities dealer under rule A–13 from .003% ($0.3 per $1,000) to .002% ($.02 per $1,000) of the face amount of all municipal securities which are purchased from an issuer as part of a new issue by or through such municipal securities broker or municipal securities dealer and which have a final stated maturity of not less than two years from the date of the securities.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to reduce the assessment rate under rule A–13. Rule A–13 provides a continuing source of revenue to defray the costs and expenses of operating and administering the Board.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to sections 15B(b)(2)(I) and 15B(b)(2)(J) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(J) of the Act authorizes and directs the Board to adopt rules providing for the assessment of municipal securities brokers and municipal securities dealers to defray the costs and expenses of operating and administering the Board. Section 15B(b)(2)(I) authorizes and directs the Board to adopt rules providing for the operation and administration of the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

BURDEN ON COMPETITION

In the opinion of the Board, the proposed rule change does not constitute a burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77–19008 Filed 6–30–77; 8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on July 18 and 19, August 15 and 16 and September 19 and 20, 1977, in Room 776, 500 North Capitol Street, Washington, D.C. Initial notice of the July meeting was published in the FEDERAL REGISTER on May 11, 1977.

The summarized agenda for the August and September meetings will be published in the FEDERAL REGISTER at a later date. The summarized agenda for the July meeting is as follows:

1. Discussion of the Board's response to Securities Exchange Act Release No. 13662 regarding the removal of off-board trading restrictions.
2. Discussion of regulation of specialists and market makers in light of the removal of off-board trading restrictions.
3. Discussion of what constitutes an effective composite quotation system for listed securities.
4. Discussion of a broker's obligation to obtain "best execution" for its customer
5. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77 18021 Filed 6 30 77;8:45 am]

[Rel. No. 34–13674; File No. SR NYSE 77 17]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 20, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

GENERAL

The New York Stock Exchange (NYSE or the Exchange) has developed a plan for the trading of options on the Floor of the Exchange. Under this plan the Options Clearing Corporation (OCC) will be the issuer and primary obligor of the options that will be traded on the NYSE. Such options will also be exercised through the OCC. Thus, all option transactions occurring on the Floor of the NYSE will be subject to the provisions of the "by-laws" and rules of the OCC as well as the Constitution and rules of the Exchange. In this regard, the Exchange has also developed a series of proposed new rules that will relate to options trading.

The Exchange intends to commence its program with call options on twenty-five (25) underlying stocks which meet the criteria contained in a proposed rule regarding "approval of underlying stocks." Generally, these criteria will ensure that underlying stocks on which NYSE options will be traded will be characterized by a substantial number of outstanding shares which are widely held and actively traded.

The Exchange also plans to expand its options program by seeking Commission approval, from time to time, to trade options on additional underlying securities (i.e., add to the 25 underlying stocks on which options will be traded under the NYSEs initial program).

Trading System; Market Participants.—The trading system selected by the Exchange for its options program will be structured around competing Options Market-Makers, Competitive Traders and floor brokers. The limit order "books" for option contracts will be handled by Exchange employees to be known as Order Book Officials. Appropriate regulations pertaining to each such market participant are included in the proposed new options rules.

Options Market-Makers.—The purpose of an Options Market-Maker will be to make transactions, as a dealer, that contribute to the maintenance of fair and orderly markets in option contracts on the Floor of the Exchange. A Market-Maker, while on the Floor, will have a full-time obligation in this regard. Thus, while on the Floor, he will not be permitted to handle orders (whether in option contracts or otherwise) as a broker, nor trade directly in any other security (such as stocks, bonds, etc.).

It is noted that on other exchanges that utilize market-makers, the market-makers are not proscribed from handling option orders on any agency basis. They are prohibited (on other exchanges), however, from acting as both an agent and a dealer in the same class of options during the same day. The Exchange believes that the coupling of the flexibility to act as either a dealer or agent together with a prohibition against acting as both on the same day, in the same class of optons, has a draw-back insofar as market-makers are concerned because their primary obligation is the maintenance of fair and orderly markets (a dealer function) in the various options traded. Obviously, a market-maker could not fulfill this obligation in any class of option, on any day, wherein he has acted as an agent on that day.

The Exchange will create "zones" on the Floor where particular classes of options are to be traded. A member will be permitted to register with the Exchange as a Market-Maker in any one or more options traded in the same zone—but not in different zones.

With respect to each option in which he is registered, a Market-Maker will have a *continuous* obligation to deal when there exists a lack of price continuity, a temporary disparity between the supply of and demand for an option contract, or a temporary distortion of the price relationships between option contracts of the same class. To help define these obligations more specifically the Exchange's proposed rule relating to Market-Makers contains standards as to the maximum differences that should be permitted to exist between the bid and offer for an option contract. The NYSE's standards in this regard are more stringent than those which exist on other exchanges. Market-Makers will also be subject to a continuity requirement.

The Exchange's "zoning" requirement is to ensure that a market-maker's ability to fulfill his *continuous* obligation, to maintain fair and orderly markets in any and all classes of options in which he is registered, will not be impaired by a logistics problem.

At least fifty percent (50%) of a Market-Maker's trading activity will have to be in options in which he is registered; and, his obligations with respect to such options will take precedence over his other Market-Maker obligations.

With respect to options in which he is not registered, a Market-Maker will be expected to assist in the maintenance of a fair and orderly market whenever he is called upon to do so by a Floor Official. Moreover, whenever a Market-Maker enters the trading Crowd in an option in which he is not registered, whether voluntarily or at the request of a Floor Official, he will be subject to the same obligations that would apply if he were registered in that option.

Competitive Traders.—Competitive Traders, appropriately regulated, will be permitted to deal for their own account, while on the Floor, in option contracts and will, thus, provide additional capital, depth, liquidity and competitiveness to the NYSE options market.

Whenever a Competitive Trader enters the trading Crowd in a particular option, in other than a brokerage capacity, he will be subject to the same obligations as an Options Market-Maker. Specifically, under the proposed NYSE options trading system, options transactions of a Competitive Trader will be regulated in substantially the same manner as the transactions of an Options Market-Maker in classes of options in which the market-maker is not registered.

The only other exchange that utilizes Competitive Traders in its options market is the American Stock Exchange (on the AMEX they are known as Registered Traders). The AMEX appears to impose on its Registered Traders all—or substantially all—of the requirements that pertain to such members trading in the stock market *plus* all of the requirements that pertain to options market-makers. This appears to be unnecessary from a regulatory viewpoint.

Floor Brokers.—Floor Brokers in the NYSE options market will fulfill their traditional roles of handling orders on an agency basis.

Order Book Officials.—Order Book Officials (OBO) will be Exchange employees responsible for maintaining the limit order "books"; properly executing orders placed in the books; displaying bids and offers; and observing the markets—with respect to options to which they are as-

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signed. In connection with his responsibility to observe the markets in options to which he is assigned, an OBO will report promptly to an Exchange Floor Official (or where appropriate to Exchange supervisory or surveillance personnel) whenever there is any unusual activity, transactions or price change or there are other unusual market conditions or circumstances which appear detrimental to the maintenance of a fair, orderly and competitive market.

The OBO will also be responsible for arranging orders (including public market orders that are given to him by members) at openings and reopenings. This is expected to facilitate business and the establishment of a fair opening (or reopening) price. However, except in the case of openings and reopenings, the OBO would only be permitted to accept public *limit* orders for execution. In addition, the OBO will be responsible for conducting so-called "trading rotations."

Appropriate provisions have been incorporated into Exchange rules to permit members and member organizations, within specific limits and under certain conditions, to make claims against the Exchange for errors and omissions of Order Book Officials.

OPRA.—It is the present intention of the Exchange to include in its options trading facility the capability of transmitting options last sale data over the Consolidated Options Tape network administered by the Options Price Reporting Authority (OPRA).

Other Rules.—In addition to the proposed rules that would pertain to Options Market-Makers, Competitive Traders and Order Book Officials, which have been summarized in the immediately preceding section on the "Trading System," the salient features of other proposed new rules, which are key elements of the Exchange's plan for trading options are summarized below, as follows:

Important Times.—The time during which options will be traded on the NYSE Floor will coincide with the trading hours of the Exchange's stock market. Currently, trading on the Floor begins at 10 a.m. and ends at 4 p.m., Eastern Time. However, no transaction in a particular series of options will be permitted after 3 p.m. on the business day prior to the expiration date of that series. The expiration date and time for any particular series of options will be determined in accordance with the rules of the OCC.

Series of Options Open for Trading.—At the commencement of trading on the Exchange of a particular class of options, series of options therein having three different expiration months, at three-month intervals, will be opened. The expiration-month cycle that will be used by the NYSE will be January, April, July, and October. However, where the NYSE commences trading in an option already traded on another exchange ("dual" trading), the expiration-month cycle that will be used by the NYSE will be the same as that used by the other exchange(s). Additional series, having a duration (life) of nine months may be opened for trading at or about the time a prior series expires. The exercise price of each series opened for trading will be reasonably close to the price of the underlying stock at the time the Exchange opens the series. Additional series may be opened for trading as the market price of the underlying stock moves substantially from the initial exercise price or prices. In this regard, exercise prices will generally be fixed at 5-point intervals for underlying securities trading at prices up to $100 and at 10-point intervals for underlying securities trading at prices over $100.

Adjustments.—The unit of trading and the exercise price initially established for option contracts will be subject to adjustments in accordance with the rules of the OCC. Generally, under OCC rules, adjustments are made in the case of stock dividends, stock splits and other similar distributions. However, no adjustments are made in the case of cash dividends.

Position Limits.—No person, acting alone or in concert with others, will be permitted to hold, control or be obligated in respect of more than 1,000 option contracts, relating to the same underlying security, on the same side of the market.

Exercise Limits.—No person, acting alone or in concert with others will be permitted to exercise, within any five consecutive business days, aggregate long positions in excess of 1,000 option contracts of any particular class.

Out-of-the-Money Options.—Except as specifically provided for in Exchange rules, "opening" purchase and/or writing transactions will not be permitted in any option contract that is more than $5 out-of-the-money and the previous day's closing price of such option was less than $0.50.

Other Restrictions.—In addition, the Exchange will have the authority to impose such other restrictions, on option transactions or the exercise of option contracts, as it deems advisable in the interests of maintaining fair and orderly markets or otherwise in the public interest or for the protection of investors.

Halts and Suspensions.—The Exchange also will have the authority to halt or suspend all trading on the Floor in any option whenever it deems such action appropriate in the interests of fair and orderly markets or otherwise in the public interest or to protect investors.

Priority of Bids and Offers.—Limit orders on the book will have priority over orders in the trading Crowd, at the same price except that, at openings, market orders may be given priority and, under certain conditions, a so-called "spread" or "straddle" order will have priority over the book.

Customer Account Rules.—Before accepting any order from a customer for the purchase or sale (writing) of an options contract, the customer's account must be specifically approved in writing by a Registered Options Principal for options trading. In connection with the approval of customer accounts, the individual servicing such accounts is required to make reasonable effort to ascertain essential facts relative to the customer, his financial situation and investment objectives. A record of the information obtained must be maintained by the member or member organization. A current prospectus of the Options Clearing Corporation must be delivered to the customer, and an account agreement must be obtained from the customer. The account agreement must specify that (1) the customer is aware of and agrees to be bound by the rules of the Exchange relating to trading and the rules of the OCC, (2) the customer agrees not to violate position or exercise limits, and (3) the customer acknowledges receipt of a current prospectus. Customer accounts are required to be diligently supervised by a Registered Options Principal, and all orders in such accounts are subject to such supervision. In connection with customer orders, member organization personnel shall not recommend any options transaction which is unsuitable for such customer. Customer suitability will be determined by reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such member organization personnel. There are specific requirements regarding suitability standards for writing uncovered call contracts or any put contracts. In addition to the general requirements regarding discretionary accounts currently in Exchange rules, specific requirements are also included regarding discretionary power exercised by member organization personnel with respect to customer options trading.

Accounts of Exchange Employees.—Proposed Rule 729 extends the requirements of Rule 407 to options accounts and transactions and thus requires prior employer approval for Exchange employees to open options accounts.

Options Advertising.—Proposed Rule 794 is a specific rule relating to the options advertising of member organizations. It requires that all advertising, market letters and sales literature issued by a member organization pertaining to options be approved in advance by a Registered Options Principal. The language and content standards established are in addition to those contained in Rule 474A relating to more generic member advertising. Members are reminded that rules under the '33 Act specify that advertisments must be limited to general descriptions of options and that a prospectus must be offered. Written material in excess of such general advertising must be preceded or accompanied by a prospectus. The special risk factors attendant to options transactions must be included in any written material which purports to include any benefits or potential advantages to options trading. Suitability should also be reflected in any communication dealing with the uses of options.

The Exchange proposes that the same regulatory philosophy apply to options advertising as general member advertising—the responsibility for approval of advertising rests with member organization management. The Exchange's surveillance procedures for advertising language would be performed after the fact on a sampling basis. The Exchange also offers pre-approved review of advertising and sales literature at the request of member organizations. This review service is almost unanimously subscribed to. The fact that options represent a vehicle with a higher degree of risk than certain other types of securities is reflected in the expanded standards in Rule 794.

Examination Standards and Procedures.—Each member organization doing a public options business will be required to qualify a Registered Options Principal under proposed Rule 720. However, the NYSE amended Rule 342 in August, 1976 to require "an examination acceptable to the Exchange which demonstrates competency to supervise a specific sales department or activity". The Information Memo introducing this amendment to the membership referred specifically to Registered Options Principals. Therefore, proposed Rule 720 will not present any procedural change. Proposed Rule 720A will require a Registered Representative to have adequate knowledge in the trading of options contracts in order to conduct a public business therein. The Exchange considers the Series VII Registered Representative Examination as adequate in measuring an applicant's knowledge.

Puts Trading.—In view of the fact that put trading commenced on other options exchanges on June 3, 1977, the NYSE, for competitive reasons, should be permitted to include put options trading in its initial program, if it so desires.

Exchange's Statement of Basis and Purpose.—The basis and purpose of the proposed rule changes are as follows:

Purpose of Proposed Rule Changes.—The purpose of the proposed rule changes is to provide the regulatory framework for an options market on the Floor of the Exchange.

Basis Under the Act for Proposed Rule Changes.—The proposed rule changes relate to Section 6(b)(1) of the Securities Exchange Act of 1934, as amended, in that they would provide a regulatory framework for an options market on the Floor of the Exchange. Thus, the proposed rule changes would give the Exchange the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by Exchange members and persons associated with members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

Comments Received from Members, Participants or Others on Proposed Rule Changes.—On April 15, 1977, the Exchange distributed the proposed rule changes to Exchange members and member organizations and solicited written comments thereon. Written comments received by the Exchange are summarized below, as follows:

Some commentators opposed the NYSE's entry into options on such grounds as, another options exchange and/or more extensive "dual" trading of options are not needed. Other commentators favor the NYSE's entry into options for such reasons as the NYSE would make an ideal environment for trading options and that an NYSE options market would serve to enhance the benefits of the existing auction market process on the Floor for stocks.

Opinions were also offered with respect to specific details in the proposed rules such as:

The term "life" of an option contract should be for a period of more than one year in order to allow investors to take advantage of new tax provisions for long-term capital gains and losses.

The fixed 5-points out-of-the-money standard for determining a restricted option should be replaced with a varying standard that coincides with the strike-price interval for the option.

The Series VII Registered Representative examination is inadequate to test the applicant's knowledge of options trading.

Member organizations should not be required to obtain information on the option positions maintained by all members of an investment partnership or investment club.

"Stopping" should be permitted since it benefits the public interest.

Having both Competitive Traders and Market-Makers seems superfluous.

Under the proposed limits of liability for OBO errors, retail orders should be given priority over block orders.

Spread and straddle orders should not be given priority over the "book."

The margin rule should differentiate between conventional options and those to be traded over NASDAQ which will have the characteristics of listed options.

The Exchange has considered each of the comments received and those that seem appropriate are reflected in the proposed changes.

Burden On Competition.—The proposed rule changes will not impose any burden on competition.

On or before August 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77-18916 Filed 6-30-77;8:45 am]

[Rel. No. 34-13684; File No. SR-OCC-77-9]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 10, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to Article III, Section 8 of the By-Laws of The Options Clearing Corporation ("OCC"), and in accordance with the principles set forth in Article IX, Section 9 of said By-Laws, the Board of Directors of OCC has determined to revise OCC's clearing fees by reducing the fee for transactions executed at prices of $1.00 or more from $0.15 per contract to $0.11 per contract. The reduction is to become effective with the July, 1977 billing (covering the month of June, 1977).

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the fee reduction is to adjust OCC's clearing fees to a level more closely approximating OCC's operating costs, while at the same time enabling OCC to maintain capital, surplus and reserves sufficient for its needs and consistent with the principles set forth in Article IX, Section 9 of its By-Laws.

OCC believes that the reduction of clearing fees for transactions executed at prices of $1.00 or more is reasonable in light of OCC's anticipated revenues from clearing fees and its anticipated operating costs and other needs. The fee reduction is applicable only to transactions executed at prices of $1.00 or more because the previously established fees for transactions executed at prices under $1.00 ($.095 per contract) and for market maker scratch transactions ($.015 per contract) approximate the cost to OCC of handling such contracts, and it is believed that any reduction of those fees at this time would result in a negative margin on such transactions. Accordingly, OCC believes that the proposed fee reduction allocates reasonable fees in an equitable manner among OCC's Clearing Members.

Comments were not and are not intended to be solicited with respect to the proposed fee reduction.

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OCC does not believe that the proposed fee reduction would impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77-18923 Filed 6-30-77;8:45 am]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 10, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes amend OCC's Participant Exchange Agreement, Stockholders Agreement and Rules to permit participation in OCC by registered national securities associations. In addition, the proposed rule change eliminates obsolete representations regarding Exchanges' selection standards for underlying securities and updates reference to the Exchanges' former 9b-1 plans.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

The purpose of the proposed amendments to the Participant Exchange Agreement and the Stockholders Agreement is to permit registered national securities associations to qualify as Participating Exchanges and to permit OCC's Participating Exchanges to select securities traded primarily in the over-the-counter market, which have been designated as "OTC Margin Stocks", as underlying securities for options issued by OCC. In addition, the proposed amendment would eliminate obsolete representations regarding the Exchanges' selection standards for underlying securities and update references to the Exchanges' former 9b-1 plans.

The proposed amendments to Article I, Sections 1(f), (o) and (ggg) and Article VII, Sections 1 and 5 of the By-Laws and Rule 602 are technical changes necessitated by the eligibility of national securities associations to become Participating Exchanges and the addition of securities traded primarily in the over-the-counter market as underlying securities.

The agreement that the NASD waive the provisions of Section 16 of the Participant Exchange Agreement is necessitated by the NASD's intention to clear its transactions in New York City.

A number of OCC's Participating Exchanges have filed, pursuant to Rule 19b-4, proposals for the trading of options on securities traded primarily in the over-the-counter market and the National Association of Securities Dealers has filed a proposal to trade options through its NASDAQ system. If those proposals are approved, the proposed rule change filed herein will be necessary for their implementation.

Formal comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any burden on competition.

On or before August 8, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change; or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18919 Filed 6-30-77;8:45 am]

[Rel. No. 34-13680; File No. SR-OCC-77-7]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would update and simplify OCC's Rule 610 (dealing with the deposit of underlying securities), Rule 1106(d) (dealing with the disposition of short positions in accounts of suspended Clearing Members) and Rule 1107 (dealing with exercise transactions to which a suspended Clearing Member is a party).

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to update and simplify OCC's rules with respect to the deposit of underlying securities by writers of call option contracts. In addition, the proposed rule change would establish a procedure for the allocation of a suspended Clearing Member's pending exercise assignments to covered short positions in the Clearing Member's accounts in cases where OCC is unable to determine the manner in which the assignments were allocated by the Clearing Member.

Rule 610.—The proposed amendments to Rule 610 are intended to make express provision for the "third-party pledge" system, described below, and to simplify the Rule generally by eliminating unnecessary provisions.

In recent months, OCC and various securities depositories have developed a "third-party pledge" system which provides writers of covered call options with an alternative to the filing of escrow receipts. Under that system, a customer which writes a call option may deposit the underlying securities with a securities depository instead of a bank. The deposit may be made directly, if the customer is a depository participant, or indirectly, through the customer's custodian. The securities are then transferred or pledged by book entry to OCC, for the account of the Clearing Member which carries the customer's short position, thus relieving the Clearing Member (and the customer's broker, if the customer traded through a non-Clearing Member) of the need to deposit margin in respect of that position. Under Rule 610 in its current form, third-party pledges may be viewed as a form of specific deposit, made by the customer on the Clearing Member's behalf, rather than by the Clearing Member directly. However, since third-party pledges originate with the customer, they should more properly be treated as a form of escrow deposit. The proposed rule change would expressly recognize third-party pledges, treating them as escrow deposits except where the context requires otherwise.

The remainder of the proposed amendments to Rule 610 are intended to simplify the Rule by eliminating unnecessary provisions. The amendments to subsections (f) and (g) (which would be redesignated as (e) and (f), respectively) would eliminate the requirement that a Clearing Member making a specific deposit or a bulk deposit obtain a special agreement from the depository acknowledging OCC's rights with respect to the deposited securities. In accepting specific and bulk deposits, a depository performs an essentially ministerial function. Its only obligation is to carry out the instructions of the participant to whose account the securities are credited, in accordance with its rules. Accordingly, such rights as may exist between OCC and the depositor do not affect the depository, and OCC has nothing to gain from the depository's acknowledgment of those rights. The proposed amendment to Rule 610(g) would substitute, in place of the agreements which are currently called for, a requirement that the depository acknowledge that the deposited securities have been transferred or pledged by book entry to OCC and will be held subject to its instructions.

In addition, the proposed amendment to Rule 610 would eliminate the requirement that a Clearing Member making a specific deposit secure an agreement from the customer for whose account the deposit is being made specifying the option contracts covered by the deposit and acknowledging OCC's rights with respect to the deposited securities. OCC believes that that requirement imposes an unnecessary burden on Clearing Members—particularly in view of the practice of "rolling over" specific deposits to cover new positions when the positions previously covered are closed out or expire. A customer whose account is approved for options trading is required under Exchange rules to execute an account agreement in which he acknowledges that his account is to be handled in accordance with the Rules of OCC. Given the specificity of OCC's rules with respect to the disposition of specific deposits, OCC believes that separate customer agreements acknowledging OCC's rights with respect to each deposit are unnecessary. Accordingly, the proposed rule change would eliminate the requirement for separate customer agreements and substitute a general provision that the deposit of an underlying security constitutes the depositing Clearing Member's representation that the deposit has been duly authorized by the customer.

The proposed amendment to Rule 610 would also simplify the provisions of the Rule dealing with escrow receipts by eliminating redundant and otherwise non-essential language. Finally, the proposed amendment would revise Rule 610(1) by deleting language dealing with situations covered by Rule 1107, as proposed to be amended herein, and would conform the remaining provisions of Rule 610(1) to the revised definition of "escrow receipt" in Rule 610(h), as proposed to be amended.

Rule 1106. The purpose of the proposed amendment to Rule 1106(d) is to clarify the provisions of that subsection, without effecting any change in substance.

Rule 1107. The purpose of the proposed amendment to Rule 1107 is to update its provisions generally and to provide a fair procedure for allocating a suspended Clearing Member's pending assignments to covered short positions in the Clearing Member's accounts.

Rule 1107 generally provides procedures for dealing with exercised option contracts which were exercised by or assigned to a suspended Clearing Member prior to suspension. Under OCC's present procedures, all exercises are settled through correspondent clearing corporations. OCC reports each exercise to the designated clearing corporations of the exercising and assigned Clearing Members; and by agreement with OCC, a clearing corporation to which an exercise is reported becomes unconditionally obligated to effect settlement on behalf of the Clearing Member for whose account the exercise was reported at the opening of business on the business day preceding the exercise settlement date, unless the Clearing Member was suspended by the correspondent clearing corporation prior to that time. A correspondent clearing corporation may become obligated to effect settlement even though it effects a timely suspension, if it fails to give OCC prompt notice thereof. Accordingly, notwithstanding the suspension of a Clearing Member by OCC and by its designated clearing corporation, there may be some pending exercise transactions for which the suspended Clearing Member's designated clearing corporation is obligated to effect settlement. Proposed Rule 1107(a) would provide that those transactions would proceed to settlement in the ordinary course.

The remainder of Rule 1107, as proposed to be amended herein, deals with exercises for which a correspondent clearing corporation is not obligated. Its provisions may be summarized as follows:

1. If the suspended Clearing Member was the exercising Clearing Member, the assigned Clearing Member is required to close out the exercise transaction by selling out (in the case of a call) or buying in (in the case of a put) the underlying securities and to pay the difference between the close-out proceeds and the exercise price to OCC, for credit to the suspended Clearing Member's liquidating settlement account.

2. If the suspended Clearing Member was the assigned Clearing Member, OCC will attempt to determine the particular short position to which the assignment was allocated by the Clearing Member and the manner in which that position was covered (i.e. by margin deposits, bulk deposits, unsegregated long positions, specific deposit or escrow deposit). If the position was covered by margin deposits, unsegregated long positions or bulk deposits (all of which are required under Chapter XI of OCC's Rules to be converted by OCC into cash on the Clearing Member's suspension), the exercising Clearing Member would be required to close out the exercise transaction as described above, and any loss on the close-out would be paid out of the suspended Clearing Member's liquidating settlement account. If the position was covered by a specific deposit or an escrow deposit, OCC would obtain delivery of the underlying securities and complete the exercise transaction on behalf of the suspended Clearing Member.

3. If OCC is unable to determine how a pending assignment was allocated by the suspended clearing Member, OCC would itself allocate the assignment among the short positions of that series in the suspended clearing Member's accounts. In doing so, OCC would presume (to the extent that such a presumption is tenable) that the Clearing Member had complied with Rule 610(k) and promptly withdrawn any bank escrow receipt covering a position to which an exercise notice was allocated. Accordingly, OCC would allocate pending assignments to positions covered by bank escrow receipts only to the extent that the number of contracts covered by the assignment exceeded the number of contracts covered by forms of margin or deposits in lieu of margin other than bank escrow receipts (in which event the presumption referred to above would be untenable). Because of the possibility that the suspended Clearing Member may have effected an allocation prior to its suspension, but OCC may be unable to reconstruct that allocation on a prompt basis, Rule 1107 would provide that any allocation made pursuant to that Rule by OCC would supercede any contrary allocation by the Clearing Member.

The proposed rule change relates to OCC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and contributes to the protection of investors and the public interest by updating and simplifying procedures provided for in OCC's Rules.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

On or before August 8, 1977. Or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change; or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Ex-

V 42 127 JUL 1 77 UMI

change Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77-18920 Filed 6-30-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JUNE 24, 1977.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Dutch Boy, Inc., Common Stock: No Par Value, File No. 7-4957.

Victor Comptometer Corporation, Common Stock, $1 Par Value, File No. 7-4958.

Upon receipt of a request, on or before July 10, 1977 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18927 Filed 6-30-77;8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and Opportunity for Hearing

JUNE 24, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Tandy Corporation, Common Stock, $1 Par Value, file No. 7-4956.

Upon receipt of a request, on or before July 10, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18928 Filed 6-30-77;8:45 am]

[Release No. 34-13686, 35-20092, IC-9828]

RE-EXAMINATION OF RULES RELATING TO SHAREHOLDER COMMUNICATIONS, SHAREHOLDER PARTICIPATION IN THE CORPORATE ELECTORAL PROCESS AND CORPORATE GOVERNANCE GENERALLY

AGENCY: Securities and Exchange Commission.

ACTION: Extension of Comment Period.

SUMMARY: In Securities Exchange Act Release No. 13482 (April 28, 1977), 42 FR 23901 (May 11, 1977), the Commission had requested the submission by July 1, 1977 of written statements from interested members of the public on the subjects of shareholder communications, shareholder participation in the corporate electoral process and corporate governance. The Commission had requested the submission of such written statements preparatory to holding public hearings. The Commission, having considered a number of requests to extend the comment period, has extended the comment period as follows:

(1) Any person who wishes to have his views considered by the Commission in connection with its formulation of specific issues to be explored at the public hearings must submit on or before August 1, 1977 a written statement of such views, which may be in summary or outline form;

(2) Any person who wishes to testify at the public hearings is encouraged to submit on or before August 1, 1977 a written statement outlining the issues as to which such person intends to testify. The Commisison will issue an order at a later date specifying procedures for the hearings, and faliure to submit a written statement by August 1, 1977 will not foreclose an interested person from testifying at the hearings in accordance with such procedures; and

(3) All other persons who wish to submit written statements may do so at any time prior to the termination of this proceeding and such statements will be made part of the public record of the proceeding.

ADDRESSES: All communications should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Such communications should refer to File No. S7-693, and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Richard B. Nesson, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-1742).

SUPPLEMENTARY INFORMATION: The public hearings which are tentatively scheduled to commence in September, 1977, and which are intended to be held in several cities in various parts of the country, are for the purpose of giving the Commission the benefit of the views of interested members of the public with respect to the subjects of shareholder communications, shareholder participation in the corporate electoral process and, more generally, corporate governance in order to assist the Commission in a broad re-examination of Regulation 14A (17 CFR 240.14a-1 et seq.) promulgated under section 14(a) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) relating to the solicitation of proxies and other applicable statutory provisions, rules and regulations. At the conclusion of these hearings, the Commission will determine whether it is necessary or appropriate in the public interest or for the protection of investors to propose amendments to Regulation 14A, to propose amendments to other applicable rules or to recommend legislation to Congress.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77-18924 Filed 6-30-77;8:45 am]

[Rel. No. 5839; File No. 18-2]

SALOMON BROTHERS PROFIT SHARING PLAN

Filing of Application for an Order Exempting Interests or Participations

JUNE 24, 1977.

Notice is hereby given that Salomon Brothers, One New York Plaza New York, N.Y. 10004, an investment banking firm and registered broker-dealer organized as a New York limited partnership, ("Applicant"), has by application dated May 17, 1976 and by letters supplementing the Application dated June 28, 1976 and March 10, 1977, applied under Section 3(a)(2) of the Securities Act of 1933 (the "Act"), for an order declaring that interests or participations in the Salomon Brothers Profit Sharing Plan (the "Plan") are exempt from the provisions of Section 5 of the Act. All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. INTRODUCTION

The Plan, as of October 1, 1976, covered 998 active participants, of whom 951 were employees and 47 were general partners of Applicant. In addition, the Plan covers one limited partner who is also a fulltime employee. Heretofore, all contributions to the Plan on behalf of participants have been made by Applicant. The Commission staff, by letter dated October 29, 1975, took a no-action position with respect to registration of interests in the Plan under Section 5 of the Act. Applicant now intends to amend the Plan to allow participants to make voluntary personal contributions to the extent permissible under the Internal Revenue Code of 1954 (the "Code").

The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case Applicant's general partners) who are employees within the meaning of Section 401(c)(1) of the Code, and therefore is excepted from the exemption from the registration provisions of the Act provided by Section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporation employers. Section 3(a)(2) also provides, however, that "the Commission, by rules and regulations or order, shall exempt from the provisions of (Section 5 of the Act) any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of (S)ection 401(c)(1) of the (Code), if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of (the Act)."

II. DESCRIPTION AND ADMINISTRATION OF THE PLAN

The Plan has been maintained for a number of years as a profit-sharing plan qualified under Section 401 of the Code. Applicant intends to request a ruling from the Internal Revenue Service (the "IRS") that the changes Applicant proposes to make in the Plan will not affect the Plan's tax-qualified status.

Applicant contributes to the Plan on behalf of covered employees in accordance with a formula based on Applicant's net profits for the year, although Applicant has retained discretion to contribute additional amounts as well as to terminate contributions completely. Applicant's contributions to the Plan are allocated among the employee participants on the basis of their years of service and salaries. Applicant also contributes to the Plan on behalf of partner participants. The basis for computing contributions on behalf of partners differs from that used to compute employee-related contributions, subject, however, to compliance with the Code requirement that partner-related contributions not represent a higher percentage of compensation than employee-related contributions.

As proposed to be amended, the Plan will also allow participants to make voluntary personal contributions to the extent permissible under the Code. Under the Code, an active participant may contribute up to 10% of the participant's compensation (limited to $100,000) received while a participant, but not more than permitted under Section 415 of the Code during each plan year. The amendment will permit each participant to direct the investment of his voluntary contributions in the same manner as permitted regarding funds in the Plan attributable to Applicant's contributions, as described below.

Funds held by the Plan are divided between fixed income and equity investments pursuant to separate elections by each participant. The Plan's fixed income investment is currently a group annuity of the type commonly referred to as a guaranteed investment contract with an insurance company. The remaining assets in the Plan are invested in an equity fund under two arrangements entered into by the Plan's trustees, consisting of four partners and two non-partner employees of Applicant who are appointed by and subject to removal by Applicant. Under both arrangements, the funds are held by a bank, and are not invested in any collective or commingled fund containing assets other than assets of the Plan. In one instance, the bank also has investment discretion over the funds it holds. In the second instance, investment discretion over the funds is exercised by a registered investment adviser.

The trustees have the power to appoint and to remove bank custodians and investment managers. The Plan explicitly provides that no investments are permitted in Applicant or any of its affiliates. The Plan provides that, if and when generally permitted by Applicant, participants in the Plan will be permitted to direct that portions of their vested interests in the Plan take the form of life insurance contracts.

Aside from the authority to manage and control Plan assets, which the Plan vests in the trustees, the Plan is administered by Applicant. In connection therewith and in connection with designing the Plan, Applicant for many years has employed outside legal counsel and accountants. Applicant also has retained full power to amend the Plan, subject to restraints imposed by the Code and the Employee Retirement Income Security Act of 1974 ("ERISA") and to the condition that no amendment enlarge the trustees' liabilities without the trustees' consent.

The Plan is subject to the reporting and disclosure provisions, as well as other requirements of ERISA. These disclosure provisions require that participants be provided various information about the Plan and its investments, including (1) a summary plan description written to be understandable to the average plan participant and sufficiently comprehensive to apprise Plan participants of their rights and obligations under the Plan and, upon request, a copy of the full plan description filed with the Department of Labor ("DOL"); (2) a summary of the latest annual report filed with DOL and the IRS, which summary must apprise participants of their right to obtain a copy of the full annual report upon request; (3) a statement, upon request, of the total nonforfeitable benefits accrued under the Plan; and (4) upon request, any reports and other basic documents under which the Plan is maintained and operated.

In the past, Applicant has furnished participants a booklet describing the principal provisions of the Plan. Applicant will continue to provide this booklet to participants, updated to incorporate the summary plan description requirements of ERISA. Applicant also will provide a copy of the Plan, as amended, to all active participants within 90 days after receipt by Applicant of a favorable ruling from the IRS on the tax-empt status of the Plan. In addition, as soon as practicable after every valuation date, each active participant will be furnished with a statement showing his interest in the Plan, including the proportions thereof attributable to contributions and investment results, as well as the extent of his individual vesting. These statements will indicate the investment results accruing to the participant under each of the funds in which his assets were invested. Applicant also will make available to participants upon request the latest interim financial statements of the Plan's investment funds, including detailed schedules of assets.

III. APPLICANT'S ARGUMENTS

Applicant contends that although the Plan, because Applicant's partners participate in it, literally falls within the Keogh plan exception to the Section 3(a)(2) exemption, the legislative history of Section 3(a)(2) does not suggest any intent on the part of Congress to require that interests in single-employer Keogh plans be registered under the Act. Rather, Congress excepted interests issued in connection with Keogh plans

from the Section 3(a)(2) exemption primarily out of concern over interests or participations in commingled or collec-

the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

Notice is hereby given that any person may, not later than July 18, 1977, sub-

agement, including adequate profitability and financial soundness, in accordance

ACTION: Order.

SUMMARY: This order informs all

Pursuant to the requirement of section 999(a)(3) of the Internal Revenue

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from the Section 3(a)(2) exemption primarily out of concern over interests or participations in commingled or collective Keogh funds which might be marketed by sponsoring financial institutions to self-employed persons unsophisticated in the securities field. Applicant contends that the characteristics of the Plan are essentially typical of plans maintained by many single corporate employers for which section 3(a)(2) provides an exemption, and that the concerns which resulted in Section 3(a)(2)'s inapplicability to Keogh plans generally do not require registration of interests in Applicant's Plan.

Applicant further contends that if the Plan were amended, as permitted by the Code, to exclude Applicant's partners, or if Applicant was a corporation, the Keogh plan exception to the Section 3(a)(2) exemption would not apply. Applicant asserts that the Plan is not a master or prototype plan marketed to the public by a sponsoring financial institution, that Plan assets are not invested in any such master or prototype plan and that the Plan, like the similar plans of large corporations, has been specifically tailored to meet Applicant's own particular requirements. Applicant argues, therefore, that to treat the Plan differently from a corporate plan merely because Applicant is organized as a partnership would exalt form over substance. Applicant contends that the Commission's exemptive authority under Section 3(a)(2) appears designed to permit the Commission to exempt plans like Applicant's where a substantial employer that is similar to a large corporation in all respects except for its form of organization, and which is sophisticated in complex financial and securities matters, creates and designs a plan for its employees and partners.

Finally, Applicant states that the disclosures required by ERISA and the other disclosures to be made to Plan participants are additional grounds for granting the requested exemption.

Applicant concludes that under the circumstances, granting the requested exemptive order would be appropriate in the public interest, consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 25, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement of the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Salomon Brothers, One New York Plaza, New York, New York 10004, Attention: Donald M. Feuerstein, Esq. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

An order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18917 Filed 6-30-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster Loan Area #1344)

MASSACHUSETTS

Declaration of Disaster Loan Area

The Area of Great Plains Avenue and Chestnut Street in the Town of Needham in Norfolk County, Massachusetts, constitutes a disaster area because of damage resulting from a fire which occurred on May 22, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 25, 1977, and for economic injury until the close of business on March 24, 1978, at:

Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 24, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-18846 Filed 6-30-77;8:45 am]

(License No. 09/14-0085)

OCEANIC CAPITAL CORP.

Filing of Application for an Exemption of a Conflict of Interest Transaction

Notice is hereby given that Oceanic Capital Corporation (OCC), 300 Montgomery Street, San Francisco, California 94104, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed with the Small Business Administration (SBA) an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1977)), for an exemption of a conflict of interest transaction.

OCC has invested $150,000 in Hampton Court Knits (HCK), 2346 Cotner Avenue, Los Angeles, California 90064. The transaction falls within the purview of § 107.1004 of the Regulations because part of the proceeds were used to pay off a short-term loan made by one of OCC's associates, Overseas Technology, Inc.

Notice is hereby given that any person may, not later than July 18, 1977, submit to SBA in writing, comments on the transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in both Los Angeles and San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 27, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-18840 Filed 6-30-77;8:45 am]

[Application No. 01/01-5177]

SEICA CO.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Seica Company (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1977).

The officers and directors are as follows:

Samuel J. Phillips, President and Director, 11 Old Village Road, Acton, Massachusetts 01720.

George M. Phillips, Vice President, Director, 4 Higate Road, Chelmsford, Massachusetts 02122.

Morton M. Winthrop, Secretary, Treasurer, Music Mountain Road, Falls Village, Connecticut 06031.

The applicant will maintain an office at 411 Massachusetts Avenue, Acton, Massachusetts 01720 and begin operations with paid-in capital and paid-in surplus derived from the sale of 1,000 shares of common stock at $500 per share to the Acton Corporation, an operator of TV cable systems and manufacturer of food snacks.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owner and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA rules and regulations.

Any person may, not later than July 18, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Acton, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 27, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-18806 Filed 6-30-77;8:45 am]

[License No. 05/05-0116]

TAMCO INVESTORS (SBIC), INC.

Issuance of a Small Business Investment Company License

On March 14, 1977, a notice was published in the FEDERAL REGISTER (42 FR 13890) stating that an application had been filed by Tamco Investors (SBIC), Inc., 375 Victoria Road, Youngstown, Ohio 44515, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company.

Interested parties were given until close of business March 29, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0116 on June 21, 1977, to Tamco Investors (SBIC), Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: June 24, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-18807 Filed 6-30-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 76-9]

BAYONNE BRIDGE, GOETHALS BRIDGE, GEORGE WASHINGTON BRIDGE AND OUTERBRIDGE CROSSING TOLLS

Order

AGENCY: Federal Highway Administration, DOT.

ACTION: Order.

SUMMARY: This order informs all parties that the docket in this proceeding will now be located in Washington, D.C., and establishes the address to which documents should be sent.

EFFECTIVE DATE: June 24, 1977.

ADDRESS: All documents filed in this proceeding should be addressed to: Federal Highway Administration, Room 4230, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590, ATTN: FHWA Docket 76-9.

FOR FURTHER INFORMATION CONTACT:

Francis J. Mulcahy, Attorney, Office of the Chief, Counsel (202-426-0824), Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

The following Order is issued in this case:

ORDER IN THE MATTER OF THE BAYONNE BRIDGE, GOETHALS BRIDGE, GEORGE WASHINGTON BRIDGE AND OUTERBRIDGE CROSSING TOLLS

Pursuant to an Order dated May 28, 1976, and published in the FEDERAL REGISTER (41 FR 22857, June 7, 1976), a public docket in this proceeding was established in New York City. Since this docket must be available to the Federal Highway Administrator in determining whether to accept or reject the recommended decision and order of the Administrative Law Judge pursuant to 49 CFR 310.13, the docket has been moved to Washington, D.C.

Parties should continue to serve copies of all documents on the public docket in addition to the submission of documents to the Federal Highway Administrator. All documents should be addressed to: Federal Highway Administration, Room 4230, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. ATTN: FHWA Docket Number 76-9.

All documents on file will be available for public inspection at the above address during normal business hours from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-18808 Filed 6-30-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

COOPERATION WITH AN INTERNATIONAL BOYCOTT

List of Countries

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott. This list is the same as the list published in the April 1, 1977, FEDERAL REGISTER.

Pursuant to the requirement of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury has compiled a list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954):

Bahrain	Qatar
Egypt	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen Arab Republic
Lebanon	Yemen, Peoples Democ Republic of
Libya	
Oman	

Dated: June 30, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-19087 Filed 6-30-77;9:12 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 427]

ASSIGNMENT OF HEARINGS

JUNE 28, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 78947 (Sub-No. 14), Elliott Bros. Truck Line, Inc., application dismissed.

MC-F-13154, Shaffer Trucking, Inc.—Purchase—Tempco Transportation, Inc., now being assigned September 13, 1977 (4 days), at Louisville, Kentucky, in a hearing room to be later designated.

MC 134906, Cape Air Freight, Incorporated and MC 134906 (Sube-1, 2, 3, 4, 5, 6, and 7), Cape Air Freight, Incorporated, now being assigned September 19, 1977 (1 week) at Louisville, Kentucky, in a hearing room to be later designated.

MC 136168 (Sub-No. 11), Wilson Certified Express, Inc., now being assigned October 12, 1977 (1 day) for hearing in Omaha, Nebraska, in a hearing room to be later designated.

MC 142899 (Sub-No. 2), Corrugated Carriers, Inc., now being assigned October 13, 1977 (2 days) for hearing in Omaha, Nebraska in a hearing room to be later designated.

MC 118496 (Sub-No. 5), Copper Freight Lines, Inc., now assigned September 19, 1977 in Anchorage, Alaska is cancelled and application dismissed.

MC 139495 (Sub-No. 181), National Carriers, Inc., now assigned September 15, 1977 at

ports in the Karachi, Pakistan/Rangoon

continuance of the line proposed for

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MC 139495 (Sub-No. 181), National Carriers, Inc., now assigned September 15, 1977 at Chicago, Illinois is now being postponed indefinitely.

MC 105045 (Sub-No. 64), R. L. Jeffries Trucking Co., Inc., now being assigned September 14, 1977 (1 day) for hearing in Dallas, Texas, in a hearing room to be later designated.

MC 4405 (Sub-No. 551), Dealers Transit, Inc., now being assigned September 15, 1977 (2 days) for hearing in Dallas, Texas, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18904 Filed 6-30-77;8:45 am]

[Amendment No. 10 to Exemption No. 95]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Upon further consideration of Exemption No. 95 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire September 30, 1977.

This amendment shall become effective June 30, 1977.

Issued at Washington, D.C., June 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc 77 18902 Filed 6-30-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 28, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by July 18, 1977.

FSA No. 43389—*Joint Water-Rail Container Rates—Black Sea Shipping Company.* Filed by Black Sea Shipping Company (No. 6), for itself and interested rail carriers.

Rates on general commodities, from railroad terminals at U.S. Pacific Coast ports, to ports in the Middle East, also ports in the Karachi, Pakistan/Rangoon Burma Range.

Grounds for relief—Water competition.

Tariff—Black Sea Shipping Company Pac/M. East joint container tariff No. 4, I.C.C. No. 4, F.M.C. No. 20.

Rates are published to become effective on July 24, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc 77-18901 Filed 6-30-77;8:45 am]

[AB 123]

CHICAGO PRODUCE TERMINAL CO.

Abandonment of Railroad Operations

JUNE 17, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Chicago Produce Terminal Company of operations in the city of Chicago, all in Cook County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are consider insignificant because service provided by the Chicago Produce Terminal Company can be provided by alternate terminal locations in the general area. There may be some increased fuel consumption by motor carriers but the increase is considered insignificant. There are no other negative environmental impacts associated with the subject abandonment. The subject site has been considered suitable for alternate public use following abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423 on or before August 1, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc 77-18899 Filed 6-30-77;8:45 am]

[AB 83 (Sub-No. 3)]

MAINE CENTRAL RAILROAD CO.

Abandonment Between North Anson and Bingham, in Somerset County, Maine

JUNE 20, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments, which were made by the North Kennebec Regional Planning Commission, have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202-275-7011.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc 77-18900 Filed 6-30-77; 8:45 am]

[Notice No. 188]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 1, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76638. By application filed June 28, 1977, BROWN LINES, INC., 22 First Street West, Kalispell, MT 59901, seeks temporary authority to transfer the operating rights of Lyle H. Hacke, an individual, D/B/A BROWN BUS LINES, 606 Montana Avenue, Libby, MT 59923, under section 210a(b). The transfer to Brown Lines, Inc., of the operating rights of Lyle H. Hacke, an individual, d/b/a Brown Bus Lines, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18898 Filed 6-30-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

DATE AND TIME: June 28, 1977, 4:15 p.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS CONSIDERED:

The Commission met with Commission staff to discuss the recent court decision in *National Society for the Prevention of Blindness, Inc., et al* vs. *CPSC* (nos. 76-1495, 76-1723, and 76-1788, United States Court of Appeals for the District of Columbia). The court decision remanded to the Commission the record in CPSC Docket No. 74-3, concerning the Commission's fireworks regulation. The meeting involved discussion of possible courses of Commission action relating to the court decision and the Commission's disposition of this formal agency adjudication. In voting to hold this meeting, the Commission determined that Agency business required that the meeting be held without the normal seven days advance notice and that the meeting should be closed.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sadye Dunn, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207. Telephone 202-634-7700.

[S-790-77 Filed 6-29-77;10:30 am]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 4 p.m., Wednesday, June 22, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency Closed Meeting.

MATTER TO BE CONSIDERED:

Staff assignments, Network Inquiry.

The prompt and orderly conduct of Commission business did not permit announcement prior to this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 24, 1977.

[S-787-77 Filed 6-29-77;9:27 am]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Thursday, June 30, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

* * * * *

Common Carrier—4—Further modification of procedures to be followed in developing the Commission's comprehensive facilities construction and use plan for transatlantic communication requirements through year-end 1985 (Docket No. 18875).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 27, 1977.

[S-788-77 Filed 6-29-77;9:27 am]

4

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 29, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: Revision of June 29, 1977, Special Open Meeting, Public Notice.

Discussion of rulemaking in Docket No. 21002 concerning possible amendment of Section 76.13 relating to the certification process, and Section 76.31 relating to the Commission's franchise standards.

Consideration of the above matter on June 29th has been cancelled and has been rescheduled for July 19, 1977.

In place of the above item, the Commission will on June 29th consider the following agenda items which were originally scheduled for June 28th.

Agenda, Item No., and *Subject*

Special—1—Reconsideration of Third Report and Order in Docket No. 19995 relating to cable television network nonduplication protection against television stations available off the air in the cable community.

Special—2—Petition for Waiver, filed by Quinebaug Valley Cablevision, Inc., operator of a cable television system at Southbridge, Massachusetts; and Opposition to Petition for Waiver, filed by Springfield Television Broadcasting Corporation, (WWLP, NBC, Channel 22) Springfield, Massachusetts.

Special—3—Petition for Waiver of Nonduplication Exclusivity Requirements as Demanded, filed on behalf of Community Service, Inc., operator of a cable television system at Frankfort, Kentucky; and Request for Order to Show Cause, filed on behalf of Starr WTVQ-TV, Inc.

Special—4—Request for Declaratory Ruling and Petition for Waiver filed by Capitol Cablevision Corp., operator of cable television systems at Charleston, South Charleston, and Dunbar, West Virginia; and Request for Special Relief, filed by Gateway Communications, Inc., (WOWK-TV, ABC, Channel 13) Huntington, West Virginia.

Special—5—Petition(s) for Special Relief, filed by Hornell Television Service, Inc., operator of a cable television system at Hornell, New York; and Opposition to Petition for Special Relief, filed by WENY, Inc., (WENY-TV, ABC, Channel 36) Elmira, New York.

Special—6—Petition for Special Relief, filed by Avenue TV Cable Service Inc., operator of a cable television system at Ventura, California; and Opposition to Petition for Special Relief, filed by Key Television, Inc., (KEYT, ABC, Channel 3) Santa Barbara, California.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 27, 1977.

[S-789-77 Filed 6-29-77;9:27 am]

5

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mestic Mail Classification Schedule to

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5

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (42 FR 32614).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., June 28, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-9B.—ER76-714, Indiana & Michigan Electric Company.
P-18B.—E-9594, Georgia Power Company.
P-36.—P-2595, Wisconsin Public Service Corporation.
G-62.—CP76-363, Transcontinental Gas Pipe Line Corporation.
G-63.—RP76-86, *General Motors Corporation v. Natural Gas Pipeline Company of America.*
G-64.—RI75-109, Murphy Oil Corporation.
G-65.—RP71-107 (PGA 76-1), Northern Natural Gas Company.
G-66.—CP76-413, et al., United Gas Pipeline Company, et al.
A-1.—Election of New Vice President.

KENNETH F. PLUMB,
Secretary.

[S-782-77 Filed 6-29-77;9:27 am]

6

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, July 6, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed sale of the building currently occupied by the Federal Reserve Bank of Boston.
2. Alternatives to the proposed building plans for the Federal Reserve Bank of San Francisco.
3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board. (202-452-3204).

JUNE 28, 1977.

GRIFFITH GARWOOD,
Deputy Secretary of the Board.

[S-784-77 Filed 6-29-77;9:27 am]

7

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

TIME AND DATE: 2 p.m., July 8, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson. (202-634-7970).

Dated: June 28, 1977.

[S-783-77 Filed 6-29-77;9:27 am]

8

AGENCY HOLDING THE MEETING: Postal Service.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5 (as amended, 42 FR 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Wednesday, July 6, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

AGENDA:

1. Opening Prayer.
2. Minutes of the Previous Meeting.
3. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
4. Request for a Recommended Decision on Changes in Postal Rates and Services. (Mr. Osborne, Assistant Postmaster General (Rates and Classification), will present a report on a possible filing within the Postal Rate Commission for adjustment in postal rates and fees for postal services.)
5. Report on Possible Elimination of Saturday Deliveries. (Mr. Morris, Regional Postmaster General (Western Region), will present a report on the potential economic consequences of possible elimination of Saturday deliveries.)
6. Recommended Decision of the Postal Rate Commission Concerning Express Mail and Mailgram. (Commission Docket Nos. MC76-1—4.) (The Governors will consider the Commission's Recommended Decision of June 15, 1977, concerning a Stipulated Proposal for Express Mail and Mailgram; the Recommended Decision would change the Domestic Mail Classification Schedule to include provisions for Express Mail.)
7. Proposed Filings with the Postal Rate Commission to Postpone for Six Months the Effective Date of the Prohibition on Mailing Items Less Than .007 Inches Thick. (The Board will consider a recommendation by postal management that the Rate Commission be requested to recommend a modification to the Domestic Mail Classification Schedule so as to enable postponement of the effective date of the .007 inch minimum thickness standard from April 15, 1978, to October 15, 1978.)
8. Review of Public Affairs and Communications Programs. (Mr. Byrne, Assistant Postmaster General (Public and Employee Communications Department), will report on developments in the communications area.)
9. Review of Cost-Reduction Programs. (Mr. Ulsaker, Senior Assistant Postmaster General (Manpower and Cost Control Group), and Mr. Dorsey, Senior Assistant Postmaster General (Operations Group), will report on cost control accomplishments.)
10. Review of Service Improvement Programs. (Mr. Ellington, Senior Assistant Postmaster General (Administration Group), and Mr. Dorsey, Senior Assistant Postmaster General (Operations Group), will present a review of programs to expand and improve services which the USPS provides the public.)
11. Report of the Consumer Advocate. (Mr. Chadwick, Consumer Advocate, will report on the activities of the Office of Consumer Affairs. This report was scheduled for the Board meeting on May 3, 1977, but time did not permit the Board to consider it on that date.)

LOUIS A. COX,
Secretary.

[S-780-77 Filed 6-29-77;9:27 am]

9

AGENCY HOLDING THE MEETING: Postal Service.

The Committee on Postal Rates of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5 (as amended, 42 FR 12862, 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:15 a.m. on Wednesday, July 6, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

The Committee will discuss the Recommended Decision of the Postal Rate Commission, Nos. MC76-1, MC76-2, MC76-3, MC76-4, concerning stipulated proposal for express mail and mailgram. This Committee meeting is to be held in anticipation of a meeting of the Board of Governors which is scheduled to commence at 9 a.m. on the same day. The Commission's Recommended Decision is on the agenda for the Board meeting.

LOUIS A. COX,
Secretary.

[S-781-77 Filed 6-29-77;9:27 am]

10

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 28, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT: Matter regarding registration statement bearing enforcement implications. Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 28, 1977.

[S-785-77 Filed 6-29-77;9:27 am]

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FRIDAY, JULY 1, 1977

federal register

FRIDAY, JULY 1, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID

Grant Awards for Fiscal Year 1977

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Title 45—Public Welfare

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The purpose of this provision is to en-

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

AGENCY: Office of Education, HEW.

ACTION: Final rule.

SUMMARY: The regulations in this document are for the purpose of governing the award of fiscal year 1977 grants for the planning and operation of magnet schools, cooperative programs between local educational agencies and universities or businesses, and the planning of neutral site schools. These activities are authorized by amendments to the Emergency School Aid Act contained in the Education Amendments of 1976.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject to it become effective on the forty-fifth day following transmission, subject to the provisions in that section concerning Congressional action and adjournment.

ADDRESSES: Any comments or questions concerning these regulations should be directed to Thomas W. Fagan, Room 2017, FOB–6, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Fagan, (202-245-2465.)

SUPPLEMENTARY INFORMATION: Under the authority of the Emergency School Aid Act ("ESAA"; 20 U.S.C. 1601 et seq.) and, in particular, the 1976 amendments to that statute contained in section 321(c) of Pub. L. 94-482, the Commissioner (to whom the Assistant Secretary has delegated functions under the ESAA) amends the regulations in 45 CFR Part 185 by adding a new Subpart L as set forth below.

PUBLIC AND ADVISORY COUNCIL PARTICIPATION

A notice of Intent to Issue Regulations to implement the 1976 amendments to the ESAA was published in the FEDERAL REGISTER on November 22, 1976 (41 FR 51550). Five commenters responded with suggestions concerning magnet schools, university/business cooperation, or neutral site planning, and the Commissioner has considered these suggestions in developing the regulations in this document. In addition, the Commissioner has received and considered the advice of the National Advisory Council on Equality of Educational Opportunity (NACEEO) respecting these regulations. For the reasons described below, the Commissioner issues the regulations in this document as a final rule. He anticipates further participation by the public and the NACEEO in connection with the publication of proposed regulations to govern the award of funds in subsequent fiscal years.

DEFINITIONS

Definitions of some terms used in Subpart L are contained in existing regulations pertaining to the Emergency School Aid Act. See, in particular, § 185.02. However, § 185.101 in Subpart L contains definitions of certain terms used in that Subpart alone. The definitions of "magnet school" and "neutral site school" are taken from the 1976 amendments to the statute. The definition of a "special curriculum" required for a magnet school permits the award of a grant in connection with a school that offers a course of study embracing either special subject matter or a special teaching methodology. The "special curriculum" need not be unique. An applicant may seek funds in connection with more than one school offering the same curriculum, or schools offering different curricula, so long as the curriculum at each school is not generally available in the applicant's school.

The definition of "special curriculum" excludes curricula designed solely for handicapped students or for students of limited English-speaking ability because students are assigned to these curricula by virtue of their special educational needs. In order to ensure that a magnet school is open to students of various ethnic and economic backgrounds, the definition of "special curriculum" also excludes one in which a student is unable to participate because of his or her limited English-speaking ability or limited financial resources. Finally, the definition excludes a curriculum which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools. This provision is designed to ensure that a student's enrollment in a magnet school will result in no academic penalty either in the magnet school or in another school to which the student transfers after enrolling in the magnet school.

ELIGIBILITY

Section 185.102 sets out the eligibility requirements for a grant under Subpart L. It provides that only a local educational agency may apply for such a grant, and that the applicant must comply with the civil rights-related limitations on eligibility applicable to any educational agency seeking ESAA assistance.

In the case of a grant to conduct educational programs in a magnet school, a further eligibility requirement obtains. Under the statute, this kind of grant may be used only in connection with a school or education center that offers a special curriculum "capable of attracting substantial numbers of students of different racial backgrounds" (20 U.S.C. 1619(9)). Section 185.102(c) requires that the enrollment of a magnet school include substantial numbers of students from different racial backgrounds 60 days after the beginning of the first school term during the project period. The purpose of this provision is to ensure that the curriculum of the school is truly capable of attracting a racially diverse student body, and thereby to ensure that grant funds are used for the purposes permitted by the statute. The Commissioner encourages applicants for magnet school grants to take the necessary steps to attract a racially diverse student body to each school before the beginning of the school term, and anticipates that applicants will be successful in this regard. However, the Commissioner recognizes that precise enrollment figures are difficult to ascertain before school opens, that some students enroll after that date, and that a limited number of students may be attracted to one school after fist enrolling in another. For these reasons, he has determined that the capability of a curriculum to attract a racially diverse student body should be assessed 60 days after the beginning of the school term.

Under § 185.102(c), minority group students may constitute between 20 and 50 percent of the enrollment of a magnet school. If the applicant enrolls in its schools students from more than one minority group, the minority group enrollment of the magnet school must generally reflect the minority group enrollment in the applicant's schools as a whole. In establishing these requirements, the Commissioner has been guided, first, by the purposes of the Emergency School Aid Act set out at 20 U.S.C. 1601(b) and, in particular, 20 U.S.C. 1601(b)(2):

> To encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

In view of the purposes of the statute, the Commissioner has determined that funds may not be used in connection with a minority group isolated school as that term is defined in the statute. (See 20 U.S.C. 1619(11) and § 185.02(g) of the ESAA regulations.) Therefore, the regulations establish a ceiling of 50 percent for the minority group enrollment in a magnet school.

In establishing a floor of 20 percent minority enrollment in a magnet school, the Commissioner has been guided by the views of experts in school desegregation. For example, Dr. Thomas Pettigrew, in testimony before Congress prior to the enactment of the ESAA, expressed his opinion that the optimum minority group enrollment in a school was not less than 20 percent. (Hearings before the Select Committee on Equal Educational Opportunity of the United States Senate on Equal Educational Opportunity, 91st Cong., 2d Sess., Pt. 2, at 769 (1970).) More recently Dr. Charles V. Willie cited the same percentage figure as the lower limit of a sufficient minority group enrollment range. (Willie, Charles V. "Racial Balance or Quality Education". "The University of Chicago School Review" 84 (1976):319.)

The regulations require a recipient of a grant to conduct educational programs in a magnet school to report the enrollment of the school as of the 60th day after the beginning of the school term. If a racially diverse student body as described above has not been attracted to a school by that time, the grant is terminated insofar as it relates to that school.

AUTHORIZED ACTIVITIES

Section 185.103 sets out the activities for which funds awarded under Subpart L may be used. These activities fall into three major categories set out at 20 U.S.C. 1606(a)(13)–(15):

1. Planning and design of, and conduct of programs in, magnet schools;
2. The pairing of schools and programs with specific colleges and universities and with leading businesses; and
3. The development of plans for neutral site schools.

These activities, like those under other ESAA programs, may be assisted only if they would not otherwise be funded and are designed to carry out the purposes of the statute. Limited repair and minor remodeling or alteration of existing facilities may be assisted in connection with activities otherwise authorized.

The regulations amplify each of the three major categories of authorized activities. In the case of magnet schools both educational and architectural planning, as well as related activities, may be assisted. The conduct of educational programs in a magnet school may also be assisted, so long as the applicant's fiscal effort per student for students enrolled in the magnet school will be no less than that for students enrolled in comparable schools. This restriction is designed to ensure that ESAA funds are not used as a substitute for non-Federal funds.

In the case of university/business cooperation, the regulations do not delimit the kinds of cooperative educational programs which may be assisted. However, taking into account the purposes of the statute, the Commissioner has determined that these programs must be designed to benefit students or staff in a magnet school, a school affected by a plan described in 20 U.S.C. 1605(a), or a minority group isolated school.

The regulations relating to neutral site planning distinguish between planning activities, which may be assisted, and activities that occur after planning has been completed, which may not.

Activities may be assisted only in connection with a school planned to have the enrollment characteristics described above for a magnet school, and one which will be equally accessible to students from all racial groups.

APPLICATIONS AND FUNDING CRITERIA

Section 185.104 sets out the information and assurances required to be included in an application for a grant under Subpart L. It provides that an applicant under Subpart L must include enrollment data needed for the evaluation of its application, as well as the information required of local educational agences under other ESAA programs.

Section 185.105 sets out objective criteria for use in evaluating applications for grants relating to magnet schools or university/business cooperation. The objective criteria are designed to measure the net change in minority group isolation in the applicant's schools over two periods. For fiscal year 1977 grants these periods are: (1) fiscal year 1975 compared to fiscal year 1978 (when the assisted activities would be carried out), and (2) fiscal year 1977 compared to fiscal year 1978. The elimination, reduction, or prevention of isolation in the latter period has twice the weight of that in the former. Thus, the criteria emphasize the efficacy and comprehensiveness of the applicant's efforts to address minority group isolation, and the need arising from those efforts.

Each application under Subpart L is also evaluated, in whole or in part, on the basis of other criteria. An application for a grant relating to magnet schools or university/business cooperation is evaluated on the basis of the educational criteria set out in § 185.106 as well as the objective criteria described above. An application for a grant relating to neutral site planning is evaluated only on the basis of the criteria set out in § 185.107.

Section 185.108 sets out the funding procedures for the award of grants under Subpart L. It provides for an annual reservation of a proportion of available funds for neutral site planning. Applications for grants relating to magnet schools or university/business cooperation are evaluated separately from applications for grants relating to neutral site planning. Awards are made to the highest ranking applicants in each of these two categories. However, in the case of applications for grants relating to magnet schools or university/business cooperation, the regulations provide for the award of at least five grants where a sufficient number of meritorious applications has been submitted. The purpose of this provision is to ensure that the needs of a number of applicants are met to some extent, and to provide a basis for evaluating the program in its initial phase.

OTHER PROVISIONS

Sections 185.109 and 185.110 incorporate the requirements for public and advisory committee participation and nonpublic school participation, respectively, that apply to any local educational agency seeking ESAA assistance.

WAIVER OF PROPOSED RULEMAKING PROCEDURES

In accordance with section 431(b)(2)(A) of the General Education Provisions Act ("GEPA"; 20 U.S.C. 1232(b)(2)(A)) it has been the practice of the Office of Education to offer interested parties the opportunity to review and comment on proposed regulations. For the reasons described below, the Commissioner finds that resort to this practice in connection with the regulations contained in this document is impracticable and contrary to the public interest under 5 U.S.C. 553(b).

The regulations contained in this document are needed to govern the award of $7,500,000 appropriated by the Supplemental Appropriations Act, 1977 (Pub. L. 95-26, enacted May 4, 1977) in a timely and prudent fashion. These funds are the first to be appropriated to carry out the new activities authorized by amendments to the ESAA contained in section 321(c) of the Education Amendments of 1976 (Pub. L. 94-482, enacted October 12, 1976). Under section 301 of the appropriations statute, the funds remain available for obligation by the Office of Education until September 30, 1977. Regulations governing the obligation of these funds must therefore be in effect before that date.

Practical considerations relating to the use of the funds by local educational agencies demand that the regulations be in effect well in advance of September 30. Like funds appropriated for other programs under the ESAA, the funds at issue here are, in the main, for use in connection with school years which typically begin in early September. Further, applicants for these funds need to know sometime prior to the beginning of their proposed projects whether, and to what extent, Federal financial support for those projects will be forthcoming. Staff must be hired, materials and equipment must be acquired, and plans must be made. These considerations require that the regulations be in effect, and fiscal year 1977 grants for the newly authorized activities be made as early as possible.

The regulations in this document are subject to the delayed effective date provisions contained in section 431(d) of the GEPA (20 U.S.C. 1232(d)). While the period of delay specified in section 431(d) is 45 days, a delay of up to 84 days can occur as a result of the provisions in that section concerning Congressional adjournment. The period of delay runs from the promulgation of final regulations. Resort to proposed rulemaking procedures would entail an additional delay in the effective date of the regulations arising from: (1) the period for public comment, and (2) a further period for the review of any comments received and republication of the regulations in final form.

Considering the time required to solicit public comment and to engage in a conscientious reconsideration of the regulations in the light of any comments received, and considering the delayed effective date provisions of section 431(d), it appears that final regulations could not take effect, following proposed rulemaking procedures, in time to govern timely awards of assistance for the coming school year. Therefore, the Commissioner for good cause finds that resort to proposed rulemaking procedures with respect to the regulations in this document would be impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

While these regulations are issued as a final rule, the Commissioner welcomes comments on them at any time. These comments should be directed to the address set out at the beginning of this

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document. Following the expiration of fiscal year 1977 the Commissioner will develop proposed regulations to govern the award of funds in subsequent fiscal years, taking into account any comments received.

NOTE.—The Commissioner has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Accordingly, 45 CFR Part 185 is amended as set forth below.

(Catalog of Federal Domestic Assistance Numbers 13.589—Magnet Schools, University/Business Cooperation and 13.590—Neutral Site Planning.)

Dated: June 13, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 14, 1977.

MARY F. BERRY,
Assistant Secretary for Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

1. The Table of Contents is amended by adding at the end thereof the following:

Subpart L—Magnet Schools, University/Business Cooperation, and Neutral Site Planning

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185.105 Objective criteria—magnet schools and university/business cooperation.
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185.109 Public and advisory committee participation.
185.110 Nonpublic school participation.

AUTHORITY: Emergency School Aid Act ("ESAA"; 20 U.S.C. 1601 et seq.) 1976 amendments to Sec. 32(c) of Pub. L. 94-482.

2. A new Subpart L is added. as follows:

Subpart L—Magnet Schools, University/Business Cooperation, and Neutral Site Planning

§ 185.101 Definitions.

The following definitions apply to terms used in this subpart:

"Magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"Neutral site school" means a school that is located so as to be accessible to substantial numbers of students of different racial backgrounds.

"Special curriculum" means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level, and in the same local educational agency, as the students to whom the special curriculum is offered. This term does not include—

(1) A course of study designed solely for handicapped students or for students of limited English-speaking ability; or

(2) A course of study in which any student is unable to participate because of his or her limited English-speaking ability; or

(3) A course of study in which any student is unable to participate because of his or her limited financial resources; or

(4) A course of study which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(20 U.S.C. 1603(d), 1619(9), 1619(12).)

§ 185.102 Eligibility.

(a) Any local educational agency may apply for a grant under this subpart.

(20 U.S.C. 1603(d), H.R. Rep. No. 94-1701, 94th Cong., 2d Sess. 231 (1976).)

(b) The provisions of § 185.43 (limitations on eligibility), § 185.44 (waivers of ineligibility), and § 185.46 (determinations of ineligibility prior to award to assistance) apply to any local educational agency seeking a grant under this subpart.

(20 U.S.C. 1603(d), 1605(d).)

(c) In the case of a grant for activities described in § 185.103(a) relating to the conduct of educational programs in a magnet school, the Assistant Secretary will consider the curriculum of a magnet school to be capable of attracting substantial numbers of students of different racial backgrounds only if, 60 days after the beginning of the first school term during the project period, the enrollment of the school meets the following requirements:

(1) Minority group students constitute no less than 20 percent and no more than 50 percent of the enrollment;

(2) The ratios of the number of students from each minority group to the total number of minority group students enrolled in the magnet school generally reflect the ratios among minority group students enrolled in all the schools of the recipient; and

(3) No student has been compelled to enroll in the magnet school, or to enroll in another school after enrolling in the magnet school.

If the enrollment of any school does not meet these requirements, the Assistant Secretary shall terminate the grant in accordance with § 185.45 insofar as it relates to that school.

(d) A recipient of a grant for activities described in § 185.103(a) relating to the conduct of educational programs in a magnet school shall submit to the Assistant Secretary a report showing the number of nonminority group students and the number of students from each minority group who were enrolled at each magnet school to which the grant relates on the 60th day after the beginning of the first school term during the project period. The recipient shall submit this report within 75 days after the beginning of that school term unless the Assistant Secretary, for good cause shown, sets a later date for submission.

(20 U.S.C. 1603(d), 1607(a)(13), 1619(9).)

§ 185.103 Authorized activities.

Funds awarded under this subpart may be used for the activities described in this section if those activities would not otherwise be funded and if they are designed to carry out the purposes described in § 185.01 (relating, generally, to the elimination of minority group segregation, discrimination, and isolation and the effects thereof). No more than 10 percent of the funds awarded under this subpart may be used for the repair and minor remodeling or alteration of facilities.

(a) *Magnet schools.* (1) Funds may be used for the following three activities:

(i) The planning and design of one or more magnet schools;

(ii) The conduct of educational programs in one or more magnet schools; and

(iii) The repair and minor remodeling or alteration (as defined in § 185.12(d)) of existing school facilities in connection with the conduct of educational programs in one or more magnet schools.

(2) The planning and design of a magnet school includes, but is not limited to, the following activities:

(i) Planning and design of educational programs for the school;

(ii) Architectural design of new or modified facilities to house the school;

(iii) Surveys and studies relating to the establishment or improvement of the school; and

(iv) Recruitment of students and staff for the school.

(3) The Assistant Secretary shall award funds for the conduct of educational programs in a magnet school only if the applicant's fiscal effort per student for students enrolled at a magnet school is no less than its fiscal effort per student for students enrolled at all schools serving students of the same age or grade level operated by the applicant in the fiscal year for which it seeks assistance under this subpart. For the purpose of this subparagraph, "fiscal effort per student" means the expenditure for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities (but not including expenditures for community services, capital outlay and debt service, or any expenditure from funds granted under any Federal program of assistance) divided by the number of students with respect to whom the computation is made.

(b) *University/business cooperation.* Funds may be used for—

(1) The conduct of educational programs by the applicant, in cooperation with one or more colleges, universities, or leading businesses, for the benefit of students enrolled, or staff employed, in—

(i) A magnet school assisted under this subpart;

(ii) A school affected by a plan or project described in § 185.11 or § 185.31 (a); or

(iii) A minority group isolated school (as defined in § 185.02(g)); and

(2) The repair and minor remodeling or alteration (as defined in § 185.12(d)) of facilities in connection with the conduct of these educational programs.

(c) *Neutral site planning.* (1) Funds may be used for the development of plans for one or more neutral site schools, including but not limited to the following activities:

(i) Surveys and studies to determine the location of the school;

(ii) Planning educational programs for the school;

(iii) Architectural design of facilities to house the school; and

(iv) The repair and minor remodeling or alteration (as defined in § 185.12(d)) of facilities in connection with the development of plans for the school.

(2) Funds may be used only in connection with a school planned to have the following characteristics:

(i) Minority group students will constitute no less than 20 percent and no more than 50 percent of the enrollment of the school;

(ii) The ratios of the number of students from each minority group to the total number of minority group students who will be enrolled in the school generally reflect the ratios among minority group students who will be enrolled in all the schools of the recipient; and

(iii) The school will be equally accessible to nonminority group students and students from each minority group who will be enrolled in it.

(3) Funds may not be used for—

(i) The acquisition or improvement of a site for the school;

(ii) The construction of facilities to house the school;

(iii) The acquisition of equipment for the school; or

(iv) Any activity related to the operation of the school.

(20 U.S.C. 1601(b), 1603(d), 1606(a)(12)-(15), 1619(10) and (12); 122 CONG. REC. S16870, S16872 (daily ed. Sept. 28, 1976), H11691, H11699 (daily ed. Sept. 29, 1976).)

§ 185.104 Applications.

(a) An applicant for a grant under this subpart shall include in its application a description of the activities for which it seeks assistance and the information described in §§ 185.109 and 185.110.

(b) The provisions of § 185.13 (a) through (n), relating to applications, apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(c) In the case of an application for a grant to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the applicant shall include in its application the information described in this paragraph.

(1) Except as provided in subparagraph (2) of this paragraph, the applicant shall include—

(i) The number of minority group students and the total number of students enrolled or to be enrolled in each of its schools in the following years:

(A) "Base year I" (meaning the third fiscal year prior to the fiscal year for which an applicant seeks assistance under this subpart);

(B) "Base year II" (meaning the fiscal year immediately prior to the fiscal year for which an applicant seeks assistance under this subpart); and

(C) The "project year" (meaning the fiscal year for which an applicant seeks assistance under this subpart); and

(ii) A description of the basis for its enrollment projections for the project year.

(2) (i) If an applicant is eligible for assistance under this part under a plan described in § 185.11(b)(3) or a project described in § 185.11(d) and chooses to rely on that plan or project in its application for assistance under this subpart, it shall include the number of minority group students and the total number of students who would be enrolled, in the project year, in each of its schools—

(A) If the plan or project were implemented; and (B) if the plan or project were not implemented.

(ii) If the applicant chooses to rely solely on that plan or project, it is not required to include the information described in subparagraph (1) of this paragraph.

(d) Both an applicant for a grant under this subpart and the Assistant Secretary shall make the application and all correspondence and other written materials relating to it readily available to the public.

(20 U.S.C. 1603(d), 1609 (a) and (b), 1612, 1605(d), 1228.)

§ 185.105 Objective criteria—magnet schools and university/business cooperation.

(a) (1) In evaluating an application for a grant under this subpart to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 90 points for the net change in isolation in the applicant's schools between base year I and the project year, and between base year II and the project year. ("Base year I," "base year II," and "project year" are defined at § 185.104.)

(2) The Assistant Secretary shall assign points for net change in isolation on the basis of the procedure described in this section.

(b) From the information required to be included in an application under § 185.103(c), the minority group percentage of the enrollment of each of the applicant's schools in base year I is computed. The number of minority group students enrolled in schools within each percentage range in Column A of Table I is determined. The number of students in each percentage range is then multiplied by the corresponding weight in Column B of Table I. The resulting weighted numbers are added. The sum is then divided by the total number of minority group students enrolled in the applicant's schools for that year.

TABLE I

Column A, minority group percentage:	Column B, Weight
95 or more	0
At least 90 but less than 95	.1
At least 85 but less than 90	.2
At least 80 but less than 85	.3
At least 75 but less than 80	.4
At least 70 but less than 75	.5
At least 65 but less than 70	.6
At least 60 but less than 65	.7
At least 55 but less than 60	.8
More than 50 but less than 55	.9
50 or less	1.0

(c) The computation described in paragraph (b) of this section is repeated using the number of minority group students to be enrolled in the applicant's schools in the project year.

(d) The result of the computation for base year I is subtracted from the result of the computation for the project year to determine the net change in isolation between base year I and the project year. Using Table II, the Assistant Secretary assigns the application the number of points in Columb B which corresponds to the applicant's net change in isolation in Column A.

TABLE II

Column A, net change in isolation:	Column B, points
96 to 100	29
91 to 95.99	30
86 to 90.00	27
81 to 85.99	26
76 to 80.99	24
71 to 75.99	23
66 to 70.99	21
61 to 65.99	20
56 to 60.99	18
51 to 55.99	17
45 to 50.99	15
41 to 44.99	14
36 to 40.99	12
31 to 35.99	11
26 to 30.99	9
21 to 25.99	8
16 to 20.99	6
11 to 14.99	5
6 to 10.99	3
4 to 5.99	2
0 to 3.99	1

(e) The computation described in paragraph (b) of this section is repeated using the number of minority group students enrolled in the applicant's schools in base year II. The result of this computation is subtracted from the result of the computation for the project year to determine the net change in isolation between base year II and the project year. Using Table II, the Assistant Secretary assigns the application the number of points in Column B which corresponds to the applicant's net change in isolation in Column A multiplied by two.

(f) If the applicant relies on either a plan described in § 185.11(b)(3) or a project described in § 185.11(d), or both,

and on the reduction or elimination of minority group isolation, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b), (d), and (e) of this section.

(g) The Assistant Secretary assigns points for the following factors:

(1) The extent to which the proposed activities reflect an integrated approach to the elimination of minority group isolation, including the extent to which the proposed activities are consistent with the applicant's desegregation plan (5 points);

(2) The extent to which the proposed activities are designed to attract students from different racial backgrounds (5 points);

(3) The extent to which the proposed activities are designed to overcome the educational disadvantages of minority group isolation (5 points);

(4) The extent to which the proposed activities are designed to overcome the educational disadvantages of students who are educationally disadvantaged because of their limited English-speaking ability (5 points);

(5) The extent to which the proposed activities are designed to overcome the educational disadvantages of students who are educationally disadvantaged because of their economic circumstances (5 points);

(6) The extent to which the curriculum to which the proposed activities relate is sufficiently attractive to students from different racial backgrounds to maintain substantial numbers of students from different racial backgrounds in the school (5 points);

(7) The extent to which the proposed activities are designed to involve parents, students, and other members of the community (3 points);

(8) The extent to which the proposed activities are designed to involve parents, students, and other members of the community (5 points); and

(9) The extent to which the proposed activities are designed to involve conveniently available facilities and equipment (4 points).

(h) The Assistant Secretary will not approve any application which contains proposed activities that afford inadequate opportunity for the participation of students enrolled in private schools in the area to be served by the applicant, consistent with the number of those students and their needs.

(20 U.S.C. 1603(d), 1609 (a) and (b), 1612, 1605(d), 1228.)

§ 185.106 Educational criteria — magnet schools university/business cooperation.

(a) In evaluating an application for a grant under this subpart to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 90 points in achieving the stated objectives, including—

(1) A timetable for the compilation of

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and on the reduction or elimination of minority group isolation, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section using as project year data the enrollment data based on implementation of the plan or project.

(g) If the applicant relies solely on a plan described in § 185.11(b)(3) or a project described in § 185.11(d), or both, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section—

(1) Using as base year I and base year II data the enrollment data based on no implementation of the plan or project; and

(2) Using as project year data the enrollment data based on implementation of the plan or project.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)–(14), 1609(c) (1)–(4).)

§ 185.106 Educational criteria—magnet schools and university/business cooperation.

In evaluating an application for a grant under this subpart to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 70 points on the basis of the following criteria:

(a) *Need assessment (10 points).* (1) The magnitude of the need for the activities proposed in the application (5 points; and

(2) The extent to which the need is supported by objective evidence (5 points).

(b) *Statement of objectives (10 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (4 points);

(2) The extent to which the objectives realistically address the need assessed (3 points); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (3 points).

(c) *Activities (36 points).*—(1) *Project design (24 points).* (i) The extent to which the proposed activities are unique (4 points);

(ii) The thoroughness of the applicant's planning for the proposed activities and the extent to which those activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (4 points);

(iii) The extent to which the proposed activities will promote interracial and intercultural contact and understanding (3 points);

(iv) The extent to which the proposed activities will meet the needs of individual students, including students of varying levels of achievement (4 points);

(v) The extent to which the proposed activities will reflect the interests of parents, students, and other members of the community (3 points);

(vi) The extent to which the curriculum to which the proposed activities relate includes materials pertinent to the racial and ethnic composition of the schools or community to be served (2 points);

(vii) The extent to which instruction in basic skills is integrated into the proposed activities (2 points); and

(viii) The extent to which the proposed activities provide for cooperative planning among teachers and other staff to meet the needs of individual students (2 points).

(2) *Staffing (6 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for making maximum use of present staff capabilities (2 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the schools or community to be served (2 points);

(iii) The extent to which the proposed activities include necessary staff training (2 points).

(3) *Parent and Community Involvement (6 points).* (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities, as by employing parents as instructional aides in the classroom and informing parents and students of progress made in carrying out the proposed activities (2 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies in the community which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (2 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (2 points).

(d) *Management (8 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (2 points).

(e) *Evaluation (6 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (2 points);

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points; and

(3) Provisions for the comparison of evaluation results with norms, control group performance, results of other programs, or other external standards (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)–(14), 1609(c) (1), (2), (4), and (6).)

§ 185.107 Neutral site planning criteria.

In evaluating an application for a grant under this subpart to carry out activities described in § 185.103(c) relating to neutral site planning, the Assistant Secretary shall assign the application up to 100 points on the basis of the following criteria:

(a) *Need assessment (20 points).* (1) The magnitude of the need for the activities proposed in the application (10 points); and

(2) The extent to which the need is supported by objective evidence, including demographic data (10 points).

(b) *Statement of objectives (5 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (2 points);

(2) The extent to which the objectives realistically address the need assessed (1 point); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (2 points).

(c) *Activities (60 points).*—(1) *Project design (35 points).* (i) The extent to which the proposed activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (5 points);

(ii) The extent to which the proposed activities will be coordinated with the applicant's other planning activities, including those related to building use (5 points);

(iii) The extent to which the proposed activities will be coordinated with the planning activities of both other governmental agencies and the private sector to ensure that a neutral site school to which the proposed activities relate will have the characteristics described in § 185.103(c)(3) for an extended period (10 points);

(iv) The extent to which the proposed activities will assist in eliminating, reducing, or preventing minority group isolation in the schools of more than one local educational agency (5 points);

(v) The extent to which the proposed activities, including any educational planning activities, will reflect the interests of parents, students and other

member of the community (5 points); and

(vi) The extent to which the applicant provides evidence of a commitment to implement any plan developed with assistance under this subpart (5 points).

(2) *Staffing (10 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for making maximum use of present staff capabilities (4 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the community to be served (3 points); and

(iii) The extent to which the proposed activities include necessary staff training (3 points).

(3) Parent and community involvement (15 points). (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities (5 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (5 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (5 points).

(d) *Management (10 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the stated objectives to give substantial promise of achieving those objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (4 points).

(e) *Evaluation (5 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (3 points); and

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12) and (15), 1609(c) (1)–(4) and (6).)

§ 185.108 Funding procedures.

(a) The Assistant Secretary shall make any grant under this subpart from funds appropriated under section 704(d) of the Act. The Assistant Secretary will announce, by publication of a notice in the FEDERAL REGISTER:

(1) The amount of funds, if any, available for grants under this subpart in any fiscal year;

(2) The proportion of those funds which the Assistant Secretary will reserve for grants to carry out activities described in § 185.103(c) relating to neutral site planning;

(3) The project period for grants under this subpart; and

(4) The deadline for receipt of applications for these grants.

(b) (1) The Assistant Secretary shall separately evaluate applications for grants to carry out—

(i) Activities described in § 185.103(a) or (b) relating to magnet schools and university/business cooperation respectively; and

(ii) Activities described in § 185.103(c) relating to neutral site planning.

(2) The Assistant Secretary shall make grants to eligible applicants in each category on the basis of their ranking under the criteria in this subpart. However, the Assistant Secretary shall not be required to approve any application which contains proposed activities that afford insubstantial promise of achieving the purposes described in § 185.01, as measured by the criteria in this subpart.

(c) The Assistant Secretary shall fix the amount of each grant on the basis of the additional cost (as defined in § 185.13(a)(1)) of carrying out authorized activities. However, if in any fiscal year at least five applicants have submitted applications for grants to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, and if their applications are otherwise approvable, the Assistant Secretary shall make no fewer than five grants for those activities. If the amount needed to fund all authorized activities proposed by the five highest ranking applicants exceeds the amount of funds available, the Assistant Secretary shall reduce the amount of each grant by an equal proportion.

(d) The Assistant Secretary shall not finally disapprove in whole or in part an application for a grant under this subpart without first notifying the applicant of the specific reasons for disapproval and affording the applicant an appropriate opportunity to modify its application.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)–(15), 1609(a)(4), 1609(c), 1609(d)(2), 1609(e).)

§ 185.109 Public and advisory committee participation.

The provisions of § 185.41 apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(20 U.S.C. 1609(a)(2), 1609(a)(3), 1609(b).)

§ 185.110 Nonpublic school participation.

The provisions of § 185.42 apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(20 U.S.C. 1609(a)(12), 1605(d), 1611(c).)

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federal register

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORIC PRESERVATION LOANS

Insurance of Financial Institutions

COLLEGE HOUSING PROGRAM

Criteria for Financial Relief

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL

where a loan is secured by a first mortgage. These suggestions were not adopted as it is not contemplated that

eration permissible non-residential space has been increased to 20 percent. In view of the restriction of the Act relative to

Accordingly, 24 CFR is amended as follows:

1. In § 201.12 paragraph (b) is

(e) "Insured" means a financial institution holding a Contract of Insurance under Title I of the Act;

(l) "Residential structure" means a building that is used or will be used, after

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R–77–389]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Historic Preservation Loans

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This regulation will implement changes to the National Housing Act, to provide for the insurance of financial institutions making loans for the preservation of historic residential structures.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Christopher LaMartina, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. (202–755–8686).

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development gave notice on May 10, 1976, at 41 FR 19183, that it was proposing to amend subtitle B of Title 24 of the Code of Federal Regulations, Chapter II, Subpart B, Part 201, "Property Improvement and Mobile Home Loans", and add a new Subpart E, "Historic Preservation Loans."

The Department received twenty-one (21) comments in response to the May 10, 1976 publication. The comment period closed on June 11, 1976. All comments were carefully considered. A number of comments were not addressed to the substance of the proposed rule but sought information regarding the eligibility of specific properties. Other comments suggested changes such as provisions for 100% insurance of loans which would not be permitted under the applicable provisions of the National Housing Act, as amended, 12 U.S.C. 1703.

One comment suggested reducing the period after which approval would be assumed from 30 to 10 days. After consultation with representatives of the Department of the Interior, which has the lead role in historic preservation matters, the provision for a waiting period has been deleted as being unnecessary.

It was also suggested that the State Historic Preservation Officer's review be made by the chief executive officer of the municipality in which the historic structure is located. This suggestion would introduce an element of complexity that could result in a delay in processing loans and was not adopted. Section 201.1606 has, however, been revised to provide for review of the proposed improvements "by any other person authorized by the Secretary of the Interior."

Suggestions were also made that there be an appraisal of each historic structure and that there be a reduction in the maximum permissible interest rate where a loan is secured by a first mortgage. These suggestions were not adopted as it is not contemplated that a significant number of loans will be secured by first mortgages; in such an event lending institutions could be expected to fix an interest rate below the maximum permitted in the regulations.

A commenter suggested that the regulations incorporate the guidelines promulgated by the National Park Service Office of Archeology and Historic Preservation. These guidelines will be made available to each loan applicant; however, it would be inappropriate to incorporate the guidelines into the regulations.

A commenter suggested that review by the State Historic Preservation Officer be waived for loans of less than $10,000. The suggestion was not adopted as one of the functions of the State Historic Preservation Officer is to verify that the structure in question is in fact a historic structure, without regard to the amount of the loan. In this connection it is noted that if no more than $10,000 is needed, the owner of an historic property may apply for either a Historic Preservation Loan or a basic Title I property improvement loan. The latter may be used to improve either a non-residential or a residential structure and does not require the preliminary approval of the State Historic Preservation Officer.

Several commenters suggested that the restriction of the program to residential structures be deleted. Section 4(a) of the Emergency Home Purchase Assistance Act of 1974, Pub. L. 93–449, amending section 2(a) of the National Housing Act, 12 U.S.C. 1703, provides that "the term 'historic structures' means residential structures which are registered in the National Register of Historic Places or which are certified by the Secretary of the Interior to conform to National Register criteria * * *" The extension of the program to non-residential structures is therefore precluded.

It was also suggested that the maximum amount per family unit be fixed at a sum greater than $15,000. The Emergency Home Purchase Assistance Act of 1974 provides that "a loan shall involve an amount not exceeding $15,000 per family unit . . . and have a maturity not exceeding fifteen years and thirty-two days." Consequently, this suggestion cannot be adopted.

A suggestion was made that any building that had been used in the past as a residential structure be deemed an eligible structure. Since the enabling legislation restricts loans to residential structures, it has been determined that loans should be limited to structures presently used as residential structures or which will be residential structures when restored or rehabilitated.

It was also suggested that § 201.1605 (1), which had permitted a residential structure to have an incidental non-residential use not to exceed 10 percent of the total usable floor area of the building, be expanded to permit non-residential space available in the structure to be at least 49 percent. After careful consideration permissible non-residential space has been increased to 20 percent. In view of the restriction of the Act relative to residential structures it was determined that an increase in permissible non-residential space in excess of 20 percent would not be in order.

Comments were also received regarding the proposed maximum loan limit per structure of $30,000. After careful consideration it was determined that increasing the maximum loan limit per structure to $45,000 would make the program more useful.

Several commenters raised questions regarding the operation of the historic preservation program by the Department of the Interior. The Emergency Home Purchase Assistance Act of 1974 limits eligible loans under the historic preservation loan program to the criteria established by the Secretary of the Interior. HUD is not authorized to change this criteria.

A suggestion was made that the review fee of $25.00 that may be collected from the borrower by the State Historic Preservation Officer as authorized in § 201.1606 be paid by HUD rather than the loan applicant. This suggestion was not adopted as the National Housing Act does not authorize such a payment.

A commenter suggested that where improvements are solely to the interior of the historic structure, a review by the State Historic Preservation Officer would not be necessary. Since the interior of the structure may have historic features that are desirable to retain, this suggestion was not adopted.

A suggestion was made that residential structures within a historic district listed in the National Register of Historic Places be deemed eligible. The Secretary of the Interior has determined that all residential structures located within districts that the Secretary of the Interior has determined eligible for listing in the National Register are "certified by the Secretary of the Interior to conform to National Register criteria" for purposes of qualifying as "historic structures" eligible for historic preservation loans. These structures will therefore be eligible under this program.

Other comments and suggestions were made relating to the administration of the National Register of Historic Places by the Department of the Interior. HUD will furnish Department of the Interior material to institutions and loan applicants interested in historic preservation loans, but it cannot, of course, act in such matters.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, 24 CFR is amended as follows:

1. In § 201.12 paragraph (b) is amended as follows:

§ 201.12 Insurance reserve.

* * * * *

(b) There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in Subparts A, B, C, D, and E of this part on or after March 1, 1950, and prior to the expiration of the Commissioner's authority to insure under the provisions of this Act, less the amount of all claims approved for payment in connection with such loans and less the amount of any adjustments made pursuant to paragraph (c) of this section.

* * * * *

2. A new Subpart E is added to read as follows:

Subpart E—Historic Preservation Loans

Sec.

201.1600 Purpose.
201.1605 Definitions.
201.1606 Eligibility requirements.
201.1610 Eligible notes.
201.1611 Prior approval by Commissioner.
201.1612 Security.
201.1613 Election of action.
201.1615 Maximum loan amount and terms.
201.1620 Late charges.
201.1625 Financing charges.
201.1630 Architectural fees.
201.1635 Credits and collections.
201.1640 Refinancing.
201.1645 Direct loans.
201.1650 [Reserved.]
201.1655 Report of loans.
201.1660 Rate of insurance charge.
201.1665 Payment of insurance charges.
201.1670 Refund or abatement of insurance charge.
201.1675 Insurance reserve.
201.1680 Claims.
201.1685 Flood insurance.
201.1690 Administrative reports and examination.
201.1695 Amendments.

AUTHORITY: Sec. 7(d) Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 2(a) of the National Housing Act, as amended, 12 U.S.C. 1703.

§ 201.1600 Purpose.

The purpose of this subpart is to establish the amount of the maximum insurable historic preservation loan for residential historic structures and to regulate the transactions related to the making and insuring of such loans.

§ 201.1605 Definitions.

As used in the regulations in this Subpart, the term:

(a) "Act" means the National Housing Act, as amended.

(b) [Reserved.]

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of the regulations in this part and the applicable provisions of the Act.

(e) "Insured" means a financial institution holding a Contract of Insurance under Title I of the Act.

(f) "Loan" means an advance of funds or credit.

(g) "Direct loan" means a loan applied for by and disbursed directly to the borrower or borrowers where:

(1) The credit application, signed by the borrower or borrowers, if filled out by:

(i) The borrower or borrowers;

(ii) A maker of the note other than a borrower; or

(iii) A person acting at the direction of a borrower who has no financial interest, directly or indirectly, in the contract for the repair, alteration or improvement of the borrower's property; and

(2) The proceeds are delivered directly to such borrower or borrowers without the intervention or participation of an intermediary.

(i) "Note" includes a note or other evidence or indebtedness.

(ii) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(iii) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the Act and who has an interest of at least one-third of one of the following types of ownership in the property to be improved.

(A) A fee title,

(B) A life estate,

(C) A fee title or life estate subject to mortgage, deed of trust, or other lien securing a debt,

(D) A mutually binding contract for the purchase of the property by the borrower where the borrower is rightfully in possession and the purchase price is payable in installments, or

(E) A lease having a fixed term, expiring not less than six calendar months after the maturity of the loan, if the lessor indicates in writing his consent to the making of the improvements and procurement of the loan.

(h) "Rehabilitation" means the process of returning a structure to a state of utility, through repair or alteration, which makes possible an efficient contemporary use. In rehabilitation, those portions of the property important in illustrating historic, architectural, and cultural values are preserved or restored.

(i) "Preservation" means the process of sustaining the form and extent of a structure essentially as it now exists. Preservation aims at halting further deterioration and providing structural stability, but does not contemplate significant rebuilding.

(j) "Restoration" means the process of accurately recovering the form and details of a structure as it appeared at a particular period of time by removing later work and by replacing missing original work.

(k) "Historic structure" means a residential structure which is registered in the National Register of Historic Places or which is certified by the Secretary of the Interior to conform to National Register criteria.

(l) "Residential structure" means a building that is used or will be used, after rehabilitation, preservation, or restoration, as a dwelling place for one or more families. The building may have an incidental non-residential use not to exceed 20 pecent of the total usable floor area of the building.

§ 201.1606 Eligibility requirements.

(a) Loans shall be made only for the rehabilitation, preservation or restoration of historic residential structures. The proposed improvements to the historic structure shall be reviewed by the State Historic Preservation Officer (SHPO), or by any other person authorized by the Secretary of the Interior in the state where the historic structure is located.

(b) The review shall be for the purpose of determining that the structure is an historic residential structure eligible under the program and that the proposed improvements are in conformance with the criteria set by the Secretary of the Interior for rehabilitation of historic structures.

(c) A review fee of not to exceed $25 may be collected from the borrower by the State Historic Preservation Officer or by any other person authorized by the Secretary of the Interior pursuant to paragraph (a).

§ 201.1610 Eligible notes.

(a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers and shall be in compliance with all applicable federal, state and local laws. The note shall be complete and regular on its face. The signatures of all parties to the note must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity, the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, at the option of the holder, in the event of default in the payment of any installation upon the due date thereof.

(c) *Payments.* The note shall be payable in equal installments due monthly, every 2 weeks, or weekly, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. The note may provide for a first or final payment in an amount other than the regular installment. In such instances, the installment shall not be less than ½ nor more than 1½ times the amount of the regular installment.

§ 201.1611 Prior approval by Commissioner.

The approval of the Commissioner is required prior to disbursing any loan which will increase the total obligation of a borrower, co-maker or co-signer of any note under this part or subpart to more than $15,000 exclusive of financing charges.

§ 201.1612 Security.

Loans in excess of $7,500, exclusive of [illegible] shall be secured by a lien on the property to be improved. The lien shall be a first lien except that it may be a second lien if the first lien is held by a financial institution. The lien shall be evidenced by a mortgage, deed of trust, or other instrument customarily used in the locality to create a lien on real property. The lien instrument shall be recorded promptly in the appropriate public office. The borrower shall pay all recording fees, revenue or documentary tax stamps, title examination charges and hazard insurance premiums.

§ 201.1640 Refinancing.

(a) *General requirements.* New obli-

within 25 days after billing on an annual basis.

(c) *Maximum claim period.* A claim shall be filed no later than 6 months

except that the note qualifies for insurance) to the United States of America.

§ 201.1612 Security.

Loans in excess of $7,500, exclusive of financing charges, shall be secured by a recorded lien upon the improved property. The proceeds of an insured loan shall not be used to supplement an uninsured obligation of the borrower created in connection with the proposed improvements, rehabilitation, preservation or restoration, if the payment of the uninsured obligation is secured by a lien, unless the insured loan is to be secured by a lien which has priority over the lien of the uninsured obligation.

§ 201.1613 Election of action.

Where a real estate mortgage, deed of trust, judgment lien, or any other security device has been used to secure the payment of a loan, the insured may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its Contract of Insurance, but shall elect which procedure it desires to pursue.

§ 201.1615 Maximum loan amount and terms.

(a) The maximum loan amount shall not exceed the lesser of $15,000 per family unit in a residential structure or $45,000 per residential structure.

(b) The final maturity of a note shall not be less than 6 calendar months from the date of the note nor more than 15 years and 32 days from the date of the note.

§ 201.1620 Late charges.

The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each installment 10 days in arrears. No late charge on a past due installment may be accrued in excess of $15.00. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate of the note. The borrower must be billed for penalties collected as such and evidence of such billing must be in the file.

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 12 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge, the following expenses actually incurred by the insured in connection with the transaction: Recording or filing fees, documentary tax stamps, title examination charges and hazard insurance premiums. These costs or expenses shall not be paid from the proceeds of the loan or included in the face amount of the note and shall not be included by the insured as a portion of a claim under the Contract of Insurance. If such costs or expenses are assessed against the borrower, the proper evidence thereof shall be in the file.

(c) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall rebate the full unearned finance charge, except that where the law of the jurisdiction permits an acquisition or minimum retained charge, such charge may be deducted from the rebate. An insured is not required to make rebates of less than $1 except upon application of the borrower.

§ 201.1630 Architectural fees.

The costs of a loan may include architectural and engineering services and the costs of obtaining building permits where such services or permits are directly connected with eligible alterations, repairs or improvements financed in accordance with the regulations in this part.

§ 201.1635 Credits and collections.

(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or note purchased. In addition, the loan file must contain either a commercial credit report on the borrower or evidence of the lender's investigation of the borrower's credit.

(b) *Credit investigation.* The credit information relied upon by the insured must, in its judgment, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatement or misuses of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than 15 days as to either principal or interest with respect to any obligation owing to, or insured by, any department or agency of the Federal Government. Nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service, if the approval of the Commissioner is obtained.

(d) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower, which are called for by the borrower's credit application, in determining the eligibility of the loan.

§ 201.1640 Refinancing.

(a) *General requirements.* New obligations to liquidate loans previously reported for insurance will be covered by insurance if the new obligations meet the requirements of all applicable regulations in this part and the special provisions of this section.

(b) *Rebate.* The full unearned finance charge on the original note shall be refunded to the borrower. If no additional advance is made, a handling charge not in excess of $25.00 may be collected from the borrower.

(c) *Maximum maturity.* A loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, if the term of the new note does not extend 25 years from the date of the original note.

(d) *Special cases.* The Commissioner may, upon presentation of the facts, approve the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the Act.

§ 201.1645 Direct loan.

A loan may only involve a direct loan obtained by the borrower directly from the insured.

§ 201.1650 [Reserved]

§ 201.1655 Report of loans.

Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D.C., within 31 days from the date of the note or date upon which it was purchased. Any loan which is refinanced shall likewise be reported on the prescribed form within 31 days from the date of such transfer. If the loan or note is not in default, the Commissioner may, in his discretion, accept a late report.

§ 201.1660 Rate of insurance charge.

The insured shall pay to the Commissioner an insurance charge equal to fifty-five one hundredths (0.55) of 1 percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for a period of 14 days or less, and a charge for a month shall be made for a period of more than 14 days.

§ 201.1665 Payment of insurance charges.

(a) *Single payment.* On loans having a maturity of 25 months or less, the insurance charge for the entire time of the loan shall be paid within 25 days after the date the Commissioner acknowledges to the insured institution the receipt of the report of the loan.

(b) *Installment payments.* On loans having a maturity in excess of 25 months the insurance charge shall be payable in installments. The first installment shall be equal to the charge for one year and shall be paid within 25 days of acknowledgment of the loan report. The second and succeeding installments shall be paid within 25 days after billing on an annual basis.

§ 201.1670 Refund or abatement of insurance charge.

An insured shall be entitled to a refund or abatement of insurance charges only in the following instances:

(a) Where the obligation has been refinanced, the unearned portion of the insurance charge on the original obligation shall be credited to the charge on the refinanced loan.

(b) Where the obligation is prepaid in full or an insurance claim is filed, insurance charges falling due after such prepayment or claim shall be abated.

(c) Where a loan (or a portion thereof) is found to be ineligible for insurance, insurance charges paid on the ineligible portion shall be refunded. Such refund shall be made, however, only if a claim is denied by the Commissioner or the ineligibility is reported by the insured promptly upon discovery. In no event shall an insurance charge be refunded on the basis of loan ineligibility where the application for refund is made after the loan has been paid in full.

(d) *Notes transferred.* Any adjustment of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid installments of the insurance charge shall be paid by the purchasing insured.

(e) *Limit on charge to borrower.* The insurance charge paid by the insured shall not be passed on to the borrower, if such action would cause the total payments for which the borrower is liable to exceed the maximum permissible amount which may be collected for interest, discount, and all other charges in connection with the transaction.

§ 201.1675 Insurance reserve.

All of the provisions of § 201.12 with respect to the maintenance for each insured lender of a general insurance reserve shall apply with respect to loans reported for insurance under this subpart. The aggregate amount of loans advanced by an insured lender, for the purposes of determining its general insurance reserve, shall include loans reported for insurance under all subparts of this part.

§ 201.1680 Claims.

(a) *Claim application.* A claim for reimbursement for loss on an eligible loan shall be made on a form approved by the Commissioner, and shall be executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim after default.* A claim may be filed after default, provided demand has been made upon the borrowed for the full unpaid balance of the note. For the purpose of determining the date of default, any payments received on an account, including payments on judgments predicated thereon, shall be applied to the earliest unpaid installment.

(c) *Maximum claim period.* A claim shall be filed no later than 6 months after the due date of the final installment provided for in the note.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which a claim must be made, provided that in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its losses on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 201.12. The amount of reimbursement is determined by adding the items in subparagraphs (1), (2), (3) and (4) as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser.

(2) 90 percent of the uncollected interest earned up to the date of default plus 90 percent of the interest, computed at 7 percent per annum on the outstanding balance, computed from the date of default to:

(i) The date of the claim application or for a period of 9 months and 31 days following such default date, whichever is the lesser, or

(ii) The date of certification of the claim for payment, in a case where an otherwise eligible claim has been held in suspense by the Commissioner pending a determination of the eligibility for insurance, of other claims or loans, or by an investigation of the insured's loan or claim activities.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing summons.

(4) Attorney's fees actually paid not exceeding:

(i) Twenty-five percent of the amount collected by the attorney on the defaulted note, if the borrower is liable for the payment of such fee under the laws of the jurisdiction applicable to the note, and if the insured has not waived its claim against the borrower for such fees.

(ii) $50 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by suit.

(iii) $25 for expenses in recording assignments of security to the United States.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following forms of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, or any other security device in event of claim:

All rights, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

_____
(Financial institution)

By _____
Title _____
Date _____

NOTE.—If this form is not valid or generally accepted in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Recordation.* Where security has been taken or a proof of claim filed, the insured shall place on record an assignment to the United States of America of said security or proof of claim prior to filing claim for insurance benefits.

§ 201.1685 Flood insurance.

No loans shall be made or refinanced for construction, rehabilitation, preservation or restoration of any structure located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards unless the community in which the area is situated is participating in the National Flood Insurance Program, and such insurance is obtained by the borrower. The amount of flood insurance required need not exceed the principal balance of the loan and need not be required beyond term of the loan.

§ 201.1690 Administrative reports and examination.

The Commissioner may at any time call upon an insured for such reports as the Commissioner may deem to be necessary in connection with the regulations in this subpart. The Commissioner may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 201.1695 Amendments.

After consultation with the Secretary of the Interior, the regulations in this subpart may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made or in the process of being made. Unless otherwise provided, an amendment shall be applicable to any loan or the refinancing of any loan, when the loan or note is made pursuant to an application dated on or after the effective date of such amendment.

Issued at Washington, D.C. June 21, 1977.

MORTON BARUCH,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-18563 Filed 6-30-77;8:45 am]

[Docket No. R-77-423]

PART 279—COLLEGE HOUSING

Financial Relief and Loan Modification

AGENCY: Development of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule establishes criteria upon which we will consider granting a borrower's request for financial relief and/or loan modification under the

since an alternative use is approved so that the borrower may be able to meet HUD loan requirements, which necessi-

Subpart F—Financial Relief and Loan Modification

§ 279.60 Definitions.

As used in this subpart, the terms

be of sound value and so secured as to reasonably assure repayment. The basic security for each loan is a pledge of project revenues augmented to the extent

that it will be unable to meet any payment or deposit requirement. A Borrower which has heretofore obtained a Defer-

only to the extent that the pledged revenues or other sources are insufficient to provide sufficient funds to meet these

SUMMARY: This rule establishes criteria upon which we will consider granting a borrower's request for financial relief and/or loan modification under the College Housing Program. We have received a substantial number of these requests. Decentralized HUD Field Offices will now be able to provide uniformity of treatment for similarly situated borrowers consistent with protecting the Government's interest.

EFFECTIVE DATE: July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

John E. Pisano, Program Analyst, HUD-Held Mortgage Division, Office of Loan Management, Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. (202-755-5866).

SUPPLEMENTARY INFORMATION: Notice was given on November 24, 1976 in the FEDERAL REGISTER (41 FR 51988) of a proposed rule to amend Part 279 by designating the existing sections 279.1 through 279.8 under a new Subpart A—College Housing Loans and Debt Service Grants—and adding a new Subpart F—Financial Relief and Loan Modification which would include §§ 279.60 through 279.66.

All comments received with respect to the proposed rule were carefully considered. The following is a discussion of the principal comments and the changes that were made.

1. It was suggested that § 279.61(b) be modified to exclude the Revenue Fund Account requirement. The suggestion was not adopted because the Department considers this requirement essential to prevent the comingling of project and general operation funds thereby enabling HUD to identify project related revenues for debt service obligations.

2. It was suggested that § 279.66 be modified to include the term "candidate status" (applicant for accreditation) as a condition whereby HUD would not require repayment of the loan in full. The suggestion was not adopted because "candidate status" by itself does not prevent HUD from demanding repayment if a borrower is in default. Further, the term "Borrower" as defined in § 279.60 includes institutions which have candidate status.

3. It was suggested that § 279.62(b) be modified to use 60 days in lieu of 90 days. The suggestion was not adopted because the Department considers the 90 days requirement necessary to properly review all aspects of the request, seek additional data when necessary and process the request and the subsequent decision thereof.

4. It was suggested that under § 279.65 (b) we approve any alternative plan which is no less favorable to HUD's financial interest than prevailing conditions. This suggestion was not adopted since an alternative use is approved so that the borrower may be able to meet HUD loan requirements, which necessitates an improvement in prevailing conditions. However the provision that an alternative use be in the best financial interest of HUD has been deleted as confusing. So long as loan requirements are met we prefer an alternative use by the borrower, or another eligible educational institution even though, for example, leasing a HUD assisted facility at market rates to another entity might be considered more in HUD's financial interest.

5. It was suggested that § 279.65(a) of the regulation should provide for HUD approval of alternative use where "maximum utilization of all HUD-assisted facilities of the Borrower can be achieved only by alternative use of one or more of such facilities." Although the present regulations would not preclude the making or approval of such requests, where justified, the HUD-assisted facilities should normally continue in the use for which the Federal loan and subsidized interest rate is provided, where a default situation is not involved.

6. The same condition was added to § 279.65(b)(3) that is found in § 279.65 (b)(1) to make clear that preference for an alternative use by another eligible educational institution, as with the borrower, will only be given if the use will generate sufficient pledged revenues to meet the requirements of the HUD loan.

The Department has determined that this regulation does not have a substantial environmental impact. A copy of the Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, 24 CFR Part 279 is amended as follows:

1. The existing §§ 279.1 through 279.8 are designated under a new heading as follows:

Subpart A—College Housing Loans and Debt Service Grants

• • • • •

2. A new Subpart F is added as follows:

Subpart A—College Housing Loans and Debt Service Grants

• • • • • •

Subpart F—Financial Relief and Loan Modification

Sec.
279.60 Definitions.
279.61 Borrower's obligations.
279.62 Requests for loan modification or deferment.
279.63 Financial relief.
279.64 Refinancing.
279.65 Alternative use of facilities.
279.66 Closing of educational institution.

AUTHORITY: Title IV of the Housing Act of 1950 (12 U.S.C. 1749 et. seq.); sec. 7(d), Department of HUD Act (42 U.S.C 3535(d)).

Subpart F—Financial Relief and Loan Modification

§ 279.60 Definitions.

As used in this subpart, the terms defined in § 279.1 shall have the same meaning as in Subpart A of this part.

Bond resolution means the formal undertaking of a public body with respect to bond indebtedness.

Borrower means an educational institution as defined in Section 404(b) of the Housing Act of 1950 which has obtained a College Housing loan.

Default remedies means the remedial actions which the Government (or the Trustee on its behalf) is authorized to take under the Bond Resolution, Trust Indenture, or Note/Mortgage in the event the Borrower defaults in its obligations thereunder.

Deferment means a written undertaking by the Government with respect to any loan or loans made to a Borrower (or by the Trustee on its behalf) that it will not exercise its Default Remedies for a specified period of time notwithstanding the existence of specified financial defaults (e.g., non-payment of principal or interest, or failure to make reserve fund deposits), subject to specified conditions (e.g., payment of interest only, partial payment of principal, change in use). The granting of the Deferment will permit only those financial defaults specified therein to continue for the specified period limited to one year and the Borrower must comply in all other respects with the HUD requirements under its loan or loans.

Field office means any HUD Regional, Area or Insuring Office which is delegated loan servicing responsibilities under the College Housing Program.

HUD-assisted facility means any facility which is a part of a project assisted with a College Housing loan and any other facilities the revenues of which are pledged to or otherwise secure repayment of the HUD loan.

Loan agreement means the contract between HUD and a Borrower setting forth the terms and conditions of the HUD loan.

Loan requirement means any obligation of a Borrower under its Loan Agreement, Bond Resolution, Trust Indenture, and/or Note/Mortgage.

Note/mortgage means the formal undertakings of certain private college and nonprofit corporation Borrowers with respect to a College Housing loan.

Trustee means a banking or other corporation legally authorized to exercise corporate trust powers which is designated as a Trustee under a Trust Indenture.

Trust indenture means the formal undertakings of most private colleges, some public colleges, and some nonprofit corporation Borrowers with respect to their College Housing loans.

§ 279.61 Borrower's obligations.

(a) *Loan policy.* College Housing loans are repayable over a 40-year period (in some cases 50 years). In making such loans, HUD requires that each loan shall be of sound value and so secured as to reasonably assure repayment. The basic security for each loan is a pledge of project revenues augmented to the extent necessary by the pledge of revenues or income from other facilities or sources or other assets. In the case of private colleges, a first mortgage is obtained on the HUD-assisted facilities and any other facilities the revenues of which are pledged to secure repayment of a HUD loan.

(b) *Flow of funds.* The Loan Agreement (and subsequently the Trust Indenture, Bond Resolution or Note/Mortgage) provides for a flow of funds. All pledged revenues are required to be deposited into the Revenue Fund Account, and may be disbursed only in accordance with the Loan Requirements. In the case of a net income pledge, current expenses of the pledged facilities are payable as a first charge; in the case of a gross income pledge, the required deposit into the Bond and Interest Sinking Fund (BISF) is a first charge. Semiannual payments in specified amounts are required to be made into the BISF (usually annual payments equivalent to 125 percent of average annual debt service) until the reserve is fully established, and thereafter sums sufficient for debt service requirements. Available revenues remaining after payment of current expenses and BISF deposits are deposited into a Repair and Replacement Reserve Account in a specified amount based on estimated repair and replacement requirements for the project. Provision is made for use of residual funds in the Revenue Fund Account which may be limited to accelerated retirement of the HUD loan, may also include expenditures relating to the Borrower's housing system and may additionally include use for any lawful purpose. Provision may also be made for pledge of endowment funds or securities or for a Collateral Account.

(c) *Nonfinancial obligations.* In addition to the obligation to make the required payments and deposits a Borrower's obligations include undertakings deemed necessary to effectuate the statutory purposes, to safeguard the security for the loan, and to assure repayment. These obligations include:

(1) Maintenance of the Borrower's corporate existence and status as an eligible educational institution;

(2) Use of the HUD-assisted facilities for the purposes for which the loan was made, unless another use is approved by HUD;

(3) Adoption and enforcement of parietal rules, rental rates and charges for use of the HUD-assisted facilities;

(4) Physical protection of the HUD-assisted facilities including insurance coverage, repair and maintenance;

(5) Covenant not to encumber, lease or sell the HUD-assisted facilities;

(6) Maintenance of proper books and records and submission of reports to HUD.

§ 279.62 Requests for loan modification or deferment.

(a) *Financial relief.* A Borrower seeking a Deferment shall make a request therefor in writing to the appropriate HUD Field Office not less than 90 days prior to the date on which it anticipates that it will be unable to meet any payment or deposit requirement. A Borrower which has heretofore obtained a Deferment shall file such request at least 90 days prior to the expiration of its current Deferment. Each request for Deferment shall establish to the satisfaction of HUD that the Borrower has satisfied the criteria for granting financial relief set forth in § 279.63(a) below.

(b) *Changed use.* A Borrower which proposes to make a change in the use of a HUD-assisted facility either affecting the pledged revenues or involving an ineligible use under the College Housing Program shall make a request in writing to the appropriate Field Office at least 90 days prior to the date on which the changed use is proposed.

(c) *Other loan modifications.* A Borrower desiring a modification or waiver of the HUD Loan Requirements other than those described in paragraphs (a) and (b) of this section shall make a request in writing to the appropriate HUD Field Office at least 60 days prior to the date on which the need for such modification or waiver will arise except that, where the non-compliance is the result of conditions beyond the control of the Borrower, such written request shall be made promptly upon such occurrence.

§ 279.63 Financial relief.

(a) *Criteria for granting financial relief.* Deferments with respect to Defaults in a Borrower's financial obligations under its Loan Requirements may be granted: *Provided,* That the following conditions are satisfied.

(1) The Borrower is operating as an eligible educational institution as defined in section 404(b) of the Housing Act of 1950; and in § 279.1(e);

(2) The Borrower is utilizing the HUD-assisted facilities for an eligible purpose as defined in section 404 of the Housing Act of 1950 and in § 279.1, or other purpose approved by HUD;

(3) The pledged revenues of the HUD-assisted facilities, any pledged revenues from other facilities, and any pledged funds or securities are being properly accounted for and applied in accordance with the Loan Requirements;

(4) The Borrower is in full compliance with its Non-financial Obligations under its Loan Requirements including specifically those set forth in § 279.61(c) hereof, except as otherwise approved by HUD;

(5) The Borrower submits a plan of operation and financial data pursuant to which HUD determines that it is making satisfactory progress towards remedying the conditions giving rise to the defaults and that financial stability will be obtained.

(b) *Relief granted.* A Deferment may be granted to a Borrower who has satisfied the criteria set forth in paragraph (a) of this section as follows:

(1) Deferment of interest, and/or principal payments and/or reserve fund deposit requirements may be granted for a period not to exceed one year;

(2) Deferment of such payments and/or deposit requirements may be granted only to the extent that the pledged revenues or other sources are insufficient to provide sufficient funds to meet these requirements. The order in which such available funds shall be applied is set forth in paragraph (e) of this section;

(3) Interest and/or principal payments may be deferred only to the extent that there are not sufficient funds or other assets in any reserve fund or collateral account established pursuant to the Loan Requirements for such payments;

(4) The Borrower must comply with all the conditions set forth in § 279.63(a)(1) through (4) (and all conditions or requirements set forth in the Deferment) during any period for which a Deferment is provided.

(c) *Prohibited relief.* Financial Relief shall not include:

(1) Use of pledged revenues for any purpose other than as provided under the Loan Requirements;

(2) Creation of a lien on the HUD-assisted facilities prior to, on a parity with, or subordinate to the HUD lien;

(3) Release of any security deemed reasonably necessary to assure repayment of the HUD loan;

(4) Release of obligors, co-obligors, or guarantors on the HUD loan; or

(5) Write-down or forgiveness of principal or interest;

(6) The term of a loan may not be extended, except as provided under § 279.64.

(d) *Source of funds.* Where insufficient funds are available in the BISF to make interest and principal payments on a loan, the following sources shall be utilized, generally in the order specified:

(1) Cash and/or investments in the Repair and Replacement Reserve Account;

(2) Investments in the BISF;

(3) Cash and/or investments in any Collateral Account established to provide a Debt Service Reserve;

(4) Pledged endowment funds or securities.

(e) *Application of funds.* Available funds shall be applied toward the indebtedness and other Loan Requirements in the following order:

(1) Available funds shall be applied first to interest payments on the unpaid balance of the debt;

(2) Any funds remaining after payment of interest shall be applied in the following order;

(i) To principal payments in direct order of maturity;

(ii) To reestablishment of the Debt Service Reserve and Collateral Account;

(iii) To reestablishment of the Repair and Replacement Reserve Account.

§ 279.64 Refinancing.

Normally, delinquent loans will not be refinanced but delinquencies will be paid from available funds as provided in § 279.63(c) above. In circumstances where a Borrower demonstrates that sufficient pledged funds or other sources will be available to meet the required payments and deposits under the refinanced loan, but it cannot pay off all accumu-

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lated delinquencies within a reasonable period, consideration will be given to refinancing the loan, if requested by a Borrower. The end maturity may be extended up to the 50-year statutory maximum loan term, if permissible under state law, but may not be extended beyond such 50-year term. Any such refinancing shall be based on substantially level annual debt service payments except in exceptional circumstances approved by the Government. A refinancing debt service schedule may not provide for ballooning a final payment which exceeds substantially the level of periodic payments required by the debt service schedule.

§ 279.65 Alternative use of facilities.

(a) *Alternative use.* Any use of a HUD-assisted facility for other than an eligible use under the College Housing Program requires HUD approval. HUD will approve and may require an alternative use of a HUD-assisted facility where this is deemed necessary to prevent a default in the HUD loan. Such alternative uses may include use by the Borrower for an ineligible purpose, such as for classrooms, or leasing or sale to another entity, and should normally be of a temporary nature so that the facility may be returned to an eligible use when feasible.

(b) Selection of alternative uses. Upon making a determination that an alternative use is appropriate, HUD will consider other feasible alternative uses as well as the one proposed by the Borrower. In deciding which alternative use to approve HUD will be guided by the following:

(1) Preference will be given to an alternative use by the Borrower if that use will generate sufficient pledged revenues for the requirements of the HUD loan;

(2) Preference will be given to an alternative use not involving major alteration, long-term lease, or sale, which would prevent the facility from being returned to an eligible use;

(3) If an alternative use by the Borrower is not feasible, preference will be given to use by another eligible educational institution if that use will generate sufficient pledged revenues for the requirements of the HUD loan.

(c) Terms of alternative use—(1) Leasing. If the HUD-assisted facility is leased to another entity, all of the net proceeds of the lease shall be applied to repayment of the HUD loan. If the HUD-assisted facility is leased to a leasee, other than a leasee which is an eligible educational institution under the Act, the leasee shall provide for payment of a rental at rates not substantially below those which would be charged in the market area for comparable facilities financed at market rates of interest.

(2) *Sale.* If a HUD-assisted facility is sold to another eligible educational institution, the purchaser will be permitted to assume the HUD loan provided that the HUD loan is reasonably assured of repayment. In the event of sale of a facility to a purchaser other than an eligible educational institution, the related HUD loan shall be repaid in full except that, where full repayment is not financially feasible, the repayment requirements shall be in the Government's best financial interest.

§ 279.66 Closing of educational institution.

When an educational institution ceases to maintain its existence or accreditation and/or to conduct its normal and customary educational activities, either entirely or at one or more locations where HUD facilities are situated, repayment in full of the HUD loan shall be required, except as otherwise provided hereinafter. Assumption of the indebtedness by an eligible educational institution will be permissible where HUD determines that the loan will be reasonably assured of repayment. Release of guarantors or co-obligors in connection with such transfer will not be permissible except in exceptional circumstances approved by HUD where such action is determined to be necessary to accomplish a transfer and is in HUD's best financial interest. Assumption of the indebtedness by an entity other than an eligible education institution affiliated with the Borrower may be approved only as a means of avoiding financial loss to HUD. The terms of any such assumption shall require elimination of the loan to the greatest extent possible, taking into consideration proposed use of the HUD-assisted facilities and the financial resources and capability of the affiliated entity.

Issued at Washington, D.C., June 21, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.77-18564 Filed 6-30-77;8:45 am]

federal register

FRIDAY, JULY 1, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS

Intermediate Supplement to Minimum Property Standards

V 42 127 JUL 1 77 UMI

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT

(2) MPS for Multifamily Dwellings 4910.1

Old section	*New section*
S-515-3.2	S-515-3.3

Redesignated figures/tables

gory were comments on the way standard development and should be incorporated

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-459]

PART 200—INTERMEDIATE MINIMUM PROPERTY STANDARDS FOR SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS

Intermediate Supplement to HUD's Minimum Property Standards; Publication and Availability

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Final rulemaking.

SUMMARY: This rule adopts the Intermediate Minimum Property Standards for Solar Heating and Domestic Hot Water Systems (S/MPS). The basic MPS define the minimum level of quality acceptable for single family residences, multifamily residences, nursing homes, and intermediate care facilities designed and constructed under HUD programs. The S/MPS is needed to provide a companion technical basis for the planning and design of solar heating and domestic hot water systems.

EFFECTIVE DATE: July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mervin W. Dizenfeld, Mechanical Engineer Office of Housing (Architecture and Engineering Division), Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Phone number (202) 755-6590.

SUPPLEMENTARY INFORMATION: On July 12, 1976, HUD published a notice (41 FR 28570) of its intention to develop new supplementary intermediate minimum property standards for solar heating and domestic hot water systems (S/MPS). The primary purpose of the proposed standards is to describe the aspects of solar planning and design that differ from conventional systems. The S/MPS are based on current state-of-the-art practice and on nationally recognized standards. The S/MPS, 4930.2, is intended as a temporary, (to be superseded at a later date) supplement to the Minimum Property Standards (MPS) for One-and-Two-Family Dwellings, 4900.1, the Minimum Property Standards for Multifamily Housing, 4910.1, and the Minimum Property Standards for Care-Type Housing, 4920.1

The S/MPS are incorporated by reference into 24 CFR 200.929 of the Code of Federal Regulations. Accordingly, 24 CFR 200.929(b) is amended to read as follows:

(b) *Identification.* The Minimum Property Standards have been published in four volumes:

(1) MPS for One- and Two Family Dwellings 4900.1

(2) MPS for Multifamily Dwellings 4910.1

(3) MPS for Care-Type Housing 4920.1

(4) Intermediate Minimum Property Standards for Solar Heating and Domestic Hot Water Systems (S/MPS) 4930.2. This volume applies to buildings containing one or more living units, nursing homes, and intermediate care facilities.

In general, the chapters and divisions of the S/MPS parallel the chapters and divisions of the MPS. Within divisions, however, the S/MPS list solar topics sequentially and do not follow the MPS numbering. This permits introduction of new topics in a manner clearly related to the MPS while avoiding a cumbersome effect.

Fifty comments were received in response to the notice published in July 12, 1976. A number of commenters raised questions or made suggestions which led to changes from the proposed standards. Additionally, in order to improve the organization of the S/MPS a number of sections, tables and figures have been relocated and redesignated within the document and others deleted or added. They are identified in tables for easy reference.

The discussion of comments will be referenced to the old section number and the number applicable currently to the subject matter will be shown in parentheses.

Redesignated sections

Old section	*New section*
S-311-5	S-311-7.1
S-311-7.1	S-311-7.2
S-401-1.1	S-615-1.6.2
S-401-1.2	S-615-1.6.3
S-405-1.1	S-405-4.1
S-405-4	S-405-4.2
S-515-1	S-515-1, S-515-1.1
S-515-1.1	S-515-1.2
S-515-1.2	S-515-1.3
S-515-1.3	S-515-1.4
S-515-1.4	S-515-1.5
S-515-1.5	S-515-1.6
S-515-1.6	S-515-1.7
S-515-1.7	S-515-1.8
S-515-1.8	S-515-1.9
S-515-2.1.3	S-515-2.1.4
S-515-2.1.4	S-515-2.1.10
S-515-2.2.4	S-515-2.2.1.1
S-515-2.2.5	S-515-2.2.1.2
S-515-2.2.6	S-515-2.2.3.1
S-515-2.2.7	S-515-2.2.3.2
S-515-2.2.8	S-515-2.1.4
S-515-2.2.9	S-515-2.1.3
S-515-2.2.10	S-515-2.1.9
S-515-2.2.11	S-405-12
S-515-2.2.12	S-515-2.2.3.3
S-515-2.2.13	S-515-2.2.3.4
S-515-2.3.1	S-515-2.3.2.1
S-515-2.3.2	S-515-2.3.2.2
S-515-2.3.3.	S-515-2.3.2.3
S-515-2.3.4	S-515-2.3.2.4
S-515-2.4.2	S-515-2.4.2.1
S-515-2.4.3	S-515-2.4.2.2
S-515-2.4.4	S-515-2.4.2.3
S-515-2.4.5	S-515-2.4.2.4
S-515-2.5.1	S-515-2.5.2.1
S-515-2.5.2	None
S-515-2.5.3	S-515-2.5.1
S-515-2.5.4	S-515-2.5.1
S-515-2.6.2	S-515-2.6.2.1
S-515-2.6.3	S-515-2.6.2.2
S-515-2.6.4	None
S-515-3.1.3	S-515-3.2.1
S-515-3.1.4	S-515-3.2.2
S-515-3.1.5	S-515-3.2.3
S-515-3.1.6	S-515-3.2.4
S-515-3.1.7	S-515-3.2.5
S-515-3.2	S-515-3.3
S-515-3.2.1	S-515-3.3.1
S-515-3.2.2	None
S-515-3.2.3	None
S-515-3.2.4	S-515-3.3.2
S-515-3.2.5	S-515-3.3.3
S-515-4.2	S-515-4.1
S-515-4.3	S-515-4.1
S-515-4.4	S-515-4.2
S-515-4.5	S-515-4.2
S-515-4.6	S-515-4.2
S-515-4.7	S-515-4.2
S-515-4.8	S-515-4.3
S-515-6.2	S-515-6.1
S-515-7.3	S-515-7.4.1
S-515-7.4	S-515-7.4.2
S-515-8.1.2	S-515-8.1
S-515-8.2.4	S-615-9
S-515-8.3	S-515-8.3.1
S-515-8.4	S-515-8.3.2
S-515-8.5	S-515-8.3.3
S-515-9.1	S-515-9.2
S-515-9.2	S-515-9.2.1
S-515-9.3	S-515-9.2.2
S-515-11.2	S-515-11.2.1
S-515-11.2.1	S-515-11.2.1.1
S-515-11.2.2	S-515-11.2.1.1
S-515-11.3	S-515-11.2.2
S-515-11.4	S-515-11.2.3
S-515-11.5	S-515-11.1
S-515-11.6	S-515-11.1
S-515-12.2	S-515-12.2.1
S-515-12.3	S-515-12.2.2
S-515-13.1	None
S-515-13.2	S-515-13.1.1
S-515-13.2.1	S-515-13.1.1
S-515-13.2.2	S-515-13.1.2
S-515-13.2.3	S-515-13.1.3
S-515-13.2.4	S-515-13.1.4
S-515-13.2.5	S-515-13.1.5
S-600-5	S-600-5.1
S-600-6.2	S-405-4.2
S-601-5.2.1	S-601-5.2
S-601-5.2.2	S-601-5.3
S-601-6.2.1	S-601-6.2
S-601-6.2.2	None
S-601-8	S-601-8.2
S-601-13	S-601-8
S-607-3.1	S-607-3.2
S-607-3.2	S-607-3.1
S-615-2.1.4	S-615-2.1.6
S-615-2.1.5	S-615-2.1.7
S-615-2.1.6	S-615-2.1.8
S-615-2.2.1a	S-615-2.2.2
S-615-2.2.1b	S-615-2.2.3
S-615-2.2.1c	S-615-2.2.4
S-615-7.1	S-615-7.3
S-615-7.1.1	S-615-7.1
S-615-7.1.2	S-615-7.3.1
S-615-7.1.3	S-615-7.3.2
S-615-7.1.4	S-615-7.3.3
S-615-7.1.5	S-615-7.3.4
S-615-7.1.6	S-615-7.4
S-615-7.1.7	S-615-1.4.1.2
S-615-7.1.8	S-615-7.5
S-615-10.3	S-615-10.5
S-615-10.4	S-615-10.6
S-615-10.5	S-615-10.7
S-615-10.5.1	S-615-10.7.1
S-615-10.5.2	S-615-10.7.2
S-615-10.5.3	S-615-10.7.3
S-615-10.5.4	S-615-10.8
S-615-10.6	S-615-10.9
S-615-10.7	S-615-10.10
	S-615-10.10.1
S-615-10.8	S-615-10.11
S-615-10.9	S-615-10.12
S-615-10.10	S-615-10.13
S-615-10.11	S-615-10.14
S-615-10.12	None
S-615-11.1 a and b	S-615-11.1.1
S-615-11.1c	S-615-11.1.2
S-615-12.2	S-615-10.1
S-615-14.2.1	S-615-14.1.1
S-615-14.2.2	S-615-14.1.1
S-615-14.3	S-615-14.2
S-615-14.4	S-615-14.3
S-615-14.5	S-615-14.4

Redesignated figures/tables

Old	*New*
Figure S-601.1a	None.
Figure S-601.1b	None.
Figure S-601.1c	None.
Figure S-601.1d	None.
Figure S-601.2	Figure S-601-7.
Table S-601.2	Table S-601-6.
Table 601.3	Table S-601-7.

New sections/tables added

Old	*New*
S-102	S-607.2.1
S-405-1.1	S-615-1
1-405-12	Table S-615.1
S-501-4	S-615-1.9
S-515-1	S-615-2.1.11
S-515-1.10	S-615-2.2.5
S-515-2.13	S-615-7.2
S-515-2.2.3	S-615-7.6
S-515-2.2.3.1	S-615-7.7
S-515-2.3.3.2	S-615-7.8
S-515-2.3.1	S-615-7.9
S-515-2.3.2	S-615-8.1.3
S-515-5.2	S-615-10.3
S-515-6.2	S-615-10.4
S-515-7.3	S-615-10.10.2
S-515-9.1	S-615-10.15
S-515-9.3	S-615-10.15.1
S-515-12.2	S-615-10.15.2
S-600-5.2	S-615-11.2
S-607-2	S-615-12.2

DISCUSSION OF MAJOR COMMENTS

All comments were read, reviewed, and considered. In a number of instances, the comments were of a minor or editorial nature and were of assistance in the preparation of the reviewed document but are not reviewed in this discussion. Some of the comments were of general commendation and others were of general criticism. Being non specific, these are not discussed further. A number of comments related experiences of the respondent with solar energy and made no specific recommended changes. In a number of instances, comments were made which would have been answered had the respondent read the S/MPS document in conjunction with the MPS as is the intended use as pointed out in S-100 of the S/MPS. The current document has been made applicable to the MPS for Care-Type Housing 4920.1. The only substantive change caused by this inclusion of care-type housing is reflected in the requirements for domestic hot water temperatures in § 615-1.4.2.

GENERAL COMMENTS

Three commenters felt the issuance of the document might be premature because of the infant state of the industry. It was felt that the size and state of development evidenced by the demonstration program and current private installations and the need for guide criteria for Federal programs indicated that preliminary standards were needed. This suggestion was not recognized; however, provisions were included at the beginning of the document in Chapter 1 to allow variations to the standards for new and innovative technologies.

A number of comments were received which related to the derivation of the document from and close relationship to the HUD Minimum Property Standards, 4900.1, and 4910.1. Included in this category were comments on the way standards were referenced, the complexity of the document, and the treatment of architectural concerns. It was felt that by structuring the document similar to the HUD MPS, a basis for industry familiarity was established.

Several comments were made on the organization of the document and the use of the commentary following the statement of the criteria. One commenter felt these were most helpful, and another feared that they might be used to set a standard. It was felt that due to the newness of the topics to many of those who must use the document that explanatory notes clearly set off in italics and with their advisory nature explained in the preface would be helpful.

A number of comments were concerned with the flexibility and adaptability of the standard, how it would be changed as the state-of-the-art changed and how judgmental issues raised by the standard would be handled. These are valid concerns but they were felt to be covered by the existing mechanisms employed by HUD in administering the MPS. Periodic revisions are a part of this administration as is a process for review and acceptance of new and innovative technologies. To aid in this understanding, reference to the review process was included in Chapter 1.

A comment was made that the standard was not well suited to multi-family installations because of their greater complexity. It was felt that though the total complexity is greater, the principles of design and elements of construction are covered by using several basic elements and thus the standard was applicable. Also, a number of the paragraphs are considerations that are applicable to multi-family installations exclusively and these have been set off in a special typeface.

Comments were made by several commenters on sections throughout the document with regard to their applicability to passive solar energy systems. The state of understanding of passive systems, in a quantitative sense, is not well advanced and thus it was difficult to develop meaningful criteria in a number of areas. An effort was made wherever possible to provide the latitude that would allow the consideration of passive systems. Of particular note in this regard are the sections on Thermal and Moisture Protection (S-607) and Thermal Design (S-615-1). It was also felt that the provisions of S-101, Variations to Standards, and S-501-4, Documentation of Performance, would be helpful in the case of passive systems.

One commenter suggested the desirability of using system and/or subsystem performance measures rather than tests on materials and components as a means for judging the suitability of a design. This was recognized as a desirable goal for a performance based standard and in fact many of the sections in Chapter 5 (Materials) are keyed to the 30-day collector thermal stability test (S-515-2.1.2) which is of the nature suggested. In other areas, tests are under development and should be incorporated in future revisions of the document.

CHAPTER 3—SITE DESIGN

S-303—LAND USE

A number of comments were received concerning the wording used and the fact that many of the criteria were judgmental. This section closely parallels the MPS in form and text and was felt to be appropriate since these land use criteria are meaningful in solar installations as well as conventional. Minor changes were made to improve clarity of meaning.

CHAPTER 4—BUILDING DESIGN

S-401—PASSIVE SOLAR SYSTEMS

A number of comments were received concerning the recommended surface temperature limits. Most commenters suggested raising the temperature limits. These limits are placed on surfaces in the living spaces of the building and do not govern conditions in other locations. It was felt that the temperatures given and the latitude allowed in other areas is sufficient for both active and passive installations. This section was moved to section S-615-1.6.2 and 615-1.6.3 where it relates directly to the preceding section on design air temperatures for passive systems.

S-405-7—FIRESTOPPING

Several commenters questioned the need for firestopping of all collectors. The intent of the section is that solar system components shall not decrease the effectiveness of firestopping that is currently required by the MPS. The paragraph was revised to clarify the intent.

CHAPTER 5—MATERIALS

S-500—GENERAL

Comments were received suggesting that: (1) adhesives be included along with other materials in Chapter 5, (2) the standards in Appendix E only be mentioned in the specific sections of the chapter to which they are applicable, and (3) criteria for alternative materials be specifically set forth. In addition, some commenters had the impression that all components and materials would have to undergo extensive laboratory testing to meet the intent of this chapter. Although adhesives are not mentioned specifically in Chapter 5, the general criteria in S-515-1.1 through S-515-1.10 apply to all materials, including adhesives, if they are used in the system. Subsection S-500-1 mentions Appendix E standards to conform to the established MPS format and to inform the reader that the standards mentioned in the chapter are compiled in one location. Criteria for alternative or special materials are set forth in the general provisions of S-500-3. It was felt that the document, as written, covers the comments received with the exception of those concerned about extensive testing. To satisfy these commenters, a new section, S-501-4, Documentation of Performance, has been added.

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S–501—General Requirements

S–501–1—General.

Objection was made to the use of the term "acceptable durability." The commenter suggested that an acceptable design life be stated for each component or material and that solar equipment be required to have lifetimes of 20 years or more. However, the purpose of the S/MPS is to help ensure that materials will perform their intended functions for a period of time that is at least as long as that intended by the manufacturer or designer. Therefore, to specify a minimum design life for all materials would ignore the possible cost effectiveness of replacing or repairing components or materials. Accordingly, no change was made.

S–501–2—Labeling

Numerous comments were received regarding the extensive labeling required of components and materials. In general, the readers felt that less labeling should be required. It was agreed that less labeling was desirable and thus all labeling requirements were reviewed and revised to minimize the extent of labeling. Reference to the "Federal Hazardous Substance Labeling Act," Pub. L. 86–613, was deleted from this section and is now referenced in S–515–8.1.1 and S–615–8.1.2.

S–508—Doors, Windows, Glazing Panels

One commenter stated that some control screens are not louvered. Another commenter suggested deleting the section. The first comment appears valid but the section should not be deleted since solar control screening must provide this performance if it is to control insect entry as well. Therefore, the section was retained and the word "louvered" was deleted.

S–515—Mechanical Solar-Powered Equipment

Commenters suggested that the terms "significantly impair" and "intended design life" be more clearly defined. Also, it was suggested that the criteria listed under 515–1 be made more specific. It was agreed that the above terms should be more clearly defined. The criteria (S–515–1.1 through S–515–1.10) were intended to identify general requirements to be met, as applicable, by all materials and components. These criteria are needed to state requirements for materials not specifically covered in the chapter. Therefore, the terms "significantly impair" and "intended design life" are more fully described in Appendix D under "significant (deterioration, loss, etc.)" and "design life." New sections were added to cover fire safety and leakage, S–515–1.1 and S–515–1.10.

S–515–1.3—Temperature and Pressure Resistance

Commenters felt that the use of no-flow conditions ruled out the use of many commonly used heat transfer fluids and that no-flow conditions may not be experienced if the system is designed to prevent stagnation. The requirement does not preclude the addition of new heat transfer fluid if it is degraded and hence, many fluids will not be ruled out for this reason. However, in general, materials exposed to stagnation conditions should be stable at those temperatures. No-flow testing of collectors with heat dump provisions is generally performed with those provisions included. The section was revised to provide more latitude in responding to these conditions.

S515–1.4—Materials Compatibility

Comments were that: (1) Provisions should be made to allow for bimetallic connections which are properly protected, and (2) the wording should include effect of temperature fluctuations. The criterion does not preclude the use of properly joined bimetallic connections. However, the second comment appears valid. The wording of the criterion was changed to reflect the second comment.

S–515–1.8—Soil Corrosion

Commenters suggested that components should have their intended design life specified because of inconvenience and expense of underground repairs or replacement. It is not the purpose of the S/MPS to specify design life. The criteria were changed to reflect an extended expected design life.

S–515–2—Collectors

S–515–2.1—General

A suggestion was made that the commentary should indicate that consideration must be given in the system design to the need for re-roofing under non-integral roof mounted collectors. This appears valid but the comment is covered under S–601–3.1.

S–515–2.1.1—Labeling

Numerous commenters indicated that the labeling required on collectors was too extensive. Other readers felt the labeling should be more extensive. It was agreed that the data required on collector labels were excessive. The criterion was revised to reduce the data required on labels. However, other data needed are identified for inclusion in technical data sheets.

S–515–2.1.2—Thermal Stability

Extensive commentary was received on this criterion. Some commenters believed the no-flow test is too stringent particularly since collectors with heat dump provisions may not experience stagnation temperatures. Other readers felt the test should be made more stringent. Some felt a 10 percent reduction in the intercept was too severe a requirement, while others suggested a maximum allowable change of 5 percent. Also, a commenter suggested that the error of the thermal performance test is such that a small change cannot be detected. Suggestions were made to both include and omit fluid during the 30-day exposure. Also, some readers felt the 30-day aging procedure should be better specified, i.e. cleaning of glazing, mounting procedures, etc. It was agreed that the procedures should be presented more clearly. However, it was felt that a no-flow test is needed because such conditions are often experienced in actual operations. The test procedure was modified substantially to reflect pertinent comments of the readers. In particular, procedures for preparation of collectors prior to the 30-day exposure were presented. Due to lack of definitive test data under stagnation conditions, there remain questions as to the relevance of many of the comments. Therefore, the revised procedure reflects the best judgment based on the existing technology.

S–515.2.2—Cover Plates

S–515–2.2.1—General

One commenter observed that the cover plate section covers too wide a range of materials. Also, a reader suggested adding more complete data in Table S–515–2.2 regarding length of life. Also, suggestions were made for revising numbers in the table. A broad range of materials must be covered by the section because numerous materials could be used. The length of life of materials is heavily dependent upon the system and climate in which they are used. Definitive length of life data are not available. The length of life data in Table S–515–2.2 were deleted. Property values included in Table S–515–2.2 were revised to reflect reader comments. The table was moved to Appendix B (Table B–1).

S–515–2.2.3 (None)—Labeling and Product Description

Numerous comments were received concerning the special requirements of this section. In particular, need for information on chemical composition, fire resistance, flammability and flame spread to be provided was questioned as a considerable burden and of questionable value unless specific test procedures are referenced. It was agreed that this section singled out properties of cover plates rather extensively and it was deleted. Many of the information headings are covered in the general labeling and data sheet requirements or by compliance with other provisions.

S–515–2.2.7 (515–2.2.3.2)—UV Stability

Comments were received to the effect that computations of solar transmittance should be based on air mass 2 and that a weathering test is needed. These appear to be valid comments and changes were incorporated to reflect them. In particular, three aging procedures were added.

S–515–2.2.8 (615–2.1.4)—Dirt Retention

One commenter suggested the criteria be omitted because dirt retention is a factor beyond the control of the contractor or manufacturer. Others suggested locating water faucets within 100 feet of collectors to allow for periodic washing. Still others suggested editorial changes. Dirt retention may be a factor resulting in reduction of solar transmittance. However, data are inconclusive at present. Despite the fact that dirt retention may be beyond the control of contractors or manufacturers, if dirt is a potential problem, the owner of the system should be advised of means to overcome or reduce the problem. Editorial changes were made in the commentary and the section moved to 615–2.1.4.

S–515–2.2.9 (515–2.1.3)—Outgassing of Volatiles

A comment was made that a decrease in thermal efficiency of 2 percent cannot be measured by the recommended test method. This is true and, therefore, the value of 2 percent was deleted.

S–515–2.2.10 (615–2.1.9)—Condensation

One commenter suggested that moisture condensation on covers is not a problem because it is vaporized by sunlight. Another pointed out that the criterion should be specifically made for moisture (excluding other volatiles). Another reader questioned the application of the criterion to passive systems. Recently conducted field investigations have shown that the condensed moisture does *not* necessarily evaporate when heated by sunlight. The second comment appears valid. The section was modified to include moisture buildup.

S–515–2.2.11 (405–12) Flame Spread

Comment was received that this section was most applicable when evaluated as a roof assembly. This appears to be a valid comment and the section was rewritten to reflect this and relocated as S–405–12.

S–515–2.3—Absorber Plate

S–515–2.3.1 (515–2.3.2.1) Thermal Stability

A comment was received that the test should be performed at the minimum service temperature as well as at no-flow temperatures. The temperature differentials experienced in stagnation testing may be substantial. The criterion was revised to clarify the evaluation procedure.

S–515–2.3.3 (515–2.3.2.3)—Compatibility With Transfer Medium

Numerous comments were received on the tables associated with this requirement and on the commentary. Corrosion is a complex phenomenon and the kinetics of the corrosion process are dependent on a large number of variables. As a consequence, in the absence of specific operating conditions, it is not possible to specify materials selection criteria. Rather, it is only possible to provide guidelines which indicate use conditions generally considered to be acceptable or unacceptable for a given class of metals. Significant revisions were made in the tables and the commentary to reflect the readers' comments.

S–515–2.4—Absorptive Coatings

S–515–2.4.2 (515–2.4.2.1)—Thermal Stability

A commenter said that documentation is needed to demonstrate the validity of the evaluation tests mentioned in the criteria. The tests mentioned are accepted standards by ASTM for evaluating coatings. Despite the fact that data are desirable for addressing the comment, no such data are yet available. No changes were made in this section.

S–515–2.4.3 (515–2.4.2.2)—UV Stability

One commenter said the proposed tests are merely screening tests. Other comments were that the aging test should also permit outdoor exposure and other acceptable methods. Another reader felt the criterion should be omitted because the UV stability could be determined as in the thermal stability test. The first two comments appear valid. It is felt, however, that a 30-day stagnation test is not adequate for determining UV stability of coatings. The requirement was revised substantially. In particular, three methods of aging have been provided.

S–515–2.4.4(515–2.4.2.3)—Moisture Stability

One commenter indicated that if the coating cannot pass the recommended test, then long-term tests will be necessary. The recommended test is an ASTM standard and is judged to be a useful evaluation tool, therefore, no changes were made.

S–515–2.5—Collector Enclosure

One commenter suggested adding a requirement to protect components of collectors or buildings from moisture in open collectors. Another said a section on how to install the enclosure is needed. Another indicated that no cracking at all should be allowed if the collector is used as the roofing membrane. The first comment appears valid. There are many ways to install an enclosure. The S/MPS is not an appropriate document for listing them. The final comment is already covered by the criterion. A new requirement on leakage has been added (S–515–1.10). The format of the collector enclosure section was revised and appears in S–515–2.5.1.

S–515–2.6—Reflective Surfaces

One commenter suggested considering the effects of airborne abrasives, cleaning, etc. on the surfaces. Another indicated the 10 percent loss of reflectance is rather restrictive. A reader expressed concern regarding size of hail used for tests. The first and third comment appear valid. The 10 percent loss in reflectance is judged to be a reasonable level. The effects of airborne abrasives, etc. are covered in the general requirements (S–515–1.5, S–515–1.7). The criterion for hail resistance was deleted since it was covered in S–601–7.

S–515–3—Energy Transport System

S–515–3.1—Applicable Standards for Liquid Systems

S–515–3.1.2—Other Standards

A commenter indicated concern that some materials are excluded by Appendix Table B–4. The S/MPS are not intended to exclude specific materials and the tables are recommendations only. Editorial modifications were made in the Appendix tables.

S–515.3.1.4 (S–515–3.2.2)—Chemical and Physical Compatibility

One reader indicated that some degradation should be allowed. Another suggested cathodic protection as a means of possibly avoiding problems. These are valid suggestions and the wording of the criterion was changed to reflect the first comment. The second comment is addressed by S–515–1.8.

S–515–3.2 (S–515–3.3) Applicable Standards for Air Systems

A comment that SMACNA be referenced in the criterion was adopted. The reference to humidifiers was questioned and sections 515–3.2.2 and 515–3.2.3 deleted.

S–515–6—Pumps and Fans

A comment was made that heat pump criteria should be included in another location in the document. It was felt that heat pumps are standard equipment and that specially noted requirements are not necessary in this document. Thus, such references were deleted and 515–6.2 redesignated 515–6.1.

S–515–7—Thermal Storage Units

S–515–7.1—General

A reader expressed the view that storage units should not be required to last for the lifetime of the building, as indicated in the commentary. The commentary pointed out that, if storage units are inaccessible for replacement, they should perform their function for the lifetime of the building. Although this was not a requirement for the storage unit, it is believed to be a reasonable expectation. The commentary was deleted.

S–515–7.2—Applicable Standards

A commenter questioned why fiber reinforced plastics (FRP) were excluded from consideration as pressure vessels. Appendix Table B–6 contains references to existing standards that may be applicable to materials used in storage units. A standard for FRP at high pressure was not found in the literature. This does not preclude the use of FRP if it can be shown to meet the intent of the criteria in Section S–515–7. Appendix Table B–6 was modified and reference to ASHRAE 94–77 included in the section.

S–515–7.3 (515–7.4.1) Contamination

The requirements of the U.S. Public Health Service Drinking Water Standards have been made applicable to liquid systems.

S–515–7.4 (515–7.4.2) Materials Compatibility

One commenter noted that the statement in S–515–7.4a is not pertinent if the thermal storage system is not in contact with the heat transfer medium. Another comment was that Tables S–515–2.3.2 and S–515–2.3.3 may not include materials used for passive systems. Also, a commenter indicated that limits of performance should be stated. These are valid comments, however, it is not pos-

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sible to specify limits of materials performance at the present time. Even if materials used for storage units are not specifically mentioned in tables, they may be used after appropriate testing. Revisions were made to reflect the comments.

S–515.8—HEAT TRANSFER FLUIDS

S–515–8.1—GENERAL

The provisions of 515–8.1.2 have been relocated in 515–8.1 and 515–8.1.2 deleted.

S–515–8.1.1—LABELING

Some comments indicated that more information should be included on labels. Others said less should be included. It was felt that a list of compatible materials is not needed and the criterion was modified to reflect the comments. All items except health and safety warnings may be given on a technical data sheet instead of on the container itself.

S–515–8.2.2—FLASH POINT

A number of commenters questioned the requirement for a minimum heat transfer fluid flash point of 400 F. Although system design is the most important safety factor, it is felt that for residential systems, the fluid should be maintained below its flash point. Therefore, the 400 F requirement has been eliminated and the required flash point has been set as a function of maximum system temperature.

S–515–8.2.4—FLUID DISPOSAL—BIODEGRADABILITY AND AQUATIC QUALITY

Comments were received questioning the strictness of these requirements, the validity of using five-day BOD as a measure and the appropriateness of the paragraph's location in Chapter 5. It was felt that these comments raised valid issues and that the basic safety provisions were satisfactorily covered in Subsection S–615–9. For these reasons, the section has been deleted.

S–515–8.3 (515–8.3.1)—CHANGES IN HEAT TRANSFER FLUID

One commenter expressed the opinion that the subsection eliminates the use of many fluids now being used. Several editorial comments were received and one reader referred to published data. The criterion does not eliminate the use of any heat transfer fluid. It states the level of performance expected. All editorial comments were included in the revision. Also, the wording was changed to more clearly state the level of performance expected.

S–515–8.5 (515–8.3.3)—THERMAL STABILITY

One commenter said the criterion should note the effect of fluid on the complete system. Another objected to the use of the term design life. These are valid comments and the criterion was reworded to reflect them.

S–515–9—HEAT EXCHANGERS

A reader indicated that the section should not require double walled heat exchangers. An explanatory commentary was added in 515–9.1. This requirement is similar to that of S–615–10.1.1 and is also discussed under that heading.

S–515–11—INSULATION/THERMAL AND MOISTURE PROTECTION

S–515–11.1.1—FLAME SPREAD CLASSIFICATION

A number of comments were received on this section. Some readers recommended that the flame spread ratings and test methods be made less stringent while others stated that the section was not stringent enough. It is felt that this section in conjunction with Subsection S–607–3, Building Insulation, represents the best insulation standard currently available. Additional introductory remarks have been made in 515–11.1 to clarify the relationship between S–515–11.1.1 and S–607–3.

S–515–11.2—MATERIALS PERFORMANCE

S–515–11.2.1 (515–11.2.1.1)—GENERAL

An objection was made to the references to outgassing problems resulting from freon and to the reference to CO_2 blown insulation. The comments appear valid and appropriate changes were made.

S–515–11.2.2. (515–11.2.1.1)—THERMAL STABILITY

Commenters suggested the evaluation be more clearly tied to the 30-day stagnation test. This suggestion is valid and the section was revised to reflect the comment.

S–515–11.3 (515–11.2.2.)—PIPE OR DUCT INSULATION

Commenters suggested adding a requirement for weathering of insulation. This is a valid comment and is covered by Section S–515–1.2. A commentary referring to the ASHRAE Handbook of Fundamentals was added.

S–515–13—ORGAN COUPLING HOSES

One commenter suggested a more definitive test for thermal stability be included. Another indicated that ASTM D1149–64 (1970) may not be useful for durability testing. Like many existing standard tests, there is some question as to the relevance of these tests to materials for solar systems. However, these tests are believed to be useful in view of the present technology. No substantive changes were made to the section.

CHAPTER 6—CONSTRUCTION

S–600—GENERAL

S–600–1—LABELING

Several commenters suggested ways to clarify and make more consistent the requirements of this section. The suggestions were reflected in revisions made.

S–600–2—ALTERNATIVE CONSTRUCTION

A commenter asked that the method of appeal in the case of variation to standards be described. This was done through the addition of a new section, S–102, Product and Design Modifications.

S–600–3—INSTALLATION, OPERATION, AND MAINTENANCE MANUAL

Comments on this section concerned additional requirements for system clean out and questions regarding its applicability to passive systems. System clean out is covered in S–615–10, Plumbing, and it is felt that the section adequately covers the needs of passive installations. S–600–3 has been expanded to detail the scope of manual to be provided to specified persons.

S–600–4—REPLACEMENT PARTS

A commenter observed that there is no time limit placed on the availability of parts and this would force a manufacturer to maintain an inventory of replacement parts for an indefinite period. The MPS does not specifically indicate that a manufacturer has to maintain an inventory.

S–600–6—SAFETY AND HEALTH REQUIREMENTS

S–600–6.3—PROTECTION FROM HEATED COMPONENTS

Several commenters recommended that this section should be applied only to accessible components. The suggestion is valid and the section was revised. A suggestion was made to provide safety identification on fill caps and drains of pressurized systems. The section was amended to note this comment.

S–600–6.4—SYSTEM COMPONENT CLEARANCES

Comments were received concerning the inclusion of appliances not covered by the referenced standard and the applicability of the requirement to passive systems. The comments appear valid and this section was rewritten to reflect these suggestions.

S–601—GENERAL STRUCTURAL REQUIREMENTS

S–601–4—WIND LOADS

S–601–4.1—FLAT PLATE COLLECTORS MOUNTED ON ROOFS AND WALLS

S–601–4.1.3

A comment was received that this provision did not adequately cover inflatable collectors. The question of internal pressure on an inflatable collector does not appear to be serious. Inflatable collectors would presumably imply a continuous surface capable of resisting pressure, therefore, no wind should be able to infiltrate and create an internal pressure. A further comment noted the need to consider internal pressure when collectors form an integral part of the roof structure. The section was revised to reflect these comments.

S–601–6—SEISMIC LOADS

Comment was made that this subsection did not agree with the MPS. This comment was correct and the section was revised to make it consistent with the MPS.

S–601–7—HAIL LOADS

Several comments were received questioning the basis of this subsection and its severity. It was suggested that the loading values be reduced by ½ and that an allowable failure rate be specified. Data, which are not presently available, would be needed to specify a failure rate. The level of load resistance required of collectors is similar to that provided by conventional roofing for all but the central states "hail belt." For these reasons, the comments were not adopted but the section was revised for greater clarity and broadened to cover reflector surfaces and lenses as well as cover plates.

S–601–9—THERMAL DISTORTION

Comments on this subsection were concerned with its lack of definition. The section was revised to alleviate these concerns.

S–601–12—STORAGE TANKS

Several comments were received on this subsection suggesting the need for testing guidelines, greater latitude in accommodating new and innovative designs, and the inclusion of thermal stresses. The section was revised in consideration of these comments with reference to Section S–615–10.10 for leak testing, expanded coverage for non-pressurized and rock-bed storage, and coverage of thermal stresses.

S–607—THERMAL AND MOISTURE PROTECTION

Several comments were received which expressed concern over the allowed variation in insulation values, and some conflicts with other sections concerning areas of application. One comment suggested that efficient operation of movable insulation might be an appropriate requirement in this section. It was felt that this was best covered under thermal design, and no change was made in this regard. The sections on insulation values and areas of application were revised and rewritten to clarify their applicability. A section concerning fire resistance was removed from S–515–11 and incorporated in S–607–3.1 and rewritten to eliminate conflicting requirements. A needed section on waterproofing storage tanks and reservoirs was added.

S–615—MECHANICAL

S–615–1—THERMAL DESIGN

S–615–1.1—GENERAL

Three comments were received concerning the oversizing of solar energy systems by designing the complete heating system to meet design winter *24-hour* heating loads in terms of collector and storage size. The requirement has been retained but the commentary has been rewritten to clearly indicate that the solar energy system is designed on the basis of the *average* 24 hour heating load for the peak heating month. Another comment suggested the use of additional building thermal insulation with solar systems. While this is highly desirable, the use of building thermal insulation is covered in Section 607–3 of the MPS and it is not the intent of this document to alter the non-solar building aspects.

S–615–1.2—BACK-UP

The questions related to the role of the back-up system and the capability to provide up to 100 percent of the heating requirements were raised partly because of confusion between the auxiliary role and the back-up role. Both the requirement and commentary were modified to state that the solar energy system contribution shall be completely backed up with reliable auxiliary thermal energy subsystem capable of meeting heating and hot water requirements. Back-up for cooling is not required because the document does not include cooling. Additional comments related to the effect of demand on utilities and aggravation of peak loads is addressed throughout Section S–615–1.3.

S–615–1.3—SYSTEM CAPACITY—SPACE HEATING

S–615–1.3.1—AUXILIARY ENERGY SUBSYSTEM

The comments regarding the use of auxiliary energy to minimize peak energy loads were very appropriate. A statement was added to the commentary to emphasize the benefits gained by coordinating the auxiliary energy usage from on-line, utility supplied sources with non-peak times. Further suggested limitations on the capacity of auxiliary heating or hot water systems are not desirable at this time because of the lack of experimental data on practical ratios of solar contribution to total load for various climatic regions. The influence of tolerable comfort levels, control system capabilities and building energy budgets will significantly effect pertinent absolute standards.

S–615–1.3.2 A AND B—SOLAR ENERGY SYSTEM

Several comments on the accuracy and detail of methods for calculating the building load and solar energy system performance were received. Suggestions ranged from the use of hourly data to "a simple calculation would suffice." The concern with the complexity of calculations is appreciated but the initial prescribed minimum use of average monthly climatic data and loads at the maximum time period, when these were based upon correlations using more detailed analysis procedures, represents a compromise in complexity and cost until more experimental evidence is available. It is not the intent that every single family dwelling be analyzed if data for a similarly constructed dwelling and climatic region are available. However, the sizing significance in terms of initial and life cycle cost for a solar energy system is such that more precise prediction of heating loads is required. Procedures such as the one used in Appendix A use monthly average conditions based upon hourly correlations to predict average performance over several years.

The comment that a system field test procedure be added in this section is not considered practical for the current stage in the development of systems. Many systems are assembled in the field with variations in construction, installation and controls an dthe components originate from a variety of manufacturers.

S–615–1.4—SYSTEM CAPACITY—DOMESTIC HOT WATER HEATING

S–615–1.4.1—AUXILIARY ENERGY SUBSYSTEM

The comments and the response for domestic hot water (DHW) heating systems are generally the same as for space heating described in paragraph S–615–1.3. A commentary statement was added indicating that the minimum acceptable DHW storage was as listed in the MPS but that solar energy systems generally have larger storage through the use of preheater containers.

S–615–1.4.2 A, B, AND C—SOLAR ENERGY SYSTEM

Many comments were directed at the design DHW demand, source water temperature and delivered hot water temperature. Since these parameters are so variable with individual requirements and local conditions, the original criteria were established as typical for design purposes where specific site values were unknown. In order to provide demands more realistic of dwelling or apartment size, a table was added listing the minimum demand to be used. A table of source water temperatures was added to Appendix A to provide an indication of the values found in fourteen U.S. cities. The specification of delivery temperature of 140F aroused the greatest concern because of its impact on solar collector efficiency. Although many residential requirements can be satisfied with about 120F temperature, the 140F is a HUD requirement to meet the needs for certain types of appliances and changes in the MPS will be required before the DHW system design temperature can be altered.

Another comment suggested a required minimum flat plate collector area and storage volume as a function of the number of bedrooms. After performing calculations of the requirements and performance with climatic region, solar energy system and component characteristics and cost factors, it was decided that additional experience is desirable before establishing such minimums for size or performance.

S–615–1.5—SYSTEM CAPACITY—COMBINED SPACE AND DOMESTIC HOT WATER HEATING SYSTEMS

Concern was expressed by one commenter that electrical operating energy was selected for comparison with the thermal performance predictions. In reality, the intent is to determine how much electrical energy was required to operate the system.

S–615–1.6—ENVIRONMENTAL CONDITIONS—PASSIVE SYSTEMS

One comment on this section questioned what "indoor design condition" referred to but as indicated in the subsections, space temperature is the only design condition discussed. Other com-

ments suggested clarification of the use of the words "fluctuations" and "gradi-

currently available. The commentary identifies some of the key considerations

possibility of seriously impacting solar

stance of several comments made on this section. In some instances, an improper

was precluding the development of inex-

Appendix A are to evaluate systems per-

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ments suggested clarification of the use of the words "fluctuations" and "gradients" when used in conjunction with temperature. The criteria and commentary were carefully rewritten to indicate that temperature gradients were the primary method of transferring energy in and that temperature fluctuations and differences resulted from this passive control method. Therefore, although large temperature extremes may be tolerated in non-occupied spaces, provisions are required to maintain the MPS design conditions during occupancy.

As suggested by another commenter an additional criteria, S–615–1.9 "Excess Collected Energy," was added to provide for the dumping of excess collected thermal energy.

S–615–1.8—SYSTEM SHUTDOWN

Several commenters objected to the provisions that the shut down of the heating or DHW systems in one unit shall not interfere with the system function in other units. Because it may not have been clear, the word solar was added to clearly identify that the provision applied to the solar energy system and it is not intended to be different from the MPS for conventional systems.

S–615–2—COLLECTORS

S–615–2.1—GENERAL PROVISIONS

S–615–2.1.1—DESIGN FLOW RATES

Two comments suggested that uniform flow rates can be achieved through the use of properly designed collector manifolds and that a limitation in unbalance be established. A tolerance of ±20 percent in flow rate variation from design was added as well as modifying the criteria to indicate that the design or other provisions shall be used to obtain acceptable flow.

S–615–2.1.2—TILT AND ORIENTATION

Several additional considerations were suggested and added to the commentary regarding considerations of collector orientation. These included morning and evening fog or local architectural restrictions. The use of an adjustable collector is a further design option.

S–615–2.1.3—SHADING

Comments indicating that the shading criteria needed design limits was acknowledged by adding to the commentary a design goal of not reducing the collected useful thermal energy by more than 5 percent by shading during the month of peak load requirements.

S–615–2.2—COLLECTOR THERMAL PERFORMANCE

S–615–2.2.1—GENERAL

It was suggested that a separate criterion be established for thermosyphon systems since they are technically passive systems. This comment was valid, therefore, a section, S–615–2.2.5, Passive: Component (Thermosyphon) Systems, has been included in this document. The added section and commentary describe collector performance tests but detailed system performance test methods are not currently available. The commentary identifies some of the key considerations for designing or evaluating a thermosyphon system.

S–615–2.2.2—COLLECTOR: COMPONENT

Concern was expressed about the lack of thermal performance test methods for collectors when combined with storage and passive type collectors. Admittedly, adequate test methods are not available for integrated type collector units but the document would certainly be remiss if it did not acknowledge or permit their use. It should be realized that the collector test method (ASHRAE Standard 93–77) was accepted during the final preparation stages of this document and as other test methods become available, they will be included. Because of the need to gain experience with the available test method in various climatic regions and collector types, it has been cited in the commentary only and analytical performance predictions are required.

Pertinent comments were made regarding the acuracy of the ASHRAE Standard 93–77 and the commentary that states a ±5% accuracy is desirable. The comments argued that the method is not accurate to ±5%. It has been demonstrated that test data on the same collector can be obtained to within a couple percent when exposed to the "same" conditions. The difficulty in applying the test procedure is that the environmental exposure conditions cannot be adequately characterized or controlled and that variations in performance for currently allowable outdoor exposure conditions result in a spread of loss coefficient data of ±15%. In order to minimize this spread in data for the evaluation of collector degradation, measurements before and after exposure are required in the same climatic region and by the same measurement apparatus.

S–615–7—THERMAL STORAGE

S–615–7.1—GENERAL

A comment suggested that considerations of algae, mold, etc. related to health or increased heat transfer film coefficients be added. Section S–615–7.2, Applicable Standards, citing appropriate MPS' design standards, was added to cover these factors. Statements regarding the design lifetime of inaccessible storage systems have been removed from this section.

S–615–7.3—THERMAL STORAGE REQUIREMENTS

A number of comments were received which were critical of the establishment of a minimum storage capacity for residences. However, after careful consideration of the size specified as a minimum, the major benefit of thermal storage from either collectors or other conventional sources at non-peak hours and the importance of incorporating the design of the thermal energy storage into newly constructed buildings, it was decided that the advantages of specifying some storage capability outweighed the possibility of seriously impacting solar energy system design innovations. A description of the basis for calculating the storage capacity was added to section 615–7.3.1. Commentary was added in 615–7.3.3 to indicate that less storage could be used if justified on the basis of system efficiency.

S–615–7.3.4—THERMAL ENERGY LOSS

Conflicting comments were received regarding the magnitude of the losses from thermal storage. Some comments indicated 10% was too high for externally placed tanks, others indicated it was too low, and one comment suggested it be determined strictly by cost. At the suggestion of another commenter, the requirement was made mandatory for externally located tanks only to be based upon an average 24 hour winter design day. The commentary was expanded to state that thermal losses from containers within the building can be helpful in the winter and harmful in the summer and must also be considered in the design. Losses for passive systems should also be considered but they are generally peculiar to each design and require individual determination.

S–615–7.4—TANK DRAINAGE

Two commenters were concerned whether the drainage requirement was adaptable to plastic bags and storage drums. Another commenter suggested that equal provisions be made for underground storage. As stated, the requirement clearly applies to all storage containers. The commentary was expanded to cover the underground rock storage containers.

S–615–7.6—INLET AND OUTLET LOCATION

The suggestion that the inlet and outlet connections to the storage tanks be designed and located to prevent thermal "short-circuiting" was incorporated as a separate requirement.

S–615–8—HEAT TRANSFER FLUIDS

S–615–8.1—TOXIC AND/OR FLAMMABLE MEDIA

S–615–8.1.2—DETECTION OF TOXIC AND/OR FLAMMABLE FLUIDS

Several comments were received concerning the strictness of this requirement. Some felt that this requirement was more demanding than those for conventional heating systems. Solar installations may involve the use of heat transfer fluids that are new and unusual to residential applications. Some may be toxic or combustible and may be in systems operating at high temperatures in configurations that are not familiar to occupants or service personnel. For these reasons, it was felt that recognition was a necessary requirement. The section was modified to require recognition of leaks and thus the warning of occupants. Further clarification was also made of its applicability to toxic and combustible fluids.

S–615–9—WASTE DISPOSAL

Ambiguous terminology and excessive application requirements were the substance of several comments made on this section. In some instances, an improper interpretation of the requirement led to the comment, in others it was felt that valid points had been raised. The section was revised to require catchment for toxic and/or combustible fluids from pressure relief valves, service drainage, and identifiable leakage.

S–615–10—PLUMBING

S–615–10.1—HANDLING OF NON-POTABLE SUBSTANCES

S–615–10.1.1—SEPARATION OF CIRCULATION LOOPS

In the process of revision, this section became the subject of several comments. The commenters felt that the requirement of a double wall between potable and non-potable circulation loops was overly restrictive and in some instances counter to the prevention of contamination. While it is conceivable under some circumstances to have contamination with double wall systems, this is currently the method with most widespread code acceptance and it was felt that without a broader knowledge base of actual installation configurations, the double wall provision should be retained. The section was revised to allow systems which offer equivalent safety. This provision should allow latitude for innovative designs that provide a safe installation.

S–615–10.3 (615–10.5)—SYSTEM DRAINAGE

Commentary suggested that drainage of all components would be difficult to achieve. It is believed that with proper system design, this should not be difficult and consequently, the requirement was not changed.

S–615–10.5 (615–10.7)—PROVISION OF VALVES AND FITTINGS

S–615–10.5.4 (615–10.8)—SYSTEM CLEANING

Comments which were received on the stringency and application of this requirement raised valid points. The section was rewritten as Section S–615–10.8, System Cleaning, to more accurately reflect the desired procedures.

S–615–11 AUXILIARY ENERGY SYSTEMS

The comment indicated that the interconnections between the auxiliary and solar heating systems be included. An additional requirement (Section S–615–7.7, Auxiliary Energy Location) was added to specify the locations of heating elements or heat inlets into storage. Another requirement, Section S–615–11.2, System Interconnections, was added to cover excessive temperature, pressure, or safety aspects of integration of these two systems. Other portions of the integration are covered by the MPS as referenced.

S–615–12—HEAT EXCHANGERS

S–615–12.1—SIZING

One commenter objected to any statement regarding heat exchanger sizing, while another indicated the specification of a minimum effectiveness value of 0.7 was precluding the development of inexpensive, low effectiveness devices. This extremely important system component has not received sufficient emphasis in many designs and, therefore, the method of calculating the effectiveness has been retained. The specification of a minimum effectiveness was moved to the commentary but indicated to be a typical value. Further illustrations of determining the effectiveness were incorporated in Appendix A. The calculation procedure does not apply to passive systems as mentioned by one comment.

S–615–12.2—HANDLING OF NON-POTABLE FLUIDS

The several comments received under this heading have been discussed under Section S–615–10.1.1, Separation of Circulation Loops. A new section S–615–12.2 has been added and titled, Protection Against Maximum Temperature, Pressure and Vacuum.

S–615–13—AIR DISTRIBUTION

S–615–13.2—DUST AND DIRT PREVENTION

The requirement for air filters on the outlet of rock bed storage could be very detrimental to the function of passive systems as was pointed out by one commenter. The section was revised to correct this requirement.

S–615–14—CONTROLS AND INSTRUMENTATION

A number of comments were received on this section concerning location of protective devices, definition of flammable and combustible fluids, and modification or deletion of the temperature relief requirement. It was felt that pressure relief was adequate and the section was rewritten with temperature relief eliminated and with additional commentary added to clarify the pressure relief requirement including questions of location or protective devices.

Several comments were received concerning the requirement for differential thermostat controls stating that this was an undesirably narrow requirement. The comments appear to be valid and the section has been revised.

APPENDIX A—CALCULATION PROCEDURES FOR DETERMINING THE THERMAL PERFORMANCE OF SOLAR DOMESTIC HOT WATER AND SPACE HEATING SYSTEMS

The interest and general agreement in providing a simplified procedure for evaluating solar energy system performance indicated the need and usefulness of Appendix A. Comments that the scope should be increased to cover a larger number of system types was accommodated by adding specific examples for an air heating system and a domestic hot water system. Correlation studies have been performed to apply the f-chart method to systems that are similar to the types described in the Appendix. Increasing the scope of the examples, as suggested by several commenters, to include heat pump assisted systems and passive systems, will be done as the correlation data and f-chart curves are prepared.

It must be emphasized that the applications of the procedure described in Appendix A are to evaluate systems performance and are not intended to size or optimize the system performance as some of the comments inferred. The comments regarding the complexity of determining factors such as available insolation, building loads and collector parameters have been addressed by expanding explanations or data for each of the pertinent sections. For instance, US maps showing the average daily insolation for each month were added for use in geographic areas where specific data are not available or where calculations from extraterrestrial values are not warranted. Appreciation of local differences in insolation and seasonal or annual variations of 20% must be considered in applying the data for short term predictions. Methods of applying collector thermal performance data, expressed in terms of the amount of absorbed solar energy ($F_R\tau\alpha$) and thermal energy loss (F_RU_L) for the system operating conditions, are described for any collector. Some additional collector data may be required if significant angular or spectral sensitivities are an inherent characteristic associated with all-day performance.

A few commenters suggested alternative procedures (referenced in the document) as being simpler or more comprehensive. A relatively large variety of system performance prediction methods are available with specific features. However, the f-chart method was selected for illustration purposes because it represents the greatest potential use in terms of collector characteristics, validity by correlation with detailed analysis and computational versatility (either computer or hand calculation). It is expected that experimental results over the next five years will result in modification and improvement of all prediction methods to provide accurate design and evaluation methods.

APPENDIX B—MATERIALS TABLES

TABLE B—THERMAL STORAGE UNIT CONTAINERS

A comment was received that suggested that wood containers may be useful for both liquid and air. A commenter questioned whether or not liners could be used and if FRP vessels could be used under high pressure. The table is included as a guide to help in identifying standards for materials that may be used in storage units. However, the table does not exclude liners or FRP vessels under high pressure. These would be covered under Criterion S–101–1. Several changes were made in the table; one for clarification and one to include wood.

TABLE B–5—TYPICAL HEAT TRANSFER FLUIDS

A comment was made that flash point may be dependent upon viscosity; therefore, the data should reflect the test conditions. This is a valid observation; however, manufacturer's data do not always describe test conditions used to obtain data. A footnote was added to note this comment. A comment was received concerning the definition of toxic and nontoxic heat transfer fluids, particularly

water with inhibitors. The concern appears valid and the table was revised to

certain terms on the illustrated drawings. It was decided to redo a number of the

tained in the Office of the Federal Register, Washington, D.C. Copies of the

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water with inhibitors. The concern appears valid and the table was revised to reflect this. Also, editorial changes were made.

TABLE B–6—TYPICAL CORROSION INHIBITORS

Numerous comments were made with suggestions for additions or deletions. However, upon examination of these comments, it was decided that it is not possible to present inhibitor data in a generalized table and the table was deleted.

TABLE B–7—COMPARATIVE CHARACTERISTICS AND PROPERTIES OF SEALING COMPONENTS

It was suggested that the heading, "Silicone," be revised to include both one and two part materials. Also, numerous suggestions were made for revising the data in the table. The table was revised to reflect these comments.

TABLE B–8—UPPER TEMPERATURE LIMITS FOR INSULATION MATERIALS

A commenter suggested the table be deleted. Because of the difficulty of finding authenticating test data for the values listed, it was decided to delete the table.

APPENDIX C—ILLUSTRATED DEFINITIONS

Several comments were received suggesting changes to and the rewording of certain terms on the illustrated drawings. It was decided to redo a number of the drawings for greater clarity and change certain terms. The "solar window" drawing was corrected.

APPENDIX D—DEFINITIONS

Two comments were received about Appendix D. The first commenter suggested that the definition of "design life" be more specific. The second suggested that the relationship of the three types of collectors (combined, component, and integrated) to active and passive solar systems be stated. Though the definition of "design life" was not modified, its usage in the criteria was greatly reduced and a definition was added to describe what was meant by "significant (determination, loss, etc.)" in performance. The comment on collector types was reflected in changes made in these definitions.

An official, historic file of the Minimum Property Standards, the revisions and supplements including S/MPS is available in the Office of Technical Support, Room 6160, Department of Housing and Urban Development, Washington, D.C. and in each HUD Regional, Area, and Insuring Office. A copy of the standards, revisions, and supplements is also maintained in the Office of the Federal Register, Washington, D.C. Copies of the MPS, the revisions, and supplements can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in connection with the proposed rule and is applicable to this final rule. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order No. 11821. (Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., June 23, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-18727 Filed 6-30-77;8:45 am]

federal register

FRIDAY, JULY 1, 1977
PART V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATIONAL TELEVISION—EMERGENCY SCHOOL AID

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116—EDUCATIONAL TELEVISION—EMERGENCY SCHOOL AID

Interim Regulations

AGENCY: Office of Education, HEW.

ACTION: Interim regulations.

SUMMARY: These interim regulations implement the Educational Television—Emergency School Aid program authorized by Pub. L. 94-482. The program provides funds to public broadcasting entities to produce and distribute educational television programs designed to help children overcome problems of educational disadvantage. The regulations establish procedures for applying for grants and contracts under the program.

DATES: These regulations are effective July 1, 1977. Comments must be received on or before August 1, 1977.

ADDRESSES: Comments should be addressed to Mr. Robert Bickel, Director, Educational Television—Emergency School Aid Program, Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bickel, Director, Educational Television—Emergency School Aid Program, Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202) 245-9720.

SUPPLEMENTARY INFORMATION: Pub. L. 94-482 authorizes the Educational Television—Emergency School Aid program. The program provides funds to public broadcasting entities to produce and distribute educational television programs designed to help children overcome problems of educational disadvantage. The regulations establish procedures for applying for grants and contracts under the program.

Pursuant to section 431(b) of the General Education Provisions Act, 20 U.S.C. 1232(b), the Secretary has determined that it is impracticable to publish these regulations in proposed form and that good cause exists for making them effective on July 1, 1977. Publication of proposed regulations would delay the implementation of the program and would prevent the timely distribution of funds to eligible applicants. Comments are invited. It also makes it possible to guarantee funding of new national series to meet previously unmet needs. It category insures the possibility of funding at least one bilingual series in a given

prohibit the selling of air time under such an arrangement. However, because of the continue to pursue distribution efforts, and the Office of Education must assume gested that the delivery of scripts not

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID—EDUCATIONAL TELEVISION

AGENCY: Office of Education, HEW.

ACTION: Final Regulations.

SUMMARY: This regulation governs financial assistance to eligible applicants for the development and production of integrated children's television programs of cognitive and affective educational value. The changes are being made in response to concerns of the constituent community and to conform the regulations to prevailing television industry practices.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Dave Berkman, Bureau of Elementary and Secondary Education, Room 2011, Federal Office Building 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. (202/245-2465).

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 20, 1976 at 41 FR 46317 which amended Subpart H of Part 185 of Title 45 of the Code of Federal Regulations. Interested parties were given 45 days after October 20, 1976 to submit comments, suggestions, or objections. Six letters containing 29 suggestions and comments were received. A summary of these comments and responses is discussed in this document.

SUMMARY OF COMMENTS AND RESPONSES

1. *Comment.—Categories—§ 185.72(a)(1).* One commenter suggested that the inclusion of a new category would discourage proposers from applying for initial funding since there would be only limited opportunity to obtain additional funding in subsequent years. This category limits continuations of previously funded national series to one per year in those years when proposals in this category are requested. This category also excludes the possibility of continuations in other years.

Response. No change is made in the proposed rule. Under the previous regulations, a disproportionate share of funding was paid for continuations. In the most recent year, all national series funded were continuations. This new regulation makes it possible to fund a prior recipient in a year when proposals for the national continuation category are invited. It also makes it possible to guarantee funding of new national series to meet previously unmet needs. It should also be noted that a previously funded national bilingual series is eligible for funding in any year when proposals in the bilingual category are invited. For these reasons, the limitation of "no more than one contract" per category will be retained.

2. *Comment.—Continuation categories—§ 185.72.* It was suggested that the continuation categories should allow for automatic, non-competitive funding.

Response. No change was made in the proposed rule. Applicants for national or regional series continuation funding are required to go through the same competitive process as other applicants in order to assure annual competitive television programming. In other words, merely because an applicant has been funded in a prior year, will not assure funding in a subsequent year.

3. *Comment.—Continuation of regional categories—§ 185.72.* It was suggested that the inclusion of a continuation "regional" category can give unfair advantage to producers of previously funded "regional" series.

Response. No change was made in the proposed rule. Under the previous regulations, in which old and new regional series could compete against each other, it was possible that the category could be dominated by continuation fundings. The regulations now make it possible to assure the funding of up to three new regional series as well as for the continuation of two series funded in a prior year.

4. *Comment.—New categories—§ 185.72(a).* It was suggested that additional new categories should be established for funding to insure maximum latitude for consideration of content ideas.

Response. No change was made in the proposed rule. The national categories which allow for either cognitive or affective programming intended for elementary or secondary age students, and the virtually unlimited regional categories, would seem to allow almost unlimited program content possibilities. While proposals will not be invited in all national categories each year, it is expected that before this legislative authorization expires, proposals in each of these categories will be invited at least once.

5. *Comment.—Category for linguistic and grammatical deficiencies—§ 185.72(a)(1).* It was suggested that the former programming category concerned with "linguistic and grammatical deficiencies" be retained.

Response. No change was made in the proposed rule. Programming designed to meet such needs can be submitted in either of the two national "cognitive" categories or in the new "regional," categories.

6. *Comment.—National bilingual program category—§ 185.72(a)(6).* It was suggested there is no need for a national bilingual program category and that bilingual programming continue to be funded under other national categories.

Response. No change was made in the proposed rule. The inclusion of such a category insures the possibility of funding at least one bilingual series in a given year, and avoids the imbalance created by a situation whereby bilingual programming competes and is awarded funding in more than one category.

7. *Comment.—Limitation of awards by ethnic grouping—§ 185.72(b).* It was suggested that the regulations would no longer limit awards in a given year to one series directed at one racial or ethnic group unless the Assistant Secretary for Education makes an exception.

Response. No change was made in the proposed rule. Section 185.72(b)(2) which speaks to these concerns is retained.

8. *Comment.—Amount of regional award—§ 185.72(b)(3).* It was suggested that there is no need to increase the maximum amount for a "regional" award to $300,000. It was also suggested that there was no need to increase the maximum amount for "regional" continuation series.

Response. No change was made in the proposed rule. The rate of inflation since the previous limit of $250,000 was set over four years ago, makes it necessary to increase the maximum amount to $300,000 for both new and continuation series funded under the "regional" categories.

9. *Comment.—Authority of Assistant Secretary for limiting usage—§ 185.72(c).* A commenter suggested that the authority of the Assistant Secretary with respect to authorizing a lesser usage when the cost of obtaining such rights proves excessive, be broadened to permit a lesser usage for reasons other than excessive cost.

Response. No change was made in the proposed rule. Section 711(b)(1) of Title VII, Pub. L. 92-318 (20 U.S.C. 1610(b)(1)) mandates that all programming produced under that section be made reasonably available, free of charge, to the user. The purpose of § 185.72(c)(2) is to abide by the congressional intent with respect to the free availability to users. To add additional bases for flexibility, other than a cost factor, would not be within the province of the Assistant Secretary's authority.

10. *Comment.—Public station usage rights—§ 185.72(c)(2).* It was noted that the proposed rule does not make it clear that the period of minimum public station usage rights commences with the first broadcast by any public station.

Response. A technical change to this effect has been made in the proposed rule to reflect that usage rights commence with the first broadcast by any public station.

11. *Comment.—Commercial stations—§ 185.72(c)(2).* It was suggested that the provision mandating minimum commercial station use rights be limited to sustaining carriage. It was further suggested that commercial broadcasters not be allowed, as is the case in public television, to sell air time to cover the cost of transmitting a series, in return for which the entity paying for the air time receives a credit.

Response. No change was made in the proposed rule. The government cannot

prohibit the selling of air time under such an arrangement. However, because of the excessive cost for producers to obtain such a use right from talent unions, there is no requirement that producers of series produced under the Emergency School Aid Act educational television contracts do so.

12. *Comment.—Right of first refusal—§ 185.72(c)(2)(ii).* A commenter suggested that the phrase "exercise the right of first refusal" suggests that a station exercising the right has agreed to carry the program.

Response. A change has been made in the proposed rule to clarify this concept. The phrase "right of first refusal" as used in § 185.72(c)(2)(ii) means that a program has been offered to local public stations in the coverage area through a national or regional public network feed, and the local public stations have refused to carry the program. It is at this point that the "right" would be exercised.

13. *Comment.—Commercial station transmissions — § 185.72(c)(2)(ii).* A commenter requested clarification with respect to governing commercial station transmissions where a series is not carried by any public television station serving a coverage area.

Response. A technical change has been made in the proposed rule to indicate that this usage right applies only where a series is carried by public stations as the result of national or regional public network origination.

14. *Comment—In-school audiovisual use—§ 185.72(c)(2)(iii).* It was suggested that the requirement in the prior regulations which mandated that the producer obtain unrestricted in-school audiovisual rights be retained.

Response. No change was made in the proposed rule. Talent unions will not, as a matter of principle, grant any use rights in perpetuity. Twelve years seems a reasonable limit for usage which will comply with the congressional intent to make the series reasonably available free of charge. It is doubtful if any series would prove useful beyond that period of time. The twelve year limitation does not affect series produced in non-union situations. In these cases, which include a majority of series funded to date, in-school audiovisual use rights remain in perpetuity.

15. *Comment.—Distribution of programming—§ 185.72(c)(3).* It was suggested that it is inappropriate for the Office of Education to be jointly involved with procedures in program distribution, and that its role be limited only to situations where the producer is not making the programs it has produced reasonably available.

Response. No change was made in the proposed rule. The primary responsibility for distribution is, of course, with the producer. However, the Office of Education's efforts in distribution frequently involve attempts to coordinate distribution of programs produced by more than one producer. Further, insofar as funding generally covers a period which ceases when production is completed, producers may not be financially able to continue to pursue distribution efforts, and the Office of Education must assume this responsibility. Joint efforts by the Office of Education and the producers to enhance distribution result in wider distribution and airing than if just one party concerned itself with such an effort, and, therefore, such a joint effort furthers the legislative mandate which encourages maximum distribution of ESAA-TV programming.

16. *Comment.—Programming exclusivity—§ 185.72(c)(3).* It was suggested that the provision of a 13 week guarantee of per program exclusivity to each station in a market carrying a series, be expanded to allow exclusivity for the period necessary to complete a first run of all the programs in a series.

Response. It is the view of the Office of Education that 13 weeks of exclusivity per program is regarded as a use limitation which provides reasonable exclusivity, without violating the legislative requirement that programs be made reasonably available to all users.

17. *Comment.—Distribution costs—§ 185.72(c)(3).* It was suggested that a distributor should be allowed to include the cost of developing promotional materials, shipping, handling, tape duplication and related expenses in the fee structure they develop to arrive at the distribution costs charged to broadcast and nonbroadcast users.

Response. Incidental costs such as those incurred for shipping, handling, tape duplication and the development of promotional materials are allowable, and agree with the condition that the production be made reasonably available free of charge. Promotional costs are allowed, except where they result in an excessive price increase.

18. *Comment.—Retention of video tapes—§ 185.72(e).* It was suggested that producers be allowed to retain two, rather than one set of 2 inch tapes.

Response. The purpose for allowing producers to retain a set of tapes is to guarantee that the government cannot mandate delivery to itself of all tapes and thereby suppress the broadcast of a program. Allowing producers to retain a single set accomplishes this purpose.

19. *Comment.—Delivery of video tape cassettes—§ 185.72(e).* It was suggested that language be added which would clarify that the cassettes required to be delivered during series production may be used by the Office of Education solely for the purpose of ensuring that production is proceeding on schedule.

Response. No change is made in the proposed rule. The purpose of requiring cassette delivery during production is to ensure that production is proceeding on schedule. Any concern that the Office of Education is requiring this deliverable in order to interfere with the producer's right to exercise sole responsibility for content matters is unwarranted because the disclaimer in § 185.72(f) precludes the Office of Education from exercising any control over the content of the programming.

20. *Comment.—Delivery of programming scripts—§ 185.72(e).* It was suggested that the delivery of scripts not be required until completion of production, since to require earlier delivery could be "construed as * * * control of content by the U.S. Office of Education."

Response. No change is made in the proposed rule. Script delivery is not required until production terminates. In § 185.72(e), it is stated that scripts (item (8)) "must be provided to the Assistant Secretary at the conclusion of the recipient's production activity."

21. *Comment.—Teacher guide materials—§ 185.72(e)(6).* It was suggested that teacher guide materials requested not be limited to a single page.

Response. The limitation of one page for the teacher guide in § 185.72(e)(6) has been deleted. However, programming produced under these regulations is intended primarily for home viewing rather than in-school use. The expense of producing, reproducing and distributing extensive teacher guides for programming which is viewed overwhelmingly in non-instructional settings would result in an unnecessary diversion of funds from production. There is no longer a restriction of one page per program. Instead, it is suggested that a brief guide be prepared. The definition of brevity will be left to the producer.

22. *Comment.—Disclaimer—§ 185.72(f).* It was suggested that the language of the disclaimer and the statement that the language reflects the Assistant Secretary's position does not fully guarantee a producer's independence with regard to content.

Response. No change was made in the proposed rule. The language of the disclaimer and the language following is understood to guarantee a producer's sole control over content.

23. *Comment.—Disclaimer—§ 185.72(f).* It was suggested that the disclaimer and the statement that this reflects the Assistant Secretary's intent, would preclude any governmental monitoring of productions "for taste and sensitivity.".

Response. No change was made in the proposed rule. Producers are designated to receive funding only after an intensive competitive procedure based on published criteria which assures that only highly qualified organizations are funded. Neither "taste" nor "sensitivity" is specifically listed as a criterion in these regulations. Therefore, once an organization receives funding, it would be inappropriate for the government to impose its standards on those of the producer in such areas as "taste and sensitivity."

24. *Comment.—Deletion of citation.* It was noted that the deletion of the reference to § 185.13(a) in § 185.73(b) also requires a similar deletion in § 185.74(f).

Response. A technical change has been made to reflect this suggestion.

25. *Comment.—Indirect cost rates—§ 185.73(b).* It was suggested that the allowance of indirect cost rates to entities other than local educational agencies by deleting reference to § 185.13(a) is unfair because "most independent producers are profit-making organizations."

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Response. No change was made in the

30. *Technical changes.* It should also be

(b) (1) No more than one contract for

(iv) One broadcast in each of two

(2) One three-quarter-inch cassette

Response. No change was made in the proposed rule. The statute limits eligibility to nonprofit agencies, organizations and institutions. Therefore, profit-making organizations may not apply for funding under these regulations. (20 U.S.C. 1610(b))

26. *Comment.—Indirect costs.* It was suggested that producers continue to be required to break out "overhead" as indirect costs pursuant to §§ 185.73(b) and 185.13(a).

Response. To allow producers to use indirect cost rates brings the cost principles under these regulations in closer alignment with both accepted industry practice and other Office of Education television funding procedures. Local educational agencies, as required under the legislation, will continue to itemize all additional costs normally subsumed under "overhead," as stipulated pursuant to §§ 185.73(c) and 185.13(a).

27. *Comment.—Point awards for advisory committee and scheduling—§185.74(c)(d) and § 185.74(d).* It was suggested that under the criteria, points awarded for advisory committee participation and scheduling remain the same.

Response. No change was made in the proposed rule. Based on past experience, the Office of Education feels that the new scores for these two criteria more adequately reflect the scope and latitude of the activities with which they are concerned.

28. *Comments.—Retention of staff after pilot phase—§ 185.77.* It was suggested that additional flexibility be added to allow producers to make commitments to third parties beyond the pilot phase of production in order that producers can retain talent and staff during the period between the time a pilot program is delivered and a post-pilot continuation decision is made.

Response. No change was made in the proposed rule. This section allows producers to retain staff during this period until the continuation decision is rendered.

29. *Comment.—Post pilot phase copyright and distribution.* It was suggested that the present regulation does not clarify what rights the producer of a pilot has in a case where post-pilot production is not allowed. More specifically, the commenter wants to know if a producer retains a right to distribute that pilot for broadcast, or if such a producer has a right to retain copyright of the pilot production if copyright has been secured at the pilot stage.

Response. No change was made in the proposed rule. Nothing in the regulation differentiates between pilot and post-pilot productions. A producer currently has the right to distribute pilot materials as long as the proper disclaimer is published and as long as other conditions (such as making the production reasonably available, free of charge) are met. Any copyright matters would be subject to the appropriate sections of the General Education Provisions Regulations found in 45 CFR 100a.217, 45 CFR 100a.219, and 45 CFR 100a.234 and the guidelines mentioned in those sections.

30. *Technical changes.* It should also be noted that two additional technical changes have been made. The first, § 185.72(a)(6) states that the bilingual category is open to programming intended for children of all ages, not just those of elementary school age. The second eliminates a paragraph included, by error, in the proposed regulations. (No. 7 under § 185.74). The correct material, as stated in the proposed revision in § 185.74(d), remains.

31. *Rescission of guidelines.* The Commissioner of Education published guidelines for the Emergency School Aid Act Educational Television Program on February 11, 1976 at 41 FR 6111–6114. These guidelines are hereby rescinded except to the extent that applicants and contractors relied on them prior to this notice.

32. Only certain sections and paragraphs of subpart H were published for comment. However, for the ease of the reader, the entire revised text of Subpart H is published below.

After consideration of all comments, 45 CFR Subpart H of Part 185 is amended to read as set forth below.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring perparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.530 Emergency School Aid Act—Educational Television)

Dated: April 26, 1977.

MARY F. BERRY,
Assistant Secretary for Education.

Approved: June 27, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Subpart H—Educational Television

Sec.

185.71 Eligibility for funds.
185.72 Authorized activities and areas of concern.
185.73 Proposals.
185.74 Criteria for awards.
185.75 Advisory committees.
185.76 Limitations on eligibility.
185.77 Required approval by Assistant Secretary of pilot materials.

Subpart H—Educational Television

§ 185.71 Eligibility for funds.

(a) Any public or private nonprofit agency, institution, or organization with the capability of providing expertise in the development of television programming and with access to facilities necessary for such development may apply for a contract from funds reserved pursuant to § 185.95(b)(3) to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value. For purposes of this subpart, "programs of cognitive and affective educational value" are those which teach concrete academic skills and encourage interracial and interethnic understanding.

(20 U.S.C. 1610(a), (b)(1); Senate Rept. No. 92–61, p. 24)

(b) No more than ten contracts shall be awarded pursuant to this subpart during any fiscal year.

(20 U.S.C. 1610(b)(1))

§ 185.72 Authorized activities and areas of concern.

(a) Funds made available under this subpart shall be used to pay the normal and necessary expenses of researching, planning, writing, editing, staging, directing, performing, producing, reproducing, and distributing integrated children's television programs where such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such programs shall compose television series of standard length programs in any fiscal year from one or more of the following categories as announced each year in the FEDERAL REGISTER:

(1) Additional programs of a national series (i.e., intended for national distribution) previously assisted under the Act (other than a series described in paragraph (a)(6) of this section);

(2) A national series (i.e., intended for national distribution) other than a series described in paragraphs (a)(1) and (a)(6) of this section, to improve the cognitive skills of minority and nonminority groups elementary school age children in one or more areas, such as mathematics, science, social studies, or language;

(3) A national series (i.e., intended for national distribution) other than a series described in paragraphs (a)(1) and (a)(6) of this section, to improve the cognitive skills of minority and nonminority group secondary school age children in one or more areas, such as mathematics, science, social studies, or language;

(4) A national series (i.e., intended for national distribution) other than a series described in paragraphs (a)(1) and (a)(6) of this section, to foster interracial and inter-ethnic understanding among elementary school age children;

(5) A national series (i.e., intended for national distribution) other than a series described in subparagraphs (a)(1) and (a)(6) of this section, to foster interracial and inter-ethnic understanding among secondary school age children;

ries described in paragraphs (a)(1)

(6) A national (i.e., intended for national distributors) children's bilingual series of cognitive and/or affective education value. A bilingual series is a series consisting of programs which contain no more than 60 percent of its content in one of the two languages it offers;

(7) Up to three new "regional" series intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in § 185.02(f) which may be unique to a particular geographic region; or

(8) Additional programs from up to two "regional" series previously funded under the Act intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in § 185.02(f) which may be unique to a particular geographic region.

(20 U.S.C. 1610(b)(1).)

(b)(1) No more than one contract for a standard-length series shall be awarded for any one of the areas of concern described in paragraphs (a)(1), (2), (3), (4), (5), and (6) of this section in any fiscal year, and no more than a maximum of five contracts shall be awarded for "regional" programming as described in subparagraphs (a)(7) and (a)(8) of this section in any fiscal year, unless the Assistant Secretary determines that the proposals pending for additional contracts for programming directed to the same area of concern are of exceptional merit or promise.

(2) No more than one contract shall be awarded for television programming directed to a particular racial or ethnic group in a particular geographical area in any fiscal year, unless the Assistant Secretary determines that the proposals pending for additional contracts for programming directed to the same group in the same area are of exceptional merit or promise.

(3) No contract awarded for "regional" programming as described in paragraphs (a)(7) and (a)(8) of this section shall exceed $300,000 in amount.

(20 U.S.C. 1610(b)(1))

(c)(1) Television programs developed in whole or in part with funds made available under this subpart shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship. Broadcast and nonbroadcast users of such programs may not be charged any cost beyond (i) the cost of tape duplication and, (ii) where there is a contract between a recipient and a talent union as described in paragraph (c)(2) of this section, the cost of payments to members of such talent union for usages beyond those usages specified in such contract.

(2) Any contract between a recipient of funds under this subpart and a talent union must allow at least the following usages of the television programs assisted (except in cases where the Assistant Secretary finds that the cost of such usages would be excessive and authorizes lesser usages), charges for which may not be passed on to users:

(i) Six years of usage by public television stations (a year of usage being defined, for this purpose, as unrestricted use during three separate weeks of any given program within a series) this six-year period to commence with the first broadcast by any public station;

(ii) One broadcast by any single commercial television station (in addition to the commercial station broadcasts in subdivision (iv) of this subparagraph) where there is no public television serving that station's coverage area or where all public television stations serving that station's coverage area have exercised a right of first refusal of a regional or national public network feed;

(iii) Twelve years of unrestricted use in in-school audiovisual contexts, including transmission by education-dedicated, local origination CATV channels and Instructional Television Fixed Service systems; and

(iv) One broadcast in each of two three-year periods over commercial stations in any coverage area, including network originated broadcasts.

(3) Arrangements for making the television programs developed with funds under this subpart reasonably available for transmission, free of charge, shall be undertaken by the recipient and shall be subject to the approval of the Assistant Secretary; however, the Assistant Secretary may in addition assume the responsibility for making such arrangements if such action is deemed appropriate. A recipient may not restrict usages, except as provided in paragraph (c)(1) of this section or by an agreement giving exclusivity to the first station in a coverage area the right to broadcast a program (whether or not the result of a network origination), until the thirteenth week following the week in which each such program is first broadcast.

(4) For purposes of this paragraph, where the costs of transmission are met by a commercial firm, a brief statement to that effect at the beginning or end of such transmission shall not be considered commercial sponsorship.

(5) No television program developed in whole or in part with funds made available under this subpart shall be used or transmitted in such a manner as to result in a financial benefit to any person or organization.

(20 U.S.C. 1610(b)(2); Senate Rept. No. 92–61, pp. 24–25)

(d) Funds made available under this subpart shall not be used for construction, repair, or remodeling of any building or facility, or for the purchase of any equipment which has a useful life of more than one year and is not consumed in use, except where it can be demonstrated that the purchase of specific items of equipment will cost less than their rental. For purposes of this paragraph, "construction, repair, or remodeling" includes construction of buildings and facilities and structural alterations, renovations, and remaking of existing buildings and facilities or space therein.

(20 U.S.C. 1610(b)(1))

(e) *Deliverables.* Recipients of funds under this subpart must produce the following items, of which those described in subparagraphs (3), (4), (6), and (7) of this paragraph must be provided to the Assistant Secretary at intervals specified by the Assistant Secretary, and of which those described in subparagraphs (1), (2) (except for one dub which may be retained by the recipient), (5), and (8) must be provided to the Assistant Secretary at the conclusion of the recipient's production activity:

(1) One master two-inch color highband video tape of each production in the series;

(2) Four first generation two-inch color highband video tape dubs of each production in the series (except that only two dubs shall be required for programming described in § 185.72(a)(7) and (8));

(3) One three-quarter-inch cassette tape of each production in the series;

(4) One three-quarter-inch cassette tape of a pilot production;

(5) Three one-minute promotional spots, with a 30-second liftout of each, to be delivered as:

(i) A composite tape of all six spots on a two-inch highband color, master video tape;

(ii) Four composite tapes of all six spots as first generation two-inch highband color, video tape dubs (except that only two tapes shall be required for programming described in § 185.72(a)(7) and (8)); and

(iii) A three-quarter inch composite video tape of all six spots;

(6) Five copies of brief teacher guide materials in final form for each production;

(7) Five copies of pilot production test results; and

(8) One set of final scripts.

(20 U.S.C. 1610(b)(1))

(f) *Disclaimer.* Each program in a series assisted under this subpart must carry the following disclaimer: "This program was produced by [*Name of Recipient*] under a contract from the U.S. Department of Health, Education, and Welfare, Office of Education. The content of this program is the responsibility of the contractor and no official endorsement by the Department, or the Office of Education, is to be inferred." Such language reflects the position of the Assistant Secretary.

(20 U.S.C. 1610(b)(1))

§ 185.73 Proposals.

(a) *General.* (1) A proposer for a contract under this subpart for any fiscal year shall submit to the Assistant Secretary a proposal therefor for that fiscal year, which proposal shall be in a form specified by the Assistant Secretary and shall contain such information and set forth such policies and procedures as will assure that the proposer will use funds received under this subpart only for the activities described in § 185.72.

(2) The proposal must make provision for production of prototypical pilot materials.

(20 U.S.C. 1610(b)(1))

(b) *Basic assurances.* Proposals for funds under this subpart shall comply with the requirements of § 185.13 (b), (c), (d), (f), (h), (k)(1) (i) and (ii), (k)(2), and (m).

(20 U.S.C. 1609(a), 1610(b)(1))

(c) *Assurances by local educational agencies.* Proposals by local educational agencies for funds under this subpart shall comply with the requirements of § 185.13 (a), (g), (i), (j), (k)(1)(iii), (k)(3), (l), and (n), in addition to the requirements specified in paragraphs (b) and (e) of this section. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the proposer and the Assistant Secretary.

(20 U.S.C. 1609(a), 1610(b)(1))

(d) *Assurance by other proposers.* Proposals by public or private nonprofit

cational and other needs of the target population, and the magnitude of the

evaluation techniques prior to and during a pilot phase of production of the pro-

be understood to refer to the provisions of this subparagraph (2).

(ii) A proposer shall designate at least

(3) The post-award consultation described in § 185.65(d) shall be at least

§ 185.44 as to waiver of ineligibility shall apply to local educational agencies sub-

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(d) *Assurance by other proposers.* Proposals by public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) under this subpart shall comply with the requirements of § 185.63(b) (2) and (5) in addition to the requirements specified in paragraphs (b) and (e) of this section.

(20 U.S.C. 1609(a) and 1610(b) (1))

(e) *Additional information and assurances.* Proposals for funds under this subpart shall contain the following information, in addition to the assurances and information required by the other applicable paragraphs of this section:

(1) A detailed description of the integrated children's television programs to be developed and produced with funds made available under this subpart, together with an identification of the audience to be reached by such programs and a statement of the educational and other gains to be achieved;

(2) A statement of the name, address, position, duties, prior experience in educational television and school and community affairs, and race of all persons permanently employed (or to be employed) in positions of responsibility by the proposer on the development, production, and administrative staffs of the project;

(3) A detailed description of the evaluation procedures to be employed by the proposer pursuant to § 185.77 in measuring and evaluating the program appeal of, and the educational and other changes to be achieved by, the television programs for which funds are sought;

(4) A statement of (i) past activities engaged in by the proposer or its officers or employees indicating the relative capability of the proposer to provide expertise in the development of integrated children's television programming, and to develop and produce the proposed television programs, and (ii) the access of the proposer to facilities necessary for such development and production;

(5) A budget detailing all costs of the proposed project; and

(6) For programming described in § 185.72(a) (1) and (2), a three-quarter inch videotape cassette of two programs previously assisted if of half-hour or quarter-hour length, or one program previously assisted if of one-hour length.

(20 U.S.C. 1610(b) (1) and (3))

(f) *Proposal procedure.* The Assistant Secretary may require the information described in this section to be submitted either in a single proposal or sequentially, and may require additional information and assurances of selected proposers.

(20 U.S.C. 1610(b) (1))

§ 185.74 Criteria for awards.

In reviewing and approving proposals for contracts under this subpart, the Assistant Secretary shall apply the following criteria:

(a) *Needs assessment (10 points).* The extent to which the proposer has undertaken a comprehensive assessment, on the basis of test data, audience surveys, and other objective evidence, of the educational and other needs of the target population, and the magnitude of the needs so assessed.

(20 U.S.C. 1610(b) (1))

(b) *Statement of objectives (15 points).* The degree to which the proposer sets forth specific objectives which:

(1) articulate with the needs described by the proposer in its proposal;

(2) are capable of attainment through the proposed television series; and

(3) are shown to have been derived by persons possessing relevant professional and experiential background, and who include, to a significant degree, persons representative of the racial and ethnic populations to be served by the series.

(20 U.S.C. 1610(b) (1), 1610(b) (3) (A))

(c) *Activities (16 points)*—(1) *Program content and design (40 points).* The extent to which the proposed television programming promises to reach the expected or potential target audience and to encourage and sustain the participation, interest, and educational and other growth of such audience, and the extent to which the programming can stand by itself as effective instruction without the necessity for teacher assistance;

(2) *Staffing (19 points).* (i) The extent to which the proposal sets out an overall staff plan clearly delineating positions and responsibilities and maximizing staff capabilities;

(ii) The extent to which minority group persons will occupy key creative, administrative and executive decision-making project positions; and

(iii) The extent to which provision is made for on-the-job-training, in full-time positions over the entire project period, to enable such trainees to become qualified to assume positions of technical and professional responsibility;

(3) *Supplementary materials (2 points).* The extent to which the proposal sets forth a plan for developing a guide which will provide teachers employing the series in classroom work with suggestions for varied, realistic and effective ancillary classroom activity; and

(4) *Advisory committee participation (5 points).* The extent to which the proposal (i) clearly delineates specific opportunities for continuing advisory committee participation in the development and evaluation of the proposed television programming in addition to those required by § 185.75, and (ii) includes evidence that such participation has been encouraged and has in fact occurred.

(20 U.S.C. 1610(b) (1), 1610(b) (3) (A))

(d) *Scheduling (4 points).* The quality of a detailed flow chart or milestone chart, submitted with the proposal, of activities sufficient to accomplish all proposed tasks.

(20 U.S.C. 1610(b) (1))

(e) *Formative evaluation (5 points).* The extent to which the proposal sets out a detailed format, including specific study design, for applying formative evaluation techniques prior to and during a pilot phase of production of the proposed television programming, in order to determine the production and presentation techniques which offer the greatest promise of achieving the stated objectives.

(20 U.S.C. 1610(b) (1), 1610(b) (3) (C))

(f) *Funding criteria.* In determining amounts to be awarded to proposers for funds under this subpart, the Assistant Secretary shall consider the additional cost to each proposer of effectively developing and producing its proposed television programming, in relation to the amount of funds available under this subpart and the other proposals for such funding pending before him. The Assistant Secretary shall not be required to approve any proposal which does not meet the requirements of the Act or this part, or which sets forth proposed television programming of such insufficient promise for achieving the purposes of the Act that its approval is not warranted, or which sets forth projected costs that are unreasonable in relation to projected outcomes, or which is not supported by a record of past activities engaged in by the proposer or its officers or employees indicating capability for implementing the proposal. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to proposers (whose proposals meet such requirements and are of sufficient promise to warrant approval) in order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1610(b) (1))

(g) In making the determinations required under this section, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education, educational television, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1610(b) (1) and (3))

§ 185.75 Advisory committees.

(a) Public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) submitting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation set forth in § 185.65, except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) (i) The requirements of § 185.65(b) shall not apply to proposals submitted under this subpart. References in § 185.65 to paragraph (b) of said section shall be understood to refer to the provisions of this subparagraph (2).

(ii) A proposer shall designate at least five civic or community organizations, each of which shall select a member of the proposer's advisory committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(iii) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the area to be served by the proposed television programming. At least 50 percent of the nonstudent members of such committee, to be selected by the proposer, shall be parents of children at whom the proposed television programming for which funds are sought will be directed.

(iv) Where the proposed television programming will be directed at secondary school age students, at least 50 percent of the total membership of the committee, to be selected by the proposer, must be secondary school students enrolled in a secondary school or schools located within the area to be served by the proposed television programming. Among such student members there must be equal numbers of nonminority group persons and persons from each minority group substantially represented in the area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.65(d) shall be at least once every three months.

(20 U.S.C. 1610(b) (1))

(b) Local educational agencies submitting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation and public hearings set forth in § 185.41 (a) through (g), except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) The designation of teachers pursuant to § 185.41(c) (2) and students (who must be designated only where the proposed television programming will be directed at secondary school age students) pursuant to § 185.41(c) (4) shall be with reference to the entire area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.41(e) shall be at least once every three months.

(20 U.S.C. 1609(a) (2) and (3), 1609(b))

§ 185.76 Limitations on eligibility.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies submitting proposals for funds under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies submitting proposals for funds under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart.

(20 U.S.C 1605(d), 1609 a) and b), 1610b) 1))

§ 185.77 Required approval by Assistant Secretary of pilot materials.

A recipient of funds under this subpart must produce prototypical pilot materials at times specified by the Assistant Secretary. A recipient of funds for additional programs of a series previously assisted under the Act may use for this purpose a program produced with its most recent assistance. The recipient must then conduct an evaluation of such materials to serve as the formative evaluation for the series. No commitments by the recipient relating to production activity beyond the conduct of this evaluation will be recognized by the Assistant Secretary unless a favorable decision on project continuation is made by the Assistant Secretary. Any party with whom the recipient enters into a commitment for such production activity prior to such a favorable decision must be informed of this possibility of nonrecognition at the time the commitment is entered into. An unfavorable decision on project continuation shall be a basis for termination pursuant to § 185.45.

(20 U.S.C. 1609(a) (15), 1610(b) (1), 1610(b) (3) (C))

[FR Doc.77-18793 Filed 6-30-77;8:45 am]

FEDERAL REGISTER, VOL. 42, NO. 127—FRIDAY, JULY 1, 1977

FRIDAY, JULY 1, 1977
PART VI

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federal register

FRIDAY, JULY 1, 1977
PART VI

THE PRESIDENT

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REORGANIZATION OF EXECUTIVE BRANCH

Presidential Memorandums on Comprehensive Review of Administrative Services Delivery, Federal Law Enforcement, Human Services Program, and Local Development Programs

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Title 3—The President

Memorandum of June 29, 1977

Comprehensive Review of Administrative Services Delivery

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, June 29, 1977.

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a comprehensive review of the management of administrative services within the Federal Government. The project will be administered jointly by OMB and the Administrator of the General Services Administration.

A preliminary staff review indicates significant problems with existing services. It has been 30 years since the first Hoover study led to the creation of the General Services Administration; it is time to reexamine the objectives and benefits of our present system in light of those years of operating experience.

A major objective of the study is to improve the delivery of administrative services to Federal agencies. It will assess the roles of the General Services Administration and others in the provision of services related to real and personal property, automated data processing, telecommunications, and records management.

The Project will rely heavily on the advice and counsel of the Congress, Federal Departments and Agencies, State and local officials, interested private organizations, and the public. Your agencies are the principal consumers of Federal administrative services. You have expressed your concerns about their quality. This is your opportunity to help improve them.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to ensure its successful completion.

My Reorganization Project staff will contact you or an appropriate member of your staff shortly to discuss the appropriate role of your department or agency in the study.

I consider this to be a high priority matter. I know I can count on your cooperation and assistance.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18992 Filed 6-29-77; 11:51 am]

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Memorandum of June 29, 1977

Comprehensive Review of Federal Law Enforcement

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, June 29, 1977.

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a comprehensive review of all Federal law enforcement missions, tasks, and priorities.

Today there is considerable jurisdictional ambiguity, overlap, and possible duplication among Federal organizations performing police or investigative activities. There are at least 75 different Federal agencies and 164,000 federal employees involved in police or investigative work. Our goal is to make these functions more responsive to both individual rights and Federal law enforcement priorities. This effort will help us determine how best to structure these agencies to do so.

A major objective will be to re-examine the Federal role in law enforcement in light of the responsibilities and capabilities of State and local agencies. The Federal Government ought not to duplicate or overlap State and local law enforcement functions unnecessarily.

The Project will rely heavily on the advice and counsel of the Congress, Federal Departments and Agencies, State and local officials, interested private organizations, and the public.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to ensure its successful completion.

My Reorganization Project staff will contact you or an appropriate member of your staff shortly to discuss the appropriate role of your department or agency in the study.

I consider this to be a high priority matter. I know I can count on your cooperation and assistance.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18993 Filed 6-29-77; 11:52 am]

Memorandum of June 29, 1977

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Memorandum of June 29, 1977

Comprehensive Review of Human Services Programs

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, June 29, 1977.

I have directed my Reorganization Project staff to begin a study of the organization and delivery of human services. These services, ranging from day care to job training, are intended to help people whose special needs are not met by income assistance and health financing programs. This study will be coordinated closely with efforts underway to develop welfare and national health insurance proposals.

The Federal Government spends about $22 billion on more than 100 human services programs administered by ten departments and agencies. The numerous planning, administrative and eligibility requirements of these programs create fragmentation, waste, and confusion.

With your help, this study will lead to a more logical program structure at the Federal level and the delivery of services to families and individuals who need them in a simpler, more comprehensive, and efficient way.

The success of this project will depend to a large extent on the cooperation and assistance of Federal departments and agencies, state and local officials, interested groups and individual citizens.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to ensure its successful completion.

My Reorganization Project staff will contact you or an appropriate member of your staff shortly to discuss the appropriate role of your department or agency in the study.

I consider this to be a high priority matter. I know I can count on your support.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18994 Filed 6-29-77;11:53 am]

Memorandum of June 29, 1977

V 42 I 127 JUL 1 77 UMI V

Memorandum of June 29, 1977

Comprehensive Review of Local Development Programs

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, June 29, 1977.

I have directed my Reorganization Project staff at the Office of Management and Budget to begin a thorough review of the organization and structure of the major Federal local development programs, including the community economic development programs.

These programs have several problems, including jurisdictional uncertainty, duplication of effort, and lack of coordination.

This review will focus on the programs that comprise the core of the Federal local development assistance package:

- Business promotion, where over 100 different programs in more than ten different agencies provide financial and managerial assistance to businesses.
- Public facilities investment, where, for example, there are 46 sewage-related programs alone, dispensing about $6 billion through seven agencies in five departments, two independent agencies and eight regional commissions.
- Housing, where there are at least 77 different programs, administered by 15 different agencies and overseen by three separate government-chartered secondary mortgage agencies.
- Transportation, where 60 grant assistance programs are channelled through six semi-autonomous operating administrations of the Department of Transportation and an additional network of 25 agencies.
- Employment and training, where ten agencies administer 24 programs.

By examining how these various local development programs actually fit together at the local level, the project will identify ways to improve the Federal Government's contribution to community development, and help sort out the appropriate roles and responsibilities of Federal and non-Federal officials in this area.

The effort will need the active participation of State and local officials, the Congress, Federal Departments and Agencies, and the public.

You may be asked to contribute time, resources, and staff assistance to this effort. If so, I hope you will make your best effort to ensure its successful completion.

My Reorganization Project staff will contact you or an appropriate member

V 42 127 JUL 1 77 UMI V

My Reorganization Project staff will contact you or an appropriate member of your staff shortly to discuss the appropriate role of your department or agency in the study.

I consider this to be a high priority matter. I know I can count on your support.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18995 Filed 6-29-77;11:54 am]

federal register

FRIDAY, JULY 1, 1977

PART VII

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Class Exemption from Prohibitions Respecting Certain Transactions in Which Multiemployer and Multiple Employer Plans Are Involved

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

1. *Leasing of office space.* Two commentators noted that the proposed class exemption does not apply and the prohibited transaction provisions to which the exemption does not apply and the

party's use of such pace, services and to have occurred if, due to circum- participating employer association

V 42 127 JUL 1 77 UMI

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 77-10]

EMPLOYEE BENEFIT PLANS

Class Exemption From Prohibitions Respecting Certain Transactions in Which Multiemployer and Multiple Employer Plans Are Involved Pursuant to Application Filed by National Coordinating Committee for Multiemployer Plans (Application No. L-562)

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This exemption, which complements a class exemption issued in March, 1976 (41 FR 12740, March 26, 1976), enables a multiple employer plan to share office space and administrative services and goods, to lease office space or provide administrative services or to sell or lease goods to a participating employee organization, participating employer, or participating employer association, or to another multiple employer plan, provided certain conditions are met. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act).

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel J. Shapiro, Room C-4508, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. (202-523-7931).

SUPPLEMENTARY INFORMATION: On May 3, 1977, notice was published in the FEDERAL REGISTER (42 FR 22428) that the Department of Labor had under consideration a proposed class exemption from the restrictions of section 406(b)(2) of the Act. The proposed class exemption, which was requested in an application (No. L-562) filed by the National Coordinating Committee for Multiemployer Plans, would have exempted the sharing of office space and administrative services and goods, leasing of office space or the provision of administrative services or sale or leasing of goods by a multiple employer plan to a participating employee organization, participating employer, or participating employer association, or to another such multiple employer plan which is a party in interest with respect to such plan or plans.

The application was filed and the exemption was proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). All interested persons were invited to submit comments on the proposed exemption.

COMMENTS RECEIVED

Several comments were received with regard to the proposed exemption, all supporting the grant of the exemption. Two commentators, while supporting the exemption, suggested certain changes.

1. *Leasing of office space.* Two commentators noted that the proposed class exemption was intended to be identical in scope to that granted in part C of Prohibited Transaction Exemption 76-1 (41 FR 12740, Mar. 26, 1976). In this respect, they observed that the proposed class exemption did not effectively permit plans to lease office space to participating employers. The comments also noted, as did the application, that the typical situation for which the exemption should be applicable involves the leasing of a single parcel of real property to an employer. Under this circumstance, however, the leasing of office space would fail to satisfy the definition of "qualifying employer real property" because it would not be geographically dispersed and, thus, would fail to meet one of the conditions imposed by the proposed exemption. The Department has accepted these comments. Accordingly, paragraph (b)(2) of section I of the proposal, which would have required more than one parcel of employer real property, has been deleted. As revised, the class exemption now affords relief from the prohibitions of section 406(b)(2) for the leasing of any office space by multiple employer plans to participating employers without regard to whether such office space constitutes qualifying employer real property under section 407(d)(4) of the Act. It is emphasized, however, that any such lease still must satisfy the conditions of section I(c) of part C of Prohibited Transaction Exemption 76-1 to be exempt from the provisions of sections 406(a)(1)(E), 406(a)(2) and 407(a) of the Act.

2. *Sharing of office space, goods or services between related multiple employer plans.* One comment suggested that the proposed exemption be broadened to permit related plans, which are not necessarily parties in interest with respect to one another, to share office space, goods and administrative services on a pro-rata basis. The comment indicated that when related plans share office space, goods or administrative services on a pro-rata basis, even if they are not parties in interest (as defined in section 3(14) of the Act) with respect to one another, common trustees may face a problem under section 406(b)(2) because the trustees, in determining the allocation of costs, will be representing parties with adverse interests. The comment has been accepted and incorporated in this class exemption because the Department believes that it is desirable to have common trustees who are familiar with the industry and the relationships of the plans, and the exemption, as granted, contains sufficient safeguards so as to minimize potential abuses.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under sections 406(a), 406(b)(1) and (3) and section 407(a) of the Act. However, see part C of Prohibited Transaction Exemption 76-1 (41 FR 12740, March 26, 1976) for an exemption from the restrictions of sections 406(a) and 407(a) for the transactions described herein.

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) In accordance with section 408(a) of the Act, and based upon the entire record, including the written comments submitted in response to the notice of May 3, 1977, the Department makes the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

EXEMPTION

Accordingly, the following exemption is hereby granted under authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975):

Sec. I.—Prospective. Effective June 12, 1975, the restrictions of section 406(b)(2) of the Act shall not apply to the sharing of office space, administrative services or goods or the leasing of office space or the provision of administrative services or sale or leasing of goods by a multiple employer plan established in accordance with the requirements for representation on the board of trustees imposed by section 302(c)(5) of the Labor Management Relations Act, 1947 (LMRA) to a participating employee organization, participating employer, or participating employer association, or to another such multiple employer plan which is a party in interest with respect to the plan or to which it is related by virtue of having common trustees, provided that the following conditions are met:

(a) With respect to the sharing of office space, administrative services and goods, the costs of securing such space, services and goods are assessed and paid on a prorata basis with respect to each

party's use of such pace, services and goods.

(b) With respect to the leasing of such office space or the provision of such administrative services or other sale or leasing of goods, the plan receives reasonable compensation for such leasing, or the provision of such services or the sale or leasing of such goods. Solely for purposes of this exemption, "reasonable compensation" need not include a profit which would ordinarily have been received in an arm's-length transaction, but must be sufficient to reimburse the plan for its costs.

(c) With respect to the sharing of office space, administrative services or goods or the leasing of office space or the provision of administrative services or the sale or leasing of goods, the arrangement allows any plan which is a party to the transaction to terminate the transaction on reasonably short notice under the circumstances.

(d) Any plan which shares office space, administrative services or goods or is the lessor of such office space or which provides such administrative services or goods, maintains or causes to be maintained during the period of such sharing arrangement or lease or of such provision of services or sale or leasing of goods and for a period of six years from the date of termination of such sharing arrangement or lease or such provision of services or sale or lease of goods, such records as are necessary to enable the persons described in paragraph (e) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period, and (2) such participating employee organization, participating employer, participating employer association, or other plan shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act if such records are not maintained, or are not available for examination as required by paragraph (e) below.

(e) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (d) are unconditionally available at their customary location for examination during normal business hours by (1) the Department of Labor, (2) plan participants and beneficiaries, (3) any employer of plan participants and beneficiaries, and (4) any employee organization any of whose members are covered by the plan, or (5) any duly authorized employees or representatives of a person described in subparagraphs (1) through (4) of this paragraph.

Sec. II. Retroactive. Effective January 1, 1975, the restrictions of sections 406(b)(2) of the Act shall not apply to the sharing of office space, administrative services or goods or the leasing of office space or the provision of administrative services or the sale or leasing of goods by a multiple employer plan established in accordance with the requirements for representation on the board of trustees imposed by section 302(c)(5) of the LMRA to a participating employee organization, participating employer, or participating employer association, or to another such multiple employer plan which is a party in interest with respect to the plan or to which it is related by virtue of having common trustees, which occurred before June 12, 1975, or which occurred before October 1, 1975 pursuant to a binding arrangement entered into before June 2, 1975, provided that such transaction was:

(a) Of a type that was ordinarily and cusomarily engaged in by multiple employer plans before January 1, 1975; and

(b) At the time it was entered into, not a prohibited transaction within the meaning of section 503(b) of the Internal Revenue Code or the corresponding provisions of prior law, except that solely for purposes of this exemption the terms of such arrangement need not provide for a profit which would ordinarily have been received by the plan in an arm's-length transaction, provided that the compensation received by the plan is otherwise reasonable.

Sec. III. Definitions. For purposes of sections I and II above, the term "multiple employer plan" shall mean an employee benefit plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a plan which meets the requirements of at least subsections 3(37)(A)(i), (ii) and (v) of the Act.

Signed at Washington, D.C., this 23rd day of June, 1977.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc.77-18692 Filed 6-27-77;11:34 am]

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federal register

FRIDAY, JULY 1, 1977
PART VIII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 8 AND SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

Fair Market Rents

V 42 127 JUL 1 77 UMI

Title 24—Housing and Urban Development

CHAPTER VIII—OFFICE OF ASSISTANT

SUPPLEMENTARY INFORMATION: HUD gave notice on May 4, 1977, at 42

It should be noted that: (1) an Owner who qualifies for an Annual Adjustment

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Title 24—Housing and Urban Development

CHAPTER VIII—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-311]

PART 803—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Amendment of Schedule B—Section 8 Existing Housing and Section 23 Existing Housing

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending the Schedules that set forth the Fair Market Rents for the Section 23 and Section 8 Housing Assistance Payments Programs for Existing Housing.

These schedules were recalculated for all market areas in the United States on the basis of changes in Consumer Price Indexes for rents and utilities, and requests from HUD field offices and the general public. The revised schedules were published for comment on May 4, 1977.

Fair Market Rents are intended to reflect the average rents currently being charged for available standard units of modest (non-luxury) nature with suitable amenities in the applicable county or Standard Metropolitan Statistical Area.

EFFECTIVE DATE: March 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Bernard Horn, Acting Director, Office of Economic and Market Analysis, PD&R, HUD, Washington, D.C. 20410. (202-755-5816.)

SUPPLEMENTARY INFORMATION: HUD gave notice on May 4, 1977, at 42 FR 22704 that it was proposing to amend Title 24 of the Code of Federal Regulations by revising Part 803, Schedule B and Part 888, Schedule B. The comment period closed May 18, 1977.

By the deadline, the Department had received 189 comments from the general public and HUD field offices in response to the May 4 publication.

HUD recognizes that there is an immediate need to revise the schedules to reflect changes in market conditions since the last general revision to the Fair Market Rent Schedules was published on March 29, 1976.

To avoid additional delay HUD has determined to publish for effect the schedules as published for comment on May 4, 1977. Nothwithstanding the determination to publish for effect, all comments received are being carefully considered, and the Fair Market Rent Schedules will be amended in the near future for those market areas for which amendments are determined to be warranted. This procedure is necessary because: (1) the large number of comments received makes a rapid analysis of comments received on the proposed Fair Market Rent Schedules impractical, and (2) in many cases, additional justification and/or verification from HUD field offices of the data submitted is necessary prior to publication of revised schedules.

Since HUD is obligated under Section 8 of the U.S. Housing Act of 1937 to publish Fair Market Rents for all Fair Market Rent areas annually, and since the percentage change in Fair Market Rents is the basis for Annual Adjustments of Contract Rents for units under lease in the Section 8 Program, the revised schedules are retroactive to March 29, 1977, one year after the last general revision.

It should be noted that: (1) an Owner who qualifies for an Annual Adjustment is not automatically eligible for an adjustment in the amount of the percentage change in the Fair Market Rents, and (2) there must be compliance with the requirements in § 882.106 concerning Fair Market Rent and rent reasonableness limitations. Annual Adjustments may be authorized by Public Housing Agencies (PHAs) retroactive to any anniversary date after March 29, 1977, provided that the owner now has the legal right to terminate the tenancy.

A Finding of Inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20510. It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Accordingly, Title 24, Part 888, Schedule B and Part 803, Schedule B are revised as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—The Fair Market Rents for five and six bedroom units are calculated as follows:

(1) Five bedrooms—150 percent of two bedroom Fair Market Rent.

(2) Six bedrooms—175 percent of two bedroom Fair Market Rent.

Issued at Washington, D.C., June 20, 1977.

PAUL WILLIAMS,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR,MAINE INSURING OFFICE						
SMSA: LEWISTON-AUBURN, ME						
SMSA PART: ANDROSCOGGIN	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264
SMSA: PORTLAND, ME						
SMSA PART: CUMBERLAND	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264
SMSA PART: YORK	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264
NON SMSA						
NONSMSA PART: ANDROSCOGGIN	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264
COUNTY: AROOSTOOK	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
NONSMSA PART: CUMBERLAND	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264
COUNTY: FRANKLIN	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: HANCOCK	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: KENNEBEC	NON-ELEVATOR:	143	162	195	213	230
STATE: ME	ELEVATOR:	157	179	212	232	254
COUNTY: KNOX	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: LINCOLN	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: OXFORD	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238

PREPARED BY HUD - SMAD (CO), MARCH 29, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR,MAINE INSURING OFFICE						
NON SMSA						
COUNTY: PENOBSCOT	NON-ELEVATOR:	143	162	195	213	230
STATE: ME	ELEVATOR:	157	179	212	232	254
COUNTY: PISCATAQUIS	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: WASHINGTON	NON-ELEVATOR:	143	162	195	213	230
STATE: ME	ELEVATOR:	157	179	212	232	254
COUNTY: SOMERSET	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: WALDO	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
COUNTY: WASHINGTON	NON-ELEVATOR:	134	153	186	198	217
STATE: ME	ELEVATOR:	147	168	198	216	238
NONSMSA PART: YORK	NON-ELEVATOR:	143	162	195	221	240
STATE: ME	ELEVATOR:	157	179	212	243	264

PREPARED BY HUD - SMAD (CO), MARCH 29, 1977

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA: BOSTON, MA						
SMSA PART ESSEX	NON-ELEVATOR:	222	251	298	343	386
STATE: MA	ELEVATOR:	246	277	327	378	427
SMSA PART MIDDLESEX	NON-ELEVATOR:	222	251	298	343	386
STATE: MA	ELEVATOR:	246	277	327	378	427
SMSA PART NORFOLK	NON-ELEVATOR:	222	251	298	343	386
STATE: MA	ELEVATOR:	246	277	327	378	427
SMSA PART PLYMOUTH	NON-ELEVATOR:	222	251	298	343	386
STATE: MA	ELEVATOR:	246	277	327	378	427
COUNTY SUFFOLK	NON-ELEVATOR:	222	251	298	343	386
STATE: MA	ELEVATOR:	246	277	327	378	427
SMSA: BROCKTON, MA						
SMSA PART BRISTOL	NON-ELEVATOR:	173	199	237	276	313
STATE: MA	ELEVATOR:	190	219	262	302	345
SMSA PART NORFOLK	NON-ELEVATOR:	173	199	237	276	313
STATE: MA	ELEVATOR:	190	219	262	302	345
SMSA PART PLYMOUTH	NON-ELEVATOR:	173	199	237	276	313
STATE: MA	ELEVATOR:	190	219	262	302	345
SMSA: FALL RIVER, MA-RI						
SMSA PART BRISTOL	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	195	230	269	289
SMSA: FITCHBURG-LEOMINSTER, MA						
SMSA PART MIDDLESEX	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	196	230	269	289
SMSA PART WORCESTER	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	196	230	269	289
SMSA: LAWRENCE-HAVERHILL, MA-NH						
SMSA PART ESSEX	NON-ELEVATOR:	173	199	237	276	313
STATE: MA	ELEVATOR:	190	219	262	302	345

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA: LOWELL, MA-NH						
SMSA PART MIDDLESEX	NON-ELEVATOR:	208	233	274	316	344
STATE: MA	ELEVATOR:	228	258	302	348	378
SMSA: NEW BEDFORD, MA						
SMSA PART BRISTOL	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	268	289
SMSA PART PLYMOUTH	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	269	289
SMSA: PITTSFIELD, MA						
SMSA PART BERKSHIRE	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	268	289
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART BRISTOL	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	289
SMSA PART NORFOLK	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	289
SMSA PART WORCESTER	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	289
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART HAMPDEN	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	268	289
SMSA PART HAMPSHIRE	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	268	289
SMSA PART WORCESTER	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	172	196	230	268	289
SMSA: WORCESTER, MA						
SMSA PART WORCESTER	NON-ELEVATOR:	188	214	250	288	314
STATE: MA	ELEVATOR:	207	235	276	317	345

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

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REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE						
NON SMSA						
COUNTY BARNSTABLE	NON-ELEVATOR:	208	232	275	314	348
STATE: MA	ELEVATOR:	228	254	305	344	382
NONSMSA PART BERKSHIRE	NON-ELEVATOR:	156	179	206	241	262
STATE: MA	ELEVATOR:	171	195	230	268	289
NONSMSA PART BRISTOL	NON-ELEVATOR:	156	178	206	241	262
STATE: MA	ELEVATOR:	171	195	230	268	288
COUNTY DUKES	NON-ELEVATOR:	208	232	275	314	348
STATE: MA	ELEVATOR:	228	254	305	344	382
NONSMSA PART ESSEX	NON-ELEVATOR:	173	199	237	276	313
STATE: MA	ELEVATOR	190	219	262	302	345
COUNTY FRANKLIN	NON-ELEVATOR:	183	186	220	243	265
STATE: MA	ELEVATOR:	180	206	243	267	293
NONSMSA PART HAMPDEN	NON-ELEVATOR:	156	178	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	288
NONSMSA PART HAMPSHIRE	NON-ELEVATOR:	156	178	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	288
NONSMSA PART MIDDLESEX	NON-ELEVATOR:	171	194	228	263	288
STATE: MA	ELEVATOR:	188	213	251	288	315
COUNTY NANTUCKET	NON-ELEVATOR:	182	174	207	229	252
STATE: MA	ELEVATOR:	188	188	227	252	278
NONSMSA PART NORFOLK	NON-ELEVATOR:	171	194	228	263	288
STATE: MA	ELEVATOR:	188	213	251	288	315
NONSMSA PART PLYMOUTH	NON-ELEVATOR:	188	188	218	261	288
STATE: MA	ELEVATOR:	174	200	238	276	314
NONSMSA PART WORCESTER	NON-ELEVATOR:	188	178	206	241	262
STATE: MA	ELEVATOR:	171	196	230	268	288

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BURLINGTON, VERMONT INSURING OFFICE						
NON SMSA						
COUNTY ADDISON	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY BENNINGTON	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY CALEDONIA	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY CHITTENDEN	NON-ELEVATOR:	152	172	202	224	244
STATE: VT	ELEVATOR:	167	188	223	248	268
COUNTY ESSEX	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	173	204	226	248
COUNTY FRANKLIN	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY GRAND ISLE	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY LAMOILLE	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY ORANGE	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY ORLEANS	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY RUTLAND	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY WASHINGTON	NON-ELEVATOR:	138	158	185	205	224
STATE: VT	ELEVATOR:	152	172	204	226	248
COUNTY WINDHAM	NON-ELEVATOR:	158	181	216	238	262
STATE: VT	ELEVATOR:	174	198	237	263	290

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BURLINGTON VERMONT HOUSING OFFICE						
NON SMSA						
COUNTY: WINDSOR	NON-ELEVATOR:	139	155	195	205	224
STATE: VT	ELEVATOR:	150	170	204	230	246

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: BRIDGEPORT, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	175	201	238	278	300
STATE:CT	ELEVATOR:	193	221	263	304	331
SMSA PART:NEW HAVEN	NON-ELEVATOR:	175	201	238	278	300
STATE:CT	ELEVATOR:	193	221	263	304	331
SMSA: BRISTOL, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	166	193	227	262	286
STATE:CT	ELEVATOR:	184	210	250	288	316
SMSA PART:LITCHFIELD	NON-ELEVATOR:	166	192	227	262	286
STATE:CT	ELEVATOR:	184	210	250	288	316
SMSA: DANBURY, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	160	183	217	251	274
STATE:CT	ELEVATOR:	176	202	239	277	301
SMSA PART:LITCHFIELD	NON-ELEVATOR:	160	183	217	251	274
STATE:CT	ELEVATOR:	176	202	239	277	301
SMSA: HARTFORD, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	175	201	238	278	301
STATE:CT	ELEVATOR:	194	221	263	303	331
SMSA PART:LITCHFIELD	NON-ELEVATOR:	175	201	238	278	301
STATE:CT	ELEVATOR:	194	221	263	303	331
SMSA PART:MIDDLESEX	NON-ELEVATOR:	175	201	238	278	301
STATE:CT	ELEVATOR:	194	221	263	303	331
SMSA PART:NEW LONDON	NON-ELEVATOR:	175	201	238	278	301
STATE:CT	ELEVATOR:	194	221	263	303	331
SMSA PART:TOLLAND	NON-ELEVATOR:	175	201	238	278	301
STATE:CT	ELEVATOR:	194	221	263	303	331
SMSA: MERIDEN, CT						
SMSA PART:NEW HAVEN	NON-ELEVATOR:	166	191	218	249	273
STATE:CT	ELEVATOR:	174	199	237	273	299

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: NEW BRITAIN, CT						
SMSA PART HARTFORD	NON-ELEVATOR:	166	192	227	262	286
STATE:CT	ELEVATOR:	184	210	250	288	316
SMSA: NEW HAVEN-WEST HAVEN, CT						
SMSA PART MIDDLESEX	NON-ELEVATOR:	174	199	226	262	300
STATE:CT	ELEVATOR:	192	219	248	286	330
SMSA PART NEW HAVEN	NON-ELEVATOR:	174	199	226	262	300
STATE:CT	ELEVATOR:	192	219	248	286	330
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART MIDDLESEX	NON-ELEVATOR:	152	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
SMSA PART NEW LONDON	NON-ELEVATOR:	152	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
SMSA: NORWALK, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	175	201	238	278	300
STATE:CT	ELEVATOR:	193	221	263	304	331
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART TOLLAND	NON-ELEVATOR:	156	178	208	241	262
STATE:CT	ELEVATOR:	172	196	230	266	288
SMSA: STAMFORD, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	210	241	286	331	361
STATE:CT	ELEVATOR:	213	243	289	336	364
SMSA: WATERBURY, CT						
SMSA PART LITCHFIELD	NON-ELEVATOR:	156	181	216	249	273
STATE:CT	ELEVATOR:	174	199	237	273	299
SMSA PART NEW HAVEN	NON-ELEVATOR:	156	181	216	249	273
STATE:CT	ELEVATOR:	174	199	237	273	299
NON SMSA						
NONSMSA PART FAIRFIELD	NON-ELEVATOR:	160	183	217	251	266
STATE:CT	ELEVATOR:	176	202	239	277	301

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
NON SMSA						
NONSMSA PART HARTFORD	NON-ELEVATOR:	166	192	227	262	286
STATE:CT	ELEVATOR:	184	210	250	288	316
NONSMSA PART:LITCHFIELD	NON-ELEVATOR:	146	169	201	230	244
STATE:CT	ELEVATOR:	162	189	220	246	270
NONSMSA PART MIDDLESEX	NON-ELEVATOR:	146	169	201	230	244
STATE:CT	ELEVATOR:	162	186	220	246	270
NONSMSA PART NEW HAVEN	NON-ELEVATOR:	156	181	216	249	273
STATE:CT	ELEVATOR:	174	199	237	273	298
NONSMSA PART NEW LONDON	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
NONSMSA PART:TOLLAND	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
COUNTY:WINDHAM	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
NONSMSA PART HARTFORD	NON-ELEVATOR:	166	192	227	262	286
STATE:CT	ELEVATOR:	184	210	250	288	316
NONSMSA PART:LITCHFIELD	NON-ELEVATOR:	146	169	201	230	244
STATE:CT	ELEVATOR:	162	189	220	246	270
NONSMSA PART MIDDLESEX	NON-ELEVATOR:	146	169	201	230	244
STATE:CT	ELEVATOR:	162	186	220	246	270
NONSMSA PART NEW HAVEN	NON-ELEVATOR:	156	181	216	249	273
STATE:CT	ELEVATOR:	174	199	237	273	298
NONSMSA PART NEW LONDON	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
NONSMSA PART:TOLLAND	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288
COUNTY:WINDHAM	NON-ELEVATOR:	153	174	207	238	261
STATE:CT	ELEVATOR:	168	192	227	263	288

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MANCHESTER NEW HAMPSHIRE AREA OFFICE						
SMSA: LAWRENCE-HAVERHILL, MA-NH						
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	173	199	237	276	313
STATE:NH	ELEVATOR:	190	219	263	302	340
SMSA: LOWELL, MA NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	205	233	274	316	344
STATE:NH	ELEVATOR:	225	256	302	348	378
SMSA: MANCHESTER, NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
SMSA PART:MERRIMACK	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
SMSA: NASHUA, NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
NON SMSA						
COUNTY:BELKNAP	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
COUNTY:CARROLL	NON-ELEVATOR:	137	157	185	215	237
STATE:NH	ELEVATOR:	150	172	204	237	260
COUNTY:CHESHIRE	NON-ELEVATOR:	158	181	216	239	263
STATE:NH	ELEVATOR:	174	199	237	263	288
COUNTY:COOS	NON-ELEVATOR:	138	158	185	209	224
STATE:NH	ELEVATOR:	152	174	204	226	246
COUNTY:GRAFTON	NON-ELEVATOR:	138	158	185	209	224
STATE:NH	ELEVATOR:	152	174	204	226	246
NONSMSA PART:HILLSBOROUGH	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	226	258	281

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MANCHESTER NEW HAMPSHIRE AREA OFFICE						
NON SMSA						
NONSMSA PART:MERRIMACK	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	226	258	281
NONSMSA PART:ROCKINGHAM	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
COUNTY:STRAFFORD	NON-ELEVATOR:	151	171	203	235	244
STATE:NH	ELEVATOR:	166	189	226	247	270
COUNTY:SULLIVAN	NON-ELEVATOR:	151	171	203	235	244
STATE:NH	ELEVATOR:	166	189	226	247	270

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PROVIDENCE,RHODE ISLAND INSURING OFFICE						
SMSA: FALL RIVER, MA-RI						
SMSA PART:NEWPORT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:WASHINGTON	NON-ELEVATOR:	152	174	207	239	261
STATE:RI	ELEVATOR:	166	193	227	262	286
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:BRISTOL	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:KENT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:NEWPORT	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:PROVIDENCE	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:WASHINGTON	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NON SMSA						
NONSMSA PART:KENT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NONSMSA PART:NEWPORT	NON-ELEVATOR:	153	174	207	229	263
STATE:RI	ELEVATOR:	168	192	227	252	276
NONSMSA PART:PROVIDENCE	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NONSMSA PART:WASHINGTON	NON-ELEVATOR:	152	174	207	229	250
STATE:RI	ELEVATOR:	166	192	227	252	276

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY,NEW YORK INSURING OFFICE						
SMSA: ALBANY-SCHENECTADY-TROY, NY						
COUNTY:ALBANY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:MONTGOMERY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:RENSSELAER	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:SARATOGA	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:SCHENECTADY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
SMSA: BINGHAMTON, NY-PA						
COUNTY:BROOME	NON-ELEVATOR:	142	154	194	233	268
STATE:NY	ELEVATOR:	156	180	213	257	309
COUNTY:TIOGA	NON-ELEVATOR:	142	154	194	233	268
STATE:NY	ELEVATOR:	156	180	213	257	309
SMSA: POUGHKEEPSIE, NY						
COUNTY:DUTCHESS	NON-ELEVATOR:	165	189	229	248	273
STATE:NY	ELEVATOR:	181	207	347	273	299
SMSA: SYRACUSE, NY						
COUNTY:MADISON	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
COUNTY:ONONDAGA	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
COUNTY:OSWEGO	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
SMSA: UTICA-ROME, NY						
COUNTY:HERKIMER	NON-ELEVATOR:	143	163	198	232	264
STATE:NY	ELEVATOR:	158	179	213	253	281

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MANCHESTER NEW HAMPSHIRE AREA OFFICE						
NON SMSA						
NONSMSA PART:MERRIMACK	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	226	258	281
NONSMSA PART:ROCKINGHAM	NON-ELEVATOR:	151	171	203	234	258
STATE:NH	ELEVATOR:	166	189	225	258	281
COUNTY:STRAFFORD	NON-ELEVATOR:	151	171	203	235	244
STATE:NH	ELEVATOR:	166	189	226	247	270
COUNTY:SULLIVAN	NON-ELEVATOR:	151	171	203	235	244
STATE:NH	ELEVATOR:	166	189	226	247	270

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PROVIDENCE,RHODE ISLAND INSURING OFFICE						
SMSA: FALL RIVER, MA-RI						
SMSA PART:NEWPORT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:WASHINGTON	NON-ELEVATOR:	152	174	207	239	261
STATE:RI	ELEVATOR:	166	193	227	262	286
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:BRISTOL	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:KENT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:NEWPORT	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:PROVIDENCE	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
SMSA PART:WASHINGTON	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NON SMSA						
NONSMSA PART:KENT	NON-ELEVATOR:	158	178	209	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NONSMSA PART:NEWPORT	NON-ELEVATOR:	153	174	207	229	263
STATE:RI	ELEVATOR:	168	192	227	252	276
NONSMSA PART:PROVIDENCE	NON-ELEVATOR:	158	178	208	241	263
STATE:RI	ELEVATOR:	171	195	230	265	289
NONSMSA PART:WASHINGTON	NON-ELEVATOR:	152	174	207	229	250
STATE:RI	ELEVATOR:	166	192	227	252	276

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY,NEW YORK INSURING OFFICE						
SMSA: ALBANY-SCHENECTADY-TROY, NY						
COUNTY:ALBANY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:MONTGOMERY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:RENSSELAER	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:SARATOGA	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
COUNTY:SCHENECTADY	NON-ELEVATOR:	150	183	218	260	299
STATE:NY	ELEVATOR:	175	201	237	287	330
SMSA: BINGHAMTON, NY-PA						
COUNTY:BROOME	NON-ELEVATOR:	142	154	194	233	268
STATE:NY	ELEVATOR:	156	180	213	257	309
COUNTY:TIOGA	NON-ELEVATOR:	142	154	194	233	268
STATE:NY	ELEVATOR:	156	180	213	257	309
SMSA: POUGHKEEPSIE, NY						
COUNTY:DUTCHESS	NON-ELEVATOR:	165	189	229	248	273
STATE:NY	ELEVATOR:	181	207	347	273	299
SMSA: SYRACUSE, NY						
COUNTY:MADISON	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
COUNTY:ONONDAGA	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
COUNTY:OSWEGO	NON-ELEVATOR:	150	171	203	238	268
STATE:NY	ELEVATOR:	165	189	225	260	293
SMSA: UTICA-ROME, NY						
COUNTY:HERKIMER	NON-ELEVATOR:	143	163	198	232	264
STATE:NY	ELEVATOR:	158	179	213	253	281

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY, NEW YORK INSURING OFFICE						
SMSA: UTICA-ROME, NY						
COUNTY: ONEIDA	NON-ELEVATOR:	143	153	183	220	264
STATE: NY	ELEVATOR:	156	178	212	253	291
NON SMSA						
COUNTY: CAYUGA	NON-ELEVATOR:	144	166	196	217	239
STATE: NY	ELEVATOR:	156	182	216	240	263
COUNTY: CHENANGO	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
COUNTY: CLINTON	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212
COUNTY: COLUMBIA	NON-ELEVATOR:	117	134	160	178	195
STATE: NY	ELEVATOR:	129	148	177	196	216
COUNTY: CORTLAND	NON-ELEVATOR:	144	166	196	217	239
STATE: NY	ELEVATOR:	156	182	216	240	263
COUNTY: DELAWARE	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
COUNTY: ESSEX	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212
COUNTY: FRANKLIN	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196
COUNTY: FULTON	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212
COUNTY: GREENE	NON-ELEVATOR:	117	134	160	178	196
STATE: NY	ELEVATOR:	128	148	177	196	216
COUNTY: HAMILTON	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212
COUNTY: JEFFERSON	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY, NEW YORK INSURING OFFICE						
NON SMSA						
COUNTY: LEWIS	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196
COUNTY: OTSEGO	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
COUNTY: ST LAWRENCE	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196
COUNTY: SCHOHARIE	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212
COUNTY: SULLIVAN	NON-ELEVATOR:	157	180	214	237	260
STATE: NY	ELEVATOR:	173	198	235	261	286
COUNTY: TOMPKINS	NON-ELEVATOR:	144	166	196	217	239
STATE: NY	ELEVATOR:	156	182	216	240	263
COUNTY: ULSTER	NON-ELEVATOR:	157	180	214	237	260
STATE: NY	ELEVATOR:	173	198	235	261	286
COUNTY: WARREN	NON-ELEVATOR:	121	153	179	197	214
STATE: NY	ELEVATOR:	134	168	196	217	236
COUNTY: WASHINGTON	NON-ELEVATOR:	115	132	157	174	192
STATE: NY	ELEVATOR:	126	145	173	192	212

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BUFFALO, NEW YORK AREA OFFICE						
SMSA: BUFFALO, NY						
COUNTY: ERIE	NON-ELEVATOR:	150	172	204	237	259
STATE: NY	ELEVATOR:	166	190	225	260	285
COUNTY: NIAGARA	NON-ELEVATOR:	150	172	204	237	259
STATE: NY	ELEVATOR:	166	190	225	260	285
SMSA: ELMIRA, NY						
COUNTY: CHEMUNG	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
SMSA: ROCHESTER, NY						
COUNTY: LIVINGSTON	NON-ELEVATOR:	183	188	222	269	307
STATE: NY	ELEVATOR:	180	206	246	306	336
COUNTY: MONROE	NON-ELEVATOR:	183	188	222	269	307
STATE: NY	ELEVATOR:	180	206	246	306	336
COUNTY: ONTARIO	NON-ELEVATOR:	183	188	222	269	307
STATE: NY	ELEVATOR:	180	206	246	306	336
COUNTY: ORLEANS	NON-ELEVATOR:	183	188	222	269	307
STATE: NY	ELEVATOR:	180	206	246	306	336
COUNTY: WAYNE	NON-ELEVATOR:	183	188	222	269	307
STATE: NY	ELEVATOR:	180	206	246	306	336
NON SMSA						
COUNTY: ALLEGANY	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196
COUNTY: CATTARAUGUS	NON-ELEVATOR:	108	132	155	175	191
STATE: NY	ELEVATOR:	117	148	175	193	210
COUNTY: CHAUTAUQUA	NON-ELEVATOR:	133	159	175	196	228
STATE: NY	ELEVATOR:	145	175	193	216	253
COUNTY: GENESEE	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BUFFALO, NEW YORK AREA OFFICE						
NON SMSA						
COUNTY: SCHUYLER	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
COUNTY: SENECA	NON-ELEVATOR:	144	166	196	217	239
STATE: NY	ELEVATOR:	156	182	216	240	263
COUNTY: STEUBEN	NON-ELEVATOR:	122	139	166	185	203
STATE: NY	ELEVATOR:	134	153	182	203	223
COUNTY: WYOMING	NON-ELEVATOR:	106	123	146	161	178
STATE: NY	ELEVATOR:	117	134	160	178	196
COUNTY: YATES	NON-ELEVATOR:	144	166	196	217	239
STATE: NY	ELEVATOR:	156	182	216	240	263

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK,NEW JERSEY AREA OFFICE						
SMSA: ATLANTIC CITY, NJ						
COUNTY:ATLANTIC	NON-ELEVATOR:	127	147	174	203	221
STATE:NJ	ELEVATOR:	140	161	199	233	243
SMSA: PHILADELPHIA, PA-NJ						
COUNTY:BURLINGTON	NON-ELEVATOR:	184	208	247	287	325
STATE:NJ	ELEVATOR:	202	229	272	316	356
COUNTY:CAMDEN	NON-ELEVATOR:	184	208	247	287	325
STATE:NJ	ELEVATOR:	202	229	272	316	356
COUNTY:GLOUCESTER	NON-ELEVATOR:	184	208	247	287	325
STATE:NJ	ELEVATOR:	202	229	272	316	356
SMSA: TRENTON, NJ						
COUNTY:MERCER	NON-ELEVATOR:	140	167	197	225	250
STATE:NJ	ELEVATOR:	160	183	217	252	275
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ						
COUNTY:CUMBERLAND	NON-ELEVATOR:	151	170	201	233	254
STATE:NJ	ELEVATOR:	166	187	221	257	279
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY:SALEM	NON-ELEVATOR:	163	185	219	253	286
STATE:NJ	ELEVATOR:	180	204	240	278	313
NON SMSA						
COUNTY:CAPE MAY	NON-ELEVATOR:	153	179	208	240	263
STATE:NJ	ELEVATOR:	168	198	229	263	276
COUNTY:OCEAN	NON-ELEVATOR:	175	201	235	265	291
STATE:NJ	ELEVATOR:	194	221	263	291	319

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW YORK,NEW YORK AREA OFFICE						
SMSA: NASSAU, NY						
COUNTY:NASSAU	NON-ELEVATOR:	227	266	334	362	401
STATE:NY	ELEVATOR:	249	314	366	431	466
COUNTY:SUFFOLK	NON-ELEVATOR:	227	266	334	362	401
STATE:NY	ELEVATOR:	249	314	366	431	466
SMSA: NEW YORK CITY, NY-NJ						
COUNTY:BRONX	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:KINGS	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:NEW YORK	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	325	369
COUNTY:PUTNAM	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	325	369
COUNTY:QUEENS	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:RICHMOND	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:ROCKLAND	NON-ELEVATOR:	210	236	281	323	366
STATE:NY	ELEVATOR:	231	262	309	355	403
COUNTY:WESTCHESTER	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
NON SMSA						
COUNTY:ORANGE	NON-ELEVATOR:	157	180	214	237	260
STATE:NY	ELEVATOR:	173	198	236	261	285

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK,NEW JERSEY AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY:WARREN	NON-ELEVATOR:	170	196	231	257	281
STATE:NJ	ELEVATOR:	187	216	254	282	310
SMSA: JERSEY CITY, NJ						
COUNTY:HUDSON	NON-ELEVATOR:	151	171	190	219	240
STATE:NJ	ELEVATOR:	166	188	209	242	267
SMSA: LONG BRANCH-ASBURY PARK, NJ						
COUNTY:MONMOUTH	NON-ELEVATOR:	169	193	229	262	277
STATE:NJ	ELEVATOR:	186	211	251	278	305
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ						
COUNTY:MIDDLESEX	NON-ELEVATOR:	179	204	243	269	286
STATE:NJ	ELEVATOR:	198	226	267	296	324
SMSA: NEW YORK CITY, NY-NJ						
COUNTY:BERGEN	NON-ELEVATOR:	192	218	256	296	335
STATE:NJ	ELEVATOR:	212	240	283	326	369
SMSA: NEWARK, NJ						
COUNTY:ESSEX	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:MORRIS	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:SOMERSET	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:UNION	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
SMSA: PATERSON-CLIFTON-PASSAIC, NJ						
COUNTY:PASSAIC	NON-ELEVATOR:	170	200	228	277	314
STATE:NJ	ELEVATOR:	194	222	264	305	346
NON SMSA						
COUNTY:HUNTERDON	NON-ELEVATOR:	188	216	256	296	314
STATE:NJ	ELEVATOR:	207	237	281	315	348

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK,NEW JERSEY AREA OFFICE						
NON SMSA						
COUNTY:SUSSEX	NON-ELEVATOR:	171	198	232	260	288
STATE:NJ	ELEVATOR:	188	218	255	286	311

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW YORK,NEW YORK AREA OFFICE						
SMSA: NASSAU, NY						
COUNTY:NASSAU	NON-ELEVATOR:	227	266	334	362	401
STATE:NY	ELEVATOR:	249	314	366	431	466
COUNTY:SUFFOLK	NON-ELEVATOR:	227	266	334	362	401
STATE:NY	ELEVATOR:	249	314	366	431	466
SMSA: NEW YORK CITY, NY-NJ						
COUNTY:BRONX	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:KINGS	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:NEW YORK	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	325	369
COUNTY:PUTNAM	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	325	369
COUNTY:QUEENS	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:RICHMOND	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
COUNTY:ROCKLAND	NON-ELEVATOR:	210	236	281	323	366
STATE:NY	ELEVATOR:	231	262	309	355	403
COUNTY:WESTCHESTER	NON-ELEVATOR:	192	216	256	296	335
STATE:NY	ELEVATOR:	212	240	283	326	369
NON SMSA						
COUNTY:ORANGE	NON-ELEVATOR:	157	180	214	237	260
STATE:NY	ELEVATOR:	173	198	236	261	285

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK,NEW JERSEY AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY:WARREN	NON-ELEVATOR:	170	196	231	257	281
STATE:NJ	ELEVATOR:	187	216	254	282	310
SMSA: JERSEY CITY, NJ						
COUNTY:HUDSON	NON-ELEVATOR:	151	171	190	219	240
STATE:NJ	ELEVATOR:	166	188	209	242	267
SMSA: LONG BRANCH-ASBURY PARK, NJ						
COUNTY:MONMOUTH	NON-ELEVATOR:	169	193	229	262	277
STATE:NJ	ELEVATOR:	186	211	251	278	305
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ						
COUNTY:MIDDLESEX	NON-ELEVATOR:	179	204	243	269	286
STATE:NJ	ELEVATOR:	198	226	267	296	324
SMSA: NEW YORK CITY, NY-NJ						
COUNTY:BERGEN	NON-ELEVATOR:	192	216	256	296	335
STATE:NJ	ELEVATOR:	212	240	283	326	369
SMSA: NEWARK, NJ						
COUNTY:ESSEX	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:MORRIS	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:SOMERSET	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
COUNTY:UNION	NON-ELEVATOR:	180	206	246	271	297
STATE:NJ	ELEVATOR:	198	226	270	298	327
SMSA: PATERSON-CLIFTON-PASSAIC, NJ						
COUNTY:PASSAIC	NON-ELEVATOR:	170	200	228	277	314
STATE:NJ	ELEVATOR:	194	222	264	305	346
NON SMSA						
COUNTY:HUNTERDON	NON-ELEVATOR:	188	216	256	296	314
STATE:NJ	ELEVATOR:	207	237	281	315	348

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN JUAN, P. R AREA OFFICE						
SMSA: CAGUAS						
MUNICIPIO ALL	NON-ELEVATOR:	137	157	184	204	223
STATE PR	ELEVATOR:	151	172	200	225	244
SMSA: MAYAGUEZ						
MUNICIPIO ALL	NON-ELEVATOR:	173	195	230	254	278
STATE PR	ELEVATOR:	189	214	253	280	305
SMSA: PONCE						
MUNICIPIO ALL	NON-ELEVATOR:	211	241	285	313	342
STATE PR	ELEVATOR:	230	263	313	344	375
SMSA: SAN JUAN						
MUNICIPIO ALL	NON-ELEVATOR:	210	239	282	324	354
STATE PR	ELEVATOR:	231	264	310	357	389
NON SMSA						
MUNICIPIO ALL OTHER	NON-ELEVATOR:	130	147	175	195	211
STATE PR	ELEVATOR:	141	162	192	213	231
:ST. CROIX	NON-ELEVATOR:	186	186	286	291	294
STATE VI	ELEVATOR:	0	0	0	0	0
:ST. THOMAS	NON-ELEVATOR:	186	286	286	292	296
STATE VI	ELEVATOR:	0	0	0	0	0
:CHAR.AMALIE	NON-ELEVATOR:	181	244	316	347	380
STATE VI	ELEVATOR:	0	0	0	0	0

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE						
SMSA: BALTIMORE, MD						
COUNTY ANNE ARUNDEL	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
COUNTY BALTIMORE	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
COUNTY CARROLL	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
COUNTY HARFORD	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
COUNTY HOWARD	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
:COLUMBIA(U)	NON-ELEVATOR:	174	208	244	278	313
STATE MD	ELEVATOR:	192	230	269	308	348
INDEP. CITY BALTIMORE	NON-ELEVATOR:	157	178	213	246	279
STATE MD	ELEVATOR:	172	195	234	270	307
SMSA: WASHINGTON, DC-MD-VA						
COUNTY CHARLES	NON-ELEVATOR:	188	218	266	288	288
STATE MD	ELEVATOR:	201	241	291	321	361
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY CECIL	NON-ELEVATOR:	153	185	215	253	286
STATE MD	ELEVATOR:	180	204	240	275	313
NON SMSA						
COUNTY ALLEGANY	NON-ELEVATOR:	95	106	128	156	173
STATE MD	ELEVATOR:	95	116	142	174	193
COUNTY CALVERT	NON-ELEVATOR:	113	130	154	171	186
STATE MD	ELEVATOR:	123	141	168	186	207
COUNTY CAROLINE	NON-ELEVATOR:	126	156	190	213	234
STATE MD	ELEVATOR:	152	175	208	234	257

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE						
NON SMSA						
COUNTY DORCHESTER	NON-ELEVATOR:	138	158	190	213	234
STATE MD	ELEVATOR:	152	175	208	234	257
COUNTY FREDERICK	NON-ELEVATOR:	113	129	154	171	188
STATE MD	ELEVATOR:	123	141	168	188	207
COUNTY GARRETT	NON-ELEVATOR:	85	96	116	132	145
STATE MD	ELEVATOR:	96	109	126	146	159
COUNTY KENT	NON-ELEVATOR:	139	158	190	213	234
STATE MD	ELEVATOR:	152	175	208	234	257
COUNTY QUEEN ANNES	NON-ELEVATOR:	139	159	190	213	234
STATE MD	ELEVATOR:	152	176	209	234	257
COUNTY ST MARYS	NON-ELEVATOR:	129	148	177	197	217
STATE MD	ELEVATOR:	142	162	196	218	239
COUNTY SOMERSET	NON-ELEVATOR:	139	159	190	213	234
STATE MD	ELEVATOR:	152	175	209	234	257
COUNTY TALBOT	NON-ELEVATOR:	139	158	190	213	234
STATE MD	ELEVATOR:	153	175	208	234	257
COUNTY WASHINGTON	NON-ELEVATOR:	136	155	135	205	226
STATE MD	ELEVATOR:	148	171	204	228	248
COUNTY WICOMICO	NON-ELEVATOR:	138	158	190	213	234
STATE MD	ELEVATOR:	152	175	208	234	257
COUNTY WORCESTER	NON-ELEVATOR:	138	158	190	213	234
STATE MD	ELEVATOR:	152	175	208	234	257

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON, WEST VIRGINIA INSURING OFFICE						
SMSA: CHARLESTON, WV						
COUNTY KANAWHA	NON-ELEVATOR:	125	145	186	225	258
STATE WV	ELEVATOR:	143	170	211	248	289
COUNTY PUTNAM	NON-ELEVATOR:	133	148	186	225	258
STATE WV	ELEVATOR:	143	170	211	248	289
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH						
COUNTY CABELL	NON-ELEVATOR:	132	151	177	210	233
STATE WV	ELEVATOR:	146	168	196	221	256
COUNTY WAYNE	NON-ELEVATOR:	132	151	177	210	233
STATE WV	ELEVATOR:	146	168	196	231	256
SMSA: PARKERSBURG-MARIETTA, WV-OH						
COUNTY WIRT	NON-ELEVATOR:	107	124	145	168	182
STATE WV	ELEVATOR:	118	138	163	182	200
COUNTY WOOD	NON-ELEVATOR:	107	124	145	168	182
STATE WV	ELEVATOR:	118	138	163	182	200
SMSA: STEUBENVILLE-WEIRTON, OH-WV						
COUNTY BROOKE	NON-ELEVATOR:	95	109	130	165	187
STATE WV	ELEVATOR:	104	119	143	167	183
COUNTY HANCOCK	NON-ELEVATOR:	95	109	130	153	167
STATE WV	ELEVATOR:	104	119	143	167	184
SMSA: WHEELING, WV-OH						
COUNTY MARSHALL	NON-ELEVATOR:	95	109	130	153	167
STATE WV	ELEVATOR:	104	119	143	167	184
COUNTY OHIO	NON-ELEVATOR:	95	109	130	153	167
STATE WV	ELEVATOR:	104	119	143	167	184
NON SMSA						
COUNTY BARBOUR	NON-ELEVATOR:	95	110	136	151	167
STATE WV	ELEVATOR:	107	186	149	166	186

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY BERKELEY	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY BOONE	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	130	156	174	190
COUNTY BRAXTON	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY CALHOUN	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY CLAY	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY DODDRIDGE	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY FAYETTE	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	130	156	174	190
COUNTY GILMER	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY GRANT	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY GREENBRIER	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY HAMPSHIRE	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY HARDY	NON ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY HARRISON	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY JACKSON	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	133	146
COUNTY JEFFERSON	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY LEWIS	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY LINCOLN	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY LOGAN	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY MCDOWELL	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY MARION	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY MASON	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY MERCER	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY MINERAL	NON-ELEVATOR:	86	99	118	133	146
STATE WV	ELEVATOR:	96	109	129	146	159
COUNTY MINGO	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY MONONGALIA	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY MONROE	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY MORGAN	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY NICHOLAS	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	86	99	118	132	146
COUNTY PENDLETON	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY PLEASANTS	NON-ELEVATOR:	105	122	144	161	178
STATE WV	ELEVATOR:	116	132	156	176	195
COUNTY POCAHONTAS	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	132	146
COUNTY PRESTON	NON-ELEVATOR:	99	113	135	151	167
STATE WV	ELEVATOR:	107	126	148	166	183
COUNTY RALEIGH	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY RANDOLPH	NON-ELEVATOR:	99	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY RITCHIE	NON-ELEVATOR:	105	122	144	161	178
STATE WV	ELEVATOR:	116	132	159	178	195
COUNTY ROANE	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	86	99	118	132	146
COUNTY SUMMERS	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	133	156	174	190
COUNTY TAYLOR	NON-ELEVATOR:	99	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY TUCKER	NON-ELEVATOR:	99	113	135	151	167
STATE WV	ELEVATOR:	107	126	148	166	183

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY TYLER	NON-ELEVATOR:	85	99	118	133	146
STATE WV	ELEVATOR:	95	109	129	146	159
COUNTY UPSHUR	NON-ELEVATOR:	96	113	135	151	167
STATE WV	ELEVATOR:	107	125	148	166	182
COUNTY WEBSTER	NON-ELEVATOR:	77	89	107	120	132
STATE WV	ELEVATOR:	85	99	118	133	146
COUNTY WETZEL	NON-ELEVATOR:	85	99	118	133	146
STATE WV	ELEVATOR:	95	109	129	146	159
COUNTY WYOMING	NON-ELEVATOR:	106	119	142	159	172
STATE WV	ELEVATOR:	116	130	156	174	190

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY: CARBON	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
COUNTY: LEHIGH	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
COUNTY: NORTHAMPTON	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
SMSA: BINGHAMTON, NY-PA						
COUNTY: SUSQUEHANNA	NON-ELEVATOR:	142	164	194	233	269
STATE: PA	ELEVATOR:	156	180	213	257	309
SMSA: HARRISBURG, PA						
COUNTY: CUMBERLAND	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
COUNTY: DAUPHIN	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
COUNTY: PERRY	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
SMSA: LANCASTER, PA						
COUNTY: LANCASTER	NON-ELEVATOR:	116	133	159	183	202
STATE: PA	ELEVATOR:	127	147	174	203	221
SMSA: NORTHEAST, PA						
COUNTY: LACKAWANNA	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	213
COUNTY: LUZERNE	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	212
COUNTY: MONROE	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	212
SMSA: PHILADELPHIA, PA-NJ						
COUNTY: BUCKS	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
SMSA: PHILADELPHIA, PA-NJ						
COUNTY: CHESTER	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: DELAWARE	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: MONTGOMERY	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: PHILADELPHIA	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
SMSA: READING, PA						
COUNTY: BERKS	NON-ELEVATOR:	126	145	172	199	218
STATE: PA	ELEVATOR:	138	159	190	218	240
SMSA: WILLIAMSPORT, PA						
COUNTY: LYCOMING	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
SMSA: YORK, PA						
COUNTY: ADAMS	NON-ELEVATOR:	131	149	178	205	225
STATE: PA	ELEVATOR:	143	165	196	227	248
COUNTY: YORK	NON-ELEVATOR:	131	149	178	205	225
STATE: PA	ELEVATOR:	143	165	196	227	248
NON SMSA						
COUNTY: CRAWFORD	NON-ELEVATOR:	122	139	166	185	203
STATE: PA	ELEVATOR:	134	153	182	203	223
COUNTY: CENTRE	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
COUNTY: CLINTON	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
COUNTY: COLUMBIA	NON-ELEVATOR:	106	122	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	196

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY: FRANKLIN	NON-ELEVATOR:	101	118	138	160	176
STATE: PA	ELEVATOR:	112	127	153	177	193
COUNTY: JUNIATA	NON-ELEVATOR:	90	106	125	139	154
STATE: PA	ELEVATOR:	100	116	138	154	169
COUNTY: LEBANON	NON-ELEVATOR:	117	134	160	186	204
STATE: PA	ELEVATOR:	129	148	177	205	224
COUNTY: MIFFLIN	NON-ELEVATOR:	90	106	125	139	154
STATE: PA	ELEVATOR:	100	116	138	154	169
COUNTY: MONTOUR	NON-ELEVATOR:	90	106	125	139	154
STATE: PA	ELEVATOR:	100	116	138	154	169
COUNTY: NORTHUMBRLND	NON-ELEVATOR:	114	132	157	174	192
STATE: PA	ELEVATOR:	125	144	172	192	211
COUNTY: PIKE	NON-ELEVATOR:	106	123	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	196
COUNTY: SCHUYLKILL	NON-ELEVATOR:	119	138	164	183	201
STATE: PA	ELEVATOR:	130	151	181	200	220
COUNTY: SNYDER	NON-ELEVATOR:	90	106	125	139	154
STATE: PA	ELEVATOR:	100	116	138	154	169
COUNTY: SULLIVAN	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
COUNTY: TIOGA	NON-ELEVATOR:	122	139	166	185	203
STATE: PA	ELEVATOR:	134	153	183	203	223
COUNTY: UNION	NON-ELEVATOR:	90	106	126	139	154
STATE: PA	ELEVATOR:	100	116	138	154	169
COUNTY: WAYNE	NON-ELEVATOR:	106	123	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	196

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY: WYOMING	NON-ELEVATOR:	127	147	175	200	248
STATE: PA	ELEVATOR:	140	161	192	248	274

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY: CARBON	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
COUNTY: LEHIGH	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
COUNTY: NORTHAMPTON	NON-ELEVATOR:	170	196	231	257	281
STATE: PA	ELEVATOR:	187	216	254	282	310
SMSA: BINGHAMTON, NY-PA						
COUNTY: SUSQUEHANNA	NON-ELEVATOR:	142	164	194	233	269
STATE: PA	ELEVATOR:	156	180	213	257	309
SMSA: HARRISBURG, PA						
COUNTY: CUMBERLAND	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
COUNTY: DAUPHIN	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
COUNTY: PERRY	NON-ELEVATOR:	154	176	210	243	265
STATE: PA	ELEVATOR:	170	194	231	267	292
SMSA: LANCASTER, PA						
COUNTY: LANCASTER	NON-ELEVATOR:	116	133	159	183	202
STATE: PA	ELEVATOR:	127	147	174	203	221
SMSA: NORTHEAST, PA						
COUNTY: LACKAWANNA	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	213
COUNTY: LUZERNE	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	212
COUNTY: MONROE	NON-ELEVATOR:	116	134	160	178	194
STATE: PA	ELEVATOR:	129	147	175	195	212
SMSA: PHILADELPHIA, PA-NJ						
COUNTY: BUCKS	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: CHESTER	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: DELAWARE	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: MONTGOMERY	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
COUNTY: PHILADELPHIA	NON-ELEVATOR:	184	208	247	287	325
STATE: PA	ELEVATOR:	202	229	272	316	358
SMSA: READING, PA						
COUNTY: BERKS	NON-ELEVATOR:	126	145	172	199	218
STATE: PA	ELEVATOR:	138	159	190	218	240
SMSA: WILLIAMSPORT, PA						
COUNTY: LYCOMING	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
SMSA: YORK, PA						
COUNTY: ADAMS	NON-ELEVATOR:	131	149	178	205	225
STATE: PA	ELEVATOR:	143	165	196	227	248
COUNTY: YORK	NON-ELEVATOR:	131	149	178	205	225
STATE: PA	ELEVATOR:	143	165	196	227	248
NON SMSA						
COUNTY: CRAWFORD	NON-ELEVATOR:	122	139	166	185	203
STATE: PA	ELEVATOR:	134	153	182	203	223
COUNTY: CENTRE	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
COUNTY: CLINTON	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	126	144	172	191	209
COUNTY: COLUMBIA	NON-ELEVATOR:	106	122	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	196

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY: WYOMING	NON-ELEVATOR:	127	147	175	200	248
STATE: PA	ELEVATOR:	140	161	192	248	274

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE						
SMSA: ALTOONA, PA						
COUNTY: BLAIR	NON-ELEVATOR:	127	143	182	209	230
STATE: PA	ELEVATOR:	138	154	198	229	246
SMSA: ERIE, PA						
COUNTY: ERIE	NON-ELEVATOR:	123	142	180	195	212
STATE: PA	ELEVATOR:	135	156	194	214	235
SMSA: JOHNSTOWN, PA						
COUNTY: CAMBRIA	NON-ELEVATOR:	90	105	125	148	155
STATE: PA	ELEVATOR:	100	115	136	160	170
COUNTY: SOMERSET	NON-ELEVATOR:	90	106	125	148	159
STATE: PA	ELEVATOR:	100	115	136	160	170
SMSA: PITTSBURGH, PA						
COUNTY: ALLEGHANY	NON-ELEVATOR:	136	155	187	218	247
STATE: PA	ELEVATOR:	152	176	206	239	271
COUNTY: BEAVER	NON-ELEVATOR:	136	156	187	218	247
STATE: PA	ELEVATOR:	152	175	206	229	271
COUNTY: WASHINGTON	NON-ELEVATOR:	136	156	187	218	247
STATE: PA	ELEVATOR:	152	175	206	229	271
COUNTY: WESTMORELAND	NON-ELEVATOR:	136	155	187	218	247
STATE: PA	ELEVATOR:	152	175	206	229	271
NON SMSA						
COUNTY: ARMSTRONG	NON-ELEVATOR:	104	121	143	159	174
STATE: PA	ELEVATOR:	116	133	157	174	190
COUNTY: BEDFORD	NON-ELEVATOR:	101	116	136	160	175
STATE: PA	ELEVATOR:	113	127	153	177	193
COUNTY: BUTLER	NON-ELEVATOR:	104	121	143	159	174
STATE: PA	ELEVATOR:	116	132	157	174	190
COUNTY: CAMERON	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	128	144	172	191	209

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY: MERCER	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201
COUNTY: POTTER	NON-ELEVATOR:	106	123	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	195
COUNTY: VENANGO	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201
COUNTY: WARREN	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY: CLARION	NON-ELEVATOR:	104	121	143	159	174
STATE: PA	ELEVATOR:	116	132	157	174	192
COUNTY: CLEARFIELD	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	125	144	172	191	209
COUNTY: CRAWFORD	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201
COUNTY: ELK	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	125	144	172	191	209
COUNTY: FAYETTE	NON-ELEVATOR:	91	107	126	142	156
STATE: PA	ELEVATOR:	101	117	139	156	171
COUNTY: FOREST	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201
COUNTY: FULTON	NON-ELEVATOR:	101	116	136	160	176
STATE: PA	ELEVATOR:	113	127	153	177	193
COUNTY: GREENE	NON-ELEVATOR:	91	107	126	142	156
STATE: PA	ELEVATOR:	101	117	139	156	171
COUNTY: HUNTINGDON	NON-ELEVATOR:	101	116	136	160	176
STATE: PA	ELEVATOR:	113	127	153	177	193
COUNTY: INDIANA	NON-ELEVATOR:	104	121	143	159	174
STATE: PA	ELEVATOR:	116	132	157	174	190
COUNTY: JEFFERSON	NON-ELEVATOR:	114	131	156	173	191
STATE: PA	ELEVATOR:	125	144	172	191	209
COUNTY: LAWRENCE	NON-ELEVATOR:	108	125	148	165	182
STATE: PA	ELEVATOR:	120	138	164	181	201
COUNTY: MCKEAN	NON-ELEVATOR:	108	123	146	161	178
STATE: PA	ELEVATOR:	117	134	160	178	195

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE						
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA						
COUNTY: SCOTT	NON-ELEVATOR:	109	127	152	169	188
STATE: VA	ELEVATOR:	121	138	167	187	205
COUNTY: WASHINGTON	NON-ELEVATOR:	109	127	152	169	188
STATE: VA	ELEVATOR:	121	138	167	187	205
INDEP. CITY: BRISTOL	NON-ELEVATOR:	109	127	152	169	188
STATE: VA	ELEVATOR:	121	138	167	187	205
SMSA: LYNCHBURG, VA						
COUNTY: AMHERST	NON-ELEVATOR:	123	141	169	188	206
STATE: VA	ELEVATOR:	135	154	185	207	227
COUNTY: APPOMATTOX	NON-ELEVATOR:	123	141	169	188	206
STATE: VA	ELEVATOR:	135	154	185	207	227
COUNTY: CAMPBELL	NON-ELEVATOR:	123	141	169	188	206
STATE: VA	ELEVATOR:	135	154	185	207	227
INDEP. CITY: LYNCHBURG	NON-ELEVATOR:	123	141	169	188	206
STATE: VA	ELEVATOR:	135	154	185	207	227
SMSA: NEWPORT NEWS-HAMPTON, VA						
COUNTY: GLOUCESTER	NON-ELEVATOR:	138	158	187	209	229
STATE: VA	ELEVATOR:	151	174	205	229	251
COUNTY: JAMES CITY	NON-ELEVATOR:	138	158	187	209	229
STATE: VA	ELEVATOR:	151	174	205	229	251
COUNTY: YORK	NON-ELEVATOR:	138	158	187	209	229
STATE: VA	ELEVATOR:	151	174	205	229	251
INDEP. CITY: HAMPTON	NON-ELEVATOR:	138	158	187	209	229
STATE: VA	ELEVATOR:	151	174	205	229	251
INDEP. CITY: NEWPORT NEWS	NON-ELEVATOR:	138	158	187	209	229
STATE: VA	ELEVATOR:	151	174	205	229	251

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
SMSA: NEWPORT NEWS-HAMPTON, VA						
INDEP. CITY POQUOSON	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	174	205	229	251
INDEP. CITY WILLIAMSBURG	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	174	205	229	251
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC						
INDEP. CITY CHESAPEAKE	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	173	206	229	251
INDEP. CITY NORFOLK	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	173	206	229	251
INDEP. CITY PORTSMOUTH	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	173	206	229	251
INDEP. CITY SUFFOLK	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	173	206	229	251
INDEP. CITY VIRGINIA BEA	NON-ELEVATOR:	138	158	187	209	229
STATE:VA	ELEVATOR:	151	173	206	229	251
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA						
COUNTY:DINWIDDIE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:PRINCEGEORGE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
INDEP. CITY COLONIAL HEI	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
INDEP. CITY HOPEWELL	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
INDEP. CITY PETERSBURG	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
SMSA: RICHMOND, VA						
COUNTY:CHARLES CITY	[illegible]-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
COUNTY:CHESTERFIELD	[illegible]-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
COUNTY:GOOCHLAND	NON-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
COUNTY:HANOVER	NON-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
COUNTY:HENRICO	NON-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
COUNTY:POWHATAN	NON-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
INDEP.CITY:RICHMOND	NON-ELEVATOR:	144	170	199	231	254
STATE:VA	ELEVATOR:	158	186	219	253	279
SMSA: ROANOKE, VA						
COUNTY:BOTETOURT	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:CRAIG	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:ROANOKE	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
INDEP. CITY:ROANOKE	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR	123	141	169	197	216
INDEP. CITY:SALEM	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
NON SMSA						
COUNTY:ACCOMACK	NON-ELEVATOR:	116	133	159	178	195
STATE:VA	ELEVATOR:	127	146	175	196	215

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY:ALBEMARLE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:ALLEGHANY	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:AMELIA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:AUGUSTA	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:BATH	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:BEDFORD	NON-ELEVATOR:	123	141	169	188	206
STATE:VA	ELEVATOR:	135	154	185	207	227
COUNTY:BLAND	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:BRUNSWICK	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:BUCHANAN	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:BUCKINGHAM	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:CAROLINE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:CARROLL	NON-ELEVATOR:	91	105	124	139	154
STATE:VA	ELEVATOR:	100	114	137	154	169
COUNTY:CHARLOTTE	NON-ELEVATOR:	123	141	169	188	206
STATE:VA	ELEVATOR:	135	154	185	207	227

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY:CLARKE	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:CULPEPER	NON-ELEVATOR:	113	129	154	171	189
STATE:VA	ELEVATOR:	123	141	169	188	207
COUNTY:CUMBERLAND	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:DICKENSON	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:ESSEX	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:FAUQUIER	NON-ELEVATOR:	113	129	154	171	189
STATE:VA	ELEVATOR:	123	141	169	188	207
COUNTY:FLOYD	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:FLUVANNA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:FRANKLIN	NON-ELEVATOR:	90	102	122	136	150
STATE:VA	ELEVATOR:	98	112	133	149	166
COUNTY:FREDERICK	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:GILES	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:GRAYSON	NON-ELEVATOR:	91	105	124	139	154
STATE:VA	ELEVATOR:	100	114	137	154	169
COUNTY:GREENE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY:GOOCHLAND	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:GREENSVILLE	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:HALIFAX	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:HANOVER	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:HENRICO	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:HENRY	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:HIGHLAND	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:ISLE OF WIGHT	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:JAMES CITY	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:KING AND QUEEN	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:KING GEORGE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:KING WILLIAM	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:LANCASTER	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:LEE	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:LOUISA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:LUNENBURG	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:MADISON	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:MATHEWS	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:MECKLENBURG	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:MIDDLESEX	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:MONTGOMERY	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:NELSON	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:NEW KENT	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:NORTHAMPTON	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:NORTHUMBERLAND	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:NOTTOWAY	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:ORANGE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:PAGE	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:PATRICK	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:PITTSYLVANIA	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:POWHATAN	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:PRINCE EDWARD	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:PRINCE GEORGE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:PRINCE WILLIAM	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:PULASKI	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:RAPPAHANNOCK	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:RICHMOND	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:ROCKBRIDGE	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:ROCKINGHAM	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:RUSSELL	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:SCOTT	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:SHENANDOAH	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:SMYTH	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:SOUTHAMPTON	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:SPOTSYLVANIA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:STAFFORD	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:SURRY	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:SUSSEX	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:TAZEWELL	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:WARREN	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:WASHINGTON	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:WESTMORELAND	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:WISE	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:WYTHE	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:YORK	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY:ACCOMACK	NON-ELEVATOR:	116	133	159	178	195
STATE:VA	ELEVATOR:	127	146	175	196	215
COUNTY:ALBEMARLE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:ALLEGHANY	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:AMELIA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:AUGUSTA	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:BATH	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:BEDFORD	NON-ELEVATOR:	123	141	169	188	206
STATE:VA	ELEVATOR:	135	154	185	207	227
COUNTY:BLAND	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:BRUNSWICK	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:BUCHANAN	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:BUCKINGHAM	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:CAROLINE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:CARROLL	NON-ELEVATOR:	91	105	124	139	154
STATE:VA	ELEVATOR:	100	114	137	154	169
COUNTY:CHARLOTTE	NON-ELEVATOR:	123	141	169	188	206
STATE:VA	ELEVATOR:	135	154	185	207	227

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY:CLARKE	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:CULPEPER	NON-ELEVATOR:	113	129	154	171	189
STATE:VA	ELEVATOR:	123	141	169	188	207
COUNTY:CUMBERLAND	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:DICKENSON	NON-ELEVATOR:	82	94	111	125	138
STATE:VA	ELEVATOR:	90	103	123	138	153
COUNTY:ESSEX	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:FAUQUIER	NON-ELEVATOR:	113	129	154	171	189
STATE:VA	ELEVATOR:	123	141	169	188	207
COUNTY:FLOYD	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:FLUVANNA	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252
COUNTY:FRANKLIN	NON-ELEVATOR:	90	102	122	136	150
STATE:VA	ELEVATOR:	98	112	133	149	166
COUNTY:FREDERICK	NON-ELEVATOR:	99	113	135	151	167
STATE:VA	ELEVATOR:	107	125	148	166	182
COUNTY:GILES	NON-ELEVATOR:	113	129	154	180	196
STATE:VA	ELEVATOR:	123	141	169	197	216
COUNTY:GRAYSON	NON-ELEVATOR:	91	105	124	139	154
STATE:VA	ELEVATOR:	100	114	137	154	169
COUNTY:GREENE	NON-ELEVATOR:	131	151	181	210	229
STATE:VA	ELEVATOR:	144	166	198	231	252

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
[illegible] VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY: GREENSVILLE	NON-ELEVATOR:	131	151	[illegible]	210	[illegible]
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: HALIFAX	NON-ELEVATOR:	123	141	[illegible]	188	206
STATE: VA	ELEVATOR:	135	154	[illegible]	207	227
COUNTY: HENRY	NON-ELEVATOR:	113	129	[illegible]	[illegible]	196
STATE: VA	ELEVATOR:	123	141	[illegible]	197	216
COUNTY: HIGHLAND	NON-ELEVATOR:	[illegible]	113	[illegible]	151	167
STATE: VA	ELEVATOR:	107	125	[illegible]	166	182
COUNTY: ISLE OF WIGHT	NON-ELEVATOR:	[illegible]	102	[illegible]	136	150
STATE: VA	ELEVATOR:	[illegible]	112	[illegible]	149	166
COUNTY: KING & QUEEN	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: KING GEORGE	NON-ELEVATOR:	113	129	[illegible]	171	189
STATE: VA	ELEVATOR:	123	141	[illegible]	[illegible]	207
COUNTY: KING WILLIAM	NON-ELEVATOR:	131	151	[illegible]	[illegible]	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: LANCASTER	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: LEE	NON-ELEVATOR:	[illegible]	[illegible]	[illegible]	125	138
STATE: VA	ELEVATOR:	[illegible]	103	[illegible]	138	153
COUNTY: LOUISA	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: LUNENBURG	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: MADISON	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY: MATHEWS	NON-ELEVATOR:	[illegible]	102	[illegible]	136	150
STATE: VA	ELEVATOR:	[illegible]	112	[illegible]	149	166
COUNTY: MECKLENBURG	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: MIDDLESEX	NON-ELEVATOR:	[illegible]	[illegible]	[illegible]	136	150
STATE: VA	ELEVATOR:	[illegible]	112	[illegible]	149	166
COUNTY: MONTGOMERY	NON-ELEVATOR:	113	129	[illegible]	180	196
STATE: VA	ELEVATOR:	123	141	[illegible]	197	216
COUNTY: NELSON	NON-ELEVATOR:	123	141	[illegible]	188	206
STATE: VA	ELEVATOR:	135	154	[illegible]	207	227
COUNTY: NEW KENT	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: NORTHAMPTON	NON-ELEVATOR:	116	133	[illegible]	178	195
STATE: VA	ELEVATOR:	127	146	[illegible]	196	215
COUNTY: NORTHUMBERLD	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	[illegible]	[illegible]	231	252
COUNTY: NOTTOWAY	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	[illegible]	[illegible]	231	252
COUNTY: ORANGE	NON-ELEVATOR:	131	151	[illegible]	210	229
STATE: VA	ELEVATOR:	144	[illegible]	[illegible]	231	252
COUNTY: PAGE	NON-ELEVATOR:	[illegible]	113	[illegible]	151	167
STATE: VA	ELEVATOR:	107	[illegible]	[illegible]	166	182
COUNTY: PATRICK	NON-ELEVATOR:	113	[illegible]	[illegible]	180	196
STATE: VA	ELEVATOR:	123	141	[illegible]	197	216
COUNTY: PITTSYLVANIA	NON-ELEVATOR:	123	141	[illegible]	[illegible]	206
STATE: VA	ELEVATOR:	135	154	[illegible]	207	227

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY: PRINCEEDWARD	NON-ELEVATOR:	131	151	181	210	[illegible]
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: PULASKI	NON-ELEVATOR:	113	129	154	[illegible]	196
STATE: VA	ELEVATOR:	123	141	[illegible]	197	216
COUNTY: RAPPAHANNOCK	NON-ELEVATOR:	113	129	154	171	[illegible]
STATE: VA	ELEVATOR:	123	141	[illegible]	[illegible]	[illegible]
COUNTY: RICHMOND	NON-ELEVATOR:	129	164	195	[illegible]	[illegible]
STATE: VA	ELEVATOR:	143	181	214	[illegible]	274
COUNTY: ROCKBRIDGE	NON-ELEVATOR:	[illegible]	113	135	[illegible]	167
STATE: VA	ELEVATOR:	107	125	[illegible]	[illegible]	[illegible]
COUNTY: ROCKINGHAM	NON-ELEVATOR:	[illegible]	113	135	151	167
STATE: VA	ELEVATOR:	107	125	[illegible]	[illegible]	[illegible]
COUNTY: RUSSELL	NON-ELEVATOR:	[illegible]	[illegible]	111	125	[illegible]
STATE: VA	ELEVATOR:	[illegible]	103	123	138	153
COUNTY: SHENANDOAH	NON-ELEVATOR:	[illegible]	113	135	151	167
STATE: VA	ELEVATOR:	107	125	[illegible]	166	182
COUNTY: SMYTH	NON-ELEVATOR:	[illegible]	[illegible]	111	125	[illegible]
STATE: VA	ELEVATOR:	[illegible]	103	123	[illegible]	153
COUNTY: SOUTHAMPTON	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE: VA	ELEVATOR:	[illegible]	112	133	149	[illegible]
COUNTY: SPOTSLYVANIA	NON-ELEVATOR:	113	129	154	171	[illegible]
STATE: VA	ELEVATOR:	123	141	[illegible]	[illegible]	[illegible]
COUNTY: STAFFORD	NON-ELEVATOR:	113	129	154	171	[illegible]
STATE: VA	ELEVATOR:	123	141	169	[illegible]	[illegible]
COUNTY: SURRY	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE: VA	ELEVATOR:	[illegible]	112	133	149	166

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REGION 3

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
COUNTY: SUSSEX	NON-ELEVATOR:	131	151	181	210	[illegible]
STATE: VA	ELEVATOR:	144	166	[illegible]	231	[illegible]
COUNTY: TAZEWELL	NON-ELEVATOR:	[illegible]	[illegible]	111	125	[illegible]
STATE: VA	ELEVATOR:	[illegible]	103	123	[illegible]	153
COUNTY: WARREN	NON-ELEVATOR:	[illegible]	113	135	151	167
STATE: VA	ELEVATOR:	107	125	148	166	[illegible]
COUNTY: WESTMORELAND	NON-ELEVATOR:	131	151	181	210	229
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252
COUNTY: WISE	NON-ELEVATOR:	[illegible]	[illegible]	111	125	[illegible]
STATE: VA	ELEVATOR:	90	103	123	138	153
COUNTY: WYTHE	NON-ELEVATOR:	113	129	154	[illegible]	[illegible]
STATE: VA	ELEVATOR:	123	141	169	197	[illegible]
INDEP. CITY: BEDFORD	NON-ELEVATOR:	123	141	169	[illegible]	206
STATE: VA	ELEVATOR:	135	154	185	207	227
INDEP. CITY: BUENA VISTA	NON-ELEVATOR:	[illegible]	113	135	151	167
STATE: VA	ELEVATOR:	[illegible]	125	[illegible]	166	[illegible]
INDEP. CITY: CHARLOTTESVI	NON-ELEVATOR:	131	151	131	210	[illegible]
STATE: VA	ELEVATOR:	144	[illegible]	[illegible]	231	252
INDEP. CITY: CLIFTON FORG	NON-ELEVATOR:	113	129	154	180	[illegible]
STATE: VA	ELEVATOR:	123	141	169	197	[illegible]
INDEP. CITY: COVINGTON	NON-ELEVATOR:	113	[illegible]	154	180	[illegible]
STATE: VA	ELEVATOR:	123	141	169	197	216
INDEP. CITY: DANVILLE	NON-ELEVATOR:	123	141	169	[illegible]	206
STATE: VA	ELEVATOR:	135	154	[illegible]	207	227
INDEP. CITY: EMPORIA	NON-ELEVATOR:	131	151	181	210	[illegible]
STATE: VA	ELEVATOR:	144	166	[illegible]	231	252

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA						
INDEP. CITY FRANKLIN	NON-ELEVATOR:	113	129	154	180	196
STATE VA	ELEVATOR:	123	141	169	197	216
INDEP. CITY FREDERICKSBUR	NON-ELEVATOR:	113	129	154	171	189
STATE VA	ELEVATOR:	123	141	169	189	207
INDEP. CITY GALAX	NON-ELEVATOR:	91	105	124	139	154
STATE VA	ELEVATOR:	100	114	137	154	169
INDEP. CITY HARRISONBURG	NON-ELEVATOR:	99	113	135	151	167
STATE VA	ELEVATOR:	107	125	148	166	182
INDEP. CITY LEXINGTON	NON-ELEVATOR:	99	113	135	151	167
STATE VA	ELEVATOR:	107	125	148	166	182
INDEP. CITY MARTINSVILLE	NON-ELEVATOR:	113	129	154	180	196
STATE VA	ELEVATOR:	123	141	169	197	216
INDEP. CITY NORTON	NON-ELEVATOR:	82	94	111	125	138
STATE VA	ELEVATOR:	90	103	123	138	153
INDEP. CITY RADFORD	NON-ELEVATOR:	113	129	154	180	196
STATE VA	ELEVATOR:	123	141	169	197	216
INDEP. CITY SOUTH BOSTON	NON-ELEVATOR:	123	141	169	188	206
STATE VA	ELEVATOR:	135	154	185	207	227
INDEP. CITY STAUNTON	NON-ELEVATOR:	99	113	135	151	167
STATE VA	ELEVATOR:	107	125	148	166	182
INDEP. CITY WAYNESBORO	NON-ELEVATOR:	99	113	135	151	167
STATE VA	ELEVATOR:	107	125	148	166	182
INDEP CITY WINCHESTER	NON-ELEVATOR:	99	113	135	151	167
STATE VA	ELEVATOR:	107	125	148	166	182

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WASHINGTON,D.C. AREA OFFICE						
SMSA: WASHINGTON, DC-MD-VA						
COUNTY MONTGOVERY	NON-ELEVATOR:	183	218	256	292	328
STATE MD	ELEVATOR:	201	241	281	321	361
COUNTY PRINCE GEORG	NON-ELEVATOR:	183	218	256	292	328
STATE MD	ELEVATOR:	201	241	281	321	361
COUNTY WASHINGTON	NON-ELEVATOR:	183	218	256	292	328
STATE DC	ELEVATOR:	201	241	281	321	361
COUNTY ARLINGTON	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
COUNTY FAIRFAX	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
COUNTY LOUDOUN	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
COUNTY PRINCE WILLIA	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
INDEP. CITY ALEXANDRIA	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
INDEP. CITY FAIRFAX	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
INDEP. CITY FALLS CHURCH	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
INDEP CITY MANASSAS	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361
INDEP. CITY MANASSAS PRK	NON-ELEVATOR:	183	218	256	292	328
STATE VA	ELEVATOR:	201	241	281	321	361

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REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WILMINGTON,DELAWARE INSURING OFFICE						
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY:NEW CASTLE	NON-ELEVATOR:	163	185	219	253	285
STATE:DE	ELEVATOR:	180	204	240	278	313
NON SMSA						
COUNTY:KENT	NON-ELEVATOR:	116	133	159	178	195
STATE:DE	ELEVATOR:	127	146	175	196	215
COUNTY:SUSSEX	NON-ELEVATOR:	116	133	159	178	195
STATE:DE	ELEVATOR:	127	146	175	196	215

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
SMSA: ALBANY, GA						
COUNTY:DOUGHERTY	NON-ELEVATOR:	127	146	174	193	215
STATE:GA	ELEVATOR:	140	160	191	214	235
COUNTY:LEE	NON-ELEVATOR:	127	146	174	193	215
STATE:GA	ELEVATOR:	140	160	191	214	235
SMSA: ATLANTA, GA						
COUNTY:BUTTS	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:CHEROKEE	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:CLAYTON	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:COBB	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:DE KALB	NON-ELEVATOR:	161	184	219	255	288
STATE:GA	ELEVATOR:	177	202	242	278	316
COUNTY:DOUGLAS	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:FAYETTE	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:FORSYTH	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:FULTON	NON-ELEVATOR:	161	184	219	255	288
STATE:GA	ELEVATOR:	177	202	242	278	316
COUNTY:GWINNETT	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281
COUNTY:HENRY	NON-ELEVATOR:	140	162	195	225	256
STATE:GA	ELEVATOR:	155	178	213	247	281

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
SMSA: ATLANTA, GA						
COUNTY NEWTON	NON-ELEVATOR:	140	162	195	225	256
STATE GA	ELEVATOR:	155	178	213	247	281
COUNTY PAULDING	NON-ELEVATOR:	140	162	195	225	256
STATE GA	ELEVATOR:	155	178	213	247	281
COUNTY ROCKDALE	NON-ELEVATOR:	140	162	195	225	256
STATE GA	ELEVATOR:	155	178	213	247	281
COUNTY WALTON	NON-ELEVATOR:	140	162	195	225	256
STATE GA	ELEVATOR:	155	178	213	247	281
SMSA: AUGUSTA, GA-SC						
COUNTY COLUMBIA	NON-ELEVATOR:	164	191	229	265	291
STATE GA	ELEVATOR:	182	207	249	291	317
COUNTY RICHMOND	NON-ELEVATOR:	164	191	229	265	291
STATE GA	ELEVATOR:	182	207	249	291	317
SMSA: CHATTANOOGA, TN-GA						
COUNTY CATOOSA	NON-ELEVATOR	113	129	154	180	196
STATE GA	ELEVATOR	123	141	169	199	216
COUNTY DADE	NON-ELEVATOR	113	129	154	180	196
STATE GA	ELEVATOR	123	141	169	199	216
COUNTY WALKER	NON-ELEVATOR	113	129	154	180	196
STATE GA	ELEVATOR	123	141	169	199	216
SMSA: COLUMBUS, GA-AL						
COUNTY CHATTAHOOCHE	NON-ELEVATOR	121	138	164	182	200
STATE GA	ELEVATOR	132	152	180	200	219
COUNTY COLUMBUS	NON-ELEVATOR	121	138	164	182	200
STATE GA	ELEVATOR	132	152	180	200	219
SMSA: MACON, GA						
COUNTY BIBB	NON-ELEVATOR	107	123	147	169	187
STATE GA	ELEVATOR	118	134	162	186	204

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
SMSA: MACON, GA						
COUNTY HOUSTON	NON-ELEVATOR	107	123	147	169	187
STATE GA	ELEVATOR	118	134	162	186	204
COUNTY JONES	NON-ELEVATOR	107	123	147	169	187
STATE GA	ELEVATOR	118	134	162	186	204
COUNTY TWIGGS	NON-ELEVATOR	107	123	147	169	187
STATE GA	ELEVATOR	118	134	162	186	204
SMSA: SAVANNAH, GA						
COUNTY BRYAN	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
COUNTY CHATHAM	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
COUNTY EFFINGHAM	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
NON SMSA						
COUNTY APPLING	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
COUNTY ATKINSON	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
COUNTY BACON	NON-ELEVATOR	91	105	124	145	159
STATE GA	ELEVATOR	100	114	137	159	174
COUNTY BAKER	NON-ELEVATOR	[illegible]	102	122	136	150
STATE GA	ELEVATOR	[illegible]	112	133	149	166
COUNTY BALDWIN	NON-ELEVATOR	[illegible]	102	122	142	156
STATE GA	ELEVATOR	[illegible]	112	133	157	171
COUNTY BANKS	NON-ELEVATOR	101	116	140	156	171
STATE GA	ELEVATOR	111	128	153	170	[illegible]

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY BARROW	NON-ELEVATOR:	101	116	140	156	171
STATE GA	ELEVATOR:	111	128	153	170	[illegible]
COUNTY BARTON	NON-ELEVATOR:	83	96	115	130	143
STATE GA	ELEVATOR:	92	106	126	142	156
COUNTY BEN HILL	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY BERRIEN	NON-ELEVATOR:	89	102	122	136	150
STATE GA	ELEVATOR:	98	112	133	149	166
COUNTY BLECKLEY	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY BRANTLEY	NON-ELEVATOR:	98	112	133	149	165
STATE GA	ELEVATOR:	106	124	147	165	[illegible]
COUNTY BROOKS	NON-ELEVATOR:	89	102	122	136	150
STATE GA	ELEVATOR:	98	112	133	149	166
COUNTY BULLOCH	NON-ELEVATOR:	91	105	124	145	159
STATE GA	ELEVATOR:	100	114	137	159	174
COUNTY BURKE	NON-ELEVATOR:	102	117	141	157	172
STATE GA	ELEVATOR:	113	129	154	172	190
COUNTY CALHOUN	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY CAMDEN	NON-ELEVATOR:	98	112	133	149	165
STATE GA	ELEVATOR:	106	124	147	165	[illegible]
COUNTY CANDLER	NON-ELEVATOR:	91	105	124	145	159
STATE GA	ELEVATOR:	100	114	137	159	174
COUNTY CARROLL	NON-ELEVATOR:	104	122	144	161	178
STATE GA	ELEVATOR:	115	132	159	178	[illegible]

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY CHARLTON	NON-ELEVATOR:	98	112	133	149	165
STATE GA	ELEVATOR:	106	124	147	165	[illegible]
COUNTY CHATTOOGA	NON-ELEVATOR:	87	101	120	135	[illegible]
STATE GA	ELEVATOR:	97	111	132	148	162
COUNTY CLARKE	NON-ELEVATOR:	111	128	153	170	[illegible]
STATE GA	ELEVATOR:	122	140	168	[illegible]	206
COUNTY CLAY	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	98	112	133	149	166
COUNTY CLINCH	NON-ELEVATOR:	89	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY COFFEE	NON-ELEVATOR:	91	105	124	145	159
STATE GA	ELEVATOR:	100	114	137	159	174
COUNTY COLQUITT	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY COOK	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY COWETA	NON-ELEVATOR:	96	110	131	146	161
STATE GA	ELEVATOR:	104	119	144	161	177
COUNTY CRAWFORD	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY CRISP	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY DAWSON	NON-ELEVATOR:	[illegible]	95	115	130	143
STATE GA	ELEVATOR:	[illegible]	106	126	142	156
COUNTY DECATUR	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE GA	ELEVATOR:	[illegible]	112	133	149	[illegible]

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SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: DODGE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DOOLY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: EARLY	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: ECHOLS	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: ELBERT	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	[illegible]
COUNTY: EMANUEL	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: EVANS	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: FANNIN	NON-ELEVATOR:	83	96	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: FLOYD	NON-ELEVATOR:	83	[illegible]	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: FRANKLIN	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: GILMER	NON-ELEVATOR:	83	96	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: GLASCOCK	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: GLYNN	NON-ELEVATOR:	107	124	147	165	180
STATE: GA	ELEVATOR:	117	135	163	181	199

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: GORDON	NON-ELEVATOR:	87	101	120	135	148
STATE: GA	ELEVATOR:	97	111	132	[illegible]	162
COUNTY: GRADY	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: GREENE	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: HABERSHAM	NON-ELEVATOR:	83	[illegible]	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: HALL	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: HANCOCK	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HARALSON	NON-ELEVATOR:	83	96	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: HARRIS	NON-ELEVATOR:	100	114	136	153	[illegible]
STATE: GA	ELEVATOR:	108	126	149	[illegible]	184
COUNTY: HART	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: HEARD	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: IRWIN	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: JACKSON	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: JASPER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: JEFF DAVIS	NON-ELEVATOR:	91	105	124	145	[illegible]
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: JEFFERSON	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: JENKINS	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: JOHNSON	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: LAMAR	NON-ELEVATOR:	[illegible]	110	131	146	161
STATE: GA	ELEVATOR:	104	119	144	161	177
COUNTY: LANIER	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE: GA	ELEVATOR:	[illegible]	112	133	149	166
COUNTY: LAURENS	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: LIBERTY	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: LINCOLN	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: LONG	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: LOWNDES	NON-ELEVATOR:	98	112	135	149	166
STATE: GA	ELEVATOR:	107	124	147	165	181
COUNTY: LUMPKIN	NON-ELEVATOR:	83	96	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: MCDUFFIE	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: MCINTOSH	NON-ELEVATOR:	[illegible]	112	133	149	165
STATE: GA	ELEVATOR:	106	124	147	165	180
COUNTY: MACON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: MADISON	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: MARION	NON-ELEVATOR:	100	114	136	153	[illegible]
STATE: GA	ELEVATOR:	108	126	149	[illegible]	[illegible]
COUNTY: MERIWETHER	NON-ELEVATOR:	100	114	136	153	[illegible]
STATE: GA	ELEVATOR:	[illegible]	126	149	[illegible]	184
COUNTY: MILLER	NON-ELEVATOR:	89	102	122	[illegible]	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: MITCHELL	NON-ELEVATOR:	89	102	122	[illegible]	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: MONROE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MONTGOMERY	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: MORGAN	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: MURRAY	NON-ELEVATOR:	[illegible]	101	120	135	[illegible]
STATE: GA	ELEVATOR:	97	111	132	148	162
COUNTY: OCONEE	NON-ELEVATOR:	101	116	140	[illegible]	171
STATE: GA	ELEVATOR:	111	[illegible]	153	170	[illegible]
COUNTY: OGLETHORPE	NON-ELEVATOR:	101	116	140	[illegible]	171
STATE: GA	ELEVATOR:	111	128	153	170	[illegible]

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
COUNTY: PEACH	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PICKENS	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: PIERCE	NON-ELEVATOR:	98	112	133	149	165
STATE: GA	ELEVATOR:	106	124	147	165	180
COUNTY: PIKE	NON-ELEVATOR:	96	110	131	148	161
STATE: GA	ELEVATOR:	104	119	144	161	177
COUNTY: POLK	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: PULASKI	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PUTNAM	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: QUITMAN	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: RABUN	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: RANDOLPH	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: SCHLEY	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: SCREVEN	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: SEMINOLE	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: SPALDING	NON-ELEVATOR:	104	122	144	161	178
STATE: GA	ELEVATOR:	115	132	159	178	194
COUNTY: STEPHENS	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: STEWART	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: SUMTER	NON-ELEVATOR:	131	151	180	201	220
STATE: GA	ELEVATOR:	144	164	197	222	243
COUNTY: TALBOT	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: TALIAFERRO	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: TATTNALL	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: TAYLOR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: TELFAIR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: TERRELL	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: THOMAS	NON-ELEVATOR:	98	112	135	149	165
STATE: GA	ELEVATOR:	107	124	147	165	181
COUNTY: TIFT	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: TOOMBS	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: TOWNS	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: TREUTLEN	NON-ELEVATOR:	91	102	122	142	156
STATE: GA	ELEVATOR:	99	112	133	157	171
COUNTY: TROUP	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: TURNER	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: UNION	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: UPSON	NON-ELEVATOR:	96	110	131	146	161
STATE: GA	ELEVATOR:	104	119	144	161	177
COUNTY: WARE	NON-ELEVATOR:	98	112	133	149	165
STATE: GA	ELEVATOR:	108	124	147	165	180
COUNTY: WARREN	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: WASHINGTON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WAYNE	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: WEBSTER	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: WHEELER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WHITE	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: WHITFIELD	NON-ELEVATOR:	87	101	120	135	148
STATE: GA	ELEVATOR:	97	111	132	148	163
COUNTY: WILCOX	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WILKES	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: WILKINSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WORTH	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: WORTH	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: BIBB	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: BULLOCH	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: BURKE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CANDLER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CHATTOOGA	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CHEROKEE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CLARKE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CLAY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CLAYTON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COBB	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COFFEE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COLQUITT	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COLUMBIA	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COOK	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: COWETA	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CRAWFORD	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: CRISP	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DADE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DAWSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DECATUR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DE KALB	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DODGE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DOOLY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DOUGHERTY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: DOUGLAS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: EARLY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: ECHOLS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: EFFINGHAM	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: ELBERT	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: EMANUEL	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FANNIN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FAYETTE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FLOYD	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FORSYTH	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FRANKLIN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: FULTON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GILMER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GLASCOCK	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GLYNN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GORDON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GRADY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GREENE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: GWINNETT	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HABERSHAM	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HALL	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HANCOCK	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HARALSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HARRIS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HART	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HEARD	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HENRY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: HOUSTON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: IRWIN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JACKSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JASPER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JEFF DAVIS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JEFFERSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JENKINS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JOHNSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: JONES	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LAMAR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LANIER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LAURENS	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LEE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LIBERTY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LINCOLN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LONG	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LOWNDES	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: LUMPKIN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MACON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MADISON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MARION	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MCDUFFIE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MCINTOSH	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MERIWETHER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MILLER	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MITCHELL	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MONROE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MONTGOMERY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MORGAN	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MURRAY	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: MUSCOGEE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: NEWTON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: OCONEE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: OGLETHORPE	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PAULDING	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PEACH	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PICKENS	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: PIERCE	NON-ELEVATOR:	98	112	133	149	165
STATE: GA	ELEVATOR:	106	124	147	165	180
COUNTY: PIKE	NON-ELEVATOR:	96	110	131	148	161
STATE: GA	ELEVATOR:	104	119	144	161	177
COUNTY: POLK	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: PULASKI	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: PUTNAM	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: QUITMAN	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: RABUN	NON-ELEVATOR:	83	95	115	130	143
STATE: GA	ELEVATOR:	92	106	126	142	156
COUNTY: RANDOLPH	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: SCHLEY	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: SCREVEN	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: SEMINOLE	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: SPALDING	NON-ELEVATOR:	104	122	144	161	178
STATE: GA	ELEVATOR:	115	132	159	178	194
COUNTY: STEPHENS	NON-ELEVATOR:	101	116	140	156	171
STATE: GA	ELEVATOR:	111	128	153	170	189
COUNTY: STEWART	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: SUMTER	NON-ELEVATOR:	131	151	180	201	220
STATE: GA	ELEVATOR:	144	164	197	222	243
COUNTY: TALBOT	NON-ELEVATOR:	100	114	136	153	168
STATE: GA	ELEVATOR:	108	126	149	168	184
COUNTY: TALIAFERRO	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: TATTNALL	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174
COUNTY: TAYLOR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: TELFAIR	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: TERRELL	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165
COUNTY: THOMAS	NON-ELEVATOR:	98	112	135	149	165
STATE: GA	ELEVATOR:	107	124	147	165	181
COUNTY: TIFT	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	166
COUNTY: TOOMBS	NON-ELEVATOR:	91	105	124	145	159
STATE: GA	ELEVATOR:	100	114	137	159	174

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: WHITFIELD	NON-ELEVATOR:	87	101	120	135	148
STATE: GA	ELEVATOR:	97	111	132	148	163
COUNTY: WILCOX	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WILKES	NON-ELEVATOR:	102	117	141	157	172
STATE: GA	ELEVATOR:	113	129	154	172	190
COUNTY: WILKINSON	NON-ELEVATOR:	89	102	122	142	156
STATE: GA	ELEVATOR:	98	112	133	157	171
COUNTY: WORTH	NON-ELEVATOR:	89	102	122	136	150
STATE: GA	ELEVATOR:	98	112	133	149	165

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
SMSA: ANNISTON, AL						
COUNTY CALHOUN	NON-ELEVATOR:	77	89	107	120	132
STATE AL	ELEVATOR:	85	99	118	132	146
SMSA: BIRMINGHAM, AL						
COUNTY JEFFERSON	NON-ELEVATOR:	113	163	183	197	216
STATE AL	ELEVATOR:	123	179	201	216	237
COUNTY ST CLAIR	NON-ELEVATOR:	113	163	183	197	216
STATE AL	ELEVATOR:	123	179	201	216	237
COUNTY SHELBY	NON-ELEVATOR:	113	163	183	197	216
STATE AL	ELEVATOR:	123	179	201	216	237
COUNTY WALKER	NON-ELEVATOR:	113	163	183	197	216
STATE AL	ELEVATOR:	123	179	201	216	237
SMSA: COLUMBUS, GA-AL						
COUNTY RUSSELL	NON-ELEVATOR:	121	138	164	182	200
STATE AL	ELEVATOR:	132	152	180	200	219
SMSA: FLORENCE, AL						
COUNTY COLBERT	NON-ELEVATOR:	107	124	147	171	189
STATE AL	ELEVATOR:	118	136	162	188	207
COUNTY LAUDERDALE	NON-ELEVATOR:	107	124	147	171	189
STATE AL	ELEVATOR:	118	136	162	188	207
SMSA: GADSDEN, AL						
COUNTY ETOWAH	NON-ELEVATOR:	77	89	107	120	132
STATE AL	ELEVATOR:	85	99	118	132	146
SMSA: HUNTSVILLE, AL						
COUNTY LIMESTONE	NON-ELEVATOR:	107	136	155	168	192
STATE AL	ELEVATOR:	119	150	171	185	212
COUNTY MADISON	NON-ELEVATOR:	107	136	155	168	192
STATE AL	ELEVATOR:	119	150	171	185	212

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
SMSA: HUNTSVILLE, AL						
COUNTY MARSHALL	NON-ELEVATOR:	107	136	155	168	192
STATE AL	ELEVATOR:	119	150	171	185	212
SMSA: MOBILE, AL						
COUNTY BALDWIN	NON-ELEVATOR:	131	157	176	191	213
STATE AL	ELEVATOR:	145	173	193	210	235
COUNTY MOBILE	NON-ELEVATOR:	131	157	176	191	213
STATE AL	ELEVATOR:	145	173	193	210	235
SMSA: MONTGOMERY, AL						
COUNTY AUTAUGA	NON-ELEVATOR:	107	126	144	164	185
STATE AL	ELEVATOR:	119	137	159	180	204
COUNTY ELMORE	NON-ELEVATOR:	107	126	144	164	185
STATE AL	ELEVATOR:	119	137	159	180	204
COUNTY MONTGOMERY	NON-ELEVATOR:	107	126	144	164	185
STATE AL	ELEVATOR:	119	137	159	180	204
SMSA: TUSCALOOSA, AL						
COUNTY TUSCALOOSA	NON-ELEVATOR:	101	116	140	156	171
STATE AL	ELEVATOR:	111	128	153	170	189
NON SMSA						
COUNTY BARBOUR	NON-ELEVATOR:	107	123	146	163	179
STATE AL	ELEVATOR:	117	135	161	180	197
COUNTY BIBB	NON-ELEVATOR:	101	116	140	156	171
STATE AL	ELEVATOR:	111	128	153	170	189
COUNTY BLOUNT	NON-ELEVATOR:	77	89	107	120	132
STATE AL	ELEVATOR:	85	99	118	132	146
COUNTY BULLOCK	NON-ELEVATOR:	85	99	118	137	150
STATE AL	ELEVATOR:	95	109	129	151	166
COUNTY BUTLER	NON-ELEVATOR:	98	112	133	149	165
STATE AL	ELEVATOR:	106	124	147	165	180

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
NON SMSA						
COUNTY: CHAMBERS	NON-ELEVATOR:	100	114	136	153	168
STATE: AL	ELEVATOR:	108	126	148	168	184
COUNTY: CHEROKEE	NON-ELEVATOR:	77	89	107	120	132
STATE: AL	ELEVATOR:	85	99	118	132	146
COUNTY: CHILTON	NON-ELEVATOR:	101	116	140	156	171
STATE: AL	ELEVATOR:	111	128	153	170	189
COUNTY: CHOCTAN	NON-ELEVATOR:	100	114	136	153	168
STATE: AL	ELEVATOR:	108	126	149	168	184
COUNTY: CLARKE	NON-ELEVATOR:	93	108	128	149	165
STATE: AL	ELEVATOR:	102	117	142	165	180
COUNTY: CLAY	NON-ELEVATOR:	77	89	107	120	132
STATE: AL	ELEVATOR:	85	99	118	132	146
COUNTY: CLEBURNE	NON-ELEVATOR:	83	96	115	130	143
STATE: AL	ELEVATOR:	92	106	126	142	156
COUNTY: COFFEE	NON-ELEVATOR:	96	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: CONECUH	NON-ELEVATOR:	93	108	128	149	165
STATE: AL	ELEVATOR:	102	117	142	165	180
COUNTY: COOSA	NON-ELEVATOR:	85	99	118	137	150
STATE: AL	ELEVATOR:	95	109	129	151	166
COUNTY: COVINGTON	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: CRENSHAW	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: CULLMAN	NON-ELEVATOR:	77	89	107	120	132
STATE: AL	ELEVATOR:	85	99	118	132	146

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
NON SMSA						
COUNTY: DALE	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: DALLAS	NON-ELEVATOR:	85	96	116	137	150
STATE: AL	ELEVATOR:	95	109	129	151	166
COUNTY: DE KALB	NON-ELEVATOR:	97	101	120	135	148
STATE: AL	ELEVATOR:	97	111	132	148	162
COUNTY: ESCAMBIA	NON-ELEVATOR:	114	130	156	181	197
STATE: AL	ELEVATOR:	124	142	170	200	217
COUNTY: FAYETTE	NON-ELEVATOR:	101	116	140	156	171
STATE: AL	ELEVATOR:	111	128	153	170	188
COUNTY: FRANKLIN	NON-ELEVATOR:	84	97	117	131	144
STATE: AL	ELEVATOR:	93	107	128	143	157
COUNTY: GENEVA	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: GREENE	NON-ELEVATOR:	101	116	140	156	171
STATE: AL	ELEVATOR:	111	128	153	170	189
COUNTY: HALE	NON-ELEVATOR:	101	116	140	156	171
STATE: AL	ELEVATOR:	111	128	153	170	189
COUNTY: HENRY	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: HOUSTON	NON-ELEVATOR:	98	112	133	149	165
STATE: AL	ELEVATOR:	106	124	147	165	180
COUNTY: JACKSON	NON-ELEVATOR:	97	101	120	135	148
STATE: AL	ELEVATOR:	97	111	132	148	162
COUNTY: LAMAR	NON-ELEVATOR:	101	116	140	156	171
STATE: AL	ELEVATOR:	111	128	153	170	188

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
NON SMSA						
COUNTY LAWRENCE	NON-ELEVATOR	84	97	117	131	144
STATE AL	ELEVATOR	93	107	128	143	157
COUNTY LEE	NON-ELEVATOR	100	114	136	153	168
STATE AL	ELEVATOR	108	126	149	168	184
COUNTY LOWNDES	NON-ELEVATOR	85	99	118	137	150
STATE AL	ELEVATOR	95	109	129	151	166
COUNTY MACON	NON-ELEVATOR	[illegible]	[illegible]	118	137	150
STATE AL	ELEVATOR	95	109	129	151	166
COUNTY MARENGO	NON-ELEVATOR	100	114	136	153	168
STATE AL	ELEVATOR	108	126	149	168	184
COUNTY MARION	NON-ELEVATOR	101	116	140	156	171
STATE AL	ELEVATOR	111	128	153	170	189
COUNTY MONROE	NON-ELEVATOR	93	108	128	149	165
STATE AL	ELEVATOR	102	117	142	165	180
COUNTY MORGAN	NON-ELEVATOR	107	124	147	171	189
STATE AL	ELEVATOR	118	135	163	189	206
COUNTY PERRY	NON-ELEVATOR	[illegible]	99	118	137	150
STATE AL	ELEVATOR	95	109	129	151	166
COUNTY PICKENS	NON-ELEVATOR	101	116	140	156	171
STATE AL	ELEVATOR	111	128	153	170	189
COUNTY PIKE	NON-ELEVATOR	[illegible]	112	133	149	165
STATE AL	ELEVATOR	106	124	147	165	180
COUNTY RANDOLPH	NON-ELEVATOR	100	114	136	153	168
STATE AL	ELEVATOR	108	126	149	168	184
COUNTY SUMTER	NON-ELEVATOR	100	114	136	153	168
STATE AL	ELEVATOR	108	126	149	168	184

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
NON SMSA						
COUNTY TALLADEGA	NON-ELEVATOR	77	[illegible]	107	120	132
STATE AL	ELEVATOR	[illegible]	99	118	132	146
COUNTY TALLAPOOSA	NON-ELEVATOR	[illegible]	99	118	137	150
STATE AL	ELEVATOR	95	109	129	151	166
COUNTY WASHINGTON	NON-ELEVATOR	93	108	128	149	165
STATE AL	ELEVATOR	102	117	142	165	180
COUNTY WILCOX	NON-ELEVATOR	93	108	128	149	165
STATE AL	ELEVATOR	102	117	142	165	180
COUNTY WINSTON	NON-ELEVATOR	101	116	140	156	171
STATE AL	ELEVATOR	111	128	153	170	189

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CORAL GABLES, FLORIDA INSURING OFFICE						
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL						
COUNTY BROWARD	NON-ELEVATOR	181	206	248	287	315
STATE FL	ELEVATOR	198	227	271	314	345
SMSA: FORT MYERS, FL						
COUNTY LEE	NON-ELEVATOR	151	173	205	228	249
STATE FL	ELEVATOR	166	190	225	250	274
SMSA: MIAMI, FL						
COUNTY DADE	NON-ELEVATOR	180	205	246	286	325
STATE FL	ELEVATOR	197	226	270	313	356
SMSA: WEST PALM BEACH-BOCA RATON, FL						
COUNTY PALM BEACH	NON-ELEVATOR	152	174	208	242	265
STATE FL	ELEVATOR	166	191	229	266	291
NON SMSA						
COUNTY CHARLOTTE	NON-ELEVATOR	137	156	187	[illegible]	228
STATE FL	ELEVATOR	150	171	205	229	251
COUNTY COLLIER	NON-ELEVATOR	107	125	148	166	182
STATE FL	ELEVATOR	119	136	164	182	200
COUNTY GLADES	NON-ELEVATOR	107	125	148	166	182
STATE FL	ELEVATOR	119	136	164	182	200
COUNTY HENDRY	NON-ELEVATOR	107	125	148	166	182
STATE FL	ELEVATOR	119	136	164	182	200
COUNTY MARTIN	NON-ELEVATOR	107	125	148	166	182
STATE FL	ELEVATOR	119	136	164	182	200
COUNTY MONROE	NON-ELEVATOR	107	125	148	166	182
STATE FL	ELEVATOR	119	136	164	182	200

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
SMSA: AUGUSTA, GA-SC						
COUNTY AIKEN	NON-ELEVATOR	164	191	229	265	291
STATE SC	ELEVATOR	182	207	249	291	317
SMSA: CHARLESTON, SC						
COUNTY BERKELEY	NON-ELEVATOR	127	164	187	219	296
STATE SC	ELEVATOR	135	153	182	211	232
COUNTY CHARLESTON	NON-ELEVATOR	127	164	187	219	296
STATE SC	ELEVATOR	135	153	182	211	232
COUNTY DORCHESTER	NON-ELEVATOR	127	164	187	219	296
STATE SC	ELEVATOR	135	153	182	211	232
SMSA: COLUMBIA, SC						
COUNTY LEXINGTON	NON-ELEVATOR	146	178	199	232	295
STATE SC	ELEVATOR	128	209	257	274	337
COUNTY RICHLAND	NON-ELEVATOR	146	178	199	232	295
STATE SC	ELEVATOR	128	209	257	274	337
SMSA: GREENVILLE-SPARTANBURG, SC						
COUNTY GREENVILLE	NON-ELEVATOR	120	136	158	211	243
STATE SC	ELEVATOR	109	126	149	174	190
COUNTY PICKENS	NON-ELEVATOR	120	136	[illegible]	211	243
STATE SC	ELEVATOR	109	126	[illegible]	174	190
COUNTY SPARTANBURG	NON-ELEVATOR	120	136	158	211	243
STATE SC	ELEVATOR	109	126	149	174	190
NON SMSA						
COUNTY ABBEVILLE	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY ALLENDALE	NON-ELEVATOR	102	117	141	157	172
STATE SC	ELEVATOR	113	129	154	172	190
COUNTY ANDERSON	NON-ELEVATOR	[illegible]	[illegible]	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY DARLINGTON	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY FLORENCE	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY GEORGETOWN	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY HORRY	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY LAURENS	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY MARION	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY OCONEE	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY PICKENS	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY SUMTER	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY UNION	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY WILLIAMSBURG	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COUNTY YORK	NON-ELEVATOR	85	99	118	132	145
STATE SC	ELEVATOR	95	109	129	145	159
COLUMBUS, GEORGIA AREA OFFICE						
NON SMSA						
COUNTY CHATTAHOOCHEE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY CLAY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY CRISP	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY DOOLY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY HARRIS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MACON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MARION	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MUSCOGEE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY PEACH	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY QUITMAN	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY RANDOLPH	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY STEWART	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TALBOT	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TAYLOR	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TERRELL	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TROUP	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WEBSTER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS, GEORGIA AREA OFFICE						
SMSA: COLUMBUS, GA-AL						
COUNTY CHATTAHOOCHEE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY HARRIS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MUSCOGEE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY RUSSELL	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
NON SMSA						
COUNTY BARBOUR	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY BULLOCH	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY BUTLER	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CHAMBERS	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CHEROKEE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CLARKE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CLAY	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CLEBURNE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY COFFEE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY COLQUITT	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY COOSA	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY COVINGTON	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY CRENSHAW	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY DALE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY DALLAS	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY DECATUR	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY DEKALB	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY ELMORE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY ETOWAH	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY FAYETTE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY FRANKLIN	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY GENEVA	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY GILMER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY GLASCOCK	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY GRADY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY HALE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY HENRY	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY HOUSTON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY JACKSON	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY JEFFERSON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY JENKINS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY JOHNSON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY LAMAR	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY LAUDERDALE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY LAURENS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY LEE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY LEE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY LIBERTY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY LIMESTONE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY LOWNDES	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MACON	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MADISON	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MARENGO	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MARION	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MARSHALL	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MERIWETHER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MILLER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MITCHELL	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MONROE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MONTGOMERY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY MORGAN	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY MORGAN	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY OGLETHORPE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY PAULDING	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY PERRY	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY PERRY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY PICKENS	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY PIKE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY PIKE	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY RANDOLPH	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY RANDOLPH	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY RICHMOND	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY SCHLEY	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY SHELBY	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY STEPHENS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY STEWART	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY SUMTER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TALBOT	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TALLADEGA	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY TALLAPOOSA	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY TALIAFERRO	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TATTNALL	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TAYLOR	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TELFAIR	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TERRELL	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY THOMAS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TIFT	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TOOMBS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TROUP	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY TUSCALOOSA	NON-ELEVATOR	85	99	118	132	145
STATE AL	ELEVATOR	95	109	129	145	159
COUNTY TWIGGS	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY UNION	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WALKER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WALTON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WARE	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WARREN	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WASHINGTON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WEBSTER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WHEELER	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WILCOX	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WILKINSON	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159
COUNTY WORTH	NON-ELEVATOR	85	99	118	132	145
STATE GA	ELEVATOR	95	109	129	145	159

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
COUNTY: BAMBERG	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: BARNWELL	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: BEAUFORT	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: CALHOUN	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: CHEROKEE	NON-ELEVATOR:	85	99	118	132	145
STATE: SC	ELEVATOR:	95	109	129	145	159
COUNTY: CHESTER	NON-ELEVATOR:	93	108	128	145	165
STATE: SC	ELEVATOR:	102	117	142	165	180
COUNTY: CHESTERFIELD	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: CLARENDON	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: COLLETON	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: DARLINGTON	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: DILLON	NON-ELEVATOR:	91	105	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: EDGEFIELD	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	128	154	172	190
COUNTY: FAIRFIELD	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
COUNTY: FLORENCE	NON-ELEVATOR:	104	131	152	208	269
STATE: SC	ELEVATOR:	141	194	273	0	0
COUNTY: GEORGETOWN	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: GREENWOOD	NON-ELEVATOR:	85	99	118	132	145
STATE: SC	ELEVATOR:	95	109	129	145	159
COUNTY: HAMPTON	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: HORRY	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: JASPER	NON-ELEVATOR:	91	105	124	145	150
STATE: SC	ELEVATOR:	100	114	137	159	174
COUNTY: KERSHAW	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: LANCASTER	NON-ELEVATOR:	93	108	128	149	165
STATE: SC	ELEVATOR:	102	117	142	165	180
COUNTY: LAURENS	NON-ELEVATOR:	85	99	118	132	145
STATE: SC	ELEVATOR:	95	109	129	145	159
COUNTY: LEE	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: MCCORMICK	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: MARION	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: MARLBORO	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY: NEWBERRY	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: OCONEE	NON-ELEVATOR:	85	99	118	132	145
STATE: SC	ELEVATOR:	95	109	129	145	159
COUNTY: ORANGEBURG	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: SALUDA	NON-ELEVATOR:	102	117	141	157	172
STATE: SC	ELEVATOR:	113	129	154	172	190
COUNTY: SUMTER	NON-ELEVATOR:	92	107	126	142	156
STATE: SC	ELEVATOR:	101	116	140	157	172
COUNTY: UNION	NON-ELEVATOR:	85	99	118	132	145
STATE: SC	ELEVATOR:	95	109	129	145	159
COUNTY: WILLIAMSBURG	NON-ELEVATOR:	91	106	125	141	155
STATE: SC	ELEVATOR:	101	115	138	155	170
COUNTY: YORK	NON-ELEVATOR:	112	132	155	216	241
STATE: SC	ELEVATOR:	102	117	142	165	186

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
SMSA: ASHEVILLE, NC						
COUNTY: BUNCOMBE	NON-ELEVATOR	92	107	126	142	156
STATE: NC	ELEVATOR:	101	116	140	157	172
COUNTY: MADISON	NON-ELEVATOR:	92	107	126	142	156
STATE: NC	ELEVATOR:	101	116	140	157	172
SMSA: BURLINGTON, NC						
COUNTY: ALAMANCE	NON-ELEVATOR:	106	123	146	162	179
STATE: NC	ELEVATOR:	117	133	160	179	196
SMSA: CHARLOTTE-GASTONIA, NC						
COUNTY: GASTON	NON-ELEVATOR:	141	162	195	225	247
STATE: NC	ELEVATOR:	156	179	214	248	271
COUNTY: MECKLENBURG	NON-ELEVATOR:	141	162	195	225	247
STATE: NC	ELEVATOR:	156	179	214	248	271
COUNTY: UNION	NON-ELEVATOR:	141	162	195	225	247
STATE: NC	ELEVATOR:	156	179	214	248	271
SMSA: FAYETTEVILLE, NC						
COUNTY: CUMBERLAND	NON-ELEVATOR:	118	135	163	189	208
STATE: NC	ELEVATOR:	129	149	178	207	226
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC						
COUNTY: DAVIDSON	NON-ELEVATOR:	126	145	172	193	211
STATE: NC	ELEVATOR:	138	158	189	211	233
COUNTY: FORSYTH	NON-ELEVATOR:	126	145	172	193	211
STATE: NC	ELEVATOR:	138	158	189	211	233
COUNTY: GUILFORD	NON-ELEVATOR:	126	145	172	193	211
STATE: NC	ELEVATOR:	138	158	189	211	233
COUNTY: RANDOLPH	NON-ELEVATOR:	126	145	172	193	211
STATE: NC	ELEVATOR:	138	158	189	211	233
COUNTY: STOKES	NON-ELEVATOR:	126	145	172	193	211
STATE: NC	ELEVATOR:	138	158	189	211	233

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC						
COUNTY YADKIN	NON-ELEVATOR:	126	145	172	193	211
STATE NC	ELEVATOR:	138	158	189	211	233
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC						
COUNTY CURRITUCK	NON-ELEVATOR:	138	158	187	209	229
STATE NC	ELEVATOR:	151	173	206	229	251
SMSA: RALEIGH-DURHAM, NC						
COUNTY DURHAM	NON-ELEVATOR:	141	162	194	226	247
STATE NC	ELEVATOR:	156	178	213	247	271
COUNTY ORANGE	NON-ELEVATOR:	141	162	194	226	247
STATE NC	ELEVATOR:	156	178	213	247	271
COUNTY WAKE	NON-ELEVATOR:	141	162	194	226	247
STATE NC	ELEVATOR:	156	178	213	247	271
SMSA: WILMINGTON, NC						
COUNTY BRUNSWICK	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY NEW HANOVER	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
NON SMSA						
COUNTY ALEXANDER	NON-ELEVATOR:	97	111	132	148	162
STATE NC	ELEVATOR:	105	123	145	162	179
COUNTY ALLEGHANY	NON-ELEVATOR:	100	115	137	153	169
STATE NC	ELEVATOR:	111	126	150	168	185
COUNTY ANSON	NON-ELEVATOR:	86	100	119	134	147
STATE NC	ELEVATOR:	96	110	131	146	160
COUNTY ASHE	NON-ELEVATOR:	100	115	137	153	169
STATE NC	ELEVATOR:	111	126	150	168	185
COUNTY AVERY	NON-ELEVATOR:	101	117	139	156	172
STATE NC	ELEVATOR:	112	128	153	172	189

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY BEAUFORT	NON-ELEVATOR:	115	131	156	176	192
STATE NC	ELEVATOR:	125	144	172	192	212
COUNTY BERTIE	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY BLADEN	NON-ELEVATOR:	118	135	163	189	206
STATE NC	ELEVATOR:	129	149	178	207	226
COUNTY BURKE	NON-ELEVATOR:	97	111	132	148	162
STATE NC	ELEVATOR:	105	123	145	162	179
COUNTY CABARRUS	NON-ELEVATOR:	86	100	119	134	147
STATE NC	ELEVATOR:	96	110	131	146	160
COUNTY CALDWELL	NON-ELEVATOR:	97	111	132	148	162
STATE NC	ELEVATOR:	105	123	145	162	179
COUNTY CAMDEN	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY CARTERET	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY CASWELL	NON-ELEVATOR:	123	141	159	180	206
STATE NC	ELEVATOR:	135	154	185	207	227
COUNTY CATAWBA	NON-ELEVATOR:	97	111	132	148	162
STATE NC	ELEVATOR:	105	123	145	162	179
COUNTY CHATHAM	NON-ELEVATOR:	118	135	163	189	206
STATE NC	ELEVATOR:	129	149	178	207	226
COUNTY CHEROKEE	NON-ELEVATOR:	87	101	120	135	148
STATE NC	ELEVATOR:	97	111	132	148	162
COUNTY CHOWAN	NON-ELEVATOR:	85	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY CLAY	NON-ELEVATOR:	93	107	126	142	156
STATE NC	ELEVATOR:	101	116	140	157	172
COUNTY CLEVELAND	NON-ELEVATOR:	97	111	132	148	162
STATE NC	ELEVATOR:	105	123	145	162	179
COUNTY COLUMBUS	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY CRAVEN	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY DARE	NON-ELEVATOR:	115	131	156	176	192
STATE NC	ELEVATOR:	125	144	172	192	212
COUNTY DAVIE	NON-ELEVATOR:	106	123	146	162	179
STATE NC	ELEVATOR:	117	133	160	179	196
COUNTY DUPLIN	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY EDGECOMBE	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY FRANKLIN	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY GATES	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY GRAHAM	NON-ELEVATOR:	92	107	126	142	156
STATE NC	ELEVATOR:	101	116	140	157	172
COUNTY GRANVILLE	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY GREENE	NON-ELEVATOR:	115	131	156	176	192
STATE NC	ELEVATOR:	125	144	172	192	212

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY HALIFAX	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY HARNETT	NON-ELEVATOR:	118	135	163	189	206
STATE NC	ELEVATOR:	129	149	178	207	226
COUNTY HAYWOOD	NON-ELEVATOR:	92	107	126	142	156
STATE NC	ELEVATOR:	101	116	140	157	172
COUNTY HENDERSON	NON-ELEVATOR:	92	107	126	142	156
STATE NC	ELEVATOR:	101	116	140	157	172
COUNTY HERTFORD	NON-ELEVATOR:	89	102	122	136	150
STATE NC	ELEVATOR:	98	112	133	149	166
COUNTY HOKE	NON-ELEVATOR:	118	135	163	189	206
STATE NC	ELEVATOR:	129	149	178	207	226
COUNTY HYDE	NON-ELEVATOR:	115	131	156	176	192
STATE NC	ELEVATOR:	125	144	172	192	212
COUNTY IREDELL	NON-ELEVATOR:	86	100	119	134	147
STATE NC	ELEVATOR:	96	110	131	146	160
COUNTY JACKSON	NON-ELEVATOR:	92	107	126	142	156
STATE NC	ELEVATOR:	101	116	140	157	172
COUNTY JOHNSTON	NON-ELEVATOR:	115	131	156	176	192
STATE NC	ELEVATOR:	125	144	172	192	212
COUNTY JONES	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184
COUNTY LEE	NON-ELEVATOR:	118	135	163	189	206
STATE NC	ELEVATOR:	129	149	178	207	226
COUNTY LENOIR	NON-ELEVATOR:	100	114	136	153	168
STATE NC	ELEVATOR:	108	126	149	168	184

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO,NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY:LINCOLN	NON-ELEVATOR:	[illegible]	108	128	149	165
STATE:NC	ELEVATOR:	102	117	142	165	180
COUNTY:MCDOWELL	NON-ELEVATOR:	[illegible]	107	126	142	156
STATE:NC	ELEVATOR:	101	116	140	157	172
COUNTY:MACON	NON-ELEVATOR:	[illegible]	107	126	142	156
STATE:NC	ELEVATOR:	101	116	140	157	172
COUNTY:MARTIN	NON-ELEVATOR:	115	131	156	176	192
STATE:NC	ELEVATOR:	125	144	172	192	212
COUNTY:MITCHELL	NON-ELEVATOR:	101	117	139	156	172
STATE:NC	ELEVATOR:	112	128	153	172	189
COUNTY:MONTGOMERY	NON-ELEVATOR:	106	123	146	162	179
STATE:NC	ELEVATOR:	117	133	160	179	196
COUNTY:MOORE	NON-ELEVATOR:	106	123	146	162	179
STATE:NC	ELEVATOR:	117	133	160	179	196
COUNTY:NASH	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE:NC	ELEVATOR:	98	112	133	149	165
COUNTY:NORTHAMPTON	NON-ELEVATOR:	89	102	122	136	150
STATE:NC	ELEVATOR:	[illegible]	112	133	149	166
COUNTY:ONSLOW	NON-ELEVATOR:	100	114	136	153	[illegible]
STATE:NC	ELEVATOR:	108	126	149	[illegible]	184
COUNTY:PAMLICO	NON-ELEVATOR:	[illegible]	114	136	153	168
STATE:NC	ELEVATOR:	108	126	149	168	184
COUNTY:PASQUOTANK	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE:NC	ELEVATOR:	[illegible]	112	133	149	166
COUNTY:PENDER	NON-ELEVATOR:	100	114	136	153	[illegible]
STATE:NC	ELEVATOR:	108	126	149	168	184

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO,NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY:PERQUIMANS	NON-ELEVATOR:	89	102	122	136	150
STATE:NC	ELEVATOR:	98	112	133	149	166
COUNTY:PERSON	NON-ELEVATOR:	89	102	122	136	150
STATE:NC	ELEVATOR:	98	112	133	149	166
COUNTY:PITT	NON-ELEVATOR:	115	131	156	176	192
STATE:NC	ELEVATOR:	125	144	172	192	212
COUNTY:POLK	NON-ELEVATOR:	[illegible]	[illegible]	118	132	145
STATE:NC	ELEVATOR:	95	109	129	145	159
COUNTY:RICHMOND	NON-ELEVATOR:	[illegible]	100	119	134	147
STATE:NC	ELEVATOR:	96	110	131	146	160
COUNTY:ROBESON	NON-ELEVATOR:	118	135	163	[illegible]	206
STATE:NC	ELEVATOR:	129	149	178	207	226
COUNTY:ROCKINGHAM	NON-ELEVATOR:	100	114	136	153	168
STATE:NC	ELEVATOR:	109	125	148	167	183
COUNTY:ROWAN	NON-ELEVATOR:	[illegible]	100	119	134	147
STATE:NC	ELEVATOR:	96	110	131	146	160
COUNTY:RUTHERFORD	NON-ELEVATOR:	97	111	132	148	162
STATE:NC	ELEVATOR:	105	123	145	162	179
COUNTY:SAMPSON	NON-ELEVATOR:	118	135	163	[illegible]	206
STATE:NC	ELEVATOR:	129	[illegible]	178	207	226
COUNTY:SCOTLAND	NON-ELEVATOR:	[illegible]	100	119	134	147
STATE:NC	ELEVATOR:	96	110	131	146	160
COUNTY:STANLY	NON-ELEVATOR:	[illegible]	100	119	134	147
STATE:NC	ELEVATOR:	[illegible]	110	131	146	160
COUNTY:SURRY	NON-ELEVATOR:	91	105	124	[illegible]	154
STATE:NC	ELEVATOR:	100	114	137	154	[illegible]

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO,NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY:SWAIN	NON-ELEVATOR:	92	107	126	142	156
STATE:NC	ELEVATOR:	101	116	140	157	172
COUNTY:TRANSYLVANIA	NON-ELEVATOR:	92	107	126	142	156
STATE:NC	ELEVATOR:	101	116	140	157	172
COUNTY:TYRRELL	NON-ELEVATOR:	115	131	156	176	192
STATE:NC	ELEVATOR:	125	144	172	192	212
COUNTY:VANCE	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE:NC	ELEVATOR:	[illegible]	112	133	149	166
COUNTY:WARREN	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE:NC	ELEVATOR:	[illegible]	112	133	149	166
COUNTY:WASHINGTON	NON-ELEVATOR:	115	131	156	176	192
STATE:NC	ELEVATOR:	125	144	172	192	212
COUNTY:WATAUGA	NON-ELEVATOR:	106	123	146	163	178
STATE:NC	ELEVATOR:	116	135	160	178	197
COUNTY:WAYNE	NON-ELEVATOR:	115	131	156	176	192
STATE:NC	ELEVATOR:	125	144	172	192	212
COUNTY:WILKES	NON-ELEVATOR:	100	115	137	153	[illegible]
STATE:NC	ELEVATOR:	111	126	150	168	[illegible]
COUNTY:WILSON	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE:NC	ELEVATOR:	[illegible]	112	133	149	166
COUNTY:YANCEY	NON-ELEVATOR:	106	122	145	163	178
STATE:NC	ELEVATOR:	117	134	159	178	196

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
SMSA: BILOXI-GULFPORT, MS						
COUNTY:HANCOCK	NON-ELEVATOR:	120	138	163	190	209
STATE:MS	ELEVATOR:	132	152	180	209	[illegible]
COUNTY:HARRISON	NON-ELEVATOR:	120	138	163	190	[illegible]
STATE:MS	ELEVATOR:	132	152	180	[illegible]	[illegible]
COUNTY:STONE	NON-ELEVATOR:	120	138	163	190	[illegible]
STATE:MS	ELEVATOR:	132	152	180	209	229
SMSA: JACKSON, MS						
COUNTY:HINDS	NON-ELEVATOR:	132	153	181	210	230
STATE:MS	ELEVATOR:	146	169	198	231	254
COUNTY:RANKIN	NON-ELEVATOR:	132	153	181	210	230
STATE:MS	ELEVATOR:	146	169	198	231	[illegible]
SMSA: MEMPHIS, TN-AR-MS						
COUNTY:DE SOTO	NON-ELEVATOR:	136	154	186	215	237
STATE:MS	ELEVATOR:	147	170	203	[illegible]	[illegible]
SMSA: PASCAGOULA-MOSS POINT, MS						
COUNTY:JACKSON	NON-ELEVATOR:	120	138	163	190	[illegible]
STATE:MS	ELEVATOR:	132	152	180	209	229
NON SMSA						
COUNTY:ADAMS	NON-ELEVATOR:	79	[illegible]	109	123	135
STATE:MS	ELEVATOR:	[illegible]	101	121	135	149
COUNTY:ALCORN	NON-ELEVATOR:	[illegible]	97	117	131	[illegible]144
STATE:MS	ELEVATOR:	[illegible]	107	128	143	157
COUNTY:AMITE	NON-ELEVATOR:	79	91	109	123	135
STATE:MS	ELEVATOR:	[illegible]	101	121	[illegible]35	149
COUNTY:ATTALA	NON-ELEVATOR:	[illegible]	[illegible]	108	121	134
STATE:MS	ELEVATOR:	[illegible]	100	119	134	147
COUNTY:BENTON	NON-ELEVATOR:	[illegible]	107	126	142	156
STATE:MS	ELEVATOR:	101	116	140	157	172

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY BOLIVAR	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY CALHOUN	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY CARROLL	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY CHICKASAW	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY CHOCTAW	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY CLAIBORNE	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY CLARKE	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY CLAY	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY COAHOMA	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY COPIAH	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY COVINGTON	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY FORREST	NON-ELEVATOR:	109	126	149	167	183
STATE MS	ELEVATOR:	121	137	165	183	202
COUNTY FRANKLIN	NON-ELEVATOR:	79	91	109	123	135
STATE MS	ELEVATOR:	87	101	121	135	149

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY GEORGE	NON-ELEVATOR:	93	108	128	149	165
STATE MS	ELEVATOR:	102	117	142	165	180
COUNTY GREENE	NON-ELEVATOR:	93	108	128	149	165
STATE MS	ELEVATOR:	102	117	142	165	180
COUNTY GRENADA	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY HOLMES	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY HUMPHREYS	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY ISSAQUENA	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY ITAWAMBA	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY JASPER	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY JEFFERSON	NON-ELEVATOR:	79	91	109	123	135
STATE MS	ELEVATOR:	87	101	121	135	149
COUNTY JEFFERSON DA	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY JONES	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY KEMPER	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY LAFAYETTE	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY LAMAR	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY LAUDERDALE	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY LAWRENCE	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY LEAKE	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY LEE	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY LEFLORE	NON-ELEVATOR:	104	122	144	161	178
STATE MS	ELEVATOR:	115	133	159	178	195
COUNTY LINCOLN	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY LOWNDES	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY MADISON	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY MARION	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY MARSHALL	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY MONROE	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY MONTGOMERY	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY NESHOBA	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY NEWTON	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY NOXUBEE	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY OKTIBBEHA	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY PANOLA	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY PEARL RIVER	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY PERRY	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY PIKE	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY PONTOTOC	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY PRENTISS	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY QUITMAN	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY SCOTT	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY SHARKEY	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY PEARL RIVER	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY PERRY	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY PIKE	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY PONTOTOC	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY PRENTISS	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY QUITMAN	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY SCOTT	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY SHARKEY	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY SIMPSON	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY SMITH	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY STONE	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY SUNFLOWER	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY TALLAHATCHIE	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY TATE	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TIPPAH	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TISHOMINGO	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TUNICA	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY UNION	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY WALTHALL	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY WARREN	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY WASHINGTON	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY WAYNE	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY WEBSTER	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY WILKINSON	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY WINSTON	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY YALOBUSHA	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY YAZOO	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY SIMPSON	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY SMITH	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY STONE	NON-ELEVATOR:	100	114	136	153	168
STATE MS	ELEVATOR:	108	126	149	168	184
COUNTY SUNFLOWER	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY TALLAHATCHIE	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY TATE	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TIPPAH	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TISHOMINGO	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY TUNICA	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY UNION	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY WALTHALL	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY WARREN	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY WASHINGTON	NON-ELEVATOR:	92	107	126	142	156
STATE MS	ELEVATOR:	101	116	140	157	172
COUNTY WAYNE	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY WEBSTER	NON-ELEVATOR:	78	90	108	121	134
STATE MS	ELEVATOR:	86	100	119	134	147
COUNTY WILKINSON	NON-ELEVATOR:	74	85	101	114	126
STATE MS	ELEVATOR:	81	93	111	125	137
COUNTY WINSTON	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY YALOBUSHA	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159
COUNTY YAZOO	NON-ELEVATOR:	85	99	118	132	145
STATE MS	ELEVATOR:	95	109	129	145	159

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY: SIMPSON	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: SMITH	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: SUNFLOWER	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: TALLAHATCHIE	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: TATE	NON-ELEVATOR:	92	107	126	142	156
STATE: MS	ELEVATOR:	101	116	140	157	172
COUNTY: TIPPAH	NON-ELEVATOR:	92	107	126	142	156
STATE: MS	ELEVATOR:	101	116	140	157	172
COUNTY: TISHOMIGO	NON-ELEVATOR:	84	97	117	131	144
STATE: MS	ELEVATOR:	93	107	129	143	157
COUNTY: TUNICA	NON-ELEVATOR:	92	107	126	142	156
STATE: MS	ELEVATOR:	101	116	140	157	172
COUNTY: UNION	NON-ELEVATOR:	85	99	118	132	145
STATE: MS	ELEVATOR:	95	109	129	145	159
COUNTY: WALTHALL	NON-ELEVATOR:	74	85	101	114	126
STATE: MS	ELEVATOR:	81	93	111	125	137
COUNTY: WARREN	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: WASHINGTON	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: WAYNE	NON-ELEVATOR:	100	114	136	153	168
STATE: MS	ELEVATOR:	108	126	149	168	184

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA						
COUNTY: WEBSTER	NON-ELEVATOR:	85	99	118	132	145
STATE: MS	ELEVATOR:	95	109	129	145	159
COUNTY: WILKINSON	NON-ELEVATOR:	79	91	109	123	135
STATE: MS	ELEVATOR:	87	101	121	135	149
COUNTY: WINSTON	NON-ELEVATOR:	100	114	136	153	168
STATE: MS	ELEVATOR:	108	126	149	168	184
COUNTY: YALOBUSHA	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147
COUNTY: YAZOO	NON-ELEVATOR:	78	90	108	121	134
STATE: MS	ELEVATOR:	86	100	119	134	147

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
SMSA: GAINESVILLE, FL						
COUNTY: ALACHUA	NON-ELEVATOR	142	163	193	216	238
STATE: FL	ELEVATOR	158	180	214	237	261
SMSA: JACKSONVILLE, FL						
COUNTY: BAKER	NON-ELEVATOR	150	171	201	233	254
STATE: FL	ELEVATOR	165	189	221	255	279
COUNTY: CLAY	NON-ELEVATOR	150	171	201	233	254
STATE: FL	ELEVATOR	165	189	221	255	279
COUNTY: DUVAL	NON-ELEVATOR	150	171	201	233	254
STATE: FL	ELEVATOR	165	189	221	255	279
COUNTY: NASSAU	NON-ELEVATOR	150	171	201	233	254
STATE: FL	ELEVATOR	165	189	221	255	279
COUNTY: ST JOHNS	NON-ELEVATOR	150	171	201	233	254
STATE: FL	ELEVATOR	165	189	221	255	279
SMSA: PENSACOLA, FL						
COUNTY: ESCAMBIA	NON-ELEVATOR	124	142	171	200	217
STATE: FL	ELEVATOR	137	156	188	219	239
COUNTY: SANTA ROSA	NON-ELEVATOR	124	142	171	200	217
STATE: FL	ELEVATOR	137	156	188	219	239
SMSA: TALLAHASSEE, FL						
COUNTY: LEON	NON-ELEVATOR	119	136	164	182	201
STATE: FL	ELEVATOR	131	150	180	201	220
COUNTY: WAKULLA	NON-ELEVATOR	119	136	164	182	201
STATE: FL	ELEVATOR	131	150	180	201	220
NON SMSA						
COUNTY: BAY	NON-ELEVATOR:	107	125	148	166	182
STATE: FL	ELEVATOR:	119	136	164	182	200
COUNTY: BRADFORD	NON-ELEVATOR	98	112	133	149	165
STATE: FL	ELEVATOR	106	124	147	165	180

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
NON SMSA						
COUNTY: CALHOUN	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: COLUMBIA	NON-ELEVATOR	98	112	133	149	165
STATE: FL	ELEVATOR	106	124	147	165	180
COUNTY: DIXIE	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: FLAGLER	NON-ELEVATOR	103	118	142	159	174
STATE: FL	ELEVATOR	114	130	155	174	192
COUNTY: FRANKLIN	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: GADSDEN	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: GILCHRIST	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: GULF	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: HAMILTON	NON-ELEVATOR	98	112	133	149	165
STATE: FL	ELEVATOR	106	124	147	165	180
COUNTY: HOLMES	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: JACKSON	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: JEFFERSON	NON-ELEVATOR	107	125	148	166	182
STATE: FL	ELEVATOR	119	136	164	182	200
COUNTY: LAFAYETTE	NON-ELEVATOR	98	112	133	149	165
STATE: FL	ELEVATOR	106	124	147	165	180

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
NON SMSA						
COUNTY:LEVY	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:LIBERTY	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:MADISON	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:MARION	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:OKALOOSA	NON-ELEVATOR:	125	142	170	198	216
STATE:FL	ELEVATOR:	138	156	187	216	237
COUNTY:PUTNAM	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:SUWANNEE	NON-ELEVATOR:	98	112	133	149	165
STATE:FL	ELEVATOR:	106	124	147	165	180
COUNTY:TAYLOR	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200
COUNTY:UNION	NON-ELEVATOR:	98	112	133	149	165
STATE:FL	ELEVATOR:	106	124	147	165	180
COUNTY:WALTON	NON-ELEVATOR:	114	130	155	181	197
STATE:FL	ELEVATOR:	124	142	170	200	217
COUNTY:WASHINGTON	NON-ELEVATOR:	107	125	148	166	182
STATE:FL	ELEVATOR:	119	136	164	182	200

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
SMSA: CINCINNATI, OH-KY-IN						
COUNTY:BOONE	NON-ELEVATOR:	142	162	192	223	254
STATE:KY	ELEVATOR:	170	194	231	267	305
COUNTY:CAMPBELL	NON-ELEVATOR:	142	162	192	223	254
STATE:KY	ELEVATOR:	170	194	231	267	305
COUNTY:KENTON	NON-ELEVATOR:	142	162	192	223	254
STATE:KY	ELEVATOR:	170	194	231	267	305
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY:CHRISTIAN	NON-ELEVATOR:	146	168	199	232	264
STATE:KY	ELEVATOR:	161	184	219	255	290
SMSA: EVANSVILLE, IN-KY						
COUNTY:HENDERSON	NON-ELEVATOR:	130	159	189	203	220
STATE:KY	ELEVATOR:	144	175	207	223	242
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH						
COUNTY:BOYD	NON-ELEVATOR:	132	151	177	210	233
STATE:KY	ELEVATOR:	146	166	195	231	256
COUNTY:GREENUP	NON-ELEVATOR:	132	151	177	210	233
STATE:KY	ELEVATOR:	146	166	195	231	256
SMSA: LEXINGTON-FAYETTE , KY						
COUNTY:BOURBON	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292
COUNTY:CLARK	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292
COUNTY:FAYETTE	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292
COUNTY:JESSAMINE	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292
COUNTY:SCOTT	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
SMSA: LEXINGTON-FAYETTE , KY						
COUNTY:WOODFORD	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	221	267	292
SMSA: LOUISVILLE, KY-IN						
COUNTY:BULLITT	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	231	267	292
COUNTY:JEFFERSON	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	231	267	292
COUNTY:OLDHAM	NON-ELEVATOR:	156	171	201	243	266
STATE:KY	ELEVATOR:	164	187	231	267	292
SMSA: OWENSBORO, KY						
COUNTY:DAVIESS	NON-ELEVATOR:	116	132	158	184	201
STATE:KY	ELEVATOR:	126	145	174	202	222
NON SMSA						
COUNTY:ADAIR	NON-ELEVATOR:	70	80	96	109	120
STATE:KY	ELEVATOR:	76	88	106	119	131
COUNTY:ALLEN	NON-ELEVATOR:	76	88	106	119	131
STATE:KY	ELEVATOR:	84	97	117	131	144
COUNTY:ANDERSON	NON-ELEVATOR:	108	126	149	176	191
STATE:KY	ELEVATOR:	120	137	165	192	211
COUNTY:BALLARD	NON-ELEVATOR:	86	100	119	134	147
STATE:KY	ELEVATOR:	98	110	131	146	160
COUNTY:BARREN	NON-ELEVATOR:	76	88	106	119	131
STATE:KY	ELEVATOR:	84	97	117	131	144
COUNTY:BATH	NON-ELEVATOR:	108	126	149	176	191
STATE:KY	ELEVATOR:	120	137	165	192	211
COUNTY:BELL	NON-ELEVATOR:	121	142	163	188	201
STATE:KY	ELEVATOR:	121	142	163	188	201

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY:BOYLE	NON-ELEVATOR:	125	150	174	202	220
STATE:KY	ELEVATOR:	125	150	174	202	220
COUNTY:BRACKEN	NON-ELEVATOR:	116	132	158	184	201
STATE:KY	ELEVATOR:	126	145	174	202	222
COUNTY:BREATHITT	NON-ELEVATOR:	70	80	96	109	120
STATE:KY	ELEVATOR:	76	88	106	119	131
COUNTY:BRECKINRIDGE	NON-ELEVATOR:	111	128	153	170	186
STATE:KY	ELEVATOR:	122	140	168	188	205
COUNTY:BUTLER	NON-ELEVATOR:	76	88	106	119	131
STATE:KY	ELEVATOR:	84	97	117	131	144
COUNTY:CALDWELL	NON-ELEVATOR:	90	103	123	138	151
STATE:KY	ELEVATOR:	99	113	135	151	167
COUNTY:CALLOWAY	NON-ELEVATOR:	86	100	119	134	147
STATE:KY	ELEVATOR:	96	110	131	146	160
COUNTY:CARLISLE	NON-ELEVATOR:	86	100	119	134	147
STATE:KY	ELEVATOR:	96	110	131	146	160
COUNTY:CARROLL	NON-ELEVATOR:	116	132	158	184	201
STATE:KY	ELEVATOR:	126	145	174	202	222
COUNTY:CARTER	NON-ELEVATOR:	77	89	107	120	132
STATE:KY	ELEVATOR:	85	99	118	132	146
COUNTY CASEY	NON-ELEVATOR:	70	80	96	109	120
STATE:KY	ELEVATOR:	76	88	106	119	131
COUNTY:CLAY	NON-ELEVATOR:	70	80	96	109	120
STATE:KY	ELEVATOR:	76	88	106	119	131
COUNTY:CLINTON	NON-ELEVATOR:	76	88	106	119	131
STATE:KY	ELEVATOR:	84	97	117	131	144

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: CRITTENDON	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: CUMBERLAND	NON-ELEVATOR:	76	88	106	119	131
STATE: KY	ELEVATOR:	84	97	117	131	144
COUNTY: EDMONSON	NON-ELEVATOR:	76	88	106	119	131
STATE: KY	ELEVATOR:	84	97	117	131	144
COUNTY: ELLIOTT	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: ESTILL	NON-ELEVATOR:	108	126	149	176	191
STATE: KY	ELEVATOR:	120	137	165	192	211
COUNTY: FLEMING	NON-ELEVATOR:	116	132	158	184	201
STATE: KY	ELEVATOR:	126	145	174	202	222
COUNTY: FLOYD	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: FRANKLIN	NON-ELEVATOR:	131	152	181	210	228
STATE: KY	ELEVATOR:	144	168	197	230	251
COUNTY: FULTON	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: GALLATIN	NON-ELEVATOR:	116	132	158	184	201
STATE: KY	ELEVATOR:	126	145	174	202	222
COUNTY: GARRARD	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: GRANT	NON-ELEVATOR:	116	132	158	184	201
STATE: KY	ELEVATOR:	126	145	174	202	222
COUNTY: GRAVES	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: GRAYSON	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: GREEN	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: HANCOCK	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: HARDIN	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: HARLAN	NON-ELEVATOR:	121	142	163	188	201
STATE: KY	ELEVATOR:	121	142	163	188	201
COUNTY: HARRISON	NON-ELEVATOR:	108	126	149	176	191
STATE: KY	ELEVATOR:	120	137	165	192	211
COUNTY: HART	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: HENRY	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: HICKMAN	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: HOPKINS	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: JACKSON	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: JOHNSON	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: KNOTT	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: KNOX	NON-ELEVATOR:	121	142	163	188	201
STATE: KY	ELEVATOR:	121	142	163	188	201
COUNTY: LARUE	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: LAUREL	NON-ELEVATOR:	121	142	163	188	201
STATE: KY	ELEVATOR:	121	142	163	188	201
COUNTY: LAWRENCE	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: LEE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: LESLIE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: LETCHER	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: LEWIS	NON-ELEVATOR:	116	132	158	184	201
STATE: KY	ELEVATOR:	126	145	174	202	222
COUNTY: LINCOLN	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: LIVINGSTON	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: LOGAN	NON-ELEVATOR:	76	88	106	119	131
STATE: KY	ELEVATOR:	84	97	117	131	144
COUNTY: LYON	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: MCCRACKEN	NON-ELEVATOR:	114	130	154	175	192
STATE: KY	ELEVATOR:	125	142	170	191	211

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: MCCREARY	NON-ELEVATOR:	121	142	163	188	201
STATE: KY	ELEVATOR:	121	142	163	188	201
COUNTY: MCLEAN	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: MADISON	NON-ELEVATOR:	144	166	196	229	248
STATE: KY	ELEVATOR:	158	182	215	252	272
COUNTY: MAGOFFIN	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: MARION	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: MARSHALL	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: MARTIN	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: MASON	NON-ELEVATOR:	116	132	158	184	201
STATE: KY	ELEVATOR:	126	145	174	202	222
COUNTY: MEADE	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: MENIFEE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: MERCER	NON-ELEVATOR:	108	126	149	176	191
STATE: KY	ELEVATOR:	120	137	165	192	211
COUNTY: METCALFE	NON-ELEVATOR:	76	88	106	119	131
STATE: KY	ELEVATOR:	84	97	117	131	144
COUNTY: MONROE	NON-ELEVATOR:	76	88	106	119	131
STATE: KY	ELEVATOR:	84	97	117	131	144

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REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: MORGAN	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: MUHLENBERG	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: NELSON	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: NICHOLAS	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: OHIO	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: OLDHAM	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: OWEN	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: OWSLEY	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: PENDLETON	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: PERRY	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: PIKE	NON-ELEVATOR:	77	85	107	120	132
STATE: KY	ELEVATOR:	85	99	118	132	146
COUNTY: POWELL	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: PULASKI	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: ROBERTSON	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: ROCKCASTLE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: ROWAN	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: RUSSELL	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: SHELBY	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: SPENCER	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205
COUNTY: TAYLOR	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: TODD	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: TRIGG	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: TRIMBLE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: UNION	NON-ELEVATOR:	86	100	119	134	147
STATE: KY	ELEVATOR:	96	110	131	146	160
COUNTY: WARREN	NON-ELEVATOR:	90	103	123	138	151
STATE: KY	ELEVATOR:	99	113	135	151	167
COUNTY: WASHINGTON	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: WAYNE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: WEBSTER	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: WHITLEY	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: WOLFE	NON-ELEVATOR:	70	80	96	109	120
STATE: KY	ELEVATOR:	76	88	106	119	131
COUNTY: WOODFORD	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: WOODFORD	NON-ELEVATOR:	111	128	153	170	188
STATE: KY	ELEVATOR:	122	140	168	188	205

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY MONTGOMERY	NON-ELEVATOR:	108	126	149	176	191
STATE KY	ELEVATOR:	120	137	165	192	211
COUNTY MORGAN	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY MUHLENBERG	NON-ELEVATOR:	90	103	123	138	151
STATE KY	ELEVATOR:	99	113	135	151	167
COUNTY NELSON	NON-ELEVATOR:	111	128	153	170	188
STATE KY	ELEVATOR:	122	140	168	188	205
COUNTY NICHOLAS	NON-ELEVATOR:	108	126	149	176	191
STATE KY	ELEVATOR:	120	137	165	192	211
COUNTY OHIO	NON-ELEVATOR:	90	103	123	138	151
STATE KY	ELEVATOR:	99	113	135	151	167
COUNTY OWEN	NON-ELEVATOR:	116	132	158	184	201
STATE KY	ELEVATOR:	126	145	174	202	222
COUNTY OWSLEY	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY PENDLETON	NON-ELEVATOR:	116	132	158	184	201
STATE KY	ELEVATOR	126	145	174	202	222
COUNTY PERRY	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY PIKE	NON-ELEVATOR:	121	142	163	188	201
STATE KY	ELEVATOR:	121	142	163	188	201
COUNTY POWELL	NON-ELEVATOR:	108	126	149	176	191
STATE KY	ELEVATOR:	120	137	165	192	211
COUNTY PULASKI	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY WASHINGTON	NON-ELEVATOR:	111	128	153	170	188
STATE KY	ELEVATOR:	122	140	168	188	205
COUNTY WAYNE	NON-ELEVATOR:	121	142	163	188	201
STATE KY	ELEVATOR:	121	142	163	188	201
COUNTY WEBSTER	NON-ELEVATOR:	90	103	123	138	151
STATE KY	ELEVATOR:	99	113	135	151	167
COUNTY WHITLEY	NON-ELEVATOR:	121	142	163	188	201
STATE KY	ELEVATOR:	121	142	163	188	201
COUNTY WOLFE	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY ROBERTSON	NON-ELEVATOR:	116	132	158	184	201
STATE KY	ELEVATOR:	126	145	174	202	222
COUNTY ROCKCASTLE	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY ROWAN	NON-ELEVATOR:	77	88	107	120	132
STATE KY	ELEVATOR:	85	95	118	132	146
COUNTY RUSSELL	NON-ELEVATOR	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY SHELBY	NON-ELEVATOR:	111	128	153	170	188
STATE KY	ELEVATOR:	122	140	168	188	205
COUNTY SIMPSON	NON-ELEVATOR:	76	88	106	119	131
STATE KY	ELEVATOR:	84	97	117	131	144
COUNTY SPENCER	NON-ELEVATOR:	111	128	153	170	188
STATE KY	ELEVATOR:	122	140	168	188	205
COUNTY TAYLOR	NON-ELEVATOR:	70	80	96	109	120
STATE KY	ELEVATOR:	76	88	106	119	131
COUNTY TODD	NON-ELEVATOR.	102	117	141	157	172
STATE KY	ELEVATOR.	113	129	154	172	190
COUNTY TRIGG	NON-ELEVATOR:	102	117	141	157	172
STATE KY	ELEVATOR:	113	129	154	172	190
COUNTY TRIMBLE	NON-ELEVATOR:	111	128	153	170	188
STATE KY	ELEVATOR:	122	140	168	188	205
COUNTY UNION	NON-ELEVATOR:	90	103	123	138	151
STATE KY	ELEVATOR:	99	113	135	151	167
COUNTY WARREN	NON-ELEVATOR:	76	88	106	119	131
STATE KY	ELEVATOR:	84	97	117	131	144

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
SMSA: CHATTANOOGA, TN-GA						
COUNTY HAMILTON	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
COUNTY MARION	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
COUNTY SEQUATCHIE	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA						
COUNTY CARTER	NON-ELEVATOR:	109	127	152	169	185
STATE TN	ELEVATOR:	121	138	167	187	200
COUNTY HAWKINS	NON-ELEVATOR:	109	127	152	169	185
STATE TN	ELEVATOR:	121	138	167	187	205
COUNTY SULLIVAN	NON-ELEVATOR:	109	127	152	169	185
STATE TN	ELEVATOR:	121	138	167	187	205
COUNTY UNICOI	NON-ELEVATOR:	109	127	152	169	185
STATE TN	ELEVATOR:	121	138	167	187	205
COUNTY WASHINGTON	NON-ELEVATOR:	109	127	152	169	185
STATE TN	ELEVATOR:	121	138	167	187	205
SMSA: KNOXVILLE, TN						
COUNTY ANDERSON	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
COUNTY BLOUNT	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
COUNTY KNOX	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216
COUNTY UNION	NON-ELEVATOR:	113	129	154	180	196
STATE TN	ELEVATOR:	123	141	169	199	216

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
NON SMSA						
COUNTY:BLEDSOE	NON-ELEVATOR:	87	101	120	135	148
STATE:TN	ELEVATOR:	97	111	132	148	162
COUNTY:BRADLEY	NON-ELEVATOR:	97	111	131	148	162
STATE:TN	ELEVATOR:	106	123	144	164	179
COUNTY:CAMPBELL	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:CLAIBORNE	NON-ELEVATOR:	82	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:COCKE	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:CUMBERLAND	NON-ELEVATOR:	82	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:FENTRESS	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:GRAINGER	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:GREENE	NON-ELEVATOR:	100	115	138	155	170
STATE:TN	ELEVATOR:	109	127	152	169	185
COUNTY:GRUNDY	NON-ELEVATOR:	87	101	120	135	148
STATE:TN	ELEVATOR:	97	111	132	148	162
COUNTY:HAMBLEN	NON-ELEVATOR:	90	103	123	138	153
STATE:TN	ELEVATOR:	99	113	136	153	168
COUNTY:HANCOCK	NON-ELEVATOR:	100	115	138	155	170
STATE:TN	ELEVATOR:	109	127	152	169	185
COUNTY:JEFFERSON	NON-ELEVATOR:	82	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
NON SMSA						
COUNTY:JOHNSON	NON-ELEVATOR:	100	115	138	155	170
STATE:TN	ELEVATOR:	109	127	152	169	185
COUNTY:LOUDON	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:MCMINN	NON-ELEVATOR:	97	111	131	148	162
STATE:TN	ELEVATOR:	106	123	144	164	179
COUNTY:MEIGS	NON-ELEVATOR:	87	101	120	135	148
STATE:TN	ELEVATOR:	97	111	132	148	162
COUNTY:MONROE	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:MORGAN	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:PERRY	NON-ELEVATOR:	76	86	106	119	131
STATE:TN	ELEVATOR:	84	97	117	131	144
COUNTY:PICKETT	NON-ELEVATOR:	76	86	106	119	131
STATE:TN	ELEVATOR:	84	97	117	131	144
COUNTY:POLK	NON-ELEVATOR:	87	101	120	135	148
STATE:TN	ELEVATOR:	97	111	132	148	162
COUNTY:RHEA	NON-ELEVATOR:	87	101	120	135	148
STATE:TN	ELEVATOR:	97	111	132	148	162
COUNTY:ROANE	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:SCOTT	NON-ELEVATOR:	83	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153
COUNTY:SEVIER	NON-ELEVATOR:	82	94	111	125	138
STATE:TN	ELEVATOR:	90	103	123	138	153

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE INSURING OFFICE						
SMSA: MEMPHIS, TN-AR-MS						
COUNTY:SHELBY	NON-ELEVATOR:	136	154	166	215	237
STATE:TN	ELEVATOR:	147	170	203	236	259
COUNTY:TIPTON	NON-ELEVATOR:	136	154	186	215	237
STATE:TN	ELEVATOR:	147	170	203	236	259
NON SMSA						
COUNTY:BENTON	NON-ELEVATOR:	102	117	141	157	173
STATE:TN	ELEVATOR:	113	129	154	172	190
COUNTY:CARROLL	NON-ELEVATOR:	83	95	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:CHESTER	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:CROCKETT	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:DECATUR	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:DYER	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:FAYETTE	NON-ELEVATOR:	92	107	126	142	156
STATE:TN	ELEVATOR:	101	116	140	157	172
COUNTY:GIBSON	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:HARDEMAN	NON-ELEVATOR:	92	107	126	142	156
STATE:TN	ELEVATOR:	101	116	140	157	172
COUNTY:HARDIN	NON-ELEVATOR:	84	97	117	131	144
STATE:TN	ELEVATOR:	93	107	128	143	157
COUNTY:HAYWOOD	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY:HENDERSON	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:HENRY	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:LAKE	NON-ELEVATOR:	86	100	119	134	147
STATE:TN	ELEVATOR:	95	110	131	146	160
COUNTY:LAUDERDALE	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156
COUNTY:MCNAIRY	NON-ELEVATOR:	84	97	117	131	144
STATE:TN	ELEVATOR:	93	107	128	143	157
COUNTY:MADISON	NON-ELEVATOR:	91	106	126	142	156
STATE:TN	ELEVATOR:	101	115	141	156	171
COUNTY:OBION	NON-ELEVATOR:	86	100	119	134	147
STATE:TN	ELEVATOR:	95	110	131	146	160
COUNTY:WEAKLEY	NON-ELEVATOR:	83	96	115	130	143
STATE:TN	ELEVATOR:	92	106	126	142	156

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY: MONTGOMERY	NON-ELEVATOR:	146	168	199	232	264
STATE: TN	ELEVATOR:	161	184	219	255	290
SMSA: NASHVILLE-DAVIDSON, TN						
COUNTY: CHEATHAM	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: DAVIDSON	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: DICKSON	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: ROBERTSON	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: RUTHERFORD	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: SUMNER	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: WILLIAMSON	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
COUNTY: WILSON	NON-ELEVATOR:	136	154	186	215	237
STATE: TN	ELEVATOR:	147	170	203	236	259
NON SMSA						
COUNTY: BEDFORD	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: CANNON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: CLAY	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: COFFEE	NON-ELEVATOR:	96	111	131	147	161
STATE: TN	ELEVATOR:	106	122	145	163	178
COUNTY: DE KALB	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: FRANKLIN	NON-ELEVATOR:	107	124	147	171	189
STATE: TN	ELEVATOR:	118	135	163	189	208
COUNTY: GILES	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: HICKMAN	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	163
COUNTY: HOUSTON	NON-ELEVATOR:	102	117	141	157	172
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: HUMPHREYS	NON-ELEVATOR:	102	117	141	157	172
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: JACKSON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: LAWRENCE	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: LEWIS	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: LINCOLN	NON-ELEVATOR:	107	124	147	171	189
STATE: TN	ELEVATOR:	118	135	163	189	208
COUNTY: MACON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: MARSHALL	NON-ELEVATOR:	96	111	131	147	161
STATE: TN	ELEVATOR:	106	122	145	163	178

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: MAURY	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: MOORE	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: OVERTON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: PUTNAM	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	92	106	128	143	157
COUNTY: SMITH	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: STEWART	NON-ELEVATOR:	102	117	141	157	174
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: TROUSDALE	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: VAN BUREN	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: WARREN	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	92	106	128	143	157
COUNTY: WAYNE	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	93	107	128	143	157
COUNTY: WHITE	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TAMPA, FLORIDA INSURING OFFICE						
SMSA: DAYTONA BEACH, FL						
COUNTY: VOLUSIA	NON-ELEVATOR:	115	131	156	176	193
STATE: FL	ELEVATOR:	126	145	172	193	212
SMSA: LAKELAND-WINTER HAVEN, FL						
COUNTY: POLK	NON-ELEVATOR:	113	129	154	171	189
STATE: FL	ELEVATOR:	123	141	168	189	207
SMSA: MELBOURN-TITUSVILLE-COCOA, FL						
COUNTY: BREVARD	NON-ELEVATOR:	135	154	185	206	226
STATE: FL	ELEVATOR:	147	169	203	227	248
SMSA: ORLANDO, FL						
COUNTY: ORANGE	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
COUNTY: OSCEOLA	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
COUNTY: SEMINOLE	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
SMSA: SARASOTA, FL						
COUNTY: SARASOTA	NON-ELEVATOR:	137	156	187	208	228
STATE: FL	ELEVATOR:	150	171	205	228	251
SMSA: TAMPA-ST PETERSBURG, FL						
COUNTY: HILLSBOROUGH	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
COUNTY: PASCO	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
COUNTY: PINELLAS	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
NON SMSA						
COUNTY: CITRUS	NON-ELEVATOR:	113	129	154	171	189
STATE: FL	ELEVATOR:	123	141	169	189	207

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: COFFEE	NON-ELEVATOR:	96	111	131	147	161
STATE: TN	ELEVATOR:	106	122	145	163	178
COUNTY: DE KALB	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: FRANKLIN	NON-ELEVATOR:	107	124	147	171	189
STATE: TN	ELEVATOR:	118	135	163	189	208
COUNTY: GILES	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: HICKMAN	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	163
COUNTY: HOUSTON	NON-ELEVATOR:	102	117	141	157	172
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: HUMPHREYS	NON-ELEVATOR:	102	117	141	157	172
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: JACKSON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: LAWRENCE	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: LEWIS	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: LINCOLN	NON-ELEVATOR:	107	124	147	171	189
STATE: TN	ELEVATOR:	118	135	163	189	208
COUNTY: MACON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: MARSHALL	NON-ELEVATOR:	96	111	131	147	161
STATE: TN	ELEVATOR:	106	122	145	163	178

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REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: MAURY	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: MOORE	NON-ELEVATOR:	87	101	120	135	148
STATE: TN	ELEVATOR:	97	111	132	148	162
COUNTY: OVERTON	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: PUTNAM	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	92	106	128	143	157
COUNTY: SMITH	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: STEWART	NON-ELEVATOR:	102	117	141	157	174
STATE: TN	ELEVATOR:	113	129	154	172	190
COUNTY: TROUSDALE	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: VAN BUREN	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144
COUNTY: WARREN	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	92	106	128	143	157
COUNTY: WAYNE	NON-ELEVATOR:	84	97	117	131	144
STATE: TN	ELEVATOR:	93	107	128	143	157
COUNTY: WHITE	NON-ELEVATOR:	76	88	106	119	131
STATE: TN	ELEVATOR:	84	97	117	131	144

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TAMPA, FLORIDA INSURING OFFICE						
SMSA: DAYTONA BEACH, FL						
COUNTY: VOLUSIA	NON-ELEVATOR:	115	131	156	176	193
STATE: FL	ELEVATOR:	126	145	172	193	212
SMSA: LAKELAND-WINTER HAVEN, FL						
COUNTY: POLK	NON-ELEVATOR:	113	129	154	171	189
STATE: FL	ELEVATOR:	123	141	168	189	207
SMSA: MELBOURN-TITUSVILLE-COCOA, FL						
COUNTY: BREVARD	NON-ELEVATOR:	135	154	185	206	226
STATE: FL	ELEVATOR:	147	169	203	227	248
SMSA: ORLANDO, FL						
COUNTY: ORANGE	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
COUNTY: OSCEOLA	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
COUNTY: SEMINOLE	NON-ELEVATOR:	153	177	212	245	269
STATE: FL	ELEVATOR:	169	195	233	270	295
SMSA: SARASOTA, FL						
COUNTY: SARASOTA	NON-ELEVATOR:	137	156	187	208	228
STATE: FL	ELEVATOR:	150	171	205	228	251
SMSA: TAMPA-ST PETERSBURG, FL						
COUNTY: HILLSBOROUGH	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
COUNTY: PASCO	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
COUNTY: PINELLAS	NON-ELEVATOR:	125	142	170	188	217
STATE: FL	ELEVATOR:	138	157	187	217	238
NON SMSA						
COUNTY: CITRUS	NON-ELEVATOR:	113	129	154	171	189
STATE: FL	ELEVATOR:	123	141	169	189	207

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TAMPA, FLORIDA INSURING OFFICE						
NON SMSA						
COUNTY: DE SOTO	NON-ELEVATOR:	137	156	187	208	228
STATE: FL	ELEVATOR:	150	171	205	229	251
COUNTY: HARDEE	NON-ELEVATOR:	137	156	187	208	228
STATE: FL	ELEVATOR:	150	171	205	229	251
COUNTY: HERNANDO	NON-ELEVATOR:	113	129	154	171	189
STATE: FL	ELEVATOR:	123	141	169	189	207
COUNTY: HIGHLANDS	NON-ELEVATOR:	107	125	148	166	182
STATE: FL	ELEVATOR:	119	136	164	182	200
COUNTY: INDIAN RIVER	NON-ELEVATOR:	107	125	148	166	182
STATE: FL	ELEVATOR:	119	136	164	182	200
COUNTY: LAKE	NON-ELEVATOR:	103	118	142	159	174
STATE: FL	ELEVATOR:	114	130	155	174	192
COUNTY: MANATEE	NON-ELEVATOR:	137	156	187	208	228
STATE: FL	ELEVATOR:	150	171	205	229	251
COUNTY: OKEECHOBEE	NON-ELEVATOR:	107	125	148	166	182
STATE: FL	ELEVATOR:	119	136	164	182	200
COUNTY: ST LUCIE	NON-ELEVATOR:	148	170	201	224	245
STATE: FL	ELEVATOR:	163	186	221	246	270
COUNTY: SUMTER	NON-ELEVATOR:	103	118	142	159	174
STATE: FL	ELEVATOR:	114	130	155	174	192

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE						
SMSA: CHICAGO, IL						
COUNTY: COOK	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
COUNTY: DU PAGE	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
COUNTY: KANE	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
COUNTY: LAKE	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
COUNTY: MCHENRY	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
COUNTY: WILL	NON-ELEVATOR:	205	233	275	316	358
STATE: IL	ELEVATOR:	226	256	302	347	394
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL						
COUNTY: ROCK ISLAND	NON-ELEVATOR:	154	175	230	273	295
STATE: IL	ELEVATOR:	168	192	253	301	325
SMSA: KANKAKEE, ILLINOIS						
COUNTY: KANKAKEE	NON-ELEVATOR:	157	181	214	238	262
STATE: IL	ELEVATOR:	172	196	234	262	289
SMSA: ROCKFORD, IL						
COUNTY: BOONE	NON-ELEVATOR:	159	184	218	255	278
STATE: IL	ELEVATOR:	175	202	239	280	305
COUNTY: WINNEBAGO	NON-ELEVATOR:	159	184	218	255	278
STATE: IL	ELEVATOR:	175	202	239	280	305
NON SMSA						
COUNTY: CARROLL	NON-ELEVATOR:	120	139	165	183	203
STATE: IL	ELEVATOR:	132	151	181	202	222
COUNTY: DE KALB	NON-ELEVATOR:	136	156	187	207	229
STATE: IL	ELEVATOR:	150	172	205	228	251

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE						
NON SMSA						
COUNTY: GRUNDY	NON-ELEVATOR:	136	156	187	207	229
STATE: IL	ELEVATOR:	150	172	205	228	251
COUNTY: JO DAVIESS	NON-ELEVATOR:	108	124	149	166	183
STATE: IL	ELEVATOR:	118	135	163	182	200
COUNTY: KENDALL	NON-ELEVATOR:	136	156	187	207	229
STATE: IL	ELEVATOR:	150	172	205	228	251
COUNTY: LEE	NON-ELEVATOR:	123	143	171	191	208
STATE: IL	ELEVATOR:	136	156	188	208	229
COUNTY: OGLE	NON-ELEVATOR:	123	143	171	191	208
STATE: IL	ELEVATOR:	136	156	188	208	229
COUNTY: STEPHENSON	NON-ELEVATOR:	123	143	171	191	208
STATE: IL	ELEVATOR:	136	156	188	208	229
COUNTY: WHITESIDE	NON-ELEVATOR:	120	139	165	183	203
STATE: IL	ELEVATOR:	132	151	181	202	222

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CINCINNATI, OHIO INSURING OFFICE						
SMSA: CINCINNATI, OH-KY-IN						
COUNTY: CLERMONT	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: HAMILTON	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: WARREN	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
SMSA: DAYTON, OH						
COUNTY: GREENE	NON-ELEVATOR:	150	172	205	239	261
STATE: OH	ELEVATOR:	164	189	225	263	286
COUNTY: MONTGOMERY	NON-ELEVATOR:	150	172	205	239	261
STATE: OH	ELEVATOR:	164	189	225	263	286
COUNTY: PREBLE	NON-ELEVATOR:	150	172	205	239	261
STATE: OH	ELEVATOR:	164	189	225	263	286
SMSA: HAMILTON-MIDDLETOWN, OH						
COUNTY: BUTLER	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: BROWN	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: CLINTON	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: HIGHLAND	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND, OHIO INSURING OFFICE						
SMSA: CLEVELAND, OH						
COUNTY: CUYAHOGA	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: GEAUGA	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: LAKE	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: LORAIN	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: MEDINA	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
SMSA: CANTON, OH						
COUNTY: STARK	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
SMSA: YOUNGSTOWN-WARREN, OH						
COUNTY: MAHONING	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: TRUMBULL	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
NON SMSA						
COUNTY: ASHTABULA	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: COLUMBIANA	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: HOLMES	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: PORTAGE	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: WAYNE	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS, OHIO INSURING OFFICE						
SMSA: COLUMBUS, OH						
COUNTY: DELAWARE	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: FAIRFIELD	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: FRANKLIN	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: LICKING	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: MADISON	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
COUNTY: PICKAWAY	NON-ELEVATOR:	142	162	192	223	254
STATE: OH	ELEVATOR:	170	194	231	267	305
SMSA: SPRINGFIELD, OH						
COUNTY: CLARK	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
NON SMSA						
COUNTY: CHAMPAIGN	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: CLARKE	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: FAYETTE	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: LOGAN	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: MORROW	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227
COUNTY: UNION	NON-ELEVATOR:	118	135	163	190	207
STATE: OH	ELEVATOR:	130	148	179	207	227

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND,OHIO INSURING OFFICE						
SMSA: AKRON, OH						
COUNTY: PORTAGE	NON-ELEVATOR:	155	177	212	247	271
STATE: OH	ELEVATOR:	169	194	233	272	296
COUNTY: SUMMIT	NON-ELEVATOR:	155	177	212	247	271
STATE: OH	ELEVATOR:	169	194	233	272	296
SMSA: CANTON, OH						
COUNTY: CARROLL	NON-ELEVATOR:	121	139	166	193	211
STATE: OH	ELEVATOR:	132	152	182	212	231
COUNTY: STARK	NON-ELEVATOR:	121	139	166	193	211
STATE: OH	ELEVATOR:	132	152	182	212	231
SMSA: CLEVELAND, OH						
COUNTY: CUYAHOGA	NON-ELEVATOR:	148	171	205	240	273
STATE: OH	ELEVATOR:	164	189	225	263	299
COUNTY: GEAUGA	NON-ELEVATOR:	148	171	205	240	273
STATE: OH	ELEVATOR:	164	189	225	263	299
COUNTY: LAKE	NON-ELEVATOR:	148	171	205	240	273
STATE: OH	ELEVATOR:	164	189	225	263	299
COUNTY: MEDINA	NON-ELEVATOR:	148	171	205	240	273
STATE: OH	ELEVATOR:	164	189	225	263	299
SMSA: LIMA, OH						
COUNTY: PUTNAM	NON-ELEVATOR:	108	124	149	173	190
STATE: OH	ELEVATOR:	118	135	163	191	208
SMSA: LORAIN-ELYRIA, OH						
COUNTY: LORAIN	NON-ELEVATOR:	151	173	208	240	262
STATE: OH	ELEVATOR:	165	190	227	264	289
SMSA: MANSFIELD, OH						
COUNTY: RICHLAND	NON-ELEVATOR:	139	157	190	219	240
STATE: OH	ELEVATOR:	152	174	210	241	264

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND,OHIO INSURING OFFICE						
SMSA: STEUBENVILLE-WEIRTON, OH-WV						
COUNTY: JEFFERSON	NON-ELEVATOR:	85	109	130	153	167
STATE: OH	ELEVATOR:	104	119	143	167	183
SMSA: TOLEDO, OH-MI						
COUNTY: FULTON	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: LUCAS	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: OTTAWA	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: WOOD	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
SMSA: YOUNGSTOWN-WARREN, OH						
COUNTY: MAHONING	NON-ELEVATOR:	132	152	181	209	230
STATE: OH	ELEVATOR:	144	166	199	230	252
COUNTY: TRUMBULL	NON-ELEVATOR:	132	152	181	209	230
STATE: OH	ELEVATOR:	144	166	199	230	252
NON SMSA						
COUNTY: ASHLAND	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: ASHTABULA	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: COLUMBIANA	NON-ELEVATOR:	100	114	138	154	169
STATE: OH	ELEVATOR:	110	126	152	169	186
COUNTY: CRAWFORD	NON-ELEVATOR:	115	131	159	183	202
STATE: OH	ELEVATOR:	125	145	175	202	220
COUNTY: DEFIANCE	NON-ELEVATOR:	108	124	149	166	183
STATE: OH	ELEVATOR:	118	135	163	182	200

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND,OHIO INSURING OFFICE						
NON SMSA						
COUNTY: ERIE	NON-ELEVATOR:	123	142	171	189	208
STATE: OH	ELEVATOR:	136	157	187	207	229
COUNTY: HANCOCK	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: HARRISON	NON-ELEVATOR:	[illegible]	101	122	135	149
STATE: OH	ELEVATOR:	96	111	134	149	165
COUNTY: HENRY	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: HOLMES	NON-ELEVATOR:	100	114	138	154	169
STATE: OH	ELEVATOR:	110	126	152	169	186
COUNTY: HURON	NON-ELEVATOR:	122	142	171	190	210
STATE: OH	ELEVATOR:	135	156	188	209	229
COUNTY: PAULDING	NON-ELEVATOR:	108	124	149	166	183
STATE: OH	ELEVATOR:	118	135	163	182	200
COUNTY: SANDUSKY	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: SENECA	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: TUSCARAWAS	NON-ELEVATOR:	100	114	138	154	169
STATE: OH	ELEVATOR:	110	126	152	169	186
COUNTY: WAYNE	NON-ELEVATOR:	122	142	171	190	210
STATE: OH	ELEVATOR:	135	156	188	209	229
COUNTY: WILLIAMS	NON-ELEVATOR:	108	124	149	166	183
STATE: OH	ELEVATOR:	118	135	163	182	200
COUNTY: WYANDOT	NON-ELEVATOR:	115	131	159	183	202
STATE: OH	ELEVATOR:	125	145	175	202	220

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE						
SMSA: COLUMBUS, OH						
COUNTY: DELAWARE	NON-ELEVATOR:	126	146	175	203	222
STATE: OH	ELEVATOR:	139	160	191	223	243
COUNTY: FAIRFIELD	NON-ELEVATOR:	126	146	175	203	222
STATE: OH	ELEVATOR:	139	160	191	223	243
COUNTY: FRANKLIN	NON-ELEVATOR:	126	146	175	203	222
STATE: OH	ELEVATOR:	139	160	191	223	243
COUNTY: MADISON	NON-ELEVATOR:	126	146	175	203	222
STATE: OH	ELEVATOR:	139	160	191	223	243
COUNTY: PICKAWAY	NON-ELEVATOR:	126	146	175	203	222
STATE: OH	ELEVATOR:	139	160	191	223	243
SMSA: DAYTON, OH						
COUNTY: MIAMI	NON-ELEVATOR:	150	172	205	239	261
STATE: OH	ELEVATOR:	164	189	225	263	286
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH						
COUNTY: LAWRENCE	NON-ELEVATOR:	132	151	177	210	233
STATE: OH	ELEVATOR:	146	166	195	231	256
SMSA: LIMA, OH						
COUNTY: ALLEN	NON-ELEVATOR:	108	124	149	173	190
STATE: OH	ELEVATOR:	118	135	163	191	208
COUNTY: AUGLAIZE	NON-ELEVATOR:	108	124	149	173	190
STATE: OH	ELEVATOR:	118	135	163	191	208
COUNTY: VAN WERT	NON-ELEVATOR:	108	124	149	173	190
STATE: OH	ELEVATOR:	118	135	163	191	208
SMSA: PARKERSBURG-MARIETTA, WV-OH						
COUNTY: WASHINGTON	NON-ELEVATOR:	107	124	148	166	183
STATE: OH	ELEVATOR:	118	135	163	182	200
SMSA: SPRINGFIELD, OH						
COUNTY: CHAMPAIGN	NON-ELEVATOR:	105	121	146	170	186
STATE: OH	ELEVATOR:	116	133	161	187	205

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND,OHIO INSURING OFFICE						
SMSA: STEUBENVILLE-WEIRTON, OH-WV						
COUNTY: JEFFERSON	NON-ELEVATOR:	85	109	130	153	167
STATE: OH	ELEVATOR:	104	119	143	167	183
SMSA: TOLEDO, OH-MI						
COUNTY: FULTON	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: LUCAS	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: OTTAWA	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
COUNTY: WOOD	NON-ELEVATOR:	138	159	188	218	238
STATE: OH	ELEVATOR:	152	174	206	239	261
SMSA: YOUNGSTOWN-WARREN, OH						
COUNTY: MAHONING	NON-ELEVATOR:	132	152	181	209	230
STATE: OH	ELEVATOR:	144	166	199	230	252
COUNTY: TRUMBULL	NON-ELEVATOR:	132	152	181	209	230
STATE: OH	ELEVATOR:	144	166	199	230	252
NON SMSA						
COUNTY: ASHLAND	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: ASHTABULA	NON-ELEVATOR:	112	129	157	173	191
STATE: OH	ELEVATOR:	123	143	171	191	209
COUNTY: COLUMBIANA	NON-ELEVATOR:	100	114	138	154	169
STATE: OH	ELEVATOR:	110	126	152	169	186
COUNTY: CRAWFORD	NON-ELEVATOR:	115	131	159	183	202
STATE: OH	ELEVATOR:	125	145	175	202	220
COUNTY: DEFIANCE	NON-ELEVATOR:	108	124	149	166	183
STATE: OH	ELEVATOR:	118	135	163	182	200

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE						
SMSA: SPRINGFIELD, OH						
COUNTY:CLARK	NON-ELEVATOR:	105	121	146	170	186
STATE:OH	ELEVATOR:	116	133	161	187	205
SMSA: WHEELING, WV-OH						
COUNTY:BELMONT	NON-ELEVATOR:	95	109	130	153	167
STATE:OH	ELEVATOR:	104	119	143	167	183
[illegible]						
COUNTY:ATHENS	NON-ELEVATOR:	108	124	149	166	183
STATE:OH	ELEVATOR:	118	135	163	182	200
COUNTY:COSHOCTON	NON-ELEVATOR:	100	114	138	154	169
STATE:OH	ELEVATOR:	110	126	152	169	186
COUNTY:DARKE	NON-ELEVATOR:	105	121	146	170	186
STATE:OH	ELEVATOR:	116	133	161	187	205
COUNTY:FAYETTE	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178
COUNTY:GALLIA	NON-ELEVATOR:	79	91	111	123	135
STATE:OH	ELEVATOR:	88	101	122	135	149
COUNTY:GUERNSEY	NON-ELEVATOR:	104	120	145	161	177
STATE:OH	ELEVATOR:	116	132	160	178	194
COUNTY:HARDIN	NON-ELEVATOR:	108	124	149	173	190
STATE:OH	ELEVATOR:	118	135	163	191	208
COUNTY:HOCKING	NON-ELEVATOR:	108	124	149	166	183
STATE:OH	ELEVATOR:	118	135	163	182	200
COUNTY:JACKSON	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178
COUNTY:KNOX	NON-ELEVATOR:	115	131	159	183	202
STATE:OH	ELEVATOR:	125	145	175	202	220

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE						
NON SMSA						
COUNTY:SCIOTO	NON-ELEVATOR:	79	91	111	123	135
STATE:OH	ELEVATOR:	88	101	122	135	149
COUNTY:SHELBY	NON-ELEVATOR:	105	121	146	170	186
STATE:OH	ELEVATOR:	116	133	161	187	205
COUNTY:UNION	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178
COUNTY:VINTON	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE						
NON SMSA						
COUNTY:LICKING	NON-ELEVATOR:	104	120	145	161	177
STATE:OH	ELEVATOR:	116	132	160	178	194
COUNTY:LOGAN	NON-ELEVATOR:	105	121	146	170	186
STATE:OH	ELEVATOR:	116	133	161	187	205
COUNTY:MARION	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178
COUNTY:MEIGS	NON-ELEVATOR:	79	91	111	123	135
STATE:OH	ELEVATOR:	88	101	122	135	149
COUNTY:MERCER	NON-ELEVATOR:	108	124	149	173	190
STATE:OH	ELEVATOR:	118	135	163	191	208
COUNTY:MONROE	NON-ELEVATOR:	88	101	122	135	149
STATE:OH	ELEVATOR:	96	111	134	149	165
COUNTY:MORGAN	NON-ELEVATOR:	108	124	149	166	183
STATE:OH	ELEVATOR:	118	135	163	182	200
COUNTY:MORROW	NON-ELEVATOR:	115	131	159	183	202
STATE:OH	ELEVATOR:	125	145	175	202	220
COUNTY:MUSKINGUM	NON-ELEVATOR:	104	120	145	161	177
STATE:OH	ELEVATOR:	116	132	160	178	194
COUNTY:NOBLE	NON-ELEVATOR:	108	124	149	166	183
STATE:OH	ELEVATOR:	118	135	163	182	200
COUNTY:PERRY	NON-ELEVATOR:	104	120	145	161	177
STATE:OH	ELEVATOR:	116	132	160	178	194
COUNTY:PIKE	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178
COUNTY:ROSS	NON-ELEVATOR:	95	110	133	148	162
STATE:OH	ELEVATOR:	105	121	146	162	178

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE						
SMSA: ANN ARBOR, MI						
COUNTY:WASHTENAW	NON-ELEVATOR:	176	200	240	275	304
STATE:MI	ELEVATOR:	194	220	264	305	333
SMSA: BAY CITY, MI						
COUNTY:BAY	NON-ELEVATOR:	138	159	189	220	241
STATE:MI	ELEVATOR:	152	174	208	242	264
SMSA: DETROIT, MI						
COUNTY:LAPEER	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
COUNTY:LIVINGSTON	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
COUNTY:MACOMB	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
COUNTY:OAKLAND	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
COUNTY:ST CLAIR	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
COUNTY:WAYNE	NON-ELEVATOR:	165	189	224	259	293
STATE:MI	ELEVATOR:	182	208	247	284	323
SMSA: FLINT, MI						
COUNTY:GENESEE	NON-ELEVATOR:	144	165	199	229	251
STATE:MI	ELEVATOR:	158	181	218	253	276
COUNTY:SHIAWASSEE	NON-ELEVATOR:	144	165	199	229	251
STATE:MI	ELEVATOR:	158	181	218	253	276
SMSA: SAGINAW, MI						
COUNTY:SAGINAW	NON-ELEVATOR:	138	159	189	220	241
STATE:MI	ELEVATOR:	152	174	208	242	264
SMSA: TOLEDO, OH-MI						
COUNTY:MONROE	NON-ELEVATOR:	138	159	189	218	238
STATE:MI	ELEVATOR:	152	174	208	239	261

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE						
NON SMSA						
COUNTY: ALCONA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: ALPENA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: ARENAC	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: GLADWIN	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: HURON	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: IOSCO	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: LENAWEE	NON-ELEVATOR:	112	129	157	173	191
STATE: MI	ELEVATOR:	123	143	171	191	209
COUNTY: MIDLAND	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: MONTMORENCY	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: OGEMAW	NON-ELEVATOR:	123	[illegible]	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: OSCODA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: PRESQUE ISLE	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: SANILAC	NON-ELEVATOR:	176	200	240	279	304
STATE: MI	ELEVATOR:	194	220	264	305	333

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE						
NON SMSA						
COUNTY: TUSCOLA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
SMSA: BATTLE CREEK, MI						
COUNTY: BARRY	NON-ELEVATOR:	124	143	170	189	207
STATE: MI	ELEVATOR:	137	157	187	208	228
COUNTY: CALHOUN	NON-ELEVATOR:	124	143	170	189	207
STATE: MI	ELEVATOR:	137	157	187	208	228
SMSA: GRAND RAPIDS, MI						
COUNTY: KENT	NON-ELEVATOR:	141	165	190	215	243
STATE: MI	ELEVATOR:	156	184	209	237	268
COUNTY: OTTAWA	NON-ELEVATOR:	141	165	190	215	243
STATE: MI	ELEVATOR:	156	184	209	237	268
SMSA: JACKSON, MI						
COUNTY: JACKSON	NON-ELEVATOR:	135	160	187	208	238
STATE: MI	ELEVATOR:	148	175	209	229	262
SMSA: KALAMAZOO-PORTAGE , MI						
COUNTY: KALAMAZOO	NON-ELEVATOR:	148	170	203	237	258
STATE: MI	ELEVATOR:	163	187	223	259	283
COUNTY: VAN BUREN	NON-ELEVATOR:	148	170	203	237	258
STATE: MI	ELEVATOR:	163	187	223	259	283
SMSA: LANSING-EAST LANSING , MI						
COUNTY: CLINTON	NON-ELEVATOR:	157	179	215	250	274
STATE: MI	ELEVATOR:	173	197	236	275	299
COUNTY: EATON	NON-ELEVATOR:	157	179	215	250	274
STATE: MI	ELEVATOR:	173	197	236	275	299
COUNTY: INGHAM	NON-ELEVATOR:	157	179	215	250	274
STATE: MI	ELEVATOR:	173	197	236	275	299
COUNTY: IONIA	NON-ELEVATOR:	157	179	215	250	274
STATE: MI	ELEVATOR:	173	197	236	275	299
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI						
COUNTY: MUSKEGON	NON-ELEVATOR:	125	145	175	203	221
STATE: MI	ELEVATOR:	138	160	192	223	243

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI						
COUNTY: OCEANA	NON-ELEVATOR:	125	145	175	203	221
STATE: MI	ELEVATOR:	138	160	192	223	243
NON SMSA						
COUNTY: ALGER	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: ALLEGAN	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: ANTRIM	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: BARAGA	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: BENZIE	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: BERRIEN	NON-ELEVATOR:	125	145	173	193	212
STATE: MI	ELEVATOR:	138	159	190	213	234
COUNTY: BRANCH	NON-ELEVATOR:	122	142	170	189	207
STATE: MI	ELEVATOR:	135	155	186	207	228
COUNTY: CASS	NON-ELEVATOR:	125	145	173	193	212
STATE: MI	ELEVATOR:	138	159	190	213	234
COUNTY: CHARLEVOIX	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: CHEBOYGAN	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: CHIPPEWA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: CLARE	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE						
NON SMSA						
COUNTY: TUSCOLA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE						
NON SMSA						
COUNTY: TUSCOLA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229

PREPARED BY HUD - EMAD(CO). MARCH 23, 1977

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
NON SMSA						
COUNTY: CRAWFORD	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: DELTA	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: DICKINSON	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: EMMET	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: GOGEBIC	NON-ELEVATOR:	100	114	138	154	169
STATE: MI	ELEVATOR:	110	126	152	169	185
COUNTY: GRD TRAVERSE	NON-ELEVATOR:	121	139	166	185	204
STATE: MI	ELEVATOR:	134	151	182	204	225
COUNTY: GRATIOT	NON-ELEVATOR:	97	111	135	150	164
STATE: MI	ELEVATOR:	108	123	147	163	181
COUNTY: HILLSDALE	NON-ELEVATOR:	122	142	170	189	207
STATE: MI	ELEVATOR:	135	155	186	207	229
COUNTY HOUGHTON	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: IRON	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: ISABELLA	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: KALKASKA	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: KEWEENAW	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
NON SMSA						
COUNTY: OSCEOLA	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: OTSEGO	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: ROSCOMMON	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: ST JOSEPH	NON-ELEVATOR:	125	145	173	193	212
STATE: MI	ELEVATOR:	138	159	190	213	234
COUNTY: SCHOOLCRAFT	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: WEXFORD	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
NON SMSA						
COUNTY: LAKE	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: LEELANAU	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: LUCE	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: MACKINAC	NON-ELEVATOR:	123	143	171	191	208
STATE: MI	ELEVATOR:	136	156	188	208	229
COUNTY: MANISTEE	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: MARQUETTE	NON-ELEVATOR:	121	139	166	185	204
STATE: MI	ELEVATOR:	134	151	182	204	225
COUNTY: MASON	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: MECOSTA	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: MENOMINEE	NON-ELEVATOR:	110	126	152	169	185
STATE: MI	ELEVATOR:	120	139	166	185	204
COUNTY: MISSAUKEE	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: MONTCALM	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: NEWAYGO	NON-ELEVATOR:	110	126	152	177	193
STATE: MI	ELEVATOR:	120	139	166	194	212
COUNTY: ONTONAGON	NON-ELEVATOR:	100	114	138	154	169
STATE: MI	ELEVATOR:	110	126	152	169	186

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS,INDIANA AREA OFFICE						
SMSA: ANDERSON, IN						
COUNTY: MADISON	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
SMSA: BLOOMINGTON, IN						
COUNTY: MONROE	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
SMSA: CINCINNATI, OH-KY-IN						
COUNTY: DEARBORN	NON-ELEVATOR:	142	162	192	223	254
STATE: IN	ELEVATOR:	170	194	231	267	305
SMSA: EVANSVILLE, IN-KY						
COUNTY: GIBSON	NON-ELEVATOR:	130	159	188	203	220
STATE: IN	ELEVATOR:	144	175	207	223	242
COUNTY: POSEY	NON-ELEVATOR:	130	159	188	203	220
STATE: IN	ELEVATOR:	144	175	207	223	242
COUNTY: VANDERBURGH	NON-ELEVATOR:	130	159	188	203	220
STATE: IN	ELEVATOR:	144	175	207	223	242
COUNTY: WARRICK	NON-ELEVATOR:	130	159	188	203	220
STATE: IN	ELEVATOR:	144	175	207	223	242
SMSA: FORT WAYNE, IN						
COUNTY: ADAMS	NON-ELEVATOR:	139	160	191	222	242
STATE: IN	ELEVATOR:	153	175	209	244	267
COUNTY: ALLEN	NON-ELEVATOR:	139	160	191	222	242
STATE: IN	ELEVATOR:	153	175	209	244	267
COUNTY: DE KALB	NON-ELEVATOR:	139	160	191	222	242
STATE: IN	ELEVATOR:	153	175	209	244	267
COUNTY: WELLS	NON-ELEVATOR:	139	160	191	222	242
STATE: IN	ELEVATOR:	153	175	209	244	267
SMSA: GARY-HAMMOND-EAST CHICAGO, IN						
COUNTY: LAKE	NON-ELEVATOR:	131	148	178	207	228
STATE: IN	ELEVATOR:	142	164	195	228	250

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
SMSA: GARY-HAMMOND-EAST CHICAGO, IN						
COUNTY: PORTER	NON-ELEVATOR:	131	149	179	207	228
STATE: IN	ELEVATOR:	142	164	195	228	250
SMSA: INDIANAPOLIS, IN						
COUNTY: BOONE	NON-ELEVATOR:	138	159	185	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: HAMILTON	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: HANCOCK	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: HENDRICKS	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: JOHNSON	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: MARION	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: MORGAN	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
COUNTY: SHELBY	NON-ELEVATOR:	138	159	189	220	250
STATE: IN	ELEVATOR:	152	174	208	242	275
SMSA: LAFAYETTE-WEST LAFAYETTE, IN						
COUNTY: TIPPECANOE	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
SMSA: LOUISVILLE, KY-IN						
COUNTY: CLARK	NON-ELEVATOR:	156	171	201	243	266
STATE: IN	ELEVATOR:	164	187	231	267	292
COUNTY: FLOYD	NON-ELEVATOR:	156	171	201	243	266
STATE: IN	ELEVATOR:	164	187	231	267	292

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
SMSA: MUNCIE, IN						
COUNTY: DELAWARE	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	209	229
SMSA: SOUTH BEND, IN						
COUNTY: MARSHALL	NON-ELEVATOR:	136	156	187	217	238
STATE: IN	ELEVATOR:	150	172	205	239	261
COUNTY: ST JOSEPH	NON-ELEVATOR:	136	156	187	217	238
STATE: IN	ELEVATOR:	150	172	205	239	261
SMSA: TERRE HAUTE, IN						
COUNTY: CLAY	NON-ELEVATOR:	123	143	171	199	217
STATE: IN	ELEVATOR:	136	156	188	218	238
COUNTY: SULLIVAN	NON-ELEVATOR:	123	143	171	199	217
STATE: IN	ELEVATOR:	136	156	188	218	238
COUNTY: VERMILLION	NON-ELEVATOR:	123	143	171	199	217
STATE: IN	ELEVATOR:	136	156	188	218	238
COUNTY: VIGO	NON-ELEVATOR:	123	143	171	199	217
STATE: IN	ELEVATOR:	136	156	188	218	238
NON SMSA						
COUNTY: BARTHOLOMEW	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: BENTON	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
COUNTY: BLACKFORD	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: BROWN	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: CARROLL	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: CASS	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: CLINTON	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
COUNTY: CRAWFORD	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: DAVIESS	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: DECATUR	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: DUBOIS	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: ELKHART	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: FAYETTE	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: FOUNTAIN	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
COUNTY: FRANKLIN	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: FULTON	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: GRANT	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: GREENE	NON-ELEVATOR:	123	143	171	199	217
STATE: IN	ELEVATOR:	136	156	188	218	238

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: HARRISON	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: HENRY	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: HOWARD	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: HUNTINGTON	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: JACKSON	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: JASPER	NON-ELEVATOR:	120	139	165	183	202
STATE: IN	ELEVATOR:	132	151	181	202	222
COUNTY: JAY	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: JEFFERSON	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: JENNINGS	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: KNOX	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: KOSCIUSKO	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: LAGRANGE	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: LA PORTE	NON-ELEVATOR:	120	139	165	183	202
STATE: IN	ELEVATOR:	132	151	181	202	222

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: MIAMI	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: MONROE	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: MONTGOMERY	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: MORGAN	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: NEWTON	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: NOBLE	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: OHIO	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: ORANGE	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: OWEN	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: PARKE	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: PERRY	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: PIKE	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: POSEY	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: PULASKI	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: PUTNAM	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: RANDOLPH	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: RIPLEY	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: RUSH	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: SCOTT	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: SPENCER	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: STARKE	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: STEUBEN	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: SWITZERLAND	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: TIPTON	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: UNION	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: VANDERBURGH	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: WABASH	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WARREN	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WARRICK	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234
COUNTY: WASHINGTON	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: WAYNE	NON-ELEVATOR:	119	138	164	191	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: WELLS	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WHITE	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WHITLEY	NON-ELEVATOR:	125	145	173	193	212
STATE: IN	ELEVATOR:	138	159	190	213	234

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REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: WOODFORD	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
COUNTY: LAWRENCE	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: MARTIN	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: MIAMI	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: MONTGOMERY	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
COUNTY: NEWTON	NON-ELEVATOR:	120	139	165	183	203
STATE: IN	ELEVATOR:	132	151	181	202	222
COUNTY: NOBLE	NON-ELEVATOR:	108	124	149	166	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: OHIO	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: ORANGE	NON-ELEVATOR:	114	130	156	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: OWEN	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: PARKE	NON-ELEVATOR:	123	143	171	155	217
STATE: IN	ELEVATOR:	136	156	188	210	230
COUNTY: PERRY	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: PIKE	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: PULASKI	NON-ELEVATOR:	120	139	165	183	203
STATE: IN	ELEVATOR:	132	151	181	202	222

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
COUNTY: PUTNAM	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: RANDOLPH	NON-ELEVATOR:	119	138	164	191	209
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: RIPLEY	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: RUSH	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: SCOTT	NON-ELEVATOR:	114	130	156	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: SPENCER	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: STARKE	NON-ELEVATOR:	120	139	165	183	203
STATE: IN	ELEVATOR:	132	151	181	202	222
COUNTY: STEUBEN	NON-ELEVATOR:	108	124	149	166	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: SWITZERLAND	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: TIPTON	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: UNION	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: WABASH	NON-ELEVATOR:	108	124	149	166	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WARREN	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: WASHINGTON	NON-ELEVATOR:	114	130	158	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: WAYNE	NON-ELEVATOR:	119	138	164	181	208
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: WHITE	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251
COUNTY: WHITLEY	NON-ELEVATOR:	108	124	149	165	183
STATE: IN	ELEVATOR:	118	135	163	182	200

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA: APPLETON-OSHKOSH, WI						
COUNTY: CALUMET	NON-ELEVATOR:	132	150	180	208	229
STATE: WI	ELEVATOR:	144	165	199	229	252
COUNTY: OUTAGAMIE	NON-ELEVATOR:	132	150	180	208	229
STATE: WI	ELEVATOR:	144	165	199	229	252
COUNTY: WINNEBAGO	NON-ELEVATOR:	132	150	180	208	229
STATE: WI	ELEVATOR:	144	165	199	229	252
SMSA: DULUTH-SUPERIOR, MN-WI						
COUNTY: DOUGLAS	NON-ELEVATOR:	145	166	200	222	243
STATE: WI	ELEVATOR:	160	184	219	243	268
SMSA: EAU CLAIRE, WI						
COUNTY: CHIPPEWA	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	206	228
COUNTY: EAU CLAIRE	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226
SMSA: GREEN BAY, WI						
COUNTY: BROWN	NON-ELEVATOR:	119	138	164	181	208
STATE: WI	ELEVATOR:	131	150	180	208	229
SMSA: KENOSHA, WI						
COUNTY: KENOSHA	NON-ELEVATOR:	151	171	203	223	243
STATE: WI	ELEVATOR:	165	188	223	245	268
SMSA: LA CROSSE, WI						
COUNTY: LA CROSSE	NON-ELEVATOR:	109	125	150	166	184
STATE: WI	ELEVATOR:	119	138	165	183	203
SMSA: MADISON, WI						
COUNTY: DANE	NON-ELEVATOR:	165	189	224	250	281
STATE: WI	ELEVATOR:	182	208	247	288	309
SMSA: MILWAUKEE, WI						
COUNTY: MILWAUKEE	NON-ELEVATOR:	166	190	225	251	285
STATE: WI	ELEVATOR:	183	209	248	287	326

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY: PUTNAM	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: RANDOLPH	NON-ELEVATOR:	119	138	164	191	209
STATE: IN	ELEVATOR:	131	150	180	208	229
COUNTY: RIPLEY	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: RUSH	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: SCOTT	NON-ELEVATOR:	114	130	156	176	192
STATE: IN	ELEVATOR:	124	144	172	193	212
COUNTY: SPENCER	NON-ELEVATOR:	92	105	126	142	156
STATE: IN	ELEVATOR:	101	116	139	156	171
COUNTY: STARKE	NON-ELEVATOR:	120	139	165	183	203
STATE: IN	ELEVATOR:	132	151	181	202	222
COUNTY: STEUBEN	NON-ELEVATOR:	108	124	149	166	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: SWITZERLAND	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: TIPTON	NON-ELEVATOR:	130	148	178	197	217
STATE: IN	ELEVATOR:	141	163	194	217	238
COUNTY: UNION	NON-ELEVATOR:	118	135	163	180	207
STATE: IN	ELEVATOR:	130	148	179	207	227
COUNTY: WABASH	NON-ELEVATOR:	108	124	149	166	183
STATE: IN	ELEVATOR:	118	135	163	182	200
COUNTY: WARREN	NON-ELEVATOR:	136	156	187	207	229
STATE: IN	ELEVATOR:	150	172	205	228	251

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA: MILWAUKEE, WI						
COUNTY: OZAUKEE	NON-ELEVATOR:	166	190	225	261	296
STATE: WI	ELEVATOR:	183	209	248	287	326
COUNTY: WASHINGTON	NON-ELEVATOR:	166	190	225	261	296
STATE: WI	ELEVATOR:	183	209	248	287	326
COUNTY: WAUKESHA	NON-ELEVATOR:	166	190	225	261	296
STATE: WI	ELEVATOR:	183	209	248	287	326
SMSA: MINNEAPOLIS-ST PAUL, MN						
COUNTY: ST CROIX	NON-ELEVATOR:	164	166	222	258	293
STATE: WI	ELEVATOR:	181	206	245	284	322
SMSA: RACINE, WI						
COUNTY: RACINE	NON-ELEVATOR:	151	171	203	225	246
STATE: WI	ELEVATOR:	166	188	223	247	269
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: ASHLAND	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: BARRON	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: BAYFIELD	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: BUFFALO	NON-ELEVATOR:	109	125	150	168	184
STATE: WI	ELEVATOR:	119	138	165	183	203
COUNTY: BURNETT	NON-ELEVATOR:	116	133	160	178	195
STATE: WI	ELEVATOR:	126	146	176	196	215
COUNTY: CLARK	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY: COLUMBIA	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: CRAWFORD	NON-ELEVATOR:	106	124	149	166	183
STATE: WI	ELEVATOR:	118	135	163	182	200
COUNTY: DODGE	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: DOOR	NON-ELEVATOR:	132	151	180	207	227
STATE: WI	ELEVATOR:	144	166	198	228	250
COUNTY: DUNN	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: FLORENCE	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204
COUNTY: FOND DU LAC	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: FOREST	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204
COUNTY: GRANT	NON-ELEVATOR:	106	124	149	166	183
STATE: WI	ELEVATOR:	118	135	163	182	200
COUNTY: GREEN	NON-ELEVATOR:	123	143	171	191	208
STATE: WI	ELEVATOR:	136	156	188	208	229
COUNTY: GREEN LAKE	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: IOWA	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: IRON	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY: JACKSON	NON-ELEVATOR:	109	125	150	168	184
STATE: WI	ELEVATOR:	119	138	165	183	203
COUNTY: JEFFERSON	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: JUNEAU	NON-ELEVATOR:	109	125	150	168	184
STATE: WI	ELEVATOR:	119	138	165	183	203
COUNTY: KEWAUNEE	NON-ELEVATOR:	119	138	164	191	208
STATE: WI	ELEVATOR:	131	150	180	208	229
COUNTY: LAFAYETTE	NON-ELEVATOR:	106	124	149	166	183
STATE: WI	ELEVATOR:	118	135	163	182	200
COUNTY: LANGLADE	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226
COUNTY: LINCOLN	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226
COUNTY: MANITOWOC	NON-ELEVATOR:	119	138	164	191	208
STATE: WI	ELEVATOR:	131	150	180	208	229
COUNTY: MARATHON	NON-ELEVATOR:	134	154	184	205	226
STATE: WI	ELEVATOR:	147	170	202	225	248
COUNTY: MARINETTE	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204
COUNTY: MARQUETTE	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: MENOMINEE	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204
COUNTY: MONROE	NON-ELEVATOR:	109	125	150	168	184
STATE: WI	ELEVATOR:	119	138	165	183	203

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY: OCONTO	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204
COUNTY: ONEIDA	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226
COUNTY: PEPIN	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: PIERCE	NON-ELEVATOR:	116	133	160	178	195
STATE: WI	ELEVATOR:	126	146	176	196	215
COUNTY: POLK	NON-ELEVATOR:	116	133	160	178	195
STATE: WI	ELEVATOR:	126	146	176	196	215
COUNTY: PORTAGE	NON-ELEVATOR:	123	142	168	187	206
STATE: WI	ELEVATOR:	135	155	184	205	226
COUNTY: PRICE	NON-ELEVATOR:	122	141	168	187	206
STATE: WI	ELEVATOR:	134	154	185	205	226
COUNTY: RICHLAND	NON-ELEVATOR:	115	131	159	177	194
STATE: WI	ELEVATOR:	125	145	175	194	213
COUNTY: ROCK	NON-ELEVATOR:	125	145	172	191	209
STATE: WI	ELEVATOR:	138	160	189	208	230
COUNTY: RUSK	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: SAUK	NON-ELEVATOR:	126	145	175	195	213
STATE: WI	ELEVATOR:	139	160	192	214	234
COUNTY: SAWYER	NON-ELEVATOR:	100	114	138	154	169
STATE: WI	ELEVATOR:	110	126	152	169	186
COUNTY: SHAWANO	NON-ELEVATOR:	110	126	152	169	185
STATE: WI	ELEVATOR:	120	139	166	185	204

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY SHEBOYGAN	NON-ELEVATOR:	115	131	159	177	194
STATE WI	ELEVATOR:	125	145	175	194	213
COUNTY TAYLOR	NON-ELEVATOR:	122	141	168	187	206
STATE WI	ELEVATOR:	134	154	185	205	226
COUNTY TREMPEALEAU	NON-ELEVATOR:	117	132	158	174	191
STATE WI	ELEVATOR:	129	146	173	192	209
COUNTY VERNON	NON-ELEVATOR:	109	125	150	168	184
STATE WI	ELEVATOR:	119	138	165	183	203
COUNTY VILAS	NON-ELEVATOR:	122	141	168	187	206
STATE WI	ELEVATOR:	134	154	185	205	226
COUNTY WALWORTH	NON-ELEVATOR:	115	131	159	177	194
STATE WI	ELEVATOR:	125	145	175	194	213
COUNTY WASHBURN	NON-ELEVATOR:	100	114	138	154	169
STATE WI	ELEVATOR:	110	126	152	169	186
COUNTY WAUPACA	NON-ELEVATOR:	110	126	152	169	185
STATE WI	ELEVATOR:	120	139	166	185	204
COUNTY WAUSHARA	NON-ELEVATOR:	115	131	159	177	194
STATE WI	ELEVATOR:	125	145	175	194	213
COUNTY WOOD	NON-ELEVATOR:	122	141	168	187	206
STATE WI	ELEVATOR:	134	154	185	205	226

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST PAUL, MINNESOTA AREA OFFICE						
SMSA: DULUTH-SUPERIOR, MN-WI						
COUNTY ST LOUIS	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
SMSA: FARGO-MOORHEAD, ND-MN						
COUNTY CLAY	NON-ELEVATOR:	134	153	183	202	222
STATE MN	ELEVATOR:	147	169	201	222	245
SMSA: MINNEAPOLIS-ST PAUL, MN						
COUNTY ANOKA	NON-ELEVATOR:	164	186	222	250	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY CARVER	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY CHISAGO	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY DAKOTA	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY HENNEPIN	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY RAMSEY	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY SCOTT	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY WASHINGTON	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
COUNTY WRIGHT	NON-ELEVATOR:	164	186	222	258	293
STATE MN	ELEVATOR:	181	206	245	284	322
SMSA: ROCHESTER, MN						
COUNTY OLMSTED	NON-ELEVATOR:	138	159	189	212	232
STATE MN	ELEVATOR:	152	174	208	232	255

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST PAUL, MINNESOTA AREA OFFICE						
SMSA: ST. CLOUD, MN						
COUNTY BENTON	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
COUNTY SHERBURNE	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
COUNTY STEARNS	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
NON SMSA						
COUNTY AITKIN	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY BECKER	NON-ELEVATOR:	119	135	161	178	195
STATE MN	ELEVATOR:	131	149	177	196	215
COUNTY BELTRAMI	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY BIG STONE	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY BLUE EARTH	NON-ELEVATOR:	150	170	201	222	243
STATE MN	ELEVATOR:	164	187	221	243	266
COUNTY BROWN	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
COUNTY CARLTON	NON-ELEVATOR:	116	133	160	178	195
STATE MN	ELEVATOR:	127	147	176	196	214
COUNTY CASS	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY CHIPPEWA	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY CLEARWATER	NON-ELEVATOR:	119	135	161	178	195
STATE MN	ELEVATOR:	131	149	177	196	215

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST PAUL, MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY COOK	NON-ELEVATOR:	116	133	160	178	195
STATE MN	ELEVATOR:	127	147	176	196	214
COUNTY COTTONWOOD	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY CROW WING	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
COUNTY DODGE	NON-ELEVATOR:	138	159	189	212	232
STATE MN	ELEVATOR:	152	174	208	232	255
COUNTY DOUGLAS	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY FARIBAULT	NON-ELEVATOR:	145	166	200	222	243
STATE MN	ELEVATOR:	160	184	219	243	268
COUNTY FILLMORE	NON-ELEVATOR:	138	159	189	212	232
STATE MN	ELEVATOR:	152	174	208	232	255
COUNTY FREEBORN	NON-ELEVATOR:	138	159	189	212	232
STATE MN	ELEVATOR:	152	174	208	232	255
COUNTY GOODHUE	NON-ELEVATOR:	117	134	160	178	195
STATE MN	ELEVATOR:	129	148	176	196	214
COUNTY GRANT	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY HOUSTON	NON-ELEVATOR:	110	125	151	168	184
STATE MN	ELEVATOR:	121	138	166	184	202
COUNTY HUBBARD	NON-ELEVATOR:	101	118	142	157	172
STATE MN	ELEVATOR:	112	129	156	173	189
COUNTY ISANTI	NON-ELEVATOR:	117	134	160	178	195
STATE MN	ELEVATOR:	129	148	176	196	214

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: ITASCA	NON-ELEVATOR:	116	133	160	178	195
STATE: MN	ELEVATOR:	127	147	176	196	214
COUNTY: JACKSON	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: KANABEC	NON-ELEVATOR:	117	134	160	178	195
STATE: MN	ELEVATOR:	129	148	176	196	214
COUNTY: KANDIYOHI	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: KITTSON	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: KOOCHICHING	NON-ELEVATOR:	116	133	160	178	195
STATE: MN	ELEVATOR:	127	147	176	196	214
COUNTY: LAC QUI PARL	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: LAKE	NON-ELEVATOR:	116	133	160	178	195
STATE: MN	ELEVATOR:	127	147	176	196	214
COUNTY: LAKE OF WOOD	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: LE SUEUR	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: LINCOLN	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: LYON	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: MCLEOD	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: MAHNOMEN	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: MARSHALL	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: MARTIN	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: MEEKER	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: MILLE LACS	NON-ELEVATOR:	117	134	160	178	195
STATE: MN	ELEVATOR:	129	148	176	196	214
COUNTY: MORRISON	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: MOWER	NON-ELEVATOR:	138	159	189	212	232
STATE: MN	ELEVATOR:	152	174	208	232	255
COUNTY: MURRAY	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: NICOLLET	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: NOBLES	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: NORMAN	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: OTTER TAIL	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: PENNINGTON	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: PINE	NON-ELEVATOR:	117	134	160	178	195
STATE: MN	ELEVATOR:	129	148	176	196	214
COUNTY: PIPESTONE	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: POLK	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: POPE	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: RED LAKE	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: REDWOOD	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: RENVILLE	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: RICE	NON-ELEVATOR:	117	134	160	178	195
STATE: MN	ELEVATOR:	129	148	176	196	214
COUNTY: ROCK	NON-ELEVATOR:	118	135	163	181	199
STATE: MN	ELEVATOR:	130	148	179	199	218
COUNTY: ROSEAU	NON-ELEVATOR	119	135	161	178	195
STATE: MN	ELEVATOR	131	149	177	196	215
COUNTY: SIBLEY	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: STEELE	NON-ELEVATOR:	138	159	189	212	232
STATE: MN	ELEVATOR:	152	174	208	232	255
COUNTY: STEVENS	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: SWIFT	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: TODD	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: TRAVERSE	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: WABASHA	NON-ELEVATOR:	138	159	189	212	232
STATE: MN	ELEVATOR:	152	174	208	232	255
COUNTY: WADENA	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189
COUNTY: WASECA	NON-ELEVATOR:	138	159	189	212	232
STATE: MN	ELEVATOR:	152	174	208	232	255
COUNTY: WATONWAN	NON-ELEVATOR:	145	166	200	222	243
STATE: MN	ELEVATOR:	160	184	219	243	268
COUNTY: WILKIN	NON-ELEVATOR:	119	135	161	178	195
STATE: MN	ELEVATOR:	131	149	177	196	215
COUNTY: WINONA	NON-ELEVATOR:	110	125	151	168	184
STATE: MN	ELEVATOR:	121	138	166	184	202
COUNTY: YELLOW MEDIC	NON-ELEVATOR:	101	118	142	157	172
STATE: MN	ELEVATOR:	112	129	156	173	189

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
SMSA: BLOOMINGTON-NORMAL, IL						
COUNTY: MCLEAN	NON-ELEVATOR:	146	168	211	233	254
STATE: IL	ELEVATOR:	161	185	232	256	279
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL						
COUNTY: CHAMPAIGN	NON-ELEVATOR:	173	199	232	275	317
STATE: IL	ELEVATOR:	189	218	253	301	348
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL						
COUNTY: HENRY	NON-ELEVATOR:	154	175	230	273	296
STATE: IL	ELEVATOR:	169	192	253	301	325
SMSA: DECATUR, IL						
COUNTY: MACON	NON-ELEVATOR:	143	164	195	227	250
STATE: IL	ELEVATOR:	156	179	214	250	274
SMSA: PEORIA, IL						
COUNTY: PEORIA	NON-ELEVATOR:	158	181	215	249	273
STATE: IL	ELEVATOR:	174	198	236	275	299
COUNTY: TAZEWELL	NON-ELEVATOR:	158	181	215	249	273
STATE: IL	ELEVATOR:	174	198	236	275	299
COUNTY: WOODFORD	NON-ELEVATOR:	158	181	215	249	273
STATE: IL	ELEVATOR:	174	198	236	275	299
SMSA: ST LOUIS, MO-IL						
COUNTY: CLINTON	NON-ELEVATOR:	146	170	203	234	256
STATE: IL	ELEVATOR:	161	185	221	257	282
COUNTY MADISON	NON-ELEVATOR:	146	170	203	234	256
STATE: IL	ELEVATOR:	161	185	221	257	282
COUNTY: MONROE	NON-ELEVATOR:	146	170	203	234	256
STATE: IL	ELEVATOR:	161	185	221	257	282
COUNTY: ST CLAIR	NON-ELEVATOR:	146	170	203	234	256
STATE: IL	ELEVATOR:	161	185	221	257	282

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
SMSA: SPRINGFIELD, IL						
COUNTY: MENARD	NON-ELEVATOR:	131	149	179	207	228
STATE: IL	ELEVATOR:	142	164	195	228	250
COUNTY: SANGAMON	NON-ELEVATOR:	131	149	179	207	228
STATE: IL	ELEVATOR:	142	164	195	228	250
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	109	125	150	168	184
STATE: IL	ELEVATOR:	119	138	165	183	203
COUNTY: ALEXANDER	NON-ELEVATOR:	89	102	123	137	150
STATE: IL	ELEVATOR:	98	112	135	150	166
COUNTY: BOND	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: BROWN	NON-ELEVATOR:	109	125	150	168	184
STATE: IL	ELEVATOR:	119	138	165	183	203
COUNTY: BUREAU	NON-ELEVATOR:	120	139	165	183	203
STATE: IL	ELEVATOR:	132	151	181	202	222
COUNTY: CALHOUN	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: CASS	NON-ELEVATOR:	131	149	179	207	228
STATE: IL	ELEVATOR:	142	164	195	228	250
COUNTY: CHRISTIAN	NON-ELEVATOR:	131	149	179	207	228
STATE: IL	ELEVATOR:	142	164	195	228	250
COUNTY: CLARK	NON-ELEVATOR:	123	143	171	199	217
STATE: IL	ELEVATOR:	136	156	188	218	238
COUNTY: CLAY	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: COLES	NON-ELEVATOR:	138	159	189	220	241
STATE: IL	ELEVATOR:	152	174	208	242	264

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY: CRANFORD	NON-ELEVATOR:	123	143	171	199	217
STATE: IL	ELEVATOR:	136	156	188	218	238
COUNTY: CUMBERLAND	NON-ELEVATOR:	138	159	189	220	241
STATE: IL	ELEVATOR:	152	174	208	242	264
COUNTY: DE WITT	NON-ELEVATOR:	131	149	179	207	228
STATE: IL	ELEVATOR:	142	164	195	228	250
COUNTY: DOUGLAS	NON-ELEVATOR:	138	159	189	220	241
STATE: IL	ELEVATOR:	152	174	208	242	264
COUNTY: EDGAR	NON-ELEVATOR:	138	159	189	220	241
STATE: IL	ELEVATOR:	152	174	208	243	264
COUNTY: EDWARDS	NON-ELEVATOR:	92	105	126	142	156
STATE: IL	ELEVATOR:	101	116	139	156	171
COUNTY: EFFINGHAM	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: FAYETTE	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: FORD	NON-ELEVATOR:	138	159	189	220	241
STATE: IL	ELEVATOR:	152	174	208	243	264
COUNTY: FRANKLIN	NON-ELEVATOR:	102	118	143	158	173
STATE: IL	ELEVATOR:	114	130	157	174	191
COUNTY: FULTON	NON-ELEVATOR:	125	144	171	197	215
STATE: IL	ELEVATOR:	138	159	188	217	237
COUNTY: GALLATIN	NON-ELEVATOR:	92	105	126	142	156
STATE: IL	ELEVATOR:	101	116	139	156	171
COUNTY: GREENE	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY: HAMILTON	NON-ELEVATOR:	92	105	126	142	156
STATE: IL	ELEVATOR:	101	116	139	156	171
COUNTY: HANCOCK	NON-ELEVATOR:	109	125	150	168	184
STATE: IL	ELEVATOR:	119	138	165	183	203
COUNTY: MARDIN	NON-ELEVATOR:	89	102	123	137	150
STATE: IL	ELEVATOR:	98	112	135	150	166
COUNTY: MENDERSON	NON-ELEVATOR:	109	125	150	168	184
STATE: IL	ELEVATOR:	119	138	165	183	203
COUNTY: IROQUOIS	NON-ELEVATOR:	120	139	165	183	203
STATE: IL	ELEVATOR:	132	151	181	202	222
COUNTY: JACKSON	NON-ELEVATOR:	102	118	143	158	173
STATE: IL	ELEVATOR:	114	130	157	174	191
COUNTY: JASPER	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: JEFFERSON	NON-ELEVATOR:	102	118	143	158	173
STATE: IL	ELEVATOR:	114	130	157	174	191
COUNTY: JERSEY	NON-ELEVATOR:	99	113	137	153	168
STATE: IL	ELEVATOR:	109	125	150	168	184
COUNTY: JOHNSON	NON-ELEVATOR:	89	102	123	137	150
STATE: IL	ELEVATOR:	98	112	135	150	166
COUNTY: KNOX	NON-ELEVATOR:	123	143	171	191	208
STATE: IL	ELEVATOR:	136	156	188	208	229
COUNTY: LA SALLE	NON-ELEVATOR:	136	156	187	207	229
STATE: IL	ELEVATOR:	150	172	205	228	251
COUNTY: LAWRENCE	NON-ELEVATOR:	92	105	126	142	156
STATE: IL	ELEVATOR:	101	116	139	156	171

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY:LIVINGSTON	NON-ELEVATOR:	136	156	187	207	229
STATE:IL	ELEVATOR:	150	172	205	228	251
COUNTY:LOGAN	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:MCDONOUGH	NON-ELEVATOR:	123	143	171	191	208
STATE:IL	ELEVATOR:	136	156	188	208	229
COUNTY:MACOUPIN	NON-ELEVATOR:	99	113	137	153	168
STATE:IL	ELEVATOR:	109	125	150	168	184
COUNTY:MARION	NON-ELEVATOR:	99	113	137	153	168
STATE:IL	ELEVATOR:	109	125	150	168	184
COUNTY:MARSHALL	NON-ELEVATOR:	123	143	171	191	208
STATE:IL	ELEVATOR:	136	156	188	208	229
COUNTY:MASON	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:MASSAC	NON-ELEVATOR:	89	102	123	137	150
STATE:IL	ELEVATOR:	98	112	135	150	166
COUNTY:MERCER	NON-ELEVATOR:	120	139	165	183	203
STATE:IL	ELEVATOR:	132	151	181	202	222
COUNTY:MONTGOMERY	NON-ELEVATOR:	99	113	137	153	168
STATE:IL	ELEVATOR:	109	125	150	168	184
COUNTY:MORGAN	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:MOULTRIE	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:PERRY	NON-ELEVATOR:	102	118	143	158	173
STATE:IL	ELEVATOR:	114	130	157	174	191

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REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY:PIATT	NON-ELEVATOR:	138	159	189	220	241
STATE:IL	ELEVATOR:	152	174	208	242	264
COUNTY:PIKE	NON-ELEVATOR:	109	125	150	168	184
STATE:IL	ELEVATOR:	119	138	165	183	203
COUNTY:POPE	NON-ELEVATOR:	89	102	123	137	150
STATE:IL	ELEVATOR:	98	112	135	150	166
COUNTY:PULASKI	NON-ELEVATOR:	89	102	123	137	150
STATE:IL	ELEVATOR:	98	112	135	150	166
COUNTY:PUTNAM	NON-ELEVATOR:	136	156	187	207	229
STATE:IL	ELEVATOR:	150	172	205	228	251
COUNTY:RANDOLPH	NON-ELEVATOR:	102	118	143	158	173
STATE:IL	ELEVATOR:	114	130	157	174	191
COUNTY:RICHLAND	NON-ELEVATOR:	99	113	137	153	168
STATE:IL	ELEVATOR:	109	125	150	168	184
COUNTY:SALINE	NON-ELEVATOR:	92	105	126	142	156
STATE:IL	ELEVATOR:	101	116	139	156	171
COUNTY:SCHUYLER	NON-ELEVATOR:	109	125	150	168	184
STATE:IL	ELEVATOR:	119	138	165	183	203
COUNTY:SCOTT	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:SHELBY	NON-ELEVATOR:	131	149	179	207	228
STATE:IL	ELEVATOR:	142	164	195	228	250
COUNTY:STARK	NON-ELEVATOR:	123	143	171	191	208
STATE:IL	ELEVATOR:	136	156	188	208	229
COUNTY:UNION	NON-ELEVATOR:	89	102	123	137	150
STATE:IL	ELEVATOR:	98	112	135	150	166

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY:VERMILION	NON-ELEVATOR:	138	159	189	220	241
STATE:IL	ELEVATOR:	152	174	208	242	264
COUNTY:WABASH	NON-ELEVATOR:	89	105	126	142	156
STATE:IL	ELEVATOR:	101	116	139	156	171
COUNTY:WARREN	NON-ELEVATOR:	123	143	171	191	208
STATE:IL	ELEVATOR:	136	156	188	208	229
COUNTY:WASHINGTON	NON-ELEVATOR:	102	118	143	158	173
STATE:IL	ELEVATOR:	114	130	157	174	191
COUNTY:WAYNE	NON-ELEVATOR:	99	113	137	153	168
STATE:IL	ELEVATOR:	109	125	150	168	184
COUNTY:WHITE	NON-ELEVATOR:	92	105	126	142	156
STATE:IL	ELEVATOR:	101	116	139	156	171
COUNTY:WILLIAMSON	NON-ELEVATOR:	102	118	143	158	173
STATE:IL	ELEVATOR:	114	130	157	174	191

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE,NEW MEXICO INSURING OFFICE						
SMSA: ALBUQUERQUE, NM						
COUNTY:BERNALILLO	NON-ELEVATOR:	125	141	169	194	212
STATE:NM	ELEVATOR:	136	156	185	212	233
COUNTY:SANDOVAL	NON-ELEVATOR:	125	141	169	194	212
STATE:NM	ELEVATOR:	136	156	185	212	233
NON SMSA						
COUNTY:CATRON	NON-ELEVATOR:	97	109	132	145	159
STATE:NM	ELEVATOR:	106	121	144	159	174
COUNTY:CHAVES	NON-ELEVATOR:	116	133	157	173	189
STATE:NM	ELEVATOR:	128	146	173	190	208
COUNTY:COLFAX	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:CURRY	NON-ELEVATOR:	108	122	146	160	174
STATE:NM	ELEVATOR:	119	135	161	176	192
COUNTY:DE BACA	NON-ELEVATOR:	92	105	125	145	158
STATE:NM	ELEVATOR:	101	115	138	159	174
COUNTY:DONA ANA	NON-ELEVATOR:	116	133	157	173	189
STATE:NM	ELEVATOR:	128	146	173	190	208
COUNTY:EDDY	NON-ELEVATOR:	116	133	157	173	189
STATE:NM	ELEVATOR:	128	146	173	190	208
COUNTY:GRANT	NON-ELEVATOR:	105	118	142	158	172
STATE:NM	ELEVATOR:	116	131	157	173	189
COUNTY:GUADALUPE	NON-ELEVATOR:	92	105	125	145	158
STATE:NM	ELEVATOR:	101	115	138	159	174
COUNTY:HARDING	NON-ELEVATOR:	92	105	125	145	158
STATE:NM	ELEVATOR:	101	115	138	159	174
COUNTY:HIDALGO	NON-ELEVATOR:	97	109	132	145	159
STATE:NM	ELEVATOR:	106	121	144	159	174

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE,NEW MEXICO INSURING OFFICE						
NON SMSA						
COUNTY:LEA	NON-ELEVATOR:	116	133	157	173	189
STATE:NM	ELEVATOR:	128	146	173	190	208
COUNTY:LINCOLN	NON-ELEVATOR:	97	109	132	145	159
STATE:NM	ELEVATOR:	106	121	144	159	174
COUNTY:LOS ALAMOS	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:LUNA	NON-ELEVATOR:	115	131	157	173	190
STATE:[illegible]	ELEVATOR:	127	145	172	190	208
COUNTY:MCKINLEY	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:MORA	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:OTERO	NON-ELEVATOR:	116	133	157	173	189
STATE:[illegible]	ELEVATOR:	128	146	173	190	208
COUNTY:QUAY	NON-ELEVATOR:	92	105	125	145	158
STATE:[illegible]	ELEVATOR:	101	115	138	159	174
COUNTY:RIO ARRIBA	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:ROOSEVELT	NON-ELEVATOR:	92	105	125	145	158
STATE:NM	ELEVATOR:	101	115	138	159	174
COUNTY:SAN JUAN	NON-ELEVATOR:	116	133	157	173	189
STATE:NM	ELEVATOR:	128	146	173	190	208
COUNTY:SAN MIGUEL	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:SANTE FE	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE,NEW MEXICO INSURING OFFICE						
NON SMSA						
COUNTY:SIERRA	NON-ELEVATOR:	97	109	132	145	159
STATE:NM	ELEVATOR:	106	121	144	159	174
COUNTY:SOCORRO	NON-ELEVATOR:	97	109	132	145	159
STATE:NM	ELEVATOR:	106	121	144	159	174
COUNTY:TAOS	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:TORRANCE	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208
COUNTY:UNION	NON-ELEVATOR:	[illegible]	105	125	145	158
STATE:NM	ELEVATOR;	101	115	138	159	174
COUNTY:VALENCIA	NON-ELEVATOR:	115	131	157	173	190
STATE:NM	ELEVATOR:	127	145	172	190	208

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS,TEXAS AREA OFFICE						
NON SMSA						
COUNTY:LAMAR	NON-ELEVATOR:	91	105	123	137	[illegible]
STATE:TX	ELEVATOR:	100	114	136	151	[illegible]
COUNTY:LIMESTONE	NON-ELEVATOR:	104	119	143	160	[illegible]
STATE:TX	ELEVATOR:	115	131	[illegible]	177	193
COUNTY:MILAM	NON-ELEVATOR:	97	111	132	148	162
STATE:TX	ELEVATOR:	105	123	145	162	179
COUNTY:NAVARRO	NON-ELEVATOR:	[illegible]	103	123	138	151
STATE:TX	ELEVATOR:	[illegible]	113	135	151	167
COUNTY:RAINS	NON-ELEVATOR:	90	103	123	138	151
STATE:TX	ELEVATOR:	99	113	135	151	167
COUNTY:RED RIVER	NON-ELEVATOR:	74	[illegible]	101	114	126
STATE:TX	ELEVATOR:	[illegible]	93	111	125	137
COUNTY:RUSK	NON-ELEVATOR:	95	108	128	142	155
STATE:TX	ELEVATOR:	103	117	141	156	[illegible]
COUNTY:TITUS	NON-ELEVATOR:	74	[illegible]	101	114	126
STATE:TX	ELEVATOR:	[illegible]	93	111	125	137
COUNTY:UPSHUR	NON-ELEVATOR:	[illegible]	97	117	131	144
STATE:TX	ELEVATOR:	[illegible]	107	128	143	157
COUNTY:VAN ZANDT	NON-ELEVATOR:	[illegible]	103	123	138	151
STATE:TX	ELEVATOR:	99	113	135	151	167
COUNTY:WOOD	NON-ELEVATOR:	84	97	117	131	144
STATE:TX	ELEVATOR:	93	107	[illegible]	147	157

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH,TEXAS INSURING OFFICE						
SMSA: ABILENE, TX						
COUNTY:CALLAHAN	NON-ELEVATOR:	104	118	141	156	170
STATE:TX	ELEVATOR:	115	130	154	170	[illegible]
COUNTY:JONES	NON-ELEVATOR:	104	118	141	156	170
STATE:TX	ELEVATOR:	115	130	154	170	[illegible]
COUNTY:TAYLOR	NON-ELEVATOR:	104	118	141	156	170
STATE:TX	ELEVATOR:	115	130	154	170	[illegible]
SMSA: DALLAS-FORT WORTH , TX						
COUNTY:HOOD	NON-ELEVATOR:	141	163	193	224	[illegible]
STATE:TX	ELEVATOR:	155	179	212	245	[illegible]
COUNTY:JOHNSON	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	[illegible]	[illegible]
COUNTY:PARKER	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	[illegible]
COUNTY:TARRANT	NON-ELEVATOR:	141	163	193	224	[illegible]
STATE:TX	ELEVATOR:	155	179	212	245	[illegible]
COUNTY:WISE	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	[illegible]
SMSA: SAN ANGELO, TX						
COUNTY:TOM GREEN	NON-ELEVATOR:	108	125	147	164	179
STATE:TX	ELEVATOR:	120	136	[illegible]	179	196
SMSA: WICHITA FALLS, TX						
COUNTY:CLAY	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	[illegible]	197
COUNTY:WICHITA	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197
NON SMSA						
COUNTY:ARCHER	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS,TEXAS AREA OFFICE						
SMSA: DALLAS-FORT WORTH , TX						
COUNTY:COLLIN	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
COUNTY:DALLAS	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
COUNTY:DENTON	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
COUNTY:ELLIS	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
COUNTY:KAUFMAN	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
COUNTY:ROCKWALL	NON-ELEVATOR:	141	163	193	224	254
STATE:TX	ELEVATOR:	155	179	212	245	280
SMSA: MILLEEN-TEMPLE, TX						
COUNTY:BELL	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:CORYELL	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
SMSA: LONGVIEW, TX						
COUNTY:GREGG	NON-ELEVATOR:	109	125	147	164	178
STATE:TX	ELEVATOR:	120	136	162	178	194
SMSA: SHERMAN-DENISON, TX						
COUNTY:GRAYSON	NON-ELEVATOR:	111	126	149	166	181
STATE:TX	ELEVATOR:	122	137	165	182	200
SMSA: TYLER, TX						
COUNTY:SMITH	NON-ELEVATOR:	102	116	138	154	168
STATE:TX	ELEVATOR:	113	128	152	168	183
SMSA: WACO, TX						
COUNTY:MCLENNAN	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS,TEXAS AREA OFFICE						
NON SMSA						
COUNTY:ANDERSON	NON-ELEVATOR:	95	108	128	142	155
STATE:TX	ELEVATOR:	103	117	141	156	170
COUNTY:CAMP	NON-ELEVATOR:	74	85	101	114	126
STATE:TX	ELEVATOR:	81	93	111	125	137
COUNTY:CHEROKEE	NON-ELEVATOR:	84	97	117	131	144
STATE:TX	ELEVATOR:	93	107	128	143	157
COUNTY:COOKE	NON-ELEVATOR:	101	114	136	151	166
STATE:TX	ELEVATOR:	111	126	149	166	181
COUNTY:DELTA	NON-ELEVATOR:	91	105	123	137	149
STATE:TX	ELEVATOR:	100	114	136	151	165
COUNTY:FALLS	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:FANNIN	NON-ELEVATOR:	90	103	123	138	151
STATE:TX	ELEVATOR:	99	113	135	151	167
COUNTY:FRANKLIN	NON-ELEVATOR:	84	97	117	131	144
STATE:TX	ELEVATOR:	93	107	128	143	157
COUNTY:FREESTONE	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:HENDERSON	NON-ELEVATOR:	84	97	117	131	144
STATE:TX	ELEVATOR:	93	107	128	143	157
COUNTY:HILL	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:HOPKINS	NON-ELEVATOR:	101	114	136	151	166
STATE:TX	ELEVATOR:	111	126	149	166	181
COUNTY:HUNT	NON-ELEVATOR:	101	114	136	151	166
STATE:TX	ELEVATOR:	111	126	149	166	181

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY:BAYLOR	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197
COUNTY:BOSQUE	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:BROWN	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:COKE	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:COLEMAN	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:COMANCHE	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:CONCHO	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:CROCKETT	NON-ELEVATOR:	98	113	135	158	172
STATE:TX	ELEVATOR:	107	125	148	172	190
COUNTY:EASTLAND	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:ERATH	NON-ELEVATOR:	101	114	136	151	166
STATE:TX	ELEVATOR:	111	126	149	166	181
COUNTY:FOARD	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197
COUNTY:HAMILTON	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:HARDEMAN	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY:HASKELL	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:IRION	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:JACK	NON-ELEVATOR:	102	117	141	164	179
STATE:TX	ELEVATOR:	113	129	154	180	197
COUNTY:KIMBLE	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:KNOX	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:LAMPASAS	NON-ELEVATOR:	104	119	143	160	176
STATE:TX	ELEVATOR:	115	131	158	177	193
COUNTY:MCCULLOCH	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:MASON	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:MENARD	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:MILLS	NON-ELEVATOR:	93	108	128	149	165
STATE:TX	ELEVATOR:	102	117	142	165	180
COUNTY:MONTAGUE	NON-ELEVATOR:	101	114	136	151	166
STATE:TX	ELEVATOR:	111	126	149	166	181
COUNTY:PALO PINTO	NON-ELEVATOR:	111	126	149	166	181
STATE:TX	ELEVATOR:	122	137	165	182	200
COUNTY:REAGAN	NON-ELEVATOR:	98	113	135	158	172
STATE:TX	ELEVATOR:	107	125	148	172	190

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY RUNNELS	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY SAN SABA	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY SCHLEICHER	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY SHACKLEFORD	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY SOMERVELL	NON-ELEVATOR:	90	103	123	138	151
STATE TX	ELEVATOR:	99	113	135	151	167
COUNTY STEPHENS	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY STERLING	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY SUTTON	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY THROCKMORTON	NON-ELEVATOR:	102	117	141	164	179
STATE TX	ELEVATOR:	113	129	154	180	197
COUNTY WILBARGER	NON-ELEVATOR:	102	117	141	164	179
STATE TX	ELEVATOR:	113	129	154	180	197
COUNTY YOUNG	NON-ELEVATOR:	102	117	141	164	179
STATE TX	ELEVATOR:	113	129	154	180	197

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE						
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX						
COUNTY HARDIN	NON-ELEVATOR:	98	112	133	156	171
STATE TX	ELEVATOR:	106	124	147	171	189
COUNTY JEFFERSON	NON-ELEVATOR:	98	112	133	156	171
STATE TX	ELEVATOR:	106	124	147	171	189
COUNTY ORANGE	NON-ELEVATOR:	98	112	133	156	171
STATE TX	ELEVATOR:	106	124	147	171	189
SMSA: BRYAN-COLLEGE STATION, TX						
COUNTY BRAZOS	NON-ELEVATOR:	97	111	132	148	162
STATE TX	ELEVATOR:	105	123	145	162	179
SMSA: GALVESTON-TEXAS CITY, TX						
COUNTY GALVESTON	NON-ELEVATOR:	96	110	131	154	168
STATE TX	ELEVATOR:	104	119	144	168	183
SMSA: HOUSTON, TX						
COUNTY BRAZORIA	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
COUNTY FORT BEND	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
COUNTY HARRIS	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
COUNTY LIBERTY	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
COUNTY MONTGOMERY	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
COUNTY WALLER	NON-ELEVATOR:	156	174	202	232	272
STATE TX	ELEVATOR:	171	191	222	257	298
NON SMSA						
COUNTY ANGELINA	NON-ELEVATOR:	95	108	128	142	155
STATE TX	ELEVATOR:	103	117	141	156	169

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: AUSTIN	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: BURLESON	NON-ELEVATOR:	97	111	132	148	162
STATE: TX	ELEVATOR:	105	123	145	162	179
COUNTY: CHAMBERS	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: COLORADO	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: GRIMES	NON-ELEVATOR:	97	111	132	148	162
STATE: TX	ELEVATOR:	105	123	145	162	179
COUNTY: HOUSTON	NON-ELEVATOR:	84	97	117	131	144
STATE: TX	ELEVATOR:	93	107	128	143	157
COUNTY: JASPER	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: LEON	NON-ELEVATOR:	97	111	132	148	162
STATE: TX	ELEVATOR:	105	123	145	162	179
COUNTY: MADISON	NON-ELEVATOR:	97	111	132	148	162
STATE: TX	ELEVATOR:	105	123	145	162	179
COUNTY: MATAGORDA	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: NACOGDOCHES	NON-ELEVATOR:	85	108	128	142	155
STATE: TX	ELEVATOR:	103	117	141	156	169
COUNTY: NEWTON	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: POLK	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: ROBERTSON	NON-ELEVATOR:	97	111	132	148	162
STATE: TX	ELEVATOR:	105	123	145	162	179
COUNTY: SABINE	NON-ELEVATOR:	78	90	108	121	134
STATE: TX	ELEVATOR:	86	100	119	134	147
COUNTY: SAN AUGUSTIN	NON-ELEVATOR:	78	90	108	121	134
STATE: TX	ELEVATOR:	86	100	119	134	147
COUNTY: SAN JACINTO	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: SHELBY	NON-ELEVATOR:	78	90	108	121	134
STATE: TX	ELEVATOR:	86	100	119	134	147
COUNTY: TRINITY	NON-ELEVATOR:	84	97	117	131	144
STATE: TX	ELEVATOR:	93	107	128	143	157
COUNTY: TYLER	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: WALKER	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: WASHINGTON	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183
COUNTY: WHARTON	NON-ELEVATOR:	96	110	131	154	168
STATE: TX	ELEVATOR:	104	119	144	168	183

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
SMSA: FAYETTEVILLE-SPRINGDALE, AR						
COUNTY BENTON	NON-ELEVATOR:	100	113	135	151	167
STATE AR	ELEVATOR:	109	124	147	165	182
COUNTY WASHINGTON	NON-ELEVATOR:	100	113	135	151	167
STATE AR	ELEVATOR:	109	124	147	166	182
SMSA: FORT SMITH, AR-OK						
COUNTY CRAWFORD	NON-ELEVATOR:	95	107	126	148	162
STATE AR	ELEVATOR:	103	116	140	162	179
COUNTY SEBASTIAN	NON-ELEVATOR:	95	107	126	148	162
STATE AR	ELEVATOR:	103	116	140	162	179
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR						
COUNTY PULASKI	NON-ELEVATOR:	107	124	147	171	189
STATE AR	ELEVATOR:	118	135	163	189	206
COUNTY SALINE	NON-ELEVATOR:	107	124	147	171	189
STATE AR	ELEVATOR:	118	135	163	189	206
SMSA: MEMPHIS, TN-AR-MS						
COUNTY CRITTENDEN	NON-ELEVATOR:	136	154	186	215	237
STATE AR	ELEVATOR:	147	170	203	236	259
SMSA: PINE BLUFF, AR						
COUNTY JEFFERSON	NON-ELEVATOR:	98	110	131	147	161
STATE AR	ELEVATOR:	107	122	144	162	179
SMSA: TEXARKANA, TX-AR						
COUNTY LITTLE RIVER	NON-ELEVATOR:	104	117	139	164	178
STATE AR	ELEVATOR:	115	129	153	179	197
COUNTY MILLER	NON-ELEVATOR:	104	117	139	164	178
STATE AR	ELEVATOR:	115	129	153	179	197
COUNTY BOWIE	NON-ELEVATOR:	104	117	139	164	178
STATE TX	ELEVATOR:	115	129	153	179	197

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY ARKANSAS	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY ASHLEY	NON-ELEVATOR:	79	91	108	121	135
STATE AR	ELEVATOR:	87	101	119	135	148
COUNTY BAXTER	NON-ELEVATOR:	92	107	126	148	162
STATE AR	ELEVATOR:	101	116	140	162	179
COUNTY BOONE	NON-ELEVATOR:	104	122	143	168	184
STATE AR	ELEVATOR:	115	132	159	184	203
COUNTY BRADLEY	NON-ELEVATOR:	79	91	108	121	135
STATE AR	ELEVATOR:	87	101	119	135	148
COUNTY CALHOUN	NON-ELEVATOR:	78	90	108	121	134
STATE AR	ELEVATOR:	86	100	119	134	147
COUNTY CARROLL	NON-ELEVATOR:	92	107	126	148	162
STATE AR	ELEVATOR:	101	116	140	162	179
COUNTY CHICOT	NON-ELEVATOR:	87	101	119	135	148
STATE AR	ELEVATOR:	96	111	130	148	162
COUNTY CLARK	NON-ELEVATOR:	78	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY CLAY	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR:	96	110	131	146	160
COUNTY CLEBURNE	NON-ELEVATOR:	78	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY CLEVELAND	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY COLUMBIA	NON-ELEVATOR:	78	90	108	121	134
STATE AR	ELEVATOR:	86	100	119	134	147

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY CONWAY	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY CRAIGHEAD	NON-ELEVATOR:	97	110	130	147	161
STATE AR	ELEVATOR:	106	122	143	162	178
COUNTY CROSS	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR:	96	110	131	146	160
COUNTY DALLAS	NON-ELEVATOR:	78	90	108	121	134
STATE AR	ELEVATOR:	86	100	119	134	147
COUNTY DESHA	NON-ELEVATOR:	79	91	108	121	135
STATE AR	ELEVATOR:	87	101	119	135	148
COUNTY DREW	NON-ELEVATOR:	87	101	119	133	149
STATE AR	ELEVATOR:	96	111	130	148	162
COUNTY FAULKNER	NON-ELEVATOR:	92	107	126	148	162
STATE AR	ELEVATOR:	101	116	140	162	179
COUNTY FRANKLIN	NON-ELEVATOR:	77	89	107	124	137
STATE AR	ELEVATOR:	85	99	118	137	150
COUNTY FULTON	NON-ELEVATOR:	78	90	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY GARLAND	NON-ELEVATOR:	98	111	131	148	162
STATE AR	ELEVATOR:	107	123	146	163	178
COUNTY GRANT	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY GREENE	NON-ELEVATOR:	87	101	119	135	148
STATE AR	ELEVATOR:	96	111	131	147	161
COUNTY HEMPSTEAD	NON-ELEVATOR:	74	85	101	114	126
STATE AR	ELEVATOR:	81	93	111	125	137

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY HOTSPRING	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY HOWARD	NON-ELEVATOR:	74	85	101	114	126
STATE AR	ELEVATOR:	81	93	111	125	137
COUNTY INDEPENDENCE	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY IZARD	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY JACKSON	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY JOHNSON	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY LAFAYETTE	NON-ELEVATOR:	74	85	101	114	126
STATE AR	ELEVATOR:	81	93	111	125	137
COUNTY LAWRENCE	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR:	96	110	131	146	160
COUNTY LEE	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR:	96	110	131	146	160
COUNTY LINCOLN	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY LOGAN	NON-ELEVATOR:	77	89	107	124	137
STATE AR	ELEVATOR:	85	99	118	137	150
COUNTY LONOKE	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY MADISON	NON-ELEVATOR:	90	103	123	138	151
STATE AR	ELEVATOR:	99	113	135	151	167

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY MARION	NON-ELEVATOR:	92	107	126	148	162
STATE AR	ELEVATOR:	101	116	140	162	179
COUNTY MISSISSIPPI	NON-ELEVATOR:	97	110	130	147	161
STATE AR	ELEVATOR:	106	122	143	162	178
COUNTY MONROE	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY MONTGOMERY	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY NEVADA	NON-ELEVATOR:	74	85	101	114	126
STATE AR	ELEVATOR:	81	93	111	125	137
COUNTY NEWTON	NON-ELEVATOR:	92	107	126	[illegible]	162
STATE AR	ELEVATOR:	101	116	140	162	179
COUNTY OUACHITA	NON-ELEVATOR:	78	90	108	121	134
STATE AR	ELEVATOR:	86	100	119	134	147
COUNTY PERRY	NON-ELEVATOR:	76	[illegible]	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY PHILLIPS	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR:	96	110	131	146	160
COUNTY PIKE	NON-ELEVATOR:	76	[illegible]	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY POINSETT	NON-ELEVATOR:	97	110	130	147	161
STATE AR	ELEVATOR:	106	122	143	162	178
COUNTY POLK	NON-ELEVATOR:	77	89	107	124	137
STATE AR	ELEVATOR:	85	99	118	137	150
COUNTY POPE	NON-ELEVATOR:	92	107	126	148	162
STATE AR	ELEVATOR:	101	116	140	162	179

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY PRAIRIE	NON-ELEVATOR	87	101	120	135	148
STATE AR	ELEVATOR	97	111	132	148	162
COUNTY RANDOLPH	NON-ELEVATOR:	86	100	119	134	147
STATE AR	ELEVATOR	96	110	131	146	160
COUNTY ST FRANCIS	NON-ELEVATOR	97	110	130	147	161
STATE AR	ELEVATOR	106	122	143	162	178
COUNTY SCOTT	NON-ELEVATOR:	77	[illegible]	107	124	137
STATE AR	ELEVATOR:	85	99	118	137	150
COUNTY SEARCY	NON-ELEVATOR:	92	107	126	148	162
STATE [illegible]	ELEVATOR:	101	116	140	162	179
COUNTY SEVIER	NON-ELEVATOR:	74	85	101	114	126
STATE [illegible]	ELEVATOR:	81	93	111	125	137
COUNTY SHARP	NON-ELEVATOR:	76	88	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY STONE	NON-ELEVATOR	76	[illegible]	106	119	131
STATE AR	ELEVATOR:	84	97	117	131	144
COUNTY UNION	NON-ELEVATOR	78	90	108	121	134
STATE AR	ELEVATOR:	[illegible]	100	119	134	147
COUNTY VAN BUREN	NON-ELEVATOR	76	[illegible]	106	119	131
STATE AR	ELEVATOR	[illegible]	97	117	131	144
COUNTY WHITE	NON-ELEVATOR:	87	101	120	135	148
STATE [illegible]	ELEVATOR:	97	111	132	148	162
COUNTY WOODRUFF	NON-ELEVATOR:	87	101	120	135	148
STATE AR	ELEVATOR:	97	111	132	148	162
COUNTY YELL	NON-ELEVATOR:	77	[illegible]	107	124	137
STATE [illegible]	ELEVATOR:	[illegible]	99	118	137	150

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
SMSA: AMARILLO, TX						
COUNTY POTTER	NON-ELEVATOR:	104	118	141	156	170
STATE TX	ELEVATOR:	115	130	154	170	[illegible]
COUNTY RANDALL	NON-ELEVATOR:	104	118	141	156	170
STATE TX	ELEVATOR:	115	130	154	170	[illegible]
SMSA: EL PASO, TX						
COUNTY EL PASO	NON-ELEVATOR:	120	137	165	191	211
STATE TX	ELEVATOR:	132	151	181	211	[illegible]
SMSA: LUBBOCK, TX						
COUNTY LUBBOCK	NON-ELEVATOR:	115	131	155	172	185
STATE TX	ELEVATOR:	125	145	171	190	207
SMSA: MIDLAND, TX						
COUNTY MIDLAND	NON-ELEVATOR:	111	126	149	166	181
STATE TX	ELEVATOR:	122	137	[illegible]	[illegible]	[illegible]
SMSA: ODESSA, TX						
COUNTY ECTOR	NON-ELEVATOR:	111	126	149	166	181
STATE TX	ELEVATOR:	122	137	165	182	200
NON SMSA						
COUNTY ANDREWS	NON-ELEVATOR:	[illegible]	113	135	158	172
STATE TX	ELEVATOR:	107	125	148	172	190
COUNTY ARMSTRONG	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE TX	ELEVATOR:	98	112	133	157	171
COUNTY BAILEY	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	180
COUNTY BORDEN	NON-ELEVATOR:	99	113	135	158	172
STATE TX	ELEVATOR:	107	125	148	172	190
COUNTY BREWSTER	NON-ELEVATOR:	[illegible]	113	135	[illegible]	172
STATE TX	ELEVATOR:	107	125	148	172	190

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY BRISCOE	NON-ELEVATOR:	89	102	122	142	156
STATE TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY CARSON	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY CASTRO	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY CHILDRESS	NON-ELEVATOR:	102	117	141	164	179
STATE TX	ELEVATOR:	113	129	154	[illegible]	197
COUNTY COCHRAN	NON-ELEVATOR:	93	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY COLLINGSWORT	NON-ELEVATOR:	89	102	122	142	156
STATE TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY COTTLE	NON-ELEVATOR:	102	117	141	164	179
STATE TX	ELEVATOR:	113	129	154	180	197
COUNTY CRANE	NON-ELEVATOR:	99	113	135	158	172
STATE TX	ELEVATOR:	107	125	148	172	190
COUNTY CROSLY	NON-ELEVATOR:	[illegible]	108	128	149	165
STATE TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY CULBERSON	NON-ELEVATOR:	92	107	126	142	156
STATE TX	ELEVATOR:	101	116	140	157	172
COUNTY DALLAM	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY DAWSON	NON-ELEVATOR:	[illegible]	113	135	158	172
STATE TX	ELEVATOR:	107	125	148	172	190
COUNTY DEAF SMITH	NON-ELEVATOR:	104	118	141	156	170
STATE TX	ELEVATOR:	115	130	154	170	[illegible]

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY DICKENS.	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY DONLEY	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY FISHER	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY FLOYD	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY GAINES	NON-ELEVATOR	99	113	135	158	172
STATE TX	ELEVATOR	107	125	148	172	190
COUNTY GARZA	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY GLASSCOCK	NON-ELEVATOR	99	113	135	158	172
STATE TX	ELEVATOR	107	125	148	172	190
COUNTY GRAY	NON-ELEVATOR	101	114	136	151	166
STATE TX	ELEVATOR	111	126	149	166	181
COUNTY HALE	NON-ELEVATOR	101	114	136	151	166
STATE TX	ELEVATOR	111	126	149	166	181
COUNTY HALL	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY HANSFORD	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY HARTLEY	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY HEMPHILL	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY HOCKLEY	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY HOWARD	NON-ELEVATOR	111	126	149	166	181
STATE TX	ELEVATOR	122	137	165	182	200
COUNTY HUDSPETH	NON-ELEVATOR	92	107	126	142	156
STATE TX	ELEVATOR	101	116	140	157	172
COUNTY HUTCHINSON	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY JEFF DAVIS	NON-ELEVATOR	92	107	126	142	156
STATE TX	ELEVATOR	101	116	140	157	172
COUNTY KENT	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY KING	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY LAMB	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY LIPSCOMB	NON-ELEVATOR	89	102	122	142	156
STATE TX	ELEVATOR	98	112	133	157	171
COUNTY LOVING	NON-ELEVATOR	99	113	135	158	172
STATE TX	ELEVATOR	107	125	148	172	190
COUNTY LYNN	NON-ELEVATOR	93	108	128	149	165
STATE TX	ELEVATOR	102	117	142	165	180
COUNTY MARTIN	NON-ELEVATOR	99	113	135	158	172
STATE TX	ELEVATOR	107	125	148	172	190
COUNTY MITCHELL	NON-ELEVATOR	86	100	119	139	153
STATE TX	ELEVATOR	96	110	131	154	168

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: MOORE	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: MOTLEY	NON-ELEVATOR:	93	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY: NOLAN	NON-ELEVATOR:	93	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY: OCHILTREE	NON-ELEVATOR:	89	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: OLDHAM	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: PARMER	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: PECOS	NON-ELEVATOR:	99	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: PRESIDIO	NON-ELEVATOR:	92	107	126	142	156
STATE: TX	ELEVATOR:	101	116	140	157	172
COUNTY: REEVES	NON-ELEVATOR:	99	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: ROBERTS	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: SCURRY	NON-ELEVATOR:	93	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY: SHERMAN	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: STONEWALL	NON-ELEVATOR:	[illegible]	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: SWISHER	NON-ELEVATOR:	89	102	122	142	156
STATE: TX	ELEVATOR:	[illegible]	112	133	157	171
COUNTY: TERRELL	NON-ELEVATOR:	99	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: TERRY	NON-ELEVATOR:	93	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]
COUNTY: UPTON	NON-ELEVATOR:	[illegible]	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: WARD	NON-ELEVATOR:	[illegible]	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: WHEELER	NON-ELEVATOR:	[illegible]	102	122	142	156
STATE: TX	ELEVATOR:	98	112	133	157	171
COUNTY: WINKLER	NON-ELEVATOR:	[illegible]	113	135	158	172
STATE: TX	ELEVATOR:	107	125	148	172	190
COUNTY: YOAKUM	NON-ELEVATOR:	[illegible]	108	128	149	165
STATE: TX	ELEVATOR:	102	117	142	165	[illegible]

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
SMSA: BATON ROUGE, LA						
PARISH ASCENSION	NON-ELEVATOR:	132	152	182	212	232
STATE LA	ELEVATOR:	145	167	199	232	255
PARISH E BATON ROUG	NON-ELEVATOR	132	152	182	212	232
STATE LA	ELEVATOR:	145	167	199	232	255
PARISH LIVINGSTON	NON-ELEVATOR:	132	152	182	212	232
STATE LA	ELEVATOR:	145	167	199	232	255
PARISH W BATON ROUG	NON-ELEVATOR:	132	152	182	212	232
STATE LA	ELEVATOR:	145	167	199	232	255
SMSA: LAFAYETTE, LA						
PARISH LAFAYETTE	NON-ELEVATOR	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
SMSA: LAKE CHARLES, LA						
PARISH CALCASIEU	NON-ELEVATOR	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
SMSA: NEW ORLEANS, LA						
PARISH JEFFERSON	NON-ELEVATOR:	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
PARISH ORLEANS	NON-ELEVATOR:	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
PARISH ST BERNARD	NON-ELEVATOR:	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
PARISH ST TAMMANY	NON-ELEVATOR:	117	134	161	187	213
STATE LA	ELEVATOR:	128	148	176	205	234
NON SMSA						
PARISH ACADIA	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	148	164
PARISH ALLEN	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
NON SMSA						
PARISH ASSUMPTION	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE LA	ELEVATOR:	[illegible]	112	133	149	166
PARISH BEAUREGARD	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193
PARISH CAMERON	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193
PARISH E FELICIANA	NON-ELEVATOR:	79	91	109	123	135
STATE LA	ELEVATOR:	87	101	121	135	149
PARISH EVANGELINE	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	148	164
PARISH IBERIA	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193
PARISH IBERVILLE	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	[illegible]	111	133	148	164
PARISH JEFFERSON DA	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193
PARISH LAFOURCHE	NON-ELEVATOR:	98	112	133	149	166
STATE LA	ELEVATOR:	107	124	147	164	182
PARISH PLAQUEMINES	NON-ELEVATOR:	[illegible]	102	122	136	150
STATE LA	ELEVATOR:	98	112	133	149	166
PARISH POINTE COUPE	NON-ELEVATOR:	[illegible]	[illegible]	109	123	135
STATE LA	ELEVATOR:	[illegible]	101	121	135	149
PARISH ST CHARLES	NON-ELEVATOR:	[illegible]	112	133	149	[illegible]
STATE LA	ELEVATOR:	107	124	147	164	182
PARISH ST HELENA	NON-ELEVATOR:	79	91	109	123	135
STATE LA	ELEVATOR:	[illegible]	101	121	135	149

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
NON SMSA						
PARISH ST JAMES	NON-ELEVATOR:	89	102	122	136	150
STATE LA	ELEVATOR:	[illegible]	112	133	149	166
PARISH ST JOHN THE	NON-ELEVATOR:	[illegible]	112	133	149	166
STATE LA	ELEVATOR:	107	124	147	164	182
PARISH ST LANDRY	NON-ELEVATOR:	100	115	138	160	176
STATE LA	ELEVATOR:	109	127	152	177	193
PARISH ST MARTIN	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	[illegible]	164
PARISH ST MARY	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	148	164
PARISH TANGIPAHOA	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	148	164
PARISH TERREBONNE	NON-ELEVATOR:	[illegible]	112	133	149	166
STATE LA	ELEVATOR:	107	124	147	164	182
PARISH VERMILION	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	[illegible]	111	133	148	164
PARISH WASHINGTON	NON-ELEVATOR:	87	101	121	135	149
STATE LA	ELEVATOR:	96	111	133	148	164
PARISH W FELICIANA	NON-ELEVATOR:	79	91	109	123	135
STATE LA	ELEVATOR:	87	101	121	135	149

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
SMSA: LAWTON, OK						
COUNTY: COMANCHE	NON-ELEVATOR:	123	138	167	193	212
STATE: OK	ELEVATOR:	136	153	183	212	232
SMSA: OKLAHOMA CITY, OK						
COUNTY: CANADIAN	NON-ELEVATOR:	117	134	161	187	204
STATE: OK	ELEVATOR:	128	148	176	205	225
COUNTY: CLEVELAND	NON-ELEVATOR:	117	134	161	187	204
STATE: OK	ELEVATOR:	128	148	176	205	225
COUNTY: MCCLAIN	NON-ELEVATOR:	117	134	161	187	204
STATE: OK	ELEVATOR:	128	148	176	205	225
COUNTY: OKLAHOMA	NON-ELEVATOR:	117	134	161	187	204
STATE: OK	ELEVATOR:	128	148	176	205	225
COUNTY: POTTAWATOMIE	NON-ELEVATOR:	117	134	161	187	204
STATE: OK	ELEVATOR:	128	148	176	205	225
NON SMSA						
COUNTY: ALFALFA	NON-ELEVATOR:	90	107	126	148	160
STATE: OK	ELEVATOR:	99	117	139	163	176
COUNTY: BEAVER	NON-ELEVATOR:	90	107	126	148	160
STATE: OK	ELEVATOR:	99	117	139	163	176
COUNTY: BECKHAM	NON-ELEVATOR:	102	117	141	164	179
STATE: OK	ELEVATOR:	113	129	154	180	197
COUNTY: BLAINE	NON-ELEVATOR:	90	107	126	148	160
STATE: OK	ELEVATOR:	[illegible]	117	139	163	176
COUNTY: CADDO	NON-ELEVATOR:	102	117	141	164	179
STATE: OK	ELEVATOR:	113	129	154	[illegible]	197
COUNTY: CARTER	NON-ELEVATOR:	102	117	141	164	179
STATE: OK	ELEVATOR:	113	129	154	[illegible]	197

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
NON SMSA						
COUNTY CIMARRON	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY COTTON	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY CUSTER	NON-ELEVATOR:	104	117	141	164	179
STATE OK	ELEVATOR:	115	129	154	180	197
COUNTY DEWEY	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY ELLIS	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY GARFIELD	NON-ELEVATOR:	105	128	151	177	192
STATE OK	ELEVATOR:	116	140	166	194	211
COUNTY GARVIN	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY GRADY	NON-ELEVATOR:	104	117	141	164	179
STATE OK	ELEVATOR:	115	129	154	180	197
COUNTY GRANT	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY GREER	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY HARMON	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY HARPER	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY JACKSON	NON-ELEVATOR:	105	128	151	177	192
STATE OK	ELEVATOR:	116	140	166	194	211

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
NON SMSA						
COUNTY JEFFERSON	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY JOHNSTON	NON-ELEVATOR:	90	107	123	144	156
STATE OK	ELEVATOR:	99	117	136	159	172
COUNTY KAY	NON-ELEVATOR:	105	128	151	177	192
STATE OK	ELEVATOR:	116	140	166	194	211
COUNTY KINGFISHER	NON-ELEVATOR:	96	109	129	149	162
STATE OK	ELEVATOR:	104	119	142	165	179
COUNTY KIOWA	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY LINCOLN	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY LOGAN	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY LOVE	NON-ELEVATOR:	90	107	123	144	156
STATE OK	ELEVATOR:	99	117	136	159	172
COUNTY MAJOR	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY MARSHALL	NON-ELEVATOR:	90	107	123	144	156
STATE OK	ELEVATOR:	99	117	136	159	172
COUNTY MURRAY	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY NOBLE	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY PAYNE	NON-ELEVATOR:	121	137	156	193	212
STATE OK	ELEVATOR:	134	151	183	212	233

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
NON SMSA						
COUNTY PONTOTOC	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY ROGER MILLS	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY SEMINOLE	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY STEPHENS	NON-ELEVATOR:	111	127	152	177	194
STATE OK	ELEVATOR:	122	139	167	194	213
COUNTY TEXAS	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY TILLMAN	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY WASHITA	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY WOODS	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY WOODWARD	NON-ELEVATOR:	105	128	151	177	192
STATE OK	ELEVATOR:	116	140	166	194	211

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO,TEXAS AREA OFFICE						
SMSA: AUSTIN, TX						
COUNTY:HAYS	NON-ELEVATOR:	146	168	200	233	255
STATE:TX	ELEVATOR:	161	183	219	255	281
COUNTY:TRAVIS	NON-ELEVATOR:	146	168	200	233	255
STATE:TX	ELEVATOR:	161	183	219	255	281
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX						
COUNTY:CAMERON	NON-ELEVATOR:	118	134	161	188	206
STATE:TX	ELEVATOR:	128	147	177	207	226
SMSA: CORPUS CHRISTI, TX						
COUNTY:NUECES	NON-ELEVATOR:	129	149	178	206	228
STATE:TX	ELEVATOR:	143	163	196	229	251
COUNTY:SAN PATRICIO	NON-ELEVATOR:	129	149	178	206	228
STATE:TX	ELEVATOR:	143	163	196	229	251
SMSA: LAREDO, TX						
COUNTY:WEBB	NON-ELEVATOR:	129	149	176	205	226
STATE:TX	ELEVATOR:	141	162	194	226	248
SMSA: MC ALLEN-PHARR-EDINBURG, TX						
COUNTY:HIDALGO	NON-ELEVATOR:	118	134	161	188	206
STATE:TX	ELEVATOR:	128	147	177	207	226
SMSA: SAN ANTONIO, TX						
COUNTY:BEXAR	NON-ELEVATOR:	129	149	178	206	228
STATE:TX	ELEVATOR:	143	163	196	229	251
COUNTY:COMAL	NON-ELEVATOR:	129	149	178	206	228
STATE:TX	ELEVATOR:	143	163	196	229	251
COUNTY:GUADALUPE	NON-ELEVATOR:	129	149	178	206	228
STATE:TX	ELEVATOR:	143	163	196	229	251
NON SMSA						
COUNTY:ARANSAS	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	211

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO TEXAS AREA OFFICE						
NON SMSA						
COUNTY ATASCOSA	NON-ELEVATOR	91	105	124	139	154
STATE TX	ELEVATOR	100	114	137	154	169
COUNTY BANDERA	NON-ELEVATOR	103	118	142	165	181
STATE TX	ELEVATOR	114	130	155	182	199
COUNTY BASTROP	NON-ELEVATOR	98	112	133	149	164
STATE TX	ELEVATOR	108	124	146	163	179
COUNTY BEE	NON-ELEVATOR:	114	130	155	172	191
STATE TX	ELEVATOR:	124	142	170	190	209
COUNTY BLANCO	NON-ELEVATOR:	97	111	132	148	162
STATE TX	ELEVATOR:	105	123	145	162	179
COUNTY BROOKS	NON-ELEVATOR	114	130	155	172	191
STATE TX	ELEVATOR	124	142	170	190	209
COUNTY BURNET	NON-ELEVATOR:	97	111	132	148	162
STATE TX	ELEVATOR:	105	123	145	162	179
COUNTY CALDWELL	NON-ELEVATOR:	127	141	168	196	214
STATE TX	ELEVATOR:	138	156	184	213	236
COUNTY CALHOUN	NON-ELEVATOR	91	105	124	139	154
STATE TX	ELEVATOR	100	114	137	154	169
COUNTY DE WITT	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY DIMMIT	NON-ELEVATOR:	114	130	155	172	191
STATE TX	ELEVATOR:	124	142	170	190	209
COUNTY DUVAL	NON-ELEVATOR:	114	130	155	172	191
STATE TX	ELEVATOR:	124	142	170	190	209
COUNTY EDWARDS	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169

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SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO TEXAS AREA OFFICE						
NON SMSA						
COUNTY FAYETTE	NON-ELEVATOR	96	110	131	154	168
STATE TX	ELEVATOR	104	119	144	168	183
COUNTY FRIO	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY GILLESPIE	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY GOLIAD	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY GONZALES	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY JACKSON	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY JIM HOGG	NON-ELEVATOR:	114	130	155	172	191
STATE TX	ELEVATOR:	124	142	170	190	209
COUNTY JIM WELLS	NON-ELEVATOR:	114	130	155	172	191
STATE TX	ELEVATOR:	124	142	170	190	209
COUNTY KARNES	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY KENDALL	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY KENEDY	NON-ELEVATOR	114	130	155	172	191
STATE TX	ELEVATOR	124	142	170	190	209
COUNTY KERR	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169
COUNTY KINNEY	NON-ELEVATOR:	91	105	124	139	154
STATE TX	ELEVATOR:	100	114	137	154	169

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO TEXAS AREA OFFICE						
NON SMSA						
COUNTY:KLEBERG	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:LA SALLE	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	[illegible]	[illegible]
COUNTY:LAVACA	NON-ELEVATOR:	91	105	124	[illegible]	154
STATE:TX	ELEVATOR:	100	114	137	154	169
COUNTY:LEE	NON-ELEVATOR:	97	111	132	148	162
STATE:TX	ELEVATOR:	105	123	145	162	179
COUNTY:LIVE OAK	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:LLANO	NON-ELEVATOR:	97	111	132	148	162
STATE:TX	ELEVATOR:	105	123	145	162	179
COUNTY:MCMULLEN	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:MAVERICK	NON-ELEVATOR:	111	126	150	167	184
STATE:TX	ELEVATOR:	122	137	165	185	202
COUNTY:MEDINA	NON-ELEVATOR:	91	105	124	139	154
STATE:TX	ELEVATOR:	100	114	137	154	169
COUNTY:REAL	NON-ELEVATOR:	91	105	124	139	154
STATE:TX	ELEVATOR:	100	114	137	154	169
COUNTY:REFUGIO	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:STARR	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:UVALDE	NON-ELEVATOR:	91	105	124	139	154
STATE:TX	ELEVATOR:	100	114	137	154	169

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REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO TEXAS AREA OFFICE						
NON SMSA						
COUNTY:VAL VERDE	NON-ELEVATOR:	111	126	150	167	184
STATE:TX	ELEVATOR:	122	137	165	185	202
COUNTY:VICTORIA	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	209
COUNTY:WILLACY	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	[illegible]
COUNTY:WILLIAMSON	NON-ELEVATOR:	97	111	132	[illegible]	[illegible]
STATE:TX	ELEVATOR:	106	122	145	163	179
COUNTY:WILSON	NON-ELEVATOR:	91	105	124	139	154
STATE:TX	ELEVATOR:	100	114	137	154	169
COUNTY:ZAPATA	NON-ELEVATOR:	114	130	155	172	191
STATE:TX	ELEVATOR:	124	142	170	190	209
COUNTY:ZAVALA	NON-ELEVATOR:	91	104	124	139	[illegible]
STATE:TX	ELEVATOR:	[illegible]	114	137	154	[illegible]

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT,LOUISIANA INSURING OFFICE						
SMSA: ALEXANDRIA, LA						
PARISH GRANT	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
PARISH RAPIDES	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
SMSA: LONGVIEW, TX						
COUNTY HARRISON	NON-ELEVATOR	109	125	147	164	178
STATE TX	ELEVATOR	120	136	162	178	194
SMSA: MONROE, LA						
PARISH OUACHITA	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
SMSA: SHREVEPORT-SIOUX CITY, LA						
PARISH BOSSIER	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
PARISH CADDO	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
PARISH WEBSTER	NON-ELEVATOR	104	119	143	167	182
STATE LA	ELEVATOR	115	131	158	183	201
NON SMSA						
PARISH AVOYELLES	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH BIENVILLE	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH CALDWELL	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH CATAHOULA	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH CLAIBORNE	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT,LOUISIANA INSURING OFFICE						
NON SMSA						
PARISH CONCORDIA	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH DE SOTO	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH EAST CARROLL	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH FRANKLIN	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH JACKSON	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH LA SALLE	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH LINCOLN	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH MADISON	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH MOREHOUSE	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH NATCHITOCHES	NON-ELEVATOR	100	115	138	160	176
STATE LA	ELEVATOR	111	127	151	176	194
PARISH RED RIVER	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH RICHLAND	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH SABINE	NON-ELEVATOR	[illegible]	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT,LOUISIANA INSURING OFFICE						
NON SMSA						
PARISH TENSAS	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH UNION	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH VERNON	NON-ELEVATOR	100	115	138	160	176
STATE LA	ELEVATOR	109	127	152	177	193
PARISH WEST CARROLL	NON-ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
PARISH WINN	NON ELEVATOR	84	97	117	136	149
STATE LA	ELEVATOR	93	107	128	149	165
COUNTY CASS	NON-ELEVATOR	74	85	101	114	126
STATE TX	ELEVATOR	81	93	111	125	137
COUNTY MARION	NON-ELEVATOR	78	90	108	121	134
STATE TX	ELEVATOR	86	100	119	134	147
COUNTY MORRIS	NON-ELEVATOR	74	85	101	114	126
STATE TX	ELEVATOR	81	93	111	125	137
COUNTY PANOLA	NON-ELEVATOR	78	90	108	121	134
STATE TX	ELEVATOR	86	100	119	134	147

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA,OKLAHOMA INSURING OFFICE						
SMSA: FORT SMITH, AR-OK						
COUNTY LE FLORE	NON-ELEVATOR	95	107	126	148	162
STATE OK	ELEVATOR	103	116	140	162	179
COUNTY SEQUOYAH	NON-ELEVATOR	95	107	126	148	162
STATE OK	ELEVATOR	103	116	140	162	179
SMSA: TULSA, OK						
COUNTY CREEK	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
COUNTY MAYES	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
COUNTY OSAGE	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
COUNTY ROGERS	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
COUNTY TULSA	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
COUNTY WAGONER	NON-ELEVATOR	123	138	167	193	212
STATE OK	ELEVATOR	136	153	183	212	232
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR	90	107	126	148	160
STATE OK	ELEVATOR	99	117	139	163	176
COUNTY ATOKA	NON-ELEVATOR	90	107	123	144	156
STATE OK	ELEVATOR	99	117	136	159	172
COUNTY BRYAN	NON-ELEVATOR	90	107	126	148	160
STATE OK	ELEVATOR	99	117	139	163	176
COUNTY CHEROKEE	NON-ELEVATOR	90	107	126	148	160
STATE OK	ELEVATOR	[illegible]	117	139	163	176

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA,OKLAHOMA INSURING OFFICE						
NON SMSA						
COUNTY CHOCTAW	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY COAL	NON-ELEVATOR:	90	107	123	144	156
STATE OK	ELEVATOR:	99	117	136	159	172
COUNTY CRAIG	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY DELAWARE	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY HASKELL	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY HUGHES	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY LATIMER	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY MCCURTAIN	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY MCINTOSH	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY MUSKOGEE	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY NOWATA	NON-ELEVATOR:	[illegible]	107	126	148	160
STATE OK	ELEVATOR:	99	117	139	163	176
COUNTY OKFUSKEE	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	[illegible]	117	139	163	176
COUNTY OKMULGEE	NON-ELEVATOR:	90	107	126	148	160
STATE OK	ELEVATOR:	[illegible]	117	139	163	176

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REGION 6

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA,OKLAHOMA INSURING OFFICE						
NON SMSA						
COUNTY OTTAWA	NON-ELEVATOR:	102	117	141	164	179
STATE OK	ELEVATOR:	113	129	154	180	197
COUNTY PAWNEE	NON-ELEVATOR:	[illegible]	107	126	148	160
STATE OK	ELEVATOR:	[illegible]	117	139	163	176
COUNTY PITTSBURG	NON-ELEVATOR:	87	[illegible]	118	132	145
STATE OK	ELEVATOR:	97	109	129	145	159
COUNTY PUSHMATAHA	NON-ELEVATOR:	90	107	123	144	156
STATE OK	ELEVATOR:	99	117	136	159	172
COUNTY WASHINGTON	NON-ELEVATOR:	105	128	151	177	192
STATE OK	ELEVATOR:	116	140	[illegible]	194	211

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REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
SMSA: CEDAR RAPIDS, IA						
COUNTY LINN	NON-ELEVATOR	143	165	195	227	253
STATE IA	ELEVATOR	150	181	215	249	278
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL						
COUNTY SCOTT	NON-ELEVATOR	154	175	230	273	296
STATE IA	ELEVATOR	169	192	253	301	325
SMSA: DES MOINES, IA						
COUNTY POLK	NON-ELEVATOR	151	172	206	240	261
STATE IA	ELEVATOR	165	189	226	263	[illegible]
COUNTY WARREN	NON-ELEVATOR	151	172	206	240	261
STATE IA	ELEVATOR	165	189	226	263	286
SMSA: DUBUQUE, IA						
COUNTY DUBUQUE	NON-ELEVATOR	121	140	169	187	206
STATE IA	ELEVATOR	134	153	186	205	227
SMSA: OMAHA, NE-IA						
COUNTY POTTAWATTAMI	NON-ELEVATOR	147	169	202	236	256
STATE IA	ELEVATOR	162	186	222	[illegible]	281
SMSA: SIOUX CITY, IA-NE						
COUNTY WOODBURY	NON-ELEVATOR	129	147	176	202	230
STATE IA	ELEVATOR	141	162	192	223	253
SMSA: WATERLOO-CEDAR FALLS, IA						
COUNTY BLACK HAWK	NON-ELEVATOR	130	149	179	207	228
STATE IA	ELEVATOR	141	164	197	228	251
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR	111	127	154	171	188
STATE IA	ELEVATOR	121	141	168	187	206
COUNTY ADAMS	NON-ELEVATOR	105	121	146	162	179
STATE IA	ELEVATOR	116	133	161	179	196
COUNTY ALLAMAKEE	NON-ELEVATOR	108	124	149	166	183
STATE IA	ELEVATOR	118	135	163	182	200

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REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA						
COUNTY APPANOOSE	NON-ELEVATOR:	111	127	154	171	188
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY AUDUBON	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY BENTON	NON-ELEVATOR	141	163	194	227	[illegible]
STATE IA	ELEVATOR	156	178	214	249	272
COUNTY BOONE	NON-ELEVATOR	111	127	154	171	188
STATE IA	ELEVATOR	121	141	168	187	206
COUNTY BREMER	NON-ELEVATOR:	118	135	163	190	207
STATE IA	ELEVATOR	130	148	179	207	227
COUNTY BUCHANAN	NON-ELEVATOR	118	135	163	190	207
STATE IA	ELEVATOR	130	148	179	207	227
COUNTY BUENA VISTA	NON-ELEVATOR	105	121	146	162	179
STATE IA	ELEVATOR	116	133	161	179	196
COUNTY BUTLER	NON-ELEVATOR:	118	135	163	190	207
STATE IA	ELEVATOR:	130	148	179	207	227
COUNTY CALHOUN	NON-ELEVATOR	105	121	146	162	179
STATE IA	ELEVATOR	116	133	161	179	196
COUNTY CARROLL	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR	116	133	161	179	196
COUNTY CASS	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY CEDAR	NON-ELEVATOR:	141	163	194	227	[illegible]
STATE IA	ELEVATOR	156	178	214	249	272
COUNTY CERRO GORDO	NON-ELEVATOR:	118	135	163	190	207
STATE IA	ELEVATOR:	130	148	179	207	227

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA						
COUNTY CHEROKEE	NON-ELEVATOR:	107	12[illegible]	147	164	181
STATE IA	ELEVATOR:	117	13[illegible]	162	181	199
COUNTY CHICKASAW	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY CLARKE	NON-ELEVATOR:	111	12[illegible]	154	171	188
STATE IA	ELEVATOR:	121	14[illegible]	168	187	206
COUNTY CLAY	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY CLAYTON	NON-ELEVATOR:	108	12[illegible]	149	166	183
STATE IA	ELEVATOR:	118	13[illegible]	163	182	200
COUNTY CLINTON	NON-ELEVATOR:	144	[illegible]	195	217	245
STATE IA	ELEVATOR:	159	17[illegible]	215	239	269
COUNTY CRAWFORD	NON-ELEVATOR:	107	12[illegible]	147	164	181
STATE IA	ELEVATOR:	117	13[illegible]	162	181	199
COUNTY DALLAS	NON-ELEVATOR:	111	12[illegible]	154	171	188
STATE IA	ELEVATOR:	121	14[illegible]	168	187	206
COUNTY DAVIS	NON-ELEVATOR:	111	12[illegible]	154	171	188
STATE IA	ELEVATOR:	121	14[illegible]	168	187	206
COUNTY DECATUR	NON-ELEVATOR:	111	12[illegible]	154	171	188
STATE IA	ELEVATOR:	121	14[illegible]	168	187	206
COUNTY DELAWARE	NON-ELEVATOR:	108	12[illegible]	149	166	183
STATE IA	ELEVATOR:	118	13[illegible]	163	182	200
COUNTY DES MOINES	NON-ELEVATOR:	120	13[illegible]	165	183	203
STATE IA	ELEVATOR:	133	15[illegible]	181	202	222
COUNTY DICKINSON	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA						
COUNTY EMMET	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY FAYETTE	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY FLOYD	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY FRANKLIN	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY FREMONT	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY GREENE	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY GRUNDY	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY GUTHRIE	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY HAMILTON	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY HANCOCK	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY HARDIN	NON-ELEVATOR:	118	13[illegible]	163	190	207
STATE IA	ELEVATOR:	130	14[illegible]	179	207	227
COUNTY HARRISON	NON-ELEVATOR:	105	12[illegible]	146	162	179
STATE IA	ELEVATOR:	116	13[illegible]	161	179	196
COUNTY HENRY	NON-ELEVATOR:	[illegible]	12[illegible]	150	168	184
STATE IA	ELEVATOR:	119	13[illegible]	165	183	203

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA						
COUNTY:HOWARD	NON-ELEVATOR:	108	124	149	166	183
STATE:IA	ELEVATOR:	118	135	163	182	[illegible]
COUNTY:HUMBOLDT	NON-ELEVATOR:	105	121	146	162	179
STATE:IA	ELEVATOR:	116	133	161	179	[illegible]
COUNTY:IDA	NON-ELEVATOR:	107	123	147	164	181
STATE:IA	ELEVATOR:	117	134	162	181	[illegible]
COUNTY:IOWA	NON-ELEVATOR:	141	163	194	227	[illegible]
STATE:IA	ELEVATOR:	156	178	214	[illegible]	[illegible]
COUNTY:JACKSON	NON-ELEVATOR:	108	124	149	166	183
STATE:IA	ELEVATOR:	118	135	163	182	[illegible]
COUNTY:JASPER	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	206
COUNTY:JEFFERSON	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	206
COUNTY:JOHNSON	NON-ELEVATOR:	152	178	210	[illegible]	[illegible]
STATE:IA	ELEVATOR:	166	196	230	267	[illegible]
COUNTY:JONES	NON-ELEVATOR:	141	163	194	227	[illegible]
STATE:IA	ELEVATOR:	156	178	214	[illegible]	272
COUNTY:KEOKUK	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	[illegible]
COUNTY:KOSSUTH	NON-ELEVATOR:	118	135	163	190	207
STATE:IA	ELEVATOR:	130	148	179	207	227
COUNTY:LEE	NON-ELEVATOR:	117	133	161	179	[illegible]
STATE:IA	ELEVATOR:	129	147	177	196	[illegible]
COUNTY:LOUISA	NON-ELEVATOR:	120	139	165	183	[illegible]
STATE:IA	ELEVATOR:	132	151	181	[illegible]	[illegible]

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA						
COUNTY:LUCAS	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	206
COUNTY:LYON	NON-ELEVATOR:	118	135	163	181	199
STATE:IA	ELEVATOR:	130	148	179	[illegible]	218
COUNTY:MADISON	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	[illegible]
COUNTY:MAHASKA	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	[illegible]
COUNTY:MARION	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	[illegible]
COUNTY:MARSHALL	NON-ELEVATOR:	119	135	164	[illegible]	[illegible]
STATE:IA	ELEVATOR:	132	149	180	[illegible]	220
COUNTY:MILLS	NON-ELEVATOR:	105	121	146	162	179
STATE:IA	ELEVATOR:	116	133	161	179	196
COUNTY:MITCHELL	NON-ELEVATOR:	118	135	163	190	207
STATE:IA	ELEVATOR:	130	148	179	207	227
COUNTY:MONONA	NON-ELEVATOR:	107	123	147	164	181
STATE:IA	ELEVATOR:	117	134	162	181	[illegible]
COUNTY:MONROE	NON-ELEVATOR:	111	127	154	171	[illegible]
STATE:IA	ELEVATOR:	121	141	168	187	[illegible]
COUNTY:MONTGOMERY	NON-ELEVATOR:	105	121	146	162	179
STATE:IA	ELEVATOR:	116	133	161	179	196
COUNTY:MUSCATINE	NON-ELEVATOR:	141	163	198	[illegible]	[illegible]
STATE:IA	ELEVATOR:	156	179	218	253	272
COUNTY:O BRIEN	NON-ELEVATOR:	107	123	147	[illegible]	[illegible]
STATE:IA	ELEVATOR:	117	134	162	181	[illegible]

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY OSCEOLA	NON-ELEVATOR:	118	135	163	181	199
STATE IA	ELEVATOR:	130	148	179	199	218
COUNTY PAGE	NON-ELEVATOR	105	121	146	162	179
STATE IA	ELEVATOR	116	133	161	179	196
COUNTY PALO ALTO	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY PLYMOUTH	NON-ELEVATOR:	107	123	147	164	181
STATE IA	ELEVATOR:	117	134	162	181	199
COUNTY POCAHONTAS	NON-ELEVATOR	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY POWESHIEK	NON-ELEVATOR:	111	127	154	171	189
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY RINGGOLD	NON-ELEVATOR:	111	127	154	171	188
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY SAC	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY SHELBY	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196
COUNTY SIOUX	NON-ELEVATOR:	107	123	147	164	181
STATE IA	ELEVATOR	117	134	162	181	199
COUNTY STORY	NON-ELEVATOR	122	140	168	189	206
STATE IA	ELEVATOR:	135	153	185	206	227
COUNTY TAMA	NON-ELEVATOR:	111	127	154	171	189
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY TAYLOR	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY UNION	NON-ELEVATOR:	111	127	154	171	189
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY VAN BUREN	NON-ELEVATOR:	111	127	154	171	189
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY WAPELLO	NON-ELEVATOR:	111	127	154	171	188
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY WASHINGTON	NON-ELEVATOR:	120	139	165	183	203
STATE IA	ELEVATOR:	132	151	181	202	222
COUNTY WAYNE	NON-ELEVATOR:	111	127	154	171	188
STATE IA	ELEVATOR:	121	141	168	187	206
COUNTY WEBSTER	NON-ELEVATOR:	141	163	209	221	242
STATE IA	ELEVATOR:	156	179	220	243	267
COUNTY WINNEBAGO	NON-ELEVATOR:	118	135	163	190	207
STATE IA	ELEVATOR:	130	148	179	207	227
COUNTY WINNESHIEK	NON-ELEVATOR:	108	124	149	166	183
STATE IA	ELEVATOR:	118	135	163	182	200
COUNTY WORTH	NON-ELEVATOR:	118	135	163	190	207
STATE IA	ELEVATOR:	130	148	179	207	227
COUNTY WRIGHT	NON-ELEVATOR:	105	121	146	162	179
STATE IA	ELEVATOR:	116	133	161	179	196

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY, KANSAS AREA OFFICE						
SMSA: KANSAS CITY, MO-KS						
COUNTY CASS	NON-ELEVATOR:	136	156	187	215	246
STATE MO	ELEVATOR:	150	172	204	237	270
COUNTY CLAY	NON-ELEVATOR:	136	156	187	215	246
STATE MO	ELEVATOR:	150	172	204	237	270
COUNTY JACKSON	NON-ELEVATOR:	136	156	187	215	246
STATE MO	ELEVATOR:	150	172	204	237	270
COUNTY PLATTE	NON-ELEVATOR:	136	156	187	215	246
STATE MO	ELEVATOR:	150	172	204	237	270
COUNTY RAY	NON-ELEVATOR:	136	156	187	215	246
STATE MO	ELEVATOR:	150	172	204	237	270
COUNTY JOHNSON	NON-ELEVATOR:	136	156	187	215	246
STATE KS	ELEVATOR:	150	172	204	237	270
COUNTY WYANDOTTE	NON-ELEVATOR:	136	156	187	215	246
STATE KS	ELEVATOR:	150	172	204	237	270
SMSA: ST JOSEPH, MO						
COUNTY ANDREW	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY BUCHANEN	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
SMSA: SPRINGFIELD, MO						
COUNTY CHRISTIAN	NON-ELEVATOR:	109	126	152	177	198
STATE MO	ELEVATOR:	121	140	166	194	213
COUNTY GREENE	NON-ELEVATOR:	109	126	152	177	199
STATE MO	ELEVATOR:	121	140	166	194	213
NON SMSA						
COUNTY ATCHISON	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY, KANSAS AREA OFFICE						
NON SMSA						
COUNTY BARRY	NON-ELEVATOR:	96	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY BARTON	NON-ELEVATOR:	83	95	115	130	142
STATE MO	ELEVATOR:	91	104	126	141	155
COUNTY BATES	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY BENTON	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY CALDWELL	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY CAMDEN	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY CARROLL	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY CEDAR	NON-ELEVATOR:	83	95	115	128	142
STATE MO	ELEVATOR:	91	104	126	141	155
COUNTY CHARITON	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY CLINTON	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY DADE	NON-ELEVATOR:	96	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY DALLAS	NON-ELEVATOR:	96	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY DAVIESS	NON-ELEVATOR:	96	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA						
COUNTY DE KALB	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY GENTRY	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY [illegible]	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY HARRISON	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY HENRY	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY HICKORY	NON-ELEVATOR:	94	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY HOLT	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY JASPER	NON-ELEVATOR:	91	104	125	140	154
STATE [illegible]	ELEVATOR:	99	113	138	154	169
COUNTY [illegible]	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY LACLEDE	NON-ELEVATOR:	102	118	143	158	173
STATE MO	ELEVATOR:	114	130	157	174	191
COUNTY LAFAYETTE	NON-ELEVATOR:	95	111	134	149	165
STATE [illegible]	ELEVATOR:	107	123	147	164	181
COUNTY LAWRENCE	NON-ELEVATOR:	94	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY LINN	NON-ELEVATOR:	117	134	161	180	196
STATE [illegible]	ELEVATOR:	129	147	177	197	216

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA						
COUNTY LIVINGSTON	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY MCDONALD	NON-ELEVATOR:	83	96	115	128	142
STATE MO	ELEVATOR:	91	104	126	141	155
COUNTY MERCER	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY MILLER	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY MORGAN	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY NEWTON	NON-ELEVATOR:	91	104	125	140	154
STATE MO	ELEVATOR:	99	113	138	154	169
COUNTY NODAWAY	NON-ELEVATOR:	105	122	146	162	179
STATE MO	ELEVATOR:	117	134	161	179	197
COUNTY PETTIS	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181
COUNTY POLK	NON-ELEVATOR:	94	109	132	153	167
STATE MO	ELEVATOR:	104	120	144	166	184
COUNTY PULASKI	NON-ELEVATOR:	102	118	143	158	173
STATE MO	ELEVATOR:	114	130	157	174	191
COUNTY PUTNAM	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY ST CLAIR	NON-ELEVATOR:	83	96	115	128	142
STATE MO	ELEVATOR:	91	104	126	141	155
COUNTY SALINE	NON-ELEVATOR:	95	111	134	149	165
STATE MO	ELEVATOR:	107	123	147	164	181

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY KANSAS AREA OFFICE						
NON SMSA						
COUNTY STONE	NON-ELEVATOR	94	109	132	153	167
STATE MO	ELEVATOR	104	120	144	168	184
COUNTY SULLIVAN	NON-ELEVATOR	117	134	161	180	196
STATE MO	ELEVATOR	129	147	177	197	216
COUNTY TANEY	NON-ELEVATOR	94	109	132	153	167
STATE MO	ELEVATOR	104	120	144	168	184
COUNTY VERNON	NON-ELEVATOR	83	96	115	128	142
STATE MO	ELEVATOR	91	104	126	141	155
COUNTY WEBSTER	NON-ELEVATOR	94	109	132	153	167
STATE MO	ELEVATOR	104	120	144	168	184
COUNTY WORTH	NON-ELEVATOR	95	111	134	149	165
STATE MO	ELEVATOR	107	123	147	164	181

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE						
SMSA: LINCOLN, NE						
COUNTY LANCASTER	NON-ELEVATOR	134	154	185	215	236
STATE NE	ELEVATOR	147	170	203	237	259
SMSA: OMAHA, NE-IA						
COUNTY POTTAWATTAMI	NON-ELEVATOR	147	169	202	236	256
STATE IA	ELEVATOR	162	186	222	258	281
COUNTY DOUGLAS	NON-ELEVATOR	147	169	202	236	256
STATE NE	ELEVATOR	162	186	222	258	281
COUNTY SARPY	NON-ELEVATOR	147	169	202	236	256
STATE NE	ELEVATOR	162	186	222	258	281
SMSA: SIOUX CITY, IA-NE						
COUNTY DAKOTA	NON-ELEVATOR	129	147	176	202	230
STATE NE	ELEVATOR	141	162	192	223	253
NON SMSA						
COUNTY ADAMS	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY ANTELOPE	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY ARTHUR	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY BANNER	NON-ELEVATOR	100	114	138	154	169
STATE NE	ELEVATOR	110	126	152	169	186
COUNTY BLAINE	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY BOONE	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY BOX BUTTE	NON-ELEVATOR	100	114	138	154	169
STATE NE	ELEVATOR	110	126	152	169	186

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RULES AND REGULATIONS

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY BOYD	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY BROWN	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY BUFFALO	NON-ELEVATOR:	112	128	155	173	190
STATE NE	ELEVATOR:	123	141	169	191	208
COUNTY BURT	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY BUTLER	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY CASS	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY CEDAR	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY CHASE	NON-ELEVATOR:	116	133	160	178	195
STATE NE	ELEVATOR:	126	146	176	196	215
COUNTY CHERRY	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY CHEYENNE	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY CLAY	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY COLFAX	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY CUMING	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY CUSTER	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY DAWES	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY DAWSON	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY DEUEL	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY DIXON	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY DODGE	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY DUNDY	NON-ELEVATOR:	116	133	160	178	195
STATE NE	ELEVATOR:	126	146	176	196	215
COUNTY FILLMORE	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY FRANKLIN	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY FRONTIER	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY FURNAS	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY GAGE	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY GARDEN	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186

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RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY GARFIELD	NON ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY GOSPER	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY GRANT	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY GREELEY	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY HALL	NON-ELEVATOR	112	128	155	173	190
STATE NE	ELEVATOR	123	141	169	191	208
COUNTY HAMILTON	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY HARLAN	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY HAYES	NON ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY HITCHCOCK	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY HOLT	NON-ELEVATOR	107	123	147	164	181
STATE NE	ELEVATOR	117	134	162	181	199
COUNTY HOOKER	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY HOWARD	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY JEFFERSON	NON-ELEVATOR	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY JOHNSON	NON-ELEVATOR	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY KEARNEY	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY KEITH	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY KEYA PAHA	NON-ELEVATOR	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY KIMBALL	NON-ELEVATOR	100	114	138	154	169
STATE NE	ELEVATOR	110	126	152	169	186
COUNTY KNOX	NON-ELEVATOR	107	123	147	164	181
STATE NE	ELEVATOR	117	134	162	181	199
COUNTY LINCOLN	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY LOGAN	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY LOUP	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY MCPHERSON	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY MADISON	NON-ELEVATOR	107	123	147	164	181
STATE NE	ELEVATOR	117	134	162	181	199
COUNTY MERRICK	NON-ELEVATOR	102	117	141	157	172
STATE NE	ELEVATOR	112	129	156	172	190
COUNTY MORRILL	NON-ELEVATOR	100	114	138	154	169
STATE NE	ELEVATOR	110	126	152	169	186

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY NANCE	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY NEMAHA	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY NUCKOLLS	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY OTOE	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY PAWNEE	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY PERKINS	NON-ELEVATOR:	116	133	160	178	195
STATE NE	ELEVATOR:	126	146	176	196	215
COUNTY PHELPS	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY PIERCE	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY PLATTE	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY POLK	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY RED WILLOW	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY RICHARDSON	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY ROCK	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY SALINE	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY SAUNDERS	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196
COUNTY SCOTTS BLUFF	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY SEWARD	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY SHERIDAN	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY SHERMAN	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY SIOUX	NON-ELEVATOR:	100	114	138	154	169
STATE NE	ELEVATOR:	110	126	152	169	186
COUNTY STANTON	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY THAYER	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205
COUNTY THOMAS	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY THURSTON	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY VALLEY	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY WASHINGTON	NON-ELEVATOR:	105	121	146	162	179
STATE NE	ELEVATOR:	116	133	161	179	196

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY WAYNE	NON-ELEVATOR:	107	123	147	164	181
STATE NE	ELEVATOR:	117	134	162	181	199
COUNTY WEBSTER	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY WHEELER	NON-ELEVATOR:	102	117	141	157	172
STATE NE	ELEVATOR:	112	129	156	172	190
COUNTY YORK	NON-ELEVATOR:	105	121	146	170	186
STATE NE	ELEVATOR:	116	133	161	187	205

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
SMSA: COLUMBIA, MO						
COUNTY BOONE	NON-ELEVATOR:	137	157	180	212	230
STATE MO	ELEVATOR:	151	173	206	232	253
SMSA: ST LOUIS, MO-IL						
COUNTY FRANKLIN	NON-ELEVATOR:	146	170	203	234	265
STATE MO	ELEVATOR:	161	185	221	257	292
COUNTY JEFFERSON	NON-ELEVATOR:	146	170	203	234	265
STATE MO	ELEVATOR:	161	185	221	257	292
COUNTY ST CHARLES	NON-ELEVATOR:	146	170	203	234	265
STATE MO	ELEVATOR:	161	185	221	257	292
COUNTY ST LOUIS	NON-ELEVATOR:	146	170	203	234	265
STATE MO	ELEVATOR:	161	185	221	257	292
INDEP CITY ST. LOUIS	NON-ELEVATOR:	146	170	203	234	265
STATE MO	ELEVATOR:	161	185	221	257	292
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR:	132	150	179	199	216
STATE MO	ELEVATOR:	145	165	197	218	238
COUNTY AUDRAIN	NON-ELEVATOR:	117	134	161	180	196
STATE MO	ELEVATOR:	129	147	177	197	216
COUNTY BOLLINGER	NON-ELEVATOR:	92	105	126	142	155
STATE MO	ELEVATOR:	101	116	139	156	171
COUNTY BUTLER	NON-ELEVATOR:	92	105	126	142	156
STATE MO	ELEVATOR:	101	116	139	156	171
COUNTY CALLAWAY	NON-ELEVATOR:	132	150	179	199	216
STATE MO	ELEVATOR:	145	165	197	218	238
COUNTY CAPE GIRARDE	NON-ELEVATOR:	111	127	150	168	182
STATE MO	ELEVATOR:	122	140	165	182	200

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY: CARTER	NON-ELEVATOR:	[illegible]	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: CLARK	NON-ELEVATOR:	109	125	150	168	184
STATE: MO	ELEVATOR:	119	138	165	183	203
COUNTY: COLE	NON-ELEVATOR:	129	148	176	197	214
STATE: MO	ELEVATOR:	141	163	192	216	235
COUNTY: COOPER	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: CRAWFORD	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: DENT	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: DOUGLAS	NON-ELEVATOR:	[illegible]	109	132	153	167
STATE: MO	ELEVATOR:	104	120	144	168	[illegible]
COUNTY: DUNKLIN	NON-ELEVATOR:	[illegible]	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: GASCONADE	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: HOWARD	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: HOWELL	NON-ELEVATOR:	94	109	132	153	167
STATE: MO	ELEVATOR:	104	120	144	[illegible]	[illegible]
COUNTY: IRON	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: KNOX	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216

PREPARED BY HUD - EMAD,(CO), MARCH 23, 1977

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY: LEWIS	NON-ELEVATOR:	109	125	150	[illegible]	184
STATE: MO	ELEVATOR:	119	138	165	183	203
COUNTY: LINCOLN	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: MACON	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: MADISON	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: MARIES	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: MARION	NON-ELEVATOR:	109	125	150	168	184
STATE: MO	ELEVATOR:	119	138	165	183	203
COUNTY: MISSISSIPPI	NON-ELEVATOR:	92	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: MONITEAU	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: MONROE	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: MONTGOMERY	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: NEW MADRID	NON-ELEVATOR:	92	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	[illegible]	171
COUNTY: OREGON	NON-ELEVATOR:	[illegible]	109	132	153	167
STATE: MO	ELEVATOR:	104	120	144	168	184
COUNTY: OSAGE	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY: OZARK	NON-ELEVATOR:	94	109	132	153	[illegible]
STATE: MO	ELEVATOR:	104	120	144	[illegible]	184
COUNTY: PEMISCOT	NON-ELEVATOR:	92	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: PERRY	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: PHELPS	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: PIKE	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: RALLS	NON-ELEVATOR:	109	125	150	[illegible]	[illegible]
STATE: MO	ELEVATOR:	119	138	165	183	203
COUNTY: RANDOLPH	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: REYNOLDS	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: RIPLEY	NON-ELEVATOR:	92	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: ST FRANCOIS	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: STE GENEVIEV	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: SCHUYLER	NON-ELEVATOR:	117	134	161	180	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: SCOTLAND	NON-ELEVATOR:	117	134	161	[illegible]	196
STATE: MO	ELEVATOR:	129	147	177	197	216

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY: SCOTT	NON-ELEVATOR:	111	127	150	166	182
STATE: MO	ELEVATOR:	122	140	165	182	[illegible]
COUNTY: SHANNON	NON-ELEVATOR:	94	109	132	153	167
STATE: MO	ELEVATOR:	104	120	144	168	[illegible]
COUNTY: SHELBY	NON-ELEVATOR:	117	134	161	[illegible]	196
STATE: MO	ELEVATOR:	129	147	177	197	216
COUNTY: STODDARD	NON-ELEVATOR:	[illegible]	105	126	142	156
STATE: MO	ELEVATOR:	101	116	139	156	171
COUNTY: TEXAS	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: WARREN	NON-ELEVATOR:	102	118	143	[illegible]	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: WASHINGTON	NON-ELEVATOR:	102	118	143	158	173
STATE: MO	ELEVATOR:	114	130	157	174	191
COUNTY: WAYNE	NON-ELEVATOR:	92	105	126	142	[illegible]
STATE: MO	ELEVATOR:	101	116	[illegible]	156	171
COUNTY: WRIGHT	NON-ELEVATOR:	94	109	132	153	167
STATE: MO	ELEVATOR:	104	120	144	[illegible]	184

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
SMSA: TOPEKA, KS						
COUNTY:JEFFERSON	NON-ELEVATOR:	124	144	172	200	218
STATE:KS	ELEVATOR:	137	157	189	219	240
COUNTY:OSAGE	NON-ELEVATOR:	124	144	172	200	218
STATE:KS	ELEVATOR:	137	157	189	219	240
COUNTY:SHAWNEE	NON-ELEVATOR:	124	144	172	200	218
STATE:KS	ELEVATOR:	137	157	189	219	240
SMSA: WICHITA, KS						
COUNTY:BUTLER	NON-ELEVATOR:	116	133	160	185	204
STATE:KS	ELEVATOR:	126	146	176	204	224
COUNTY:SEDGWICK	NON-ELEVATOR:	116	133	160	185	204
STATE:KS	ELEVATOR:	126	146	176	204	224
NON SMSA						
COUNTY:ALLEN	NON-ELEVATOR:	83	96	115	128	142
STATE:KS	ELEVATOR:	91	104	126	141	155
COUNTY:ANDERSON	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:ATCHISON	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:BARBER	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:BARTON	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:BOURBON	NON-ELEVATOR:	83	96	115	128	142
STATE:KS	ELEVATOR:	91	104	126	141	155
COUNTY:BROWN	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY:CHASE	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:CHAUTAUQUA	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:CHEROKEE	NON-ELEVATOR:	83	96	115	128	142
STATE:KS	ELEVATOR:	91	104	126	141	155
COUNTY:CHEYENNE	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:CLARK	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:CLAY	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:CLOUD	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:COFFEY	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:COMANCHE	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:COWLEY	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:CRAWFORD	NON-ELEVATOR:	83	96	115	128	142
STATE:KS	ELEVATOR:	91	104	126	141	155
COUNTY:DECATUR	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:DICKINSON	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY:DONIPHAN	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:DOUGLAS	NON-ELEVATOR:	124	144	172	200	218
STATE:KS	ELEVATOR:	137	157	189	219	240
COUNTY:EDWARDS	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:ELK	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:ELLIS	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:ELLSWORTH	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:FINNEY	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:FORD	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:FRANKLIN	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:GEARY	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:GOVE	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:GRAHAM	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:GRANT	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY:GRAY	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:GREELEY	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:GREENWOOD	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:HAMILTON	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:HARPER	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:HARVEY	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:HASKELL	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:HODGEMAN	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:JACKSON	NON-ELEVATOR:	101	116	139	155	171
STATE:KS	ELEVATOR:	111	127	154	171	188
COUNTY:JEWELL	NON-ELEVATOR:	95	110	133	148	162
STATE:KS	ELEVATOR:	105	121	146	162	178
COUNTY:KEARNY	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:KINGMAN	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166
COUNTY:KIOWA	NON-ELEVATOR:	89	102	123	137	150
STATE:KS	ELEVATOR:	98	112	135	150	166

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY LABETTE	NON-ELEVATOR:	[illegible]	96	115	128	142
STATE KS	ELEVATOR:	91	104	126	141	155
COUNTY LANE	NON-ELEVATOR:	[illegible]	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY LEAVENWORTH	NON-ELEVATOR:	124	144	172	200	218
STATE KS	ELEVATOR:	137	157	189	219	240
COUNTY LINCOLN	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY LINN	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY LOGAN	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY LYON	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY MCPHERSON	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY MARION	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	166
COUNTY MARSHALL	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY MEADE	NON-ELEVATOR:	89	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	166
COUNTY MIAMI	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY MITCHELL	NON-ELEVATOR:	95	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	162	178

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY MONTGOMERY	NON-ELEVATOR:	[illegible]	96	115	128	142
STATE KS	ELEVATOR:	91	104	126	141	155
COUNTY MORRIS	NON-ELEVATOR:	95	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY MORTON	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	[illegible]	112	135	150	166
COUNTY NEMAHA	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY NEOSHO	NON-ELEVATOR:	[illegible]	96	115	[illegible]	142
STATE KS	ELEVATOR:	91	104	126	141	155
COUNTY NESS	NON-ELEVATOR:	95	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY NORTON	NON-ELEVATOR:	[illegible]	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY OSBORNE	NON-ELEVATOR:	95	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	[illegible]	178
COUNTY OTTAWA	NON-ELEVATOR:	[illegible]	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY PAWNEE	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	[illegible]	112	135	150	166
COUNTY PHILLIPS	NON-ELEVATOR:	95	110	133	[illegible]	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY POTTAWATOMIE	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	[illegible]
COUNTY PRATT	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	[illegible]

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY RAWLINS	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY RENO	NON-ELEVATOR:	89	102	123	137	150
STATE KS	ELEVATOR:	[illegible]	112	135	150	166
COUNTY REPUBLIC	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY RICE	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY RILEY	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	[illegible]
COUNTY ROOKS	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY RUSH	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY RUSSELL	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY SALINE	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY SCOTT	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY SEWARD	NON-ELEVATOR:	89	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	166
COUNTY SHERIDAN	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY SHERMAN	NON-ELEVATOR:	[illegible]	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178

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REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA						
COUNTY SMITH	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY STAFFORD	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	[illegible]	112	135	150	166
COUNTY STANTON	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	166
COUNTY STEVENS	NON-ELEVATOR:	[illegible]	102	123	137	150
STATE KS	ELEVATOR:	[illegible]	112	135	150	166
COUNTY SUMNER	NON-ELEVATOR:	89	102	123	137	150
STATE KS	ELEVATOR:	98	112	135	150	166
COUNTY THOMAS	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY TREGO	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY WABAUNSEE	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	[illegible]
COUNTY WALLACE	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY WASHINGTON	NON-ELEVATOR:	101	116	139	155	171
STATE KS	ELEVATOR:	111	127	154	171	188
COUNTY WICHITA	NON-ELEVATOR:	95	110	133	148	162
STATE KS	ELEVATOR:	105	121	146	162	178
COUNTY WILSON	NON-ELEVATOR:	[illegible]	[illegible]	115	128	142
STATE KS	ELEVATOR:	91	104	126	141	155
COUNTY WOODSON	NON-ELEVATOR:	[illegible]	96	115	128	142
STATE KS	ELEVATOR:	91	104	126	141	155

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CASPER,WYOMING INSURING OFFICE						
NON SMSA						
COUNTY ALBANY	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY BIG HORN	NON-ELEVATOR:	106	121	144	166	181
STATE WY	ELEVATOR:	116	133	158	182	199
COUNTY CAMPBELL	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY CARBON	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY CONVERSE	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY CROOK	NON-ELEVATOR:	106	121	144	159	174
STATE WY	ELEVATOR:	116	133	158	175	192
COUNTY FREMONT	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY GOSHEN	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY HOT SPRINGS	NON-ELEVATOR:	106	121	144	166	181
STATE WY	ELEVATOR:	116	133	158	182	199
COUNTY JOHNSON	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY LARAMIE	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY LINCOLN	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY NATRONA	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CASPER,WYOMING INSURING OFFICE						
NON SMSA						
COUNTY NIOBRARA	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY PARK	NON-ELEVATOR:	106	121	144	166	181
STATE WY	ELEVATOR:	116	133	158	182	199
COUNTY PLATTE	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY SHERIDAN	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY SUBLETTE	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY SWEETWATER	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY TETON	NON-ELEVATOR:	140	158	188	206	227
STATE WY	ELEVATOR:	153	174	207	227	251
COUNTY UINTA	NON-ELEVATOR:	101	116	138	152	167
STATE WY	ELEVATOR:	112	128	153	168	183
COUNTY WASHAKIE	NON-ELEVATOR:	106	121	144	166	181
STATE WY	ELEVATOR:	116	133	158	182	199
COUNTY WESTON	NON-ELEVATOR:	106	121	144	159	174
STATE WY	ELEVATOR:	116	133	158	175	192

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
SMSA: COLORADO SPRINGS, CO						
COUNTY EL PASO	NON-ELEVATOR:	116	130	170	195	213
STATE CO	ELEVATOR:	127	144	187	214	235
COUNTY TELLER	NON-ELEVATOR:	116	130	170	195	213
STATE CO	ELEVATOR:	127	144	187	214	235
SMSA: DENVER-BOULDER - CO						
COUNTY ADAMS	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY ARAPAHOE	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY BOULDER	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY DENVER	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY DOUGLAS	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY GILPIN	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
COUNTY JEFFERSON	NON-ELEVATOR:	151	171	202	223	243
STATE CO	ELEVATOR:	166	188	223	245	268
SMSA: FORT COLLINS, CO						
COUNTY LARIMER	NON-ELEVATOR:	119	135	162	177	194
STATE CO	ELEVATOR:	130	149	177	195	214
SMSA: GREELEY, CO						
COUNTY WELD	NON-ELEVATOR:	119	135	162	177	194
STATE CO	ELEVATOR:	130	149	177	195	214
SMSA: PUEBLO, CO						
COUNTY PUEBLO	NON-ELEVATOR:	137	156	187	214	235
STATE CO	ELEVATOR:	151	172	205	236	258

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
NON SMSA						
COUNTY ALAMOSA	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY ARCHULETA	NON-ELEVATOR:	101	116	138	152	167
STATE CO	ELEVATOR:	112	128	153	168	183
COUNTY BACA	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY BENT	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY CHAFFEE	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY CHEYENNE	NON-ELEVATOR:	119	135	162	177	194
STATE CO	ELEVATOR:	130	149	177	195	214
COUNTY CLEAR CREEK	NON-ELEVATOR:	119	135	162	177	194
STATE CO	ELEVATOR:	130	149	177	195	214
COUNTY CONEJOS	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY COSTILLA	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY CROWLEY	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY CUSTER	NON-ELEVATOR:	126	142	170	195	213
STATE CO	ELEVATOR:	137	157	188	214	236
COUNTY DELTA	NON-ELEVATOR:	101	116	138	152	167
STATE CO	ELEVATOR:	112	128	153	168	183
COUNTY DELORES	NON-ELEVATOR:	101	116	138	152	167
STATE CO	ELEVATOR:	112	128	153	168	183

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
NON SMSA						
COUNTY: EAGLE	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: ELBERT	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: FREMONT	NON-ELEVATOR:	126	142	170	195	213
STATE: [illegible]	ELEVATOR:	137	157	186	214	236
COUNTY: GARFIELD	NON-ELEVATOR:	101	116	138	152	167
STATE: [illegible]	ELEVATOR:	112	128	153	168	183
COUNTY: GRAND	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: GUNNISON	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: HINSDALE	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: HUERFANO	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: JACKSON	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: KIOWA	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: KIT CARSON	NON-ELEVATOR:	119	135	162	177	194
STATE: [illegible]	ELEVATOR:	130	149	177	195	214
COUNTY: LAKE	NON-ELEVATOR:	119	135	162	177	194
STATE: [illegible]	ELEVATOR:	130	149	177	195	214
COUNTY: LA PLATA	NON-ELEVATOR:	101	116	138	152	167
STATE: [illegible]	ELEVATOR:	112	128	153	168	183

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
NON SMSA						
COUNTY: LAS ANIMAS	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: LINCOLN	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: LOGAN	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: MESA	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: MINERAL	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: MOFFAT	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: MONTEZUMA	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: MONTROSE	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: MORGAN	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: OTERO	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: OURAY	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: PARK	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: PHILLIPS	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
NON SMSA						
COUNTY: PITKIN	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: PROWERS	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: RIO BLANCO	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: RIO GRANDE	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	236
COUNTY: ROUTT	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: SAGUACHE	NON-ELEVATOR:	126	142	170	195	213
STATE: CO	ELEVATOR:	137	157	186	214	[illegible]
COUNTY: SAN JUAN	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: SAN MIGUEL	NON-ELEVATOR:	101	116	138	152	167
STATE: CO	ELEVATOR:	112	128	153	168	183
COUNTY: SEDGWICK	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: SUMMIT	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: WASHINGTON	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214
COUNTY: YUMA	NON-ELEVATOR:	119	135	162	177	194
STATE: CO	ELEVATOR:	130	149	177	195	214

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REGION 8

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO,NORTH DAKOTA INSURING OFFICE						
SMSA: FARGO-MOORHEAD, ND-MN						
COUNTY: CASS	NON-ELEVATOR:	134	153	183	202	222
STATE: ND	ELEVATOR:	147	169	201	222	245
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	[illegible]
COUNTY: BARNES	NON-ELEVATOR:	116	133	176	196	214
STATE: ND	ELEVATOR:	126	146	193	216	236
COUNTY: BENSON	NON-ELEVATOR:	116	133	176	196	214
STATE: ND	ELEVATOR:	126	146	193	216	236
COUNTY: BILLINGS	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	226
COUNTY: BOTTINEAU	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	[illegible]
COUNTY: BOWMAN	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	226
COUNTY: BURKE	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	226
COUNTY: BURLEIGH	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	[illegible]
COUNTY: CAVALIER	NON-ELEVATOR:	116	133	176	196	214
STATE: ND	ELEVATOR:	126	146	193	216	[illegible]
COUNTY: DICKEY	NON-ELEVATOR:	116	133	176	196	214
STATE: ND	ELEVATOR:	126	146	193	216	[illegible]
COUNTY: DIVIDE	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	226
COUNTY: DUNN	NON-ELEVATOR:	111	127	169	187	207
STATE: ND	ELEVATOR:	121	141	185	206	[illegible]

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO NORTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY EDDY	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY EMMONS	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	206	226
COUNTY FOSTER	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY GOLDEN VALLY	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	206	226
COUNTY GRAND FORKS	NON-ELEVATOR:	116	133	175	194	213
STATE [illegible]	ELEVATOR:	126	146	192	214	235
COUNTY GRANT	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	206	226
COUNTY GRIGGS	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY HETTINGER	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	[illegible]	226
COUNTY KIDDER	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	206	226
COUNTY LA MOORE	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236
COUNTY LOGAN	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY MCHENRY	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	206	226
COUNTY MCINTOSH	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO NORTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY MCKENZIE	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	[illegible]
COUNTY MCLEAN	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	226
COUNTY [illegible]	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	[illegible]	226
COUNTY MORTON	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	[illegible]	226
COUNTY MOUNTRAIL	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	206	226
COUNTY NELSON	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY OLIVER	NON-ELEVATOR:	111	127	[illegible]	187	207
STATE [illegible]	ELEVATOR:	121	141	185	206	226
COUNTY PEMBINA	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236
COUNTY PIERCE	NON-ELEVATOR:	111	127	169	187	207
STATE [illegible]	ELEVATOR:	121	141	185	[illegible]	[illegible]
COUNTY RAMSEY	NON-ELEVATOR:	116	133	175	194	213
STATE [illegible]	ELEVATOR:	126	146	192	214	235
COUNTY RANSOM	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236
COUNTY RENVILLE	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	226
COUNTY RICHLAND	NON-ELEVATOR:	116	133	176	196	214
STATE [illegible]	ELEVATOR:	126	146	193	216	236

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO NORTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY ROLETTE	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	[illegible]
COUNTY SARGENT	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	[illegible]
COUNTY SHERIDAN	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	[illegible]
COUNTY SIOUX	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	206	[illegible]
COUNTY SLOPE	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	206	226
COUNTY STARK	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	[illegible]	[illegible]
COUNTY STEELE	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236
COUNTY STUTSMAN	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	[illegible]
COUNTY TOWNER	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236
COUNTY TRAILL	NON-ELEVATOR:	116	133	176	196	214
STATE ND	ELEVATOR:	126	146	193	216	236
COUNTY WALSH	NON-ELEVATOR:	116	133	175	194	213
STATE ND	ELEVATOR:	126	146	192	214	235
COUNTY WARD	NON-ELEVATOR:	111	127	167	186	[illegible]
STATE ND	ELEVATOR:	121	141	184	204	[illegible]
COUNTY WELLS	NON-ELEVATOR:	111	127	169	187	207
STATE ND	ELEVATOR:	121	141	185	206	226

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REGION B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO NORTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY WILLIAMS	NON-ELEVATOR:	111	127	167	[illegible]	[illegible]
STATE ND	ELEVATOR:	121	141	184	[illegible]	[illegible]

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
SMSA: BILLINGS, MT						
COUNTY:YELLOWSTONE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
SMSA: GREAT FALLS, MT						
COUNTY:CASCADE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
NON SMSA						
COUNTY:BEAVERHEAD	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:BIG HORN	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:BLAINE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:BROADWATER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:CARBON	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:CARTER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:CHOUTEAU	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:CUSTER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:DANIELS	NON-ELEVATOR	114	129	154	169	186
STATE:MT	ELEVATOR:	125	142	170	186	205
COUNTY:DAWSON	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
NON SMSA						
COUNTY:DEER LODGE	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:FALLON	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:FERGUS	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:FLATHEAD	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:GALLATIN	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:GARFIELD	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:GLACIER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:GOLDEN VALLE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:GRANITE	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:HILL	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:JEFFERSON	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:JUDITH BASIN	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:LAKE	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
NON SMSA						
COUNTY:LEWIS+ CLARK	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:LIBERTY	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:LINCOLN	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:MCCONE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:MADISON	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:MEAGHER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:MINERAL	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:MISSOULA	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:MUSSELSHELL	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:PARK	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:PETROLEUM	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:PHILLIPS	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:PONDERA	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
NON SMSA						
COUNTY:POWDER RIVER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:POWELL	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:PRAIRIE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:RAVALLI	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:RICHLAND	NON-ELEVATOR:	114	129	154	169	186
STATE:MT	ELEVATOR:	125	142	170	186	205
COUNTY:ROOSEVELT	NON-ELEVATOR:	114	129	154	169	186
STATE:MT	ELEVATOR:	125	142	170	186	205
COUNTY:ROSEBUD	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:SANDERS	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:SHERIDAN	NON-ELEVATOR:	114	129	154	169	186
STATE:MT	ELEVATOR:	125	142	170	186	205
COUNTY:SILVER BOW	NON-ELEVATOR:	113	128	153	168	185
STATE:MT	ELEVATOR:	123	141	168	184	203
COUNTY:STILLWATER	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:SWEET GRASS	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:TETON	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
NON SMSA						
COUNTY:TOOLE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:TREASURE	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:VALLEY	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:WHEATLAND	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199
COUNTY:WIBAUX	NON-ELEVATOR:	114	129	154	169	186
STATE:MT	ELEVATOR:	125	142	170	186	205
COUNTY:YL-ST-NT-PK	NON-ELEVATOR:	106	121	144	166	181
STATE:MT	ELEVATOR:	116	133	158	182	199

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY,UTAH INSURING OFFICE						
SMSA: PROVO-OREM, UT						
COUNTY:UTAH	NON-ELEVATOR:	143	161	192	210	229
STATE:UT	ELEVATOR:	157	177	211	231	253
SMSA: SALT LAKE CITY-OGDEN, UT						
COUNTY:DAVIS	NON-ELEVATOR:	158	177	214	245	267
STATE:UT	ELEVATOR:	174	196	235	270	294
COUNTY:SALT LAKE	NON-ELEVATOR:	158	177	214	245	267
STATE:UT	ELEVATOR:	174	196	235	270	294
COUNTY:TOOELE	NON-ELEVATOR:	158	177	214	245	267
STATE:UT	ELEVATOR:	174	196	235	270	294
COUNTY:WEBER	NON-ELEVATOR:	158	177	214	245	267
STATE:UT	ELEVATOR:	174	196	235	270	294
NON SMSA						
COUNTY:BEAVER	NON-ELEVATOR:	161	183	216	238	263
STATE:UT	ELEVATOR:	177	201	239	261	287
COUNTY:BOX ELDER	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:CACHE	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:CARBON	NON-ELEVATOR:	101	123	196	229	252
STATE:UT	ELEVATOR:	112	135	215	252	277
COUNTY:DAGGETT	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:DUCHESNE	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:EMERY	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY,UTAH INSURING OFFICE						
NON SMSA						
COUNTY:GARFIELD	NON-ELEVATOR:	161	183	216	238	263
STATE:UT	ELEVATOR:	177	201	239	261	287
COUNTY:GRAND	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:IRON	NON-ELEVATOR:	161	183	216	238	263
STATE:UT	ELEVATOR:	177	201	239	261	287
COUNTY:JUAB	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:KANE	NON-ELEVATOR:	161	183	216	238	263
STATE:UT	ELEVATOR:	177	201	239	261	287
COUNTY:MILLARD	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:MORGAN	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:PIUTE	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:RICH	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:SAN JUAN	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:SANPETE	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:SEVIER	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:SUMMIT	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY,UTAH INSURING OFFICE						
NON SMSA						
COUNTY:UINTAH	NON-ELEVATOR:	112	128	153	167	183
STATE:UT	ELEVATOR:	123	141	168	185	203
COUNTY:WASATCH	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183
COUNTY:WASHINGTON	NON-ELEVATOR:	161	183	216	238	263
STATE:UT	ELEVATOR:	177	201	239	261	287
COUNTY:WAYNE	NON-ELEVATOR:	101	116	138	152	167
STATE:UT	ELEVATOR:	112	128	153	168	183

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS,SOUTH DAKOTA INSURING OFFICE						
SMSA: SIOUX FALLS, SD						
COUNTY MINNEHAHA	NON-ELEVATOR:	148	170	202	223	243
STATE SD	ELEVATOR:	163	187	222	244	266
NON SMSA						
COUNTY AURORA	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY BEADLE	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY BENNETT	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY BON HOMME	NON-ELEVATOR:	107	123	147	164	181
STATE SD	ELEVATOR:	117	134	162	181	199
COUNTY BROOKINGS	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY BROWN	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY BRULE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY BUFFALO	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY BUTTE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY CAMPBELL	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY CHARLES MIX	NON-ELEVATOR:	107	123	147	164	181
STATE SD	ELEVATOR:	117	134	162	181	199
COUNTY CLARK	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS,SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY CLAY	NON-ELEVATOR:	107	123	147	164	181
STATE SD	ELEVATOR:	117	134	162	181	199
COUNTY CODINGTON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY CORSON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY CUSTER	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY DAVISON	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY DAY	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY DEUEL	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY DEWEY	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY DOUGLAS	NON-ELEVATOR:	107	123	147	164	181
STATE SD	ELEVATOR:	117	134	162	181	199
COUNTY EDMUNDS	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY FALL RIVER	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY FAULK	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY GRANT	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS,SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY GREGORY	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY HAAKON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY HAMLIN	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY HAND	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY HANSON	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY HARDING	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY HUGHES	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY HUTCHINSON	NON-ELEVATOR:	107	123	147	164	181
STATE SD	ELEVATOR:	117	134	162	181	199
COUNTY HYDE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY JACKSON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY JERAULD	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY JONES	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY KINGSBURY	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS,SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY LAKE	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY LAWRENCE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY LINCOLN	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY LYMAN	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY MCCOOK	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY MCPHERSON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY MARSHALL	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY MEADE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY MELLETTE	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY MINER	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY MOODY	NON-ELEVATOR:	118	135	163	181	199
STATE SD	ELEVATOR:	130	148	179	199	218
COUNTY PENNINGTON	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193
COUNTY PERKINS	NON-ELEVATOR:	103	119	144	159	176
STATE SD	ELEVATOR:	115	131	158	176	193

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY POTTER	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY ROBERTS	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY SANBORN	NON-ELEVATOR	118	135	163	181	199
STATE [illegible]	ELEVATOR	130	148	179	199	218
COUNTY SHANNON	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY SPINK	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY STANLEY	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY SULLY	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY TODD	NON-ELEVATOR	103	119	144	159	176
STATE [illegible]	ELEVATOR	115	131	158	176	193
COUNTY TRIPP	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193
COUNTY TURNER	NON-ELEVATOR	118	135	163	181	199
STATE SD	ELEVATOR	130	148	179	199	218
COUNTY UNION	NON-ELEVATOR	107	123	147	164	181
STATE [illegible]	ELEVATOR	117	134	162	181	199
COUNTY WALWORTH	NON-ELEVATOR	103	119	144	159	176
STATE [illegible]	ELEVATOR	115	131	158	176	193
COUNTY WASHABAUGH	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193

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REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SIOUX FALLS SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY YANKTON	NON-ELEVATOR	107	123	147	164	181
STATE SD	ELEVATOR	117	134	162	181	199
COUNTY ZIEBACH	NON-ELEVATOR	103	119	144	159	176
STATE SD	ELEVATOR	115	131	158	176	193

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REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HONOLULU,HAWAII AREA OFFICE						
SMSA: HONOLULU, HI						
COUNTY HONOLULU	NON-ELEVATOR	228	262	327	438	473
STATE HI	ELEVATOR	240	285	326	0	0
NON SMSA						
COUNTY HAWAII	NON-ELEVATOR	202	231	273	356	388
STATE HI	ELEVATOR	223	255	301	0	[illegible]
COUNTY KAUAI	NON-ELEVATOR	202	231	268	301	326
STATE HI	ELEVATOR	0	0	0	0	[illegible]
COUNTY MAUI	NON-ELEVATOR	232	262	310	356	[illegible]
STATE HI	ELEVATOR	[illegible]	[illegible]	0	[illegible]	0
COUNTY GUAM	NON-ELEVATOR	238	269	319	382	432
STATE	ELEVATOR	[illegible]	0	[illegible]	[illegible]	[illegible]

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REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOS ANGELES,CALIFORNIA AREA OFFICE						
SMSA: BAKERSFIELD, CA						
COUNTY KERN	NON-ELEVATOR	127	161	186	214	233
STATE CA	ELEVATOR	140	177	204	237	256
SMSA: LOS ANGELES-LONG BEACH, CA						
COUNTY LOS ANGELES	NON-ELEVATOR	160	181	215	248	281
STATE CA	ELEVATOR	177	200	237	273	310
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA						
COUNTY VENTURA	NON-ELEVATOR	184	209	245	282	318
STATE CA	ELEVATOR	203	230	270	311	[illegible]
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA						
COUNTY SANTA BARBAR	NON-ELEVATOR	163	185	219	252	277
STATE CA	ELEVATOR	179	203	241	276	[illegible]
NON SMSA						
COUNTY SAN LUIS OBI	NON-ELEVATOR	133	167	203	231	263
STATE CA	ELEVATOR	147	185	225	255	[illegible]

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHOENIX,ARIZONA INSURING OFFICE						
SMSA: PHOENIX, AZ						
COUNTY MARICOPA	NON-ELEVATOR:	167	191	227	260	284
STATE AZ	ELEVATOR:	184	210	248	286	312
SMSA: TUCSON, AZ						
COUNTY PIMA	NON-ELEVATOR:	150	173	210	231	253
STATE AZ	ELEVATOR:	165	190	230	255	280
NON SMSA						
COUNTY APACHE	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY COCHISE	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY COCONINO	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY GILA	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY GRAHAM	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY GREENLEE	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY MOHAVE	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY NAVAJO	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY PINAL	NON-ELEVATOR:	123	140	166	182	199
STATE AZ	ELEVATOR:	135	154	182	200	219
COUNTY SANTA CRUZ	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHOENIX,ARIZONA INSURING OFFICE						
NON SMSA						
COUNTY YAVAPAI	NON-ELEVATOR:	112	127	151	167	182
STATE AZ	ELEVATOR:	122	140	166	183	202
COUNTY YUMA	NON-ELEVATOR:	123	140	166	182	199
STATE AZ	ELEVATOR:	135	154	182	200	219

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RENO,NEVADA INSURING OFFICE						
SMSA: LAS VEGAS, NV						
COUNTY CLARK	NON-ELEVATOR	180	204	243	280	307
STATE NV	ELEVATOR	198	226	268	307	337
SMSA: RENO, NV						
COUNTY WASHOE	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
NON SMSA						
COUNTY CHURCHILL	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY DOUGLAS	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY ELKO	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY ESMERALDA	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY EUREKA	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY HUMBOLDT	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY LANDER	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY LINCOLN	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY LYON	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY MINERAL	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RENO,NEVADA INSURING OFFICE						
NON SMSA						
COUNTY NYE	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR:	177	201	239	261	287
COUNTY ORMSLEY	NON-ELEVATOR:	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
COUNTY PERSHING	NON-ELEVATOR:	161	183	216	238	263
STATE NV	ELEVATOR:	177	201	239	261	287
COUNTY STOREY	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR:	177	201	239	261	287
COUNTY WHITE PINE	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR	177	201	239	261	287
INDEP. CITY:CARSON CITY	NON-ELEVATOR	161	183	216	238	263
STATE NV	ELEVATOR:	177	201	239	261	287

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SACRAMENTO, CALIFORNIA INSURING OFFICE						
SMSA: SACRAMENTO, CA						
COUNTY: PLACER	NON-ELEVATOR:	148	167	200	229	251
STATE: CA	ELEVATOR:	163	185	219	252	277
COUNTY: SACRAMENTO	NON-ELEVATOR:	148	167	200	229	251
STATE: CA	ELEVATOR:	163	185	219	252	277
COUNTY: YOLO	NON-ELEVATOR:	148	167	200	229	251
STATE: CA	ELEVATOR:	163	185	219	252	277
SMSA: STOCKTON, CA						
COUNTY: SAN JOAQUIN	NON-ELEVATOR:	133	151	179	206	224
STATE: CA	ELEVATOR:	147	167	196	226	248
NON SMSA						
COUNTY: ALPINE	NON-ELEVATOR:	122	138	165	190	208
STATE: CA	ELEVATOR:	134	152	182	209	229
COUNTY: AMADOR	NON-ELEVATOR:	122	138	165	190	208
STATE: CA	ELEVATOR:	134	152	182	209	229
COUNTY: BUTTE	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: CALAVERAS	NON-ELEVATOR:	122	138	165	190	208
STATE: CA	ELEVATOR:	134	152	182	209	229
COUNTY: COLUSA	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: EL DORADO	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: GLENN	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: LASSEN	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SACRAMENTO, CALIFORNIA INSURING OFFICE						
NON SMSA						
COUNTY: MODOC	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: NEVADA	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: PLUMAS	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: SHASTA	NON-ELEVATOR:	151	171	202	239	266
STATE: CA	ELEVATOR:	166	188	223	264	293
COUNTY: SIERRA	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: SISKIYOU	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: SUTTER	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232
COUNTY: TEHAMA	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: TRINITY	NON-ELEVATOR:	114	129	154	169	186
STATE: CA	ELEVATOR:	125	142	170	186	205
COUNTY: TUOLUMNE	NON-ELEVATOR:	122	138	165	190	208
STATE: CA	ELEVATOR:	134	152	182	209	229
COUNTY: YUBA	NON-ELEVATOR:	128	146	174	191	211
STATE: CA	ELEVATOR:	141	160	190	211	232

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REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN DIEGO, CALIFORNIA INSURING OFFICE						
SMSA: SAN DIEGO, CA						
COUNTY: SAN DIEGO	NON-ELEVATOR:	158	180	212	246	278
STATE: CA	ELEVATOR:	174	198	234	270	306
NON SMSA						
COUNTY: IMPERIAL	NON-ELEVATOR:	115	131	157	173	190
STATE: CA	ELEVATOR:	127	145	172	190	208

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE						
SMSA: FRESNO, CA						
COUNTY: FRESNO	NON-ELEVATOR:	144	162	192	223	258
STATE: CA	ELEVATOR:	158	179	211	245	267
SMSA: MODESTO, CA						
COUNTY: STANISLAUS	NON-ELEVATOR:	147	158	192	220	254
STATE: CA	ELEVATOR:	162	174	212	242	269
SMSA: SALINAS-SEASIDE-MONTEREY, CA						
COUNTY: MONTEREY	NON-ELEVATOR:	183	206	245	346	373
STATE: CA	ELEVATOR:	199	222	264	378	405
SMSA: SAN FRANCISCO-OAKLAND, CA						
COUNTY: ALAMEDA	NON-ELEVATOR:	178	203	240	278	315
STATE: CA	ELEVATOR:	196	223	265	304	347
COUNTY: CONTRA COSTA	NON-ELEVATOR:	178	203	240	278	315
STATE: CA	ELEVATOR:	196	223	265	304	347
COUNTY: MARIN	NON-ELEVATOR:	178	203	240	278	315
STATE: CA	ELEVATOR:	196	223	265	304	347
COUNTY: SAN FRANCISC	NON-ELEVATOR:	178	203	240	278	315
STATE: CA	ELEVATOR:	196	223	265	304	347
COUNTY: SAN MATEO	NON-ELEVATOR:	178	203	240	278	315
STATE: CA	ELEVATOR:	196	223	265	304	347
SMSA: SAN JOSE, CA						
COUNTY: SANTA CLARA	NON-ELEVATOR:	182	207	246	283	322
STATE: CA	ELEVATOR:	201	229	271	312	354
SMSA: SANTA CRUZ, CA						
COUNTY: SANTA CRUZ	NON-ELEVATOR:	161	181	215	246	279
STATE: CA	ELEVATOR:	177	200	235	271	296
SMSA: SANTA ROSA, CA						
COUNTY: SONOMA	NON-ELEVATOR:	166	188	223	256	290
STATE: CA	ELEVATOR:	182	206	245	282	306

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REGION 9

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN FRANCISCO,CALIFORNIA AREA OFFICE						
SMSA: VALLEJO-FAIRFIELD-NAPA, CA						
COUNTY NAPA	NON-ELEVATOR:	144	164	196	225	246
STATE CA	ELEVATOR:	159	180	215	246	270
COUNTY SOLANO	NON-ELEVATOR:	144	164	196	225	246
STATE CA	ELEVATOR:	159	180	215	246	270
NON SMSA						
COUNTY DEL NORTE	NON-ELEVATOR:	114	129	154	169	186
STATE CA	ELEVATOR:	125	142	170	186	205
COUNTY HUMBOLDT	NON-ELEVATOR:	151	171	202	239	266
STATE CA	ELEVATOR:	166	188	223	264	293
COUNTY KINGS	NON-ELEVATOR:	115	131	157	173	190
STATE CA	ELEVATOR:	127	145	172	190	208
COUNTY LAKE	NON-ELEVATOR:	144	164	196	225	246
STATE CA	ELEVATOR:	159	180	215	246	270
COUNTY MADERA	NON-ELEVATOR:	117	133	158	189	207
STATE CA	ELEVATOR:	129	146	173	207	227
COUNTY MARIPOSA	NON-ELEVATOR:	122	138	165	190	208
STATE CA	ELEVATOR:	134	152	182	209	229
COUNTY MENDOCINO	NON-ELEVATOR:	133	151	179	206	226
STATE CA	ELEVATOR:	147	166	198	227	249
COUNTY MERCED	NON-ELEVATOR:	149	168	199	250	272
STATE CA	ELEVATOR:	164	184	218	274	299
COUNTY SAN BENITO	NON-ELEVATOR:	133	151	179	206	226
STATE CA	ELEVATOR:	147	166	198	227	249
COUNTY TULARE	NON-ELEVATOR:	128	144	172	189	207
STATE CA	ELEVATOR:	141	158	189	207	227

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REGION 9

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SANTA ANA,CALIFORNIA INSURING OFFICE						
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA						
COUNTY ORANGE	NON-ELEVATOR:	193	218	256	297	337
STATE CA	ELEVATOR:	212	240	284	326	370
SMSA: RIVERSIDE-SAN BERNARDINA-ONTARIO, CA						
COUNTY RIVERSIDE	NON-ELEVATOR:	148	167	200	229	251
STATE CA	ELEVATOR:	163	184	220	253	277
COUNTY SAN BERNADIN	NON-ELEVATOR:	148	167	200	229	251
STATE CA	ELEVATOR:	163	184	220	253	277
NON SMSA						
COUNTY INYO	NON-ELEVATOR:	115	131	157	173	190
STATE CA	ELEVATOR:	127	145	172	190	208
COUNTY MONO	NON-ELEVATOR:	115	131	157	173	190
STATE CA	ELEVATOR:	127	145	172	190	208

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REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE,ALASKA INSURING OFFICE						
SMSA: ANCHORAGE, AK						
DISTRICT ANCHORAGE	NON-ELEVATOR:	281	334	412	454	496
STATE AK	ELEVATOR:	309	367	454	498	546
NON SMSA						
DISTRICT ALEUTIAN I.	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT ANGOON	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT BARROW	NON-ELEVATOR:	513	566	641	715	780
STATE AK	ELEVATOR:	0	0	0	0	0
DISTRICT BETHEL	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT BRISTOL B.B.	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT BRISTOL BAY	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT CORDOVA-MCCA	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460
DISTRICT FAIRBANKS	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT HAINES	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT JUNEAU	NON-ELEVATOR:	312	353	416	458	501
STATE AK	ELEVATOR:	342	388	459	504	552
DISTRICT KENAI-COOK	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT KETCHIKAN	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460

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REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE,ALASKA INSURING OFFICE						
NON SMSA						
DISTRICT KOBUK	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT KODIAK	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460
DISTRICT KUSKOKWIM	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT MATANUSKA-SU	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT NOME	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT OUTER KETCHK	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT PR. OF WALES	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT SEWARD	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT SITKA	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460
DISTRICT SKGWY-YKTT	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT SE FAIRBANKS	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT UPPER YUKON	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT VLDZ-CHTN-WH	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460

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REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE,ALASKA INSURING OFFICE						
NON SMSA						
DISTRICT WADE HAMPTON	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455
DISTRICT WRNGLL-PTRSB	NON-ELEVATOR:	259	294	347	381	418
STATE AK	ELEVATOR:	285	323	382	420	460
DISTRICT YKN-KOYKK	NON-ELEVATOR:	255	290	344	378	415
STATE AK	ELEVATOR:	281	319	378	416	455

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REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE,IDAHO INSURING OFFICE						
SMSA: BOISE CITY, ID						
COUNTY ADA	NON-ELEVATOR:	153	174	217	239	262
STATE ID	ELEVATOR:	168	191	238	261	288
NON SMSA						
COUNTY ADAMS	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY BANNOCK	NON-ELEVATOR:	153	174	207	228	250
STATE ID	ELEVATOR:	168	191	227	250	276
COUNTY BEAR LAKE	NON-ELEVATOR:	101	116	138	152	167
STATE ID	ELEVATOR:	112	128	153	168	183
COUNTY BENEWAH	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY BINGHAM	NON-ELEVATOR:	153	173	216	239	262
STATE ID	ELEVATOR:	168	191	238	264	288
COUNTY BLAINE	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY BOISE	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY BONNER	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY BONNEVILLE	NON-ELEVATOR:	153	173	213	235	262
STATE ID	ELEVATOR:	168	191	238	264	288
COUNTY BOUNDARY	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY BUTTE	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY CAMAS	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE,IDAHO INSURING OFFICE						
NON SMSA						
COUNTY CANYON	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY CARIBOU	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY CASSIA	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY CLARK	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY CLEARWATER	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY CUSTER	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY ELMORE	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY FRANKLIN	NON-ELEVATOR:	101	116	138	152	167
STATE ID	ELEVATOR:	112	128	153	168	183
COUNTY FREMONT	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY GEM	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY GOODING	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY IDAHO	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY JEFFERSON	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE,IDAHO INSURING OFFICE						
NON SMSA						
COUNTY JEROME	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY KOOTENAI	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY LATAH	NON-ELEVATOR:	123	141	175	193	212
STATE ID	ELEVATOR:	135	155	193	212	233
COUNTY LEMHI	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY LEWIS	NON-ELEVATOR:	113	128	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY LINCOLN	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY MADISON	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY MINIDOKA	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY NEZ PERCE	NON-ELEVATOR:	123	141	175	193	212
STATE ID	ELEVATOR:	135	155	193	212	233
COUNTY ONEIDA	NON-ELEVATOR:	101	116	138	152	167
STATE ID	ELEVATOR:	112	128	153	168	183
COUNTY OWYHEE	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY PAYETTE	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY POWER	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE, IDAHO INSURING OFFICE						
NON SMSA						
COUNTY SHOSHONE	NON-ELEVATOR:	113	129	153	168	185
STATE ID	ELEVATOR:	123	141	168	184	203
COUNTY TETON	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY TWIN FALLS	NON-ELEVATOR:	140	158	188	208	227
STATE ID	ELEVATOR:	153	174	207	227	251
COUNTY VALLEY	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226
COUNTY WASHINGTON	NON-ELEVATOR:	126	142	170	186	205
STATE ID	ELEVATOR:	137	157	186	205	226

PREPARED BY HUD - EMAD (CO). MARCH 23. 1977

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND, OREGON AREA OFFICE						
SMSA: EUGENE, OR						
COUNTY: LANE	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
SMSA: PORTLAND, OR-WA						
COUNTY CLARK	NON-ELEVATOR:	160	182	217	273	297
STATE WA	ELEVATOR:	176	200	239	301	327
COUNTY: CLACKAMAS	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
COUNTY MULTNOMAH	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
COUNTY WASHINGTON	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
SMSA: SALEM, OR						
COUNTY: MARION	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
COUNTY: POLK	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
NON SMSA						
COUNTY BAKER	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY: KLICKITAT	NON-ELEVATOR:	138	154	170	204	228
STATE WA	ELEVATOR:	152	170	187	228	252
COUNTY: SKAMANIA	NON-ELEVATOR:	138	154	170	204	228
STATE WA	ELEVATOR:	152	170	187	228	252
COUNTY: BENTON	NON-ELEVATOR:	160	182	217	273	297
STATE OR	ELEVATOR:	176	200	239	301	327
COUNTY: CLATSOP	NON-ELEVATOR:	114	129	154	169	186
STATE OR	ELEVATOR:	125	142	170	186	205

PREPARED BY HUD - EMAD (CO). MARCH 23. 1977

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND OREGON AREA OFFICE						
NON SMSA						
COUNTY COLUMBIA	NON-ELEVATOR:	144	164	194	224	243
STATE OR	ELEVATOR:	158	180	213	246	268
COUNTY COOS	NON-ELEVATOR:	119	135	162	185	203
STATE OR	ELEVATOR:	130	149	177	204	224
COUNTY CROOK	NON-ELEVATOR:	114	129	154	169	186
STATE OR	ELEVATOR:	125	142	170	186	205
COUNTY CURRY	NON-ELEVATOR:	119	135	162	185	203
STATE OR	ELEVATOR:	130	149	177	204	224
COUNTY DESCHUTES	NON-ELEVATOR:	114	129	154	169	186
STATE OR	ELEVATOR:	125	142	170	186	205
COUNTY DOUGLAS	NON-ELEVATOR:	119	135	162	185	203
STATE OR	ELEVATOR:	130	149	177	204	224
COUNTY GILLIAM	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR	115	131	157	173	190
COUNTY GRANT	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY HARNEY	NON-ELEVATOR:	126	142	170	186	205
STATE OR	ELEVATOR:	137	157	186	205	226
COUNTY HOOD RIVER	NON-ELEVATOR:	138	154	170	204	228
STATE OR	ELEVATOR:	152	170	187	228	252
COUNTY JACKSON	NON-ELEVATOR:	144	164	194	224	243
STATE OR	ELEVATOR:	158	180	213	246	268
COUNTY JEFFERSON	NON-ELEVATOR:	114	129	154	169	186
STATE OR	ELEVATOR:	125	142	170	186	205
COUNTY JOSEPHINE	NON-ELEVATOR:	144	164	194	224	243
STATE OR	ELEVATOR:	158	180	213	246	268

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND, OREGON AREA OFFICE						
NON SMSA						
COUNTY KLAMATH	NON-ELEVATOR:	144	164	194	224	243
STATE OR	ELEVATOR:	158	180	213	246	268
COUNTY LAKE	NON-ELEVATOR:	119	135	162	185	203
STATE OR	ELEVATOR:	130	149	177	204	224
COUNTY: LINCOLN	NON-ELEVATOR:	145	165	197	226	247
STATE OR	ELEVATOR:	161	183	216	247	272
COUNTY: LINN	NON-ELEVATOR:	145	165	197	226	247
STATE OR	ELEVATOR:	161	183	216	247	272
COUNTY MALHEUR	NON-ELEVATOR:	126	142	170	186	205
STATE OR	ELEVATOR:	137	157	186	205	226
COUNTY MORROW	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY: SHERMAN	NON-ELEVATOR:	138	154	170	204	228
STATE OR	ELEVATOR:	152	170	187	228	252
COUNTY: TILLAMOOK	NON-ELEVATOR:	114	129	154	169	186
STATE OR	ELEVATOR:	125	142	170	186	205
COUNTY UMATILLA	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY UNION	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY WALLOWA	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190
COUNTY WASCO	NON-ELEVATOR:	138	154	170	204	228
STATE OR	ELEVATOR:	152	170	187	228	252
COUNTY WHEELER	NON-ELEVATOR:	105	120	143	158	172
STATE OR	ELEVATOR:	115	131	157	173	190

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND, OREGON AREA OFFICE						
NON SMSA						
COUNTY: YAMHILL	NON-ELEVATOR:	114	129	154	169	186
STATE: OR	ELEVATOR:	125	142	170	186	205

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE						
SMSA: SEATTLE-EVERETT, WA						
COUNTY: KING	NON-ELEVATOR:	163	186	219	263	307
STATE: WA	ELEVATOR:	179	204	242	290	338
COUNTY: SNOHOMISH	NON-ELEVATOR:	163	186	219	263	307
STATE: WA	ELEVATOR:	179	204	242	290	338
SMSA: TACOMA, WA						
COUNTY: PIERCE	NON-ELEVATOR:	149	170	215	255	294
STATE: WA	ELEVATOR:	164	187	237	281	311
SMSA: YAKIMA, WA						
COUNTY: YAKIMA	NON-ELEVATOR:	105	120	143	158	172
STATE: WA	ELEVATOR:	115	131	157	173	190
NON SMSA						
COUNTY: CHELAN	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: CLALLAM	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: COWLITZ	NON-ELEVATOR:	142	186	208	265	311
STATE: WA	ELEVATOR:	156	205	229	317	342
COUNTY: DOUGLAS	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: GRAYS HARBOR	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: ISLAND	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: JEFFERSON	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: KITSAP	NON-ELEVATOR:	142	161	192	210	231
STATE: WA	ELEVATOR:	156	177	211	230	253

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE						
NON SMSA						
COUNTY: KITTITAS	NON-ELEVATOR:	105	120	143	158	172
STATE: WA	ELEVATOR:	115	131	157	173	190
COUNTY: LEWIS	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: MASON	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: OKANOGAN	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: PACIFIC	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: SAN JUAN	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: SKAGIT	NON-ELEVATOR:	128	146	174	191	211
STATE: WA	ELEVATOR:	141	160	190	211	232
COUNTY: THURSTON	NON-ELEVATOR:	138	156	186	202	221
STATE: WA	ELEVATOR:	152	172	204	224	243
COUNTY: WAHKIAKUM	NON-ELEVATOR:	114	129	154	169	186
STATE: WA	ELEVATOR:	125	142	170	186	205
COUNTY: WHATCOM	NON-ELEVATOR:	147	168	200	220	242
STATE: WA	ELEVATOR:	161	184	219	241	266

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPOKANE, WASHINGTON INSURING OFFICE						
SMSA: RICHLAND-KENNEWICK, WA						
COUNTY: BENTON	NON-ELEVATOR:	105	120	143	158	172
STATE: WA	ELEVATOR:	115	131	157	173	190
COUNTY: FRANKLIN	NON-ELEVATOR:	105	120	143	158	172
STATE: WA	ELEVATOR:	115	131	157	173	190
SMSA: SPOKANE, WA						
COUNTY: SPOKANE	NON-ELEVATOR:	152	173	222	270	312
STATE: WA	ELEVATOR:	167	190	244	297	332
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: ASOTIN	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: COLUMBIA	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: FERRY	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: GARFIELD	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: GRANT	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: LINCOLN	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: PEND OREILLE	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203
COUNTY: STEVENS	NON-ELEVATOR:	113	128	153	168	185
STATE: WA	ELEVATOR:	123	141	168	184	203

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPOKANE WASHINGTON INSURING OFFICE						
NON SMSA						
COUNTY WALLA WALLA	NON-ELEVATOR:	105	120	143	158	172
STATE WA	ELEVATOR:	115	131	157	173	190
COUNTY WHITMAN	NON-ELEVATOR:	113	128	153	168	185
STATE WA	ELEVATOR:	123	141	168	184	203

PREPARED BY HUD - EMAD (CO), MARCH 23, 1977

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federal register

BOOK 2 OF 2 BOOKS

FRIDAY, JULY 1, 1977

PART IX

DEPARTMENT OF THE TREASURY

Fiscal Service

Bureau of Government Financial Operations

■

SURETY COMPANIES ANNUAL LIST

Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies

DEPARTMENT OF THE TREASURY

FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1977 Rev.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

July 1, 1977

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D. C. 20226. Telephone: (202) 634-5978. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated.

D. A. PAGLIAI,

Commissioner
Bureau of Government
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $4,225,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Colo., D.C., Idaho, Ill., Kans., Minn., Nebr., N. Dak., Okla., Oreg., S. Dak., Utah, Wis., Wyo.

AIU Insurance Company 1*. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $736,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Del., Guam, Hawaii, Ind., Mass., Minn., nW.C., wOkla., wPa., Puerto Rico, S.C., eTex., Utah, Virgin Islands, Wis., Wyo.

Accredited Surety and Casualty Company, Inc. BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, Fla. 32806. UNDERWRITING LIMITATION b/: $126,000. SURETY LICENSES c/: Ala., Fla., Ga., Ind., La., Miss., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: nwAla., D.C., nwGa., Ind., La., Md., sMiss., S.C., Va.

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $55,618,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All.

Aetna Casualty & Surety Company of Illinois. BUSINESS ADDRESS: 230 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $8,694,000. SURETY LICENSES c/: Ind., Iowa, Ky., Mich., Mo., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., Ind., Iowa, Ky., Mich., Mo., Wis.

Aetna Fire Underwriters Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $836,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C., Md., wPa.

Aetna Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $18,247,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Virgin Islands.

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $92,326,000. SURETY LICENSES c/: Conn., D.C. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C.

Alaska Pacific Assurance Company. BUSINESS ADDRESS: 1007 West Third Avenue, Anchorage, Alaska 99501. UNDERWRITING LIMITATION b/: $1,061,000. SURETY LICENSES c/: Alaska, Idaho. INCORPORATED IN: Alaska. FEDERAL PROCESS AGENTS d/: D.C.

Allegheny Mutual Casualty Company. BUSINESS ADDRESS: 485 Chestnut Street, Meadville, Pa. 16335. UNDERWRITING LIMITATION b/: $141,000. SURETY LICENSES c/: Alaska, D.C., Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Tenn., Tex., Wis. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C., sFla., nIll., Ind., Md., Mich., N.J., Ohio, wTenn., Wis.

Allianz Insurance Company 2*. BUSINESS ADDRESS: Post Office Box 54897, Terminal Annex, Los Angeles, Cal. 90054. UNDERWRITING LIMITATION b/: $2,526,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Okla., Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Allied Fidelity Insurance Co. BUSINESS ADDRESS: 6320 North Rucker Road, P.O. Box 20112, Indianapolis, Ind. 46220. UNDERWRITING LIMITATION b/: $237,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Me., Md., Mich., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, (Bail only in W. Va.) INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: Alaska, Cal., D.C., nwFla., Ga., Idaho, Kans., Ky., neLa., Mass., Minn., sMiss., Mo., Mont., Okla., Tenn., sTex., eVa., wWis.

Allied Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $602,000. SURETY LICENSES c/: All except Hawaii, La., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All.

Allied Surety Company. BUSINESS ADDRESS: 959 Brighton Avenue, Portland, Me. 04102. UNDERWRITING LIMITATION b/: $45,000. SURETY LICENSES c/: Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

Allstate Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: $111,435,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: cCal., Colo., Conn., D.C., nFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., nTex., wVa., wWash., eWis.

American Agricultural Insurance Company. BUSINESS ADDRESS: 225 Touhy Avenue, Park Ridge, Ill. 60068. UNDERWRITING LIMITATION b/: $1,202,000. SURETY LICENSES c/: Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N. Mex., N.C., N. Dak., Oreg., Pa., S.C., Tex., Wash., Wis., Wyo. (Reinsurance only in Kans., Mass., N.Y., Va.). INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

American Automobile Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $6,508,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

American Bonding Company. BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, Cal. 90048. UNDERWRITING LIMITATION b/: $113,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Oreg., Utah. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: ceCal., D.C.

American Casualty Company of Reading, Pennsylvania. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $3,437,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

American Credit Indemnity Company of New York. BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, Md. 21202. UNDERWRITING LIMITATION b/: $3,036,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Ky., Mont., Nev., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

The American Druggists' Insurance Company. BUSINESS ADDRESS: 800 American Building, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $302,000. SURETY LICENSES c/: Ala., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., La., Me., Md., Mich., Minn., Miss., Mo., N.Y., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

American Economy Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $4,575,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Mass., N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: All except Guam, Puerto Rico, Virgin Islands.

American Employers' Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $5,189,000. SURETY LICENSES c/: All except Guam, Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

American Fidelity Company. BUSINESS ADDRESS: P.O. Box 960, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: $488,000. SURETY LICENSES c/: Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico.

American Fidelity Fire Insurance Company. BUSINESS ADDRESS: 100 Crossways Park West, Woodbury, N.Y. 11797. UNDERWRITING LIMITATION b/: $465,000. SURETY LICENSES c/: All except C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., N.H. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Cal., D.C., sFla., nGa., Idaho, nIll., eLa., Mich., Mont., Nev., N. Mex., Oreg., Puerto Rico, wTenn., Utah, eVa., Wash., Wis.

American Fire and Casualty Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45012. UNDERWRITING LIMITATION b/: $962,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.

American and Foreign Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,021,000. SURETY LICENSES c/: All except C.Z., Del., Guam, La., Oreg., Puerto Rico, Va., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Ark., D.C., Tex.

American General Fire and Casualty Company. BUSINESS ADDRESS: Post Office Box 3247, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $1,684,000. SURETY LICENSES c/: Ark., La., N. Mex., Okla., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C., weLa., N. Mex., Okla.

American General Insurance Company. BUSINESS ADDRESS: Post Office Box 3247, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $34,209,000. SURETY LICENSES c/: Me., Mich., Pa., Tex., Vt. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except Guam, Puerto Rico, Virgin Islands.

American Guarantee and Liability Insurance Company. BUSINESS ADDRESS: 111 West Jackson Boulevard, Chicago, Ill. 60604. UNDERWRITING LIMITATION b/: $1,396,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, Cal., Conn., D.C., nFla., nwGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.

American Home Assurance Company. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $7,595,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Ind., Mass., Minn., nW.C., wOkla., Oreg., nPa., Puerto Rico, S.C., eTex., Utah, Virgin Islands, Wis., Wyo.

American Indemnity Company. BUSINESS ADDRESS: Post Office Box 1259, Galveston, Tex. 77553. UNDERWRITING LIMITATION b/: $1,018,000. SURETY LICENSES c/: Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, wWa., Virgin Islands.

The American Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $15,106,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., sN.Y., Virgin Islands.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $3,952,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $5,350,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Del., Guam, Virgin Islands.

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, Mass. 01880. UNDERWRITING LIMITATION b/: $2,865,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C.

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $713,000. SURETY LICENSES c/: All except C.Z., Del., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., sW. Va.

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, N.Y. 10006. UNDERWRITING LIMITATION b/: $7,634,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All.

*See footnotes at end of table.

American Reserve Insurance Company. BUSINESS ADDRESS: 55 East Monroe Street, Chicago, Ill. 60603. UNDERWRITING LIMITATION b/: $891,000. SURETY LICENSES c/: All except C.Z., Guam, La., N.Y., Pa., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands, Wyo.

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, Ga. 30309. UNDERWRITING LIMITATION b/: $265,000. SURETY LICENSES c/: Fla., Ga. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: D.C., Fla.

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $11,450,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Arkwright-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Wyman Street, Waltham, Mass. 02154. UNDERWRITING LIMITATION b/: $20,959,000. SURETY LICENSES c/: Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., Ohio, R.I., Utah, Vt., Wash., Wyo. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C., nOhio.

Associated Indemnity Corporation. BUSINESS ADDRESS: 580 California Street, San Francisco, Cal. 94104. UNDERWRITING LIMITATION b/: $1,735,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $1,404,000. SURETY LICENSES c/: All except C.Z., Colo., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Va., Virgin Islands, Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $6,323,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $9,765,000. SURETY LICENSES c/: Ala., Fla., Ga., Ill., Ind., Iowa, Mich., Minn., Mo., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Wis. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ala., D.C., nmFla., Ga., Ill., Ind., Iowa, Kans., Ky., Minn., Mo., Nebr., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Wis.

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $3,376,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Vt., Virgin Islands.

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: $2,714,000. SURETY LICENSES c/: All except C.Z., La., Vt., W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: nAla., Alaska, Ariz., eArk., D.C. nmFla., nGa., Idaho, wKy., La., Mich., Minn., sMiss., Nev., N. Mex., weN.C., wOkla., Oreg., S.C., mTenn., nTex., Utah, eVa., wWash.

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4810 North Kenneth Avenue, Chicago, Ill. 60630. UNDERWRITING LIMITATION b/: $1,645,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

Boston Old Colony Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $654,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

The Buckeye Union Insurance Company. BUSINESS ADDRESS: Post Office Box 1499, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $16,517,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C., Fla., Ill., Ind., Ky., Mich., Mo., N.Y., Pa., Va., W. Va.

The Camden Fire Insurance Association. BUSINESS ADDRESS: General Building, 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $8,331,000. SURETY LICENSES c/: All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Miss., Mont., Nebr., N.H., Oreg., Puerto Rico, S. Dak., Tenn., Tex., Virgin Islands, Wash. (Fidelity only in Ala., S.C., Va.) INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: D.C.

Capitol Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 8, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $221,000. SURETY LICENSES c/: Ariz., Fla., Idaho, Ill., Ind., Iowa, La., Mich., Minn., Mo., Mont., N. Mex., N. Dak., Okla., S. Dak., Tex., Wis., Wyo. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Fla., nGa., Idaho, Ill., Ind., Iowa, Kans., ewLa., Mich., Minn., wMo., Mont., N. Dak., wOkla., S. Dak.

Centennial Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $1,975,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Central Mutual Insurance Company. BUSINESS ADDRESS: 800 South Washington Street, Van Wert, Ohio 45891. UNDERWRITING LIMITATION b/: $2,214,000. SURETY LICENSES c/: All except Ark., C.Z., Guam, N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

Century Indemnity Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $697,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C., Md., wPa.

The Charter Oak Fire Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,600,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

The Cincinnati Insurance Company. BUSINESS ADDRESS: Post Office Box 14567, Cincinnati, Ohio 45214. UNDERWRITING LIMITATION b/: $3,885,000. SURETY LICENSES c/: Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., Miss., N.C., Ohio, Pa., S.C., Tenn., Tex., Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: wAla., D.C., sFla., nGa., sInd., Ky.

Colonial Surety Company. BUSINESS ADDRESS: Post Office Box 16085, Pittsburgh, Pa. 15242. UNDERWRITING LIMITATION b/: $276,000. SURETY LICENSES c/: Del., N.J., Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

Commercial Insurance Company of Newark, N.J. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,687,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Commercial Union Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $14,490,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

Compass Insurance Company. BUSINESS ADDRESS: 703 Curtis Street, Middletown, Ohio 45043. UNDERWRITING LIMITATION b/: $395,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Colo., D.C., Fla., Ill., Iowa, La., Mich., Minn., Miss., Mont., N. Mex., N.Y., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

The Connecticut Indemnity Company. BUSINESS ADDRESS: 1000 Asylum Avenue, Hartford, Conn. 06101. UNDERWRITING LIMITATION b/: $758,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands, eWash.

Consolidated Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $504,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C., Fla., Idaho, Ill., Ky., Mich., Ohio, Wash., Wis.

Continental Casualty Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $19,234,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., mN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

The Continental Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $17,770,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, Iowa 50306. UNDERWRITING LIMITATION b/: $1,005,000. SURETY LICENSES c/: Iowa, Kans., Minn., Mo., Nebr., N. Dak., S. Dak., Wis. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

Cornhusker Casualty Company. BUSINESS ADDRESS: 105 North 31st Avenue, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $718,000. SURETY LICENSES c/: Colo., Iowa, Kans., Nebr., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, Ga. 30301. UNDERWRITING LIMITATION b/: $1,152,000. SURETY LICENSES c/: Ala., Fla., Ga., N.C. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla.

Covenant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: $807,000. SURETY LICENSES c/: Cal., Conn., N.H., Wash. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: Cal., D.C.

Cumis Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $1,290,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C.

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 10169, Jacksonville, Fla. 32207. UNDERWRITING LIMITATION b/: $383,000. SURETY LICENSES c/: Ala., D.C., Fla., Ga., Ky., La., Md., Miss., N.C., S.C., Tenn., Tex., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: mAla., D.C., S.C.

Drake Insurance Company of New York. BUSINESS ADDRESS: 55 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $593,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., Fla., Guam, Hawaii, Ind., Ky., Me., Nebr., N.H., N.J., Oreg., Pa., Puerto Rico, Vt., Virgin Islands, Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, Nebr. 68102. UNDERWRITING LIMITATION b/: $562,000. SURETY LICENSES c/: All except Ark., Cal., C.Z., Conn., Del., D.C., Guam, Ky., La., Me., Md., Mass., N.H., N.J., N.Y., Oreg., Pa., Puerto Rico, R.I., Tenn., Va., Virgin Islands, W. Va. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $1,502,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, Iowa 50303. UNDERWRITING LIMITATION b/: $3,012,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., Conn., D.C., Ill., Ind., Kans., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.C., N. Dak., Okla., Pa., R.I., S.C., S. Dak., Tenn., Tex., Vt., Va., Wis.

Employers Mutual Liability Insurance Company of Wisconsin. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: $17,984,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Employers Reinsurance Corporation. BUSINESS ADDRESS: Post Office Box 2088, Kansas City, Mo. 64142. UNDERWRITING LIMITATION b/: $9,465,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except sCal., Guam.

Equitable General Insurance Company. BUSINESS ADDRESS: Post Office Box 1869, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $2,975,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Md., Mass., Mich., Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., Guam, Hawaii, Md., Mass., Mich., Puerto Rico, R.I., Vt., Virgin Islands, W. Va.

Farmers Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, Kans. 67460. UNDERWRITING LIMITATION b/: $1,226,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Idaho, Ill., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., S.C., S. Dak., Tex., Vt., Wash., Wyo. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: Colo., D.C., Iowa, Mo., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tex.

Farmers Home Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 9420, Minneapolis, Minn. 55440. UNDERWRITING LIMITATION b/: $1,258,000. SURETY LICENSES c/: Ariz., Cal., D.C., Minn., Nev., Utah. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: Ariz., Cal., D.C., Nev., Utah.

Farmland Mutual Insurance Company, BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, Iowa 50315. UNDERWRITING LIMITATION b/: $1,036,000. SURETY LICENSES c/: Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.

Federal Insurance Company. BUSINESS ADDRESS: 51 John F. Kennedy Parkway, Short Hills, N.J. 07078. UNDERWRITING LIMITATION b/: $16,306,000. SURETY LICENSES c/: All. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All.

Federated Mutual Insurance Company. BUSINESS ADDRESS: 129 East Broadway, Owatonna, Minn. 55060. UNDERWRITING LIMITATION b/: $6,497,000. SURETY LICENSES c/: All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., Mich., Miss., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Tenn., Utah, Va., Wash., W. Va., Wis., Wyo.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $7,088,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Guam, Virgin Islands.

*See footnotes at end of table.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $6,641,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except ecCal., mFla., Guam, mLa., sMiss., eOkla., Puerto Rico, Virgin Islands, Wyo.

Financial Indemnity Company. BUSINESS ADDRESS: 5858 Wilshire Boulevard, Los Angeles, Cal. 90036. UNDERWRITING LIMITATION b/: $362,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., Fla., Idaho, Ind., Mo., Mont., Nev., N. Mex., Oreg., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Colo., D.C., mFla., Mo., Oreg., Wash.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $48,738,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All.

Firemen's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $28,471,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

First Financial Insurance Company. BUSINESS ADDRESS: 222 West Adams Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $221,000. SURETY LICENSES c/: Alaska, Colo., Ill., Iowa, Mo., Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C.

First General Insurance Company. BUSINESS ADDRESS: 1280 West Peachtree Street, N.W., Atlanta, Ga. 30303. UNDERWRITING LIMITATION b/: $249,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Ky., La., Md., Miss., Mo., N.J., N.C., Pa., R.I., Tex., Utah, Wash. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/: D.C.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, Hawaii 96803. UNDERWRITING LIMITATION b/: $1,506,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Guam, Hawaii, Ill., Ind., La., Minn., Mo., N.Y., Oreg., Utah, Wash. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/: D.C.

First National Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $3,071,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Me., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

First State Insurance Company. BUSINESS ADDRESS: 60 Batterymarch Street, Boston, Mass. 02110. UNDERWRITING LIMITATION b/: $4,597,000. SURETY LICENSES c/: Del., Mass. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: D.C.

Fremont Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: $785,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Idaho, Nev., N. Mex., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

General Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $11,320,000. SURETY LICENSES c/: All. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, Conn. 06830. UNDERWRITING LIMITATION b/: $27,962,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except nsAla., wArk., esCal., C.Z., nmFla., meGa., Guam, eslll., nInd., nIowa, eKy., wmLa., wMich., nMiss., wMo., nweN.Y., weN.C., neOkla., mPa., Puerto Rico, wmTenn., weTex., wWa., Virgin Islands, eWash., nW. Va., eWis.

The Glens Falls Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,208,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except sAla., C.Z., Guam, Virgin Islands.

Global Surety & Insurance Co. BUSINESS ADDRESS: 135 Kiewit Plaza, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $1,217,000. SURETY LICENSES c/: Cal., Nebr. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $8,526,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Guam, N.J., Puerto Rico, Virgin Islands.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: $1,329,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Idaho, Me., Md., Mass., Mont., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Utah, Vt., Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: Ariz., Ark., nesCal., Colo., D.C., Ga., Hawaii, Ill., Iowa, Kans., Ky., La., Mich., Minn., Mo., Nebr., Nev., N. Mex., N.C., Ohio, Okla., Oreg., S.C., S. Dak., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.,

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: $461,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except Puerto Rico.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $16,942,000. SURETY LICENSES c/: All except C.Z., Puerto Rico. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., sW. Va.

Great Northern Insurance Company. BUSINESS ADDRESS: Soo Line Building, Minneapolis, Minn. 55402. UNDERWRITING LIMITATION b/: $1,000,000. SURETY LICENSES c/: Ala. (excluding official surety bonds), Ariz., Colo., D.C., Fla., Ill., Ind., Iowa, Me., Md., Mass., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N. Mex., N.Y., N. Dak., R.I., S. Dak., Vt., Va., Wash., Wis. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: Ariz., sCal., D.C., Ill., Iowa, wMich., nMiss., Mo., Mont., N. Dak., S. Dak., Wis.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 770 Broadway, New York, N.Y. 10003. UNDERWRITING LIMITATION b/: $4,709,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Guam, Hawaii, La., Oreg., S.C., Tenn., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Gulf American Fire and Casualty Company. BUSINESS ADDRESS: Post Office Box 11046, Montgomery, Ala. 36111. UNDERWRITING LIMITATION b/: $381,000. SURETY LICENSES c/: Ala., Fla., Ga., La., Miss., S.C., Tenn. INCORPORATED IN: Ala. FEDERAL PROCESS AGENTS d/: D.C., Fla., Ga., Ky., La., Miss., S.C., Tenn.

Gulf Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $2,681,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Idaho, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

*See footnotes at end of table.

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, Ohio 45206. UNDERWRITING LIMITATION b/: $316,000. SURETY LICENSES c/: Ind., Ky., Mich., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $6,516,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: nAla., eArk., nCal., Conn., Del., D.C., nmFla., Ga., Ill., Ind., wKy., eLa., Me., Md., Mass., Mich., Mo., N.J., nwsN.Y., Ohio, wePa., R.I., neTex., eVa., eWis.

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, Pa. 19438. UNDERWRITING LIMITATION b/: $5,012,000. SURETY LICENSES c/: Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tex., Utah, Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: Del., D.C., Md., N.J., N.C., sOhio, S.C., Va.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $31,240,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except mFla., Guam, mLa., Virgin Islands.

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $4,022,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., mFla., Guam, mLa., Puerto Rico, Virgin Islands.

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $60,781,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: Ariz., Cal., D.C., Guam, Hawaii, weLa., N.Y., Va.

Hawkeye-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: $1,512,000. SURETY LICENSES c/: Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, S. Dak., Tex., Utah, Va., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., sInd., Kans., Mich., Nebr., S. Dak., wWis., Wyo.

Heritage Insurance Company of America. BUSINESS ADDRESS: 7366 North Lincoln Avenue, Lincolnwood, Ill. 60646. UNDERWRITING LIMITATION b/: $133,000. SURETY LICENSES c/: Fla., Ga., Ill., Mo. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., eVa.

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $6,671,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., Guam, Hawaii, eIll., eKy., wmLa., Mass., nMiss., N.H., eN.Y., Puerto Rico, Virgin Islands, eWis.

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $597,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Fla., La., Miss., N. Mex., S.C., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $5,196,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $18,977,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 230, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $852,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., Nebr., N. Mex., N. Dak., Okla., S.C., S. Dak., Tenn., Tex., Utah. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., Nebr., N. Mex., N. Dak., Okla., S.C., S. Dak., Tenn., Utah.

Hudson Insurance Company. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $775,000. SURETY LICENSES c/: D.C., Ind., Iowa, La., Nev., N.H., N.J., N.Y., Ohio, Tenn., Tex., Utah, W. Va. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

IGF Insurance Company. BUSINESS ADDRESS: 315 Shops Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $136,000. SURETY LICENSES c/: Iowa, Mo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C., Mo.

INA Reinsurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $6,501,000. SURETY LICENSES c/: All except C.Z., Guam, Me., Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: All except eArk., C.Z., Guam, mLa., Mass., ePa., Virgin Islands.

Illinois National Insurance Co. BUSINESS ADDRESS: 133 South 4th Street, Springfield, Ill. 62700. UNDERWRITING LIMITATION b/: $799,000. SURETY LICENSES c/: Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., N.Y., Ohio, Tex. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico.

Indiana Bonding and Surety Company. BUSINESS ADDRESS: 5000 Montrose, Suite 217, Houston Tex. 77006. UNDERWRITING LIMITATION b/: $63,000. SURETY LICENSES c/: Ind. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

Indiana Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $3,028,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C., Fla., Idaho, Ill., Ky., Mich., Ohio, Wash., Wis.

Indiana Lumbermens Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1985, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: $912,000. SURETY LICENSES c/: Ark., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Miss., Mo., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

Industrial Indemnity Company. BUSINESS ADDRESS: Post Office Box 3660, San Francisco, Cal. 94102. UNDERWRITING LIMITATION b/: $4,541,000. SURETY LICENSES c/: All except C.Z., Conn., Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Colo., Conn., nFla., mGa., Guam, eIll., nIowa, mLa., wMo., eaN.Y., Puerto Rico, Virgin Islands, W. Va., wWis.

Inland Insurance Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $674,000. SURETY LICENSES c/: Colo., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Iowa, Kans., Minn., Mont., N. Mex., N. Dak., wOkla., S. Dak., Wyo.

Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $45,425,000. SURETY LICENSES c/: All. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All.

The Insurance Company of the State of Pennsylvania. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $1,110,000. SURETY LICENSES c/: All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

Integrity Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 539, Appleton, Wis. 54911. UNDERWRITING LIMITATION b/: $189,000. SURETY LICENSES c/: Minn., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Minn.

International Fidelity Insurance Company. BUSINESS ADDRESS: 24 Commerce Street, Newark, N.J. 07102. UNDERWRITING LIMITATION b/: $134,000. SURETY LICENSES c/: Alaska, Ariz., Colo., Del., Fla., Idaho, Ill., Ind., La., Mass., Mich., Miss., Mo., Mont., Nev., N.J., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., Tex., Utah, Wash., Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Del., D.C., Fla., Idaho, nIll., sInd., nIowa, Md., Mass., Mich., Minn., Miss., Mont., Nev., seN.Y., eN.C., N. Dak., nwOkla., Puerto Rico, S. Dak., wTenn., nTex., eVa., Wyo.

International Insurance Company. BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $1,416,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Kans., La., S.C., Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

International Service Insurance Company. BUSINESS ADDRESS: 1401 West Lancaster, Fort Worth, Tex. 76102. UNDERWRITING LIMITATION b/: $1,299,000. SURETY LICENSES c/: Alaska, Cal., C.Z., Nebr., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Alaska, Cal., C.Z., D.C., Nebr., N. Mex.

Investors Insurance Company of America. BUSINESS ADDRESS: 100 Eisenhower Drive, Paramus, N.J. 07652. UNDERWRITING LIMITATION b/: $248,000. SURETY LICENSES c/: N.J., N.Y. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: D.C., enN.Y.

Iowa Mutual Insurance Company. BUSINESS ADDRESS: 509 Ninth Street, DeWitt, Iowa 52742. UNDERWRITING LIMITATION b/: $582,000. SURETY LICENSES c/: Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Wash., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.

John Deere Insurance Company. BUSINESS ADDRESS: 400 19th Street, Moline, Ill. 61265. UNDERWRITING LIMITATION b/: $961,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, nW. Va.

The Kansas Bankers Surety Company. BUSINESS ADDRESS: 1110 First National Bank Tower, Topeka, Kans. 66603. UNDERWRITING LIMITATION b/: $111,000. SURETY LICENSES c/: D.C., Kans. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: D.C.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $485,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands.

Lakeland Fire and Casualty Company. BUSINESS ADDRESS: 6700 France Avenue South, Minneapolis, Minn. 55435. UNDERWRITING LIMITATION b/: $175,000. SURETY LICENSES c/: Iowa, Minn., N. Dak. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: D.C.

Lawyers Surety Corporation. BUSINESS ADDRESS: 1820 Regal Row, Dallas, Tex. 75235. UNDERWRITING LIMITATION b/: $202,000. SURETY LICENSES c/: Ark., Ill., Okla., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., D.C., Ill., Okla.

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, Mass. 02117. UNDERWRITING LIMITATION b/: $41,328,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

London Guarantee & Accident Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,362,000. SURETY LICENSES c/: All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N. Dak., Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N. Dak., Oreg., Puerto Rico, Virgin Islands.

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $33,716,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

MGIC Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 756, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $3,286,000. SURETY LICENSES c/: All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Maine Bonding and Casualty Company. BUSINESS ADDRESS: 400 Congress Street, Portland, Me. 04111. UNDERWRITING LIMITATION b/: $724,000. SURETY LICENSES c/: Me., Mass., N.H., R.I., Vt. INCORPORATED IN: Me. FEDERAL PROCESS AGENTS d/: D.C., Mass., N.H., R.I., Vt.

Maryland Casualty Company. BUSINESS ADDRESS: Post Office Box 1228, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $14,904,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except Guam.

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $450,000. SURETY LICENSES c/: Ark., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Vt., Va., Wash., Wis. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: nAla., eArk., Colo., Conn., D.C., nwFla., Ga., Ill., Ind., sIowa, Kans., wKy., Me., Md., Mich., Mo., N.J., nwsN.Y., Ohio, wnPa., R.I., neTex., eVa., eWis.

The Mercantile and General Reinsurance Company of America. BUSINESS ADDRESS: 130 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,060,000. SURETY LICENSES c/: Cal., Conn., D.C., Kans., N.Y., Ohio, Okla., Pa., Tex., Utah, Wis. (Reinsurance only.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Merchants Mutual Bonding Company. BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, Iowa 50312. UNDERWRITING LIMITATION b/: $68,000. SURETY LICENSES c/: Ariz., Iowa, Kans., Nebr., Okla., S. Dak., Tex. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., sFla., Idaho, Ill., Kans., wLa., Minn., Mo., Nebr., N. Mex., Okla., Oreg., S. Dak., Tex., Wis.

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: $572,000. SURETY LICENSES c/: Ariz., Cal., Colo., D.C., Ga., Iowa, Nev., Utah. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C., nTex.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $2,374,000. SURETY LICENSES c/: All except Alaska, Ariz., C.Z., Conn., Del., Guam, Hawaii, Idaho, La., Minn., Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, R.I., S. Dak., Utah, Vt., Virgin Islands, W. Va., Wis., Wyo. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ark., nsCal., Colo., D.C., Fla., Ga., Kans., Ky., Md., Miss., Mo., Nebr., N.C., Okla., Pa., S.C., Tenn., Tex., Va.

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 28 West Adams Avenue, Detroit, Mich. 48226. UNDERWRITING LIMITATION b/: $4,429,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. (D.C. and N. Dak. - fidelity only.) INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

Mid-Century Insurance Company. BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $1,680,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Tex., Utah, Vt., Wash., Wis., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S.Dak., Tex., Utah, Wash., Wis., Wyo.

Midland Insurance Company. BUSINESS ADDRESS: One State Street Plaza, New York, N.Y. 10004. UNDERWRITING LIMITATION b/: $214,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, D.C., Kans., Nebr., N.J., nOkla., wePa.

Mid-States Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $274,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., Nev., N.J., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Va., Wash., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

Midwestern Casualty & Surety Company. BUSINESS ADDRESS: 7628 Hickman Road, Des Moines, Iowa 50322. UNDERWRITING LIMITATION b/: $103,000. SURETY LICENSES c/: Iowa. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: D.C.

The Millers Casualty Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $251,000. SURETY LICENSES c/: Ark., Colo., D.C., Idaho, La., Mo., Mont., N. Mex., Okla., Oreg., Tex., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., D.C., ewLa., Mo., N. Mex., Okla.

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $1,478,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., Ga., Guam, Hawaii, Kans., Me., Md., Mich., Miss., Nev., N.H., N. Mex., N.Y., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ark., Colo., D.C., nsFla., ewLa., Miss., wMo., Mont., N. Mex., neOkla., Oreg.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: 111 East Fourth Street, Alton, Ill. 62002. UNDERWRITING LIMITATION b/: $2,928,000. SURETY LICENSES c/: Ala., Ark., Colo., Ga., Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., N.C., Ohio, Okla., S.C., Tenn., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: nwAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.

Millers National Insurance Company. BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $729,000. SURETY LICENSES c/: All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Pa., Puerto Rico, R.I., Vt., Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except Alaska, cCal., C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Oreg., Puerto Rico, R.I., Vt., eVa., Virgin Islands.

Mission Insurance Company. BUSINESS ADDRESS: 2601 Wilshire Boulevard, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: $2,829,000. SURETY LICENSES c/: All except C.Z., Conn., Fla., Guam, Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., D.C., Idaho, Oreg., wWash.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: Post Office Box 2608, Mobile, Ala. 36625. UNDERWRITING LIMITATION b/: $310,000. SURETY LICENSES c/: Ala., Fla., Ga., La., Miss., Tenn., Tex. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/: Ala., D.C., Ga., Miss.

Munich American Reinsurance Company. BUSINESS ADDRESS: 410 Park Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $1,849,000. SURETY LICENSES c/: Ark., Cal., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., La., N.H., N.J., N.Y., Ohio, Pa., Tex. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

National American Insurance Company of New York 3*. BUSINESS ADDRESS: 1105 Hamilton Street, Allentown, Pa. 18101. UNDERWRITING LIMITATION b/: $271,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., Guam, Hawaii, Mo., N. Mex., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Ala., Ark., Cal., Colo., D.C., Fla., Ga.

National Automobile and Casualty Insurance Company. BUSINESS ADDRESS: Post Office Box 5780, Metropolitan Station, Los Angeles, Cal. 90055. UNDERWRITING LIMITATION b/: $427,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Nev., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., nFla., Guam, Hawaii, wKy., nLa., Puerto Rico, Virgin Islands.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 360 West Jackson Boulevard, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $5,508,000. SURETY LICENSES c/: D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26500 Northwestern Highway, Southfield, Mich. 48076. UNDERWRITING LIMITATION b/: $1,452,000. SURETY LICENSES c/: Mich. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: D.C.

National Bonding and Accident Insurance Company. BUSINESS ADDRESS: 4242 Lindell Boulevard, St. Louis, Mo. 63108. UNDERWRITING LIMITATION b/: $283,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., Mont., Nebr., N.J., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., R.I., S.C., S. Dak., Tenn., Tex., Utah, Va., Wash., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Alaska, cnCal., D.C., sFla., Ill., Kans., wKy., Minn., Mo., N. Dak., ePa., R.I.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $7,381,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $2,681,000. SURETY LICENSES c/: Conn., Del., D.C., Ill., Ind., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: Conn., Del., D.C., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.

National Indemnity Company. BUSINESS ADDRESS: 3024 Harney Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $9,225,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Mass., N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: D.C.

The National Reinsurance Corporation. BUSINESS ADDRESS: 123 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,444,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Utah, Va., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

National Standard Insurance Company. BUSINESS ADDRESS: Post Office Box 3247, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $387,000. SURETY LICENSES c/: La., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

*See footnotes at end of table.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $8,175,000. SURETY LICENSES c/: All except Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except Guam, mLa., Mass., nOhio, Puerto Rico, nTex., Virgin Islands.

National Union Fire Insurance Company of Pittsburgh, Pa. BUSINESS ADDRESS: 102 Maiden Lane, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $5,095,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Ind., Mass., Minn., eN.Y., mN.C., wOkla., Puerto Rico, S.C., Utah, Virgin Islands, Wis., Wyo.

Nationwide Mutual Insurance Company. BUSINESS ADDRESS: One Nationwide Plaza, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $44,319,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

New England Reinsurance Corporation. BUSINESS ADDRESS: 60 Batterymarch Street, Boston, Mass. 02110. UNDERWRITING LIMITATION b/: $3,357,000. SURETY LICENSES c/: Ala., Alaska, Ark., Cal., Conn., Del., D.C., Idaho, Ill., Ind., Iowa, Ky., Mass., Minn., Miss., Nev., N.J., Ohio, Okla., R.I., Tenn., Wash. (Reinsurance only in Fla., Kans., Mo., N.H., S.C., Tex.) INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: D.C.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03101. UNDERWRITING LIMITATION b/: $9,330,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $3,000,000. SURETY LICENSES c/: All except Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., mFla., Guam, mLa., Puerto Rico, Virgin Islands.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,467,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands.

Niagara Fire Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,589,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Conn., Guam.

North American Reinsurance Corporation. BUSINESS ADDRESS: 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $7,573,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $5,037,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

Northeastern Insurance Company of Hartford. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: $1,901,000. SURETY LICENSES c/: Cal., Colo., Conn., Ill., Iowa, Kans., N.H., N.J., N.Y., Ohio, Tex., W. Va., Wis. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: D.C.

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $1,303,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

Northern Insurance Company of New York. BUSINESS ADDRESS: Post Office Box 91, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $1,269,000. SURETY LICENSES c/: All except C.Z., Guam, La., Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C., Me.

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $1,207,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Conn., Del., Guam, Hawaii, La., Me., Mass., Nev., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, Utah, Vt., Va., Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa., Kans., Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Pa., R.I., S.C., S. Dak., Tenn., Tex., Wash., W. Va., Wyo.

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $3,342,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45025. UNDERWRITING LIMITATION b/: $12,851,00. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam.

Ohio Farmers Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $5,182,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Oklahoma Surety Company. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, Okla. 74101. UNDERWRITING LIMITATION b/: $153,000. SURETY LICENSES c/: Okla. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/: D.C.

The Omaha Indemnity Company. BUSINESS ADDRESS: 3113 Dodge Street, Omaha, Nebr. 48131. UNDERWRITING LIMITATION b/: $619,000. SURETY LICENSES c/: All except Conn., La., N.H., N.J. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: D.C., Nebr., eVa.

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, Oreg. 97207. UNDERWRITING LIMITATION b/: $1,276,000. SURETY LICENSES c/: Cal., Idaho, Nev., Oreg., Utah, Wash. INCORPORATED IN: Oreg. FEDERAL PROCESS AGENTS d/: Cal., D.C., Idaho, Nev., Utah, Wash.

Pacific Employers Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $2,292,000. SURETY LICENSES c/: All. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All.

Pacific Indemnity Company. BUSINESS ADDRESS: Post Office Box 3099, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $3,463,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Me., Mont., N.H., Tex., Virgin Islands. Wyo.

Pacific Insurance Company. BUSINESS ADDRESS: 100 Pine Street, San Francisco, Cal. 94111. UNDERWRITING LIMITATION b/: $10,071,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Oreg., Tex., Utah, Va., Wash., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Ark., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Tex., Utah, Va., Wash., Wyo.

*See footnotes at end of table.

Pacific Insurance Company, Limited. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: $1,694,000. SURETY LICENSES c/: Guam, Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/: D.C., Guam.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $2,355,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Pekin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Pekin, Ill. 61554. UNDERWRITING LIMITATION b/: $413,000. SURETY LICENSES c/: Ill., Ind., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: D.C., Ind., Iowa.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: The Chestnut East Building, 841 Chestnut Street, Philadelphia, Pa. 19107. UNDERWRITING LIMITATION b/: $5,208,000. SURETY LICENSES c/: Colo., Del., D.C., Fla., Ga., Ill., Iowa, La., Md., Mass., N.J., N.Y., N.C., Ohio, Pa., S.C., Tex., Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: Del., D.C., Md., N.J.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 72 North Franklin Street, Wilkes-Barre, Pa. 18703. UNDERWRITING LIMITATION b/: $1,602,000. SURETY LICENSES c/: Ark., Colo., Conn., D.C., Fla., Ga., Ind., Kans., Ky., Me., Md., Mass., Miss., Mo., Mont., N.H., N.J., N.Y., N.C., N. Dak., Pa., R.I., S.C., Tenn., Vt., Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, Pa. 17105. UNDERWRITING LIMITATION b/: $2,913,000. SURETY LICENSES c/: All except Cal., C.Z., Conn., Guam, Hawaii, Mass., Nev., N.H., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,161,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $13,400,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Potomac Insurance Company. BUSINESS ADDRESS: General Building, 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $17,037,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands. (Fidelity only in Ala., S.C.) INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $2,703,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $426,000. SURETY LICENSES c/: N.J., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: D.C.

Protective Insurance Company. BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, Ind. 46208. UNDERWRITING LIMITATION b/: $1,595,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/: D.C.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, N.J. 07101. UNDERWRITING LIMITATION b/: $8,473,000. SURETY LICENSES c/: Ariz., Ark., Del., D.C., Idaho, Ill., Iowa, Kans., Ky., Me., Mich., Minn., Miss., Mont., Nebr., N.H., N.J., N. Mex., N.Y., N. Dak., Ohio, Oreg., Pa., S. Dak., Tenn., Tex., Utah, Wash., Wis. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/: D.C.

Public Service Mutual Insurance Company. BUSINESS ADDRESS: 393 Seventh Avenue, New York, N.Y. 10001. UNDERWRITING LIMITATION b/: $2,903,000. SURETY LICENSES c/: Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Pa., R.I., S.C., Vt., Va., W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C., sFla., N.J., ePa., wTex.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box S-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: $964,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/: D.C.

Puritan Insurance Company 4*. BUSINESS ADDRESS: 1515 Summer Street, Post Office Box 8900, Stamford, Conn. 06905. UNDERWRITING LIMITATION b/: $805,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., Guam, S.C., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

The Reinsurance Corporation of New York. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,059,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Kans., Puerto Rico, Virgin Islands. (Co-surety only in Fla., Mass., Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: $23,033,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except Guam.

Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 3000, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $6,122,000. SURETY LICENSES c/: All except Ala., C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N. Dak., R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: D.C.

Royal Globe Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $7,243,000. SURETY LICENSES c/: All except C.Z., Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Guam, N.J., N.Y., Puerto Rico, Virgin Islands.

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,428,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Guam, N.J., Puerto Rico, Virgin Islands.

S & H Insurance Company. BUSINESS ADDRESS: 3200 Wilshire Boulevard, Suite 1205, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $432,000. SURETY LICENSES c/: Ariz., Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Safeco Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $13,145,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Vt. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All except C.Z., Puerto Rico, Virgin Islands.

*See footnotes at end of table.

Safeguard Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,265,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, N.J., N.Y., Puerto Rico, Virgin Islands.

St. Paul Fire and Marine Insurance Company. BUSINESS ADDRESS: 385 Washington Street, St. Paul, Minn. 55102. UNDERWRITING LIMITATION b/: $23,470,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: All except C.Z.

Seaboard Surety Company. BUSINESS ADDRESS: 90 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,751,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All.

Security Insurance Company of Hartford. BUSINESS ADDRESS: 1000 Asylum Avenue, Hartford, Conn. 06101. UNDERWRITING LIMITATION b/: $2,491,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, eIll., Virgin Islands, eWash.

Security National Insurance Company. BUSINESS ADDRESS: Post Office Box 5028, Dallas, Tex. 75222. UNDERWRITING LIMITATION b/: $517,000. SURETY LICENSES c/: Ark., Cal., Colo., Fla., Ga., Ill., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Ohio, Okla., S. Dak., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: Ala., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Wash., Wis., Wyo.

Select Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $1,055,000. SURETY LICENSES c/: All except Ariz., C.Z., Conn., Del., Guam, Hawaii, La., Me., Md., Mass., N.H., N.Y., N. Dak., Pa., Puerto Rico, R.I., Tenn., Utah, Va., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Selected Risks Insurance Company. BUSINESS ADDRESS: Wantage Avenue, Branchville, N.J. 07826. UNDERWRITING LIMITATION b/: $2,440,000. SURETY LICENSES c/: Del., D.C., Md., N.J., Pa., Va. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/: D.C., Md., Pa., Va.

Sentry Indemnity Company. BUSINESS ADDRESS: 1421 Strongs Avenue, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $474,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nebr., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Conn., D.C., msFla., Ga., eLa., wWash.

Sentry Insurance a Mutual Company. BUSINESS ADDRESS: 1421 Strongs Avenue, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $2,506,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/: Ariz., Cal., Conn., D.C., msFla., Ga., Ill., eLa., Me., Mass., Mich., Minn., N.H., eaN.Y., R.I., sTex., Vt., wWash.

Skandia America Reinsurance Corporation. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $3,717,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Del., D.C., Ga., Ill., Ind., Iowa, Kans., La., Mich., Nebr., Nev., N.H., N.J., N.Y., Ohio, Okla., Pa., Tex., Utah, W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: D.C.

South Carolina Insurance Company. BUSINESS ADDRESS: Post Office Box 81, Columbia, S.C. 29202. UNDERWRITING LIMITATION b/: $1,765,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tenn., Tex., Utah, Va., W. Va., Wis., Wyo. (Reinsurance only in Conn.) INCORPORATED IN: S.C. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla., Ga., N.C., Va.

The Standard Fire Insurance Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $3,808,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Virgin Islands.

State Automobile Mutual Insurance Company. BUSINESS ADDRESS: 518 East Broad Street, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $5,728,000. SURETY LICENSES c/: Ala., Fla., Ga., Ill., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., Mo., N.C., Pa., S.C., Tenn., Va., W. Va.

State Farm Fire and Casualty Company. BUSINESS ADDRESS: 112 East Washington Street, Bloomington, Ill. 61701. UNDERWRITING LIMITATION b/: $37,244,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: Ariz., cCal., Colo., D.C., mGa., Md., Minn., nMiss., Mont., N.J., eN.Y., ewOkla., wnPa., sTex., Utah.

State Surety Company. BUSINESS ADDRESS: 645 Insurance Exchange Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $134,000. SURETY LICENSES c/: Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Kans., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.

The Stuyvesant Insurance Company. BUSINESS ADDRESS: 1105 Hamilton Street, Allentown, Pa. 18101. UNDERWRITING LIMITATION b/: $709,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.

Surety Company of the Pacific. BUSINESS ADDRESS: 4201 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $84,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: D.C.

Surety Insurance Company of California. BUSINESS ADDRESS: 2250 West Whittier Boulevard, La Habra, Cal. 90631. UNDERWRITING LIMITATION b/: $106,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., Mo., N. Mex., Okla., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Alaska, Ariz., Ark., Colo., D.C., wMo., N. Mex., Okla., Tex., wWash.

Transamerica Insurance Company. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015. UNDERWRITING LIMITATION b/: $8,802,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except C.Z., nW.C., Puerto Rico, Virgin Islands.

Transcontinental Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $2,336,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

Transport Indemnity Company. BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $1,151,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, nTenn., wVa., Virgin Islands, nW. Va.

Transportation Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $1,241,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

*See footnotes at end of table.

The Travelers Indemnity Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $30,808,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/: All except Guam.

The Travelers Indemnity Company of Rhode Island. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $4,800,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

Trinity Universal Insurance Company. BUSINESS ADDRESS: Post Office Box 5028, Dallas, Tex. 75201. UNDERWRITING LIMITATION b/: $5,246,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.Y., (reinsurance only), N. Dak., Ohio, Okla., Oreg., Pa., S. Dak., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.C., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va.

Trinity Universal Insurance Company of Kansas, Inc. BUSINESS ADDRESS: 2000 Ross Avenue, Dallas, Tex. 75201. UNDERWRITING LIMITATION b/: $283,000. SURETY LICENSES c/: Ala., Ariz., Colo., Ga., Kans., La., Minn., N. Dak., Ohio, Okla., S. Dak., Tex. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Colo., D.C., Ga., La., Minn., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex.

Tri-State Insurance Company. BUSINESS ADDRESS: Post Office Box 3269, Tulsa, Okla. 74102. UNDERWRITING LIMITATION b/: $352,000. SURETY LICENSES c/: Ala., Ariz., Ark., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/: Ala., Ariz., Ark., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., S. Dak., Tenn., nweTex., Utah, Wash., Wyo.

Twin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,103,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/: scCal., Conn., D.C., weLa., Va.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, Iowa 52407. UNDERWRITING LIMITATION b/: $894,000. SURETY LICENSES c/: Ariz., Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N.Y., N. Dak., S. Dak., Utah, Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/: Colo., D.C., Ill., Minn., Mo., Nebr., N. Dak., S. Dak., Wis.

United Pacific Insurance Company. BUSINESS ADDRESS: 728 St. Helens Avenue, Tacoma, Wash. 98402. UNDERWRITING LIMITATION b/: $4,598,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: All except ceCal., C.Z., mFla., mLa., Puerto Rico, Virgin Islands.

United States Fidelity and Guaranty Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $47,926,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/: All except Guam, Virgin Islands.

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $11,062,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $381,000. SURETY LICENSES c/: Ariz., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/: Ariz., eArk., Colo., D.C., nIll., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., nOhio, wOkla., S. Dak., Utah, wWis., Wyo.

Utica Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 530, Utica, N.Y. 13503. UNDERWRITING LIMITATION b/: $3,339,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: Conn., Del., D.C., Fla., Ga., Ill., Ind., Ky., Md., Mass., Mich., Minn., Mo., N.H., N.J., N.C., N. Dak., Ohio, Pa., R.I., S.C., Tenn., Tex., Vt., Va., W. Va.

Valley Forge Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $1,318,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Kans., nN.Y., nN.C., eOkla., Puerto Rico, S. Dak., sTex., Virgin Islands.

Vigilant Insurance Company. BUSINESS ADDRESS: 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,819,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except Guam, Hawaii, Virgin Islands.

Washington International Insurance Company. BUSINESS ADDRESS: 650 N. Second Avenue, Phoenix, Ariz. 85003. UNDERWRITING LIMITATION b/: $51,000. SURETY LICENSES c/: Ariz. INCORPORATED IN: Ariz. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, Puerto Rico, Virgin Islands.

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45026. UNDERWRITING LIMITATION b/: $6,001,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Mont., N.H., Puerto Rico, R.I., Vt., Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., nTenn., Tex., Utah, Va., Wash., Wis., Wyo.

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $5,039,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa.

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $10,265,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.Y., Puerto Rico, Vt., Va., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa., Mass., wOkla., Puerto Rico, Virgin Islands.

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $6,165,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., Oreg., Puerto Rico, S.C., Vt., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/: All except C.Z., Guam, mLa., Mass., wOkla., Puerto Rico, Virgin Islands.

Western National Assurance Company. BUSINESS ADDRESS: 5350 West 78th Street, Minneapolis, Minn. 55435. UNDERWRITING LIMITATION b/: $258,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/: D.C.

Western Surety Company. BUSINESS ADDRESS: 908 West Avenue, North, Sioux Falls, S. Dak. 57101. UNDERWRITING LIMITATION b/: $1,714,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

*See footnotes at end of table.

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $2,238,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Fla., Guam, Hawaii, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/: All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

Wilshire Insurance Company. BUSINESS ADDRESS: 5505 Wilshire Boulevard, Los Angeles, Cal. 90036. UNDERWRITING LIMITATION b/: $420,000. SURETY LICENSES c/: Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Kans., Mont., Nebr., Nev., N. Mex., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/: Ariz., Colo., D.C., Hawaii, Idaho, Iowa, Mont., Nev., N. Mex., Oreg., S. Dak., Utah, Wash.

Wolverine Insurance Company. BUSINESS ADDRESS: 70 West Michigan Avenue, Battle Creek, Mich. 49016. UNDERWRITING LIMITATION b/: $3,825,000. SURETY LICENSES c/: Ark., Cal., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Ohio, Pa., S. Dak., W. Va. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/: Ark., Cal., D.C., Ga., Ill., Ind., Iowa, Kans., Minn., Ohio, Pa., S. Dak., W. Va.

*See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES
UNDER TREASURY CIRCULAR NO. 297, REVISED FEBRUARY 4, 1977 (See Note (a))

Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,068,000. FEDERAL PROCESS AGENTS: D.C.

General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland. BUSINESS ADDRESS (U.S. Office): Fourth and Walnut Streets, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $38,821,000. FEDERAL PROCESS AGENTS: D.C.

The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,491,000. FEDERAL PROCESS AGENTS: D.C.

Metropolitan Fire Assurance Company. BUSINESS ADDRESS: 1000 Asylum Avenue, Hartford, Conn. 06101. UNDERWRITING LIMITATION b/: $401,000. FEDERAL PROCESS AGENTS: D.C.

Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 410 Park Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $2,285,000. FEDERAL PROCESS AGENTS: D.C.

N.V. The Netherlands Insurance Company, Est. 1845, The Hague, Holland. BUSINESS ADDRESS (U.S. Office): 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $704,000. FEDERAL PROCESS AGENTS: D.C.

Rochdale Insurance Company. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $292,000. FEDERAL PROCESS AGENTS: D.C.

The Sea Insurance Company, Limited, Liverpool, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $901,000. FEDERAL PROCESS AGENTS: D.C.

Sun Insurance Office, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,521,000. FEDERAL PROCESS AGENTS: D.C.

Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $6,530,000. FEDERAL PROCESS AGENTS: D.C.

"Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8015, New York, N.Y. 10048. UNDERWRITING LIMITATION b/: $3,736,000. FEDERAL PROCESS AGENTS: D.C.

Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 111 West Jackson Boulevard, Chicago, Ill. 60604. UNDERWRITING LIMITATION b/: $7,970,000. FEDERAL PROCESS AGENTS: D.C.

FOOTNOTES

1* American International Insurance Company, New York, N.Y. -- changed its name to AIU Insurance Company (see Federal Register of May 4, 1977, pgs. 22614-22615)

2* General Fire and Casualty Company, Carle Place, N.Y. -- changed its name to Allianz Insurance Company (see Federal Register of March 29, 1977, pg. 16691)

3* Mohawk Insurance Company, Allentown, Pa. -- changed its name to National American Insurance Company of New York (see Federal Register of October 1, 1976, pg. 43423)

4* The Manhattan Fire and Marine Insurance Company, Stamford, Conn. -- changed its name to Puritan Insurance Company (see Federal Register of December 2, 1976, pg. 52949)

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised February 4, 1977 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Process agents are required in the following districts: Where principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the State or other area wherein the company is incorporated (31 CFR Section 224.2). Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

federal register

FRIDAY, JULY 1, 1977

PART X

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Index to General Wage Determination Decisions and Modifications as of June 3, 1977 and General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS

Index as of June 3, 1977

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 24th day of June 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #AL77-1042 (Hw)
41 FR 17753 - 4/1/77
AUTAUGA COUNTY
Decision #AL77-1063 (W&S)
42 FR 24553 - 5/13/77
Decision #AL77-1004 (H)
42 FR 24553 - 5/13/77
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL77-1072 (H)
42 FR 28729 - 6/3/77
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(H,W&S) - See Autauga County
(D,Hw) - See Statewide
BIBB COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL77-1066 (W&S)
42 FR 24554 - 5/13/77
Decision #AL77-1067 (H)
42 FR 24554 - 5/13/77
(D,Hw) - See Statewide
BULLOCK COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
BUTLER COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
CALHOUN COUNTY
Decision #AL77-1071 (W&S)
42 FR 28728 - 6/3/77
Decision #AL76-1125 (B)
41 FR 47713 - 10/29/76
Mod. #1 - 42 FR 8925 - 2/11/77
(D,Hw) - See Statewide
CHAMBERS COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
CHEROKEE COUNTY
(H, W&S) - See Blount County
(D,Hw) - See Statewide
CHILTON COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
(H) - See Baldwin County

ALABAMA (Cont'd.)

CLARKE COUNTY
(D, Hw) - See Statewide
(H) - See Baldwin County
CLAY COUNTY
(H, W&S) - See Blount County
(D,Hw) - See Statewide
CLEBURNE COUNTY
(H, W&S) - See Blount County
(D,Hw) - See Statewide
COFFEE COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL77-1027 (B)
42 FR 15260 - 3/18/77
Mod. #1 - 42 FR 17735 - 4/1/77
Mod. #2 - 42 FR 24567 - 5/13/77
(H, W&S) - See Blount County
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(H,R) - See Baldwin County
COOSA COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
COVINGTON COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
CRENSHAW COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
CULLMAN COUNTY
Decision #AL77-1048 (R)
42 FR 22067 - 4/29/77
(D,Hw) - See Statewide
(H, W&S) - See Blount County
DALE COUNTY
(H,W&S) - See Autauga County
(D,Hw) - See Statewide
DALLAS COUNTY
(H, W&S) - See Autauga County
(D,Hw)- See Statewide
DE KALB COUNTY
(H, W&S) - See Blount County
(D,Hw) - See Statewide
ELMORE COUNTY
(H, W&S) - See Autauga County
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(H,R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide
(W&S) - See Calhoun County

ALABAMA (Cont'd.)

FAYETTE COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Blount County
FRANKLIN COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Blount County
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
GREENE COUNTY
(D,Hw) - See Statewide
(W&S) - See Calhoun County
HALE COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
HENRY COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
HOUSTON COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
JACKSON COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Blount County
(R) - See Cullman County
JEFFERSON COUNTY
Decision #AL77-1007 (B)
42 FR 5619 - 1/28/77
Mod. #1 - 42 FR 12563 - 3/4/77
Mod. #2 - 42 FR 22069 - 4/29/77
Mod. #3 - 42 FR 24566 - 5/13/77
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
(W&S) - See Calhoun County
LAMAR COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Blount County
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
(H, W&S) - See Blount County
LAWRENCE COUNTY
Decision #AL77-1025 (B)
42 FR 12577 - 3/4/77
Mod. #1 - 42 FR 20048 - 4/15/77
Mod. #2 - 42 FR 24566 - 5/13/77
(D,Hw) - See Statewide
(R) - See Colbert County
(H, W&S) - See Blount County
LEE COUNTY
(H, W&S) - See Autauga County
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LIMESTONE COUNTY (Cont'd.)
(R) - See Cullman County
(H, W&S) - See Blount County
LOWNDES COUNTY
(D,Hw) - See Statewide
(H,HW&S) - See Autauga County
MACON COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
MADISON COUNTY
Decision #AL77-1040 (B)
42 FR 17752 - 4/1/77
Mod. #1 - 42 FR 28731 - 6/3/77
(D,Hw) - See Statewide
(H, W&S) - See Blount County
MARENGO COUNTY
(H) - See Baldwin County
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
(H, W&S) - See Blount County
MARSHALL COUNTY
(H, W&S) - See Blount County
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL77-1039 (B)
42 FR 20988 - 4/22/77
(D,Hw) - See Statewide
(H,R) - See Baldwin County
MONROE COUNTY
(H) - See Baldwin County
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL76-1138 (B)
41 FR 53241 - 12/3/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
(R) - See Cullman County
(H, W&S) - See Blount County
PERRY COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
PICKENS COUNTY
(D,Hw) - See Statewide
(W&S) - See Calhoun County

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
RANDOLPH COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Blount County
RUSSELL COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
(W&S) - See Calhoun County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
(W&S) - See Calhoun County
SUMTER COUNTY
(D,Hw) - See Statewide
(W&S) - See Calhoun County
TALLADEGA COUNTY
(D,Hw) - See Statewide
(W&S) - See Calhoun County
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
(H, W&S) - See Autauga County
TUSCALOOSA COUNTY
Decision #AL77-1053 (B)
42 FR 23294 - 5/6/77
(D,Hw) - See Statewide
(W&S) - See Calhoun County
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
(W&S) - See Calhoun County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(H,R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
(H) - See Baldwin County
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
(H, W&S) - See Blount County

ALASKA

STATEWIDE
Decision #AK77-5052 (B,H,Hw,D,R)
42 FR 26115 - 5/20/77

ARIZONA

STATEWIDE
Decision #AZ76-5109 (B,H,Hw)
41 FR 52189 - 11/26/76
Mod. #1 - 42 FR 10201 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
Mod. #3 - 42 FR 15248 - 3/18/77
Mod. #4 - 42 FR 17735 - 4/1/77
Mod. #5 - 42 FR 22068 - 4/29/77
APACHE COUNTY
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5110 (R)
41 FR 52198 - 11/26/76
Mod. #1 - 42 FR 10204 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
Mod. #3 - 42 FR 15248 - 3/18/77
Mod. #4 - 42 FR 17736 - 4/1/77
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5111 (R)
41 FR 52204 - 11/26/76
Mod. #1 - 42 FR 10205 - 2/18/77
Mod. #2 - 42 FR 12563 - 3/4/77
Mod. #3 - 42 FR 15248 - 3/18/77
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR77-4072 (Construction Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
42 FR 17754 - 4/1/77
Decision #AR76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLARK COUNTY
(B) - See Garland County
(B,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Con't.d)

CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(B)- See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR77-4106 (B)
42 FR 27563 - 5/27/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR77-4018 (B)
42 FR 7040 - 2/4/77
Mod. #1 - 42 FR 11183 - 2/25/77
Mod. #2 - 42 FR 13711 - 3/11/77
Mod. #3 - 42 FR 18788 - 4/8/77
Mod. #4 - 42 FR 23267 - 5/6/77
Mod. #5 - 42 FR 27554 - 5/27/77
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR77-4083 (B)
42 FR 10800 - 4/8/77
Mod. #1 - 42 FR 23267 - 5/6/77
Mod. #2 - 42 FR 27555 - 5/27/77
Mod. #3 - 42 FR 28732 - 6/3/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR77-4107 (B)
42 FR 28757 - 6/3/77
Decision #AR77-4034 (R)
42 FR 10223 - 2/18/77
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
Decision #AR77-4082 (B)
42 FR 18700 - 4/8/77
Mod. #1 - 42 FR 23267 - 5/6/77
Mod. #2 - 42 FR 27554 - 5/27/77
Mod. #3 - 42 FR 28731 - 6/3/77
VAN BUREN COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(B) - See Crawford County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA77-5039 (B,H,Hw,D)
42 FR 20991 - 4/22/77
Decision #CA77-5040 (R)
42 FR 21012 - 4/22/77
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA77-5041 (B,D,H,Hw)
42 FR 23295 - 5/6/77
Mod. #1 - 42 FR 28732 - 6/3/77
Decision #CA77-5042 (R)
42 FR 23306 - 5/6/77
Mod. #1 - 42 FR 28733 - 6/3/77
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA77-5043 (B,H,Hw,D)
42 FR 26122 - 5/20/77
Mod. #1 - 42 FR 28733 - 6/3/77

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA77-5044 (R)
42 FR 26130 - 5/20/77
Mod. #1 - 42 FR 28735 - 6/3/77
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO77-5047 (H,Hw)
42 FR 23314 - 5/6/77
ADAMS COUNTY
Decision #CO77-5048 (B)
42 FR 23322 - 5/6/77
Mod. #1 - 42 FR 26099 - 5/20/77
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Statewide
ALAMOSA COUNTY
ARAPAHOE COUNTY
(H,Hw) - See Statewide
(B,R) - See Adams County
ARCHULETA COUNTY
((H,Hw)-SSeeSStatewide
BACA COUNTY
(H,Hw) - See Statewide
BENT COUNTY
(H,Hw) - See Statewide
BOULDER COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
CHAFFEE COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(H,Hw) - See Statewide
CLEAR CREEK COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
CONEJOS COUNTY
(H,Hw) - See Statewide
COSTILLA COUNTY
(H,Hw) - See Statewide
CROWLEY COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELTA COUNTY
Decision #CO77-5051 (B)
42 FR 23339 - 5/6/77
(H,Hw) - See Statewide
DENVER COUNTY
(H,Hw) - See Statewide
(B,R) - See Adams County
DOLORES COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
(B) - See Adams County
EAGLE COUNTY
(B) - See Adams County
(H,Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(H,Hw) - See Statewide
(B) - See Adams County
EL PASO COUNTY
Decision #CO77-5049 (B)
42 FR 23329 - 5/6/77
Mod. #1 - 42 FR 26099 - 5/20/77
Mod. #2 - 42 FR 27555 - 5-27/77
(H,Hw) - See Statewide
FREMONT COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
(B) - See Delta County
(H,Hw) - See Statewide
GILPIN COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
GRAND COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
GUNNISON COUNTY
(B) - See Delta County
(H,Hw) - See Statewide
HINDSDALE COUNTY
(H,Hw) - See Statewide
HOEMFANO COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
(B,R) - See Adams County
KIOWA COUNTY
(H,Hw) - See Statewide
KIT CARSON COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
LA PLATA COUNTY
(H,Hw) - See Statewide
LARIMER COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO77-5050 (B)
42 FR 23334 - 5/6/77
Mod. #1 - 42 FR 26099 - 5/20/77
Mod. #2 - 42 FR 28737 - 6/3/77
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MESA COUNTY
(B) - See Delta County
(H,Hw) - See Statewide

COLORADO (Cont'd.)

MOFFAT COUNTY
(H,Hw) - See Statewide
MONTEZUMA COUNTY
(H,Hw) - See Statewide
MONTROSE COUNTY
(B) - See Delta County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
OTERO COUNTY
(B) - See Las Animas County
(H,Hw) - See Statewide
OURAY COUNTY
(H,Hw) - See Statewide
PARK COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
PHILLIPS COUNTY
(H,Hw) - See Statewide
PITKIN COUNTY
(B) - See Delta County
(H,Hw) - See Statewide
PROWERS COUNTY
(H,Hw) - See Statewide
PUEBLO COUNTY
(B) - See Las Animas County
(H,Hw) - See Statewide
RIO BLANCO COUNTY
(H,Hw) - See Statewide
RIO GRANDE COUNTY
(H,Hw) - See Statewide
ROUTT COUNTY
(H,Hw) - See Statewide
SAGUACHE COUNTY
(H,Hw) - See Statewide
SAN JUAN COUNTY
(H,Hw) - See Statewide
SAN MIGUEL COUNTY
(H,Hw) - See Statewide
SEDGWICK COUNTY
(H,Hw) - See Statewide
SUMMIT COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
TELLER COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WELD COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
YUMA COUNTY
(H,Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2172 (B,H,Hw,R)
41 FR 56574 - 12/28/76
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
HARTFORD COUNTY
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
Decision #CT76-2173 (B,H,Hw,R)
41 FR 56581 - 12/28/76
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT77-3045 (R)
42 FR 20055 - 4/15/77
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #DE77-3042 (B,H,Hw)
42 FR 17756 - 4/1/77
[illegible]NT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL77-1028 (B)
42 FR 15262 - 3/18/77
Mod. #1 - 42 FR 18788 - 4/8/77
Mod. #2 - 42 FR 22069 - 4/29/77
Mod. #3 - 42 FR 28738 - 6/3/77
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Mod. #2 - 42 FR 10206 - 2/18/77
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL77-1065 (B,H,Hw)
42 FR 24575 - 5/13/77
Mod. #1 - 42 FR 27556 - 5/27/77
Mod. #2 - 42 FR 28739 - 6/3/77
(Remainder of County)
Decision #FL76-1108 (B)
41 FR 43555 - 10/1/76
Decision #FL76-1082 (Hw)
41 FR 41360 - 9/5/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL77-1015 (B,H)
42 FR 10224 - 2/18/77
Mod. #1 - 42 FR 17736 - 4/1/77
Mod. #2 - 42 FR 22068 - 4/29/77
Mod. #3 - 42 FR 28738 - 6/3/77
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Mod. #2 - 41 FR 53229 - 12/3/76
Mod. #3 - 42 FR 12564 - 3/4/77
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL77-1029 (B)
42 FR 15264 - 3/18/77
Mod. #1 - 42 FR 17737 - 4/1/77
Mod. #2 - 42 FR 28738 - 6/3/77
Decision #FL77-1003 (R)
42 FR 4081 - 1/21/77
Decision #FL76-1141 (Hw)
41 FR 56589 - 12/28/76

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43460 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL77-1021 (B)
42 FR 10226 - 2/18/77
Mod. #1 - 42 FR 13715 - 3/11/77
Mod. #2 - 42 FR 17736 - 4/1/77
Mod. #3 - 42 FR 22068 - 4/29/77
Mod. #4 - 42 FR 28738 - 6/3/77
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1133 (B)
41 FR 52233 - 11/26/76
Mod. #1 - 41 FR 54101 - 12/10/76
Mod. #2 - 42 FR 3133 - 1/14/77
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL77-1004 (R)
42 FR 3141 - 1/14/77
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County
HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76

FLORIDA (cont'd)

HILLSBOROUGH COUNTY (Cont'd.)
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL77-1049 (B)
42 FR 22080 - 4/29/77
Mod. #1 - 42 FR 28739 - 6/3/77
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL77-1034 (B)
42 FR 17761 - 4/1/77
Mod. #1 - 42 FR 22069 - 4/29/77
Mod. #2 - 42 FR 28738 - 6/3/77
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County

FLORIDA (cont'd)

OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL77-1024 (B)
42 FR 11193 - 2/25/77
Mod. #1 - 42 FR 17737 - 4/1/77
Mod. #2 - 42 FR 22069 - 4/29/77
Mod. #3 - 42 FR 27556 - 5/27/77
Mod. #4 - 42 FR 28738 - 6/3/77
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL77-1043 (B)
42 FR 17762 - 4/1/77
Mod. #1 - 42 FR 22070 - 4/29/77
Mod. #2 - 42 FR 28739 - 6/3/77
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.
POLK COUNTY
Decision #FL77-1060 (B)
42 FR 26093 - 5/20/77
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County

FLORIDA (Cont'd)

SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
Decision #FL77-1061 (B)
42 FR 26093 - 5/20/77
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.)
(Remainder of County)
Decision #FL77-1044 (B)
42 FR 17764 - 4/1/77
Mod. #1 - 42 FR 22070 - 4/29/77
Mod. #2 - 42 FR 28739 - 6/3/77
(Hw) - See Brevard County
(Remainder of County)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/76
Mod. #3 - 41 FR 7888 - 2/20/76
Mod. #4 - 42 FR 7025 - 2/4/77
Mod. #5 - 42 FR 17737 - 4/1/77
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #GA77-1031 (R)
42 FR 16355 - 3/25/77
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
Decision #GA76-1122 (B)
41 FR 46803 - 10/22/76
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide

GEORGIA (Cont'd.

CHATHAM COUNTY
Decision #GA77-1009 (B)
42 FR 5623 - 1/28/77
Mod. #1 - 42 FR 8932 - 2/11/77
Mod. #2 - 42 FR 11183 - 2/25/77
Mod. #3 - 42 FR 24567 - 5/13/77
(Hw) - See Statewide
(R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24033 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
Mod. #1 - 42 FR 15249 - 3/18/77
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA77-1005 (B)
42 FR 5621 - 1/28/77
Mod. #1 - 42 FR 10206 - 2/18/77
Mod. #2 - 42 FR 16344 - 3/25/77
Mod. #3 - 42 FR 17737 - 4/1/77
Mod. #4 - 42 FR 23268 - 5/6/77
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide
GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

HALL COUNTY
Decision #GA77-1068 (B)
42 FR 26136 - 5/20/77
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
Decision #GA76-1123 (B)
41 FR 46804 - 10/22/76
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1119 (B)
41 FR 45800 - 10/15/76
Mod. #1 - 42 FR 5613 - 1/28/77
Mod. #2 - 42 FR 20048 - 4/15/77
Mod. #3 - 42 FR 23268 - 5/6/77
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #GU77-5026 (B,H,Hw,R)
42 FR 13757 - 3/11/77

HAWAII

STATEWIDE
Decision #HI77-5030 (B,H,Hw,D,R)
42 FR 12579 - 3/4/77
Mod. #1 - 42 FR 16345 - 3/25/77
Mod. #2 - 42 FR 20048 - 4/15/77
Mod. #3 - 42 FR 22071 - 4/29/77
Mod. #4 - 42 FR 24567 - 5/13/77

IDAHO

STATEWIDE
Decision #ID77-5045 (B,H,Hw)
42 FR 24577 - 5/13/77
Mod. #1 - 42 FR 27556 - 5/27/77
Mod. #2 - 42 FR 28740 - 6/3/77
ADA COUNTY
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.

BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2130 (B)
41 FR 43570 - 10/1/76
Mod. #1 - 42 FR 12565 - 3/4/77
Mod. #3 - 42 FR 17738 - 4/1/77
Mod. #4 - 42 FR 28741 - 6/3/77
Decision #IL76-2149 (D,Hw)
41 FR 54128 - 12/10/76
Mod. #1 - 42 FR 3135 - 1/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
Mod. #3 - 42 FR 10210 - 2/18/77
Mod. #4 - 42 FR 28744 - 6/3/77
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
ALEXANDER COUNTY
Decision #IL76-2132 (B)
41 FR 47729 - 10/29/76
Mod. #1 - 41 FR 55262 - 12/17/76
Mod. #2 - 42 FR 10207 - 2/18/77
Mod. #3 - 42 FR 12566 - 3/4/77
Mod. #4 - 42 FR 17739 - 4/1/77
Mod. #5 - 42 FR 23270 - 5/6/77
Mod. #6 - 42 FR 28743 - 6/3/77
Decision #IL76-2154 (H,Hw)
41 FR 53256 - 12/3/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 10210 - 2/18/77
Mod. #3 - 42 FR 28744 - 6/3/77
BOND COUNTY
Decision #IL77-2018 (H,Hw)
42 FR 10228 - 2/18/77
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76
Mod. #1 - 42 FR 4062 - 1/21/77
BOONE COUNTY
Decision #IL76-2133 (B)
41 FR 46831 - 10/22/76
Mod. #1 - 42 FR 17739 - 4/1/77
Mod. #2 - 42 FR 12567 - 3/4/77
Mod. #3 - 42 FR 17739 - 4/1/77
Mod. #4 - 42 FR 23270 - 5/6/77
Mod. #5 - 42 FR 28743 - 6/3/77
Decision #IL76-2141 (H,Hw)
41 FR 47733 - 10/29/76
Mod. #1 - 42 FR 7027 - 2/4/77
Mod. #2 - 42 FR 10208 - 2/18/77
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Adams County
BUREAU COUNTY
Decision #IL76-2125 (B)
41 FR 44620 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. #2 - 42 FR 12565 - 3/4/77
Mod. #3 - 42 FR 23269 - 5/6/77
Mod. #4 - 42 FR 28741 - 6/3/77
Decision #IL76-2142 (H,Hw)
41 FR 50126 - 11/12/76
Mod. #1 - 42 FR 10208 - 2/18/77
Mod. #2 - 42 FR 23270 - 5/6/77
CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Adams County
CARROLL COUNTY
(D) - See Adams County
(H,Hw) - See Bureau County

ILLINOIS (Cont'd.)

CASS COUNTY
Decision #IL76-2129 (B)
41 FR 44625 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
(H,Hw) - See Adams County
(D) - See Adams County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 7026 - 2/4/77
Mod. #3 - 42 FR 17738 - 4/1/77
Decision #IL76-2145 (H,Hw)
41 FR 53251 - 12/3/76
Mod. #1 - 42 FR 1679 - 1/7/77
Mod. #2 - 42 FR 4062 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
Mod. #4 - 42 FR 28744 - 6/3/77
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2128 (B)
41 FR 46823 - 10/22/76
Mod. #1 - 42 FR 4063 - 1/21/77
Mod. #2 - 42 FR 10207 - 2/18/77
Mod. #3 - 42 FR 17738 - 4/1/77
Mod. #4 - 42 FR 23269 - 5/6/77
Mod. #5 - 42 FR 28742 - 6/3/77
CLARKE COUNTY
Decision #IL77-2030 (B)
42 FR 12584 - 3/4/77
Mod. #1 - 42 FR 17739 - 4/1/77
Mod. #2 - 42 FR 28742 - 6/3/77
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2153 (H,Hw)
41 FR 52253 - 11/26/76
Mod. #1 - 41 FR 55263 - 12/17/76
Mod. #2 - 42 FR 4063 - 1/21/77
Mod. #3 - 42 FR 10210 - 2/18/77
Mod. #4 - 42 FR 12567 - 3/4/77
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Mod. #1 - 42 FR 367 - 1/4/77
Mod. #2 - 42 FR 5613 - 1/28/77
Mod. #3 - 42 FR 17738 - 4/1/77
Mod. #4 - 42 FR 28741 - 6/3/77
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
CRAWFORD COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County

ILLINOIS (Cont'd.)

DOUGLAS COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2123 (B,D,R)
41 FR 44612 - 10/8/76
Mod. #1 - 41 FR 51237 - 11/19/76
Mod. #2 - 42 FR 5613 - 1/28/77
Mod. #3 - 42 FR 7026 - 2/4/77
Mod. #4 - 42 FR 12565 - 3/4/77
Mod. #5 - 42 FR 15250 - 3/18/77
Mod. #6 - 42 FR 23269 - 5/6/77
EDGAR COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
EDWARDS COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2124 (B)
41 FR 44616 - 10/8/76
Mod. #1 - 42 FR 5614 - 1/28/77
Mod. #2 - 42 FR 20741 - 6/3/77
Decision #IL76-2143 (H,Hw)
41 FR 50133 - 11/12/76
Mod. #1 - 42 FR 10209 - 2/18/77
Mod. #2 - 42 FR 23271 - 5/6/77
Mod. #3 - 42 FR 28743 - 6/3/77
FRANKLIN COUNTY
(B,H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL77-2029 (B)
42 FR 11206 - 2/25/77
Decision #IL76-2144 (H,Hw)
41 FR 52247 - 11/26/76
Mod. #1 - 42 FR 10209 - 2/18/77
Mod. #2 - 42 FR 23271 - 5/6/77
GALLATIN COUNTY
(B,H,Hw) - See Alexander County
(D) - See Adams County
GREENE COUNTY
(B,H,Hw) - See Bond County
(D) - See Adams County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
HANCOCK COUNTY
(D) - See Adams County
(H,Hw) - See Fulton County
HARDIN COUNTY
(D) - See Adams County
(B,H,Hw) - See Alexander County
HENDERSON COUNTY
(B) - See Rock Island County
(D) - See Adams County
(H,Hw) - See Fulton County
HENRY COUNTY
(B) - See Rock Island County
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(B,H,Hw) - See Alexander County
(D) - See Adams County
JASPER COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
JEFFERSON COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
JERSEY COUNTY
(B,H,Hw) - See Bond County
(D) - See Adams County
JO DAVIESS COUNTY
(D) - See Adams County
(H,Hw) - See Bureau County
JOHNSON COUNTY
(B,H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2126 (B)
41 FR 44630 - 10/8/76
Mod. #1 - 42 FR 3135 - 1/14/77
Mod. #2 - 42 FR 28741 - 6/3/77
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MC LEAN COUNTY
Decision #IL76-2127 (B)
41 FR 44627 - 10/8/76
Mod. #1 - 41 FR 52178 - 11/26/76
Mod. #2 - 42 FR 28742 - 6/3/77
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2078 (B,R)
41 FR 34492 - 8/13/76

ILLINOIS (Cont'd)

MADISON COUNTY (Cont'd.)
Mod. #1 - 42 FR 4062 - 1/21/77
Mod. #2 - 42 FR 17738 - 4/1/77
Mod. #3 - 42 FR 23268 - 5/6/77
Mod. #4 - 42 FR 28740 - 6/3/77
(D) - See Adams County
(H,Hw) - See Bond County
MARION COUNTY
(B) - See Alexander County
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(D) - See Adams County
(B,H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(B) - See Rock Island County
(D) - See Adams County
(H,Hw) - See Fulton County
MONROE COUNTY
(B,H,Hw) - See Bond County
(D) - See Adams County
MONTGOMERY COUNTY
(B,H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Adams County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
Mod. #2 - 42 FR 7025 - 2/4/77
Mod. #3 - 42 FR 23268 - 5/6/77
Mod. #4 - 42 FR 28740 - 6/3/77
(H,Hw) - See Fulton County
PERRY COUNTY
(B,H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Adams County
POPE COUNTY
(B,H,Hw) - See Alexander County
(D) - See Adams County
PULASKI COUNTY
(B,H,Hw) - See Alexander County
(D) - See Adams County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(B) - See Bond County
(D) - See Adams County
(H,Hw) - See Alexander County

ILLINOIS (Cont'd)

RICHLAND COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2130 (B)
41 FR 47724 - 10/29/76
Mod. #1 - 42 FR 7026 - 2/4/77
Mod. #2 - 42 FR 12566 - 3/4/77
Mod. #3 - 42 FR 23269 - 5/6/77
Mod. #4 - 42 FR 28742 - 6/3/77
(D) - See Adams County
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Adams County
SALINE COUNTY
(B,H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2131 (B,R)
41 FR 46829 - 10/22/76
Mod. #1 - 42 FR 3135 - 1/14/77
Mod. #2 - 42 FR 23269 - 5/6/77
Mod. #3 - 42 FR 28742 - 6/3/77
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(D,H,Hw) - See Adams County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County

TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(B,H,Hw) - See Alexander County
(D) - See Adams County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WARREN COUNTY
(B) - See Rock Island County
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(B,H,Hw) - See Bond County
WAYNE COUNTY
(B) - See Clarke County
(H,Hw) - See Clay County
WHITE COUNTY
(D) - See Adams County
(B) - See Alexander County
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
(D) - See Adams County

ILLINOIS (Cont'd.)

WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(B,H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN77-2083 (H,Hw)
42 FR 24596 - 5/13/77
Mod. #1 - 42 FR 27557 - 5/27/77
ADAMS COUNTY
Decision #IN77-2017 (B)
42 FR 8920 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
Mod. #2 - 42 FR 24570 - 5/13/77
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN77-2006 (B)
42 FR 7046 - 2/4/77
Mod. #1 - 42 FR 10211 - 2/18/77
Mod. #2 - 42 FR 12568 - 3/4/77
Mod. #3 - 42 FR 24567 - 5/13/77
Mod. #4 - 42 FR 27557 - 5/27/77
Decision #IN77-2007 (R)
42 FR 8940 - 2/11/77
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
Decision #IN77-2093 (R)
42 FR 27551 - 5/27/77
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
BOONE COUNTY
Decision #IN77-2016 (B)
42 FR 8915 - 2/11/77
Mod. #1 - 42 FR 24570 - 5/13/77
(H,Hw) - See Statewide
BROWN COUNTY
Decision #IN77-2084 (B)
42 FR 24555 - 5/13/77
Mod. #1 - 42 FR 27557 - 5/27/77
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
Decision #IN77-2009 (B)
42 FR 8910 - 2/11/77
Mod. #1 - 42 FR 24569 - 5/13/77
(H,Hw) - See Statewide
CLAY COUNTY
Decision #IN77-2020 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(B) - See Brown County
(H,Hw) - See Statewide
(D) - See Clark County

INDIANA (Cont'd.)

DAVIESS COUNTY
Decision #IN77-2021 (R)
42 FR 10196 - 2/18/77
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide
DECATUR COUNTY
Decision #IN77-2008 (B)
42 FR 8908 - 2/11/77
Mod. #1 - 42 FR 12568 - 3/4/77
Mod. #2 - 42 FR 24569 - 5/13/77
(H,Hw) - See Statewide
DEKALB COUNTY
Decision #IN77-2010 (R)
42 FR 8912 - 2/11/77
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #IN77-2094 (R)
42 FR 27551 - 5/27/77
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
Decision #IN77-2022 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
Decision #IN77-2085 (B)
42 FR 24562 - 5/13/77
Mod. #1 - 42 FR 27557 - 5/27/77
(H,Hw) - See Statewide
FLOYD COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
Decision #IN77-2023 (R)
42 FR 10197 - 2/18/77
(H,Hw) - See Statewide
GRANT COUNTY
Decision #IN77-2078 (R)
42 FR 24555 - 5/13/77
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
Decision #IN77-2024 (R)
42 FR 10198 - 2/11/77
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #IN77-2011 (R)
42 FR 8912 - 2/11/77
(H,Hw) - See Statewide
(B) - See Boone County

INDIANA (Cont'd.)

HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B,D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
Decision #IN77-2095 (R)
42 FR 27552 - 5/27/77
(H,Hw) - See Statewide
(B) - See Boone County
HENRY COUNTY
(B) - See Fayette County
(H,Hw) - See Boone County
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
JACKSON COUNTY
Decision #IN77-2012 (R)
42 FR 8913 - 2/11/77
Mod. #1 - 42 FR 24569 - 5/13/77
(B) - See Crawford County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide
(B) - See Adams County
JEFFERSON COUNTY
Decision #IN77-2013 (R)
42 FR 8913 - 2/11/77
(D) - See Clark County
(B) - See Crawford County
(H,Hw) - See Statewide
JENNINGS COUNTY
(B) - See Crawford County
(H,Hw) - See Statewide
JOHNSON COUNTY
Decision #IN77-2014 (R)
42 FR 8914 - 2/11/77
(H,Hw) - See Statewide
(B) - See Boone County
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN77-2082 (B,H,Hw)
42 FR 24588 - 5/13/77
Mod. #1 - 42 FR 27557 - 5/27/77
Decision #IN77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County

INDIANA (Cont'd.)

LAWRENCE COUNTY
Decision #IN77-2096 (R)
42 FR 27552 - 5/27/77
(B) - See Crawford County
(H,Hw) - See Statewide
MADISON COUNTY
Decision #IN77-2097 (R)
42 FR 27553 - 5/27/77
(B) - See Boone County
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
Mod. #3 - 42 FR 12568 - 3/4/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
Decision #IN77-2025 (R)
42 FR 10198 - 2/18/77
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Fayette County
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
Decision #IN77-2026 (R)
42 FR 10199 - 2/18/77
(B) - See Crawford County
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
Decision #IN77-2027 (R)
42 FR 10199 - 2/18/77
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County

INDIANA (Cont'd.)

POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
RIPLEY COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
RUSH COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(B) - See Crawford County
(H,Hw) - See Statewide
SHELBY COUNTY
(B) - See Boone County
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
Decision #IN77-2098 (R)
42 FR 27553 - 5/27/77
(B) - See Adams County
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(B) - See Crawford County
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
Decision #IN77-2099 (R)
42 FR 27554 - 5/27/77
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (R)
41 FR 16302 - 4/16/76
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
Decision #IN77-2028 (R)
42 FR 10200 - 2/18/77
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
Decision #IN77-2015 (R)
42 FR 8914 - 2/11/77
(B) - See Crawford County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Fayette County
(H,Hw) - See Statewide
WELLS COUNTY
(B) - See Adams County
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(B) - See Adams County
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
Decision #IA76-4120 (H,Hw)
41 FR 30481 - 7/23/76
ADAMS COUNTY
(H,Hw) - See Adair County
ALLAMAKEE COUNTY
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
APPANOOSE COUNTY
Decision #IA77-4042 (H,Hw)
42 FR 11211 - 2/25/77
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA77-4041 (Hw)
42 FR 11210 - 2/25/77
BLACK HAWK COUNTY
Decision #IA77-4089 (B,H,Hw)(City of Waterloo & abutting Municipalities
42 FR 23345 - 5/6/77
Mod. #1 - 42 FR 26100 - 5/20/77
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
Decision #IA76-4121 (H,Hw)
41 FR 30482 - 7/23/76
BUENA VISTA COUNTY
None
BUTLER COUNTY
Decision #IA76-4122 (H,Hw)
41 FR 30483 - 7/23/76
CALHOUN COUNTY
None,
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Buchanan County
CERRO GORDO COUNTY (MASON CITY)
Decision #IA77-4090 (B,H,Hw
42 FR 23348 - 5/6/77
(H,Hw) - See Butler Co. (Excl Mason City)
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
(H,Hw) - See Adair County

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
(D) - See Allamakee County
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA77-4099 (B,H,Hw)
42 FR 24607 - 5/13/77
(D) - See Allamakee County

CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordance Plant
Decision #IA77-4100 (B,H,Hw)
42 FR 24609 - 5/13/77
Mod. #1 - 42 FR 27558 - 5/27/77
DICKSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA77-4091 (B,H,Hw)
42 FR 23351 - 5/6/77
(D) - See Allamakee County
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(D) - See Allamakee County
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
Mod. #1 - 41 FR 51239 - 11/19/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(D) - See Allamakee County
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA77-4092 (B,H,Hw)
42 FR 23354 - 5/6/77
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
(D) - See Allamakee County

LINN COUNTY
Decision #IA77-4093 (B,H,Hw)
42 FR 23357 - 5/6/77

IOWA (Cont'd.)

LOUISA COUNTY
(D) - See Allamakee County
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
(D) - See Allamakee County
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA77-4094 (B,H,Hw)
42 FR 23360 - 5/6/77
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA76-4185 (B,H,Hw)
41 FR 51285 - 11/19/76
Mod. #1 - 42 FR 4064 - 1/21/77
Mod. #2 - 42 FR 10211 - 2/18/77
Mod. #3 - 42 FR 16346 - 3/25/77
Mod. #4 - 42 FR 18791 - 4/8/77
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4172 (B,H,Hw)
41 FR 45802 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
Mod. #2 - 41 FR 51239 - 11/19/76
Mod. #3 - 42 FR 13716 - 3/11/77
(D) - See Allamakee County
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA77-4095 (B,H,Hw)
42 FR 23363 - 5/6/77
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA77-4096 (B,H,Hw)
42 FR 23366 - 5/6/77
Mod. #1 - 42 FR 26100 - 5/20/77
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4175 (B)
41 FR 45811 - 10/15/76
Mod. #1 - 41 FR 56550 - 12/28/76
Mod. #2 - 42 FR 16346 - 3/25/77
Mod. #3 - 42 FR 18791 - 4/8/77
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS77-4025 (Hw, W&S)
42 FR 10235 - 2/18/77
Mod. #1 - 42 FR 15251 - 3/18/77
Mod. #2 - 42 FR 20048 - 4/15/77
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS77-4024 (Hw, W&S)
42 FR 10234 - 2/18/77
Mod. #1 - 42 FR 17741 - 4/1/77
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS77-4084 (Hw)
42 FR 20059 - 4/15/77
Mod. #1 - 42 FR 26101 - 5/20/77
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #KS77-4019 (R)
42 FR 7056 - 2/4/77
Mod. #1 - 42 FR 26100 - 5/20/77
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO77-4075 (B,H,Hw)
42 FR 16815 - 4/8/77
Mod. #1 - 42 FR 26100 - 5/20/77
Mod. #2 - 42 FR 27558 - 5/27/77
Mod. #3 - 42 FR 28745 - 6/3/77
Decision #MO77-4076 (R)
42 FR 18820 - 4/8/77
Mod. #1 - 42 FR 27558 - 5/27/77
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS77-4085 (B)
42 FR 20063 - 4/15/77
Mod. #1 - 42 FR 26101 - 5/20/77
Mod. #2 - 42 FR 27559 - 5/27/77
(D) - See Atchison County
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw, W&S) - See Barber County.
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.!

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #KS77-4047 (R)
42 FR 11212 - 2/25/77
Decision #KS77-4081 (B)
42 FR 18809 - 4/8/77
Mod. #1 - 42 FR 23273 - 5/6/77
Mod. #2 - 42 FR 27559 - 5/27/77
Decision #KS77-4023 (Hw, W&S)
42 FR 10233 - 2/18/77
Mod. #1 - 42 FR 17740 - 4/1/77
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS77-4080 (B)
42 FR 18806 - 4/8/77
Mod. #1 - 42 FR 22072 - 4/29/77
Mod. #2 - 42 FR 27559 - 5/27/77
Decision #KS77-4079 (R)
42 FR 18803 - 4/8/77
Mod. #1 - 42 FR 22071 - 4/29/77
Mod. #2 - 42 FR 27559 - 5/27/77
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY76-1120 (H,Hw)
41 FR 50144 - 11/12/76
Mod. #1 - 41 FR 54106 - 12/10/76
ANDERSON COUNTY
Decision #KY76-1114 (H,Hw)
41 FR 44633 - 10/8/76
BALLARD COUNTY
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Mod. #1 - 41 FR 45887 - 10/15/76
Mod. #2 - 42 FR 988 - 1/4/77
Mod. #3 - 42 FR 5615 - 1/28/77
Mod. #4 - 42 FR 11185 - 2/25/77
Mod. #5 - 42 FR 15252 - 3/18/77
(D) - See Ballard County
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY77-1059 (B)
42 FR 24615 - 5/13/77
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County
Decision #KY76-1101 (R)
41 FR 40366 - 9/17/76

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1098 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(D) - See Ballard County
(H,Hw) - See Anderson County
BULLITT COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Statewide
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Mod. #1 - 41 FR 51241 - 11/19/76
Mod. #2 - 42 FR 5616 - 1/28/77
Mod. #3 - 42 FR 11185 - 2/25/77
Mod. #4 - 42 FR 24571 - 5/13/77
Decision #KY76-1118 (R)
41 FR 45801 - 10/15/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 42 FR 17741 - 4/1/77

KENTUCKY (Cont'd)

DAVIESS COUNTY (Cont'd.)
Decision #KY76-1136 (R)
41 FR 52760 - 12/3/76
(D) - See Ballard County
(H,Hw) - See Allen County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY77-1010 (B)
42 FR 8941 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
Mod. #2 - 42 FR 17742 - 4/1/77
Mod. #3 - 42 FR 24572 - 5/13/77
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1132 (B)
41 FR 52260 - 11/26/76
Mod. #1 - 42 FR 988 - 1/4/77
Mod. #2 - 42 FR 7030 - 2/4/77
Mod. #3 - 42 FR 11186 - 2/25/77
Mod. #4 - 42 FR 17742 - 4/1/77
Mod. #5 - 42 FR 24571 - 5/13/77
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
R(R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County

KENTUCKY (Cont'd)

HANCOCK COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 45787 - 10/15/76
Mod. #3 - 41 FR 53230 - 12/3/76
Mod. #4 - 42 FR 11185 - 2/25/77
Mod. #5 - 42 FR 17741 - 4/1/77
(H,Hw) - See Allen County
(D) - See Ballard County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY77-1058 (B)
42 FR 24612 - 5/13/77
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
KNOX COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY77-1002 (R)
42 FR 1684 - 1/7/77
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(D) - See Ballard County
(R) - See Carter County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY77-1011 (B)
42 FR 8944 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
Mod. #2 - 42 FR 23273 - 5/6/77
(D) - See Ballard County
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

McCREARY COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(R) - See Clay County
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,H,Hw,R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
(R) - See Clay County
ROBERTSON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
ROWAN COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(R) - See Adair County
(H,Hw) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
WARREN COUNTY
Decision #KY77-1035 (B)
42 FR 18812 - 4/8/77
Mod. #1 - 42 FR 24572 - 5/13/77
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(R) - See Laurel County
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
Decision #LA77-4104 (B,Hw,R)
42 FR 26157 - 5/20/77
Mod. #1 - 42 FR 28745 - 6/3/77
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/20/76
(B,D,Hw) - See Statewide
ALLEN COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,Hw,R) - See Statewide
CADDO PARISH
(F) - See Acadia Parish
(B,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,Hw,R) - See Statewide

LOUISIANA (Cont'd.)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd.)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #LA77-4030 (R)
42 FR 10237 - 2/18/77
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #LA77-4031 (R)
42 FR 10237 - 2/18/77
(B,D,Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd.)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd.)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
Decision #ME76-2159 (Hw)
41 FR 52173 - 11/26/76
AROOSTOOK COUNTY
Decision #ME76-2156 (Hw)
41 FR 52171 - 11/26/76
CUMBERLAND COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(Hw) - See Aroostook County
FRANKLIN COUNTY
(Hw) - See Androscoggin County
HANCOCK COUNTY
Decision #ME76-2166 (Hw)
41 FR 53227 - 12/3/76
(D) - See Cumberland County
KENNEBEC COUNTY
(Hw) - See Androscoggin County
KNOX COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
LINCOLN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
OXFORD COUNTY
(Hw) - See Androscoggin County
PENOBSCOT COUNTY
(Hw) - See Aroostook County
PISCATAQUIS COUNTY
(Hw) - See Androscoggin County
SAGADAHOC COUNTY
(D) - See Cumberland County
(Hw) - See Aroostook County
SOMERSET COUNTY
(Hw) - See Androscoggin County
WALDO COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
WASHINGTON COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
YORK COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County

MARYLAND

ALLEGANY COUNTY
Decision #MD77-3020 (B)
42 FR 3151 - 1/14/77
Mod. #1 - 42 FR 13717 - 3/11/77
Mod. #2 - 42 FR 20984 - 4/22/77
Decision #MD77-3021 (H,Hw)
42 FR 3153 - 1/14/77
Mod. #1 - 42 FR 20984 -04/22/77
ANNE ARUNDEL COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #MD77-3019 (B,H)
42 FR 3147 - 1/14/77
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD77-3018 (Hw)
42 FR 3145 - 1/14/77
Mod. #1 - 42 FR 15253 - 3/18/77
Mod. #2 - 42 FR 17742 - 4/1/77
Mod. #3 - 42 FR 20983 - 4/22/77
Decision #MD77-3077 (B,H)
42 FR 28760 - 6/3/77
(D) - See Anne Arundel County
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
Mod. #2 - 42 FR 15253 - 3/18/77
(D) - See Anne Arundel County
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD77-3041 (B)
42 FR 15268 - 3/18/77
Mod. #1 - 42 FR 18794 - 4/8/77
Mod. #2 - 42 FR 20982 - 4/22/77
Mod. #3 - 42 FR 23290 - 5/6/77
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #MD77-3036 (R)
42 FR 12613 - 3/4/77
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Anne Arundel County
(Hw) - See Caroline County
Decision #MD77-3035 (B)
42 FR 12613 - 3/4/77

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
Mod. #2 - 42 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 51241 - 11/19/76
Mod. #3 - 41 FR 55266 - 12/17/76
Mod. #4 - 42 FR 7031 - 2/4/77
Mod. #5 - 42 FR 13717 - 3/11/77
Mod. #6 - 42 FR 23274 - 5/6/77
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Mod. #4 - 42 FR 16348 - 3/25/77
Decision #MA75-2134 (R)
40 FR 50166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76

MASSACHUSETTS

MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw,R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Mod. #4 - 42 FR 13718 - 3/11777
Mod. #5 - 42 FR 16438 - 3/25/77
Mod. #6 - 42 FR 23274 - 5/6/77
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
Mod. #1 - 41 FR 46814 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7032 - 2/4/77
Mod. #4 - 42 FR 16348 - 3/25/77
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
Mod. #4 - 42 FR 16348 - 3/25/77
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
Mod. #4 - 42 FR 16349 - 3/25/77
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 3136 - 1/14/77
Mod. #4 - 42 FR 7032 - 2/4/77
Mod. #5 - 42 FR 16349 - 3/25/77

MICHIGAN

STATEWIDE
Decision #MI76-2140 (Hw, W&S)
41 FR 51318 - 11/19/76
Mod. #1 - 41 FR 54107 - 12/10/76
Mod. #2 - 42 FR 1681 - 1/7/77
ALCONA COUNTY
Decision #MI77-2050 (B,H)
42 FR 23369 - 5/6/77
Mod. #1 - 42 FR 27560 - 5/27/77
Mod. #2 - 42 FR 28746 - 6/3/77
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI77-2051 (B,H)
42 FR 23374 - 5/6/77
Mod. #1 - 42 FR 28746 - 6/3/77
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI77-2053 (B,H)
42 FR 23377 - 5/6/77
Mod. #1 - 42 FR 28747 - 6/3/77
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(D) - See Alcona County
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI77-2054 (B,H)
42 FR 23384 - 5/6/77
Mod. #1 - 42 FR 28748 - 6/3/77

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #MI77-2041 (R)
42 FR 16355 - 3/25/77
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #MI76-2107 (R)
41 FR 35381 - 8/20/76
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKERSON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
(B,H) - See Alger County
EATON COUNTY
Decision #MI77-2035 (R)
42 FR 12614 - 3/4/77
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI77-2055 (R)
42 FR 24619 - 5/13/77
Mod. #1 - 42 FR 28748 - 6/3/77
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(B,H) - See Bay County
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County

MICHIGAN (Cont'd.)

ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2171 (B,H)
41 FR 56590 - 12/28/76
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(D) - See Alcona County
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(D) - See Alcona County
(B,H) - See Grant Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI77-2071 (B,H,R)
42 FR 28763 - 6/3/77
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #MI77-2052 (R)
42 FR 24618 - 5/13/77
Mod. #1 - 42 FR 28746 - 6/3/77
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OSCEOLA COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

OSCODA COUNTY
(Hw, W&S) - See Statewide
(B,H) - See Alcona County
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN77-2048 (H,Hw)
42 FR 26157 - 5/20/77
ANOKA COUNTY
Decision #MN77-2043 (B,R)
42 FR 23390 - 5/6/77
Mod. #1 - 42 FR 28749 - 6/3/77
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #MN77-2031 (H,Hw)
42 FR 12616 - 3/4/77
BELTRAMI COUNTY
Decision #MN77-2034 (H,Hw)
42 FR 12617 - 3/4/77
BENTON COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #MN77-2032 (H,Hw)
42 FR 12616 - 3/4/77
BLUE EARTH COUNTY
Decision #MN77-2044 (B)
42 FR 23395 - 5/6/77
Mod. #2 - 42 FR 28749 - 6/3/77
(H,Hw) - See Aitkin County
BROWN COUNTY
Decision #MN77-2066 (H,Hw)
42 FR 20127 - 4/22/77
CARLTON COUNTY
(B,R) - See Saint Louis County
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL77-5038 (D)
42 FR 18802- 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #MN77-2033 (H,Hw)
42 FR 12617 - 3/4/77
CROW WING COUNTY
Decision #MN77-2064 (H,Hw)
42 FR 20126 - 4/22/77
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DAKOTA COUNTY
(B,D,R) - See Anoka County
(H,Hw) - See Aitkin County
DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,D,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
(D) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

MAHOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN77-2045 (B,R)
42 FR 23400 - 5/6/77
Mod. #1 - 42 FR 28750 - 6/3/77
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,D,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
Decision #MN77-2065 (H,Hw)
42 FR 20127 - 4/22/77
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN77-2047 (B,R)
42 FR 23412 - 5/6/77
Mod. #1 - 42 FR 28750 - 6/3/77
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN77-2046 (B,R)
42 FR 23405 - 5/6/77
Mod. #1 - 42 FR 28750 - 6/3/77
(D) - See Anoka County
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,D,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(D) - See Anoka County
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
Decision #MS76-1137 (Hw)
41 FR 55271 - 12/17/76
Mod. #1 - 42 FR 3136 - 1/14/77
Decision #MS76-1139 (W&S)
41 FR 55259 - 12/17/76
ADAMS COUNTY
Decision #AR-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
Decision #MS77-1069 (B)
42 FR 26094 - 5/20/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
DE SOTO COUNTY
Decision #MS77-1054 (B)
42 FR 23265 - 5/6/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS76-1142 (B)
41 FR 56593 - 12/28/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS77-1030 (B,H)
42 FR 16356 - 3/25/77
Mod. #1 - 42 FR 18791 - 4/8/77
Mod. #2 - 42 FR 22072 - 4/29/77
(D) - See Statewide
(F) - See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS77-1032 (B)
42 FR 16359 - 3/25/77
Mod. #1 - 42 FR 22072 - 4/29/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSISSIPPI (Cont'd.)

HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B,R) - See Forrest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
Decision #MS77-1062 (B)
42 FR 26094 - 5/20/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
Decision #MS77-1055 (B)
42 FR 23265 - 5/6/77
(F) - See Adams County
((D,Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd.

LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
Decision #MS77-1057 (H)
42 FR 23266 - 5/6/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
((D,Hw, W&S)-sSee Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

WARREN COUNTY
Decision #MS77-1033 (B)
42 FR 16361 - 3/25/77
Mod. #1 - 42 FR 22072 - 4/28/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YALOBUSHA COUNTY
Decision #MS77-1056 (B)
42 FR 23266 - 5/6/77
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO77-4051 (H,Hw)
42 FR 12618 - 3/4/77
Mod. #1 - 42 FR 20050 - 4/15/77
Mod. #2 - 42 FR 22073 - 4/29/77
Mod. #3 - 42 FR 26101 - 5/20/77
Mod. #4 - 42 FR 27560 - 5/27/77
ADAIR COUNTY
(H,Hw) - See Statewode
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide
CASS COUNTY
Decision #MO77-4075 (B)
42 FR 18815 - 4/8/77
Mod. #1 - 42 FR 26100 - 5/20/77
Mod. #2 - 42 FR 27558 - 5/27/77
Decision #MO77-4076 (R)
42 FR 18820 - 4/8/77
Mod. #1 - 42 FR 27558 - 5/27/77
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd.)

CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO77-4058 (B)
42 FR 13758 - 3/11/77
Decision #MO77-4059 (R)
42 FR 13762 - 3/11/77
Mod. #1 - 42 FR 16349 - 3/25/77
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd.

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
(B,H,Hw) - See Cass County
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
Decision #MO77-4033 (B)
42 FR 10240 - 2/18/77
Mod. #1 - 42 FR 13718 - 3/11/77
Mod. #2 - 42 FR 26101 - 5/20/77
JEFFERSON COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(B,H,Hw) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
LINCOLN COUNTY
(D) - See Cape Girardeau County
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See STatewide
NEW MADRID COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
NEWTON COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See STatewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd.

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(D) - See Cape Girardeau County
(B,R) - See Franklin County
(D) - See Andrew County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
ST. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd.)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT77-5021 (B)
42 FR 12631 - 3/4/77
Mod. #1 - 42 FR 15255 - 3/18/77
Mod. #2 - 42 FR 17744 - 4/1/77
Mod. #3 - 42 FR 20984 - 4/22/77
Mod. #4 - 42 FR 26105 - 5/20/77
Decision #MT77-5034 (H,Hw)
42 FR 13765 - 3/11/77
Mod. #1 - 42 FR 15256 - 3/18/77
Mod. #2 - 42 FR 17744 - 4/1/77
Mod. #3 - 42 FR 26108 - 5/20/77
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT77-5057 (R)
42 FR 28769 - 6/3/77
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide
RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.

ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE77-4001 (H,Hw)
42 FR 1685 - 1/7/77
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE77-4040 (B)
42 FR 11223 - 2/25/77
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4184 (Channel Stabilizatio
41 FR 53259 - 12/3/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE77-4021 (H,Hw)
42 FR 8946 - 2/11/77
CEDAR COUNTY
Decision #NE77-4067 (B)
42 FR 15272 - 3/18/77
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE77-4043 (B,R)
42 FR 11224 - 2/25/77
Mod. #1 - 42 FR 15256 - 3/18/77
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE77-4017 (B)
42 FR 7060 - 2/4/77
Mod. #1 - 42 FR 26111 - 5/20/77
Decision #NE76-4178 (R)
41 FR 45813 - 10/15/76
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(B) - See Hall County
(H,Hw) - See Adams County

NEBRASKA [Cont'd.

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #NO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann., Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSONCOUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV77-5146 (B,H,Hw)
42 FR 22082 - 4/29/77
Mod. #1 - 42 FR 24572 - 5/13/77
Mod. #2 - 42 FR 28751 - 6/3/77
CARSON COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV77-5022 (R)(Excluding Nevada Test Site)
42 FR 15273 - 3/18/77
Mod. #1 - 42 FR 18792 - 4/8/77
Mod. #2 - 42 FR 22073 - 4/29/77
Mod. #3 - 42 FR 23274 - 5/6/77
Mod. #4 - 42 FR 27561 - 5/27/77
(B,H,Hw) - See Statewide
Decision #NV77-5012 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range)
42 FR 8947 - 2/11/77
Mod. #1 - 42 FR 20051 - 4/15/77
Mod. #2 - 42 FR 22073 - 4/29/77
Mod. #3 - 42 FR 28751 - 6/3/77
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV77-5031 (R)
42 FR 15278 - 3/18/77
Mod. #1 - 42 FR 18792 - 4/8/77
Mod. #2 - 42 FR 22073 - 4/29/77
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH77-2001 (B,H,Hw,R)
42 FR 4087 - 1/21/77
Mod. #1 - 42 FR 23275 - 5/6/77
MERRIMACK COUNTY
Decision #NH77-2002 (B,H,Hw, & Marine)
42 FR 4090 - 1/21/77
Mod. #1 - 42 FR 23275 - 5/6/77
ROCKINGHAM COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #NH77-2003 (B,H,Hw,R, & Marine)
42 FR 5625 - 1/28/77
Mod. #1 - 42 FR 23275 - 5/6/77
Mod. #2 - 42 FR 24573 - 5/13/77
STRAFFORD COUNTY
Decision #NH77-2004 (B,H,Hw, & Marine)
42 FR 5629 - 1/28/77
Mod. #1 - 42 FR 23275 - 5/6/77
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ77-3037 (B,H,Hw)
42 FR 21028 - 4/22/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERGEN COUNTY
Decision #NJ76-3252 (R)
41 FR 47827 - 10/29/76
Mod. #1 - 41 FR 52182 - 11/26/76
Mod. #2 - 42 FR 7034 - 2/4/77
Mod. #3 - 42 FR 12570 - 3/4/77
Mod. #4 - 42 FR 20985 - 4/22/77
Decision #NJ77-3038 (B,H,Hw)
42 FR 28779 - 6 /3/77
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County.
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE
Decision #NM77-4103 (Streets, Highways, Utilities and Light Engineering Construction)
42 FR 26169 - 5/20/77
Decision #NM77-4074 (Building, including residential in Mckinley, Santa Fe, San Juan, Bernalillo, Rio Arriba, Taos, Sandoval, & Valencia Cos., but not on the Navajo Indian Reservation, and Heavy engineering construction.
42 FR 18825 - 4/8/77
Mod. #1 - 42 FR 20051 - 4/15/77
Mod. #2 - 42 FR22074 - 4/29/77
Mod. #3 - 42 FR 26111 - 5/20/77
Mod. #4 - 42 FR 28752 - 6/3/77
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM77-4039 (R)
42 FR 10254 - 2/18/77
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw,R) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw,R) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw,R) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw,R) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY77-3000 (B,H,Hw)
42 FR 22098 - 4/29/77
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3256 (B,H,Hw)
41 FR 44645 - 10/8/76
Mod. #1 - 41 FR 50120 - 11/12/76
Mod. #2 - 42 FR 18792 - 4/8/77
Decision #NY77-3022 (R)
42 FR 7063 - 2/4/77
Mod. #1 - 42 FR 18792 - 4/8/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BROOME COUNTY
Decision #NY77-3011 (B,H,Hw)
42 FR 24621 - 5/13/77
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
CHAUTAUQUA COUNTY
Decision #NY77-3008 (B,H,Hw)
42 FR 26171 - 5/20/77
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY77-3001 (B)
42 FR 17766 - 4/1/77
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY77-3012 (B,H,Hw)
42 FR 24625 - 5/13/77
(D) - See Bronx County
ERIE COUNTY
Decision #NY77-3015 (B,H,Hw)
42 FR 8973 - 2/11/77
Mod. #1 - 42 FR 20051 - 4/15/77
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY77-3009 (B,H,Hw)
42 FR 8956 - 2/11/77
Mod. #1 - 42 FR 11189 - 2/25/77
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY77-3262 (B,H,Hw)
41 FR 47854 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY77-3013 (B,H,Hw)
42 FR 24631 - 5/13/77
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3261 (B,H,Hw)
41 FR 47850 - 10/29/76
Mod. #1 - 41 FR 50120 - 11/12/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY77-3010 (B,H,Hw)
42 FR 8961 - 2/11/77
ONONDAGA COUNTY
Decision #NY77-3006 (B,H,Hw)
42 FR 8951 - 2/11/77
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY77-3014 (B,H,Hw)
42 FR 8966 - 2/11/77
Mod. #1 - 42 FR 20051 - 4/15/77
(D) - See Bronx County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
(D) - See Cayuga County
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY77-3007 (B,H,Hw)
42 FR 17771 - 4/1/77
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY77-3005 (B,H,Hw)
42 FR 28795 - 6/3/77
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY77-3076 (B,H,Hw)
42 FR 28801 - 6/3/77
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #NC77-1012 (D)
42 FR 12662 - 3/4/77
Mod. #1 - 42 FR 15257 - 3/18/77
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #NC77-1013 (R)
42 FR 7065 - 2/4/77
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BURKE COUNTY
Decision #NC77-1014 (B)
42 FR 7065 - 2/4/77
Decision #NC77-1018 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County

NORTH CAROLINA (Cont'd.)

CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC77-1046 (
42 FR 18778 - 4/8/77
Decision #NC76-1085 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #NC77-1017 (R)
42 FR 8979 - 2/11/77
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
Decision #NC76-1121 (B)
41 FR 46805 - 10/22/76
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County

NORTH CAROLINA (Con't.d)

HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See STatewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
MECKLENBURG COUNTY
Decision #NC75-1115 - (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 41 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durtham County
PAMILICO COUNTY
(B,R) - See Carteret County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water,H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See STatewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1067 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109.(Hw)
40 FR 40022 - 8/29/75
Mod. #1 - 42 FR 13719 - 3/11/77
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
Decision #ND77-5020 (B)
42 FR 10255 - 2/18/77
Mod. #1 - 42 FR 12573 - 3/4/77
Mod. #2 - 42 FR 13719 - 3/11/77
Mod. #3 - 42 FR 15257 - 3/18/77
Mod. #4 - 42 FR 17744 - 4/1/77
Mod. #5 - 42 FR 20985 - 4/22/77
Decision #ND76-5108 (B)
41 FR 51353 - 11/19/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH77-2063 (H,Hw)
42 FR 20086 - 4/15/77
Mod. #1 - 42 FR 23276 - 5/6/77
ADAMS COUNTY
Decision #IL77-5056 (D)
42 FR 28750 - 6/3/77
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH77-2069 (B)
42 FR 24636 - 5/13/77
(H,Hw) - See Statewide
ASHLAND COUNTY
Decision #OH77-2088 (R)
42 FR 26096 - 5/20/77
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #OH77-2080 (B,R)
42 FR 24655 - 5/13/77
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY (Cont'd.)
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
Decision #OH77-2086 (R)
42 FR 26095 - 5/20/77
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH77-2079 (B)
42 FR 24652 - 5/13/77
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Mod. #1 - 41 FR 47716 - 10/29/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
Decision #OH77-2090 (R)
42 FR 24652 - 5/20/77
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
Decision #OH77-2057 (R)
42 FR 20045 - 4/15/77
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH77-2081 (B)
42 FR 24661 - 5/13/77
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
Mod. #1 - 42 FR 17744 - 4/1/77
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
Decision #OH77-2058 (R)
42 FR 20045 - 4/15/77
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH77-2075 (B)
42 FR 24638 - 5/13/77
(H,Hw) - See Statewide
COSHOCTON COUNTY
Decision #OH77-2059 (R)
42 FR 20046 - 4/15/77
(H,Hw) - See Statewide
CRAWFORD COUNTY
Decision #OH77-2060 (R)
42 FR 20046 - 4/15/77
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
Decision #OH77-2072 (R)
42 FR 24566 -5/13/77
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #OH77-2067 (R)
42 FR 23421 - 5/6/77
(H,Hw) - See Statewide
ERIE COUNTY
Decision #OH77-2078 (B)
42 FR 24649 - 5/13/77
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
Decision #OH77-2089 (R)
42 FR 26096 - 5/20/77
(H,Hw) - See Statewide
FRANKLIN COUNTY
(B) - See Clark County
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(B) - See Clarke County
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(R) - See Coshocton County
(H,Hw) - See Statewide
HAMILTON COUNTY
(B) - See Butler County
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
(R) - See Crawford County
(B) - See Wood County
HARDIN COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

HARRISON COUNTY
(H,Hw) - See Statewide
(R) - See Carroll County
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
Decision #OH77-2087 (B)
42 FR 26095 - 5/20/77
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(B) - See Clark County
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
(B)- See Clark County
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(R) - See Champaign County
(H,Hw) - See Statewide
LORAIN COUNTY

(B,D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #OH77-2076 (B,R)
42 FR 24644 - 5/13/77
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
Decision #OH77-2061 (R)
42 FR 20047 - 4/15/77
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(D) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(R) - See Belmont County
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(R) - See Knox County
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #OH77-2062 (R)
42 FR 20047 - 4/15/77
(B) - See Clark County
(H,Hw) - See Statewide
NOBLE COUNTY
(R) - See Belmont County
(H,Hw) - See Statewide
OTTAWA COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(B) - See Clark County
(H,Hw) - See Statewide
PORTAGE COUNTY
(B,R) - See Cuyahoga County
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(B) - See Erie County
(R) - See Ashtabula County
(H,Hw) - See Statewide
ROSS COUNTY
(R) - See Fayette County
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(R) - See Crawford County
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
(R) - See Darke County
STARK COUNTY
(B,R) - See Cuyahoga County
(H,Hw) - See Statewide
SUMMITT COUNTY
(B,R) - See Cuyahoga County
(H,Hw) - See Statewide
TRUMBULL COUNTY
(B,R) - See Mahoning County
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #OH77-2074 (B)
42 FR 24640 - 5/13/77
(H,Hw) - See Statewide
UNION COUNTY
(R) - See Champaign County
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
Decision #OH77-2091 (R)
42 FR 26097 - 5/20/77
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH77-2077 (B)
42 FR 24647 - 5/13/77
(H,Hw) - See Statewide
WYANDOT COUNTY
(R) - See Crawford County
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK77-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
42 FR 17777 - 4/1/77
Mod. #1 - 42 FR 23279 - 5/6/77
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK77-4036 (R)
42 FR 10261 - 2/18/77
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
Decision #OK77-4038 (R)
42 FR 10262 - 2/18/77
Decision #OK77-4109 (B)
42 FR 28807 - 6/3/77
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK77-4060 (R)
42 FR 13786 - 3/11/77
Decision #OK77-4056 (B)
42 FR 12663 - 3/4/77
Mod. #1 - 42 FR 22074 - 4/29/77
Mod. #2 - 42 FR 26111 - 5/20/77
Mod. #3 - 42 FR 28752 - 6/3/77

OKLAHOMA (cont'd)

COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
Mod. #1 - 42 FR 4069 - 1/21/77
Mod. #2 - 42 FR 11189 - 2/25/77
Mod. #3 - 42 FR 22074 - 4/29/77
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK77-4065 (B)
42 FR 15287 - 3/18/77
Mod. #1 - 42 FR 17744 - 4/1/77
Mod. #2 - 42 FR 22075 - 4/29/77
Mod. #3 - 42 FR 26111 - 5/20/77
Mod. #4 - 42 FR 28752 - 6/3/77
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK77-4062 (B,H,Hw)
42 FR 13787 - 3/11/77
Mod. #1 - 42 FR 16350 - 3/25/77
Mod. #2 - 42 FR 22075 - 4/29/77
Mod. #3 - 42 FR 26111 - 5/20/77
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK77-4066 (B)
42 FR 15289 - 3/18/77
Mod. #1 - 42 FR 22075 - 4/29/77
Mod. #2 - 42 FR 26111 - 5/20/77
Mod. #3 - 42 FR 28752 - 6/3/77
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK77-4037 (R)
42 FR 10262 - 2/18/77
Decision #OK77-4087 (B)
42 FR 22107 - 4/29/77
Mod. #1 - 42 FR 26112 - 5/20/77
WAGONER COUNTY
Decision #OK76-4189 (B)
41 FR 52278 - 11/26/76
Mod. #1 - 42 FR 3140 - 1/14/77
Mod. #2 - 42 FR 13720 - 3/11/77
Mod. #3 - 42 FR 15258 - 3/18/77
Mod. #4 - 42 FR 16350 - 3/25/77
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR77-5033 (B,H,Hw,D)
42 FR 16363 - 3/25/77
Mod. #1 - 42 FR 17745 - 4/1/77
Mod. #2 - 42 FR 18793 - 4/8/77
Mod. #3 - 42 FR 23279 - 5/6/77
Mod. #4 - 42 FR 28752 - 6/3/77
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45449 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75

OREGON (Cont'd.)

LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County
MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA77-3060 (H,Hw)
42 FR 26179 - 5/20/77
Decision #PA77-3028 (B)
42 FR 20098 - 4/15/77
Mod. #1 - 42 FR 23284 - 5/6/77
ALLEGHENY COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
Mod. #4 - 42 FR 8937 - 2/11/77
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26521 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
Mod. #2 - 41 FR 52185 - 11/26/76
Mod. #3 - 42 FR 8937 - 2/11/77
Mod. #4 - 42 FR 12574 - 3/4/77
Mod. #5 - 42 FR 15352 - 3/25/77
BEAVER COUNTY
(H,Hw) - See Armstrong County
(B) - See Butler County
BEDFORD COUNTY
Decision #PA77-3054 (B)
42 FR 24677 - 5/13/77
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA77-3029 (B)
42 FR 10263 - 2/18/77
Mod. #1 - 42 FR 16351 - 3/25/77
Mod. #2 - 42 FR 20986 - 4/22/77
Mod. #3 - 42 FR 23284 - 5/6/77
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
Mod. #1 - 42 FR 12574 - 3/4/77
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
Mod. #2 - 41 FR 44604 - 10/8/76
Mod. #3 - 42 FR 10217 - 2/18/77
Mod. #4 - 42 FR 16352 - 3/25/77
Mod. #5 - 42 FR 23283 - 5/6/77
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA77-3016 (B,R)
42 FR 5632 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Mod. #2 - 42 FR 20986 - 4/22/77
Mod. #3 - 42 FR 22078 - 4/29/77
Mod. #4 - 42 FR 23280 - 5/6/77
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 45797 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
Mod. #3 - 41 FR 53235 - 12/3/76
Mod. #4 - 42 FR 24574 - 5/13/77
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA77-3023 (H,Hw)
42 FR 5640 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Mod. #2 - 42 FR 22076 - 4/29/77
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
Decision #PA77-3043 (B)
42 FR 18783 - 4/8/77
Mod. #1 - 42 FR 26112 - 5/20/77
(H,Hw) - See Adams County
CENTRE COUNTY
(B) - See Clinton County
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
Decision #PA77-3039 (B)
42 FR 18778 - 4/8/77
Mod. #1 - 42 FR 20986 - 4/22/77
Mod. #2 - 42 FR 23281 - 5/6/77
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 42 FR 10218 - 2/18/77
Mod. #3 - 42 FR 16352 - 3/25/77
Mod. #4 - 42 FR 23283 - 5/6/77
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA77-3030 (B)
42 FR 10266 - 2/18/77
Mod. #1 - 42 FR 22078 - 4/29/77
Mod. #2 - 42 FR 23284 - 5/6/77
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA77-3053 (B)
42 FR 24672 - 5/13/77
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA77-3053 (B)
42 FR 24702 - 5/13/77
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
(H,Hw) - See Butler County
FULTON COUNTY
(B) - See Clinton County
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA77-3055 (B)
42 FR 24688 - 5/13/77
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(B) - See Clinton County
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA77-3050 (B)
42 FR 24669 - 5/13/77
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA77-3026 (B)
42 FR 7066 - 2/4/77
Mod. #1 - 42 FR 10218 - 2/18/77
Mod. #2 - 42 FR 20052 - 4/15/77
Mod. #3 - 42 FR 22076 - 4/29/77
Mod. #4 - 42 FR 23284 - 5/6/77
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 52186 - 11/26/76
Mod. #3 - 42 FR 8938 - 2/11/77
Mod. #4 - 42 FR 16353 - 3/25/77
Mod. #5 - 42 FR 23286 - 5/6/77
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

LEBANON COUNTY
Decision #PA77-3031 (B)
42 FR 18039 - 4/8/77
Mod. #1 - 42 FR 20986 - 4/22/77
Mod. #2 - 42 FR 23284 - 5/6/77
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA77-3056 (B)
42 FR 24698 - 5/13/77
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA77-3059 (B)
42 FR 26176 - 5/20/77
(H,Hw) - See Adams County
LYCOMING COUNTY
(H,Hw) - See Adams County
Decision #PA77-3032 (B)
42 FR 16373 - 3/25/77
Mod. #1 - 42 FR 23284 - 5/6/77
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(B) - See Clinton County
(H,Hw) - See Butler County
MONROE COUNTY
(B) - See Carbon County
(H,Hw) - See Adams County
MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

NORTHAMPTON COUNTY
(H,Hw) - See Adams County
Decision PA77-3033 (B)
42 FR 10[illegible] - 3/18/77
Mod. #1 - 42 FR 22076 - 4/29/77
Mod. #2 - 42 FR 23285 - 5/6/77
NORTHUMBERLAND COUNTY
Decision #PA77-3049 (B)
42 FR 21043 - 4/22/77
Mod. #1 - 42 FR 23285 - 5/6/77
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(B) - See Carbon County
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHUYKILL COUNTY
Decision #PA77-3034 (B)
42 FR 20100 - 4/15/77
Mod. #1 - 42 FR 22078 - 4/29/77
Mod. #2 - 42 FR 23285 - 5/6/77
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA77-3057 - (B)
42 FR 24700 - 5/13/77
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3[illegible]1 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-309[illegible] (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Mod. #2 - 42 FR 4069 - 1/21/77
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75
Mod. #1 - 42 FR 4069 - 1/21/77

RHODE ISLAND

STATEWIDE
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BRISTOL COUNTY
Decision #RI76-2150 (B,H,Hw,R, & Marine)
41 FR 48996 - 11/5/76
Mod. #1 - 42 FR 20052 - 4/15/77
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2151 (B,H,Hw,R, & Marine)
41 FR 50186 - 11/12/76
Mod. #1 - 42 FR 20053 - 4/15/77
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2152 (B,H,Hw,R, & Marine)
41 FR 51362 - 11/19/76
Mod. #1 - 42 FR 20053 - 4/15/77
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC76-1115 (R)
41 FR 44657 - 10/8/76
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC77-1070 (B)
42 FR 26182 - 5/20/77
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 30739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
Decision #SC77-1019 (B)
42 FR 8990 - 2/11/77
Mod. #1 - 42 FR 12574 - 3/4/77
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CLARENDON COUNTY
Decision #SC76-1088 (R)
41 FR 36399 - 8/27/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
Mod. #1 - 42 FR 26113 - 5/20/77
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC77-1008 (D)
42 FR 4101 - 1/21/77
Decision #SC76-1126 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
MCCORMIC COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD77-5028 (B)
42 FR 12666 - 3/4/77
Mod. #1 - 42 FR 23288 - 5/6/77
Mod. #2 - 42 FR 26113 - 5/20/77
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD77-5027 (B)
42 FR 10665 - 3/4/77
Mod. #1 - 42 FR 23288 - 5/6/77
Mod. #2 - 42 FR 26113 - 5/20/77
Mod. #3 - 42 FR 28753 - 6/3/77
(H,Hw) - See Statewide
Decision #SD77-5019 (R)
42 FR 8990 - 2/11/77
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN77-1041 (Hw)
42 FR 17784 - 4/1/77
ANDERSON COUNTY
Decision #TN77-1052 (B)(Oak Ridge, Energy Research Development Administration Only)
42 FR 23427 - 5/6/77
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN77-1036 (B)
42 FR 16375 - 3/25/77
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DYER COUNTY
Decision #TN76-1140 (R)
42 FR 56593 - 12/28/76
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F)- See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN77-1038 (B,H)
42 FR 17782 - 4/1/77
Mod. #1 - 42 FR 20053 - 4/15/77
(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN77-1037 (B)
42 FR 17780 - 4/1/77
Mod. #1 - 42 FR 23288 - 5/6/77
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F) -See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
LAUDERDALE COUNTY
(D,R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN77-1051 (B)
42 FR 23426 - 5/6/77
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONTGOMERY COUNTY
Decision #TN77-1026 (B)
42 FR 15246 - 3/18/77
(F) - See Anderson County
(Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN77-1022 (B)
42 FR 12667 - 3/4/77
(F) - See Anderson County
(Hw) - See Statewide
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN77-1047 (B,H,W&S, & Utility)
42 FR 23422 - 5/6/77
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Anderson County
(Hw) - See Statewide
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd.

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX77-4008 (H(Excluding tunnels and dams,) Hw
Incidental shore work, and paving and utilities incidental to general building construction)
42 FR 5644 - 1/28/77
Mod. #1 - 42 FR 22078 - 4/29/77
ANDERSON COUNTY
Decision #TX77-4009 (R)
42 FR 5652 - 1/28/77
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/11/77
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX77-4044 (B)
42 FR 11226 - 2/25/77
Mod. #1 - 42 FR 17746 - 4/1/77
Mod. #2 - 42 FR 20054 - 4/15/77
Mod. #3 - 42 FR 23289 - 5/6/77
Mod. #4 - 42 FR 26114 - 5/20/77
Mod. #5 - 42 FR 28753 - 6/3/77
Decision #TX77-4045 (R)
42 FR 11229 - 2/25/77
Mod. #1 - 42 FR 15258 - 3/18/77
Mod. #2 - 42 FR 17746 - 4/1/77
Mod. #3 - 42 FR 23289 - 5/6/77
Mod. #4 - 42 FR 28754 - 6/3/77
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX77-4068 (R)
42 FR 15291 - 3/18/77
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #TX77-4026 (R)
42 FR 10270 - 2/18/77
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4193 (B)
41 FR 56594 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 12575 - 3/4/77
Mod. #3 - 42 FR 15258 - 3/18/77
Mod. #4 - 42 FR 18793 - 4/8/77
Mod. #5 - 42 FR 23288 - 5/6/77
Mod. #6 - 42 FR 24574 - 5/13/77
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
Mod. #1 - 42 FR 11190 - 2/25/77
Mod. #2 - 42 FR 15258 - 3/18/77
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX77-4053 (B)
42 FR 12668 - 3/4/77
Mod. #1 - 42 FR 23289 - 4/8/77
Mod. #2 - 42 FR 26114 - 5/20/77
Mod. #3 - 42 FR 27561 - 5/27/77
BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
Decision #TX77-4101 (B)
42 FR 24705 - 5/13/77
Mod. #1 - 42 FR 27562 - 5/27/77
(H,Hw) - See Statewide

TEXAS (Cont'd).

BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX77-4011 (R)
42 FR 5656 - 1/28/77
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX77-4070 (B)
42 FR 17785 - 4/1/77
Mod. #1 - 42 FR 23290 - 5/6/77
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #TX77-4027 (R)
42 FR 10270 - 2/18/77
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX77-4054 (B)
42 FR 12671 - 3/4/77
Mod. #1 - 42 FR 16354 - 3/25/77
Mod. #2 - 42 FR 17746 - 4/1/77
Mod. #3 - 42 FR 23289 - 5/6/77
Mod. #4 - 42 FR 24574 - 5/13/77
Mod. #5 - 42 FR 28754 - 6/3/77
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #TX77-4105 (D)
42 FR 25182 - 5/20/77
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMP COUNTY
Decision #TX77-4012 (R)
42 FR 5658 - 1/28/77
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #TX77-4028 (R)
42 FR 10271 - 2/18/77
Decision #TX77-4097 (B-excluding Dallas-Fort Worth Regional Airport)
42 FR 23429 - 5/6/77
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33128 - 8/16/76
Mod. #2 - 41 FR 42054 - 9/24/76
Mod. #3 - 41 FR 56554 - 12/28/76
Mod. #4 - 42 FR 4070 - 1/21/77
Mod. #5 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

EWATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX77-4102 (B)
42 FR 24707 - 5/13/77
Mod. #1 - 42 FR 27562 - 5/27/77
Mod. #2 - 42 FR 28754 - 6/3/77
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX77-4055 (B)
42 FR 12673 - 3/4/77
Mod. #1 - 42 FR 23290 - 5/6/77

TEXAS (Cont'd.)

GREGG COUNTY (Cont'd.)
Decision #TX77-4013 (R)
42 FR 5660 - 1/28/77
(H,Hw) - See Statewide
GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4196 (B)
41 FR 56601 - 12/28/76
Mod. #1 - 42 FR 12575 - 3/4/77
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX77-4086 (R)
42 FR 20102 - 4/15/77
HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX77-4014 (B,R)
42 FR 5662 - 1/28/77
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX77-4098 (B,R)
42 FR 23433 - 5/6/77
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County

TEXAS (Cont'd.)

JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide
KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4197 (B)
41 FR 56602 - 12/28/76
Mod. #1 - 42 FR 4072 - 1/21/77
Mod. #2 - 42 FR 8940 - 2/11/77
Mod. #3 - 42 FR 12575 - 3/4/77
Mod. #4 - 42 FR 23288 - 5/6/77
Mod. #5 - 42 FR 28753 - 6/3/77
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX77-4015 (R)
42 FR 5664 - 1/28/77
Decision #TX77-4057 (B)
42 FR 12673 - 3/4/77
Mod. #1 - 42 FR 23290 - 5/6/77
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide
STERLING COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #TX77-4029 (R)
42 FR 10271 - 2/18/77
TAYLOR COUNTY
Decision #TX76-4171 (B)
41 FR 44604 - 10/8/76
Mod. #1 - 41 FR 56555 - 12/20/76
Mod. #2 - 42 FR 4071 - 1/21/77
Mod. #3 - 42 FR 23288 - 5/6/77
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX77-4108 (B)
42 FR 28811 - 6/3/77
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX77-4006 (B)
42 FR 4105 - 1/21/77
Mod. #1 - 42 FR 16354 - 3/25/77
Mod. #2 - 42 FR 20053 - 4/15/77
Mod. #3 - 42 FR 23289 - 5/6/77
Mod. #4 - 42 FR 27561 - 5/27/77
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide

TEXAS (Cont'd.)

VICTORIA COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX77-4016 (R)
42 FR 5666 - 1/28/77
Decision #TX77-4007 (B)
42 FR 4107 - 1/21/77
Mod. #1 - 42 FR 11190 - 2/25/77
Mod. #2 - 42 FR 20053 - 4/15/77
Mod. #3 - 42 FR 23289 - 5/6/77
Mod. #4 - 42 FR 26114 - 5/20/77
Mod. #5 - 42 FR 28753 - 6/3/77
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT77-5006 (B,H,Hw)
42 FR 5668 - 1/28/77
Mod. #1 - 42 FR 10220 - 2/18/77
Mod. #2 - 42 FR 17746 - 4/1/77
Mod. #3 - 42 FR 23290 - 5/6/77
Mod. #4 - 42 FR 28754 - 6/3/77
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2170 (Hw)
41 FR 54146 - 12/10/76
Mod. #1 - 42 FR 3140 - 1/14/77
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Mod. #4 - 41 FR 50122 - 11/12/76
Mod. #5 - 42 FR 4073 - 1/21/77
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
ALBERMARLE COUNTY
Decision #VA76-3244 (Hw)
41 FR 38784 - 9/10/76
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD77-3041 (B)
42 FR 15268 - 3/18/77
Mod. #1 - 42 FR 18794 - 4/8/77
Mod. #2 - 42 FR 20987 - 4/22/77
Mod. #3 - 42 FR 23290 - 5/6/77
Mod. #4 - 42 FR 27563 - 5/27/77
ALLEGHANY COUNTY
Decision #VA76-3245 (Hw)
41 FR 38748 - 9/10/76
Mod. #1 - 41 FR 40374 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 41 FR 50122 - 11/12/76

VIRGINIA (Cont'd.)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
Mod. #2 - 41 FR 50123 - 11/12/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(B,Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA77-3075 (B)
42 FR 28814 - 6/3/77
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #VA76-3254 (R)
41 FR 44680 - 10/8/76
Mod. #1 - 42 FR 20054 - 4/15/77
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA77-3046 (B)
42 FR 23436 - 5/6/77
Mod. #1 - 42 FR 28755 - 6/3/77
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - (See Albermarle County
LUNEBURG COUNTY
(Hw) - See Albermarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(B) - See Campbell County
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albermarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(D) - See Accomack County
(B,Hw) - See Chesapeake City
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY (Radford Army Ammunition Plant)
Decision #VA77-3052 (B)
42 FR 23443 - 5/6/77
Mod. #1 - 42 FR 28755 - 6/3/77
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA77-3074 (B,H,W&S)
42 FR 28811 - 6/3/77
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA77-5032 (B,H,Hw,D)
42 FR 17789 - 4/1/77
Mod. #1 - 42 FR 18794 - 4/8/77
Mod. #2 - 42 FR 22079 - 4/29/77
Mod. #3 - 42 FR 23291 - 5/6/77
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5119 (R)
41 FR 54148 - 12/10/76
Mod. #1 - 42 FR 13727 - 3/11/77
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #WA77-5008 (R)
42 FR 4109 - 1/21/77
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC77-3040 (B,Hw, W&S)
42 FR 15293 - 3/18/77
Mod. #1 - 42 FR 18794 - 4/8/77
Mod. #2 - 42 FR 20987 - 4/22/77
Mod. #3 - 42 FR 23291 - 5/6/77
Mod. #4 - 42 FR 27562 - 5/27/77
Decision #GA77-5035 (D)
42 FR 13756 - 3/11/77
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV77-3051 (H,Hw)
42 FR 22112 - 4/29/77
BARBOUR COUNTY
Decision #WV77-3027 (B)
42 FR 10281 - 2/18/77
Mod. #1 - 42 FR 13721 - 3/11/77
Mod. #2 - 42 FR 15259 - 3/18/77
Mod. #3 - 42 FR 17751 - 4/1/77
(H,Hw) - See Statewide
BERKELLY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TYLER COUNTY
(D) - See Cabell County
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI77-2049 (Hw)
42 FR 20105 - 4/15/77
Decision #WI77-2042 (H, Sewer, Tunnel, & Water)
42 FR 18841 - 4/8/77
Mod. #1 - 42 FR 23293 - 5/6/77
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
(H,Hw) - See Statewide
Decision #WI76-2157 (B,R)
41 FR 55292 - 12/17/76
Mod. #1 - 42 FR 18795 - 4/8/77
BARRON COUNTY
(B)- See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #WI76-2160 (B)
41 FR 55297 - 12/17/76
Mod. #1 - 42 FR 18795 - 4/8/77
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
Decision #IL77-5056 (D)
42 FR 28759 - 6/3/77
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(D) - See Buffalo County
(H,Hw, W&S) - See Statewide
DANE COUNTY
Decision #WI76-2161 (B,R)
41 FR 55299 - 12/17/76
Mod. #1 - 42 FR 18795 - 4/8/77
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #WI76-2162 (B,R)
41 FR 54150 - 12/10/76
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(D) - See Buffalo County
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #WI76-2165 (B)
41 FR 53261 - 12/3/76
KENOSHA COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #WI76-2167 (B,R)
41 FR 55301 - 12/17/76
Mod. #1 - 42 FR 20987 - 4/22/77
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #WI76-2155 (B,R)
41 FR 52280 - 11/26/76
Mod. #1 - 42 FR 18795 - 4/8/77
(H,Hw, W&S) - See Statewide
(D) - See Buffalo County

WISCONSIN (Cont'd.

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #WI76-2168 (B)
41 FR 55303 - 12/17/76
Mod. #1 - 42 FR 20987 - 4/22/77
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
ONCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(D) - See Buffalo County
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #WI76-2158 (B)
41 FR 55303 - 12/17/76
Mod. #1 - 42 FR 18795 - 4/8/77
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI76-2169 (B,R)
42 FR 56620 - 12/28/76
Mod. #1 - 42 FR 20987 - 4/22/77
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #WI76-2163 (B)
41 FR 54152 - 12/10/76
Mod. #1 - 42 FR 18795 - 4/8/77
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(D) - See Buffalo County
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(D) - See Buffalo County
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WINNEBAGO COUNTY
Decision #WI76-2164 (B)
41 FR 54154 - 12/10/76
Mod. #1 - 42 FR 18795 - 4/8/77
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING (Cont'd.

STATEWIDE
Decision #WY77-5052 (Hw)
42 FR 26183 - 5/20/77
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY77-5054 (B,H)
42 FR 26188 - 5/20/77
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARIMIE COUNTY
(B,H) - See Converse County
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H,Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UNITA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

FEDERAL REGISTER, VOL. 42, NO. 127—FRIDAY, JULY 1, 1977

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:		
AK77-5052		May 20, 1977.
Arkansas:		
AR77-4106		May 27, 1977.
AR-4107		June 3, 1977.
AR77-4112;	AR77-4114	June 10, 1977.
California:		
CA77-5043;	CA77-5044	May 20, 1977.
Georgia:		
GA76-1119		Oct. 15, 1976.
GA77-1005;	GA77-1009	Jan. 28, 1977.
Idaho:		
ID77-5045		May 13, 1977.
Kentucky:		
KY77-1058		Do.
Louisiana:		
LA77-4104		May 20, 1977.
Maryland:		
MD77-3077		June 3, 1977.
Montana:		
MT77-5057		Do.
Nebraska:		
NE77-4115		June 10, 1977.
New Mexico:		
NM77-4116		June 17, 1977.
North Dakota:		
ND77-5062		June 10, 1977.
Ohio:		
OH77-2076		May 13, 1977.
Oklahoma:		
OK76-4160		Oct. 1, 1976.
OK77-4052		Mar. 11, 1977.
OK77-4087		Apr. 29, 1977.
OK77-4160		Oct. 1, 1977.
OK77-4109		June 3, 1977.
Pennsylvania:		
PA77-3023		Jan. 28, 1977.
PA77-3033		Feb. 18, 1977.
PA77-3056		May 13, 1977.
PA77-3060		May 20, 1977.
Texas:		
TX77-4007		Jan. 21, 1977.
TX77-4044		Feb. 25, 1977.
TX77-4070;	TX77-4071	Apr. 1, 1977.
TX77-4098		May 6, 1977.
TX77-4102		May 13, 1977.
TX77-4111		June 10, 1977.
Wyoming:		
WY77-5054		May 20, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:		
AL77-1007 (AL77-1086)		Jan. 28, 1977.
Arkansas:		
AR77-4082 (AR77-4147)		Apr. 8, 1977.
Colorado:		
CO77-5047 (CO77-5066); CO77-5048 (CO77-5067); CO77-5049 (CO77-5068); CO77-5050 (CO77-5069); CO77-5051 (CO77-5070).		May 6, 1977.
Kansas:		
KS77-4085 (KS77-4149)		Apr. 15, 1977.
Kentucky:		
KY76-1083 (KY77-1088)		Aug. 27, 1976.
Maryland:		
AQ-2076 (MD77-3085)		Mar. 15, 1974.
Missouri:		
MO77-4058 (MO77-4134); MO77-4059 (MO77-4148).		Mar. 11, 1977.
Nebraska:		
NE77-4017 (NE77-4135)		Feb. 27, 1977.

New York:
NY76-3261 (NY77-3003); Oct. 29, 1976.
NY76-3262 (NY77-3004).
NY77-3010 (NY77-3081); Feb. 11, 1977.
NY77-3014 (NY77-3084).
Oklahoma:
OK77-4056 (OK77-4150).. Mar. 4, 1977.
Oregon:
OR77-5083 (OR77-5063).. Mar. 25, 1977.

Texas:
TX76-4[illegible]0 (TX77-4139)... Feb. 13, 1977.
TX77-4009 (TX77-4136); Jan. 28, 1977.
TX77-4011 (TX77-4140);
TX77-4012 (TX77-4141);
TX77-4013 (TX77-4142);
TX77-4014 (TX77-4144);
TX77-4015 (TX77-4145);
TX77-4016 (TX77-4146).
TX77-40[illegible] (TX77-4137).. Feb. 25, 1977.
TX77-40[illegible] (TX77-4138).. Mar. 18, 1977.
TX77-40[illegible] (TX77-4143).. Apr. 15, 1977.
Virginia:
VA77-3046 (VA77-3089); May 6, 1977.
VA77-3052 (VA77-3088).
VA77-3074 (VA77-3091); June [illegible], 1977.
VA77-3075 (VA77-3090).
Wyoming:
WY77-5052 (WY77-5071).. May 20, 1977.

Signed at Washington, D.C., this 24th day of June 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

DECISION #AR77-5052 - Mod. #1
(42 FR 26115 - May 20, 1977)
Statewide, Alaska

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$19.01	.44	.97		.10
Electricians:					
Electricians; Equipment Operators; Technicians	16.95	.70	3%+2.00		.15
Cable Splicers	18.70	.70	3%+2.00		.15
Glaziers:					
Area I	15.85	.65	1.00		.17
Plumbers; Steamfitters:					
Area I	18.42	.85	1.30		.45
Sheet Metal Workers:					
Area I	18.99	.57	1.00		.17
Soft Floor Layers:					
Areas II and III	19.04	.65	1.50		.20
Sprinkler Fitters	15.82	.65	.95		.08

DECISION NO. AR77-4106 - Mod. #3
(42 FR 27563 - May 27, 1977)
Conway, Faulkner, Van Buren, Cleburne and Perry Counties, Arkansas

CHANGE:					
ASBESTOS WORKERS	$10.40	.45	.60		.02
ELECTRICIANS:					
Electricians	10.45	.40	3%		1/4%
Cable splicers	10.575	.40	3%		1/4%
LINE CONSTRUCTION:					
Linemen	10.85		3%		3/8%
Cable splicers	10.975		3%		3/8%
Operators	10.85		3%		3/8%
Groundman (advanced)	65%JR		3%		3/8%
Groundman (1st 6 months)	49%JR		3%		3/8%
Winch equipment	73%JR		3%		3/8%
TILE, MARBLE & TERRAZZO FINISHERS	5.80				
PLASTERERS	8.85				.02

MODIFICATIONS P. 2

DECISION NO. AR77-4107 - Mod. #2
(42 FR 28757 - June 3, 1977)
Pulaski County, Arkansas

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.40	.45	.60		.02
ELECTRICIANS:					
Electricians	10.45	.40	3%		1/4%
Cable splicers	10.575	.40	3%		1/4%
LINE CONSTRUCTION:					
Lineman	10.85		3%		3/8%
Cable splicers	10.975		3%		3/8%
Operators	10.85		3%		3/8%
Groundman (advanced)	65%JR		3%		3/8%
Groundman (1st 6 months)	49%JR		3%		3/8%
Winch equipment	73%JR		3%		3/8%
PLASTERERS	8.85				.02

DECISION NO. AR77-4112 - Mod. #1
(42 FR 30104 - June 10, 1977)
Garland, Hot Springs and Clark Counties, Arkansas

CHANGE:					
ASBESTOS WORKERS	$10.40	.45	.60		.02
ELECTRICIANS:					
Electricians	9.975		3%		1/4%
Cable splicers	10.10		3%		1/4%
LINE CONSTRUCTION:					
Linemen	9.975		3%		1/4%
Cable splicers	10.10		3%		1/4%
Groundman (1st 6 months)	45%JR		3%		1/4%
Truck driver (with winch)	80%JR		3%		1/4%
PAINTERS:					
Brush & roller	6.75				
Paperhanging	7.00				
Sheet rock (tape & flat only); stage and steel	7.00				
Spray and sandblasting	7.25				
Painters operating any kind of taping or floating machine	8.75				
PLUMBERS-PIPEFITTERS:					
Zone A	9.55	.50	.30		.10
Zone B	10.15	.50	.30		.10
Zone C	10.70	.50	.30		.10
PLASTERERS	8.85				.02

MODIFICATIONS P. 3

DECISION NO. AR77-4114 - Mod. #1
(42 FR 30106 - June 10, 1977)
Sebastian, Crawford and Washington Counties, Arkansas

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS (WASHINGTON COUNTY)	$ 6.45				
ELECTRICIANS:					
Electricians	9.90	.35	3%		1/4%
Cable splicers	10.15	.35	3%		1/4%
LINE CONSTRUCTION:					
Linemen; Operator	9.15	.35	3%		1/4%
Cable splicers	9.30	.35	3%		1/4%
Powdermen	90%	.35	3%		1/4%
Truck drivers	75%	.35	3%		1/4%
Groundman	65%	.35	3%		1/4%
Groundman (1st 6 months)	59%	.35	3%		1/4%
PLASTERERS	8.85				.02
LATHERS	8.85				.02

MODIFICATIONS P. 4

DECISION NO. CA77-5043 - Mod. #2 (42 FR 26122 - May 20, 1977) San Diego County, California Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cement Masons:					
Cement Masons	$8.[illegible]1	.88	$1.66	$1.36	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	9.11	.[illegible]8	1.66	1.36	.07
Electricians:					
Electricians	13.03	.70	3%+1.33		.02
Cable Splicers	13.33	.70	3%+1.33		.02
Lathers (Northern portion of San Diego from Center of City of Del Mar)	11.50	.60	1.00		.05
Line Construction:					
Groundman	10.13	.70	3%+1.33		.02
Lineman	13.15	.70	3%+1.33		.02
Cable Splicer	13.45	.70	3%+1.33		.02
Roofers	10.79	.60	.75	1.00	.07

DECISION NO. CA77-50[illegible]4 - Mod. #2 (42 FR 26130 - May 20, 1977) San Diego County, California Change:					
Cement Masons:					
Cement Masons	$[illegible].[illegible]1	.[illegible][illegible]	$1.66	$1.36	.07
Color work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	9.11	.[illegible][illegible]	1.66	1.3[illegible]	.07
Electricians:					
Electricians	13.03	.70	3%+1.33		.02
Cable Splicers	13.33	.70	3%+1.33		.02
Lathers (Northern portion of San Diego from Center of City of Del Mar)	11.[illegible]0	.60	1.00		.05
Line Construction:					
Groundman	10.13	.70	3%+1.33		.02
Lineman	13.15	.70	3%+1.33		.02
Cable Splicers	13.45	.70	3%+1.33		.02
Roofers	10.79	.60	.75	1.0[illegible]	.[illegible]7

DECISION #GA76-1119 - Mod. #4
(41 FR 45800 - October 15, 1976)
Richmond County, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Wiremen	$ 9.26	.50	3% + .20		½ of 1%
Cable splicers	9.51	.50	3% + .20		½ of 1%
Ironworkers:					
Structural, ornamental & reinforcing	8.80	.55	.60		.03
Add:					
Boilermakers	9.50	.75	1.00		.02
Line Construction:					
Linemen	9.26	.50	3% + .20		½ of 1%
Cable splicers	9.51	.50	3% + .20		½ of 1%
Truck operator	5.74	.50	3% + .20		½ of 1%
Groundmen	5.19	.50	3% + .20		½ of 1%
Marble masons	7.75				
Omit:					
Roofers	4.00				
Footnote 'c'					

DECISION #GA77-1067 - Mod. #5
(42 FR [illegible] - January 28, 1977)
Clayton, DeKalb, & Fulton Counties, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Wiremen	$10.10	9%	11%		½ of 1%
Cable splicers	11.00	9%	11%		½ of 1%
Leadburners	10.50	.40	.25	c	.01
Marble & Tile Setters Finishers	6.15				
Terrazzo Worker Finishers:					
Finishers	6.15				
Floor machine operators	6.25				
Base machine operators	6.35				
FOOTNOTE:					
c. Paid Holidays: A through f, plus Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday					
Add:					
Line Construction:					
Linemen & Equipment operators	10.10	9%	11%		½ of 1%
Cable splicers	11.00	9%	11%		½ of 1%
Groundmen - Truck drivers	4.55	9%	11%		½ of 1%

DECISION #GA77-1009 - Mod. #4
(42 FR 5623 - January 28, 1977)
Chatham County, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$ 8.30	.20	.20		.01
Electricians:					
Wiremen	9.25	.60	3% + .60		1/5 of 1%
Cable splicers	9.50	.60	3% + .60		1/5 of 1%
Plasterers	7.00				
Plumbers & Pipefitters:					
Contracts $15,000 or less	9.15	.40	.55		.05
Contracts over $15,000	9.80	.40	.55		.05
Sheet metal workers	8.98	.45			.04
Omit:					
Marble masons, Terrazzo workers, & Tile setter	5.00				

DECISION #ID77-5045 - Mod. #3
(42 FR 24577 - May 13, 1977)
Statewide Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers:					
Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties	$10.25	.50	.50		
Glaziers:					
Remaining Counties:	7.62	.21		b	
Plumbers:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, Shoshone Counties	12.66	.75	1.26	1.25	.12
Sheet Metal Workers:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton Counties	10.52	.41	.25+.22		.08
Remaining Counties	10.94	.57	.52		.14
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	9.79	.40	.60		

DECISION #KY77-1058 - Mod. #1
(42 FR 26012 - May 13, 1977)
Hardin, Jefferson, and Meade Counties, Kentucky

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.66	.50	1.00		.02
Boilermakers	10.80	.75	1.00		.01
Electricians	11.60	.50	3% + .40		¼ of 1%
Leadburners	10.50	.40	.25	c	.01
Line Construction:					
Linemen, line truck operators, & hole diggers	11.60	.50	3% + .4[illegible]		½ of 1[illegible]
Marble, Tile, & Terrazzo Workers	9.70	.40	.40		
Plasterers	10.35				
Roofers:					
Roofers	7.85	.60	.25		
Slate, tile & precast concrete slab	8.25	.60	.25		

FOOTNOTE:

c. Nine Paid Holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA77-4104 - Mod. 13 (42 FR 26137 - May 20, 1977) Statewide Louisiana					
Change:					
Bricklayers & stonemasons:					
Zone 5	$ 9.25				
Carpenters:					
Zone 7	8.90				
Zone 8	8.95	.40	.30		.04
Zone 9	8.80				
Zone 10	8.70	.50	.30		.05
Cement masons (Building Construction):					
Zone 5	8.35				
Electricians:					
Electricians:					
Zone 3	12.30	.35	3%+.20		1/10%
Zone 4	11.15	.35	3%		
Zone 6	10.05	.45	3%		1/2%
Zone 8	10.25		3%	.30	1/2%
Cable splicers:					
Zone 3	12.55	.35	3%+.20		1/10%
Zone 4	11.40	.35	3%		
Zone 6	10.55	.45	3%		1/2%
Zone 8	10.50		3%	.30	1/2%
Glaziers:					
Zone 2	7.80				.01
Lathers:					
Zone 4	10.40				
Line construction:					
Zone 4:					
Lineman & equipment ops.	11.15	.35	3%		
Cable splicers	11.40	.35	3%		
Groundmen	50%JR	.35	3%		
Zone 5:					
Lineman & equipment ops.	10.25		3%	.30	1/2%
Cable splicers	10.50		3%	.30	1/2%
Groundmen	60%JR		3%	.30	1/2%

DECISION #LA77-4104 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (Cont'd):					
Zone 6:					
Linemen & equipment ops.	$10.05	.45	3%		1/2%
Cable splicers	10.55	.45	3%		1/2%
Groundmen, 1st 6 months	2.85	.45	3%		1/2%
Groundmen, 2nd 6 months	3.44	.45	3%		1/2%
Groundmen, after 1 year	3.73	.45	3%		1/2%
Zone 7:					
Linemen; Operators	10.35	.85	3%		1%
Cable splicers	10.85	.85	3%		1%
Groundmen	8.35	.85	3%		1%
Millwrights:					
Zone 5	9.65				
Zone 6	9.70	.40	.30		.04
Zone 7	9.55				
Zone 8	9.60	.50	.30		.05
Painters:					
Zone 1:					
Group 1	9.96				
Group 2	10.085				
Group 3	10.16				
Group 4	10.305				
Group 5	10.445				
Zone 4:					
Group 1	8.10				
Group 2	8.40				
Group 3	8.15				
Group 4	9.00				
Group 5	9.25				
Group 6	8.55				
Group 7	8.90				
Zone 5:					
Group 1	8.00				
Group 2	8.50				
Group 3	9.00				
Zone 6:					
Group 1	8.55	.40	.30		.05
Group 2	8.80	.40	.30		.05
Group 3	9.05	.40	.30		.05
Group 4	9.15	.40	.30		.05

DECISION #LA77-4104 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledrivermen:					
Zone 5	$ 9.40				
Zone 6	9.20	.40	.30		.04
Zone 7	9.30				
Zone 8	9.20	.50	.30		.05
Plasterers:					
Zone 1	8.70				
Zone 2	8.00				.01
Zone 7	9.40			1.00	
Plumbers & pipefitters:					
Zone 3	10.30	.50	.55		.10
Roofers:					
Zone 5:					
Roofers	[illegible].55		.20		.02
Kettlemen	5.93		.20		.02
Sheet metal workers:					
Zone 4	9.75	3%+.55	.40		.09
Soft floor layers:					
Zone 5	8.90				
Zone 6	[illegible].95	.40	.30		.04
Zone 7	[illegible].80				
Zone 8	8.70	.50	.30		.05
Tile setters:					
Zone 3	9.25				

DECISION NO. MD77-3077 - Mod. #1 (42 FR 28760 - June 3, 1977) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Harford, Howard, and Baltimore City, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, SOFT FLOOR LAYERS, MILLWRIGHTS, & PILEDRIVERS:					
Zone 1:					
Carpenters & soft floor layers	$10.45	.80	.60		.05
Millwrights	10.94	.80	.60		.05
Piledrivers	10.68	.80	.60		.05
ELECTRICIANS:					
Zone 1	10.60	.70	3% + .80		3%
Zone 2	10.85	.70	3% + .80		3%
Zone 3	11.10	.70	3% + .80		3%
LABORERS, HEAVY:					
Laborers	6.10	.30	.50		.075
Power tool operators	6.20	.30	.50		.075
Pipelayers, wagon drill operators, air track drillers, burners (demolition)	6.60	.30	.50		.075
LINEMEN & CABLE SPLICERS:					
Zone 1	11.65	.45	3%		½ of 1%
Zone 2	11.90	.45	3%		½ of 1%
Zone 3	12.15	.45	3%		½ of 1%
PAINTERS:					
Brush & roller	9.20	.85	.50		.06
Spackling, taping, & wall covering	9.35	.85	.50		.06
Spray painting (except steel)	9.45	.85	.50		.06
Steel painters; any painting using swinging stages & boat swain chair; sand & water blasting; steam cleaning; all epoxies; spray (steel only)	9.70	.85	.50		.06
SPRINKLER FITTERS:					
Harford & Howard Counties and the remainder of Anne Arundel and Baltimore Counties	11.31	.65	.95		.08

DECISION NO. MD77-3077 - Mod. #1 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Building & Heavy Construction					
Group 6:					
A	$10.76	.85	.85	a	.11
B	10.96	.85	.85	a	.11
C	11.16	.85	.85	a	.11
D	11.36	.85	.85	a	.11
E	11.61	.85	.85	a	.11

DECISION #MT77-5057 - Mod. #1 (42 FR 28769 - June 3, 1977) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Bricklayers, Stone Masons	$10.40	.60	.55		
Marble Masons	10.40	.60	.55		
Add:					
Bricklayers, Marble Masons and Stone Masons:					
Cascade and Glacier Cos.	10.40	.60	.55		.05
Deer Lodge and Silver Bow Cos.	10.65		.55		.05
Gallatin County	10.05				
Hill and Valley Cos.	10.50	.55	.55		.05
Missoula County	9.50	.40	.25		
Omit:					
Terrazzo and Tile Setters	11.25	.60	.55		
Add:					
Terrazzo and Tile Setters:					
Cascade and Glacier Cos.	8.25	.60	.55		.05
Gallatin County	10.05				
Missoula County	9.50	.40	.25		
Change:					
Carpenters:					
Silver Bow County	8.00	.85	1.00	.75	.02
Ironworkers:					
Structural, Ornamental and Reinforcing:					
Remaining Counties	10.66	.60	1.10		.05
Painters:					
Deer Lodge County					
Paperhanger	7.87				
Silver Bow County					
Brush	7.60	.25	.10		
Sheet Metal Workers:					
Cascade, Glacier and Hill cos	10.27	.66	.25		.07
Sprinkler Fitters	10.42	.65	.95		.08

DECISION NO. NE77-4115 - Mod. #1 (42 FR 30131 - June 10, 1977) Douglas, Sarpy, and Otoe Counties, Nebraska	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS-Douglas & Sarpy Cos.	$12.38	.68	3%+.65		.06
Residential rehabilitation-Douglas & Sarpy Cos.	10.49	.68	3%+.65		.06
LABORERS:					
Common laborers	7.17	.50	.40		.05
*Residential rehabilitation	6.13	.50	.40		.05
Buggymobile oprs., mortar mixers, mason tenders	7.315	.50	.40		.05
Residential rehabilitation	6.26	.50	.40		.05
Pipelayers	7.45	.50	.40		.05
Residential rehabilitation	6.37	.50	.40		.05
Plasterers tenders	7.485	.50	.40		.05
Residential rehabilitation	6.40	.50	.40		.05
Lathers	8.35	.50	.40		
Steamfitters	13.19	.60	.75		.15
Residential rehabilitation	10.21	.60	.75		.15

MODIFICATIONS P. 17

DECISION NO. NM77-4116 - Mod. #1
(42 FR 31094 - June 17, 1977)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS					
ZONE I - AREA 1					
1-A	$10.50	.60	3%+.70		1/2%
1-B	11.24	.60	3%+.70		1/2%
1-C	11.87	.60	3%+.70		1/2%
1-D	12.60	.60	3%+.70		1/2%
ZONE I - AREA 2					
2-A	9.91	.60	3%+.70		1/2%
2-B	10.60	.60	3%+.70		1/2%
2-C	11.20	.60	3%+.70		1/2%
2-D	11.89	.60	3%+.70		1/2%
ZONE II	11.87	.60	3%+.70		1/2%
ZONE III					
3-A	9.10	.30	3%		1/2%
3-B	10.55	.30	3%		1/2%
ZONE IV					
4-A	9.70	.60	3%		.01
4-B	10.05	.60	3%		.01
4-C	10.20	.60	3%		.01
4-D	10.45	.60	3%		.01
ZONE V	5.80	.30	3%		1/4%
CABLE SPLICERS:					
ZONE I - AREA 1					
1-A	11.55	.60	3%+.70		1/2%
1-B	12.29	.60	3%+.70		1/2%
1-C	12.92	.60	3%+.70		1/2%
1-D	13.65	.60	3%+.70		1/2%
ZONE I - AREA 2					
2-A	10.90	.60	3%+.70		1/2%
2-B	11.59	.60	3%+.70		1/2%
2-C	12.19	.60	3%+.70		1/2%
2-D	12.88	.60	3%+.70		1/2%
ZONE II	12.40	.60	3%+.70		1/2%
ZONE III					
3-A	9.35	.30	3%		1/2%
3-B	10.80	.30	3%		1/2%
ZONE IV					
4-A	10.05	.60	3%		.01
4-B	10.40	.60	3%		.01
4-C	10.55	.60	3%		.01
4-D	10.80	.60	3%		.01

MODIFICATIONS P.18

DECISION NO. NM77-4116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS (BUILDING, HEAVY CONSTRUCTION)					
Group I	$6.31	.53	.67		.05
Group II	6.61	.53	.67		.05
Group III	6.61	.53	.67		.05
Group IV	6.91	.53	.67		.05
Group V	7.06	.53	.67		.05
LABORERS (RESIDENTIAL CONSTRUCTION)					
Group I	5.02	.53	.67		.05
Group II	5.32	.53	.67		.05
Group III	5.42	.53	.67		.05
Group IV	5.82	.53	.67		.05
LATHERS:					
Zone I	8.705	.57		.50	.02
Zone II	10.50				.01

MODIFICATIONS P.19

DECISION NO. NM77-4062 - Mod. #1
(42 FR 30118 - June 10, 1977)
Burleigh, Cass, Grand Fork, Morton, Richland, Steele, Walsh and Ward Cos., North Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Burleigh and Morton Counties	$9.40		.15		
Carpenters:					
Grand Forks, Steele (Northern Area) and Walsh Counties:					
Carpenters	9.11		.20		
Piledrivers	9.37		.20		
Millwrights	9.86	.50	.50	.50	.02
Ward County:					
Millwrights	9.86	.50	.50	.50	.02
Painters:					
Cass, Grand Forks, Richland and Steele Counties:					
Brush; Roller; Paperhangers	8.05				.02
Sandblasting; Structural Steel Spray	8.60				.02
Ward County:					
Brush	7.70				
Spray	8.05				
Plasterers:					
Ward County	9.40				
Plumbers:					
Ward County	10.28	.50	.55		.04
Soft Floor Layers:					
Cass and Richland Cos.	8.50				
Sprinkler Fitters:					
(except Walsh County)	9.98	.65	.85		.08
Omit:					
Cement Masons:					
Ward County	8.50				

MODIFICATIONS P. 20

DECISION NO. 01177-2076 - Mod. #2
(42 FR 24644 - May 13, 1977)
Mahoning & Trumbull Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Mahoning (Milton Twp.) & Trumbull (excluding Hubbard & Liberty Twps.) Cos.	$12.59	.60	7%		.7%
Mahoning (Austintown, Beaver, Berlin, Broadman, Canfield, Ellsworth, Coitsville, Goshen, Green, Jackson, Poland, Springfield, & Youngstown Twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	12.55	.56	7%		.3%
Mahoning (Smith Twp.) Co.:					
Commercial Building	11.75	.40	3%+.40		.3%
Residential (4 units only)	7.25	.30	3%+.40		.3%
Painters:					
Brush; Dipping; Hydro jet cleaning; Paperhangers; Roller; Steamcleaning; Wall washing; & Waterproofing	11.10	.60	.80		
Spray; Epoxy-mastic (Brush & Roller)	11.60	.60	.80		
Dry wall taping	11.25	.60	.80		
Omit:					
Line Construction:					
Linemen; Cable splicer; Operator - pole digging equipment	13.23	.45	1%		½%
Add:					
Line Construction:					
Mahoning (Excluding Smith Twp.), & Trumbull Cos.:					
Linemen; Cable splicer; Operator - pole digging equipment	13.23	.45	3%		½%
Mahoning Co. (Smith Twp.):					
Linemen; Cable splicer	11.75	.40	3%+.35		½%
Line equipment operators	10.60	.40	3%+.35		½%

DECISION NO. OK77-4062 - Mod. #4 (42 FR 13787 - March 11, 1977) Muskogee, Adair and Cherokee Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS(Zone I)					
Electricians	$ 9.73	.60	3%		1/2%
Cable splicers	10.03	.60	3%		1/2%
ELECTRICIANS(ZONE II)					
Electricians	10.13	.60	3%		1/2%
Cable splicers	10.43	.60	3%		1/2%
TERRAZZO WORKER HELPER	8.19				
TERRAZZO WORKERS FLOOR OPERATORS	8.30				
TERRAZZO WORKERS BASE MACHINE OP.	8.51				
CARPENTERS:					
Carpenters	8.50	.45	.65		.06
Millwrights-Piledrivermen	9.00	.45	.65		.06
DECISION NO. OK77-4087 - Mod. #3 (42 FR 22107 - April 29, 1977) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
CHANGE:					
ELECTRICIANS:					
Electricians	$10.65	.46	3%+.40	.30	.07
Cable splicers	10.85	.46	3%+.40	.30	.07
TERRAZZO WORKERS & TILE LAYERS HELPER	8.19				
TERRAZZO WORKERS HELPER-FLOOR MACHINE OPERATOR	8.30				
TERRAZZO WORKER HELPER BASE MACHINE OPERATOR	8.51				

DECISION NO. OK77-4109 - Mod. #2 (42 FR 28807 - June 3, 1977) Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole and Pottowatomic Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Zone I	$ 9.55	.50	3%+.50		1/2%
Zone II	9.80	.50	3%+.50		1/2%
Zone III	10.05	.50	3%+.50		1/2%
CABLE SPLICERS					
Zone I	9.80	.50	3%+.50		1/2%
Zone II	10.05	.50	3%+.50		1/2%
Zone III	10.30	.50	3%+.50		1/2%
PLUMBERS-PIPEFITTERS	10.97	.60	.85		.10
DECISION NO. OK76-4160 - Mod. #4 (41 FR 43629 - October 1, 1976) Garfield County, Oklahoma					
CHANGE:					
ELECTRICIANS:					
ZONE I	$ 9.55	.50	1%+.50		1/2%
ZONE II	9.80	.50	1%+.50		1/2%
ZONE III	10.05	.50	1%+.50		1/2%
CABLE SPLICERS:					
ZONE I	9.80	.50	1%+.50		1/2%
ZONE II	10.05	.50	1%+.50		1/2%
ZONE III	10.30	.50	1%+.50		1/2%
PLUMBERS-PIPEFITTERS	10.97	.60	.85		.10

DECISION #PA77-3023 - Mod. #4 (42 FR 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Franklin & Mifflin Counties					
Lineman	$10.81	.40	3%		.054
Experienced Winch Truck	7.54	.40	3%		.037
2nd. 1000 Hrs.	7.35	.40	3%		.036
1st. 1000 Hrs.	7.17	.40	3%		.035
Experienced Truck Driver	6.99	.40	3%		.034
2nd. 1000 Hrs.	6.81	.40	3%		.034
1st. 1000 Hrs.	6.63	.40	3%		.033
Experienced Groundman	6.45	.40	3%		.032
2nd. 1000 Hrs.	6.26	.40	3%		.031
1st. 1000 Hrs.	6.08	.40	3%		.030

DECISION #PA77-3033 - Mod. # 3 (42 FR 10268 - February 18, 1977) Northampton County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$10.69	.60	.66		.01
Cement Masons	10.19	.60	.64		.01
Electricians:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	10.90	.35	3%+.80		.02
Remainder of County	11.20	6%	3%+1.00		.02
Ironworkers:					
Structural, ornamental & reinforcing	12.10	.84	1.36		
Lathers	10.21	.40	.25		.01
Line Construction:					
Lineman	12.48	.40	3%		3/8%
Cable splicer	12.48	.40	3%		3/8%
Groundman	7.45	.40	3%		3/8%
Winch truck operator	8.71	.40	3%		3/8%
Piledrivermen	10.77	2.13	1.30		.12
Plasterers	10.00	.60	.66		.01
Terrazzo Workers	9.59	.60	.66		.01
DECISION #PA77-3056 - Mod. # 1 (42 FR 24698 - May 13, 1977) Lehigh County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	$10.30	.60	1.15		.01
Electricians	10.90	.35	3%+.80		.02
Lathers	10.21	.40	.25		.01
Line Construction:					
Linemen & cable splicers	11.51	.40	3%		3/4%
Groundman	6.87	.40	3%		3/4%
Winch truck operators	8.03	.40	3%		3/4%
Marble Setters	8.70	.80	1.15		
Piledrivermen	10.77	2.13	1.30		.01
Tile Setters	8.70	.80	1.15		
Terrazzo Workers	8.95	.80	1.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3060 - Mod. # 2 (42 FR 26179 - May 20, 1977) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania					
Change:					
Line Construction: Adams, Cumberland, Dauphin, Juniata, Perry & York Counties, Pennsylvania					
Journeyman Lineman	$10.81	.40	3%		.054
Experienced Winch Truck	7.54	.40	3%		.037
2nd. 1000 Hrs.	7.35	.40	3%		.036
1st. 1000 Hrs.	7.17	.40	3%		.035
Experienced Truck Driver	6.99	.40	3%		.034
2nd. 1000 Hrs.	6.81	.40	3%		.034
1st. 1000 Hrs.	6.63	.40	3%		.033
Experienced Groundman	6.45	.40	3%		.032
2nd. 1000 Hrs.	6.26	.40	3%		.031
1st. 1000 Hrs.	6.08	.40	3%		.030
Ironworkers: Structural, Ornamental & Reinforcing Adams, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Juniata, Perry, Snyder, Union & York Counties	11.28	.84	1.36		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4007 - Mod. 86 (42 FR 4107 - January 21, 1977) Wichita County, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	$10.00	.40	3%		1/10%
Cable splicers	10.25	.40	3%		1/10%
Zone 2:					
Electricians	10.35	.40	3%		1/10%
Cable splicers	10.60	.40	3%		1/10%
DECISION #TX77-4044 - Mod. 86 (42 FR 11226 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	10.13	.60	3%		1/2%
Cable splicers	11.16	.60	3%		1/2%
Zone 2:					
Electricians	10.35	.40	3%		1/10%
Cable splicers	10.60	.40	3%		1/10%
Line Construction:					
Zone 1:					
Lineman	10.13	.60	3%		1/2%
Cable splicers	11.16	.60	3%		1/2%
Groundman, more than 1 year experience	6.61	.60	3%		1/2%
Groundman, less than 1 year experience	5.76	.60	3%		1/2%
Operator-hole digger, line truck	7.71	.60	3%		1/2%
Flat bed truck driver	5.76	.60	3%		1/2%
Laborers:					
Group 1	4.99	.53	.27		
Group 2	5.14	.53	.27		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4070 - Mod. #2 (42 FR 17785 - April 1, 1977) Bowie County, Texas					
Change:					
Painters:					
Group 1	$ 6.05				
Group 2	8.35				
Group 3	8.00				
Group 4	8.25				
Group 5	8.65				
Group 6	8.50				
Group 7	8.80				
Group 8	9.35				
Group 9	9.60				
DECISION #TX77-4071 - Mod. #4 (42 FR 17787 - April 1, 1977) El Paso County, Texas					
Change:					
Cement masons	6.51	.68			.03
Electricians:					
Electricians	9.10	.30	3%		1/10%
Cable splicers	9.35	.30	3%		1/10%
Line Construction:					
Lineman-Technician; Equipment operators	9.10	.30	3%		1/10%
Cable splicers	9.35	.30	3%		1/10%
Groundman	75%JR	.30	3%		1/10%
Groundman (less than 6 mos.)	50%JR	.30	3%		1/10%
DECISION #TX77-4098 - Mod. #1 (42 FR 23433 - May 6, 1977) Jefferson & Orange Cos., Texas					
Change:					
Electricians	11.40	.40	3%+.285		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4102 - Mod. #4 (42 FR 24707 - May 13, 1977) Galveston & Harris Cos., Texas					
Change:					
Electricians:					
Galveston County	$11.34	.40	3%+.40		.06
Harris County	11.05	.55	7%		.06
Laborers:					
Group 1	7.45	.33	.53		.02
Group 2	7.625	.33	.53		.02
Group 3	7.725	.33	.53		.02
Group 4	8.00	.33	.53		.02
Group 5	7.575	.33	.53		.02
Group 6	7.875	.33	.53		.02
Marble masons:					
Harris County	10.46				
Marble masons finishers	7.90				
Terrazzo workers:					
Harris County	10.46				
Terrazzo workers' finishers:					
Terrazzo workers finishers	7.90				
Terrazzo floor machinemen	8.05				
Terrazzo base machinemen	8.20				
Tile setters:					
Harris County	10.46				
Tile setters' finishers	7.90				
DECISION #TX77-4111 - Mod. #1 (42 FR 30141 - June 10, 1977) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Electricians:					
Electricians	10.55	.60	3%		1/2%
Cable splicers	10.675	.60	3%		1/2%
Plasterers	9.60				.01

INCISION #WY77-5054 - Mod. #1 (42 FR 26188 - May 20, 1977) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sprinkler fitters	$10.55	.65	.95		.08
Truck drivers:					
Heavy Construction:					
Dump Trucks (meter level capacity box):					
Over 10 cu. yds. to and including 13 yds.	5.75	.25	.35		

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL77-1086 DATE: Date of Publication
Supersedes Decision No.: AL77-1007 dated January 28,1977, in 42 FR 5619
DESCRIPTION OF WORK: Building Construction, (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.16	.45	.40		.05
Boilermakers	9.50	.75	1.00		.02
Bricklayers, pointers; caulkers; stonemasons	9.35	.25	.25		.12
Cleaners	8.15	.25	.25		.05
Carpenters:					
Carpenters, soft floor layers	8.35	.50	.25		.07
Millwrights	9.85				.07
Piledrivermen	8.55	.50	.25		.07
Cement masons	7.33	.50			
Electricians:					
Electricians	10.10	.30	3%+.40		4%
Cable splicers	10.35	.30	3%+.40		4%
Elevator constructors	9.14	.495	.32	4%+a+b	.02
Elevator constructors' helpers	6.40	.495	.32	4%+a+b	.02
Elevator constructors' helpers (prob.)	4.905				
Glaziers	8.23	.50	.50		.01
Ironworkers	9.25	.60	.815		.06
Lathers	6.90		.10		.01
Linemen:					
Linemen	8.88	.35	1%		4%
Groundmen under one year	4.21	.35	1%		4%
Groundmen one year and over	4.97	.35	1%		4%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	7.55	.35	1%		4%
Tractor with towing machine					
truck with winch only	6.22	.35	1%		4%
Truck without winch	5.33	.35	1%		4%
Marble setters	8.20		.40		
Painters:					
Brush (Commercial)	8.65		.60		
Spray; Structural steel	9.15		.60		
Paperhangers	8.80		.60		
Plasterers	7.47	.50			
Plumbers; Pipefitters	10.75	.58	.65		.09
Roofers	8.35		.20		.10
Sheet metal workers	9.20	.65	.70		.09
Sprinkler fitters	10.35	.65	.95		.08
Terrazzo workers, Tile setters	8.20		.40		
Tile, Marble terrazzo helpers	6.30				

AL77-1086 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	6.15	.30			
1½ to but not including 3 tons	6.55	.30			
3 tons but not including 5 tons	6.60	.30			
5 tons and over including special equipment	6.75	.30			
Heavy Duty - off the road trucks	6.85	.30			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day: D-Labor Day: E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

AL77-1086 (Cont'd)

BUILDING CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.00	.25	.30		.03
GROUP B	5.95	.25	.30		.03
GROUP C	5.90	.25	.30		.03
GROUP D	5.85	.25	.30		.03
GROUP E	6.25	.25	.30		.03
GROUP F	6.70	.25	.30		.03
GROUP G	6.60	.25	.30		.03
GROUP H	6.65	.25	.30		.03
GROUP I	6.55	.25	.30		.03
GROUP J	6.40	.25	.30		.03

GROUP A
Air or electrim tool operators and asphalt rakers

GROUP B
Vibrator operators, chain saw ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller (10' Dia)

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

AL77-1086 - (Cont'd)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.64	.40	.30		.10
GROUP B	8.31	.40	.30		.10
GROUP C	7.44	.40	.30		.10
GROUP D	9.34	.40	.30		.10
GROUP E	8.83	.40	.30		.10
GROUP F	7.57	.40	.30		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under), mechanic helpers

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), mechanic helper, air compress 125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: Arkansas COUNTIES: Union and Ouachita
DECISION NO. AR77-4147 DATE: Date of Publication
Supersedes Decision No. AR77-4082 dated April 8, 1977 in 42 FR 18798
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.40	.45	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	8.70	.40	.35		.02
CARPENTERS:					
Carpenters	7.93	.45	.35		.04
Millwrights & Piledrivermen	8.43	.45	.35		.04
CEMENT MASONS	8.67	.25			.03
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	10.04		3%		4%
Cable splicers	10.34		3%		4%
Electrical contracts over $20,000:					
Electricians	10.83		3%		4%
Cable splicers	11.13		3%		4%
IRONWORKERS	10.05	.45	.65		.04
LABORERS:					
Group I	5.82	.25	.35		
Group II	6.07	.25	.35		
Group III	6.22	.25	.35		
Group IV	6.32	.25	.35		
Group V	6.62	.25	.35		
Group VI	6.72	.25	.35		
Group VII	6.57	.25	.35		

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer
Group II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers & shovelers, creosote wood handlers, chuck tenders
Group III - Steel form setters, curb and gutters, grout and cement muckers
Group IV - Swinging scaffold, barco, 90 lb. pavement breaker, and burners
Group V - Nozzleman (gunnite, grout and sand blaster; concrete pump (nozzle placer)
Group VI - Powderman and blasters
Group VII - Wagon drill

DECISION NO. AR77-4147 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Cable splicers	10.34		3%		4%
Lineman	10.04		3%		4%
Operator	9.79		3%		4%
Truck driver (pick-up & jeep)	8.94		3%		4%
Groundman	8.94		3%		4%
Electrical contracts over $20,000.00:					
Cable splicers	11.13		3%		4%
Lineman	10.83		3%		4%
Operator	10.58		3%		4%
Truck driver (pick-up & jeep)	9.58		3%		4%
Groundman	9.58		3%		4%
PAINTERS:					
Brush, roller, sheet rock work and paperhanging	8.00				
Spray painting & sandblasting	8.625				
PLASTERERS	8.85				.02
PLUMBERS & PIPEFITTERS	10.26	.45	.55		.05
POWER EQUIPMENT OPERATORS:					
Group I	9.64	.35	.35		
Group II	8.76	.35	.35		
Group III	8.38	.35	.35		
Group IV	8.93	.35	.35		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II- Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swing boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all frnt end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, lad-a-vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump euclid, pump-crete, spray machine and pressure grout machine, air compressors, regardless of size, alf equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	7.60		.10		
SHEET METAL WORKERS	9.65	3%+.40a	.25		.07b
SPRINKER FITTERS	10.12	.65	.95		.0b
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Includes 3% Sasmi
b - Includes .02 National Training Fund.

SUPERSEDEAS DECISIONS

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: CO77-5066 Date : Date of Publication
Supersedes Decision No. CO77-5047 dated May 6, 1977, in 42 FR 23314
DESCRIPTION OF WORK: Heavy and Highway Construction

HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties					
Electricians	$ 11.69	.70	10%+.75		.02
Cable Splicers	11.94	.70	10%+.75		.02
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	11.25	.52	10%+.25		1%
Cable Splicers	11.50	.52	10%+.25		1%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Alamosa, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone I (Within 12 miles from Pueblo Main Post Office)					
Electricians	11.50	.62	10%+.65		1%
Cable Splicers	12.65	.62	10%+.65		1%
Zone II (12 to 20 miles from Pueblo Main Post Office)					
Electricians	11.90	.62	10%+.65		1%
Cable Splicers	13.05	.62	10%+.65		1%

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone 3 (30 to 40 miles from Pueblo Main Post Office)					
Electricians	$ 12.25	.62	10%+.65		1%
Cable Splicers	13.40	.62	10%+.65		1%
Zone 4 (40 miles and over from Pueblo Main Post Office)					
Electricians	13.38	.62	10%+.65		1%
Cable Splimers	14.53	.62	10%+.65		1%
Electricians on electrical contracts less than $20,000 in Zones 3 and 4	11.00	.62	10%+.65		1%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties					
Electricians	11.50	.72	10%+.50		.015
IRONWORKERS:					
Structural, Ornamental, and reinforcing	10.30	.84	1.25		.12
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	9.76	.65	.70		.07
Spray, Swing Stage	10.36	.65	.70		.07

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: Cont'd)					
Baca, Kent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	$ 7.87	.50			.04
Steel Painters	8.37	.50			.04
Spray Painters	8.87	.50			.04
Steel Spray	9.37	.50			.04
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Northern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	8.49	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel	8.99	.60	.30		.04
Steel Spray	9.74	.60	.30		.04

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$ 8.74	.78	.85	.65	.07
*Zone II	9.24	.78	.85	.65	.07
Underground Carpenters					
*Zone I	8.94	.78	.85	.65	.07
*Zone II	9.44	.78	.85	.65	.07
Working on Creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at job site					
*Zone I	9.04	.78	.85	.65	.07
*Zone II	9.54	.78	.85	.65	.07
CEMENT MASONS:					
*Zone I	8.36	.47	1.15	.30	.10
*Zone II	8.86	.47	1.15	.30	.10

LABORERS (Heavy & Highway Construction)	Basic Hourly Rates: Zone I	Basic Hourly Rates: Zone 2	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.90	$ 7.40	.49	.55		.05
Group 2	7.00	7.50	.49	.55		.05
Group 3	7.30	7.80	.49	.55		.05
Group 4	7.45	7.95	.49	.55		.05
Group 5	7.65	8.15	.49	.55		.05
LABORERS (Tunnels)						
Group 1	6.90	7.40	.49	.55		.05
Group 2	7.80	8.30	.49	.55		.05
Group 3	7.90	8.40	.49	.55		.05
Group 4	7.98	8.48	.49	.55		.05
Group 5	8.05	8.55	.49	.55		.05
Group 6	8.20	8.70	.49	.55		.05
(Shafts, Raises, Missile Silos and all underground work other than Tunnels)						
Group 1	7.90	8.40	.49	.55		.05
Group 2	8.05	8.55	.49	.55		.05
Group 3	8.15	8.65	.49	.55		.05
Group 4	8.33	8.83	.49	.55		.05
Group 5	8.43	8.93	.49	.55		.05
Group 6	8.48	8.98	.49	.55		.05

LABORERS
(Heavy and Highway Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattressess; Pipe plants and yards, stringing of pipe on skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws); Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

LABORERS (Cont'd)
(Heavy and Highway Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bullers and Stemmer; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Pugs and Galleys in Dams

LABORERS
(Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Muck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying or concrete processing materials

Group 6: Collapsible from movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stmpping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

LABORERS (Cont'd)
(Shafts, Raises, Missile Silos and all Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; applying of Concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Zone 1*	Zone 2*				
Group 1	$ 7.90	$ 8.65	.45	.79	.30	.06
Group 2	8.25	9.00	.45	.79	.30	.06
Group 3	8.60	9.35	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.05	9.80	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.05	8.80	.45	.79	.30	.06
Group 2	8.40	9.15	.45	.79	.30	.06
Group 3	8.50	9.25	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.30	10.05	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

Heavy and Highway Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS	ZONE 1*	ZONE 2*				
PICKUPS; Helpers; Hamlemen; Checkers; Spotters; Dumpman	$ 7.80	$ 8.30	.5%	.1%	.3%	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Specialty and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab Operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Trunk over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Trunk over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

HEAVY CONSTUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$ 11.73	.45	1%		3/4%
Lineman Cableman	11.00	.45	1%		3/4%
Lineman (Journeyman)	10.93	.45	1%		3/4%
Line Equipment Operator	9.30	.45	1%		3/4%
Line Equipment Maintenance Man	9.30	.45	1%		3/4%
Groundman, Experienced	7.67	.45	1%		3/4%
Groundman, Inexperienced	6.96	.45	1%		3/4%

*ZONE DESCRIPTIONS
Carpenters, Cement Masons, Laborers
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West of the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan Park, Summit, and Weld

DECISION NUMBER: CO77-5067 DATE: Date of Publication
Supersedes Decision No. CO77-5048 dated May 6, 1977, in 42 FR 23322.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.76	.38	$ 1.17		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.60	.85	.95	.50	.05
Boulder and Grand Counties	9.10	.85	.95		.05
Elbert, Lake and Park Counties	9.85	.50	.60		.04
Larimer County	10.05	.85	.95		.05
Remaining Counties	9.60	.85	.95	.50	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern Area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont, basing points					
Zone I (0 to 20 miles)	9.485	.78	.85	.65	.07
Zone II (20 to 50 miles)	10.67	.78	.85	.65	.07
Zone III (50 miles and over)	11.86	.78	.85	.65	.07
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	9.485	.78	.85	.65	.07
Zone II (20 to 50 miles)	10.67	.78	.85	.65	.07
Zone III (50 miles and over)	11.86	.78	.85	.65	.07
Larimer County (S.E. portion within Loveland basing point, Zone 1)	9.485	.78	.85	.65	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Larimer (Remainder of County), Eagle, Lake, Park (South 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	$ 8.69	.78	.85	.55	.07
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	8.94	.78	.85	.55	.07
Zone III (All work outside of the 60 mile radius from P.O. in Leadville or Fort Collins)	9.19	.78	.85	.55	.07
CEMENT MASONS:					
Cement Masons	9.22	.49	1.15	.60	.09
Working with composition materials and color	9.72	.49	1.15	.60	.09
Working on scaffold, swing stage, or temporary platform over 25'	9.47	.49	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.85	.42	1%+.50		.015
Electricians (Remaining Cos.)	11.69	.70	1%+.75		.02
Cable Splicers (Remaining Counties)	11.94	.70	1%+.75		.02
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+A	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+A	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	10.30	.84	1.25		.12
LAMORS	10.84				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Elbert, Lake and Park Cos.	$ 9.11	.50	.50		
Remaining Counties	9.75	.71	.70		.04
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Park County (Southern half) Brush, Roller, Taper, hand texture	8.49	.60	.30		.04
Steel and Paperhanger	8.99	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel Spray	9.74	.60	.30		.04
Remaining Counties including N½ of Park County* Brush, Roller and Drywall Finisher	9.76	.65	.70		.07
Spray; Swing Stage, Paperhangers	10.36	.65	.70		.07
PLASTERERS	10.84				.01
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert and Park Counties*	9.05	.60	.75	1.17	.08
Boulder County	10.60	.75	.95	.65	.10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	10.67	.75	.95	.60	.08
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties**	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	9.81	.80	.50		.08
SHEET METAL WORKERS	11.06	3%+.40	1.16		.07
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.75	.71	.70		.04
TILE LAYERS:					
Elbert, Lake and Park Cos.	9.11	.50	.50		
Remaining Counties	9.75	.71	.70		.04
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.44	.71	.70	.40	
Floor Grinders	7.59	.71	.70	.40	
Base Grinders	8.14	.71	.70	.40	

*Park County dividing Line:
Line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

**Area South of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2	Basic Hourly Rates Zone 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA A							
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05
AREA B							
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	6.90	7.35	7.80	.49	.55		.05
Group 3	7.18	7.63	8.08	.49	.55		.05
Group 4	7.38	7.83	8.28	.49	.55		.05
Group 5	7.22	7.67	8.12	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

LABORERS (Cont'd)
Zone Descriptions

AREA A
Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying West of the east line of Range 65 West and North of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

AREA B
Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan and Park Counties

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Grueley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities.

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic-Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
Group 1	$ 7.90	$ 8.65	.45	.79	.30	.05
Group 2	8.25	9.00	.45	.79	.30	.06
Group 3	8.60	9.35	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.05	9.80	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.05	8.80	.45	.79	.30	.06
Group 2	8.40	9.15	.45	.79	.30	.06
Group 3	8.50	9.25	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.30	10.05	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, Handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Hugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, Finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1*	ZONE 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, Semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	8.20	.870	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

*ZONE DESCRIPTIONS
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:

Boulder	Douglas	Larimer
Clear Creek	Gilpin	Morgan
Denver	Jefferson	Weld

B. Counties entirely within Zone 2:
Grand Lake Park Summit

C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within zone 1, as follows:
All of Adams, Arapahoe, Elbert Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West

D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are includes within Zone 2, as follows:
All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59W and R60W of the 8th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: CO77-5068 DATE: Date of Publication
Supersedes Decision No. CO77-5049 dated May 6, 1977, in 42 FR 23329
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.76	.38	1.17		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.15	.85	.70		.04
CARPENTERS:					
Zone 1 (0-30 miles from Post Office in Colorado Springs)	8.69	.78	.85	.65	.07
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.94	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	8.25	.47	1.15	.60	.09
Working with Composition materials and color	8.75	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.50	.47	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS	11.50	.72	1%+.50		.015
ELECTRICIANS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS					
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	10.30	.84	1.25		.12
LATHERS	10.29				.01
MARBLE SETTERS	9.11	.50	.50		
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush and Roller; Tapers, hand texture	8.49	.60	.30		.04
Paperhangers; Steel	8.99	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel Spray	9.74	.60	.30		.06
PLASTERERS	10.84				.01
PLUMBERS; Pipefitters	9.83	.60	.85	1.17	.10
ROOFERS	9.41	.52	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$ 11.06	3%+.40	$ 1.16		.07
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS	9.75	.71	.70		.08
TILE SETTERS	9.11	.50	.50		.04
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.44	.71	.70	.40	
Floor Grinders	7.59	.71	.70	.40	
Base Grinders	8.14	.71	.70	.40	

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

ZONE 1 - That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.90	.45	.79	.30	.06
Group 2	8.25	.45	.79	.30	.06
Group 3	8.60	.45	.79	.30	.06
Group 4	8.75	.45	.79	.30	.06
Group 5	8.90	.45	.79	.30	.06
Group 6	9.05	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	8.05	.45	.79	.30	.06
Group 2	8.40	.45	.79	.30	.06
Group 3	8.50	.45	.79	.30	.06
Group 4	8.75	.45	.79	.30	.06
Group 5	8.90	.45	.79	.30	.06
Group 6	9.30	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpman	$ 7.80	.50	.35	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	.50	.35	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	8.20	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Flo[illegible].s, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	.50	.35	.30	
MECHANIC	8.80	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	.50	.35	.30	
[illegible] TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	9.10	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	.50	.35	.30	

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO77-5069 DATE: Date of Publication

Supersedes Decision No. CO77-5050 dated May 6, 1977, in 42 FR 23334

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.76	.38	$ 1.17		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS	10.27	.85	.70		.04
CARPENTERS	8.69	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	9.07	.49	1.15	.60	.09
Working with composition material and color	9.57	.49	1.15	.60	.09
Working on scaffold, swing stage or temporaty platform over 25'	[illegible].32	.4[illegible]	1.15	.60	.09
DRYWALL INSTALLERS	[illegible].29	.7[illegible]	.85	.65	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	11.50	.62	1[illegible]+.65		1[illegible]
Cable Splicers	12.65	.62	1[illegible]+.65		1[illegible]
Zone II (12-20 miles from P.[illegible].)					
Electricians	11.90	.62	1[illegible]+.65		1[illegible]
Cable Splicers	13.05	.62	1[illegible]+.65		1[illegible]
Zone III (20-40 miles from P.O.)					
Electricians	12.25	.62	1[illegible]+.65		1[illegible]
Cable Splicers	13.40	.62	1[illegible]+.65		1[illegible]
Zone IV (Over 40 miles from P.O.					
Electricians	13.38	.62	1[illegible]+.65		1[illegible]
Cable Splicers	14.53	.62	1[illegible]+.65		1[illegible]
Electrical contracts under $20,000 in Zones III and IV	11.00	.62	1[illegible]+.65		1[illegible]
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4[illegible]+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70[illegible]JR	.545	.35	4[illegible]+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50[illegible]JR				
[illegible]LAZIERS	10.06				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	10.3[illegible]	.84	1.25		.12
LATHERS	9.5[illegible]				.01

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE & TILE SETTERS, TERRAZZO WORKERS	$ 9.75	.71	.70		.04
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush, roller, tapers, hand texture	7.87	.50			.04
Steel; Paperhangers	8.37	.50			.04
Spray, Tapers using Automatic tools	8.87	.50			.04
Spray Steel	9.37	.50			.04
PLASTERERS	10.84				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.97	.60	.85		.08
Zone II (15-20 miles from P.O.)	11.54	.60	.85		.08
Zone III (20-40 miles from P.O.)	11.97	.60	.85		.08
Zone IV (Over 40 miles from P.O.)	12.995	.60	.85		.08
ROOFERS	9.41	.52	.40		
SHEET METAL WORKERS	11.06	3[illegible]+.40	1.16		.07
SOFT FLOOR LAYERS:					
Las Animas and Otero Counties	9.63	.40	.75	.30	.10
Pueblo County	8.20	.40	.75	.30	.05
SPRINKLER FITTERS	11.65	.65	.95		
TILE, MARBLE & TERRAZZO					
HELPERS:					
Helpers	7.44	.71	.70	.40	
Floor Grinders	7.59	.71	.70	.40	
Base Grinders	8.14	.71	.70	.40	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates Zone 1*	Basic Hourly Rates Zone 2*	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.90	$ 8.65	.45	.79	.30	.06
Group 2	8.25	9.00	.45	.79	.30	.06
Group 3	8.60	9.35	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.05	9.80	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.05	8.80	.45	.79	.30	.06
Group 2	8.40	9.15	.45	.79	.30	.06
Group 3	8.50	9.25	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.30	10.05	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Gradess, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Waterman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1*	ZONE 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpman	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Specialty and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Hay, Low Hay, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 14 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 20 cu. yds. to and including 30 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 30 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

*ZONE DESCRIPTIONS
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:
Otero Pueblo

B. Portions of Las Animas County which are included within Zone 1, as follows:
All of Las Animas County lying West of the Township line between R59W and R60W of the 7th 7th Guide Meridian West.

C. Portions of Las Animas County which are included within Zone 2, as follows:
All of Las Animas County lying East of the Township line between R59W and R60W of the 7th Guide Meridian West.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO77-5070

DATE : Date of Publication

Supersedes Decision No. CO77-5051 dated May 6, 1977, in 42 FR 23339

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$10.76	.38	$ 1.17		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	9.70	.60	.70	.25	.05
Remaining Counties	10.05	.85	.70		.05
CARPENTERS:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	8.69	.78	.85	.65	.07
Zone II (30-60 miles from nearest basing point)	8.94	.78	.85	.65	.07
Zone III (60 miles and over from nearest basing point)	9.19	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	9.22	.49	1.15	.60	.09
Working with composition materials and color	9.72	.49	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	9.47	.49	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS:					
Electricians	11.25	.52	1%+.25		1½%
Cable Splicers	11.50	.52	1%+.25		1½%
ELEVATOR CONSTRUCTORS	10.64	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELEPRS (PROB.)	50%JR				
GLAZIERS	10.06				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Structural, Ornamental and Reinforcing	$ 10.30	.84	$ 1.25		.12
LATHERS	10.84				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.75	.71	.70		.04
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush, Roller and Drywall Finishers	9.76	.65	.70		.07
Paperhangers, Spray, Swing Stage	10.36	.65	.70		.07
PLASTERERS	10.14				.01
PLUMBERS	9.75	.75	.95	1.75	.10
ROOFERS	9.41	.52	.40		
SHEET METAL WORKERS	11.06	3%+.40	1.16		.07
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.44	.71	.70	.40	
Floor Grinders	7.59	.71	.70	.40	
Base Grinders	8.14	.71	.70	.40	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS Garfield and Pitkin Cos.	Zone 1*	Zone 2*	Zone 3*				
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	6.90	7.35	7.80	.49	.55		.05
Group 3	7.18	8.63	8.08	.49	.55		.05
Group 4	7.38	7.83	8.28	.49	.55		.05
Group 5	7.22	8.67	8.12	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

*Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs and Rifle.

*Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

*Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS Delta, Gunnison, Mesa and Montrose Counties	Zone 1**	Zone 2**	Zone 3**				
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

**Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborers

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechnical, air, gas, and electrical tools, incuding Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and shoring over twelve (12) feet below working surface, Bellers and stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
Group 1	$ 7.90	$ 8.65	.45	.79	.30	.06
Group 2	8.25	9.00	.45	.79	.30	.06
Group 3	8.60	9.35	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.05	9.80	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.05	8.80	.45	.79	.30	.06
Group 2	8.40	9.15	.45	.79	.30	.06
Group 3	8.50	9.25	.45	.79	.30	.06
Group 4	8.75	9.50	.45	.79	.30	.06
Group 5	8.90	9.65	.45	.79	.30	.06
Group 6	9.30	10.05	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubrimating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/Blade, finish; Multiple unit portable Crushers, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERTORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drums or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds. Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Specialty and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youn-buggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tirsman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 75 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

ZONE DESCRIPTIONS
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:
Delta Garfield Mesa

B. Counties entirely within Zone 2:
Gunnison Pitkin

C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:
All of Montrose County lying north of the North line of Ouray County and said North Line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian

D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:
All of Montrose County except that part lying north of the North Line of Ouray County and said North Line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian

SUPERSEDEAS DECISION

STATE: Kansas
DECISION NO.: KS77-4149
Supersedeas Decision No. KS77-4085, dated April 15, 1977 in 42 FR 20063
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

COUNTY: Leavenworth
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.05
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	9.725	.55	.35	1.00	
CARPENTERS; Millwrights and Pile-drivermen	11.00	.50	.30		.05
CEMENT MASONS	9.475	.40	.50	.50	
ELECTRICIANS:					
Zone 1 - Delaware, Kickapoo, High Prairie and Leavenworth Townships)	11.22	.39	3%+.51	.80	.06
Zone 2 - Remainder of County	11.35	.45	3%+.55		.05
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years service, and 2% of basic hourly rate for 6 mos. to 5 years as vacation Pay Credit. b-1st 6 months - none; 6 months - 5 years-2%; over 5 years-4% of the basic hourly rate; also 6 paid holidays.

GLAZIERS	9.90	.55	.59	16.46%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
General laborer	7.40	.30	.30		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortar mixers for plasterers, masons & cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzleman, powderman	7.65	.30	.30		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (Site Preparation and Grading):					
Group 1	6.85	.35	.35		.05
Group 2	7.00	.35	.35		.05
Group 3	7.10	.35	.35		.05
Group 4	7.25	.35	.35		.05
Group 5	7.35	.35	.35		.05

CLASSIFICATION DEFINITIONS

Group 1 - Board mat weavers and cable tiers, goergia buggy (manually operated, mixerman-no skip lift, nailers, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw; georgia buggy (mechanically operated) grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper, concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzleman, sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadmen or pusher

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LATHERS	10.60	.40			
LINE CONSTRUCTION:					
Zone 1 - Southwest 2/3 of Leavenworth County					
Lineman	10.00	.45	3%		4%
Cable splicers	10.50	.45	3%		4%
Groundman, over 1 year	6.22	.45	3%		4%
Groundman, 1st year	4.71	.45	3%		4%
Powderman	8.29	.45	3%		4%
Line Truck & Equipment Operators;					
1st year	6.37	.45	3%		4%
2nd year	7.62	.45	3%		4%
Over 2 years' experience	8.29	.45	3%		4%
Zone 2 - Remainder of Leavenworth County					
Lineman	11.39	.45	3%+.15		4%
Lineman operator	10.60	.45	3%+.15		4%
Groundman powderman	7.90	.45	3%+.15		4%
Groundman	7.50	.45	3%+.15		4%
Groundman (1st year)	6.43	.45	3%+.15		4%
MARBLE AND TILE SETTERS	10.82	1.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Zone 1- Northern 2/3 of County					
Brush, roller, tapers	8.10	.55	.70		
Spray	9.10	.55	.70		
Zone 2 - Remainder of County					
Brush, roller, tapers	8.70	.30	.35		
Spray	9.70	.30	.35		
PLASTERERS	11.15				
PIPEFITTERS	11.37	.57	1.15		.11
PLUMBERS	12.59	.75	.85		.12
POWER EQUIPMENT OPERATORS (Building Construction);					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS (Building Construction) CONT'd:					
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Asphalt paver and spreader, asphalt plant mixer operator, asphalt plant operator, back fillers, backhoe, all types, barber-green loader (similar type), blade-power, all types, boats-power, boilers (2), boring machines (all types), cableways, cherry pickers (all types), chip spreader, clamshells, combination concrete hoist and mixer such as mixermobile (with tower, 50¢ per hour additional, compressors (2), 105 ft. or over not more than 20' apart, compressors tandem (any sizes), compressors single, truck mounted, concrete ready-mixed plant, portable (job site); concrete mixer paver, crane-overhead, crusher, rock, derricks, and derrick cars (power operated), ditching machines, dozers, draglines, dredges - any type power grade-all - similar types, hoist, endless chain - power operated with power travel, loaders - all types, locomotives all types, mechanic and welder, mucking machine, orange peels, piledrivers - all types; pumps - material all types, push cats, scoops all types, self-propelled rotary drill, shovel, power, side boom, skimmer scoop, testhole machine, throttle man

Group 2 - A-frame trucks, boilers (1), brooms-power operated (all types), chip spreader (front man), clef plane operator, compressors (1) 105' or over, concrete saws, (self-propelled), conveyor operator, crab-power operated, curb finishing machine, firemen on rigs, flex plane, floating machine, form grader, fork lift - all types and sizes (except masonry), greaser, hoist, hoist, endless chain-power operated, hopper-power operated, hydra hammer (all types), lad-a-vator - similar type, mixers with side loaders, jennies, sub-grader, tractors over 50 h.p., pumps (with well points); pump; roller - all types, tapemen jobs

Group 3 - Oiler

Group 4 - Fork lift-masonry

Group 5 - Mixer [illegible]

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONTD:

Group 6 - Tramtons (except when hauling material) less than 50 h.p.

Group 7 - Clamshells, 80 ft. of boom or over (including jib), crane or rigs 80 ft. of boom or over (including jib), draglines, 80 ft. of boom or over (including jib), piledrivers, 80 ft. of boom or over (including jib)

Group 8 - Cranes or rigs, over 200 ft of boom

Group 9 - Hoists each additional drum over 1 drum

Group 10 - Mater Mechanic

Group 11 - Crane - tower or climbing

Group 12 - Ready mix 3 concrete plants; (a) crane operator, (b) loader operator, (c) plant man, (d) conveyor operator

POWER EQUIPMENT OPERATORS (CONT'D) Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clam-shell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer, paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, piledriver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types, scoops in tandem, self-propelled rotary drill (Calroy or equal - not air trac); shovel operator, side dischage conveyor, Stickboom cats, skid or scoop operator, slip-form paver (cat, CMI, or equal), throttle man, truck crane welding machine maintenance operator - 2

POWER EQUIPMENT OPERATORS (CONTD):
Site Preparation and Grading

Group 2 - A-frame truck asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skiploader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau rooter, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator over 50 h.p.

Group 3 - Boilers - 1 chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 h.p. or less, without attachments, vibrating machine operator, not hand, welding machine maintenance operator-1

Group 4 - Mechanic's helpers, oiler

Group 5 - Oiler, driver, all types

Group 6 - Clamshells, 3 yds. capacity or over, crane or rigs, 80 ft of boom or over (including jib), draglines, 3 yds. capacity or over, piledrivers, 80 ft. of boom or over (including jib), shovels, 3 yds capacity or over

Group 7 - Cranes or rigs, over 200 ft of boom (including jib)

Group 8- Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.30	.45	.60		.04
Helpers:					
1st 6 mos.	5.88	.45	.60		.04
2nd 6 mos.	6.37	.45	.60		.04
3rd 6 mos.	6.86	.45	.60		.04
4th 6 mos.	7.35	.45	.60		.04
5th 6 mos.	7.84	.45	.60		.04
6th 6 mos.	8.33	.45	.60		.04
7th 6 mos.	8.82	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SPRINKLER FITTERS	11.48	.65	.95		.08
TERRAZZO WORKERS	10.48	3.692	3.77		

TRUCK DRIVERS: Building Construction:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

TRUCK DRIVERS (Building Construction) (Cont'd)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and stock man.

Group 2 - Flat beds, pick-ups, dump trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds. and over, steel trucks, semi truck drivers

Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated aerial lifts, heavy hauling, a-frame winch and fork lifts, heavy excavating (dumpter, euclid, etc.), double bottom units (20 tons cap. and over)

Group 5 - Distributor truck drivers and operators, oilers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

TRUCK DRIVERS: Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	8.89	.75	1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	

TRUCK DRIVERS
CLASSIFICATION DEFINITIONS

Group 1 - One team, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch trucks-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu. yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, and boom truck driver

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: BOONE, CAMPBELL, KENTON, PENDLETON

DECISION NO.: KY77-1088 DATE: DATE OF PUBLICATION

Supersedes Decision No. KY76-1086, dated August 27, 1976, in 41 FR 36384.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.46	.75	.85		.02
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS	11.245	.55	.35		.02
CARPENTERS	10.55	.60	.65		.075
CEMENT MASONS	10.88	.55	.70		.15
ELECTRICIANS	11.30	.70	3% + .40		½ of 1%
ELEVATOR CONSTRUCTOR:					
Mechanics	11.15	.545	.35	1%+a+b	.02
Helpers	7.805	.545	.35	1%+a+b	.02
Probationary helpers	5.575				
GLAZIERS	10.10		.35		.005
IRONWORKERS:					
Structural & Ornamental	11.83	.75	.85		.03
Reinforcing	10.98	.75	1.65		.02
LABORERS - DEMOLITION WORK:					
Boone, Campbell, & Kenton Cos.:					
Wrecking laborers	8.77	.55	.40		.05
Jackhammer operators	8.92	.55	.40		.05
Wallmen	8.92	.55	.40		.05
Burners	8.92	.55	.40		.05
LATHERS	11.67		.25		.025
MADBURNERS	10.50	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen & Machine operators	11.30	.70	3% + .40		½ of 1%
Groundmen	8.48	.70	3% + .40		½ of 1%
MARBLE SETTERS	10.585	.55	.35		
MARBLE SETTER FINISHERS	9.635				
MILLWRIGHTS	10.44	.40	.85		.10
PAINTERS:					
Brush, Roller, Taping, & Paperhanging	10.65		.25		
Steamcleaning	10.80		.25		
Spray	11.05		.25		
Drywall machine operators	11.15		.25		
Sandblasting	11.45		.25		
PILEDRIVERMEN	10.55	.60	.65		.075
PIPEFITTERS	10.80	.70	.975		.06
PLASTERERS	11.445		.50		.02

DECISION NO. KY77-1088

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GAS FITTERS	$12.07	.75	1.05		.05
RESILIENT FLOOR LAYERS	8.70	.60	.65		.05
ROOFERS	11.47		.65		.01
SHEET METAL WORKERS	12.035	.90	.81		
SPRINKLER FITTERS	11.65	.65	.95		.08
STEEL WORKERS	9.885	.45	.35		
TERRAZZO WORKERS	10.535	.55	.35		
TERRAZZO WORKER FINISHERS	9.585				
TILE SETTERS	10.535	.55	.35		
TILE SETTER FINISHERS	9.535				
TRUCK DRIVERS:					
Drivers	6.08	d	e	a&f	
Tractor trailer combinations & dumps	6.27	d	e	a&f	

HOLIDAYS: (WHERE APPLICABLE)
A- New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contribution of $16.50 per week per employee on payroll 30 days or more.

e. Employer contribution of $17.00 per week per employee on payroll 30 days or more

f. Paid Vacation: 1 year of employment - 1 week; 2 years to 10 years employment - 2 weeks; 10 years to 15 years employment - 3 weeks; 15 years or more of employment - 4 weeks.

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LABORERS: Boone, Campbell, & Kenton Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	9.30	.55	.40		.05
GROUP B	9.40	.55	.40		.05
GROUP C	9.45	.55	.40		.05
GROUP D	9.50	.55	.40		.05
GROUP E	9.65	.55	.40		.05
GROUP F	9.80	.55	.40		.05
GROUP G	10.05	.55	.40		.05

GROUP A - Common laborers, cement masons helpers, hand operator mechanical mule, mechanical sweeper, signal man

GROUP B - Bottom man, pipe layers

GROUP C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man

GROUP D - Plasterers' tender, mason tender, stone mason tender, bottom jackhammer man

GROUP E - Plaster mixer pump operator

GROUP F - Tunnel laborer

GROUP G - Gunnite nozzle operator

DECISION NO. KY77-1088

LABORERS: Pendleton County (only)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 6.85	.35	.47		
GROUP II	7.05	.35	.47		
GROUP III	7.20	.35	.47		
GROUP IV	7.25	.35	.47		
GROUP V	7.35	.35	.47		
GROUP VI	7.45	.35	.47		
GROUP VII	8.05	.35	.47		

GROUP I: Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring, construction laborers

GROUP II: Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker

GROUP III: Mason tenders, Plaster tenders, bug operators

GROUP IV: Gunnite nozzlemen, Powderman helpers, Fork lift, Pumpmen

GROUP V: Gunnite nozzle machine, Powderman and blasters, Tunnels and cofferdams

GROUP VI: Miners tunnels or cofferdams

GROUP VII: Caisson holes (6' and over including tools), Sand Hogs (pressure air)

GROUP VIII: Sand hogs (free air)

DECISION NO. KY77-1088

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$11.11	.46	1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.11

CLASSIFICATION DEFINITION

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, powe scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Maryland
COUNTIES: Frederick and Washington
DECISION NO.: MD77-3085
DATE: Date of Publication
Supersedes Decision No. AQ-2075 dated March 15, 1974, in 39 FR-10069
DESCRIPTION OF WORK: Residential Construction consisting of single family houses and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$6.50				
Carpenters	4.97				
Cement Masons	5.00				
Drywall Hangers & Finishers	6.93				
Electricians	4.40				
Laborers	3.93				
Painters	5.02				
Plumbers	6.00				
Roofers	5.03				
Sheet Metal Workers	5.11				
Soft Floor Layers	5.35				
Truck Drivers	4.00				
Power Equipment Operators:					
Backhoe	5.50				
Bulldozer	6.00				
Grader	6.00				
Loader	6.00				

SUPERSEDEAS DECISION

STATE: Missouri
COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis
DECISION NO: MO77-4134
DATE: Date of Publication
Supersedes Decision No. MO77-4058 dated March 11,1977 in 42 FR 13758
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Asbestos workers	$11.85	.50	.90		
Swing stage of bosun's chair	12.10	.50	.90		
Asbestos workers requiring spray in application	12.10	.50	.90		
BOILERMAKERS	10.45	.85	1.00		.02
BRICKLAYERS; STONEMASONS	10.20	.52	.70	.90	.03
CARPENTERS; MILLWRIGHTS; PILE-DRIVERMEN:					
ZONE 1 - St. Louis City & County	10.46	.50	.70		
CARPENTERS:					
ZONE 2 - Franklin County:					
Contracts $200,000.00 & under	8.70	.50	.70		
Contracts over $200,000.00	10.46	.50	.70		
ZONE 3 - Jefferson County:					
Contracts $25,000.00 & under	9.96	.50	.70		
Contracts over $25,000.00	10.46	.50	.70		
ZONE 4 - St. Charles County:					
Contracts under $200,000.00	9.70	.50	.70		
Contracts over $200,000.00 or more	10.46	.50	.70		
ZONE 5 - Lincoln & Warren Counties:					
Contracts $200,000.00 & under	9.15	.50	.70		
Contracts over $200,000.00	10.46	.50	.70		
CEMENT MASONS:					
ZONE 1 - Jefferson & St. Charles Counties and St. Louis City & County	10.15	1.00	.85		
ZONE 2 - Franklin, Lincoln & Warren Counties:					
Project less than $100,000.00	9.50	1.00	.95		
Project $100,000.00 & over	10.15	1.00	.95		
ELECTRICIANS	10.95	.62	3%+5%	18%H	.10
ELEVATOR CONSTRUCTORS	10.05	.445	.29	3H+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3H+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS' (PROB)	50%JR				

FOOTNOTES:
a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit.
b-Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day;

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	10.73	.45	1.13	8%+c	.01
[illegible]c-Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS	10.625	.55	.70		.05
LABORERS:					
ZONE 1 - City & County of St. Louis					
General laborer	9.275	.45	1.00		
Wrecking	9.15	.45	1.00		
Plumber laborer	9.65	.45	1.00		
Dynamiter or powderman	9.775	.45	1.00		
Mason tenders (Brick)	9.25	.45	1.00		
Residential rehabilitation work	[illegible]	.[illegible]	1.00		
ZONE 2 - Franklin County:					
Contracts [illegible],000.00 or less:					
General laborer	7.25	.55	.[illegible]		
Mason tenders, plumber laborer, plaster tender	7.45	.50	.40		
Contracts over $250,000.00:					
General laborer	8.75	.50	.40		
Mason tenders, plumber laborer, plaster tender	8.95	.50	.40		
ZONE 3 - Jefferson County:					
Laborers	8.35	.50	.30		
Powderman, mason tenders, plaster tender	8.85	.50	.30		
ZONE 4 - St. Charles County:					
General laborer	9.575	.50	.50		
Dynamiter or powdermen	10.075	.50	.50		
Plumbers laborer	10.05	.50	.50		
ZONE 5 - Lincoln & Warren Counties:					
General laborer	9.075	.50	.50		
[illegible]	[illegible]	.50	.50		
Plumber laborer	9.55	.50	.50		
LATHERS	10.52[illegible]	.50	.55		.[illegible]5
MARBLE SETTERS	9.66	.55[illegible]	1.00		
MARBLE SETTERS HELPERS	10.08				
PAINTERS:					
ZONE 1 - Lincoln County:					
Brush	7.05				
[illegible]pray	7.45				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (contd):					
ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St.Louis					
Brush	10.08	.42	.30		.04
Spray	11.58	.42	.30		.04
PIPEFITTERS:					
ZONE 1 - Light commercial work & on jobs within the boundaries of the City of St. Louis & St. Louis County	10.45	2.77[illegible]	.90		
ZONE 2 - Other construction & jobs within twenty miles beyond the boundary line of St. Louis County	1[illegible].83	2.77[illegible]	.90		
ZONE 3 - Other construction & jobs more than twenty miles beyond the boundary line of St. Louis County	11.01	2.775	.90		
PLASTERERS	10.295	.48	.80		.03
[illegible]	11.155	.70	.70	.80	.20
[illegible] (Lincoln County)	11.01	2.775	.90		
POWER EQUIPMENT OPERATORS:					
ZONE 1					
Group 1	10.52	.50	1.00		
Group 2	9.97	.50	1.00		
Group 3	9.52	.50	1.00		
Group 4:					
(a)	11.32	.50	1.00		
(b)	12.07	.50	1.00		
(c)	12.52	.50	1.00		
(d)	13.27	.50	1.00		
(e)	11.02	.50	1.00		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick; steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas-electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker, combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 50 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumperete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dreuge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile,mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power generating-job site; pumps, two self-powered, over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader bos; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine, tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoising; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; [illegible] pressure, automatic controller over [illegible] in [illegible] construction work; sweeper, street; vacuum machine, or [illegible] operating from truck.

Group 3 - Boat operator-outboard motor (jobsite); conveyor [illegible] regardless of how used; oiler; [illegible], floor

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONTD.):

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving and extracting; crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas or electric hoisting material or erecting steel 150' or more above ground, hoist, three or more drums; scoop, tandem; tractor, tandem crawler.

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 1.00) above basic rate for cranes.

Work in tunnel or tunnel shaft, .50¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition; slate and tile	9.45	.47	.45	1.00	.03
Kettlemen	7.25	.47	.45	1.00	.03
SHEET METAL WORKERS	10.29	.51+3%	.71	.82	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	12.21	.60	.90		.08
TERRAZZO WORKERS	11.05				
TILE SETTERS	9.58	.555	1.00		
TILE SETTERS HELPERS	8.58	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $15.00 per week; F-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Columbus Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

[illegible] rate prescribed [illegible] craft performing operation to which [illegible]

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County

DECISION NO.: MO77-4148

DATE: Date of Publication

Supersedes Decision NO. MO77-4059 dated March 11, 1977, in 42 FR 13783

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.85	.50	.90		
BRICKLAYERS & STONEMASONS	10.30	.52	.70	.90	.03
CARPENTERS:					
Zone 1 - St. Louis City & County	10.48	.50	.70		
Zone 2 - St. Charles County	9.70	.50	.70		
Zone 3 - Lincoln and Warren Counties	9.15	.50	.70		
Zone 4 - Jefferson County	9.25	.50	.70		
Zone 5 - Franklin County	8.70	.50	.70		
CEMENT MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects less than $100,000.00	9.50	1.00	.85		
Projects $100,000.00 or over	10.15	1.00	.95		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & County	10.15	1.00	.95		
ELECTRICIANS:					
Zone 1 - Franklin, Jefferson, Lincoln and Warren Counties:					
Where the electrical contracts does not exceed $15,000.00	10.25	.62	3%+5½	15½	.10
Where the electrical contracts exceed $15,000.00	10.95	.62	3%+5½	15½	.10
Zone 2 - St. Charles County & St. Louis City & County	10.95	.62	3%+5½	15½	.10
ELEVATOR CONSTRUCTORS	10.05	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.20	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTE: a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation pay credit; b - Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	10.73	.45	1.13	8%+c	.01

FOOTNOTE: c - Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

IRONWORKERS	10.05	.55	.70		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	9.275	.45	1.00		
Breaking	9.15	.45	1.00		
Plumbic laborers	9.65	.45	1.00		
Dynamiter or powderman	9.775	.45	1.00		
Zone 2 - 2 stories and under (St. Louis City and County)	8.725	.45	1.00		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County:					
Laborers	8.35	.50	.30		
Zone 5 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	7.25	.50	.40		
Mason tenders, plumber laborers, plaster tenders	7.45	.50	.40		
Contracts over $250,000.00:					
General laborer	8.75	.50	.40		
Mason tenders, plumber laborers, plaster tenders	8.95	.50	.40		
LATHERS	10.525	.50	.55		.015
MARBLE SETTERS	9.66	.555	1.00		
MARBLE SETTERS' HELPERS	10.08				
PAINTERS:					
Zone 1 - St. Charles County:					
Brush, paperhangers, drywall tapers	8.40	.30			
Spray, steel, sandblaster, pot tenders	9.66	.30			
Zone 2 - Franklin, Jefferson and Warren Counties and St. Louis City and County:					
Brush	10.08	.42	.30		.04
Spray	11.58	.42	.30		.04
Zone 3 - Lincoln County:					
Brush	5.10				
Spray	6.25				
PIPEFITTERS:					
Zone 1 - on jobs within the boundaries of the City of St. Louis & St. Louis County	10.45	2.775	.90		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS (CONTD.):					
Zone 2 - jobs within twenty miles beyond the boundary line of St. Louis County	10.83	2.775	.90		
Zone 3 - jobs more than twenty miles beyond the boundary line of St. Louis County	11.01	2.775	.90		
PLASTERERS	10.295	.48	.80		.03
PLUMBERS	11.155	.70	.70	.80	.20
PLUMBERS (Lincoln County)	11.01	2.775	.90		
POWER EQUIPMENT OPERATORS:					
None 1 - St. Louis County:					
Group 1	10.52	.50	1.00		
Group 2	9.97	.50	1.00		
Group 3	9.52	.50	1.00		
Group 4:					
(a)	11.32	.50	1.00		
(b)	12.07	.50	1.00		
(c)	12.52	.50	1.00		
(d)	13.27	.50	1.00		
(e)	11.02	.50	1.00		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe, cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounter-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker, combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 50 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; conveyor type 7; conveyor, large (not self-propelled) hoisting or moving brick and mortar into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled;

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1 CONTD):

crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader; road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer, lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile, mucking machine, pipe cleaining machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power generating-job site; pump, self-powered, over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spread box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine; automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteratin); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck pug mill operator; pump, sump-self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 45 amp.; winch operating from truck.

Group 3 - Boat operator-outboard motor (jmb mite); conveyor (such as con-vay-it), regardless of how used; oiler; sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving and extracting, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, or electric hoisting material and erecting steel 150' or more above ground: hoist, three or more drums, scoop, tandem, tractor, tandem crawlers.

Crane, with boom (including jib) over 100' from pin to [illegible] maximum of 1.00) above the base for cranes.

Work in tunnel or tunnel shaft, .50¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition; slate and tile	9.45	.47	.45	1.00	.03
Kettlemen	7.25	.47	.45	1.00	.03
SHEET METAL WORKERS	10.29	.51+3%	.71	.82	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	12.21	.60	.90		.08
TERRAZZO WORKERS	11.05				
TILE SETTERS	9.58	.555	1.00		
TILE SETTERS HELPERS	8.58	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level bed trucks	8.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level of 23.0 cu. yds. & over including euclids, speedacs & all floats, flat bed trailers & boom trucks & similar equipment	7.39	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; F-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Friday after Thanksgiving Day, Christmas Day, g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster
DECISION NUMBER: NE77-4135 DATE: Date of Publication
Supersedes Decision No.: NE77-4017 dated February 27, 1977, in 42 FR 7060
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.62	.40	.51		.03
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS, Stonemasons	8.875	.45	.30		
CARPENTERS:					
Carpenters	8.325	.45	.30		
Piledrivermen	8.575	.45	.30		
CEMENT MASONS:					
Cement masons	8.30	.45	.30		
Swing stage	8.55	.45	.30		
ELECTRICIANS:					
Electricians Zone Definition					
Electricians from the main Post Office in Lincoln, Nebraska:					
Zone A 0 - 15 miles	11.43	.52	3%+.30		.04
Zone B 15 - 30 miles	11.73	.52	3%+.30		.04
Zone C 30 - 75 miles	12.03	.52	3%+.30		.04
Zone D 75 miles & over	12.43	.52	3%+.30		.04
ELEVATOR CONSTRUCTORS	10.99	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.55	.55	.35		.01
IRONWORKERS	8.88	.50	.55	1.00	.05
LABORERS:					
Common laborers	6.46	.45	.30		
Machine and air tool operators;					
Mason tenders	6.615	.45	.30		
Plasterers tenders	6.69	.45	.30		
LATHERS	8.35	.50	.40		
MARBLE MASONS	8.10				
PAINTERS:					
Brush	9.20		.35		.02
Spray, steel, swing stage	9.75		.35		.02
Paperhangers, taper	9.70		.35		.02
PLASTERERS	8.755	.45			
PLUMBERS: Pipefitters	11.06	.58	.60		.10
ROOFERS:					
Composition	8.30		.10		
Slate and tile	8.70		.10		
SHEET METAL WORKERS	10.32	.40	.20	.50	.03
SOFT FLOOR LAYERS	10.35			C	.05
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS & TILE SETTERS	8.10		.25		

DECISION NO. NE77-4135 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Single axle	5.825	.25	.25		
Tandem axle	5.95	.25	.25		
Trailers and Lowboys	6.075	.25	.25		
Lumber carriers	6.25	.25	.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 3% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years service as Vacation Pay Credit.

b. The following paid holidays: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

c. Eight paid Holidays, A thru H; also employees with one year's continous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continous service with the same employer shall receive 2 week paid vacation.

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H-Day after Thanksgiving.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	9.51	.45	1%	D	4%
Cable splicers	9.91	.45	1%	D	4%
Truck driver	6.87	.45	1%	D	4%
Equipment operator	8.94	.45	1%	D	4%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.17	.45	1%	D	4%
(Inexperienced) 2nd 6 months	4.69	.45	1%	D	4%
Thereafter	6.20	.45	1%	D	4%
POWER EQUIPMENT OPERATORS:					
Group 1	6.875	.45	.30		
Group 2	7.00	.45	.30		
Group 3	7.75	.45	.30		
Group 4	7.955	.45	.30		
Group 5	7.35	.45	.30		
Group 6	8.275	.45	.30		
Group 7	8.20	.45	.30		
Group 8	8.25	.45	.30		
Group 9	8.35	.45	.30		
Group 10	8.60	.45	.30		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS'S CLASSIFICATION DEFINITION

Group 1 - Firemen oilers; greasers; mechanic's helpers; industrial type tractor without attachments
Group 2 - Pumps - 4 inches and over
Group 3 - Industrial type tractor with attachments
Group 4 - Forklift or similar type equipment
Group 5 - Compressors - 300 cu. ft. or over, or a serier of compressors equalling 300 cu. ft. or over
Group 6 - Economobile
Group 7 - Single drum trucks or boom hoists; winch trucks; concrete pumps
Group 8 - One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade graders; bulldozers; front end loaders; hydraulic backhoe on industrial type tractor
Group 9 - Rubber tired earth moving equipment; hydrocrane
Group 10 - Two drum hoists; mechanics; cranes; piledrivers; shovels; draglines; clamshells; oragnm pmel; backhoe; all shovel type equipment; all derricks and cranes

D - FOOTNOTE:
Employees who are on the employer's payroll on the scheduled work day immediately preceding or following New Years Day; Fourth of July, Labor Day; and Christmas Day or days celebrated as such holidays, shall received eight hours pay at straight time rate; also shall receive eight hours pay for memorial day and thanksgivi

SITE PREPARATION, EXCAVATING INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader:					
3½ cu. yds. or less	$ 5.00				
over 3½ cu. yds.	5.50				
Mechanic	5.80				
Mechanic helper	5.00				
Motor grader	5.80				
Oiler or greaser	5.00				
Roller or compactmr, self-propelled	5.10				
Scraper, under 16 cu. dys.	5.10				
Scraper 16 cu. yds. and over	5.70				
Power grass machine (trimmer	5.70				
Tractor:					
Farm type	4.50				
Less than 115 drawbar h.p.	5.10				
115 drawbar h.p. and over	5.50				
Traveling plant (stabilization)	5.10				
Traveling plant helper (stabilization)	4.50				
Trenching machine	4.75				
TRUCK DRIVER:					
Single axle	4.00				
Tandem axle	4.50				
Semi-trailer	4.50				
Transit-mix	4.50				
Lowboy	5.00				
Water Tanker, 6,000 gal. & over	5.10				
Welder	5.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenter	$ 5.70				
Carpenter helper	4.40				
Cement finisher	5.50				
Concrete saw operator	5.00				
Form setter (road)	5.00				
Form setter (structures)	4.75				
Laborer	3.80				
Manhole builder	4.75				
Painter	4.00				
Pile Driver Leadsman	4.00				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	4.50				
Asphalt distributor	4.40				
Asphalt distributor helper	4.15				
Asphalt heaterman	4.15				
Asphalt paving machine	5.50				
Asphalt paving machine screedman	4.75				
Stationary Pl. (base or stabilization)	5.00				
Stationary Pl. (asphalt or concrete	5.70				
Beginner operator	4.75				
Bulldozer:					
Less than 115 drawbar h.p.	5.10				
115 drawbar h.p. and over	5.70				
Cement handler	3.80				
Clamshell, dragline, backhoe, crane, pile driver or shovel	5.80				
Concrete mixer	4.00				
Concrete paver	5.00				
Slip form paver	5.70				
Concrete finishing machine and spreader	5.70				
Conveyor	4.00				
Crusher (incl. those with integral screening plant)	5.10				
Dredge Pump Under 10"	4.50				
Dredge pump 10" and over	5.00				
Fireman (Boiler)	4.15				

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: NIAGARA
DECISION NO. NY77-3003 DATE: Date of Publication
Supersedes Decision No. NY76-3261 dated October 29, 1976 in 42 FR 47850
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKER	$11.31	1.02	.55		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS:					
North Tonawanda:					
Bricklayers & stone masons	12.69	.55	1.10		
Terrazzo workers & tile setters	12.31	.55	1.10		
Marble setters	12.405	.55	1.10		
Remainder of county:					
Bricklayers & stone masons	11.09	.87	.47		
Marble masons, terrazzo works & tile setters	10.84	.87	.47		
CARPENTERS; (BUILDING):					
North Tonawanda:					
Carpenters and millwrights	11.33	1.25	1.55		
Soft floor layers	11.03	1.25	1.55		
Remainder of county:					
Carpenters & soft floor layers	10.39	1.35	1.00		.025
Millwrights	10.49	1.35	1.00		.025
CARPENTERS; (HEAVY & HIGHWAY):					
North Tonawanda:					
Carpenters & piledrivermen	10.43	1.35	1.00	g	.025
Remainder of County:					
Carpenters & Piledrivermen	8.37	1.35	1.00	g	.025
CEMENT MASONS	11.25	.81	.25		
ELECTRICIANS:					
Electricians	11.73	.90	1%+.90		½ of 1%
Cable splicers	12.23	.50	1%+.90		½ of 1%
ELEVATOR CONSTRUCTORS	12.51	.745	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	8.76	.745	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	6.255				
GLAZIERS	10.34	1.80	.70		.15
IRONWORKERS:					
Structural, ornamental & reinforcing	10.82	.86	.82		
LATHERS	10.715		.20		
LEAD BURNERS	10.75	.40	.25	c	.01

DECISION NO. NY77-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN:					
Linemen	11.10	.65	1%+.60	d	½%
Groundman digging machine operator	9.99	.65	1%+.60	d	½%
Groundman mobile equipment operator	9.88	.65	1%+.60	d	½%
Groundman truck driver	9.325	.65	1%+.60	d	½%
Mechanics and groundman dynamite man	8.88	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Marble, tile and terrazzo workers helpers	8.91	1.55	.40		
PAINTERS:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	11.005	.975	.30		.10
Cranes, steel, tanks, towers, stacks, bridges, flag poles, radio TV towers	11.505	.975	.30		.10
Sandblasting, swing stages, scaffold, epoxy, spray, bosun chair	11.255	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	12.67	.975	.30		.10
Remainder of county:					
Brush	8.99	1.12	1.45		.01
Spray, steel, steeple jack, swing scaffold, sandblasting	9.74	1.12	1.45		.01
Bridge-crossing the Niagara River	11.355	1.12	1.45		.01
PILEDRIVERMEN:					
Piledrivermen, dock carpenters and drivers' tenders	11.33	1.25	1.55		
Divers	10.62	1.25	1.55		
PLASTERERS	10.96				
PLUMBERS AND STEAMFITTERS	11.95	.915	1.01		.05

DECISION NO. NY77-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	10.62	.89	1.30		.02
Slate, tile asbestos & pre-cast tile	10.77	.89	1.30		.02
SHEET METAL WORKERS	11.98	1.33	1.03		.08
SPRINKLER FITTERS	11.69	.60	.90		.06
TRUCK DRIVERS:					
Building, hmavy & highway:					
Contractor drivers	10.945	.60	.775	e+f	
Euclid	10.97	.60	.775	e+f	
Dump	9.60	.50	.55		
Ready-mix	9.965	.50	.775		
Welders - Craft Rate					

DECISION NO. NY77-3003

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State; provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Holidays: A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to Election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid Holiday even through laid off.

g. Holidays: B and D.

DECISION NO. NY77-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; HEAVY, HIGHWAY, BUILDING AND AIRPORT CONSTRUCTION					
NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TONAWANDA					
GROUP I	8.51	1.75	1.30		
GROUP II	8.01	1.75	1.30		
GROUP III	8.71	1.75	1.30		
GROUP IV	9.51	1.75	1.30		

LABORERS: HEAVY, HIGHWAY, BUILDING AND AIRPORT CONSTRUCTION

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, men working from swinging scaffold bosun chair, susepended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power

GROUP IV
Blasters

DECISION NO. NY77-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; ROCK TUNNEL FREE AIR CONSTRUCTION					
NIAGARA COUNTY: EXCEPT NORTH TONAWANDA					
GROUP I	8.86	1.75	1.30		
GROUP II	8.76	1.75	1.30		
GROUP III	8.71	1.75	1.30		
GROUP IV	9.51	1.75	1.30		
GROUP V	9.11	1.75	1.30		
GROUP VI	8.51	1.75	1.30		
GROUP VII	9.01	1.75	1.30		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters

GROUP V
Redman

GROUP VI
Laborer & top man

GROUP VII
Burning torch on demolition work

DECISION NO. NY77-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	10.86	1.00	.95	a	.15
GROUP II	10.06	1.00	.95	a	.15
GROUP III	9.06	1.00	.95	a	.15
GROUP IV	8.41	1.00	.95	a	.15
GROUP V	8.34	1.00	.95	a	.15

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, rolman loaders, concrete planers, mechanic, wilder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, fortlifts and hoist which lift higher than 25 feet

DECISION NO. NY77-3003

BUILDING, HEAVY & HIGHWAY CONSTSRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lightling and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-ge, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

GROUP III: Oilers on (shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam boiler operator

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the day before and the day after the holiday.

STATE: NEW YORK COUNTY: MONROE
DECISION NO.: NY77-3004 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3262 dated October 29, 1976 in 41 FR 47864
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. NY77-3004	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.62	1.30	.60		.04
Boilermakers	10.60	.70	1.00		.02
Bricklayers, Cement Masons, Plasterers, and Stone Masons	10.665	.55	.75		.04
Carpenters, Building	10.30	.85	1.06		.03
Carpenters, Heavy and Highway	8.68	.85	.99	g	.025
Cement Masons, Heavy and Highway	8.89	.55	.75		.04
Electricians	11.55	.70	3%+1.35		4%
Elevator Constructors	11.55	.545	.35	3%+a+b	.02
Elevator Constructors helpers	8.085	.545	.35	3%+a+b	.02
Elevator Constructors helpers (Prob.)	5.775				
Glaziers	10.00	1.02	.56		.05
Ironworkers:					
Ornamental, Reinforcing, and Structural	10.89	.74	.82		.10
Sheeter	11.14	.74	.82		.10
Sheeter, Bucker-up	11.015	.74	.82		.10
Laborers, Building:					
Laborers	8.00	1.65	.99		
Blasters	9.37	1.65	.99		
Air track, Wagon Drills, Asphalt Rakers	8.40	1.65	.99		
Jackhammers, Mortar Mixers, Concrete vibrator, Pipelayers, Barco Tampers, Jumping Jacks, Burners and Cutters for wrecking and demolition	8.30	1.65	.99		
Mass Chimney Work:					
From base to 100 feet	9.00	1.65	.99		
From 100 feet to 150 feet	9.25	1.65	.99		
From 150 feet to 200 feet	9.50	1.65	.99		
From 200 feet to 250 feet	9.75	1.65	.99		
Painters	10.78		.50		.01
Leadburners	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen	11.10	.65	1%+.60	d	5%
Cable splicer	12.21	.65	1%+.60	d	5%
Groundman digging machine op.	9.99	.65	1%+.60	d	5%
Groundman mobile equipment op.	8.88	.65	1%+.60	d	5%
Groundman truck driver	8.325	.65	1%+.60	d	5%
Groundman dynamite man & mechanic	8.88	.65	1%+.60	d	5%
Marble, Tile, and Terrazzo Workers	11.86				
Marble, Tile, and Terrazzo Finishers	9.45	.55	.89		
Painters:					
Brush and Roller	8.95	.60	.87		.04
Swing Scaffold	9.45	.60	.87		.04
Structural Steel:					
Up to 40 feet	9.45	.60	.87		.04
Over 40 Feet	9.65	.60	.87		.04
Spray	9.55	.60	.87		.04
Piledrivermen and Millwrights: Building	10.72	1.18	.96		.005
Piledrivermen and Millwrights: Heavy and Highway	8.58	.85	1.29	g	.025
Plumbers and Steamfitters	10.99	1.365	.82	.80+e	.16
Roofers	11.21	.66	.66	f	
Sheet Metal Workers	11.79	.70	1.01		
Soft Floor Layers	9.42	.75	.68		.005
Sprinkler Fitters	11.56	.65	.95		.08
Truck Drivers, Building	9.20	.45	.50		
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

FOOTNOTES:

a. Paid Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay.

c. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

d. Paid Holidays: A through F, Washington's Birthday, Election Day for President and Election of Governor of New York, provided the employee works the day before and the day after the holiday.

e. Paid Holidays: A,C,D,E,F.

f. On any election day workmen will be given sufficient time off with pay for the purpose of voting in compliance with New York State Law.

g. Paid Holidays: C and D.

DECISION NO. NY77-3004

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers					
Heavy Constructinn Excavating Paving:					
Laborers & chuck tenders	$ 7.62	1.40	.89	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.87	1.40	.89	a	
Curb cockmen, pipe layers, layers of conduit and all air, electric gas and deisel motor driven tool op.	7.82	1.40	.89	a	
Relining of all types of pipe	8.02	1.40	.89	a	
Blasters	9.32	1.40	.89	a	
Meter setters and meter changers	7.92	1.40	.89	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

DECISION NO. NY77-3004

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Tunnel Rock: Top Man	$8.51	1.65	.99		
Concrete Bottom Man, Bull Gang, Cage Man, Bottom Man, Track Man, Car Pushers, Compress Air Lines, Fan Lines, and Water Lines Flushing & Shine Nozzler, Shaft Mucker, Chart Driller Tender, Air Track Driller Tender	8.61	1.65	.99		
Air Track Driller, Chuck Tender (heading), Shaft Driller, Powder Monkey	8.91	1.65	.99		
Burning and Welding	9.01	1.65	.99		
Rod Man Form Work (metal), Pile-driving (wood or metal)	9.21	1.65	.99		
Set-up Man, Slusher Man, Heading Driller (jack leg), Electrical Blaster, Form Work (wood), Cement Finishing	9.31	1.65	.99		
	9.41	1.65	.99		
	9.51	1.65	.99		

DECISION NO. NY77-3004

LABORERS: HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.80	1.65	.99	a	
CLASS B	7.00	1.65	.99	a	
CLASS C	7.20	1.65	.99	a	
CLASS D	7.40	1.65	.99	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibratmr type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY77-3004

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
- I - A 121 ft. and under
- I - B 121 ft. and 151 ft.
- I - C 151 ft. and 201 ft.
- I - D 201 ft. and 251 ft.
- I - E 251 ft. and 301 ft.
- I - F 301 ft. and 351 ft.
- I - G 351 ft. and 401 ft.
- I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, rose carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar types machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, moncrete plower, concrete pumps, tmurnadozer and similar types, crane-fine-shovel 3/8 yd. capacity or less (fmstory rmtimg), tmurnapull and similar types, dinky locomotives (all types), tower-moble and similar types, elevating grador, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, side boom, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, bolt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

DECISION NO. NY77-3004

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	11.45	.50	.50+.30	a	.10
I-B	11.70	.50	.50+.30	a	.10
I-C	11.95	.50	.50+.30	a	.10
I-D	12.20	.50	.50+.30	a	.10
I-E	12.70	.50	.50+.30	a	.10
I-F	13.20	.50	.50+.30	a	.10
I-G	13.70	.50	.50+.30	a	.10
I-H	14.20	.50	.50+.30	a	.10
GROUP II	11.45	.50	.50+.30	a	.10
GROUP III	11.27	.50	.50+.30	a	.10
GROUP IV	10.18	.50	.50+.30	a	.10

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

DECISION NO. WY77-3004

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
GROUP I	$9.65	.80	.50	a	.10
GROUP II	9.45	.80	.50	a	.10
GROUP III	9.15	.80	.50	a	.10
GROUP IV	8.40	.80	.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before the working day after the holiday.

DECISION NO. WY77-3004

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES & POWER EQUIPMENT OPERATORS:

GROUP I: Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator purpose hydraulically operated, front end loader (4 c. y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance greaser man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant road widener, roller (all above sub-grader), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom,

GROUP III: Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (four or any type or combinations), concrete pavement spreaders and finishers, conveyors, drill, core, drill well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammer-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points

GROUP IV: Compressors (any size, but subject to other provisions for compressors, dust collectors, generators, welding machine (three or less of any type or combination), concrete mixer (16S or under), concrete saw self propelled, foreman, form tamper, mulching machine, oiler, power heaterman, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity

DECISION NO. WY77-3004

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	/
GROUP I	$10.15	.90	.60	a	.1
GROUP II	9.82	.90	.60	a	.1
GROUP III	9.10	.90	.60	a	.1
GROUP IV	8.27	.90	.60	a	.1

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays A through F; providing the employee works the working before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (5" or c crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and ove head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scrapar, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader an mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-auto mated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capaci concrete paver (over 16S), concrete pump (under 5"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.) hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaser man/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above sub-grade), tractor with dozer and/or push trencher, tugger-hoist, winch, winch cat.

DECISION NO. WY77-3004

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concret or pavement grinder), power broom (towed), power heaterman, revinius widener shell winder, steam cleaner, tractor.

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DECISION NO. NY77-3004

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	[illegible]0.04	.65	.7[illegible]	a	
CLASS 2	8.09	.65	.70	a	
CLASS 3	8.14	.65	.70	a	
CLASS 4	8.29	.65	.70	a	
CLASS 5	8.44	.65	.70	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checker and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA
DECISION NO.: NY77-3081 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY77-3010 dated February 11, 1977 in 42 FR 8961.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$[illegible]0.15	.81	.35		.04
BOILERMAKERS	11.50	.75	10%		
BRICKLAYERS, CEMENT MASONS, PLASTERERS AND STONE MASONS, BUILDING	9.75	.50	.90		
CEMENT MASONS, (HEAVY & HIGHWAY	9.[illegible]0	.50	.90		
CARPENTERS, (BUILDING):					
Carpenters & soft floor layers	9.60	.50	.50	f	.03
Piledrivermen & millwrights	9.75	.50	.50	f	.03
CARPENTERS, (HEAVY AND HIGHWAY)	9.[illegible]5	.50	.50	f	.03
ELECTRICIANS:					
Verona & Vienna twps. west of State Highway 13	11.95	.77	3% + .95		.05
Remainder of County	10.65	.50	3% + .35		.07
ELEVATOR CONSTRUCTORS	10.64	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER	7.45	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	5.32				
IRONWORKERS:					
Structural, ornamental & reinforcing	10.10	.78	.92		.04
LABORERS, (BUILDING):					
Twps. of Forestport, Remsen, Trention, March, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Paris, Sangerfield, Bridgewater and the City of Utica:					
Laborers	7.05	1.10	.80	g	
Pipelayers, mortar mixers (hand or machine), motor buggy operator, (walk behind), power high lift	7.10	1.10	.80	g	
Blasters, form setters and motor buggy rider type	7.55	1.10	.80	g	
Wagon drill operator	7.65	1.10	.80	g	
Remainder of County:					
Laborers	7.[illegible]	.60	[illegible]		

DECISION NO. NY77-3081	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, (BUILDING) CONT'D:					
All rock drilling equipment	8.225	.60	.65	e	
Blasters	8.425	.60	.65	e	
Vibrator op., Chain saw op., Air or Electric Tool op., Gas Buggy op., Acetylene Torch op. on demolition work, Pipelayers, Scaffold Builders, Mortar Mixer, Pavement Breaker op.	8.025	.60	.65	e	
LEAD BURNERS	$10.75	.40	.25	c	.01
LINEMEN:					
Linemen, cable splicer helpers & material man	11.10	.65	1%+.60	d	1/2%
Cable splicers	12.21	.65	1%+.60	d	1/2%
Groundman digging machine operator	9.99	.65	1%+.60	d	1/2%
Groundman mobile equipment operator	8.88	.65	1%+.60	d	1/2%
Groundman truck driver & mechanic	8.325	.65	1%+.60	d	1/2%
Groundman dynamite man	8.88	.65	1%+.60	d	1/2%
MARBLE SETTERS, TERRAZZO WORKERS & TILE SETTERS	8.47	.50	.90		
PAINTERS:					
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:					
Brush	9.57	.50	.45		
Roller	9.57	.50	.45		
Steel and sandblasting	10.17	.50	.45		
Spray	10.17	.50	.45		
Remainder of County:					
Brush	8.20	.175	.30		
Structural steel and roller	8.45	.175	.30		
Spray	8.80	.175	.30		
Sandblasting	9.20	.175	.30		
PLUMBERS AND STEAMFITTERS	10.50	.90	1.35		.01
ROOFERS:					
Roofers	10.35	1.00	1.35		
SHEET METAL WORKERS	10.655	.60	.80		.07
SPRINKLER FITTERS	11.80	.65	.95		.08

DECISION NO. NY77-3081

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of servime as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, X-Mas Eve, providing employee has worked 30 full days the 90 calendar days prior to the holiday, and the regularly schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. Holidays: A through E, plus 2 hours off with pay on Election Day for the purpose of voting, provided the employee works the day before the holiday and the day after the holiday.

f. Holidays: C and C provided the employee is on the payroll the week before and the week after the holiday.

g. Holidays: B and D provided the employee works the day immediately before and the work day immediately following the holidry.

DECISION NO. NY77-3081	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION: Twps. of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Vernon, Augusta and Verona					
CLASS A	$ 8.19	.60	.65	a	
CLASS B	8.39	.60	.65	a	
CLASS C	8.59	.60	.65	a	
CLASS D	3.79	.60	.65	a	

LABORERS DEFINITIONS

CLASS A
Laborers, drill helper, flagman, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and singe diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-3081	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION Remainder of County					
CLASS A	$ 7.24	1.30	.90	a	
CLASS B	7.44	1.30	.90	a	
CLASS C	7.64	1.30	.90	a	
CLASS D	7.84	1.30	.90	a	

LABORERS DEFINITIONS

CLASS A
Laborers, drill helper, flagman, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and singe diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting) laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through E, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-3081	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
CLASS 1	$10.03	.95	.60	a	.05
CLASS 2	9.53	.95	.60	a	.05
CLASS 3	8.51	.95	.60	a	.05

POWER EQUIPMENT OPERATORS: Building Construction

CLASS 1
Asphalt and blacktop rollmr; automated concrete spreader (CMI or equivalent); Automated fine grade machine (CM); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelledto towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration Equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operators)

CLASS 2
"A" Frame truck; Blacktop plant non-automatic); Boring machine; Bull dozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Forklift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one

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POWER EQUIPMENT OPERATORS: Building Construction (CONT'D)

CLASS 2 (Cont'd)

drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); maintenance grease man; mixer for stabilized base - self propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

CLASS 3

Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (Hay drier) Pump (under 4"); Revinius widner (road widner); Steam cleaner or Jenny; Tractor with or without towed accessories

FOOTNOTE:

a. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.15	1.00	.60	a	.10
GROUP II	9.72	1.00	.60	a	.10
GROUP III	9.00	1.00	.60	a	.10
GROUP IV	8.17	1.00	.60	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rates 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if secondman is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capac ty and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tramtor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/weldmr, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), scraper (with [illegible] push), trencher, tugger-hoist, winch, winch cat

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of a type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well poin

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pu (jacking system), lighting plants, mulching machine, oiler parapet- (conc or pavement grinder), power broom (towed), power heaterman, revinius wide shell winder, steam cleaner, tractor.

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 8.04	.65	.70	a	
CLASS 2	8.09	.65	.70	a	
CLASS 3	8.14	.65	.70	a	
CLASS 4	8.29	.65	.70	a	
CLASS 5	8.44	.65	.70	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2

Tandems, batch trucks, mechanics and dispatcher

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5

Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-InDependence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ORANGE
DECISION NO.: NY77-3084 DATE: DATE OF PUBLICATION
Supercedes Decision No. NY77-3014 dated February 11, 1977 in 42 FR 8966
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$13.29	5%	10%		
Boilermakers	12.33	5%	15%	7%	.02
Bricklayers: All that portion bounded on the east by the Hudson River to the Woodbury Twp. line south of Bear Mt., thence along this line to to the Tuxedo Twp. line, thence along this line to a point south of Lake Meahagha, thence due west to the Lehigh-Hudson River R.R. line, thence northerly along this R.R. line to Maybrook, then northerly along the Penn Central R.R. line to the Ulster County line and along this line easterly to the starting point, the Hudson River. All that portion lying within these boundaries including the towns on the East side of the above named R.R. lines: Bricklayers, Cement Masons, Plasterers, and Stonemasons:					
(Building)	9.95	1.10	1.10		
(Heavy and Highway)	10.20	1.10	1.10	a	
Starting at the junction of Ulster County, Sullivan County, and Orange County, along Ulster County line, southeast to the New York, New Haven, and Hartford R.R. line to a point south of Wisner, thence west to the top of the Bellvale Mt. Range, thence southerly to the New Jersey State line, including the Towns of Warwick, New Milford, & Bellvale: Bricklayers, Cement Masons, Plasterers, and Stonemasons:					
(Building)	10.00	.83	1.53		
(Heavy and Highway)	10.25	.83	1.53	a	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters, Bridge, Dock and Wharf carpenters: Twps. of Tuxedo, Woodbury, Part of Cornwall, Monroe, Chester, Blooming Grove and Highlands	9.97	1.10	.50	1.45+b	.155
Carpenters, Pilerivermen and Dock Builders: Remainder of County:	9.70	.60	.60	.55	.05
Electricians: Twps. of Otisville, Middletown, Goshen, Florida, Warwick, Fort Jervis, Sparrow Bush, Monroe, Harriman, Southfield, Tuxedo Lake and Tuxedo:	10.00	8%	17%	10%	1%
Remainder of County:	10.60	.79	3%+.75	.60	3%
Remainder of County: For the repair, renovation, alteration and new installation of electrical systems in light commercial and industrial property, herein defined to include stores, gas stations, motels and hotels	6.35	.75	1%	.30	
Elevator Constructors	10.12	.495	.32+c	b+d	.02
Elevator Constructors helpers	7.59	.495	.32+c	b+d	.02
Elevator Constructors helpers (probation)	5.06				
Elevator Constructors Modernization	9.35	.495	.32+c	b+d	.02
Elevator Constructors Modernization helpers	7.01	.495	.32+c	b+d	.02
Elevator Constructor Repair	8.50	.495	.32+c	b+d	.02
Elevator Constructor Repair helper	6.38	.495	.32+c	b+d	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers	10.70	.66	1.66	.47	.01
Ironworkers: Reinforcing, Ornamental, and Structural	9.75	1.45	2.02	1.50	
Laborers: Building Common Laborers, Mason Tenders, Mortar Mixers, Hod Carriers, Scaffold Builders, Concrete men, Vibrator men, poured gypsum, Roof work, wrecking, Walking Power Buggy men, Landscaper, Chipping Hammer (air or electric 1" and under)	8.30	.90	.90	c	
Asphalt men, Pipelayers, Air or Electric Jackhammer, Powdermen, Gunnite, Sandblasting, Air Trac, Barmen, Chain Saw, Riding Power Buggy, Vibro-y Barco, Joy Tamper or similar, Joy or Jib Drills, Walk Behind Roller, Wagon Drill, All Fork Lifts	8.55	.90	.90	e	
Grade, Pipe, Concrete Clearing Black Top, Drill, Paving etc., Blaster, Form Setter, Burner (acetylene torch), Ingersoll-Rand, Heavy Duty Crawler Type HCMZ, Drill Machines or equivalent, All wrecking work fifty feet or more above grade	8.95	.90	.90	e	
Lathers	9.02	1.05	.15	1.00	.01
Leadburners	10.75	.40	.25	f	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen cable splicer helper & material man	$11.10	.65	17%+.60	g	1/2%
Groundman digging machine operator	9.99	.65	17%+.60	g	1/2%
Groundman mobile equipment operator	8.88	.65	17%+.60	g	1/2%
Groundman truck driver and mechanic	8.325	.65	17%+.60	g	1/2%
Groundman dynamite man	8.88	.65	17%+.60	g	1/2%
Cable splicer	12.21	.65	17%+.60	g	1/2%
MARBLE SETTERS, TERRAZZO WORKERS AND TILE SETTERS: West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thereof County lines:					
Marble setters, cutters	10.00	1.13	1.19	h	
Marble setters' helpers	8.50	1.05		1.15	
Terrazzo workers	9.10	1.09	1.50		
Terrazzo workers' helpers	9.14	1.21	1.50		
Terrazzo machine operator	7.68	.475	.475		
Tile setters	8.50	.80	2.05		
Tile setters' helpers	7.90	.50	1.27		
That area in Orange County following within a 50 mile radius from Columbus Circle, NYC. (Arced boundary line is just South of Newburgh; South of Maybrook; North of Goshen, South of Middletown; North of Johnson; North of Unionville					
Marble setter helpers	10.45			i	
Tile setter helper	10.15			i	
Terrazzo helper	10.50			i	
Painters:					
Commercial	8.00	10%	.50		
Spray and Sandblasting Steel, Smoke Stacks, Bridges, Power Plants, Radio Towers	8.90	10%	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers and Steamfitters: Twps., Villages, and Hamlets and/or portions thereof: Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Park, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury Station, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	9.50	1.05	2.48	1.14	.10
Remainder of County	10.36	14.4%	7%	6%	.10
Roofers:					
Pitch, Pitch built up	10.65	1.00	1.65	j	.35
Asphalt Shingle	7.65	1.00	1.65	j	.35
Asbestos, Slate and Tile, Slab, and Asphalt Builtup	10.15	1.00	1.65	j	.35
Sheet Metal Workers	10.37	19%	17%	10%	.02
Soft Floor Layers	11.45	1.40	1.78	.70+k	.02
Sprinkler Fitters	11.86	.65	.95		.08
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

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HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

b. In the event of a death in the family of the member of the unit he shall be paid 3 days wages, family means husband, wife, mother, father, sister, brother or children. Wages are only paid on the condition that the member of the unit attends the funeral of the deceased.

c. Employee contributes $7.80 per day to Annuity Fund.

d. Employee contributes 6.4% of basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Election day shall be observed in accordance with New York State Law.

f. Holidays: A through F; Washington's Birthday; X-Mas Eve; and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

g. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

h. Holidays: New Year's Eve & X-Mas Eve.

i. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day, providing employee works any one of three days preceeding or following the holiday.

j. Two hours off with pay on General Election Day, provided the employee has received 4 hours pay that day.

k. Employees employed on the last legal working day before Christmas Day and New Year's Day, and who report to work on such days, shall receive 3 hours pay.

NOTICES

DECISION NO. NY77-3084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY & HIGHWAY CONSTRUCTION					
GROUP I	$ 8.80	1.00	1.00	a	
GROUP II	9.05	1.00	1.00	a	
GROUP III	9.85	1.00	1.00	a	

HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Laborer, pitman, flagman, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barracades and all reflective type materials for traffic control

GROUP II
Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind self propelled power saw walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), All sheeting and shoring coming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man

GROUP III
Concret finisher on highways, form setter, granite stone layer, ingersoll rand heavy duty crawler - master type HOMZ or equivalent or any drill using a 4" or larger bit

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Chrfstmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

DECISION NO. NY77-3084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION					
GROUP 1	$15.31	7%	15%	a	3%
GROUP 2	13.49	7%	15%	a	3%
GROUP 3	12.61	7%	15%	a	3%
GROUP 4	12.50	7%	15%	a	3%
GROUP 5	12.27	7%	15%	a	3%
GROUP 6	11.78	7%	15%	a	3%
GROUP 7	11.49	7%	15%	a	3%
GROUP 8	11.32	7%	15%	a	3%
GROUP 9	11.17	7%	15%	a	3%
GROUP 10	11.15	7%	15%	a	3%
GROUP 11	11.10	7%	15%	a	3%
GROUP 12	10.86	7%	15%	a	3%
GROUP 13	10.46	7%	15%	a	3%
GROUP 14	10.09	7%	15%	a	3%
GROUP 15	9.95	7%	15%	a	3%

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION

GROUP 1
Helicopters pilot/engineer

GROUP 2
Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Brovhill; pavement and concrete breaker (i.e. Super Hoemer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; tree chopper with boom; trench machines.

NOTICES

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONT'D)

GROUP 3
Pump, staging

GROUP 4
A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, shipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hystar similar type equipment); forklifts; front end loaders (2yds but less than 5 yds); groove cutting machines (ride or type); Heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting)

GROUP 5
Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists

GROUP 6
Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop

GROUP 7
Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde concrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slip-form (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar);

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONT'D)

GROUP 7 (CONT'D)

drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grindors; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

GROUP 8
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only

GROUP 9
Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractor, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site)

GROUP 10
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONT'D)

GROUP 11
Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only

GROUP 12
Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8

GROUP 13
Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propape, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance)

GROUP 14
Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); muching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only)

GROUP 15
Assistant engineer/oiler; mechanics helper; tire repair and maintenance

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50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet; or over above ground level.

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day, and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

20-PEO-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION					
GROUP 1	$17.12	7%	15%	a	3%
GROUP 2	15.31	7%	15%	a	3%
GROUP 3	14.40	7%	15%	a	3%
GROUP 4	13.66	7%	15%	a	3%
GROUP 5	11.88	7%	15%	a	3%
GROUP 6	11.49	7%	15%	a	3%
GROUP 7	11.36	7%	15%	a	3%
GROUP 8	10.97	7%	15%	a	3%
GROUP 9	10.41	7%	15%	a	3%

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POWER EQUIPMENT OPERATORS - STEEL ERECTION

GROUP 1
Helicopters pilmt/engineer

GROUP 2
Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer

GROUP 3
Cranes (all cranes - land or floating with booms - including jib, - less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the grmund)

GROUP 4
Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screq air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms

GROUP 5
Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders) welding system multiple (rectifier transformer type)

GROUP 6
Maintenance engineer

GROUP 7
Fireman

GROUP 8
Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single)

GROUP 9
Assistant engineer/oiler; straddle carrier

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FOOTNOTES:

a. Paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day, and Veterans Day provided the employee works any of the 3 days in the 5 day work week preceeding the holiday and the first work day after the recognized holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, 1-Mean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	10.00	.95	.95	a+b	
Equipment 25 yards and over up to and including 30 yard bodies cable dump trailers, powder and dynamite trucks	9.90	.95	.95	a+b	
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	9.70	.95	.95	a+b	
Ten wheelers, grease trucks and tiller men	9.60	.95	.95	a+b	
Straight trucks	9.50	.95	.95	a+b	
Pick-up trucks used for hauling material parts escort man over the road	9.50	.95	.95	a+b	
Helpers	9.40	.95	.95	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day, Lincoln's Birthday, Election Day, Good Friday.

b. 3 day bereavement pay (spouse, mother, father, mother in law, father in law, grandmother, grandfather, sister, brother, children, grandchildren.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: COMANCHE
DECISION NO.: OK77-4150 DATE: Date of Publication
Supersedes Decision No. OK77-4056 dated March 4, 1977 in 42 FR 12603.
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.70	.40	.60		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.25	.45	.30		.10
CARPENTERS:					
Carpenters	7.90	.45	.25		.04
Millwrights-Piledrivermen	8.40	.45	.25		.04
Power saw operator	8.025	.45	.25		.04
CEMENT MASONS	7.00				
ELECTRICIANS	9.60	.40	1%		1/4%
ELEVATOR CONSTRUCTORS	8.855	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.495	.32	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER (probationary)	50%JR				
IRONWORKERS	9.60	.45	.50		.10
LABORERS:					
Group I	5.65	.25	.30		
Group II	5.90	.25	.30		
Group III	6.40	.25	.30		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging & dirt work, firing of salamanders & smudge pots; loading & unloading of materials & equipment; loading & unloading of materials to & from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement & distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of buildings and all structures, cleaning and clearing of debris; loading & unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; man erecting scaffolds and directly tending lathers, masons, cement masons & plasterers, mortar mixers, hod carriers and dry mixers; high work over 25 feet from the ground or floors; cement finishers helper, work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid resins, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows & buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men & cutting torch operators in connection with laborers work; concrete grader

GROUP III - Wagon drill operator and powdermen or blasters

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$ 9.35		1%		1/2%
Cable splicers	9.91		1%		1/2%
Hole digger operator	8.49		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.49		1%		1/2%
Line truck driver (winch op)	7.68		1%		1/2%
Jack hammerman	7.00		1%		1/2%
Powdermen	8.49		1%		1/2%
Groundmen	6.24		1%		1/2%
Truck driver (flat bed, ton and half and under)	6.66		1%		1/2%
MARBLE SETTERS	9.40		.30		
PAINTERS:					
Brush and roller	7.70		.25	.45	.05
Brush & roller(structural steel)	7.95		.25	.45	.05
Spray	8.40		.25	.45	.05
Swing stage, bosun chair work	7.95		.25	.45	.05
Taping & bedding (hand tools)	8.10		.25	.45	.05
Sandblasting	8.25		.25	.45	.05
PLASTERERS	7.25				
PLUMBERS & PIPEFITTERS		.60			.10
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III -All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead operator, whirley, panel board batch plant operator, piledriver (no engr), or tiller, shovel, clamshell, backhoe, stuckboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 of over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or lil-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller,all types, outside elevator or building type of personnel hoist, concrete buster or tamper; heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines
Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.80	.25	.25		.06
SHEET METAL WORKERS	9.56	.40	.40)		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	8.85	.50			
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS:					
Terrazzo workers	9.40		.30		
Terrazzo workers helper	6.98				
Terrazzo workers floor machine op.	7.08				
Terrazzo base machine operator	7.28				
TILE LAYERS	9.40		.30		
TILE & MARBLE HELPERS(EXPERIENCED)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

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TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch, and floats
Group II - Heavy earth moving equipment such as dump trucks and Euclids
Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rate.
B. Paid Holidays A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Statewide
DECISION NUMBER: OR77-5063
DATE : Date of Publication
Supersedes Decision No. OR77-5033 dated March 25, 1977, in 42 FR 16363
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.76	.57	$ 1.10		.11
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington and Yamhill Cos.	11.03	.65	.75		.10
Baker, Union, Umatilla, Wallowa, North half of Malheur Cos.	10.68	.55	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof), and S½ of Malheur Counties	11.27	.65	.55		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	10.65	.55	.85	.50	.03
Piledrivermen; Bridge, Dock and Wharf Builders	10.75	.55	.85	.50	.03
Floor Layers and Finishers; Stationary Power Saw Operators	10.80	.55	.85	.50	.03
Boom Men	10.85	.55	.85	.50	.03
Millwrights and Machine Erectors	10.90	.55	.85	.50	.03
CEMENT MASONS:					
Cement Masons	10.37	.75	.70	.60	.10
Composition Workers; Power Machinery Operator	10.52	.75	.70	.60	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$ 10.75	.70	10%+.50		10
Cable Splicers	11.825	.70	10%.50		10
Baker, Gilliam, Grant, Morrow, Umatilla, Wheeler Counties					
Electricians	12.13	.57	10%+.40		.02
Lead Cable Splicers	13.34	.57	10%+.40		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	11.30	.65	10%+1.00		.04
Cable Splicers	13.56	.65	10%+1.00		.04
Benton, Crook, Deschutes, Jefferson, Lane (eastern portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	12.00	.65	10%+1.00		.06
Lead Cable Splicers	12.96	.65	10%+1.00		.06
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	12.80	.65	10%+1.00		.05
Lead Cable Splicers	13.55	.65	10%+1.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	$ 11.38	.65	10%+1.00		.08
Cable Splicers	12.52	.65	10%+1.00		.08
ELEVATOR CONSTRUCTORS	11.13	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTURCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.75	.41	.65	6.8%	.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	11.00	.73	1.00		.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Yamhill Counties	9.30	.50	.80		.01
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	11.03	.65	.75		.10
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	10.68	.55	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (including the City of Maupin and South thereof), Wheeler Counties	8.05	.45	.60		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS: (including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	$ 8.64	.85	$ 1.05		.10
PAINTERS:					
Malheur County					
Painters and Tapers	8.75	.45	.30		.02
Umatilla (Township of Pendleton only)					
Brush; Glazier; Sign Painter	5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	9.24	.55	.50		.10
Spray	9.64	.55	.50		.10
Bridges, High work over 50' (brush)	9.99	.55	.50		.10
Bridges, High work over 50' (spray)	10.39	.55	.50		.10
PLASTERERS	10.50	.55	.80		.01
PLUMBERS; Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	10.42	.59	.70		
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	12.25	.65	1.15	1.20	.11
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	11.05	.75	1.35	1.00	.10
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Lincoln, Washington, N½ of Yamhill Counties, N½ of Tillamook Counties	13.12	1.21	1.60		.13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	$ 10.89	.66	$ 1.02		.04
Lane (except City of Florence); Douglas (except coast portion) Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	12.13	.41	1.55		.05
Remainder of Klamath and Lake Counties	11.12	.75	1.45		.10
Jackson and Josephine Counties	10.63	.75	1.70	1.20	.05
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Cos.					
Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
Roofers' Helpers					
Under 800 hours experience	70%JR				
800-1600 hour experience	75%JR				
Over 1600 hours experience	80%JR				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	9.95	.45	.10		
Spray and/or application of irritating materials in a confined area	10.95	.45	.10		
Roofers' Helpers	60%JR				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	$ 10.05	.45	.15		
Malheur County	8.90	.60	.30		
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Wheeler and Yamhill Counties	11.13	3%+.81	.93	1.00	.04
Malheur County	10.94	.57	.52		.14
Baker, Umatilla, Union, Wallowa Counties	12.70	3%+.61	1.14		.14
Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson and Josephine Counties	11.635	.52	.38		.03
SOFT FLOOR LAYERS:					
All Counties except Malheur	9.435	.50	.90	c	.07
Malheur County	7.00	.25	.10		.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa and N½ of Malheur Counties	10.01	.55	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (North of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	9.69	.50	.55		.10
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Counties	10.01	.55	.50		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS: (Cont'd)					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Counties	$ 11.05	.55	.70		

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employees with 5 years' service; 3% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also seven (7) paid holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to credit of employees with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
All Counties except Malheur					
Cable Splicers; Leadman Pole Sprayer	$ 12.78	.45	1%	.10	1/2%
Linemen; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman; Tree Trimmer Helper	8.18	.45	1%	.10	1/2%

ZONE PAY

Each classifiction will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below

ZONE B - 20 to 35 miles radius from geographical center of towns listed below

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Asotoria	Portland	Coure D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	San Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medfmrd		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Malheur County					
All work over 34.5 KV and all work on steel towers and/or multiple stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV; street and highway lighting and motor traffic controls:					
Groundman	$ 6.98	.35	1%		3/4%
Equipment Operator	8.44	.35	1%		3/4%
Lineman	9.27	.35	1%		3/4%
Cable Splicer	10.20	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for and operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	6.71	.35	1%		3/4%
Equipment Operator	7.87	.35	1%		3/4%
Linemen	8.74	.35	1%		3/4%
DREDGING:					
Leverman:					
Dipper	10.81	1.00	1.00	.50	.05
Hydraulic	10.15	1.00	1.00	.50	.05
Assistant Engineer (including watch engineer, Welder, mechanic and machinist); Mate	9.79	1.00	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	9.55	1.00	1.00	.50	.05
Assistant Mate (deckhand); Oiler	9.29	1.00	1.00	.50	.05

LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.02	$8.42	$8.77	$9.02	$9.27	$9.52
Group 2	8.37	8.77	9.12	9.37	9.62	9.87
Group 3	8.67	9.07	9.42	9.67	9.92	10.17
Group 4	8.92	9.32	9.67	9.92	10.17	10.42

FRINGE BENEFITS:

Health and Welfare	$.75	Vacation	$ .65
Pension	.90	Apprenticeship Training	.10

*SEE ZONE DESCRIPTIONS - Following Truck Driver Classifications

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand labor; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Plant Laborers; Levermen on Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spray-Men; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor) Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks On project; Brush Cutters (power saw); Burners; Choker Splicers; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air, gas, or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Gull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tramks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring down, or sloping to move, set up, align laser beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Swere Pipe Layers; Sewer Timberman; Trunk Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tagger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

POWER EQUIPMENT OPERATORS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.79	$10.19	$10.54	$10.79	$11.04	$11.29
2	9.93	10.33	10.68	10.93	11.18	11.43
3	10.03	10.43	10.78	11.03	11.28	11.53
4	10.19	10.59	10.94	11.19	11.44	11.69
5	10.21	10.61	10.96	11.21	11.46	11.71
6	10.29	10.69	11.04	11.29	11.54	11.79
7	10.35	10.75	11.10	11.35	11.60	11.85
8	10.45	10.85	11.20	11.45	11.70	11.95
9	10.51	10.91	11.26	11.51	11.76	12.01
10	10.57	10.97	11.32	11.57	11.82	12.07
11	10.59	10.99	11.34	11.59	11.84	12.09
12	10.65	11.05	11.40	11.65	11.90	12.15
13	10.73	11.13	11.48	11.73	11.98	12.23
14	10.89	11.29	11.64	11.89	12.14	12.39
15	11.05	11.45	11.80	12.05	12.30	12.55
16	11.23	11.63	11.98	12.23	12.48	12.73
17	11.37	11.77	12.12	12.37	12.62	12.87
18	11.55	11.95	12.30	12.55	12.80	13.05
19	11.69	12.09	12.44	12.69	12.94	13.19

FRINGE BENFITS:

Health and Welfare	$ 1.00
Pension	1.00
Vacation	.50
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Drivers classifications.

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Heliumeter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 ton; Roller Operator, Oiling, C.W.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Metting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Jamnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller (any asphalt mix); Belt crete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Crizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Blow (any type); Compactor, multi-engine; Jack Operator, Elevating Dumper; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

NOTICES

TRUCK DRIVERS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.81	$10.21	$10.56	$10.81	$11.06	$11.31
2	9.86	10.26	10.61	10.86	11.11	11.36
3	9.91	10.31	10.66	10.91	11.16	11.41
4	9.96	10.36	10.71	10.96	11.21	11.46
5	10.01	10.41	10.76	11.01	11.26	11.51
6	10.11	10.51	10.86	11.11	11.36	11.61
7	10.21	10.61	10.96	11.21	11.46	11.71
8	10.31	10.71	11.06	11.31	11.56	11.81
9	10.41	10.81	11.16	11.41	11.66	11.91
10	10.58	10.98	11.33	11.58	11.83	12.08
11	10.68	11.08	11.43	11.68	11.93	12.18
12	10.78	11.18	11.53	11.78	12.03	12.28
13	10.88	11.28	11.63	11.88	12.13	12.38
14	10.98	11.38	11.73	11.98	12.23	12.48

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.60
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Drivers Classifications.

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver; Fireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Fireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling packed cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 35 miles but less than 45 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE (Cont'd)

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	
Bend	La Grande	Pendleton	
Brookings	Lakeview	Port Orford	
Burns	Madras	Reedsport	
Coos Bay	Medford	Roseburg	
Grants Pass	McMinnville	The Dalles	

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall

Zone B - More than 5 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Anderson, Cherokee & Henderson
DECISION NO.: TX77-4136
DATE: Date of Publication
Supersedes Decision No. TX77-4009, dated January 28, 1977, in 42 FR 5652
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.30				
BRICKLAYERS	5.00				
CARPENTERS	4.80				
CEMENT MASONS	3.12				
ELECTRICIANS	6.35		1%		1/4%
IRONWORKERS	4.25				
LABORERS	2.30				
PAINTERS:					
Brush	4.00				
Tape & bed	5.00				
PLUMBERS	5.50				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	3.50				
TRUCK DRIVERS	2.50				

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DECISION NO. TX77-4136

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.70				
Asphalt Shoveler	3.10				
Batching Plant Scaleman	2.75				
Carpenter	4.50				
Carpenter Helper	3.45				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.65				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.75				
Electrician	5.00				
Fireman	2.90				
Form Builder (Structures)	4.30				
Form Builder Helper (Structures)	3.20				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Mechanic	4.85				
Mechanic Helper	3.50				
Oiler	3.75				
Serviceman	3.75				
Pipelayer	4.00				
Pipelayer Helper	2.75				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	3.75				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	2.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.75				

DECISION NO. TX77-4136

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.90				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	5.75				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.75				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.30				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.80				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.60				
Side Boom	3.35				
Tractor (Crawler Type) 150 HP and Less	3.40				
Tractor (Crawler Type) over 150 HP	4.75				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	3.50				
Truck Drivers:					
Single Axle, Light	3.45				
Lowboy-Float	4.50				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX77-4137 DATE: Date of Publication

Supersedes Decision No. TX77-4045, dated February 25, 1977, in 42 FR 11229

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 9.70		.30		
CARPENTERS	9.39		.20		.01
CEMENT MASONS	8.30				
ELECTRICIANS	10.13	.60	3%		1/2%
LABORERS:					
Laborers	4.99	.53	.27		
Mason tenders	5.14	.53	.27		
PAINTERS	8.20		.40		
PLUMBERS	8.76	.35	.55	.60	
SHEET METAL WORKERS	6.24		.33		.10

DECISION NO. TX77-4137

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.25				
Asphalt Raker	4.10				
Batching Plant Scaleman	4.90				
Carpenter	4.80				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.70				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	5.05				
Concrete Finisher Helper (Structures)	3.95				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.45				
Manhole Builder, Brick	4.00				
Mechanic	5.05				
Mechanic Helper	3.50				
Oiler	4.00				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.75				
Pipelayer Helper	3.25				
Powderman	4.20				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	3.50				
Spreader Box Man	3.75				
Swamper	3.25				
Power Equipment Operators:					
Asphalt Distributor	4.45				
Asphalt Paving Machine	4.25				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.20				
Bulldozer, over 150 HP	4.95				

DECISION NO. TX77-4137

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Curing Machine	$ 3.75				
Concrete Paving Finishing Machine	4.80				
Concrete Paving Form Grader	3.75				
Concrete Paving Mixer	4.80				
Concrete Paving Saw	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crushes or Screening Plant Op.	4.75				
Foundation Drill Operator (Crawler Mounted)	5.60				
Foundation Drill Operator (Truck Mounted)	5.85				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.75				
Mixer (Over 16 CF)	4.65				
Motor Grader Operator, Fine Grade	5.05				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.85				
Roller, Pneumatic (Self-Propelled)	3.70				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.60				
Side Boom	4.00				
Tractor (Crawler Type) 150 HP and Less	3.75				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	4.25				
Traveling Mixer	4.35				

DECISION NO. TX77-4137

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Trenching Machine, Light	$ 4.00				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	3.45				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.55				
Transit-Mix	3.50				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	3.50				
Welder	5.05				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bailey, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Terry & Yoakum

DECISION NO.: TX77-4138

DATE: Date of Publication

Supersedes Decision No. TX77-4068, dated March 18, 1977, in 42 FR 15291

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 6.36				
BRICKLAYERS	7.16				
CARPENTERS	5.00				
CEMENT MASONS	5.90				
DRYWALL INSTALLERS	6.00				
ELECTRICIANS	9.55	.60	3%		1/10%
IRONWORKERS	4.00				
LABORERS	3.69				
PAINTERS:					
Brush	5.28				
Spray	5.50				
PLUMBERS	4.75	.39	.45		.04
ROOFERS	4.75				
SHEET METAL WORKERS	5.87				
SOFT FLOOR LAYERS	5.85	.30	.20		.04
TAPERS	6.00				
TILE SETTERS	6.27				

DECISION NO. TX77-4138

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Heaterman	3.40				
Asphalt Raker	3.70				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.25				
Batterboard Setter	3.00				
Carpenter	4.45				
Carpenter Helper	3.85				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.35				
Concrete Finisher (Structures)	4.20				
Concrete Finisher Helper (Structures)	3.75				
Electrician	6.25				
Electrician Helper	3.80				
Form Builder (Structures)	3.75				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving & Curb)	3.75				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	3.75				
Laborer, Common	3.00				
Laborer, Utility Man	3.50				
Mechanic	4.50				
Mechanic Helper	3.75				
Oiler	3.75				
Serviceman	3.80				
Pipelayer	4.00				
Pipelayer Helper	3.50				
Powderman	4.15				
Reinforcing Steel Setter (Structures)	4.25				
Spreader Box Man	4.00				
Stamper	3.00				
Power Equipment Operators:					
Asphalt Distributor	3.95				
Asphalt Paving Machine	4.10				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.85				
Bulldozer, over 150 HP	4.00				
Concrete Paving Finishing Machine	4.35				
Concrete Paving Saw	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				

DECISION NO. TX77-4138

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	$ 5.05				
Crusher or Screening Plant Op.	4.40				
Elevating Grader	4.00				
Foundation Drill Operator (Crawler Mounted)	5.85				
Foundation Drill Operator (Truck Mounted)	6.00				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.40				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.25				
Tractor (Crawler Type) 150 HP and Less	3.40				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.70				
Traveling Mixer	3.25				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or [illegible] Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.25				
[illegible]	[illegible]				
[illegible] (Truck Mounted)	[illegible]				
Welder	5.05				

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Bee, Kleberg, Nueces & San Patricio
DECISION NO.: TX77-4139
DATE: Date of Publication
Supersedes Decision No. T[illegible], dated February 13, 1976, in 41 FR 7008
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 3.50				
BRICKLAYERS	5.00				
CARPENTERS	5.14				
CEMENT MASONS	6.25				
ELECTRICIANS	10.55	.60	3%		1/2%
LABORERS:					
Laborers	2.73				
Pipelayers	3.59				
PAINTERS, BRUSH	6.00				
PLUMBERS	6.00				
ROOFERS	5.00				
SHEET METAL WORKERS	6.22				
SOFT FLOOR LAYERS	4.25				
TRUCK DRIVERS	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.50				
Bulldozers	3.20				
Loaders	3.66				
Motor graders	4.09				
Scrapers	3.66				

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Bosque, Freestone, Hill, Limestone, McLennan & Navarro
DECISION NO.: TX77-4140
DATE: Date of Publication
Supersedes Decision No. TX77-4011, dated January 28, 1977, in 42 FR 5656.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	5.75				
CEMENT MASONS	5.63				
ELECTRICIANS	4.31				
IRONWORKERS	5.515	.15	.30		.01
LABORERS	3.00				
PAINTERS, BRUSH	4.50				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	4.00				
SHEET METAL WORKERS	4.25				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.88				
POWER EQUIPMENT OPERATORS:					
Front end loaders	3.95				
Motor graders	3.95				

DECISION NO. TX77-4140

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H E W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.25				
Asphalt Heaterman	3.40				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.40				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.50				
Form Setter (Paving and Curb)	4.20				
Form Setter (Structures)	4.30				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.90				
Laborer, Utility Man	3.00				
Mechanic	4.55				
Mechanic Helper	4.10				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	5.25				
Piledriverman	4.00				
Pipelayer	3.85				
Pipelayer Helper	3.00				
Powderman	4.40				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Sign Erector	3.25				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.85				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.85				
Bulldozer, 150 HP and Less	4.00				

DECISION NO. TX77-4140

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H E W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Bulldozer, over 150 HP	$ 4.50				
Concrete Paving Curing Machine	4.00				
Concrete Paving Saw	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.15				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.25				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.00				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.05				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.80				
Truck Drivers:					
Single Axle, Light	3.40				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.95				
Welder	4.50				
Welder Helper	3.25				

NOTICES

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Camp, Delta, Fannin, Franklin, Hopkins, Lamar & Titus
DECISION NO.: TX77-4141
DATE: Date of Publication
Supersedes Decision No. TX77-4012, dated January 28, 1977, in 42 FR 5658
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. TX77-4141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.50				
CARPENTERS	4.00				
CEMENT MASONS	4.50				
ELECTRICIANS	4.30				
LABORERS:					
Laborers	2.59				
Mason tenders	3.00				
LATHERS	7.90				
PAINTERS:					
Brush	4.00				
Taper	4.00				
PLASTERERS	7.465	.35		.50	.03
PLUMBERS	5.64				
ROOFERS	5.00				
SHEET METAL WORKERS	4.77				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	4.625				

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.50				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.00				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	4.10				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.60				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.10				
Laborer, Common	3.00				
Laborer, Utility Man	3.35				
Mechanic	4.50				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.25				
Pipelayer	3.25				
Pipelayer Helper	3.00				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.50				
Steel Worker (Structural)	4.75				
Spreader Box Man	3.75				
Swamper	3.30				

NOTICES

DECISION NO. TX77-4141

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 4.00				
Asphalt Paving Machine	4.20				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.40				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Crusher or Screening Plant Op.	4.50				
Form Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.85				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.80				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				
Tractor (Crawler Type) 150 HP and Less	3.60				

DECISION NO. TX77-4141

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) over 150 HP	$ 3.95				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.35				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	3.00				
Weighman (Truck Scales)	3.00				
Welder	4.60				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Gregg, Harrison, Rusk & Upshur

DECISION NO.: TX77-4142 DATE: Date of Publication

Supersedes Decision No. TX77-4013, dated January 28, 1977, in 42 FR 5660

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.00				
BRICKLAYERS	6.00				
CARPENTERS	4.88				
CEMENT MASONS	3.965				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 3 families	5.50		1%		1%
Over 3 families	7.95	.40	1%		1/4%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.50				
LABORERS	3.98				
PAINTERS, BRUSH	5.25				
PLASTERERS	7.50				
PLUMBERS & PIPEFITTERS	6.40				
ROOFERS	3.00				
SHEET METAL WORKERS	5.50				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.00				

DECISION NO. TX77-4142

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.50				
Asphalt Shoveler	3.00				
Batching Plant Salesman	4.00				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	4.10				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.60				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.10				
Laborer, Common	3.00				
Laborer, Utility Man	3.35				
Mechanic	4.50				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.25				
Pipelayer	3.25				
Pipelayer Helper	3.00				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.50				
Steel Worker (Structural)	4.75				
Sprayder Box Man	3.75				
Swamper	3.30				

DECISION NO. TX77-4142

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 4.00				
Asphalt Paving Machine	4.20				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.40				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Crusher or Screening Plant Op.	4.50				
Form Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.85				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) 150 HP and Less	$ 3.60				
Tractor (Crawler Type) over 150 HP	3.95				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.35				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	3.00				
Weighman (Truck Scales)	3.00				
Welder	4.60				

NOTICES

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Hood, Johnson, Palo Pinto, Parker & Wise

DECISION NO.: TX77-4143

DATE: Date of Publication

Supersedes Decision No. TX77-4086, dated April 15, 1977, in 42 FR 20102

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.00				
BRICKLAYERS	6.50				
CARPENTERS	6.00				
CERAMIC MASONS	4.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	5.49				
IRONWORKERS	4.30				
LABORERS:					
Laborers	2.50				
Mason tenders	4.00				
PAINTERS	5.50				
PLUMBERS	5.50				
SOFT FLOOR LAYERS	4.75				
TILE SETTERS	4.75				
TRUCK DRIVERS	2.50				

DECISION NO. TX77-4143

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Heaterman	3.50				
Asphalt Raker	3.75				
Asphalt Shoveler	3.25				
Batching Plant Scaleman	4.25				
Carpenter	4.25				
Carpenter Helper	3.80				
Concrete Finisher (Paving)	4.65				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	4.00				
Concrete Rubber	3.50				
Electrician	6.75				
Electrician Helper	4.00				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving and Curb)	4.50				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.65				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	3.00				
Laborer, Common	3.00				
Laborer, Utility Man	3.30				
Mechanic	4.50				
Mechanic Helper	3.85				
Oiler	3.95				
Serviceman	3.75				
Piledrivermen	4.50				
Pipelayer	4.00				
Pipelayer Helper	3.50				
Powderman	4.75				
Reinforcing Steel Setter(Paving)	3.30				
Reinforcing Steel Setter (Structures)	4.25				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	4.15				
Steel Worker Helper (Structural)	3.75				
[illegible]	4.00				
[illegible]	3.90				
Spreader Box Man	4.00				

NOTICES

DECISION NO. TX77-4143

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 4.25				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.50				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.35				
Concrete Paving Finishing Machine	4.30				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.40				
Concrete Paving Spreader	3.85				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Form Loader	3.25				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.75				
Front End Loader (2½ CY & Less)	3.95				
Front End Loader (Over 2½ CY)	4.75				
Mixer (Over 16 CF)	3.75				
Mixer (16 CF and Less)	3.75				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.85				
Roller, Pneumatic (Self-Propelled)	3.70				
Scrapers (17 CY and Less)	4.30				
Scrapers (Over 17 CY)	4.50				
Self-Propelled Blades	4.25				
Tractor (Crawler Type) 150 HP and Less	3.80				

DECISION NO. TX77-4143

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) over 150 HP	$ 4.75				
Tractor (Pneumatic) 80 HP and Less	3.60				
Tractor (Pneumatic) over 80 HP	3.90				
Traveling Mixer	3.95				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.80				
Truck Drivers:					
Single Axle, Light	3.35				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.50				
Lowboy-Float	4.50				
Weighman (Truck Scales)	3.00				
Welder	4.65				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Howard
DECISION NO.: TX77-4144 DATE: Date of Publication
Supersedes Decision No. TX77-4014, dated January 28, 1977, in 42 FR 5662
DESCRIPTION OF WORK: Building (including Residential) Construction. (Use current heavy & highway general wage determination for Paving & Utilities' Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	8.23	.55	1.00		.10
LABORERS:					
Laborer	3.06				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX77-4144

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Boatsman	3.25				
Asphalt Raker	3.65				
Asphalt Shoveler	2.75				
Batching Plant Scaleman	3.75				
Batterboard Setter	3.65				
Carpenter	4.20				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.25				
Electrician	4.00				
Form Builder (Structures)	4.50				
Form Builder Helper (Structures)	4.00				
Form Setter (Paving and Curb)	4.15				
Form Setter Helper (Paving and Curb)	2.75				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	3.60				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.00				
Mechanic	4.00				
Mechanic Helper	3.45				
Oiler	3.60				
Serviceman	3.65				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Pavierman	4.00				
Pavierman Helper	2.75				
Reinforcing Steel Setter (Structures)	4.35				
Reinforcing Steel Setter Helper	3.50				
Spreader Box Man	3.65				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.00				

DECISION NO. TX77-4144

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Bulldozer, over 150 HP	$ 4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.00				
Elevating Grader	4.10				
Foundation Drill Operator (Crawler Mounted)	4.60				
Foundation Drill Operator (Truck Mounted)	5.50				
Front End Loader (2½ CY & Less)	3.80				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.30				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.80				
Scrapers (Over 17 CY)	4.00				
Self-Propelled Hammer	3.50				
Side Boom	3.50				
Tractor (Crawler Type) 150 HP and Less	3.10				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	2.75				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				

DECISION NO. TX77-4144

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Single Axle, Light	$ 3.00				
Single Axle, Heavy	3.35				
Tandem Axle or Semitrailer	3.25				
Lowboy-Float	3.35				
Winch	3.40				
Weighman (Truck Scales)	2.95				
Welder	4.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Smith, Van Zandt & Wood
DECISION NO.: TX77-4145 DATE: Date of Publication
Supersedes Decision No. TX77-4015, dated January 28, 1977, in 42 FR 5664
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.00				
CARPENTERS	5.00				
CEMENT MASONS	4.75				
ELECTRICIANS	5.25				
GLAZIERS	4.20				
IRONWORKERS, STRUCTURAL & ORNAMENTAL	4.94				
LABORERS	3.00				
LATHERS	5.80				
PAINTERS, BRUSH	4.50				
PLASTERERS	6.00				.01
PLUMBERS & PIPEFITTERS	4.10				
ROOFERS	4.50				
SHEET METAL WORKERS	4.00				
TILE SETTERS	4.125				
TRUCK DRIVERS	2.62				

DECISION NO. TX77-4145

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.50				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.00				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	4.10				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.60				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.10				
Laborer, Common	3.00				
Laborer, Utility Man	3.35				
Mechanic	4.50				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.25				
Pipelayer	3.25				
Pipelayer Helper	3.00				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.75				
Reinforcing Steel setter (Structures)	3.75				
Reinforcing Steel Setter Helper	3.50				
Steel Worker (Structural)	4.75				
Spreader Box Man	3.75				
Stamper	3.20				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 4.00				
Asphalt Paving Machine	4.20				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.40				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over	4.75				
Crusher or Screening Plant Op.	4.50				
Farm Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-Mix Pavements)	3.85				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				
Tractor (Crawler Type) 150 HP and Less	3.60				

DECISION NO. TX77-4145

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) over 150 HP	$ 3.95				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.30				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.35				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	3.00				
Weighman (Truck Scales)	3.00				
Welder	4.60				

NOTICES

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: TX77-4146 DATE: Date of Publication
Supersedes Decision No. TX77-4016, dated January 28, 1977, in 42 FR 5666
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 7.00				
CARPENTERS	6.00				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. TX77-4146

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.25				
Asphalt Raker	4.10				
Batching Plant Scaleman	4.90				
Carpenter	4.80				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.70				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	5.05				
Concrete Finisher Helper (Structures)	3.95				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.45				
Manhole Builder, Brick	4.00				
Mechanic	5.05				
Mechanic Helper	3.50				
Oiler	4.00				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.75				
Pipelayer Helper	3.25				
Powderman	4.20				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	3.50				
Spreader Box Man	3.75				
Stumper	3.25				
Power Equipment Operators:					
Asphalt Distributor	4.45				
Asphalt Paving Machine	4.65				
[illegible]	[illegible]				
[illegible]	4.00				
Bulldozer, over 150 HP	4.95				

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DECISION NO. TX77-4146

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Curing Machine	$ 3.75				
Concrete Paving Finishing Machine	4.80				
Concrete Paving Form Grader	3.75				
Concrete Paving Mixer	4.80				
Concrete Paving Saw	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.35				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.75				
Foundation Drill Operator (Crawler Mounted)	5.60				
Foundation Drill Operator (Truck Mounted)	5.85				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.75				
Mixer (Over 16 CF)	4.65				
Motor Grader Operator, Fine Grade	5.05				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.85				
Roller, Pneumatic (Self-Propelled)	3.70				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.60				
Side Boom	4.00				
Tractor (Crawler Type) 150 HP and Less	3.75				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP and Less	3.75				
Tractor (Pneumatic) over 80 HP	4.25				
Traveling Mixer	4.35				

DECISION NO. TX77-4146

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Trenching Machine, Light	$ 4.00				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	3.45				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.55				
Transit-Mix	3.50				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	3.50				
Welder	5.05				

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NOTICES

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: RADFORD ARMY AMMUNITION PLANT

DECISION NO.: VA77-3088

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA77-3052 dated May 6, 1977 in 42 FR 23443

DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.13	.65	.60		.01
BOILERMAKERS	9.75	.70	.90		.02
BRICKLAYERS	8.25				
CARPENTERS	7.60	.35	.30		.02
CEMENT MASONS	5.95				
ELECTRICIANS	9.00	.50	3%		½%
IRONWORKERS:					
STRUCTURAL AND REINFORCING	9.55	.60	.65		.03
LABORERS:					
COMMON LABORERS	5.15	.25	.25		.03
MASON TENDERS	5.25	.25	.25		.03
AIR TOOL OPERATORS	5.40	.25	.25		.03
LATHERS	8.25				
MILLWRIGHTS	9.35	.35	.30		.01
PAINTERS:					
BRUSH	6.70	.35	.20		
SPRAY	7.10	.35	.20		
PLUMBERS AND PIPEFITTERS	8.75	.35	.40	.25	.05
SHEET METAL WORKERS	8.20	.25	.40		.04
SPRINKLER FITTERS	9.48	.65	.95		.08
POWER EQUIPMENT OPERATORS:					
BACKHOE OPERATORS	7.29				
BULLDOZER OPERATORS	9.16	.30	.40		.03
CRANE OPERATORS	7.62				
OILERS	4.88				
ROLLERS	6.55	.30	.40		.03
PILEDRIVERS	6.32				

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTY: HENRICO AND THE INDEPENDENT CITY OF RICHMOND

DECISION NO.: VA77-3089

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA77-3046 dated May 6, 1977 in 41 FR 23436

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.03	.65	.40		.01
BOILERMAKERS	9.75	.70	.90		.02
BRICKLAYERS AND STONEMASONS	9.00	.55	.30		.01
CARPENTERS AND SOFT FLOOR LAYERS	8.60	.35	.30		.01
CEMENT MASONS	8.00				
CEMENT MASON MACHINE MEN	8.10				
ELECTRICIANS:					
ZONE I-within a 12 air mile radius of Staples Mills Road and Broad Street in the City of Richmond	9.94	5%	1%		½%
ZONE II-remainder of city of Richmond and Henrico County	10.69	5%	1%		½%
ELEVATOR CONSTRUCTORS	9.045	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	6.33	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	4.52				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS-STRUCTURAL, REINFORCING, AND ORNAMENTAL:					
ZONE I-up to 10 miles from Capital Square	9.75	.55	.50		.05
ZONE II-from 10 miles to 30 miles radius	10.125	.55	.50		.05
ZONE III-from 30 miles and beyond	10.375	.55	.50		.05
LABORERS:					
UNSKILLED	5.30	.20	.15		.05
TENDERS, MOTORIZED GEORGIA BUGGY OPERATORS, NOZZLEMEN (gunite or sandblasting), CONCRETE SAW OPERATORS, AIR TOOL AND VIBRATOR OPERATORS	5.40	.20	.15		.05
MORTAR MIXERS, HOD CARRIERS, PIPELAYERS, CAULKERS, MARBLE AND TILE AND TERRAZZO WORKERS	5.55	.20	.15		.05
BURNERS (wrecking)	5.65	.20	.15		.05
FLOOR, BASE AND TERRAZZO GRINDERS	5.70	.20	.15		.05

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DECISION NO. VA77-3089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
WAGON DRILL, AIR TRAC AND SIMILAR DRILLS	5.80	.20	.15		.05
POWDERMEN	6.05	.20	.15		.05
LATHERS:					
PLASTER AND DRYWALL FINISH	8.99		.20		.01
SHEET ROCK APPLICATOR	7.29		.20		.01
LEADBURNERS	10.75	.40	.25	c	.01
LINEMEN and CABLE SPLICERS:					
ZONE I-within a 12 mile air radius of Staples Mill Road and Broad Street in the City of Richmond	9.94	5%	1%		4%
ZONE II-remainder of City of Richmond and Henrico County	10.69	5%	1%		4%
MARBLE, TILE AND TERRAZZO WORKERS	7.60				
MILLWRIGHTS	9.90	.35	.30		.01
PAINTERS:					
BRUSH, PAPERHANGERS, TAPERS AND FINISHERS	7.55				
STRUCTURAL STEEL, SWING STAGE AND BOSUN CHAIR	7.80				
SCAFFOLD OR OTHER HAZARD WORK OVER 50 FEET	7.80				
SPRAY	8.05				
SANDBLASTING, ELEVATED TANKS, SMOKE STACKS AND ALL TOWERS	7.40				
PILEDRIVERMEN AND DOCKBUILDERS	7.60	.30	.30		
PLASTERERS	9.45				
PLUMBERS AND STEAMFITTERS	10.15	.45	.50		.05
ROOFERS COMPOSITION	5.95				
ROOFERS HELPERS	4.15				
SHEET METAL WORKERS:					
CITY OF RICHMOND	10.07	.35	.20		.005
REMAINDER OF COUNTY	10.22	.35	.20		.005
SPRINKLER FITTERS	9.48	.65	.96		.08
WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. VA77-3089

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F.

c. Paid Holidays: A through F; Washington's Birthday; Good Friday and Christmas Eve, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

DECISION NO. VA77-3089

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 9.15	.325	.30		.05
GROUP 2	7.28	.325	.30		.05
GROUP 3	6.06	.325	.30		.05
GROUP 4	5.83	.325	.30		.05
GROUP 5	5.71	.325	.30		.05

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Firemen

GROUP 5
Oilers

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: THE CITIES OF NORFOLK, CHESAPEAKE, PORTSMOUTH, AND VIRGINIA BEACH

DECISION NO.: VA77-3090

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA77-3077 dated June 3, 1977 in 42 FR 28814

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.20	.30	.25		
BOILERMAKERS	10.30	.90	.90		.02
BRICKLAYERS AND STONE MASONS	8.38	.60	.20		.02
CARPENTERS AND SOFT FLOOR LAYERS	8.60	.35	.30		
CEMENT MASONS:					
CEMENT MASONS	8.00				
MACHINE AND SCAFFOLD MEN	8.10				
ELECTRICIANS AND CABLE SPLICERS	9.35	8%	8%	a	1%
ELEVATOR CONSTRUCTORS	8.02	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS	5.61	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	4.01				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS:					
REINFORCING, ORNAMENTAL, STRUCTURAL, RIGGERS, FENCE ERECTORS, MACHINERY MOVERS	9.30	.55	.70		.06
LABORERS:					
UNSKILLED	5.30	.20	.15		.05
TENDERS, MOTORIZED GEORGIA BUGGY OPERATORS, NOZZLEMEN (gunite or sandblasting), CONCRETE SAW OPERATORS, AIR TOOL AND VIBRATOR OPERATORS MORTAR MIXERS, HOD CARRIERS, PIPELAYERS, CAULKERS, MARBLE, TILE AND TERRAZZO WORKERS	5.40	.20	.15		.05
HELPERS	5.55	.20	.15		.05
BURNERS (wrecking)	5.65	.20	.15		.05
FLOOR, BASE AND TERRAZZO GRINDERS	5.70	.20	.15		.05
WAGON DRILL AND AIR TRAC	5.80	.20	.15		.05
POWDERMEN	6.05	.20	.15		.05
LATHERS	9.54		.25		.01
LEAD BURNERS	10.75	.40	.25	d	.01
LINE CONSTRUCTION:					
LINEMEN AND CABLE SPLICERS	9.35	8%	8%		

DECISION NO. VA77-3090

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	7.40	.60	.20		
MILLWRIGHTS	9.45	.35	.30		.01
PAINTERS:					
BRUSH AND ROLL	7.70		.35		
STRUCTURAL STEEL	8.20		.35		
SPRAY, PAPERHANGERS, AND GLOVE WORK	8.35		.35		
ANY WORK OVER 74 FEET OFF THE GROUND	9.00		.35		
BITUMINOUS COATING AND HOT CREOSITE	9.35		.35		
SWING STAGE UNDER 40 FEET, ROLLERS WITH 6 FEET HANDLES AND OVER, EPOXY BRUSHED OR ROLLED	7.95		.35		
SWING STAGE OVER 40 FEET	8.20		.35		
EPOXY, SPRAYED	8.30		.35		
SANDBLASTING	8.45		.35		
PILEDRIVERMEN AND DOCKBUILDERS	7.75	.35	.30		
PLASTERERS	10.01				
PLUMBERS AND STEAMFITTERS	9.40	.55	.55		.06
ROOFERS COMPOSITION	5.95				
ROOFERS HELPERS	4.15				
SHEET METAL WORKERS	8.80	.45	.55		.005
SPRINKLER FITTERS	9.48	.65	.95		.08
TERRAZZO AND TILE WORKERS	7.40	.60	.20		

WELDERS-recieve rate prescribed for craft performing operation to which welding is incidental.

NOTICES

DECISION NO. VA77-3090

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Workmen shall be allowed two hours with pay at the start or at the end of the work day on State and National Election days; Tuesday following the first Monday in November, provided they are qualified to and Vote.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.

c. Holidays: A through F.

d. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.

DECISION NO. VA77-3090

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	[illegible]	.325	.30		.05
GROUP 2	[illegible]	.325	.30		.05
GROUP 3	[illegible]	.325	.30		.05
GROUP 4	[illegible]	.325	.30		.05
GROUP 5	[illegible]	.325	.30		.05

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generetor (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Firemen

GROUP 5
Oilers

NOTICES

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTY: YORK AND THE CITIES OF HAMPTON AND NEWPORT NEWS (including Langley AFB, Fort Eustis and Fort Monroe)

DECISION NO.: VA77-3091

DATE: DATE OF PUBLICATION

SUPERSEDES DECISION NO. VA77-3074 dated June 3, 1977 in 42 FR 28811

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including 4 stories), Sewer and Water Line Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$9.20	.30	.25		
BOILERMAKERS	9.75	.70	.90		.02
BRICKLAYERS AND STONE MASONS	8.75				
CARPENTERS AND SOFT FLOOR LAYERS	8.60	.35	.30		
CEMENT MASONS:					
CEMENT MASONS	8.00				
MACHINE AND SCAFFOLD MEN	8.10				
ELECTRICIANS:					
ZONE I-within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
WIREMEN	9.60	5%	6%		1%
CABLE SPLICERS	9.85	5%	6%		1%
ZONE II-beyond a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
WIREMEN	10.60	5%	6%		1%
CABLE SPLICER	10.85	5%	6%		1%
ELEVATOR CONSTRUCTORS	8.02	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	5.61	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	4.01				
GLAZIERS	5.95	.30	.10		.01
IRONWORKERS:					
STRUCTURAL, ORNAMENTAL, RIGGERS, REINFORCING, FENCE ERECTORS, AND MACHINERY MOVERS,	9.30	.55	.70		.06
LABORERS:					
UNSKILLED	5.30	.20	.15		.05
TENDERS, MOTORIZED GEORGIA BUGGY OPERATORS, NOZZLEMEN (gunite or sandblasting), CONCRETE SAW OPERATORS, AIR TOOL AND VIBRATOR OPERATORS MORTAR MIXERS, HOD CARRIERS, PIPELAYERS, CAULKERS, MARBLE TILE AND TERRAZZO WORKER	5.40	.20	.15		.05
HELPERS	5.55	.20	.15		.05
LABORERS (CONT'D):					
BURNERS (wrecking)	5.65	.20	.15		.05
FLOOR, BASE, AND TERRAZZO GRINDER	5.70	.20	.15		.05
WAGON DRILL AND AIR TRAC	5.80	.20	.15		.05
POWDERMEN	6.05	.20	.15		.05
LATHERS	9.54		.25		.01
LINE CONSTRUCTION:					
ZONE I-within a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
LINEMEN	9.60	5%	6%		1%
CABLE SPLICER	9.85	5%	6%		1%
ZONE II-beyond a 16 air mile radius of 7812 Warwick Blvd., Newport News:					
LINEMEN	10.60	5%	6%		1%
CABLE SPLICER	10.85	5%	6%		1%
MARBLE SETTERS	8.05				
MILLWRIGHTS	9.90	.35	.30		.01
PAINTERS:					
(York County from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein the cities of Hampton and Newport News):					
BRUSH AND ROLLER	7.40		.10		
PAPERHANGER, TAPER, SPRAY, ROLLER WITH A 6' HANDLE OR OVER, STRUCTURAL STEEL TO 74' FROM THE GROUND UP, SWING STAGE UNDER 40', SANDBLASTING	7.75		.10		
SWING STAGE OVER 40', EPOXY SPRAYED	8.00		.10		
EPOXY BRUSHED OR ROLLED	7.65		.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
ALL WORK OVER 74' FROM THE GROUND	7.90		.10		
BITUMINOUS COATINGS, HOT CREOSITE	8.80		.10		
PAINTERS: REMAINDER OF COUNTY OF YORK					
BRUSH AND ROLLER	8.00		.10		
PAPERHANGING, PAPER, SPRAY, ROLLER WITH A HANDLE 6' OR OVER, STRUCTURAL STEEL 74' FROM THE GROUND UP, SWING STAGE UNDER 40', SANDBLASTING	8.35		.10		
SWING STAGE OVER 40', EPOXY SPRAYED	8.60		.10		
EPOXY BRUSHED OR ROLLED	8.25		.10		
ALL WORK OVER 74' FROM THE GROUND	8.50		.10		
BITUMINOUS COATINGS, HOT CREOSITE	9.40		.10		
PILEDRIVERMEN AND MOCKBUILDERS	7.60	.30	.30		
PLASTERERS	10.01				
PLUMBERS AND STEAMFITTERS	9.40	.55	.55		.02
ROOFERS COMPOSITION	5.95				
ROOFERS HELPERS	4.15				
SHEET METAL WORKERS:					
NEWPORT NEWS AND HAMPTON	9.05	.45	.55		.005
YORK COUNTY	9.30	.45	.55		.005
SPRINKLER FITTERS	9.48	.65	.95		.08
TERRAZZO WORKERS AND TILE SETTERS	8.35				

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION					
GROUP 1	[illegible]	.325	.30		.05
GROUP 2	[illegible]	.325	.30		.05
GROUP 3	[illegible]	.325	.30		.05
GROUP 4	5.82	.325	.30		.05
GROUP 5	[illegible]	.325	.30		.05

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Caterpillars, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, tower plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), 7-ton trucks, mechanic's helper

GROUP 4
Fireman

GROUP 5
Oilers

DECISION NO. WA77-3091

SEWER AND WATER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTER	$5.30				
CEMENT MASONS	4.50				
LABORERS:					
LABORER	3.00				
PIPELAYER	3.24				
TRUCK DRIVERS	3.30				
POWER EQUIPMENT OPERATORS:					
BACKHOE	5.25				
BULLDOZER	4.70				
CRANE	7.30	.325	.30		.03
FORK LIFT OPERATOR	4.20				
FRONT END LOADER	3.75				
LOADER OPERATOR	4.00				
MOTOR GRADER	3.50				
OILER	4.15				
ROLLER	3.00				
SCRAPER	3.63				

SUPERSEDEAS DECISION

STATE: Wyoming
DECISION NUMBER: WY77-5071
Supersedes Decision No. WY77-5052 dated May 20, 1977 in 42 FR 26183
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 7.09	.50	.50		.15
CEMENT MASONS	6.65	.50			.05
IRONWORKERS:					
Structural	5.93				
Reinforcing	4.75				
PAINTERS:					
Brush and Spray	6.63				
LINE CONSTRUCTION:					
All work over 34.5 KV all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, streets and highway lighting:					
Cable Splicer	10.42	.45	3%		3/4%
Lineman	9.47	.45	3%		3/4%
Equipment Operators	8.55	.45	3%		3/4%
Groundman	7.03	.45	3%		3/4%
All work 34.5 KV and under:					
Lineman	9.47	.45	3%		3/4%
Line Equipment Operator	8.19	.45	3%		3/4%
Groundman	7.03	.45	3%		3/4%

DECISION NO. WY77-5071 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:					
Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc. Scissor Man or Hopper Man; Stake Jumber for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 4.77				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 2:					
Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	$ 4.87				
Group 3:					
Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	5.02				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	$ 5.27				
Group 5: Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5.25				
Bull Gang; Dumpman; Mucker; Trackman	5.09				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5.52				
Nipper; Chucktender; Topman; Toplander	5.36				

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.55	.25	.35		.02
Group 2	6.60	.25	.35		.02
Group 3	6.65	.25	.35		.02
Group 4	6.69	.25	.35		.02
Group 5	6.72	.25	.35		.02
Group 6	6.77	.25	.35		.02
Group 7	6.81	.25	.35		.02
Group 8	6.83	.25	.35		.02
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POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler; Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Stacker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Curbuer Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all trunk mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirlmy, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pick-up Truck Drivers (when used for hauling)	$ 5.45	.25	.35		
Dump Truck Drivers (water level capacity by):					
7 cu. yds. and less	5.50	.25	.35		
Over 7 cu. yds. to and including 10 cu. yds.	5.65	.25	.35		
Over 10 cu. yds. to and including 13 cu. yds.	5.75	.25	.35		
Over 13 cu. yds. to and including 20 cu. yds.	6.25	.25	.35		
Over 20 cu. yds. to and including 25 cu. yds.	6.25	.25	.35		
Over 25 cu. yds. to and including 30 cu. yds.	6.35	.25	.35		
Over 30 cu. yds. to and including 35 cu. yds.	6.40	.25	.35		
Over 35 cu. yds. to and including 40 cu. yds.	6.45	.25	.35		
Over 40 cu. yds. to and including 45 cu. yds.	6.50	.25	.35		
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.45	.25	.35		
Gravel Spreader	5.50	.25	.35		
Flat Rack Material Trunk Drivers:					
Less than 2 tons	5.50	.25	.35		
2 tons to 5 tons	5.65	.25	.35		
Over 5 tons	5.75	.25	.35		
Low Boy and Tandem Axle Float Drivers	6.25	.25	.35		
Gang Truck Drivers	5.50	.25	.35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stringing Truck Drivers:					
Single axle type truck	$ 5.50	.25	.35		
Multiple axle type truck; semi	6.25	.25	.35		
Winch Trailer Truck Drivers (cable and hoist)	5.75	.25	.35		
Utility Winch Truck Drivers	5.75	.25	.35		
"A" Frame Truck Drivers	5.75	.25	.35		
Warehousemen, Partsmen and Helpers	5.50	.25	.35		
Material Checkers	5.65	.25	.35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu. yds.; Single axle	5.75	.25	.35		
Over 5 cu. yds. to and including 10 cu. yds.; Tandem axle	5.85	.25	.35		
Over 10 cu. yds.	5.95	.25	.35		
Power Broom Drivers and/or Operators	5.65	.25	.35		
Water Truck Drivers:					
2500 gal. or less (straight truck)	5.50	.25	.35		
2500 gal. or less (semi truck)	5.65	.25	.35		
Over 2500 gal. to and including 3600 gal.	5.75	.25	.35		
Over 3600 gal. (straight truck)	5.85	.25	.35		
Over 3600 gal. (semi truck)	5.95	.25	.35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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Fuel Service Truck Drivers	5.50	.25	.35		
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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
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	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Rules Going Into Effect Today

EPA—Air pollution control; new motor vehicles and engines; certification and test procedures; corrections. 28130; 6–2–77

Air pollution control; new motor vehicles and engines; emission defect reporting regulations..... 28123; 6–2–77

FEA—Energy conservation program; room air conditioners; test procedures. 27896; 6–1–77

Interior/FWS—Endangered and threatened species; St. Croix ground lizard. 28543; 6–3–77

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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 4301.....Pub. L. 95–58
To authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.
(June 29, 1977; 91 Stat. 254)
Price: $.35

H.R. 583.....Pub. L. 95–57
To amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses, and for other purposes.
(June 29, 1977; 91 Stat. 253)
Price $.35

S.J. Res. 63.....Pub. L. 95–56
To amend the Federal Home Loan Bank Act.
(June 29, 1977; 91 Stat. 252)
Price: $.35

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees for Federal Rice Inspection Services

Correction

In FR Doc. 77–17302 appearing at page 30599 in the issue for Thursday, June 16, 1977, in the first column of page 30600, in the 4th line of § 68.42c(f)(1)(i) the hourly rate was omitted and should be inserted as follows: "20.80."

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This document authorizes expenses of $189,200 for the Lime Administrative Committee for the 1977–78 fiscal year and establishes a rate of assessment of $0.20 per bushel of limes handled in such period to be paid to the committee by each first handler as his pro rata share of the expenses. The committee administers locally a Federal marketing order program regulating the handling of limes grown in Florida. The regulation enables the committee to collect assessments from handlers on all assessable limes handled and to use the resulting funds for its operational expenses incurred to support its activities under the program.

DATES: Effective for fiscal year April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of rulemaking was published in the FEDERAL REGISTER (42 FR 30513) inviting written comments not later than June 28, 1977, regarding proposed expenses and the related rate of assessment for the period April 1, 1977, through March 31, 1978, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 911, both as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the notice which were submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 911.216 **Expenses, rate of assessment, and carryover of unexpended funds.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the fiscal year April 1, 1977, through March 31, 1978, will amount to $189,200.

(b) *Rate of Assessment.* The rate of assessment for the fiscal year, payable by each handler in accordance with § 911.41, is established at $0.20 per bushel of limes.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately $37,147, which are in excess of expenses incurred during the fiscal year ended March 31, 1977, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of the amended marketing agreement and order.

It is hereby further found that good cause exists for postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of limes are now being made, (2) the relevant provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable limes handled during the fiscal year, and (3) the year began on April 1, 1977, and the rate of assessment will automatically apply to all limes handled beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: June 29, 1977.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–19062 Filed 7–1–77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program—Flue-Cured Tobacco

Correction

In FR Doc. 77–18209, appearing at page 32513 in the issue for Monday, June 27, 1977, the first figure in the last column of the table on page 32514, column two, now reading "102" should read, "108".

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission

ACTION: Final Rule

SUMMARY: This section is amended to show that one position of Confidential Assistant to the Director, Agricultural Economics is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3313(n)(4) is added as set out below:

§ 213.3313 **Department of Agriculture.**

* * * * * * *

(n) *Agricultural Economics.* * * *

(4) One Confidential Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19103 Filed 7-1-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. E. R. Mackery, USDA, APHIS, Veterinary Services, Room 868, Federal Building, Hyattsville, MD 20782, 301-436-8685.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1977 ed.), as amended April 26, 1977 (42 FR 21269), and May 27, 1977 (42 FR 27218), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective list therein as follows:

§ 97.2 Administrative instructions prescribing the commuted traveltime.

* * * * *

WITHIN METROPOLITAN AREA

TWO HOURS

* * * * *

Salt Lake City, Utah (served from Murray and Ogden, Utah.)

* * * * *

(64 Stat. 561 (7 U.S.C. 2260).)

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of June, 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

DALE F. SCHWINDAMAN,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-19061 Filed 7-1-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Environmental Reports by Certain Applicants for Licenses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation "Licensing and Regulatory Policy and Procedures for Environmental Protection" to require that 15 copies of the environmental reports applicable to materials licenses be submitted to the NRC and that an additional 85 copies of the environmental report be retained by the applicant for distribution to Federal, State and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards. The amendments reduce the number of copies of environmental reports applicable to materials licenses from 150 to 100 copies. The amendments will materially expedite the distribution of environmental reports by eliminating duplicate handling of them by the applicant and the NRC staff, and will alleviate problems of the NRC staff with regard to the receipt, storage, assembly, and remailing of large volumes of environmental reports.

DATE: This rule becomes effective on August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone (301) 492-7211).

SUPPLEMENTARY INFORMATION: On March 3, 1977, the Commission published in the FEDERAL REGISTER (42 FR 12186) for comment proposed amendments of 10 CFR 51.40 which would reduce the number of copies of environmental reports applicable to Parts 30, 40, and 70 licenses from 150 to 100 copies.

The amendment of § 51.40 also would require that 15 copies of the environmental reports applicable to Parts 30, 40, and 70 licenses be submitted to the NRC and that an additional 85 copies of the environmental report be retained by the applicant for distribution to Federal, State, and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards.

Only one comment was received in response to the notice of proposed rule making. The commenter concurred with the adoption of the proposed amendment, but also suggested that a reasonable time limit be added for applicant's storage of copies of the reports in order to alleviate storage, assembly, and document control problems by applicants. It is the Commission's view that the suggested time limit for storage of copies of the reports is unnecessary. Of the 85 copies of the report to be retained by the applicant, 60 to 65 copies will be distributed initially in accordance with written instructions by the Director of Nuclear Material Safety and Safeguards. Retention or disposition of the 20 to 25 copies of the environmental report which remain following issuance of the Final Environmental Statement and the licensing action requested by the applicant will be a matter of written instructions to the applicant by the Director of Nuclear Material Safety and Safeguards.

Direct distribution by the applicant of the additional copies of the environmental report will materially expedite the distribution of such copies by eliminating duplicate handling of them by the applicant and the NRC staff. This procedure also will alleviate problems of the NRC staff with regard to the receipt, storage, assembly, and remailing of large volumes of environmental reports.

The text of the rule set forth below is identical with the text of the proposed amendments published on March 3, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 51, are published as a document subject to codification.

1. In § 51.40 of 10 CFR Part 51, paragraph (a) is amended by deleting "Except as provided in paragraph (b) of this section" and substituting therefor "Except as provided in paragraphs (b) and (c) of this section", and by adding a new paragraph (c) to read as follows:

§ 51.40 Environmental reports.

* * * * *

(c) Applicants for licenses, amendments to licenses, and renewals thereof, issued pursuant to Parts 30, 40, and/or 70 of this chapter, covered by paragraphs (a)(4), (a)(5), (a)(6), (b)(4), (b)(5), and (b)(8) of § 51.5 shall submit to the Director of Nuclear Material Safety and Safeguards 15 copies of an environmental report which discusses the matters described in § 51.20. The applicant shall retain an additional 85 copies of the environmental report for distribution to Federal, State, and local officials in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards.

(Secs. 53, 62, 81, 1611, Pub. L. 83-703, as amended; 68 Stat. 930, 932, 935, 948 (42 U.S.C. 2073, 2092, 2111, 2201(i)); sec. 201, Pub. L. 93-438, as amended, 88 Stat. 1242, 89 Stat. 413 (42 U.S.C. 5841); sec. 102, Pub. L. 91-190, 83 Stat. 853.)

Dated at Bethesda, Md., this 20th day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-19052 Filed 7-1-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14883; Amdt. 39-2953]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new airworthiness directive (AD) which requires repetitive inspections for fuel leakage of the auxiliary power unit (APU) fuel system on certain British Aircraft Corporation BAC 1-11 200 and 400 series airplanes. This action is necessary to prevent a turbine bearing failure and overheating of the airplane tailcone structure due to excessive fuel contamination of the APU oil contents.

DATES: Effective August 5, 1977. Compliance required as indicated in the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone 703-979-1400. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.33.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections of the APU fuel system on certain British Aircraft Corporation BAC 1-11 200 and 400 series airplanes was published in the FEDERAL REGISTER at 40 FR 33052. The proposal was prompted by reports of fuel diluted oil systems of APUs due to fuel leakage, which could result in turbine bearing failure and overheating of the airplane tailcone.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, one commentator proposed an alternate inspection procedure and requested that it be included in the AD as an equivalent compliance method or that the AD provide for approval of equivalent procedures and compliance times. The FAA does not have sufficient information to determine whether the commentator's proposed method would be an equivalent method of compliance. However, the AD does provide for the use of an FAA-approved equivalent means of compliance. With respect to compliance times, a provision has been added to the AD allowing the adjustment of the inspection intervals specified in the AD by the Chief, Aircraft Certification Staff Europe, Africa, and Middle East Region.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. E. S. Newberger, Flight Standards Service, and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11 200 and 400 series airplanes, certificated in all categories, with Garrett AiResearch Models GTOP 85-115, -115C, or -115CK APU's installed, that do not have British Aircraft Corporation Modification PM 5217 incorporated.

Compliance is required as indicated.

To prevent excessive fuel contamination of the Auxiliary Power Unit oil contents, accomplish the following:

(a) Within the next 60 APU hours' time in service after the effective date of this AD, unless accomplished within the last 20 APU hours' time in service, and thereafter at intervals not to exceed 80 APU hours' time in service from the last inspection, inspect for fuel leakage in accordance with paragraph 2.I of the Accomplishment Instructions of British Aircraft Corporation Model BAC 1-11 Service Bulletin 49-PM 5217, or an FAA-approved equivalent.

(b) If the fuel leakage rate exceeds one drop per minute, prior to further use of the APU, rectify the leakage, drain and refill the oil system with fresh oil, and thereafter continue the inspections required by paragraph (a) of this AD.

(c) Upon the request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667, may adjust the repetitive inspection intervals specified in paragraph (a) of this AD if the request contains substantiating data to justify the change.

This amendment becomes effective August 5, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc. 77-18790 Filed 7-1-77;8:45 am]

[Docket No. 77-EA-26, Amdt. 39-2948]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes AD 75-14-04 applicable to Grumman American G-164, G-164A, and G-164B type airplanes. The changes restrict the applicability of the AD to certain aircraft serial numbers and allow compliance with the AD by incorporation of a new alteration recommended by the manufacturer. Subsequent review by the manufacturer permits the exclusion of later manufactured airplanes and substitution of the new alteration.

DATES: Effective date: July 7, 1977.

ADDRESSES: Copies of drawing A3371 -1 and -3 may be obtained from the manufacturer at P.O. Box 2206, Savannah, Georgia 51402.

FOR FURTHER INFORMATION CONTACT:

L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; Telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: AD 75-14-04 applicable to Grumman American G-164 type airplanes was issued in October 1976 and amended in November 1976 so as to prevent rudder control cables from fraying on a corner of the foot rail assembly. The AD required a periodic inspection and replacement where necessary and the amendment added a G-164B model and a one-time replacement of the pulley and bracket which would eliminate the repetitive inspection. The present amendment will restrict the number of airplanes to which the AD is applicable and permit an additional alteration in lieu of the repetitive inspection.

Due to the foregoing, notice or public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are L. Lipsius, Flight Standards

Division, and Thomas C. Halloran, Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective July 7, 1977, by amending AD 75–14–04, as follows:

1. Revise the applicability paragraph to read:

Applies to Grumman G–164 S/N 101 through 400, G–164A S/N 401 through 1719, G–164B S/N 1B through 206B, and 208B through 277B, certificated in all categories.

2. Revise paragraph (5) to read as follows:

5. Aircraft altered to incorporate the pulley and bracket P/N AN220–1 and A1839–11 and –12, respectively, or altered in accordance with Grumman American Drawing A337T –1, and –3 "Foot Rail Assembly" are considered to have complied with the AD.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949, and OMB Circular A–107.

Issued in Jamaica, New York, on June 23, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77–18792 Filed 7–1–77;8:45 am]

[Docket No. 12060, Amdt. 39–2952]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH–104 and DH–114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of the electrical system, amends the appropriate sections of the applicable Airplane Flight Manual, and requires periodic checks of the electrical system on Hawker Siddeley DH–104 and DH–114 airplanes. The AD is needed to ensure detection of electrical power loss which could result in the loss of the airplane.

DATES: Effective August 5, 1977. Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109TL, Attn: Technical Manuals Distribution Center. A copy of each of the technical news sheets is contained in the Rules Docket Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires a modification of the electrical generating system and a maintenance check of the system to ensure detection of the loss of electrical power for Hawker Siddeley Model DH–104 and DH–114 airplanes was published at 40 FR 33682 in the FEDERAL REGISTER. The proposal was prompted by a fatal accident of a Model DH–114 airplane due to electrical power loss.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. R. J. Burton, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to DH–104 "Dove" and DH–114 "Heron" airplanes.

Compliance is required within the next 500 hours time in service after the effective date of this AD unless already accomplished.

To prevent the possibility that a loss of generated electrical power would be undetected by the flight crew, accomplish the following:

(a) Alter the electrical system to incorporate a bus bar low voltage sensing unit, a bus bar low voltage warning light, and an essential service switch, designed and installed in accordance with paragraphs 5 and 6 of Hawker Siddeley Aviation, Ltd., Technical News Sheet, Series: Heron (114), No. N. 6., Issue 3 (for DH–114 "Heron") and CT104, No. 227, Issue 3 (for DH–104 "Dove"), both dated July 23, 1972, as amended to November 20, 1972, or FAA-approved equivalent of either.

(b) Amend the "Normal and Emergency Procedures", Part B, of the "Operating Procedures" section, Section II, of the applicable Airplane Flight Manual by adding the electrical system operation information contained in paragraphs 7 and 8 and Figure 1 of the applicable Technical News Sheet, referred to in paragraph (a) of this AD, or an FAA-approved equivalent.

(c) Check the condition of the electrical distribution and generator system in accordance with paragraph 6 of the applicable Technical News Sheet, referred to in paragraph (a) of this AD, or an FAA-approved equivalent, and repair, as necessary. The checks required by this paragraph may be performed by persons authorized to perform preventive maintenance under FAR 43.

This amendment becomes effective August 5, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 24, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77–18789 Filed 7–1–77;8:45 am]

[Docket No. 76–EA–54; Amdt. 39–2946]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a periodic inspection and replacement when necessary of parts of the landing gear on the Piper PA– 24 and 30 type airplanes. This will preclude inadvertent collapse of the gear when manually extended due to excessive wear or bungee cord deterioration. The amendment results from reports of several gear failures.

DATES: Effective date: July 6, 1977, with a compliance schedule as prescribed in the body of the AD.

ADDRESSES: Piper Service Letter No. 782A may be obtained from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

K. Tunjian, Systems and Equipment Section, AEA–213, Engineering and Manufacturing Branch, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; Telephone 212–995–3372.

SUPPLEMENTARY INFORMATION: This amendment was published as a notice in the FEDERAL REGISTER on July 26, 1976, on page 30656. As published, the Notice required the installation of a Piper Kit so as to preclude landing gear collapse after manual extension. However, the response to the Notice from operators and the manufacturer objected to the kit because it would conceal excessive wear in the gear system and it failed to consider deteriorated bungee cords which were considered to be a contributing cause. Further, it now

appeared that the manufacturer had determined what would be acceptable wear limits in the gear and this criterion would permit removal and repair of parts of the system. This appears preferable to installation of the Kit when accompanied by periodic inspections of the system, including the bungee cords. Therefore, the amendment reflects the issuance of the latter corrective action, which is less restrictive in that it permits periodic inspections to determine that wear has actually exceeded limits rather than requiring every airplane to be corrected within 100 hours after the date of the AD. In view of the foregoing, notice and public procedure on the changes to the Notice are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are K. Tunjian, Flight Standards Division, and Thomas C. Halloran, Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective July 6, 1977, as follows:

PIPER AIRCRAFT CORPORATION. Applies to airplane models PA–24, PA–24–250, and PA–24–260; model PA–24–400, except S/N 1; and models PA–30 and PA–39, certificated in all categories. For aircraft having 1000 hours or more in service on the effective date of this AD, compliance is required within the next 100 hours in service, and for aircraft having less than 1,000 hours in service, compliance is required prior to 1,100 hours in service, unless already accomplished in either case.

To prevent collapse of the landing gear after manual extension;

(a) Accomplish the inspection described on page 3 of Piper Aircraft Corporation Service Letter No. 782A, dated March 21, 1977, and replace components exceeding the specified wear limits, or an equivalent inspection and replacement procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Inspect the main landing gear bungee cords for frayed protective covering, breaks, soft areas, and replace cords exhibiting these conditions. In addition, replace cords every 500 hours in service, or every three years, whichever occurs first.

(c) Repeat paragraphs (a) and (b) at each annual inspection, or 500 hours in service after the prior inspection, whichever occurs first.

(d) Airplanes may be flown in accordance with FAR 21.197 to a base where repairs can be performed.

The Chief, Engineering and Manufacturing Branch may adjust the inspection interval upon submission of substantiating data submitted through an FAA maintenance inspector.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949, and OMB Circular A–107.

Issued in Jamaica, New York, on June 22, 1977.

LOUIS J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77–18791 Filed 7–1–77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Labeling on Principal Display Panel of Instructions

AGENCY: Consumer Product Safety Commission.

ACTION: Final regulation.

SUMMARY: The Consumer Product Safety Commission amends the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children (16 CFR Part 1505) to require that instruction booklets or sheets that accompany electrically operated toys or other children's articles contain required signal words and precautionary statements as a preface to any other written materials. The regulation previously required such labeling on the principal display panel of the instructions. The Commission issues the amendment because most instructions do not have principal display panels. The Commission continues in effect the suspension, which was issued on January 23, 1974, on requirements for the type of cord to be used for hand-held educational or hobby type products such as wood-burning tools.

EFFECTIVE DATE: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6453.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 23, 1974 (39 FR 2611), the Consumer Product Safety Commission proposed amendments to those portions of the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children (16 CFR Part 1505) that pertain to labeling of instruction booklets (16 CFR 1505.3(e)(1)) and to the type of power cord to be used for hand-held educational or hobby type products (16 CFR 1505(e)(5)). These amendments were proposed as a result of a petition from the Toy Manufacturers of America (TMA). The purpose of this notice is to issue the amendment proposed in regard to the labeling of instruction booklets, and to continue in effect the suspension of requirements for the type of power cord to be used with these products.

In response to the proposal of January 23, 1974, comments were received from the Toy Manufacturers of America, Inc.; Black and Decker Manufacturing Company; and General Cable Corporation.

The proposed amendment to 16 CFR 1505.3 (e)(1) would require instruction booklets or sheets that accompany electrically operated toys or other children's articles to contain the requisite signal words and precautionary statement as a preface to any other written materials rather than on the upper right-hand quarter of the principal display panel of the instructions, as originally required.

The only comment received in regard to the labeling of the instruction book was from TMA which supports the amendment as proposed.

In view of the fact that instruction sheets and booklets do not have principal display panels, the Commission finds that the proposed amendment is appropriate and therefore adopts the amendment to 16 CFR 1505.3(e)(1), without change, as set forth below.

The proposed amendment would also modify 16 CFR 1505.5(e)(5) to require the use of an SPT–1 type cord rather than an SP–2 type, as originally required. This change was urged by TMA in their petition and in their comments on the proposed amendment, on the basis that the SPT–1 cord possesses greater flexibility properties or limpness that would allow hand-held educational or hobby-type products to be placed on a flat surface without tipping. Because this appeared to be a beneficial safety feature, the Commission proposed that 16 CFR 1505.5(e)(5) be amended to require the use of an SPT–1 type cord.

Black and Decker's comments concerned the use of an SPT–2 type cord which was not considered in this proceeding. Therefore, the comment has not been addressed.

General Cable Corporation commented that the proposed substituting of SPT–1 type power cords for SP–2 cords was not warranted because power-cord designation SPT–1 is too general and does not spell out insulation equality. The company suggested the requirement should be made more specific by using a designation such as SPT–1–105°C. Additionally, General Cable suggested that a 90°C or 105°C rated HPN cord should be substituted in place of the presently required SP–2 type. The Commission believes that a requirement for an insulation rating of 105°C, suggested by General Cable, would not offer additional protection because certain hand-held educational/hobby-type children's products, such as wood-burning tools, must, by their functional purpose, operate at a temperature well in excess of 105°C.

Since several types of electrical cords are potentially suitable for use on hand-held educational or hobby-type electri-

cal products, the Commission believes that it should not restrict use to one particular type of cord. It has, therefore, requested the staff to identify these types of cords that it believes are suitable for use with educational and hobby type electrical toys and other articles, such as woodburning sets, intended for use by children. Once these cords have been identified, the Commission will determine the appropriate course of action to be taken. Until the Commission takes this action, it continues in effect the suspension of the requirement of 16 CFR 1505.5(e)(5) regarding the type of cord to be used with hand-held educational or hobby-type products.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(D), (r), (s), (t), 3(e)(1); 74 Stat. 372, 374, 375, as amended, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), Subchapter C of Title 16, Chapter II, Part 1505 is amended by revising § 1505.3(e)(1) to read as follows:

§ 1505.3 Labeling.

* * * * *

(e) *Precautionary statements*—(1) *General.* Electrically operated toys shall bear the statement: "CAUTION—ELECTRIC TOY." The instruction booklet or sheet accompanying such toys shall bear on the front page thereof (in the type size specified in § 1500.121), as a preface to any written matter contained therein, and the shelf pack or package of such toys shall bear in the upper right hand quarter of the principal display panel, the statement: "CAUTION—ELECTRIC TOY: Not recommended for children under ____ years of age. As with all electric products, precautions should be observed during handling and use to prevent electric shock." The blank in the preceding statement shall be filled in by the manufacturer, but in no instance shall the manufacturer indicate that the article is recommended for children under 8 years of age if it contains a heating element. In the case of other electrically operated products which may not be considered to be "toys" but are intended for use by children the term "ELECTRICALLY OPERATED PRODUCT" may be substituted for the term "ELECTRIC TOY."

* * * * *

Effective date. This amendment is effective on October 3, 1977.

Publication of this rule in the FEDERAL REGISTER shall continue the suspension of application of existing 16 CFR 1505.5(e)(5) regarding the type of cord to be used with hand-held educational or hobby-type products indefinitely.

(Secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1); 74 Stat. 372, 374, 375, as amended, 83 Stat 187–189; (15 U.S.C. 1261, 1262); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a)))

Dated: June 28, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18962 Filed 7-1-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Perjury Declaration Required With Ruling Requests

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rules.

SUMMARY: This document provides a rule relating to the perjury declaration required with requests for rulings and determination letters. This rule describes the person who must sign the perjury declaration. This document also contains minor technical amendments to the rules relating to ruling requests. These rules affect all persons who request rulings or determination letters.

DATE: The rules are effective immediately.

FOR FURTHER INFORMATION CONTACT:

James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–6456).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 5, 1976, the FEDERAL REGISTER published amendments to the Statement of Procedural Rules (26 CFR Part 601), 41 FR 48740. Those amendments were published in order to provide new rules for taxpayers to follow when submitting requests for rulings or determination letters to the Internal Revenue Service. In response to questions concerning those amendments, these amendments are being adopted in order to clarify the requirements of the Internal Revenue Service with respect to requests for rulings and determination letters, and to clarify the proper form of the perjury declaration required with those requests.

RULE NOT CHANGED

These amendments do not change the rules set forth in the amendments published on November 5, 1976. These amendments set forth the requirement that the perjury declaration must be signed by the person on whose behalf the request for a ruling or determination letter is made. These amendments also contain minor technical revisions of the rules with respect to the statement of proposed deletions.

DRAFTING INFORMATION

The principal author of this rule was James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing this rule, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 601 is amended as follows:

§ 601.105 [Amended]

PARAGRAPH 1. Paragraph (b)(5)(vi)(*f*) of § 601.105 is revised by inserting the phrase "after the notice is mailed" in the first sentence between the phrases "within 20 days" and "submit a written statement".

PAR. 2. Section 601.201 is revised as follows:

1. Paragraph (e)(1) is revised.

2. Paragraph (e)(2) is amended by revising the last sentence and by adding a new sentence following the last sentence.

3. Paragraph (e)(16) is amended by inserting the phrase "after the notice is mailed" in the first sentence between the phrases "within 20 days" and "submit a written statement".

The revised and added provisions read as follows:

§ 601.201 Rulings and determination letters.

* * * * *

(e) *Instructions to taxpayers.* (1) A request for a ruling or determination letter is to be submitted in duplicate if (i) more than one issue is presented in the request or (ii) a closing agreement is requested with respect to the issue presented. There shall accompany the request a declaration in the following form: "Under penalties of perjury, I declare that I have examined this request, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of the requested ruling or determination letter are true, correct, and complete". The declaration must accompany requests that are postmarked or hand delivered to the Internal Revenue Service after October 31, 1976. The declaration must be signed by the person or persons on whose behalf the request is made.

(2) * * * Such statement is not required if the request is to secure the consent of the Commissioner with respect to the adoption of or change in accounting or funding periods or methods pursuant to section 412, 442, 446 (e), or 706 of the Code. If, however, the person seeking the consent of the Commissioner receives from the Internal Revenue Service a notice that proposed deletions should be submitted because the resulting ruling will be open to public inspection under section 6110, the statement of proposed deletions must be submitted within 20 days after such notice is mailed.

* * * * *

PAR. 3. Paragraph (d) of § 601.204 is amended by revising the second sentence to read as follows:

§ 601.204 Changes in accounting periods and in methods of accounting.

* * * * *

(d) *Instructions to taxpayers.* * * * If, however, the person seeking the consent of the Commissioner receives from the National Office a notice that proposed deletions should be submitted because the resulting ruling will be open to public inspection under section 6110, the statement of proposed deletions must be submitted within 20 days after such notice is mailed. * * *

JEROME KURTZ,
Commissioner of Internal Revenue.

JUNE 27, 1977.

[FR Doc.77-19058 Filed 6-30-77;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Oregon Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final Rule—Completion of Developmental Steps.

SUMMARY: This rulemaking acknowledges that the State of Oregon has completed two developmental steps under its Occupational Safety and Health Plan by providing for the development of a Field Compliance Manual and submitting a Statement of Goals and Objectives.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Washington, D.C. 20210, 202–523–8041.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Oregon Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this chapter on December 28, 1972 (37 FR 28628). Under the plan the State made commitments to complete certain developmental steps and a notice of Approval of Revised Developmental Schedule was published on April 1, 1974 (39 FR 11881). Part 1953 of this Chapter provides procedures for the review and approval of State developmental change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

DESCRIPTION OF SUPPLEMENTS

The State submitted on June 24, 1974 a statement of specific occupational safety and health goals and objectives, in accordance with 29 CFR 1952.108(e). The statement of Goals and Objectives describes the unsafe working environments to which Oregon employees are exposed, such as chemical poisons with which employees may come in contact and unsafe equipment and machinery. Several methods for reducing occupationally related injuries and illnesses are detailed, such as scheduled safety inspections, adoption of safety standards and maintenance of a voluntary compliance program. Further, the State details the means of evaluation of its safety program, such as total number of inspections and follow up inspections.

Additionally, the State has submitted on July 18, 1975 a Field Compliance Manual which is modeled after the Federal Field Operations Manual.

LOCATION OF THE PLAN AND ITS SUPPLEMENT FOR INSPECTION AND COPYING

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N–3620, 200 Constitution Avenue, NW., Washington, D.C., 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

PUBLIC PARTICIPATION

The October 9, 1975, notice published in the FEDERAL REGISTER described the supplements and allowed 30 days for interested persons to submit written data, views, and arguments concerning whether the supplements should be approved. No public comments concerning these supplements have been received.

DECISION

After careful consideration, the Oregon plan supplements described above are hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart D of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly, § 1952.109 of Subpart D is hereby amended as follows:

§ 1952.109 Completed developmental steps.

* * * * *

(f) In accordance with § 1952.108(e) a Statement of Goals and Objectives has been developed by the State and was approved by the Assistant Secretary on June 24, 1977.

(g) The Oregon State Compliance Manual which is modeled after the Federal Field Operations Manual has been developed by the State, and was approved by the Assistant Secretary on June 24, 1977.

Signed at Washington, D.C., this 24th day of June 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18997 Filed 7-1-77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 13—DEPARTMENT OF VETERANS BENEFITS, FIDUCIARY ACTIVITIES

Competency Determinations; Due Process

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This rule reflects a change in the VA Regulations that grants to non-veteran beneficiaries certain procedural rights, including a hearing, before any determination is made regarding competency. This change will grant to non-veteran beneficiaries the same rights enjoyed by veteran beneficiaries and will create a more equitable program.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

G. Dudley Pearce, Assistant Director (274), Fiduciary and Field Examination Staff, Veterans Assistance Service, Veterans Administration, Washington, D.C. 20420 (202–389–3643).

SUPPLEMENTARY INFORMATION: On March 3, 1977, the Veterans Administration published a proposed rule (42 FR 12202) to revise the language of § 13.56 to reflect changes to § 3.353 of Title 38, Code of Federal Regulations whereby due process, and competency rating authority and procedures are extended to nonveteran adult beneficiary cases. It was also proposed that if less than the full amount of entitlement is paid directly to an incompetent beneficiary under the supervision of the Veterans Services Officer, that it be for a limited period generally not to exceed 4 months, at the end of which period full entitlement would be restored and any funds withheld as a result would be released to the beneficiary, if not otherwise payable to a fiduciary.

The seven comments received in response to the proposed changes, while agreeing in principle with the proposal, raised questions or made suggestions that convinced the Veterans Administration that changes from the proposed rule are warranted.

DISCUSSION OF MAJOR COMMENTS

How long, generally, should a partial payment be made? The Veterans Administration received reports from five responding parties that 4 months is too limited a test period to be able to determine whether an incompetent beneficiary being paid directly under the supervision of the Veterans Services Officer, is able to handle his or her funds. All of those so commenting recommended that the trial period be extended to 6 months. After considering such comments and suggestions, the Veterans Administration has concluded that there is sufficient agreement and reasoning to justify extending the trial period to 6 months. Therefore, the Veterans Administration has amended its original proposal to provide that when less than the

full entitlement is paid directly to an incompetent beneficiary under the supervision of the Veterans Services Officer, that such payment shall be for a limited period of time, generally 6 months.

Maximum length for paying less than full entitlement. One response pointed out that no provision had been made for a maximum time limit beyond which partial payment could not be continued. It was suggested that a 1-year limitation be spelled out in the regulatory change. Therefore, the Veterans Administration has added a requirement that in no event shall a partial payment exceed 1 year.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Approved: June 22, 1977.

By the direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 13.56, paragraphs (a) and (b) are revised to read as follows:

§ 13.56 Direct payment.

(a) *Veterans.* Veterans Administration benefits payable to a veteran rated incompetent may be paid directly to the veteran in such amounts as the Veterans Services Officer determines the veteran is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required. If it is determined that an amount less than the full entitlement is to be paid, such payment shall be for a limited period of time, generally 6 months, but in no event to exceed 1 year, after which full payment will be made and any funds withheld as a result of this section will be released to the veteran, if not otherwise payable to a fiduciary.

(b) *Other adults.* Veterans Administration benefits payable to an adult beneficiary who has been rated or judicially declared incompetent may be paid directly to the beneficiary in such amounts as the Veterans Services Officer determines the beneficiary is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required. If it is determined that an amount less than the full entitlement is to be paid, such payment shall be for a limited period of time, generally 6 months, but in no event to exceed 1 year, after which full payment will be made and any funds withheld as a result of this section will be released to the beneficiary, if not otherwise payable to a fiduciary.

* * * * *

[FR Doc.77-19084 Filed 7-1-77;8:45 am]

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

PART 1386—FORMULA GRANT PROGAMS

Membership on State Planning Council; Correction

AGENCY: Office of Human Development, HEW.

ACTION: Correction.

SUMMARY: This document corrects a rule that appeared in the FEDERAL REGISTER of January 27, 1977 at page 5284.

EFFECTIVE DATE:

FOR FURTHER INFORMATION CONTACT:

Marjorie Kirkland, Acting Director, Developmental Disabilities Office, 202–245–0335.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–2229 published at page 5284 on January 27, 1977, the last sentence of § 1386.61(b) is incorrect. The sentence erroneously failed to remove directors of an entity which receives funds under the program from the list of persons not eligible for membership on the council as consumers or consumer representatives. The preamble (p. 5276) stated that the word "director" was being removed, but, through error, it was not deleted.

The sentence is corrected to read: "At least one-third of the membership of such a council shall consist of persons with developmental disabilities, or their parents or guardians, who are not officers of an entity, or employees of any State agency or of any other entity, which receives funds or provides services under this part."

Dated: June 28, 1977.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.77-18999 Filed 7-1-77;8:45 am]

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 911—MULTIPURPOSE SENIOR CENTERS

Revision and Transfer of Regulations

AGENCY: Office of Human Development, Department of Health, Education, and Welfare.

ACTION: Transfer of regulations.

SUMMARY: At 41 FR pages 38611–38616, September 10, 1976, Office of Human Development adopted interim regulations on multipurpose senior centers. The revised final text of these regulations is printed as 45 CFR 1326 in this issue of the FEDERAL REGISTER.

EFFECTIVE DATE: Revised Part 1326 becomes effective July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Gene Handelsman, Director, Office of State and Community Programs, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201; (202–245–0011).

Dated: June 27, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-18843 Filed 6-30-77;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

PART 390—CAPITAL CONSTRUCTION FUND

Liquidated Damages Amendments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing the Capital Construction Fund (CCF), 46 CFR Part 390, to improve the calculation of liquidated damages which are imposed upon an operator for the operation of a qualified agreement vessel in a prohibited trade. In addition, certain other provisions of these regulations are amended to improve clarity and to correct inadvertent inconsistencies with the provisions regarding the duration of the trading restrictions applicable to certain older vessels.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence B. Pripeton, Maritime Administration, Office of Subsidy Administration, Washington, D.C. 20230. 202–377–4400.

SUPPLEMENTARY INFORMATION: This final rule effects several amendments to 46 CFR 390.12. The principal amendment involves a change concerning the treatment of the capital account in the CCF for the determination of liquidated damages. This change will result in a more equitable and consistent treatment of all fundholders while reflecting more accurately the amount of liquidated damages to be assessed in various circumstances.

Section 607 of the Merchant Marine Act of 1936, as amended (the Act), provides tax deferment benefits to a party who enters into an agreement with the Secretary of Commerce for the construction, reconstruction or acquisition of qualified vessels to be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade. If a party operates a vessel acquired with the aid of qualified withdrawals in other than a prescribed trade, § 390.12 of the CCF regulations requires the party to repay the time value of the deferral of Federal income taxes which the party has received. Subparagraphs (2) and (3) of § 329.12(a) contain computation instructions and a formula for determining the daily amount of liquidated damages to be paid.

One of the primary factors in the computation of liquidated damages is the amount of withdrawals made and to be made from the fund with respect to the vessel which has operated in violation of the trading restrictions. However, the amount of tax deferment associated with particular deposits to and withdrawals from the CCF varies considerably depending upon the tax character of the monies deposited and withdrawn. To give recognition to the differing tax treatment afforded to various types of deposits and withdrawals, the instructions contained in § 390.12(a)(2)(i) for the calculation of liquidated damages require modification. Since a party does not receive tax deferment for depositing amounts classified as capital into the CCF, withdrawals from the capital account should be disregarded in computing liquidated damages. Section 390.12 is amended to eliminate consideration of such withdrawals.

In addition, the calculation instructions and the liquidated damages formula have been modified to correct their inadvertent inconsistency with provisions in the regulations concerning the duration of trading restrictions applicable to certain older vessels. If a vessel is placed on Schedule B for the purpose of retiring existing indebtedness and the vessel is more than fifteen years old at the time of the first qualified withdrawal for this purpose, then, in accordance with § 390.12(b)(1)(iv), the duration of trading restrictions on the vessel is five years. The five year duration for trading restrictions on such vessels is a reduction from the ten year period normally applicable to vessels listed on Schedule B for the purpose of payment on existing indebtedness.

Currently, the calculation instructions contained in the regulations take into account the twenty year trading restrictions applicable to newly constructed vessels and the ten year trading restrictions applicable to most other vessels, but neither the calculation instructions nor the formula take into account the five year trading restrictions applicable to this one class of older vessels. This oversight has been corrected. Section 390.12(a)(1) has also been amended to clarify the content of the phrase "trading restrictions" and to provide greater consistency in its usage throughout the body of the section.

These amendments are being adopted without prior notice of proposed rulemaking because the establishment of a CCF is a matter of public contract and, consequently, exempted from the requirements of 5 U.S.C. 553.

Accordingly, 46 CFR Part 390 is amended as follows:

Section 390.12 is amended to read as follows:

§ 390.12 Liquidated damages.

(a)(1) *In general.* Each agreement entered into under section 607 of the Act shall contain a liquidated damages provision for the purpose of placing the party into its prefund position for each day a qualified agreement vessel is operated in violation of the geographic trading restrictions contained in the Act and § 390.5. The liquidated damages provision requires that the party repay the time value of the deferral of Federal Income Tax which the party has received.

(2) * * *

(i) With respect to each vessel operated in violation of the applicable trading restrictions, add (A) the sum of qualified withdrawals for the vessel which have been made from the ordinary income and capital gain accounts to the date of breach, and (B) the amount of any unpaid principal on indebtedness for the vessel which may be paid from the fund less any portion of such amount which by operation of law must be withdrawn from the capital account balance on deposit in the fund on the date of the breach.

* * * * *

(iii) Compound the product derived in paragraph (a)(2)(ii) of this section at 8 percent annually (A) for 20 years, if the duration of the trading restrictions applicable to the vessel is 20 years in accordance with paragraph (b)(1)(i) of this section; (B) for 10 years, if the duration of the trading restrictions applicable to the vessel is 10 years in accordance with paragraphs (b)(1)(ii), (iii) or (iv) of this section; or (C) for 5 years, if the duration of the trading restrictions applicable to the vessel is 5 years in accordance with paragraph (b)(1)(iv) of this section.

* * * * *

(vi) Divide the result derived in paragraph (a)(2)(v) of this section (A) by 7300 (days) if the duration of the trading restrictions applicable to the vessel is 20 years; (B) by 3650 (days) if the duration of the trading restrictions applicable to the vessel is 10 years; or (C) by 1825 (days) if the duration of the trading restrictions applicable to the vessel is 5 years.

(3) Formula. The calculation of the daily rate of liquidated damages may be reduced to the following formula:

$$X=\frac{I(QT)-S}{2D}$$

Where:

X = Daily rate in dollars.
Q = Summation of qualified withdrawals, other than withdrawals from the capital account, permitted from the fund.
T = Assumed effective tax rate of 30 pct.
S = Tax savings = $4(Q)(T)$.
I = Discount factor to be applied for vessels subject to 20-yr trading restriction = 4.660957; for vessels subject to 10-yr trading restriction = 2.178925; for vessels subject to 5-yr trading restriction = 1.469328 (value of $1 compounded at 8 pct for 20, 10, and 5 yr respectively).
D = 7,300 d for vessels subject to 20-yr trading restriction; 3,650 d for vessels subject to 10-yr trading restriction; 1,825 d for vessel subject to 5-yr trading restriction.

The formula may be further reduced to:

$$X=\frac{0.5491436Q}{7,300}$$

for vessels subject to 20 year trading restriction,

$$X=\frac{0.1738388Q}{3,650}$$

for vessels subject to 10 year trading restriction,

$$X=\frac{0.0703992Q}{1,825}$$

for vessels subject to 5 year trading restriction.

* * * * * *

(Sec. 204(b), 49 Stat. 1987, as amended, (46 U.S.C. 1114); sec. 21(a), 84 Stat. 1026, (46 U.S.C. 1177))

Dated: June 15, 1977.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.77-18943 Filed 7-1-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-151, Amdt. Nos. 171-36, 172-37]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Label and Placard Colors; Hazard Numbers

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This rule restates requirements applicable to colors specified for labels and placards used in transportation of hazardous materials, suspends for two years certain of those requirements from application to labels printed directly onto the surfaces of packagings (containers), and restates the allowable size of hazard numbers permitted to appear on labels.

Existing standards prescribing colors required to appear on hazardous materials warning labels and placards are

numeric descriptions (Munsell notations) which are not well suited for use by shippers and carriers or by DOT field enforcement personnel. Restatement of those standards is intended to establish the use of color charts, displaying the colors represented by those numeric descriptions, as the basis for evaluating compliance.

The quality of colors printed on the various materials used to manufacture boxes, bags and other packagings have proved difficult to control, because of the printing processes which must be used and the porosity and pigmentation of such surfaces. A two-year suspension of the color standards for labels printed directly onto packagings is intended to provide a period of time during which adjustments to printing techniques and the standards themselves may be considered.

The existing limitation of the size of hazard numbers permitted on labels is an approximate standard which is difficult to enforce and which provides little guidance to those wishing to display them. The standard is being restated to establish a maximum allowable size.

DATES: The provisions of this rule are effective on July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590 (phone: 202-426-0656).

SUPPLEMENTARY INFORMATION: A color standard for label and placard colors was published as a final rule under Docket No. HM-103/112 on April 15, 1976 (41 FR 15972), compliance with which became mandatory on January 1, 1977.

This standard, proposed in 1974 under Docket No. HM-103 (39 FR 3164, January 24, 1974), involved two series of color charts provided by DOT that display standard colors. The colors on the charts are also numerically described in Appendix A to Part 172 by certain technical specifications (Munsell notations). The visual display on each chart incorporates a degree of latitude, or tolerance, to account for variations in printing materials and processes and was intended to serve as a visual control on label and placard colors, while the Munsell notations were provided to ensure constancy and reproducibility of the Color Tolerance Charts.

However, the manner in which §§ 172.407(d), 172.519(e) and Appendix A to Part 172 are stated makes it appear that the regulatory standard is the Munsell description rather than the visual display on the Color Tolerance Charts. Use of the numeric Munsell description as a standard could necessitate an instrumented examination of label and placard colors, relegating the Color Tolerance Charts to serving as a visual representation of the specified Munsell descriptors. Since an instrumented color analysis is beyond the practical capacity of many label, placard and packaging manufacturers, and many if not most shippers, some correction to the published standard is required. Moreover, field inspections such as those conducted by the Bureau of Motor Carrier Safety, as a practical matter, cannot include color instrumentation. Inspectors will use the Color Tolerance Charts and judge compliance by visual comparison between those charts and label and placard colors.

Accordingly, this rulemaking restates the color standard to establish as the controlling standard the colors displayed on the Color Tolerance Charts. The Munsell notations, a technical description, have been retained in Appendix A to Part 172 to ensure accurate reproduction of the charts. In this restatement, the weathering and fadeometer tests have been withdrawn from Appendix A and placed in §§ 172.407 and 172.519. As applicable to labels, the weathering test has been modified to take into account the practical limitations of packaging materials upon which labels are affixed or printed. Also, advisory references to two standards adopted by the American Society for Testing and Materials are included to illustrate what is meant by the fadeometer test requirement. Any fadeometer test that is a recognized standard procedure may be used, and either a wet or dry method may be selected. Appendix A is restated for clarity in its entirety, but the Munsell notations are themselves unchanged. Changes appear only in heading, footnotes, and the format of the Chroma column in Table 1.

A limited exception to the required use of the Color Tolerance Charts has been included for labels printed before March 1, 1979, directly onto the surface of packagings. The costs and technical problems of printing with close color tolerances on packaging surfaces such as fiberboard, which may be both porous and pigmented, will require further evaluation. The Office of Hazardous Materials Operations will publish a notice outlining in some detail the factors bearing on a possible resolution and soliciting public comment.

As an additional matter, the MTB, acting on a petition concerning § 172.407(g)(3), is amending that provision. Section 172.407(g) allows the United Nations and Intergovernmental Maritime Consultative Organization hazard class number to be displayed in the lower corner of a label, but the number "must be * * * [a]pproximately 0.25-inch (6.3 mm.) high." That requirement, in § 172.407(g)(3), is too vague to be useful. Labels have sufficient space to allow display of a hazard number up to one-half inch (12.7 mm.) in size, and § 172.407(g)(3) is being amended to reflect more accurately that practical limitation.

This change is a relaxation of existing requirements and is not expected to impose any additional costs or burdens on the public, industry or government, or to have any significant environmental or economic impact. In view of that, and because the existing mandatory standards may be causing unnecessary compliance difficulties at the present time, public notice and comment are being dispensed herewith and the change is being made effective in less than 30 days after publication in the FEDERAL REGISTER.

Primary drafters of this document are Joseph T. Horning and Chris Caseman, Office of Hazardous Materials Operations, Regulations Development Branch, and Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law.

In view of the foregoing, Parts 171 and 172 of Title 49, Code of Federal Regulations, are amended as follows:

1. In § 171.7, paragraphs (d)(5)(iv) and (v) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(5) * * *

(iv) ASTM G 23-69[1] is titled, "Standard Recommended Practice for Operating Light- and Water-Exposure Apparatus (Carbon-Arc Type) for Exposure of Nonmetallic Materials," 1969 edition (reapproved 1975).

(v) ASTM G 26-70[1] is titled, "Standard Recommended Practice for Operating Light- and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," 1970 edition.

* * * * *

2. In § 172.407, paragraphs (a), (d) and (g)(3) are revised to read as follows:

§ 172.407 Label specifications.

(a) Each label, affixed to or printed on a package must be durable and weather resistant. Black and any color on a label must be able to withstand, without substantial change—

(1) A 72-hour fadeometer test (for a description of equipment designed for this purpose, see ASTM G 23-69 (1975), or ASTM G 26-70); and

(2) A 30-day exposure to conditions incident to transportation that reasonably could be expected to be encountered by the labeled package.

* * * * *

(d) A color on a label, upon visual examination, must fall within the color tolerances displayed on the appropriate Office of Hazardous Materials Label and Placard Color Tolerance Chart.

(1) A set of six charts, dated January 1973, for comparison with labels and placards surfaced with paint, lacquer, enamel, plastic or other opaque coatings, or ink, may be purchased from the Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, for $5.50.

(2) A set of six charts, dated January 1974, for comparison with labels and placards surfaced with ink, may be similarly purchased for $12.50.

(3) Both sets of charts may be inspected in Room 6500, Office of Hazardous Materials Operations, 2100 Second Street, SW., Washington, D.C. 20590, or any of the offices of the Federal Highway Administration listed at 49 CFR 390.40.

(4) The technical specifications for each chart are set forth in Appendix A to this Part.

(5) The requirements of paragraph (d) of this section do not apply to labels printed directly onto the surface of a packaging before March 1, 1979: *Provided*, The colors of such labels comply with the appropriate colors described in §§ 172.411 through 172.450. To the extent possible, the colors of such labels should meet the requirements of paragraph (d) of this section.

* * * * *

(g) * * *

(3) One-half inch (12.7 mm.) or less in height.

* * * * *

[1] Available from American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103.

3. In § 172.519, paragraph (e) is revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(e) Surface pigmentation on a placard must meet the following requirements:

(1) Black and any color must be able to withstand, without substantial change—

(i) A 72-hour fadeometer test (for a description of equipment designed for this purpose, see ASTM G 23-69 (1975), or ASTM G 26-70[1]; and

(ii) A 30-day exposure to open weather conditions.

(2) A color on a placard, upon visual examination, must fall within the color tolerances displayed on the appropriate Office of Hazardous Materials Label and Placard Color Tolerance Chart (see § 172.407(d)).

* * * * *

4. Appendix A to Part 172 is revised to read as follows:

APPENDIX A—OFFICE OF HAZARDOUS MATERIALS OPERATIONS COLOR TOLERANCE CHARTS

The following are Munsell notations which describe the Office of Hazardous Materials Label and Placard Color Tolerance Charts. Central colors and tolerances described in Table 2 approximate those described in Table 1 while allowing for differences in production methods and materials used to manufacture labels and placards surfaced with printing inks. Color charts based on Table 2 are intended for use only with labels and placards surfaced with inks

TABLE 1 - Specifications for Color Tolerance Charts for use with labels and placards surfaced with paint, lacquer, enamel, plastic or other opaque coatings, or ink.

Color	Central	Tolerances						
		Hue +	Hue -	Value +	Value -	Chroma 1/ +	Chroma 2/ -	--
Red	7.5R 4.0/14	8.5R	6.5R	4.5/	3.5/	/16	/12	
Orange	5.0YR 6.0/15	6.25YR	3.75YR	6.5/	5.5/	/16	/13	
Yellow	5.0Y 8.0/12	6.5Y	3.5Y	8.5/	7.5/	/14	/10	
Green	7.5G 4.0/9	0.5BG	5.0G	4.5/	3.5/	/11	/7	/6
Blue	2.5PB 3.5/10	4.5PB	10.0B	4.0/	3.0/	/12	/8	
Purple	10.0P 4.5/10	2.5RP	7.5P	5.0/	4.0/	/12	/8	/6.5

1/ Maximum chroma is not limited.

2/ For the colors green and purple, the minimum saturation (chroma) limits for porcelain enamel on metal are lower than for most other surface coatings. Therefore, the minimum chroma limits of these two colors as displayed on the Charts for comparison to porcelain enamel on metal is low, as shown in the chroma double minus column.

TABLE 2 - Specifications for Color Tolerance Charts for use with labels and placards surfaced with ink.

Color	Series	Munsell notation
Red:		
Central series	Central color	6.8R 4.47/12.8
	Grayish	7.2R 4.72/12.2
	Purple	6.4R 4.49/12.7
	Purple and vivid.	6.1R 4.33/13.1
	Vivid	6.7R 4.29/13.2
	Orange	7.3R 4.47/12.8
	Orange and grayish.	7.65R 4.70/12.4
Light series	Light	7.0R 4.72/13.2
	Light and orange.	7.4R 4.96/12.6
	Light and purple	6.6R 4.79/12.9
Dark series	Dark A	6.7R 4.19/12.5
	Dark B	7.0R 4.25/12.35
	Dark and purple.	7.5R 4.23/12.4
Orange:		
Central series	Central color	5.0YR 6.10/12.15
	Yellow and grayish A.	5.8YR 6.22/11.7
	Yellow and grayish B.	6.1YR 6.26/11.85
	Vivid	5.1YR 6.07/12.3
	Red and vivid A.	3.9YR 5.87/12.75
	Red and vivid B.	3.6YR 5.91/12.6
	Grayish	4.9YR 6.10/11.9
Orange - Continued		
Light series	Light and vivid A.	5.8YR 6.78/12.7
	Light and yellow.	6.0YR 6.80/12.8
	Light and vivid B.	4.9YR 6.60/12.9
Dark series	Dark and yellow.	5.8YR 5.98/11.0
	Dark A	5.1YR 5.80/11.1
	Dark B	5.0YR 5.79/11.0
Yellow:		
Central series	Central color	4.3Y 7.87/10.3
	Vivid A	4.5Y 7.82/10.8
	Vivid B	3.3Y 7.72/11.35
	Vivid and orange.	3.2Y 7.72/10.8
	Grayish A	4.1Y 7.95/9.7
	Grayish B	5.1Y 8.06/9.05
	Green-yellow	5.2Y 7.97/9.9
Light series	Light	5.4Y 8.59/10.5
	Light and green-yellow.	5.4Y 8.56/11.2
	Light and vivid	4.4Y 8.45/11.4
Dark series	Dark and green-yellow	4.4Y 7.57/9.7
	Dark and orange A.	3.4Y 7.39/10.4
	Dark and orange B.	3.5Y 7.41/10.0
Green:		
Central series	Central color	9.7G 4.26/7.75
	Grayish	10G 4.46/7.5
	Blue A	1.4BG 4.20/7.4
	Blue B	1.0BG 4.09/7.75
	Vivid	8.4G 4.09/8.05
	Vivid green-yellow.	7.0G 4.23/8.0
	Green-yellow	7.85G 4.46/7.7
Light series	Light and vivid	9.5G 4.45/8.8
	Light and blue	0.2G 4.31/8.8
	Light and green-yellow.	8.3G 4.29/9.05
Dark series	Dark and green-yellow.	7.1G 4.08/7.1
	Dark and grayish.	9.5G 4.11/6.9
	Dark	8.5G 3.97/7.2
Blue:		
Central series	Central color	3.5PB 3.94/9.7
	Green and grayish A.	2.0PB 4.35/8.7
	Green and grayish B.	1.7PB 4.22/9.0
	Vivid	2.9PB 3.81/9.7
	Purple and vivid A.	4.7PB 3.53/10.0
	Purple and vivid B.	4.0PB 3.71/9.9
	Grayish	3.75PB 4.03/9.1
Blue - Continued		
Light series	Light and green A.	1.7PB 4.32/9.2
	Light and green B.	1.5PB 4.11/9.6
	Light and vivid	3.2PB 3.95/10.05
Dark series	Dark and grayish.	3.9PB 4.01/8.7
	Dark and purple A.	4.8PB 3.67/9.3
	Dark and purple B.	5.2PB 3.80/9.05
Purple:		
Central series	Central color	9.5P 4.71/11.3
	Red	1.0RP 5.31/10.8
	Red and vivid A.	1.4RP 5.00/11.9
	Red and vivid B.	0.2RP 4.39/12.5
	Vivid	8.0P 4.04/12.0
	Blue	7.0P 4.39/10.8
	Grayish	8.8P 5.00/10.3
Light series	Light and red A.	0.85RP 5.56/11.1
	Light and red B.	1.1RP 5.27/12.3
	Light and vivid	9.2P 4.94/11.95
Dark series	Dark and grayish	9.6P 4.70/10.9
	Dark and vivid	8.4P 4.05/11.6
	Dark and blue	7.5P 4.32/10.5

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

ALAN A. BUTCHMAN,
Acting Director,
Materials Transportation Bureau.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register July 30, 1977, and a copy of the incorporated material filed in the Federal Register library.

[FR Doc.77-18388 Filed 7-1-77;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-29; Notice 06]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Windshield Mounting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to nine petitions for reconsideration of a recent amendment (41 FR 36493, August 30, 1976) of Safety Standard No. 212, Windshield Mounting, by extending the effective date of the amendment from September 1, 1977, to September 1, 1978, and by excluding "walk-in van-type" vehicles from the standard's applicability. Other aspects of the petitions for reconsideration are denied.

DATES: The amendment of August 30, 1976, will be effective September 1, 1978. The change in the effective date and the amendment to exclude "walk-in van-type" vehicles from the standard's applicability should be changed in the text of the Code of Federal Regulations, effective August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Nelson, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2802).

SUPPLEMENTARY INFORMATION: Safety Standard No. 212, Windshield Mounting (49 CFR Part 571.212), was amended August 30, 1976, to modify the performance requirements and test procedures of the standard and to extend the standard's applicability to multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 10,000 pounds or less. Petitions for reconsideration were received from International Harvester (IH), Jeep Corporation, American Motors Corporation (AMC), Volvo of America Corporation, Toyo Kogyo Co., General Motors Corporation (GM), Rolls Royce Motors, Nissan Motor Co. Ltd., and Leyland Cars.

Requests from some of these petitioners that the new provisions of Standard No. 212 (49 CFR 571.212) be withdrawn entirely are hereby denied, but several modifications are undertaken by the National Highway Traffic Safety Administration (NHTSA), based on a review of the information and arguments submitted.

Nearly all of the petitioners requested that the effective date of the new provisions be changed from September 1, 1977, to September 1, 1978. Petitioners argued that a leadtime of one year will be insufficient to accomplish design changes and retooling necessary to adapt passenger-car windshield technology to other vehicle types. Petitioners also pointed out that the specification of a temperature range in the test conditions will require manufacturers to undertake more extensive certification testing than in the past.

The NHTSA has determined that these requests for additional leadtime are justified in light of the information submitted regarding design changes that some manufacturers will undertake. The petitions are, therefore, granted in part and the effective date of the new provisions is postponed to September 1, 1978.

In conformity with the agency's 1972 and 1974 proposals (37 FR 16979, August 23, 1972) (39 FR 2274, January 18, 1974), an optional means of meeting the retention requirement (that exists in the present provisions) was eliminated by the August 30, 1976, amendments. This was done to reduce the amount of necessary compliance testing and to encourage "simultaneous" certification testing of separate standards where practicable. As proposed in 1972, the "75-percent alternative" (retention of 75 percent of the windshield periphery—dummies properly restrained) was made mandatory for all vehicles not equipped with passive restraints. In this way, windshield retention tests could be performed at the same time as tests already required for fuel system integrity (49 CFR 571.301-75) that specify restrained dummies.

While some additional weight is added to the vehicle by the required dummies, it is the minimum necessary to permit "simultaneous" testing, and the dummies are restrained so that there is only incidental, if any, contact with the windshield. Thus, the "75-percent alternative" specified in the amendments is, basically, a continuation of the existing requirement that manufacturers have been meeting for years.

The 1974 proposal to adopt the "50-percent option" (retention of 50 percent of the windshield periphery on each side of the windshield—dummies unrestrained) was vigorously objected to by manufacturers because of the damage that could occur to dummies during impact with the windshield. Also, the fuel system integrity standard was made final in a form that required restraining the dummies by safety belts if provided. It was apparent that the "50-percent option" should only become mandatory as proposed for vehicles equipped with passive restraint systems that could protect the dummy against impact damage. In the case of air cushion restraint systems, of course, some contact with the windshield by the cushion or incidental contact by the dummy is expected during the crash test. For this reason, the somewhat less stringent "50-percent option" was made final for vehicles equipped with passive restraints.

AMC argued that this distinction between vehicles is unjustified. The only reason put forward by AMC was that dummy impact is not a critical factor in determining windshield retention." This reason does not, however, support the AMC request for a reduction in retention performance from the 75-percent level presently being met. Rather, it argues for an increase in the 50-percent level established for those vehicles in which the NHTSA estimated that dummy and restraint contact could affect results. If AMC believes that the distinction is not justified, the agency will review further evidence to increase the 50-percent requirement (for passive-equipped vehicles) to the 75-percent level presently being met in most of today's passenger cars.

Several commenters objected that the final rule differed in some respects from the 1972 and 1974 proposals to amend Standard No. 212, taken separately. AMC, Volvo, and Jeep petitioned to revoke the separate retention requirements for vehicles with different restraint systems, on the grounds that such a distinction had never been proposed. Jeep Corporation also objected to extension of the standard's applicability to MPV's, trucks, and buses because of variations in language from the proposals.

As earlier noted, the requirement for 75-percent retention conforms to the 1972 proposal. The only variation from the 1972 proposal was to implement the performance levels proposed in 1974 for the vehicles that might be equipped with passive restraints. It is the agency's view that "a description of the subjects and issues involved" in the rulemaking action was published in the FEDERAL REGISTER as required by the Administrative Procedure Act (the Act) (5 U.S.C. 553 (b)(2)), permitting opportunity for comment by interested persons. A reading of the cases on this provision of the Act supports the agency's view.

Volvo's petition objected to the fact that the amendments specify the use of restrained dummies in the test procedures. Volvo stated that unrestrained dummies should be used because in actual crash conditions it is the head of an unrestrained occupant that is most likely to impact and substantially load the windshield, since the head of a restrained occupant would not normally contact the windshield.

While Volvo's statement is true, it must be understood that test procedures specified in the standards cannot simulate every element of actual crash conditions. Rather, the procedures are based on a variety of considerations, including test expense and degree of complexity. There were many comments to the prior notices proposing the amendments in question that urged the use of restrained dummies, due to the possibility of damage to the expensive dummies during the barrier crash tests. These comments were taken into consideration prior to issuance of the final rule. Also, the NHTSA concluded that the vehicle deceleration forces are the primary forces affecting windshield retention and not the impact of occupants with the windshield. The restrained dummies are required, primarily, for purposes of permitting simultaneous testing. The NHTSA concludes that the retention requirements and test procedures specified in the amendments will ensure that vehicles are equipped with windshields that provide the needed protection for occupant safety.

Volvo's petition also argued that Standard No. 212 "must include a measurement procedure that weighs the various segments of the windshield periphery in a technically accurate manner." Volvo points to tests it has conducted which indicate that "when the unrestrained occupant's head impacts and substantially loads the windshield, the loading will most likely occur in the windshield's upper regions and not uniformly throughout the windshield."

While it is recognized that the degree of dislodging of the windshield from its mounting may vary at different locations around the periphery of the windshield, sufficient information is not available on which to base varying retention requirements (for different areas of the windshield). Further, the specification of retention requirements in the terms suggested by Volvo was not proposed by the agency in 1972 or 1974. This aspect of Volvo's petition is therefore denied.

Several petitioners objected to the specification of a temperature range in the test conditions and asked that this provision be withdrawn. Rolls Royce Motors argued that the amendment will require additional tests to determine the most critical temperature for windshield retention and stated that this would greatly increase the burden on low-volume manufacturers. General Motors and Jeep Corporation stated that the expansion of the test requirements over a wide temperature range adds to the stringency of the standard without any evidence of a safety need. American Motors petitioned to remove the 15°F to 110°F temperature range from the barrier test conditions on the basis that "it was not specified as a barrier test condition in the proposal for rulemaking," and on the basis that there are laboratory tests that can serve the same purpose.

The NHTSA denies all petitions to withdraw the temperature range from the standard. As stated in the preamble to the final rule, testing over the specified range is necessary in light of the fact that windshield moldings have significantly different retention capabilities at different temperatures. This fact was graphically confirmed by NHTSA compliance testing in which windshields retained at low temperatures were dislodged at higher temperatures (in identical vehicles). Concerning the objection of American Motors, the temperature range was proposed in paragraph S4 of the 1974 proposal to amend Standard No. 212 (39 FR 2274).

General Motors recommended that the temperature range be revised to specify 66°F to 78°F limits, to coordinate the Standard 212 test with the calibration conditions for the Part 572 dummy. General Motors argued that this would reduce the number of barrier crash tests that would be required.

The NHTSA rejects this recommendation. The Part 572 dummies are conditioned in the 66°F-78°F temperature range for calibration purposes in those standards in which the dynamic dummy response is part of the requirements of the standard. Since the response of the dummy is not directly involved in the performance requirements of Standard No. 212, the temperature of the dummies is not significant. Therefore, it is not necessary to restrict the temperature range of Standard No. 212 to correspond to the calibration temperature range of the Part 572 dummies. For purposes of simultaneous testing, manufacturers could devise a means to control the immediate environment of the test dummy within the 66°F-78°F calibration temperature range, independent of the temperature range specified in Standard No. 212.

General Motors also argued that there could be considerable variation in vehicle condition and test results, depending on when and where the vehicle is tested, since there could be an air temperature of 110°F while windshield components are at a much higher temperature due to "sun load". General Motors, therefore, requested that the temperature requirement be clarified to specify that the temperature of the entire vehicle be stabilized between 15°F and 110°F prior to the test.

The NHTSA does not intend that vehicles be tested with the windshield components at temperatures higher than 110°F. For purposes of clarification, paragraph S6.5 of the new provisions is revised to specify that the windshield mounting material, and all vehicle components in direct contact with the mounting material are to be at any temperature between 15°F and 110°F. Presumably this could be accomplished by localized heating or cooling of the vehicle components or by any other method chosen, in the exercise of due care, by a manufacturer.

The August 1976 amendments to Standard No. 212 modified the application section to include multipurpose passenger vehicles, trucks and buses having a gross vehicle weight rating of 10,000 pounds or less. "Open-body type" vehicles and "forward control" vehicles were excluded because of the impracticability of applying the barrier crash test to these vehicles. General Motors has pointed out that the NHTSA failed to exclude "walk-in van-type" vehicles, which have essentially the same configuration and amount of front-end crush space as forward control vehicles.

The NHTSA recently addressed this same issue in connection with Standard No. 219, Windshield Zone Intrusion, and, in the absence of any objections, amended that standard to exclude walk-in van-type vehicles (41 FR 54945, December 16, 1976). On reconsideration of the extended applicability of Standard No. 212 to these vehicles, the agency concludes that the same rationale applies. Accordingly, applicability of Standard No. 212 to walk-in van-type vehicles is withdrawn.

In consideration of the foregoing, the effective date of the amendment to Standard No. 212 (49 CFR 571.212) published August 30, 1976 (41 FR 36493) is changed from September 1, 1977, to September 1, 1978, and paragraphs S3 and S6.5 of that text are modified as follows:

1. Paragraph S3 is amended to read:

S3. Application. This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 10,000 pounds or less. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or to open-body type vehicles with fold-down or removable windshields.

2. Paragraph S6.5 is amended to read:

S6.5 The windshield mounting material and all vehicle components in direct contact with the mounting material are at any temperature between 15°F and 110°F.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 29, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-18989 Filed 6-29-77;10:30 am]

[Docket No. 75-14; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Restraint Systems

AGENCY: Department of Transportation (DOT).

ACTION: Final Rule.

SUMMARY: The existing motor vehicle safety standard for occupant crash protection in new passenger cars is amended to require the provision of "passive" restraint protection in passenger cars with wheelbases greater than 114 inches manufactured on and after September 1, 1981, in passenger cars with wheelbases greater than 100 inches on and after September 1, 1982, and in all passenger cars manufactured on or after September 1, 1983. The low usage rate of active seat belt systems negates much of their potential safety benefit. However, lap belts will continue to be required at most front and all rear seating positions in new cars, and the Department will continue to recommend their use to motorists. It is found that upgraded occupant

crash protection is a reasonable and necessary exercise of the mandate of the National Traffic and Motor Vehicle Safety Act to provide protection through improved automotive design, construction, and performance.

DATES: Effective date September 1, 1981.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108—Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–9511).

SUPPLEMENTARY INFORMATION:

CONSIDERATIONS UNDERLYING THE STANDARD

Under the National Traffic and Motor Vehicle Safety Act, as amended, (the Act) (15 U.S.C. 1381 et seq.) the Department of Transportation is responsible for issuing motor vehicle safety standards that, among other things, protect the public against unreasonable risk of death or injury to persons in the event accidents occur. The Act directs the Department to consider whether a standard would contribute to carrying out the purposes of the Act and would be reasonable, practicable, and appropriate for a particular type of motor vehicle (15 U.S.C. 1392(f)(3)). The standard must, as formulated, be practicable, meet the need for motor vehicle safety, and be stated in objective terms (15 U.S.C. 1392(a)). The Senate Committee drafting the statute stated that safety would be the overriding consideration in the issuance of standards. S. Rep. No. 1301, 89th Cong., 2d Sess. (1966) at 6.

The total number of fatalities annually in motor vehicle accidents is approximately 46,000 (estimate for 1976), of which approximately 25,000 are estimated to be automobile front seat occupants. Two major hazards to which front seat occupants are exposed are ejection from the vehicle, which increases the probability of fatality greatly, and impact with the vehicle interior during the crash. Restraint of occupants to protect against these hazards has long been recognized as a means to substantially reduce the fatalities and serious injuries experienced at the front seating positions.

One of the Department's first actions in implementing the Act was promulgation in 1967 of Standard No. 208, Occupant Crash Protection (49 CFR 571.208), to make it possible for vehicle occupants to help protect themselves against the hazards of a crash by engaging seat belts. The standard requires the installation of lap and shoulder seat belt assemblies (Type 2) at front outboard designated seating positions (except in convertibles) and lap belt assemblies (Type 1) at all other designated seating positions. The standard became effective January 1, 1968.

While it is generally agreed that when they are worn, seat belt assemblies are highly effective in preventing occupant impact with the vehicle interior or ejection from the vehicle, only a minority of motorists in the United States use seat belts. For all types of belt systems, National Highway Traffic Safety Administration (NHTSA) studies show that about 20 percent of belt systems are used (DOT HS 6 01340 (in process)). The agency's calculations show that only about 2,600 deaths (and corresponding numbers of injuries) of front seat occupants were averted during 1976 by the restraints required by Standard No. 208 as it is presently written.

Two basic approaches have been developed to increase the savings of life and mitigation of injury afforded by occupant restraint systems. More than 20 nations and two provinces of Canada have enacted mandatory seat belt use laws to increase usage and thereby the effective lifesaving potential of existing seat belt systems. The other approach is to install automatic passive restraints in passenger cars in place of, or in conjunction with, active belt systems. These systems are passive in the sense that no action by the occupant is required to benefit from the restraint. Passive restraint systems automatically provide a high level of occupant crash protection to virtually 100 percent of front seat occupants.

The two forms of passive restraint that have been commercially produced are inflatable occupant restraints (commonly known as air bags) and passive belts. Air bags are fabric cushions that are rapidly filled with gas to cushion the occupant against colliding with the vehicle interior when a crash occurs that is strong enough to register on a sensor device in the vehicle. The deployment is accomplished by the rapid generation or release of a gas to inflate the bag. Passive belt systems are comparable to active belt systems in many respects, but are distinguished by automatic deployment around the occupant as the occupant enters the vehicle and closes the door.

HISTORY OF STANDARD No. 208

Because of the low usage rates of active belt systems and because alternative technologies were becoming available, the initial seat belt requirements of Standard No. 208 were upgraded in 1970 to require passive restraints by 1974 (35 FR 16927; November 3, 1970). Most passenger car manufacturers petitioned for judicial review of this amendment (*Chrysler v. DOT*, 472 F. 2d 659 (6th Cir. 1972)). The Sixth Circuit's review upheld the mandate in most respects but remanded the standard to the agency for further specification of a test dummy that was held to be insufficiently objective for use as a measuring device in compliance tests. The court stated with regard to two of the statutory criteria for issuance of motor vehicle safety standards:

> We conclude that the issue of the relative effectiveness of active as opposed to passive restraints is one which has been duly delegated to the Agency, with its expertise, to make; we find that the Agency's decision to require passive restraints is supported by substantial evidence, and we cannot say on the basis of the record before us that this decision does not meet the need for motor vehicle safety. 472 F.2d at 675.
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> • • • we conclude that Standard 208 is practicable as that term is used in this legislation. 472 F. 2d at 674.

As for objective specification of the test dummy device, a detailed set of specifications (49 CFR Part 572) was issued in August 1973 (38 FR 20449; August 1, 1973) and updated with minor changes in February 1977 (42 FR 7148; February 7, 1977). A full discussion of the test dummy specifications is set forth in a rulemaking issued today by the NHTSA concerning technical aspects of Standard No. 208 (42 FR 34299; FR Doc. 77–19138).

In March 1974, the Department made the finding that the test dummy is sufficiently objective to satisfy the "Chrysler" court remand (39 FR 10271; March 19, 1974). In the same notice, mandatory passive restraints were again proposed. Based on the comments received in response to that notice, the passive restraint mandate was once again proposed in a modified form in June 1976 (41 FR 24070; June 14, 1976). In the interim, General Motors Corporation manufactured, certified, and sold approximately 10,000 air-bag-equipped full-size Buicks, Oldsmobiles, and Cadillacs. Volkswagen has manufactured and sold approximately 65,000 passive-belt-equipped Rabbit model passenger cars. Volvo Corporation has also introduced a relatively small number of air-bag-equipped vehicles into service. Ford Motor Company had earlier manufactured 831 air-bag-equipped Mercurys. These vehicles were manufactured under one of two options placed in the standard in 1971 to permit optional production of vehicles with passive restraint systems in place of seat belt assemblies otherwise required. In 1972, the standard was also amended to require an "ignition interlock" system on front seat belts to force their use before the vehicle could be started. This requirement, effective in September 1973, was revoked in October 1974 in response to a Congressional prohibition on its specification (Pub. L. 93–492, § 109 (October 27, 1974)).

The Department's final action on its June 1976 proposal ("The Secretary's Decision Concerning Motor Vehicle Occupant Crash Protection," hereinafter "the December 1976 decision") continued the existing requirements of the standard (42 FR 5071; January 27, 1977) and created a demonstration program to familiarize the public with passive restraints. The Department negotiated contracts with four automobile manufacturers for the production of up to 250,000 passive-equipped vehicles per year for introduction into the passenger car fleet in model years 1980–81. Mercedes-Benz agreed to manufacture 2,250 such passenger cars, and Volkswagen agreed to manufacture 125,000 of its passive-belt-equipped Rabbit models. Ford agreed to participate by "establishing the capability of manufacturing" 140,000 compact model passenger cars, and General Motors agreed to "establish production capacity" to manufacture 300,000 intermediate size passenger cars. The December 1976 decision was based on the finding that, although passive restraints are technologically feasible at reasonable cost and would prevent 9,000 fatalities annually when fully integrated into the fleet, possible adverse reaction by an uninformed public after the standard took effect could inspire their prohibition by Congress with substantial attendant economic waste and incalculable harm to the cause of highway safety. This finding was based in large part on the Department's experience with the ignition interlock on 1974- and 1975-model passenger cars, which was prohibited by Congress in response to industry and public opposition.

Early in 1977, the Department reconsidered the December 1976 decision because public acceptance or rejection of passive restraints is not one of the statutory criteria which the Department is charged by law to apply in establishing standards. In addition, the demonstration program introduced a minimum 3-year delay in implementation of mandatory passive restraints. The Department questioned the premise that passive restraints systems would foster consumer resistance as had the ignition interlock system. While the ignition interlock system forced action by the motorist as a condition for operating an automobile, passive restraints eliminate the end for any action by the occupant to obtain their crash protection benefits.

A third reason for reassessment of the December 1976 decision was the certainty that an increasing proportion of the passenger car fleet will be small cars, in response to the energy situation and the automotive fuel economy program established by the Energy Policy and Conservation Act. The introduction of these new, smaller vehicles on the highway holds the prospect of an increase in the fatality and injury rate unless countermeasures are undertaken.

Based on this reconsideration, the Department proposed (42 FR 15935; March 24, 1977) that the future crash protection requirements of Standard No. 208 take one of three forms: (1) Continuation of the present requirements, (2) mandatory passive restraints at one or more seating positions of passenger cars manufactured on or after September 1, 1980, or (3) continuation of the existing requirements in conjunction with proposed legislation to establish Federal or State mandatory seat belt use laws.

The proposal for an occupant restraint system other than seat belts invoked a provision of the Act (15 U.S.C. 1400(b)) that requires notification to Congress of the action. The Act also requires that a public hearing be held at which any Member of Congress or any other interested person could present oral testimony. The proposal was transmitted to the Congress on March 21, 1977, with an invitation to appear at a public hearing chaired by the Secretary on April 27 and 28, 1977, in Washington, D.C. A transcript of this meeting, along with written comments on the March 1977 proposal, are available in the public docket.

DISCUSSION OF ISSUES

The March 1977 proposal of three possible courses of action for future occupant crash protection is grounded in a large, complex administrative record that has been developed in the 8 years since passive restraints were first contemplated by the Department. Interested persons are invited to review the NHTSA public docket that has been compiled under designations 69–7, 73–8, and 74–14. Consideration of the issues and questions that have arisen during the years of rulemaking can be found in the preambles to the Department's numerous rulemaking notices on passive restraints. Although many of the comments on the March 1977 proposal raised issues that have been discussed in previous notices, the significant issues will be addressed here again, in light of the most recent information available to the Department.

The need for rulemaking action. An important reason to consider anew the occupant crash protection issue is the basic and positive changes that the automobile will undergo in the years ahead. Until recently, the basic characteristics of automobiles sold to the American public have evolved for the most part in response to the forces of the market place. High premium was placed upon styling, roominess, and acceleration performance. In a cheap-energy society, relatively little attention was paid to efficiency of operation. Nor, until relatively recently, was serious consideration given to minimizing the adverse impact of the automobile upon air quality.

Recent circumstances, however, have drastically altered the situation, and have made it abundantly clear that the automobile's characteristics must reflect broadly defined societal goals as well as those advanced by the individual car owner. The President has announced a new national energy policy that recognizes a compelling need for changes in the American lifestyle. Congress has implemented statutory programs to improve the fuel economy of automobiles, as one result of which this Department has just issued demanding fuel economy standards for 1981 through 1984 passenger cars. Right now, the Congress is deliberating over amendments to the Clean Air Act which will impose relatively stringent emissions requirements effective over the same time frame.

The trend toward smaller cars to improve economy and emissions performance contains a potential for increased hazard to the vehicles' occupants. But technology provides the means to protect against this hazard, and this Department's statutory mandate provides authority to assure its application. The Report of the Federal Interagency Task Force on Motor Vehicle Goals for 1980 and Beyond indicated that simultaneous achievement of ambitious societal goals for the automobile in the areas of fuel economy, emissions, and safety is technologically feasible. Integrated test vehicles developed by this Department confirm that finding and, further, demonstrate that the resulting vehicles need not unduly sacrifice the other functional and esthetic attributes traditionally sought by the American car buyer.

Moreover, the socially responsive automobile of the 1980's need not bring a penalty in economy of ownership. The just-issued passenger car fuel economy standards are calculated to reduce the overall costs of operating an automobile by $1,000 over the vehicle's lifetime. In the case of improved safety performance, the occupant restraint improvements specified in this notice can be expected to pay for themselves in reduced first-person liability insurance premiums during the life of the vehicle.

The issue of occupant crash protection has been outstanding too long, and a decision would have been further delayed while the demonstration programs was conducted. A rigorous review of the findings made by the Department in December 1976 demonstrates that they are in all substantial respects correct as to the technological feasibility, practicability, reasonable cost, and life-saving potential of passive restraints. The decision set forth in this notice is the logical result of those findings.

In reassessing the December 1976 decision, the Department has considered each available means to increase crash protection in arriving at the most rational approach. As proposed the possibility of "driver-side only" passive protection was considered, but was rejected because of the unsatisfactory result of having one front-seat passenger offered protection superior to that offered other front-seat passengers in the same vehicle. On balance, there was found to be little cost or lead-time advantage to this approach. The possibility of reinstituting a type of safety belt interlock was rejected because the agency's authority was definitively removed by the Congress less than three years ago and there is no reason to believe that Congress has changed its position on the issue since that time.

Mandatory belt use laws. One of the means proposed in the March notice to achieve a large reduction in highway deaths and injuries is Federal legislation to induce State enactment of mandatory seat belt use laws, either by issuance of a highway safety program standard or by making State passage of such laws a condition for the receipt of Federal highway construction money.

The prospects for passage of mandatory seat belt use laws by more than a few States appear to be poor. None of the commenters suggested that passage of such laws was likely. A public opinion survey sponsored by the Motor Vehicle Manufacturers Association and conducted by Yankelovich, Skelly, and White, Inc., indicated that a 2-to-1 majority nationwide opposes belt use laws. Many such bills have been presented, no State has enacted one up to now. Also, Congress denied funding for a program to

encourage State belt use laws in 1974, suggesting that it does not look favorably upon Federal assistance in the enactment of these laws.

More recently, Congress removed the Department's authority to withdraw Federal safety funding in the case of States that do not mandate the use of motorcycle helmets on their highways (Pub. L. 94–280, Sec. 208(a), May 5, 1976). The close parallel between requiring helmet use and requiring seat belt use argues against the likelihood of enactment of belt use laws.

These strong indications that Congress would not enact a belt use program in the foreseeable future demonstrate, in large measure, why the success of other nations in enacting laws is not parallel to the situation in the United States. In the belt use jurisdictions most often compared to the United States (Australia and the Provinces of Canada), the laws were enacted at the State or Province level in the first instance, and not at the Federal level. In the Department's judgment, the most reasonable course of action to obtain effective belt use laws in the United States will be to actively encourage their enactment in one or more States. An attempt to impose belt use laws on citizens by the Federal government would create difficulties in Federal-State relations, and could damage rather than further the interests of highway safety.

Effectiveness of passive restraints. The December 1976 decision concluded that the best estimates of effectiveness in preventing deaths and injuries of the various types of restraint systems under consideration were as set forth in Table I. Using the effectiveness estimates from Table I, the projection of benefits attributable to various restraint systems is summarized in Table II. Several comments concerning the effectiveness of passive restraint systems were submitted in response to the March 1977 proposal.

Insurance company commenters generally supported the Department's estimates. General Motors, however, disputed the validity of the estimates in the December 1976 decision, arguing that the results experienced by the approximately 10,000 GM vehicles sold to the public indicated a much lower level of effectiveness. It made comparisons between accidents involving those cars and other accidents with conventional cars, selected to be as similar as possible in type and severity. On the basis of this study, GM stated that the data indicate that the "current air cushion-lap belt system, if available in all cars would save less than the nearly 3,000 lives that can be saved by only 20 percent active lap/shoulder belt use."

The Department finds the methods used in the General Motors study to be of doubtful value in arriving at an objective assessment of the experience of the air-bag-equipped vehicles. General Motors is a vastly interested party in these proceedings, and the positions that it adopts are necessarily those of an advocate for a particular result. This is in no sense a disparagement; advocacy of desired outcomes by interested parties is an essential part of the administrative process. But if a study advanced by an interested advocate is to be seriously considered from a "scientific" viewpoint, it must be carefully designed to avoid dilution of its objectivity by the bias of the sponsoring party. The GM study fails that test. Its foundation is a long series of qualitative judgments, which are made by employees of the party itself. An equally serious fault is that the basic body of accident data from which the comparison accidents are selected is not available to the public, so that countering analyses cannot be made by opposing parties, nor can the judgments in the original study be checked. General Motors had previously submitted to an earlier Standard No. 208 docket a study of restraint system effectiveness based on similarly qualitative judgments by its own employees (69–07–GR–256–01). The shoulder belt effectiveness figures arrived at in that study were about one-half of what are now generally recognized to be the actual values. While, this later study utilizes a somewhat different methodology, it suffers from the same flaws in its failure to preclude dilution of its objectivity by the bias of its sponsor.

Economics and Science Planning, Inc., submitted three studies that made estimates of air bag effectiveness. In one, the estimate of air bag effectiveness was at least as high as the theoretical projections made in Table II. In another, a very low estimate of air bag effectiveness was made—from 15 to 25 percent.

The Insurance Institute for Highway Safety submitted another estimate of air bag effectiveness based on the experience with the GM cars in highway use. A selection was made of accidents in which the air bag was designed to operate, based on frontal damage, direction of impact, and age of occupant. In these accidents, air bags were determined to have reduced fatalities by 66 percent, as compared to 55 percent for three-point belts. However, the narrow selection of accidents limits the application of the figures derived in the IIHS study.

The Department considers that the most reliable method of evaluating the experience of the air-bag-equipped cars at this time is to compare the number of injuries, at various levels, sustained by their occupants with the number that is experienced in the general population of vehicles of this type. The vehicles in question are not a sampling of the general vehicle population: They are relatively new, and mostly in the largest, "luxury" size class. Some adjustment must be made for these factors.

The adjustment for the size of the vehicles has been made by multiplying the overall injury figures by a factor of 0.643, which has been found in one study (Joksch, "Analysis of Future Effects of Fuel Storage and Increased Small Car Usage Upon Traffic Deaths and Injuries," General Accounting Office, 1975) as the ratio of fatalities per year for this size of vehicles to the figure for the general population. The newness of the vehicles has a double-edged aspect; newer vehicles are evidently driven more miles per year than older ones, but they also appear to experience fewer accidents per mile traveled (Dutt and Reinfurt, "Accident Involvement and Crash Injury Rates by Make, Model, and Year of Car," Highway Safety Research Center, 1977). These two factors can be accounted for if it is assumed that they cancel each other, by using vehicle years, rather than vehicle miles, as the basis of comparison. With these adjustments, the expected number of all injuries of AIS–2 (an index of injury severity) and above in severity for conventional vehicles equivalent to the air-bag-equipped fleet during the period considered was 91. The actual number experienced was 38, indicating an effectiveness factor for these injury classes of 0.58.

A possibility of bias in these estimates exists in that injuries that have occurred in the air bag fleet may not have been reported, despite the three-level reporting system (owners, policy, and dealers) that has been established. This bias is less likely to be present in frontal accidents, where the air bag is expected to (and generally does) deploy. For frontal accidents only, the number of injuries expected is 60, or 65 percent of the total ("Statistical Analysis of Seat Belt Effectiveness in 1973–1975 Model Cars Involved in Towaway Crashes," Highway Safety Research Center, 1976); only 29 have been experienced, indicating an effectiveness factor of 0.52.

These figures confirm (and in fact exceed) the effectiveness estimates of the December 1976 decision. For injuries of higher severity levels, the numbers experienced are much too small to be statistically significant.

The various assumptions and adjustments that must be made to arrive at a valid "expected" figure, and the possibility that some injuries were unreported, leaves substantial room for uncertainty and argument as to the true observed effectiveness of the restraint systems. Nevertheless, the results of the field experience are encouraging. Even if the observed-effectiveness figures arrived at by these calculations were high by a factor of 2, they would still substantially confirm the estimates of the December 1976 decision. Considering all the arguments on both sides of the issues, the Department concludes that the observed experience of the vehicles on the road equipped with air bags does not cast doubt on the effectiveness estimates in the December 1976 decision.

It has been argued that the Department should not issue a passive restraint standard in the absence of statistically significant real world data which confirm its estimates of effectiveness. Statistical "proof" is certainly desirable in decisionmaking, but it is often not available to resolve public policy decisions. It is also clear from the legislative history of the Act that the Department was not supposed to wait for the widespread introduction of a technology before it could be mandated. The Senate report for example refers to the "failure of

safety to sell" in automobiles, and describes how the Department was intended to push the manufacturers into adopting new safety technology that would not be introduced voluntarily (S. Rep. 1301, 89th Cong. 2nd. Sess. 4 (1966). The "Chrysler" case found that "The explicit purpose of the Act is to enable the Federal Government to impel automobile manufacturers to develop and apply new technology to the task of improving the safety design of automobiles as readily as possible." (472 F. 2d at 671).

Cost of passive restraints. Passive belts have been estimated in the past by the Department to add $25 to the price of an automobile, relative to the price of cars with present active belt systems. The increased operating cost over the life of a vehicle with passive belts is estimated to be $5. These figures are assumed valid for purposes of this review, and were not contested in the comments received.

This Department, General Motors, Ford, DeLorean, and Minicars all have produced estimates of the passenger car price increase due to the inclusion of air bags. These are sufficiently detailed and current to be compared, and are set forth in Table III. The Department estimate has been raised somewhat above its previous ones because of the $14 increase in the price of the components of an air bag system quoted by a supplier.

The General Motors estimates have been revised from previous estimates in several respects. Research and development, engineering, and tooling expenses are no longer amortized entirely in the first year, but are spread over 3 years (other estimates spread these costs over 5 years). The allowance for removal of active belt hardware has been reduced to conform more closely to the Department's estimates. The newer figures reflect a somewhat more complex system, including new sensors. Of the $81 spread between the Department and the GM estimates, all but $11 can be attributed to differences in the following areas: GM's estimate of dealer profit which is based on sticker prices (rather than actual sale price), GM's shorter amortization period, added complexity of the 1977 system over the 1976 system, and the cost of major modifications of the vehicle which the agency questions. The remaining $11 difference must be considered as disagreement concerning the elements of cost shown in the table.

The Ford estimate is the same as previously submitted. Forty-two dollars of the difference from the Department estimate is a higher profit figure arising from Ford's use of sticker prices rather than actual price of sale, which gives the dealer less mark-up. A substantial amount of difference is for a complex electronic diagnostic module, extra sensors that the Department does not view as necessary, and the use of a knee bolster instead of a cheaper knee air bag. Thirty-nine dollars represents unreconciled differences.

Operating costs consist mainly of the cost of replacing a deployed bag, fuel cost, and maintenance. Ford also includes an amount for periodic inspection. The Department estimate for replacement cost differs from the GM and Ford estimates almost entirely as a result of the lower estimate for the first cost of the system. The fuel costs differ primarily as a result of different weight figures for the passive systems, which may be design choices of the manufacturers. The Department's evaluation of manufacturers' cost objections is being placed in the public docket as required by section 113 of the Act.

If, as projected, passive restraints are effective in saving lives and reducing injuries, as compared to existing belt systems at present use rate, the insurance savings that will result will offset a major portion, and possibly all, of the cost to the consumer of the systems. There may be some doubt on this point that arises from skepticism concerning the behavior of insurers.

The vast majority of auto occupant injuries beyond the minor level result in automobile, health, or life insurance claims. In some States, insurers may lack a degree of flexibility in the adjustment of premiums because of pressures from insurance commissions. However, the evidence indicates that premiums are fundamentally based on claims experience.

In its comments to the docket, Nationwide Mutual Insurance Companies estimated that savings in insurance premiums should average $32.50 per insured car per year if all cars were equipped with air bags. Of this amount, 75 percent is the result of an assumed savings of 24.6 percent in the bodily injury portion of automobile insurance premiums, 21 percent from a 1.5 percent reduction in health insurance premiums (30 percent of the 5 percent of the premiums that pay for auto-related injuries), and the remainder from savings in life insurance premiums. The American Mutual Insurance Alliance and Allstate referred to existing 30 percent discounts in first-party coverage and concluded that comparable reductions would be expected to follow a mandate of passive restraints.

It has been argued that these savings would be largely offset by the increased cost of collision and property damage insurance due to the increased cost of repairing a car with a deployed air bag. This claim appears to be largely unfounded. Using figures based on field tests, it is estimated that each year 300,000 automobiles will be in accidents of sufficient severity to deploy the air bag. (Cooke, "Usage of Occupant Crash Protection Systems," NHTSA, July 1976, #74–14–GR–30, App. A.) Accepting vehicle manufacturer estimates, it is further assumed that the cost of replacing an air bag will be 2.5 times the original equipment cost. If a car more than 6 years old is involved in an air-bag-deploying accident, it is assumed scrapped rather than being repaired. Combining these assumptions with the estimated $112 cost of installing a full front air cushion in a new vehicle gives a total annual cost of replacement of $50.4 million, or a per car cost of less than 51 cents per year. Increases in collision premiums should, therefore, not exceed $1 per car per year. It is noted that deployment in non-crash cases would be covered by "comprehensive" insurance policies.

The $32.50 annual insurance savings estimated by Nationwide would be sufficient to pay for the added operating cost (around $4 per year) of an air-bag-equipped car with enough left over to more than pay for the initial cost of the system. Discounting at the average interest rate on new car loans measured in real terms (6 percent), the air bag would almost recover the initial cost in 4 years, with a savings over operating cost of $107.

Economic and Science Planning, Inc. (ESP) has submitted a differing estimate, that insurance savings with full implementation of passive restraints would be only $3.60, rather than $32.50 per year. About one-half of the difference arises from ESP's assumption that seat belt usage would voluntarily rise to the 44 percent level by 1984. This seems highly improbable, based on experience to date.

Moreover, that assumption does not support the deletion of projected insurance savings resulting from passive restraints, but suggests that other courses of action (such as whatever might be done to increase belt usage to 44 percent) might also produce savings. The remaining differences are based on such factors as the portion of injury costs that is paid for by insurance. If the assumptions of ESP are allowed to remain, the savings per year would be about $16, and the present value of auto-lifetime savings would be $120.

Side effects of air bag installation. Some concerns were expressed in the comments about air bags that might be grouped as possible undesirable side effects. One of these was injuries that might be caused by design deployment. There is no question that any restraint system that must decelerate a human body from 30 mph or more to rest within approximately 2 feet can cause injury. Belt systems often cause bruises and abrasions in protecting occupants from more serious injuries. The main question is whether any injuries caused by air bags are generally within acceptable limits, and are significantly less severe than those that would have been suffered had the occupants in question not been restrained by the air bags. The evidence from the vehicles on the road indicates that this is indeed the case. The injuries cited by GM as possibly caused or aggravated by air bag deployment are in the minor to moderate (AIS–1 and –2) category. From this it can be concluded that injuries caused by design deployment, though worthy of careful monitoring with a view to design improvements by manufacturers, do not provide a serious argument against a passive restraint requirement.

A closely related question that has caused concern in the past is whether air bags pose an unreasonable danger to occupants who are not in a normal seat-

ing position, such as children standing in front of a dashboard or persons who have been moved forward by panic braking. Much development work has been devoted to this problem in the past, to design systems that minimuze the danger to persons who are close to the inflation source. The most important change in this area has probably been the general shift away from inflation systems that depend on stored high-pressure gas, in favor of pyrotechnic gas generators. With these systems the flow of gas can be adjusted to make the rate slower at the beginning of inflation, so that an out-of-position occupant is pushed more gently out of the way before the maximum inflation rate occurs.

With one exception, there have been no cases where out-of-position occupants have been found to be seriously injured in crashes in which air bags have been deployed. Five of the crashes involving GM vehicles have involved children in front seating positions (although not necessarily out of position), and others have involved children unbelted in the rear seat.

The only exception has been the death of an infant that was lying laterally on the front seat unrestrained. Apparently during panic braking that preceded the crash, the infant was thrown from the seat. While this constitutes an out-of-position situation technically, it is not the type of circumstances in which the air bag contributes to injury of the out-of-position occupant.

Inadvertent actuation of an air bag may be a particular concern to the public, as noted by both General Motors and Ford. The sudden deployment of an air bag in a non-crash situation would generally be a disconcerting experience. The experience with vehicles on the road, and tests that have been performed on 40 subjects who were not aware that there were air bags in their vehicles, indicate that loss of control in such situations should be rare: none has occurred in the incidents up to now. There is little question, however, that inadvertent actuation could cause loss of control by some segments (aged, inexperienced, distracted) of the driving population, and it must be viewed as a small but real cost of air bag protection.

The frequency of inadvertent actuation is therefore of special concern. The Ford fleet of air-bag-equipped cars (about 800 vehicles that have been on the road since late 1972, with around 500 now taken out of service) has experienced no inadvertent actuations at all. The General Motors fleet, about 10,000 sold mostly to private buyers during 1974 and 1975, has experienced three inadvertent actuations on the road. Six others have occurred in the hands of mechanics and body shop personnel, two in externally-caused fires or explosions, and one from tampering in a driveway. The Volvo fleet of 75 vehicles has experienced none. It is believed that the causes of the GM inadvertent deployments are understood, and that the means of eliminating or considerably reducing the likelihood of all the known causes of inadvertent deployments have been found. These include shielding of the squibs (the device to ignite the propellant material in the bag inflators) against electromagnetic radiation, automatically disarming the system through the ignition system when the car is not in operation, and routing wiring so that it is less accessible to tampering or degradation.

If the figures for the combined fleets are projected onto the U.S. vehicle population, they would amount to around 7,000 on-the-road inadvertent actuations annually, or one for every 15,000 vehicles. The chances of an individual experiencing one as a vehicle occupant during his or her lifetime would be on the order of 1 in 200. This estimate probably overstates the likelihood of occurrence since the inadvertent actuations in the GM cars to date are believed to be due to design deficiencies that are correctable. Thus, although it will probably continue to be a public concern, the infrequency with which inadvertent actuation occurs leads to the conclusion that it does not constitute a weighty argument against a passive restraint requirement.

Some private individuals expressed, in their comments, concern over possible ear damage, or injuries that might be caused to persons with smoking materials in their mouths, or wearing eyeglasses. Although some early tests with oversized cushions of prototype design produced some temporary hearing losses, later designs have reduced the sound pressures to the point where ear damage is no longer a significant possibility. With respect to eyeglasses and smoking materials, the results from the vehicles on the road have been favorable. Of the occupants that had been involved in air cushion deployments as of a recent date, 71 had been smoking pipes or wearing eyeglasses or other facial accessories. None of these received injuries beyond the minor (AIS–1) level. From this it can be concluded that these circumstances do not create particular hazards to occupants of air-bag-equipped vehicles.

Toyo Kogyo and some private individuals questioned whether air bags might experience reliability problems in high-mileage and older vehicles. The fact that air bags have only one moving part, and most of the critical components rest in sealed containers during their non-deployment life, indicates that they should perform well in this regard. The systems in the vehicles in the field, some of which have been in use for almost 5 years, have demonstrated extremely good durability, with no apparent flaws. Manufacturers use sophisticated techniques such as accelerated test cycles to assure a high level of reliability.

Reliability of restraint systems is, of course, absolutely necessary. Unlike the failure of accident prevention systems such as lights and brakes where failure does not necessarily result in harm to occupants, the failure of a restraint system when needed in a serious crash almost certainly means injury will result. Vehicle and component manufacturers are fully aware of this and take the special precautions to ensure reliability which might not be taken for less critical systems. The Department is equally aware of it and has monitored manufacturer efforts to date to ensure fail-safe performance of crash-deployed systems. As an example, copies of reliability information request letters from the Department to manufacturers preparing for the demonstration program or otherwise involved in air bag systems have been made public in the docket.

The projections of reliability to date are, of necessity, based on pilot production volumes, and cannot demonstrate fully that reliability problems associated with mass production will never occur. So that manufacturers can avoid these types of reliability problems, the Department has settled on a phase-in of the requirements which is described later in greater detail.

General Motors and the National Automobile Dealers Association commented that product liability arising from air bag performance would be a major expense. The insurance company commenters, on the other hand, suggested that the presence of air bags in vehicles could reduce auto companies' product liability.

The new risk of liability, attached to a requirement for passive restraints, does not differ from the risk attached to the advent of any device or product whether mandated by the Federal government or installed by a manufacturer by its own choice. Just as liability might arise because of the malfunctioning of a seat belt system or braking system, liability may also arise because of the malfunctioning of a passive restraint system. The mandating of a requirement by the Federal government has, in fact, often served to limit liability, since most jurisdictions accord great weight to evidence showing that a device has met Federal standards.

There is little evidence that the mandating of passive restraints will lead to increases in product liability insurance premiums. Although the advent of new technology has often been accompanied by an increase in products liability insurance, it is unclear how much of the increase is attributable to increased risk and how much to inflation. Officials of the Department of Commerce and at least two major insurance companies doubt that Federal passive restraint requirements will lead to increased risk and insurance premiums. They point out that Federal requirements are imposed to make products safer, and safe products are less likely to cause injury.

It is noteworthy that the Allstate Insurance Company agreed to sell product liability insurance for the GM cars which were to be equipped with passive restraint systems pursuant to the demonstration program, at a rate no greater than the product liability insurance rate for cars not equipped with passive restraint systems.

Small cars. An important consideration in the decision concerning passive restraints is their suitability and availability for small cars, which because of the energy shortage will comprise an increasing segment of the vehicle population in future years. Passive belts have been sold as standard equipment in over 65,000 Volkswagen cars, and must be viewed as a proven means of meeting a passive restraint requirement. Some vehicle body designs may require some modification for their installation, but passive belts could be used as restraints for most bucket-seat arrangements at moderate cost with present technology.

Some manufacturers have expressed doubt that a large proportion of their customers would find passive belts acceptable, because of their relatively obtrusive nature and the resistance shown by the U.S. public to wearing seat belt systems, i.e., belts that occupants must buckle and unbuckle. These manufacturers submitted no supporting market surveys. Further, there is reason to believe that the experience with active belt systems is not an accurate indicator of the experience to be expected with passive belts. The Department anticipates that some manufacturers will install passive belts in the front seats of small cars having only two front seats. Passive belts would not confront the occupants of those seats with the current inconvenience of having to buckle a belt system to gain its protection or of having to unbuckle that system to get out of their cars. Unlike the interlock active belt systems of several years ago, the passive belt systems will have no effect on the ability of drivers to start their cars.

Nevertheless, the question of the acceptability of passive belts may make the suitability of air bags for small cars an important one. Although the shorter crush distance of small cars may impose more stringent limits on air bag deployment time, the evidence from studies conducted by the Department with air bags in small cars is that there are no insuperable difficulties in meeting the 30-mph crash requirements of Standard 208 in cars as small as 2000 pounds gross vehicle weight rating with existing air bag designs (see, for example, "Small Car Driver Inflatable Restraint System Evaluation Program," Contract DOT–HS–6–01412, Status Report April 15, 1977.)

The "packaging" problems of installing air bag systems are greater for small cars than for larger ones. They occupy space in the instrument panel area that might otherwise be utilized by other items such as air conditioning ducts, glove compartment, or controls and displays. Toyo Kogyo (Mazda) and Honda indicated that their instrument panels might have to be displaced 4 inches rearward, that some engine compartment and wheelbase changes might be needed, and that some dash-mounted accessories might have to be deleted or mounted elsewhere. This type of problem is expected to be important to the existing choice between air bag and passive belt systems.

It is not the role of the government to resolve these problems since, in the Department's judgment, they reflect design choices of the manufacturers. No manufacturer has claimed, much less demonstrated that it would be impracticable to install air bags in small cars without increasing vehicle size. Occupation of instrument panel space is certainly one of the unqualified costs of air bags, however, and the cost is more onerous in a small car than in a large one. At the same time, small car makers may choose to use the less costly passive belt system. The evidence presented to date indicates that small-car manufacturers would be able to meet a passive restraint requirement by making reasonable design compromises without increasing vehicle size.

Lead time and production readiness. There was considerable discussion in the comments to the docket about the ability of the automobile industry to develop the production readiness to provide passive restraint systems for all passenger cars. The installation of passive restraint systems requires the addition of new hardware and modification of vehicle structures in such a way that the system provides performance adequate to meet the standard and a high level of safety and reliability on the road. A new industrial capacity will have to be generated to supply components for air bag systems. Major capital expenditures will have to be made by the vehicle industry to incorporate air bag systems into production models. The Department estimates that the total capital required for tooling and equipment for the production of passive restraint systems in new cars is approximately $500 million.

Establishment of an industry to produce components for air bag systems centers on the production of the inflator component. Five major companies have indicated an interest in producing inflators for air bags. The propellant presently being considered for use is sodium azide. The primary source of sodium azide, Canadian Industries Ltd., has a capacity of around 1 million pounds per year, sufficient for only about 800,000 full front seat air bag systems. Thus, additional capacity of 10 million pounds or more of sodium azide will have to be generated, or alternative propellants would have to be used. The Department's analysis of the capital requirements and lead time to develop sufficient capacity indicates that adequate propellant can be available for annual production levels of several million units in less than three years. The production of inflators (from several sources) can reach several million units within two to three years of the receipt of firm orders, including design specifications, from the automobile manufacturers. A new capacity has already been generated to supply the demonstration program which is being pursued at this time.

The vehicle manufacturers face substantial work to incorporate air bags in their production. In the case of domestic manufacturers alone, the instrument panels of approximately half of the new cars that will be manufactured in the early 1980's will have to be completely redesigned to provide space for the passenger bag and structure to accept the loading on the passenger bag. In some cases, relocation of the instrument cluster is needed to facilitate visibility over the bag module in the steering hub.

The burden placed on the vehicle manufacturers to redesign the instrument panel and related components to accept air bags can be reduced considerably by phasing in the passive restraint requirements over several years. With phased introduction, the redesigning of instrument panels and other components can be done at roughly the same pace that these components would ordinarily be redesigned, although perhaps not within the manufacturer's preferred schedule.

The rulemaking docket contained a number of references to additional reasons for phased introduction of new systems like passive restraints: To establish quality systems in production, to obtain experience with these systems in the hands of a more limited segment of the public, and to obtain feedback on the performance and reliability of the systems. If production levels are relatively small at the beginning of a mandated requirement, any unforeseen issues that arise are made more manageable by the limited number of vehicles affected. A major automotive supplier, Eaton Corporation, stressed this aspect of production feasibility over all others.

Based on its evaluation, the Department has determined that a lead time of four full years should precede the requirement for the production of the first passive-equipped passenger cars. This lead time accords with General Motors' requested lead time to accomplish the change for all model lines. Equally important, the 4-year lead time represents a continuation to its logical conclusion of the early voluntary production of passive restraints represented by the December 1976 decision. The continued opportunity for early, gradual, and voluntary introduction of passive restraints to the public in relatively small numbers offers a great deal of benefit in assuring the orderly implementation of a mandatory passive restraint requirement. Experience with the limited quantities of early passive-restraint-equipped vehicles can confirm in the public's mind the value of these systems prior to mandatory production. Because of the value of such a voluntary phase—in approach to both the manufacturer and the public, the Department anticipates that the manufacturers which were parties to the earlier demonstration program agreements will continue their current preparations for voluntary production of passive restraints. The Department also expects that other manufacturers will undertake to produce limited quantities prior to the effectivity of the mandate. The Department intends to vigorously support the efforts of manufacturers to foster sales on a voluntary basis, both through major public information programs and through efforts to encourage their purchase by Federal, other government agencies, and private-fleet users.

The Department also intends to initiate an intensive monitoring program to oversee the implementation plans of both vehicle manufacturers and their suppliers. The purpose of the monitoring program will be not only to confirm that adequate levels of reliability and quality are being achieved in implementing designs to comply with the standard, but also to provide assurance to the pub-

lic that the issues that have been raised on passive restraint reliability are being resolved under the auspices of the Secretary of Transportation.

In addition to a long lead time, the Department considers that the mandate should be accomplished in three stages, with new standard- and luxury-sized cars (a wheelbase of more than 114 inches) meeting the requirement on and after September 1, 1981, new intermediate- and compact-size cars (a wheelbase of more than 100 inches) also meeting the requirements on and after September 1, 1982, and all new passenger cars meeting the requirement on and after September 1, 1983.

Wheelbase was chosen as a measure to delineate the phasing requirements because it is a well-defined quantity that does not vary significantly within a given car line. With the downsizing of most automobiles made in the United States, wheelbases are being reduced by four to six inches on most standard, intermediate, and compact size cars. As a result, in the period of phased implementation (the 1982 through 1984 model years), standard size cars will generally have wheel bases in a range of 115" to 120", intermediate size cars will have wheelbases in a range of 107" to 113", and compact cars will generally have wheelbases in a range of 102" to 108". Subcompact size cars will continue to have wheelbases below 100".

The determination of which car sizes to include in each year of the phased implementation was made in consideration of the effect on each manufacturer and the difficulty involved in engineering passive restraints into each size class of automobile. Because of the extensive experience with passive restraints in full size cars, and the space available in the instrument panels of these cars to receive air bag systems, this size car was deemed to be most susceptible to early implementation.

The gradual phase-in schedule is intended to permit manufacturers to absorb the impact of introducing passive restraint systems without undue technological or economic risk at the same time they undertake efforts to meet the challenging requirements imposed by emissions and fuel economy standards for automobiles in the early 1980's.

Other Considerations

Section 104(b) of the Act directs that the Secretary consult with the National Motor Vehicle Safety Advisory Council on motor vehicle safety standards. The Council has announced in an April 26, 1977, letter to the Department that "The Council feels that the time has come to move ahead with a fully passive restraint standard." The Council stated that it was recommending passive protection in the lateral and rollover modes as well as the frontal mode proposed by the Department. The Department therefore will take under consideration the Council recommendation, with a view to expanding the passive restraint requirement as new technology is advanced. The Council also recommended that mandatory seat belt use laws should also be promoted until the entire vehicle fleet is equipped with passive restraints. As noted, the Department intends to encourage States to enact such laws in their jurisdictions.

It is noted that the National Transportation Safety Board supported the mandate of passive restraints, with a cautionary note to preserve the present performance specification that permits meeting the requirement by means of passive belts as well as inflatable passive restraints.

The United Auto Workers Union, which represents the vast majority of the workers whose industry is affected by the mandate, has also advocated mandatory passive restraints to the Department.

The Council on Wage and Price Stability (the Council) supported the mandate of passive restraints, based on the assumptions that no serious technical problems exist with either the air bag or the passive belt system concept and that the Department's cost estimates are substantially correct. The Council based its support on the comparative costs of achieving benefits under the three approaches, finding passive restraints to be the most cost effective.

The Council urged that passive belt systems continue to be permitted as meeting the performance requirements of the standard, because they represent the least costly passive restraint system currently commercially available. Standard No. 208 has always been and continues to be a performance standard, and any device that provides the performance specified may be used to comply with the standards. With regard to passive belt systems, it is important that they remain available, particularly in the case of smaller-volume manufacturers who may not care to provide air bag type protection because of its engineering and tooling costs relative to production volume.

In accordance with S 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), as implemented by Executive Order 11514 (3 CFR, 1966–1970 Comp., p. 902) and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR 7724), the Department has carefully considered all environmental aspects of its three proposed approaches. A Draft Environmental Impact Statement (DEIS) was published March 25, 1977, and comments have been received and analyzed. The Final Environmental Impact Statement (FEIS) is released today. Petitions for reconsideration based on issues and information raised in the FEIS may be filed for the next 30 days (49 CFR Part 553.35).

There was substantial agreement by commenters with the agency's conclusions about impacts on the consumption of additional natural resources, the generation of pollutants in the manufacturing process and in transporting the system throughout the vehicle's life, and on solid waste disposal problems. In response to the comments of General Motors and others on the DEIS, several estimates were revised. In the Department's view, the two most significant consequences of a passive restraint mandate are the use of large amounts of sodium azide as the generator of gas for air bags, and the increased consumption of petroleum fuel by automobiles because of the added weight of air bags.

Sodium azide is a substance that is toxic and that can burn extremely rapidly. The agency is satisfied that the material can be used safely both in an industrial setting and in motor vehicles during its lifetime, due to inaccessibility and strength of the sealed canisters in which it is packed. The problem is to assure a proper means of disposal. Junked vehicles that are shredded have batteries and gas tanks removed routinely, and the air bag could be easily deployed by an electric charge at the same time. A hazard remains, however, for those vehicles that are simply abandoned. However, the agency judges that the chemical's relative inaccessibility will discourage attempts to tamper with it. The proportion of abandoned cars is less than 15 percent of those manufactured. The Department will work with the Environmental Protection Agency to develop appropriate controls for the disposal of air bag systems employing sodium azide.

The additional weight of inflatable passive restraints was judged to increase the annual consumption of fuel by automobiles by 0.71 percent (about 521 million gallons annually). While this increase is not insignificant, the Department believes that it is fully justified by the prospective societal benefits of passive restraints. The Department took full account of the impact of a passive restraint standard in its recent proceeding to set fuel economy standards for 1981–1984 passenger automobiles.

In accordance with Department policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200, April 16, 1976), the Department has evaluated the economic and other consequences of this amendment on the public and private sectors. The basic evaluation is contained in a document ("Supplemental Inflation Impact Evaluation") that was developed in conjunction with the Department's June 1976 proposal of mandatory passive restraints. That evaluation has been reviewed and a supplement to it represents the Department's position on the effect of this rulemaking on the nation's economy.

The standard, as set forth below, allows manufacturers two options for compliance. First, a manufacturer may provide passive occupant crash protection in frontal modes only. If this option is chosen, the manufacturer must also provide lap belts at all seating positions in the automobile. The lap belts are provided to give crash protection in side and rollover crashes, and have a demonstrated effectiveness in these crash modes.

A second option for manufacturers is to provide full passive protection for front seat occupants in three crash

modes: frontal, side and rollover. If a manufacturer can achieve this performance, it would not have to provide seat belts in the front seat. Under this option, lap belts would continue to be required for all rear seating positions.

The Department has found that use of any seat belt installed in accordance with the standard is necessary to enhance the safety of vehicle occupants. Thus, the Department continues to advocate the use of all seat belts installed at all seating positions in motor vehicles, regardless of whether the vehicle is also equipped with passive restraints.

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as follows:

1. S4.1.2 is amended to read:

S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1983.* Each passenger car manufactured from September 1, 1973 to August 31, 1981, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. Each passenger car manufactured from September 1, 1981, to August 31, 1982, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3, except that a passenger car with a wheelbase of more than 114 inches shall meet the requirements specified in S4.1.3. Each passenger car manufactured from September 1, 1982, to August 31, 1983, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3, except that a passenger car with a wheelbase of more than 100 inches shall meet the requirements specified in S4.1.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

2. A new S4.1.3 is added to read:

S4.1.3 *Passenger cars manufactured on or after September 1, 1983.* Each passenger car manufactured on or after September 1, 1983, shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and S7.1 and S7.2; and

(c) Either—

(1) Meet the lateral crash protection requirements of S5.2 and the roll-over crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and S.7 through S7.3, and meet the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

Effective date finding. Under section 125 of the Act, an amendment of Standard No. 208 that specifies occupant restraint other than belt systems shall not become effective under any circumstances until the expiration of the 60-day review period provided for by Congress under that section "unless the standard specifies a later date". Section 125 also provides that the standard does not become effective at all if a concurrent resolution of disapproval is passed by Congress during the review period. The Department's view of this section is that a "later date" can be established at the time of promulgation of the rule, subject to the possibility of reversal by the concurrent resolution.

The amendment is therefore issued, to become effective beginning September 1, 1981, for those passenger cars first subject to the new requirements. The reasons underlying the effective dates set forth in the standard have been discussed above. The establishment of the effective dates is accomplished at this time to provide the maximum time available for preparations to meet the requirements. The Congressional review period will be completed prior to the commitment of significant new resources by manufacturers to meet the upcoming requirements of the standard.

The program official and lawyer principally responsible for the development of this rulemaking document are Carl Nash and Tad Herlihy, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on June 30, 1977.

BROCK ADAMS,
Secretary of Transportation.

Table I

Occupant Crash Protection System Effectiveness Estimates

IS Injury Level	Lap Belt	Lap and Shoulder Belt	Air Cushion	Air Cushion and Lap Belt	Passive Belt and Knee Bolster	Knee Bolster
1	.15	.30	[illegible]	.15	.20	.06
2	.22	.57	.22	.33	.40	.10
3	.30	.59	.30	.45	.45	.15
-6	.40	.60	.40	.66	.50	.15

TABLE II

Effectiveness of Occupant Crash Protection Systems 2/

	Fatalities Prevented Per Year	Injuries Prevented Per Year (AIS 2-5)
Lap and shoulder (15%) and lap (5%) belts (nominal projection)	3,000	39,000
Lap and shoulder (35%) and lap (5%) belts (optimistic projection)	6,300	86,000
Lap and shoulder belt (70% usage)	11,500	162,000
Lap and shoulder belt (100% usage)	16,300	231,000
Lap belt (100% usage)	10,900	96,000
Driver-only air cushion 3/		
Nominal projection	9,600	86,000
Optimistic projection	11,500	107,000
Full-front air cushion		
Nominal Projection 4/	12,100	104,000
Optimistic Projection 5/	13,500	115,000
Passive Belts		
Nominal Projection 6/	9,800	117,000
Optimistic Projection 7/	10,700	129,000

2/ These estimates assume the car population and occupant fatality rates to be that of 1975 (approximately 100 million cars and 27,200 people, respectively), 10 million cars to be manufactured annually, and the distribution of injuries by severity to be the same as in 1975. The discussion in Appendix A gives the basis for these calculations.

3/ Belt use for this mixed active and passive system is assumed to be the same as for the active belts for the passenger and the same as the air cushion system for the driver. These estimates assume 72.56% of front seat occupants are drivers.

4/ Assumes 20% lap belt usage by all front seat occupants.

5/ Assumes 40% lap belt usage by all front seat occupants.

6/ Assumes 60% passive belt usage, i.e., 40% of people defeat the system.

7/ Assumes 70% passive belt usage, i.e., 30% of people defeat the system.

TABLE III

VARIOUS ESTIMATES OF THE COST OF FULL FRONT AIR BAGS

COST ITEM	GM 6-77	FORD 10-76	DELOREAN 10-76 4 Pass.	DELOREAN 10-76 6 Pass.	MINICARS 6-77 GM	MINICARS 6-77 Advanced	DOT 10-76	DOT 6-77
Purchase Cost								
Equipment	102	121	72	85	78	68	75	89
Manufacturing	60	68	9	12	44	39	28	28
Profit	45	56	35	42	122	107	12	13
- Removed Belts	-20	-10	-26	-27			-18	-18
Total	193	235	90	112	OTHER ELEMENTS		97	112
Operating Cost					NOT PROVIDED			
Deployment	9	9	NOT				2	5
Fuel	26	88	PROVIDED				30	23
Maintenance	18	63					-	-
Inspection	—	27	—	—			—	—
Total	53	187	18	27			32	28
Combined Total	246	422	108	139			129	141

[FR Doc.77-19137 Filed 6-30-77;1:00 pm]

[Docket No. 74-14; Notice 11 Docket No. 73-8; Notice 07]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 572—ANTHROPOMORPHIC TEST DUMMY

Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends occupant crash protection Standard No. 208 and its accompanying test dummy specification to further specify test procedures and injury criteria. The changes are minor in most respects and reflect comments by manufacturers of test dummies and vehicles and the NHTSA's own test experience with the standard and the test dummy.

DATE: Effective date July 5, 1978.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Guy Hunter, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202-426-2265).

SUPPLEMENTARY INFORMATION: Standard No. 208, Occupant Crash Protection (49 CFR 571.208), is a Department of Transportation safety standard that requires manufacturers to provide a means of restraint in new motor vehicles to keep occupants from impacting the vehicle interior in the event a crash occurs. The standard has, since January 1968, required the provision of seat belt assemblies at each seating position in passenger cars. In January 1972 the requirements for seat belts were upgraded and options were added to permit the provision of restraint that is "active" (requiring some action be taken by the vehicle occupant, as in the case of seat belts) or "passive" (providing protection without action being taken by the occupant).

In a separate notice issued today (42 FR 34289; FR Reg. 77-19137), the Secretary of Transportation has reached a decision regarding the future occupant crash protection that must be installed in passenger cars. The implementation of that decision will involve the testing of passive restraint systems in accordance with the test procedures of Standard No. 208, and this notice is intended to make final several modifications of that procedure which have been proposed for change by the NHTSA. This notice also responds to two petitions for reconsideration of rulemaking involving the test dummy that is used to evaluate the compliance of passive restraints systems.

Docket 74-14; Notice 05

Notice 5 was issued July 15, 1976 (41 FR 29715; July 19, 1976) and proposed that Standard No. 208's existing specification for passive protection in frontal, lateral, and rollover modes (S4.1.2.1) be modified to specify passive protection in the frontal mode only, with an option to provide passive protection or belt protection in the lateral and rollover crash modes. Volkswagen had raised the question of the feasibility of small cars meeting the standard's lateral impact requirements: A 20-mph impact by a 4,000-pound, 60-inch-high flat surface. The agency noted the particular vulnerability of small cars to side impact and the need to provide protection for them based on the weight of other vehicles on the highway, but agreed that it would be difficult to provide passive lateral protection in the near future. Design problems also underlay the proposal to provide a belt option in place of the existing passive rollover requirement.

Ford Motor Company argued that a lateral option would be inappropriate in Standard No. 208 as long as the present dummy is used for measurement of passive system performance. This question of dummy use as a measuring device is treated later in this notice. General Motors Corporation (GM) supported the option without qualification, noting that the installation of a lap belt with a passive system "would provide comparable protection to lap/shoulder belts in side and rollover impacts." Chrysler did not object to the option, but noted that the lap belt option made the title of S4.1.2.1 ("complete passive protection") misleading. Volkswagen noted that its testing of belt systems without the lap belt portion showed little loss in efficacy in rollover crashes. No other comments on this proposal were received. The existing option S4.1.2.1 is therefore adopted

as proposed so that manufacturers will be able to immediately undertake experimental work on passive restraints on an optional basis in conformity with the Secretary's decision.

There were no objections to the agency's proposal to permit either a Type 1 or Type 2 seat belt assembly to meet the requirements, and thus it is made final as proposed.

The NHTSA proposed two changes in the injury criteria of S6 that are used as measures of a restraint system's qualification to Standard No. 208. One change proposed an increase in permissible femur force limits from 1,700 pounds to 2,250 pounds. As clarification that tension loads are not included in measurement of these forces, the agency also proposed that the word "compressive" be added to the text of S6.4. Most commenters were cautionary about the changes, pointing out that susceptibility to fracture is time dependent, that acetabular injury could be exacerbated by increased forces, and that angular applications of force were as likely in the real world as axial forces and would more likely fracture the femur.

The agency is aware of and took into account these considerations in proposing the somewhat higher femur force limit. The agency started with the actual field experience of occupants of GM and Volkswagen vehicles that have been shown to produce femur force readings of about 1,700 pounds. Occupants of these vehicles involved in crashes have not shown a significant incidence of femur fracture. The implication from this experience that the 1,700-pound figure can safely be raised somewhat is supported in work by Patrick on compressive femur forces of relatively long duration. The Patrick data (taken with aged embalmed cadavers) indicate that the average fracture load of the patella-femur-pelvis complex is 1,910 pounds. This average is considered conservative, in that cadaver bone structure is generally weaker than living human tissue. While these data did not address angular force applications, the experience of the GM and Volkswagen vehicle occupants does suggest that angular force application can go higher than 1,700 pounds.

The agency does not agree that the establishment of the somewhat higher outer limit for permissible femur force loads of 2,250 pounds is arbitrary. What is often ignored by the medical community and others in commenting on the injury criteria found in motor vehicle safety standards is that manufacturers must design their restraint systems to provide greater protection than the criteria specified, to be certain that each of their products will pass compliance tests conducted by the NHTSA. It is a fact of industrial production that the actual performance of some units will fall below nominal design standards (for quality control and other reasons). Volkswagen made precisely this point in its comments. Because the National Traffic and Motor Vehicle Safety Act states that each vehicle must comply (15 U.S.C. 1392(a)(1)(a)), manufacturers routinely design in a "compliance margin" of superior performance. Thus, it is extremely unlikely that a restraint system designed to meet the femur force load criterion of 2,250 pounds will in fact be designed to provide only that level of performance. With these considerations in mind, the agency makes final the changes as proposed.

While not proposed for change, vehicle manufacturers commented on a second injury criterion of the standard: A limitation of the acceleration experienced by the dummy thorax during the barrier crash to 60g, except for intervals whose cumulative duration is not more than 3 milliseconds (ms). Until August 31, 1977, the agency has specified the Society of Automotive Engineers (SAE) "severity index" as a substitute for the 60g-3ms limit, because of greater familiarity of the industry with that criterion.

General Motors recommended that the severity index be continued as the chest injury criterion until a basis for using chest deflection is developed in place of chest acceleration. GM cited data which indicate that chest injury from certain types of blunt frontal impact is a statistically significant function of chest deflection in humans, while not a function of impact force or spinal acceleration. GM suggested that a shift from the temporary severity index measure to the 60g-3ms measurement would be wasteful, because there is no "strong indication" that the 60g-3ms measurement is more meaningful than the severity index, and some restraint systems might have to be redesigned to comply with the new requirement.

Unlike GM, Chrysler argued against the use of acceleration criteria of either type for the chest, and rather advocated that the standard be delayed until a dummy chest with better deflection characteristics is developed.

The Severity Index Criterion allows higher loadings and therefore increases the possibility of adverse effects on the chest. It only indirectly limits the accelerations and hence the forces which can be applied to the thorax. Acceleration in a specific impact environment is considered to be a better predictor of injury than the Severity Index.

NHTSA only allowed belt systems to meet the Severity Index Criterion of 1,000 instead of the 60g-3ms criterion out of consideration for leadtime problems not because the Severity Index Criterion was considered superior. It is recognized that restraint systems such as lap-shoulder belts apply more concentrated forces to the thorax than air cushion restraints and that injury can result at lower forces and acceleration levels. It is noted that the Agency is considering rulemaking to restrict forces that may be applied to the thorax by the shoulder belt of any seat belt assembly (41 FR 54961; December 16, 1976).

With regard to the test procedures and conditions that underlie the requirements of the standard, the agency proposed a temperature range for testing that would be compatible with the temperature sensitivity of the test dummy. The test dummy specification (Part 572, "Anthropomorphic Test Dummy," 49 CFR Part 572) contains calibration tests that are conducted at any temperature between 66° and 78° F. This is because properties of lubricants and nonmetallic parts used in the dummy will change with large temperature changes and will affect the dummy's objectivity as a test instrument. It was proposed that the Standard No. 208 crash tests be conducted within this temperature range to eliminate the potential for variability.

The only manufacturers that objected to the temperature specification were Porsche, Bayerische Motoren Werke (BMW), and American Motors Corporation (AMC). In each case, the manufacturers noted that dynamic testing is conducted outside and that it is unreasonable to limit testing to the few days in the year when the ambient temperature would fall within the specified 12-degree range.

The commenters may misunderstand their certification responsibilities under the National Traffic and Motor Vehicle Safety Act. Section 108(b)(2) limits a manufacturer's responsibility to the exercise of "due care" to assure compliance. The NHTSA has long interpreted this statutory "due care" to mean that the manufacturer is free to test its products in any fashion it chooses, as long as the testing demonstrates that due care was taken to assure that, if tested by NHTSA as set forth in the standard, the product would comply with the standard's requirements. Thus, a manufacturer could conduct testing on a day with temperatures other than those specified, as long as it could demonstrate through engineering calculations or otherwise, that the difference in test temperatures did not invalidate the test results. Alternatively, a manufacturer might choose to perform its preparation of the vehicle in a temporarily erected structure (such as a tent) that maintains a temperature within the specified range, so that only a short exposure during acceleration to the barrier would occur in a higher or lower temperature. To assist any such arrangements, the test temperature condition has been limited to require a stabilized temperature of the test dummy only, just prior to the vehicle's travel toward the barrier.

In response to an earlier suggestion from GM, the agency proposed further specificity in the clothing worn by the dummy during the crash test. The only comment was filed by GM, which argued that any shoe specification other than weight would be unrelated to dummy performance and therefore should not be included in the specification. The agency disagrees, and notes that the size and shape of the heel on the shoe can affect the placement of the dummy limb within the vehicle. For this reason, the clothing specifications are made final as proposed, except that the requirement for a conforming "configuration" has been deleted.

Renault and Peugeot asked for confirmation that pyrotechnic pretensioners for belt retractors are not prohibited by

the standard. The standard's requirements do not specify the design by which to provide the specified protection, and the agency is not aware of any aspect of the standard that would prohibit the use of pretensioning devices, as long as the three performance elements are met.

With regard to the test dummy used in the standard, the agency proposed two modifications of Standard No. 208: A more detailed positioning procedure for placement of the dummy in the vehicle prior to the test, and a new requirement that the dummy remain in calibration without adjustment following the barrier crash. Comments were received on both aspects of the proposal.

The dummy positioning was proposed to eliminate variation in the conduct of repeatable tests, particularly among vehicles of different sizes. The most important proposed modification was the use of only two dummies in any test of front seat restraints, whether or not the system is designed for three designated seating positions. The proposal was intended to eliminate the problem associated with placement of three 50th-percentile male dummies side-by-side in a smaller vehicle. In bench seating with three positions, the system would have to comply with a dummy at the driver's position and at either of the other two designated seating positions.

GM supported this change, but noted that twice as many tests of 3-position bench-seat vehicles would be required as before. The company suggested using a simulated vehicle crash as a means to test the passive restraint at the center seat position. The agency considers this approach unrepresentative of the actual crash pulse and vehicle kinematic response (e.g., pitching, yawing) that occur during an impact. To the degree that GM can adopt such an approach in the exercise of "due care" to demonstrate that the center seating position actually complies, the statute does not prohibit such a certification approach.

Ford objected that the dummy at the center seat position would be placed about 4 inches to the right of the center of the designated seating position in order to avoid interference with the dummy at the driver's position. While the NHTSA agrees that a small amount of displacement is inevitable in smaller vehicles, it may well occur in the real world also. Further, the physical dimensions of the dummy preclude any other positioning. With a dummy at the driver's position, a dummy at the center position cannot physically be placed in the middle of the seat in all cases. In view of these realities, the agency makes final this aspect of the dummy positioning as proposed.

GM suggested the modification of other standards to adopt "2-dummy" positioning. The compatibility among dynamic tests is regularly reviewed by the NHTSA and will be again following this rulemaking action. For the moment, however, only those actions which were proposed will be acted on.

As a general matter with regard to dummy positioning, General Motors found the new specifications acceptable with a few changes. GM cautioned that the procedure might not be sufficiently reproducible between laboratories, and Chrysler found greater variation in positioning with the new procedures than with Chrysler's own procedures. The agency's use of the procedure in 15 different vehicle models has shown consistently repeatable results, as long as a reasonable amount of care is taken to avoid the effect of random inputs (see "Repeatability of Set up and Stability of Anthropometric Landmarks and Their Influence on Impact Response of Automotive Crash Test Dummies," Society of Automotive Engineers, Technical Paper No. 770260, 1977). The agency concludes that, with the minor improvements cited below, the positioning procedure should be made final as proposed.

The dummy is placed at a seating position so that its midsagittal plane is vertical and longitudinal. Volkswagen argued against use of the midsagittal plane as a reference for dummy placement, considering it difficult to define as a practical matter during placement. The agency has used plane markers and plane lines to define the midsagittal plane and has experienced no significant difficulty in placement of the dummy with these techniques. For this reason, and because Volkswagen suggested no simpler orientation technique, the agency adopts use of the midsagittal plane as proposed.

Correct spacing of the dummy's legs at the driver position created the largest source of objections by commenters. Ford expressed concern that an inward-pointing left knee could result in unrealistically high femur loads because of femur-to-steering column impacts. GM asked that an additional 0.6 inch of space be specified between the dummy legs to allow for installation of a divice to measure steering column displacement. Volkswagen considered specification of the left knee bolt location to be redundant in light of the positioning specification for the right knee and the overall distance specification between the knees of 14.5 inches.

The commenters may not have understood that the 14.5- and 5.9-inch dimensions are only initial positions, as specified in S8.1.11.1.1. The later specification to raise the femur and tibia centerlines "as close as possible to vertical" without contacting the vehicle shifts the knees from their initial spacing to a point just to the left and right of the steering column.

As for GM's concern about instrumentation, the agency does not intend to modify this positioning procedure to accommodate instrumentation preferences not required for the standard's purposes. GM may, of course, make test modifications so long as it assures, in the exercise of due care, that its vehicles will comply when tested in accordance with the specification by the agency.

In the case of a vehicle which is equipped with a front bench seat, the driver dummy is placed on the bench so that its midsagittal plane intersects the center point of the plane described by the steering wheel rim. BMW pointed out that the center plane of the driver's seating position may not coincide with the steering wheel center and that dummy placement would therefore be unrealistic. Ford believed that the specification of the steering wheel reference point could be more precisely specified.

The agency believes that BMW may be describing offset of the driver's seat from the steering wheel in bucket-seat vehicles. In the case of bench-seat vehicles, there appears to be no reason not to place the dummy directly behind the steering wheel. As for the Ford suggestion, the agency concludes that Ford is describing the same point as the proposal did, assuming, as the agency does, that the axis of the steering column passes through the center point described. The Ford description does have the effect of moving the point a slight distance laterally, because the steering wheel rim upper surface is somewhat higher than the plane of the rim itself. This small distance is not relevant to the positioning being specified and therefore is not adopted.

In the case of center-position dummy placement in a vehicle with a drive line tunnel, Ford requested further specification of left and right foot placement. The agency has added further specification to make explicit what was implicit in the specifications proposed.

Volkswagen suggested that the NHTSA had failed to specify knee spacing for the passenger side dummy placement. In actuality, the specification in S8.1.11.1.2 that the femur and tibia centerlines fall in a vertical longitudinal plane has the effect of dictating the distance between the passenger dummy knees.

The second major source of comments concerned the dummy settling procedure that assures uniformity of placement on the seat cushion and against the seat back. Manufacturers pointed out that lifting the dummy within the vehicle, particularly in small vehicles and those with no rear seat space, cannot be accomplished easily. While the NHTSA recognizes that the procedure is not simple, it is desirable to improve the uniformity of dummy response and it has been accomplished by the NHTSA in several small cars (e.g., Volkswagen Rabbit, Honda Civic, Fiat Spider, DOT HS-801-754). Therefore, the requests of GM and Volkswagen to retain the method that does not involve lifting has been denied. In response to Renault's question, the dummy can be lifted manually by a strap routed beneath the buttocks. Also, Volkswagen's request for more variability in the application of rearward force is denied because, while difficult to achieve, it is desirable to maintain uniformity in dummy placement. In response to the requests of several manufacturers, the location of the 9-square-inch push plate has been raised 1.5 inches, to facilitate its application to all vehicles.

Volkswagen asked with regard to S10.2.2 for a clarification of what constitutes the "lumbar spine" for purposes of

dummy flexing. This refers to the point on the dummy rear surface at the level of the top of the dummy's rubber spine element.

BMW asked the agency to reconsider the placement of the driver dummy's thumbs over the steering wheel rim because of the possibility of damage to them. The company asked for an option in placing the hands. The purpose of the specification in dummy positioning, however, is to remove discretion from the test personnel, so that all tests are run in the same fashion. An option under these circumstances is therefore not appropriate.

Ultrasystems, Inc., pointed out two minor errors in S10.3 that are hereby corrected. The upper arm and lower arm centerlines are oriented as nearly as possible in a vertical plane (rather than straight up in the vertical), and the little finger of the passenger is placed "barely in contact" with the seat rather than "tangent" to it.

Two corrections are made to the dummy positioning procedure to correct obvious and unintended conflicts between placement of the dummy thighs on the seat cushion and placement of the right leg and foot on the acceleration pedal.

In addition to the positioning proposed, General Motors suggested that positioning of the dummy's head in the fore-and-aft axis would be beneficial. The agency agrees and has added such a specification at the end of the dummy settling procedure.

In a matter separate from the positioning procedure, General Motors, Ford, and Renault requested deletion of the proposed requirement that the dummy maintain proper calibration following a crash test without adjustment. Such a procedure is routine in test protocols and the agency considered it to be a beneficial addition to the standard to further demonstrate the credibility of the dummy test results. GM, however, has pointed out that the limb joint adjustments for the crash test and for the calibration of the lumbar bending test are different, and that it would be unfair to expect continued calibration without adjustment of these joints. The NHTSA accepts this objection and, until a means for surmounting this difficulty is perfected, the proposed change to S8.1.8 is withdrawn.

In another matter unrelated to dummy positioning, Volkswagen agrued that active belt systems should be subject to the same requirements as passive belt systems, to reduce the cost differential between the compliance tests of the two systems. As earlier noted the NHTSA has issued an advance Notice of Proposed Rulemaking (41 FR 54961, December 16, 1976) on this subject and will consider Volkswagen's suggestion in the context of that rulemaking.

Finally, the agency proposed the same belt warning requirements for belts provided with passive restraints as are presently required for active belts. No objections to the requirement were received and the requirement is made final as proposed. The agency also takes the opportunity to delete from the standard the out-of-date belt warning requirement contained in S7.3 of the standard.

Reconsideration of Docket 73–8; Notice 04

The NHTSA has received two petitions for reconsideration of recent amendments in its test dummy calibration test procedures and design specifications (Part 572, "Anthropomorphic Test Dummy," 49 CFR Part 572). Part 572 establishes, by means of approximately 250 drawings and five calibration tests, the exact specifications of the test device referred to earlier in this notice that simulates the occupant of a motor vehicle for crash testing purposes.

Apart from requests for a technical change of the lumbar flexion force specifications, the petitions from General Motors and Ford contained a repetition of objections made earlier in the rulemaking about the adequacy of the dummy as an objective measuring device. Three issues were raised: Lateral response characteristics of the dummy, failure of the dummy to meet the five subassembly calibration limits, and the need for a "whole systems" calibration of the assembled dummy. Following receipt of these comments, the agency published notification in the Federal Register that it would entertain any other comments on the issue of objectivity (42 FR 28200, June 2, 1977). General comments were received from Chrysler Corporation and American Motors, repeating their positions from earlier comments that the dummy does not qualify as objective.

The objectivity of the dummy is at issue because it is the measuring device that registers the acceleration and force readings specified by Standard No. 208 during a 30-mph impact of the tested vehicle into a fixed barrier. The resulting readings for each vehicle tested must remain below a certain level to constitute compliance. Certification of compliance by the vehicle manufacturer is accomplished by crash testing representative vehicles with the dummy installed. Verification of compliance by the NHTSA is accomplished by crash testing one of more of the same model vehicle, also with a test dummy installed. It is important that readings taken by different dummies, or by the same dummy repeatedly, accurately reflect the forces and accelerations that are being experienced by the vehicle during the barrier crash. This does not imply that the readings produced in tests of two vehicles of the same design must be identical. In the real world, in fact, literally identical vehicles, crash circumstances, and test dummies are not physically attainable.

It is apparent from this discussion that an accurate reflection of the forces and accelerations experienced in nominally identical vehicles does not depend on the specification of the test dummy alone. For example, identically specified and responsive dummies would not provide identical readings unless reasonable care is exercised in the preparation and placement of the dummy. Such care is analogous to that exercised in positioning a ruler to assure that it is at the exact point where a measurement is to commence. No one would blame a ruler for a bad measurement if it were carelessly placed in the wrong position.

It is equally apparent that the forces and accelerations experienced in nominally identical vehicles will only be identical by the greatest of coincidence. The small differences in body structure, even of mass-produced vehicles, will affect the crash pulse. The particular deployment speed and shape of the cushion portion of an inflatable restraint system will also affect results.

All of these factors would affect the accelerations and forces experienced by a human occupant of a vehicle certified to comply with the occupant restraint standard. Thus, achievement of identical conditions is not only impossible (due to the inherent differences between tested vehicles and underlying conditions) but would be unwise. Literally identical tests would encourage the design of safety devices that would not adequately serve the variety of circumstances encountered in actual crash exposure.

At the same time, the safety standards must be "stated in objective terms" so that the manufacturer knows how its product will be tested and under what circumstances it will have to comply. A complete lack of dummy positioning procedures would allow placement of the dummy in any posture and would make certification of compliance virtually impossible. A balancing is provided in the test procedures between the need for realism and the need for objectivity.

The test dummy also represents a balancing between realism (biofidelity) and objectivity (repeatability). One-piece cast metal dummies could be placed in the seating positions and instrumented to register crash forces. One could argue that these dummies did not act at all like a human and did not measure what would happen to a human, but a lack of repeatability could not be ascribed to them. At the other end of the spectrum, an extremely complex and realistic surrogate could be substituted for the existing Part 572 dummy, which would act realistically but differently each time, as one might expect different humans to do.

The existing Part 572 dummy represents 5 years of effort to provide a measuring instrument that is sufficiently realistic and repeatable to serve the purposes of the crash standard. Like any measuring instrument, it has to be used with care. As in the case of any complex instrumentation, particular care must be exercised in its proper use, and there is little expectation of literally identical readings.

The dummy is articulated, and built of materials that permit it to react dynamically, similarly to a human. It is the dynamic reactions of the dummy that introduce the complexity that makes a check on repeatability desirable and necessary. The agency therefore devised five calibration procedures as standards for the evaluation of the important dynamic dummy response characteristics.

Since the specifications and calibration procedures were established in August 1973, a substantial amount of manufacturing and test experience has been gained in the Part 572 dummy. The quality of the dummy as manufactured by the three available domestic commercial sources has improved to the point where it is the agency's judgment that the device is as repeatable and reproducible as instrumentation of such complexity can be. As noted, GM and Ford disagree and raised three issues with regard to dummy objectivity in their petitions for reconsideration.

Lateral response characteristics. Recent sled tests of the Part 572 dummy in lateral impacts show a high level of repeatability from test to test and reproducibility from one dummy to another ("Evaluation of Part 572 Dummies in Side Impacts"—DOT–HS–020858). Further modification of the lateral and rollover passive restraint requirements into an option that can be met by installation of a lap belt makes the lateral response characteristics of the dummy largely academic. As noted in Notice 4 of Docket 73–8 (42 FR 7148; February 7, 1977), "Any manufacturer that is concerned with the objectivity of the dummy in such (lateral) impacts would provide lap belts at the front seating positions in lieu of conducting the lateral or rollover tests."

While the frontal crash test can be conducted at any angle up to 30 degrees from perpendicular to the barrier face, it is the agency's finding that the lateral forces acting on the test instrument are secondary to forces in the midsagittal plane and do not operate as a constraint on vehicle and restraint design. Compliance tests conducted by NHTSA to date in the 30-degree oblique impact condition have consistently generated similar dummy readings. In addition, they are considerably lower than in perpendicular barrier impact tests, which renders them less critical for compliance certification purposes.

Repeatability of dummy calibration. Ford questioned the dummy's repeatability, based on its analysis of "round-robin" testing conducted in 1973 for Ford at three different test laboratories (Ford Report No. ESRO S–76–3 (1976)) and on analysis of NHTSA calibration testing of seven test dummies in 1974 (DOT–HS–801861).

In its petition for reconsideration, Ford equated dummy objectivity with repeatability of the calibration test results and concluded "it is impracticable to attempt to meet the Part 572 component calibration requirements with test dummies constructed according to the Part 572 drawing specification."

The Ford analysis of NHTSA's seven dummies showed only 56 of 100 instances in which all of the dummy calibrations satisfied the criteria. The NHTSA's attempts to reproduce the Ford calculations to reach this conclusion were unsuccessful, even after including the HO3 dummy with its obviously defective neck. This neck failed badly 11 times in a row, and yet Ford apparently used these tests in its estimate of 56 percent compliance. This is the equivalent of concluding that the specification for a stop watch is inadequate because of repeated failure in a stop watch with an obviously defective part. In this case, the calibration procedure was doing precisely its job in identifying the defective part by demonstrating that it did not in fact meet the specification.

The significance of the "learning curve" for quality control in dummy manufacture is best understood by comparison of three sets of dummy calibration results in chronological order. Ford in earlier comments relied on its own "round-robin" crash testing, involving nine test dummies. Ford stated that none of the nine dummies could pass all of the component calibration requirements. What the NHTSA learned through follow-up questions to Ford was that three of the nine dummies were not built originally as Part 572 dummies, and that the other six were not fully certified by their manufacturers as qualifying as Part 572 dummies. In addition, Ford instructed its contractors to use the dummies as provided whether or not they met the Part 572 specifications.

In contrast, recent NHTSA testing conducted by Calspan (DOT–HS–6–01514, May and June 1977 progress reports) and the results of tests conducted by GM (USG 1502, Docket 73–8, GR 64) demonstrate good repeatability and reproducibility of dummies. In the Calspan testing a total of 152 calibration tests were completed on four dummies from two manufacturers. The results for all five calibration tests were observed to be within the specified performance criteria of Part 572. The agency concludes that the learning curve in the manufacturing process has reached the point where repeatability and reproducibility of the dummy has been fully demonstrated.

Interestingly, Ford's own analysis of its round-robin testing concludes that variations among the nine dummies were not significant to the test results. At the same time, the overall acceleration and force readings did vary substantially. Ford argued that this showed unacceptable variability of the test as a whole, because they had used "identical" vehicles for crash testing. Ford attributed the variations in results to "chance factors," listing as factors placement of the dummy, postural changes during the ride to the barrier, speed variations, uncertainty as to just what part of the instrument panel or other structure would be impact loaded, instrumentation, and any variations in the dynamics of air bag deployment from one vehicle to another.

The agency does not consider these to be uncontrolled factors since they can be greatly reduced by carefully controlling test procedures. In addition, they are not considered to be unacceptable "chance factors" that should be eliminated from the test. The most important advantage of the barrier impact test is that it simulates with some realism what can be experienced by a human occupant, while at the same time limiting variation to achieve repeatability. As discussed, nominally identical vehicles are not in fact identical, the dynamics of deployment will vary from vehicle to vehicle, and humans will adopt a large number of different seated positions in the real world. The 30-mph barrier impact requires the manufacturer to take these vairables into account by providing adequate protection for more than an overly structured test situation. At the same time, dummy positioning is specified in adequate detail so that the manufacturer knows how the NHTSA will set up a vehicle prior to conducting compliance test checks.

"Whole systems" calibration. Ford and GM both suggested a "whole systems" calibration of the dummy as a necessary additional check on dummy repeatability. The agency has denied these requests previously, because the demonstrated repeatability and reproducibility of Part 572 dummies based on current specification is adequate. The use of whole systems calibration tests as suggested would be extremely expensive and would unnecessarily complicate compliance testing.

It is instructive that neither General Motors nor Ford has been specific about the calibration tests they have in mind. Because of the variables inherent in a high energy barrier crash test at 30 mph, the agency judges that any calibration readings taken on the dummy would be overwhelmed by the other inputs acting on the dummy in this test environment. The Ford conclusion from its round-robin testing agrees that dummy variability is a relatively insignificant factor in the total variability experienced in this type of test.

GM was most specific about its concern for repeatability testing of the whole dummy in its comments in response to Docket 74–14; Notice 01:

> Dummy whole body response requirements are considered necessary to assure that a dummy, assembled from certified components, has acceptable response as a completed structure. Interactions between coupled components and subsystems must not be assumed acceptable simply because the components themselves have been certified. Variations in coupling my lead to significant variation in dummy response.

There is a far simpler, more controlled means to assure oneself of correct coupling of components than by means of a "whole systems" calibration. If, for example, a laboratory wishes to assure itself that the coupling of the dummy neck structure is properly accomplished, a simple statically applied input may be made to the neck prior to coupling to obtain a sample reading, and then the same simple statically applied input may be repeated after the coupling has been completed. This is a commonly accepted means to assure that "bolting together" the pieces is properly accomplished.

Lumbar spine flexion. The flexibility of the dummy spine is specified by means of a calibration procedure that involves

bending the spine through a forward arc, with specified resistance to the bending being registered at specified angles of the bending arc. The dummy's ability to flex is partially controlled by the characteristics of the abdominal insert. In Notice 04, the agency increased the level of resistance that must be registered, in conjunction with a decision not to specify a sealed abdominal sac as had been proposed. Either of these dummy characteristics could affect the lumbar spine flexion performance.

Because of the agency's incomplete explanation for its actions, Ford and General Motors petitioned for reconsideration of the decision to take one action without the other. Both companies suggested that the specification of resistance levels be returned to that which had existed previously. The agency was not clear that it intended to go forward with the stiffer spine flexion performance, quite apart from the decision to not specify an abdomen sealing specification. The purpose for the "stiffer" spine is to attain more consistent torso return angle and to assure better dummy stability during vehicle acceleration to impact speed.

To assure itself of the wisdom of this course of action, the agency has performed dummy calibration tests demonstrating that the amended spine flexion and abdominal force deflection characteristics can be consistently achieved with both vented and unvented abdominal inserts (DOT HS–020875 (1977)).

Based on the considered analysis and review set forth above, the NHTSA denies the petitions of General Motors and Ford Motor Company for further modification of the test dummy specification and calibration procedures for reasons of test dummy objectivity.

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as proposed with changes set forth below, and Part 572 (49 CFR Part 572) is amended by the addition of a new sentence at the end of § 572.5, *General Description*, that states: "A specimen of the dummy is available for surface measurements, and access can be arranged through: Office of Crashworthiness, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590."

In accordance with Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200; April 16, 1976), the Department has evaluated the economic and other consequences of this amendment on the public and private sectors. The modifications of an existing option, the simplification and clarification of test procedures, and the increase in femur force loads are all judged to be actions that simplify testing and make it less expensive. It is anticipated that the "two dummy" positioning procedure may occasion additional testing expense in some larger vehicles, but not the level of expense that would have general economic effects.

The effective date for the changes has been established as one year from the date of publication to permit Volkswagen, the only manufacturer presently certifying compliance of vehicles using these test procedures, sufficient time to evaluate the effect of the changes on the compliance of its products.

The program official and lawyer principally responsible for the development of this amendment are Guy Hunter and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 30, 1977.

JOAN CLAYBROOK,
Administrator.

1. Section S4.1.2.1 is amended to read:

S4.1.2.1 *First Option—complete passive protection system.* The vehicle shall:

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) At each rear designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2; and

(c) Either: (1) Meet the lateral crash protection requirements of S5.2 and the rollover crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 through S7.3, and that meets the requirements of S5.1 with front test dummies as required by S5.1, restrained by the Type 1 or Type 2 seat belt assembly (or the pelvic portion of any Type 2 seat belt assembly which has a detachable upper torso belt) in addition to the means that require no action by the vehicle occupant.

2. S5.1 is amended to read:

S5.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8, with anthropomorphic test devices at each designated seating position described in (a) or (b) for which a barrier crash test is required under S4., it shall meet the injury criteria of S6. An anthropomorphic test device shall be placed—

(a) In the case of a vehicle equipped with front bucket seats, at each front designated seating position; and

(b) In the case of a vehicle equipped with a front bench seat, at the driver's designated seating position and at any other one front designated seating position.

3. S5.2 is amended to read:

S5.2 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph, with a test device at the front outbroad designated seating position adjacent to the impacted side, under the applicable conditions of S8., it shall meet the injury criteria of S6.2 and S6.3.

4. S5.3 is amended to read:

S5.3 *Rollover.* When the vehicle is subjected to a rollover test in either lateral direction at 30 mph with a test device in the front outboard designated seating position on its lower side as mounted on the test platform, under the applicable conditions of S8, it shall meet the injury criteria of S6.1.

5. S6.4 is amended to read:

S6.4 The compressive force transmitted axially through each upper leg shall not exceed 2,250 pounds.

6. Section S7.3 is deleted and section S7.3a is redesignated "S7.3 *Seat belt warning system.*"

7. S8.1.2 is amended by the addition of a new sentence that reads:

If an adjustment position does not exist midway between the forwardmost and rearmost positions, the closest adjustment position to the rear of the midpoint is used.

8. S8.1.3 is amended by the addition to two sentences that read:

If a nominal position is not specified, the seat back is positioned so that the accelerometer surface in the dummy head, as positioned in the vehicle, is horizontal. If the vehicle is equipped with adjustable head restraints, each is adjusted to its highest adjustment position.

9. S8.1.9 is amended to read:

S8.1.9 Each test dummy is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants. Each foot of the dummy is equipped with a size 11EE shoe which meets the configuration, size, sole, and heel thickness specifications of MIL–S–13192 and weighs 1.25±0.2 pounds.

10. S8.1.11 through S8.1.15 are replaced by a new S8.1.11 through S8.1.13 to read:

S8.1.11 *Dummy placement in vehicle.* Anthropomorphic test dummies are placed in the vehicle in accordance with S8.1.11.1 and S8.1.11.2, and except as otherwise specified, the dummies are not restrained during an impact by any means that require occupant action.

S8.1.11.1 *Vehicle equipped with front bucket seats.* In the case of a vehicle equipped with front bucket seats, dummies are placed at the front outboard designated seating positions with the test device torso against the seat back, and the thighs against the seat cushion to the extent permitted by placement of the dummy's feet in accordance with the appropriate paragraph of S8.1.11. The dummy is centered on the seat cushion of the bucket seat and its midsagittal plane is vertical and longitudinal.

S8.1.11.1.1 *Driver position placement.* At the driver's position, the knees of the dummy are initially set 14.5 inches apart, measured between the outer surfaces of the knee pivot bolt heads, with the left outer surface 5.9 inches from the midsagittal plane of the dummy. The right foot of the dummy rests on the undepressed accelerator pedal with the rearmost point of the heel on the floorpan in the plane of the pedal. If the foot cannot be placed on the accelerator pedal, it is set perpendicular to the tibia and placed as far forward as possible in the direction of the geometric center of the pedal with the rearmost point of the heel resting on the floorpan. The plane defined by the femur and tibia centerlines of the right leg is as close as possible to vertical without inducing torso movement and except as prevented by contact with a vehicle surface. The left foot is placed on the toeboard with the rearmost point of the heel resting on the floorpan as close as possible to the point of intersection of the planes described by the toeboard and the floorpan. If the foot cannot be positioned on the toeboard, it is set perpendicular to the tibia and placed as far forward as possible with the heel resting on the floorpan. The femur and tibia centerlines of the left leg fall in a vertical plane except as prevented by contact with a vehicle surface.

S8.1.11.1.2 *Passenger position placement.* At the right front outboard designated seating position, the femur, tibia, and foot centerlines of each of the dummy's legs fall in a vertical longitudinal plane. The feet of the dummy are placed on the toeboard with the rearmost point of the heel resting on the floorpan as close as possible to the point of intersection of the planes described by the toeboard and the floorpan. If the feet cannot be positioned flat on the toeboard they are set perpendicular to the tibia and are placed as far forward as possible with the heels resting on the floorpan.

S8.1.11.2 *Vehicle equipped with bench seating.* In the case of a vehicle which is equipped with a front bench seat, a dummy is placed at the left front outboard designated seating position and at one of the two other resignated seating positions (or at the only other seating position if only one is provided), with the dummy torso against the seat back and the thighs against the seat cushion to the extent permitted by placement of the dummy's feet in accordance with the appropriate paragraph of S8.1.11.1.

S8.1.11.2.1 *Driver position placement.* The dummy is placed at the left front outboard designated seating position so that its midsagittal plane is vertical and longitudinal, and passes through the center point of the plane described by the steering wheel rim. The legs, knees, and feet of the dummy are placed as specified in S8.1.11.1.1.

S8.1.11.2.2 *Center position placement.* If a dummy is placed in the center front designated seating position, it is placed so that its midsagittal plane is vertical and longitudinal, and 19.5 inches to right of the midsagittal plane of the dummy at the driver's position. In the case of a vehicle with a drive line tunnel, the left foot of the dummy is placed flat on the floor so that the centerline of the foot is coincident with the centerline of the vehicle, as far forward as possible without touching any other vehicle component. The left knee is located such that a plane defined by the femur centerline and tibia centerline is as close as possible to the vertical without inducing torso movement. The right foot of the dummy is placed on the toeboard with the rearmost point of the heel resting at the intersection of the toeboard and the floor pan and the left side of the dummy's right shoe sole in contact with the drive line tunnel where it intersects the plane of the floor pan. If the foot cannot be placed on the toeboard it is set perpendicular to the tibia and placed as far forward as possible with the heel resting on the floor pan and the left side of the dummy's right shoe sole in contact with the drive line tunnel where it intersects the plane of the floor pan. The right knee is located such that the plane defined by the femur centerline and the tibia centerline is as close as possible to the vertical without inducing torso displacement or rotation. If the vehicle has no drive line tunnel, leg and foot placement conform to the conditions of S8.1.11.1.2.

S8.1.11.2.3 *Passenger position placement.* The dummy is placed at the right front outboard designated seating position as specified in S8.1.11.1.2, except that the midsagittal plane of the dummy is vertical, longitudinal, and the same distance from the longitudinal centerline as the midsagittal plane of the dummy at the driver's position.

S8.1.12 Instrumentation does not affect the motion of dummies during impact or rollover.

S8.1.1.13 The stabilized temperature of the test instrument specified by S8.1.8 is at any level between 66° F. and 78° F.

11. A new section specifying dummy positioning procedures is added as S10 to read:

S10 *Dummy positioning procedures.* The dummy is positioned on a seat as specified in S10.1 through S10.3 to achieve the conditions of S8.1.11.

S10.1 *Initial dummy placement.* With the dummy at its designated seating position as described in S8.1.11, place the upper arms against the seat back and tangent to the side of the upper torso and the lower arms and palms against the outside of the thighs.

S10.2 *Dummy settling.* With the dummy positioned as specified in S10.1, slowly lift the dummy in the direction parallel to the plane of the seat back until its buttocks no longer contact the seat cushion or until its head contacts the vehicle roof. Using a flat, square, rigid surface with an area of 9 square inches and oriented so that its edges fall in longitudinal or horizontal planes, apply a force of 50 pounds through the center of the rigid surface against the dummy's torso in the horizontal, rearward direction along a line that is coincident with the midsagittal plane of the dummy and 5.5 inches above the bottom surface of its buttocks. Slowly remove the lifting force

S10 2.1 While maintaining the contact of the force application plate with the torso, remove as much force as is necessary from the dummy's torso to allow the dummy to return to the seat cushion by its own weight.

S10.2.2 Without removing the force applied to the lower torso, apply additional force in the horizontal, forward direction, longitudinally against the upper shoulders of the dummy sufficient to flex the torso forward until the dummy's back above the lumbar spine no longer contacts the seatback. Rock the dummy from side to side three times, so that the dummy spine is at any angle from the vertical of not less than 14 degrees and not more than 16 degrees at the extreme of each movement. With the midsagittal plane vertical, push the upper half of the torso back against the seat back with a force of 50 pounds applied in the horizontal rearward direction along a line that is coincident with the midsagittal plane of the dummy and 18 inches above the bottom surface of its buttocks. Slowly remove the horizontal force.

S10.3 *Placement of dummy arms and hands.* With the dummy positioned as specified in S10.2 and without inducing torso movement, place the arms, elbows, and hands of the dummy, as appropriate for each designated seating position in accordance with S10.3.1 or S10.3.2. Following placement of the limbs, remove the force applied against the lower half of the torso.

S10.3.1 *Driver's position.* Move the upper and the lower arms of the dummy at the driver's position to fully outstretched position in the lowest possible orientation. Push each arm rearward, permitting bending at the elbow, until the palm of each hand contacts the outer part of the rim of the steering wheel at its horizontal centerline Place the dummy's thumbs over the steering wheel rim, positioning the upper and lower arm centerlines as close as possible in a vertical plane without inducing torso movement.

S10.3.2 *Passenger position.* Move the upper and the lower arms of the dummy at the passenger position to fully outstretched position in the lowest possible orientation. Push each arm rearward, permitting bending at the elbow, until the upper arm contacts the seat back and is tangent to the upper part of the side of the torso, the palm contacts the outside of the thigh, and the little finger is barely in contact with the seat cushion.

S10.4 *Head adjustment.* Without inducing torso movement, position the head so that the surface of the transverse instrumentation mounting platform in the head is horizontal and the head midsagittal plane falls in a longitudinal plane.

[FR Doc.77-19138 Filed 6-30-77;1:00 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Puerto Rico and Coves and Pigeons in the Virgin Islands for 1977–78 Season

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory birds in Puerto Rico and the Virgin Islands during the 1977–78 season.

DATES: Effective on July 1, 1977. Season selections due from Puerto Rico and the Virgin Islands by July 27, 1977.

ADDRESS: Season selections from Puerto Rico and the Virgin Islands to Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, 202–343–8827.

SUPPLEMENTARY INFORMATION: On March 10, 1977, The U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the FEDERAL REGISTER (42 FR 13311) a proposal to amend 50 CFR 20, with a comment period ending May 18, 1977. That document dealt with minor modifications in § 20.11 of Subpart B, the addition of § 20.40 in Subpart D of 50 CFR 20, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20. On May 25, 1977, the Service published for comment in the FEDERAL REGISTER (42 FR 26669) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of supplemental or modified proposals and clarification or correction of minor portions of the earlier document but none affecting Puerto Rico and the Virgin Islands. This final rulemaking is the third in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1977–78 season from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain doves, scaly-naped pigeons, ducks, coots, gallinules, and snipe in Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands.

A public hearing was held in Washington, D.C., on June 21, 1977, as announced in the FEDERAL REGISTER on May 25, 1977 (42 FR 26709), and proposed hunting regulations for Puerto Rico and the Virgin Islands were discussed. The public was invited to participate in the hearing and/or submit written statements.

COMMENTS ON PROPOSED RULEMAKING

Although interested persons were given until May 18, 1977, to comment on the March 10 proposed rulemaking and to participate in the June 21 public hearing, no specific comments were received on the Service's proposals for migratory game birds in Puerto Rico and the Virgin Islands for the 1977–78 season.

It should be noted that some organizations and individuals have expressed opposition to the one-half hour before sunrise to sunset shooting hours traditionally allowed for migratory game bird hunting and presumably such concern would also apply to shooting hours in Puerto Rico and the Virgin Islands. Suit was brought against Secretary of the Interior Thomas S. Kleppe on August 3, 1976, by Defenders of Wildlife et al. in U.S. District Court, District of Columbia, challenging the shooting hours for the 1976–77 migratory bird hunting seasons. In his decision on March 11, 1977, Judge Gerhard A. Gesell instructed the Service to identify and consider the impact of such hours on protected species during the future rulemaking process. In response to the proposed rulemaking published in the FEDERAL REGISTER on March 10, 1977, in which the continuation of one-half hour before sunrise to sunset shooting hours were proposed for the 1977–78 seasons, a number of adverse comments were received.

Altogether, 36 comments were received, of which 19 favored retention of the proposed hours while 17 opposed the proposed hours. Of the adverse comments, 6 proposed that shooting hours for migratory game birds be extended to one-half hour after sunset. Among other opposing letters was one from Mr. Robert Perkins, Wildlife Preserves, Inc., who urged that shooting hours commence no earlier than sunrise and that they terminate no later than one-half hour before sunset. Dr. John Grandy, writing on behalf of Defenders of Wildlife, Inc., recommended shooting hours no earlier than one-half hour after sunrise to no later than one-half hour before sunset. He believes that such hours are necessary to insure that adequate light would be available during most hunting situations. Opposing comments generally expressed concern about adequacy of light to allow ducks to be identified.

The Service wishes to note that it published additional information on shooting hours in the March 10, 1977, FEDERAL REGISTER. Furthermore, the Service is evaluating additional data regarding shooting hours and their impact on endangered and threatened species. This information will appear in an environmental assessment which will be made available to the public in the near future. The availability of the assessment will be announced in a later FEDERAL REGISTER document. The Director hereby announces his intention to review the shooting hours defined here in the light of information contained in the environmental assessment as soon as it is available, and to make such modifications in the shooting hours as may be considered necessary or desirable for proper management of the resource.

Mourning dove hunting seasons which commence in September have also become a controversial issue. Concern chiefly centers upon hunting seasons which coincide with a period when some dove nesting is still underway. None of the written or oral comments expressed to date have specifically mentioned September mourning dove hunting in Puerto Rico or the Virgin Islands. Inasmuch as mourning dove hunting in September is to be permitted in Puerto Rico under frameworks included in this document, the same concern presumably might exist.

To date, 9 written comments relating specifically to September dove hunting have been received. All opposed the proposal. Among these were letters from The Humane Society of the United States and the Desert Protective Council, Inc. Detailed statements opposing mourning dove hunting in September and early October were submitted at the June 21 Public Hearing by representatives of several national organizations, including Defenders of Wildlife, Committee for Dove Protection, The Humane Society of the United States, Let-Live, Inc., Monitor, and affiliated organizations. These comments will be reported upon in greater detail in the final framework document scheduled for FEDERAL REGISTER publication on July 22.

The Service wishes to note that it published information on September dove hunting in the March 10, 1977, FEDERAL REGISTER. Furthermore, the Service is evaluating additional data on September dove breeding activities and hunting which will appear in an environmental assessment. The availability of this assessment will be announced in the FEDERAL REGISTER. As in the case with shooting hours, the Director will review the season frameworks defined here in the light of information contained in the environmental assessment as soon as it is available and will make such modifications in the season frameworks as may be considered necessary or desirable for proper management of the resource.

ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

COMPLIANCE WITH SECTION 7 OF THE ENDANGERED SPECIES ACT OF 1973

Section 7 of this act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that actions authorized, funded, or carried out * * * do not jeopardize the continued existence of such endangered and threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." Consequently, the Service reviewed all migratory bird regulations being contemplated this year for Puerto Rico and the Virgin Islands and concluded that none of the proposals, if implemented, would result in jeopardizing the continued existence of any species designated as endangered or threatened under the act or adversely modify their critical habitats or habitats that may be determined as critical in the future. Likewise, the proposed regulations are not contrary to the Service's obligation to conserve endangered and threatened species. As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Examples of such consideration include closures of designated areas in Puerto Rico for the Puerto Rican plain pigeon (*Columbia inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*). The proposed regulations were also evaluated as to possible impacts upon the Puerto Rican whip-poor-will (*Caprimulgus noctitherus*) and the yellow-shouldered blackbird (*Agelaius xanthomus*), both species endemic to Puerto Rico, and several species of North American migrants which occasionally appear in the Caribbean area.

REGULATIONS PROMULGATION

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published on March 10, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Puerto Rico and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service, and finally to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711), prescribes final frameworks, the same as those proposed setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Puerto Rico and the Virgin Islands officials, the Service will publish in the FEDERAL REGISTER final rulemaking amending 50 CFR 20.101 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1977–78 season.

FINAL FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1977–78 (ALL DATES INCLUSIVE)

Doves and Pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for scaly-naped pigeons is 5 singly or in the aggregate.

No open season is prescribed for pigeons on Puerto Rico and Mona Islands in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

SPECIAL CLOSURE FOR PROTECTION OF THE PUERTO RICAN PARROT

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. An open season of fifty-five (55) consecutive days between December 1, 1977, and January 31, 1978, may be selected for hunting ducks, coots, common gallinules and common (Wilson's) snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*), and the Bahama pintail (*Anas bahamensis*), which is protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purpole gallinules (*Porphyrula martinica*).

The limits for common (Wilson's) snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

FINAL FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1977–78 ALL DATES INCLUSIVE).

Doves and Pigeons. An open season of 60 days between September 1, 1977, and January 15, 1978, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR CERTAIN BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

DRAFTING INFORMATION

This final rulemaking was authored by Dr. John P. Rogers, Chief, Office of Migratory Bird Management.

NOTE.—The Service has determined that this document does not contain a major rulemaking requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Issued in Washington, D.C., June 28, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77–19067 Filed 7–1–77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Small Business Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions because they are confidential in nature: One position of Special Assistant to the Administrator, the positions of Confidential Assistant and Special Assistant to the Associate Administrator for Procurement Assistance, and one position of Confidential Assistant to the Assistant Administrator for Congressional and Legislative Affairs.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3332 (y), (z), and (aa) are added as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(y) One Special Assistant to the Administrator.

(z) One Confidential Assistant and one Special Assistant to the Associate Administrator for Procurement Assistance.

(aa) One Confidential Assistant to the Assistant Administrator for Congressional and Legislative Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19229 Filed 7-1-77;11:21 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Political Management and Political Campaigning: Exception of Certain Elections

AGENCY: Civil Service Commission.

ACTION: Final regulation.

SUMMARY: The Civil Service Commission has amended its regulations to include "District of Columbia" in the list of "Other Municipalities" so that Federal and District of Columbia Government employees may take an active part in District of Columbia partisan elections as, or in support of, independent candidates.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn R. Collins, Deputy Assistant General Counsel, Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415 (202-632-7600).

SUPPLEMENTARY INFORMATION: On page 23160 of the FEDERAL REGISTER of May 6, 1977, there was published a notice of proposed amendment to the Civil Service Regulations as set forth above. This proposal was set forth to comply with the ruling of the United States Court of Appeals for the District of Columbia Circuit in *Joel D. Joseph, et al.* v. *United States Civil Service Commission*, No. 75-1647, January 17, 1977. Interested persons were invited to submit comments to the Office of the General Counsel on or before June 6, 1977. Two comments, which were supportive of the proposed amendment, were received. One of these comments, however, expressed the belief that the Commission's limitation of the exemption to political activity by or on behalf of independent candidates only was too limited.

The Commission is of the opinion that this regulation grants or recognizes an exemption or relieves a restriction within the meaning of 5 U.S.C. 533(d)(1) and that, accordingly, the 30 day publication requirement of subsection (d) is not applicable to the regulation. The Commission further finds that there is good cause for making these regulations effective on July 5, 1977, in that: (1) The special election to fill the D.C. Council seat formerly held by Julius Hobson, Sr., is to be held on July 19, 1977, and employees who wish to involve themselves in this election on behalf of independent candidates would be precluded from doing so if the 30 day requirement is followed; (2) The comments received were generally supportive of the Commission's proposed regulation; and (3) the regulation in its final form does not vary from the proposed regulation published in the FEDERAL REGISTER on May 6, 1977.

Accordingly, 5 CFR 733.124 is amended by making the following addition under the heading "Other Municipalities":

§ 733.124 Political management and political campaigning; exception of certain elections.

* * * * *

OTHER MUNICIPALITIES

* * * * *

Crane, Ind. (Aug. 3, 1967), District of Columbia (July 5, 1977) Elmer City, Wash. (Oct. 28, 1947) * * *

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19230 Filed 7-1-77;11:22 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONION IMPORTS

Proposed Rule Making

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require imports of onions to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such onions by keeping less desirable qualities and sizes from being imported.

DATE: Comments due July 16, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202-447-3545.

SUPPLEMENTARY INFORMATION: Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which are proposed to become effective August 1, 1977, under Marketing Order No. 958 for onions grown in certain designated counties in Idaho and Malheur County, Oregon. It is not contemplated that any other marketing order will have concurrent grade, size, quality and maturity provisions in effect regulating onions until the spring of 1978.

The proposed regulation is as follows:

§ 980.116 Onion import regulation.

Except as otherwise provided herein, during the period beginning August 1, 1977, and continuing through April 30, 1978, no person may import any lot of onions, except braided red varieties, unless such onions are inspected, are at least "moderately cured" and meet the other requirements of this section.

(a) *Grade and size requirements.*

(1) *White varieties:* U.S. No. 2, or better grade, 1 inch minimum diameter.

(2) *Red varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(3) *All other varieties:* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Food Safety and Quality Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of: Section 8e of the act.

(f) *Inspection and official inspection certificates.*

(1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e of the act (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice[1]
All Texas points	Leo M. Denbo, P.O. Box 107, San Juan, Tex. 78589, phone 512-787-4091 or 6881.	1 d.
All Arizona points	Charles R. Everette, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902.	1d.
All California points	T. A. Trombatore, 784 South Central Ave., room 266, Los Angeles, Calif. 90021, phone 213-688-2480.	3 d.
All Hawaii points	Stevenson Ching, P.O. Box 22159, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96822, phone 808-941-3071.	1 d.
All Puerto Rico points	Ronald Nightengale, P.O. Box 9112, Santurce, Puerto Rico 00908, phone 809-783-2230 or 4116.	2 d.
New York City, N.Y.	Carmine J. Cavallo, room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7669 or 7668.	1 d.
New Orleans, La	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113, phone 504-589-6741-6741 or 6742.	1 d.
Miami, Fla	Bennie C. Tiner, 1350 Northwest 12th Ave., room 530, Miami, Fla. 33126, phone 305-324-6116 or 6117.	1 d.
All other Florida points	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-3511, extension 33.	1 d.
All other points	M. A. Castille, Food Safety and Quality Service, Washington, D.C. 20250, phone 202-447-5870.	3 d.

[1] In days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number the truck, and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned or frozen onions, pickling onions in brine, onion sets, green onions or braided red onions. The term "U.S. No. 2." shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, and variations thereof specified in this section. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. Furthermore, braided red onions are exempt from such requirements. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 28, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18914 Filed 7-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 70, 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Performance Oriented Safeguards Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based, among other things, on the findings of a joint ERDA–NRC task force, the Nuclear Regulatory Commission is considering extensive amendments to its regulations. These amendments would include performance oriented safeguards requirements for strengthened physical protection for strategic special nuclear material and for certain fuel cycle facilities, associated transportation and other activities involving significant quantities of strategic special nuclear materials.

DATES: Comments must be received on or before August 19, 1977.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. L. J. Evans, Jr., Chief, Requirements Analysis Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4043 or Mr. R. J. Jones, Chief, Material Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–6973.

SUPPLEMENTARY INFORMATION: A joint ERDA–NRC task force was formed on March 17, 1976, to propose a plan of action for improving the control and protection of nuclear materials at NRC licensed fuel cycle facilities. The task force addressed the current status and future direction of physical security protection at NRC licensed fuel cycle facilities now in possession of formula quantities of strategic special nuclear materials.[1] The task force report was issued in July 1976.[2] The Nuclear Regulatory Commission has determined, as a result of the joint task force findings and other subsequent deliberations regarding fuel cycle facilities and special nuclear material transportation, that safeguards at certain existing fuel cycle facilities and for transportation activities should be upgraded through public rulemaking. The Commission, therefore, proposes to amend its regulations in 10 CFR Part 73 that specify physical security requirements for fuel cycle facilities and transportation activities involving formula quantities of strategic special nuclear material. The proposed amendments also would apply to licensed nonpower reactors possessing formula quantities of strategic special nuclear material that did not qualify for exemption under § 73.6(b).

The proposed amendments would include general performance requirements stated in terms of the capabilities necessary to protect against adversaries. The general performance requirements would be the same for both fixed sites and for transportation activities. The performance capabilities describe the functions to be performed by a licensee's safeguards program. Performance capabilities would be different for fixed sites and transportation, reflecting the basic differences inherent in fixed site protection as opposed to the protection of moving vehicles and transfer point installations. Although specifically designed to prevent theft, the new safeguards requirements would also provide increased protection against sabotage.

To prevent, with high assurance, theft of strategic special nuclear material and to protect against radiological sabotage, fixed site safeguards must assure the licensees' capabilities to:

Prevent unauthorized access of persons, material, and vehicles into Material Access Areas and Vital Areas

Permit only authorized activities and conditions within Protected Areas, Vital Areas, and Material Access Areas

Permit only authorized placement and movement of strategic special nuclear material within Material Access Areas

Permit removal of only authorized and confirmed forms and quantities of strategic special nuclear material from Material Access Areas

Provide for authorized access, and assure detection and response to unauthorized penetrations of Protected Areas to prevent theft of strategic special nuclear material and to protect against radiological sabotage

These basic performance capabilities provide for interruptions of the following generic adversary actions which might comprise an attempt to steal strategic special nuclear material from a fixed site or to commit an act of radiological sabotage:

Entry into Protected Areas, Material Access Areas, and Vital Areas

Actions within these areas which might facilitate theft of strategic special nuclear material or commission of an act of radiological sabotage

Removal of strategic special nuclear from Material Access Areas

To prevent, with high assurance, theft of strategic special nuclear material and to protect against radiological sabotage, transportation safeguards must provide the capabilities to:

Restrict access and activity in the vicinity of transports

Prevent the unauthorized access into, or removal of strategic special nuclear material from, transports

These basic performance capabilities provide for interruption of the following generic adversary actions which might comprise an attempt to steal strategic special nuclear material from transports or to commit an act of radiological sabotage:

Approach to the vicinity of transport

Entry to either the transport controls or cargo area

Removal of strategic special nuclear material from the transport

Descriptions of basic safeguards performance capabilities and functions required to implement them are set forth in the following proposed amendments to the regulations.

[1] Strategic special nuclear material is uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium. A formula quantity of strategic special nuclear material is 5,000 grams or more computed by the formula, grams=(grams contained U–235)+2.5 (grams U–233+grams Pu).

[2] Joint ERDA–NRC Task Force on Safeguards (u), Final Report, July 1976, NUREG–0095, ERDA 77–34.

[3] Radiological Sabotage is a new term to be used instead of Industrial Sabotage to more clearly indicate that the sabotage of concern is that with radiological consequences.

The proposed amendments also would define systems and subsystems for fixed site and transportation physical protection programs. These systems and subsystems are all presently required, but these amendments place them in context of the required capabilities and functions. For both fixed sites and transportation the systems and subsystems are (a) authorization controls, (b) access and removal controls, (c) barriers, (d) detection systems, (e) security organization, (f) response plans, (g) communications, and (h) provisions to insure the continuing effectiveness of the safeguards program.

Individual physical protection programs will require specific measures, which will depend on site-specific or transportation system situations, to meet the performance requirements. Thus, within each of the systems and subsystems the proposed amendments identify elements and components normally included in a physical protection program to achieve the required performance. For example, components normally included in such systems are hardened access control points for protected area perimeters; dual, independent, hardened onsite alarm stations; alarm station interiors not visible from protected area perimeter; duress alarms; armored escort vehicles; specific in-transit storage and transfer requirements; and secure cargo vehicles. In addition, specific requirements are being proposed for testing and maintenance and for system redundancy and diversity.

The particular mix of system specifications included in the proposed regulations were developed on the basis of generic system analyses coupled with licensing and inspection experience with physical protection systems. The state-of-the-art of physical protection technology and the current societal and legal constraints under which such systems must operate also were considered. Nevertheless, site-specific or transport-specific factors may dictate other approaches or modifications of those specified. The intent of the proposed regulation is to provide a generic reference safeguards system that normally would provide the capabilities needed to meet the general performance requirements. At any particular site there may be some subsystems and components not needed or additional ones required to meet the general performance requirements. In the final analysis it is the general performance requirements and performance capabilities that are the basis for providing high assurance of preventing theft of strategic nuclear material and protecting against radiological sabotage.

The external adversary characteristics defined in the proposed regulation are stated so as to differentiate them from those stated in § 73.55. The adversary postulated in the proposed regulation is different from that in § 73.55 with respect to the size of the adversary force. The size of postulated adversary force against which the safeguards performance is to be evaluated has been expressed to indicate that the group is large enough to employ effective team maneuvering tactics, unlike the "several persons" single team postulated as the adversary in § 73.55. The difference in the design basis for required levels of protection at power reactors and fuel cycle facilities reflects the relative differences in the potential consequences of successful sabotage at a reactor and theft of strategic special nuclear material and subsequent detonation of a nuclear explosive device. The consequences of reactor sabotage are generally less severe than detonation of a nuclear explosive device. While these considerations are not amenable to precise quantification they have been reflected in the general performance requirements associated with § 73.55 and the proposed amendments.

Even though the general performance requirements associated with the proposed amendments postulate a larger adversary group, this does not necessarily mean that a larger facility protection force is required to achieve adequate safeguards. In addition to a well-designed defensive system and a well-trained response force, determination of the assurance of successful preveniton of theft or sabotage would depend on analyses of site specific conditions that affect the tactics, maneuverability, and effectiveness of response to the postulated adversary. Numbers of response personnel are an important factor in such response, but of equal and perhaps even more significant would be the use to which such response forces were put. The proposed amendments herein specify only a minimum number of guards and do not specify a nominal number of armed response personnel as is done in § 73.55. The number of armed response personnel can vary markedly at fuel cycle facilities due to the wide variety of site-specific conditions such as plant and process, layout and configurations and site location and configuration. For this reason it was not practical to specify nominal numbers of response personnel. This number may be the minimum of five for some plants and several times higher for others, depending on considerations such as the following, not necessarily in order of importance:

(a) Selection, training, and motivation of response force.

(b) Availability and construction of defensive positions.

(c) Availability and knowledge of weapons and other equipment.

(d) Individual site considerations, including size, topography, weather, and number of plant units or buildings.

(e) Location and reliability of initial detection devices.

(f) Local Law Enforcement Agency response.

(g) Vital and material access area hardening, including plant design, location of and access control to vital areas.

(h) Design and construction of protected area barriers.

(i) Redundancy of security systems.

(j) Initial screening and continuing reliability assessment of personnel.

(k) Security and contingency procedures.

A separate rulemaking proceeding (42 FR 25744) is addressing requirements for planned predetermined decision and action sequences to take effect in case of safeguards contingencies. Response to alarms or contingencies is now required but specific detailed planned response is not. The proposed amendments that follow refer to safeguards contingency plans and show the interrelationship of the proposed amendments to the contingency plan criteria published for public comment. Also as a matter of separate rulemaking (42 FR 14880) the Commission is considering a program to require personnel security clearances for individuals who would have access to or control over special nuclear material.

The proposed amendments would be implemented by a revision to the scope of Part 73 to include the performance capability approach; revision of § 73.2 to change or add definitions appropriate to the proposed new requirements; complete revision and redesignation of §§ 73.30 through 73.36 and §§ 73.50 and 73.60 to include the performance capabilities approach for both fixed sites and transportation. The revision and redesignation would be accomplished by adding new sections encompassing the revisions and additions but retaining the old sections and designations until the new sections become effective. The system specifications included in § 73.26 for transportation physical protection systems are based on comments received on the transportation protection requirements proposed for comment on November 13, 1974 (39 FR 40036) and subsequent considerations.

The implementation of the improved safeguards can occur in two phases. The first phase or "interim upgrade" will require that licensees submit modified physical security plans for increasing their physical protection against theft and radiological sabotage. Interim measures will increase protection against theft and radiological sabotage by an external attack involving stealth, force, or deceptive action by a small group possibly with inside assistance and by acts of an insider. In the second phase or "longer-term upgrade" licensees will submit modified plans describing added physical security and material control measures they will implement to protect against theft or radiological sabotage through internal conspiracies. The licensee may choose to submit a single plan encompassing both interim and longer-term upgrade at the time the interim plan above is required.

The staff has estimated some of the costs of upgrading physical security at fuel cycle facilities to the interim upgrade requirements. These are presented in Table 1. Similar estimates have been made for the upgrading of transportation safeguards. These are presented in Table 2. The cost estimates shown in these tables do not take into account factors such as inflation, depreciation,

capital recovery, and return on investment which would ordinarily be considered by licensees. The Commission is hopeful of receiving from the licensees, as part of their comments on the proposed rule, their preliminary ideas and cost estimates for implementing measures to meet both the proposed interim and long-term objectives.

physical protection against theft and

To meet the longer-term safeguards requirements, licensees must also provide increased protection against theft and radiological sabotage by internal conspiracy. Personnel clearances, proposed under provisions of 10 CFR Part 11, will provide substantial protection against internal conspiracy. Nevertheless, prudent safeguards design warrants the use of technology and procedures to prevent theft or sabotage by conspiracy wherever practicable, even where personnel have been cleared.

TABLE 1.—*Fixed site safeguard improvement cost summary*[1]

	Initial	Annual
Additional guards[2]	$15,000	$6,700,000
Automatic rifles	24,900	2,400
Training	130,000	26,000
Additional communications	12,000	2,400
Construct guard ready rooms	20,000	
Harden access control points	120,000	
Increase protection of primary central alarm station	98,400	9,840
Independent secondary alarm station	2,420,000	120,000
Total	2,870,300	6,860,730

[1] Estimate of costs to upgrade physical security at 12 licensed fuel cycle facilities to protect against an external attack by stealth, force, or deceptive action by a small group possibly with inside assistance.

[2] These costs are based on the assumption that an average of 3 additional guard posts and an average of 10 response guards would be required at each of the 12 facilities currently possessing formula quantities of strategic special material. In order to man each new guard post around the clock in a 3-shift operation and allow for 56 hours, and leave, the licensee must hire an average of 4.5 new guards for each new guard post at an estimated annual cost of $100,000 per guard post. Additional personnel may have to be hired for the off-shifts and weekends to keep the response force total at 10. This is estimated to be 11.5 man years per year per licensee. Initial costs associated with guard employment would involve such things as personnel processing, uniforms, personal equipment, etc.

TABLE 2.—*Transportation safeguards improvement cost summary*[1]

Item	Initial Cost	Annual Cost
Additional escorts[2]		$70,500
Weapons	52,610	
Training[3]	24,300	6,100
Communications	46,000	15,300
3 armored escort vehicles	69,000	12,500
Total	141,910	104,400

[1] Estimate of costs to upgrade physical security during transportation of special nuclear material for a transportation arranger who handles 90 pct of HEU shipments to foreign consignees and who uses a carrier with an approved transportation security plan and contract guard company for domestic shipments.

[2] Includes an additional 4 escorts, 4 terminal guards, and 2 aircraft escorts per shipment including the per diem they will accumulate.

[3] Training costs were computed on the basis of training required under license condition of May 12, 1976.

Such supplementary systems and procedures may require additional people, interfere somewhat with process operations and necessitate physical rearrangements or added security equipment in some plants. As a general approach, most licensees would be expected to provide increased surveillance of persons having access to material access and vital areas. This might be provided by means of closed circuit television; guard towers affording surveillance and control of large areas of a facility; and other types of internal surveillance.

Other possible measures against conspiratorial acts include: Establishment of independent secondary alarm stations; dual manning of material access area points; and regular indoctrination of employees concerning governments cash awards (up to half a million dollars) proffered under the Atomic Weapons and Special Nuclear Materials Rewards Act for information about nuclear conspiracy. Many of the measures taken to protect against one insider will also provide a measure of protection against malevolent conspiracies or can be extended to provide such additional protection.

If the Commission adopts the proposed amendments to 10 CFR Part 73, each affected licensee would be given a period of 90 days following the effective date of the amendments to submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan for the interim upgrade. A licensee would be given until 180 days after the effective date of the amendments or 90 days after the submitted plan is approved, whichever is later, to implement the approved interim plan. A licensee may submit longer-term upgraded safeguard plans concurrently with the interim submission. If prepared separately, final plans must be submitted within 270 days following the effective date of the amendments. A licensee would be given 540 days after the effective date of the amendments or 90 days after the longer-term plan is approved, whichever is later, to implement his longer-term upgrade plan.

The Commission has determined under Council of Environmental Quality guidelines and the criteria in 10 CFR Part 51 that an environmental impact statement for the proposed amendments to 10 CFR Part 73 is not required. Concurrently with publication of this notice of proposed rulemaking the Commission is making available in its Public Document Room at 1717 H Street NW., Washington, D.C. an "Environmental Impact Appraisal of Amendments To 10 CFR Part 73," to support a Negative Declaration.[4]

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

[4] A copy of this appraisal is filed with the office of the Federal Register.

1. Section 73.1(a) of 10 CFR Part 73 is revised to read as follows:

§ 73.1 Purpose and scope.

(a) *Purpose.* This part prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for physical protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used, for the purpose of protection against acts of radiological sabotage and prevention of theft of special nuclear material.

* * * * *

2. Section 73.2 is amended by revising paragraphs (c), (f), (h), (k), and (p) and by adding new paragraphs (t) thru (x) to read as follow:

§ 73.2 Definitions.

As used in this part:

* * * * *

(c) "Guard" means a uniformed individual armed with a firearm whose primary duty is the protection of special nuclear material against theft and/or the protection of a plant against radiological sabatage.

* * * * *

(f) "Physical barrier" means

(1) Fences constructed of No. 11 American wire gauge, or heavier wire fabric, topped by three strands or more of barbed wire or similar material on brackets angled outward between 30° and 45° from the vertical, with an overall height of not less than eight feet, including the barbed topping;

(2) Building walls, ceilings and floors constructed of stone, brick, cinder block, concrete, steel or comparable materials (openings in which are secured by grates, doors, or covers of construction and fastening of sufficient strength such that the integrity of the wall is not lessened by any opening), or walls of similar construction, not part of a building, provided with a barbed topping described in paragraph (f)(1) of this section of a height of not less than 8 feet; or

(3) Any other physical obstruction constructed in a manner and of materials suitable for the purpose for which the obstruction is intended.

* * * * *

(h) "Vital area" means any area which contains vital equipment.

* * * * *

(k) "Isolation zone" means any area, clear of all objects which could conceal or shield an individual, adjacent to a physical barrier.

* * * * *

(p) "Radiological sabotage" means any deliberate act directed against a plant or transport in which an activity licensed pursuant to the regulations in this chapter is conducted, or against a component of such a plant or transport which could directly or indirectly endanger the public health and safety by exposure to radiation other than such acts by an enemy of the United States whether foreign government or other person.

* * * * *

(t) "Strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium.

(u) "Formula quantity" means strategic special nuclear material in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium).

(v) "Transport" means any land, sea, or air conveyance.

(w) "Incendiary device" means any self-contained device intended to create an intense fire that can damage normally flame resistant or retardant materials.

(x) "Temporry exclusion area" means any area, access to which is controlled and which affords temporary isolation of special nuclear material in-transit and/or of the transports for such material.

(y) "Movement control center" means an operations center which is remote from transport activity and which provides continuous tracking of convoy progress, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies and can request and coordinate appropriate aid.

3. The undesignated first paragraph of § 73.6 is revised to read as follows:

§ 73.6 Exemptions of certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.70 and 73.72 of this part, with respect to the following special nuclear material:

* * * * *

4. Section 73.6 is amended to add paragraph (d) to read as follows:

§ 73.6 Exemptions of certain quantities and kinds of special nuclear material.

* * * * *

(d) Special nuclear material that is being transported by the ERDA transport system.

5. New§§ 73.20, 73.25, 73.26, 73.27, 73.45 and 73.46 are added to read as follows:

§ 73.20 General performance requirements.

(a) In addition to any other requirements of this part, each licensee who is authorized to operate a fuel reprocessing plant pursuant to Part 50 of this chapter; possesses or uses formula quantities of strategic special nuclear material at any site or contiguous sites subject to control by the licensee; is authorized to transport or deliver to a carrier for transportation pursuant to Part 70 of this chapter formula quantities of strategic special nuclear material; takes delivery of formula quantities of strategic special nuclear material free on board (f.o.b.) the point at which it is delivered to a carrier for transportation; or imports or exports formula quantities of strategic special nuclear material shall establish and maintain or make arrangements for a physicl protection system which will prevent with high assurance theft of strategic special nuclear material and protect against radiological sabotage by the following:

(1) A determined violent external assault, attack by stealth, or deceptive actions, by a small group with the following attributes, assistance and equipment: (i) well-trained (including military training and skills) and dedicated individuals, (ii) inside assistance which may include a knowledgeable individual who attempts to particpate in both a passive role (e.g., provide information) and an active role (e.g., facilitate entrance and exit, disable alarms and communications, participate in violent attack), (iii) suitable weapons, up to and including hand-held automatic weapons, equipped with silencers and having effective long range accuracy, (iv) hand-carried equipment, including incapacitating agents and explosives for use as tools of entry or otherwise destroying the plant or transport integrity, and (v) the ability to operate as two or more teams,

(2) An insider, including an employee (in any position), and

(3) A conspiracy of insiders or employees in any position.

(b) To meet the general performance requirements of paragraph (a) of this section a licensee shall establish and maintain, or arrange for, a physical protection system that:

(1) provides, but is not necessarily limited to, the performance capabilities described in § 73.25 for in-transit protection or in § 73.45 for fixed site protection unless otherwise authorized by the Commission;

(2) is designed with sufficient redundancy and diversity to assure maintenance of the capabilities described in § 73.25 or § 73.45; and

(3) includes a testing and maintenance program to assure control over all activities and devices affecting the effectiveness, reliability, and availability of the physical protection system, including a demonstration that any defects of such activities and devices will be promptly detected and corrected for the total period of time they are required as a part of the physical protection system.

(c) Each licensee subject to the requirements of paragraphs (a) and (b) of this section shall:

(1) Within 90 days after the effective date of these amendments, submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan describing how the licensee will comply with the requirements of paragraphs (a)(1) and (a)(2) of this section;

(2) Within 180 days after the effective date of these amendments or 90 days after the plan(s) submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, implement the approved plan;

(3) Within 270 days after the effective date of these amendments submit a revised fixed site safeguards physical protection plan and, if appropriate, a revised safeguards transportation protection plan describing how the licensee will comply with the requirements of paragraph (a)(3) of this section; and

(4) Within 540 days after the effective date of these amendments or 90 days after the plan(s) submitted pursuant to paragraph (c)(3) of this section is approved, whichever is later, implement the approved plan.

§ 73.25 Performance capabilities for physical protection of strategic special nuclear material in transit.

(a) To meet the general performance requirement of § 73.20 an in-transit physical protection system shall include, but not necessarily be limited to, the performance capabilities described in paragraphs (b) through (d) of this section unless otherwise authorized by the Commission.

(b) Restrict access to and activity in the vicinity of transports. To achieve this capability the physical protection system shall:

(1) Detect and delay any unauthorized attempt to gain access or introduce unauthorized materials into the vicinity of transports by stealth or force using the following subsystems and subfunctions:

(i) Protected areas or temporary exclusion areas to isolate shipments or transports at all scheduled and emergency stops to assure that unauthorized persons or materials shall not have direct access to the transports or shipment;

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized access or penetration of a temporary exclusion area, or such attempts by persons, vehicles or materials at the time of the penetration or the attempt so that response can be such as to prevent the unauthorized penetration or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage; and

(iii) Planning and information systems, to provide for preplanned shipments and updated route conditions to avoid areas which would increase the vulnerability of the shipment and to provide for communication with the transport in order to maintain the status and position of the shipment and to inform the escort commander of changes in the itinerary.

(2) Detect attempts to gain unauthorized access or introduce unauthorized materials into the vicinity of transports by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and access criteria for persons, materials and vehicles; and

(ii) Access controls and procedures to verify the identity of persons, materials and vehicles and assess such identity against current authorization schedules and access criteria before permitting access and to initiate response measures to deny unauthorized entries.

(c) Prevent the unauthorized attempts to gain entry or introduce materials into, and the unauthorized removal of strategic special nuclear material from transports. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized entry or introduce unauthorized materials into transports by deceit using the following subsystems and subfunctions:

(i) Entry authorization controls and procedures to provide current transport authorization schedules and entry criteria into transports for both persons and materials; and

(ii) Entry controls and procedures to verify the identity of persons and materials and to permit transport entry only to those persons and materials specified by the current authorization schedules and entry criteria.

(2) Detect attempts to gain unauthorized entry or introduce unauthorized material into transports by stealth or force using the following subsystems and subfunctions:

(i) Cargo containers and vehicles to delay access to strategic special nuclear material sufficient to permit the detection and response systems to function so as to prevent the theft of strategic special nuclear material;

(ii) Tamper indicating devices to detect unauthorized tampering with transport doors or cargo containers; and

(iii) Surveillance subsystems and procedures to detect, assess and communicate any unauthorized presence of persons or materials and any unauthorized attempt to penetrate the transport so that the response can prevent the unauthorized penetration.

(3) Prevent unauthorized removal of strategic special nuclear material from transports by deceit using the following subsystems and subfunctions:

(i) Authorization controls and procedures to provide current schedules for authorized removal of strategic special nuclear material which specify the persons authorized to remove and receive the material and the authorized times for such removal and receipt;

(ii) Removal controls and procedures to establish removal procedures for transferring cargo in emergency situations; and

(iii) Removal controls and procedures to permit removal of strategic special nuclear material only after verification of the identity of persons removing or receiving the strategic special nuclear material, and the identity and integrity of the strategic special nuclear material being removed from transports.

(4) Detect attempts to remove strategic special nuclear material from transports by stealth or force using the following subsystems and subfunctions:

(i) Cargo containers and transport structure to delay unauthorized strategic special nuclear material removal attempts sufficient to assist detection and permit a response to prevent the removal; and

(ii) Detection subsystems and procedures to detect, assess and communicate any attempts at unauthorized removal of strategic special nuclear material so that response to the attempt can be such as to prevent the removal.

(d) Response: Each safeguards program shall provide a response capability to assure that the two performance capabilities described in paragraphs (b) and (c) of this section are achieved. To perform this capability, the licensee shall:

(1) Establish a security organization to:

(i) Provide trained and qualified personnel to carry out assigned duties and responsibilities, and

(ii) Provide armed escorts to respond to and coordinate transport and escort activities for routine security operations and safeguards contingencies.

(2) Establish a predetermined plan to respond to safeguards contingency events.

(3) Provide communication networks to:

(i) Enable the escort commander to communicate on routine and nonroutine situations to a movement control center for assessment of the status and position of a shipment;

(ii) Enable the movement control center to communicate to the escort commander to assist in carrying out actions as identified in the safeguards contingency plan;

(iii) Enable the escort commander to communicate with escort vehicles for implementation of the safeguards contingency plan; and

(iv) Enable both the escort commander and movement control center to notify law enforcement authorities of need for assistance as specified in the safeguards contingency plan.

(4) Provide equipment for the escort forces to provide for a response which is sufficiently rapid and effective so as to achieve the predetermined objective of the response.

§ 73.26 Transportation Physical Protection Systems, Subsystems, Elements, Components, and Procedures.

(a) A transportation physical protection system established pursuant to the general performance requirements of § 73.20(a)(1) and (a)(2) and performance capability requirements of § 73.25 shall include, but not necessarily be limited to, the measures specified in paragraphs (b) through (k) of this section. The Commission may require, depending on the individual transportation conditions or circumstances, additional measures deemed necessary to meet the general performance requirements of § 73.20. The Commission also may authorize protection measures other than those required by this section if in its opinion the overall level of performance meets the general performance requirements of § 73.20 and the performance capability requirements of § 73.25.

(b) Planning and scheduling:

(1) Shipments shall be scheduled to avoid regular patterns and preplanned to avoid areas of natural disaster or civil disorders, such as strikes or riots. Such shipments shall be planned in order to avoid storage times in excess of 24 hours and to assure that deliveries occur at a time when the receiver at the final delivery point is present to accept the shipment.

(2) Arrangements shall be made with law enforcement authorities along the route of shipments for their response to an emergency or a call for assistance.

(3) For any series of shipments of strategic special nuclear material by a licensee to the same consignee in which individual shipments are less than the quantities requiring physical protection in transit under 10 CFR 73.1(b)(2), but more than 200 grams computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), the licensee shall confirm and log the arrival at the final destination of each shipment in the series before releasing the subsequent shipment from his facility.

(4) Security arrangements for export and import shipments shall be approved in advance of the shipment by the Nuclear Regulatory Commission: Information to be supplied to the Commission in advance of the shipment is as follows:

(i) Shipper, consignee, carriers, transfer points, modes of shipment,

(ii) Points where escorts will no longer be responsible for export shipment,

(iii) Arrangements made for transfer of shipment security,

(iv) Point where escorts will accept responsibility for import shipment, and

(c) Security Organization.

(1) The licensee or his agent shall establish a transportation security organization, including armed escorts and a movement control center manned and equipped to monitor and control shipments, to communicate with local law enforcement authorities, and to respond to safeguards contingencies. Criteria and requirements for security personnel suitability, training, equipment, qualifications, and requalifications are set forth in Appendix B to this part, "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) At least one full time member of the security organization who has the authority to direct the physical security activities of the security organization shall be on duty at the movement control center during the course of any shipment.

(3) The licensee or his agent shall establish, maintain, and follow a management system to provide for the development, revision, implementation, and enforcement of transportation security procedures. The system shall include:

(i) Written security procedures which document the structure of the transportation security organization and which detail the duties of drivers and escorts and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security function and the management of the organization responsible for the security functions; and

(iii) Provision for a review at least every 12 months of the transportation security program by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. Such a review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for response by local law enforcement authorities. The results of the review and audit along with recommendations for improvements shall be documented, reported to the responsible organization management, and kept available for inspection for a period of five years.

(4) The licensee or his agent shall not permit an individual to act as an escort or other security organization member unless such individual in accordance with his assigned duties meets the requirements of Appendix B to this part as proposed elsewhere in this issue.

(5) Armed escort personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Escort armament shall include handguns, shotguns, and semi-automatic rifles consistent with local conditions.

(d) Contingency and Response Plans and Procedures.

(1) The licensee or his agent shall establish, maintain, and follow a safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to strategic special nuclear material in transit subject to the provisions of this section. Such safeguards contingency plan shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plan" as proposed in 42 FR 25744. Such contingency plans shall include provisions for coping with threat assessments, and response to threats, as well as response to transport disablements, unusual weather, natural disaster, and civil disturbance conditions.

(e) Transfer and Storage of Strategic Special Nuclear Material for Domestic Shipments.

(1) Strategic special nuclear material shall be placed in a protected area at transfer points if transfer is not immediate from one transport to another. Where a protected area is not available a temporary exclusion area shall be established for the shipment. The transport may serve as a temporary exclusion area.

(2) All transfers shall be monitored by at least nine armed escorts—one of whom shall serve as escort commander. At least seven of the armed escorts (including the escort commander) monitoring the shipment shall be available to protect the shipment and at least three of the seven shall keep the strategic special nuclear material under continuous surveillance while it is at the transfer point. The two remaining escorts shall take up positions at a remote monitoring location. The remote location may be a radio-equipped vehicle or a nearby place, apart from the shipment monitoring area, so that a single act cannot remove the capability of the escorts for calling for assistance. Each of the nine armed escorts shall be capable of maintaining communication with each other. The escort commander shall have the capability to communicate with the escorts at the remote location and with local law enforcement agencies for emergency assistance. In addition the armed escorts at the remote location shall have the capability to communicate with the law enforcement agencies and with the shipment movement control center. The escort commander shall call the remote location at least every 30 minutes to report the status of the shipment. If the calls are not received within the prescribed time, the escorts in the remote location shall request assistance from the law enforcement authorities, notify the shipment movement control center and initiate the appropriate contingency plans. Armed escorts shall observe the opening of the cargo compartment of the incoming transport and ensure that the shipment is complete by checking locks and seals. A shipment loaded onto or transferred to another transport shall be checked to assure complete loading or transfer. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the transport departs from the terminal. The escorts shall observe the transport until it has departed and shall notify the licensee or his agent of the latest status immediately thereafter.

(f) Access Control Subsystems and Procedures.

(1) A numbered picture badge identification procedure shall be used to identify all individuals who will have access to a shipment. The identification procedure shall require that the individual who has possession of the strategic special nuclear material shall have, in advance, identification picture badges of all individuals who are to assume custody for the shipment. The shipment shall be released only when the individual who has possession of strategic special nuclear material has assured positive identification of all of the persons assuming custody for the shipment by comparing the copies of the identification badges that he has received in advance to identification badges that the individuals who will assume custody of the shipment carry.

(2) Access to protected areas, temporary exclusion areas, transports, escort vehicles, aircraft, rail cars, and containers where strategic special nuclear material is contained shall be limited to individuals authorized access to these areas after they have been properly identified under paragraph (f)(1) of this section.

(3) Strategic special nuclear material shall be shipped in containers that are protected by tamper-indicating seals. The containers also shall be locked if they are not in another locked container or transport. The outermost container or transport also shall be protected by tamper-indicating seals.

(g) Shipment by road.

(1) A detailed route plan shall be prepared which shows the routes to be taken, the refueling and rest stops, and the call-in times to the movement control center. All shipments shall be made on primary highways with minimum use of secondary roads. All shipments shall be made without intermediate stops except for refueling, rest or emergency stops.

(2) Cargo compartments of the trucks or trailers shall be locked and protected by tamper-indicating seals.

(3) The shipment shall be protected by one of the following methods:

(i) The cargo vehicle shall be a specially designed truck or trailer that reduces the vulnerability to theft. Design features of the truck or trailer shall permit immobilization of the truck or of the cargo-carrying portion of the vehicle and shall provide a deterrent to physical penetration of the cargo compartment. Two separate escort vehicles shall accompany the cargo vehicle. There shall be a total of nine armed escorts with at least two in the cargo vehicle. Escorts may also operate the cargo and escort vehicles.

(ii) The cargo vehicle shall be an armored car. Three separate escort vehicles shall accompany such a cargo vehicle. There shall be a total of nine armed escorts, with at least two in the cargo vehicle. Escorts may also operate the cargo and escort vehicles.

(4) All escort vehicles shall be bullet-resistant.

(5) Procedures shall be established to assure that no unauthorized persons or materials are on the cargo vehicle before strategic special nuclear material is loaded, or on the escort vehicles, immediately before the trip begins.

(6) Cargo and escort vehicles shall maintain continuous intraconvoy two-way communication. In addition at least two of the vehicles shall be equipped with a coded two-way continuous voice or digital communication capability to the movement control center. A redundant means of communication shall also be available. Calls to the movement control center shall be made at least every half hour to convey the status and position of the shipment. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify the law enforcement authorities and the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part and initiate the appropriate contingency plan.

(7) At refueling, rest, or emergency stops at least nine armed escorts shall be available to protect the shipment and at least three armed escorts shall maintain continuous visual surveillance of the cargo compartment.

(8) Transfers to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(h) Shipment by Air.

(1) Except as specifically approved by the Nuclear Regulatory Commission, no shipment of special nuclear material shall be made in passenger aircraft in excess of (i) 20 grams or 20 curies, whichever is less, of plutonium or uranium-233, or (ii) 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope).

(2) All shipments on cargo aircraft shall be accompanied by three armed escorts who shall be able to converse in a common language with the captain of the aircraft.

(3) Transfers of these shipments shall be minimized and shall be conducted in accordance with paragraph (e) of this section. Such shipments shall be scheduled so that the strategic special nuclear material is loaded last and unloaded first.

(4) At scheduled refueling stops, at least nine armed escorts shall be available to protect the shipment and at least three armed escorts shall maintain continuous visual surveillance of the cargo compartment.

(5) Export shipments shall be accompanied by three armed escorts from the last terminal in the United States until the shipment is unloaded at a foreign terminal and prime responsibility for physical protection is assumed by agents of the consignee. While on foreign soil, the escorts may surrender their weapons to legally constituted local authorities. The shipment shall be scheduled with no intermediate stops. Import shipments shall be accompanied by three armed escorts from the last foreign port. These escorts shall provide physical protection for the shipment until relieved by verified agents of the U.S. consignee.

(6) Procedures shall be established to assure that no unauthorized persons or material are on the aircraft before strategic special nuclear material is loaded on board.

(7) Arrangements shall be made at all airports to identify an individual with whom communication shall be established prior to landing to assure that the nine required armed escorts are available and that the required security measures will be taken upon landing.

(i) Shipment by Rail.

(1) A shipment by rail shall be escorted by nine armed escorts in the shipment car or an escort car next to the shipment car of the train. At least three escorts shall keep the shipment car under continuous visual surveillance. Escorts shall detrain at stops when practicable and time permits to maintain the shipment cars under continuous visual surveillance and to check car or container locks and seals.

(2) Procedures shall be established to assure that no unauthorized persons or materials are on the shipment or escort car before strategic special nuclear material is loaded on board.

(3) Only containers weighing 5000 lbs. or more shall be shipped on open rail cars.

(4) A coded two-way continuous voice or digital communication capability between the escorts and the movement control center shall be maintained. A redundant means of continuous communication also shall be available. Calls to the movement control center shall be made at least every half hour to convery the status and position of the shipment. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify the law enforcement authorities and the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of this part and initiate the appropriate contingency plan.

(5) Transfer to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(j) Shipment by Sea:

(1) Shipments shall be made only on container-ships. The strategic special nuclear material container(s) shall be loaded into exclusive use cargo containers conforming to American National Standards Institute (ANSI) MH5.1 or International Standards Organization (ISO) 1496. Each of these containers shall have at least one similar type container covering each of its five sides. The sixth side shall either be on deck or on top of another container. Locks and seals shall be inspected by the escorts whenever access is possible.

(2) All shipments shall be accompanied by three armed escorts who shall be able to converse in a common language with the captain of the ship.

(3) Minimum ports of call shall be scheduled and there shall be no scheduled transfer to other vessels. Transfer to and from other modes of transportation shall be in accordance with paragraph (e) of this section.

(4) At all ports of call where other cargo is transferred, the escorts shall ensure that the shipment is not removed. At least two escorts shall maintain continuous visual surveillance of the cargo area where the container is stored up to the time the ship departs.

(5) Export shipment shall be accompanied by three armed escorts from the last port in the United States until the shipment is unloaded at a foreign terminal and prime responsibility for physical protection is assumed by agents of the consignee. While on foreign soil, the escorts may surrender their weapons to legally constituted local authorities. Import shipments shall be accompanied by three armed escorts from the last foreign port. These escorts shall provide physical protection for the shipment until relieved by verified agents of the U.S. consignee.

(6) Ship-to-shore communication shall be available, and a ship-to-shore contact shall be made every six hours to relay position information, and the status of the shipment.

(7) Arrangements shall be made at all ports of call to identify an individual with who communication shall be established prior to arrival to assure that the nine required armed escorts are available and that the required security measures will be taken upon arrival.

(k) Test and Maintenance Programs. The licensee or his agent shall establish, maintain and follow a test and maintenance program for communications equipment and other security related devices and equipment used pursuant to this section which shall include the following:

(1) Tests and inspections shall be conducted during the design, installation, and construction of security related subsystems and components to assure that they comply with their respective design criteria and performance specifications.

(2) Preoperational tests and inspections shall be conducted for security related subsystems and components to demonstrate their effectiveness, availability, and reliability with respect to their respective design criteria and performance specifications.

(3) Operational tests and inspections shall be conducted for security related subsystems and components to assure their maintenance in an operable and effective condition.

(4) Preventive maintenance programs shall be established for security related subsystems and components to assure their continued maintenance in an operable and effective condition.

(5) All security related subsystems and components shall be maintained in operable condition. Corrective action procedures and compensatory measures shall be developed and employed to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.

§ 73.27 Notification requirements.

(a) (1) A licensee who delivers formula quantities of strategic special nuclear material to a carrier for transport shall immediately notify the consignee by telephone, telegraph, or teletype, of the time of departure of the shipment, and shall notify or confirm with the consignee the method of transportation, including the names of carriers, and the estimated time of arrival of the shipment at its destination. (2) In the case of a shipment (f.o.b.) the point where it is delivered to a carrier for transport, a licensee shall, before the shipment is delivered to the carrier, obtain written certification from the licensee who is to take delivery of the shipment at the f.o.b. point that the physical protection arrangements required by §§ 73.25 and 73.26 for licensed shipments have been made. When a contractor exempt from the requirements for a Commission license is the consignee of a shipment, the licensee shall, before the shipment is delivered to the carrier, obtain written certification from the contractor who is to taken delivery of the shipment at the f.o.b. point that the physical protection arrangements required by ERDA Manual Chapters 2401 or 2405, as appropriate, have been made. (3) A licensee who delivers formula quantities of strategic special nuclear material to a carrier for transport or releases such special nuclear material f.o.b. at the point where it is delivered to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone and telegraph, teletype, or cable, of the arrival of the shipment at its destination or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(b) Each licensee who receives a shipment of formula quantities of strategic special nuclear material shall immediately notify by telephone and telegraph or teletype, the person who delivered the material to a carrier for transport and the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the arrival of the shipment at its destination. When an Energy Research and Development Administration (ERDA) license-exempt contractor is the consignee, the licensee who is the consignor shall notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the arrival of the shipment at its destination immediately upon being notified of the receipt of the shipment by the license-exempt contractor as arranged pursuant to paragraph (a)(3) of this section. In the event such a shipment fails to arrive at its destination at the estimated time, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part of the action being taken to trace the shipment.

(c) Each licensee who makes arrangements for physical protection of a shipment of formula quantities of strategic special nuclear material as required by §§ 73.25 and 73.26 shall immediately conduct a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.71. If the licensee who conducts the trace investigation is not the consignee, he shall also immediately report the results of his investigation by telephone and telegraph, or teletype to the consignee.

§ 73.45 Performance capabilities for Fixed Site Physical Protection Systems.

(a) To meet the general performance requirements of § 73.20 a fixed site physical protection system shall include, but not necessarily be limited to, the performance capabilities described in paragraphs (b) through (g) of this section unless otherwise authorized by the Commission.

(b) Prevent unauthorized access of persons and materials into material access areas and vital areas. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized access or introduce unauthorized material across material access or vital area boundaries by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons and material to material access and vital area entry control points and to delay any unauthorized penetration attempts by persons or materials sufficient to assist detection and permit a response that will prevent the penetration; and

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized penetration attempts by persons or materials at the time of the attempt so that a response can prevent the unauthorized access or penetration.

(2) Detect attempts to gain unauthorized access or introduce unauthorized materials into material access areas or vital areas by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and entry criteria for both persons and materials; and

(ii) Entry controls and procedures to verify the identity of persons and materials and assess such identity against current authorization schedules and entry criteria before permitting entry and to initiate response measures to deny unauthorized entries.

(c) Permit only authorized activities and conditions within protected areas, material access areas, and vital areas. To achieve this capability the physical protection system shall:

(1) Detect unauthorized activities or conditions within protected areas, material access areas and vital areas using the following subsystems and subfunctions:

(i) Controls and procedures that establish current schedules of authorized activities and conditions in defined areas;

(ii) Boundaries to define areas within which the authorized activities and conditions are permitted; and

(iii) Detection and surveillance subsystems and procedures to discover and assess unauthorized activities and conditions and communicate them so that response can be such as to stop the activity or correct the conditions before strategic special nuclear material is stolen or radiological sabotage committed.

(d) Permit only authorized placement and movement of strategic special nuclear material within material access areas. To achieve this capability the physical protection system shall:

(1) Detect unauthorized placement and movement of strategic special nuclear material within the material access area using the following subsystems and subfunctions:

(i) Controls and procedures to delineate authorized placement and control for strategic special nuclear material;

(ii) Controls and procedures to establish current authorized placement and movement of all strategic special nuclear material within material access areas;

(iii) Controls and procedures to maintain current knowledge of the identity, quantity, placement, and movement of all strategic special nuclear material within material access areas; and

(iv) Detection and monitoring subsystems and procedures to discover and assess unauthorized placement and movement of strategic special nuclear material and communicate them so that response can be such as to return the strategic special nuclear material to authorized placement or control.

(e) Permit removal of only authorized and confirmed forms and amounts of strategic special nuclear material from material access areas. To achieve this capability the physical protection system shall:

(1) Detect attempts at unauthorized removal of strategic special nuclear material from material access areas by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons and materials exiting a material access area to exit control points and to delay any unauthorized strategic special nuclear material removal attempts sufficient to assist detection and permit a response that will prevent the removal; and

(ii) Detection subsystems and procedures to detect, assess and communicate any attempts at unauthorized removal of strategic special nuclear material so that response to the attempt can be such as to prevent the removal.

(2) Confirm the identity and quantity of strategic special nuclear material presented for removal from a material access area and detect attempts at unauthorized removal of strategic special nuclear material from material access areas by deceit using the following subsystems and subfunctions:

(i) Authorization controls and procedures to provide current schedules for authorized removal of strategic special nuclear material which specify the authorized properties and quantities of material to be removed, the persons authorized to remove the material, and the authorized time schedule;

(ii) Removal controls and procedures to identify and confirm the properties and quantities of material being removed

and verify the identity of the persons making the removal and time of removal and assess these against the current authorized removal schedule before permitting removal; and

(iii) Communications subsystems and procedures to provide for notification of an attempted unauthorized or unconfirmed removal so that response can be such as to prevent the removal.

(f) Provide for authorized access and assure detection of and response to unauthorized penetrations of the protected area to prevent theft of strategic special nuclear material and to protect against radiological sabotage. To achieve this capability the physical protection system shall:

(1) Detect attempts to gain unauthorized access or introduce unauthorized persons, vehicles, or materials into the protected area by stealth or force using the following subsystems and subfunctions:

(i) Barriers to channel persons, vehicles, and materials to protected area entry control points; and to delay any unauthorized penetration attempts or the introduction of unauthorized vehicles or materials sufficient to assist detection and permit a response that will prevent the penetration or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage; and

(ii) Access detection subsystems and procedures to detect, assess and communicate any unauthorized access or penetrations or such attempts by persons, vehicles, or materials at the time of the act or the attempt so that response can be such as to prevent the unauthorized access or penetration, or prevent such penetration from resulting in theft of strategic special nuclear material or radiological sabotage.

(2) Detect attempts to gain unauthorized access or introduce unauthorized persons, vehicles, or materials into the protected area by deceit using the following subsystems and subfunctions:

(i) Access authorization controls and procedures to provide current authorization schedules and entry criteria for persons, vehicles, and materials; and

(ii) Entry controls and procedures to verify the identity of persons, materials and vehicles and assess such identity against current authorization schedules before permitting entry and to initiate response measures to deny unauthorized access.

(g) Response. Each safeguards program shall provide a response capability to assure that the five capabilities described in paragraphs (b) through (f) of this section are achieved. To achieve this capability a licensee shall:

(1) Establish a security organization to:

(i) Provide trained and qualified personnel to carry out assigned duties and responsibilities; and

(ii) Provide for routine security operations and planned and predetermined response to emergencies and safeguards contingencies.

(2) Establish a predetermined plan to respond to safeguards contingency events.

(3) Provide equipment for the security organization and facility design features to:

(i) Provide for rapid assessment of safeguards contingencies;

(ii) Provide for response by assigned security organization personnel which is sufficiently rapid and effective so as to achieve the predetermined objective of the response; and

(iii) Provide protection for the assessment and response personnel so that they can complete their assigned duties.

(4) Provide communications networks to:

(i) Provide rapid and accurate transmission of security information among on-site forces for routine security operation, assessment of a contingency, and response to a contingency; and

(ii) Provide rapid and accurate transmission of detection and assessment information to off-site assistance forces.

§ 73.46 Fixed Site Physical Protection Systems, Subsystems, Elements, Components, and Procedures.

(a) A licensee physical protection system established pursuant to the general performance requirements of § 73.20(a) (1) and (a) (2) and the performance capability requirements of § 73.45 shall include, but not necessarily be limited to, the measures specified in paragraphs (b) through (h) of this section. The Commission may require, depending on individual facility and site conditions, additional measures deemed necessary to meet the general performance requirements of § 73.20. The Commission also may authorize protection measures other than those required by this section if, in its opinion, the overall level of performance meets the general performance requirements of § 73.20 and the performance capability requirements of § 73.45.

(b) Security Organization:

(1) The licensee shall establish a security organization, including guards. Criteria and requirements for security personnel suitability, training, equipment, qualifications, and requalifications are set forth in Appendix B to this part "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) The licensee shall have onsite at all time at least one full time member of the security organization with authority to direct the physical security activities of the security organization.

(3) The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

(i) Written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security function and by licensee plant management;

(iii) Provision for a review at least every 12 months of the security system by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program, and a test of the safeguards system along with commitments established for response by local law enforcement authorities. The results of the review and audit along with recommendations for improvements shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(4) The licensee shall not permit an individual to act as a guard, armed response individual, or other security organization member unless the individual in accordance with his assigned duties meets the requirements of Appendix B of this part as proposed elsewhere in this issue.

(5) Guards and armed response personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Guard and armed response personnel armament shall include handguns, shotguns, and semi-automatic rifles consistent with site specific conditions.

(c) Physical Barrier Subsystems:

(1) Vital equipment shall be located only within a vital area and strategic special nuclear material shall be stored or processed only in a material access area. Both vital areas and material access areas shall be located within a protected area so that access to vital equipment and to strategic special nuclear material requires passage through at least two physical barriers. More than one vital area or material access area may be located within a single protected area.

(2) The physical barriers at the perimeter of the protected area shall be separated from any other barrier designated as a physical barrier for a vital area or material access area within the protected area.

(3) Isolation zones shall be maintained in outdoor areas adjacent to the physical barrier at the perimeter of the protected area and shall be large enough to permit observation of the activities of people on either side of that barrier in the event of its penetration. If parking facilities are provided for employees or visitors, they shall be located outside the isolation zone and exterior to the protected area.

(4) Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c) (3), (e) (8), (h) (4) and (h) (5) of this section, but not less than 0.2 footcandle measured at ground level.

(5) Strategic special nuclear material not in process shall be stored in a vault or vault-type room.

(6) Enriched uranium scrap in the form of small pieces, cuttings, chips, solutions or in other forms which result from a manufacturing process, contained in 30 gallon or larger containers with a uranium–235 content of less than 0.25 grams per liter, may be stored within a locked and separately fenced area within a larger protected area: *Provided*, That the storage area fence is no closer than 25 feet to the perimeter of the protected area. The storage area when unoccupied shall be protected by a guard or watchman who shall patrol at intervals not exceeding 4 hours, or by intrusion alarms.

(d) Access Control Subsystems and Procedures:

(1) A numbered picture badge identification subsystem shall be used for all individuals who are authorized access to protected areas without escort. An individual not employed by the licensee but who requires frequent and extended access to protected, material access, and vital areas may be authorized access to such areas without escort provided that he receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area and which indicates (i) Non-employee-no escort required; (ii) areas to which access is authorized and (iii) the period for which access has been authorized. Badges shall be displayed by all individuals while inside the protected areas.

(2) Access to vital areas and material access areas shall be limited to individuals who are authorized access to vital equipment and strategic special nuclear material and who require such access to perform their duties. No activities other than those which require access to strategic special nuclear material or equipment used in the processing, use, or storage of strategic special nuclear material, shall be permitted within a material access area. Authorization for such individuals shall be indicated by the issuance of specially coded numbered badges indicating vital areas and material access areas to which access is authorized.

(3) The licensee shall establish and follow procedures that will identify to access control personnel those vehicles and materials that are authorized entry to protected, material access, and vital areas and those vehicles and materials that are not authorized entry to such areas.

(4) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all individuals for firearms, explosives, and incendiary devices shall be made and authorization shall be checked at such points. ERDA couriers engaged in the transport of SNM need not be searched. Licensee employees having an NRC or ERDA clearance may be searched on a random basis. The individual responsible for the last access control function (controlling admission to the protected area) shall be isolated within a structure, with bullet-resistant walls, doors, ceiling, floor, and windows.

(5) At the point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for firearms, explosives, and incendiary devices.

(6) All packages and material for delivery into the protected area shall be checked for proper identification and authorization and searched for firearms, explosives, and incendiary devices prior to admittance into the protected area, except those Commission approved delivery and inspection activities specifically designated by the licensee to be carried out within material access, vital, or protected areas for reasons of safety, security or operational necessity.

(7) All vehicles, except ERDA vehicles engaged in transporting SNM and emergency vehicles under emergency conditions, shall be searched for firearms, explosives, and incendiary devices prior to entry into the protected area. Vehicle areas to be searched shall include the cab, engine compartment, undercarriage, and cargo area.

(8) All vehicles, except designated licensee vehicles, requiring entry into the protected area shall be escorted by a member of the security organization while within the protected area, and to the extent practicable shall be off-loaded in an area that is not adjacent to a vital area. Designated licensee vehicles shall be limited in their use to onsite plant functions and shall remain in the protected area except for operational, maintenance, security and emergency purposes. The licensee shall exercise positive control over all such designated vehicles to assure that they are used only by authorized persons and for authorized purposes.

(9) The licensee shall control all points of personnel and vehicle access to material access and vital areas. Identification of personnel and vehicles shall be made and authorization checked at such points. Prior to entry into a material access area, packages shall be searched for firearms, explosives, incendiary devices, or counterfeit substitutes items which could be used for theft or diversion of strategic special nuclear material. Each individual, package, and vehicle shall be searched for concealed strategic special nuclear material before exiting from a material access area unless exit is to a contiguous material access area.

(10) Individuals not permitted by the licensee to enter protected areas without escort shall be escorted by a watchman, or other individual designated by the licensee, while in a protected area and shall be badged to indicate that an escort is required. In addition, the individual shall be required to register his name, date, time, purpose of visit and employment affiliation, citizenship, and name of the individual to be visited.

(11) All keys, locks, combinations and related equipment used to control access to protected, material access, and vital areas shall be controlled to reduce the probability of compromise. Whenever there is evidence that a key, lock, combination, or related equipment may have been compromised it shall be changed. Upon termination of employment of any employee, keys, locks, combinations, and related equipment to which that employee had access, shall be changed.

(e) Detection and Alarm Subsystems:

(1) The licensee shall provide an intrusion alarm subsystem such that penetration or attempted penetration of the protected area or an isolation zone adjacent to the protected area barrier will be detected at the time of penetration or attempted penetration.

(2) All emergency exits in each protected, material access, and vital area shall be locked from the outside and alarmed to provide local visible and audible alarm annunciation.

(3) All unoccupied vital areas and material access areas shall be locked and protected by an intrusion alarm subsystem which will alarm upon the entry of a person anywhere into the area, upon exit from the area, and upon movement of an individual within the area, except that for process material access areas only the location of the strategic special nuclear material within the area is required to be so alarmed.

(4) All manned access control points in the protected area barrier, all security patrols and guard stations within the protected area, and both alarm stations shall be provided with duress alarms.

(5) All alarms required pursuant to this section shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other independent continuously manned on-site station, so that a single act cannot remove the capability of calling for assistance or responding to an alarm. The alarm stations shall be considered vital areas and their walls, doors, ceiling, floor, and windows shall be bullet-resistant. The central alarm station shall be located within a building so that the interior of the central alarm station is not visible from the perimeter of the protected area. This station may not contain any operational activities that would interfere with the execution of the alarm response function.

(6) All alarms required by this section shall remain operable from independent power sources in the event of the loss of normal power.

(7) All alarm devices including transmission lines to annunciators shall be tamper indicating and self-checking e.g., an automatic indication is provided when a failure of the alarm system of a component occurs, when there is an attempt to compromise the system, or when the system is on standby power. The annunciation of an alarm at the alarm stations shall indicate the type of alarm (e.g., intrusion alarm, emergency exit alarm, tamper alarms, etc.) and location. The status of all alarms and alarm zones shall be indicated in the alarm stations.

(8) All exterior areas within the protected area shall be monitored or periodically checked to detect the presence of unauthorized persons, vehicle, materials, or unauthorized activities.

(9) Methods to observe individuals within material access areas to assure that strategic special nuclear material is not moved to unauthorized locations or in an unauthorized manner shall be provided and used on a continuing basis.

(f) Communication Subsystems:

(1) Each guard, watchman, or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station required by paragraph (e)(5) of this section, who shall be capable of calling for assistance from other guards, watchmen, and armed response personnel and from law enforcement authorities.

(2) Each alarm station required by paragraph (e)(5) of this section shall have both conventional telephone service and radio or microwave transmitted two-way voice communication, either directly or through an intermediary, for the capability of continous communication with the law enforcement authorities.

(3) Non-portable communications equipment controlled by the licensee and required by this section shall remain operable from independent power sources in the event of the loss of normal power.

(g) Test and Maintenance Programs: The licensee shall have a test and maintenance program for intrusion alarms, emergency alarms, communications equipment, physical barriers, and other security related devices and equipment used pursuant to this section that shall provide for the following:

(1) Tests and inspections during the design, installation, and construction of security related subsystems and components to assure that they comply with their respective design criteria and performance specifications.

(2) Preoperational tests and inspections of security related subsystems and components to demonstrate their effectiveness, availability, and reliability with respect to their respective design criteria and performance specifications.

(3) Operational tests and inspections of security related subsystems and components to assure their maintenance in an operable and effective condition, including:

(i) Testing of each intrusion alarm at the beginning and end of any period that it is used. If the period of continuous use is longer than seven days, the intrusion alarm shall also be tested at least once every seven days.

(ii) Testing of communications equipment required for communications offsite, including duress alarms, for performance not less frequently than once at the beginning of each security personnel work shift. Communications equipment required for communicatons offsite shall be tested for performance not less than once a day.

(4) Preventive maintenance programs shall be established for security related subsystems and components to assure their continued maintenance in an operable and effective condition.

(5) All security related subsystems and components shall be maintained in operable condition. The licensee shall develop and emoloy corrective action procedures and compensatory measures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.

(h) Contingency and Response Plans and Procedures:

(1) The licensee shall have a safeguards contingency plan for dealing with threats, thefts, and radiological sabotage related to the special nuclear material and nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans" as proposed in 42 FR 25744. Contingency plans shall include, but not limited to, the response requirements in paragraphs (h)(2) through (h)(5) of this section.

(2) The licensee shall establish and document liaison with law enforcement authorities.

(3) A minimum of five (5) guards shall be immediately available at the facility to fulfill response requirements. In addition a force of guards or armed, trained personnel also shall be immediately available to provide assistance as necessary. The size of the additional force shall be determined on the basis of site-specific considerations that could affect the ability of the total response force to engage and defeat the adversary force. The rationale for determining the total number of response personnel shall be included in the physical protection plans submitted to the Commission for approval.

(4) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, a material access area, or a vital area, or upon evidence of intrusion into a protected area, a material access area, or a vital area, the facility security organization shall:

(i) Determine whether or not a threat exists,

(ii) Assess the extent of the threat, if any,

(iii) Inform law enforcement authorities of the threat and request assistance, if necessary,

(iv) Require guards or other armed response personnel to interpose themselves between vital areas and material access areas and any adversary attempting entry for purposes of radiological sabotage or theft of strategic special nuclear material, and

(v) Instruct guards or other armed response personnel to prevent or delay an act of radiological sabotage or theft of strategic special nuclear material by applying a sufficient degree of force to counter that degree of force directed at them, including the use of deadly force when there is a reasonable belief it is necessary in self-defense or in the defense of others.

(5) To facilitate initial response to detection of penetration of the protected area and assessment of the existence of a threat, a capability of observing the isolation zones and the physical barrier at the perimeter of the protected area shall be provided, preferably by means of closed circuit television or by other suitable means which limit exposure of responding personnel to possible attack.

6. Section 73.55 is amended to change the term "industrial sabotage" to "radiological sabotage" wherever it appears.

7. Section 73.55(b) is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

* * * * *

(b) Physical Security Organization:

(1) The licensee shall establish a security organization, including guards, to protect his facility against radiological sabotage. Criteria and requirements for security personnel suitability, training, equipment, qualification, and requalifications are set forth in Appendix B to this part "General Criteria for Security Personnel" as proposed elsewhere in this issue.

(2) At least one full time member of the security organization who has the authority to direct the physical security activities of the security organization shall be onsite at all times.

(3) The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

(i) Written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen and other individuals responsible for security;

(ii) Provision for written approval of such procedures and any revisions thereto by the individual with overall responsibility for the security functions and by licensee plant management;

(iii) Provisions for a review at least every 12 months of the security system by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review shall include a review and audit of security procedures and practices, an audit of the security system testing and maintenance program and a test of the safeguards system along with commitments established program and a test of the safeguards system along with commitments established and audit along with recommendations for improvements shall be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of five years.

(4) The licensee shall not permit an individual to act as a guard, watchman or armed response individual unless the individual in accordance with his assigned duties meets the requirements of Appendix B to this part as proposed elsewhere in this issue.

(5) Guards and armed response personnel shall pass a physical examination, receive training and requalify with assigned weapons at least every twelve months.

(6) Guard and armed response personnel armament shall include handguns, shotguns, and semi-automatic rifles consistent with site specific conditions.

8. Section 73.55(h) is amended to renumber paragraphs (h)(1) through (h)(4) as (h)(2) through (h)(5) and add a new paragraph (h)(1) as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

* * * * *

(h) Response requirement. (1) The licensee shall have a safeguards contingency plan for dealing with threats, and radiological sabotage related to the nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans" as proposed in 42 FR 25744. Contingency plans shall include, but not be limited to, requirements in paragraphs (h)(2) through (h)(5) of this section.

* * * * *

9. The prefatory language of § 73.70 and § 73.70(c) and (g) is revised to read as follows:

Each licensee subject to the provisions of §§ 73.20, 73.25, 73.26, 73.27, and/or §§ 73.45, 73.46, and/or § 73.55 shall keep the following records:

* * * * *

(c) A register of visitors, vendors, and other individuals not employed by the licensee pursuant to §§ 73.46(d)(10) and 73.55(d)(6).

* * * * *

(g) Shipments of special nuclear material subject to the requirements of this part, including names of carriers, major roads to be used, flight numbers in the case of air shipments, dates and expected times of departure and arrival of shipments, verification of communication equipment on board the transfer vehicle, names of individuals who are to communicate with the transport vehicle, container seal descriptions and identification, and any other information to confirm the means utilized to comply with §§ 73.25, 73.26 and 73.27. Such information shall be recorded prior to shipment. Information obtained during the course of the shipment such as reports of all communications, change of shipping plan including monitor changes, trace investigations and others shall also be recorded.

* * * * *

§ 73.71 [Amended]

10. Section 73.71(a) is amended to change the reference to § 73.36(f) to reference § 73.27(c).

§ 70.22 [Amended]

11. Section 70.22(g) is amended to replace references "* * * §§ 73.30 through 73.36 * * *" with the reference "* * * §§ 73.20, 73.25, 73.26, 73.27 * * *"

§ 70.32 [Amended]

12. Section 70.32(d) is amended to delete the reference to paragraph 73.30(e).

13. Section 70.32(f) is deleted.

(Sec. 1611, Pub. L. 83-703, 68 Stat. 948; secs. 201, 204(b)(1), Pub. L. 93-438, 88 Stat. 1243, 1245 (42 U.S.C. 2201, 5841, 5844))

Dated at Washington, D.C. this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19051 Filed 6-30-77;8:45 am]

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Upgraded Guard Qualification Training and Equipment Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based, among other things, on the findings of a joint ERDA-NRC task force, the Nuclear Regulatory Commission is considering amendments to its regulations to require upgraded guard qualification training and equipping requirements for security personnel protecting against theft of special nuclear material and industrial sabotage of nuclear facilities or nuclear shipments. Implementation of the rule would increase protection of nuclear materials and facilities.

DATES: Comments must be received on or before August 19, 1977.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973.

SUPPLEMENTARY INFORMATION: In 1975, the Security Agency Study (NUREG-0015, ES) concluded that "Creation of a Federal guard force for maintaining security in the nuclear industry would not result in a higher degree of guard force effectiveness that can be achieved by the use of private guards properly qualified, trained and certified (by the NRC)." In 1976, a joint ERDA-NRC task force was formed to propose a plan of action for improving the controls and protection of nuclear materials at NRC licensed fuel cycle facilities. The task force addressed the current status and future direction of physical security protection at NRC licensed fuel cycle facilities now in possession of certain quantities of special nuclear materials. The task force report issued in July 1976[1] included conclusions and recommendations which provide a basis for rulemaking. The Nuclear Regulatory Commission has determined, as a result of the Security Agency Study conclusions, the joint task force findings and other subsequent deliberations, that security personnel qualification and training requirements should be upgraded through public rulemaking. The Commission proposes to amend its regulations in 10 CFR Part 73 that specify physical security requirements for fuel cycle facilities and transportation activities involving certain quantities of special nuclear material, and for nuclear power reactors. This action is one of a series to upgrade safeguards in the nuclear industry. The Commission recently published a proposed rule to require clearances for access to or control over special nuclear material (42 FR 14880, March 7, 1977), and is considering a general upgrading of safeguards for fuel cycle facilities and transportation activities.

Section 73.30(d), 73.50(a)(4) and 73.55(b)(4) of 10 CFR Part 73 have been revised to require that security personnel qualification, training and equipping be in accordance with criteria in a new Appendix B to 10 CFR Part 73. This appendix contains initial employment suitability and qualification requirements for security personnel and criteria for initial training, qualification and equipping as well as annual requalification. Although the criteria include many of the provisions of Regulatory Guide 5.20, "Training, Equipping, and Qualifying of Guards and Watchmen," and Regulatory Guide 5.43, "Plant Security Force Duties" now being used as guides for training fuel cycle facility and transportation guards, additional requirements have been added. Distinctions have been made as to which criteria apply to different types of security personnel. These criteria and subsequent Regulatory Guides or NUREG documents would supersede NUREG-0219, "Nuclear Security Personnel Interim Qualification and Training Requirements."

The training criteria are organized into four distinct programs each containing one or more parts. The programs

[1] Joint ERDA-NRC Task Force on Safeguards (u), Final Report, July 1976, NUREG-0095, ERDA 77-34.

are as follows: Basic Training Program, Advanced Training Program which is either site specific or transportation oriented, a Weapons Training and Qualification program and a Security Management Training Program. Five types of individuals have been identified as security personnel required to take all or parts of the program. These are as follows: guard, armed response individual, unarmed security individual, armed escort, and security management individual.

If the rule is published in effective form, a security personnel training manual will be published as a NUREG document which will expand on the criteria in Appendix B to provide guidance in the development of courses of instruction. It is expected that licensees will initially develop their own training programs or have security consultants develop these programs based on the criteria and training manual. The Commission will study the alternative of certifying training programs for a specific training center(s) versus certification of security personnel (individuals) by the NRC. The Commission will also study alternate approaches to the implementation of security personnel training programs at a central facility, regional facilities or completely decentralized facilities, to arrive at a consensus as to the most cost effective approach for conducting security personnel training. The Commission solicits comments, recommendations and cost tradeoffs on these various options.

If the Commission adopts the proposed amendments to 10 CFR Part 73, the rule would become effective 30 days after publication. Each affected licensee will be given a period of 30 days after the amendments become effective to submit a training, equipping and qualifications plan which documents the implementation of the training program. The licensee would be given 60 days after the rule became effective or 30 days after the submitted plan is approved, whichever is later, to initiate the approved security personnel training program. All security personnel would be required to be trained and qualified within two years after the effective date of the rule, or within two years after the submitted plan is approved, whichever is later, to have all security personnel meet the new requirements.

Because the amendments deal only with the training of existing security personnel and do not directly or indirectly affect the environment, the Commission has determined that under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

1. Section 73.30(d) and 73.30(e) of 10 CFR Part 73 are revised to read as follows:

§ 73.30 General requirements.

* * * * *

(d) When armed escorts are used pursuant to §§ 73.31(c)(1), 73.31(c)(2), 73.33 and 73.35, the licensee shall not permit an individual to act as an armed escort, or other member of the security organization unless such individual, in accordance with his assigned security duties, has been trained, equipped, and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Armed escorts and other members of the security organization shall requalify in accordance with Appendix B of this part at least every 12 months. Such requalification shall be documented.

(e) By January 7, 1974 each licensee shall submit a plan outlining the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g). By (30 days after the rule becomes effective), each licensee shall submit a training and qualifications plan outlining the procedures that will be used for the selection, qualification, training and equipping of armed escorts in accordance with the requirement of paragraph (d) of this section. This plan shall include a schedule to show how all armed escorts will be trained by (within two years after the rule becomes effective) or within two years after the submitted plan is approved, whichever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

2. Section 73.50(a)(4) and 73.50(h) of 10 CFR Part 73 are revised to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

* * * * *

(a) * * *

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response individual, security management individual, or other member of the security organization unless such individual has been properly trained, equipped and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Each guard, watchman, armed response individual, security management individual, and other member of the security organization shall requalify in accordance with Appendix B at least every 12 months. Such requalification shall be documented.

* * * * *

(h) By (30 days after the rule becomes effective) each licensee shall submit a training and qualification plan outlining the procedures that will be used for the selection, qualification, training and equipping of security personnel in accordance with the requirements of paragraph (a)(4) of this section. This plan shall include a schedule to show how all security personnel will be trained by (within two years after the rule becomes effective) or within two years after the submitted plan is approved, which ever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

3. Paragraph 73.55(b)(4) of 10 CFR Part 73 is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

* * * * *

(b) * * *

(4) The licensee shall not permit an individual to act as a guard, watchman, armed response individual, security management individual, or other member of the security organization unless such individual has been properly trained, equipped, and qualified in accordance with Appendix B, "General Criteria for Security Personnel" of this part. Each guard, watchman, armed response individual, security management individual and other member of the security organization shall requalify in accordance with Appendix B at least every 12 months. Such requalification shall be documented. By (30 days after the rule becomes effective) each licensee shall submit a training and qualification plan outlining the procedures that will be used for the selection, qualification, training and equipping of security personnel in accordance with the requirements of this paragraph. This plan shall include a schedule to show how all security personnel will be trained by (within two years after the rule becomes effective) or within two years after the submitted plan is approved, whichever is later. This plan shall be followed by the licensee after (60 days after the rule becomes effective) or 30 days after the submitted plan is approved by the NRC, whichever is later.

4. A new Appendix B entitled "General Criteria for Security Personnel" is added to 10 CFR Part 73 to read as follows:

APPENDIX B—GENERAL CRITERIA FOR SECURITY PERSONNEL

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INTRODUCTION

Pursuant to the provisions of §§ 73.50 and 73.55 of 10 CFR Part 73, Requirements for Physical Protection of Plants and Materials, each licensee who is authorized to conduct certain activities with specified quantities of special nuclear material pursuant to 10 CFR Part 70 and each licensee who is authorized to operate a production or utilization facility pursuant to 10 CFR Part 50, respectively, is required to establish a security organization, including trained and equipped guards to physically protect special nuclear material in their possession and their facilities against theft and industrial sabotage.

Further, pursuant to the provisions of 73.30 through 73.36 of 10 CFR Part 73, certain shipments of special nuclear material are required to be accompanied by armed escorts.

Security personnel responsible for the protection of special nuclear material onsite and in transit and for the protection of the facility against industrial sabotage shall, like other components of the physical security system, meet minimum levels of performance and reliability. The licensee shall assure that those responsible for security are capable, qualified, and equipped to execute the duties prescribed for them.

These General Criteria establish requirements for the qualifying, training and equipping of individuals who will be responsible for protecting special nuclear materials, nuclear facilities and nuclear shipments.

DEFINITIONS

As used in this appendix:

(a) Terms defined in Parts 50, 70, and 73 of this chapter have the same meaning when used in this appendix:

(b) *Armed Response Individual.* Armed response individual means a trained and qualified person not necessarily uniformed whose primary duty in the event of attempted theft of special nuclear material and/or industrial sabotage of the facility shall be to respond, armed and equipped to prevent or delay such actions.

(c) *Security Management.* Security management means a person, not necessarily uniformed or armed, who is trained and qualified to direct the activities of the security organization.

CRITERIA

I. EMPLOYMENT SUITABILITY AND QUALIFICATION

A. *Suitability.* Prior to employment, or assignment to the security organization, an individual shall meet the following suitability criteria: (1) Minimum age of 21, (2) Education—high school diploma or equivalent, (3) No record of felony convictions.

B. *Physical and Mental Qualifications*—1. *Physical Qualifications.* Individuals whose duties and responsibilities are directly associated with the operation of the physical security system, excluding individuals assigned to routine office duties, shall be required to successfully pass a physical examination conducted by a licensed medical practitioner. The examination shall show no physical weaknesses or abnormalities that would affect their performance of security duties. Specifically, each individual shall meet the following physical requirements:

(a) *Vision.* For each individual distant visual acuity in each eye shall be correctable to 20/30 (Snellen or equivalent). Distant binocular acuity must be no worse than 20/30 (Snellen or equivalent) in both eyes, corrected. Field of vision, as tested by a tangent screen, must be at least 70° horizontal meridian in each eye, and the ability to distinguish basic colors is required. Near visual acuity must be corrected to at least 20/30 (Snellen English; Jaeger J-4 Snellen Metric 0.75). Loss of vision in one eye is disqualifying. Glaucoma shall be disqualifying, unless controlled by acceptable medical or surgical means, provided such medications as may be used for controlling glaucoma do not cause undesirable side effects which adversely affect the individual's performance: *And provided*, The visual acuity and field of vision requirement stated above are met.

(b) *Hearing.* Individuals shall have no hearing loss greater than 25 decibels at 500 Hz, 1000 Hz and 2000 Hz in the worst ear without a hearing aid.

(c) *Diseases.* Individuals shall either show no established medical history or medical diagnosis of epilepsy or diabetes or where there is a record showing such a condition has existed, the indivdual shall present medical evidence that the condition can be controlled with proper medication so that the individual will not lapse into a coma or unconscious state while performing assigned security duties.

(d) *Addiction.* Individuals shall either show no established medical history or clinical diagnosis of habitual alcoholism or drug addiction, or, where evidence of such a condition is shown to have existed, the individual shall produce documentation of having completed a rehabilitation program which would give a reasonable degree of confidence that the individual would be capable of performing assigned security duties.

(e) *Other Physical Requirements.* An individual who has been incapacitated due to a serious illness, injury, disease, or operation, which could interfere with the performance of assigned security duties shall, prior to resumption of such duties, provide medical evidence of recovery and ability to perform such duties.

2. *Mental Qualifications.* Individuals must be mentally alert and capable of exercising good judgment, implementing instructions and assimilating necessary specialized training.

(a) There must be an absence of emotional instability, as determined by a licensed clinical psychologist or a psychiatrist, that would hamper the individual's ability to perform security job functions.

(b) *Other Mental Requirements.* An individual who exhibits an aberrant behavioral pattern which interferes with his ability to perform assigned normal and/or emergency security duties and responsibilities shall be relieved of such duties and responsibilities and shall be referred to a licensed clinical psychologist and/or medical practitioner for consultation and diagnosis. If the professional opinion is that the diagnosed condition interferes with the effective performance of assigned security duties and responsibilities, the individual shall not be permitted to resume those security duties until medical evidence showing that the condition no longer exists is provided.

C. *Physical Fitness Qualifications.* Guards, armed escorts and armed response individuals shall demonstrate physical fitness by performing the following exercises within a one (1) hour period. (1) One (1) mile run in 8 minutes, (2) Pull-ups—3 in 10 seconds, (3) Push-ups—10 in 30 seconds.

D. *Contract Security Personnel.* Contract security personnel shall be required to meet the suitability, physical, and mental requirements as appropriate.

E. *Physical Requalification.* At least every 12 months, guards, armed escorts, and armed response individuals shall be required to meet the physical requirements of paragraphs B.1 (a) and (b), and C of this appendix.

F. *Documentation.* The results of suitability, physical, and mental qualifications data and test results shall be documented.

II. TRAINING AND QUALIFICATIONS

A. *Training Requirements.* 1. Each individual whose duties and responsibilities are directly associated with the operation of the physical security system, excluding individuals assigned to routine office duties, shall be required to complete successfuly the training courses directly related to assigned job function(s).

2. The name, title and qualifications of each training instructor shall be documented.

3. The security personnel training shall consist of the following programs of insrtuction:

(a) "Basic Training Programs, One, Two and Three."

(1) "One" shall be completed by all security personnel except routine office workers;

(2) "Two" shall be completed by fixed site guards, Armed response individuals and other security personnel, excluding routine office workers, shall complete courses as appropriate to their specific job functions;

(3) "Three" shall be completed by armed escorts.

(b) "Advanced Training Programs, One, Two and Three."

(1) "One" shall be completed by fixed site guards. Armed response individuals and other security personnel, excluding routine office workers shall complete courses as appropriate to their specific job functions;

(2) "Two" shall be completed by guards and armed response individuals; and,

(3) "Three" shall be completed by armed escorts.

(c) A "Weapons Training and Qualification Program" shall be completed by guards, armed escorts and armed response individuals.

(d) A "Management Training Program" shall be completed by individuals who have the responsibility and the authority to direct the activities of the security organization.

4. Individual training and qualifications test data for all subjects covered in the Basic Training Program, the Advanced Training Program, the Weapons Training and Qualifications Program, and the Management Training Program; and the lesson plan for each course covered, the name of each instructor and the course(s) he will teach, and the location of the classroom in which each subject will be taught shall be documented.

5. Individuals shall be given written tests on both basic and advanced courses of instruction. Test scores shall be a minimum of 70% to qualify.

6. Contract personnel shall be trained, equipped, and qualified, as appropriate, in accordance with Sections II, III, IV, and V of this Appendix.

B. *Basic Training Programs.* Basic Training Programs One, Two, and Three shall consist of at least the following courses of instruction and the hours of training stated below.

1. *Basic Training One.* An 8-hour course of instruction and training which shall include, but not be limited to the following courses:

(a) *Introductory Training.* This course shall provide general information on the following topics:

(1) Security in the private nuclear industry.
(2) Protection of nuclear facilities, transport vehicles and special nuclear material.
(3) NRC requirements and guidance for physical security.
(4) The private security guard's role in providing physical protection for the nuclear industry.

(b) *Introduction to Law.* This course shall provide general information on the rules and laws governing such things as: (1) The role of the private security guard in the criminal justice system, (2) The authority of private guards, (3) The use of non-lethal weapons, (4) The use of deadly force; and, (5) Power of arrest, authority to detain, and the authority to search individuals and seize property.

(c) *Adversary Threat.* This course shall provide general information on adversary potential relating to: (1) Adversary groups; (2) Motivation and objectives; (3) Tactics and force that might be used to achieve his objective; and, (4) Recognition of sabotage related devices and equipment that might be used.

2. *Basic Training Two.* A 56-hour course of instruction and training which shall include but not be limited to the following courses:

(a) *Introduction to Fixed Site Security.* This course shall provide general information on various aspects of fixed site security systems covering such topics as:
(1) Facility organization and operation.
(2) Types of physical barriers.
(3) Weapons and key control.
(4) Location of SNM and/or vital areas within a facility.
(5) Protected areas.
(6) Types of alarm systems used.
(7) Routine response and assessment procedures to alarm annunciations.
(8) Familiarization with types of special nuclear material processed.
(9) General concepts of fixed site security systems.
(10) Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of a facility.
(11) Protection of security system information.

(b) *Equipment Training.* This course shall provide general information on the operation, test and maintenance of the following types of security organization equipment: (1) Personal equipment, normal and special duty; (2) Surveillance and assessment; (3) Communications; (4) Access control for individuals, packages and vehicles; (5) Contraband detection; (6) Barriers and other delays; (7) Exterior and interior alarm systems; (8) Duress alarms; and (9) Alarm stations.

(c) *Duties and Responsibilities.* This course shall provide familiarization of the duties and responsibilities of the fixed site security organization. The operations to be covered shall include but not be limited to the following:
(1) Fixed post stations.
(2) Access control.
(3) Searches; individuals, packages and vehicles.
(4) Escort and patrol.
(5) Alarm station operation.
(6) Alarm assessment and response.
(7) Security system or component failure.
(8) Weapons, lock and key control.
(9) Information security.
(10) Communications.
(11) Coordination with local law enforcement agencies.
(12) Security and situation reporting and documentation.
(13) Surveillance.
(14) Contingency duties.

(d) *Security Skill Training.* This course shall provide skill training in the following areas:
(1) Self defense.
(2) Incapacitating agents.
(3) Communications procedures.
(4) Security equipment testing.
(5) Awareness training.
(6) Sabotage device recognition.
(7) Security report writing.
(8) Contingency procedures.
(9) Night vision devices and systems.
(10) Specialized personal equipment.
(11) Mechanics of detention.

3. *Basic Training Three.* A 16-hour course of instruction and training which shall include, but not be limited to, the following courses:

(a) *Introduction to Transportation Security.* This course shall provide general information on various aspects of transportation security systems covering such topics as:
(1) Transportation systems organization and operation.
(2) Types of transport vehicles.
(3) Types of escort vehicles.
(4) Modes of transportation.
(5) Road transport command and control structures.
(6) Weapons.
(7) General tactics for responding to threats.
(8) Control of area around transport vehicle.
(9) Convoy techniques.
(10) Familiarization with types of special nuclear materials shipped.
(11) Duress alarms.
(12) Communications systems.
(13) Personal equipment for normal and special situations.
(14) Vulnerabilities and consequences of theft of special nuclear material or industrial sabotage of transport vehicle.
(15) Protection of transport security system information.

(b) *Equipment Training.* This course shall provide general information on the operation, test and maintenance of the following security organization equipment: (1) Personal equipment, normal and special duty; (2) Surveillance and assessment; (3) Communications; (4) Barriers and other delays; (5) Duress alarms; (6) Transport vehicles; and (7) Escort vehicles.

(c) *Duties and Responsibilities.* This course shall provide familiarization of the duties and responsibilities of the transportation security organization. The operations to be covered shall include but not be limited to the following:
(1) Verification of shipment documentation and contents.
(2) Continuous surveillance of shipment vehicle.
(3) Communications, shipment to control center and intra-convoy.
(4) Shipment mode transfers.
(5) Emergency transfers of shipments.
(6) Threat assessment and response.
(7) Shipment vehicle lock and key control.
(8) Isolation of shipment vehicle.
(9) Coordination with local law enforcement agencies.
(10) Verification of shipment locks and seals.
(11) Security and situation reporting and documentation.
(12) Shipment delivery and pickup.
(13) Escort by road, rail, air and sea.

(d) *Security Skill Training.* This course shall provide general skill training in the following areas: (1) Self defense, (2) Incapacitating agents, (3) Communications, (4) Awareness training, (5) Sabotage device recognition, (6) Security report writing, (7) Contingency procedures, (8) Night vision devices and systems, and (9) Personal equipment for special duty.

C. *Advanced Training Programs.* Advanced Training Programs, One, Two, and Three shall consist of at least the following courses of instruction and the hours of training stated below:

1. *Advanced Training One.* A 16-hour course of instruction and training which shall cover the site specific duties and responsibilities of the security organization for both normal and contingency situations. The program shall include but not be limited to the following courses:

(a) *Fixed Post Stations.* This course shall provide instruction on the procedures to be followed in the operation of fixed post stations

(b) *Access Control.* This course shall provide instruction on the procedures to be followed in controlling access to sensitive areas for the following types of operations: (1) Personnel identification, (2) Credential inspection, (3) Verification of shipment and receiving authorizations, (4) Door and gate control, (5) Key, lock and weapons control, (6) Activation and deactivation of alarm systems, and (7) Testing detection system effectiveness.

(c) *Search of individuals, packages and vehicles.* This course shall provide instruction on the procedures and techniques to be used to search individuals, packages and vehicles for weapons, contraband and concealed special nuclear material.

(d) *Escort and Patrol.* This course shall provide instruction on procedures to be followed when performing the following escort or patrol duty:
(1) Escort Duty: (i) Visitors; (ii) Delivery and service vehicles; (iii) Maintenance, construction or repair personnel; and (iv) Emergency vehicles.
(2) Patrol Duty: (i) Material access areas; (ii) Vital areas; and (iii) Protected areas.

(e) *Alarm Station Operation.* This course shall provide instruction on operating procedures to be followed during both normal and emergency situations.

(f) *Alarm Assessment and Response.* This course shall provide instruction on the procedures to be followed and the techniques to be used when responding to and assessing alarm annunciations.

(g) *Security System or Component Failure.* This course shall provide instruction on procedures to follow and actions to take upon detection of failure or improper operation of any security system or component.

(h) *Weapons, Lock and Key Control.* This course shall provide instruction on the method or system used for controlling access to weapons, keys, and locks.

(i) *Information Security.* This course shall provide instruction on why the details of the facility security plan should not be disclosed to, or discussed with anyone who is not a member of the security organization, or who does not require the information to perform his job function.

(j) *Communications.* This course shall provide instruction on the communication systems and operating procedures to be used by the security organization during both normal and contingency situations.

(k) *Local Law Enforcement Agencies.* This course shall provide instruction on the system established and the procedures to be followed when communicating with local law enforcement agencies.

(l) *Security Reports and Situation Reporting.* This course shall provide instruction on security report writing, and procedures to be followed when reporting a security incident.

(m) *Security Records.* This course shall provide instruction on the security organization system for keeping security records and the procedures for recording, maintaining and updating the following:
(1) Access authorization lists for material access and vital areas.
(2) Documenting security incidents.
(3) Logging of all security alarm annunciations, and reasons for such annunciations.
(4) Recording of security inspections and results.
(5) Accounting for weapons, keys and locks.
(6) Assembling personnel and taking roll call after an emergency evacuation.
(7) Surveillance techniques and procedures to be followed.

(n) *Contingency Duties.* This course shall provide instruction on the various duties and responsibilities of security personnel and the procedures they shall follow during emergency situations.

2. *Advanced Training Two.* A 32-hour course of instruction and training on advanced tactical response. This program shall identify the basic and site specific defensive tactics to be used when responding to attempted theft of special nuclear material and/or industrial sabotage of nuclear facilities. The courses to be covered shall include, but not be limited to the following:

(a) *Basic Tactics*—(1) *The Response Force.* This course shall provide instruction on the response force mission, organization, level of training required and essential equipment needed.

(2) *Response Force Operation.* This course shall provide instruction on operating procedures and tactics that will assure an effective response force. The following topics shall be discussed: (i) Response force deployment; (ii) Alert procedures; (iii) Briefing procedures; (iv) Tactical training in movement; (v) Command and control; (vi) Communication systems; and (vii) Coordination with other offsite and onsite elements of the security organization.

(3) *Response Force Engagement.* This course shall provide instruction on the essential defensive tactical training elements for adversary engagement such as: (i) Tactical training in weapons firing; (ii) Response force movement; (iii) Formations; (iv) Command and control during adversary engagement; (v) Response force withdrawal; and (vi) Use of support fire.

(4) *Tactical Exercises.* This course shall provide for simulated controlled student/instructor tactical exercises, for both day and night adversary engagement, to assure effective coordination of all elements of the response force. These exercises shall involve problem solving situations, e.g., loss of on-site radio communications, loss of security supervisor, etc.

(5) *Special Situations.* This course shall provide instruction and training on the site specific defensive tactics the response force shall use to respond to and control contingency situations such as: (i) Bomb and attack threats; (ii) Civil disturbances (e.g., strikes, demonstrators); (iii) Alarm annunciations and other indications of intrusion; (iv) Confirmed intrusions or attempted intrusions; (v) Confirmed attempted theft of special nuclear and/or industrial sabotage of facilities; (vi) Hostage situations; (vii) Failure of major security system hardware; (viii) Security response to emergency situations other than security incidents; and (ix) Use of, and defense against, incapacitating agents.

(b) *Site Specific Tactics.* This course shall provide instruction on the following topics: (1) Plant layout; (2) Location of material access and/or vital areas; (3) Areas of restricted weapons use; (4) Local law governing authority of private guards; (5) Local law governing possession of deadly weapons and on the use of deadly forces; (6) Routes of travel, interior and exterior to the plant; and (7) Local Law Enforcement Agency/Licensee coordinated plan.

3. *Advanced Training Three.* A 40-hour course of instruction and training of which 8 hours shall consist of training on the organization transportation security system and procedures, and 32 hours on advanced tactical training. This course shall provide instruction on the specific defensive tactics to be used when responding to attempted theft of special nuclear material and/or industrial sabotage of the transport vehicle. The courses to be covered shall include but not be limited to the following:

(a) *Transportation Security.* This course shall provide instruction on the transportation security organization, its mission, the level of training required, and essential equipment required.

(b) *Duties and Responsibilities.* This course shall provide instruction and training on the duties and responsibilities of the specific transportation security system and operating procedures. The topics to be covered shall include but not be limited to the following: (1) Verification of shipment documents and contents; (2) Continuous surveillance of shipment vehicle; (3) Communication systems, shipment to control center and intra-convoy, and communications procedures; (4) Shipment mode transfers; (5) Emergency transfers of shipment; (6) Control of convoy vehicle locks and keys; (7) Isolation of shipment vehicle; (8) Coordination with local law enforcement agencies; (9) Security and situation reporting and documentation; (10) Shipment delivery and pickup; and (11) Escort of shipments by road, rail, air and by sea.

(c) *Advanced Tactical Training.* This course shall provide instruction and training on the tactics that will be required to prevent or delay action directed against the shipment vehicle. The course shall cover but not be limited to the following topics: (1) Deployment; (2) Alert procedures; (3) Briefing procedures; (4) Shipment command and control; (5) Communication systems; (6) Adversary engagement; (7) Formations; (8) Use of weapons fire (tactical and combat); (9) Armed escort and shipment movement under fire; (10) Command and control during adversary engagement; and (11) Tactical convoying techniques.

(d) *Tactical Exercises.* This course shall provide for simulated controlled student/instructor tactical exercises for both day and night adversary engagement to assure effective coordination of the shipment security system. These exercises shall involve problem solving situations, e.g., loss of shipment commander, loss of communication systems, assorted threats, etc.

(e) *Special Situations.* This course shall provide instruction and training on specific defensive tactics the armed escorts shall use to respond to and control contingency situations such as: (1) Bomb and attack threats; (2) Demonstrations; (3) Hostage situations; (4) Vehicle or other system failure; (5) Security response to emergency situations other than security; and (6) Use of and defense against incapacitating agents.

D. *Security Management Training Program.* The Management Training Program shall consist of a 24 hour course of instruction and training on security management duties and responsibilities. The program shall include but not be limited to the following courses:

1. *Introduction.* This course shall provide general information on the managerial aspects of security organization functions and responsibilities and shall cover such topics as: (a) Purpose of training program; (b) Purpose and principles of NRC security requirements and guidance available to meet the requirements; (c) Potential adversary threats, motivations, objectives and capabilities; and (d) Concepts of physical protection systems as applied to a specific nuclear facility or to nuclear shipments, as appropriate.

2. *Guard Force Organization.* This course shall provide general information about the fixed site or transport security system organization on such things as: (a) Organization and functions; (b) Legal authority, procedures and limitations; (c) Discipline; (d) Guard orders; (e) Weapons; (f) Communications; and (g) Operation, normal and emergency.

3. *Emergency Plans.* This course shall provide general information on plans developed to cope with special situations such as: (a) Attempted diversion of special nuclear material when appropriate; (b) Bomb and attack threats; (c) Civil disturbances (e.g., strikes, demonstrators); (d) Hostage situations; and (e) Non-security emergencies.

4. *Response Force Organization.* This course shall provide detailed instructions and procedures, on the organization and operation of the response force. The topics to be covered shall include, but not be limited to the following: (a) Response force organization; (b) Duties and responsibilities, normal and emergency; (c) Authority of the response force, normal and emergency; and (d) Special situations, problem solving.

5. *Security Management.* This course shall provide general management planning and implementation information on developing an effective security organizations. The topics to be covered shall include, but not be limited to the following: (a) NRC requirements; (b) Emergency decision making; (c) Individual authority, normal and emergency; (d) Motivation of security personnel; (e) Security organization liaison and coordination with offsite response forces; and (f) Security incident reporting and security report writing.

E. *Refresher Training.* Security personnel, excluding routine office workers, shall receive, during the course of each year, at least five (5) days of refresher advanced training on duties and responsibilities of the security organization and security procedures to be followed in both normal and emergency situations. Each individual shall be tested to assure understanding of his duties, responsibilities, and procedures. Results of each test shall be documented.

III. WEAPONS TRAINING AND QUALIFICATION

A 60-hour course of instruction, training and qualification firing on the semi-automatic pistol or revolver, semi-automatic rifle and the shotgun. The program shall include but not be limited to the following courses for each weapon: (a) Introduction and mechanical training; (b) Day and night range practice firing and techniques; and (c) Range qualification which shall be in accordance with the requirements in Section IV with each of the weapons described in Section V.

IV. WEAPONS QUALIFICATION AND REQUALIFICATION PROGRAM

Qualification firing for the handgun and the rifle shall be for both day and night firing.

A. *Handgun.* The individual shall qualify with a revolver or a semi-automatic pistol firing the National Police Course, which is as follows:

1. *Seven-Yard-Course.* Twelve shots (2 strings) from the crouch position. Time starts with weapon in holster. Time allowed: 25 seconds. Max point total=60 pts. Target specification [2]—B27.

2. *Twenty-Five-Yard-Course.* Six shots kneeling; six shots standing, left hand from behind barricade; six shots standing, right hand from behind barricades. Time allowed: 90 seconds. Max point total=90. Target specification [2]—B27.

3. *Fifty-Yard-Course.* Six shots sitting, six shots prone, six shots left hand standing from behind barricade, and six shots right hand standing from behind barricade. Time allowed: 2 minutes and 45 seconds. Max point total=120. Target specification [2]—B27.

4. *Twenty-Five-Yard-Course.* Six shots standing without support or barricade. Time allowed: 12 seconds. Max point total=30. Target specification [2]—B27.

NOTE.—For all firing stages, all times start with loaded weapon in the holster, and includes reloading for subsequent six (6) shot strings as applicable.

To qualify each individual must achieve a minimum point total of 210.

B. *Semi-Automatic Rifle.* Qualification with a semi-automatic rifle shall be made on the following rifle fire course:

1. *Rifle Short Course.* Each individual shall run 100 yards double time with weapon in hand, and then fire 10 rounds in the following positions and within the specified time:

Range	Type fire	Position	Number Rounds	Number Strings	Target [1]	Maximum points
100 yd	Timed	Prone	2	1	B-25	
100 yd	do	Kneeling	2	1	B-25	
100 yd	do	Standing	2	1	B-25	
100 yd	do	Support	Standing			
	Left hand barricade		2	1	B-25	
	Right hand barricade		2	1	B-25	

[1] As set forth by the National Rifle Association (NRA) in its official rules and regulations, "NRA Target Manufacturers Index," December 1976.

Scoring shall be ring value (bullseye=10 points.) Qualification score shall be 80 points minimum. Qualification firing time shall be 1 minute and 30 seconds.

Each semi-automatic rifle shall be sight zeroed at 100 yards at least every 4 months and before each qualification firing.

C. *Shotgun.* Qualification with the 12 gauge shotgun shall be accomplished in accordance with the following requirements:

Each individual shall run 100 yards double time with weapon in hand, and then fire 8 rounds in the following two (2) positions and within the specified times.

Range	Position	Number of rounds	Target [1]	Maximum points
15	Hip fire	[2] 4	B-27	NA
25 yd	Point, shoulder	[2] 4	B-27	NA

[1] As set forth by the National Rifle Association (NRA) in its Official Rules and Regulations, "NRA Target Manufacturers Index," December 1976.
[2] The 4 rounds shall be fired at 4 separate targets within 10 sec using 00 (9 pellet) shotgun shells.

To qualify the individual shall be required to place 50% of all pellets (36 pellets) within the black silhouette.

V. Guard, Armed Response Individual, and Armed Escort Equipment

A. *Fixed Site.* Fixed site guards and armed response individuals shall either be equipped with or have readily available in the event of a threat on the facility, the following appropriate equipment:

1. Semi-automatic rifles with following minimum specifications: (a) .223 cal.; (b) Muzzle velocity, 3000 ft/sec; (c) Muzzle energy, 1300 foot pounds; (d) Full magazine, 10 rounds; (e) Magazine reload, ≤6 sec; and (f) Operable in any environment in which it will be used.

2. 12 gauge shotguns with the following capabilities: (a) 4 round pump or semi-automatic and (b) Operable in any environment in which it will be used.

3. Semi-automatic pistols or revolvers with the following minimum specifications: (a) 9 millimeter; (b) Muzzle energy, 345 foot pounds; (c) Full magazine or cylinder reload capability ≤6 seconds; (d) Muzzle velocity, 1000 ft/sec.; and (e) Full cylinder or magazine capacity, 6 rounds.

4. Ammunition: (a) With each assigned weapon as appropriate: (1) 21 rounds per handgun; (2) 100 rounds per semi-automatic rifle; and (3) 15 rounds per shotgun (00 gauge and slug).

(b) Ammunition available on site—Two (2) times the amount stated in (a) above.

5. Personal Equipment: (a) Helmet, combat; (b) Gas mask, full face; (c) Body armor (flak vest); (d) Flashlights and batteries (e) Baton; (f) Handcuffs; and (g) Ammunition/equipment belt.

6. Binoculars.

7. Night vision aids, i.e., hand fired illumination flares or equivalent.

8. Tear gas or mace.

9. Pagers/duress alarms.

10. Two way portable radios (handi-talkie) 2 channels minimum, 1 operating and emergency.

B. Transportation—Armed Escorts shall be equipped with the following security equipment:

1. Semi-automatic rifles with the following minimum specifications: (a) .223 cal. (b) Muzzle velocity, 3000 ft/sec.; (c) Muzzle energy, 1300 foot pounds; (d) Full magazine, 10 rounds; (e) Reload capability ≤6 seconds; and (f) Operable in any environment in which it is expected to be used.

2. 12 gauge shotguns: (a) 4 round pump or semi-automatic and (b) Operable in any environment in which it is to be used.

3. Semi-automatic pistols or revolvers with the following minimum specifications: (a) 9 millimeter; (b) Muzzle energy, 345 foot pounds; (c) Full magazine or cylinder reload capability ≤6 seconds; (d) Muzzle velocity, 100 ft/sec.; (e) Full cylinder or magazine capacity, 6 rounds; and (f) Operable in any environment in which it is expected to be used.

4. Ammunition for each shipment: (a) For each armed escort: (1) 42 rounds per handgun; (2) 200 rounds per semi-automatic rifle; and (3) 30 rounds per shotgun (00 gauge and slug).

5. Escort vehicles; bullet resisting, equipped with communications systems, red flares, first aid kit, emergency tool kit, tire changing equipment, battery chargers for radios (where appropriate).

6. Personal Equipment: (a) Helmet, combat; (b) Gas mask, full face; (c) Body armor (flak vest); (d) Flashlights and batteries; (e) Baton; (f) Ammunition/equipment belt; and (g) Pagers/duress alarms.

7. Binoculars.

8. Night vision aids, i.e., hand fired illumination flares or equivalent.

9. Tear gas or mace.

Dated at Washington, D.C., this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19053 Filed 6-30-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 808]

[Docket No. 77N-0110]

EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL DEVICE REQUIREMENTS

Proposed Procedures for Consideration of Applications

Correction

In FR Doc. 77-16783 appearing at page 30383 in the issue for Tuesday, June 14, 1977, in § 808.1(c) on page 30387, the third line from the bottom of the paragraph now reading "emption. The granting of an exemption" should be deleted and in its place inserted the following: "exemption regulation for the preempted".

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-108]

OCCUPATIONAL EXPOSURE TO ACRYLONITRILE

Request for Information

NOTE: The following document was originally published on June 29, 1977 (page 33043). It is being republished here in order to meet Day-of-the-Week publication requirements.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on acrylonitrile.

SUMMARY: This notice requests information on acrylonitrile (AN), a chemical used in manufacturing acrylic fibers, synthetic rubbers and plastics. OSHA has recently received data which indicates that the present standard for AN, Table Z-1, 29 CFR 1910.1000, may not be sufficiently protective of exposed employees. In light of the potential cancer hazard involved, the possibility of issuing an Emergency Temporary Standard for AN is being considered. OSHA is therefore seeking information on the manufacture and use of AN monomer, polymers and various copolymers, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to these substances. OSHA is also requesting views on the appropriate regulatory response to the new information received on AN.

DATE: The information requested in this notice must be submitted on or before July 29, 1977.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor-OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, Room N3641, OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-8151).

SUPPLEMENTARY INFORMATION:

ACRYLONITRILE: RECENT INFORMATION RECEIVED BY OSHA

In January, 1977 OSHA received information from the Manufacturing Chemists Association (MCA) regarding their investigation of the potential long-term toxic effects of exposure to acrylonitrile (AN). Their interim report of feeding and inhalation studies indicated that laboratory rats exposed to AN developed "masses", "lesions", "tumors" and other pathologic changes in various organs (*1,2,3*). Additional animal studies examining the possible teratogenic effects of AN indicated the potential for the AN monomer to cause fetal malformation when given to pregnant rats by gavage (*4*). On May 23, 1977, OSHA received a communication from E.I. Dupont de Nemours and Company reporting the preliminary results of an epidemiologic study conducted at their Camden, South Carolina textile fibers plant. This study indicated that workers in this plant were subject to statisticallly significant excess risk of dying of lung cancer and colon cancer (*5*).

BACKGROUND

Acrylonitrile ($CH_2=CHCN$; CAS No. 000107131) (AN) is a widely used chemical intermediate in the manufacture of acrylic fibers, synthetic rubbers and plastics (*6*). Its use in the manufacture of a number of acrylic fibers and copolymer resins accounts for most of the 1.5 billion pounds of AN produced annually in the United States (*7*). AN is a clear, colorless (when pure) or yellowish liquid with a characteristic odor and a molecular weight of 53.06. It is very reactive and polymerizes violently in the presence of strong bases. Pure AN is subject to self-polymerization with rapid pressure development (the commercial product is inhibited and not subject to this reaction). AN is a volatile (vapor pressure 83 mm Hg at 68° F.), flammable liquid with a flash point of 30° F. (closed cup), is easily ignited and may release cyanide gases when burned, especially where the supply of oxygen is limited. Its vapors are heavier than air, and when diffused over a considerable range of concentrations in air (3 percent to 17 percent by volume), are highly explosive (*8*).

AN is highly toxic by ingestion, inhalation of the vapor or by absorption of the liquid through the intact skin, and repeated skin contact with the liquid may result in dermatitis. Until recently the toxicity of AN was thought to be primarily due to the inhibition of cellular respiration by the in vivo release of cyanide ions (similar in its action to inorganic cyanide), and producing no permanent physiological damage. There is now considerable evidence indicating that while the in vivo decomposition of AN may release some cyanide within the body, the primary toxic effect of this substance is a result of its own chemical composition (*8*).

Occupational exposure to AN is currently limited by the Occupational Safety and Health Administration (OSHA) to an 8-hour time weighted average of 20 ppm (or approximately 45 mg/M^3) as found in Table Z-1 of 29 CFR 1910.1000.

INFORMATION REQUESTED ON ACRYLONITRILE

The data recently received by OSHA suggests that current regulation of worker exposure to AN may not be sufficiently protective, and that more information in a number of areas is necessary before a reassessment of the hazards of AN exposure can be made. OSHA is therefore requesting information pertaining to the AN monomer, polymers and various copolymers, individually or collectively (as well as any finished products containing any or all of these), including but not limited to the following:

1. Metabolism, including intermediate as well as final metabolites.

2. Toxicity, tumorogenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.

3. Human epidemiology (employee populations and those otherwise exposed).

4. Appropriate medical surveillance procedures.

5. Appropriate respiratory protection.

6. Uses and production technologies.

7. Employee exposures (actual or potential) in each use and production facility, including: (a) The levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.

8. Technological and economic feasibility of reducing employee exposure.

9. Analytical and sampling methods used and evidence of their precision and accuracy.

10. Whether issuance of an Emergency Temporary Standard is appropriate.

SUBMITTALS OF INFORMATION REQUESTED IN THIS NOTICE

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by July 29, 1977, to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

REFERENCES

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(*1*) Communication from A. C. Clark of MCA to Douglas Costle of the Environmental Protection Agency, dated April 11, 1977.

(*2*) Norris, J. M. "Status Report on the 2-year Study Incorporating Acrylonitrile in the Drinking Water of Rats," (an MCA-sponsored study done by Dow Chemical), dated January 12, 1977.

(*3*) Quast, J. F. et al. "Toxicity of Drinking Water Containing Acrylonitrile (AN) in Rats: Results After 12 Months," (an MCA-sponsored study done by Dow Chemical), dated March, 1977.

(*4*) Murray, F. J. et al. "Teratologic Evaluation of Acrylonitrile Monomer Given to Rats by Gavage," (an MCA-sponsored study done by Dow Chemical), dated November 3, 1976.

(*5*) O'Berg, M. T. "Epidemiologic Study of Workers Exposed to Acrylonitrile: Preliminary Results," May, 1977 (Dupont).

(*6*) Kirk-Othmer Encyclopedia of Chemical Technology, 2nd Edition, A. Stauden (Executive Editor) 1972, p. 319.

(*7*) National Institute of Occupational Safety and Health (NIOSH) memo from Roscoe M. Moore, Jr., Chief, Technological Evaluation and Review Branch, Office of Extramural Coordination and Special Projects, on the carcinogenic potential of acrylonitrile in rats, dated May 11, 1977.

(*8*) Manufacturing Chemists Association (MCA) Chemical Safety Data Sheet SD-31 (1974).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 23rd day of June, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18504 Filed 6-27-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–13679; File No. S7–709]

REGISTERED BROKERS AND DEALERS AND ASSOCIATED PERSONS

Minimum Qualification Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Commission proposes to adopt a new rule which would establish minimum qualification requirements for all registered brokers and dealers and their associated persons. In accordance with the Securities Acts Amendments of 1975, the proposed rule would extend the coverage of the Commission's present qualification rule, currently applicable only to registered brokers and dealers not members of a registered securities association, to all registered brokers and dealers (unless exempted).

DATES: Comments must be received on or before August 10, 1977.

ADDRESSES: All communications on this matter should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–709 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Amy, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755–1374.

SUPPLEMENTARY INFORMATION: The Commission today announced a proposal to adopt proposed Rule 15b7–1 ("proposed Rule 15b7–1" or the "proposed Rule") which would establish minimum qualification requirements for all registered brokers or dealers and persons associated with them. The Commission wishes to emphasize that, in drafting the proposed Rule in accordance with the Congressional mandate, it has endeavored to upgrade generally the existing qualification standards for the securities industry without imposing undue burdens on free entry into the business. The Commission also announced a proposal to adopt certain amendments to Rule 15b10–4 (17 CFR 240.15b10–4) relating to supervision of persons associated with nonmember brokers or dealers. Proposed Rule 15b7–1 and the proposed amendments to Rule 15b10–4 would be adopted under Sections 6, 15, 15A, and 23 of the Securities Exchange Act of 1934 ("the Act").[1]

BACKGROUND—EFFECT OF THE 1975 AMENDMENTS

As a result of the Securities Acts Amendments of 1975 (the "1975 Amendments,")[2] Section 15(b)(7) of the Act (15 U.S.C. 78o(b)(7) (1975))[3] now provides that every registered broker or dealer and persons associated must meet minimum standards of training, experience, competence, and such other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors. Prior to the amendments, former section 15(b)(8)[4] of the Act had authorized the Commission to adopt rules prescribing qualifications for registered broker-dealers not members of a registered securities association ("nonmember brokers and dealers" or "SECO brokers and dealers")[5] and persons associated with such brokers and dealers. Thus, present Rule 15b8–1[6] establishes qualification standards only for nonmember broker-dealers, requiring (among other things) each associated person engaged directly or indirectly in securities activities to take and pass a general securities examination.[7]

Adoption of proposed Rule 15b7–1[8] would set minimum qualification standards applicable to all registered brokers and dealers, not just to those in SECO, although it will consider exempt from coverage any broker-dealer in compliance with a comparable approved qualification rule of any registered securities association, which may set somewhat higher standards.[9] It should be noted in this connection that the NASD has submitted for Commission approval, pursuant to Rule 19b–4 under the Act (17 CFR 240.19b–4), certain proposed amendments to Schedule C of its By-laws which sets forth qualification requirements for members and persons associated (the "proposed NASD rule" or the NASD's "proposed Schedule C".[10] Moreover, an exemption would also be accorded a non-NASD broker-dealer which is in compliance with comparable, approved qualification rules of a national securities exchange, subject to certain conditions.[10a]

THE EXAMINATION REQUIREMENT

Prior to the mid-1960's the qualification and registration requirements for brokers and dealers and their associated persons under the Federal securities laws were not stringent. The Act and the Maloney Act Amendments of 1938[10b] (under which the NASD is registered as a national securities association with the Commission) largely permitted free access and ready entry into the securities business by anyone who had not violated securities laws. Although it was the responsibility of the Commission under the Act to administer and enforce broker-dealer registration requirements and to screen registrants[11] with regard to possible violations of the securities laws or similar misconduct, the qualification examination programs were generally those of the self-regulatory organizations.

In 1956, the NASD established an exination requirement for persons desiring to join its member firms.[12] However, this examination consisted of questions which, along with the answers, were distributetd to the applicants prior to taking the examination. As the industry expanded it became apparent that more selective standards were needed to be established to ensure that all registered broker-dealers met minimum competence requirements. In 1962, the NASD introduced a completely new qualification examination which, unlike the test it replaced, did not rely so heavily on memorization. Instead of receiving a catalog of questions and answers each applicant received a "Study Outline" listing the topics on which objective-type examination questions would be based and containing a bibliography of pertinent books and pamphlets.

In 1965, the NASD first adopted a separate qualification examination for principles consisting predominantly of essay-type questions, but this was subsequently changed to an objective-type exam format similar to the examination for registered representatives. However, the content of the principal exams had been oriented more toward managerial responsibilities. In September, 1972, the NASD added to its membership standards a requirement that each firm have a Financial Principal, who is required to pass a separate examination.

While the objective examination format is still being used by the NASD, the examination itself has been amended from time to time and has become increasingly more difficult. In the fall of 1974, the NASD, in cooperation with the New York Stock Exchange, Inc. ("NYSE"), instituted (with the Commission's concurrence) a new, more comprehensive, six-hour examination—the Qualification Examination for General Securities Representatives ("Series 7"). This qualification examination is currently being utilized by the American and Pacific Stock Exchanges as well as by the NASD and the NYSE. For the NASD community, the Series 7 examination replaced NASD's earlier Examination for Qualification as a Registered Representative ("Series 1"), a less comprehensive, 2-hour examination. The combined NASD-NYSE effort which resulted in the development of the Series 7 exmination represents an attempt to implement a uniform qualification examination for general securities salesmen associated with members of both the NASD and (one or more) exchanges.

In the Commission's 1963 "Special Study of Securities Markets"[13] ("Special Study") there were several recommendations concerning the up-grading of qualification standards including the examination requirements for associated persons of non-NASD broker-dealers.[14] As a result of the Special Study, the Commission proposed federal legislation and Congress subsequently passed the Securities Acts Amendments of 1964[14a] which provided, among other things, that the Commission could impose qualification standards on non-member broker-dealers and their associated persons.[15] Subsequently, the Commission adopted Rule 15b8–1 which provided that every associated person engaged directly or indirectly in securities activities on behalf of nonmember brokers and dealers must pass the Commission's general securities examination or a satisfactory alternative.[16]

In 1971 a Subcommittee of the House of Representatives after studying SEC records concerning the failure of broker-dealer firms, issued a report (the "House Review").[17] The House Review found that some of the major causes of broker-dealer failure were inexperience, the lack of knowledge of rules and regulations,[18] and the lack of crucial skills, such as bookkeeping.[19] The House Review recommended, among other things, more stringent and comprehensive examinations to better control entry to the securities industry and to exclude brokers and dealers who are unqualified.[20]

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[1] 15 U.S.C. 78a, et seq., Pub. L. No. 94–29 (June 4, 1975).

[2] Pub. L. No. 94–29 (June 4, 1975).

[3] Former section 15(b)(8) has been amended and renumbered as Section 15(b)(7) by the 1975 Amendments. Therefore, the designation of present Rule 15b8–1, which is now proposed to be revamped, should be changed to Rule 15b7–1.

[4] Enacted by the Securities Acts Amendments of 1964, Pub. L. No. 88–467 (August 20, 1964). (15 U.S.C. 78o(b)(8), as amended, 15 U.S.C. 78o(b)(7) (1975).)

[5] The National Association of Securities Dealers, Inc. ("NASD"), is the only association so registered.

[6] Rule 15b8–1 was adopted on September 7, 1965 (Securities Exchange Act Release No. 7697) (30 FR 11675 (September 9, 1965)).

[7] It has been Commission policy since the adoption of Rule 15b8–1 to require non-supervisory personnel to attain a grade of C or better (generally at least 70 percent) and principals, officers and other supervisory persons a grade of B or better (generally at least 80 percent).

[8] Present Rule 15b7–1 under the Act deals with Commission proceedings under Section 15(b)(6) (formerly 15(b)(7)) and former Sections 15A(1)(2) and 19(a)(3) of the Act. Because the proposed Rule would be adopted under new Section 15(b)(7), it would seem appropriate to redesignate present Rule 15b7–1 as Rule 15b7–2 or in some other rule series, as appropriate.

[9] The House Committee Report on the 1975 Amendments, Report of the House Committee on Interstate and Foreign Commerce (House Report No. 94–123) (the "House Report") states at page 76: "The industry regulatory organizations are also allowed to impose qualification standards higher than those required by the Commission. The Commission examination, however, will be a *minimum* which all persons engaged in the industry must meet." (Emphasis added.) The Commission proposes to exempt those broker-dealers that are in compliance with the qualification rules of the NASD or with those of a registered national securities exchange provided such rules are deemed by the Commission to be at least comparable to the standards set forth in Rule 15b7–1.

[10] The NASD submission was published in the FEDERAL REGISTER on December 10, 1975 (Cf. 40 FR 57533). The comment period ended on January 9, 1976.

[10a] See note 9, supra. See also text at note 38, infra.

[10b] 52 Stat. 1070 (1938), as amended, 15 U.S.C. 78o et seq. (1975).

[11] Only officers, directors, and ten percent shareholders were closely screened for securities violations.

[12] Since 1936 the NYSE has required prospective registered representatives of its members to pass an examination and in 1963 instituted an examination for prospective members and allied members.

[13] SEC, "Report of Special Study of Securities Markets," H.R. Doc. No. 95, 88th Congress, 1st Session (1963).

[14] The general philosophy expressed in the Special Study is: "The regulatory problems engendered by the rapid influx of newcomers [to the securities industry] present a challenge which cannot be met by merely adding to the police force, an approach which is neither desirable nor feasible. It is the belief of the study that the gateway to the industry is the point where government and industry should look first for the solution of some of these problems, and that adequate controls over entry into the industry are an alternative to be preferred over an abundance of regulations and too many policemen." Part I, at page 47.

The Special Study briefly explained the measures which should be taken at the "gateway" to the industry:

"The way should be left open for newcomers to enter the securities business, as with any other business, but the public interest demands that newcomers meet minimum standards of competency and show an awareness of their responsibilities before being allowed to approach the public as brokers, dealers, or underwriters." Part I, at page 54.

[14a] Pub. L. No. 88–467 (August 20, 1964).

[15] Section 15(b)(8), as added to the Act in 1964, stated: "No broker or dealer registered under Section 15 of this title shall, during any period when it is not a member of a securities association registered with the Commission under Section 15A of this title, effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such broker or dealer and all natural persons associated with such broker or dealer meet such specified and appropriate standards with respect to training, experience, and such other qualifications as the Commission finds necessary or desirable. The Commission shall establish such standards by rules and regulations, which may—

"(A) Appropriately classify brokers and dealers and persons associated with brokers and dealers (taking into account relevant matters, including types of business done and nature of securities sold).

"(B) Specify that all or any portion of such standards shall be applicable to any such class.

"(C) Require persons in any such class to pass examinations prescribed in accordance with such rules and regulations.

"(D) Provide that persons in any such class other than a broker or a dealer and partners, officers, and supervisory employees (which latter term may be defined by the Commission's rules and regulations and as so defined shall include branch managers of brokers or dealers) of brokers or dealers, may be qualified solely on the basis of compliance with such specified standards of training and such other qualifications as the Commission finds appropriate.

"The Commission may prescribe by rules and regulations reasonable fees and charges to defray its costs in carrying out this paragraph, including but not limited to, fees for any examination administered by it or under its direction. The Commission may cooperate with securities associations registered under section 15A of this title and with national securities exchanges in administering examinations and may require brokers and dealers subject to this paragraph and persons associated with such brokers and dealers to pass examinations administered by or on behalf of any such association or exchange and to pay such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such examinations."

[16] The Commission regarded most state examinations, the NASD examination, and those of the New York, American, and Pacific Stock Exchanges as satisfactory alternatives. See discussion that follows in this section of the release, infra.

[17] "Review of the SEC Records of the Demise of Selected Broker-Dealers," Staff Study for the Special Subcommittee on Investigations, 92nd Congress, 1st Session (July, 1971) (Subcommittee Print)

[18] In this connection, the House Review stated: "In some cases these violations (of net capital rules, improper hypothecation of funds, improper extension of credit to customers, and other violations) can be associated with inexperience and with lack of knowledge of rules and regulations, and in other cases it was evident they were willful." Page 6.

[19] The House Review noted, for example, that "bookkeeping and its comprehension by broker-dealer principals is a most critical part of a broker-dealer firm, yet, it is one area that is scarcely covered on broker-dealer principals' examinations." Page 26.

[20] The following are some of the conclusions reached in the House Review: "Our review disclosed a need for the Commission to make the eligibility requirements for entry into the securities industry more restrictive." Page 5.

"We believe the Commission should adopt rules and regulations and or, if necessary, recommend legislative amendments that would authorize or permit it to require more strict eligibility requirements for becoming a broker-dealer." Page 6.

"The examnations for the Commission and the NASD given to principals and registered representatives are relatively simple to pass and require no particular educational background or experience. We believe the examinations have serious shortcomings in that they do not test adequately the abilities or knowledge of applicants for principals on proper methods of supervision of employees, proper methods of internal control, recordkeeping, or generally how to run a brokerage firm. The examinations for registered representatives do not test applicants' ability or knowledge as how well they can manage other peoples' money and give advice on what securities to buy and sell. The investing public in many instances places reliance on principals and registered representatives in the belief they are professional experts. Based on the examinations they take, such reliance may well be misplaced." Page 7.

"We believe the shortcomings of these examinations were directly related to the failures of a number of brokerage firms. The examinations should be improved so as to require a comprehensive knowledge of the securities industry and the related rules and regulations and thereby raise the standards to a quasi-professional level." Page 7.

"We believe the examination, properly designed, can be an effective means to prevent unqualified or irresponsible individuals from entering the securities industry." Page 23.

"It appears that (some instances of illegal distribution and sale of unregistered stocks) could have been prevented had these individuals been adequately tested as to the rules and regulations governing all the buying and selling functions." Page 23.

"There are a number of areas essential to a comprehensive knowledge of the securities industry that are only partially included in these examinations and some that are completely omitted. For example, the examination for principals does not include questions to test the applicant's knowledge of proper methods of supervision of employees, proper methods of internal control over cash and securities, or generally how to run a firm. Also, the examination does not have any questions to test the applicant's knowledge as to whether he knows how to prevent improper acts by salesmen." Page 26.

In addition to the suggestions found in the House Review, there was a belief in Congress that the quality of regulation of a securities firm be unaffected by the status of the broker-dealer, i.e., whether he is a member of the NASD or a SECO broker-dealer. The scope of the Commission's authority as to qualifications of brokers and dealers was therefore expanded in the 1975 Amendments, both as to range of coverage and as to types of requirements which could be imposed. Where Commission authority had been limited to SECO brokers and dealers it now was expanded to all brokers and dealers registered with the Commission; and, in particular, the Commission was authorized to devise uniform examinations for persons engaged in the industry. It was Congress' desire that the Commission's examination would be the minimum which all persons in the industry must meet, although the industry self-regulatory organizations could impose higher qualification standards as well.[21]

The Qualification examination currently given to nonmember brokers and dealers (i.e., SECO participants) is a two-hour, 100 question, multiple choice examination identical to the NASD Series 1 examination, with the deletion of 25 questions concerning NASD rules and regulations. Any NASD examination (including either the Series 7 examination for registered representatives or the NASD Qualification Examination for Principals) is deemed as a "satisfactory alternative" to the Commission's examination, as are the NYSE Allied Member examination and numerous state examinations.[22] In addition, examinations of the American and Pacific Stock Exchanges are recognized as acceptable alternative examinations.

The NASD is currently in the process of developing new examinations for each of the categories of principals and representatives in the proposed rule. Several of these are nearly complete, as are several study guides. The rest of the examinations are expected to be completed in the near future and should be in effect at the time Rule 15b7–1 is adopted. Those tests will serve as the required examinations under Rule 15b7–1. In the interim, the Commission will continue to require completion of the old NASD or SECO examinations [23] or recognized "satisfactory alternatives" for SECO personnel under present Rule 15b8–1.

It is anticipated that under Rule 15b7–1 the Commission will continue to delegate the responsibility for developing and administering all required examinations to the NASD, subject, of course, to the Commission's review and oversight powers.[24]

General Characteristics of the Proposed Commission Rule

A. PRINCIPALS

Under the proposed Rule, no registered broker or dealer [25] would be permitted to engage directly or indirectly in securities transactions unless the broker or dealer and its associated persons satisfy the requirements for principals and representatives.

Each registered broker or dealer would be required to have, depending on the number of associated persons employed, one or two General Securities Principals.[26] As with the proposed NASD rule,[27] these principals would have ultimate supervisory responsibility for the firm's securities activities. A General Securities Principal would qualify by passing two examinations, the one for General Securities Principals and the one for General Securities Representatives. (The former would be a 3-hour (125 question) examination and the latter, a 6-hour (250 question) examination). A broker or dealer who limits his transactions to specialized segments of the securities industry would have the option of satisfying the General Securities Principal requirement by designating the appropriate number of Limited Principals, either for Investment Company and Variable Contracts Products or for Direct Participation Programs, which would include real estate securities. Limited Principals would be required to pass examinations in their particular field, both as a principal and as a representative.[28] (Each of the Limited Principal examinations would be 1 (or 1½) hour (50 question) examinations).

Every registered broker or dealer, except those who are covered by certain of the provisions of the Commission's Uniform Net Capital Rule, Rule 15c3–1 under the Act (17 CFR 240.15c3–1),[29] would be required to have at least one Financial and Operations Principal who is responsible for the preparation of all financial statements and net capital computations.[30] The qualification requirement for Financial and Operations Principal would be successful completion of a Financial and Operations Principal examination.[31] (This examination would be a 3-hour (250 question) examination).

B. CATEGORIES OF REPRESENTATIVES

No broker or dealer would be permitted to effect any securities transactions unless his associated persons [32] are qualified and designated as principals or representatives. There are five types of representatives, depending on the function of the associated person. The broadest category would be that of the General Securities Representative who would be qualified to solicit or exercise discretion in the sale or purchase of any type of security; the other four categories would apply to persons who are limited in their respective functions.

The scope of activities which would require qualification as a representative is broad. Of course, every person directly or indirectly involved in sales and purchases of securities or their solicitation would be subject to the qualification requirements as a representative; and, in addition, qualification as a representative would be required for any person engaged in other types of related activities, such as trading, underwriting or private placements, and hiring, recruiting or training of salesmen.

It should be pointed out that neither the proposed Rule 15b7–1 nor the NASD's proposed Schedule C would subject firm personnel engaged exclusively in research activities on behalf of the firm to a qualification requirement.[33] A major reason for the Commission's not proposing such standards at this time is that, in its view, the required examinations currently in use or under development are not now appropriate for this area. The Commission will consult with the NASD and interested industry and professional organizations in the development of such qualification examinations. The Commission believes that the imposition of qualification requirements for research personnel is appropriate inasmuch as they can have a substantial influence on investors and the securities market, even though they may have no direct contact with public customers.[34] The Commission is particularly interested in receiving comments and suggestions from interested persons as to what form the examination or examinations should take.[35]

An associated person who limits his securities activities to a specialized field may qualify as a General Securities Representative or as one of the specialized representatives, which are: Investment Company and Variable Contract Products Representative; Securities Trader Representative; Real Estate Securities Representatives; and Direct Participation Programs Representative. As with the principal category, the Direct Participation Programs Representative category includes real estate securities. The only qualification standard for any restricted category of representative would be successful completion of the appropriate examination.[36] (Each of the examinations for the restricted categories would be a 2-hour (75–100 question) examination).

C. EXEMPTIONS AND GRACE PERIODS

The Rule contains many exemptive and grace period clauses, serving a variety of functions. The primary exemptive clause would entirely exempt from the Rule any broker or dealer which is a member of a registered securities association (i.e., the NASD) and is in compliance with its membership qualification rules.[37] Any non-NASD broker or dealer which is a member of a national securities exchange and is in compliance with its membership qualification rules would also be exempt if it carries no accounts of customers and its annual gross income derived from purchases and sales of securities otherwise than an exchange of which it is a member is nominal.[38]

Any person who is designated or qualified under the Rule in any category would be permitted to terminate his designation or association for a period of up to two years, without being required to re-qualify upon his designation in the category or categories for which he had been qualified.[39]

Since many currently registered brokers and dealers and their associated persons have had experience and have demonstrated adequate qualifications to operate their business, the Commission proposes the inclusion of several "grandfather clauses" in the proposed Rule.[40] For example, any person who has qualified prior to adoption of the proposal as a General Securities Principal [41] or Representative [42] by passing the pertinent examination would be entitled to retain that status under the new Rule. Any person who had been designated as a Financial and Operations Principal, or, if not so designated, had performed this function prior to the date of this notice [43] would also be permitted to retain his status.

Three grace periods in the proposed Rule are designed to protect a firm from disruptions caused when a required principal terminates his association for any reason and to allow a firm to promote a qualified representative without delay. One such period would permit a firm to operate for up to six months without the requisite minimum number of qualified principals pending the replacement of the terminated principal.[44] The Commission believes that, as a practical matter, a firm in this situation may need that long a period of time to replace a terminated principal with another individual

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[21] See excerpt of House Report in note 9, supra. In addition, the House Report states: "The Committee expects that the Commission will work with the various securities industry regulatory organizations in devising the uniform examination, and (new section 15(b)(7)) authorizes the Commission to allow such organizations to administer the examination." (House Report, at page 76).

[22] On June 6, 1975, the Commission conducted a survey of state qualification and examination requirements for the purposes of enabling it to publish a revised list of examinations deemed to be satisfactory alternatives to the Commission's General Securities Examination. The last published release was announced on July 21, 1970 (Release No. 8935). The survey was responded to by 47 States, 4 of which did not require any form of examination for obtaining a securities license. Of the 43 States requiring some form of examination, 29 administered the States Securities Sales Examination ("SSSE") distributed to the states by the NYSE. The SSSE Form No. 9 examination presently being administered by all states was put into use in 1965. There has been no new SSSE examination developed since that date and, according to the exchange, they have no intention of marketing future examinations. The NASD examination is accepted by 41 states as an acceptable alternative examination, while the SECO examination is accepted by 34 states. Due to the SSSE's continuous use without revision for the past ten years, and for obvious security reasons, the Commission can no longer consider that examination as an acceptable alternative to the Commission examination.

[23] The NASD does not deem these examinations acceptable for registration of a principal or general securities salesman.

[24] See excerpt of House Report in note 21, supra.

[25] Proposed Rule 15b7–1 would exclude from its scope qualifications requirements for municipal securities professionals. (See paragraph (a) of the proposed Rule). The Commission has determined that, while both the MSRB and the Commission have rulemaking authority with respect to establishing qualification standards for municipal securities professionals, the MSRB should, in the first instance, decide which associated persons of municipal securities brokers or dealers should be required to take examinations and what the content of those examinations should be. See Securities Exchange Act Rel. No. 12468 (May 20, 1976), 9 SEC Docket at 681.

[26] If the firm has ten or fewer associated persons, including clerical or ministerial personnel, the minimum requirement would be one General Securities Principal; if the firm has more than ten such associated persons, the minimum would be two such principals. See paragraphs (a)(1) and (a)(3) of the proposed Rule, infra.

[27] The NASD's proposed Schedule C would establish qualification standards for NASD members similar to the provisions of proposed Rule 15b7–1. As the two rules will be generally comparable, Rule 15b7–1 would provide an exemption for any member in compliance with the NASD rule.

[28] See paragraph (a)(3) of the proposed Rule, infra. Successful completion of either of the examinations that would be prescribed for Direct Participation Programs Representative or Real Estate Securities Representative (see discussion in subsection B., entitled "Categories of Representatives," infra) would satisfy the representative examination portion of the Limited Principal for Direct Participation Programs qualification requirement. Proposed Schedule C would have a similar provision. It is believed that since both these specialized representative examinations cover largely the same subject, i.e., tax shelter programs, successful completion of the Real Estate Securities Representative examination should suffice as an alternative representative examination for this category of Limited Principal.

[29] The Rule 15c3–1 provisions which would exempt a broker-dealer from the Financial and Operations Principal requirement are paragraphs (a)(2) or (3) thereof, which set net capital levels of $5,000 or $2,500, respectively, and paragraph (b)(2) thereof, which is the net capital exemptive provision.

[30] See paragraph (a)(2) of the proposed Rule, infra.

[31] Ibid.

[32] See paragraph (d) of the proposed Rule, infra. An associated person is defined in the rule to include any person working for or with a broker or dealer, except those employees whose functions are solely clerical or ministerial, who performs any of an enumerated list of functions. (See definition of "associated person" in paragraph (n)(2) of the proposed Rule, infra).

[33] However, under proposed Rule 15b7–1, an individual who supervises such activities would be required to qualify as a firm principal. (See definition of "principal" in subparagraph (n)(1) of the proposed Rule.) Similarly, an individual who supervises the advertising or public relations activities of a firm, including supervision of firm employees engaged in such activities, would be required to qualify as a principal. However, non-supervisory advertising and public relations employees would not be subject to a qualification requirement under the proposed Rule. However, the Commission is interested in receiving comments on the desirability of including such a requirement in the proposed Rule. (See section entitled "Requests for Comments", infra).

[34] Present Rule 15b8–1 requires research employees associated with SECO brokers and dealers to qualify as representatives; and the MSRB's Rule G–3 requires such persons to qualify as Municipal Securities Representatives.

[35] See section entitled "Requests for Comments," infra. The NYSE's rules presently require that member firm research reports must be prepared or approved by a firm "Supervisory Analyst" who becomes qualified by taking and passing a special examination, among other things. See NYSE Rules 344 and 472 (CCH NYSE Manual, paragraphs 2344 and 2472, respectively.) This examination as well as pertinent portions of the Series 7 examination might be used as bases for an interim test for research personnel.

[36] See paragraphs (d)(2) through (d)(5) of the proposed Rule, infra.

[37] See paragraph (i)(I) of the proposed Rule, infra.

[38] See paragraph, (i)(3) of the proposed Rule, infra. A broker-dealer's annual gross income derived from the aggregate of such transactions could not exceed $1,000 in order to qualify for the exemption. However, gross income for this purpose does not include income derived from such transactions which are effected for the broker's or dealer's own account by or through another registered broker or dealer. This is the exemption now contained in Rule 15b8–1 (see Securities Exchange Act Rel. No. 12160, March 3, 1976).

[39] See paragraph (i)(2) of the proposed Rule, infra. This exemption would be applicable where, for example, a General Securities Principal terminated his association with a firm for a year and then returned as a limited representative. The rule provides that a General Securities Principal is qualified as a General Securities Representative and that a General Securities Representative is qualified as a limited representative. A representative who terminated his association could not return as a principal without taking the principal examination, although a general representative would be exempt from the representative examination portion of the principal requirement.

[40] See paragraphs (c) and (e) of the proposed Rule, infra.

[41] Although Rule 15b8–1 has no specific requirement for a General Securities Principal, Commission policy has been to qualify associated persons as such under certain circumstances. See note 40, infra. The NASD has had special requirements for principals since 1965.

[42] Prior to June 30, 1970, the National Association of Insurance Commissioners gave an examination which was deemed an acceptable alternative for those persons who restricted their securities activities to the sale of variable contracts. In addition, the NASD has since 1968 permitted limited registration for representatives who sold only variable contracts. Persons who qualified under either of these alternatives would be grandfathered as Investment Company and Variable Contracts Products Representatives.

[43] See paragraphs (c)(2) and (c)(3) of the proposed Rule, infra. The grandfather clause would be determined as of the date the Rule is proposed, rather than the date it becomes effective, in order to prevent firms from evading the qualification standards by changing the duties of one of their qualified General Securities Principals between the date of publication and the effective date so as to qualify him as a Financial and Operations Principal without being examined.

[44] See paragraph (b)(2) of the proposed Rule, infra. It should be noted that, as paragraph (b)(2) provides, a firm must retain at all times at least one designated principal.

qualified to function in that capacity. A second grace period would permit a firm to promote a representative (in any category) to any category of principal, including a Financial and Operations Principal, for a period of ninety days without his having passed the appropriate principal examination.[46] The promotion would be permitted even where the purpose is not to fill a vacancy. The other grace period provision would permit any qualified principal, including a Financial and Operations Principal, to function in any other principal category with the same firm for ninety days without having passed the examination.[47]

The six-month grace period provision may not be lengthened by either of the two 90-day grace period provisions—that is, these provisions may not be construed to permit a firm to function for longer than six months without the required number of qualified principals. Thus, if a firm decided to promote a representative to a required principal position which had been unfilled for five months, the representative would have to qualify as a principal within the next month (rather than within 90 days) by passing the appropriate examination. The same would be true if another kind of firm principal (i.e., Financial and Operations Principal) is transferred for this purpose.

In addition, each registered broker-dealer would be granted a ninety-day period [47] from the time the rule is promulgated to comply with the principal requirements.[47] No grace period would be permitted with respect to the representative requirements.

D. FORMS U–4 AND U–5

The designation of persons as principals or representatives under the Rule would be made on a Form U–4, which is already being used by the Commission and most self-regulatory organizations. The proposed Rule would require a Form U–4 to be filed with the Commission for each person associated with a nonmember firm (except clerical or ministerial personnel), whether or not the person is subject to any of the qualification standards in the rule. (Members of NASD will file the Form U–4 with the NASD). The form must be updated promptly if it ever becomes inaccurate or incomplete.

The Form U–5, the "Uniform Termination Notice for Securities Industry Representative and/or Agent" was developed by the NASD and the NYSE, in cooperation with the North American State Securities Administrators' Association, and is currently being utilized by the NASD, the various national securities exchanges and most of the states. The general concerns which motivated the development of the Form U–4, i.e., the desire to devise uniform forms for registration of broker-dealers and their agents in order to alleviate a particularly burdensome duplication of reports submitted by firms registering with more than one governmental agency or self-regulatory organization, may be said to be the same as those which led to the implementation of the Form U–5 by the self-regulatory organizations and the states.[49] Also, like the Form U–4, the Form U–5 information would assist the Commission in discharging its regulatory and investigative responsibilities.

The Form U–5 contains 10 items designed to elicit much of the same information sought on the Form U–4, such as the terminated individual's involvement, if any, in investigations, disciplinary proceedings or court actions, including those resulting in his conviction for any felony or misdemeanor, during his employment with the reporting firm. However, the Form U–5 also requires disclosure of the reason for the termination, including full details if the individual was "permitted to resign," "discharged" or terminated for reasons other than his voluntary resignation or death. Thus, proposed Rule 15b7–1 would require a Form U–5 to be filed with the Commission whenever a person associated with a SECO firm is terminated for any reason. The Commission believes that the information sought on the Form U–5 is both necessary and proper to meet its regulatory needs.

The proposed adoption of Form U–5 under Rule 15b7–1 would make this filing requirement applicable for the first time to SECO broker-dealers.[50] Unlike present Rule 15b8–1, proposed Rule 15b7–1 would specify that the Form U–5 be filed promptly after the termination of an associated person or employee becomes effective, but in no event later than 30 days thereafter. In effect, therefore, SECO broker-dealers would have to file more detailed information on the Form U–5 and on a more current basis than is presently the case under Rule 15b8–1.

A copy of "Special Instructions for Completing the Form U–5" would accompany the Form U–5.[51] The instructions would be largely comparable to those which now accompany the Form U–4. The proposed Rule would provide that disclosure of the Form U–5 information would be non-public, but would be made available as required by law or to any person whom the Commission authorizes disclosure in the public interest.

PROPOSED AMENDMENTS TO RULE 15b10–4

As noted above, non-supervisory firm personnel engaged exclusively in research, advertising and public relations activities would not be subject to a qualification requirement under the proposed Rule.[52] However, in order to emphasize and make more specific the supervisory responsibilities in these areas at the firm level, the Commission is also proposing at this time certain amendments to Rule 15b10–4 under the Act which would require SECO broker-dealers to designate, in the written supervisory procedures required to be maintained under that rule, the particular firm principal who has specific responsibility for supervising all such firm personnel and for approving, prior to use, all research material and public media advertising, among other things, disseminated by the firm. The proposed amendments to Rule 15b10–4 would take the form of new paragraph (e) thereto.[53]

REQUEST FOR COMMENTS

The Commission hereby requests comments on the entire proposal from all interested persons. Further, the Commission wishes particularly to solicit comments regarding (1) what further "objective standards" would be appropriate in connection with the imposition of "experience" or "training" requirements as qualification standards; [54] (2) whether, under proposed Rule 15b7–1, an individual seeking to qualify as a Financial Operations Principal should be subject to a qualification requirement in addition to the satisfactory completion of the special examination for that category of principal; [55] (3) whether an associated person who engages exclusively in hiring, recruiting or training securities salesmen should be subject to a qualification requirement; [56] (4) what form a qualification examination for broker-dealer research personnel should take; [57] (5) whether non-supervisory advertising and public relations personnel associated with a registered broker or dealer should be subject to a qualification requirement; [58] and (6) whether every associated person engaged directly or indirectly in the management, direction or supervision of a firm's securities activities should be required to qualify as a principal.[59] Commentators should indicate the particular type of examination requirement, if any, they believe should apply in the above situations.

TEXT OF PROPOSED RULE 15b7–1

The text of proposed Rule 15b7–1, which would rescind current Rule 15b8–1 and is proposed to be adopted under the Act, and particularly sections 6, 15, 15A, and 23 thereof, reads as follows:

§ 240.15b7–1 Minimum qualification standards for registered brokers and dealers and associated persons.

MINIMUM PRINCIPAL REQUIREMENTS

(a) No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, commercial bills or municipal securities) unless such broker or dealer meets all of the following minimum qualification standards as applicable:

(1) Every registered broker or dealer engaged in a securities business not limited so as to qualify under paragraph (a)(3) of this section herein shall have designated as a General Securities Principal each person who is associated with it in such capacity. At the time of such designation, each such principal shall have qualified by passing qualification examinations prescribed by the Commission for General Securities Principal and for General Securities Representative. The qualification examination for General Securities Principal includes questions relating to bookkeeping, accounting, internal control over cash and securities, supervision of employees, maintenance of records, and other appropriate matters. Each such broker or dealer having ten or less associated persons shall have designated at least one General Securities Principal, and every broker or dealer having more than ten associated persons shall have designated at least two such General Securities Principals.

(2) Every registered broker or dealer except one which is exempt from § 240.15c3–1 (17 CFR 240.15c3–1) pursuant to paragraph (b)(2) of this section or which meets the requirements of paragraphs (a)(2) or (3) of this section, shall have designated as a Financial and Operations Principal each person who is associated with it in such capacity. At the time of such designation, each person shall have qualified by passing a qualification examination prescribed by the Commission for Financial and Operations Principal. Each such broker or dealer shall have designated at least one Financial and Operations Principal.

(3) Every registered broker or dealer whose business consists solely of transactions in:

(i) Investment company or variable contracts products shall have designated as Limited Principal for Investment Company and Variable Contracts Products each person who is associated with it in such capacity. At the time of such designation, each such principal shall have qualified by passing the qualification examinations prescribed by the Commission for Limited Principal for Investment Company and Variable Contracts Products and for Investment Company and Variable Contracts Products Representative. The qualification examination for this category of limited principal includes questions relating to bookkeeping, accounting, internal control of cash and securities, supervision of employees, maintenance of records, and other appropriate matters. Each such broker or dealer having ten or less associated persons shall have designated at least one such limited principals, and each such broker or dealer having more than ten associated persons shall have designated at least two such limited principals, or

(ii) Direct participation programs and real estate securities shall have designated as Limited Principal for Direct Participation Programs each person who is associated with it in such capacity. At the time of such designation each such principal shall have qualified by passing the qualification examinations prescribed by the Commission for Limited Principal for Direct Participation Programs and for either Direct Participation Programs Representative or Real Estate Securities Representative. Each such broker or dealer having ten or less associated persons shall have designated at least one such limited principal, and each such broker or dealer having more than ten associated persons shall have designated at least two such limited principals.

Provided, however, That any person qualified as a General Securities Principal pursuant to paragraph (a)(1) of this section hereof shall also be deemed qualified pursuant to paragraph (a)(3) of this section; *Provided, further*, That an associated person may be designated as a principal for any or all categories for which he is qualified.

GRACE PERIOD FOR MEETING PRINCIPAL REQUIREMENTS

(b)(1) A broker or dealer registered with the Commission on (the date this rule is adopted) shall be exempt from the requirements of paragraph (a) of this section until (ninety days after the effective date of this rule).

(2) In the event of the termination of the association with a registered broker or dealer of a principal whose designation as such was necessary to enable the broker or dealer to meet the minimum requirements specified in paragraph (a) of this section, the broker or dealer shall be allowed a period of six months following the date of such termination to replace the terminated principal with a fully qualified person in order to remain in compliance with paragraph (a) of this section; *Provided, however*, That at all times such broker or dealer shall have associated with it at least one qualified person designated as a principal.

(3) Any associated person designated as a representative pursuant to the pro-

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[46] See paragraph (b)(3) of the proposed Rule, infra. The reason for this distinction is that there has been no previous SECO principal requirement, so that the absence of a grace period would be greatly disruptive. There is, however, already a representative qualification requirement—so no grace period is required for that aspect of the principal requirement.

[47] See paragraph (b)(4) of the proposed Rule, infra.

[47] Since the rule would not likely be declared effective until at least 30 days after the announcement of its adoption, the grace period for effecting initial compliance with the principal requirements, in effect, would be 120 days. Under the NASD's proposed Schedule C, members would have 6 months from the effective date of the amendments to comply with the minimum principal requirements and 90 days to comply with the Financial and Operations Principal requirement.

[47] See paragraph (b)(1) of the proposed Rule, infra. While the NASD has required many of its members to have a Financial Principal since 1972, the Commission has had no special examination requirements for the various categories of principal prior to this proposal. Form U–4 has permitted the designation of SECO associated persons as principals; and such persons may retain their status although their registration as such has not been explicit. Financial and Operations Principals would not also be required to qualify as General Securities Principals under the proposed Rule.

[49] For a discussion of the background of Form U–4, see Securities Exchange Act Rel. No. 11424 (May 16, 1975), 7 SEC Docket at 2, et seq.

[50] Present Rule 15b8–1 requires every SECO broker-dealer to file with the Commission on or before July 31 of each year a list of associated persons with respect to whom a Form U–4 has been filed with the Commission and who have been terminated during the preceding year ending June 30. However, up to now the Commission has not specified the use of a standard form for purposes of satisfying this reporting requirement.

[51] The "Special Instructions" accompanying the Form U–5 would require a SECO broker or dealer to use its "best efforts" to obtain a terminated individual's assistance in completing the Form U–5 and to have him (as well as the appropriate firm principal) sign it. In addition, the terminated individual's signature would have to be notarized, as is the case with the Form U–4.

[52] See text at note 33, supra.

[53] See section entitled "Text of Proposed Amendment to § 240.15b10–4 under the Act," infra.

[54] The Commission favors the establishment of appropriate experience and training (or "apprenticeship") requirements. However, the Commission believes that the interested regulatory organizations, instead of merely requiring, in general terms, firms subject to their rule-making authority to have a specified period of experience or training or to have firm training procedures, should develop some objective standards or monitoring programs to assess their effectiveness. In this connection, therefore, the Commission is particularly interested in receiving comments and suggestions on what objective standards or programs could be adopted.

[55] The proposed Rule would require that in order to become qualified as a Financial and Operations Principal a candidate must take and pass only the special examination prescribed for the particular category. However, the Commission is still considering the appropriateness of requiring such individuals to demonstrate at least a basic knowledge of the industry as well. For example, the proposed Rule could require that candidates also be qualified first as General Securities or Limited Representatives.

[56] The proposed Rule would require such individuals to qualify as representatives. (See paragraph (d) and the definition of "associated person" in paragraph (n)(2) of the proposed Rule, respectively, infra). Any individual who supervises those engaged in such activities would be required to qualify as a principal. (See definition of "Principal" in paragraph (n)(1) of the Proposed Rule, infra).

[57] See discussion in subsection B. of section entitled "General Characteristics of Proposed Commission Rule", infra.

[58] Such individuals would not be subject to a qualification requirement under the proposed Rule if they served in a non-supervisory capacity and did not engage in other securities activity requiring qualification. (See definition of "associated person" in paragraph (n)(2) of the proposed Rule, infra).

[59] See the definition of "Principal" set forth in paragraph (n)(1) of the proposed Rule. It should be noted that the proposed Rule would require qualification as a principal of any individual who has supervisory responsibility over sales personnel, including managers of any branch offices. Moreover, intermediate-level supervisors in certain of the main office departments of a broker or dealer, in addition to the principal in overall charge of that department, would be subject to the qualification requirement for principals. Neither the NASD's present or proposed Schedule C would require branch managers of offices which are not offices of supervisory jurisdiction or intermediate supervisors to qualify as principals.

visions of paragraph (d) of this section whose duties are changed so as to require designation as a principal, including a Financial and Operations Principal, shall be allowed a period of ninety days following the change in his duties during which to pass the appropriate examination.

(4) Any person associated with a registered broker or dealer as a principal in any of the categories of principal specified in paragraph (a) of this section, whose duties are changed so as to require designation in any other category of principal associated with such registered broker or dealer, shall be allowed a period of ninety days following the change in his duties during which to pass the appropriate examination.

(5) Any person associated with a registered broker or dealer who is designated as a principal pursuant to paragraphs (b)(3) and (b)(4) of this section and who does not pass the required examination within the specified ninety-day period may no longer function in such capacity without having first passed such examination.

EXCEPTIONS FROM EXAMINATIONS FOR PRINCIPALS

(c) Unless such person's most recent such association has been terminated for a period of two years or more, (1) any person associated with a registered broker or dealer who was designated as a principal on or before (the effective date of this rule) shall be exempt from the examinations prescribed for General Securities Principal; (2) any person who was designated as a Financial and Operations Principal on or before (the date this rule is proposed) shall be exempt from the examination prescribed for Financial and Operations Principal; and (3) any person who was not previously designated as a Financial and Operations Principal shall be exempt from the examination prescribed under paragraph (a)(2) of this section, if he has performed the functions of a Financial and Operations Principal prior to (the date the rule is proposed).

REQUIREMENT FOR ASSOCIATED PERSONS OF REGISTERED BROKERS AND DEALERS

(d) No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, commercial bills or municipal securities) unless each person associated with such broker or dealer is designated and qualified as a principal pursuant to paragraph (a) of this section or meets the following minimum qualification standards, as applicable:

(1) Each associated person of such broker or dealer, except those subject to paragraphs (d)(2) through (5) of this section, shall be designated as a General Securities Representative and shall have qualified by passing a qualification examination prescribed by the Commission for General Securities Representative.

(2) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of sale or purchase of investment company and variable contracts products shall be designated as an Investment Company and Variable Contracts Products Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Investment Company and Variable Contracts Representative.

(3) Each associated person of such broker or dealer whose activities are limited solely to exercising discretionary authority in trading securities or effecting market making securities transactions otherwise than on a national securities exchange shall be designated as a Securities Trader Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Securities Trader Representative.

(4) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of sale or purchase of real estate securities shall be designated as a Real Estate Securities Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Real Estate Securities Representative.

(5) Each associated person of such broker or dealer whose activities are limited solely to the solicitation of the sale or purchase of direct participation programs, and, if applicable, the activities of a Real Estate Securities Representative, as set forth in paragraph (d)(4) of this section, shall be designated as a Direct Participation Programs Representative and shall have qualified by passing a qualification examination prescribed by the Commission for Direct Participation Programs Representative: *Provided, however,* That any person qualified as a General Securities Representative pursuant to paragraph (d)(1) of this section also shall be deemed qualified pursuant to paragraphs (d)(2) through (5) of this section: *Provided, further,* That any person designated as a General Securities Principal or a Limited Principal for either Investment Company and Variable Contracts Products or Direct Participation Programs shall be deemed to be also designated as a General Securities Representative, Investment Company and Variable Contracts Products Representative, or Direct Participation Products Representative, respectively.

EXEMPTION FROM EXAMINATION FOR REPRESENTATIVES

(e) Unless such person's most recent association has been terminated for a period of two years or more, any person associated with a registered broker or dealer who was designated as a representative on or before (the effective date of this rule) shall be exempt from the examination requirement for General Securities Representative imposed by this rule: *Provided, however,* That any such person whose permissible securities activities were limited by either the Commission or a registered securities association to the sale of variable contracts only shall be exempt from the examination requirement for Investment Company and Variable Contracts Products Representative.

ACTIVITIES OF ASSOCIATED PERSONS

(f) No associated person of a registered broker or dealer may perform any function or effect any transaction for which designation as a principal or representative is necessary unless such person is qualified as such under this rule.

EXAMINATION PROCEDURES AND FEES

(g)(1) The qualification examinations of the Commission provided for in this rule shall be given in examination centers designated by the National Association of Securities Dealers, Inc. The grades required for passing such qualification examinations shall be determined by the Commission. Persons taking such examinations will be required to pay the following fees:

(i)	Any examination for principal
(ii)	Examination for General Securities representative
(iii)	Examination for representative other than general

(2) Any person who fails to achieve a passing grade on a qualification examination provided for herein may, subject to the payment of required fees, take such examination twice more without waiting any specified period of time between such examinations. After a third failure of such examination, a person may not take such examination again within 90 days after any third or subsequent failure.

DESIGNATIONS

(h) Where this rule requires a person to be "designated" in a specified category, such designation shall be on a Form U-4 or a predecessor form which shall be filed or which currently is on file with the Commission, a registered securities association or a national securities exchange.

EXEMPTIONS

(i)(1) Any registered broker or dealer which is a member of a registered securities association and is in compliance with the membership qualification rules of that association shall be exempt from this rule.

(2) Any person previously designated as a principal or representative under this rule whose most recent association with a registered broker or dealer has not been terminated for a period longer than two years shall be exempt from the qualification examination or examination prescribed by the Commission for the category for which such person was designated.

(3) Any registered broker or dealer who is a member of a national securities exchange and is in compliance with the membership qualification rules of that exchange shall be exempt from the rule if (i) he carries no accounts of customers, and (ii) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000: *Provided, however,* That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer who is a member of and is in compliance with the qualification rules of the national securities exchange on which such transactions are effected or, in the case of transactions otherwise than on a national securities exchange, is a member of and is in compliance with the qualification rules of a registered securities association, or is qualified under this rule, shall not be subject to such $1,000 limitation.

(4) Any person associated with a registered broker or dealer who confines his securities activities to areas outside the jurisdiction of the United States and who does not deal with or act for any United States resident or national shall be exempt from compliance with this rule, except that the requirements of paragraph (j) of this section shall apply to any such person insofar as they are applicable to him.

(5) The Commission may, upon the written application of a registered broker or dealer, exempt such broker or dealer or any associated person subject to this rule from any provision of this rule if it finds it necessary or appropriate in the public interest or for the protection of investors to do so.

FILING OF FORM U-4

(j) A nonmember broker or dealer shall file with the Commission a Form U-4 with respect to each associated person engaged directly or indirectly in securities activities before such person engages in any such activities on behalf of such broker or dealer, whether or not any of the other requirements of this rule are applicable to the associated person. A Form SECO-2F must accompany a Form U-4 filed for those associated persons who confine their securities activities to areas outside the jurisdiction of the United States and who do not deal with or act for any United States resident or national.

AMENDMENTS TO FORM U-4

(k) Each nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U-4 filed after October 1, 1975, on behalf of any associated person whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be furnished under the signature of a principal officer, partner, sole proprietor, or managing agent of the broker or dealer. A nonmember broker or dealer who, prior to October 1, 1975, filed a Form SECO-2 on behalf of any associated person shall file promptly a completed Form U-4 for such associated person when the information contained in the Form SECO-2 is or becomes inaccurate or incomplete for any reason.

NOTICE OF TERMINATION OF ASSOCIATED PERSON

(l) Promptly upon, but in no event later than 30 days after, the termination of the association with a nonmember broker or dealer of any person required to be designated as a principal or representative under this rule, such nonmember broker or dealer shall give notice to the Commission on Form U-5 of the termination of such association.

PUBLIC AVAILABILITY OF INFORMATION ON FORM U-4 AND FORM U-5

(m) Information supplied on Form U-4 and Form U-5 shall be non-public but will be made available as required by law or to any person to whom the Commission authorizes disclosure in the public interest.

DEFINITIONS

(n) For the purposes of this rule:

(1) The term "principal," including General Securities Principal and any of the categories of Limited Principal specified in paragraph (a)(3) of this section, shall mean any associated person engaged directly or indirectly in (i) the management, direction or supervision of the securities business of the broker or dealer: Sales, trading, research or investment advice, advertising, public relations, hiring, recruiting, or training of salesmen, maintenance of books and records, financial responsibility, underwriting and private placements, and (ii) the supervision of hiring, recruiting or training of securities employees associated with a registered broker or dealer for any of the aforementioned functions. Such persons shall include: sole proprietors, officers, directors, partners, all branch managers and other persons performing similar functions.

(2) The term "associated person" or "person associated" with a (registered) broker or dealer (or member) shall mean any partner, officer, director, or branch manager of a registered broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling, controlled by, or under common control with such registered broker or dealer, including any employee of such registered broker or dealer (other than employees whose functions are solely clerical or ministerial except for purposes of determining the minimum principal requirements specified in paragraphs (a)(1) and (a)(3) of this section), who engages directly or indirectly in one or more of the following aspects of the broker's or dealer's securities business: sales, trading, hiring, recruiting or training of salesmen; underwriting and private placements; or any such person who supervises others engaged in any of the aforementioned activities on behalf of such broker or dealer, and, in addition, research and investment advice, advertising and public relations, maintenance of books and records and financial responsibility; and any broker or dealer conducting business as a sole proprietor.

(3) The term "Financial and Operations Principal" shall mean an associated person of a registered broker or dealer whose responsibilities on behalf of such broker or dealer include:

(i) Final approval and responsibility for preparation of financial statements of the broker or dealer, supporting schedules, computations concerning net capital and the maintenance of basic reserves with respect to cash held for or owed to customers of such broker or dealer and of related books and records; and

(ii) Supervision of individuals who assist in the preparation of such reports.

(4) The term "investment company" shall have the meaning set out in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3).

(5) The term "variable contracts" shall mean contracts providing for benefits or values which may vary according to the investment experience of any separate or segregated account or accounts maintained by an insurance company.

(6) The term "real estate security" shall mean any certificate of interest or participation, partnership interest, investment contract, or other interest or instrument constituting a security as defined in section 2(1) of the Securities Act of 1933 (15 U.S.C. 77(b)(1)) which represents principally the acquisition, investment, or holding of real property or an interest therein.

(7) The term "direct participation programs" shall mean a sales program for securities which provides flow through tax consequences regardless of the structure of the legal entity or vehicle for distribution, including, but not limited to, oil and gas programs, real estate syndications (except real estate investment trusts, tax qualified pension and profit sharing plans under sections 401, 403 (a) and (b) and 408 of the Internal Revenue Code, (26 U.S.C. 401, 403 (a) and (b), 408 (1976)) and any company, including separate accounts, registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq. (1975))), agricultural programs, cattle programs, condominium securities, and all other programs of a similar nature, regardless of the industry represented by the program or any combination thereof.

(8) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 (15 U.S.C. 78o (1975)) or section 15B (15 U.S.C. 78o-4 (1975)) of the Act who is not a member of a registered national securities association.

TEXT OF PROPOSED AMENDMENT TO RULE 15b10-4

Section 240.15b10-4 is proposed to be amended by adding new paragraph (e) thereto which reads as follows:

§ 240.15b10–4 Supervision of associated persons.

* * * * *

(e) Every nonmember broker or dealer shall designate, and so indicate in its written supervisory procedures required to be maintained under this rule, from among his partners, officers or other qualified principals associated with such broker or dealer, a person or group of persons who shall:

(1) Supervise the research, advertising and public relations activities, if any, engaged in by such broker or dealer, including the supervision of any and all personnel of such broker or dealer involved in such activities on behalf of such broker or dealer; and

(2) Review and approve in writing, prior to use, all advertisements by public media (i.e., by publication in newspapers or magazines or by radio, television, motion picture, etc.), all sales literature and market letters, including notices, circulars, reports, newsletters, research reports, form letters, and reprints of published articles disseminated by such broker or dealer.

Proposed Rule 15b7–1 and the proposed amendment to Rule 15b10–4 will be considered in conjunction with the NASD's proposed amendments to Schedule C of its By-Laws. In this regard, attention is directed to Release No. 34–11889 (December 1, 1975), 40 FR 57533 (December 10, 1975).

All interested persons are invited to submit written comments on the proposed rules, and the proposed amendment to Rule 15b10–4, which should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before August 10, 1977 and should refer to File No. S7–709. All such comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77–19021 Filed 7–1–77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[31 CFR Part 51]

PUBLIC PARTICIPATION AND PUBLIC HEARING

Proposed Requirements

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed Rule.

SUMMARY: These rules propose to amend the interim regulations prescribing the requirements for publication of reports and holding of public hearings. Substantial amendments to the interim regulations necessitate the issuance of an additional set of proposed regulations. These proposed rules clarify the existing provisions of the Revenue Sharing Act as amended.

DATE: Written comments will be considered if received on or before August 4, 1977.

ADDRESS: Send comments to: Director, Office of Revenue Sharing (Symbol CC), Department of the Treasury, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

William H. Sager, Chief Counsel, Office of Revenue Sharing, 2401 E St. NW., Columbia Plaza Highrise, Rm 1545, Washington, D.C. 20226, Telephone 202–634–5182.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 10, 1976, the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488) were enacted. This amended the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) which established the General Revenue Sharing Program. The Amendments to the Revenue Sharing Act necessitated the amendment of the revenue sharing regulations set forth in 31 CFR Part 51. The first step in the process was the publication of proposed rules in the FEDERAL REGISTER on October 27, 1976, to amend Subpart B entitled "Assurances, Reports, Public Participation and Public Hearings" (41 FR 47054). The Director received 42 comments on the proposed regulations. Interim regulations on Subpart B were published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2196). On February 11, 1977 a public hearing was held upon the interim regulations. Thirteen persons representing various citizens and governmental associations presented oral comments at the hearing. A copy of the transcript of the hearing is available for inspection at the Office of Revenue Sharing. These comments will be discussed below as part of the section by section analysis of the proposed changes.

SECTION 51.10 DEFINITIONS

Proposed § 51.10 would add several new definitions. A definition of budget summary is proposed in response to requests for clarification. The definition of "enacted" is amended to provide that enactment is the final action of a unit of local government where the State is involved in the approval of a local government's budget. Comments were received stating that the terms "governmental body" and "governmental authority" were misleading. Therefore, the proposed rules would replace those terms with "legislative body" and "executive authority," respectively. The proposed rules would include a new definition of "publication" added to clarify the fact that publication need not be solely by ffotice in a newspaper. Wherever publication in a newspaper is required, it is so specified. The definition of recipient government would be expanded to include the office of the separate law enforcement officer of parishes in the State of Louisiana, other than the Parish of Orleans.

SECTION 51.12 USE REPORTS

The proposed rules would amend § 51.12(a), to eliminate the requirement that the use report be submitted to the Director within 60 days of the close of the fiscal year of the recipient government. Submission of the report would be required upon the request of the Director. Section 51.12(b) is amended to expand the public inspection requirements for the use report. Several comments suggested that certain smaller governments would have neither a principal place of business nor a public library. As a result of the comments, the Director would provide for public inspection at other public places within the political boundaries of the recipient government. The change also applies to the public inspection requirements of §§ 51.13 and 51.14. Further, several comments objected to the fact that there was no provision for notifying the public of the availability of the use report for public inspection. The proposed rules would therefore require a recipient government to publish a notice of the availability for inspection of the use report in a newspaper unless publication is impractical and other methods of notification are available. One comment objected strongly to the use of alternative methods of publication and notice other than in a newspaper. The Director decided, however, that the emphasis should be placed upon notification of the public rather than upon specific methods of such publication in order to maintain flexibility in the General Revenue Sharing Program.

The proposed rules would amend § 51.12(c), Submission of Reports to Governors, to remove the provision that the Director will notify the Governors of the availability of the use reports. Several comments suggested that the language of the interim regulations gave the impression that submission of use reports to Governors was not mandatory contrary to the requirements of the Revenue Sharing Act as amended.

SECTION 51.13 PROPOSED USE HEARINGS

The majority of the comments received objected strongly to the waivers of the proposed use hearing contained in § 51.13 (c) and (d) of the interim regulations. Accordingly, to narrow the scope of the waivers the proposed rules would eliminate paragraph (c) of § 51.13 which provides that the proposed use hearing shall not apply to a recipient government for which a budget is not presented by an executive authority to a legislative body for enactment. Section 51.13(d) of the interim regulations is redesignated § 51.13(c) and eliminates the waiver of the proposed use hearing for recipient governments receiving entitlements of $10,000 or less. Proposed § 51.13(c)(1) would provide that the waiver of the proposed use hearing may be granted by the Director upon written application if the unavoidable expenses associated with holding the proposed use hearing exceed 15% of the recipient government's entitlement for the fiscal year. The unavoidable expense figure was raised from 5% to 15% in response to comments that the 5% figure was significantly lower than that contained in the Conference Report on the Amendments to the Revenue Sharing Act. (House Report No. 94–1720)

Proposed § 51.13(c)(2) would provide that the notice and publication requirements for the proposed use hearing may be waived by the Director upon the receipt of a written assurance that publication in the newspaper is impractical and alternative means of informing the citizens are available.

SECTION 51.14 BUDGET HEARING

The proposed rules would amend § 51.14(b), Time, Place and Public Notice, by including the current subparagraph (c), Public Inspection as new paragraphs (b) (2) and (3). Section 51.14(c) of the interim regulations would therefore be eliminated and current § 51.14(d) redesignated § 51.14(c). Current § 51.14(e) would be redesignated § 51.14(d). Current § 51.14(f), Waiver of Budget Hearing, would be redesignated § 51.14(e) and retitled Alternative Procedures for Budget Hearing Requirement. Many of the comments received objected that the scope of the waiver provisions for the budget hearing requirement of current § 51.14(f) was too broad. Further, it was suggested that the use of the term "waiver" was misleading, as some form of budget hearing must be held by the recipient government. The title of this section is therefore changed from Waiver of Budget Hearing to Alternative Procedures for Budget Hearing Requirement. The waiver provisions contained in current § 51.14(f)(2) would be eliminated. Proposed § 51.14(e) would provide that a recipient government may use an alternative budget hearing process if State or local law requires a public hearing which provides the citizens an opportunity to present oral and written comments on the use of all funds including revenue sharing funds in relation to the entire budget, and the chief executive officer provides a written assurance to the Director to that effect. The phrase "in relation to its entire budget" would be added to make it clear that it is insufficient for a recipient government to merely allow questions on revenue sharing fund expenditures at a public hearing on the budget. The budget hearing must specifically address the relationship of entitlement funds to the entire budget.

Current § 51.14(g) would be redesignated 51.14(f) and retitled Waiver of Notice and Publication Requirement; Alternative Forms. In response to comments, § 51.14(f)(2) would be amended by raising the cost figure from 1 percent to 15 percent, thus bringing the cost figure in line with that limitation mentioned in the Conference Report on the Amendments to the Revenue Sharing Act. (House Report No. 94–1720)

SECTION 51.15 AMENDMENTS OR MODIFICATIONS TO ENACTED BUDGET

The Director received comments on both sides of the issue as to whether the 10 percent figure, used in the definition of modification of a budget, was too high or too low. Certain comments suggested that the 10 percent figure for determining a major change be removed entirely, whether or not a modification is major, while others suggested that the figure be raised to 50 percent. The suggestion that applicable State or local law, concerning modifications of budgets, be followed was persuasive in that the applicability of State or local law is one of the most important principles of the General Revenue Sharing Program. Accordingly, the proposed regulation would raise the figure defining major change to 25 percent or $1,000, whichever is greater, where no applicable State or local law applies. Current § 51.15 would therefore be amended to provide that where State or local law governing modifications of budgets exists, it shall be complied with. Where no such State or local law exists the public hearing provisions apply to the modification of a budget proposing a major change. A major change would be defined as a change which on a cumulative basis affects 25 percent or $1,000 of entitlement funds. The 25 percent figure was made cumulative in order to prevent the avoidance of the public hearing process by making a large number of minor changes to a budget.

SECTION 51.16 PARTICIPATION BY SENIOR CITIZENS

This section remains unchanged. However, a number of comments were received requesting clarification as to how a recipient government is to endeavor to provide senior citizens and their organizations with an opportunity to be heard. It is expected that recipient governments will identify the senior citizen organizations located in the jurisdiction and contact them directly concerning public hearings to be held. Recipient governments should give special attention to the location of the hearing place to assure that it is accessible to senior citizens. A recipient government might also provide senior citizens with transportation to the public hearings. Public hearing notices and budget summaries and other required information might be posted in senior citizen centers and other locations frequented by senior citizens.

SECTION 51.17 NOTIFICATION OF NEWS MEDIA

This section remains unchanged. However, several comments expressed concern that this section required recipient governments to notify each individual minority or bilingual newspaper in its geographic area. Notification does not require personal contact with each news organization, Such a requirement is particularly impractical and infeasible for States and metropolitan governments. A State, or large city, for example, would satisfy the notice requirements by notifying the major news services of any required information. The Director recommends that any known minority or bilingual press be contacted directly if feasible.

SECTION 51.19 REPORTS TO THE BUREAU OF THE CENSUS

The proposed rules would add reports on use of entitlement funds to the requirement that a recipient government comply promptly wtih requests by the Bureau of the Census for data and information relevant to the determination of entitlement allocations.

WRITTEN COMMENTS SOLICITED

Because a large number of substantial revisions are proposed to the current interim regulations, comments are solicited to these proposed rules prior to the issuance of final regulations. The Director will be particularly interested in receiving comments concerning the waiver provisions.

Consideration will be given to any written comments or suggestions pertaining to these proposed Subpart B regulations, received on or before August 4, 1977. Written comments shall be addressed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. Written comments submitted in response to this solicitation will be available to the public upon request unless the comments are exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552) and the Department invokes the applicable exemption. A file of all written comments will be indexed and lodged with the Treasury Library for public inspection and copying.

Economic impact.—The Department of the Treasury has determined that these amendments and proposed regulations do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A–107.

These proposed rules are issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92–512 and the State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94–488, (31 U.S.C. 1221–1263), and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

It is therefore proposed to amend 31 CFR Part 51, Subpart B in the manner set forth below.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

Approved: June 29, 1977.

ROGER C. ALTMAN,
Assistant Secretary.

Subpart B—Assurances, Reports, Public Participation, and Public Hearings

Sec.
51.10 Definitions.
51.11 Reports to the Director; assurances.

Sec.
51.12 Use reports.
51.13 Proposed use hearing.
51.14 Budget hearing.
51.15 Amendments or modification to enacted budget.
51.16 Participation by senior citizens.
51.17 Notification of news media.
51.18 Legal notice rules not applicable.
51.19 Reports to the Bureau of the Census.

AUTHORITY: State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92-512 and the State and Local Fiscal Assistance Amendments of 1972, Pub. L. 94-488, (31 U.S.C. 1221-1263), Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Subpart B—Assurances, Reports, Public Participation, and Public Hearings

§ 51.10 Definitions.

As used in this subpart (except where the context clearly indicates otherwise) the following definitions shall apply:

(a) "Budget" means a plan for the overall allocation of funds, including entitlement funds, by a recipient government to various purposes during a specified fiscal period. A recipient government that does not formally adopt or enact such a plan, shall be deemed to have adopted or enacted a budget for purposes of this subpart when it has adopted or enacted a resolution, ordinance, or appropriation act, or taken other action dedicating, setting aside, or otherwise designating entitlement funds for a particular purpose or use.

(b) "Budget summary" means categories of receipts and expenditures classified by major function and activity in accordance with the recipient government's State or local laws or procedures. Where there is no State or local law or procedure, the recipient government shall use the expenditure classifications of the Bureau of the Census.

(c) "Enacted" means, in the budget context, the act of final adoption, ratification, confirmation or other action with respect to an approved budget that makes such budget the official expenditure authorization of the recipient government. Where a State board or agency has statutory authority to review or approve the budget of a unit of local government, enacted means the final action of the unit of local government.

(d) "Entitlement funds" are the funds received under Subtitle A of Title I of the State and Local Fiscal Assistance Act of 1972, as amended. (31 U.S.C. 1221, et seq.).

(e) "Fiscal year" means the 12 month period or other fiscal period on the basis of which the recipient government operates.

(f) "Executive authority" means the chief executive officer or other elected or appointed officials of the recipient government whose statutory responsibility is to assemble budget data and present the budget document to a governmental body for enactment or approval.

(g) "Legislative body" means the elected official or officials of the recipient government who have the primary legal responsibility for enacting the budget.

(h) "Presented" means, in the budget context, the submission of the budget to the legislative body having primary legal responsibility for enacting the budget of a recipient government.

(i) "Publication" means giving notice or advising the public, and making information known to the citizens of the recipient government.

(j) "Recipient government" means a State government, unit of local government, Indian tribe, Alaskan native village, or the office of the separate law enforcement officer for any parish in the State of Louisiana (except for the Parish of Orleans) which receives entitlement funds.

(k) "Use report" means a report to the Director by each recipient government showing the amounts and purposes for which entitlement funds have been used.

§ 51.11 Reports to the Director: assurances.

(a) *In general.* The Director may require each recipient government receiving entitlement funds to submit such annual and interim reports as may be necessary to provide a basis for evaluation and review of compliance with, and effectiveness of, the provisions of the Act and regulations of this part.

(b) *Requisite assurances for receipt of entitlement funds.* In order to qualify for entitlement funds for an entitlement period the chief executive officer of each recipient government shall file a statement of assurances when requested by the Director, on a form to be provided, that such government will comply with specified requirements of the Act and the prohibitions and restrictions of Subparts D, E, and F of this part, with respect to the use of entitlement funds. The Director will afford the Governor of each State an opportunity for review and comment to the Office of Revenue Sharing on the adequacy of the assurances by units of local government in his State.

§ 51.12 Use reports.

(a) *In general.* Each recipient government shall submit a report to the Director setting forth the amounts and purposes for which entitlement funds have been appropriated, spent or obligated during its fiscal year. Such report shall also show the relationship of the entitlement funds to the relevant functional items in the recipient government's budget and shall identify differences between actual use of entitlement funds and the use of such funds as proposed by the executive authority responsible for presenting a budget to the legislative body primarily responsible for enactment of a budget. Such report shall be filed on the form prescribed and approved by the Director and shall be submitted at the time requested by the Director. Failure to file the report as prescribed by the Director may jeopardize future entitlement payments pursuant to § 51.3(c).

(b) *Public inspection.* Within ten days after the use report required under paragraph (a) of this section is filed as requested by the Director, a copy of such report shall be made available for public inspection during normal business hours at the principal office of the recipient government and, where feasible, at local public libraries or at other public buildings. If the recipient government has no principal office then posting of the report at a public place within the political boundaries of the recipient government shall satisfy the requirements of this paragraph. The recipient government shall publish, in a newspaper, notice of the availability of the report for public inspection. Where publication in a newspaper is impractical and alternative methods of public notice are available which are capable of reaching the citizens of the recipient government such alternative methods shall be used instead of newspaper publication.

(c) *Submission of use reports to Governor.* The Director (or such agency as the Director may designate) shall furnish the reports required under paragraph (a) of this section to the governor of the State in which a recipient government is located, in the manner and form prescribed by the Director.

§ 51.13 Proposed use hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977, shall have at least one public hearing on the possible uses of such funds. At such public hearing citizens of the recipient government shall have the opportunity to provide the executive authority written or oral comments and suggestions respecting the possible uses of entitlement funds. The public hearing shall be conducted not less than seven calendar days before the budget is presented to the legislative body.

(b) *Public notice.* The public shall be notified of the time, place, subject, amount of unobligated entitlement funds in the recipient government's revenue sharing trust fund, the amount of entitlement funds which the recipient government expects to receive during its fiscal year, and the right to present oral and written comments at the public hearing required by paragraph (a) of this section, at least 10 days prior to the date on which the public hearing is scheduled. The notice of public hearing shall be published in at least one newspaper of general circulation. Where publication in a newspaper is impractical and alternative methods of public notice are available which are capable of reaching the citizens of the recipient government, this requirement may be waived pursuant to paragraph (c)(2) of this section.

(c) *Waiver of proposed use hearing and notice requirements.* (1) The Director may, upon written application of the chief executive officer of a recipient government, grant a waiver of the requirements of paragraph (a) of this section for one or more fiscal years, if the Director determines from the facts submitted that the unavoidable expenses associated with the costs of compliance with the provisions of paragraph (a) of this section would exceed fifteen (15) percent of the recipient government's entitlement for such year. For purposes of this subparagraph unavoidable expenses are those incurred in holding the public hearing, such as space, furniture and equipment rentals, overtime compensation, expense of recording and preparing transcripts, and similar direct costs including the costs of publication of required notices.

(2) The notice and publication requirements of paragraph (b) of this section may be waived by the Director upon the receipt of a written assurance by the chief executive officer of the recipient government stating that publication in a newspaper is impractical and providing for an alternative method which informs the citizens of the jurisdiction regarding the recipient government's use of entitlement funds.

§ 51.14 Budget hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977 shall have at least one public hearing prior to enactment of the budget before the legislative body, or the appropriate committee thereof primarily responsible for enacting the budget, on how the entitlement funds are to be used. For those recipient governments which have a bicameral legislature, such hearing shall be held before the appropriate committee in each house of the legislature or before an appropriate joint committee of both houses of the legislature. The citizens of the recipient government shall have a reasonable opportunity to provide written and oral comments, and to ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget.

(b) *Time, place and public notice.* (1) The budget hearing required by paragraph (a) of this section shall be held at a place and time, as determined by the recipient government, that permits and encourages public attendance and participation. At least 10 days prior to the budget hearing a recipient government shall publish in at least one newspaper of general circulation within its geographic area a notice stating how, in the context of its proposed budget, it intends to use its entitlement funds, together with a summary of its entire proposed budget, and notice of the time and place of the budget hearing.

(2) At least 10 days prior to the budget hearing a recipient government shall make available for public inspection during normal business hours, at the principal office of such government, a statement of the proposed uses of entitlement funds in the context of its proposed budget and a summary of its entire proposed budget. If a recipient government has no principal office, then posting at a public place within the political boundaries of the recipient government shall satisfy the requirements of this section. Where feasible, local public libraries or other public buildings may be used for the purpose of providing additional places for availability of inspection of the statement of proposed uses.

(3) Within 30 days after enactment of a budget as provided by State or local law, a summary of the enacted budget showing the intended use of entitlement funds shall be made available for public inspection during normal business hours at the principal office of the recipient government. If a recipient government has no principal office, then posting at a public place within the political boundaries of the recipient government shall satisfy the requirements of this section. Where feasible local public libraries or other public buildings may be used for the purpose of providing additional places for availability of inspection of the budget summary.

(c) *Modification of public notice and inspection time limitation.* Whenever State or local law provides for a specified time period within which a recipient government is required to publish notice of a budget hearing or for a specified time period to permit public inspection of its proposed budget, and such specified time period differs from the 10-day provisions in paragraphs (b)(1) or (b)(2) of this section (and is not less than three (3) working days) the recipient government shall comply with the time period for publication or public inspection required by its State or local law governing the expenditure of revenues generated and collected by such government.

(d) *Published notice of budget summary availability.* Public notice that the information required by paragraph (b)(3) of this section is available for public inspection during normal business hours at the principal office of the recipient government (and, where feasible, at local public libraries or other public buildings) shall be published in a newspaper of general circulation within the geographic area of the recipient government within 30 days after enactment of the budget.

(e) *Alternative procedures for budget hearing requirement.* A recipient government may use an alternative budget hearing process: *Provided,* That:

(1) The recipient government is required under applicable State or local law which governs the expenditure of the government's own revenues to have a budget process which includes a public hearing: *Provided,* That the public hearing provides citizens with the opportunity to present oral and written comments and ask questions concerning the proposed use of all funds, including the use of entitlement funds in relation to the entire budget; and,

(2) The chief executive officer of a recipient government provides the Director with written assurance that it has complied with such State or local law. The assurance shall be accompanied by a citation to the applicable State or local law and explanation of how such law complies with the Act's statutory objectives concerning public participation on the uses of entitlement funds as set forth in paragraphs (a) and (b) of this section.

(f) *Waiver of notice and publication requirement; alternative forms.* (1) The notice and publication requirements of paragraph (b) of this section with respect to publication of the uses of entitlement funds and the budget summaries may be waived by the Director upon receipt of a written assurance by the chief executive officer of the recipient government stating that publication in a newspaper is impractical or infeasible and providing for an alternative method of notice and publication which informs the citizens of the jurisdiction regarding the recipient government's uses of entitlement funds.

(2) The requirement of paragraph (b)(1) of this section with respect to the publication of a budget summary may be waived by the Director upon receipt of a written assurance by the chief executive officer of the recipient government stating that the cost of publication in a newspaper will exceed fifteen (15) percent of the recipient government's entitlement to which the budget is applicable and providing for an alternative method which provides the citizens of the jurisdiction with the opportunity to review the budget summary.

§ 51.15 Amendments or modification to enacted budget.

Where applicable State or local law governing amendments or modification of existing budgets exists, the recipient government shall comply with the State or local law. In the absence of applicable State or local law, the provisions of §§ 51.13 and 51.14 shall apply to any amendment, modification or revision to an enacted budget only when a major change is proposed. For the purposes of this section a major change is any change in the enacted budget which, on a cumulative basis, affects the use of 25 percent or $1,000 of the entitlement funds (whichever is greater) as originally enacted in the budget of the recipient government.

§ 51.16 Participation by senior citizens.

In conducting any hearing or proceeding required under this subpart or under its own budget processes, a recipient government shall endeavor to provide senior citizens and organizations representing the interests of senior citizens with an opportunity to be heard and present their views regarding the allocation of entitlement funds prior to final allocation of such funds.

§ 51.17 Notification of news media.

At the same time any report, notice of hearing or budget information is required to be published in a newspaper under this subpart, each recipient government shall advise the news media, including minority, bilingual and foreign language news media, within its geographic area and shall provide copies of such reports, notice, or budget information to the news media on request.

§ 51.18 Legal notice rules not applicable.

Whenever any section of this subpart requires the newspaper publication of a

report, public notice, budget summary, or any other required information, the recipient government may publish in a newspaper of general circulation within its geographic area without regard to State or local statutory requirements for the publication of legal notices.

§ 51.19 Reports to the Bureau of the Census.

It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Director) for data, information and reports relevant to the determination of entitlement allocations or use of entitlement funds. Failure of any recipient government to so comply may place in jeopardy the prompt receipt by it of entitlement funds.

[FR Doc.77-19019 Filed 6-29-77;2:54 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 81]

MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

Paternity Claims and Adoption Proceedings

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed Rule.

SUMMARY: This proposed rule adds procedures on adoption hearings concerning members of the Armed Forces alleged to be fathers of illegitimate children. It changes the word "charges" (against members of the Armed Forces) to "allegations," and modifies the notification procedures. These changes will clarify and elaborate upon the present procedures.

DATES: Comments must be received on or before August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Major J. A. Badami, USA, JAGC, Assistant Director, Personnel Administration, OASD(MRA&L) (MPP), Room 3C980, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0625 or 697-9525.

SUPPLEMENTARY INFORMATION: On January 5, 1967, there was published in the FEDERAL REGISTER (32 FR 52) a final rule adoption effective November 19, 1966 which established policy applicable to the Military Departments on paternity claims against members of the Armed Services on active duty, not on active duty, and former members. The Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) (ASD(MRA&L)) proposes to reissue its DoD Directive 1344.3 to incorporate the changes described in the "Summary".

Accordingly, PART 81 is revised as follows:

81.1 Reissuance and purpose.
81.2 Applicability.
81.3 Policy.

AUTHORITY: Sec. 301, 80 Stat. 379 (5 U.S.C. 301).

§ 81.1 Reissuance and purpose.

This part reissues DoD Directive 1344.3, "Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces," to standardize procedures for the handling of:

(a) Paternity claims against members and former members of the Armed Forces, and

(b) Requests from civilian courts concerning the availability of members and former members of the Armed Forces to appear at an adoption hearing where it is alleged that such member is the father of an illegitimate child.

§ 81.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 81.3 Policy.

(a) *Members on active duty.* (1) Allegations of paternity against members of the Armed Forces who are on active duty will be transmitted to the individual concerned by the appropriate military authorities.

(2) If there exists a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction against such a member, the commanding officer of the appropriate Military Departments will advise the member of his moral and legal obligations as well as his legal rights in the matter. The member will be encouraged to render the necessary financial support to the child and take any other action considered proper under the circumstances.

(3) Communications from a judge of a civilian court, including a court summons or a judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that an active duty member is the father of an illegitimate child, shall receive a reply that:

(i) Due to military requirements, the member cannot be granted leave to attend any court hearing until (date), or

(ii) A request by the member for leave to attend an adoption court hearing on (date), if made, would be approved, or

(iii) The member has stated in a sworn written statement (forward a copy with response) that he is not the natural parent of the child, or

(iv) Due to the member's unavailability caused by a specific reason, a completely responsive answer cannot be made.

(4) The member should be informed of the inquiry and the response and urged to obtain legal assistance for guidance (including an explanation of sections of the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Appendix, Section 501 et seq., if appropriate).

(b) *Members not on active duty.* (1) Allegations of paternity against members of the Armed Forces who are not on active duty shall be forwarded to the individual concerned in such manner as to ensure that the allegations are delivered to the addressee only. Military channels will be used when practicable.

(2) Communications from a judge of a civilian court, including a court summons or judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that the member not on active duty is the father of an illegitimate child shall receive a reply that such person is not on active duty. A copy of the communication and the reply will be forwarded to the named individual.

(3) When requested by a court, the last known address of inactive members may be furnished under the same conditions as set forth for former members under § 81.3(c)(2) (i) and (ii).

(c) *Former members.* (1) In all cases of allegations of paternity against former members of the Armed Forces or communication from a judge of a civilian court, including a judicial summons or court order, concerning the adoption of an illegitimate child of former members of the Armed Forces who have been separated from the Military Services, i.e., those members now holding no military status whatsoever, the claimant or requester will be (i) informed of the date of discharge, and (ii) advised that the individual concerned is no longer a member of the Armed Forces in any capacity, and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation shall be returned to the claimant or requester.

(2) In addition, the last known address of the former member will be furnished to the requester:

(i) If the request is supported by a certified copy of either:

(A) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(B) A document which establishes that the former member has made an official admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it; or

(C) A court summons, judicial order, or similar document of a court within the United States in a case concerning the adoption of an illegitimate child; wherein the former serviceman is alleged to be the father.

(ii) If the claimant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 29, 1977.

[FR Doc.77-18990 Filed 7-1-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21311; FCC 77-436]

SUBSCRIPTION TELEVISION

Repeal of Movie Restrictions

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action announces the proposed deletion of an FCC rule that restricts which movies can be presented on subscription television ("STV"). The rule to be deleted is identical to a pay cable rule, but now that the pay cable rule has been vacated by the U.S. Court of Appeals (D.C. Cir.), the Commission has requested the Court to remand the STV rule to consider its possible repeal.

DATES: Comments must be filed on or before August 8, 1977, and reply comments on or before August 18, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 22, 1977.

Released: June 29, 1977.

1. The Commission's rules and regulations contained similar sections which restricted the presentation of certain feature movies on subscription television and pay cable. On March 25, 1977, the U.S. Court of Appeals, D.C. Circuit, vacated the pay cable restrictions but not the identical subscription television restrictions. *Home Box Office* v. *F.C.C.*, Case No. 75-1280 et al.

2. At the Commission's request, the Court remanded by Order of May 4, 1977, the subscription television restrictions, contained in 47 CFR 73.643(a), for consideration of repeal of that section, and such repeal is proposed.[1]

3. Comments are invited on any justification for retaining the subscription television restrictions on feature movies, now that the cable rule has been vacated. However, this proceeding is limited to subscription television only, and no comments will be accepted which are repetitious of the record compiled on the pay cable rule.

4. Accordingly, it is proposed, That Section 73.643 of the Commission's rules and regulations, be amended by deletion of paragraph (a), and by relettering paragraphs (b) through (f) as paragraphs (a) through (e).

5. Pursuant to the applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before August 8, 1977, and reply comments on or before August 18, 1977. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such reply comments shall be accompanied by a certificate of service.

6. In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and five copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

7. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

8. Authority for the actions taken herein is contained in sections 2, 4(i), 301, and 303 of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,
VICENT J. MULLINS,
Secretary.

[FR Doc.77-19030 Filed 7-1-77;8:45 am]

[1] National Subscription Television and Oak Broadcasting Systems, Inc., with the support of Blonder-Tongue Broadcasting Corporation, have requested expedited action repealing § 73.643(a) or a stay or waiver of this provision pending its repeal. That request is granted to the extent that we are issuing this Notice of Proposed Rule Making looking toward such repeal. In taking such action we must of course be governed by the need for compliance with the Administrative Procedure Act. Nonetheless, we shall act as promptly as circumstances permit. With this in mind we are in a position to dismiss the alternative forms of relief which shall be done by separate letter.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 6; Notice 77-10]

STANDARD TIME ZONE BOUNDARY IN THE STATE OF INDIANA

Proposed Relocation

AGENCY: Department of Transportation.

ACTION: Proposed rule.

SUMMARY: The Department of Transportation proposes to relocate the boundary between the eastern and central time zones in the State of Indiana so as to move Pike County from the central to the eastern zone. This move has been requested by the governing body of the county.

DATES: Public hearing—Wednesday, August 24, 1977, 6:00 p.m., C.D.T., Pike County Court House, Petersburg, Indiana. Comment closing date: September 9, 1977. Proposed effective date: 2:00 a.m., C.D.T., Sunday, October 30, 1977.

ADDRESS: Send comments to Docket Clerk, OST Docket No. 6, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT THE AUTHOR OF THIS DOCUMENT:

Robert L. Ross, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION: Under section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) ("the Act") the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States so as to move an area from one time zone to another. The Act's standard in this area is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." The Commissioners of Pike County have formally requested that the county be moved from the central to the eastern zone.

The appropriate time zone for Indiana has been the subject of much debate ever since the Act took effect. From 1967 to 1969, the Department of Transportation conducted an extensive rulemaking proceeding which resulted in the present time pattern in the State—80 counties in the eastern zone and 12 counties (six in the northwest around Gary and six in the southwest around Evansville) in the central zone. Pike is one of the six southwest counties.

Although this proposal does not directly involve the observance of advanced (daylight saving) time, it is a relevant factor warranting discussion. Under section 3 of the Act (15 U.S.C. 260a), daylight saving time is observed in the United States from the last Sunday in April until the last Sunday in October each year, except in those States which by law have exempted themselves from such observance. In 1972 the Congress, responding to the situation in Indiana, amended the Act to permit a State in more than one time zone—like Indiana—to exempt either the entire State or only that part of the State in the more easterly of the two zones. Pursuant to this provision of Federal law and to its own State exemption statute (Acts 1969, Chapter 491), the central zone portion of Indiana observes daylight saving time with the rest of the country while the eastern zone portion does not observe it at all. (The result is that, although the two parts are in different time zones, while daylight saving time is in effect the clocks throughout the State read the same: on the clock, eastern standard is the same as central daylight time.) Given that exemption—which may be changed at any time by the State and which is not a matter of Federal authority—adoption of this proposal would have the effects of not only changing the time zone in which Pike County is located but also exempting it from daylight saving time.

Before taking action to adopt, deny, or modify the proposal, the Department will consider the views of interested persons. Comments should be submitted in writing to the address shown above. All comments received by the comment closing date above will be considered and will be available for public inspection and copying in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between the hours of 9:00 am and 5:30 p.m. local time, Monday through Friday except Federal holidays.

To facilitate the receipt of comments by persons in the affected area, a representative of the Department will conduct a public hearing in Pike County on Wednesday evening, August 24, 1977, beginning at 6:00 PM CDT in the County Court House in Petersburg, the county seat. The hearing, which will be electronically recorded, will last approximately four hours; in the interest of providing opportunity for as many people to speak in that period as wish to, each speaker will be limited to six minutes in which to present his/her views. Requests to speak will not be accepted prior to the hearing.

In consideration of the foregoing, it is proposed to amend § 71.5 of Title 49, Code of Federal Regulations, by revising paragraph (b) thereof to read as follows:

§ 71.5 Boundary line between eastern and central zones.

* * * * *

(b) *Indiana-Illinois.* From the junction of the western boundary for the State of Michigan with the northern boundary of the State of Indiana easterly along the northern boundary of the State of Indiana to the east line of LaPorte County; thence southerly along the east line of LaPorte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the western boundary of the State of Indiana to the north line of Gibson County; thence easterly and southerly along the north line of Gibson County to the east line of Gibson County; thence south along the east line of Gibson County to the north line of Warrick County; thence easterly and southerly along the north lines of Warrick and Spencer Counties to the east line of Spencer County; thence southerly along the east line of Spencer County to the Indiana-Kentucky boundary.

* * * * *

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); sec. 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(d)(5)); sec. 1.59(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).)

Issued in Washington, D.C., on June 28, 1977.

LINDA HELLER KAMM,
General Counsel.

[FR Doc.77-19020 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed Frameworks for Early Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements proposed rulemakings published in the FEDERAL REGISTER on March 10 and May 25, 1977, and proposes to establish frameworks for early season migratory bird hunting regulations so that States may select season dates and daily bag and possession limits for the 1977–78 season. It also clarifies the boundary of the Pacific Flyway as it relates to New Mexico.

DATES: Comments on this supplemental proposed rulemaking will be accepted until July 14, 1977.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–343–8827).

SUPPLEMENTARY INFORMATION: On March 10, 1977, the Service published in the FEDERAL REGISTER (42 FR 13311) a proposal to amend 50 CFR Part 20, with a comment period ending May 18, 1977. That document dealt with minor modifications in § 20.11 of Subpart B, the addition of § 20.40 in Subpart D of 50 CFR 20, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR 20. On May 25, 1977, the Service published for comment in the FEDERAL REGISTER (42 FR 26669) a second document in the series consisting of a supplemental proposed rulemaking dealing specifically with a number of additional or modified proposals and clarification or correction of minor portions of the earlier document. The comment period ends July 14, 1977. On July 1, 1977, the Service published in the FEDERAL REGISTER final rule making dealing specifically with final frameworks for the 1977–78 season from which wildlife conservation agency officials in Puerto Rico and the Virgin Islands may select season dates for hunting certain doves, scaly-naped pigeons, ducks, coots, gallinules, and snipe in Puerto Rico, and Zenaida doves and scaly-naped pigeons in the Virgin Islands. This supplemental proposed rulemaking is the forth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with proposed regulations frameworks for 1977–78 early hunting seasons on certain migratory game birds.

On June 21, 1977, a public hearing was held in Washington, D.C., as announced in the FEDERAL REGISTER of May 25, 1977 (42 FR 26709) and June 8, 1977 (42 FR 29345), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, lesser sandhill (little brown) cranes in North and South Dakota, and common snipe. Proposed hunting regulations for these species were discussed plus those governing migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; and special sea duck seasons in the Atlantic Flyway. Statements or comments were invited.

This supplemental proposed rulemaking document identifies a number of changes to the original framework proposals published on March 10, 1977, in the FEDERAL REGISTER, and as supplemented on May 25, 1977. The present supplemental proposals are briefly described as follows. Topics are identified numerically and listed in the same sequence as they appeared in the March 10, 1977, FEDERAL REGISTER.

18. *Lesser sandhill (little brown) cranes.* The FEDERAL REGISTER dated May 25, 1977, proposed that hunting seasons in designated portions of North Dakota and South Dakota be allowed during the period of September 1 through 11, 1977, in lieu of the November seasons of previous years. The Service now proposes that such hunting seasons be confined to 5 consecutive days during the period of September 1 through 11, 1977. This change is made as a precaution against any undue increase in the harvest of sandhill cranes in these States in 1977.

26. *White-winged doves.* No season length was specified in the March 10, 1977, FEDERAL REGISTER for the proposed white-winged dove season in Texas. Such a recommendation was delayed pending completion of breeding population surveys. These surveys have now been completed by the Texas Parks and Wildlife Department. As a result of those surveys, Texas has recommended that 5 days of hunting be permitted this year. The Service concurs with this recommendation and now identifies it as the season length under consideration. As noted earlier, Texas will designate at a later date the specific areas in which hunting will be allowed.

CLARIFICATION

This document also clarifies the boundary of the Pacific Flyway as it was described on page 13313 of the FEDERAL REGISTER dated March 10, 1977, as it relates to New Mexico. In New Mexico, the Pacific Flyway is confined to that portion of the State west of the Continental Divide plus the Jicarilla Apache Indian Reservation. In the March 10, 1977, document those portions of New Mexico were omitted from the Pacific Flyway description.

SHOOTING HOURS AND SEASON FRAMEWORKS

The Service has received comments from a number of organizations and individuals expressing opposition to shooting hours of one-half hour before sunrise to sunset for migratory game birds, and season frameworks that permit the hunting of mourning doves in September. On the other hand, comments in support of these shooting hours and season frameworks have been received from other organizations and individuals. Those in opposition on the shooting hours issue requested that shooting hours be restricted to one-half hour after sunrise to one-half hour before sunset. This concern centers on waterfowl identification during the pre-sunrise period. Those expressing concern about the hunting of mourning doves during September have expressed several points, the most significant one being that the proposed season coincides with the period when some mourning dove nesting and rearing will still be underway. They have requested that the season for mourning doves open no earlier than October 15.

Although no changes in shooting hours or season frameworks are proposed at this time, both matters are presently under review and evaluation by the Service. Environmental assessments are in preparation and will be completed and made available for public comment in the near future. Final decisions on these matters will be deferred until the evaluations and assessments have been completed. These assessments may result in final frameworks which differ somewhat from those currently being proposed.

PUBLIC COMMENT INVITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from these supplemental proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and certain waterfowl in the contiguous United States; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; sea ducks in coastal water of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations.

COMMENT PROCEDURE

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2243, Department of the Interior, C Street between 18th and 19th Streets, NW., Washington, D.C.

All relevant comments received no later than July 14, 1977, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

PROPOSED REGULATIONS FRAMEWORKS FOR 1977–78 EARLY HUNTING SEASONS ON CERTAIN MIGRATORY GAME BIRDS

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; sandhill cranes in designated portions of North and South Dakota; and for waterfowl, coots, snipe, and sandhill cranes in Alaska. For the guidance of State conservation agencies, these frameworks are summarized below.

NOTE.—Any State desiring its season on gallinules, woodcock, snipe, or crane to open in September must make its selection no later than July 27, 1977. Those States which desire their gallinule, woodcock, snipe or crane season to open after September may make their selection at the time they select their regular waterfowl season.

Those Atlantic Flyway coastal States desiring their season on sea ducks in certain defined areas to open in September must make their selection no later than July 27, 1977. Those Atlantic Flyway coastal States which desire their season on sea ducks in certain defined areas to open after September may make their selection at the time they select their regular waterfowl season.

MOURNING DOVES

Between September 1, 1977, and January 15, 1978, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit.—(All States east of the Mississippi River and Louisiana.)

1. Shooting hours[1] between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama—The South Zone consists of the areas south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia—U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi—State Highway 12 from the Arkansas State line to Kosciusko, and State Highway 14 from Kosciusko to the Alabama State line.

B. Within each zone, these States may select hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1977.

Central Management Unit.—(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.)

1. Shooting hours between ½ hour before sunrise and sunset daily in all States;

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run

[1] The hours noted here and elsewhere also apply to hawking (taking by falconry).

consecutively or be split into not more than three periods.

4. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1977, and January 22, 1978.

C. The South Zone may have a season of not more than 60 days between September 20, 1977, and January 22, 1978. In the Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season (60 days less the number of days of the white-winged dove season) must be within the September 20, 1977–January 22, 1978, period.

5. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit.—(Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.)

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

WHITE-WINGED DOVES

Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1977, and December 31, 1977, and daily bag and possession limits as stipulated below. Shooting hours between ½ hour before sunrise and sunset may be selected.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days, to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the Counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the Counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

BAND-TAILED PIGEONS

West Coast States.—(California, Oregon, and Washington).

These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1977, and January 15, 1978. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exceed 8 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1977. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exeeed 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations. *Provided, That* each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency, and such permit will be valid in that State only; and *Provided further, That* this season shall be open only in the areas delineated by the respective States in their hunting regulations.

New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1977, and November 30, 1977, in the North Zone, and October 1, 1977, and November 30, 1977, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected by New Mexico.

RAILS

(CLAPPER, KING, SORA, AND VIRGINIA)

The States included herein may select seasons between September 1, 1977, and January 20, 1978, on clapper, king, sora, and Virginia rails as follows:

The seasons length for all species of rails may not exceed 70 days.

Shooting hours between ½ hour before sunrise and sunset in all States for all species may be selected.

CLAPPER AND KING RAILS

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

SORA AND VIRGINIA RAILS

In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways.[2]

No hunting season is prescribed for rails in the Pacific Flyway.[3]

WOODCOCK

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively, *Provided, That* in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty.

An option to allow New Jersey to experimentally set woodcock seasons by north and south zones, divided by State Highway 70, is being proposed. Seasons in each zone may not exceed 55 days, and the season in the South Zone may be split.

COMMON (WILSON'S) SNIPE

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, not to exceed 107 days, except that in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1977, and February 28, 1978, and not to exceed 93 days, may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours between ½ hour before sunrise and sunset may be selected. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern Flyways may defer selections of snipe seasons at this time and make the selections in August when they select waterfowl seasons. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

LESSER SANDHILL (LITTLE BROWN) CRANES

North Dakota and South Dakota may select sandhill crane seasons not to exceed 5 consecutive days during the period September 1 through 11, 1977, in certain designated areas.

In North Dakota, the season is confined to Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh Counties. In South Dakota the season is confined to Campbell, Walworth, Potter, Dewey, and Corson Counties. In both States, the bag limit is 3 birds daily and the possession limit is 6 birds. Each person participating in the season must obtain and carry in his possession while hunting a Federal lesser sandhill crane hunting permit.

GALLINULES

States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1977, and January 20, 1978, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively.

States may select their gallinule seasons at the time they select their waterfowl seasons. If the selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

SCOTER, EIDER, AND OLDSQUAW DUCKS (ATLANTIC FLYWAY)

A maximum season of 107 days for taking scoter, eider, and oldsquaw ducks is prescribed during the period between September 18, 1977, and January 20, 1978, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays, eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southhampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia; *Provided, That* any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours between ½ hour before sunrise until sunset daily may be selected.

Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1977. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl season.

In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or special falconry season) exceed 107 days for any geographical area.

SEPTEMBER TEAL SEASON

Between September 1 and September 30, 1977, an open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 27, 1977.

In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for any geographical area.

MIGRATORY GAME BIRD SEASONS IN ALASKA

Between September 1, 1977, and January 26, 1978, Alaska may select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. Shooting hours between ½ hour before sunrise until sunset daily may be selected for all species.

2. *Season lengths.*—A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots. In the Kodiak (State game management unit 8) area, an open season of 107 days for ducks, geese, brant, and coots and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska including Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

D. An open season for snipe concurrent with the duck season.

E. An open season for lesser sandhill (little brown) cranes concurrent with the duck season.

3. *Bag and possession limits.*—A. *Ducks*—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and redbreasted mergansers, singly or in the aggregate of these species.

B. *Geese*—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant*—A daily bag limit of 4 and a possession limit of 8.

D. *Coots*—A daily bag and possession limit of 15.

E. Snipe—A daily bag limit of 8 and a possession limit of 16.

[2] The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation).

[3] The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

F. Lesser sandhill (little brown) cranes—A daily bag limit of 2 and a possession limit of 4.

SPECIAL FALCONRY REGULATIONS

Any State that provides special falconry hunting seasons may select extended seasons for taking certain migratory game birds in accordance with the following provisions:

(1) Seasons must fall within the framework dates provided for selecting regular hunting seasons for the various groups of species (e.g., October 1–January 20 for waterfowl, etc.).

(2) Season lengths for all permitted methods of hunting within a given area may not exceed 107 days for any species.

(3) Hunting hours shall not exceed one-half hour before sunrise to sunset.

(4) Daily bag and possession limits for waterfowl (ducks, geese, and mergansers) shall not exceed 2 and 4 birds, respectively, singly or in the aggregate.

(5) Daily bag and possession limits for certain other species (coots, gallinules, rails, snipe, woodcock, doves and pigeons only) shall not exceed 4 and 8 birds, respectively, singly or in the aggregate.

(6) States offering extended seasons shall evaluate and report to the Service the results of each hunting season (regular and extended) each year.

Hunting by falconry during regular migratory game bird seasons is permitted in accordance with applicable regulations.

States selecting extended falconry seasons must inform the Service of seasons and other regulations and publish said regulations.

DRAFTING INFORMATION

This supplemental proposed rulemaking was authored by Dr. John P. Rogers, Chief, Office of Migratory Bird Management.

ECONOMIC IMPACT REVIEW

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Issued in Washington, D.C., June 27, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77–18964 Filed 7–1–77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Public Hearings; Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION. Advance Notice of Proposed Rulemaking.

SUMMARY: Announcement is made of one of several public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. This particular hearing will be held jointly by the National Marine Fisheries Service (NMFS) and the Western Pacific Regional Fishery Management Council. This hearing will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: A public hearing will be held on July 21, 1977 at:

Hawaii State Capitol Building, Conference Room 6, Honolulu, Hawaii 96813.

The hearing will begin at 10:00 a.m. and will continue until all testimony is received. The hearing will terminate, however, by 5:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Doyle Gates, Administrator, Western Pacific Program Office, NMFS, 2570 Dole Street, P.O. Box 3830, Honolulu, Hawaii 96812, telephone 808–946–2181.

SUPPLEMENTARY INFORMATION: During the hearing we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at this public hearing may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: June 30, 1977.

WINFRED H. MEIBOHM,
Associate Director
National Marine Fisheries Service.

[FR Doc.77–19164 Filed 7–1–77;8:45 am]

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Public Hearings; Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: Announcement is made of the first several of public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These particular hearings will be held jointly by the National Marine Fisheries Service (NMFS) and the Pacific Regional Fishery Management Council. These hearings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: Public hearings will be held on July 20, 1977 at:

The Ceremonial Court Room, Federal Building, U.S. Courthouse, 19th Floor, 450 Golden Gate Avenue, San Francisco, California 94102.

On July 21, 1977 at:

The Athens-Bombay Room, Cosmopolitan Motor Hotel, 1030 N.E. Union, Portland, Oregon 97212.

On July 22, 1977 at:

Northwest and Alaska Fisheries Center Auditorium, National Marine Fisheries Service, 2725 Montlake Boulevard, East Seattle, Washington 98112.

Hearings will begin at 9:00 a.m. and will continue until all testimony is received. The hearings will terminate, however, by 5:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Harvey M. Hutchings, Chief, Fisheries Management Division, 1700 Westlake Avenue, North, Seattle, Washington 98109, Telephone: (206) 422–4817.

SUPPLEMENTARY INFORMATION: During the hearings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at these public hearings may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: June 30, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77–19165 Filed 7–1–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 757–7]

POLYCHLORINATED BIPHENYLS

Open Public Meeting; Solicitation of Comments; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction.

SUMMARY: In FR Doc 77–18402 appearing at page 32555 in the FEDERAL REGISTER of June 27, 1977 the phone number of Ms. Mary Ellen Sabella, the Chicago meeting coordinator, should have read 312–353–2072.

DATES: The public meeting in Washington, D.C. on July 15, 1977 and the public meeting in Chicago, Ill. on July 19, 1977 will both commence at 10 a.m.

FOR FURTHER INFORMATION CONTACT:

George Wirth, 202–426–9000.

Dated: June 30, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator
for Toxic Substances.

[FR Doc.77–19224 Filed 7–1–77; 11:02 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 30823]

AIR WISCONSIN CERTIFICATION PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 26, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 11, 1977, and the other parties on or before July 19, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 28, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-19060 Filed 7-1-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP77-103]

ALGONQUIN GAS TRANSMISSION CO.

Filing by Algonquin Gas Transmission Company Requesting Special Permission To Recover Increases in Purchased Gas Costs Related to Emergency Natural Gas Act of 1977 Under Unrecovered Purchased Gas Cost Account

JUNE 24, 1977.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on June 15, 1977, filed with the Federal Power Commission a request for special permission to include in Algonquin Gas' Unrecovered Purchased Gas Cost Account of its Purchased Gas Adjustment ("PGA") clause increases in its purchased gas costs related to gas sold to Algonquin Gas pursuant to the Emergency Natural Gas Act of 1977 ("Emergency Gas Act").

Algonquin Gas states that its sole natural gas supplier, Texas Eastern Transmission Corporation ("Texas Eastern") billed Algonquin Gas approximately $417,000 for the month of May, 1977, for emergency gas purchased by Texas Eastern and allocated to Algonquin Gas pursuant to Section 6 of the Emergency Gas Act. This is an increase of approximately $207,000 in excess of the cost of gas currently reflected in Algonquin Gas' effective rates. Algonquin Gas expects to be billed again by Texas Eastern for similar purchases in June and July in approximately the same amount for each of those months. According to Algonquin Gas, since its currently effective PGA does not provide the precise mechanics for the recovery of increased costs due to such short-term emergency purchases passed on to Algonquin Gas by Texas Eastern as separate charges, Algonquin Gas is requesting special permission from the Commission to include such cost increases in the Unrecovered Purchased Gas Cost Account of its PGA to allow their recovery as part of the amortization of this account by a unit rate adjustment as provided in Section 17.5 of the General Terms and Conditions of Algonquin Gas' FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that unless the Commission grants the permission requested, it will have incurred approximately $600,000 in increased gas costs related to gas to be supplied during May, June, and July, 1977, pursuant to the Emergency Gas Act of 1977, with no way of recovering such costs.

Any person desiring to be heard or to protest the instant filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18981 Filed 7-1-77;8:45 am]

[Docket No. CP77-423]

COLORADO INTERSTATE GAS COMPANY

Application

JUNE 24, 1977.

Take notice that on June 6, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-423 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of natural gas with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to exchange natural gas with Panhandle pursuant to a gas purchase and exchange agreement dated December 3, 1976 between the two parties. It is stated that Panhandle controls or would control certain volumes of gas located near Applicant's existing pipeline system but distant from Panhandle's system, and that these volumes are expected to increase in the future. By the terms of the agreement, Applicant would receive into its pipeline system the subject gas volumes controlled by Panhandle in an "Area of Interest" located in southwestern Wyoming. It is further stated that it is not known at this time the amount of gas to be delivered to Applicant by Panhandle over the term of the agreement as the delivery volumes would include gas from wells yet to be drilled on locations yet to be determined. Panhandle anticipates annual delivery volumes of 16,100,000 Mcf, 24,500,000 Mcf, and 27,100,000 Mcf in the first, second and third years of operation respectively, it is said. Applicant states that it fully expects to be able to receive anticipated volumes from Panhandle on a best efforts basis beginning in the fall of 1978. As of May 1, 1977, there were nine wells in the Area of Interest awaiting connection with an estimated aggregate initial deliverability of 8,600 Mcf per day, it is indicated.

It is indicated that pursuant to the terms of the agreement Panhandle would deliver the subject gas to Applicant at two delivery points in the Red Desert and La Barge areas of Sweetwater County, Wyoming. Applicant states that Panhandle proposes in Docket No. CP77-383 to construct two major supply laterals to connect gas to Applicant at these points, and that these delivery points would require Applicant to construct two line taps at an estimated cost of $50,000. Applicant further states that additional facilities may also be required as development progresses, and that all jurisdictional connecting facilities required to receive delivery volumes from Panhandle would be constructed under budget authority.

Applicant indicates that it has the option to purchase up to 25 percent of the delivery volumes as sale gas, and that for such sale gas, Applicant would reimburse Panhandle for Panhandle's average gas purchase cost plus costs attributable to gathering, compression, dehydration, taxes, and a reasonable return on the related investment. Applicant states that it would also reimburse Panhandle for the cost of service of qualified advance payments attributable to Applicant's purchase gas share. It is stated that Applicant would redeliver the remainder volumes, less applicable fuel and unaccounted-for volumes (exchange gas) on a thermally equivalent basis to Panhandle from Applicant's existing Lakin Panhandle Eastern Sales Meter Station located at the Lakin Compressor Station discharge in Kearny County, Kansas and also at Applicant's existing delivery point located near Baker, Oklahoma. The capacity of the Lakin and Baker redelivery points is sufficient to accept the projected initial Redelivery Volumes along with Applicant's existing delivery obligations to Panhandle, it is said.

It is stated that Panhandle would provide gas to Applicant to compensate for fuel usage to the extent reasonably required by Applicant to accomplish the transportation of the exchange gas, and that the fuel gas usage allowance is limited to a maximum of 2 percent of the redelivery volumes. Unaccounted-for gas would be computed as a percentage of the redelivery volumes equal to Applicant's actual systemwide experience during the previous year but limited to a maximum of 0.5 percent, it is said.

Applicant indicates that Panhandle would reimburse Applicant for transportation of the redelivery volumes at a rate to reflect Applicant's transmission system cost of service, including a reasonable rate of return on investment, but exclusive of the cost of service attributable to gathering and storage systems and exclusive of the cost of service attributable to gas used in the operation and maintenance of Applicant's transmission system. Applicant states that this rate, which is subject to change from time to time, is currently 16.43 cents per Mcf.

It is indicated that Applicant may, subject to available capacity in Panhandle's gathering facilities, connect gas supplies located in the Area of Interest to Panhandle's gathering system for redelivery to Applicant, and that in return, Applicant would pay Panhandle a transportation charge based upon Panhandle's current cost of service per Mcf for these facilities.

Applicant asserts that its FPC Gas Tariff and its service agreements with certain jurisdictional customers provide that the input factor of gas delivered may not vary by more than 6 percent (over or under) from values, and that it may not be able to maintain input factor control as deliveries from Panhandle increase without additional facilities, since the gas volumes Applicant would receive from Panhandle in the area of interest are expected to have a relatively high heat content. Applicant indicates that the agreement provides that in the event Applicant installs and places in operation * * * additional facilities on its system for the injection of air or other inert gases, Panhandle would reimburse Applicant for the cost of acquisition and installation thereof to the extent such facilities are necessary for the injection of volumes of air or inerts equivalent to the volume by which Applicant is required, in order to achieve thermally equivalent balancing, to deliver to Panhandle redelivery volumes which volumetrically exceed the volumes of exchange gas received by Applicant.

It is stated that volumes of gas to be purchased by Applicant from Panhandle pursuant to the agreement would be used to meet the requirements of Applicant's existing customers.

Any person desiring to be heard or to make any protest with reference to said appliaction should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18978 Filed 7-1-77;8:45 am]

[Docket No. CP75-231]

COLORADO INTERSTATE GAS COMPANY

Petition To Amend

JUNE 24, 1977.

Take notice that on June 6, 1977, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-231 a petition to amend the Commission's order of October 1, 1975, issued in the instant docket (54 FPC ____), pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to include the acreage attributable to the Shell Creek Unit Well No. 2 in the acreage covered by the sale/exchange agreement by adding all of Section 27, Township 12 North, Range 99 West, Moffat County, Colorado, and to add an additional delivery point on Mountain Fuel Supply Company's (Mountain Fuel) pipeline in Moffat County, Colorado, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner indicates that pursuant to the Commission's order of October 1, 1975, issued in the instant docket, it was authorized to sell and/or transport and exchange natural gas it controls in the North Hiawatha Field area of Sweetwater County, Wyoming, near the Colorado-Wyoming border. Petitioner states that pursuant to a gas purchase and exchange agreement dated Janaury 2, 1975, between Petitioner and Mountain Fuel, Petitioner delivers certain volumes from the North Hiawatha Field area to Mountain Fuel at a point on Mountain Fuel's 20-inch pipeline in Moffat County, Colorado. Petitioner further states that Mountain Fuel purchases up to 25 percent of the volume received and delivers the balance to Petitioner from Mountain Fuel's Spearhead Ranch and Antelope area supplies.

Petitioner indicates that since February 13, 1977, it has been purchasing, under the provisions of the Emergency Natural Gas Act of 1977, natural gas produced by the operator, Champlin Petroleum Company (Champlin), from the Shell Creek Unit Well No. 2 located in Moffat County, Colorado, and that the remaining interest is owned by Petitioners subsidiary, CIG Exploration, Inc. (CIGE). It is stated that Champlin has constructed a temporary line from the well to Petitioner's lateral which is connected to the above-mentioned point at which Petitioner delivers its North Hiawatha Field area gas to Mountain Fuel.

Petitioner has executed a long-term gas purchase agreement with CIGE for gas produced from Shell Creek Unit Well No. 2, and is negotiating for a long-term commitment of Champlin's interest, it is said. It is stated that the sale of gas under the long-term agreement from the Shell Creek Unit Well No. 2 is to commence upon termination of the emergency puchase under the Emergency Natural Gas Act. Petitioner states that by amendment dated February 11, 1977, to the January 2, 1975, exchange agreement, Mountain Fuel has agreed to include the acreage attributable to the Shell Creek Unit Well No. 2 in the acreage covered by the sale/exchange agreement by adding all of Section 27, Township 12 North, Range 99 West, Moffat County, Colorado, to the exchange agreement. Petitioner further states that Mountain Fuel has further agreed to

make an additional tap for a permanent delivery point for the gas from the Shell Creek Unit Well No. 2 on its 20-inch line in Moffat County, Colorado.

It is stated that at such time as it is appropriate to connect the Shell Creek Unit Well No. 2 to the proposed point at which Mountain Fuel has agreed to install a new tap on its 20-inch line, Petitioner may construct approximately 1.5 miles of 4-inch pipeline at an estimated cost of $60,000. The requisite construction may be accomplished under Petitioner's currently effective gas purchase budget authority in Docket No. CP76–503, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 14, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18987 Filed 7–1–77;8:45 am]

[Docket No. CP77–444]

CONSOLIDATED GAS SUPPLY CORP.

Application

JUNE 24, 1977.

Take notice that on June 17, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77–444 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a three-year storage service to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to render storage services for Tennessee on a best efforts basis for each of the next three injection and withdrawal seasons, beginning with the 1977 summer injection period and ending with the 1979–1980 withdrawal period, in accordance with two letter agreements dated April 20, 1977, between Tennessee and Applicant. It is stated that these services by Applicant under one of the agreements consist of a storage service, during each of the aforementioned periods, with a total storage capacity volume of 3,400,000 Mcf and a daily demand volume of 22,800 Mcf, which would enable Applicant to resell a similar service to nine of its New England utility customers, and, under the other agreement, consist of a storage service, during each of the said periods, with a total storage capacity volume of 500,000 Mcf and a daily demand volume of 3,300 Mcf, which would enable Applicant to resell a similar service to East Tennessee Natural Gas Company (East Tennessee).

It is stated that no new facilities would be required to handle the gas under the program covered by the agreements. It is indicated that the natural gas to be delivered to Applicant by Tennessee and the natural gas to be returned by Applicant to Tennessee would be delivered at Tennessee's existing Ellisburg Sales Meter Station Delivery Point to Consolidated located in Potter County, Pennsylvania, or, from time to time when operating conditions require, at such other existing interconnections between the facilities of Tennessee and Consolidated as may be mutually agreed to by their dispatchers.

Applicant states that during each of the 1977, 1978, 1979 injection periods, Tennessee would deliver to Applicant and Applicant would inject into storage such quantities of gas as are mutually agreed to and scheduled, on each day, by the dispatchers of Applicant and Tennessee. Applicant further states that it would use its best efforts to inject into storage the quantities of gas requested by Tennessee. Tennessee's stored inventory (any carried-over inventory and injections) for the account of the New England Companies would not exceed at any time the contracted storage capacity volume of 3,440,000 Mcf, and for the account of East Tennessee would not exceed at any time the contracted storage capacity volume of 500,000 Mcf, it is said.

It is indicated that during each of the 1977–1978, 1978–1979, and 1979–1980 withdrawal periods, Applicant would, on a best efforts basis, deliver to Tennessee the forementioned contracted storage gas, or any lesser portion thereof desired by Tennessee, at reasonably constant daily rates not to exceed 22,800 Mcf for the New England Companies and not to exceed 3,300 Mcf for East Tennessee: *Provided, however,* That such daily volumes may be adjusted as operating conditions permit and as mutually agreed to by dispatchers of Applicant and Tennessee.

Applicant states that under the proposed storage program, it is contemplated that deliveries from storage would occur ordinarily during the winter season next following the summer injection season. However, the customer may defer its withdrawals; and, in such event, the carried-over inventory and succeeding summer injection cannot exceed the contracted storage volume, it is said.

Applicant asserts that the natural gas storage services which it proposes are designed and would enable Tennessee, by its utilization of such services in conjunction with capacity available from its own existing pipeline and storage facilities, to render storage services for nine of its New England wholesale customers for the next three years, and similar service to East Tennessee for three years.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18979 Filed 7–1–77;8:45 am]

[Docket No. CP77–433]

EAST TENNESSEE NATURAL GAS CO.

Application

JUNE 24, 1977.

Take notice that on June 10, 1977, East Tennessee Natural Gas Company (Applicant), 8200 Kingston Pike, Knoxville, Tennessee 37919, filed in Docket No. CP77–433 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a three-year storage service for eleven of its customers, up to 500,000 Mcf; to carry over and apply to its proposed storage service certain volumes of gas remaining in storage for its account; to recover the increased cost of purchased gas which would be incurred as a result of it converting from Tennessee Gas Pipeline Company's, a Division of Tenneco Inc. (Tennessee), Rate Schedule G–1 to its Rate Schedule CD–1; and to effectuate various revisions to its tariff resulting from the proposed Limited Term Storage Service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to render Limited Term Storage Service for the three consecutive twelve-month periods of 1977–78, 1978–79 and 1979–80 to eleven of its customers and with their respective Total Storage Volumes as follows:

Customer:	*Total storage volume (thousand cubic feet)*
Chattanooga Gas Co	200,000
Colonial Natural Gas Co	100,000
City of Fayetteville, Tenn	3,000
City of Lewisburg, Tenn	3,000
City of Loudon, Tenn	2,000
Natural Gas Utility District Hawkins County, Tenn	5,000
Roanoke Gas Co	100,000
Sevier County Utility District of Sevier County, Tenn	12,000
City of Sweetwater, Tenn	4,000
United Cities Gas Co	50,000
Volunteer Natural Gas Co	21,000
Total	500,000

It is indicated that the proposed service is virtually the same service and for the same customers as was authorized by the Commission for the current year in Docket No. CP76–393. Applicant states that it has volumes of gas currently remaining in storage under Tennessee's LTSS–1 storage service agreement and such volumes are not needed now but would be urgently needed during the 1977–78 winter. Consequently, Applicant requests that it be authorized to carry such volumes over and apply the volumes to the proposed new limited storage service.

Applicant states that the service proposed herein would be rendered by the customers making available to Applicant from their allocation of gas from Applicant and/or volumes from sources other than Applicant during each summer period.

Such volumes would be made available to Tennessee for storage by Consolidated Gas Supply Corporation (Consolidated), and subsequent redelivery of the stored volumes would be made by Tennessee to Applicant and by Applicant to each customer upon request of such customers, it is said. It is stated that all such deliveries would be made only when the operating conditions of Applicant, Tennessee and Consolidated permit.

Applicant states that the Total Storage Volume of 500,000 Mcf is being made available by Tennessee to Applicant from a total storage capacity of 3,940,000 Mcf Consolidated has made available to Tennessee. Applicant asserts that the storage arrangements proposed would allow its customers to store gas in the summer months for delivery to high priority customers in winter months. The current forecast of winter deliveries indicate curtailment into Priority 2 for each of the three years, and most Priority 2 consumers have no standby or alternate fuel capability, it is said. Consequently, Applicant indicates that its customers, by curtailing lower priority requirements during the summer curtailment period and storing such volumes so curtailed, would be in a position to protect their high Priority 1 and 2 consumers should the winter season be colder than normal, and/or reduce the winter curtailment temperatures be normal.

Applicant states that it proposes to render the storage service for its eleven customers pursuant to a Limited Term Storage Servise, and also pursuant to its proposed Limited Storage Service Rate Schedules (LTSS–1, LTSS–2 and LTSS–3).

Applicant also seeks authorization to recover the increased cost of purchased gas which it would incur as a result of converting from Applicant's Rate Schedule G–1 to its Rate Schedule CD–1. It is indicated that pursuant to the availability Section 1.(c) of Tennessee's Rate Schedule G–1, under which Applicant currently purchases its entire long term gas supply, Applicant is ineligible to receive service from Tennessee under such Rate Schedule G–1 once Applicant has available to it underground natural gas storage and/or natural gas supplies from sources other than Tennessee. Consequently, Applicant states that it has agreed to convert to Tennessee's Rate Schedule CD–1 with a Contract Demand of 325,719 Mcf. Such volume is the sum of Applicant's firm service authorization, it is indicated. It is stated that by using its system flexibility and the new Contract Demand, Applicant's ability to serve its firm service authorization would not be impaired, and the conversion to the Rate Schedule CD–1 results in a substantial increase in the monthly purchase gas costs which Applicant cannot recover under the present provisions of its PGA clause. Consequently, Applicant submits proposed Tariff Sheets, which reflect the revisions to the PGA clause which would enable Applicant to recover these increased costs, it is said. Applicant asserts that the approval of its flow-through of the increased purchased gas costs is an essential prerequisite to its agreement to render the proposed storage service.

Additionally, Applicant seeks authorization to make the necessary revisions resulting from the proposed Limited Term Storage Service to Tariff Sheet Nos. 23, 26, and 64.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18971 Filed 7–1–77;8:45 am]

[Docket No. E–8121]

GULF STATES UTILITIES CO.

Order Approving Settlement

JUNE 27, 1977.

On April 22, 1977, Gulf States Utilities Company (Gulf States) and Sam Rayburn Dam Electric Corporative, Inc. (Sam Rayburn) filed in the docket herein a Joint Motion to Approve Settlement Agreement, which agreement was subsequently filed on April 29, 1977. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Docket No. E–8121 was initiated on April 10, 1973, when Gulf States tendered for filing various revised rate schedules to its wholesale customers, including Sam Rayburn and its member municipals and cooperatives. By order issued on June 14, 1973, the Commission (1) found that certain customers did not have *Sierra*[1]-type fixed rate contracts, thereby permitting the Company's proposed rates to go into effect subject to refund after a one-day suspension; (2) instituted a Section 206 investigation to determine if the rates being charged under the *Sierra*-type fixed-rate contracts were just and reasonable; and (3) for those customers the Commission found having fixed rate contracts with demand ceilings, it accepted Gulf States' proposed rates to be effective as initial rates to apply to those deliveries sold above the demand ceilings. The Commission found the February 13, 1964 contract between Gulf States and Sam Rayburn to be a *Memphis*[2]-type contract,

[1] *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Co.* v. *Mobile Gas Corp.*, 350 U.S. 332 (1956).

[2] *United Gas Co.* v. *Memphis Gas Div.*, 358 U.S. 103 (1958).

permitting unilateral rate increases. By order issued on July 31, 1973, the Commission permitted the various interventions, including that of Sam Rayburn, but excluded from consideration all allegations with respect to anticompetitive activities.

The Commission's determination as to the *Memphis*-type character of the 1964 contract between Gulf States and Sam Rayburn was reversed by the United States Court of Appeals for the District of Columbia Circuit on July 11, 1975 [2] and was remanded with instructions to reject the proposed rate increases. Upon remand, by Commission order issued on June 2, 1976, Gulf States was ordered to refund to Sam Rayburn all monies collected from Sam Rayburn under the rate schedules proposed in Docket No. E–8121. A dispute developed between the parties as to the rate of interest on the monies to be refunded [3] and on the amount of refunds to be made because of alleged errors in its billing calculations made by Gulf States. Also, Gulf States had given notice to Sam Rayburn terminating the February 13, 1964 contract between the parties to be effective as of November 1, 1978.

On April 29, 1977 Gulf States and Sam Rayburn filed a Letter Agreement and Escrow Agreement as a proposed resolution of the remaining issue of dispute between the parties, i.e., the additional amount of refund and interest due to Sam Rayburn because of Gulf States' miscalculation of the amount owed. The bilateral settlement agreement also allows Gulf States to effect a rate increase which it otherwise would be barred from proposing on a unilateral basis under the *Sierra*-type 1964 contract, and allows Gulf States to recover fuel costs from Sam Rayburn. Further, the 1964 contract, which was to be terminated on November 1, 1978, would be extended for another two years until October 31, 1980.

Under the proposed settlement, the rates for service provided by Gulf States are distinguished between "base usage" and "growth usage" rates. "Base usage" is the level of service rendered for each billing month from July, 1975 through June, 1976. "Growth usage" is that in excess of "base usage" beginning with the billing month of July, 1976.

The rate to be charged to Sam Rayburn for "base usage" by its member municipals (excluding certain separate industrial type service) and its member cooperatives is the 1964 contract rate determined to be a fixed rate by the D.C. Circuit in its July, 1975, decision, plus a fuel adjustment charge as approved for other wholesale customers by Commission order issued June 4, 1975 in this docket. "Growth usage" of member municipals and its member cooperatives is to be billed at the going wholesale municipal rate and wholesale REA rate of Gulf States in effect from time to time. Beginning with the billing month of July, 1976, the going rates were those permitted to be charged in this docket which were initially placed into effect pursuant to the June 14, 1973, order and finally approved by Commission order issued September 22, 1976.[5] Since September 2, 1976, as to member cooperatives and December 1, 1976, as to member municipals, the going rates were the rates permitted to be placed in effect by the suspension order of this Commission issued August 31, 1976, in Docket No. ER76–816. Sam Rayburn is an intervening party in that docket, and the final outcome of such rate proceeding, and any further rate proceedings hereafter filed by Gulf States, will be controlling as to the rate charged for "growth usage" and need not be resolved in this docket.

The dispute as to the amount of refund and interest due by Gulf States is resolved by the settlement agreement by allowing Sam Rayburn to apply $208,700, the approximated amount owed by Gulf States as of December 31, 1976, to reduce the sum which Sam Rayburn has agreed to place in escrow, which sum is estimated to be the additional charges permitted under the settlement agreement. Sam Rayburn has agreed to make continuing payments of the additional charge to the escrow account pending Commission approval of the settlement agreement.

Public notice of the proposed settlement was issued on May 5, 1977. On May 20, 1977, Staff filed comments supporting the agreement. No other comments have been received.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and authorized.

The Commission orders: (A) The settlement agreement tendered to the Commission in these proceedings on April 29, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Gulf States shall file with the Commission revised rate schedules in conformance with the settlement agreement. Such submittal shall include complete monthly billing data for July, 1976, and each month thereafter, including monthly billing determinants and revenues under prior rates and settlement rates; and the monthly increase resulting from the settlement rates. A copy of such report shall be furnished to each State Commission within whose jurisdiction Sam Rayburn distributes and sells electric energy at retail.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Gulf States or any person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18967 Filed 7-1-77;8:45 am]

[2] *Sam Rayburn Dam Electric Cooperative* v. *FPC*, 515 F2d 998 (D.C. Cir. 1975), *cert. denied sub nom Gulf States Utilities Co.* v. *FPC*, 96 S. Ct. 2229 (1976). Certain factual issues relating to the contract status of deliveries by Gulf States to Mid-South Electrict Cooperative, another wholesale customer of Gulf States, in excess of the stated maximum contract commitment were remanded by the Court to the Commission and will be the subject of a subsequent Commission order. The Court held that the conduct of the parties could effect a modification of the original contract so as to eliminate the demand ceiling contained therein, and the Court remanded the case to the Commission for determination of whether or not the parties' course of conduct had altered the original contract.

[3] The dispute as to the rate of interest was resolved by Commission order of October 15, 1976, as modified by its order of November 26, 1976, that Gulf States was to pay an interest rate of 9% per annum on all excessive rates collected on or after October 10, 1974, and for the period on or after October 10, 1974, for excessive amounts collected prior to October 10, 1974; that Gulf States was to pay 7% interest on the excess rates collected prior to October 10, 1974; and that Gulf States did not have to pay additional interest on a refund check tendered to a Texas bank on July 2, 1976, the last day permitted by the Commission's June 2, 1976 refund order. The check was drawn on a California bank and could not be presented in California for payment until July 6, the first day the banks were open after the July 4 holiday.

[5] The September 22, 1976 Commission order adopted the March 25, 1976 Initial Decision issued by the Presiding Administrative Law Judge in this docket which, inter alia, held that Gulf States' April 10, 1973, proposed rates subject to review under Section 205 of the Federal Power Act were just and reasonable and should be permitted to take effect

[Docket No. CP77-429]

KENTUCKY WEST VIRGINIA GAS CO.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Kentucky West Virginia Gas Company (Applicant), Second Nation Bank Building, Ashland, Kentucky 41101, filed in Docket No. CP77–429 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate certain minor facilities and to make deliveries of natural gas to its corporate parent, Equitable Gas Co. (Equitable), for resale in the state of Kentucky to 36 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to install and operate minor facilities and to make deliveries of natural gas under its current FPC Gas Tariff, First Revised Volume No. 1 to Equitable, for resale to 36 right-of-way grantors. Applicant indicates that it has agreed, as consideration or part consideration for certain rights-of-way and leases granted in its operating area in eastern Kentucky, to provide natural gas service for use by the 36 landowners for high priority domestic uses in rural dwellings. Applicant states that it is estimated that the domestic usage by each of these rights-of-way grantors would be approximately 250 Mcf per year on the average. It is indicated that the total cost of the minor facilities proposed to be constructed would be $70.00 per project and would be financed by cash on hand.

Applicant asserts that the service sought to be rendered by it via Equitable to the 36 right-of-way grantors in eastern Kentucky primarily would be for domestic needs. However, the service would benefit all the customers of Applicant since it permits and expedites the construction of facilities necessary for the obtaining and transporting of new supplies of natural gas through easement arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18975 Filed 7-1-77;8:45 am]

[Docket No. ER77-388]

LAKE SUPERIOR DISTRICT POWER COMPANY

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Late Petition To Intervene, and Establishing Procedures

JUNE 24, 1977.

On May 16, 1977, Lake Superior District Power Company (Lake Superior) submitted for filing proposed contracts for wholesale electric service to Medford Electric Utility [1] and to the City of Wakefield.[2] These contracts are intended to supersede the contracts presently on file with the Commission.[3]

The proposed contracts would increase revenues to Lake Superior by $576,058 for the test period ending December 31, 1976, representing an 81.55% increase to these wholesale customers over the revenues presently being collected. Lake Superior requested an effective date of July 1, 1977.[4]

Public notice of the filing was issued on May 6, 1977 with protests or petitions due on or before June 13, 1977. On June 17, 1977, the City of Medford (Medford), through its utility commission, filed a late Petition to Intervene and Request for Maximum Suspension.

Medford has raised a number of issues concerning the proposed rates. In light of the fact that Medford's petition to intervene will be granted and that, therefore, Medford will be able to discuss the issues in a public hearing which we will hereinafter order, we will not catalogue them here. However, two of Medford's allegations should be discussed at this preliminary stage of the proceeding: (1) that substantial amounts of Construction Work in Progress (CWIP) have been included in the rate base contrary to the rules of the Commission and (2) that Statement N of the Company's filing is misleading because rate base and expenses figures for North Central Power Company (North Central), Lake Superior's only other wholesale customer, have been included in the proposed rates to Medford and Wakefield.

In our preliminary analysis of the proposed rates we noted the inclusion of figures for North Central and consequently eliminated them for the purpose of determining whether or not the proposed rates should be suspended. As to the inclusion of CWIP, review of data from Lake Superior's recent Form 1 filing indicates that no production or transmission CWIP has been included in the rate base, and it appears from Lake Superior's direct assignment of distribution facilities that no CWIP has been included there either.[5] We shall, however, require the Company to furnish to the Commission a statement that it has or has not included CWIP in its rate base, and, if it has, to adjust its proposed rates accordingly.

Each of the proposed contracts contains a tax adjustment clause. Any attempt to implement a tax adjustment clause requires full cost of service support as specified in Section 35.13 of the Commission's regulations. Since Lake Superior has not provided this cost support, it will not be permitted to give effect to the tax adjustment clause in its proposed contracts.

The increased rates proposed by Lake Superior have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Based on a review of all of the pleadings, including the allegations made by Medford, we will accept for filing the proposed increased rates and will suspend their effectiveness for two months, *i.e.*, to September 1, 1977, at which time they will become effective subject to refund.

The Commission finds: (1) Good cause exists to accept for filing Lake Superior's proposed contracts and to suspend the rates contained therein until September 1, 1977, when they shall become effective subject to refund.

(2) Good cause exists to make inoperative the tax adjustment clauses in the proposed contracts.

(3) Good cause exists to grant the late Petition to Intervene of the City of Medford.

(4) Good cause exists to require Lake Superior to provide a statement that it has or has not included Construction Work In Progress in its rate base.

(5) It is necessary and in the public interest that an evidentiary hearing be held in this docket in order for the Commission to discharge its statutory responsibilities under the Federal Power Act.

The Commission orders: (A) Lake Superior's proposed contracts are hereby accepted for filing provided that the tax adjustment clauses contained therein are of no effect and the proposed rates contained therein shall be suspended for two months until September 1, 1977, when they shall become effective subject to refund.

(B) The City of Medford, Wisconsin is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it

[1] Rate Schedule FPC No. 25.
[2] Rate Schedule FPC No. 26.
[3] F.P.C. No. 15 and No. 16.
[4] Lake Superior failed to include Statement P in its initial filing but subsequently provided it to the Commission May 27, 1977.

[5] However, data on file is insufficient in order to allow the Commission to make a definitive statement concerning distribution facilities.

might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Within 30 days of the issuance of this order, Lake Superior shall submit a statement that it has or has not included Construction Work In Progress in its allocated rate base to the wholesale customers, and, if it has, it shall make the appropriate adjustments to the proposed rates and file new schedules with the Commission.

(D) Pursuant to the authority contained under the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms and condition of service included in the proposed contracts.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 3, 1977. See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on October 11, 1977, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions to consolidate and sever and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18974 Filed 7-1-77;8:45 am]

[Docket No. CP77-441]

MISSISSIPPI RIVER TRANSMISSION CORPORATION

Application

JUNE 24, 1977.

Take notice that on June 16, 1977, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP77-441 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional natural gas storage field facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to drill 7 additional wells in its West and East Unionville Storage Fields, Lincoln Parish, Louisiana (Unionville Storage Fields) for completion and use as either injection/withdrawal wells or observation wells, and to install and use measurement and regulation facilities and other miscellaneous and appurtenant facilities related to said wells. Applicant requests authorization to construct and operate up to 2.3 miles of additional 4½-inch O.D. storage field lines, to be used in the event the wells are completed as injection/withdrawal wells.

Applicant indicates that on December 30, 1968, in Docket No. CP69-19, it was authorized to develop and operate the Vaughn Sand Cotton Valley Formation, West Unionville Field, Lincoln Parish, Louisiana, as an underground natural gas storage reservoir, and that on January 28, 1972, in Docket No. CP72-142, it was authorized to construct and operate additional facilities in the West Unionville Storage Field. Applicant states that pursuant to these authorizations, it has constructed a storage field gathering system and has drilled, converted or reworked some 31 wells—24 as injection/withdrawal wells and 7 as observation wells. Two additional wells have been acquired, or drilled, solely as observation wells, it is indicated.

Applicant further indicated that on July 5, 1973, in Docket No. CP73-130, it was granted a certificate authorizing the acquisition, development and operation of the Vaughn Sand Cotton Valley Formation, East Union Field, Lincoln Parish, Louisiana, as an additional underground natural storage reservoir, and that on June 12, 1974, in Docket No. CP74-13 it was granted authorization which permitted, among other things, the drilling and operation of additional injection/withdrawal wells in the East Unionville Storage Field. Applicant states that at the present time 12 of the 20 wells are injection/withdrawal wells and 8 are being used as observation wells.

It is stated that in the course of reviewing its Unionville Storage Fields' operations during the last few years Applicant has determined that additional wells should now be drilled in order to be able to trace better the movement of gas in the Fields. It is further stated that the 0-3 and 0-5 observation wells in the West Field close to the original gas-water contact have pressured up indicating a movement of gas southward into areas not now controlled by wells, and that in the northwestern part of the reservoir it has been found that the pressure remains several hundred pounds higher than in other field areas at the end of the withdrawal season indicating a lack of drainage ability. In the East Field the same condition exists, the EO-2 observation well just above the original gas-water contact has pressured up and gas has moved to the EO-4 observation well. The ES-15 well when drilled encountered no sand and a scheduled ES-14 well was suspended. It is said. Applicant states that it now appears another well is needed to drain this area or to determine more accurately the limits of the field, and that another well is also needed down dip of the structure to monitor the southward movement of gas.

It is indicated that since the sand in both Fields is not homogeneous the drilling of the additional wells in the Unionville Storage Fields would, in Applicant's opinion, provide additional control points for monitoring the gas bubble and would also permit the use and analysis of a variety of injection and withdrawal patterns in order to determine and use the most desirable operating procedures for the Fields, both technologically and economically.

Applicant asserts that the additional observation wells would be used to observe pressure variances in areas of the Field where no observation wells now exist, to determine any shifting of significant volumes of natural gas injected into the Fields and to aid in determining in what areas of the Fields it would be technically and economically preferable to inject or withdraw gas. Applicant also states that the additional injection withdrawal wells would be located in areas of the Storage Fields where there are presently no such wells and consequently, would provide greater flexibility in injecting and withdrawing gas for the Fields.

Applicant indicates that both the additional observation wells and the additional injection/withdrawal wells proposed herein would give Applicant better control over its Unionville Storage Fields by providing a more effective means of monitoring existing storage operations and by enabling Applicant to respond more efficiently and economically to exigencies arising in the daily operations of the Fields.

It is stated that wells drilled pursuant to the requested authorization would be drilled within the boundaries of the existing Fields, and that the exact locations and the number of wells which would be injection/withdrawal or observation wells would be dependent on the data obtained during the drilling of the wells.

The total cost of the proposed facilities is dependent on the number of wells which are completed as injection/withdrawal wells and their distances from the existing Unionville Storage Field's lines, it is said. Applicant states that it estimates the maximum cost of the proposed facilities to be $4,297,500, which would be financed from available funds and/or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commissio, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18969 Filed 7-1-77;8:45 am]

[Docket No. ER77-452]

MONONGAHELA POWER COMPANY, THE POTOMAC EDISON COMPANY, WEST PENN POWER COMPANY

Proposed Changes in Power Supply Agreement

JUNE 27, 1977.

Take notice that Allegheny Power Service Corporation (Allegheny) on June 15, 1977 tendered for filing on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Applicants), the electric utilities which make the integrated Allegheny Power System, Amendment No. 3 dated June 1, 1977 to the Power Supply Agreement dated January 1, 1968 between Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, designated Monongahela Rate Schedule FPC No. 27, Potomac Edison Rate Schedule FPC No. 29 and West Penn Rate Schedule FPC No. 25.

Applicants state that since capacity equalization charges depend upon the load capacity situations of each of the parties from time to time it is impossible to estimate the increase in revenue of each of them which would result from Amendment No. 3.

Applicants request waiver of the Commission's notice requirements to allow said proposed agreement to become effective as of July 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18986 Filed 7-1-77;8:45 am]

[Docket No. CP77-442]

MOUNTAIN FUEL SUPPLY COMPANY

Application

JUNE 24, 1977.

Take notice that on June 16, 1977, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP77-442 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate a permanent pipeline tap on its jurisdictional pipeline for the transportation and exchange of natural gas produced from the Shell Creek area of Moffat County, Colorado initiated under the Emergency Natural Gas Act of 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the Shell Creek Unit Well #2 has been producing gas under temporary authority granted under provisions of the Emergency Natural Gas Act of 1977, and that this authority would expire on or about August 1, 1977. This gas supply was connected to Applicant's pipeline system on February 13, 1977 using temporary production facilities and an existing tap, it is said. It is stated that CIG Exploration Inc. is the producer and Colorado Interstate Gas Company (CIG) is the gas purchaser in the field. Applicant indicates that it would amend its FPC tariff volume 1, page 151 in accordance with an amendatory agreement dated February 11, 1977 between Applicant and CIG to facilitate the transportation and exchange of natural gas from the Shell Creek area.

Applicant seeks authorization herein to continue the operations initiated under the Emergency Natural Gas Act of 1977 and to install a permanent tap on its jurisdictional pipeline to receive gas from the Shell Creek area in accordance with the provisions of the existing gas transportation and exchange agreement with CIG.

It is indicated that the estimated cost of installation of the proposed tap for gas purchases at Shell Creek is $2,575, and that the tap would be constructed using funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18970 Filed 7-1-77;8:45 am]

[Docket No. ER77-459]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Supplement to Interconnection Agreement

JUNE 27, 1977.

Take notice that on June 16, 1977, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement previously designated PNM Rate Schedule FPC No. 8, with Colorado-Ute Electric Association, Inc. (CUEA).

PNM indicates that the letter agreement was executed on April 18, 1977, as it was anticipated that CUEA would require service immediately; however, as of June 14, 1977, no service has been required as CUEA has been able to obtain other resources. The letter agreement terminates December 31, 1977.

PNM states it anticipates that the banking arrangement will be balanced at the end of the agreement (December 31, 1977), and that it expects no revenues to be generated under the agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-18985 Filed 7-1-77;8:45 am]

[Docket No. CP77-434]

SOUTHWEST GAS CORPORATION

Application

JUNE 24, 1977.

Take notice that on June 10, 1977, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-434 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, operation, and maintenance of additional facilities in the nature of loop pipelines and related compressor station modifications on its northern Nevada transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4.00 miles of 16-inch O.D., loop pipeline, 14.00 miles of 10.75-inch O.D., loop pipeline, 12.00 miles of 8.625-inch O.D., loop pipeline and additional staging in existing centrifugal compressors in compressor stations Nos. 3, 4, and 5. Applicant states that the modifications to the compressor stations would enable Applicant to increase the mechanical efficiency of the compressors which would in turn increase the compressor station capacities. Applicant proposes to install the third heating season facilities which consist of 14.00 miles of 10-inch and 12.00 miles of 8-inch loop pipeline during the 1977 summer construction period inasmuch as over half of the proposed facilities must be installed prior to the 1977–1978 heating season. Applicant asserts that very favorable construction costs can be obtained due to a slow construction period for pipeline contractors, and that materials may be purchased at a lower cost at that time. Applicant also proposes to perform the compressor station modifications during the 1977 summer construction period to take advantage of favorable material pricing and to improve immediately the efficiency of the compressor station, therefore, producing fuel savings, it is said. Applicant indicates that it would install the 4.0 miles of 16-inch loop pipeline during the 1979 summer construction period inasmuch as this facility would not be required until the 1979–1980 heating season.

Applicant states that the estimated design day requirements for natural gas by Applicant's Priority 1 and 2 customers in its northern Nevada system for the forthcoming three heating seasons would exceed the maximum daily design capacity of the current facilities to deliver such gas. It is stated that the proposed loop pipelines and modification of compressor stations would increase the daily design capacity of the existing facilities to deliver the estimated design day requirements of natural gas to Applicant's Priority 1 and Priority 2 customers for the 1977–78, 1978–1979 and 1979–1980 heating seasons.

It is indicated that the estimated cost of the construction, operation and maintenance of the proposed facility would be $3,433,000 and would be financed by working funds, supplemented as required by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believe that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwie advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18977 Filed 7-1-77;8:45 am]

[Docket No. CP77-439]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Application

JUNE 24, 1977.

Take notice that on June 14, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-439 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that United has contracted with Phillips Petroleum Company (Phillips) for a supply of natural gas from the Waveland Field, Hancock County, Mississippi. It is indicated that United would deliver or cause to be delivered the subject gas up to 20,000 Mcf per day to Applicant at a point in Hancock County, Mississippi.

Applicant requests authorization to transport and redeliver the proposed volumes of gas to United through existing facilities at an existing point of interconnection between the facilities of Applicant and United at Chauncey (Kiln) Hancock County, Mississippi or at any other mutually agreeable existing authorized points of interconnection between Applicant and United pursuant to a gas transportation agreement between the two parties dated June 9, 1977. Applicant also proposes to transport at its sole option, volumes of gas in excess of 20,000 Mcf per day in the event that United has available, from time to time, and tenders to Applicant quantities of gas in excess of 20,000 Mcf per day.

Applicant states that it would charge United a monthly transportation note of 1.0 cent per Mcf redelivered for the proposed transportation service. The service is proposed to be rendered for a term of one year commencing on the date deliveries of gas commence or for such lesser period requested by United to complete the installation of its facilities to attach this gas supply, it is said.

It is indicated that United is presently experiencing a shortage of gas supplies, and that the proposed service would be beneficial to United in that it would make available immediately to its system new supplies of natural gas which are dedicated to it.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18973 Filed 7-1-77;8:45 am]

[Docket No. CP77-430]

TEXAS EASTERN TRANSMISSION CORP.

Application

JUNE 24, 1977.

Take notice that on June 9, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-430 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 Dekatherms (dt) equivalent of natural gas per day for Mid Louisiana Gas Company (Mid Louisiant), and the retention in place of certain facilities constructed for the transportation of natural gas under Section 6 of the Emergency Natural Gas Act of 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to retain certain facilities in place after the July 31, 1977 termination date of the Emergency Natural Gas Act of 1977 in order to continue a transportation service for Mid Louisiana through the 360th day following March 27, 1977 pursuant to the proposed Rate Schedule TS-2, of up to 10,000 dt equivalent of natural gas per day. Applicant states that as a result of the continuing gas shortage, it is currently curtailing deliveries to its customers at approximately 420,000 dt per day and there presently exists available capacity on its system.

Applicant indicates that it would render the proposed transportation services pursuant to a service agreement dated May 3, 1977 between Applicant and Mid Louisiana. It is stated that Mid Louisiana has purchased, beginning on March 27, 1977, from South Louisiana Production Company, Inc., CRA Oil Exploration Company, Carpenter Oil & Gas Company, W. A. Moncrief Jr., and Reidy International, Inc. (SLAPCO) up to 10,000 dt per day of emergency gas supplies. It is further stated that Applicant received the stated volumes at points of exchange constructed on its 36-inch Venice/New Roads pipeline located in West Baton Rouge Parish, Louisiana, and is not obligated to receive more than 10,000 dt equivalent of natural gas on any one day. Applicant states that it delivers the subject gas to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection near St. Francisville, East Feliciana Parish, Louisiana for ultimate redelivery to Mid Louisana. Mid Louisiana reimbursed Applicant for all costs required, it is said. It is indicated that construction of the facilities required by Applicant cost approximately $10,600.

Applicant states that under the terms of the proposed Rate Schedule TS-2, it would transport, on an interruptible, best efforts basis, a maximum daily transportation quantity (MAXDTQ) to be agreed upon by service agreement, and that the transportation rate which it proposes to charge for transportation service under the TS-2 rate is an amount equal to Applicant's rate for deliveries in the particular zone at which the proposed delivery would be made, based on the 100 percent DCQ load factor level rate, less Applicant's purchased gas costs and fuel cost. The delivery volumes would be reduced 3 percent to offset volumes used by Applicant in the performance of the transportation service, it is said. Applicant indicates that pursuant to the proposed Rate Schedule, Mid Louisiana would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

Applicant asserts that the filing of Rate Schedule TS-2 would enable it to respond to requests by off-system distribution, pipelines, industrial or commercial users which do not purchase natural gas from Applicant to utilize available capacity on Applicant's system to transport gas which they, through their own negotiations and efforts, have been able to secure.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants patries to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18980 Filed 7-1-77;8:45 am]

[Docket No. E-9583]

TEXAS

Electric Energy Utilization; Natural Gas Consumption for Boiler Fuel

JUNE 27, 1977.

Order granting interventions, dismissing complaint and denying request for section 202(c) interconnection.

This order dismisses a filing, treated as a complaint, requesting interconnection of facilties pursuant to Section 202(d) of the Federal Power Act, denies requests for emergency interconnection under Section 202(c), and grants intervention. The subject filing resulted from a Commission order of February 4, 1977, in this docket, authorizing electric companies situated in the State of Texas to interconnect with interstate utilities without becoming subject to Commission jurisdiction provided that those companies release to the interstate market natural gas used as boiler fuel.

On March 7, 1977, Central Power & Light Company (CP&L) and West Texas Utilities Company (WTU) (collectively called the "Petitioners") filed a "Petition to Intervene and Request that the order entered in the above-referenced docket by the Commission on February 4, 1977, be modified or supplemented by the issuance of an appropriate order pursuant to Section 202(c) of the Federal Power Act," 16 U.S.C. § 824a(c). Upon review of the "Petition to Intervene and Request for Section 202(c) interconnection," we determine that the issues raised by Petitioners should be treated as a complaint pursuant to Section 306 of the Federal Power Act and Section 1.6 of the Commission's Rules and Regulations thereunder.

A copy of the complaint was served upon each party named therein with answers to be filed with this Commission within thirty days after the date of service. In addition, notice of the complaint was given by publication in the Federal Register on April 4, 1977, (42 F.R. 17901), stating that any person desiring to be heard or to make any protest with reference to the application should on or before April 25, 1977, file with the Federal Power Commission,

Washington, D.C. 20426, petitions or protests.

CP&L is a Texas corporation with its principal place of business at Corpus Christi, Texas. WTU is a Texas corporation with its principal place of business at Abilene, Texas. All of the outstanding shares of common stock of CP&L and WTU are owned by Central and South West Corporation (C&SW), a Delaware corporation with its office in Wilmington, Delaware.

Petitoners assert that they are members of the Electric Reliability Council of Texas (ERCOT) and are interconnected with each other and with certain other members of ERCOT, specifically Lower Colorado River Authority and the Municipal Electric Utility Systems of the City of Austin and the City of San Antonio, Texas (hereinafter referred to as "the South Texas Governmentals"). Petitioners contend that prior to May 4, 1976, they were also interconnected and operated in synchronism with two major members of ERCOT, Houston Light and Power Company (HL&P) and Texas Electric Service Company (TESCO), and through it with the other operating subsidiaries of Texas Utilities Company (TU), *i.e.*, Dallas Power & Light Company (DP&L) and Texas Power & Light Company (TP&L).

WTU states that on May 4, 1976, it commenced sales of electricity to three small communities in Oklahoma from its previously intrastate transmission lines and thereupon TESCO and HL&P responded by opening their interconnections with CP&L, WTU and the South Texas Governmentals. TESCO and HL&P have refused to close those interconnections, despite requests and litigation initiated by Petitioners to require them to do so and despite the entry by the Federal Power Commission on July 21, 1976, of an order in Docket No. E-9558 authorizing emergency interconnection pursuant to Section 202(d) of the Federal Power Act.[1]

Further, Petitioners contend that all of their present electric generating facilities are regularly fueled by natural gas purchased from intrastate sources. Petitioners aver that during the year 1976, 97.5% of their kilowatt hour output was generated using natural gas and the remaining 2.5% using oil and that during 1976, they burned 136 million Mcf of natural gas and 595,000 bbls of oil as boiler fuel.

Moreover, Petitioners aver that in order to compensate for the loss of reliability which was occasioned by the opening of the interconnections by TESCO and HL&P, they have had to increase the margin of spinning reserves maintained by them under various contingencies involving greater probability of unit outages or sudden load increases. The Petitioners also assert that following the entry by this Commission on February 4, 1977, of its order authorizing emergency interconnection to facilitate the reduction of gas consumption by ERCOT members so that gas could be delivered to interstate markets, Petitioners, through C&SW's service company affiliate, wrote a letter to HL&P and TU requesting reinterconnection as a basis for reducing gas used to fuel spinning reserves. Petitioners contend that they have clearly indicated their desire to make gas available to the interstate market and are discussing arrangements with their respective principal gas suppliers, Lo Vaca Gathering Company and Lone Star Gas Company, to transport diverted gas into the interstate pipeline system.

Therefore, Petitioners request that this Commission enter an order under Section 202(c) of the Federal Power Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO as well as DP&L and TP&L to restore all of the interconnections and services which were opened on May 4, 1976. Petitioners contend that such an order is necessary in addition to, or in substitution for, the order already entered under Section 202(d), since neither TESCO nor HL&P has been willing to act under such order.

On March 14, 1977, HL&P filed a petition to intervene and a response to Petitioners complaint.[2] In its response, HL&P asserts that, pursuant to the Commission's order of Febrrary 4, 1977, it has volunteered to interconnect to free natural gas for the interstate market and, additionally, has made large volumes of gas available for the critical needs of an interstate pipeline system, which deliveries were approved by the Administrator under the Emergency Natural Gas Act of 1977. Further, HL&P questions Petitioners willingness and ability to significantly meet the requirements of our February 4th order and also assert that Petitioners complaint does not present any new facts, since the Commission's order in Docket No. E-9558, that would warrant emergency interconnection pursuant to Section 202(c).

On March 22, 1977, and on April 15, 1977, respectfully, DP&L, TESCO, and TP&L, the operating subsidiaries of TU (hereinafter jointly designated as "TU subs") filed a reply[3] and a joint petition to intervene and protest to Petitioners complaint. In their filings, TU subs assert, inter alia, that Petitioners do not have a plan to provide gas under the Emergency Natural Gas Act and are using the natural gas emergency as an attempt to obtain the relief they sought and was denied by the Commission's July 21, 1976, order in Docket No. E-9558. TU subs also state that they are not adequately represented by existing parties to this proceeding and may be bound or adversely affected by the Commission's actions herein. They, therefore, request intervention to protect their interests.

By order of February 4, 1977, the Commission in the exercise of its statutory responsibilities under Part II of the Federal Power Act, to promote and protect the public interest, authorized any electric generation or transmission company to interconnect its facilities with any other electric utility company in Texas for the purpose of replacing electric energy reductions caused by elimination or reduction of electric energy generated from facilities utilizing natural gas.

In addition, the use and maintenance of the interconnection provided for in the February 4, 1977 order does not subject previously non-jurisdictional companies to the jurisdiction of the Commission as a "public utility" within the meaning of the Federal Power Act. This order was promulgated for the specific purpose of alleviating emergencies which were occasioned by an actual fuel shortage because of released natural gas by electric utilities within the state of Texas to consumers in other areas of the nation suffering from the effects of the severe winter freeze.

A central requirement for interconnection under our order of February 4, 1977, is that a Texas utility must be ready, willing and able to divert a portion of the natural gas used as boiler fuel to the interstate pipeline for distribution to consumers in other areas of the nation hard hit by the severe winter weather and because of the release of such natural gas inventory, the supplying utility has experienced a fuel shortage on its system. Close scrutiny of the pleadings reveal that the Petitioners have yet to demonstrate that they are willing or able to make any appreciable quantities of natural gas available to the interstate pipeline as requested by our order of February 4, 1977. Therefore, without having made natural gas available to the interstate pipeline under the Emergency Natural Gas Act of 1977, there cannot be an emergency created by the diversion of gas which has not taken place within the meaning of our order of February 4, 1977. Accordingly, it is our view that the Petitioners have not met the prerequisites for interconnection under our February 4, 1977 order.

In addition, Petitioners seek to have our order entered in the above-referenced docket on February 4, 1977, modified or supplemented by the issuance of an appropriate order pursuant to Section 202(c) of the Federal Power Act, 16 U.S.C. § 824a(c). In support of their request for a Section 202(c) interconnection, the Petitioners allege primarily the same facts as were alleged in Docket No. E-9558, prior to the issuance of our order of July 21, 1976. In addition, the Petitioners assert that to compensate for the loss of reliability, they have had to increase the margin of spinning reserves maintained by them under various contingencies involving greater probability of unit outages or sudden load increases. Therefore, Petitioners request that the Commission enter an order under Section 202(c) of the Act requiring the immediate resumption and continuation of all interconnected service among all of the members of ERCOT as it was on May 3, 1976, specifically requiring HL&P and TESCO, as well as DP&L to restore all of the interconnections and services which were opened on May 4, 1976.

The Petitioners request for Section 202(c) interconnection must be denied. The criteria for such interconnection is set forth in Section 32.61 of our Regulations. Petitioners did not comply with that Section; instead they requested waiver, since "* * * substantially all of the information called for by § 32.61 has been supplied or is known to the Commission." Petitioners are necessarily referring to the facts presented to the Commission prior to the issuance of our July 21, 1976, order in Docket No. E-9558. No new facts or reasons have been presented to reflect an emergency within the contemplation of Section 202(c). Therefore, Petitioners filing must be construed as an attempt to reargue our July 21 order, which denied them the Section 202(c) interconnection relief requested therein.

The Commission finds: (1) Participation in this proceeding by Houston Light and Power Company, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Central Power and Light Company and West Texas Utilities Company may be in the public interest.

(2) A hearing on the complaint of Central Power and Light Company and West Texas Utilities Company is not merited.

(3) Good cause exists to deny the complaint of Central Power and Light Company and West Texas Utilities Company.

(4) Good cause exists to deny the request for Section 202(c) interconnection filed by Central Power and Light Company and West Texas Utilities Company.

(5) Good cause exists to deny the request for waiver of Section 32.61 of the Commission's Regulations by Central Power and Light Company and West Texas Utilities Company.

(6) The period of public notice given in this matter was reasonable.

The Commissioner orders: (A) The request for interconnection under Section 202(c) of the Federal Power Act is hereby denied.

(B) The request for waiver of Section 32.61 of the Commission's Regulations is hereby denied.

(C) The pleadings filed by Central Power and Light Company and West Texas Utilities Company on March 7, 1977, treated as a complaint are hereby dismissed.

(D) Houston Lighting and Power Company, Central Power and Light Company, Texas Electric Service Company and Texas Power and Light Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary is hereby directed to cause this order to be published in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18968 Filed 7-1-77;8:45 am]

[Docket No. CP77-240]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment To Application

JUNE 24, 1977.

Take notice that on June 14, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-240 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Applicant to transport an additional source of gas from production of Northcott Exploration Company, Inc., et al. (Northcott) in the Tigre Lagon Field Area, Vermilion Parish, Louisiana, for Cerro Wire & Cable Co., Division of Cerro-Marmon Corporation; Entenmenn's Inc.; Fabric Leather Corporation, a wholly-owned subsidiary of Borden, Inc.; Global Steel Products Corporation; Kaiser Aluminum and Chemical Corporation; Knickerbocker Partition Corp.; and Lawrence Aviation Industries, Inc. (Buyers), all of which are existing consumers of Long Island Lighting Company (LILCO), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it is presently transporting up to 1,000 Mcf of natural gas per day for the Buyers, which gas has been purchased by Buyers from George C. Ayers, et al. (Ayers), in the Papalote West Field, Bee County, Texas. Such transportation takes place pursuant to an agreement dated February 7, 1977 among Applicant, Buyers, acting severally and not jointly by and through the Stone Energy Corporation (Stone) as duly authorized agent, and LILCO and pursuant to temporary authorization granted by the Commission on March 2, 1977.

Applicant indicates that it and Stone, as agent for Buyers, have entered into an agreement dated June 8, 1977, which amends the February 7, 1977 agreement so as to add an additional source of gas for transportation, being production of Northcott in the Tigre Lagoon Field Area, Vermilion Parish, Louisiana. It is indicated that the Ayers production in the Papalote West Field has proven inadequate to supply the full 1,000 Mcf of natural gas per day which was anticipated and which Applicant is authorized to transport. To remedy this deficiency and to bring transportation volumes up to, but not above the authorized 1,000 Mcf per day, Buyers have contracted to purchase the Northcott Tigre Lagoon Field Area gas and have arranged to have such gas delivered to Applicant's existing South Delcambre Lateral in that area, it is said.

It is stated that Buyers would reimburse Applicant for the cost of a 2-inch tap assembly at that location, estimated to be $5,200.

It is indicated that Buyers would pay Northcott and Samedan Oil Corporation for gas received and purchased by Buyers a price as follows:

From the date of first delivery through the Contract Term—$2.00 per million Btu's.

Any person desiring to be heard or to make any protest with reference to amendment should on or before July 15, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18972 Filed 7-1-77;8:45 am]

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[1] The litigation involves an SEC proceeding under Section 11(b) of the Public Utility Holding Company Act of 1935 to determine whether C&SW is capable of being economically operated as a single integrated and coordinated system (SEC Admin. Proc. File No. 3-4951); the July 21, 1976, order and the order denying reconsideration issued in Docket No. E-9558 (CADC Nos. 76-1995 and 76-2012); NRC proceeding concerning application for construction permits for South Texas Project Unit Nos. 1 and 2 (NRC Docket Nos. 5-498A and 499A); interconnection proceedings before PUC of Texas (Docket No. 14); and proceeding alleging concerted action to restrain trade (*WTU, et al. v. TESCO, et al.* Docket No. CA3-76-0833F, N. Dist. Tex., filed May 3, 1976).

[2] CP&L's and WTU's Petition was noticed as a complaint on March 28, 1977. HL&P response of March 14, 1977 is sufficient as an answer to the complaint. In addition, HL&P filed a protest to the complaint on April 25, 1977.

[3] The reply on March 22, 1977, is deemed sufficient as TU sub's answer to the complaint.

[Docket No. CP77-426]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-426 an application pursuant to Section 7 of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 2,000 Mcf of natural gas per day on an interruptible basis for Owens-Corning Fiberglas Corporation (Owens-Corning), Applicant's only direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 2,000 Mcf of natural gas per day (at 15.025 psia) on an interruptible basis for Owens-Corning pursuant to a transportation agreement dated May 5, 1977 between Applicant and Owens-Corning. Applicant states that such agreement would continue in effect until August 27, 1978.

It is stated that Owens-Corning has purchased from Kilroy Properties, Inc. (Kilroy) and Dawson Exploration, Inc. (Dawson) the proposed volumes of gas to be produced from the Racca Well, Woodlawn Field, Jefferson Davis Parish, Louisiana. Applicant states that Owens-Corning would arrange to have such quantities delivered to Texas Gas Transmission Corporation (Texas Gas) and Texas Gas, in turn, would deliver the gas to Applicant at mutually agreeable points on Applicant's system. Applicant further states that it would redeliver the transportation quantities to Owens-Corning's Anderson, South Carolina plant. It is stated that this gas is currently being transported by Texas Gas pursuant to authorization issued in Docket No. CP76-403. In Docket No. CP76-403 it is stated that commencing with the initial delivery of natural gas and continuing for an initial term of twelve months, Owens-Corning would pay Kilroy-Dawson $1.35 for each one million Btu's, and at the end of the twelve-month term, the price would be increased 5.0 cents and the price shall be increased 5.0 cents each twelve months thereafter.

Such gas is delivered by Texas Gas to Jackson Utility Division, City of Jackson, Tennessee for redelivery to Owens-Corning's Jackson, Tennessee plant, it is said. Applicant states that it has been advised (1) that the authority under such certificate would expire on August 27, 1978, and therefore Applicant has included the same expiration date in the transportation agreement between it and Owens-Corning; and (2) that Owens-Corning desires the flexibility of Applicant having the authority to transport the subject gas to Owens-Corning's Anderson, South Carolina plant and Texas Gas having the authority to transport such gas to its Jackson, Tennessee plant.

It is stated that the daily quantity to be transported to Owens-Corning (less the quantities retained for compressor fuel and line loss make-up), when combined with the quantities Owens-Corning is scheduling under the September 4, 1954 contract between Applicant and Owens-Corning and other transportation agreements with Applicant, would not exceed the authorized daily entitlement under the September 4, 1954 contract.

Applicant states that it would charge Owens-Corning, initially, 29.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would also retain, initially, 3.8 percent of the quantities received for transportation as a make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline throughout to and within its Rate Zone 2 in which the transportation deliveries proposed would be made.

Applicant indicates that the total end-use requirements of natural gas at the Anderson plant of Owens-Corning would be used for industrial process use, or Priority 2 uses. Owens-Corning needs the proposed transportation of gas in order to replace the gas that the Anderson plant has lost to curtailment, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18982 Filed 7-1-77;8:45 am]

[Docket No. CP77-427]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-427 an application pursuant to Section 7 of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 2,000 Mcf of natural gas per day on an interruptible basis for two years for Owens-Corning Fiberglas Corporation (Owens-Corning), Applicant's only direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 2,000 Mcf of natural gas per day (at 14.65 psia) on an interruptible basis for Owens-Corning pursuant to a transportation agreement dated May 5, 1977, between Applicant and Owens-Corning. Applicant states that Owens-Corning has purchased from Alpar Resources, Inc. (Alpar) the proposed volumes of gas to be produced from the Berryman No. 1 Well, Ellis County, Oklahoma, and that Owens-Corning would arrange to have such quantities delivered to Panhandle Eastern Pipe Line Company (Panhandle) which would make the gas available to Trunkline Gas Company (Trunkline) which would deliver the subject gas to Applicant at Mobil Oil Corporation's Cow Island Gas Processing Plant in Vermilion Parish, Louisiana, or at another mutually agreeable existing authorized exchange point between Trunkline and Applicant. Applicant indicates that it would redeliver the transportation quantities to Owens-Corning's Anderson, South Carolina plant.

It is stated that the daily quantity to be transported to Owens-Corning (less quantities retained for compressor fuel and line loss make-up), when combined with the quantities Owens-Corning is scheduling under the September 4, 1954 contract between Applicant and Owens-Corning and other transportation agreements with Applicant would not exceed the authorized entitlement under the September 4, 1954 contract.

Owens-Corning would pay Alpar during the period beginning with the date of initial delivery of gas to it and for one year following a Base Price of $2.15 per Mcf, and such Base Price would be increased 10.0 cents per Mcf at the beginning of the second year, it is said. Applicant indicates that the total end-use requirements of natural gas at the Anderson plant of Owens-Corning would be used for industrial process use, or Priority 2 uses.

It is stated that Applicant would charge Owens-Corning initially, 29.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in Applicant's Rate Zone 2. Applicant states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline through-put to and within its Rate Zone 2 in which the transportation deliveries proposed would be made. Applicant further states that no additional facilities are required to effectuate the deliveries.

It is indicated that other than the daily firm contract demand of 10,000 Mcf per day of natural gas from Applicant, Owens-Corning has no other source of natural gas at its Anderson, South Carolina Plant. Applicant is presently curtailing Owens-Corning's total firm contract demand during the entire winter period and is curtailing the Anderson plant at the rate of 63 percent during the summer season of 1977, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-18983 Filed 7-1-77;8:45 am]

[Docket No. ER77-454]

UNION ELECTRIC CO.

Filing

JUNE 27, 1977.

Take notice that on June 16, 1977, Union Electric Company (Union) tendered for filing an Interchange Agreement dated April 11, 1977 between Arkansas-Missouri Power Company, Associated Electric Cooperative, Inc. and Union. Union states that said Agreement provides for the establishment of an EHV interconnection between the parties and for construction of facilities necessary for the establishment of such interconnection.

Union requests a proposed effective date of September 13, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 77-18984 Filed 7-1-77;8:45 am]

[Docket No. CP77-428]

UNITED GAS PIPE LINE CO.

Application

JUNE 24, 1977.

Take notice that on June 8, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-428 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 500 Mcf of natural gas per day for Texlan Oil Company, Inc. (Texlan) for the account of Tri-State Brick Tile Company (Tri-State), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement dated May 26, 1977, with Texlan, whereby Applicant would transport up to 500 Mcf of natural gas per day for Texlan. It is stated that the subject gas would be delivered to Applicant by Texlan for the account of Tri-State at a delivery point to be constructed, at the expense of Texlan, on Applicant's pipeline system located in Warren County, Mississippi. Applicant further states that it would redeliver the proposed volumes of gas, less 1½ percent or such percentage as may be determined, of the quantity of gas delivered to Applicant, as a charge for fuel use and company-used gas, to Mississippi Valley Gas Company's (Mississippi Valley) distribution system located in Hinds County, Mississippi, at an existng point of connection between Applicant's facilities and Mississippi Valley's facilities where Applicant is currently selling natural gas to Mississippi Valley.

It is stated that the transportation agreement between Applicant and Texlan would remain in full force and effect for 10 years beginning on the date deliveries of gas commence and continuing year to year thereafter. For said transportation, Texlan would pay to Applicant the amount of its average jurisdictional transmission cost of service in effect in Applicant's Northern Rate Zone as determined by Applicant based on rate filings made from time to time with the Commission, it is said. Applicant indicates that such payment would not include any amount included in said average jurisdictional cost of service attributable to gas consumed in the operation of Applicant's pipeline system, and that the current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in the operation of Applicant's system, is 20.04 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or

if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18976 Filed 7-1-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Deputy Assistant Secretary of Defense (Regional Programs), DASD (Regional Programs), OASD (Program Analysis and Evaluation), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18950 Filed 7-1-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Information, Office of Public Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18951 Filed 7-1-77;8:45 am]

Grant of Authority to Make a Noncareer Executive Assignment

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Commissioner of Education, Office of the Commissioner, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18952 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Title Change in Noncareer Executive Assignment

By notice of June 15, 1973, FR Doc. 73-11964, the Civil Service Commission authorized the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Legislative Affairs, Office of Legislative Affairs. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Legislation, Office of the Assistant Secretary for Legislation and Intergovernmental Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18954 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Senate Liaison, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18953 Filed 7-1-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Intergovernmental Relations, Office of Intergovernmental Relations, Office of Assistant Secretary for Legislation and Intergovernmental Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18955 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office for Improvements in the Administration of Justice, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18957 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Attorney General, Office of the Associate Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18956 Filed 7-1-77;8:45 am]

Revocation of Authority To Make a Noncareer Executive Assignment

DEPARTMENT OF JUSTICE

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director of Operations, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18959 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Public Affairs), Office of the Under Secretary, Office of the Secretary.

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UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18960 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Public Affairs), Office of the Assistant Secretary (Public Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18958 Filed 7-1-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Extension of Council Meeting

Notice is hereby given of an extension of the meeting of the Mid-Atlantic Fishery Management Council scheduled for July 13 and 14, 1977, from 9:00 a.m. to 4 p.m., and from 8:30 a.m. to 4 p.m., respectively, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia. The notice of the meeting was published in the FEDERAL REGISTER on June 22, 1977, Volume 42, Number 120 (42 FR 31616).

The Council meeting is now extended to include July 15, 1977, from 8:30 a.m. to 3 p.m., at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia, to review and discuss the Surf Clam/Ocean Quahog Management Plan.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19016 Filed 7-1-77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of meetings of (1) the Pacific Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265); and (2) the Council's Scientific and Statistical Committee, established under section 302(g) of the Act.

The Pacific Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone seaward of the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce, fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

Meetings of both groups will be held at the Rodeway Inn-Boise, 29th and Chinden Boulevard, Boise, Idaho 83704.

The Pacific Fishery Management Council will convene in Room 704 at 2:00 p.m. and adjourn about 5:00 p.m. on July 25, 1977, and reconvene at 8:00 a.m. and adjourn about 5:00 p.m. on July 26, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
2. Consideration of development of fishery management plans, including anchovy, groundfish, and comprehensive salmon management plans.
3. Review of communications from other agencies and organizations.
4. Budget and administrative matters
5. Consideration of report from Council's Subcommittee on Advisory Panels, and its Budget Subcommittee.
6. Other Management Business.

This meeting will be open to the public and there will be seating for approximately 100 public members, available on a first-come, first-served basis.

The Scientific and Statistical Committee will meet in Room 702 at 1:30 p.m. on July 25, 1977, and adjourn about 5:00 p.m. The Committee will tentatively reconvene, dependent upon Council developments, at 8:00 a.m. and adjourn about 5:00 p.m. on July 26, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Consideration of development of fishery management plans, including anchovy, groundfish, and comprehensive salmon management plans.
2. Organization of the Council, including fishery advisory panels and management development teams and operational and procedural matters.
3. Other Management Business.

This meeting will be open to the public and there will be seating for approximately 25 public members, on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about July 15, 1977:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, Oregon 97201, (503) 221-6352.

At the discretion of the Council and its Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who may wish to submit written statements should do so by addressing Lorry Nakatsu at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 29, 1977.

WINFRED H. MEIBOHM
Associate Director
National Marine Fisheries Service

[FR Doc.77-19018 Filed 7-1-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the South Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the east coast of Florida, Georgia, North Carolina, and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Council will meet Tuesday through Thursday, July 26, 27, and 28, 1977, at the South Atlantic Fishery Management Council's headquarters office, 1 Southpark Circle, Charleston, South Carolina. The meeting will convene at 1:30 p.m. on July 26 and adjourn at about noon on July 28. The daily sessions will start at 9:00 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Discussions pertinent to management plan development for billfish, snapper grouper, and king and Spanish mackerel.
2. Consideration of funding requirements.
3. Consideration of administrative and technical matters as deemed necessary.
4. Other management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 18, 1977:

Mr. Ernest D. Premets, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, No. 1 Southpark Circle, Charleston, South Carolina 29407, (803) 571-4366.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the aforementioned address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19017 Filed 7-1-77;8:45 am]

PACIFIC TUNA FISHERIES

Closure of Yellowfin Tuna Season

On June 27, 1977, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all member nation's having vessels operating in the regulatory area defined in 50 CFR 280.1(g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on July 7, 1977, to assure that the established catch limit of 175,000 short tons for 1977 will not be exceeded.

As authorized by 50 CFR 280.5, notice is hereby given that the 1977 season for taking yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the regulatory area, July 7, 1977.

Issued at Washington, D.C., and dated June 29, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19057 Filed 7-1-77;8:45 am]

ZOOLOGICAL SOCIETY OF SAN DIEGO

Issuance of Permit To Maintain Marine Mammal

On March 4, 1977, notice was published in the FEDERAL REGISTER (42 FR 12455) that an application had been filed with the National Marine Fisheries Service by the Zoological Society of San Diego, P.O. Box 551, San Diego, California 92112, to permanently maintain two (2) Pacific harbor seals (*Phoca vitulina richardii*) for public display.

The animals were acquired as beached and stranded, and transported to the San Diego facility by the Department of Fish and Game, State of Alaska. Under the provisions of the Act, beached and stranded animals may be taken for humane purposes and maintained at designated facilities until such time the animal can be returned to the wild. One of the two harbor seals subsequently died in captivity.

Notice is hereby given that on June 28, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service determined that it would be in the best interest of the remaining animal to remain in captivity, and, therefore, issued a Permit authorizing the Zoological Society of San Diego to maintain the animal, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 28, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19066 Filed 7-1-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the next TSCA Interagency Testing Committee meeting (previously referred to as the Interagency Committee on Priority Chemicals for Testing) established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

The Committee will meet July 7, 1977, at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place, Washington, D.C. The purpose of the meeting is to refine the preliminary chemical substance list for additional testing to adequately evaluate the extent to which such chemicals may pose an unreasonable risk of injury to health or the environment.

All interested persons are invited to attend. Call the Committee Secretary (202-382-2027) for additional information.

Dated: June 29, 1977.

WARREN R. MUIR,
Chairman, TSCA ITC.

[FR Doc.77-19079 Filed 7-1-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 24, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Avionics Acquisition will hold meetings on July 20 and 21, 1977 from 8:30 a.m. to 5:00 p.m. in the Pentagon, Room 4E871.

The Committee will receive classified briefings on the acquisition of avionics for Air Force systems.

The meetings will be open to the public upon vertification of appropriate security clearances.

For those not having clearances the meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-19027 Filed 7-1-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 23, 1977.

The USAF Scientific Advisory Board Ad Hoc Committee on M-X Command, Control, and Communications will hold a meeting from July 25 through August 5, 1977 at the Naval War College, Newport, Rhode Island from 8:30 a.m. to 4:00 p.m. each day.

The Committee will receive classified briefings and conduct classified discussions concerning the command, control, and communications technologies to suport the M-X system.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-19028 Filed 7-1-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 24, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Avionics Acquisition will hold meetings on July 28 and 29, 1977 from 8:30 a.m. to 5:00 p.m. in the Pentagon, Room 5D982.

The Committee will write a classified report on avionics acquisition.

The meetings will be open to the public upon verification of appropriate security clearances.

For those not having clearances the meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-19029 Filed 7-1-77;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No 804; Revocation of FCA Order No. 775]

AUTHORITY OF OFFICERS TO ACT IN GOVERNOR'S ABSENCE

Officers of the Farm Credit Administration

JUNE 28, 1977.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor, Office of Credit and Operations;
(2) Deputy Governor, Office of Administration;
(3) Deputy Governor and Chief Examiner;
(4) Deputy Governor, Office of Finance and Research;
(5) Deputy Governor and General Counsel;
(6) Director, Supervisory Division, Office of Credit and Operations; and
(7) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 775, dated January 3, 1975 (40 FR 1737).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-18991 Filed 7-1-77;8:45 am]

[Docket Nos. 20629-20631; Files Nos. BR-2724, BRH-1413, BPH-9253; FCC 77-449]

FEDERAL COMMUNICATIONS COMMISSION

GEORGE E. CAMERON JR. COMMUNICATIONS

Applications; Memorandum Opinion and Order; Enlarging Issues

Adopted: June 22, 1977.

Released: June 24, 1977.

In re applications of George E. Cameron Jr. Communications, for renewal of license of Station KROQ, Burbank, California (Docket No. 20629[1], File No. BR-2724); Burbank Broadcasting Co., for renewal of license of Station KROQ (FM), Pasadena, California (Docket No. 20630[1], File No. BRH-1413); San Marco Broadcasting Company, for construction permit for new FM Broadcast Station, Pasadena, California (Docket No. 20631[1], File No. BPH-9253).

1. When the above-captioned applications of George E. Cameron Jr. Communications and Burbank Broadcasting Co. were designated for hearing by Memorandum Opinion and Order, released November 21, 1975, 56 FCC 2d 752, a number of deficiencies in the applications as filed on August 13, 1974 were specifically pointed out and specific issues were directed to certain of these deficiencies. Before the start of the hearing herein, we revisited the designation order, found that succeeding events indicated "* * * that the underlying basis for designating a hearing in lieu of dismissing the applications as defective, was misplaced, and that the hearings, rather than expediting the reinstitution of service, would only delay it further." We, therefore, vacated the designation order, and dismissed the renewal applications without prejudice to their resubmission within 30 days in compliance with the pertinent rules. "George E. Cameron Jr. Communications, et al.", 58 FCC 2d 622, released March 10, 1976.

2. Renewal applications for KROQ and KROQ(FM) were resubmitted on April 12, 1976, but we found that the response to our request for further information was inadequate and unacceptable. Accordingly, we held no basis existed for ordering the hearing process to be resumed and we concuded that "* * * the operation by those entities licensed by the Commission is permanenty discontinued." Thus, under Rules 73.91 and 73.271, we directed the licensees to forward the instruments of authorization for cancellation, staying the effectiveness of this direction, however, if the licensees requested oral argument on the question whether the licenses should be cancelled under the terms of Rules 73.91 and 73.271 relating to permanent discontinuance. "George E. Cameron Jr. Communications, et al.," 59 FCC 2d 730, released June 4, 1976. Oral argument was requested,[2] and oral argument before the Commission en banc was held on October 12, 1976.

[1] Although the designation order in this proceeding was vacated on March 9, 1976 (58 FCC 2d 622), we have today reinstated the hearing; and these docket and file numbers will be retained. See paragraphs 5 and 6, infra, with regard to the file number for Burbank's application.

[2] Both KROQ and KROQ(FM) had been silent since July 29, 1974. However, before a date for oral argument was set, the Commission was notified by telegrams that KROQ resumed broadcasting in June, 1976 and KROQ(FM) resumed broadcasting in July, 1976. In neither instance were plans for resumption of broadcasting submitted to the Commission in advance, as contemplated in the March 10 and June 4 orders, supra. Nevertheless, these notifications moot any further need to justify such stations remaining silent.

3. At the oral argument, counsel for Cameron and Burbank stated that he was retained as counsel only three weeks prior to the oral argument. He, therefore, requested leave to file an additional pleading within ten days responsive to the Commission's earlier requests for additional information and for further showings, and we granted leave to file this pleading, FCC 76M-1325, released October 15, 1976. On October 18, 1976 Cameron and Burbank file amendments to their application and a petition for leave to amend. On October 26, 1976, Cameron and Burbank filed a "Request for Grant of KROQ Renewal Application, for Rescheduling of KROQ-FM Hearing and for Equitable Relief".

4. *Public Notice of the Filing of Renewal Applications.* With its October 18 1976 petition to amend Cameron has submitted affidavits proving newspaper publication in Burbank, California on September 17, 18, 21 and 22, 1976 of the fact that Cameron has filed a renewal application for KROQ; and we conclude that the notices as to KROQ's application constituted compliance with Rule 1.580 (c). No proof of newspaper publication was submitted with regard to the KROQ (FM) renewal; however, Burbank filed the affidavit of Gary Bookasta to the effect that, as general manager of KROQ (FM), he broadcast announcements of the April 10 [12], 1976 filing of KROQ (FM)'s renewal for the license period ending December 1, 1974; and that KROQ(FM) aired these broadcasts daily at various times from September 15 through October 10, 1976. We conclude that these over-the-air publications constituted substantial compliance with Rule 1.580(c), with respect to the filing of the KROQ(FM) renewal.

[3] Thus, there are now before us for consideration: (a) the applications of George E. Cameron Jr. Communications for renewal of the license of Station KROQ at Burbank, California, and of Burbank Broadcasting Co. for renewal of the license of Station KROQ (FM) at Pasadena, California; (b) San Marco Broadcasting Company's "Opposition to Acceptance of Applications" filed May 4, 1976 and supplemented May. 17, 1976, (held in abeyance pursuant to our order, 59 FCC 2d 730 (1976)); (c) the transcript of oral argument held before the Commission *en banc* on October 12, 1976, as corrected; (d) a petition for leave to amend filed October 18, 1976 by Cameron and Burbank; (e) a petition for leave to amend filed November 11, 1976 by San Marco; (f) a "Request for Grant of KROQ Renewal Application, for Rescheduling of KROQ-FM Hearing and for Equitable Relief" filed by Cameron and Burbank on October 26, 1976, along with requests for late acceptance and for waiver of page limitation rules; (g) the Broadcast Bureau's comments on (d) and (f) filed November 10, 1976; (h) San Marco's comments on petition for leave to amend, filed October 28, 1976; and (i) San Marco's comments on (g) and a motion for leave to file this pleading, both filed November 18, 1976.

5. *Ownership Composition.* At oral argument and in its pleadings, Burbank states that 10 of its 13 original partners have now signed a statement ratifying the renewal application; that those partners' statements which the Commission previously construed as repudiations of the renewal applications were intended to reflect these individuals' legal position that they were limited, not general, partners; that the statements were not, in fact, repudiations of the partnership itself; that Messrs. Prestininzi, Colicigno and Goe are "dissident" partners; and that legal action has been undertaken to remove these three partners. Burbank essentially takes the position that the questions regarding ownership composition have been resolved because "the renewals of KROQ and KROQ–FM have been affirmed by an overwhelming majority of the shareholders and partners of both licensees * * *" and "a majority of the partners are in the process of taking appropriate legal steps to remove Messrs. Goe, Prestininzi and Colicigno (the dissidents) from GEC and BBC (which action will be subject to prior Commission approval, via Form 316)."

6. Under Rule 1.540(b)(6), FCC Form 316 (the Short Form) may be used to report an assignment of less than a controlling interest in a partnership. Notice to the public is not required, in these circumstances, where the change is not a major amendment which would require the assignment of a new file number. "Community Broadcasting Co.," 26 FCC 2d 286 (1970). The tenor of the response of the renewal applicants is, therefore, to the effect that the licensee-partnership continues in existence and is the same legal entity as the renewal applicant for KROQ(FM); and that no event has occurred which would require publication and assignment of a new file number. We deem these representations minimally sufficient to warrant acceptance of the applications and resumption of the hearing process.[4] Further inquiry into the ownership composition will be made in hearing under Issues 1(b) and 1(c). Prompt notification of the Commission is required not only of litigation whose outcome could affect the ownership composition of these applicants, but also of changes in the partners' relationships which by statute alter the composition of the Burbank partners without a court decree.

7. We agree with the Broadcast Bureau that Issue 1(a)[5] may be deleted. Inquiry into the status of those signing the application is unnecessary because as resubmitted on April 12, 1976, there is an adequate showing that the renewal applications are signed by a Burbank partner and by an officer of Cameron. In its Opposition to Acceptance of Applications, San Marco contends, inter alia, that acceptance of these amendments improperly deprives San Marco of an opportunity to challenge these signatures, and that the amendments should be rejected. For the reasons stated in the following paragraphs, we do not agree with San Marco's position; the amendments will be accepted; and Issue 1(a) will be deleted.

8. In our June 4 order, supra, we held in abeyance San Marco's Opposition to Acceptance of Applications filed on May 4 and supplemented on May 17, 1976. We shall consider these contentions now along with San Marco's opposition to grant of the amendments filed October 18, 1976. San Marco first asserts that there is no Rule or precedent which permits acceptance of retendered applications. However, in comparable circumstances, we have reinstated renewal applications which were dismissed for failure to furnish information. See for example "Reginaldo Espinoza II", 20 FCC 2d 1072 (1970); "Metals Broadcasting Co., Inc.," 20 FCC 2d 242 (1969); and "Pick Radio Co.," 26 FCC 2d 356 (1970).[6]

9. San Marco next argues that, because these applications were in hearing status, good cause for allowing amendments, including due diligence, must be shown under Rule 1.522(b) and case precedents;[7] that, otherwise, the procedures followed by the Commission will circumvent these requirements to San Marco's detriment; that the lack of diligence in filing is apparent; and that the amendments should be rejected. There is no merit in these contentions. Rule 1.522(b) and the cases relied upon by San Marco govern an ongoing hearing process but are inapposite to the instant case where hearing processes have been suspended and the designation order vacated until the acceptability of the Burbank and Cameron renewal applications has been resolved. We have now determined (see paragraph 6, supra) to accept the amendments and the KROQ and KROQ(FM) applications nunc pro tunc and to resume the hearing. San Marco will not be unfairly prejudiced by not applying Rule 1.522(b) in this situation because San Marco will be able to prepare for hearing on the basis of these proposals and to avail itself of cross-examination and other procedures for testing their accuracy and feasibility. Were we to adopt San Marco's view, our purpose in requiring the renewal applicants to file additional information would be totally frustrated. Therefore, San Marco's Opposition to Acceptance of Applications will be denied. If the parties believe that the issues are affected by the amendments in respect to matters which we have not considered here, they may of course file appropriate petitions to delete, enlarge or modify the issues before the presiding Judge pursuant to Rule 1.229. The unique posture of this proceeding dictates that the filing periods specified in Rule 1.229 be waived, and that such filing periods shall be computed from the release date of this order.

10. The disputes among the partners which erupted in 1973 appear to have been a significant factor in the total disruption of broadcast service to the public and we are concerned because, even now, they have not been resolved; the partners are still in court litigating their rights as partners; and we have reinstated the hearing on the basis of a minimal showing including representations that effective management procedures and practices have been inaugurated. It is difficult to conceive how licensee responsibility can be properly exercised in these circumstances, and an issue will be specified to determine the facts bearing upon this question and whether Cameron and Burbank should be disqualified or receive a comparative demerit for carelessness, ineptness or inability to exercise effective licensee responsibility in the operation of these stations. The initial burden of going forward with the presentation of evidence of a prima facie showing is placed upon the Broadcast Bureau; and the burden of persuasion is placed upon the respective renewal licensees on this issue. Since Issue 1(a) has been deleted, the new issue will be assigned that number.

11. The KROQ and KROQ(FM) renewal applications filed August 13, 1974, as amended upon resubmission April 12, 1976, and on October 18, 1976, will be accepted nunc pro tunc; and further public notice by the Commission of their acceptance is not required. As modified by this order, the designation order (56 FCC 2d 752) which was vacated pursuant to our Memorandum Opinion and Order, 58 FCC 2d 622, is reinstated except to the extent indicated in paragraph 9 of March 10, order, supra, wherein we stated that precedential guidelines for acting on requests for waiver of the cutoff provisions of Rule 1.516 will be adhered to.[8]

12. San Marco Broadcasting Company has previously demonstrated compliance with Rule 1.594 which requires local notice of designation of an application for hearing, and San Marco need not make further proof of such publication. However, the renewal applicants have not done so, and they are required to submit timely proof of Rule 1.594 notice to the Administrative Law Judge.

13. In addition to the Royce International Broadcasting Company application mentioned below, there are other pending applications which may be mutually exclusive with the KROQ and KROQ(FM) applications if the requests for waiver of § 1.516(e)(1) of the rules are favorably acted upon. Processing of these applications may proceed, and the accompanying requests for waiver will be granted if the applicants make a persuasive showing that the public interest will be served thereby. Where waivers are granted, the applications will be designated for hearing in a proceeding to be consolidated with the hearing which is resumed herein. The Administrative Law Judge designated to preside at the hearing herein may schedule his calendar in such a way as to accommodate expedited processing of pending applications and rulings upon requests for waiver. With respect to any now-pending petitions for waiver of cut-off provisions of the Rules, if consolidation of an application with this proceeding should be ordered the applicant's time for petitioning to add, delete or modify issues shall be computed from the release date of the consolidation order.

14. Cameron's request for grant of the KROQ application without hearing must be denied because serious questions must be resolved with regard to its basic qualifications to remain a licensee of the Commission, and because comparative evaluation of its qualifications with those of Royce International Broadcasting Company is required. See paragraphs 27 through 31 of the designation order, supra. By a subsequent order, Royce's application will be consolidated in this proceeding, with appropriate issues.

15. *Accordingly, it is ordered,* That:

(a) The application for renewal of Station KROQ's license at Burbank, California, filed by George E. Cameron Jr. Communications and the application for renewal of Station KROQ(FM)'s license at Pasadena, California, filed by Burbank Broadcasting Co. are accepted nunc pro tunc;

(b) Amendments to the KROQ and KROQ(FM) renewal applications filed April 12, 1976, and October 18, 1976, are accepted and the applicants' petition for leave to amend filed October 18, 1976 is granted;

(c) Our Memorandum Opinion and Order, 56 FCC 2d 752 (1975), is reinstated and modified by this order;

(d) San Marco Broadcasting Company's "Opposition to Acceptance of Applications", as supplemented, IS DENIED;

(e) San Marco's unopposed November 11, 1976 petition for leave to amend and November 18, 1976 motion for leave to file comments are granted;

(f) George E. Cameron Jr. Communications' and Burbank Broadcasting Co.'s "Request for Grant of KROQ Renewal Application, for Re-scheduling of KROQ-FM Hearing and for Equitable Relief" is granted to the extent indicated herein and is otherwise denied, and their requests for late acceptance and for waiver of page limitation rules are granted;

(g) Issue 1(a) is deleted;

(h) The issues in this proceeding are enlarged to add the following issue, such issue becoming Issue 1(a):

1(a) To determine whether carelessness, ineptness or disputes among the principals evidence an inability on the part of George E. Cameron Jr. Communications and Burbank Broadcasting Company to effectively exercise the responsibilities of a licensee of Station KROQ and KROQ(FM), respectively, affecting their basic and/or comparative qualifications.

(i) The hearings in this proceeding shall resume at a time and place to be specified in a subsequent order of the Chief Administrative Law Judge, in accordance with paragraph 13 above.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19031 Filed 7-1-77;8:45 am]

[Docket Nos. 21292–21305, etc.]

TREANOR EQUIPMENT CO., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Treanor Equipment Company, 3601 South Treadaway, Abilene, Texas 79602, Docket No. 21292, File No. 95590–IB–36; Big E. Testors, P.O. Box 6785, Odessa, Texas 79762, Docket No. 21293, File No. 95511–IB–36; Malcom C. Schultz, 309 Hickory, Abilene, Texas 79601, Docket No. 21294, File No. 92405–IB–36; Ryder Truck Rental, Inc., 1004–½ East Highway 80, Abilene, Texas 79601, Docket No. 21295, File No. 92404–IB–36; The Professional Association, 1101 North 19th Street, Abilene, Texas 79601, Docket No. 21296, File No. 92399–IB–36; Claude H. Newberry d/b/a, Newco Truck & Bus Service, 1517 South Treadaway, Abilene, Texas 79601, Docket No. 21297, File No. 92396–IB–36; Heritage Cadillac, Inc., 1399 South Danville Drive, Abilene, Texas 79605, Docket No. 21298, File No. 92368–IB–36; Jorita Nesloney d/b/a Cam Jim Nursing & Employment Agency, 310 N. Willis, Room 109, Abilene, Texas 79601, Docket No. 21299, File No. 92344–IB–36; Grayson Enterprises, Inc., KTXS–TV, (Attention: Mr. R. Jackson), Highway 83 By-Pass, Abilene, Texas 79603, Docket No. 21300, File No. 92364–IB–36; Georgia Tarrant d/b/a West Texas Home-Health Agency, 3814 North First, Abilene, Texas 79601, Docket No. 21301, File No. 92418–IB–36; Dr. R. J. Strader, D.D.S., 1025 Cypress, Abilene, Texas 79604, Docket No. 21302, File No. 92410–IB–36; Dr. Paul Mani, 1101 North 19th, Room 114, Abilene, Texas 79601, Docket No. 21303, File No. 92380–IB–36; Esco Elevators, Inc., P.O. Box 837, Abilene, Texas 79604, Docket No. 21304, File No. 103580–IB–46; Dr. William D. Davis, M.D. and Associates, 1325 Hickory Street, Abilene, Texas 79602, Docket No. 21305, File No. 104721–IB–46.

Adopted: June 16, 1977.

Released: June 30, 1977.

1. The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned applications for licenses in the Business Radio Service.

2. The above-listed individuals and entities applied for radio station authorizations in the Business Radio Service and, at various dates between April 6 and 27, 1976, eleven of the applications were granted. These applicants had proposed to share the use of the same radio frequency, 462.125 MHz, and to share the same base station and control point facilities which would be separately licensed to each applicant under the Commission's multiple-licensing practices.[1] The applicants plan to use the services of Randall R. Grant d/b/a TARCO Answering Service (TARCO). TARCO would receive telephone messages and dispatch these messages over the shared radio facilities.

3. On May 6, 1976, Mobile Phone of Texas, Inc. (Mobile Phone)[2] by its attorneys filed a petition for reconsideration directed at our action granting ten (10) of the applications.[3] Mobile Phone alleged, among other things, that the applications may not be granted because TARCO, under the arrangement, would provide the applicants with a "packaged" service, that is, both dispatching and equipment rental and, as such, the applications should be held without action until the Commission concludes the rule making proceeding in Docket 18921. The applicants did not file any opposition to Mobile Phone's reconsideration petition. In view of the seriousness of the allegation and lack of response thereto by the applicants, the Bureau set aside the grants by a "Memorandum Opinion and Order" released June 10, 1976, returned the applications

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[4] It appears from copies of court documents filed with San Marco's supplemental pleading on May 17, 1976, that the U.S. District Court, Central District of California, has appointed a temporary receiver in bankruptcy for Robert L. Goe, Sr. The bankruptcy of a partner is an event which causes dissolution of the partnership without a court decree under Section 15031 of the California Corporations Code. It may be observed that the term "dissident" partner is not used in the sections of the California Corporations Code governing partnerships, and Burbank has not made clear what legal ramifications it believes have occurred from the fact that these partners are "dissidents." Further inquiry is necessary; but since Issues 1(b) and 1(c) are sufficiently broad to encompass inquiry into these matters, enlargement of issues is not necessary.

[5] To determine whether the Cameron and Burbank applications for renewal of licence were validly filed in accordance with the rules and regulations of the Federal Communications Commission and are therefore entitled to consideration by the Commission.

[6] Reinstatement of dismissed renewal applications was denied in Washington Broadcasting Co., Inc., 20 FCC 2d 1092 (1970); Timnankin, Inc., 41 FCC 2d 226 (1973); and Unlimited Service Organization, 20 FCC 2d 1089 (1970), because the required information had not been submitted. However, in the above paragraphs, we have ruled that these renewal applicants' responses are sufficient to resume the hearing.

[7] San Marco cites Folkways Broadcasting Co., 57 FCC 2d 609 (1976); Athens Broadcasting Co., Inc., 37 FCC 2d 374 (R.Bd. 1972); Grayson Television Co., Inc., 11 FCC 2d 881 (R.Bd. 1968); Chapman Radio and Television Co., 26 FCC 891 (R.Bd. 1970); Erwin O'Connor Broadcasting Co., 22 FCC 2d 140 (R.Bd. 1970); and ZIA Tele-Communications, Inc., 46 FCC 2d 1203 (1974).

[8] The Review Board's Memorandum Opinion and Order, FCC 76R–73, released March 5, 1976, continues in force. To avoid confusion with regard to reconsideration and appeal requests, the time limitations as to that order shall be computed from the date of release of this order.

[1] For a discussion of the Commission's multiple-licensing practices, see generally, Multiple-Licensing—Safety and Special Radio Services, 24 FCC 2d. 510 (1970).

[2] Mobile Phone is a radio common carrier serving the Abilene area and holds licenses KLB–716 and KKX–709 in the Domestic Public Land Mobile Radio Service.

[3] Mobile Phone in its original petition asked for reconsideration of only 10 of the application grants. Then, in a letter dated June 2, 1976, Mobile Phone amended its request to add the applications of Dr. R. J. Strader, Dr. Paul Mani, and Esco Elevators, Inc. On April 27, 1976, the Commission granted a license to Treanor Equipment Company. The other 11 licenses referenced herein, were granted on April 6, 1976. The applications of Esco Elevators and Dr. William D. Davis were held in a pending status and have not been granted.

to pending status, and began an informal investigation into the matter.

4. In Docket 18921, the Commission proposed to adopt a rule to govern shared uses of radio facilities in the Industrial, Public Safety, and Land Transportation Radio Services which reads:

> Dispatch service shall not be provided by any person who furnishes any of the radio equipment, through sale, lease arrangements, or otherwise, used in the jointly used facility.

See proposed § 91.9(a)(4), "Memorandum Opinion and Order and Notice of Proposed Rule Making," Docket 18921, Appendix, 24 FCC 2d. 510, at 524. In that same action, the Commission decided that applications ". . . proposing a cooperative or joint (i.e., multiple licensed) use of facilities under arrangements whereby third parties would provide a 'packaged' service, that is, both dispatching and equipment rental, would be held without action until the proceeding * * * is concluded." See "Memorandum Opinion and Order," Docket 18921, supra, paragraph 44.

5. The proceeding in Docket 18921 has not been concluded and the interim "freeze" on applications not in accordance with proposed § 91.9(a)(4) is still in effect. Thus, the issue raised by Mobile Phone, subsequent correspondence, and filings by counsel for and on behalf of the applicants, is whether the subject application may be granted, or more specifically, whether a "packaged service" is proposed.[4]

6. It is undisputed that initially a "packaged" service was involved in that TARCO would provide both equipment rental and dispatch service. It has been claimed, however, in correspondence filed after the Bureau's June 10, 1976, set-aside action, that the package has been "broken" in that another person, Bobby G. Adams, a relative of Randall R. Grant, would assume the responsibility for and would provide the radio equipment, while TARCO would continue to provide dispatch services. This claim has been supported by the written statements of Grant, Adams, and a J. T. Halligan (an employee of Radio Corporation of America (RCA)), and a copy of an agreement, titled "Agreement for Transfer of Equity," signed by Grant, Adams, and Halligan. This agreement purports to transfer the equity of certain radio equipment from Grant to Adams as well as the liability for the payment of the balance due RCA for the equipment.[5]

Nevertheless, it appears that TARCO has continued to have possession of radio equipment, has continued to arrange renting the paging receiver units to its customers, to bill for them and to collect the rental fees, and has continued to submit payments on the equipment directly to RCA. Thus, it appears that if these facts are true, a substantial and material question would exist as to whether Adams has indeed taken over the equipment ownership and has assumed the responsibility for providing its use to the applicant.

7. Further, even assuming that the equity to the equipment as well as the obligation to pay RCA for it has been transferred to Adams, the question still exists whether the "package" has been "broken," within the meaning of the Commission's interim policy. It appears that even though Adams may be the legal owner of the equipment, Grant would in effect be providing the applicants with a "packaged" service in that he would bill and collect for the combination of the equipment and dispatch service. This combination of service, enhanced by Grant's relationship to Adams, would seem to place Grant in a position to "* * * exercise a degree of control * * *" over the proposed radio facility "* * * which * * * is incompatible with the regulatory scheme * * * in * * * the private services." "Memorandum Opinion and Order," Docket 18921, *supra* at p. 519, and may be contrary to the Commission's interim policy on authorizing such arrangements.

8. Finally, the failure of the applicants to disclose fully the nature of the arrangement initially and the apparent contradictory statements with respect to it filed on behalf of the applicants raise qualification questions that should be explored at a hearing.

9. *Accordingly, it is ordered,* Pursuant to § 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's rules, that the captioned applications are designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To ascertain whether the applicants propose to obtain the radio equipment (transmitting, receiving, and associated equipment) for the proposed radio facilities from the same entity which would also provide the applicants dispatching service (telephone answering and message transmission over the proposed facilities).

(2) To determine, even if Bobby G. Adams has equity in the radio equipment to be used by the applicants, whether the total arrangement nevertheless constitutes a "packaged" service within the meaning of the Commission's interim policy expressed in its "Memorandum Opinion and Order and Notice of Proposed Rule Making," Docket 18921, 24 FCC 2d 510.

(3) To determine whether the applicants were sufficiently candid in disclosing the nature of the arrangement for obtaining equipment and dispatch service, initially in their application and in response to subsequent Commission inquiries; and, if not, whether they possess the character qualifications to become licensees.

(4) To determine in the light of the evidence included in response to issues 1 and 2, whether the applications may be processed in light of the Commission's interim freeze imposed by "Memorandum Opinion and Order", Docket 18291, supra.

(5) To determine, if the application may be processed, whether the public interest, convenience and necessity would be served by granting the applications.

10. *It is further ordered,* That the captioned applications are consolidated for hearing pursuant to the provisions of § 1.227(a)(1) of the Commission's rules.

11. *It is further ordered,* That the burden of proceeding with the evidence and the burden of proof on all of the issues are, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.254 of the Commission's rules, upon the applicants.

12. *It is further ordered,* That pursuant to § 1.221(d) of the Commission's Rules, Mobile Phone of Texas, Inc., P.O. Box 2247, Wichita Falls, Texas 76307 and Randall R. Grant d/b/a TARCO Answering Service, 201 Petroleum Building, Abilene, Texas 79604, and Bobby G. Adams, 201 Petroleum Building, Abilene, Texas 79604, are named as parties to this proceeding, in addition to each of the above-named applicants.

13. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and each of the parties named herein, pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance that he will appear on the date fixed for hearing and present evidence.

14. *It is further ordered,* That the Secretary of the Commission send a copy of this "Memorandum Opinion and Order" by Certified Mail, Return Receipt Requested, to each of the applicants and named parties.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-19022 Filed 7-1-77;8:45 am]

[4] Mobile Phone has made other allegations, one of which is that the entire arrangement between Randall Grant and the applicants would constitute an illegal common carrier service. But arrangements where eligibles plan to share the use of the same facilities under the rules and policies governing the private radio services are permissible. See Memorandum Opinion and Order, Docket 18921, supra. Thus, the broad attack on the proposed arrangement by Mobile Phone does not raise a proper issue as to its overall legality.

[5] The foregoing documents themselves raise a factual issue. Thus, Grant's sworn statement dated September 8, 1976, indicates that he sold equipment to Adams on January 2, 1976. Adams' statement dated August 27, 1976, says that he (Adams) is the sole owner of the equipment; and Halligans' letter of December 2, 1976, purports to say that Adams had assumed the obligation to pay for the equipment before then. Yet the document, Agreement for Transfer of Equity signed on May 2, 1977, by its own terms, transfers equity to the equipment and liability of payment from Grant to Adams on April 29, 1977.

FEDERAL MARITIME COMMISSION

MED-GULF CONFERENCE/MINIBRIDGE CARRIERS

Agreement Filed; Rate Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 25, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Peter B. Kenney, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 10300 would establish a discussion and rate agreement among the members of the Med-Gulf Conference and American Export Lines, American President Lines and Italia S.p.A.N. relative to all-water transport and joint water-land transport in the Westbound trade from all Italian ports from Ventimiglia to the Yugoslav border including islands, French Mediterranean ports, Spanish ports (excluding those North of Portugal, including the North African Spanish ports and those of the Spanish Mediterranean Islands) and Portuguese ports to the area comprised by and inclusive of Morehead City, North Carolina, South, along the South Atlantic Coast and into the Gulf of Mexico to and inclusive of Brownsville, Texas; and also the Westbound trade from all Italian ports from Ventimiglia to the Yugoslav border including islands, French Mediterranean ports, all Spanish ports (including the North African Spanish ports and those of the Spanish Mediterranean Islands) and Portuguese ports to the Island of Puerto Rico.

By Order of the Federal Maritime Commission.

Dated: June 29, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19001 Filed 7-1-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 24]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending June 11, 1977

ACTIONS OF THE BOARD

Statement by Governor J. Charles Partee before the Senate Committee on Banking, Housing and Urban Affairs, answering questions regarding monetary velocity—the intensity with which money is being used.

Letter to Chairman William Proxmire, Senate Committee on Banking, Housing and Urban Affairs on H.R. 5675, which permits the payment of interest on Treasury accounts.

Amendment to Rules Regarding Delegation of Authority to expand the scope of authority previously delegated regarding acquisitions of shares of a bank.

Bank of the Commonwealth, Detroit, Michigan, to make an investment in bank premises in connection with leasehold improvements at the Michigan-Shelby storage facility.

Issuance of subordinated capital notes by Girard Trust Bank, Bala-Cynwyd, Pennsylvania.

Bank of Nova Scotia, Toronto, Canada, a one year extension of time to divest of shares in Bank of Novo Scotia Trust Company of New York, New York.[1]

Mingo Bancshares, Inc., Puxico, Missouri, a proposed one bank holding company, request for an additional 30-day extension of time until July 14, 1977, to acquire shares of Puxico State Bank, Puxico, Missouri.[1]

State Bank of Anoka, Anoka, Minnesota, to make an investment in bank premises.[1]

Deregistration for Allegheny Airlines Federal Credit Union, Pittsburgh, Pennsylavnia.[1]

Deregistration for Bell Accounting Credit Union, Chicago, Illinois; The College Life Insurance of America, Indianapolis, Indiana; Multivest Funding Programs, Inc., Southfield, Michigan; University Life Insurance Company of America, Indianapolis, Indiana, and Storm Lake Production Credit Association, Storm Lake, Iowa.[1]

First National Interim Bank of Brunswick, Brunswick, Georgia, proposed merger with The First National Bank of Brunswick, Brunswick, Georgia, report to the Comptroller of the Currency on competitive factors.[1]

First Security Bank of Bountiful, National Association, Bountiful, Utah, proposed merger with First Security Bank of Utah, National Association, Ogden, Utah, report to the Comptroller of the Currency on competitive factors.[1]

Lauderdale Lakes National Bank, Lauderdale Lakes, Florida, and Broward National Bank of Plantation, Plantation, Florida, proposed acquisition by Century National Bank of Broward, Fort Lauderdale, Florida, report to the Comptroller of the Currency on competitive factors.[1]

Potomac National Bank, Potomac, Maryland, proposed merger with The Commerce Bank and Trust Company of Maryland, Bethesda, Maryland, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Silverlake/Sunset Branch of The Hongkong Bank of California, San Francisco, California, proposed acquisition by Los Angeles National Bank, Los Angeles, California, report to the Comptroller of the Currency on competitive factors.[1]

Uptown National Bank of Moline, Moline, Illinois, proposed acquisition by First National Bank of Moline, Moline, Illinois, report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Forest Hill State Bank, Forest Hill, Maryland, Branch to be established at 138-42 Main Street, Bel Air, Hartford County.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Bostor. Overseas Financial Corporation: Investment—indirectly acquire additional shares of Societe Francaise de Factoring and amend Board's 11-12-76 letter re: Alex Lawrie Factors, Limited, United Kingdom.

Boston Overseas Financial Corporation: Remove the standard subsidiary conditions re: Arrendadora Industrial Venezolana C.A., Caracas, Venezuela.

Chalfen-Holiday Inc.: To become a Bank Holding Company and to continue to hold its 20 per cent joint venture interest in International Holiday on Ice Company, London, England.

Bamerical International Financial Corporation: Investment—additional 25 per cent of the shares of B.A. Leasing & Capital (Hong Kong) Limited, thereby increasing its interest to 100 per cent.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

KSB Ltd., Keokuk, Iowa, for approval to acquire 80 per cent or more of the voting shares of Keokuk Savings Bank and Trust Company, Keokuk, Iowa.[2]

Packwood Financial, Inc., Packwood, Iowa, for approval to acquire 73.7 percent or more of the voting shares of Farmers Savings Bank, Packwood, Iowa.[2]

Chalfen-Holiday, Inc., Minneapolis, Minnesota, for approval to acquire 70 per cent or more of the voting shares of First National Bank in Anoka, Anoka, Minnesota.

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to acquire 87.67 per cent of the voting shares of Bank of Ionia, Ionia, Missouri.

Omaha State Corporation, Omaha, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Omaha State Bank, Omaha, Nebraska.

First Northern Bancorporation, Anchorage, Alaska, for approval to acquire 81 per cent of the voting shares of First National Bank of Fairbanks, Fairbanks, Alaska.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(5) of the Bank Holding Company Act of 1956.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

FrostBank Corporation, San Antonio, Texas, for approval to merge with Cullen Bankers, Inc., Houston, Texas

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURED

BankOklahoma Corp., Tulsa, Oklahoma, notification of intent to engage in de novo activities (to make, acquire, sell participations, and or service for its own account or for the account of others, loans or other extensions of credit for agricultural and agricultural related purposes as well as provide other ancillary services) at Highway 54 East, Guymon, Oklahoma, through a subsidiary, Banc-Oklahoma Agri-Service Corp., a wholly-owned subsidiary in a general partnership known as Agbanc of Oklahoma (6/6/77)

WITHDRAWN

Washington Bancshares, Inc. (now Old National Bancorporation), Spokane, Washington, notification of intent to engage in de novo activities (acting as agent or broker for the sale of group life and casualty insurance to be issued in connection with the making or acquiring of loans by Bancshares Mortgage Company) at 717 South Pines Road, Spokane, Washington, through its subsidiary, Bancshares Mortgage Company (6/10/77).[3]

PERMITTED

Citicorp, New York, New York, notification of intent to engage in de novo activities (making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts, making loans for the account of others such as one-to-four family unit mortgage loans; and acting as agent or broker for the sale of credit related life/accident and health insurance) at Vista Grande Shopping Center, Colorado Springs, Colorado, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (6/6/77).[3]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at 2235 East Broadway, Tucson, Arizona; 169 Fry Boulevard, Sierra Vista, Arizona; 250 West 24th Street, Yuma, Arizona; El Con Shopping Center, Tucson, Arizona; 201 Stone Street, Tucson, Arizona; and Park Mall Center, Tucson, Arizona through its subsidiary, Nationwide Financial Corporation of Arizona (6/5/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from 6544 E. 22nd Street, Tucson, Arizona, 4441 North Oracle Ridge, Tucson, Arizona and 4754 East Grant, Tucson, Arizona to El Con Shopping Center, Tucson, Arizona, 201 Stone Street, Tucson, Arizona and Park Mall Center, Tucson, Arizona, respectively, through its subsidiary, Nationwide Financial Corporation of Arizona (6/5/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance to be sold in accordance with applicable state laws and regulations in regard to the sale of credit related insurance, the business of a general insurance agency is not included) from 1465 Cassat Avenue, Jacksonville, Florida to 2415 Blanding Boulevard, Jacksonville, Florida, through its subsidiary, Nationwide Financial Corporation of Florida (6/6/77).

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at 315 South Circle Drive, Colorado Springs, Colorado; 380 Main Street, Security, Colorado; 1150 North 25th Street, Grand Junction, Colorado; Pueblo Mall, 148 West 29th Street, Pueblo, Colorado; and Suite 2304, Janitell Two Building, Garden Valley Center, 2860 South Circle Drive, Colorado Springs, Colorado, through its subsidiary, Nationwide Financial Corporation of Colorado (6/5/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from 1301 South Pueblo Boulevard, Pueblo, Colorado and Academy Fair Shopping Center, 1518 N. Academy Boulevard, Colorado Springs, Colorado to Pueblo Mall, 148 West 29th Street, Pueblo, Colorado and Suite 2304 Janitell Two Building, Garden Valley Center, 2860 South Circle Drive, Colorado Springs, Colorado, respectively, through its subsidiary, Nationwide Financial Corporation of Colorado (6/5/77).[3]

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodial nature in the manner authorized by Federal and State law; provided however, that loans and investments will be made and deposits accepted only in conformity with Regulations of the Board of Governors of the Federal Reserve System) at 60 Cathedral Place, St. Augustine, Florida, through a subsidiary, Barnett Banks Trust Company, N.A. (6/5/77).[3]

First Alabama Bancshares, Inc., Montgomery, Alabama, notification of intent to engage in de novo activities (acting as agent or broker with respect of nonfiling insurance, insurance in lieu of perfecting any security interest on a transaction that is directly related to the extension of credit by a bank; and single interest insurance (vendor's single interest insurance) against loss of or damage to property including coverage for skip, concealment, repossessions, conversion, confiscation and errors, and omissions written in connection with a credit transaction) at various offices in the State of Alabama, through a subsidiary, FAB Agency, Inc. (6/5/77).[3]

First Bank System, Inc., Minneapolis, Minnesota, notification of intent to engage in de novo activities (mortgage banking business including the brokering, origination, purchase, sale, and servicing of real estate mortgage loans) in the metropolitan areas of Portland, Oregon and Seattle, Washington, through its subsidiary, FBS Financial, Inc. (6/5/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit, such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 306E South Ironton Street, Aurora, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado corporation) (6/11/77).[3]

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans or other extensions of credit secured by real estate mortgages or deeds of trust and the servicing of such loans and such other activities as are incidental to the operations of a mortgage company including, but not limited to; acting as agent or broker for the sale of mortgage redemption life and disability insurance to be issued in connection with making or acquiring such loans) at 611 Sherman Avenue, Coeur D'Alene, Idaho; 302 Thain Road, Lewiston, Idaho; and 1452 Hudson Street, Longview, Washington, through its subsidiary Bancshares Mortgage Company (6/9/77.[3]

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with closing of real estate loans financed by credit extending subsidiaries of Old National Bancorporation) at 611 Sherman Avenue, Coeur D'Alene, Idaho; 302 Thain Road, Lewiston, Idaho; and 1452 Hudson Street, Longview, Washington, through its subsidiary, Cascade Escrow Company (6/9/77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit related life/accident and health insurance) at 80 South Lake Avenue, Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (6/11/77).[3]

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (making, acquiring, and servicing of loans and other forms of credit and financing either secured or unsecured for its own account or for the account of others, including commercial, industrial, agricultural and personal loans of all types, financial leases, sales contracts, accounts receivable and equity loans secured by real estate, leasing of personal property and equipment and acting as agent, broker, or adviser in the leasing of such property or the making of such loans; and acting as insurance agent or broker with regard to credit life and disability insurance relating only to said extensions of such credit as made by this corporation) at 309 S.W. Sixth Avenue, Portland, Oregon, through its subsidiary, U.S. Commercial Corp. (6/9/77).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Industrial Loan and Investment Company, Sedalia, Missouri, for permission to continue to engage in the activities of an industrial loan company and to continue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant.

BankAmerica Corporation, San Francisco, California, for approval to continue to engage in data processing activities through its wholly-owned subsidiary, FinanceAmerica Corporation, Allentown, Pennsylvania.

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To expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Heights Finance Corporation, Peoria, Illinois, notification of intent to indirectly acquire the assets of Montgomery County Loan Company, Hillsboro, Illinois, through Commerce Loan Corporation (6/5/77).[3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

First Bank & Trust Company of South Bend, South Bend, Indiana. Branch to be established at 1302 Elwood Avenue (within Martin's Supermarket, Inc.), South Bend, St. Joseph County.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

BANKSTOCK ONE, INC., Ozark, Arkansas, for approval to acquire 12,000 shares of the voting shares of Bank of Ozark, Ozark, Arkansas.

AMERICAN STATE BANCSHARES, INC., Osawatomie, Kansas, for approval to acquire 80 percent or more of the voting shares of The American State Bank, Osawatomie, Kansas.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Caprice Corporation, Red Lake Falls, Minnesota, for approval to acquire 93.33 per cent of the voting shares of Plummer State Bank, Plummer, Minnesota.

First Texas Bancorp, Inc., Georgetown, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank, Copperas Cove, Texas, a proposed new bank.

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To expand a Bank Holding Company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

Hartford National Corporation, Hartford, Connecticut, notification of intent to continue to engage in de novo activities (origination, negotiation, making and collection of loans secured by real estate) from an existing office located at 830 Post Road East (formerly known as 830 East State Street), Westport, Connecticut, which was established in June 1970, and will also be conducted from a new location at 777 Main Street, Hartford, Connecticut, through its subsidiary, HNC Realty Company (6/6/77).[3]

Industrial National Corporation, Providence, Rhode Island, notification of intent to form, de novo, a wholly-owned subsidiary under the name of MAI Corporation and to transfer to such subsidiary all of the stock of Mortgage Associates, Inc., therefore continuing to engage in de novo activities (origination and sale of residential and commercial mortgages; origination and sale of loans for the purchase of mobile homes; consumer finance; servicing of mortgage loans and mobile home loans; and insurance agency for any insurance for the holding company and its subsidiaries and for any insurance directly related to an extension of credit or provision of other financial services or otherwise sold as a matter of convenience to the purchaser) through Mortgage Associates, Inc. at the sole office of MAI Corporation, located at the main office of Mortgage Associates, Inc., at 125 East Wells Street, Milwaukee, Wisconsin (6/7/77).[3]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making consumer installment personal loans, purchasing and servicing for its own account consumer installment sales finance contracts; and acting as agent or broker for the sale of credit related life accident and health insurance) at 714 Lincoln Highway, Fairview Business Campus, Fairview Heights, Illinois, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (6/8/77).[3]

Citicorp, New York, New York, notification of intent to engage in de novo activities (making loans for the account of others such as one-to-four family unit mortgage loans) at Jamestown Executive Center, 3011 NW. 63rd Street, Suite 110, Oklahoma City, Oklahoma and 2507 NW. 23rd Street, Oklahoma City, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation (6/10/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Nationwide Financial Corporation of Oklahoma, Inc.) from 4520 NW. 50th, Oklahoma City, Oklahoma and 1514 North Rockwell, Oklahoma City, Oklahoma to Jamestown Executive Center, 3011 NW. 63rd Street, Suite 110, Oklahoma City, Oklahoma and 2507 NW. 23rd Street, Oklahoma City, Oklahoma, respectively, through its subsidiary, Nationwide Financial Services Corporation (6/10/77).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property subject to a security agreement with Citicorp Person-to-Person Financial Center) from #3, 28 East 21st Street, Salt Lake City, Utah to 3828 South Main Street, Salt Lake City, Utah, through its subsidiary, Nationwide Financial Services Corporation (6/10/77).[3]

Horizon Bancorp, Morristown, New Jersey, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit as would be made by a mortgage company and servicing loans and other extensions of credit for any person) at Jefferson Office Complex, 7500 West Mississippi, Denver, Colorado, through its subsidiary, Mortgage Investment Securities, Inc. (6/9/77).[3]

Florida National Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (to engage in data processing services to commercial banks and or other financial institutions and their corporate clients) at 7550 NW. 26th Street, Miami, Florida, through a department of the company known as Miami Computer Services Facility (6/6/77).[3]

Mercantile Bancorporation, Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (operating as an industrial loan company in the manner authorized by the laws of West Virginia and will not both accept deposits and make commercial loans; and insurance agency or brokerage in connection with selling to borrowers credit life insurance and credit accident and health insurance) from 541 9th Street, Huntington, W. Virginia to 3203 U.S. 60 East, Huntington, W. Virginia, through a subsidiary, Bond Industrial Loan Company of Huntington, Inc. with a name change to Franklin Thrift and Loan Company of Huntington, Inc. (6/6/77).[3]

Mercantile Bancorporation, Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance and credit accident and health insurance) from 537 9th Street, Huntington, W. Virginia to 3201 U.S. 60 East, Huntington, W. Virginia, through its subsidiary, Franklin Finance Company with a name change to Franklin Thrift and Loan Company of Huntington, Inc. (6/6/77).[3]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as are normally made by a mortgage company and the servicing of such loan accounts for itself and for others including loans on improved and unimproved residential and commercial properties) at 300 South 4th Street, Las Vegas, Nevada, through its subsidiary, First Security Mortgage Co. (6/2/77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions and all other activities normally engaged in by an escrow company) at 10 South Lake Avenue, Pasadena, California, through its indirect subsidiary, SP Escrow Service, Inc., a subsidiary of Security Pacific Finance Corp. (5/31/77).[3]

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan.

Union Bank, Los Angeles, California.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19024 Filed 7-1-77;8:45 am]

UNITED BANK CORPORATION OF NEW YORK

Acquisition of Bank

United Bank Corporation of New York, Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Hempstead Bank, Hempstead, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1977.

Board of Governors of the Federal Reserve System, June 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19023 Filed 7-1-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, from 9:00 a.m. July 26 thru July 28, 1977, Room 181, Federal Building, 1500 East Bannister Road, Kansas City, Missouri. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following projects:

Restoration, Renovation, U.S. Customhouse (Old Post Office), St. Louis, Missouri.

Building Extension and Architectural, Mechanical, and Electrical Improvements, Harry S. Truman Library, Independence, Missouri.

The meeting will be open to the public.

H. D. HARDELL,
Regional Administrator.

[FR Doc.77-19025 Filed 7-1-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0156]

ELANCO PRODUCTS CO., ET AL.

Penicillin-Streptomycin Premixes; Opportunity for Hearing

Correction

In FR Doc. 77-16102 appearing in the issue for Friday, June 10, 1977 at page 29999, the issue of the FEDERAL REGISTER referred to in the last paragraph of the document on page 30002 now reading "March 2, 1977" should have read "March 22, 1977".

[Docket No. 77N-0184]

VITARINE CO., INC.; DELCOZINE DROPS

Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

Correction

In FR Doc. 77-16231 appearing at page 30002 in the issue for Friday, June 10, 1977 make the following corrections:

(1) In the middle column of page 30002, twelve lines from the bottom of the page, "(D.C.C., 1975)" should have read "(D.D.C., 1975)".

(2) In the first column of page 30003, the 8th line of the paragraph numbered "(5)" now reading "dropper and proper labeling as to pre-" should have read "the dropper and proper patient labeling as to pre-".

(3) In the middle column of page 30004 in the last line of the first full paragraph, "21 CFR 314.20" should have read "21 CFR 314.200".

Office of Human Development

WORK INCENTIVE PROGRAM

Distribution of Funds

AGENCY: Office of Human Development (OHD), HEW.

ACTION: Notice.

SUMMARY: On April 28, 1977, the Office of Human Development published in the FEDERAL REGISTER (42 FR 21664) a proposed method for the allocation among the States of fiscal year 1978 funds for child care and other supportive services under the Work Incentive (WIN) program. The proposal is hereby adopted. The method distributes, 100 percent of the funds available to State WIN separate administrative units (SAU) for child care and other supportive services of the basis of the Department of Labor allocation to the State WIN sponsors for employment and training.

FOR FURTHER INFORMATION, CONTACT:

Pera Daniels, area code (202) 245-0436.

SUPPLEMENTARY INFORMATION:

REVIEW OF COMMENTS

Comments to the proposed Notice were invited. Several State agencies suggested including a hold harmless provision to assure that the preliminary amount for child care and other supportive service for each State is at least 85 percent of the previous year's limit of entitlement. This proposal is adopted.

The proposed notice provided that, if the unified planning and funding concept was approved by the Congress, each State would determine the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive units (with the approval of the Regional Coordination Committee). The amount approved in the State WIN Plan for child care and other supportive services would be the State's limit of entitlement. Several State agencies and others suggested that, in addition to this first determination of the most appropriate split as a part of the development of the fiscal year 1978 WIN plan, each State be permitted to make subsequent modifications to the split and the plan. As the year progresses changes could be desirable because of (1) the first few month's experience operating under the initial plan, (2) changes in the National appropriation level, and (3) changes in closely related Comprehensive Employment and Training Act (CETA) and Title XX operations. This suggestion has been accepted. The procedures to be followed if the unified funding and planning concept is approved by the Congress have been modified accordingly. However OHD believes that there is substantial merit in the concept of making a plan and sticking to it. Accordingly the regional offices will be directed to approve only those WIN plan modifications that have significant program ramifications.

METHOD IF UNIFIED PLANNING AND FUNDING IS APPROVED

Fiscal year 1978 funds for State WIN SAU's for child care and other supportive services will be distributed 100% on the basis of the DOL allocations to the State WIN sponsors for employment and training. The unified planning and funding procedure will allow States the flexibility to transfer funds between State agencies to adjust for individual State needs. If approved by Congress this method will be as follows:

1. In President's budget the WIN program has two subactivities: one for employment and training and another for child care and other supportive services. From the amount for the employment and training subactivity, the Department of Labor will compute a preliminary amount for each State using their allocation formula. Each Regional Coordination Committee (RCC) for WIN will make adjustments to these preliminary amounts among the States in its region based on its closer, more comprehensive knowledge of the States' WIN plan operations forecasted for fiscal year 1978.

2. From the amount identified in the subactivity for the WIN child care and other supportive services, OHD will compute a preliminary amount for each State in direct proportion to the Department of Labor amounts (as adjusted by the RCC). If the preliminary amount for any State is less than 85% of the fiscal year 1977 limit of entitlement, additional funds will be provided.

3. The RCC will provide each State with the sum of the preliminary amounts determined in steps one and two. Using this total each State will develop during July, August and September, its State WIN plan for fiscal year 1978. The State will decide the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive services units. The RCC must approve each State's WIN plan and the State's split of the fiscal year 1978 WIN funds.

4. The amount approved for child care and other supportive services will be the State's limit of entitlement. If an amount for child care and other supportive services is not approved by the RCC for the State by September 30, 1977, the amount computed using the ratio of employment and training funds to child care funds in step two will be the State's limit of entitlement.

5. If a funding adjustment is necessary between the State WIN agencies during the fiscal year, the State must submit a modification of the State WIN plan for approval by the RCC.

6. If the annual appropriation for the WIN program differs from the amount in the President's budget, then the difference will be allocated to each RCC using the WIN allocation formula. The RCC, based on its closer, more comprehensive knowledge of the States' needs, will provide the States with the new amount available to the State for the total WIN program. The State must submit a modified WIN plan showing the new funding split. Limits of entitlement will remain the same until the plan modification and new funding split are approved.

7. The final limit of entitlement for fiscal year 1978 will be the amount shown for child care and other supportive services on the approved State WIN plan of September 30, 1978.

PROCEDURE IF UNIFIED PLANNING AND FUNDING IS NOT APPROVED

If unified planning and funding is not approved by the Congress, then limits of entitlement will be computed using only steps one and two above.

If the annual appropriation for the WIN program differs from the amount in the President's budget, then the limit of entitlement for each State will be increased or descreased proportionately.

A survey will be made during the second half of fiscal year 1978 to determine the validity of the limits of entitlement. If the survey indicates that major variations from initial funding levels have occurred, then the limits will be revised accordingly.

EFFECTS OF LIMITS OF ENTITLEMENT

Expenditures for child care and other supportive services under Section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), will not be honored to the extent that they exceed published limits of entitlement.

(Catalog of Federal Domestic Assistance Program No. 13.748 Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: June 28, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-19000 Filed 7-1-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notices of Proposed Routine Uses Thereof

Correction

In FR Doc. 77-18448 appearing at page 33075 in the issue for Wednesday, June 29, 1977, make the following changes:

1. On page 33076, the first column, the paragraph under the heading "System location" should read:

TB Control Division, 819 27 So. Street, Las Lomas, Rio Piedras, Puerto Rico *and TB Control Division, Research and Development Branch, Bldg. 6-Room 222, CDC, Atlanta, GA 30333.*

2. In the same column under the heading "Categories of individuals covered by the system", the penultimate line, the period should be deleted.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-503; FDAA 3025-EM]

COLORADO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Colorado (FDAA-3025-EM), dated January 29, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Colorado dated January 29, 1977, and amended on February 15, 1977, March 10, 1977, April 4, 1977, May 18, 1977, and May 27, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 29, 1977:

The Counties of:

Delta	Mesa
Dolores	Montrose
Eagle	Ouray
Garfield	Pitkin
Gunnison	San Miguel

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 14, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19042 Filed 7-1-77;8:45 am]

[Docket No. NFD-508; FDAA-3040-EM]

IDAHO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Idaho (FDAA-3040-EM), dated May 5, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Idaho dated May 5, 1977, and amended on June 1, 1977, June 2, 1977, and June 3, 1977, is hereby further amended to include the following county among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977:

The County of:

Elmore

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected area effective June 14, 1977.

In addition, the Notice of emergency for the State of Idaho dated May 5, 1977, is hereby amended to make the following county determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977, eligible for cattle transportation assistance ef-

fective the date of this amended Notice:
The County of:

Lincoln

The above-listed county was previously declared eligible for emergency livestock feed assistance. This assistance remains available in the designated area.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19043 Filed 7-1-77;8:45 am]

[Doc. No. NFD-507, FDAA-3035-EM]

MICHIGAN

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Michigan (FDAA-3035-EM), dated March 2, 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Michigan dated March 2, 1977, and amended on April 1, 1977 is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 2, 1977:

The Counties of:

Alger	Houghton
Baraga	Iron
Delta	Marquette
Dickinson	Ontonagon

The purpose of this designation is to continue to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19044 Filed 7-1-77;8:45 am]

MICHIGAN AND PUERTO RICO

Designation of Additional Emergency Drought Impact Areas by Interagency Drought Emergency Coordinating Committee

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

Dated: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

PUERTO RICO

Entire Commonwealth designated.

MICHIGAN

Benzie	Oceana
Clare	Osceola
Gladwin	Ogemaw
Iosco	Oscoda
Lake	Wexford

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19040 Filed 7-1-77;8:45 am]

[Docket No. NFD-502; FDAA-3041-EM]

NEVADA

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Nevada (FDAA-3041-EM), dated June 11, 1977, and related determinations.

DATED: June 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7824).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 11, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Nevada is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Nevada.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, FDAA Region IX, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The counties of

Elko Humboldt

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 11, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19045 Filed 7-1-77;8:45 am]

[Docket No. NFD-504; FDAA-3016-EM]

NORTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of North Dakota (FDAA-3016-EM), dated July 21, 1976.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202-634-7825).

NOTICE: The Notice of emergency for the State of North Dakota dated July 21, 1976, and amended on December 30, 1976, March 1, 1977, and April 26, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The counties of:

Dickey	La Moure
Emmons	McIntosh
Logan	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

The county of Kidder.

The purpose of this designation is to continue to provide emergency livestock feed assistance only on the aforementioned affected area effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19046 Filed 7-1-77;8:45 am]

[Doc. No. NFD-505; FDAA-3015-EM]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of South Dakota (FDAA-3015-EM), dated June 17, 1976.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7825).

NOTICE: The Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, October 18, 1976, January 27, 1977, and February 15, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Brown	Potter
Campbell	Roberts
Corson	Spink
Day	Sully
Dewey	Walworth
McPherson	Ziebach
Marshall	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19047 Filed 7-1-77;8:45 am]

[Docket No. NFO-506; FDAA-3042-EM]

VIRGIN ISLANDS

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the Territory of the Virgin Islands (FDAA-3042-EM), dated June 14, 1977, and related determinations.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled Disaster Relief Act of 1974 (88 Stat. 143); notice is hereby given that on June 14, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the Territory of the Virgin Islands is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the Territory of the Virgin Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, FDAA Region II, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The Islands of:

St. Croix St. John
St. Thomas

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 14, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19048 Filed 7-1-77;8:45 am]

[Docket No. NFD 499]

VIRGIN ISLANDS

Designation of Additional Emergency Drought Impact Areas by Interagency Drought Emergency Coordinating Committee

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the designation of an additional area as an Emergency Drought Impact Area by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

Acting upon the request of the Governor, the Interagency Drought Emergency Coordinating Committee designated the Territory of the Virgin Islands as an Emergency Drought Impact Area.

The designation of an area as an Emergency Drought Impact Area does not confer entitlement to drought assistance.

Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to me as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19041 Filed 7-1-77;8:45 am]

[Docket No. NFD-501; FDAA-3037-EM]

WASHINGTON

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Washington (FDAA-3037-EM) dated March 31, 1977.

DATED: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of Washington dated March 31, 1977, and amended on April 4, 1977, May 6, 1977, May 10, 1977, May 18, 1977, and June 6, 1977, is hereby further amended to include the following county among those areas determined to have been adversely effected by the catastrophe declared an emergency by the President on March 31, 1977:

The county of Spokane.

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected area effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–19049 Filed 7–1–77;8:45 am]

[Docket No. NFD–509; FDAA–3043–EM]

WYOMING

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Wyoming (FDAA–3043–EM), dated June 15, 1977, and related determinations.

DATED: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 15, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Wyoming is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93–288. I therefore declare that such an emergency exists in the State of Wyoming.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Donald G. Eddy, FDAA Region VIII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The counties of:
Sublette Uinta

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned areas effective June 15, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–19050 Filed 7–1–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

BURNS CREEK—THIRTEENMILE CREEK, MONT.

Known Recoverable Coal Resource Area; Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Department Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94–377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Revised Burns Creek—Thirteenmile Creek (Montana) Known Recoverable Coal Resource Area (KRCRA); February 10, 1976, 2,638 acres previously within the KRCRA were deleted, and 44,489 acres were added. Total area now classified for leasing is 239,200 acres.

A diagram showing the revised boundary and acreage has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: June 28, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77–19026 Filed 7–1–77;8:45 am]

National Park Service

CONGAREE NATIONAL MONUMENT

Pre-Planning Public Meeting

The National Park Service of the Department of the Interior will hold a preplanning public meeting in South Carolina during July 1977. The Service seeks suggestions and information prior to the inception of formal planning for management, protection and development of Congaree National Monument.

The meeting will be held July 13, 1977, at 7:30 p.m. at Lower Richland High School, which is located on S.C. 76–378 and Lower Richland Boulevard, approximately 12 miles southeast of Columbia.

Anyone needing more information on the public meeting and the National Park Service planning process, or who wishes to submit comments or suggestions on Congaree National Monument, may contact Paul Swartz, Chief, Cooperative Services Division, Southeast Region, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, telephone 404/996–2520, extension 253.

Dated: June 1, 1977.

DAVID G. WRIGHT,
Acting Regional Director, Southeast Region, National Park Service.

[FR Doc.77–19048 Filed 7–1–77;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CDT, on Friday, July 15, 1977, at the Indiana Dunes National Lakeshore Tremont/Furnessville Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Public Law 89–761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Harry W. Frey (Chairman)
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mr. William L. Lieber
Mr. Lawrence Miller
Mr. John R. Schnurlein
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Report of fly ash subcommittee.
2. Report on law enforcement plans for summer activity.
3. State coordination on management of Hoosier Prairie.
4. Land Acquisition Report.
5. Review of Northwestern Indiana Regional Planning Commission's adopted regional goals, objectives and policies.
6. Report on Lakeshore Interpretive and Youth Summer Programs.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to commission members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139–A, Chesterton, Indiana 46304, telephone area code 219, 926–7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: June 10, 1977.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.77–18949 Filed 7–1–77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

CHARLES A. HERRINGTON,
for
WILLIAM J. MURTAGH,
Acting Keeper of the National Register.

The following properties have been added to the National Register since June 7, 1977. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

CALIFORNIA

Amador County

Ione, *Ione City Centenary Church*, 150 W. Marlette St. (5–26–77).

San Francisco County

San Francisco, *International Hotel*, 848 Kearny St. (6–15–77).

Solano County

Suisun vicinity, *Martin, Samuel, House*, 263 Suisun Valley Rd. (5–26–77).

COLORADO

Denver County

Denver, *Ideal Building*, 821 17th St. (6 9 77).

Garfield County

Glenwood Springs, *Hotel Colorado*, 526 Pine St. (5 26–77).

Larimer County

Estes Park, *Stanley Hotel*, 333 Wonder View Ave. (5–26–77).

GEORGIA

Oglethorpe County

Crawford, *Crawford Depot*, U.S. 78 (5 27 77).

IOWA

Muscatine County

Muscatine, *Ogilvie–Asthalter Building*, 221–223 Iowa Ave. (5–26–77).

LOUISIANA

Caddo Parish

Shreveport, *Strand Theatre*, 630 Crockett (5–26–77).

Pointe Coupee Parish

Simmesport vicinity, *White Hall Plantation House*, E of Simmesport on LA 418 (5–26–77).

St. Landry Parish

Sunset vicinity, *Chretien Point Plantation*, 2 mi. SW of Sunset on Blue Spring Rd. (5–26–7) HABS.

MAINE

Androscoggin County

Lisbon Falls, *St. Cyril and St. Methodius Church*, Main and High Sts. (5–26–77).

York County

Kittery, *Gerrish Warehouse*, Pepperrell Cove off ME 103 (5–26–77) HABS.

MASSACHUSETTS

Hampden County

Chicopee, *Dwight Manufacturing Company Housing District*, Front, Depot, Dwight, Exchange, Chestnut Sts. (6–3–77).

MISSISSIPPI

Clay County

West Point vicinity, *Colbert and Barton Townsites*, 15 mi. E of West Point off MS 50 (6–20–77).

Warren County

Vicksburg, *Bonham, Isaac, House*, 601 Klein St. (5–26–77).

NEW YORK

Chemung County

Elmira, *Park Church*, 208 W. Gray St. (5–25–77).

OHIO

Sandusky County

Fremont, *St. Paul's Episcopal Church*, 200 N. Park Ave. (6–9–77).

PENNSYLVANIA

Berks County

Leesport, *Leesport Lock House*, Wall St. (6–9 77).

RHODE ISLAND

Providence County

Providence, *Providence–Biltmore Hotel*, 11 Dorrance St. (5–27–77).

SOUTH DAKOTA

Hughes County

Pierre, *Stephens–Lucas House*, 123 N. Nicollette (5–26–77).

VIRGIN ISLANDS

St. Thomas Island

Charlotte, Amalie, *Fort Christian*, at St. Thomas Harbor (5–5–77) NHL.

VIRGINIA

Warren County

Limeton vicinity, *Thunderbird Archeological District*, VA 623 (5–5–77). NHL

WASHINGTON

Chelan County

Wenatchee, *U.S. Post Office and Annex*, Mission and Yakima Sts. (5–27–77)

King County

Seattle, *Pioneer Building, Pergola, and Totem Pole*, 5th Ave. and Yesler Way (5–5–77). NHL

Pierce County

Tacoma, *Stadium-Seminary Historic District*, roughly bounded by 1st, I, 10th Sts., and shoreline (5–26–77).

Whitman County

Elberton, *Elberton Historic District*, off WA 272 at Palouse River (5–26–77)

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

CALIFORNIA

Alameda County

Oakland, *Paramount Theatre*, 2025 Broadway (8–14–73) NHL; HABS

Los Angeles County

Los Angeles, *Bradbury Building*, 304 S. Broadway (7–14–71) NHL; HABS

Riverside County

Riverside, *Mission Inn*, 3649 7th St. (5–14–71) NHL

San Diego County

Coronado, *Hotel del Coronado*, 1500 Orange Ave. (10–14–71) NHL; HABS

GEORGIA

Fulton County

Atlanta, *Martin Luther King, Jr., Historic District*, roughly bounded by Irwin, Randolph, Edgewood, Jackson, and Auburn Ave. (5–2–74) NHL.

MISSISSIPPI

Hinds County

Bolton vicinity, *Champion Hill Battlefield*, 4 mi. SW of Bolton (10-7-71) NHL.

OHIO

Franklin County

Columbus, *Ohio Theatre*, 39 E. State St. (4-11-73) NHL; G

Hamilton County

Cincinnati, *Cincinnati Union Terminal*, 1301 Western Ave. (10-31-72) NHL.
Glendale, *Glendale Historic District*, OH 747 (7-20-76) NHL.

OREGON

Lane County

Eugene, *Deady Hall*, University of Oregon campus (4-11-72) NHL; HABS.
Eugene, *Villard Hall*, University of Oregon campus (4-11-72) NHL; HABS

Multnomah County

Portland, *Pioneer Courthouse (U.S. Courthouse and Customhouse)*, 520 SW Morrison St. (3-20-73) NHL.
Portland, *Portland Skidmore-Old Town Historic District*, roughly bounded by Harbor Dr., Everett, 3rd, and Oak St. (12-6-75) NHL.

SOUTH DAKOTA

Lawrence County

Spearfish vicinity, *Frawley Ranch*, 6 mi. E of Spearfish on U.S. 14/85 (12-31-74) NHL.

WASHINGTON

Jefferson County

Port Townsend, *Port Townsend Historic District*, roughly bounded by Scott, Walker, Taft, and Blaine Sts., and water front (5-17-76) NHL; G.

Stevens County

Ford vicinity, *Long Lake Pictographs*, 5.5 mi. SE of Ford (5-24-76) (formerly listed as Indian Painted Rocks)

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4)

Lowndes County

Jones Bluff Park Site (1 Au 139), Jones Bluff Lake Project.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal

Montgomery County

Gunter Hill Park Site (1 MT 134), Jones Bluff Lake Project.

Washington County

Sunflower vicinity, *Dr. Williams Home*, Al project RF-98(7).

ALASKA

Fairbanks Division

Davidson Ditch, Steese Hwy.

Nome Division

Little Diomede Island, *Iyapana. John House*.

Sitka Division

Crab Bay, *Crab Bay Petroglyph*.

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office*

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K:12:238, K:12:239), Lupton Interchange of I-40.

Conconino County

Gray Mountain Site, (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Beth Israel Synagogue, 120 E. Culver.
Cave Creek Archeological District
Glendale vicinity, *Cave Creek Dam*.
New River Dams Archeological District.
Phoenix, *Brooks, M. B., House*, 334B 75th Ave.
Phoenix, *Ellis-Shackleford House*, 1242 N. Central.
Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.
Phoenix, *Fennemore House*, 501 E. Moreland.
Phoenix, *Hidden-Porcher House*, 763 E. Moreland.
Phoenix, *Ivy House*, 111 W. Monroe St.
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.
Phoenix, *La Ciudad Archeological Site*.
Phoenix, *Las Colinas (Arizona T:12810)*, 1200 block of N. 27th Ave.
Phoenix, *Stewart House*, 1115 N. Central.
Site T:4:6.
Site U:1:30 (A.S.U.).
Site U:1:31 (A.S.U.).
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258*.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site*.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site

ARKANSAS

Archeological Sites, Black River Watershed

Clay County

Site 3CY34, Little Black River Watershed

Craighead County

Mangrum Site (State Site Number 3CG636)

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49-3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Lonoke County

Scott vicinity, *William S. Pemberton House*

Ouachita County

Camden, *Old Post Office*, Washington St.

Poinsett County

Riverside Site (State Site Number 3P0395)

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105*.

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calavras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenh County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humbolt County

Eureka, Eureka Historic District.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.
Lake Cahuilla, *Lot 1*.
Lake Cahuilla, *Lot 5*.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ-1 and HJ-5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites
CA-MAD 176-185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, P. E. Booth Company Pier, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-684.

Monterey County

Big Sur, *Point Sur Light Station*.
Pacific Grove, *Point Pinos Light Station*.

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261.
Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Inland, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Twin Peaks Tunnel*.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Hillsborough, *Point Montara Light Station*.

Santa Barbara County

Santa Barbara, *Site SBa-1330*. Santa Monica Creek.
Site CA-SBa-1325.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office*.

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.

Ventura County

Simi Valley, *Archeological Site Ven-341*.

Yuba County

Site 4-Yub-S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5-LR-257 and 5 LR 263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office)*, 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges*.
Norwalk, *Washington Street—S. Main Street Area*.

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead*, Rte. 4, Farmington Ave.
Hartford, *Christ Church Cathedral and Cathedral House*, 955 Main St. and 45 Church St.
Hartford, *Houses on Charter Oak Place*.
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

Middlesex County

Middletown, *Cookson, John, House*, S. Main St.
Middletown, *Fuller, Caleb, House*, Upper Williams St.
Middletown, *Main Street Firehouse*, 533 Main St.
Middletown, *Southmayd, William, House*, Lower Williams St.

New London County

New London, *Buckingham Memorial Building*, 307 Main St.
New London, *Williams Memorial Institute Building*, 110 Broad St.
Norwich, *Washington Street Historic District*, Project 103-159.

New Haven County

Ansonia Opera House, 100 Main St.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SE between 4th and 6th Sts SE
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station*.

Collier County

Marco Island, *Archeological Sites on Marco Island*.

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Carroll County

Jordan-Hampton House, Route 1.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street*.
Savannah, *908 Wheaton Street*.
Savannah, *914 Wheaton Street*.
Savannah, *920 Wheaton Street*.
Savannah, *828 Wheaton Street*.
Savannah, *930 Wheaton Street*.
Skidaway Island, *Priest's Landing Mounds*.

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

Cobb County

Bostwick, Charles C., House, 325 Atlanta St.
Brumby, Arnoldus, House, 472 Powder Springs St.
Clay, Alexander Stephens, House, 353 Atlanta St.
McCullock-Wellons House, 348 Powder Springs Rd.
Slaughter, M. G., Cottage, 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area*.

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structures, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F-117-1 (7).
Augusta, *Blanche Mill*.
Augusta, *Enterprise Mill*.
Augusta, *Green Street*.

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail*.
Kwalakakwa Bay, *Kona Field System*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rte. 31.

Oahu County

Barber's Point Harbor.
Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp*.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding*.
Lewiston, *Fix Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Henry County

Genesco, *Ristau Brewery*.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.

Madison County

American Botroms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11-Ri-337, East Moline Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Bedford, *Main Post Office*, 1324 K St.
Mitchell, *Riley School*.

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda*, 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library*.

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed
Jackson, *Ten Prehistoric Sites in the Patoka Lake*.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House*.

Vanderburgh County

Evansville, *Alhambra Theater*, 50 Adams St
Evansville, *Riverside Neighborhood*.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13-IA-4), County Courthouse.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

KENTUCKY

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Laurence County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

New Orleans, *Casey, Kate, House*, 932–934 Howard.
New Orleans, *Central City District*.
New Orleans, *Cordes, John, House*, 3027–3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928–930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933–935 Galenne St., Square 119.

New Orleans, *Gasquet, William, Houses*, 1128–1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119–1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122–1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir House*, 1523–1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmann, G. A., House* 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

Red River County

Hanna Site (16RR4).

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18*.

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.
Fayette Street Methodist Episcopal Church, 745 West Fayette St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Reistertown Historic District, Butler and Walston Rds.
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1-141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere)*.

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery*.

St. Marys County

St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3*.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.

MICHIGAN

Kalamazoo County

Masonic Temple, corner Rose and Eleanor Sts.
Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

MONTANA

Cascade County

Great Falls, *Building at 108 Central Avenue*, 108 Central Ave.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District*.

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge*.
Valentine vicinity, *Newman Brothers House*.

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas Vinicity, *Las Vegas Wash Archeological District*.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672*.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker [illegible]

Passaic County

Forsberg House, 3 Edgemont Crescent.
Sears House, 968 NJ 23.

Warren County

Oxford Industrial District, Oxford Township.

NEW MEXICO

Chaves County

Sites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

NOTICES

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Mill Site at Site 7–A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Kings County

Steeplechase Parachute Jump.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Colonial Park Pool Complex*, Bradhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Saratoga Springs, *Yaddo House and Gardens*, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building.*
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36)*, *Killen Electric Generating Station.*

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR–S.R.–571–0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Archeological Sites (Ghost Camp Reservoir).
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Coburg vicinity, *McKenzie River Railroad Bridge.*
Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town.* Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.

Berks County

Brownsville vicinity, *Lauer/Gerhart Farm.*
Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.
Reading vicinity, *Blue Marsh Archeological District.*

Butler County

Butler, *Bonnie Brook Archeological Site.*

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Delaware County

1 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion*

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn and outbuildings*, I–78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Cres Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn and outbuildings, I–78.
Site 4: Farmhouse, barn, and outbuildings, I–78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1108 1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N 33rd St.
Philadelphia, *Tremont Mills*, Wigonsching St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charlerol, *Ninth Street School.*
Cross Creek Village (36 Wh 293) (Cross Creek Watershed).
Somerset Township, *Wright No. 22 Covered Bridge.*

York County

Wellsville Historic District.

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building (St Anne's Gymnasium)*, Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

Florence County

Florence, *United States Post Office-Florence*, South Carolina, corner of Irby St. and Evan St.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *612–632 Main St.*

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subcatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Truk District

Sapore Village, *Aikei/Winas*, Fefen Island.

UTAH

Emery County

Site ML-2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238-240 S. Main St.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Accomack County

Captain's Cove Dev., Archeological Sites (Chincoteague Bay).

Allegheny County

Gathright Lake Project (Archeological sites), (also in Bath County).

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site, S o, Cape Alava.*
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shepherd.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 45SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, Old Bank Building, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Pendleton County

Wayside Inn (Site's Inn), Monongahela National Forest.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77-18804 Filed 7-1-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 5, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 15, 1977.

CHARLES HERRINGTON,
Acting Keeper of the National Register.

ARKANSAS

Drew County

Monticello, *McCloy House*, 509 N. Main St.

CALIFORNIA

Mariposa County

Wawona, *Acting Superintendents Headquarters*, Pioneer Yosemite History Center.

DISTRICT OF COLUMBIA

Washington

American Institute of Pharmacy Building, 2215 Constitution Ave., NW.
Rock Creek Church Yard and Cemetary, Webster St. and Rock Creek Church Rd. NW.
2000 Block of Eye Street, NW. (south side), 2004-2040 Eye St., 832 20th St., and 825 21st St.

GEORGIA

Bryan County

Ellabelle vicinity, *Glen Echo*, 2 mi. E of Ellabelle on GA 204.

Oglethorpe County

Lexington vicinity, *Bridges, J. L., Home Place*, N of Lexington on GA 22.

KANSAS

Montgomery County

Elk City vicinity, *Elk River Archeological District* (also in Elk County).

KENTUCKY

Ballard County

Lovelaceville vicinity, *Lovelace, Andrew Jr., House*, W of Lovelaceville off U.S. 62.

Fayette County

Lexington, *Watt, Henry, House*, 703 W. High St.

Mason County

Maysville, *Lee House*, Front and Sutton Sts.

Pulaski County

Somerset, *Fox, William, House*, 206 W. Columbia St.

Taylor County

Campbellsville, *Taylor County Clerk's Office*, Courthouse Sq.

Whitley County

Williamsburg, *Gatliff, J. B., House*, 10th and Main Sts.

MARYLAND

Charles County

Port Tobacco vicinity, *Linden*, N of Port Tobacco on Mitchell Rd.

Prince Georges County

Upper Marlboro, *Buck House*, off MD 4.

Washington County

Keedysville vicinity, *Geeting Farm*, S of Keedysville at Geeting and Dog Street Rds.

Wicomico County

Salisbury, *Perry-Cooper House*, 200 E. William St.
Whitehaven vicinity, *Yellow Brick House*, NW of Whitehaven off MD 349.

MASSACHUSETTS

Essex County

Ipswich vicinity, *Castle Hill*, E of Ipswich on Argilla Rd.

Middlesex County

Bedford, *Bedford Center Historic District*, irregular pattern along Great Rd. from Bacon to Concord and North Rds.

NEBRASKA

Scotts Bluff County

Scottsbluff vicinity, *Fort Mitchell*, W of Scottsbluff on NE 29

NEW JERSEY

Atlantic County

Atlantic City, *Blenheim Hotel*, Boardwalk and Ohio Aves.

Burlington County

Moorestown, *Breidenhart*, 255 E. Main St.

Morris County

Livingston vicinity, *First Presbyterian Church of Hanover*, W of Livingston at Mt. Pleasant and Hanover Aves.

Passaic County

Paterson, *Cathedral of St. John the Baptist*, Main and Grand Sts.

NEW MEXICO

Bernalillo County

Albuquerque, *Spitz, Berthold, House*, 323 N. 10th St.

NEW YORK

Livingston County

Dansville, *Dansville Library*, 200 Main St.

OHIO

Greene County

Jamestown vicinity, *Dean Family Farm*, 8 mi. W of Jamestown on Ballard Rd. (boundary revision).

PENNSYLVANIA

Berks County

Albany vicinity, *Berk, Daniel, Log House*, S of Albany on Maiden Creek.

Bucks County

Fairless Hills, *Sotcher Farmhouse*, 335 Trenton Rd.
Langhorne vicinity, *Edgemont (Jenks Homestead)*, N of Langhorne on Bridgetown Rd.
New Britain vicinity, *James, Morgan, Homestead*, NW of New Britain on Ferry Rd.
New Hope vicinity, *Smith Family Farmstead*, S of New Hope on River Rd.

Chester County

Phoenixville vicinity, *Pennypacker, Matthias, Farm*, S of Phoenixville on White Horse Rd.
Phoenixville vicinity, *St. Peter's Church in the Great Valley*, S of Phoenixville off PA 422.

Delaware County

Bryn Mawr, Glenays, 926 Cooperstown Rd.
Media vicinity, *Chamberlain-Pennell House*, W. of Media off U.S. 1 at Valley Brook Rd.

Franklin County

St. Thomas vicinity, *Chambersburg and Bedford Turnpike Road Company Toll House*, W of St. Thomas on U.S. 30.

Lancaster County

Mount Joy vicinity, *Donegal Mills Plantation*, SW of Mt. Joy on Trout Run Rd.

Lehigh County

Fullerton vicinity, *Helfrich Springs Grist Mill*, W. of Fullerton on Mickley Rd.

Philadelphia County

Philadelphia, *Portico Row*, 900-930 Spruce St.
Philadelphia, *Sansom Row*, 3402-3436 Sansom St.
Philadelphia, *Sims, Joseph, House*, 228 S. 9th St.

Schuylkill County

Rock vicinity, *Schuylkill County Bridge No. 113*, E of Rock off PA 895.
Rock vicinity, *Schuylkill County Bridge No. 114*, W of Rock off PA 895.

Tioga County

Lawrenceville, *Ryon, Judge John, House*, Main St.

Wayne County

Starrucca, *Stone Arch Bridge*, spans Starrucca Creek.

York County

Felton vicinity, *Wallace-Cross Mill*, S of Felton.
York, *Farmers Market*, 380 W. Market St.
York, *Forry House*, 149 N. Newberry St.

TENNESSEE

Dickson County

Charlotte, *Charlotte Courthouse Square Historic District*, Public Sq. and environs.

Fayette County

Brownsville vicinity, *Lucerne*, 20 mi. S of Brownsville on TN 76.

WASHINGTON

King County

Seattle, *Duwamish Number 1 Site.*

WISCONSIN

Ozaukee County

Port Washington, *St. Mary's Roman Catholic Church*, 430 N. Johnson St.

[FR Doc.77-18853 Filed 7-1-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-168]

PRESSURE SENSITIVE PLASTIC TAPE FROM WEST GERMANY

Investigation and Hearing

Having received advice from the Department of the Treasury on June 14, 1977, that pressure sensitive plastic tape of more than one and 3/8's inches in width and not exceeding 4 mils in thickness from West Germany is being, or likely to be, sold at less thn fair value, the United States International Trade Commission on June 27, 1977, instituted investigtaion No. AA1921-168 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Commission has determined that this investigation will be conducted concurrently with investigation No. AA1921-167, which concerns pressure sensitive plastic tape of more than one and 3/8's inches in width and not exceeding 4 mils in thickness from Italy. Notice of that investigation was issued by the Commission on June 6, 1977 (42 FR 29568).

Hearing. A public hearing in connection with both investigations will be held in Washington, D.C., at a place to be announced later, beginning at 10 a.m., e.d.t., on Tuesday, July 26, 1977. Such hearing was previously announced for investigation No. AA1921-167 in the notice cited in the preceding paragraph. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921 (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than noon, Thursday July 21, 1977.

Issued: June 29, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-19078 Filed 7-1-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTERS OF CONTROLLED SUBSTANCES

Registration

By Notice dated April 29, 1977, and published in the FEDERAL REGISTER on May 5, 1977; (42 FR 22951), U.S. Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Tetrahydrocannabinols	I
4-methyl-2,5-dimethoxyamphetamine	I
3,4-methylenedioxy amphetamine	I
Psilocyn	I
Psilocybin	I

No comments or objections have been received. Additionally, there are currently no registered domestic bulk manufacturers or applicants therefor, of the substances listed. The substances, if imported will be supplied exclusively for authorized research or as chemical analysis standards. Therefore, in accordance with 21 U.S.C. 952(a)(2)(B) and 21 CFR 1311.42, and pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 the above firm is granted registration as an importer of the basic class of controlled substances listed above.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-19005 Filed 7-1-77;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes.

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on June 6, 1977, Abbott Laboratories, 14th and Sheridan Road, Attn: Customer Service D-345, N. Chicago, Illinois 60064, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pentobarbital, a basic class of controlled substance in schedule II.

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of pentobarbital, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than August 5, 1977.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting DeputyAdministrator,
Drug Enforcement Administration.

[FR Doc.77-19004 Filed 7-1-77;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By notice dated May 13, 1977, and published in the Federal Register on May 23, 1977; (42 FR 26255), Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class of controlled substance listed in Schedule I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of mescaline is granted.

Dated: June 28, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-19003 Filed 7-1-77;8:45 am]

[Docket No. 76-32]

WILLIAM RUSSELL GREENFIELD, JR., M.D.

Final Order

On July 15, 1976, the Administrator of the Drug Enforcement Administration [DEA] directed to William Russell Greenfield, Jr., M.D. [Respondent], of Dothan, Alabama, an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration pursuant to Title 21, United States Code, Section 824, for reason that on May 19, 1976, in the United States District Court for the Middle District of Alabama, Respondent was convicted of three counts of unlawfully distributing controlled substances in violation of Title 21, United States Code, Section 841(a)(1), felony violations of the Controlled Substances Act.

On August 19, 1976, the Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. Subsequently, on October 21, 1976, a hearing was held in New Orleans, Louisiana, the Honorable Francis L. Young, Administrative Law Judge, presiding. On February 25, 1977, Judge Young certified to the Administrator the record of these proceedings including the Administrative Law Judge's opinion, findings of fact, conclusions of law and a recommended decision.

The Administrator has devoted a great deal of time to his consideration of all of the facts and circumstances involved in this case. In the interim, Respondent has remained registered on a day-to-day basis pursuant to the provisions of Title 21, Code of Federal Regulations, Section 1301.47. On June 16, 1977, the United States Court of Appeals for the Fifth Circuit, in No. 76-2604, reversed Dr. Greenfield's conviction and remanded the case to the United States District Court. Thus, it appearing that there is no longer a lawful basis for the revocation of Respondent's registration, it is the Administrator's decision that this matter has become moot.

Therefore, it is ordered that the Order to Show Cause previously directed to William Russell Greenfield, Jr., M.D., be, and it hereby is, withdrawn and it is further ordered that the Respondent's pending application for registration be processed and a current certificate of registration be issued.

Dated: June 27, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-19006 Filed 7-1-77; 8:45 am]

[Docket No. 76-41]

WINSTON PHARMACAL CORP.

Denial of Application for Registration to Distribute Controlled Substances

On August 25, 1976, the Administrator of the Drug Enforcement Administration issued to Winston Pharmacal Corporation, Mount Vernon, New York, an Order to Show Cause as to why its application for registration to manufacture (repackage-relabel) controlled substances listed in Schedules III and IV, executed April 22, 1976, should not be denied as being inconsistent with the public interest. The corporation, by its counsel, requested a hearing in this matter.

Thereafter, the factual findings of the Administrative Law Judge and a complete examination of this record reflect a continuing failure on the part of the Respondent corporation or its counsel to participate in any meaningful substantive manner within the structure of the hearing process. While Government counsel complied with Administrative Law Judge Francis L. Young's order for prehearing statements, Respondent's counsel did not. At the hearing of this matter on February 17, 1977, before Administrative Law Judge Young, the Government presented the testimony of two witnesses, as well as various exhibits, which constituted the evidence in support of the specified charges made within the Order to Show Cause. Although Respondent's counsel had received notice of the scheduling of this proceeding almost two months (by order of the Administrative Law Judge dated December 14, 1976) before it took place, neither Respondent's counsel nor anyone else associated with the Respondent corporation attended the hearing. Finally, upon completion of the hearing and pursuant to a letter from the Administrative Law Judge directed to both parties, Government counsel filed with the Administrative Law Judge proposed findings of fact and conclusions of law. Resopondent's counsel, although he had received the letter affording him the opportunity to file proposed findings of fact and conclusions of law, failed to do so.

The Administrative Law Judge concluded that, consistent with the foregoing facts and with the language of 21 CFR § 1301.54(d), this Respondent effectively had waived its right to a hearing in this matter. Further, the Administrative Law Judge concluded that Respondent's application should be denied for the reasons stated within the Order to Show Cause. The Administrator adopts completely these recommended findings of fact and conclusions of law as set forth by the Administrative Law Judge.

Therefore, pursuant to the authority vested in the Attorney General pursuant to 21 U.S.C. § 824, and delegated to the Administrator by the regulations of the Department of Justice, it is ordered that the application for registration of Winston Pharmacal Corporation to manufacture (repackage-relabel) controlled substances listed in Schedules III and IV, executed on April 22, 1976, be denied for the reason that such registration would be inconsistent with the public interest.

This order is effective July 5, 1977.

Dated: June 27, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-19002 Filed 7-1-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Idaho

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Idaho, effective July 2, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Idaho on February 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Idaho has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 11, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Idaho for the week ending June 11, 1977, and that the Federal Supplemental Benefit Period in that State terminates on July 2, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Idaho Department of Employment of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Idaho should contact the nearest State Employment Office of the Idaho Department of Employment in their locality.

Signed at Washington, D.C., on June 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-19063 Filed 7-1-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Montana

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Montana, effective July 2, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Montana on August 29, 1976.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Montana has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 11, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Montana for the week ending June 11, 1977, and that the Federal Supplemental Benefit Period in that State terminates on July 2, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Montana Employment Security Division of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Montana should contact the nearest Employment Service Office of the Montana Employment Security Division in their locality.

Signed at Washington, D.C., on June 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.19064 Filed 7-1-77;8:45 am]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS

Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
Malan Dyeing & Finishing (company).	Paterson, N.J.....	June 21, 1977	June 13, 1977	TA-W-2,163	Dyeing and finishing of all types of woven goods.
Young Viewpoint Knits (workers).	New York, N.Y..	June 20, 1977	June 2, 1977	TA-W 2,164	Ladies dress and sportswear.

[FR Doc.77-18862 Filed 7-1-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY PANEL FOR THE VERY LARGE ARRAY

Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Panel for the Very Large Array.
Date: July 20, 1977.
Time: 9:30 a.m.
Place: Room 628, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mr. Claud M. Kellett, Executive Secretary, Ad Hoc Advisory Panel for the Very Large Array, Room 618, National Science Foundation, Washington, D.C. 20550, Telephone 202-632-7340. Anyone who plans to attend should notify Mr. Kellett prior to the meeting.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To advise the Director of the National Science Foundation concerning the management and future planning of the Very Large Array (VLA) Program of the National Radio Astronomy Observatory.
Summary agenda: 9:30 a.m.—Discussion of VLA Program Management. 10:30 a.m.—Break. 10:45 a.m.—Discussion of VLA Technical Plans, Activities, and Achievements. Noon—Recess. 1:00 p.m.—Discussion of VLA Operations and Long-Range Plans. 2:30 p.m.—Break. 2:45 p.m.—Report Planning and Scheduling and Assignment of Tasks. 4:00 p.m.—Adjourn.

Dated: June 29, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-19015 Filed 7-1-77;8:45 am]

COMMITTEE CHAIRPERSONS OF SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Science Information Activities Task Force.
Date: July 22, 1977.
Time: 9:00 a.m. thru 4:30 p.m.
Place: Ramada Inn (O'Hare Airport), 600 No. Mannheim Road, Des Plains, Illinois.
Type of Meeting: Open.
Contact: Mr. Robert S. Cutler, Executive Officer, Room 1237-G, National Science Foundation, Washington, D.C. 20550, Telephone: 202-632-7810. Persons planning to attend should notify Mr. Cutler prior to the meeting.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550. Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.
Friday, July 22, 1977 (Ramada Inn): 9:00 a.m.—Welcome and Introductory Remarks, Chairman. 9:15 a.m.—Review of Draft Report. 10:30 a.m.—Coffee Break. 10:45 a.m.—Continued Discussion. Noon—Recess. 1:00 p.m.—Open Public Participation. 2:00 p.m.—Coordination with Science Applications Task Force. 3:00 p.m.—Discussion of Position Papers and Recommendations. 4:30 p.m.—Adjournment.

Dated: June 27, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc 77 19013 Filed 7-1-77;8:45 am]

SCIENCE INFORMATION ACTIVITIES TASK FORCE

Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Science Information Activities Task Force.
Date: July 28 and 29, 1977.
Time: 9:00 a.m. thru 4:00 p.m., both days.
Place: Room 543/540 National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Open.
Contact: Mr. Robert S. Cutler, Executive Officer, Room 1237, National Science Foundation, Washington, D.C. 20550, Telephone: 202-632-7810. Persons planning to attend should notify Mr. Cutler prior to the meeting.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550. Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.
Thursday, July 28, 1977 (Room 543): 9:00 a.m.—Welcome and Introductory Remarks, Assistant Director, Scientific, Technological and International Affairs. 9:15 a.m.—Introductory Remarks, Mr. Joe B. Wyatt, Chairman. 9:30 a.m.—Review Draft of Final Report, Chairman and Staff Consultant. 10:30 a.m.—Coffee Break. 10:45 a.m.—Review Draft of Final Report (continued), Chairman. Noon—Recess. 1:00 p.m.—Open Public Participation, Chairman. 2:00 p.m.—Coordination with NSF Science Applications Task Force, Chairman. 3:00 p.m.—Review and Formulation of Recommendations, Chairman. 4:00 p.m.—Adjournment.
Friday, July 29, 1977 (Room 540): 9:00 a.m.—Introductory Remarks, Chairman. 9:15 a.m.—Discussion of Final Report, Task Force Members. 10:30 a.m.—Coffee Break. 10:45 a.m.—Continued Discussion, Chairman. Noon—Recess. 1:00 p.m.—Position Papers and Recommendations, Chairman. 2:45 p.m.—Coffee Break. 3:00 p.m.—Discussion of Final Report, Chairman. 4:00 p.m.—Adjournment.

Dated: June 27, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-19014 Filed 7-1-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Baltimore Gas and Electric Company. The relief relates to the inservice inspection (testing) program for the Calvert Cliffs Nuclear Power Plant, Unit 1 (the facility) located in Calvert County, Maryland. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of allowing alternate methods of determining the hydraulic characteristics of pumps provided with emergency power sources.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and en-

vironmnetal impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated May 24, 1977 and (2) the Commission's letter to the licensee dated June 17, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18810 Filed 7-1-77;8:45 am]

[Docket Nos. 50-329 and 50-330]

CONSUMERS POWER CO.

Availability of Final Supplement to Final Environmental Statement for Midland Plant, Unit Nos. 1 and 2

Notice is hereby given that a Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the continuance of construction of the Midland Plant, Unit Nos. 1 and 2, in Midland County, Michigan, by the Consumers Power Company, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, Michigan. The final supplemental statement is also being made available at the Office of Intergovernmental Relations, Department of Management and Budget, 2nd Floor, Lewis Cass Building, Lansing, Michigan 58909.

In March 1972, the Atomic Energy Commission (now the Nuclear Regulatory Commission) issued a Final Environmental Statement for the Midland Plant, Unit Nos. 1 and 2 (37 FR 7012). On January 24, 1977, the NRC issued a Draft Supplement to the Final Environmental Statement (42 FR 4224), the purpose of which was to respond to the July 21, 1976 rulings of the U.S. Court of Appeals for the District of Columbia reamending to the NRC for further proceedings the Commission's orders granting construction permits for the Midland Plant, Unit Nos. 1 and 2. This supplement to the FES was prepared to assess energy conservation as an alternative to plant construction, to reevaluate the need for power in light of any changed circumstances concerning Dow Chemical Company's need for process steam, and to restrike the cost/benefit balance in light of these matters and the incremental environmental effects of nuclear waste disposal and waste reprocessing attributable to Midland. In addition, the staff considered whether any unanticipated significant adverse effects have occurred to date as a result of construction activities thus far. The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Supplement.

Copies of the Final Supplement to the Final Environmental Statement (NUREG-0275) may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at a cost of $5.00 for printed copies and $3.00 for microfiche. Copies of the Final Environmental Statement (NUREG-0149) may also be purchased from NTIS (price $10.75 for printed copy).

Dated at Rockville, Md., this 21st day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-18813 Filed 7-1-77;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility), located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment extends the steam generator tube inspection interval by five months, from August 1977 to January 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on May 5, 1977 (42 FR 22966). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment. For further details with respect to this action, see (1) the application for amendment dated April 1, 1977. (2) Amendment No. 28 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon requested addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of June 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-18814 Filed 7-1-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-05, "Operational Aspects of Radiological Protection," has been developed. An IAEA Working Group, consisting of Mr. E. Hladky, Czechoslovakia; Mr. P. Jeanson, France; and Mr. L. Lewis (Duke Power Company), United States of America developed this draft from an IAEA collation during a meeting on May 16-27, 1977, and we are soliciting public comment on it. Comments on this draft received by August 19, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-18811 Filed 7-1-77;8:45 am]

[Docket No. PRM-50-18]

NATURAL RESOURCES DEFENSE COUNCIL

Denial of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission (hereinafter "NRC" or "Commission") has denied a petition for rulemaking submitted by letter dated November 8, 1976 by the Natural Resources Defense Council, Inc., 917 15th Street, NW., Washington, D.C.

A notice of the filing of the petition, Docket No. PRM-50-18, was published in the FEDERAL REGISTER on January 13, 1977 (42 FR 2730) and interested persons were invited to comment on the petition by February 14, 1977. The comment period was subsequently extended to February 22, 1977 (42 FR 9735, February 17, 1977). Eighteen letters were received which recommended denial of the petition while two letters supported the petition. Copies of the comments are available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Natural Resources Defense Council (hereinafter "NRDC") petitioned the Nuclear Regulatory Commission (1) to conduct a rulemaking proceeding to determine "whether radioactive wastes can be generated in nuclear power reactors and subsequently disposed of without undue risk to the public health and safety, and (2) to refrain from acting finally to grant pending or future requests for operating licenses until such time as this definitive finding of safety can be and is made." (NRDC Petition, at 15). NRDC argued that the Commission is required by the Atomic Energy Act (42 U.S.C. 2011 et seq. (1972)) and the Energy Reorganization Act (42 U.S.C. 5801(a)(1972) to ensure that the public health and safety are protected. The petitioner cited the requirements found in the Commission's regulations that the Commission must make a finding that "there is reasonable assurance that the activities authorized by the operating license can be conducted without endangering the health and safety of the public" and that "the issuance of the license will not be inimical to the health and safety of the public" (§ 50.57(a)(3) and (a)(6)) and from these requirements argued that the NRC must make a finding, prior to issuing an operating license for a reactor, that permanent disposal of high-level radioactive wastes generated by that reactor can be accomplished safely.

In contrast, those comments which favored denial of the petition argued that long-term storage or disposal of high-level wastes is beyond the scope of licenses for reactors and, therefore, that no finding need be made regarding safe disposal of high-level wastes until the NRC licenses an actual facility to handle such disposal. The two comments supporting the petition stated that such wastes could not be disposed of safely but gave no evidence to support this conclusion.

After thorough study of the petition and exhibits submitted therewith and analysis of the comments, the Commission has concluded that it is not obligated to make a "definitive" finding, nor is it appropriate to make the "definitive" finding requested by NRDC, the safe methods of high-level waste disposal are now available prior to the licensing of a reactor. Because the petition seeks a finding that safe waste disposal can be accomplished immediately, the Commission has determined that the rulemaking petition should be denied. The Commission notes that prior to any licensing of high-level waste disposal facilities, a detailed finding concerning the safety of the proposed facilities will be made. There is, we believe, a clear distinction between permanent disposal of wastes and their interim storage. The Commission must be assured that wastes generated by licensed power reactors can be safely handled and stored as they are generated. As part of the licensing process for an individual power reactor facility, the Commission does review the facility in question in order to assure that the design provides for safe methods for interim storage of spent nuclear fuel. But it is neither necessary nor reasonable for the Commission to insist on proof that a means of permanent waste disposal is on hand at the time reactor operation begins, so long as the Commission can be reasonably confident that permanent disposal (as distinguished from continued storage under surveillance) can be accomplished safely when it is likely to become necessary. Reasonable progress towards the development of permanent disposal facilities is presently being accomplished. Under these circumstances a halt in licensing of nuclear power plants is not required to protect public health and safety.

STATUTORY REQUIREMENTS

As petitioner states, the Atomic Energy Act clearly requires that some kind of safety finding be made prior to issuance of an operating license for a nuclear power reactor. (NRDC Petition, at 4-9). Section 103d of the Act provides that no license for a production or utilization facility may be issued if, in the opinion of the Commission, the issuance of the license would be inimical to the health and safety of the public. It seems clear, however, that the statutory findings required by section 103 apply specifically to the "proposed activities" and "activities under such licenses." (42 U.S.C. 2133). These activities include some interim storage activities for spent fuel. They do not include the permanent disposal of high-level wastes though wastes are, in fact, generated by operation of the reactor.

That detailed questions regarding the safety of permanent disposal of these wastes are to be addressed in connection with the licensing of an actual high-level waste disposal facility, rather than in connection with licensing of reactor operation, is clear from the stautory treatment of radioactive wastes.[2] Historically, the Atomic Energy Act has provided that nuclear materials licensing proceedings involving possession or use of nuclear materials off-site from the facility, which include high-level radioactive waste disposal proceedings, are to be treated as separate and distinct from the facility licensing proceeding itself.[3] The Act provides for two-step facility licensing proceedings in sections 101-106, and 185 of the Act in sharp contrast to the one-step licensing provisions relating to byproduct, source, and special nuclear material covered by sections 53, 54, 57, 62, 63, 81, and 82. (42 U.S.C. 2131-2136; 2235; 2073-74; 2077; 2092-93; 2111-12).

Section 182 of the Atomic Energy Act, which sets forth the information which must be supplied by an applicant for a facility license gives further support to the proposition that on safety finding regarding ultimate disposal of high-level wastes is required in a reactor operating license proceeding. (42 U.S.C. 2232). This section sets forth in some detail what an applicant for a license to operate a

[1] The Commission's definition of high-level wastes for purposes of this notice, is the same as petitioner's definition which includes high-level wastes as defined in 10 CFR Part 50, App. F, spent fuel rods, and transuranic-contaminated wastes. (Petition, at 2).

[2] This point was raised in several of the comments. See comments of LeBoeuf, Lamb, Leiby & MacRae, at 6-7; Shaw, Pittman, Potts & Trowbridge, at 4-6, and 23-25; and Westinghouse, at 2-3.

[3] "Nuclear materials" include special nuclear materials defined in section 11aa of the Act (42 U.S.C. 2014aa) and covered in sections 51-58 of the Act (42 U.S.C. 2071-2078), source material which is defined in 11z of the Act (42 U.S.C. 2014z) and covered in sections 61-69 of the Act (42 U.S.C. 2091-2099), and byproduct material which is defined in section 11e of the Act (42 U.S.C. 2014e) and covered in 81-82 of the Act (42 U.S.C. 2111-2112).

production or utilization facility must supply to enable the Commission to make the required safety finding. This information includes "the place of use (of special nuclear material), (and) the specific characteristics of the facility" as well as information regarding the technical and financial qualifications of the applicant.

The emphasis on information pertaining to the facility and applicant to be licensed is especially significant. No such information is required regarding high-level waste disposal facilities. Such information would be necessary were the Commission to make the detailed safety finding regarding high-level waste disposal activities requested by petitioner. Indeed, an applicant for a reactor operating license will have no responsibility for permanent disposal of high-level waste. (Appendix F, 10 CFR Part 50). This responsibility has been assumed by the Federal government, which, through ERDA, will research, design, build and operate high-level waste disposal facilities.

The statutory provisions cited above make it clear that no statutory requirement exists that the Commission determine the safety of ultimate high-level waste disposal activities in connection with licensing of individual reactors.

Regulatory Requirements

With regard to the petitioner's contention that the Commission's regulations require a finding regarding the safety of ultimate disposal of high-level wastes, while the Commission's regulations do deal with the handling of spent fuel and other high-level wastes, they do so only to the extent that such activities are related to on-site activities carried on by the licensee as an integral part of operation of the reactor. This scheme of regulations has been in effect for some time, and the Commission's findings have been limited to those findings required by the Act and the Commission's regulations—"that there is reasonable assurance that the activities authorized by the operating license (the operation of the reactor) can be conducted without endangering the health and safety of the public" and "the issuance of the license will not be inimical * * * to the health and safety of the public." (10 CFR 50.57(a)(3) and (a)(6)). These findings have not included findings with regard to safe permanent disposal of high-level radioactive wastes[4] and, as is pointed out below, have been implicitly approved by Congress.

Congressional Ratification of NRC Action

The scope of the Commission's safety findings is well known to Congress, as is the extent of the development of systems for high-level radioactive waste disposal. Congress has permitted continued licensing of reactors and the Commission has been given broad discretion in developing criteria for licensees. Such conduct constitutes implicit ratification of the Commission's handling of the high-level waste disposal question.[5]

As early as 1959, Congress held hearings on waste disposal problems.[6] Six days of hearings were held and the printed hearing materials totaled over 3,000 pages. The hearings were followed by a detailed Joint Committee survey analysis. At that time, development of a permanent high-level waste repository was further from completion than it is today. Congress was made aware of the fact that the problem of permanent disposal of high-level waste had not been solved and that several years of research and testing would be required before engineering practicality could be demonstrated.

During the hearing, the AEC described generally its regulatory program for radioactive waste disposal.[7] Comments regarding regulatory aspects of the high-level radioactive waste disposal problem were confined to the brief statement that "for the foreseeable future, all high-level wastes resulting from processing of spent fuel elements from licensed reactors will be returned to the Commission for processing and handling."[8]

Witnesses who testified in 1959 commented upon the Commission's handling of waste disposal problems, and one witness was questioned about whether he felt that the Commission had been meeting its responsibilities in the area of high-level waste disposal. He stated in response that the Commission had handled the problem quite well, but pointed out that temporary containment and custody was the only presently available method of handling high-level wastes and that a final and permanent solution to the problem might not ever be devised.[9]

In later hearings, in 1973 and 74, some witnesses urged that a moratorium on licensing be imposed until a solution to the high-level waste disposal question was reached.[10] One witness cited the high-level waste disposal problem as one of several problems which in his opinion warranted a moratorium on continued construction of nuclear power reactors,[11] and another witness stated that "many people have come to believe that present nuclear power plant construction plans which imply accumulations of more radioactive wastes, should be halted until a proven method for safely storing radioactive wastes is available."[12] The AEC in response described the existing proposals for long-term waste management and disposal, but made no claim that methods for permanent disposal had been developed.[13] Instead of ordering a moratorium on licensing, the Congress provided for NRC licensing of ERDA facilities for waste disposal in sections 202 (3) and (4) of the Energy Reorganization Act.

Thus, almost from the beginning of the reactor licensing program the basic issue presented by the NRDC petition—whether nuclear power reactors should be licensed in the absence of some "definitive" finding or conclusion that high-level wastes can be safely disposed of—was also presented to the Congress. Congress is and has been aware of the high-level waste disposal problem, aware of its connection to reactor operations, and aware that the Commission does not plan to defer licensing until the problem is resolved.

The question of continued licensing in the face of continued uncertainty respecting ultimate disposal technology is certainly a legitimate one to present to the Congress. It must make its judgments, as we do, with an eye to known prospects for the future, programs for implementing them, and current assessments of the risk that what is thought likely to succeed will in fact succeed. This Commission recognizes its responsibility to keep the Congress aware of its information and projections on these matters and has done so in the past. The Commission has confidence, given the on-going federal programs, that the problem of permanent disposal will be solved. This confidence was supported by the Congress when it passed major legislation dividing the Atomic Energy Commission into separate agencies and provided for NRC licensing of ERDA waste management facilities. At that time, it did not order a moratorium on reactor licensing and did not require that the Commission make specific findings with regard to high-level waste disposal in reactor licensing proceedings. As the Supreme Court said in *Power Reactor Development Corp.* v. *Electrical Union*

[4] See General Criteria for Nuclear Power Plants, Appendix A, 10 CFR Part 50. See also comments by LeBoeuf, Lamb, Leiby, and MacRae, at 10–12; and Shaw, Pittman, Potts, and Trowbridge, at 7–9.

[5] This point was made repeatedly in the comments. See comments by LeBoeuf, Lamb, Leiby and MacRae, at 7–8; Shaw, Pittman, Potts, and Trowbridge, 6–7, 15–28; and Troy B. Conner, at 3–4.

[6] "Industrial Radioactive Waste Disposal, "Hearings before the JCAE Special Subcommittee on Radiation, Jan. 28–30, Feb. 2–3, and July 29, 1959, 86th Cong., 1st Sess., (1959).

[7] Id. at 9–10.

[8] Id. at 2515.

[9] Id. at 11–13.

[10] Hearing on S. 2744 before the Senate Subcomm. on Reorg., Research and Int'l Org. of the Senate Comm. on Government Operations, 93rd Cong., 1st Sess., (1973), see particularly the prepared statement of Daniel F. Ford, Union of Concerned Scientists, at 210–215; Hearings on S. 2135 and S. 2744 before the Subcomm. on Reorg., Research, and Int'l Org. of the Senate Comm. on Government Operations, 93rd Cong., 2d Sess., (1974), testimony of Dr. Edward P. Radford, Johns Hopkins University, at 139, and prepared statements submitted by Sam Love, Environmental Action Foundation, at 141 and Anthony Roisman, at 212.

[11] Id., testimony of Sam Love, at 141.

[12] Hearings on S. 2135 and 2744, supra note 7, testimony of Daniel F. Ford, at 213.

[13] Hearings on S. 2135 and S. 2744, supra note 7, at 336–47.

with regard to Congress' failure to act regarding the Commission's safety findings at the construction permit and operating license stages:

> It may often be shaky business to attribute significance to the inaction of Congress, but under these circumstances, and considering especially the peculiar responsibility and place of the Joint Committee on Atomic Energy in the Statutory scheme, we think it fair to read this history as a de facto acquiescence in and ratification of the Commission's licensing procedure by Congress.[14]

In the instant case, Congress was clearly aware of the Commission's actions and the high-level waste disposal question, yet though major revisions of the legislation relating to the Commission's authority were made Congress neither amended the statutes to require such a finding nor did it direct the Commission to stop licensing reactors pending resolution of the waste disposal problem. Such a course of conduct reinforces the conclusion reached above, based on the clear language of the statute, that the Commission is not required to make a finding that radioactive wastes can be disposed of safely prior to the issuance of an operating license for a reactor. It presupposes, as well, a continuing dialogue between the Congress and the responsible federal agencies—a dialogue which has in fact been vigorous over the past months and promises to remain so. The Congress is entitled to the Commission's continuing assessment of this issue, and will have it.

Conclusion

NRDC cites several court cases in its petition in support of the proposition that the Commission must make a full safety finding prior to reactor licensing.[15] The Commission agrees with NRDC that these cases interpreting the statute indicate that a definitive safety finding regarding operation of the facility must be made prior to licensing a reactor. However, NRDC gives no support for its conclusion that this finding must extend to safe permanent disposal of high-level wastes, as activity not performed by the facility. To the contrary, the previous discussion demonstrates that there is no statutory requirement that the Commission determine that high-level radioactive wastes can be permanently disposed of safely prior to the issuance of an operating license for a reactor. The legislative materials cited above support the view that Congress did not and does not require that the Commission make the finding requested by NRDC. Accordingly, the Commission has decided to deny NRDC's petition for rulemaking.

Policy Considerations—Scope of a Reasonable Safety Finding

The Commission believes that the direction and progress of the present overall high-level waste management program is satisfactory and provides a reasonable basis for continued licensing of facilities whose operation will produce nuclear wastes. Even if, contrary to the Commission's view, some kind of prior finding on waste disposal safety were required under the statutory scheme, such a finding would not have to be a definitive conclusion that permanent disposal of high-level wastes can be accomplished safely at the present time. There is no question that prior to authorizing operation of a reactor the Commission must find pursuant to section 182 that hazards which become fully mature with start-up will be dealt with safely from the beginning. But the quality of this reactor safety finding can be readily distinguished from the quality of findings regarding impacts on public health and safety which will not mature until much later, if ever. The hazards associated with permanent disposal will become acute only at some relatively distant time when it might be no longer feasible to store radioactive wastes in facilities subject to surveillance. The Commission would not continue to license reactors if it did not have reasonable confidence that the wastes can and will in due course be disposed of safely. The accumulating evidence as discussed below continues to support the Commission's implicit finding of reasonable assurance that methods of safe permanent disposal of high-level wastes can be available when they are needed. Given this, and the fact that at present safe storage methods are presently available and highly likely to remain so until a permanent disposal system can be demonstrated and licensed, the Commission sees no reason to cease licensing reactors.

The technology for disposal is reasonably available, and the studies done to date, while not conclusive, are nevertheless promising for timely and safe implementation of the technology. Most importantly, ERDA has dramatically expanded the U.S. program for development of a permanent high-level waste repository. ERDA has issued a report on technology for high-level waste repositories (ERDA–76–43), and has a programmatic EIS on high-level waste management in preparation. ERDA has greatly expanded its program for selection of sites for geologic disposal and is expected to apply to the NRC for a license for such a facility in early 1980 or before. In addition, ERDA is involved in programs to consider the effects on disposal of emplacement of spent fuel rods in a repository. Furthermore, it is involved in extensive program to develop methods of stabilizing (e.g., solidifying) high-level wastes to provide for optimum safety during transportation, storage and disposal should reprocessing be commenced sometime in the future. Finally, ERDA is engaged in developing interim storage sites in case federal custody of wastes becomes necessary before a working repository is available. Thus, there is now a coordinated Federal program to develop an actual disposal facility. Similarly, the NRC is expanding its own program to set the regulatory requirements for such an operation. The NRC is presently developing a set of regulations to govern licensing of federal repositories to insure that permanent disposal of high-level radioactive wastes will be accomplished safely.

The NRC is also involved in several waste management related programs. The Commission recently completed an "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle", NUREG–0116, which was published in October 1976 and a companion document NUREG–0216, published in March 1977. In the survey the light water power reactor uranium fuel cycle was taken as including alternatively (1) no reprocessing of spent fuel and follow-on interim and or long-term storage or disposal of spent fuel or (2) reprocessing spent fuel for purposes other than recycle of plutonium, with follow-on interim and/or long-term storage or disposal of plutonium and wastes from reprocessing, with plutonium either separated from or included with the wastes. This survey served as the basis for an interim rule (hereinafter "S–3") promulgated on March 14, 1977 (42 FR 13803) which quantified the environmental impacts from the reprocessing and radioactive waste management portions of the nuclear fuel cycle alternatives described above. The survey generally concluded that these impacts were not significant. A final rulemaking proceeding will be held shortly.

In addition, the Commission has been involved in a rulemaking proceeding on its final Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors, NUREG–0002 (hereinafter "GESMO"). While the Commission has recognized that President Carter's statement of April 7, 1977 regarding reprocessing raises significant issues requiring a reassessment of the course of the GESMO proceedings (42 FR 22964, May 5, 1977), these proceedings to date have furnished the Commission with information on waste management sufficient to convince the Commission that the technology for disposal does exist. More detailed information on NRC and ERDA programs is available in Appendices B and C of the S–3 Survey (NUREG–0116). It suffices to state here that these programs are designed to permit the NRC to meet its regulatory responsibilities in the field of waste management to protect the health and safety of the public. Of course, the additional work that is underway will produce more information on the technology and risks of high-level waste disposal and the momentum of the Federal program may change.

Beyond this, the selection and demonstration of an actual disposal site will likely be highly controversial, and a strong and continued national commitment to "get the job done" will likely be necessary. We see in the recent statements and actions of the Executive Branch regarding nuclear power and national energy policy, a firm commitment to carry through to completion a com-

[14] 367 U.S. 396, 409 (1961).

[15] *Power Reactor Development Corp.* v. *Electrical Union, supra* note 13; *Nader* v. *NRC*, 513 F.2d 1045 (D.C. Cir. 1975) and *Citizens for Safe Power* v. *NRC*, 524 F. 2d 1291 (D.C. Cir. 1975).

prehensive high-level waste management program. Further, the Commission fully intends to press for vigorous pursuit of programs aimed at developing and implementing sound and timely arrangements for high-level waste disposal.

Dated at Washington, D.C., this 27th day of June, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18816 Filed 7-1-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its view of applications for permits and licenses.

Regulatory Guide 3.27, Revision 1, "Nondestructive Examination of Welds in the Liners of Concrete Barriers in Fuel Reprocessing Plants," describes methods acceptable to the NRC staff for nondestructive examination to establish the leaktight integrity of welds in the metal liners of concrete confinement barriers in fuel reprocessing plants. This guide was revised following public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 23d day of June 1977.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director,
Office of Standards Development.

[FR Doc.77-18812 Filed 7-1-77;8:45 am]

[Docket No. 50-485]

ROCHESTER GAS AND ELECTRIC CORP., (STERLING POWER PROJECT, NUCLEAR UNIT NO. 1)

Order Regarding Evidentiary Hearing

The evidentiary hearing in this matter will resume on Saturday, July 16, 1977, at 9:00 a.m., at The Education Center, Room No. 19, 233 West Utica Street, Oswego, New York.

Dated at Bethesda, Md., this 27th day of June 1977.

So ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77-18815 Filed 7-1-77;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-6, issued to the Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorized modification of the facility's liquid radioactive waste collection system in that it permits replacement of the presently installed liquid radwaste concentrator, feed pump, consenser, and associated piping and instrumentation with two cartridge filter units. The amendment also revised the Technical Specifications to delete reference to the components that will be removed during the modification of the waste collection system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 25, 1977, as supplemented by letter dated June 14, 1977, (2) Amendment No. 13 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-19069 Filed 7-1-77;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as the date of issuance.

The amendment will provide (1) a modification of the action required to be taken, as stated in Technical Specification 3.1.1.5, in the event that the Reactor Coolant System (RCS) temperature becomes less than 515° F, and (2) a change in the limits of RCS pressure as a function of temperature as given in Technical Specification 3.4.9.1.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or a negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 11, 1977, and March 25, 1977, (2) Amendment No. 29 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19070 Filed 7-1-77;8:45 am]

STANDARDIZATION OF NUCLEAR POWER PLANTS

General Statement of Policy

The initial policy statement on standardization of nuclear power plants was issued by the Atomic Energy Commission (AEC) in April 1972. In March 1973, the AEC announced the regulatory staff's readiness to implement the standardization policy utilizing three distinct concepts; namely, the manufacturing license concept, the duplicate plant concept, and the reference system concept. In August 1974, the AEC announced that the concept of replication would be acceptable as a transitional step toward standardization. The AEC was abolished and its regulatory responsibilities assigned to the newly formed Nuclear Regulatory Commission (NRC) on January 19, 1975. Currently, available guidance on standardization is contained in WASH-1341, "Programmatic Information for the Licensing of Standardized Nuclear Plants," dated August 1974, and supplementary documents, and in published speeches given by AEC and NRC Commissioners and senior management representatives.

The record shows that the standardization program has progressed in a meaningful way. Since the standardization policy was announced:

1. Seventeen applications for preliminary design approvals under the reference system concept have been received. Ten preliminary design approvals for reference system designs have been issued to date and decisions are expected to be reached on three others this year and two others in 1978. The review of the remaining two applications has been deferred or terminated at the request of the applicants.

2. Ten construction permit applications for a total of 25 units referencing five of the reference system designs have been received. Construction permits for nine of the units have been issued. Decisions for 12 others are expected to be reached this year and the remaining four in 1978.

3. One application for a manufacturing license for eight floating nuclear plants has been received. A decision on issuance of the manufacturing license is expected later this year or early next year.

4. Eight applications for construction perimts, for a total of 15 units, have been received under the duplicate plant concent. Construction permits for seven of the units have been issued and the decisions on the remaining eight units are expected later this year.

5. Three applications for construction permits, for a total of six units, have been received under the replication concept. Decisions on construction permits for four of the units are expected to be reached this year and for the remaining two units in 1978.

The Nuclear Regulatory Commission continues to believe that the advantages of standardization are significant enough to warrant its continuation and extension. An important advantage is the enhancement of public health and safety due to the concentration of staff and industry efforts on the in-depth review of standard designs. As a companion result, there is a reduction in the time and resources needed for the licensing review of a utility power reactor application which is based on a standard design, with the extent of the reduction dependent upon the degree to which the plant is standardized. In addition, construction benefits can be realized through earlier availability of final design documents and through construction experience. We firmly believe that standardization of the design of nuclear power plants continues to be in the interest of public health and safety, and of effective and efficient regulation, and we reaffirm our strong support for its continued and expanded use within the Commission's regulatory activities. However, the full benefits of standardization will only be realized if both government and industry management are firm in their commitment to limit changes to an approved standard design to those clearly needed for public health and safety reasons.

In a related matter, the Commission has adopted and published effective rules establishing procedures for the early review of site suitability issues associated with sites that are under consideration for location of nuclear power plants. This review could be conducted prior to and separate from the detailed review of the design features for the facility. We believe the early site review process could contribute significantly to cutting down the time needed to plan and construct a nuclear power plant when combined with the use of standardized plants.

The Commission staff has completed a preliminary assessment of the standardization program[1] to determine what further definition and support of the program is needed on the basis of the accumulated experience to date. In addition, the staff is planning to conduct a more detailed study for presentation to the Commission and the near future. The purpose of this detailed study is to examine and recommend to the Commission various administrative steps, including possible changes in NRC regulations, for encouraging continued and expanded industry support for and participation in the standardization program for nuclear power plants. The staff will consider and evaluate public comments and suggestions in the development of this more detailed study. The Commission has previously recommended and is also now considering possible legislative changes which would encourage and allow fuller benefit to be realized from the concept of pre-approved sites and standardized facility designs.

Based on its preliminary assessment of the standardization program, the staff has concluded:

1. The reference system concept of standardization is the most widely used of the concepts. The present guidance is directed mainly to the preliminary design approval phase and has been shown to be effective. However, further definition of the concept is needed with respect to the final design approval phase. Two alternative final design approvals for the reference system concept are being contemplated.

A. A final design approval (Alternate 1), designated FDA/1, which would be:

(1) Based on the preliminary design on which the preliminary design approval (PDA) was based except for those necessary changes incident to converting a preliminary design to a final design.

(2) Subject to the Regulatory Guides in effect as of the time the staff positions were issued in connection with the review of the PDA. However, this cutoff date will not apply in the case of new significant safety issues.

(3) Acceptable for referencing by operating license applicants who have previously referenced the PDA on which the FDA/1 is based, and remain in effect until those referencing applications have resulted in the granting of operating licenses or have been disqualified for good cause as reference applications. An FDA/1 may not be referenced by construction permit applicants after the PDA on which it is based has expired.

B. A final design approval (Alternate 2), designated FDA/2, which would be:

(1) Based on the preliminary design on which the PDA was based, except that

[1] Copies of the report may be obtained from the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

the applicant may make a limited number of changes which it considers to be desirable beyond those incident to converting a preliminary design to a final design.

(2) Subject to all Regulatory Guides in effect at the time the FDA/2 application is accepted for docketing.

(3) Acceptable for referencing by applicants for combined construction permits and final design approvals for purposes of issuance of operating licenses[1] from the time of docketing until five years after issuance of the FDA/2.

(4) Acceptable for referencing by applicants for operating licenses who have previously referenced the PDA on which it is based, and have conformed their designs to the design for which the FDA/2 has been issued.

It is the staff's view that the FDA/1 can be a useful mechanism to permit a single review at the OL stage for those facility applications that referenced the PDA on which the FDA/1 was based and thus serve to reduce the duplication of licensing efforts. The staff believes that more significant benefits can be derived from the FDA/2 in that it will permit maximum utilization of FDAs in both CP and OL applications and advance toward the goal of a single review by the staff of a facility application.

2. The experience with the duplicate plant concept of standardization has been favorable and no changes in the definition or use of this concept appear to be needed.

3. The experience with the manufacturing license concept of standardization has been acceptable and no changes in the definition or use of this concept appear to be needed at this time.

4. The replication concept was developed to serve during the transition phase of standardization and can continue to play a useful role in that regard. The concept has been utilized but not to the extent expected and its need appears to be diminishing. No changes in the definition or use of the concept appear to be needed at this time; however, it is expected that this concept will eventually be discontinued, and the staff plans to evaluate this concept further to determine when this should be accomplished.

The Commission would appreciate receiving comments and suggestions by August 4, 1977, on (1) the proposed changes and additional definition of the Commission's standardization program developed by the staff and discussed herein, (2) other matters that might be considered and implemented in order to provide further needed definition to the Commission's standardization program, and (3) other steps that the Commission might undertake to further encourage standardization.

Comments and suggestions should be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, in order that they may be considered and evaluated in the staff's detailed study of the standardization program for nuclear power plants. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 29th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19068 Filed 7-1-77;8:45 am]

[1] Under 10 CFR 2.105(c), 50.35 Note, and 50.52, the Commission may issue a combined construction permit and final design approval for purposes of issuance of an operating license. Legislation to specifically authorize issuance of combined construction permits and operating licenses has been proposed by the Commission in the 94th Congress.

[Docket Nos. STN 50-566 and STN 50-567]

TENNESSEE VALLEY AUTHORITY

Availability of Draft Environmental Statement for Yellow Creek Nuclear Plant, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0269) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Yellow Creek Nuclear Plant, Unit Nos. 1 and 2, by the Tennessee Valley Authority to be located in Tishomingo County, Mississippi, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi. The Draft Statement is also being made available at the Mississippi Clearinghouse, Planning and Coordination, 503 Walter Sellers Building, 510 George Street, Jackson, Mississippi, and at the Northeast Mississippi Planning and Development District, P.O. Drawer 6-D, Booneville, Mississippi. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

The Applicant's Environmental Report, as supplemented, submitted by the Tennessee Valley Authority is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on January 6, 1977 (42 FR 1322).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 15, 1977. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 24th day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-19071 Filed 7-1-77;8:45 am]

[Docket Nos. STN 50-546 and STN 50-547]

PUBLIC SERVICE CO. OF INDIANA, INC., AND WABASH VALLEY POWER ASSOCIATION

Availability of Safety Evaluation Report for Marble Hill Nuclear Generating Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Marble Hill Nuclear Generating Station, Units 1 and 2, to be located in Jefferson County, Indiana. Notice of receipt of an application to construct and operate the Marble Hill Nuclear Generating Station was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45482).

The report is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250, for inspection and copying. The report (Document No. NUREG-0115) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc.77-19072 Filed 7-1-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment consists of a change to the License Restriction and will modify the Technical Specifications to permit operation of the facility with 160 General Electric (GE) 8 x 8 reload fuel bundles and to require the use of the rod worth minimizer for power levels below 20 percent of rated thermal power.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 7, 1976 (supplemented by letter dated March 14, 1977) and March 24, 1977, (2) Amendment No. 16 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19074 Filed 7-1-77;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) for operation of the Nine Mile Point Nuclear Station, Unit 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment identifies the currently approved industrial security plan.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR 2.790(d), the licensee's letters dated January 26, 1977, and March 11, 1977, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 17 to License No. DPR-63 and (2) the Commission's related letter to the licensee dated June 28, 1977. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19076 Filed 7-1-77;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA; BLACK FOX STATION, UNITS 1 AND 2

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Black Fox Station, to be located in Rodgers County, Oklahoma. Notice of receipt of Public Service Company of Oklahoma's application to construct and operate the Black Fox Station, Units 1 and 2, was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102, for inspection and copying. The report (Document No. NUREG-0190) can also be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 27th day of June 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc.77-19073 Filed 7-1-77;8:45 am]

[Docket No. 50-57]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. R-77, issued to the State University of New York at Buffalo, which revised the license and Technical Specifications for operation of the Nuclear Science and Technology Facility (the facility) located in Buffalo, New York. The amendment is effective as of its date of issuance.

This amendment consists of changes to the Technical Specifications which will reflect (1) the installation of a 24 element capacity fuel storage tank in the facility hot cell and (2) expansion of the existing vault storage capacity from 8 to 30 elements. To accommodate the additional storage of fuel, the possession limit of U-235 will increase from 32 kg to 55 kg.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings

as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on December 9, 1976 (41 FR 53870). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 10, 1976 (as supplemented by letter dated March 3, 1977) and August 5, 1976, (2) Amendment No. 14 to License No. R-77, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, New York City Department of Health, 125 Worth Street, New York, New York 10013. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19075 Filed 7-1-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 24, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

REVISIONS

VETERANS ADMINISTRATION

Funeral Arrangements, 10-2065, on occasion, legal next-of-kin or authorized representative, Tracey Cole, 395-5870.

Notice of Change in Student Status—Institutional Course Only, 22-1999B, annually, certifying officials of schools, Tracey Cole, 395-5870.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sunflower Seed Inquiry, semiannually, sunflower buyers and contractors, Gaylord Worden, 395-4730.

DEPARTMENT OF TRANPORTATION

National Highway Traffic Safety Administration:

National Accident Sampling System Occupant Interview Form, HS-367, on occasion, occupant of motor vehicle in accident, Strasser, A., 395-5867.

National Accident Alert Form, HS 389, on occasion, police agencies, insurance companies, Strasser, A., 395-5867.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Statement Regarding Student Age 18-21 (for Determination of Benefits Due Full-Time Student), G-320, on occasion, employee annuitant, Human Resources Division, 395-3532.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Annual Commercial Fish and Mussel Dealers Survey, TVA 5596, Quarterly commercial fisherman in Tennessee Valley, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Poultry Slaughter and Processing Report (Nonfederally inspected Plants), annually, poultry slaughter plants, Marsha Traynham, 395-4529.

Animal and Plant Health Inspection Service, Regulations—Horse Protection, on occasion, show veterinarians and horse show stewards, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:

Annual Landings of Fishery Products by American-Flag Vessels, in Foreign Countries, SB-32, annually, U.S. fishing vessel owners, Marsha Traynham, 395-4529.

NODC Index Form for Instrument-Measured Subsurface Current Observations NIMSCO), on occasion, educational institutions, marine research scientists, Marsha Trynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Insurance Policies, Applications for Insurance, Notice and Proof of Loss, HUD-1621, on occasion, crime insurance, Housing, Veterans, and Labor Division, 395-3532.

DEPARTMENT OF TRANPORTATION

Federal Highway Administration, Annual Report of Travel and Accidents, annually, 50 State highway departments, District of Columbia, and Puerto Rico, Strasser, A., 395-5867.

Coast Guard, Oil Record Books for Tankers and Non-Tankers, CG4601, on occasion, masters or operators of vessels over 500 gross tons, Marsha Traynham, 395-4529.

Federal Highway Administration, Pavement Marking Program, annually, State Highway agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19035 Filed 7-1-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 29, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agriculture research service, questionnaire "Hydrologic Data for Experimental Agricultural Watersheds in the United States" publication NER-454-A&B, single-time, Hydrologists-Engineers, Natural Resources Division, Raynsford, R. 395-6827.

DEPARTMENT OF LABOR

Employment and Training Administration, study of FSB recipients under Public Law 95-19, ETA-7, single time, Federal supplemental benefit recipients, housing, Veterans and Labor Division, C. Louis Kincannon, 395-3532.

REVISIONS

DETARTMENT OF COMMERCE

Bureau of Census, survey of registration and voting questionnaire, RAV 1, 2, 3, RAV 10, single time, Voting jurisdiction official in 12 offices, Maria Gonzalez, 395-6132.

REVISIONS

DEPARTMENT OF LABOR

Employment and Training Administration, report of claims-taking activities, ES 210, weekly, State ES offices, Strasser, A., 395-5867.

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Contractor's certificate and agreement with AID, contractor's invoice and contract abstract, AID-1440-3, on occasion, contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Department of the Air Force, uniform tender of rates and/or charges for transportation services-tenders of service for through-bill transportation, on occasion, household goods carrier industry, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Employment and Training Administration annual distribution of claimants by earnings, ES-206, annually, State ES agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19166 Filed 7-1-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 28, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

State salary survey, annually, State Government agencies, Caywood, D.P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

State water supply program recordkeeping and reporting, on occasion, State public water supply program agencies, natural resources division, Eliett, C. A., 395-6827.

NATIONAL SCIENCE FOUNDATION

Minority institutions science improvement program survey, one occasion, university and colleges, Kathy Wallman, 395-6140.

DEPARTMENT OF AGRICULTURE

Extension service, survey of operators of large commercial family farms, single time, farms with sales of over $40,000 per year, Gaylord Worden, 395-4730.

DEPARTMENT OF COMMERCE

Bureau of Census, exit interview report, DH-398, single time, former Oakland, Calif. census pretest enumerators, Maria Gonzalez, 395-6132.

National Oceanic and Atmospheric Administration, survey of fish processors in New England, single time, New England fish processors, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, a study of the use of education and training funds in the private sector (worker form and topic guide for interview disc.), NIE-180 A-B, single time, workers, company officials, labor officials, Kathy Wallman, 395-6140.

Social Security Administration, quarterly contact tally form, estimate of quarterly wages, (quarterly contact study), SSA-8981, SSA-8982, single time, SSI recipients, Human Resources Division, 395-3532.

Office of Education, field test of the parent education television pilot programs, OE-577, on occasion, individuals and parent groups in six locations, Kathy Wallman, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, regulations for assistance to States under section 5 of the DOT Act, annually, State agencies, Economics and General Government Division, Lowry, R. L., 395-3451.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Racial/Ethnic Group Participation (WIC Program), FNS 191, quarterly, local agencies (health clinics), Human Resources Division, Warren Topelius, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, Applicant Information, Selection Aid Validation Study, D-426, single time, job applicants, Maria Gonzalez, Kathy Wallman, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Lender's Report on Guaranteed Student Loan, OE-1070, on occasion, participating lenders and student applicants, Tracey Cole, 395-5870.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Merit System Agency—Review of Personnel Operation, CSC 1128, annually, State and local government agencies, Marsha Traynham, 395-4529.

RENEGOTIATION BOARD

Contractors Information Work Sheet, RB-2, on occasion, defense and aerospace contractors, Caywood, D. P., 395-3443.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Patent License Report (Commercial Use Made of Invention S Licensed), NASA 1427, annually, licensees under NASA patent license regulations, Marsha Traynham, 395-4529.

Report of NASA and Aerospace Related Employment as Required by Public Law 91-303, annually, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Cleaners Report of seed cleaned, annually, seed cleaners, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Boating Accident Report, CG-3865, on occasion, operators of boats involved in accidents, Tracey Cole, 395-5870.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-19167 Filed 7-1-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: July 21 & 22, 1977.

TIME: 9:00 a.m. to 4:00 p.m.

PLACE: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9:00 a.m. to 4:00 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-18966 Filed 7-1-77;8:45 am]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

TWO DAY MEETING

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (5 USC Appendix I), announcement is made of the following Presidential Committee meetings scheduled to assemble during the month of July, 1977.

The President's Commission on Mental Health.—July 11, 1977; 9:30 a.m. to 5 p.m., July 12, 1977; 9:30 a.m. to 5 p.m., National Science Foundation Building, 1800 G Street NW., Washington, D.C.

OPEN MEETING:

Contact: Mary Ann Orlando, Special Assistant to the Chairperson, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.—Tel. 202-456-7100.

Purpose: The President's Commission on Mental Health is a policy recom-

mendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order # 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Agenda: This meeting will be open to the public. Agenda items include briefings on working areas of the Commission as well as work sessions on these subjects.

This notice is short because of a decision to add this meeting to the Commission schedule necessitated by increased work load.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairperson, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500. Tel.: 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

BENEDICT LATTERI,
Administrative Officer, President's Commission on Mental Health.

JULY 1, 1977

[FR Doc 77-19228 Filed 7-1-77;11:05 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20093; 70-6028]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Sale of Utility Assets

JUNE 28, 1977.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to sell to Radio Corporation of America ("RCA"), which is not affiliated with either I&M or AEP, certain substation facilities which are located in place on the premises of RCA at Marion, Indiana, and certain real property, consisting of approximately .8 acre, upon which the substation facilities are situated. The substation facilities were constructed by I&M for the sole purpose of serving RCA. Under the present service contract RCA has the right to select a tariff other than that specified in the contract, Tariff Q.P., if RCA deems an alternate tariff to be more favorable. RCA has selected a tariff, Tariff I.P., the application of which depends upon RCA having its own substation.

The substation facilities to be sold include a 35.5 KV/4KV step-down transformer installation (composed primarily of two 12/16/20 MVA 34.5/12/4KV transformers and associated lighting and fuse protection), five 4KV circuit breakers, and the substation structure and fencing. The proposed sales price for the substation facilities is $254,634, which is equal to current reproduction cost less depreciation. The original cost of the substation facilities was $136,050, and the original cost less book depreciation is $92,201. The proposed sales price of the land underlying the substation facilities is $1,188. Such land had an original cost of $1,169.

The fees and expenses to be incurred by I&M in connection with the transaction are estimated not to exceed $300. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 21, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19011 Filed 7-1-77;8:45 am]

[Release No. 13691; SR-MSE-77-13]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1977.

On April 27, 1977, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, IL 60603, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change requires that certain market orders be given priority over limit orders on the MSE Order Book Official's Book to standardize opening rotation procedures.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13563, (May 23, 1977)) and by publication in the FEDERAL REGISTER (42 FR 27356 (May 27, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19009 Filed 7-1-77;8:45 am]

[Release No. 13690; SR-MSE-77-12]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 28, 1977.

On April 27, 1977, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change permits an MSE market maker to adjust his option quotations to reflect more accurately price changes in the underlying issue.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13562, May 23, 1977) and by publication in the FEDERAL REGISTER (42 FR 27355, May 27, 1977).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19010 Filed 7-1-77;8:45 am]

[Release No. 34-13687; File No. SR-NASD-77-2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on June 14, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change represents the fifth amendment to the original NASD proposal to allow standardized option transactions in the over-the-counter market (File No. SR-NASD-77-2) which was published for comment at 42 FR 8244, February 9, 1977 (Release No. 34-13230, February 1, 1977). The amendment consists of (1) a number of largely technical alterations to the original filing, (2) copies of NASD "Notice to Members" Nos. 77-5 (January 28, 1977), 77-7 February 8, 1977), 77-14 (April 22, 1977), and 77-19 (June 3, 1977), which describe the proposal to the NASD membership, and (3) other changes as follows:

(a) To add American Express Company to its list of proposed underlying securities,

(b) To fix exercise price intervals at two and one-half points for underlying securities with less than a $25 outstanding bid,

(c) To provide definitions for the terms, "Covered," "Beneficial Owner," "In Concert with Others," "Aggregate Long and Aggregate Short," "Representative Bid and Ask," "Current Prospectus," and "Common Control",

(d) An amended position limit rule conforming in substance to the position limit rule of the options exchanges,

(e) An exemption for market makers transactions in "out-of-the-money" options,

(f) Rules describing the rights and obligations of holders and writers, and describing option contract adjustments to open orders on "ex-date",

(g) A provision describing the responsibilities of members for the delivery of current prospectuses to customers,

(h) To outline responsibilities regarding member inquiries to be made in connection with the opening of customer option accounts at the members' firms,

(i) A provision allowing qualified employees at member branch offices to engage in the supervision of option accounts while under main-office Registered Option Principal overall scrutiny,

(j) A provision regarding member responsibility for state stock transfer taxes,

(k) Requirements for those market makers who desire to engage in market making simultaneously on both an option and its underlying security,

(l) A provision requiring times of order entry and execution to appear on trade tickets for underlying security and option transactions,

(m) A provision for suspension of a member's ability to receive any level of NASDAQ service upon failure to pay fees, fines or assessments,

(n) To set forth NASD procedures and member responsibility for trade comparison of NASDAQ option transactions,

(o) To set forth NASD procedures and member responsibility for the clearance and settlement of NASDAQ option transactions, and

(p) To describe tendering procedures for the exercise of NASDAQ options transactions.

STATEMENT OF BASIS AND PURPOSE

The purposes of the proposed amendment are as follows: (1) Alterations largely technical in the nature have been made to the original filing to correct and clarify the original 19b-4 submission; (2) provisions have been added to the original filing to provide a more complete proposal for the trading of standardized options in the over-the-counter market; (3) and the Notices to Members describing the proposed NASD program have been submitted to inform the Commission of the content of the materials distributed to the NASD membership for comment.

The statutory basis for the proposed amendment is contained in section 15A of the Act.

Comments on the proposed amendment have not been solicited nor received from the members.

The NASD believes that the proposed amendment does not impose any burden on competition that is not necessary and in furtherance of the purposes of the Act.

On or before August 9, 1977, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, the Commission will:

(A) By order approve such proposed rule changes; or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

In any event, the above-mentioned Commission action will not occur on or before August 9, 1977.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing, of all amendments, and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in caption above and should be submitted on or before August 4, 1977.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 27, 1977.

[FR Doc.77-19012 Filed 7-1-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND DEPUTY DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT, BUREAU FOR NEAR EAST

Amendment to Redelegation of Authority No. 162-5

Pursuant to the Authority delegated to me by A.I.D. Delegation of Authority No. 38, dated June 3, 1977 (42 FR 31511) with respect to Grant Agreements, I hereby amend Redelegation of Authority No. 162-5, dated November 30, 1976 (41 FR 55959) by deleting in the first sentence of paragraph 2 the words "for capital projects."

This Amendment is effective immediately.

Dated: June 13, 1977.

NORMAN L. SWEET,
Acting Deputy Assistant Administrator, Bureau for Near East.

[FR Doc 77-18947 Filed 7-1-77;8:45 am]

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

In 42 FR 31664 June 22, 1977, AID announced a meeting of the Board for International Food and Agricultural Development to be held on July 11, 1977. The purpose of this notice is to indicate that the place of the meeting has been changed to Room 1110 in the State Department Building, C and 22nd Streets NW., Washington, D.C.

Dated June 27, 1977.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77-19065 Filed 7-1-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION FROM YUGOSLAVIA OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Issuance by the Government of the Socialist Federal Republic of Yugoslavia of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin issued by the Yugoslav Chamber of Economy of the Government of The Socialist Federal Republic of Yugoslavia are now available for imports of ferrochromium and specialty steel products from Yugoslavia. These certificates are issued pursuant to a formal certification agreement between the Government of The Socialist Federal Republic of Yugoslavia and the Government of the United States. They will serve to establish that Yugoslavian materials exported to the United States do not contain any chromium of Rhodesian origin. The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importation of specialty steel products from Yugoslavia. After July 18, 1977, only materials certified under this agreement may be imported under Section 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503). However, until July 18, 1977, importation of materials certified pursuant to the interim arrangements will continue to be authorized.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-19056 Filed 7-1-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

[M-27]

JUNE 28, 1977.

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10:00 a.m.-July 5, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted by Notation.[1]

2. Docket 27891, EDR-301, Advance Notice of Proposed Rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action Project).

3. Docket 23315, "Delta-Northeast Merger Case" (petition of Juanita Wells to compel arbitration on labor dispute) and Docket 22690 "Caribbean-Atlantic Airlines, Inc., Eastern Airlines, Inc., Acquisition Case" (petition of Jose Dones to compel arbitration of labor dispute).

4. Docket 30240, Petition of Aviation Consumer Action Project for Rulemaking to Amend Part 241 to require the airlines to report and to classify as nonoperating expenses all expenditures for lobbying and institutional advertising.

5. Docket 30704, Application of Trans World Airlines, Inc. for approval under section 412 of the Federal Aviation Act of 1958 of an agreement between it and British Airways dated March 31, 1977 regarding new contract cargo rates, bulk specific commodity rates and container specific commodity rates, in U.K.-U.S. directional markets.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S 797-77 Filed 6-29-77;4:41 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428) following the meeting.

2

AGENCY HOLDING THE MEETING: Commission on Civil Rights.

DATE AND TIME: July 8, 1977, 7-10 p.m.; July 9, 9 a.m.-5:00 p.m.; July 10, 9 a.m.-5 p.m.; July 11, 9 a.m. to conclusion.

PLACE: July 8-10, The Kalorama Room, Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C., July 11, Room 508, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: All sessions open to public.

AGENDA: July 8-10: Program Planning. July 11:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Correspondence
IV. Discussion of Administration of Justice Issues
V. Discussion on Comments re Proposed Criminal Reform Act of 1977
VI. Decision on Hearing re the Civil Rights Aspects of Foreign Boycotts
VII. Decision on Letter to Federal Reserve Board, Equal Credit Opportunity Act Regulations
VIII. Discussion of the Denver Age Study Hearing
IX. Decision on Texas SAC Recommendations re School Desegregation in Corpus Christi
X. Interim Appointment to Wyoming and New Jersey Advisory Committees
XI. Discussion regarding National SAC Chairpersons Conference
XII. Rechartering of Tennessee Advisory Committee

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-796-77 Filed 6-29-77;3:46 pm]

3

AGENCY HOLDING MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., July 12, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street, NW., Washington, D.C.

STATUS: Open—Closed.

MATTERS TO BE DISCUSSED IN OPEN SESSION: (1) Shifting Resources in the Recruiting and Examining Program. (2) Continuation of discussion of Recommendations of the Task Force on Merit Staffing Review Recommendations.

MATTERS TO BE DISCUSSED IN CLOSED SESSION: (Internal Personnel Matters) (3) Filling Senior Level Positions in CSC. (4) Pre-employment Requirements for Assistant Appeals Officer Positions in the FEAA.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners (202-632-5556)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S 803-77 Filed 6-30-77;10:16 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 11:50 a.m. on Wednesday, June 29, 1977, by telephone conference call, to consider a matter in the liquidation of assets acquired from the Farmers Bank of the State of Delaware, Dover, Delaware (Case No. 43,106).

In scheduling the meeting, the Board determined by recorded vote that Corporation business required consideration of this matter on less than seven days' notice to the public and that no earlier announcement of the meeting was possible.

The Board voted to close the meeting to public observation pursuant to subsections (d)(1) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(d)(1) and (c)(6)).

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 289-4446.

Dated: June 29, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION.
ALAN R. MILLER,
Executive Secretary.

[S-800-77 Filed 6-30-77;9:25 am]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., July 6, 1977

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed Meeting

CONTACT PERSON FOR MORE INFORMATION: Mr. Robert Marshall (202-376-3012)

MATTERS TO BE CONSIDERED: Consideration of Appointment of Director—Federal Home Loan Bank of Topeka No. 42, June 29, 1977

[S-798-77 Filed 6-29-77;4:41 pm]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., July 6, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED: Application for Change of Office Location—Financial Federal Savings and Loan Association, Miami Beach, Florida. Consideration of Proposal to Establish a Price List for Copies of FOIA Data. Application for Bank Membership and Insurance of Accounts—Liberty Savings and Loan Association, Warrenton, Virginia, No. 41, June 29, 1977.

[S-799-77 Filed 6-29-77;4:41 pm]

7

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: July 6, 1977—10 a.m.

PLACE: Room 12126—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public.

The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of Actions taken by Managing Director Pursuant to Delegated Authority.

2. Agreement No. DC-83-2: Between Puerto Rico Maritime Shipping Authority, Trailer Marine Transport Corporation, Seatrain Gitmo, Inc., and Sea-Land Service, Inc.: Modification to include Sea-Land as a party to discussion agreement.

3. Identification of Apparent Inactive NVOCC Tariffs—Possible Cancellations of Tariffs in Domestic Trades.

4. Cancellation of Inactive Tariffs filed by Independent Carriers in the Foreign Commerce of the United States.

5. Docket No. 71-75—Rules Governing the Filing of Agreements Between Common Carriers by Water and/or "Other Persons" Subject to the Shipping Act, 1916; Discontinuance of Proceeding.

6. Docket No. 75-53—*Refrigerated Express Lines (A/Asia) Pty., Ltd., Et al.* v. *Columbus Lines, Inc., Et al.*—Possible Violations of the Shipping Act.

7. Special Docket No. 500—*Sadagelt Trading Inc.* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

8. Special Docket No. 501—*U.S. Despatch Agency* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

9. Special Docket No. 509—*Van Munching & Company, Inc.* v. *Sea-Land Service, Inc.*—Review of Initial Decision.

10. Special Docket No. 510—*Ideco Rigs and Equipment Operations* v. *Lykes Bros. Steamship Company, Inc.*—Review of Initial Decision.

11. Special Docket No. 520—*Riviana Int'l., Inc.* v. *Lykes Bros. Steamship Co., Inc.*—Review of Initial Decision.

12. Agreement No. 10038-2, between Moore-McCormack Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration.

13. Agreement No. 10039-3, between Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration. Portions closed to the public:

1. Motion to Quash Subpena—Fact Finding Investigation No. 9.

2. Docket No. 74-27—*Carton-Print, Inc.* v. *The Austasia Container Express Steamship Company*—Review of Order of Dismissal.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, (202-523-5727)

[S-791-77 Filed 6-29-77;12:46 pm]

8

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 32614, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF METING: June 29, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No:	*Docket No. and Company*
P-37	ER77-242, Public Service Co. of Oklahoma.
P-38	E-9595, The Cincinnati Gas & Electric Co. and The Union Light, Heat & Power Co.
P-39	E-6684, Virginia Electric and Power Co., Dan River, Inc.
P-40	DA-616—Idaho, U.S. Forest Service.
P-41	Project No. 2761, El Dorado County Water Agency
P-42	Project No. 710, Wisconsin Power and Light Co.
P-43	E-6730, Georgia Power Co.
P-44	E-6893, Alabama Power Co.
M-2	RM77-18, Change in procedure concerning applications under Part I of the Federal Power Act.

KENNETH F. PLUMB,
Secretary.

[S-792-77 Filed 6-29-77;1:35 pm]

9

AGENCY HOLDING THE MEETING: Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, June 29, 1977. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was possible.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Purchase of computer equipment by the Federal Reserve Board.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-802-77 Filed 6-30-77;9:22 am]

10

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Wednesday, July 6, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue, N.W. Washington, D.C., Room 4225.

STATUS: Special Open Conference.

MATTER TO BE CONSIDERED: 1. Recodification of the Interstate Commerce Act—First Draft (House Judiciary Committee Print) PAP 4-76—Law Revision. 2. Oral presentation of the Entry Task Force Proposals.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-801-77 Filed 6-30-77;9:25 am]

11

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Tuesday, July 12, 1977, 10:00 a.m.

PLACE: Conference Room, 4th Floor 2000 M St., NW., Washington, D.C. 20446

STATUS: Matters 1 through 4 will be open to public. Status is not applicable to matters 5 and 6.

MATTERS TO BE CONSIDERED:

1. Approval of Mintues of meeting held July 6, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List #1878):

a. Nolex Corporation, fiscal year ending December 31, 1975.

b. ITE Imperial Corporation, fiscal years ending December 31, 1973 and 1974.

b-1 Chase Shawmut Company, fiscal years ending December 31, 1973 and 1974.

b-2 Componetrol Incorporated, fiscal years ending December 31, 1973 and 1974.

b-3 Airmatic Beckett Harcum, fiscal years ending December 31, 1973 and 1974.

b-4 Bruning Company, fiscal years ending December 31, 1973 and 1974.

b-5 Imperial Eastman Corporation, fiscal years ending December 31, 1973 and 1974.

b-6. Datametrics Incorporated, fiscal year ending December 31, 1974.

c. Seatrain Lines, Inc., fiscal year ended June 30, 1973.

d. Analytic Science Corporation, fiscal year ended May 31, 1976.

e. Caterpillar Tractor Company, fiscal year ended December 31, 1975.

e-1. Towmotor Corporation, fiscal year ended December 31, 1975.

e-2. Caterpillar of Delaware, Inc., fiscal year ended December 31, 1975.

3. Recommended finding or determination of excessive profits: U.S. Plastic Molding Corp., fiscal year ended May 31, 1968.

4. Report of the Chairman Concerning: a. Budget; b. Personnel Actions; c. Reorganization of the Staff; d. Rulemaking and Regulations.

5. Approval of Agenda for meeting to be held July 26, 1977.

6. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 29, 1977.

GOODWIN CHASE,
Chairman.

[S-794-77 Filed 6-30-77;8:45 am]

12

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Tuesday, June 28, 1977, 10:00 a.m.

PLACE: Conference Room, 4th Floor 2000 M St., NW., Washington, D.C. 20446.

STATUS: Matters 1 through 3 will be open to public. Matters 4 and 5 will be closed to public. Status is not applicable to matters 6 and 7.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held June 20, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment: a. American Manufacturing Company of Texas, fiscal years ended December 31, 1972 and 1973.

b. General Industrial Corporation, fiscal years ended March 31, 1973 and April 1 to December 31, 1973.

c. Industrial Park Supply Company, fiscal years ended June 30, 1973 and July 1 to December 31, 1973.

3. Recommended Clearance or Determination of Excessive Profits: Esso Philippines, Inc., fiscal year ended December 21, 1973.

4. Recommended Determinations of Excessive Profits and Clearances:

a. American Manufacturing Company of Texas, fiscal years ended December 31, 1966-1971.

b. General Industrial Corporation, fiscal years ended February 29, 1968 and February 28, 1969, March 31, 1969-1972.

c. Industrial Park Supply Company, fiscal years ended June 30, 1968-1972.

5. Court of Claims Case: *Commander Industries, Inc.* v. *United States Court of Claims* Nos. 288-75, 289-75 and 290-75.

6. Approval of Agenda for meeting to be held July 12, 1977.

7. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 21, 1977.

GOODWIN CHASE,
Chairman.

[S-795-77 Filed 6-30-77;8:45 am]

13

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 5, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed Meeting.

SUBJECT: Potential enforcement matter.

Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 29, 1977.

[S-793-77 Filed 6-30-77;8:45 am]

14

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commisison.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Volume 42, page 32616.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 3 p.m., Wednesday, June 29.

CHANGES IN THE MEETING:

1. By unanimous vote on June 29, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public.

Affirmation of these items on June 29, 1977:

Petition for Rulemaking from the Public Interest Research Group, et al (Docket No. PRM-50-16), and Pennsylvania Public Utility Commission (Docket No. PRM-50-16A) Regarding Physical Security at Multi-Unit Reactor Plants.

Report of the NRC Task Force on Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM).

Petition for Rulemaking by the State of Alaska Concerning Labels on Empty Containers, PRM 20-8.

2. The Commission also approved affirmation of the following items on June 30, 1977 at 10 a.m. (Public Meeting).

Effective Amendments to 10 CFR Part 35, "Human Uses By-Product Material": Specific Licenses to Individual Physicians and Institutions (postponed from June 29, 1977).

Petition by Central Maine Power Company (CMP) for a Rulemaking Concerning the Definition of a Capable Fault (PRM-1003).

Publication of Effective Amendments to 10 CFR Part 71 to Establish More Stringent Quality Assurance Requirements for Transport Packages and to Phase Out a Grandfather Clause for Irradiated Nuclear Fuel Casks.

3. The Commission also approved review of the status of Commissioner Ac-

tion papers and correspondence on Thursday, June 30, 1977 at 10 a.m.

4. The affirmation of "Freedom of Information Act (FOIA) Disclosure Policy Exemption 5", schedule for June 29, 1977, is postponed indefinitely.

5. Schedule for Thursday, June 30, 1977: 10 a.m. (1) Affirmation Items (Public Meeting). (2) Review of the status of Commissioner Action papers and correspondence (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202-634-1410).

Dated: June 29, 1977.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

[S-810-77 Filed 7-1-77;9:29 am]

15

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Thursday, June 30, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 11 a.m.—Personnel Matter (Exemption 6). 3 p.m.—Discussion of Tarapur Export License (Exemption 10).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202-634-1410).

Dated: June 30, 1977.

WALTER MAGEE,
Office of the Secretary.

[S-811-77 Filed 7-1-77;9:29 am]

federal register

TUESDAY, JULY 5, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

Administration on Aging

MULTIPURPOSE SENIOR CENTERS

Acquisition, Alteration, or Renovation of Facilities; Final Regulations

V 42 I 128 JUL 5 77 UMI

Title 45—Public Welfare

stantially supported the provisions of the

facilities up to double the square foot-

sioner will make awards to eligible agencies and organizations in accord with

establishment of a rule which would single out rural communities for special

requirements governing the operation of

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—ADMINISTRATION ON AGING, OLDER AMERICANS PROGRAMS

PART 1326—MULTIPURPOSE SENIOR CENTERS

Final Regulations

AGENCY: Administration on Aging, Office of Human Development (OHD), Department of Health, Education, and Welfare.

ACTION: Final regulations.

SUMMARY: The final regulations revise program requirements for grants for acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers under sections 501–505 of Title V of the Older Americans Act of 1965, as amended by Pub. L. 93–29. Interim regulations were published and the Secretary invited public comment on those regulations and stated that they would be revised as warranted by the comments received.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Gene Handelman, Director, Office of State and Community Programs, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202–245–0011).

SUPPLEMENTARY INFORMATION: Interim regulations for the Multipurpose Senior Center Program (Title V of the Older Americans Act of 1965, as amended) were published in 45 CFR Part 911 the FEDERAL REGISTER of September 10, 1976, and are being amended and transferred to 45 CFR Part 1326. The interim regulations were issued to permit initiation of the Title V program under funding appropriated by Congress for this purpose for use during the July 1 through September 30, 1976, Transition Quarter. Under the interim regulations a total of 549 awards were made for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers. The provision of the interim regulations will continue to be effective for the duration of the project period for those grants which were made under the Transition Quarter appropriation.

At the time of publication of the interim regulations, interested parties were invited to submit within 60 days, their comments, suggestions, or objections regarding the regulations. A total of 48 comments were received on the interim regulations. Subsequently, a draft revision of these regulations developed with consideration of comments on the interim regulations was circulated to State and area agencies on aging, nutrition project agencies, national organizations, and other interested parties. An additional 26 comments were received in response to this draft revised version of the regulations. The comments received substantially supported the provisions of the revised version of the regulations. In view of the favorable response it is determined that there is sufficient reason at this time to issue final regulations in order to avoid any delay in implementing the program.

The following statement summarizes the substance of the 74 comments and the Department's response. All operational procedures for making awards under Title V beginning in Fiscal Year 1977 and each Fiscal Year thereafter will be governed by the regulations set forth below. It is also noted that regulations for multipurpose senior centers, formerly published in Part 911 have been removed from Chapter IX of Title 45 of the Code of Federal Regulations and relocated in Chapter XIII which covers all programs administered by the Office of Human Development, within the Department of Health, Education, and Welfare.

SUBPART A—PURPOSE

The purpose of these regulations is to establish procedures for implementing the provisions of sections 501–505 of Title V of the Older Americans Act of 1965, as amended, hereafter referred to as "Title V." The program is administered by the Administration on Aging in the Office of Human Development.

Title V is designed to provide facilities that will serve as a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons. The programs to be conducted in such facilities shall be coordinated with State and Area Agencies on Aging, which are charged under the Older Americans Act, with the responsibility of developing comprehensive systems of services for older Americans. The Title V program will be an integral part of overall planning and service delivery scheme of State and Area Agencies on Aging.

SUBPART B—DEFINITIONS

The purpose of the definitions provided in this subpart is to provide a clear understanding of the terms which are used throughout the regulations. Definitions are provided for the particular terms in this subpart because proper understanding of these terms will assure more efficient operations of the program.

The issue of greatest concern expressed in comments had to do with the inconveniences that would occur because of the prohibition on additional square footage to an existing facility, as stated in the interim regulations. Many organizations pointed out that the Department was effecting an unsound economic policy by encouraging the acquisition of facilities when in many cases community groups could run effective programs in their current facilities if they were allowed relatively inexpensive building additions. It was further noted that this policy presented a particular disadvantage in rural communities where it is difficult to find existing facilities for purchase. In response to these concerns, we have included as a part of the definition for "altering or renovating", terminology which allows for expansion of existing facilities up to double the square footage of the original facility.

Section 1326.2(d) adds a definition of "structural change" which was not defined previously. The reason for this is that Section 1326.9 in Subpart E stipulates that all structural changes undertaken in the course of alteration or renovation shall comply with all applicable local or State ordinances, laws, or building codes or when these are absent, with Federal building codes. The definition of structural change provided here conforms with the definition provided in Federal Building codes.

SUBPART C—GRANTS AUTHORIZED

The purpose of including this subpart in the regulations is to identify the eligible applicants which may be considered for funding under this part; and to provide such eligible applicants with necessary information as to the procedures for making and receiving awards.

The basis for including the provisions of this subpart is the belief that clarification as to eligible applicants and procedures for making and receiving awards will facilitate the proper administration of the program.

The issue which received the second greatest number of comments was the manner in which the Commissioner on Aging would make grant awards. During the Transition Quarter, awards were made directly by the Commissioner to community agencies and organizations, with consideration of the recommendations made by State and area agencies on aging. This method was found to create administrative difficulties. Further, this procedure did not assure the desired level of coordination of Title V projects with the comprehensive and coordinated system of services for older persons being established under Titles III and VII of the Act as Congress has intended. After careful review of the issues involved, the Department concluded that while authority does not exist under the current law to administer Title V as a formula grant program, it is within the authority of the Commissioner, under section 202(a)(9) of the Act, to permit State Agencies to be grantees for purposes of this part. Such procedures assure a closer linkage with existing programs currently administered by State agencies on aging under Titles III and VII of the Act. Comments which were received strongly endorsed the concept of permitting State agencies to be grantees for funds under this part. Accordingly, § 1326.3(b) permits State Agencies on Aging to be Title V grantees.

Procedures for implementing this policy indicated in § 1326.4(b) provide that the State agency will be given first priority to apply for funds reserved for the entire State. Section 1326.4 (c) and (d) describe procedures for awards made by the Commissioner directly to the local applicant in those States where the State Agency on Aging does not declare such intent to apply. When this occurs, procedures for making awards directly to the local agency or organization are essentially the same as those indicated in the interim regulations. The Commissioner will make awards to eligible agencies and organizations in accord with recommended priorities established by State and Area Agencies.

SUBPART D—ASSURANCES REQUIRED FOR GRANTS

This subpart is included in the regulations for the purpose of providing guidance to State Agencies on Aging and to all other applicants on the specific responsibilities which they must assume if they choose to apply for funds under this part. The basis for providing separate sets of criteria for State Agencies on Aging and for all other applicants is the fact that State Agencies on Aging are given priority consideration for application and award of funds under this part; and have responsibilities which are more extensive than the responsibilities of other applicant agencies or organizations.

Section 1326.5 specifies assurances applicable to State Agencies as applicants. A total of 10 organizations, mostly State Agencies, objected to the provision in the interim regulations that an equitable portion of Title V funds reserved for each State be used in each planning and service area of the State. Final regulations in Section 1326.5(a) maintain the principle that the State Agency must assure that each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part; but add the provision that, where justification exists, the State Agency may request from the Commissioner an exception to this requirement for a given planning and service area.

Comments were received from 9 State Agencies concerning the requirement in § 1326.5(b) that all contracts made by the State Agency within the State for acquisition, alteration, or renovation be approved prior to their issuance by the Area Agencies within the planning and services area where the contract is to be made. Many of these commentors pointed out that the role of the Area Agency is to advise the State, not to approve its action. The Department has reached the conclusion that Area Agencies should retain approval rights, as specified in this section. The exercise of such a function is consistent with the responsibilities assigned Area Agencies in Title III section 304(c)(1) of the Older Americans Act to provide for the establishment of a comprehensive and coordinated service system within its planning and service area.

Section 1326.5(c) requires that in planning and service areas that contain rural areas, plans will be made to meet the special needs of the scattered older persons, especially low income and minority older persons. Some objections were received to the interim regulations because they did not place an emphasis on awards to rural areas. The revised revision of the regulations which was circulated to the aging network for comment established a particular priority for rural areas. However, 6 objections were received from urban community organizations and area agencies to the establishment of a rule which would single out rural communities for special priority. Section 1326.5(c) of these final regulations accordingly notes the importance of responding to the needs of rural areas; but does not establish any priority for awards to rural areas over urban areas.

Section 1326.5(b) requires that multipurpose senior center facilities funded under Title V be made part of the Comprehensive Program on Aging operated by the Area Agency, in those planning and service areas where Area Agencies exist. The new policy on this point is also carried over in 1326.6(b) which also requires that Title V projects be included in the Comprehensive Area Program on Aging in those States where grant awards are made directly to local organizations by the Commissioner.

SUBPART E—ASSURANCES APPLICABLE TO FACILITIES FINANCED UNDER THIS PART

The purpose of including this subpart is to assure that all applicant agencies or organizations are aware of the responsibilities which they assume relative to any facility acquired, altered, or renovated with funds awarded under this part. The basis of including these provisions is that the Act imposes such responsibilities.

Some comments were received, relative to the lack of clarity in specific assurances for facilities acquired, altered, and renovated in the interim regulations. These regulations restructure the requirements in three broad sections to effect greater clarity as to which assurances apply to all facilities (§ 1326.7), to facilities to be acquired (§ 1326.8), and to facilities to be altered or renovated (§ 1326.9). While most of the assurances stated in the interim regulations have been retained, there are several revisions. Section 1326.7 sets forth the requirement to comply with other applicable Federal laws and Executive Orders. Additionally, § 1326.9 requires that all structural changes, as defined in § 1326.2(d) shall comply with local or State ordinances, or in the absence of such ordinances, with Federal standards. The interim regulations required consultation with the Department of Housing and Urban Development with regard to the technical adequacy of any proposed alteration or renovation. The experience obtained during the Transition Quarter indicated that this policy led to unreasonable delays in final approval of facility plans and specifications. With the increase in the Fiscal Year 1977 appropriation to four times the amount available in the interim quarter, it was anticipated that these problems would increase. After consultation with the Office of the Secretary of Housing and Urban Development, as required in section 502(b)(2) of the Act, the Department has agreed to approve any proposed alteration or renovation which complies with State or local ordinances, or in their absence, with Federal standards.

SUBPART F—GENERAL REQUIREMENTS

The purpose of including this subpart is to provide a general summary of other requirements governing the operation of the program which are not treated elsewhere in the regulations. The basis for inclusion of these requirements is to assure that potential applicants will understand the basic Federal requirements necessary for participation in the Title V program.

Two comments were received that urged reconsideration of the policy stated in the interim regulations that disallowed Federal participation in any cost associated with the operation of the multipurpose senior center including, rent, maintenance, personnel, and supplies. In particular, both commentors objected to the prohibition on rental costs. This issue was reviewed and we believe that there is no justification in the Act for allowing rental costs under section 501–505 of Title V. The program specifically provides only for paying part of the costs of acquisition, alteration or renovation of existing facilities, including the cost of initial equipment of such facilities. Accordingly, final regulations in Section 1326.10(d) reiterate the unallowability of rental costs.

Consistent with the new policy effected in these regulations of giving State Agencies on Aging a priority to apply for funds under this part for the entire State, a new provision has been added in Section 1326.12 which permits applicants to request a portion of the funds awarded for the purpose of administering the grant. These funds are provided for administrative costs, incurred in regard to Title V operations only, and not to other activities unrelated to this program. We received three comments which posed the question as to whether or not Area Agencies may receive these funds, since they may be engaged in Title V project administrative or monitoring activities even though such projects are funded directly by the State Agency. Our response is that any agency receiving a grant under Title V may retain an amount, approved by the Commissioner, for administering such grant. Additionally, this subpart brings to the attention of applicants the requirement to comply with the provisions of OMB Circular A–95 concerning State and Areawide clearinghouses. On May 4, 1977, HEW regulations, Title 45, Part 84, governing nondiscrimination on basis of handicap were published in the FEDERAL REGISTER. These regulations implement the provision of section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112. Section 1326.17 of these final Title V regulations require assurance by applicants of their intent to comply with the provisions of section 504 and the implementing regulations and guidelines.

SUBPART G—CONTRACT AUTHORITY

The purpose of including this subpart is to identify the fact that the Commissioner is authorized to make contracts to carry out the purposes of this part, separate and apart from his authority to make grants as described in the other subparts of these regulations. The Act provides such authority to the Commissioner; and therefore the regulations must address this point.

Accordingly, the interim regulations for Multipurpose Senior Centers pro-

Subpart A—Purpose

for the State. Upon the request of the

to meet the special needs of the scattered

under this part shall comply, before the

§ 1326.9 Special assurances applicable

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Accordingly, the interim regulations for Multipurpose Senior Centers presently in 45 CFR Part 911 are revised and final regulations for Multipurpose Senior Centers are added in 45 CFR Part 1326 in the manner set forth below.

NOTE.—The Administration on Aging has determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number: 13.639 Special Programs for the Aging—Title V Multipurpose Senior Centers.)

Dated: June 3, 1977.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Dated: June 3, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

Approved: June 27, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

Subpart A—Purpose

1326.1 Purpose.

Subpart B—Definitions

1326.2 Definitions.

Subpart C—Grants Authorized

1326.3 Eligible applicants.
1326.4 Procedures for making awards.

Subpart D—Assurances Required for Grants

1326.5 Assurances required when State agencies are applicants.
1326.6 Assurances required for all other applicants.

Subpart E—Assurances Applicable to Facilities Financed Under This Part

1326.7 Assurances applicable to all facilities.
1326.8 Special assurances applicable to facilities to be acquired.
1326.9 Special assurances applicable to structural changes in the altering or renovating of facilities.

Subpart F—General Requirements

1326.10 Federal and non-Federal participation.
1326.11 Unallowable expenditures.
1326.12 Administrative costs.
1326.13 Grantee administrative requirements.
1326.14 A-95 clearinghouse requirements.
1326.15 Reports and records.
1326.16 Civil rights.
1326.17 Nondiscrimination on basis of handicap.
1326.18 Monitoring activities.
1326.19 Recapture of payments applicable to acquired facilities.
1326.20 Notification of action taken on proposals.
1326.21 Project period.
1326.22 Payments.

Subpart G—Contract Authority

1326.23 Authority.

AUTHORITY: Pub. L. 89-73, 79 Stat. 218-226 (42 U.S.C. 3001 et seq.), as amended by sec. 501, Pub. L. 93-29, 87 Stat. 49-51; sec. 112, Pub. L. 94-135, 89 Stat. 720 (42 U.S.C. 3041-3041e).

Subpart A—Purpose

§ 1326.1 Purpose.

The purpose of these regulations is to establish procedures for implementing sections 501–505 of Title V of the Older Americans Act of 1965, as amended, which provide for the making of grants and contracts to pay part of the costs of acquiring, altering or renovating existing facilities, including the initial equipment of such facilities, to serve as multipurpose senior centers.

Subpart B—Definitions

§ 1326.2 Definitions.

In addition to the definitions set forth in §§ 1320.2 and 1321.2 of this chapter, the following definitions are applicable for the purpose of this part.

(a) "Acquiring" means obtaining ownership of an existing facility.

(b) "Altering or renovating" means modifications upon or in connection with an existing facility which are necessary for its effective utilization as a multipurpose senior center, including restoring, repairing, and expanding which is not in excess of double the square footage of the original facility, and all such related physical improvements.

(c) "Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreation activities) for older persons.

(d) "Structural change" means any changes to the load bearing members of a building.

Subpart C—Grants Authorized

§ 1326.3 Eligible applicants.

(a) Eligible applicants include units of general purpose local government or other public or nonprofit private agencies or organizations, including State or Area Agencies on Aging.

(b) In order to assure that multipurpose senior center facilities supported under this part are integrated with the comprehensive and coordinated service system established under Title III and Title VII of the Act, State Agencies on Aging will be given priority in the application and award of funds.

§ 1326.4 Procedures for making awards.

(a) From the amount appropriated for multipurpose senior centers under section 501 of the Act each fiscal year, the Commissioner shall reserve an amount for making awards under this part for each State. The amount reserved for each State shall be determined in keeping with the principles which guide the allocation of funds made each year under section 303 of the Act, except that total funds awarded to any State in any fiscal year shall not exceed ten percent of the funds appropriated by the Congress for the nation for that fiscal year.

(b) As set forth in § 1326.3(b) of this part, State Agencies will be given first priority to apply for the funds reserved for the State. Upon the request of the Commissioner each fiscal year, each State shall indicate in writing its intent to apply for the entire amount of funds reserved for the State.

(c) In those cases where the State Agency notifies the Commissioner that it will not apply for the funds reserved for that State:

(1) The State Agency will be asked to designate an amount, within the total amount reserved for the State, for each planning and service area in the State;

(2) Eligible agencies and organizations in the State will be notified of the funds designated under this part for each planning and service area by the State and Area Agencies on Aging; and

(3) Applications from eligible agencies or organizations within the State shall be forwarded to the Commissioner on Aging through Area and State Agencies on Aging, and will be ranked by such agencies by planning and service area, in order of their recommended priority for funding before being forwarded to the Commissioner. The Commissioner will make awards to such eligible agencies and organizations in accord with these recommended priorities, provided all Title V requirements contained in this part are met.

(d) If eligible agencies or organizations fail to request funds within a time limit set by the Commissioner each fiscal year up to the level of the funds reserved for a planning and service area or a State, the Commissioner may make grants of such funds to eligible agencies or organizations in other planning and service areas of the State or other States, as appropriate.

(e) All requests for funds under this part shall be on forms prescribed for this purpose by the Commissioner.

Subpart D—Assurances Required for Grants Under This Part

§ 1326.5 Assurances required when State agencies are applicants.

Where the State Agency makes application for funds under this part for the entire State, the State Agency must assure that:

(a) Each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part, except that, where justification exists, the State Agency may request in writing from the Commissioner an exception to this requirement for a given planning and service area;

(b) Where Area Agencies on Aging exist, they will be involved, together with their Advisory Council, in determining the most feasible facilities to serve as multipurpose senior centers and the most qualified local agencies to operate the programs in such centers in their jurisdictions; and that their approval will be obtained before any contract is awarded in their jurisdiction as a result of a grant under this part;

(c) In planning and service areas that contain rural areas, plans will be made

to meet the special needs of the scattered populations of older persons, especially the low income and minority older persons;

(d) In assisting facilities under this part in urban areas, priority consideration will be given in locating such facilities in those parts of such areas having high concentrations of low-income and minority older persons;

(e) A multipurpose senior center program will be developed and operated in any facilities assisted under this part;

(f) The multipurpose senior center programs operated in any facility assisted under this part will be made part of the Comprehensive Program of the Area Agency on Aging where such programs exist; and

(g) Any agency or organization which will operate a multipurpose senior center program in a facility assisted under this part will be required to develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or contribute resources to expand the program of the center.

§ 1326.6 Assurances required for all other applicants.

(a) In those cases where the State Agency elects not to apply for the funds reserved for the State, other eligible agencies or organizations in the State may submit applications to the Commissioner which provide adequate assurances that:

(1) The facility for which funds are requested is adaptable for serving as a multipurpose senior center;

(2) A multipurpose senior center program will be operated in the facility;

(3) The agency or organization which will operate the multipurpose senior center program in the facility for which funds are requested is qualified to operate such a program;

(4) The facility for which funds are requested is located so as to be accessible to a high proportion of minority and low-income older persons; and

(5) The agency or organization which will operate the multipurpose senior center assisted under this part will develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or to contribute resources to expand the program of the center.

(b) For such applications, the Area Agency on Aging, if applicable, will also be required to assure that the points in paragraph (a) (1–5) of this section will be met. In addition, the Area Agency will be asked to assure that the multipurpose senior center program proposed for the facility will be made part of the Comprehensive Program of the Area Agency on Aging.

Subpart E—Assurances Applicable to Facilities Financed Under This Part

§ 1326.7 Assurances applicable to all facilities.

(a) The applicant shall assure that any facility for which funds are awarded under this part shall comply, before the multipurpose senior center program is operated in such facility, with all applicable State and local health, fire, safety, zoning, and sanitation codes. With special regard to life/safety conditions, work will comply with the provisions of the National Fire Protection Association 101 Life Safety Code for the applicable building occupancy classification or State and local codes, whichever is the more stringent.

(b) The applicant, in order to comply with the requirements of the Davis-Bacon Act and other mandatory Federal labor standards, shall assure that HEW Requirements for Federally Assisted Construction Regarding Labor Standards and Equal Employment Opportunity, Form HEW-514 (July 1976) are included in all construction contracts for alteration and renovation of facilities. For the purpose of this part, the term "construction" is limited to altering or renovating existing facilities.

(c) The applicant shall assure that if a facility to be acquired, altered or renovated will be shared with other age groups, that funds under this part will be used only for that portion of the facility that will be used by older persons. Where the same floor space is to be shared with different age groups, funds under this part may be used proportionately for acquiring, altering, or renovating the facility only to the extent that such floor space will be used by older persons.

(d) The applicant shall assure that the applicable requirements contained in the following statutes and executive order are satisfied:

(1) Uniform Relocation Act, Pub. L. 91–646;

(2) Flood Protection Act, Pub. L. 93–234;

(3) National Historic Preservation Act, Pub. L. 89–665; and

(4) Executive Order on Flood Plains, E.O. 11988.

§ 1326.8 Special assurances applicable to facilities to be acquired.

(a) The applicant shall assure that there are no existing facilities in the community suitable for leasing as a multipurpose senior center.

(b) The applicant shall assure that any facility to be acquired under this part will conform with the Architectural Barriers Act of 1968 (41 CFR 101–17 703).

(c) The applicant shall assure that the facility will be used for the purposes for which it is acquired for not less than ten years after the date acquired.

(d) The applicant shall assure that the facility will not be used, and is not intended to be used for sectarian instruction or as a place for religious worship.

(e) The applicant shall assure that sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility.

(f) The applicant shall assure that sufficient funds will be available when purchase is completed, for effective use of the facility for the purpose for which it is being purchased.

§ 1326.9 Special assurances applicable to structural changes in the altering or renovating of facilities.

Where structural changes will be undertaken in the course of altering or renovating a facility, the applicant shall assure compliance concerning all applicable local or State ordinances, laws, or building codes. In the absence of such codes, such structural changes must conform to Chapter 23 Of the Uniform Building Code, or Article 7 or the Basic Building Code, or Chapter 12 of the Standard Building Code.

Subpart F—General Requirements

§ 1326.10 Federal and non-Federal participation.

The Commissioner is authorized to pay up to 75 percent of the costs of acquiring, altering or renovating facilities to serve as multipurpose senior centers. The non-Federal share of proposed costs under this part shall be identified by the applicant in the application.

§ 1326.11 Unallowable expenditures.

Federal financial participation, and the appropriate non-Federal share, may not be used for any of the following:

(a) New construction or the completion of a partially completed facility;

(b) The purchase of land not related to the acquiring of an existing facility;

(c) Expanding of a facility in excess of double the square footage of the original facility; and

(d) Any cost associated with the operation of the multipurpose senior center, including rent, maintenance, personnel and supplies.

§ 1326.12 Administrative costs.

Applicants are authorized to be reimbursed for administrative costs associated with administering grants under this part. Such costs must be set forth in the proposal.

§ 1326.13 Grantee administrative requirements.

All of the provisions of 45 CFR Part 74 apply to grants awarded under this part.

§ 1326.14 A–95 Clearinghouse requirements.

All applications submitted under this part are subject to requirements of Part I, OMB Circular A–95.

§ 1326.15 Reports and records.

(a) Agencies or organizations receiving funds under this part shall make such reports in such form and containing such information as the Commissioner may determine.

(b) Agencies or organizations receiving awards shall maintain such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports.

§ 1326.16 Civil rights.

The applicant shall assure that all activities undertaken under this part shall conform to the Civil Rights Act of 1964 and all applicable policies and pro-

cedures established relating to such Act. In addition, the applicant shall develop

United State District Court for the district in which such facility is situated.

and the multipurpose program operational in such facility within 12 months

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cedures established relating to such Act. In addition, the applicant shall develop and implement an affirmative action plan in the area of employment, and the development and implementation of a plan designed to provide maximum opportunity for participation in the service programs operating out of the center by low-income and minority persons.

§ 1326.17 Nondiscrimination on basis of handicap.

The applicant shall assure that the requirements set forth in sec. 504 of the Rehabilitation Act of 1973 and HEW regulations (45 CFR Part 84) and guidelines are met.

§ 1326.18 Monitoring activities.

Agencies or organizations which receive awards shall establish monitoring procedures which will assure that any activity for which a grant is made under this part will be carried out in keeping with the provisions of the application as approved by the Commissioner.

§ 1326.19 Recapture of payments applicable to acquired facilities.

If, within ten years after acquiring a facility under this part, either the owner of the facility ceases to be a public or nonprofit private agency or organization, or the facility ceases to be used for the purposes for which it was acquired, the Department shall be entitled to recover from the agency or other owner of the facility an amount, which bears to the then value of the facility, or so much thereof as constituted an approved project award or awards, the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United State District Court for the district in which such facility is situated. Release by the Department from recapturing the payment may occur if the facility as originally acquired is no longer adequate as a setting to provide the type and level of services now required by older persons in the community, and therefore the facility, as originally acquired, will be sold at a price, determined as reasonable by the Department, and that such funds resulting from the sale of the original facility will be used to purchase another facility in the community which meets the standards of this part.

§ 1326.20 Notification of action taken on proposals.

Applicants will be notified in writing by issuance of a "Notice of Grant Awarded" of the final action taken by the Commissioner on each application. For those applications approved by the Commissioner, this notification shall set forth the amount of funds awarded, and shall constitute for such amounts the incumbrance of Federal funds for such proposal on the date of the award.

§ 1326.21 Project period.

Except for those instances where an exception is approved by the Commissioner based on an inability to complete a project within the project period due to circumstances beyond the control of a grantee:

(a) The period of a grant award approved in any fiscal year will not exceed 12 months following the effective date of the "Notice of Grant Awarded" relating to such grant; and

(b) All activities relating to the acquiring, altering or renovating of a facility under this part shall be completed, and the multipurpose program operational in such facility within 12 months following the effective date of the grant relating to that activity.

§ 1326.22 Payments.

Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in altering or renovating a facility, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

Subpart G—Contract Authority

§ 1326.23 Authority.

(a) The Commissioner is authorized to make contracts to carry out the purposes of this part with any agency or organization to pay not to exceed 75 per centum of the costs of such program subject to the ten per centum maximum payments in any State in any fiscal year.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all of the relevant regulations relating to this title as well as to all other applicable laws, regulation and Department policy.

(c) Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

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federal register

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PART III

SECURITIES AND EXCHANGE COMMISSION

■

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13671; File No. SR-MSRB-76-12]

adopted the proposed amendments in furtherance of these purposes and as a result of its review of the proposed rule and its consideration of comments re-

registered form as acceptable means of delivery of muncipal securities provided the parties agree to such delivery. While these matters were already covered by

efficiencies in the processing and clearance of municipal securities transactions would be undermined by permitting the parties to alter these provisions. Other

nized transactions require a confirming party to act within four business days following the trade date if it does not receive a confirmation, and that permit-

dures for delivery of municipal securities and would be unduly restrictive.

(e) (ii) DELIVERY TICKET

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13671; File No. SR-MSRB-76-12]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing the amendments set forth below (hereafter called the "proposed amendments") to the Board's proposed rule G-12 (hereafter sometimes called the "proposed rule").[1]

Proposed rule G-12 establishes uniform industry practices relating to the processing and clearance of municipal securities transactions. The proposed amendments:

(1) Exempt transactions processed by clearing agencies registered with the Securities and Exchange Commission from the requirements of the proposed rule;

(2) Commencing January 1, 1979, require the use of CUSIP numbers, if assigned, on interdealer confirmations and delivery tickets;

(3) Permit a draft or bank check to be submitted in payment of interest due in lieu of a coupon;

(4) Provide that transactions involving securities which have been called on or after the trade date will not be deemed cancelled;

(5) Provide for reclamation in the event securities are delivered without legal opinions or other necessary legal documentation; and

(6) Provide for the extension of the period for close-outs as a result of retransmittals of close-out notices.

The proposed amendments include additional changes of a technical or clarifying nature.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of proposed rule G-12 is to establish uniform industry practices for the processing and clearance of municipal securities transactions. The proposed rule was designed to facilitate transactions in municipal securities by increasing efficiency in the processing and clearance of such transactions and resolving potential matters of disagreement between the parties. The Board has adopted the proposed amendments in furtherance of these purposes and as a result of its review of the proposed rule and its consideration of comments received on the proposed rule subsequent to its filing with the Commission.

In particular, several of the proposed amendments are specifically designed to facilitate transactions in municipal securities and to make clear that procedures which may result in increasing efficiency in processing municipal securities transactions are encouraged by the Board. Thus, the Board has determined, after considerable review, that it is in the best long-term interests of the municipal securities industry to require municipal securities brokers and municipal securities dealers to include CUSIP numbers, if assigned, on inter-dealer confirmations and delivery tickets, as a means of uniform identification of the securities involved. This is an important first step in establishing more efficient systems for the processing and clearance of municipal securities transactions. The Board notes that CUSIP numbers are used in most existing systems for the automated processing of transactions in securities and facilitate communication between such systems. The Board also believes it desirable to implement a requirement that CUSIP numbers be used in view of the importance of such numbers to the operation of the Commission's lost and stolen securities program.

However, the Board continues to be concerned about the impact of a requirement relating to CUSIP numbers on smaller municipal securities dealers who may process transactions on a manual basis and for whom the use of CUSIP numbers may have limited internal benefits. Therefore, the Board has provided for a delay in the implementation of the requirement to use CUSIP numbers until January 1, 1979 in order to give firms not presently using the CUSIP system full opportunity to adjust their operations to this requirement. The Board is also considering making available to members of the municipal securities industry a service by which such members can readily obtain without charge information with regard to specific CUSIP numbers upon request to the Board's office. The Board would be most interested in comments from the municipal securities industry as to whether such a service would serve a useful purpose for the industry and would be utilized by a meaningful number of industry participants.

The Board has also provided in the proposed amendments that the requirements of proposed rule G-12 will not apply to the extent the facilities of a registered clearing agency are used. The Board intends to encourage the development and use of systems which may result in increased efficiencies and therefore believes it appropriate to make this change. The Board notes that the activities of registered clearing agencies are subject to extensive regulations by the Commission.

Similarly, the Board has added specific provisions recognizing book entry delivery and the delivery of securities in registered form as acceptable means of delivery of muncipal securities provided the parties agree to such delivery. While these matters were already covered by the proposed rule, the Board believed it appropriate and desirable to highlight these forms of delivery as important alternatives to the physical delivery of securities in bearer form.

Finally, while not specifically included in the proposed amendments, the Board will provide samples to the muncipal securities industry of the use of uniform confirmation, delivery, reclamation and non-recognition forms for transactions in municipal securities, to encourage the use of such forms by municipal securities professionals. The use of uniform forms is not required by proposed rule G-12. However, such forms may be used to comply with the proposed rule. While the Board believes it inadvisable to mandate the use of such forms at the present time, taking into account the burdens such as a requirement might impose on smaller firms not presently using such forms, the Board believes that the generalized use of uniform forms in the municipal securities industry will tend to promote efficiencies in processing municipal securities transactions.

The specific purposes of other proposed amendments are discussed below.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS AND OTHERS ON PROPOSED RULE CHANGES

Since the Board filed proposed rule G-12 with the Commission, letters of comment have been received by the Commission or the Board from the following:

CUSIP Service Bureau ("CUSIP")
The Depository Trust Company ("DTC")
Mercantile Bank ("Mercantile")
National Association of Securities Dealers, Inc. ("NASD")
Public Securities Association ("PSA")
Salomon Brothers
Securities Industry Association Dividend Division ("SIA Dividend Division")
Securities Industry Association Operations Committee ("SIA Operations Committee")
Shearson Hayden Stone, Inc. ("Shearson")

Comment letters from the following were submitted with the SIA Operations Committee letter:

Becker Securities Corporation ("Becker")
Boettcher & Company ("Boettcher")
Salomon Brothers

In addition, the Commission staff submitted a letter of comment to the Board.

Copies of all letters of comment are on file at the offices of the Commission and of the Board and are summarized below by rule provision.

(a)(i) SCOPE AND NOTICE

The PSA suggested that the Board permit modification of the terms of proposed rule G-12 by agreement between the parties to a transaction. The proposed rule presently precludes modification by the parties of the provisions relating to the content and comparison of confirmations, the return of good faith deposits, and the settlement of syndicate accounts. The Board believes that the purposes of the proposed rule to increase

[1] Proposed rule G-12 was filed with the Securities and Exchange Commission (the "Commission") on December 30, 1976. (See File No. SR-MSRB-76-12.) Rule G-12 is not yet in effect.

efficiencies in the processing and clearance of municipal securities transactions would be undermined by permitting the parties to alter these provisions. Other provisions, such as those relating to delivery, may be altered by mutual agreement.

The Commission staff recommended that the Board revise proposed rule G-12 to permit the use of a registered clearing agency to perform comparisons and other functions required by the rule. The Board has adopted this recommendation.

(a)(iii) SCOPE AND NOTICE

This paragraph defines what constitutes immediate notice for purposes of the proposed rule. It has been modified to clarify that its provisions are mandatory and not permissive, in line with a recommendation by the NASD.

(b)(i)(B) BUSINESS DAY

This subparagraph defines the term "business day" for purposes of the proposed rule in relation to dates determined by the NASD. Shearson questioned whether provision for delivery on days during which banks are open but exchanges are closed would be appropriate. Continental Bank noted that bank holidays are governed by various state jurisdictions. The proposed rule would, of course, permit parties to arrange by mutual agreement for delivery on other than a "business day" as defined. The Board believes that business days as determined and announced by the NASD are widely recognized in the municipal securities industry and are therefore an appropriate uniform reference point.

(b)(ii)(C) AND (b)(iii) SETTLEMENT DATES AND ACCELERATED DELIVERY FOR "WHEN, AS AND IF ISSUED" TRANSACTIONS

Various comments urged that the Board not permit accelerated delivery of new issue securities, as provided in the proposed rule. The Board believes that accelerated delivery by the syndicate manager in situations in which the issuer accelerates delivery is, on the whole, the most equitable approach. To determine otherwise could place a severe financial burden on the syndicate manager who may have little control over an issuer's desire to accelerate delivery. However, the Board has included in the proposed amendment strict requirements for immediate notice to syndicate members in the event of accelerated delivery. To avoid confusion, the Board has also provided that in the event of accelerated deliveries by persons other than the syndicate manager such acceleration must not be by more than the number of days of acceleration by the syndicate manager.

(c)(i) DEALER CONFIRMATIONS

This provision relates to confirmation of "regular way" transactions. The Commission staff questioned whether it was necessary to permit firms to delay up to two business days before sending a dealer confirmation for such transactions. They noted that the procedures for unrecognized transactions require a confirming party to act within four business days following the trade date if it does not receive a confirmation, and that permitting confirmations to be delayed until the second business day following trade date increases the likelihood that the nonrecognition procedures set forth in the proposed rule will be unnecessarily instituted. Shearson urged that regular way confirmations be required to be sent within one business day following trade date.

The Board believes it appropriate and desirable to limit situations in which confirmations may be delayed for two business days to "when issued" transactions (as in paragraph (c)(iii)) and to transactions in new issue securities for which only one confirmation (in contrast to initial and final confirmations) is sent and settlement occurs more than six business days following trade date. This situation applies to many large short-term note issues.

(c)(iv)(E) MULTIPLE OBLIGORS

Certain commentators questioned whether the term "multiple obligors" should be used on dealer confirmations, suggesting that the primary obligor on a revenue bond issue should in all events be identified on the confirmation. The Board believes it would be difficult to identify the primary obligor on securities in many situations, including those in which an obligor shares its responsibility for debt service with one or more other obligors. Use of the term "multiple obligors" should alert professionals to the existence of more than one obligor on an issue of municipal securities and provide a basis for obtaining a complete list of all obligors, if desired.

(c)(iv) CUSIP NUMBERS

Several comments were received urging that the Board include a requirement for CUSIP numbers in proposed rule G-12. As indicated above, the Board has adopted this recommendation.

(d) COMPARISON AND VERIFICATION OF CONFIRMATIONS; UNRECOGNIZED TRANSACTIONS

The provisions concerning comparison and verification of confirmations require parties to compare confirmations and to seek to resolve discrepancies and differences. Various comments were submitted with respect to these provision, any urging the Board to make clarifying changes. The proposed amendments effect a number of changes in these provisions of a clarifying or technical nature.

(e) DELIVERY

The introduction to this section provides that parties to a transaction may agree to vary the terms for delivery of securities. The PSA suggested that this section be amended to require parties to specify on the confirmation any variation from the provisions of the proposed rule concerning delivery. The Board believes that such a requirement would remove necessary flexibility in the procedures for delivery of municipal securities and would be unduly restrictive.

(e)(ii) DELIVERY TICKET

Becker suggested that delivery tickets include the last coupon number and the payable date to alleviate problems in interest claims. The Board believes that such a requirement would be unnecessarily burdensome to the industry.

(e)(iii) PARTIAL DELIVERY

This paragraph provides that a purchaser is not required to accept partial delivery of securities involved in a single trade. Several commentators urged that this paragraph be clarified. The Board has modified the paragraph to make clear that the prohibition against partial deliveries applies to a single trade in a single security. In addition, the term "single security" is defined.

(e)(iv) UNITS OF DELIVERY

The PSA recommended changes in the required denominations for registered bonds. The Board notes that many registered bonds are issued in denominations of less than $5,000 and that the change suggested by the PSA would therefore be unduly restrictive.

(e)(v) BEARER AND REGISTERED FORM

This paragraph provides that securities which are issuable in both bearer and registered form must be issued in bearer form to constitute good delivery. While proposed rule G-12 provides that the parties may agree to alter the terms of delivery set forth in the proposed rule, the Board has highlighted the possible use of book entry delivery as well as delivery of registered certificates in the proposed amendments in response, among other things, to comments raised on these points.

(e)(vii)(A) COUPON SECURITIES

Shearson suggested that this provision be amended to require that partially paid coupons as well as unpaid coupons on which interest is in default, be attached to securities at the time of delivery. The proposed amendments include a change to this effect.

(e)(vii)(C) COUPON SECURITIES

(e)(xiii)(G) AND (H) PAYMENT OF INTEREST; REGISTERED SECURITIES TRADED "FLAT"

A number of commentators recommended that the requirement for cashier's or certified checks in lieu of coupons be deleted in deference to existing industry practice, which is to accept drafts or bank checks. The commentators urged that the requirement for certified or cashier's checks was impractical and would delay timely deliveries and constitute a substantial burden. On the basis of these comments, the Board concluded that it was reasonable to delete the requirement for cashier's or certified checks in lieu of coupons.

The Commission staff suggested that the Board permit delivery of checks in lieu of coupons for an indefinite period of time prior to an interest payment date. The Board believes that such a

provision would lead to unnecessary confusion and processing inefficiencies. It would also necessitate the reissuance of

than one close-out notice with regard to the same transaction and Salomon

fewer time constraints once a close-out has been executed.

(B) Institute proceedings to determine whether the proposed rule change should

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provision would lead to unnecessary confusion and processing inefficiencies. It would also necessitate the reissuance of checks over extended periods of time, which would, the Board believes, constitute a burden to the industry.

(e) (ix) DELIVERY OF SECURITIES CALLED FOR REDEMPTION

The comments of DTC and Mercantile maintained that this provision was confusing in that it appeared that a trade could be cancelled even after settlement date, if a notice of call were published. Shearson and DTC also suggested that trades be cancelled only in the event a call was not for an entire issue or maturity.

In considering these comments, the Board concluded that it was inappropriate to permit cancellation of transactions if notice of call is published on or after the trade date. Therefore, the Board has amended the paragraph to permit cancellation only if the notice of call is published prior to the trade date.

(e) (xiii) (E) CERTIFICATE IN NAME OF A PARTY OTHER THAN A NATURAL PERSON

Certain commentators suggested that this subparagraph be amended in various respects. However, after consultation with a number of professional and trade associations involved in the processing of registered securities, the Board concluded that the provisions of this subparagraph as drafted are appropriate.

(e) (xv) MONEY DIFFERENCES

Several commentators suggested that the permissible amounts of money differences set forth in the proposed rule be reduced. The Board believes that the amounts specified are appropriate and will serve to expedite the delivery of municipal securities by preventing rejection of a transaction on the basis of relatively minor money differences. At the same time, the interests of the parties will be protected in the event substantial money differences exist.

The Commission staff indicated that the provision for resolution of money differences within ten business days following settlement appeared to impose a limitation upon claims by the parties. The Board has modified this provision to make clear that the rights of parties to seek redress for claims through arbitration or otherwise, is not limited by this provision in the event money differences cannot be reconciled. This provision also requires the parties to take affirmative steps to reconcile money differences promptly.

(f) (ii) CALCULATION OF PRICE

Shearson suggested that the Board adopt a price calculation formula. The Board believes that such action is unnecessary at the present time.

(g) (iii) BASIS FOR RECLAMATION AND TIME

Several commentators made specific suggestions with respect to the time periods provided in the proposed rule for reclamation. The Commission staff asked the Board to review generally the periods provided for reclamation. The Board has made several changes in these provisions along the lines suggested by the commentators, but has otherwise concluded that the time periods set forth in these provisions are appropriate. In making such determination, the Board gave weight not only to the interests of immediate parties to a transaction, but also those of the industry at large in minimizing widespread disruptions resulting from a lengthy chain of transactions that must be revised.

(h) (i) (A) NOTICE OF CLOSE-OUT BY PURCHASER

The PSA suggested that the Board prescribe a close-out notice form, that it not permit telephone notice, but calculate time periods from the date of receipt of written notice, adopt a "mark-to-market" procedure similar to that used in corporate markets and, if such a procedure were adopted, revise certain time periods. The PSA also recommended that the time for commencement of the close-out procedure be extended from five to ten business days, principally to allow for the shorting of term bonds and to provide a time period within which such short positions could be covered. The Commission staff suggested that the Board consider the desirability of a "mark-to-market" procedure. The Commission staff also suggested that the time periods for close-out by the purchaser provided in the proposed rule might be too long.

The Board is of the view that the procedures and time periods provided in the proposed rule are fair and adequate in view of the difficulties in clearing certain transactions in municipal securities, but will expedite resolution of transactions which do not settle on settlement date. The Board believes that telephone notice will expedite close-outs, and also provide a point in time known to both parties to be used for the computation of time periods specified in the proposed rule. The Board does not believe that a "mark-to-market" procedure related to closeout procedures is feasible given the present structure of the municipal markets. Consistent with the Board's broader policy, it was not deemed appropriate to require uniform forms in connection with close-outs.

Finally, with respect to the suggestion that the time periods for commencement of close-out procedures be extended to allow for the shorting of term bonds, the Board believes that the time periods presently provided are already generous and that, in any event, the norm with respect to transactions in municipal securities, whether executed from a short or long position, should be settlement on the settlement date.

(h) (i) (B) CLOSE-OUT BY PURCHASER RESPONSE

Both Shearson and Becker suggested that close-out notices be allowed to be retransmitted regardless of the time periods involved, and that an automatic extension be granted to the receiver of a retransmitted notice. The Board has adopted language which would permit an extension of one business day for each retransmittal of the close-out notice after the first retransmittal.

The PSA suggested revisions to this subparagraph similar to those suggested for subparagraph (A) above. The Board's reasoning in not adopting these suggestions is analogous to that cited in the discussion of that subparagraph.

(h) (i) (C) CLOSE-OUT BY PURCHASER—TIME PERIODS

Several commentators stated that the provision in proposed rule G–12 permitting a seller to delay close-out because it is "taking steps necessary to effect good delivery" was too vague and would permit extensions in virtually all cases. Salomon Brothers suggested that delay in close-outs be permitted only where bonds are in transfer or in transit from a customer.

The Board has included revisions in the proposed amendments to limit those situations in which the seller may obtain an extension of the period for close-out to situations in which there is an offsetting fail to receive or the certificates, coupons or required documentation (e.g. legal opinions) are in transit to the purchaser or seller, have been sent for transfer, deregistration or validation, or have been lost or mutilated and a replacement has been requested. These situations would appear to be those in which the seller would have legitimate cause to be protected from an immediate close-out since the delay is beyond the seller's control.

The PSA recommended that this subparagraph be amended so that the provisions permitting partial close-outs be eliminated, the value at which securities are bought back by the seller be attested by a third party agreeable to both parties to the transaction, and the purchaser's ability to execute a buy-in from the purchaser's contra party removed. The Board is of the view that a purchaser is entitled to delivery of the securities it has contracted to buy, and should therefore be able to close-out a transaction with respect to whatever portion of the securities may be available. With respect to the terms on which securities may be repurchased by the seller, the Board believes that such terms can better be determined by reference to market price or yield than by utilization of a system under which a neutral third party attests to the transaction's appropriateness. If there is substantial disagreement on price between the parties, it is unlikely that they will agree on a neutral third party to establish a valuation. The Board also believes that it would be appropriate to permit a "buy-in" to be executed from a purchaser's contra party in any instance in which this can be accomplished.

(h) (i) (E) CLOSE-OUT BY PURCHASER—CLOSE-OUT NOT COMPLETED

Several commentators suggested that more flexibility be permitted for purchasers under the close-out procedure. The PSA and the NASD suggested that purchasers be permitted to issue more

than one close-out notice with regard to the same transaction and Salomon Brothers and Becker suggested that a close-out notice remain effective until close-out was executed regardless of the time period involved.

In imposing the requirement that close-out procedures be concluded within thirty business days following settlement date, the Board has attempted to prevent undue burdens to sellers, including harassment by purchasers repeatedly issuing close-out notices. The Board also recognizes that a seller is exposed to potential market fluctuations until a transaction settles. The close-out procedures in proposed rule G–12 are designed to give the seller sufficient time to resolve problems with the transaction but provide the buyer with a reasonable means to force resolution if the seller's efforts are not successful. The procedures have also been constructed to preserve the greatest degree of certainty so that each party knows its rights and obligations under the proposed rule.

The Board does, however, agree that it would be unreasonable and unnecessary to restrict a purchaser to a single close-out notice for a given transaction, as long as action with respect to close-out is completed within thirty business days after settlement date.

(h) (i) (F) CLOSE-OUT BY PURCHASER—"CASH" TRANSACTIONS

Certain commentators suggested that this subparagraph be amended to permit purchasers to close out "cash" transactions on the date delivery is due. The Board agrees that a purchaser in a cash transaction would normally expect delivery of the securities on the trade date and therefore should be permitted to close out the transaction at the close of business on that date. This subparagraph has been amended accordingly.

(h) (ii) CLOSE-OUT BY SELLER

The Commission staff and the PSA questioned whether a delay of four business days was necessary before a seller whose good delivery has been rejected should be able to close out a transaction. The PSA urged that the seller be permitted to send a notice of close-out immediately upon rejection of good delivery rather than waiting until the following business day.

The Board believes that greater protection should be afforded to a seller fully performing its obligations to make good delivery. At the same time, the Board believes it necessary to protect a purchaser whose employee may have erroneously rejected delivery. The Board has therefore amended this paragraph to permit the seller to give notice of close-out immediately following rejection of delivery and to execute the close-out at the close of the following business day.

(h) (iii) NOTICE OF EXECUTED CLOSE-OUT

The PSA reiterated earlier comments to the effect that telephone notice should be required following execution of a close-out. The Board believes that written notice is sufficient since there are fewer time constraints once a close-out has been executed.

(i) GOOD FAITH DEPOSITS

The Commission staff observed that this section appears to require physical return of good faith deposits and questioned whether such deposits should be "netted out" in apportioning a syndicate's costs. The Board believes it important that good faith deposits be returned expeditiously and that it would be inappropriate to relate any requirement in this regard to the settlement of syndicate accounts which, under section (j) of the proposed rule, are not required to settle until 60 days following delivery of the securities to the syndicate members.

(j) SETTLEMENT OF SYNDICATE OR SIMILAR ACCOUNTS

The SIA Operations Committee and Salomon Brothers recommended that the period for settlement of syndicate accounts be extended to 90 days while the NASD recommended that the period be reduced to 45 days. They Board believes that the 60 days provided in the proposed rule equitably balances the interests of syndicate members and syndicate managers in resolution of the account.

The NASD also suggested that a syndicate manager be required to distribute the concession or take-down proceeds on designated orders to appropriate account members within 10 business days following delivery. The Board believes that a requirement to distribute these funds within a specified time is appropriate but that a longer period of time should be allowed. Language requiring distribution of the concession or take-down proceeds on designated orders within 30 calendar days has been added in the form of a new section (k).

UNIFORM FORMS

Several commentators suggested that the Board require the use of uniform forms. As indicated under item 3 above, the Board believes it important to encourage participants in the municipal securities markets to adopt procedures which will facilitate more efficient processing mechanisms with respect to municipal securities transactions, and plans to provide samples of the use of uniform forms as attachments to the notice of filing of the proposed amendments as well as other notices that may be issued in connection with the proposed rule. In addition, the Board has made certain modifications in the proposed rule to assure compatibility with uniform forms in general use.

On or before August 9, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

TEXT OF PROPOSED AMENDMENTS[1]

RULE G–12. UNIFORM PRACTICE

(a) Scope and Notice.

(i) All transactions in municipal securities between any broker, dealer or municipal securities dealer and any other broker, dealer or municipal securities dealer shall be subject to the provisions of this rule, *except to the extent that such transactions are compared, cleared and settled through the facilities of a clearing agency registered with the Commission, in which event the rules of such clearing agency shall apply.*

(ii) Failure to deliver securities sold or to pay for securities as delivered, on or after the settlement date, does not effect a cancellation of a transaction which is subject to the provisions of this rule, unless otherwise provided in this rule or agreed upon by the parties.

(iii) Unless otherwise specifically indicated, any *"immediate"* notice required by this rule *or any notice required* to be given "immediately" *shall* [may] be given by telephone, telegraph or [any] other means of communication having same day receipt capability and confirmed in writing within one business day.

(b) Settlement Dates.

(i) Definitions. For purposes of this rule, the following terms shall have the following meanings:

(A) Settlement Date. The term "settlement date" shall mean the day used in price and interest computations, which shall also be the day delivery is due unless otherwise agreed by the parties.

(B) Business Day. The term "business day" shall mean a day recognized by the

[1] *Italics* indicate additions; [brackets] indicate deletions. Proposed rule G–12 in its entirety, including sections which are not being amended, is set forth for ease of reference.

National Association of Securities Dealers, Inc. as a day on which securities transactions may be settled.

tlement date or, with respect to transactions between the manager and members of a syndicate or account formed

price as specified in subparagraph (*I*) [(H)].

firming [contra] party by telephone and, *within one business day* [promptly]

wise have with respect to a transaction which is cancelled pursuant to this para-

both bearer and registered form shall be in bearer form *unless otherwise agreed*

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National Association of Securities Dealers, Inc. as a day on which securities transactions may be settled.

(ii) Settlement Dates. Settlement dates shall be as follows:

(A) For "cash" transactions, the trade date;

(B) For "regular way" transactions, the fifth business day following the trade date;

(C) For "when, as and if issued" transactions, a date agreed upon by both parties, which date shall not be earlier than the fifth business day following the date the confirmation indicating the final settlement date is sent, or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, a date not earlier than the sixth business day following the date the confirmation indicating the final settlement date is sent; provided, however, that if the issuer gives notice of pending delivery within less than six business days before delivery, the settlement date for transactions between the manager and members of the syndicate or account with respect to such issue of securities may be accelerated as determined by the manager, and, in such event, all other "when, as and if issued" transactions with respect to such issue of securities may, *but need not*, be [similarly] accelerated by each seller *by not more than the number of days of acceleration by the syndicate manager*; and

(D) For all other transactions, a date agreed upon by both parties.

(iii) Notice of Accelerated Delivery. In the event the issuer gives notice of pending delivery of securities within less than six business days before delivery, the manager of a syndicate or account formed to purchase the securities from the issuer shall, [immediately] upon determination of the accelerated delivery date pursuant to subparagraph (b)(ii)(C) hereof, give *immediate* notice to the members of the syndicate or account of the settlement date for transactions between the manager and the members.

(c) Dealer Confirmations.

(i) Except as otherwise indicated in this section (c), each party to a transaction shall send a confirmation of the transaction to the other party within *one* [two] business day(s) following the trade date.

(ii) Confirmations of cash transactions shall be exchanged on the trade date, which may be accomplished by telephone with written confirmations sent within one business day following the trade date.

(iii) For transactions effected on a "when, as and if issued" basis, initial confirmations shall be sent within two business days following the trade date. Confirmations from a syndicate or account manager to the members of the syndicate or account may be in the form of a letter, covering all maturities of the issue, setting forth the information hereafter specified in this section (c). Confirmations indicating the final settlement date shall be sent by the seller at least five business days prior to the settlement date or, with respect to transactions between the manager and members of a syndicate or account formed to purchase securities from an issuer, at least six business days prior to the settlement date; provided, however, that if the settlement date is accelerated pursuant to subparagraph (b)(ii)(C) above, final confirmations shall be sent by each seller immediately upon determination by it of the settlement date.

(iv) *For transactions in new issue securities having a settlement date more than six business days following the trade date for which only one confirmation is sent, such confirmation shall be sent within two business days following the trade date.*

(v) [(iv)] Each confirmation shall contain the following information:

(A) Confirming party's name, address and telephone number;

(B) "Contra party" identification;

(C) Designation of purchase from or sale to;

(D) Par value of the securities;

(E) Description of the securities, including at a minimum the name of the issuer, interest rate, maturity date, and if the securities are limited tax, subject to redemption prior to maturity (callable), or revenue bonds, an indication to such effect, including in the case of revenue bonds the type of revenue, if necessary for a materially complete description of the securities, and in the case of any securities, if necessary for a materially complete description of the securities, the name of any company or other person in addition to the issuer obligated, directly or indirectly, with respect to debt service or, if there is more than one such obligor, the statement "multiple obligors" may be shown;

(F) *CUSIP number, if any, assigned to the securities*;

(G) [(F)] Trade date;

(H) [(G)] Settlement date;

(I) [(H)] Yield to maturity and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to call, this must be stated, *and* [;] where a transaction is effected on a yield basis, the calculation of dollar price shall be to the lower of price to call or price to maturity);

(J) [(I)] Amount of concession, if any, per $1,000 par value unless stated to be an aggregate figure;

(K) [(J)] Amount of accrued interest;

(L) [(K)] Extended principal amount;

(M) [(L)] Total dollar amount of transaction; and

(N) [(M)] Instructions, if available, regarding receipt or delivery of securities, and form of payment if other than as usual and customary between the parties.

The initial confirmation for a "when, as and if issued" transaction shall not be required to contain the information specified in subparagraphs (H), (K), (L), *and* (M) [(G), (J), (K), and (L)] of this paragraph or the resulting dollar price as specified in subparagraph (I) [(H)].

(vi) [(v)] In addition to the information required by paragraph (v) [(iv)] above, each confirmation shall contain the following information, if applicable:

(A) Dated date if it affects the price or interest calculation, and first interest payment date, if other than semi-annual;

(B) If the securities are "fully registered" or "registered as to principal only," a designation to such effect;

(C) If the securities are "called" or "pre-refunded," a designation to such effect, the date of maturity which has been fixed by the call notice, and the amount of the call price;

(D) Denominations of notes and, if other than those specified in paragraph (e)(iv) hereof, denominations of bonds;

(E) Any special instructions or qualifications, or factors affecting payment of principal or interest, such as (A) "ex legal," or (B) if the securities are traded without interest, "flat," or (C) if the securities are in default as to the payment of interest or principal, "in default"; and

(F) Such other information as may be necessary to ensure that the parties agree to the details of the transaction.

(d) Comparison and Verification of Confirmations; Unrecognized Transactions.

(i) [Promptly] *Upon* receipt of a confirmation, each party to a transaction shall compare and verify such confirmation to ascertain whether any discrepancies exist. If any discrepancies exist in the information as set forth in the *two compared* confirmations, the party discovering such discrepancies shall promptly communicate such discrepancies to the contra party and both parties shall promptly attempt to resolve the discrepancies. In the event the parties are able to resolve the discrepancies, the party in error shall, *within one business day following such resolution,* [promptly] send *a corrected confirmation* to the contra party [a corrected confirmation]. Such confirmation shall indicate that it is a correction and the date of the [correction] *corrected confirmation. In the event the parties are unable to resolve the discrepancies, each party shall promptly send to the contra party a written notice, return receipt requested, indicating nonrecognition of the transaction.*

(ii) In the event a party receives a confirmation for a transaction which it does not recognize, it shall promptly seek to ascertain whether a trade occurred and the terms of the trade. In the event it determines that a trade occurred and the confirmation it received was correct, such party shall immediately notify the *confirming* [contra] party by telephone and, *within one business day* [promptly] thereafter, send [to the contra party] a written confirmation of the transaction *to the confirming party.* In the event *a party cannot confirm the trade, such* [the trade cannot be confirmed], [the] party [which does not recognize the trade] shall immediately notify the *confirming* [contra] party by telephone and, *within one business day* [promptly] thereafter send *a written notice,* return receipt requested, [a written notice] to the *confirming* [contra] party, indicating nonrecognition of the transaction. [and the contra party shall,] *Promptly* upon receipt of such notice, *the confirming party shall* verify its records and, if it agrees with the *non-confirming* party, [sending the notice] indicating nonrecognition of the transaction,] *promptly send a notice of cancellation of the transaction,* return receipt requested, *to the non-confirming party.* [a notice of cancellation of the transaction.]

(iii) In the event a party has sent a confirmation of a transaction, but fails to receive a confirmation from the contra party or a notice indicating nonrecognition of the transaction within four business days of the trade date, the confirming party shall promptly seek to ascertain whether a trade occurred. If, after such verification, such party believes that a trade occurred, it shall immediately notify the *non-confirming* [contra] party by telephone to such effect and send, within one business day *thereafter,* [return receipt requested,] a written notice, *return receipt requested, to the non-confirming party,* indicating failure to confirm. Promptly following receipt of telephone notice from the confirming party, the *non-confirming* [contra] party shall seek to ascertain whether a trade occurred and the terms of the trade. In the event the *non-confirming* [contra] party determines that a trade occurred, it shall immediately notify the confirming party by telephone to such effect and, *within one business day* [promptly] thereafter, send a written confirmation of the transaction *to the confirming party.* In the event *a party* [the trade] cannot *confirm the trade, such* [be confirmed, the contra] party shall promptly send[,] [return receipt requested,] a written notice, *return receipt requested, to the confirming party,* indicating nonrecognition *of the transaction.* [to the confirming party.]

(iv) *If procedures are initiated pursuant to paragraph (ii) of this section, the procedures required by paragraph (iii) need not be followed; and conversely, if procedures are initiated pursuant to paragraph (iii) of this section, the procedures required by paragraph (ii) need not be followed.*

(v) [(iv)] In the event any material discrepancies or differences, basic to the transaction, remain unresolved by the close of the business day following receipt *by a party* of a written notice indicating nonrecognition, or by the close of the business day following the date the confirming party *gives* [gave] telephone notice of the transaction to the *non-confirming* [contra] party pursuant to paragraph (iii) above, whichever first occurs, the transaction may be cancelled by the confirming party or, in the event there exists disagreement concerning the terms of the transaction, by either confirming party. Nothing herein contained shall be construed to affect whatever rights the confirming party or parties may otherwise have with respect to a transaction which is cancelled pursuant to this paragraph.

(vi) [(v)] Nothing herein contained shall be construed to prevent the settlement of a transaction prior to completion of the procedures prescribed in this section (d); provided that each party to the transaction shall be responsible for sending to the other party, within one business day of such settlement, a confirmation evidencing the terms of the transaction.

(vii) [(vi)] The notices referred to in this section indicating nonrecognition of a transaction or failure to confirm a transaction shall contain sufficient information to identify the confirmation to which the notice relates including, at a minimum, the information set forth in subparagraphs (A) [(D)] through (E), (G) *and* (H) [(G)] of paragraph (c) (v) [(iv), as well as the confirmation number]. In addition, such notice shall identify the firm and person providing such notice and the date thereof. The requirements of this paragraph may be satisfied by providing a copy of the confirmation of an unrecognized transaction, marked "don't know," together with the name of the firm and person providing such notice and the date thereof.

(e) Delivery of Securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) Place and Time of Delivery. Delivery shall be made at the office of the purchaser, or its designated agent, between the hours established by rule or practice in the community in which such office is located. *If the parties so agree, book entry will constitute good delivery for purposes of this rule.*

(ii) Delivery Ticket. A delivery ticket shall accompany the delivery of securities. Such ticket shall contain the information set forth in subparagraphs (A), (B), (D) through (H) [(G)], [(L) and] (M) *and* (N) of paragraph (c) (v) [(iv)] and, to the extent applicable, the information set forth in subparagraphs (A), (B), (D), (E) and (F) of paragraph (c) (vi) [(v)] and shall have attached to it an extra copy of the ticket which may be used to acknowledge receipt of the securities.

(iii) Partial Delivery. The purchaser shall not be required to accept a partial delivery with respect to a single trade *in a single security. For purposes of this paragraph, a "single security" shall mean a security of the same issuer having the same maturity date, coupon rate and price.*

(iv) Units of Delivery. Delivery of bonds shall be made in the following denominations:

(A) For bearer bonds, in denominations of $1,000 or $5,000 par value; and

(B) For registered bonds, in denominations which are multiples of $1,000 par value, up to $100,000 par value.

Delivery of notes shall be made in the denominations specified on the confirmation as required pursuant to paragraph (c)(vi) [(v)] of this rule.

(v) Bearer and Registered Form. Delivery of securities which are issuable in both bearer and registered form shall be in bearer form *unless otherwise agreed by the parties.*

(vi) Mutilated Certificates. Delivery of a certificate which is damaged to the extent that any of the following is not ascertainable: (A) Name of issuer; (B) Par value; (C) Signature; (D) Coupon rate; (E) Maturity date; (F) Seal of the issuer; or (G) Bond or note number,

shall not constitute good delivery unless validated by the trustee, registrar, transfer agent, paying agent or issuer of the securities or by an authorized agent or official of the issuer.

(vii) Coupon Securities. (A) Coupon securities shall have securely attached to the certificate in the correct sequence all appropriate coupons, including supplemental coupons if specified at the time of trade, which in the case of securities upon which interest is in default shall include all unpaid *or partially paid* coupons. All coupons attached to the certificate must have the same serial number as the certificate.

(B) Anything herein to the contrary notwithstanding, if securities are traded "and interest" and the settlement date is on or after the interest payment date, such securities shall be delivered without the coupon payable on such interest payment date.

(C) If delivery of securities is due within 30 calendar days prior to an interest payment date, the seller may deliver to the purchaser a *draft or bank check of the seller or its agent* [cashier's or certified check], payable on the date delivery is made, in an amount equal to the interest due, in lieu of the coupon.

(viii) Mutilated or Cancelled Coupons. Delivery of a certificate which bears a coupon which is damaged to the extent that any one of the following cannot be ascertained from the coupon:

(A) Title of the issuer;

(B) Bond or note number;

(C) Coupon number or payment date (if either the coupon number or the payment date is ascertainable from the coupon, the coupon will not be considered mutilated); or

(D) The fact that there is a signature; or which coupon has been cancelled, shall not constitute good delivery unless the coupon is endorsed or guaranteed. In the case of damaged coupons, such endorsement or guarantee must be by the issuer or by a commercial bank. In the case of cancelled coupons, such endorsement or guarantee must be by the issuer, or an authorized agent or official of the issuer, or by the trustee or paying agent.

(ix) Delivery of Certificates Called for Redemption. A certificate for which a notice of call has been published prior to the trade date shall not constitute good delivery unless the securities are identified as "called" at the time of trade. [If a notice of call is published on or after the trade date, the transaction shall be deemed cancelled.]

(x) Delivery Without Legal Opinions or Other Documents. Delivery of certificates without legal opinions or other documents legally required to accompany the certificates shall not constitute

good delivery unless identified as "ex legal" at the time of trade.

(xi) Insured Securities. Delivery of

minor; a receiver in bankruptcy; an agent; an attorney; or, except as pro-

(ii) Calculation of Price. Calculations to determine the price and yield to ma-

reclaim securities, rejection or reclama-

writing, return receipt requested, within

(3) Accept from the seller in satisfac-

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good delivery unless identified as "ex legal" at the time of trade.

(xi) Insured Securities. Delivery of certificates for securities traded as insured securities shall be accompanied by evidence of such insurance, either on the face of the certificate or in a document attached to the certificate.

(xii) Endorsements for Banking or Insurance Requirements. A security bearing an endorsement indicating that it was deposited in accordance with legal requirements applicable to banking institutions or insurance companies shall not constitute good delivery unless it bears a release acknowledged before an officer authorized to take such acknowledgements and was designated as a released endorsed security at the time of trade.

(xiii) Delivery of Registered Securities. (A) Assignments. Delivery of a certificate in registered form must be accompanied by an assignment on the certificate or on a *detached assignment* [separate bond power] for such certificate, containing a signature which corresponds in every particular with the name written upon the certificate, except that the following shall be interchangeable: "and" or "&"; "Company" or Co."; "Incorporated" or "Inc."; and "Limited" or "Ltd.".

(B) Detached Assignment Requirements. A detached assignment shall provide for the irrevocable appointment of an attorney, with power of substitution, a full description of the security, including the name of the issuer, the maturity date and interest rate, the bond or note number, and the par value (expressed in words and numerals).

(C) Power of Substitution. When the name of an individual or firm has been inserted in an assignment as attorney, a power of substitution shall be executed in blank by such individual or firm. When the name of an individual or firm has been inserted in a power of substitution as a substitute attorney, a new power of substitution shall be executed in blank by such individual or firm. When the name of an individual or firm has been inserted in a power of substitution as a substitute attorney, a new power of substitution shall be executed in blank by such substitute attorney.

(D) Guarantee. Each assignment, endorsement, alteration and erasure shall bear a guarantee acceptable to the transfer agent or registrar.

(E) Certificate in Name of a Party Other Than a Natural Person. A certificate registered in the name of a party other than a natural person, or in a name with official designation, shall constitute a good delivery only if the statement "Proper papers for transfer filed by assignor" is placed on the assignment and signed by the transfer agent.

(F) Certificate in Name of Deceased Person, Trustee, Etc.

(1) A certificate shall not constitute good delivery if executed with a qualification, restriction, or special designation or if delivered in the name of, or with an assignment or power of substitution executed by a person since deceased; a minor; a receiver in bankruptcy; an agent; an attorney; or, except as provided in subparagraph (2) below, a trustee or trustees (except for trustees acting in the capacity of a board of directors of a corporation or association in which case the requirements of subparagraph (E) above shall apply), a guardian, an executor, or an administrator.

(2) A certificate shall constitute good delivery with an assignment or a power of substitution executed by an individual executor or administrator; an individual trustee under an inter vivos or testamentary trust; a guardian (including committees, conservators and curators); or a custodian acting pursuant to the provisions of the Uniform Gifts to Minors Act.

(G) Payment of Interest. If a registered security is traded "and interest" and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, delivery shall be accompanied by a *draft or bank check of the seller or its agent* [cashier's or certified check], payable on the date delivery is made, for the amount of the interest.

(H) Registered Securities Traded "Flat". If a registered security is traded "flat" (i.e. is in default in the payment of interest) and transfer of record ownership cannot be accomplished on or before the record date for the determination of registered holders for the payment of interest, an interest payment date having been established on or after the trade date, delivery shall be accompanied by a *draft or bank check of the seller or its agent* [cashier's or certified check], payable on the date delivery is made, for the amount of the payment to be made by the issuer, unless the security is traded "ex-interest."

(xiv) Expenses of Shipment. Expenses of shipment of securities, including insurance, postage, draft, and collection charges, shall be paid by the seller.

(xv) Money Differences. The following money differences shall not be sufficent to cause rejection of delivery:

Par value	*Maximum differences per transaction*
$1,000 to $24,999	$10
$25,000 to $99,999	25
$100,000 to $249,999	60
$250,000 to $999,999	250
$1 million and over	500

The calculations of the seller shall be utilized in determining the maximum permissible differences and amount of payment to be made upon delivery. *The parties shall seek to reconcile* any such money differences [must be reconciled by the parties] within ten business days following settlement.

(f) Payment. (i) Calculation of Interest. Unless otherwise agreed by the parties, in the settlement of transactions in interest-paying securities there shall be added to the dollar price interest at the rate specified in the security, which shall be computed up to but not including the settlement date.

(ii) Calculation of Price. Calculations to determine the price and yield to maturity of municipal securities shall be made in accordance with applicable rules of the Board, if any.

(g) Rejections and Reclamations. (i) Definitions. For purposes of this section, the terms "rejection" and "reclamation" shall have the following meanings:

(A) "Rejection" shall mean refusal to accept securities which have been presented for delivery.

(B) "Reclamation" shall mean return by the receiving party of securities previously accepted for delivery or a demand by the delivering party for return of securities which have been delivered.

(ii) Basis for Rejection. Securities presented for delivery may be rejected if the contra party fails to make a good delivery.

(iii) Basis for Reclamation and Time Limits. A reclamation may be made by either the receiving party or the delivering party if, subsequent to delivery, information is discovered which, if known at the time of delivery, would have caused the delivery not to constitute good delivery, provided such reclamation is made within the following time limits:

(*A*) [(B)] Reclamation by reason of the following shall be made within one business day following the date of delivery:

(1) not good delivery because a coupon, or an interest check in lieu thereof, required by this rule to accompany delivery was missing; or

(2) not good delivery because a certificate or coupon was mutilated in a manner inconsistent with the provisions of paragraphs (e)(vi) or (viii) hereof; *or*

(*B*) [(C)] Reclamation because an interest check accompanying delivery was not honored shall be made within three business days following *receipt by the purchaser of the notice of dishonor.* [the date of delivery].

(*C*) [(A)] Reclamation by reason of the following shall be made within 18 months following the date of delivery:

(1) irregularity in delivery, including, but not limited to, delivery of the wrong issue (*i.e.*, issuer, coupon rate or maturity date), duplicate delivery, delivery to the wrong party or location, or over delivery; or

(2) refusal to transfer or deregister by the transfer agent *due to a lack of documentation required by paragraph (e)(xiii) of this rule.*

(D) Reclamation by reason of the following may be made without any time limitation:

(1) the security delivered is reported missing, stolen, fraudulent or counterfeit; or

(2) not good delivery because notice of call for the certificate was published prior to the trade date and this was not specified at the time of trade.

The running of any of the time periods specified in this paragraph shall not be deemed to foreclose a party's right to pursue its claim via other means, including arbitration.

(iv) Procedure for Rejection or Reclamation. If a party elects to reject or

reclaim securities, rejection or reclamation shall be effected by sending a written notice which contains sufficient information to identify the delivery to which the notice relates, including a copy of the original delivery ticket or other proof of delivery and to the extent not set forth on such document, the following:

(A) The name of the party delivering the securities;

(B) The name of the party receiving the securities;

(C) A description of the securities;

(D) The date the securities were delivered;

(E) The date of rejection or reclamation;

(F) The par value of the securities which are being rejected or reclaimed;

(G) In the case of a reclamation, the amount of money the securities are reclaimed for;

(H) The reason for rejection or reclamation; and

(I) The name and telephone number of the person to contact concerning the rejection or reclamation.

(v) Acceptance or Delivery of Securities. Upon rejection or reclamation properly made pursuant to this rule, the securities rejected or reclaimed shall be accepted or delivered as required by the notice of rejection or reclamation and the exchange of correct monies or securities shall be made.

(vi) Effect of Rejection or Reclamation. Rejection or reclamation of securities shall not constitute a cancellation of the transaction.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the purchaser elects to close out a transaction in accordance with this paragraph (i), the purchaser shall, not earlier than the fifth business day following the settlement date, notify the seller by telephone of the purchaser's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the seller. Such notice shall be accompanied by a copy of the seller's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the fifth business day following the date the telephonic notice is given, or as provided in subparagraph (C) below, the transaction may be closed out in accordance with this section.

(B) Response. The seller shall respond to the notice of close-out in writing, or by telephone call promptly confirmed in writing, return receipt requested, within one business day following the date the telephonic notice required by subparagraph (A) is given, stating the seller's reasons for failing to complete the transaction. *Any party receiving a notice of close-out* [The seller] may retransmit the notice [of close-out] to another party from whom the securities are due, provided that *any* [the] retransmitted notice must be received by such other party not later than one business day preceding the [specified] date for close-*out as specified on the original notice or as extended due to retransmittals. Each retransmittal subsequent to the initial retransmittal shall extend the date for close-out by one business day and the party retransmitting the notice shall attach to the notice a memorandum specifying the extended date for close-out resulting from such retransmittal and shall immediately notify the purchaser originating the close-out notice of the extended date.* Any party receiving a retransmitted notice of close-out shall respond to the party retransmitting the notice within the time periods and according to the procedures provided herein for the seller's response.

(C) Time Periods. If by the close of the fifth business day following the date the close-out notice was given, the purchaser has received no response *or notice of retransmittal* or has received a response which fails to provide an adequate explanation, as described below, for the seller's failure to complete the transaction, the purchaser may close out the transaction in accordance with the terms of the close-out notice. If the purchaser has received an adequate explanation of the seller's failure to complete the transaction, the purchaser may not close out the transaction before the close of the fifteenth business day following the date the close-out notice was given. For purposes of this subparagraph, a seller shall be deemed to have provided an adequate explanation for its failure to complete the transaction [if it is taking steps necessary to effect good delivery of the securities and so states or] *only* if it has an offsetting fail to receive outstanding of the same security and so states *or if the cerificates, coupons or documentation required by this rule are in transit to the purchaser or the seller, have been sent for transfer, deregistration or validation, or have been lost or mutilated and replacements have been requested, and the seller so states. If the purchaser has received a notice of retransmittal extending the date for close-out, the transaction may not be closed out before the close of business on the latest extended date.*

(D) Purchaser's Options. To close out a transaction as provided herein the purchaser may, at its option:

(1) Purchase ("buy-in") at the current market all or any part of the securities necessary to complete the transaction, for the account and liability of the seller;

(2) Cancel the transaction as to all or any part of the securities necessary to complete the transaction;

(3) Accept from the seller in satisfaction of the seller's obligation under the original contract (which shall be concurrently cancelled) the delivery of municipal securities which are comparable to those originally bought in quantity, quality, yield or price, and maturity, with any additional expenses or any additional cost of acquiring such substituted securities being borne by the seller; or

(4) Require the seller to repurchase the securities on terms which provide that the seller pay an amount *which includes* [equal to] accrued interest and bear the burden of any change in market price or yield.

A close-out will operate to close out all transactions covered under retransmitted notices. A buy-in may be executed from a long position in customers' accounts maintained with the party executing the buy-in or, with the agreement of the seller, from the purchaser's contra party. In all cases, the purchaser must be prepared to defend the price at which the close-out is executed relative to market conditions at the time of the execution.

(E) Close-Out Not Completed. A close-out procedure instituted pursuant to this rule (including any action by the purchaser pursuant to subparagraph (D) of this paragraph) must be completed not later than the thirtieth business day following the settlement date. If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire. [and no further close-out notices for the same transaction may be issued] *Additional close-out notices may be issued, provided that a close-out procedure initiated pursuant to this rule with respect to a transaction must be completed not later than the thirtieth business day following the settlement date, regardless of the number of close-out notices issued. Anything herein to the contrary notwithstanding, each time period specified in this subparagraph (E) shall be extended by one business day for each retransmittal of the notice of close-out subsequent to the initial retransmittal.*

(F) "Cash" Transactions. The purchaser may close out transactions made for "cash" or made for or amended to include guaranteed delivery *at the close of business* [during normal trading hours] on the [business day following the] day delivery is due [, provided that the purchaser shall give the seller at least one business day's notice of the close-out by telephone or telegraph, immediately confirmed in writing].

(ii) Close-Out by Seller. If a seller makes good delivery according to the terms of the transaction and the requirements of this rule and the purchaser rejects delivery, the seller may close out the transaction in accordance with the following procedures:

(A) Notice of Close-Out. If the seller elects to close out a transaction in accordance with this paragraph (ii), the seller shall, not *later than the close of business on* [earlier than one business day following] the date *of rejection* of

delivery, notify the purchaser by telephone of the seller's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the purchaser. Such notice shall be accompanied by a copy of the executed transaction, if any.

(B) Response. The purchaser shall respond to the notice of close-out in writing, or by telephone call promptly confirmed in writing, return receipt requested, within one business day following the date the telephonic notice required by subparagraph (A) is given, stating the purchaser's reasons for failing to complete the transaction. *Any party receiving a notice of close-out* [The purchaser] may retransmit the notice [of close-out] to another party from whom the securities are due, provided that *any* [the] retransmitted notice must be received by such other party not later than one business day preceding the [specified] date for close-*out as specified on the original notice or as extended due to retransmittals. Each retransmittal subsequent to the initial retransmittal shall extend the date for close-out by one business day and the party retransmitting the notice shall attach to the notice a memorandum specifying the extended date for close-out resulting from such retransmittal and shall immediately notify the purchaser originating the close-out notice of the extended date.* Any party receiving a retransmitted notice of close-out shall respond to the party retransmitting the notice within the time periods and according to the procedures provided herein for the purchaser's response.

(C) Time Periods. If by the close of the fifth business day following the date the close-out notice was given, the seller has received no response *or notice of retransmittal* or has received a response which fails to provide an adequate explanation, as described below, for the purchaser's failure to complete the transaction, the seller may close out the transaction in accordance with the terms of the close-out notice. If the seller has received an adequate explanation of the purchaser's failure to complete the transaction, the seller may not close out the transaction before the close of the fifteenth business day following the date the close-out notice was given. For purposes of this subparagraph, a purchaser shall be deemed to have provided an adequate explanation for its failure to complete the transaction [if it is taking steps necessary to effect good delivery of the securities and so states or] *only* if it has an offsetting fail to deliver outstanding of the same security and so states *or if the certificates, coupons or documentation required by this rule are in transit to the purchaser or the seller, have been sent for transfer, deregistration or validation, or have been lost or mutilated and replacements have been requested, and the purchaser so states. If the seller has received a notice of retransmittal extending the date for close-out, the transaction may not be closed out before the close of business on the latest extended date.*

(D) Seller's Options. To close out a transaction as provided herein the seller may, at its option:

(1) Sell ("sell-out") at the current market all or any part of the securities necessary to complete the transaction, for the account and liability of the purchaser;

(2) Cancel the transaction as to all or any part of the securities necessary to complete the transaction;

(3) Require the purchaser to repurchase the securities on terms which provide that the purchaser pay an amount *which includes* [equal to] accrued interest and bear the burden of any change in market price or yield.

A close-out will operate to close out all transactions covered under retransmitted notices. A sell-out may be executed from a short position in customers' accounts maintained with the party executing the sell-out or, with the agreement of the purchaser, from the seller's contra party. In all cases, the seller must be prepared to defend the price at which the close-out is executed relative to market conditions at the time of the execution.

(E) Close-Out Not Completed. A close-out procedure instituted pursuant to this rule (including any action by the seller pursuant to subparagraph (D) of this paragraph) must be completed not later than the thirtieth business day following the settlement date. If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire. [and no further close-out notices for the same transaction may be issued] *Additional close-out notices may be issued, provided that a close-out procedure initiated pursuant to this rule with respect to a transaction must be completed not later than the thirtieth business day following the settlement date, regardless of the number of close-out notices issued. Anything herein to the contrary notwithstanding, each time period specified in this subparagraph (E) shall be extended by one business day for each retransmittal of the notice of close-out subsequent to the initial retransmittal.*

(F) "Cash" Transactions. The seller may close out transactions made for "cash" or made for or amended to include guaranteed delivery *at the close of business* [during normal trading hours] on the [business day following the] day delivery is due [, provided that the seller shall give the purchaser at least one business day's notice of the close-out by telephone or telegraph, immediately confirmed in writing].

(j) Settlement of Syndicate or Similar Account. Final settlement of a syndicate or similar account formed for the purchase of securities shall be made

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delivery, notify the purchaser by telephone of the seller's intention to close out the transaction and immediately thereafter send, return receipt requested, a written notice of close-out to the purchaser. Such notice shall be accompanied by a copy of the purchaser's confirmation of the transaction to be closed out or other written evidence of the contract between the parties. The notice shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the [third] business day following the date the telephonic notice is given, the transaction may be closed out in accordance with this section.

(B) Execution of Close-Out. Not earlier than the close of the [third] business day following the date telephonic notice of close-out is given to the purchaser, the seller may sell out the transaction at the current market for the account and liability of the purchaser.

(iii) Notice of Executed Close-Out. The party executing a close-out shall, immediately upon execution, notify via hand delivery or other written media having same-day receipt capabilities, the party for whose account and liability the transaction was closed-out, stating the means of closing out utilized and forwarding a copy of the confirmation of the executed transaction, if any.

(iv) Close-Out Under Special Rulings. Nothing herein contained shall be construed to prevent brokers, dealers or municipal securities dealers from closing out transactions as directed by a ruling of a national securities exchange, a registered securities association or an appropriate regulatory agency issued in connection with the liquidation of a broker, dealer or municipal securities dealer.

(v) Procedures Optional. Nothing herein contained shall be construed to require the parties to follow the close-out procedures herein specified if they otherwise agree.

(i) Good Faith Deposits. Good faith deposits shall be returned by the manager of a syndicate or similar account formed for the purchase of securities from an issuer, to the members of the syndicate or account within two business days following the date of settlement with the issuer, or, in the event the syndicate or account is not successful in purchasing the issue, within two business days following the return of the deposit from the issuer.

(j) Settlement of Syndicate or Similar Account. Final settlement of a syndicate or similar account formed for the purchase of securities shall be made within 60 days following the date all securities have been delivered by the syndicate or account manager to the syndicate or account members.

(k) *Any credit designated by a customer in connection with the purchase of securities as due to a member of a syndicate or similar account shall be distributed to such member by the municipal securities broker or municipal securities dealer handling such order within 30 business days following delivery of the securities to the customer.*

(l) [(k)] Effective Date. The requirements of this rule shall become effective on _____, (*60 days following the date of approval of the rule by the Commission*),[1] *with the exception of the requirements set forth in item* (c)(v)(F), *which shall become effective on January 1, 1979.*

[FR Doc.77-18929 Filed 7-1-77;8:45 am]

[1] Parentheses indicate explanatory material. Such material will be deleted when the specific date described is determined.

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PART IV

ENVIRONMENTAL PROTECTION AGENCY

SOLID WASTE PLANNING AND DISPOSAL

Advance Notice of Proposed Rulemaking

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ENVIRONMENTAL PROTECTION AGENCY

SUPPLEMENTAL INFORMATION: The purpose of this notice is to solicit data, descriptive rather than prescriptive and should provide guidance for the design

and 1004(3) of the Act. Any wastes (solid, liquid, semiliquid, or contained gases) information that could be used to comply with criteria for solid waste disposal Should processing in addition to diges-

ENVIRONMENTAL PROTECTION AGENCY

(FRL 723-4)

[40 CFR Parts 241, 257, 258, 259]

SOLID WASTE PLANNING AND DISPOSAL

Advance Notice of Proposed Rulemaking

AGENCY: U.S. Environmental Protection Agency.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580) requires the Environmental Protection Agency to develop certain regulations and guidelines pertaining to solid waste management practices. This Notice pertains to the following specific regulation and guidelines:

(1) Guidelines for the land disposal of municipal solid waste;

(2) Criteria for classification of solid waste disposal facilities;

(3) Guidelines for the land disposal of municipal wastewater treatment sludges; and

(4) State planning guidelines.

The notice solicits the public's views prior to publication of specific proposals for further comment.

DATES: Comments received within 30 days of publication of this notice will be of primary importance in developing the proposals. Comments received after proposal will, of course, be considered in the development of the final regulation and guidelines.

ADDRESSES: For purposes of Agency recordkeeping, specific docket numbers and individuals have been assigned to each of the rulemakings. Comments should specify the appropriate individual's name and the docket number as provided below. The mailing address for all comments is:

Environmental Protection Agency, Office of Solid Waste (AW-464), 401 M Street SW., Washington, D.C. 20460. Attention: Name of Individual, Docket No. (see below).

FOR FURTHER INFORMATION CONTACT:

Guidelines for the Land Disposal of Municipal Solid Waste (40 CFR 241, Subpart C)—

Mr. Bernard J. Stoll, Docket No. 1008.1; telephone 202-755-9116.

Criteria for classification of Solid Waste Disposal Facilities (40 CFR 257)—

Mr. Kenneth A. Shuster, Docket No. 4004; telephone 202-755-9116.

Guidelines for the Land Disposal of Municipal Wastewater Treatment Sludge (40 CFR 258)—

Mr. Bruce R. Weddle, Docket No. 1008.2; telephone 202-755-9120.

State Planning Guidelines (40 CFR 259)—

Mr. George A. Garland, Docket No. 4002.2; telephone 202-755-9125.

SUPPLEMENTAL INFORMATION: The purpose of this notice is to solicit data, case studies, operating experiences, and other information from the public for consideration in the development of certain guidelines and criteria for the land disposal of solid waste and for solid waste management planning under subtitles A and D of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("the Act").

Section 4004(a) of the Act requires the promulgation of criteria by which solid waste disposal facilities can be classified as sanitary landfills or as open dumps. Such criteria must be promulgated by October 21, 1977. Also required at that time are guidelines providing a technical and economic description of the level of performance that can be achieved by various solid waste management practices (Section 1008). Two sets of guidelines are currently planned, covering the land disposal of municipal solid waste and the land disposal of municipal wastewater treatment sludges. Finally, section 4002(b) of the Act requires the promulgation of guidelines by April 21, 1978 to assist in the development and implementation of State solid waste management plans. EPA announced its intent to promulgate these criteria and guidelines in a Notice of Intent to Develop Rulemaking published in the FEDERAL REGISTER on February 17, 1977 (42 FR 9803).

This notice is part of a broad program to solicit public participation of all aspects of implementing the Act. It includes detailed questions on each of the four rulemakings. Interested persons are invited to comment on any or all of these questions, and are requested to group their responses under the docket number indicated for each rulemaking. Responses will not be acknowledged, although those who comment may be contacted by EPA staff for further information or elaboration as regulation developed proceeds.

All comments will be available for public inspection at EPA during normal business hours. Requests for access to these comments should be directed to the above address.

GUIDELINES FOR THE LAND DISPOSAL OF SOLID WASTE

Section 1008 requires that solid waste guidelines be published to "provide a technical and economic description of the level of performance that can be attained by various available solid waste management practices" and further to "describe levels of performance, including appropriate methods and degrees of control, that provide at a minimum" for, among other things, "protection of public health and welfare," and "protection of the quality of ground waters and surface waters from leachates."

The guidelines should describe methods that could be employed to comply with the criteria for solid waste disposal facilities which are being developed under the authority of section 4004(a). The nature of the guidelines should be descriptive rather than prescriptive and should provide guidance for the design and operation of solid waste land disposal facilities.

While the guidelines are advisory for states and municipalities, the Act specifies that they are mandatory for Federal facilities (Section 6004) and recipients of financial assistance for demonstration and implementation projects authorized by the Act under Sections 4008(a)(2), 8001, 8004, and 8006.

In 1974 the Agency issued "Guidelines for the Land Disposal of Solid Waste" (40 CFR 241) for the disposal of mixed municipal solid wastes in conventional sanitary landfills. The guidelines to be developed under the subject rulemaking will replace the 1974 guidelines with new and updated information on alternative procedures to achieve environmentally acceptable land disposal of muncipal solid waste.

Questions pertinent to the development of these guidelines are:

1. What solid waste disposal facilities and process methodologies should be addressed in the guidelines?

2. What size solid waste disposal facilities should the guidelines address?

3. Should the guidelines identify "preferred" methodologies or simply present acceptable alternative practices?

4. Which, if any, regional, geographic, demographic, and climatic factors should be incorporated into the guidelines?

5. Protection of ground and surface water quality is a major intent of these guidelines. How should the guidelines address disposal facility location, design, operation, and monitoring with regard to ground and surface waters?

6. What topics of overall design and operation of a solid waste disposal facility should be included in the guidelines?

CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES

Section 4004(a) requires that the Administrator promulgate regulations containing criteria for determining which disposal facilities are to be classified as sanitary landfills and which are to be classified as open dumps within the meaning of the Act. At a minimum, such criteria are to provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at the facility.

These criteria for classification of solid waste disposal facilities are the keystone of the land protection provisions of the Act. The criteria will form the basis for a national inventory of open dumps (section 4005(b)), for closure or upgrading of existing open dumps and prohibition of new open dumps (sections 4005(c), 4004(b) and (c), and 4003(2)), and for guideline development (secton 1008).

Key to the development and application of these criteria are the broad statutory definitions of "solid waste" and "disposal" provided in sections 1004(27) and 1004(3) of the Act. Any wastes (solid, liquid, semiliquid, or contained gases) placed on or in the land, including municipal and industrial disposal facilities, surface impoundments, and landspreading, may be addressed by the criteria. These definitions require broader application of the term sanitary landfill than is currently practiced.

Major questions pertinent to the development of the criteria are:

1. What are the "adverse effects" on health and the environment which the criteria should address?

2. What constitutes a "reasonable probability" of protection from adverse effects?

3. Should the criteria be performance criteria or design and operation criteria, or a combination of both? Performance criteria establish environmental limits or standards whereas design and operation criteria specify disposal methods that could meet environmental protection goals.

4. Should a single set of criteria be established to address the disposal of all solid waste? If not, should criteria be developed for individual wastes or for individual disposal methods? If criteria specific to particular wastes or disposal methods are to be developed, what is the basis for separate criteria and in what order of priority should they be addressed?

5. Should disposal facilities be classified according to types of wastes, disposal methodology, or critical hydrogeologic settings? Should separate criteria be written for each class of disposal facility?

6. How should the criteria provide for protection of ground water and surface waters?

7. How should the criteria provide for protection of air quality? Should "open burning" of solid waste be prohibited?

8. Should abandoned disposal sites be addressed by the criteria?

9. Should requirements for disposal site monitoring be included in the criteria?

GUIDELINES FOR THE LAND DISPOSAL OF MUNICIPAL WASTEWATER TREATMENT SLUDGE

Section 1008(a) requires that the Environmental Protection Agency develop and publish suggested guidelines for solid waste management. In accordance with sections 1004(26A) and 1004(27), the term "solid waste" includes any sludge from a municipal wastewater treatment plant. Accordingly, suggested guidelines pertaining to the land disposal of municipal wastewater treatment sludges are being developed by the Agency.

Suggested guidelines are intended to provide: (a) a technical and economic description of performance levels, including appropriate methods and degrees of control which provide at a minimum for protection of public health, welfare, and the environment; and (b) information that could be used to comply with criteria for solid waste disposal facilities that are being developed under the authority of section 4004(a). When appropriate, suggested guidelines also are to include information for determining location, design and construction of facilities, including consideration of regional, geographic, demographic, and climatic factors.

The suggested guidelines will provide specific information to States and municipalities. They will only be mandatory for federal facilities and recipients of financial assistance for demonstration and implementation projects authorized by the Act.

In the FEDERAL REGISTER of June 3, 1976, the Agency published a proposed Technical Bulletin, "Municipal Sludge Management: Environmental Facts," for public comment. The Technical Bulletin was developed to provide information on sludge management options to designers, municipal engineers and others involved in developing construction grant applications, as well as to provide guidance to the EPA Regional Administrators in evaluating those aspects of projects for the construction of municipal wastewater treatment plants pertaining to sludge management.

While there are certain similarities between these suggested guidelines and the Technical Bulletin, the two documents will be published separately. However, public comments received on the Technical Bulletin will be reviewed and considered in the development of the section 1008 guidelines in an attempt to provied necessary consistency between the two documents and to minimize duplication.

Consistent with the definition of "disposal" in section 1004(3) of the Act, it is intended that these guidelines cover all applications of municipal wastewater treatment sludge to the land. These practices include landfilling, landspreading and land disposal of incineration and other furnace process residuals.

Major questions pertinent to these guidelines include:

1. Should the use of wastewater treatment sludges in agriculture for the production of human foods or animal feeds be encouraged or discouraged? What controls (e.g., maximum annual metals and organic toxicant application rates, etc.) should be placed on such uses of sewage sludges?

2. Should the disposal of wastewater treatment sludges along with municipal refuse in landfills be encouraged or discouraged? What controls (e.g., design factors, stabilization requirements, dewatering, etc.) should be placed on landfilling of sewage sludge?

3. Does the presence of enteric pathogens and certain parasitic ova in digested sewage sludge represent a threat to public health when these sludges are used on turf grass, pasture land or public parks, or for private home use? Should processing in addition to digestion be required when sewage sludge is to be used for such purposes?

4. What control methods should be employed to adequately protect public health when sludge derived products are marketed or given away for use as fertilizers or soil conditioners for home use?

STATE PLANNING GUIDELINES

Section 4002(b) requires EPA to promulgate regulations contaning guidelines to assist in the development and implementation of State solid waste management plans. These guidelines should contain methods to assist in developing and encouraging plans for disposal of solid waste which are environmentally sound and which maximize the utilization of valuable resources and which encourage resource conservation.

Each State plan developed with the assistance of these guidelines must comply with the minimum requirements for approval established in section 4003 of the Act, including:

(1) Identification of the responsibilities of State, local and regional authorities in the implementation of the State plan;

(2) Identification of the distribution of Federal funds to the authorities responsible for development and implementation of the plan;

(3) Identification of the means for coordinating regional planning and implementation under the State plan;

(4) Establishment of regulatory powers as necessary to implement open dump closures and the open dump prohibition, pursuant to section 4005(c) of the Act, and

(5) Provision for conservation, recovery or disposal facilities and services in keeping with the objectives of the Act.

An approved State planning process is a condition for eligibility for Federal financial assistance.

Major questions pertinent to the development of these guidelines are:

1. How should the guidelines address the requirement that the State plan identify the distribution of Federal funds to the authorities responsible for development and implementation of the State plan [section 4003(1)(B)]?

2. Some of the elements of a State plan will be dependent upon development of specific State ground and surface water policies. For instance, land disposal facility siting criteria will be necessary in order to prohibit establishment of open dumps [section 4004(b)] and selection of remedial measures will be necessary in the development of compliance schedules (section 4005(c)). Development of ground and surface water policies is often the purview of a State agency other than the solid waste management planning agency. How should these guidelines address development of such policies?

3. Are there unique requirements for Federal facilities, Indian reservations, or NPDES permittees which should be addressed?

4. It will be necessary to establish procedures for conducting the open

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4. It will be necessary to establish procedures for conducting the open dump inventory (section 4005) and for establishing the permit systems for the open dump prohibition (section 4004). Should the guidelines attempt to specify these procedures? Or should the guidelines simply establish performance criteria for State regulatory systems?

This advance notice of proposed rulemaking is issued under the authority of sections 1108, 4002 and 4004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, 42 U.S.C. 6907, 6942 and 6944).

Dated: June 24, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77-18933 Filed 7-1-77;8:45 am]

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PART V.

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GUIDANCE FOR REGIONAL FISHERY MANAGEMENT COUNCILS

Final Regulations

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION

DISCUSSION OF MAJOR AMENDMENTS

Three commenters believe that NOAA

apply to the Councils in accordance with the intent of Congress as expressed in the

standard administrative procedures, including the budget process, through

and consultants. The language is amended to include this provision; here-

jointly within their constituent States

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Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

GUIDANCE FOR REGIONAL FISHERY MANAGEMENT COUNCILS

Final Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final Regulations.

SUMMARY: These Final Regulations revise Interim Regulations published on September 15, 1976, that were promulgated to provide initial guidance for the development of fishery management plans and operation of Regional Fishery Management Councils established under the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265). These Final Regulations are intended to provide essential clarifications of that guidance for the effective functioning of the Councils.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard H. Schaefer, Chief, Fisheries Management Operations Division (202–634–7454); or Donald J. Leedy, Fishery Administrator, Fisheries Management Operations Division (202–634–7436), National Marine Fisheries Service, Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1976, Chapter VI, entitled Fishery Conservation and Management, was added to Title 50 of the Code of Federal Regulations. This chapter was issued by the Secretary of Commerce to carry out certain statutory mandates contained in the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265) (hereinafter the "Act"). It addresses among other things, the National Standards for fishery conservation and management, and the responsibilities and functions of the eight Regional Fishery Management Councils established under the Act.

Some sections of the Interim Regulations (41 FR 39436) published on September 15, 1976, were reserved to allow time for clarification of certain questions. Policy guidance under the sections designated as reserved in these regulations is currently being formulated and appropriate implementing regulations will be published as soon as possible.

The Interim Regulations published September 15, 1976, were subject to public comment until February 2, 1977. Comments received from 15 agencies, Councils, and individuals were carefully considered in preparing appropriate amendments. Also, amendments were developed by NOAA for clarification and improvement of the Interim Regulations on the basis of experience obtained in implementing the Act.

Discussion of Major Amendments

Three commenters believe that NOAA lacks authority to promulgate regulations governing Council operations. The Secretary of Commerce is authorized to promulgate regulations under sec. 305 (g) of the Act to carry out any provision of the Act. The authority to prescribe the rules and regulations contained below has been delegated to the Associate Administrator for Marine Resources, NOAA.

Comments on Part 601

One commenter requested clarification of the definition of "Confidential" (§ 601.2(e)). That part of the definition pertaining to information/data that is accepted by the Secretary of Commerce under a stipulation that limits disclosure is amended and explanatory information concerning access to classified material placed within § 601.23(e)(3).

Several commenters suggested clarification of the "responsibility" of the Councils over the three categories of fishery resources listed in § 601.11(b)(2). The language is amended to read "• • • each Council shall develop fishery management plans for each fishery involving the following categories of fishery resources • • •"

One comment was received regarding the designation, by the Secretary of one Council to prepare a fishery management plan where the range of a fishery extends beyond the geographical area of authority of any one Council. The commenter suggested that § 601.11(c)(2) be modified to require that the Secretary of Commerce consult with the concerned Council(s) prior to a designation and that any Council so designated be required to consult with the other affected Council(s). The suggestion is adopted and the language amended.

Two commenters suggested that § 601.21(b) be amended to include a listing of the relevant Indian treaties entered into by the United States with a number of Pacific Northwest Indian tribes. The principal purpose, however, of this section is to describe the Federal statutes which bear specifically upon the organization and operations of all the Councils. Contents of fishery management plans (§ 602.3), a reserved section, is being revised to, among things, require a description of the nature and extent of the Indian treaty fishing rights applicable to the geographical area within the authority of each Council.

One comment was received disagreeing with the statement in § 601.21(b)(1)(ii) that "Preparation and submission of a fishery management plan to the Secretary is a major Federal action." The procedures for compliance with the National Environmental Policy Act of 1969 are now under review and will be published at a later date. Therefore (b)(ii) is deleted.

A commenter questioned the need for incorporation of the Federal Advisory Committee Act procedures into the operation of the Councils. The provisions of the Federal Advisory Committee Act apply to the Councils in accordance with the intent of Congress as expressed in the Report of the Committee of Conference on H.R. 200 (House Rept. No. 94–948, March 24, 1976).

The section on Designees (§ 601.22(b)(2)) is amended in order to provide clarification on the use of designees by certain voting and non-voting members of Councils.

The section on Appointments (§ 601.22(b)(4)) is amended to provide additional detail and clarification of the procedure whereby new Council members are nominated for appointment by the Secretary. Section (b)(4)(i) provides that Governors submit lists of nominees by May 15 of each year rather than June 1 as required by the Interim Regulations. The earlier date provides more time for consideration of the nominees. Sections (b)(4)(ii) through (vi) describe the two categories of seats, the nomination procedures, and provide that an individual whose term is expiring may be renominated for consideration. Section (b)(4)(v) provides a procedure for filling at-large seats when a Governor does not submit a list of nominees. These amendments are intended to clarify and improve the appointment process.

The section on Council organization (§ 601.22(b)(5)) is amended to provide that the term of office for the Chairman may not exceed one year; however, the Chairman is eligible for re-election. The prohibition of election of a Chairman whose appointment will expire in less than one year from the date of election is deleted as overly restrictive.

The section on Administrative staff (§ 601.22(c)) is amended to prescribe that the number of Council employees may not exceed seven for any one Council except as authorized by the Director, NMFS. Seven is the maximum number of employees determined to be necessary at this time to the performance of the functions of a Council.

One commenter questioned the restriction in the section on Fishery advisory panels (§ 601.22(e)) that prohibited Federal members from receiving reimbursement of actual expenses from Councils. The restriction is deleted. Section (e)(2) is amended to suggest that each Council establish one broad based advisory panel with subpanels as needed. This procedure, if adopted by the Councils, will minimize the excessive administrative requirements resulting from chartering and reporting on multiple panels for each Council.

The section on Federal funds (§ 601.23(c)(1)) is amended by deleting the second through fourth paragraphs which were rendered obsolete by the development of Council administrative capacity. New language was added which identifies annual grants as the means by which Federal funds are provided to the Councils.

One commenter was concerned about possible "OMB supervision" of Council staff because of the reference to OMB Circular A–110 in the section on Staffing (§ 601.23(d)(1)). The Circular provides

standard administrative procedures, including the budget process through which Council positions must be justified. The Councils maintain supervision of their employees subject to the provisions of Part 601, the Act, and other applicable law. Therefore, no amendment is considered necessary.

The section on Experts and consultants (§ 601.23(d)(2)) is amended to include a restriction that experts and consultants, who provide technical assistance under contract to Councils, may not provide services on a permanent basis.

One commenter questioned the provision in the section on Details of government employees (§ 601.23(d)(3)) that indicates the "reimbursable basis" of such details. Section 302(f)(2) of the Act authorizes Council reimbursement of governments that provide employees on detail.

The section on Salary and wage administration (§ 601.23(d)(6)) is amended to provide additional information and clarification. In (d)(6)(i) the principle of equal pay for equal work is required by the substitution of the word "shall" for "should." A new (d)(6)(ii) is added that provides for a cost of living allowance for Council members and staff whose post of duty is in certain specified areas. Section (d)(6)(iii) is amended by inclusion of the provision for a determination by NOAA of the applicability of the Fair Labor Standards Act to any new position requested by a Council. One comment was received concerning the restriction that the annual pay for any Council staff position may not exceed the current rate for the top step of GS–15 of the General Schedule. The restriction results from a NOAA policy determination of the maximum salary level appropriate for the Council staff in consideration of the duties and responsibilities of the staff.

Two comments were received concerning Leave (§ 601.23(d)(7)). The standard of 20 days of annual leave for Council employees was based upon the amount of annual leave granted to a Civil Service employee with more than three years but less than 15 years of service. The amount of 13 days of sick leave is equal to that received by Civil Service employees. In response to suggestions from a commenter, the description of leave days is amended to "working days" and new language is added providing that earned leave may be accumulated from year to year.

The section on Conduct (§ 601.23(d)(9)) is amended to include advisory groups under the standards of conduct with specific reference in (d)(9)(v) to the use of information obtained through advisory group membership that has not been made available to the general public.

The section on Personnel files (§ 601.23(d)(10)) is amended to provide that personnel files on consultants under contract be maintained in accordance with the Privacy Act.

Three commenters suggested that the section on ad hoc staff support (§ 601.23(e)(2)) be modified to permit Councils to obtain the services of "legal" experts and consultants. The language is amended to include this provision; however, NOAA provides legal counsel to the Councils on a continuing basis and the Councils are expected to obtain legal counsel from NOAA before seeking other legal counsel.

One commenter suggested that individuals on Council business who receive reimbursement for lodging not be required to provide hotel receipts as documentation. No change is made in this requirement in the section on Expenses (§ 601.23(f)(2)) as hotel receipts are needed as source records of reimbursement for verification and audit of Council financial records. Two commenters desired removal of the requirement of prior consent of the Administrator for foreign travel. This requirement is in accordance with NOAA policy and is retained.

The section on Actual expenses defined (§ 601.23(f)(3)) in the Interim Regulations indicated a reasonable limit upon reimbursement for room and meals would be established. The section is amended by providing that the limits and conditions established by the NOAA Travel Handbook is the applicable standard for the Councils.

The section on Notice (§ 601.24(b)(2)) is amended to provide that meeting notices to be published in the Federal Register be submitted to the Director, NMFS, no later than 26 days prior to the meeting rather than the 25 days as required in the Interim Regulations. Experience has indicated that additional time is needed to assure the timely publication of notices. One commenter suggested that the meeting notices be published a minimum of 10 days in advance of a Council meeting rather than the present 20 days as required by the Secretary of Commerce. This suggestion is not adopted in the belief that a 10 day period would not provide sufficient time for the public to become aware of the announced meeting. Sections (b)(2)(i) and (ii) are deleted.

A new section entitled Record (§ 601.24(b)(3)) is added that contains language formerly in § 601.24(b)(2)(ii).

The section on Conduct (§ 601.24(b)(4)) is amended to provide within (b)(4)(iii) the requirements for closure of a meeting in accordance with the procedures established by the Secretary of Commerce and applicable laws; and to delete the former language. One commenter suggested that the requirement in Frequency and duration (§ 601.24(b)(5)) that "Councils shall meet in plenary session at least once a quarter" be eliminated. The requirement is retained as a standard for Councils which is intended to assure a reasonable frequency of meeting. The phrase "once a quarter" is amended to read "every three months" to clarify the meaning.

Several comments were received requesting a statement on joint Council meetings. The section on Location (§ 601.24(b)(6)) is amended to provide that Councils designated by the Secretary of Commerce to prepare a fishery management plan jointly may meet jointly within their constituent States for the purpose of developing or amending a plan. The language concerning the North Pacific Council's "geographical area of concern" that appeared in § 601.24(b)(3)(iii) of Interim Regulations is added to this section.

The commenter questioned the requirement in Hearings (§ 601.24(c)(3)) that announcement of hearings follow the same procedures i.e., the Federal Advisory Committee Act, as Council meetings. This requirement is retained as a reasonable interpretation of the intent of Congress that the Councils should receive maximum public input and the meetings must be open to the public, with few exceptions. One comment was received suggesting that announcements of public hearings be distributed to all interested governments and groups. The third sentence of the section is amended to indicate that publicity should be "sufficient in time, substance, and area coverage" to inform interested parties of the hearing.

Comments on Part 602

Several comments were received regarding the technical or ambiguous character of the definitions. Amendments were accordingly made to clarify the terms or delete unnecessary references in § 602.2(a)(2).

Several commenters expressed the view that the interpretation of overfishing in § 602.2(b)(1) was not contained in the Act and should be omitted from regulations. However, the term is a key element in Standard 1 and therefore its interpretation is considered a proper part of guidance to the Councils. Other comments were received expressing concern that the language might restrict the flexibility of the Councils to determine optimum yield. The first sentence of (b)(1) is amended so as to provide flexibility to the Councils in determining optimum yield, while maintaining the intent of Congress as expressed in sec. 2(a) of the Act that the national program for conservation and management ensure conservation of the Nation's fishery resources. In response to a suggestion from a commenter, the second sentence of (b)(1) is deleted as not essential to the interpretation of overfishing.

Two commenters indicated concern that the second sentence of Maximum sustainable yield (§ 602.2(b)(2)) also might hinder the Councils in determination of optimum yield. The sentence is deleted and new language is added that clarifies MSY.

One comment was received about the statement in Optimum yield concept (§ 602(b)(3)(D)) that would permit management on the basis of MSY if the need for fisheries products is overriding. The concern of the commenter was a possible overemphasis upon fisheries products. The language is amended to clarify the intent that the need for fisheries products is one of the important factors involved in the determination of optimum yield.

Two commenters expressed concern with the statement in Optimum yield

and management objectives (§ 602.2(b)(4)) that the determination of optimum

final, will become an integral part of these regulations.

Subpart C—Uniform Standards for Organization, Practices, and Procedures

an individual, business, or some other

Council, the Council thus designated

ords generated at the request of the Fed-

eral Government. Nine groups of ocean-

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and management objectives (§ 602.2(b)(4)) that the determination of optimum yield will be "dictated" by unspecified National objectives as well as regional objectives. The language is amended to clarify the National perspective as consideration of the term "optimum" as defined in the Act.

One comment was received regarding Optimum yield and foreign fishing (§ 602.2(b)(5)) that in determining whether U.S. fishermen will not harvest the optimum yield the "desire" of U.S. fishermen was to be considered as well as the capacity of U.S. vessels. While the term "desire" was used in the Report of the Conference Committee, the language is amended to include the phrase "and the extent to which fishing vessels of the United States will harvest such yield," which is based upon sec. 303(a)(4)(A) of the Act.

Those portions of § 602.2(b) that pertain to optimum yield may be modified in the future based upon ongoing discussions with the Councils and others and consideration by the Secretary of future Council recommendations.

Four commenters expressed a desire that the Councils have a stronger role in the development of plans for transnational stocks than provided for in jurisdiction (§ 602.2(d)(2)) of the Interim Regulations. This issue is being reviewed by NOAA with careful consideration of the commenter's views. Therefore, the last two sentences are deleted. When the review is completed, (d)(2) will be revised to incorporate a policy concerning appropriate responsibility for plan development affecting transnational stocks.

Two comments were received concerning the second sentence of § 602.2(e)(1)(ii) that stated application of conservation and management measures is not expected to disrupt existing socioeconomic patterns. This sentence is deleted as it could be interpreted to make Councils responsible for maintaining existing socioeconomic patterns. One of the purposes of the Act, as described in Standard 5 (sec. 301(a)(5)), is to promote efficiency in utilization of fishery resources, an effort that could result in change in the existing socioeconomic patterns. Also, two commenters addressed the third sentence concerning the protection of the right of entry of new participants into a fishery. They suggested a greater emphasis upon maintaining control over the total fishing effort in a fishery subject to allocation of fishing privileges. The sentence is amended by adding "and in a manner which prevents excessive fishing effort."

The text of § 602.3, Contents of fishery managements plans, as orignally published on September 15, 1976, has been withdrawn and the section reserved. The reason for this action was to allow for the revision of the section to correlate with and provide explanatory comments for § 602.4, Standard format for fishery managements plans—a section previously reserved. These two reserved sections will be presented for public comment together as Interim Regulations and, when final, will become an integral part of these regulations.

Two comments were received suggesting an addition to Comments of Council (§ 602.5(c)(2)) to the effect that a Council recommendation to the Secretary of Commerce concerning changes in a plan prepared by the Secretary be based on "the other provisions of the Act and any other applicable laws" as well as the National Standards. The language is amended to include the suggestion.

MISCELLANEOUS COMMENTS

Additional suggestions for minor corrections, improvements, and clarifications were received from commenters. Similar comments originated within NOAA as a result of actual experience. Amendments resulting from these miscellaneous comments are adopted without specific commentary. However, for the convenience of the Councils and the interested public, the entire text of Parts 601 and 602, as revised, is published herein.

NEED FOR EFFECTIVE DATE

These revisions constitute integral and essential clarification of guidance to the Councils and become effective upon date of publication.

PUBLIC COMMENT

The Councils, government agencies, and the public are invited to submit comments and suggestions at any time.

By delegation of authority in Department of Commerce Organization Order 25–5A, Section 3.01dd, Amendment 4 (dated September 30, 1976) and NOAA Directives Manual 05–57 (dated December 1, 1976), the Associate Administrator for Marine Resources of the National Oceanic and Atmospheric Administration has approved these regulations.

NOTE.—The National Oceanic and Atmospheric Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

(Secs. 301(b), 302(f)(6), 304(f), and 305(g) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1851, 1852, 1854, 1855)).

Issued June 28, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

In consideration of the foregoing, 50 CFR Parts 601 and 602 are revised and Part 603 is reserved as follows:

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

Subpart A—General

Sec.
601.1 Purpose.
601.2 Definitions.

Subpart B—Geographical Boundaries

601.11 General.
601.12 Method of determination. [Reserved]
601.13 Description. [Reserved]

Subpart C—Uniform Standards for Organization, Practices, and Procedures

Sec.
601.21 General.
601.22 Organization.
601.23 Administrative practices and procedures.
601.24 Operational practices and procedures.
601.25 Council statement of organization, practices, and procedures.

AUTHORITY: 16 U.S.C. 1852, 1854, 1855; section 302(f)(6), 305(g), Pub. L. 94–265.

Subpart A—General

§ 601.1 Purpose.

The regulations in Part 601 implement certain portions of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801–1892), which among other things, establishes eight Regional Fishery Management Councils (hereinafter referred to as "Councils"). The principal responsibilities of these Councils are to provide the nucleus of a national fishery conservation and management program through the systematic development of fishery management plans and amendments to such plans, to submit periodic and other reports to the Secretary, to continually review and revise assessments as to optimum yield and the total allowable level of foreign fishing, and to conduct other necessary and appropriate activities with respect to the conservation and management of the fisheries within their geographical area of concern. The Councils act as independent bodies, whose actions must conform to the uniform standards established by Part 601. Part 601 describes matters pertaining to the establishment, organization, practices, and procedures of the Councils.

§ 601.2 Definitions.

The terms used in these regulations shall have the meanings that are prescribed in sec. 3 of the Act. In addition, the following definitions apply:

(a) *Administrative and technical support services.* The administrative, technical, legal, and scientific services needed by the Councils, authorized by the Secretary, and provided by the government to assist the Councils in the fulfillment of their various functions required by the Act.

(b) *Administrator.* The Administrator of the National Oceanic and Atmospheric Administration.

(c) *Advisory group.* The Scientific and Statistical Committees or advisory panels established under the Act.

(d) *Associate Administrator.* The Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration.

(e) *Confidential.* Confidential means containing information, the unauthorized disclosure of which could be prejudicial or harmful. Depending on the context within which it is used, the word: (1) identifies information having an official security classification of Confidential or higher relating to the protection of national security, or (2) describes information/data that is identifiable with

an individual, business, or some other entity and that is accepted from any person by the Secretary under a stipulation that limits disclosure.

(f) *Council.* Regional Fishery Management Council.

(g) *Director.* The Director of the National Marine Fisheries Service.

(h) *Federal budget cycle.* The 33-month process of formulating and executing the Federal budget.

(i) *Fishery management plan.* A document that contains a systematic description of a given fishery and that sets forth the objectives and strategies for the management of the fishery.

(j) *Highly migratory species.* [Reserved]

(k) *Regional Director.* The regional representatives of the Director. There are five regional offices of the National Marine Fisheries Service whose Regional Directors serve on the various Councils as specified by the Act.

(l) *Regional Fishery Management Council Operations Manual.* A compilation of technical and explanatory information, the purpose of which is to provide assistance to the Councils in the fulfillment of their various functions.

Subpart B—Geographical Boundaries

§ 601.11 General.

(a) *Fishery conservation zone.* The Act creates a zone contiguous to the territorial sea, which is called the fishery conservation zone. The outer boundary of the zone is 200 nautical miles from the baseline from which the territorial sea is measured and the inner boundary is a line coterminous with the seaward boundary of each of the coastal States. (See 43 U.S.C. 1301(b) and 1312 for definition of "seaward boundary".)

(b) *Scope.* (1) The boundaries described in § 601.12 [Reserved], delineate the geographical area of authority of adjacent Council within this fishery conservation zone.

(2) Within the geographical area of authority, each Council shall develop fishery management plans for each fishery involving the following categories of fishery resources:

(i) All fish within this zone, except "highly migratory species"; (ii) all anadromous species, throughout their migratory range, except when within a conservation zone recognized by the United States; and (iii) Continental Shelf fishery resources.

(c) *Jurisdiction.* (1) *State.* Generally the Act does not diminish the fishery jurisdiction of any State within its own boundaries, nor does it extend State fishery jurisdiction beyond a State's seaward boundary.

(2) *Intercouncil.* In any case in which the range of a stock or a fishery extends beyond the geographical area of authority of any one Council, as defined in § 601.12 [Reserved], the Secretary is authorized to designate the Council that shall prepare the fishery management plan for such a fishery, after consultation with the Councils concerned. When such a plan includes waters adjacent to the States represented on more than one Council, the Council thus designated shall consult with the other affected Council(s). The Secretary may require that a plan be prepared jointly by the Councils concerned. In this case, any plan or amendment, before being submitted to the Secretary, shall be approved by a majority of the voting members present and voting, of each participating Council.

§ 601.12 Method of determination. [Reserved]

§ 601.13 Description. [Reserved]

Subpart C—Uniform Standards for Organization, Practices, and Procedures

§ 601.21 General.

(a) *Purpose.* Section 302(f)(6) of the Act requires each Council to determine its own organization, practices, and procedures for carrying out its functions in accordance with such uniform standards as are prescribed by the Secretary. The regulations contained in this Subpart provide the uniform standards in accordance with which the Councils shall operate.

(b) *Applicability of other laws.* (1) *National Environment Policy Act of 1969 (42 U.S.C. 4321).* The National Environmental Policy Act (NEPA) sets forth the strategy of the Congress to achieve coordination of Federal activities and environmental considerations. NEPA's basic purpose is to insure that, in addition to technical and economic considerations, Federal officials weigh and give appropriate consideration to unquantified environmental values in policy formulation, decisionmaking, and administrative actions. Section 102(2)(C) of NEPA requires preparation of a detailed environmental impact statement in the case of major Federal actions that significantly affect the quality of the human environment. Procedures for compliance with NEPA in the preparation and submission of fishery management plans and amendments to such plans are set forth in § 602.6. [Reserved]

(2) Provisions of three interrelated laws affect Council practices and procedures, particularly concerning opportunity for public input, public access to Council meetings and to agendas, records, and reports of such meetings. These laws are:

(i) *The Federal Advisory Committee Act (5 U.S.C. App. I).* The intent of Congress with regard to the application of the Federal Advisory Committee Act (FACA) is stated in the Report of the Conference Committee (House Rept. No. 94–948, March 24, 1976). The provisions of FACA apply to the Councils and their committees and panels. Meetings must be open to the public except as provided for in § 601.24(b)(4)(iii) of these regulations. The application of FACA is designed to ensure open meetings and public access to information generated by the Councils.

(ii) *The Freedom of Information Act (5 U.S.C. 552(b)).* The Freedom of Information Act (FOIA) provides for public access to records of the executive branch of the Federal Government, and to records generated at the request of the Federal Government. Nine groups of exceptions are provided that allow the withholding of information. Application of FOIA is covered more specifically in Part 603. [Reserved]

(iii) The *Privacy Act (5 U.S.C. 552(a)).* This Act provides to individuals certain rights of access to records kept about them, and at the same time requires that the confidentiality and use of the information be strictly regulated, placing restrictions on the collection, retention, and use of personal information. Specific application of this Act is found in Part 603. [Reserved]

(3) *Coastal Zone Management Act of 1972, as Amended (16 U.S.C. 1451 et seq.).* The principal objective of this Act is to encourage and assist States in developing coastal zone management programs, to coordinate State activities, and to safeguard the regional and national interests in the coastal zone. While the coastal zone does not extend beyond the territorial sea, activities taking place beyond the territorial sea may impact on the coastal zone and thus come within the influence of coastal zone planning. In the preparation of fishery management plans, Councils should be particularly cognizant of the provisions of sec. 307(c) of this Act that require that any Federal activity directly affecting the coastal zone of a State be consistent with that State's approved coastal zone management program. Thus, Councils will need to coordinate their planning actions with the appropriate State agencies involved in coastal zone program development.

§ 601.22 Organization.

(a) *General.* This part addresses such questions as organization of the Council members, administrative staff, and advisory groups.

(b) *Council members.* The Councils consist of voting and nonvoting members or their designees, as specified in the Act.

(1) *Terms.* Members appointed following initial constitution of the Councils serve for a term of three years. An individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. The anniversary date for measuring terms of membership is August 11.

(2) *Designees.* (i) The Act authorizes the principal State officials, the NMFS Regional Directors, and the non-voting members to designate individuals to attend Council meetings in their absence. Only one designee per Council may be so specified by each of the above officials.

(ii) A designee may serve for all or part of a Council meeting in the absence of the individual he or she is replacing and has the same voting power as his or her designator.

(iii) If circumstances require, the Council member may change his or her designee. In such case, the Chairman of the Council must be notified and given in writing, in advance of the meeting at which the designee will represent the Council member, the name, address, and

position of the individual designated. A designee may not name a designee for himself or herself.

where the terms of both an obligatory member and an at-large member expires the same year, the Governor of the State

assist it in the development, collection, and evaluation of statistical, biological, economic, social, and other scientific

be of sufficient size to permit a balanced representation of interests. It is sug-

(2) *Funds from other sources.* [Reserved]

The current rates may be obtained from

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position of the individual designated. A designee may not name a designee for himself or herself.

(iv) Designees without appropriate security clearance may not attend meetings closed for security reasons, nor handle classified material. (See § 601.23 (e)(3).)

(v) Reimbursement of actual expenses and compensation, as described in § 601.23(f), associated with travel to any meeting shall be limited to the member, or, in the case of the absence of the member, one designee. A designee who serves for part of a Council meeting may receive reimbursement of actual expenses and compensation associated with necessary travel and attendance at that part of a Council meeting wherein the member is absent.

(3) *Designation of regional directors.* The Regional Directors, NMFS shall, in accordance with the Act, serve as voting members on the Councils as follows:

Council	Regional director
New England	Northeast region.
Mid-Atlantic	Do.
South Atlantic	Southeast region.
Caribbean	Do.
Gulf of Mexico	Do.
Pacific	Northwest region.
North Pacific	Alaska region.
Western Pacific	Southwest region.

(4) *Appointments.* (i) Inasmuch as each year approximately one-third of a Council's appointed membership will lapse, new members shall be appointed by the Secretary or the Secretary's delegate from lists of nominees submitted by the Governors of each applicable constituent State by May 15 of each year. The Governors are responsible for determining that their nominees meet the qualification requirements of the Act and for providing appropriate documentation for the Secretary or the Secretary's delegate to make a reasoned choice.

(ii) There are two categories of seats for which appointed voting members may be eligible: "obligatory" and "at-large." Each Council constituent State has one obligatory seat. When the term of an obligatory State member expires, the Governor of that State is required to submit at least three nominations from which the selection of a replacement will be made by the Secretary or the Secretary's delegate. When the term of an at-large State member expires, the Governor of each member State of a Council shall submit at least three nominations for each vacancy, and the selection will be made by the Secretary or the Secretary's delegate from among the collective nominations by the Governors of all member States. Any individual whose term is expiring may be renominated for consideration.

(iii) The number of individuals who must be nominated by a Governor shall be equal to at least three times the number of vacancies available, and each such nominee shall be considered as available for any such vacancy. However, in a case where the terms of both an obligatory member and an at-large member expires the same year, the Governor of the State holding the expiring obligatory seat may indicate that remaining nominees for an obligatory seat may be considered for an at-large seat.

(iv) The procedures in § 601.22(b)(4)(i)–(iii) also apply when a vacancy occurs prior to the normal expiration of a term of membership of a voting member appointed by the Secretary or the Secretary's delegate.

(v) If a Governor fails to submit a list of at-large nominees within the time allotted, then the new at-large member(s) may be appointed from the list of names submitted by the Governors of the other applicable constituent States.

(5) *Council organization.* The Chairman shall be elected from among the voting members by a majority vote of the voting members present and voting. The term of office for the Chairman may not exceed one year; however, the Chairman is eligible for re-election. The Council may establish other officers as deemed necessary and set their terms of office. The Council may appoint standing and ad hoc committees from among the voting and nonvoting members as it deems necessary for the conduct of Council business. Such committees shall conform to the procedures for assuring open meetings specified for the Council.

(c) *Administrative staff.* Each Council shall appoint an Executive Director and other full and part time administrative employees as the Secretary determines are necessary to the performance of its functions and which are consistent with budgetary limitations. However, the number of such employees may not exceed seven except as approved by the Director, NMFS. The Executive Director and Staff are responsible to the Chairman of the Council.

(1) *Executive director.*—(i) *Duties.* Each Council, through its Chairman, shall assign such duties to the Executive Director as it deems appropriate, consistent with these uniform standards.

(ii) *Compensation.* The administrative responsibilities, coupled with the complexity of the workload of the Council, will influence the pay level appropriate to a given Executive Director position, provided that compensation may not exceed the yearly rate for the highest step of a GS–15 in the General Schedule.

(2) *Other administrative staff.*—(i) *Minimum.* As a minimum, each Council shall have an administrative staff consisting of an executive director, an administrative officer, and a secretary.

(ii) *Additional staff.* Additional Administrative staff above the minimum prescribed above will vary by Council because of differences in workload and availability of resources. The number and types of additional positions will also vary over time as the work of the Council is defined during its initial phase of operation.

(d) *Scientific and statistical committee.* Each Council shall establish and maintain, and appoint the members of a Scientific and Statistical Committee to assist it in the development, collection, and evaluation of statistical, biological, economic, social, and other scientific information as is relevant to the Council's development or amendment of any fishery management plan. The Council is authorized to pay the actual expenses of such Committee members while engaged in Council business.

(1) *Committee function.* The Scientific and Statistical Committee provides expert scientific and technical advice to the Council on the development of fishery management policy, on the preparation of fishery management plans, and on the effectiveness of such plans once in operation. The Committee aids the Council in identifying scientific resources available for the development of plans, in establishing the objectives of plans, in establishing criteria for judging plan effectiveness, and in the review of plans.

(2) *Committee organization.* The members of the Committee and a Chairman are appointed by the Council. Membership shall be multidisciplinary, including biological and social scientists from the Federal, State, and private scientific community who are knowledgeable about the fisheries to be managed. The size of the Committee is discretionary within the resources available to the particular Council. The Committee shall meet in the area encompassed by the Council's constituent States, with the approval of the Chairman of the Council. No staff is assigned to this Committee but staff support may be requested from the Chairman of the Council or the Executive Director. This Committee shall have a charter separate from that of its parent Council.

(e) *Fishery advisory panels.* Each Council is authorized to establish other advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. The Councils are authorized to pay the actual expenses of the members of such panels while engaged in the performance of Council business.

(1) *Panel function.* Fishery advisory panels are authorized principally to obtain pragmatic advice and counsel of the people most affected by, or interested in, Council matters of fishery management policy; on the preparation of fishery management plans; on their review prior to submission to the Secretary; and on their effectiveness once in operation. These panels aid the Council in establishing the objectives of plans as well as the criteria for judging plan effectiveness, and serve as a communication link with those who must operate under the management regime.

(2) *Panel organization.* The members and a Chairman are appointed by the Council. The membership of each panel shall be composed of a balanced representation of the interests of those who are either actually engaged in the harvest, processing or consumption of, or are knowledgeable and interested in the conservation and management of, the applicable fishery or stock(s) of fish. The size of each panel is discretionary within the resources available to the particular Council, but each panel must

be of sufficient size to permit a balanced representation of interests. It is suggested for the purpose of minimizing administrative requirements that each Council establish one broad-based advisory panel. Subpanels may be used to provide advice on individual fisheries or unique fishery resources under Council consideration. The panels shall meet in the area encompassed by the Council's constituent States as deemed necessary by the Council Chairman. No staff is assigned to these panels, but staff support may be requested from the Chairman of the Council or the Executive Director. Each panel shall have its own charter separate from those of other panels, from the Scientific and Statistical Committee, and from its parent Council.

§ 601.23 Administrative practices and procedures.

(a) *General.* The Act directs the Secretary to provide the Councils with administrative support services as are necessary for their effective functioning. The Administrator of the General Services Administration is directed by the Act to furnish each Council with such offices, equipment, supplies, and services as he is authorized to furnish to any agency or instrumentality of the United States. All Federal agencies are authorized to detail personnel on a reimbursable basis to the Councils after consulting with the Director, NMFS. (See paragraphs (d)(3) and (e)(2) of this section.) Uniform standards in this section are provided in order to expedite the delivery of this support with a minimum burden on the substantive work of the Councils.

(b) *NOAA field units.* NOAA field units are assigned to provide services and support to each Council as follows:

Council	Servicing field unit
New England	Northeast region, NMFS.
Mid-Atlantic	Do.
South Atlantic	Southeast region, NMFS.
Caribbean	Do.
Gulf of Mexico	Do.
Pacific	Northwest region, NMFS.
North Pacific	Alaska region, NMFS.
Western Pacific	Southwest region, NMFS.

These NOAA field units are authorized to provide for budgetary, accounting, personnel, and porcurement support to their respective Councils, and may act as liaison between the Councils and other Federal agencies.

(c) *Budgeting, funding, and accounting.*—(1) *Federal funds.* The funding for the administrative and technical support of Council operations is included in the budget of the Department of Commerce and, through that agency, in the budgets of NOAA and NMFS. The funding requirements for the Councils are subject to regular budgetary review procedures. Annual grants will provide such Federal funds as the Secretary determines are necessary to the performance of the functions of the Councils and consistent with budgetary limitations.

(2) *Funds from other sources.* [Reserved]

(3) *Financial procedures and standards.* [Reserved]

(d) *Employment practices.* The following sets forth the responsibilities of the Councils with regard to personnel matters and establishes personnel-related standards to be used by the Secretary in analyzing Council budgets.

(1) *Staffing.* Each Council may appoint and assign duties to an Executive Director and other full and part-time administrative employees as the Secretary determines are necessary to the performance of its functions. Each position must be justified during the budget process described in OMB Circular A-110. Descriptions of the work to be performed shall be submitted in accordance with § 601.23(d)(6) dealing with salary and wage administration.

(2) *Experts and consultants.* Each Council may contract with experts and consultants as needed and within their respective budgets to provide technical assistance. Such experts and consultants may not provide services on a permanent basis (see § 601.23(e)(2)).

(3) *Details of government employees.* Each Council may request the head of any Federal agency to detail to such Council on a reimbursable basis any personnel of such agency to assist the Council in the performance of its functions under the Act (see § 601.23(e)(2)). The length of such detail shall be mutually determined by the Council, the Federal employee and his or her agency. Federal employees so detailed retain all benefits, rights and status to which they are entitled in their regular employment. The Councils may negotiate arrangements with State and local governments to utilize employees of those governments.

(4) *Nondiscrimination.* All activities of the Council must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

(5) *Personnel actions.* Subject to these instructions, and within budgetary constraints, the Councils may establish positions, recruit, hire, compensate, and dismiss personnel. Involuntary separation should be for cause alone, with reasonable notice given to the employee.

(6) *Salary and wage administration.* (i) In setting rates of pay for Council staff, the principle of equal pay for equal work shall be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

(ii) A cost of living allowance may be applied to the salaries of Council members and staff whose post of duty is in one of the following areas: Alaska, Hawaii, Guam, Virgin Islands, and Puerto Rico. The rate of cost of living allowance may not exceed that paid by the Federal Government in the same area. The current rates may be obtained from the applicable NOAA field unit.

(iii) The duties of any new position shall be contained in a brief description to be submitted to the NOAA personnel office servicing the NMFS Regional Office assigned to a Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position, and a determination of the applicability of the Fair Labor Standards Act. The Council then may fill the position at any salary level within that range, except that, unless the recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the current rate for the top step of GS–15 of the General Schedule at ay time. After a position has been filled, any employee may be promoted annually and recognized for superior performance in accordance with Council policies.

(7) *Leave.* Employees of the Council may be granted paid leave for holidays, vacations or exigencies, sickness, and civil duties (jury, military reserve obligations) as determined by the Council. Paid annual leave may not exceed 20 working days per year. Paid sick leave may not exceed 13 working days per year. Earned annual and sick leave may be accumulated from year to year.

(8) *Employee benefits.* The Council may provide its employees the opportunity to participate in group medical insurance, life insurance and retirement plans, and pay a reasonable proportion of the cost of such plans.

(9) *Conduct.* The Councils are responsible for maintaining high standards of ethical conduct among themselves, their staff, and their advisory groups. Such standards should include the following principles:

(i) No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

(ii) No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election, or on account of his or her political affiliation.

(iii) No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm or corporation, a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Councils.

(iv) No employee of the Council shall have a direct or indirect financial inter-

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est that conflicts with the fair and impartial conduct of his or her Council duties.

(v) No Council member, employee of the Council or member of a Council advisory group shall use or allow the use, for other than official purposes, of information, obtained through or in connection with his or her Council employment or advisory group membership, that has not been made available to the general public.

(vi) No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct prejudicial to the Council.

(vii) No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or deleterious operation or use.

(10) *Personnel files.* A file for each Council member containing appointment papers, security reports, biographical data and other official papers will be centrally maintained in NOAA under security and safeguard conditions required of files subject to the Privacy Act. This file will be available to the member, and to other persons only when a need to know has been established. Each Council should maintain in its office, personnel files on its employees and experts and consultants under contract under appropriate safeguards in accordance with the Privacy Act.

(11) *Security investigations.* When it is anticipated that security classified information will be kept or handled in Council offices, certain employees shall be designated to be permitted access to the information in accordance with Federal standards and shall receive appropriate security clearance from the Office of Investigation and Security of the Department of Commerce.

(e) *Personnel.*—(1) *Council staff.* The Councils may, consistent with the standards of employment practices contained in § 601.23(d), establish positions and recruit, hire, compensate, and dismiss personnel. The personnel procedures of each Council will be subject to audit periodically.

(2) *Ad hoc staff support.* All Federal agencies are authorized by sec. 302(f)(2) of the Act to detail personnel to the Council on a reimbursable basis. Any Council requests to the heads of such agencies must contain the purpose of the detail, the length of time of the detail, the compensation to be paid and the stipulation that the Director, NMFS, be consulted prior to granting the request. Copies of this correspondence shall be transmitted to the Director, NMFS, through the apprppriate NOAA field office to facilitate such consultation. Legal counsel on a continuing basis is available from the regional office of the NOAA Office of General Counsel. Councils are expected to obtain legal counsel from NOAA before seeking other legal counsel. Other experts and consultants, including legal counsel, may be used as the Council considers appropriate, consistent with budgetary limitations (see § 601.23(d)(2)).

(3) *Council access to security classified material.* The security investigation that is routinely conducted at the time a nominee to the Council is appointed is the basis for authorizing access on a need-to-know basis to material classified Confidential. Normally this should be sufficient for Council purposes (see also § 601.22(b)(2)(iv)). Clearance for higher classifications may be granted, following regular Federal procedures, by the Secretary. Access to security classified material is governed by security regulations and procedures pursuant to Executive Order 11652, effective June 1, 1972. Need-to-know is determined by the authority having custody of the material. Persons who are not members of the Council, including Council staff and members of advisory groups, must possess the appropriate security clearance before they may be present when classified materials are discussed or examined. Such clearances will be requested through the appropriate NOAA field unit.

(f) *Compensation and expenses.*—(1) *Compensation.* The voting members of each Council who are not employed by the Federal government or any State or local government shall receive compensation at the daily rate for a GS–18 in the General Schedule when engaged in the actual performance of duties, including travel time, as assigned by the Chairman of the Council.

(2) *Expenses.* Council voting members, the nonvoting Executive Director of the Marine Fisheries Commission for the geographical area concerned (if any), the additional nonvoting members of the Pacific Council, and the members of the advisory panels shall be reimbursed for actual expenses associated with travel on official Council business. The Council may also pay the transportation and expenses, on an actual expense basis, of invited experts and consultants, and Council staff. All such expenses must be authorized by the Chairman of the Council or the Executive Director and be supported by detailed vouchers attested to by the person incurring the expenses. Individual receipts, except for hotel receipts, are not required. Foreign travel must have the prior consent of the Administrator.

(3) *Actual expense defined.* Actual expenses include transportation by air coach, rail coach, bus or privately owned vehicle(automobile or private plane-reimbursed on a per mile basis); room and meals within the limit established by the NOAA Travel Handbook; and incidental expenses such as taxi fares, parking and telephone calls on official business.

(g) *Reporting.*—(1) *Annual report.* The Act requires the Councils to report to the Secretary annually before February 1 on Council activities during the immediately proceeding calendar year. The annual report will be used by the Secretary to fulfill her obligation to report to the Congress and the President no later than March 1 of each year on her and the Councils' activities in the preceding year. The annual Council report shall be submitted directly to the Administrator, NOAA, Washington, D.C. 20230, in eight copies. The minimum contents of such a report are as follows:

(i) A list of Council members with addresses and affiliations, indicating voting and nonvoting members, Council officers serving during the year, office titles, and dates of such service.

(ii) A list of Council administrative staff with titles.

(iii) A list of members of the Scientific and Statistical Committee with addresses and affiliations, and lists of members of each advisory panel with addresses and affiliations.

(iv) A list of Council meetings and hearings held and of Scientific and Statistical Committee and advisory panel meetings held, with dates, locations and the subjects of discussion, indicating whether they were open, closed or partially closed to the public, and citing the appropriate authorization for any closed portions of the meetings.

(v) A list of all items sent to or received from the Secretary during the calendar year, including proposed fishery management plans and amendments, and comments on foreign fishing applications or on plans developed by the Secretary, with an indication of the date such items were transmitted to or received from the Secretary and the date of any action taken.

(vi) An appropriate summary of the discussion at any closed sessions held during the year.

(vii) The cost to operate the Council, indicating sources of funding and the respective amounts.

(viii) An estimate of the man-years of staff support by source (Federal, State, private) that was donated or provided without payment or reimbursement.

(2) *Other reports.* The Councils shall prepare any other relevant reports as the Secretary may request including information required by the reporting requirements of FACA (§ 601.21(b)(2)). Requirements for periodic financial or other reports for purposes of NOAA budgetary control and reporting are described in individual grants issued to the Councils and in § 601.23(c)(3). [Reserved]

§ 601.24 Operational practices and procedures.

(a) *General.* In fulfilling the Council's responsibilities and functions, the Council members will meet in plenary session, in working groups, or individually to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes uniform standards for the conduct of those activities to meet the requirements of the Act and to facilitate the exercise of Council responsibilities.

(b) *Meetings. General.* The Councils shall meet at the call of the Chairman or upon request of a majority of the voting members. Advisory groups shall meet

with the approval of the Chairman of the Council. The Councils shall develop a mechanism for coordinating requests for advice from their advisory groups through the Executive Director.

(2) *Notice.* Notice of meetings, including time, location, subjects to be discussed, etc., must appear in the FEDERAL REGISTER at least 20 days prior to the meeting. Notices shall be submitted by the Council, no later than 26 days prior to the meeting, to the Director, NMFS, who shall submit such notice to the FEDERAL REGISTER.

(3) *Record.* Detailed minutes shall be kept and made available to the public upon request, except where the meeting or portion thereof was closed, in which case only the open portions must be made available.

(4) *Conduct.* (i) Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council and the public. Decisions by consensus are permitted except where the issue is Council approval or amendment of a fishery management plan (including any proposed regulations), or comments for the Secretary on foreign fishing applications or fishery management plans developed by the Secretary. In these cases, a vote is required.

(ii) A majority of the voting members of any Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council may hold hearings.

(iii) All meetings or portion thereof shall be open to the public with only those exceptions set forth in the Federal Advisory Committee Act (FACA) (as amended by the Government in the Sunshine Act of 1976 (Pub. L. 94–409, 90 Stat. 1241)). Closure of a meeting requires a prior determination by the Secretary or the Secretary's delegate that the reasons for excluding the public are valid and that it is not in the public interest to leave the meeting open. Such a determination must be requested through the Assistant Secretary for Administration, Department of Commerce. A notice of a meeting which a Council desires to be closed entirely or in part to the public shall be submitted by the Council, no later than 45 days prior to the meeting, to the Director, NMFS, who shall request a determination. If the determination permits closing of the meeting, such notice shall be published in the FEDERAL REGISTER.

(iv) When there is a vote, the majority of the voting members present and voting shall rule. Voting by proxy is not permitted.

(v) Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary may submit a statement of their reasons for dissent to the Secretary.

(5) *Frequency and duration.* The Councils shall meet in plenary session at least once every three months. Council advisory groups may meet as frequently as necessary, with the approval of the Council Chairman.

(6) *Location.* (i) Each Council shall conduct all meetings and hearings within its geographic area of concern. In the particular case of the North Pacific Council, "geographical area of concern" means within the State of Alaska. When two or more Councils have been designated by the Secretary to prepare a fishery management plan jointly, Councils so designated may meet jointly within their constituent States for the purpose of developing or amending such a plan.

(ii) The Council meeting place should have a capacity large enough to accommodate the anticipated public attendance and be easily accessible to those interested in attending.

(c) *Hearings.* (1) *General.* The Act directs the Councils to hold public hearings in order to provide the opportunity for all interested persons to be heard in the development of fishery management plans, amendments thereto, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, consistent with § 601.24(b)(4) and (6).

(2) *Conduct.* When it is determined that a hearing is appropriate, the Chairman of the Council shall designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that all points of view be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

(3) *Notice.* Hearings shall follow the same procedures for announcement as for Council and advisory group meetings. Advance notice also should be given in the local media where the hearing is to take place. Publicity should be sufficient in time, substance, and area coverage to assure that all interested parties are aware of the opportunity to make their views known.

(4) *Record.* An accurate record of the participants and their views shall be reported back to the Council and maintained as a part of the Council's official records.

(d) *Council operational structure.* (1) *General.* In addition to the Council staff and the advisory groups that are provided for in the Act, an operational structure will be needed to develop basic inputs to the fishery management plans and to assemble drafts for formal review by the Councils and their advisors. The operational structure(s) selected by a Council should: (i) Address directly the responsibilities and functions listed in sec. 302(h) of the Act; and (ii) Strike a reasonable balance among the following criteria:

(2) *Criteria for formation.* (i) *Focused responsibility.* The structure selected should assign clearly defined responsibilities in a clearly defined chain of command consistent with the formal structure provided in the Act.

(ii) *Administrative simplicity.* The structure selected should permit thorough and uncomplicated supervision by those with formal responsibility, including the Executive Director of the Council.

(iii) *Flexibility.* Within defined responsibilities, the structure should be able to bring to bear the necessary expertise on planning problems and to respond to shifts in Council priorities.

(iv) *Independence and relevance of science.* The scientific input to the development of plans should, to the extent possible, be institutionally insulated from managerial biases and pressure from interested parties while remaining relevant to the problems of management.

(v) *Quality of scientific and technical information.* The structure should assure that the best scientific and technical information available will be applied in plan development.

(vi) *Minimum cost.* Cost, in dollars, manpower, and diversionary impact on ongoing programs should be minimized within the constraints of the other criteria.

§ 601.25 Council statement of organization, practices and procedures.

(a) *General.* (1) The Act requires that the details of how a Council operates shall be published by the Council and made available to the public. The required Statement of Organization, Practices and Procedures, as a minimum, shall address the items listed in the format below.

(2) Publication shall be in the FEDERAL REGISTER, and include an address where interested members of the public may write to request copies. Changes in operating practices and procedures shall be reflected in revisions to the statement, which shall likewise be published and made available to the public.

(b) *Format.*

(1) Name of Council.
(2) Location of offices.
(3) Legal authority.
(4) Purpose.
(5) Council composition.
(6) Officers and terms of office.
(7) Staff.
  (i) Composition.
  (ii) Functions.
  (iii) Employment practices.
(8) Standing committees of Council members.
  (i) Name.
  (ii) Composition.
  (iii) Function.
(9) Meetings and hearings.
  (i) Frequency.
  (ii) Duration.
  (iii) Location.
  (iv) Agendas or orders of business.
  (v) Minutes.
  (vi) General rules of procedures.
  (vii) Authority of the chair.
(10) Advisory panels.
  (i) Name.
  (ii) Composition.
  (iii) Function.
(11) Organization of management plan development teams.
  (i) Organization.
  (ii) Practices and procedures.
  (iii) Balance among criteria.
    (A) Focused responsibility.
    (B) Administrative simplicity.
    (C) Flexibility.
    (D) Independence and relevance of science.
    (E) Quality of scientific and technical information.
    (F) Minimum cost.

(12) Financial management system.

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(12) Financial management system.
(i) Standards for and code of employment conduct in contract awards and administration.
trol procedures.
(ii) Procurement procedures.
(iii) Property management.
(iv) Accounting and budgetary control procedures.

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Sec.
602.1 Purpose and scope.
602.2 National standards for fishery conservation and management.
602.3 Contents of fishery management plans. [Reserved]
602.4 Standard format for fishery management plans. [Reserved]
602.5 Procedures for development, review, and amendment of fishery management plans.
602.6 Compliance with NEPA. [Reserved]

AUTHORITY: 16 U.S.C. 1851; § 301(b), Pub. L. 94-265.

§ 602.1 Purpose and scope.

(a) A major purpose of the Fishery Conservation and Management Act is to provide for the preparation and implementation, in accordance with National Standards, of fishery management plans that will achieve and maintain, on a continuing basis, the optimum yield from each fishery covered by the exclusive fishery management authority established by the Act.

(b) Title III of the Act establishes seven National Standards for fishery conservation and management. Any fishery management plan prepared either by the Councils or the Secretary and any regulation promulgated to implement a plan shall be consistent with these National Standards. The Secretary is required to establish guidelines based on the National Standards to assist in the development of fishery management plans.

(c) This Part accordingly constitutes the Secretarial Guidelines for fishery management plan development based upon the National Standards. It contains explanatory comments with regard to these National Standards, guidance regarding the content of fishery management plans and various other procedures involved in the development, submission, review, and amendment of plans.

§ 602.2 National Standards for fishery conservation and management.

(a) *General.* Each fishery management plan, and any amendment to such plan, prepared by any Council and submitted to the Secretary will be reviewed by the Secretary for approval, disapproval, or partial disapproval. The review will involve a determination of whether the proposed plan is consistent with the National Standards, the other provisions of the Act, and any other applicable law (sec. 304(b)).

(1) *Purpose.* This section provides explanatory comments with respect to the National Standards, to assist the Councils in preparing fishery management plans and amendments that are consistent with the National Standards.

(2) *Definitions.* (i) *Habitat.*—Habitat is that combination of physical, chemical, and biological conditions and factors necessary for the completion of the life functions of any marine animal or plant that is to be managed under the Act.

(ii) *Management unit.*—Any species, stock, or group of species or stocks of fish that is geographically or ecologically interrelated or is affected as a group by fishing practices, that is capable of being managed as a unit on a rational and timely basis.

(b) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

(1) *Overfishing.* Overfishing is a level of fishing that results in a reduction in the capacity of a management unit to produce maximum biological yield on a sustained basis for specified habitat and environmental conditions.

(2) *Maximum sustainable yield (MSY).* The MSY from a fishery is the largest average annual catch or yield in terms of weight of fish caught by both commercial and recerational fishermen that can be taken continuously from a stock under existing environmental conditions. A determination of MSY, which should be an estimate based upon the best scientific information available, is a biological measure necessary in the development of optimum yield.

(3) *Optimum yield concept.* (i) The concept of optimum yield is broader than the consideration of only the stocks of fish. It takes into account the economic well-being of the commercial fishermen, the interests of recreational fishermen, the habitat quality and the national interest in conservation and management of the fisheries as expressed in sec. 2, and the National Standards in sec. 301(a) of the Act. Optimum yield:

(A) Recognizes resource uses and values other than harvesting;

(B) Allows for the importance of quality to the recreational fishing experience;

(C) Considers social and economic factors as important criteria in setting harvest rates;

(D) Recognizes the need for fisheries products; and

(E) Considers the present extent and condition of the habitat as well as long-term changes.

(ii) The optimum yield for a particular fishery will seldom, if ever, be a constant quantity over time since the condition of the fishery resource and the desires of the users may change. Periodic adjustments of harvest quotas, rates, and methods may be needed.

(4) *Optimum yield and management objectives.* The determination of optimum yield for a particular fishery will depend heavily upon the objectives that must be determined and adopted by the Councils with the assistance of their advisory groups and in consideration of the views of user groups and the general public. Relative weighting of the elements of the optimum yield determination will be influenced by both regional objectives and national considerations (as set forth in sec. 3(18) of the Act). Rarely will a fishery be managed to meet a single objective. Objectives sought may conflict to a degree with one another. Consequently, priority decisions must be made in developing objectives.

(5) *Optimum yield and foreign fishing.* Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the optimum yield of any fishery subject to the fishery management authority of the United States which will not be harvested by vessels of the United States. In determining whether U.S. fishermen will not harvest an optimum yield, the Councils are to give consideration to the capacity and the extent to which fishing vessels of the United States will harvest such yield. Both the optimum yield and the total "surplus" that can be made available for foreign fishing are to be included in fishery management plans and amendments to such plans.

(c) *Standard 2.* Conservation and management measures shall be based upon the best scientific information available.

(1) *Scientific information.* The term "scientific information" is meant to include information of a biological, ecological, economic, and social nature. Success of a fishery management plan depends on the quantity and quality of its scientific and technical information, the thorough analysis of this information, and the degree to which it is applied.

(2) *Standardization of information.* State and Federal suppliers of technical data to the Councils should give consideration to the comparability and compatibility of their respective data sets. The Councils, by means of fishery management plans, shall specify pertinent data to be submitted with respect to the fishery. Council guidance concerning standardizing the methods of obtaining and presenting such data expected from a variety of sources and areas would facilitate data collection, analysis, and evaluation.

(3) *Availability of information.* The type and extent of scientific information available may vary substantially from fishery to fishery. The lack of complete scientific information concerning a fishery shall not prevent the preparation and implementation of a fishery management plan. Councils should identify information gaps and indicate the need for acquisition of additional information. As better data become available, plans should be modified.

(d) *Standard 3.* To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(1) *Management unit.* It is expected that the management unit will incorporate the entire range of a stock of fish to the extent practicable. Also, a unit should, to the extent practicable, comprise several stocks that are ecologically interrelated or are affected as a group by fishing practices. Management units may be broadly defined to take account of the

multitude of fishing practices that can include effort directed toward: (i) A single stock of fish found in a certain area; (ii) different stocks of fish caught by the same vessels or gear; (iii) all the stocks in a certain area, and so on.

(2) *Jurisdiction.* Unity of management, or at least cooperation between various jurisdictional authorities (e.g., State, Council, Federal Government), is vital to prevent jurisdictional disputes from adversely affecting conservation practices. Where management units cross Council or Federal-State boundaries, coordination should be sought among the several fishery managers and Councils in the development of plans and regulations. The occurrence of a stock in a given Council area does not necessarily mean that a plan will be written specifically for that limited Council area. Where a stock's range overlaps Council areas, one plan may be written to cover the entire range.

(3) *Interrelationship of species/habitat.* The broad, long term goal of the several plans developed by each Council should be to optimize the benefits from the total weight of all forms of marine animal and plant life within the Council area of authority. This goal requires an emphasis upon management of interrelated groups of species. Management plans should also address the impact of pollution and the effects of wetland and estuarine degradation upon the stocks of fish throughout their range.

(e) *Standard 4.* Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be (1) fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(1) *Equity in allocation.* Allocation is an important component of fishery management. Allocations among present users and between present and future users should be calculated to promote conservation and to take into consideration both public and private interests. When allocation of fishing privileges becomes necessary among U.S. fishermen, e.g., among recreational or commercial fishermen or different gear types, it must be done fairly. The requirement for fairness and equity should ensure that attention is given to the preservation of the quality of the recreational fishing experience with respect to any species of substantial interest to recreational fishermen. In determining fair and equitable allocations, considerable attention should be given to the economic and social consequencies of alternative allocation schemes. Any plan must provide for fair and equal treatment of U.S. citizens and corporations operating or engaging in the fisheries concerned without regard to their particular state of residence or incorporation.

(2) *Traditional fishing.* Traditional or historic fishing patterns will also be considered when allocation of fishing privileges is necessary.

(3) *Right of entry.* The opportunity of new participants to enter a fishery should be protected wherever feasible and in a manner which prevents excessive fishing effort.

(f) *Standard 5.* Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(1) *Efficiency in the utilization of fishery resources.* This standard is intended to promote the efficiency of the three elements of utilization: harvesting, processing, and marketing of fishery products.

(2) *Economic efficiency.* (i) Economic efficiency may be regarded as one of many factors to be considered in the development of a plan. Councils will be involved in decisions about the distribution of costs and benefits, provision of employment opportunities, changes in the rate and composition of regional economic development, environmental effects, etc. To follow efficiency principles exclusively may not provide the greatest overall benefits to the Nation or necessarily reduce costs to the consumer. Accordingly, both the advantages and disadvantages of "efficiency" will have to be carefully weighted in the context of the objectives for the particular fishery involved.

(ii) Economic analyses made during plan development and amendment will provide a basis for management choices concerning economic efficiency. Where limited access systems are recommended, an economic analysis of such factors as the effects on the price of fish, or the price of vessels, or alternative employment problems, etc., will be necessary for an informed decision regarding the implementation of such systems.

(3) *Economic allocation.* Where conservation and management measures are recommended for economic allocation and for other purposes, due consideration shall be made of the biological, ecological, and social consequences of such measures.

(g) *Standard 6.* Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(1) *Causes of variations.* There can be great uncertainty with regard to the location, size, and even the existence of fish stocks. Historic "peaks" and "valleys" in annual catches, changes in environmental conditions, and species replacement in various areas provide indicators of the types of variations to be expected. Changes in habitat conditions may alter population levels. Variations are also to be expected in harvesting effort, fishing strategy, and gear efficiency within a fishery.

(2) *Flexibility in plan development and implementation.* Sufficient flexibility must be built into the fishery management process to allow for timely response to unforeseen changes, either mancaused, (e.g., change in catch size) or natural, (e.g., spawning failure). To the extent that information is available, every effort should be made to develop fishery management plans that take into account these variations and provide a suitable buffer in favor of conservation. In evaluating the need for flexibility, consideration should be given to the completeness of fishery data available, future availability of improved data, and the ability of the fishery to adjust to new regulations. Constant acquisition and analysis of fishery and resource data will help reduce uncertainty. Councils should respond to changes in the fishery and the resource and additional information by amending management plans and by proposing improved management techniques.

(h) *Standard 7.* Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication. A continuing goal of management is to eliminate, to the extent feasible, unnecessary costs of doing business. It is particularly important in a cooperative management regime that all entities involved take such steps as are necessary to ensure full utilization of available capabilities. Cost effectiveness should be sought through the process of optimizing existing capabilities, rather than at the expense of program objectives or program effectiveness. The costs of the proposed management regime, including enforcement, should be carefully evaluated in relation to the anticipated benefits.

§ 602.3 Contents of fishery management plans. [Reserved]

§ 602.4 Standard format for fishery management plans. [Reserved]

§ 602.5 Procedures for development, review, and amendment of fishery management plans.

(a) *Plans prepared by the Councils.* In preparing a fishery management plan, a Council shall:

(1) *Identify fisheries to be managed.* The Council shall assess all the fisheries within the geographical area of authority. It will be the Council's responsibility, after consultation with the Secretary, to identify those fisheries requiring plan development and to set priorities for plan development.

(2) *Develop management options.* The Council shall assemble and analyze all relevant information (e.g., biological, economic, social, ecological, user, and constituency) with regard to a particular fishery and develop specific technical management options. The Secretary and the Secretary of State shall furnish the Councils with information concerning foreign fishing and international fishery agreements. Scientific and technical information will be available to the Councils from a variety of sources, including the National Marine Fisheries Service's Regional Offices and Research Centers,

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the States, private institutions, other

herein, other provisions of the Act, and

the States, private institutions, other Councils, and any interested persons.

(3) *Select preferred management options; complete final plan.* (i) Consideration of the management options shall be made by the Council and its advisory groups. The Council shall select the preferred management options that are to be the basis of the final plan, and shall prepare a final plan for submission to the Secretary.

(ii) The Council's decision to approve a plan prior to submission to the Secretary must be made by a vote of the majority of the voting members present and voting. When a plan has been prepared jointly by more than one Council at the direction of the Secretary, it must be approved by a majority of the voting members present and voting, of each Council concerned prior to submission to the Secretary.

(4) *Consult with other Councils.* A Council shall consult with appropriate Councils when the Secretary has designated a single Council to prepare a plan for a management unit that extends into the geographical area of authority of other Councils or when the Secretary has designated more than one Council to prepare a plan jointly. (See § 601.11(c)(2).)

(5) *Receive and consider public comment.* The Council shall solicit, through public hearings and any other appropriate means, the advice and recommendations from all interested persons during the development of plans and amendments to such plans. Such persons include the States, the fishing industry (recreational and commercial), consumer and environmental organizations, and others.

(6) *Comply with requirements of the National Environmental Policy Act* (as set forth in § 601.21(b)(1), and in § 602.6 [Reserved]).

(7) *Coordinate fishery management plan development with coastal zone programs of constituent States under the Coastal Zone Management Act.* (See § 601.21(b)(3).)

(8) *Prepare fishery management plans consistent with the National Standards* (see § 602.2), *the guidelines contained herein, other provisions of the Act, and any other applicable law.*

(b) *Submission to the Secretary of Commerce.* Once a plan has been prepared and approved by a Council, it shall be submitted, along with any dissenting opinions, and with appropriate copies, directly to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by the most expeditious means available that are commensurate with safeguards against loss enroute.

(c) *Council action on plans prepared by the Secretary.*—(1) *General.* The Secretary may prepare a fishery management plan with respect to any fishery, or any amendment to any such plan, if:

(i) A Council fails to develop and submit to the Secretary, after a reasonable period of time, a plan for such fishery, or any necessary amendment to such a plan, if the fishery requires conservation and management; or

(ii) The Secretary disapproves or partially disapproves any such plan or amendment submitted by a Council and the Council fails to make the necessary changes within 45 days after the date on which the Council receives notification by the Secretary.

(2) *Comments of Council.* Whenever the Secretary prepares a fishery management plan or amendment, the Secretary shall promptly transmit such plan or amendment to the appropriate Council for consideration and comment. Within 45 days after the date of receipt of such plan or amendment, the Council may recommend to the Secretary changes in such plan or amendments consistent with the National Standards, the other provisions of the Act and any other applicable law. A Council may conduct public hearings to allow interested persons to comment on such a plan, and should incorporate such public comment, if any, in the Council recommendations to the Secretary for changes in the plan or amendment.

(3) *Failure of Council to comment.* If the Council does not propose changes within 45 days after it receives the submission from the Secretary, the Secretary may proceed to adopt and implement the plan or amendment.

(d) *Amendments to fishery management plans.*—(1) *Council review.* The Act directs each Council to review on a continuing basis, and revise as appropriate, the assessments and specifications made regarding the optimum yield from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority.

(2) *Scope of review.* This review of each plan should also include reexamination of the management objectives and the effectiveness of conservation and management measures and implementing regulations. Each Council must assess the accuracy of the estimates of MSY, and optimum yield, and total allowable level of foreign fishing at least once a year for each plan that is implemented, regardless of whether the plan is prepared by a Council or by the Secretary.

(3) *Amending the plan.* Based on this review, or for other reasons, a Council may amend the plan. The procedures for Council preparation and approval of an amendment (e.g., hearings, majority vote, and transmittal to the Secretary) are the same as those that apply to a management plan. The same procedures as for a plan also apply when an amendment is disapproved or partially disapproved by the Secretary and returned to the Council for modification.

(e) *Proposed regulations.* A Council may recommend to the Secretary any proposed regulations which it deems necessary and appropriate to carry out any plan, or any amendment to any plan. Proposed regulations shall be submitted as a separate document, together with such plan or amendment, to the Secretary. The Secretary has the final responsibility to determine whether to adopt any proposed regulations recommended by a Council.

§ 602.6 Compliance with NEPA. [Reserved]

PART 603—CONFIDENTIALITY OF STATISTICS [RESERVED]

[FR Doc.77-18934 Filed 7-1-77;8:45 am]

federal register

TUESDAY, JULY 5, 1977

PART VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations

The Federal Insurance Administration proposes to determine flood elevations for the communities listed below. These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean that the communities must change any existing ordinances that are more stringent in their flood plain management requirements. The communities may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or local agencies for its flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended by the Housing and Urban Development Act of 1970, effective December 31, 1970 (24 CFR 1970 Comp., p. 1069); Executive Order 11296, August 10, 1966 (31 FR 10663, 3 CFR 1966-1970 Comp., p. 178); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3045]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Trumbull, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Trumbull, Fairfield County, Connecticut. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-mentioned community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office and the Town Engineer's Office, Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut, 06611. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. James A. Butler, First Selectman, Town of Trumbull, Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut, 06611.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Trumbull, Fairfield County, Connecticut, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448); 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary A	Downstream of Colony Ave. culvert.	251
	50 ft downstream of Pondview Ave.	327
	Park Lane culvert	[illegible]
	Cart Rd.	265
Tributary B	Confluence with Canoe Brook Lake.	263
	Helena Rd.	375
	Upstream side old Village Lane.	400
	Upstream side Madison Ave.	420
Tributary C	Vicinity of Sally Ann Rd.	374
	Dayton Rd.	395
Tributary D	Cart Rd.	[illegible]
	Vicinity of Velvet St.	327
	Cold Springs Rd.	439
	Essex Lane	466
Island Brook	Oldtown Rd.	113
	Merritt Parkway	230
	Melrose Ave.	370
	Upstream side Chestnut St.	350
Pequonnock River	Oldtown Rd.	98
	White Plains Rd.	96
	Daniels Farm Rd.	110
	Whitney Ave.	228
	Monroe Turnpike	280
	Spring Hill Rd.	388
Tributary E	Bayberry Lane	70
	Dirt Rd.	150
Tributary F	Upstream side Norwood Ter.	172

The proposed 100-year flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary F	Upstream side Church Hill Rd.	270
	Upstream side Lillian Dr.	294
Belden Brook	Park St.	193
	Upstream side Daniels Farm Rd.	240
	Harvest Hill Dr.	322
Tributary G	Upstream side Broadway.	350
	Newton Turnpike	360
Tributary H	Woodland Dr.	360
	Vicinity of Doris St.	430
Tributary I	Newton Turnpike	307
Tributary J	Springhill Rd.	318
North Farrar Brook	Railroad	290
	Newton Turnpike	321
	Field Rd.	330
Tributary K	Route 8	222
	Sheldon Rd.	293
	Golden Hill Rd.	297
Tributary L	Huntington Rd.	153
	Merritt Blvd.	147
Tributary M	Pinewood Trail	174
	Booth Hill Rd.	266
Tributary N	West Mischa Rd.	174
	Booth Hill Rd.	203
Booth Hill Brook	Old Dike Rd.	184
Tributary O	Intervale Rd.	91
	Nichols Ave.	140

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18297 Filed 7-1-77; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-304]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Boca Raton, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Boca Raton, Florida. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 201 West Palmetto Park Road, Boca Raton, Florida. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Donald D. Crawford, City Manager, City Hall, 201 West Palmetto Park Road, Boca Raton, Florida 33432.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Boca Raton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 201 West Palmetto Park Road, Boca Raton, Florida.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Donald D. Crawford, City Manager, City Hall, 201 West Palmetto Park Road, Boca Raton, Florida 33432.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
E-4 Canal	Camino Garden Blvd.	8
	West Camino Real Rd.	9
	Palmetto Park Rd.	9
	Northwest 7th St.	10
	Northwest 13th St.	10
	Northwest 20th St.	11
	Northwest 30th St.	11
	Spanish River Blvd. NW.	11
	Interstate 95	11
	Seaboard Coast Line RR.	12
	Northwest 51st St.	13
	Jeffery St.	13
Hillsboro Canal	U.S. No. 1 North	8
	U.S. No. 1 South	8
	F.E.C. RR.	8
	Interstate 95	8
	Seaboard Coast Line RR.	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18298 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2974]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of New Windsor, Orange County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of New Windsor, Orange County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, New Windsor, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Town Supervisor William Larkin, New Windsor, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of New Windsor, Orange County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, New Windsor, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Town Supervisor William Larkin, New Windsor, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Moodna Creek	Southern corporate limits	10
	Upstream of Route 9W.	11
	Downstream of Forge Hill Rd.	34
Tributary 1	Upstream of Ceasars Lane.	45
	Downstream of driveway bridge at 156 Ceasars Lane.	73
Tributary 2	Confluence with Moodna Creek.	11
	Upstream of Route 9W.	38
Quassick Creek	Upstream of River Road Bridge.	8
	Upstream of Mill Street Bridge.	60
	Upstream of Walsh Road Bridge.	102

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18299 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2975]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Portville, Cattaraugus County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Portville, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required

mediately notify the Honorable David W. Henderson, Mayor of Portville, Port-

Spittler, Mayor of the Village of Limestone, Church Street, Limestone, New

U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Ad-

quired by § 1910.3 of the program regulations are the minimum that are required

SUMMARY: Technical information or comments are solicited on the proposed

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These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Portville Village Municipal Building, Main and Temple Street, Portville, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable David W. Henderson, Mayor of Portville, Portville, Village Municipal Building, Main and Temple Street, Portville, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Portville, Cattaraugus County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Portville Village Municipal Building, Main and Temple Street, Portville, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable David W. Henderson, Mayor of Portville, Portville, Village Municipal Building, Main and Temple Street, Portville, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the Village of Limestone, Cattaraugus County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town of Carrollton Municipal Building, Main Street, Limestone, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Milton Spittler, Mayor of the Village of Limestone, Church Street, Limestone, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the Village of Limestone, Cattaraugus County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town of Carrollton Municipal Building, Main Street, Limestone, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Milton Spittler, Mayor of the Village of Limestone, Church Street, Limestone, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Dodge Creek	Route 305	1,430
	Penn Central R.R.	1,432
	Route 417.	
Allegheny River	Upstream corporate limit.	1,436.5
	Dodge Creek confluence.	1,435
	Downstream corporate limit.	1,432

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77–18300 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2976]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Limestone, Cattaraugus County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Limestone, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town of Carrollton Municipal Building, Main Street, Limestone, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Milton Spittler, Mayor of the Village of Limestone, Church Street, Limestone, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tunungwant Creek.	Confluence of Limestone Brook.	1,400
	Confluence of Nichols Run.	1,400
	Limestone Run Rd.	1,403
	Corporate limits	1,405
Nichols Run	Con Rail	1,402
	B & O RR	1,403
	U.S. Route 219	1,406
	Main St.	1,408

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42

U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77 18301 Filed 7–1–77:8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3008]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Oak Creek, Wisconsin

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Oak Creek, Wisconsin.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 8640 South Howel Avenue, Oak Creek, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald W. Hermann, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872. Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Oak Creek, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald W. Hermann, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Root River	Highway I 94	96
	14th St	95
	Nicholson Rd	88
	Howell Ave	95
Oak Creek (main stem)	Shepard Ave	89
	Puetz Rd	84
	Drexel Ave	82
Oak Creek (north branch)	6th St	128
	Wildwood Dr	123
	Puetz Rd	115
	Puetz Rd [2]	113
Oak Creek (south branch)	20th St [2]	110
	20th St [2]	109
	14th St	100
	Ryan Rd	[illegible]

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18302 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3006]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Manasha, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100–year flood) listed below for selected locations in the City of Menasha, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 175 Main Street, Menasha, Wisconsin. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Victor Wiecki, City Hall, P.O. Box 359, 175 Main Street, Menasha, Wisconsin 54942.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Menasha, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 175 Main Street, Menasha, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Victor Wiecki,

City Hall, P.O. Box 359, 175 Main Street, Menasha, Wisconsin 54942.

The proposed 100-year flood elevations

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations

[24 CFR Part 1917]

[Docket No. FI–3001]

These proposed elevations will also be used to calculate the appropriate flood

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City Hall, P.O. Box 359, 175 Main Street, Menasha, Wisconsin 54942.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Winnebago	Southernmost end Brighton Dr.	750
	Northernmost end Oake Rd.	760
	Intersection of Willow Lane and Lake Rd.	750
Fox River (Menasha channel)	Ranline St.	749
	Menasha Dam (upstream).	749
	Menasha Dam (downstream).	746
	Washington St.	745
Little Lake Butte Des Morts	Westernmost end Frederick St.	743
	Westernmost end 4th St.	743
	Northernmost end Lock St.	743
	Intersection of Butte Des Morts and Fox St.	743

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18303 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3005]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Wytheville, Wythe County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Wytheville, Wythe County, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Wytheville Municipal Building, 185 West Spring Street, Wytheville, Virginia. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Carter W. Beamer, Town Manager of Wytheville, P.O. Drawer 533, Wytheville, Virginia 24382.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Wytheville, Wythe County, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the apprpriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Wytheville Municipal Building, 185 West Spring Street, Wytheville, Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Carter W. Beamer, Town Manager of Wytheville, P.O. Drawer 533, Wytheville, Virginia 24382.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cedar Run	Service Rd.	2,266
	Washington St.	2,260
	Union St.	2,245
	Marshall St.	2,217
	Norfolk and Western R.R.	2,202
Reed Creek	Upstream corporate limits.	2,002
	U.S. Route 21	2,088
Tributary A	Confluence of Tributary B.	2,180
	Upstream side of Chapman Rd.	2,178
	Industry Rd.	2,170
	Downstream corporate limits.	2,170
Tributary B	Marshall St.	2,198
	Confluence with Tributary A.	2,180

(National Flood Insurance of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18304 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3003]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Moretown, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Moretown, Vermont. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Clerk's Office, Route 100B, Moretown, Vermont. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Roland Foster, Chairman, Board of Selectmen, Town of Moretown, Town Clerk's Office, Route 100B, Box 533, Moretown, Vermont 05660.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Moretown, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the home of Harold Cutler, Maple Corners Road, Worcester, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Harold Cutler, Chairman, Board of Selectmen, Town of Worcester, Maple Corners, Road, Worcester, Vermont 45682.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River	Route 100B	612
	Town Highway No. 34.	600
	Route 100B	576
	Munn Bridge	559
	Route 100B	490
	Town Highway No. 11.	460
Winooski River	Vermont Route 100B	499
	U.S. Route 2	447

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18305 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3001]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Worcester, Vermont

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Worcester, Vermont.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the home of Harold Cutler, Maple Corners Road, Worcester, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Harold Cutler, Chairman, Board of Selectmen, Town of Worcester, Maple Corners, Road, Worcester, Vermont 45682.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Worcester, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new building and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Home of Harold Cutler, Maple Corners Road, Worcester, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Harold Cutler, Selectman Chairman, Maple Corners Road, Worcester, Vermont 45682.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minister Brook	Town Highway No. 20.	1184
	West Hill Rd.	950
	Minister Brook Rd.	769
	Vermont Route 12	745
North Branch	Town Highway No. 39.	829
	Vermont Route 12	805
	Calais Rd.	739

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974.)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18306 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3013]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Rosedale, Louisiana

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Rosedale, Louisiana.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of

local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Rosedale Village Hall, Rosedale, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Bourgeois, Mayor, Village of Rosedale, Rosedale, Louisiana 70780.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Rosedale, Louisiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Rosedale Village Hall, Rosedale, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Bourgeois, Mayor, Village of Rosedale, Rosedale, Louisiana 70780.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Plaquemine	Upstream corporate limits.	25
	Downstream corporate limits.	25

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18307 Filed 7-1-77;8:45 am]

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Rosedale Village Hall, Rosedale, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Bourgeois, Mayor, Village of Rosedale, Rosedale, Louisiana 70780.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Rosedale, Louisiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Rosedale Village Hall, Rosedale, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Bourgeois, Mayor, Village of Rosedale, Rosedale, Louisiana 70780.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Plaquemine	Upstream corporate limits.	25
	Downstream corporate limits.	25

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18307 Filed 7-1-77;8:45 am]

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local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Rosedale, Louisiana 70772.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lawrence J. Badeaux, Village Hall, P.O. Box 167, Rosedale, Louisiana 70772.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Rosedale, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Rosedale, Louisiana 70772.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lawrence J. Badeaux, Village Hall, P.O. Box 167, Rosedale, Louisiana 70772.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Grosse Tete	L.A. Highway 76	14
Drainage ditch No. 1	L.A. Highway 74	14
	Augusta Ave	15
Drainage ditch No. 2	Augusta Ave	17

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2781, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18307 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3015]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Westfield, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Westfield, Hampden County, Massachusetts. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office and the City Planning Department, City Hall, 59 Court Street, Westfield, Massachusetts, and the Westfield Anthenaeum, 6 Elm Street, Westfield, Massachusetts. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable John J. Rhodes, Mayor, City of Westfield, City Hall, 59 Court Street, Westfield, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for City of Westfield, Hampden County, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office and the City Planning Department, City Hall, 59 Court Street, Westfield, Massachusetts, and the Westfield Anthenaeum, 6 Elm Street, Westfield, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable John J. Rhodes, Mayor, City of Westfield, City Hall, 59 Court Street, Westfield, Massachusetts.

The proposed 100-year flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Westfield River	At USGS Stream gage No. 01183500.	126
	At the downstream face of East Main Street Bridge.	131
	3040 ft downstream from North Elm Street Bridge 2,700 ft downstream from North Elm Street Bridge.	135
	At the downstream face of North Elm Street Bridge.	139
	8,000 ft upstream from North Elm Street Bridge.	143
	At the corporate boundary.	153
Little River	At the downstream face of Main Street Bridge.	183
	At the downstream face of Ponders Hollow Road Bridge.	147
	At the downstream face of Southwick Rd.	158
	At the downstream face of lower Stevens Dam.	160
	At the upstream side of the Crane Pond.	160
	At the downstream face of Upper Stevens Dam.	160
	At the upstream face of Upper Stevens Dam.	193
	At the upstream face of Hortons Bridge.	193
	1,900 ft upstream from confluence with Munn Brook.	198

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	5,600 ft upstream from confluence with Munn Brook.	211
	At the downstream face of Northwest Road Bridge.	237
	At the upstream face of Northwest Road Bridge.	242
Great Brook	At the downstream face of Sherman Mill Bridge.	136
	At the downstream face of Shaker Rd. culvert.	140
	At the upstream face of Shaker Rd. culvert.	141
Powdermill Brook	At the upstream face of Union St. culvert.	130
	500 ft downstream from North Elm Street Bridge.	134
	At the downstream face of North Elm Street Bridge.	136
Munn Brook	At the downstream face of Granville Road Bridge.	196
	5,080 ft upstream from Granville Road Bridge.	197
	At the downstream face of Loomis Street Bridge.	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18308 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3017]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Tawas, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Tawas, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 508 Lake Street West, Tawas, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Herbert Cholgar, City Hall, 508 Lake Street West, Tawas, Michigan 48763.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Tawas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricted requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 508 Lake Street West, Tawas, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Herbert Cholgar, City Hall, 508 Lake Street West, Tawas, Michigan 48763.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tawas River	U.S. 23	584
	Mathews St	585
	Whittmore St	586
	1st St	588
	M-55	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18309 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3020]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Township of Benton, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Benton, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, 1725 Territorial Road, Benton Harbor, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Kathrine Sirk, Township Supervisor, Township Hall, 1725 Territorial Road, Benton Harbor, Michigan 49022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Benton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Rosedale, Louisiana 70772.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lawrence J. Badeaux, Village Hall, P.O. Box 167, Rosedale, Louisiana 70772.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Grosse Tete	L.A. Highway 76	14
Drainage ditch No. 1	L.A. Highway 74	14
	Augusta Ave	15
Drainage ditch No. 2	Augusta Ave	17

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2781, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18307 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3015]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Westfield, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Westfield, Hampden County, Massachusetts. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office and the City Planning Department, City Hall, 59 Court Street, Westfield, Massachusetts, and the Westfield Anthenaeum, 6 Elm Street, Westfield, Massachusetts. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable John J. Rhodes, Mayor, City of Westfield, City Hall, 59 Court Street, Westfield, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for City of Westfield, Hampden County, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 508 Lake Street West, Tawas, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Herbert Cholgar, City Hall, 508 Lake Street West, Tawas, Michigan 48763.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tawas River	U.S. 23	584
	Mathews St	585
	Whittmore St	586
	1st St	588
	M-55	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18308 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3017]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Tawas, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Tawas, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administration gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Tawas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricted requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 508 Lake Street West, Tawas, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Herbert Cholgar, City Hall, 508 Lake Street West, Tawas, Michigan 48763.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tawas River	U.S. 23	584
	Mathews St	585
	Whittmore St	586
	1st St	588
	M-55	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18309 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3020]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Township of Benton, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Benton, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, 1725 Territorial Road, Benton Harbor, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Kathrine Sirk, Township Supervisor, Township Hall, 1725 Territorial Road, Benton Harbor, Michigan 49022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Benton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

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These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, 1725 Territorial Road, Benton Harbor, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Kathrine Sirk, Township Supervisor, Township Hall, 1725 Territorial Road, Benton Habor, Michigan 49022.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River	I-94	580
	U.S. 31	590
Paw Paw River	Paw Paw Ave.	587
	C&O RR	587
Ox Creek	Highway M-139	588
	Penn Central RR	601
	Napier Ave.	608

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18310 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3024]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of St. Peter, Nicollet County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of St. Peter, Nicollet County, Minnesota. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby in City Hall, 227 South Front Street, St. Peter, Minnesota. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Douglas C. Pyan, Mayor of St. Peter, P.O. Box 270, St. Peter, Minnesota 56082.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of St. Peter, Nicollet County, Minnesota in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–5128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby in City Hall, 227 South Front Street, St. Peter, Minnesota.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Douglas C. Pyan, Mayor of St. Peter, P.O. Box 270, St. Peter, Minnesota 56082.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River	St. Julien St. (extended)	738
	Broadway Ave. (State 99) upstream.	739
	Broadway Ave (State 99) downstream.	738
	Locust St. (extended)	740
	Jackson St.	761
	Upstream corporate limits.	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18311 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3022]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Novi, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Novi, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 43315 Sixthgate, Novi, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Gilbert Henderson, City Hall, 43315 Sixthgate, Novi, Michigan 48050.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administration gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Novi, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 43315 Sixthgate, Novi, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Gilbert Henderson, City Hall, 43315 Sixthgate, Novi, Michigan 48050.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Patnales drain	I-96 exit ramp	[illegible]
	Drive culvert	859
	do	858
	Grand River Ave	856
	Foot bridge	852
	10 Mile Rd	851
	Cran Brook Rd	847
	Willow Brook Rd	844
	Meadow Brook Rd	839
	Foot bridge	835
	9 Mile Rd	834
	Foot bridge	833
Bishop Creek	Private Road	894
	Driveway culvert	891
	do	882
	Field culverts	879
	do	878
	11 Mile Rd	876
	Driveway culvert	877
	Meadow Brook Rd	875
	Grand River Ave	871
Walled Lake Branch Middle River Rouge	10 Mile Rd	850
	12 Mile Rd	930
	C&O RR	920
	Residential garage	924
	Driveway culvert	924
	I-96	923
	Commercial driveway	921
	Culverts	916
	C&O RR	915
	Railroad spur	915
	Foot bridge	[illegible]
	Grand River Ave	[illegible]
	Flint St	904
	Foot bridge	902
	Flint St	901
	C&O RR	898
	Novi Rd	892
	C&O RR	873
	10 Mile Rd	866
	C&O RR	863
	do	853
	Fook bridge	850
	Chattman Dr	939
West Branch of Island on Walled Lake Branch Middle River Rouge	Grand River Ave	909
Tributary A-Walled Lake Branch Middle River Rouge	10 Mile Rd	893
	Novi Rd	890
Tributary B-Walled Lake Branch Middle River Rouge	Orchard Service Dr	882
	Taft Rd	928
	Novi Rd	891
Thornton Creek	10 Mile Rd	960
	9 Mile Rd	906
	Taft Rd	897
	Connemara Dr	887
	Center St	874
	9 Mile Rd	872
	Driveway	858
	Novi Rd	846
	9 Mile Rd	841
	Foot bridge	841
	C&O RR	830
Novi-Lyon drain	10 Mile Rd	955
Tributary C of Novi-Lyon drain	Beck Rd	[illegible]
	Farm lane	961
	do	961
	Driveways	961
	Lawn culvert	961
	Farm lane	961
	11 Mile Rd	959
	Farm lane	958
	do	958
	Wixon Rd	955

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18312 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3025]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Amory, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Amory, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Amory, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Billy D. Glasgow, City Hall, P.O. Box 6, Amory, Mississippi 38821.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Amory, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Amory, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Billy D. Glasgow, City Hall, P.O. Box 6, Amory, Mississippi 38821.

The proposed 100-year flood elevations for selected locations are:

Any person having knowledge, information, or wishing to make a comment

quired by § 1910.3 of the program regulations are the minimum that are re-

[24 CFR Part 1917]

[Docket No. FI-3028]

gional entities. These proposed elevations will also be used to calculate the

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Tschudi Rd.[1]	257
	do.[2]	254
	U.S. Highway 278	246
	Main St.	245
	State Highway 25[1]	238
	do.[2]	236
Bowie House Branch.	Mississippian RR.[1]	242
	do.[2]	241
	6th St.	230
	Main St.[1]	238
	do.[2]	237
	108th St.[1]	227
	do.[2]	224
Burketts Creek	Phillips School House Dr.	244
	Boulevard Dr.	240
	Legion Dr.[1]	239
	do.[2]	238
	State Highway 25N[1]	227
	do.[2]	225
Burketts Creek (Tributary 1).	Tschudi Rd.[1]	254
	do.[2]	252
	Hatley Rd.[1]	219
	do.[2]	217
	Mississippian RR.	214
	Highland Circle	210
Tombigbee River	Intersection of Old Mississippi 6 and Black Cat Rd.	220

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18313 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3026]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Port Gibson, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Port Gibson, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Port Gibson, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor W. P. Gordon, City Hall, P.O. Box 607, Port Gibson, Mississippi 39150.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line (800) 424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Port Gibson, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Louisville, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Ralph L. Hathorne, City Hall, P.O. Box 147, Louisville, Mississippi 39339.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Louisville, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Louisville, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Ralph L. Hathorne, City Hall, P.O. Box 147, Louisville, Mississippi 39339.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	U.S. Highway 61[1]	157
	do.[2]	155
	Bridewell Lane[1]	136
Stream 2	U.S. Highway 61	113
	Greenwood St.	102
	Chinquepin St.	102
Stream 3	Wilson Ave.[1]	114
	do.[2]	109
	Illinois Central Gulf RR.[1]	109
	do.[2]	105
	Anthony Rd.[1]	103
	do.[2]	100
Little Bayou Pierre.	U.S. Highway 61	101
	Old U.S. Highway 61	100

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18314 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3027]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Louisville, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Louisville, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Louisville, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Ralph L. Hathorne, City Hall, P.O. Box 147, Louisville, Mississippi 39339.

FOR FURTHER INFORMATION CONTACT:

[24 CFR Part 1917]

[Docket No. FI-3028]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Terry, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Terry, Mississippi.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Terry, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Henry Clark, Town Hall, P.O. Box 327, Terry, Mississippi.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line (800) 424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Terry, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Terry, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Henry Clark, Town Hall, P.O. Box 327, Terry, Mississippi.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hughes Creek Tributary 3.	Highway 14 West	527
	West St.	517
	Vance St.	514
Hughes Creek Tributary 2.	Cagle St.	519
	Vance St.	514
Hughes Creek Tributary 1.	Oak St.	519
	Hemlock Rd.	517
	Armstrong St.	513
	Georgia Pacific spur line.	511
	Georgia Pacific Plant Rd.	498
	Georgia Pacific Rd.	497
	Georgia Pacific spur line.	493
Hughes Creek	Highway 14 West (Main St.).	524
	Highway 25 South	522
	Vance St.	514
	Baremont St.	504
	Illinois Central Gulf spur line.	498
	Highway 15 South	498
	Illinois Central Gulf RR.	493
Town Creek Tributary 4.	Ivy Ave.	530
	Allen Adams Dr.	514
Town Creek	Airport Rd.	529
	North Court Ave.	521
	Ivy Dr.	521
	Highway 25	512
	East Ridge Dr.	509
	Highway 14	501
Stream 1	Smyth Rd.	514

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18315 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3021]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Township of Onekama, Michigan

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Onekama, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of

local circulation in the above-named community.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Beasley Rd (upstream side)	281
Vaughn Creek	Old U.S. Highway 31 (upstream side).	277
Rhodes Creek	Fortner Rd.	282
Harris Creek	At upstream corporate limits.	265

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18316 Filed 7-1-77;8:45 am]

FOR FURTHER INFORMATION CONTACT:

trator, 34 FR 2680, February 27, 1969, as

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local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Office, 8547 Milk Street, Onekama, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Forrest Felthaki, Township Supervisor, Township Office, 8547 Milk Street, Onekama, Michigan 49675.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the Township of Onekama, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Office, 8547 Milk Street, Onekama, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Forrest Felthaki, Township Supervisor, Township Office, 8547 Milk Street, Onekama, Michigan 49675.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portage Lake	Lake Park Dr. south of its intersection with Seymour Ave., 2,400 ft east of the intersection with South Portage Point Dr. Flooding begins 270 ft south of Seymour Ave.—entire road south of that point is flooded.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77–18317 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2982]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Rocky Mount, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Rocky Mount, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Main Street, Rocky Mount, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William H. Batchelor, City Manager, City of Rocky Mount, City Hall, Main Street, P.O. Box 1180, Rocky Mount, North Carolina 27801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Rocky Mount, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Main Street, Rocky Mount, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William H. Batchelor, City Manager, City of Rocky Mount, City Hall, Main Street, P.O. Box 1180, Rocky Mount, North Carolina 27801.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tar River	U.S. Route 301	104
	U.S. Route 64 [1]	97
	do.[2]	96
	State Rd. 1250	78
Tar River Tributary	Hunting Lodge Dr.	93
Hornbeam Branch	State Rd. 1268	75
	Highway 48 [1]	99
	do.[2]	97
	Highway 97	79
Compass Creek	State Rd. 1538	92
	State Rd. 1401 [1]	83
	do.[2]	82
Cowlick Creek	Stokes Ave.	86
Parkers Canal	Virginia St.	81
	Coleman Ave.	90

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Goose Branch	Southern Blvd.	99
	State Rd. 1544	85
Stony Creek	U.S. Route 64 [1]	114
	do.[2]	113
	Winstead Ave.	108
Maple Creek	State Rd. 1714	112
	State Rd. 1713	105
Grape Branch	State Rd. 1717 [1]	106
	do.[2]	104
Little Cokey Swamp	Powell Rd.	129
	State Rd. 1002	103
Little Cokey Swamp Tributary	State Rd. 1152	114

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77–18318 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2985]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Myrtle Creek, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Myrtle Creek, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Myrtle Creek, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Joseph A. Lucas, City Hall, P.O. Box 745, Myrtle Creek, Oregon 97457.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Myrtle Creek, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128. and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Myrtle Creek, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Joseph A. Lucas, City Hall, P.O. Box 745, Myrtle Creek, Oregon 97457.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Umpqua River	Highway 99 [1]	606
	Southern Pacific R.R.[2]	613
Myrtle Creek	Highway 99 (Main Ave.).[1]	608
North Myrtle Creek	Johnson St.[1]	610
	Northeast Division [2]	615

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77–18319 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2987]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Nehalem, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Nehalem, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 1188 Tohls Avenue. Nehalem, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor William Lee Dillard, P.O. Box 143, 1188 Tohls Avenue, Nehalem, Oregon 97131.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance. 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Nehalem, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regu-

lations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Office, 8547 Milk Street, Onekama, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Forrest Felthaki, Township Supervisor, Township Office, 8547 Milk Street, Onekama, Michigan 49675.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portage Lake	Lake Park Dr. south of its intersection with Seymour Ave., 2,400 ft east of the intersection with South Portage Point Dr. Flooding begins 270 ft south of Seymour Ave.—entire road south of that point is flooded.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77–18317 Filed 7–1–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2982]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Rocky Mount, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Rocky Mount, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Main Street, Rocky Mount, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William H. Batchelor, City Manager, City of Rocky Mount, City Hall, Main Street, P.O. Box 1180, Rocky Mount, North Carolina 27801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Rocky Mount, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Main Street, Rocky Mount, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William H. Batchelor, City Manager, City of Rocky Mount, City Hall, Main Street, P.O. Box 1180, Rocky Mount, North Carolina 27801.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tar River	U.S. Route 301	104
	U.S. Route 64 [1]	97
	do.[2]	96
	State Rd. 1250	78
Tar River Tributary	Hunting Lodge Dr.	93
Hornbeam Branch	State Rd. 1268	75
	Highway 48 [1]	99
	do.[2]	97
	Highway 97	79
Compass Creek	State Rd. 1538	92
	State Rd. 1401 [1]	83
	do.[2]	82
Cowlick Creek	Stokes Ave.	86
Parkers Canal	Virginia St.	81
	Coleman Ave.	90

flood-prone areas and the proposed base flood elevations are available for review

Source of flooding	Location	Elevation in feet, national geodetic vertical datum

These base flood elevations are the basis

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lations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 1138 Tohls Avenue, Nehalem, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor William Lee Dillard, P.O. Box 143, 1188 Tohls Avenue, Nehalem, Oregon 97131.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet[1]
Nehalem River	Corporate limits (mile 2.14).	11
	Corporate limits (mile 1.85).	11
	Corporate limits (mile 1.80).	11
	Corporate limits (mile 1.04).	11

[1] Vertical datum is the 1947 adjustment to 1929 sea level datum.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18320 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2983]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Stow, Summit County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Stow, Summit County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Stow City Meeting Room, 1st Floor, 3760 Darrow Road, Stow, Ohio. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable C. Paul Hutchison, Mayor of Stow, 3760 Darrow Road, Stow, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Stow, Summit County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Stow City Meeting Room, 1st Floor, 3760 Darrow Road, Stow, Ohio.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable C. Paul Hutchison, Mayor of Stow, 3760 Darrow Road, Stow, Ohio.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Fish Creek	Upstream corporate limits.	1,025
	Kent Rd.	1,021
	North River Rd.	1,014
	Confluence with Cuyahoga River.	1,009
Fish Creek—Tributary No. 1.	½ mile above mouth.	1,030
	Confluence with Fish Creek.	1,023
Fish Creek—Tributary No. 2.	Abandoned RR.	1,064
	Call Rd.	1,059
	Newcomer Rd. and downstream corporate limits.	1,041
Mud Brook	Seasons Rd. and upstream corporate limits.	995
	Field Dr.	990
	Con Rail	990
	Homewood Ave.	987
	Downstream corporate limits.	984
Tributary No. 1—Mud Brook.	Upstream corporate limits.	990
	Hudson Rd.	990
	Confluence with Mud Brook.	990
Tributary No. 1B—Mud Brook.	Graham Rd.	997
	Downstream corporate limits.	995
Tributary No. 2—Mud Brook.	Allen Rd.	1,003
	Confluence with Mud Brook.	994

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18321 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3031]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Tupelo, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Tupelo, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tupelo, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Clyde E. Whitaker, City Hall, P.O. Box 1485, Tupelo, Mississippi 38801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Tupelo, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tupelo, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Clyde E. Whitaker, City Hall, P.O. Box 1485, Tupelo, Mississippi 38801.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Coonewah Creek.	State Highway 6.	300
Kings Creek, Tributary 4.	Robindale Dr.	[illegible]
	Private Rd.	306
	Natchez Trace Parkway.	300
	Lumpkin Ave.	[illegible]
	George St.	277
Kings Creek, Tributary 3.	Natchez Trace Parkway.	313
	North Thomas St.	[illegible]
	North Foster Dr.	[illegible]
	Lumpkin Ave.	280

flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tupelo, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Clyde E. Whitaker, City Hall, P.O. Box 1485, Tupelo, Mississippi 38801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Tupelo, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tupelo, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Clyde E. Whitaker, City Hall, P.O. Box 1485, Tupelo, Mississippi 38801.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Kings Creek, Tributary 2.	Lawndale Dr.	289
	Lawndale Dr.	277
	Milford St.	273
	Industrial Rd.	271
Kings Creek, Tributary 1.	U.S. Highway 78.	291
	Antler Dr.	291
	Antler Dr.	280
	West Jackson	279
	Leake St.	276
	Blair St.	276
	St. Louis-San Francisco RR.	274
	West Jefferson St.	273
	West Main St.	273
Kings Creek	Natchez Trace Parkway.	286
	Trace Ave.	284
	Jackson St.	274
	St. Louis-San Francisco RR.	272
	Blair St.	271
	West Main St. (State Highway 6).	271
	Rankin Blvd.	269
	U.S. Highways 45 and 278.	268
	Green St.	266
	Dey-Britt Dr.	266
	Illinois Central Gulf RR.	265
	Frontage Rd.	263
	U.S. Highway 78.	263
	Frontage Rd.	263
	Eason Blvd.	263
	East Main St.	266
Mud Creek	St. Louis-San Francisco RR.	264
	U.S. Highways 45 and 278.	277
Town Creek, Tributary 1.	Illinois Central Gulf RR.	269
Town Creek	U.S. Highways 45 and 278.	271
	Illinois Central Gulf RR.	268
	East Main St.	265
	St. Louis-San Francisco RR.	264
	Eason Blvd.	263
Tulip Creek	U.S. Highway 78.	273
	Tulip Rd.	273
	Briar Ridge Rd.	264
	St. Louis-San Francisco RR.	248

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969) as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18322 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3029]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of North Carrollton, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of North Carrollton, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Main Street, North Carrollton, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Clarence Montgomery, Town Hall, Main Street, North Carrollton, Mississippi 38947.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of North Carrollton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Main Street, North Carrollton, Mississippi.

Any person having knowledge, information, or wish to make a comment on these proposed elevations should immediately notify Mayor Clarence Montgomery, Town Hall, Main Street, North Carrollton, Mississippi 38947.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic

tions of base flood elevations (100-year flood) for Claiborne County, in accordance with Section 110 of the Flood

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed

Town Clerk's Office, Joslin Library, Waitsfield, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should im-

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beasley Creek	Mississippi Highway 35.	223
	Columbus and Greenville R.R.	223
Big Sand Creek	George St.	227

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18323 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3030]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Claiborne County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Claiborne County, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Claiborne County Courthouse, Port Gibson, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Matthew Ross, President, Board of County Supervisors, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Claiborne County, in accordance with Section 110 of the Flood Diseaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Claiborne County Courthouse, Port Gibson, Mississippi 39150.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Matthew Ross, President, Board of County Supervisors, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	South County Line	88
Bayou Pierre	U.S. Highway 61 (downstream side).	101
Little Bayou Pierre.	U.S. Highway 61 (upstream side).	101

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18324 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3002]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Waitsfield, Washington County, Vermont

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100--year flood) listed below for selected locations in the Town of Waitsfield, Washington County, Vermont.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Joslin Library, Waitsfield, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Everret Larrow, Chairman, Board of Selectmen, Town of Waitsfield, Waitsfield, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Waitsfield, Washington County, Vermont, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Joslin Library, Waitsfield, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Everret Larrow, Chairman, Board of Selectmen, Town of Waitsfield, Waitsfield, Vermont.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River	Town Highway No. 8.	645
	Town Highway No. 15.	670
	Town Highway No. 22.	695
	Vermont Route 100.	721
	Town Highway No. 28.	764
Shepard Brook	Vermont Route 100.	639
Mill Brook	do.	717
Folsom Brook	do.	765

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18325 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3000]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Loudon, Loudon County, Tennessee

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Loudon, Loudon County, Tennessee.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Recorder's office, City Hall, Alma Street, Loudon, Tennessee.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Gary Hensley, City Manager of Loudon, City Hall, Alma Street, Loudon, Tennessee 37774.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Loudon, Loudon County, Tennessee in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Recorder's office, City Hall, Alma Street, Loudon, Tennessee.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Gary Hensley, City Manager of Loudon, City Hall, Alma Street, Loudon, Tennessee 37774.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tennessee River	Downstream corporate limit.	751
	Southern R.R.	754
	U.S. Route 11.	754
	Upstream corporate limits.	756
Steekee Creek	Main St.	754
	Pecan St. extended	755
	Corporate limits	756
	500 ft upstream corporate limit.	761
	1,000 ft upstream corporate limit.	762

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18326 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3011]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Norwalk, Connecticut

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Norwalk, Connecticut.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 41 North Main Street, South Norwalk, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Jennie S. Cave, City Hall, 41 North Main Street, South Norwalk, Connecticut 06854.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or toll free line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Norwalk, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Joslin Library, Waitsfield, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Everret Larrow, Chairman, Board of Selectmen, Town of Waitsfield, Waitsfield, Vermont.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mad River	Town Highway No. 8.	645
	Town Highway No. 15.	670
	Town Highway No. 22.	695
	Vermont Route 100.	721
	Town Highway No. 28.	764
Shepard Brook	Vermont Route 100.	639
Mill Brook	do.	717
Folsom Brook	do.	765

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal

980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban

TUESDAY, JULY 5, 1977

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These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 41 North Main Street, South Norwalk, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Jennie S. Cave, City Hall, 41 North Main Street, South Norwalk, Connecticut 06854.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stony Brook	Merritt Parkway	118
	Newton Ave	99
Silvermine River	Perry Ave	114
	Merritt Parkway	83
	James St	64
Norwalk River	Grist Mill Rd. Merritt Parkway.	
	Broad St	52
	New Canaan Ave	47
	Wall St	12
Five Mile River	Old Rock Lane	137
	Fillow St	98
	West Cedar St	73
	Connecticut Ave	54
	Flax Hill Rd	37
	Cudlipp Rd	12
Keeler Brook	Flax Hill Rd	58
	Rowayton Ave	36

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18327 Filed 7-1-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3014]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Tensas Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Tensas Parish, Louisiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Courthouse, St. Joseph, Louisiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jim Wilkerson, President, Tensas Parish Police Jury, P.O. Box 6213, Courthouse, St. Joseph, Louisiana 71366.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTAY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Tensas Parish, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by §1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirments on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Courthouse, St. Joseph, Louisiana:

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jim Wilkerson, President, Tensas Parish Police Jury, P.O. Box 6213, Courthouse, St. Joseph, Louisiana 71366.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Upstream parish limit	99
	Downstream parish limit.	80

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18328 Filed 7-1-77;8:45 am]

federal register

TUESDAY, JULY 5, 1977

PART VII

DEPARTMENT OF DEFENSE

Defense Communications Agency

PRIVACY ACT OF 1974

Systems of Records: Deletions and Amendments

DEPARTMENT OF DEFENSE
DEFENSE COMMUNICATIONS AGENCY
PRIVACY ACT OF 1974

Retrievability: Delete entry Substitute: "By folder identified by contractor or individual's name."

KDCE.02

System manager(s) and address: Add. "Decentralized segment—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, Va. 22090."

K700.035

System name: K700.035 602-11 active application files (applicants)

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DEPARTMENT OF DEFENSE
DEFENSE COMMUNICATIONS AGENCY
PRIVACY ACT OF 1974
SYSTEMS OF RECORDS: DELETIONS AND AMENDMENTS

Following are systems of records prescribed by the Privacy Act of 1974 (Pub. L. 93-579, 552A) pertaining to the Defense Communications Agency that are deleted and amended.

Deletions

The following systems of records published in Federal Register Vol. 40, No. 160, August 18, 1975 are deleted as the records contained in these systems have been determined not to be records subject to the provisions of the Privacy Act of 1974.

KEUR.01

System name: Vehicle Registration File (40 FR 35756)

KEUR.06

System name: DCA-Europe Form 132, Security Data (40 FR 35758)

K205.01

System name: Circulation File Chage Slip (40 FR 35768)

K212.01

System name: Authorization Lists (40 FR 35768)

K212.02

System name: Authority to Sign for Classified Material (40 FR 35769)

K212.03

System name: Armed Forces Courier Service Authorization Record (40 FR 35769)

K213.01

System name: NATO Subregistry Personnel Signature List (40 FR 35769)

K213.02

System name: Classified Material Receipt Authorization List (40 FR 35770)

K213.03

System name: Courier Badge List (40 FR 35770)

K231.01

System name: Temporary Issue Receipt File (40 FR 35771)

K700.14

System name: Priority Repromotion Eligibles File (40 FR 35787)

Amendments

In Federal Register Vol. 40, No. 160, August 18, 1975, the Defense Communications Agency published records systems as prescribed by the Privacy Act of 1974 (Pub. L. 93-579, U.S.C. 552A) within the Defense Communications Agency.

Notice is hereby given that the Defense Communications Agency is amending various records systems as shown: The proposed changes therein are not deemed to fall within the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 and Transmittal Memorandum No.3 dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974. This OMB guidance was set forth in Federal Register (40 FR 45877) on October 3, 1975.

Interested persons are invited to submit comments, including written data, concerning the proposed changes to Defense Communications Agency, Attn: Code 105, Washington, D.C. 20305, on or before August 4, 1977. The amendments as proposed will be effective August 4, 1977, without further notice unless comments are received which result in a contrary determination.

KDCE.01

System name: KDCE.01 Visit Notification/Clearance Verification Records NE 501-11

Changes:

System location: Delete Code R124B, substitute: "Code R121."

Retrievability: Delete entry. Substitute: "By folder identified by contractor or individual's name."

KDCE.02

System name: KDCE.02 parking permit control files 501-07

Changes:

System name: Delete Code R124B. Substitute: "Code R121."

Categories of individuals covered by the system: Delete entry. Substitute: "Military and civilian personnel employed by the Defense Communications Engineering Center (DCEC) and Command and Control Technical Center (CCTC)."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Delete entry. Substitute: "Destroyed upon departure of individual from employment with Defense Communications Engineering Center (DCEC) or Command and Control Technical Center (CCTC) or when no longer authorized to park."

KDCE.03

System name: KDCE.03 DA Form 727, Classified Container Information File 503-02

Changes:

System location: Delete Code R124B. Substitute: "Code R121."

KEUR.02

System name: KEUR.02 DCA Form 605, Personnel Data Sheet

Changes:

Categories of records in the system: Delete entry. Substitute: "Records consist of information on each individual including name, grade, SSAN, date, and place of birth, permanent home address, marital and dependent status, passport number, rotation date, forwarding address, date of rank, PAFSC/MOS/NEC, date reported, SAFC/MOS/NEC, civilian and military education, BASD/TAFMSD, residence and duty phone numbers, and emergency addressee."

KEUR.07

System name: KEUR.07 Postal Directory File

Changes:

Categories of records in the system: Delete entry. Substitute: "Records consist of change of address recorded on DA Form 3955 (change of address and directory record)."

K232.01

System name: 232.01 Travel Orders Records System

Changes:

System location: Add. "Decentralized segment—Defense Communications Engineering Center Admmistrative Offices, CODE R120; Defense Communications Operations Center, Allocation and Engineering Division, Code N230."

System manager(s) and address: Add. "Decentralized segment—Chief, Management Services Office, Defense Communications Engineering Center, R120."

K240.01

System name: 240.01 Personnel Security Investigative Dossier File (PSIDF)

Changes:

System location: Add. "Decentralized segment—Security Branch, Defense Communications Engineering Center, Code R121."

System manager(s) and address: Add. "Decehtralized segment—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, Va 22090."

Notification procedure: Add. "For the decentralized segment requests should be addressed to—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, Va 22090."

K240.03

System name: K240.03 Clearance card file for Defense Communications Agency (DCA) personnel

Changes:

System location: Add. "Decentralized segment—Security Branch, Defense Communications Engineering Center, Code R121; Defense Communications Operations Center, Allocation and Engineering Division, CODE N230."

System manager(s) and address: Add. "Decentralized segment—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, Va 22090."

Notification procedure: Add. "For the decentralized segment requests should be addressed to—Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, Va 22090."

K240.06

System name: K240.06 Classified container information on Form (DA Form 727)

Changes:

System location: Add. "Decentralized segment—Defense Communications Operations Center, Allocations and Engineering Division, Code N230."

K240.08

System name: K240.08 Security Violation Case File

Changes:

System location: Add. "Decentralized segments—Security Branch, Defense Communications Engineering Center, Code R121, and Physical Security Branch, Command and Control Technical Center (CCTC), Code C122."

System manager(s) and address: Add. "Decentralized segments—Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, Va 22090, and Chief, Security Branch, CCTC, Code C122, Washington, D.C. 20301."

Notification procedure: Add. "For the decentralized segments requests should be addressed to—Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, Va 22090, or Chief, Physical Security Branch, Command and Control Technical Center, Code C122, Washington, D.C. 20301."

K700.01

System name: K700.01 Employee—Management Relations and Services File

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.02

System name: K700.02 Civilian Awards Program File.

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors, Commanders and Chiefs of DCA field activities."

Notification procedure: Delete all information after decentralized segments. Substitute: "Directors, Commanders and Chiefs of DCA field activities."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the Director, Commander or Chief of the appropriate DCA field activity."

K700.03

System name: K700.03 Personnel Management Information System (PERMIS)

Changes:

System manager(s) and address: Delete Assistant to the Director for Personnel, Code 700, HQ DCA. Substitute: "Chief, Plans and Analysis Division, Code 730, Office of the Assistant to the Director for Personnel, HQ DCA."

K700.035

System name: K700.035 602-11 active application files (applicant supply files)

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.07

System name: K700.07 Employee record file

Changes:

System location: Delete entry. Substitute: "These cards are maintained by all supervisors of civilian employees."

K700.09

System name: K700.09 603-02 Service Record Card Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at—the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.10

System name: K700.10 603-08 Annual Classification Maintenance Review Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.11

System name: K700.11 Promotion Register and Record Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

Categories of records in the system: Delete entry. Substitute: "The file contains the job opportunity announcement; list of candidates; rating sheets; evaluation instrument; supervisory appraisals; DCA Form 237, eligibility list; SF 171, personal qualifications statements; DCA Form 326, applicants card record; and other supporting documentation generated in the evaluations of candidates."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.17

System name: K700.17 Official Personnel Folder Files (Standard Form 66)

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this componeat

REQUESTING RECORDS Records are retrieved by name or by some other personal identifier. It is therefore especially important

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.12

System name: K700.12 602-10 Civil Service Certificate Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.13

System name: K700.13 602-26 Retention Register Files (reduction-in-force)

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.15

System name: K700.15 603-05 Chronological Journal Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.16

System name: K700.16 Classification Appeals Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K700.17

System name: K700.17 Official Personnel Folder Files (Standard Form 66)

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K890.03

System name: K890.03 Awards Case History File

Changes:

System location: Add: "Decentralized segment—Defense Communications Operations Center, Allocations and Engineering Division, Code N230."

K890.05

System name: K890.05 Overseas Rotation Program Files

Changes:

System location: Delete all information after decentralized segments. Substitute: "DCA field activities in the Washington, D.C. metropolitan area."

System manager(s) and address: Delete all information after decentralized segments. Substitute: "Directors of DCA field activities in the Washington, D.C. metropolitan area."

Notification procedure: Delete all addresses after decentralized segments. Substitute: "Civilian personnel offices of the appropriate DCA field activity in the Washington, D.C. metropolitan area."

Record access procedures: Delete all information after decentralized segments. Substitute: "Contact the civilian personnel office at the appropriate DCA field activity in the Washington, D.C. metropolitan area."

K890.06

System name: K890.06 Card File for forwarding mail of departed personnel

Changes:

System location: Add: "Decentralized segment—Defense Communications Engineering Center, Administrative Offices, Code R120."

System manager(s) and address: Add: "Decentralized segment—Chief, Management Services Office, Defense Communications Engineering Center, Code R120."

Notification procedure: Add: "Decentralized segment—Chief, Management Services Office, Defense Communications Engineering Center, Code R120."

The following revised system notices are published in their entirety.

June 21, 1977.

Lee M. Paschall,
Lieutenant General, USAF, Director.

Maurice W. Roche,
Director Correspondence and Directives OASD (Comptroller).

DEFENSE COMMUNICATIONS AGENCY

ROUTINE USE - LAW ENFORCEMENT
In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, crimmal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE - DISCLOSURE WHEN REQUESTING INFORMATION
A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE - DISCLOSURE OF REQUESTED INFORMATION
A record from a system of records maintained by this component may be disclosed to a federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE - CONGRESSIONAL INQUIRIES
Disclosure from a system of records maintained by this component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE
A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

ROUTINE USE - PRIVATE RELIEF LEGISLATION
Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE - DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS A record from a system of records maintained by this Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE - DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S.Code, Sections 5516, 5517, 5520, and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE U.S. CIVIL SERVICE COMMISSION A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Civil Service Commission concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Commission to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE - DISCLOSURE OF INFORMATION TO NARS (GSA) A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

REQUESTING RECORDS Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

BLANKET ROUTINE USES Certain blanket 'routine uses' of the records have been established, that are applicable to every record system maintained within the Department of Defense, unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below, only once in the interest of simplicity, economy and to avoid redundancy, before the individual record system notices begin rather than repeating them in every individual record system.

KDCE.01

System name: Visit notification/Clearance Verification Records NR501-11.

System location: Security Branch, Room 1A06, Defense Communications Engineering Center (DCEC), Code R121.

Categories of individuals covered by the system: Same plus industrial contractors requiring admittance to the facility on official business.

Categories of records in the system: Form listing the name, date and place of birth, SSAN, clearance status, and basis for that clearance.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify official visitors to defense installations and organizations responsible for work on Defense Department contracts and verify the level of classification to which each is authorized access.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Destroyed one year after revocation of permit to enter premises.

Storage: File folders.

Retrievability: By folder identified by contractor or individual's name.

Safeguards: Building security guards. Records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

Retention and disposal: Records not permanent. Retained one year after revocation then destroyed.

System manager(s) and address: Chief, security Branch, Defense Communicatsons Engmeerng Center (DCEC), 1860 Wiehle Avenue, Reston, Virgmia 22090.

Notification procedure: Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC),1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. the requester may visit the Security Branch, Defense Communications Engineering Center (DCEC) 1860 Wiehle Avenue, Reston, Virginia 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or drivers's license.

Record access procedures: Contact the Chief, Security Branch, Defense Communicatsons Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Military and Civilian Personnel whose names appear on the form.

Systems exempted from certain provisions of the act: NONE

KDCE.02

System name: Parking Permit Control Files 501-07.

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System location: Security Branch, Defense Communications Engineering Center (DCEC)) Code R121

Categories of individuals covered by the system: Military and Civilian personnel employed by the Defense Communications Engineering Center (DCEC) and Command and Control Technical Center (CCTC).

Categories of records in the system: Owner's name and vehicle identification data and parking number assigned.

Authority for maintenance of the system: Federal Property Management Regulations, Temporary Regulation D-47, dated 22 May 1974, issued by the General Services Administration (GSA).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assign specific parking spaces to personnel so authorized; and to identify parked vehicles when circumstances so dictate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Destroyed upon departure of individual from employment with Defense Communications Engineering Center (DCEC) or Command and Control Technical Center (CCTC) or when no longer authorized to park.

Storage: File folders

Retrievability: By parking number

Safeguards: Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

Retention and disposal: Records are not permanent. Retained while individual is authorized reserved parking, then destroyed.

System manager(s) and address: Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090.

Notification procedure: Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090 to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

Record access procedures: Contact the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Military and Civilian personnel whose names appear on the form.

Systems exempted from certain provisions of the act: NONE

KDCE.03

System name: DA Form 727 Classified Container Information File 703-07

System location: Security Branch, Room 1A06, Defense Communications Engineering Center (DCEC), Code R121.

Categories of individuals covered by the system: Classified container information listing the name, address, and telephone number of each person authorized access to the container.

Categories of records in the system: This form records the name, grade,address, and home telephone numbers of the above individuals.

Authority for maintenance of the system: Executive Order 10450, as amended

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify, locate and contact each person authorized access when the need arises.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Destroy when obsolete, i.e. when person departs, when combination changed, or when container no longer used.

Storage: File folders

Retrievability: By capital property number

Safeguards: Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

Retention and disposal: After becoming obsolete, file is destroyed.

System manager(s) and address: Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090.

Notification procedure: Requests from individuals should be addressed to Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license.

Record access procedures: Contact the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, Virginia 22090. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Military and Civilian Personnel whose names appear on the form.

Systems exempted from certain provisions of the act: NONE

KEUR.02

System name: DCA Form 605, Personnel Data Sheet.

System location: Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131.

Categories of individuals covered by the system: All personnel assigned to DCA Europe.

Categories of records in the system: Records consist of information on each individual including name, grade, SSAN, date and place of birth, permanent home address, marital and dependent status, passport number, rotation date, forwarding address, date of rank, PAFSC/MOS/NEC, date reported, SAFC/MOS/NEC, civilian and military education, BASD/TAFMSD, residence and duty phone numbers, and emergency addressee.

Authority for maintenance of the system: 10 U.S.code 133(b)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained for use by the Management Support Division as a reference file and routine or emergency locator file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders

Retrievability: Records filed alphabetically by last name of individuals.

Safeguards: Records maintained in a locked container accessible to authorized personnel only. Military police are posted at entrance of the building.

Retention and disposal: Record maintained for one year after departure of individual then destroyed.

System manager(s) and address: Management Support Division, DCA Europe, APO New York 09131

Notification procedure: Requests from individuals should be addressed to Chief, Management Support Division, DCA-Europe, APO New York 09131. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

Record access procedures: Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: All information is provided by the individual upon initial assignment.

Systems exempted from certain provisions of the act: NONE

KEUR.07

System name: Postal Directory File

System location: Management Support Division, Defense Communications Agency Europe (DCA-EUR), APO New York 09131, and Field Offices.

Categories of individuals covered by the system: All individuals currently assigned to DCA Europe and those who departed within preceeding 12 months.

Categories of records in the system: Records consist of change of address recorded on DA Form 3955 (change of address and directory record).

Authority for maintenance of the system: U.S.A. Postal Manual, Chapter 1, Part 158.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Card files are maintained by the Commander APO 09131 Post Office, and the APO Mail Distribution Center for the Stuttgart, Germany area located at Wallace Barracks. Files are also maintained at Postal Facilities servingg the Field Offices: Worms - APO 09056, UK - APO 09378, Naples - FPO 09524, Athens - APO 09223.

Information is used by SYSMANAGER to direct mail delivery to the proper address.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in card file boxes in the mail room.

Retrievability: Information is retrieved by name of individual and organizational assignment.

Safeguards: Records are maintained in rooms approved for the storage of US mail and are accessible only to authorized personnel. Military police are posted at the entrance of the building.

Retention and disposal: Records are maintained in an active file during period of current assignment to DCA Europe and for one year after departure, at which time they are destroyed.

System manager(s) and address: Management Support Division, DCA Europe, APO New York 09131

Notification procedure: Requests from individuals should be addressed to SYSMANAGER.

Record access procedures: Contact the Chief, Management Support Division, DCA-Europe, APO New York 09131, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Information is provided by individuals upon initial assignment to DCA Europe.

Systems exempted from certain provisions of the act: NONE

KJ32.01

System name: Travel Orders Records System

System location: Services Branch, Code 232, and Travel Branch, Code 234, Headquarters, Defense Communications Agency (DCA). Decentralized Segments: Defense Communications Engineering Center Administrative Offices, Code R120; Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

Categories of individuals covered by the system: Those DCA military and civilian personnel who have performed official travel in connection with DCA business or employment.

Categories of records in the system: Records in the system would cover authorized official travel for civilian, military, and contractor personnel and be comprised of travel orders, transportation requests, commercial carrier transportation and excess baggage tickets, travel advance vouchers, records of travel claims and payments, DD Form 1056, Authorization to Apply for a 'No Fee' Passport. Also supporting documentation including messages, correspondence, and coordination papers. Data in the system would include names, social security numbers, office assignments, rank/grade, DCA office code number, DCA telephone number, home addresses, transportation and per diem allowances and actual amounts paid, and itineries.

Authority for maintenance of the system: 10 U.S. Code 133(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel in the Services Branch, Code 232, and personnel in the Travel Branch, Code 234, Headquarters, DCA, in maintaining appropriate and accountable records for individuals performing official travel on DCA business and to ensure individual travel advances are liquidated.

Eligible records are forwarded to the Department of Justice for possible prosecution for fraud.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file folders.

Retrievability: Information is accessed and retrieved by the name of the individual.

Safeguards: Building employs security guards. Records are kept in security file (MP combination lock) and are accessible only to authorized personnel that are properly screened, cleared and their duties require them to be in the area where records are maintained.

Retention and disposal: Records maintained in the Travel Branch, Code 234 are not permanent. They are retained in active file until travel advances are liquidated and then transferred to completed files and held for one fiscal year and subsequently retired to the appropriate Washington National Records Center.

Records maintained in the Services Branch, Code 232, are retained for two years, then destroyed.

System manager(s) and address: Chief, Supply and Services Division, Code 230. Headquarters, DCA. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, Code R120.

Notification procedure: Requests from individuals should be addressed to Chief, Supply and Services Division, Code 230, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Services Branch, Code 232, Headquarters, DCA, to obtain information whether the system contains records pertaining to him or her for local travel. For other than local travel, the requester may visit the Travel Branch, Code 234, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. In either instance, as proof of identity, the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Contact the Chief, Supply and Services Division, Code 230, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Names and other personnel information on those individuals in the system are obtained/gathered from authorized and approved travel orders issued to the individual concerned.

Systems exempted from certain provisions of the act: NONE

KJ40.01

System name: Personnel Security Investigative Dossier File (PSIDF)

System location: Office of the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency (DCA). Decentralized Segment - Security Branch, Defense Communications Engineering Center, Code R121.

Categories of individuals covered by the system: This file includes individual personnel security investigative dossiers on: U.S. military personnel who have been selected for assignment to, are now, or have been assigned to the DCA; U.S. Government civilian personnel who are being processed for employment, are now or have been employed by the DCA; U.S. military or civilian personnel who are being processed for, or have been granted, access to sensitive compartmented information (SCI) by the DCAat the request of their

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parent organization; industrial employees who are performing, expect to perform, or have performed duties under DCA SCI cognizance as a result of a U.S. Government contract; or personnel who are or have been, affiliated with the DCA.

Categories of records in the system: File contains individual personnel security investigative dossiers. Individual dossiers may contain submissions by the individual such as Statement of Personal History/personnel security questionnaire, appropriate release statements and related personal documentation, i.e., educational diplomas, marriage and divorce records, etc.; information obtained as a result of a National Agency Check, investigative action and/or volunteer sources. Information may consist of acquisitions from listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local agencies and departments; foreign law agencies, private investigative sources, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, fingerprint identification check. This information normally covers the period of the individual's life for a fifteen year period immediately preceding the investigation or from the date of his eighteenth birthday. However, if derogatory information is developed or if the individual has a long tenure of U.S. Government service, the file may cover a greater period of time; information on the individual's spouse, relatives or associates; correspondence between the individual and DCA or other U.S. Government activity or correspondence related to the individual between his employer, organization of assignment and DCA (Code 240) or other U.S. Government activity; correspondence related to National Agency Checks, investigations, evaluations, clearance or special accesses for the individual; certificates of clearance, security determination or special access authorizations and terminations thereof; content, adjudicative and clearance action sheets; certificates of release or review of personnel security investigative dossiers; results of review of personnel and/or medical files; photographic likeness with identifying data such as name.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is collected and used for the purposes of determining the suitability, eligibility or qualification of personnel previously defined for assignment, employment or qualification for access to various levels of U.S. Government classified and sensitive compartmented information and to certify clearances and accesses as required.

Counterintelligence and Security Division (DIA): The personnel security investigative dossier for each individual previously defined who has, or had, a valid requirement for access to compartmented intelligence information is reviewed to determine, for the responsible United states Intelligence Board Member, the individual's eligibility for such access.

Any component or official of the U.S. Government having established a need-to-know: Used as a basis for gaining access to classified information upon reassignment employment, etc..

Also released to law enforcement and investigatory authorities of the U.S. Government for conduct of official investigations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, Microfiche, in file folders; ADP cards or magnetic tapes.

Retrievability: Information is retrieved by the individual's name.

Safeguards: Building employs security guards. Records are maintained in areas accessible only by authorized personnel that are properly cleared and trained. Records, during non-duty hours, are additionaly protected by storage in locked electrical filing cabinets.

Retention and disposal: Individual records are maintained from the date of initial nomination for assignment, employment or affiliation with the DCA until at least one year but not more than two years, following his departure. Individual records which contain information upon which an adverse determination was based are maintained permanently.

System manager(s) and address: Chief, Security Division, Code 240, Headquarters, DCA. Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

Notification procedure: Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Division, Code 240, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license. For the Decentralized Segment requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

Record access procedures: Contact the Chief, Security Division, Code 240, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's system notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Information is placed into the system by the SYSMANAGER after an individual has been nominated for assignment, employment or affiliation with the DCA as previously defined. Information may be obtained from the individual's submissions, listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local law agencies/departments, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, any component of the U.S. Government having an identifiable record on the individual or volunteer sources.

Systems exempted from certain provisions of the act: Investigative records compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, or access to classified information are exempt to the extent outlined in Subsection (k)(5) of the Privacy Act.

K240.03

System name: Clearance Card File for Defense Communications Agency (DCA) Personnel

System location: Office of the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency. Decentralized Segments: Security Branch, Defense Communications Engineering Center, Code R121; Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

Categories of individuals covered by the system: This file includes all DCA personnel requiring a security clearance. Since all positions in DCA are sensitive requiring at least a Secret clearance, all DCA military and civilian personnel world-wide are covered. The file also includes those persons previously assigned to or employed by DCA since 1962.

Categories of records in the system: The Clearance Card File is an alphabetical card file (5" x 8", DCA Form 136) of all personnel requiring a security clearance, listing the individual's name, service or social security account number, grade or rank, job title, date and place of birth, date entered on duty with DCA, and date departed DCA if applicable. The file also includes the date requested, date received, and indicated results of each check within the National Agency Check (NAC), and for Background Investigation (BI) requests. Dates interim and final security clearances were granted and some special accesses are indicated.

Authority for maintenance of the system: Executive Order 10450, as amended, Security Requirements for Government Employment, 27 April 1953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by personnel of the Security Branch, Code 240, Headquarters, DCA, as a convenience or ready reference file to determine the security clearances and dates of issue for personnel assigned to or employed by DCA world-wide.

Information is available to the individual and to DCA supervisors of the individual to verify that the individual has the necessary security clearances for attendance at meetings and conferences where classified information is discussed. Also used to certify security clearances of individuals in writing or telephonically for attendance at classified conferences at other U.S. Government agencies and at private industry organizations having an industrial clearance and generally engaged in classified contract work for DCA.

Information is disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This is a manual system consisting of 5" x 8" card records maintained in two rotary file cabinets.

Retrievability: Information is retrieved by the individual's name.

Safeguards: Records are maintained in two rotary file cabinets equipped with key locks. The file cabinets are locked during non-duty hours.

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, their duties require them to be in the area where the records are kept.

Retention and disposal: Records have been maintained since 1962 for all DCA personnel presently or previously assigned or employed. Reccords are destroyed when no longer needed.

System manager(s) and address: Chief, Security Division, Code 240, Headquarters, Defense Communications Agency. Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

Notification procedure: Requests from individuals should be addressed to Chief, Security Division Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license. For the Decentralized Segment requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

Record access procedures: Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

Contesting record procedures: The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

Record source categories: Information is placed into the record system by the system manager after an individual is nominated for assignment to or employment by DCA. Information is obtained from National Agency Checks which may include: Federal Bureau of Investigation (FBI), Civil Service Commission (CSC), Department of State, Central Intelligence Agency (CIA), Immigration and Naturalization Service (I&N), Defense Intelligence Agency (DIA), Defense Investigative Service (DIS), investigative offices of the military Department (Army, Navy, Air Force), and the Credit Bureau Incorporated.

Systems exempted from certain provisions of the act: NONE

K240.06

System name: Classified Container Information on Form (DA Form 727)

System location: Office of the Chief, Physical Security Branch, Code 243, Security Division, Headquarters, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

Categories of individuals covered by the system: Civilian and military personnel assigned to Headquarters, DCA and collocated field activities who have been designated responsible officials of a classified container, or who are to be notified if the container is found open and unattended.

Categories of records in the system: This form records the name, grade, address and telephone number of the above individuals.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Physical Security Branch, DCA - Record, in duplicate, of each container used for storage of classified material and identifies individuals who have knowledge of the combination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The original copy is posted on the outside of the container in the DCA office concerned; the carbon copy is attached to the outside of a sealed envelope which contains a smaller envelope containing the classified combination and is stored in an approved classified container in the Office of the Chief, Physical Security Branch, Code 243, Headquarters, DCA.

Retrievability: Filed numerically by container number.

Safeguards: Building employs security guards. Carbon copy records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

Retention and disposal: This form is retained only as long as the information remains accurate, but not to exceed one year, at which time it is destroyed byburaing. The original copy on the safe is removed, discarded and replaced by an updated copy.

System manager(s) and address: Chief, Physical Security Branch, Code 243, Headquarters, DCA.

Notification procedure: Requests from individuals should be addressed to Chief, Security Division, name of staff element, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license.

Record access procedures: Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

Contesting record procedures: The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

Record source categories: Names of the individuals in the system are submitted on the form which is completed by the DCA office concerned.

Systems exempted from certain provisions of the act: NONE

K240.08

System name: Security Violation Case File

System location: Office of the Chief, Physical Security Branch, Security Division, Code 243, Headquarters, Defense Communications Agency (DCA). Decentralized Segments - Security Branch, Defense Communications Engineering Center, Code R121, and Physical Security Branch, Command and Control Technical Center (CCTC) Code C122.

Categories of individuals covered by the system: Civilian and military personnel assigned to Headquarters, DCA and collocated field activities, who committed or contributed to a security violation involving classified defense information.

Civilian and military personnel assigned to Headquarters, DCA and collocated field activities, who discovered the violation, were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Civilian contractors under contractural obligation to the DCA and who were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Any individual in the civilian community, government employ, military or civilian, who reported a security violation, or who could furnish information relative to the violation, or who may have been involved in the violation.

Categories of records in the system: This file contains the results of an investigation involving classified defense information which has been compromised or subjected to compromise through loss, unauthorized disclosure, improper handling or transmission, or failure to safeguard. It contains the facts and circumstances surrounding the violation, the personnel involved, the findings, affixes responsibility, and recommendations for remedial, administrative or disciplinary actions.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Security Division, Headquarters, DCA - This file which consists of a Report of

Security Violation, and an Investigation Officer's Report of Investigation, is used to determine the adequacy of the investigation, a review of the circumstances which led to the violation, and a

reconsideration file containing all documents relating to a negative determination of within-grade salary increase and the request for reconsideration of the determination, DCA Form 169, Exit Inter-

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

tions by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder, supervisor,

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Security Violation, and an Investigation Officer's Report of Investigation, is used to determine the adequacy of the investigation, a review of the circumstances which led to the violation, and a review of the security policies and procedures established by the DCA and the office concerned with the aim of improving the procedures to preclude further violations. It is also used, when compromise cannot be precluded, to notify the original classification authority for the specific classificaton involved, and to request an impact statement on national security, and whether the information can be downgraded or declassified. A copy may also be furnished to an appropriate military service or government agency involved in prosecution proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The correspondence is stored in case folders and secured in a safe.

Retrievability: Each case folder is filed in numerical sequence by calender year and cross-referenced to an index sheet containing case number, code, date of violation and name(s) of individuals involved.

Safeguards: Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

Retention and disposal: Case files that preclude compromise are considered administrative and destroyed upon departure of the individual.

Case files that reflect compromise are retained for two years then retired to the Federal Records Center for an additional eight years, then destroyed.

System manager(s) and address: Chief, Physical Security Branch, Code 243, Headquarters, DCA, Decentralized Segments - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090, and Chief, Security Branch, CCTC, Code C122, Washington, D. C. 20301.

Notification procedure: Requests from individuals should be addressed to Chief, Security Division, Code 240, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DCA identification badge or driver's license. For the Decentralized Segments requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090 or Chief, Physical Security Branch, Command and Control Technical Center , Code C122, Washington, D. C. 20301.

Record access procedures: Contact the Chief, Security Division, Code 240, Headquarters, Defense Communications Agency, for assistance. The mailing address is listed in the organizational directory of the Defense Communications Agency published in the Federal Register and should be referenced by the requester.

Contesting record procedures: The Agency's rules for contesting contents and appealing determinations by the individual may be obtained from the SYSMANAGER.

Record source categories: Information developed by the Investigating Officer investigating the violation includes, interviews with the individual(s) involved in the violation; witnesses to or having knowledge of the violation; co-workers and supervisor; it may include sworn statements, depositions, photographs or sketches of the area or equipment involved in the violation; office security procedures or instructions; and, in some cases, a copy of the classified document involved.

Systems exempted from certain provisions of the act: NONE

K700.01

System name: Employee-Management Relations and Services Files

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: DCA civilian employees in the Washington Metropolitan Area who have a requirement for the employee-management service except the grievance file which is applicable to all DCA civilian employees.

Categories of records in the system: Blood donor program records, grievance file containing all documents realted to a grievance, reconsideration file containing all documents relating to a negative determination of within-grade salary increase and the request for reconsideration of the determination, DCA Form 169, Exit Interview

Authority for maintenance of the system: Federal Personnel Manual, Supplement 990-1, Book III, Part 531, Section 531.407 Work of an Acceptable Level of Competence, Part 771, Employee Grievances, Part 715, Subpart B. Voluntary Separations

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Civilian Personnel Office staffs and supervisors of employees to process and record actions pertinent to employee-management relations and services.

Used by the Director/Vice Director and heads of major staff elements DCA Headquarters and Commanders of DCA field activities in the Washington Metropolitan Area to render decisions concerning individual employees and as a basis for future management action.

Used by Department of Defense and Civil Service Commission inspectors to review records for compliance with applicable Federal Personnel Manual policies.

Used by the Civil Service Commission to review agency records concerning grievances and negative determinations of within-grade salary increase.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders and card files.

Retrievability: Information is retrieved by name.

Safeguards: Building employs security guards. Records are maintained by operating officials in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained. Files are locked in secure file cabinets during non-duty hours.

Retention and disposal: Records are not permanent. They are retained for two years and subsequently destroyed except for blood donor records which are retained until the employee terminates his/her employment with DCA and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720 Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories: Official personnel folder, individual employees, employee representatives, supervisors of employees, civilian personnel staff, hearing examiners reports and other reports of inverstigation, statements of witnesses and management representatives.

Systems exempted from certain provisions of the act: NONE

K700.02

System name: Civilian Awards Program File

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities.

Categories of individuals covered by the system: DCA civilian employees who merit special recognition for performance either within or outside the employee's job responsibilities and length of service to the Government. Suggestions from civilian and military personnel assigned to Defense Communications Agency, Department of Defense and other government agencies.

Categories of records in the system: File contains copies of minutes of DCA Awards Board meetings, action by approving officials, record of individuals receivng awards, DCA Form 89, Service Award Work Sheet and Record, suggestions and report of evaluation of suggestions, and related correspondence.

Authority for maintenance of the system: Federal Personnel Manual, Chapters 430 Performance Evaluation, 450 Incentive Awards, 531 Pay Under the General Schedule

Department of Defense Directive 5120.15 Department of Defense Incentive Awards Program; Assignment of responsibility.

Department of Defense Instruction 5120.16, Department of Defense Incentive Awards Program: Policies and Standards

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the civilian personnel office staff to process and record actions for individuals who merit special recognitions.

Used by suggestion evaluators in the Defense Communicatioes Agency, Department of Defense and other government agencies to recommend adoption or non-adoption of suggestions.

Used by the Department of Defense and Civil Service Commission to process and approve nominations for awards.

Used by DCA Awards Boards to review nominations for awards and recommend approval/disapproval to the Director, DCA.

Used by the Director DCA to approve/disapprove recommendation for awards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Information is accessed and retrieved by name and type of award.

Safeguards: Building employs security guards. Records are maintained in file cabinets with a combination lock and are accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed except for minutes of Awards Boards which are retained for five years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors, Commanders and Chiefs of DCA field activities.

Notification procedure: Information may be obtained from:

Primary System -Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Directors, Commanders and Chiefs of DCA field activities.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Director, Commander or Chief of the appropriate DCA field activity.

The official maining addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder, supervisors of employees, individuals submitting suggestions, evaluators of suggestions, DCA Awards Boards, civilian personnel office staff, Department of Defense, Civil Service Commission.

Systems exempted from certain provisions of the act: NONE

K700.03

System name: Personnel Management Information System (PERMIS)

System location: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters (HQ), Defense Communications Agency (DCA);

Decentralized Segments - DCA Field Activities.

Categories of individuals covered by the system: All civilian and military personnel currently or formerly employed by or assigned to the DCA.

Categories of records in the system: System contains personal information in several categories: biographical data (Name, SSAN, Sex, Minority Group Indicator, Birth Date, Marital Status, Number of Dependents, Number of Dependents Overseas, Sex of Dependents, Dependent Birth Date, Citizenship, Former Citizenship, Personal Title, blood type, RH Factor, date of last blood donation, quantity of blood donated to date); DcA employment(DCA Start Date, Recruitment Source, DCA Service Computation Date, Geographic Location, Submitting Office Number, DCA Area, Office Code, Badge Number, Salary, Appointment Type, Work Schedule, Pay Plan, Grade, Step, Date of Grade, Pay Determinant, Pay Basis, Date of Last Within-Grade, Highest Previous Grade, Special Program Identifier, Competitive Level, Tenure-Excepted, Reemployment Rights, Apportionment Code, Metropolitan Area Code, Security Clearance Level, Reemployed Employee Code, Retired Military Service and Component, Date of Military Retirement, Retirement Rank, Retirement Location, Retired Military Starting Civilian Grade, Retired Military Starting Civilian Position, Retired Military Starting Civilian Area, Reserve Status, Reserve Service, Reserve Rank, Reserve Title, Reserve Job Code, Reserve DCA Skill Code, Reserve Expected Separation Date, Mobilization Code, Position Code, Position Description Number, DCA Skill Code, Job Title, Career Field, Civilian Job Code, Function Code for Scientists and Engineers, Rotation Date, Not-to-Exceed Code, Not-to-Exceed Date, Nature of Action Code, Nature of Action Date, Performance Rating Date, Performance Rating Code, Supervisor Code, Trainee Code, Reason for Departure Code, Agency to Which Leave Record Sent, Date Leave Record Sent, Agency to Which Personnel File Sent, Job Opportunity Announcement Number, Military Requisition NUmber, Security Investigation Date); military service information (Date Entered Military Service, Service Component, Branch of Service, Date of Commission, Expected Separation Date, Primary Job Code, Secondary Job Code, Tertiary Job Code, Added Job Code, Source of Commission, Permanent Grade, Date of Permanent Grade, Special Qualifications Code, Special Career Program, General Test Score, Date of Proficiency Test, Proficiency Pay, Date of Last Physical, Date of Last Photo, Military Education Level, Military School Attended, Date Attended Military School, Rating Official, Military Performance Rating, Military Job Code, Temporary Grade, Office Assignment of Military Rater, Indorsing Official, Office Assignment of Military Indorser, MOS Prefix, MOS Suffix); civilian federal employment (Service Computation Date, Date Entered Federal Service, Veterans Preference, Reduction In Force Code, Tenure Group. Probation Start Date, Career Start Date, Leave Category, Handicap Code, Position Occupied Code); education (Education Level, Uuiversity Attended, Academic Speciality, Year of Degree, Education Notes); experience information (Previous Employer, Previous Job Title. Previous DCA Skill Code, To-From Dates of Previous Employment); training and career appraisals (Type of Training, Purpose of Training, Source of Training, Training Facility, Course Number, Course Name, On Duty Training Hours, Off Duty Training Hours, Direct Training Costs, Indirect Training Costs, Date of Training, Training Status, Training Sponsor, Special Interest Training, Degree Program School, Type of Degree Program, Academic Speciality of Degree Program, Credits Remaining for Degree); (Date of Career Appraisal, Date of Career Training, Competence Rating, Quality of Work Rating, Written Work Rating, Oral Expression Rating, Cooperation Rating, Stability Rating, Supervision Rating, Career Development Job Title, Career Development Rotation Area, Career Development Rotation Office, Career Development Rotation Other

Agency); awards and recognition (Type of Award, Date of Award, Amount of Award, Tangible Award, Intangible Award); benefits (Federal Employees Group Life Insurance Coverage; Federal Em-

Metropolitan Area for positions which the organizations have beenauthorized by the Civil Service Commission to make temporary or term appointments outside Civil Service Commission re-

Categories of individuals covered by the system: Civilian employees of DCA organizations in the Washington Metropolitan Area.

Retention and disposal: Records are not permanent. They are retained in an active file until the individuals terminate their em-

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Agency); awards and recognition (Type of Award, Date of Award, Amount of Award, Tangible Award, Intangible Award); benefits (Federal Employees Group Life Insurance Coverage; Federal Employees Health Benefits Plan, Federal Employees Health Benefits Carrier, Retirement System); publications (Title, Related DCA Skill Code, Date of Publication, Place of Publication, Title of Periodical); professional societies (Nae of Society, Offices Held in Society, To-From Membership Date); union affiliation (Name of Union, Union Office Held, To-From Membership Date); locator information (Home Phone Number, Office Phone Number, DCA Building Number, Room Number).

Authority for maintenance of the system: 10 U.S. Code 133(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: DCA and DCA Field Activities - collect and maintain personal data for internal management purposes and to meet external report requirements. Data is used by the Director, DCA and those DCA officials to whom the Director has delegated authority to command, organize, direct, and manage the DCA and DCA Field Activities.

Civil Service Commission and Department of Defense - data is used for statistical and by name reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer magnetic tapes/disks/drums and/or punched cards.

Retrievability: Retrieved by SSAN or random access.

Safeguards: System is in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building employs security guards to control access. Computer software restricts access by use of a series of passwords and levels of security codes for each data element.

Retention and disposal: Records are permanent. They are retained in the active system during the individuals employment/assignment to DCA. Upon departure from DCA, individual records are transferred to a history file within DCA.

System manager(s) and address: Chief, Plans and Analysis Division, Code 730, Office of the Assistant to the Director for Personnel, Hq DCA.

Notification procedure: Personnel currently assigned to/employed by Headquarters DCA or personnel formerly assigned to DCA and DCA Field Activities may obtain information from:

Assistant to the Director for Personnel
Defense Communications Agency
8th & S. Courthouse Road
Arlington, Va. 22204

Personnel currently assigned to/employed by DCA Field Activities may obtain information by contacting the Commander of their organization.

For personal visits, requests for information concerning an individual must contain name and SSAN. Proof of identity is either an employee ID card or driver's license.

Record access procedures: Contact the Assistant to the Director for Personnel for information concerning access to individual records. The official mailing address is in the Department of Defense directory in the apendix to the DCA systems notice.

Contesting record procedures: The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Information in the system is obtained from the individual either verbally or in writing and from source documents found in individual Official Personnel Folders/Files or submitted by employee supervisors, personnel office employees, EEO officials, and security office employees.

Systems exempted from certain provisions of the act: NONE

K700.035

System name: 602-11 Active Application Files (Applicant Supply Files)

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Applicants for employment with DCA organizations in the Washington Metropolitan Area for positions which the organizations have beenauthorized by the Civil Service Commission to make temporary or term appointments outside Civil Service Commission registers.

Categories of records in the system: File contains copies of Standard Form 170, Application for Federal Employment, Standard Form 171, Personal Qualifications Statement, Standard Form 172 Supplemental Experience and Qualifications Statement, Qualifications evaluations of the applicants, positions for which application is made, opening date for acceptance of applications and date that recruitment for the position is closed, priority groupings, alphabetic index of applications on file, index to the eligible applicants by occupational area, priority group and grade, name of individual selected and date of selection for appointment, qualifications standard used, written record of the positive efforts made to recruit preference eligibles for any appointment of a non-preference eligible to a restricted position and correspondence relating to the file.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 333, Appendix A, Mechanics of the Applicant Supply System

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission regulations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Information is accessed and retrieved by name.

Safeguards: Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained for two years or after receipt of a Civil Service Commission report of inspection of the agency's civilian personnel program, whichever occurs first, and then destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Individuals submitting applications for employment, civilian personnel office staff, selecting officials, Civil Service Commission.

Systems exempted from certain provisions of the act: NONE

K700.07

System name: Employee Record File

System location: These cards are maintained by all supervisors of civilian employees.

Categories of individuals covered by the system: Civilian employees of DCA organizations in the Washington Metropolitan Area.

Categories of records in the system: Standard Form 7B, Employee Record Card.

Authority for maintenance of the system: Federal Personnel Manual, Supplement 293-31, Subchapter S7-2, Employee Record

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by operating officials as a source of data to initiate requests for personnel actions, to plan and schedule employee training to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions and to carry out their personnel management responsibilities in general.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical File Cards.

Retrievability: Information is accessed and retrieved by employee name.

Safeguards: Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. Cards for employees who are moving within the Agency are sent to the new operating office; Cards of employees who terminate employment with DCA are destroyed.

System manager(s) and address: Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Notification procedure: Requests should be addressed to the employee's supervisor. The individual's full name will be required to determine if the system contains a record about him or her.

Record access procedures: The individual can contact his/her supervisor to gain access to the record. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder, individual employees, supervisors of employees, official personnel actions, civilian personnel staff.

Systems exempted from certain provisions of the act: NONE

K700.09

System name: 603-02 Service Record Card Files

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

DecentralizeD Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees or former civilian employees of DCA organizations.

Categories of records in the system: File contains Standard Form 7, Service Record; Standard Form 7A, Service Record Continuation, and Standard Form 7D, Position Identification Strip

Authority for maintenance of the system: Federal Personnel Manual, Supplement 293-31, Subchapter S2, The Service Control File

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file cards in metal and cardboard containers.

Retrievability: Information is accessed and retrieved by name and organizational location.

Safeguards: Recoreds are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained in an active file until the individuals terminate their employment with DCA; held for five additional years in an inactive file in DCA and then transferred to Washington National Records Center where they are held for an additional ten years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder Files

Systems exempted from certain provisions of the act: NONE

K700.10

System name: 603-08 Annual Classification Maintenance Review File

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the washington, dc, metropolitan area.

Categories of individuals covered by the system: DCA civilian employees.

Categories of records in the system: File contains a report of the annual classification maintenance review by individual employee, position description number, position title/series/grade

Authority for maintenance of the system: Section 1310 of the Supplemental Appropriation Act, 1952 as amended (5 USC 3101, Note) Whitten Amendment

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Civilian Personnel organizations – used to identify positions subject to the annual maintenance classification review and to take appropriate position classification action for positions which require adjustments.

Civilian employees and supervisors–used to identify the need for each position and to certify the accuracy and completeness of each officially classified position.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Retrieved by employee name and position description number.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained in active file for two calendar years and then destroyed.

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System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to mine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Information in the system is obtained from the Personnel Management Information System, Official Positon Descriptions, civilian employees and their supervisors, and civilian personnel employees.

Systems exempted from certain provisions of the act: NONE

K700.11

System name: 602-18 Promotion Register and Record Files

System location: Primary System - Civilian Personnel Division, Code 720, Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Candidates who apply for job vacancies under the DCA Civilian Merit Promotion Program

Categories of records in the system: The file contains the Job Opportunity Announcement; list of candidates; rating sheets; evaluation instrument; supervisory appraisals; DCA Form 237, Eligibility List; SF 171, Personal Qualifications Statements; DCA Form 326, Applicants Card Record; and other supporting documentation generated in the evaluation of candidates.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 335, Promotion and Internal Placement

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Civilian Personnel Office staffs to prepare and issue Job Opportunity Announcements; evaluate candidates' qualifications and develop promotion certificates in coordination with promotion panels and supervisors, notify candidates of selection or nonselection, monitor the DCA Civilian Merit Promotion Program, and to otherwise complete and document merit promotion actions.

Used by supervisors and members of promotion panels to evaluate candidates, interview candidates and to notify the Civilian Personnel Office staffs when selections are made.

Used by Department of Defense and Civil Service Commission inspectors to review promotion actions for compliance with merit promotion policy.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: information is accessed and retrieved by employee name and Job Opportunity Announcement Number.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Communications Agency Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Communications Agency

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Communications Agency

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Job application from individuals, current and former supervisory appraisals, Official Personnel Folder, promotion panels and civilian personnel office staff, selecting officials.

Systems exempted from certain provisions of the act: NONE

K700.12

System name: 602-10 Civil Service Certificate Files

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Applicants who are eligible for competitive appointments from Civil Service Commission registers to positions in DCA organizations.

Categories of records in the system: File contains copies of Standard Form 39, Request for Certification, Civil Service Commission Form 1844, Certificates of Eligibles, Civil Service Commission Form 2934, Statement of Reasons for Passing Over and Preference Eligible and Selecting a Nonpreference Eligible, Civil Service Commisson Form 775, Authority to Examine and Appoint Under Open Examination, and related correspondence supporting the action.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 332, Recruitment and Selection Through Competitive Examination.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Information is accessed and retrieved by position title and position description number.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained for two calendar years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to detetmine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Civil Service Commission certificates of eligibles and reports of action taken on certificates of eligibles.

Systems exempted from certain provisions of the act: NONE

K700.13

System name: 602-26 Retention Register Files (Reduction-in-Force)

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communicatsons Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees of organizations who compete during a Reduction-In-Force (RIF); civilian employees who receive a RIF notice and are eligible for registration in the Department of Defense Program for Stability of Civilian Employment and the Civil Service Commission Displaced Employee Program and the Reemployment Priority List.

Categories of records in the system: File contains copies of Retention Registers and Reduction-in-Force Notices, Civil Service Commission Displaced Employee Program Registration; Department of Defense Form 1817, Program for Stability of Civilian Employment Registration; Reemployment Priority List, Qualifications Appraisal.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 351, Reduction-in-Force

Department of Defense Directive 1400.20, Program for Stability of Civilian Employment in the Department of Defense

Department of Defense Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DoD 1400.20-1-m.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission and Department of Defense regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and computer printout of Retention Registers.

Retrievability: Information is accessed and retrieved by name.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained for five years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder, computer printout of retention register, DCA management, individual employees and supervisors, civilian personnel office staff, official position description, Civil Service Commission, Department of Defense

Systems exempted from certain provisions of the act: NONE

K700.15

System name: 603-05 Chronological Journal Files

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees or former civilian employees of DCA organizations for whom a personnel action affecting their employment with DCA was processed within the last two calendar years.

Categories of records in the system: File contains copies of Standard Form 50, Notification of Personnel Action, Standard Form 50A, Notice of Short Term Employment and list forms used in lieu of Standard Form 50.

Authority for maintenance of the system: Federal Personnel Manual, Supplement 239-31, Subchapter S3, The Chronological Journal File

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission regulations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records filed in three-ring binders.

Retrievability: Information is accessed and retrieved by name or type of personnel action.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained for two calendar years and subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

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Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Official Personnel Folder Files, official position description, individual employees, supervisors of employees, civilian personnel staff members, and Civil Service Commission.

Systems exempted from certain provisions of the act: NONE

K700.16

System name: Classification Appeals File

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees of DCA who appeal a position classification action to the Agency; civilian employees who appeal a classification action to the Civil Service Commission and Agency appeals to the Civil Service Commission.

Categories of records in the system: Official position description of the employee and the supervisor evaluation statements, organizational charts, employee/supervisor statements concerning completeness and accuracy of the position description and related correspondence.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 511, Classification Under the General Schedule; Chapter 532, Coordinated Federal Wage System

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the civilian personnel office staff to process classification appeals and render classification decisions; to advise employees of classification decisions; to submit information concerning employee and agency appeals to the Civil Service Commission; and as a reference document for future classification actions.

Used by the Civil Service Commission to process classification appeals and to notify the agency and employees of classification decisions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Information is accessed and retrieved by employee name.

Safeguards: Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are destroyed when obsolete.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Civilian personnel office employees, DCA management officials appellant and their supervisors, and Civil Service Commission.

Systems exempted from certain provisions of the act: NONE

K700.17

System name: 603-01 Official Personnel Folder Files (Standard Form 66)

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel, Headquarters, Defense Communications Agency (DCA)

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees of DCA organizations

Categories of records in the system: Standard Form 171 Personal Qualifications Statement Standard Form 172 Supplemental Experience and Qualifications Statement Standard Form 50 Notification of Personnel Action Standard Form 50A Notice of Short Term Employment Standard Form 52 Request for Personnel Action Standard Form 15 Claim for Veteran's Preference Standard Form 51 Request for Insurance Standard Form 176 Election, Declination, or Waiver of Life Insurance Coverage, FEGLI Standard Form 176A The Federal Employees Group Life Insurance Program Standard Form 54 Designation of Beneficiary, Group Life Insurance Standard Form 61 Appointment Affidavits Standard Form 61B Declaration of Appointee Standard Form 70 Proof of Residence Standard Form 78 Health Qualification Placement Record Standard Form 144 Prior Federal & Military Service Standard Form 2809 Health Benefits Registration Form Standard Form 2810 Notice of Change in Health Benefits Enrollment Standard From 39 Request for Certification Standard Form 39A Request for FSEE Certification Standard Form 59 Request for Approval of Noncompetitive Action Standard Form 75 Request for Preliminary Employment Data Standard Form 144 Statement of Prior Federal and Military Service Standard Form 161 Executive Inventory Record Standard Form 161A SF 161 Continuation Sheet DA Form 2515 Payroll Change Slip Standard Form 1126 Payroll Change Slip Standard Form 1152 Designation of Beneficiary, Unpaid Compensation of Deceased Employee CA1/CA-1&2 Notice of Injury of Occupational Disease DA2515 Notice of Within Grade/Pay Adjustment WA18, WA8 Direct Hire Authority Optional Form 8 Position Description DD Form 214 Armed Forces of the United States Report of Transfer or Discharge DD Form 1559/1917 Employee Career Appraisal (Test) DD Form 1617 Transportation Agreement - Overseas Employee DD Form 1618 Transportation Agreement - Transfer of DoD Civilian Employees to and within Continental × United States CSC Form 2800A Proof of Selection for Career/Career Conditional Appointment CSC Form 813 Request for Verification of Military Service DCA Form 89 Service Award Work Sheet & Record DCA Form 103 Notice of Performance Rating DCA Form 104 Recommendation for Outstanding Performance Rating DCA Form 222 Quality Salary Increase Recommendation and Approval DCA Form 105 Recommendation for Performance Award Records of Training Civil Service Commission Letters authorizing waivers and exceptions Official Letters of Commendation Debt Correspondence Official Disciplinary Actions Reduction-in-Force Letters

Authority for maintenance of the system: Federal Personnel Manual, Supplement 293-31, Subchapter S5, The Official Personnel Folder File.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as prescribed by Civil Service Commission Regulations and to provide data for the automated Defense Communications Agency Personnel Management Information System (PERMIS)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders.

Retrievability: Information is accessed and retrieved by name.

Safeguards: Records are maintained in Lektriever with combination lock and are accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Temporary Records - Must be retained in the Official Personnel Folder (left side) for a minimum period of one year or until the eemployee transfers or separates, whichever occurs first, except that official letters of admonishment, warning, caution, reprimand, and similar disciplinary action papers may be removed at any time if it is decided later that the action was unwarranted. Otherwise, most temporary records may remain in an employee's personnel folder as long as he remains with the same agency, except that letters of caution, warning, admonishment, reprimand, and similar disciplinary action papers must not be kept in the folder longer than three years, unless the agency has received an exception from the Civil Service Commission.

Permanent Records - Personnel action reports and other doduments filed on te right side of the folder are permanent records and 'travel' with the employee throughout his or her entire Federal career. Records are maintained in DCA until the individuals terminate their employment with DCA and subsequently are transferred to another government agency or if the employee is separated from the Federal service the records are transferred to the National Personnel Records Center (Civilian), St. Louis, Missouri.

System manager(s) and address: Primary System - Office of the Assistnat to the Director for Personnel, Code 700, Headquarters, DCA

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining him or her. As proof of identity the requestor must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requestor.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Former government agencies with which the individual was employed, individual employees, supervisors of employees, official personnel actions, military service records, Civil Service Commission records, and information listed in the records category and civilian personnel staff.

Systems exempted from certain provisions of the act: NONE

K890.03

System name: Awards Case History File

System location: Military Personnel Division, Code 710, Hq, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Operations Center, Allocations and Engineering Division, Code N230.

Categories of individuals covered by the system: Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps, assigned to the Defense Communications Agency, that have been recommeaded for an award while assigned/received an award that was presented by the Director/Vice Director/or received a promotion and the ceremony was conducted by the Director/Vice Director.

Categories of records in the system: Records contain recommendation for an award, citation, memorandum and copy of ceremony announcement and the Director's brief sheet, biographical summary sheet and minutes of the awards board meetings. Categories of information are: Personnel identification and narrative justification for an award.

Authority for maintenance of the system: 10 U.S.Code 1121.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the DCA awards personnel to manage the awards program of this Agency.

Department of the Army uses to grant or deny service awards.

Department of the Navy uses to grant or deny service awards.

Department of the Air Force uses to grant or deny service awards.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file folders and locked in filing cabinets.

Retrievability: Information is accessed and retrieved by name.

Safeguards: Building employs security guards. Records are maintained in area which is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

Retention and disposal: Records are not permanent. They are destroyed 2 years after individual has departed from this Agency/or upon approval of the award whichever is later.

System manager(s) and address: Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Notification procedure: Requests from individuals should be addressed to the Assistant to the Director for Personnel, Code 700, Hq, DCA. The full name, rank, and social security number of the requesting individual will be required to determine if the system has a record about the individual. The requester may visit the Military Personnel Division, Code 710, Hq, DCA to obtain information on whether the system contains records pertaining to the individual. As proof of identy the requester will present his U.S. Armed Forces ID Card.

Record access procedures: Contact the Assistant to the Director for Personnel, Code 700, Hq, DCA. The official mailing addresses are in the DoD Directory in the appendix to the Defense Communications Agency's Systems Notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Activity/Area Commanders, Deputy Directors, Vice Director, Director, Comptroller, Assistant to the Director for Administration and Assistant to the Director for Personnel, who submit recommendations for awards on individuals assigned to their activity. Source data documents are: DA Form 638, Recommendation for Award (Army), AF Form 642, Recommendation for Decoration (Air Force), NAVPERS Form 1650/6, Recommendation for Award (Navy). Letter recommendations following the format prescribed in DCAI 220-15-39.

Systems exempted from certain provisions of the act: NONE

K890.05

System name: Overseas Rotation Program Files

System location: Primary System - Civilian Personnel Division, Code 720; Office of the Assistant to the Director for Personnel Headquarters, Defense Communications Agency (DCA).

Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian em-

cy's system notice and should be referenced by the requester

Decentralized Segments - Commander, DCA Western Hemisphere, Building 6286, Fort Carson, Colorado 80913; Commander,

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Decentralized Segments - DCA field activities in the Washington, DC, metropolitan area.

Categories of individuals covered by the system: Civilian employees of DCA organizations in the Continental United States (CONUS) assigned to a position with a government organization outside the CONUS.

Categories of records in the system: File contains copies of Standard Form 30, Notification of Personnel Action; Standard Form 55, Notice of Conversion Privilege, Group Life Insurance; Standard Form 56, Agency Certification of Insurance Status; Standard Form 171, Personnel Qualifications Statement; Standard Form 172, Supplemental Experience and Qualifications Statement; Standard Form 2810, Notice of Change in Health Benefits Enrollment; DD Form 1617, Transportation Agreement-Overseas Employees; DA Form 2515, Payroll Change Slip; Statement of Agreement; Position Description; Request for Extension of Reemployment Rights; General correspondence pertaining to the overseas assignment.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 301, Overseas Employment

Department of Defense Instruction 1404.3, Standardized Overseas Tours of Duty for United States Citizens Employees of the Department of Defense.

Department of Defense Instruction 1404.8, Rotation of Employees from Foreign Areas and the Canal Zone.

Department of Defense Directive 1400.6, Statement of Personnel Policy for Civilian Personnel of the Department of Defense in Overseas Areas.

Department of Defense Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DoD 1400.20-1-M.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the personnel office staff as a source document to resolve questions concerning overseas employees who have reemployment rights to DCA/CONUS activities, to determine placement rights and to process actions for the exercise of reemployment rights.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Information is accessed and retrieved by name and occupational location.

Safeguards: Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

Retention and disposal: Records are not permanent. They are retained until the employee exercises reemployment rights within the CONUS and are subsequently destroyed.

System manager(s) and address: Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, DCA.

Decentralized Segments - Directors of DCA field activities in the Washington, DC, metropolitan area.

Notification procedure: Information may be obtained from:

Primary System - Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Civilian Personnel Offices of the appropriate DCA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present either a current DCA identification badge or a driver's license.

Record access procedures: Primary System - Contact the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, DCA.

Decentralized Segments - Contact the Civilian Personnel Office at the appropriate DCA field activity in the Washington, DC, metropolitan area.

The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's system notice and should be referenced by the requester

Decentralized Segments - Commander, DCA Western Hemisphere, Building 6206, Fort Carson, Colorado 80913; Commander, Defense Commercial Communications Office, Scott Air Force Base, Illinois 62225.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained for the SYSMANAGER.

Record source categories: Official personnel folder; individual employees; personnel office staff.

Systems exempted from certain provisions of the act: NONE

K890.06

System name: Card File for Forwarding Mail of Departed Personnel

System location: Correspondence and Mail Processing Branch, Code 212, Headquarters, Defense Communications Agency (DCA). Decentralized Segment - Defense Communications Engineering Center, Administrative Offices, Code R120.

Categories of individuals covered by the system: Records system contains the names of personnel who have been reassigned who had been receiving their mail through the correspondence and Mail Processing Branch, Code 212, Headquarters, DCA.

Categories of records in the system: Card file consisting of individual's name and forwarding address for mail.

Authority for maintenance of the system: Post Office Department, USA, Postal Manual, Chapter 1, Part 158.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel of the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA for forwarding mail to personnel of Headquarters, DCA, Headquarters, National Communications System; and the Defense Communications Agency Operations Center, who have departed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in a card file box.

Retrievability: Information is accessed and retrieved by name

Safeguards: Building employs security guards. Records are maintained in area which is alarmed and is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

Retention and disposal: Records are not permanent. They are retained for one year after an individual's departure and are then destroyed.

System manager(s) and address: Chief, Administrative Division, Code 210, Headquarters, DCA. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

Notification procedure: Requests from individuals should be addressed to Chief, Administrative Division, Code 210, Headquarters, DCA. The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DCA identification badge or a driver's license. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

Record access procedures: Contact the Chief, Administrative Division, Code 210, Headquarters, DCA. The official mailing addresses are in the Department of Defense Directory in the appendix to the Defense Communications Agency's systems notice and should be referenced by the requester.

Contesting record procedures: The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories: Names and addresses of individuals in the system are furnished by the individuals who have been reassigned who had been receiving their mail through the Correspondence and Mail Processing Branch, Code 212, Headquarters, DCA.

Systems exempted from certain provisions of the act: NONE

[FR Doc.77-18068 Filed 7-1-77;8:45 am]

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federal register

WEDNESDAY, JULY 6, 1977

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for August are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, 202–523–5282.

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Atlanta, Ga., 7–13, 7–14.
(Details: 42 FR 30015, 6–10–77.)

For reservations call: Dave Conner at (404) 881–4661.

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS) DEPARTMENT OF AGRICULTURE

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment for the 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $875,421 and a rate of assessment of $0.07 per lug of nectarines for the functioning of the Nectarine Administrative Committee for the 1977–78 fiscal period. The committee administers locally a Federal marketing order program regulating the handling of nectarines grown in California. The regulation will enable the committee to collect assessments from first handlers on all assessable nectarines handled and to use the resulting funds for its expenses.

DATES: Effective for fiscal year March 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: On June 13, 1977, notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 30206), regarding proposed expenses and the proposed rate of assessment, under the amended marketing agreement and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines growin in the State of California. This notice allowed interested persons until June 28, 1977, during which they could submit written comments pertaining to these proposals. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals which were set forth in the notice, which were submitted by the Nectarine Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 916.216 Expenses, rate of assessment, and carryover of unexpended assessment funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the fiscal year March 1, 1977, through February 28, 1978, will amount to $875,421.

(b) *Rate of assessment.* The rate of assessment for the fiscal year payable by each handler in accordance with § 916.41, is established at $0.07 per assessable No. 22D standard lug box or equivalent quantity of nectarines in other containers or in bulk.

(c) *Carryover of unexpended funds.* Unexpended funds in excess of expenses incurred during the fiscal year ended February 28, 1977, shall be carried over as a reserve in accordance with § 916.42 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in the designated production area are now being made; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable nectarines handled during the fiscal year; and (3) the year began on March 1, 1977, and the rate of assessment will automatically apply to all nectarines handled during the year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 29, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.77–19143 Filed 7–5–77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER X—ADMINISTRATION OF THE EMERGENCY NATURAL GAS ACT OF 1977

PART 1000—REGULATIONS UNDER THE EMERGENCY NATURAL GAS ACT OF 1977

Emergency Regulations

AGENCY: Administrator—Emergency Natural Gas Act of 1977.

ACTION: Final rule.

SUMMARY: This is an amendment to the general orders issued by the Administrator of the Emergency Natural Gas Act which were republished and codified on April 25, 1977 (42 FR 21104). This order clarifies the restriction on the purchase of emergency supplies by adding the deadline date which was part of Order No. 6. The Administrator has determined that this may facilitate the purchase of natural gas in some instances.

DATES: Effective on April 30, 1977.

FOR FURTHER INFORMATION CONTACT:

J. Paul Douglas, 202–566–9353, Federal Power Commission, Room 9200, 825 North Capitol Street NE., Washington, D.C. 20426.

(1) Section 1000.7, Emergency Supplies, Chapter X, Title 18 of the Code of Federal Regulations is amended to add paragraph (b) as follows:

§ 1000.7 Emergency supplies.

* * * * *

(b) The restrictions set forth in § 1000.7 (a) are applicable only to the period prior to May 1, 1977. Thereafter any interstate pipeline or local distribution company served by an interstate pipeline may purchase emergency supplies of natural gas under Section 6(a) of the Act without regard to the restrictions set forth in § 1000.7(a).

(2) The amendment adopted herein shall be effective upon the 30th of April, 1977.

(3) These regulations are issued pursuant to the authority of Pub. L. 95–2 and the authority delegated to the Administrator by the President in Executive Order No. 11969 and shall be published in the FEDERAL REGISTER.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77–19194 Filed 7–5–77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7496]

PART 53—FOUNDATION EXCISE TAXES

Taxes on Excess Business Holdings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final Rules.

SUMMARY: This document provides final regulations related to taxes on the excess business holdings of private foundations. Changes in the applicable tax law were made by the Tax Reform Act of 1969. These regulations provide

necessary guidance to the public for compliance with the law, and affect private foundations.

ness enterprises held by active corporations and partnerships have been re-

After the imposition of the 5-percent tax a correction period is available. If

foundation disposes of its excess holdings within the 90-day period described

of section 4943(c)(2)(C). In preparing the list of such enterprises, F takes into account

prise (as described in section 4943(d)(4)), the amount of stock or other in-

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necessary guidance to the public for compliance with the law, and affect private foundations.

DATE: The regulations are effective for taxable years beginning after December 31, 1969.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Smith of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3909).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 3, 1973, the FEDERAL REGISTER published proposed amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) under section 4943 of the Internal Revenue Code of 1954, 38 FR 32. The amendments were proposed to conform the regulations to section 101(b) of the Tax Reform Act of 1969 (83 Stat. 507). A public hearing was held on March 29, 1973. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury Decision.

Section 4943 generally limits to 20 percent the combined ownership of a corporation's voting stock which may be held by a foundation and all disqualified persons together. If it can be demonstrated that some unrelated party has effective control over the business, the 20-percent limit is raised to 35 percent. If the applicable percentage limit for stock holdings is exceeded, then the foundation or disqualified persons must generally reduce their holdings to the extent necessary to bring the combined holdings down to this limit.

Excess holdings acquired by gift or bequest in the future generally must be disposed of within 5 years in order to avoid sanctions. However, the sanctions begin to operate immediately in the case of an excess holding resulting from a purchase by the foundation or by a disqualified person.

Section 4943 uses only voting stock to determine whether divestiture should be required, unless disqualified persons hold more than 20 percent of the voting stock. Then the foundation's holding of nonvoting stock must also be divested.

The above rules apply to partnerships and other entities as well as to holdings in corporations. A private foundation is not permitted to own a business enterprise as a sole proprietorship.

In computing the amount of stock considered as held by the foundation and related parties, stock held by corporations, partnerships, estates, and trusts is deemed to be held by the shareholders, partners, and remainder beneficiaries of those entities. However, where the foundation holds only an income interest or only a remainder interest in a "split-interest" trust, then the interest held by such trust will not be attributed to the foundation. Rules relating to the constructive ownership of interests in business enterprises held by active corporations and partnerships have been reserved by this Treasury decision.

Section 4943 provides that stock in a passive holding company is not to be considered a business holding, even if the holding company is controlled by the foundation. Instead, the foundation is treated as owning its proportionate share of the underlying assets of the holding company.

The rules described above requiring divestiture where the combined business holdings of the foundation and all disqualified persons together exceed 20 percent (or 35 percent in some cases) do not apply to holdings held on May 26, 1969. Where these holdings are not in excess of 75 percent, a 10-year period is available before the holdings must be reduced to 50 percent. If the holdings are more than 75 percent, the reduction to 50 percent need not occur for a 15-year period. However, the 15-year period is expanded to 20 years if the foundation itself holds more than 95 percent of a corporation's stock.

If at the end of the 10, 15, or 20-year period referred to above, the foundation and all disqualified persons together have holdings not in excess of 50 percent and the foundation has holdings of not more than 25 percent, then generally no further divestiture is required in order to avoid application of the taxes on excess holdings. If the disqualified persons together hold no more than 2 percent of the stock, the foundation is not subject to the 25-percent limit of the preceding sentence (however, the 50-percent total still applies to the combined holdings at the end of this first period); instead the foundation, in this case, has 15 additional years to bring the combined holdings of the stock in question down to 35 percent without imposition of any tax under this provision. If at any time after the beginning of the 15 year period, disqualified persons hold more than 2 percent of the stock, the foundation's holdings are limited to 25 percent.

The percentages, in the case of the special rules applicable to present holdings, are determined both on the basis of the amount of voting stock outstanding and (separately) on the basis of the value of the stock outstanding. The conversion features of convertible bonds and other securities are ignored for the voting test until the conversion occurs.

The rules as to present holdings also apply in the case of stock acquired after May 26, 1969 if it is acquired pursuant to the terms of a trust which was irrevocable on that date or pursuant to the terms of a will executed before that date.

The time available for divestiture of excess business holdings obtained from a trust or estate generally begins to run from the time the foundation actually receives the stock from the trust or estate.

A series of sanctions applies to the foundation if it does not meet the divestiture requirements. The first level sanction is a tax of 5 percent each year on the value of the greatest amount of excess holdings at any time during the year.

After the imposition of the 5-percent tax a correction period is available. If the excess holdings are not disposed of during the correction period, then a second-level sanction—a tax of 200 percent of the value of the excess holdings—is imposed upon the foundation.

DRAFTING INFORMATION

The principal author of this regulation was Mr. Larry Smith of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Based on the foregoing, the amendment to the Foundation Excise Tax Regulations (26 CFR Part 53) is adopted, subject to the changes set forth below. In addition, § 143.6 of the Temporary Excise Tax Regulations under the Tax Reform Act of 1969 (26 CFR Part 143) is superseded.

§ 53.4943–1 [Amended]

PARAGRAPH 1. The words "voting power" in § 53.4943–1 as set forth in the appendix to the notice of proposed rule making are amended to read "voting stock".

PAR. 1A. Paragraphs (a)(1) and (b) of § 53.4943–2 as set forth in the appendix to the notice of proposed rule making are amended to read as follows:

§ 53.4943–2 Imposition of tax on excess business holdings of private foundations.

(a) *Imposition of initial tax*—(1) *In general.*—(i) *Initial tax.* Section 4943(a)(1) imposes an initial excise tax (the "initial tax") on the excess business holdings of a private foundation for each taxable year of the foundation which ends during the taxable period defined in section 4943(d)(2). The amount of such tax is equal to 5 percent of the total value of all the private foundation's excess business holdings in each of its business enterprises. In determining the value of the excess business holdings of the foundation subject to tax under section 4943, the rules set forth in §§ 20.2031–1 through 20.2031–3 of this chapter (Estate Tax Regulations) shall apply.

(ii) *Disposition of certain excess business holdings within ninety days.* In any case in which a private foundation acquires excess business holdings, other than as a result of a purchase by the foundation, the foundation shall not be subject to the taxes imposed by section 4943, but only if it disposes of an amount of its holdings so that it no longer has such excess business holdings within 90 days from the date on which it knows, or has reason to know, of the event which caused it to have such excess business holdings. Similarly, a private foundation shall not be subject to the taxes imposed by section 4943 because of its purchase of holdings where it did not know, or have reason to know of prior acquisitions by disqualified persons, but only if the

foundation disposes of its excess holdings within the 90-day period described previously, and its purchase would not have created excess business holding but for such prior acquisitions by disqualified persons. In determining whether for purposes of this (ii) the foundation has disposed of such excess business holdings during such 90-day period, any disposition of holdings by a disqualified person during such period shall be disregarded.

(iii) *Extension of ninety day period.* The period described in paragraph (a)(1)(ii) of this section, during which no tax shall be imposed under section 4943, shall be extended to include the period during which a foundation is prevented by federal or state securities laws from disposing of such excess business holdings.

(iv) *Effect of disposition subject to material restrictions.* If a private foundation disposes of an interest in a business enterprise but imposes any material restrictions or conditions that prevent the transferee from freely and effectively using or disposing of the transferred interest, then the transferor foundation will be treated as owning such interest until all such restrictions or conditions are eliminated (regardless of whether the transferee is treated for other purposes of the Code as owning such interest from the date of the transfer). However, a restriction or condition imposed in compliance with federal or state securities laws, or in accordance with the terms or conditions of the gift or bequest through which such interest was acquired by the foundation, shall not be considered a material restriction or condition imposed by a private foundation.

(v) *Foundation knowledge of acquisitions made by disqualified persons.* (A) For purposes of paragraph (a)(1)(ii) of this section, whether a private foundation will be treated as knowing, or having reason to know, of the acquisition of holdings by a disqualified person will depend on the facts and circumstances of each case. Factors which will be considered relevant to a determination that a private foundation did not know or had no reason to know of an acquisition are: the fact that it did not discover acquisitions made by disqualified persons through the use of procedures reasonably calculated to discover such holdings; the diversity of foundation holdings; and the existence of large numbers of disqualified persons who have little or no contact with the foundation or its managers.

(B) The provisions of paragraph (a)(1)(v)(A) of this section may be illustrated by the following example:

Example. By the fifteenth day of the fifth month after the close of each taxable year, the F Foundation sends to each foundation manager, substantial contributor, person holding more than a 20% interest (as described in section 4946(a)(1)(C)) in a substantial contributor, and foundation described in section 4946(a)(1)(H), a questionnaire asking such persons to list all holdings, actual or constructive, in each business enterprise in which F had holdings during the taxable year in excess of those permitted by the 2 percent de minimis rule of section 4943(c)(2)(C). In preparing the list of such enterprises, F takes into account its constructive holdings only if, during the taxable year, F (along with all related foundations described in section 4946(a)(1)(H)) owned over 2% of the voting stock, profits interest or beneficial interest in the entity actually owning the holdings constructively held by F. The questionnaire asks each such person to list the holdings in such enterprises of any persons who, because of their relationship to such disqualified person, were themselves disqualified persons (i.e., members of the family (as defined in section 4946(d)), and any corporations, partnerships, trusts and estates described in section 4946(a)(1)(E) through (G) in which such person, or members of his family, had an interest). The questionnaire asks that constructive holdings be listed only if, during the taxable year, the disqualified person owned over 2% of the voting stock, profits interest or beneficial interest in the entity actually owning the holdings constructively held by such person. (Thus a disqualified person owning less than 2% of a mutual fund is not required to list his attributed share of all the securities in the portfolio of the fund.) If no response to the questionnaire is received, the foundation seeks the information requested by the questionnaire by mailing a second (but not a third) questionnaire. If a questionnaire which is returned to the foundation indicates that certain information was unavailable to the person completing the questionnaire, the foundation seeks that information directly. For example, if a disqualified person indicates that he could not find out whether a corporation described in section 4946(a)(1)(E) had holdings in the enterprise listed in the questionnaire, the foundation seeks to obtain this information directly from the corporation by mailing it a questionnaire. In such a case, F may be found not to have reason to know of the acquisition of holdings by a disqualified person.

(vi) *Holdings acquired other than by purchase.* See section 4943(c)(6) and § 53.4943–6 for rules relating to the acquisition of certain holdings other than by purchase by the foundation or a disqualified person.

* * * * *

(b) *Additional tax.* In any case in which the initial tax is imposed under section 4943(a) with respect to the holdings of a private foundation in any business enterprise, if, at the close of the correction period (as defined in section 4943(d)(3) and § 53.4943–9) with respect to such holdings the foundation still has excess business holdings in such enterprise, there is imposed a tax under section 4943(b) equal to 200 percent of the value of such excess holdings as of the last day of such correction period (determined without regard to extensions).

PAR. 2. Paragraphs (a), (b)(1), (2), (3) and (4)(i), (c)(2), (3), (4) and Example (1) of (d) of § 53.4943–3 as set forth in the appendix to the notice of proposed rule making are amended to read as follows:

§ 53.4943–3 Determination of excess business holdings.

(a) *Excess business holdings.*—(1) *In general.* For purposes of section 4943, the term "excess business holdings" means, with respect to the holdings of any private foundation in any business enterprise (as described in section 4943(d)(4)), the amount of stock or other interest in the enterprise which, except as provided in § 53.4943–2(a)(1), the foundation, or a disqualified person, would have to dispose of, or cause the disposition of, to a person other than a disqualified person (as defined in section 4946(a)) in order for the remaining holdings of the foundation in such enterprise to be permitted holdings (as defined in paragraphs (b) and (c) of this section). If a private foundation is required by section 4943 and the regulations thereunder to dispose of certain shares of a class of stock in a particular period of time and other shares of the same class of stock in a shorter period of time, any stock disposed of shall be charged first against those dispositions which must be made in such shorter period.

(2) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X has outstanding 100 shares of voting stock, with each share entitling the holder thereof to one vote. F, a private foundation, possesses 20 shares of X voting stock representing 20 percent of the voting power in X. Assume that the permitted holdings of F in X under paragraph (b)(1) of this section are 11 percent of the voting stock in X. F, therefore, possesses voting stock in X representing a percentage of voting stock in excess of the percentage permitted by such paragraph. Such excess percentage is 9 percent of the voting stock in X, determined by subtracting the percentage of voting stock representing the permitted holdings of F in X (i.e., 11 percent) from the percentage of voting stock held by F in X (i.e., 20 percent). (20%−11%=9%). The excess business holdings of F in X are an amount of voting stock representing such excess percentage, or 9 shares of X voting stock (9 percent of 100).

(b) *Permitted holdings in an incorporated business enterprise*—(1) *In general.*—(i) *Permitted holdings defined.* Except as otherwise provided in section 4943(c)(2) and (4), the permitted holdings of any private foundation in an incorporated business enterprise (including a real estate investment trust, as defined in section 856) are—

(A) 20 percent of the voting stock in such enterprise reduced (but not below zero) by

(B) The percentage of voting stock in such enterprise actually or constructively owned by all disqualified persons.

(ii) *Voting stock.* For purposes of this section, the percentage of voting stock held by any person in a corporation is normally determined by reference to the power of stock to vote for the election of directors, with treasury stock and stock which is authorized but unissued being disregarded. Thus, for example, if a private foundation holds 20 percent of the shares of one class of stock in a corporation, which class is entitled to elect three directors, and such foundation holds no stock in the other class of stock, which is entitled to elect five directors, such foundation shall be treated as holding 7.5 percent of the voting stock because the class of stock it holds has 37.5 percent of such voting power, by reason of being able to elect

three of the eight directors, and the foundation holds one-fifth of the shares of such class (20 percent of 37.5 percent is 7.5 percent). The fact that extraordi-

(3) *Thirty-five-percent rule where third person has effective control of enterprise*—(i) *In general.* Except as

limited partnership) or joint venture, the terms "profits interest" and "capital interest" shall be substituted for "voting

enterprise, the interest of such foundation (or such disqualified person) in such enterprise shall be determined by divid-

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

excess business holdings in X because during the 10-year period F is not treated as holding such interest. The only change in the interest in X occurs on January 2, 1972, when F

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three of the eight directors, and the foundation holds one-fifth of the shares of such class (20 percent of 37.5 percent is 7.5 percent). The fact that extraordinary corporate action (e.g., charter or by-law amendments) by a corporation may require the favorable vote of more than a majority of the directors, or of the outstanding voting stock, of such corporation shall not alter the determination of voting power of stock in such corporation in accordance with the two preceding sentences.

(2) *Nonvoting stock as permitted holdings*—(i) *In general.* In addition to those holdings permitted by paragraph (b)(1) of this section, the permitted holdings of a private foundation in an incorporated business enterprise shall include any share of nonvoting stock in such enterprise held by the foundation in any case in which all disqualified persons hold, actually or constructively, no more than 20 percent (35 percent where third persons have effective control as defined in paragraph (b)(3)(ii) of this section) of the voting stock in such enterprise. All equity interests which do not have voting power attributable to them shall, for purposes of section 4943, be classified as nonvoting stock. For this purpose, evidences of indebtedness (including convertible indebtedness), and warrants and other options or rights to acquire stock shall not be considered equity interests.

(ii) *Stock with contingent voting rights and convertible nonvoting stock.* Stock carrying voting rights which will vest only when conditions, the occurrence of which are indeterminate, have been met, such as preferred stock which gains such voting rights only if no dividends are paid thereon, will be treated as nonvoting stock until the conditions have occurred which cause the voting rights to vest. When such rights vest, the stock will be treated as voting stock that was acquired other than by purchase, but only if the private foundation or disqualified persons had no control over whether the conditions would occur. Similarly, nonvoting stock which may be converted into voting stock will not be treated as voting stock until such conversion occurs. For special rules where stock is acquired other than by purchase, see section 4943(c)(6) and the regulations thereunder.

(iii) *Example.* The provisions of this paragraph (2) may be illustrated by the following example:

Example. Assume that F, a private foundation, holds 10 percent of the single class of voting stock of corporation X, and owns 20 shares of nonvoting stock in X. Assume further that A and B, the only disqualified persons with respect to F, hold 10 percent of the voting stock of X. Under the provisions of paragraph (b)(1) of this section, the 10 percent of X voting stock held by F will be classified as permitted holdings of F in X since 20 percent less the percentage of voting stock held by A and B in X is 10 percent. In addition, under the provisions of this (2), the 20 shares of X nonvoting stock will qualify as permitted holdings of F in X since the percentage of voting stock held by A and B in X is no greater than 20 percent.

(3) *Thirty-five-percent rule where third person has effective control of enterprise*—(i) *In general.* Except as provided in section 4943(c)(4), paragraph (b)(1) of this section shall be applied by substituting 35 percent for 20 percent if—

(A) The private foundation and all disqualified persons together do not hold, actually or constructively, more than 35 percent of the voting stock in the business enterprise, and

(B) The foundation establishes to the satisfaction of the Commissioner that effective control (as defined in paragraph (b)(3)(ii) of this section) of the business enterprise is in one or more persons (other than the foundation itself) who are not disqualified persons.

(ii) *"Effective control" defined.* For purposes of this subparagraph, the term "effective control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a business enterprise, whether through the ownership of voting stock, the use of voting trusts, or contractual arrangements, or otherwise. It is the reality of control which is decisive and not its form or the means by which it is exercisable. Thus, where a minority interest held by individuals who are not disqualified persons has historically elected the majority of a corporation's directors, effective control is in the hands of those individuals.

(4) *Two percent de minimis rule*—(i) *In general.* Under section 4943(c)(2)(C), a private foundation is not treated as having excess business holdings in any incorporated business enterprise in which it (together with all other private foundations (including trusts described in section 4947(a)(2)) which are described in section 4946(a)(1)(H)) actually or constructively owns not more than 2 percent of the voting stock and not more than 2 percent in value of all outstanding shares of all classes of stock. If, however, the private foundation, together with all other private foundations which are described in section 4946(a)(1)(H), actually or constructively owns more than 2 percent of either the voting stock or the value of the outstanding shares of all classes of stock in any incorporated business enterprise, all the stock in such business enterprise classified as excess business holding under section 4943 is treated as excess business holdings. For purposes of this paragraph, any stock owned by a private foundation which is treated as held by a disqualified person under section 4943(c)(4)(B), (5), or (6) shall be treated as actually owned by the private foundation. See paragraph (b)(1) of § 53.4941(d)–4 for the determination of excess business holdings without regard to section 4943(c)(2)(C) for purposes of applying section 101(C)(2)(B) of the Tax Reform Act of 1969 (83 Stat. 533).

* * * * * *

(c) *Permitted holdings in an unincorporated business enterprise.* * * *

(2) *Partnership or joint venture.* In the case of a partnership (including a limited partnership) or joint venture, the terms "profits interest" and "capital interest" shall be substituted for "voting stock" and "nonvoting stock," respectively, wherever those terms appear in paragraph (b) of this section. The interest in profits of such foundation (or such disqualified person) shall be determined in the same manner as its distributive share of partnership taxable income. See section 704(b) (relating to the determination of the distributive share by the income or loss ratio) and the regulations thereunder. In the absence of a provision in the partnership agreement, the capital interest of such foundation (or such disqualified person) in a partnership shall be determined on the basis of its interest in the assets of the partnership which would be distributable to such foundation (or such disqualified person) upon its withdrawal from the partnership, or upon liquidation of the partnership, whichever is the greater.

(3) *Sole proprietorship.* For purposes of section 4943, a private foundation shall have no permitted holdings in a sole proprietorship. In the case of a transfer by a private foundation of a portion of a sole proprietorship, see paragraph (c)(2) of this section (relating to permitted holdings in partnerships). For the treatment of a private foundation's ownership of a sole proprietorship prior to May 26, 1969, see § 53.4943–4.

(4) *Trusts and other unincorporated business enterprises*—(i) *In general.* In the case of any unincorporated business enterprise which is not described in paragraph (c)(2) or (3) of this section, the term "beneficial interest" shall be substituted for "voting stock" wherever the term appears in paragraph (b) of this section. Any and all references to novoting stock in paragraph (b) of this section shall be inapplicable with respect to any unincorporated business enterprise described in this subparagraph.

(ii) *Trusts.* For purposes of section 4943, the beneficial interest of a private foundation or any disqualified person in a trust shall be the beneficial remainder interest of such foundation or person determined as provided in paragraph (b) of § 53.4943–8.

(iii) *Other unincorporated business enterprises.* For purposes of section 4943, the beneficial interest of a private foundation or any disqualified person in an unincorporated business enterprise (other than a trust or an enterprise described in paragraph (c)(2) or (3) of this section) includes any right to receive a portion of distributions of profits of such enterprise, and, if the portion of distributions is not fixed by an agreement among the participants, any right to receive a portion of the assets (if any) upon liquidation of the enterprise, except as a creditor or employee. For purposes of this subparagraph, a right to receive distributions of profits includes a right to receive any amount from such profits (other than as a creditor or employee), whether as a sum certain or as a portion of profits realized by the enterprise. Where there is no agreement fixing the rights of the participants in such enterprise, the interest of such foundation (or such disqualified person) in such enterprise shall be determined by dividing the amount of all equity investments or contributions to the capital of the enterprise made or obligated to be made by such foundation (or such disqualified person) by the amount of all equity investments or contributions to capital made or obligated to be made by all participants in the enterprise.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X has outstanding 100 shares of voting stock, with each share entitling the holder thereof to one vote. Assume that F, a private foundation, possesses 30 shares of X voting stock, and that A and B, the only disqualified persons with respect to F, together own 10 shares of X voting stock. The excess business holdings of F in X are 20 shares of X voting stock, determined as follows:

(i) Determination of voting stock percentages:	
(a) Total number of outstanding votes in X	100
(b) Total number of votes in X held by F	30
(c) Total number of votes in X held by A and B	10
(d) Percentage of voting stock in X held by F (item (b) divided by item (a)) (percent)	30
(e) Percentage of voting stock in X held by A and B item (c) divided by item (a)) (percent)	10
(ii) Determination of permitted holdings of voting stock:	
(a) Percentage of voting stock in X held by A and B (percent)	10
(b) Permitted holdings of voting stock by F in X (20 pct less item (a)) (percent)	10
(iii) Determination of excess business holdings:	
(a) Percentage of voting stock in X held by F (percent)	30
(b) Permitted holdings of voting stock by F in X (percent)	10
(c) Item (a) less item (b) (percent)	20
(d) Excess business holdings of F in X (i.e., an amount of X voting stock representing a percentage of voting stock equivalent to that in item (c)) (shares)	20

* * * * *

PAR. 3. Section 53.4943–4 as set forth in the notice of proposed rule making is amended to read as follows:

§ 53.4943–4 Present holdings.

(a) *Introduction*—(1) *Section 4943(c)(4) in general.* (i) Paragraph (4) of section 4943(c) prescribes transition rules for a private foundation which, but for such paragraph, would have excess business holdings on May 26, 1969. Section 4943(c)(4) provides such a foundation with protection from the initial tax on excess business holdings in two ways. First, the entire interest of such a foundation in any business enterprise in which such a foundation, but for section 4943(c)(4), would have had excess business holdings on May 26, 1969, is treated under section 4943(c)(4)(B) as held by disqualified persons for a certain period of time (the "first phase"). The effect of such treatment is to prevent a private foundation from being subject to the initial tax with respect to its May 26, 1969, interest during the first phase holding period and also to prevent the foundation from purchasing any additional business holdings in such business enterprise during such period (unless the combined holdings of the foundation and all disqualified persons fall below the 20 percent (or 35 percent, if applicable) figure prescribed by section 4943(c)(2)). Second, section 4943(c)(4)(A)(i) initially increases the percentage of permitted holdings of such a foundation to a percentage equal to the difference between—

(A) The percentage of combined holdings of the foundation and all disqualified persons in such business enterprise on May 26, 1969 (subject to a 50 percent maximum), and

(B) The percentage of holdings of all disqualified persons.

The percentage referred to in paragraph (a)(1)(i)(A) of this section is referred to in this section as the "substituted level". This "substituted level" is then reduced by the "downward ratchet rule" prescribed by section 4943(c)(4)(A)(ii) and paragraph (d)(3) of this section for certain dispositions by such foundation or by disqualified persons. The primary purpose of the substituted level is to indicate what the permitted holdings in such business enterprise will be immediately after the expiration of the first phase holding period. Thereafter, the permitted holdings of a private foundation itself are further limited to a maximum 25 percent interest in such business enterprise by section 4943(c)(4)(D) as soon as the combined holdings of all disqualified persons in such business enterprise exceed 2 percent (of the voting stock). If the combined holdings of all disqualified persons at no time exceed 2 percent (of the voting stock) during the 15 years following the first phase (the "second phase"), then the substituted level is reduced to a 35 percent maximum after the second phase.

(ii) Paragraph (a)(1)(i) of this section may be illustrated by the following example:

Example. On May 26, 1969, private foundation P held a 5 percent interest in corporation X (voting stock and value). On such date disqualified persons held a 16 percent interest in X (voting stock and value). Assume that except for section 4943(c)(4), P would have had a 1 percent interest in X which would have constituted excess business holdings. Therefore, section 4943(c)(4)(B) applies and P's 5 percent interest in X is treated as held by a disqualified person during the 10-year period beginning May 26, 1969. Since the entire 21 percent held by P and disqualified persons is now treated as held by disqualified persons, P's substituted level is 21 percent and its permitted holdings are zero (21%—21%). However, P has no excess business holdings in X because during the 10-year period P is not treated as holding such interest. The only change in the interest in X occurs on January 2, 1972, when P disposes of 2 percent of its interest in X to A, an unrelated person. Since the interest held by P and all disqualified persons (21%—2%=19%) has decreased below 20 percent, P's substituted level is reduced to 20 percent and its permitted holdings are 1 percent (20%—19%) on such date. Therefore, if the other interests in X do not change, P will not have excess business holdings if P purchases no more than an additional 1 percent interest in X.

(2) *Interaction of provisions of section 4943(c)(4), (5), and (6).* During the first phase, a private foundation may acquire additional interests in a business enterprise, other than by purchase, which are entitled to be treated as held by disqualified persons for varying holding periods under section 4943(c)(5) or (6) (relating respectively to certain holdings acquired pursuant to the terms of a trust or will in effect on May 26, 1969, and to the 5-year period to dispose of certain gifts, bequests, etc.). In any case, holdings which the private foundation disposes of shall be charged first against those holdings which it must dispose of in the shortest period in order to avoid the initial tax thereon. Further, acquisitions of a private foundation under a pre-May 27, 1969, will or trust described in section 4943(c)(5) are treated in a manner similar to the treatment of interests actually held by a private foundation on May 26, 1969. See §§ 53.4943–5 and 53.4943–6.

(b) *Present holdings in general.* (1) Section 4943(c)(4)(B) provides that any interest in a business enterprise held by a private foundation on May 26, 1969, if the foundation on such date has excess business holdings (determined without regard to section 4943(c)(4)), shall (while held by the foundation) be treated as held by a disqualified person during a first phase. Therefore, no interest of a private foundation shall be treated as held by a disqualified person under section 4943(c)(4)(B) and this section unless:

(i) The private foundation was an entity (not including a revocable trust) in existence on May 26, 1969, even though it was not then treated as a private foundation under section 509 or section 4947;

(ii) Such interest was actually or constructively owned by such entity on such date; and

(iii) Without regard to section 4943(c)(4) such entity had on such date an interest (considered in connection with the interests actually or constructively owned by all disqualified persons with respect to such entity on that date in the same business enterprise, determined as if the entity were then a private foundation) which exceeded the permitted holdings prescribed by section 4943(c)(2) or (3).

(See, however, section 4943(c)(5) and § 53.4943–5 for similar treatment for certain interests acquired by a private foundation under the terms of a trust or a will which were in effect on May 26, 1969.) If a private foundation owns an

interest described by section 4943(c)(4)(B), then the length of the first phase

(iii) The 10-year period beginning on May 26, 1969, in any case not described

(4)) as of such date are, therefore, 40 percent of X voting stock. Accordingly, since the

on May 26, 1969. On January 1, 1973, A and B donate the 40 shares of X voting stock held

voting level has been reduced since May 26, 1969, by paragraph (d)(4) of this

such holdings may not be increased (except as provided under section 4943(c)

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interest described by section 4943(c)(4)(B), then the length of the first phase for such an interest is prescribed by paragraph (c) of this section and shall not be affected by any interest acquired by the private foundation or any disqualified person in such business enterprise after May 26, 1969. In addition, the amount of permitted holdings in such business enterprise is prescribed by paragraph (d) of this section. An interest constructively held by a private foundation (or a disqualified person) on May 26, 1969, shall not cease to be an interest to which section 4943(c)(4) applies merely because it is later distributed to such foundation (or to such disqualified person). Nor shall an interest directly held by a private foundation (or disqualified person) on May 26, 1969, cease to be treated as an interest to which section 4943(c)(4) applies to the extent it remains actually or constructively held by such foundation (or such disqualified person), upon transfer of such interest, such as upon the incorporation of a sole proprietorship.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. A, a nonprofit research organization described in section 501(c)(3), was organized in 1966. On May 26, 1969, A held 50 percent of the stock of corporation B. For its taxable years 1970, 1971, and 1972, A is classified as an organization described in section 509(a)(2). However, for 1973 and subsequent years, A fails to satisfy the gross investment income limitation of section 509(a)(2)(B), and is thus classified as a private foundation. In such a case, section 4943(c)(4) applies, and a disqualified person shall be treated as holding A's stock in B during a first phase that begins on May 26, 1969.

(c) *First phase holding periods*—(1) *In general.* If, on May 26, 1969, a private foundation has excess business holdings in any business enterprise (determined with regard to the 20 or 35 percent permitted holdings of section 4943(c)(2)), then all interests which such foundation holds, actually or constructively, in such enterprise on May 26, 1969, shall (while held by such foundation) be deemed held by a disqualified person during the following periods:

(i) The 20-year period beginning on May 26, 1969, if the private foundation holds, actually or constructively, more than 95 percent of the voting stock (or more than a 95 percent profits or beneficial interest in the case of an unincorporated enterprise) in such enterprise on such date;

(ii) Except as provided in paragraph (c)(1)(i) of this section, the 15-year period beginning on May 26, 1969, if the private foundation and all disqualified persons hold, actually or constructively on such date, more than 75 percent of the voting stock (or more than a 75 percent profits or beneficial interest in the case of any unincorporated enterprise) or 75 percent of the value of all outstanding shares of all classes of stock in such enterprise (or more than a 75 percent profits and capital interest in the case of a partnership or joint venture);

(iii) The 10-year period beginning on May 26, 1969, in any case not described in paragraph (c)(1)(i) or (ii) of this section.

The 20-year, 15-year, or 10-year period described in this subdivision (whichever applies) shall, for purposes of section 4943 and this section, be known as the "first phase".

(2) *Sole proprietorships.* The 20-year period described in paragraph (c)(1) of this section shall apply with respect to any interest which a private foundation holds in a sole proprietorship on May 26, 1969. See paragraph (b) of this section for the effect of converting such an enterprise to a corporate, partnership, or other form.

(3) *Suspension of first-phase periods.* The 20-year, 15-year, or 10-year period described in paragraph (c)(1) of this section shall be suspended during the pendency of any judicial proceeding which is brought and diligently litigated by the private foundation and which is necessary to reform, or to excuse the foundation from compliance with, its governing instrument or any other instrument (as in effect on May 26, 1969) in order to allow disposition of any excess business holdings held by the foundation on May 26, 1969.

(4) *Election to shorten the period during which certain holdings of private foundations are treated as held by disqualified persons.* If, on May 26, 1969, the combined holdings of a private foundation and all disqualified persons in any one business enterprise are such as to make applicable the 15-year period referred to in paragraph (c)(1)(ii) of this section, and if, on such date, the foundation's holdings do not exceed 95 percent of the voting stock in such enterprise, then such 15-year period is shortened to the 10-year period referred to in paragraph (c)(1)(iii), if at any time before January 1, 1971, one or more individuals—

(i) Who are substantial contributors (as described in section 507(d)(2)), or members of the family within the meaning of section 4946(d) of one or more substantial contributors, to such private foundation, and

(ii) Who on May 26, 1969, held in the aggregate more than 15 percent of the voting stock in the enterprise,

made an election in the manner described in 26 CFR 143.6 (rev. as of Apr. 1, 1974).

(5) *Examples.* The provisions of this paragraph (c) may be illustrated by the following examples:

Example (1). Assume that F, a private foundation, owns, on May 26, 1969, 50 shares of voting stock in corporation X representing 50 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X. Assume further that A and B, the only disqualified persons with respect to F, own five shares each of voting stock in X on such date. The 10 shares of voting stock in X owned by A and B together represent 10 percent of the voting power in X and 5 percent of the value of all outstanding shares of all classes of stock in X. Under the provisions of § 53.4943–3, the excess business holdings of F in X (determined without regard to section 4943(c)(4)) as of such date are, therefore, 40 percent of X voting stock. Accordingly, since the combined holdings of F, A, and B in X are, on such date, less than 75 percent of the voting stock in X and less than 75 percent of the value of all outstanding shares of all classes of stock in X, under the provisions of section 4943(c)(4)(B)(iii), all holdings of F in X (i.e., 50 percent of X voting stock) will be treated as held by a disqualified person through May 25, 1979.

Example (2). Assume the facts as stated in Example (1), except that F, on December 15, 1969, purchases an additional 10 shares of voting stock in X representing 10 percent of X voting power. Assume, further, that there were no other transactions in the stock in X during 1969. While the 50 percent of X voting stock held by F on May 26, 1969, will be deemed held by a disqualified person through May 25, 1979, the additional 10 shares of X voting stock acquired by purchase by F on December 15, 1969, will not be deemed to be so held. Accordingly, since, under the provisions of § 53.4943–3, such 10 shares represent excess business holding of F in X, such 10 shares will be subject to the imposition of tax under the provisions of section 4943(a).

Example (3). Assume the facts as stated in Example (1), except that F, on December 15, 1971, acquires an additional 10 shares of voting stock in X (representing 10 percent of X voting power) under the terms of a will which was executed before May 26, 1969, to which section 4943(c)(5) applies. While the 50 percent of X voting stock held by F on May 26, 1969, will be deemed held by a disqualified person through May 25, 1979, the additional 10 percent of X voting stock acquired by F on December 15, 1971, will, under the provisions of section 4943(c)(5), be deemed held by a disqualified person through December 14, 1981. See § 53.4943–5.

Example (4). Assume that F, a private foundation, owns on May 26, 1969, 50 shares of voting stock in corporation Y representing 50 percent of the voting power in Y. Assume further that C and D, the only disqualified persons with respect to F, own on such date 15 shares each of Y voting stock and that the 30 shares of Y voting stock owned by C and D together represent 30 percent of the voting power in Y. Under the provisions of § 53.4943–3 the excess business holdings of F in Y (determined without regard to section 4943(c)(4)) as of such date are, therefore, 20 percent of Y voting stock. Accordingly, since the combined holdings of F, C, and D in Y represent, on such date, more than 75 percent of the voting stock in Y, under the provisions of section 4943(c)(4)(B)(ii), all holdings of F in Y (i.e., 50 percent of Y voting stock) will be treated as held by a disqualified person through May 25, 1984.

Example (5). M, a private foundation, owns on May 26, 1969, sole proprietorship S. Since, under the provisions of § 53.5954–3, M's ownership of S constitutes excess business holdings (determined without regard to section 4943(c)(4) as of May 26, 1969, and since M's interest in S is greater than 95 percent on such date, under the provisions of this paragraph a disqualified person will be treated as the owner of S for the 20-year period beginning on such date. If S is later incorporated, that percentage of the interest in S retained by M, even though less than a 95-percent interest, shall continue to be treated as held by a disqualified person through May 25, 1989.

Example (6). A and B, individuals, together own on May 26, 1969, 40 shares of voting stock in corporation X representing 40 percent of the voting power in X and 20 percent of the value of all outstanding shares of all classes of stock in X. A and B are both disqualified persons with respect to F, a private foundation, which owns no stock in X on May 26, 1969. On January 1, 1973, A and B donate the 40 shares of X voting stock held by them to F. Since F had no excess business holdings on May 26, 1969, section 4943(c)(4)(6) and § 53.4943–6.

Example (7). Assume the facts as stated in Example (6), except that F, on May 26, 1969, owns 50 shares of voting stock in X, representing 50 percent of the voting power in X and 25 percent of the value of all outstanding shares of all classes of stock in X. Under the provisions of this paragraph, the 50 shares of X voting stock held by F on May 26, 1969 shall be treated in accordance with the provisions of section 4943(c)(4), while the 40 shares of X voting stock acquired by F on January 1, 1973 shall be treated in accordance with the provisions of section 4943(c)(6). See § 53.4943–6.

(d) *Permitted holdings under section 4943(c)(4)*—(1) *In general.* The permitted holdings of a private foundation to which section 4943(c)(4) applies in a business enterprise shall be as follows:

(i) The excess of the substituted combined voting level over the disqualified person voting level, and separately,

(ii) The excess of the substituted combined value level over the disqualified person value level.

(2) *Definitions.* For purposes of paragraph (d) of this section—

(i) The term "disqualified person voting level" on any given date means the percentage of voting stock held by all disqualified persons together on such date (including stock deemed held by such a person by reason of section 4943(c)(4), (5), or (6)).

(ii) The term "disqualified person value level" on any given date means the percentage of the total value of all outstanding shares of all classes of stock in a business enterprise held by all disqualified persons together on such date (including stock deemed held by such a person by reason of section 4943(c)(4), (5), or (6)).

(iii) The term "foundation voting level" prior to the second phase is equal to zero. After the first phase, such term on any given date means the lowest percentage of voting stock held by a private foundation (without regard to section 4943(c)(4)(B)) in a business enterprise on May 26, 1969, and at all times thereafter up to such date. See section 4943(c)(5) and § 53.4943–5 for the effect of interests acquired pursuant to the terms of a will or trust in effect on May 26, 1969.

(iv) The term "foundation value level" prior to the second phase is equal to zero. After the first phase, such term on any given date means the lowest percentage of the total value of all outstanding shares of all classes of stock held by a private foundation (without regard to section 4943(c)(4)(B)) in a business enterprise on May 26, 1969, and at all times thereafter up to such date. See section 4943(c)(5) and § 53.4943–5 for the effect of interests acquired pursuant to the terms of certain wills or trusts in effect on May 26, 1969.

(v) The term "substituted combined voting level" means the lowest percentage to which the sum of the foundation voting level plus the disqualified person voting level has been reduced since May 26, 1969, by paragraph (d)(4) of this section (the "downward ratchet rule"), subject to the following modifications:

(A) In no event shall such substituted level exceed 50 percent; and

(B) Such substituted level shall be increased (but not above 50 percent) in accordance with section 4943(c)(5) and § 53.4943–5 for certain interests acquired by such foundation pursuant to the terms of a will or trust in effect on May 26, 1969.

(vi) The term "substituted combined value level" means the lowest percentage to which the sum of the foundation value level plus the disqualified person value level has been reduced since May 26, 1969, by paragraph (d)(4) of this section (the "downward ratchet rule"), subject to the following modifications:

(A) In no event shall such substituted level exceed 50 percent; and

(B) Such substituted level shall be increased (but not above 50 percent) in accordance with section 4943(c)(5) and § 53.4943–5 for certain interests acquired by such foundation pursuant to the terms of a will or trust in effect on May 26, 1969.

(vii) In the case of an interest in a partnership or joint venture, definitions (i) through (iv) of this subparagraph shall be applied by substituting "profit interests" for "voting stock" and "all partnership interests" for "all outstanding shares of all classes of stock."

(viii) In the case of an interest in a business enterprise other than a corporation, partnership or joint venture, definitions (i) through (iv) of this subparagraph shall be applied by substituting "beneficial remainder interests" for "voting stock" and "all beneficial remainder interests" for "all outstanding shares of all classes of stock."

(ix) Each level defined in paragraph (d)(2)(iii), (iv), (v) and (vi) as of any date shall be carried over to the subsequent date subject to any adjustments prescribed for such level.

(3) *Permitted holdings—First phase.* Since during the first phase the substituted combined voting level generally does not exceed the disqualified person voting level, and the substituted combined value level generally does not exceed the disqualified person value level, the permitted holdings during the first phase are generally equal to zero. The permitted holdings during the first phase exceed zero only where the 20 percent (or 35 percent) limitation on the downward ratchet rule contained in paragraph (d)(4)(ii)(B) of this section applies.

(4) *Downward ratchet rule*—(i) *In general.* Except as provided in paragraph (d)(4)(ii) of this section and section 4943(c)(5)—

(A) *Scope of rule.* In general, when the percentage of the holdings in a business enterprise held by a pripate foundation and all disqualified persons together to which section 4943(c)(4) applies decreases, or when the percentage of the holdings of the private foundation alone in such business enterprise decreases, such holdings may not be increased (except as provided under section 4943(c)(5) or (6)). This so-called "downward ratchet rule" is designed to prevent the private foundation from purchasing additional holdings in the business enterprise until the substituted combined voting level reduced to the 20-percent (or 35 percent) figure prescribed by section 4943(c)(2).

(B) *Levels affected.* Under the downward ratchet rule any decrease after May 26, 1969, in the percentage of holdings comprising either the substituted combined voting level, the substituted combined value level, the foundation voting level or the foundation value level shall cause the respective level to be decreased to such decreased percentage for purposes of determining the foundation's permitted holdings.

(C) *Implementation of reductions.* Thus, if at any time the sum of the foundation voting level and the disqualified person voting level is less than the immediately preceding substituted combined voting level, the substituted level shall be decreased so that it equals such sum. For example, if on May 26, 1969, a foundation and all disqualified persons together have holdings in a business enterprise equal to 50 percent, on such date the substituted combined voting level and the disqualified person voting level equal 50 percent (since such holdings of the foundation are treated as held by a disqualified person). If the private foundation or a disqualified person on May 27, 1969, sold 2 percent of such holdings to a nondisqualified person, the disqualified person voting level would be decreased to 48 percent (50%—2%), causing the substituted combined voting level to be decreased to 48 percent. As a further example, assume that on May 26, 1969, a foundation and all disqualified persons together have holdings in a business enterprise equal to 50 percent, and when the first phase expires on May 26, 1979, the substituted combined voting level is still 50 percent, the foundation voting level is 10 percent, and the disqualified person voting level is 40 percent. If a disqualified person thereafter sells 2 percent to a nondisqualified person so that the sum of the disqualified person voting level (40%—2%=38%) and the foundation voting level (10%) equals 48 percent (38%+10%), then the substituted combined voting level is decreased to 48 percent. Similarly, if at any time the sum of the foundation value level and the disqualified person value level is less than the immediately preceding substituted combined value level, the substituted combined value level shall be decreased so that it equals such sum.

(D) *Restrictions on increases in levels.* In addition, none of the four levels referred to in paragraph (d)(4)(i)(B) of this section may be adjusted upward to reflect any increase in the holdings comprising such level, except as provided in section 4943(c)(5) and § 53.4943–5. As a result, any transfer of May 26, 1969, holdings from a disqualified person to a private foundation shall not increase the

foundation voting level or the foundation value level (unless the transfer qualifies under section 4943(c)(5)), and in section 507(b)(1)(B)(ii) of the commencement of a 60-month termination period and fails to meet the require-

substituted combined voting level is 50 percent; the disqualified person value level is 71 percent, the foundation value level is

levels (since holding are no longer treated as held by disqualified persons of this section never applied during the second phase, the substituted combined 1979, the substituted combined voting level and substituted combined value level re-

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foundation voting level or the foundation value level (unless the transfer qualifies under section 4943(c)(5)), and thus may reduce the substituted combined value level (and, where appropriate, the substituted combined voting level). Thus, in the last preceding example, if the disqualified person, instead of selling the 2 percent interest to a nondisqualified person, had sold such interest to the foundation, the substituted combined voting level would still be reduced to 48 percent, since the disqualified person voting level would be reduced by 2 percent (to 38%) but the foundation voting level would not be increased by 2 percent (remaining at 10%). However, any transfer of May 26, 1969, holdings from a private foundation to a disqualified person under section 101(l)(2)(B) of the Tax Reform Act of 1969, shall reduce the foundation value level (and, where appropriate, the foundation voting level), but will not reduce the substituted combined value level or the substituted combined voting level. The disqualified person voting level and disqualified person value level are correspondingly increased, not being limited to interests held since May 26, 1969. In addition, a transfer of May 26, 1969, holdings from one disqualified person to another, for example, by bequest, shall not reduce the substituted combined voting level nor the substituted combined value level.

(ii) *Exceptions—(A) One-percent de minimus rule.* If after May 26, 1969, there are one or more decreases in the holdings comprising any of the four levels referred to in paragraph (d)(4)(i)(B) of this section during any taxable year of a private foundation, and if such decreases are attributable to issuances of stock (or such issuances coupled with redemptions), then, unless the aggregate of such decreases equals or exceeds 1 percent, the determination of whether there is a decrease in such level for purposes of this paragraph (d)(4) shall be made only at the close of such taxable year. If, however, the aggregate of such decreases equals or exceeds 1 percent, such level shall be decreased at that time as if the previous sentence had never applied.

(B) *Twenty percent (or 35 percent) floor.* In no event shall the downward rachet rule contained in paragraph (d)(4)(i) of this section decrease the substituted combined voting level or the substituted combined value level below 20 percent, or, for purposes of section 4943(c)(2)(B), below 35 percent.

(iii) *Special rules—(A) Change of foundation managers.* In the case of a foundation manager (as defined in section 4946(b)) who on May 26, 1969, owns holdings in a business enterprise and who is replaced by another foundation manager, the decrease in the substituted combined voting or value levels shall be limited to the excess, if any, of the departing foundation manager's holdings over his successor's holdings.

(B) *Termination of private foundation status under section 507.* If an organization gives the notification described in section 507(b)(1)(B)(ii) of the commencement of a 60-month termination period and fails to meet the requirements of section 509(a) (1), (2) or (3) for the entire period, then such organization will be treated as a private foundation during the entire 60-month period for purposes of this paragraph (d)(4) and section 4946(a)(1)(H). For example, X, a private foundation gives notification of the commencement of a 60-month termination commencing on January 1, 1972. X and Y, another private foundation, are effectively controlled by the same persons within the meaning of section 4946(a)(1)(H). X and Y hold 25 percent each of the voting stock of Z corporation on May 26, 1969, so that the substituted combined voting level for X or Y is 50 percent on such date. If X meets the requirements of section 509(a) (1), (2), or (3) for the entire 60-month period, section 4946(a)(1)(H) is inapplicable to X, and, under the downward ratchet rule, the substituted combined voting level for Y is decreased by 25 percent. On the other hand, if X meets the requirements of section 509(a)(2) for its taxable years 1972 and 1973, but fails to meet the requirements of section 509(a) (1), (2), or (3) in 1974, 1975, and 1976, then solely for purposes of section 4943(c)(4)(A)(ii) and this paragraph (d)(4), X will be treated as a disqualified person with respect to Y, and Y will be treated as a disqualified person with respect to X, for taxable years 1972 through 1976 pursuant to section 4946(a)(1)(H). Thus, for purposes of section 4943(c)(4)(A)(ii), the substituted combined voting level for X or Y will not be decreased by reason of the fact that X was attempting to terminate under section 507(b)(1)(B), and assuming no other transactions, such level will remain at 50 percent.

(iv) *Examples.* The provisions of this paragraph (d)(4) may be illustrated by the following examples:

Example (1). F, a private foundation, owns on May 26, 1969, 50 shares of voting stock in corporation X representing 50 percent of the voting stock in X and 25 percent of the value of all outstanding shares of all classes of stock in X. A and B, the only disqualified persons with respect to F, together own, on such date, 2 shares of voting stock in X representing 2 percent of the voting stock in X and 1 percent of the value of all outstanding shares of all classes of stock in X. In addition, on such date, F owns 30 shares of nonvoting stock in X, representing 30 percent of the value of all outstanding shares of all classes of stock in X, and A and B together own 15 shares of nonvoting stock in X representing 15 percent of the value of all outstanding shares of all classes of stock in X. The provisions of section 4943(c)(4)(B)(iii) apply and during the 10-year period beginning on May 26, 1969, a disqualified person is deemed to hold all interests of F in X. Assume that on February 1, 1972, F sells to C, an unrelated individual, 12 shares of voting stock in X representing 12 percent of the voting stock in X and 6 percent of the value of all outstanding shares of all classes of stock in X.

(i) Beginning on May 26, 1969, the disqualified person voting level is 52 percent, the foundation voting level is zero, and the substituted combined voting level is 50 percent; the disqualified person value level is 71 percent, the foundation value level is zero, and the substituted combined value level is 50 percent.

(ii) Beginning on February 1, 1972, the disqualified person voting level is 40 percent (52%−12%), the foundation voting level is zero, and the substituted combined voting level is 40 percent; the disqualified person value level is 65 percent (71%−6%), the foundation value level is zero and the substituted combined value level is 50 percent.

Example (2). F, a private foundation on the calendar year basis, holds, on May 26, 1969, 30 percent of the voting stock in corporation Y. C and D, the only disqualified persons with respect to F, together hold, on such date, 10 percent of the voting stock in Y. The provisions of section 4943(c)(4)(B)(iii) apply with respect to F, and disqualified persons are deemed to hold all interests of F in Y for the 10-year period beginning on May 26, 1969, so that the substituted combined voting level as of such date is 40 percent. On February 1, 1973, a stock issuance by Y causes the combined holdings of voting power by F, C, and D in Y to decrease by 0.3 percent. On June 1, 1973, another such issuance causes such combined holdings to decrease by 0.5 percent. In September 1, 1973, an unrelated stock redemption by Y causes such combined holdings to increase by 0.4 percent. Under this paragraph the determination whether there is a decrease in the substituted combined voting level for purposes of the downward ratchet rule shall not be made before January 1, 1974, since the aggregate of the decreases occurring on February 1 and June 1 of 1973 is less than 1 percent (0.3%+0.5%). Therefore, the substituted combined voting level as of January 1, 1974, is 39.6 percent (40%−[(0.3%+0.5%)−0.4%].)

Example (3). Assume the facts as stated in Example (2), except that, on October 1, 1973, a stock issuance by Y causes the combined holdings of voting power by F, C, and D in Y to decrease by 0.3 percent. Since the aggregate of the decreases occurring on February 1, June 1, and October 1, of 1973 exceeds 1 percent, the determination whether there is a decrease in the substituted combined voting level shall be made as of October 1, 1973. At that time the substituted combined voting level shall be reduced to 39.2 percent (40%−0.3%−0.5%), the lowest actual combined holdings during the period that the de minimis rule was in effect.

(5) *Permitted holdings—Second phase—(i) In general.*—For purposes of section 4943 and this section, the term "second phase" means the 15-year period immediately following the first phase. Upon the expiration of the first phase with respect to an interest to which section 4943(c)(4) applies, such interest shall no longer be treated as held by a disqualified person under section 4943(c)(4)(B). During the second phase, the manner of determining the permitted holdings of a private foundation to which section 4943(c)(4) applies shall be the same as applicable to the first phase, except that a 25 percent maximum shall apply under certain conditions specified in paragraph (d)(5)(ii) of this section. For these purposes the substituted combined voting level and the substituted combined value level in effect for the foundation at the end of the first phase shall be carried over to the second phase. The substituted levels are carried over because although there is a decrease in the disqualified person

levels (since holding are no longer treated as held by disqualified persons under section 4943(c)(4)(B)), a corresponding increase in the foundation levels occurs. For example, if a private foundation on May 26, 1969, held 10 percent of the voting stock in a corporation and disqualified persons held 40 percent of the voting stock, both the disqualified person voting level and the substituted combined voting level equal 50 percent (10%+40%). Assuming no transactions during the first phase, on May 26, 1979, the disqualified person voting level would be decreased to 40 percent (50%−10%), but the foundation voting level would be increased to 10 percent so that the substituted combined voting level would remain at 50 percent. In addition, the downward ratchet rule of paragraph (d)(4) of this section shall continue to apply, to prevent the foundation and disqualified persons from purchasing any additional interest in the same enterprise until the substituted combined voting level decreases below 20 percent.

(ii) *25 percent maximum on foundation holdings.* If, or as soon as, the disqualified person voting level exceeds 2 percent after the expiration of the first phase, the permitted holdings shall not thereafter exceed 25 percent of the voting stock or 25 percent of the value of all outstanding shares of all classes of stock, even though the holdings of the foundation and all disqualified persons combined do not exceed the substituted level. Solely for purposes of determining whether the 25 percent limitation of this subdivision (ii) applies, the disqualified person voting level shall not be treated as exceeding 2 percent solely as a result of the holdings of a private foundation which are treated as held by a disqualified person by reason of section 4943(c)(5) or (6). For example, where under the constructive ownership rules for trusts in § 53.4943–8(b), a private foundation is deemed to own more than 2 percent of the voting stock of a business enterprise but such stock is treated as held by a disqualified person under section 4943(c)(5), the determination of the substituted percentage for permitted holdings in the second phase will be as if the foundation owned the stock held by the trust. Similarly, where a private foundation is the only remainder beneficiary of a trust that is a disqualified person under section 4946(a)(1)(H), the disqualified person voting level shall not be treated as exceeding 2 percent solely as a result of the holdings of such a trust.

(6) *Permitted holdings—Third phase.* For purposes of section 4943 and this section, the term "third phase" means the entire period following the second phase. During the third phase the manner of determining the permitted holdings of a private foundation to which section 4943(c)(4) applies shall be the same as applicable to the second phase under paragraph (d)(5) of this section (including the carryover of levels from the earlier phase). However, if the 25 percent limit of paragraph (d)(5)(ii) of this section never applied during the second phase, the substituted combined voting level and the substituted combined value level each shall not exceed 35 percent during the third phase.

(7) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). F, a private foundation, owns, on May 26, 1969, 30 shares of voting stock in corporation Z representing 30 percent of the voting power in Z and 15 percent of the value of all outstanding shares of all classes of stock in Z, and owns, on such date, 10 shares of nonvoting stock in Z representing 10 percent of the value of all outstanding shares of all classes of stock in Z. E and G, the only disqualified persons with respect to F, own, on such date, 5 shares each of nonvoting stock in Z. The 10 shares of nonvoting stock in Z owned by E and G together represent 10 percent of the value of all outstanding shares of all classes of stock in Z. Assume further that F cannot meet the requirements for the 35 percent test of section 4943(c)(2)(B). For purposes of applying section 4943(c)(4)(B) and this paragraph, F has excess business holdings in Z (determined without regard to section 4943(c)(4)), because under section 4943(c)(2)(A) F's permitted holdings are 20 percent (20%−0%) of the voting stock since disqualified persons have no holdings of voting stock. Therefore, section 4943(c)(4)(B) and this paragraph apply, and a disqualified person is treated as holding F's shares of both voting and nonvoting stock in Z for the 10-year period through May 25, 1979. Thus, since all holdings by F in Z are treated as held by a disqualified person during the first phase, F cannot be subject to tax under section 4943(a) on its May 26, 1969, holdings prior to the termination of the first phase, regardless of whether or not disqualified persons purchase additional shares of Z during the first phase.

Example (2). Assume the same facts as in Example (1), and further assume that there were no transactions in the stock of Z during the first phase (May 26, 1969 through May 25, 1979). During the first phase the permitted holdings by F in Z for both the voting stock and the value is zero. The disqualified person voting level and the substituted combined voting level are each 30 percent, and the disqualified person value level and the substituted combined value level are each 35 percent (15%+10%+10%). The substituted levels are carried over into the second phase. The disqualified person voting level on May 26, 1979, the beginning of the second phase, is zero, because the voting shares held by F are no longer treated as held by a disqualified person. Therefore, F's permitted holdings on such date are 30 percent of the voting stock, because such percentage is equal to the excess of the substituted combined voting level (30%) over the disqualified person voting level (0%). The disqualified person value level on May 26, 1979, is 10 percent, because the voting and nonvoting shares held by F are no longer treated as held by a disqualified person. Therefore, F's permitted holdings on such date are 25 percent of the value of Z stock, because such percentage is equal to the excess of the substituted combined value level (35%) over the disqualified person value level (10%) as of such date.

Example (3). Assume the facts as stated in Example (2), except that E and G acquire, on February 1, 1970, 10 shares of Z voting stock representing 10 percent of the voting power in Z and 5 percent of the value of all outstanding shares of all classes of stock in Z. During the first phase such permitted holdings remain zero, and prior to May 25, 1979, the substituted combined voting level and substituted combined value level remain 30 and 35 percent, respectively, because such levels may not be increased by acquisitions by disqualified persons. However, the disqualified person voting level and the disqualified person value level are each increased to 40 percent (30%+10%) and 40 percent (35%+5%) respectively. During the first phase the excess of the disqualified person voting level over the substituted combined voting level (40%−30%) and the excess of the disqualified person value level over the substituted combined value level (40%−35%) indicate how much stock F must dispose of during the first phase to avoid the initial tax when it expires. On May 25, 1979, the last day of the first phase, F disposes of 12 shares of Z voting stock, representing 12 percent of the voting power in Z and 6 percent of the value of all such outstanding shares. The disposition by F reduces the interest F owns to 18 percent (30%−12%) of the voting power, and 19 percent (25%−6%) of the value of all outstanding shares of all classes of stock, in Z. Since the disqualified person voting level decreases to 28 percent (40%−12%), the substituted combined voting level as of May 25, 1979, accordingly is decreased to 28 percent under the downward ratchet rule. Similarly, the substituted combined value level is decreased to 34 percent, as the disqualified person value level as of such date is 34 percent (40%−6%). On May 26, 1979, the disqualified person voting level is 10 percent (28%−18%), and the disqualified person value level is 15 percent (34%−19%), since the shares owned by F are no longer treated as held by a disqualified person as of such date. Accordingly, on May 26, 1979, the permitted holdings by F and Z are 18 percent of the voting power in Z, because such percentage is equal to the excess of the substituted combined voting level (28%) over the disqualified person voting level (10%) as of such date. Similarly, the permitted holdings of F in Z by value are 19 percent (34%−15%). If F had not disposed of the 12 shares, then on May 26, 1979, F's permitted holdings in voting power and value would be 30 percent (30%−10%) and 20 percent (35%−15%), respectively.

Example (4). F, a private foundation, owns on May 26, 1969, 35 shares of voting stock in corporation Y representing 35 percent of the voting stock in Y and 17.5 percent of the value of all classes of stock in Y, and owns on such date 45 shares of nonvoting stock representing 22.5 percent of the value of all outstanding shares of all classes of stock in Y. No disqualified person with respect to F owns, on such date, any stock in Y. Assume further that Y cannot meet the requirements of the 35 percent test of section 4943(c)(2)(B). For purposes of applying section 4943(c)(4)(B) and this paragraph, F has excess business holdings in Y (determined without regard to section 4943(c)(4)), because under section 4943(c)(2)(A) F's permitted holdings are 20 percent (20%−0%) of the voting stock since disqualified persons have no holdings of voting stock. Therefore, section 4943(c)(4)(B) and this paragraph apply, and a disqualified person is treated as holding F's shares of both voting and nonvoting stock in Y for the 10-year period through May 25, 1979. During the first phase the permitted holdings by F in Y of both the voting stock and of value are zero. The disqualified person voting level and the substituted combined voting level are each 35 percent, and the disqualified person value level and the substituted combined value level are each 40 percent (17.5%+22.5%). The substituted levels are carried over into the second phase. The disqualified person voting level and value level on May 26, 1979, are both zero, because the shares held

by F are no longer treated as held by a disqualified person. Therefore, F's permitted holdings on such date are 35 percent of the...

qualified person is deemed the owner of all holdings by F in X for the 10-year period beginning on May 26, 1969.

§ 53.4943–5 Present holdings acquired by trust or a will.

and at all times thereafter) of such will from being treated as a present holding...

holding period starting on the date of distribution only if the interests actually...

example, if on June 30, 1975, the disqualified person voting level and the...

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by F are no longer treated as held by a disqualified person. Therefore, F's permitted holdings on such date are 35 percent of the voting power (35%—0%) and 40 percent of the value (40%—0%). Assume that on February 1, 1981, A, a disqualified person, acquires 6 percent of the voting stock in Y representing 3 percent of the value of all outstanding shares of all classes of stock in Y. The permitted holdings by F in Z on February 1, 1981, are thus reduced to 25 percent of the voting stock (the lesser of the separate 25% second phase limitation or 29% (35% substituted combined voting level minus 6% disqualified person voting level)) and 25 percent of the value (the lesser of the separate 25% second phase limitation or 37% (40% substituted combined value level minus 3% disqualified person value level)). But see paragraph (d)(8) of this section for limitations on restrictions with respect to nonvoting stock.

Example (5). Assume the same facts as in Example (4) except that A does not acquire the 6 shares of voting stock until February 1, 1996 (in the third phase), rather than on February 1, 1981. Thus, F's permitted holdings in Y would remain at 35 percent of the voting stock and 40 percent of the value during the second phase, which expired on May 25, 1994. Assume that on May 25, 1944, the last day of the second phase, F disposes of 10 shares of nonvoting stock representing 5 percent of the value of all outstanding shares in Y to meet the 35 percent third phase limit. In accordance with the downward ratchet rule, the substituted combined value level and F's permitted holdings in Y would be reduced to 35 Percent of value. On February 1, 1996, F's permitted holdings in Y would be reduced to 25 percent of the voting stock (the lesser of the separate 25% third phase limitation or 29% (35% substituted combined voting level minus 6% disqualified person level)) and 25 percent of the value (the lesser of the separate 25% third phase limitation or 32% (35% substituted combined value level minus 3% disqualified person value level)). But see paragraph (d)(8) of this section for limitations on restrictions with respect to nonvoting stock.

(8) *Special rule where all holdings are permitted under section 4943(c)(2).* (i) Since section 4943(c)(4) and this paragraph provide transitional rules for foundations which would otherwise have had excess business holdings on May 26, 1969, no holdings shall cease to be permitted holdings under this paragraph where such holdings would be permitted holdings under section 4943(c)(2) and § 53.4943–3. Thus, for example, where the substituted combined voting level has been reduced to 20 percent, the provisions of § 53.4943–3(b)(2) concerning nonvoting stock as permitted holdings generally apply.

(ii) The provisions of this paragraph (d)(8) may be illustrated by the following example:

Example. (A) F, a private foundation, owns, on May 26, 1969, 40 shares of voting stock in corporation X representing 40 percent of the voting stock in X and 20 percent of the value of all outstanding shares of all classes of stock in X, and owns, on such date, 60 shares of nonvoting stock in X, representing 30 percent of the value of all outstanding shares of all classes of stock in X. A, the only disqualified person with respect to F, owns, on such date, 10 shares of voting stock in X, representing 10 percent of the voting stock in X and 5 percent of the value of all outstanding shares of all classes of stock in X. Under section 4943(c)(4)(B)(iii), a disqualified person is deemed the owner of all holdings by F in X for the 10-year period beginning on May 26, 1969.

(B) Assume that the only transaction in X stock during the first phase is the disposition of 30 shares of voting stock by F on May 1, 1975. The voting stock held by F is permitted holdings under § 53.4943–3 and under such section since all disqualified persons together do not own more than 20 percent of the voting stock in X, all nonvoting stock held by F shall also be treated as permitted holdings. Therefore, all the stock held by F is permitted holdings.

(C) Assume that on May 1, 1975, F had disposed of only 15 shares of voting stock and also had disposed of 35 shares of nonvoting stock. On May 26, 1979, at the beginning of the second phase, this paragraph (d)(8) would not apply since F would have excess business holdings under § 53.4943–3. Under the provisions of this section, the permitted holdings by F in X on such date are 25 percent of the voting stock (35% substituted combined voting level minus 10% disqualified person voting level) and 25 percent of the value (30% substituted combined value level minus 5% disqualified person value level)).

(9) *Special rule for certain private foundations.* In the case of a private foundation—

(i) Which was incorporated before January 1, 1951.

(ii) Substantially all of the assets of which on May 26, 1969, consisted of more than 90 percent of the stock of an incorporated business enterprise which is licensed and regulated, the sales or contracts of which are regulated, and the professional representatives of which are licensed, by State regulatory agencies in at least 10 States;

(iii) Which acquired such stock solely by gift, devise, or bequest;

(iv) Which does not purchase any stock or other interest in such enterprise after May 26, 1969, and does not acquire any stock or other interest in any other business enterprise which constitutes excess business holdings under § 53.4943–3; and

(v) Which, in the last 5 taxable years ending on or before December 31, 1970, expended substantially all of its adjusted net income (as defined in section 4942(f)) for the purpose or function for which it is organized and operated;

paragraph (d)(1) through (5) of this section (permitted holdings during the first and second phase) shall be applied with respect to the holdings of such foundation in such incorporated business enterprise by substituting "51 percent" for "50 percent," and section 4943(c)(4)(D) (third phase) shall not apply with respect to such holdings. For purposes of the preceding sentence, stock of such enterprise in a trust created before May 27, 1969, of which the foundation is the remainder beneficiary shall be deemed to be held by such foundation on May 26, 1969, if such foundation held (without reagrd to such trust) more than 20 percent of the stock of such enterprise on May 26, 1969.

PAR. 4. Section 53.4943–5, as set forth in the notice of proposed rule making, is amended to read as follows:

§ 53.4943–5 Present holdings acquired by trust or a will.

(a) *Interests to which section 4943(c)(5) applies*—(1) *In general.* Section 4943(c)(5) provides that section 4943(c)(4) (other than the 20-year first phase holding period) applies to an interest in a business enterprise acquired after May 26, 1969 by a private foundation under the terms of a trust which was irrevocable on May 26, 1969, or under the terms of a will executed on or before May 26, 1969, which were in effect on May 26, 1969, and at all times thereafter, as if such interest were held on May 26, 1969. However the first phase holding period prescribed by § 53.4943–4(c)(1)(ii) or (iii) shall commence for such an interest on the date of distribution to the foundation. Unlike section 4943(c)(4) and § 53.4943–4, section 4943(c)(5) and this section treat only the interest so acquired (and not the entire interest held by the foundation in such enterprise on the date of distribution) as held by a disqualified person during a first phase holding period. (See, however, section 4943(c)(6) and paragraph (b)(2) of § 53.4943–6 for the treatment of other holdings of the foundation in the same enterprise if an interest to which section 4943(c)(5) applies is acquired from a person who was not a disqualified person prior to the acquisition.) In addition, section 4943(c)(5) and this section shall not apply if after the acquisition of such an interest the foundation would not have excess business holdings (determined without regard to section 4943(c)(4), (5), or (6)).

(2) *After-acquired interests.* Section 4943(c)(5) and this section shall not apply to any interest acquired after May 26, 1969, by an estate or trust, other than by reason of the death of the decedent. For example, where a foundation is a residuary beneficiary under the terms of a will executed before May 26, 1969, and the residue of the estate consists of cash, then stock subsequently purchased with this cash for distribution to the foundation will not be treated as an interest acquired under the terms of a will executed on or before May 26, 1969.

(3) *Certain revocable trusts.* If an interest in a business enterprise actually passes to a private foundation under a trust which would have met the tests referred to in paragraph (a)(1) of this section but for the fact that the trust was revocable (even though it was not in fact revoked) and such interest would have passed to such foundation under a will that meets those tests but for the fact that the grantor died without having revoked the trust, then for purposes of section 4943(c)(5) and this section, such an interest shall be treated as having been acquired by the foundation under the will.

(4) *Modification of will*—(i) *In general.* For purposes of section 4943(c)(5) and this section, an amendment or republication of a will which was executed on or before May 26, 1969, does not prevent any interest in a business enterprise which was to pass under the terms (which were in effect on May 26, 1969,

and at all times thereafter) of such will from being treated as a present holding under section 4943(c)(4) or (5)—

(A) Solely because there is a reduction in the interest in the business enterprise which the foundation was to receive under the terms of the will (for example, if the foundation is to receive the residuary estate, and if one class of stock is disposed of by the decedent during his lifetime or by a subsequent codicil);

(B) Solely because such amendment or republication is necessary in order to comply with section 508(e) and the regulations thereunder;

(C) Solely because there is a change in the executor of the will; or

(D) Solely because of any other change which does not otherwise change the rights of the foundation with respect to such interest in the business enterprise.

However, if under such amendment or republication there is an increase in the interest in the business enterprise which the foundation was to receive under the terms of the will in effect on May 26, 1969, such increase shall not be treated as present holdings under section 4943(c)(4) or (5). Under such circumstances the interest which would have been acquired before such increase shall remain present holdings. See section 4943(c)(6) and § 53.4943–6 with respect to the treatment of such increase in holdings of a private foundation.

(ii) *Examples.* The provisions of this paragraph (a)(4) may be illustrated by the following examples:

Example (1). On May 9, 1985, A modifies by codicil his will which was in effect on May 26, 1969, and was unchanged until such modification. The purpose of the codicil was, in the event of A's death, to increase the number of shares in X Corporation that would pass to the W foundation from 70 percent of all the voting power and value to 80 percent. Under these facts, if A dies without further modifying the terms of the will which apply to W's interest in X, section 4943(c)(5) will apply to 70 percent of the X voting power and value and section 4943(c)(6) will apply to 10 percent of the X voting power and value, since 10 percent of the X voting power and value would not pass under a provision of the will which was in effect on May 26, 1969, and at all times thereafter. Accordingly, if the stock is distributed to W on July 6, 1988, then, assuming that on May 26, 1969, W and all disqualified persons owned less than 75% of the voting stock in X, an amount of such stock representing 70 percent of X voting power and value shall be treated as held by a disqualified person through July 5, 1998, and an amount of such stock representing 10 percent of X voting power and value shall be treated as held by a disqualified person through July 5, 1993.

Example (2). Assume the facts as stated in Example (1), except that the sole purpose of the codicil was to change the executor of the will. Under paragraph (a)(4)(i) of this section, such codicil will not prevent the X voting stock which was bequeathed to W from being treated as held by a disqualified person through July 5, 1998.

(b) *Holding periods*—(1) *In general.* An interest to which section 4943(c)(5) applies shall be entitled to a 15-year holding period starting on the date of distribution only if the interests actually or constructively owned by a private foundation and all disqualified persons on May 26, 1969, in a business enterprise exceed 75 percent of the voting stock (or of the profits or beneficial interest) or 75 percent of the value of all outstanding shares of all classes of stock (or of the profits and capital interest) in such enterprise. For purposes of the preceding sentence, interests held by the foundation on May 26, 1969, shall be deemed to include an interest to which section 4943(c)(5) applies and which has been acquired (on or before the date of distribution for the interest in question) from a person who was not a disqualified person on May 26, 1969. Therefore, if under the terms of a will in effect on May 26, 1969, and at all times thereafter, a private foundation is created on July 1, 1975, and receives 76 percent of the voting stock of a business enterprise on that date, such stock shall be treated as held by a disqualified person until June 30, 1990. Any interest to which section 4943(c)(5) applies but which is not entitled to a 15-year holding period shall be entitled to a 10-year holding period starting on the date of distribution. For purposes of this paragraph the date of distribution shall be deemed to occur no later than the date on which the trust or estate is considered to be terminated under § 1.641(b)–(3) of this chapter (Income Tax Regulations).

(2) *Constructive ownership prior to date of distribution.* To the extent that an interest to which section 4943(c)(5) applies is constructively held by a private foundation under section 4943(d)(1) and § 53.4943–8 prior to the date of distribution, it shall be treated as held by a disqualified person prior to such date by reason of section 4943(c)(5). In addition, in the case of a foundation's interest in a trust which was irrevocable on May 26, 1969, and to which both sections 4943(c)(4) and (c)(5) apply, the first phase holding period for such interest shall end with whichever such period under section 4943(c)(4) or (5) ends later. For example, if under the terms of such a trust, 96 percent of the voting stock in a business enterprise was constructively held by a private foundation on May 26, 1969, and was distributed to such foundation on June 30, 1970, such interest is entitled to a 20-year holding period beginning on May 26, 1969.

(c) *Permitted holdings*—(1) *In general.* The permitted holdings of a private foundation which has an interest in a business enterprise to which section 4943(c)(5) applies shall be determined in accordance with the rules of paragraph (d) of § 53.4943–4. The levels referred to in such paragraph shall be adjusted to take into account the acquisition of such an interest as if it were treated as held by a disqualified person from May 26, 1969, until the date of acquisition. See also § 53.4943–6(b)(2) for the special rule for interests held by a private foundation at the time it acquires a section 4943(c)(5) interest from a nondisqualified person. Thus, for example, if on June 30, 1975, the disqualified person voting level and the substituted combined voting level in corporation X with respect to foundation F are 45 percent, and a nondisqualified person's 10 percent voting interest in X is acquired by F on July 1, 1975, in a transaction to which section 4943(c)(5) applies, the above-mentioned levels shall be increased to 55 and 50 percent respectively, on July 1, 1975. However, if such interest had been acquired from a person who was a disqualified person on May 26, 1969, rather than from a nondisqualified person, no adjustments in such levels would have taken place on July 1, 1975. In such a case, though, at the beginning of the second phase on July 1, 1985, the foundation voting level would be increased by 10 percent, and the disqualified person voting level decreased by 10 percent (assuming that none of the acquired stock had been disposed of prior to such date).

(2) *Separate phases.* The phases for each interest to which section 4943(c)(5) applies start independently from those for any other interest of the foundation in the same enterprise to which section 4943(c)(4) or (5) applies. Therefore, until an interest enters its own second phase, the 25 percent limit described in paragraph (d)(5) of § 53.4943–4 shall not apply to such interest since such interest (and any subsequently acquired section 4943(c)(5) interest in the first phase) is still treated as held by a disqualified person for purposes of that 25 percent limit. In addition, if such an interest enters its second phase and at such time all disqualified persons together do not have holdings in excess of 2 percent of the voting stock in the same business enterprise, then the 25 percent limit of section 4943(c)(4)(D)(i) shall not then apply to such interest, even though such limit may have been applicable to an interest with an earlier second phase. Moreover, the 35 percent limit of section 4943(c)(4)(D)(ii) shall cause only interests which have entered the third phase to become excess business holdings, taking into account, however, interests in prior phases in determining the holdings subject to such limit.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples: (After each example is a chart setting forth the chronological changes in the various levels referred to in paragraph (d) of § 53.4943–4.)

Example (1). On May 26, 1969, F, a private foundation, owns no stock in M Corporation, and A, a disqualified person owns 40 percent of the voting stock (voting power and value) in M. A dies on May 1, 1971, leaving 30 percent of the voting stock in M to F and leaving the other 10 percent to a disqualified person. Distribution is made on June 1, 1972, and assume that section 4943(c)(5) applies. No transactions in the stock of M, other than those described in this example, occur. On May 26, 1969, the substituted combined voting level is 40 percent, the disqualified person voting level is deemed to be 40 percent, and the permitted holdings by F in M is deemed to be 0 percent (40%—40%). On May 1, 1971 (the date that F acquired the M stock by reason of its constructive ownership of

A's estate), the various levels remain unchanged. On May 1, 1971, the 30 percent interest is treated as held by a disqualified person (34%—10%). The substituted combined voting level as of June 1, 1982, remains at 34 percent. The permitted holdings as of such

Example (3). (i) On May 26, 1969, F, a private foundation owns 5 percent of the

held by F (5%) does not exceed the 25 percent limitation of section 4943(c)(4)(D)(i).

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A's estate), the various levels remain unchanged. On May 1, 1971, the 30 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982. On June 1, 1981, F disposes of 6 percent of the voting stock to a nondisqualified person. The substituted combined voting level and the disqualified person voting level thereby are reduced to 34 percent (40%—6%) each. On June 1, 1982, at the beginning of the second phase, the foundation voting level increases to 24 percent (30%—6%) and the disqualified person voting level is reduced to 10 percent (34%—10%). The substituted combined voting level as of June 1, 1982, remains at 34 percent. The permitted holdings as of such date are 24 percent (34%—10%). If F had not disposed of any holdings prior to June 1, 1982, F's permitted holdings would have been 25 percent, the lesser of 25 percent (the limitation of section 4943(c)(4)(D)(i)), or 30 percent (40%—10%). Since on such date the 30 percent interest would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 5 percent (30%—25%).

Date	F owns (percent)	Interest treated as held by disqualified person (percent)	Disqualified (persons percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	0	0	40	0	40	40	0	
May 1, 1971	+30	+30	−30					A dies.
Do	30	30	10	0	40	40	0	
June 1, 1972	30	30	10	0	40	40	0	Distribution.
June 1, 1981	−6	−6			−6	−6		F sells 6 pct.
Do	24	24	10	24	34	34	0	
June 1, 1982		−24		+24		−24	+24	2d phase begins.
Do	24	0	10	24	34	10	24	

Example (2). (i) On May 26, 1969, F, a private foundation, owns 30 percent of the voting stock of N Corporation (voting power and value) and disqualified persons own 20 percent of the voting stock of N Corporation. On May 1, 1971, B, a disqualified person, dies leaving 15 percent of the voting stock to F. Assume that distribution was made on June 1, 1972, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting levels are each 50 percent and the permitted holdings are 0 percent (50%—50%). On May 1, 1971, and June 1, 1972, these levels remain unchanged. On May 1, 1971, the 15 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982.

(ii) On July 1, 1978, F sells 6 percent of the F stock to a nondisqualified person, thereby reducing the disqualified person voting level and the substituted combined voting level to 44 percent (50%—6%). On May 26, 1979, at the beginning of the second phase for F's 1969 holdings, the foundation voting level is 24 percent (30%—6%), the substituted combined voting level is still 44 percent, and the disqualified person voting level is 20 percent (44%—24%). The permitted holdings are 24 percent (44%—20%). In addition F's 24 percent holdings do not exceed the 25 percent limitation of section 4943(c)(4)(D)(1) and paragraph (d)(5)(ii) of § 53.4943-4.

(iii) On August 1, 1981, F sells 16 percent of the N stock to a nondisqualified person, thereby reducing the foundation voting level to 8 percent (24%—16%), and reducing the substituted combined voting level to 28 percent (44%—16%). The disqualified person voting level remains at 20 percent. On June 1, 1982, at the beginning of the second phase for F's holdings acquired by will, the substituted combined voting level is still 28 percent, the foundation voting level is 23 percent (8%+15%), the disqualified person voting level is 5 percent (20%—15%), and the permitted holdings are 23 percent (28%—5%).

(iv) If F had not disposed of the 6 percent on July 1, 1978, then on May 26, 1979, at the beginning of the second phase for F's 1969 holdings, F's permitted holdings would have been 25 percent, the lesser of 25 percent (the limitation of section 4943(c)(4)(D)(1)), or 30 percent (50%—20%). Since F's 30 percent interest would no longer have been treated as held by a disqualified person on May 26, 1979, F would have had excess business holdings of 5 percent (30%—25%). Similarly, if F had not disposed of the 16 percent interest on August 1, 1981 (but had disposed of the 6 percent interest), on July 1, 1982, at the beginning of the second phase for F's holdings acquired by will, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(D)(1)), or 39 percent (44%—5%). Since as of such date F's entire holdings of 39 percent would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 14 percent (39%—25%).

Date	F owns (percent)	F's interest 1969 (percent)	F's interest 1971 (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	30	30		30	20	0	50	50	0	
May 1, 1971	+15		+15	+15	−15					B dies.
Do	45	30	15	45	5	0	50	50	0	
June 1, 1972	45	30	15	45	5	0	50	50	0	Distribution.
July 1, 1978	−6	−6		−6			−6	−6		F sells 6 pct.
Do	39	24	15	39	5	0	44	44	0	
May 26, 1979				−24		+24		−24	+24	2d phase for 24 pct.
Do	39	24	15	15	5	24	44	20	24	
Aug. 1, 1981	−16	−16				−16	−16		−16	F sells 16 pct.
Do	23	8	15	15	5	8	28	5	23	
July 1, 1982				−15		+15		−15	+15	All in 2d phase.
Do	23	8	15	0	5	23	28	5	23	

Example (3). (i) On May 26, 1969, F, a private foundation owns 5 percent of the voting stock of O Corporation (voting power and value), and disqualified persons own 45 percent of the voting stock. C, a disqualified person, dies on May 1, 1971, and leaves 41 percent of the voting stock of O to F. Assume that distribution is made on June 1, 1972, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting level are 50 percent and the permitted holdings are 0 percent (50%—50%). On May 1, 1971, and June 1, 1972, the various levels remain unchanged. On May 1, 1971, the 41 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982. On May 26, 1969, at the beginning of the second phase for F's 1969 holdings of 5 percent, the 5 percent is no longer treated as held by a disqualified person, the foundation voting level is 5 percent, the disqualified person voting level is reduced to 45 percent (50%—5%), and the substituted combined voting level remains at 50 percent. On such date F's permitted holdings are 5 percent (50%—45%). Since the 41 percent interest is treated as held by a disqualified person, the interest treated as held by F (5%) does not exceed the 25 percent limitation of section 4943(c)(4)(D)(1).

(ii) On August 1, 1981, F sells 22 percent of the O stock to a nondisqualified person, thereby reducing the foundation voting level to 0 percent. Since the reductions are first applied to the 1969 holdings of 5 percent, 17 percent (22%—5%) applies to the 41 percent interest, reducing such interest to 24 percent (41%—17%), and reducing the disqualified person voting level to 28 percent (45%—17%). The substituted combined voting level is reduced to 28 percent (0%+28%). On June 1, 1982, at the beginning of the second phase for F's holdings acquired by will, the substituted combined voting level remains at 28 percent, the foundation voting level is 24 percent, the disqualified person voting level is reduced to 4 percent (28%—4%).

(iii) If F had not disposed of the 22 percent interest prior to June 1, 1982, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(D)(1)), or 46 percent (50%—4%). Since as of such date, F's entire holdings of 46 percent would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 21 percent (46%—25%).

Date	F owns (percent)	F's interest 1969 (percent)	F's interest 1971 (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	5	5		5	45	0	50	50	0	
May 1, 1971	+41		+41	+41	−41					C dies.
Do	46	5	41	46	4	0	50	50	0	
June 1, 1972	46	5	41	46	4	0	50	50	0	Distribution.
May 26, 1979				−5		+5		−5	+5	2d phase for 5 pct.
Do	46	5	41	41	1	5	50	45	5	
Aug. 1, 1981	−22	−5	−17	−17		−5	−22	−17	−5	F sells 22 pct.
Do	24	0	24	24	1	0	28	28	0	
June 1, 1982				−24		+24		−24	+24	2d phase for 24 pct.
Do	24	0	24	0	4	24	28	4	24	

Example (4). (i) On May 26, 1969, F, a private foundation, owns 30 percent of the voting stock in P Corporation (voting power and value), and disqualified persons own 20 percent. On May 1, 1971, D, a disqualified person, dies leaving 18 percent of the voting stock to F. Assume that distribution was made on June 1, 1972, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting level are each 50 percent and the permitted holdings are 0 percent (50%—50%). On May 1, 1971, and June 1, 1972, these levels remain unchanged. On May 1, 1971, the 18 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982. On May 26, 1979, the foundation voting level increases to 30 percent, the disqualified person voting level decreases to 20 percent (50%—30%), and the permitted holdings are 30 percent (50%—20%). On June 1, 1982, the foundation voting level increases to 48 percent, the disqualified person voting level decreases to 2 percent and the permitted holdings are 48 percent (50%—2%). Since at no time during the second phase for F's 1969 holdings did all disqualified persons together have holdings in excess of 2 percent of the voting stock of P, the 25 percent limitation of section 4943(c)(4)(D)(1) did not apply to F's 1969 holdings.

(ii) On July 1, 1993, F disposes of 16 percent of the stock in P, thereby reducing the substituted combined voting level to 34 percent (50%—16%), and reducing the permitted holdings to 32 percent (34%—2%). If F had not disposed of the 16 percent of the stock of P prior to May 26, 1994, on such date, under section 4943(c)(4)(D)(ii), F's substituted combined voting level for its 1969 holdings would have been 35 percent, and the permitted holdings would have been 33 percent (35%—2%). Since none of F's holdings of 48 percent would have been treated as held by a disqualified person on such date (the beginning of the third phase for F's 1969 holdings), F would have had excess business holdings of 15 percent, the lesser of 30 percent (F's 1969 holdings in the third phase), or 15 percent (the excess of F's 48 percent holdings over the permitted holdings of 33 percent).

Date	F owns (percent)	1969 F's interest (percent)	1971 F's interest (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	30	30		30	20	0	50	50	0	
May 1, 1971	+15		+15	+15	−15					B dies.
Do	45	30	15	45	5	0	50	50	0	
July 1, 1978	−6	−6		−6			−6	−6		F sells 6 pct.
Do	39	24	15	39	5	0	44	44	0	
May 26, 1979				−24		+24		−24	+24	2d phase for 24 pct.
Do	39	24	15	15	5	24	44	20	24	
Aug. 1, 1981	−16	−16				−16	−16		−16	F sells 16 pct.
Do	23	8	15	15	5	8	28	5	23	
July 1, 1982				−15		+15		−15	+15	All in 2d phase.
Do	23	8	15	0	5	23	28	5	23	

Example (6). (i) On May 26, 1969, F, a private foundation, owns 30 percent of the voting stock in R Corporation (voting power and value), and disqualified persons own 20 percent. On May 1, 1971, D, a disqualified person, dies leaving 18 percent of the voting stock to F. Assume that distribution was made on June 1, 1972, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting level are each 50 percent and the permitted holdings are 0 percent (50%—50%). On May 1, 1971, and June 1, 1972, these levels remain unchanged. On May 1, 1971, the 18 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982. On May 26, 1969, at the beginning of the second phase for F's 1969 holdings of 5 percent, the 5 percent is no longer treated as held by a disqualified person, the foundation voting level is 5 percent, the disqualified person voting level is reduced to 45 percent (50%—5%), and the substituted combined voting level remains at 50 percent. On such date F's permitted holdings are 5 percent (50%—45%). Since the 18 percent interest is treated as held by a disqualified person, the interest treated as held by F (5%) does not exceed the 25 percent limitation of section 4943(c)(4)(D)(1).

(ii) On August 1, 1981, F sells 22 percent of the R stock to a nondisqualified person, thereby reducing the foundation voting level to 0 percent. Since the reductions are first applied to the 1969 holdings of 5 percent, 17 percent (22%—5%) applies to the 18 percent interest, reducing such interest to 1 percent (18%—17%), and reducing the disqualified person voting level to 28 percent (45%—17%). The substituted combined voting level is reduced to 28 percent (0%+28%). On June 1, 1982, at the beginning of the second phase for F's holdings acquired by will, the substituted combined voting level remains at 28 percent, the foundation voting level is 24 percent, the disqualified person voting level is reduced to 4 percent (28%—4%).

(iii) If F had not disposed of the 22 percent interest prior to June 1, 1982, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(D)(1)), or 46 percent (50%—4%). Since as of such date, F's entire holdings of 46 percent would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 21 percent (46%—25%).

Date	F owns (percent)	F's interest 1969 (percent)	F's interest 1971 (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	5	5		5	45	0	50	50	0	
May 1, 1971	+41		+41	+41	−41					C dies.
Do	46	5	41	46	4	0	50	50	0	
June 1, 1972	46	5	41	46	4	0	50	50	0	Distribution.
May 26, 1979				−5		+5		−5	+5	2d phase for 5 pct.
Do	46	5	41	41	1	5	50	45	5	
Aug. 1, 1981	−22	−5	−17	−17		−5	−22	−17	−5	F sells 22 pct.
Do	24	0	24	24	1	0	28	28	0	
June 1, 1982				−24		+24		−24	+24	2d phase for 24 pct.
Do	24	0	24	0	4	24	28	4	24	

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Date	F owns (percent)	1969 F's interest (percent)	1971 F's interest (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	20	20		30	20	0	50	50	0	
May 1, 1971	+18		+18	+18	−18					D dies.
Do	48	30	18	48	2	0	50	50	0	
June 1, 1972	48	30	18	48	2	0	50	50	0	Distribution.
May 26, 1979				−30		+30			+30	2d phase for 30 pct.
Do	48	30	18	18	2	30	50	20	30	
June 1, 1982				−18		+18		−18	+18	2d phase for 18 pct.
Do	48	30	18	0	2	48	50	2	48	
July 1, 1993	−16	−16				−16	−16		−16	F disposes of 16 pct.
Do	32	14	18	0	2	32	34	2	32	
May 26, 1994	32	14	18	0	2	32	34	2	32	3d phase for 14 pct.
June 1, 1997	32	14	18	0	2	32	34	2	32	3d phase for 18 pct.

Example (5). (i) On May 26, 1969, F, a private foundation, owns 5 percent of the voting stock in Q Corporation (voting power and value), and disqualified persons own 45 percent. On May 1, 1971, E, a disqualified person, dies leaving 43 percent of the voting stock to F. Assume that distribution was made on June 1, 1972, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting level are each 50 percent and the permitted holdings are 0 percent (50%−50%). On May 1, 1971, and June 1, 1972, these levels remain unchanged. On May 1, 1971, the 43 percent interest is treated as held by a disqualified person for a period extending through May 31, 1982. On May 26, 1979, the foundation voting level increases to 5 percent, the disqualified person voting level decreases to 45 percent, and the permitted holdings are 5 percent (50%−45%). On June 1, 1982, the foundation voting level increases to 48 percent, the disqualified person voting level decreases to 2 percent, and the permitted holdings are 48 percent (50%−2%). At no time during the second phase for F's 1969 holdings did all disqualified persons together have holdings in excess of 2 percent of the voting stock of Q. Therefore, the 25 percent limitation of section 4943(c)(4)(D)(i) did not apply.

(ii) On July 1, 1993, F sells 6 percent of the stock in Q to a nondisqualified person. This reduces the substituted combined voting level to 44 percent and reduces the permitted holdings to 42 percent (44%−2%). If F had not disposed of the 6 percent of the stock in 1993, on May 26, 1994, at the beginning of the third phase for F's 1969 holdings, F would have had 5 percent excess business holdings. The excess business holdings are 5 percent because although the excess business holdings computed for the third phase are 15 percent (the excess of F's actual holdings (48%) over the permitted holdings of 33 percent (35%−2%)), only 5 percent of the holdings are in this phase and subject to the 35 percent combined holdings limitation.

(iii) On July 1, 1995, F sells 10 percent of the stock in Q, thereby reducing the substituted combined voting level to 34 percent and reducing the permitted holdings to 32 percent (34%−2%). If F had not disposed of the 10 percent of the stock, on June 1, 1997, at the beginning of the third phase for F's acquired holdings, F would have had 9 percent excess business holdings (the excess of F's total holdings in the third phase (42%) over the permitted holdings of 33 percent (35%−2%)).

Date	F owns (percent)	F's interest 1969 (percent)	F's interest 1971 (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	5	5		5	45	0	50	50	0	
May 1, 1971	+43		+43	+43	−43					E dies.
Do	48	5	43	48	2	0	50	50	0	
May 26, 1979				−5		+5		−5	+5	Distribution. 2d phase for 5 pct.
Do	48	5	43	43	2	5	50	45	5	
June 1, 1982				−43		+43		−43	+43	2d phase for 43 pct.
Do	48	5	43	0	2	48	50	2	48	
July 1, 1983	−6	−6	−1			−6	−6		−6	F sells 6 pct.
Do	42	0	42	0	2	42	44	2	42	
July 1, 1985	−10		−10			−10	−10		−10	F sells 10 pct.
Do	32	0	32	0	2	32	34	2	32	
June 1, 1997	32	0	32	0	2	32	34	2	32	3d phase for 32 pct.

Example (6). (i) On May 26, 1969, F, a private foundation, owns 30 percent of the voting stock in R Corporation (voting power and value), and disqualified persons own 20 percent. On August 1, 1978, F disposes of 6 percent of the stock to a nondisqualified person. On May 1, 1981, G, a disqualified person, dies leaving 15 percent of the voting stock to F. Assume that distribution was made one June 1, 1982, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and the disqualified person voting level are each 50 percent, and the permitted holdings are 0 percent (50%−50%). On August 1, 1978, these levels decrease to 44 percent (50%−6%). On May 26, 1979, the foundation voting level increases to 24 percent (30%−6%), the disqualified person voting level decreases to 20 percent (44%−24%), and the permitted holdings are 24 percent (44%−20%). If F had not disposed of the 6 percent of the stock prior to May 26, 1979, on May 26, 1979, the beginning of the second phase for F's 1969 holdings, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(W)(1)) or 30 percent (50%−20%). Since the 30 percent interest would no longer have been treated as held by a disqualified person on such date, F would have had excess business holdings of 5 percent (30%−25%).

(ii) On May 1, 1981, and June 1, 1982 (assuming F had disposed of the 6 percent holdings), the foundation voting level, the disqualified person voting level, the substituted combined voting level and permitted holdings remain respectively 24 percent, 20 percent, 44 percent and 24 percent. On May 1, 1981, the 15 percent interest is treated as held by a disqualified person for a period extending through May 31, 1992. On July 1, 1991, F sells 16 percent of the voting stock in R to a nondisqualified person, thereby reducing the substituted combined voting level to 28 percent (44%−16%), and reducing the foundation voting level to 8 percent (24%−16%). The disqualified person voting level remains at 20 percent. On June 1, 1992, at the beginning of the second phase for F's holdings acquired by will, the substituted combined voting level remains at 28 percent, the foundation voting level increases to 23 percent (8%+15%) and the disqualified person voting level decreases to 5 percent (20%−15%). The permitted holdings on such date are 23 percent (28%−5%). If F had not disposed of the 16 percent interest prior to June 1, 1992, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(D)(i)) or 39 percent (44%−5%). Since as of such date, F's entire holdings of 39 percent would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 14 percent (39%−25%).

Date	F owns (percent)	1969 F's interest (percent)	1981 F's interest (percent)	Interest treated as held by disqualified person (percent)	Disqualified persons own (percent)	Foundation voting level (percent)	Substituted combined voting level (percent)	Disqualified person voting level (percent)	Permitted holdings (percent)	Comments
May 26, 1969	30	30		30	20	0	50	50	0	
Aug. 1, 1978	−6	−6		−6			−6	−6		F disposes of 6 pct.
Do	24	24		24	20	0	44	44	0	
May 26, 1979				−24		+24		−24	+24	2d phase for 24 pct.
Do	24	24		0	20	24	44	20	24	
May 1, 1981	+15		+15	+15	−15					G dies.
Do	39	24	15	15	5	24	44	20	24	
June 1, 1982	39	24	15	15	5	24	44	20	24	Distribution
July 1, 1991	−16	−16				−16	−16		−16	F disposes of 16 pct.
Do	23	8	15	15	5	8	28	20	8	
June 1, 1992				−15		+15		−15	+15	2d phase for 15 pct.
Do	23	8	15	0	5	23	28	5	23	

Example (7). On May 26, 1969, F, a private foundation, owns 5 percent of the voting stock in S Corporation (voting power and value), and disqualified persons own 45 percent. On May 1, 1980, H, a disqualified person, dies leaving 41 percent of the voting stock to F. Assume that distribution is made on June 1, 1981, and that section 4943(c)(5) applies. On May 26, 1969, the substituted combined voting level and disqualified person voting levels are each 50 percent. On May 26, 1979, the disqualified person voting level decreases to 45 percent, the foundation voting level increases to 5 percent, and the permitted holdings are 5 percent (50%−45%). On May 1, 1980, and June 1, 1981, the levels remain the same. Since the 41 percent holdings are treated as held by a disqualified person for the period beginning on May 1, 1980, and extending through May 31, 1991, F's remaining holdings of 5 percent do not exceed the 25 percent limitation of section 4943(c)(4)(D)(i).

(ii) On August 1, 1990, F sells 22 percent of the voting stock of S to a nondisqualified person, reducing the 5 percent foundation voting level to zero, leaving 17 percent (22%−5%) to reduce the disqualified person voting level to 28 percent (45%−17%) so that the substituted combined voting level equals 23 percent (50%−22%). On June 1, 1991, the beginning of the second phase for the remaining 24 percent (41%−17%) of F's holdings acquired by will, the foundation voting level increases from zero to 24 percent, the disqualified person voting level decreases to 4 percent (28%−24%), the substituted combined voting level remains at 28 percent, and the permitted holdings equal 24 percent (28%−4%).

(iii) If F had not disposed of the 22 percent holdings prior to June 1, 1991, F's permitted holdings would have been 25 percent, the lesser of 25 percent (under section 4943(c)(4)(D)(i)) or 46 percent (50%−4%). Since as of such date, F's entire holdings of 46 percent would no longer have been treated as held by a disqualified person, F would have had excess business holdings of 21 percent (46%−25%).

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Date	F owns (per-cent)	1969 F's inter-est (per-cent)	1980 F's inter-est (per-cent)	Interest treated as held by dis-qualified person (per-cent)	Dis-qualified persons own (per-cent)	Founda-tion voting level (per-cent)	Substi-tuted com-bined voting level (per-cent)	Dis-qualified person voting level (per-cent)	Per-mitted holdings (per-cent)	Comments
May 26, 1969	5	5		0	45	0	50	50	0	
Do				−5		+5		−5	+5	2d phase for 5 pct
Do	5	5		0	45	5	50	45	5	
May 1, 1980	+41		+41	+41	−41					H dies.
Do	46	5	41	41	4	5	50	45	5	
June 1, 1981	46	5	41	41	1	5	50	45	5	Distribution F disposes of 22 pct.
Aug 1, 1980	−22	−5	−17	−17		−5	−22	−17	−5	
Do	24	0	24	24	1	0	28	28	0	
June 1, 1981				−24		+24		−24	+24	2d phase for 24 pct
Do	24	0	24	0	4	24	28	4	24	

PAR. 5. Section 53.4943–6 as set forth in the appendix to the notice of proposed rulemaking is revised to read as follows. Paragraph (a)(2) and Example (4) of paragraph (a)(3) of § 53.4943–6 is reserved.

§ 53.4943–6 Five-year period to dispose of gifts, bequests, etc.

(a) *In general*—(1) *Application.* (i) Paragraph (6) of section 4943(c) prescribes transition rules for a private foundation, which, but for such paragraph, would have excess business holdings as a result of a change in the holdings in a business enterprise after May 26, 1969 (other than by purchase by such private foundation or by a disqualified person) to the extent that section 4943(c)(5) (relating to certain holdings acquired under a pre-May 27, 1969, will or trust) does not apply.

(ii) Subparagraph (A) of section 4943(c)(6) applies where, immediately prior to a change in holdings described in paragraph (a)(1)(i) of this section, the foundation has no excess business holdings in such enterprise (determined without regard to section 4943(c)(4), (5), or (6)). In such a case, the entire interest of the foundation in such enterprise (immediately after such change) shall (while held by the foundation) be treated as held by a disqualified person (rather than by the foundation) during the five-year period beginning on the date of such change.

(iii) Subparagraph (B) of section 4943(c)(6) applies where the foundation has excess business holdings in such enterprise (determined without regard to section 4943(c)(4), (5), or (6)) immediately prior to a change in holdings described in paragraph (a)(1)(i) of this section. In such a case, the interest of the foundation in such enterprise (immediately after such change) shall (while held by the foundation) be treated as held by a disqualified person (rather than the foundation) during the five-year period beginning on the date of such change, except that if and as soon as any holdings in such enterprise become excess business holdings during such period (determined without regard to such change (and the resulting application of section 4943(c)(6) to the foundation's interest in such enterprise)), such holdings shall no longer be treated as held by a disqualified person under this section, but shall constitute excess business holdings subject to the initial tax. In applying the preceding sentence, if holdings of the foundation which (but for such change in holdings (and the resulting application of section 4943(c)(6) to the foundation's interest in such enterprise)) would be subject to the 25 percent limit prescribed by section 4943(c)(4)(D) after the expiration of the first phase, such holdings shall be treated as subject to such percentage limitation for purposes of determining excess business holdings. For example, if a private foundation in 1978 has present holdings of 28 percent in a business enterprise to which section 4943(c)(4) applies, and such holdings would exceed the 25 percent limit of section 4943(c)(4)(D)(i) on May 26, 1979, a gift of 5 percent to the foundation in 1978 of an interest in such enterprise shall not prevent the 3 percent (28%−25%) excess over the 25 percent limit from constituting excess business holdings on May 26, 1979, if on such date disqualified persons hold more than a 2 percent interest in such enterprise (and no other transaction has taken place).

(2) *"Purchase" defined.* [Reserved]

(3) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example (1). On January 4, 1985, A, an individual, makes a contribution to F, a private foundation, of 200 shares of X Corporation common stock. Assume that F had no X stock before January 4, 1985, and under section 4943(c)(1) the receipt of the X stock by F would cause some or all of the 200 shares of the X stock to be classified as excess business holdings. Under the provisions of section 4943(c)(6)(A) and this paragraph (a), since the contribution of the X stock to F is a gift and not a purchase, the X stock in F's hands is treated as held by disqualified persons and not by F through January 3, 1990.

Example (2). Assume the facts as stated in Example (1) except that F receives the X stock as a bequest pursuant to the terms of A's will executed on April 1, 1980. A dies on June 3, 1984, and the stock is distributed to F on February 16, 1985. As in Example (1), the bequest of X to F is not a purchase under this paragraph (a). Consequently, the X stock in F's hands is treated as held by disqualified persons and not by F through February 15, 1990.

Example (3). On February 1, 1980, F, a private foundation, owns 15 percent of the voting stock of X Corporation, and disqualified persons own 4 percent of the voting stock of X Corporation. On February 2, 1980, B, a nondisqualified person, contributes 8 percent of the voting stock of X to F in a transaction to which section 4943(c)(5) does not apply. Assuming that the 35 percent limit of section 4943(c)(2)(B) does not apply under the provisions of section 4943(c)(6)(A) and paragraph (a) of this section the 23 percent voting stock owned by F on such date is treated as held by a disqualified person through February 1, 1985, since F would have had excess business holdings of 7 percent as a result of the contribution (23% actual holdings less 16% (20%−4%) permitted holdings). On March 1, 1984, C, another nondisqualified person, contributes 6 percent of the voting stock of X Corporation to F. But for this second contribution and the resulting application of section 4943(c)(6) to F's interest in X, F would have excess business holdings of 7 percent (23%−16%) within the five-year period beginning on the date of such contribution. Accordingly, under section 4943(c)(6)(B) and paragraph (a) of this section, all 29 percent (6%+23%) of the stock held by F on March 1, 1984, will be treated as held by a disqualified person until March 1, 1989, except that 7 percent will cease to be so treated on February 2, 1985. If prior to February 2, 1985, no further transactions occurred in the stock of X, F would have excess business holdings of 7 percent subject to the initial tax, since the amount still treated as held by disqualified persons (29%−7%) plus the amount actually held by disqualified persons (4%) already exceed 20 percent.

(b) *Special rules for acquisitions by will or trust*—(1) *In general.* In the case of an acquisition of holdings in a business enterprise by a private foundation pursuant to the terms of a will or trust, the five-year period described in section 4943(c)(6) in this section shall not commence until the date on which the distribution of such holdings from the estate or trust to the foundation occurs. See § 53.4943–5(b)(1) for rules relating to the determination of the date of distribution under the terms of a will or trust. To the extent that an interest to which 4943(c)(6) applies is constructively held by a private foundation under section 4943(d)(1) and § 53.4943–8 prior to the date of distribution, it shall be treated as held by a disqualified person prior to such date by reason of section 4943(c)(6). See § 53.4943–8 for rules relating to constructive ownership by a private foundation of business holdings held in an estate or trust for the benefit of the foundation.

(2) *Special rule for section 4943(c)(5) interests acquired from a nondisqualified person.* (i) In the case of holdings of a private foundation in a business enterprise to which section 4943(c)(5) (relating to certain holdings acquired under a pre-May 27, 1969, will or trust) applies which are acquired from a nondisqualified person, the interest of the foundation in such enterprise (immediately after such acquisition) shall (while held by the foundation) be treated as held by a disqualified person (rather than the foundation) under section 4943(c)(6)(B) and paragraph (a)(1)(iii) of this section from the date of acquisition until the end of the fifth year following the date of distribution of such holdings. Thereafter, only the holdings to which

section 4943(c)(5) and § 53.4943–5(a)(1) apply shall continue to be treated as held by a disqualified person until the end of the first phase with respect thereto.

(ii) The provisions of paragraph (b)(2)(i) of this section may be illustrated by the following examples:

Example (1). On May 26, 1969, F, a private foundation, owns 5 percent of the voting stock of Corporation X and no disqualified persons own any stock in X. On June 30, 1977, a nondisqualified person bequeaths to F 33 percent of the voting stock in X to which section 4943(c)(5) applies. This 33 percent interest is distributed to F on August 17, 1978. Under section 4943(c)(6)(A) the entire 38 percent (5%+33%) of the X voting stock shall be treated as held by a disqualified person from June 30, 1977 (the date the 33 percent interest is constructively acquired by F) until August 17, 1983 (five years after the date of distribution of the 33 percent interest to F). However, assuming that the 35 percent limit of section 4943(c)(2)(B) does not apply, the substituted combined voting level on June 30, 1977 is only 33 percent because there was no interest to which section 4943(c)(4) or (5) applied immediately before that date and thus there was no substituted combined voting level at that time. In that case, since the 3-phase holding period is only available for the interest acquired by will (33%) under section 4943(c)(5), the substituted combined voting level on June 30, 1977 is only 33 percent, not 38 percent. Assuming that the substituted combined voting level remains 33 percent at all relevant times, and prior to August 17, 1983, no further transactions occur in the stock of X, F on that date would have excess business holdings of 5 percent subject to the initial tax. The amount treated as held by disqualified persons at that time (33%) would equal the substituted combined voting level at that time (33%), and thus permitted holdings would be zero. Under section 4943(c)(5) the 33 percent interest will continue to be treated as held by a disqualified person until August 17, 1988 (10 years after the date of distribution).

Example (2). On May 26, 1969, F, a private foundation, owns 29 percent of the stock (voting power and value) of Corporation X, and on June 30, 1977, a nondisqualified person bequeaths to F 23 percent of the stock (voting power and value) in X to which section 4943(c)(5) does apply. This 23 percent interest is distributed to F on August 17, 1978. Disqualified persons hold no stock of X. Although the substituted combined voting and value levels cannot exceed 50 percent on May 26, 1979 (at the start of the second phase with respect to the 29 percent interest), under section 4943(c)(6)(B) the entire 52 percent (29%+23%) of the X voting stock shall be treated as held by a disqualified person from June 30, 1977 (the date the 23% interest is constructively acquired by F) until August 17, 1983 (five years after the date of distribution of the 23% interest to F). On June 1, 1980, during such second phase, D, a disqualified person, purchases 3 percent of the X stock (voting power and value). On such date, but for the acquisition by F of the 23 percent interest, F would have had excess business holdings of 4 percent. The purchase by D of more than 2 percent of the voting stock of X causes the 25 percent limit of section 4943(c)(4)(D)(i) to apply to the 29 percent interest (29%−25%=4%). Thus, on June 1, 1980, 4 percent of the X voting stock held by F since May 27, 1969, shall cease to be treated as held by a disqualified person under section 4943(c)(6)(B) and become excess business holdings subject to the initial tax. See § 53.4943–2(a)(1)(ii) for the 90-day period in which to dispose of these excess business holdings resulting from the purchase by the disqualified person.

(c) *Exceptions.* (1) Section 4943(c)(6) and this section shall not apply to any transfer of holdings in a business enterprise by one private foundation to another private foundation which is related to the first foundation within the meaning of section 4946(a)(1)(H).

(2) Section 4943(c)(6) and this section shall not apply to an increase in the holdings of a private foundation in a business enterprise that is part of a plan whereby disqualified persons will purchase additional holdings in the same enterprise during the five-year period beginning on the date of such change, e.g., to maintain control of such enterprise, since such increase shall be treated as caused in part by the purchase of such additional holdings.

(3) The purchase of holdings by an entity whose holdings are treated as constructively owned by a foundation or a disqualified person under section 4943(d)(1) shall be treated as purchased by such foundation or disqualified person. Thus, if a foundation receives a specific bequest of 40 percent of the voting stock of a corporation and $20,000 in cash, and the estate uses the cash to purchase additional voting stock of the same corporation, the provisions of this section shall only apply to the 40 percent originally held by the estate, and the additional stock will be treated as if purchased by the foundation.

PAR. 6. A new § 53.4943–7 is added as follows:

§ 53.4943–7 Special rules for corporate organizations, reorganizations, redemptions, and distributions. [Reserved]

PAR. 7. Section 53.4943–7 as set forth in the appendix to the notice of proposed rule making is redesignated as § 53.4943–8; paragraphs (a) and (b), of the redesignated section are revised; and paragraphs (c), (d) and (e) are reserved. The revised provisions read as follows:

§ 53.4943–8 Business holdings; constructive ownership.

(a) *Constructive ownership*—(1) *In general.* For purposes of section 4943, in computing the holdings in a business enterprise of a private foundation, or a disqualified person (as defined in section 4946), any stock or other interest owned, directly or indirectly, by or for a corporation, partnership, estate or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries except as otherwise provided in paragraphs (b), (c) and (d) of this section. Any interest in a business enterprise actually or constructively owned by a shareholder of a corporation, a partner of a partnership, or a beneficiary of an estate or trust shall not be considered as constructively held by the corporation, partnership, trust or estate. Further, if any corporation, partnership, estate or trust has a warrant or other option to acquire an interest in a business enterprise, such interest is not deemed to be constructively owned by such entity until the option is exercised. (See paragraph (b)(2) of §53.4943–3 for rules that options are not stock for purposes of determining excess business holdings.)

(2) *Powers of appointment.* Any interest in business enterprise over which a foundation or a disqualified person has a power of appointment exercisable in favor of the foundation or a disqualified person shall be considered owned by the foundation or disqualified person holding such power of appointment.

(b) *Estates and trusts*—(1) *In general.* Any interest actually or constructively owned by an estate or trust is deemed constructively owned, in the case of an estate, by its beneficiaries or, in the case of a trust, by its remainder beneficiaries except as provided in paragraphs (b)(2), (3) and (4) of this section (relating to certain split-interest trusts described in section 4947(a)(2), to trusts of qualified pension, profit-sharing, and stock bonus plans described in section 401(a) and to revocable trusts). Thus, if a trust owns 100 percent of the stock of a corporation A, and if, on an actuarial basis, W's life interest in the trust is 15 percent, Y's life interest is 25 percent, and Z's remainder interest is 60 percent, under this paragraph (b), Z will be considered to be the owner of 100 percent of the stock of corporation A. See § 53.4943–4, § 53.4943–5 and § 53.4943–6 for rules relating to certain actual or constructive holdings of a foundation being treated as held by a disqualified person. For the treatment of certain property acquired by an estate or trust after May 26, 1969, see paragraph (a)(2) of § 53.4943–5.

(2) *Split-interest trusts*—(i) *Amounts transferred in trust after May 26, 1969.* In the case of an interest in a business enterprise which was transferred to a trust described in section 4947(a)(2) after May 26, 1969, for the benefit of a private foundation, no portion of such interest shall be considered as owned by the private foundation—

(A) If the foundation holds only an income interest in the trust, or

(B) If the foundation holds only a remainder interest in the trust (unless the foundation can exercise primary investment discretion with respect to such interest)

until such trust ceases to be so described. See section 4947(a)(2) and (b)(3) and the regulations thereunder for rules relating to such trusts. See also sections 4946(a)(1)(G) and (H) and the regulations thereunder for rules relating to when a trust described in this paragraph (b)(2) is itself a disqualified person.

(ii) *Amounts transferred in trust on or before May 26, 1969.* In the case of an interest in a business enterprise which was transferred to a trust described in section 4947(a)(2) (without regard to section 4947(a)(2)(C)) on or before May 26, 1969, for the benefit of a private foundation, no portion of such interest shall be considered as owned by the foundation until it is actually distributed to the foundation or until the

trust ceases to be so described. See sec-

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trust ceases to be so described. See section 4943(c)(5) and § 53.4943–5 for rules relating to certain trusts which were irrevocable on May 26, 1969.

(3) *Employee benefit trusts.* An interest in a business enterprise owned by a trust described in section 401(a) (pension and profit-sharing plans) shall not be considered as owned by its beneficiaries, unless disqualified persons (within the meaning of section 4946) control the investment of the trust assets.

(4) *Revocable trusts.* An interest in a business enterprise owned by a revocable trust shall be treated as owned by the grantor of such trust.

(5) *Estates.* For purposes of applying section 4943(d)(1) to estates, the term "beneficiary" includes any person (including a private foundation) entitled to receive property of a decedent pursuant to a will or pursuant to laws of descent and distribution. However, a person shall no longer be considered a beneficiary of an estate when all the property to which he is entitled has been received by him, when he no longer has a claim against the estate and when there is only a remote possibility that it will be necessary for the estate to seek the return of property or to seek payment from him by contribution or otherwise to satisfy claims against the estate or expenses of administration. When pursuant to the preceding sentence, a person (including a private foundation) ceases to be a beneficiary, stock or another interest in a business enterprise owned by the estate shall not thereafter be considered owned by such person. If any person is the constructive owner of an interest in a business enterprise actually held by an estate, the date of death of the testator or decedent intestate shall be the first day on which such person shall be considered a constructive owner of such interest. See § 53.4943–5 for rules relating to wills executed on or before May 26, 1969.

(c) *Corporation actively engaged in a trade or business.* [Reserved]

(d) *Partnerships.* [Reserved]

(e) *Examples.* [Reserved]

PAR. 8. Section 53.4943–8, as set forth in the appendix to the notice of proposed rule making, is redesignated as § 53.4943–9 and such redesignated section is amended by adding a new paragraph § 53.4943–9(a)(3) and by revising paragraph § 53.4943–9(c) as follows:

§ 53.4943–9 Business holdings; certain periods.

(a) *Taxable period*—* * *

(3) *Suspension of taxable period for 90 days.* In any case in which a private foundation has excess business holdings solely because of the acquisition of an interest in a business enterprise to which paragraph (a)(1)(ii) or (iii) of § 53.4943–2 applies, the taxable period described in paragraph (a) of this section shall be suspended for the 90-day period (as extended) starting with the date on which the foundation knows or has reason to know of the acquisition, provided that at the end of such period the foundation has disposed of such excess holdings.

(c) *Correction.* For purposes of section 4943, correction shall be considered as made when no interest in the enterprise held by the foundation is classified as an excess business holding under section 4943(c)(1). In any case where the private foundation has excess business holdings which are constructively held for it under section 4943(c)(1), correction shall be considered made when either a corporation, partnership, estate, or trust in which holdings in such enterprise are constructively held for the foundation or a disqualified person; the foundation itself; or a disqualified person disposes of a sufficient interest in the enterprise so that no interest in the enterprise held by the foundation is classified as excess business holdings under section 4943(c)(1).

PAR. 9. Section 53.4943–9, as set forth in the appendix to the notice of proposed rule making, is redesignated as § 53.4943–10; paragraphs (a), (c) and (d) are revised; and paragraph (d)(2) is reserved. The revised provisions read as follows:

§ 53.4943–10 Business enterprise; definition.

(a) *In general.* (1) Except as provided in paragraph (b) or (c) of this section, under section 4943(d)(4) the term "business enterprise" includes the active conduct of a trade or business, including any activity which is regularly carried on for the production of income from the sale of goods or the performance of services and which constitutes an unrelated trade or business under section 513. For purposes of the preceding sentence, where an activity carried on for profit constitutes an unrelated trade or business, no part of such trade or business shall be excluded from the classification of a business enterprise merely because it does not result in a profit.

(2) Notwithstanding paragraph (a)(1) of this section, a bond or other evidence of indebtedness does not constitute a holding in a business enterprise unless such bond or evidence of indebtedness is otherwise determined to be an equitable interest in such enterprise. Similarly, a lease-hold interest in real property does not constitute an interest in a business enterprise, even though rent payable under such lease is dependent, in whole or in part, upon the income or profits derived by another from such property, unless such leasehold interest constitutes an interest in the income or profits of an unrelated trade or business under section 513.

* * * * * *

(c) *Income derived from passive sources*—(1) *In general.* For purposes of section 4943(d)(4), the term "business enterprise" does not include a trade or business at least 95 percent of the gross income of which is derived from passive sources; except that if in the taxable year in question less than 95 percent of the income of a trade or business is from passive sources, the foundation may, in applying this 95 percent test, substitute for the passive source gross income in such taxable year the average gross income from passive sources for the 10 taxable years immediately preceding the taxable year in question (or for such shorter period as the entity has been in existence). Thus, stock in a passive holding company is not to be considered a holding in a business enterprise even if the company is controlled by the foundation. Instead, the foundation is treated as owning its proportionate share of any interests in a business enterprise held by such company under section 4943(d)(1).

(2) *Gross income from passive sources.* Gross income from passive sources, for purposes of this paragraph, includes the items excluded by section 512(b)(1) (relating to dividends, interest, and annuities), 512(b)(2) relating to royalties), 512(b)(3) (relating to rent) and 512(b)(5) (relating to gains or losses from the disposition of certain property). Any income classified as passive under this paragraph does not lose its character merely because section 512(b)(4) or 514 (relating to unrelated debt-financed income) applies to such income. In addition, income from passive sources includes income from the sale of goods (including charges or costs passed on at cost to purchasers of such goods or income received in settlement of a dispute concerning or in lieu of the exercise of the right to sell such goods) if the seller does not manufacture, produce, physically receive or deliver, negotiate sales of, or maintain inventories in such goods. Thus, for example, where a corporation purchases a product under a contract with the manufacturer, resells it under contract at a uniform markup in price, and does not physically handle the product, the income derived from that markup meets the definition of passive income for purposes of this paragraph. On the other hand, income from individually negotiated sales, such as those made by a broker, would not meet such definition even if the broker did not physically handle the goods.

(d) *Application of section 4943(c)(6)*—(1) *Program related activities.* If a private foundation holds an interest which is not an interest in a business enterprise because of paragraph (b) of this section (relating to program related activities), and such interest later becomes an interest in a business enterprise solely by reason of failing to meet the requirements of such paragraph (b), such interest will then be subject to section 4943(c)(6) (regardless of when it was originally acquired) and will be treated as having been acquired other than by purchase for purposes of section 4943(c)(6).

(2) *Holding companies.* [Reserved]

* * * * * *

PAR. 10. Section 53.4943–10 as set forth in the appendix to the proposed notice is redesignated as § 53.4943–11 and changed to read as follows:

§ 53.4943–11 Effective date.

(a) *In general.* Section 4943 and §§ 53.4943–1 through 53.4943–11 shall take effect for taxable years beginning after December 31, 1969, except as otherwise provided by such sections.

(b) *Special transitional rule.* In the case of any acquisition of excess holdings prior to February 2, 1973, section 4943(a)(1) shall not apply if correction occurs (within the meaning of paragraph (c) of § 53.4943–9) within a period ending 90 days after July 5, 1977 extended (prior to the expiration of the original period) by any period which the Commissioner determines is reasonable and necessary (within the meaning of paragraph (b) of § 53.4943–9) to bring about such correction.

(This Treasury decision is issued under the authority contained in sections 4943 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 83 Stat. 507; 26 U.S.C. 4943, 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

JUNE 24, 1977.

[FR Doc.77–19059 Filed 7–5–77;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

CHARGES TO ENTITLEMENT AND SCHOOL LIABILITY

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: In a situation in which a veteran or other eligible person has been overpaid educational assistance benefits the existing rule provides that a charge will be made against the person's entitlement if the debt is waived. Since a bankruptcy may also bar the government from collecting such an overpayment, the rule is amended to specifically provide for a charge to entitlement, since the two situations are similar.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Benefits and Facilities, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202–389–2092.

SUPPLEMENTARY INFORMATION: On page 53824 of the FEDERAL REGISTER of December 9, 1976, there was published a notice of proposed regulatory development to amend §§ 21.1045 and 21.4009 regarding proper charges to entitlement in overpayment cases and to correct the designation of the board charged with review in school liability cases. The public was given 30 days to comment and a total of four comments were received.

One person commenting objects to implementation of the proposed change to § 21.1045 on the grounds that the proposed regulation is contrary to law. The writer states that the Federal bankruptcy law was intended to give the individual absolution from his or her debts but the proposed regulation violates this rule. *Perez* v. *Campbell*, 402 U.S. 637, 91 S. Ct. 1704 (1972) is cited as authority for this contention.

However, the case cited involves the question of Federal preemption of the subject matter and the regulation does not in fact prevent the debt from being discharged in bankruptcy. The *Perez* case concerned the question of conflict between Federal and State law. No such conflict exists here since only Federal law is involved. The Administrator has authority to make all rules and regulations necessary or appropriate to carry out the laws administered by the Veterans Administration (38 U.S.C. 210(c)). Furthermore, the proposed regulation allows the discharge in bankruptcy to stand but merely prevents the individual from retaining both entitlement and benefits. The situation is not unlike the case of a debtor allowed to keep the money paid for a chattel under the discharge in bankruptcy, but who must relinquish the chattel to the creditors. In this case the beneficiary keeps the money but relinquishes the entitlement which it represents.

Section 21.4009 was proposed to be changed by merely changing the title and permanency of the board making determinations. Three comments utilized this opportunity to oppose provisions of the regulation which were not proposed to be amended and which have long been in effect. However, the board was abolished on February 8, 1977 and its function transferred to other elements within Central Office. Therefore, the proposed change is obsolete and is hereby withdrawn. A new proposed amendment will be offered for comment in the FEDERAL REGISTER.

The proposed change to § 21.1045 is deemed proper and is hereby adopted.

INFLATION IMPACT: The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Approved: June 27, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 21.1045, paragraph (f) is revised to read as follows:

§ 21.1045 Entitlement charges.

* * * * * *

(f) *Overpayment casts.* Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is discharged in bankruptcy or waived and is not recovered. The charge will be at the appropriate rate for the elapsed period covered by the overpayment.

* * * * * *

[FR Doc.77–19162 Filed 7–5–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 753–3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Administrative Revisions to Chapter X of the Texas Plan

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This rule approves administrative revisions to Chapter X of the Texas State Implementation Plan (SIP). This action is being taken to update the SIP to reflect current operating procedures for permitting new and modified sources in Texas.

EFFECTIVE DATE: August 5, 1977.

ADDRESSES: Copies of the State's submittals are available at the locations below.

Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270, 214–749–3837.

SUPPLEMENTARY INFORMATION: On January 28, 1972, the Governor of Texas submitted the SIP for attainment and maintenance of the national ambient air quality standards. Provisions are provided within EPA regulations for States to periodically update or revise the SIP. Administrative or minor revisions of the SIP may be submitted by the State agency rather than the Governor, and they normally do not have to be subjected to public hearing. Accordingly, the Texas Air Control Board (TACB) submitted a series of administrative revisions to Chapter X, The Permit System, beginning in 1973. Additional updates of Chapter X were submitted in 1974, 1975, and 1977.

1973 REVISION

In the 1973 submittal, several revisions were made to the procedural requirements of the permit system. Specifically, the following changes were made:

1. That portion of the Texas Clean Air Act which provides the legal authority for the State's permit system was included in the original SIP as pages X–1, X–2, and X–3. In the revision, this part of the Texas Act was removed and replaced with a statement referencing applicable sections of the Texas Act. The approved legal authority for the permit system remains in effect.

2. Administrative changes were made to Sections I.A., I.B., II.A., II.B., and III. of the procedures for carrying out the permit system. These minor changes do not affect the State's permit system with regard to complying with EPA's requirements.

3. Instructions for obtaining, completing, and submitting permit applications were revised. This was brought about in part because of format changes to Form PI–1, General Application, Form PI–2, Supplemental Information, and Form PI–3, Operating Application. These changes, plus the requirement for additional information, should allow the TACB to conduct a more complete review of new source permits.

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1974 Revision

The revisions in 1974 included changing the address of the TACB to the current address, changing the term Executive Secretary to Executive Director, and changing references to the State Air Pollution Control Services to the Texas Air Control Board. In addition, Form PI–3, Operating Application, was redesigned.

1975 Revision

In the 1975 revision, the requirement was added for new and modified sources to comply with applicable New Source Performance Standards and National Emission Standards for Hazardous Pollutants. This requirement was added to Section I.B. of the construction review procedures and Section II.B. of the operating review procedures. Minor changes were made to Section I.D. In Section II.D., an operating condition for a source was added which requires that pollution control equipment be operated and maintained in good condition during normal facility operations.

1977 Revision

In 1977, minor revisions were made to Sections I.B. and II.B. These revisions involved permit approval/disapproval decisions of the Executive Director of the TACB.

In the several submittals since 1973, some sections of Chapter X were revised more than once. The approvals in this notice are for the most recent revision to any section. Previous revisions to applicable sections are superseded.

All revisions in this approval notice are considered administrative and minor in substance, and as such, are routine updates of the Texas SIP. Therefore, the Administrator finds that these revisions should be approved without proposal.

(Sec. 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857c–5(a).)

Dated: June 27, 1977.

Barbara Blum,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (14) as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(14) Administrative revisions to Chapter X, The Permit System, were submitted by the Texas Air Control Board in 1973, 1974, 1975, and 1977.

[FR Doc.77–19104 Filed 7–5–77;8:45 am]

[FRL 753–5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Disapproval of Indiana Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action disapproves, as revisions to the implementation plan, two enforcement orders submitted by the State of Indiana which would vary the final sulfur dioxide emission limitations of two electrical generating stations in Warrick County, Indiana. The orders do not conform to the regulatory requirements of 40 CFR Part 51. This action also corrects a typographical error appearing in the August 24, 1976, Federal Register (41 FR 35676) and an error which occurred when the format was changed for 40 CFR 52.770, Identification of plan (41 FR 8960, March 2, 1976).

EFFECTIVE DATE: Immediately.

ADDRESSES: A copy of the enforcement orders, supporting documentation from Indiana and the EPA rationale for disapproval may be inspected at:

U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street (11th Floor), Chicago, Illinois 60604.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Miller, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, 312–353–2205.

SUPPLEMENTARY INFORMATION:

Historical Background

On May 14, 1973 (38 FR 12698), the Administrator approved APC–13 as adequate to attain and maintain the sulfur dioxide standards throughout Indiana. A revised APC–13 submitted by Indiana was approved in part by the Administrator on August 24, 1976 (41 FR 35676), but this later approval did not affect the emission limitations for electrical generating stations in Warrick County. They remained subject to the provisions of the APC–13 approved on May 14, 1973.

Submission of SIP Revisions

On June 14, 1976, the Technical Secretary of the Indiana Air Pollution Control Board (IAPCB), acting as the delegated representative of the Governor of Indiana, submitted two enforcement orders as revisions to the Indiana State Implementation Plan (SIP). These orders entitled "In the Matter of ALCOA Generating Corporation and Southern Indiana Gas and Electric Company" and "In the Matter of Southern Indiana Gas and Electric Company" were approved by the Board after notice and public hearing. These orders require the ALCOA Generating Corporation (AGC) and the Southern Indiana Gas and Electric Company (SIGECO) to limit sulfur dioxide emissions from two plants, Culley and Warrick Generating Stations, which are the primary sources of sulfur dioxide emissions in Warrick County. The orders require an emission limitation for both stations of 6.15 lbs. of sulfur dioxide per million BTU heat input by July 1, 1976, and 5.07 lbs. per million BTU heat input by November 1, 1977. By September 1, 1976, a monitoring system was to be in use in order to determine when meteorological conditions would be unfavorable to dispersion. During unfavorable conditions the stations are to either reduce generation or burn low sulfur fuel.

Disapproval

EPA has reviewed and evaluated the SIP revision proposal and other relevant material and has determined that the orders which would alter the emission limitations for the Warrick and Culley stations, must be disapproved, because the State of Indiana has not provided assurance that the orders are legally enforceable as required by EPA regulations, 40 CFR 51.22. IAPCB's authority to use enforcement orders to alter emission limitations established by regulation is questionable. The State has declined to request an opinion from the Indiana Attorney General's office on this matter; therefore, absent clear legal authority, EPA must disapprove the orders as unenforceable.

Corrections

This rulemaking action also corrects a citation to the EPA regulations in connection with disapproval of Revised APC–15 on August 24, 1976 (41 FR 35677). Section 51.3(a) was cited as the basis for disapproval. Section 51.3(a) should be changed to § 51.3(b). Because this change is not substantive, it will be effective immediately.

On March 2, 1976 (41 FR 8960), the format of the Identification of plan (40 CFR 52.770) section was changed. In this change APC–18 was inadvertently added as part of the plan (40 CFR 52.770(c)(12)). The EPA is correcting 40 CFR 52.770(c)(12) by deleting APC–18.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart P—Indiana

1. In § 52.770(c), paragraph (12) is corrected by deleting APC–18 as a part of the plan and paragraph (16) is added as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(12) On March 7, 1974, the Technical Secretary of the Air Pollution Control Board, acting for the Governor of Indiana, submitted new regulation APC–20.

* * * * *

(16) On June 14, 1976, the Technical Secretary submitted enforcement orders varying the final sulfur dioxide emission limitations for the Warrick and Culley electrical generating stations in Warrick County.

2. In § 52.771, paragraph (c) is corrected to read:

§ 52.771 Classification of regions.

* * * * *

(c) The requirements of § 51.3(b) of this chapter are not met by the classification of counties in APC–22 for the purposes of attainment and maintenance of the photochemical oxidant (hydrocarbon) ambient air quality standards.

3. In § 52.795, paragraph (b) is added as follows:

§ 52.795 Control strategy: Sulfur dioxide.

* * * * *

(b) The requirements of § 51.22 are not met by Warrick and Culley electrical generating stations enforcement orders which would revise the sulfur dioxide emission limitations for these two stations.

(42 U.S.C. 1857c–5(a).)

Dated: June 29, 1977.

Barbara Blum,
Acting Administrator.

[FR Doc.77–19105 Filed 7–5–77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5621]

[S–5797]

CALIFORNIA

Powersite Restoration 527; Partial Revocation of Powersite Reserve No. 304

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Final rule.

SUMMARY: This order will simply clear the BLM records. All lands involved have been transferred to the State as school indemnity lands.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes 202–343–8731.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, and pursuant to the determination of the Federal Power Commission in DA–1115–California, it is ordered as follows:

The Executive Order of November 8, 1912, creating Powersite Reserve 304, is hereby revoked so far as it affects the following described land:

Mount Diablo Meridian

T. 30 N., R. 9 E.,
Sec. 5, lots 3 and 4, S½NW¼, W½SW¼;
Sec. 7, E½NE¼;
Sec. 8, N½S½;
Sec. 9, SW¼NE¼, N½SW¼.

The area described aggregates approximately 591 acres in Lassen County. Title to the above described land is vested in the State of California.

Guy R. Martin,
Assistant Secretary of the Interior.

June 27, 1977.

[FR Doc.77–18963 Filed 7–5–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20777]

PART 97—AMATEUR RADIO SERVICE

Emissions Authorized

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is amending its amateur radio rules to require that spurious radiation from all amateur transmitters be reduced or eliminated in accordance with good engineering practice. This amendment is editorial in nature and corrects the final rules in Docket 20777 adopted March 2, 1977.

EFFECTIVE DATE: July 19, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Gregory Jones, Personal Radio Division, Safety and Special Radio Services Bureau, 202–632–7175.

SUPPLEMENTARY INFORMATION:

Adopted: June 22, 1977.

Released: June 28, 1977.

Order. In the matter of Deregulation of Part 97 of the Commission's Rules regarding emissions authorized in the Amateur Radio Service, Docket 20777, RM–1429, RM–2163, RM–2170, RM–2330, RM–2429, RM–2507, RM–2545, RM–2550.

1. On March 2, 1977 the Commission adopted a First Report and Order in Docket 20777, 42 FR 14111 (1977), adopting harmonic and spurious emission standards for transmitting equipment in the Amateur Radio Service, in conformity with the requirements of the International Telecommunication Union (ITU). On June 13, 1977 the Commission released a Memorandum Opinion and Order in Docket 20777, FCC 77–379.[1] In the Memorandum Opinion and Order, the Commission exempted amateur transmitters and transceivers (but not external radio frequency power amplifiers) built before April 15, 1977 or marketed before January 1, 1978 from the standards adopted in the First Report and Order. In so doing, however, the Commission unintentionally neglected to amend § 97.73 of its rules to ensure that amateur equipment exempted from the new regulations meet the previously existing spurious radiation standards. Thus, as it currently reads, § 97.73 of the rules imposes no spurious emission standards whatsoever on amateur transmitters operating below 235 MHz.

2. Removing all previously existing restrictions on spurious radiation from amateur transmitters exempted by the First Report and Order and operating below 235 MHz was certainly not intended by the Commission. An amendment of this nature was neither proposed nor discussed by the comments in this proceeding. By this Order we are acting to correct our error by amending § 97.73 of the rules to require that spurious radiation from all amateur transmitters be reduced or eliminated in accordance with good engineering practice, regardless of when the transmitters were built or first marketed. (This was the standard existing before adoption of the First Report and Order.) The specific spurious emission standards of § 97.73 (a) and (b) continue to apply only to transmitters and transceivers built before April 15, 1977 or first marketed before January 1, 1978, and to all external radio frequency power amplifiers.

3. Authority for this amendment appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended. Because the amendment adopted herein is of an editorial character, designed solely to correct a previous error, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 552, are not applicable.

4. *Accordingly, it is ordered,* That § 97.73 of the Commission's rules is amended as set forth below effective July 19, 1977.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

Federal Communications Commission,
Richard D. Lichtwardt,
Executive Director.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read, as follows:

1. Section 97.73 is revised to read, as follows:

§ 97.73 Purity of emissions.

(a) Except for a transmitter or transceiver built before April 15, 1977 or first marketed before January 1, 1978, the mean power of any spurious emission or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier being operated with a carrier frequency below 30 MHz shall be at least 40 decibels below the mean power of the fundamental without exceeding the power of 50 milliwatts. For equipment of mean power less than five watts, the attenuation shall be at least 30 decibels.

(b) Except for a transmitter or transceiver built before April 15, 1977 or first marketed before January 1, 1978, the

[1] See 42 FR 30623, June 16, 1977.

mean power of any spurious emission or radiation from an amateur transmitter, transceiver, or external radio frequency

DATES: Effective 11:59 p.m., June 30, 1977. Expires 11:59 p.m., December 31, 1977.

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mean power of any spurious emission or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier being operated with a carrier frequency above 30 MHz but below 235 MHz shall be at least 60 decibels below the mean power of the fundamental. For a transmitter having a mean power of 25 watts or less, the mean power of any spurious radiation supplied to the antenna transmission line shall be at least 40 decibels below the mean power of the fundamental without exceeding the power of 25 microwatts, but need not be reduced below the power of 10 microwatts.

(c) Paragraphs (a) and (b) of this section notwithstanding, all spurious emissions or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier shall be reduced or eliminated in accordance with good engineering practice.

(d) If any spurious radiation, including chassis or power line radiation, causes harmful interference to the reception of another radio station, the licensee may be required to take steps to eliminate the interference in accordance with good engineering practice.

NOTE.—For the purposes of this section, a spurious emission or radiation means any emission or radiation from a transmitter, transceiver, or external radio frequency power amplifier which is outside of the authorized Amateur Radio Service frequency band being used.

[FR Doc.77-19146 Filed 7-5-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 4, Service Order No. 1231]

PART 1033—CAR SERVICE

Consolidated Rail Corp. Authorized To Operate Over Tracks of Louisville & Nashville Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 4 to Service Order No. 1231).

SUMMARY: Amendment No. 4 to Service Order No. 1231 extends Service Order No. 1231 until December 31, 1977. Service Order No. 1231 authorizes the Consolidated Rail Corporation to operate over tracks abandoned by the Louisville and Nashville Railroad at Brazil, Indiana, for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidated Rail Corporation.

DATES: Effective 11:59 p.m., June 30, 1977. Expires 11:59 p.m., December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below:

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th Day of June, 1977.

Upon further consideration of Service Order No. 1231 (41 FR 8480, 15414, 27729 and 42 FR 3310), and good cause appearing therefore:

It is ordered, That: Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Company, Service Order No. 1231 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1231 Service order No. 1231.

* * * * *

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., December 31, 1977 unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2). 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19080 Filed 7-5-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[EDR-307B; Docket No. 29898; Dated: June 28, 1977]

CHARTER TRIPS AND SPECIAL SERVICES

Off-Route Charter Limitations; Oral Argument

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking and Notice of Oral Argument.

SUMMARY: The notice provides interested persons with an opportunity to present their views to the Board in oral argument on the issues raised in this proceeding. The hearing is in response to a motion by the National Air Carriers Association.

DATES: Written requests by: July 15, 1977. Hearing to be held on: August 4, 1977.

ADDRESSES: Written requests should be sent to Chief Administrative Law Judge, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Office of the General Counsel, 1825 Connecticut Ave. NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking, EDR-307, dated October 7, 1976, 41 FR 45021 (October 14, 1976), the Board gave notice that it had under consideration modifications to Part 207 of its Economic Regulations (14 CFR Part 207) which would raise the volume restrictions for off-route charters, eliminate the frequency and regularity restrictions on interstate and overseas off-route charters, eliminate the regularity restriction and alter the frequency restriction on foreign off-route charters, and eliminate the all-cargo carriers' privilege of operating off-route charters without restriction in certain "areas of operations." Interested persons have been given an opportunity to participate in the proposed rulemaking through submission of written comments.

On April 12, 1977, there was held an open meeting, at which the Members and staff of the Board discussed the various issues raised by the proposed rules, particularly in light of the comments filed by interested persons. The meeting resulted in the Board's instructing the staff to draft final rules embodying the Board's announced determinations of the various issues.

On May 4, 1977, the National Air Carriers Association (NACA) filed a motion for oral argument, stating that the economic complexity and the possibility of drastic adverse consequences to the supplemental carriers warrant a further opportunity for presenting argument to the Board. An answer in support of the motion was filed by Eastern Air Lines. No answers were filed in opposition.

The Board has determined to grant the motion. In the circumstances, we find that it would be in the public interest to provide a forum that will ensure an opportunity for interested persons to present oral argument in support of their respective positions on the issues of this important proceeding.

Accordingly, the Civil Aeronautics Board hereby gives notice:

1. That the Board will hear oral argument on the matters indicated above at its office in Washington, D.C., on August 4, 1977; and

2. That all persons desiring to participate in such oral argument shall file with the Chief, Administrative Law Judge, on or before July 15, 1977 a written request to participate therein. The request shall indicate the time allotment desired.[1] Participants will be notified at a later date as to the time to be allotted to them.

(Secs. 204(a), 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788 (49 U.S.C. 1324, 1481).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19197 Filed 7-5-77;8:45 am]

[1] Since the time the Board can devote to oral argument is necessarily limited, it cannot guarantee that all persons requesting oral argument will be accommodated. The Board, therefore, encourages joint presentations by organizations or persons sharing a common position in order to reduce the possibility of denying requests.

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM75-25]

TRANSPORTATION BY JURISDICTIONAL PIPELINES OF CERTAIN NATURAL GAS

Review Policy Statement of Order Nos. 533 and 533-A

AGENCY: Federal Power Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is noticing its intent to reassess a section of its rules which is a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers from the on-shore domain and off-shore non-Federal Domain to non-resale industrial and commerical customers for high priority uses. When the rule was initially promulgated on August 25, 1975, the Commission stated that it was experimental, and empirical evidence was necessary to evaluate whether the policy should be made permanent. The Commission is eliciting initial and reply comments in order to conduct the aforementioned review.

DATES: Comments should be sent to the Federal Power Commission by July 15, 1977. Reply comments are due by August 12, 1977.

ADDRESS: Office of the Secretary, Federal Power Commission, 825 N. Capitol Street, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Jane Drennan, Office of General Counsel, 202-275-4252.

SUPPLEMENTARY INFORMATION:

NOTICE OF PROPOSED RULEMAKING TO REVIEW POLICY STATEMENT OF ORDER NOS. 533 AND 533-A

On August 28, 1975, the Commission issued Order No. 533,[1] in which it adopted as § 2.79 of its General Policy and Interpretations, a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers from the on-shore domain and off-shore non-Federal Domain to non-resale industrial and commercial customers for high priority uses. Due to the steady increase in curtailment levels on interstate pipelines and the concomitant effects of production cutbacks, plant closings, employee layoffs, and shortages of various products and services, the Commission found it appropriate to issue the statement of policy with regard to specific pipeline transportation arrangements so that industries requiring gas for high priority use could obtain an independent source of gas for their operations.

The Commission determined that Sections 1(b) of the Natural Gas Act placed producers' sales to non-resale customers beyond its authority to regulate, whereas Section 7 required the Commission to find whether the transportation of such gas pursuant to the sales is required by the public convenience and necessity.[2] As such sales would not be subject to FPC producer rate jurisdiction, high priority customers could compete with the intra-

[1] Order No. 533-A, Order Granting in Part and Denying in Part, issued November 10, 1975, clarified Order No. 533 and eliminated indefinite pricing clauses. On Appeal, *APGA v. FPC*, No. 75-2105 (D.C.).

[2] Mimeo, page 22.

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state market for gas supplies which would not otherwise be available to the interstate market. The Commission perceived the necessity of issuing this statement to apprise high priority customers of a potential vehicle for mitigating the economic consequences of natural gas curtailment.

The Commission limited the application of the policy statement to only those direct sale customers falling within the definition of priority 2 or 3 who do not have alternate fuel capability as defined in § 2.78(c)(10) of its General Policy and Interpretations. Moreover, the policy applied to only gas coming from the onshore domain and off-shore non-Federal Domain. The Commission projected that this policy would increase the amount of gas available to the interstate market thereby resulting in utilization of unused pipeline capacity with the attendant cost benefits to pipelines and their customers. There was also perceived a potential for increased producer revenues, which would promote increased exploration for, and development of, gas supplies.

In adopting this policy statement, the Commission stated:

"The policy is admittedly experimental and requires empirical evidence on its merits and specific application and trial before we can determine whether the public convenience and necessity demand that the policy be made permanent. (Footnotes omitted). If, upon review, it appears that the policy has not resulted in the attraction of incremental gas supplies to meet the demand of the interstate market and to avert an imminent crisis in the winter of 1975–1976, we will revise or abandon the experiment * * *. To insure that we have the necessary data to evaluate each certificate application, we have . . . requir(ed) the submission of specific data in addition to any other information submitted in support of the application."[2]

Although there was no specific time limitation in the policy statement, Order No. 533 provided that any authorization issued thereunder would be for a maximum term of 2 years. The first authorization issued under the policy statement was on October 23, 1977.[4] In the event that requests for renewal of this and other authorization may be filed, it appears appropriate at this time to assess the value of Order No. 533. There is no question that the implementation of this policy was a critical factor in securing the needed incremental supply for the interstate market and adverting additional economic dislocation during the past winter. The question before us is whether the policy should be continued, and if so, on what basis.

In Order Nos. 533 and 533–A, the Commission reserved several policy questions for future consideration. After 18 months experience, we have concluded that these issues should be reconsidered now. One of the issues raised previously was whether the policy should be expanded to include direct sales to Priority 1 purchasers. In Order No. 533, the Commission found that due to the "exceedingly large number of residential and small commercial customers that might try to take advantage of such a policy", further study was necessary.[5] Based on statistics then available, the Commission determined that service to Priority 1 customers would not be in peril to the degree that Priority 2 and 3 would be. Although several petitioners requested that the transportation certificate be conditioned to provide that in periods of emergency the direct sales should be allocated to Priority 1 customers, the Commission found the proposal to be premature. However, the Commission did limit the transportation certificates to a maximum term of two years in an effort to protect Priority 1 customers.

The experience of last winter clearly shows that this issue must now be faced. At the height of last winter's emergency period, Priority 1 commercial was curtailed on a number of systems and residential customers were in jeopardy of losing their gas service. Some pipelines have included provisions in their transportation agreements providing for the diversion of these volumes to meet Priority 1 needs. We find that it is essential that the issue of diversion of 533 gas for critical needs be addressed. The general need for such a provision should be considered in addition to the propriety of establishing procedures and safeguards for its implementation.

In its initial policy statement, the Commission also declined to expand the policy to include the transportation of gas which is produced by the consumer, however, it indicated any filing would be considered. An associated issue is the efforts of many consumers to purchase in-place reserves. Since the institution of this program, the Commission has authorized several applications to transport such reserves.[6] Nevertheless, due to the uncertainty which surrounds these transactions, we intend to review the advisability of including such transactions within the scope of the policy.

Since many industrial consumers characteristically have had little contact with the natural gas industry, intermediaries have emerged to bridge the gap between producers and potential purchasers. The Commission is aware of at least one corporation acting as an intermediary and the specifics of its operation; however, there is very little information available as to the participation by others and the extent of their involvement. Morever, distributors acting for their industrial customers might also be considered as operating in the role of "intermediaries for the industrials".

In Order No. 533, the Commission did not discourage the formation of joint ventures to secure the supplies, however, we find it now necessary to investigate their participation. Additional charges characterized as "finder's fees", brokerage fees, and agency fees appear to constitute a charge over and above the commodity cost of the gas including gathering, facility, and service fees thereby making the rate exceed that of the intrastate market. Simultaneously, we will consider comments filed concerning the incremental and one-time payment for producer gathering facilities as these can and may be used for long term sales.

Another area of inquiry will be the advisability of allowing these supplies to be transported by intrastate pipeline facilities. The issue has been raised by parties who have found supplies not located near an interstate facility, but proximate to a intrastate pipeline. Although limited transportation authorization could be granted under section 7(c) of the Natural Gas Act, these nonjurisdictional entities have shown reluctance to come under the regulatory umbrella of the Commission.

In Order No. 533, the application of the policy was restricted solely to existing customers whose deliveries were curtailed becaues of curtailment by the jurisdictional pipeline. The Commission chose not to rule on additional proposed modifications which were whether the public convenience and necessity might require the transportation of direct sales gas (a) to new customers (i.e. plants), (b) to customers not served by the interstate pipeline, or (c) of volumes in excess of those presently being received by an existing customer from a jurisdictional pipeline. We intend to reconsider these previously suggested amendments.

The take-or-pay provision, coupled with the limitations on the purpose for which the gas may be used, is possibly the most problematic issue resulting from the implementation of this program. This provision requires that the purchaser pay for designated percentage of the projected gas supply regardless of whether he receives it or not.[7] An obvious concern is that industries may contract for the supply and pay for it however be foreclosed for utilizing it due to an adequate pipeline supply.[8] Several purchasing industrial consumers have been able to enter into arrangements to store gas for future use but we cannot presume that all will be able to do so.

As a corollary, there is also the potential that more pipeline supply may be made available to lower priority customers than would be absent a 533 supply. Assuming that a distributor is able to serve all customers in priorities 1 through 7 with the available pipeline supply, it may elect to allow a high priority customer to receive its 553 supply and use the "excess" pipeline supply to serve customers in Priorities 8 and/or 9. This result was clearly not intended by the Commission when it promulgated the policy statement. We seek to elicit comments as to whether stricter end-use

[2] Mimeo, page 28.

[3] Transcontinental Gas Pipe Line Corporation, Docket No. CP76–46 (Dan River). As deliveries commenced on November 5, 1975, the authorization will expire on November 5, 1977.

[4] Mimeo, page 22.

[5] E.g., Natural Gas Pipeline Company of America, Docket No. CP77–71, (General Electric) and Transcontinental Gas Pipe Line Corporation, et al., Docket No. CP76–514, et al. (New Jersey Zinc).

[7] Some contracts do not have a make-up provision whereas others do allow make-up beyond the two-year transportation authorization.

[8] The interstate pipelines characteristically deliver 533 gas on a "best efforts" basis.

controls should be imposed in order to prevent this form of displacement of supply to lower priority customers.

We intend to conduct a thorough review of the program. We may assume that technology has developed during the past two years and that an industry previously considered as having no alternate fuel capability may now have or be on the verge of developing such capability. Therefore, we will re-examine the criteria that has been utilized to determine eligibility and will consider the imposition of more stringent requirements. Furthermore, we will review the possibility of requiring a periodic examination of the progress being made by specific consumers or industries to develop alternate fuel capabilities and will require those participants who seek renewal to specifically indicate what is being done and what has been accomplished in this regard. This desire to closely monitor both the fuel use and the overall effects of the program will also bring into question the desirability of limiting any continuation of the program to a specific period of time.

We intend to examine whether the program may have resulted in the diversion of resale gas from the interstate pipeline system which would otherwise have been available. Although preliminary examination of the applications which have been certificated indicates that this is not the case, a thorough review of the program will be conducted and completed prior to the issuance of any future Commission order. A complementary issue is whether the small companies have been priced out of the market for purchasing 533 supplies. In addition, the Commission will reconsider the administrative practice allowing the issuance of temporary certificates prior to having an opportunity to conduct a thorough staff review of the application.

We believe the public interest would be best sered and our deliberations would be materially aided, by the receipt of comments on the issues raised herein from any and all interested parties, including governors, state public service commissions, state resource agencies and interested Federal agencies and departments. The issues set forth in the notice may not be all encompassing although an effort has been made to set forth those which are of primary concern. Any interested persons may raise any issues and proffer any suggestion thought helpful to our inquiry. In order to assist in this effort, attached hereto are two appendices. Our procedure will allow for initial comments to be filed three weeks from the date of this notice. Reply comments may be filed four weeks thereafter.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, no later than July 15, 1977, their initial views, comments, or suggestions in writing concerning all or part of the statement of policy, 18 CFR 2.79. No later than August 12, 1977, reply views, comments, or suggestions in writing should be filed. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX I.—*Primary pipelines[1] transporting natural gas under order No. 533 and the volumes involved[2]*

[Volumes in million cubic feet]

	Total delivered	March 1977 delivered	Average March day	Approximate pipeline average day throughput
Alabama-Tennessee	18	13	0.4	82
Columbia	638	315	10.2	3,000
Consolidated	37	26	.8	1,500
East Tennessee	591	67	2.2	163
Panhandle	792	212	6.8	1,819
Southern	28	23	.7	1,500
Texas Eastern	15			2,300
Texas Gas	2,439	481	15.5	1,600
Transcontinental	3,435	802	25.9	2,500

[1] Those directly responsible for the particular end-user's supply and subsequent curtailment; not an intermediate transporter.

[2] Compiled from the monthly reports submitted in compliance with the order.

APPENDIX II

SALES UNDER ORDER NO. 533

The following table illustrates the number of sales by price range:

Price per thousand cubic feet:	*Number of Sales*
Less than $1.00	1
$1.00 to $1.24	2
$1.25 to $1.49	29
$1.50 to $1.74	44
$1.75 to $1.99	16
$2.00 and above	16

The applications indicate that the uses to which the subject gas has been put are as follows:

General usage:	*Number of facilities*
Metals	39
Glass	33
Commercial	17
Chemicals and synthetics	14
Textiles	13
General plant usage	5
Food processing	3
Brick	2
Paper	2
Oil production	2
Agricultural	1
Coal gas	1

[FR Doc.77–18805 Filed 7–5–77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

COLLAPSIBLE CORPORATIONS

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to "collapsible corporations." Changes to the applicable tax law were made by the Act of August 22, 1964. These regulations provide necessary guidance to taxpayers for compliance with the Act and affect certain collapsible corpcrations and their shareholders.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 16, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Robert C. Graff of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3463).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 341 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to sections 1(a) and 2 of Pub. L. 88–484 (78 Stat. 596) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Generally, section 341(f) provides that section 341(a) shall not apply to a sale of stock of a corporation if such corporation consents to recognize gain on any future disposition by it of its "subsection (f) assets" (defined, generally, as assets of the corporation other than certain capital assets, owned or held under option on the date the stock of the corporation is sold) and if the sale of stock is made within the 6-month period after the consent is filed.

This provision is intended to provide relief to shareholders who desire to sell stock of a corporation that is rapidly growing and expects to continue in business but which holds constructed or produced properties which are worth substantially more than their cost and upon which there has not been substantial realization of the profits to be derived from the properties. The shareholders, through a sale of stock, would like to capitalize on the future prospects of this growing company. However, on such a stock sale, the corporation might be regarded as falling within the definition of a collaspible corporation (under section 341(b)) if the shareholders realize gain upon the sale of stock of the corporation prior to the realization by the corporation of a substantial part of the income to be derived from the constructed or produced properties.

Section 341(f) provides that the collapsible provisions will not apply to the sale of stock in a corporation which consents (at such time and in such manner as the Secretary or his delegate in this subsection referred to as "consenting corporation") consents (at such time and in such manner as the Secretary or his delegate

tion (e)(8)(A)) sold any stock of another consenting corporation within any 6-month period beginning on a date on which a con-

(2) For the purposes of this section the term "sale" means a sale or ex-

no limit as to the number of such consents that may be filed. If a consent

such gain would have if it arose from a sale of such asset.

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Section 341(f) provides that the collapsible provisions will not apply to the sale of stock in a corporation which consents to recognize gain upon later disposition of, generally, its assets other than certain capital assets. The treatment provided has the effect of assuring that ultimately there will be the same tax consequences as if the assets had been sold before the stock.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Robert C. Graff of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.341 is amended by revising subsection (a) and the historical note and by inserting immediately after subsection (e) a new subsection (f). The revised and added provisions read as follows:

§ 1.341 Statutory provisions; collapsible corporations.

Sec. 341. *Collapsible corporations*—(a) *Treatment of gain to shareholders.* Gain from—

(1) The sale or exchange of stock of a collapsible corporation,

(2) A distribution in partial or complete liquidation of a collapsible corporation, which distribution is treated under this part as in part or full payment in exchange for stock, and

(3) A distribution made by a collapsible corporation which, under section 301(c)(3)(A), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, to the extent that it would be considered (but for the provisions of this section) as gain from the sale or exchange of a capital asset held for more than 6 months shall, except as otherwise provided in this section, be considered as gain from the sale or exchange of property which is not a capital asset.

* * * * * * *

(f) *Certain sale of stock of consenting corporations*—(1) *In general.* Subsection (a)(1) shall not apply to a sale of stock of a corporation (other than a sale to the issuing corporation) if such corporation (hereinafter in this subsection referred to as "consenting corporation") consents (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have the provisions of paragraph (2) apply. Such consent shall apply with respect to each sale of stock of such corporation made within the 6-month period beginning with the date on which such consent is filed.

(2) *Recognition of gain.* Except as provided in paragraph (3), if a subsection (f) asset (as defined in paragraph (4)) is disposed of at any time by a consenting corporation (or, if paragraph (3) applies, by a transferee corporation), then the amount by which—

(A) In the case of a sale, exchange, or involuntary conversion, the amount realized,

(B) In the case of any other disposition, the fair market value of such asset,

exceeds the adjusted basis of such asset shall be treated as gain from the sale or exchange of such asset. Such gain shall be recognized notwithstanding any other provision of this subtitle, but only to the extent such gain is not recognized under any other provision of this subtitle.

(3) *Exception for certain tax-free transactions.* If the basis of a subsection (f) asset in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), or 374(a), then the amount of gain taken into account by the transferor under paragraph (2) shall not exceed the amount of gain recognized to the transferor on the transfer of such asset (determined without regard to this subsection). This paragraph shall apply only if the transferee—

(A) Is not an organization which is exempt from tax imposed by this chapter, and

(B) Agrees (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) to have the provisions of paragraph (2) apply to any disposition by it of such subsection (f) asset.

(4) *Subsection (f) asset defined.* For purposes of this subsection—

(A) *In general.* The term "subsection (f) asset" means any property which, as of the date of any sale of stock referred to in paragraph (1), is not a capital asset and is property owned by, or subject to an option to acquire held by, the consenting corporation. For purposes of this subparagraph, land or any interest in real property (other than a security interest), and unrealized receivables or fees (as defined in subsection (b)(4)), shall be treated as property which is not a capital asset.

(B) *Property under construction.* If manufacture, construction, or production with respect to any property described in subparagraph (A) has commenced before any date of sale described therein, the term "subsection (f) asset" includes the property resulting from such manufacture, construction, or production.

(C) *Special rule for land.* In the case of land or any interest in real property (other than a security interest) described in subparagraph (A), the term "subsection (f) asset" includes any improvements resulting from construction with respect to such property if such construction is commenced (by the consenting corporation or by a transferee corporation which has agreed to the application of paragraph (2)) within 2 years after the date of any sale described in subparagraph (A).

(5) *Five-year limitation as to shareholder.* Paragraph (1) shall not apply to the sale of stock of a corporation by a shareholder if, during the 5-year period ending on the date of such sale, such shareholder (or any related person within the meaning of subsection (e)(8)(A)) sold any stock of another consenting corporation within any 6-month period beginning on a date on which a consent was filed under paragraph (1) by such other corporation.

(6) *Special rule for stock ownership in other corporations.* If a corporation (hereinafter in this paragraph referred to as "owning coporation") owns 5 percent or more in value of the outstanding stock of another corporation on the date of any sale of stock of the owning corporation during a 6-month period with respect to which a consent order under paragraph (1) was filed by the owning corporation, such consent shall not be valid with respect to such sale unless such other corporation has (within the 6-month period ending on the date of sale) filed a valid consent under paragraph (1) with respect to sales of its stock. For purposes of applying paragraph (4) to such other corporation, a sale of stock of the owning corporation to which paragraph (1) applies shall be treated as a sale of stock of such other corporation. In the case of a chain of corporations connected by the 5-percent ownership requirements of this paragraph, rules similar to the rules of the two preceding sentences shall be applied.

(7) *Adjustments to basis.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under paragraph (2).

[Sec. 341 as amended by sec. 20, Technical Amendments Act 1958 (72 Stat. 1615); sec. 13(f)(4), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(4), Rev. Act 1964 (78 Stat. 105); sec. 1(a), Act of Aug. 22, 1964 (Pub. L. 88-484, 78 Stat. 596)]

Par. 2. Section 1.341-1 is amended to read as follows:

§ 1.341-1 Collapsible corporations; in general.

Subject to the limitations contained in § 1.341-4 and the exceptions contained in § 1.341-6 and § 1.341-7 (a), the entire gain from (a) the actual sale or exchange of stock of a collapsible corporation, (b) amounts distributed in complete or partial liquidation of a collapsible corporation which are treated, under section 331, as payment in exchange for stock, and (c) a distribution made by a collapsible corporation which, under section 301 (c) (3), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, shall be considered as gain from the sale or exchange of property which is not a capital asset.

Par. 3. There is inserted immediately after § 1.341-6 the following new section:

§ 1.341-7 Certain sales of stock of consenting corporations.

(a) *In general.*—(1) Under section 341(f)(1), if a corporation consents (in the manner provided in paragraph (b) of this section) to the application of section 341(f)(2) with respect to dispositions by it of its subsection (f) assets (as defined in paragraph (g) of this section), then section 341(a)(1) does not apply to any sales of stock of such consenting corporation (other than a sale to such corporation) made by any of its shareholders within the 6-month period beginning on the date on which such consent is filed.

(2) For the purposes of this section the term "sale" means a sale or exchange of stock at a gain, but only if such gain would be recognized as long-term capital gain were section 341 not a part of the Code. Thus, a sale or exchange of stock is not a "sale" within the meaning of this section if there is no gain on the transaction, or if the sale or exchange gives rise to ordinary income under a provision of the Code other than section 341, or if gain on the transaction is not recognized under any provision of subtitle A of the Code.

(3) A corporation which consents to the application of section 341(f)(2) does not thereby become noncollapsible, and the fact that a corporation consents to the application of section 341(f)(2) does not affect the determination as to whether it is a collapsible corporation.

(4) For limitations on the application of section 341(f)(1), see section 341(f)(5) and (6), and paragraphs (h) and (j) of this section.

(b) *Statement of consent.*—(1) The consent of a corporation referred to in paragraph (a)(1) or (j)(1) of this section shall be given by means of a statement, signed by any officer who is duly authorized to act on behalf of the consenting corporation, stating that the corporation consents to have the provisions of section 341(f)(2) apply to any dispositions by it of its subsection (f) assets. The statement shall be filed with the district director having jurisdiction over the income tax return of the consenting corporation for the taxable year during which the statement is filed.

(2) (i) The statement shall contain the name, address, and taxpayer account number of any corporation 5 percent or more in value of the outstanding stock of which is owned directly by the consenting corporation, and of any other corporation connected to the consenting corporation through a chain of stock ownership described in paragraph (j)(4) of this section. The statement shall also indicate whether such 5-percent-or-more corporation (or such "connected" corporation) has consented, within the 6-month period ending on the date on which the statement is field, to the application of section 341(f)(2) with respect to any dispositions of its subsection (f) assets (see paragraph (j) of this section), and, if so, the district director with whom such consent was filed and the date on which such consent was filed.

(ii) If, during the 6-month period beginning on the date on which the statement is filed, the consenting corporation becomes the owner of 5 percent or more in value of the outstanding stock of another corporation or becomes connected to another corporation through a chain of stock ownership described in paragraph (j)(4) of this section, then the consenting corporation shall, within 5 days after such occurrence, notify the district director with whom it filed the statement of the name, address, and taxpayer account number of such corporation.

(3) A consent under section 341(f)(1) may be filed at any time and there is no limit as to the number of such consents that may be filed. If a consent is filed by a corporation under section 341(f)(1) and if a shareholder sells stock (i) in such corporation, or (ii) in another corporation a sale of whose stock is treated under section 341(f)(6) as a sale of stock in such corporation, at any time during the applicable 6-month period, the consent cannot thereafter be revoked or withdrawn by the corporation. However, a consent may be revoked or withdrawn at any time prior to a sale during the applicable 6-month period. If no sale is made during such period, the consent will have no effect on the corporation. See paragraph (g) of this section.

(c) *Consenting corporation.*—(1) A consenting corporation at the time that it files a consent under section 341(f)(1) shall notify its shareholders that such consent is being filed. In addition, the consenting corporation shall, at the request of any shareholder, promptly supply the shareholder with a copy of the consent.

(2) A consenting corporation shall maintain records adequate to permit identification of its subsection (f) assets.

(d) *Shareholders of consenting corporation.*—(1) A shareholder who sells stock in a consenting corporation within the 6-month period beginning on the date on which the consent is filed shall—

(i) Notify the corporation, within 5 days after such sale, of the date on which such sale is made, and

(ii) Attach a copy of the corporation's consent to the shareholder's income tax return for the taxable year in which the sale is made.

(2) If the sale of stock in a consenting corporation is treated under section 341(f)(6) as the sale of stock in any other corporation, the consenting corporation shall notify such other corporation, within 5 days after receiving notification of a sale of its stock, of the date on which such sale was made.

(e) *Recognition of gain under section 341(f)(2).*—(1) Under section 341(f)(2), if a subsection (f) asset (as defined in paragraph (g) of this section) is disposed of at any time by a consenting corporation, then, except as provided in section 341(f)(30) and paragraph (f) of this section, the amount by which—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or

(ii) The fair market value of such asset (in the case of any other disposition),

exceeds the adjusted basis of such asset is treated as gain from the sale or exchange of such asset. Such gain is recognized notwithstanding any contrary nonrecognition provision of subtitle A of the Code, but only to the extent such gain is not recognized under any other provision of substitle A of the Code (for example, section 1245(a)(1) or 1250(a)). Gain recognized under section 341(f)(2) with respect to a disposition of a subsection (f) asset has the same character (*i.e.*, ordinary income or capital gain) that such gain would have if it arose from a sale of such asset.

(2) The nonrecognition provisions of subtitle A of the Code which section 341(f)(2) overrides include, but are not limited to, sections 311(a), 332, 336, 337, 351, 361, 371(a), 374(a), 721, 1031, 1033, 1071, and 1081.

(3) In the case of a foreign corporation which files a statement of consent pursuant to paragraph (b) of this section, such statement, in addition to the information required in paragraph (b) of this section, shall also contain a declaration that the corporation consents that any gain upon the disposition of a subsection (f) asset which would otherwise be recognized under section 341(f)(2) will, for purposes of section 882(a)(2), be considered as gross income which is effectively connected with the conduct of a trade or business which is conducted through a permanent establishment within the United States.

(4) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X, a consenting corporation, distributes a subsection (f) asset to its shareholders in complete or partial liquidation of the corporation. The asset, at the time of the distribution, is held by the corporation primarily for sale to customers in the ordinary course of business and has an adjusted basis of $1,000 and a fair market value of $2,000. Under section 341(f)(2), the excess of the fair market value of the asset over its adjusted basis, or $1,000, is treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Assuming the gain is not recognized by corporation X under another provision of the Code, corporation X recognizes the $1,000 gain as ordinary income under section 341(f)(2) even though, in the absence of section 341(f)(2), section 336 would preclude the recognition of such gain.

Example (2). Corporation Y, a consenting corporation, distributes a subsection (f) asset to its shareholders as a dividend. The asset at the time of the distribution is property described in section 1231 and has an adjusted basis of $6,000 and a fair market value of $8,000. Assuming that no other section of the Code would require recognition of gain, under section 341(f)(2) the excess of the fair market value of the asset over its adjusted basis, or $2,000, is recognized by corporation Y as gain from the sale or exchange of property described in section 1231 even though, in the absence of section 341(f)(2), section 311(a) would preclude the recognition of such gain.

Example (3). Assume the same facts as in example (2) except that the subsection (f) asset is section 1245 property having a "recomputed basis" (as defined in section 1245(a)(2)) of $7,200. Since the recomputed basis of the asset is lower than its fair market value, the excess of the recomputed basis over the adjusted basis, or $1,200, is recognized as ordinary income under section 1245(a)(1). The remaining amount, or $800, is recognized under section 341(f)(2) as gain from the sale or exchange of property described in section 1231.

(5) The provisions of section 341(f)(2) apply whether or not (i) on the date on which a consent is filed or at any time thereafter, the consenting corporation was in fact a collapsible corporation

within the meaning of section 341(b), or (ii) on the date of any sale of stock of the

disposed of in such transaction of (i) the original cost and reproduction cost of

tion of Y it distributes to X a subsection (f) asset which is section 1245 property. The asset at the time of the distribution

any interest in real property (other than a security interest) is treated as prop-

Example (2). Assume the same facts as in example (1) except that on January 1, 1965,

ary 1, 1966, corporation Y must have filed, during the 6-month period ending on Janu-

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within the meaning of section 341 (b), or (ii) on the date of any sale of stock of the consenting corporation, the purchaser of such stock was aware that a consent had been filed under section 341(f)(1) within the 6-month period ending on the date of such sale.

(6) Section 341(f)(2) does not apply to losses. Thus, section 341(f)(2) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of a subsection (f) asset nor does the section apply to a disposition other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(7) For purposes of this paragraph, the term "disposition" includes an abandonment or retirement, a gift, a sale in a sale-and-leaseback transaction, and a transfer upon the foreclosure of a security interest. Such term, however, does not include a mere transfer of title to a creditor upon creation of a security interest or to a debtor upon termination of a security interest. Thus, for example, a disposition occurs upon a sale of property pursuant to a conditional sales contract even though the seller retains legal title to the property for purposes of security, but a disposition does not occur when the seller ultimately gives up his security interest following payment by the purchaser.

(8) The amount of gain required to be recognized by section 341(f)(2) shall be determined separately for each subsection (f) asset disposed of by the corporation. For purposes of applying section 341(f)(2), the facts and circumstances of each disposition shall be considered in determining whether the transaction involves more than one subsection (f) asset or involves both subsection (f) and nonsubsection (f) assets. In appropriate cases, several subsection (f) assets may be treated as a single asset as long as it is reasonably clear, from the best estimates obtainable on the basis of all the facts and circumstances, that the amount of gain required to be recognized by section 341(f)(2) is not less than the total gain under section 341(f)(2) which would be computed separately for each subsection (f) asset.

(9) In the case of a sale, exchange, or involuntary conversion of a subsection (f) asset and a nonsubsection (f) asset in one transaction, the total amount realized upon the disposition shall be allocated between the subsection (f) asset and the nonsubsection (f) asset in proportion to their respective fair market values. In general, if a buyer and seller have adverse interests as to the allocation of the amount realized between the subsection (f) asset and the nonsubsection (f) asset, any arm's-length agreement between the buyer and the seller will establish the allocation. In the absence of such an agreement, the allocation shall be made by taking into account the appropriate facts and circumstances. Some of the facts and circumstances which shall be taken into account to the extent appropriate include, but are not limited to, a comparison between the subsection (f) asset and all the property disposed of in such transaction of (i) the original cost and reproduction cost of construction, erection, or production, (ii) the remaining economic useful life, (iii) state of obsolescence, and (iv) anticipated expenditures to maintain, renovate, or modernize.

(10) See subparagraph (c)(1) of § 1.1502-14 for the deferral of gain recognized upon a distribution other than in complete liquidation made by one member of a group which files a consolidated return to another such member.

(f) *Exception for certain tax-free transactions.*—(1) Under section 341 (f)(3), no gain is taken into account under section 341 (f)(2) by a transferor corporation on the transfer of a subsection (f) asset to another corporation (other than a corporation exempt from tax imposed by chapter 1 of the Code) if—

(i) The basis of such asset in the hands of the transferee corporation is determined by reference to its basis in the hands of the transferor by reason of the application of section 332 (relating to distributions in liquidation of an 80-percent-or-more controlled subsidiary corporation), section 351 (relating to transfers to a corporation controlled by the transferor), section 361 (relating to exchanges pursuant to certain reorganizations), section 371 (a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings), or section 374 (a) (relating to exchanges pursuant to certain railroad reorganizations), and

(ii) The transferee corporation agrees (as provided in subparagraph (3) of this paragraph) to have the provisions of section 341 (f) (2) apply to any disposition by it of such asset.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Corporation M, in exchange for its voting stock worth $20,000 and $1,000 in cash, acquires the entire property of corporation N (an unencumbered apartment building) in a transaction which is described in section 368 (a) (2) (B) and which, therefore, qualifies as a reorganization under section 368 (a) (1) (C). The apartment building, which in the hands of corporation N, a consenting corporation, is a subsection (f) asset, has an adjusted basis of $15,000 and a fair market value of $21,000. The basis of the apartment house in the hands of corporation M is determined by reference to its basis in the hands of corporation N by reason of the application of section 361. Thus, under section 341 (f)(3), if corporation M agrees to have the provisions of section 341 (f) (2) apply to any disposition by it of the apartment house, then corporation N will recognize no gain under section 341 (f) (2) but will recognize $1,000 gain under section 361 (b) (assuming the cash it receives is not distributed in pursuance of the plan of reorganization). However, if corporation M does not so agree, the gain recognized by corporation N will be $6,000, that is, the gain of $1,000 recognized under section 361 (b) plus $5,000 gain recognized under section 341 (f) (2). In either case, if section 1245, 1250, or 1251 applies, some or all of the gain may be recognized under such sections in lieu of sections 341 (f) (2) and 361 (b).

Example (2). Corporation Y, a consenting corporation, is a wholly owned subsidiary of corporation X. In the complete liquidation of Y it distributes to X a subsection (f) asset which is section 1245 property. The asset at the time of the distribution has an adjusted basis of $10,000, a recomputed basis of $14,000, and a fair market value of $16,000. The basis of the asset in the hands of X is determined by reference to its basis in the hands by corporation Y by reason of the application of section 332. Thus, under section 341 (f)(3), if corporation X agrees to have the provisions of section 341 (f) (2) apply to any disposition by it of the subsection (f) asset, then Y will recognize no gain under section 341 (f) (2) and will recognize no gain under section 1245 (a) (1) by reason of the application of section 1245 (b) (3). Under section 334 (b) (1), the basis of the subsection (f) asset to corporation X will be the same as it would be in the hands of Y, or $10,000. However, if corporation X does not so agree, then under section 341 (f) (2) $6,000 (the excess of the fair market value of the asset over its adjusted basis) will be treated as gain from the sale or exchange of the asset. Moreover, under section 1245 (a) (1) $4,000 (the excess of the recomputed basis over the adjusted basis) of the $6,000 will be recognized as ordinary income. The basis of the asset to corporation X is $16,000 i.e., the same as it would be in the hands of Y ($10,000) increased in the amount of gain recognized by Y on the distribution ($6,000).

(3) The agreement of a transferee corporation referred to in subparagraph (1) of this paragraph shall be filed, on or before the date on which the subsection (f) assets are transferred, with the district director having jurisdiction over its income tax return for the taxable year during which the transfer is to be made. The agreement shall be signed by any officer who is duly authorized to act on behalf of the transferee corporation (if the transaction is one to which section 371(a) or 374(a) applies, the fiduciary for the transferee corporation, in appropriate cases, may sign the agreement) and shall apply to all the subsection (f) assets to be transferred pursuant to the applicable transaction described in section 341(f)(3). The agreement shall identify the transaction by which the subsection (f) assets will be acquired, including the names, addresses, and taxpayer account numbers of the transferor and transferee corporations, and shall contain a schedule of the subsection (f) assets to be acquired. The agreement shall also state that the transferee corporation (i) agrees to have the provisions of section 341(f)(2) apply to any disposition by it of the subsection (f) assets acquired, and (ii) agrees to maintain records adequate to permit identification of such subsection (f) assets.

(4) The transferor corporation shall attach a copy of the agreement to its income tax return for the taxable year in which the subsection (f) assets are transferred.

(g) *Subsection (f) asset defined.*—(1) Under section 341(f)(4), a subsection (f) asset is any property which, as of the date of any sale of stock to which paragraph (a) or (j)(3) of this section applies, is not a capital asset and is property owned by, or subject to a binding contract or an option to acquire held by, the consenting corporation. Land or any interest in real property (other than a security interest) is treated as property which is not a capital asset. Also, unrealized receivables or fees (as defined in section 341(b)(4)) are treated as property which are not capital assets.

(2) If, with respect to any property described in subparagraph (1) of this paragraph, manufacture, construction, or production has been commenced by either the consenting corporation or another person before any date of sale of stock described in subparagraph (1) of this paragraph, a consenting corporation's subsection (f) assets include any property resulting from such manufacture, construction, or production. Thus, for example, if, on the date of any sale of stock within the 6-month period, manufacture, construction, or production has been commenced on a tract of land to be used for residential housing or on a television series, the term "subsection (f) asset" includes the residential homes or the television tapes resulting from such manufacture, construction, or production by the consenting corporation (or by a transferee corporation which has agreed to the application of section 341(f)(2)). If land or any interest in real property (other than a security interest) is owned or held under an option by the consenting corporation on the date of any sale of stock described in subparagraph (1) of this paragraph, the term "subsection (f) asset" includes any improvements resulting from construction with respect to such property (by the consenting corporation or by a transferee corporation which has agreed to the application of section 341(f)(2)) if such construction is commenced within 2 years after the date of any such sale. The property or improvements resulting from any manufacture, construction, or production is a question to be determined on the basis of the particular facts and circumstances of each individual case. Thus, for example, a building which is a part of an integrated project is a subsection (f) asset if construction of the project commenced before the date of sale or within 2 years thereafter even if construction of the building commenced more than 2 years thereafter. Similarly a television tape which is part of a series is a subsection (f) asset if production of the series was commenced on the date of sale even if production of the tape commenced after the sale.

(3) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X files a consent to the application of section 341 (f) (2) on January 1, 1965. Shareholder A owns 100 percent of the outstanding stock of the consenting corporation on January 1, 1965, and sells 5 percent of the stock on January 2, 1965, 10 percent on February 10, 1965, and 1 percent on May 1, 1965. No other sales of X stock were made during the 6-month period beginning on January 1, 1965. On such date X owns an apartment building and on March 1 X purchases an office building. X's subsection (f) assets include the apartment building owned on January 1 and the office building purchased on March 1.

Example (2). Assume the same facts as in example (1) except that on January 1, 1965, X also owns a tract of raw land. On April 1, 1965, construction of a residential housing project is commenced on the tract of land. Corporation X's subsection (f) assets will include the tract of land plus the resulting improvements to the land. This result would not be changed if construction of the residential housing project were not commenced until July 1, 1966, since the construction would have been commenced within 2 years after May 1, 1965.

Example (3). Corporation Y files a consent to the application of section 341 (f) (2) on January 1, 1965. Shareholder B owns 100 percent of the outstanding stock of the consenting corporation on January 1, 1965, and sells 10 percent of the stock on June 1, 1965. On April 1, 1965, Y acquires an option to purchase a motion picture when completed. On May 1, 1965, production is started on the motion picture. On February 1, 1967, production is completed, and Y exercises its option. Y holds the option and the motion picture for use in its trade or business. Y's subsection (f) assets initially include the option and ultimately include the motion picture. However, the exercise of the option is not a disposition of the option within the meaning of section 341(f)(2).

(h) *Five-year limitation as to shareholder.* Under section 341(f)(5), section 341(f)(1) does not apply to the sale of stock of a consenting corporation by a shareholder if, during the 5-year period ending on the date of such sale, such shareholder (or any person related to such shareholder within the meaning of section 341(e)(8)(A)) made a sale of any stock of another consenting corporation within any 6-month period beginning on a date on which a consent was filed under section 341(f)(1) by such other corporation. Section 341(f)(5) does not prevent a shareholder of a consenting corporation from selling additional shares of the stock of the same consenting corporation. See paragraph (a)(2) of this section for meaning of the term "sale".

(i) [Reserved]

(j) *Special rule for stock ownership in other corporations.*—(1) Section 341(f)(6) provides a special rule applicable to a consenting corporation which owns 5 percent or more in value of the outstanding stock of another corporation. In such a case, a consent filed by the consenting corporation shall not be valid with respect to a sale of its stock during the applicable 6-month period unless each corporation, 5 percent or more in value of the outstanding stock of which is owned by the consenting corporation on the date of such sale, files (within the 6-month period ending on the date of such sale) a valid consent under section 341(f)(1) with respect to sales of its own stock.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. Corporation X files a consent under section 341(f)(1) on November 1, 1965. On January 1, 1966, the date on which a shareholder of corporation X sells stock of X, X owns 80 percent in value of the outstanding stock of corporation Y. In order for the consent filed by corporation X to be valid with respect to the sale of its stock on January 1, 1966, corporation Y must have filed, during the 6-month period ending on January 1, 1966, a valid consent under section 341(f)(1) with respect to sales of its stock.

(3) For purposes of applying section 341(f)(4) (relating to the definition of a subsection (f) asset) to a corporation 5 percent or more in value of the outstanding stock of which is owned by the consenting corporation, a sale of stock of the consenting corporation to which section 341(f)(1) applies shall be treated as a sale of stock of such other corporation. Thus, in the example in subparagraph (2) of this paragraph, the subsection (f) assets of corporation Y would include property described in section 341(f)(4) owned by or held under an option by corporation Y on January 1, 1966.

(4) In the case of a chain of corporations connected by the 5-percent ownership requirement described in subparagraph (1) of this paragraph, rules similar to the rules described in subparagraphs (1) and (3) of this paragraph shall apply. Thus, in the example in subparagraph (2) of this paragraph, if corporation Y owned 5 percent or more of the stock of corporation Z on January 1, 1966, then Z must have filed a valid consent during the 6-month period ending January 1, 1966, in order for the consent filed by X to be valid with respect to the sale of its stock on January 1, 1966. In such case any sale of stock of either X or Y is treated as a sale of stock of Z for purposes of applying section 341(f)(4) to Z.

(k) *Effective date.* Paragraphs (b), (c), (e)(3), and (f)(3) of this section apply only with respect to statements and notifications filed more than 30 days after July 6, 1977. Paragraph (d) applies only with respect to sales of stock made more than 30 days after July 6, 1977. All other provisions of this section apply with respect to transactions after August 22, 1964.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77-19112 Filed 7-5-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 223]

SALE AND DISPOSAL OF TIMBER

Timber Export and Substitution Restrictions

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule removes the restriction on the export of chips made from whole logs harvested from the National Forests in Alaska. It further proposes that chips made from whole logs harvested from the two Tongass National Forest long-term timber sales which required the construction of pulp mills cannot be exported. This action would provide an expanded market opportunity for the sale of chips made from logs not suitable for manufacture into lumber products. The present installed

milling capacity is not sufficient to utilize the volume of chips produced from the

spection at the address shown above during normal business hours until August

sion of SGLI it follows that VGLI proceeds should also be disregarded in de-

ENVIRONMENTAL PROTECTION AGENCY

FOR FURTHER INFORMATION CONTACT:

Rule 48—Failure to Comply with Rules
Rule 49—Answers

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milling capacity is not sufficient to utilize the volume of chips produced from the harvest of National Forest timber.

DATES: Comments must be received on or before August 5, 1977.

ADDRESS: Submit comments to: Chief John R. McGuire, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George Leonard or Ben Carson, Timber Management Staff, Forest Service, Department of Agriculture, Washington, D.C. (202–447–4051).

Notice is hereby given that the Secretary of Agriculture proposes to amend 36 CFR 223.10 as follows:

§ 223.10 Timber export and substitution restrictions.

* * * * *

(c) * * *

(2) Chips, pulp and pulp products (except that, in Alaska, chips made from whole logs from harvest areas of the long-term timber sale contracts which required the construction of a pulp mill shall not be exported).

(Sec. 1, 30 Stat. 35, as amended, 16 U.S.C. 551; Sec. 301, Pub. L. 94–373, 90 Stat. 1063; Sec. 14, Pub. L. 94–588, 90 Stat. 2958, 16 U.S.C. 472a)

M. RUPERT CUTLER,
Assistant Secretary.

JUNE 29, 1977.

[FR Doc.77–19144 Filed 7–5–77;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Character of Income; Exclusions and Estates

AGENCY: Veterans Administration.

ACTION: Proposed Rulemaking.

SUMMARY: The Veterans Administration proposes to exclude proceeds of Veterans' Group Life Insurance from consideration as income in determinations of entitlement to Veterans Administration gratuitous benefits. The need for this change was brought to our attention by a Veterans Administration regional office inquiry.

DATES: This change will be effective beginning August 1, 1974, the date the Veterans' Group Life Insurance program became law (Pub. L. 93–289). Comments must be received on or before August 4, 1977.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. T. H. Spindle, Jr., Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, 202–389–3005.

SUPPLEMENTARY INFORMATION: Section 3.261(a)(20) is being amended so as to exclude proceeds of Veterans' Group Life Insurance from consideration as income in determinations of entitlement to Veterans Administration gratuitous benefits. Veterans' Group Life Insurance (VGLI) is in effect, an extension of the insurance coverage provided by the Servicemen's Group Life Insurance (SGLI) program. SGLI is a life insurance program for members of the Armed Forces. VGLI coverage is available to a service member at or shortly after discharge. Coverage is limited to a single 5-year term since VGLI is intended to provide coverage during the transition from military to civilian life. Under the statutes and regulations currently governing payment of Veterans Administration gratuitous benefits (e.g. nonservice-connected disability and death pension and parents' dependency and indemnity compensation) SGLI proceeds are not counted in determining whether the claimant's income is within prescribed limits. Since VGLI is in effect, an extension of SGLI it follows that VGLI proceeds should also be disregarded in determining benefit entitlement.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until August 15, 1977. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

NOTE.—Inflation Impact: The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Approved: June 24, 1977.

By the direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 3.261, paragraph (a)(20) is revised to read as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251 and 3.252 with reference to dependency, income limitations and corpus of estate.

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, widowers, and children)	Pension; Public Law 86–211 (veterans, widows, widowers, and children)
(a) Income:				
(20) Veterans Administration payments:				
Pension	Excluded	Excluded	Excluded	Excluded.
Compensation and dependency and indemnity compensation	do	do	do	Do.
World War I adjusted compensation	do	Included	do	Included.
U.S. Government life insurance or national service life insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.	do	Excluded	do	Excluded.
Servicemen's group life insurance	do	do	do	Do.
Veterans' group life insurance	do	do	do	Do.
Servicemen's indemnity	do	do	do	Do.
Subsistence allowance (38 U.S.C. ch. 31).	Included	Included	Included	Included.
Veterans educational assistance in excess of amounts expended for training (38 U.S.C. ch. 34).	do	do	do	Do.
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded.
Special allowance under 38 U.S.C. 412(a).	Excluded	Included	do	Included.
Statutory burial allowance	do	Excluded	do	Excluded.
Accrued	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.

[FR Doc.77–19032 Filed 7–5–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 755–4]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Santa Barbara County, Calif., Air Pollution Control District's Rules and Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Santa Barbara County Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were submitted on December 13, 1972; July 25, 1973; January 22, 1974; July 19, 1974; October 23, 1974; April 10, 1975; July 22, 1975; February 10, 1976; April 21, 1976; and November 10, 1976. Since the July 25, 1973 submittal represents the most recent set of rules and regulations for this District, that submittal and subsequent ones will be addressed in this notice.

Regulations concerning New Source Review, Emergency Episodes, and Vapor Recovery are not being considered in this notice, and will be the topics of separate FEDERAL REGISTER notices. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted on or before August 5, 1977.

ADDRESSES: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs, Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco, CA 94111. Availability of documents: Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, CA 93110. California Air Resources Board, 1709 11th Street, Sacramento, CA 95814. Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, 415–556–7288.

SUPPLEMENTARY INFORMATION: The July 25, 1973 submittal contained revisions to the following rules:

REGULATION I—GENERAL PROVISIONS

Rule 1—Title; Compliance by Existing Installations; Conflicts
Rule 2—Definitions
Rule 3—Standard Conditions

REGULATION III—PROHIBITIONS

Rule 16—Ringelmann Chart
Rule 17—Nuisance
Rule 18—Particulate Matter
Rule 18–A—Particulate Matter Concentration—South Coast Air Basin (incl. Table)
Rule 19—Specific Contaminants
Rule 19–A—Specific Contaminants — South Coast Air Basin
Rule 20—Scavenger Plants
Rule 20.1—Sulfur Recovery Units
Rule 20.2—Sulfuric Acid Units
Rule 21—Dust and Fumes (incl. Table)
Rule 21–A—Process Weight Rate — South Coast Basin (incl. Table)
Rule 22—Exceptions
Rule 23—Storage of Petroleum Products
Rule 24—Open Fires
Rule 25—Fires Set under Public Authority
Rule 26—Agricultural Burning
Rule 28—Incinerator Burning
Rule 28–A—Disposal of Solid and Liquid Wastes—South Coast Air Basin
Rule 29—Effluent Oil Water Separators
Rule 30—Circumvention
Rule 31—Gasoline Loading into Tank Trucks and Trailers
Rule 32—Sulfur Contents of Fuels
Rule 32.1—Sulfur Content of Natural Gas—South Coast Air Basin
Rule 33—Gasoline Specifications
Rule 34—Reduction of Animal Matter
Rule 35—Gasoline Loading into Tanks
Rule 36—Organic Solvents
Rule 36.1—Vacuum Producing Devices or Systems—South Coast Air Basin
Rule 36.2—Asphalt Air Blowing—South Coast Air Basin
Rule 37—Architectural Coatings
Rule 38—Disposal and Evaporation of Solvents
Rule 39—Fuel Burning Equipment
Rule 39.1—Fuel Burning Equipment—Oxides of Nitrogen—South Coast Air Basin
Rule 39.2—Carbon Monoxide—South Coast Air Basin

REGULATION IV—AGRICULTURAL BURNING

Rule 40—Agricultural Burning
Rule 41—Enforcement
Rule 42—Burning Permit for Non-burning Days: Issuance by Air Pollution Control District; Reports; Contents

REGULATION V—HEARING BOARD

Rule 43—General
Rule 44—Filing Petitions
Rule 45—Contents of Petitions
Rule 46—Petitions for Variances
Rule 47—Appeal from Denial
Rule 48—Failure to Comply with Rules
Rule 49—Answers
Rule 50—Dismissal of Petition
Rule 51—Place of Hearing
Rule 52—Notice of Hearing
Rule 53—Evidence
Rule 54—Preliminary Matters
Rule 55—Official Notice
Rule 56—Continuances
Rule 57—Decision
Rule 58—Effective Date of Decision
Rule 59—Lack of Permit

REGULATION VI—EMERGENCIES

Rule 74—Violations
Rule 75—Enforcement

The July 25, 1973 submittal also contained further revisions to the following rules:

Rules 2 a, b, k, l, m, n, o, p, q, r, s, t, u, v, W—Definitions
Rule 40—Agricultural Burning

The January 22, 1974 submittal contained revisions to the following rules:

Rule 22—Exceptions
Rule 24.1—Open fires—Residential Dry Vegetation Burning
Rule 24.2—Right of Way Burning

The April 10, 1975 submittal contained revisions to the following rules:

Rule 32—Sulfur Content of Fuels—Southern Area
Rule 36—Organic Solvents
Rule 36.3—Control of Dry Cleaning Solvent Vapor Losses
Rule 36.4—Control of Degreasing Operations
Rule 36.5—Metal Surface Coating Thinner and Reducer
Rule 37—Architectural Coatings
Rule 38—Diposal and Evaporation of Solvents

The February 10, 1976 submittal contained a revision to the following rule:

Rule 32.1—Sulfur Content of Fuels—Northern Area

The April 21, 1976 submitttal contained revisions to the following rules:

Rule 2x—Definition
Rule 19.1—Odorous Organic Sulfides

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disparove the regulation as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office. Relevant comments received on or before August 5, 1977 will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

(Sections 110 and 301 of the Clean Air Act, as amended. (42 U.S.C. 1857c–5).)

Dated: May 17, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77–19099 Filed 7–5–77;8:45 am]

[40 CFR Part 52]

[FRL 755–5]

REGULATION V—PROCEDURE BEFORE THE HEARING BOARD

Rule 501 Applicable Articles

DEPARTMENT OF TRANSPORTATION

to be lined against movement to an occupied track, locked with an effective

Those commenters who favored the elimination of the requirement for both

FRA to revise its original concept of an effective locking device. The FRA be-

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[40 CFR Part 52]

[FRL 755-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Kern County, Calif., Air Pollution Control District's Rules and Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of an invite public comments on revisions to the Kern County Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were submitted on November 10, 1976. Regulations concerning continuous emission monitoring will not be considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to 30 days following the date of publication of this notice.

ADDRESS: Send comments to: Regional Administrator, Attn.: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

Availability of documents: Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Kern County Air Pollution, Control District, 1709 Flower Street, Bakersfield CA 93302.

California Air Resources Board, 1709—11th Street, Sacramento, CA 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, (415-556-7288),

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules:

REGULATION I—GENERAL PROVISIONS

Rule 102	Definitions.
Rule 103	Confidential Information.
Rule 103.1	Inspection of Public Records.
Rule 104	Enforcement.
Rule 105	Order of Abatement.
Rule 110	Arrests and Notices to Appear.
Rule 112	Circumvention.

REGULATION III—FEES

Rule 301	Permit Fee.
Rule 305	Hearing Board Fees.

REGULATION IV—PROHIBITIONS

Rule 402	Exceptions.
Rule 417	Exceptions.

REGULATION V—PROCEDURE BEFORE THE HEARING BOARD

Rule 501	Applicable Articles of the Health and Safety Code.
Rule 511	Notice of Hearing.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office.

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 11, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-19100 Filed 7-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 122a]

INDOCHINA REFUGEE CHILDREN ASSISTANCE ACT

Change in Deadline for Submission of Applications

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: The Office of Education changes the deadline for state agency submission of an application for funds under the Indochina Refugee Assistance Act because the original date of July 15, 1977 is not adequate time for receipt of applications under the Act.

FOR FURTHER INFORMATION CONTACT:

James H. Lockhart, Indochina Refugee Children Assistance Task Force, USOE, 202-245-7832.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER, Vol. 42, No. 107, in the issue of Friday, June 3, 1977 on page 28709 Subpart C—(State Educational Agency Application) §§ 122a.11(a) and 122a.14 the date of July 15, 1977 is changed to August 15, 1977. On page 28707 the reference to July 15, 1977, in response to the comment listed under "D Application Procedure", is changed to August 15, 1977.

Dated: June 27, 1977.

(Catalog of Federal Domestic Assistance No. 13.596, Indochinese Refugee Children Assistance Program)

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Planing and Technology.

[FR Doc.77-19157 Filed 7-5-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 218]

[Docket No. RSOR-3, Notice 10]

BLUE SIGNAL PROTECTION OF WORKMEN

Railroad Operating Rules; Termination

AGENCY: Federal Railroad Administration, DOT.

ACTION: Termination of rule making proceeding.

SUMMARY: On April 18, 1977, the Federal Railroad Administration (FRA) published a notice of proposed rulemaking (42 FR 20154) concerning an issue of alleged redundancy of protection required by FRA rules for providing blue signal protection for railroad workmen working on, under, or between rolling equipment (49 CFR Part 218, 42 FR 2318). In an earlier proceeding on that subject a commenter raised this issue in relation to the requirement for both the use of an effective locking device and the display of a blue signal at each manually operated switch providing access to a track on which such workmen are located. The purpose of this proceeding was to provide all interested parties with an opportunity to comment upon the elimination of the alleged redundancy. After reviewing the comments submitted to the Docket, and the oral statements made at the public hearing, the FRA has decided to maintain the rule in its present form and to terminate this proceeding.

EFFECTIVE DATE: This termination is effective July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Principal authors: Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

Principal Attorney: Anne-Marie Hyland, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION: On July 8, 1976, the President signed the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which included a provision requiring the Secretary of Transportation to issue rules within 180 days which provide that manually operated switches providing access to the track on which workmen were performing activities requiring them to be on, under or between rolling equipment must be both lined against movement to that track and locked with an effective locking device. There was a previously existing FRA rule on the same subject matter which required switches to be marked with a blue signal to indicate the presence of workmen on that track (49 CFR Part 218, Subpart B). In keeping with the statutory mandate, the FRA proposed to amend the existing rule by requiring manually operated switches

to be lined against movement to an occupied track, locked with an effective locking device and marked with a blue signal.

In response to this proposed rule, one commenter protested the alleged redundant protection provided by the display of the blue signal at each switch. This commenter believed that the locking of the switch assured accomplishment of the intent of the statute, and that the blue signal was only a multiple, or redundant warning. The FRA believed that all interested parties should have the opportunity to comment directly upon this issue before a decision as to the alleged redundancy was made. Therefore, the present proceeding was initiated on April 18, 1977.

The vast majority of commenters submitting written views and comments on this matter opposed any revision of the regulation which would eliminate the requirement for the display of the blue signal. These commenters based their opposition on several considerations. Firstly, they cited the historical use and meaning of the blue signal within the railroad industry. While a switch may be lined and locked for a number of different reasons, the presence of a blue signal at such a switch conveys to all railroad employees working in the area an unmistakable message as to the reason for the lining and locking of the switch. Any railroad employee is immediately aware that other employees are working on that track in a manner which places them in a position on, under, or between rolling equipment. For this reason, the employee knows that no other equipment should be moved onto that track while the blue signal is displayed. It was also noted that the blue signal will be more easily seen by crews operating equipment within a yard than would be an unmarked locked switch, especially under conditions of darkness. Generally, these commenters believed that the dual requirements of locks and blue signals were not redundant, but served a complementary function in assuring the effectivness of the overall system for protecting railroad workmen.

Those commenters who favored the elimination of the requirement for both a lock and a blue signal cited reasons of efficiency and economy, and contended that the lock itself assured effective protection against an inadvertent movement onto protected tracks. They noted that often only one person is responsible for establishing this type of protection. To require this individual to carry blue signals to protect tracks that are already protected by an effective locking device is allegedly unnecessary, time consuming, and expensive. Generally, these commenters believe that a single safety device or procedure will be followed more easily, and that several warnings about the same hazard will tend to detract from each other, and thereby actually reduce rather than enhance safety.

One of these commenters in support of the proposed change stated that the FRA should reconsider its interpretation of the statutory language in relation to what constitutes an effective locking device. FRA has defined such a device as one which is vandal resistant, tamper resistant and locked and unlocked only by the class or craft of employees applying the lock (42 FR 2320). This commenter had suggested, in the earlier proceeding on this subject, that any device which prevents the switch points from moving should be considered an effective locking device. It was suggested that such a device could take the form of a switch point wedge with a blue signal attached. Therefore, the signal itself would accomplish the locking intended by the statute.

In that earlier proceeding the FRA clearly stated its position with respect to the definition of an effective locking device (42 FR 2320). FRA believes that Congress intended switches to be secured against inadvertent or malicious relining which could result in serious injury to workmen working on that track. The definition was purposely drawn to restrict acceptable devices to the padlock type of switchstand lock which has been used historically throughout the railroad industry. This commenter has submitted no new information which would lead FRA to revise its original concept of an effective locking device. The FRA believes that the physical security of the padlock itself will insure the accomplishment of the Congressional intent to provide for the safety of the workmen.

After having reviewed all of the comments submitted in this proceeding, the FRA has determined that the display of the blue signal at each manually operated switch serves an important safety function in that it conveys a specific message to all railroad employees concerning the reason for the position of a locked switch and the proper procedure to be observed to assure the safety of their fellow employees. In addition, the use of the blue signal enhances the visibility of the lined and locked switch for operating crews involved in the movement of equipment within congested yard areas where it may be impossible to see the workmen themselves. For these reasons, the FRA has decided to terminate this proceeding and to maintain the existing requirement as it was issued on January 11, 1977 (42 FR 2318). Manually operated switches will be required to be lined against movement to a track on which workmen are working on, under or between equipment, to be locked in that position with an effective locking device, and to be marked with a blue signal at or near the switch.

To the extent that this termination results in no change to the existing rule, the regulatory impact of this action is minimal. In addition this does not constitute a major Federal action for purposes of inflationary impact or environmental analysis.

(Sec. 202, 84 Stat. 971, (45 U.S.C. 431) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (n).)

This termination is effective on July 6, 1977.

Issued in Washington, D.C., on June 30, 1977.

RAYMOND K. JAMES,
Acting Administrator.

[FR Doc.77-19174 Filed 7-5-77;8:45 am]

notices

ance for residues of the active ingredient in or on cottonseed has been established.

viewed and commented upon in writing during this review period. The listing in-

action, the title of the action, a summary of the nature of EPA's comments, and

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-124]

TRANSCONTINENTAL GAS PIPE LINE

Emergency Order

On June 28, 1977, Transcontinental Gas Pipe Line (Transco), filed as agent, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a petition to have natural gas purchased from Robert Mosbacher (Mosbacher) transported by United Gas Pipeline Company (United).

By contract executed February 19, 1977, Transco as agent, agreed to purchase gas from Mosbacher produced from the G. L. Gaudet No. 3 Well, North Vacherie Field, St. James Parish, Louisiana. This purchase is approved on the condition that the total price paid to Mosbacher does not exceed $2.25 per MMBtu.

Transco advises that arrangements have been made for the transportation of the subject gas by United in an emergency transportation agreement dated May 24, 1977. Specifically, United will transport up to 4,000 Mcfd of natural gas from the outlet side of United's measuring and regulating station located at a point near the Gaudet No. 3 Well and re-deliver the gas to Transco at the existing, interconnection, between United and Transco at Gibson, Terrebonne Parish, Louisiana or any other mutually agreeable, existing interconnections.

Transco will pay for the construction of facilities which are required to accomplish deliveries to United's system. United will charge Transco from the volume transported 17.92 cents and retain 1½ percent of the volumes transported for fuel and company-used gas.

I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

Pursuant to section 6(c)(1) of the Act, I hereby authorize and order United to transport and deliver said gas for certain of Transco's customers. This authorization is conditioned on those customers[1] agreeing to submit reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Transco, United and Mosbacher. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the Rules and Regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 30, 1977.

[FR Doc.77-18763 Filed 7-5-77;8:45 am]

[1] City of Danville, Virginia, Delmarva Power & Light Company, East Central Alabama Gas District, Eastern Shore Natural Gas Company, City of Greenwood, South Carolina, City of Linden, Alabama, City of Maplesville, Alabama, North Carolina Natural Gas Corporation, Philadelphia Electric Company, Piedmont Natural Gas Company, Public Service Company of North Carolina, Inc., City of Rockford, Alabama, City of Shelby, North Carolina, South Jersey Gas Company, Southwestern Virginia Gas Company, Virginia Pipe Line Company.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 755-3]

EPA AND SOCIETY OF PLASTICS INDUSTRY, INC.

Open Meeting

Notice is hereby given that a meeting between the Environmental Protection Agency (EPA and the Society of Plastics Industry, Inc., will be held at 10 a.m. on July 19, 1977, at Crystal Mall, Building 2, Room 1112, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, telephone 703-557-8273.

This meeting is being held at the request of the Society of Plastics Industry, Inc., to allow them to present their comments on the amendments to the national emission standard for vinyl chloride which were proposed in the FEDERAL REGISTER on June 2, 1977 (42 FR 28154). The amendments were proposed under the authority of section 112 of the Clean Air Act and would limit vinyl chloride emissions from ethylene dichloride, vinyl chloride, and polyvinyl chloride plants.

This meeting is open to the public. Anyone wishing to attend or submit a presentation should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number 919-541-5477.

Dated: June 22, 1977.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-19097 Filed 7-5-77;8:45 am]

[FRL 755-7; OPP-50308]

FOREST SERVICE ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 27586-EUP-15. Forest Service, U.S. Department of Agriculture, Washington, D.C. 20013 This experimental use permit allows the use of 25,460 baits (8,911 pounds active ingredients) of synthetic beetle pheromone placed in barriers around plots; these baits will be a mixture of α-eubebene, 4-methyl-3-heptanol, and α-multistriatin. This mixture will be used for suppressing bark beetles in Dutch elm disease control programs. This program is authorized only in the States of California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Michigan, Minnesota, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin. The experimental use permit is effective from May 18, 1977, to May 18, 1978.

No. 201-EUP-50. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 5,000 pounds of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-α-(1-methylethyl) benzeneacetate (a synthetic pyrethroid) on cotton to evaluate control of the pink bollworm, the cottonleaf perforator, tobacco budworm, and cotton bollworm, and reduction of the bollweevil. A maximum of 2,500 acres is involved; the program is authorized only in the States of California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Missouri, North Carolina, South Carolina, and Georgia. The experimental use permit is effective from May 16, 1977, to May 16, 1978. Temporary tolerances for residues of the active ingredient in or on cottonseed and in the fat of milk have been established.

No. 359-EUP-56. Rhodia, Inc., Monmouth Junction, New Jersey 08852. This experimental use permit allows the use of 144 pounds of the herbicide oxadiazon on peanuts to evaluate control of various annual grasses and broadleak weeds. A total of 96 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. The experimental use permit is effective from May 13, 1977, to May 13, 1978. This permit is being issued with the condition that all treated peanuts will be destroyed unless temporary tolerances are established prior to harvesting of the treated peanuts.

No. 10182-EUP-3. ICI United States, Inc., Wilmington, Delaware 19897. This experimental use permit allows the use of 6,325 pounds of the insecticide (3-phenoxyphenyl) methyl (±)cis-trans-3-(2,2-dichloroethenyl) 2,2 - dimethylcyclopropanecarboxylate) on cotton to evaluate control of bollweevil, bollworm, tobacco budworm, pink bollworm, and lygus bug. A total of 5,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Georgia, Louisiana, Missouri, Mississippi, New Mexico, North Carolina, and Oklahoma. The experimental use permit is effective from May 24, 1977, to May 24, 1978. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established.

No. 279-EUP-60. FMC Corporation, Middleport, New York 14105. This experimental use permit allows the use of 4,160 pounds of the insecticide (3-phenoxyphenyl) methyl (±) cis-trans-3-(2,2-dichloroethenyl) 2,2-dimethylcyclopropanecarboxylate) on cotton to evaluate control of bollworm, bollweevil, tobacco budworm, pink bollworm, and cotton leaf perforator. A total of 5,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Arizona, California, Georgia, Louisiana, Missouri, Mississippi, New Mexico, North Carolina, and Oklahoma. The experimental use permit is effective from May 24, 1977, to May 24, 1978. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751 (7 U.S.C. 136(a) et seq.)).)

Dated: June 24, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77-19096 Filed 7-5-77;8:45 am]

[FRL 756-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1977, and May 31, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 28, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

APPENDIX I.—*Environmental impact statements for which comments were issued between May 1, 1977 and May 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
DS-COE-D32005-MD	Cambridge Harbor Channel and Turning Basin, Dorchester County, Md.	LO-1	D
DS-COE-E36025-KY	Beargrass Creek Basin, Louisville, Jefferson County, Ky.	LO-1	E
D-COE-F35016-MI	Beadle Bay Development, Saginaw Bay, Huron County, Mich.	ER-2	F
DS-COE-G32018-TX	Maintenance Dredging, Corpus Christi Channel, Tex.	LO-1	G
DS-COE-L36038-WA	Grays Harbor Widening and Deepening, Chehalis and Hoquiam River, Channel Improvements for Navigation, Washington.	ER-2	B
DS-COE-L36039-ID	Little Wood River Flood Damage Reduction, Gooding, Shoshone and Lincoln Counties, Idaho.	LO-1	K
DS-COE-L36048-WA	Dry Creek Flood Control, Ephrata and Soap Lakes, Grant County, Wash.	ER-1	K
	DEPARTMENT OF AGRICULTURE		
D-AFS-E01001-KY	Mineral Prospecting, Beaver Creek Wilderness, Daniel Boone National Forest, McCreary County, Ky. (USDA-FS-R8-DES-ADM-77-03).	ER-1	E
D-AFS-E65016-MS	Timber Management Plan, Holly Springs and Tombigbee National Forests, Benton Marshall, Tippah and Union Counties, Miss.	LO-2	E
D-AFS-E65017-SC	Land Use Plan, Francis Marion National Forest, Berkeley and Charleston Counties, S.C. (USDA-FS-R8-DES-ADM-77-10).	LO-2	E
D-AFS-G36053-NM	Eagle Creek Dam and Reservoir, Lincoln and Otero Counties, N. Mex.	LO-2	G
D-AFS-G65024-AR	Timber Management Plan, Ozark National Forest, Ark.	LO-1	G
D-AFS-J65061-MT	Land Management Plan, Beaverhead and Dearlodge National Forests, Mont.	ER-2	I
D-AFS-J65062-MT	Upper Rock Creek Planning Unit, Deerlodge National Forest, Granite County, Mont.	ER-2	I
D-AFS-J65064-MT	Land Management Plan, Pinkham-Fortine-Alkali Planning Unit, Kootenai National Forest, Mont.	LO-2	I
D-AFS-J65065-CO	Land Management Plan, Eagle-Aspen Unit, White River National Forest, Eagle and Pitkin Counties, Colo.	ER-2	I
D-AFS-J82000-OO	Western Spruce Budworm Management Plan.	ER-2	I
D-AFS-L65028-OR	Timber Management Plan, Umpqua National Forest, Lane and Jackson Counties, Oreg. (USDA-FS-R6-DES-ADM-77-08).	LO-1	K
D-AFS-L65029-AK	Chugach National Forest, Naked Island Salvage Timber Sale, Alaska (USDA-FS-DES-ADM-77-02).	LO-1	K
D-AFS-L65030-AK	Chugach Moose, Fire Management Program, Chugach National Forest, Alaska (USDA-FS-R1-DES-77-07).	LO-1	K
DS-REA-J08003-WY	Construction of 115 kV transmission line, Teton to Jackson, Wyo.	LO-2	I
D-SCS-E36044-MS	Black Creek Watershed, Holmes County, Miss.	ER-2	E
D-SCS-G36052-OK	Kickapoo Nations Watershed, Oklahoma and Lincoln Counties, Okla.	LO-2	G
	DEPARTMENT OF DEFENSE		
D-UAF-J11000-UT	F-16 Beddown at Hill Air Force Base, Utah.	LO-2	I
D-USA-E11005-GA	Change of Mission, Fort Stewart Complex, Ga.	LO-2	E
D-USN-A10047-00	Seafarer, Elf Communication System, Site Selection and Test Operations.	LO-2	A
D-USN-K10002-GU	U.S. Naval Magazine, Ammunition Port Facility, Mariana Island, Guam.	LO-1	J

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Identifying No	Title	General nature of comments	Source for copies of comments
	Department of Interior		
D8-BPA-L08027-00	Facility Location Evaluation, Ellensberg Area Service, Kittitas County, Wash.	LO-1	K
D-BOR-C61002-NJ	Liberty State Park, Land and Water Conservation, Jersey City, Hudson County, N.J.	3	C
D-IBR-K07002-AZ	Coronado Project, Power Plant, Maricopa County, Ariz.	LO-1	J
D-IGS-J01003-WY	Proposed Mining and Reclamation Plan, East Gillette Mine, Kerr-McGee Corp., Campbell County, Wyo.	ER-2	I
	Department of Transportation		
D-CGD-D32007-MD	Special Anchorage Areas, Elk River, Cecil County, Md.	LO-1	D
DS-DOT-A53004-00	Proposed Rulemaking Concerning Motor Vehicle Occupant Crash Protection.	ER-2	A
RD-DOT-A52110-00	Passenger Automobile Average Fuel Economy	LO-1	A
D-FAA-D51009-WV	Greenbrier Valley Airport Expansion, Lewisburg, Greenbrier County, W. Va.	LO-2	D
D-FAA-E51021-NC	Airport Expansion and Improvements, Asheville Airport, N.C.	ER-2	E
DS-FHW-A42231-WI	U.S. 18 and 151, Dodgeville to Mount Horeb Rd., Mount Horeb Bypass, Iowa and Dane Counties, Wis.	LO-1	F
DS-FHW-A42421-MI	MI-66 Relocation, Phelps Rd. to North Smithville, Missaukee and Kaikaska, Mich.	LO-2	F
D-FHW-C40031-NY	Canandaigua Southwest Bypass, N.Y.-5 and N.Y.-20, Ontario County, N.Y.	ER-2	C
D-FHW-C40032-NJ	N.J.-23, I-80 to New Street, Wayne Township, Passaic County, N.J.	ER-2	C
D-FHW-D40043-PA	LR 1021, Sec. 4, 5, and 6, North Hills Expressway, I-279, Allegheny County, Pa.	EU-2	D
D-FHW-E40104-NC	I-77, U.S. Connector, Independence Blvd., Charlotte, Mecklenburg County, N.C. (FHWA-NC-EIS-76-13-D).	ER-2	E
D-FHW-E40105-NC	Albemarle to Snuggs St. to Salisbury Ave. and Carolina Ave., U.S. 52 to N.C.-24 and N.C.-27, Stanley County, N.C.	LO-2	E
D-FHW-E40106-TN	Appalachian Corridor J, Soddy-Daisy to Dunlap, Hamilton, Bledsoe and Sequatchie Counties, Tenn. (FHWA-TN-EIS-76-4-D).	ER-2	E
D-FHW-E40107-NC	Wilmington Southeast Outer Loop, Shipyard Blvd. to U.S. 17 North, New Hanover County, N.C. (FHWA-NC-EIS-76-16-D).	LO-2	E
D-FHW-E40108-NC	Smith Creek Parkway, U.S. 117 to U.S. 74, Wilmington, New Hanover County, N.C. (NC-77-03-D).	LO-2	E
D-FHW-F40087-IN	U.S. 41, Purdue University, North Central Campus to U.S. 20, Laporte County, Ind.	LO-2	F
D-FHW-F40088-IN	I-265, Interchange at State St., Floyd County, Ind.	ER-2	F
D-FHW-F40090-IN	State Road Relocation, IN-43, Tippecanoe County, Ind.	LO-1	F
D-FHW-G40058-AR	I-630, I-430, I-30, Pulaski County, Ark.	LO-1	G
D-FHW-H40069-MO	Route M, Springfield, Greene County, Mo. (FHWA-MO-EIS-76-2-D).	3	H
D-FHW-H40070-IA	Lakeport Project, Lincoln Way Between Gordon Dr., Sioux City, Woodbury County, Iowa (FHWA-IA-EIS-76-04-D).	LO-2	H
D-FHW-J40030-UT	U.S. 52 and U.S. 189, Utah Valley to Heber Valley, Utah and Wasatch Counties, Utah.	ER-1	I
D-FHW-L40049-ID	I-90, Coeur D' Alene East, Kootenai County, Idaho (FHWA-ID-EIS-77-01-D).	LO-2	K
D-FHW-L40050-OR	U.S. 30, Scappoose Section, Lower Columbia River Highway, Multnomah and Columbia Counties, Oreg. (FHWA-OR-EIS-77-01-D).	LO-2	K
D-UMT-C54001-NJ	Port Authority, Newark Plainfield Corridor Extension Project, N.J.	LO-2	C
D-UMT-L54001-WA	North Transit Operating Base, Seattle, Wash.	LO-2	K
	Energy Research and Development Administration		
D-ERD-A00129-NV	Nevada Test Site, Nye County, Nev.	LO-2	A
	Department of Housing and Urban Development		
D-HUD-C99002-NY	South Westchester Executive Park and Access Rd., Yonkers, Westchester County, N.Y.	ER-2	C
D-HUD-E28021-TN	Dekalb County Community Development, 3d Yr CDBG Program, Potable Water Line, Tenn.	LO-2	E
D-HUD-E85023-SC	Sangaree, Planned Community, Berkeley County, S.C. (HUD-RO4-EIS-77-02-D).	ER-2	E
D-HUD-E85024-GA	Martins Crossing Subdivision, Dekalb County, Ga. (HUD-RO4-EIS-77-05-D).	LO-2	E
D-HUD-E85025-GA	Amberly Subdivision, Dekalb County, Ga. (HUD-RO4-EIS-77-06-D).	LO-2	E
D-HUD-G85031-TX	Big Country Subdivision, Bexar County, Tex.	LO-2	G
D-HUD-G85035-TX	Sommerall Subdivision, Harris County, Tex.	LO-2	G
D-HUD-G85036-TX	Sterling Green Subdivision, Harris County, Tex.	LO-1	G
D-HUD-G85037-TX	Mission Bend Subdivision, Harris and Fort Bend Counties, Tex.	LO-1	G
D-HUD-G85038-TX	Candleridge and Southridge Communities, Tarrant County, Tex.	LO-1	G
D-HUD-G85039-TX	Parkway Forest Subdivision, Harris County, Tex.	LO-1	G
D-HUD-G85041-TX	Wingate Subdivision, Harris County, Tex.	LO-2	G
D-HUD-G89002-OK	Industrial Utilities, Lawton, Okla.	LO-2	G
	National Aeronautics and Space Administration		
D-NAS-G12001-LA	Michoud Assembly Facility, New Orleans, La.	LO-2	G

Identifying No.	Title	General nature of comments	Source for copies of comments
	Nuclear Regulatory Commission		
D-NRC-C00007-NY	Shoreham Nuclear Power Station, Unit 1, Long Island Lighting Co., Docket No. 50-322, Long Island, Suffolk County, N.Y. (NUREG-0165).	ER-2	C
	Tennessee Valley Authority		
D-TVA-E08008-TN	Maury-Shelby, 500 KV Transmission Line, Memphis, Tenn.	LO-2	E
D-TVA-E08009-MS	West Point-Miller, 500 kV Transmission Line, West Point, Miss.	LO-2	E
	Veterans Administration		
D-VAD-C99003-NY	New York National Cemetery, Calverton, Long Island, N.Y.	LO-1	C
D-VAD-D81003-VA	Proposed Replacement Hospital, Richmond, Va.	LO-2	D

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Identifying No.	Title	General nature of comments	Source for copies of comments

Appendix III.—*Final environmental impact statements for which comments were issued between may 1, 1977 and May 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
F-COE-A35145-NY	Maintenance Dredging of the Gowanus Creek Channel, Brooklyn, N.Y.	EPA continues to have environmental reservations on the proposed project. EPA does not believe that the dredged material will comply with the ocean dumping criteria described in EPA's final revision of regulations and criteria.	C
FS-COE-A42418-CA	New Melones Lake, Camp 9 Rd. Relocation, Stanislaus River, Calif.	EPA's concerns were adequately addressed in the supplement to the final EIS.	J
F-COE-E32011-AL	Theodore Ship Channel and Barge Channel Extensions, Mobile Bay, Mobile County, Ala.	EPA expressed environmental reservations on the proposed project with regard to an apparent change in design and construction methods for the spoil Island. EPA approval of the project was predicated on a satisfactory environmental solution for spoil disposal vis-a-vis the spoil island with some benefits to be accrued within the Mobile Bay ecosystem. EPA does not know if this is still valid, since EPA understands sheet pile may now be utilized in construction which would reduce environmental values considerably. Consequently, EPA recommends that a supplement to the final impact statement be prepared to describe the details of the construction concept of the island. The supplement should not be issued until final design is complete and additional funding, if determined necessary, is arranged.	E

Identifying No.	Title	General nature of comments	Source for copies of comments

Identifying No.	Title	General nature of comments	Source for copies of comments

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Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F32021-MI	Charlevoix Harbor, Improvements, Mich.	EPA's comments were adequately addressed in the final EIS.	F
F-COE-F36021-OH	Lake Erie Flood Control, Pointe Place, Toledo, Ohio.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA expressed concern that this project was not complying with the spirit and intent of EO 11296. EPA also requested that the community comply with the national flood plain insurance program prior to any further development.	F
F-COE-F39002-IN	Clark Maritime Center, Jeffersonville, Clark County, Ind.	EPA continues to have environmental reservations on the proposed project. EPA believes this project as proposed will have significant adverse effects upon water quality and aquatic life in a valuable back channel area of the Ohio River. Consequently, EPA has recommended to the Corps of Engineers that permits be denied for the construction of the port facility.	F
DEPARTMENT OF AGRICULTURE			
F-AFS-J65052-MT	Land Management Plan, Prospect Planning Unit, Lolo National Forest, Sanders County, Mont.	EPA's concerns were adequately addressed in the final EIS.	I
F-AFS-K61011-CA	Kings Unit Land Use Plan, Klamath National Forest, Siskiyou County, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF COMMERCE			
F-EDA-F53004-MI	Proposed Eastern Market Wholesale Distribution Center RR. Spur Project, Mich.	EPA's concerns were adequately addressed in the final EIS. EPA suggested that local officials be encouraged to consider regulations that would control length and number of train crossings and traffic to minimize congestion.	F
DEPARTMENT OF TRANSPORTATION			
NF-FAA-E51019-GA	Central Air Passenger Terminal Complex, William B. Hartsfield and Atlanta International Airport, Atlanta, Ga.	EPA cannot properly evaluate the total effects the central air terminal will have upon the ambient air quality until evaluation is made of the air quality data from the study of air quality resulting from the terminal parking facility.	E
F-FHW-C40023-NJ	NJ-169 and NJ-440, Bayonne Bridge, Bayonne to Bayview Ave., Hudson County, N.J.	EPA's concerns were adequately addressed in the final EIS.	C
F-FHW-E40070-TN	TN-36, Rock Creek to Johnson City, Unicoi, Carter and Washington Counties, Tenn.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA still has many questions regarding the noise impacts of the proposed project.	E
F-FHW-F40034-MN	U.S. 169, Princeton to Onamia, Sherburne and Mille Lacs Counties, Minn.	EPA's concerns were adequately addressed in the final EIS. However, EPA questioned how the number of residences adversely impacted by noise was reduced from 16 to 1 without any major design changes.	F
F-FHW-F40042-WI	WI-22, Wautoma and Waupaca Rd., Portage and Waupaca Counties, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
FEDERAL POWER COMMISSION			
F-FPC-E05006-SC	Bad Creek Pumped Storage Project No. 2740, Oconee County, S.C.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA commented on the adverse effect of the stream habitat of Howard Creek by silt-laden runoff from the construction of the proposed project. Of considerable concern is the fact that Howard Creek is the only stream in South Carolina that supports a trout spawning run, and the loss of this fishery is very undesirable.	E
GENERAL SERVICES ADMINISTRATION			
F-GSA-B80004-MA	John F. Kennedy Library, Boston, Suffolk County, Mass. (EMA-77001).	EPA's concerns were adequately addressed in the final EIS. However, EPA has requested that if GSA intends not to provide the shuttle or, once established, plans are developed to drop the service, EPA be contacted prior to such action.	B

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-C85011-NY	Commercial Complex, Downtown Yonkers, N.Y.	EPA's concerns were adequately addressed in the final EIS with the exception of carbon monoxide violations which will be the subject of a subsequent State action.	C
F-HUD-D85004-MD	Box Hill Development Belair, Hartford County, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
F-HUD-D85009-MD	White Marsh Development, Baltimore County, Maryland.	do	D
F-HUD-F85013-MN	Loring 100 Apartments, Loring Park Development, Minnesota.	do	F
F-HUD-F89002-IL	Springmore Streets and Capital Improvements, Illinois.	do	F
NUCLEAR REGULATORY COMMISSION			
F-NRC-F06002-WI	Tyrone Energy Park, Northern States Power Co. of Minnesota and Wisconsin, Docket No. STN 50-484, Dunn County, Wis.	EPA's comments on the draft EIS indicated concern for the high chlorine levels in the blowdown water. Design changes were made which would reduce the chlorine level in the blowdown to 0.07 mg/liter. This level complies with the Wisconsin Department of Natural Resources and is acceptable to EPA.	F

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between May 1, 1977 and May 31, 1977*

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-G07009-AR	White Bluff Steam Electric Generating Station, Redfield, Ark.	G
F-COE-L36061-WA	Okanogan River Urban Levee Project, Omak, Wash.	K
F-COE-L39008-OR	South Beach Marina, Yaquina Bay Small Boat Basin, Lincoln County, Oreg.	K
DEPARTMENT OF AGRICULTURE		
F-AFS-D65002-PA	Off Road Vehicle (ORV) Policy, Allegheny National Forest, Pa.	D
F-AFS-D82003-OO	Cooperative Gypsy Moth Suppression and Regulatory Control, 1977 Activities.	D
F-AFS-G65022-NM	Western Spruce Budworm Suppression and Evaluation, Santa Fe National Forest, N. Mex.	G
F-AFS-J65050-MT	Ninemile-mill Planning Unit, Lolo National Forest, Mont. (USDA-FS-R1-(16)FES-ADM-76-20).	I
F-AFS-L61041-OO	Multiple Use Land and Timber Management, Willamette National Forest, Oreg. and Wash. (USDA-FS-R6-FES(ADM)-75-19).	K
F-AFS-L61078-ID	Land Management Plan, Boulder Planning Unit, Kaniksu National Forest, Boundary County, Idaho (USDA-FS-R1(04)-YES-ADM-76-22).	K
F-AFS-L61082-AK	Deer Island Unit Management Plan, Ernest Sound, Tongass National Forest, Alaska (USDA-FS-R10-DES(ADM)76-06).	K
F-AFS-L64005-AK	Aquaculture Facilities, Located at Sandy Bay and Hidden Falls Lake, Alaska (FS-R10-FES-ADM-77-06).	K
DEPARTMENT OF COMMERCE		
F-EDA-C69001-NY	1980 Winter Olympics, Lake Placid, N.Y.	C
F-DOC-E69001-TN	Knoxville International Energy Exposition, 1982, Knoxville, Tenn.	K
F-NOA-L90010-00	Implementation of a Fishery Management Plan for "Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California".	E
DEPARTMENT OF INTERIOR		
F-BPA-L06023-00	Fiscal Year 1978 Proposed Program (FES 77-6)	K
FS-1BR-G07001-NM	Navajo-El Paso Consolidation Coal Lease and Mining Plan, San Juan County, N. Mex.	G
DEPARTMENT OF TRANSPORTATION		
F-DOT-A52102-00	Average Fuel Economy Standard for Nonpassenger Automobiles, Model Year 1978.	A
F-FAA-H51004-MO	Sikeston Memorial Airport, Scott County, Mo.	H
NF-FHW-A41741-FL	FL-5 to U.S. 1, Dania Beach Blvd. to SE. 32d St., Fort Lauderdale, Broward County, Fla.	E
FS-FHW-A42175-NM	TX-44 South of San Ysidro North, Sandoval County, N. Mex.	G
F-FHW-B40017-VT	U.S. 2, Milton to Colchester, Chittenden County, Vt. (FHWA-VT-EIS-76-01-F).	B
NF-FHW-E40036-FL	FL-842, Fort Lauderdale, Broward County, Fla.	E
F-FHW-G40053-TX	Midland North Arterial Loop FM 1369 and I-20, Midland County, Tex.	G
F-FHW-H40031-NB	U.S. 81 and U.S. 30, Columbus and Vicinity, Platte, Polk, and Butler Counties, Nebr.	H
F-FHW-L40026-ID	Forest Highway ID-50, St. Joe River Rd., Calder to Avery, Benewah and Shoshone Counties, Idaho.	K

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Environmental Protection Agency, Office of Federal Activities (A-104), 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0940.

B. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, telephone 617-223-7210.

C. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, telephone 212-264-2525.

D. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone 215-597-9814.

E. Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309, telephone 404-526-2693.

F. Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois 60606, telephone 312-353-2151.

G. Environmental Protection Agency, Region VI, 1201 Elm Street, First International Building, Dallas, Texas 75270, telephone 214-767-2600.

H. Environmental Protection Agency, Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108, telephone 816-374-5493.

I. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, telephone 303-837-3895.

J. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, telephone 415-556-2320.

K. Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206-442-1220.

control. A total of 865 acres is involved; the program is authorized only in the States of Florida, Hawaii, Louisiana, Puerto Rico, and

eral Building, Boston, Massachusetts 02203, telephone 617-223-4635.

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FEDERAL ENERGY ADMINISTRATION			
FS-FEA-G03004-LA	Strategic Petroleum Reserve, West Hackberry Salt Dome, Cameron Parish, La.		G
FS-FEA-G03007-LA	Bayou Choctaw Salt Dome, Strategic Petroleum Reserve, Iberville, La.		G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-J24000-MT	Eastside No. 2 Sanitary Sewer Outfall Main, Helena, Lewis and Clark County, Mont.		I
INTERSTATE COMMERCE COMMISSION			
F-ICC-H53000-00	Chicago and North Western Transportation Co. Abandonment Between Norfolk, Nebr. and Winner, S. Dak.		H
NUCLEAR REGULATORY COMMISSION			
F8-AEC-A06148-WA	Skagit Nuclear Power Project, Units 1 and 2, Docket Nos. STN 50-522 and STN 50-523, Skagit County, Puget Sound Power and Light Co., Wash.		K
DEPARTMENT OF DEFENSE			
F-USA-J10001-UT	Transportation of Chemical Material, Operation TNS, Tooele Army Depot, North Area to South Area, Utah.		J
F-USA-J10000-UT	Transportation of Chemical Material, Operation DTS, Dugway Proving Ground to Tooele Army Depot, South Area, Utah.		J

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between May 1, 1977 and May 31, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
COUNCIL OF ENVIRONMENTAL QUALITY			
R-CEQ-A86106-00	40 CFR Pt. 1500, Preparation of Environmental Impact Statements, Guidelines, Request for Comments (42 FR 18111).	EPA supports CEQ's position that EIS's should not be required on agency comments or reports on congressional proposals. EPA made several comments supporting this position.	A
DEPARTMENT OF AGRICULTURE			
R-AFH-A86108-00	7 CFR Pt. 1804, Planning and Performing Development Work, Assistance Eligibility Requirement (42 FR 15317).	EPA's comments expressed the view that although the proposed thermal standards contained in the regulations are a step in the right direction, even more stringent minimum standards may be appropriate in light of rising fuel prices.	A
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52113-00	46 CFR Pt. 148, Carriage of Solid Hazardous Materials in Bulk, Proposed Changes, Table of Permitted Cargoes (CGD-76-198) (42 FR 17889).	EPA had no objection to the proposed rulemaking.	A
NUCLEAR REGULATORY COMMISSION			
R-NRC-A09053-00	10 CFR Pt. 70, Special Nuclear Material, Proposed General License for Routine Use of Plutonium-238 Powered Cardiac Pacemakers, 10 CFR.	EPA's review of the proposed rulemaking concluded that there is a need for more substantive information and clarification to adequately support the proposed rulemaking.	A
A-NRC-A09054-00	Uranium Milling, Proposed Scope and Outline for Generic Environmental Impact Statements.	EPA's review of the proposed action indicated no objections. However, EPA made several recommendations concerning certain aspects of the proposed program.	A

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 1922, Waterside Mall SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.77-19089 Filed 7-5-77;8:45 am]

[FRL 755-6; OPP-50306]

PENNWALT CORP., ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4581-EUP-17. Pennwalt Corporation, Tacoma, Washington 98401. This experimental use permit allows the use of 5,845.8 pounds of the fungicide thiophanate-methyl on apricots, cherries, nectarines, peaches, plums, apples, strawberries, celery, beans, (snap), soybeans, and pecans to evaluate control of various diseases. A total of 7,641 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from May 11, 1977, to May 11, 1978. Temporary tolerances for residues of the active ingredient in or on apples, beans (snap), clerey, pecans, stone fruits, and strawberries have been established. This permit is being issued with the condition that all soybeans treated will be used for seed purposes only.

No. 524-EUP-28. Monsanto Agricultural Products Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 3,225 pounds of the herbicide glyphosate on sugarcane to evaluate non-selective weed control. A total of 865 acres is involved; the program is authorized only in the States of Florida, Hawaii, Louisiana, Puerto Rico, and Texas. The experimental use permit is effective from May 3, 1977, to May 3, 1978. Temporary tolerances for residues of the active ingredient in or on sugarcane and in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established.

No. 11273-EUP-10. Sandoz, Inc., Homestead, Florida 33030. This experimental use permit allows the use of 375 pounds of the insecticide etrimphos to evaluate control of corn borers in corn (except sweet). A total of 1,000 acres is involved; the program is authorized only in the States of Iowa, Illinois, Missouri, Nebraska, Wisconsin, Minnesota, South Dakota, Ohio, Michigan, Indiana, Pennsylvania, New York, Virginia, and Maryland. The experimental use permit is effective from May 13, 1977, to May 13, 1978. A Temporary tolerance for residues of the active ingredient in or on corn grain has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.).)

Dated: June 24, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77-19095 Filed 7-5-77;8:45 am]

[FRL 755-8]

WASTEWATER COLLECTION AND TREATMENT FACILITIES CRANSTON, R.I.

Availability of Final Environmental Impact Statement

Under section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared final environmental impact statement (FEIS) for the Wastewater, Collection and Treatment Facilities, Cranston, Rhode Island.

The proposed action is the consolidation, improvement and expansion of wastewater treatment facilities in the City of Cranston, a portion of Providence County, Rhode Island.

The FEIS was transmitted to the Council on Environmental Quality (CEQ) on June 24, 1977. In accordance with the provisions of the CEQ Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of the FEIS by the Council.

Copies of the FEIS are available for review and comment from: Mr. Bob Mendoza, Environmental Policy Coordination Office, Environmental Protection Agency, Region I, Room 2203, JFK Federal Building, Boston, Massachusetts 02203, telephone 617-223-4635.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region I Library, 22nd Floor, JFK Federal Building, Boston, Massachusetts 02203.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70695.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: June 28, 1977.

REBECCA W. HAMMER,
Director,
Office of Federal Activities.

[FR Doc.77-19090 Filed 7-5-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 1:00 p.m., on Thursday, July 21, 1977.

At the June 23 meeting, the Committee recommended that Marketing Area A comprise all Georgia-Florida markets; Area B—all South Carolina-Border North Carolina (except Fayetteville) markets; and Area C—all Eastern North Carolina (plus Fayetteville) and Southern Middle Belt markets; and Area D—all Northern Middle Belt markets. Recommended opening dates are as follows: Area A, July 13; Area B, July 19; Area C, July 25; and Area D, August 2. The purpose of this meeting is to establish an opening date for marketing Area E, and recommend selling schedules for the flue-cured tobacco to be sold in that area. Also, matters as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300—12th Street, SW., United States Department

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of Agriculture, Washington, D.C. 20250, 202–447–2567.

Dated: June 30, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77–19142 Filed 7–5–77;8:45 am]

Forest Service

PERE MARQUETTE NATIONAL SCENIC RIVER PROPOSAL

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement of the Pere Marquette National Scenic River Proposal, USDA–FS–FES(Leg)74–73.

The environmental statement concerns a proposal to include 66.4 miles of the Pere Marquette River in the National Wild and Scenic Rivers System. The river flows through Mason and Lake Counties, Michigan. The proposal provides the means to preserve and enhance the river in its free-flowing condition and to minimize adverse environmental effects to the river and adjacent lands. Development and recreation use will be controlled on the basis of the capability of the river and its environment to support such use rather than on the basis of projected trends and demands.

This final environmental statement was filed with CEQ on June 29, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20013.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Ave., Milwaukee, Wisconsin 53203.

Copies are also available at the four Ranger District offices on the Manistee National Forest.

A limited number of single copies are available upon request to the Forest Supervisor, Huron-Manistee National Forests, 421 South Mitchell Street, Cadillac, Michigan 49601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief,
Forest Service.

JUNE 29, 1977.

[FR Doc.77–19140 Filed 7–5–77;8:45 am]

SALMON RIVER WILD AND SCENIC RIVER PROPOSAL

Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Salmon River Wild and Scenic River Proposal. USDA–FS–FES(leg) 75–07.

The environmental statement concerns a proposal to include 237 miles of the Salmon River in the National Wild and Scenic Rivers System. The river flows through Idaho, Lewis, Lemhi and Nezperce Counties, Idaho. The proposal provides the means to preserve and enhance the river in its free-flowing status and to minimize adverse environmental effects to the river and adjacent lands. The impacts from development and increased recreation use will be controlled on the basis of the capability of the river and its environment to support these uses and activities rather than on the basis of projected trends and demands.

This final environmental statement was filed with CEQ on June 29, 1977. Copies are available for inspection during regular working hours at the following location:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St., and Independence Ave. SW., Washington, D.C. 20013.
USDA, Forest Service, Intermountain Region, Federal Building, 324 25th Street, Ogden, Utah 84401.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

EINAR L. ROGET,
Acting Deputy Chief,
Forest Service.

JUNE 29, 1977.

[FR Doc.77–19141 Filed 7–5–77;8:45 am]

Packers and Stockyards Administration

HOT SPRINGS COUNTY LIVESTOCK COMMISSION CO., ET AL.

Proposed Posting of Stockyards

Correction

In FR Doc. 77–17641 appearing in the issue of Tuesday, June 21, 1977 on page 31472, the date in the last paragraph should be corrected. The last paragraph should read as follows:

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by July 6, 1977.

CIVIL AERONAUTICS BOARD

[Docket 29123; Agreement C.A.B. 26654; R–1 through R–5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order; Passenger Fare Matters

JUNE 29, 1977.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of June, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 10th meeting of the Passenger Agency Committee held in Madrid on March 14–18, 1977, and has been assigned the above C.A.B. agreement number.

The agreement proposes a number of amendments to various resolutions which govern the allocation and use of free and reduced-fare transportation by IATA-approved passenger agents. The amendments include a clarification that each agent's eligibility is contingent upon full-time employment and a definition for purposes of eligibility reinstatement of the maximum time that may elapse between employment at different agencies. The agreement also includes provisions allowing a carrier to honor up to four, rather than two, reduced-fare tickets from each approved location in a calendar year;[1] retroactive application of tickets on terms similar to those existing for cargo agents; and application of normal billing and settlement procedures to agency-issued free and reduced-fare tickets. Additionally, the agreement equalizes for all world areas the conditions under which group education trips may be organized and requires certification of eligibility by the IATA Agency Administrator of all persons seeking reduced-fare transportation to attend official IATA/UFTAA meetings.[2] Finally, the agreement proposes a new reduced fare program for students who reside in Africa, are registered under the IATA/UFTAA Agents' Professional Training Programme, and are employed by an approved IATA agent to assist such students to travel from their place of employment to a designated examination center for their diploma examination.

Upon consideration of the agreement and other relevant matters we find that none of the amendments affecting air transportation are contrary to the public interest or unlawful within the terms of the Act. The changes appear to be directed toward clarifying existing practices or implementing certain technical changes which should make application of the resolutions more uniform. However, we will disclaim jurisdiction with regard to the new resolution providing for student travel since, in its broadest terms, the application of that resolution is limited to TC2 (Europe/Africa/Middle East).

[1] We would point out that this change does not increase the total number of tickets issued which remains at two for each qualified person at each approved location during a calendar year. Rather, it permits each location more flexible use of its reduced ticket allotment by increasing the number of tickets it may use on a single IATA member carrier.

[2] UFTAA = Universal Federation of Travel Agents' Associations.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 26654 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
26654:			
R–1	203	Reduced Fares for Passenger Agents (U.S.A.) (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–2	203	Reduced Fares for Passenger Agents (Except U.S.A.) (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–3	203b	Group Educational Trips for Passenger Agents (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R–4	203h	Reduced Fares for Passenger Sales Agents Attending Official Joint IATA/UFTAA Meetings (Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 26654 as indicated, affects air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26654:			
R–5	203j	Reduced Fares for Passenger Agents (IATA/UFTAA Professional Examinations) (New-Expedited).	2 (Africa only).

Accordingly, *It is ordered* That: 1. Those portions of Agreement C.A.B. 26654 set forth in finding paragraph one above are approved subject, where applicable, to conditions previously imposed by the Board; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26654 set forth in finding paragraph two above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–19196 Filed 7–5–77;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–560]

AERON MARINE SHIPPING CO., ET AL.

Multiple Applications

Notice is hereby given that the following applicants have filed applications requesting certain permissions pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, for certain domestic operations:

Aeron Marine Shipping Company
American Shipping, Inc.
Aquarius Marine Shipping Company
Aries Marine Shipping Company
Atlas Marine Shipping Company
Pacific Shipping Company
Worth Oil Transportation Company
Athena Marine Shipping Company
Ajax Marine Shipping Company
Achilles Marine Company (The foregoing companies are collectively known as the Berger Group)
Bolton Shipping Co., Inc. (Bolton)
Colby Shipping Co., Inc. (Colby)

The above applicants have requested written permission pursuant to section 805(a) for the operation of the *St Pisces* and *St Virgo*, owned by Bolton and Colby respectively, in the domestic intercoastal or coastwise service. The *Pisces* and *Virgo* are 24,000 DWT tankers built in 1945 and 1943, respectively, and rebuilt in 1962 and 1961. The Berger Group of companies are holders of long-term operating-differential subsidy agreements in the bulk trade. Bolton and Colby are applicants for operating-differential subsidy with respect to bulk cargo carrying service in U.S. foreign trade principally between the United States and the Union of Soviet Socialist Republics.

A Management Agreement has been concluded between Aquila Shipping Co., Inc. (Aquila) and Ecological Shipping Corp. (Ecological) for the management of Ecological's vessel, *St Aquila*, formerly the *Notre Dame Victory*, an 80,000 DWT tanker built in 1973. Aquila is affiliated with the above Berger Group of companies which are principally owned by Mr. Leo V. Berger and Mr. Peter Constas. As a result of the relationship established between the Berger Group and Ecological it is now necessary for Bolton and Colby, as affiliates of the Berger Group, to obtain certain additional written permissions as decribed in the following paragraphs:

1. The *St Aquila* has been time chartered to Alaska Bulk Carriers, Inc. for operation in domestic trade and may begin operation on or after July 1, 1977. Bolton and Colby require written permission under section 805(a) for operation of the *St Aquila* in the domestic intercoastal or coastwise service.

2. Sun Shipbuilding & Dry Dock Company (Sun Shipbuilding) has a small minority stock interest in Ecological. Ecological, which holde an operating-differential subsidy contract which will terminate before the *St Aquila* enters domestic service, previously has been granted written permission for certain affiliates of Sun Shipbuilding (Sun Group) to engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between U.S. Pacific Coast ports and ports in the State of Hawaii. The domestic activities of the Sun related vessels are as follows:

The following vessels which are operated by Sun Transport, Inc., may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between United States Pacific Coast ports and ports in the State of Hawaii:

American Sun	Western Sun
Pennsylvania Sun	New Jersey Sun
Texas Sun	Delaware Sun
New England Sun	Toledo Sun
Hartford Sun	Corpus Christi Sun
Albany Sun	Seminole Sun
Chesapeake Sun	Providence Sun
Newark Sun	Revere Sun
Eastern Sun	

The following vessels are owned or operated by a related party of Sun Transport, Inc. and may engage in the domestice intercoastal and coastwise trades of the United States, excepting trade between United States Pacific ports and ports in the State of Hawaii:

Vessel	*Owner and/or Charter*
Joseph D. Potts	Kee Leasing Co.
Ponce de Leon	Sun Leasing Co.
Great Land	Totem Ocean Trailer Express, Inc.
Eric Holzer	650 Leasing Co.
Sohio Intrepid	652 Leasing Co.
Sohio resolute	653 Leasing Co.
Notre Dame Victory	660 Leasing Co.
Fortaleza	663 Leasing Co.
El Taino	666 Leasing Co.
Puerto Rico	670 Leasing Co.
Caribe Sun	Puerto Rico Sun
Island Sun	Puerto Rico Sun
Puerto Rico Sun	Puerto Rico Sun
Prince William Sound	Sound Shipping, Inc.

In addition, Sun Shipbuilding & Dry Dock Company holds a 100 percent stock interest in GTS Venture Corporation which is a 50 percent participant with Export Venture Corporation in Sunexport Company, a joint venture which is bareboat charterer of the vessel, *Admiral William M. Callaghan*, subchartered to the Military Sealift Command. Sun Shipbuilding & Dry Dock Company also holds a 95 percent stock interest in TTT, Inc., which bareboat charters-in the vessel *El Taino* and bareboat subcharters the vessel *Fortaleza*, and a small minority stock interest in Ecological Shipping Corporation, which bareboat subcharters the vessel, *St. Aquila*.

Because of the Management Agreement between the Berger Group and Ecological, section 805(a) written permission will be required on behalf of Bolton and Colby for the domestic operations of the Sun Group as enumerated above.

Ecological (during such time it holds an operating-differential subsidy contract) and Sun Transport, Inc. require section 805(a) written permission as a result of the Management Agreement between the Berger Group and Ecological, for the operation of the *SS Pisces* and *SS Virgo* in the coastwise and domestic intercoastal trade of the United State.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on July 15, 1977, file same with the Secre-

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tary, Maritime Administration, in writing in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: June 29, 1977.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-19054 Filed 7-5-77;8:45 am]

[Docket No. S-561]

SUN TRANSPORT, INC.

Application

Notice is hereby given that application has been filed by Sun Transport, Inc., under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy to engage in bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1977.

A Notice concerning the vessels operated in domestic trade by Sun Transport, Inc., and affiliated companies was published in the FEDERAL REGISTER on December 30, 1976 (41 FR 56877). This Notice for additional section 805(a) written permissions stems from a Management Agreement entered into between Aquila Shipping Co., Inc. (Aquila), and Ecological Shipping Corp. (Ecological) for the management of Ecological's vessel, *St Aquila* (formerly the *Notre Dame Victory*), an 80,000 DWT tanker built in 1973. Aquila is affiliated with the Berger Group of companies (namely, Aeron Marine Shipping Company; American Shipping, Inc.; Aquarius Marine Shipping Company; Aries Marine Shipping Company; Atlas Marine Shipping Company; Pacific Shipping, Inc.; Worth Oil Transportation Company; Athena Marine Shipping Company; Ajax Marine Shipping Company; and Achilles Marine Company) which are principally owned by Mr. Leo V. Berger and Mr. Peter Constas. A small minority stock interest in Ecological is owned by Sun Shipbuilding & Dry Dock Company, parent of Sun Transport, Inc. As a result of this relationship, within the meaning of Section 805(a), between the Berger Group and Sun Transport, Inc., it is now necessary for Sun Transport, Inc., to obtain certain written permissions as described in the following paragraphs:

1. Each of the above-named companies comprising the Berger Group has been granted written permission pursuant to section 805(a) for an affiliated company—Judge Oil Transport, Inc—to operate an oil barge in the coastwise trade. In view of the relationship established through the Management Agreement, it is now necessary to extend the written permission for operation of the oil barge to Sun Transport, Inc.

2. The ST *Aquila* has been time chartered to Alaska Bulk Carriers, Inc., for operation in domestic trade and may begin operation on or after July 1, 1977. The Berger Group has requested written permission under section 805(a) for operation of the ST *Aquila* in the coastwise or intercoastal trade of the United States. It is also necessary to extend this written permission to Sun Transport, Inc.

Any person, firm, or corporation having any interest (within the meaning of section 805(a) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on July 15, 1977, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Maritime Subsidy Board.

Dated: June 29, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-19055 Filed 7-5-77;8:45 am]

[Docket No. S-563]

AERON MARINE SHIPPING CO., ET AL.

Multiple Applications

Notice is hereby given that the following applicants, holders of long-term operating-differential subsidy contracts in the worldwide bulk trades, have filed applications to amend their respective contracts to include the transportation of liquid bulk cargo under the cargo preference laws of the United States, including but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a:

Aeron Marine Shipping Co.
American Shipping, Inc.
Aquarius Marine Shipping Co.
Aries Marine Shipping Co.
Atlas Marine Shipping Co.
Pacific Shipping, Inc.
Worth Oil Transportation Co.
Moore-McCormack Bulk Transport, Inc.

Interested parties may inspect the applications for amendment in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such applications who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on July 18, 1977.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistant Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: June 30, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-19209 Filed 7-5-77;8:45 am]

National Oceanic and Atmospheric Administration

REGIONAL DIRECTORS, NATIONAL MARINE FISHERIES SERVICE

Delegation of Authority

1. The Regional Directors, National Marine Fisheries Service, are hereby redelegated the authority to enter into agreements with any State for the utilization of State personnel, services, equipment, and facilities to enforce the provisions of the Fishery Conservation and Management Act of 1976 (90 Stat. 331 et. seq.; Public Law 94-265).

2. The authority redelegated above was delegated to the Director, National Marine Fisheries Service, by NOAA Circular 76-100 dated December 1, 1976.

Issued at Washington, D.C., and dated July 1, 1977.

ROBERT W. SCHONING,
Director.

[FR Doc.77-19216 Filed 7-5-77;8:45 am]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL; ET AL.

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel.

The North Pacific Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council has established a Scientific and Statistical Committee, as well as an Advisory Panel, under Section 302(g) of the Act, to assist the Council in the development and amendment of fishery management plans.

The meetings will be Thursday and Friday, July 28-29, 1977, in the Hill Building in Rooms 808 and 809, located at 632 6th Avenue, Anchorage, Alaska. The meetings will convene at 8:30 a.m. and adjourn at approximately 4:30 p.m. each night. The meetings may be extended or shortened depending upon progress on the agenda.

PROPOSED AGENDA

JULY 28

1. Public hearings on Council management plans and activities.
2. Reports from Scientific and Statistical Committee and Advisory Panel.
3. Progress report and update from Council's Drafting Management Planning Teams.
4. Closed Executive Session to discuss classified material on preparations for and actual negotiations in connection with the Internatioanl North Pacific Fisheries Commission (INPFC), the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians. (Council only).

JULY 29

1. Review of foreign fishing activities.
2. Other Council business.

A closed executive session of the Council is planned for the early afternoon of the first day, July 28, from 1:30 p.m. through 3:30 p.m. to hear Department of State reports and other related Council business on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members having security clearances will be allowed to attend this executive session. The scientific and Statistical Committee and Advisory Panel will not attend this session.

After the closed meeting adjourns, a public hearing will be held on the afternoon of the first day, July 28, at approximately 3:30 p.m., at the same location. Interested members of the public are invited to testify at this hearing on matters relating to fishery management plans under development by the Council and other related Council functions. A separate notice of the oral hearing will be issued.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on June 17, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in executive session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by E.O. 11652 that they be kept secret in the interest of national security. (A copy of the determination is available for public inspection and copying.)

The meeting will be open to the public (except the executive closed session of the Council) and there will be seating for approximately 65-75 public members available on a first come, first served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about July 18, 1977:

Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, Telephone 907-274-4563.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. The public is permitted to file written statements at any time before or after the meeting. However, to receive due consideration and facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda items should be received no later than ten (10) days after the close of the joint meeting.

Dated: June 30, 1977.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration

[FR Doc.77-19341 Filed 7-5-77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Removal of Designation as Available for Licensing

Pursuant to the provisions of § 746.5 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976) the Department of the Navy has determined that the below-listed Navy inventions which were previously designated as available for licensing have now had such designations removed.

Patent 3,947,850, Notch Fed Electric Microstrip Dipole Antenna, filed April 24, 1975, issued March 30, 1976.
Patent 3,972,049, Asymettrically Fed Electric Microstrip Dipole Antenna, filed April 24, 1975, issued July 27, 1976.
Patent 3,972,050, End Fed Electric Microstrip Quadrupole Antenna, filed April 24, 1975, issued July 27, 1976.
Patent 3,978,487, Coupled Fed Electric Microstrip Dipole Antenna, filed April 24, 1975, issued August 31, 1976.
Patent 3,978,488, Offsett Fed Electric Microstrip Dipole Antenna, filed April 24, 1975, issued August 31, 1976.
Patent 3,984,834, Diagonally Fed Electric Microstrip Dipole Antenna, filed April 24, 1975, issued October 5, 1976.
Patent Application 571,152, Corner Fed Electric Microstrip Dipole Antenna, filed April 24, 1975.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

[FR Doc.77-19273 Filed 7-5-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possible foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the Pat-APPL number. Claims are deleted from patents application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent application 377,170: Apparatus for the Identification of Feedback Taps in a Shift Register Generator; filed July 9, 1973.
Patent application 472,795: Method for Curing Poly(Glycidyl 2, 2-Dinitro-2-Fluoroethoxide); filed May 23, 1974.
Patent application 578,935: Frequency Agility Radar; filed September 9, 1966.

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Patent application 593,598: Solid Propellant Gas Injection Thrust Vector Control System; filed July 9, 1975.

Patent application 631,279: Ordnance Fuze Time Delay Mechanism; filed November 12, 1975.

Patent application 657,018: Coiled Foil Chaff Dispensing System; filed February 10, 1976.

Patent application 660,201: A Polarization Radar Method and System; filed February 23, 1976.

Patent application 716,305: Improved Catalyst System for Polyurethane Propellant Compositions; filed August 20, 1976.

Patent application 716,306: A Catalyst System for Polyurethane Propellants; filed August 20, 1976.

Patent application 718,271: Cooling Air System for an Exhaust Nozzle of a Gas Turbine Engine; filed August 27, 1976.

Patent application 719,315: Air Ventilation Apparatus for Flight Helmet; filed August 31, 1976.

Patent application 724,050: Protective Flight Helmet; filed September 16, 1976.

Patent application 731,484: In-situ Measurement Apparatus; filed October 12, 1976.

Patent 3,993,269: Toroidal Tail Structure for Tethered Aeroform Balloon; filed December 18, 1975, patented November 23, 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Patent application 733,968: Encapsulation by Entrapment; filed October 19, 1976.

U.S. DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, DC 20230.

Patent application 736,978: Scanning Electron Microscope Micrometer Scale and Method for Fabricating Same; filed October 29, 1976.

Patent application 755,912: Reactive Generator; filed December 30, 1976.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, DC 20545.

Patent application 627,623: Rare Earth Gas Laser; filed October, 1975.

Patent 3,952,204: Film Holder for Radiographing Tubing; filed January 14, 1975, patented April 20, 1976. Not available NTIS.

Patent 3,953,288: Gas Venting; filed March 24, 1970, patented April 27, 1976. Not available NTIS.

Patent 3,953,922: Method of Eliminating the Training Effect in Superconducting Coil by Post-Wind Preload; filed February 24, 1975, patented May 4, 1976. Not available NTIS.

Patent 3,955,757: Ultracentrifuge for Separating Fluid Mixtures; filed September 26, 1960, patented May 11, 1976. Not available NTIS.

Patent 3,955,943: Diffusion Method of Separating Gaseous Mixtures; filed June 16, 1948, patented May 11, 1976. Not available NTIS.

Patent 3,958,096: Welding Arc Gap Ionization Device, filed December 23, 1974, patented May 18, 1976. Not available NTIS.

Patent 3,959,172: Process for Encapsulating Radionuclides; filed September 26, 1973, patented May 25, 1976. Not available NTIS.

Patent 3,961,197: X-Ray Generator; filed August 21, 1974, patented June 1, 1976. Not available NTIS.

Patent 3,961,917: Method of Independently Operating a Group of Stages with a Diffusion Cascade; filed July 13, 1949, patented June 8, 1976. Not available NTIS.

Patent 3,962,082: Liquid Metal Cold Trap; filed March 28, 1975, patented June 8, 1976. Not available NTIS.

Patent 3,963,921: Method for Producing Uranium Atomic Beam Source; filed April 16, 1974, patented June 15, 1976. Not available NTIS.

Patent 3,964,667: Diffusion Bonding; filed January 19, 1966, patented June 22, 1976. Not available NTIS.

Patent 3,965,250: Separation of Sulfur Isotopes; filed July 3, 1974, patented June 22, 1976. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, DC 20240.

Patent 3,992,153: Dosimeter for Oxides of Nitrogen; filed May 20, 1976, patented November 16, 1976. Not available NTIS.

Patent 3,992,327: Catalysts and Absorbents Having High Surface Area to Weight; filed November 11, 1974, patented November 16, 1976. Not available NTIS.

Patent 3,993,517: Thin Cell Electromembrane Separator; filed October 31, 1975, patented November 23, 1976. Not available NTIS.

Patent 3,993,838: Wax or Plastic Coated Phosphor Grains; filed March 3, 1975, patented November 23, 1976. Not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 3,976,274: Permanent Attachment for Suction Cups; filed May 27, 1975, patented August 24, 1976. Not available NTIS.

Patent 3,984,673: External Lighting System for Hypobaric and Hyperbaric Chambers, filed June 30, 1975, Patented October 5, 1976. Not available NTIS.

Patent 3,989,475: Composite Superconductors; filed May 30, 1975, patented November 2, 1976. Not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, AL 35660.

Patent 3,985,538: Pipe Reactor-Continuous Ammoniator Process for Production of Granular Phosphates; filed May 16, 1975, patented October 12, 1976. Not available NTIS.

Patent 3,991,225: Method for Applying Coatings to Solid Particles; filed December 12, 1974, patented November 9, 1976. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 739,909: Automotive Gas Turbine Fuel Control; filed November 8, 1976.

Patent application 739,914: Hearing Aid Malfunction Detection System; filed November 8, 1976.

Patent application 739,915: Stator Rotor Tools; filed November 18, 1976.

Patent application 743,249: Fluid Sampling Device; filed November 19, 1976.

Patent application 746,579: Shielded Conductor Cable System; filed November 30, 1976.

Patent 3,750,035: Frequency Discriminator and Phase Detector Circuit. Patented July 31, 1973. Not available NTIS.

Patent 3,990,860: High Temperature Oxidation Resistant Cermet Compositions. Patented November 9, 1976. Not available NTIS.

Patent 3,990,987: Smoke Generator. Patented November 9, 1976. Not available NTIS.

[FR Doc.77-19274 Filed 7-5-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314
Washington, DC 20314.

Patent application 282,082: Steel Alloy; filed August 14, 1972.

Patent application 621,327: A Selectable Servo Ratio and Dual Speed Control System for Large Centrifuge Units; filed October 10, 1975.

Patent application 624,515: Simultaneous Fabrication of CMOS Transistors and Bipolar Devices; filed October 21, 1975.

Patent application 694,129: Precision Digital Sampler; filed January 15, 1976.

Patent application 713,090: Self-Destructive Core Mold Materials for Metal Alloys; filed August 9, 1976.

Patent application 713,481: Method and Appartus for Determining Changes in Spacing between Two Positions of Interest; filed May 21, 1976.

Patent application 713,748: Method of, and Apparatus for, Making Visible Flow Pattern of a Gas; filed August 12, 1976.

Patent application 713,750: Integrated Circuit Wiring Bridge Appartus; filed August 12, 1976.

Patent application 714,411: A Point-Source Slide Projection System Having a Large Zoom Ratio; filed August 16, 1976.

Patent application 714,412: Drain Source Protected MNOS Transistor and Method of Manufacture; filed August 16, 1972.

Patent application 714,413: Iterative Area, Correlator Apparatus; filed August 16, 1976.

Patent application 714,414: Adjustable Pintle Spray Manifold Assembly; filed August 16, 1976.

Patent application 715,594: Cylindrical Deaerator; filed August 18, 1976.

Patent application 715,759: Elliptical, Interdigital Transducer; filed August 18, 1976.

Patent application 716,303: Method for Casting Metal Alloys; filed August 20, 1976.

Patent application 716,304: Total Water Content Instrument; filed August 20, 1976.

Patent application 716,307: An Optical Resonator for an Autopointing Laser; filed August 20, 1976.

Patent application 718,272: High Energy Laser Pointing and Tracking System Utilizing Beam Angle/Focus Dither Method of Operation; filed August 27, 1976.

Patent application 719,313: Weigh Multiplier for Use in an Adapter Processor; filed August 31, 1976.

Patent application 727,723: Catalytic System for Polyurethane Propellants; filed September 29, 1976.

Patent application 727,815: High Reflectance Third Surface Mirror; filed September 29, 1976.

Patent application 729,634: Magnetic Bubble Crossover Circuit; filed October 5, 1976.

Patent application 731,483: Lubricant Composition; filed October 12, 1976.

Patent application 731,608: Piecewise Linear Predictive Coding System; filed October 13, 1976.

Patent application 734,063: Liquid Level Control System; filed November 5, 1976.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 634,224: Conversion of Radioactive Ferrocyanide Compounds to Immobile Glasses; filed November 21, 1975.

Patent 3,949,048: Separation by Solvent Extraction; filed July 24, 1950, patented April 6, 1976. Not available NTIS.

Patent 3,953,567; Exp. 82 Sr—Exp. 82 Rb Radioisotope Generator; filed September 27, 1974, patened April 27, 1976. Not available NTIS.

Patent 3,954,655: Method of Tagging Sand with Ruthenium 103 and the Resultant Product; filed December 27, 1974, patented May 4, 1976. Not available NTIS.

Patent 3,954,661: Calcination Process for Radioactive Wastes; filed September 10, 1974, patented May 4, 1976. Not available NTIS.

Patent 3,955,093: Targets for the Production of Radioisotopes and Method of Assembly; filed April 25, 1975, patented May 4, 1976. Not available NTIS.

Patent 3,955,860: Journal Bearing; filed February 7, 1949, patented May 11, 1976. Not available NTIS.

Patent 3,956,658: Low Impedance Switch; filed November 26, 1945, patented May 11, 1976. Not available NTIS.

Patent 3,957,676: Chemical Digestion of Low Level Nuclear Solid Waste Material; filed September 22, 1972, patented May 18, 1976. Not available NTIS.

Patent 3,958,948: Dissolver Vessel Bottom Assembly; filed January 8, 1975, patented May 25, 1976. Not available NTIS.

Patent 3,960,468: Fluid Lubricated Bearing Assembly; filed July 16, 1946, patented June 1, 1976. Not available NTIS.

Patent 3,965,237: Dissolution Process for ZrO Sub 2—UC sub 2—CaC Fuels; filed April 11, 1975, patented June 22, 1976. Not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20014.

Patent application 730,728: Method of Separating and Purifying Two Active Forms of Urokinase Using Affinity Chromatography; filed October 8, 1976.

Patent 3,987,281: Method of Radiation Therapy Treatment Planning; filed July 29, 1974, patented October 19, 1976. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent application 718,228: Recovery of Silver and Gold from Cyanide Solutions; filed August 27, 1976.

Patent application 729,750: Synthetic Fluorspar for Conditioning Electric Furnace Slags; filed October 5, 1976.

Patent application 732,675: Recovery of Copper and Silver from Sulfice Concentrates; filed October 15, 1976.

Patent 3,991,367: Detection of Potential on High-Voltage Transmission Lines; filed January 20, 1976, patented November 9, 1976. Not available NTIS.

Patent 3,991,419: Receiver System for Locating Transmitters; filed January 26, 1976, patented November 9, 1976. Not available NTIS.

Patent 3,993,138: Fire Prevention System; filed April 24, 1975, patented November 23, 1976. Not available NTIS.

Patent 3,994,390: Intermediate Drive for Belt Conveyor with Center Vertebrae; filed November 18, 1975, patented November 30, 1976. Not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 738,781: Positional, Rotational and Scale Invariant Optical Correlation Method and Apparatus; filed November 2, 1976.

Patent application 740,514: Binary Apparatus for Motion Control; filed November 10, 1976.

[FR Doc.77-19275 Filed 7-5-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ASSISTANT GENERAL COUNSEL FOR PATENTS WASHINGTON, DC 20545

Patent application 619,156: Isotope Separation by Photochromatography; filed October 3, 1975.

Patent application 636,343: Laser Isotope Separation; filed November 26, 1975.

Patent 3,948,735: Concentration and Purification of Plutonium or Thorium; filed June 1, 1973, patented April 6, 1976; not available NTIS.

Patent 3,949,050: Method of Absorbing UF sub 6 from Gaseous Mixtures in Alkamine Absorbents; filed September 20, 1948, patented April 6, 1976; not available NTIS.

Patent 3,951,573: Fluid Lubricated Bearing Construction; filed July 16, 1946, patented April 20, 1976; not available NTIS.

Patent 3,955,753: Gas Centrifuge with Driving Motor; filed April 13, 1961, patented May 11, 1976; not available NTIS.

Patent 3,957,577: Hydraulic Control Rod; filed June 23, 1955; patented May 18, 1976; not available NTIS.

Patent 3,957,945: Chemical Isolation of exp 82 Sr from Protor-Irradiated Mo Targets; filed August 21, 1974; patented May 18, 1976; not available NTIS.

Patent 3,957,956: Closed Cycle Ion Exchange Method for Regenerating Acids, Bases, and Salts; filed June 20, 1974; patented May 18, 1976; not available NTIS.

Patent 3,958,699: Charging Machine; filed July 13, 1954; patented May 25, 1976; not available NTIS.

Patent 3,959,069: Method of Preparing Gas Tags for Identification of Single and Multiple Failures of Nuclear Reactor Fuel Assemblies; filed June 5, 1974; patented May 25, 1976; not available NTIS.

Patent 3,959,070: Method of Operating a Neutronic Reactor; filed November 18, 1952; patented May 25, 1976; not available NTIS.

Patent 3,959,455: Labeling of Indocyanine Green with Carrier-Free Iodine-123; filed July 1, 1975; patented May 25, 1976; not available NTIS.

Patent 3,962,114: Method for Solidifying Liquid Radioactive Wastes; filed April 11, 1975; patented June 8, 1976; not available NTIS.

Patent 3,963,936: Neutronic Reactor Thermal Shield; filed March 14, 1955; patented June 15, 1976; not available NTIS.

Patent 3,964,967: Tag Gas Capsule with Magnetic Piercing Device; filed February 24, 1975; patented June 22, 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, DC 20240

Patent Application 732,676: Automatic Face Transfer Linear Cutting Rotary Head Continuous Mining Machine; filed October 15, 1976.

Patent Application 741,101: Wireless FSK Technique for Telemetering Data; filed June 29, 1976.

Patent 3,981,962: Decomposition Leach of Sulfide Ores with Chlorire and Oxygen; filed June 30, 1975; patented September 21, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546

Patent application 747,674: Process for Producing Flame Resistant Polyamides and Products Produced Thereby; filed December 6, 1976.

Patent application 753,976: A Walking Boot Assembly; filed December 23, 1976.

Patent application 753,978: An Improved Cooling System for Removing Metabolic Heat from an Hermetically Sealed Spacesuit; filed December 23, 1976.

Patent 3,994,128: Dual Output Variable Pitch Turbofan Actuation System. Patented November 30, 1976; not available NTIS.

Patent 3,995,476: Miniature Biaxial Strain Transducer; patented December 7, 1976; not available NTIS.

Patent 3,995,644: Percutaneous Connector Device; patented December 7, 1976; not available NTIS.

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Patent 3,995,789: Reel Safety Brake; patented December 7, 1976; not available NTIS.
Patent 3,995,877: Fifth Wheel; Patented December 7, 1976; not available NTIS.
Patent 3,996,064: Electrically Rechargeable Redox Flow Cell; Patented December 7, 1976; not available NTIS.
Patent 3,996,070: Thermocouple Installation. Patented December 7, 1976; not available NTIS.
Patent 3,996,464: Mass Spectrometer with magnetic Pole Pieces Providing the Magnetic Fields for Both the Magnetic Sector and an Ion-Type Vacuum Pump; Patented December 7, 1976; not available NTIS.
Patent 3,998,468: Electron Microscope Aperture System; Patented December 7, 1976; not available NTIS.

[FR Doc.77-19286 Filed 7-5-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MACAU

Increasing Import Levels for Certain Cotton and Man-Made Fiber Apparel

JUNE 29, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing restraint levels established for Categories 49 (other coats), 50/51 (trousers, slacks and outer shorts), and 229 (coats, not knit) during the agreement year which began on January 1, 1977 to account for shortfalls in the category limits from the previous agreement year.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

SUMMARY: Paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, provides that, under certain specified conditions, shortfalls in category ceilings in one agreement year may be carried over and applied to the ceilings of the succeeding agreement year. Pursuant to this provision of the bilateral agreement, the levels of restraint are being increased for cotton and man-made fiber apparel in Categories 49, 50/51 and 229, produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1977.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On January 3, 1977, a letter was published in the FEDERAL REGISTER (42 FR 63) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established the levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1977. In the letter of June 29, 1977, published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint applicable to apparel products in Categories 49, 50/51 and 229 to the designated amounts.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS, COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.
Washington, D.C., June 29, 1977.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On December 29, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry, during the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, of cotton and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on June 30, 1977, to amend the levels of restraint established in the directive of December 29, 1976 for Categories 49, 50/51 and 229 to the following:

Category:	Amended 12-month level of restraint [2] (dozen)
49	74,546
50/51	239,416
229	169,634

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1976.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.77-19171 Filed 7-5-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

FORT ORD COMPLEX, CA

Written Finding Authorizing Emergency Use of Chemical Toxicant

The control of large populations of ground squirrels at the Ft. Ord, CA Complex is required to reduce the existence of an ecological situation having high potential for a plague epizootic.

In compliance with Executive Order 11870, the Secretary of the Army has determined that an emergency exists that cannot be dealt with by means which do not involve the use of chemical toxicants and that such use is essential to the protection of the health or safety of human life. The Secretary of the Army has prepared a Written Finding authorizing the emergency use of a chemical toxicant; the Written Finding is quoted herewith in full:

WRITTEN FINDING

NEED FOR USE OF A CHEMICAL TOXICANT TO CONTROL GROUND SQUIRREL POPULATIONS AT THE FT.ORD, CA COMPLEX

A health problem exists at several military installations in California, due to unusually large populations of ground squirrels. Although ground squirrels apparently abound throughout many parts of California, the widespread use of chemical toxicants keep the populations to a level at which they do not pose a health threat.

Fort Ord, Camp Roberts and Fort Hunter Liggett, hereafter called the Ft. Ord Complex, are located among low rolling hills of the Coast Range of central California and comprise a total area of approximately 230,000 acres, 125,000 acres of which are open grasslands dotted with native oak trees. This grassland is prime ground squirrel habitat and has been under squirrel control programs since the early 1940s. The primary reason for squirrel population control is for health considerations, in that the squirrels may harbor bubonic plague. However, Executive Order 11643 entitled "Environmental Safeguards on Activities for Animal Damage Control on Federal Lands" was issued on Feb. 8, 1972, and since then no ground squirrel poisoning on open lands has been conducted. Executive Order 11643 was rewritten and went into effect on July 18, 1975 as Executive Order 11870. Basically, this Order prohibits the field use on Federal lands of chemical toxicants which cause secondary poisoning, except under certain conditions, one of which is the protection of the health or safety of human life.

Since control measures were stopped, the ground squirrel populations at the Fort Ord Complex have increased in size and extend over most of the reservation areas, including housing and training areas. Monitoring of rodents and predatory animals has produced serological evidence of plague infection, which suggests that there are, or were, active plague foci on the reservations or in the vicinity.

The Surgeon General of the Army and the Department of Health, State of California, concluded that it is inevitable that disease (bubonic plague) will enter the highly susceptible ground squirrel population and that it is imperative that actions be initiated to assure protection of human health. Executive Order 11870 requires that the head of an agency desiring to authorize the emergency use on Federal lands of chemical toxicants having secondary poisoning effects must make a written finding, following consultation with the Secretaries of Interior, Agriculture, Health, Education and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of such chemical toxicants and that such use is essential to the protection of the health and safety of human life.

The required consultation process was initiated by letter of August 3, 1976 to the four Federal agencies, which outlined the health problem and set up a meeting to further explain the need for ground squirrel control, the plan for control, and to obtain the views of the agencies as to whether a condition exists which warrants control and how it could best be effected. The meeting was held on 17 August 1976, and was followed by a written request from the Assistant Secretary of the Army for Civil Works to the head of each department/agency for formal written opinions on the need for controls. Furthermore, Rodenticide 1080 (sodium monofluoroacetate) had been represented to the Army as being the control agent of choice for ground squirrels, and comments on this and other controls were invited.

No precent for exercising the provisions of Executive Order 11870 is known to exist; it was the Army's decision, therefore, to incorporate the provisions of the National Environmental Policy Act as part of the consultation process. Accordingly, an Environmental Impact Statement (EIS) was prepared, circulated and comments received. A public hearing was held in a location near the Ft. Ord Complex. The final EIS was filed with the Council on Environmental Quality and notice thereof published in the FEDERAL REGISTER on 26 May 1977.

Based on the advice, comments and consultation described above, it is my determination that an emergency exists that cannot be dealt with by means which do not involve the use of chemical toxicants; that the use of chemical toxicants to control ground squirrel populations at the Ft. Ord Complex is essential to the protection of the health or safety of human life; and that zinc phosphide will be used as the toxicant.

Information obtained during the consultation process indicates that, although zinc phosphide is not considered to be a secondary effects toxicant, it is less effective than Rodenticide 1080, which may have secondary toxic effects. Advice received favored use of zinc phosphide and avoiding the use of Rodenticide 1080 unless other means of control are shown to be ineffective; hence, effects of the controls conducted, using zinc phosphide, will be evaluated by competent authorities, to include health and wildlife population control experts.

If, after my consideration of the judgment of these authorities, I determine that the use of Rodenticide 1080 to control ground squirrel populations at the Fort Ord Complex is essential to the protection of the health or safety of human life, Rodenticide 1080 will be used. However, no such use of Rodenticide 1080 will be made prior to public notice which summarizes the evaluations of the health and wildlife experts and presents the reasons for the intended use of Rodenticide 1080.

CLIFFORD L. ALEXANDER, JR.,
Secretary of the Army.

[FR Doc.77-19173 Filed 7-5-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ISSUANCE OF ERDA SOURCE EVALUATION BOARD HANDBOOK

AGENCY: Energy Research and Development Administration

ACTION: Notice.

SUMMARY: ERDA is issuing a Source Evaluation Board Handbook dated June 1977 as part of the ERDA-PRs. This Handbook is being published to provide policies and procedures and guidance to source selection officials, source evaluation boards and others who will participate in the preparation of requests for proposals, evaluation of proposals, preparation of source evaluation board reports, presentation to source selection officials and selection of offerors. The policies and procedures in this Handbook will be followed in making selections for competitively negotiated procurements expected to exceed $5,000,000.

DATES: Effective date: This handbook becomes effective June 30, 1977.

ADDRESS: Prepared by: Division of Procurement, C-167, SEB Secretariat, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Thomas Anderson (202-376-9227).

SUPPLEMENTARY INFORMATION: The FEDERAL REGISTER, Vol 40, No. 195, 40 FR 46343, October 7, 1975. Notice which established an Interim Source Evaluation and Selection Handbook is hereby superseded.

This document identified as ERHQ-0013, Procurement Regulation Handbook No. 1 will be available in July 1977 to other Government agencies, contractors and the public in general through sale by:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).)

Dated: June 29, 1977.

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.77-19172 Filed 7-5-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FIXED SATELLITE ADVISORY COMMITTEE, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee chaired by Raymond B. Crowell, will be held on Friday, August 12, 1977, at 9:30 a.m., room 8210, located at 2025 M Street NW., Washington, D.C.

The meeting will be opened to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Report of Task Forces.
3. Other business.
4. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19148 Filed 7-5-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 70; "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment"; Notice of 5th Meeting; Wednesday, July 20, 1977—10 a.m. (All-day meeting); Conference Room (Second floor); U.S. Coast Guard Marine Inspection Office; Battery Park at South Ferry; New York, New York.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC-70 Summary Records.
4. Reports on Work Assignments.
5. Progress Reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other Business.
9. Confirmation of next meeting dates (August 10, August 31).

Captain Alfred E. Fiore, Chairman, SC-70; U.S. Merchant Marine Academy; Kings Point, New York 11024; Phone 516-482-8200.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there

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is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other apropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat; phone 202-632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19147 Filed 7-5-77;8:45 am]

[Docket No. 20654]

INTERFERENCE FROM SPARK-TYPE IGNITION SYSTEMS IN MOTOR VEHICLES

Further Order Extending Time to File Comments and Reply Comments

Adopted: June 15, 1977.

Released: June 30, 1977.

1. The Electronics Industries Association's (EIA) Land Mobile Communications Section has requested an additional extension of time within which Comments and Reply Comments in the above captioned proceeding might be filed (January 21, 1977; 42 FR 3894).

2. Because of the importance of this proceeding to both manufacturers and consumers; and because of the Commission's desire to have the most definitive responses possible, an extension of time to December 16, 1977 for the filing of Comments and February 3, 1978 for the filing of Reply Comments is ordered pursuant to § 0.241(d) of the Commission's Rules.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.77-19150 Filed 7-5-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 77-399-A]

MAGNOLIA FEDERAL SAVINGS & LOAN ASSOCIATION

Appointment of Conservator

Notice is hereby given that on June 29, 1977, the Federal Home Loan Bank Board by Resolution No. 77-397 did appoint Hubert B. Jackson, Jr., as Conservator for Magnolia Federal Savings and Loan Association, Knoxville, Tennessee, pending further disposition of said Association and its affairs, and, as such Conservator, to have and exercise all the powers, rights, and privileges and assume and perform all of the duties and responsibilities of a Conservator accorded or imposed by and subject to the provisions of law, the Rules and Regulations for the Federal Savings and Loan System, and orders issued by the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

Dated: June 29, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-19169 Filed 7-5-77;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF RICHMOND, CALIFORNIA AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 26, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Willis R. Deming, Vice President and General Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. T-3379-1, between the City of Richmond, California, (Port) and Matson Terminals, Inc., (Matson), modifies the parties' basic agreement providing for Matson to operate and manage the Port's container terminal, to be constructed and equipped by the Port at the south end of 10th Street, Richmond, California. The changes incorporated in this amendment are intended to resolve certain issues raised by comments filed pursuant to notice of Agreement No. T-2279, which appeared in the FEDERAL REGISTER on December 8, 1576, (46 FR 53701). The amendment provides that Matson will collect and pay to the Port: (1) Terminal tariff charges for wharfage, dockage, wharf demurrage, wharf storage and charges for equipment used to provide terminal services; (2) container handling charges, including charges for equipment used in container handling; and (3) investment income earned from investment by Matson of amounts received from customers under paragraph 2.6(3)(f).

The agreement also provides that if container handling expenses exceed container handling revenues under the agreement, the Port will reimburse Matson for the excess expenses.

Dated: June 29, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18762 Filed 7-5-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-799]

APPALACHIAN POWER CO.

Filing of Motion To Approve Settlement Agreement and Modified Rate Schedule

JUNE 28, 1977.

Take notice that on June 10, 1977, Appalachian Power Company (APCO) tendered for filing an Agreement of Settlement and Compromise reached with its affiliate, Kingsport Power Company (Kingsport), a modified FPC Rate Schedule No. 23 with Kingsport, and a Motion for an Order Approving the Settlement Agreement and Terminating the Docket.

APCO requests that the Commission waive its Rules and Regulations to allow the settlement rate as contained in the modified Rate Schedule No. 23 to go into effect as of September 21, 1976.

Any person desiring to be heard or to protest settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 22, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19189 Filed 7-5-77;8:45 am]

[Docket No. C177-244]

CLARK OIL PRODUCING CO., ET AL.

Amended Application for Optional Procedure Certificate

JUNE 28, 1977.

Take notice that on May 16, 1977, Clark Oil Producing Company, Aminoil, Inc., H. W. Bass & Sons, Inc., and Home Petroleum Corporation (Applicants) filed an amended application for an optional procedure certificate pursuant to Section 2.75 of the Commission's Statements of General Policy and Interpretations and § 1.11 of the Commission's Rules of Practice and Procedure. By this application, Applicants amend their application for optional procedure certificate previously filed on January 28, 1977, to reflect an increase in the rate requested from $3.7501 per Mcf to $4.019 per Mcf for sales of natural gas from the North one-third of Block 595, West Cameron Area, offshore Louisiana, that are proposed to be made to Columbia Gas Transmission Corporation.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19187 Filed 7-5-77;8:45 am]

[Docket No. ES77-40]

GULF STATES UTILITIES CO.

Application

JUNE 27, 1977.

Take notice that on June 17, 1977, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing (i) the Applicant to enter into a Guaranty Agreement to guarantee convertible subordinated debentures of up to $50,000,000 to be issued by a proposed foreign subsidiary, (ii) the issuance of Common Stock of the Applicant into which the debentures may be converted, and (iii) the issuance of long-term notes by the Applicant to borrow the net proceeds of the sale of the debentures.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

The Applicant states that the proceeds from the financing will be added to the general funds of the Applicant to be used to refund a portion of its short-term notes previously authorized by the Commission.

Any person desiring to be heard or to make any protetst with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-19183 Filed 7-5-77;8:45 am]

[Docket No. RI77-30]

KARIS OIL CO., INC.

Order Granting Petition for Special Relief

JUNE 27, 1977.

On December 20, 1976, Karis Oil Company, Inc. (Karis) filed a petition for special relief pursuant to § 2.76[1] of the Commission's General Policy and Interpretations for the sale of gas to Northwest Pipeline Company (Northwest) from the Government No. 1 Well, Rio Blanco County, Colorado.[2] The subject well was drilled and completed in 1972, but gas therefrom has not as yet been sold in interstate commerce. Karis owns 100 percent of the working interest in the property and will be selling the gas under its small producer certificate[3] pursuant to a November 14, 1972 contract with Northwest.

Karis proposes to invest $20,092 for remedial work on the Government No. 1 Well which is currently logged off with water. Karis intends to install a water pump and 1½ inch I-J tubing, and also proposes to sand pump to a depth of 5,150 feet. Karis herein seeks Commission authorization to collect $1.10 per Mcf at 14.73 psia to compensate it for its increased expenditures. By letter dated February 26, 1977, Northwest agreed to pay Karis the requested rate.

Notice of Karis' original petition was issued on March 4, 1977, and appeared in the FEDERAL REGISTER on March 11, 1977, at 42 FR 13592. Notice of Karis' amended petition was issued on April 25, 1977, and appeared in the Federal Register on May 4, 1977 at 42 FR 22591. No petitions to intervene have been filed.

Staff has reviewed the cost data submitted by Karis and has estimated that 272,624 Mcf of gas remain to be produced over the next 1.58 years. Based thereton Staff has detremined that the proposed rate is cost justified.[4] Upon consideration of the information supply by Karis and Staff's analysis thereof, we conclude that the petition should be granted.

The Commission finds: The petition for special relief filed by Karis in Docket No. RI77-30 meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above-stated reasons, the petition for special relief filed by Karis in Docket No. RI77-30 is hereby granted.

(B) Karis is authorized to collect a total rate of $1.10 per Mcf at 14.73 psia for all gas produced from the subject well effective as of the date of completion of the remedial work or the date of issuance of this order (whichever is later), provided Karis files within 30 days of said effective date a statement signed by Northwest that the remedial work has been completed to Northwest's satisfaction.

(C) Karis shall file in Docket No. CS76-502 within 30 days hereof a notice of rate change to the level authorized in Ordering Paragraph (B) above.

(D) Within 30 days hereof Karis shall file its contract amendment with Northwest authorizing the rate granted herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19180 Filed 7-5-77;8:45 am]

[Docket No. ES77-42]

IDAHO POWER CO.

Application

JUNE 27, 1977.

Take notice that on June 20, 1977, the Idaho Power Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to engage in negotiations with underwriters so as to determine what terms can be obtained on a private placement of approximately $25 million of Preferred Stock, in order to determine whether application for exemption from the competitive bidding requirements should be made.

Applicant is incorporated under the laws of the State of Maine, and is duly qualified to do business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business Office at Boise, Idaho. Applicant is engaged in the generation transmission, distribution and sale of electrical energy in the States of Idaho, Oregon, Nevada and Wyoming.

Applicant states that it is a unique utility because of its heavy dependence upon hydrogeneration. In addition, applicant asserts that the current drought conditions in the Northwest have had some effect on its 1977 earnings and, consequently, a negotiated offering

[1] 18 CFR § 2.76.

[2] Karis filed an amendment to its petition on April 11, 1977.

[3] Karis was granted a small producer certificate by the Commission in Docket No. CS76-502 on July 8, 1976.

[4] See Appendix A, attached hereto.

would give the underwriter ultimately

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would give the underwriter ultimately selected to manage the offering the capability of articulating the unique aspects of the Company's situation and short-term and long-term prospects to potential investors.

Any person desiring to be heard or to protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8,1.10), on or before July 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-19182 Filed 7-5-77;8:45 am]

[Docket No. ER77-324]

INDIANAPOLIS POWER & LIGHT CO.

Changes in Rates and Charges

JUNE 27, 1977.

Take notice that Indianapolis Power & Light Company (Indianapolis Company) on June 3, 1977, tendered for filing Amendment No. 4 dated as of March 1, 1977, to the Kentucky-Indiana Pool Planning and Operating Agreement dated July 9, 1971, among Indianapolis Company, Kentucky Utilities Company, Public Service Company of Indiana, Inc. and East Kentucky Power Cooperative, Inc.

Indianapolis Company indicates that the proposed amendment increases the demand charge for Back-Up Power and Short-Term Power from 50¢ per kilowatt per week to 60¢ per kilowatt per week. It is requested that Amendment No. 4 become effective thirty (30) days after filing.

Indianapolis Company states that copies of this filing were served upon parties to the above-referenced agreement and to the Public Service Commissions of Indiana and Kentucky.

Any person desiring to be heard or to protest said application should filed a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-19184 Filed 7-5-77;8:45 am]

[Docket No. ER77-48]

MAINE PUBLIC SERVICE CO.

Filing of Proposed Settlement Agreement

JUNE 28, 1977.

Take notice that on June 9, 1977, the Maine Public Service Company, and its wholesale customers, Van Buren Light and Power District, Houlton Water Company, and Eastern Maine Electric Cooperative, Inc., submitted a proposed Settlement Agreement in the above-captioned docket.

On June 13, 1977, the Presiding Administrative Law Judge in accordance with 18 CFR 1.18(e), certified the proposed Settlement Agreement which had been executed by all concerned parties to the Commission for its consideration and disposition.

The proposed settlement provides for an increase in Maine Public Service Company's Rate Schedule O-1 which would yield additional base rate revenues from jurisdictional sales and service by $341,408 based upon the twelve-month period ending September 30, 1976. The Company, Intervenors, and the Commission's Staff have together arrived at this proposed settlement agreement.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreement to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before August 1, 1977. The Settlement Agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19179 Filed 7-5-77;8:45 am]

[Docket No. CP77-458 and CP77-459]

MIDWESTERN GAS TRANSMISSION CO.

Applications

JUNE 28, 1977.

Take notice that on June 23, 1977, Midwestern Gas Transmission Company (Applicant), 1100 Milam Building, Houston, Texas 77002, filed in Docket No. CP77-458 an application pursuant to Section 3 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the importation of an additional daily quantity of 26,668 Mcf of natural gas per day from Canada and in Docket No. CP77-458 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to lease, install and operate certain necessary compressor units and related equipment on its northern system in order to effectuate the importation and to sell to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) up to a daily quantity of 26,668 Mcf of natural gas which it proposes to import from Canada, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

In Docket No. CP77-458 Applicant proposes to import up to 26,668 Mcf of natural gas per day from Canada at a point on the United States-Canadian Boundary near Emerson, Manitoba, where its pipeline system interconnects with the facilities of TransCanada Pipelines Limited (TransCanada). It is stated that such volumes would be purchased from TransCanada which currently has daily volumes of gas available to it which are in excess of its Canadian requirements and are also in excess of its sales commitments to Applicants. Applicant further states that pursuant to the terms of the Midwestern-TransCanada contract agreement, it would pay TransCanada for each Mcf delivered $1.94 in Canadian currency per Mcf of 1000 British thermal units per cubic foot—adjusted on the ratio of the actual Btu content per cubic foot to 1000 Btu's per cubic foot and a compression charge calculated pursuant to the existing delivery pressure agreement dated July 2, 1975, as amended, between Applicant and TransCanada.

In Docket No. CP-77-459, Applicant seeks authorization to lease, install and operate certain leased compressor units and related equipment on its northern system and to sell to Tennessee up to a daily quantity of 26,668 Mcf of natural gas per day in accordance with the provision of a interim gas sales agreement between Applicant and Tennessee. It is stated that such daily volumes of gas, less incremental fuel required in the handling of such volumes, would be delivered to Northern Natural Gas Company (Northern) for Tennessee's account at existing points of interconnection on the pipeline systems of Applicant and Northern in the State of Minnesota near Genola, Morrison County (Genola Delivery Point); Cambridge, Isanti County (Cambridge Delivery Point) and North Branch, Chisago County (North Branch Delivery Point). It is further stated that Northern and Tennessee have agreed to exchange natural gas whereby Northern would redeliver, or cause to be redelivered, to Tennessee equivalent daily volumes of gas available to Northern in sourthern Louisiana.

Specifically, Applicant proposes to install and operate the following facilities on its northern system in order to render the proposed service:

Compressor station No.:	*Horsepower (horsepower unit—addition)*
2204	1-1100
2207	1-3500
2210	1-3500
2213	1-1100

Applicant indicates that it proposes to lease, install and operate such compressor units and related equipment in accordance with terms and provisions of Equipment Lease Contracts (Lease Contracts with Crawford Enterprises, Inc. Applicant states that such units are skid mounted units which can be readily installed to function as a part of Applicant's northern system during the period the Lease Contracts and Interim Agreements are in effect and can be readily removed at expiration of the term of such agreements.

Applicant states that pursuant to the provisions of the interim agreement it would charge Tennessee for gas purchased and delivered to Northern a sum of the amount paid by Applicant to TransCanada during such month for gas purchased and delivered pursuant to the provisions of its contract agreement with TransCanada; plus, the amount Applicant pays to TransCanada during such months as a compression charge pursuant to its Delivery Pressure Agreement, a transportation charge for each Mcf delivered to Northern for Tennessee's account at the respective delivery points and a monthly compressor facilities rental charge which charge would reimburse Applicant for all costs payable to the Lessor and others pursuant to the provision of the Lease Contracts between Midwestern and Crawford Enterprises Inc. The cost of such gas is estimated to be between $2.43 per Mcf and $2.48 per Mcf depending upon the duration of the interim agreements. Such cost can only be estimated at this time due to the nature of such pricing provision, it is said.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19193 Filed 7-5-77;8:45 am]

[Docket No. ER77-455]

MISSOURI PUBLIC SERVICE CO.

Cancellation

JUNE 28, 1977.

Take notice that Missouri Public Service Company (Missouri), on June 15, 1977, tendered for filing notice of cancellation of Schedules A, B, and C of FPC Rate Schedule No. 26, dated September 1, 1970, between Missouri and the City of Independence, Missouri.

Missouri indicates that the reasons for cancellation of the above mentioned schedules are: (1) to satisfy the Commission's Order No. 517 with respect to the fuel adjustment clause in Schedule "C", and (2) that the rates for demand and energy originated in 1968 do not reflect present day costs of supplying such power and energy therefore are ineffective as a viable schedule.

Missouri proposes an effective date of August 1, 1977.

Missouri states that copies of the proposed cancellation has been served upon the City of Independence, Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19192 Filed 7-5-77;8:45 am]

[Docket No. RI77-3]

PANHANDLE PRODUCTION CO.

Order Granting Petition for Special Relief

JUNE 27, 1977.

On October 7, 1976, Panhandle Production Company (Panhandle) filed a petition for special relief pursuant to § 2.76[1] of the Commission's General Policy and Interpretations for the sale of gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) from the No. 8-6 O'Neill Brothers Well located in Washington County, Colorado. Panhandle is a small producer selling the subject gas under its small producer certificate[2] pursuant to a contract dated August 29, 1973, with Kansas-Nebraska. Panhandle owns a 50% working interest in this gas and Victor H. McVey owns the remaining 50% working interest which is also covered by Panhandle's petition.

Panhandle proposes to install new compression and auxiliary equipment at a cost of $12,000. Panhandle herein seeks Commission authorization to collect $1.01 per Mcf at 15.025 psia to compensate it for its proposed investment. By letter dated April 20, 1977, Kansas-Nebraska agreed to amend the August 29, 1973 contract to provide for the rate found to be just and reasonable by the Commission.

Notice of Panhandle's petition was issued on October 27, 1976, and appeared in the FEDERAL REGISTER on November 3, 1976, at 41 FR 48411. No petitions to intervene have been filed.

Staff has reviewed the cost data submitted by Panhandle and has estimated that 24,128 Mcf of gas and 48 Bbls. of liquids remain to be produced over the three year life of the well. Based thereon Staff has determined that the proposed rate is cost justified. Upon consideration of the information supplied by Panhandle and Staff's analysis thereof, we conclude that the petition should be granted.

The Commission finds: The petition for special relief filed by Panhandle in Docket No. RI77-3 meets the criteria set forth in § 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above-stated reasons, the petition for special relief filed by Panhandle in Docket No. RI77-3 is hereby granted.

(B) Panhandle is authorized to collect a base rate of $1.01 per Mcf at 15.025 psia for all gas produced from the subject well effective as of the date of installation of the proposed compression equipment or the date of issuance of this order (whichever is later), provided Panhandle files within 30 days of said effective date a statement signed by Kansas-Nebraska that the proposed work has been completed to Kansas-Nebraska's satisfaction.

(C) Panhandle shall file in Docket No. CS74-213 within 30 days hereof a notice of rate change to the level authorized in Ordering Paragraph (B) above.

(D) Within 30 days hereof Panhandle shall file its contract amendment with Kansas-Nebraska authorizing the rate granted herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19181 Filed 7-5-77;8:45 am]

[1] 18 CFR 2.76.

[2] Panhandle was granted a temporary small producer certificate in Docket No. CS74-213 on March 5, 1974.

[Docket No. CI75-806]

PENNZOIL OFFSHORE GAS OPERATORS, INC.

Amended Application and Petition for Special Relief

JUNE 28, 1977.

Take notice that on June 3, 1977, Pennzoil Offshore Gas Operators, Inc. (POGO), P.O. Box 2967, Houston, Texas

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77002, filed in the captioned docket, an amended application for a certificate of public convenience and necessity and petition for special relief. POGO, in its original application and petition, filed September 29, 1976, noticed October 27, 1976, requested special relief rate pursuant to 18 CFR 2.56a(g) for sales of its gas in West Cameron 586; Vermilion 228; West Cameron 572; and Eugene Island 256 at a rate of $2.05/Mcf for gas sold to Southern Natural Gas Pipe Line Company (Southern) and $2.37/Mcf for gas sold to United Gas Pipe Line Company (United). In addition, POGO requested waiver of 18 CFR 154.93 so that its contract prices could be recalculated upward every year according to a prescribed formula set forth in its application.

In its present amended application and petition, POGO requests an initial rate of $2.45/Mcf for sales of its gas to Southern and an initial rate of $2.71/Mcf for sales to United. POGO avers that these contract rates are based upon the unit costs of producing the reserves to be sold to each of the two pipelines.

POGO, in its amended application and petition, amends its certificate application and requests that certificates of public convenience and necessity authorizing the sale of gas from the four offshore blocks to United and Southern be issued to POGO under Section 7 of the Natural Gas Act at the initial rate set forth herein "pursuant to whatever provisions of the Commission's regulations governing sales of gas not previously dedicated to interstate commerce at cost-based rates in excess of the applicable national rate are found to be appropriate, including but not limited to § 2.56(a)(g) of the Commission's Statements and General Policy and Interpretations. Any waivers or agreements required by any particular procedure could be made upon issuance of the requested certificate and price relief and incorporated in the final certificate", POGO added.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19188 Filed 7-5-77;8:45 am]

[Docket No. ER77-317]

PUBLIC SERVICE CO. OF OKLAHOMA

Contract

JUNE 28, 1977.

Take notice that Public Service Company of Oklahoma (PSCO) on May 23, 1977, tendered for filing an electric Wholesale for Resale Contract with the City of Hominy, Oklahoma.

PSCCO indicates that prior to the proposed effective date of this Contract July 1, 1977, PSCO had been serving the City of Hominy through PSCO's transmission facilities for the account of Southwestern Power Administration (SPA). PSCO further indicates that Hominy, then, in effect, has been a customer of SPA. PSCO states that SPA has informed its customers that it can only provide peaking power after July 1, 1977, and firm power must be obtained from another source. PSCO further states that under the aforementioned Contract, the City of Hominy has contracted with PSCO for its firm power.

PSCO indicates that because it cannot determine the amount of capacity or energy that will be provided by SPA, estimates for annual kilowatt hours and annual revenue are not provided.

According to PSCO, copies of the filing were served upon the City of Hominy and the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19191 Filed 7-5-77;8:45 am]

[Docket No. ER77-457]

PUBLIC SERVICE ELECTRIC & GAS CO.

Proposed Revised Interconnection Agreement

JUNE 28, 1977.

Take notice that Public Service Electric and Gas Company (PS), on June 16, 1977, tendered for filing proposed revised schedules 1-A and 3-A to the existing Interconnection Agreement between PS and Consolidated Edison Company of New York, Inc. (Con Edison) dated August 6, 1976, as supplemented (PS FPC Schedule No. 31).

PS states that the reason for this filing is to allow revised obligation allocation for part of the facilities and change PS investments from estimated to actual.

PS requests that the instant filing be permitted to become retroactively effective to May 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77 19190 Filed 7-5-77;8:45 am]

[Docket No. ER77-458]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule

JUNE 27, 1977.

Take notice that on June 16, 1977, Southern California Edison Company (Edison) tendered for filing an Agreement with The Washington Water Power Company (Washington) providing for storage of certain energy deemed from time to time as surplus by Washington and supplied to Edison. Edison states that Washington will pay 4 mills per kWh as a storage fee for energy so supplied and returned through March 31, 1977, and 6 mills per kWh for energy returned on and after April 1, 1977. Edison further states that said agreement will expire on June 30, 1977, at which time energy remaining in the storage account will be purchased by Edison at rates established in Washington's tariff FPC No. 88.

According to Edison service has been rendered under this agreement since November 1976. Edison requests that the notice provisions of the Commission's regulations be waived and that the filing be permitted to become effective as of November 19, 1976.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977 and protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77 19186 Filed 7-5-77;8:45 am]

[Docket No. ER77-453]

UNION ELECTRIC CO.

Proposed Revised Service Schedule

JUNE 27, 1977.

Take notice that on June 15, 1977, Union Electric Company (Union) tendered for filing an Amendment and revised Schedule II to the Interchange Agreement dated May 2, 1969 between Union and St. Joseph Light and Power Company.

Union indicates that said agreement adds System Participation Power to the classifications of power and energy available under the Interchange Agreement between the parties and provides for revisions in certain rates under said Interchange Agreement.

Union requests a proposed effective date of July 15, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-19185 Filed 7-5-77;8:45 am]

FEDERAL RESERVE SYSTEM

FINANCIAL SERVICES CORP. OF MIDWEST

Proposed Acquisition of Federal Discount Corporation

Financial Services Corporation of the Midwest, Rock Island, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Federal Discount Corporation, Dubuque, Iowa. The subsidiaries of Federal Discount Corporation operate in the States of Iowa, Illinois, Wisconsin, Minnesota, and North Dakota, through offices known as Thrift Plan, Inc. (Iowa), Community Loan Corporation (Illinois), Citizens Loan and Investment Company (Wisconsin and Minnesota), Phoenix Budget Loans, Inc. (Minnesota), Citizens Loan and Finance Company (Wisconsin), and Phoenix Finance Company (North Dakota). Notices of the application were published in newspapers of general circulation in the communities in the aforementioned states in which the offices of the subsidiaries of Federal Discount Corporation are located.

Applicant states that the proposed subsidiary would engage in the activities of making consumer installment loans, purchasing consumer installment sales finance contracts, and acting as agent for the sale of credit life and credit accident and health insurance related to extensions of credit by the aforementioned subsidiaries of Federal Discount Corporation. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 27, 1977.

Board of Governors of the Federal Reserve System. June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19151 Filed 7-5-77;8:45 am]

FLORIDA BANKSHARES, INC.

Order Approving Acquisition of Bank

Florida Bankshares, Inc., Hollywood, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an additional 12.5 percent of the voting shares of First National Bank of Sebring, Florida ("Bank"), for an amount not to exceed $340,000.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 25th largest banking organization in Florida, controls six banks with aggregate deposits of approximately $162 million representing 0.7 of one percent of the total deposits in commercial banks in the State.[1] Applicant presently owns 23.8 percent of the voting shares of Bank, which, with total deposits of approximately $29.9 million, is the second largest of seven banking organizations in the Sebring banking market.[2] At the time that it approved Applicant's application to acquire the shares of Bank that it presently owns, the Board determined that Applicant woud be capable of exercising a "controlling influence" over the management and policies of Bank within the meaning of section 2(a)(2)(C) of the Act (12 U.S.C. 1841(a)(2)(C)) (62 Fed. Res. Bull. 621 (1976)). Accordingly, Bank is a "subsidiary" of Applicant as defined in section 2(d) of the Act (12 U.S.C. 1841(d)). In view of the fact that Applicant presently controls Bank, consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Competitive considerations, therefore, are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its other subsidiary banks and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate increase in the services offered by Bank as a result of the proposed transaction, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal

[1] All banking data are as of June 30, 1976.

[2] The Sebring banking market, which is the relevant market, is approximated by Highlands and Hardee Counties and the community of Frostproof in Polk County.

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Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19152 Filed 7-5-77;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Application

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to engage de novo in providing bank management consulting advice. Notice of the application was published on May 18, 1977, in The Miami Herald, a newspaper circulated in Miami, Florida.

Applicant states that it proposes to engage in the activities of providing bank management consulting advice which would include, but not be limted to, advice concerning bank operations, systems and procedures, computer operations and mechanization, cost analysis and site planning. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 27, 1977.

Board of Governors of the Federal Reserve System June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19153 Filed 7-5-77;8:45 am]

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

NBC CO.

Order Denying Acquisition of Freemont State Co.

NBC Co., Lincoln, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of the Fremont State Company, Fremont, Nebraska ("Company"), an industrial loan and investment company, and to act as agent in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Company. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(2) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 21661 (1977)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the fifth largest banking organization in Nebraska, controls one bank with deposits of $256.9 million, representing 3.8 percent of total deposits in commercial banks in the State.[1] Applicant also controls three industrial loan companies, Mutual Savings Company, Lincoln, Nebraska, Nebraska Savings Company, Scottsbluff, Nebraska, and Mutual Savings Company of Omaha, Omaha, Nebraska, with total deposits of $24.1 million, representing 17.3 percent of total deposits in the 14 industrial loan companies in Nebraska.

Company operates as an industrial loan company and issues one type of "certificates of indebtedness," a fully paid certificate that is similar to a savings account. Company is subject to regulation and examination by State supervisory authorities. In its lending capacity, Company makes commercial, mortgage and personal consumer loans. Company also engages in general insurance agency and real estate brokerage activities that would not be acquired by Applicant as part of the proposed transaction.

Company, with total deposits of $0.9 million, is located in the Fremont banking market, the relevant market in which to assess the competitive effects of the proposed acquisition.[2] In that market, Company competes for deposits and/or loans with seven commercial banks, two savings and loan associations, three credit unions, and five consumer finance companies. Of the seven commercial banks in the Fremont market, Applicant is affiliated with Fremont First National Company, a holding company that controls First National Bank & Trust Company of Fremont, and is also affiliated with Fremont First State Company, a holding company that controls First State Bank, also of Fremont.[3] These two banks, the first and third largest commercial banks in the Fremont market, together control total deposits of $72.4 million, representing 50.9 percent of the total commercial bank deposits in the market. These two banks compete with Company for IPC (individual, partnership, and corporation) time and savings deposits and account for approximately 19.9 percent ($39.2 million) of the total IPC deposits in the Fremont market. Since Company controls IPC deposits representing 0.5 percent ($0.9 million) of such total deposits in the Fremont market, Applicant, or at least those that manage or control Applicant, upon its acquisition of Company, would control approximately 20.4 percent of the total IPC time and savings deposits in the Fremont market. In the Board's opinion, the increased concentration in this product market, although only slight, weighs adversely against the subject proposal.

In addition to competing for deposits, Applicant's affiliated banks and Company compete for the origination of consumer loans in the Fremont banking market. The two affiliated banks have total consumer loans outstanding of $11.3 million, representing 39.4 percent of the total consumer loans made in the Fremont market, by far the largest market share held by any of the fifteen sources of consumer loans in Fremont.[4]

Company, with consumer loans outstanding of approximately $0.9 million, representing 3.1 percent of such loans in the market, is the sixth largest of the fifteen sources of consumer loans in the market. The market shares of the four most significant sources of consumer loans in the market aggregate to approximately 80.6 percent and thus the Fremont market for consumer loans appears quite concentrated. Applicant, or at least those that manage or control Applicant, upon its acquisition of Company, would hold approximately 42.5 percent of the total consumer loans in the Fremont market. In the Board's opinion, this increase in concentration and the reduction in existing competition that would derive from elimination of Company as an independent competitive alternative source for consumer loans in the market weigh substantially against approval of the subject proposal. On the basis of the foregoing and other facts of record, the Board concludes that approval of the application would result in a significant decrease in competition within the Fremont banking market. Accordingly, the competitive factors lend substantial weight toward denial of the application.

The subject proposal contemplates a purchase of stock involving a cash outlay of $25 thousand for all of the voting shares of Company and a contribution to Company's equity capital account of $150 thousand. Applicant intends to raise these funds from a combination of cash and a liquidation of notes receivable. While Applicant's investment in Company would not require a substantial cash outlay and Applicant's present financial condition is generally satisfactory, that investment, in light of recent events, may continue to place a burden on Applicant and its subsidiaries. The expenses incident to the construction and financing of a new office building for Applicant's bank subsidiary placed and may continue to place a strain upon Applicant's earnings and may otherwise result in an increase in financial leverage.[5] In these circumstances, the Board is of the opinion that it would be preferable for Applicant to conserve its resources for the benefit of its existing subsidiaries rather than for expansion of Applicant's nonbanking interests at this time.

Applicant proposes to expand the types of instruments by which Company raises lendable funds, and to offer second mortgage loans. While these considerations lend some weight toward approval of this application, they do not outweigh the substantially adverse effects of Applicant's proposal, as discussed above.

Based upon the foregoing and the other facts of record, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied.

By order of the Board of Governors,[6] effective June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19154 Filed 7-5-77;8:45 am]

[1] Unless otherwise indicated, banking data are as of December 31, 1976.

[2] The Fremont banking market is approximated by the southern half of Dodge County, the extreme southwest portion of Washington County, and northern Saunders County.

[3] The affiliation exists because shareholders of Applicant own controlling interests in Fremont First National Company and in Fremont First State Company. Applicant maintains management and director interlocks with both companies and their subsidiary banks, as well as management contracts with the subsidiary banks.

[4] Applicant's affiliated banks are considered one source for purposes of consumer loan data.

[5] During 1976, Bank incurred operating expenses almost $2 million more than in 1975, due primarily to increased mortgage and occupancy expenses. As a result, Applicant's consolidated earnings in 1976 were $1.5 million, compared to $2.6 million in 1975.

[6] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Voting against this action: Governor Wallich. Absent and not voting: Chairman Burns.

RIVER CITIES INVESTMENT CO. AND INVESTMENT MANAGEMENT, INC.

Proposed Acquisition of Lloyd's Plan, Inc.

River Cities Investment Co., Bettendorf, Iowa, and its subsidiary, Investment Management, Inc., Bettendorf, Iowa, both bank holding companies, have applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permisison to retain voting shares of Lloyd's Plan, Inc., Davenport, Iowa. Notice of the applications was published on May 21, 1977, in The Quad-City Times, a newspaper circulated in Davenport, Scott County, Iowa.

Applicants state that the proposed subsidiary would engage in the activities of a consumer finance and industrial loan company as well as in the sale of credit life, accident and health insurance related to extensions of credit by the company. Such activities have been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competiton, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of intcrests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1977.

Board of Governors of the Federal Reserve System, June 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19155 Filed 7-5-77;8:45 am]

VALLEY BANCORPORATION

Order Approving Acquisiton of Bank

Valley Bancorporation, Appleton, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Shawano National Bank, Shawano, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including, but not limited to, those on behalf of shareholders and customers of Bank filed by Messrs. Frank Feivor and Walter Karth (hereinafter collectively referred to as "Protestants") in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Wisconsin, controls 14 banks with total deposits of $295.1 million, which represents 1.8 percent of total deposits in commercial banks in the State.[1] Bank, with deposits of $51.3 million, controls .31 percent of total deposits in the State. Consummation of the proposed acquisition would increase Applicant's share of statewide deposits to 2.1 percent, and Applicant would become the fifth largest banking organization in the State of Wisconsin. Inasmuch as the five largest banking organizations in Wisconsin hold only 31.5 percent of the total deposits in the State, consummation of the proposal would have no appreciable effect on the concentration of banking resources in the State.

While Applicant is not currently represented in the relevant market, three of its subsidiary banks each maintain an office 28 to 30 miles from Bank's sole office. The three offices are located in Outagamie County, in which Applicant's subsidiary banks maintain six additional offices. Although eight of Applicant's fourteen subsidiary banks derive deposits from Bank's service area, the aggregate of those deposits amounts to less than $200,000, and none derives more than $62,000. The aggregate amount of loans Applicant's subsidiaries derive from Bank's service area is less than $30,000. Conversely, Bank does not derive significant amounts of deposits or loans from the service areas of Applicant's subsidiaries. Accordingly, it does not appear that Applicant's acquisition of Bank would eliminate significant amounts of existing competition.

Applicant proposes to enter the Shawano banking market[2] by acquiring the largest of ten banking organizations in that market, with 32.8 percent of total market deposits.[3] The Shawano market does not appear attractive for de novo entry and 12 large multibank holding companies, including the five largest banking organizations in the State, appear to be as likely to enter the Shawano market as Applicant. In light of the above, the Board concludes the proposed acquisition would not have significant adverse effects on potential competition.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Protestants contend that this application should be denied on the grounds that the financial and managerial resources of Applicant are inadequate in that Applicant would assume more debt than it can retire without extracting earnings from Bank and Applicant's subsidiary banks.

[1] All banking data are as of December 31, 1976.

[2] The Shawano banking market is approximated by Shawano County and the southern one-half of Menominee County.

[3] Market data are as of June 30, 1976.

In connection with the acquisition of Bank, Applicant will incur debt of $5.5

a statement by Protestants that an unidentified expert indicated a higher

tory one-time form is a revision of the form FEA–P131–S–1, Survey of Sellers of

2,000,000 gallons. It is estimated that this one-time report will carry a burden of

The official address of the corporation is 1300 Topeka Avenue, Topeka, Kansas

completion of the contract negotiation process, and completion of required

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In connection with the acquisition of Bank, Applicant will incur debt of $5.5 million through the issuance of four-year unsecured promissory notes and 12-year corporate notes.[1] Applicant proposes to service its new debt primarily through dividends from its subsidiary banks and consolidated tax benefits. Applicant's projections of cash flow requirements and growth in assets, earnings, and capital of subsidiary banks appear reasonable in light of historical data. It appears, based upon those projections, that Applicant can service the acquisition debt without imposing excessive burdens on the capital of Bank and its other subsidiary banks. In light of the above the Board regards the financial and managerial resources of Applicant and Bank as satisfactory and consistent with approval.

Protestants argue that the manner in which tender offers were made to Bank's shareholders reflects adversely on the management of Applicant. Protestants assert that the presidents of Bank and Applicant conducted negotiations without the knowledge of Bank's directors and that Bank's directors did not have an opportunity to analyze the specific proposal, including the debt financing, that Applicant later submitted to the Board. The record before the Board in this case, including submissions by Protestants and Applicant, does not indicate any impropriety or questionable actions in the preparation of Applicant's tender offer. The board of directors of Bank endorsed Applicant's offer to Bank's shareholders following a series of presentations to the board by Applicant and rival offerors, and any discussions between officers of Bank and Applicant were conducted in consultation with legal counsel. While Applicant did not submit its application to the directors of Bank prior to making its tender offer, Applicant forwarded a copy of the application to Bank on the same day that it filed the application with the Federal Reserve Bank of Chicago. Furthermore, Applicant's letter proposing the tender offer indicated that Applicant proposed to incur debt in connection with the acquisition, and the specific financing proposal was put into final form until it was incorporated in the application which, as noted above, was promptly forwarded to Bank.

Protestants state that Applicant's tender offer is below the market value of Bank's shares. The record in this application indicates the Applicant's offer was the highest of the competing bids made to the shareholders, and that the protesting shareholders were among those shareholders owning 97.5 per cent of the Bank's shares who accepted the offer. Bank's own analysis of the projected market value of its shares indicated that Applicant's offer represented a premium on market value. There is nothing in the record to support Protestants' opinion that the offer was inadequate, other than a statement by Protestants that an unidentified expert indicated a higher market value for Bank's shares. In light of the above and other facts of record the Board is unable to conclude that Applicant's conduct relating to the tender offer reflects adversely on its managerial resources.

Protestants also claim that the convenience and needs of the community to be served would not be aided by the proposed acquisition. Specifically, they state that transferring control of Bank outside of the Shawano community will makes Bank less responsive to local needs. In this connection Applicant has indicated that a representative of the Shawano community would be named to Applicant's Board of Directors upon consummation of the proposal. In addition, while it appears that the banking needs of the Shawano area are adequately served at present, Applicant has stated its intention to improve and expand Bank's services in the areas of real estate mortgages, farm loans, loan operations, employee fringe benefits, data processing, and personnel services. Applicant also proposes to offer investment advice at no charge to local municipalities and to provide equity capital to Bank when necessary. In light of these factors the Board regards considerations of the convenience and needs of the community to be served as lending weight in favor of approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 29, 1977.

[2] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19156 Filed 7-5-77;8:45 am]

[1] Approximately $1 million of this debt will be used for corporate purposes other than the proposed acquisition, including improving the capital position of subsidiary banks.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

A request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 16, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

The Federal Energy Administration requested emergency clearance of the revised form FEA–P131–S–2, Survey of Sellers of No. 2 Heating Oil. The mandatory one-time form is a revision of the form FEA–P131–S–1, Survey of Sellers of No. 2 Heating Oil which was accorded a clearance by GAO on June 7, 1977. The revision expands the respondent universe from the prior form.

When FEA decontrolled No. 2 heating oil in July 1976, it made a commitment to Congress to monitor the prices of No. 2 heating oil and to set up a trigger mechanism to reinstate controls or take other remedial action if prices nationally or in any one region (Northeast, South, North Central, West) should exceed prices which were projected as though controls had remained plus a flexibility factor of 2 cents per gallon. Although the Congressional commitment for monitoring and taking corrective action in response to levels of survey prices expired March 31, 1977, the weekly monitoring and price index system was voluntarily extended through April 30, 1977; the monthly monitoring and price index system will continue at least through the beginning of next year's heating season (FEA–P112–M–1, No. 2 Heating Oil Supply/Price Monitoring Report). The monitoring system compared a weekly price index with the results from a survey of 600 heating oil suppliers (form FEA–P112–M–1).

FEA's index prices were exceeded in January and March 1977, in the North Central region. The Agency, as promised to Congress, held hearings on this matter in Chicago on April 4 and April 12, 1977.

FEA has determined that it is necessary to hold additional hearings in each of its 10 regions and nationally, beginning July 11 and ending July 18, 1977. The purpose of the July hearings is to determine why heating oil prices exceeded the FEA monitoring system index prices and what actions may be appropriate for the next heating season. In preparation for these hearings, the FEA needs the additional information required on the form FEA–P131–S–1 and the proposed form FEA–P131–S–2.

The form FEA–P131–S–2 is identical to the preceding form except the respondent universe has been revised. The respondents to the form FEA–P131–S–1 were selected from the same respondent universe that files the form FEA–P112–M–1. The proposed form FEA–P131–S–2 respondent universe will be a sample of 200 resellers, retailers, reseller/retailers which do not presently file the form FEA–P112–M–1. The FEA survey of middle distillate prices may be biased because companies who knew they must file the form FEA–P112–M–1 may have behaved differently from companies which were outside that respondent universe. Therefore, the FEA would like to survey 200 companies that have never been asked to file the forms FEA–P112–M–1, FEA–P131–S–0 or FEA–P131–S–1.

Respondents to the form FEA–P131–S–2 will be selected from strata 2 and 3 (set up for the form FEA–P112–M–1) of the entire universe of sellers of No. 2 heating oil. Stratum 2 consists of companies with annual sales of 2,000,000 to 10,000,000 gallons. Stratum 3 consists of companies having annual sales of under 2,000,000 gallons. It is estimated that this one-time report will carry a burden of 5 hours per report. Due to the familiarity of all the firms with FEA regulations, the data required on the form FEA–P131–S–2 should be readily available. However, a list of regional contacts will be included with the form FEA–P131–S–2 so any company can call for assistance in filling out the form. Each firm will be required to file with the FEA within a two-week period.

If special clearance processing were denied, the normal 45-day clearance process would mean approval of the form on or about July 31, with responses received at FEA approximately two weeks later. This would mean receipt of the data FEA needs to prepare for the regional and national hearings would be approximately one month after the close of the hearings.

GAO granted clearance on June 23, 1977, under number B–181254 (S77021). This clearance will expire July 31, 1977

NORMAN F. HEYL,
Regulatory Reports Review Officer

[FR Doc.77-19195 Filed 7-5-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for State of Kansas

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 U.S.C. 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Kansas Foundation for Medical Care, Inc., for the State of Kansas, which area is designated a Professional Standards Review Organization area in 42 CFR 101.20.

The Secretary has determined that the Kansas Foundation for Medical Care, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Kansas, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Kansas.

As stipulated in its Articles of Incorporation, the principal officers of the Kansas Foundation for Medical Care, Inc., are:

NAME AND OFFICE HELD

1. Kenneth L. Graham, M.D., President
2. L. William Hailing, M.D., Vice President
3. Louis M. Culp, M.D., Secretary.
4. Chester M. Lessender, M.D., Treasurer

The official address of the corporation is 1300 Topeka Avenue, Topeka, Kansas 66612.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Kansas who objects to the Secretary entering into an agreement with the Kansas Foundation for Medical Care, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before August 5, 1977, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,403 doctors of medicine and/or osteopathy are engaged in active practice in the State of Kansas. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Kansas Foundation for Medical Care, Inc., is representative of such doctors in such area; provided that pursuant to Section 108(b) of Pub. L. 94–182, the provisions of Section 1152(f) (42 U.S.C. 1320c–1(f)), relating to notification and polling, as described above, shall not apply where: (1) The membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: June 28, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-18856 Filed 7-5-77;8:45 am]

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area V of State of Indiana

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 U.S.C. 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Indiana Area V PSRO for PSRO Area V of the State of Indiana, which area is designated a Professional Standards Review Organization area in 42 CFR 101.18.

The Secretary has determined that the Indiana Area V PSRO is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Indiana, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Indiana

As stipulated in its Articles of Incorporation, the principal officers of the Indiana Area V PSRO are:

NAME AND OFFICE HELD

1. Charles R. Thomas, M.D., President
2. Evart M. Beck, M.D., Executive Committee Member.
3. Paul F. Muller, M.D., Executive Committee Member.
4. Arvine G. Topplewell, M.D., Executive Committee Member.

The official address of the corporation is 2501 Executive Drive, Suite 108, Indianapolis, Indiana 46241.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of Indiana who objects to the Secretary entering into an agreement with the Indiana Area V PSRO, on the grounds that this organization is not representative of the doctors in such area may, on or before August 5, 1977, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,451 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area V of the State of Indiana. In the event that more than 10 per centum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Indiana Area V PSRO is representative of such doctors in the area; provided that pursuant to Section 108(b) of Pub. L. 94–182, the provisions of Section 1152(f) (42 U.S.C. 1320c–1(f)), relating to notification and polling, as described above, shall not apply

where: (1) The membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: June 28, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-18857 Filed 7-5-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ADVISORY COMMITTEE ON ARCHEOLOGY AND HISTORIC PRESERVATION

Meeting

Notice is hereby given that the Advisory Committee on Archeology and Historic Preservation will meet on July 21, 1977, at 9:30 a.m. in the Conference Room of the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established by Executive Order 11593 and is chaired by Mr. Robert R. Garvey, Jr. The Committee is composed of 18 members appointed by the President from among persons who are distinguished in the fields of archeology, history, and other fields related to historic preservation.

The Committee will review and comment upon the following:

1. Report on the Secretary's Annual Report to the President.
2. Report on the Secretary's Annual Report to the Congress.
3. Report on the Secretary's Annual Report to the Advisory Council on Historic Preservation.
4. Report on the Secretary's Annual Report to the Council on Environmental Quality.
5. Report on the Secretary's Annual Report to the Federal Agency Committee.
6. Report on the Secretary's Annual Report to the Office of Management and Budget.
7. Report on the Secretary's Annual Report to the Office of Management and Budget Circular No. A–63 Revised of March 27, 1974, the NASA advisory

subsection (c), whether, on the basis of the allegations set forth in the complaint, the Commission should institute an investigation of the rates, charges, classifications, rules, regulations, practices, or contracts involved in such complaint.

Any interested person desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before July 25, 1977. Any person wishing to become a party must file a petition to intervene. Copies of the complaint are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19116 Filed 7-5-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-488]

ALGONQUIN GAS TRANSMISSION CO.

Application

JULY 1, 1977.

Take notice that on June 20, 1977, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP77-488 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Algonquin to receive and transport natural gas for Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin proposes to construct and operate a 16-inch tap and valve, a 16-inch meter station, and 1,000 feet of 16-inch pipeline in Framingham, Massachusetts. Algonquin states that it would receive up to 20,000 Mcf of natural gas per day for Boston Gas at the proposed facilities. Algonquin states that Boston Gas would use the gas for industrial boiler fuel and that the gas would displace oil.

Algonquin estimates the cost of the proposed facilities to be $1,000,000, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19117 Filed 7-5-77;8:45 am]

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where: (1) The membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: June 27, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-18944 Filed 7-5-77;8:45 am]

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area I of State of Indiana

Notice is hereby given in accordance with Section 1152(f) of the Social Security Act (42 U.S.C. 1320c–1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Calumet Area Professional Review Organization for PSRO Area I of the State of Indiana, which area is designated a Professional Standards Review Organization area in 42 CFR 101.18.

The Secretary has determined that the Calumet Area Professional Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Indiana, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Indiana.

As stipulated in its Articles of Incorporation, the principal officers of the Calumet Area Professional Review Organization are:

NAME AND OFFICE HELD

1. Martin J. O'Neill, M.D., Chairman.
2. Lee H. Trachtenberg, M.D., President.
3. Thomas C. Tyrrell, M.D., First Vice President.
4. Forrest R. LaFollette, M.D., Second Vice President.

The official address of the corporation is 2825 Jewett Street, Highland, Indiana 46322.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Indiana who objects to the Secretary entering into an agreement with the Calumet Area Professional Review Organization, on the grounds that this organization is not representative of the doctors in such area, may, on or before August 5, 1977, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or health related institutions, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 835 doctors of medicine and/or osteopathy are engaged in active practive in PSRO Area I of the State of Indiana. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Calumet Area Professional Review Organization is representative of such doctors in the area; provided that pursuant to Section 108(b) of Pub. L. 94–192, the provisions of Section 1152(f) (152 U.S.C. 1320c–1(f)), relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: June 28, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-19109 Filed 7-5-77;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

REVIEW OF CORRECTIONS EDUCATION POLICY

Program Results

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93–644) 42 U.S.C. 2946, this agency announces the findings, reported as a result of an HEW project entitled: "A Review of Corrections Education Policy for the Department of Health, Education, and Welfare" (HEW contract No. 100–76–0151).

A review of corrections education programs found that HEW contributed about $72 million of a total of $119 million spent by the Federal Government on corrections education in FY 1975. Some twenty-two different sections within the Department fund such programs with no formal coordination, overall policy guidance, or full participation in inter-agency coordinating efforts. While corrections agencies have shifted to a philosophy stressing education in and of its own right and emphasizing the several levels of educational disadvantagement found in the corrections population, the Department appears to hold an older philosophy that corrections education is justified only by its rehabilitative value and is therefore within the province of LEAA.

The report recommends that HEW recognize its dominant role in corrections education programs and develop a consistent policy for the various agencies involved in funding these programs. Further, the report suggests that the Department become active in inter-departmental coordinating efforts, and, given the growing concern in these programs for achieving equality of education, that the Office of Education assume the lead Federal role in corrections education.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and from Eric, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20506.

Dated: June 28, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-19094 Filed 7-5-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

MOLDED GOLF BALLS

[Investigation No. 337-TA-35]

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on April 14, 1977, and an amendment filed June 13, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of PCR Golf Ball Co., Inc., Rocky Hill, New Jersey, alleging that unfair methods of competition and unfair acts exist in the importation of molded golf balls into the United States, or in their sale, by reason of the alleged coverage of such articles by claims 1–9, 13 and 14 of U.S. Letters Patent 3,313,545. It alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests a permanent exclusion from entry into the United States of the imports in question or, alternatively, a cease and desist order with respect to such imports.

Having considered the complaint, the United States International Trade Commission, on June 30, 1977, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint, there is a violation of subsection (a) of this section in the unauthorized importation of molded golf balls into the United States, or in their unauthorized sale, by reason of such golf balls allegedly being covered by claims 1–9, 13 and 14 of U.S. Letters Patent 3,313,545, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

FOREIGN MANUFACTURERS AND EXPORTERS

Seibu Polymer Chemical Co., Ltd., 16–18, Minami Ikebukuro, 1 Chome, Toshima-ku, Tokyo, Japan.
Hayakawa Rubber Co., Ltd., 1–32 Matsuyamacho, 2 Chome, Fukuyama, Japan.
Daiwa Seiko, Inc., 14–16, Maesawa 3 Chome, Higashi-Kurume, Tokyo, Japan.
Far East Honsha Co., Ltd., 36, Bingocho 3 Chome, Highashi-ku, Osaka, Japan.
Daewoo Industrial Co., Ltd., CPO 2810, Seoul, Korea.
Seh-Bang Prod. Co Ltd., CPO Box 3469, Seoul, Korea.
Dong Sun Chemical Ind. Co. Ltd., CPO Box 5117, Seoul, Korea.
Eagle Enterprises Co. Ltd., 1st Floor, Kuang Lung Bldg., 3–1, Chen, Chiang Street, Taipei, Taiwan, Republic of China.
Li and Fung, 615–8, 9th Floor, Lin Shen North Road, Taipei, Taiwan, Republic of China.
Seoul Chemical Company, 24–23 1–Ku Chungmuro Chung-Ku, Seoul, Korea.
Kimpo Chemical Company, Seoul, Korea.

IMPORTERS

Putt-R-Golf Incorporated, 3914 W. Market Street, Akron, Ohio 44313.
S & Y Enterprises, 5205 W. Ottowa Avenue, Littleton, Colorado 80123.
Tracy International Corp., 3459 Haven Avenue, Menlo Park, California 90425.
John A. Elliott, c/o Shambrock Golf Co., 1748 21 Street, Santa Monica, California 90404.
Imperial Golf Sales Co., 124 E. Hunter, Santa Ana California 92711.
Western Golf Supply 1831 Colorado. Santa Monica, California 90406.
Exim Co., 145–20 39 Avenue, Flushing, New York, 11354.
Seh Bang America, 9060 Palisades Avenue, North Bergen, New Jersey 07047.
Tracy International, 344 Main, Street. Hackensack, New Jersey 07601.
Fred Akel Co., 13301 Beach Boulevard, Jacksonville, Florida 32216.
Chugai Boyleki America Corp., 51 Madison Avenue, New York, New York 10010.
Dae Wood International America Corp., 350 Fifth Avenue, New York 10001.
Dae Wood International Los Angeles Corporation, 150 Carob Street, Compton, California 90220.
Dunbar Customs Services, P.O. Box 91474, Los Angeles, California 90009.
F. W. Woolworth Company, 233 Broadway, New York, New York 10007.
Gambles Import Corporation, North 2777 Ontario Street, Burbank, California 91504.
H. M. Enterprise Incorporated, 39 W. 32nd Street, New York, New York 10001.
Kumbo U.S.A. Incorporated, 4032 Wilshire Boulevard, Los Angeles, California 90010.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436 is hereby appointed as presiding officer; and

(4) That, for the purpose of the investigation so instituted, Charles F. Schill, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to §§ 210.16(d) and 210.21(a) of the Rules, such responeses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure or a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission:

Issued: June 30, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-19200 Filed 7-5-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-45]

CLOSED MEETING ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Reports

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 of October 6, 1972, and Office of Management and Budget Circular No. A–63 Revised of March 27, 1974, the NASA advisory committees which held closed or partially closed meetings in 1976, consistent with the policy of 5 U.S.C. 552(b), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk and NASA Headquarters, Headquarters Information Center.

The names of the advisory committees are listed below:

Applications Steering Committee, Ad Hoc Advisory Subcommittee for Evaluation of Applications Explorer Mission-B Stratospheric Aerosol and Gas Experiment Proposals;
Applications Steering Committee, Ad Hoc Advisory Subcommittee for Evaluation of Solar Constant Measurement Experiment Proposals;
Applications Steering Committee, Advisory Subcommittee for the Evaluation of Advanced Applications Flight Experiment (AAFE) Program Proposals;
Applications Steering Committee, Space Processing Ad Hoc Advisory Subcommittee;
Applications Steering Committee, Space Processing Payload Advisory Subcommittee;
Historical Advisory Committee;
NASA Wage Committee;
Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review Proposals for a Payload for the Terrestrial Bodies Orbiter (Lunar).

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs.

JUNE 28, 1977.

[FR Doc.77-19158 Filed 7-5-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

STATE WOMEN'S MEETINGS; ALABAMA, ETC.

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463, 5 U.S.C. App. 1), announcement is made of the State Women's Meetings in Alabama, Hawaii, Mississippi, Montana, New York, and Washington.

The purposes of the meetings are to:

(1) recognize the contributions of women to the development of our country;
(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;
(3) assess the role of women in economic, social, cultural, and political development;
(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;
(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;
(6) make nominations for and elect representatives to the National Women's Con-

ference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year

Time of Election of Delegates: July 9, 8:00 to 11:00 a.m.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

persons. These standards include consideration of financial resources, past per-

For the Commission by the Division of Market Regulation, pursuant to dele-

be available for inspection and copying at the principal office of the above-

V 42/129 JUL 6 77 UMI

ference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Recommendations will be developed in workshops and other discussion groups and voted on by the State Meeting. Topics to be discussed during the periods scheduled below include a variety of issues concerning women including health, education, employment, and the legal and economic status of women.

These Meetings are open to the public. All persons 16 years old or older who are residents of the State or enrollees at educational institutions in the State may register to participate in any activities. Participation in some activities may be limited by the available space. Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee.

ALABAMA WOMEN'S MEETING

Place: Montgomery Civic Center, Montgomery, Alabama.
Time: 9:30 a.m. to 5:00 p.m., July 9, 1977.
Number of Delegates to National Women's Conference: 24.
Time of Nominations for Delegates: 10:30 a.m. to 11:00 a.m.
Time of Election of Delegates: 11:30 a.m. to 2:30 p.m.
Time of Workshops: 11:00 a.m. to 12:00 noon and 12:30 p.m. to 3:00 p.m.
For further information, contact Patricia Eddington, Chair, IWY Coordinating Committee, 404 Office Park Drive, Suite 101, Birmingham, Alabama 35223 or call (205) 870-4117.

HAWAII WOMEN'S MEETING

Place: Neal Blaisdell Exhibition Center and Farrington High School, Honolulu, Hawaii.
Time: 7:30 p.m., July 8 to 5:00 p.m., July 10.
Number of Delegates to National Women's Conference: 14.
Time of Nominations for Delegates: July 8, 8 to 9 p.m.
Time of Election of Delegates: July 10, 7:30 to 11:00 a.m.
Times of Workshops: July 9, 8:30 a.m. to 10:30 a.m.; 10:45 a.m. to 12:45 a.m. July 10, 8:30 a.m. to 10:30 a.m.; 10:45 a.m. to 12:45 p.m.
Time of Voting Recommendations: July 9, 3:15 p.m. to 6:00 p.m. July 10, 2 p.m. to 5 p.m.
For further information contact Winona Rubin, Chair, IWY Coordinating Committee, 1040 Richards Street, Room 305, Honolulu, Hawaii 96813 or call (808) 538-7061.

MISSISSIPPI WOMEN'S MEETING

Place: Holiday Inn Downtown, 200 E. Amite Street, Jackson MI.
Time: July 8, 1:00 p.m. to 5:30 p.m., July 9.
Number of Delegates to National Women's Conference: 14.
Time of Nominations for Delegates: July 8, 4:00 p.m. to 5:00 p.m.
Time of Election of Delegates: July 9, 8:00 to 11:00 a.m.
Times of Workshops: July 8, 2:15 p.m. to 4:00 p.m. July 9, 9:00 a.m. to 10:15 a.m., 10:30 a.m. to 12 noon.
Time of Voting Recommendations: July 9 2:30 p.m. to 5:30 p.m.
For further information contact Jessie Mosley, Chair, IWY Coordinating Committee, 1968 Wingfield Circle, Jackson, Mississippi 39209 or call (601) 355-9104.

MONTANA WOMEN'S MEETING

Place: Caroll College, Helena, Montana.
Time: 11:00 a.m., July 8 to 1:30 p.m., July 10.
Number of Delegates to National Women's Conference: 14.
Time of Nominations for delegates: July 8, 5:15 to 6:00 p.m.
Time of Election of Delegates: July 9, 4:00 to 8:00 p.m.
Times of Workshops: July 8, 2:00 to 4:00 p.m.; July 9, 9:00 to 12 noon; 2:00 p.m. to 4:00 p.m.
Time of Voting on Recommendations: July 9, 9:00 p.m. to 10:00 p.m.; July 10, 9:00 a.m. to 12 noon.
For further information contact Mary Munger, Chair, IWY Coordinating Committee, 1424 9th Ave., Helena, Montana 59601 or call (406) 442-0095.

NEW YORK WOMEN'S MEETING

Place: Empire State Mall, Albany, New York.
Time: 4:00 p.m., July 8 to 5:00 p.m., July 10.
Number of Delegates to National Women's Conference: 88.
Time of Nominations for Delegates: July 9, 9:00 to 9:45 a.m.
Time of Election of Delegates: July 10, 8:00 a.m. to 12 noon.
Times of Workshops: July 9, 10:15 to 11:15 a.m.; 1:45 to 3:15 p.m.; 3:45 to 7:15 p.m.
Time of Voting on Recommendations: July 10, 9 to 11 a.m.
For further information contact Mary Burke Nicholas, Chair, IWY Coodinating Committee, c/o Annette Stoller, 9 West 57th Street, New York, N.Y. 10019 or call (212) 593-5511.

Dated: June 29, 1977.

WASHINGTON WOMEN'S MEETING

Place: Central Washington State College, Ellensburg, Washington.
Time: 2:00 p.m., July 8 to 4:00 p.m., July 10.
Number of Delegates to National Women's Conference: 24.
Time of Nominations for Delegates: July 9, 4:45 to 6:00 p.m.
Time of Election of Delegates: July 9, 8:00 p.m. to 12:00 midnight.
Times of Workshops: July 9, 2:00 to 4:30 p.m.
Time of Voting on Recommendations: July 10, 8:30 a.m. to 4:00 p.m.
For further information contact Dorothy Hollingsworth, Chair, IWY Coordinating Committee, Arcade Plaza, Room 6132, Mail Stop 609, 1321 2d Ave., Seattle, Washington 98101 or call (206) 623-8696.

General notice of these meetings has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

LINDA COLVARD DORIAN,
General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-19145 Filed 7-5-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Art Critics' Fellowships) to the National Council on the Arts will be held on July 25, 1977, from 9:30 a.m. to 6 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and Humanities.

[FR Doc.77-19139 Filed 7-5-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13688; File No. SR-PSE-77-16]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 23, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change sets forth standards to be applied by the Floor Trading Committee and the Allocations Committee of the Pacific Stock Exchange Incorporated ("PSE") with respect to the appointment of persons to act as alternate specialists on the PSE, and the assignment of securities to such persons. These standards include consideration of financial resources, past performance, and operational capability. In addition for members who do not hold appointments as primary specialists, the standards require satisfactory performance on a floor trading examination and existence of satisfactory clearing arrangements.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is designed to facilitate the operation of the alternate specialist system of trading on the PSE by setting forth the standards to be used by the Floor Trading Committee and the Allocation Committee in appointing members to serve as alternate specialists and in allocating securities to alternate specialists.

The proposed rule change, by expressing standards for the appointment of persons as alternate specialists and standards for the allocation of securities to such persons, contributes to the removal of impediments to and the perfection of the mechanism of a free and open market. Therefore, PSE believes that section 6(b)(5) of the Act provides the statutory basis for the proposal.

Comments were neither solicited nor received from members on the proposed rule change.

PSE asserts that the proposed rule change would impose no burden on competition. Rather the Exchange believes that the proposal would assist the Exchange to increase market maker competition in the context of a developing National Market System.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission. Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 27, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 28, 1977.

[FR Doc.77-19159 Filed 7-5-77;8:45 am]

[Release No. 34-13689; File No. SR-PHLX-77-6]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 22, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX) proposes to eliminate the wall which separates its option trading floor from its equity trading floor.

PHLX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule is to remain competitive with any other exchange permitted to trade options and underlying securities in the same room.

PHLX asserts that the proposed rule change is in furtherance of Exchange Act section 11A(a)(1)(C)(ii) because it will permit fair competition among and between exchange markets.

Comments were not solicited nor were comments received.

PHLX believes that the proposed rule change would not impose any burden on competition.

On or before August 10, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 27, 1977

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 28, 1977.

[FR Doc.77-19160 Filed 7-5-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1422, Amendment No. 1]

IDAHO

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 23220) is amended by extending the filing date for physical damage until the close of business on December 27, 1977, and for economic injury until the close of business on July 27, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated June 27, 1977.

RICHARD HERNANDEZ,
Acting Administrator

[FR Doc.77-19113 Filed 7-5-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the first meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on July 21 and 22, 1977.

The purpose of the meeting on July 21 is to receive, jointly with the Joint Research Committee of the Board for International Food and Agricultural Development, a briefing on the A.I.D. programming process, to identify the responsibilities of each committee within this process and to discuss how to maintain effective communications with the public on the committee's activities and goals. On July 22, the committee will consider its operating procedures, composition and functions of sub-committees, development of priorities for program activities and proposed pilot development programs.

The meetings will begin at 9:00 a.m., will adjourn at 5:30 p.m. and will be held at the Ramada Inn, Rosslyn, 1900

Fort Myer Drive, Arlington, Virginia. The meeting room designation will be posted in the lobby of the Inn on the day of the meeting. The meeting is open to

Dr. Erven J. Long, Associate Assistant Administrator is designated as A.I.D. Advisory Committee Representative at the

on Wednesday, June 15, 1977 (Vol. 42, No. 115, Page 30557), has been rescheduled for Tuesday, July 26, 1977.

directly, on butter cookies from Denmark. Export refunds are paid on sub-

ministration and this Congress is the establishment of a national water re-

Telephone: Mr. James Fish, 213 688 7284

August 1 and 2.

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Fort Myer Drive, Arlington, Virginia. The meeting room designation will be posted in the lobby of the Inn on the day of the meeting. The meeting is open to the public. Any interested person may attend, file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher Riggs, Deputy to the Associate Assistant Administrator, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring more information write to him in care of the Agency for International Development, State Department, Washington, D.C., 20523, or telephone (703)–235–9001.

Dated: July 1, 1977.

FLETCHER RIGGS,
A.I.D. Advisory Committee Representative, Joint Committee for Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc.77-19353 Filed 7-5-77;8:45 am]

JOINT RESEARCH COMMITTEE OF BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the first meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on July 20 and 21, 1977.

The purpose of the meeting is to: Review the operating procedures for the Joint Committee; consider sub-committee composition and function to implement Joint Committee activities; develop priorities for research efforts; consider proposed pilot programs and, on July 21, 1977, to meet jointly with the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development. The joint meeting will involve a briefing on the A.I.D. programming process, identification of the responsibilities of each committee in this process and discussion on how to maintain effective communication with the public on the committee's activities and goals.

The meetings will begin at 9:00 a.m., will adjourn at 5:30 p.m. and will be held at the Ramada Inn, Rosslyn, 1900 Fort Myer Drive, Arlington, Virginia. The meeting room designation will be posted in the lobby of the Inn on the day of the meeting. The meeting is open to the public. Any interested person may attend, file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent that the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring more information write to him in care of the Agency for International Development, State Department, Washington, D.C., 20523, or telephone (703)–235–9001.

Dated: July 1, 1977.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc.77-19352 Filed 7-5-77;8:45 am]

[Public Notice CM-7-84]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on safety of navigation of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, July 26, 1977, in room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of this meeting will be to discuss proceedings of the 19th Session of the Subcommittee on Safety of Navigation which met in London, February 14–19, 1977, and to consider matters for the forthcoming 20th Session of the Subcommittee on Safety of Navigation, scheduled for September 5–9, 1977, particularly:

Matters related to ships' routing;
Navigational aids and equipment;
Matters related to the 1972 Collision Regulations;
Amendment to the International Code of Signals;

Single-handed voyages;
Harmonization of buoyage systems; and
Any other business.

Requests for further information on the meeting should be directed to Captain R. A. Bauman or Commander D. L. Parr, United States Coast Guard, Washington, D.C. 20590, telephone 202–426–4958.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JUNE 24, 1977.

[FR Doc.77-19092 Filed 7-5-77;8:45 am]

[Public Notice CM-7-86]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The July 21, 1977, meeting of the working group on radiocommunications of the Subcommittee on Safety of Life at Sea published in the FEDERAL REGISTER on Wednesday, June 15, 1977 (Vol. 42, No. 115, Page 30557), has been rescheduled for Tuesday, July 26, 1977.

The purpose of the meeting remains unchanged; however, the time is now 9:30 a.m. and the place is Room 8438.

The meeting is open to the public.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426–1345.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JUNE 24, 1977.

[FR Doc.77-19093 Filed 7-5-77;8:45 am]

DEPARTMENT OF THE TREASURY
Customs Service

BUTTER COOKIES FROM DENMARK

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to advise the public that a preliminary determination has been made that bounties or grants are being paid on exports of butter cookies from Denmark. The countervailing Duty Law provides that whenever such bounties or grants are being paid, an additional duty equal to the amount of the subsidy shall be levied on imports. The public is invited to submit comments on this preliminary action, which will be considered prior to the issuance of a final determination.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: On February 17, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 9739). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Commission of the European Community upon the manufacture, production or exportation of butter cookies from Denmark will constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act").

The term "butter cookies" as used in this notice refers to certain baked products classifiable under item 182.20, Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations, it has been determined preliminarily that benefits have been paid or bestowed, directly or indirectly, on butter cookies from Denmark. Export refunds are paid on sugar, flour and eggs used in the production of butter cookies, under authority of European Economic Community (EEC) Regulation No. 2682/72 of December 12, 1972. Additionally, sales of butter from EEC intervention stocks are made at reduced prices for use in the production of butter cookies, pursuant to EEC Regulation No. 232/75 of January 30, 1975.

Accordingly, it has been determined preliminarily that imports of butter cookies from Denmark benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Act by reason of certain benefits conferred under the programs mentioned above. A final decision in this case is required on or before December 28, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before August 5, 1977. This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

A. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 29, 1977.

PETER O. SUCHMAN,
Deputy to the General Counsel for Tariff Affairs.

[FR Doc.77-19168 Filed 7-5-77;8:45 am]

Office of the Secretary

[Department Circular, Public Debt Series-No. 15-77]

7¼ PERCENT TREASURY NOTES OF JUNE 21, 1977

Series—No. 15–77

JUNE 29, 1977.

The Secretary of the Treasury announced on June 28, 1977, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 15–77, dated June 21, 1977, will be 7¼ percent per annum. Accordingly, the bonds are hereby redesignated 7¼ percent Treasury Bonds of 1992. Interest on the bonds will be payable at the rate of 7¼ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-19161 Filed 7-5-77;8:45 am]

WATER RESOURCES COUNCIL

WATER RESOURCE POLICY STUDY

Reforms

President Carter's May 23 environmental message states: "One of the pressing domestic issues facing this Administration and this Congress is the establishment of a national water resources management policy."

The President directed the Water Resources Council (WRC), the Office of Management and Budget (OMB), and the Council on Environmental Quality (CEQ) to review existing water resource policy and recommend reforms. Secretary of the Interior Cecil D. Andrus, in his capacity as Chairman of the WRC, will lead the joint study, along with the Director of OMB and the Chairman of CEQ.

A Policy Committee will carry through the study. The Committee is chaired by Mr. Guy R. Martin, Assistant Secretary of the Interior for Land and Water Resources and Alternate to the Chariman of the WRC. Other members are Mr. Eliot Cutler, Associate Director of OMB for Natural Resources, Energy and Science, and Mr. James Gustav Speth, Member of the CEQ. The Committee has approved a study plan and timetable (see Appendix I). Additional copies are available at the offices of the WRC, 2120 L Street, NW., Washington, D.C. 20037.

The President's message directed that the recommendations be developed in consultation with the public and with the Congress. To ensure adequate public participation, the Policy Committee has scheduled eight regional hearings on water policy.

1. Date and Place: July 28 and 29:

MINNEAPOLIS, MINNESOTA

Radisson South Hotel, 7800 Normandale Blvd., Bloomington, Minnesota
Write: Hon. George W. Griebenow, Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Room 510, Fort Snelling, Twin Cities, Minnesota 55111.
Telephone: Paul Soistad, 612 725 4690.

DENVER, COLORADO

Main Post Office Building, Auditorium, Room No. 269, 1823 Stout Street, Denver, Colorado.
Write: Hon. John Neuberger, Chairman, Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha, Nebraska 68114.
Telephone: 402-221 9351.

BOSTON, MASSACHUSETTS

Dunfey Family's Parker House Hotel, Ballroom—Top Floor, 60 School Street, Boston, Massachusetts
Write: Hon. R. Frank Gregg, Chairman, New England River Basins Commission, 55 Court Street, Boston, Massachusetts 02108.
Telephone: Julie Lichtenberger, 617-223-6244.

ATLANTA, GEORGIA

1st National Bank Building, 7th Floor, Two Peachtree Street, N.W., Atlanta, Georgia.
Write: Hon. Clair P. Guess, Jr., Chairman, Southeast Basins Inter-Agency Committee, 3830 Forest Drive, P.O. Box 4515, Columbia, South Carolina 29240.
Telephone: 803-758-2514

LOS ANGELES, CALIFORNIA

Marriott Airport Hotel, Ball Room, Airport and Century Boulevards, Los Angeles, California.
Write: Hon. Ray W. Rigby, Chairman, Interstate Conference on Water Problems, c/o BLM, Room 7127, Federal Office Building, 300 W. Los Angeles Street, Los Angeles, California 90012.
Telephone: Mr. James Fish, 213 688 7234

2. August 1 and 2.

SEATTLE, WASHINGTON

New Federal Building, 4th Floor - North Auditorium, 915 2nd Avenue, Seattle, Washington
Write: Hon. Donel J. Lane, Chairman, Pacific Northwest River Basins Commission, P.O. Box 908, Vancouver, Washington 98660.
Telephone: Mr. Bill Catlin, 206-694-2581 To Portland Phone: 503-285-0467.

CINCINNATI, OHIO

Environmental Research Center, Auditorium, 26 West St. Clair Avenue, Cincinnati, Ohio
Write: Hon. Fred E. Morr, Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208, Cincinnati, Ohio 45202.
Telephone: 513 684 3831

DALLAS, TEXAS

First International Building, 29th Floor Conference Room, 1201 Elm Street, Dallas, Texas
Write: Ms. Betty Williamson, Office of Public Affairs, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270
Telephone: Mr. Mark Satterfield, 214 749 3151.

2. Time:

To maximize opportunity for public participation, the first day of each hearing will run from 9:00 a.m. to 1:00 p.m. and resume at 5:00 p.m. and run until 10:00 p.m.

The second hearing day will run from 9:00 a.m. to 5:00 p.m. with a 1-hour lunch break.

3. Hearing Procedure

a. *Moderator's Authority.*—Each hearing will be chaired by a moderator who will be responsible for conducting their respective hearing.

b. *Hearing Panel.*—A hearing panel shall serve at each hearing to receive testimony, question witnesses, and provide answers to any questions from any witness. The hearing panel shall consist of at least one member of the Policy Committee or their designees.

c. *Record of Hearing and Availability.*—Each hearing shall be electronically recorded. Duplicates of each recording may be obtained at cost plus handling and mailing charges from the U.S. Water Resources Council in Washington, D.C., 2120 L Street, N.W., Washington, D.C. 20037.

d. *Oral Statements.*—Views and comments may be presented at the hearing orally or by submitting a written statement for the record as set out in e. below. Notice of intention to present an oral statement should be received in writing or by telephone by the moderator or designated representative of the moderator of the proper hearing at least 2 days prior to the commencement of each hearing with an advance copy of the statement, if available.

The moderators shall schedule as witnesses those who meet such notice requirement. Those persons who fail to meet the notice requirement shall be allowed to make presentations as time permits. In scheduling witnesses, the moderators shall give top priority to elected and other government officials.

Each witness shall be allocated no more than 10 minutes to make their presenta-

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tion. Additionally, each witness may be allocated 5 minutes to respond to questions from the hearing panel and the moderator.

Scheduled witnesses may ascertain the approximate time of their appearance at the hearing from the public information officer of the moderator's respective agency.

e. *Written Statements.*—Written views and comments shall be introduced into the record if they are submitted to the moderator of any hearing within 1 week after the termination of that moderator's hearing.

Alternatively, written comments will be included in the record if received by the U.S. Water Resources Council no later than noon on August 9, 1977.

GUY R. MARTIN,
Assistant Secretary of the Interior, Land and Water Resources Chairman, Policy Committee.

WATER RESOURCE POLICY STUDY

STUDY PLAN AND TIMETABLE

Introduction. The President's environmental message directed a study be undertaken leading to a "comprehensive reform of water resources policy, with water conservation as its cornerstone." He said, "I believe that it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible critera as economic efficiency, safety environmental protection, and a fair distribution of project benefits." This review, to be completed within six months and conducted "in consultation with the Congress and with the public," will present the President with "concrete recommendations for policy coordination and reform."

Secretary Andrus outlined the preliminary elements of this study in a speech before the National Conference on Water on May 24, 1977. He listed nine points which should be considered to put us on the road "toward a comprehensive and realistic national water policy." These were: (1) revision of WRC principles and standards; (2) deauthorization of old projects; (3) increased cost sharing by non-Federal entities; (4) reforms of laws, regulations, and practices governing allocation of water, (5) wise use of water; (6) quantification of Indian water rights and Federal reserved water rights; (7) evaluation of water quality with conventional water resource allocation and development; (8) improved dam safety; and (9) increased water conservation.

The Secretary of the Interior (as Chairman of the Water Resources Council), the Director of OMB, and the Chairman of CEQ have been delegated lead responsibility for undertaking the study. The review will be conducted under the direction of the Assistant Secretary for Land and Water Resources, Interior.

The objective of the water resources policy study is to present alternatives and recommendations to the President leading to improved direction; priorities and purposes for water resource programs. The study will address the issues outlined by Secretary Andrus as well as other broad policy issues. The study is not intended to be a review of individual projects, but recommendations will have an impact on future projects. The study will not be constrained by existing programs, authorities or organization. The review will consider and develop all the alternatives necessary to meet the directions of the President.

Study organization. The study will focus on five issue areas. These include: Revision of Water Resource Planning and Evaluation Criteria and Procedures; Cost Sharing for Federal Projects; Institutions and Institutional Arrangements; Indian Water Rights and Federal Reserved Water Rights; and Water Conservation.

Option papers for each issue area will be prepared under the direction of a Policy Committee composed of the Assistant Secretary of the Interior—Land and Water Resources, Associate Director of OMB for Natural Resources, Energy and Science, and Member, Council on Environmental Quality. The Assistant Secretary—Land and Water Resources will serve as Chairman of the Policy Committee. The option papers will discuss issues to be resolved, background and alternative policies and serve as the initial working documents for Task Force review.

Task Forces, composed of representatives from agencies involved with the issues, will be formed to solicit interagency views on option papers and to discuss development of recommendations to the President. Option papers will be redrafted and circulated under direction of the Chairman of the Policy Committee. The papers will be developed in the following time frame.

1. June 20. Secretary transmits memorandum to affected agencies outlining timetable and scope of water policy review study.
2. June 28. First formal meeting of Task Forces to discuss initial option papers.
3. July 6. Task Forces convene with preliminary comments on option papers, including additional areas for consideration, additional factual materials, and other suggestions.
4. July 12. Task Forces and Policy Committee brief agency heads.
5. July 15. Option papers are published in the FEDERAL REGISTER and the public provided 30 days to comment. Commence Congressional consultation and regional hearings for public comment on option papers.
6. August 1. Policy Committee begins to redraft option papers. August 5, complete the hearings and Congressional consultation.
7. August 16. Second formal meeting of Task Forces. Members select preferred options and preliminary agency positions are provided. Additional substantive corrections suggested.
8. August 17–September 1. Policy Committee draft final option papers.
9. September 1–15. Final Task Force meetings. Formal agency positions on recommendations and options.
10. September 15. Final recommendations and options submitted to the Secretary of the Interior, Dirctor of OMB and Chairman of CEQ.
11. September 30. Recommendations submitted to the President.
12. October 15. Presidential decision.
13. September 30–November 1. Agencies develop implementing documents for the President, including draft legislation, Executive Orders, reorganization plans, budget submissions, and changes in agency rules and regulations.
14. November 1, 1977. Announcement by the President.

Public involvement. Throughout the review process, a strong effort will be undertaken to solicit the views and suggestions of the public and Congress. The option papers will be published in the FEDERAL REGISTER on July 15, 1977, and the public given 30 days to comment. A series of regional hearings will be conducted in late July to solicit the view of private citizens, State and local governments, government organizations, intrest groups, industry and environmental groups. The hearings will be held using the river basin commissions, interagency basin committees, and members of the Policy Committee. Meetings will also be held with Congressmen, Senators, congressional committees, and staff to seek their views.

Review of Federal organization. A parallel and closely related initiative will be the review of organization for natural resource programs, including water, as part of the President's Reorganization Project.

A close liaison will be maintained between the water resources policy study and the natural resources organization study to avoid duplication in information gathering and possible hearings, and to assure mutually compatible proposals and reconcile time schedules.

Contact: Bill Dinsmore, OMB.

Task force organization. 1. Revision of Water Resource Planning and Evaluation Criteria and Procedures. Chaired by Policy Committee. Team Leaders: Bob Smythe, CEQ, and Ed Dickey, Army. Members: Agriculture, Army, Interior, CEQ, EPA, WRC, OMB, Commerce, DOT, and HUD.

This task force will work to define the problems associated with the WRC principles and standards and agency procedures; and identify improvements that can be made as they apply to Federal water resource planning, evaluation, and practices.

The work plan will include an appraisal of whether the present principles and standards should cover grant and loan programs; also an assessment and correction of omissions and ambiguities. Emphasis will be on water conservation and efficiency, safety, total water management, nonstructural alternatives, and integration of water quality with more conventional planning and evaluation. In addition, the work plan will involve identifying possible improvements in the estimation of project costs, improving the definition and calculation of economic benefits, improving the definition, display and quantification of environmental impacts, and review of the possibility of providing improved evaluation and audit of project plans through independent evaluation and audit.

2. Cost Sharing for Federal Projects. Chaired by Policy Committee. Team Leaders: Tom Barry, OMB, and Jim Flannery, Interior. Members: Interior, CEQ, Army, Commerce, DOT, OMB, HUD, Agriculture, WRC, and EPA.

This task force will seek to develop options leading to the establishment of more up-to-date system of distributing program and project costs or "sharing" between the Federal Government and the various non-Federal entities or users and beneficiaries of project purposes and services.

3. Institutions and Institutional Arrangements. Chaired by Policy Committee. Team Leader: Steven B. Weatherspoon, Interior. Members: WRC, Justice, Army, EPA, OMB, Interior, Agriculture, CEQ, DOT, HUD, ERDA.

This issue involves an appraisal of the system of water law, rights, practices, and other factors that prescribe how water is allocated, used, and transferred. The task force will establish how and to what extent water use and management is affected and what changes may be reasonable, recognizing the predominance of State jurisdiction. In addition, the task force will examine the role and practices of various governmental organizations in water resource policy and programs and coordinate with the President's Reorganization Project.

4. Indian Water Rights and Federal Reserved Water Rights. Chaired by the Policy Committee. Team Leader: Bill Eikenberry, Interior. Involved Agencies: Justice, OMB, Army, and Agriculture.

Numerous difficulties have arisen because of the present uncertainty over the amount of water to which Indian tribes and their members and, to a lesser degree, other Federal reservations, are entitled under the reserved rights doctrine. This task force will examine the situation and seek to recommend a Federal policy which addresses these problems and which reflects the Department of the Interior's legal responsibility to protect the rights of Indians.

This policy may ultimately include recommendations for the quantification of these rights as expeditiously as possible, consistent with Interior's fiduciary obligations.

5. Water Conservation. Chaired by Policy Committee, Team Leader: Gary Cobb, WRC. Members: WRC, Interior, Corps of Engineers, Agriculture, ERDA, OMB, CEQ, EPA, Commerce, and HUD.

The drought has focused attention on ways to increase water supplies. Past options have focused on additional development and not reduction in use. This task force will develop options and alternatives to improve management and allocation of existing sources as well as improved priorities for use. Their focus will be on developing ways to reduce waste and use existing supplies in a more efficient manner.

[FR Doc.77-19199 Filed 7-5-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. 30; Under Service Order No. 1252]

AROOSTOOK VALLEY RAILROAD CO.

Rerouting Traffic

JUNE 14, 1977.

To all railroads: In the opinion of Lewis R. Teeple, Agent, the Aroostook Valley Railroad Company is unable to handle traffic over a portion of its line between Washburn Jct., Maine, and Presque Isle, Maine, because of damage to a bridge located 5.5 miles north of Presque Isle.

It is ordered, That: (a) The Aroostook Valley Railroad Company (AV) being unable to handle traffic over a portion of its line between Washburn Jct., Maine, and Presque Isle, Maine, because of damage to a bridge located 5.5 miles north of Presque Isle, that line and its connections are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of this Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2 p.m., June 3, 1977.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 3, 1977.

INTERSTATE COMMERCE COMMISSION.
LEWIS R. TEEPLE,
Agent.

[FR Doc.77-19086 Filed 7-5-77;8:45 am]

[Notice No. 426]

ASSIGNMENT OF HEARINGS

JUNE 29, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36571, Idaho Intrastate Freight Rates and Charges—1977, now being assigned September 7, 1977 (3 days), at Boise, Idaho, in a hearing room to be later designated.

No. 36432 (Sub-1), Fresh Fruits and Vegetables, Transcontinental Eastbound, now assigned March 1, 1978, San Francisco, Calif., in a hearing room to be later designated.

MC 134922 (Sub-189), B. J. McAdams, Inc., now assigned July 27, 1977, at Louisville, Ky., will be held in Room 273, Federal Bldg. Federal Plaza.

MC 128555 (Sub-14), Meat Dispatch, Inc., now assigned July 28, 1977, at Louisville, Ky., will be held in Room 273, Federal Bldg., Federal Plaza.

MC 56409 (Sub-No. 12), Major Transport, Inc., now being assigned September 15, 1977 (1 day), for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 61403 (Sub-242), The Mason & Dixon Tank Lines, Inc., now assigned July 29, 1977, at Louisville, Ky., will be held in Room 273, Federal Bldg., Federal Plaza.

111397 (Sub-119), David Transport, Inc., now assigned August 1, 1977, at Louisville, Ky., will be held in Room 1052A, Federal Bldg., Federal Plaza.

124951 (Sub-36), Wathen Transport, Inc., now assigned August 2, 1977, at Louisville, Ky., will be held in Room 1052A, Federal Bldg., Federal Plaza.

MC 16903 (Sub-42), Moon Freight Lines, Inc., now assigned August 4, 1977, at Louisville, Ky., will be held in Room 1052A, Federal Bldg., Federal Plaza.

MC 134922 (Sub-220), B. J. McAdams, Inc., now assigned July 29, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 9726 (Sub-8), T. F. Dunlap Trucking Co., Inc., now assigned July 28, 1977, at Columbus, Ohio, will be in Room 235, Fed. Bldg., 85 Marconi Blvd.

113429 (Sub-3), Mike Contris, d.b.a. Contris Trucking, now assigned July 27, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 140845 (Sub 4), Hoke Bus Lines, Inc., now assigned August 1, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 106398 (Sub 769), National Trailer Convoy, Inc., now assigned July 26, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 115162 (Sub 346), Poole Truck Line, Inc., now assigned July 26, 1977, at Columbus, Ohio, will be held in Room 235 Federal Bldg., 85 Marconi Blvd.

MC 129759 (Sub 17), Triangle Trucking Co., now assigned July 26, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 4405 (Sub 541), Dealers Transit, Inc., now assigned July 29, 1977, at St. Louis, Mo., will be held in Room 316, Wash. Univ., Lindell Skinker Campus, Seeley B. Mudd Law Bldg.

MC 116325 (Sub 74), Jennings Bond, d.b.a. Bond Enterprises, now assigned July 28, 1977, at St. Louis, Mo., will be held in Room 316, Wash. University, Lindell Skinker Campus, Seeley B. Mudd Law Bldg.

MC–F–12945, Bowman Transportation, Inc.—Purchase—Bringwald Transfer, Inc., now assigned August 1, 1977, will be held in Room 316, Washington Univ., Lindell Skinker Campus Seeley B. Mudd Law Bldg.

MC 112304 (Sub 114), Ace Doran Hauling & Rigging Company, now assigned July 27, 1977, at St. Louis, Mo., will be held in Room 316, Wash. Univ., Lindell Skinker Campus, Seeley B. Mudd Law Building.

MC 129032 (Sub 30), Tom Inman Trucking, Inc., now assigned July 26, 1977, at St. Louis, Mo., will be held in Room 316, Wash. Univ., Lindell Skinker Campus, Seeley B. Mudd Law Bldg.

MC 142399, Ellerbrock Trucking, Inc., now assigned July 18, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St., 14th and Dodge.

MC 135052 (Sub 10), Ashcraft Trucking, Inc., now assigned July 26, 1977, at Louisville, Ky., will be held in Room 273, Federal Bldg., Federal Plaza.

MC 113119 (Sub 104), Heyl Truck Lines, Inc., now assigned July 28, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St., 14th and Dodge.

MC–F–12812, All American, Inc., Purchase—Nebraska City Transfer, now assigned July 20, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St., 14th and Dodge.

MC 135819 (Sub 4), William H. Phillips and William I. Phillips, a partnership d.b.a. Phillips & Phillips Trucking Co., now assigned July 14, 1977, at Dallas, Tex., will

MC 115730 (Sub 23), The Mickow Corp., now assigned July 14, 1977, at Dallas, Tex., will

MC 142920, Oliver Trucking Corp., now assigned July 20, 1977, at New York, N.Y.

Esq., 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005;

sought for purchase by transferee of the operating rights of transferor, as set

No. MC–FC–77178, filed June 16, 1977. Transferee: ROBERT R. LILLIS, SR.,

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MC 135819 (Sub 4), William H. Phillips and William I. Phillips, a partnership d.b.a. Phillips & Phillips Trucking Co., now assigned July 25, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St., 14th and Dodge.

MC 126254 (Sub 36), Morgan Trucking Co., now assigned July 26, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 North 14th St., 14th and Dodge.

MC 139999 (Sub 20), Redfather Fast Freight Inc., and MC 139999 (Sub 17), Redfather Fast Freight, Inc., now assigned July 19, 1977, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N 14th St., 14th and Dodge.

MC 139458 (Sub 1), Richter Inc., now assigned July 25, 1977, at Durango, Colo., will be held in La Plata County Extension Bldg., La Plata County Fairgrounds.

MC 136008 (Sub 1), Joe Brown Company, Inc., now assigned July 21, 1977, at Albuquerque, New Mex., will be held in Bernalillo County Juvenile Courtroom, Bernalillo County Courthouse 415 Tijhras Avenue.

MC 113095 (Sub 125), Texas Continental Express, Inc., now assigned July 19, 1977, at Dallas, Tex., will be held in Room 16F17, U.S. Fed. Bldg., 1100 Commerce St.

MC 42011 (Sub 30), D Q Wis. & Co., Inc., now assigned July 18, 1977, at Dallas, Tex., will be held in Room 16F17, U.S. Fed Bldg., 1100 Commerce St.

MC 129808 (Sub 4), American Farm Lines, Inc., now assigned July 12, 1977, at Dallas, Tex., will be held in Courtroom 16F23, U.S. Federal Bldg 1100 Commerce Street.

MC 124947 (Sub 50), Machinery Transports, Inc., now assigned July 13, 1977, at Denver, Colo., will be held in Room 158, Custom House, 721 19th Street.

MC 138732 (Sub 6), Osterkamp Trucking, Inc., now assigned July 18, 1977, at Phoenix, Ariz., will be held in Courtroom 4, 7th Floor Federal Bldg., 230 N. First Avenue.

MC 42011 (Sub 29), D Q Wise & Co., Inc., now assigned July 11, 1977, at Denver, Colo., will be held in Room 158, Custom House, 721 19th Street.

No. 36526, Colorado Intrastate Freight Rates and Charges—1977, now assigned July 6, 1977, at Denver, Colo., will be held in Room 158, Custom House, 721 19th Street.

MC-F—12774, O'Nan Transportation Co., Inc., Investigation of Control—Owenton Express, Inc., MC 134817 (Sub 1), and MC 134817, Owenton Express, Inc.; MC 35334 (Sub 79), Cooper Jarrett, Inc., MC-F-12598 and MC 35334 (Sub 78), Cooper Jarrett Inc.—Purchase, Tri City Express, Inc.; MC 136018, Tri City Express, Inc., now assigned July 12, 1977, at Lexington, Ky., will be held in the Holiday Inn North, 1950 Newton Pike.

MC 141033 (Sub 2), Continental Contract Carrier Corp., now assigned July 11, 1977, at Dallas, Tex., will be held in Room 5A15–17, Federal Bldg., 1100 Commerce Street.

MC 141033 (Sub 3), Continental Contract Carrier, Corp., now assigned July 11, 1977, at Dallas, Tex., will be held in Room 5A15–17, Federal Bldg., 1100 Commerce Street.

MC 142769 (Sub 1), Colonial Refrigerated Transportation, Inc., now assigned July 13, 1977, at Dallas, Tex., will be held in Room 5A15–17, Fed. Bldg., 1100 Commerce Street.

MC 117109 (Sub 16), Sykes Transport Company, now assigned July 13, 1977, at Dallas, Tex., will be held in Room 5A15–17, Federal Bldg., 1100 Commerce Street.

MC 115730 (Sub 23), The Mickow Corp., now assigned July 14, 1977, at Dallas, Tex., will be held in Room 5A15–17, Federal Bldg., 1100 Commerce Street.

MO 106644 (Sub 226), Superior Trucking Co., now assigned July 7, 1977, at Birmingham, Ala., will be held in Conference Room 5, 3rd Floor, 1800 5th Avenue North, U.S. Federal Bldg. and Courthouse.

MC 142620, Ed Hopson Produce Company, Inc., now assigned July 6, 1977, at Birmingham, Ala., will be held in Conference Room 5, 3rd Floor, U.S. Federal Bldg. and Courthouse, 1800 5th Avenue North.

MC 142463, Specialized Hauling, Inc., now assigned July 6, 1977, at Omaha, Nebr., will be held in the Lincoln Room, Hilton Hotel, 1616 Dodge St.

MC-F-12978, Navajo Freight Lines, Inc.—Purchase—Utica Transfer, Inc., now assigned July 11, 1977, at Omaha, Nebr., will be held in the Lincoln Room, Hilton Hotel, 1616 Dodge Street.

MC 134922 (Sub 189), B J McAdams, Inc., now assigned July 27, 1977, at Louisville, Ky., will be held in Room 273, Federal Bldg., Federal Plaza.

MC F-12991 and MC 93237 (Sub 22), System 99—Purchase (portion)—Compton Transfer & Storage Co., now assigned July 11, 1977, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street, and on July 18, 1977, at Boise, Idaho, will be held in Conference Room 429, Fed. Bldg., 550 W Fort.

MC F-12871, Golden Gate Van Lines, Inc.—Investigation of Control—Frontier Van Lines, Inc. and Roush Van Lines, Inc., now assigned July 6, 1977, at San Francisco, Calif., will be held in Room 510, 5th Floor, 211 Main Street.

MC 119974 (Sub-No. 31), L.C.L. Transit Company, now being assigned for continued hearing on the 5th day of July 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-9106, *Freightways Express, Inc.* v. *Seco Trucking, Inc.*, now being assigned for continued hearing on July 20, 1977 (2 days), in Room 978, Federal Building, 167 N. Main Street, Memphis, Tenn.

MC 95376 (Sub-No 14), Mevey Trucking, Inc., now being assigned August 3, 1977 (3 days), in Room 348, 230 South Dearborn Street, Chicago, Ill.

MC 139618 (Sub 4), Asbury Wright, d.b.a. Wright Trucking Co., now being assigned August 1, 1977 (3 days), at Atlanta, Georgia, and will be held in Room 556, Federal Building, 275 Peachtree Street NE.

MC 29886 (Sub-No 335), Dallas & Mavis Forwarding Co., Inc., MC 83539 (Sub-No. 450), C & H Transportation Co., Inc., MC 95876 (Sub-No. 196), Anderson Trucking Service, Inc., MC 111545 (Sub-No. 231), Home Transportation Company, Inc., MC 113855 (Sub-No. 368), International Transport, Inc. and MC 124947 (Sub-No. 51), Machinery Transports, Inc., now being assigned August 1, 1977 (2 days), in Room 348, 230 South Dearborn Street, Chicago, Ill.

MC 113908 (Sub-241), Erickson Transport Corp., now assigned continued hearing July 12, 1977, at Washington, D.C., has been postponed to August 16, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 (Sub-No. 235), Superior Trucking Co., Inc., now assigned July 19, 1977, at San Francisco, California, is cancelled, application dismissed.

MC 129537 (Sub-No. 15), Reeves Transportation Co., now being assigned September 26, 1977 (1 week), at Atlanta, Georgia, in a hearing room to be later designated.

MC 142920, Oliver Trucking Corp., now assigned July 20, 1977, at New York, N.Y., is postponed indefinitely.

MC 133689 (Sub 92), Overland Express, Inc., now being assigned August 3, 1977 (3 days), at St. Paul, Minnesota, and will be held at Court Room 584, Federal Building, 5th Floor, 316 North Robert Street.

MC 140010 (Sub-No 7), Joseph Moving & Storage Co., Inc., d b a St. Joseph Motor Lines, now assigned August 1, 1977, at Atlanta, Ga., is postponed indefinitely.

MC 128273 (Sub-No 243), Midwestern Distribution, Inc., now assigned August 2, 1977, at Atlanta, Ga. is canceled and application dismissed.

MC-C-9687, *Greyhound Lines, Inc.* v. *Sarah Seymour*, individually and Swan Seymour, d.b.a. Swan Seymour Bus Lines, now being assigned September 8 1977 (2 days), at Memphis, Tennessee in a hearing room to be later designated.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19081 Filed 7-5-77;8:45 am]

[Notice No. 190]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearings, must be filed with the Commission on or before August 5, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76970, filed May 24, 1977. Transferee: MITCHELL EXPRESS, INC., 54 Lawrence Road, Randolph, New Jersey 07801. Transferor: Elgin Trucking Company, Inc., 595 17th Street, Brooklyn New York, 11218. Maxwell A. Howell, Esq., 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005; James F. Martin, Jr., Practitioner, 69 Milliken Avenue, Franklin, Massachusetts 02038; Herbert Burstein, Esq., Suite 2373, One World Trade Center, New York, New York, 10048. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 116836, issued October 30, 1957, as follows: *General commodities*, with normal exceptions, over irregular routes, between points in Hudson, Bergen, Passaic, Essex, Middlesex, Somerset, and Morris Counties, N.J., and Trenton, N.J., on the one hand, and, on the other, Philadelphia, Pa.; and between points in the New York, N.Y., commercial zone, as defined by the Commission, other than points in Hudson and Bergen Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., moving through Harrison, Kearny, and Newark, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77131 filed May 18, 1977. Transferee: BACON MOTOR EXPRESS, INC., 19 Larkin Street, Cornelia, Georgia 30531. Transferor: Hugh S. Bacon, doing business as Bacon Motor Express, 19 Larkin Street, Cornelia, Georgia 30531. Applicants' representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Georgia 30349. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 106863, issued October 26, 1976, as follows: *Potato chips, shoestring potatoes, potatoes, fried pork skins, cakes, candy, crackers, salted nuts, peanuts, peanut butter, peanut butter sandwiches, popcorn, pretzels, and pecans*, in cartons, cases, or containers, *cooking oil* in drums, *display racks*, knocked down, folded flat, *glass jars, printed matter, stationery, labels, twine, and glassine bags*, in cases or cartons, *gummed tape, corrugated boxes*, knocked down, folded flat, in bundles, and *metal drums*, between Atlanta, Ga., on the one hand, and, on the other, points in Florida; between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas and Missouri; between Louisville, Ky., on the one hand, and, on the other, points in Indiana on and south of U.S. Highway 36; between Atlanta, Ga., and points in Alabama, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Restriction: No service is authorized between Atlanta, Ga., on the one hand, and, on the other, Birmingham, Ala. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

Republication

No. MC–FC–77151, filed May 26, 1977. Transferee: THOMAS MOLDENHAUER, R. R. No. 1, Wilson, Wis. 54027. Transferor: Irvin Wentlandt, R.R. No. 2, Spring Valley, Wis. Applicants' representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC63236, issued March 11, 1957, as follows: *Livestock and agricultural commodities*, from points in the Towns of Rock Elm and Spring Lake, Pierce County, Wis., in the Town of Cady, St. Croix County, Wis., and in the Towns of Lucas and Weston, Dunn County, Wis., to St. Paul, South St. Paul, Minneapolis, and Stillwater, Minn., with no transportation for compensation on return except as otherwise authorized. *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk commodities requiring special equipment, and those injurious or contaminating to other lading, from St. Paul South St. Paul, Minneapolis, and Stillwater, Minn., to points in the above-specified Wisconsin towns, not including the incorporated village of Elmwood, Wis., with no transportation for compensation on return except as otherwise authorized; *livestock*, between points in the Towns of Rock Elm, Spring Lake, and Gilman, Pierce County, Wis., in the Town of Cady, St. Croix County, Wis., and in the Towns of Lucas and Weston, Dunn County, Wis., on the one hand, and, on the other, Newport, Minn.; between points in the town of Gilman, Pierce County, Wis., on the one hand, and on the other, South St. Paul, Minn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77177, filed June 27, 1977. Transferee: HAMRIC TRANSPORTATION, INC., 3318 E. Jefferson St. (P.O. Box 1124), Grand Prairie, Tex. 75050. Transferor: Royal's Motor Service, Inc., 3318 E. Jefferson St. (P.O. Box 1124), Grand Prairie, Texas 75050. Applicants' representative: James W. Hightower, Attorney-at-Law, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificates Nos. MC 129635 (Sub-No. 2), MC 129635 (Sub-No. 3), MC 129635 (Sub-No. 6) and MC 129635 (Sub-No. 7), issued by the Commission September 14, 1972, April 7, 1976, January 24, 1977, and April 28, 1977, respectively, as follows: *Agricultural implements, agricultural tractors, and agricultural machinery; iron and steel reinforcing bars, smoothrounds, and grinding balls, and materials, equipment, and supplies* used in the manufacture of such commodities; *tractors* (except truck tractors), each weighing 15,000 pounds or less, and *implements, attachments, parts, and accessories* for tractors, from, to, or between points in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77178, filed June 16, 1977. Transferee: ROBERT R. LILLIS, SR., and MARIE LILLIS, a partnership, 12 Haystack Road, West Haven, Conn. 06516. Transferor: Nancy Josephine Giudice, doing business as Nancy J. Giudice, 108 Hilltop Lane, West Haven, Conn. 06516. Applicants' representative: David B. Greenberg, c/o Greenberg, Hurwitz & Licari, 385 Orange St., New Haven, Conn. 06511. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in License No. MC 130099, issued August 20, 1970, which authorizes operations as a broker as follows: *Passengers and their baggage*, in all-expense sightseeing and pleasure tours, in special and charter operations, beginning and ending at West Haven, Conn., and extending to points in the United States (including Alaska but excluding Hawaii). Applicant is authorized to engage in the above-specified operations as a broker at West Haven, Conn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC 77182, filed June 20, 1977. Transferee: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth St., Medford, Wis. 54441. Transferor: Pernsteiner Trucking, Inc., Route 2, Medford, Wis. 54451. Applicants' representative: John Michler, Attorney at Law, P.O. Box 1244, First American Center, Wausau, Wis. 54401. Authority sought for purchase by transferee of a portion of the operation rights of transferor, as set forth in Permit No. MC 141318 Sub-2, issued October 12, 1976, as follows: (1) *Doors, sashes, window units, screens, frames* and *window blinds*, from Ladysmith, Wis., to points in North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, and Iowa; and (2) materials and supplies used in the manufacture and distribution of the commodities specified in (1) above, from the above-specified destination points, to Ladysmith, Wis. Restriction: The operations authorized herein are liimted to a transportation service to be performed, under a continuing contract, or contracts, with Weather Shield Mfg. Inc., of Medford, Wis. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 21aa(b).

No. MC–FC–77183, filed June 23, 1977. Transferee: NEWCOMBE CADILLAC-PONTIAC, INC., 9–W Highway South, Catskill, N.Y. 12424. Transferor: Athens Garage, Inc., South Washington St., Athens, N.Y. 12015. Applicants' representative: William B. Elmer, Attorney-at-Law, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 119683, issued January 19, 1961, as follows: Wrecked or disabled motor vehicles, in truckaway service, by the use of heavy duty towing and wrecker equipment, between points

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in New York, on the one hand, and, on the other, points in Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, New Jersey, and Pennsylvania. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC-FC-77186, filed June 21, 1977. Transferee: LEVINE'S EXPRESS & TRUCKING COMPANY, 1001 Roosevelt Ave., P.O. Box 237, Carteret, N.J. 07008. Transferor: John Weigert, doing business as Levine's Express & Trucking Company, 1001 Roosevelt Ave., P.O. Box 237, Carteret, N.J. 07008. Applicant's representative: Robert B. Pepper, Registered Practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 89021, issued April 25, 1967, as follows: Advertising display materials, uncrated, during the season extending from the 1st day of September to the 1st day of June, inclusive, between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, and Michigan. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc 77-19082 Filed 7-5-77;8:45 am]

[Notice No. 189]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

July 5, 1977.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 25, 1977 pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-77007 By order entered June 28, 1977 the Motor Carrier Board approved the transfer to John B. McNabb doing business as McNabb Farms Pocatello, Id. of the operating rights set forth in Certificates No. MC 140166 (Sub-No. 2) and MC 140166 (Sub-No. 3), issued June 23, 1975 and February 1, 1977, respectively, to John L. Smith, Moreland, Id. authorizing the transportation of: *Feed* and *feed ingredients*, from Pocatello, Idaho, to points in Union, Grant, Baker, Harney, and Malheur Counties, Oreg., Ravalli, Granite, Jefferson, Silver Bow, Gallatin, Madison, and Beaverhead Counties, Mont., Teton, Sublette, Sweetwater, Lincoln, and Uinta Counties, Wyo., Box Elder, Cache, Rich, Weber, Summit, Tooele, Juab, Millard, Sevier, Sanpete, Carbon, Emery, Wasatch, Salt Lake, Duchesne, Unitah, Davis, Carbon, Beaver, and Wayne Counties, Utah and Washoe, Pershing, Humboldt, Elko, Lander, Churchill, Eureka, White Pine, Mineral, Douglas, Lyon, and Storey Counties, Nev. Also animal feed, from Pocatello, Id. to points in Maricopa County, Ariz.

Jerold G. Oldroyd, 485 "E" St., Idaho Falls, Id. 83401 attorney for applicants.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc 77-19083 Filed 7-5-77;8:45 am]

[Notice No. 85]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

June 27, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC field office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 47583 (Sub-No. 51TA), filed June 13, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kansas 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, in bags, *blowing machines and replacement parts and supplies* for blowing machines, from the plant site and storage facilities of General Fiber Corporation, at or near Dallas, Tex., to all points and places in the states of Arizona, Arkansas, Colorado, and places in the states of Arizona, Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma and Tennessee, and *materials, equipment and supplies* used in the manufacture and distribution of Cellulose insulation, except commodities in bulk, from points and places in the states of Arizona, Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma and Tennessee, to the plant-site and storage facilities of General Fiber Corporation, at or near Dallas, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Fiber Corporation, 50701 Dexter, Commerce City, Colo. 80022. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 89684 (Sub-No. 98TA) (Correction), filed April 1, 1977, published in the Federal Register issue of May 4, 1977, and republished as corrected this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 1200, 310 South Main Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except articles of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (Restricted to packages each weighing not more than 100 pounds and against the transportation of more than 200 pounds in the aggregate, from one consignor at one location to one consignee at one location during a single day), (a) Between Elko, Nev., and the Nevada-California border serving all intermediate points and their commercial zones via U.S. Highway I-80, U.S. 40 and U.S. 95 and serving the following off-route points and their commercial zones: Black Springs, Verdi, Hazen, Fallon, Schurz, Yerington, Weed Heights, Wabuska, Weeks, Silver Springs, Fernley, Dayton, Carson City, Glenbrook, Lake Tahoe, Crystal Bay, Franktown, Steamboat, Sparks, Virginia City, Minden, Gardnerville, Stateline, Genoa, Zephyr Cove, Silver City, Goldhill, Incline Village, Washoe, Huffaker, Vista, Applian, Lux, Lawton, Mogul, Wadsworth Lamoille and Carlin Nev. (B) Between Wendover and Ely, Nev., serving all intermediate points via U.S. Highways Alternate 50 and U.S. 93 and serving the following off-route points and their commercial zone: Ruth, Keystone Lane, Copper Flat, Reipetown, Kimberly and East Ely, Nev., for 180 days. Note: Applicant requests authority for tacking at Elko and Wendover, Nev. Supporting shipper(s): There are approximately 66 statements of support attached to the applicant which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South Satte Street, Salt Lake City, Utah 84138. The purpose of this republication is to add the rest of the territorial description.

No. MC 94350 (Sub-No. 395TA), filed June 7, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-side and double-wide mobile homes*, in initial movements, from Waycross, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Guerdon Industries, Inc., P.O. Box 1928, Waycross, Ga. 31501. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 108053 (Sub-No. 140TA), filed June 15, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23rd Street, P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.-209 and 766 (except hides and commodities in bulk), from Worthington, Ind., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, for 180 days. Supporting shipper(s): Herman Klayman, President, Herkley Packing Company, Inc., U.S. 231 North, P.O. Box 1, Worthington Ind. 47471. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 108207 (Sub-No. 463TA), filed June 7, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from Benton and Washington Counties, Ark., to points in Louisiana and Mississippi, and points in Tennessee on and west of Interstate Highway 65, restricted to the transportation of shipments originating at the above-specified points, for 180 days. Supporting shipper(s): Welch Foods, Inc. Portage Street, Westfield, N.Y. 14787. Send protests to: Opal M. Jones Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13012, Dallas, Tex. 75242.

No. MC 111729 (Sub-No. 705TA), filed June 7, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*, between Brattleboro, Vt., and W. Bridgewater, Maine, for 180 days. Supporting shipper(s): Mamoth Mart, Inc. 321 Manley Street, W. Bridgewater, Maine. 02379. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112595 (Sub-No. 69TA), filed June 6, 1977. Applicant: FORD BROTHERS, INC., 510 Riverside Drive, P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: Walter S. Dall, Ford Brothers, Inc., P.O. Box 727, Ironton, Ohio. 45638. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk from Aurora, Ind., to points in Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Donald J. Humprhey, President, Flo-lizer, Inc., Box 237, Kingston, Ohio. 45644. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 113908 (Sub-No. 401TA), filed June 9, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yogurt mix*, in bulk, from Evansville, Ind., to Bryan, Tex.; Southbury, Conn.; and Burbank, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ideal Pure Milk Company, Inc., 201 S.E. 8th Street, Evansville, Ind. 47713. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 116519 (Sub-No. 43TA), filed June 7, 1977. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the United States-Canada International Boundary Line located in Michigan and New York to points in the United States (except Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Hawaii, Oregon, Utah, Washington and Wyoming), Restriction: (1) the transportation authorized herein is restricted to foreign commerce. (2) the transportation authorized herein is restricted to the transportation of shipments originating at the warehouse and storage facilities of Apache Lumber Company Limited at Mississauga, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Apache Lumber Company Limited, U.S. Sales Coordinator, Frank B. Bryan, 3701 Chesswood Drive Downsview, Toronto, Ontario, Canada, M3J 2P6. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Whiterell Ave., Detroit, Mich. 48226.

No. MC 116519 (Sub-No. 44TA), filed May 27, 1977, Applicant: FREDERICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames and fifth wheels) with or without attachments, (2) *agricultural, industrial and construction machinery and equipment*, (3) *equipment designed* for use in conjunction with items described in (1) and (2) above, (4) *attachments* for items described in (3) above, (5) *parts* of items described in (1), (2) and (3) above in mixed loads with such items, from Bettendorf and Burlington, Iowa, Terre Haute, Ind.; and Racine, Wis.; to ports of entry on United States-Canada International Boundary Line located in Michigan, New York, Vermont and Maine for destinations in the Provinces of Ontario, Quebec, New Brunswick, Prince Edward Island, and Nova Scotia. Restrictions: (1) The transpor-

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tation herein is restricted to foreign commerce (2) the transportation herein is restricted to the transportation, of traffic originating at the facilities of the J. I. Case Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. I. Case Company, Robert L. Henderson, Manager, Corporate Traffic, 700 State St., Racine, Wis.: 53404. Send protests to James a Augustyn. District Supervisor Interstate Commerce Commission. Bureau of Operations. 1110 Broderick Tower. 10 Witherell Ave., Detroit. Mich 48226.

No. MC 116849 (Sub-No. 6TA), filed June 9, 1977. Applicant: ISLAND TRANSPORTATION CORP., 299 Main Street, Westbury, N.Y. 11590. Applicant's representative: Arthur J. Piken. Piken & Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, from Paulsboro, N.J., to New York, N.Y.; Nassau, Suffolk, Putnam, Westchester and Orange Counties, N.Y., and Fairfield County, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Oil Corporation, 150 East 42nd Street, New York N.Y. 10017. Send protests to: Maria B Kejss Transportation Assistant, Interstate Commerce Commission. 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117686 (Sub-No. 176TA) (correction), filed May 20, 1977. Applicant HIRSCHBACH MOTOR LINES, INC 5000 South Lewis Blvd., P.O. Box 417 Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile, artificial turf, neoprene foam padding, floor coverings, and material and supplies* used in the installation, manufacture, packaging, distribution and sale of ceramic tile, artificial turf, neoprene foam padding, floor coverings, when moving in mixed shipments therewith, (1) from Chattanooga Tenn., and points in Georgia north of Interstate I No. 20 to Atlanta, and thence points north of Interstate I No. 85 and (3) Topeka, Kans., to Topeka Kans., and Lincoln, Nebr., restricted to traffic destined to the plantsite and storage facilities of Cla-Mar, Inc., at or near the above named destination points, under a continuing contract with Cla-Mar, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wm. J. McNeive, President, Clar-Mar, Inc., 713 East 8th Street, P.O. Box 1797, Topeka, Kans. 66601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr 68102.

Note.—The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 117940 (Sub-No. 219TA) (correction) filed April 26, 1977, published in the FEDERAL REGISTER issue of May 25, 1977, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except foodstuffs, articles of unusual value, commodities in bulk, and household goods as defined by the Commission): Applicant requests authority to operate (1) From Los Angeles, California Commercial Zone and Los Angeles, California Harbor Commercial Zone to the facilities of Coast to Coast Central Organization, Inc. and Northern Cargo Association at Brookings, S. Dak., and to the facilities of Dayton's and Northern Cargo Association in the Minneapolis-St. Paul, Minnesota Commercial Zone as defined by the Interstate Commerce Commission: (2) From the facilities of the Port of Tacoma, Wash., and the Port of Seattle, Wash., when moving on bills of lading of Puget Sound Traffic Association to Brookings and Sioux Falls, S. Dak., and to points in the Minneapolis-St. Paul, Minneosta Commercial Zone as defined by the Interstate Commerce Commission, and (3) From the facilities of the Port of Tacoma, Wash., and the Port of Seattle, Wash., to the facilities of Coast to Coast Central Organization, Inc., at Brookings, S. Dak., restricted to the transportation of traffic originating at the named origins or having an immediately prior movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately four (4) statements of support attached to the application which may be examined at the Interestate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant. Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to amend the applicant's requested authority.

No. MC 117940 (Sub-No. 223TA), filed June 17, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail stores (except foodstuffs and commodities in bulk), from the facilities of Target Stores, Inc., in the Minneapolis, Minn., Commercial Zone to points in the commercial zones of Houston and Dallas, Tex., Tulsa and Oklahoma City, Okla., and Denver and Colorado Springs, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Target Stores, Inc. Fridley, Minn. Send protests to: Marion L. Cheney, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 117954 (Sub-No. 24TA) (correction), filed May 11, 1977, published in the FEDERAL REGISTER issue of May 31, 1977, and republished as corrected this issue. Applicant: H. L. HERRIN, JR., doing business as H. L. HERRIN TRUCKING CO., P.O. Box 1106, 3420 Airline Highway, Metairie, La. 70004. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and dry processed potatoes*, from the facilities of American Potato Company, at or near Plover, Wis., to points and places in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas, for 180 days. Supporting shipper(s): American Potatoe Co., Corporate Traffic Manager, 4600 Bank of America Center, San Francisco, Calif. 94104. Send protests to: District Supervisor Ray C. Armstrong, Jr., 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113. The purpose of this republication is to and the states of Arkansas and Mississippi, in lieu of Arizona and Minnesota.

No. MC 118178 (Sub-No. 26TA), filed June 10, 1977. Applicant: BILL MEEKER, P.O. Box 11184, 1733 N. Washington, Wichita, Kans. 67202. Applicant's representative: Bill Meeker, P.O. Box 11184, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, (except in bulk), from Newton, Kans., to Albuquerque and Santa Fe, N. Mex.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Ross Industries, Department of Cargill, Inc., P.O. Box 2696, Wichita, Kans. 67201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 12411 (Sub-No. 36TA) filed June 9, 1977. Applicant: JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Mo. 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Roofing and roofing materials*, from the plant site and warehouse facilities of the Roofing Division, Masonite Corporation at Little Rock, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Oklahoma and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Masonite Corporation, P.O. Box 1300, 2500 E. Roosevelt Road, Little Rock, Ark. 72203. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126458 (Sub-No. 8TA), filed June 17, 1977. Applicant: NICHOLS J. ASCENZO, INC., P.O. Box 62, 1544 Boone Avenue, Bronx, N.Y. 10460. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel ingots*, (2) *steel rods and bars*, from Wallingford, Conn., to Chesapeake, Va., from Chesapeake, Va., to Wallingford, Conn., under a continuing contract, or contracts, with Yale Steel Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Yale Steel Corp., 30 E. 42nd Street, New York, N.Y. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128840 (Sub-No. 1 TA), filed June 14, 1977. Applicant: ALTED TRUCKING CORP., P.O. Box 2062, Mt. Vernon, N.Y. 10551. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.J. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery and glass*, from points in Ohio and Newell, W.Va., to points in New York, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134477 (Sub-No. 176TA), filed June 17, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Duluth, Minn., and Superior, Wis., to points in Colorado, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Jeno's, Inc., located at or near Duluth, Minn., and Superior, Wis., for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Ave. So., Duluth, Minn. 55801. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135797 (Sub-No. 77TA), filed June 7, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground waste paper, liquid adhesives* in containers and *machinery and equipment* necessary for mixing, blending and applying such ground waste paper and liquid adhesives, from the plantsite and facilities of or used by National Cellulose Corp., at or near Dayton, Ohio; Houston, Tex., and Blaine, Wash., (Vancouver, B.C. Canada), to all points in the United States, except Hawaii, (2) *machinery, materials, equipment and supplies* used in or in connection with the manufacture, distribution, application or use of the commodities named in (1) above, from all points in the United States, except Hawaii, to the plantsite and facilities of or used by National Cellulose Corp., at or near Dayton, Ohio; Houston, Tex., and Blaine, Wash., (Vancouver, B.C., Canada). Restriction: The commodities named herein are restricted against the transportation of liquids in bulk, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Cellulose Corporation, 12315 Robin Boulevard, Houston, Tex., 77045. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136464 (Sub-No. 30TA), filed June 9, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K St., NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic spools*, from Fairfield County, Conn., to Charlotte, N.C. Restricted to a transportation service performed under a continuing contract, or contracts, with Talon Division of Textron, Inc. of Meadville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Talon Division of Textron, Inc., 626 Arch Street, Meadville, Pa. 16335. Send Protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, 800 Briar Creek Rd., Mart Office Bldg., Rm. CC516, Charlotte, N.C. 28205.

No. MC 138732 (Sub-No. 7TA) (correction), filed May 11, 1977. Applicant: OSTERKAMP TRUCKING, INC., 10499 North Glassell Street, Orange, Calif. 92667. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, supplies* used in the manufacture and distribution of paper and paper products, between the plantsites of Hoerner Waldorf Division, Champion International Corporation, located in Orange County and Salinas, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada New Mexico, Texas and Utah for 180 days. Supporting Shipper(s): Hoerner Waldorf Division, Champion International Corporation, P.O. Box 3260, St. Paul, Minn. 55165. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. The purpose of this republication is to add Arizona and California to the territorial description.

No. MC 143357 (Sub-No. 1TA), filed June 10, 1977. Applicant: STANLEY BYBEE, doing business as WESTERN APPLICATORS, P.O. Box 2361, Nyssa, Oreg. 97831. Applicant's representative: Steven J. Pierce, 14 South Second St., Nyssa, Oreg. 97913. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer, malt beverages, carbonated beverages, wine and wine beverages*, and (2) *containers, cartons, bottles, can openers, and related advertising and display matter* in mixed loads with the commodities named in (1) above, from points in California, to points in Ada and Canyon Counties, Idaho and Nyssa and Ontario, Oreg., and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lawless Distributing Co., 5215 Gage St., Boise, Idaho 83704, Owyhee Distributors, 325 South First St., Nysse, Oreg. 97913. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 83725.

No. MC 143358 (Sub-No. 1TA), filed June 14, 1977. Applicant: STATE EXPRESS, INC., 4259 Old Dixie Highway, Mountain View, Ga. 30070. Applicant's representative: Langford, Pope and Bailey, 219 Piedmont Street, Calhoun, Ga. 30701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by retail, discount and department stores, from, to and between all points in the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, under a continuing contract, or contracts, With K. Mart Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): K. Mart Corporation, 3100 West Big Beaver, Troy, Mich.

48084. Send protests to: E. A. Bryant, District Supervisor, Interstate Com-

No. MC 143382 (Sub-No. 1TA), filed

land, Barron, Bayfield, Buffalo, Burnett,

lington Northern Railroad, for 180 days.

has also filed an underlying ETA seeking

City, Mich., and in Cascade Township,

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48084. Send protests to: E. A. Bryant District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street, NW., Atlanta, Ga 30309.

No. MC 143374TA, filed June 13, 1977. Applicant: DENNIS J. DURBIN, doing business as Durbin Transport, 12400 Goodhill Rd., Wheaton, Md. 20906. Applicant's representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, Va. 22030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement, in bags; bricks; firebricks; flue lining; and, concrete lintels*, from the plant sites of Medusa Cement Co., at York, Pa., and Martin Marietta Corp., at Martinsburg, W. Va., to Washington, D.C. and its commercial zone; and points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md.; and Fauquier, Loudoun, Prince William, and Stafford Counties, Va., (2) *cement*, in bags, from the plant site of Riverton Lime and Cement Co., at Riverton, Va., to Washington, D.C., and its commercial zone, and points in Ann Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md., (3) *bricks*, from the plant site of Merrion Brick Co., at Manassas, Va., to Washington, D.C., and its commercial zone, and points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince Georges Counties, Md., (4) *bricks* from the plant site of Glen-Gery Corp., at York, Pa., to Washington, D.C., and its commercial zone; and points in Anne Arundel, Baltimore, Frederick, Howard Montgomery, and Prince Georges Counties, Md.; and Fauquier, Loudoun, Prince William, and Stafford Counties, Va., under a continuing contract or contracts with Betco Block & Products, Inc., for 180 days. Supporting shipper: Betco Block & Products, Inc., 5400 Butler Rd. Bethesda, Md. 20016. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Rm. 1413. W. C. Hersman, District Supervisor Washington, D.C. 20423.

No. MC 143378 (Sub-No. 1TA), filed June 15, 1977. Applicant: WESTERN PROVISIONERS, INC., P.O. Box 15861, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from Salt Lake City, Utah, and its commercial zone, to San Jose, Antioch, and Santa Ana, Calif., and Coos Bay, Oreg., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wasatch Paper Recycling, Inc., P.O. Box 26572, Salt Lake City, Utah 84125 (William Wels, Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138

No. MC 143382 (Sub-No. 1TA), filed June 16, 1977. Applicant: KEVIN M. RYMAN, R.D. No. 4, P.O. Box 3692, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film, plastic sheeting, and plastic mats*, from Mountaintop, Pa., to Los Angeles, Calif., restricted to a service to be performed under a continuing contract, or contracts, with Harte & Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Harte & Company, Inc., Oak Hill Road, Crestwood Industrial Park, Mountaintop, Pa. 18707. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. P.O. Bldg., Scranton, Pa. 18503.

No. MC 143387TA, filed June 15, 1977. Applicant: ASSOCIATED COURIERS, INC., 3309 Lightfoot, St. Charles, Mo. 63301. Applicant's representative: Paul R. Bergant, Singer & Sullivan, 10 S. La Salle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive pharmaceuticals, radioactive isotopes, and medical testing kits*, between St. Louis County, Mo., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, and Texas, under a continuing contract, or contracts, with Mallinckrodt, Inc., for 180 days. Supporting shipper(s): Mallinckrodt, Inc., 2703 Wagner Place, Maryland Heights, Mo. 63043. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 143388TA, filed June 16, 1977. Applicant: MORRIS L. WEST, d.b.a. West Delivery Service, Route 7, Greer, S.C. 29651. Applicant's representative: Smith & Barbare, Ronald F. Barbare, 635 North Academy Street, Greenville, S.C. 29601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals and drug supplies*, between Spartanburg, S.C., and points and places in North Carolina, restricted to transportation service, under a continuing contract, or contracts, with Geer Drug Company, for 180 days. Supporting shipper(s): The Geer Drug Company, P.O. Box 5527, Spartanburg, S.C. 29304. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 143390TA, filed June 16, 1977. Applicant: NORTHWEST TRANSPORT, INC., 508 North Street, Rice Lake, Wis. 54868. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags from Duluth, Minn., to points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties, Wis., under a continuing contract, or contracts, with Cutler-Magner Company and National Gypsum Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cutler-Magner Company, Duluth, Minn. 55802; National Gypsum Company, Cement Division, P.O. Box 887, Southfield, Mich., 48037. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 232TA), filed May 24, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in one way and round trip special operations, (A) between Mountain Home, Idaho, and Elko, Nev., serving all intermediate points: From Moutain Home over Idaho State Highway 51 to the Idaho-Nevada State line, thence over Nevada State Highway 51 to Elko, Nev., service is authorized to be conducted in special operations only. (B) between the junction of U.S. Highway 30 and U.S. Highway 93, west of Idaho Falls, Idaho, and the junction of U.S. Highway 93 and U.S. Highway 40 and Interstate Highway 80, east of Wells, Nev., serving all intermediate points, from the junction of U.S. Highway 30 and U.S. Highway 93, over U.S. Highway 93 to junction U.S. Highway 40 and Interstate Highway 80, service is authorized to be conducted in special operations only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are 41 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Rm. 3427 Federal Bldg., 230 N. First Ave., Phoenix, Arix. 85025.

No. MC 143194 (Sub-No. 1TA), filed June 10, 1977. Applicant: FRED H. SCHULTZ CO., 1935 Pepper Street, Lincoln, Nebr. 68502. Applicant's representative: Fred H. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* in same vehicle with passengers (train crews), between Lincoln, Nebr., and points within a 300 mile radius, restricted to transportation services to be performed under a continuing contract, or contracts, with Burlington Northern Railroad, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. J. DeWitt, Assistant Superintendent, Burlington Northern, Inc., 201 N. 7th Street, Lincoln, Nebr. 68508. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc.19084 Filed 7-5-77;8:45 am]

[Notice No. 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 1977.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35831 (Sub-No. 10TA), filed June 14, 1977. Applicant: E. A. HOLDER, INC., P.O. Box 69, 1201 Hwy. 287, Kennedale, Tex. 76060. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bar joist and accessories*, from Oakhaven, Ark., to points in Louisiana, Oklahoma, and Texas for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tex-Ark Joist Company, P.O. Box TAJ, Hope, Ark. 71801. Send protests to: Kirspel, District Supervisor, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 59150 (Sub-No. 101TA), filed June 14, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, P.O. Box 3277, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Adel, Ga., to Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 82079 (Sub-No. 49TA) (correction), filed May 26, 1977, published in the FEDERAL REGISTER issue of June 14, 1977, and republished as corrected this issue. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, except in bulk, in mechanically refrigerated vehicles, from the plantsite and warehouse facilities of E. J. Brach & Sons in Chicago and Carol Stream, Ill., and their commercial zones to points in Michigan on, north and west of a line beginning at the intersection of U.S. 23 and the Michigan/Ohio border north to the intersection of U.S. 23, M–21, and east on M–21 to M–15 and north on M–15 to Bay City, Mich., for 180 days. Supporting shipper(s): E. J. Brach & Sons, Chicago, Ill. 60690. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933. The purpose of this republication is to add the rest of the territorial description which was previously omitted.

No. MC 82492 (Sub- No. 159TA), filed June 15, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, salads, and puddings*, from the facilities of or utilized by Michigan Cottage Cheese, Inc., located at Otsego and Reed City, Mich., and in Cascade Township, Kent County, Mich., to Champaign, Ill., and points in Illinois north of Interstate Highway 74, and to points in Wisconsin, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Michigan Cottage Cheese, Inc., Otsego, Mich. 49078. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 101219 (Sub-No. 58TA) (partial correction), filed June 2, 1977. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representatives: Norman Weiss and Michael R. Werner, 2 West 45 Street, New York, N.Y. 10036.

NOTE.—The purpose of this partial correction is to indicate Applicant's correct Docket No. as MC 101219 (Sub-No. 58TA) in lieu of MC 1010219 (Sub-No. 58TA), as was previously published in error.

No. MC 107002 (Sub-No. 507TA), filed June 15, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Hwy. 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the DuPont Plant at Woodstock, Tenn. (near Memphis, Tenn.), to Chemolite Siding, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19801. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 1089TA), filed June 15, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in bulk, in tank vehicles, from the 3M plantsite at or near Chemolite, Minn., to the plantsite of the Roux Labs at or near Jacksonville, Fla., for 180 days. Supporting shipper(s): Minnesota Mining and Manufacturing, 3M Center, St. Paul, Minn. 55101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 1090TA), filed June 15, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

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routes, transporting: *Lime*, in bulk, from Springfield, Mo., to Middletown (Butler County), Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ash Grove Cement Company, 1000 Ten Main Center, Kansas City, Mo. 64105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 111302 (Sub-No. 107TA), filed June 16, 1977. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, P.O. Box 10470, Knoxville, Tenn. 37921. Applicant's representative: David A. Petersen, Highway Transport, Inc., 1500 Amherst Road, P.O. Box 10470, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from the plantsite of Tennessee Eastman Company in Kingsport, Tenn., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tennessee Eastman Company, P.O. Box 511, Kingsport, Tenn. 37662. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 113678 (Sub-No. 674TA), filed June 14, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Roger M. Shaner, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Albuquerque, N. Mex., to Colorado Springs and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Caribe Food Products, Inc., 5801 Kircher Blvd., N.E., Albuquerque, N. Mex. 87109. Send protests to: Robert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 114552 (Sub-No. 131TA), filed June 16, 1977. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William J. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board*, from the facilities of Champion International Corporation at Orangeburg, S.C., to points in Illinois, Indiana, Michigan, North Carolina, Ohio, and Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: E. E. Strotheid District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 114969 (Sub-No. 63TA), filed June 15, 1977. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, from Owensboro Riverport Authority at Owensboro, Ky., to Kentucky, Illinois and Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jerry L. Gooms, Manager, Owensboro Riverport Authority, P.O. Box 711, Owensboro, Ky. 42301. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115841 (Sub-No. 546TA), filed June 16, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Building 100, Suite 110, Knoxville, Tenn. 37919. Applicant's representative: Mike G. Moneymaker, 9041 Executive Park Drive, Bldg. 100, Suite 110, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Webb, Duvall, Jim Wells, Nuece, San Patricio, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, Cameron Counties, Tex., to points in the United States on and east of the Mississippi River including all points in Arkansas and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sun Valley Sales Company, McAllen, Tex. (2) J. O. Alvarez & Company, Laredo, Tex. (3) Harvest House Marketing Corporation, Traverse City Mich. (4) Global Trading, Inc., Greenville, S.C. (5) International Frozen Foods, McAllen, Tex. (6) San Antonio Foreign Trading Company, San Antonio, Tex. (7) Blue Bonnet Foods, Monte Alto, Tex. (8) Rio Sales, Inc., McAllen, Tex. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116073 (Sub-No. 359TA), filed June 14, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett, P.O. Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and buildings, complete or in sections, in initial movement, from Elkhart County, Ind., to all points in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper(s): Mark Line Industries, Inc., P.O. Box 277, Bristol, Ind. 46507. Atlantis Corp. 22788 Pine Creek Road, Elkhart, Ind. 46514. Prarie Schooner, Inc. 27733 W.-Bristol, Elkhart, Inc. 46514. Herrli Industries, Inc. 2801 Oakland Ave. P.O. Box 848, Elkhart, Ind. 46514. LIL' Cat, Inc. 1521 W. Bristol, Elkhart, Ind. 46514. Torch Industries, Inc. 28384 CR Number 20 West, Elkhart, Ind. 46514. Patriot Homes, Inc. 57420 CR Number 3 Elkhart Ind. 46514. Admiration Homes, Inc. P.O. Box 39, Elkhart, Ind. Schult Mobile Home Corporation, Route 20 West, Middlebury, Ind. 46540. Vemco Builders, Inc. P.O. Box 1012, Elkhart, Ind. 46514. Manufactured Homes, Inc. 3011 Phillips Street, Elkhart, Ind. 46514. Cliff Industries, Inc. P.O. Box 1327, Elkhart, Ind. 46514. Parkwood Homes, Inc., Box 237, Elkhart, Ind. 46519. Space Assemblies, Inc. 51790 C.R. 39, Middlebury, Ind. 46540. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118776 (Sub-No. 21TA), filed June 15, 1977. Applicant: C. L. CONNORS, INC., 3820 Wisman Lane, Quincy, Ill. 62301. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, trace minerals, and trace mineral ingredients*, from the plantsite of Calcium Carbonate Company at Quincy, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Louisiana, Mississippi, New York and West Virginia, for 180 days. Supporting shipper(s): Russell E. Kanauss, Traffic Manager, Calcium Carbonate Company, 3150 Gardner Expressway, Quincy, Ill. 62301. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 119726 (Sub-No. 88TA), (correction), filed May 5, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents*, from the plantsite of Oil-Dri Corporation of America located at or near Ripley, Miss., and Ochlocknee, Ga., as follows: From Ripley, Miss., to Hopkins, Minn., Omaha, Nebr., Kansas City, Kans., Kansas City and St. Louis, Mo., Detroit, Mich., Pittsburgh, Pa., and points in the states of Illinois, Indiana, Iowa, Ohio, and Tennessee, via irregular routes; From Ochlocknee, Ga., to points in the states of Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin, via irregular routes, for 180 days. Appli-

cant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, Ill. 60611. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, Ind. 46204. The purpose of this republication is to correct the spelling of Ripley, Miss., in lieu of Ripley, Mass., which was previously published in error.

No. MC 123061 (Sub-No. 89TA), filed June 15, 1977. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 310 South Main Street, P.O. Box 780, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes or sheets*, corrugated or not corrugated, from plant site of Boise Cascade Corporation at or near Burley, Idaho, to Salt Lake City, North Salt Lake, Clearfield, Ogden, Cedar City, Logan, Wellsville and Riverton, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. (Charles G. Wise Manager Transportation Commerce). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 125777 (Sub-No. 192TA), filed June 16, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Joel H. Steiner, Axelrod, Goodman, Steiner & Bazelon, 39th South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica*, from the mine and plant facilities utilized by Johnson Mining Co. at or near Black Canyon City, Ariz., to the facilities utilized by Johnson Mining Co. at or near Buckeye, Ariz., and from the mine and plant facilities utilized by Johnson Mining Co. at or near Black Canyon City and Buckeye, Ariz., to Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johnson Mining Company, 13202 W. Ocatillo Rd., Glendale, Ariz. 85307. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 126276 (Sub-No. 178TA), filed June 17, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (empty metal cans), from the plantsite of Crown Cork & Seal Company at Abilene, Tex., to Cheraw, S.C., under a continuing contract, or contracts, with Crown Cork & Seal Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crown Cork & Seal Co., Inc. Edward Hatter, Assistant Traffic Manager, 9300 Ashton Road, Philadelphia, Pa. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 126642 (Sub-No. 4TA), filed June 13, 1977. Applicant: BLACK HILLS MOVERS, INC., 610 East Omaha Street, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation products*, from Pueblo, Colo., and its Commercial Zone to Rapid City, S. Dak., and its Commercial Zone, for 180 days. Supporting shipper(s): Knecht Industries, Inc., 301 Mt. Rushmore Road, Rapid City, S. Dak. 57701. Keith Danley, Director of Purchasing. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 128205 (Sub-No. 28TA), filed June 17, 1977. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Shephen H. Loeb, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Indianapolis, Ind., to Chicago, Ill., for 180 days. Supporting shipper(s): Acme-Evans Company, Division of General Grain, Inc. Marvin K. Baker Vice President Operations, 902 W. Washington Avenue, Indianapolis, Ind. 46204. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 129645 (Sub-No. 61TA), filed June 15, 1977. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, d/b/a SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, moulding plastic articles and accessories* used in the installation thereof, from the plant and storage facilities of Wyerhaeuser Company located at Chesapeake, Va., to points in Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Minnesota, Missouri, Kansas, North Dakota, South Dakota and Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wyerhaeuser Company, Chesapeake, Va. 23220. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133591 (Sub-No. 37TA), filed May 27, 1977. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (except commodities in bulk, in tank vehicles); (2) *medicinal herbs;* (3) *cooking utensils;* (4) *cosmetics and personal care products;* (5) *agricultural commodities* in mixed loads with the commodities in (1) through (4) above, and (6) *magazines* when moving in mixed shipments with (1) through (5) above, from points in California to Springfield, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Earthwonder, Inc., Springfield, Mo. 65611. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134387 (Sub-No. 50TA), filed June 17, 1977, Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, Knapp, Stevens, Grossman & Marsh, 701 Wilshire Blvd., Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, less than 5½ gallons in capacity, from points in Los Angeles County, Calif., to points in Maricopa County, Ariz., for 180 days. Supporting shipper(s): Sparkletts Drinking Water Corporation, 4500 York Blvd., P.O. Box 41049, Los Angeles, Calif. 90041. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 135052 (Sub-No. 11TA), filed June 13, 1977. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, other than expanded, and *materials, equipment and supplies* used in the manufacture and distribution thereof, from the facilities of PPG Industries at Columbus, Ind., to Amana, Iowa; Chicago, Ill.; Harvard, Ill.; Jonesville, Mich.; Springfield, Mo.; and Watsontown, Pa., for 180 days. Supporting shipper(s): PPG Industries, One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Building and U.S.

Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

Room 307, 76 Pearl Street, Portland, Maine 04111.

Building; 300 North Los Angeles Street,

No. MC 143249 (Sub-No. 1TA), filed June 14, 1977. Applicant: MID-EASTERN

1977, and republished as corrected this issue. Applicant: GREYHOUND LINES,

MC 134755 (Sub No. 82), Charter Express, Inc., now being assigned September 29,

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Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 136669 (Sub-No. 14TA), filed June 14, 1977. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Robert E. Gillespie (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold by and used by retail department stores (except commodities in bulk), from New York, N.Y., to Kanasas City, Mo., Kansas commercial zone, restricted to traffic destined to warehouses of R. H. Macy & Co., Inc., under a continuing contract, or contracts with R. H. Macy & Co., Inc., for 180 days. Supporting shipper(s). R. H. Macy & Co., Inc., Macy's Missouri-Kansas, 1034 Main Street, Kanasas City, Mo. 64105. Thomas J. Kenny, Senior Vice President, Director of Operations. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138003 (Sub-No. 16TA), filed June 17, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and appliance parts and accessories* from Murray, Ky., and Nashville, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington under a continuing contract with The Tappan Company, for 180 days. Supporting shipper: The Tappan Company, Tappan Park, Mansfield, Ohio 44901. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 138572 (Sub-No. 5TA), filed June 14, 1977. Applicant: BRUNSWICK PETROLEUM TRANSPORT LTD., McAllister Industrial Park, P.O. Box 132, P.O. Box 132, St. John, New Brunswick, Canada. Applicant's representative: J. P. Vermette, 7887 Grenache Street, Ville d'Anjou, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anionic emulsions*, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada located in Maine, to points in Aroostook and Washington Counties, Maine, restricted to the transportation of traffic having an immediate prior movement in foreign commerce, in local, through, single-line service originating in the Province of New Brunswick, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mulco Inc., 2433 Sir Wilfrid Laurier Blvd., St. Hubert, Quebec, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland Maine, 04111.

No. MC 140869 (Sub-No. 7TA), filed June 14, 1977. Applicant: KERRI TRUCKING, INC., 162 Closter Rock Road, Closter, N.J. 07624. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, (1) from Eddystone, Pa., to Fort Wayne, Ind. and (2) from Fort Wayne, Ind., to points in Ohio, Pennsylvania and West Virginia, under a continuing contract, or contracts, with General Felt Industries, Inc. of Saddle Brook, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carl W. Berger Director of Transportation, General Felt Industries, Inc. Park 80 Plaza West-One, Saddle Brook, N.J. 07662. Send protests to: Joel Morrows District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 140883 (Sub-No. 14TA), filed June 14, 1977. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, N.E., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and pipe fittings*, from Social Circle, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee and Virginia, under a continuing contract, or contracts with Certain Teed Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Certain Teed Corporation, 750 East Swedesford Road, Valley Forge, Pa. 19481. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street, N.W. Atlanta, Ga. 30309.

No. MC 141356 (Sub-No. 5 TA), filed June 17, 1977. Applicant: LONE PINE TRUCKING COMPANY, 11831 Vose Street, North Hollywood, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale and bentonite*, in bulk, from the mine and plant sites of Lightweight Processing Company at or near Lake of the Woods, Frazier Park and Ventura, Calif., to points and places in Clark County, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lightweight Processing Company, 715 North Central Avenue, Glendale, Calif. 91203. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building; 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141424 (Sub-No. 3TA), filed June 15, 1977. Applicant: P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa. 17404. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building and insulating materials* (except iron and steel, articles and commodities in bulk), from the plant site and warehouse facilities of Certain-Teed Corporation located in Erie County, Ohio, to points in Indiana, Kentucky and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Shelter Materials Group, Certain-Teed Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Charles F. Myers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 142287 (Sub-No. 4TA) (Correction), filed May 24, 1977. Applicant: TOM YOUNKIN, INC., 821 Sandusky Street, Ashland, Ohio 44805. Applicant's representative: William A. Nearhood, Colonial Bldg., 124 Church Street, Ashland, Ohio 44805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex and liquid plastic* (except in bulk, in tank vehicles), from Ashland, Ohio to Birmingham, Ala.; Pine Bluff, Ark.; Felsmere, Jacksonville, Miami and Orlando, Fla.; Macon, Ga.; Jackson and New Albany, Miss.; Earth City and Springfield, Mo.; Greensboro, Fayetteville and Thomasville, N.C.; Charleston, Columbia, Greenville and Kingstree, S.C.; and Bristol, Chattanooga, Johnson City, Knoxville, Memphis and Nashville, Tenn., under a continuing contract, or contracts, with General Latex & Chemical Corp. of Ohio for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Latex & Chemical Corp. of Ohio, Cleveland Road, P.O. Box 498, Ashland, Ohio 44805. Send protests to: James Johnson District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199. The purpose of this republication is to include the City of Miami, which was previously omitted.

No. MC 142600 (Sub-No. 2TA) (partial correction), filed June 1, 1977. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210.

NOTE.—The purpose of this partial correction is to indicate Applicant's correct Docket No. as MC 142600 (Sub-No. 2TA) in lieu of 14200 (Sub-No. 2TA) as was previously published.

No. MC 143249 (Sub-No. 1TA), filed June 14, 1977. Applicant: MID-EASTERN TRANSPORTATION, INC., Sugar Hollow Road, Box 1834, Morristown, Tenn. 37814. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture, parts of furniture and parts* used in manufacture of furniture, from New Albany, Ind.; Knoxville, Tenn.; and Newcomerstown, Ohio, and their commercial zones to points in Georgia and Florida, restricted to movements originating from the facilities of Silver Manufacturing, Inc., Well-Cor, Inc. and Groovefold, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Silver Manufacturing, Inc., P.O. Box 2748, Knoxville, Tenn. 37901. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, U.S. Court House, Suite A–422, 801 Broadway, Nashville, Tenn. 37203.

No. MC 143276 (Sub-No. 2TA), filed June 14, 1977. Applicant: WEAVER TRANSPORTATION CO., 5452 Oakdale Road, Smyrna, Ga. 30080. Applicant's representative: James L. Brazee, Jr., 2310 Parklade Drive, N.E., Suite 190, Atlanta, Ga. 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt*, in barrels, drums and/or packages, from the plant site of Trumbull Asphalt Co., Atlanta, Fulton County, Ga., to points in North Carolina, South Carolina, Tennessee and Alabama, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Trumbull Asphalt Company, 4775 Frederick Drive, S.W., Atlanta, Ga. 30336. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree, Street, N.W., Atlanta, Ga. 30309.

No. MC 143386, TA, filed June 15, 1977. Applicant: RC COLA–7UP BOTTLING CO. OF HGN, INC., 601 North 77 Sunshine Strip, Harlingen, Tex. 78550. Applicant's representative: E. E. Alcott, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus juices*, from plant site or storage facilities of Texsun Corporation, Weslaco, Tex., to points in the States of Oklahoma and Louisiana, for 180 days. Supporting shipper(s): Texsun Corporation, P.O. Box 327, Weslaco, Tex. 78596. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B–400 Federal Building, 727 E. Durango, San Antonio, Tex. 78206.

PASSENGER APPLICATION

No. MC 1515 (Sub-No. 227TA) (correction), filed May 13, 1977, published in the FEDERAL REGISTER issue of May 25, 1977, and republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in regular route service and *passenger and their baggage* in charter service. Between: (A) *Regular route: Passengers and their baggage and express and newspaper* in the same vehicle with passengers; between Chico, Calif., and the junction of California Highway 191 and California Highway 70, serving all intermediate points: From Chico over Skyway Road to Paradise, thence over California Highway 191 to junction California Highway 70 and return over the same route. (B) *Irregular route: Passengers and their baggage*, in one-way and round-trip charter operations: From points in Butte County, Calif., to all points in the United States (including Alaska but excluding Hawaii). Applicant seeks the requested authority to establish direct service to the City of Paradise, Calif. Passengers and bus express shippers from this community must now travel by other means approximately 20 miles to avail themselves of existing Greyhound service, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Passenger Public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025. The purpose of this republication is to omit "operate from, to or between" to just between and to indicate the correct spelling of the City of Chico in lieu of Chicago, as was previously published in error.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–19085 Filed 7–5–77;8:45 am]

[Notice No. 429]

ASSIGNMENT OF HEARINGS

JUNE 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133439 (Sub No. 1), Jim Nagle's Rebuilt Truck Parts and Sales Inc., now being assigned September 27, 1977 (2 days) for hearing in Pittsburgh, Pennsylvania, in a hearing room to be later designated.

MC 134755 (Sub No. 82), Charter Express, Inc., now being assigned September 29, 1977 (2 days) for hearing in Pittsburgh, Pennsylvania, in a hearing room to be later designated.

MC–F 13083 Short Freight Lines, Inc.—Purchase—Red Line Express, Inc., Philip R Joelson, Trustee In Bankruptcy and MC 108382 Sub No. 26 Short Freight Lines, Inc., now being assigned October 3, 1977 (1 week) for hearing in Columbus, Ohio, in a hearing room to be later designated.

MC–F–13039, Schippers Express, Inc.—Purchase (Portion)—Point Express, Inc., and MC 21572 (Sub-No. 3), Schippers Express, Inc., now being assigned August 1, 1977 (1 week) in Room 235 Federal Building, 85 Marconi Boulevard, Columbus, Ohio.

MC–F 13164 Overnite Transportation Co.—Purchase—Bonifield Bros. Truck Lines, Inc., and MC 109533 Sub No. 85 Overnite Transportation now being assigned September 27, 1977 (9 days) for hearing in Evansville, Indiana in a hearing room to be later designated.

MC 130302, Eastern Ski Tours, Inc., application dismissed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–19176 Filed 7–5–77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 21, 1977.

FSA No. 43390—*Iron or Steel Articles to Fort Smith, Arkansas*. Filed by Southwestern Freight Bureau, Agent, (No. B–690), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in eastern territory, to Fort Smith, Arkansas.

Grounds for relief—Market competition.

Tariff—Supplement 279 to Southwestern Freight Bureau, Agent, tariff 301–F, I.C.C. No. 5098. Rates are published to become effective on July 30, 1977.

FSA No. 43391—*Chemicals from Channelview, Texas*. Filed by Southwestern Freight Bureau, Agent, (No. B–691), for interested rail carriers. Rates on ethylene glycol, propylene oxide or styrene, in tank-car loads, as described in the application, from Channelview, Texas, to specified points in Michigan, North Carolina, Ohio, and West Virginia; also Sarnia, Ontario, Canada.

Grounds for relief—Market competition.

Tariffs—Supplements 19 and 8 to Southwestern Freight Bureau, Agent, tariffs 11–H and 12–K, I.C.C. Nos. 5242 and 5272, respectively. Rates are pub-

lished to become effective on August 1, 1977.

40 to Colorado Highway 9, thence along north of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 30N thence along U.S. Highway 30N to between points in Utah, on, north, and Mexico on and west of a line beginning

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lished to become effective on August 1, 1977.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-19177 Filed 7-5-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

June 24, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 18, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1872 (Sub-No. E6), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment and supplies* (except liquid and petroleum products, in bulk in tank vehicles and Class A and B explosives) (1) between points in Coconino County, Arizona north of an east-west line through The Gap, Arizona, on the one hand, and, on the other, points in Nebraska, (points in Utah and Sweetwater *or* Uinta County, Wyoming);* (2) between points in Arizona north of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction U.S. Highway Alternate 89, thence along U.S. Highway Alternate 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in Kansas, (points in Utah and Sweetwater or Uinta County, Wyo.); (3) between points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., on the one hand, and, on the other, points in Missouri, (points in Utah and Sweetwater *or* Uinta County, Wyo.);* (4) between points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., on the one hand, and, on the other, points in Iowa, (points in Utah and Sweetwater or Uinta County, Wyo.)* (5) between points in Arizona north of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction U.S. Highway Alternate 89, thence along U.S. Highway Alternate 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado State Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Colorado State Highway 7, thence along Colorado State Highway 7 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado State Highway 59, thence along Colorado State Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, (points in Utah and Sweetwater *or* Uinta County, Wyoming);* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E7), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *contractors' equipment, materials, and supplies, and building materials* as described Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except liquid and petroleum products, in bulk and tank vehicles, and class A and B explosives), between points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., on the one hand, and, on the other, points in Sweetwater and Uinta Counties, Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 1872 (Sub-No. E9), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment* and *supplies*, except liquid products, in bulk, in tank vehicles, (1) between points in Utah, on the one hand, and, on the other, points in Nebraska, on, north, and east of a line beginning at the Nebraska-South Dakota state line and extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa state line, (Sweetwater or Uinta County, Wyoming;*). (2) between points in Utah, on, north, and west of a line beginning at the Utah-Colorado state line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona state line, on the one hand, and, on the other, points in Nebraska (Sweetwater or Uinta County, Wyoming*); (3) between points in Utah on, north, and west of a line beginning at the Utah-Colorado state line and extending along U.S. Highway 40 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona state line, on the one hand, and, on the other, points in Kansas (points in Sweeter or Uinta County, Wyoming*); (4) between points in Utah on, north and west of a line beginning at the Utah-Colorado state line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona state line, on the one hand, and, on the other, points in Kansas, on, north, and east of a line beginning at the Kansas-Colorado state line and extending along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma state line (points in Sweetwater or Uinta County, Wyoming*);

(5) between points in Utah on, north, and west of a line beginning at the Utah-Colorado state line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona state line, on the one hand, and, on the other, points in Missouri on and north of Interstate Highway 44 (points in Sweetwater or Uinta County, Wyoming*); (6) between points in Utah, on the one hand, and, on the other, points in Iowa (points in Sweetwater or Uinta County, Wyoming*); (7) between points in Utah on and north of Interstate Highway 80, on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-Wyoming state line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway

40 to Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico state line (points in Sweetwater or Uinta County, Wyoming*); (8) between points in Utah on, north, and west of a line beginning at the Utah-Idaho state line and extending along U.S. Highway 91 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada state line, on the one hand, and, on the other, points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming state line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas state line (points in Sweetwater or Uinta County, Wyoming*); (9) between points in Utah, on the one hand, and, on the other, points in Wyoming (points in Sweetwater or Uinta County, Wyoming*); (10) between points in Utah, on the one hand, and, on the other, points in South Dakota (points in Sweetwater or Uinta County, Wyoming*). The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E13), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, (1) between points in Utah, on the one hand, and, on the other, points in Washington (points in Idaho*); (2) between points in New Mexico, on the one hand, and, on the other, points in Washington (points in Idaho and Utah*); (3) between points in Washington, on the one hand, and, on the other, points in Arizona (points in Idaho south of the Salmon River and within a 50 mile radius of Salt Lake City, Utah*); (4) between points in Washington, on the one hand, and, on the other, points in Colorado (points in Idaho south of the Salmon River and within a 50 mile radius of Salt Lake City, Utah*); (5) between points in Washington on and west of a line beginning at the United States-Canada International boundary line and extending along Washington Highway 9 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Washington Highway 28, thence along Washington Highway 28 to junction Washington Highway 282, thence along Washington Highway 282 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 125, thence along Washington Highway 125 to the Washington-Oregon state line, on the one hand, and, on the other, points in Wyoming on and south of a line beginning at the Wyoming-Utah state line and extending along Wyoming Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska state line (points in Idaho south of the Salmon River and within a 50 mile radius of Salt Lake City, Utah*).

(6) Between points in Washington on, north, and west of a line beginning at the Pacific Ocean at Aberdeen, Wash., and extending along U.S. Highway 12 to junction Washington Highway 8, thence along Washington Highway 8 to junction Interstate Highway 5, thence along Interstate Highway 5 to Olympia, Wash., thence along the western coastline of Puget Sound to the Strait of Juan De Fuca, on the one hand, and, on the other, points in Nevada on and east of a line beginning at the Nevada-Utah state line and extending along U.S. Highway 6 to junction Nevada Highway 38, thence along Nevada Highway 38 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California state line (points in Idaho south of the Salmon River and within a 50 mile radius of Salt Lake City, Utah*); (7) between points in Washington on, east, and north of a line beginning at Puget Sound at Everett, Wash., and extending along U.S. Highway 2 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Washington Highway 131, thence along Washington Highway 131 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 82, thence along Interstate Highway 82 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 125, thence along Washington Highway 125 to the Washington-Oregon state line, on the one hand, and, on the other, points in Nevada on and east of a line beginning at the Nevada-Arizona state line and extending along Interstate Highway 15 to the Nevada-California state line (points in Idaho south of the Salmon River and within a 50 mile radius of Salt Lake City, Utah*). The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E14) filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives when moving as Contractor's supplies*, (except liquid products, in bulk, in tank vehicles), "(1) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along Wyoming State Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming State Highway 789, thence along Wyoming State Highway 789 to junction Wyoming State Highway 28, thence along Wyoming State Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming State Highway 430, thence along Wyoming State Highway 430 to the Wyoming-Colorado State line, (points in Utah and Sweetwater or Uinta County Wyoming);* (2) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in South Dakota on and north of U.S. Highway 12, (points in Utah and Sweetwater or Uinta County, Wyoming).*

(3) between points in Arizona on and west of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska State Highway 2, thence along Nebraska State Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line, and points in Iowa (points in Utah and Sweetwater or Uinta County, Wyoming);* (4) between points in Arizona, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along Wyoming State Highway 59 to junction Wyoming State Highway 387, thence along Wyoming State Highway 387 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Wyoming State Highway 220, thence along Wyoming State Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming State Highway 789, thence along Wyoming State Highway 789 to the Wyoming-Colorado State line (points in Utah and Sweetwater or Uinta County, Wyoming).*

(5) between points in Arizona on and west of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction U.S. Highway 80,

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thence along U.S. Highway 80 to the Arizona-California State line, on the one hand, and, on the other, points in Wyoming (points in Utah and Sweetwater or Uinta County, Wyoming);* (6) between points in Idaho, on the one hand, and, on the other, points in Nebraska, Kansas, and Missouri (points in Utah and Sweetwater or Uinta County, Wyoming);* (7) between points in Arizona on and west of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, on the one hand, and, on the other, points in South Dakota (points in Utah and Sweetwater or Uinta County, Wyoming);* (8) between points in Idaho on and south of a line beginning at the Idaho-Washington State line and extending along Idaho State Highway 8 to junction Idaho State Highway 3, thence along Idaho State Highway 3 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line, on the one hand, and, on the other, points in Iowa (points in Utah and Sweetwater or Uinta County, Wyoming);* (9) between points in Idaho, on the one hand, and, on the other, points in Wyoming on and south of Interstate Highway 80, and points in Iowa on and south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line (points in Utah and Sweetwater or Uinta County, Wyoming).*

(10) Between points in Idaho south of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, on the one hand, and, on the other, points in South Dakota (points in Utah and Sweetwater or Uinta County, Wyoming);* (11) between points in Idaho, on the one hand, and, on the other, points in Colorado (points in Utah and Sweetwater or Uinta County, Wyoming);* (12) between points in Montana on and west of U.S. Highway 93, on the one hand, and, on the other, points in Nebraska on and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska State Highway 2, thence along Nebraska State Highway 2 to junction Nebraska State Highway 91, thence along Nebraska State Highway 91 to the Nebraska-Iowa State line (points in Utah and Sweetwater or Uinta County, Wyoming);* (13) between points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Kansas (points in Utah and Sweetwater or Uinta County, Wyoming).*

(14) Between points in Montana on and west of a line beginning at the United States-Canada international boundary line and extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Illinois State line (points in Utah and Sweetwater or Uinta County, Wyoming);* (15) between points in Montana on and west of a line beginning at the United States-Canada international boundary line and extending along U.S. Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana State Highway 41, thence along Montana State Highway 41 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idaho State line, on the one hand, and, on the other, points in Iowa on and south of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line (points in Utah and Sweetwater or Uinta County, Wyoming);* (16) between points in Montana on and west of a line beginning at the United States-Canada international boundary, i.e., extending along U.S. Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Montana-Idaho State line, on the one hand, and, on the other, points in Colorado (points in Utah and Sweetwater or Uinta County, Wyoming).*

(17) Between points in Montana on and west of a line beginning at the United States-Canada International boundary line and extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado State Highway 789 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado State Highway 82, thence along Colorado State Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (points in Utah and Sweetwater or Uinta County, Wyoming);* (18) between points in Nevada, on the one hand, and, one the other, points in Nebraska, points in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas State Highway 96, thence along Kansas State Highway 96 to junction Kansas State Highway 39, thence along Kansas State Highway 39 to junction Kansas State Highway 7, thence along Kansas State Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, points in Missouri, Iowa, Wyoming, South Dakota, and points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado State Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (points in Utah and Sweetwater or Unita County, Wyoming).*

(19) Between points in Nevada on and north of U.S. Highway 6, on the one hand, and, on the other, points in Kansas (points in Utah and Sweetwater or Uinta County, Wyoming);* (20 between points in Nevada on and north of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to junction Nevada State Highway 8A, thence along Nevada State Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line, on the one hand, and, on the other, points in Colorado on, north, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction Colorado State Highway 789, thence along Colorado State Highway 789 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado State Highway 82, thence along Colorado State Highway 82, to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (points in Utah and Sweetwater or Uinta County, Wyoming). The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E19), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, when moving as contractors' equipment and supplies*, (1) between points in Nevada, on the one hand, and, on the other, points in Nebraska, Missouri, Iowa, Wyoming, South Dakota, points in Colorado on, north and east of a line beginning at the Colorado-Wyoming state line and extending along Colorado Highway 789

to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas state line, and points in Kansas on and north of a line beginning at the Kansas-Colorado state line and extending along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 7, thence along Kansas State Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, points in Missouri, Iowa, Wyoming, South Dakota, and points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado State Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (points in Utah and Sweetwater *or* Unita County, Wyoming).*

(19) Between points in Nevada on and north of U.S. Highway 6, on the one hand, and, on the other, points in Kansas (points in Utah and Sweetwater or Uinta County, Wyoming);* (20 between points in Nevada on and north of a line beginning at the Nevada-California state line and extending along U.S. Highway 50 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah state line, on the one hand, and, on the other, points in Colorado on, north, and east of a line beginning at the Colorado-Utah state line and extending along U.S. Highway 40 to junction Colorado Highway 789, thence along Colorado Highway 789 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico state line (points within 50 miles of Salt Lake City, Utah and points in Sweetwater or Uinta County, Wyoming*). The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E30), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum, and their products and by-products), and *fittings and accessories* therefor when moving with such pipe, the transportation of which because of size or weight, requires the use of special equipment, (1) from Council Bluffs, Iowa, to points in Oregon (points in Utah*); (2) from Council Bluffs, Iowa to points in Washington (Boise, Idaho*). The purpose of this filing is to eliminate the gateways designated by an asterisk above.

No. MC 1872 (Sub-No. E31), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, in bags*, when moving as contractors' supplies, (1) from Hamilton, Washington, to points in Coconino County, Arizona north of an east-west line through The Gap, Arizona (Salt Lake City, Utah*); (2) from Hamilton, Washington to points in Colorado, Missouri, Iowa, Nebraska, Kansas, points in South Dakota on and south of a line beginning at the South Dakota-Wyoming state line and extending along U.S. Highway 18 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 25, thence along South Dakota Highway 25 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota state line, and points in Wyoming on and south of a line beginning at the Wyoming-Utah state line and extending along Wyoming Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota state line (Salt Lake City, Utah and points in Sweetwater or Uinta Counties, Wyoming*). The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 1872 (Sub-No. E32), filed June 4, 1976. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, in bags, when utilized as building materials*, from Hamilton, Washington, to points in Uinta County, Wyoming and points in Lincoln and Sublette Counties, Wyoming on and south of a line beginning at the Wyoming-Idaho state line and extending along U.S. Highway 89 to junction Wyoming Highway 350, thence along Wyoming Highway 350 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 353, thence along Wyoming Highway 353 to the Sublette-Fremont County line, and points in Nevada on, south, and east of a line beginning at the Nevada-Utah state line and extending along U.S. Highway Alternate 50 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 72, thence along Nevada Highway 72 to the Nevada-California state line. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 1872 (Sub-No. E33), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, to be used in construction, road building, mining, telephone*, or *demolition projects, when moving in connection with such commodities as require special equipment* and *handling by reason of their unusual weight, bulk*, or *length*, from Vancouver, Wash., to points in Montana, Wyoming, points in Arizona north and west of the Colorado River, points in Colorado on and west of U.S. Highway 85, and points in Nevada on, south, and east of a line beginning at the Nevada-California state line and extending along U.S. Highway 6 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 51, thence along Nevada Highway 51 to the Nevada-Idaho state line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 8973 (Sub-No. E98), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washingtn, D.C. 20001. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, except in bulk, from the facilities of Alcan Aluminum Corporation at Warren, Ohio, to those points in Pennsylvania on and east of a line beginning on the Delaware River at Uhlerstown, and extending along Pennsylvania Highway 32 to Point Pleasant, thence south on an unmarked road to Pennsylvania Highway 413, thence south along Pennsylvania Highway 413 to junction U.S. Highway 202, thence west on U.S. Highway 202 to Doylestown, thence south along Pennsylvania Highway 611 through Elkins Park to the Philadelphia County boundary line, thence east and thence north along the county line to Pennsylvania Highway 73, to junction U.S. Highway 1, thence west along U.S. Highway 1 to

Pennsylvania Highway 73, thence along Pennsylvania Highway 73 across the Tacony-Palmyra Bridge to the New Jer-

No. MC 8973 (Sub-No. E134), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th

ing: *Plastic articles, hardware*, and *building materials, equipment*, and

The purpose of this filing is to eliminate the gateway of the warehouse and plant

Pennsylvania Highway 231 to junction Pennsylvania Highway 18, thence along

Chesapeake Bay, thence along the west bank of the Chesapeake Bay to the Mary-

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Pennsylvania Highway 73, thence along Pennsylvania Highway 73 across the Tacony-Palmyra Bridge to the New Jersey State line. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E132), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building material as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Oswego, N.Y., to those points in Connecticut on and south of a line beginning at the Connecticut-New York State line, and extending along Connecticut Highway 102 to junction U.S. Highway 7, thence south along U.S. Highway 7 to Connecticut Highway 107, thence north along Connecticut Highway 107, to thence along an unmarked road to Redding Ridge, thence south along an unmarked road to Connecticut Highway 59, to junction Connecticut Highway 25, thence south along Connecticut Highway 25 to Connecticut Highway 111, to junction Connecticut Highway 110, to junction Connecticut Highway 34, to junction Connecticut Highway 80, to junction Connecticut Highway 79, thence south along Connecticut Highway 79 to junction Interstate Highway 95, thence east along Interstate Highway 95 to Connecticut Highway 81, thence south along Connecticut Highway 81 to the Long Island Sound. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E133), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 2001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in that part of Virginia on and south of a line beginning at the West Virginia-Virginia state line and extending south along U.S. Highway 522 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 218, and thence along Virginia Highway 218 to the Potomac River, restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E134), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Maine, New Hampshire, Rhode Island, Ohio, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E135), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that part of New York on and east of a line beginning at the New York-New Jersey state line and extending along Interstate Highway 95 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Middlesex-Monmouth County line, thence along the Middlesex-Monmouth County line to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 547, thence along New Jersey Highway 547 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 539, thence along New Jersey Highway 539 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway 542, thence along New Jersey Highway 542 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to the shore of the Maurice River at Millville, and thence along the Maurice River to Delaware Bay. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E136), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., (a) to points in that part of New York on and west of a line beginning at the Pennsylvania-New York state line near Clymer, and extending along unnumbered road to New York Highway 74, thence along New York Highway 74 to junction unnumbered road at Panama, thence north along unnumbered road to Stedman, thence east along another unnumbered road to New York Highway 17J, thence east along New York Highway 17J to the ferry at Stow, thence across Chautaugua Lake to Bemus Point, thence along unnumbered road to Centralia, thence east on an unnumbered road to New York state Highway 60, thence along New York Highway 60 to junction U.S. Highway 20, thence north on U.S. Highway 20 to the shore of Lake Erie at Silver Creek, and (b) to points in that part of New York, on and north of a line beginning on the St. Lawrence River at Agdensburg, and extending south along New York Highway 68 to junction New York Highway 56, thence south on New York Highway 56 to junction New York Highway 30, thence south on New York Highway 30 to junction New York Highway 28N, thence east on New York Highway 28N to unnumbered road just east of Newcomb, thence east along unnumbered road to U.S. Highway 9, thence south on U.S. Highway 9 to junction New York Highway 73, thence east on New York Highway 73 to the Vermont-New York state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E137), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that part of Vermont on and north of a line beginning at the New York-Vermont state line and extending east along Vermont Highway 73 to junction Vermont Highway 100, thence along Vermont Highway 100, to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 35, thence along Vermont Highway 35 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction Interstate Highway 91, thence along Interstate Highway 91 to the Vermont-Massachusetts state line.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E138), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and buiding materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that part of Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line and extending south along Interstate Highway 91 to Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 181, thence along Massachusetts Highway 181 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 32, and thence along Massachusetts Highway 32 to the Massachusetts-Connecticut State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E140), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending west along U.S. Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19, to junction Pennsylvania Highway 99, thence along Pennsylvania Highway 99 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 168, thence along Pennsylvania Highway 168 to junction Pennsylvania Highway 388, thence along Pennsylvania Highway 388 to junction Pennsylvania Highway 65, thence along Pennsylvania Highway 65 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to junction unnumbered road near Burettstown, thence along said unnumbered road to junction Pennsylvania Highway 231, thence along Pennsylvania Highway 231 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to junction unnumbered highway near Graysville, thence along said unnumbered highway to junction Pennsylvania Highway 21, thence along Pennsylvania Highway 21 to junction Pennsylvania Highway 18, and thence along Pennsylvania Highway 18 to the Pennsylvania-West Virginia State line.

No. MC 8973 (Sub-No. E141), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that part of Maryland on and south of a line beginning at the Potomac River at Seneca and extending along Maryland Highway 190 to junction Maryland Highway 112, thence along Maryland Highway 112 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Maryland Highway 108, thence along Maryland Highway 108 to junction Maryland Highway 650, thence along Maryland Highway 650 to junction Maryland Highway 198, thence along Maryland Highway 198 to junction Maryland Highway 197, thence along Maryland Highway 197 to junction Maryland Highway 450, thence along Maryland Highway 450 to the shore of the Chesapeake Bay, thence along the west bank of the Chespeake Bay to the Maryland-Virginia State line, thence east to the east bank of the Chesapeake Bay, thence north along the east bank to Claiborne, thence east on Maryland Highway 33 to junction Maryland Highway 331, thence along Mayland Highway 331 to junction Maryland Highway 318, thence along Maryland Highway 318 to junction Maryland Highway 315, thence east along Maryland Highway 315 to junction Maryland Highway 318, and thence to the Delaware-Maryland State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of the Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E163), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y. commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in Ohio, Delaware, Maryland, Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E164), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value; Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y. commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part

of which is within 5 miles of New York, N.Y., restricted against service from the

and commodities requiring special equipment), from that portion of New York,

the manufacture and sale of plastic articles (except in bulk and commodities

land Highway 194 to the Pennsylvania

representative: E. Stephen Heisley, 666

hand, and on the other, (1) points in

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of which is within 5 miles of New York, N.Y., restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in that part of New Jersey on and west of a line beginning at the Delaware River at Frenchtown and extending north along unnumbered highway to New Jersey Highway 519, thence along New Jersey Highway 519 to junction unnumbered highway at Harmony, thence northwest along unnumbered highway to the New Jersey-Pennsylvania state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E165), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y. commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in that part of New York on, west, and north of a line beginning on the Pennsylvania-New York state line and extending along Interstate Highway 81 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86, to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E166), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of the Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in that part of New Hampshire on and north of a line beginning at the New Hampshire-Vermont state line and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to the New Hampshire-Maine state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E193), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Passaic County, NJ. on the one hand and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the facility of Colorite Plastic Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E194), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Passaic County, N.J. on the one hand and, on the other, points in that part of Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending south along Connecticut Highway 8 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 219, thence along Connecticut Highway 219 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction Connecticut Highway 179, thence along Connecticut Highway 179 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 69, thence along Connecticut Highway 69 to junction Connecticut Highway 15, thence along Connecticut Highway 15 to junction

No. MC 8973 (Sub-No. E195), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Passaic County, N.J. on the one hand and, on the other, points in that part of Maryland on, west, and south of a line beginning at the Pennsylvania-Maryland State line and extending south along Interstate Highway 70 to junction of U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Maryland Highway 26, thence along Maryland Highway 26 to junction Maryland Highway 194, thence along Maryland Highway 194 to the Pennsylvania Maryland State line. The purpose of this filing is to eliminate the gateway of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E203), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except commodities in bulk, and those requiring special equipment) between points in Somerset County, N.J. on the one hand and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 58 to junction U.S. Highway 58 to junction U.S. Highway 322, thence north along U.S. Highway 322 to junction unnumbered Highway, thence along unnumbered Highway to junction Pennsylvania Highway 18 at Conneautville, thence along Pennsylvania Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of Colorite Plastic Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E204), filed December 17, 1976, Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except commodities in bulk, and those requiring special equipment) between points in Somerset County, N.J., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio and extending along Interstate Highway 70 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 43, thence along West Virginia Highway 43 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of the filing is to eliminate the gateway of the facilities of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E205), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C., 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except commodities in bulk, and those requiring special equipment) between points in Somerset County, N.J., on the one hand, and on the other, (1) points in that part of Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to the Maryland-West Virginia State line, and (2) points in that part of Maryland on and south of a line beginning at the Potomac River at Indian Head and extending along Maryland Highway 210 to junction Maryland Highway 225, thence along Maryland Highway 225 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 5, thence along Maryland Highway 5 to junction Maryland Highway 231, thence along Maryland Highway 231 to junction Maryland Highway 4, thence along Maryland Highway 4 to junction unnumbered Highway leading to Calvert Beach, thence east along unnumbered Highway to the shores of the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of the facilities of Colonite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. 223), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Delaware to that part of Connecticut on and east of a line beginning at the Massachusetts-Connecticut state line and extending along U.S. Highway 7, thence along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction U.S. Highway 202, thence along U.S. Highway 202 to Connecticut Highway 4, thence along Connecticut Highway 4 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction U.S. Highway 1, thence along U.S. Highway 1 to Long Island Sound. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E224), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Delaware to points in that part of New York on and east of a line beginning at the U.S.-Canada boundary line at the Eisenhower Lock north of Massena, extending along the tunnel to New York Highway 37, thence along New York Highway 37 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3,

thence along New York Highway 3 to junction New York Highway 30, thence

way 5, thence along New York Highway 5 to junction New York Highway 50

in the FEDERAL REGISTER issue of June 2,

New York-New Jersey state line and extending northeast along U.S. Highway

sippi-Tennessee state line, and extending northwest along U.S. Highway 45 to

except commodities in bulk, those of unusual value, Class A and B explosives,

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thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 82, thence along New York Highway 82 to junction New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut state line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E225), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Illinois to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC-8973 (Sub-No. E226) filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Illinois to points in New Jersey on, north and east of a line beginning at the Pennsylvania-New Jersey state line and extending along Interstate Highway 676 to junction Atlantic City Expressway, thence along Atlantic City Expressway to junction New Jersey Highway 41, thence along New Jersey Highway 41 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to Millville, N.J., along the Maurice River, to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E227), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Illinois to points in New York on and east of a line beginning at the Pennsylvania-New York state line and extending along New York Highway 55 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 50, thence along New York Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction unnumbered road east at Glens Falls to Hudson Falls and New York Highway 196, thence along New York Highway 196 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 149, thence along New York Highway 149 to the Vermont-New York state line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC-8973 (Sub-No. E228), filed December 17, 1976. Applicant: METROPOLITANT TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Indiana to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E229), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Indiana to points in New Jersey on and east of a line beginning at the Pennsylvania-New Jersey state line and extending along U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 517, thence along New Jersey Highway 517 to junction New Jersey Highway 57, thence along the New Jersey Highway 57 to junction New Jersey Highway 31, thence along New Jersey Highway 31 to junction New Jersey Highway 513, thence along New Jersey Highway 513 to junction New Jersey Highway 579, thence along New Jersey Highway 579 to junction New Jersey Highway 523, thence along New Jersey Highway 523 to the Pennsylvania state line, thence south along the state line to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 559, thence along New Jersey Highway 559 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway spur 585, thence along New Jersey Highway 585 and unmarked road to Pierces Point and Delaware Bay. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 40215 (Sub-No. E30) (partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of June 2, 1977, and partially republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: James P. Flint, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (3) (B) From points in Utah on and south of a line beginning at the Utah-Colorado State line, and extending west along Interstate Highway 70 to junction Utah Highway 26, thence west along Utah Highway 26 to junction U.S. Highway 50, thence west along U.S. Highway 50 to the Utah-Nevada State line, to points in Iowa. (6) From points in Utah on and south of a line beginning at the Utah-Colorado State line, and extending west along Interstate Highway 70 to junction U.S. Highway 89, thence south along U.S. Highway 89 to junction Utah Highway 153, thence along Utah Highway 153 to junction Utah Highway 21, thence along Utah Highway 21 to the Utah-Nevada State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

NOTE.—The purpose of this partial republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E949), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from New York, N.Y., and points in New Jersey and Pennsylvania on and south of a line beginning at the New York-New Jersey state line, and extending southwest along U.S. Highway 202 to junction U.S. Highway 15, to junction U.S. Highway 15 Business and thence along U.S. Highway 15 to the Pennsylvania-Maryland state line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Lynchburg and Smyth County, Va.

No. MC-61825 (Sub-No. E950), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (A) between points in New Jersey on and north and west of U.S. Highway 202, and points in New York on, south and east of a line beginning at the

New York-New Jersey state line and extending northeast along U.S. Highway 209 to junction Interstate Highway 87, to junction New York Highway 7, to the New York-Vermont state line, and points in Pennsylvania on and south and east of a line beginning at the New Jersey-Pennsylvania state line and extending southeast along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 22, to junction Pennsylvania Highway 512, to junction Pennsylvania Highway 611 to the Pennsylvania-New Jersey state line, thence southeast along the Pennsylvania-New Jersey state line to the point of beginning, on the one hand, and, on the other, points in Tennessee on and south of a line beginning at the Alabama-Tennessee state line, and extending northwest along U.S. Highway 431 to junction Tennessee Highway 50, to junction Tennessee Highway 99, to junction Tennessee Highway 20 to the Tennessee-Missouri state line; (B) between points in Tennessee on and south of a line beginning at the Alabama-Tennessee state line and extending northwest along U.S. Highway 431 to junction Tennessee Highway 50, to junction Tennessee Highway 99, to junction Tennessee Highway 20 to the Tennessee-Missouri state line, on the one hand, and, on the other, points in New Jersey on and north and west of U.S. Highway 202, and points in New York on, south and east of a line beginning at the New York-New Jersey state line and extending northeast along U.S. Highway 209 to junction Interstate Highway 87, to junction New York Highway 7k to the New York-Vermont state line, and points in Pennsylvania on and south and east of a line beginning at the New Jersey-Pennsylvania state line, and extending southeast along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 22, to junction Pennsylvania Highway 512, to junction Pennsylvania Highway 611 to the Pennsylvania-New Jersey state line, thence southeast along the Pennsylvania-New Jersey state line to the point of beginning. The purpose of this filing is to eliminate the gateways of (A) Pulaski, Lynchburg and Smyth County, Va. and (B) same gateways in reverse direction.

No. MC 61825 (Sub-No. E951), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (A) between points in Delaware, on the one hand, and, on the other, points in Tennessee on and southwest of a line beginning at the Mississippi-Tennessee state line, and extending northwest along U.S. Highway 45 to junction Tennessee Highway 20, thence to the Tennessee-Missouri state line; (B) between points in Tennessee on and southwest of a line beginning at the Mississippi-Tennessee state line, and extending northwest along U.S. Highway 45 to junction Tennessee Highway 20, thence to the Tennessee-Missouri state line, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of (A) Pulaski, Lynchburg, and Smyth County, Va., and (B) same gateways as above in reverse direction.

No. MC61825 (Sub-No. E952), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (A) between points in Maryland and West Virginia on and west of a line beginning at the Virginia-West Virginia state line and extending along West Virginia Highway 39 to junction U.S. Highway 619 to the West Virginia-Maryland state line, thence along the Maryland-Pennsylvania state line to the point of beginning, on the one hand, and, on the other, points in Tennessee on and south of a line beginning at the Georgia-Tennessee state line, and extending north along U.S. Highway 27 to junction U.S. Highway 127, to junction Tennessee Highway 8, to junction U.S. Highway 70–S, to junction U.S. Highway 70, to junction Tennessee Highway 104, to junction Tennessee Highway 20 to the Tennessee-Missouri state line; (B) between points in Tennessee on and south of a line beginning at the Georgia-Tennessee state line, and extending north along U.S. Highway 27 to junction U.S. Highway 127, to junction Tennessee Highway 8, to junction U.S. Highway 70–S, to junction U.S. Highway 70, to junction Tennessee Highway 104, to junction Tennessee Highway 20 to the Tennessee-Missouri state line, on the one hand, and, on the other, points in Maryland and West Virginia on and west of a line beginning at the Virginia-West Virginia state line and extending along West Virginia Highway 39 to junction U.S. Highway 219, to the West Virginia-Maryland state line, thence along the Maryland-Pennsylvania state line to junction U.S. Highway 220 to the West Virginia-Virginia state line, thence to the point of beginning. The purpose of this filing is to eliminate the gateways of (A) Lynchburg and Smyth County, Va., and (B) the same gateways in reverse direction.

No. MC 61825 (Sub-No. E965), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, except commodities in bulk, those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Washington, Pa., on the one hand, and, on the other, points in North Carolina and Virginia on and southeast of a line beginning at the South Carolina-North Carolina state line and extending northeast along U.S. Highway 20 to junction U.S. Highway 52, to junction U.S. Highway 158, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction Virginia Highway 46, to junction U.S. Highway 1, to junction North Carolina Highway 158, to junction North Carolina Highway 43, to junction U.S. Highway 64, to junction North Carolina Highway 94, to junction U.S. Highway 264, to Engelhard, N.C., thence to the Pamlico Sound, thence to Ocracoke Inlet, and thence to the Atlantic Ocean; (B) between points in North Carolina and Virginia on and southeast of a line beginning at the South Carolina-North Carolina state line and extending northeast along U.S. Highway 29 to junction U.S. Highway 52, to junction U.S. Highway 158, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction Virginia Highway 46, to junction U.S. Highway 1, to junction North Carolina Highway 158, to junction North Carolina Highway 43, to junction U.S. Highway 64, to junction North Carolina Highway 94, to junction U.S. Highway 264, to Engelhard, N.C., thence to the Pamlico Sound, thence to Ocracoke Inlet, and thence to the Atlantic Ocean, on the one hand, and, on the other, Washington Pa. The purpose of this filing is to eliminate the gateways of (A) Coketown, Brooke County, W. Va., and Lynchburg, Va., and (B) Lynchburg, Va., and Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E966), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, except commodities in bulk, those of unusual value, Class A and B Explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Moundsville, W. Va., on the one hand, and, on the other, points in South Carolina on and southeast of a line beginning at the North Carolina-South Carolina state line, and extending south along U.S. Highway 501 to junction South Carolina Highway 41–A, to junction South Carolina Highway 41, to junction U.S. Highway 378, to junction U.S. Highway 52, to junction U.S. Highway Alternate 17, to junction U.S. Highway 17, thence to the South Carolina-Georgia state line; (B) between points in South Carolina on and southeast of a line beginning at the North Carolina-South Carolina state line, and extending south along U.S. Highway 501 to junction South Carolina Highway 41–A, to junction South Carolina Highway 41, to junction U.S. Highway 378, to junc-

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tion U.S. Highway 52, to junction U.S. Highway Alternate 17, to junction U.S. Highway 17, thence to the South Carolina-Georgia state line, on the one hand, and on the other, Moundsville, W. Va. The purpose of this filing is to eliminate the gateway of (A) Weirton, W. Va. (Weirton, W. Va., is in the Steubenville, Ohio, commercial zone), Clarksburg, W. Va., and Lynchburg, Va.; (B) Lynchburg, Va., and Weirton, W. Va. (Weirton, W. Va., is in the Steubenville, Ohio, commercial zone).

No. MC 61825 (Sub-No. E967), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, from points in Mississippi on and west of a line beginning at the Tennessee-Mississippi state line, and extending along U.S. Highway 45 to junction U.S. Highway Alternate 45, to junction Mississippi Highway 32, to junction Mississippi Highway 15, to junction Mississippi Highway 8, to junction Mississippi Highway 7, to junction U.S. Highway 49–E, to junction U.S. Highway 49, to junction U.S. Highway 98, to junction Mississippi Highway 27 to the Mississippi-Louisiana state line, to points in North Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along the cape Fear River to junction U.S. Highway 421, to junction North Carolina Highway 210, to junction North Carolina Highway 87, to junction U.S. Highway 421, to junction North Carolina Highway 62, to junction U.S. Highway 311, to junction Interstate Highway 40, to junction U.S. Highway 52, to junction North Carolina Highway 89, to junction North Carolina Highway 65, to junction U.S. Highway 220, to junction Interstate Highway 85, to junction U.S. Highway 70, to the Atlantic Ocean, thence south along the Atlantic Shore to the point of beginning. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E968), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, from points in Mississippi on and west of a line beginning at the Tennessee-Mississippi state line, and extending along U.S. Highway 45 to junction U.S. Highway Alternate 45, to junction Mississippi Highway 32, to junction Mississippi Highway 15, to junction Mississippi Highway 8, to junction Mississippi Highway 7, to junction U.S. Highway 49–E, to junction U.S. Highway 49, to junction U.S. Highway 98, to junction Mississippi Highway 27 to the Mississippi-Louisiana state line, to points in North Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along the cape Fear River to junction U.S. Highway 421, to junction North Carolina Highway 210, to junction North Carolina Highway 87, to junction U.S. Highway 421, to junction North Carolina Highway 62, to junction U.S. Highway 311, to junction Interstate Highway 40, to junction U.S. Highway 52, to junction North Carolina Highway 89, to junction North Carolina Highway 65, to junction U.S. Highway 220, to junction Interstate Highway 85, to junction U.S. Highway 70, to the Atlantic Ocean, thence south along the Atlantic Shore to the point of beginning. The purpose of this filing is to eliminate the gateways of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E969), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, from points in Mississippi on, north and west of a line beginning at the Alabama-Mississippi state line, and extending along Mississippi Highway 42 to junction Mississippi Highway 15, to junction U.S. Highway 98, to junction Mississippi Highway 29, to junction Mississippi Highway 26, to junction U.S. Highway 49, to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the West Virginia-Virginia state line and extending along Virginia Highway 311 to junction Virginia Highway 419, to junction U.S. Highway 220, to the Franklin County-Henry County line, to the Patrick County-Henry County line to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E970), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from points in Mississippi on, south and east of a line beginning at the Alabama-Mississippi state line, and extending along Mississippi Highway 42 to junction Mississippi Highway 15, to junction U.S. Highway 98, to junction Mississippi Highway 29, to junction Mississippi Highway 26, to junction U.S. Highway 49, to the Gulf of Mexico, to points in Virginia on, north and east of a line beginning at the West Virginia-Virginia state line, and extending along Virginia Highway 311 to junction Virginia Highway 658, to junction Virginia Highway 42, to junction U.S. Highway 460, to junction U.S. Highway 220, to junction Virginia Highway 40, to junction Virginia Highway 603, to junction U.S. Highway 501 to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateway of Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub-No. E971), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, from points in Louisiana on and east of a line beginning at the Arkansas-Louisiana state line, and extending along Louisiana Highway 549 to junction Louisiana Highway 15, to junction U.S. Highway 165, to junction Louisiana Highway 4, to junction Louisiana Highway 559, to junction Louisiana Highway 124, to junction U.S. Highway 84, to junction Louisiana Highway 129, to the Red River, thence to the Mississippi River, thence to junction Louisiana Highway 10, to junction U.S. Highway 61, to junction Interstate Highway 12, to junction Interstate Highway 10, to junction Louisiana Highway 1, to junction Louisiana Highway 69, to junction Louisiana Highway 70, to junction U.S. Highway 90, to the lower Atchafalaya River to the Gulf of Mexico, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending along U.S. Highway 21 to junction U.S. Highway 421, to junction U.S. Highway 601, to junction U.S. Highway 64, to junction North Carolina Highway 42, to junction North Carolina Highway 87, to junction North Carolina Highway 24, to junction North Carolina Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Smyth County, and Martinsville, Va.

No. MC 61825 (Sub-No. E972), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana state line and extending along Louisiana Highway 549 to junction Louisiana Highway 15, to junction U.S. Highway 165, to junction Louisiana Highway 4, to junction Louisiana Highway 559, to junction Louisiana Highway 124, to junction U.S. Highway 84, to junction Louisiana Highway 129, to the Red River, thence to the Mississippi River, thence to junction Louisiana Highway 10, to junction U.S. Highway 61, to junction Louisiana Highway 1, to junction Louisiana Highway 69, to junction Louisiana Highway 70, to junction U.S. Highway 90, to the lower Atchafalaya River and to the Gulf of Mexico, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 21 to junction U.S. Highway 421, to junction U.S. Highway 601, to junction U.S. Highway 52, to junction North Carolina Highway 49, to junction North Carolina Highway 109, to junction North Carolina Highway 24-27, to junction U.S. Highway 220, to junction U.S. Highway 74, to junction North Carolina Highway 41, to junction North Carolina Highway 211 to the Atlantic Ocean. The purpose of this filing

is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 107295 (Sub-No. E201) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER, March 26, 1975, republished, as corrected April 29, 1975, and republished as a partial correction this issue. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *accessories* used in connection therewith (except in bulk), from the plant site of Philip Carey Company located at Lockland, Ohio, to points in North Dakota, South Dakota, Nebraska, Colorado, and to points in that part of New Mexico located in, north, and west of Quay, Guadalupe, Torrance, Socorro, Sierra, and Dona Ana Counties, restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. The purpose of this republication is to correct the territorial descrpition. The remainder of this letter-notice remains as previously published.

No. MC 112070 (Sub-No. E28), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Johnson and Sullivan Counties, Tenn., on the one hand, and, on the other, points in Cimmaron County, Okla. The purpose of this filing is to eliminate the gateway of points in Missouri and points in that part of Colorado on, east, and north of a line beginning at the Colorado-Wyoming state line and extending along U.S. Highway 87 to Wellington, Colo., thence along Colorado Highway 1 (formerly U.S. Highway 87), to junction U.S. Highway 287, thence along U.S. Highway 287 (formerly U.S. Highway 87) to Denver, Colorado, thence along U.S. Highway 36 to the Colorado-Kansas state line

No. MC 112070 (Sub-No. E29), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *accessories* used in connection therewith (except in bulk), from the plant site of Philip Carey Company located at Lockland, Ohio, to points in North Dakota, South Dakota, Nebraska, Colorado, and to points in that part of New Mexico located in, north, and west of Quay, Guadalupe, Torrance, Socorro, Sierra, and Dona Ana Counties, restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. The purpose of this republication is to correct the territorial descrpition. The remainder of this letter-notice remains as previously published.

No. MC 112070 (Sub-No. E36), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Oklahoma and Arkansas. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 112070 (Sub-No. E38), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in Connecticut, on the one hand, and, on the other, points in Minnesota and Wisconsin; (B) between points in Connecticut, on the one hand, and, on the other, points in Kalamazoo County, Mich.; (C) between points in Connecticut, on and east of a line beginning at the Connecticut state line and Block Island Sound and extending along Interstate Highway 95 to junction Connecticut Highway 32, to junction Connecticut Highway 198, and extending along Connecticut Highway 198 to the Connecticut-Massachusetts state line, on the one hand, and, on the other, points in Michigan on and west of a line beginning at the International Boundary between the United States and Canada and extending along Interstate Highway 75 to the Upper Peninsula of Michigan; (D) between points in Connecticut, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 112070 (Sub-No. E42), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Easton, Pa., and points in Pennsylvania within 15 miles of Easton, Pa., on the one hand, and, on the other, those points in Kentucky on and west of a line beginning at the Indiana-Kentucky state line and extending along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee state line. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 112070 (Sub-No. E120), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in Berkeley and Jefferson Counties, W.Va., on the one hand, and, on the other, points in Minnesota on and north and west of a line beginning at the Minnesota-Wisconsin state line, and extending along Minnesota Highway 210 to junction U.S. Highway 10, to junction Minnesota Highway 15, thence south along Minnesota Highway 15 to the Minnesota-Iowa state line; (B) between points in Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W.Va., on the one hand, and, on the other, points in Mesa County, Colo. The purpose of this filing is to eliminate the gateways of points in Illinois, Pennsylvania points within 15 miles of Easton, Pa.

No. MC 112070 (Sub-No. E133), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Kansas, Nebraska, and South Dakota. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 112070 (Sub-No. E134), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on the one hand and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of points in Missouri and Denver, Colo., and points within 10 miles thereof.

No. MC 114552 (Sub-No. E89), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products*, *composition board*, *urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials*, and *supplies as are useful in manufacture* and *distribution of roofing* and *roofing materials* (except in bulk), from points in South Carolina, on and east of a line beginning at the North Carolina-South Carolina state line and extending along

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U.S. Highway 76 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Ohio, on and north of a line beginning at the Ohio-West Virginia state line, thence extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana state line. The purpose of this filing is to eliminate the gateway of Wayne County, N.C.

No. MC 115331 (Sub-No. E23), filed May 7, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: J. R. Ferris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals*, in packages, (a) from Omaha, Nebr., to points in Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Monsanto Company near Muscatine, Iowa.

(b) *Insecticides, fertilizers, fungicides, and herbicides*, in packages, from Omaha, Nebr., to points in Missouri. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

(c) *Dry fertilizer, and dry fertilizer compounds, insecticides and herbicides*, in containers, from Omaha, Nebr., to points in Ohio and Kentucky. The purpose of this filing is to eliminate the gateways of Des Moines and Lee Counties, Iowa.

(d) *Agricultural chemicals*, in containers, from Omaha, Nebr., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

(e) *Agricultural chemicals*, in containers, from Omaha, Nebr., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(f) *Insecticides, fertilizers, fungicides, and herbicides*, in packages, from Omaha, Nebr., to points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and St. Louis, Mo.

(g) *Insecticides and herbicides, and dry fertilizer and dry fertilizer compounds*, in containers, from Omaha, Nebr., to points in Florida, Georgia, Maine, and West Virginia. The purpose of this filing is to eliminate the gateways of Fort Madison, Iowa and Wyoming, Ill.

(2) (a) *Fertilizer, insecticides, and herbicides* (except commodities in bulk), from the plant site of N. S. Koos and Son Company, at Kenosha, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

(b) *Fertilizer, insecticides, and herbicides*, in containers, from the plant site of N. S. Koos and Son Company, at Kenosha, Wis., to points in Arkansas, Delaware, Florida, Georgia, Idaho, Kansas, Maine, Maryland (except Baltimore), New Jersey (except Kearny, Camden and Trenton), New Mexico, New York (except Albany and Syracuse), Oklahoma, Oregon, Pennsylvania (east of Interstate Highway 79), Texas (except Omarillo and Lubbock), Virginia (except Richmond and Norfolk), Washington and West Virginia. The purpose of this filing is to eliminate the gateway of Mendota, Ill.

(c) *Fertilizer, insecticides and herbicides*, in containers, from the plant site of N. S. Koos and Son Company, at Kenosha, Wis., to points in Colorado, Wyoming, South Dakota, and North Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along North Dakota Highway 30 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(3) (a) *Insecticides, fertilizers, fungicides, and herbicides*, in packages, from Council Bluffs, Iowa, to points in Delaware, Florida, Georgia, Maine, Maryland (except Baltimore), New Jersey (except Kearny, Camden, and Trenton), New York (except Albany and Syracuse), Pennsylvania, Virginia (except Richmond and Norfolk), West Virginia, Indiana, the Lower Peninsula of Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Wyoming, Ill.

(b) *Insecticides, fertilizers, fungicides, and herbicides*, in packages, from Council Bluffs, Iowa, to points in Tennessee, points in Kentucky and points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(4) (a) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds, and pesticides* (except commodities in bulk), from the plant site and storage facilities of Monsanto Company, near Muscatine, Iowa, to points in Oklahoma and Texas.

The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of W. R. Grace and Co., at or near Atlas, Mo.

(b) *Agricultural chemicals*, in containers, from the plantsite and storage facilities of Monsanto Company, near Muscatine, Iowa, to points in Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Maryland (except Baltimore), New Jersey (except Kearny, Camden, and Trenton), New Mexico, New York (except Albany and Syracuse), Ohio, Oregon, Pennsylvania, Tennessee, Virginia (except Richmond and Norfolk), Texas (except Amarillo and Lubbock), Washington, and West Virginia. The purpose of this filing is to eliminate the gateway of Wyoming, Ill.

(c) *Agricultural chemicals*, in containers, from the plantsite and storage facilities of Monsanto Company, near Muscatine, Iowa, to points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Dakota County, Nebr.

(b) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in South Dakota and Minnesota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

(c) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in Wisconsin and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Monsanto Company, near Muscatine, Iowa.

(b) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in Delaware, Maine, Maryland (except Baltimore), New Jersey (except Kearny, Camden, and Trenton), New York (except Albany and Syracuse), the Lower Peninsula of Michigan and Pennsylvania.

The purpose of this filing is to eliminate the gateway of Wyoming, Ill.

(d) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(6) *Agricultural chemicals*, in containers, from Mendota and Wyoming, Ill., to points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(7) (a) Agricultural chemicals, in containers, from East St. Louis, Ill., to points in Delaware, Idaho, Maine, New Jersey (except Kearny, Camden, and Trenton), New York (except Albany and Syracuse), Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Mendota, Ill.

(b) *Agricultural chemicals*, in containers, from East St. Louis, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(c) *Dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from East St. Louis, Ill., to points in Texas. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo.

(8) (a) *Dry fertilizer, and dry fertilizer compounds, insecticides and herbicides*, in containers, from points in Des Moines and Lee Counties, Iowa (except from Fort Madison and points within five miles of Fort Madison), to points in Maine, Pennsylvania, West Virginia, Florida, Georgia, Idaho, New Mexico, Oregon, Texas (except Amarillo and Lubbock), and Washington. The purpose of this filing is to eliminate the gateway of Wyoming, Ill.

(b) *Dry fertilizer and dry fertilizer compounds, insectcides and herbicides, in containers*, from points in Des Moines and Lee Counties, Iowa (except from Fort Madison and points within five miles of Fort Madison), to points in Colorado and Wyoming.

The purpose of this filing is to eliminate the gateway of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa.

(c) *dry fertilizer, and dry fertilizer compounds, insecticides and herbicides*, in containers, from points in Des Moines and Lee Counties, Iowa (except from Fort Madison and points within five miles of Fort Madison), to points in Oklahoma, Arkansas, and Tennessee. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(d) *dry fertilizer and dry fertilizer compounds, insecticides and herbicides*, in containers, from points in Des Moines and Lee Counties, Iowa (except from Fort Madison and points within five miles of Fort Madison), to points in Maryland, New Jersey, New York, Delaware, and Virginia. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

(9) (a) *agricultural chemicals*, in containers, from the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa, and Datoka County, Nebr., to points in the lower Peninsula of Michigan and points in Indiana. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Monsanto Company, near Muscatine, Iowa.

(b) *dry fertilizer, dry fertilizer materials, dry fertilizer compounds, and pesticides*, in containers, from the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa and Dakota County, Nebr., to points in Texas (except points on and north of U.S. Highway 70) and to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo.

(c) *agricultural chemicals*, in containers, from the warehouse facilities utilized by Chemagro, a division of Baychem Corporation, located in Woodbury County, Iowa, and Dakota County, Nebr., to points in Delaware, Florida, Georgia, Maine, Ohio, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Wyoming, Ill.

(d) *agricultural chemicals*, in containers, from the warehouse facilities ultilized by Chemagro, a Division of Baychem Corporation, located in Woodbury, County, Iowa and Dakota County, Nebr., to points in Tennessee and Kentucky. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(e) *agricultural chemicals*, in containers, from the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury, County, Iowa and Dakota County, Nebr., to points in Maryland, New Jersey, New York, and Virginia.

The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

(10) (a) *dry fertilizer, dry fertilizer materials, dry fertilizer compounds and pesticides*, in containers, from Port Neal Industrial Complex, and Big Soo Terminal, and the plant site of and warehouses and storage facilities utilized by Terre International, Inc., American Cyananid Company, and Monsanto Company, located in Woodbury County, Iowa and Dakota County, Nebr., to points in Texas (except points on and north of U.S. Highway 70) and to points in Arkansas. The purpose of this filing is to eliminate the gateways of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa and the plant site and warehouse facilities of W. R. Grace and Company, at or near Atlas, Mo.

(b) *agricultural chemicals*, in containers, from Port Near Industrial Complex, and Big Soo Terminal, and the plant site of and warehouses and storage facilities utilized by Terre International Inc., American Cyananid Co., and Monsanto Company, located in Woodbury County, Iowa and Dakota County, Nebr., to points in Delaware, Florida, Georgia, Maine, Ohio, Pennsylvaia, and West Virginia. The purpose of this filing is to eliminate the gateways of the warehouse facilities utilized by Chemagro, a Division of Baychem Coporation, located in Woodbury County, Iowa and Woyming, Ill.

(c) *agricultural chemicals*, in containers, from Port Neal Industrial Complex, and Big Soo Terminal, and the plant site of and warehouses and storage facilities utilized by Terre International, Inc., American Cyanamid Company, and Monsanto Company, located in Woodbury County, Iowa and Dakota County, Nebr., to points in Tennessee and Kentucky. The purpose of this filing is to eliminate the gateways of the warehouse facilities utilized by Chemagro, a Division of Baychem Corporation, located in Woodbury County, Iowa and East St. Louis, Ill.

(d) *agricultural chemicals*, in containers, from Port Neal Industrial Complex, and Big Soo Terminal, and the plant site of and warehouses, and storage facilities utilized by Terre International, Inc., American Cyanamid Co., and Monsanto Company, located in Woodbury County, Iowa and Dakota County, Nebr., to points in Maryland, New Jersey, New York, and Virginia. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

By the Commission.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc 77-19178 Filed 7-5-77;8:45 am]

sunshine act meetings

This is a list of the matters to be considered by the Commission. It does not

G-23.- Docket No. CP77-140, Delhi Gas Pipeline Corporation; Docket No. CP77-307,

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION: June 23, 1977 (42 FR 31897).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 30, 1977, 9:30 a.m.

CHANGES IN THE MEETING: The Commission by majority vote decided to add the following matters to its agenda of June 30, 1977. The Commission has determined that Agency business requires consideration of the matter without seven days advance notice.

MATTERS TO BE DISCUSSED:

EPA request. The Environmental Protection Agency has requested access to trade secret product ingredient information that CPSC assembled under a special order issued in August, 1975.

Closed to the public:

Architectural glazing materials. Motion by the Stained Glass Association of America for Stay in Standard for Architectural Glazing Materials for "Decorative Glass."

Fireworks regulation. Commission action on court decision remanding to the Commission the record in CPSC Docket 74–3 for clarification.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sadye E. Dunn, Deputy Secretary, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207 (202–634–7700).

[S-815-77 Filed 7-1-77;11:37 am]

2

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, July 7, 1977, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.
II. Correction and approval of minutes—June 23, 1977.
III. Appropriations and budget.
IV. Agency job classification actions.
V. Pending legislation.
VI. Liaison with other Federal agencies. (Baran Memo: Areas of Mutual Concern to the Federal Election Commission (FEC) and the Federal Communications Commission (FCC).)
VII. Routine administrative matters.

PORTIONS TO BE CLOSED TO THE PUBLIC: EXECUTIVE SESSION

A. Audit reports No. 2 and No. 6.
B. Compliance.
C. Personnel.
D. Litigation and possible litigation.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone 202–523–4065.

[S-806-77 Filed 6-30-77;4:23 pm]

3

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 123, Page 32614, Monday June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: At the conclusion of the open meeting to be held at 1 p.m., June 29, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202–376–3012).

CHANGES IN THE MEETING: The following item has been added to the agenda for the closed portion of the meeting: Consideration of Release of PSLIC's Money Judgment.

No. 44, JUNE 29, 1977.

[S-807-77 Filed 6-30-77;4:23 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 123, Page 32614, Monday, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., June 29, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202–376–3012).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open portion of the meeting:

EFTS–RSU Application—TMS Project, Lincoln, Nebraska.

Application for Insurance of Accounts—Southeastern Savings Association, Dayton, Texas.

Application for Bank Membership—The Savings Bank of Manchester, Manchester, Connecticut.

Consideration of Amendment to Resolution Regarding Application to Merge—Joliet Federal Savings and Loan Association, Joliet, Illinois (Survivor); Unity Savings and Park Forest, Park Forest, Illinois (Disappearing Association).

Application for Conversion to the State Charter and Merger—East River Savings Bank, New York, New York (Survivor); Erie Federal Savings and Loan Association, Buffalo, New York (Disappearing Association).

Consideration of Proposed Major Loan Information System (MLIS).

Consideration of Bylaw Amendment—Buckeye Federal Savings and Loan Association, Columbus, Ohio.

The following item has been changed from the open to the closed portion of the meeting:

Consideration of Association Request for Reconsideration of Commitment to Insure Accounts (Proposed) Grady County Savings and Loan Association, Chickasha, Oklahoma.

No. 43, JUNE 30, 1977.

[S-808-77 Filed 6-30-77;4:23 pm]

5

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: July 7, 1977, 2 p.m.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone 202–275–4166.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. § 552B:

JUNE 30, 1977.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

POWER AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART I (2 p.m.)

P-1.—Docket No. E-7743, Connecticut Light and Power Company.

P-2.—Docket Nos. E-7631 and E-7643, City of Cleveland, Ohio v. Cleveland Electric Illuminating; Docket No. E-7713, City of Cleveland, Ohio.

P-3.—Docket No. E-8515, Louisiana Power & Light Company.

P-4.—Docket No. ERA 76-709, Cincinnati Gas and Electric Company.

P-5.—Docket Nos. E-9420 and E-9421, Yankee Atomic Electric Company and Public Service Company of New Hampshire.

P-6.—Project No. 2146, Alabama Power Company.

MISCELLANEOUS AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART I

M-1.—Docket No. RM[illegible], filing of rate schedules.

M-2.—Docket No. RM77-18, change in procedure concerning applications under Part I of the Federal Power Act.

GAS AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART I

G-1.—Docket No. RP76-159, Columbia Gas Transmission Corporation.

G-2.—Docket Nos. RP73-107 and RP74-90, Consolidated Gas Supply Corporation.

G-3.—Docket Nos. RP74-20, RP74-83, United Gas Pipe Line Company.

G-4.—Docket No. RP74-25, Texas Gas Transmission Corporation.

G-5.—Docket No. RP75-74, Transwestern Pipeline Company.

G-6.—Docket No. RP77-18, El Paso Natural Gas Company.

G-7.—Docket No. RP77-5, Kansas-Nebraska Natural Gas Company, Inc.

G-8.—Docket Nos. RP71-130, RP72-58, RP75-111, Texas Eastern Transmission Corporation.

G-9.—Docket No. RP77-52, Northern Natural Gas Company.

G-10.—Docket Nos. RI76-35 and CI76-804, Continental Oil Company; Docket Nos. RI76-51 and CI76-805, Cities Service Oil Company; Docket Nos. RI76-42 and CI76-802, Getty Oil Company.

G-11.—Docket No. RI77-59, Martin Exploration Company.

G-12.—Docket No. RI76-153, Joseph F. Mueller.

G-13.—Docket No. RI77-23, Michael T. Halbouty, et al.

G-14.—Docket No. RI77-65, Atlantic Richfield Company.

G-15.—Shell Oil Company, FPC Gas Rate Schedule No. 10.

G-16.—Docket No. CI77-[illegible], Gulf Oil Corporation.

G-17.—Docket No. CI77-298, Tennaco Inc., Amoco Production Company, et al.

G-18.—Omitted.

G-19.—Docket No. CI75-420, Chevron U.S.A., Inc.

G-20.—Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.

G-21.—Docket No. CP77-206, Texas Eastern Transmission Corporation.

G-22.—Docket Nos. CP-74-160, CP74-207, Pacific Indonesia LNG Company; Docket No. CP75-83-3, Western LNG Terminal Company, et al.

G-23.—Docket No. CP77-140, Delhi Gas Pipeline Corporation; Docket No. CP77-307, Northern Natural Gas Company; Docket No. CP77-328, Natural Gas Pipeline Company of America.

G-24.—Docket No. CP77-267, Mid Louisiana Gas Company and Transcontinental Gas Pipe Line Corporation.

G-25.—Docket No. CP71-66[illegible], Consolidated System LNG Company; Docket No. CP71-151, Southern Energy Company.

G-26.—Docket No. 77-203, Northern Natural Gas Company.

G-27.—Docket No. CP77-327, Southern Natural Gas Company; Docket No. CP77-345, Transcontinental Gas Pipe Line Corporation.

G-28.—Smyrna, Tennessee[illegible] Station.

POWER AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART II

CP-1.—Docket Nos. ER77-227, ER77-228, ER77-229, and ER77-395, Arizona Public Service Company.

CP-2.—Docket No. ER77-276, Missouri Public Service Company.

CP-3.—Project No. 2775, Broad Commercial Power Company.

CP-4.—Project No. 2628, Alabama Power Company.

CP-5.—Project No. 2146, Alabama Power Company.

CP-6.—Project No. 199, South Carolina Public Service Authority.

CP-7.—State Director, Bureau of Land Management, Washington (OR 27403, (Wash.)).

CP-8.—State Director, Bureau of Land Management, Idaho (I-12853).

CP-9.—State Director, Bureau of Land Management, Utah (U-34289, U-34644).

CP-10.—State Director, Bureau of Land Management, Idaho (I-12528).

CP-11.—Docket No. E-9584, City of Santa Barbara, California.

MISCELLANEOUS AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART II

CM-1.—Pennsylvania Power Company.

CM-2.—Missouri Utilities Company.

CM-3.—California Pacific Utilities Company.

CM-4.—Florida Public Utilities Company.

CM-5.—The Blackstone Valley Electric Company.

GAS AGENDA, 7649TH MEETING—JULY 7, 1977, REGULAR MEETING—PART II

CG-1.—Docket Nos. RP72-155 and RP76-59, El Paso Natural Gas Company.

CG-2.—Docket No. CP77-356, Panhandle Eastern Pipe Line Company.

CG-3.—Docket No. CP77-224, Panhandle Eastern Pipe Line Company.

CG-4.—Docket No. CP76-519, Rocky Mountain Natural Gas Company, Inc.; Docket No. CP77-72, Colorado Interstate Gas Company; Mountain Fuel Resources, Inc., Mountain Fuel Supply Company.

CG-5.—Docket No. CP77-350, Mississippi River Transmission Corporation.

CG-6.—Docket No. CP77-373, Michigan Wisconsin Pipe Line Company.

CG-7.—Docket No. CP77-380, Northwest Pipeline Corporation.

CG-8.—Docket No. CP73-237, Colorado Interstate Gas Company.

CG-9.—Docket Nos. RP76-52 and RP74-102 (volumetric limitations), Northern Natural Gas Company.

KENNETH F. PLUMB, *Secretary.*

[S-813-77, Filed 7-1-77;10:15 am]

GOVERNMENT IN THE SUNSHINE MEETING NOTICE

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: [illegible]ay, July 8, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Draft testimony to be presented before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs, regarding H.R. 7325, the "International Banking Act of 1977", which provides for Federal regulation of participation by foreign banks in domestic financial markets.

2. Proposal by the Federal Reserve Bank of San Francisco to operate an automated clearing house in Seattle, Washington.

3. Proposal to amend the descriptive billing provisions of Regulation Z (Truth in Lending) as they relate to cash advance checks.

4. Request for the Board of Governors to determine whether Nevada Rev. Stat. 38 section 101 and Alabama Code 34 sections 76 and 76(1), which establish a younger age of majority for married persons than for unmarried persons, are inconsistent with the Equal Credit Opportunity Act.

5. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202–452–3204).

JUNE 30, 1977.

[S-809-77 Filed 6-30-77;4:[illegible] pm]

7

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m. July 13, 14, 15, 1977.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Draft of Tentative Decision Concerning OOC's Proposal to Remove the Rate Restriction Governing Aggregate Letters, Docket No. MC76–1.

2. Draft of Tentative Decision Concerning OOC's Proposal to Abolish the Lower Rate for the First 250,000 Pieces of Third-Class Bulk Mail. Docket No. MC76–3.

3. Draft of Tentative Decision Concerning (1) MASA's Proposed Presort

Discount for Regular Rate Third-Class Bulk Circulars, (ii) ATCMU's Proposed 2. Segmentation Analysis: Administrative Letter 75–15.

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Discount for Regular Rate Third-Class Bulk Circulars, (ii) ATCMU's Proposed Presort Discount for Regular Rate Third Class Bulk Circular Mail, and (iii) DMMA's Proposed Presort Discount for Third-Class Bulk Mail, Docket No. MC 76–3.

4. Draft of Tentative Decision Concerning DMMA Proposal for Multiple Address Correction Rates, Docket No. MC76–3.

5. Draft of Tentative Decision Concerning OOC's Proposal to Establish Per-Piece and Zoned Per-Pound Rate Structure for Bulk Third-Class Mail, Docket No. MC76–3.

6. Draft of Tentative Decision Concerning Proposals for Local and Nationwide Subclasses Within First-Class Mail, Docket No. MC76–1.

7. Proposed Notice of Classification Proceeding to Deal With Issues by CPUM Regarding Size of Cards, Docket No. MC77–_____.

AGENDA NOTE.—Items listed on the agenda will be considered and concluded expeditiously and may consume less than 3 days.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone 202–254–5614.

[S–805–77 Filed 6–30–77;2:42 pm]

8

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Wednesday, July 6, 1977, 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Discussion Concerning Foreign Military Sales.

2. Segmentation Analysis: Administrative Letter 75–15.

3. Responsibilities and Duties of the Chief Executive Officer of the Board.

4. Discussion Concerning Raw Materials Cost Allowance.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 20011.

Dated: June 30, 1977.

GOODWIN CHASE,
Chairman.

[S–804–77 Filed 6–30–77;2:42 pm]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 6, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Open Meeting.

CHANGES IN THE MEETING: Addition of item on the open meeting agenda.

The Commission will consider the request of the Pacific Stock Exchange, Inc., and the Pacific Clearing Corporation that the Commission modify its Order of January 13, 1977, granting registration to the National Securities Clearing Corporation, in order to eliminate fees charged in connection with interface agreements.

Commissioners Loomis, Evans and Pollack determined that commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 30, 1977.

[S–812–77 Filed 7–1–77;9:28 am]

federal register

WEDNESDAY, JULY 6, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Various Communities

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DEPARTMENT OF HOUSING AND

(National Flood Insurance Act of 1968 (Title

These elevations together with the either adopt or show evidence of being

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3016]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Masonville, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Masonville, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, Route 1 Rapid River, Rapid River, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Harry Person, Township Supervisor, Township of Masonville, Township Hall, Box 1558, Route 1 Rapid River, Rapid River, Michigan 49878.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the Township of Masonville, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, Route 1 Rapid River, Rapid River, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Harry Person, Township Supervisor, Township of Masonville, Township Hall, Box 1558, Route 1 Rapid River, Rapid River, Michigan 49878.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rapid River	U.S. Highway 2	592
	County Rd. I–26	598
	County Rd. I–18	620
	County Rd. I–14	652
	Minneapolis, St. Paul & Sioux St. Marie RR.	658

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18329 Filed 7-15-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3018]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Brampton, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Brampton, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, Route 1 Kipling, Gladstone, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Joe Goodman, Township Supervisor, Township Office, Route 1 Kipling, Gladstone, Michigan 49837.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Brampton, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Hall, Route 1 Kipling, Gladstone, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Joe Goodman, Township Supervisor, Township Office, Route 1 Kipling, Gladstone, Michigan 49837.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Michigan-Little Bay de Noc.	Fringe area along the bay.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. RAILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18330 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3019]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Ford River, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Ford River, Michigan.

These base flood elevations are the basis for the flood plain management measures that community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Office, Route 1, Bark River, Michigan. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jerome Standard, Supervisor, Township of Ford River, Township Office, Route 1, Bark River, Michigan 49807.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Ford River, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Township Office, Route 1, Bark River, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jerome Standard, Township Supervisor, Township Office, Route 1, Bark River, Michigan 49807.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Bay	Green Bay shoreline	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18331 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3010]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Claremont, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Claremont, New Hampshire. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tremont Square, Claremont, New Hampshire. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jerry L. Maxwell, City Manager, City Hall, Tremont Square, Claremont, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Claremont, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Tremont Square, Claremont, New Hampshire.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jerry L. Maxwell, City Manager, City Hall, Tremont Square, Claremont, New Hampshire.

The proposed 100-year flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tyler Brook	Girard Ave.	397
	Sullivan St.	398
Grandy Brook	Green Mountain Rd.	504
	Lumberyard dam	508
	Washington St.	541
Spring Farm Brook	Unity Rd.	554
	do	553
	Sugar River Dr.	541
Redwater Brook	Redwater Brook Rd.	729
	Farm crossing	660
	Strand Rd.	662
	Clay Hill Rd.	422
Sugar River	Claremont & Concord RR.	532
	Monadnock mill dam	530
	Broad St.	518
	Footbridge	502
	Dam	500
	Bridge truss	477
	Covered walkway	472
	Sewer crossing	471
	Main St.	464
	Claremont Paper Co. Dam.	461
	Woolen mill dam	404
	Sewer crossing	391
	Citizen Street bridge	379
	Coy Paper Co. dam	369
	Plains Rd.	331
	Coy Paper Co. footbridge.	331
	Snowmobile bridge	328
	Jarvis Hill Rd.	319
Connecticut River	Route 103	319

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18332 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3009]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Cannon Beach, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Cannon Beach, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 163 East Gower, Cannon Beach, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bruce Haskell, City Hall, P.O. Box 368, 163 East Gower, Cannon Beach, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Cannon Beach, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 163 East Gower, Cannon Beach, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bruce Haskell, City Hall, P.O. Box 368, 163 East Gower, Cannon Beach, Oregon.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	West of Pacific St. between Coos St. at Sitka St.	28
	West of Pacific St. between Center St. and Coos St.	31
	West of Hemlock St. between 2d St. and Center St.	24
	Between northern corporate limits and 2d St.	27
	Area between Elk Creek, 2d St., and Hemlock St.	21
Elk Creek	Mouth of Elk Creek to Antler St. Area.	16
	Elk Creek north of Elm Ave.	11
	Elk Creek south of Elm Ave.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18333 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3007]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Manitowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Manitowoc County, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, 110 South Eighth, Manitowoc, Wisconsin. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Dale J. Bolle, County Board Chairman, County Courthouse, 110 South Eighth, Manitowoc, Wisconsin 54220.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base flood elevations (100-year flood) for Manitowoc County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, 110 South Eighth, Manitowoc, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Dale J. Bolle, County Board Chairman, County Courthouse, 110 South Eighth, Manitowoc, Wisconsin 54220.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Molash Creek	State Highway 177	589
East Twin River	County Highway BB	639
	County Highway B	638
	Zander Rd.	634
	State Highway 163	631
	Holmes Rd.	627
	Tapawingo Rd.	622
	Hillview Rd.	619
	Private field rd.	615
	Rockledge Rd.	614
	Old Dam	610
	State highway	608
	County Highway B	604
	Steiners Rd.	598
	Farm bridge	597
	Strum Rd.	595
	East Hillcrest Rd.	593
	Maplewood Rd.	590
	County Highway VV	585
Neshota River	County Highway BB	688
Devils River	County Highway T	786
	Chicago & Northwestern RR.	774
	Maribel Rd.	750
	Pleasant Rd.	728
	U.S. Highway 141	675
Little Manitowoc River	Farm road	646
	Goodwin Rd.	641
	Old County Highway Q	631
	County Highway Q	612
	Farm bridge	608
	County Highway Q	606
	do	598
	County Highway B	594
Tributary to Branch River at Rieb Mills	Rieb Mills Rd.	754
	Town Rd.	750
Branch River	County Highway H	740
	Town Rd at Rieb Mill.	739
	Danmar Rd.	726
	Game Farm Rd.	707
	County Highway D	704
	U.S. Highway 10	702
	Branch River Rd.	697
	North Union Rd.	689
Manitowoc River	County Highway JJ	810
	Liest Rd.	801
	State Highway 118	793
	Old Oslo Dam	779
	County Highway S	752
	County Highway H	734
	Union Rd.	705
	County Highway JJ	698
	State Highway 119	690
	U.S. Highway 141	690
Silver Creek	U.S. Highway 141	737
	Minnesota St. Paul & Sault. Ste. Marie RR.	734
	do	733
	West Custer St.	731
	West Custer St. (old)	729
	Alverno Rd.	727
	U.S. Highway 151	720
	Victoria Lane	718
	State Highway 42	708
	Hecker Rd.	681
	U.S. Highway 141	668
	Farm Rd.	660
	Chicago & Northwestern RR.	641
	26th St.	637
	19th St.	632
	Silver Creek Rd.	626
	do	623
Calvin Creek	U.S. Highway 141	656
	Chicago & Northwestern RR.	655
	Northeim Rd.	651
	St. Peters Rd.	638
	County Highway	595
Pine Creek	Glass Lake Rd.	637
	County Highway U	597
	County Highway LS	591
Point Creek	U.S. Highway 141	640
	Chicago & Northwestern RR.	633
	Centerville Rd.	630
	Ucker Point Creek Rd.	617
	County Highway LS	592
Fischer Creek	U.S. Highway 141	611
	Chicago & Northwestern Rose	610
	Centerville Rd.	601
	Private Road	592
	County Highway LS	585
	South Cleveland Rd.	708
Centerville Creek	West Washington Rd.	692
	State Highway 149	680
	County Highway XX	665
	Chicago & Northwestern RR.	635
	Center Rd.	623
	North Ave.	608
Meenie River	County Highway X	804
	Wilmas Rd.	784
	Farm Rd.	775
	Dam	766
	County Highway MM	757
	East Spring Valley Rd.	751
	State Highway 42	751
	Private road	745
	State Highway 149	735
	West Washington Rd.	730
	South Cleveland Rd.	726
Sheboygan River	State Highway 149 and 32.	888
	County Highway AA	887
	Mud Lake Rd.	886
	Rockville Dam	885
	County Highway AA	862
	State Highway 32 and 57.	858
	Millhome Dam	856
West Twin River	County Highway CC	685
	Natchway Rd.	681
	Farm drive	649
	State Highway 147	630
	Melnik Rd.	628
	County Highway Y	624
	Fisherville Rd.	620
	County Highway Q	611
	County Highway VV	604
	Sheko Dam	600
	County Highway B	591

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18334 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3004]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Elkton, Rockingham County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Elkton, Rockingham County, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Treasurer's Office, Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Virginia 22827. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Maurice W. Lough, Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Virginia 22827.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Elkton, Rockingham County, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448),

42 U.S.C. 4001–4128, and 24 CFR Part 1917.

SUMMARY: Technical information or comments are solicited on the proposed

Borough Hall, 23 North Hancock Street, McAdoo, Pennsylvania.

Borough Manager of Derry, 620 North

17804, November 28, 1968), as amended (42

quired. They should not be construed to

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42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Treasurer's Office, Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Virginia 22827.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Maurice W. Lough, Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Virginia 22827.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
South Fork of Shenandoah River.	Downstream town limits.	*950
	Spottswood Ave	*951
	Confluence with Elk Run.	*952
Elk Run	Downstream town limits.	*952
	Norfolk & Western RR.	*963
	U.S. Route 33	*975
	U.S. Route 310	*979
	Upstream town limits.	1,000
		1,002

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18335 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2990]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of McAdoo, Schuylkill County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of McAdoo, Schuylkill County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at McAdoo Borough Hall, 23 North Hancock Street, McAdoo, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Mary Labert, Secretary-Treasurer, McAdoo Borough Hall, 23 North Hancock Street, McAdoo, Pennsylvania 18237.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Celebration Creek	South Harrison St. (extended).	1,728
	South Handcock St	1,736
	South Tamaqua St	1,739
	South Cleveland St	1,740
	South Sheridan St	1,742

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18336 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2988]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Derry, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Derry, Westmoreland County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Municipal Building, 620 North Chestnut Street, Derry Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Edward Shomo, Borough Manager of Derry, 620 North Chestnut Street, Derry, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of McAdoo, Schuylkill County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at McAdoo Borough Hall, 23 North Hancock Street, McAdoo, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Mary Labert, Secretary-Treasurer, McAdoo Borough Hall, 23 North Hancock Street, McAdoo, Pennsylvania 18237.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Celebration Creek	South Harrison St. (extended).	1,728
	South Handcock St	1,736
	South Tamaqua St	1,739
	South Cleveland St	1,740
	South Sheridan St	1,742

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18336 Filed 7-5-77;8:45 am]

Borough Manager of Derry, 620 North Chestnut Street, Derry, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Derry, Westmoreland County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 310 Third Street, Bay City, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Virgil M. Simmons, City Hall, P.O. Box 307, 310 Third Street, Bay City, Oregon 97107.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
McGee Run	Upstream corporate limits.	1,228
	East 3d Ave	1,206
	East 1st Ave	1,194
	Canadaway	1,157
	4th St.—Route 217	1,146
	Downstream corporate limits.	1,136
Garlane Mills Run	Upstream corporate limits.	1,297
	West Utopia St	1,240
	West 4th Ave	1,209
	West Kelly Way	1,192
	Confluence with McGee Run.	1,155

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18337 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 2986]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Bay City, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Bay City, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 310 Third Street, Bay City, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Virgil M. Simmons, City Hall, P.O. Box 307, 310 Third Street, Bay City, Oregon 97107.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Bay City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 310 Third Street, Bay City, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Virgil M. Simmons, City Hall, P.O. Box 307, 310 Third Street, Bay City, Oregon 97107.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tillamook Bay	Elliott St	
	Mallard St	
Patterson Creek	1st St	10
Unnamed tributary to Tillamook Bay	Area between Warren St., McCoy Ave. and Oregon Coast Highway (101).	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18338 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2984]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Lincoln City, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Lincoln City, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 4907 Southwest Highway 101, Lincoln City, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert L. McWilliams, City Manager, City of Lincoln City, City Hall, P.O. Box 48, 4907 Southwest Highway 101, Lincoln City, Oregon 97367.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Lincoln City, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricted requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 4907 Southwest Highway 101, Lincoln City, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert L. McWilliams, City Manager, City of Lincoln City, City Hall, P.O. Box 48, 4907 Southwest Highway 101, Lincoln City, Oregon 97367.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	North of North 26th Ave.	25
	South of North 26th Ave. to D River.	24
	South of D River to Delake.	36
	South of Delake to Baldy Creek.	23
	South of Baldy Creek to Taft.	30
	South of Taft to 50th St.	28
Devils Lake	At D River	11
	Devils Lake Rd	11
Siletz Bay	Schooner Creek Rd	7
	South of 50th St	17
	Fleet Ave	7
	South 63d St	7
	South 69th St	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18339 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2980]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Elizabeth City, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Elizabeth City, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Elizabeth City, North Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Tommy M. Combs, City Manager, P.O. Box 347, Elizabeth City, North Carolina 27909.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tidal flooding	Areas on the east side of the city along the Pasquotank River and Knobbs Creek.	8
Charles Creek	Halstead Ave	8
	Southern Ave	8
Knobbs Creek tributary.	U.S. Route 17	8
	State Rd. 1309	8
East branch of Knobbs Creek tributary.	Roanoke Ave	8
	U.S. Route 17 bypass	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18340 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No FI-2981]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Wake County, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, 316 Fayetteville Street Mall, Raleigh, North Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Garland H. Jones, Wake County Manager, County Courthouse, P.O. Box 550, 316 Fayetteville Street Mall, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Wake County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128. and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, 316 Fayetteville Street Mall, Raleigh, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Garland H. Jones, Wake County Manager, County Courthouse, P.O. Box 550, 316 Fayetteville Street Mall, Raleigh, North Carolina.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Morris Branch 29½[3]	North Carolina State Route 1625.[3]	272
	County line	290
Panther Creek 29½[1]	North Carolina State Route 1625.[3]	273
	North Carolina State Route 1626.[3]	291
Unnamed stream 27¼[3]	Apex extraterritorial boundary.	295
Beaver Creek 27½[2]	North Carolina State Route 1611.[3]	252
	North Carolina 55[3]	326
	U.S. 64[3]	317
	North Carolina State Route 1160.[3]	298
Terrible Creek 22½[3]	Dam by North Carolina State Route 404[3]	323
	North Carolina State Route 2751[3]	286
Basal Creek 22½[3]	North Carolina 55[3]	360
	Dam by North Carolina state Route 1393.[3]	328
Unnamed stream 22½[3]	North Carolina State Route 1301[3]	352
	Dam by North Carolina State Route 1301.[3]	342
Unnamed stream 22½[3]	North Carolina State Route 1340.[3]	333
Unnamed stream 22½[3]	North Carolina State Route 1152.[3]	373
	North Carolina State Route 1390.[3]	317
Mills Branch 22½[3]	Norfolk & Southern RR	286
	North Carolina State Route 2724.	271
Middle Creek 22½[3]	Lake Wheeler Rd[3]	265
Lens Branch 20½[2]	North Carolina State Route 1385.[3]	316
Unnamed stream 20½[3]	Ditchman Downs Rd.[3]	361
	North Carolina State Route 1386.[3]	310
Echo Creek 20½[3]	Legend Rd[3]	361
Yates Branch 20½[3]	Dam by Lake Wheeler Rd.[3]	296
	Southern RR	253
Unnamed stream 20½[3]	North Carolina State Route 2707.[3]	257
Unnamed stream 20½[3]	do.[3]	249
Mahlers Creek 20½[3]	North Carolina State Route 2703.[3]	228

Footnotes at end of table.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swift Creek 20½[3]	North Carolina State Route 1300.[3]	302
	Dam by Lake Wheeler Rd.[3]	292
	Dam by North Carolina 50.[3]	241
Unnamed stream 19¼[3]	Southern RR[3]	291
Unnamed stream 19½[3]	Southern RR[3]	305
White Oak St 19¼[3]	U.S. 70[3]	295
	North Carolina State Route 2555.[3]	251
Unnamed stream 18½[3]	Dam[3]	350
	North Carolina State Route 1613.[3]	311
Cedar Branch 18½[3]	Dam[3]	311
Morrisville Tributary 18½[3]	Morrisville extraterritorial boundary.	359
Turkey Creek 18½[3]	North Carolina State Route 1615.	340
Crabtree Creek 18½[3]	Cary extraterritorial boundary.	316
Unnamed stream 18½[3]	U.S. 70[3]	353
	North Carolina State Route 1647.[3]	336
Little Brier Creek 18½[3]	U.S. 70[3]	350
	North Carolina State Route 1642.[3]	314
Brier Creek 18½[3]	North Carolina State Route 1642.[3]	311
	I-40[3]	306
Unnamed stream 18½[3]	Dam by North Carolina State Route 1640.[3]	311
	North Carolina State Route 1640.[3]	306
Sterling Creek 18½[3]	I-40	296
	North Carolina State Route 1002.[3]	284
Black Creek tributary A 18½[3]	Cary extraterritorial boundary.	332
Haley Branch 18½[3]	I-40[3]	321
Crabtree Creek 18½[3]	Dam by North Carolina State Route 1652.[3]	372
	North Carolina 54[3]	340
	North Carolina State Route 1650.[3]	320
	Duraleigh Rd[3]	310
Unnamed stream 18½[3]	North Carolina State Route 1637.[3]	310
Sycamore Creek 18½[3]	U.S. 70[3]	370
Turkey Creek 18½[3]	U.S. 70[3]	355
	do.[3]	337
	Dam[3]	330
Unnamed stream 18¼[3]	U.S. 70[3]	315
Hare Snipe Creek 18½[3]	Leesville Rd	301
Unnamed stream 17¼[3]	North Carolina 50[3]	361
	North Carolina State Route 1830	346
Lower Barton Creek 17½[3]	North Carolina State Route 1826.[3]	335
	North Carolina 50[3]	320
	North Carolina State Route 1834.[3]	312
	North Carolina State Route 1847.	306
Unnamed stream 16½[3]	North Carolina 50[3]	302
	Dam[3]	284
Unnamed stream 16½[3]	North Carolina 50[3]	284
	North Carolina State Route 1846.[3]	263
Upper Barton Creek 16½[3]	North Carolina State Route 1841.[3]	361
	North Carolina 50[3]	340
	North Carolina State Route 1005.[3]	340
Cedar Creek 15½ [3]	North Carolina State Route 2005.[3]	306
	North Carolina State Route 2002.[3]	249
Unnamed stream 15½[3]	North Carolina State Route 2005.[3]	306
Unnamed stream 15½[3]	North Carolina State Route 2010.[3]	280
Honeycutt Creek 15½[3]	do.[3]	244
	North Carolina State Route 2002.[3]	244

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Perry Creek 15 1/27.[3]	North Carolina State Route 2132.[3]	285
	North Carolina State Route 2006.[3]	208
Unnamed stream 15 1/25.[3]	North Carolina State Route 2049.[3]	251
Unnamed stream 15 1/22.[3]	....do.[3]	220
Unnamed stream 15 1/15.[3]	North Carolina State Route 2548.[3]	214
Big Branch 15 1/14.[3]	....do.[3]	264
	North Carolina State Route 2542.[3]	185
Walnut Creek 15 1/[illegible]	Sunnybrook Rd.	199
	North Carolina State Route 2551.	182
Manco Creek 15 1/11.[3]	Knightdale extraterritorial boundary.	224
	Norfolk & Southern R.R.[3]	185
Unnamed stream 15 1/9.[3]	North Carolina State Route 2552.[3]	[illegible]
Unnamed stream 15 1/8.[3]	North Carolina State Route 2511.[3]	216
Unnamed stream 15[illegible].[3]	North Carolina State Route 2501.[3]	236
	North Carolina State Route 1007.[3]	199
Neuse River 15 1/[illegible].[3]	County line	265
	North Carolina 50[3]	252
	North Carolina State Route 2000.	213
	U.S. 64.[3]	187
	North Carolina State Route 2509.[3]	169
Marks Creek 14 1/1.[3]	North Carolina State Route 2500.[3]	257
	North Carolina State Route 2501.[3]	221
Poplar Creek 13 1/1.[3]	Knightdale extraterritorial boundary.	212
	North Carolina State Route 2040.	174
Unnamed stream 12 1/3.[3]	North Carolina State Route 2228.[3]	258
Mingo Creek 12 /2.[3]	Knightdale extraterritorial boundary.	230
[illegible] Creek 12 1/1.[3]	North Carolina State Route 2228.[3]	236
	Dam by North Carolina State Route 2217.[3]	195
Beaverdam Creek 11 1/3.[3]	North Carolina State Route 1001.[4]	301
	North Carolina 39[3]	229
Sharon Spring 11 1/2.[3]	Zebulon extraterritorial boundary.	244
	North Carolina 39[3]	229
Little Creek 10 1/21.[3]	Zebulon extraterritorial boundary.	233
Wheeles Creek 10 1/22.[3]	....do	[illegible]
Unnamed stream 10 1/10.[3]	North Carolina 96[3]	275
	North Carolina State Route 2308.	260
Unnamed stream 10 1/9.[3]	North Carolina 96[3]	290
Unnamed stream 10 1/8.[3]	....do.[3]	254
Hominy Creek 10 1/7.[3]	North Carolina State Route 2329 downstream.	253
Unnamed stream 10 1/6.[3]	North Carolina State Route 2329.[3]	254
Unnamed stream 10 1/5.[3]	North Carolina State Route 2329.	290
Hominy branch 10 1/4.[3]	Wendell extraterritorial boundary.	251
[illegible] 10 1/3.[3]	North Carolina State Route 2350.[3]	251
Unnamed stream 10 1/2.[3]	North Carolina State Route 2353.[3]	220
Little River 10 1/1.[3]	North Carolina State Route 2333.[3]	155
	North Carolina State Route 2332.[3]	[illegible]
[illegible] Creek 9 1/1.[3]	Dam by North Carolina State Route 2224.[3]	292
	North Carolina State Route [illegible].[3]	[illegible]
[illegible] Creek 8 1/7.[3]	North Carolina State Route 2226.[3]	220
	Dam by North Carolina State Route 2227.[3]	215
Hodges Creek 8 1/1.[3]	North Carolina State Route 2228.[3]	223
	North Carolina State Route 2049.[3]	198
Toms Creek 7 1/1.[3]	....do.[3]	260
	North Carolina State Route 2044.	205
Unnamed stream 6 1/9.[3]	North Carolina State Route 2052.[3]	306
Reedy Creek 6 1/8.[3]	....do.[3]	261
Sanford Creek 6 1/7.[3]	North Carolina State Route 2049.[3]	223
Austin Creek 6 1/6.[3]	North Carolina State Route 2053.[3]	255
Dunn Creek 6 1/5.[3]	Wake Forest extraterritorial boundary.	235
Smith Creek 6 1/1.[3]	North Carolina State Route 2049.[3]	229
	North Carolina State Route 2045.	206
Richland Creek 5 1/1.[3]	Wake Forest extraterritorial boundary.	24
	U.S. 1.[3]	232
Mud Branch 4 1/15.[3]	North Carolina State Route 1909.[3]	440
	Dam downstream of North Carolina State Route 1909.	342
Lowery Creek 4 1/10.[3]	North Carolina State Route 1909.[3]	378
Water Fork 4 1/7.[3]	Lowery Creek Confluence.	248
Horse Creek 4 1/1.[3]	North Carolina State Route 1999.[3]	333
	North Carolina 98[3]	236
Unnamed stream 3 1/3.[3]	North Carolina State Route 1918.[3]	247
Newlight Creek 3 1/1.[3]	North Carolina State Route 1912.[3]	289
	North Carolina State Route 1909.[3]	250
Little Beaverdam Creek 2 1/2.[3]	County line	323
Unnamed stream 1 1/9.[3]	North Carolina State Route 1901.[3]	262
Ledge Creek 1 1/1.[3]	County line	257
	North Carolina State Route 1900.	253

[1] Basin number.
[2] Stream number.
[3] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18341 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2979]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Durham, Durham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Durham, Durham County, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Wade L. Cavin, Durham, North Carolina. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Transportation and Utilities, New City Hall, Durham, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Durham, Durham County, North Carolina in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Transportation and Utilities, New City Hall, Durham, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Wade L. Cavin, Durham, North Carolina.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Eno River	Confluence with tributary A.	287
	Upstream of U.S. Highway 501.	291
	Upstream of Guess Rd. (State Route 1003).	313
	Upstream of confluence with tributary Z.	346
	Upstream of State Route 1401.	360
Crooked Creek	Upstream of confluence with Eno River.	292
	Upstream of State Route 1448.	316
	Northern extraterritorial corporate limits.	375
Eno River tributary A.	Upstream of Foxhunt St.	292
	Northern extraterritorial corporate limits.	340
Eno River tributary Z.	Upstream of Rivermont Dr.	331
	Upstream of Cole Mill Rd.	417
Eno River tributary 1.	Upstream of Hebron St. (State Route 1656).	297
	Upstream of State Route 1648.	324
Warren Creek	Approximately 1,800 upstream of confluence with Eno River.	308
	Upstream of Horton St.	311
Warren Creek tributary A.	Upstream of Guess Rd.	328
	Upstream of Crystal Lake Rd.	354
	Upstream of Hillandale Rd.	385
Warren Creek tributary B.	Confluence with Warren Creek.	308
	Upstream of Guess Rd.	312
Ellerbe Creek	Upstream of East Club Blvd.	388
	Upstream of Avondale Dr.	404
	Upstream of Duke St.	423
	Upstream of Shoccoree Rd.	464
Ellerbe Creek tributary A.	Upstream of Bluefield St.	307
Ellerbe Creek tributary B.	Confluence with Ellerbe Creek.	305
	Upstream of Dearborn St.	308
South branch Ellerbe Creek.	Upstream of Washington St.	314
South Ellerbe Creek tributary A.	Upstream of Club Blvd.	309
	Upstream of Guess Rd.	340
Goose Creek	Upstream of Camden Ave.	305
	Upstream of Juniper St.	338
Goose Creek tributary A.	Upstream of Miami Blvd.	336
Little Lick Creek	Upstream of State Route 1815.	286
	Upstream of North Carolina 98.	293
Little Lick Creek tributary 1.	Upstream of Clayton Rd.	308
	Upstream of Chandler Rd	318
Little Lick Creek tributary 2.	Upstream of Lynn Rd.	309
New Hope Creek	Upstream of Chapel Hill Rd.	251
	Upstream of U.S. Highway 15–501.	258
	Western extraterritorial corporate limits.	260
New Hope Creek tributary 1.	Confluence with New Hope Creek.	259
Mud Creek	Upstream of U.S. Highway 15–501.	288
	Upstream of Pickett Rd.	263
	Upstream of Erwin Rd.	284
Third Fork Creek	Upstream of public St.	258
	Upstream of Forest Hills Blvd South.	301
Third Fork Creek tributary A.	Upstream of Massey Rd.	304
Third Fork Creek tributary C.	Upstream of Hope Valley Rd.	300
	Upstream of Dover Rd.	307
	Upstream of Archdale Rd.	308
Third Fork Creek tributary D.	Approximately 4,500 ft upstream of the confluence with Third Fork Creek.	276
Third Fork Creek tributary E.	Upstream of Rorboro Rd.	306
Rocky Creek	Upstream of Fayetteville St.	290
	Upstream of Bacon St.	311
Sandy Creek	Upstream of Garrett Rd.	306
	Upstream of North Carolina 751.	312
Sandy Creek tributary A.	Upstream of Garrett Rd.	306
Sandy Creek tributary D.	Upstream of State Route 751.	306
North prong of Northeast Creek.	Upstream of Cornwallis Rd.	308
	Upstream of North Carolina 55.	319
North prong of Northeast Creek tributary A.	Upstream of Cornwallis Rd.	320
	Upstream of Alfred St.	307

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18342 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2978]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Cuba, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Cuba, Alleghany County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Cuba Village Municipal Building, 17 East Main Street, Cuba, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Allen Schintzius, Mayor of Cuba, P.O Box 12, Cuba, New York 14727.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Cuba, Allegany County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Cuba Village Municipal Building, 17 East Main Street, Cuba, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Allen Schintzius, Mayor of Cuba, P.O. Box 12, Cuba, New York 14727.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Oil Creek	Route 17—east bound.	1,483
	Genesee St.	1,484
Griffin Creek	Abandoned Con Rail bridge.	1,493
	Bull St.	1,493
	West Main St.	1,498

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Perry Creek 15 1/27.[3]	North Carolina State Route 2132.[3]	285
	North Carolina State Route 2006.[3]	208
Unnamed stream 15 1/25.[3]	North Carolina State Route 2049.[3]	251
Unnamed stream 15 1/22.[3]	....do.[3]	220
Unnamed stream 15 1/15.[3]	North Carolina State Route 2548.[3]	214
Big Branch 15 1/14.[3]	....do.[3]	264
	North Carolina State Route 2542.[3]	185
Walnut Creek 15 1/[illegible]	Sunnybrook Rd.	199
	North Carolina State Route 2551.	182
Manco Creek 15 1/11.[3]	Knightdale extraterritorial boundary.	224
	Norfolk & Southern R.R.[3]	185
Unnamed stream 15 1/9.[3]	North Carolina State Route 2552.[3]	[illegible]
Unnamed stream 15 1/8.[3]	North Carolina State Route 2511.[3]	216
Unnamed stream 15[illegible].[3]	North Carolina State Route 2501.[3]	236
	North Carolina State Route 1007.[3]	199
Neuse River 15 1/[illegible].[3]	County line	265
	North Carolina 50[3]	252
	North Carolina State Route 2000.	213
	U.S. 64.[3]	187
	North Carolina State Route 2509.[3]	169
Marks Creek 14 1/1.[3]	North Carolina State Route 2500.[3]	257
	North Carolina State Route 2501.[3]	221
Poplar Creek 13 1/1.[3]	Knightdale extraterritorial boundary.	212
	North Carolina State Route 2040.	174
Unnamed stream 12 1/3.[3]	North Carolina State Route 2228.[3]	258
Mingo Creek 12 /2.[3]	Knightdale extraterritorial boundary.	230
[illegible] Creek 12 1/1.[3]	North Carolina State Route 2228.[3]	236
	Dam by North Carolina State Route 2217.[3]	195
Beaverdam Creek 11 1/3.[3]	North Carolina State Route 1001.[4]	301
	North Carolina 39[3]	229
Sharon Spring 11 1/2.[3]	Zebulon extraterritorial boundary.	244
	North Carolina 39[3]	229
Little Creek 10 1/21.[3]	Zebulon extraterritorial boundary.	233
Wheeles Creek 10 1/22.[3]	....do	[illegible]
Unnamed stream 10 1/10.[3]	North Carolina 96[3]	275
	North Carolina State Route 2308.	260
Unnamed stream 10 1/9.[3]	North Carolina 96[3]	290
Unnamed stream 10 1/8.[3]	....do.[3]	254
Hominy Creek 10 1/7.[3]	North Carolina State Route 2329 downstream.	253
Unnamed stream 10 1/6.[3]	North Carolina State Route 2329.[3]	254
Unnamed stream 10 1/5.[3]	North Carolina State Route 2329.	290
Hominy branch 10 1/4.[3]	Wendell extraterritorial boundary.	251
[illegible] 10 1/3.[3]	North Carolina State Route 2350.[3]	251
Unnamed stream 10 1/2.[3]	North Carolina State Route 2353.[3]	220
Little River 10 1/1.[3]	North Carolina State Route 2333.[3]	155
	North Carolina State Route 2332.[3]	[illegible]
[illegible] Creek 9 1/1.[3]	Dam by North Carolina State Route 2224.[3]	292
	North Carolina State Route [illegible].[3]	[illegible]
[illegible] Creek 8 1/7.[3]	North Carolina State Route 2226.[3]	220
	Dam by North Carolina State Route 2227.[3]	215
Hodges Creek 8 1/1.[3]	North Carolina State Route 2228.[3]	223
	North Carolina State Route 2049.[3]	198
Toms Creek 7 1/1.[3]	....do.[3]	260
	North Carolina State Route 2044.	205
Unnamed stream 6 1/9.[3]	North Carolina State Route 2052.[3]	306
Reedy Creek 6 1/8.[3]	....do.[3]	261
Sanford Creek 6 1/7.[3]	North Carolina State Route 2049.[3]	223
Austin Creek 6 1/6.[3]	North Carolina State Route 2053.[3]	255
Dunn Creek 6 1/5.[3]	Wake Forest extraterritorial boundary.	235
Smith Creek 6 1/1.[3]	North Carolina State Route 2049.[3]	229
	North Carolina State Route 2045.	206
Richland Creek 5 1/1.[3]	Wake Forest extraterritorial boundary.	24
	U.S. 1.[3]	232
Mud Branch 4 1/15.[3]	North Carolina State Route 1909.[3]	440
	Dam downstream of North Carolina State Route 1909.	342
Lowery Creek 4 1/10.[3]	North Carolina State Route 1909.[3]	378
Water Fork 4 1/7.[3]	Lowery Creek Confluence.	248
Horse Creek 4 1/1.[3]	North Carolina State Route 1999.[3]	333
	North Carolina 98[3]	236
Unnamed stream 3 1/3.[3]	North Carolina State Route 1918.[3]	247
Newlight Creek 3 1/1.[3]	North Carolina State Route 1912.[3]	289
	North Carolina State Route 1909.[3]	250
Little Beaverdam Creek 2 1/2.[3]	County line	323
Unnamed stream 1 1/9.[3]	North Carolina State Route 1901.[3]	262
Ledge Creek 1 1/1.[3]	County line	257
	North Carolina State Route 1900.	253

[1] Basin number.
[2] Stream number.
[3] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18341 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2979]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Durham, Durham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Durham, Durham County, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Wade L. Cavin, Durham, North Carolina. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Transportation and Utilities, New City Hall, Durham, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Durham, Durham County, North Carolina in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Department of Transportation and Utilities, New City Hall, Durham, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Wade L. Cavin, Durham, North Carolina.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Eno River	Confluence with tributary A.	287
	Upstream of U.S. Highway 501.	291
	Upstream of Guess Rd. (State Route 1003).	313
	Upstream of confluence with tributary Z.	346
	Upstream of State Route 1401.	360
Crooked Creek	Upstream of confluence with Eno River.	292
	Upstream of State Route 1448.	316
	Northern extraterritorial corporate limits.	375
Eno River tributary A.	Upstream of Foxhunt St.	292
	Northern extraterritorial corporate limits.	340
Eno River tributary Z.	Upstream of Rivermont Dr.	331
	Upstream of Cole Mill Rd.	417
Eno River tributary 1.	Upstream of Hebron St. (State Route 1656).	297
	Upstream of State Route 1648.	324
Warren Creek	Approximately 1,800 upstream of confluence with Eno River.	308
	Upstream of Horton St.	311
Warren Creek tributary A.	Upstream of Guess Rd.	328
	Upstream of Crystal Lake Rd.	354
	Upstream of Hillandale Rd.	385
Warren Creek tributary B.	Confluence with Warren Creek.	308
	Upstream of Guess Rd.	312
Ellerbe Creek	Upstream of East Club Blvd.	388
	Upstream of Avondale Dr.	404
	Upstream of Duke St.	423
	Upstream of Shoccoree Rd.	464
Ellerbe Creek tributary A.	Upstream of Bluefield St.	307
Ellerbe Creek tributary B.	Confluence with Ellerbe Creek.	305
	Upstream of Dearborn St.	308
South branch Ellerbe Creek.	Upstream of Washington St.	314
South Ellerbe Creek tributary A.	Upstream of Club Blvd.	309
	Upstream of Guess Rd.	340
Goose Creek	Upstream of Camden Ave.	305
	Upstream of Juniper St.	338
Goose Creek tributary A.	Upstream of Miami Blvd.	336
Little Lick Creek	Upstream of State Route 1815.	286
	Upstream of North Carolina 98.	293
Little Lick Creek tributary 1.	Upstream of Clayton Rd.	308
	Upstream of Chandler Rd	318
Little Lick Creek tributary 2.	Upstream of Lynn Rd.	309
New Hope Creek	Upstream of Chapel Hill Rd.	251
	Upstream of U.S. Highway 15–501.	258
	Western extraterritorial corporate limits.	260
New Hope Creek tributary 1.	Confluence with New Hope Creek.	259
Mud Creek	Upstream of U.S. Highway 15–501.	288
	Upstream of Pickett Rd.	263
	Upstream of Erwin Rd.	284
Third Fork Creek	Upstream of public St.	258
	Upstream of Forest Hills Blvd South.	301
Third Fork Creek tributary A.	Upstream of Massey Rd.	304
Third Fork Creek tributary C.	Upstream of Hope Valley Rd.	300
	Upstream of Dover Rd.	307
	Upstream of Archdale Rd.	308
Third Fork Creek tributary D.	Approximately 4,500 ft upstream of the confluence with Third Fork Creek.	276
Third Fork Creek tributary E.	Upstream of Rorboro Rd.	306
Rocky Creek	Upstream of Fayetteville St.	290
	Upstream of Bacon St.	311
Sandy Creek	Upstream of Garrett Rd.	306
	Upstream of North Carolina 751.	312
Sandy Creek tributary A.	Upstream of Garrett Rd.	306
Sandy Creek tributary D.	Upstream of State Route 751.	306
North prong of Northeast Creek.	Upstream of Cornwallis Rd.	308
	Upstream of North Carolina 55.	319
North prong of Northeast Creek tributary A.	Upstream of Cornwallis Rd.	320
	Upstream of Alfred St.	307

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18342 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2978]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Cuba, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Cuba, Alleghany County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Cuba Village Municipal Building, 17 East Main Street, Cuba, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Allen Schintzius, Mayor of Cuba, P.O Box 12, Cuba, New York 14727.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Cuba, Allegany County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Cuba Village Municipal Building, 17 East Main Street, Cuba, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Allen Schintzius, Mayor of Cuba, P.O. Box 12, Cuba, New York 14727.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Oil Creek	Route 17—east bound.	1,483
	Genesee St.	1,484
Griffin Creek	Abandoned Con Rail bridge.	1,493
	Bull St.	1,493
	West Main St.	1,498

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Source of flooding	Location	Elevation in feet above mean sea level
Gridin Creek	Mill St.	1,503
	Erie-Lackawanna R.R. bridge	1,509
Depression ditch	Brinton St.	1,512
	Mouth upstream to abandoned Con Rail bridge.	1,483
	Medbury Ave.	1,497
Bloomfield Tanery Creek.	Abandoned farm road.	1,492
	Just downstream of Route 17 culvert.	1,493
	Just upstream of Route 17 culvert.	1,499
	East Main St.	1,508
	East View Rd.	1,513

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18343 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2977]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Mohawk, Herkimer County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Mohawk, Herkimer County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Mohawk Municipal Building, 28 Columbia Street, Mohawk, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Dorothy A. Murphy, Mayor of Mohawk, P.O. Box 99, Mohawk, New York 13407.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Mohawk, Herkimer County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of the Spartanburg City Hall, 145 West Broad Street, Spartanburg, South Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. W. H. Carstarphen, City Manager of Spartanburg, P.O. Drawer 1749, Spartanburg, South Carolina 29304.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mohawk River	State Route 28	394
	Confluence of Fulmer Creek.	395
	Confluence of Troy Creek.	395
Fulmer Creek	Con Rail	395
	State Route 55	398
	State Route 28	428

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18344 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2999]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Spartanburg, Spartanburg County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Spartanburg, Spartanburg County, South Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of the Spartanburg City Hall, 145 West Broad Street, Spartanburg, South Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. W. H. Carstarphen, City Manager of Spartanburg, P.O. Drawer 1749, Spartanburg, South Carolina 29304.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–705–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Spartanburg, Spartanburg County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of the Spartanburg City Hall, 145 West Broad Street, Spartanburg, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. W. H. Carstarphen, City Manager of Spartanburg, P.O. Drawer 1749, Spartanburg, South Carolina 29304.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Chinquepin Creek.	South Carolina Highway 56.	759
	Centennial St.	752
Tributary C-1	Daniel Morgan Ave.	707
	Pine St.	699
Chinquepin Creek	Upstream corporate limits.	716
	Isom St.	689
	Southern Ry.	682
Tributary L-1	Earth dam and road.	675
Halfway branch	Cart Dr.	660
	Fernwood-Glendale Rd.	656
Lawsons Fork River.	Upstream corporate limits.	680
	U.S. Highway 29	671
	Fernwood Rd.	664
	Halfway branch.	650
Holston Creek	South Carolina Highway 295.	796
	Fieldstone Rd.	776
	Camelot Dr.	748
	Girl Scout Camp road.	720
	U.S. Highway 29	698
Farley branch	Northern Piedmont Ry.	735
	Wofford St.	705
	Vanderbilt Rd.	684
Greenville branch	Henry St.	694
	South Forest St.	660
	Prince Hall Rd.	653
Williams branch	Winton Dr.	734
	Ammons Rd.	720
	Confluence of Fairforest Creek.	649
Tributary F-2	Caulder Ave.	673
	Bomar St.	644
Tributary F-1	Confluence of Fairforest Creek.	619
Fairforest Creek	Powell Mill Rd.	729
	Main St.	679
	Reidville Rd.	653
	Oak St.	642
	Tributary F-1	619

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18345 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2996]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Derry, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Derry, Westmoreland County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby, Derry Township Municipal Building, 650 Derry Road, Derry, Pennsylvania 15627. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Wilbur Joe, Chairman of the Derry Township Board of Supervisor, Derry Township Municipal Building, 650 Derry Road, Derry, Pennsylvania 15627.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Derry, Westmoreland County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby, Derry Township Municipal Building, 650 Derry Road, Derry, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Wilbur Joe, Chairman of the Derry Township Board of Supervisors, Derry Township Municipal Building, 650 Derry Road, Derry, Pennsylvania 15627.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Loyalhanna Creek	Confluence with Miller Run	1,0[illegible]
	State Route 217	1,0[illegible]
	U.S. Route 30	1,0[illegible]
	State Route 982	1,0[illegible]
Saxman Run	Private drive	1,0[illegible]
	Township Route 838	1,04[illegible]
	LR 64236	1,0[illegible]
	Township Route 838	1,0[illegible]
	Center St.	1,0[illegible]
	Private drive	1,0[illegible]
	Confluence with unnamed tributary	1,0[illegible]
	LR 64236	[illegible]
	Private drive	[illegible]
	State Route 381	[illegible]
	Con Rail	[illegible]
	Township Route 831	1,[illegible]
	Confluence with Loyalhanna Creek.	[illegible]
Miller Run	Township Route 931	1,[illegible]
	Pennsylvania Route 217.	1,1[illegible]
	Township road 930	1,1[illegible]
	Pennsylvania Route 217.	1,1[illegible]
	Township Road 715	1,0[illegible]
	Private road	1,05[illegible]
	U.S. Highway 30	1,05[illegible]
	West and Con Rail	[illegible]
McGee Run	Corporate limits	1,13[illegible]
	Abandoned bridge	1,12[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18346 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2995]

own, or pursuant to policies established by other Federal, state or regional en-

fied for participation in the National Flood Insurance Program (NFIP).

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[24 CFR Part 1917]

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[24 CFR Part 1917]

[Docket No. FI-2995]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Carnegie, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Carnegie, Allegheny County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby of the Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Chris Keisling, Mayor of Carnegie, Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania 15106.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Carnegie, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby of the Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Chris Keisling, Mayor of Carnegie, Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania 15106.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Chartiers Creek	Penn Lincoln Parkway	765
	Chestnut St.	766
	Jane St.	769
	Main St.	771
	Third St.	774
	Hammond St.	775
Campbells Run	Glass St.	768
	Railroad St.	770
	Morrow St.	782

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18347 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2991]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Kulpmont, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Kulpmont, Northumberland County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Kulpmont Borough Hall, 8 North 8th Street, Kulpmont, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Ralph Miriello, Mayor of Kulpmont, 8 North 8th Street, Kulpmont, Pennsylvania 17834.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line 800 424–8872, Room 5270, 451 Seventh Street, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Kulpmont, Northumberland County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Kulpmont Borough Hall, 8 North 8th Street, Kulpmont, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Ralph Miriello, Mayor of Kulpmont, 8 North 8th Street, Kulpmont, Pennsylvania 17834.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Quaker Run	Downstream corporate limits	[illegible]
	Upstream side of Street Bridge	[illegible]
	Upstream side of [illegible]	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18348 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2989]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Riegelsville, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Riegelsville, Bucks County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Riegelsville Borough Hall, 615 Easton Road, Riegelsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert Waehner, Vice President of the Borough Council, P.O. Box 416, Riegelsville, Pennsylvania 18077.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Delaware River	Southern corporate limits	[illegible]
	Riegelsville Bridge	[illegible]
	Northern corporate limits	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18349 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2993]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Farrell, Mercer County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Farrell, Mercer County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, Farrell Municipal Building, 924 Spearman Avenue, Farrell, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Francis N. Petrillo, 924 Spearman Avenue, Farrell Municipal Building, Farrell, Pennsylvania 16121.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Farrell, Mercer County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be

used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby of the Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Chris Keisling, Mayor of Carnegie, Carnegie Borough Building, 1 Glass Street, Carnegie, Pennsylvania 15106.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Chartiers Creek	Penn Lincoln Parkway	765
	Chestnut St.	766
	Jane St.	769
	Main St.	771
	Third St.	774
	Hammond St.	775
Campbells Run	Glass St.	768
	Railroad St.	770
	Morrow St.	782

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18347 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2991]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Kulpmont, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Kulpmont, Northumberland County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Kulpmont Borough Hall, 8 North 8th Street, Kulpmont, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Ralph Miriello, Mayor of Kulpmont, 8 North 8th Street, Kulpmont, Pennsylvania 17834.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line 800 424–8872, Room 5270, 451 Seventh Street, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Kulpmont, Northumberland County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Kulpmont Borough Hall, 8 North 8th Street, Kulpmont, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Ralph Miriello, Mayor of Kulpmont, 8 North 8th Street, Kulpmont, Pennsylvania 17834.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Quaker Run	Downstream corporate limits	[illegible]
	Upstream side of Street Bridge	[illegible]
	Upstream side of [illegible]	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18348 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2989]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Riegelsville, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Riegelsville, Bucks County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Riegelsville Borough Hall, 615 Easton Road, Riegelsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert Waehner, Vice President of the Borough Council, P.O. Box 416, Riegelsville, Pennsylvania 18077.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Delaware River	Southern corporate limits	[illegible]
	Riegelsville Bridge	[illegible]
	Northern corporate limits	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18349 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2993]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Farrell, Mercer County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Farrell, Mercer County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, Farrell Municipal Building, 924 Spearman Avenue, Farrell, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Francis N. Petrillo, 924 Spearman Avenue, Farrell Municipal Building, Farrell, Pennsylvania 16121.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Farrell, Mercer County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be

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used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, Farrell Municipal Building, 924 Spearman Avenue, Farrell, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Francis N. Petrillo, 924 Spearman Avenue, Farrell Municipal Building, Farrell, Pennsylvania 16121.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shenango River	Ohio State Bridge	838
	At corporate limits 1,000 ft downstream of "low dam".	836
	At corporate limits 1,800 ft downstream of "low dam".	839
	At low dam	845
	At West Gate Road Bridge.	846
	Northern corporate limits.	847

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18350 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2992]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Butler, Butler County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City or Butler, Butler County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, in the front hall of the City Building, 140 West North Street, Butler. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediate notify Mayor John O. Hallstein, 140 West North Street, Butler, Pennsylvania 16001.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Butler, Butler County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, in the front hall of the City Building, 140 West North Street, Butler, Pennsylvania 16001.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John O. Hallstein, 140 West North Street, Butler, Pennsylvania 16001.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Connequenessing Creek	Main St	992
	Center Ave	994
	Monroe	998
	Old Route 442	1,004
Sullivan Run	Negley Ave. (extended).	989
	Cunningham St	993
	Newcastle St	994
	West Brady St	996
	Miller St	1,002
	Mercer St	1,004
	North 6th Ave	1,006
Shanks Hollow Run.	Wick St	1,014
Coal Run	Ziegler Ave	1,017

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18351 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2994]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Falls, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Falls, Bucks County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the lobby of the Township Building, 939 Street Road, Upper Southampton, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John O. Danenberger, Town Manager of Upper Southampton, 939 Street Road, Upper Southampton, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Falls, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are availabel for review at the Falls Township Municipal Garage, across the street from the Falls United Methodist Church on Route 65011, Falls, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Eugene Dziak, Chairman of the Falls Township Board of Supervisors, R.D. No. 1, Falls, Pennsylvania 18615.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River	Manor Wharf Rd. (extended).	13
	Northern corporate limits.	14
Martins Creek	Mill Creek Rd	28
	Pennsylvania canal	31
	Penn Valley Rd	26
Tributary No. 1 of Martins Creek.	Pennsylvania Canal	28
	U.S. Route 13	29
	Mill Creek Parkway	30
	Birch Dr	32
	Blue Spruce Lane	33

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Falls, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Falls Township Municipal Garage, across the street from the Falls United Methodist Church on Route 65011, Falls, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Eugene Dziak, Chairman of the Falls Township Board of Supervisors, R.D. No. 1, Falls, Pennsylvania 18615.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 2 of Martins Creek.	North Park Dr	33
	New School Lane	31
Tributary No. 3 Martins Creek.	New U.S. Route 13	36
	Fallsington-Tullytown Rd.	44
	Newportville-Fallsington Rd.	52
	Vermilion Way	54
	Trenton Rd	55
Rock Run	New Tyburn Rd	36
	Lower Morrisville Rd	43
	U.S. Route 1	51
	U.S. Route 13	59
	Old Lincoln Highway	71
	Alden Rd	76
	Valley Rd	83
Queen Anne Creek	Olds Blvd. (downstream).	66
	Olds Blvd. (upstream)	75
Tributary No. 1 of Queen Anne Creek.	Oxford Valley Rd	66
	Lake Caroline Dam	76
	Trenton Rd	78
	Austin Dr	86
	Lincoln Highway	103
Tributary No. 2 of Queen Anne Creek.	Trenton Rd	76
	Chelsea Rd	95
	Austin Dr	103
	Lincoln Highway	114

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18352 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2997]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Upper Southampton, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Upper Southhampton, Bucks County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the lobby of the Township Building, 939 Street Road, Upper Southampton, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John O. Danenberger, Town Manager of Upper Southampton, 939 Street Road, Upper Southampton, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Upper Southampton, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the lobby of the Township Building, 939 Street Road, Upper Southampton, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John O. Danenberger, Town Manager of Upper Southampton, 939 Street Road, Upper Southampton, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

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[24 CFR Part 1917]

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202

[24 CFR Part 1917]

[Docket No. FI-

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

[illegible] Flooding | Location | Elevation in feet above [illegible]

[illegible]

(National Flood [illegible] XIII of Housing [illegible] of 1968), effective [illegible] 17804, November 28, 1968), as amended [illegible] U.S.C 4001-4128), and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, amended (39 FR [illegible])

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18354 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3043]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Atlantic Beach, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Atlantic Beach, Horry County, South Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Atlantic Beach Town Hall, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Joe Montgomery, Mayor of Atlantic Beach, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Atlantic Beach, Horry County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Atlantic Beach Town Hall, 301 30th Avenue South, North Myrtle Beach, South Carolina 29582.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Joe Montgomery, Mayor of Atlantic Beach, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above [illegible]
[illegible]	South of East Ave [illegible]	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18354 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3044]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Courtland, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Courtland, Alabama. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, College Street, Courtland, Alabama. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Roy Coffee, Town Hall, P.O. Box 160, College Street, Courtland, Alabama 35618.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Courtland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, College Street, Courtland, Alabama.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Roy Coffee, Town Hall, P.O. Box 160, College Street, Courtland, Alabama 35618.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Nance Creek	Alabama Highway 20	561.2
	Southern RR	561.6
Schoolhouse Branch	Jackson St	563.5
	South Monroe St	563.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18355 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3051]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Kankakee, Kankakee County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Kankakee, Kankakee County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Thomas J. Ryan, Jr., Mayor of Kankakee, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Kankakee, Kankakee County, Illinois in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Thomas J. Ryan, Jr., Mayor of Kankakee, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kankakee River	Confluence with Baker Creek	607
	Gar Creek	[illegible]
	Schuyler Ave	606
	Illinois Central RR	605
	Washington Ave	603
	Station St	602
	West Court St	[illegible]
	Confluence with Soldier Creek	601
	Con Rail	[illegible]
	Park St. (extended)	599
	Corporate limits	599
	do	598
	do	599
Soldier Creek	State Route 50 and Kinzie Ave. (upstream corporate limits)	627
	Railroad bridge	625
	Confluence of north branch of Soldier Creek	625

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18356 filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3037]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Union, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Union, Nebraska. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the home of Mrs. Donald Wolfe, Clerk, Union, Nebraska. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald Becker, Union, Nebraska.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the village of Union, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regu-

lations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Atlantic Beach Town Hall, 301 30th Avenue South, North Myrtle Beach, South Carolina 29582.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Joe Montgomery, Mayor of Atlantic Beach, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic [illegible]
[illegible]	[illegible]	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18354 Filed 7-5-77;8:45 am]

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Atlantic Beach, Horry County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Atlantic Beach, Horry County, South Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Atlantic Beach Town Hall, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Joe Montgomery, Mayor of Atlantic Beach, 301 30th Avenue, South, North Myrtle Beach, South Carolina 29582.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Courtland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, College Street, Courtland, Alabama.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Roy Coffee, Town Hall, P.O. Box 160, College Street, Courtland, Alabama 35618.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Nance Creek	Alabama Highway 20	561.2
	Southern RR	561.6
Schoolhouse Branch	Jackson St	563.5
	South Monroe St	563.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18355 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3051]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Kankakee, Kankakee County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Kankakee, Kankakee County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Thomas J. Ryan, Jr., Mayor of Kankakee, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Kankakee, Kankakee County, Illinois in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Thomas J. Ryan, Jr., Mayor of Kankakee, Kankakee City Hall, 385 East Oak Street, Kankakee, Illinois 60901.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Kankakee River	Confluence with Baker Creek	607
	Gar Creek	[illegible]
	Schuyler Ave	606
	Illinois Central RR	605
	Washington Ave	603
	Station St	602
	West Court St	[illegible]
	Confluence with Soldier Creek	601
	Con Rail	[illegible]
	Park St. (extended)	599
	Corporate limits	599
	do	598
	do	599
Soldier Creek	State Route 50 and Kinzie Ave. (upstream corporate limits)	627
	Railroad bridge	625
	Confluence of north branch of Soldier Creek	625

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 77-18356 filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3037]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Union, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Union, Nebraska. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the home of Mrs. Donald Wolfe, Clerk, Union, Nebraska. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald Becker, Union, Nebraska.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the village of Union, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regu-

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lations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Home of Mrs. Donald Wolfe, Clerk, Union, Nebraska.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Donald Becker, Union, Nebraska.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Weeping Water Creek	B St	971.0
	A St	970.0
	Main street (upstream)	970.0
	Main street (downstream)	967.0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18357 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3060]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, West Baton Rouge Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in West Baton Rouge Parish, Louisiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Courthouse, 8 Eighth Street, Port Allen, Louisiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Roy Mouch, President of the Police Jury, West Baton Rouge Parish, Courthouse, 8 Eighth Street, Port Allen, Louisiana 70767.

FOR FURTHER INFORMATION CONTACT

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for West Baton Rouge Parish, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Courthouse, 8 Eighth Street, Port Allen, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Ambrose, Jr., City Hall, Box 81, Foley, Missouri.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	U.S. Route 190 bridge	1
Gulf Intracoastal	Texas & Pacific R.R. at Morley	9
	Interstate 10	9
Lateral 1-0	Highway 190	15
	Louisiana Ave	11
	Highway 76	13
	Cemented under bridge	11
	Highway 1	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18358 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3036]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Foley, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Foley, Missouri. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Foley, Missouri. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Ambrose, Jr., City Hall, Box 81, Foley, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Foley, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Foley, Missouri.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Ambrose, Jr., City Hall, Box 81, Foley, Missouri.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sandy Creek	Old county road	447
	Highway 79	447

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18359 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3052]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Arlington Heights, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Arlington Heights, Cook County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Arlington Heights Municipal Building, 33 South Arlington Heights Road, Arlington Heights, Illinois.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. James T. Ryan, Mayor of Arlington Heights, Arlington Heights Municipal Building, 33 South Arlington Heights Road, Arlington Heights, Illinois 60005.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Salt Creek	Downstream corporate limits.	710
	Parking lot	710
	Upstream corporate limits.	715
McDonald Creek	Cornell Bridge	666
	Windsor Rd [1]	676
	Bradford Rd [1]	682
	Burr Oak Dr.	664
	Mill Creek Rd [1]	663
South Branch McDonald Creek.	Confluence with McDonald Creek.	676
	Palatine Rd [1]	678
	Clarence Ave.	679
	Upstream corporate limits.	680

[1] Elevation at upstream side of birdge.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18360 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3038]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Henniker, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Henniker, Merrimack County, New Hampshire. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other inform-

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ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Selectmen's Office, Town Hall, Depot Hill Road, Henniker, New Hampshire. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John J. Durr, Chairman, Board of Selectmen, Town of Henniker, Town Hall, Depot Hill Road, Henniker, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Henniker, Merrimack County, New Hampshire, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Selectmen's Office, Town Hall, Depot Hill Road, Henniker, New Hampshire.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John J. Durr, Chairman, Board of Selectmen, Town of Henniker, Town Hill Road, Henniker, New Hampshire.

The proposed 100-year flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Contoocook River	475 ft. downstream of abandoned B and M R.R. bridge.	424
	100 ft. downstream of abandoned B and M R.R. bridge.	425
	Upstream side of abandoned B and M R.R. bridge.	427
	Patterson Hill Rd. bridge.	429
	Upstream side, old Route 202/9 bridge.	431
	160 ft. downstream of Contoocook Valley Paper Co. dam.	432
	Downstream side of Contoocook Valley Paper Co. dam.	434
	Upstream side of Contoocook Valley Paper Co. dam.	439
	0.45 mi upstream from the Contoocook Valley Paper Co. dam.	442
	0.70 mi upstream from the Contoocook Valley Paper Co. dam.	451
	0.90 mi upstream from the Contoocook Valley Paper Co. dam.	464
	U.S.G.S. gaging station.	491
	0.85 mi upstream from the U.S.G.S. gaging station.	508
	0.95 mi downstream from the Franklin Pierce Highway.	551
	0.61 mi downstream from the Franklin Pierce Highway (town boundary).	564

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18361 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3058]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Concordia Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Concordia Parish, Louisiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at New Courthouse, Ferriday-Didala Highway, Didala, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William Latham, President, Concordia Parish Police Jury, New Courthouse, Ferriday-Didala Highway, Didala, Louisiana 71373.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Concordia Parish, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at New Courthouse, Ferriday-Didala Highway, Didala, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William Latham, President, Concordia Parish Police Jury, New Courthouse, Ferriday-Didala Highway, Didala, Louisiana 71373.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Parish limit—upstream.	83
	Parish limit—downstream.	62

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18362 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3055]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Evansville, Vanderburgh County, Indiana

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Evansville, Vanderburgh County, Indiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City-County Building, Commissioner's Office, Room 310, 302 Civic Center Complex, Evansville, Indiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Russel G. Lloyd, Mayor of Evansville, 302 Civic Center Complex, Evansville, Indiana 47708.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream corporate limit.	377
	Cherry St. extended	378
	Upstream corporate limit.	378
Pigeon Creek	Franklin St.	378
	Maryland St.	378
	Fifth Ave.	378
	North First Ave.	379
	Diamond Ave.	379
	Stringtown Rd.	379
	U.S. Highway 41	380
	Oak Hill Rd.	381
	Upstream corporate limit.	383

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18363 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3054]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Vanderburgh County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Vanderburgh County, Indiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at 305 Administration Building, Civic Center Complex, Evansville, Indiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas L. Ossenberg, President, Board of County Commissioners, Vanderburgh County, 305 Administration Building, Civic Center Complex, Evansville, Indiana 47708.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Vanderburgh County, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at 305 Administration Building, Civic Center Complex, Evansville, Indiana.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Contoocook River	Upstream side, Route 114 bridge.	422
	Downstream side of covered bridge.	422
	80 ft. upstream of covered bridge.	424

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Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas L. Ossenberg, President, Board of County Commissioners, Vanderburgh County, 305 Administration Building, Civic Center Complex, Evansville, Indiana 47708.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Kentucky Ave. (U.S. 41).	378
	Louisville and Nashville Rd.	378
Green Creek	North Green River Rd.	384
	Franklin St.	378

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77 18364 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3053]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Granite City, Madison County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Granite City, Madison County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office, City Hall, 2000 Edison Avenue, Granite City, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office, City Hall, 2000 Edison Avenue, Granite City, Illinois 62040.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Granite City, Madison County, Illinois in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office, City Hall, 2000 Edison Avenue, Granite City, Illinois.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Paul Schuler, Mayor of Granite City, City Hall, 200 Edison Avenue, Granite City, Illinois 62040.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ponding	O'Hara Ave.	420
	Missouri Ave.	420
	Circle Dr.	420
	Nameoki Dr.	420
	26th Pl.	420
	26th St.	420
	27th Pl.	420
	Reveras Route	420
	Lynch Ave.	419
	Waterman Dr.	419
	Boyle Ave.	419
	Spaulding Ave.	419
	Pontoon Ave.	419
	Stearns Ave.	419
	Vesci Ave.	419
	Center St.	418
	26th St.	418
	Cardinal Ave.	417
	Terminal Ave.	417
	Lincoln Ave.	416
	23d St.	416
	Nameoki Rd.	416
	Ridgedale Ave.	416
	Herbert St.	416
	Alexander St.	416
	Edna St.	416
	Charles St.	416
	Louisa St.	416
	State Route 162.	416
	17th St.	415
	16th St.	415
	ConRail	415
	South St.	415
	15th St.	415
	14th St.	415
	State St.	415
	Grand Ave.	415
	Madison Ave.	415
	21st St.	414
	State Route 203.	414
	Omaha St.	414
	Iron St.	414
	Rhodes St.	414
	Roosevelt Ave.	413
	Leyden Ave.	41[illegible]
	Harding Ave.	41[illegible]
	Cayuga St.	41[illegible]
	Denver St.	41[illegible]
	Intersection of Leyden Ave. and 20th St.	41[illegible]
	Oak St.	41[illegible]
	Popular St. between St. Louis Ave. and 20th St.	41[illegible]
	Intersection of Niedringhaus Ave. and Cedar St.	41[illegible]
	Intersection of Cedar St. and Chicago Ave.	4[illegible]
	Cedar St.	41[illegible]
	McCaseland Ave.	41[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77-18365 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3057]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Ridgecrest, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Ridgecrest, Louisiana. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 100 Foster Drive, Ridgecrest, Louisiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Pro-Tem George Perry, Town Hall, 100 Foster Drive, Ridgecrest, Louisiana 71334.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Ridgecrest, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 100 Foster Drive, Ridgecrest, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Pro-Tem George Perry, Town Hall, 100 Foster Drive, Ridgecrest, Louisiana 71334.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canal 1	Unnamed street	[illegible]
	Vidalia Dr.	56
Canal 2	Confluence with Canal 1.	56

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77 18366 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 3056]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of California, Campbell County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of California, Campbell County, Kentucky. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Building, California, Kentucky. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Mike Young, P.O. Box 58, California, Kentucky 41007.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventeenth Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of California, Campbell County, Kentucky in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Building, California, Kentucky.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Mike Young, P.O. Box 58, California, Kentucky 41007.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ohio River	Northern corporate limits.	[illegible]
	Southern corporate limits.	[illegible]

(National Flood Insurance Act of 1968 Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18367 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3035]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Louisiana, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Louisiana, Missouri.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 121 North Seventh Street, Louisiana, Missouri. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Thomas W. Wallace, City Hall, 121 North Seventh Street, Louisiana, Missouri 63353.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Louisiana, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 121 North Seventh Street, Louisiana, Missouri.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Thomas W. Wallace, City Hall, 121 North Seventh Street, Louisiana, Missouri 63353.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch	Virginia St. and Seventh St.	477
	Tennessee St. and Fifth St.	474
	Delaware St. and Third St.	465
Noix Creek	Fairgrounds Rd.	468
	Brice Rd.	468
	Water St. and Alabama Ave.	463

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18368 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3039]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Borough of Prospect Park, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Prospect Park, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 106 Brown Avenue, Prospect Park, New Jersey. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Nicholas De Graaf, Town Hall, 106 Brown Avenue, Prospect Park, New Jersey 07508.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Prospect Park, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968) Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 106 Brown Avenue, Prospect Park, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Nicholas de Graaf, Town Hall, 106 Brown Avenue, Prospect Park, New Jersey 07508.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Sixth Ave.	45

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18369 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3044]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of North Branford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of North Branford, Connecticut. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Administration Building, Route 80, North Branford, Connecticut. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas Wontoreck, Town Manager, Administration Building, Route 80, North Branford, Connecticut 06471.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of North Branford, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Administration Building, Route 80, North Branford, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas Wontoreck, Town Manager, Administration Building, Route 80, North Branford, Connecticut 06471.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Farm River	New Haven Water Co. bridge.	200
	Horse-Ranch Bridge	187
	Covered bridge	174
	Private bridge	140
	Route 22 bridge	134
	Driveway bridge	130
	Auger Rd. Bridge	106
	Auger Farm Bridge	89
	Mill Rd. Bridge	66
	Totoket Rd. Bridge	59
	Route 80 bridge	55
	Telephone easement bridge.	47
Burr Brook	Route 80 culvert	87
	Access road bridge	75
	Arthur St. culvert	68
	Access road culvert	54
	Totoket Rd. culvert	47
	Access road culvert	46
Gulf Brook	Tommy's path culvert.	174
Branford River	Private bridge	188
	North St. culvert	115
	Church St. culvert	98
	Route 80 bridge	90
	Route 22 bridge	84
	Harrison Rd. Bridge	78
	Channel-section bridge.	75
Eight Mile Brook	Route 17 culvert	84
	Culvert	82
	Access road culvert	76
Munger Brook	Farm road bridge	126
	Private bridge	126
	do	122
	Beech St. culvert	106
	Route 80 bridge	94
	Farm road bridge	89
	Route 22 bridge	83
	Circle Dr. Bridge	77
	Harrison Rd. Bridge	71
Tributary C	Birchwood Rd. culvert.	150
	Woodvale Dr. culvert	135
	Footbridge at dam	119
	Village St. culvert	112
	Route 22 culvert	90
	Private driveway	86
	Route 22 culvert	86

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Dated: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18370 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3034]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Birmingham, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Birmingham, Missouri. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Birmingham, Missouri. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Harold Carr, City Hall, Route 13, Kansas City, Missouri 64161.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Birmingham, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the sec-

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ond layer of insurance of existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Birmingham, Missouri.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Harold Carr, City Hall, Route 13, Kansas City, Missouri 64161.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding	1,050 ft east from the C.R.I. & P RR. along Fifth St.	[1]
	1,000 ft west from east corporate limits along Fifth St.	[1]
	390 ft north from southern corporate limits along Atlantic (extended).	[1]
	450 ft north from southern corporate limits along Hardwick (extended).	[1]
	550 ft north from southern corporate limits along Spratley (extended).	[1]

[1] Depth

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18371 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3033]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Morgan City, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Morgan City, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Morgan City, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor F. R. Morgan, Sr., Town Hall, Morgan City, Mississippi 38946.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Morgan City, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Morgan City, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor F. R. Morgan, Sr., Town Hall, Morgan City, Mississippi 38946.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pelucia Bayou	Mississippi Highway 7.	120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18372 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3032]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Bolton, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Bolton, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Bolton, Mississippi. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bennie Thompson, Town Hall, P.O. Box 7, Bolton, Mississippi 39041.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Bolton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Bolton, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bennie Thompson, Town Hall, P.O. Box 7, Bolton, Mississippi 39041.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Near western corporate limit in northwest corner of town; about 100 ft upstream of Madison St.	203
	Near northern corporate limit in northeast corner of town.	213
Stream 2	Madison St. (downstream side).	206
	Madison St. (upstream side).	206
	Brownsville Rd.	211
	Church St.	213
	Jackson St. (downstream side).	217
	Jackson St. (upstream side).	219
Stream 3	At confluence with Bakers Creek.	210
	Near eastern corporate limit in southeast corner of town.	214
Bakers Creek	Champion Hill Rd. (downstream side).	207
	Champion Hill Rd. (upstream side).	208
	Bolton-Raymond Rd.	209

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18373 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3040]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Washington, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Washington, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Municipal Building, Little Philadelphia Street, Washington, New Jersey. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Alexander Livingstone, Municipal Building, Little Philadelphia Street, R.D. 1, Box 322B, Washington, New Jersey 07882.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Municipal Building, Little Philadelphia Street, Washington, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Alexander Livingstone, Municipal Building, Little Philadelphia Street, R.D. 1, Box 322B, Washington, New Jersey 07882.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary A	U.S. Route 526 [1]	81
	U.S. Route 526 [2]	71
Big Bear Brook	U.S. Routes 130 and 30.	102
	Hankins Rd.	96
Miry Run	Sharon Rd.	92
	ConRail R.R.[1]	91
	ConRail R.R.[2]	87
	Robbinsville-Edinburg Rd	80
	Pond Rd.	74
	Line Rd.[1]	68
	Line Rd.[2]	67
New Sharon Branch	Oak York Rd.	97
	Sharon Rd.[1]	90
	Sharon Rd.[2]	90
Assunpink Creek	Oak York Rd.	90
	Winsor Rd.	90
	New Jersey Turnpike.[1]	89
	New Jersey Turnpike.[2]	88
	Main St.	77
	ConRail RR.	76

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18374 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3049]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Bellevue, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed

(National Flood Insurance Act of 1968 (Title

These elevations together with the

quired to either adopt or show evidence

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SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Bellevue, Idaho. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Home of Mayor Lloyd Johnson, Bellevue, Idaho. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lloyd Johnson, P.O. Box 26, Bellevue, Idaho 83313.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Bellevue, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Home of Mayor Lloyd Johnson, Bellevue, Idaho.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lloyd Johnson, P.O. Box 26, Bellevue, Idaho 83313.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wood River	Broadford Rd	5,164
	Cedar St	5,155
	Chestnut St	5,141

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Actnig Federal Insurance Administrator.

[FR Doc.77 18375 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3048]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of La Grange, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of La Grange, Georgia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 200 Ridley Road, La Grange, Georgia. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor L. G. Newman, City Hall, P. O. Box 430, 200 Ridley Road, La Grange, Georgia 30241.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of La Grange, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 200 Ridley Road, La Grange, Georgia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor L. G. Newman, City Hall, P.O. Box 430, 200 Ridley Road, La Grange, Georgia 30241.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Airport branch No. 1	Forrest Ave	684
Atlanta branch	Railroad	653
	Industrial Dr	665
Blue John Creek	Orchard Hill Rd	666
	Whitesville St	668
	Hamilton Rd	677
	Edgewood Ave	691
	Brown St	707
	Revis St	714
	East Render St	741
	Railroad	757
Colquit branch No. 1	Ogiletree St	704
Colquit branch No. 2	Mason St	718
	Borton St	725
Dixie Creek No. 1	Franklin Rd	686
	Merrybrook Dr	707
Dixie Creek No. 2	South Alton Dr	709
Lee branch	Forrest Ave	689
	Forth St	691
	Jackson St	702
Park branch	Industrial Dr	663
Pepperell branch No. 1	Whitaker Dr	699
	Route 29	710
Pepperell branch No. 2	do	704
Piney Woods branch No. 1	Lakewood Dr	680
Tan Yard branch	Fort Dr	666
	Industrial Dr	676
	Swift St	681
	Handley St	689
	Mulberry St	700
	Whitesville St	702
	East Depot St	713
	Broad St	733

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.77-18376 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3050]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Hailey, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Hailey, Idaho. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Office, 12 West Carbonate Street, Hailey, Idaho. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor L. F. Heagle, City Office, P.O. Box 945, 12 West Carbonate Street, Hailey, Idaho 83333.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Hailey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 968, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detail outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Office, 12 West Carbonate Street, Hailey, Idaho.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor L. F. Heagle, City Office, P.O. Box 945, 12 West Carbonate Street, Hailey, Idaho 83333.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Wood River	Myrtle St	5,318
	Carbonate St	5,300
	Croy St	5,301
	Chestnut St	5,294

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18377 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3042]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Ischua, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Ischua, Cattaraugus County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Ischua Town Clerk's Office, Dutch Hill Road, Ischua, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Joan A. Doner, Town Clerk of Ischua, R. D. 1, Hindsdale, New York 14743.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Ischua, Cattaragus County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Ischua Town Clerk's Office, Dutch Hill Road, Ischua, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Joan A. Doner, Town Clerk of Ischua, R. D. 1, Hindsdale, New York 14743.

The proposed 100-year flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet above mean sea level
Inchon Creek	Downstream corporate limits.	1,472
	Farwell Rd.	1,496
	Hatch Hill Rd. (extended).	1,502
	Old Dutch Hill Rd.	1,522
	Marvin Corner Rd. (extended).	1,527
	Baxters Mill Rd.	1,538
	Upstream corporate limits.	1,544

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18378 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3041]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Allegany, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100–year flood) listed below for selected locations in the Village of Allegany, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby, Allegany Town Hall Building, Main Street, Allegany, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Nicholas J. Amato, Mayor of Allegany, Main Street, Allegany, New York 14706.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free–Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Allegany, Cattaraugus County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must changes any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby, Allegany Town Hall Building, Main Street, Allegany, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Nicholas J. Amato, Mayor of Allegany, Main Street, Allegany, New York 14706.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	South First Street Bridge.	1,416
Fivemile Creek	Con Rail	1,416
	Elm St. (extended)	1,417

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18379 Filed 7-5-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3046]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Coral Springs, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100–year flood) listed below for selected locations in the City of Coral Springs, Florida.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 9429 West Sample Road, Coral Springs, Florida. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Phillip R. Kelly, City Manager, City Hall, 9429 West Sample Road, Coral Springs, Florida 33065.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Coral Springs, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 9429 West Sample Road, Coral Springs, Florida.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Phillip R. Kelly, City Manager, City Hall, 9429 West Sample Road, Coral Springs, Florida 33065.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rainwater ponding.	University Dr., south of Kambiewood Dr.	11
	Atlantic Blvd. west of the point ⅛ mi west of canal C-2.	10
	Sample Rd. west of the point 0.4 mi west of Coral Springs Dr.	10
	Coral Ridge Dr. north of Wiles Rd.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.18380 Filed 7-5-77;8:45 am]

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WEDNESDAY, JULY 6, 1977

federal register

WEDNESDAY, JULY 6, 1977
PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Rent Increase Policies

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R 77 381]

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Rent Increase Policies

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule

SUMMARY: This rule will permit Field Offices to approve public housing agency requests to increase gross rents as much as 20 percent above the fair market rents for a given locality. The objective is to improve occupancy in public housing projects by speeding HUD's ability to react to a need for changes in rents. Also, various forms are being eliminated from the present regulation since the content of these forms is contained in the regulatory text.

EFFECTIVE DATE: July 6, 1977.

COMMENT DUE DATE: August 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph Malloy, Existing Housing Branch, Office of Assisted Housing Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 202–755–5380.

SUMMARY INFORMATION: On May 13, 1976 (41 FR 19880) the Department published revised regulations with respect to Section 8 Assistance Payments Program—Existing Housing, 24 CFR Part 882. These regulations implementing the low income housing program under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1937(f), were adopted after consideration of more than 75 comments filed in response to the rule making proceeding in Docket No. 76–381. The purpose of this rule is to revise the policies governing approval of gross rents when these are higher than the fair market rents for a given locality. The result is to permit HUD's field offices to approve public housing agency (PHA) requests for an increase in gross rents so long as that increase does not exceed 20 percent above the published fair market rent for that locality. It is intended to increase thereby the occupancy of lower income families in Section 8 existing housing units. Specifically, the changes: (1) Allow rents for units in specified neighborhoods, as opposed to larger areas such as counties or municipalities, to be approved up to 20 percent above the applicable fair market rents and (2) allow rents for individual units up to 20 percent in excess of the fair market rents when necessary to meet the needs of particular families. The requirement that the requested rents be determined to be reasonable continues the same in both cases. In addition, this amendment deletes Appendices I through IV since the regulations set forth major program policies. The forms will be attached to HUD's Program Handbook No. 7420.3 REV. Appendix V is also being deleted since HUD is dropping the requirement that lease approvals and disapprovals be expressed on a HUD form.

EXPLANATION OF NEW POLICY

Section 882.106(a)(4) is being revised to state that the HUD field office may authorize the PHA to approve gross rents up to 20 percent above the applicable Fair Market Rents based on a showing by the PHA:

(1) That special circumstances apply to units of a given size or type limited to a specified neighborhood, that the reasonable rents for such units are as high as 20 percent above the applicable Fair Market Rents, and that the units cannot be rented for less.

(2) Where this is necessary in order to meet the unique needs of particular families and the Gross Rents are determined by the PHA to be reasonable.

ELIMINATION OF THE HUD FORM RE: LEASE APPROVAL AND DISAPPROVAL

In response to comments from PHAs, § 882.210(g), "Approval of Lease and Execution of Related Documents," and § 882.210(h), "Disapproval of Lease," are being revised to delete the requirement that these determinations be expressed on a HUD form. The PHA is still required to notify the Family and the Owner when the determination has been made. The basic elements contained in the previously prescribed form are required to be included by the PHA in the notification.

RELATED RULEMAKING

The Secretary is considering an amendment to Part 882 which would permit families to select units with shared facilities which are expressly appropriate for handicapped or retarded persons. Action on this proposal is forthcoming in the near future.

INVITATION FOR COMMENT

Interested persons are invited to participate in the making of this rule by submitting written comments, suggestions or data. All comments should refer to Docket Number, the date of publication and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5216, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Each comment will be considered before adoption of a final rule. A copy of each communication will be available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk at the above address.

NOTE.—A statement of inapplicability with respect to economic impact has been prepared in accordance with OMB Circular A–107 and Executive Order 11821, and a statement of inapplicability with respect to environmental impact has been prepared in accordance with HUD Handbook 1390.1. Copies of both statements are available for inspection and copying in the Office of the Rules Docket Clerk.

Accordingly, 24 CFR Part 882 is revised as follows:

1. Revises the list of Appendices following the Table of Section to read:

APPENDICES

Appendix I–V—[Reserved]
Appendix VI—Required Lease Provisions
Appendix VII—Prohibited Lease Provision

§ 882.101 [Amended]

2. In § 882.101(b)(7), fourth line, change "coverted" to "converted."

§ 882.102 [Amended]

3. In § 882.102, at the end of the definition of "Annual Contributions Contract ('ACC')" delete the parenthetical phrase: "(see Appendix I.)."

4. In § 882.102, at the end of the definition of "Housing Assistance Payments Contract 'Contract'," delete the parenthetical phrase: "(See Appendix II.)."

5. Section 882.106(a)(4) is revised to read:

§ 882.106 Initial contract rents.

(a) • • •

(4) On the basis of a showing by the PHA that (i) Special circumstances apply to units of a given size or type limited to a specified neighborhood, (ii) by reason of these circumstances the reasonable Gross Rents for such units are as high as 20 percent above the applicable Fair Market Rents, and (iii) the units cannot be rented for less, HUD may authorize the PHA to approve Gross Rents for such units up to 20 percent above the applicable Fair Market Rents. On the basis of a showing by the PHA that (iv) the leasing of a certain unit is necessary to meet the unique needs of a particular Family, (v) the reasonable Gross Rent for the unit is as high as 20 percent above the applicable Fair Market Rent, and (vi) the unit cannot be rented for less, HUD may authorize the PHA to approve a Gross Rent for that unit, up to 20 percent above the applicable Fair Market Rent. Authorization under this paragraph (a)(4) shall be based upon substantially the same criteria as under paragraph (a)(3) of this section except for the last sentence thereof.

§ 882.206 [Amended]

6. Delete the phrase "shown as Appendix I," in the first sentence of § 882.206(a).

§ 882.209 [Amended]

7. In § 882.209(b), first sentence, delete the parenthetical phrase: "(See Appendix III)."

8. In § 882.209(b)(1), delete the parenthetical phrase: "(See Appendix IV)."

9. In § 882.209(d)(1) at the end of the sentence delete the parenthetical phrase: "(Appendix IV)."

10. Section 882.210 (g) and (h) is revised to read:

§ 882.210 Request for lease approval.

• • • • • •

(g) *Approval of Lease and Execution of Related Documents.* (1) If the PHA determines that a unit which an Eligible Family wishes to lease is in Decent, Safe, and Sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements of this

part, the PHA shall notify the Owner and the Family of its determination of Lease approval, prepare the Contract, enclose copies of the lease to be executed and furnish two copies of the Contract to the Owner.

(2) After such notification: (i) The Family and the Owner shall execute the Lease and return a copy to the PHA; (ii) The Owner shall sign and return both copies of the Contract to the PHA; (iii) The PHA shall execute the Contract by the first day of occupancy specified in the Lease and return an executed copy to the Owner.

(3) The PHA shall retain in its files the following: The Request for the Lease Approval, the notification of Lease approval, the approved Lease, the inspection report(s), the certification pursuant to § 882.106(b) that the rent is reasonable and not in excess of rents currently being charged by the Owner for comparable unassisted units, and the executed Contract.

(h) *Disapproval of lease.* (1) If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA shall so notify the Owner and the Family that:

(i) The proposed lease and/or the proposed dwelling unit are/is disapproved, for specified reasons; and that,

(ii) If the conditions requiring disapproval are remedied, and a Request for Lease Approval is resubmitted on or before a specified date, the lease will be approved if the PHA determines that the conditions have been remedied to its satisfaction;

(2) The Certificate of Family Participation shall not expire before the date specified pursuant to paragraph (h)(1)(ii) of this section.

(3) The PHA shall retain in its files the following: the Request for Lease Approval, the inspection report(s), if any, and the notification of disapproval of the lease.

12. Appendices I–V are deleted and reserved.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); sec. 5, U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f).)

Issued at Washington, D.C., June 27, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commisioner.

[FR Doc.77-19038 Filed 7-5-77;8:45 am]

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federal register

WEDNESDAY, JULY 6, 1977
PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

V 42/129 JUL 6 77 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

[Docket No. R–77–381]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Proposed Rulemaking

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The purpose of this rule is to: (1) Clarify several provisions which have caused confusion during the initial implementation of regulations governing the Existing Housing Section 8 Program for low income housing, and (2) make other changes to refine program requirements. These amendments are needed to conform the Section 8 Existing Housing Regulations with other low income housing requirements regarding review of applications for housing assistance funds.

COMMENT DUE DATE: Comments must be received on or before August 5, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Patricia S. A. Arnaudo, Section 8/Leased Housing Branch, Office of Assisted Housing Management, Department of Housing and Urban Development, Washington, D.C. 20410. Phone number (202) 755–4957. Joseph Malloy, Existing Housing Branch, Office of Assisted Housing Development, Department of Housing and Urban Development 451 Seventh Street SW., Washington, D.C. 20410. Phone number 202–755–5380.

SUPPLEMENTARY INFORMATION: This Amendment includes, among other things, instructions for determining the unit size to be entered on the Certificate of Family Participation. Other clarifying language has been added to sections on New Construction and Substantial Rehabilitation conversions, recently completed Fair Market Rents and congregate housing facilities.

DISCUSSION OF THE PROPOSED AMENDMENTS

1. Language is being added to § 882.101(b)(7) to clarify that Section 23 New Construction or Substantial Rehabilitation projects being converted to Section 8 may qualify for Recently Completed Housing Fair Market Rents if the unit was completed no more than six years prior to the leasing thereof "under this part."

2. Section 882.107(b) is being revised to clarify that the Owner and the Family determine the term of the Lease (which may be one to three years and may include a provision permitting termination upon 30 days advance written notice by either party).

3. Section 882.108(a) is being revised to emphasize the fact that adjustments of Contract Rents are subject to the rent reasonableness as well as the Fair Market Rent limitation.

The Secretary is considering an amendment to Part 882 which would permit families to select units with shared facilities which are expressly appropriate for handicapped or retarded persons. Action on this proposal is forthcoming in the near future.

Interested persons are invited to participate in the making of this rule by submitting written comments, suggestions, or data. All comments should refer to the docket number, date of publication, and should be submitted to the Rules Docket Clerk. Each comment will be considered before adoption of a final rule. A copy of each communication will be available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk at the above address.

A statement of inapplicability with respect to Economic Impact has been prepared in accordance with OMB Circular A–107 and Executive Order 11821, and a statement of inapplicability with respect to Environmental Impact has been prepared in accordance with HUD Handbook 1390.1.

Copies of both statements are available for public inspection and copying in the Office of the Rules Docket Clerk.

Accordingly, 24 CFR, Part 882 is revised as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. Revise the last sentence of § 882.101(b)(7) to read:

§ 882.101 Applicability and scope.

* * * * * * *

(b) * * *

(7) * * * The applicable Fair Market Rents shall be those for Existing Housing under this part, except that for any unit which was completed no more than six years prior to the leasing thereof under this part, the applicable rent shall be determined in accordance with § 882.120(b).

§ 882.102 [Amended]

2. In § 882.102, revise the definition of Congregate Housing to read: "Congregate Housing. See § 882.109(m)."

3. Section 882.107(b) is revised to add the following after the first sentence:

§ 882.107 Term of ACC, lease, and housing assistance payments contract.

* * * * * * *

(b) * * * The term of the Lease shall be as agreed by the Family and the Owner, subject to the limitations of the preceding sentence. * * *

4. Section 882.108 is amended by revising the last sentence of paragraph (a) and by revising paragraph (a)(1) to read as follows:

§ 882.108 Rent adjustments.

(a) * * * Subject to the foregoing and the provisions of § 882.106, including the rent reasonableness limitation therein, adjustments to Contract Rents shall be as follows:

(1) *Annual Adjustments.* An adjustment of any anniversary date of the Lease by the percentage of change in the applicable published Existing Housing Fair Market Rent (with the appropriate change in the adjustment where utilities are paid directly by the Family): *Provided,* That the Owner has the legal right to terminate the tenancy as of such anniversary date.

* * * * * * *

5. Section 882.109(m) is revised to read:

§ 882.109 Housing quality standards.

* * * * * * *

(m) *Congregate Housing Facilities.* The foregoing standards shall apply except for paragraph (b) of this section and the requirement in paragraph (c)(2) for a kitchen area. In addition, the following standards shall apply:

* * * * * * *

6. The first sentence and last sentence are of § 882.112(a) is revised to read:

§ 882.112 Security and utility deposits.

(a) * * * An Owner may require a Family to pay a security deposit in an amount equal to the Gross Family Contribution* * * If the Family has provided a security deposit in the amount of the Gross Family Contribution, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent.

7. Section 882.120 is amended by revising paragraph (b) and the last sentence of paragraph (d) to read:

§ 882.120 Recently completed housing.

* * * * * * *

(b) Rents no more than 10 percent above the Fair Market Rents for Recently Completed Housing (75 percent of the Section 8 New Construction Fair Market Rents) may be approved by the PHA pursuant to § 882.106(a)(2) or by HUD pursuant to § 882.106(a)(3) or (4).

* * * * * * *

(d) * * * In making adjustments in Contract Rents for Recently Completed Housing pursuant to § 882.108, the Fair Markt Rent limitation applicable to the adjustmed rent shall be the previously approved percentage of the Section 8 New Construction Fair Market Rents rather than the Fair Market Rents for Existing Housing.

* * * * * * *

8. Section 882.205(b) is revised to read:

§ 882.205 Processing of applications.

* * * * * * *

(b) Pursuant to section 213 of the HCD Act and regulations issued pursuant thereto, no later than 10 working days after receipt of an application, the field office director shall send a notification to the chief executive officers of units of general local government of those localities which are identified in the Application for Existing Housing as primary areas from which families to be assisted will be drawn. This notification shall:

(1) In all cases, advise that the field office director has received and is considering an application for housing assistance to be provided to families in that jurisdiction, identify the housing program (existing housing), state the number of units by bedroom size and the number of units by household type (elderly and/or handicapped, family, large family), and identify the areas from which families to be assisted will be drawn.

(2) For applications for areas with Housing Assistance Plans;

(i) Advise the local government that it may submit, no later than 30 days after the date on which the letter is received, objections to the approval of the application on the ground that the application is inconsistent with the applicable Housing Assistance Plan.

(ii) Invite submission of any other comments on behalf of the local government which are relevant to a determination by the field office director concerning approval of the application for housing assistance.

(3) For applications for areas without Housing Assistance Plans, invite the local government to submit, no later than 30 days after the date on which the letter is received, comments which are relevant to a determination by the field office director concerning the application for housing assistance.

* * * * * * *

9. Sections 882.209(a)(2), (3), (4), and (5) are redesignated §§ 882.209(a)(4), (5), (6), and (7) and new §§ 882.209(a)(2) and (3) are added as follows:

§ 882.209 Certificates of family participation.

(a) * * *

(2) In issuing the Certificate of Family Participation, the PHA shall enter on the Certificate the smallest unit size consistent with the following criteria:

(i) The bedroom size assigned shall not require more than two persons to occupy the same bedroom.

(ii) The bedroom size assigned shall not require persons of the opposite sex, other than husband and wife or very young children, to occupy the same bedroom.

(iii) All single person households shall be assigned a 0-bedroom unit if 0-bedroom units are included in the Program as set forth in the ACC; otherwise, such households shall be assigned a 1-bedroom unit.

(iv) The PHA may request variations of these criteria as a part of its administrative plan on the basis of local codes or market conditions which require the adoption of alternative standards. Variations of these criteria for units in HUD-insured projects must be specifically approved by the HUD Field Office.

(3) Regardless of the unit size stated on the Certificate, no otherwise acceptable unit shall be disapproved on the ground that it is too large for the Family, provided that the rent to Owner plus any Allowance applicable to the actual larger size unit does not exceed the Fair Market Rent, or such higher rent as may previously have been approved by HUD pursuant to § 882.106(a)(3), for the smaller size unit initially determined appropriate for the Family. Similarly, a unit with fewer bedrooms than the number stated on the Certificate may be approved: *Provided,* That the unit meets the space requirement of § 882.109(c), or such variation as may have been approved by HUD, and the rent to Owner plus any Allowance applicable to the actual smaller size unit does not exceed the Fair Market Rent, or such higher rent as approved by HUD pursuant to § 882.106(a)(3) or (4), for the actual smaller size unit.

10. Section 882.209(b)(5) is being revised by inserting the following at the end: "and the housing discrimination complaint form (HUD–903) or the Spanish translation thereof (HUD–903a);"

§ 882.210 [Amended]

11. Section 882.210(e) is reserved.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); sec. 5, U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f).)

Issued at Washington, D.C., June 27, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing.
Federal Housing Commissioner.

[FR Doc.77–19039 Filed 7–5–77;8:45 am]

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WEDNESDAY, JULY 6, 1977

federal register

WEDNESDAY, JULY 6, 1977

PART V

FEDERAL ENERGY ADMINISTRATION

DOMESTIC CRUDE OIL

Posted Price Manual; Notice of Inquiry

V 42 I 129 JUL 6 77 7 UMI

FEDERAL ENERGY ADMINISTRATION

part D) require that with respect to a particular grade of crude oil produced

accurate, both in terms of completeness (a posting for each field on each date)

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

POSTED PRICE MANUAL

AGENCY: Federal Energy Administration.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Administration ("FEA") has compiled a preliminary list of prices for domestic crude oil from crude oil price bulletins obtained from major purchasers. From the information available to the FEA, these prices appear to represent the highest prices contained in publicly circulated written offers in the specified fields on May 15, 1973 and on September 30, 1975, the reference dates for determining lower tier and upper tier ceiling prices, respectively. The FEA intends to distribute this information to its compliance personnel as part of a posted price manual to facilitate consistent determinations of posted prices. Prices ultimately contained in the manual will, unless otherwise rebutted, be presumed to be the highest posted prices for each particular grade of domestic crude oil in each particular field on the above dates. This Notice of Inquiry is being issued in order to obtain comments from interested persons with respect to whether the attached preliminary list accurately reflects the highest posted prices in each of the fields listed, and whether the list includes prices for all fields. Comments are also requested on the desirability and feasibility of ultimately adopting a list of posted prices in the form of a regulation, which would serve as the conclusive determinant of such prices.

DATES: Comments by July 22, 1977, 4:30 p.m.

ADDRESSES: Comments to: Federal Energy Administration, 2000 M Street, N.W., Room 6304G, Washington, D.C. 20460, Attention: Theodore L. Flood.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202–566–9833.

Theodore L. Flood (Office of Regulatory Programs), 2000 M Street NW., Room 6304G, Washington, D.C. 20460, 202–254–8690.

Everard A. Marseglia, Jr. (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202–566–9567.

SUPPLEMENTARY INFORMATION:

I. Background

The Mandatory Petroleum Price Regulations applicable to first sales of domestic crude oil (10 CFR Part 212, Subpart D) require that with respect to a particular grade of crude oil produced and sold in a particular field, ceiling prices for lower tier and upper tier crude oil be established by reference to the "highest posted price" for that grade of crude oil in that field on one of two reference dates (May 15, 1973 for lower tier crude oil and September 30, 1975 for upper tier crude oil) (10 CFR 212.72 and 212.74). Section 212.31 defines "posted price" as:

> A written statement of crude oil prices circulated publicly among sellers and buyers of crude oil in a particular field in accordance with historic practices, and generally known by sellers and buyers within the field.

As discussed in greater detail in FEA Ruling 1977–1 (42 FR 3628, January 19, 1977), price bulletins periodically issued by principal purchasers announcing the price that that purchaser would pay for a particular grade of crude oil in a particular location have generally been used to establish posted prices, but the FEA also recognizes as a posted price any written offer to purchase as long as it is a bona fide public offer of general applicability to crude oil producers in the field.

The posted price concept was incorporated into the ceiling price rule by the Cost of Living Council in August 1973 as part of the Phase IV Subpart L regulations applicable to petroleum products and is intended for the most part to provide a self-determining mechanism for all producers to determine ceiling prices in each field, without the need for FEA to make official determinations as to the different ceiling prices applicable to each of the many domestic fields in which crude oil is produced and sold.

However, because of the possibility of multiple posted prices for particular grades and fields and of overlapping posted prices, determinations of highest posted prices on a case-by-case basis have in many cases been time-consuming and duplicative. Therefore, the FEA has determined to make available to FEA personnel a manual of posted prices in order to accelerate, standardize, and facilitate the efforts both of producers and FEA personnel in determining first sale ceiling prices for domestic crude oil.

The preliminary list which is attached has been derived from the price bulletins obtained by FEA from the principal purchasers of crude oil and contains the highest prices found in those bulletins for particular grades of crude oil at particular fields on May 15, 1973 and September 30, 1975. The prices contained in the manual will be presumed to represent the highest posted prices for the dates, grades of crude oil and fields described, although this presumption may be rebutted on a case-by-case basis upon an adequate factual basis.

It is, therefore, extremely important that to the extent possible the list be accurate, both in terms of completeness (a posting for each field on each date) and in terms of containing the actual highest posted price for each grade in each domestic field. In order to insure the greatest possible reliability, the FEA specifically solicits comments on the sufficiency and accuracy of the following list. Comments should be accompanied, where possible, with copies of documents which purport to be posted prices. With respect to fields in which posted prices did not exist on one or both of the reference dates, comments are solicited as to reference postings in the "nearest" field.

Comments are also requested on the desirability and feasibility of ultimately adopting a list of posted prices in the form of a regulation, which would serve as the conclusive determinant of such prices.

II. Comment Procedure

Interested persons are invited to participate in the formulation of this manual by submitting data, views or arguments with respect to the preliminary list attached to this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Posted Price Manual," and to the extent possible should be received by FEA on or before July 22, 1977. Five copies should be submitted. This Notice, the preliminary list, and all comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat them according to its determination.

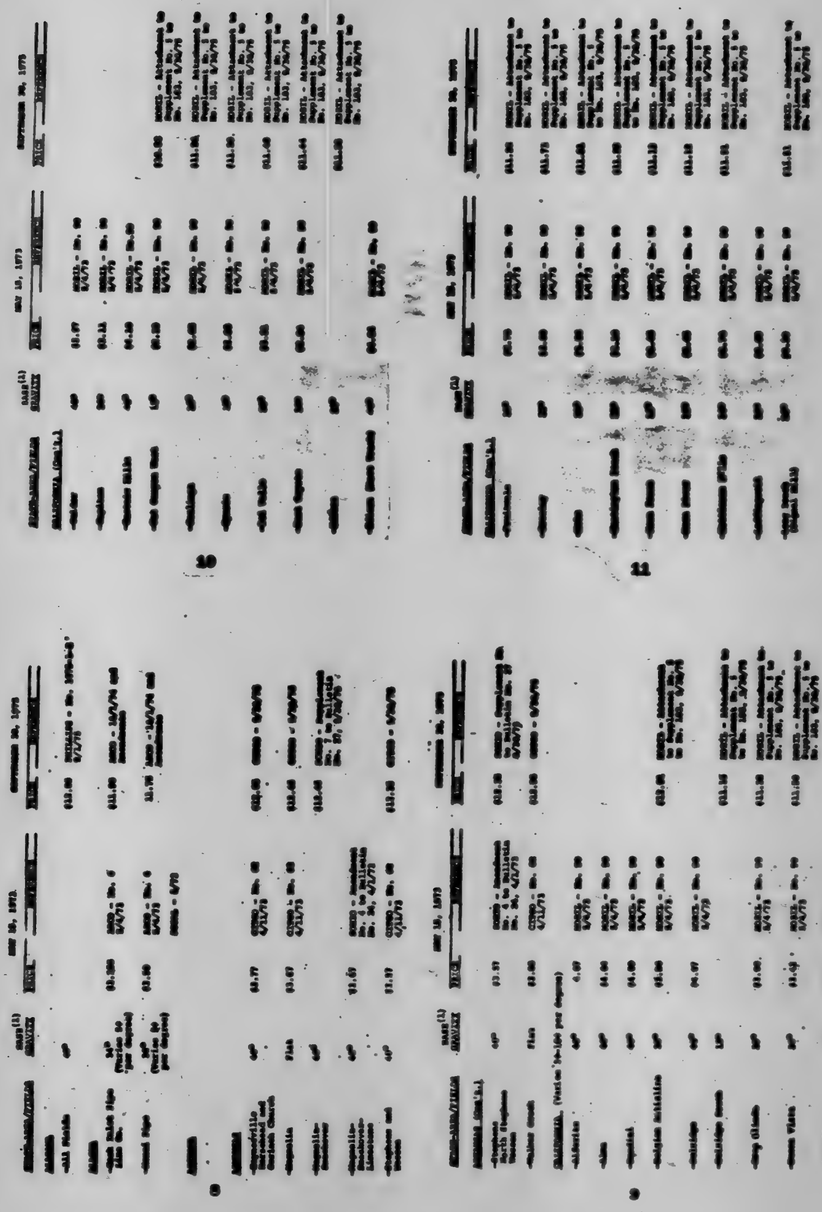
Because this notice does not propose the adoption by FEA of a rule, regulation, or policy affecting the quality of the environment, it has not been submitted to the Administrator of the Environmental Protection Agency for his comments.

NOTE.—Because this notice does not propose the adoption by FEA of a rule or regulation, FEA has determined that the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107 is not required.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., June 27, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.



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STATE—AREA/ZIP CODE	DAY/ATTY	MAY 15, 1973 RATE	REFERENCE	SEPTEMBER 30, 1975 RATE	REFERENCE
LOUISIANA (con't.)					
-Bunch (con't.)					
Kinder	40°	$4.00	CITCO - No. 62	$12.85	UNION-76-Supplement No. 8 to Bulletin No. 31, 9/30/75 (All fields)
Lake Arthur		4/21/73			
Lake Arthur, South					
Langville, East					
Lake Arthur, South					
Lewisburg, South					
Mermentau, West					
Midland					
Perkins, East					
Perkins					
Ragley					
Roanoke					
Richie					
Richie, North					
Roanoke					
Roanoke Creek					
Shamrock Lakes					
Starks					
Sulphur Mines					
Topsecto					
Topsecto, North					
Vinton					
Welsh					
-South	40°	$4.00	CONOCO - Mc. 4412-4	$12.85	UNION-76- Supplement No. 8 to Bulletin No. 31, 9/30/75 (All fields)
Arcadia Parish		4/11/73			
Beauregard Parish					
Calcasieu Parish					
Iberia Parish					
Jefferson Davis Parish					
Evangeline Parish					
St. Landry Parish					
St. Martin Parish					
Vermillion Parish					

STATE—AREA/ZIP CODE	DAY/ATTY	MAY 15, 1973 RATE	REFERENCE	SEPTEMBER 30, 1975 RATE	REFERENCE
LOUISIANA (Con't.)					
-Smith					
Belcomb Lake	40°	$4.00	TEXACO - No. 462	$12.85	UNION-76-Supplement No. 8 to Bulletin No. 31, 9/30/75 (All fields)
Bay de Chene		5/18/73			
Bay St. Blaine					
Bayou Pot Blanc					
Bayou Sale					
Boucie					
Caillou Island					
Cote Blanche Island					
Cote Blanche Bay, West					
Delta Duck Club					
Delta Farms					
Erath					
Fausse Pointe					
Golden Meadow					
Horseshoe Bayou					
Iberia					
Jefferson Island					
Lafitte					
Lake Barre					
Lake des Allemands					
Lake Pelto					
Lake Raccourci					
Lake Salvador					
Leeville					
Paradis					
Ruddle Island					
South Pass Block 27					
South Pass Block 24					
Sweet Bay Lake					
Three Bayou Bay					
Valenzine					
-South	40°		CITCO - 9/30/75	$12.85	
-South (Sweet)	40°		CONOCO - No. 1975-9	$12.85	9/1/75

STATE—AREA/ZIP CODE	DAY/ATTY	MAY 15, 1973 RATE	REFERENCE	SEPTEMBER 30, 1975 RATE	REFERENCE
MICHIGAN					
-Jackson, Middleville	-	3.67	Hartshorn Oil Co. No. 26, 4/17/73		
-Killion, Carl-tea, Fayette, Hanover, North Adams, Pulaski Scipo	-	$3.67	Leonard Crude Oil Co. No. 18, 4/3/73		
-Aetna, Beaver Creek Cranberry Lake, East Cutcreek, Cedar, Hiawatha, Interfalls, Manistee, Norwich, Prosper South Roscommon, McBain Reed City, Riverside Reed City, St. Helen, Winterfield	-	$3.60	Leonard Crude Oil Co. No. 18, 4/3/73		
-Sour, adjusted for sulfur	-	$2.95	Leonard Crude Oil Co No. 18, 4/3/73		
-All fields	Flat			$13.85	SHELL - Supplement to Bulletin No. 56 9/29/75
MISSISSIPPI					
-Hazlehurst	-	2.94	GULF-BULLETIN 33 4/20/73	13.38	GULF-Supplement No. 16, 9/30/75
-Brookhaven Gwinville Little Creek Wallaloo	40°	$4.00	EXXON - No. 2	$12.75	EXXON - Notice to Bulletin No. 6, 9/30/75
		5/1/73			
-Forestday	40°	$4.00	ASHLAND - No. 11 4/20/73	$12.85	ASHLAND - Telegram 10/1/75
-Negas Hattiesburg Raleigh Soso (Light)	40°	$3.90	EXXON - No. 2 5/1/73	$12.50	EXXON - Notice to Bulletin No. 6, 9/30/75
-Tinsley	40°	$3.63	SOHIO - Amendment No. 4 to Bulletin No. 24, 4/13/73	13.38	SOHIO-Supplement No. 7 to Bulletin No. 23, 9/30/75

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
MONTANA						
-Cabin Creek						
Little Beaver						
Coral Creek						
Little Beaver, East						
Ronnel						
Horsetp						
Pine						
Willim Creek						
Willim Creek, South						
-Cut Bank	40°	$3.53	UNION-76 - No. 39	$13.78	UNION-76 Supplement No. 8 to Bulletin No. 38, 9/10/75	
Darling			5/10/73			
Reagan and						
Adjacent Fields						
-Elk Basin (Heavy)	40°	$3.80	EXXON - No. 2	$13.87	MARATHON - No. A-13	
			5/1/73		9/10/75	
-Sour	40°	$3.76	AMOCO - No. A-3	$13.87	PREMIAN	
			4/1/73		9/10/75	
-Central Montana						
-Sour:	40°			$13.87	CONOCO - No. 1975-9	
					9/1/75	
Bonanza	40°	$3.85	CONOCO - No. 1973-4	$13.78		
Elk Basin			4/11/73			
Cabo (Cabot)						
Meadow Creek						
South Elk Basin						
West Sussex						
Musselshell County	40°	$3.59	CONOCO - No. 1973-4	$13.78		
			4/11/73			
Rosebud County						
-Northwestern	40°			13.78	PREMIAN 9/10/75	

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
NEW MEXICO (Con't.)						
-Intermediate Sweet:	40°	$3.52	SHELL - No. 53	$13.78	SHELL Supplement No.36	
(Sequenced): (Con't.)			4/23/73		9/29/75	
Lazy J (Penn)						
Kemnitz (Goldcamp						
Lea (Bone Spring),						
(Devonian)						
Lavington (Abo)						
(Devonian)						
Maccalaro						
(Devonian), (Penn),						
(Pezeo)						
Sawyer (Penn)						
(Devonian)						
Shoe Bar E.						
(Devonian)						
Townsend (Goldcamp)						
Tubb						
Vacuum (Abo)						
Vacuum Bone						
Springs), (Glorieta-						
Wantz (Abo)						
-Octdovolcian	40°			$13.78	SHELL - Supplement to Bulletin No. 56 9/29/75	
-Segregated	40°	$3.93	SHELL - No. 53			
Ordovolcian:			4/23/73			
Bluncon						
Fowler (Ellenburger)						
Hare						
Justis (Ellenburger,						
Montoya)						
Russelman, McKee,						
Justis, North						
(Ellenburger,						
Montoya)						
Russelman, McKee,						
Skelline (Ellenburger)						
Warren (McKee)						

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
NEW MEXICO (Con't.)						
-Segregated						
Intermediate Sweet:	40°	$3.81	SHELL - No. 53			
(Con't.)			4/23/73			
Teague (Ellenburger)						
Teague (Ellen-						
burger)						
Teague (Simpson)						
Tubb						
Warts (Abo)						
-Sour	40°	$3.85	CONTEX - No. 1973-3	$13.60	PENNZOIL - 9/30/75	
			4/17/73			
-Sour:	40°	$3.70	TEXACO - No. 462			
			5/18/73			
Arrowhead						
(Grayburg)						
Belcher North						
(Queen Grayburg)						
Blinebry (Oil)						
Chaveck (Queen)						
Dollarhide (Queen)						
Drinkard						
E-K (Tates, Seven						
Rivers, Queen)						
Eunice-Monument						
(Grayburg-San						
Andres)						
Jalmat (Tates-						
Seven Rivers)						
Justis (Blinebry),						
(Tubb-Drinkard)						
Langlie Mattix						
(Seven Rivers						
Queen)						
Lovington, West						
Lynch (Seven						
Rivers, Yates,						
Maljamar (Grayburg-						
San Andres)						

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
NEW MEXICO (Con't.)						
-Segregated						
Intermediate	40°	$3.96	CHARTER - No. 1973-3			
			4/17/73			
-Segregated						
Intermediate Sweet:	40°	$3.81	SHELL - No. 53			
Anderson Ranch			4/23/73			
(Devonian)						
Anderson Ranch						
(Devonian)						
Anderson Ranch						
(Glorieta Gas)						
Anderson Ranch,						
(Goldcamp)						
Antelope Ridge						
North (Goldcamp)						
Blinebry						
Caudill (Devonian)						
Caudill (Penro-						
Penny Ivanian)						
Dean (Penro-						
Penny Ivanian)						
Denton (Devonian)						
Denton (Goldcamp)						
Denton South						
(Devonian)						
Denton South						
(Goldcamp)						
Drinkard						
Hare						
Imperial Tubb -						
Drinkard						
Kemnitz (Glaco)						
Kemnitz (Goldcamp)						
Kemnitz (Goldcamp,						
Lower)						
Pearl (Queen)						

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
NEW MEXICO (Con't.)						
-Sour: (Con't.)	40°	$3.70	TEXACO - No. 462			
Midway Abo			5/18/73			
Monument (Blinebry),						
(Paddock)						
Paddock, South						
(Pennsylvanian)						
Quecenio Plains						
Rhodes (Yates)						
Shugart (Yates-						
Seven Rivers-						
Queen-Grayburg)						
Teague (Blinebry						
Tubb (Oil)						
Tulk (Wolfcamp						
Vacuum (Glorieta),						
(Grayburg-San						
Andres), (Yates)						
-Sour:	40°			$12.60	PHILLIPS - No. 1975-1-E	
Lonesome San Andres					9/1/75	
-Sour and Mixed:	40°	$3.70	UNION-76 - No. 39			
All Fields			5/18/73			
NEW YORK						
NORTH DAKOTA						
-All Fields	40°	$3.73	AMOCO - No. A-3	$13.78	SHELL - Supplement to Bulletin No. 56 9/29/75	
			4/1/73			

STATE-AREA/TICLOS	BASE(1)	MAY 15, 1973 GRAVITY	PRICE	REFERENCE	SEPTEMBER 30, 1973 PRICE	REFERENCE
NEW MEXICO (Con't.)						
-Interstadiate Sweet:	40°	$3.83	TEXACO - No. 462	$13.85	TEXACO Supplement to Bulletin 446	
Bagley, North			5/18/73		9/30/75	
(Pennsylvanian,						
Lower)						
Blinebry (Oil)						
Bluncon, East (Glorieta Wash)						
Bluncon, South (Ellenburger)						
Capcock, East (Devonian)						
Dean (Penno Pennsylvanian)						
Dollarhide (Tubb-						
Drinkard)						
Drinkard						
El Mar (Delaware)						
Justis Blinebry),						
(Ellenburger),						
(Montoya), (Tubb-Drinkard)						
Justis (Devonian),						
(Ellenburger),						
(Montoya), (Russelman),						
(Tubb-Drinkard)						
Justis, North (Devonian),						
(Ellenburger),						
(Montoya), (Russelman),						
Lazy J (Pennsylvanian)						
Lusk (Strawn)						
Moore (Devonian)						
Paduca (Delaware)						
Sundaze (Penno						
Pennsylvanian)						
Townsend (Wolfcamp)						
Tubb (Oil)						
Vacuum (Abo Reef),						
(Blinebry), (Glorieta),						
(Pennsylvanian, Upper),						
(Wolfcamp)						
Vacuum, North (Abo),						
Wantz (Abo), (Granite						
Wash)						

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
OHIO					
-All Fields	Flat	$3.67	SOHIO - Amendment No. 4 to Bulletin No. 24, 4/1/73	$12.22	SOHIO - Supplement No. 7 to Bulletin No. 27, 9/30/75
OKLAHOMA					
-All Fields (except those in Beaver, Cimarron, Texas, Osage and Kay Counties)	40°			$12.95	PHILLIPS - No. 1975-1-E 9/1/75
-Beavey County Cimarron County Texas County	40°			$12.95	PHILLIPS - No. 1975-1-E 9/1/75
-Blaine County Canadian County Cleveland County Garfield County Garvin County Grant County Kay County Kingfisher County Logan County Major County McClain County Noble County Oklahoma County Payne County	40°	$3.85	CONOCO - No. 1973-4 4/11/73		
-Northwestern	40°	$3.85	ARCO - No. 14 5/3/73		
-Osage County Kay County	40°			$12.95	PHILLIPS - No. 1975-1-E 9/1/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
OKLAHOMA (Con't.)					
-Segregated Sweet: Elk City Oklahoma City Pauls Valley Pauls Valley, East Pauls Valley, West	40°	$3.85	SHELL - No. 53 4/23/73	$12.95	PHILLIPS - No. 1975-1-E 9/1/75 (All fields except those in Beaver, Cimarron, Texas, Osage and Kay Counties)
-Sour	40°	$3.73	AMOCO - No. A-3 4/1/73 ARCO - No. 14 5/3/73	$13.05	SUNOCO - Supplement No. 12 to Bulletin No. 138, 9/1/75
	40°	$3.73	CITGO - No. 62 4/11/73		
-Sour: Bandon Brock Healdton Newitt Lone Grove, South	34°	$3.56	SHELL - No. 53 4/23/73		
-Sweet	40°	$3.85	AMOCO - No. A-3 4/1/73 UNION-76 - No. 29 5/10/73	$13.20	CITGO - 9/30/75 CONOCO - No. 1975-9 9/75
-Sweet Segregated	40°	$3.85	CITGO - No. 62 4/11/73		SUNOCO-Supplement No. 12 to Bulletin No. 138, 9/1/75
-Western	40°	$3.85	SUNOCO - Supplement No. 2 to Bulletin No. 135, 4/1/73		
PENNSYLVANIA					

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
SOUTH DAKOTA					
TENNESSEE					
TEXAS					
-East	Flat	$3.85	ARCO - No. 14	$12.85	CITGO - 9/30/75
			MOBIL - No. 128 4/27/73		MARATHON - No. A-13 9/1/75
					MOBIL - Supplement No. 19 to Bulletin No. 135, 9/30/75
					SHELL - Supplement to Bulletin No. 56 9/28/75
-East (other than East Texas Field) Waskom (Scottsville) Area)	40°	$3.77	CITGO - No. 62 4/11/73		
-East (including Pleasant Grove)	Flat	$3.85	TEXACO - No. 462 5/18/73	$12.75	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
-East Central	40°	$3.80	ARCO - No. 14 5/3/73		
-East Central? Anderson County, except Neches (Sub-Clarksville) and Neches (Woodbine) Fields	40°	$3.80	EXXON - No. 2 5/1/73	$12.70	EXXON - Supplment to Bulletin No. 4, 9/30/75
TEXAS (Con't.)					
-East Central (con't.) Cherokee County, except Neches (Woodbine) Field Freestone County Kaufman County Limestone County Navarro County	40°	$3.80	EXXON - No. 2 5/1/73	$12.70	EXXON - Supplement to Bulletin No. 4, 9/30/75
-East and East Central: East Texas Field	Flat (Light)	$3.85	CITGO - No. 62 4/11/73 EXXON - No. 2 5/1/73 SHELL - No. 53 4/23/73	$12.75	EXXON - Supplement to Bulletin No. 4, 9/30/75
Neches (Sub-Clarksville)	Flat (Light)	$3.42	EXXON - No. 2 5/1/73	$12.32	EXXON - Supplement to Bulletin No. 4, 9/30/75
Neches (Woodbine)	Flat (Light)	$3.80	EXXON - No. 2 5/1/73	$12.70	EXXON - Supplement to Bulletin No. 4, 9/30/75
Hawkins Crude	Flat (Heavy)	$3.36	EXXON - No. 2 5/1/73	$12.00	EXXON - Supplement to Bulletin No. 4 9/30/75
Hitts Lake (Paluxy)	Flat (Heavy)	$3.34	EXXON - No. 2 5/1/73	$11.98	EXXON - Supplement to Bulletin No. 4, 9/30/75
Powitt Ranch	Flat (Heavy)	$2.98	EXXON - No. 2 5/1/73	$11.62	EXXON - Supplement to Bulletin No. 4, 9/30/75
Sand Flat	Flat (Heavy)	$3.46	EXXON - No. 2 5/1/73	$12.04	EXXON - Supplement to Bulletin No. 4,

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-East and East Central: (con't.) Talco	Flat (Heavy)	$3.36	EXXON - No. 2 5/1/73	$11.90	EXXON - Supplement to Bulletin No. 4, 9/30/75
-Gulf Coast	40°	$4.09	SUNOCO - Supplement No. 4 to Bulletin No. 135, 4/73	$13.93	MOBIL - Supplement No. 19 to Bulletin No. 135, 9/30/75
-Gulf Coast Low Cold Test-Segregated: BU Ranch (Seg. U. Marg.), (Seg. G. Marg.) BU Ranch, Flt. Seg. B. (Marg.) Duffy (5600' Sand, Lower), (5600' Sand, Upper), (Frio 5565'), (Halamicek Sand) Hillje Hillje, South Humble Hutchines-Kubela (Gillcrease, Hutchins, Kubela Sands) Hutchins, South Lane City Magnet Withers Magnet Withers (F-2), (F-2-A) Magnet Withers, North (Harginultina) Magnet Withers, West (Wallace)	29°	$4.16	TEXACO - No. 462 5/18/73	$13.08	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-Gulf Coast Low Cold Test-Segregated: (con't.) Manvel (6970' ($100') (6550' Miocene), (Basal Miocene), (FB-1, Miocene 4550') (Miocene), (Miocene 4100'), (Miocene 4435') (Miocene 4500'), (Miocene 4550', FBX-11), (Miocene, Upper), (Miocene, Upper FB-1), (Miocene, B Upper), (Olig ene), (Oligocene CFB 1) Manvel, East (3300' Miocene), (Oakville 03), (Oakville 15) Niels Carlsen Niels Carlsen (5200', Sand) Pickett Ridge Pickett Ridge (F-4) Port Neches Sour Lake West Columbia Withers, North Withers, North ("C" Sand)	29°	$4.16	TEXACO - No. 462 5/18/73	$13.08	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-Upper Gulf Coast	40°			$13.88	SHELL - Supplement to Bulletin No. 56 9/28/75 SUNCO - Supplement No. 7 to Bulletin No. 27, 9/30/75
-Upper Gulf Coast: Cleveland Cleveland, North Livingston McCoy Marcy	40°	$3.85	SHELL - No. 53 4/23/73		
-Upper Gulf Coast Low Cold Test: Clear Lake Goose Creek Thompson Thompson South	30°	$4.18	EXXON - No. 2 5/1/73	$13.10	EXXON - Supplement to Bulletin No. 4, 9/30/75
Amelia	Flat	$4.14	EXXON - No. 2 5/1/73	$13.06	EXXON - Supplement to Bulletin No. 4, 9/30/75
Magnet Withers	Flat	$4.08	EXXON - No. 2 5/1/73	$13.00	EXXON - Supplement to Bulletin No. 4, 9/30/75
Sugarland	Flat	$4.14	EXXON - No. 2 5/1/73	$13.06	EXXON - Supplement to Bulletin No. 4, 9/30/75
Webster	Flat	$4.16	EXXON - No. 2 5/1/73	$13.08	EXXON - Supplement to Bulletin No. 4, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-Upper Gulf Coast Mixed Sweet: Angleton Boling Bonney Chesango Danbury Dome Hardin Hull Katy Hayes Hayes (South) Red Fish Reef Rowan Turtle Bay	40°	$4.00	EXXON - No. 2 5/1/73	$12.85	EXXON - Supplement to Bulletin No. 4, 9/30/75
Dickinson Gillock	40°	$3.90	EXXON - No. 2 5/1/73	$12.75	EXXON - Supplement to Bulletin No. 4, 9/30/75
Goose Creek East Racoon Bend	40°	$4.20	EXXON - No. 2 5/1/73	$13.93	EXXON - Supplement to Bulletin No. 4, 9/30/75
Hastings Fiet Hastings West	40°	$4.28	EXXON - No. 2 5/1/73	$13.13	EXXON - Supplement to Bulletin No. 4, 9/30/75

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STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-Upper Gulf Coast Mixed Sweet: (con't.) Anahuac Crude	Flat	$3.90	EXXON - No. 2 5/1/73	$13.75	EXXON - Supplement to Bulletin No. 4, 9/30/75
Anahuac Condensate	Flat	$4.00	EXXON - No. 2 5/1/73	$13.85	EXXON - Supplement to Bulletin No. 4, 9/30/75
Conroe	Flat	$3.95	EXXON - No. 2 5/1/73	$13.80	EXXON - Supplement to Bulletin No. 4, 9/30/75
Lovells Lake Crude	Flat	$3.95	EXXON - No. 2 5/1/73	$13.80	EXXON - Supplement to Bulletin No. 4, 9/30/75
Magnet Withers (Non-D.C.T. Crude)	Flat	$3.75	EXXON - No. 2 5/1/73	$13.60	EXXON - Supplement to Bulletin No. 4, 9/30/75
Tomball	Flat	$3.95	EXXON - No. 2 5/1/73	$13.80	EXXON - Supplement to Bulletin No. 4, 9/30/75
Tomball West	Flat	$3.95	EXXON - No. 2 5/1/73	$13.80	EXXON - Supplement to Bulletin No. 4 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-Intermediate				$13.10	CITGO - 9/30/75
-Kerneo County: Davy (Edwards) Labus (Upper Edwards) Panna Maria (Edwards) Person (Edwards)	40°	$3.85	MOBIL - No. 128 4/27/73		
-Jackson: Colorado County (Chesterville) Jackson County (Gabrych, Lasalle, LaSelle West, LaWard North, Lolita, Lolita Deep, Maurbro, Texana, Texana North, West Ranch, West Ranch South)	40°	$3.70	MOBIL - No. 128 4/27/73		
-North Texas	40°			$13.95	AMOCO - No. 7 to Bulletin No. D-21, 9/29/75
					MOBIL - Supplement No. 1 to Bulletin No. 135, 9/30/75
					PERMIAN - 9/30/75
-North Texas: Archer County Clay County Jack County Montague County Throckmorton County Wichita County Young County	40°	$3.85	CONOCO - No. 1875-4, 4/11/73		

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-North Texas: (con't.) Archer County Foard County Jack County Wichita County Wilbarger County Young County	40°	$3.81	TEXACO - No. 462 5/18/73	$13.95	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
-North and West Central Texas: Brown County Callahan County Clay County Cooke County Fisher County Haskell County Jack County King County Knox County Montague County Nolan County Shackelford County Stephens County Stonewall County Throckmorton County Wise County	40°	$3.81	AMOCO - No. B-6 4/14/73		
-Northeast: Various Fields	40°			$13.70	SHELL - Supplement No. 8 to Bulletin No. 36, 9/30/75
-Panhandle	40°			$13.95	MOBIL - Supplement No. 18 to Bulletin No. 135, 9/30/75
					PHILLYNS - No. 1975-D-R 9/1/75

STATE AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-Panhandle: Carson County Gray County Hutchinson County Wheeler County	40°	$3.85	EXXON - No. 2 5/1/73	$13.95	EXXON - Supplement to Bulletin No. 4, 9/30/75
-Seeligson Brooks County (LaGloria, (LaGloria South) Jim Wells County (Haldeman South, LaGloria East, LaGloria North, Prasnut, Prasnut East, Prenont-Prospect Seeligson, Sharp Ranch, Tijerina-Canales-Blucher)	40°	$3.65	MOBIL - No. 128 4/27/73		
-Sour				$12.40	CITGO - 9/30/75
-South Texas Mirando: Government Wells North Government Wells South Hoffman Lona Flovia Lundell	40°	$3.85	EXXON - No. 2 5/1/73	$13.05	EXXON - Supplement to Bulletin No. 4, 9/30/75
-South Texas Mirando Type: Baldwin Baldwin (3800')	40°	$3.90	TEXACO - No. 462 5/18/73	$13.05	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-South Texas Mirando Type: (con't.) Cody (4000' Sand), (Cody, Lower), (Cody, Upper), (Gallaghar Sand), (2nd Cody, Lower), Sanet	29°	$3.90	TEXACO - No. 462 5/18/73	$13.05	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
Mirando	29°			$13.95	MOBIL - No. 19 to Bulletin No. 135, 9/30/75
-South Texas Mirando: Duval County (Realum, Casa Blanca, Casa Blanca West, Codre Hill, Charmousca, Charmousca North, Charmousca South, Cole South, Colmena, D.C.R. 95, D.C.R. 79, Eagle Hill, Forty-Nine, Gormez, Government Wells North, Government Wells South, Grey Negist Ranch, Kohler Deep, Labbe, Lona Movia, Lopez, Lopez North, Lovia, Lundell, O'Hara, Peters, Peters East, Petron,	29°	$3.69	MOBIL - No. 128 4/27/73		

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-South Texas Mirando: (con't.) (Duval County con't.) Petron North, Piedre Lumbre, Rancho Solo, Rancho Solo Extension, Sarnow West, Seven Sisters, Seven Sisters South, Seventy-Six South, Seventy-Six West) Jim Hogg County (St. Joseph) McMullen County (Campana South, Devils Waterhole, Lone Aital) Webb County (Cole West, Vilton, Volpe)	29°	$3.69	MOBIL - No. 128 4/27/73		
-South Texas Refugio Heavy: Bonnie View Greta Lake Pasture (D-440 Sand) Taft Tom O'Connor (4400 Sand) Tom O'Connor (4500 Sand)	29°	$3.85	EXXON - No. 2 5/1/73	$13.90	EXXON - Supplement to Bulletin No. 4, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-South Texas Refugio Light: Greta Deep Lake Pasture Laura Thomson Mary Ellen O'Connor Nelon Creek Tom O'Connor Woodsboro	40°	$4.05	EXXON - No. 2 5/1/73	$13.10	EXXON - Supplement to Bulletin No. 4, 9/30/75
-South Texas Salt Flat Mixed: Dent Creek Salt Flat	40°	$3.70	EXXON - No. 2 5/1/73	$13.45	EXXON - Supplement to Bulletin No. 4, 9/30/75
-South Texas Mixed: Charlotte Imogene Imogene South Imogene Southwest Jourdanton	40°	$3.95	EXXON - No. 2 5/1/73	$13.50	EXXON - Supplement to Bulletin No. 4, 9/30/75
Charlotte North Crown East Horn	40°	$3.85	EXXON - No. 2 5/1/73	$13.40	EXXON - Supplement to Bulletin No. 4, 9/30/75
Pearsall	40°	$3.69	EXXON - No. 2 5/1/73	$13.30	EXXON - Supplement to Bulletin No. 4, 9/30/75
San Miguel Creek	40°	$3.70	EXXON - No. 2 5/1/73	$13.25	EXXON - Supplement to Bulletin No. 4, 9/30/75

STATE-AREA/FIELDS	BASE[1] GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
-South Texas Sweden: Alazan North Armstrong Big Caesar Borregos Canelo Chemcel Cox & Hamon Flour Bluff Flour Bluff East Kelsey Pita Rita Zarita Scott & Hopper Seeligson Sejita Stratton Tijerina-Canales-Blucher Viboras	40°	$3.95	EXXON - No. 2 5/1/73	$13.85	EXXON - Supplement to Bulletin No. 4, 9/30/75
-Southwest Texas	40°			$13.85	SHELL - Supplement to Bulletin No. 56 9/29/75
-Southwest Texas: Helen Gohlke Helen Gohlke, Northwest Helen Gohlke, West Provident City Sheridan Vienna	40°	$3.95	SHELL - No. 53 4/13/73		
-Sweet (Eilenburger)				$13.10	CITGO - 9/30/75

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STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet: (Con't.)	40°	$13.00	PHILLIPS - No. 1975-1-E 9/1/75		
Ander-J County					
Crockett County					
Ector County					
Pe os County					
Reagan County					
Upton County					
Winkler County					
--West Texas Intermediate Sweet:	40°	$3.01	TEXACO - No. 462 5/16/73	$12.85	TEXACO - Supplement No. 12 to Bulletin No. 444, 9/30/75
Ellenburger-Strawn (Ellenburger)					
Elkhorn (Ellenburger)			UNION-76 - No. 29 5/16/73		
Todd Draw (Cisco)					
(Ellenburger)					
--West Texas Intermediate	40°			$13.47	PENNZOIL - 9/30/75
--West Texas Light Sweet:	40°	$3.03	EXXON - No. 2 5/1/73	$12.85	EXXON - Supplement to Bulletin No. 4, 9/30/75
Ellenburger					
Anderson					
Ector					
TXL					
Yarbrough & Allen					
--West Texas Intermediate	40°	$3.04	See STANCO - Supplement No. 4 to Bulletin No. 135, 4/73	$13.35	PENNZOIL - 9/30/75

*** The applicability of this posting to sweet crude oil is currently pending resolution by FEA; comments requested.

STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet	40°			$13.00	PHILLIPS - No. 1975-1-E 9/1/75
Alsabrook Devonian					
Arrow Strawn					
Andector W.					
Austin Chalk					
Austin Devonian					
Austin Strawn					
Block D Mississippian					
Block 4 Devonian					
Block 8 Wolfcamp					
Block 11 Devonian					
Block 11 Devonian					
Block 11 Fusselman					
Block 12 Devonian					
Block 12 E. Ellenburger					
Bob Penn					
Bronco Wolfcamp					
Bronco Siluo Devonian					
Brownfield Strawn					
Calvin Dean					
Chapman Strawn					
Clearfork, N. Canyon Reef					
Dupree Fusselman					
Ebar Devonian					
Ebar Fusselman E.W.					

STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet (Segregated):	40°	$3.01	AMOCO - No. 8-4 4/14/73		
Allison South (Ellen) (Notes)			CITGO - No. 62 4/11/73		
Breedlove (Spraberry) (Dean-Wolfcamp)					
Clara Good (Fusselman)					
Conger (Penn) (Canyon 8190)					
Deep Rock (Ellen) (Devonian)					
Diamond M (Canyon Lime)					
Dora Roberts (Clearfork)(Devonian)					
Dora Roberts (Penn)					
Dora Roberts (Strawn)					
Dora Roberts (Penn)					
Dora Roberts (Strawn)					
Fuller W. Canyon					
Good (Ellenburger)					
Headlee, North (Devonian)					
Jo Mill (Spraberry)					
Kelly Snyder (Cisco)					
Lucy (Clearfork)					

STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet (Segregated) (Con't.)	40°	$3.01	AMOCO - No. 8-4 4/14/73		
Lindsey (Strawn)			CITGO - No. 62 4/11/73		
Mabee, South (Canyon Reef)					
Mungerville (Penn)					
Patricia, West (Spraberry)					
Reinecke (Penn)					
Reinecke (Glorietta)					
Shafter Lake (Ellen)					
Shafter Lake (Strawn)					
Spraberry, Trend Area					
Tex-Hamon (Pontotoc)					
Tex-Hamon (Ca/on)					
Tex-Hamon (Pontotoc)					
Tex-Hamon(Pontotoc)					
Triple D (Penn)					
Triple D (Strawn)					
Tucker (Ellenburger)					
Vealmoor, East (Russell-en)					
Virey (Fusselman)					
Von Roeder, North (Penn)					
War San (Fusselman)					

STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet: (Con't.)	40°			$13.00	PHILLIPS - No. 1975-1-E 9/1/75
TXL Silurian					
TXL Tubb					
TXL Wolfcamp N. University Block 13 Wolfcamp					
Wdd Devonian					
Wildcat Fusselman					
Andrews Pennsylvanian (Canyon Reef)	40°	$3.01	TEXACO - No. 462 5/16/73	$12.85	TEXACO - Supplement No. 12 to Bulletin No. 444, 9/30/75
Andrews, North (Devonian-Ellenburger)					
Barrow (Ellenburger)					
Block 7 (Devonian)					
Block 7 (Ellenburger)					
Block 31 (Fusselman)					
Brck (Spraberry)					
Clearfork, North					
Clearman Schatbauer (Strawn)					
Elbert (Fusselman)					
Gin (Spraberry)					
Gisa (Delaware)					
Goldsmith (Ellenburg)					
Headlee, North (Canyon), (Devonian)					
Hi-Lonesome (Fusselman), (Pennsylvanian), (Wolfcamp)					

STATE AREA/FIELD	BASE(1) GRAVITY	MAY 15, 1973 PRICE	REFERENCE	SEPTEMBER 30, 1975 PRICE	REFERENCE
TEXAS (Con't.)					
--West Texas Intermediate Sweet: (Con't.)	40°	$3.01	TEXACO - No. 462 5/16/73	$12.85	TEXACO - Supplement No. 12 to Bulletin No. 444, 9/30/75
Lowe (Ellenburger), (Fusselman), (Siluian).					
Mabee, South (Strawn)					
Mungerville, East (Penn)					
Mullinsville (Penn), (Devonian), (Ellenburger), (Wolfcamp)					
Parks, North (Pennsylvanian)					
Ranger (Ellenburger)					
Running M (Waddell)					
Tex-Hamon (Canyon), (Mississippian, Lower), (Montoya), (Ellenburger), (Devonian)					
Warfield (Devonian), (Ellenburger), (Fusselman)					
Wdcsy (Pennsylvanian)					
--West Texas Intermediate Sweet (Segregated)				$12.85	AMOCO - Supplement No. 7 to Bulletin No. 8-21, 9/25/75

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STATE AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Intermediate Sweet (Segregated): (con't.)	40°	$3.81	AMOCO - No. B-4 4/14/73		
Welch S.E. (Spraberry)					
Wells (Devonian)			CITGO - No. 62 4/11/73		
World, West (Strawn)					
-West Texas Intermediate (Segregated Intermediate):	40°	$3.81	EXXON - No. 2 5/1/73	$12.85	EXXON - Supplement to Bulletin No. 4, 9/30/75
Arenoso					
Goldsmith					
TXL					
-West Texas Ordovician	40°			$12.85	SHELL - Supplement to Bulletin No. 56 9/29/75
-West Texas Segregated Ordovician:	40°	$3.93	SHELL - No. 53 4/23/73		
Andector (Ellenburger)					
Andector (McKee)					
Bedford (Ellenburger)					
Bedford (Fusselman)					
Bedford (McKee)					
Block 9 (Ellenburger)					
Block 41 (Wolfcamp)					
Circle Bar (Devonian)					
Circle Bar (Ellenburger)					
Circle Bar (Fusselman)					
Circle Bar, South (Devonian)					
Crawar (Ellenburger)					

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STATE AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Ordovician: (con't.)	40°	$3.93	SHELL - No. 53 4/23/73		
Crawar (Waddell)					
Fasken (Devonian)					
Fasken (Wolfcamp					
Fasken, South (Atoka)					
Fasken, South (Devonian)					
Fasken, South (Ellenburger)					
Fasken, South (Fusselman)					
Fasken, South (Pennsylvanian)					
Fasken, South (Wolfcamp)					
Goldsmith, West (Ellenburger)					
Inez (Ellenburger)					
Inez (Fusselman)					
Janelle, Southeast (Ellenburger)					
Janelle, Southeast (Waddell)					
Midland Farms (Ellenburger)					
Midland Farms (Fusselman)					
Midland Farms (Strawn)					
Midland Farms (Wolfcamp)					
Midland Farms, Northeast (Ellenburger)					
Midland Farms, West (Devonian)					
Monahans (Ellenburger)					

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STATE AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Ordovician: (con't.)	40°	$3.93	SHELL - No. 53 4/23/73		
Monahans (Fusselman)					
Stateline (Ellenburger)					
TXL (Ellenburger)					
TXL (McKee)					
TXL (Montoya)					
TXL (Waddell)					
TXL (Waddell, Central)					
TXL, North (Waddell)					
Wheeler (Ellenburger)					
-West Texas Segregated Ordovician:	40°	$3.93	GULF - No. 33 4/20/73	$12.85	GULF - Supplement No. 8 to Bulletin No. 36, 9/30/75
A.W. (Ellenburger)					
Arenas (Ellenburger)					
Barrow (Ellenburger)					
Edwards "04" (Connell)					
Edwards "04" (Ellenburger)					
Edwards "04" (Ellenburger, South)					
Edwards "04" (Waddell)					
Emma (Ellenburger)					
Flying "W" (Ellenburger)					
Goldsmith (Ellenburger)					
Jordan (Connell)					
Jordan (Ellenburger)					
Jordan (Waddell)					
Keystone (Ellenburger)					
Lea (Connell)					
Lea (Ellenburger)					
Lea (McKee)					
Lea, South (Connell)					
Mets, East (Ellenburger)					
Penwell (Ellenburger)					

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STATE AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Ordovician: (con't.)	40°	$3.93	GULF - No. 33 4/20/73	$12.85	GULF - Supplement No. 8 to Bulletin No. 36, 9/30/75
Sweetie Peck (Ellenburger)					
University Waddell (Ellenburger)					
University Waddell (McKee)					
-West Texas (Scurry):	40°	$3.81	TEXACO - No. 462 5/18/73	$12.85	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
Ackerly (Dean Sand)					
Ackerly, North (Pennsylvanian)					
Cogdell Area					
Cogdell (Fuller Sand)					
Cogdell, East (Canyon)					
Cogdell, Southeast (Canyon 6800')					
Fuller					
Fuller, East (Canyon), (Fuller "B"), (Strawn "C")					
Fuller, Northeast (Fuller Sand)					
Fuller, Southeast (Canyon Reef), (Fuller), (Fuller "C"), (Strawn "C")					
Good					
Good, Northeast (Canyon Reef)					
Good, Southeast (Canyon Reef), (Fusselman)					
Jo-Mill (Spraberry)					
Kelly-Snyder					
Kelly-Snyder (Cisco Sand)					

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STATE AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas (Scurry): (con't.)	40°	$3.81	TEXACO - No. 462 5/18/73	$12.85	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
Oceanic (Pennsylvanian)					
Oceanic, Northeast (Pennsylvanian)					
Revilo (Glorietta)					
Spraberry (Deep)					
Spraberry (Deep, Spraberry, Lower)					
Spraberry, West (Pennsylvanian)					
Spraberry, West (Deep)					
Spraberry, West (Deep, Pennsylvanian), (Deep, Spraberry, Lower)					
Weal[illegible]					
-West Texas Segregated Intermediate	40°	*** $3.96	CHARTER - No. 1873-2 4/17/73		
-West Texas Segregated Intermediate Sweet:	40°	$3.81	SHELL - No. 53 4/23/73		
Amacker-Tippett, South (Bend)					
Amacker-Tippett, South (Bend, Upper)					
Amacker-Tippett, Southeast (10,600' Bend)					
Amacker-Tippett, Southeast (Strawn)					
Andrews, South (Devonian)					

*** The applicability of this posting to sweet crude oil and intermediate crude oil is currently pending resolution by FEA; comments requested.

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STATE-AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.)	40°	$3.81	SHELL - No. 53 4/23/73		
Andrews, South (Wolfcamp)					
Bayview (Clearfork, Upper)					
Bayview, (Glorieta)					
Bayview, West (Glorieta)					
Bedford (Devonian)					
Bedford (Wolfcamp)					
Benedum-Condensate					
Benedum (Fusselman)					
Benedum (Spraberry)					
Cain (Spraberry)					
Cain (Strawn)					
Cowden, South (Devonian)					
Cowden, South (8700' Canyon)					
Cowden, South (8900' Canyon)					
Cowden, South (13,800')					
Crossett (Devonian)					
Crossett (3000' Clearfork)					
Crossett, North (3450' Clearfork)					
Crossett, South (Detrital)					
Crossett, South (Devonian)					
Crossett, West (Clearfork, Lower)					
Crossett, West (Clearfork, Upper)					

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STATE-AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.)	40°	$3.81	SHELL - No. 53 4/23/73		
Darmer (Canyon)					
Darmer (8400' Pennsylvanian)					
Dawson (Clearfork)					
Dawson (Devonian)					
Dunigan (Ellenburger)					
El Cinco (Leonard, Lower)					
El Cinco (McKee)					
Fasken (Wolfcamp)					
Fradean (Devonian)					
Fradean (Ellenburger)					
Fradean (Strawn)					
Frankirk NW (Canyon Reef)					
Goldsmith (Clearfork)					
Goldsmith (5600')					
Goldsmith, West (Clearfork, Upper)					
Goldsmith, West (Fusselman)					
Gordon Simpson (Spraberry)					
Gordon Simpson (Strawn)					
Happy (Strawn)					
Janelle, Southeast (Tubb)					
Koonsman (Spraberry)					
Lazy JL (Spraberry, Lower)					

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STATE-AREA/FIELDS	BASE (1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.)	40°	$3.81	SHELL - No. 53 4/23/73		
Lyles (Clearfork)					
Lyles, East (Clearfork, Middle)					
Lyles, East (Clearfork, Upper)					
Monahans (Devonian)					
Monahans (Permian Tubb I)					
Monahans (Permian Tubb II)					
Monahans (Permian Tubb III)					
Monahans (Wolfcamp)					
Monahans, Northeast (Penn Detrital, Upper)					
Myrtle, West (Strawn)					
Myrtle, NW (Strawn)					
Parker, South (Pennsylvanian)					
Parker, South (Wolfcamp)					
Red Loflin (Ellenburger)					
Red Loflin (Strawn)					
Roberdeau (Clearfork, Lower)					
Roberdeau (Clearfork, Middle)					
Roberdeau (Clearfork, Upper)					
Roberdeau, South (Clearfork, Lower)					
Roberdeau, South (Clearfork, Middle)					

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.) Roberdeau, South (Tubb) Roberdeau, South (2000' Clearfork) Roberdeau, South (3400' Clearfork) Roberdeau, South (3400' Clearfork, S.L.) Roberdeau, South (3400' Clearfork, -West) Romac (Ellenburger) Spraberry (Trend Area) Spraberry (Trend Area, Clearfork) Teas (Ellenburger) Teas (Penn Lime) Teas (8100' Penn) Teas (Strawn) Tippett Tippett (Devonian Gas) Tippett (Leonard, Lower) Tippett (Wolfcamp, Lower) Tippett (Wolfcamp, Upper) Tippett, North (Ellenburger) Tippett, North (McKee)	40°	$3.81	SHELL - No. 53 4/23/73		

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.) Tippett, North (Montoya) Tippett, South (Wolfcamp, Detrital) Tippett, South (Wolfcamp, Upper) Tippett, West (Ellenburger) Tippett, West (Hueco) Tippett, West (McKee) Tippett, West (Wolfcamp, Lower) Tippett, West (5050' Wolfcamp) Tippett, West (5500' Wolfcamp) Tripoli (Ellenburger) TXL (Devonian) TXL (Montoya) TXL (Silurian) TXL (Tubb) TXL (Waddell) TXL (Wolfcamp, North) U Lazy S (Ellenburger) U Lazy S (Pennsylvanian) University Block 9 (Devonian) University Block 9 (Pennsylvanian)	40°	$3.81	SHELL - No. 53 4/23/73		

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.) University Block 9 (Wolfcamp) WTR (Clearfork) WLR (Tubb) Wescott (Devonian) Wescott (Strawn) Wheeler (Devonian) Wheeler (Silurian) Wheeler (Wolfcamp) Wheeler, Northwest (Wolfcamp) Wynne (Clearfork Middle) Wynne (Clearfork Upper) Wynne (Connell) Wynne (Tubb) XBC (Devonian) XBC (Fusselman)	40°	$3.81	SHELL - No. 53 4/23/73		
-West Texas Segregated Intermediate Sweet: A.W. (Fusselman) Adamc (Bend) Adamc (Devonian) Adamc (Silurian) Block 42 (Penn) Block 42 (Strawn) Edwards "04" South (7900) Edwards "04" South (Devonian) Emma (Devonian) Emma (Fusselman)	40°	$3.86	GULF - No. 33 4/20/73	$12.85	GULF - Supplement to Bulletin No. 36 9/30/75

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Intermediate Sweet: (con't.) Emma (Strawn) Estes Block 34 (Penn) Flying "W" Flying "W" (Wolfcamp) Franco (Bend) Franco (Devonian) Goldsmith (Clearfork) Goldsmith (Devonian) Goldsmith (Silurian) Goldsmith (Fusselman) Goldsmith, (5,600') Goldsmith, North (Devonian) Goldsmith, North (Silurian) Headlee, North (Devonian) Jordan (Fusselman) Jordan (Penn) Keystone (Holt) Keystone (Silurian) Lea, South (Clearfork) Lea, South (Devonian) Sweetie Peck (Devonian) Texel (Devonian) Texel (Penn) Triple "N" (Devonian) Triple "N" (Penn) Triple "N" (Silurian) University Waddell (Devonian) University Waddell (Penn)	40°	$3.86	GULF - No. 33 4/20/73	$12.85	GULF - Supplement No. 8 to Bulletin No. 36, 9/30/75

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Segregated Lube: Andector Ellenburger Andector McKee Andector W. McKee Andector Waddell Andector N. Waddell Andector W. Waddell Embar Ellenburger Emma Ellenburger Emma Fusselman Goldsmith N. Ellenburger Goldsmith W. Ellenburger Goldsmith W. Waddell Harper Ellenburger Harper S. E. Ellenburger Martin Ellenburger Martin W. Fusselman Martin McKee Martin Wichita Penwell Ellenburger TXL Ellenburger TXL Central Waddell TXL N. Waddell	40°			$13.13	PHILLIPS - No. 1975-1-E, 9/1/75
-West Texas Sour	40°	$3.85	CHARTER-No. 1973-2 4/17/73	$12.60	PERMIAN - 9/30/75

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Sour: Abell (Clearfork), (2200' Permian), (3800' Permian) Andrews (Wolfcamp) Block 12 Block 12 (Devonian) Block 12, North (Devonian) Clara Couch (Wolfcamp) Concho Bluff (Queen) Corrigan Deep Rock (5950' Glorieta) Dune Dune (Wolfcamp) Fort Stockton Fort Stockton (Seven Rivers) Fuhrman-Mascho Heiner (Montoya) Mabee Mabee (Clearfork) McElroy Means Midway Lane (Permian), (Strawn), (1050'), (1300') Moose (Queen) Nix, South Olson Pecos Valley (High Gravity), (Permian, Lower) Pure-Bean Scarborough Scarborough, [illegible]	40°	$3.70	TEXACO - No. 462 5/18/73	$12.40	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Sour: (con't.) Shafter Lake (Clearfork), (Devonian), (San Andres), (Wolfcamp) Shannon (San Andres) Slaughter Slaughter (7190' Clearfork), (Abo) Sweetie Peck (Devonian), (Ellenburger) University, Waddell (Devonian) Vaughn Vaughn (Ellenburger) War-San (San Andres) Welch Wyatt	40°	$3.70	TEXACO - No. 462 5/18/73	$12.40	TEXACO - Supplement No. 12 to Bulletin No. 464, 9/30/75
Alsabrook Wolfcamp Bale 5500 San Andres Bay San Andres Block 12 Brown Brown Wichita Albany Cowden, North Cowden, N. Deep Cowden, N. Holt Cowden, N. San Andres Cowden, South Cowden, S.E. Wolfcamp Donnelly Holt Donnelly N. Grayburg Donnelly San Andres	40°			$12.60	PHILLIPS - No. 1975-1-E, 9/1/75

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STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Sour: (con't.) Double N. Grayburg Foster Goldsmith Goldsmith Grayburg Goldsmith E. Glorieta Goldsmith E. Grayburg Goldsmith E. San Andres Goldsmith N. San Andres Consol. Goldsmith W. San Andres Harper Huat - Wolfcamp Janice San Andres Keystone San Andres Lawson San Andres Katz Glorieta Penwell Penwell Glorieta Sealy-Smith, Penn Slator San Andres TXL San Andres Vem Grayburg WBD San Andres	40°			$12.60	PHILLIPS - No. 1975-1-E, 9/1/75
-West Central Texas	40°	$3.81	ARCO - No. 14 5/3/73	$13.10	PERMIAN - 9/30/75
-West Central Intermediate:	40°			$12.95	CONOCO - No. 1975-9 9/75

STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Central Texas: Brown County, Callahan County, Clay County, Cooke County, Fisher County, Haskell County, Jack County, King County, Knox County, Montague County, Nolan County, Shackelford County, Stephens County, Stonewall County, Throckmorton County, Wise County	40°	$3.81	AMOCO - [illegible] B-4 4/14/73		
Callahan County, Cooke County, Fisher County, Haskell County, Jones County, King County, Runnels County, Shackelford County	40°	$3.81	EXXON - No. 2 5/1/73	$12.95	EXXON - Supplement to Bulletin No. 4, 9/30/75
-West Texas Sweet	40°	$3.93	ARCO - No. 14 5/3/73	$12.95	[illegible]BIL - Supplement [illegible]. 19 to Bulletin [illegible]. 135, 9/30/75

STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Texas Sweet: Andrews County (Bakke (Ellenburger), Bakke (Devonian), Bakke (Pennsylvanian), Lowe (Ellenburger), Lowe (Silurian)) Midland County (Braun (Penn), Parks (Ellenburger), Parks (Pennsylvanian)) Midland & Upton Counties (Davis (Ellenburger), Pegasus (Devonian), Pegasus (Ellenburger), Pegasus (Pennsylvanian))	40°	$3.93	MOBIL - No. 138 4/[illegible]7/73		
-West Texas Sweet: Ratliff (Ellenburger) Dora Roberts (Ellenburger) Virey (Ellenburger) War San (Ellenburger)	40°	$3.93	CITGO - No. 62 4/11/73		
-West Central Texas Segregated Intermediate Sweet: Carol Ann (Tannehill, Lower) Davan (Strawn) Flat Top, South (Strawn) Flat Top, South (Swastika)	40°	$3.81	SHELL - No. 53 4/23/73		

STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
TEXAS (Con't.)					
-West Central Texas Segregated Intermediate Sweet: (con't.) Flowers (Canyon) Frankirk (Canyon) Frankirk (Canyon Reef) Frankirk (Ellenburger) Frankirk (4900' Canyon) Frankirk, East (Caddo) Frankirk, East (Canyon) Frankirk, East (Ellenburger) Frankirk, East (Palo Pinto) Frankirk, East (Strawn) Frankirk, North (Canyon Reef) Frankirk, Northeast (Canyon) Frankirk, South (Canyon Reef) Guest (Canyon) Guest (Tannehill) Hamlin (Swastika) Hamlin, East Hamlin, North (Swastika) Judy Gail (Canyon) Judy Gail (Swastika) Mengel (Canyon) Mengel, East (Canyon)	40°	$3.81	SHELL - No. 53 4/23/73		
-West Central Texas Segregated Intermediate Sweet: (con't.) Pardue (Canyon) Pardue (Ellenburger) Pardue (Flippen) Pardue (Swastika) Riddle (Swastika) Tompkins (Caddo) Tompkins (Ellenburger) Tompkins (Strawn) Tompkins (4900' Canyon) Tompkins, East (Strawn)	40°	$3.81	SHELL - [illegible]. 53 4/23/73		
UTAH					
-Lisbon(McCracken)	40°	3.375	UNION 76, No 29 5/10/73	12.215	UNION 76 Supplement No. 8 to Bulletin No. 31, 9/30/75
-Lisbon(Mississippi)	Flat				UNION 76, Supplement No. 8 to Bulletin No. 31, 9/30/75
-Aneth	Flat	$3.56	SHELL - No. 53 4/23/73		
-Aneth Ismay White Mesa	40°	$3.55	UNION-76 - No. 29 5/10/73	$12.39	UNION-76 - Supplement No. 8 to Bulletin No. 31, 9/30/75
-Four Corners Area	Flat	$3.56	SHELL - No. 53 4/23/73	$12.39	SHELL - Supplement to Bulletin No. 58 9/29/75
-San Juan County	40°	$3.55	SOCAL - No. A-11, 5/4/73		
WYOMING					
-Dallas Derby Rattlesnake	40°	$3.76	UNION-76 - No. 29, 5/10/73	$12.47	UNION-76 - Supplement No. 8 to Bulletin No. 31, 9/30/75

STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
WYOMING (Con't.)					
(con't.) South Casper Creek South Manderson Worland (Ember) Worland (Tensleep)	40°	$3.76	UNION-76 - No. 29 5/10/73	$12.47	UNION-76 - Supplement No. 8 to Bulletin No. 31, 9/30/75
-Dead Horse Creek Hilight Kitty West Poison Spider Worland (Frontier)	40°	$3.83	UNION-76 - No. 29 5/10/73	$[illegible]	UNION-76 - Supplement No. 8 to Bulletin No. 31, 9/30/75
-Elk Basin (Heavy)	40°	$3.80	EXXON - No. 2 5/1/73	$12.87	MARATHON - No. A-13 9/30/75
-Pine Bluffs	40°	$3.73	UNION-76 - No. 29 5/10/73	13.00	UNION-76-Supp #8 to Bulletin #31, 9/30/75
-Sour	40°	$3.76	AMOCO - No. A-3 4/1/73	$12.87	CONOCO - No. 1975-9 9/1/75
-Asphalt Sour	40°			$12.87	MARATHON - No. A-13 9/30/75
-Sour: Bonanza Elk Basin Gebo (Ember) Meadow Creek South Elk Basin West Sussex	40°	$3.85	CONOCO - No. 1973-4 4/11/73		
Circle Ridge Frannie Gebo (Tensleep) Maverick Springs Winkleman Dome	29°	$3.44	CONOCO - No. 1973-4 4/11/73		

STATE-AREA/FIELDS	BASE(1) GRAVITY	MAY 15, 1973 PRICE	MAY 15, 1973 REFERENCE	SEPTEMBER 30, 1975 PRICE	SEPTEMBER 30, 1975 REFERENCE
WYOMING (Con't.)					
-Heavy, Big Horn County	40°				
-Heavy: Big Horn County (Garland)	29°	$3.44	MOBIL - [illegible] 4/27/73		
-Southwestern	40°			$13.00	PERMIAN - 9/30/75
-Sweet	40°	$3.83	AMOCO - [illegible] A-3 4/1/73	$13.00	CONOCO - No. 1975-9 9/1/75; MARATHON - No. A-13 9/30/75
-Sweet: Converse County (Cole Creek South) Laramie County (Horse Creek) Natrona County (Cole Creek)	40°	$3.83	MOBIL - No. 138 4/27/73	13.00	[illegible]BIL-Supplement [illegible]. 19 to Bulletin [illegible]. 135, 9/30/75
-Sweet: Converse County Johnson County Niobrara County Park County	40°	$3.83	CONOCO - No. 1973-4 4/11/73		
Powder River Basin	40°			$13.50	PERMIAN - 9/30/75

(1) Base gravities are normally stated at 40°API; however, there is normally a 2¢ per degree price differential resulting in a price decrease as the base gravity decreases.
(2) Prices and references are shown for fields for which sufficient price documentation could be obtained.

[FR Doc.77-18981 Filed 6-30-77;8:45 am]

federal register

WEDNESDAY, JULY 6, 1977

PART VI

INTERSTATE COMMERCE COMMISSION

RAILROAD COMPANIES

System Diagram Maps

V 42 I 129 JUL 6 77 UMI

INTERSTATE COMMERCE COMMISSION

Commission its color-coded system diagram map in docket No. AB32 (SDM). The maps reproduced here in black and state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency.

INTERSTATE COMMERCE COMMISSION

[AB 32 (SDM)]

BOSTON & MAINE CORP., DEBTOR

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Boston and Maine Corporation, Debtor, has filed with the Commission its color-coded system diagram map in docket No. AB32 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on June 24, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 32 (SDM).

H. G. HOMME, JR.,
Acting Secretary.

BOSTON AND MAINE CORPORATION, DEBTOR
SYSTEM DIAGRAM MAP

SCALE OF MILES 0 15 30

OFFICE OF VICE PRES-ENG MARCH 1977

LINES OF BOSTON AND MAINE CORPORATION, DEBTOR
Identified in Abandonment Applications to the Interstate Commerce Commission (I.C.C) by symbol: AB-32

This system diagram map is published pursuant to I.C.C. regulations: 49 C.F.R. 1121-Abandonment of railroad lines and discontinuance of service.

LEGEND

TRACKAGE RIGHTS TO B&M FROM
CV CENTRAL VT. RWY
CR CONRAIL
MC ME. CEN. RR

ABANDONMENT/DISCONTINUANCE EXPECTED WITHIN 3 YEARS
ABANDONMENT/DISCONTINUANCE UNDER STUDY
NOT APPLICABLE (ABANDONMENT/DISCONTINUANCE PENDING
NOT APPLICABLE (OPERATED UNDER RAIL SERVICE CONTINUANCE PROVISION
OTHER LINES OPERATED
1234 SMSA WITH AREA CODE NUMBER

THE SYSTEM DIAGRAM MAP IS SEGMENTED AS FOLLOWS:

1	2	3
4	5	6

Segmented System Diagram Map certified to be a true copy of the original document

J. J. Nee
Vice President & General Counsel, Boston and Maine Corporation, Debtor

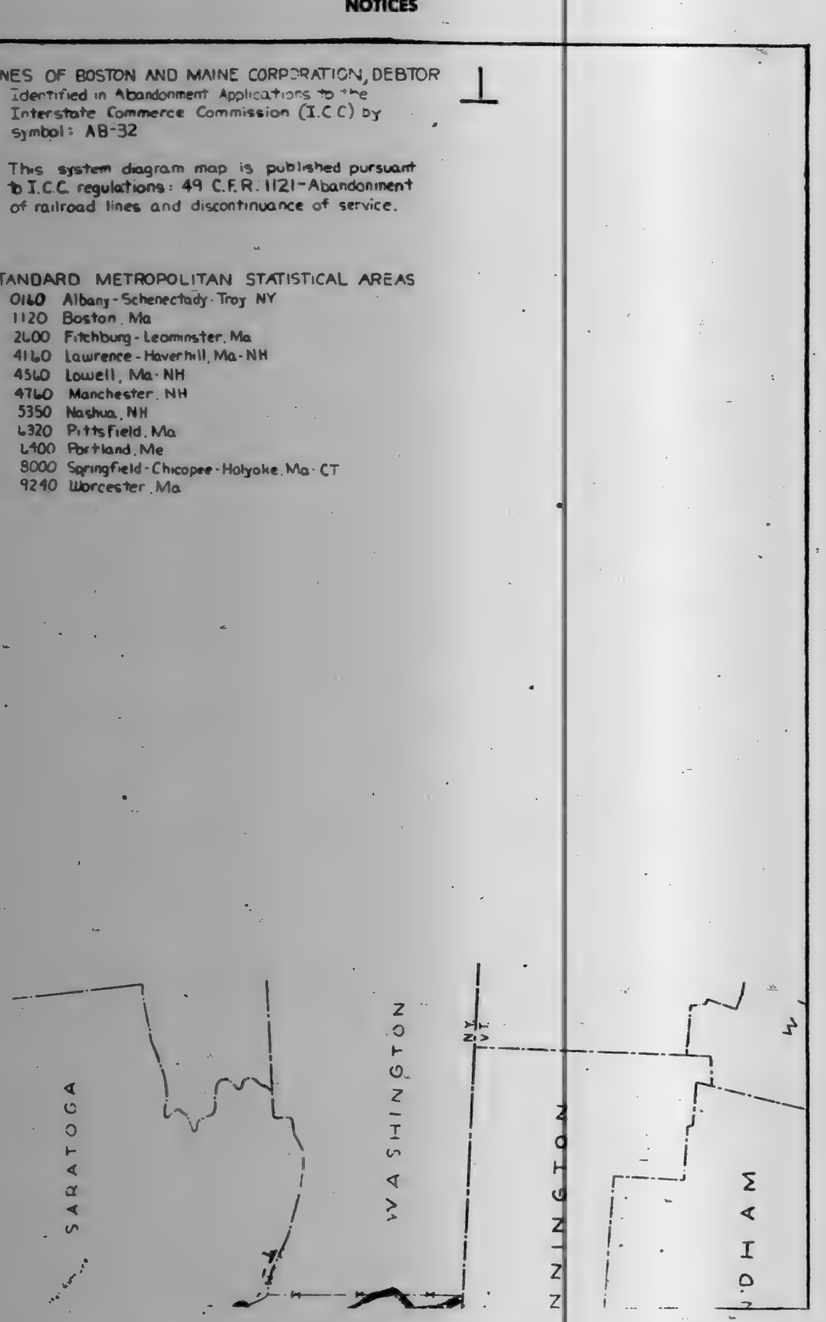
V 42 I 129 JUL 6 77 UMI

LINES OF BOSTON AND MAINE CORPORATION, DEBTOR
Identified in Abandonment Applications to the Interstate Commerce Commission (I.C.C.) by symbol: AB-32

1

This system diagram map is published pursuant to I.C.C. regulations: 49 C.F.R. 1121-Abandonment of railroad lines and discontinuance of service.

STANDARD METROPOLITAN STATISTICAL AREAS
0160 Albany-Schenectady-Troy NY
1120 Boston, Ma
2600 Fitchburg-Leominster, Ma
4160 Lawrence-Haverhill, Ma-NH
4560 Lowell, Ma-NH
4760 Manchester, NH
5350 Nashua, NH
6320 Pittsfield, Ma
6400 Portland, Me
8000 Springfield-Chicopee-Holyoke, Ma-CT
9240 Worcester, Ma



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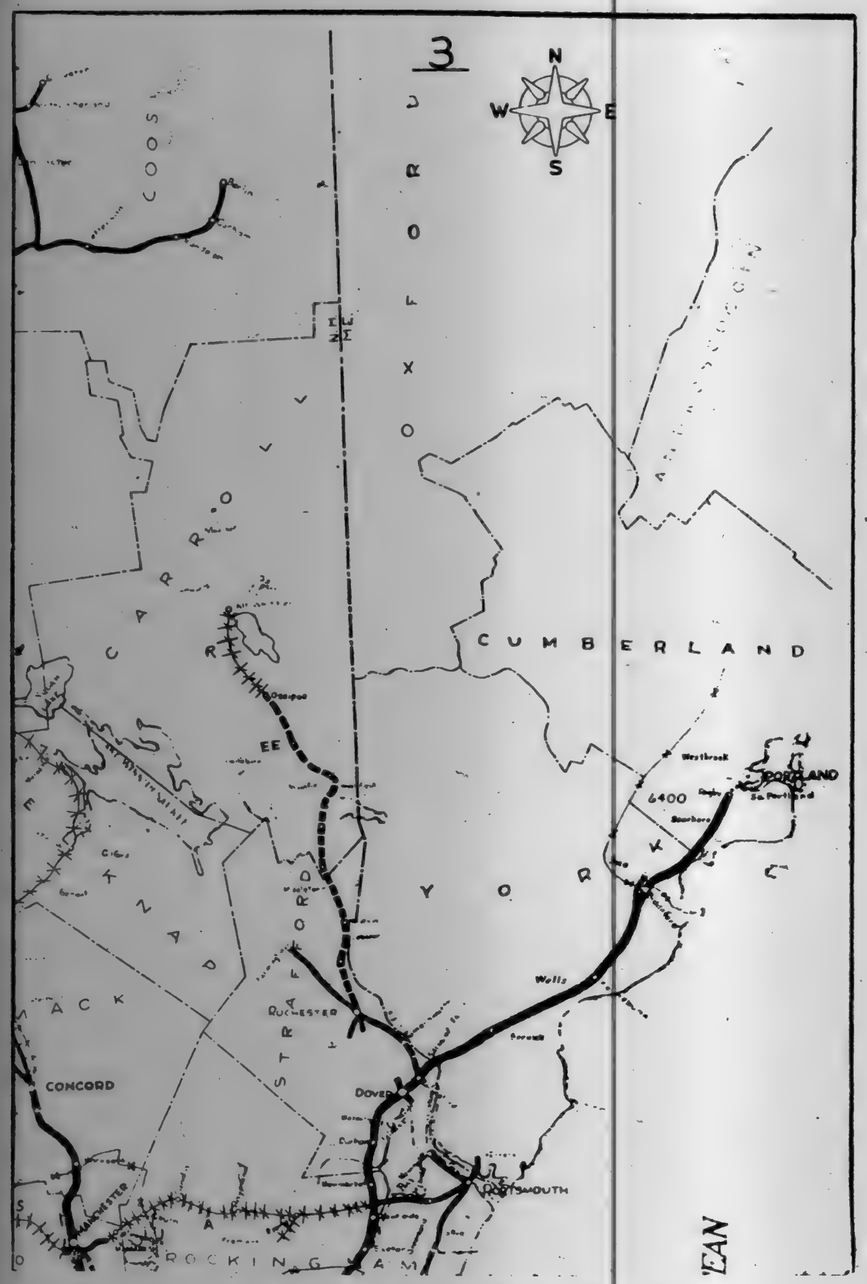
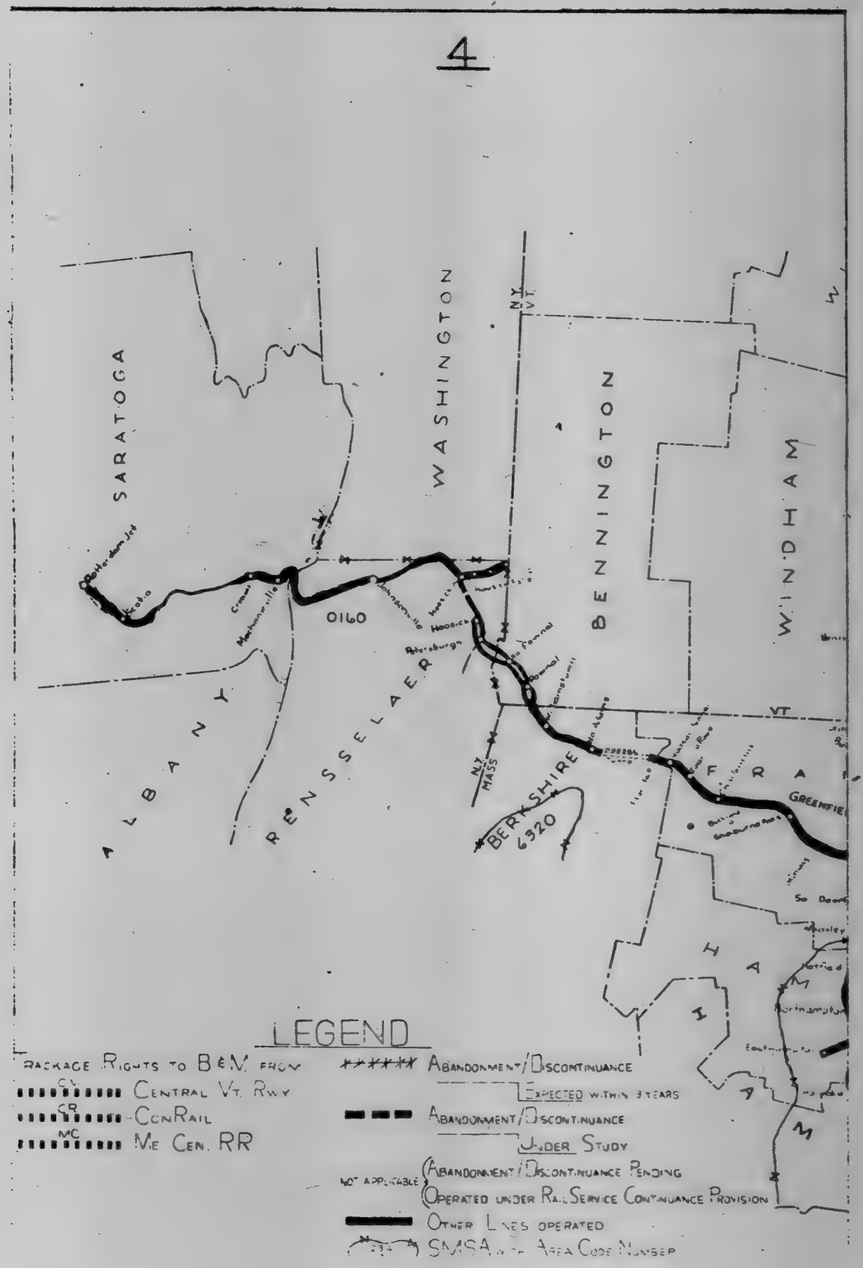
V42I129 JUL 6 77 UMI





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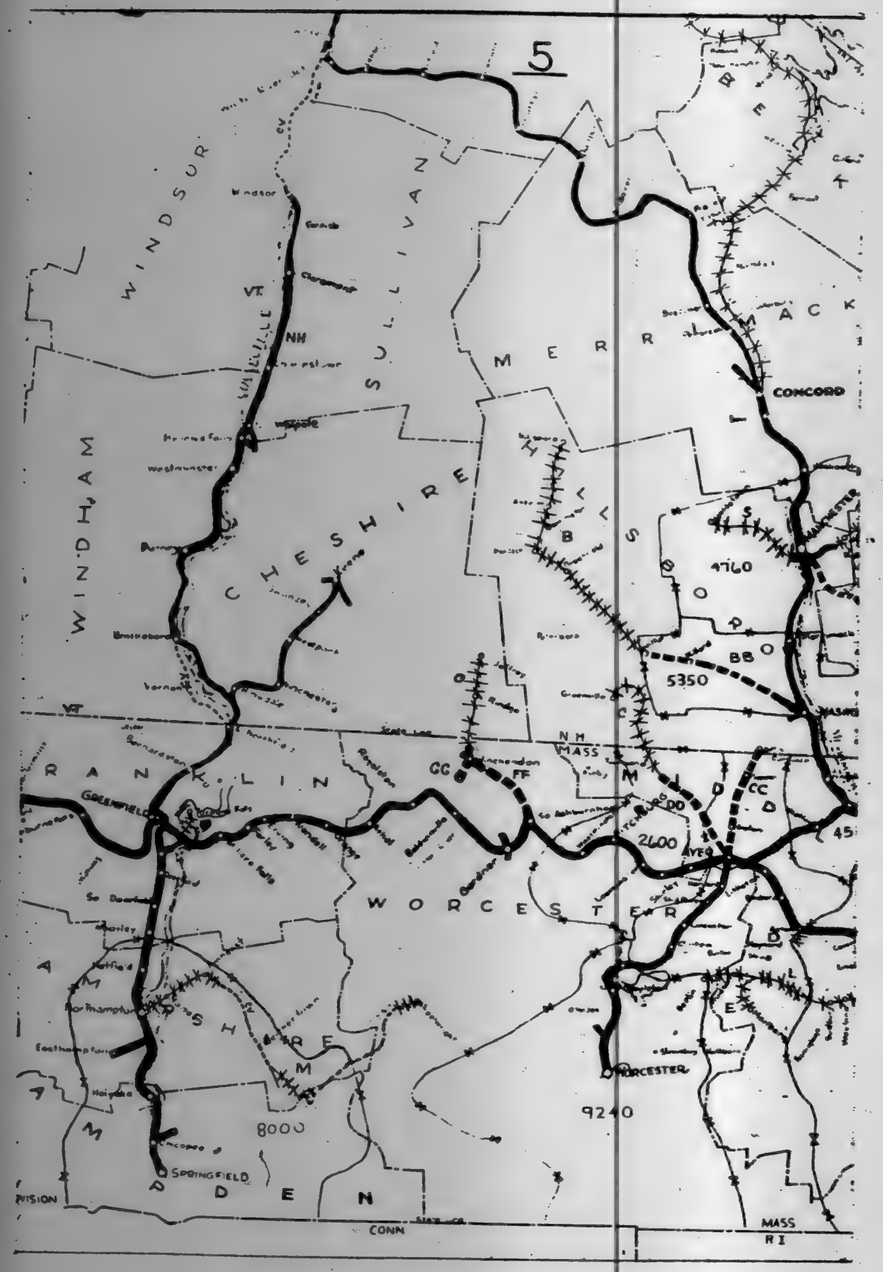

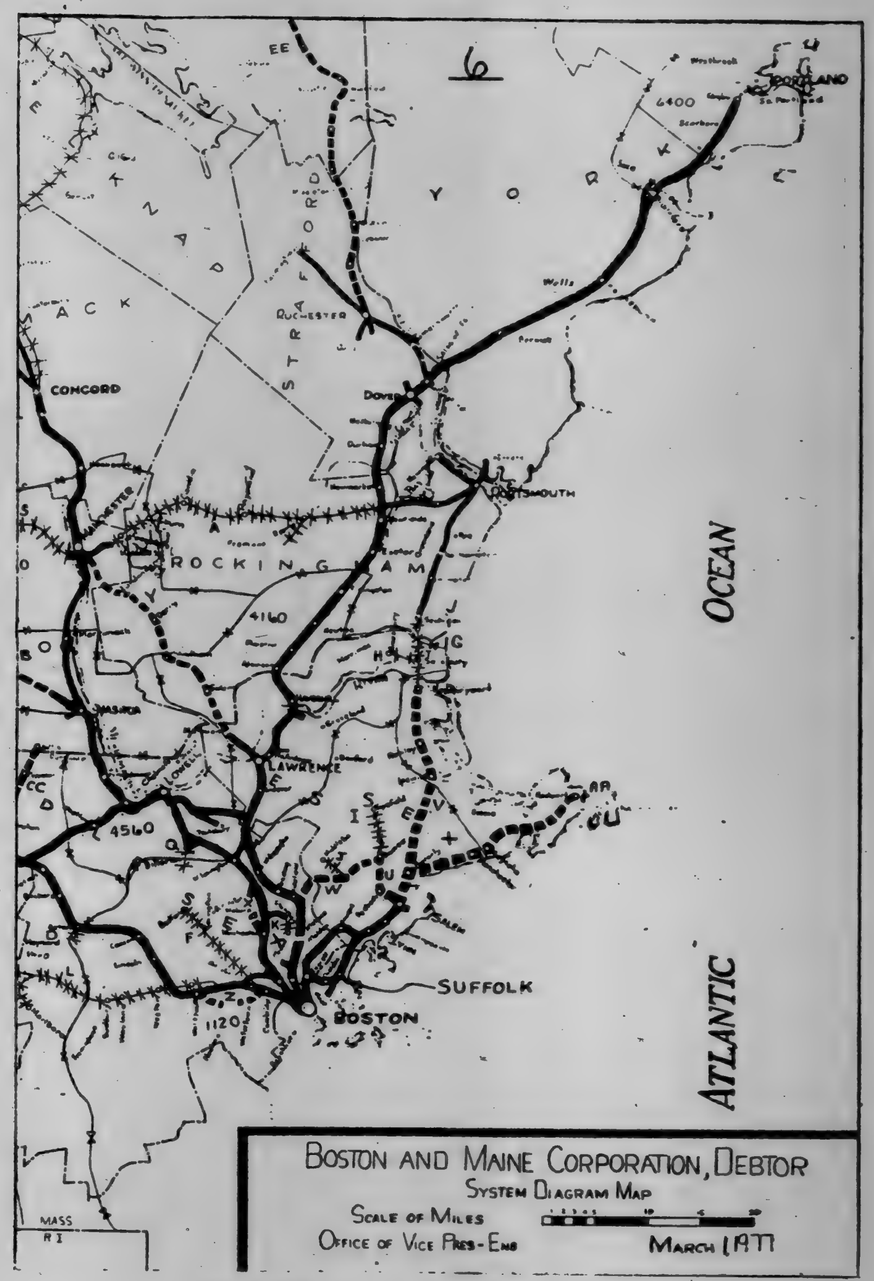

BOSTON AND MAINE CORPORATION, DEBTOR
SYSTEM DIAGRAM MAP
SCALE OF MILES
OFFICE OF VICE PRES-ENG
MARCH 1977

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UMI

SYSTEM LINES OF BOSTON AND MAINE CORPORATION, DEBTOR (B&M)

DESCRIPTIONS OF LINES IN CATEGORIES (1) AND (2)
TO ACCOMPANY B&M'S SYSTEM DIAGRAM MAP

49 C.F.R. Part 1121.21

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years following filing of system diagram map with Interstate Commerce Commission.

MASSACHUSETTS

MAP CODE (D)

(a) South Acton to Maynard (2.71 mile segment of Maynard Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 25.0 to B 27.71.
(e) No agency station on segment. Segment served by mobile agent based at West Concord.

MAP CODE (E)

(a) Gleason Jct. to Marlboro (4.74 mile segment of Marlboro Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 32.75 to B 37.49.
(e) No agency station on segment. Segment served by mobile agent based at West Concord.

MAP CODE (F)

(a) Lexington Branch; West Cambridge to Bedford (10.98 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 4.28 to B 15.26.
(e) No agency station is located on this line. Line is served by mobile agent based at West Concord.

MAP CODE (H)

(a) Amesbury Branch; Salisbury to Amesbury (2.79 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: S 1.00 to S 3.79.
(e) No agency station is located on this line. Line is served by agency station at Portsmouth, N.H.

MAP CODE (I)

(a) Danvers to Topsfield (5.43 mile segment of Newburyport Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: B 18.89 to B 24.32.
(e) No agency station is located on segment. Segment served by mobile agent based at Lawrence.

MAP CODE (J)

(a) West Peabody to South Middleton (3.59 mile segment of Salem Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: P 3.34 to P 6.93.
(e) No agency station located on segment. Segment served by mobile agent based at Lawrence.

MAP CODE (K)

(a) Maple Street, Stoneham to end of Branch (1.49 mile segment of Stoneham Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: M 0.85 to M 2.34.
(e) No agency station located on segment. Segment served by mobile agent based at Winchester.

MAP CODE (L)

(a) Central Mass. Branch; Clematis Brook, Waltham to Berlin (23.52 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located within Counties of Middlesex and Worcester.
(d) Mileposts: B 8.66 to B 32.18.
(e) No agency station located on line. Line is served by mobile agent based at West Concord.

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MAP CODE (M)

(a) Wheelwright Branch; Northampton to Hardwick (20.6 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located within Counties of Hampshire, Hampden and Worcester.
(d) Mileposts: B 65.53 to B 68.32; B 74.01 to B 75.41; B 79.02 to B 85.83; B 94.15 to B 103.75.
(e) No agency station located on line. Line is served by agency station at Holyoke.

MAP CODE (P)

(a) Turners Falls Branch; East Deerfield to Turners Falls (3.09 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Franklin County.
(d) Mileposts: 0.11 to 3.20.
(e) No agency station located on line. Line served by agency station at East Deerfield.

MAP CODE (Q)

(a) North Billerica to Billerica (2.81 mile segment of Bedford and Billerica Branch.
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 5.19 to B 8.00.
(e) No agency station located on segment. Segment served by mobile agent based at Billerica Shops, Billerica.

NEW HAMPSHIRE

MAP CODE (A)

(a) East Manchester to Newfields and Epping to Fremont (27.2 mile segment of Portsmouth Branch and 3.5 miles of entire Fremont Branch.
(b) Located wholly within State of New Hampshire.
(c) Located within Counties of Rockingham and Hillsboro.
(d) Mileposts: M 2.80 to M 30.0 (Portsmouth Branch Segment); W 69.7 to W 73.2 (entire Fremont Branch).
(e) No agency station located on segment or line. Segment and line served by agency stations at Manchester and Concord.

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MAP CODE (B)

(a) Wilton to Hillsboro (26.18 mile segment of Hillsboro Branch).
(b) Located wholly within State of New Hampshire.
(c) Located wholly within Hillsboro County.
(d) Mileposts: N 17.00 to N 32.36; W 59.32 to W 70.14.
(e) No agency station located on this segment. Segment served by agency station at Nashua (Milepost N 0.00).

MAP CODE (N)

(a) Blackmount Branch; Woodsville to Blackmount (4.11 miles).
(b) Located wholly within State of New Hampshire.
(c) Located wholly within Grafton County.
(d) Mileposts: C 88.57 to C 92.68.
(e) No agency station located on line. Line served by agency station at White River Jct., Vt.

MAP CODE (R)

(a) Ossipee to Mt. Whittier (12.75 mile segment of Conway Branch).
(b) Located wholly within State of New Hampshire.
(c) Located wholly within Carroll County.
(d) Mileposts: B 109.0 to B 121.75.
(e) No agency station located on segment. Segment served by agency station at Dover.

MAP CODE (S)

(a) Goffstown Branch; Manchester to Goffstown (7.39 miles).
(b) Located wholly within State of New Hampshire.
(c) Located wholly within Hillsboro County.
(d) Mileposts: M 0.72 to M 8.11.
(e) No agency station located on line. Line served by agency station at Manchester.

MAP CODE (Z-Z)

(a) Concord to Lincoln Main Line and Franklin-Tilton Branch (71.78 miles Concord to Lincoln Main Line and 3.84 miles Franklin-Tilton Branch).
(b) Located wholly within State of New Hampshire.
(c) Located within Counties of Merrimack, Belknap and Grafton.
(d) Mileposts: C 1.17 to C 51.86 and P 0.55 to P 21.64 (Concord to Lincoln Main Line) and T 0.80 to T 4.64 (Franklin-Tilton Branch).
(e) No agency station located on these lines. Lines are served by agency station at Concord.

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-5-

MASSACHUSETTS AND NEW HAMPSHIRE

MAP CODE (C)

(a) West Townsend, Mass. to Greenville, N.H. (12.91 mile segment of Greenville Branch.
(b) Located within Commonwealth of Massachusetts and State of New Hampshire
(c) Located within Worcester County, Mass. and Hillsboro County, N. H.
(d) Mileposts: B 46.85 to B 59.76.
(e) No agency stations located on segment. Segment served by agency station at Ayer, Mass. (Milepost B 36.12).

MAP CODE (G)

(a) Newburyport, Mass. to Seabrook, N.H. (5.2 mile segment of Portland Main Line East Route).
(b) Located within Commonwealth of Massachusetts and State of New Hampshire.
(c) Located within Essex County, Mass. and Rockingham County, N.H.
(d) Mileposts: B 37.50 to B 42.70.
(e) No agency station located on segment. Segment served by mobile agent based at Lawrence, Mass. and agency station at Portsmouth, N.H. (Milepost B56.76).

MAP CODE (O)

(a) Winchendon, Mass. to Jaffrey, N.H. (8.99 mile segment of Peterboro Branch).
(b) Located within Commonwealth of Massachusetts and State of New Hampshire.
(c) Located within Worcester County, Mass. and Cheshire County, N.H.
(d) Mileposts: W 37.54 to W 46.53.
(e) No agency station located on segment. Segment served by agency station at Gardner, Mass.

-6-

CATEGORY (2)

All lines or portions of lines potentially subject to abandonment which the carrier has under study as a subject of future abandonment applications.

MASSACHUSETTS

MAP CODE (U)

(a) Danvers Branch; Salem to Danvers (4.87 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: B 16.58 to B 21.45.
(e) No agency station located on line. Line served by agency station at Salem and mobile agent based at Lawrence.

MAP CODE (V)

(a) Salem to Newburyport (20.84 mile segment of Portland Main Line East Route.
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: B 16.66 to B 37.50.
(e) No agency station located on segment. Segment served by agency station at Salem (Milepost B 15.63) and mobile agent based at Lawrence.

MAP CODE (W)

(a) Wakefield to Danvers (9.55 mile segment of Newburyport Branch).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located within Counties of Essex and Middlesex.
(d) Mileposts: B 9.34 to B 18.89.
(e) No agency station on segment. Segment served by mobile agent based at Lawrence.

MAP CODE (X)

(a) Woburn Loop: Winchester to Woburn (1.92 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: W 0.00 to W 1.92.
(e) No agency station on line. Line served by mobile agent based at Winchester.

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NEW HAMPSHIRE

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-7-

MAP CODE (Z)

(a) Watertown Branch; West Cambridge to Waltham (5.63 miles)
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 4.33 to B 7.76; B 8.75 to B 10.95.
(e) No agency station located on line. Line served by mobile agent based at Boston.

MAP CODE (A-A)

(a) Gloucester Branch; Beverly Jct. to Rockport (16.65 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Essex County.
(d) Mileposts: B 18.75 to B 35.40.
(e) No agency station located on line. Line served by agency station at Salem.

MAP CODE (DD)

(a) Ayer to West Townsend (10.73 mile segment of Greenville Branch
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Middlesex County.
(d) Mileposts: B 36.12 to B 46.85.
(e) No agency station located on segment. Segment served by agency station at Ayer (Milepost B 36.12).

MAP CODE (F-F)

(a) South Ashburnham to Winchendon (11.37 miles of Cheshire Branch
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Worcester County.
(d) Mileposts: B 59.46 to B 70-83.
(e) No agency station located on segment. Segment served by agency station at Gardner.

MAP CODE (G-G)

(a) Waterville Branch; Winchendon to Waterville (2.06 miles).
(b) Located wholly within Commonwealth of Massachusetts.
(c) Located wholly within Worcester County.
(d) Mileposts: 49.42 to 47.36.
(e) No agency station located on line. Line served by agency station at Gardner.

NEW HAMPSHIRE

MAP CODE (B-B)

(a) Nashua to Wilton (14.79 mile segment of Hillsboro Branch).
(b) Located wholly within State of New Hampshire.
(c) Located wholly within Hillsboro County.
(d) Mileposts: N 2.21 to N 17.00.
(e) No agency station on segment. Segment served by agency station at Nashua.

MASSACHUSETTS AND NEW HAMPSHIRE

MAP CODE (Y)

(a) Manchester and Lawrence Branch; Lawrence, Mass. to East Manchester, N.H. (23.12 miles).
(b) Located within Commonwealth of Massachusetts and State of New Hampshire.
(c) Located within Essex County, Mass. and Counties of Rockingham and Hillsboro, N.H.
(d) Mileposts: L 1.73 to L 24.85.
(e) No agency station on line. Line served by agency stations at Lawren Mass. and Manchester, N.H.

MAP CODE (CC)

(a) Hollis Branch; Ayer, Mass. to Hollis, N.H. (11.65 miles).
(b) Located within Commonwealth of Massachusetts and State of New Hampshire.
(c) Located within Middlesex County, Mass. and Hillsboro County, N.H
(d) Mileposts: W 28.12 to W 39.77.
(e) Line served by agency station at Ayer, Mass. (Milepost W 28.12).

NEW HAMPSHIRE AND MAINE

MAP CODE (E-E)

(a) Rochester to Ossipee, N.H. (28.74 mile segment of Conway Branch)
(b) Located within States of New Hampshire and Maine.
(c) Located within Counties of Strafford and Carroll, N.H. and York County, Me.
(d) Mileposts: B 80.26 to B 109.00.
(e) No agency station located on segment. Segment served by agency station at Dover, N.H.

[FR Doc.77-19110 Filed 7-5-77;8:45 am]

[AB 18 (SDM) 1]

THE CHESSIE SYSTEM

§ 1121.22, that the Chessie System, has filed with the Commission its color-coded

Color-coded copies of the map have been served on the Governor of each

V 42 I 129 JUL 6 77 UMI

[AB 18 (SDM) [1]]

THE CHESSIE SYSTEM

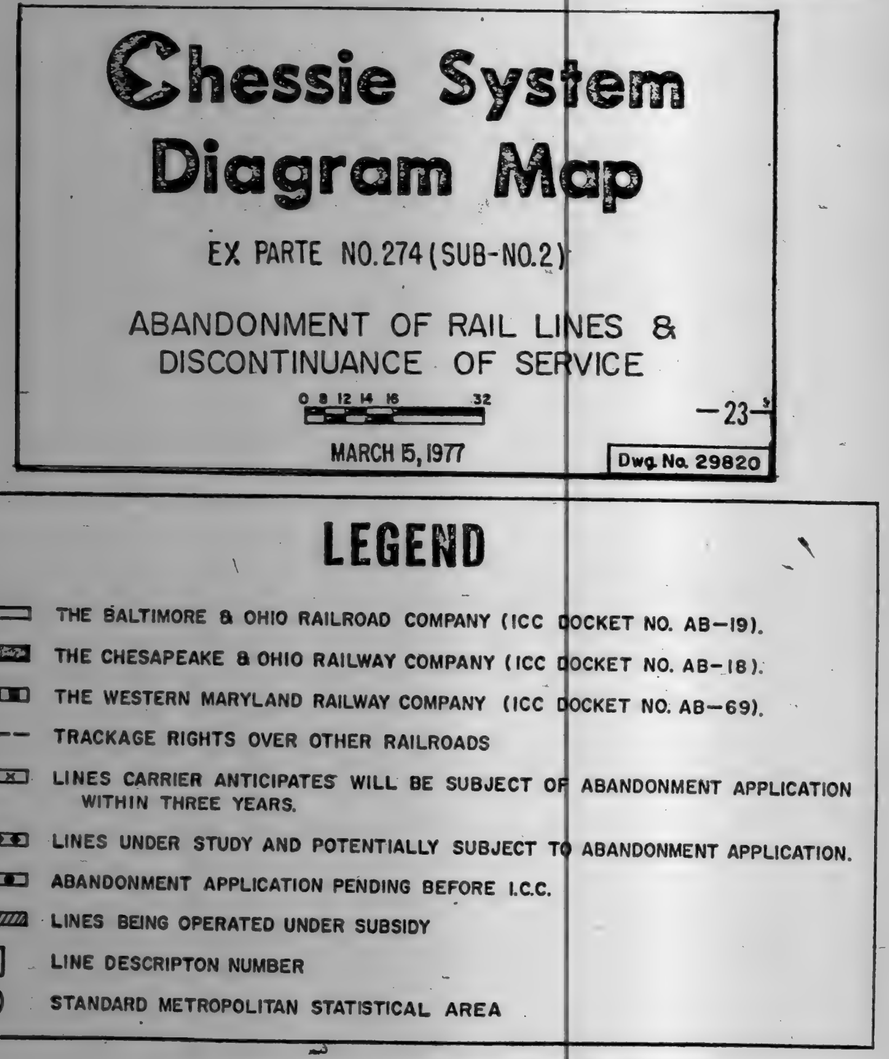
System Diagram Map

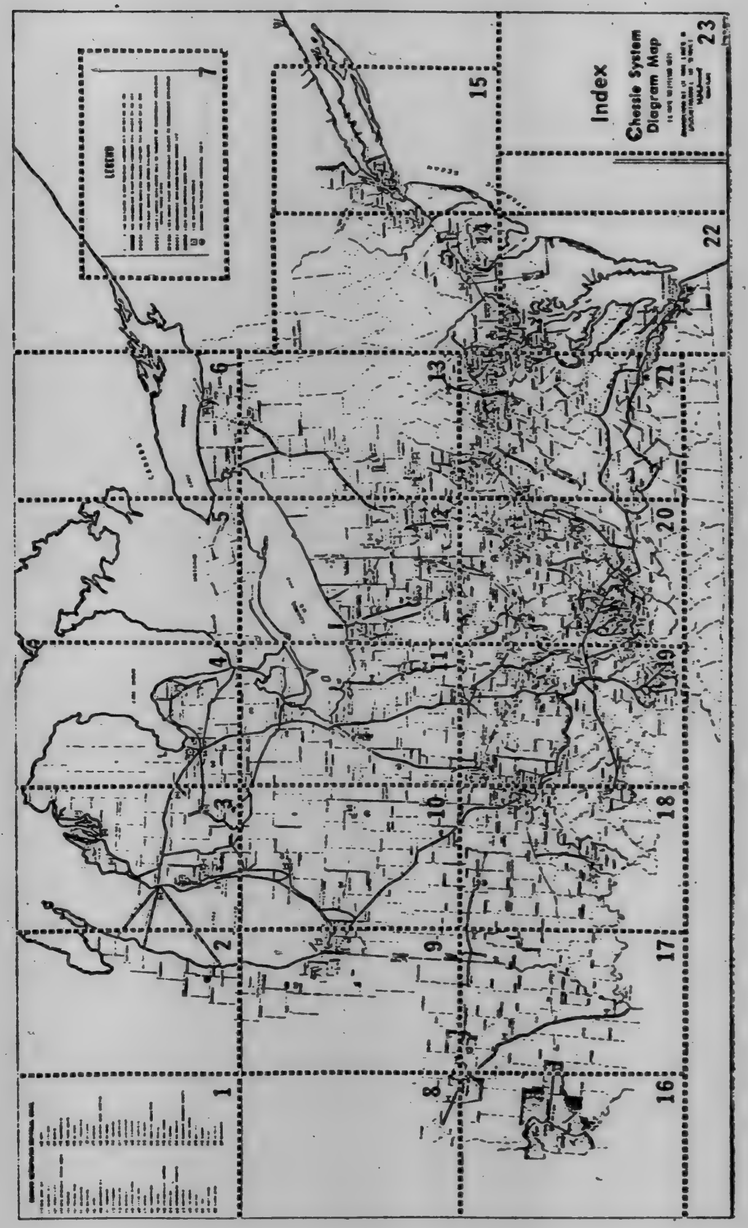
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Chessie System, has filed with the Commission its color-coded system diagram map in docket No. AB 18 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on June 8, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM).

H. G. HOMME, JR.,
Acting Secretary.

[1] AB 18 (SDM), The Chessie System includes AB 19 (SDM), The Baltimore and Ohio Railroad Company and AB 69 (SDM), The Western Maryland Railway Company.





V 42 I 129 JUL 6 77 UMI

STANDARD METROPOLITAN STATISTICAL AREAS

1. NEW YORK, N.Y
2. NEWARK, N.J.
3. JERSEY CITY
4. NEW BRUNSWICK-PERTH AMBOY
5. TRENTON
6. PHILADELPHIA
7. WILMINGTON
8. BALTIMORE
9. YORK
10. WASHINGTON, D.C.
11. JOHNSTON
12. PITTSBURGH
13. ROCHESTER
14. BUFFALO
15. LORAIN-ELYRIA
16. CLEVELAND
17. AKRON
18. YOUNGSTOWN
19. CANTON
20. STEUBENVILLE-WEIRTON
21. WHEELING
22. PARKERSBURG-MARIETTA
23. MANSFIELD
24. COLUMBUS
25. DAYTON
26. LIMA
27. FORT WAYNE
28. SOUTH BEND
29. GARY
30. CHICAGO
31. MUNCIE
32. INDIANAPOLIS
33. TERRE HAUTE
34. DECATUR
35. SPRINGFIELD
36. ST. LOUIS
37. NORFOLK
38. NEWPORT NEWS-HAMPTON
39. RICHMOND
40. LYNCHBURG
41. CHARLESTON
42. HUNTINGTON
43. LEXINGTON
44. LOUISVILLE
45. CINCINNATI
46. HAMILTON-MIDDLETOWN
47. TOLEDO
48. ANN ARBOR
49. LANSING
50. KALAMAZOO
51. MUSKEGON-MUSKEGON HEIGHTS
52. GRAND RAPIDS
53. BAY CITY
54. SAGINAW
55. FLINT
56. DETROIT
57. MILWAUKEE

-1-

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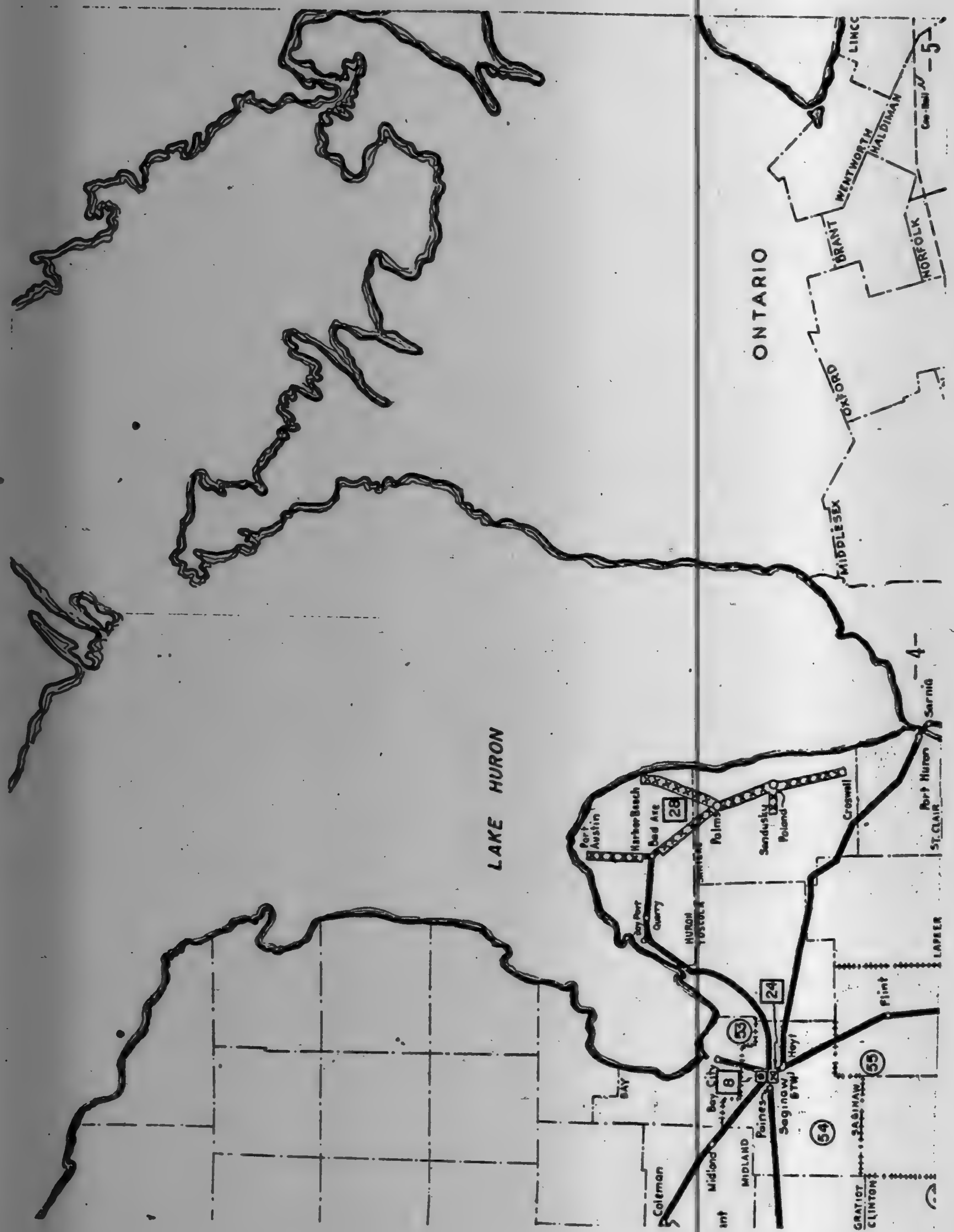

V 42 129 JUL 6 77 UMI

WISCONSIN
ILLINOIS
INDIANA
OHIO
Chicago
Michigan City
Indiana Harbor
Whiting
Griffith
East Chicago
Porter
La Porte
New Buffalo
Benton Harbor
St. Joseph
South Haven
Hartford
Paw Paw
Holland
Hamilton
La Crosse
South Bend
Auburn
Marion
Muncie
Greenville
Decatur
-9-
-10-
LAKE
COOK
DU PAGE
KANE
WILL
PORTER
LAPORTE
ST. JOSEPH
BERRIEN
ELKHART
LAGRANGE
STEUBEN
NOBLE
DE KALB
ALLEN
WELLS
ADAMS
WHITLEY
KOSCIUSKO
MARSHALL
FULTON
STARKE
PULASKI
MIAMI
CASS
GRANT
MADISON
HAMILTON
BOONE
MONTGOMERY
FOUNTAIN
VERMILLION
CHAMPAIGN
PIATT
DE WITT
MACON
DELAWARE
HENRY
RANDOLPH
DARKE
MERCER
PAULDING
VAN WERT
ALLEGAN
KALAMAZOO
VAN BUREN
CASS
BARRY
EATON
WILLIAMS

LAKE ERIE
CANADA
U.S.
MICHIGAN
OHIO
PENNSYLVANIA
WEST VIRGINIA
St. Thomas
Blenheim
Walkerville
Detroit
Pelton
ESSEX
LAMBTON
KENT
Lansing
Holly
Wixom
Plymouth
W. Detroit
Wayne
Romulus
Monroe
Presque Isle
Toledo
Walbridge
Bowling Green
Fostoria
Tiffin
Willard
Sandusky
Lorain
Lester
Medina
Cleveland
Fairport
Newton Falls
Youngstown
Girard
New Castle
Pittsburgh
Wheeling
Bridgeport
Holloway
Freeport
Dover
Mansfield
Shelby
Mt. Vernon
Newark
Delaware
Upper Sandusky
Carey
Lima
Wapakoneta
Piqua
Troy
Defiance
Deshler
Wooster
Warwick
Rittman
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LUCAS
WOOD
OTTAWA
SANDUSKY
SENECA
HANCOCK
HARDIN
ALLEN
AUGLAIZE
SHELBY
LOGAN
UNION
CHAMPAIGN
DELAWARE
FRANKLIN
MARION
CRAWFORD
WYANDOT
MORROW
RICHLAND
ASHLAND
WAYNE
HOLMES
KNOX
LICKING
COSHOCTON
MUSKINGUM
TUSCARAWAS
GUERNSEY
HARRISON
CARROLL
JEFFERSON
COLUMBIANA
MAHONING
STARK
SUMMIT
PORTAGE
TRUMBULL
ASHTABULA
GEAUGA
CUYAHOGA
LAKE
MEDINA
LORAIN
ERIE
HURON
HENRY
DEFIANCE
PUTNAM
FULTON
WASHTENAW
MONROE
WAYNE
OAKLAND
MACOMB
LIVINGSTON
GENESEE
INGHAM
MERCER
VENANGO
BUTLER
LAWRENCE
BEAVER
ALLEGHENY
WASHINGTON

-15-
OCEAN
ATLANTIC
RICHMOND
KINGS
QUEENS
NEW YORK
SUFFOLK
NASSAU
BERGEN
ESSEX
UNION
HUDSON
MIDDLESEX
MONMOUTH
OCEAN
-16-
ILLINOIS
MISSOURI
ST. LOUIS
ST. CHARLES
JEFFERSON
FRANKLIN
WASHINGTON
CRAWFORD
MONROE
ST. CLAIR
CLINTON
Clear Spr. Jct.
Clear Spr. Jct.
Rotary Depot
Rotary Depot
Sangamon Jct.
Sangamon Jct.
Lake Shore Jct.
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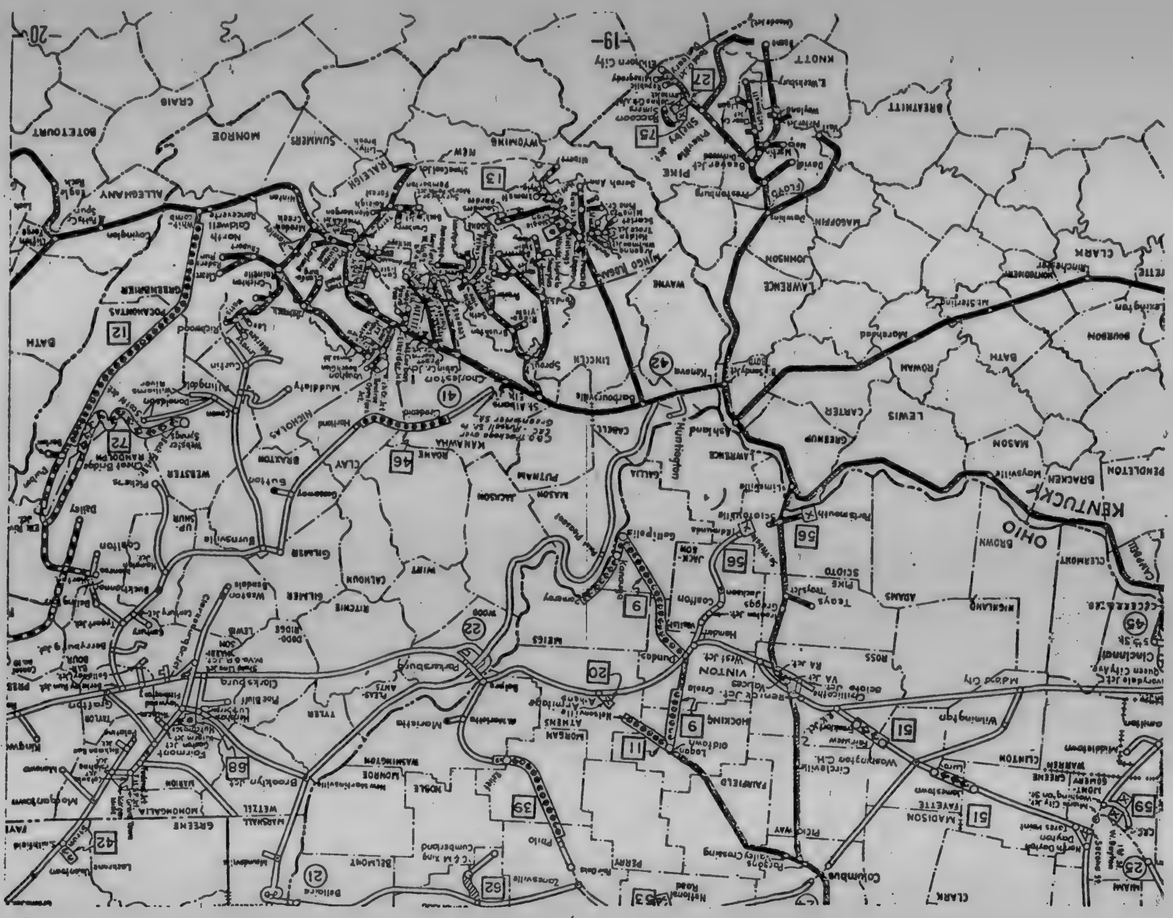
Lake Shore


-19-
KENTUCKY
OHIO
INDIANA
Indianapolis
Columbus
Cincinnati
Richmond
Madison
Vincennes
Seymour
Greensburg
Shelbyville
Franklin
Connersville
Rushville
Batesville
Aurora
Lawrenceburg
Versailles
Brookville
Hamilton
Middletown
Oxford
Lebanon
Wilmington
Xenia
Springfield
Troy
Piqua
Sidney
Bellefontaine
Urbana
Marion
Delaware
Mansfield
Zanesville
Chillicothe
Portsmouth
Ashland
Wooster
Coshocton
Cambridge
Steubenville
Wheeling
Parkersburg
Huntington
Ashland
Ironton
Gallipolis
Point Pleasant
Charleston
Beckley
Bluefield
Princeton
Logan
Williamson
Pikeville
Hazard
Whitesburg
Jackson
Morehead
Maysville
Paris
Lexington
Frankfort
Georgetown
Nicholasville
Harrodsburg
Danville
Somerset
London
Corbin
Barbourville
Middlesboro
Pineville
Harlan
Hopkinsville
Madisonville
Henderson
Owensboro
Evansville
Princeton
Vincennes
Washington
Jasper
Huntingburg
Tell City
Boonville
Rockport
Mount Vernon
New Harmony
Terre Haute
Vincennes
Lawrenceville
Olney
Mount Carmel
Fairfield
Centralia
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Carbondale
Harrisburg
Marion
Herrin
Du Quoin
Pinckneyville
Sparta
Chester
Cairo
Metropolis
Paducah
Mayfield
Murray
Benton
Eddyville
Princeton
Madisonville
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Clarksville
Bowling Green
Glasgow
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Jeffersonville
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Shelbyville
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Crawfordsville
Rockville
Terre Haute
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INDIANA
Indianapolis
Columbus
Richmond
Madison
Vincennes
Seymour
Greensburg
Shelbyville
Franklin
Connersville
Rushville
Batesville
Aurora
Lawrenceburg
Versailles
Brookville
Hamilton
Middletown
Oxford
Lebanon
Wilmington
Xenia
Springfield
Troy
Piqua
Sidney
Bellefontaine
Urbana
Marion
Delaware
Mansfield
Zanesville
Chillicothe
Portsmouth
Ashland
Wooster
Coshocton
Cambridge
Steubenville
Wheeling
Parkersburg
Huntington
Ashland
Ironton
Gallipolis
Point Pleasant
Charleston
Beckley
Bluefield
Princeton
Logan
Williamson
Pikeville
Hazard
Whitesburg
Jackson
Morehead
Maysville
Paris
Lexington
Frankfort
Georgetown
Nicholasville
Harrodsburg
Danville
Somerset
London
Corbin
Barbourville
Middlesboro
Pineville
Harlan
Hopkinsville
Madisonville
Henderson
Owensboro
Evansville
Princeton
Vincennes
Washington
Jasper
Huntingburg
Tell City
Boonville
Rockport
Mount Vernon
New Harmony
Terre Haute
Vincennes
Lawrenceville
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Madisonville
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Columbus
Shelbyville
Greenfield
Anderson
Muncie
Marion
Kokomo
Peru
Logansport
Lafayette
Crawfordsville
Rockville
Terre Haute
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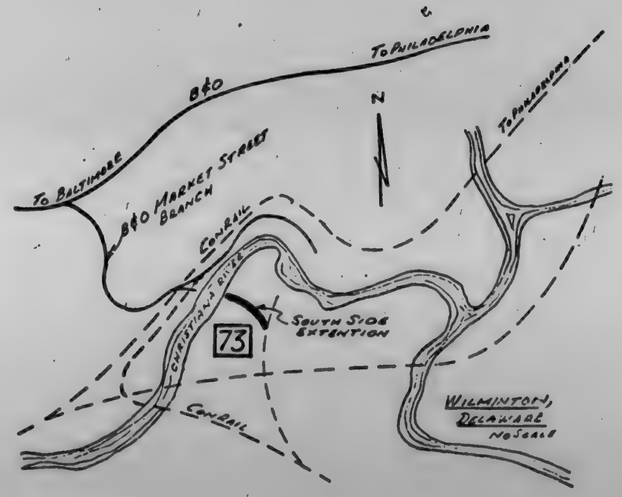
CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

Map Code	DELAWARE
73	(a) South Side Extension
	(b) Located in State of Delaware.
	(c) Located in New Castle County.
	(d) Station 0+00 to Station 21+17 near Wilmington, a distance of 0.40 mile.
	(e) No Agency Stations located on the line.



Map Code | INDIANA

19 (a) Wabash Subdivision

(b) Located in State of Indiana.

(c) Located in Starke, Porter, and Lake Counties.

(d) Milepost 222.01 near LaCrosse to Milepost 260.0 at HY Tower.

(e) Agent located at Griffith (Milepost 253.8).

Map Code | KENTUCKY

22 (a) Preston Street Yard

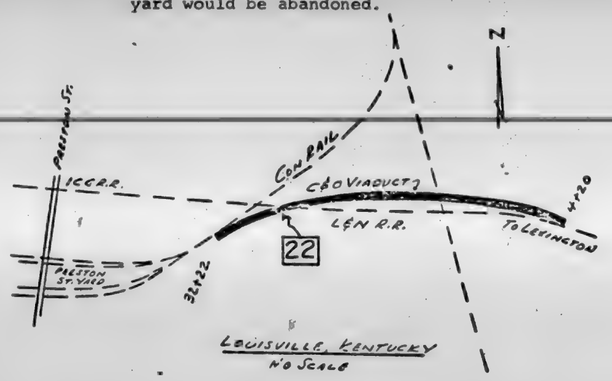
(b) Located in Commonwealth of Kentucky.

(c) Located in Jefferson County.

(d) Station 4+20 to Station 32+22 in Louisville, a distance of 0.53 mile.

(e) Agency Station at Louisville would not be included in abandonment.

(f) Comments: Proposal calls for C&O to abandon operations at ConRail's Preston Street Yard and operate into K&IT's Youngtown Yard. C&O's viaduct track leading into yard would be abandoned.



Map Code | KENTUCKY (Continued)

27 (a) Levisa Fork Subdivision

(b) Located in Commonwealth of Kentucky.

(c) Located in Pike County.

(d) Milepost 0.0 at Levisa Junction to Milepost 1.48 at Johns Creek Junction.

(e) No Agency Stations on the line.

Map Code | KENTUCKY (Continued)

75 (a) Coon Creek Subdivision

(b) Located in Commonwealth of Kentucky.

(c) Located in Pike County.

(d) Milepost 0.0 at Johns Creek Junction to Milepost 9.0 at Raccoon.

(e) No Agency Stations on the line.

Map Code | MARYLAND

70

(a) East Subdivision

(b) Located in State of Maryland and Commonwealth of Pennsylvania.

(c) Located in Carroll and Frederick Counties, Md. and Adams County in Commonwealth of Pennsylvania.

(d) Milepost 23.94 near Cedarhurst, Md. to Milepost 69.14 at Highfield, Pa.

(e) Agent located at Union Bridge (Milepost 45.40).

(f) Comments: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (Milepost 49.10) and Westminster (Milepost 32.20).

Map Code | MICHIGAN

23

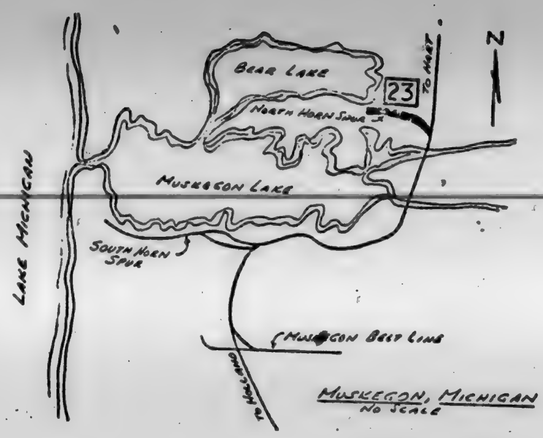
(a) North Horn Spur

(b) Located in State of Michigan.

(c) Located in Muskegon County

(d) Station 0+00 to Station 55+71 at Muskegon, a distance of 1.06 miles.

(e) No Agency Stations on the line.



Map Code | MICHIGAN (Continued)

24

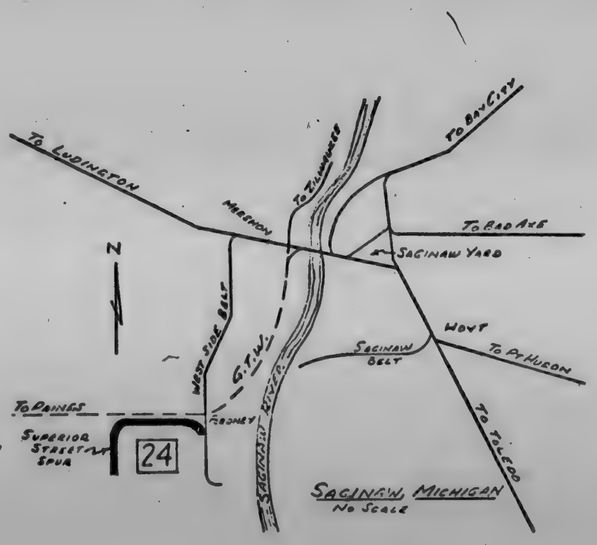
(a) Superior Street Spur

(b) Located in State of Michigan.

(c) Located in Saginaw County.

(d) Station 15+00 to Station 68+68 at Saginaw, a distance of 1.02 miles.

(e) No Agency Stations on the line.



Map Code | MICHIGAN (Continued)

28

(a) Bad Axe Branch
Harbor Beach Branch
Sandusky Branch
Port Austin Branch

(b) Located in State of Michigan.

(c) Located in Sanilac and Huron Counties.

(d) Milepost 66.01 near Bad Axe to Milepost 109.81 near Croswell.

Milepost 0.0 at Palms to Milepost 18.86 near Harbor Beach.

Milepost 0.0 at Poland to Milepost 7.17 near Sandusky.

Milepost 2.58 near Bad Axe to Milepost 17.0 near Port Austin.

(e) Agent located at Croswell (Milepost 108.0) on Bad Axe Branch.

Open Agency Station at Ubly (Milepost 71.8) on Bad Axe Branch served by Traveling Agent from Bad Axe.

Open Agency Station at Carsonville (Milepost 97.1) on Bad Axe Branch served by Traveling

Map Code | MICHIGAN (Continued)

28

Agent from Croswell.

Non-agency Stations at Tyre (Milepost 74.8) and Palms (Milepost 82.4) on Bad Axe Branch served by Traveling Agent from Bad Axe.

Open Agency Stations at Harbor Beach (Milepost 18.3), Ruth (Milepost 7.7), and Minden City (Milepost 4.2) on Harbor Beach Branch served by Traveling Agent from Bad Axe.

Open Agency Station at Sandusky (Milepost 7.1) on Sandusky Branch served by Traveling Agent from Croswell.

Open Agency Station at Kinde (Milepost 9.4) on Port Austin Branch served by Traveling Agent from Bad Axe.

Non-agency Station at Port Austin (Milepost 16.0) served by Traveling Agent from Bad Axe.

(f) Comments: Proposal calls for short line railroad to acquire and operate these lines.

Map Code | NEW JERSEY

55

(a) Carfloat operations in New York Harbor and vicinity.

(b) Located in States of New Jersey and New York.

(c) The carfloat limits embrace points in Middlesex, Union, Essex and Hudson Counties, New Jersey, and in Richmond, Kings, Queens, Bronx and New York Counties, New York.

(d) The proposed discontinuance covers Applicant's carfloat service which is operated out of St. George Lighterage, Staten Island, New York, and technically may be requested to serve points within the carfloat limits of New York Harbor as defined in items 2585 and 2590 of Tariff No. 788, I.C.C. C-653. Those limits cover points on the Hudson River (North River), East River, Harlem River, New York Bay, Kill-van-Kull, Newark Bay, Passiac and Hackensack Rivers, and Staten Island Sound.

Map Code | NEW JERSEY (Continued)

55

(e) No Agency Stations on the line.

(f) The sole active carfloat route today is for westbound freight forwarder traffic from Pier 63, North River to St. George, Staten Island. This remaining service presently is being performed on B&O's behalf by New York Dock Railway (NYD) as Agent for B&O.

Map Code | NEW YORK

55

(a) Carfloat operations in New York Harbor and vicinity.

(b) Located in States of New York and New Jersey.

(c) The carfloat limits embrace points in Richmond, Kings, Queens, Bronx and New York Counties, New York and in Middlesex, Union, Essex and Hudson Counties, New Jersey.

(d) The proposed discontinuance covers Applicant's carfloat service which is operated out of St. George Lighterage, Staten Island, New York, and technically may be requested to serve points within the carfloat limits of New York Harbor as defined in items 2585 and 2590 of Tariff No. 788, I.C.C. C-653. Those limits cover points on the Hudson River (North River), East River, Harlem River, New York Bay, Kill-van-Kull, Newark Bay, Passiac and Hackensack Rivers, and Staten Island Sound.

Map Code | NEW YORK (Continued)

55

(e) No Agency Stations on the line.

(f) The sole active carfloat route today is for westbound freight forwarder traffic from Pier 63, North River to St. George, Staten Island. This remaining service presently is being performed on B&O's behalf by New York Dock Railway (NYD) as Agent for B&O.

Map Code | NEW YORK (Continued)

58

(a) Dock Branch
Rochester Belt Line

(b) Located in State of New York.

(c) Located in Monroe County.

(d) Milepost 0.0 at Dock Junction to Milepost 1.14.

Milepost 6.71 to Milepost 8.74 at R.W.&O. Junction.

(e) No Agency Stations on the line.

Map Code | OHIO

20

(a) Athens Branch

(b) Located in State of Ohio.

(c) Located in Athens County.

(d) Station 3943+45 at Armitage to Station 4014+71 at Athens, a distance of 1.35 miles.

(e) No Agency Stations on the line.

(f) Comments: Abandonment of line only. Applicant abandoned operation over the line on November 12, 1973, Docket No. AB-18 (Sub. No. 2).

Map Code | OHIO (Continued)

53

(a) Midland Branch

(b) Located in State of Ohio.

(c) Located in Licking County.

(d) Milepost 2.18 near Newark to Milepost 8.11.

(e) No Agency Stations on the line.

Map Code | OHIO (Continued)

56 (a) Portsmouth Branch

(b) Located in State of Ohio.

(c) Located in Scioto County.

(d) Milepost 34.77 near South Webster to Milepost 37.20 near Edmunds.

Milepost 48.99 to Milepost 49.47 near Portsmouth.

(e) No Agency Stations on the line.

Map Code | OHIO (Continued)

57 (a) Cleveland Terminal and Valley Branch (Includes Huff Run Branch)

(b) Located in State of Ohio.

(c) Located in Carroll and Tuscarawas Counties.

(d) Milepost 4.28 near Sandyville to Milepost 1.34 near Mineral City.

Milepost 0.0 at Huff Run Junction to Milepost 3.65.

(e) Open Agency Station at Mineral City (Milepost 2.0) served by Traveling Agent from Dover.

Non-agency Station at James Mine (Milepost 2.7) on Huff Run Branch served by Traveling Agent from Dover.

Map Code | OHIO (Continued)

59 (a) Home Avenue Branch

(b) Located in State of Ohio.

(c) Located in Montgomery County.

(d) Station 9+45 to Station 35+50, a distance of 0.49 mile.

Station 113+50 to Station 158+76, a distance of 0.86 mile.

(e) No Agency Stations on the line.

Map Code | PENNSYLVANIA

69 (a) Lurgan Subdivision

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Franklin and Cumberland Counties.

(d) Milepost 32.65 near Lurgan to Milepost 34.0 near Shippenburg.

(e) No Agency Stations located on the line.

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Map Code	PENNSYLVANIA (Continued)
70	(a) East Subdivision
	(b) Located in Commonwealth of Pennsylvania and State of Maryland.
	(c) Located in Adams County in Commonwealth of Pennsylvania and in Carroll and Frederick Counties, Md.
	(d) Milepost 23.94 near Cedarhurst, Md. to Milepost 69.14 at Highfield, Pa.
	(e) Agent located at Union Bridge (Milepost 45.40).
	(f) Comments: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (Milepost 49.10) and Westminster (Milepost 33.20).

Map Code	VIRGINIA
25	(a) Hampton Branch
	(b) Located in Commonwealth of Virginia.
	(c) Located in City of Hampton.
	(d) Milepost 0.66 near Mill Creek to Milepost 2.64 near Hampton.
	(e) No Agency Stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

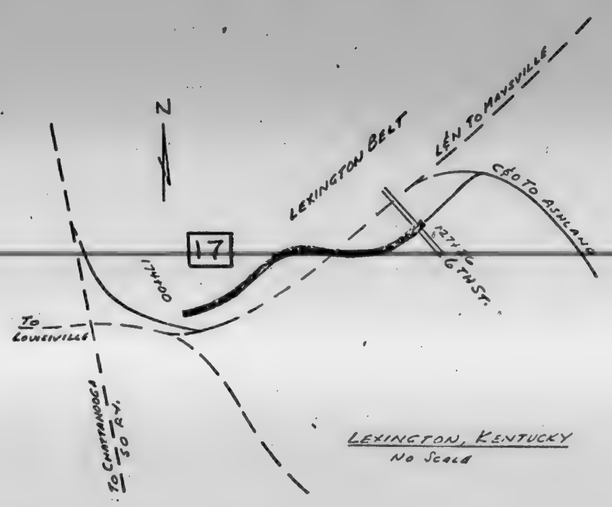
CATEGORY (2)

Lines or portions of lines under study and potentially subject to abandonment application.

Map Code	DISTRICT OF COLUMBIA
61	(a) Shepherd Industrial Track
	(b) Located in District of Columbia.
	(c) Located in City of Washington.
	(d) Milepost 5.76 at Shepherd Junction to Milepost 11.76 at Shepherd.
	(e) No Agency Stations on the line.

Map Code	DISTRICT OF COLUMBIA (Continued)
76	(a) Georgetown Branch
	(b) Located in District of Columbia and Maryland.
	(c) Located in Montgomery County, Md. and City of Washington.
	(d) Milepost 0.0 at Georgetown Junction, Md. to Milepost 10.98 at Georgetown, D. C.
	(e) No Agency Stations on the line.

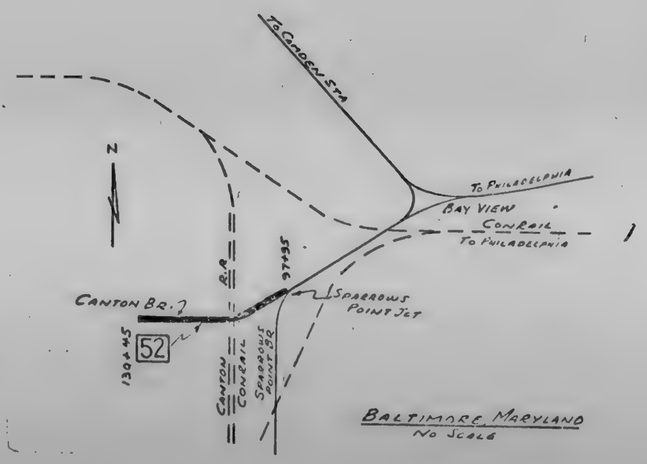
Map Code	KENTUCKY
17	(a) Lexington Belt
	(b) Located in Commonwealth of Kentucky.
	(c) Located in Fayette County.
	(d) Station 127+26 to Station 174+00, a distance of 0.89 mile.
	(e) No Agency Stations on the line.



Map Code	MARYLAND
49	(a) Mt. Airy Branch
	(b) Located in Station of Maryland.
	(c) Located in Frederick and Carroll Counties.
	(d) Station 1820+53 at Mt. Airy Junction to Station 1690+90 near Mt. Airy, a distance of 2.30 miles.
	(e) No Agency Stations on the line.

Map Code	MARYLAND (Continued)
76	(a) Georgetown Branch
	(b) Located in State of Maryland and District of Columbia.
	(c) Located in Montgomery County and City of Washington.
	(d) Milepost 0.0 at Georgetown Junction, Md. to Milepost 10.98 at Georgetown, D. C.
	(e) No Agency Stations on the line.

Map Code	MARYLAND (Continued)
52	(a) Canton Branch
	(b) Located in State of Maryland.
	(c) Located in Baltimore City.
	(d) Milepost 1.86 at Sparrows Point Junction to Milepost 2.47.
	(e) No Agency Stations on the line.



Map Code	MARYLAND (Continued)
71	(a) Eckhart Branch
	(b) Located in State of Maryland
	(c) Located in Allegany County.
	(d) Milepost 0.0 at Eckhart Junction to Milepost 1.41.
	(e) No Agency Stations on the line.

Map Code	MICHIGAN
15	(a) Hart Branch
	(b) Located in State of Michigan.
	(c) Located in Muskegon and Oceana Counties.
	(d) Milepost 72.25 near Montague to Milepost 95.23 near Hart.
	(e) Open Agency Station at Hart (Milepost 95) served by Traveling Agent from Muskegon.

Map Code	MICHIGAN (Continued)
16	(a) Ionia Branch
	(b) Located in State of Michigan.
	(c) Located in Ionia County.
	(d) Milepost 11.57 near Portland to Milepost 26.30 at Ionia.
	(e) Open Agency Station at Ionia (Milepost 26.1) served by Traveling Agent from Lowell, Michigan.
	(f) Comment: Proposal calls for GTW to acquire and operate the portion of the line between Milepost 25.38 and Milepost 26.30 in Ionia.

Map Code	MICHIGAN (Continued)
18	(a) Fremont Branch
	(b) Located in State of Michigan.
	(c) Located in Muskegon and Newaygo Counties.
	(d) Milepost 0.0 at Berry to Milepost 20.28 near Fremont.
	(e) Open Agency Station at Fremont (Milepost 19.6) served by Traveling Agent from Muskegon.

Map Code	MICHIGAN (Continued)
26	(a) Paw Paw Branch (b) Located in State of Michigan. (c) Located in Van Buren County. (d) Milepost 17.27 near Hartford to Milepost 30.55 at Paw Paw. (e) Open Agency Station at Paw Paw (Milepost 30.2) served by Traveling Agent from Watervliet, Michigan. Non-agency Stations at Lawrence (Milepost 21.6), Kirby (Milepost 24.3), Wildeys (Milepost 26.0) and Millers (Milepost 26.6) are served by Traveling Agent from Watervliet.

Map Code	NEW YORK
60	(a) Main Line Fourth Subdivision Silver Lake Branch (b) Located in State of New York. (c) Located in Genesee, Wyoming, Allegany, and Cattaraugus Counties. (d) Milepost 93.71 at or near Ashford to Milepost 26.86 near LeRoy. Milepost 0 at Silver Lake Junction to Milepost 2.27 near Chace. (e) Agent located at Silver Springs (Milepost 1).

Map Code	OHIO
21	(a) Cheviot and Miami Subdivisions (b) Located in State of Ohio. (c) Located in Hamilton and Butler Counties. (d) Milepost 1.77 near Cincinnati to Milepost 19.09 near Fernald. (e) No Agency Stations on the line.

Map Code	OHIO (Continued)
47	(a) Lake Erie Subdivision (b) Located in State of Ohio. (c) Located in Knox and Richland Counties. (d) Milepost 25.73 near Mt. Vernon to Milepost 60.90 near Mansfield. (e) No Agency Stations on the line.

Map Code	OHIO [Continued]
51	(a) Wellston Subdivision (b) Located in State of Ohio. (c) Located in Greene, Fayette and Ross Counties. (d) Milepost 30.0 near Jamestown to Milepost 42.4 near Luray. Milepost 53.3 near Fairview to Milepost 64.0 near Frankfort. (e) Non-agency Stations at Rosemoore (Milepost 33.7) and Edgefield (Milepost 35.2) are served by Traveling Agent from Washington Court House.

Map Code	PENNSYLVANIA
54	(a) 9th Street to Three Rivers Stadium in Pittsburgh (b) Located in Commonwealth of Pennsylvania. (c) Located in Allegheny County. (d) Station 7824+25 to Station 7843+62, a distance of 0.36 mile. (e) No Agency Stations on the line.

Map Code	WEST VIRGINIA
72	(a) Greenbrier, Cheat and Elk Branch (b) Located in State of West Virginia. (c) Located in Randolph, Pocahontas and Webster Counties. (d) Milepost 31.80 near Cheat Bridge to Milepost 86.60 at Webster Springs. Station 0+00 to Station 52+75 on Back Fork Branch near Webster Springs, a distance of one mile. (e) No Agency Stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

Map Code	DELAWARE
	DOCKET NO. AB-19 (SUB. NO. 3)
31	(a) Landenberg Branch (b) Located in State of Delaware. (c) Located in New Castle County. (d) Milepost 1.19 near Green Brank to Milepost 10.18 near Hockessin. (e) Open Agency Station at Yorklyn (Milepost 7.9) served by a Traveling Agent from Wilmington.

Map Code ILLINOIS

FINANCE DOCKET NO. 36745

29 (a) Beardstown Branch

(b) Located in State of Illinois.

(c) Located in Sangamon and Cass Counties.

(d) Milepost 184.46 near Coal Shaft to Milepost 228.17 at Beardstown.

(e) Open Agency Station at Virginia (Milepost 215) served by a Traveling Agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern, (Milepost 228).

(f) Comments: ICC Order, served June 1, 1976, authorized abandonment. Protestants have appealed the Order to the United States Court of Appeals for the Seventh Circuit in Chicago.

Map Code ILLINOIS (Continued)

FINANCE DOCKET NO. 36965

32 (a) Shawneetown Branch

(b) Located in State of Illinois.

(c) Located in Clay, Wayne, White, and Gallatin Counties.

(d) Milepost 0.0 at Shawneetown to Milepost 73.27 near Flora.

(e) Open Agency Stations at Cisne (Milepost 63), Mill Shoals (Milepost 43.5), Ridgway (Milepost 11.4), and Shawneetown (Milepost 0.0). These stations are served by Traveling Agent from Flora.

(f) Comments: 5.36 miles of line between Milepost 6.05 and Milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad.

The Prairie Trunk Railway filed an application dated October 15, 1973, F.D. No. 27506, to acquire and operate the line.

Map Code ILLINOIS (Continued)

DOCKET NO. AB-19 (SUB. NO. 27)

33 (a) Flora to Sangamon Junction (103.29 mile segment of the Springfield Subdivision).

(b) Located in State of Illinois.

(c) Located in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties.

(d) Milepost 75.0 near Flora to Milepost 178.29 at Sangamon Jct.

(e) Agent located at Taylorville (Milepost 155.7). Open Agency Stations at Louis (Milepost 81.3), Edgewood (Milepost 95.6), Altamont (Milepost 106.7), Cowden (Milepost 121.9). These four stations are served by Traveling Agent from Flora.

Open Agency Stations at Owaneco (Milepost 148.3), Edinburg (Milepost 164.6), and Rochester (Milepost 174.8). These three stations are served by Traveling Agent from Taylorville.

Map Code ILLINOIS (Continued)

DOCKET NO. AB-19 (SUB. NO. 26)

34 (a) Decatur Subdivision

(b) Located in States of Illinois and Indiana.

(c) Located in Edgar, Douglas, Piatt, and Macon Counties of Illinois, and in Marion, Hendricks, Putnam, Parke, and Vermillion Counties of Indiana.

(d) Milepost 275.50 near Decatur, Ill. to Milepost 245.75 near Ficklin, Ill.

Milepost 225.0 near Newman, Ill. to Milepost 130.39 near Speedway, Indiana.

(e) Open Agency Stations in Illinois are LaPlace (Milepost 264.3), Hammond (Milepost 257.6), Atwood (Milepost 240.7) and Chrisman (Milepost 209.0). These stations are served by Traveling Agent from Tuscola.

Agents in Indiana at Montezuma (Milepost 191.9), and Russellville (Milepost 169.5).

Map Code | INDIANA

DOCKET NO. AB-19 (SUB. NO. 36)

34 (a) Decatur Subdivision

(b) Located in States of Indiana and Illinois.

(c) Located in Marion, Hendricks, Putnam, Parke and Vermillion Counties of Indiana, and Edgar, Douglas, Piatt, and Macon Counties of Illinois.

(d) Milepost 130.39 near Speedway, Ind. to Milepost 225.0 near Newman, Ill.
Milepost 245.75 near Ficklin, Ill. to Milepost 275.50 near Decatur, Ill.

(e) Agents in Indiana at Montezuma (Milepost 191.9), and Russellville (Milepost 169.5). Open AgencyStations in Illinois are LaPlace (Milepost 264.3), Hammond (Milepost 257.6), Atwood (Milepost 250.7) and Chrisman (Milepost 209.0). These stations are served by Traveling Agent from Tuscola.

Map Code | INDIANA (Continued)

DOCKET NO. AB-19 (SUB. NO. 37)

35 (a) Main Line Subdivision

(b) Located in State of Indiana.

(c) Located in Lake County.

(d) Milepost 249.80 to Milepost 251.78 in vicinity of Indiana Harbor.

(e) No Agency Stations on the line.

(f) Comments: Abandonment contingent on B&O, B&OCT andC&O acquiring trackage rights over ConRail from Pine Junction and Clark Junction to "HC" Tower, approximately 3.4 miles.

Docket No.AB-18 (Sub. No. 25) covers the abandonment of trackage rights by Chesapeake & Ohio Railway over the segment of the line as shown in (d) above.

Map Code | MARYLAND

DOCKET NO. AB-19 (SBU. NO. 20)

36 (a) Hagerstown Branch
Antietam Branch

(b) Located in State of Maryland

(c) Located in Washington County.

(d) Milepost 0.0 near Weverton to Milepost 23.08 near Hagerstown and Milepost 0.0 to Milepost 2.46 near Security, a total distance of 25.54 miles.

(e) No Agency Stations on the lines.

(f) Comments: Applicants sought an amendment to the application by petition filed on July 19, 1976. Under the application as sought to be amended, the applicants seek to abandon those portions of the Hagerstown and Antietam Branches between Milepost 0.0 near Weverton and Milepost 18.56 near Roxbury and between Milepost 0.0 and Milepost 2.46 near near Security, a total distance of 21.02 miles.

Map Code | MARYLAND (Continued)

36 Application filed November 24, 1976, F.D. No. 28348, covers the proposed lease and operation by WM of that portion of the Hagerstown Branch between Milepost 18.56 near Roxbury and Milepost 23.69 at Hagerstown and that portion of Antietam Branch between Milepost 2.46 and Milepost 8.68, a total distance of 6.35 miles.

Map Code | MARYLAND (Continued)

DOCKET NO. AB-69 (SUB. NO. 2)

66 (a) State Line Branch

(b) Located in State of Maryland and Commonwealth of Pennsylvania.

(c) Located in Allegany County, Md. and Bedford County, Pa.

(d) Milepost 0.0 near Cumberland, Md. to Milepost 4.52.

(e) No Agency Stations on the line.

Map Code | MARYLAND (Continued)

DOCKET NO. AB-69 (SUB. NO. 3)

67 (a) Kempton Branch

(b) Located in States of Maryland and West Virginia.

(c) Located in Garrett County, Md. and Grant County, W. Va.

(d) Milepost 0.0 near Henry, W. Va. to Milepost 2.41 near Kempton, Md.

(e) No Agency Stations on the line.

Map Code | MICHIGAN

FINANCE DOCKET NO. 26757

1 (a) Northport Branch

(b) Located in State of Michigan.

(c) Located in Leelanau County.

(d) Milepost 1.9 near Rennies to Milepost 29.56 at Northport.

(e) No Agency Stations on the line.

(f) Comments: Applicant seeks to abandon the lease and operation of Leelanau Transit Company between Hatch's Crossing, Milepost 5.52, and Northport, Milepost 29.56. ICC Order, served March 10, 1975, authorized abandonment. Protestants have appealed the Order to the United States Court of Appeals for the Sixth Circuit at Cincinnati.

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-18 (SUB. NO. 5)

4 (a) Elk Rapids Branch

(b) Located in State of Michigan.

(c) Located in Grand Traverse and Antrim Counties.

(d) Milepost 0.0 at Williamsburg to Milepost 8.82 at Elk Rapids.

(e) No Agency Stations on the line.

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-18 [SUB. NO. 6]

[1] (a) Mount Pleasant Branch

(b) Located in State of Michigan.

(c) Located in Isabella County.

(d) Milepost 0.78, near Coleman, to Milepost 12.42, near Mount Pleasant.

(e) No Agency Stations on the line.

(f) Comments: Applicant plans to serve Mount Pleasant by means of trackage rights over the former Ann Arbor Railroad between Clare and Mount Pleasant - F.D. No. 27412.

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-18 (SUB. NO. 18)

[1] (a) Elmdale Subdivision and Remus Branch

(b) Located in State of Michigan.

(c) Located in Gratiot, Montcalm, Isabella, and Mecosta Counties.

(d) Milepost 40.4 near Alma to Milepost 78.5 near Greenville.

Milepost 0.0 at Edmore to Milepost 16.1 at Remus.

(e) Agent located at Edmore (Milepost 59.5).

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-18 (SUB. NO. 19)

[2] (a) Petoskey Branch

(b) Located in State of Michigan.

(c) Located in Grand Traverse, Kalkaska, Antrim, Charlevoix, and Emmet Counties.

(d) Milepost 172.06 near Traverse City to Milepost 247.98 near Bay View.

(e) Open Agency Stations at Ellsworth (Milepost 220.0), and Petoskey (Milepost 247.0), served by Traveling Agent from Charlevoix. Agent located at Charlevoix (Milepost 247.0).

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-18 (SUB. NO. 20)

[7] (a) Traverse City Subdivision Petoskey and Northport Branches

(b) Located in State of Michigan.

(c) Located in Manistee, Benzie, Grand Traverse, and Leelanau Counties.

(d) Milepost 110.91 near Manistee to Milepost 172.06 near Traverse City.

Milepost 0.0 at Traverse City to Milepost 2.77 near Rennies.

(e) Agents located at Kaleva (Milepost 131.8), and Traverse City (Milepost 169.5).

Map Code | MICHIGAN (Continued)

6 | (a) Car Ferry across Lake Michigan between Ludington, Michigan, and Kewaunee, Milwaukee and Manitowoc, Wisconin.
Ludington Branch.

(b) Located in States of Michigan and Wisconsin.

(c) Located in Mason County, Michigan.
Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wisconin.

(d) Ludington to Kewaunee, approximately 61 miles.
Ludington to Milwaukee, approximately 97 miles.
Ludington to Manitowoc, approximately 60 miles.
Milepost 137.54 to Milepost 137.66 at Ludington.

(e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (Joint with GB&W). Agency Station at Ludington (Milepost 137) not included in abandonment.

Map Code | MICHIGAN (Continued)

DOCKET NO. AB-19 (SUB. NO. 32)

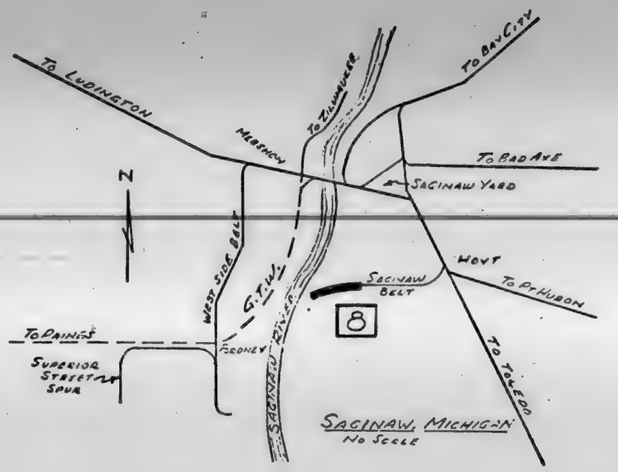
8 | (a) Saginaw Belt Line.

(b) Located in State of Michigan.

(c) Located in Saginaw County.

(d) Station 141+00 to Station 195+00, 1.02 miles.

(e) No Agency Stations located on line.



Map Code | OHIO

DOCKET NO. AB-19 (SUB. NO. 33)

37 | (a) Bowling Green Branch

(b) Located in the State of Ohio.

(c) Located in Wood County.

(d) Milepost 0.0 near Tontogany to Milepost 19.18 at North Baltimore.

(e) Open Agency Station at Bowling Green (Milepost 5.4) served by Traveling Agent from Lima, Ohio.

Map Code | OHIO (Continued)

DOCKET NO. AB-19 (SUB. NO. 36)

38 | (a) Sandusky Branch

(b) Located in State of Ohio.

(c) Located in Huron and Erie Counties.

(d) Milepost 87.75 near Willard to Milepost 117.50 at Sandusky.

(e) Agent located at Sandusky (Milepost 115.5).

Map Code | OHIO (Continued)

DOCKET NO. AB-19 (SUB. NO. 19)

39 (a) Ohio and Little Kanawha Branch.

(b) Located in the State of Ohio.

(c) Located in Muskingum, Morgan and Washington Counties.

(d) Milepost 9.16 near Philo to Milepost 44.97 near Relief.

(e) Open Agency Station at Malta (Milepost 24.7) served by Traveling Agent from Zanesville. Non-agency Station at Beckett (Milepost 43.7) served by Traveling Agent from Parkersburg, W. Va.

Map Code | OHIO (Continued)

DOCKET NO. AB-18 (SUB. NO. 10)

9 (a) Pomeroy Branch

(b) Located in State of Ohio.

(c) Located in Hocking, Vinton, Gallia and Meigs Counties.

(d) Milepost 51.29 near Oldtown to Milepost 69.43 near Creola.

Milepost 78.09 near Dundas to Milepost 135.05 near Pomeroy.

(e) Agent located at Gallipolis (Milepost 114.6).

(f) Comments: Applicant seeks to abandon operations only over 17.87 mile segment between Milepost 114.13 near Gallipolis and Milepost 132.0 near Pomeroy.

By Order dated November 5, 1975, the ICC granted C&O's petition for authority to amend the application to eliminate therefrom that portion of Branch between Milepost 69.43 near Creola and

Map Code | OHIO (Continued)

9 Milepost 78.09 near Dundas.

By application filed on December 22, 1976, F.D. No. 28084, applicant and Baltimore and Ohio Railroad Company seek authority for B&O to lease and operate a portion of branch between Milepost 69.43 near Creola and Milepost 78.09 near Dundas.

Map Code | OHIO (Continued)

DOCKET NO. AB-18 (SUB. NO. 24)

10 (a) Cheviot Subdivision

(b) Located in State of Ohio.

(c) Located in Hamilton County

(d) Milepost 0.20 to Milepost 1.77 in Cincinnati.

(e) No Agency Stations located on line.

Map Code | OHIO (Continued)

DOCKET NO. AB-19 (SUB. NO. 19)

11 (a) Armitage Branch

(b) Located in State of Ohio.

(c) Located in Hocking and Athens Counties.

(d) Milepost 52.45 near Oldtown to Milepost 63.9 near Nelsonville.

(e) No Agency Stations located on line.

Map Code | PENNSYLVANIA

DOCKET NO. AB-19 (SUB. NO. 19)

40 (a) Indiana Branch

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Indiana County.

(d) Milepost 41.46 to Milepost 44.69 near Black Lick Junction.

(e) No Agency Stations located on the line.

Map Code | PENNSYLVANIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 11)

42 (a) Smithfield & Masontown Branch

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Fayette County.

(d) Milepost 2.06 near Strum to Milepost 8.64 near Leckrone.

(e) Non-agency Stations located at Smiley (Milepost 2.6), Shoaf (Milepost 3.6), and Leckrone (Milepost 8.6) are served by Traveling Agent from Connellsville, Pa.

Map Code | PENNSYLVANIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 31)

44 (a) Guthrie Mine Spur

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Indiana County.

(d) Milepost 0.0 at Guthrie Spur Junction to Milepost 1.33 at Tiddale.

(e) No Agency Stations located on the line.

Map Code | PENNSYLVANIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 34)

41 (a) Northern Branch (Includes Kane Branch - 0.64 miles).

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Armstrong, Clarion, Forest, Elk and McKean Counties.

(d) Milepost 86.83 near Parkers Landing to Milepost 162.88 at Mt. Jewett.

(e) Agents located at Knox (Milepost 86.9), Marienville (Milepost 121.3), and Kane (Milepost 152.8). Open Agency Station at Foxburg (Milepost 69.4) served by Traveling Agent from Petrolia.
Non-agency Stations at St. Petersburg (Milepost 73.0), Alum Rock (Milepost 77.5), and Turkey (Milepost 79.1) are served by a Traveling Agent from Petrolia.

Map Code | PENNSYLVANIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 35)

41 (a) Big Run Branch

(b) Located in Commonwealth of Pennsylvania.

(c) Located in Lawrence County.

(d) Milepost 4.03 to Milepost 6.53 near New Castle.

(e) No Agency Stations on the line.

Map Code | PENNSYLVANIA (Continued)

DOCKET NO. AB-69 (SUB. NO. 2)

66 (a) State Line Branch

(b) Located in Commonwealth of Pennsylvania and State of Maryland.

(c) Located in Bedford County, Pa. and Allegany County, Md.

(d) Milepost 0.0 near Cumberland, Md. to Milepost 4.52.

(e) No Agency Stations on the line.

Map Code | WISCONSIN

DOCKET NO. AB-18 (SUB. NO. 21)

6 (a) Car Ferry across Lake Michigan between Ludington, Michigan and Kewaunee, Milwaukee and Manitowoc, Wisconsin.
Ludington Branch

(b) Located in States of Wisconsin and Michigan.

(c) Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wisconsin.
Located in Mason County, Michigan.

(d) Ludington to Kewaunee, approximately 61 miles.
Ludington to Milwaukee, approximately 97 miles.
Ludington to Manitowoc, approximately 60 miles.
Milepost 137.54 to Milepost 137.66 at Ludington.

(e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (Joint with GB&W). Agency Station at Ludington (Milepost 137) not included in abandonment.

Map Code | WEST VIRGINIA

DOCKET NO. AB-18 (SUB. NO. 12)

13 (a) Dingess Run Branch

(b) Located in State of West Virginia.

(c) Located in Logan County.

(d) Milepost 1.63 near Fort Branch to Milepost 3.48 near Wanda.

(e) No Agency Stations on the line.

Map Code | WEST VIRGINIA (Continued)

DOCKET NO. AB-18 (SUB. NO. 17)

12 (a) Greenbrier Branch

(b) Located in State of West Virginia.

(c) Located in Greenbrier and Pocahontas Counties.

(d) Milepost 3.06 near North Caldwell to Milepost 95.10 near Durbin.

(e) Agent located at Marlinton (Milepost 57).

(f) Comments: The applicant and Western Maryland Railway filed a Section 5(2) application on February 4, 1976, F.D. No. 28109, seeking authority for WM to lease and operate the portion of the branch between Milepost 95.10 near Durbin and Milepost 97.94 near Bartow.

Map Code | WEST VIRGINIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 24)

46 (a) Elk Branch

(b) Located in State of West Virginia.

(c) Located in Clay and Kanawha Counties.

(d) Milepost 67.19 near Hartland to Milepost 95.94 near Clendennin.

(e) No Agency Stations on the line.

(f) Comments: The applicant and Chesapeake and Ohio Railway filed a Section 5(2) application on August 12, 1976, F.D. No. 28255, seeking authority for C&O to lease and operate the portion of the branch from Milepost 95.94 near Clendennin to Milepost 114.04 near Charleston.

Map Code | WEST VIRGINIA (Continued)

DOCKET NO. AB-19 (SUB. NO. 32)

45 (a) South Branch

(b) Located in State of West Virginia.

(c) Located in Hampshire, Hardy, and Grant Counties.

(d) Milepost 0.61 near Green Spring to Milepost 52.01 at Petersburg.

(e) Agent located at Petersburg (Milepost 51.9)

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federal register

WEDNESDAY, JULY 6, 1977

PART VII

DEPARTMENT OF STATE

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off Coast of U.S.

- 39 -

Map Code WEST VIRGINIA (Continued)

DOCKET NO. AM-69 (SUB. NO. 4)

68

(a) Fairmont-Bingamon Branch

(b) Located in State of West Virginia.

(c) Located in Harrison County.

(d) Milepost 3.88 to Milepost 5.73 near Henshaw.

(e) No Agency Stations on the line.

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Map Code WEST VIRGINIA (Continued)

DOCKET NO. AM-69 (SUB. NO. 3)

67

(a) Kempton Branch

(b) Located in States of West Virginia and Maryland.

(c) Located in Grant County, W. Va. and Garrett County, Md.

(d) Milepost 0.0 near Henry, W. Va. to Milepost 2.41 near Kempton, Md.

(e) No Agency Stations on the line.

[FR Doc.77-19111 Filed 7-5-77; 8:45 am]

DEPARTMENT OF STATE

[Public Notice 552]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off Coasts of United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Government of the Union of Soviet Socialist Republics, and are published herewith.

Dated: June 30, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 7/1 -12/31/1977
Application No. UR-77-0316 For Use of Issuing Office
State: USSR

1. Name of Vessel KIVACH
2. Vessel No.: Hull No. MB-0121 Registration No. M-30465
3. Name and Address of Owner
   Name Murmansk Trawl Fleet
   Address 183788 Murmansk, USSR
   Cable Address Murmansk Trawl Fleet
   Name and Address of Charterer
4. Homeport and State of Registry: MURMANSK
5. Type of Vessel SRT
6. Tonnage (Gross) 3273.11 (Net) 1145.13
7. Length 107.50 M. 8. Breadth 14.4 M. 9. Draft 6.23 M.
10. Horsepower 3600 ehp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric (1), Other
13. Date Built 1971
14. Number and Nationality of Personnel 104 persons, USSR
    Officers 24 Crew 80 Other (Specify)
15. Communications: VHF-FM (2), AM/SSB, Voice ( ), Telegraphy ( ), Other
    International Radio Call Sign R W C T
    Radio Frequencies Monitored 500, 2182
    Other Working Frequencies 512, 425, 468, 480
    Schedule A-1, A-2
16. Navigation Equipment: Loran C (1), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT)
    Salted Fish
    Fresh Fish
    Frozen Fish 1234
    Fish Meal 137
    Other 73
18. Cargo Space M^3

Number	Name
Freezer	2731
Dry Hold	355
Tanks	60
Other	

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing machine ASMA - 2 x 25
    Fish meal plant T1 -IZHS - 1 x 6.0
    Canning machine IAZ - 1 x 0.5
    Fat melting machine IZHK - 0.1
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contenplated Catch (MT)	Gear to be Used

ADDITIONAL REQUEST FOR SQUID FISHERY

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 7/1/ -12/31/1977
Application No. UR-77-0318 For Use of Issuing Office
State: USSR

1. Name of Vessel ZAKAVKAZJE
2. Vessel No.: Hull No. MB-0132 Registration No.M-32534
3. Name and Address of Owner
   Name Murmansk Trawl Fleet
   Address 12 Tralovaya Str.,
   183788 Murmansk, USSR
   Cable Address Murmansk Trawl Fleet
   Name and Address of Charterer
4. Homeport and State of Registry: MURMANSK
5. Type of Vessel SRT
6. Tonnage (Gross) 3273.11 (Net) 1084.84
7. Length 107.5 M. 8. Breadth 14.4 M. 9. Draft 6.23 M.
10. Horsepower 3600 ehp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric (1), Other
13. Date Built 1973
14. Number and Nationality of Personnel 102 persons, USSR
    Officers 24 Crew 78 Other (Specify)
15. Communications: VHF-FM (2), AM/SSB, Voice ( ), Telegraphy (2), Other
    International Radio Call Sign U L V Z
    Radio Frequencies Monitored 500, 2182
    Other Working Frequencies 512, 425, 468, 480
    Schedule A-1, A-2
16. Navigation Equipment: Loran C (1), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT)
    Salted Fish
    Fresh Fish
    Frozen Fish 1234
    Fish Meal 137
    Other 73
18. Cargo Space M^3

Number	Name
Freezer	2731
Dry Hold	355
Tanks	60
Other	

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing machine ASMA - 2 x 25
    Canning machine T1 - 1 x 8.0
    Fat melting machine IZHK - 1 x 0.1
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contenplated Catch (MT)	Gear to be Used

ADDITIONAL REQUEST FOR SQUID FISHERY

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 7/1 -12/31/1977
Application No. UR-77-0320 For Use of Issuing Office
State: USSR

1. Name of Vessel ZAPOLJARJE
2. Vessel No.: Hull No. MB-0133 Registration No.M-32535
3. Name and Address of Owner
   Name Murmansk Trawl Fleet
   Address 12 Tralovaya Str.,
   183788 Murmansk, USSR
   Cable Address Murmansk Trawl Fleet
   Name and Address of Charterer
4. Homeport and State of Registry: MURMANSK
5. Type of Vessel SRT
6. Tonnage (Gross) 3273.11 (Net) 1084.84
7. Length 107.5 M. 8. Breadth 14.4 M. 9. Draft 6.23 M.
10. Horsepower 3600 ehp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric (1), Other
13. Date Built 1973
14. Number and Nationality of Personnel 102 persons, USSR
    Officers 24 Crew 78 Other (Specify)
15. Communications: VHF-FM (2), AM/SSB, Voice ( ), Telegraphy (2), Other
    International Radio Call Sign U L V Y
    Radio Frequencies Monitored 500, 2182
    Other Working Frequencies 512, 425, 468, 480
    Schedule A-1, A-2
16. Navigation Equipment: Loran C (1), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT)
    Salted Fish
    Fresh Fish
    Frozen Fish 1234
    Fish Meal 137
    Other 73
18. Cargo Space M^3

Number	Name
Freezer	2731
Dry Hold	355
Tanks	60
Other	

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing machine ASMA - 2 x 25
    Canning machine T1 - 1 x 8.0
    Fat melting machine IZHK - 1 x 0.1
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contenplated Catch (MT)	Gear to be Used

ADDITIONAL REQUEST FOR SQUID FISHERY

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

WEDNESDAY, JULY 6, 1977

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 7/1 -12/31/1977 Application No. UR-77-0320 For Use of Issuing Office

State: USSR

1. Name of Vessel VERHOJANY
2. Vessel No.: Hull No. MB-0135 Registration No. M-32537
3. Name and Address of Owner / Name and Address of Charterer
   Name Murmansk Trawl Fleet
   Address 12 Tralovaya Str., 183788 Murmansk, USSR
   Cable Address Murmansk Trawl Fleet
4. Homeport and State of Registry: MURMANSK
5. Type of Vessel SMRT
6. Tonnage (Gross) 3773.11 (Net) 1084.84
7. Length 107.5 M. 8. Breadth 14.4 M. 9. Draft 6.23 M.
10. Horsepower 3600 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric (1), Other
13. Date Built 1973
14. Number and Nationality of Personnel 104 persons, USSR
    Officers 24 Crew 80 Other (Specify)
15. Communications: VHF-FM (2), AM/SSB, Voice ( ), Telegraphy (2), Other
    International Radio Call Sign U L Q K
    Radio Frequencies Monitored 500, 2128
    Other Working Frequencies 512, 425, 468, 480
    Schedule A-1, A-2
16. Navigation Equipment: Loran C (1), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT) / 18. Cargo Space M³ Number / Name

Salted Fish		Freezer	2731
Fresh Fish		Dry Hold	355
Frozen Fish	1234	Tanks	60
Fish Meal	137	Other	
Other	73		

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing machine ASMA - 2 x 25
    Fish meal plant T1 - 1 x 6.0
    Canning machine IKA - 1 x 0.5
    Fat melting machine IAHK - 1 x 0.1
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

ADDITIONAL REQUEST FOR SQUID FISHERY

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 7/1 -12/31/1977 Application No. UR-77-0329 For Use of Issuing Office

State: USSR

1. Name of Vessel KHAROVSK
2. Vessel No.: Hull No. MB-0399 Registration No. M-34585
3. Name and Address of Owner / Name and Address of Charterer
   Name Murmanrbprom
   Address 183001 Murmansk, Fish port, Murmanrybprom
   Cable Address Murmansk, Murmanrybprom
4. Homeport and State of Registry: MURMANSK
5. Type of Vessel SMRT
6. Tonnage (Gross) 2326.75 (Net) 841.92
7. Length 75.00 M. 8. Breadth 14.4 M. 9. Draft 5.60 M.
10. Horsepower 2 000 shp. 11. Maximum Speed 12.3 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1976
14. Number and Nationality of Personnel 94 persons, USSR
    Officers 19 Crew 75 Other (Specify)
15. Communications: VHF-FM (2), AM/SSB, Voice (1), Telegraphy (4), Other
    International Radio Call Sign U Q I K
    Radio Frequencies Monitored 500, 2182 kc. 156.8 mc
    Other Working Frequencies 2200,2211,2221,2236,2246,2276, 2286,2296,2300,2325
    Schedule 24 hours
16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (1), Other
17. Cargo Capacity (MT) / 18. Cargo Space M3 Number / Name

Salted Fish		Freezer	1305
Fresh Fish		Dry Hold	273, 45
Frozen Fish	510	Tanks	14.2
Fish Meal	110	Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)
    Freezing machine MAR-BAM - 4 x 10
    Can and semi-sterilling line - 1 x 0.5
    Fish meal plant A1-IZHR - 1 x 4, for fat -0.2
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

ADDITIONAL REQUEST FOR SQUIL FISHERY

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

[FR Doc.77-19170 Filed 7-5-77;8:45 am]

federal register

WEDNESDAY, JULY 6, 1977
PART VIII

OFFICE OF THE FEDERAL REGISTER

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

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DIRECTORY OF FEDERAL REGIONAL STRUCTURES

This directory of Federal agency regional structures is designed to give practical information about regional offices of Federal departments and agencies.

Standard Federal administrative regions were established to achieve more uniformity in the location and geographic jurisdiction of Federal field offices as a basis for promoting more systematic coordination among agencies, between Federal, State, and local governments, and for securing management improvements and economies through greater interagency and intergovernmental cooperation. Office of Management and Budget Circular No. A–105, *Standard Federal Regions*, provides further guidance on the policies and requirements governing standard administrative regions. Agencies are required to adopt the uniform system when changes are made or new offices established.

A map of the Standard Federal Regions and tables of the agencies conforming to the system can be found on pages 34758 to 34767. The regional maps of agencies not conforming to the 10 Standard Federal Regions begin on page 34767. Each map is accompanied by a table showing addresses, telephone numbers, and key officials for each region.

Federal Regional Councils were established by Executive Order 11647 of February 10, 1972, in each of the 10 standard Federal regional cities. Further information regarding the functions and membership of the Federal Regional Councils can be found on pages 831 and 832 of the 1977–78 *United States Government Manual.*

Information on Federal Regional Councils or OMB Circular A–105 can also be obtained from the Intergovernmental Relations and Regional Operations Division, OMB, Washington, D.C. 20503.

The information contained in this directory was compiled with agency assistance as of May 1, 1977.

FRED J. EMERY,
Director, Office of the Federal Register.

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STANDARD FEDERAL REGIONS

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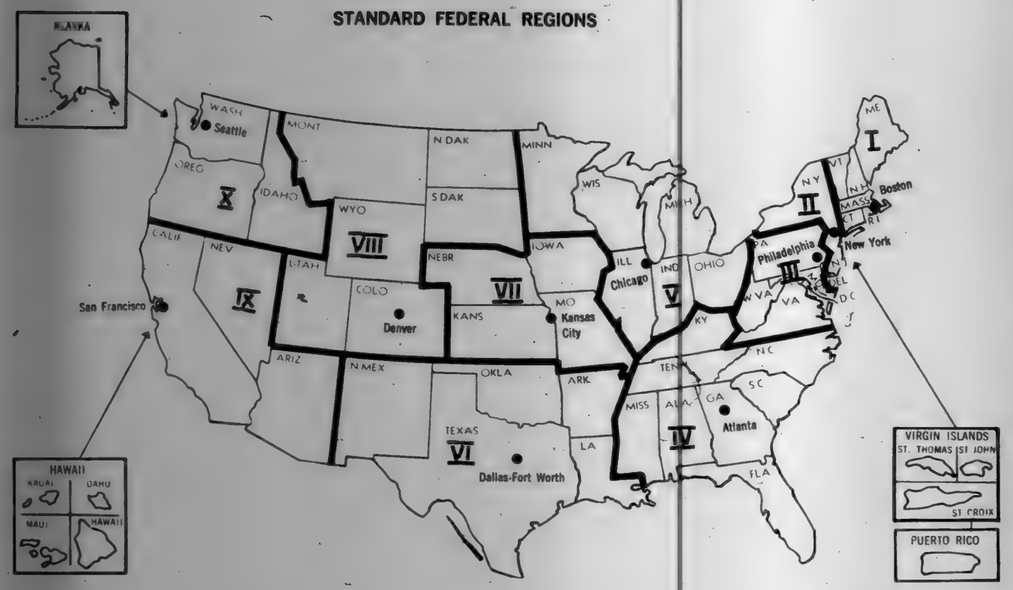
STANDARD FEDERAL REGIONS



Department of Commerce
Secretarial Representatives

Region	Representative	Address	Telephone
I	(Vacancy)	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–0695
II	(Vacancy)	26 Federal Plaza, New York, N.Y. 10007	212–264–5647
III	(Vacancy)	600 Arch St., Philadelphia, Pa. 19106	215–597–7527
IV	Paul Hemmann	1365 Peachtree St., Atlanta, Ga. 30309	404–526–3165
V	(Vacancy)	55 East Jackson Blvd., Chicago, Ill. 60604.	312–353–0340
VI	Edward L. Coker	1100 Commerce St., Dallas, Tex. 75202	214–749–2891
VII	Gayle W. Jackson	601 East 12th St., Kansas City, Mo. 64106.	816–374–3961
VIII	Stephen McNichols	909 17th St., Denver, Colo. 80202	303–327–4285
IX	(Vacancy)	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–5145
X	Leonard Saari	915 Second Ave., Seattle, Wash. 98174	206–399–5780

Department of Health, Education, and Welfare
Regional Offices

Region	Director	Address	Telephone
I	Warren McFague, Acting	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6831
II	Bernice L. Bernstein	26 Federal Plaza, New York, N.Y. 10007	212–264–4600
III	Benjamin Guy, Acting	3535 Market St., Philadelphia, Pa. 19101	215–596–6492
IV	Charles Cain, Acting	50 7th St. NE., Atlanta, Ga. 30323	404–526–5817
V	George Holand, Acting	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5160
VI	Stuart H. Clarke	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–655–3301
VII	Richard Burnett, Acting	601 East 12th St., Kansas City, Mo. 64106.	816–374–3436
VIII	Edward LaPedis, Acting	19th and Stout Sts., Denver, Colo. 80202	303–837–3373
IX	Joe Maldonado	50 Fulton St., San Francisco, Calif. 94102.	415–556–6746
X	Bernard E. Kelly	1321 2d Ave., Seattle, Wash. 98101	206–442–0420

Department of Health, Education, and Welfare
Social Security Administration
Bureau of Health Insurance

Region	Representative	Address	Telephone
I	John D. Kennedy	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6804
II	Jacqueline G. Wilson	26 Federal Plaza, New York, N.Y. 10007	212–264–2503
III	Maurice Hartman	P.O. Box 8788, Philadelphia, Pa. 19101	215–596–6826
IV	Douglass M. Richard	50 7th St. NE., Atlanta, Ga. 30323	404–526–3105
V	Robert A. Cullen	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5585
VI	Jerry O. Sconce	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–749–3921
VII	Warren H. Robinson	601 East 12th St., Kansas City, Mo. 64106.	816–374–3539
VIII	Wilburn W. Smith	19th and Stout Sts., Denver, Colo. 80202	303–837–4024
IX	Mercia L. Kahn	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–6561
X	Joseph E. Anderson	1321 2d Ave., Seattle, Wash. 98101	206–442–0438

Department of Health, Education, and Welfare
Social Security Administration
Bureau of Hearings and Appeals

Region	Regional Chief Administrative Law Judge	Address	Telephone
I	Harold H. Fischer	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5275
II	Wallace Tannenbaum	26 Federal Plaza, New York, N.Y. 10007	212–264–4036
III	Sol R. Gitman	3535 Market St., Philadelphia, Pa. 19101	215–596–6975
IV	James H. Nease, Acting	50 7th St. NE., Atlanta, Ga. 30323	404–526–5487
V	Allen E. Gramza	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–4113
VI	Ernest C. Winfrey	212 North Saint Paul St., Dallas, Tex. 75201.	214–749–7315
VII	Myron D. Mills	911 Walnut St., Kansas City, Mo. 64106	816–374–5246
VIII	Myron D. Mills, Acting	1961 Stout St., Denver, Colo. 80202	303–837–3022
IX	Robin Sheldon Heyer	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–0644
X	Gordon M. Callow	1321 2d Ave., Seattle, Wash. 98101	206–442–1322

Department of Health, Education, and Welfare
Social Security Administration

Department of Justice

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Department of Health, Education, and Welfare
Social Security Administration
Regional Commissioners

Region	Commissioner	Address	Telephone
I	Robert Green	John F. Kennedy Bldg., Boston, Mass. 02203.	617–223–6810
II	Joseph J. Kelly	26 Federal Plaza, New York, N.Y. 10007	212–264–3915
III	Rose Lepore	P.O. Box 8788, Philadelphia, Pa. 19101	215–597–6914
IV	Gordon Sherman	50 7th St. NE., Atlanta, Ga. 30323	404–285–5961
V	Paul E. Webb	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–4246
VI	Martha A. McSteen	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–749–4210
VII	James Haas	601 East 12th St., Kansas City, Mo. 64106.	816–758–3701
VIII	Sandy Crank	1961 Stout St., Denver, Colo. 80202	303–327–3284
IX	John McConnachie	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–4910
X	Donald C. Sutcliffe	1321 2d Ave., Seattle, Wash. 98101	206–399–0417

Department of Housing and Urban Development

Region	Administrator	Address	Telephone
I	(Vacancy)	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4066
II	(Vacancy)	26 Federal Plaza, New York, N.Y. 10007	212–264–8068
III	(Vacancy)	6th and Walnut Sts., Philadelphia, Pa. 19106.	215–597–2560
IV	(Vacancy)	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–881–5585
V	Don Morrow	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5680
VI	(Vacancy)	1100 Commerce St., Dallas, Tex. 75242	214–749–7401
VII	(Vacancy)	911 Walnut St., Kansas City, Mo. 64106	816–374–2661
VIII	(Vacancy)	1405 Curtis St., Denver, Colo. 80202	303–837–4513
IX	(Vacancy)	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–4752
X	(Vacancy)	1321 2d Ave., Seattle, Wash. 98101	206–442–5414

Department of Justice
Community Relations Service

Region	Director	Address	Telephone
I	Martin A. Walsh	100 Summer St., Boston, Mass. 02110	617–223–5170
II	Wallace Warfield, Acting	26 Federal Plaza, New York, N.Y. 10007	212–264–0700
III	Edmund M. Haywood	2d and Chestnut Sts., Philadelphia, Pa. 19107.	215–597–2344
IV	Ozell Sutton	75 Piedmont Ave. NE., Atlanta, Ga. 30303.	404–285–6883
V	Richard H. Salem	55 East Monroe St., Chicago, Ill. 60603	312–353–4391
VI	Maurilio V. Ortiz	1100 Commerce St., Dallas, Tex. 75202	214–749–1525
VII	John G. Perez	911 Walnut St., Kansas City, Mo. 64106	816–758–2022
VIII	Leo E. Cardenas	1531 Stout St., Denver, Colo. 80202	303–327–2973
IX	Julian Klugman	100 Mission St., San Francisco, Calif. 94105.	415–556–2485
X	Robert Lamb	Federal Office Bldg., 915 2d Ave., Seattle, Wash. 98104	206–399–4465

Department of Justice
Law Enforcement Assistance Administration

Region	Administrator	Address	Telephone
I	George Campbell	100 Summer St., Boston, Mass. 02110	617–223–4673
II	Julius Tesler	26 Federal Plaza, New York, N.Y. 10007	212–264–4132
III	Cornelius Cooper	325 Chestnut St., Philadelphia, Pa. 19106.	215–597–9440 9442
IV	Charles Rinkevich	730 Peachtree St. NE., Atlanta, Ga. 30308.	404–881–3556
V	V. Allen Adams	3166 Des Plaines Ave., Des Plaines, Ill. 60018.	312–353–1203
VI	John McIvor	1607 Main St., Dallas, Tex. 75201	214–749–7211
VII	Marvin Rudd	436 State Ave., Kansas City, Kans. 66101	816–374–4501
VIII	Joseph Mulvey	Federal Bldg., Rm. 6234, Denver, Colo. 80202.	303–837–4784
IX	M. Thomas Clark	1860 El Camino Real, Burlingame, Calif. 94010.	415–876–9104
X	Bernard Winckoski	Federal Bldg., Rm. 3292, 915 2d Ave., Seattle, Wash. 98174.	206–442–1170

Inspector General Field Office

Region	Field Manager	Address	Telephone
Atlanta, Ga. 30309	Douglas McIntyre	1718 Peachtree St. NW., Suite 924	404–526–5181
Denver, Colo. 80201	Oscar Elmore	P.O. Box 3119	303–837–3638
Sacramento, Calif. 95810	Charles Rabb	P.O. Box 3010	916–440–2131
Washington, D.C. 20001	Hurley Blankenship	425 Eye St. NW	202–376–3865

Department of Labor
Employment Standards Administration

Region	Regional Administrator	Address	Telephone
I	Walker P. Parker	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4305
II	Frank B. Mercurio	1515 Broadway, New York, N.Y. 10036	212–399–5551
III	Charles M. Angell	3535 Market St., Philadelphia, Pa. 19104	215–596–1185
IV	James E. Patching, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–2818
V	Gerald J. Mitchell	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7280
VI	Bill Belt	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–2037
VII	Doyle I. Loveridge	911 Walnut St., Kansas City, Mo. 64106	816–374–5381
VIII	Higinio Costales, Jr	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Virginia Allee	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–1318
X	William C. Buhl	909 1st Ave., Seattle, Wash. 98104	206–442–1536

Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs

Region	Assistant Regional Administrator	Address	Telephone
I	E. William Richardson	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4232
II	George M. Hopkins	1515 Broadway, New York, N.Y. 10036	212–399–5563
III	Bennett O. Stalvey, Jr	3535 Market St., Philadelphia, Pa. 19104	215–596–1213
IV	Jodie G. Eggers	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–4211
V	James T. Wardlaw	230 South Dearborn St., Chicago, Ill. 60604.	312–353–8887
VI	Roberto Ornelas	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–1134
VII	Bennie L. Daugherty, Jr	911 Walnut St., Kansas City, Mo. 64106	816–374–5384
VIII	Jay F. Sauls	1961 Stout St., Denver, Colo. 80202	303–837–4978
IX	(Vacancy)	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–3597
X	James F. Warren	909 1st Ave., Seattle, Wash. 98104	206–442–1534

Department of Labor

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Department of Labor
Employment Standards Administration
Women's Bureau

Region	Assistant Regional Administrator	Address	Telephone
I	Vivian Buckles	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4036
II	Mary E. Tobin	1515 Broadway, New York, N.Y. 10036	212–399–5452
III	Katy Riordan	3535 Market St., Philadelphia, Pa. 19104	215–596–1183
IV	Gay Cobb	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5461
V	Eileen Shaeffler	230 South Dearborn St., Chicago, Ill. 60604.	312–353–6985
VI	Rhobia C. Taylor	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–2568
VII	(Vacancy)	911 Walnut St., Kansas City, Mo. 64106	816–374–5383
VIII	(Vacancy)	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Madeline H. Mixer	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–2377
X	Lazelle S. Johnson	909 1st Ave., Seattle, Wash. 98104	206–442–1534

Department of Labor
Employment Standards Administration
Wage and Hour Division

Region	Assistant Regional Administrator	Address	Telephone
I	William L. Smith	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5565
II	Raymond C. Cordelli	1515 Broadway, New York, N.Y. 10036	212–399–5453
	Luz Vilarino, Director	1200 Ponce de Leon Ave., Santurce, P.R. 00907.	809–723–8165
III	John A. Craven, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1193
IV	Hugh B. Campbell	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5801
	Sterling B. Williams	1931 9th Ave. South, Birmingham, Ala. 35205.	205–254–1305
V	Donald H. Haack and William Vanzanen.	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7250 7249
VI	Robert B. Snyder	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–7460
VII	Rex L. Wyman	911 Walnut St., Kansas City, Mo. 64106	816–374–5386
VIII	C. Lamar Johnson	1961 Stout St., Federal Office Bldg., Denver, Colo. 80202.	303–837–4613
IX	John M. Silver	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–3592
X	Loren E. Gilbert	909 1st Ave., Seattle, Wash. 98104	206–442–1916

Department of Labor
Employment and Training Administration

Region	Regional Administrator	Address	Telephone
I	Luis F. Sepulveda	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6439
II	Lawrence W. Rogers	1515 Broadway, New York, N.Y. 10036	212–971–5445
III	J. Terrell Whitsitt	P.O. Box 8796, Philadelphia, Pa. 19101	215–596–6336
IV	Julian O. Colquitt	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–881–4411
V	Richard C. Gilliland	230 South Dearborn St., Chicago, Ill. 60604.	312–353–0313
VI	William S. Harris	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–1585
VII	Richard G. Miskimins	911 Walnut St., Kansas City, Mo. 64106	816–374–3796
VIII	David T. Duncan, Acting	1961 Stout St., Denver, Colo. 80202	303–837–4477
IX	William J. Haltigan	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–7414
X	Jess C. Ramaker	909 1st Ave., Seattle, Wash. 98104	206–442–7700

Department of Labor
Occupational Safety and Health Administration

Region	Regional Administrator	Address	Telephone
Boston, Mass. 02203	Gilbert Saulter	John F. Kennedy Federal Bldg., Room 1804.	617–223–6712 6713
New York, N.Y. 10036	Alfred Barden	1515 Broadway	212–399–5941 5942
Philadelphia, Pa. 19104	David H. Rhone	3535 Market St.	215–596–1201
Atlanta, Ga. 30309	Donald E. Mackenzie	1375 Peachtree St. NE.	404–881–3573
Chicago, Ill. 60604	Barry White	230 South Dearborn St.	312–353–4716 4717
Dallas, Tex. 75203	Robert Tice	55 Griffin Square Bldg	214–749–2477, 78, 79 214–749–2567
Kansas City, Mo. 64106	Vernon Strahm	911 Walnut St.	816–374–5861
Denver, Colo. 80202	Curtis Foster	1961 Stout St.	303–837–3883
San Francisco, Calif. 94102	Gabriel Gillotti	450 Golden Gate Ave	415–556–0586
Seattle, Wash. 98104	James W. Lake	909 1st Ave	206–442–5930

Department of Labor
Regional Directors

Region	Director	Address	Telephone
I	(Vacancy)	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5430
II	(Vacancy)	1515 Broadway, New York, N.Y. 10036	212–399–5252
III	(Vacancy)	3535 Market St., Philadelphia, Pa. 19104	215–596–1116
IV	(Vacancy)	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5366
V	(Vacancy)	230 S. Dearborn St., Chicago, Ill. 60604	312–353–4122
VI	(Vacancy)	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–3842
VII	(Vacancy)	911 Walnut St., Kansas City, Mo. 64106	816–374–5941
VIII	(Vacancy)	1961 Stout St., Denver, Colo. 80202	303–837–3791
IX	(Vacancy)	450 Golden Gate Ave.; San Francisco, Calif. 94102.	415–556–8754
X	(Vacancy)	909 1st Ave., Seattle, Wash. 98104	206–442–1545

Department of Transportation
Regional Representatives of the Secretary

Region	Representative	Address	Telephone
I	Rear Adm. James P. Stewart, Acting.	150 Causeway St., Boston, Mass. 02114	617–223–3604
II	Vice Adm. W. F. Rea III, Acting	Governor's Island, New York, N.Y. 10004	212–264–8743
III	Franz K. Gimmler, Acting	Suite 1010, 434 Walnut St., Philadelphia, Pa. 19106	215–597–4179
IV	James D. Lacy, Acting	Suite 200, 1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404–881–4078
V	John H. Cyrocki, Acting	2300 East Devon Ave., Des Plaines, Ill. 60018.	312–694–4500
VI	Henry L. Newman, Acting	P.O. Box 1689, Fort Worth, Tex. 76101	817–624–4911
VII	John B. Kemp, Acting	6301 Rockhill Rd., Kansas City, Mo. 64141.	816–926–7563
VIII	Mervyn M. Martin, Acting	10455 East 25th Ave., Aurora, Colo. 80010.	303–837–3646
IX	Frank E. Hawley, Acting	2 Embarcadero Center, Suite 530, San Francisco, Calif. 94111.	415–556–3951
X	Rear Adm. Chester A. Richmond, Jr., Acting.	Federal Bldg., Suite 3590, 915 2d Ave., Seattle, Wash. 98174.	206–442–5078

Department of Transportation

ACTION

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Department of Transportation
National Highway Traffic Safety Administration

Region	Administrator	Address	Telephone
I	James P. Williamson	55 Broadway, Cambridge, Mass. 02142	617–494–2680
II	Dean Van Gorden	200 Mamaroneck Ave., White Plains, N.Y. 10601.	914–761–4250 Ext. 312
III	Vincent D. Walsh	6701 Elkridge Landing Rd., Linthicum, Md. 21090.	301–796–5117
IV	Stanley M. Keesling	1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404–881–4537
V	Gordon Lindquist	1010 Dixie Hwy., Chicago Heights, Ill. 60411.	312–756–1950
VI	E. Robert Anderson	819 Taylor St., Fort Worth, Tex. 76102	817–334–3653
VII	E. L. McBride	P.O. Box 19515, Kansas City, Mo. 64141	816–926–7887
VIII	R. C. O'Connell	330 South Garrison St., Lakewood, Colo. 80226.	303–234–3253
IX	Bradford Crittenden	2 Embarcadero Center, Suite 610, San Francisco, Calif. 94111.	415–556–6415
X	William L. Hall	915 2d Ave., Seattle, Wash. 98174	206–442–5934

Department of Transportation
Urban Mass Transportation Administration

Region	Representative	Address	Telephone
I	Peter N. Stowell	c/o Transportation System Center, 55 Broadway Cambridge, Mass. 02142.	617–494–2055
II	Kenneth E. Vought, Acting	26 Federal Plaza, New York, N.Y. 10007	212–264–8162
III	Franz K. Gimmler	434 Walnut St., Philadelphia, Pa. 19106	215–597–8098
IV	Douglas C. Campion	1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404–881–3948
V	Theodore G. Weigle	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–6005
VI	Glen E. Ford	819 Taylor St., Fort Worth, Tex. 76102	817–334–3787
VII	Lee O. Waddleton	6301 Rockhill Rd., Kansas City, Mo. 64106.	816–926–5053
VIII	Louis Mraz	1050 17th St., Denver, Colo. 80202	303–837–3242
IX	Dee Jacobs	2 Embarcadero Center, San Francisco, Calif. 94111.	415–556–2884
X	Franklin W. Fort	915 2d Ave., Seattle, Wash. 98174	206–442–4210

ACTION

Region	Director	Address	Telephone
I	John Torian	John W. McCormick Federal Bldg., Boston, Mass. 02109.	617–223–4501
II	(Vacancy)	26 Federal Plaza, New York, N.Y. 10007	212–264–5701
III	(Vacancy)	320 Walnut St., Philadelphia, Pa. 19106	215–597–9972
IV	Paul R. Jones	730 Peachtree St. NE., Atlanta, Ga. 30308.	404–257–3337
V	Michael F. Doyle	1 North Wacker Dr., Chicago, Ill. 60606	312–353–5107
VI	Hesiquio Rodriguez, Acting	212 North Saint Paul St., Dallas, Tex. 75201.	214–749–1361
VII	John L. Campbell	2 Gateway Center, Kansas City, Kans. 66101.	816–758–4486
VIII	Jack L. Stiegelmeier	1050 17th St., Denver, Colo. 80202	303–327–2671
IX	Donald L. Brown	211 Main St., San Francisco, Calif. 94105.	415–556–1736
X	John Keller	1602 2d Ave., Seattle, Wash. 98101	206–399–4520

ACTION
Office of Recruitment and Communications
Field Service Centers

[Each Service Center serves two Standard Federal Regions]

Service Center	Director	Address	Telephone
New York (serves Regions I and II).	Wayne Judkins	26 Federal Plaza, New York, N.Y. 10007	212–264–1780
Atlanta (serves Regions III and IV).	Steve Grossman, Acting	730 Peachtree St. NE., Atlanta, Ga. 30308	404–285–3337
Chicago (serves Regions V and VII).	Noel McCaman	1 North Wacker Dr., Chicago, Ill. 60606	312–353–3585
Dallas (serves Regions VI and VIII).	Richard Garbell	212 North Saint Paul St., Dallas, Tex. 75201.	214–749–3755
San Francisco (serves Regions IX and X).	William McCleary	211 Main St., San Francisco, Calif. 94105	415–556–1724

U.S. Air Force
Air Force Regional Civil Engineers
(Interagency/Intergovernmental Coordination for Environmental Planning)

Region	Representative	Address	Telephone
Eastern (Standard Federal Regions I–IV).	Robert L. Wong	526 Title Bldg., Atlanta, Ga. 30303	404–526–6776
Central (Standard Federal Regions V–VIII).	Lt. Col. Stanley A. Bohinc	Main Tower Bldg., 1200 Main St., Dallas, Tex. 75202.	214–749–2288
Western (Standard Federal Regions IX and X).	Robert B. Cameron	630 Sansome St., San Francisco, Calif. 94111.	415–556–4303

Civil Service Commission

Region	Director	Address	Telephone
I	Charles A. Maher	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.	617–223–2538
II	John J. Lafferty	26 Federal Plaza, New York, N.Y. 10007	212–264–0440
III	Robert E. Sperry	600 Arch St., Philadelphia, Pa. 19106	215–597–4543
IV	David Caldwell	1340 Spring St. NW., Atlanta, Ga. 30309	404–526–2436
V	Keith A. Roelofs	Federal Office Bldg., 29th Floor, 230 S. Dearborn St., Chicago, Ill. 60604.	312–353–2901
VI	Edward Vela, Jr	1100 Commerce St., Dallas, Tex. 75202	214–749–3352
VII	Robert J. Dunn	1256 Federal Bldg., 1520 Market St., St. Louis, Mo. 63103.	314–279–4262
VIII	George F. Dwyer	Denver Federal Center, Denver, Colo. 80225.	303–234–2023
IX	Francis V. Yanak	Federal Bldg., Box 36010, 450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–0581
X	Thomas G. McCarthy	915 2d Ave., Seattle, Wash. 98104	206–399–7536

Community Services Administration

Region	Director	Address	Telephone
I	Ivan R. Ashley	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4080
II	William A. White	26 Federal Plaza, New York, N.Y. 10007	212–264–1900
III	W. Astor Kirk	3535 Market St., Philadelphia, Pa. 19104	215–596–1000
IV	William "Sonny" Walker	730 Peachtree St., NE., Atlanta, Ga. 30308.	404–526–3172
V	Glennwood A. Johnson, Acting	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5562
VI	Ben T. Haney	1200 Main St., Dallas, Tex. 75202	214–749–1301
VII	Wayne Thomas	911 Walnut St., Kansas City, Mo. 64106	816–374–3761
VIII	David Vanderburgh	1961 Stout St., Denver, Colo. 80294	303–837–4767
IX	Eugene Gonzales	100 McAllister St., San Francisco, Calif. 94102.	415–556–5400
X	John C. Finley	1321 2d Ave., Seattle, Wash. 98101	206–442–4910

Environmental Protection Agency

General Services Administration

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Environmental Protection Agency

Region	Administrator	Address	Telephone
I	John A. S. McGlennon	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–7210
II	Gerald M. Hansler	26 Federal Plaza, New York, N.Y. 10007	212–264–2525
III	Daniel J. Snyder III	6th and Walnut Sts., Philadelphia, Pa. 19106.	215–597–9814
IV	Jack E. Ravan	345 Courtland St. NE., Atlanta, Ga. 30309.	404–257–4727
V	George Alexander	230 South Dearborn St., Chicago, Ill. 60604.	312–353–5250
VI	John C. White	1201 Elm St., First International Bldg., Dallas, Tex. 75201.	214–749–1962
VII	Charles V. Wright, Acting	1735 Baltimore Ave., Kansas City, Mo. 64108.	816–374–5493
VIII	John A. Green	1860 Lincoln St., Denver, Colo. 80203	303–837–3895
IX	Paul DeFalco, Jr	100 California St., San Francisco, Calif. 94111.	415–556–2320
X	Donald P. Dubois	1200 6th Ave., Seattle, Wash. 98101	206–442–1220

Equal Employment Opportunity Commission

Region	Director	Address	Telephone
I [1] and II	Edward Mercado	26 Federal Plaza, New York, N.Y. 10007	212–264–3640
III	A. Keith McDonald	127 N. 4th St., Philadelphia, Pa. 19106	215–597–7784
IV	Robert Jeffrey, Sr	75 Piedmont Ave. NE., Atlanta, Ga. 30303.	404–221–6091
V	Elmer W. McLain	600 S. Michigan Ave., Chicago, Ill. 60605	312–353–9386
VI	Lorenzo Ramirez	1100 Commerce St., Dallas, Tex. 75242	214–749–1841
VII	Charles E. Clark	601 East 12th St., Kansas City, Mo. 64106.	816–374–2781
VIII, [1] IX, and X [1]	Frank A. Quinn	300 Montgomery St., San Francisco, Calif. 94104.	415–556–1775

[1] Regional office not open.

Federal Energy Administration

Region	Regional Administrator	Address	Telephone
I	Robert Mitchell	150 Causeway St., Boston, Mass. 02114	617–223–3701
II	Alfred Kleinfeld	26 Federal Plaza, New York, N.Y. 10007	212–264–1021
III	J. A. LaSala	1421 Cherry St., Philadelphia, Pa. 19102	215–597–3890
IV [1]	Fredric Johnson	1655 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–2837
V	N. Allen Andersen	175 West Jackson Blvd., Chicago, Ill. 60604.	312–353–8420
VI	Delbert Fowler	2626 West Mockingbird La., Dallas, Tex. 75325.	214–749–7345
VII	Neil Admans	112 East 12th St., Kansas City, Mo. 64142.	816–374–2061
VIII	Dudley Faver	1075 South Yukon St., Lakewood, Colo. 80226.	303–234–2420
IX [2]	William Arntz	111 Pine St., San Francisco, Calif. 94111	415–556–7216
X	Jack Robertson	915 2d Ave., Seattle, Wash. 98104	206–424–7280

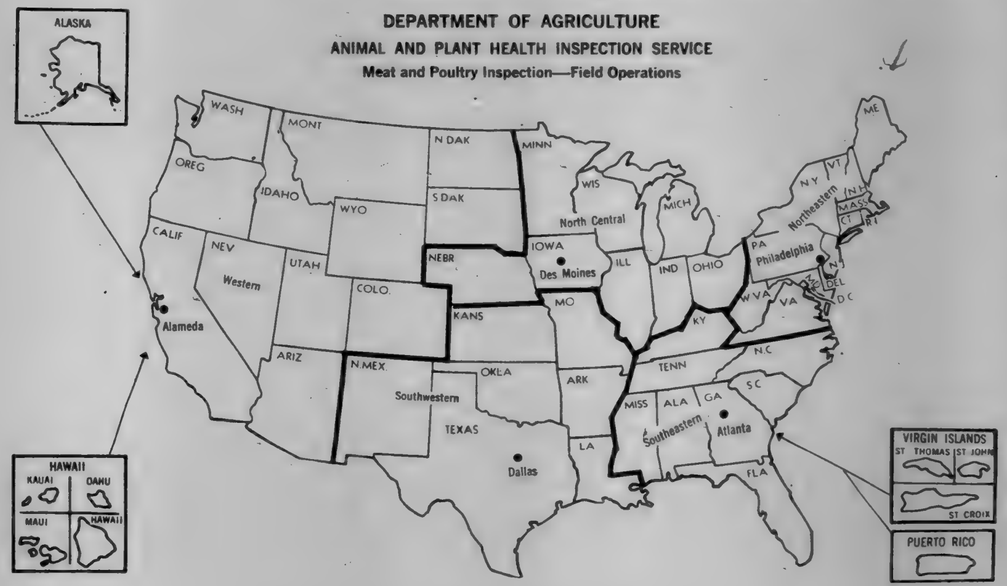
[1] Region IV includes the Panama Canal Zone.
[2] Region IX includes American Samoa, Guam, and the Trust Territories of the Pacific Islands.

General Services Administration

Region	Administrator	Address	Telephone
I	Albert A. Gammal, Jr	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.	617–223–2601
II	Gerald J. Turetsky	26 Federal Plaza, New York, N.Y. 10007	212–264–2600
III	John F. Galuardi	7th and D Sts. SW., Washington, D.C. 20407.	202–472–1100
IV	Lewis D. Strom	1776 Peachtree St. NW., Atlanta, Ga. 30309.	404–285–5600
V	Edward B. Messerly, Acting	230 South Dearborn St., Chicago, Ill. 60604.	312–353–5395
VI	H. D. Harvell	1500 East Bannister Rd., Kansas City, Mo. 64131.	816–926–7201
VII	Karl R. Merrill	819 Taylor St., Fort Worth, Tex. 76102	817–334–2321
VIII	P. J. Menardi, Acting	Denver Federal Center, Denver, Colo. 80225.	303–234–4171
IX	Thomas E. Hannon	525 Market St., San Francisco, Calif. 94105.	415–556–3221
X	Marvin L. Blaylock, Acting	GSA Center, Auburn, Wash. 98002	206–396–5201

Small Business Administration

Region	Director	Address	Telephone
I	Leonard E. Chadwick, Acting	150 Causeway St., Boston, Mass. 02114	617–223–2100
II	Charlie L. Dean, Acting	26 Federal Plaza, New York, N.Y. 10007	212–264–0100
III	Edward N. Rosa, Acting	1 Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004.	215–597–3311
IV	Wiley S. Messick	1401 Peachtree St. NE., Atlanta, Ga. 30309.	404–257–0111
V	Arthur J. Glick, Acting	219 South Dearborn St., Chicago, Ill. 60604.	312–353–4401
VI	Frederick S. Neumann	1720 Regal Row, Dallas, Tex. 75235	214–749–1011
VII	Dulcie Young, Acting	911 Walnut St., Kansas City, Mo. 64106	816–758–7212
VIII	William S. Schumacher, Acting	1405 Curtis St., Denver, Colo. 80202	303–327–01M
IX	Gilbert Montano	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–9000
X	Conrad E. Lawlor, Acting	710 2d Ave., Seattle, Wash. 98104	206–442–1455



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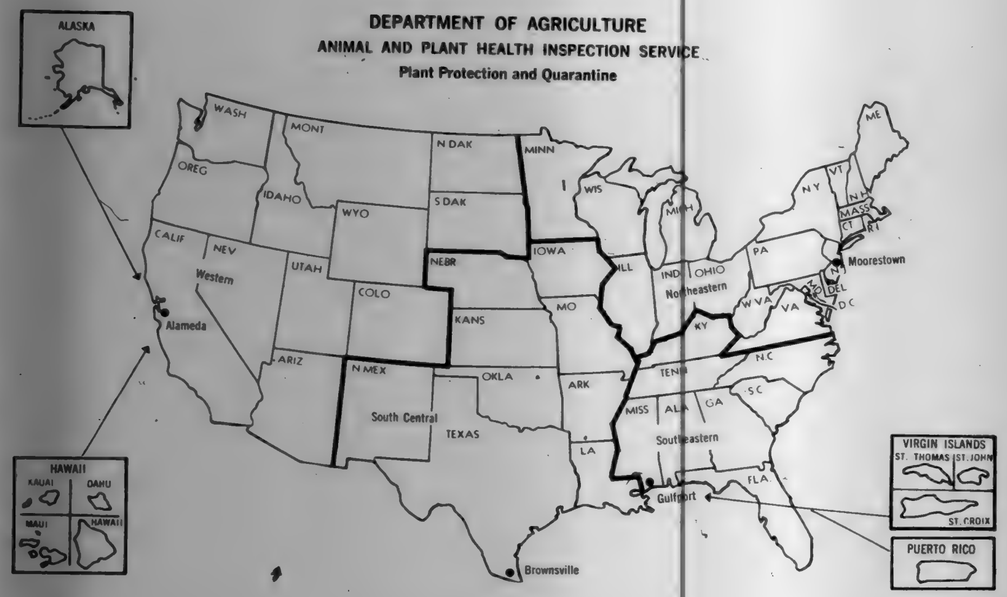
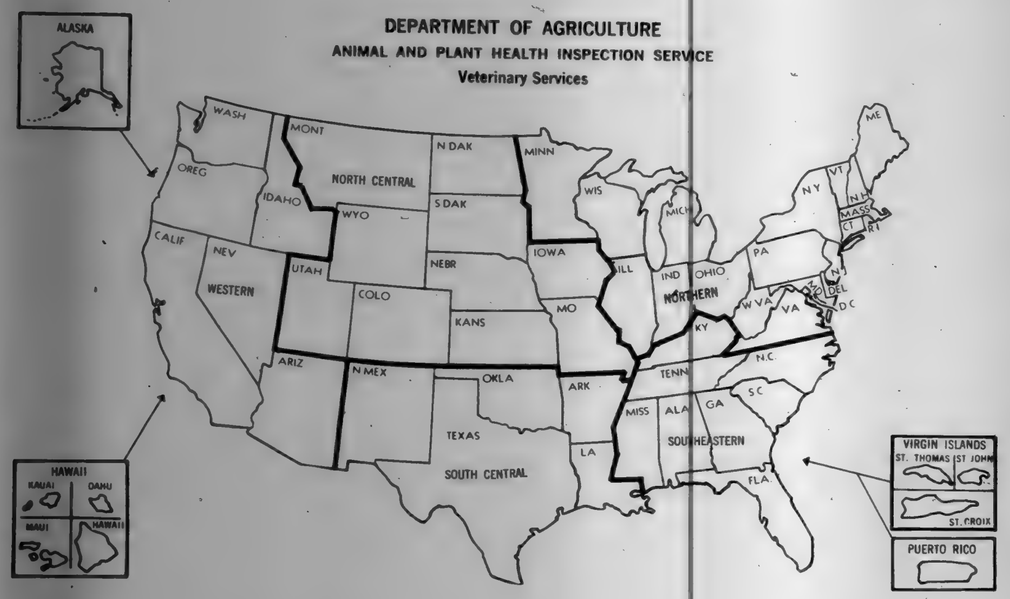
DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Plant Protection and Quarantine

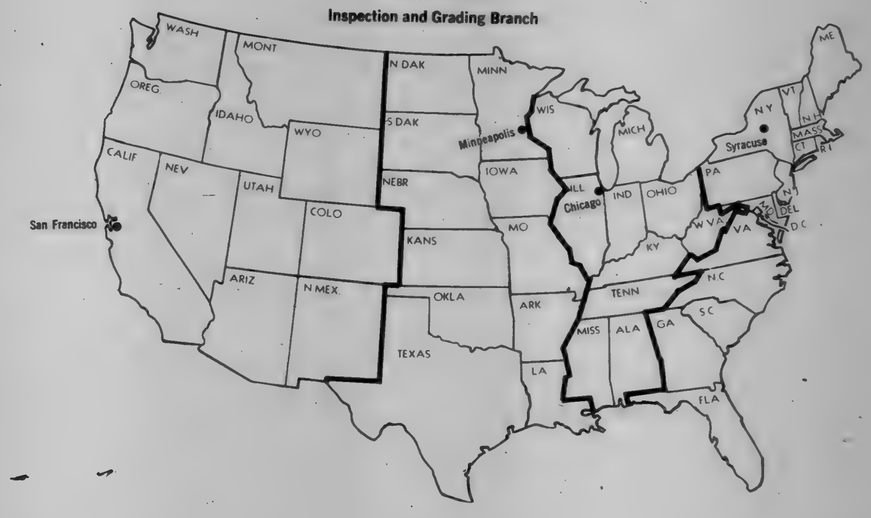


DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Veterinary Services



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Cotton Division

DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Dairy Division
Inspection and Grading Branch



DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

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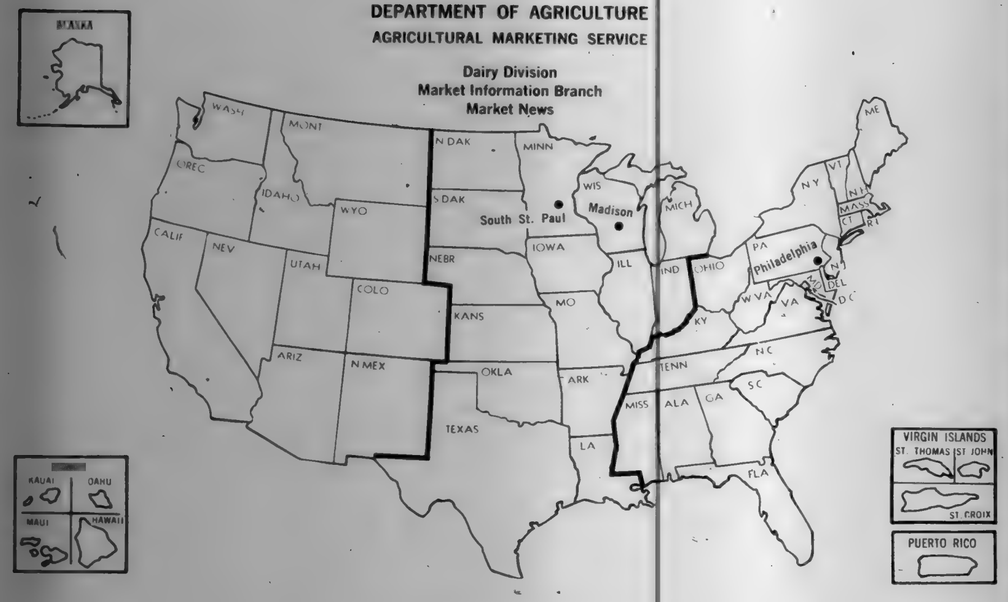
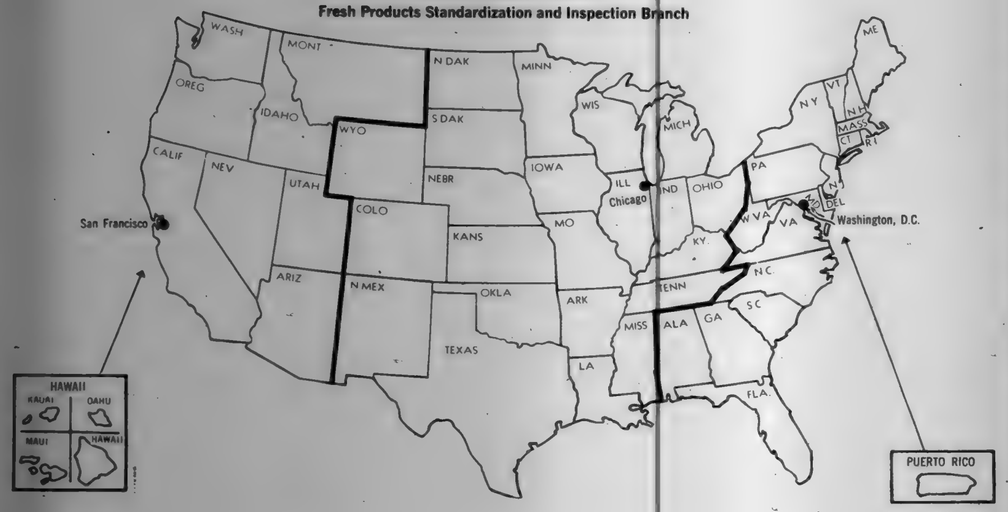
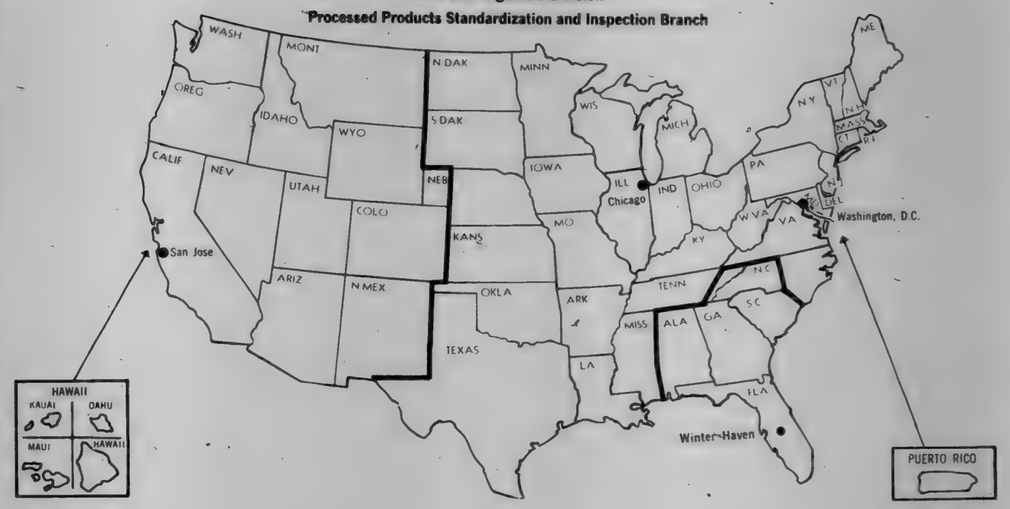
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Dairy Division
Market Information Branch
Market News



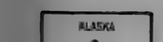
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Regulatory Branch



DEPARTMENT OF AGRICULTURE

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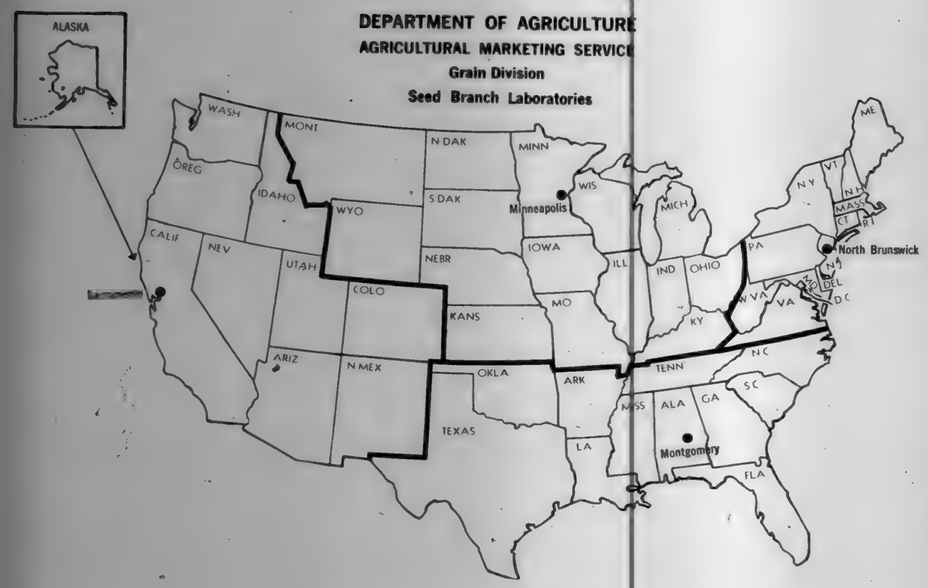
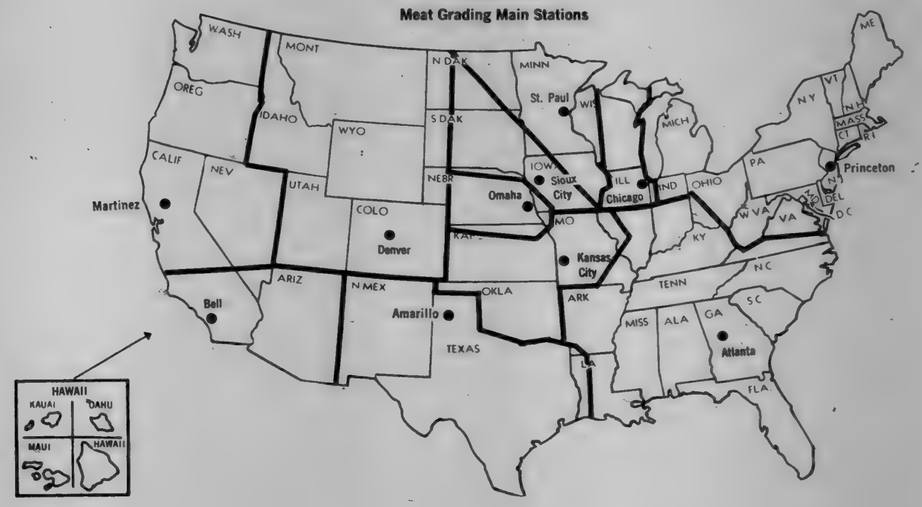
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Grain Division
Seed Branch Laboratories



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Information Division

DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Market News Areas

DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Meat Grading Main Stations



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

DEPARTMENT OF AGRICULTURE

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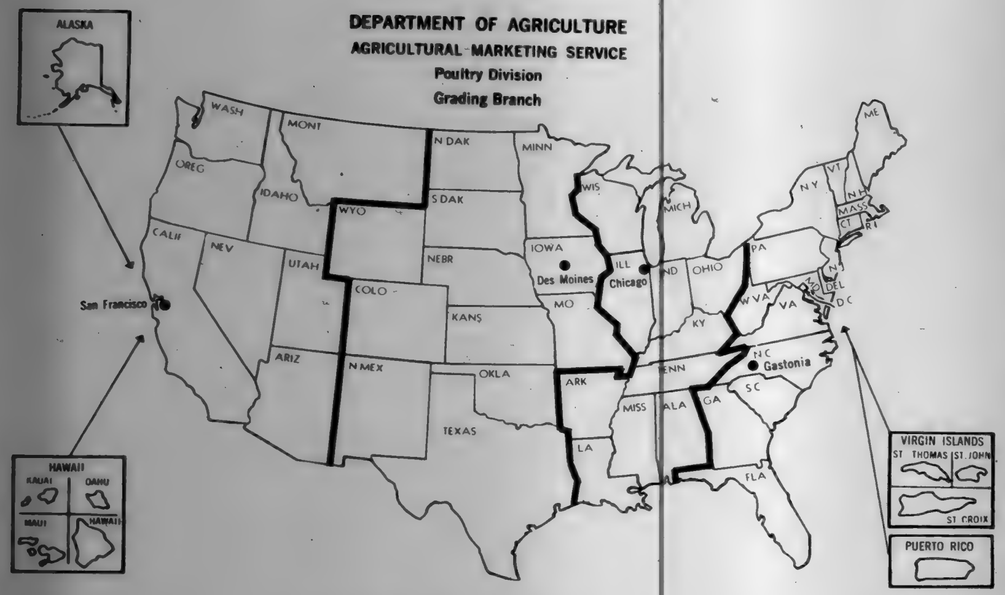
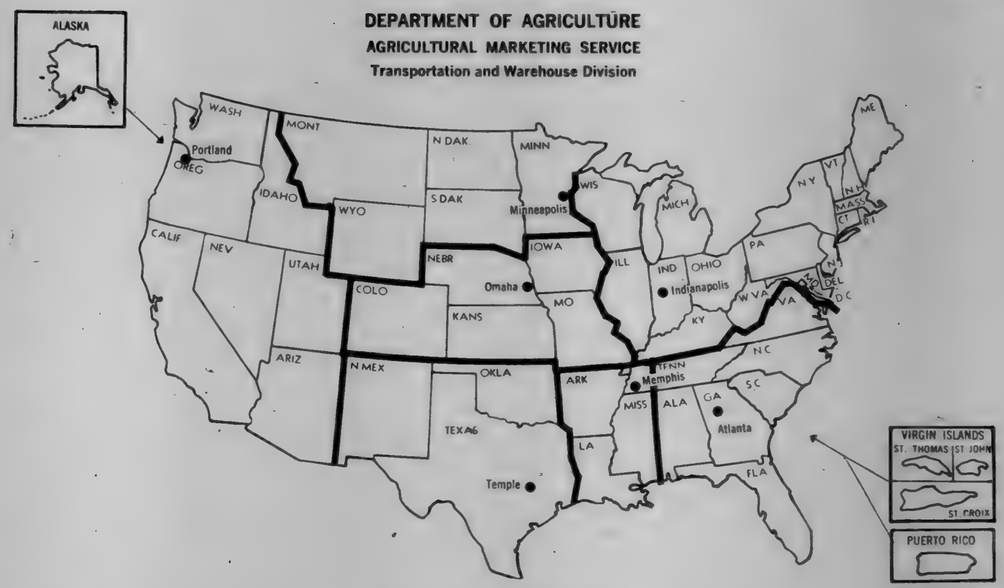
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Poultry Division
Grading Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Tobacco Division

DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Transportation and Warehouse Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE

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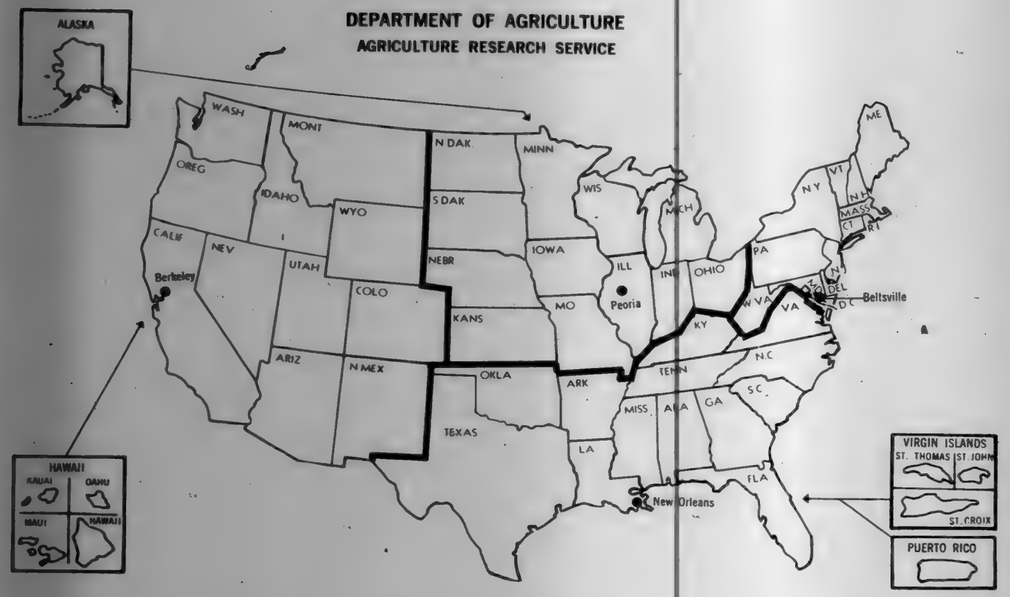
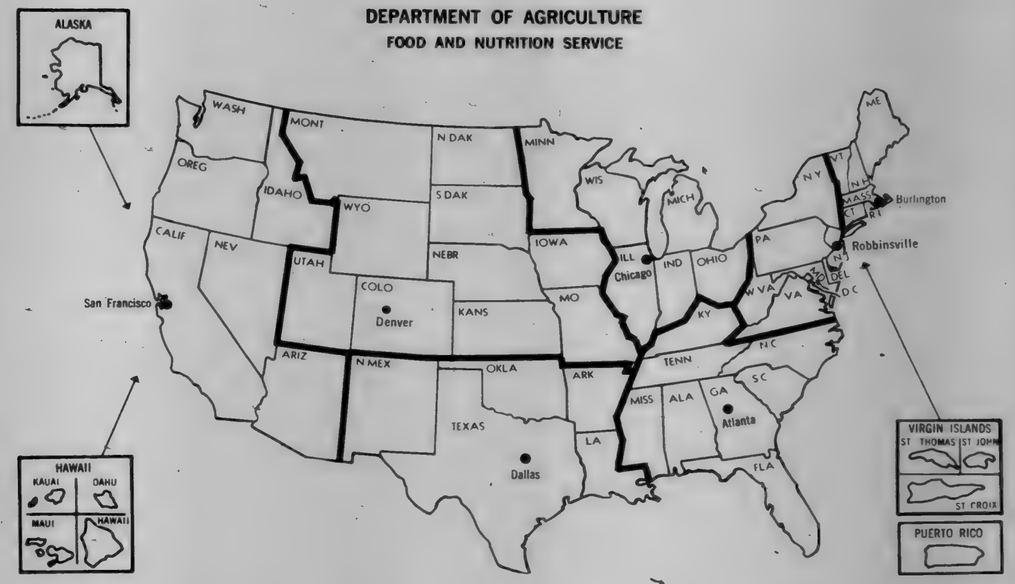
DEPARTMENT OF AGRICULTURE
AGRICULTURE RESEARCH SERVICE

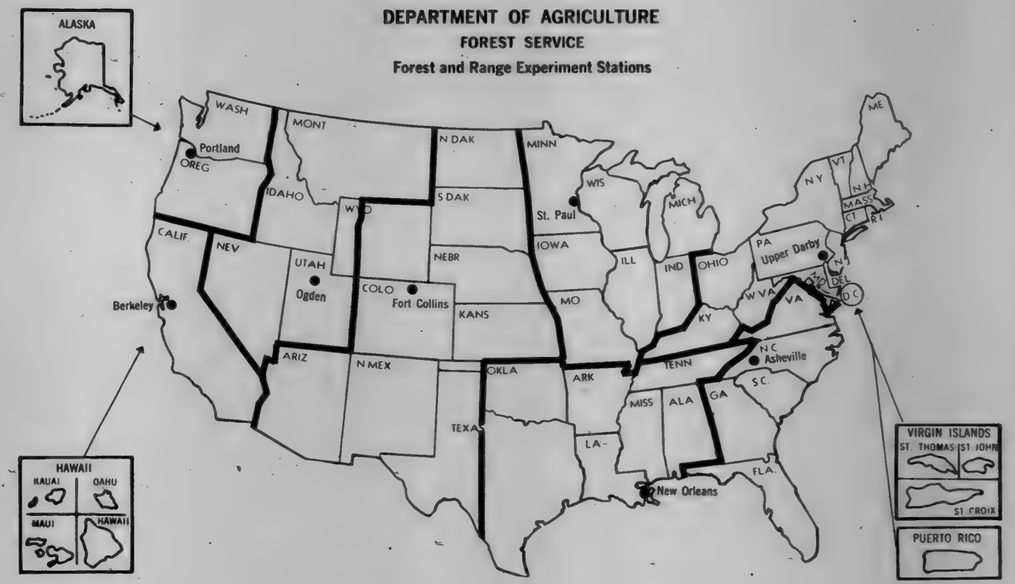


DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Forest and Range Experiment Stations



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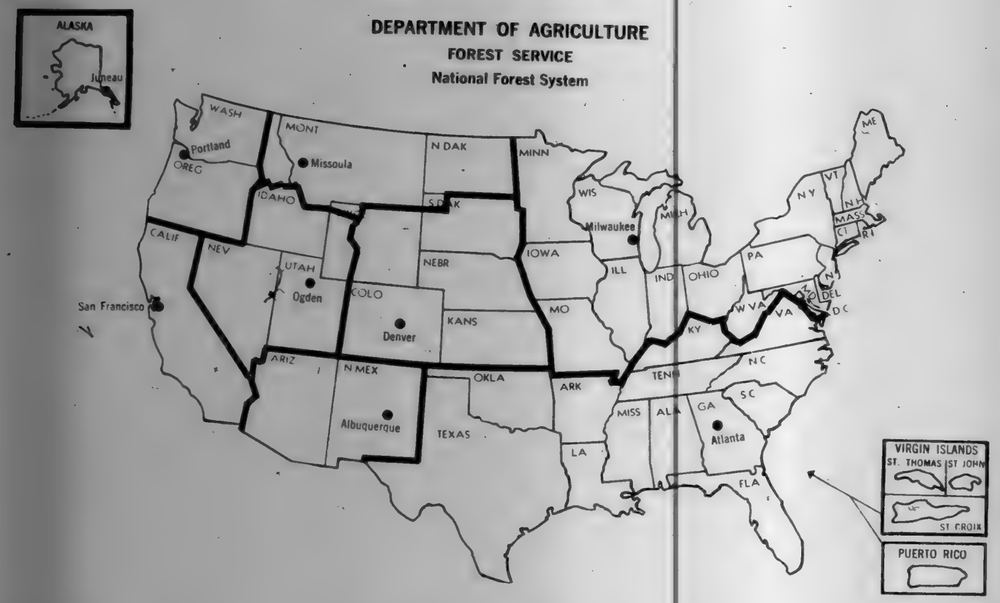
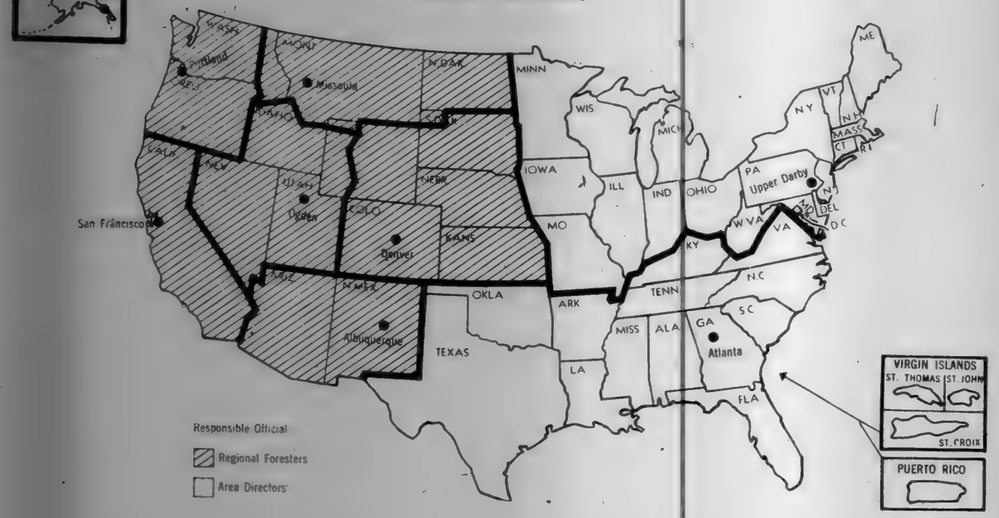
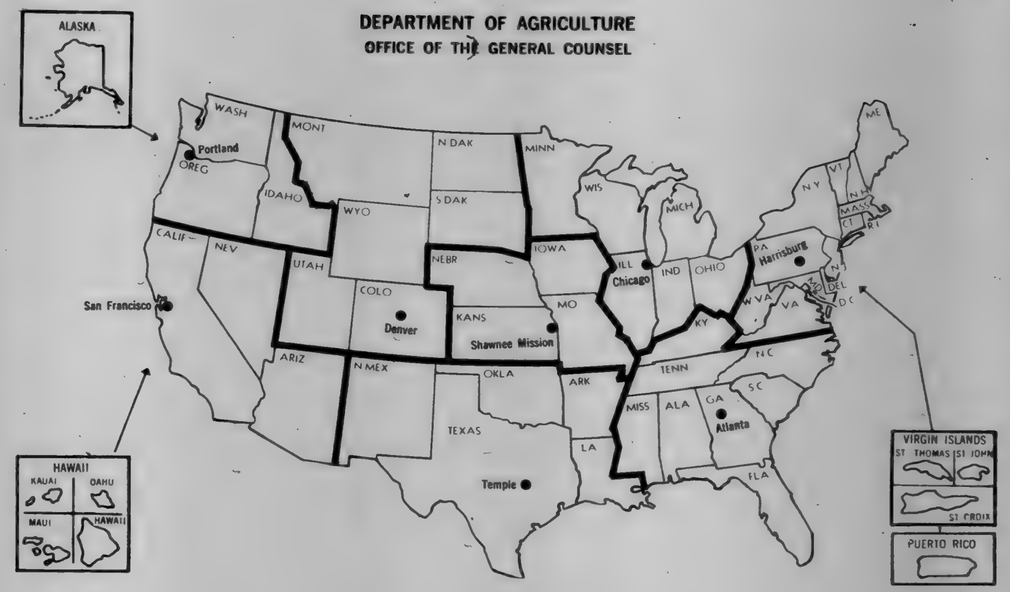
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
National Forest System



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
State and Private Forestry



DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL



DEPARTMENT OF AGRICULTURE
OFFICE OF INVESTIGATION

DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION

DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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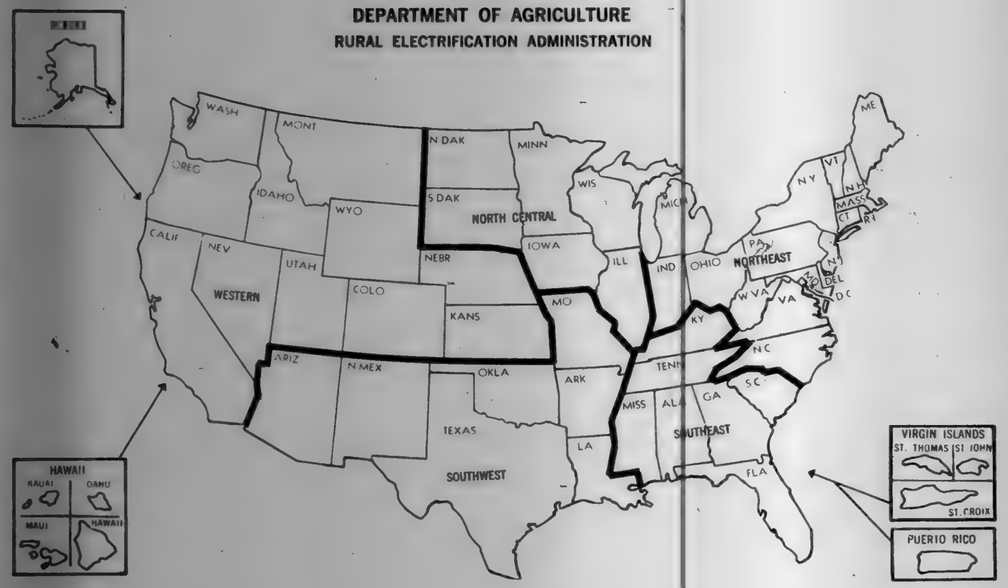
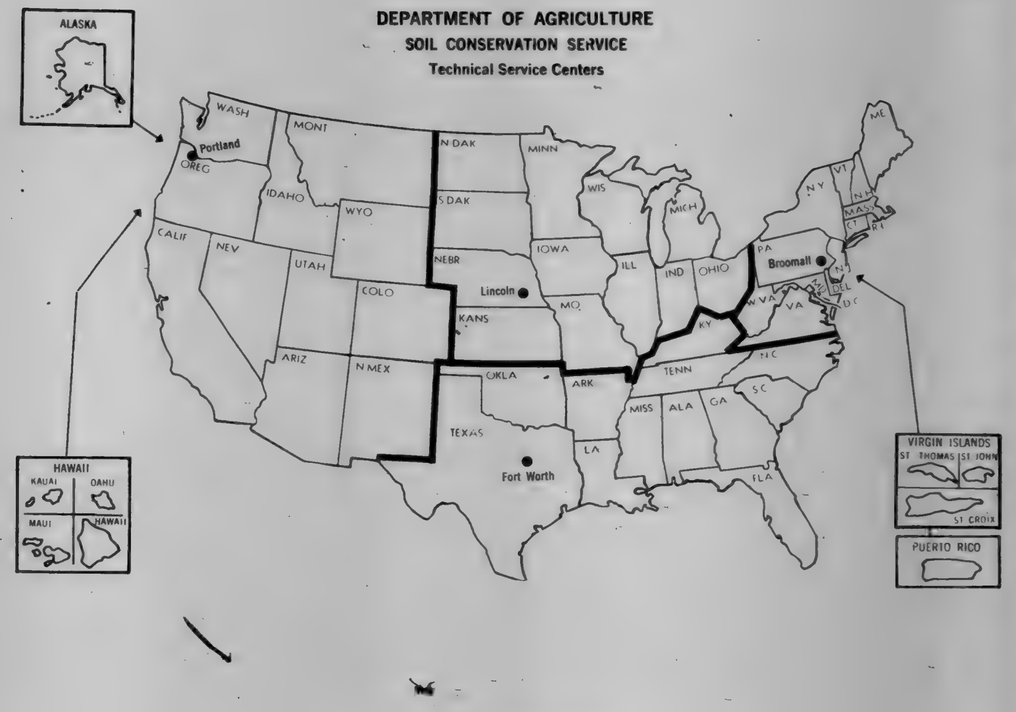
DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION

DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION



DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Technical Service Centers



Department of Agriculture
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Field Operations

Region	Director	Address	Telephone
Des Moines, Iowa 50309	Dr. L. H. Burkert	East 1st and Walnut Sts	515-284-4042
Atlanta, Ga. 30309	Dr. J. B. Willis, Acting	1718 Peachtree St. NW	404-526-3911
Alameda, Calif. 94501	Dr. L. J. Rafoth	620 Central Ave	415-273-7402
Philadelphia, Pa. 19102	Dr. M. J. Hatter	1421 Cherry St	215-597-4219
Dallas, Tex. 75201	Dr. W. H. Irvin	1100 Commerce St	214-749-3747

Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Region	Director	Address	Telephone
Moorestown, N.J. 08057	J. T. Koski	P.O. Box 93	609-235-1428
Gulfport, Miss. 39501	H. L. Ford	P.O. Box 989	601-499-2672 Ext. 2603
Alameda, Calif. 94501	A. L. Adams	620 Central Ave	415-273-6014
Brownsville, Tex. 78520	W. H. Moore	2100 Boca Chica Blvd	512-542-7231

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services

Region	Director	Address	Telephone
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073
Atlanta, Ga. 30309	Dr. J. B. Willis, Acting	1718 Peachtree St. NW	404-526-3911
Ames, Iowa 50010	Dr. L. H. Burkert	1417 South Duff	515-284-4042
Fort Worth, Tex. 76102	Dr. W. H. Irvin	1100 Commerce St	214-749-3747
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services
Import-Export Animals and Animal Products

Region	Director	Address	Telephone
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073
Miami, Fla. 33178	Dr. J. B. Willis, Acting	8600 NW 41st St	305-526-2401
Alameda, Calif. 94501	Dr. L. J. Rafoth	620 Central Ave	415-273-7402
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services
Veterinary Biologics

Region	Director	Address	Telephone
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073
Ames, Iowa 50010	Dr. L. H. Burkert	1417 South Duff	515-284-4042
Hyattsville, Md. 20782	Dr. J. A. Hopkins	6505 Belcrest Rd	301-436-8073

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Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services
(Located at 6525 Belcrest Rd., Hyattsville, Md. 20782)

Region	Director	Address	Telephone
South Central	Dr. J. H. Wommack	Room 841, Federal Bldg	301-436-8220
Northern	Dr. H. C. King	Room 845, Federal Bldg	301-436-8644
Southeastern	Dr. M. J. Tillery	Room 841, Federal Bldg	301-436-8210
North Central	Dr. J. C. Jeffries	Room 838, Federal Bldg	301-436-8333
Western	Dr. G. E. Blake	Room 848, Federal Bldg	301-436-8700

Department of Agriculture
Agricultural Marketing Service
Cotton Division

Region	Director	Address	Telephone
Memphis, Tenn. 38122	David H. Stancil	4841 Summer Ave	901-521-2921
El Paso, Tex. 79925	Donald W. Bratton	1515 Airway Blvd	915-543-7676

Department of Agriculture
Agricultural Marketing Service
Dairy Division
Inspection and Grading Branch

Region	Area Supervisor	Address	Telephone
San Francisco, Calif. 94111	Roy F. Hedtke	630 Sansome St	415-556-5585
Chicago, Ill. 60607	Kenneth R. Olson	610 South Canal St	312-353-6680
Minneapolis, Minn. 55401	Harold K. Linden	110 South 4th St	612-725-2246
Syracuse, N.Y. 13202	LeRoy C. Iverson	100 South Clinton St	315-423-5325

Department of Agriculture
Agricultural Marketing Service
Dairy Division
Market Information Branch
Market News

Region	Officer in Charge	Address	Telephone
Philadelphia, Pa. 19106	Gerald J. Foskett	2d and Chestnut Sts	215-597-8101
Madison, Wis. 53713	Lester R. Andes	801 West Badger Rd	608-252-5254
St. Paul, Minn. 55101 [1]	Robert A. Gayvert	316 North Robert St	612-725-7868

[1] The gathering and disseminating of dairy market news for western States are handled by this office.

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Lewis P. VonWald	610 South Canal St	312-353-6225
San Francisco, Calif. 94111	Robert P. Rosko	630 Sansome St	415-556-3945
Washington, D.C. 20250	J. Lewis Maness	14th and Independence Ave. SW	202-447-4560

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Elton Hughes	610 South Canal St	312-353-6217
Winter Haven, Fla. 33880	Lamar English	P.O. Box 860, Third St. & Ave. "A," SW	813-294-7416
San Jose, Calif. 95113	J. J. Vollman	111 West Saint John St	408-275-7253
Washington, D.C. 20250	E. C. Williams, Branch Chief	14th and Independence Ave. SW	202-447-4693

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Regulatory Branch

Region	Officer in Charge	Address	Telephone
Chicago, Ill. 60607	Jack C. Morris	610 Canal St	312-353-6220
Fort Worth, Tex. 76102	Joseph E. Ward	Federal Bldg	817-334-2624
Los Angeles, Calif. 90013	Thomas R. Walp	417 South Hill St	213-798-3194
New York, N.Y. 10007	Harry G. Apostoleris	Federal Bldg	212-264-1118
Washington, D.C. 20250	Michael D. Price	14th and Independence Ave. SW	202-447-4180

Department of Agriculture
Agricultural Marketing Service
Grain Division
Seed Branch Laboratories

Laboratory	Officer in Charge	Address	Telephone
Montgomery, Ala. 36104	James Triplitt	474 South Court St	205-832-7268
Sacramento, Calif. 95808	Vera L. Colbry	Federal Bldg., P.O. Box 1641	916-449-3134
Minneapolis, Minn. 55401	Glen D. Koskinen	Federal Office Bldg	612-725-2255
North Brunswick, N.J. 08902	Ralph H. Hofmann	985 Patton St	201-846-4500 Ext. 288

Department of Agriculture
Agricultural Marketing Service

Department of Agriculture

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Department of Agriculture
Agricultural Marketing Service
Information Division

Region	Chief	Address	Telephone
Chicago, Ill. 60605	Herbert C. Jackson	536 South Clark St.	312-353-3631
Dallas, Tex. 75242	Harold C. Bryson	1100 Commerce St.	214-749-3331
New York, N.Y. 10007	Bryan D. Killikelly	26 Federal Plaza	212-264-1145
Atlanta, Ga. 30309	Connie G. Crunkleton	1718 Peachtree St. NW.	404-257-4154
San Francisco, Calif. 94111	Bernard B. Darling	630 Sansome St.	415-556-6464

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Market News Areas

Area	Officer in Charge	Address	Telephone
Washington, D.C. 20250	Bruce B. Harding	14th and Independence Ave. SW.	202-447-6231
Omaha, Nebr. 68107	Robert E. Jorgensen	Livestock Exchange Bldg.	402-731-2014

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Meat Grading Main Stations

Station	Supervisor	Address	Telephone
Bell, Calif. 90201	Martin A. Swingley	4747 Eastern Ave.	213-265-0536
Martinez, Calif. 94553	Doyle B. Oliver	P.O. Bldg., 815 Court St.	415-229-2800
Denver, Colo. 80216	Marvin K. Eilts	Livestock Exchange Bldg.	303-837-4088 3366
Atlanta, Ga. 30309	Roy D. McDonald	1718 Peachtree St. NW.	404-526-5158
Chicago, Ill. 60605	John Coplin	4101 South Halsted St.	312-353-5751 5386
Sioux City, Iowa 51107	Edward F. Novak	Livestock Exchange Bldg.	712-252-3287
South St. Paul, Minn. 55075	Dale G. Krows	236 North Concord St.	612-451-6877
Kansas City, Mo. 64102	Richard W. Theobald	Livestock Exchange Bldg.	816-842-3810
Omaha, Nebr. 68107	Andrew Rot	Livestock Exchange Bldg.	402-731-2014
Princeton, N.J. 07102	George Kablesh	1101 State Rd.	609-921-3305
Amarillo, Tex. 79105	David M. Atkins	Livestock Exchange Bldg.	806-372-7361

Department of Agriculture
Agricultural Marketing Service
Poultry Division
Grading Branch

Region	Director	Address	Telephone
Gastonia, N.C. 28052	James B. York	469 Hospital Dr.	707-867-3871
Chicago, Ill. 60607	Dale H. Shearer	610 South Canal St.	312-353-6226
Des Moines, Iowa 50309	William D. Sutherlin	210 Walnut St.	515-862-4581
San Francisco, Calif. 94111	Jack H. Brownlow	630 Sansome St.	415-556-6488

Department of Agriculture
Agricultural Marketing Service
Tobacco Division

Region	Supervisor	Address	Telephone
Raleigh, N.C. 27611	Lioniel S. Edwards	1306 Annapolis Dr.	919-755-4552
Lexington, Ky. 40504	Paul Donovan	333 Waller Ave.	606-233-2613
Washington, D.C. 20250	James W. York, Director	300 12th St. SW., Room 501	202-447-4101

Department of Agriculture
Agricultural Marketing Service
Transportation and Warehouse Division

Region	Officer in Charge	Address	Telephone
Atlanta, Ga. 30309	Curtis D. Pollard, Acting	1718 Peachtree St. NW.	404-881-4924
Indianapolis, Ind. 46224	Harry J. Wishmire	5610 Crawfordsville Rd.	317-269-6396
Minneapolis, Minn. 55415	Lester P. Bromley, Acting	400 South 4th St.	612-725-2825
Omaha, Nebr. 68102	William J. Rausch	206 South 19th St.	402-221-4685 4060
Portland, Oreg. 97204	J. Gordon Shields	1220 Southwest 3d Ave.	503-221-2188
Memphis, Tenn. 38103	George Harrison	167 North Main St.	901-534-3838
Temple, Tex. 76501	Daniel M. Chapman	101 South Main St.	817-773-1711; Ext. 281

Department of Agriculture
Agricultural Stabilization and Conservation Service

(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Region	Director	Address	Telephone
Eastern	(Vacancy)	Room 3718	202-447-4746
East Central	Merrill Marxman	Room 3717	202-447-3593
West Central	Howard Waters	Room 3709	202-447-3953
Western	Everett G. Rank	Room 3712	202-447-6941

Department of Agriculture
Agricultural Research Service

Region	Deputy Administrator	Address	Telephone
Beltsville, Md. 20705	Dr. Steven C. King	Agricultural Research Center, W.	301-344-3418
Peoria, Ill. 61614	Earl R. Glover	2000 West Pioneer Pkwy.	309-671-7176
New Orleans, La. 70153	Dr. Arthur W. Cooper	P.O. Box 53326	504-589-6753
Berkeley, Calif. 94705	Dr. H C Cox	2850 Telegraph Ave.	415-486-3565

Department of Agriculture
Federal Crop Insurance Corporation

Department of Agriculture
Forest Service

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Department of Agriculture
Federal Crop Insurance Corporation

Region	Contract Service Center	Address	Telephone
Billings, Mont. 59101	Ralph C. Weed	Room 249, 2002 1st Ave., N	406–657–6196
Bismarck, N. Dak. 58501	Lloyd B. Scheide	Room 234, 220 East Rosser Ave	701–255–4011
College Station, Tex. 77840	George F. Vohs	USDA Bldg.	713–846–8821
Columbia, S.C. 29210	Henry L. Kling	240 Stoneridge Dr., Room 303	803–765–5766
Des Moines, Iowa 50309	Thomas E. Hawks	210 Walnut St.	515–284–4316
Fresno, Calif. 93721	Jesse W. Bishop	1130 O St., Room 4110	209–487–5078
Indianapolis, Ind. 46224	Ben A. Jordan, Jr	5610 Crawfordsville Rd., Suite 1501	317–269–6527
Jackson, Miss. 39205	Leo F. Crawford	200 South Lamar St., Room 610	601–969–4328
Lincoln, Nebr. 68508	Forrest H. Boerner	100 Centennial Mall, Room 443	402–471–5531
Manhattan, Kans. 66502	W. Otto Johnson	2601 Anderson Ave.	913–537–4980
Nashville, Tenn. 37203	Murrell D. Williams	U.S. Courthouse, Room 508	615–251–5591
Raleigh, N.C. 27611	E. Eugene Gantz	310 New Bern Bldg., Room 612	919–755–4470
Spokane, Wash. 99201	Leroy F. Knox	920 Riverside Ave., Room 369	509–456–3763
St. Paul, Minn. 55101	Harold G. Schonberger	316 Robert St., Room 222	612–725–5871

Department of Agriculture
Food and Nutrition Service

Region	Administrator	Address	Telephone
Burlington, Mass. 01803	Harold T. McLean	34 Third Ave.	617–223–0283
Robbinsville, N.J. 08691	R. Nicks Elmore	1 Vahlsing Center	609–349–9200
Chicago, Ill. 60605	Dennis M. Doyle	536 South Clark St.	312–353–6664
Atlanta, Ga. 30309	David B. Alspach	1100 Spring St. NW.	404–257–4131
Dallas, Tex. 75242	Wallace F. Warren	1100 Commerce St.	214–749–2877
San Francisco, Calif. 94108	Neill W. Freeman	550 Kearny St.	415–556–4950
Denver, Colo. 80202	Billy W. Wood	1823 Stout St.	303–327–5339

Department of Agriculture
Forest Service
Forest and Range Experiment Stations

Station	Director	Address	Telephone
Upper Darby, Pa. 19082	F. Bryan Clark	6816 Market St.	215–596–1615
Asheville, N.C. 28802	Junior B. Hilmon	Post Office Bldg., Box 2570	704–258–0758
St. Paul, Minn. 55108	John H. Ohman	Folwell Ave.	612–645–0249
New Orleans, La. 70113	Laurence E. Lassen	701 Loyola Ave.	504–589–6787
Fort Collins, Colo. 80521	David E. Herrick	240 West Prospect St.	303–484–1270
Ogden, Utah 84401	Roger R. Bay	507 25th St.	801–399–6361
Portland, Oreg. 97208	Robert F. Tarrant	809 Northeast 6th Ave.	503–234–3361
Berkeley, Calif. 94701	Robert Z. Callaham	1960 Addison St.	415–486–3291

Department of Agriculture
Forest Service
National Forest System

Region	Regional Forester	Address	Telephone
Missoula, Mont. 59801	Robert H. Torheim	Federal Bldg.	406–329–3011
Lakewood, Colo. 80225	Craig W. Rupp	1117 West 8th Ave.	303–234–3711
Albuquerque, N. Mex. 87102	M. Jean Hassell	517 Gold Ave. SW.	505–766–2401
Ogden, Utah 84401	Vernon O. Hamre	324 25th St.	801–399–6201
Milwaukee, Wis. 53203	Steve Yurich	633 West Wisconsin Ave.	414–224–3600
Atlanta, Ga. 30309	Lawrence M. Whitfield	1720 Peachtree Rd. NW.	404–526–5177
Portland, Oreg. 97208	(Vacancy)	319 Southwest Pine St.	503–221–3625
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St.	415–556–4310
Juneau, Alaska 99801	John Sandor	Federal Office Bldg.	907–586–7263

Department of Agriculture
Forest Service
State and Private Forestry

Region	Deputy Regional Forester	Address	Telephone
Missoula, Mont. 59801	Robert H. Torheim	Federal Bldg.	406–329–3319
Lakewood, Colo. 80225	Craig W. Rupp	Federal Center	303–234–4321
Albuquerque, N. Mex. 87102	M. Jean Hassell	517 Gold Ave. SW.	505–766–2296
Ogden, Utah 84401	Vernon O. Hamre	324 25th St.	801–399–6141
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St.	415–556–4310
Portland, Oreg. 97208	(Vacancy)	319 Southwest Pine St.	503–221–3669
Juneau, Alaska 99801	John Sandor	Federal Office Bldg.	907–586–7484
Region	**Area Director**	**Address**	**Telephone**
Upper Darby, Pa. 19082	Robert D. Raisch	6816 Market St.	215–596–1660
Atlanta, Ga. 30309	John A. Vance	1720 Peachtree Rd. NW.	404–526–5964

Department of Agriculture
Office of the General Counsel

Region	Regional Attorney	Address	Telephone
Atlanta, Ga. 30309	Fred W. Harris, Jr.	1371 Peachtree St. NE.	404–257–4161
Chicago, Ill. 60606	Winifred Molony	230 South Dearborn St.	312–353–5640
Denver, Colo. 80202	Jack E. Hanthorn	817 17th St.	303–837–4031
Harrisburg, Pa. 17108	D. Charles Valsing	228 Walnut St.	717–782–3713
Portland, Oreg. 97204	Arno Reifenberg	1220 Southwest 3d Ave.	503–221–3115
San Francisco, Calif. 94111	Wilbur W. Jennings	2 Embarcadero Center, Suite 860	415–556–4532
Shawnee Mission, Kans. 66208	Robert Hoffman	2400 West 75th St.	816–926–6475
Temple, Tex. 76501	Alfred F. Herbelin	101 South Main, Suite 351	817–773–1711

Department of Agriculture
Office of Investigation

Region	Regional Director	Address	Telephone
New York, N.Y. 10007	Michael J. Lonergan	26 Federal Plaza	212–264–8400
Hyattsville, Md. 20782	David A. Fike, Acting	432 Federal Center Bldg.	301–436–8850
Atlanta, Ga. 30309	Ronald C. Reese	1447 Peachtree St. NE.	404–285–5377
Chicago, Ill. 60606	Charles A. Kelly	1 North Wacker Dr.	312–353–1359
Temple, Tex. 76501	William D. Parker	3912 South General Bruce Dr.	817–736–1351
Kansas City, Mo. 64141	Tom L. Lambert	P.O. Box 205, 8930 Ward Pkwy.	816–926–6627
San Francisco, Calif. 94111	Max E. Shaffer	555 Battery St.	415–556–4245

Department of Agriculture
Packers and Stockyards Administration

Region	Area Supervisor	Address	Telephone
Sterling, Va. 22170	Kenneth Strickin	Route 1, Box 109	703–235–8662
Atlanta, Ga. 30309	Griffin E. Bonham	1720 Peachtree St. NW.	404–526–5845
Denver, Colo. 80216	Melvin E. Holmquist	208 Livestock Exchange Bldg.	303–837–3312
Fort Worth, Tex. 76102	Marion L. Marshall	819 Taylor St.	817–334–3286
Indianapolis, Ind. 46227	Samuel P. Tuggle, Jr.	537 Turtle Creek, South Dr.	317–269–6424
Kansas City, Mo. 64102	Vern A. Swader	828 Livestock Exchange Bldg.	816–374–2368
Lawndale, Calif. 90260	Harold W. Davis	15000 Aviation Blvd.	213–536–6687
Memphis, Tenn. 38103	Kenneth F. Grizzell	167 North Main St.	901–534–3414
North Brunwick, N.J. 08902	C. S. Smebakken	525 Milltown Rd.	201–846–4261 4262/4263
Omaha, Nebr. 68107	Quentin H. Bierman	435 Livestock Exchange Bldg.	402–221–3391
Portland, Oreg. 97223	J. Merlin Hoskin	9370 Southwest Greenburg Rd.	503–221–2687
South St. Paul, Minn. 55075	Leo J. Waller	208 Post Office Bldg.	612–725–7815
Springfield, Ill. 62706	C. DeWayne Crawford	Emmerson Building Annex, State Fairgrounds.	217–525–4353

Department of Agriculture

DEPARTMENT OF COMMERCE

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Department of Agriculture
Rural Electrification Administration

(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

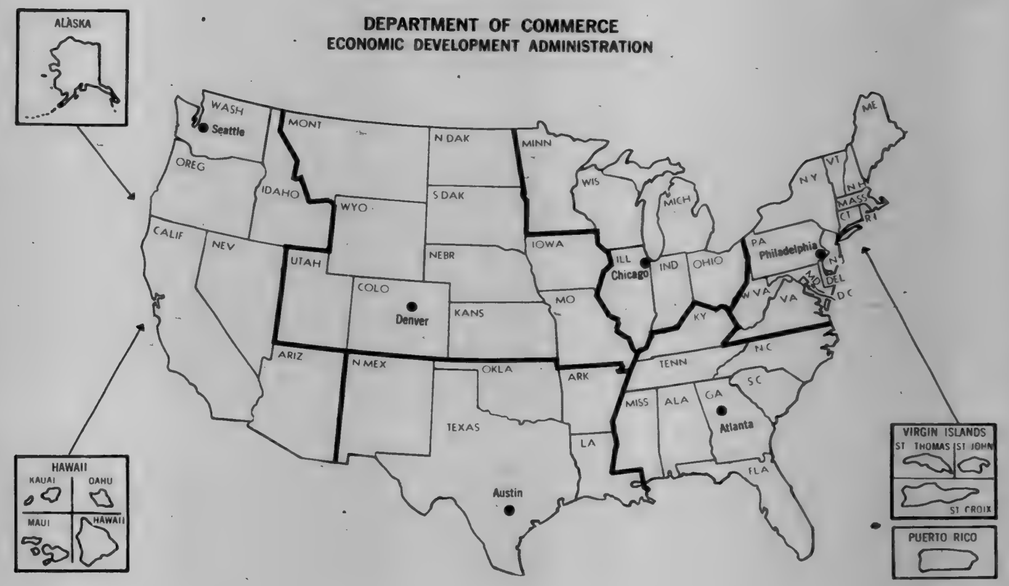
Service	Assistant Administrator	Address	Telephone
Electric Areas	Richard F. Richter	Room 4056	202-447-6237
Telephone Areas	Raymond Ballard	Room 4048	202-447-4305

Department of Agriculture
Soil Conservation Service
Technical Service Centers

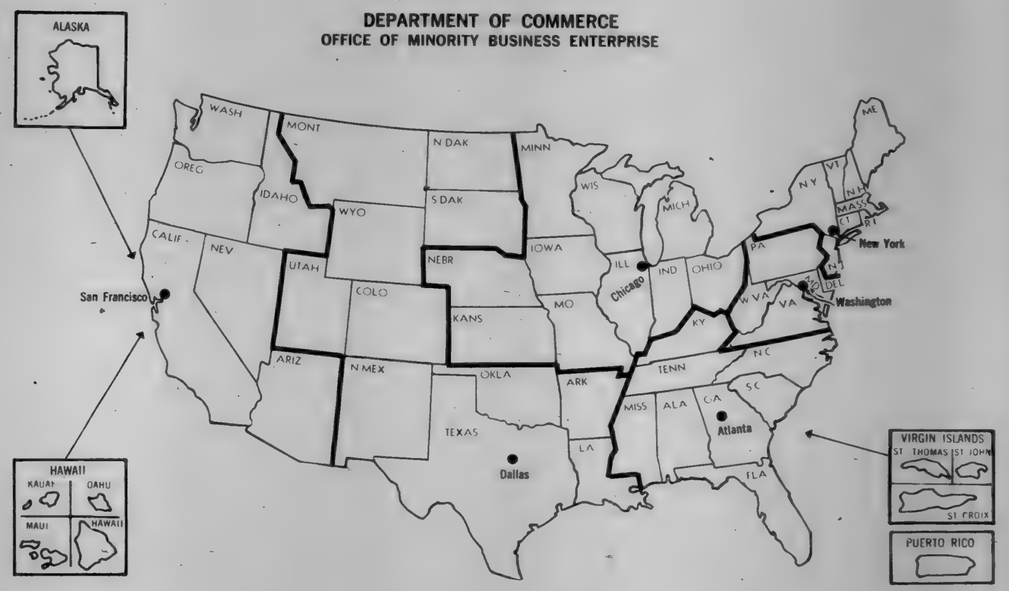
Region	Director	Address	Telephone
Lincoln, Nebr. 68508	Marion E. Strong	Federal Bldg., U.S. Court House, Rm. 345	402-471-5361
Portland, Oreg. 97209	Kenneth L. Williams	511 Northwest Broadway	503-221-2824
Broomall, Pa. 19008	Cletus J. Gillman	1974 Sproul Rd	215-353-1480
Fort Worth, Tex. 76115	J. Vernon Martin	Fort Worth Federal Center, P.O. Box 6567.	817-334-5456

DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS
Regional Offices

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION



DEPARTMENT OF COMMERCE
OFFICE OF MINORITY BUSINESS ENTERPRISE



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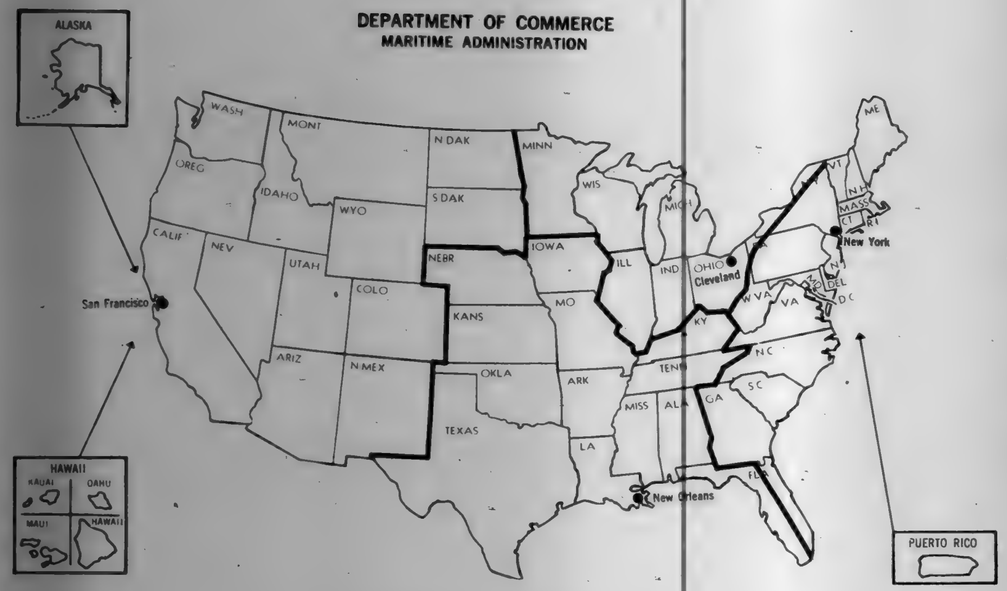
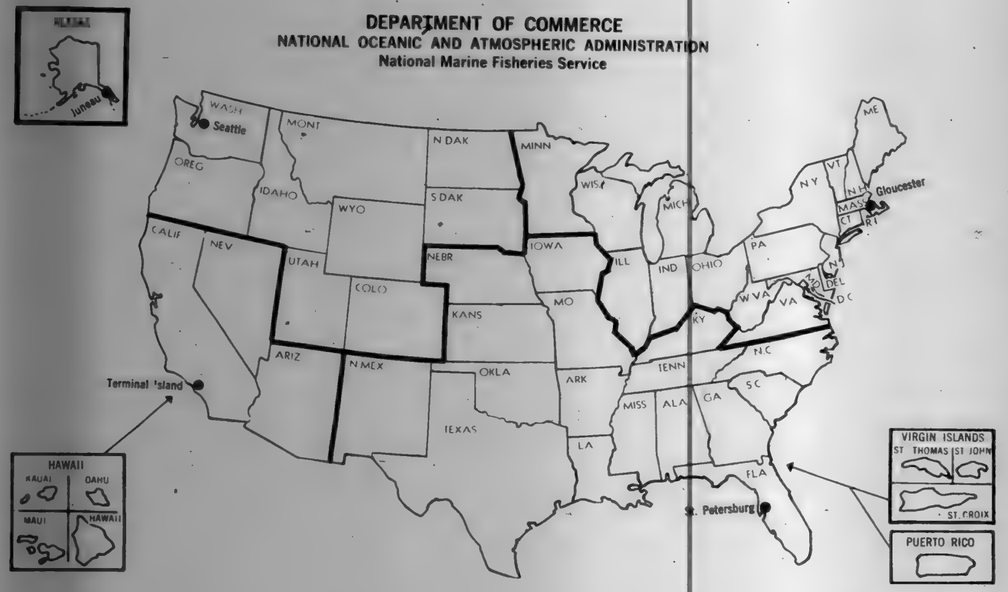
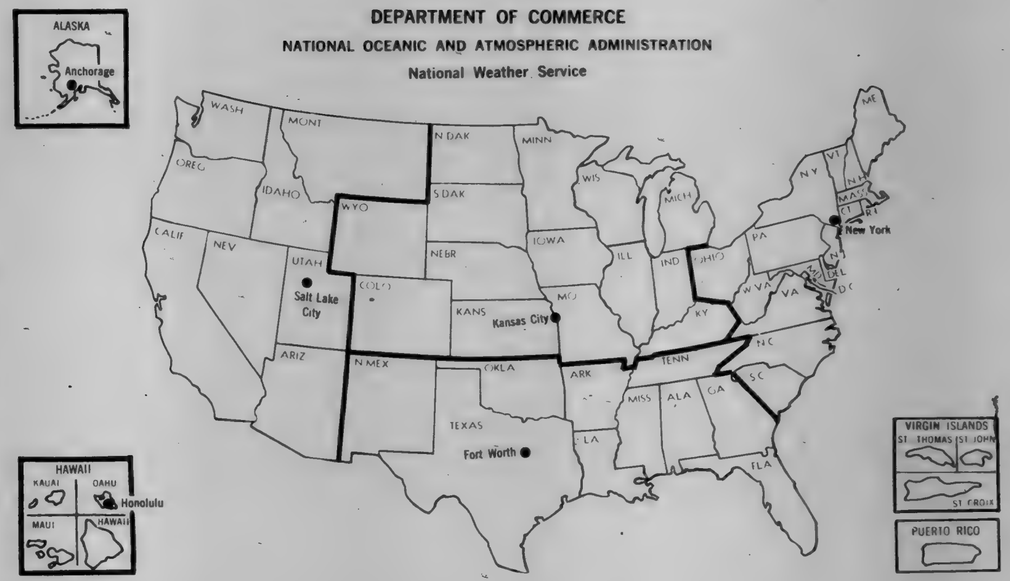
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Marine Fisheries Service



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Weather Service



Department of Commerce
Bureau of the Census
Regional Offices

Region	Director	Address	Telephone
Boston, Mass. 02116	Arthur G. Dukakis	441 Stuart St	617–223–2327
New York, N.Y. 10007	John C. Cullinane	26 Federal Plaza	212–264–3860
Philadelphia, Pa. 19106	Porter S. Rickley	600 Arch St	215–597–4920
Detroit, Mich. 48226	Robert G. McWilliam	231 West Lafayette	313–226–7742
Chicago, Ill. 60605	Stanley D. Moore	5 East Jackson Blvd	312–353–4932
Kansas City, Kans. 66101	Rex L. Pullin	4th and State Sts	816–374–4601
Seattle, Wash. 98109	John E. Tharaldson	1700 Westlake Ave., N	206–442–7800
Charlotte, N.C. 28202	Joseph R. Norwood	230 South Tryon St	704–372–0711 Ext. 351
Atlanta, Ga. 30309	Thomas W. McWhirter	1365 Peachtree St. NE	404–881–2271
Dallas, Tex. 75202	Percy R. Millard	1100 Commerce St	214–749–2814
Denver, Colo. 80225	Richard C. Burt	575 Union Blvd	303–234–3924
Los Angeles, Calif. 90024	C. Michael Long	11777 San Vicente Blvd	213–824–7317

Department of Commerce
Economic Development Administration

Regional Office	Director	Address	Telephone
Philadelphia, Pa. 19106	John E. Corrigan	600 Arch St	215–597–4603
Chicago, Ill. 60601	Frank Zakrajsek, Acting	32 West Randolph St	312–353–7706
Denver, Colo. 80202	Craig M. Smith	909 17th St	303–837–4714
Atlanta, Ga. 30309	Charles E. Oxley	1365 Peachtree St. NE	404–881–7401
Austin, Tex. 78701	Joseph B. Swanner	221 West 6th St	512–397–5461
Seattle, Wash. 98109	C. Mark Smith	1700 Westlake Ave., N	206–442–0596

Department of Commerce

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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Department of Commerce
Office of Minority Business Enterprise

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Charles McMillan	1371 Peachtree St. NE	404–257–4091
Chicago, Ill. 60603	Daniel V. Lemanski	55 East Monroe	312–353–8375
Dallas, Tex. 75202	Henry Zuniga	1412 Main St	214–749–7581
New York, N.Y. 10007	Newton Downing	26 Federal Plaza	212–264–3262
San Francisco, Calif. 94102	Ramon Romero	450 Golden Gate Ave	415–556–7234
Washington, D.C. 20230	Luis Encinias, Acting	1730 K St. NW	202–634–7898

Department of Commerce
Maritime Administration

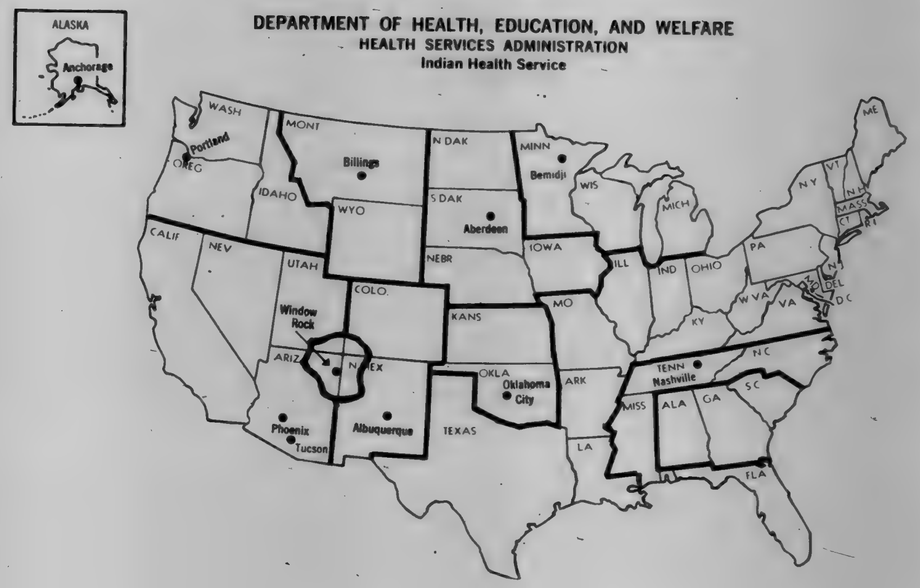
Regional Office	Director	Address	Telephone
New York, N.Y. 10007	Capt. Thomas A. King	26 Federal Plaza	212–264–1300
New Orleans, La. 70130	F. X. McNerney	2 Canal St	504–589–6556
San Francisco, Calif. 94102	Thomas J. Patterson, Jr	450 Golden Gate Ave	415–556–3816
U.S. Merchant Marine Academy	Adm. Arthur B. Engel	Kings Point, Long Island, N.Y. 11024	516–482–8200
Cleveland, Ohio 44114	George Ryan	666 Euclid Ave	216–522–3623

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Region	Director	Address	Telephone
Juneau, Alaska 99802	Harry L. Rietze	P.O. Box 1668	907–586–7221
Seattle, Wash. 98109	Donald R. Johnson	1700 Westlake Ave. N	206–442–7575
St. Petersburg, Fla. 33702	William Stevenson	9450 Gandy Blvd	813–893–3141
Gloucester, Mass. 01930	William G. Gordon	14 Elm St	617–281–3600
Terminal Island, Calif. 90731	Gerald V. Howard	300 South Ferry St	213–548–2575

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

Region	Director	Address	Telephone
New York, N.Y. 11530	William D. Bonner	585 Stewart Ave	516–248–2101
Fort Worth, Tex. 76102	Harry T. Foltz	819 Taylor St	817–334–2668
Kansas City, Mo. 64106	Charles G. Knudsen	601 East 12th St	816–374–5464
Salt Lake City, Utah 84111	Hazen H. Bedke	125 South State St	801–524–5122
Anchorage, Alaska 99501	Stuart G. Bigler	632 6th Ave	907–265–4701
Honolulu, Hawaii 96813	Charles Woffinden	1149 Bethel St	808–546–5680



Department of Health, Education, and Welfare
Health Services Administration
Indian Health Service

Area Office	Director	Address	Telephone
Anchorage, Alaska 99510	Gerald H. Ivey, M.D.	P.O. Box 7–741	907–279–6661
Aberdeen, S. Dak. 57401	Robert Drew	115 4th Ave. SE	605–225–7581
Albuquerque, N. Mex. 87101	Kazumi Kasuga, M.D.	500 Gold Ave. SW	505–766–2151
Billings, Mont. 59103	James Smith	2727 Central Ave	406–245–6403
Oklahoma City, Okla. 73102	John Davis	Old Post Office and Court House Bldg	405–231–4796
Phoenix, Ariz. 85104	Charles McCammon, M.D.	801 East Indian School	602–261–3143
Portland, Oreg. 97205	Charles S. Stitt, Jr	1220 Southwest 3rd St	503–221–2020
Window Rock, Ariz. 86515	Marlene Haffner, M.D.	P.O. Box G	602–871–4811
Bemidji, Minn. 56601 (Program Office).	John Buckanaca	P.O. Box 768	218–751–1210
Tucson, Ariz. 85734 (Program Area).	Erwin Rabeau, M.D.	P.O. Box 11340	602–294–3273
Nashing, Tenn. 37217 (USET Program Office).	James C. Meredith	1101 Kermit Dr	615–749–5140

DEPARTMENT OF THE INTERIOR

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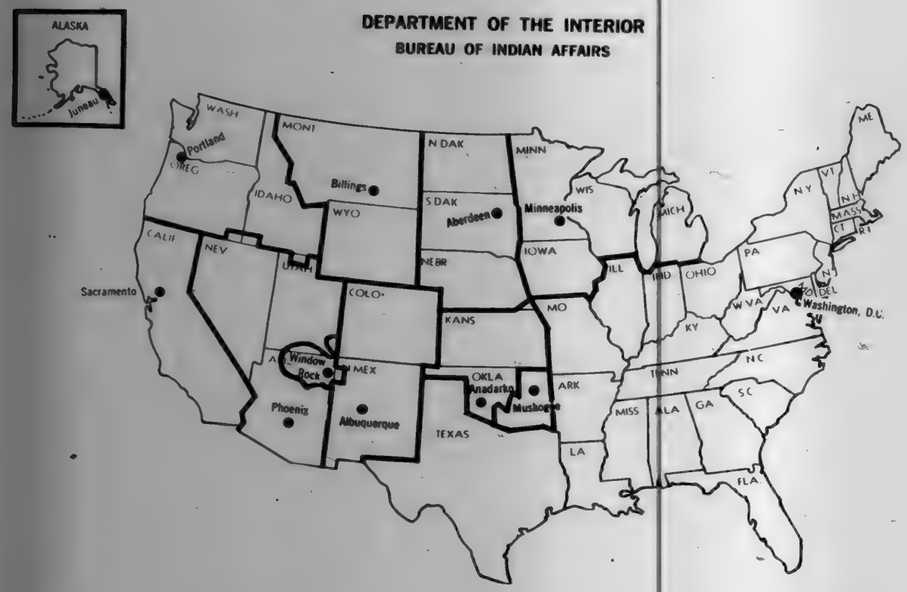
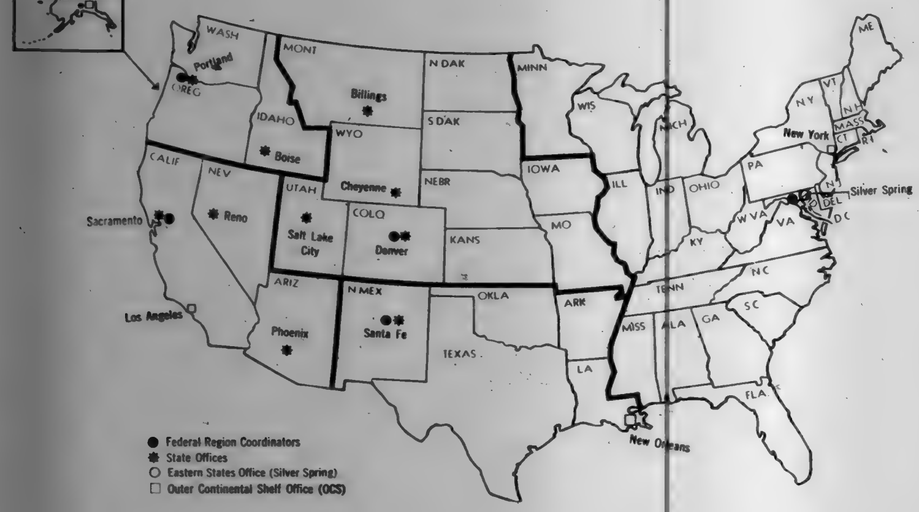
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



DEPARTMENT OF THE INTERIOR
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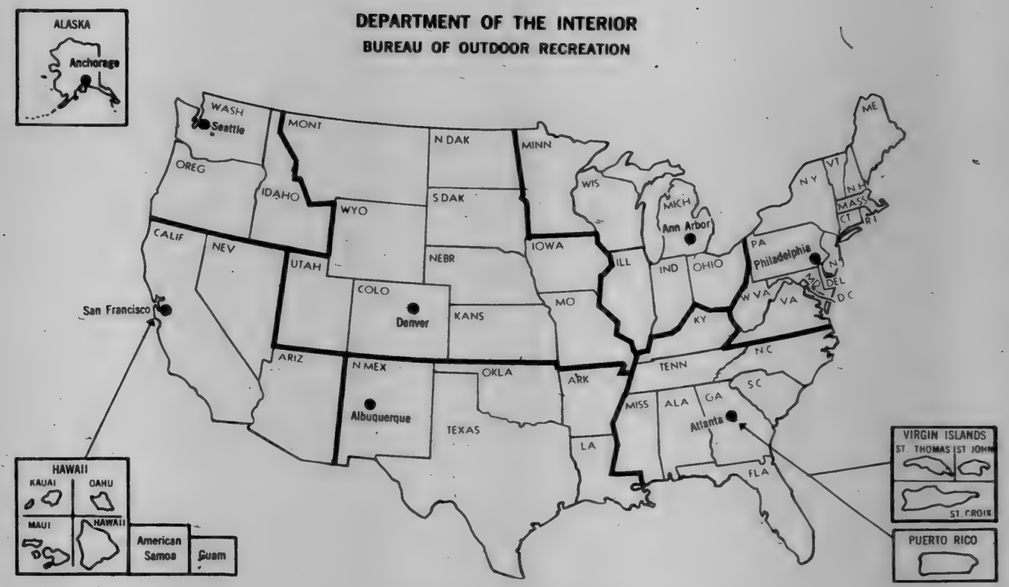
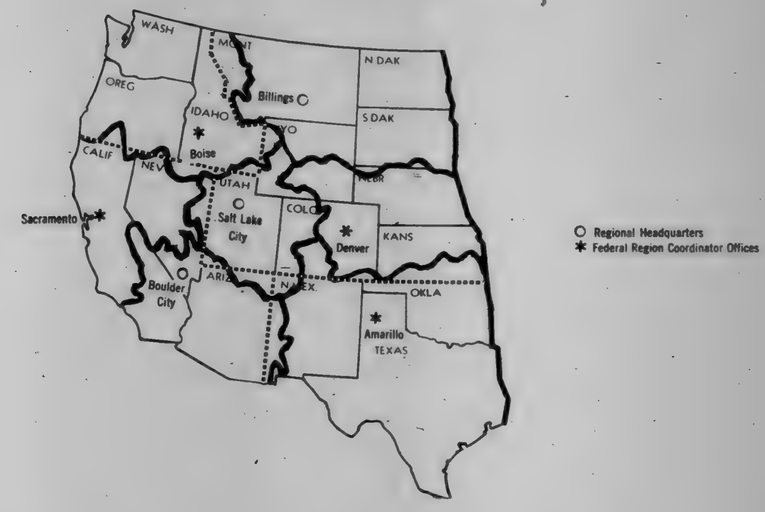


DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION



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DEPARTMENT OF THE INTERIOR

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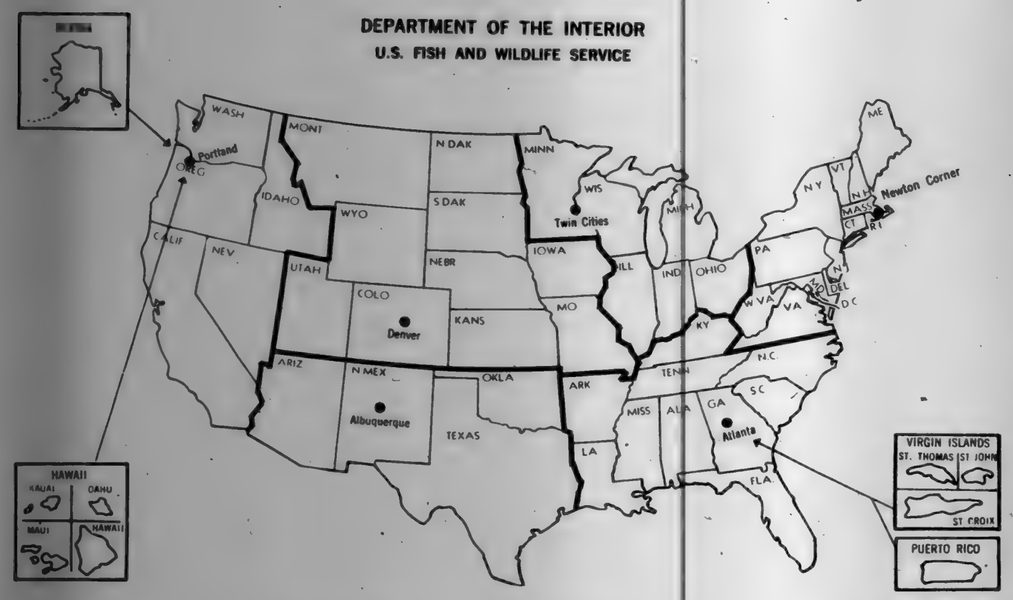
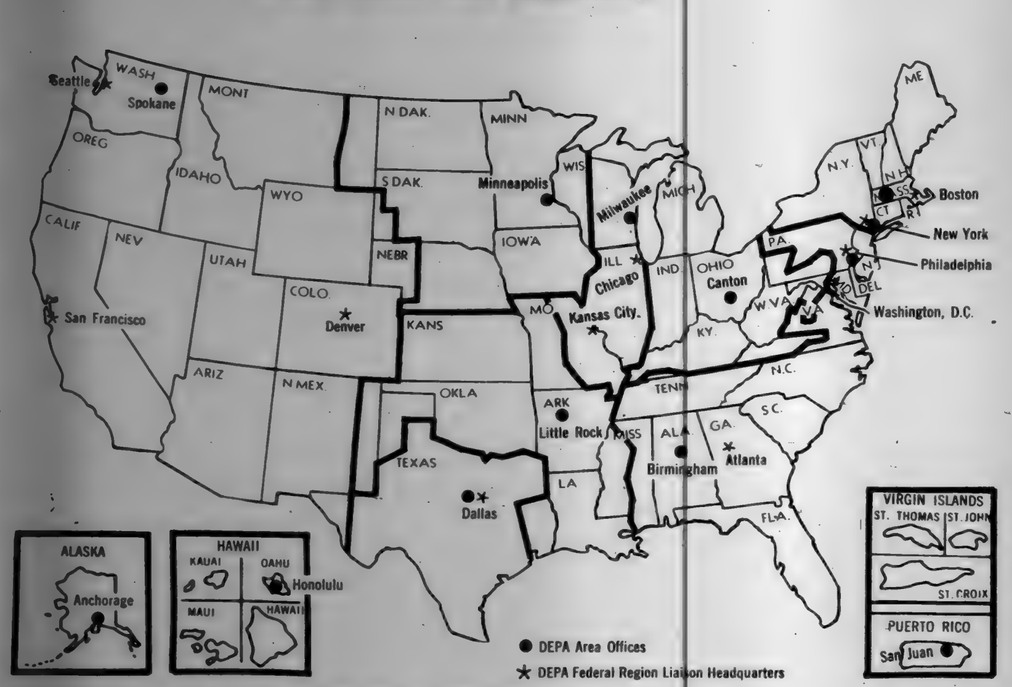
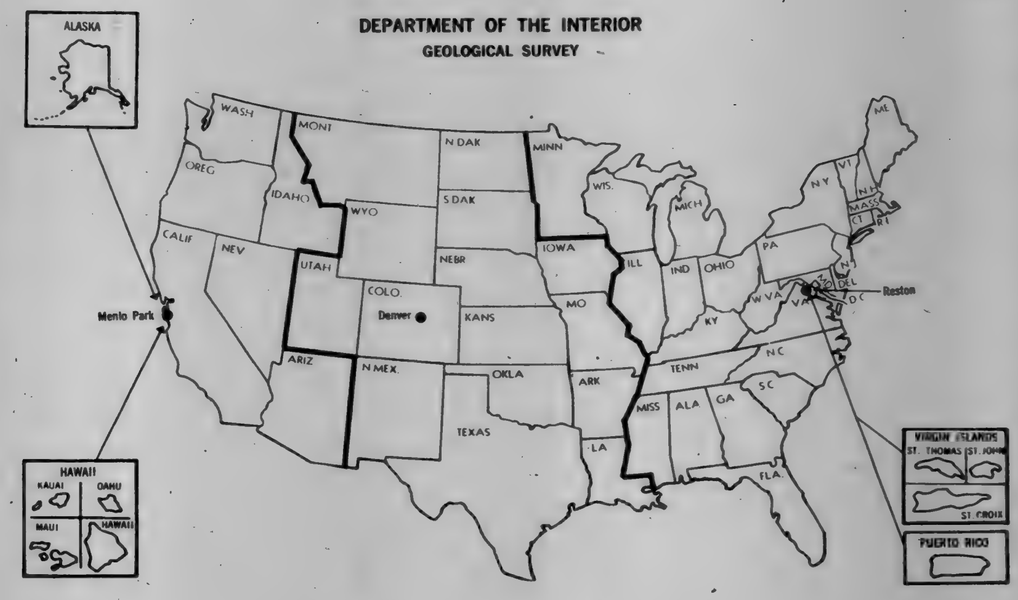
DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



DEPARTMENT OF THE INTERIOR
DEFENSE ELECTRIC POWER ADMINISTRATION



DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Coal Mine Health and Safety Districts

DEPARTMENT OF THE INTERIOR

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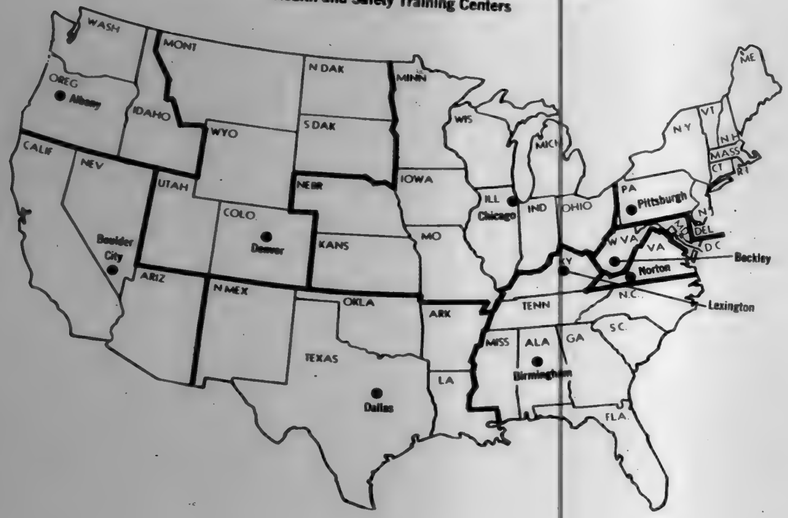
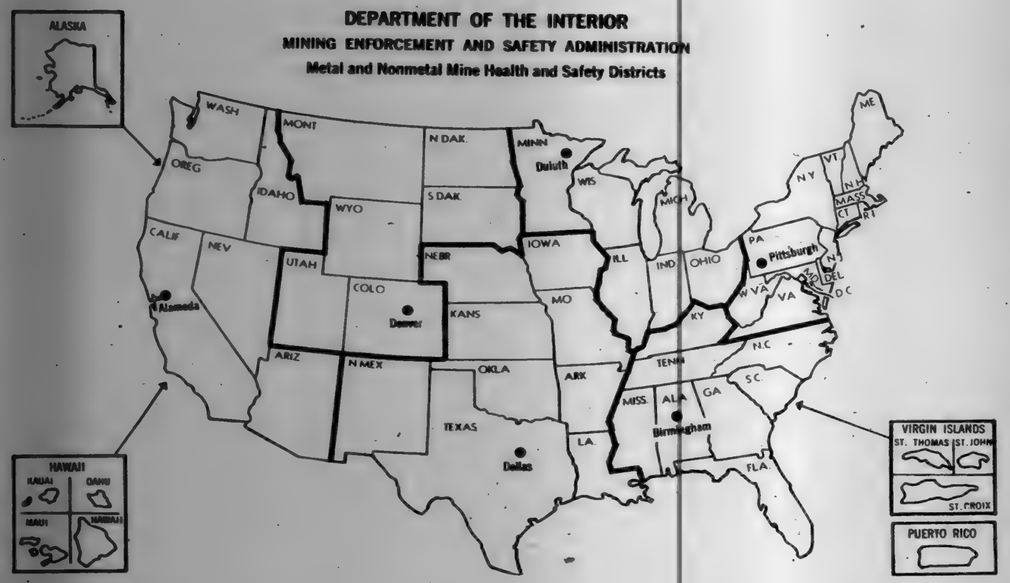
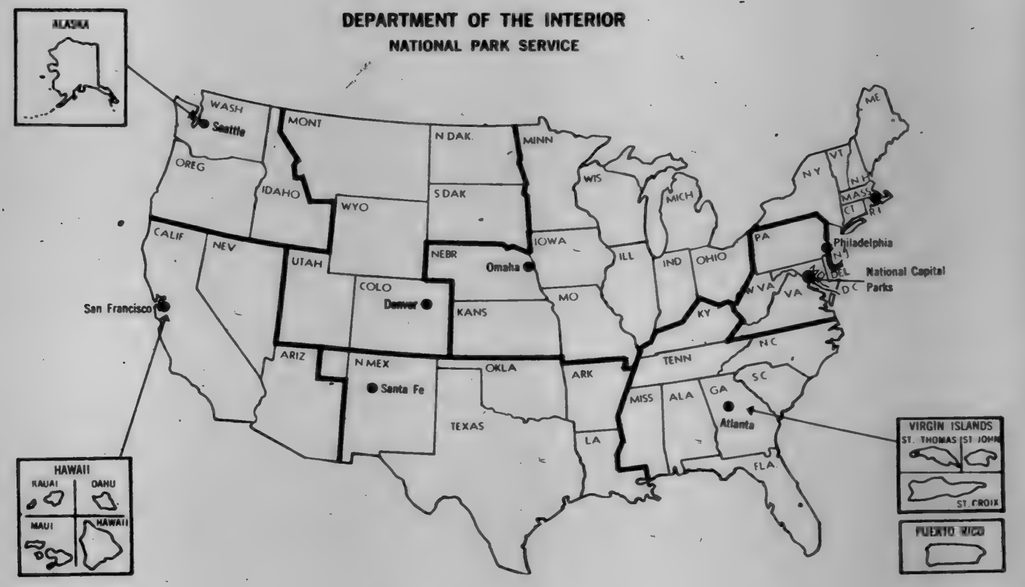
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Health and Safety Training Centers



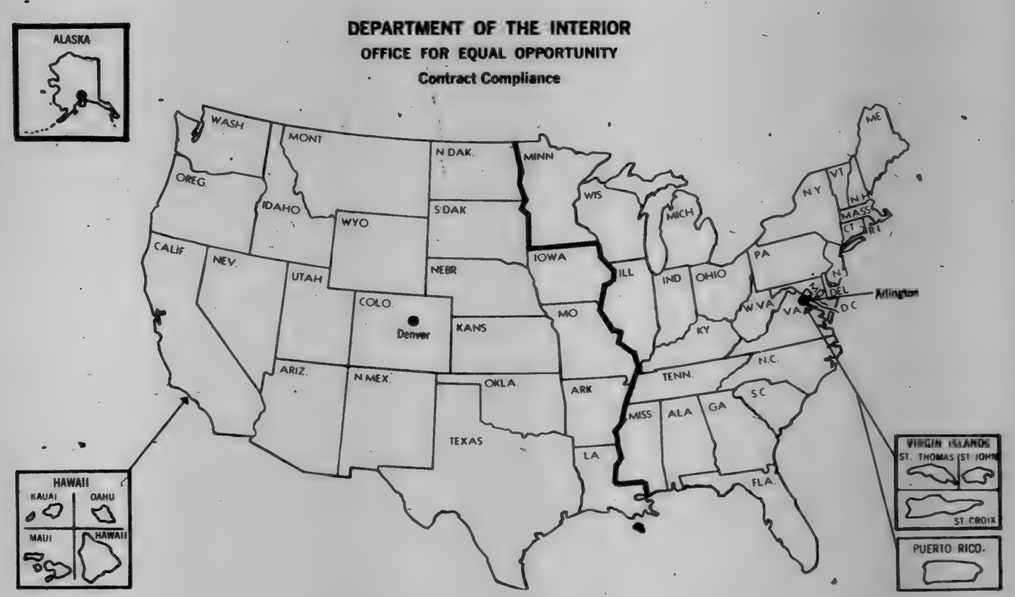
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Metal and Nonmetal Mine Health and Safety Districts



DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



DEPARTMENT OF THE INTERIOR
OFFICE FOR EQUAL OPPORTUNITY
Contract Compliance



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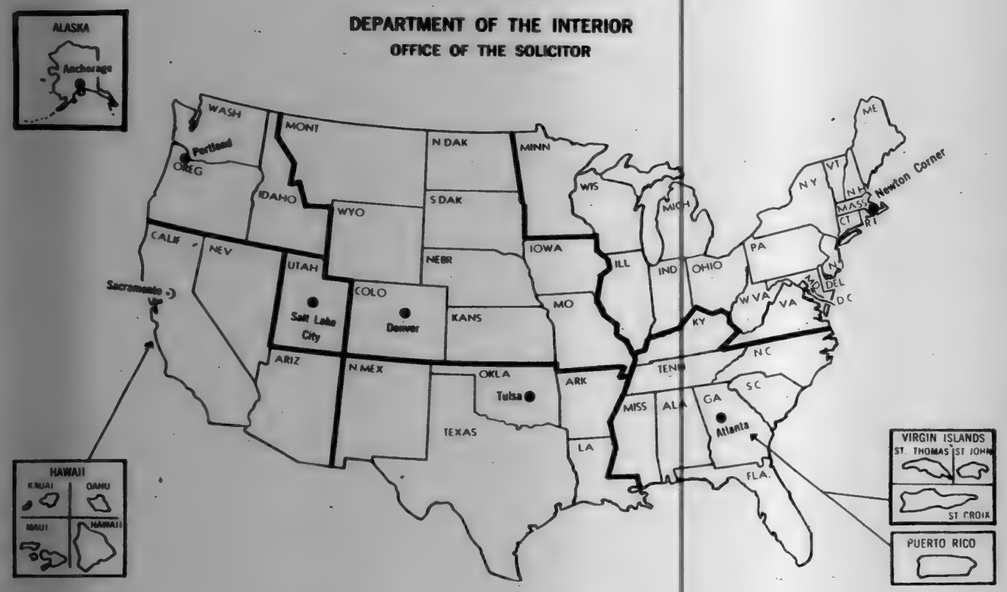
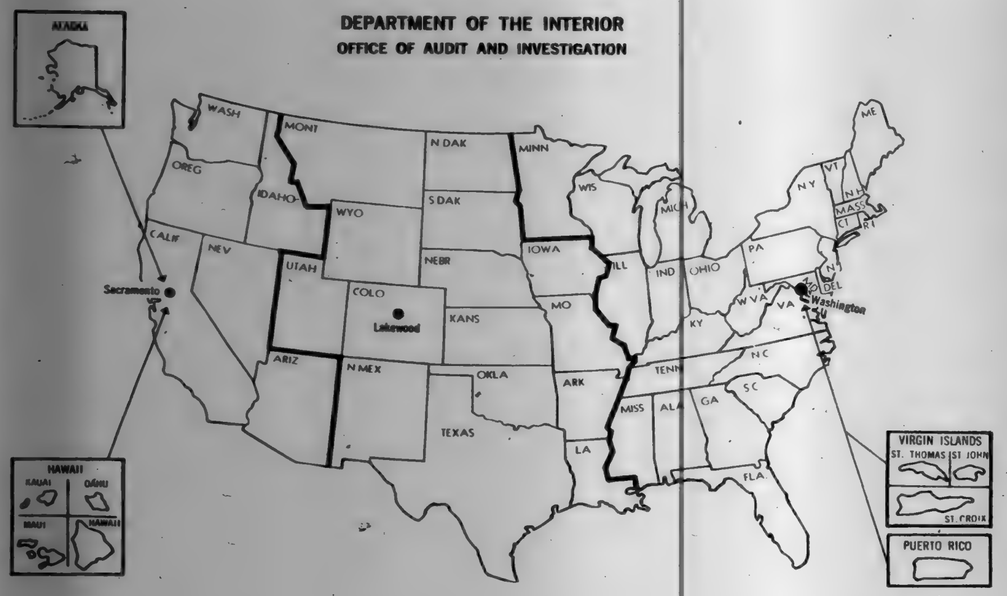
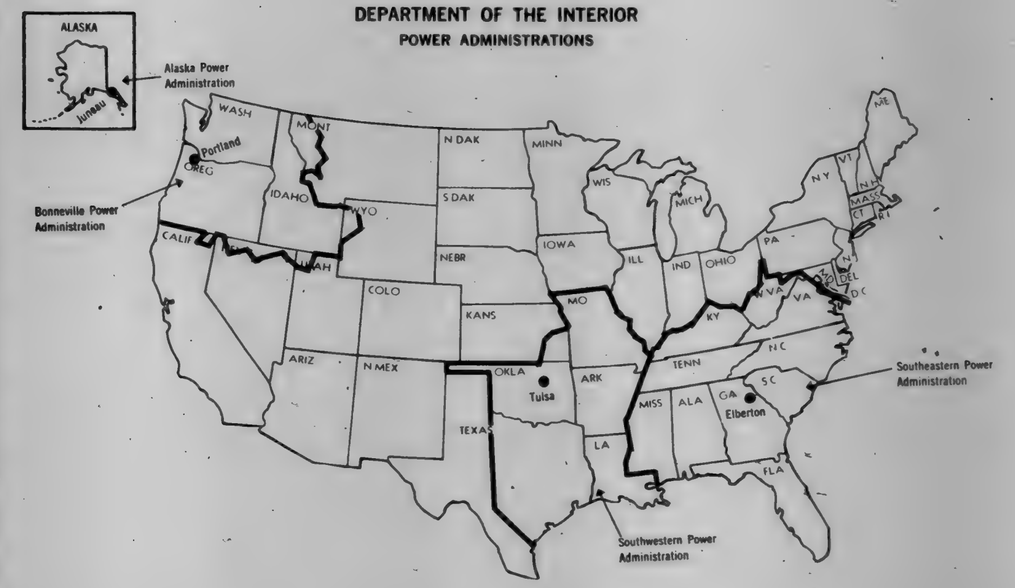
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR



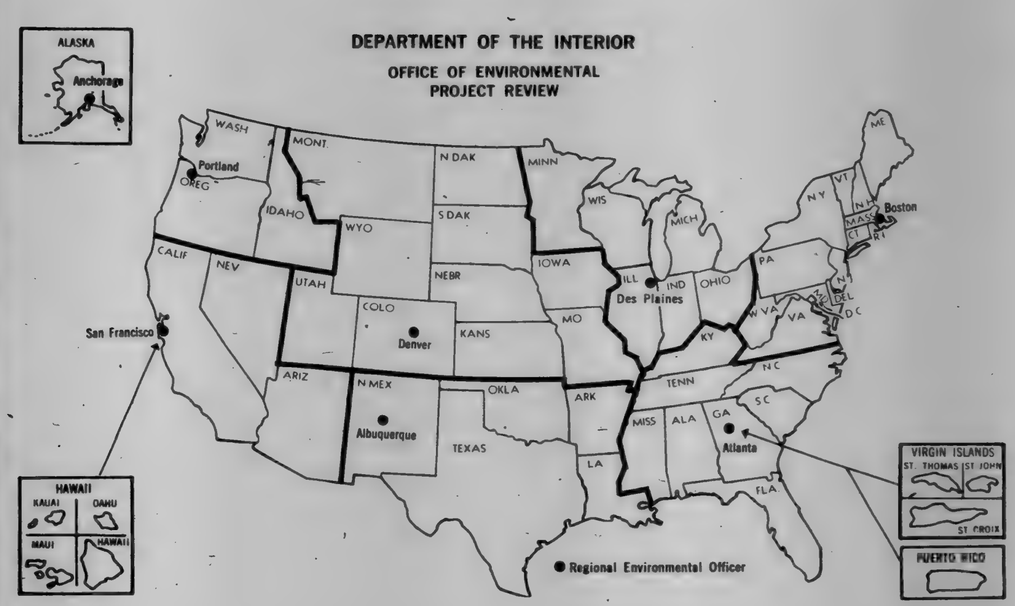
DEPARTMENT OF THE INTERIOR
OFFICE OF AUDIT AND INVESTIGATION



DEPARTMENT OF THE INTERIOR
POWER ADMINISTRATIONS



DEPARTMENT OF THE INTERIOR
OFFICE OF ENVIRONMENTAL PROJECT REVIEW



Department of the Interior

Department of the Interior

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Department of the Interior
Bureau of Indian Affairs

Area Office	Director	Address	Telephone
Aberdeen, S. Dak. 57401	Harley Zephier	Federal Bldg	605–225–0250
Albuquerque, N. Mex. 87108	Loyd E. Nickolson, Acting	5301 Central Ave	505–766–3170
Anadarko, Okla. 73005	Charles W. James	Federal Bldg	405–247–6673
Billings, Mont. 59101	James F. Canan	316 North 26th St	406–245–6711
Juneau, Alaska 99802	Clarence Antioquia	Box 3–8000	907–586–7177
Minneapolis, Minn. 55402	George Goodwin	831 2d Ave. South	612–725–2904
Muskogee, Okla. 74401	Thomas J. Ellison	Federal Bldg	918–683–3111
Window Rock, Ariz. 86515	Curtis Geiogamah, Acting	Navajo Area Office	602–871–4368
Phoenix, Ariz. 85011	John T. Artichoker	124 West Thomas Rd	602–261–4101
Portland, Oreg. 97208	Francis E. Briscoe	P.O. Box 3785	503–234–3361
Sacramento, Calif. 95825	William E. Finale	Federal Bldg	916–484–4682
Washington, D.C. 20245	Harry Rainbolt	1951 Constitution Ave. NW	202–343–5582

Department of the Interior
Bureau of Land Management
Regional Representatives

Region	Representative	Address	Telephone
I–V, Silver Spring, Md. 20910	Lowell J. Udy	7981 Eastern Ave	301–427–7500
VI, Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–1217
VII–VIII, Denver, Colo. 80225	Richard L. Thompson	Denver Federal Center	303–234–2329
IX, Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4676
X, Portland, Oreg. 97208	Murl W. Storms	729 Northeast Oregon St	503–234–3361 4001

State Offices

City/State	State Director	Address	Telephone
Anchorage, Alaska 99501	Curtis V. McVee	555 Cordova St	907–277–1561 Ext. 212
Phoenix, Ariz. 85073	Robert O. Buffington	2400 Valley Bank Center	602–261–3873
Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4676
Denver, Colo. 80202	Dale Andrus	1600 Broadway	303–837–4325
Boise, Idaho 83724	William L. Mathews	Federal Bldg	208–384–2401
Billings, Mont. 59107	Edwin Zaidlicz	Granite Tower Bldg., 222 North 32d St	406–657–6461
Reno, Nev. 89509	E. I. Rowland	Federal Bldg	702–784–5451
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–1217
Portland, Oreg. 97208	Murl W. Storms	729 Northeast Oregon St	503–234–3361 4001
Salt Lake City, Utah 84111	Paul L. Howard	136 East South Temple	801–524–5311
Cheyenne, Wyo. 82001	Daniel P. Baker	Joseph C. O'Mahoney Federal Center	307–778–2220

Outer Continental Shelf Offices

City/State	Manager	Address	Telephone
Anchorage, Alaska 99510	Edward J. Hoffmann	800 A St	907–276–2955
Los Angeles, Calif. 90012	William E. Grant	300 North Los Angeles St	213–688–7234
New Orleans, La. 70130	John L. Rankin	Hale Boggs Federal Bldg., 500 Camp St	504–589–6541
New York, N.Y. 10048	Frank M. Basile	6 World Trade Center, Suite 600D	212–264–2961

Department of the Interior
Bureau of Outdoor Recreation

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	Maurice D. Arnold	600 Arch St	215–597–7990
Atlanta, Ga. 30303	Robert M. Baker	International Blvd	404–526–4405
Ann Arbor, Mich. 48104	John D. Cherry	3853 Research Park Dr	313–769–3211
Denver, Colo. 80225	Derrell P. Thompson	Denver Federal Center	303–234–2634
Albuquerque, N. Mex. 87110	Rolland B. Handley	5000 Marble Ave. NE	505–766–3515
Seattle, Wash. 98174	Maurice H. Lundy	915 2d Ave	206–442–4706
San Francisco, Calif. 94102	Frank E. Sylvester	450 Golden Gate Ave	415–556–0182
Anchorage, Alaska 99501	William R. Thomas	540 W. 5th St	907–265–5345

Department of the Interior
Bureau of Reclamation

Region	Director	Address	Telephone
Boise, Idaho 83724	Rodney J. Vissia	550 West Fort St	208–342–2101
Sacramento, Calif. 95825	Billy E. Martin	2800 Cottage Way	916–484–4571
Boulder City, Nev. 89005	Manuel M. Lopez	P.O. Box 427	702–293–7411
Salt Lake City, Utah 84111	David L. Crandall	125 South State St	801–524–5592
Amarillo, Tex. 79105	Robert H. Weimer	317 East 3d St	806–376–2401
Billlings, Mont. 59103	Robert L. McPhail	316 North 26th St	406–245–6214
Denver, Colo. 80225	J. D. Hall	Denver Federal Center, Bldg. 20	303–234–4441

Department of the Interior
U.S. Fish and Wildlife Service

Region	Director	Address	Telephone
Portland, Oreg. 97208	R. Kahler Martinson	1500 Northeast Irving St	503–429–4050
Albuquerque, N. Mex. 87103	Wilford O. Nelson	500 Gold Ave. SW	505–474–2321
Twin Cities, Minn. 55111	Jack E. Hemphill	Federal Bldg	612–725–3563
Atlanta, Ga. 30329	Kenneth E. Black	17 Executive Park Dr. NE	404–881–4671
Newton Corner, Mass. 02158	Howard N. Larsen	1 Gateway Center, Suite 700	617–965–2961
Denver, Colo. 80225	Harvey Willoughby	P.O. Box 25486, Denver Federal Bldg	303–234–2209

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Department of the Interior
Defense Electric Power Administration

Area	Director	Address	Telephone
Connecticut, Maine, Massachusetts, New York, New Hampshire, Rhode Island, Vermont.	Julius Bleiweis	1250 Broadway, New York, N.Y. 10001	212–868–1400
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania.	Wayne C. Astley	2301 Market St., Philadelphia, Pa. 19101	215–841–4230
Indiana, Kentucky, Michigan, Ohio, West Virginia; parts of Maryland, Pennsylvania, Virginia.	Owen A. Lentz	P.O. Box 102, Canton, Ohio 44701	216–456–2488
Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia.	Bill M. Guthrie	P.O. Box 2641, Birmingham, Ala. 35291	205–323–5341
Illinois, Missouri, Wisconsin.	Nick A. Ricci	231 West Michigan Ave., Milwaukee, Wis. 53203.	414–277–2345
Iowa, Minnesota, Nebraska, North Dakota, South Dakota.	Edward C. Glass	414 Nicollet Mall, Minneapolis, Minn. 55401.	612–330–6129
Arkansas, Kansas, Louisiana, Mississippi, Oklahoma.	Bill C. Hulsey	Plaza West Bldg., Suite 540, Little Rock, Ark. 72215.	501–664–0145
Texas	Leon Loveless	1511 Bryan St., Fidelity Union Life Bldg., Dallas, Tex. 75222.	214–748–5411
Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.	E. F. Timme	East 1411 Mission, P.O. Box 3727, Spokane, Wash. 99220.	509–489–0500
Alaska	Leroy J. Schultz	P.O. Box 3518, Anchorage, Alaska 99501	907–272–4441
Hawaii	John Rolfing	P.O. Box 2750, Honolulu, Hawaii 96803	808–548–3500
Puerto Rico, Virgin Islands	William Candelario	P.O. Box 4267, San Juan, P.R. 00905	809–724–8364

Area (Region)	Regional Power Liaison Representative	Address	Telephone
Boston, Mass. 02199	Frederick W. Hoey	800 Boylston St	617–424–2231
New York, N.Y. 10019	John F. English	10 Columbus Center	212–265–6510
Philadelphia, Pa. 19101	John M. Madara	2301 Market St	215–841–4235
Washington, D.C. 20006	Martin T. Quigley	1900 Pennsylvania Ave., NW	301–469–5201
Atlanta, Ga. 30302	Robert W. Winfree	P.O. Box 4545	404–521–3400
Chicago, Ill.	(Vacancy)		
Dallas, Tex. 75222	Paul G. Wallof	1511 Bryan St	214–748–5411
Kansas City, Mo. 64138	Earl D. Dryer	10700 East Fifty Highway	816–353–5002
Denver, Colo. 80225	Abner W. Watts	Denver Federal Center, Bldg. 20	303–234–3745
San Francisco, Calif. 94106	(Vacancy)		
Seattle, Wash. 98104	Fred B. Dyer	1015 Third Ave	206–625–3126

Department of the Interior
Geological Survey

Region	Assistant Director	Address	Telephone
Reston, Va. 22092	Wm. B. Overstreet	12201 Sunrise Valley Dr	703–860–7414
Denver, Colo. 80225	Robert F. Evans	Denver Federal Center	303–234–4630
Menlo Park, Calif. 94025	Geo. E. Robinson, Acting	345 Middlefield Rd	415–323–2711

Department of the Interior
Mining Enforcement and Safety Administration
Coal Mine Health and Safety Districts

District	Manager	Address	Telephone
Wilkes-Barre, Pa. 18701	John B. Shutack	20 N. Pennsylvania Ave	717–826–6321
Pittsburgh, Pa. 15213	Donald W. Huntley	4800 Forbes Ave	412–621–4500
Morgantown, W. Va. 26505	Jack E. Tisdale	P.O. Box 8816	304–599–7278
Mount Hope, W. Va. 25880	J. Krese	P.O. Box 112	304–877–6405
Norton, Va. 24273	W. Roy Compton	P.O. Box 560	703–679–0230
Pikeville, Ky. 41501	L. D. Phillips	P.O. Box 262, Main St. Station	606–437–9616
Barbourville, Ky. 40906	Jerry Spicer	P.O. Box 572	606–546–5123
Vincennes, Ind. 47591	Maurice Childers	501 Busseron St	812–882–7617
Denver, Colo. 80215	John Barton	1457 Ammons St	303–234–2293
Madisonville, Ky. 42431	William Craft	P.O. Box 473	502–821–4180

Department of the Interior
Mining Enforcement and Safety Administration
Health and Safety Training Centers

Center	Chief	Address	Telephone
Pittsburgh, Pa. 15220	James Bennett	4 Parkway Center	412–621–4500
Beckley, W. Va. 25801	C. B. Humphrey	P.O. Box 1166	304–255–0451
Norton, Va. 24273	P. Bobrosky, Acting	P.O. Box 710	703–679–4430
Birmingham, Ala. 35209	R. Jones, Acting	228 West Valley Ave	205–254–1513
Rosemont, Ill. 60018	Clement Dovidas	10600 Higgins Rd	312–298–7240
Dallas, Tex. 75221	John C. English	P.O. Box 1020	214–749–1306
Denver, Colo. 80215	Walter R. Schell	P.O. Box 25367	303–234–2800
Boulder City, Nev. 89005	Quentin L. Wilcox	500 Date St	702–293–7441
Albany, Oreg. 97321	Wayne Grames, Acting	1450 West Queen St	503–926–5811
Lexington, Ky. 40504	Thomas G. Kessler	340 Legion Dr., Suite 28	606–253–2820

National Mine Health and Safety Academy

Center	Superintendent	Address	Telephone
Beckley, W. Va. 25801	Michael G. Zabetakis	P.O. Box 1166	304–255–0451

Department of the Interior
Mining Enforcement and Safety Administration
Metal and Nonmetal Mine Health and Safety Districts

District	Manager	Address	Telephone
Pittsburgh, Pa. 15213	Michael P. Trainor	4800 Forbes Ave	412–621–4500
Birmingham, Ala. 35209	Roy L. Bernard	228 West Valley Ave	205–254–1514
Duluth, Minn. 55802	Joseph B. Stepan	228 Federal Bldg	218–727–6692
Dallas, Tex. 75202	Harry L. Schell	1100 Commerce St	214–749–1241
Denver, Colo. 80215	William C. Gardner	603 Miller Ct	303–234–3421
Alameda, Calif. 94501	Thomas C. Lukins	620 Central Ave	415–273–7457

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Department of the Interior
National Park Service

Department of the Interior
Power Administrations

Department of the Interior
National Park Service

Regional Office	Director	Address	Telephone
North Atlantic	Jack E. Stark	150 Causeway St., Boston, Mass. 02114	617–223–3788
Mid-Atlantic	(Vacancy)	143 South 3d St., Philadelphia, Pa. 19106.	215–597–7013
Southeast	David D. Thompson, Jr.	1895 Phoenix Blvd., Atlanta, Ga. 30344	404–289–7594
Midwest	Merrill D. Beal	1709 Jackson St., Omaha, Nebr. 68102	402–864–3431
Rocky Mountain	Lynn H. Thompson	P.O. Box 25287, Denver, Colo. 80225	303–234–2500
Southwest	John E. Cook	P.O. Box 728, Santa Fe, N. Mex. 87501	505–476–3388
Western	Howard H. Chapman	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–4196
Pacific Northwest	Russell E. Dickensen	523 4th and Pike Bldg., Seattle, Wash. 98101.	206–399–5565
National Capital Parks	Manus J. Fish, Jr.	1100 Ohio Dr. SW., Washington, D.C. 20242.	202–426–6612

Department of the Interior
Office for Equal Opportunity
Contract Compliance

[illegible]	Manager	Address	Telephone
Arlington, Va. 22203	Alfred R. Gordon	4040 North Fairfax Dr	703–557–2175
Denver, Colo. 80225	Gerald C. Williams	Denver Federal Center	303–234–2154
Anchorage, Alaska 99501	Patricia Mayo	Anchorage Legal Center, Suite 201, 1016 West 6th Ave.	907–265–5376

Department of the Interior
Office of the Solicitor

Region	Solicitor	Address	Telephone
Anchorage, Alaska 99501	Robert E. Price	1016 West 6th Ave	(1)
Denver, Colo. 80225	John R. Little, Acting	Denver Federal Center	303–234–3175
Atlanta, Ga. 30303	Raymond C. Coulter	148 Cain St. NE	404–526–4447
Newton Corner, Mass. 02158	Roger Babb	1 Gateway Center	617–829–9258
Portland, Oreg. 97208	Robert E. Ratcliffe	P.O. Box 3621	503–234–4201
Sacramento, Calif. 95825	Charles R. Renda	2800 Cottage Way	916–484–4331
Salt Lake City, Utah 84111	Reid Nelson	125 South State St	801–524–5677
Tulsa, Okla. 74101	Raymond F. Sanford	P.O. Box 3156	918–851–7501

(1) Dial 206–442–0150 FTS to Seattle, ask for Anchorage and give the operator the following number—265–5301.

Department of the Interior
Office of Audit and Investigation

[illegible]	Director	Address	Telephone
Arlington, Va. 22203	Frank V. Passuth	BT No. 1800 North Quincy, Room 401	703–235–1513
Lakewood, Colo. 80215	William A. Butron	1841 Wadsworth	303–234–2131
Sacramento, Calif. 95825	Gerald W. Hicks	2800 Cottage Way, Room W2219	916–484–4874

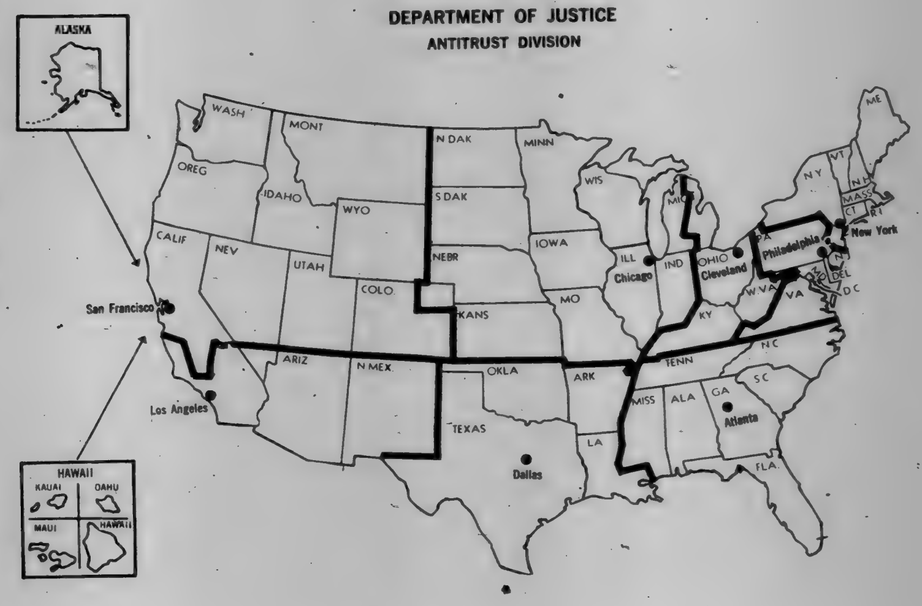
Department of the Interior
Power Administrations

Power Administration	Administrator	Address	Telephone
Alaska—Juneau, Alaska 99802	Robert J. Cross	P.O. Box 50	907–586–7405
Southeastern—Elberton, Ga. 30635.	Jan Fortune	Samuel Elbert Bldg	404–283–3261
Southwestern—Tulsa, Okla. 74101.	James B. Hammett, Acting	P.O. Drawer 1619	918–581–7474
Bonneville—Portland, Oreg. 97208.	Donald Paul Hodel	P.O. Box 3621	503–234–3361

Department of the Interior
Office of Environmental Project Review

Region	Officers	Address	Telephone
Boston, Mass. 02114	William P. Patterson	150 Causeway St	617–223–5517
Atlanta, Ga. 30303	James H. Lee	148 International Blvd. NE	404–242–4524
Des Plaines, Ill. 60016	David L. Jervis	2510 Dempster St	312–298–2624
Albuquerque, N. Mex. 87103	Raymond P. Churan	5301 Central Ave. NE	505–474–3565
Denver, Colo. 80225	John E. Raybourn	Denver Federal Center	303–234–2071
San Francisco, Calif. 94102	Hardy L. Pearce, Jr.	450 Golden Gate Ave	415–556–2838
Portland, Oreg. 97208	Charles S. Polityka	1500 NE. Irving St	503–429–4052
Anchorage, Alaska 99510	Paul D. Gates	1675 C St	907–265–5278

DEPARTMENT OF JUSTICE
ANTITRUST DIVISION



DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

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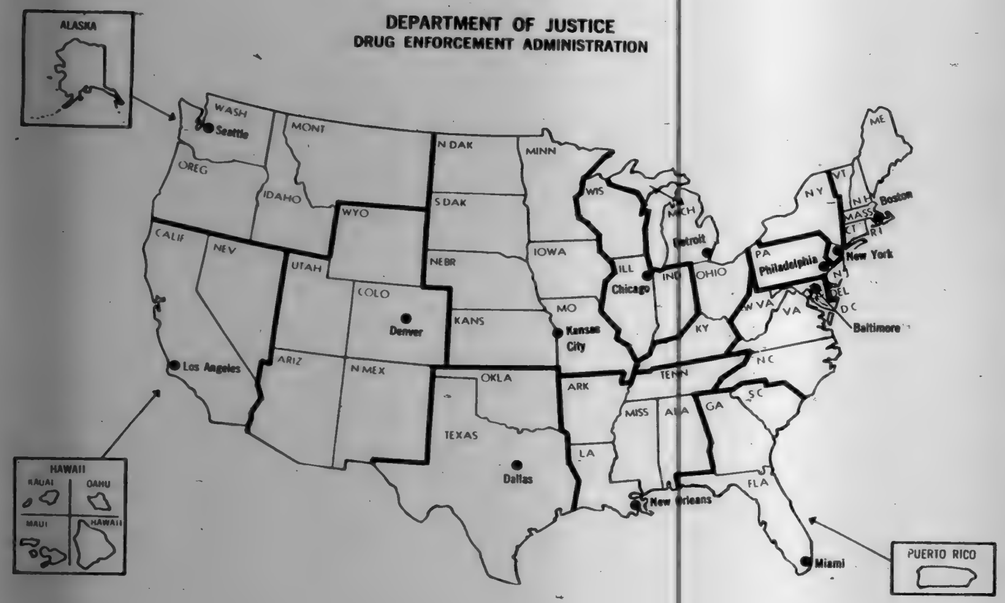
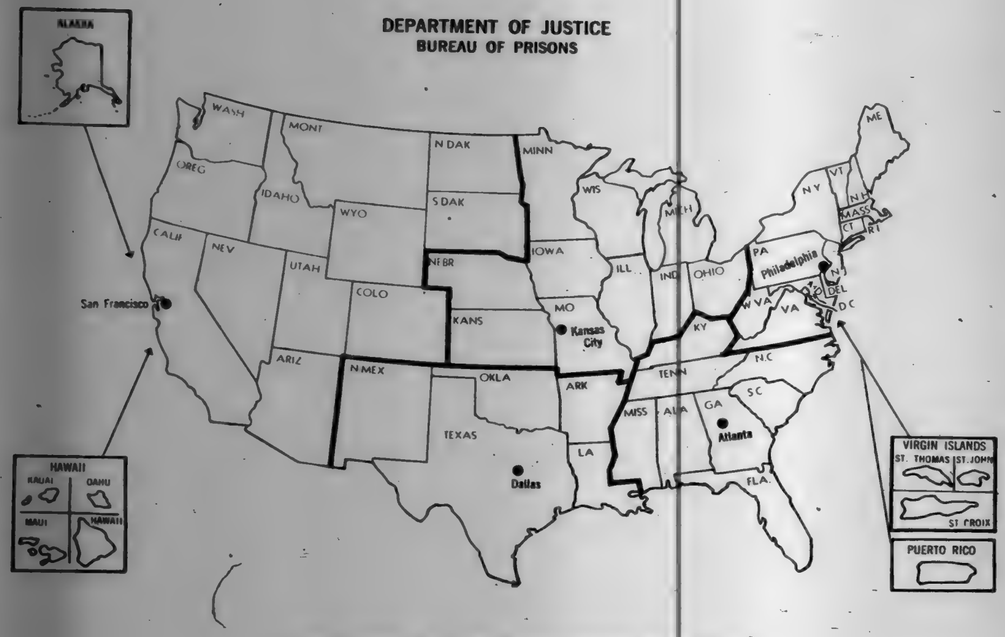
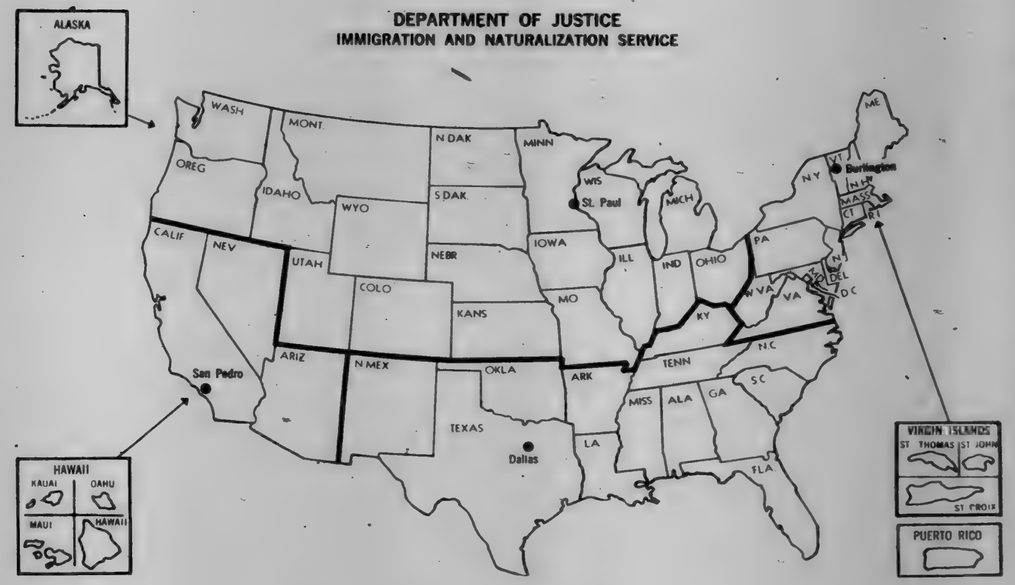
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION



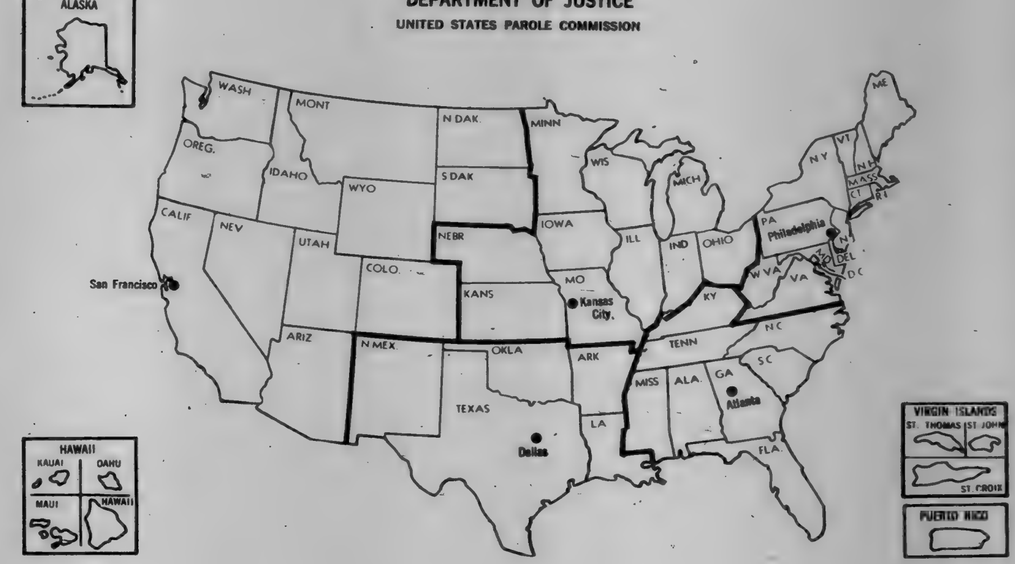
DEPARTMENT OF JUSTICE
BUREAU OF PRISONS



DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



DEPARTMENT OF JUSTICE
UNITED STATES PAROLE COMMISSION

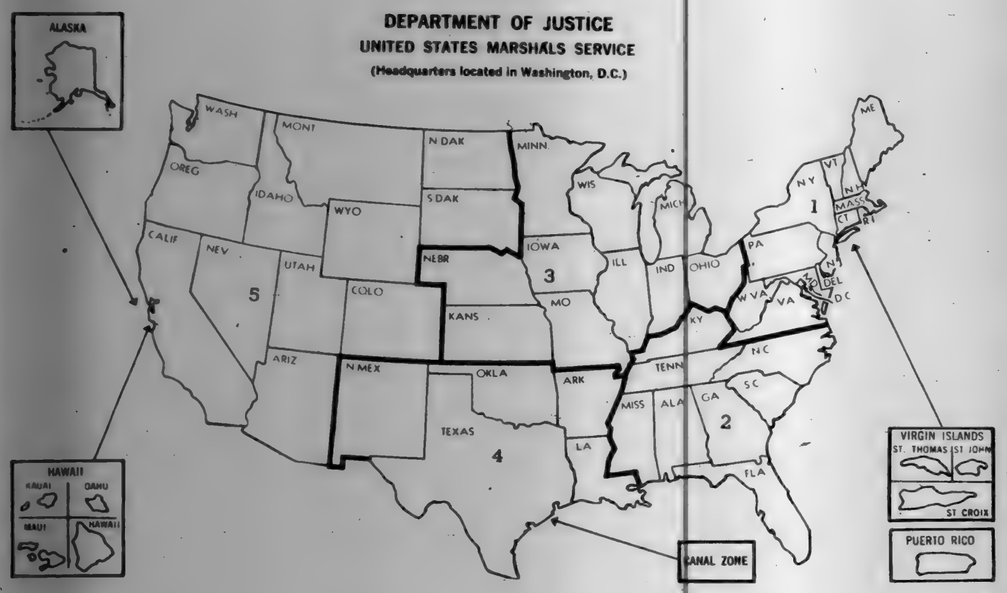


DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE

Department of Justice

V 42 I 129 JUL 6 77 UMI

DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE
(Headquarters located in Washington, D.C.)



Department of Justice
Antitrust Division

Region	Chief	Address	Telephone
Atlanta, Ga. 30309	Donald A. Kinkaid	1776 Peachtree St. NW	404–881–3828
Chicago, Ill. 60604	John E. Sarbaugh	219 South Dearborn St	312–353–7538
Cleveland, Ohio 44199	John E. Weedon	995 Celebrezze Federal Bldg	216–522–4070
Dallas, Tex. 75202	Barry F. McNeil	1100 Commerce St	214–749–1275
Los Angeles, Calif. 90012	Dwight B. Moore	312 North Spring St	213–798–2521
New York, N.Y. 10007	Bernard Wehrmann	26 Federal Plaza	212–264–0390
Philadelphia, Pa. 19106	John J. Hughes	601 Market St	215–597–7405
San Francisco, Calif. 94102	Anthony E. Desmond	450 Golden Gate Ave	415–556–6300

Department of Justice
Drug Enforcement Administration

Region	Administrator	Address	Telephone
Boston, Mass. 02203	Edward R. Cass	John F. Kennedy Federal Bldg	617–223–2177
New York, N.Y. 10019	John W. Fallon	555 West 57th St	212–399–5151
Philadelphia, Pa. 19106	Arthur Lewis	600 Arch St	215–597–9530
Baltimore, Md. 21201	John Lund	31 Hopkins Pl	301–962–4816
Miami, Fla. 33166	John E. Van Diver	8400 NW 53d St	305–591–4800
Detroit, Mich. 48226	Theodore Vernier	231 West Lafayette	313–226–7290
Chicago, Ill. 60604	Vernon D. Meyer	219 South Dearborn St	312–353–1419
New Orleans, La. 70013	James Bland	1001 Howard Ave	504–589–6841
Kansas City, Mo. 64106	Joseph Dino	811 Grand Ave	816–374–2631
Dallas, Tex. 75202	Irvin C. Swank	1100 Commerce St	214–749–3631
Denver, Colo. 80201	Richard Salley, Acting	U.S. Customs House	303–837–3951
Seattle, Wash. 98119	Frederick Rody, Jr	221 1st Ave. West	206–442–5443
Los Angeles, Calif. 90017	Jerry N. Jenson	350 S. Figueroa	213–688–4825

Department of Justice
Bureau of Prisons

Region	Director	Address	Telephone
Northeast	Gerald M. Farkas	Scott Plaza II, Industrial Hwy., Philadelphia, Pa. 19113.	215–596–1871
Southeast	Gary R. McCune	3500 Greenbriar Pkwy. SW., Atlanta, Ga. 30331.	404–763–7851
North Central	James D. Henderson	8800 Northwest 112th St., Kansas City, Mo. 64153.	816–243–5680
South Central	Charles J. Hughes	3883 Turtle Creek Blvd., Dallas, Tex. 75219.	214–749–1112
Western	E. O. Toft	330 Primrose Rd., Burlingame, Calif. 94010.	415–347–0721

Department of Justice
Immigration and Naturalization Service

Region	Commissioner	Address	Telephone
Burlington, Vt. 05401	Oswald I. Krammer	Federal Bldg	802–862–6501
St. Paul, Minn. 55111	(Vacancy)	Federal Bldg., Fort Snelling	612–725–4451
Dallas, Tex. 75270	Armand Salturelli	1201 Elm St., Room 2300	214–749–2686
San Pedro, Calif. 90731	Edward F. O'Connor	Terminal Island	213–548–2727

Department of Justice
U.S. Parole Commission

Region	Comissioner	Address	Telephone
Northeast	Joseph A. Nardoza	Scott Plaza, Industrial Highway, Philadelphia, Pa. 19113.	215–596–1868
South Central	William E. Amos	3883 Turtle Creek Blvd., Dallas, Tex. 75219.	214–749–7841
Western	Paula A. Tennant	330 Primrose Rd., Burlingame, Calif. 94010.	415–347–4737
Southeast	J. Robert Cooper	3500 Greenbriar Parkway SW., Atlanta, Ga. 30331.	404–246–7846
North Central	(Vacancy)	8800 Northwest 112th St., Kansas City, Mo. 64153.	816–754–5690

Department of Justice
United States Marshals Service
Regional Directors
(Located in Service Headquarters: 521 12th St. NW., Washington, D.C. 20530)

Region	Director	Telephone
1	Benjamin F. Butler, Acting	202–557–2420
2	John W. Cameron	202–557–2505
3	Reis R. Kash	816–374–2077
4	Robert D. Schmidt, Acting	202–557–2750
5	Donald D. Hill	415–692–0521

DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

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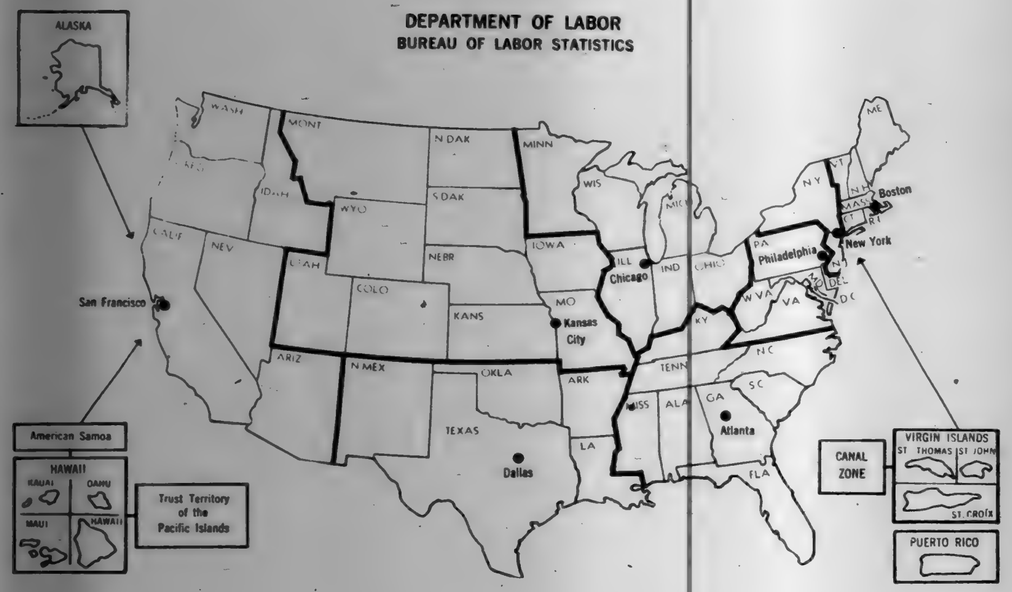
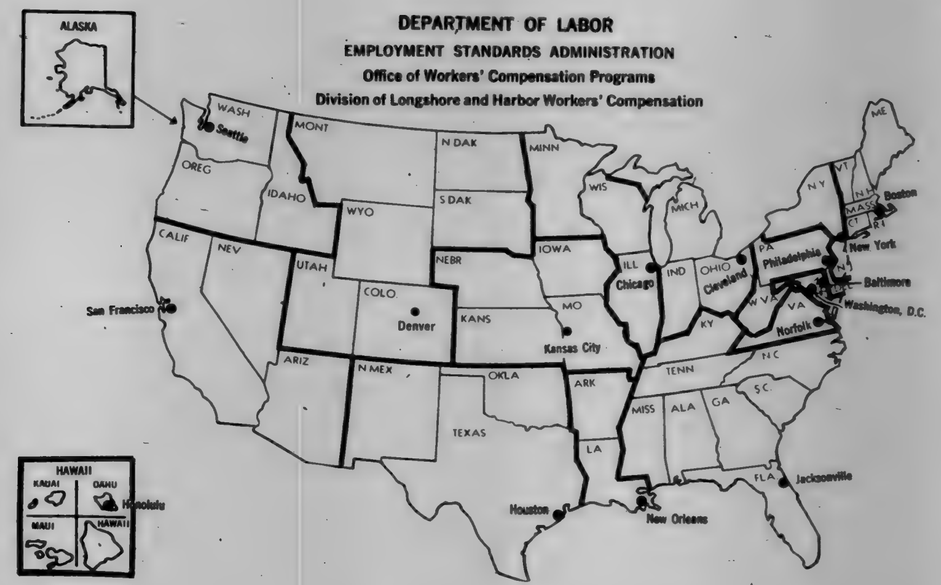
DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS



DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation

DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation



DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION

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DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR

Department of Labor
Bureau of Labor Statistics

Region	Regional Commissioner	Address	Telephone
Boston, Mass. 02203	Wendell D. Macdonald	Federal Office Bldg	617–223–6727
New York, N.Y. 10036	Herbert Bienstock	1515 Broadway	212–399–5401
Philadelphia, Pa. 19107	Alvin Margulis	3535 Market St	215–596–1151
Atlanta, Ga. 30309	Donald Cruse	1371 Peachtree St. NE	404–881–4416
Chicago, Ill. 60604	William E. Rice	230 South Dearborn St	313–353–7226
Dallas, Tex. 75202	Bryan Richey	555 Griffin Square Bldg	214–749–3641
Kansas City, Mo. 64106	Elliott A. Browar	911 Walnut St	816–374–2378
San Francisco, Calif. 94102	D. Bruce Hanchett	450 Golden Gate Ave	415–556–3178

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02203	Stanley C. Wollaston	John F. Kennedy Federal Bldg	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–662–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–596–1180
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–946–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg., 600 South St	504–682–2611 Ext. 6135
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–293–3803
Chicago, Ill. 60604	Andrew L. Lang	230 South Dearborn St	312–353–5650
Kansas City, Mo. 64106	Carol L. Fleschute	911 Walnut St	816–758–2723
Denver, Colo. 80202	Pablo Villalobos	1531 Stout St	303–327–2611
San Francisco, Calif. 94102	Gerald Culle	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	William L. Massey	909 1st Ave	206–399–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Harold Hickey	666 11th St. NW	202–382–3831

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Stanley C. Wollaston	John F. Kennedy Federal Bldg	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–662–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–596–1180
Baltimore, Md. 21201	Donald C. Frederick	Federal Bldg	301–922–3677
Norfolk, Va. 23502	Donald C. Frederick	3661 Virginia Beach Blvd. East	804–939–6651
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–946–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg., 600 South St	504–682–2611 Ext. 6135
Houston, Tex. 77004	Lee H. Hollis	2320 LaBranch St	713–527–5801
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–293–3803
Chicago, Ill. 60604	Andrew L. Lang	230 South Dearborn St	312–353–5650
Kansas City, Mo. 64106	Carol Fleschute	911 Walnut St	816–758–2723
Denver, Colo. 80202	Pablo Villalobos	1531 Stout St	303–327–2611
San Francisco, Calif. 94102	Gerald Culle	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	William L. Massey	909 1st Ave	206–399–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	(Vacancy)	1717 K St. NW	202–254–3472

Department of Labor
Labor-Management Services Administration

Region	Regional Administrator	Address	Telephone
Atlanta, Ga. 30309	Lem R. Bridges	1371 Peachtree St. NE	404–257–4237
Chicago, Ill. 60604	Rocco DeMarco	230 South Dearborn St	312–353–1920
Kansas City, Mo. 64106	Cullen P. Keough	911 Walnut St	816–758–5131
New York, N.Y. 10036	Benjamin B. Naumoff	1515 Broadway	212–662–5231
Philadelphia, Pa. 19104	(Vacancy)	3535 Market St	215–596–1134
San Francisco, Calif. 94102	Gordon M. Byrholdt	450 Golden Gate Ave	415–556–5915

Department of Labor
Office of the Solicitor

Region	Regional Solicitor	Address	Telephone
Boston, Mass. 02203	Albert H. Ross	John F. Kennedy Federal Bldg	617–223–6701
New York, N.Y. 10036	Francis V. LaRuffa	1515 Broadway	212–662–5564
Philadelphia, Pa. 19104	Marshall Harris	3535 Market St	215–596–1126
Atlanta, Ga. 30309	Bobbye Spears	1371 Peachtree St. NE	404–257–4811
Chicago, Ill. 60604	Herman Grant	230 South Dearborn St	312–353–7256
Kansas City, Mo. 64106	Tedrick A. Housh	911 Walnut St	816–374–6440
Dallas, Tex. 75202	Ronald Gaswirth	555 Griffin Square Bldg	214–749–3482
San Francisco, Calif. 94102	Daniel Teehan	450 Golden Gate Ave	415–556–4042
Nashville, Tenn. 37203	Marvin Tincher, Regional Attorney.	801 Broadway	615–852–5761
Santurce, P.R. 00918	Morton J. Marks, Regional Attorney.	P.O. Box 9092	809–753–4529

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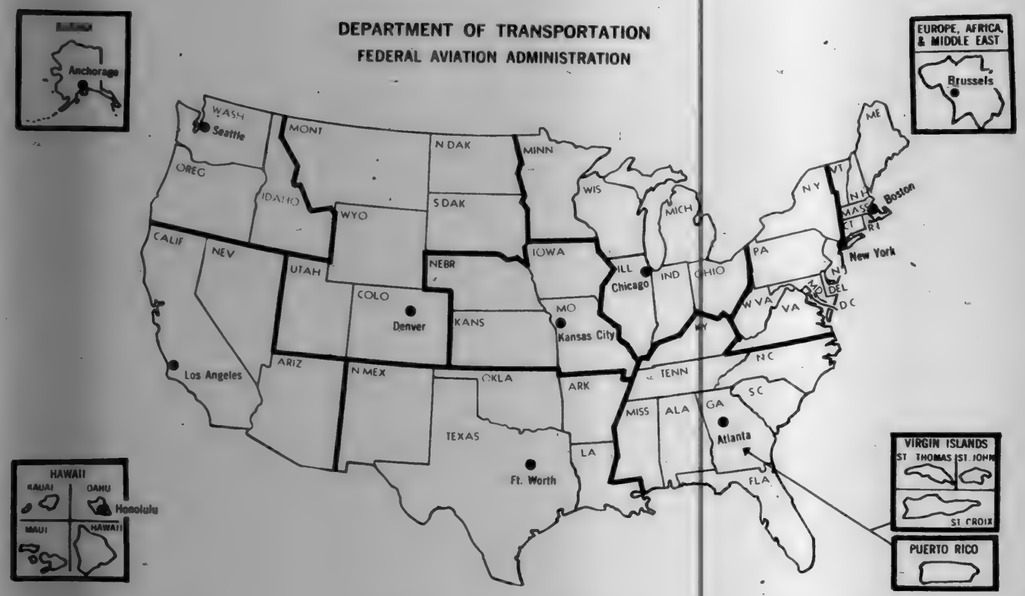
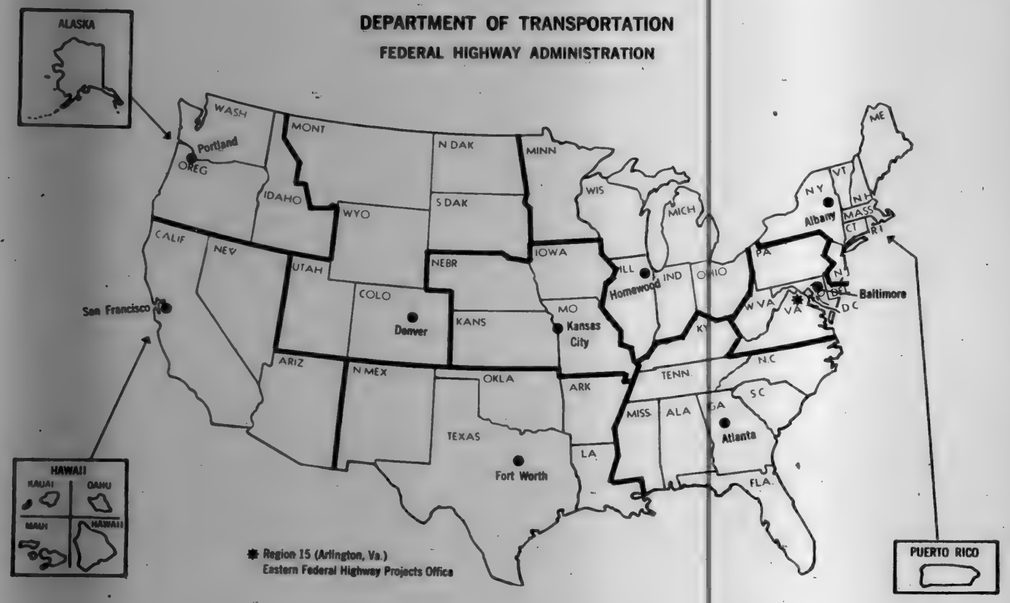
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

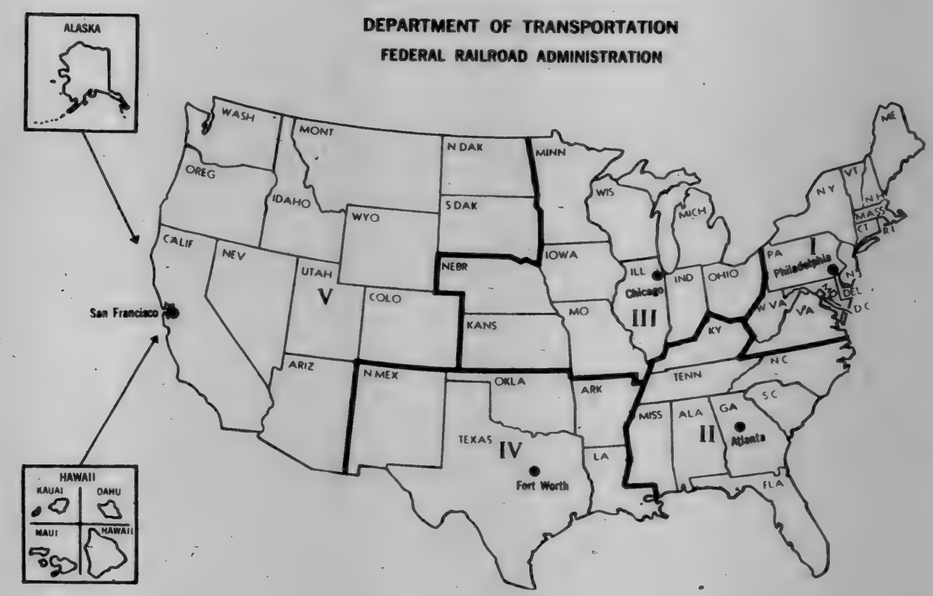


DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

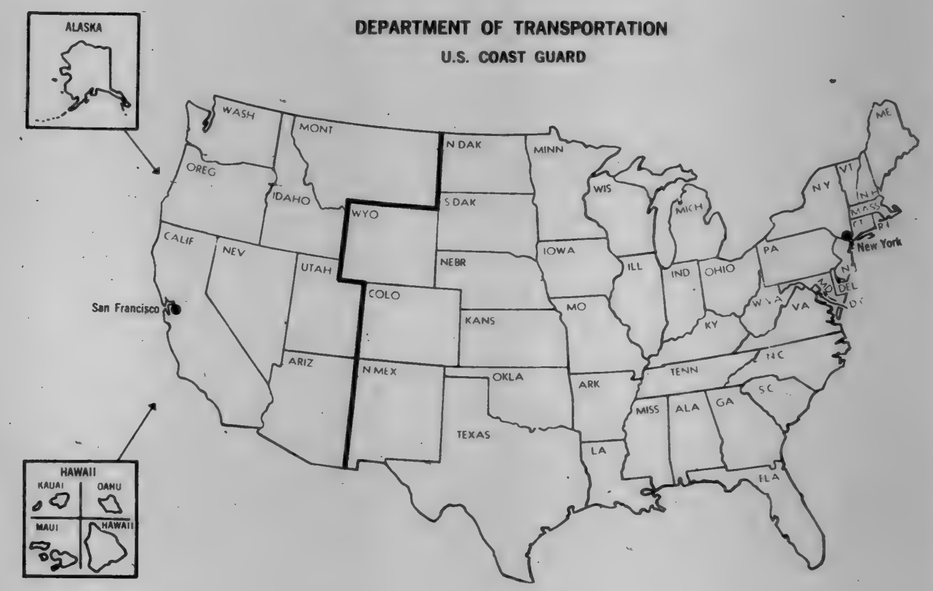


* Region 15 (Arlington, Va.)
Eastern Federal Highway Projects Office

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION



DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD



DEPARTMENT OF TRANSPORTATION

Department of Transportation

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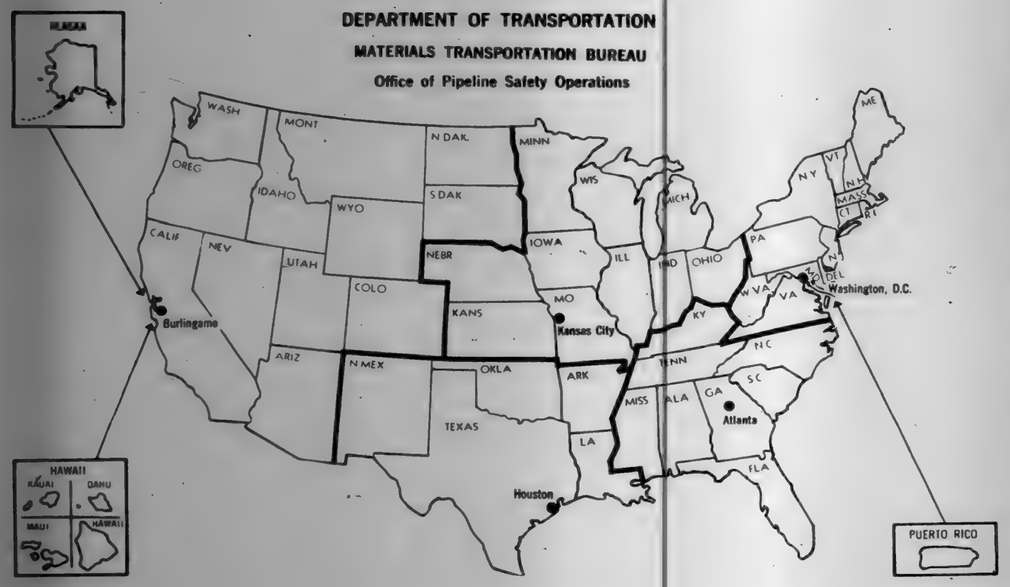
DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

Office of Pipeline Safety Operations



Department of Transportation

Federal Aviation Administration

Region	Director	Address	Telephone
New England	William E. Crosby, Jr., Acting	12 New England Executive Park, Burlington, Mass. 01803.	617–273–7244
Eastern	William E. Morgan, Jr	Federal Bldg., JFK International Airport, Jamaica, N.Y. 11430.	212–995–3333
Southern	Phillip M. Swatek	P.O. Box 20636, Atlanta, Ga. 30320	404–526–7222
Great Lakes	John M. Cyrocki	2300 East Devon Ave., Des Plaines, Ill. 60016.	312–694–4500
Central	C. R. Melugin, Jr	601 East 12th St., Kansas City, Mo. 64106	816–374–5626
Southwest	Henry L. Newman	P.O. Box 1689, Fort Worth, Tex. 76101	817–624–4911
Rocky Mountain	Mervyn M. Martin	10455 East 25th Ave., Aurora, Colo. 80010	303–837–4677
Western	Robert H. Stanton	P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.	213–536–6435
Northwest	Christian B. Walk, Jr	FAA Bldg., 9010 East Marginal Way South, King County International Airport, Seattle, Wash. 98108.	206–767–2780
Alaskan	Lyle K. Brown	632 6th Ave., Anchorage, Alaska 99501	907–265–4201
Pacific-Asia	Robert O. Ziegler	P.O. Box 4009, Honolulu, Hawaii 96813	808–955–0401
Europe, Africa, and Middle East	Cylde W. Pace	1 Place Madou, Brussels, Belgium	513–38–30, Ext. 300

Department of Transportation

Federal Highway Administration

Region	Administrator	Address	Telephone
Albany, N.Y. 12207	R. E. Kirby	Clinton Ave. and N. Pearl St	518–562–6476
Baltimore, Md. 21201	W. H. White	31 Hopkins Plaza	301–922–2361
Atlanta, Ga. 30309	James D. Lacy	1720 Peachtree Rd. NW	404–257–4078
Homewood, Ill. 60430	Donald E. Trull	18209 Dixie Hwy	312–380–6300
Fort Worth, Tex. 76102	James W. White	819 Taylor St	817–334–3232
Kansas City, Mo. 64131	John B. Kemp	6301 Rockhill Rd	816–926–7563
Denver, Colo. 80225	Daniel Watt	Federal Center	303–234–4051
San Francisco, Calif. 94111	Frank E. Hawley	2 Embarcadero Center	415–556–3951
Portland, Oreg. 97204	Louis E. Lybecker	222 Southwest Morrison St	503–423–2065
Arlington, Va. 22201	Thomas O. Edick	1000 North Glebe Rd	703–557–9070

Department of Transportation

Federal Railroad Administration

Region	Administrators	Address	Telephone
Philadelphia, Pa. 19106	Wallace F. Holl, Acting	434 Walnut St	215–597–0750
Atlanta, Ga. 30337	Charles R. Meyrick, Acting	1568 Willingham Dr	404–526–7801
Chicago, Ill. 60605	Albert L. Hynes	536 South Clark St	312–353–6203
Fort Worth, Tex. 76102	Trinidad Guillen	Federal Building	817–334–3601
San Francisco, Calif. 94111	Earl H. Anderson	2 Embarcadero Center	415–556–6411

Department of Transportation

U.S. Coast Guard

Area	Commander	Address	Telephone
Atlantic	Vice Adm. W. F. Rea III	Governor's Island, New York, N.Y. 10004	212–264–8743
Pacific	Vice Adm. A. C. Wagner	630 Sansome St., San Francisco, Calif. 94126.	415–556–5326

Department of Transportation

Materials Transportation Bureau

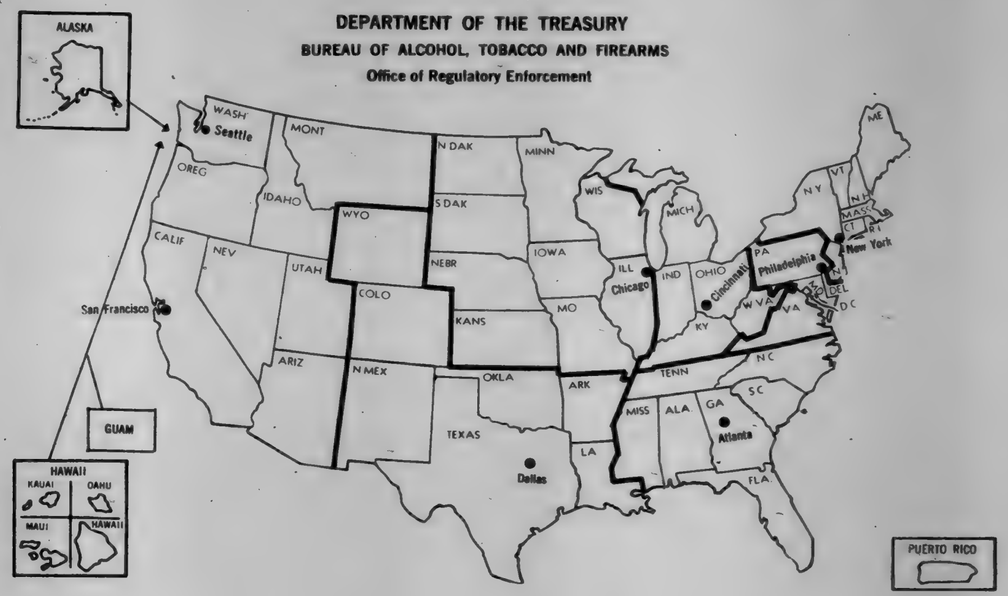
Office of Pipeline Safety Operations

Region	Director	Address	Telephone
Eastern	Lance F. Heverly	2100 Second St. SW., Washington, D.C. 20590.	202–763–7861
Southern	James C. Thomas	1568 Willingham Dr., Atlanta, Ga. 30337	404–526–7861
Central	Marshall W. Taylor II	911 Walnut St., Kansas City, Mo. 64106	816–374–2654
Southwest	Robert Aubry	6622 Hornwood Dr., Houston, Tex. 77074	713–226–5476
Western	Jack Overly	831 Mitten Rd., Burlingame, Calif. 94010	415–876–9085

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

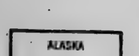
Office of Regulatory Enforcement



DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

DEPARTMENT OF THE TREASURY



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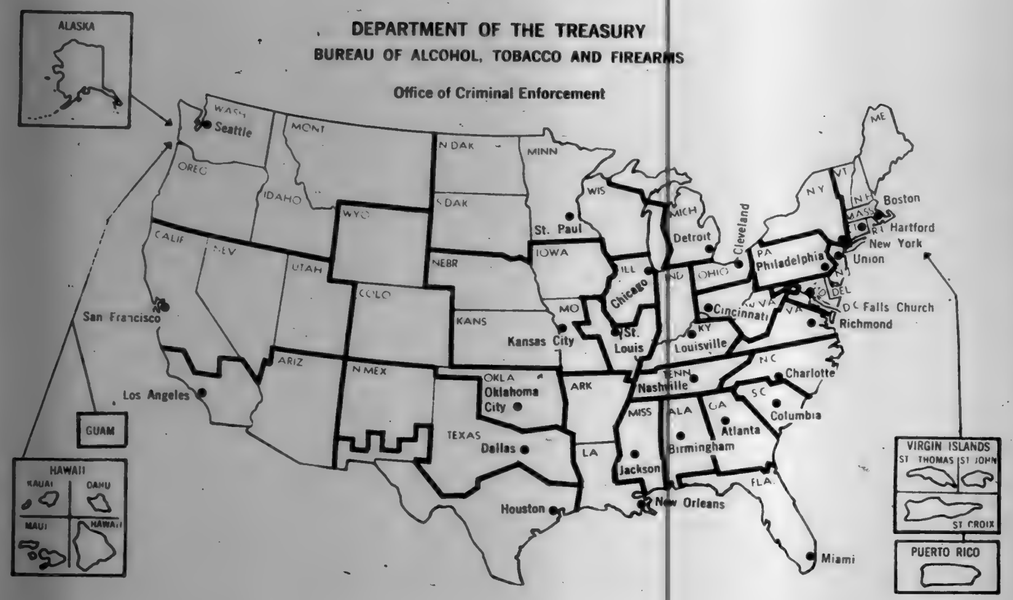
DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Office of Criminal Enforcement



DEPARTMENT OF THE TREASURY
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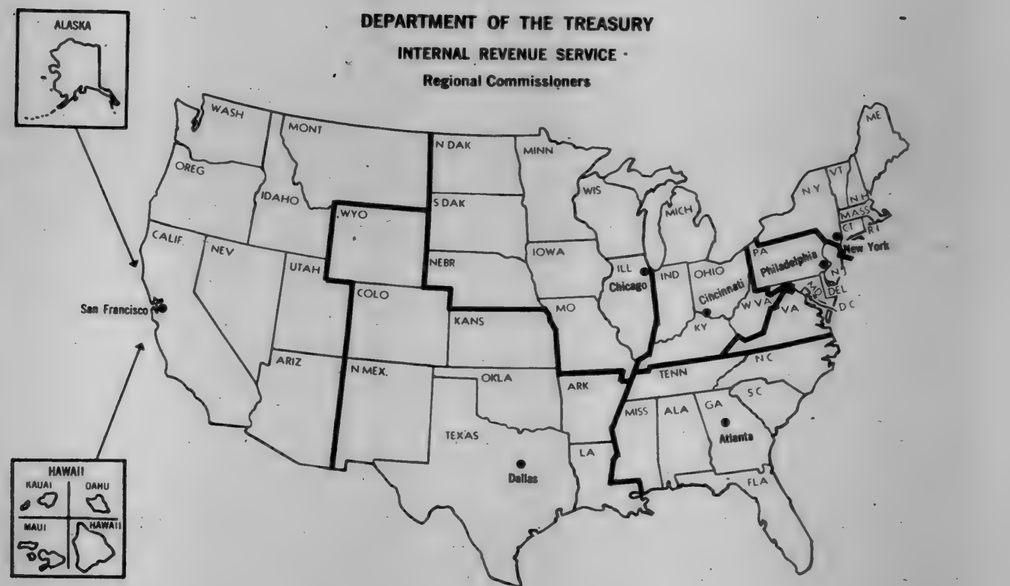
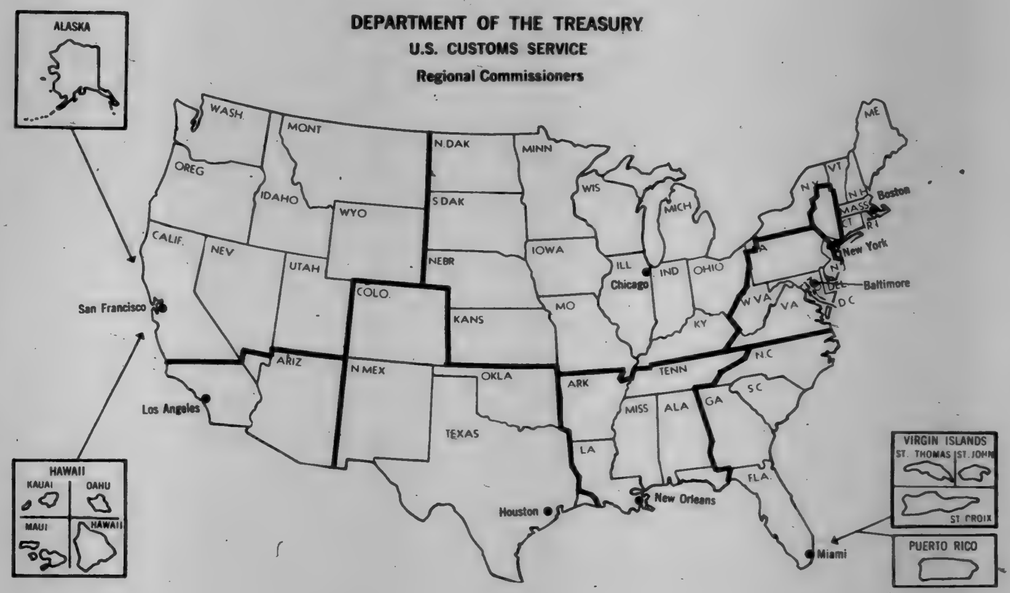
DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Regional Commissioners



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
Regional Commissioners



DEPARTMENT OF THE TREASURY

Department of the Treasury

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DEPARTMENT OF THE TREASURY

U.S. SAVINGS BONDS DIVISION

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Office of Regulatory Enforcement

Region	Administrators	Address	Telephone
Cincinnati, Ohio 45202	Robert L. Terlau	550 Main St	513–684–3331
Philadelphia, Pa. 19102	Darol C. McGlone	2 Penn Center Plaza	215–597–2217
Chicago, Ill. 60604	David R. Chupp, Acting	230 S. Dearborn St	312–353–3778
New York, N.Y. 10008	Daniel R. Black	P.O. Box 15	212–264–2328
Atlanta, Ga. 30301	Joseph D. Devine	P.O. Box 2994	404–232–2643
Dallas, Tex. 75202	Earl P. Kennard	1200 Main St	214–749–2855
San Francisco, Calif. 94105	Charles D. Foster, Acting	525 Market St	415–556–2021

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Office of Criminal Enforcement

District	Special Agent in Charge	Address	Telephone
Birmingham, Ala. 35203	Robert R. Scott	2121 8th Ave., North, Room 1025	205–229–1205
Boston, Mass. 02203	Arthur A. Montouri	John F. Kennedy Federal Bldg	617–223–3817
Charlotte, N.C. 28209	John C. Westra	5821 Park Rd., Suite 504	704–672–7425
Cleveland, Ohio 44199	David Edmisten	1240 E. 9th St	216–292–3080
Cincinnati, Ohio 45201	Thomas Lambert	P.O. Box 1759	513–684–3756
Columbia, S.C. 29201	Durwood Russel	901 Sumter St	803–677–5541
Dallas, Tex. 75202	James Carey	1200 Main Tower, Room 330	214–749–2073
Decatur, Ga. 30030	Robert Lane	1 West Court Square, Suite 265	404–242–6146
Detroit, Mich. 48226	George Powell, Acting	371 Federal Bldg	313–226–7300
Falls Church, Va. 22046	John P. Rowley	701 West Broad St	703–557–2240
Houston, Tex. 77027	Raymond Reynolds	3910 Kirby Dr	713–527–5410
Jackson, Miss. 39202	Robert Gassola	301 North Lamar St	601–490–4200
Kansas City, Mo. 64102	Charles Harvey	811 Grand Ave., Room 941	816–758–3886
Los Angeles, Calif. 90053	Edgar Dillon	P.O. Box 1991	213–798–4816
Louisville, Ky. 40201	Gerald Benedict	P.O. Box 1707	502–352–5211
Miami, Fla. 33166	David Tucker	8410 NW. 53d Terrace, Suite 219	305–350–4368
Nashville, Tenn. 37215	Riley Oxley	P.O. Box 15762, Green Hills Station	615–852–5412
New Orleans, La. 70130	Rufus Embry	500 Camp St	504–682–2048
New York, N.Y. 10008	Michael J. LaPerch, Jr	P.O. Box 3482	212–264–4658
Oak Brook, Ill. 60521	James Welch	2625 Butterfield Rd	312–353–8444
Oklahoma City, Okla. 73102	Robert Miller	200 NW. 5th St., Room 960	405–736–4877
Philadelphia, Pa. 19106	Wallace Hay	U.S. Customs House, 2d and Chestnut Sts., Room 504.	215–597–7266
Richmond, Va. 23240	Frederick H. Murrell	P.O. Box 10068	804–925–2871
San Francisco, Calif. 94105	Orville Turner	525 Market St., Room 2540	415–556–6769
Seattle, Wash. 98174	Donnell Alphin	915 2d Ave., Room 806	206–399–4485
St. Louis, Mo. 63101	James Elder	1114 Market St	314–279–5560
St. Paul, Minn. 55101	William Nickell	316 N. Roberts St	612–725–7092
Union, N.J. 07083	Paul Hankins	P.O. Box 327	201–341–6300

Department of the Treasury
Comptroller of the Currency

Region	Administrator	Address	Telephone (FTS)
Boston, Mass. 02108	Charles H. Paterson	3 Center Plaza	617–223–2274
New York, N.Y. 10036	Charles M. Van Horn	1211 Avenue of the Americas	212–662–2961
Philadelphia, Pa. 19102	R. Coleman Egertson	3 Parkway	215–597–7105
Cleveland, Ohio 44114	Larry T. Gerzema	1 Erieview Plaza	216–522–4870
Richmond, Va. 23227	Clifton A. Poole, Jr	F and M Center	804–925–2406
Atlanta, Ga. 30303	Donald L. Tarleton	229 Peachtree St. NE	404–242–4928
Chicago, Ill. 60606	Billy C. Wood	Sears Tower	312–353–0300
Memphis, Tenn. 38103	John W. Shaffer, Jr	165 Madison Ave	901–222–3376
Minneapolis, Minn. 55402	Kenneth W. Leaf	800 Marquette Ave	612–725–2684
Kansas City, Mo. 64105	John R. Burt	911 Main St	816–758–6431
Dallas, Tex. 75202	Michael Doman	1401 Elm St	214–749–7291
Denver, Colo. 80202	Kent D. Glover	1405 Curtis St	303–837–4883
Portland, Oreg. 97205	M. B. Adams	707 Southwest Washington St	503–221–3091
San Francisco, Calif. 94105	John G. Hensel	1 Market Plaza	415–556–4307

Department of the Treasury
Internal Revenue Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Cincinnati, Ohio 45202	Leon C. Green	550 Main St	513–684–3613
Philadelphia, Pa. 19102	William D. Waters	2 Penn Center Plaza	215–597–2040
Chicago, Ill. 60606	Edwin P. Trainor	1 North Wacker Dr	312–353–3700
New York, N.Y. 10007	Philip E. Coates	90 Church St	212–264–7061
Atlanta, Ga. 30303	Harold A. McGuffin	275 Peachtree St. NE	404–526–6048
Dallas, Tex. 75251	Walter T. Coppinger	7839 Churchill Way	214–655–5855
San Francisco, Calif. 94105	Thomas A. Cardoza	525 Market St	415–556–4021

Department of the Treasury
U.S. Customs Service

ACTION
Recruitment and Placement Centers

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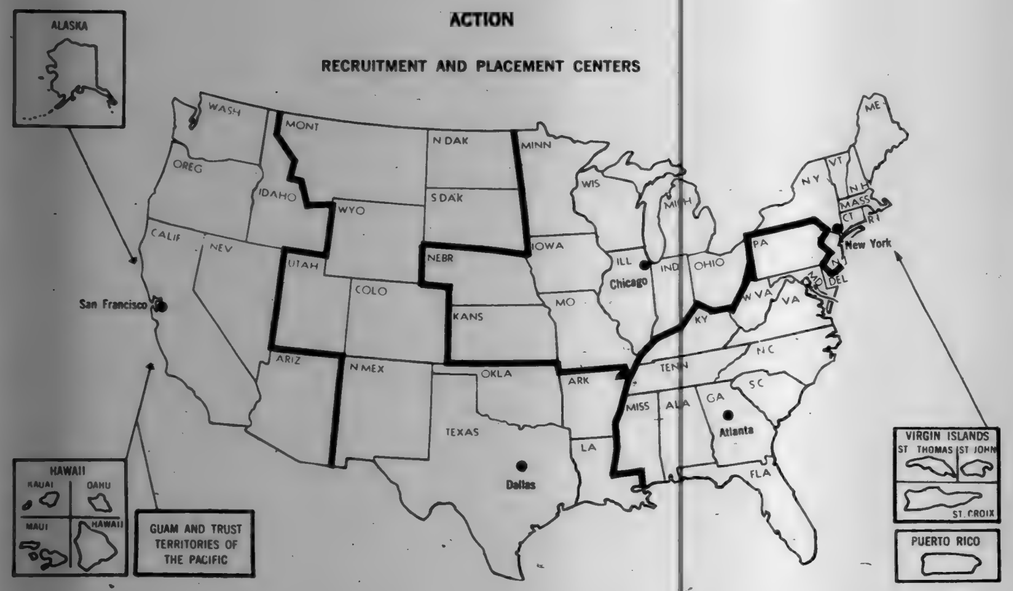
Department of the Treasury
U.S. Customs Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Boston, Mass. 02110	William J. Griffin	100 Summer St	617-223-7506
New York, N.Y. 10048	Fred R. Boyett	6 World Trade Center	212-466-4444
Baltimore, Md. 21202	Roland Raymond, Acting	40 South Gay St	301-962-3288
Miami, Fla. 33166	Albert F. Bazemore	99 Southeast 5th St	305-350-5952
New Orleans, La. 70112	Charles Fisher	1440 Canal St	504-589-6324
Houston, Tex. 77002	Clarence L. Bingham	500 Dallas Ave	713-226-4893
Los Angeles, Calif. 90012	Albert C. Bergesen	300 North Los Angeles St	213-688-5900
San Francisco, Calif. 94102	Robert N. Battard	211 Main St	415-556-3500
Chicago, Ill. 60603	Jack T. Lacy	55 East Monroe St	312-353-4731

Department of the Treasury
U.S. Savings Bonds Division

Region	Director	Address	Telephone (FTS)
New York, N.Y. 10007	Nathan L. Fial	90 Church St	264-7398
Philadelphia, Pa. 19106	Larry L. Lowder	2d and Chestnut Sts	597-3715
New Orleans, La. 70113	Raphael H. Morvant	701 Loyola Ave	682-6105
Chicago, Ill. 60606	Clarence S. Sochowski	230 S. Dearborn St	353-6753
Oklahoma City, Okla. 73102	Dave O. Vandivier	Post Office Bldg	736-4101
St. Louis, Mo. 63101	Oscar P. Drake, Jr.	210 N. 12th St	279-5851
San Francisco, Calif. 94102	Willard C. Ridley	450 Golden Gate Ave	556-2353

ACTION
RECRUITMENT AND PLACEMENT CENTERS



ACTION
Recruitment and Placement Centers

City	Director	Address	Telephone
New York, N.Y. 10007	Wayne Judkins	26 Federal Plaza	212-264-1780
Atlanta, Ga. 30308	Steve Grossman, Acting	730 Peachtree St. NE	404-285-3337
Chicago, Ill. 60606	Noel McCaman	1 North Wacker Dr	312-353-3585
Dallas, Tex. 75201	Richard Garbell	212 North Saint Paul St	214-749-3755
San Francisco, Calif. 94102	William McCleary	211 Main St	415-556-1724

COMMODITY FUTURES TRADING COMMISSION

Commodity Futures Trading Commission

Region	Administrator	Address	Telephone
Eastern	Howard G. Bodenhamer, Acting	1 World Trade Center, Suit 4747, New York, N.Y. 10048.	212-662-9216
Central	Robert W. Clark	233 South Wacker Dr., Chicago, Ill. 60606.	312-353-5994
Southwestern	Richard L. Kirchhoff	4901 Main St., Suite 208, Kansas City, Mo. 64112.	816-758-2994
Western	Hugh Cadden	2 Embarcadero Center, Suite 975, San Francisco, Calif. 94111.	415-556-7503

CONSUMER PRODUCT SAFETY COMMISSION
AREA OFFICES

U.S. ARMY

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CONSUMER PRODUCT SAFETY COMMISSION
AREA OFFICES

Consumer Product Safety Commission
Area Offices

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Leslie Y. Pounds	1330 West Peachtree St. NW	404–881–2259
Boston, Mass. 02110	Jerome J. Donovan	100 Summer St.	617–223–5576
New York, N.Y. 10048	Alexander A. Labonski	6 World Trade Center	212–264–1372
Chicago, Ill. 60604	Samuel M. Hart	230 South Dearborn St.	312–353–8260
Cleveland, Ohio 44114	Roland W. Atley	55 Erieview Plaza, Suite 520	216–522–7160
Dallas, Tex. 75201	(Vacancy)	500 South Ervay	214–749–3871
Denver, Colo. 80202	Victor P. Petralia	817 17th St.	303–837–2904
Kansas City, Mo. 64106	Alfred E. Lucas	1125 Grand Ave.	816–374–2034
Los Angeles, Calif. 90010	Joan G. Fuseller	3660 Wilshire Blvd.	213–688–7272
Twin Cities, Minn. 55111	John F. Rabusch	Federal Bldg., Fort Snelling	612–725–3424
Philadelphia, Pa. 19106	Lacy B. Ward	400 Market St.	215–597–9105
San Francisco, Calif. 94111	James P. DiGrazia	100 Pine St.	415–556–1819
Seattle, Wash. 98174	Joan L. Bergy	915 2d Ave.	206–442–5276

U.S. ARMY
CORPS OF ENGINEERS

U.S. Army
Corps of Engineers (Civil Works)
Division Offices

Division	Division Engineer	Address	Telephone
Lower Mississippi Valley	Maj. Gen. Robert C. Marshall	P.O. Box 80, Vicksburg, Miss. 39180	601–636–1311
Missouri River	Brig. Gen. William E. Read	P.O. Box 103, Downtown Station, Omaha, Nebr. 68101.	402–221–7200
New England	Col. John P. Chandler	424 Trapelo Rd., Waltham, Mass. 02154	617–894–2400 Ext. 200
North Atlantic	Maj. Gen. James L. Kelly	90 Church St., New York, N.Y. 10007	212–264–7101
North Central	Brig. Gen. Robert L. Moore	536 S. Clark St., Chicago, Ill. 60605	312–353–6310
North Pacific	Maj. Gen. Wesley E. Peel	P.O. Box 2870, Portland, Oreg. 97208	503–221–3700
Ohio River	Brig. Gen. E. R. Heiberg III	P.O. Box 1159, Cincinnati, Ohio 45201	513–684–3002
Pacific Ocean	Brig. Gen. Maurice D. Roush	Division Engineer, U.S. Army Engineer Division, APO San Francisco 96558.	808–438–1500
South Atlantic	Brig. Gen. Kenneth E. McIntyre	510 Title Bldg., 30 Pryor St. SW., Atlanta, Ga. 30303.	404–221–6711
South Pacific	Brig. Gen. Richard M. Connell	630 Sansome St., Room 1216, San Francisco, Calif. 94111.	415–556–0914
Southwestern	Maj. Gen. Charles I. McGinnis	Main Tower Bldg., 1200 Main St., Dallas, Tex. 75202.	214–749–3336

U.S. Army
Corps of Engineers (Civil Works)

Division Offices

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

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U.S. Army
Corps of Engineers (Civil Works)
District Offices

District	District Engineer	Address	Telephone
Memphis	Col. Robert W. Lockridge, Jr.	668 Clifford Davis Federal Bldg., Memphis, Tenn. 38103.	901–521–3221
New Orleans	Col. E. J. Rush III	P.O. Box 60267, New Orleans, La. 70160	504–865–1121
St. Louis	Col. Thorwald R. Peterson	210 North 12th St., St. Louis, Mo. 63101	314–268–2821
Vicksburg	Col. Leon E. McKinney	P.O. Box 60, Vicksburg, Miss. 39180	601–636–1311
Kansas City	Col. Richard L. Curl	700 Federal Bldg., Kansas City, Mo. 64106.	816–374–3201
Omaha	Col. James W. Ray	6014 U.S. Post Office and Courthouse, 215 North 17th St., Omaha, Nebr. 68102.	402–221–3900
Baltimore	Col. George K. Withers, Jr	P.O. Box 1715, Baltimore, Md. 21203	301–962–4545
New York	Col. Thomas C. Hunter, Jr	26 Federal Plaza, New York, N.Y. 10007	212–264–0100
Norfolk	Col. N. A. Howard, Jr	803 Front St., Norfolk, Va. 23510	804–446–3601
Philadelphia	Col. H. V. Dutchyshyn	U.S. Custom House, 2d and Chestnut Sts., Philadelphia, Pa. 19106.	215–597–4848
Buffalo	Col. Daniel D. Ludwig	1776 Niagara St., Buffalo, N.Y. 14207	716–876–5454
Chicago	Col. Andrew C. Remson, Jr	219 S. Dearborn St., Chicago, Ill. 60604	312–353–6400
Detroit	Col. Melvin D. Remus	P.O. Box 1027, Detroit, Mich. 48231	313–226–6762
Rock Island	Col. D. L. Lycan	Clock Tower Bldg., Rock Island, Ill. 61201.	309–788–6361
St. Paul	Col. Forrest T. Gay III	1135 U.S. Post Office and Custom House, St. Paul, Minn. 55101.	612–725–7501
Alaska	Col. George R. Robertson	P.O. Box 7002, Anchorage, Alaska 99510	907–752–2605 or 279–1132
Portland	Col. Harvey L. Arnold, Jr	P.O. Box 2946, Portland, Oreg. 97208	503–221–6000
Seattle	Col. John A. Poteat	P.O. Box C–3755, Seattle, Wash. 98124	206–764–3690
Walla Walla	Col. Christopher J. Allaire	Bldg. 602, City-County Airport, Walla Walla, Wash. 99362.	509–525–5500
Huntington	Col. George A. Bicher	P.O. Box 2127, Huntington, W. Va. 25721	304–529–2311
Louisville	Col. James N. Ellis	P.O. Box 59, Louisville, Ky. 40201	502–582–5601
Nashville	Col. Henry J. Hatch	P.O. Box 1070, Nashville, Tenn. 37202	615–251–5626
Pittsburgh	Col. Max R. Janairo, Jr	Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.	412–644–6800
Charleston	Col. Harry S. Wilson, Jr	P.O. Box 919, Charleston, S.C. 29402	803–577–4171
Jacksonville	Col. D. A. Wisdom	P.O. Box 4970, Jacksonville, Fla. 32201	904–791–2241
Mobile	Col. Charlie L. Blalock	P.O. Box 2288, Mobile, Ala. 36628	205–690–2511
Savannah	Col. Francis J. Walter	P.O. Box 889, Savannah, Ga. 31402	912–233–8822 Ext. 224
Wilmington	Col. Homer Johnstone	P.O. Box 1890, Wilmington, N.C. 28401	919–763–9971 Ext. 466
Los Angeles	Col. Hugh G. Robinson	P.O. Box 2711, Los Angeles, Calif. 90053	213–688–5300
Sacramento	Col. Donald M. O'Shei	650 Capitol Mall, Sacramento, Calif. 95814.	916–440–2232
San Francisco	Col. H. A. Flertzheim	211 Main St., San Francisco, Calif. 94105	415–556–3660
Albuquerque	Col. Richard E. Leonard	P.O. Box 1580, Albuquerque, N. Mex. 87103.	505–766–2732
Fort Worth	Col. John F. Wall, Jr	P.O. Box 17300, Fort Worth, Tex. 76102	817–334–2300
Galveston	Col. Jon C. Vanden Bosch	P.O. Box 1229, Galveston, Tex. 77553	713–763–1211
Little Rock	Col. Charles E. Edgar III	P.O. Box 867, Little Rock, Ark. 72203	501–378–5531
Tulsa	Col. Anthony A. Smith	P.O. Box 61, Tulsa, Okla. 74102	918–581–7311

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
ASSIGNED FACILITIES CONTRACT COMPLIANCE OFFICES

Energy Research and Development Administration
Assigned Facilities Contract Compliance Offices

Region	Director	Address	Telephone
Albuquerque, N. Mex. 87115	Guy W. McCarty	P.O. Box 5400	505–264–6980
Chicago, Ill. 60430	Ben L. West	9800 South Cass Ave	312–739–2091
New York, N.Y. 10014	William Nelson, Acting	376 Hudson St	212–620–3657
Oak Ridge, Tenn. 37830	Billy Donald	1718 Peachtree St	615–483–4291
Philadelphia, Pa. 19108	Juanita Smith	600 Arch St	215–597–0485

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
REGIONAL OFFICES OF GENERAL COUNSEL

FARM CREDIT ADMINISTRATION
OFFICE OF EXAMINATION

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

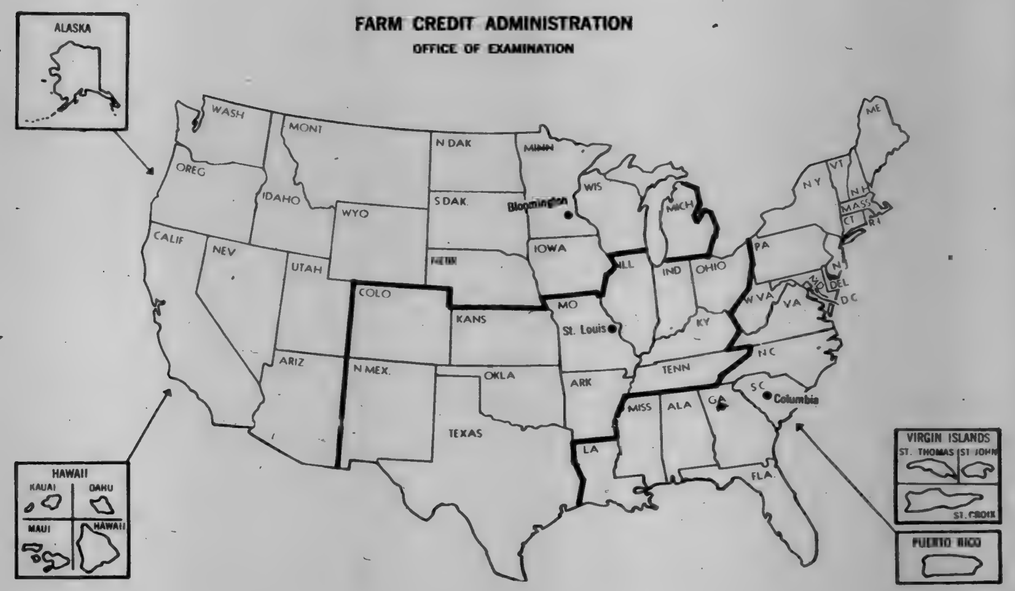
REGIONAL OFFICES OF GENERAL COUNSEL

Equal Employment Opportunity Commission
Regional Offices of the General Counsel

Region	Assistant General Counsel	Address	Telephone
Philadelphia, Pa. 19106	Delores Wilson	127 North 4th St	215–597–0881
Atlanta, Ga. 30309	Donald Hollowell	1389 Peachtree St. NE	404–526–2171
Chicago, Ill. 60604	Odas Nicholson	55 East Jackson Blvd	312–353–8086
Denver, Colo. 80202	George Darden	1513 Stout St	303–327–2771
San Francisco, Calif. 94102	Francisco Cancino	1390 Market St	415–556–0833

FARM CREDIT ADMINISTRATION

OFFICE OF EXAMINATION



Farm Credit Administration
Office of Examination

Region	Manager	Address	Telephone
Columbia, S.C. 29205	A. C. Nielsen	2530 Devine St	803–765–5603
St. Louis, Mo. 63141	John Cantergiani	11710 Administration Dr	314–268–7101
Bloomington, Minn. 55420	John W. Means	2850 Metro Dr	612–854–3703

FEDERAL DEPOSIT INSURANCE CORPORATION

FEDERAL HOME LOAN BANK BOARD

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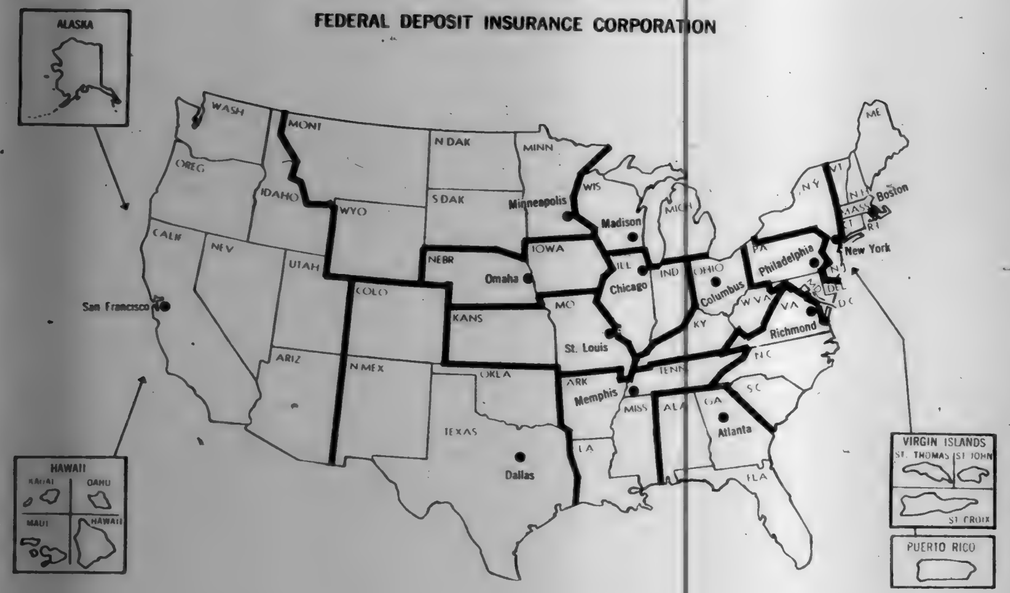
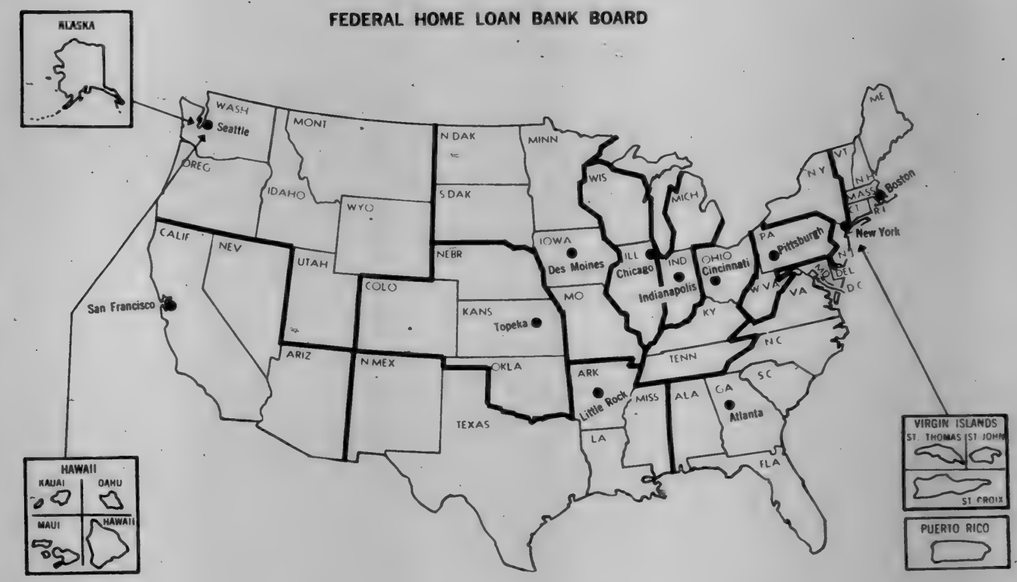
FEDERAL DEPOSIT INSURANCE CORPORATION



Federal Deposit Insurance Corporation

Region	Director	Address	Telephone
Atlanta, Ga. 30303	Lewis C. Beasley	2 Peachtree St. NW	404–221–6631
Boston, Mass. 02108	Edwin B. Burr	2 Center Plaza	617–223–6420
Chicago, Ill. 60606	James A. Davis	233 South Wacker Dr	312–353–2600
Columbus Ohio 43215	John R. Curtis	37 West Broad St	614–469–7301
Dallas, Tex. 75201	Quinton Thompson	300 North Ervay St	214–749–7691
Madison, Wis. 53703	Bernard J. McKeon	1 South Pinckney St	608–252–5226
Memphis, Tenn. 38103	Roy E. Jackson	165 Madison Ave	901–521–3872
Minneapolis, Minn. 55402	Anthony S. Scalzi	730 2d Ave., South	612–725–2046
New York, N.Y. 10022	Claude C. Phillippe	345 Park Ave	212–826–4762
Omaha, Nebr. 68102	Burton L. Blasingame	1700 Farnam St	402–221–3366
Philadelphia, Pa. 19103	Frank T. Locki	5 Penn Center Plaza	215–597–2295
Richmond, Va. 23219	John Stathos	908 East Main St	804–643–6716
St. Louis, Mo. 63101	Robert V. Shumway	720 Olive St	314–425–5718
San Francisco, Calif. 94104	Charles E. Doster	44 Montgomery St	415–556–2736

FEDERAL HOME LOAN BANK BOARD



Federal Home Loan Bank Board

District	District Director	Address	Telephone
Boston, Mass. 02110	Charles E. Seaman	1 Federal St	617–223–3206
New York, N.Y. 10048	Richard W. Hamilton	1 World Trade Center	212–264–1477
Pittsburgh, Pa. 15222	William C. Shone	11 Stanwix St., Room 300–Gateway Center.	412–644–2666
Atlanta, Ga. 30303	Howard L. Caffrey	260 Peachtree St., NW	404–525–5778
Cincinnati, Ohio 45202	Donald E. Ison	2700 DuBois Tower, 511 Walnut St	513–684–2855
Indianapolis, Ind. 46204	Ervin Berlinger	2950 Indiana Tower, Indiana Square	317–269–6559
Chicago, Ill. 60601	Victor S. Meller	111 East Wacker Dr., Room 700	312–353–8045
Des Moines, Iowa 50309	Robert E. Trotter	714 2d Ave., Room 300	515–284–4310
Little Rock, Ark. 72201	Richard J. Wick	1350 Tower Bldg	501–378–5374
Topeka, Kans. 66603	Raymond J. Gatti	No. 3 Townsite Plaza	913–295–2615
San Francisco, Calif. 94108	Joseph W. George	600 California St	415–556–1910
Seattle, Wash. 98101	James L. Brazil	600 Stewart St., Suite 610	206–442–7584

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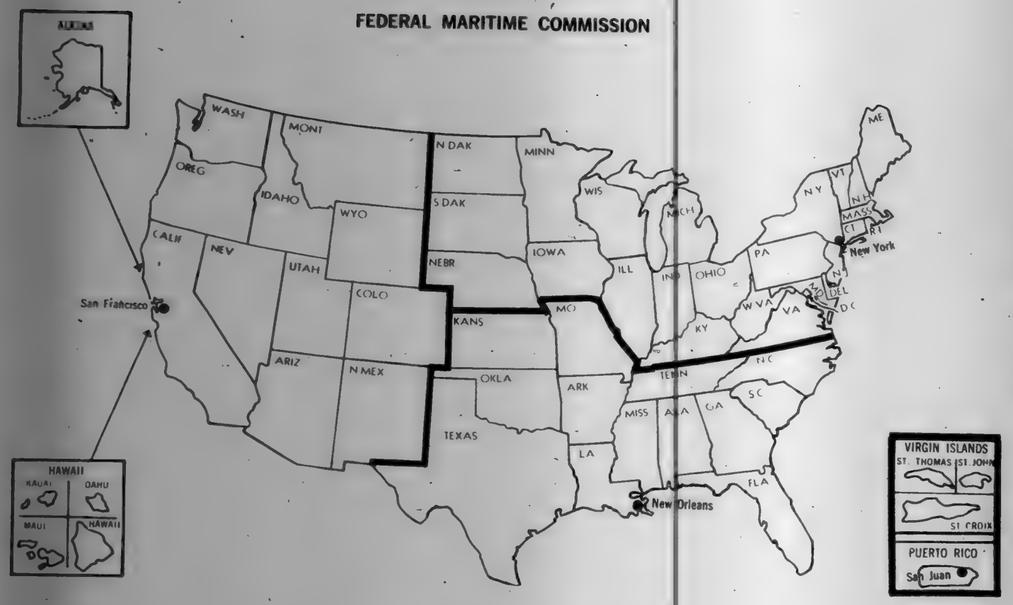
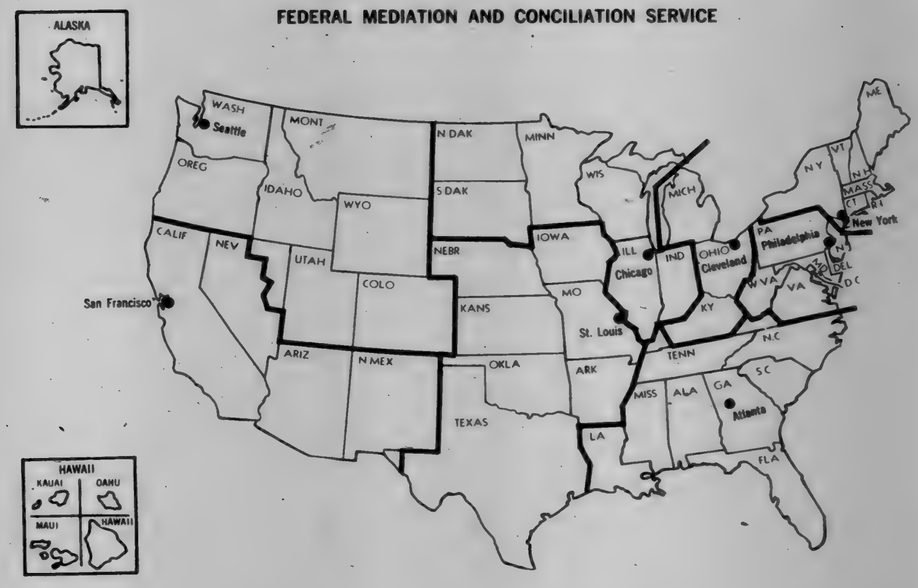
FEDERAL MARITIME COMMISSION



Federal Maritime Commission

District	Director	Address	Telephone
New York, N.Y. 10048	Geoffrey Rogers	6 World Trade Center, Suite 603	212-264-1430
San Juan, P.R. 00904	Rambel A. Cuprill, Area Director.	P.O. Box 3168	809-723-2095
New Orleans, La. 70190	Harry T. Statham	P.O. Box 30550	504-682-6662
San Francisco, Calif. 94105	Robert E. Sunkel	525 Market St. 25th Floor	415-556-5272

FEDERAL MEDIATION AND CONCILIATION SERVICE



Federal Mediation and Conciliation Service

Region	Director	Address	Telephone
New York, N.Y. 10007	Paul Yager	26 Federal Plaza	212-264-1000
Philadelphia, Pa. 19106	Robert W. Donnahoo	4th and Chestnut Sts	215-597-7680
Atlanta, Ga. 30309	Tally R. Livingston	1422 West Peachtree St. NW	404-881-2473
Cleveland, Ohio 44114	Edward F. O'Brien	815 Superior Ave. NE	216-522-4800
Chicago, Ill. 60604	Richard D. Williams	219 South Dearborn St	312-353-7350
St. Louis, Mo. 63105	Paul E. Bowers	120 South Central	314-425-3291
San Francisco, Calif. 94133	Eugene J. Barry	50 Francisco St	415-556-4670
Seattle, Wash. 98121	James L. MacPherson	2615 4th Ave	206-399-5800

FEDERAL POWER COMMISSION

FEDERAL RESERVE DISTRICTS

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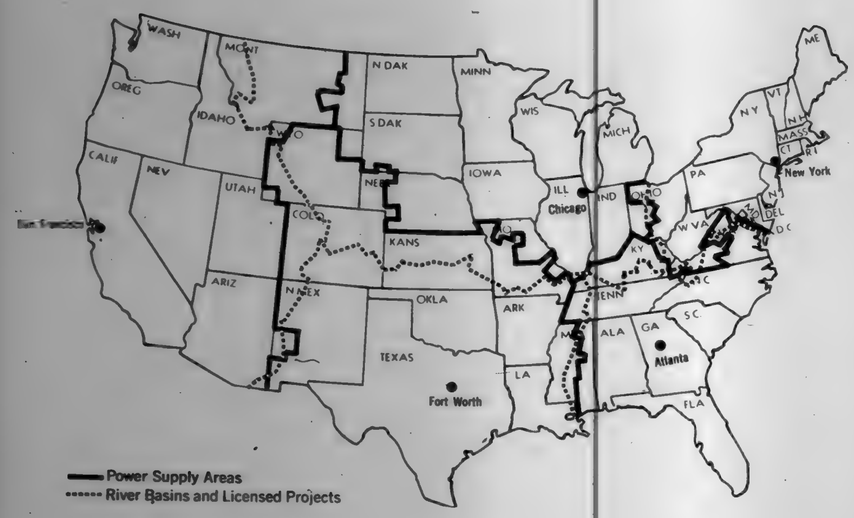
FEDERAL POWER COMMISSION



Federal Power Commission

Regional Office	Regional Engineer	Address	Telephone
Atlanta, Ga. 30308	Clarence L. Fishbourne	730 Peachtree St	404–257–4134
Chicago, Ill. 60604	Bernard D. Murphy	230 South Dearborn St	312–353–6171
Fort Worth, Tex.[1] 76102	Leonard B. Young	819 Taylor St	817–334–2631
New York, N.Y. 10007	James D. Hebson	26 Federal Plaza	212–264–3687
San Francisco, Calif. 94111	George R. Bell	555 Battery St	415–556–3581

[1] Fourteen licensed projects (Utah–11; Arizona–3) outside the indicated licensed projects area were assigned to the Fort Worth office for supervision.

FEDERAL RESERVE DISTRICTS

Federal Reserve Districts

District	President	Address	Telephone
Boston, Mass. 02106	Frank E. Morris	30 Pearl St	617–426–7100
New York, N.Y. 10045	Paul A. Volcker	33 Liberty St	212–791–5000
Philadelphia, Pa. 19105	David P. Eastburn	100 North 6th St	215–574–6000
Cleveland, Ohio 44101	Willis J. Winn	1455 East 6th St	216–293–9800
Richmond, Va. 23261	Robert P. Black	100 North 9th St	804–649–3611
Atlanta, Ga. 30303	Monroe Kimbrel	104 Marietta St. NW	404–231–8500
Chicago, Ill. 60690	Robert P. Mayo	230 South LaSalle St	312–380–2320
St. Louis, Mo. 63166	Lawrence K. Roos	411 Locust St	314–421–1700
Minneapolis, Minn. 55480	Mark H. Willes	250 Marquette Ave	612–783–2345
Kansas City, Mo. 64198	J. Roger Guffey	925 Grand Ave	816–881–2000
Dallas, Tex. 75222	Ernest T. Baughman	400 South Akard St	214–651–6111
San Francisco, Calif. 94120	John J. Balles	400 Sansome St	415–450–2000

FEDERAL TRADE COMMISSION

INTERSTATE COMMERCE COMMISSION

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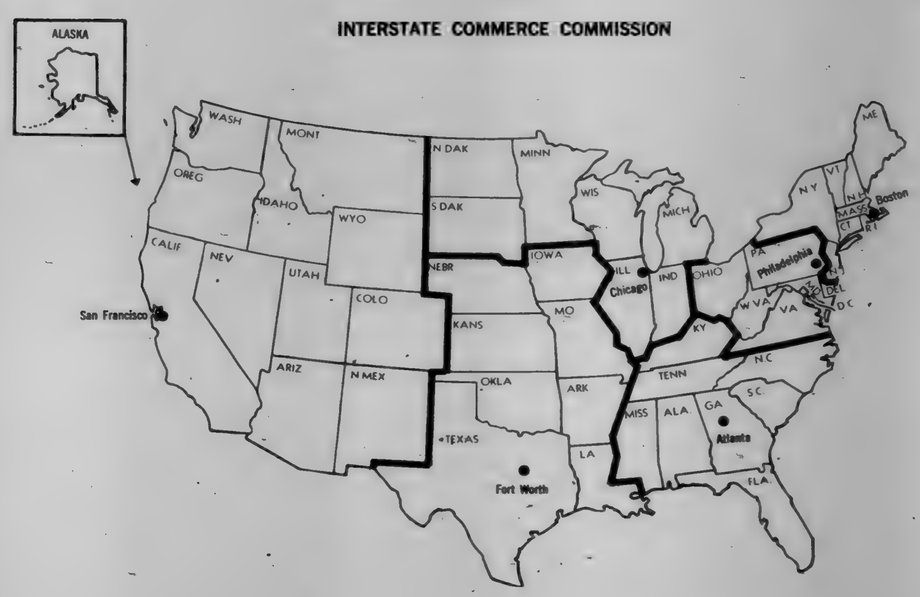
FEDERAL TRADE COMMISSION

Federal Trade Commission

Region	Director	Address	Telephone
Atlanta, Ga. 30308	S. Edward Combs	1718 Peachtree St. NW	404–526–5836
Boston, Mass. 02114	William M. Gibson	150 Causeway St	617–223–6621
Chicago, Ill. 60603	Stephanie W. Kanwit	55 East Monroe St	312–353–4423
Cleveland, Ohio 44199	Paul R. Peterson	Federal Office Bldg	216–522–4207
Dallas, Tex. 75201	Carl L. Swanson, Jr.	2001 Bryan St	214–749–3056
Denver, Colo. 80202	John W. Madden III	1405 Curtis St	303–837–2271
Los Angeles, Calif. 90024	Carol G. Emerling	Federal Bldg	213–824–7575
New York, N.Y. 10007	Richard A. Givens	Federal Bldg	212–264–1207
San Francisco, Calif. 94102	William A. Arbitman	450 Golden Gate Ave	415–556–1270
Seattle, Wash. 98174	William C. Erxleben	915 2d Ave	206–442–4655
Washington, D.C. 20037	Michael J. Vitale	2120 L St. NW	202–254–7700
Field stations			
Honolulu, Hawaii 98613	Director: Tamishige Yoshitake	Address: 333 Queen St	Telephone: 808–546–5685

INTERSTATE COMMERCE COMMISSION



Interstate Commerce Commission

Region	Manager	Address	Telephone
Boston, Mass. 02114	Robert L. Abare	150 Causeway St	617–223–2372
Philadelphia, Pa. 19106	James L. Haywood	600 Arch St	215–597–4449
Atlanta, Ga. 30309	James B. Weber	1252 West Peachtree St. NW	404–881–4371
Chicago, Ill. 60604	Alfred E. Rathert	Everett McKinley Dirksen Bldg	312–353–6124
Fort Worth, Tex. 76102	Harold M. Gregory	Fritz Garland Lanham Federal Bldg	817–334–2837
San Francisco, Calif. 94105	J. Warren McFarland	211 Main St	415–556–5515

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL LABOR RELATIONS BOARD

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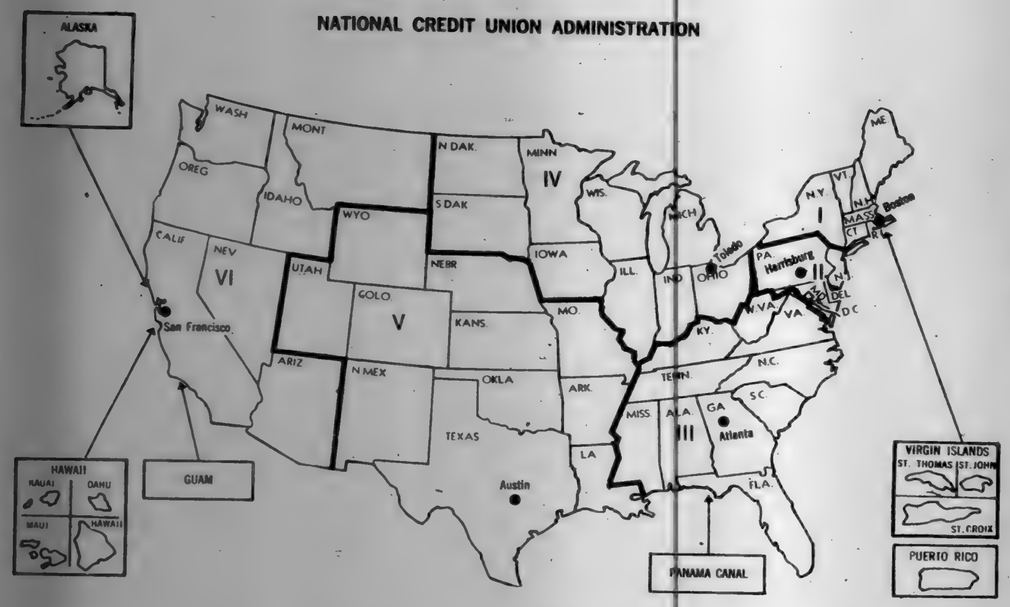
NATIONAL CREDIT UNION ADMINISTRATION



National Credit Union Administration

Region	Director	Address	Telephone
Boston, Mass. 02171	William Covington	1776 Heritage Dr	617–223–6807
Harrisburg, Pa. 17108	Carl Zysk	228 Walnut St	717–782–4595
Atlanta, Ga. 30309	Bernard M. Ganzfried	1365 Peachtree St. NE	404–881–3127
Toledo, Ohio 43604	Robert E. Boon	234 North Summit St	419–259–7511
Austin, Tex. 78701	Ray Motsenbocker	515 Congress Ave	512–397–5131
San Francisco, Calif. 94102	Earl Bradley	2 Embarcadero Center	415–556–6277

NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board

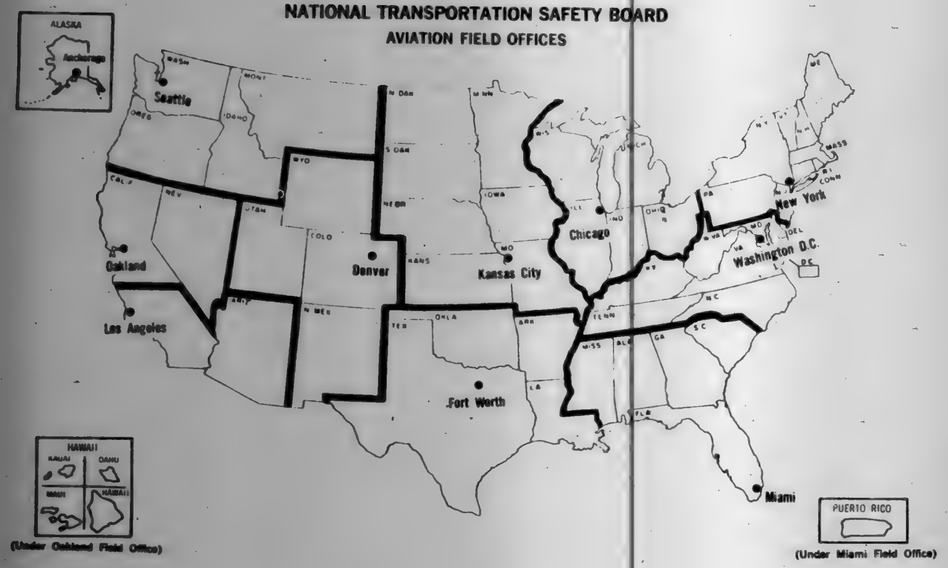
Region	Director	Address	Telephone
1—Boston, Mass. 02110	Robert S. Fuchs	99 High St	617–223–3300
2—New York, N.Y. 10007	Winifred D. Morio	26 Federal Plaza	212–264–0308
3—Buffalo, N.Y. 14202	Thomas W. Seeler	111 West Huron St	716–842–3100
4—Philadelphia, Pa. 19106	Peter W. Hirsch	600 Arch St	215–597–7601
5—Baltimore, Md. 21201	William C. Humphrey	Hopkins Plaza	301–962–2822
6—Pittsburgh, Pa. 15222	Henry Shore	601 Grant St	412–644–2977
7—Detroit, Mich. 48226	Bernard Gottfried	477 Michigan Ave	313–226–3200
8—Cleveland, Ohio 44199	Bernard Levine	1240 East 9th St	216–522–3715
9—Cincinnati, Ohio 45202	Emil C. Farkas	550 Main St	513–684–3686
10—Atlanta, Ga. 30308	Curtis L. Mack	730 Peachtree St. NE	404–881–4760
11—Winston-Salem, N.C. 27101.	Reed Johnston	251 North Main St	919–761–3201
12—Tampa, Fla. 33602	Harold A. Boire	500 Zack St	813–228–2641
13—Chicago, Ill. 60604	Alex V. Barbour	219 South Dearborn St	312–353–7570
14—St. Louis, Mo. 63101	Joseph H. Solien	210 North 12th Blvd	314–425–4167
15—New Orleans, La. 70113	Charles M. Paschal, Jr	1001 Howard Ave	504–589–6361
16—Fort Worth, Tex. 76102	W. Edwin Youngblood	819 Taylor St	817–334–2921
17—Kansas City, Kans. 66101	Thomas C. Hendrix	4th at State	816–374–4518
18—Minneapolis, Minn. 55401	Robert J. Wilson	110 South 4th St	612–725–2611
19—Seattle, Wash. 98174	Charles M. Henderson	915 Second Ave	206–442–4532
20—San Francisco, Calif. 94102	Natalie P. Allen	450 Golden Gate Ave	415–556–3197
21—Los Angeles, Calif. 90014	Wilford W. Johansen	849 South Broadway	213–688–5200
22—Newark, N.J. 07102	Arthur Eisenberg	970 Broad St	201–645–2100
23—Houston, Tex. 77002	Louis V. Baldovin, Jr	500 Dallas Ave	713–226–4296
24—Hato Rey, P.R. 00918	Robert J. Canello	Carlos E. Chardon Ave	809–753–4347
25—Indianapolis, Ind. 46204	William T. Little	575 N. Pennsylvania St	317–269–7430
26—Memphis, Tenn. 38103	Raymond A. Jacobson	167 North Main St	901–534–3161
27—Denver, Colo. 80202	Francis Sperandeo	721 19th St	303–837–3551
28—Phoenix, Ariz. 85014	Milo Price	6107 North 7th St	602–261–3717
29—Brooklyn, N.Y. 11241	Samuel M. Kaynard	16 Court St	212–596–3535
30—Milwaukee, Wis. 53203	George F. Squillacote	744 North 4th St	414–224–3861
31—Los Angeles, Calif. 90024	Abraham Siegel	11000 Wilshire Blvd	213–824–7351

NATIONAL TRANSPORTATION SAFETY BOARD

AVIATION FIELD OFFICES

NATIONAL TRANSPORTATION SAFETY BOARD

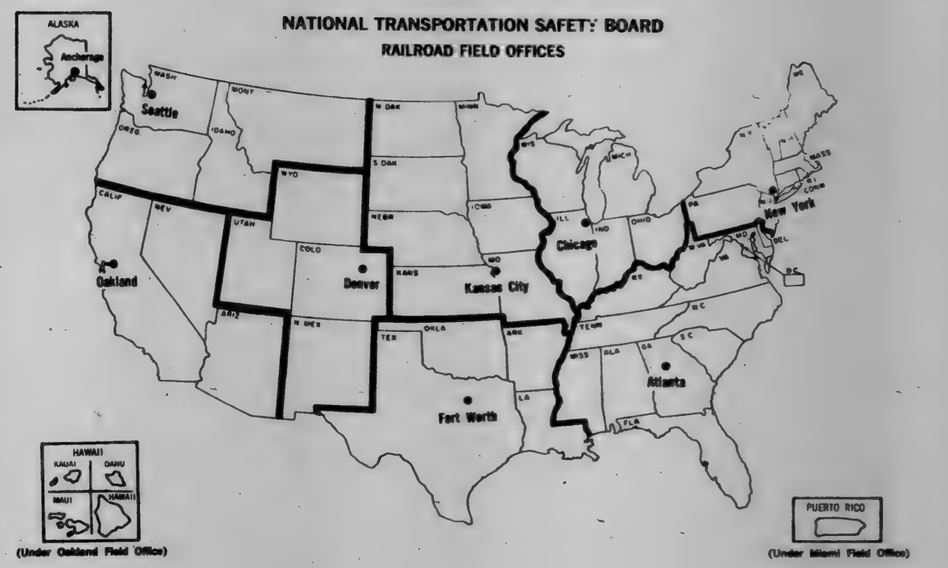
NATIONAL TRANSPORTATION SAFETY BOARD
AVIATION FIELD OFFICES



National Transportation Safety Board
Aviation Field Offices

Field Office	Field Office Chief	Address	Telephone
Jamaica, N.Y. 11430	Vernon A. Taylor	Federal Bldg., John F. Kennedy International Airport.	212-995-3716
Washington, D.C. 20041	Richard G. Rodriguez	P.O. Box 17226, Dulles International Airport.	703-471-1200
Miami, Fla. 33148	Robert L. Oelker	P.O. Box 48152, Miami International Airport.	305-526-2940
Des Plaines, Ill. 60018	George J. Green	2300 E. Devon Ave	312-827-8858
Kansas City, Mo. 64106	Bruce G. Hoch	601 E. 12th St	816-374-3576
Los Angeles, Calif. 90045	Alan L. Crawford	8939 S. Sepulveda Blvd	213-536-6584
Anchorage, Alaska 99501	Franklin E. Malone	632 6th Ave	907-277-0593
			(Ask for Anchorage 265-4340)
Oakland, Calif. 94621	Ivan R. Stracenar	7700 Edgewater Dr	415-568-1290
Aurora, Colo. 80010	George R. Baker	10255 E. 25th Ave	303-837-4492
Fort Worth, Tex. 76102	Truman W. Finch	819 Taylor St	817-334-2616
Seattle, Wash. 98188	Willard P. Peterson	19415 Pacific Highway South	206-764-3782

NATIONAL TRANSPORTATION SAFETY BOARD
RAILROAD FIELD OFFICES



National Transportation Safety Board
Railroad Field Offices

Field Offices	Field Office Chief	Address	Telephone
Jamaica, N.Y. 11430	Vernon A. Taylor	Federal Bldg., John F. Kennedy International Airport.	212-995-3716
Atlanta, Ga. 30309	Jay Golden	1720 Peachtree St. NW., Suite 921	404-881-7385
Des Plaines, Ill. 60018	George J. Green	2300 E. Devon Ave	312-827-8858
Kansas City, Mo. 64106	Bruce G. Hoch	601 E. 12th St	816-374-3576
Oakland, Calif. 94621	Ivan R. Stracener	7700 Edgewater Dr	415-568-1290
Aurora, Colo. 80010	George R. Baker	10255 E. 25th Ave	303-837-4492
Fort Worth, Tex. 76102	Truman W. Finch	819 Taylor St	817-334-2616
Seattle, Wash. 98188	Willard P. Peterson	19415 Pacific Highway South	206-764-3782

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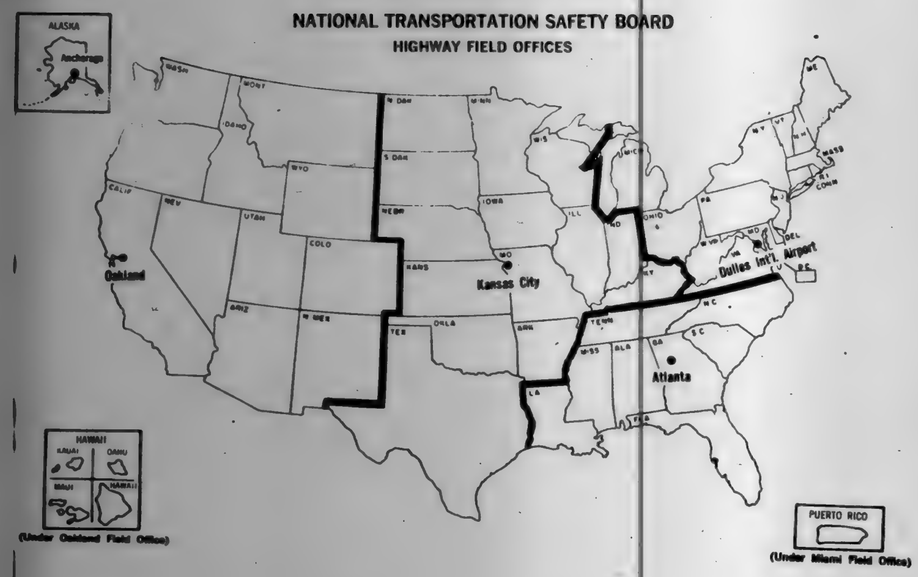
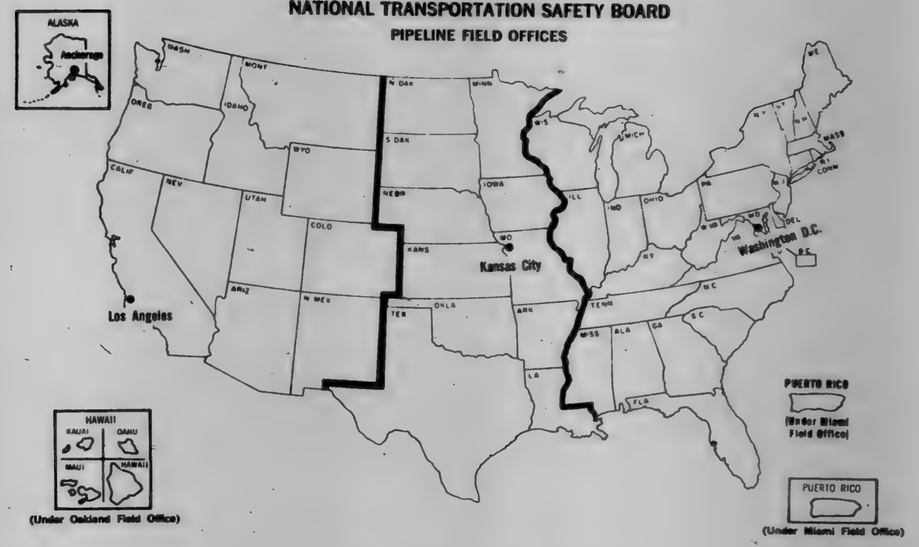
NATIONAL TRANSPORTATION SAFETY BOARD
HIGHWAY FIELD OFFICES



National Transportation Safety Board
Highway Field Offices

Field Offices	Field Office Chief	Address	Telephone
Washington, D.C. 20041	Richard G. Rodriguez	P.O. Box 17226, Dulles International Airport.	703-471-1200
Atlanta, Ga. 30309	Jay Golden	1720 Peachtree St. NW., Suite 921	404-881-7385
Kansas City, Mo. 64106	Bruce G. Hoch	601 E. 12th St.	816-374-3576
Oakland, Calif. 94621	Ivan R. Stracener	7700 Edgewater Dr.	415-568-1290

NATIONAL TRANSPORTATION SAFETY BOARD
PIPELINE FIELD OFFICES



National Transportation Safety Board
Pipeline Field Offices

Field Offices	Field Office Chief	Address	Telephone
Washington, D.C. 20041	Richard G. Rodriguez	P.O. Box 17226, Dulles International Airport.	703-471-1200
Kansas City, Mo. 64106	Bruce G. Hoch	601 E. 12th St.	816-374-3576
Los Angeles, Calif. 90045	Alan L. Crawford	8939 S. Sepulveda Blvd.	213-536-6584

NUCLEAR REGULATORY COMMISSION

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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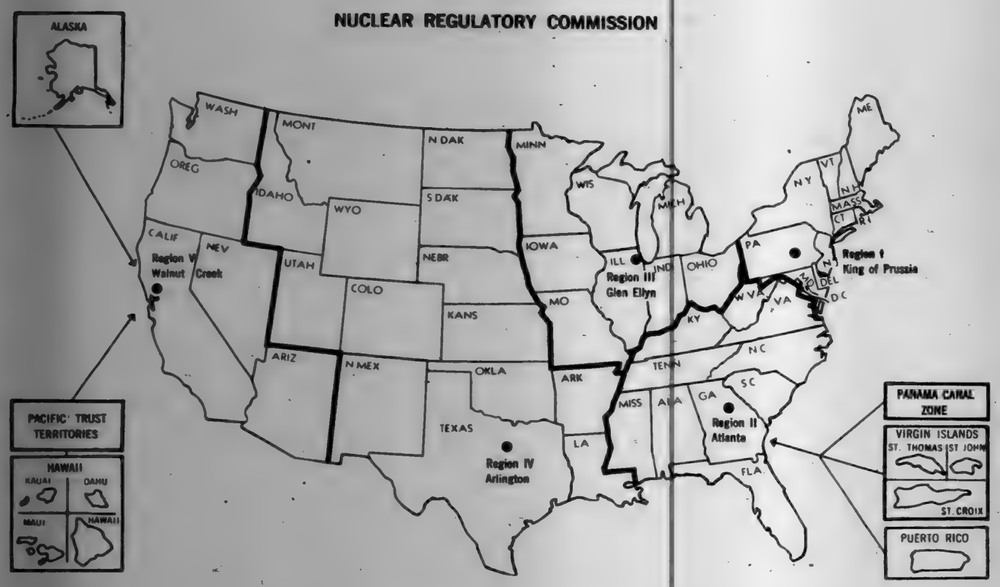
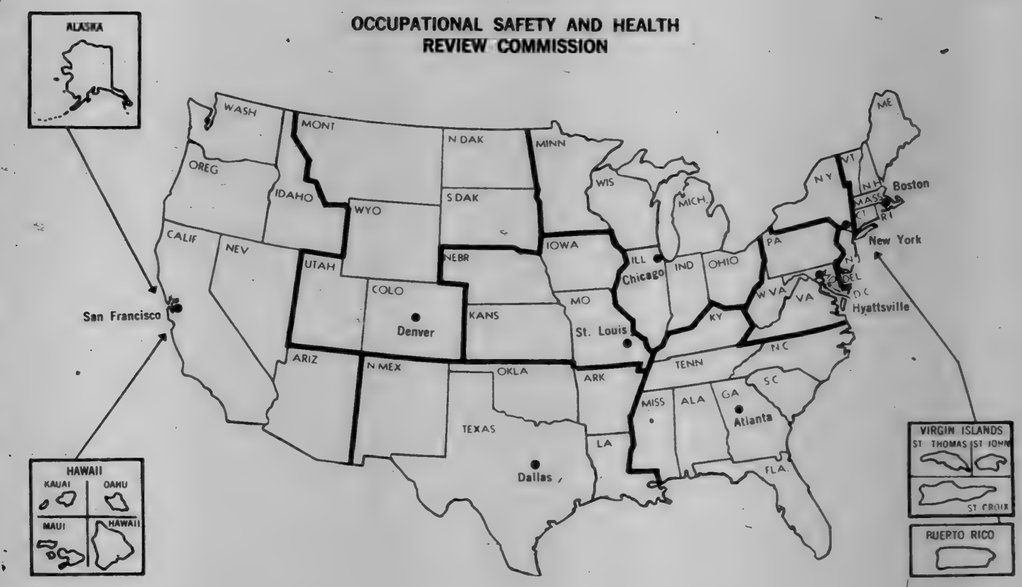
NUCLEAR REGULATORY COMMISSION



Nuclear Regulatory Commission

Region	Director	Address	Telephone
King of Prussia, Pa. 19406	Boyce H. Grier	631 Park Ave	215–337–1150
Atlanta, Ga. 30303	James P. O'Reilly	230 Peachtree St. NW	404–221–4503
Glen Ellyn, Ill. 60137	James G. Keppler	799 Roosevelt Rd	312–858–2660
Arlington, Tex. 76011	E. Morris Howard	611 Ryan Plaza Dr	817–334–3455
Walnut Creek, Calif. 94596	Robert H. Engelken	1990 North California Blvd	415–486–3141

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION



Occupational Safety and Health Review Commission

Region	Administrative Law Judge	Address	Telephone
Boston, Mass. 02110	Abraham M. Gold	100 Summer St	617–223–3757
New York, N.Y. 10036	Jerome C. Ditore	1515 Broadway	212–399–5985
Hyattsville, Md. 20782	Donald F. Duvall	6525 Belcrest Rd	301–436–8870
Atlanta, Ga. 30309	James D. Burroughs	1365 Peachtree St	404–881–4086
Chicago, Ill. 60603	Frank B. Zinn	55 E. Monroe St	312–353–2564
Dallas, Tex. 75201	Harold O. Bullis	1507 Pacific Ave	214–749–7171
St. Louis, Mo. 63101	Paul E. Dixon	1114 Market St	314–425–5071
Denver, Colo. 80265	John A. Carlson	1050 17th St	303–837–2281
San Francisco, Calif. 94105	Jerry Mitchell	211 Main St	415–556–8558

RAILROAD RETIREMENT BOARD

RENEGOTIATION BOARD

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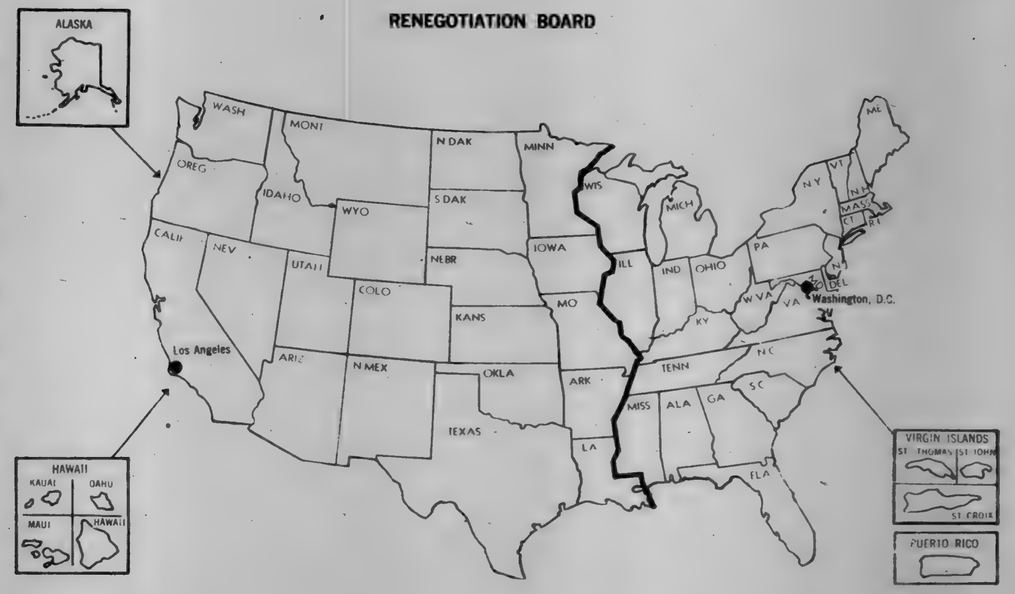
RAILROAD RETIREMENT BOARD

Railroad Retirement Board

Region	Director	Address	Telephone
Atlanta, Ga. 30308	Z. Jack Gyure	730 Peachtree St. NE	404–881–3006
New York, N.Y. 10007	Edmund J. Setaro	26 Federal Plaza	212–264–8495
Cleveland, Ohio 44199	Gene O. Wilson	Anthony J. Celebrezze Federal Bldg	216–522–4043
Kansas City, Mo. 64106	Walter W. Birch	Federal Bldg	816–374–3278
San Francisco, Calif. 94102	Robert L. Livingston	450 Golden Gate Ave	415–556–2584

RENEGOTIATION BOARD



Renegotiation Board

Region	Board Chairman	Address	Telephone
Washington, D.C. 20447	Ralph A. Johnson	2000 M St. NW	202–254–7442
Los Angeles, Calif. 90071	Stanley D. Broselow	350 S. Figueroa St	213–688–3106

SECURITIES AND EXCHANGE COMMISSION

VETERANS ADMINISTRATION
NATIONAL CEMETERY SYSTEM

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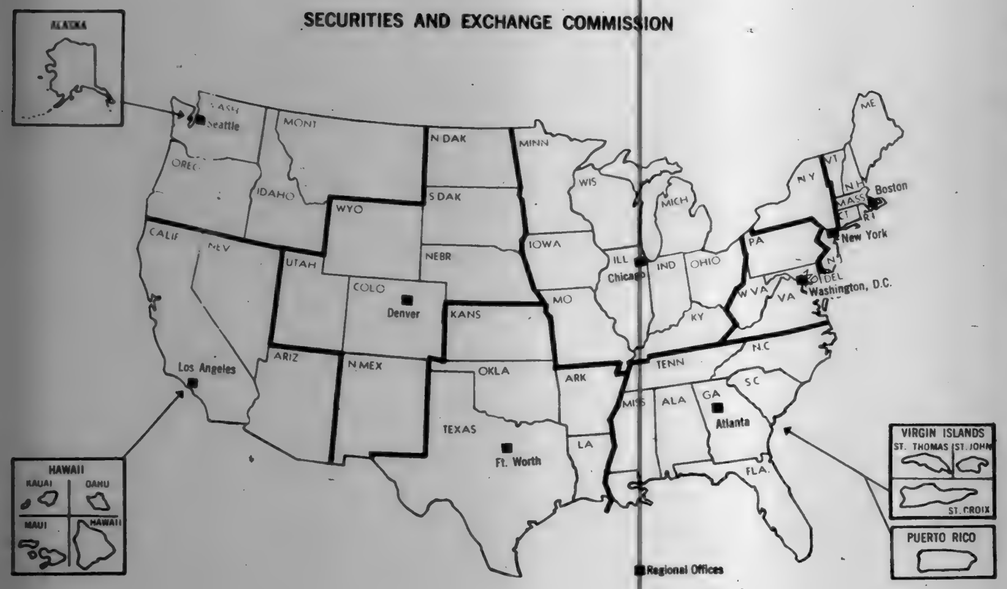
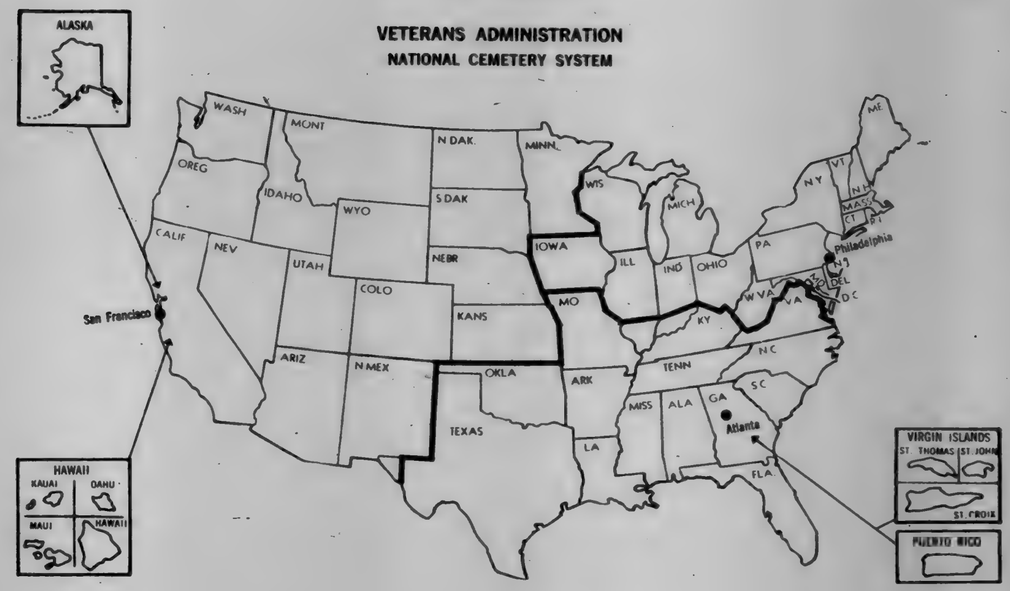
SECURITIES AND EXCHANGE COMMISSION



Securities and Exchange Commission

Region	Administrator	Address	Telephone
Atlanta, Ga. 30309	Jule B. Greene	1371 Peachtree St. NE	404–257–2524
Boston, Mass. 02114	Floyd H. Gilbert	150 Causeway St	617–223–2721
Chicago, Ill. 60604	William D. Goldsberry	219 South Dearborn St	312–353–7396
Denver, Colo. 80202	Robert H. Davenport	1515 Arapahoe St	303–327–2071
Fort Worth, Tex. 76102	Richard M. Hewitt	10th and Lamar Sts	817–334–3393
Los Angeles, Calif. 90024	Gerald E. Boltz	10960 Wilshire Blvd	213–984–0011
New York, N.Y. 10007	William D. Moran	26 Federal Plaza	212–264–1636
Seattle, Wash. 98174	Jack H. Bookey	915 Second Ave	206–399–7990
Arlington, Va. 22203	Paul F. Leonard	4015 Wilson Blvd	703–557–8200

VETERANS ADMINISTRATION
NATIONAL CEMETERY SYSTEM



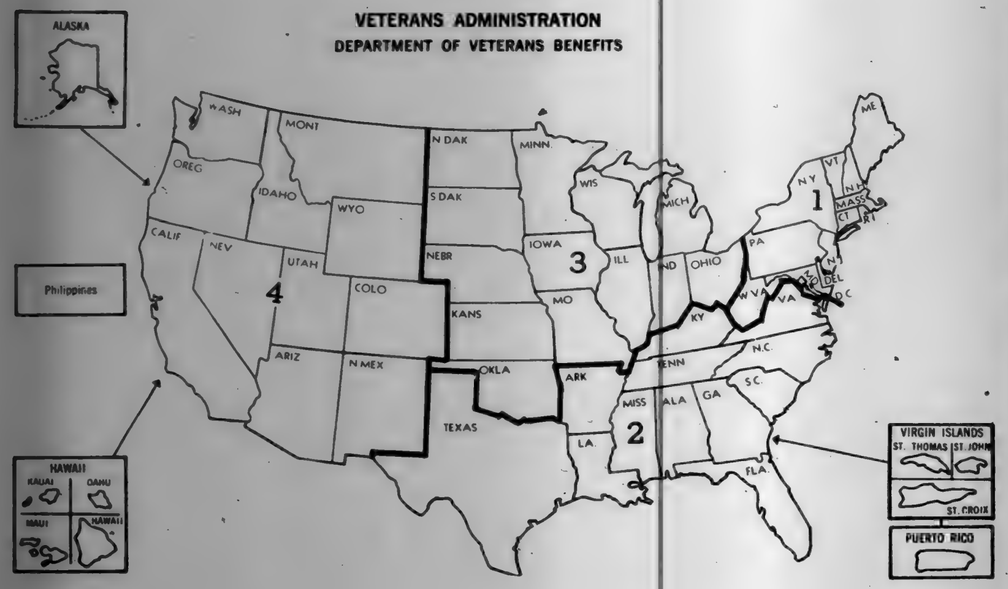
Veterans Administration
National Cemetery System
National Cemetery Supervising Offices

Region	Director	Address	Telephone
Atlanta, Ga. 30308	Dean W. Holt	730 Peachtree St. NE	404–881–2121
Philadelphia, Pa. 19106	Nicholas G. Hamaty	600 Arch St	215–922–5421
San Francisco, Calif. 94105	James M. Griffin, Acting	211 Main St	415–556–1903

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION

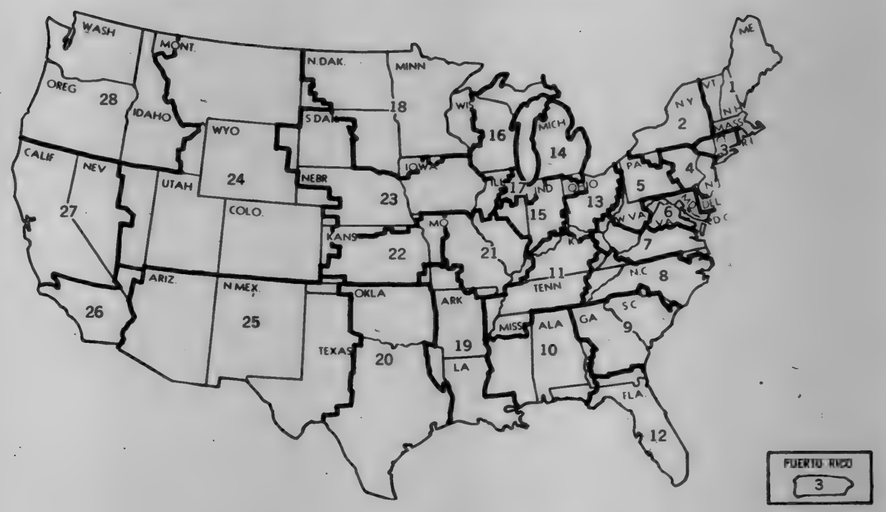
VETERANS ADMINISTRATION
DEPARTMENT OF VETERANS BENEFITS



Veterans Administration
Department of Veterans Benefits
Area Field Directors
(Located in Central Office: 810 Vermont Ave., NW., Washington, D.C. 20420)

Area	Director	Address	Telephone
1	M. F. Young, Acting	Room 314 (201A)	202-389-2651
2	M. L. Howells	Room 314 (201B)	202-389-2738
3	John W. Hagan, Jr.	Room 324 (201C)	202-389-2636
4	Ray E. Smith	Room 324 (201D)	202-389-2627

VETERANS ADMINISTRATION
DEPARTMENT OF MEDICINE AND SURGERY MEDICAL DISTRICTS



Veterans Administration
Department of Medicine and Surgery

Medical District	Director	Address	Telephone
1	Dr. Richard Ryan, Jr.	1400 Veterans of Foreign Wars Parkway, West Roxbury, Mass. 02132.	617-837-8251
2	Mr. Joseph Paris	3495 Bailey Ave., Buffalo, N.Y. 14215	716-432-9211
3	Dr. Henry M. Dratz	Castle Point, N.Y. 12511	914-831-2000 Ext. 311
4	Dr. Ernest D. Shacklett	Coatesville, Pa. 19320	215-489-7305
5	Dr. Thomas Gigliotti	University Dr. C, Pittsburgh, Pa. 15240	412-726-3555
6	Mr. A. A. Gavazzi	50 Irving St. NW., Washington, D.C. 20422.	202-389-7201
7	Mr. Roland L. Mason	1201 Broad Rock Rd., Richmond, Va. 23249.	804-925-9200
8	Mr. Calvin E. Chandler	Asheville, N.C. 28805	704-672-5211
9	Mr. Harold O. Duncan	Dublin, Ga. 31021	912-283-0201
10	Mr. Doyle R. Liles	700 South 19th St., Birmingham, Ala. 35233.	205-534-6231
11	Mr. John R. Rowan	Lexington, Ky. 40507	606-355-2635 Ext. 275
12	Mr. Malcom Randall	Archer Rd., Gainesville, Fla. 32602	904-947-8201
13	Mr. William E. Claypool	3200 Vine St., Cincinnati, Ohio 45220	513-773-0600
14	Mr. Arnold E. Mouish	2215 Fuller Rd., Ann Arbor, Mich. 48105	313-374-5201
15	Mr. John J. Peters, Jr.	1481 West 10th St., Indianapolis, Ind. 46202.	317-332-2207
16	Dr. William R. Merchant	2500 Overlook Ter., Madison, Wis. 53705	608-364-1211
17	Mr. Robert W. Darnall	Hines, Ill. 60141	312-387-2501
18	Mr. Daniel E. Cooney	54th St. and 48th Ave. South, Minneapolis, Minn. 55417.	612-784-6481
19	Mr. Louis M. Frazier, Jr.	510 East Stoner Ave., Shreveport, La. 71130.	318-493-6601
20	Mr. Voimir J. Belda	Temple, Tex. 76501	817-736-6341
21	Mr. Joseph C. Mackney	St. Louis, Mo. 63125	314-276-7454
22	Ms. Margaret C. Michelson	Leavenworth, Kans. 66048	913-752-0201
23	Mr. Burdeen F. Brown	Iowa City, Iowa 52240	319-863-6236
24	Mr. James C. Hickey	2121 North Ave., Grand Junction, Colo. 81501.	303-322-0270 0734
25	Mr. Virgil McIntyre	Prescott, Ariz. 86301	602-762-7337
26	Mr. Edwin J. Klag	5901 East 7th St., Long Beach, Calif. 90801.	213-799-9309
27	Mr. Hugh R. Vickerstaff	4150 Clement St., San Francisco, Calif. 94121.	415-470-4301
28	Mr. Jerome R. Dolezal	4435 Beacon Ave. South, Seattle, Wash. 98108.	206-396-1401

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Vol.42—No.130
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federal register

THURSDAY, JULY 7, 1977

highlights

OFFICE OF THE FEDERAL REGISTER LEGAL DRAFTING WORKSHOPS

The Office of the Federal Register announces two additional four-day legal drafting workshops.

WHAT: The workshop covers the following areas:
1. Legal drafting techniques—Preferred usage, Organization, Clarity.
2. Legal drafting exercises—Regulations, Preambles.
3. Review and discussion of documents for the use of legal drafting techniques and for substance.
4. How to comply with new preamble requirements.
5. The regulatory process—Where has it been, Where is it going.

WHY: The workshop aims to improve the participant's ability to design and draft clear, usable documents for publication in the FEDERAL REGISTER.

WHO: Any person drafting or reviewing documents for publication in the FEDERAL REGISTER.

WHERE: 1100 L Street, NW, Room 9409, Washington, DC

WHEN: August 18, 19, 22, 23, 1977 or September 15, 16, 19, 20, 1977.

FOR MORE INFORMATION: Write to: Ms. Rose Anne Lawson, NARS, Office of the Federal Register, Washington, DC 20408. Reservations required.

SUNSHINE ACT MEETINGS 34979

EXECUTIVE BRANCH REORGANIZATION
Office of the Assistant to the President for Reorganization requests comments by 8–5–77 on general reorganization issues 34958

COAL MINE HEALTH AND SAFETY
Interior/MESA suspends installation of canopies or cabs on self-propelled electric face equipment where heights are less than 30 inches; effective 7–1–77 34876
Interior/MESA proposes new and revised health standards; comments by 8–22–77 (Part II of this issue) 34999

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Standard instrument approach procedures 26971; 5–26–77
HEW/FDA—Procedures for determining the In Vivo bioavailability of drug products 1638; 1–7–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 1404 ..... Pub. L. 95–59
For the relief of Smith College, Northampton, Massachusetts, and for other purposes. (June 30, 1977; 91 Stat. 255). Price $.35.

H.J. Res. 525 ..... Pub. L. 95–60
To provide for a temporary extension of certain Federal Housing Administration mortgage insurance and related authorities and of the national flood insurance program, and for other purposes. (June 30, 1977; 91 Stat. 257). Price: $.35

H.R. 6823 ..... Pub. L. 95–61
To authorize appropriations for the United States Coast Guard for fiscal year 1978, and for other purposes. (July 1, 1977; 91 Stat. 259). Price: $.35

rules and regulations

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 563]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 8–14, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia organges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valancia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges continues to be dull. Average f.o.b. price was $3.87 per carton on 659 cars for the week ended June 30, as compared with $3.80 per carton on 664 cars the previous week. Track and rolling supplies at 350 cars were down 56 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be stablished as provided in this regulation.

(3) It is hereby further found that it is impractable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information become available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were prompty submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on July 5, 1977.

§ 908.863 Valencia Orange Regulation 563.

(b) *Order.* (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 8, 1977, through July 14, 1977, are hereby affixed as follows:

(i) District 1: 220,00 cartons;
(ii) District 2: 330,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 6, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–19607 Filed 7–6–77;11:26 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—Honey Price Support Regulations for 1977 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the general requirements under which price support loans will be available to honey producers. Such rule is continuing and an annual crop supplement will be published showing program provisions applicable to a specific crop year. The need for this rule is to satisfy statutory requirements of Section 201 of the Agricultural Act of 1949 which provides that price support shall be available on honey.

EFFECTIVE DATE: July 7, 1977.

ADDRESSES: Grains, Oilseeds, and Cotton Division, ASCS, USDA, 3752–South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik (ASCS) 202–447–9224.

SUPPLEMENTARY INFORMATION: These regulations supersede the Honey Price Support Regulations for 1975 and Subsequent Crops (40 F.R. 30798, 32732) with respect to the honey price support program for the 1977 and subsequent crops of honey.

On January 14, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 2980) regarding certain determinations for the 1977 crop of honey. Such determinations in-

cluded determining detailed operating provisions to carry out the program. Fifteen letters were received regarding

is not security for a price support loan by delivering the honey to CCC. As used in this subpart "CCC" means the Corp-

represent the insolvent debtor, the deceased person, the ward, or incompetent,

honey produced and extracted by him only in those States where the issuance

pertinent information which will permit a determination to be made by CCC.

has been extracted and is in approved storage. If the honey was not either in

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cluded determining detailed operating provisions to carry out the program. Fifteen letters were received regarding the detailed operating provisions. All recommended reinstatement of the loan provisions of the program. After consideration of all responses, it has been determined that the loan provisions will be reinstated. Other operating procedures will remain basically same as those for the 1976 program. The material previously appearing in this subpart, §§ 1434.1 through 1434.24, remains in full force and effect as to the crops to which it was applicable. The revised regulations read as follows:

Subpart—Honey Price Support Regulations for 1977 and Subsequent Crops

1434.1 General statement.
1434.2 Administration.
1434.3 Eligible producers.
1434.4 Eligibility requirements.
1434.5 Miscellaneous requirements.
1434.6 Availability, disbursement, and maturity of loans.
1434.7 Eligible honey.
1434.8 Ineligible honey.
1434.9 Approved storage.
1434.10 Warehouse receipts.
1434.11 Warehouse charges and packaging.
1434.12 Applicable forms.
1434.13 Liens.
1434.14 Fees and charges.
1434.15 Setoffs.
1434.16 Determination of quantity.
1434.17 Determination of quality.
1434.18 Interest rates.
1434.19 Transfer of producer's interest prohibited.
1434.20 Insurance.
1434.21 Loss or damage.
1434.22 Personal liability of the producer.
1434.23 Quantity for warehouse storage loan.
1434.24 Quantity for farm storage loan.
1434.25 Release of the honey under loan.
1434.26 Liquidation of farm storage loans.
1434.27 Liquidation of warehouse storage loans.
1434.28 Purchases from producers.
1434.29 Settlement.
1434.30 Foreclosure.
1434.31 Charges not to be assumed by CCC.
1434.32 Handling payments and collections not exceeding $3.
1434.33 Death, incompetency, or disappearance.
1434.34 Definitions.
1434.35 Prairie Village Commodity Office and Data Systems Field Office.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); Sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

§ 1434.1 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1977 and each subsequent crop of extracted honey for which a price support program is authorized. Price support will be made available through loans on and purchases of eligible honey. Farm storage loans will be evidenced by notes and secured by chattel mortgages. Warehouse storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing eligible honey in approved warehouse storage. The producer may also sell to CCC any or all of his eligible honey which is not security for a price support loan by delivering the honey to CCC. As used in this subpart "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1434.2 Administration.

(a) *Responsibility.* The Grains Oilseeds, and Cotton Division, ASCS, will administer this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, this subpart will be administered by the various State and county Agricultural Stabilization and Conservation Committees (hereinafter severally called State committee and county committee), Prairie Village Commodity Office and the Data Systems Field Office.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office designated by the county executive director to act in his behalf is authorized to approve documents in accordance with the provisions of this program except where otherwise specified in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action which is authorized or required by this subpart to be taken by the county committee but which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action which was taken by such county committee but which is not in accordance with this subpart or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1434.3 Eligible producers.

(a) *Producer.* An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who extracts honey produced by bees owned by him.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustee of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward, or incompetent, and the beneficiary of a trust respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan or purchase documents executed by such legal representative will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of extracted honey, may obtain price support on the eligible production of such crop of the honey on behalf of its members. The term "producer" as used in this subpart and on applicable price support forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to such an approved cooperative marketing association.

(e) *Approval by county committee.* If a producer has been convicted of a criminal act or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because his failure to protect properly the mortgaged honey or for other reasons, the producer may be denied price support until the county committee is satisfied that CCC will be fully protected against any possible loss other than loss assumed by CCC under the regulations in this subpart.

(f) *Joint loans.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if stored in the same farm storage facility, or in the case of a warehouse storage loan, if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally responsible and liable for the breach of the obligations set forth in the loan documents and in the applicable regulations in this subpart.

(g) *Warehouse storage loans to warehousemen.* Except as provided in § 1434.10, warehouse storage loans may be made to a warehouseman who in his capacity as a producer tenders to CCC warehouse receipts issued by him on

honey produced and extracted by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law.

§ 1434.4 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on eligible honey, a producer must request a loan on, or notify the county ASCS office of his intention to sell his eligible commodity by completing a Purchase Agreement (Form CCC–614), no later than the date specified in the crop year supplement.

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering it as security for a loan or for purchase and must have always been in him or in him and a former producer whom he succeeded as owner of the bees before the honey was extracted, except that heirs who (1) succeed to the beneficial interest of a deceased producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe storage of the honey if under farm storage loan, shall be eligible for price support as producers whether such succession occurs before or after extraction of the honey. A producer shall not be considered to have divested himself of the beneficial interest in the honey if he enters into a contract to sell, or gives an option to sell, his commodity if, under the contract or option, he retains control, risk of loss, and title to the honey subject to such agreements, and retains control of its production. If price support is made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer members who delivered the honey to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the honey was extracted, except as provided in the case of heirs of a deceased producer. Honey acquired by a cooperative marketing association shall not be eligible for price support if the producer members who delivered the honey to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the honey as provided in Part 1425 of this chapter.

(c) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to ownership of the bees which produced the honey shall have been substantially assumed by the person claiming succession. Mere purchase of the honey prior to extraction or its inheritance without acquisition of any additional interest in the production unit shall not constitute succession.

(d) *Doubtful cases.* Any producer or cooperative in doubt as to whether his interest in the honey complies with the requirements of this section should, before requesting price support, make available to the county committee, all pertinent information which will permit a determination to be made by CCC.

(e) *Redeemed loan collateral.* A producer may reoffer as security or repledge as collateral, for repayment of a CCC loan, any honey that has been previously mortgaged or pledged to secure the repayment of a CCC loan.

§ 1434.5 Miscellaneous requirements.

(a) *Security.* The county office shall file or record as required by State law all chattel mortgages which cover honey under loan and stored on leased premises or in leased bulk tanks, described in § 1434.9(a)(1). The cost of filing and recording shall be for the account of CCC.

(b) *Revenue stamps.* Farm Storage Note, Chattel Mortgage and Security Agreements, and Warehouse Storage Note and Security Agreements must have State and documentary revenue stamps affixed thereto where required by law.

(c) *Restrictions in use of agents.* A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising honey authority to exercise on behalf of the producer any of the producer's rights or privileges under this program or any note, chattel mortgage and security agreement, or other instrument executed in obtaining price support under this program, unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1434.6 Availability, disbursement, and maturity of loans.

(a) *Where to request price support.* A producer shall request price support at the local county ASCS office of the county in which the honey is stored. An approved cooperative marketing association must request price support at the county ASCS office for the county in which the principal office of the cooperative is located unless the State committee designates some other county ASCS office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which its principal office for each such State is located.

(b) *Availability and maturity date.* The availability and maturity date applicable to loans and purchases will be specified in the annual crop year supplement to the regulations in this subpart, except that whenever the final date of availability or the maturity date falls on a nonworkday for county ASCS offices, the applicable final date shall be extended to include the next workday.

(c) *Disbursements of loans.* Disbursement of loans will be made to producers by means of drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan document for disbursement unless the honey covered by the mortgage or pledge has been extracted and is in approved storage. If the honey was not either in existence or extracted at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this subpart and the applicable annual supplement thereto in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible.

(a) *Production.* The honey must have been produced and extracted in the United States by an eligible producer during the calendar year for which price support is requested.

(b) *Floral source.* Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include alfalfa, bird's-foot trefoil, blackberry, brazil brush, catsclaw, clover, cotton, firewood, gallberry, huajillo, lima bean, mesquite, orange, raspberry, sage, saw palmetto, soybean, sourwood, star thistle, sweetclover, tupelo, vetch, western wild buckwheat, wild alfalfa, and similar mild flavors, or blends of mild flavored honeys, as determined by the Director, Grains, Oilseeds, and Cotton Division, ASCS.

(2) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of aster, athel, avocado, buckwheat (except western wild buckwheat), cabbage palmetto, dandelion, eucalyptus, goldenrod, heartsease (smartweed), horsemint, mangrove, manzanita, mint, partridge pea, rattan vine, safflower, salt cedar (Tamarix Gallica), spanish needle, spikeweed, titi-toyon (Christmas berry), tulip-poplar, wild cherry, and similarly flavored honey or blends of such honeys, as determined by the Director, Grains, Oilseeds, and Cotton Division, ASCS.

(c) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons and of a style used in normal commercial practice in the honey industry or stored in bulk tanks described in paragraph (c)(3) of this section. All containers and tanks shall meet the requirements of the Food, Drug, and Cosmetic Act, and regulations issued thereunder.

(1) *Five-gallon.* The 5-gallon containers must contain approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can

ture located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be suitable for storing honey. Warehouse storage loans may be made only on honey stored in approved warehouses. Approval of warehouses shall be in accordance with the provisions of Part 1427 of this chapter.

(b) *Warehouse receipts.* Warehouse receipts shall be issued in accordance with the provisions of Part 1427 of this chapter. Warehouse receipts shall be issued in the name of the producer who delivered the honey to the warehouse for storage. If the producer is not the owner of the honey at the time the receipt is issued, the receipt shall be endorsed in blank by the producer. If the receipt is issued in the name of a producer who is not the eligible producer, the receipts must be properly endorsed in blank so as to vest

CCC) accruing through the loan maturity date for the honey. Such charges under the provisions of the note evidencing such loan out of any amount due the sheet at the time the honey is placed under loan.

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ble dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be open-end type, filled to their rated capacities and be new or used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting and fitted with gaskets which provide a tight seal.

(3) *Tanks.* Tanks used for bulk storage shall be stainless steel or aluminum or steel tanks coated on the inside with a material which, (i) complies with the Food, Drug, and Cosmetic Act and regulations issued thereunder, (ii) is suitable for use in contact with honey, and (iii) shall not adulterate the honey, impart any off color, odor, taste, or any other characteristics which would otherwise change the value of the honey stored therein. Bulk tanks shall have equipment available for liquifying crystallized honey.

(d) *Moisture requirements for loan.* To be eligible for a warehouse storage loan, honey must not contain in excess of 18.5 percent moisture.

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, bitterweed, broomweed, caieput, chinquapin, dog fennel, desert hollyhock, gumweed, mescal, onion, prickly pear, prune, queen's delight, rabbit brush, snowrush (Ceanothus), snow-on-the-mountain, tarweed, and similar objectionably flavored honey or blends of honey as determined by the Director, Grains, Oilseeds, and Cotton Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to man or animals is not eligible for price support.

(c) *Containers.* Honey packed in steel drums which have removable liners of polyethylene, or other materials is not eligible for price support regardless of whether it meets other eligibility requirements.

(d) *Commingled eligible and ineligible honey in bulk storage.* Except for honey for which a commingled warehouse receipt drawn on an approved warehouse is issued, if a quantity of eligible honey is commingled with a quantity of honey which is ineligible for price support, the entire quantity of honey will be ineligible for loan.

§ 1434.9 Approved storage.

(a) *Loans.* Loans will be made only on honey in approved storage as defined in this section.

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for honey. Producers may also obtain loans on honey packaged in eligible containers and stored on leased space in facilities owned by third parties in which the honey of more than one person is stored if the honey on such leased space to be placed under loan is segregated from all other honey, is identified by markings on each container of honey, and if the segregated quantity of honey is identified by a lot number and the name of the producer as owner thereof. In addition, producers may obtain loans on honey stored in bulk tanks owned by others if use of the bulk tank is obtained by a lease between the person using the bulk tank and the owner thereof. A copy of the lease shall be obtained by the county office before a loan is made. The lease shall authorize the producer and any person having an interest in the honey to enter on the premises to inspect and examine the honey and shall permit a reasonable time to such persons to remove the honey from the premises on its termination. Except as provided in § 1434.3(f) in the case of joint loans, only the producer lessee may obtain price support on such bulk stored honey and only eligible honey belonging to the producer lessee may be stored in the bulk tanks. The chattel mortgage and security agreement shall cover all the honey stored in the bulk tank.

(2) *Warehouse storage.* Approved warehouse storage or an approved warehouse shall consist of a public warehouse for which a CCC Honey Storage Contract is in effect and which is approved for price support purposes or a warehouse operated by an approved cooperative as defined in § 1434.3(d) and licensed to store honey under the United States Warehouse Act.

(b) *Segregation of loan collateral.* If the honey in storage structure is packaged in containers and secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing each loan. Honey in containers securing a loan must also be segregated from any non-loan honey in the same structure.

(c) *Purchases.* Purchases will be made by CCC without regard to whether the honey is in approved storage.

§ 1434.10 Warehouse receipts.

(a) *General.* Warehouse receipts representing honey to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan or delivered for purchase, must meet the requirements of this section and any other requirements contained in the regulations in this subpart and in any supplement thereto. A separate warehouse receipt must be submitted for each class, color, floral source, quality, and grade of honey.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and indicate whether the honey is stored identity preserved in eligible containers or commingled in bulk tanks. The receipts must be negotiable, must cover eligible honey actually in storage in the warehouse and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Entries.* Each warehouse receipt or extracted honey inspection and weight certificate properly identified with the warehouse receipt must be issued in accordance with the Honey Storage Contract or U.S. Warehouse Act, if applicable, and must show:

(1) Whether the honey is stored in bulk commingled or identity preserved in containers;

(2) Number of containers if stored in containers;

(3) Size of containers if stored in containers;

(4) Gross weight for container storage;

(5) Net weight for container and bulk storage;

(6) Lot number for container storage;

(7) Average moisture for quantity represented by the receipt;

(8) Class, color, floral source, and grade.

(d) *Extracted honey inspection and weight certificate.* When an extracted honey inspection and weight certificate is issued, it must show the following additional information:

(1) Warehouse receipt number;

(2) Lot number (if applicable);

(3) Number and size of containers (if applicable);

(4) Class, color, floral source, and grade; and

(5) Net weight.

(e) *Where warehouseman is also owner.* If the producer issued for honey which is owned by the warehouseman, either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on his own honey is invalid under State law, the warehouseman may offer his honey to CCC for loan or purchase if such warehouse is licensed and operating under the U.S. Warehouse Act. In such States, if the warehouseman is not licensed and operating under the U.S. Warehouse Act, the warehouseman may deliver his honey to CCC for purchase if the warehouse receipt is issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt representing honey stored in an approved warehouse which has a honey storage contract with CCC shall indicate that the honey is insured in accordance with such contract.

§ 1434.11 Warehouse charges.

Prior to the time that the honey is placed under warehouse storage loan, or acquired by CCC, the producer shall arrange for payment of storage, inspection, and all other charges (except receiving and loading out charges in the warehouse in which the honey is acquired by

CCC) accruing through the loan maturity date for the honey. Such charges shall include charges incident to weight and grade determinations on identity preserved honey. CCC will assume warehouse storage charges accruing after the maturity date for loans for honey acquired by CCC.

§ 1434.12 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note, Chattel Mortgage and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Stored Collateral; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–693, Price Support Settlement Intention (Farm Storage); Form CCC–694, Price Support Settlement Intention (Warehouse Storage); and Form CCC–828, List Furnished to Cooperative Associations; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county ASCS offices.

§ 1434.13 Liens.

If there are any liens or encumbrances on the honey, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on honey tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC–864) with CCC in which he subordinates his security interest to the rights of CCC in the honey subject to the loan or such other quantity of honey as is delivered in satisfaction of a loan under the provisions of this subpart. No additional liens or encumbrances shall be placed on the honey after the loan is approved.

§ 1434.14 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 for each farm storage loan disbursed plus $1 for each lot over 1 and $6 for each warehouse storage loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge of 1 cent per hundredweight in addition to the service charge shall be paid by producers on the quantity of honey delivered to CCC. In the case of farm storage loans, identity preserved warehouse storage loans, and purchases, such delivery charge shall be paid at time of settlement. In the case of commingled warehouse storage loans, such delivery charge shall be deducted from loan proceeds and will be credited to the producer's account on any quantity redeemed.

§ 1434.15 Setoffs.

(a) *Facility and drying equipment loans.* If any installments on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on claims control record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the ASCS county claims control record, amounts due the producer under the program provided in this subpart, after deduction of amounts payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1434.16 Determination of quantity.

(a) *For loan purposes.* The estimated quantity of farm stored honey and the quantity of warehouse stored honey placed under loan shall be determined as provided in §§ 1434.23 and 1434.24. Estimates of quantity of farm stored honey shall be made on the basis of 12 pounds for each gallon of rated capacity of the container or bulk storage tank.

(b) *At time of acquisition—(1) Farm storage.* The quantity of honey acquired by CCC on delivery in liquidation of a loan or delivery for purchase shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight.

(2) *Warehouse storage.* In the case of honey packaged in eligible containers, the quantity of honey acquired by CCC in approved warehouse storage in liquidation of a loan or delivery for purchase shall be the net weight shown on the warehouse receipt or on the weight certificate accompanying and identified to the warehouse receipt pledged to CCC or representing honey offered to CCC for purchase. In the case of honey acquired from bulk storage in an approved warehouse, the quantity shall be determined on the basis of the net weight shown on the warehouse receipt.

§ 1434.17 Determination of quality.

(a) *Quality for loan—(1) Farm storage.* Loans on farm stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Worksheet at the time the honey is placed under loan.

(2) *Warehouse storage.* Loans on warehouse stored honey will be made on the basis of the class and the floral source, grade, and color of the honey as shown on the warehouse receipt or on the extracted honey inspection and weight certificate accompanying the warehouse receipt representing such honey.

(b) *Quality for settlement—(1) Farm storage in eligible containers.* When honey is delivered to CCC in eligible containers from farm storage, its quality and color shall be determined by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, in accordance with U.S. Standards for Grades of Extracted Honey on the basis of samples drawn by ASCS representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determination for a maximum of four lots shall be for the account of CCC.

(2) *Identity preserved warehouse stored.* When honey stored identity preserved in containers in an approved warehouse is delivered to CCC, its class, floral source, grade, and color shall be determined by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, in accordance with U.S. Standards of Grades of Extracted Honey on the basis of samples drawn by ASCS representatives supervising delivery. The cost of such determination shall be for the account of CCC.

(3) *Commingled warehouse bulk stored.* Settlement for eligible honey stored bulk commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class, color, floral source, and grade shown on the warehouse receipt. Settlement shall also be made on such a basis where an approved warehouse issues a commingled warehouse receipt for loan honey delivered into the warehouse from bulk farm storage pursuant instructions of the county office.

(c) *Segregation by color.* Table honey in eligible containers shall, insofar as is practicable, be segregated into lots by color to conform with the color catagories stated in the crops year supplement. If a lot of honey is not segregated so that it can be certified as one color in accordance with the U.S. Standards for Grades of Extracted Honey, the rate of settlement under a loan or purchase shall be based on the darkest color shown on the inspection certificate: *Provided,* That if the inspection certificate at time of delivery to CCC shows that a farm stored or identity preserved warehouse stored lot of honey contains more than two colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for

the purpose of settlement shall be the next lighter color than the darkest color.

(d) *Segregation by classes.* If the honey in eligible containers is not segregated so that it can be classified as table

the time of destruction of the quantity of the honey destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the honey is

eral is determined by CCC not to have been willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as

age"), as established by the State committee, of the certified or measured quantity of the eligible honey stored in

der a farm storage loan to a warehouse storage loan at any time during the loan period. In the case of emergency trans-

stored loans to the producer for more than one year. They may also refer the case to the State committee which may request OI to make an investigation.

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the purpose of settlement shall be the next lighter color than the darkest color.

(d) *Segregation by classes.* If the honey in eligible containers is not segregated so that it can be classified as table honey, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) *Blends.* In the case of blends of table and nontable honeys, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.18 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1434.19 Transfer of producer's interest prohibited.

(a) *Warehouse storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem honey pledged as security for a warehouse storage loan, nor shall anyone acquire such interest or right. The producer's interest or right of redemption will not be deemed to have been transferred in violation of this paragraph if, under § 1434.25(c), he or his properly authorized agent has filed a statement with the county ASCS office authorizing the release of such warehouse receipts to others, and the loan is repaid within 15 days following the date of such authorization.

(b) *Farm storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem honey mortgaged as security for a farm storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.25, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey must obtain written prior approval of the county office on a form prescribed by CCC to remove a specified quantity of the honey from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers or prospective purchasers at the county ASCS office.

§ 1434.20 Insurance.

CCC will not require the producer to insure the honey placed under a farm stored loan; however, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.21 Loss or damage.

The producer is responsible for any loss in quantity or quality of the honey placed under a farm storage loan or identity preserved warehouse storage loan funds and prior to redemption or such loss occurring and reported to the county office after disbursement of the loan. Notwithstanding the foregoing, any delivery to CCC will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the honey destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the honey is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the honey, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the loss resulted solely from an external cause (other than insect infestation, vermin, or animals) such as theft, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer gave the county office immediate notice of such loss or damage; and (d) the producer made no fraudulent representation in the loan documents or in obtaining the loan.

§ 1434.22 Personal liability of the producer.

(a) *Fraud relating to loans and unlawful disposition.*—The making of any fraudulent representation by a producer in the loan documents in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by him will render the producer subject to criminal prosecution under Federal law. If a producer has made any such fraudulent representation or unlawful disposition, the loan shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the honey, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. Notwithstanding the provisions of section 6(b) of the Farm Storage Note, Chattel Mortgage and Security Agreement (Form CCC-677) and section 6(b) of the Warehouse Storage Note and Security Agreement (Form CCC-678), if a producer has made any such fraudulent representation or any unlawful disposition, the amount with which he shall be credited for any honey delivered to or removed by CCC will be, whichever is applicable, (1) the market value of the honey as determined by CCC as of date of delivery to or removal by CCC, or the loan settlement value, whichever is the lower, in the case of farm storage loans, (2) the market value of the commodity at the close of the market on the final date for repayment or the loan settlement value, whichever is the lower, in the case of warehouse storage loans, or (3) the sales price less any costs sustained by CCC, the honey is sold by CCC in order to determine its market value, or the loan settlement value, whichever is the lower. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in price support purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the honey delivered under the purchase. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the honey delivered under the purchase plus all costs sustained by CCC in connection with the honey together with interest on such amounts, less the lowest of the following: The market value, as determined by CCC, as of the close of the market on the date of delivery; the sales price of the honey if the honey is sold in order to determine its market value; or CCC's purchase price.

(c) *Overdisbursement.* If the amount disbursed under a loan or purchase exceeds the price support value of the honey upon settlement determined as authorized under this subpart, the producer shall be personally liable for the repayment of the amount of such excess.

(d) *Contamination or poisonous substances.*—A producer shall be personally liable for any damages resulting from delivery to CCC of contaminated honey, or honey containing chemicals, or other substances poisonous to man or animals.

(e) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several one the part of each producer signing the note.

§ 1434.23 Quantity for warehouse storage loan.

(a) *Commingled bulk storage.* The amount of a loan on the quantity of eligible honey stored commingled in bulk in an approved warehouse shall be based on the net weight specified on the warehouse receipt representing such honey which is pledged as security for the loan. The support rate shall be adjusted as provided in § 1434.44.

(b) *Identity preserved in eligible containers.* The amount of a loan on the quantity of eligible honey packaged in eligible containers and stored identity preserved in an approved warehouse shall be based on a percentage of the net weight specified on the warehouse receipt representing such honey which is pledged as security for the loan. Such percentage shall not exceed 95 percent of the weight so specified.

§ 1434.24 Quantity for farm storage loan.

(a) *General.* Farm storage loans shall not be made on more than a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible honey stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall not exceed 90 percent of the certified or measured quantity. The State committee shall establish the loan percentage each year on a statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentages previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentages are: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storage ability. The loan percentages established by the State committee may be lowered by the county committee on an individual farm or producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the honey and occurring without the knowledge and consent (express or implied) of the producer (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the quantity, (v) producers who have been approved under § 1434.3(e), and (vi) factors peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the honey in the lot on which the loan is made is stored.

(b) *Commingling eligible and ineligible commodity* Except when stored in an approved warehouse, if a quantity of an eligible commodity is commingled with a quantity of the commodity which is ineligible for price support, the entire quantity shall be ineligible for price support.

(c) *Transfer from farm storage loan to warehouse storage loans.* Upon request by the producer, the county committee may approve the transfer of a commodity or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. In the case of emergency transfers, the producer must make the request in writing describing the emergency. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

(d) *Bulk storage.* The amount of a loan on the quantity of eligible honey stored in bulk in approved farm storage shall be based on a percentage of the measured or certified quantity. Such percentage shall not exceed 85 percent. In the event delivery cannot be accepted in bulk, the producer must arrange for the honey to be packaged in eligible containers prior to its delivery to CCC. Such containers shall be marked to show net weight of the honey and name and address of the producer. Title to the containers shall vest in CCC.

(e) *Packaged in eligible containers.* Loans shall be made on not more than 90 percent of the estimated quantity of eligible honey packaged in eligible containers in approved farm storage.

(f) *Producer certification.* In addition to loan quantity determinations based on measurement, as provided in paragraph (a) of this section, in any county, State, or area designated by the Executive Vice President, CCC, such determinations may be made on the basis of the quantity of commodity which an eligible producer certifies in writing on Form CCC-666 is eligible, if in an approved farm storage and is available for loan purposes.

(g) *Producer incorrect certification.* (i) If the county committee determines, by measurement or otherwise, that the actual quantity serving as collateral for a loan based on certification by the producer is less than the loan quantity, the county committee shall call the loan. In addition, the county committee may refuse to approve any further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made and, if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request the Office of Investigation of the United States Department of Agriculture (hereinafter referred to as OI) to make an investigation.

(ii) If the producer has incorrectly certified such quantities on more than one occasion, the county committee shall call the loan or loans involved and approve no further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies they may deny further farm stored loans to the producer for more than one year. They may also refer the case to the State committee which may request OI to make an investigation.

(h) *Unauthorized removal.* If there has been an unauthorized removal of any part of farm stored collateral, the county committee shall, on the first offense, call the loan involved. In addition, the county committee may refuse to approve any further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred, and if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request an OI investigation by the Office of Investigation. If the unauthorized removal is the second offense, the county committee shall: Call the loan involved and approve no further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred. The county committee may also, if they feel the seriousness of the matter so justifies, deny farm stored loans to the producer for more than one year and may also refer the case to the State committee which may request an OI investigation.

§ 1434.25 Release of the honey under loan.

(a) *Obtaining release—farm storage.* A producer shall not remove any honey covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on one of the applicable forms listed in § 1434.13. A producer may at any time obtain release of all or part of the honey remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the honey released plus interest. When the proceeds of a sale of honey are needed to repay all or part of the loan, see §§ 1434.19.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release CCC's security interest in the honey.

(c) *Obtaining release—warehouse storage loans.* The producer may arrange with the county office for release of all or part of the honey under warehouse storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt. Subject to provisions of § 1434.5(c), warehouse receipts redeemed by repayment shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or his properly authorized agent and dated within 15 days prior to the date of repayment.

§ 1434.26 Liquidation of farm storage loans.

all of his eligible honey which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a ware-

CCC. The provisions of § 1434.22 shall be applicable to settlement on ineligible honey where there has been a fraudulent

immediately vest in CCC. Whenever CCC acquires title to the unredeemed honey,

ment under the regulations contained in Part 707 of this title—Payments Due

all States will be handled through the Data Systems Field Office, Post Office

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§ 1434.26 Liquidation of farm storage loans.

(a) *General.* In the cast of farm storage loans, the producer is required to pay off his loan or deliver the honey under loan to CCC. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. In making delivery in liquidation of the loan, any quantity of eligible honey delivered in excess of the quantity necessary to settle the amount due on the loan may be delivered to CCC notwithstanding the provisions of § 1434.28 and settlement shall be made under § 1434.29. Delivery points shall be limited to those approved by the Prairie Village ASCS Commodity Office.

(b) *Notice to county committee.* If the producer desires to deliver the honey to CCC, he must give the county committee notice in writing of his intention to do so within a reasonable time prior to the applicable maturity date.

(c) *Honey going out of condition.* If, prior to delivery to CCC, the honey in approved farm storage is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the honey is going out of condition or is in danger of going out of condition and that the honey cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of §§ 1434.21 and 1434.22 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* When considered necessary to protect the interest of CCC or when requested by the producer, the county committee may call the loan and accept delivery of the honey prior to the loan maturity date.

(e) *Storage deduction for early delivery.* If the loan maturity date is accelerated upon request of the producer and the acceleration is approved by CCC, the settlement value of the honey shall be reduced by one-twelfth of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions, whichever is earlier, to and including the original loan maturity date.

§ 1434.27 Liquidation of warehouse storage loans.

If a producer does not repay the loan indebtedness upon maturity of the loan, CCC shall have the right to sell or acquire title to the honey pledged as security for the loan inedbtedness.

§ 1434.28 Purchases from producers.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of his eligible honey which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided*, That he executes and delivers to the county office prior to the maturity date a Purchase Agreement (Form CCC–614) indicating the approximate quantity of honey he will sell to CCC. The producer is not obligated, however, to complete the sale by delivery of any quantity of his honey to CCC. Delivery points for purchases from other than approved warehouse storage shall be limited to those approved by the Prairie Village ASCS Commodity Office.

(b) *Delivery period.* In the case of honey not in an approved warehouse, the producer must make delivery of the honey he desires to sell to CCC within the period of time after the loan maturity date shown in the applicable crop supplement, specified in delivery instructions issued by the county office. Delivery shall be made to the location specified in such instructions. Notwithstanding any other provisions of this § 1434.28, in the case of eligible honey not under loan, the county committee may, on request of a producer, purchase and accept delivery of such eligible honey prior to loan maturity date. In the event of such purchase and delivery, the settlement value of the honey shall be reduced as provided in paragraph (e) of § 1434.26.

§ 1434.29 Settlement.

(a) *General.* Except as provided in §§ 1434.21 and 1434.22 and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan or purchase will be made on the basis of the quantity, floral source, class, quality, grade, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value of honey shall be the product of the support rate for the class, floral source, grade, and color times the quantity acquired at the time of settlement adjusted by the discounts contained in the annual crop supplement. The support rate per pound of honey at which settlement will be made shall be the rate for the State where the producer obtained price support.

(b) *Warehouse storage—(1) Identity preserved.* Settlement for eligible honey stored identity preserved in an approved warehouse and acquired by CCC shall be made on the basis of the net weight shown on the extracted honey inspection and weight certificate and the class, floral source, color, and grade shown on the inspection certificate.

(2) *Commingled bulk storage.* Settlement for eligible honey stored commingled bulk in an approved warehouse and acquired by CCC shall be made on the basis of the net weight, class, floral source, quality, grade, and color shown on the warehouse receipt.

(c) *Ineligible honey inadvertently accepted by CCC.* If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.22 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(d) *Payment of deficiency by producers.* If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC. If it is not promptly paid, CCC may, in addition to any of its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(e) *Payments of amount due producer.* If the settlement value of the honey delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producers on either a loan or purchase will be made by draft drawn on CCC by the county office.

(f) *Storage where CCC is unable to take delivery.* A producer may be required to retain the honey stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and extend through the earlier of: (1) The final date of delivery, or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where he delivers.

§ 1434.30 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the unpaid amount of the note, interest, and charges) is not satisfied upon maturity of the note, CCC may remove the honey from storage and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without the prior removal of the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey hereunder at either a public or private sale.

(b) *When CCC takes title to honey.* Upon maturity and nonpayment of the producer's note, at CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof,

immediately vest in CCC. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer or to his personal representative of heirs who meet the conditions set forth in § 1434.4, without right of assignment to or substitution of any other party: (1) Any amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the collateral honey is sold to third persons as provided in paragraph (a) of this section instead of full title to such collateral honey being acquired by CCC as provided in paragraph (b) of this section.

(d) *Honey sold at less than amount due on loan.* If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the amount due on the loan (excluding interest), the producer shall pay CCC the amount by which the settlement value (or, if higher, the sales proceeds) of the honey removed by CCC is less than the amount of the loan, plus interest on the amount of such deficiency. The amount of the deficiency may be setoff against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 1434.31 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, packaging, or processing.

§ 1434.32 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.33 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, payment shall, upon proper application to the county office which made the loan or purchase, be made to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1434.34 Definitions.

As used in the regulations in this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "Person", "State committee", "State Executive Director", "county committee", "county executive director", and "farm", respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendment thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged honey or the honey offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the honey and otherwise protecting the interest in the loan collateral of CCC or the producer, including foreclosure costs.

(d) *County committee.* The term "county committee" means only the committee and not its representative.

(e) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director or a person designated by the county executive director to act in his behalf.

(f) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—Honey Price Support Regulations for 1977 and Subsequent Crops, together with any supplements and amendments thereto.

(g) *Request for price support.* The term "request for price support" means a request for loan or execution of Purchase Agreement (Form CCC–614) as applicable.

(h) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a farm storage loan.

§ 1434.35 ASCS Commodity Office and Data Processing Center.

The Prairie Village ASCS Commodity Office serves all States for honey. Accounting, recording, and reporting for all States will be handled through the Data Systems Field Office, Post Office Box 205, Kansas City, Missouri 64141.

NOTE: The Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

Signed at Washington, D.C., on June 28, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77–19240 Filed 7–6–77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13, Amdt. 15]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of a Small Farm for Purpose of Financial Assistance

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule defines a small farm for purposes of receiving Small Business Administration financial assistance. This definition was necessary because of the difficulties encountered by farms in obtaining financing. This rule will enable SBA to provide financial assistance to a greater number of farms.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:
Harvey D. Bronstein, (202—653–6373).

SUPPLEMENTARY INFORMATION: The original proposal, establishing the $275,000 level for farms included in Schedule J which appeared in the FEDERAL REGISTER on December 17, 1976, (41 FR 55202) was based on the results from the usual economic analyses employed by this office.

Response to this proposal was extremely heavy, all stating that the $275,000 level was too low. Additionally, it was pointed out that the agriculture industry was unique in itself and that conventional statistical and economic analyses would prove inadequate in determining the proper size standard for farming.

Based on these comments and additional consultation with a number of agriculture experts, the latest proposal, published in the Federal Register (42 FR 26660) on May 25, 1977, was developed, establishing the farm size standard at the $1 million level.

The majority of comments received were favorable to the $1 million size

standard. The few comments adverse to the proposal were principally related to the fact that virtually all of the farms

75–24) published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23897). That notice invited comments by all persons

hienced by the FAA absorbed more and more of the resources expended on the safety regulatory program. If the FAA

Part 11 of the Federal Aviation Regula-

DATES: Effective date—July 11, 1977.

above are replaced for any reason, a serviceable Drive Coupling, P/N 869911–3, or

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standard. The few comments adverse to the proposal were principally related to the fact that virtually all of the farms in some states would be included within the standard. They suggested that a state or area standard should be employed.

This issue, together with the possibility of setting the standard on a crop basis, was carefully considered prior to the May 25, 1977, proposal. At that time it was determined that crop or sectional size standards would prove difficult to administer and that a national uniform standard would be the most appropriate method of setting the farm size standard.

Accordingly, 13 CFR Part 121 is amended by revising § 121.3-10(j) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * * *

(j) *Farms.* Any concern primarily engaged in agricultural production in an industry set forth in Major Groups 01 or 02 of the Standard Industrial Classification Manual is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $1 million.

Dated: June 30, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-19269 Filed 7-6-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14682; Amdt. No. 11-14]

PART 11—GENERAL RULE-MAKING PROCEDURES

Procedural Requirements for Petitions for Exemptions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the lead-time for filing certain petitions for exemption from the present 60 days prior to the desired effective date to 120 days prior to that date. The intended effect is to expedite all regulatory actions, including exemptions, by providing for the orderly inclusion of exemption requests into the FAA's regulatory workload. This change is needed because of the increase in exemption petitions in recent years.

EFFECTIVE DATE: September 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard C. Beitel, Air Carrier and General Operating Branch, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3080.

SUPPLEMENTARY INFORMATION:

HISTORY

This amendment is based on a notice of proposed rule making (Notice No. 75-24) published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23897). That notice invited comments by all persons interested in the making of the proposed rule. All interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matters presented. Thirty-two commentators responded to Notice 75-24. Except for editorial revision, and as specifically discussed herein, this amendment and the reasons therefor are the same as those in Notice 75-24.

DISCUSSION OF COMMENTS

As stated in Notice 75-24, the purpose of the proposal is to allow orderly integration of exemption requests into the FAA regulatory workload and thereby reduce the disruptive effect of short notice exemption requests. Several commentators asserted that instead of amending Part 11 to increase the lead-time for filing exemption requests, the FAA should reduce the need for exemptions by improving the regulations and reviewing them more often. The FAA is committed to improving and maintaining the regulations to the state-of-the-art. The Airworthiness Review and Operations Review programs were established to provide a complete review and updating of the regulations covered by those programs. These review programs are undertakings of substantial magnitude which involve participation by numerous persons, including industry groups, foreign governments, and users of the aviation system. While the FAA anticipates that these review programs will eliminate the need for many of the current requests for exemptions, it is not believed that all exemptions will or should be eliminated. With respect to comments concerning frequency of review of the regulations, as noted above the FAA is committed to maintaining the regulations to the state-of-the-art. Future regulatory reviews should be conducted with sufficient regularity to achieve that goal.

A number of commentators asserted that the 180 day period would be too long. Several commentators expressed support for an increase in the 60 day period to either 90 or 120 days. The FAA has carefully considered the various comments relating to the length of the proposed 180 day period and has concluded that a modification is appropriate. With due regard for the needs of petitioners for exemptions on the one hand, and on the other hand, the need for the additional lead-time to allow for the orderly integration of exemption requests into the FAA's regulatory workload and to better enable the FAA to determine whether or not general rule making is appropriate, the FAA believes that a 120 day period should be adopted. The proposal has been revised accordingly. However, the FAA will periodically assess the impact of the 120 day lead-time on the processing of its regulations. In this connection, it was noted in the preamble to Notice 75-24 that the increase in exemption petitions experienced by the FAA absorbed more and more of the resources expended on the safety regulatory program. If the FAA regulatory review programs, including the current Airworthiness and Operations Reviews, significantly reduce the number of petitions for exemption, it may be possible to reduce the lead-time to 90 days, or even back to 60 days.

It should be noted that many petitions for exemption do not contain the supporting information specified in § 11.25. Failure to provide required information in a timely manner results in additional communication with the petitioner to secure the information needed by the FAA to consider the petition and can delay final action on the petition. The FAA expects all petitioners to support their petitions for exemption with all information required by § 11.25. The increase in lead-time to 120 days and compliance by petitioners or exemptions with the information requirements of § 11.25 will assist the FAA in scheduling exemptions and other rule-making actions with the result that all regulatory actions should be accelerated.

Several of the commentators were concerned with the term "priority handling" and with the standard to be used to determine whether priority handling should be granted. In this respect, the FAA stated in Notice 75-24 that the proposal would permit petitions for exemption to be submitted in less than the prescribed period before the desired effective date "where the petitioner demonstrates a need for earlier action by the FAA." This is the standard that has been applied in administering the "good cause" provision of the current regulation and no change in processing was intended. However, in view of the questions raised by some commentators regarding use of the term "priority handling", and to avoid any confusion, the proposal has been revised to retain the current "good cause" provision.

It was suggested by several commentators that the change proposed in Notice 75-24 should not apply to petitions for medical exemptions because unreasonable delay in consideration and disposition of such petitions might result. The FAA wishes to emphasize that the intent of the proposal to increase the lead-time was to expedite all regulatory actions, including exemptions, by providing for the orderly integration of exemption requests into the overall regulatory workload of the FAA. The FAA firmly believes that the 120 day lead-time will not delay processing of medical exemption petitions.

In response to comments concerning exemptions for transportation of hazardous materials, it should be noted that the authority to issue exemptions from the Department of Transportation's regulations governing transportation of hazardous materials is now vested in the Office of Hazardous Materials Operations of the Materials Transportation Bureau, Department of Transportation. Procedures for processing exemptions from those regulations are set forth in 49 CFR Part 107. Consequently, the change to Part 11 of the Federal Aviation Regulations accomplished by this amendment does not apply to exemptions for transportation of hazardous materials.

One commentator urged that petitions for exemption be published in the Federal Register. In this respect, it should be noted that the FAA has under consideration a notice of proposed rule making which would include publication in the Federal Register of notice of the filing and disposition of petitions for exemption.

Various other comments were received in the nature of suggestions for other changes which the particular commentator believed would improve the exemption and rulemaking process. While these suggestions are beyond the scope of the notice and have not been specifically discussed herein, all comments are appreciated and they will be considered in connection with future rulemaking action.

DRAFTING INFORMATION

The principal author of this document is Richard C. Beitel, Office of the Chief Counsel.

Accordingly, paragraph (b)(1) of § 11.25 of Part 11 of the Federal Aviation Regulations is amended, effective September 6, 1977, to read as follows:

§ 11.25 Petitions for rulemaking or exemptions.

* * * * *

(b) Each petition filed under this section must—

(1) In the case of a petitioner for exemption, unless good cause is shown in that petition, be submitted at least 120 days before the proposed effective date of the exemption;

* * * * *

(Secs. 313(a), 601(c), Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421(c)); sec. 6 (c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 30, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc.77-19285 Filed 7-6-77;8:45 am]

[Docket No. 73-WE-18-AD; Amdt. 39-2954]

PART 39—AIRWORTHINESS DIRECTIVE

AiResearch Model TPE331 and TSE331 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) amends an old AD by providing for installation of parts which will make the initial and repetitive inspections of the old AD unnecessary.

DATES: Effective date—July 11, 1977.

ADDRESSES: The applicable service bulletins referenced in this AD may be obtained from the AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, Arizona 85010. Telephone: 602-267-3011. A copy of these service bulletins is contained in the Rules Docket in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: There had been numerous reported cases of wear of the fuel pump drive coupling shaft external spline teeth and the mating internal spline teeth in the fuel pump input shaft. Failure of this drive has resulted in the stoppage of the fuel pump and fuel starvation which causes an abrupt engine flame out and complete power loss. Since this condition was likely to develop in other engines of the same type design, AD 73-26-7 was issued to prescribe inspections and procedures to be accomplished after installation of the subject drive coupling. This amendment provides for termination of these inspections and procedures after modification of the engine to incorporate improved engine fuel pump alignment features.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are William Moring, Aircraft Engineering Division, and Richard G. Witty, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective July 11, 1977, by amending AD73-26-7, in pertinent part, as follows:

(a) Amend the first sentence of paragraph (a) to read as follows:

"(a) Model TPE331-3, -5, -6, and TSE 331-3 Series engines which contain the grease lubricated fuel pump drive coupling spline configuration".

(b) Amend the first sentence of paragraph (b) to read as follows:

"(b) Model TPE331-1, -2, -25, -29, -43, -45, -47, -51, -55, -57, and -61 Series engines which contain the grease lubricated fuel pump drive coupling spline configuration".

(c) Amend paragraph (c) in its entirety to read:

"If either the fuel pump, oil pump, or couplings defined in (a)(1) or (b)(1) above are replaced for any reason, a serviceable Drive Coupling, P/N 869911-3, or later FAA approved designs must be installed."

(d) Add a new paragraph (d) which reads:

"(d) The initial and recurring cleaning, visual inspection and lubrication of the fuel pump and coupling shaft drive splines prescribed in paragraph (a) and (b) above may be discontinued after incorporation of improved fuel pump shaft alignment features described in AiResearch Service Bulletin TPE/TSE331-73-0051 dated April 29, 1977; TPE331-73-0054 dated April 29, 1977; or, TPE 331-73-0056 dated May 6, 1977; or later FAA approved revisions (as appropriate for various engine models)".

(e) Reidentify existing paragraph (d) to be paragraph "(e)".

(f) Add a new paragraph (f) which reads:

"(f) Special flight permits may be issued per FAR's 21.197 and 21.199 to authorize operation of aircraft to a base where these inspections or modifications required by this AD may be performed."

This amendment becomes effective July 11, 1977.

(Secs 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, California on June 24, 1977.

JAMES V. NIELSEN,
Director,
FAA Western Region.

[FR Doc.77-19293 Filed 7-6-77;8:45 am]

[Docket No. 77-WE-10-AD; Amdt. 39-2956]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An airworthiness directive (AD) was issued by the Federal Aviation Administration on June 10, 1977, as a result of occurrence of a second jamming of an elevator drive system on a L-1011-385 airplane. This AD requires conduct of visual checks of the elevator/stabilizer surface positions prior to take off to prevent a similar occurrence.

DATES: Effective date—July 11, 1977 for all persons except those to whom it was made effective by telegram dated June 11, 1977. Compliance schedule—As prescribed in the text of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520. Attention: Commercial Support Contracts, Dept. 63-11,

U33, B-7. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W.,

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority

requires an inspection of engine mounts for internal corrosion on Hawker Siddeley Model DH-104 airplanes to prevent

(b) Replace any stay strut for which internal corrosion is detected by the inspection required by paragraph (a) of this AD with a new part or otherwise serviceable spare part

eral Aviation Administration, care of American Embassy, Brussels, Belgium. Tel. 513.38.30.

under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

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U33, B–7. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Telephone: 213–536–6351.

SUPPLEMENTARY INFORMATION: As a result of first occurrence of jamming of one of the two elevator drive systems on the horizontal stabilizer of the primary pitch control system which resulted in degradation of the airplane controllability FAA issued emergency Airworthiness Directive Amendment 39–2898 (42 FR 24721), AD 77–10–04, which requires inspection of the functional integrity of the upper bearing, verification of the minimum operational clearance between the quadrant hub base and the elevator actuation pushrod, replacement of components as necessary, and conduct of repetitive inspections.

The recent second occurrence of jamming of one of the two elevator drive systems on the horizontal stabilizer of the primary pitch control system also resulted in degradation of the airplane controllability. This second occurrence of jamming was experienced on an aircraft which was reported to have been inspected in accordance with the requirements of the AD 77–10–04, consequently FAA concluded that additional mandatory safety action was necessary. This emergency amendment which requires exterior visual check on the elevator/stabilizer surface positions after full aft controls check and with the control column full forward to assure there is no obvious discrepancy between elevator surface positions is considered to provide the additional necessary safety action. This amendment is a new AD, and is in addition to those actions required by AD 77–10–04.

This AD includes editorial changes and minor changes for clarification from the telegraphic AD.

Since it was found that immediate corrective action was required notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of airplanes by individual telegrams dated June 11, 1977. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

DRAFTING INFORMATION

The principal authors of this document are George E. Vasley, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY: Applies to Lockheed-California Company L–1011–385 series airplanes, certificated in all categories.

Compliance required as indicated.

To prevent take-off with a possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability, accomplish the following:

(a) Initiate the following check program as soon as practicable but not later than 10 hours time in service after the receipt of this telegraphic airworthiness directive (AD):

(1) Prior to each take-off conduct an exterior visual check of the elevator/stabilizer surface positions after the full aft controls check and with the control column full forward to assure there is no obvious discrepancy between elevator positions. The pilot in command shall be informed of the results of this check.

(2) If obvious discrepancy noted, correct prior to further flight.

(3) No further full act control column movement may be performed prior to take-off.

NOTES.—(1) This check can be accomplished with any one single hydraulic system pressurized by any main hydraulic system pump. (2) FAA approved Lockheed-California Company Alert Service Bulletin 093–27–A158, dated April 13, 1977, covers the same subject.

This amendment becomes effective July 11, 1977, for all persons except those to whom it was more effective by telegram dated June 11, 1977, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A–107.

Issued in Los Angeles, California on June 27, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77–19294 Filed 7–6–77;8:45 am]

[Docket No. 15038, Amdt. 39–2957]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. Model DH–104 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of engine mounts for internal corrosion on Hawker Siddeley Model DH–104 airplanes to prevent possible separation of an engine from the airplane.

DATES: Effective—August 8, 1977. Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center. A copy of the technical news sheet is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel: 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an X-ray inspection, and if necessary, replacement of engine mount stay struts on Hawker Siddeley Model DH–104 airplanes was published in the FEDERAL REGISTER at 40 FR 46320. The proposal was prompted by reports of internal corrosion of the struts that could cause separation of an engine from the airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. R. J. Burton, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to DH–104 airplanes, certificated in all categories, that are not equipped with engine mount stay struts marked as Issue 7 or subsequent or marked "DOI No. 68639".

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To detect internal corrosion of the engine mount stay strut, P/N 4 EM.357A and P/N 4 EM.359A, accomplish the following:

(a) Remove the stay struts from the aircraft and inspect in accordance with the X-ray procedure of Appendix 1 of Hawker Siddeley Technical News Sheet No. 229, dated March 19, 1973, or an FAA-approved equivalent.

(b) Replace any stay strut for which internal corrosion is detected by the inspection required by paragraph (a) of this AD with a new part or otherwise serviceable spare part of the same part number determined to be free of internal corrosion by the inspection required by paragraph (a) of this AD or an FAA-approved equivalent.

(c) It is requested that copies of the X-rays, or results of an FAA-approved equivalent inspection, be forwarded to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667. (Reporting approved by the Office of Management and Budget under OBM No. 04–RO–174).

This amendment becomes effective August 8, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 28, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77–19257 Filed 7–6–77;8:45 am]

[Docket No. 15756, Amdt. 39–2958]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. Model BH–125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the installation of vortex generators on the leading edge of each wing on Hawker Siddeley Model BH–125 Series 600A airplanes to prevent excessive rolling moment when operated on autopilot at buffet onset speed that could result in loss of control due to unwanted rolling of the airplanes.

DATES: Effective August 8, 1977. Compliance required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center. A copy of the service bulletin and Revision 1, dated July 23, 1975, is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, care of American Embassy, Brussels, Belgium. Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR's), 14 CFR Part 39, to include an airworthiness directive requiring the installation of vortex generators on the leading edge of each wing on certain Hawker Siddeley Aviation Ltd., Model BH–125 Series 600A airplanes was published in the FEDERAL REGISTER at 41 FR 22842. The proposal was prompted by reports of an excessive rolling moment when operated on autopilot at buffet onset speed that could result in loss of control due to unwanted rolling of the airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the airplane manufacturer requested that the proposal be withdrawn since all aircraft on the U.S. registry have the modification incorporated. However, to give the requirement regulatory status under Part 39 of the FAR's and to ensure that any airplane coming onto the United States registry, in the future, will be in compliance with the AD, the amendment is being adopted as proposed.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. F. H. Kelley, Flight Standards Service, and Mr. R. J. Burton, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model BH–125 Series 600A airplanes, S/N's 25/6001–6004, 6007, 6009–6011, 6013, 6014, 6016, 6018, 6020, 6022–6026, 6032, 6034, 6038, 6040, 6044, 6046, certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible unwanted rolling of the airplane when operating at buffet onset, add vortex generators to the leading edge of each wing by incorporating Hawker Siddeley Aviation, Ltd., Modification No. 252442 in accordance with Section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin 57–48–(2442), dated June 25, 1975, including Revision 1, dated July 23, 1975, or an FAA-approved equivalent.

This amendment becomes effective August 8, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 28, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77–19256 Filed 7–6–77;8:45 am]

[Docket No. 16995, Amdt. 39–2959]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model S205, S208, F260, and F260B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection for cracks in the propeller governor arm and replacement of the arm, if necessary, on SIAI Marchetti Model S205, S208, F260, and F260B series airplanes. This AD is directed at preventing breakage of the propeller governor arm and loss of propeller control. These failures have occurred in the past.

DATES: Effective July 21, 1977. Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours time in service, and, thereafter, at intervals not to exceed 50 hours time in service from the last inspection.

ADDRESSES: The applicable service bulletins may be obtained from SIAI Marchetti Via Indipendenza, Sesto Calende, Varese, Italy. A copy of each of the service bulletins is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D.C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100; Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the propeller governor arm on certain SIAI Marchetti Model S205, S208, F260, and F260B airplanes that resulted in breakage of the propeller governor arm and loss of propeller control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires periodic inspection for cracks and breaks in the propeller governor arm and replacement with a serviceable part, if necessary, on certain SIAI Marchetti Model S205, S208, F260, and F260B series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and

not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular

SUPPLEMENTAL INFORMATION: The Federal Aviation Administration has determined that the crankcase cracking

TABLE 1.—*The improved design crankcase may be identified by the following table. This A. D. does not apply to engines so identified.*

V 42 I 130 JUL 7 7 UMI

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. N. S. Dobi, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

SIAI MARCHETTI. Applies to Model S205/18 and S205/20 airplanes (S/Ns up through 5-406), S208 and S208A airplanes (S/Ns up through 4-64), and F260 and F260B airplanes (S/Ns 101 through 125, 2-26 through 2-61, 3-76 through 3-78, 3-80, 3-84, 502, 10-09, 20-01, and 237 through 284), certificated in all categories.

Compliance is required as indicated.

To detect cracks in the propeller governor arm and preclude possible loss of propeller control, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours time in service, and, thereafter, at intervals not to exceed 50 hours time in service from the last inspection, comply with paragraph (b).

(b) Visually inspect the propeller governor arm with a 5 power magnifier for cracks and breaks in accordance with the following:

(1) For the Model S205 and S208 series airplanes, with "Instructions" paragraph (a), steps 1 through 4, of SIAI Marchetti Service Bulletin No. 205B43 dated April 10, 1976, or an FAA-approved equivalent.

(2) For the Model F260 and F260B series airplanes, with "Instructions" paragraph (a), steps 1 through 4, of SIAI Marchetti Service Bulletin No. 260B18 dated April 10, 1976, or an FAA-approved equivalent.

(c) If a crack or break is detected as a result of an inspection required by paragraph (b) of this AD, before further flight, replace the propeller governor arm with a serviceable part in accordance with the following and, thereafter, continue to inspect in accordance with paragraph (b) of this AD at intervals not to exceed 50 hours time in service:

(1) For the Model S205 and S208 series airplanes, with "Instructions" paragraph (c), steps 1 through 10, of SIAI Marchetti Service Bulletin No. 205B43 dated April 10, 1976, or an FAA-approved equivalent.

(2) For the Model F260 and F260B series airplanes, with "Instructions" paragraph (c), steps 1 through 10, of SIAI Marchetti Service Bulletin No. 260B18 dated April 10, 1976, or an FAA-approved equivalent.

(d) The equivalent means of compliance specified in paragraphs (b) and (c) of this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, New York 09667.

This amendment becomes effective July 21, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 29, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77-19255 Filed 7-6-77;8:45 am]

[Docket No: 77-SO-30, Admt. No. 39-2947]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires a repetitive inspection of the crankcase on certain Teledyne Continental Motors Model IO-520-A, -B, -BA, -C, -D, -E, -F, -J, -K, -L, and -M; TSIO-520-B, -C, -D, -E, -G, -H, -J, -K, -L, and -N; and GTSIO-520-C, -D, -F, and -H engines. This inspection would detect cracks that may appear in the crankcase and would require replacement of these crankcases if cracks are found in certain critical areas or repair and continued monitoring of crack propagation in non-critical crankcase areas. The A. D. would require this continued inspection until the crankcase is replaced with a new strengthened crankcase design.

DATES: Effective Date: July 22, 1977.

Initial compliance required prior to fifty (50) hours time in service after the effective date of this A.D. Inspections are to be repeated every fifty (50) hours time in service if cracks are found or every one hundred (100) hours time in service if no cracks are found or if repaired in accordance with this A.D. until crankcase is replaced with improved design.

ADDRESSES: Teledyne Continental Motors Service Bulletin M77-14 may be obtained from Teledyne Continental Motors, Service and Safety Department, P.O. Box 90, Mobile, Alabama 36601. Copies of TCM Service Bulletin M77-14 are maintained in the A.D. Docket File and may be examined in Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT:

Clark Price, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTAL INFORMATION: The Federal Aviation Administration has determined that the crankcase cracking problem described in the summary, if not inspected on a periodic basis, can lead to the development of an unsafe condition, and has done so on at least two occasions. Therefore, this periodic inspection is necessary to preclude the possibility of a crack progressing into a critical area or growing beyond safe limits in a non-critical area.

Since this condition is likely to exist or develop in other engines of the same type design, a situation exists that requires immediate adoption of this regulation. It is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Clark Price, Flight Standards Division, and Richard Lewis Faber, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

TELEDYNE CONTINENTAL MOTORS: Applies to the following engine models: IO-520-A, -B, -BA, -C, -D, -E, -F, -J, -K, -L, and -M which do not incorporate the identification markings in Table 1.

TSIO-520-B, -C, -D, -E, -G, -H, -J, -K, -L, and -N which do not incorporate the identification markings in Table 1.

GTSIO-520-C, -D, -F, and -H which do not incorporate the identification markings in Table 1.

Note.—This A. D. does not apply to engines bearing the following serial numbers:

	New	TCM rebuilt
IO-520-A	550024 and up..	112354-R and up.
IO-520-B, IO-520-BA.	562678 and up..	122539-R and up.
IO-520-C	561476 and up..	172903-R and up.
IO-520-D	563853 and up..	174412-R and up.
IO-520-E	556319 and up..	215510-R and up.
IO-520-F	564308 and up..	195707-R and up.
IO-520-J	558005 and up..	216505-R and up.
IO-520-K	557306 and up..	224007-R and up.
IO-520-L	554919 and up..	220537-R and up.
IO-520-M	565039 and up..	227309-R and up.
TSIO-520-B	500457 and up..	176235-R and up.
TSIO-520-C	509518 and up..	178143-R and up.
TSIO-520-D	505004 and up..	180043-R and up.
TSIO-520-E	510125 and up..	182692-R and up.
TSIO-520-G	507157 and up..	216007-R and up.
TSIO-520-H	506853 and up..	217031-R and up.
TSIO-520-J	503582 and up..	218621-R and up.
TSIO-520-K	504311 and up..	224529-R and up.
TSIO-520-L	508911 and up..	227611-R and up.
TSIO-520-N	509516 and up..	No rebuilt.
GTSIO-520-C	602221 and up..	155418-R and up.
GTSIO-520-D	601051 and up..	219249-R and up.
GTSIO-520-F	603112 and up..	224227-R and up.
GTSIO-520-H	600915 and up..	218260-R and up.

TABLE 1.—*The improved design crankcase may be identified by the following table. This A. D. does not apply to engines so identified.*

APPLICABLE MODEL	RIGHT CRANKCASE HALF LOCATION	LEFT CRANKCASE HALF LOCATION
IO-520 A, D, E, F, J, K, L or both and logo	Aft of #1 Cylinder	Aft of #2 Cylinder
IO-520 B, BA, C, M both and logo	Between and Below #1 and #3 Cylinders	Between and Below #4 and #6 Cylinders
TSIO-520 C, G, H or both and logo	Aft of #1 Cylinder	Aft of #2 Cylinder
TSIO-520 B, D, E, J, K, L, N both and logo	Between and Below #1 and #3 Cylinders	Between and Below #4 and #6 Cylinders
GTSIO-520 C, D, F, H or both and logo	Aft of #1 Cylinder	FWD of #6 Cylinder

To prevent the possibility of undetected crankcase cracks progressing into a crankcase failure, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this A. D., visually inspect the engine crankcase for evidence of cracks. Particular attention during inspection should be given to the upper rear stud area of the number 2 and number 6 cylinders, the magneto pads and in the sections between the cylinder mounting bases.

(1) If no cracks are found, reinspect each 100 hours time in service thereafter, unless replaced by a crankcase described in Table 1.

(2) If cracks are found, proceed to paragraph (c).

(b) Critical (shaded) and non-critical (non-shaded) areas are illustrated in Figures 1, 2 and 3 below.

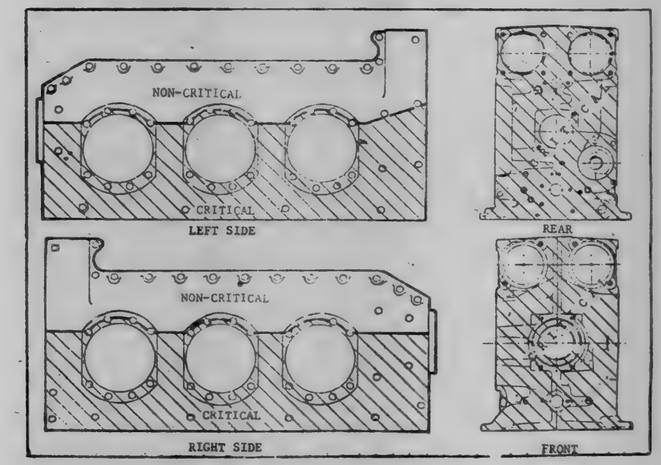

FIGURE 1 IO-520-A, -D, -E, -F, -J, -K, -L
TSIO-520-C, -G, -H

with a small amount of freshly mixed epoxy adhesive such as Locktite brand, "Fast Cure" 3M P/N 1838 B/A, or equivalent, being careful not to allow any epoxy to enter the in-

(2) Reinspect for crack progression and additional cracks within the next fifty (50)

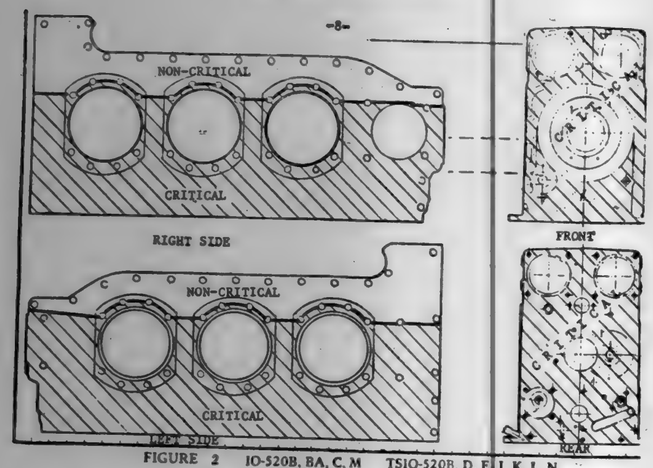

FIGURE 2 IO-520B, BA, C, M TSIO-520B, D, E, J, K, L, N

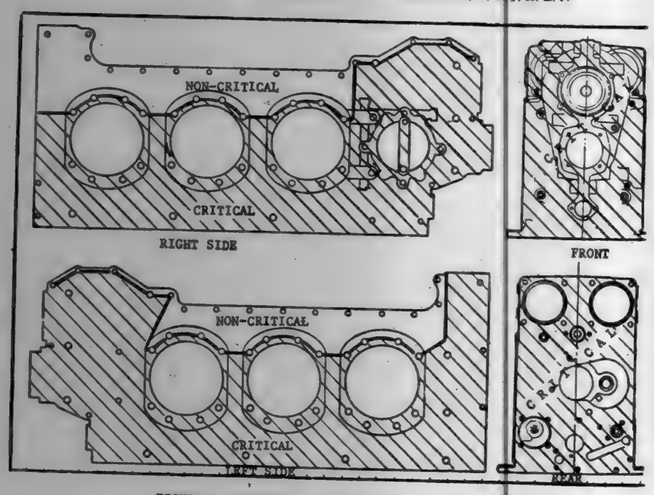

FIGURE 3 CRANKCASE - GTSIO-520-C, -D, -F, and -H

(c) If any crack is observed in the non-critical (non-shaded) area that exceeds two (2) inches in total length or is leaking oil, regardless of length, or if any cracks are observed in the critical (shaded) area, the engine crankcase must be replaced prior to further flight with a serviceable crankcase, except that the engine may be operated on an aircraft which is flown in accordance with FAR's 21.197 and 21.199 to a base where replacement may be accomplished.

(1) If a crack of two (2) inches or less in length is observed in any of the non-critical (non-shaded) areas, the creck extremity may be stop-drilled using a 3/32" drill bit (.0938"). Prior to drilling, identify the end of the crack using the dye penetrant method and locate the hole one-eighth (⅛) inch from the crack extremity. Do not stop-drill the end of any crack which would require the hole to intersect with a cylinder hold-down stud, require the hole to be placed in a heavy fillet area such as that which immediately surrounds the cylinder mount pad, or which would require the hole to be placed in an upper backbone bolt boss. (Cracks in these areas must be scribe marked at their extremities and reinspected at the intervals state in (c)(2) to check for progression.) Stop drill only those cracks which terminate in the crankcase wall sections. Coat the bit with beeswax or modeling clay to retain chips, and operate the drill at the slowest possible speed. Additionally, pressurization of the crankcase with vacuum cleaners outlet air or regulated shop air (not to exceed 5 psi) may be used to help prevent drilling chips from entering the crankcase. Thoroughly clean the immediate area surrounding the newly drilled hole. Fill the hole with a small amount of freshly mixed epoxy adhesive such as Locktite brand, "Fast Cure" Epoxy Adhesive, Locktite P/N 44581 or 3M, "Scotch Weld" brand Structural Adhesive, 3M P/N 1838 B/A, or equivalent, being careful not to allow any epoxy to enter the interior of the crankcase. See Figures 4, 5, and 6 for additional details.

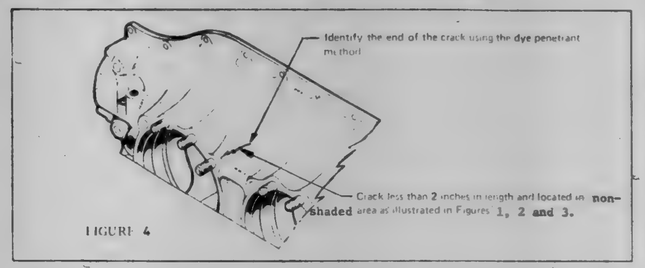

FIGURE 4

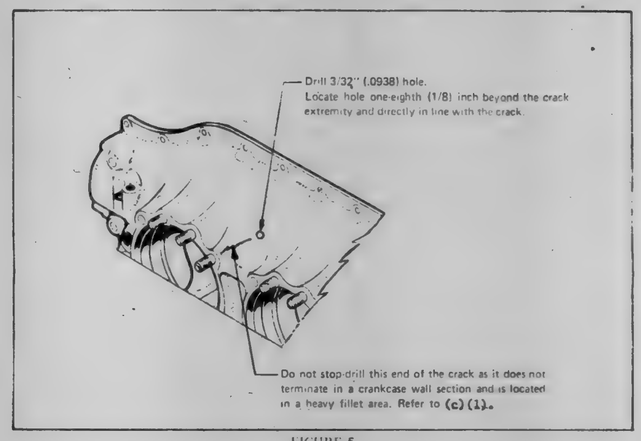

FIGURE 5

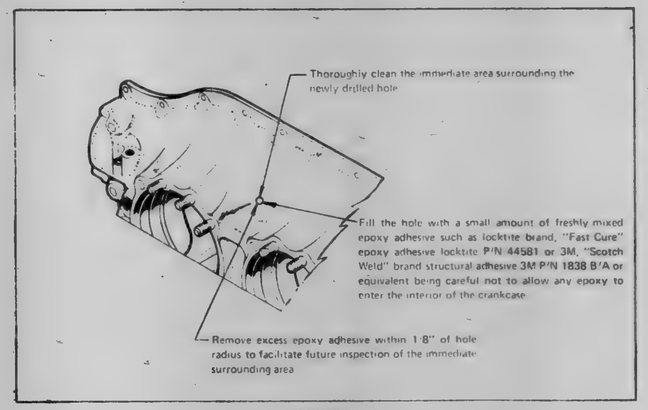

FIGURE 6

(2) Reinspect for crack progression and additional cracks within the next fifty (50) hours time in service. If no crack progression has taken place or no additional cracks are found, continue to reinspect at intervals not to exceed 100 hours time in service, until replace with a crankcase described in Table 1. If further crack progression is noted, or additional cracks are found, repeat Paragraph (c).

(d) In addition to the above inspections, accomplish the following on the Models IO-520-B, -BA, -C, and -M, and TSIO-520-B, -D, -E, -J, -K, -L, and -N engines:

(1) Within the next fifty (50) hours time in service after the effective date of this A.D., inspect the crankcase immediately above the backbone bolts to determine if the crankcase is of the design which incorporates raised backbone bolt bosses (bumps).

(i) If the crankcase incorporates the raised backbone bolt bosses, no further action is required.

(ii) If the crankcase does not incorporate the raised backbone bolt bosses, install Teledyne Continental Motors backbone bolt kit Number EQ 6541 in lieu of the current backbone bolts in accordance with steps (iii) and (iv) below.

(iii) Remove backbone bolts three (3) through ten (10) inclusive (counting from front to rear). *Caution:* Remove no more than two (2) bolts at a time and install replacement bolts prior to removing the next two (2) bolts, etc.

(iv) Install the longer bolts and thicker washers as shown in the instruction drawing included in kit Part Number EQ 6541. Torque to 160 to 180 in.-lbs.

NOTE.—Cracks found in the upper backbone boss area are acceptable; however, if cracks extend down into the crankcase wall, follow procedure outlined in Paragraph (c).

(e) Make a log book entry indicating compliance with applicable portions of this A.D. Include backbone kit installation, if applicable, and engine time in service.

Alternate methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

TCM Service Bulletin M77-14 pertains to this subject.

This amendment becomes effective July 22, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Georgia, on June 23, 1977.

GEORGE R. LA CAILLE,
Acting Director,
Southern Region.

[FR Doc.77-18961 Filed 7-6-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNA-

ments at the beginning of each quarter.

In response to the invitation to comment contained in Export Administra-

Country	Quota

health, or obesity problems. The firm

Unfair, Improper, and Deceptive Induce-

parties to the rulemaking with regard to

V 42 130 JUL 7 77 UMI

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Petroleum and Petroleum Products; Extension of Existing Export Controls With Certain Modifications

AGENCY: Department of Commerce, Office of Export Administration.

ACTION: Final rule.

SUMMARY: These regulations continue the present petroleum export controls, adopt as final the interim regulations relating to exports of petroleum asphalt and paving mixtures, and modify the country quotas for certain naphthas and intermediate oils to reflect the Department's audit of Exporters' Past Participation Statements.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Shepard, Acting Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (telephone: 202/377-4811).

SUPPLEMENTARY INFORMATION: After reviewing the current and prospective petroleum supply/demand situation and consulting with the Federal Energy Administration and other appropriate federal agencies, the Department has determined that controls currently in effect over the export of petroleum and petroleum products are consistent with the national interest and the purposes of the Energy Policy and Conservation Act (Pub. L. 94-163) and that such controls must be continued beyond June 30, 1977. Accordingly, the petroleum export controls, with the modifications contained herein, are continued.

The practice of extending these controls on a quarterly basis is being discontinued for reasons of administrative convenience and the controls will, accordingly, remain in effect until specifically modified or rescinded. However, the continued need for petroleum export controls or for modifications thereof will remain under continuing review by the Department in consultation with other appropriate federal agencies.

The country quotas for Petroleum Commodity Group N[1] (certain naphthas and intermediate oils) are revised to reflect the results of the Department's recent audit of Exporters' Past Participation Statements for that commodity group. Quotas applicable to the export of other petroleum products for each calendar quarter are contained in Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377), and individual exporters will continue to be advised of their quota entitlements at the beginning of each quarter.

In response to the invitation to comment contained in Export Administration Bulletin No. 166 published in the FEDERAL REGISTER on April 7, 1977 (42 FR 18395), only one written comment was received by the Department. This comment, dealing with controls over exports of naphtha solvents, is under consideration and will be discussed in a future regulatory issuance.

No comments having been received regarding the interim regulations relating to exports of petroleum asphalt and paving mixtures published in Export Administration Bulletin No. 166, these regulations are adopted as final without modification.

The requirements for notice of proposed rulemaking and opportunity for comment are waived by the Department (a) Because it has found, under the Energy Policy and Conservation Act, that compliance with such procedures would seriously impair the Department's ability to maintain effective and timely controls over exports of petroleum and petroleum products; (b) because it believes that notice and public comment on the extension of petroleum controls are both impracticable and unnecessary; (c) because Section 8 of the Export Administration Act provides an exemption from such requirements; and (d) as otherwise authorized in 5 U.S.C. 553.

Written comments on the regulations announced herein are solicited on a continuing basis. Interested parties and Government agencies are encouraged to submit written comments, views or data concerning these regulations to the U.S. Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are amended as follows: 1. Those portions of Part 377 and of Supplement No. 2 thereto which contain interim regulations relating to exports of petroleum asphalt and paving mixtures issued in Export Administration Bulletin No. 166 of April 1, 1977 (42 FR 18395, April 7, 1977) are adopted as final regulations.

2. The Country Quotas for Petroleum Commodity Group N[1] in Supplement No. 2 to Part 377 are revised as follows:

Country quotas for group N[1]

[Schedule B Nos. 332.9110; 512.0993; 521.4022; 521.4040; 599.9230 naphtha, naphtha solvents and other intermediate oils only, classified under the schedule B Nos. listed, which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock for petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by the ASTM D1133 test method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.]

Country	Quota	
	Barrels	Pounds
Argentina		70,475
Australia		2,707,524
Belgium	350	
Brazil		6,834,972
Canada	2,019	515,440
Colombia		202,053
Federal Republic of Germany	2,955	636,105
France	348	
Hong Kong	573	51,183
Liberia	362	
Malaysia		273,971
Mexico	1,764	1,097,732
Netherlands	15,647	2,511,302
New Zealand		388,033
Philippines		110,622
Singapore		115,211
South Africa		1,794,390
Switzerland	347	
Thailand		69,347
United Kingdom	26,191	
Venezuela		665,641
All other	802	76,229

[1] Report units of quantity as specified in schedule B

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 11533, 13 CFR 538 (1971), 50 U.S.C. App. 2403 nt. (Supp. IV, 1974), as amended by E.O. 11907, 41 FR 9085 (1976); sec. 103, Pub. L. 94-163, 89 Stat. 877 (42 U.S.C. 6212); sec. 2, E.O. 11912, 41 FR 15825 (1976); sec. 201, Pub. L. 94-258, 90 Stat. 309 (10 U.S.C. 7430); sec. 101, Pub. L. 93-153, 87 Stat. 576 (30 U.S.C. 185); sec. 2, E.O. 11940, 41 FR 43707 (1976); Department Organization Order 10-3, dated Nov. 17, 1975, 40 FR 56876 (1975), as amended; and Domestic and International Business Administration Organization and Function Order 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended.

NOTE.—The Office of Export Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-19304 Filed 7-1-77;3:23 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2893]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Astor-Scott, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair and deceptive acts and practices and unfair methods of competition, this consent order, among other things, requires a Fort Lauderdale, Fla., mail order firm to cease disseminating advertisements which misrepresent the effectiveness of Exogen Vitamin E Oil in improving, treating, relieving or preventing skin,

health, or obesity problems. The firm must also cease disseminating advertisements which misrepresent the composition and efficacy of Phantom Roach Powder, and other insecticides. The order prescribes the circulation of deceptive or unsubstantiated product claims and requires the firm to maintain competent advertising substantiation files.

DATES: Complaint and order issued June 13, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Samuel E. Combs, Director, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree Street NW., Rm. 1000, Atlanta, Ga. 30309 (404-881-4836).

SUPPLEMENTARY INFORMATION: On Monday, April 11, 1977, there was published in the FEDERAL REGISTER (42 FR 18899) a proposed consent agreement with analysis In the Matter of Astor-Scott, Inc., a corporation, and Nelson Torelli, individually and as an officer of the corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entred its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.30 Composition of goods; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170-24 Cosmetic or beautifying; 13.170-39 Durability or permanance; 13.170-46 Insecticidial or repellant; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-68 Preserving; 13.170-70 Preventive or protective; 13.170-76 Rejuvenating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records; 13.533-45(a) Advertising substantiation. Subpart—Disseminating Advertisements, etc. § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590 Composition; § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Dislosure: § 13.1845 Composition; § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper, and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-19315 Filed 7-6-77;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1507—FIREWORKS DEVICES

Confirming Order and Supplementary Findings

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission confirms its final rule banning from interstate commerce firecrackers in excess of 50 milligrams. This confirmation is required under an order of the United States Court of Appeals for the District of Columbia in the case of "National Society for the Prevention of Blindness, et al. v. Consumer Product Safety Commission."[1]

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Norman C. Barnett, 202-634-7770, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION: On June 23, 1977 the United States Court of Appeals for the District of Columbia Circuit issued an order in "National Society for the Prevention of Blindness, et al. v. Consumer Product Safety Commission," Nos. 76-1495, 76-1723, 76-1788, remanding to the Commission the record in rulemaking action "In the Matter of Fireworks Devices;" Docket 74-3, with instructions that the Commission clarify the factual basis for its final rules and take all actions necessary to bring its rules into full statutory compliance.

The Court's order indicates that the Commission's final order was deficient in that the Commission had not issued a final order by a majortiy vote on the decision to ban firecrackers in excess of 50 mg.[2] Subsequent to the issuance of the Court order the two Commissioners who were not members of the Commission on the date of the June 8, 1976 order began taking the necessary steps to inform themselves of the issues, evidence, testimony and the positions of the respective parties to the rulemaking with regard to firecrackers. The full Commission was also briefed on the matter and on June 30, 1977 the Commission met in Executive Session and again voted on the matter. It decided by a 3-2 vote to adopt the tentative decision dated March 4, 1976 as well as the enumerated and supplementary findings of fact and conclusions of law contained therein as the final decision of the Commission. At the same time the Commission also adopted the provisions of the final order dated May 6, 1976 with respect to the rulings on exceptions and the final order.

In its order of June 23, 1977 the Court has also expressed concern regarding finding of fact number 12 of the Commission's tentative decision (41 FR 9523) and the lack of explanation of a contrary ruling by the Commission's administrative law judge. The finding in question is as follows:

12. The nature and degree of the hazards posed by firecrackers containing pyrotechnic composition in excess of 50 milligrams (.772 grains) cannot be remedied through cautionary labeling.

This is basically an ultimate finding required under section 2(q)(1)B, FHSA[3] prior to any banning action. The determination as to whether labeling is adequate is generally a subjective determination and varies with the hazard posed by a product.

In the present case the administrative law judge recommended that labeling in addition to certain other requirements would provide adequate safety for some firecrackers. He also found labeling inadequate for certain other firecrackers. Specifically he recommended that blackpowder firecrackers up to 2 grains pyrotechnic composition and flashpowder firecrackers up to 1.2 grains of pyrotechnic composition would be safe if such firecrackers included a visibly burning fuse and included certain specific cautionary labeling. Although unstated, this recommendation, by necessity requires the conclusion that all flashpowder firecrackers in excess of 1.2 grains and up to 2 grains (permitted prior to the current regulation) were not capable of adequate cautionary labeling to protect against the hazards presented. The Commission in its tentative decision rejected the administrative law judge's recommendations insofar as they were applicable to blackpowder firecrackers on the ground that the evidence did not demonstrate those firecrackers to be any safer than flashpowder firecrackers. (See 41 FR 9519). The 1.2 flashpowder recommendation was rejected because it was not shown to be a common production unit and was based on a single staged demon-

[1] Copies of the complaint, and the decision and order filed with the original document.

[2] The Court's remand order did not effect any of the other provisions of the Commission's order of June 8, 1976 (41 FR 22932, et seq.).

[3] The necessity of making a finding concerning the inadequacy of cautionary labeling is largely due to the evolution of the FHSA. The law originally only applied to cautionary labeling for hazardous substances. The act was amended in 1966 to allow for a ban of those substances for which cautionary labeling was deemed inadequate to protect the public health and safety.

stration at the hearings. 41 FR 9519. Also, the Commission rejected the rec-

adequate to remedy the misuse problem. Those suggested warnings that are pri-

the Commission has found sufficiently hazardous to ban from the channels of

ACTION: Final regulations.

954 to the definition of the same term contained in §§ 1.864-4(c)(5)(i)[1] and

change, acceptances, or other evidences of indebtedness,

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stration at the hearings. 41 FR 9519. Also, the Commission rejected the recommendation on the fusing requirement on the ground that the evidence did not demonstrate that the visibly burning fuse was available or would work in firecrackers. See 41 FR 9519, 9520.

The Commission was also concerned with the special labeling recommended by the administrative law judge in that it was not based on any expert psychological evidence and was possibly procedurally deficient in that it had not been proposed in the original regulation (41 FR 9522). The Commission did agree to adopt the administrative law judge's labeling recommendations to the extent that they complied with the statutory labeling requirements of section 2(p), FHSA and regulations issued thereunder. 41 FR 9522.

It is apparent from the report of the administrative law judge on firecrackers that his recommendation was not based solely on the ground that labeling was adequate, but that labeling in addition to the blackpowder, visibly burning fuse and reduction of flashpowder were adequate. As indicated above the underpinnings of the recommendation with respect to blackpowder, 1.2 grains of flashpowder[3] and the visibly burning fuse provision were simply not supported by sufficient evidence to be included as mandatory Federal safety requirements.

The Commission also believes that cautionary labeling standing alone, either that suggested by the administrative law judge or other potential label warnings are not adequate to protect the public from the hazards posed by firecrackers over 50 mg. The administrative law judge was of the view that proper supervision and education particularly by children along with specific labeling and his other recommendations would reduce the hazards posed by firecrackers. While the Commission does not disagree that proper supervision and education can to some degree reduce fireworks injuries, the overwhelming evidence of record indicates that firecracker injuries are caused by misuse and indeed abuse, particularly by children. The Commission obviously has no power to deal with problems of parental supervision and education. However, it cannot ignore the natural tendencies of children and their attraction to firecrackers which is poignantly depicted in the record of this case. The Commission simply sees no practical way in which labeling can be structured so as to prevent misuse of firecrackers by children. The suggestions by the administrative law judge that labels include various warnings[4] do not appear to be adequate to remedy the misuse problem. Those suggested warnings that are primarily directed to adults will not solve the problem with respect to children. Moreover, it is unrealistic to believe that children will not obtain and misuse firecrackers. The overwhelming evidence of record as well as common experience suggests otherwise. The fact that warnings are ignored by children is further demonstrated from the fact that firecrackers have included cautionary labeling which is similar to that suggested by the administrative law judge for several years under the statutory labeling requirements of section 2(p), FHSA and yet injuries to children from misuse persist.[5] As the foregoing demonstrates the Commission is of the view that cautionary labeling is inadequate to reduce the hazard posed by firecrackers in excess of 50 mg.

As a result of the Court's determination regarding the validity of the Commission's June 8, 1976 order, the Commission is concerned about the effective date of its ban on firecrackers containing pyrotechnic composition in excess of 50 mg. Since the Court did not specifically set the Commission's banning order aside, it is believed that the ban remains in effect. To eliminate any question concerning the effective date as a result of the Court's June 23, 1977 order, the Commission believes that emergency conditions exist within the meaning of section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e) requiring the ban to be effective immediately. In this regard there is no reason at this time to permit a 90-day lead period prior to the effective date of the regulation. All parties as well as the general public have been on notice for over a year (since June 8, 1976) of the ban on 50 mg. firecrackers. In its June 8, 1976 order the Commission not only permitted the 90-day statutory lead period but also extended the period for an additional 90 days to allow for an orderly and enforceable transition to the new regulation. Any further delay in the effective date at this time would not further the statutory purpose of the 90-day lead provision. More importantly, however, since the peak period for sale of fireworks, the Fourth of July season, is now in progress, there is a potential for large scale sales of firecrackers in excess of 50 mg., which the Commission has found sufficiently hazardous to ban from the channels of interstate commerce, unless the Commission takes the necessary steps to make the ban effective immediately. Accordingly, the Commission finds that emergency conditions exist within the meaning of section 701(e) so as to warrant an immediate effective date for the ban on firecrackers in excess of 50 mg.

FINDINGS OF FACT

Pursuant to the requirements of section 701(e), FFDCA, (21 U.S.C. 371(e)) and 21 CFR 2.98 the Commission adopts and incorporates herein as its final decision findings of fact numbered 9–11, 14–16, 18–21 and supplementary findings thereto of the Commission's tentative decision, 41 FR 9516–9523, and supplementary findings contained herein.

CONCLUSION OF LAW

Pursuant to the requirements of section 701(e), FFDCA, (21 U.S.C. 371(e)) and 21 CFR 2.98, the Commission adopts and incorporates herein as its final decision conclusion of law numbered 5 of the Commission's tentative decision, 41 FR 9524.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(q)(1)(B), 2(q)2, 3(b), 74 Stat. 374–375 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262), the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; (21 U.S.C. 371(e)), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a)), Subchapter C of Title 16, Chapter II is amended by amending §§ 1500.14, 1500.17, 1500.85, and by revising Part 1507 as set forth at 41 FR 22934.

(Secs. 2(q)(1)(B), 2(q)(2), (3)(b), 74 Stat. 374–375 as amended, 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262); sec. 701(e), 52 Stat. 1055 as amended (21 U.S.C. 371(e)); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a)).)

Effective date: This order is effective June 30, 1977.

Dated: June 30, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19202 Filed 6-30-77;6:07 pm]

[3] The decision of the Commission in the tentative order and adopted herein not to ban firecrackers under 50 mg. of powder is based on reasoning similar to the rationale of the administrative law judge on flashpowder firecrackers, namely that a reduction in powder content would reduce the hazard.

[4] The warnings recommended by the administrative law judge include:

Danger—misuse may cause serious injury.
Attach firecracker string to pole, light fuse and slowly lower into wire basket or cage away from spectators.
For use only by adults or under close adult supervision. Do not hold in hand—light fuse—throw on ground away from spectators—get away.

[5] The cautionary labeling used in firecrackers pursuant to section 2(p) reads as follows:

Caution—explosive.
Do not hold in hand.
Lay on ground—light fuse.
Get away.
Use only under adult supervision.
See Exhibit S.C. 51.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7497]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Definition of Banking, Financing, or Similar Business of Controlled Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the definition of a banking, financing, or similar business of a controlled foreign corporation. The definition has been changed to achieve substantial uniformity with other regulations that define the same terms. These regulations affect United States shareholders of controlled foreign corporations.

DATE: The regulations are effective generally for taxable years of United States shareholders of controlled foreign corporations ending after December 31, 1962.

FOR FURTHER INFORMATION CONTACT:

Karl P. Fryzel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On Tuesday, January 7, 1975, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 954 of the Internal Revenue Code of 1954, 40 FR 1250. The amendments were proposed in order to revise the definition of a banking, financing, or similar business of a controlled foreign corporation. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

STATUTE

Section 954(c)(3)(B) of the Code provides that foreign personal holding company income of a controlled foreign corporation does not include dividends, interest, or gains from the sale or exchange of stock or securities if such dividends, interest, or gains are derived in the conduct of a banking, financing, or similar business. Section 954(c)(4)(B) of the Code provides further that foreign personal holding company income does not include interest received in the conduct of a banking, financing, or similar business from a related person engaged in such a business if the businesses of the recipient and payer are predominantly with unrelated persons.

PRIOR REGULATION

Section 1.954–2(d)(2)(ii) of the Income Tax Regulations defines the term "banking, financing, or similar business" for purposes of determining foreign personal holding company income. This definition is also used as a cross-reference in § 1.954–2(e)(2) of the Income Tax Regulations.

CHANGES

To achieve more uniformity among the definitions of similar terms in the Code, these proposed amendments conform the existing definition under section 954 to the definition of the same term contained in §§ 1.864–4(c)(5)(i) and 1.904–4(c) of the Income Tax Regulations.

NEW RULE

The proposed rule in § 1.954–2(d)(2)(ii)(G) relating to the carrying on of certain underwriting activities has been changed. The new rule includes those underwriting activities in which no stock, debt obligations, or other securities are purchased, such as the offering of such securities in connection with a public distribution thereof, or participation in any such undertaking.

DRAFTING INFORMATION

The principal author of this regulation was Karl P. Fryzel of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph (d)(2)(ii) as set forth in the appendix to the notice of proposed rule making is changed by revising (G). This revised provision to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805).))

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: June 30, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

§ 1.954–2 Foreign personal holding company income.

* * * * * * *

(d) *Certain income received from unrelated persons in the active conduct of a trade or business.* * * *

(2) *Dividends, interest, and gains on securities, received in banking or other financing business from unrelated persons.* * * *

(ii) *Definition of banking, financing, or similar business.* A controlled foreign corporation will be considered to be engaged in the conduct of a banking, financing, or similar business for purposes of this subparagraph if it is engaged in business, whether in the United States or in a foreign country or possession of the United States, and the activities of that business consist of any one or more of the following activities carried on in transactions with persons situated within or without the United States—

(A) Receiving deposits of money from the public,

(B) Making personal, mortgage, industrial, or other loans to the public,

(C) Purchasing, selling, discounting, or negotiating for the public on a regular basis, notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness,

(D) Issuing letters of credit to the public and negotiating drafts drawn thereunder,

(E) Providing trust services for the public,

(F) Financing foreign exchange transactions for the public, or

(G) Purchasing stock, debt obligations, or other securities from an issuer or holder with a view to the public distribution thereof; or offering or selling stock, debt obligations, or other securities for an issuer or holder in connection with the public distribution thereof, or participating in any such undertaking. Although the fact that the controlled foreign corporation is subjected to the banking and credit laws of a foreign country or possession of the United States shall be taken into account in determining whether it is engaged in the conduct of a banking, financing, or similar business in that country or possession, the character of the business actually carried on during the taxable year therein shall determine whether it is conducting a banking, financing, or similar business therein. A controlled foreign corporation which acts merely as a financing vehicle for borrowing funds for its parent corporation or a related person, as defined in paragraph (e)(1) of § 1.954–1, shall not be considered to be engaged in the conduct of a banking, financing, or similar business. If, in addition to conducting a banking, financing, or similar business, a controlled foreign corporation carries on other business activities, for example, the business of selling or manufacturing goods or merchandise from which it realizes income, gain, or loss, only those dividends, interest, and excess of gains over losses from sales or exchanges of stock or securities, derived in the conduct of the banking, financing, or similar business shall be excluded from foreign personal holding company income of the controlled foreign corporation under section 954(c)(3)(B).

(iii) *Incidental income.* If securities or shares of stock are acquired as an ordinary and necessary incident to the conduct of a banking, financing, or similar business, as defined in paragraph (d)(2)(ii) of this section, the dividend and interest income from, and the excess of gains over losses from sales or exchanges of, such securities or stock will be considered to be derived in the conduct of a banking, financing, or similar business for purposes of this subparagraph but only so long as the retention of such property remains an ordinary or necessary incident to the conduct of such business. Thus, the acquisition of a security or stock acquired as the result of, or in order to prevent, a loss in a banking, financing, or similar business upon a loan contracted in the ordinary course of such business will be considered ordinary and necessary to the conduct of such business, but dividends, interest, gain, or loss on such security or stock will be considered derived or incurred

in the conduct of a banking, financing, or similar business only so long as the

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propelled electric face equipment, including shuttle cars.

* * *" in lower mining heights, particu-

Comments were made during the

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in the conduct of a banking, financing, or similar business only so long as the holding of such security or stock remains an ordinary and necessary incident to the conduct of such business. The term "security," as used in this subdivision, means any bill, note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

* * * * *

(e) *Certain income received from related persons.* * * *

(2) *Interest received in banking, financing, or similar business from a related person.* Foreign personal holding company income of a controlled foreign corporation does not include interest received in the conduct of a banking, financing, or similar business if such interest is received from a related person, as defined in paragraph (e)(1) of § 1.954–1, if the related person is engaged in the conduct of a banking, financing, or similar business, and if the business of the recipient and the payer are predominantly with unrelated persons, as defined in paragraph (e)(2) of § 1.954–1. See section 954(c)(4)(B). For purposes of the subparagraph, the businesses of the recipient and the payer of interest will be considered to be predominantly with unrelated persons for a taxable year if both the recipient and the payer each receive more than 70 percent of their gross income for the taxable year from unrelated persons. Determinations as to compliance with such 70-percent test shall be made for the taxable year of the controlled foreign corporation in which the interest is received and for the taxable year of the related person in which the interest is paid. The rules provided in paragraph (d)(2) of this section shall apply under this subparagraph for purposes of determing whether a person is engaged in the conduct of a banking, financing, or similar business and whether interest is received in the conduct of such business. The application of this subparagraph may be illustrated by the following example:

Example. Controlled foreign corporation M is organized under the banking laws of foreign country X. M's sole business activity consists of transactions with the public in which it receives deposits of money and makes loans. In 1974, in the conduct of its banking business M receives 5 percent of its gross interest income from payments made in such year by foreign corporation N, a related person incorporated under the laws of foreign country Y. Both M and N use the calendar year as the taxable year. For 1974, N is engaged in the conduct of a financing business. M and N each derive more than 70 percent of their gross income for 1974 from unrelated persons. Interest income of M received from N in 1974 is excluded from M's foreign personal holding company income under section 954(c)(4)(B).

* * * * *

[FR Doc.77–19284 Filed 7–6–77;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Installation of Canopies or Cabs

AGENCY: Mining Enforcement and Safety Administration, Interior.

ACTION: Indefinite suspension of time periods.

SUMMARY: The dates of July 1, 1977, and July 1, 1978, specified in §§ 75.1710–1(a)(5)(ii) and 75.1710–1(a)(6), respectively, for the installation of canopies or cabs on self-propelled electric face equipment used in underground coal mines where mining heights are less than 30 inches (actual height from bottom to top less than 42 inches) are suspended indefinitely pending development of technology for cab and canopy compartment configuration to resolve human engineering problems.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph O. Cook, Deputy Assistant Administrator—Coal Mine Health and Safety, Room 818, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1140.

SUPPLEMENTARY INFORMATION:

DRAFTING INFORMATION

The primary authors of this document are: Mr. John McCormick, Chief of Division of Safety Technology, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, Phone: 412–892–2400, Ext. 379, and Mr. Robert H. McPhillamey, Assistant Solicitor, Coal Mine Health and Safety, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, Phone: 703–235–1157.

In accordance with the provisions of section 317(j) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 877(j)) and pursuant to the authority under section 101 of the Act, there was published in the FEDERAL REGISTER for October 3, 1972 (37 FR 20689), mandatory safety standards contained in 30 CFR 75.1710–1 pertaining to the installation of canopies or cabs on self-propelled electric face equipment. These mandatory standards were made effective on January 1, 1973. Time periods for operators to design and install substantially constructed canopies or cabs based upon the mining height were prescribed in §§ 75.1710–1(a)(1) through (a)(6).

As required by section 101(g) of the Act, the Secretary of the Interior made findings of fact which were also published on October 3, 1972, which reflected the need for canopies or cabs on self-propelled electric face equipment, including shuttle cars.

In addition to finding that there was a need for canopies and cabs it was also recognized that human engineering problems remained in mining heights less than 72 inches and that these problems might affect the timetables for canopy or cab installation.

In the interim between October, 1972, and June, 1976, considerable research and study had been performed by the Bureau of Mines, the Mining Enforcement and Safety Administration (MESA), coal mine operators and manufacturers of mining equipment. The results of these efforts, as well as experience gained in the course of MESA enforcement, indicated that practical technology was available to design and construct a substantial canopy or cab for all mining heights.

It was found, however, that in lower mining heights, particularly those below 30 inches, certain human engineering problems had not been fully solved. While these problems varied depending upon the particular mining equipment, they included impaired operator vision, and operator cramping and fatigue. Because of these unsolved engineering problems the Secretary determined that certain dates should be extended on and after which coal mines having specific mining heights must install canopies or cabs. The action was considered necessary in order to permit development of additional technology on canopy or cab design, in conjunction with accomplishing equipment design changes to adapt canopies or cabs.

Therefore, on Wednesday, June 9, 1976, the Secretary published in the FEDERAL REGISTER (41 FR 23199) a notice extending the time periods for installation of canopies or cabs in coal mines having certain specified mining heights. The time periods were extended as follows:

(1) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(2) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(3) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

Thus, as presently written, cabs or canopies will be required on July 1, 1977, in coal mines having mining heights of 24 inches but less than 30 inches (actual height from bottom to top of 36 inches, but less than 42 inches), and on July 1, 1978, in coal mines having mining heights less than 24 inches (actual height from bottom to top of less than 36 inches).

As stated in the FEDERAL REGISTER for June 9, 1976, this action was considered necessary "* * * in order to permit development of additional technology on cab or canopy design in conjunction with accomplishing equipment design changes to adapt canopies or cabs * * *" in lower mining heights, particularly those below 30 inches.

Subsequent to the amendments made on June 9, 1976, to §§ 75.1710–1 (a)(5) and (a)(6) and in order to evaluate the effect of those amendments and to keep abreast of the general progress in the installation of cabs and canopies on electric face equipment, the Administrator, MESA, in November, 1976, directed that MESA personnel update a study which had been made of compliance experience in all mining heights. In addition, he established a Joint Industry, Government, Labor Committee to study possible solutions to the problems being encountered, particularly with respect to those related to human engineering in mining heights less than 30 inches.

The results of the compliance study indicate that considerable progress has been made in meeting the requirements of the standards, except in mining heights less than 30 inches. Of 12,910 pieces of equipment reported to be affected by the requirements in mining heights of 36 inches and above (actual height from bottom to top of 48 inches or more) 9,631 pieces of equipment (approximately 75 percent) were in compliance with the standards. In mining heights of 30 inches or more, but less than 36 inches (actual height from bottom to top of 42 inches, but less than 48 inches) 581 of 2,137 pieces of equipment required to meet the standards were reported to be in compliance (approximately 27 percent). Compliance in mines with mining heights below 30 inches (actual height from bottom to top of less than 42 inches) was negligible.

This study also revealed that cabs or canopies continue to have a tremendous impact on the reduction of injuries or fatalities involving operators of self-propelled electric face equipment, including shuttle cars. Reports indicate that from 1974 through 1976, at least 111 equipment operators have been saved from certain death or serious injury because a cab or canopy protected the operator from falls of roof, face, or rib. Sixty of these "saves" occurred during 1976. Moreover, an analysis of haulage fatalities indicates that the number of equipment operators killed due to being pinned, squeezed, or crushed against the roof, rib, or other equipment, and dislodged posts have also been significantly reduced.

Meetings of the Joint Industry, Government, Labor Committee revealed that considerable new technology has been developed and is being applied successfully in mining heights of 30 inches and above (actual height from bottom to top of 42 inches and above). However, because of lack of communication within the industry, many were not aware of these developments. It was also apparent that even though existing technology might be applicable to some equipment used in mining heights below 30 inches (actual height from bottom to top of less than 42 inches), substantial amounts of existing equipment could not be retrofitted and brought into compliance at this time.

Comments were made during the course of the Joint Committee meetings concerning the fact that equipment design changes necessary to adapt canopies or cabs had not been developed in conjunction with the technology on cab and canopy design, particularly with regard to machines to be used in the lower mining heights. As a result, mine operators have been forced to attempt to retrofit new equipment, which in many cases involves major changes and alterations in the design of the operator's compartment and the machine to resolve human engineering problems. To meet and correct this situation, NESA is developing specifications for cab and canopy compartment configuration for new mining equipment pursuant to section 318(i) of the Federal Coal Mine Health and Safety Act of 1969. These regulations and specifications, when completed, will be processed and promulgated in accordance with section 101 of the Act.

Operators are advised that although the dates for compliance specified in §§ 75.1710–1(a)(5)(ii) and 75.1710–1(a)(6) are suspended the authority provided in the statutory standard § 75.1710 [Sec. 317(j) of the Act] will be utilized to the fullest extent possible consistent with the technology, designs, and human engineering developed and available from time-to-time for mining heights below 30 inches. Section 75.1710 provides as follows:

§ 75.1710 Canopies or cabs; electric face equipment

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

Because of the increased compliance and resulting benefits in terms of lives saved and injuries prevented by installation of canopies or cabs on mining equipment used in mining heights of 30 inches or more (actual height from bottom to top of 42 inches or more), the Secretary has determined that the requirements contained in § 75.1710–1(a)(1), (2), (3), (4), and (5)(i) shall remain in effect and will continue to be enforced.

In view of the foregoing circumstances and determinations and in accordance with 5 U.S.C. 553(b) it is found that notice and public procedure are impracticable and unnecessary, and in accordance with 5 U.S.C. 553(d)(1) publication for not less than 30 days before the effective date is not required.

Therefore, the dates of July 1, 1977, and July 1, 1978, provided in §§ 75.1710–1(a)(5)(ii) and 75.1710–1(a)(6), respectively, are hereby indefinitely suspended effective July 1, 1977.

Dated: June 30, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77–19335 Filed 7–6–77;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1800—ORGANIZATION, ACTIVITIES, AND GENERAL STATEMENTS OF POLICY

AGENCY: Defense Civil Preparedness Agency (DCPA), Department of Defense.

ACTION: Final rule.

SUMMARY: Sections 1800.1–1800.8 provide an informative, current description, for the information of the public, of where, how, and by what authority DCPA performs its functions. This is provided so that the public may deal effectively with DCPA. DCPA is principally engaged in the furnishing of financial and technical assistance and guidance to State governments and to local governments, in most cases through the States. The assistance is provided so that these governmental units may develop comprehensive civil defense preparedness. Normally, individuals are not the direct, immediate beneficiaries of DCPA assistance. However, DCPA publications usually can be obtained by anyone on request (32 CFR 1800.7).

Section 1800.20 describes the use of Civil Preparedness Guides and Circulars as methods of presenting civil defense policy and operational guidance to governmental officials and the public.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Walter A. Girstantas, Assistant Director, Administrative Services Directorate, The Pentagon, Room 1D487, Washington, D.C. 20301, phone 202–695–3402.

SUPPLEMENTARY INFORMATION: Subpart A is designed to respond to 5 U.S.C. 552(a)(1)(A) and (B) which provide that each agency shall separately state and currently publish in the FEDERAL REGISTER for the guidance of the public a description of its organization and the methods by which it conducts its functions. The Administrative Conference of the United States recommends (1 CFR 305.76–2) that these descriptions be preserved in the Code of Federal Regulations.

Subpart B of Part 1800 is designed to respond to the requirement of 5 U.S.C. 552(a)(1)(D), which provides that agencies separately state and currently publish in the FEDERAL REGISTER for the guidance of the public the substantive rules and statements of general policy or interpretations which it has formulated or adopted. Other parts of Chapter XVIII of this title contain a number of substantive rules applicable to specific DCPA programs and particular rules which are to be applied in carrying out these programs. Subpart B of Part 1800 sets out statements of general policy applicable to DCPA programs and certain rules interpreting requirements or provisions common to these programs. The Administrative Conference of the United States also recommends that agencies

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should take necessary measures to assure the publication in the FEDERAL REGISTER of these statements.

DCPA is a component of the Department of Defense and, for purposes of the Administrative Procedure Act, is an agency (see 32 CFR Part 296.6). Under authority in the Federal Civil Defense Act delegated to the Secretary of Defense by Executive Order 10952 of July 20, 1961, and redelegated to the Director, DCPA, in 37 FR 18636, and in accordance with other authority delegated in 37 FR 18636, the Director has authority to prescribe rules and regulations to carry out the purposes of the Federal Civil Defense Act.

In view of the above, DCPA plans to amend Chapter XVIII of Title 32, CFR, which deals with civil defense regulations. Subpart A will provide the codified organization and functions description and Subpart B will provide a convenient part for publication of general policy statements in the future. One of these is published. Section 1800.20 describes a practice by which DCPA publishes, through its publications channels, guidance and information to Federal, State and local officials to be used in connection with civil defense programs.

As the matter published below relates solely to rules of agency organization, procedure and practice, it is determined that notice and public procedure are unnecessary and the part shall become effective immediately.

This document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11321, as amended, and OMB Circular A-107.

32 CFR Chapter XVIII is amended by adding a new Part 1800 as follows:

Subpart A—Organization, Activities, and Delegations of Authority

1800.1 Establishment and location.
1800.2 Mission.
1800.3 Activities.
1800.4 Headquarters organization.
1800.5 Field organization.
1800.6 Delegations of authority.
1800.7 Sources of information
1800.8 Submittals, requests, and decisions

Subpart B—Statements of General Policy and Interpretive Rules

1800.20 Civil preparedness guides and circulars.

Appendix A—Field Organization Addresses

AUTHORITY: The provisions of this Part 1800, Subpart A issued under 5 U.S.C. 552(a); 32 CFR 296; 50 U.S.C. App 2251–2297; Executive Order 10952, 3 CFR 1959–1963 Comp., p. 479; DOD Directive 5105.43; 37 FR 18636. Executive Order 11795, 39 FR 25939.

Subpart A—Organization, Activities, and Delegations of Authority

§ 1800.1 Establishment and location.

(a) The Defense Civil Preparedness Agency (DCPA) was established by direction of the Secretary of Defense as a separate agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense. The Director of DCPA reports directly to the Secretary of Defense.

(b) DCPA consists of a Director, who operates and controls the activities and facilities of DCPA and specifies the organizational structure and functional assignments, a Deputy Director, a headquarters establishment, regional offices, and other subordinate facilities described herein.

(c) DCPA headquarters is located at the Pentagon, Washington, D.C. 20301. Phone 202-697-4484. Regional offices and other subordinate facilities are located as described in Appendix A.

§ 1800.2 Mission.

The mission of DCPA is to discharge and perform the civil defense functions delegated to the Secretary of Defense by the President. Its efforts and operations are designed to provide, in accordance with the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App 2251 et seq.), Executive Order 10952 of July 20, 1961 and Executive Order 11795 of July 11, 1974, an effective and viable national civil defense program to minimize the effects on the United States of an enemy attack.

§ 1800.3 Activities.

(a) DCPA, working as necessary or appropriate through other agencies as well as State and local leaders, is responsible for the development and execution of:

(1) A shelter program including evacuation and movement to shelter;

(2) A radiological fallout warfare defense program;

(3) Steps to warn the population of enemy attack upon the United States;

(4) All functions pertaining to civil defense communications, including an appropriate warning network and radiological monitor reporting capability;

(5) Emergency assistance to State and local governments in a postattack period.

(6) Protection and emergency operational capability of State and local government agencies in keeping with plans for the continuity of government;

(7) Programs for making financial contributions to the States for civil defense purposes;

(8) Plans and the operation of systems to undertake a nationwide postattack assessment of the nature and extent of the damage resulting from enemy attack and the surviving resources;

(9) Arrangements for the donation of Federal surplus property for civil defense purposes. (This function terminates October 17, 1977).

(10) Use of a civil defense communications system for warning the affected population of impending natural disasters;

(11) Planning assistance to State and local governments in connection with adaptation and use of preparedness plans and capabilities to other than enemy caused disasters.

(12) Supporting programs including training and education, research and development, emergency public information, participation by industry and national organizations, and foreign civil defense liaison.

(b) The organizational structure for civil defense is to be effectively utilized, without adversely affecting the basic civil defense objectives, to provide relief and assistance in areas of the United States struck by disaster other than disasters caused by enemy attack.

§ 1800.4 Headquarters organization.

(a) *Director.* (1) The authority to operate and control the activities and facilities of DCPA, and to discharge and perform the civil defense functions delegated to the Secretary of Defense pursuant to Section 1 of Executive Order 10952, July 20, 1961, "Assigning Civil Defense responsibilities to the Secretary of Defense and others," has been further delegated to the Director, Defense Civil Preparedness Agency. Also, the authority to discharge and perform the disaster warning function delegated to the Secretary by section 1(c), Executive Order 11575, has been redelegated to the Director.

(2) The Director is assisted by the Deputy Director and by the headquarters establishment described herein. Formal delegations of authority to members of the staff are described in § 1800.6.

(3) In the absence of the Director, the Deputy Director exercises and discharges the functions of the Director.

(b) *Assistant Director, Administrative Services Directorate.* The function is to assist the Director in the internal administration of DCPA, including that relating to procurement of materials, supplies, equipment, and services and providing data automation support.

(c) *Comptroller.* The function is to administer the performance of programming and financial management functions of DCPA, including planning, programming, budgeting, distribution, and use of financial resources; progress and statistical reporting and analysis, financial accounting services and field audit and internal review services.

(d) *Assistant Director, Information Services Directorate.* The function is to plan, develop, and disseminate all types of materials for informing the general public, government officials, and special audiences about the civil defense program, and to plan, develop and disseminate industrial preparedness guidance.

(e) *Assistant Director, Research Directorate.* The function is to plan and direct continuing research and development in civil defense techniqtes.

(f) *Assistant Director, Plans and Operations Direc orate.* The function is to develop plans and procedures for implementation, through the Regional Directors, of overall concepts, guidance, planning and direction of activities in areas of State and local planning and operations, develop guidance and procedures for nuclear civil protection planning, State and local financial assistance, operation and maintenance of shelters, and emergency operating centers; operate national warning and radiological monitoring systems; develop guidance and procedures for development and dissemination of information and instruction in emergencies; coordinate assignment

of military reservists assigned to civil defense activities, and manage a continuing program to maintain a readiness capability for DCPA to continue to operate in emergency conditions.

§ 1800.5 Field organization.

(a) *Regional Directors, DCPA Regions.* The function is, with respect to the respective region and the States therein, as outlined in Appendix A, to implement the policies, programs, and procedures of DCPA in support of National Program Objectives, to furnish leadership and guidance to the States, localities, and Federal agency offices in the region, evaluate progress in the development of civil defense programs, and administer and operate the regional facility.

(b) *Director, DCPA Staff College.* The function is to educate and train selected federal, State and local officials to enhance their professional competence in planning, developing and coordinating civil defense activities, and to serve as overall program coordinator for the DCPA training and education program.

(c) *Director, Computer Center.* The function is to develop, implement and operate all automatic data processing systems in support of DCPA programs and to operate and maintain DCPA equipment for this purpose.

§ 1800.6 Delegations of authority.

Pursuant to the authority granted, the Director, DCPA, by this section, redelegates certain of his authority. Other than those dealing with internal management matters not of interest to the general public, the redelegations to DCPA officials or, in their absence, the persons acting for them, are set out herein. Exercise of this redelegated authority is subject to the direction, control, and authority of the Secrtary of Defense and the Director, Defense Civil Preparedness Agency, and is to be in accordance with law and Federal agency regulations applicable to DCPA programs and assistance, DCPA regulations, DoD policies, directives, and instructions. Except as otherwise provided herein, or as is limited by law, directive, regulation or prior delegation, the powers and authorities delegated may be further redelegated in writing.

(a) *Assistant Director, Administrative Services Directorate.* Power and authority, including the taking of final action required in the administration and operation of DCPA with respect to the following described matters:

(1) Invitational travel to persons serving DCPA without compensation;

(2) Property management and accountability;

(3) Records management;

(4) Procurement of materials, supplies, equipment, and services and the making of necessary findings and determinations with respect thereto.

(b) *Comptroller.* Power and authority, including the taking of final action as is required in the administration and operation of DCPA with respect to the following described matters:

(1) Allotment and control of funds or appropriations made available to the Defense Civil Preparedness Agency within apportionments including, without limitation, certification of reports of obligations and preparation of requests for apportionments;

(2) Post auditing and correction of any transaction or agreement of the Defense Civil Preparedness Agency involving the receipt or payment of funds;

(c) *Regional Directors.* Power and authority, with regard to the respective region, including the taking of final action as is required in the administration and operation of DCPA with regard to the following described matters:

(1) Approval, disapproval, modification or amendment of requests from the States related to financial contributions for civil defense materials and facilities and personnel and administrative expenses pursuant to sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

(2) With respect to Federal surplus personal property, determination, on an individual case basis, of surplus property which does not so appear in the representative lists of categories of property (presently known as the "U&N" list and contained in Civil Preparedness Guide 1-3) to be usable and necessary for the civil defense program of a specific proposed donee for the purposes of donation under the Federal Property and Administrative Services Act of 1949, as amended.

(3) With respect to Federal surplus personal property donated for civil defense purposes under section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 494(j), and having an original single item acquisition cost to the United States of two thousand five hundred dollars ($2,500) or more but less than one hundred thousand dollars ($100,000), subject to the disapproval of the Administrator of General Services within 30 days after notice to him of any action to be taken—(i) Determining and enforcing compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such property was transferred;

(ii) Reforming, correcting, or amending any such instrument; and

(iii) Granting releases from any of the terms, conditions, reservations, and restrictions contained in, and releasing to the donee any right or interest reserved to the United States by such instrument, if the Regional Director determines that the property so transferred no longer serves the purpose for which it was donated or that the release will not prevent accomplishment of such purpose: *Provided*, That any such release may be granted on, or made subject to, such terms and conditions as the Regional Director shall deem necessary to protect or advance the interests of the United States.

(4) Procurement of materials, supplies, equipment, and services, including the making of necessary findings and determinations with respect thereto for the following DCPA programs for the States:

(i) Radiological System Maintenance (RSM);

(ii) National Communications System (Radio) Agreements (NACOM II) or Civil Defense National Radio System (CDNARS) Agreements;

(iii) State Training Seminars (STS);

(iv) Nuclear Civil Protection Planning Contracts (NCP);

(v) Regional Training Program;

(vi) Shelter Survey and Marking; and

(vii) On a case-by-case basis, Emergency Broadcast Station Protection Program (EBS).

(5) Procurement of supplies and services other than personal for civil defense purposes not in excess of $10,000 per order from governmental or nongovernmental sources. Established government sources shall be utilized to the maximum extent possible in the procurement of supplies and services.

(6) Issuance of U.S. Government Bills of Lading not to exceed $2,500 per order; arranging for and acquiring through General Services Administration of space and facilities for regional and field offices not to exceed $10,000 per order.

(7) Approving of invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, assigned civil defense activities.

(8) Determining, on a case basis, that the loan of Federal personal property to a Defense Civil Preparedness Agency financial assistance program applicant will result in a reduction in cost to the government or enhancement of the civil defense capability accruing from the project, either or both, as the case may be; entering into and executing agreements (DCPA Form 251) for the loan of Federal personal property to fulfill civil defense contributions program objectives; and taking such other action necessary to carry out the loan program, as provided in Civil Preparedness Guide (CPG) 1-3 and DCPA Instruction 9560.2.

The authorities and functions herein delegated in this section cannot be further redelegated. However, without being relieved of his responsibility therefor, each Regional Director is authorized to exercise and perform any of the above powers and authorities through such personnel of his region as he may in writing designate.

(d) *Director, Staff College.* Power and authority to:

(1) Procure supplies or services not in excess of $10,000 per order.

(2) Procure supplies and services available from GSA, Federal Supply Service, government depots as appropriate, or from Federal Supply Service contracts, not in excess of $10,000 per order.

(3) Issue U.S. Government Bills of Lading not to exceed $2,500 per order.

(4) Approve invitational travel to persons serving without compensation whose consultative, advisory, or other

specialized technical services are re-

accordance with practices set out in CPG

APPENDIX A—FIELD ORGANIZATION ADDRESSES

persons were given until January 27,

§ 101-45.803 Other mistakes disclosed

invested in the securities of any one is-

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specialized technical services are required in a capacity that is directly related to, or in connection with, assigned civil defense activities.

§ 1800.7 Sources of information.

(a) DCPA prepares and disseminates informational materials for use by the general public, Federal, State, and local governmental officials and staff members, and technical and specialized audiences.

(b) *Publications.* DCPA publications of interest to all people, including the general public, other Federal agencies, organizations, educational institutions, etc., may be obtained without charge. These publications are available from State and local civil preparedness agencies, from the national DCPA headquarters at the Pentagon, from the eight DCPA regions, and also from the U.S. Army Publications Center, 2800 Eastern Boulevard, Baltimore, Md. 21220.

(c) *Freedom of Information Act.* DCPA procedures for requests for information under the Freedom of Information Act are set out in Part 1813 of Title 32, Code of Federal Regulations. Initial requests are to be directed to the Assistant Director, Administrative Services Directorate, The Pentagon, Room 1D487, Washington, D.C. 20301.

(d) *Privacy Act.* DCPA procedures for requests for information under the Privacy Act are set out in Part 1814 of Title 32, Code of Federal Regulations. Initial requests are to be directed to the Assistant Director, Administrative Services Directive, The Pentagon, Room 1D487, Washington, D.C. 20301.

§ 1800.8 Making submittals, requests and obtaining decisions.

(a) Submittals or requests by States on matters related to financial contributions under subsection 201(i) and under section 205 of the Federal Civil Defense Act of 1950, as amended and for loans of property to fulfill civil defense contributions program objectives are to be made to the respective Regional Directors. DCPA makes such financial contributions only to States even where the contribution is for the benefit of a political subdivision. Political subdivisions should make submittals or requests to the State for submission to DCPA. Where procurement is to be performed by the political subdivision, it should join in the State's application to DCPA.

(b) Enrollment in courses conducted by DCPA Staff College is accomplished by completing DCPA Form 435, which can be obtained from DCPA Regional Offices, or State and local civil defense offices. The form is forwarded to Staff College through the local or State agency, and the DCPA Regional Office, for approval or disapproval by the Director, Staff College.

(c) Other forms of technical assistance (other than information material) can be obtained from DCPA Regional Offices by States or local governments in accordance with practices set out in CPG 1-3, copies of which are available from DCPA Regional Offices or the U.S. Army Publications Center, 2800 Eastern Boulevard, Baltimore, Md. 21220.

(d) Complaints of discrimination in Federally assisted programs on grounds of race, color, or national origin are made in accordance with the provisions of Part 1811 of Title 32, Code of Federal Regulations. Information about complaints of discrimination on grounds of age, sex, handicapped status and other non-merit matter by applicants for employment is also to be contained in Part 1811.

Subpart B—Statements of General Policy and Interpretative Rules

§ 1800.20 Civil preparedness guides and circulars.

(a) The Federal Civil Defense Guide (FCDG) and publications keyed to the FCDG are being replaced by the Civil Preparedness Guide (CPG) and the Civil Preparedness Circular (CPC) series which will be used for presenting national civil defense policy and operational guidance to Federal, State, and local government officials and staff members and to representatives of industry and organizations. References to DCPA guidance material (including the Federal Civil Defense Guide) contained in DCPA regulations as set forth in Chapter XVIII of Title 32 of the Code of Federal Regulations are interpreted to include portions of the CPG and CPC issuances which have been promulgated as replacing Federal Civil Defense Guide and other prior issuances.

(b) The following types of material are published in the CPG series:

CPG-1 Series—Guidance intended for all State and local civil preparedness directors and for others with emergency responsibilities. An example of material published, or to be published, in this series is CPG 1-3 Federal Assistance Handbook. This book furnishes guidance and information on Federal assistance made available by DCPA to States and through States to local governments. Another example is CPG 1-9 Nondiscrimination in Federally Assisted Programs. This book contains information about DCPA implementation of Title VI of the Civil Rights Act of 1964.

CPG-2 Series—Guidance intended for limited distribution to special audiences. However, distribution of this series will always be made to the civil preparedness directors of the States, Territories and possessions. Material published contains planning and operating instructions for communications warning, RADEF emergency information and similar items.

CPC Series—A circular is used to issue information, notices, and announcements which are transitory, and instructions requiring a one-time action. Circulars may also be used to announce DCPA program and procedural changes pending issuance in the CPG series. A circular is cancelled after the action has been taken or the event takes place. CPC issuances are numbered in chronological order by year; for example, CPC 77-7 would be the seventh circular issued in calendar year 1977.

APPENDIX A—FIELD ORGANIZATION ADDRESSES

DEFENSE CIVIL PREPAREDNESS AGENCY

Region and Address

1. Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Puerto Rico, Virgin Islands, Connecticut. Field Office: New Jersey, New York. Federal Regional Center, Maynard, MA 01754. DCPA Region One Field Office, Room 2351, 26 Federal Plaza, New York, NY 10007.

2. Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. Federal Regional Center, Olney, MD 20832.

3. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Canal Zone. Federal Regional Center, Thomasville, GA 31792.

4. Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. Federal Center, Battle Creek, MI 49016.

5. Arkansas, Louisiana, New Mexico, Oklahoma, Texas. Federal Regional Center, Denton, TX 76201.

6. Colorado, North Dakota, South Dakota, Utah, Wyoming, Montana. Field Office: Iowa, Kansas, Missouri, Nebraska. Federal Regional Center, Denver, CO 80225. DCPA Region Six Field Office, 1125 Grand Ave., Kansas City, MO 64101.

7. Arizona, California, Hawaii, Nevada. American Samoa, Guam, Marians Islands. DCPA Regional Office, P.O. Box 7287, Santa Rosa, CA 95401.

8. Alaska, Idaho, Oregon, Washington. Federal Regional Center, Bothell, WA 98011.

Training Facility: Staff College, Federal Center, Battle Creek, MI 49016.

Computer Facility: Computer Center, Federal Regional Center, Olney, MD 20832.

BARDYL R. TIRANA,
Director.

[FR Doc.77-19361 Filed 7-6-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-43]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Camden Harbor, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment revises the regulations by establishing a special anchorage in Camden Harbor, Maine. The anchorage is needed to provide for the safety of pleasure craft anchoring in this vicinity. In Special Anchorage Areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

EFFECTIVE DATE: August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 426-1477.

SUPPLEMENTARY INFORMATION: On December 13, 1976, the Coast Guard published a proposed rule (41 FR 54199) concerning this amendment. Interested

persons were given until January 27, 1977 to submit comments.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel

DISCUSSION OF MAJOR COMMENTS

The U.S. Army Corps of Engineers commented that the proposal encompassed a "Federal channel". Therefore, the proposal has been modified to allow for the channel.

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations is amended by adding a new § 110.2a to read as follows:

§ 110.2a Camden Harbor, Maine.

The water area enclosed by a line drawn from a point on Dillingham Point at latitude 44°12'10.5" N., longitude 69°-03'19" W.; thence, by a line bearing 039 T; to a point at latitude 44°12'19.5" N., longitude 69°03'09" W.; thence by a line bearing 280° T to a point of land on the southwest shore of Camden Harbor at latitude 44°12'23.4" N., longitude 69°03'39.1" W.

The water area enclosed by a line drawn from a point on Northeast Point at latitude 44°12'32" N., longitude 69°-02'51" W.; thence, by a line bearing 197° T to a point at latitude 44°12'22.5" N., longitude 69°02'54.5" W.; thence, by a line bearing 291° T to a point on Eaton Point at latitude 44°12'33.4" N., longitude 69°03'31" W.

(Sec. 1, 30 Stat. 98, as amended, (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2)).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended and OMB Circular A-107.

Dated: June 27, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-19347 Filed 7-6-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-101]

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.8—Mistakes in Bids

Correction

In FR Doc. 77-17588 appearing in the issue of Tuesday, June 21, 1977 on page 31455, § 101-45.803(b) should read as follows:

§ 101-45.803 Other mistakes disclosed before award.

* * * * *

(b) Heads of executive agencies may delegate to one central authority in their agencies, without power of redelegation, authority to make the determinations under paragraph (a) (2), (3), and (4) of this § 101-45.803. The authority to make determinations to permit withdrawal of bids as provided in paragraph (a) (1) and (3) of this section may be delegated, without power of redelegation, to any sales activity having legal counsel available.

* * * * *

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

PART 390—CAPITAL CONSTRUCTION FUND

Amendment of Certain Investment Limitations on Deposits

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final Rule.

SUMMARY: This final rule amends the regulations governing the Capitol Construction Fund (CCF), 46 CFR Part 390, by removing one of the maximum percentage limitations applicable to the investment of monies deposited in a CCF. Experience has demonstrated that the fifty percent limitation on the amount of the total CCF assets that may be invested in certain high-rated, interest bearing securities of any one issuer is unnecessarily restrictive and potentially counterproductive.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Ronald S. Parson, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230. (202) 377-4400.

SUPPLEMENTARY INFORMATION: This final rule amends 46 CFR § 390.8 of the Maritime Administration's CCF regulations to remove the fifty percent limitation on the amount of total CCF assets that may be invested in the securities of any one issuer of bankers' acceptances, certificates of deposit (CD), or short-term commercial obligations.

Section 607 of the Merchant Marine Act of 1936, as amended, allows a party that has entered into a CCF Agreement to defer Federal income taxes on certain income, if the party uses the deferred funds as required by the Act. According to subsection (c) of section 607, the monies on deposit in the fund may be invested in interest-bearing securities approved by the Secretary of Commerce. Section 390.8 restricts these investments to high-rated securities, limits the maximum percentage of the fund that may be invested in the securities of any one issuer, and prohibits the purchase of securities of a related company or of securities on margin or short sale.

The maximum percentage limitations deleted by this amendment is the fifty percent limitation applicable to bankers' acceptances, CDs, and short-term commercial obligations contained in § 390.8 (c)(1)(ii). This limitation means that the securities of any single issuer of any of these three types of securities cannot represent more than 50% of the total CCF assets. For example, the limitation would prohibit a fundholder from investing in three CDs issued by the same bank if those CDs represented 51% or more of the fund's total assets. But if the three CDs were issued by more than one bank, then the percentage limitation would be inapplicable.

The maximum percentage limitations in § 390.8 were designed to limit investment risk. However, in view of the considerations discussed below for each type of security, it has been determined that the fifty percent limitation is no longer necessary and, in fact, potentially counterproductive.

A bankers' acceptance is an interest-bearing note used in financing import/export transactions. It is denominated "accepted" when a bank unconditionally guarantees payment to the noteholder at maturity. Although the term of the note may be as much as six months, the usual period is thirty to sixty days. The high level of security of bankers' acceptances is based upon the credit of the issuing bank. They are so secure that the Federal Reserve System has authorized the purchase of bankers' acceptances by member banks for their own account. In light of this high degree of security, it has been determined that the fifty percent per issuer limitation on bankers' acceptances is unnecessary for this type of security and restricts the fundholder's investment possibilities.

A certificate of deposit is a deposit evidenced by an interest-bearing negotiable or non-negotiable instrument which provides, on its face, an amount payable to the bearer or a designated party on a specific date or after a specified period of time. CDs are high security investments and, like bankers' acceptances, reflect the credit of the issuer. Even upon the failure of teh issuer, losses are unusual. For example, we have been advised by the Federal Deposit Insurance Corporation that no holder of a CD issued by Franklin National Bank lost either the principal or the interest on a CD when that bank failed. Thus, restricting fundholders to no more than fifty percent of their fund's monies in the CDs of any one issuer adds only marginal additional security to the CCF.

Furthermore, this marginal protection against risk is outweighed by the decrease in the profitability and flexibility of CD investments caused by the fifty percent limitation. For example, fundholders with a CCF balance of less than $200,000

are adversely affected by this restriction, inasmuch as the interest rates on

Dated: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

thorized, and since it has requested the substitution and no other party has ex-

ACTION: Emergency Order (Service Order No. 1269).

(b) *Application.* The provisions of this order shall apply to intrastate, interstate,

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are adversely affected by this restriction, inasmuch as the interest rates on all CDs of less than $100,000 are regulated. Above $100,000, interest rates are negotiable and generally higher than the regulated rates. Consequently, it is clear that the disadvantages of the fifty percent per issuer limitation on CDs exceed any advantages provided by the limitation.

A short-term commercial obligation is an unsecured promissory note used to finance short-term commercial requirements. It is a simple discount note that is sold to a financial house, and then to investors and bankers. The credibility of the note is based solely on the credibility of the issuer, which is usually a large manufacturer with good credit and adequate working capital. Short-term commercial obligations are graded by private securities rating services. In addition to the percentage limitations on this type of security, § 390.8 also stipulates that CCF assets may be invested only in short-term commercial obligations that are rated in the highest grade by Moody's Commercial Paper Service or in one of the two highest grades by Standard & Poors Corporation. Because of this additional protective requirement, the slight additional security afforded by a percentage limitation cannot justify the adverse effect of this restriction on the fundholder's investment possibilities.

For the above reasons, it has been determined that the fifty percent per issuer limitation on CCF investments in bankers' acceptances, CDs, and short-term commercial obligations is unnecessary as well as unduly restrictive. Because the fifty percent limitation applies only to these securities, the provision establishing the limitation has been deleted in its entirety.

This amendment is being adopted without prior notice of proposed rulemaking because the establishment of a CCF is a matter of public contract and, nonsequently, exempted from the requirements of 5 USC 553.

NOTE.—It has been determined that this amendment does not represent a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Accordingly, 46 CFR Part 390 is amended as follows:

Paragraph (c)(1) of § 390.8 is amended to read as follows:

§ 390.8 Investment of the Fund.

* * * * *

(c) *Limitations on investments*—(1) *Interest bearing securities.* The value of securities of any one issuer held in the Fund compared to the value of the total assets of the fund shall not exceed 10 percent in the case of nongovernmental securities referred to in paragraph (b)(2)(i) of this section.

* * * * *

(Sec. 204(b), 49 Stat. 1987, as amended, 46 USC 1114; Sec. 21(a), 84 Stat. 1026, 46 USC 1177.)

Dated: June 29, 1977.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.77-19207 Filed 7-6-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528; FCC 77-396]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)

Correction

In FR Doc. 77-14890 appearing at page 32234 in the issue for Friday, June 24, 1977, make the following corrections:

(1) In the second column of page 32245, in § 68.304 in the paragraph labeled "Notes," in the fifth line of that paragraph the word "operation" should read "operational."

(2) In the third column of page 32246, in the second line following the table, "dBBV" should read "dBV."

(3) In the third column of page 32246, in the seventh line following the table, "Figure 63.309" should read as "Figure 63.308."

(4) In the third column of page 32246, in § 68.310, in the tenth line of paragraph (a), "200<*f*<400 Hertz)" should read as "200<*f*<4000 Hertz)."

[Docket No. 21191; RM-2618]

PART 73—RADIO BROADCAST SERVICES

TV Broadcast Stations in Fayetteville, Little Rock, and Harrison, Arkansas, and Tulsa, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action substitutes UHF television Channel 29 for 36 at Fayetteville, Arkansas, at the request of Noark Investment Company which could provide service to the area more quickly using Channel 29. Noark, recently acquired by George Hernreich, plans to operate the Fayetteville station as a satellite of UHF Station KFPW-TV at Fort Smith, Arkansas, to provide a first local commercial television service to Fayetteville. The requested change also requires substitution of unoccupied and unapplied for UHF channels at Little Rock, Arkansas; Harrison, Arkansas; and Tulsa, Oklahoma.

EFFECTIVE DATE: August 10, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Fayetteville, Arkansas); Docket No. 21191, RM-2618; report and order (Proceeding Terminated) (42 FR 19491).

Adopted: June 24, 1977.

Released: July 1, 1977.

1. The Commission now considers the record in the above captioned docket after giving notice [1] of its proposal to substitute Channel 29 for Channel 36 at Fayetteville, Arkansas, in the Television Table of Assignments contained in § 73.606(b) of the Commission's Rules. This assignment change would also require substitutions for three vacant and unapplied for UHF channels at Little Rock, Arkansas (Channel *36 for *29); Harrison, Arkansas (Channel *31 for *14); and Tulsa, Oklahoma (Channel 47 for 29). The proposal was a result of a petition for rule making filed by Noark Investment Company, licensee of Station KTVP (TV) of Fayetteville (Channel 36). George Hernreich, licensee of UHF Station KFPW-TV at Forth Smith, Arkansas, recently acquired 100% control of Noark. A complete history of this proceeding including its relation to other Commission proceedings, is contained in the *Notice* and need not be repeated here.

2. Fayetteville (1970 pop. 30,729) is the seat of Washington County (1970 pop. 77,370) located in northwestern Arkansas. Noark's station has been off the air since 1973, because of financial difficulties, and Fayetteville has had no local commercial television service. (It does have a local noncommercial educational station, KAFT(TV).) Noark states that Fayetteville is an educational and cultural center and home of the University of Arkansas, and has need of a first commercial television service.

3. Noark states that it intends to operate KTVP(TV) in Fayetteville as a satellite of KFPW-TV in Fort Smith, in hopes that both stations can be viable. Due to a loss of equipment for Channel 36, and availability of equipment for Channel 29, Noark asks that its channel assignment be switched at Fayetteville This would facilitate a prompt restoration of service and conserve start up capital which could then be used for operational funds. Noark filed the only comments in this proceeding, and there were no oppositions.

4. In view of the foregoing, we conclude that it would promote the public interest to make the requested assignment changes for the purpose of prompt restoration of local commercial television service to Fayetteville. Noark has stated its intention to begin construction, if authorized, and since it has requested the substitution and no other party has expressed interest, the Noark license can be modified to specify the new channel.

5. Accordingly, it is ordered, that effective August 10, 1977, the Television Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, is amended with regard to the cities listed below, as follows:

City	Channel No.
Arkansas:	
Fayetteville	*13—, 29+
Little Rock	*2—, 4, 7—, 11+, 16+, *36
Harrison	*31+
Oklahoma:	
Tulsa	2+, 6+, 8—, *11—, 23, *35—, 41+, 47

6. Authority for the above action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules and Regulations.

7. It is further ordered, that effective August 10, 1977, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Noark Investment Company is modified to specify operation on Channel 29 in lieu of Channel 36 at Fayetteville, Arkansas, and that:

(a) The licensee shall inform the Commission in writing by no later than August 10, 1977, of its acceptance of this modification;

(b) The licensee shall submit to the Commission by August 10, 1977, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KTVP(TV) on Channel 29 at Fayetteville, Arkansas;

(c) Ten days prior to commencing operation on Channel 29 the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 29 until the Commission specifically authorizes it to do so.

8. It is further ordered, that this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended. 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19310 Filed 7-6-77;8:45 am]

[1] *Notice of Proposed Rulemaking.* 42 FR 19491 (pub. April 14, 1977)

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1269]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co. and Atchison, Topeka and Santa Fe Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1269).

SUMMARY: Service Order No. 1269 authorizes the Missouri Pacific to operate over tracks of The Atchison, Topeka and Santa Fe Railway between Winfield, Kansas, and Arkansas City, Kansas. The line of the Missouri Pacific between those points cannot be used because of severe damage from flooding at two locations. Operation of Missouri Pacific trains over tracks of The Atchison, Topeka and Santa Fe between these stations enables the Missouri Pacific to continue to provide rail transportation to shippers served by it at Arkansas City.

DATES: Effective 12:01 a.m., July 1, 1977. Expires 11:59 p.m., September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of June 1977.

It appearing, That the Missouri Pacific Railroad Company (MP) is unable to operate over its lines between Winfield, Kansas, Dexter, Kansas, and Arkansas City, Kansas, because of track damage caused by flooding; that the MP will continue service at Dexter over its own line between Dexter and Coffeyville; that the MP has no other route to Arkansas City; that The Atchison, Topeka and Santa Fe Railway Company (ATSF) has consented to use of its line between Winfield and Arkansas City by the MP; that operation over these tracks of the ATSF by the MP is necessary to enable the MP to continue service to shippers located adjacent to its tracks in Arkansas City; that such operation by the MP over these tracks of the ATSF is necessary in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1269 Service Order No. 1269.

(a) *Missouri Pacific Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company.* The Missouri Pacific Railroad Company (MP) be, and it is hereby, authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) between Winfield, Kansas, and Arkansas City, Kansas, a distance of approximately thirteen (13) miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1977.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19359 Filed 7-6-77;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex. Parte No. 55 (Sub-No. 24)]

PART 1100—RULES OF PRACTICE

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: In the FEDERAL REGISTER notice in the above-entitled proceeding (42 FR 23806) published May 11, 1977, a clerical error was made in amended § 1100.247, appearing at page 23829. This error is corrected as set forth under "Supplementary Information."

EFFECTIVE DATE: July 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg (Operating Rights), 202-275-7292.

SUPPLEMENTARY INFORMATION: On page 23829, paragraph (e)(3) of amended § 1100.247 contains an inadvertent inclusion, to wit: "* * * Protestants shall name the carrier(s) with whom interline operations shall be performed thereunder."

The above-quoted phrase should be excised from the amended rule so that, as corrected, paragraph (e)(3) of § 1100.247 reads as follows:

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b).

SUPPLEMENTARY INFORMATION:

P-23807—(1) Delete the word "Spe-

10 days of the date on which the protest was filed with the Commission.

fied Procedure [12]". Add "No. 6. Verification for Statement of Fact filed under Modified Procedure [5]".

rior are not responsible for any entry damaged in the mail or loss by fire or theft; and (3) provide deadlines for se-

through which a design is chosen for the Migratory Bird Hunting and Conservation Stamp.

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§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to certificates of registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

* * * * *

(e) * * *

(3) A protest against any application shall set forth specifically the grounds upon which it is made and contain a detailed statement of the protestant's interest in the proceeding (including a copy of only the specific portions of its pertinent authority and including direct operations held by virtue of the gateway elimination regulations either published in the FEDERAL REGISTER as letter-notices or granted in separate gateway elimination certificates) which protestant believes to be in conflict with that sought in the application, and describing in detail the method (whether by joinder, interline, or other means) by which protestant would use such authority to provide all or part of the service proposed), shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests phrased in general terms and not complying with these specifications may be rejected.

* * * * *

H. G. HOMME,
Acting Secretary.

[FR Doc.77-19367 Filed 7-6-77;8:45 am]

[Ex Parte No. 55 (Sub-No. 24)]

PART 1100—RULES OF PRACTICE

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: In the FEDERAL REGISTER notices in the above-entitled proceeding (42 FR 23806 and 42 FR 29311) published respectively, May 11, 1977 and June 8, 1977 clerical errors were made in the Table of Contents, § 1100.249 and in Appendix B. Additionally, certain references in § 1100.247 do not conform to the terminology employed in the Rules as revised. These errors are hereby corrected as set forth under "Supplementary Information".

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak (Rates) (202–275–7693)
Philip Israel (Finance) (202–275–7245)
Michael Erenberg (202–275–7292)

SUPPLEMENTARY INFORMATION:

P–23807—(1) Delete the word "Special" from the listing of §§ 1100.200, 1100.240, 1100.245, 1100.246, 1100.247, 1100.249, and 1100.250 in the Table of Contents.

P–23832—(2) Add to § 1100.249 "(c) (3) *Copies; service.* The original and six copies of each order or determination issued under this section shall be filed with the Commission, and one copy of the order or determination simultaneously shall be served upon the motor carrier specified therein and upon any other person known to be interested, in such a manner so as to be received on the date the original is filed with the Commission, and a copy also should be simultaneously deposited with the Director, Office of the Federal Register, for publication therein as notice to all other interested persons. A certificate shall be executed by an authorized official of the Postal Service, showing upon whom simultaneous service has been made. The order or determination filed with the Commission and the envelope of transmittal to the Commission should be clearly marked; "Mail Transportation Service Order (or Determination)."

(d) *Protests seeking termination of Postal Service orders or determinations, and replies thereto—(1) General.* A motor carrier subject to an order or determination of the Postal Service, or any of the carrier's other customers, may protest to the Commission and request termination of the order or determination. Such protests shall be restricted to the matter of showing that performance by the carrier, of the required mail transportation service would be detrimental to the carrier or to its other customers, or that the carrier does not operate equipment suitable for the transportation of mail, and shall conform to the provisions of subparagraphs (2), (3), and (4) of this paragraph.

(2) *Content.* The protest for termination of an order or determination filed under this section must identify the issued order or determination (i) by reference to the name and address of the motor carrier shown in the order or determination, (ii) the order number or other identification assigned thereto by the Postal Service, and (iii) specific citation to the volume, page, and date of publication in the FEDERAL REGISTER, i.e., ------ F.R. ------ 197--." Facts relied upon in support of the protest must be verified as provided in Rule 50 of the Commission's General Rules of Practice.

(3) *When filed.* Protests requesting termination of an order or determination filed under this section will not be considered unless made in writing and filed with the Commission at Washington, D.C. within 15 days of the date of publication of the order or determination in the FEDERAL REGISTER.

(4) *Replies.* Replies confined to rebuttal of such protests may be filed within 10 days of the date on which the protest was filed with the Commission.

(5) *Copies; service.* The original and *six* copies of each protest or reply shall be filed with the Commission, and one copy simultaneously shall be served on the opposing party(ies). A certificate shall be executed stating that simultaneous service has been made. The protest or reply and the envelope of transmittal to the Commission should be clearly marked: "Protest (Reply)—Mail Transportation Service Order (or Determination)," and be delivered free of all charges. (Copies for service on the Postal Service shall be addressed to the Assistant General Counsel.

P–23832—Delete (d) * * *.

P–23838—Add to Appendix C—"7. The Commission may censure, suspend, or dismiss, or institute proceedings for the suspension or dismissal of any Commission employee who knowingly and willfully violates the foregoing prohibitions or requirements."

P–23835—Delete "No. 1 Complaint [2]". Add "No. 1 Complaint [2]".

P–23835—Delete "[3] See Rules 26 to 33, inclusive." Add "[3] See Rules 24 to 31, inclusive."

P–23836—Delete "(Complainant's signature [1])". Add "(Complainant's signature [2])".

P–23836—Delete "[1] See footnote to Verification." Add "[2] See footnote to Verification."

P–23836—Delete "Verification [2]". Add "Verification [3]".

P–23836—Delete "[3] Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See Rule 17." Add "[3] Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See Rule 15."

P–23836—Delete "No. 2 Answers [3]". Add "No. 2 Answers [4]".

P–23836—Delete "[4] See Rules 35 to 37, inclusive." Add "[4] See Rules 33 to 35, inclusive."

P–23836—Delete "By [4]". Add "By [5]".

P–23836—"[4] See Rule 17." Add "[5] See Rule 15."

P–23836—Delete "No. 3 Certificate of Service [5]". Add "No. 3 Certificate of Service [6]".

P–23836—Delete "[5] See Rule 22." Add "[6] See Rule 20."

P–23837—Delete "Concurred [10]". Add "Concurred [4]".

P–23837—Delete "[10] For concurring certificate in case collecting carrier is not a defendant." Add as footnote to Form No. 5 "[4] For concurring certificate in case collecting carrier is not a defendant."

P–23837—Delete "Collecting Carrier, Defendant [11]". Add "Collecting Carrier, Defendant [5]".

P–23837—Delete "[11] If not a defendant, strike out the word "defendant"." Add as footnote to Form No. 5 "[5] If not a defendant, strike out the word "defendant"."

P–23837—Delete "No. 6. Verification for Statement of Fact filed under Modified Procedure [12]". Add "No. 6. Verification for Statement of Fact filed under Modified Procedure [6]".

P–23837—Delete "[12] See Rule 50." Add "[6] See Rule 48."

P–23828—Rule 247 title—Delete "Special", "notice of filing of", and "Interstate Commerce Act, and certain other procedural matters with respect thereto." Add "act."

P–23828—(a) lines 3 and 4—delete "Interstate Commerce Act". Add—"act."

P–23828—(a) iii last sentence—delete "General Rules of Practice". Add "rules of practice."

P–23829—(e)(3) first sentence—delete "General Rules of Practice". Add "rules of practice."

P–23830–1—Delete everything in Rule 247 after section (i).

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-19198 Filed 7-6-77;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. FE 76–1; Notice 5]

PART 531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Final Rule

Correction

In FR Doc. 77–18787 appearing at page 33534 in the issue of Thursday, June 30, 1977 the following corrections should be made:

1. On page 33535, third column, seventh line from the bottom of the last paragraph the word, "the" should be deleted.

2. On page 33546, second column, third line from the bottom of the second full paragraph the figure "0.1" should read, "1".

3. On page 33550, first column, fourteenth line down, the word, "manufacturer's" should read, "manufacturers'".

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

Procedures

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rule.

SUMMARY: This rule amends 50 CFR Part 91 to change the name of the Migratory Bird Hunting Stamp Contest to the Migratory Bird Hunting and Conservation Stamp Contest in order to comply with the Wetlands Loan Extension Act of 1976 (Pub. L. 94–215). This document also amends the contest rules to: (1) Clarify that a living species of North American migratory ducks or geese must be the dominant feature of any design; (2) Notify contestants that the Service and Department of the Interior are not responsible for any entry damaged in the mail or loss by fire or theft; and (3) provide deadlines for selection of a winner and return of entries.

EFFECTIVE DATE: This rule is effective on July 7, 1977.

ADDRESS: A copy of contest regulations and Reproduction Rights Agreement may be obtained by writing to Director (FWS/AV), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Bob Hines, Chief, Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (201–343–5611).

SUPPLEMENTARY INFORMATION: The Migratory Bird Hunting Stamp was authorized and required by the Migratory Bird Hunting Stamp Act of 1934, as amended (16 U.S.C. 718a). The name was changed to the Migratory Bird Hunting and Conservation Stamp by the Wetlands Loan Extension Act of 1976.

The annual contest held by the Service to select the stamp design is the only art contest regularly sponsored by the Federal Government. These colorful stamps constitute the longest running annually issued series of stamps in revenue or postage stamp history. Popularly known as the "Duck Stamp," they are sold through post offices and must be carried by every migratory waterfowl hunter 16 years of age or older. All of the stamp revenues beyond printing and handling costs are used for the acquisition of refuge land for migratory birds.

On June 15, 1977, the Service published for public comment a proposed rule stating these changes (42 FR 30524). The Service received no comments on the proposal.

Because of the rapidly approaching July 1 opening of the contest, the Service has determined that to allow an effective date of 30 days after publication of this rule would be impractical and contrary to the public interest (5 U.S.C. 553 (d)(3)).

NOTE.—The Service has determined that this document does not contain a major rule requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Bob Hines is the principal author of this final rule.

Accordingly, Part 91 of Title 50 of the Code of Federal Regulations is amended as follows:

1. Amend the heading of Part 91 to read as set forth above.

2. Amend §§ 91.1, 91.11, 91.14, 91.16, 91.17 and 91.31 by deleting the present text of each section and substituting instead the following language:

§ 91.1 Purpose of regulations.

The regulations contained in this part set forth the rules and procedures governing the annual Migratory Bird Hunting and Conservation Stamp Contest through which a design is chosen for the Migratory Bird Hunting and Conservation Stamp.

§ 91.11 Contest deadlines.

The contest to select the design for the annual Federal Migratory Bird Hunting and Conservation Stamp will officially open on July 1 of each year. All persons intending to submit an entry in the contest shall notify the Fish and Wildlife Service and request a copy of the contest's regulations and Reproduction Rights Agreement. Requests for the contest's regulations and Reproduction Rights Agreement should be sent to the Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Entries may be received any time after July 1, but must be received or postmarked no later than midnight of October 15.

§ 91.14 Restrictions on subject matter of entry.

A living species of North American migratory ducks or geese must be the dominant feature of any design. No such species shall be portrayed which has been selected for the Migratory Bird Hunting and Conservation Stamp during the preceding 5 years. The design must be the contestant's own original creation and may not be copied or duplicated from previously published art, including photographs. An entry submitted in a prior contest which was not selected for the stamp design may be resubmitted in the present contest at the contestant's discretion.

§ 91.16 Submission procedure for entry.

The lower, detachable portion of the contestant's Reproduction Rights Agreement must be attached to the back of the entry. The name of the species depicted shall also be printed on the back of the entry. Each entry shall be mounted on a mat and protected by a covering of acetate or cellophane. Entries will not be accepted that are in wooden frames or are under glass. Each entry should be protectively wrapped and mailed first class registered mail to "Migratory Bird Hunting and Conservation Stamp Contest," Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Entries will be promptly processed when received. Each contestant must also sign and submit in the same envelope, the top portion of the Reproduction Rights Agreement.

§ 91.17 Property insurance for entries.

All contestants are hereby notified of the advisability of obtaining adequate property insurance coverage for their respective entry. The Department of the Interior will not so insure the entries it receives. The Department and the Fish and Wildlife Service are not responsible for damage in the mails or loss by fire or theft.

§ 91.22 Date and location of contest.

The selection of the winning entry will take place as soon as possible after the

closing date of the contest but in no event of its recently published regulations clear Regulatory Commission. Since the

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closing date of the contest but in no event will it be later than November 10 of each year. The exact date, time and location of the contest will be announced a reasonable period of time prior to November 10 through the publication of a notice in the FEDERAL REGISTER.

§ 91.31 Return of entries after contest.

All entries will be returned, certified, to the participating artists within 60 days of completion of the contest.

Dated: June 30, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-19205 Filed 7-6-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

Reports to the Commission Concerning Defects and Noncompliance

Correction

In FR Doc.77-15987 appearing in the issue for Monday, June 6, 1977 on page 28891, on page 28894 § 21.3(d)(1) should read as follows:

§ 21.3 Definitions.

* * * * *

(1) A deviation (see § 21.3(e)) in a basic component delivered to a purchaser for use in a facility or an activity subject to the regulations in this part if, on the basis of an evaluation (see § 21.3(g)), the deviation could create a substantial safety hazard; or

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PART 2—RULES OF PRACTICE

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL

Reports to the Commission Concerning Defects and Noncompliance; Extension of Effective Date

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Change of effective date of final rule.

SUMMARY: The Nuclear Regulatory Commission is changing from July 6, 1977 to August 10, 1977, the effective date of its recently published regulations which require directors and responsible officers of firms and organizations building, operating or owning NRC-licensed facilities, or conducting NRC-licensed activities, or supplying safety related components to report failures to comply with regulatory requirements and defects in components which may result in a substantial safety hazard. No change is being made in those portions of the regulations now subject to the deferred effective date of January 6, 1978. This change in effective date will give persons subject to the rule additional time to establish implementing procedures.

EFFECTIVE DATE: August 10, 1977. Certain obligations under the effective rule are not imposed until January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. W. E. Campbell, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (phone: 301-443-6917).

SUPPLEMENTARY INFORMATION: On June 6, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 28891-28896, FR Doc 77-15937) amendments to 10 CFR Parts 2, 31, 34, 35, 40 and 70 of its regulations and a new Part 21—Reporting of Defects and Noncompliance to implement section 206 of the Energy Reorganization Act of 1974, as amended (Public Law 93-438, 88 Stat. 1246-1247). As stated in the FEDERAL REGISTER notice, the effective date of the final rule was July 6, 1977, thirty days after the date of publication, except for certain portions of the rule for which the effective date was specifically deferred until January 6, 1978. The purpose of the deferred effective date was to allow organizations to establish and implement procedures to comply with certain provisions of the rule. On June 9, 1977, the NRC staff announced that five public meetings, hosted by each of its five regional offices, would be held during the period July 12 through July 26, 1977, for the purpose of explaining the provisions of the rule and answering any questions which might be raised concerning its implementation. As the effective date of the rule approached, several organizations expressed concern that they would not be able to have adequate interim procedures in place before the rule became effective, that they needed clarification of certain provisions of the rule and that it would be particularly helpful if the effective date of the rule were deferred for a period of approximately sixty days after the date of the last scheduled regional meeting.

As noted in the recently expanded delegation of authority to the Commission's Executive Director for Operations (42 FR 33390-33391, June 30, 1977, FR Doc. 77-18988) there are at the present time only two qualified members of the Nuclear Regulatory Commission. Since the Commission lacks a quorum for the transaction of business, the requests of organizations to postpone the effect date of 10 CFR Part 21 must be addressed, if they are to be addressed at all, by the Executive Director for Operations. Upon review of the final rule in the light of the concerns expressed and after consultation with the incumbent Commissioners in accordance with the provisions of his delegated authority, the Executive Director for Operations has determined that it would be in the public interest to postpone the effective date of the final rule until August 10, 1977. This extension would give persons and organizations affected by the rule an additional fifteen days after the date of the last NRC public informational meeting in which to put interim implementing procedures in place. The Executive Director for Operations has also determined that this change in the effective date of the final rule is a minor amendment which does not substantially modify existing regulations affecting the public health and safety, the common defense and security, or substantive or procedural rights and that he has been delegated authority to issue it. Since the purpose of this change in the effective date of the final rule is to allow organizations to obtain more information about its provisions prior to implementation, the Executive Director for Operations also finds that notice and public procedure thereon are contrary to the public interest and that there is good cause to make this change in the effective date of the final rule effective immediately upon publication in the FEDERAL REGISTER without the customary thirty day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following change in the effective date of Title 10, Code of Federal Regulations, Part 21 is published as a document subject to codification.

1. In FR Doc. 77-15937 appearing at page 28891 in the FEDERAL REGISTER of June 6, 1977, the Ecective Date paragraph appearing on page 28892 in column 1 is revised to read as follows:

EFFECTIVE DATE: August 10, 1977. Certain obligations under the effective rule are not imposed until January 6, 1978.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 6th day of July 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-19559 Filed 7-6-77;10:47 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects a proposed rule that appeared on page 31797 in the FEDERAL REGISTER on Thursday, June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-17878, appearing on page 31797 in the FEDERAL REGISTER of June 23, 1977, the date by which written comment must be received by the Hearing Clerk was given as "June 6, 1977." That date is hereby changed to read "July 22, 1977."

Dated: June 30, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19251 Filed 7-6-77;8:45 am]

[7 CFR Part 930]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Expenses and Rate of Assessment for the 1977-78 Fiscal Period

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment on proposed expenses of $88,900 and a rate of assessment of $1.00 per ton of cherries for the functioning of the Cherry Administrative Board for the 1977-78 fiscal period. The Board locally administers a Federal marketing order regulating the handling of cherries grown in eight States. The regulation would enable the Board to collect assessments from first handlers on all assessable cherries handled and to use the resulting funds for its expenses.

DATES: Comments must be received by July 22, 1977. Proposed effective dates: May 1, 1977, through April 30, 1978.

ADDRESSES: Comments may be addressed to: Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: The proposal under consideration was submitted by the Cherry Administrative Board, established under marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries in designated States, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer its terms and conditions. The proposal is as follows:

(1) Expenses that are reasonable and likely to be incurred by the Cherry Administrative Board during the fiscal period May 1, 1977, through April 30, 1978, will amount to $88,900.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 930.41, is fixed at $1.00 per ton of cherries.

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19338 Filed 7-6-77;8:45 am]

[7 CFR Part 946, 980]

IRISH POTATOES GROWN IN WASHINGTON

VEGETABLES; IMPORT REGULATIONS

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable quality and sizes from being shipped to consumers.

DATE: Comments due July 22, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: 202-447-3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon the recommendations made by the committee at its public meeting in Port Ludlow, Washington, on June 22, 1977.

The recommendations of the committee reflect its appraisal of the composition of the 1977 crop of Washington potatoes and the marketing prospects for this season. Shipments are expected to begin in late July. The grade, size, cleanliness, maturity and pack requirements proposed herein, which are the same as those currently in effect through July 31, 1977, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

The committee recommended retaining the additional 10 percent tolerance for damage due to internal defects for potatoes packed in 50-pound cartons. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special

situations in which such requirements would be inappropriate or unreasonable.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, ma

(ii) If reshipment is for any purpose other than as specified in paragraph (d)

include the quantity of potatoes to be shipped and the name and address of

[7 CFR Part 948]

(d) Terms used in this section have the same meaning as when used in the

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situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity and pack requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part. Therefore, shipments to processing outlets are exempt.

Requirements for export shipments differ from those for domestic markets. Quality requirements may differ in foreign markets and smaller sizes are more acceptable. Because of this, export shipments are exempt. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for prepeeling are exempt.

The proposal is as follows:

§ 946.332 Handling regulation.

During the period July 25, 1977, through July 31, 1978, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade: All varieties*—U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties*—1⅞ inches minimum diameter.

(ii) *Long varieties*—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness:* All varieties and grades—as required in the United States Standards for Grades of Potatoes.

(b) *Minimum maturity requirements.* (1) *Round and White Rose varieties:* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold):* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of internal defects but not more than 5 percent serious damage by any internal defects or combination of internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes: (1) Livestock feed; (2) Charity; (3) Seed; (4) Prepeeling; (5) Canning, freezing, and "other processing" as hereinafter defined; or (6) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon; and (7) Export, except to Alaska or Hawaii.

Shipments of potatoes for the purposes specified in subparagraphs (1) through (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section except shipments pursuant to subparagraph (6) shall comply with inspection requirements of (e)(2) of this section. Shipments specified in (1), (2), (3), and (5) shall be exempt from assessment requirements specified in § 946.41.

(e) *Safeguards.*—(1) Handlers desiring to make shipmnets of potatoes for prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d)) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment.

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(6) Each handler desiring to make shipments of potatoes for export shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Such information shall include the quantity of potatoes to be shipped and the name and address of the exporter;

(ii) After the certificate is approved and the shipment is made, furnish the committee with a copy of the on-board bill of lading applicable to such shipment;

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(f) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes to any person without regard to the inspection and assessment requirements of this part, but this exemption shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19337 Filed 7-6-77;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $2,389.00 and an assessment of one-half cent per hundredweight on potatoes for the functioning of the Colorado Area No. 3 Potato Committee. The regulation would enable the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

DATES: Comments due July 22, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Area No. 3 Committee, established under the order, is responsible for its local administration in Area 3, consisting of certain counties in Northern Colorado.

The proposals are as follows:

§ 948.277 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the Area No. 3 Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to $2,389.00.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.005 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpected income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19339 Filed 7-6-77;8:45 am]

[7 CFR Parts 948, 980]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

VEGETABLES: IMPORT REGULATIONS

Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 3 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 22, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 3. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Colorado Area No. 3 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Greeley, Colorado, on June 15, 1977.

The grade, size, maturity and inspection requirements recommended herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions would be provided to certain of these requirements to recognize special situations in which such require-

(i) Livestock feed;
(ii) Charity;

maturity requirements specified in paragraphs (a) and (b) of this section.

FEDERAL ENERGY ADMINISTRATION

DEPARTMENT OF TRANSPORTATION

templated at this time, but arrangements for informal conferences with Fed-

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Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Potatoes for prepeeling would be handled without regard to maturity requirements since skinning of such potatoes would be of no consequence.

The proposal is as follows:

§ 948.377 Handling regulation.

During the period August 1, 1977, through June 30, 1978, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs ((d), (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter or 4 ounces minimum weight. However, Size B may be handled if U.S. No. 1 or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined; and

(iv) Certified seed potatoes (§ 948.6)

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per day without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoe-strings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1977, through June 4, 1978, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19340 Filed 7-6-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 70, 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Performance Oriented Safeguards Requirements

Correction

In FR Doc. 77–19051 appearing at page 34310 in the issue for Tuesday, July 5, 1977, the following material was omitted from § 73.26 on page 34314:

§ 73.26 Transportation Physical Protection Systems, Subsystems, Elements, Components, and Procedures.

* * * * *

(b) * * *

(4) * * *

(v) Security arrangements at point where escorts accept responsibility for import shipment.

(5) A licensee who imports formula quantities of strategic special nuclear material shall make arrangements to assure that such material will be protected in transit as follows:

(i) An individual designated by the licensee or his agent, or as specified by a contract of carriage, shall confirm the container count and examine locks and/or seals for evidence of tampering, at the first place in the United States at which the shipment is discharged from the arriving carrier.

(ii) The shipment shall be protected from the last foreign terminal until it arrives in the United States and subsequently as provided in this section and §§ 73.25 and 73.27.

(6) A licensee who exports formula quantities of strategic special nuclear material shall comply with the requirements of this section and §§ 73.25 and 73.27, as applicable, up to the first point where the shipment is taken off the transport outside the United States.

(7) Hand-to-hand receipts shall be completed at origin and destination and at all points enroute where there is a transfer of custody.

(8) Plutonium and U–233 shall be shipped only in containers approved by the NRC. The containers shall be hardened to withstand high velocity impacts, explosives, and small arm fire without release of contents.

* * * * *

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Delay in Publication of Proposed Test Procedures for Furnaces

AGENCY: Federal Energy Administration.

ACTION: Delay in publication of proposed test procedures for furnaces.

SUMMARY: This document delays publication of proposed test procedures in accordance with the requirements of subsection 323(b) of the Energy Policy and Conservation Act.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Program Office), Room 307, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–4635).

Robert de Sugny (Office of General Counsel), Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202–566–9750).

SUPPLEMENTARY INFORMATION: The Federal Energy Administration (FEA) hereby gives notice, pursuant to subsection 323(b) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163), that it cannot, within the statutory time period publish proposed test procedures for furnaces.

Section 323(a)(3) of the Act requires that, not later than June 30, 1977, FEA shall publish proposed test procedures for furnaces. Section 323(a)(6) of the Act, however, provides that FEA may delay the publication of proposed test procedures for a type of covered product (or class thereof) beyond the required date if it determines that it cannot, within the applicable time period, publish proposed test procedures applicable to such type (or class thereof) which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER.

FEA is today giving notice of its determination that it cannot by June 30, 1977, publish proposed test procedures applicable to furnaces which meet the requirements of subsection 323(b). FEA will issue these proposed test procedures as soon as practicable, which the agency expects to be no later than July 28, 1977.

Issued in Washington, D.C., June 29, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-19326 Filed 7-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77–SO–19]

FEDERAL AIRWAY

Proposed Alteration

Correction

In FR Doc. 77–17742, appearing on page 31806 in the issue of Thursday, June 23, 1977, the Airspace Docket No. should read as set forth above.

[14 CFR Part 71]

[Airspace Docket No. 77–RM–2]

TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Durango, Colorado, 700 foot transition area. The proposal is necessary because the existing 700 foot transition area was found to be inadequate to accommodate the VOR Runway 2 approach.

DATES: Comments must be received on or before August 5, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM–500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM–537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837–3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700 foot transition area at Durango, Colorado. The present 700 foot transition area was found to be inadequate to contain the VOR Runway 2 approach to La Plata County Airport. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 so as to alter the following transition area to read:

DURANGO, COLORADO

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the La Plata County Airport (latitude 37°09'12" N., longitude 107°45'04" W.) and within 5 miles each side of the Durango VOR 224° T radial, extending from the 7 mile radius area to 17.5 miles southwest of the VOR * * *

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Aurora, Colo., on June 21, 1977.

of lead. An oral hearing on the matter at which all interested persons were

period may be further extended by a notice published in the FEDERAL REGISTER

Rulemaking Proceedings, the Commission agreed to reimburse Consumers

(MPP), OASD(MRA&L), Pentagon, Room 3C980, Washington, D.C. 20301.

fected if the priority was accorded, e.g., where the location involved is in an area

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Issued in Aurora, Colo., on June 21, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-19101 Filed 7-6-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1150]

LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT

Banned Hazardous Products; Extension of Date for Issuing Rule or Withdrawing Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of date for issuing or withdrawing proposed rule.

SUMMARY: In this document the Consumer Product Safety Commission announces the extension until September 2, 1977, of the period of time within which it is required to either issue or withdraw the consumer product safety rule proposed on August 10, 1976, regarding the banning of lead-containing paint and certain articles intended for use by children and other articles of furniture bearing such paint. The present date for issuing or withdrawing the proposed rule is July 14, 1977. The Commission is taking this action because of the comprehensive nature of the rulemaking and the necessity of resolving many issues raised during the comment period.

DATE: The comment period for the proposed rule expired October 26, 1976. No further comments are requested.

ADDRESS: Comments received on the August 10, 1976, proposal and other available information may be inspected at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202-634-7770).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 10, 1976 (41 FR 33637), the Commission proposed to establish a regulation (16 CFR Part 1150) under sections 8 and 9 of the Consumer Product Safety Act (15 U.S.C. 2057, 2058) to declare as banned hazardous products (1) lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead. An oral hearing on the matter at which all interested persons were given the opportunity to speak was conducted on September 13, 1976. The last date for filing written comments on the proposal was extended by notice published October 6, 1976 (41 FR 44126) from September 9, 1976, to October 26, 1976. The Commission anticipates that the maximum permissible level of lead for the purpose of this proposed regulation will be established at 0.06 percent, which is the level in the definition of the term "lead-based paint," under the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801 et seq. (as amended by Pub. L. 94-317).

As provided in section 9 of the Consumer Product Safety Act, whenever the Commission proposes a rule declaring a product to be a banned hazardous product, it must, within 60 days after publication of the proposal, (1) promulgate the consumer product safety rule if the appropriate findings are made, or (2) withdraw the proposal if it determines that the rule is not reasonably necessary or not in the public interest. The 60-day period, however, may be extended for good cause if the Commission publishes its reasons for the extension in the FEDERAL REGISTER. In the FEDERAL REGISTER of October 6, 1976 (41 FR 44126), the Commission published its reasons for extending the period of time for either promulgating the rule or withdrawing the proposal from October 9, 1976, to April 1, 1977. This period was further extended until July 14, 1977, by notice published in the FEDERAL REGISTER on March 28, 1977 (42 FR 16445).

The Commission now announces a further extension of the period of time for promulgation or withdrawal of the consumer product safety rule proposed on August 10, 1976, for the reasons set forth below.

The Commission staff has been considering the comments received in response to the proposed regulation, the comments received in response to a draft environmental impact statement on the proposed regulation (the availability of the final impact statement was announced in the FEDERAL REGISTER of June 10, 1977 (42 FR 29948)), and other available information. Because of the comprehensive and complex nature of the proposal, many difficult questions regarding its scope and application have been raised which must be resolved. Since it has now become evident that, with existing Commission resources, resolution of these issues will require several more weeks than anticipated when the July 14 date was announced, an additional extension is necessary.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (secs. 8, 9, 86 Stat. 1215-17; 15 U.S.C. 2057, 2058) the Commission, for good cause as stated above, extends the period of time within which it must promulgate or withdraw the consumer product safety rule (16 CFR Part 1150) proposed in the FEDERAL REGISTER of August 10, 1976 (41 FR 33637), until September 2, 1977. This period may be further extended by a notice published in the FEDERAL REGISTER showing good cause.

Dated: July 1, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19325 Filed 7-6-77;8:45 am]

[16 CFR Part 1205]

POWER LAWN MOWERS

Extension of Comment Period

AGENCY: Consumer Product Safety COMMISSION.

ACTION: Extension of comment period.

SUMMARY: The Consumer Product Safety Commission extends the time for submission of written comments on the proposed Safety Standard for Power Lawn Mowers (42 FR 23052; May 5, 1977) from July 5, 1977 to August 12, 1977. Persons who submit written comments by that time will be given a further opportunity, until September 6, 1977, to comment on written or oral comments that have been submitted by others. The Commission is extending the time to provide interested persons an adequate opportunity to comment on the proposed standard.

ADDRESSES: Written comments should be submitted to the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Dr. Alan M. Ehrlich, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207. (301-492-6453).

SUPPLEMENTARY INFORMATION: On May 5, 1977, the Consumer Product Safety Commission proposed a Safety Standard for Power Lawn Mowers (16 CFR 1205, 42 FR 23052). The proposal specified that written comments should be submitted on or before July 5, 1977, and an opportunity to make oral presentations of data, views, or arguments was scheduled for June 13, 1977.

By a letter dated June 2, 1977, Consumers Union requested that the Commission reimburse it for the cost of reviewing the proposed standard, submitting written comments on it, and attending the meeting at which oral comments would be presented. Con- request for reimbursement in accordance with the Commission's proposed Procedures for Financial Compensation of Participants in Informal Rulemaking Proceedings, 16 CFR 1050, 42 FR 15711. Consumers Union also stated that its ability to comment was contingent upon the Commission providing it with 60 days from the date of notification that it would be reimbursed to submit the comments.

After evaluating Consumers Union's request for reimbursement in accordance with the criteria set forth in its proposed Procedures for Financial Compensation of Participants in Informal Rulemaking Proceedings, the Commission agreed to reimburse Consumers Union in the amount requested with the exception of overhead expenses.

In order to provide Consumers Union and other interested persons an adequate opportunity to comment on the proposed standard, the Commission extends the written comment period, until August 12, 1977. Written comments, preferably in five (5) copies, must be received in the Office of the Secretary by that date. Persons who file written comments by August 12, 1977, will also have until September 6, 1977, to comment on written or oral comments of other persons. If the Commission believes that further comment on any specific issue is desirable, it may solicit such additional comment by a notice in the FEDERAL REGISTER. The Commission will decide at a later time whether it believes it would be appropriate to provide an additional opportunity for oral presentation on the proposed standard or on specific issues raised by the proposal.

The Commission also received a request, dated May 13, 1977, from the J. I. Case Company to delay the oral presentation of data, views, and arguments from June 13, 1977, to August 15, 1977. The company stated that the June 13 date did not allow sufficient time to adequately analyze, interpret, and present its opinions on the proposal. The Commission determined that it would not be beneficial to delay the oral presentation beyond June 13, 1977 and therefore denied the requested delay. As mentioned previously, however, the Commission will decide at a later date whether it believes it would be appropriate to provide an additional opportunity for an oral presentation.

Dated: July 1, 1977

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19243 Filed 7-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 260]

VENDING FACILITY PROGRAM FOR THE BLIND ON FEDERAL PROPERTY

Employment Provisions

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed Rule.

SUMMARY: This proposed rule updates Department of Defense policies to reflect in greater depth and detail the intent and purpose of the amended Randolph-Sheppard Vending Stand Act which is to provide blind persons with employment and thereby to encourage them to become self-supporting.

DATES: Comments must be received on or before August 8, 1977.

ADDRESSES: Comments to Captain Carl P. Vogel, SC, USN, Assistant Director, Personnel Services, ODASD (MPP), OASD(MRA&L), Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Captain Carl P. Vogel, SC, USN, Assistant Director, Personnel Services, ODASD(MPP), OASD(MRA&L), Pentagon, Room 3C980, Washington, D.C. 20301, (202) 697-9191

SUPPLEMENTARY INFORMATION: On August 28, 1963, there was published in the FEDERAL REGISTER (28 FR 9434) a final rule adoption effective August 15, 1963 which established certain policies for assuring preference to blind persons in operating vending stands on Federal property under the jurisdiction of the Department of Defense. This proposed rule extends and amplifies the original Parts 260 (28 FR 9424) and 149 (21 FR 870).

Accordingly, Part 260 is revised as follows:

Sec.
260.1 Purpose.
260.2 Applicability
260.3 Policy.
260.4 Responsibilities
260.5 Definitions.

AUTHORITY: 49 Stat. 1559, as amended by Act of August 3, 1954, Pub. L. 83-565, 68 Stat. 663, as further amended by Pub. L. 93-516, 88 Stat. 1622, 20 U.S.C. 107.

§ 260.1 Purpose.

This Part establishes (a) uniform policies for implementation of the amended Act's priority accorded the blind to operate vending facilities; (b) requirement for suitable vending facility sites in Department of Defense (DOD) Component-owned or occupied buildings, and, (c) vending machine income-sharing requirements on property under the jurisdiction of a DOD Component in the 50 states, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, Guam and the Virgin Islands.

§ 260.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies (hereinafter referred to as "DOD Components").

§ 260.3 Policy.

(a) DOD Components will take necessary action, within their areas of responsibility, to insure that the requirements set forth below are implemented.

(b) The blind have a priority right to operate vending facilities and cafeterias on property subject to the control of a DOD Component. The priority extended is to allow blind licensees to be gainfully employed; accordingly, it is a responsibility of the on-site official to insure that the operator is in fact a State licensed blind person and that sighted employees or assistants are utilized only to the extent reasonably necessary.

(1) This priority will not be accorded when the on-site official determines, after conferring with the head of the DOD Component, that the interests of the United States would be adversely affected if the priority was accorded, e.g., where the location involved is in an area restricted for security reasons, where the according of this priority would require a significant reduction in the local morale, welfare and recreation programs at the location involved, etc.

(2) Any determination that according the priority would be adverse to interests of the United States, must be fully justified in writing through the Component head (who will consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (ASD (MR&L)), to the Secretary of the Department of Health, Education and Welfare (HEW) who has authority to determine whether the failure to accord the priority is justified by the circumstances. This determination by the Secretary of HEW must be published in the FEDERAL REGISTER and is binding upon the DOD Component.

(3) Applications for permits by the State licensing agency to operate vending facilities on property subject to DOD Component control must be submitted in writing to the head of the Component involved through the on-site official. When an application is not approved, the head of the Component will advise the State licensing agency in writing and will indicate the reasons for the disapproval. When issued, permits shall describe the location of the vending facility and shall be subject to the following requirements:

(i) The permit shall be issued in the name of the applicant State licensing agency.

(ii) The permit shall be issued for an indefinite period of time subject to suspension or termination upon failure to comply with agreed upon terms.

(iii) The permit shall provide that:

(A) No charge will be made by the DOD Component to the State licensing agency for normal repair and maintenance of the building, or for cleaning areas adjacent to the designated vending facility boundaries;

(B) The State licensing agency will be responsible for cleaning and maintaining the appearance of the vending facility including removal of all trash resulting from vending operation and for all costs of every kind in conjunction with vending facility equipment except as provided in paragraph (b)(3)(iii)(E) of this section.

(C) Articles sold at such vending facilities may consist of newspapers, periodicals, publications, confections, tobacco products, foods, nonalcoholic beverages, or other articles or services as are determined by the State licensing agency in consultation with the on-site official, to be suitable for a particular location;

(D) Vending facilities shall be operated in compliance with applicable health, sanitation and building codes or ordinances;

(E) Installation, modification, relocation, removal and renovation of vending facilities shall be subject to the prior approval of the on-site official and the State licensing agency. Costs of relocations initiated by the State licensing

agency shall be paid by that agency, and costs of relocations initiated by the DOD Component shall be borne by the DOD

comparable to that currently being provided. In the event direct negotiations fail to result in a contract with the State

to the State licensing agency and the State licensing agency's acknowledge-

played selections. A cafeteria may be

(m) *State Licensing Agency* means

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agency shall be paid by that agency, and costs of relocations initiated by the DOD Component shall be borne by the DOD Component.

(iv) The permit will contain:

(A) The fee or commission payable to the DOD Component negotiated with the State licensing agency, if any;

(B) The rental charges negotiated with the State licensing agency by the DOD Component, if any; and

(C) Appropriate requirements for reimbursement or direct payment for utilities, telephone service, etc.

(v) In the event the blind licensee fails to provide satisfactory service or otherwise fails to comply with the requirements of the permit issued to the State licensing agency, the on-site official shall, after coordinating with the head of the DOD Component, notify the State licensing agency of this deficiency in writing and request corrective action within a specified reasonable time. The notice shall indicate that failure to correct the deficiency will result in temporary suspension or termination of the permit, as appropriate. Any actual suspension or termination action will be taken by the head of the DOD Component after consultation with ASD(MRA&L).

(c) The blind have a priority right to operate cafeterias on property subject to the control of a DOD Component.

(1) This priority applies only—

(i) Where the cafeteria operation involved is contracted (as distinguished from directly operated by a DOD Component activity); and

(ii) If the Secretary of HEW determines, on an individual basis after consulting with the on-site official, that the blind licensee can satisfactorily operate the cafeteria while providing food at a reasonable cost and of a high quality comparable to that currently provided.

(2) This priority can be accorded in one of two ways.

(i) Procuring activity solicitations can be issued which establish basic requirements and the criteria for judging proposals. One copy of each solicitation must be provided to the State licensing agency for the blind. If the State licensing agency submits a proposal and it is within the competitive range established by the contracting officer, the contract will normally be awarded to the State licensing agency. To make an award to other than the State licensing agency, the on-site official, after coordinating with the head of the Component, must obtain the approval of the Secretary of HEW. The criteria upon which proposals will be evaluated may include factors such as sanitation practices, personnel, staffing, menu pricing and portion sizes, variety, budget and accounting practices, fee, and other relevant considerations.

(ii) Direct negotiations may be undertaken with State licensing agencies whenever the on-site official has determined that the State licensing agency, through its blind licensee, can provide the cafeteria services required at a reasonable cost, with food of a high quality comparable to that currently being provided. In the event direct negotiations fail to result in a contract with the State licensing agency, the procedures prescribed in § 260.3(c)(2)(i) will be followed.

(3) The operation of a cafeteria by a blind vendor shall be governed by contractual agreement; not by a permit. Normal contract administration procedures will apply except that termination actions will not be taken without prior coordination with the head of the DOD Component.

(4) All contracts for the operation of cafeterias on property under DOD Component control with other than State licensing agencies shall, upon expiration, be processed under the above paragraph unless the State licensing agency informs the on-site official that it is not prepared to exercise its priority at this time.

(d) Effective March 23, 1977, any DOD Component acquired (purchased, rented, or leased), constructed, or substantially altered or renovated building is required to have one or more satisfactory sites (as defined in § 260.5) for a blind-operated vending facility except as provided in paragraph § 260.3(1)(iii), below. "Substantial alteration or renovation" means a permanent material change in the floor area of a building which would render it appropriate for the location and operation of a vending facility by a blind vendor.

(1) A determination that a building contains a satisfactory site or sites is presumed made if the State licensing agency and the on-site official consult and agree that the site or sites provided are satisfactory.

(i) DOD Components must notify the appropriate State licensing agency of buildings to be acquired or occupied by certified or registered mail, return receipt requested, at least 60 days in advance of the intended acquisition date or the initiation of actual construction, alteration, or renovation. This notification shall indicate that a satisfactory site or sites for the location and operation of a blind vending facility is included in the plans for the building, shall forward a copy of a single line drawing for each floor level indicating the proposed location of such site or sites, and shall assure the State licensing agency that, subject to the approval of the DOD Component involved, it shall be offered the opportunity to select the location and type of vending facility to be operated by a blind vendor prior to completion of the final space layout of the building. As a practical matter the State licensing agency should be contacted early in the planning or design stage of a project.

(ii) The State licensing agency must respond within 30 days acknowledging receipt of the correspondence from the DOD Component and indicating whether it is interested in establishing a vending facility and if interested, indicating its agreement or alternate selection of a location and its selection of type of vending facility. A copy of the written notice to the State licensing agency and the State licensing agency's acknowledgement and response shall be provided to the Secretary of HEW.

(iii) If the State licensing agency indicates that it does not desire to establish and operate a vending facility or does not timely reply within the 30 day period prescribed in paragraph (d)(1)(ii) of this section, there is no requirement to incorporate a satisfactory site.

(2) The Secretary of HEW has determined that the requirement to provide a satisfactory site does not apply—

(i) When fewer than 100 Federal employees (as defined in § 260.5) will be located in the building during normal working hours; or

(ii) When the building contains less than 15,000 square feet to be used for Federal Government purposes in the case of a building in which services are to be provided to the general public.

(3) When a DOD Component is leasing all or part of a privately owned building in which the lessor or any of its tenants have an existing restuarant or other food facility in a part of the building not covered by the lease and operation of a vending facility would be in substantial direct competition with such restaurant or other food operation, the requirements of § 260.3(d) do not apply.

(e) Effective January 2, 1975, vending machine income generated by DOD Components must be shared with State licensing agencies for the blind and/or blind vendors as set forth below. The on-site official is responsible for the collection of, and accounting for, such vending machine income and for otherwise insuring compliance with the requirements of this paragraph.

(1) The vending machine income-sharing requirements are as follows:

(i) One hundred percent (100%) of the vending machine income (as defined in § 260.5) from vending machines in direct competition with blind-operated vending facilities must be provided to the State licensing agency for distribution of all or part thereof to the blind.

(ii) Fifty percent (50%) of the vending machine income (as defined in § 260.5) from vending machines not in direct competition with blind-operated vending facilities must be provided to the State licensing agency for distribution of all or part thereof to the blind.

(iii) Thirty percent (30%) of the vending machine income (as defined in § 260.5) from vending machines not in direct competition with blind-operated vending facilities and located where 50% of the machine hours are available for patronage during other than normal working hours (as defined in § 260.5) must be provided to the State licensing agency for distribution of all or part thereof to the blind.

(2) The determination of whether a vending machine is in direct competition with the blind-operated vending facility is the responsibility of the on-site official subject to the concurrence of the State licensing agency.

(3) These vending machine income-sharing requirements do not apply to—

(i) Income from vending machines operated by or for the military exchanges or ships' stores systems; or

(ii) Income from vending machines not in direct competition with blind-operated vending facility at any individual location, installation, or facility (as defined in § 260.5) where the total vending machine net income from all such machines at such location, installation, or facility does not exceed $3,000 annually.

(4) The payment of income to State licensing agencies to be shared under these income-sharing requirements must be made quarterly. The first payment of income to be shared will be made within 60 days after the end of the calendar quarter in which the request for payment for the State licensing agency for the blind is received. Where the State licensing agency was established prior to or on March 23, 1977 the first payment will cover period March 23, 1977 through end of calendar quarter in which request for payment is received. Where the State licensing agency was established after March 23, 1977 the first payment will cover period beginning with effective date of establishment of the State licensing agency through the end of the calendar quarter in which the request for payment is received. All subsequent quarterly payments will also be made within 60 days after expiration of the applicable quarter.

(f) Whenever any State licensing agency for the blind determines that any activity of DOD is failing to comply with the provisions of the Act and all informal attempts to resolve the issues have been unsuccessful, the State licensing agency may file a complaint with the Secretary of HEW who will convene an ad hoc arbitration panel in accordance with the provisions of 45 CFR 1369.37.

§ 260.4 Responsibilities.

(a) Within 90 days after the end of each fiscal year, each DOD Component shall forward to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) the total number of applications for vending facility locations received from State licensing agencies, the number approved, the number denied, the number still pending, the total amount of vending machine revenue-sharing income collected, and the amount of such vending machine income disbursed to the State licensing agency in each State.

(b) The reporting requirements of § 260.4(a), have been assigned Interagency Report Control Number 1270-HEW-AN.

§ 260.5 Definitions.

(a) *Blind Licensee* means a blind person licensed by the State licensing agency to operate a vending facility on Federal or other property.

(b) *Cafeteria* means a food dispensing facility which can provide a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a serving line where the customer serves or selects for himself from displayed selections. A cafeteria may be fully automatic, self-service, or have limited waiter or waitress service. Table or booth seating facilities are always provided. DOD Component food dispensing facilities which conduct cafeteria-type food operations during part of their normal operating day and full table-service operations during the remainder of their normal operating day are not "cafeterias" for purposes of this Part.

(c) *Direct Competition* means the presence and operation of a DOD Component vending machine on the same premises as a vending facility operated by a blind vendor. Vending machines operated in areas serving employees, the majority of whom normally do not have direct access (in terms of uninterrupted ease of approach and the amount of time required to patronize the vending facility) to the vending facility operated by a blind vendor, shall not be considered to be in direct competition with that vending facility.

(d) *Federal Property* means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States.

(e) *Individual Location, Installation, or Facility* means a single building or a self-contained group of buildings. A self-contained group of buildings means two or more buildings which are in close proximity to each other and between which a majority of the Federal employees working in such buildings regularly move from one building to another in the normal course of their official business during a normal working day.

(f) *Federal Employees* means civilian appropriated fund and nonappropriated fund employees of the United States.

(g) *License* means a written instrument issued by a State licensing agency to a blind person, authorizing that person to operate a vending facility on Federal or other property.

(h) *Normal Working Hours* means an 8 hour work period between the hours of 0800 and 1800 hours, Monday through Friday.

(i) *On-Site Official* means the individual in command of an installation or separate facility or location.

(j) *Permit* means the official written approval to establish and operate a vending facility requested by and issued to a State licensing agency by a DOD Component.

(k) *Satisfactory Site* means an area fully accessible to vending facility patrons and having sufficient electrical, plumbing, heating, and ventilation outlets for the location of a vending facility in accordance with applicable health and building requirements. Effective March 23, 1977, a "satisfactory site" will have a minimum of 250 square feet available for sale of items and for storage of articles necessary for the operation of a vending facility unless the head of the DOD Component and the State licensing agency agree that a smaller or larger facility is appropriate.

(l) *State* means a State, territory, possession, Puerto Rico, or the District of Columbia.

(m) *State Licensing Agency* means the State agency designated by the Department of Health, Education, and Welfare, Commissioner of the Rehabilitation Services Administration to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

(n) *Vending Facility* means automatic vending machines, cafeterias, snack bars, cart services, shelters, and counters, which sell such items as newspapers, periodicals, confections, tobacco products, foods, nonalcoholic beverages, and other articles and services to be dispensed automatically or manually and which are prepared on or off the premises in accordance with applicable health laws and further including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State. "Vending facility" does not include food operations of open messes/military clubs that provide full table service.

(o) *Vending Machine*, for the purpose of assigning vending machine income, means a coin or currency operated machine which dispenses articles or services, except that machines providing services of a recreational nature, commonly referred to as amusement machines (e.g., jukeboxes, pinball machines, electronic game machines, pool tables, shuffle boards, etc.) and telephones are not considered to be vending machines.

(p) *Vending Machine Income* means DoD Component receipts from DoD Component vending machine operations on Federal property, after deducting all applicable costs incurred (costs of: goods, service, maintenance, repair, cleaning, depreciation, supervisory and administrative personnel, normal accounting, accounting for income-sharing, and so forth) where the machines are operated by any DoD Component activity; or commissions received (less applicable DoD Component costs) to any DoD Component activity by a commercial vending firm which provides vending machines on Federal property for, or with the approval of, any DoD Component activity.

q. *Vendor* means a blind licensee who is operating a vending facility on Federal or other property.

Dated: July 1, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

[FR Doc.77-19364 Filed 7-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 154, 155, 156, and 157]

[46 CFR Part 162]

OIL POLLUTION PREVENTION

Correction

On the cover of the separate Part III appearing at page 32669, in the issue for Monday, June 27, 1977, the last heading now reading "Air Pollution Preven-

tion" should have read "Oil Pollution Prevention".

By specifying that the prohibition con-

proceeding. To the extent that a further extension for filing reply comments may

hold goods in interstate or foreign commerce shall sell, offer to sell,

own name insurance covering its liabi-

The policy of the Department of the Interior is to afford the public, whenever

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tion" should have read "Oil Pollution Prevention".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

COMPUTER INQUIRY

Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Additional time for the filing of reply comments in the Computer Inquiry rulemaking proceeding is sought by a participant. The Commission granted additional time to allow an adequate opportunity for review of the comments and preparation of reply comments.

DATE: Reply comments must be received on or before September 12, 1977.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 202-632-9342.

SUPPLEMENTARY INFORMATION:

Adopted: June 30, 1977.

Released: July 1, 1977.

Order. In the matter of amendment of § 64.702 of the Commission's rules and regulations (Computer Inquiry), Docket No. 20828.

1. On June 20, 1977 the Independent Data Communications Manufacturers Association, Inc. (IDCMA), pursuant to § 1.46 of the Commission's rules, filed a motion for extension of time for the filing of reply comments in Docket No. 20828. IDCMA has requested that the time for filing reply comments be extended from July 25, 1977 to October 25, 1977.[1]

2. In support of its motion IDCMA cites the fact that over fifty parties filed comments. It states that the comments are complex and voluminous and that an extension of time until October 25, 1977 will enable it to carefully analyze other parties' positions and to file appropriate responsive comments. In addition, mention is made of the time that will be required of counsel and representatives of IDCMA in the near future to review rate and data filings made pursuant to Commission decisions in Dockets 18128, 20288, and 19419.

3. Because a large number of comments have been filed in this proceeding, an extension of the date for filing reply comments appears to be in order. However, an extension for an additional ninety days, as requested, appears to be an unduly long and unreasonable timeframe for filing reply comments in this proceeding. To the extent that a further extension for filing reply comments may be warranted, we will grant IDCMA's request in part, and extend the date for filing reply comments from July 25, 1977 to September 12, 1977. This will allow the participants in excess of three months to review the comments and to prepare reply comments. This should be more than enough time for all concerned to adequately address the issues raised in the initial comments.

4. Accordingly, the Motion for Extension of Time filed by IDCMA is granted in part. The time for all parties to file reply comments in Docket No. 20828 is hereby extended from July 25, 1977 to September 12, 1977.

5. This action is taken under delegated authority pursuant to § 0.303(c) of the Commission's rules and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
PHILIP V. PERMUT,
Acting Chief,
Common Carrier Bureau.

[FR Doc.77-19297 Filed 7-6-77;8:45 am]

[1] Comsat General Corporation and GTE Service Corporation filed comments in support of IDCMA's request, see 42 FR 27971, June 1, 1977.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 31)]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods

(Insurance for Third-Proviso Shipments)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to amend the regulations governing household transportation of household goods in 49 CFR 1056.15 to permit carriers to sell insurance to shippers of household goods as defined in 49 CFR 1056.1(a)(3) (the so-called "third-proviso" shipments of household goods).

DATES: Comments are due on or before August 1, 1977.

ADDRESSES: Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION:

The Interstate Commerce Commission is proposing to amend Part 1056 of Title 49 of the Code of Federal Regulations by modifying section 1056.15 of those regulations. Section 1056.15 now provides that no motor common carrier of household goods in interstate or foreign commerce shall sell, offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to shipments of household goods. Nothing in that section precludes any carrier from obtaining in its own name insurance covering its liability for any loss or damage to shipments.

The Commission's regulation prohibiting the sale of insurance by motor common carriers of household goods was adopted in Ex Parte No. MC-19, *Practices of Motor Common Carriers of Household Goods*, 95 M.C.C. 138, 178 (1964). That regulation, originally 49 CFR 176.7, was subsequently renumbered 49 CFR 1056.15. By prohibiting the sale of insurance by carriers, the Commission eliminated the frustration and confusion arising from the co-responsibility feature found in many policies issued by carriers and from the inability of the individual shipper to understand the extent to which a shipment was actually covered by the carrier-issued policy. The purposes of the prohibition were to protect the individual household goods shipper from deception and to ensure that household goods carriers assumed full responsibility for the value of items lost or destroyed in transit.

The protection of the individual household goods shipper was further assured by the issuance of Released Rates Order No. MC-505, which essentially established released values and liability limitations for household goods shipments.

The provisions of § 1056.15 now apply to all types of household goods as defined in 49 CFR 1056.1(a)(1)-(3), including (1) shipments tendered by individual householders (first-proviso shipments of household goods), (2) furniture, fixtures, and equipment of stores, offices, hospitals, and similar institutions (second-proviso shipments), and (3) articles, including machinery, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods (third-proviso shipments).

A question has arisen whether the prohibition contained in § 1056.15 is necessary for the protection of those who utilize the services of household goods carriers for transportation of third-proviso household goods shipments. Commodities tendered under the third-proviso of the definition of household goods include computers and computer accessories, various electronic machinery, displays, and other manufactured items tendered by commercial shippers. Shipments of third-proviso household goods are typically tendered to household goods carriers by sophisticated shippers who are generally in a position to understand the terms of an insurance policy and to protect themselves against any unscrupulous practices which may be encountered if carriers were to offer to sell insurance for their shipments.

Accordingly, the Commission proposes to amend § 1056.15 to permit carriers to sell insurance to shippers of third-proviso household goods.

By specifying that the prohibition contained in § 1056.15 extends only to shippers of household goods under the first and second provisos, that section would permit carriers to sell insurance to third-proviso shippers. Third-proviso household goods are those which, although they require the specialized handling associated with household goods transportation, are not of the type to be tendered by the individual householder. If the proposed amendment is adopted, only those parties who would be in the best position to understand the terms of the insurance purchased and to protect themselves from any of the abuses against which § 1056.15 is directed would be able to purchase insurance from carriers.

The treatment of individual consumers would not be affected by the proposed amendment, because amended § 1056.15 would continue to prohibit the sale of insurance by carriers to those shippers. Accordingly, we believe that the proposed amendment to § 1056.15 would be consonant with this Commission's decision in Ex Parte No. MC-19, *Practices of Motor Common Carriers of Household Goods, supra,* and with the goals of Released Rates Order No. MC-505.

Oral hearings do not appear to be necessary at this time, and none are contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments on or before August 1, 1977. An original and 15 copies (wherever possible) of such data, views, or arguments shall be filed with:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) and of 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., on the 24th day of June, 1977.

H. G. HOMME, Jr.
Acting Secretary.

Accordingly, it is proposed to amend 49 CFR 1056.15 to read as follows:

§ 1056.15 Selling of insurance to shippers.

No such common carrier or any employee, agent, or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods as defined in 49 CFR 1056.1(a)(1) or (2) to be transported in interstate or foreign commerce by such carrier. Nothing in this section shall preclude any carrier from procuring in its own name insurance covering its liability for such loss or damage.

[FR Doc.77-19351 Filed 7-6-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR PART 25]

PERMITS

Appeals Procedure

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth the procedures for an aggrieved person to appeal an adverse action of the Service within the National Wildlife Refuge System, with respect to that person's permit granted by the Service, or application therefor. Procedures for such appeals on a comprehensive basis have not been provided before and this proposal will clearly establish the guidelines for filing an appeal with the agency.

DATE: Comments must be received on or before August 1, 1977.

ADDRESS: Comments to Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION:

James J. Hubert, Division of National Wildlife Refuge, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Telephone number 202-343-5458.

SUPPLEMENTARY INFORMATION: Notice is hereby given that it is proposed to modify 50 CFR Part 25.

Pursuant to the authority of 16 U.S.C. § 668dd, as redelegated to the Director of the United States Fish and Wildlife Service by DM 242.1.1, the Director may amend by addition, revision, or revocation, regulations contained in Chapter I, 50 CFR. It is the purpose of this proposed rule to provide an aggrieved person with a procedure whereby an appeal may be filed on adverse actions of the Service within the National Wildlife Refuge System concerning that person's permit granted by the Service, or application therefor.

Such a procedure has heretofore been provided only for rights-of-way (50 CFR 29.22). The rights-of-way regulations are currently undergoing extensive revision, and the appeals procedure for rights-of-way will remain in that subject. While few problems in the appeals area of administration have existed in the past it has been determined that the public should be provided with a procedure that clearly and simply allows for filing an appeal which will be justly and fairly reviewed by the proper authorities.

It has been determined that this proposal does not constitute a major federal action significantly affecting the quality of the human environment under the terms of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)).

The policy of the Department of the Interior is to afford the public, whenever practical, the opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions, or objections regarding the proposal to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, on or before August 1, 1977. All timely relevant comments received will be considered by the Director prior to the issuance of the final rule.

Mr. James J. Hubert is the primary author of this document.

NOTE: The Service has determined that this document does not contain a major proposal which would require the preparation of an economic impact Statement under Executive Order 11949 and OMB Circular A-107.

Accordingly, it is proposed to amend 50 CFR Chapter I, Subchapter C by inserting in Part 25 Subpart D, a new § 25.44, as follows:

§ 25.44 Appeal of adverse action.

A person aggrieved by an adverse action taken by the Service within the National Wildlife Refuge System with respect to that person's Service permit, or application therefor, excepting rights-of-ways, may appeal such action in writing within 15 days to the appropriate area manager's decision may be appealed in writing within 15 days to the regional director. The regional director's decision may be appealed in writing within 15 days to the Director. The Director's decision in any such matter shall be appealable to the Secretary of the Interior in accordance with the procedures set forth in 43 CFR 4G. The addresses for each level of appeal may be obtained from the refuge manager. Notwithstanding the provisions of 43 CFR 4.21(a), any decision from which an appeal is taken shall be in full force and effect during the pendency of the appeal.

Dated: July 1, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-19254 Filed 7-6-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY GAME BIRD REGULATIONS

Public Hearing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Public hearing on proposed hunting regulations.

SUMMARY: The Service gives notice that a public hearing on proposed hunting regulations for waterfowl and other species for which hunting seasons begin on or about October 1 will be held in the Auditorium, General Services Building, 18th and F Streets NW., Washington, D.C.

DATE: August 2, 1977, at 9 a.m.

Minutes of the hearing will be available for purchase from a public stenographer.

Ralph H. Town, Division of National

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DATE: August 2, 1977, at 9 a.m.

ADDRESS: To participate in this public hearing, notify the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, D.C. 20240, or call 202–343–8827.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202–343–8827.

SUPPLEMENTARY INFORMATION: This public hearing will be held in accordance with Part 455 of the Departmental Manual (Hearings).

The purpose of this hearing is to review information on population status and proposed hunting regulations for waterfowl and other species of migratory birds for which framework regulations for the 1977–78 hunting season have not yet been finalized, and to receive public comments on these matters for consideration by the Director, U.S. Fish and Wildlife Service.

Statements from interested persons should be presented in writing in duplicate to the Hearing Officer at the public hearing or forwarded to the U.S. Fish and Wildlife Service (FWS/MBMO) at the above address prior to the meeting.

Minutes of the hearing will be available for purchase from a public stenographic services company.

Dated July 1, 1977.

HARVEY K. NELSON,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.77–19333 Filed 7–6–77;8:45 am]

[50 CFR Part 32]

HUNTING

Proposed Rulemaking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that it is proposed to add Savannah National Wildlife Refuge, South Carolina, to the list of refuge areas open for the hunting of big game. The Director has determined that a harvestable surplus of big game exists, that there is public demand for additional recreational opportunity, and that this action is compatible with the major purposes for which this refuge was established. The proposed hunting program will provide for the harvest of a renewable resource and for additional public recreational opportunity.

DATES: Comments must be received on or before July 31, 1977.

ADDRESS: Comments may be addressed to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone 202–343–2374.

SUPPLEMENTARY INFORMATION: Ralph H. Town is also the primary author of this proposed rule. Pursuant to the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared on this proposal, and is available for public inspection and copying at Room 2024, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, or by mail, addressing the Director at the address given above. On the basis of this assessment, the Director has determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

NOTE.—The U.S. Fish and Wildlife Service has also determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Accordingly, it is proposed to amend 50 CFR 32.31 as follows:

§ 32.31 List of open areas: big game.

SOUTH CAROLINA

Savannah National Wildlife Refuge

Dated: June 27, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77–19334 Filed 7–6–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SELECT COMMITTEE ON EX PARTE COMMUNICATIONS IN RULEMAKING

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Ex Parte Communications in Rulemaking of the Administrative Conference of the United States, to be held at 10:00 a.m., July 13, 1977 in the offices of the Administrative Conference of the United States, 2120 L Street, NW, Washington, D.C.

The Committee will meet to consider Professor Nathanson's draft Committee report and the formulation of a proposed recommendation on the subject of treatment of ex parte communications to agency officials in informal rulemaking.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend are requested to notify this office the day preceding the meeting. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Richard K. Berg (202) 254–7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JUNE 29, 1977.

[FR Doc.77–19306 Filed 7–6–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

BYLAWS OF CORPORATION

The bylaws of the Commodity Credit Corporation, amended June 3, 1977, are as follows:

OFFICES

1. The principal office of the Corporation shall be in the City of Washington, District of Columbia, and the Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.

COMMODITY CREDIT CORPORATION — A FEDERAL CORPORATE AGENCY BY ACT OF CONGRESS — 1948

MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held, whenever necessary, on Wednesdays at 9:30 a.m. in the Board meeting room in the U.S. Department of Agriculture in the City of Washington, D.C. Notice of such meetings shall be provided in the same manner as is specified for special meetings in Paragraph 4. No regular meetings of the Board shall be held except in accordance with provisions of the Government in the Sunshine Act (5 U.S.C. 552b).

4. Special meetings of the Board may be called at any time by the Chairman, the Vice Chairman, or by the President, or the Executive Vice President and shall be called by the Chairman, the Vice Chairman, the President, or the Executive Vice President at the written request of any five Directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by mailgram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof. No special meetings of the Board shall be held except in accordance with provisions of the Government in the Sunshine Act (5 U.S.C. 552b).

5. The Secretary of Agriculture shall serve as Chairman of the Board. The Deputy Secretary of Agriculture shall serve as Vice Chairman of the Board and, in the absence or unavailability of the Chairman, shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the Vice Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailability of the Chairman, the Vice Chairman, and the President, the Directors present at the meeting shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of five Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Assistant General Counsel in the Office of the General Counsel who is in immediate charge of legal work for the Corporation shall, as General Counsel and Assistant General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, and the Secretary shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents, and the Controller shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman, Vice Chairman, or President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any Director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agricultural Stabilization and Conservation Service (referred to as ASCS), the Office of the General Counsel, and the Foreign Agricultural Service are designated to perform the functions of the Corporation with respect to the commodities and programs specified, subject to the limitations prescribed, and subject to the general supervision and direction of the Secretary, the Executive Vice President, and the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which no other official is designated, and may perform any of the functions of the Corporation with respect to any commodity or program for which a higher official is designated, unless the higher official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which a lower official is designated, unless the lower official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which a coordinate official is designated, unless the coordinate official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which no official is designated, unless the official who would otherwise be authorized to perform the function has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which a higher official is designated, unless the higher official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which a lower official is designated, unless the lower official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which a coordinate official is designated, unless the coordinate official has withdrawn the authority. Each of the officials designated may perform any of the functions of the Corporation with respect to any commodity or program for which no official is designated, unless the official who would otherwise be authorized to perform the function has withdrawn the authority.

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aquaculture operations have been sub-

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13. The following officials of the Agricultural Stabilization and Conservation Service (referred to as ASCS), the Office of the General Sales Manager (referred to as OGSM), Foreign Agricultural Service (referred to as FAS), Food and Nutrition Service (referred to as FNS), Food Safety and Quality Service (referred to as FSQS), and the Agricultural Marketing Service (referred to as AMS) shall be ex officio officers of the Corporation.

Administrator, ASCS; Executive Vice President.
General Sales Manager, OGSM; Vice President.
Administrator, FAS; Vice President.
Administrator, AMS; Vice President.
Administrator, FNS; Vice President.
Administrator, FSQS; Vice President.
Associate Administrator, ASCS; Vice President.
Deputy Administrator, Programs, ASCS; Deputy Vice President.
Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President.
Deputy Administrator, Management, ASCS; Deputy Vice President.
Executive Assistant to the Administrator, ASCS; Secretary.
Director, Fiscal Division, ASCS; Controller.
Deputy Director, Fiscal Division, ASCS; Treasurer.
Chief, Accounting Systems Branch, Fiscal Division, ASCS; Chief Accountant.

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

The President

15. (a) The President shall have general supervision and direction of the Corporation, its officers and employees.

(b) The President shall establish and direct an Office of the Secretariat. Such office shall be responsible for obtaining or developing, as the President determines, information on major program or policy proposals submitted to the Board.

The Vice Presidents

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all Corporation policies and programs to the Board. Except as provided in paragraphs (b), (c), (d), (e), and (f) below, the Executive Vice President shall have general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(b) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Agricultural Marketing Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Agricultural Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(d) The Vice President who is the General Sales Manager of the Office of the General Sales Manager shall be responsible for preparation for submission by the Executive Vice President to the Board of policies and programs of the Corporation which are for performance through the facilities and personnel of the Office of the General Sales Manager. He shall also have responsibility for the administration of those operations of the Corporation, under the policies and programs approved by the Board, which are carried out through facilities and personnel of the Office of the General Sales Manager. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(e) The Vice President who is the Administrator, Food and Nutrition Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Food and Nutrition Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(f) The Vice President who is the Administrator, Food and Safety and Quality Service, shall be responsible for the Administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Food Safety and Quality Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

The Secretary

18. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action and shall perform such other duties and exercise such other powers as are commonly incidental to the Office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

The Controller

19. The Controller shall have charge of all fiscal and accounting affairs of the Corporation, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

The Treasurer

20. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the United States Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all monies due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

The Chief Accountant

21. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the general books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

Other Officials

22. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Office of the General Sales Manager, the Foreign Agricultural Service, the Food and Nutrition Service, the Food Safety and Quality Service, and the Agricultural Marketing Service in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency or office, by the Administrators of the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Food and Nutrition Service, Food Safety and Quality Service, Agricultural Marketing Service, or the General Sales Manager of the Office of the General Sales Manager.

23. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Corporation, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable programs, policies, and procedures.

Contracts of the Corporation

24. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the Controller, the Treasurer, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

25. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval by such Executive Vice President of each appointment, the Vice Presidents, the Deputy Vice Presidents, the Controller, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

26. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

27. In executing a contract in the name of the Corporation, an official shall indicate his title.

Annual Report

28. The Executive Vice President shall be responsible for the preparation of an anuual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

Amendments

29. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special proposed alteration, amendment, or remeeting of the Board, if notice of the peal be contained in the notice of such special meeting.

Approval of Board Action

30. The actions of the Board shall be subject to the approval of the Secretary of Agriculture.

I, James E. McMahon, Acting Secretary, Commodity Credit Corporation, do hereby certify that the above is a full, true, and correct copy of the bylaws of Commodity Credit Corporation, as amended June 3, 1977.

In witness whereof I have officially subscribed my name and have caused the corporate seal of the said Corporation to be affixed this June 16, 1977.

James E. McMahon,
Acting Secretary,
Commodity Credit Corporation.

[FR Doc.77-19288 Filed 7-6-77;8:45 am]

Farmers Home Administration

[Designation No. A488]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Georgia Counties as a result of various adverse weather conditions shown in the following chart:

Georgia Counties Being Recommended Because of Drought—130 counties

[Note.—Another list attached shows counties which had natural disasters in addition to drought]

Appling	Jenkins
Atkinson	Johnson
Bacon	Jones
Baker	Lamar
Baldwin	Lanier
Banks	Laurens
Barrow	Lee
Ben Hill	Liberty
Berrien	Lincoln
Bibb	Long
Bleckley	Lowndes
Brooks	McDuffie
Bryan	McIntosh
Burke	Macon
Butts	Madison
Calhoun	Marion
Candler	Meriwether
Carroll	Miller
Chatham	Mitchell
Chattahoochee	Monroe
Cherokee	Montgomery
Clarke	Morgan
Clay	Murray
Clayton	Newton
Clinch	Oconee
Cobb	Oglethorpe
Coffee	Peach
Colquitt	Pierce
Columbia	Pike
Cook	Pulaski
Coweta	Putnam
Crawford	Quitman
Crisp	Randolph
Decatur	Richmond
DeKalb	Rockdale
Dodge	Schley
Dooly	Screven
Dougherty	Seminole
Douglas	Spalding
Early	Stewart
Echols	Sumter
Effingham	Talbot
Elbert	Taliaferro
Emanuel	Tattnall
Evans	Taylor
Fayette	Telfair
Franklin	Terrell
Fulton	Thomas
Glascock	Toombs
Glynn	Treutlen
Grady	Troup
Greene	Turner
Gwinett	Twiggs
Hall	Upson
Hancock	Walton
Harris	Ware
Hart	Warren
Heard	Washington
Henry	Wayne
Houston	Webster
Irwin	Wheeler
Jackson	Whitfield
Jasper	Wilkes
Jeff Davis	Wilkinson
Jefferson	Worth

Georgia counties recommended for natural disasters shown below which are in addition to drought

Agriculture has prepared a draft environmental statement for the Manage-

The environmental assessment of this

DEPARTMENT OF COMMERCE

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Georgia counties recommended for natural disasters shown below which are in addition to drought

County	Disasters	Incidence period
Appling	Hail	May 26, 1977.
Bacon	Rainfall	Oct. 15, 1976 through Mar. 23, 1977.
Banks	do	Mar. 1, 1977 through Apr. 30, 1977.
Barrow	Below normal temperatures	Jan. 1, 1977 through Feb. 28, 1977.
Carroll	do	Dec. 1, 1976 through Jan. 31, 1977.
Chatam	do	Feb. 28, 1977 through Apr. 30, 1977.
Cherokee	do	Jan. 1, 1977 through Feb. 28, 1977.
		Apr. 1, 1977 through May 31, 1977.
Cobb	do	Oct. 16, 1976 through Mar. 31, 1977.
Coffee	Above normal temperatures	Apr. 1, 1977 through May 31, 1977.
Columbia	Below normal temperatures	Oct. 1, 1976 through Jan. 31, 1977.
Coweta	do	Jan. 1, 1977 through Jan. 31, 1977.
De Kalb	do	Jan. 1, 1977 through Feb. 28, 1977.
Douglas	do	Do.
Echols	do	Apr. 1, 1977 through Apr. 15, 1977.
Effingham	do	Apr. 1, 1977 through Apr. 30, 1977.
Franklin	Rainfall	Mar. 1, 1977 through Mar. 31, 1977.
Fulton	Below normal temperatures	Oct. 15, 1976 through Mar. 31, 1977.
Glascock	do	Apr. 23, 1977 through May 20, 1977.
Greene	do	Jan. 1, 1977 through Feb. 28, 1977.
Gwinnett	do	Do.
Hall	Flooding	Apr. 4, 1977.
Hancock	Below normal temperatures	Apr. 23, 1977 through May 20, 1977.
Hart	do	Nov. 1, 1976 through Feb. 7, 1977.
Lasseon	do	Nov. 1, 1976 through Jan. 31, 1977.
Laurens	Above normal temperatures	Apr. 1, 1977 through May 31, 1977.
Lowndes	Below normal temperatures, above normal temperatures.	Apr. 1, 1977 through Apr. 15, 1977.
Macon	Below normal temperatures	Apr. 16, 1977 through May 31, 1977.
Murray	Below normal temperatures, tornado	Dec. 1, 1976 through Feb. 28, 1977.
		Oct. 1, 1976 through Feb. 28, 1977.
Oglethorpe	Below normal temperatures	Apr. 4, 1977.
Pike	do	Nov. 1, 1976 through Feb. 28, 1977.
Richmond	Below normal temperatures, excessive rain	Oct. 1, 1976 through Feb. 28, 1977.
		Oct. 1, 1976 through Jan. 1, 1977.
Schley	Below normal temperatures	Sept. 1, 1976 through Dec. 31, 1976.
Taliaferro	do	Nov. 1, 1976 through Jan. 1, 1977.
Taylor	do	Jan. 1, 1977 through Feb. 28, 1977.
Upson	do	Nov. 1, 1976 through Jan. 30, 1977.
Washington	do	Oct. 20, 1976 through Jan. 31, 1977.
Whitfield	Below normal temperatures, tornado	Nov. 1, 1976 through Jan. 31, 1977.
		Oct. 25, 1976 through Feb. 28, 1977.
		Apr. 3, 1977.

(NOTE.—Much of below normal temperatures included extremely cold and/or freezing weather)

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for emergency loans must be received by this Department no later than August 19, 1977, for physical losses and March 20, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 28th day of June, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-19253 Filed 7-6-77;8:45 am]

[Designation No. A484]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Acadia Parish, Louisiana, as a result of excessive rainfall and flooding April 19 through April 21, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1977, for physical losses and March 9, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 28th day of June, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-19252 Filed 7-6-77;8:45 am]

Forest Service

MANAGEMENT OF PRAIRIE DOGS ON LANDS ADMINISTERED BY THE SUPERVISOR OF THE NEBRASKA NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for the Management of Prairie Dogs on Lands Administered by the Supervisor of the Nebraska National Forest. The Forest Service report number is USDA-FS-R2-DES (Adm) FY-77-04.

The environmental statement concerns a proposal to implement a management plan for prairie dogs on the public lands administered by the Supervisor of the Nebraska National Forest. These lands are located in southwestern South Dakota and northwestern Nebraska.

This draft environmental statement was transmitted to CEQ on June 28, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Services, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337.

A limited number of single copies are available upon request to Lawrence C. Sutton, Forest Supervisor, USDA Forest Service, 270 Pine Street, Chadron, Nebraska 69337.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with repsect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Lawrence C. Sutton, Forest Supervisor, USDA Forest Service, 270 Pine Street, Chadron, Nebraska 69337. Comments must be received by August 29, 1977, in order to be considered in the preparation of the final environmental statement.

LAWRENCE C. SUTTON,
Forest Supervisor.

JUNE 28, 1977.

[FR 77-19241 Filed 7-6-77; 8:45 am]

Soil Conservation Service

UPPER CLINCH VALLEY WATERSHED, VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Upper Clinch Valley Watershed in Tazewell County, Virginia.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment, and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North Eighth Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, municipal water storage, and flood prevention. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one multiple-purpose structure for municipal and industrial water supply and floodwater storage.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 400 North Eighth Street, Room 9201, Richmond, Virginia 23240. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until July 20, 1977.

Dated: June 28, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566 (16 U.S.C. 1001-1008))

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, United States Department of Agriculture.

[FR Doc.77-19307 Filed 7-6-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

OHIO ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER, Tuesday, June 28, 1977, (FR Doc. 77-18425) on page 32823 is hereby amended. The meeting will be held on July 30, 1977 instead of July 23, 1977. The time and place of the meeting will remain the same.

Dated at Washington, D.C., June 30, 1977.

JOHN I.BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-19286 Filed 7-6-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA—BERKELEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00162. Applicant: University of California—Lawrence Berkeley Laboratory, One Cyclotron Road, Berkeley, California 94720. Article: 3 (Three) Amplifier electron tubes, Model TH-515, 200 MHz R.F. Manufacturer: Compagnie Generale de Telegraphie, France. Intended use of article: The articles are to be used as spares to identical tubes now in service in a proton-deuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 MeV linear accelerator.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The National Bureau of Standards (NBS) advises in its memorandum dated May 16, 1977, that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-19308 Filed 7-6-77;8:45 am]

UNIVERSITY HOSPITAL AND CLINICS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00157. Applicant: The University Hospital and Clinics, 800 North East 13th Street, Post Office Box 25606, Oklahoma City, Oklahoma 73125. Article: Linear Accelerator, Model 40 MEV and accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used to treat patients with cancer; as part of clinical protocol studies to allow an efficient and economical means for conducting cooperative multidisciplinary clinical trials with the rapid integration of new biological concepts into clinical care with ultimately improved cancer therapy. The article will also be used for educational purposes in the courses RADI 6950, Research Methods in Radiological Sciences, and RADI 6980 Research for Doctor's Dissertation.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, could have been made available to the applicant without excessive delay within the meaning of § 301.11(c) of the regulations at the time the foreign article was ordered (June 24, 1975).

REASONS: Excessive delivery time is described in § 301.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The applicant requested a Quotation from Varian Associates/Radiation Divi-

sion (Varian) and the foreign manufacturer after site visits on April 14, 1975, and April 9, 1975, respectively. Varian

The cast iron cooking ware included in the Commission's investigation includes all nonelectric cooking utensils, wholly or

("EDA") in the Department of Commerce, a certified firm may apply for adjustment assistance to carry out its re-

to businesses located in areas other than cities of over 50,000 population. As with

By Order of the Maritime Subsidy Board.

per trip, which ever is greater of Cod taken in the Gulf of Maine.

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sion (Varian) and the foreign manufacturer after site visits on April 14, 1975, and April 9, 1975, respectively. Varian quoted its model Clinac 35 with a delivery time of 21 months after receipt of order. In a letter dated September 17, 1975, the foreign manufacturer quoted delivery on site by July 1, 1976. This delivery date is approximately 12 months after the article was ordered. The applicant identified important projects which would be seriously impaired by this delay. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977, that the delay in delivery if the needed instrument had been purchased from the domestic source would have seriously impaired the timely accomplishment of the applicant's programs. Moreover, HEW advises that the foreign article provides maximum homogeneity of the energy in the electron beam and a 40 million electron volt capability both of which are pertinent to the applicant's intended purposes and are not provided in the domestic Clinac 35.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

Accordingly, we find that (1) the difference between the delivery time of the article and the comparable domestic instrument to be excessive within the meaning of § 301.11(c) as it would seriously impair the accomplishment of the applicant's purposes at the time the article was ordered and (2) no instrument or apparatus of equivalent scientific value to the foreign article for its intended purposes was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-19309 Filed 7-6-77;8:45 am]

Economic Development Administration

PROSPECTS FOR ADJUSTMENT ASSISTANCE FOR FIRMS IN THE CAST IRON COOKING WARE INDUSTRY

Summary

The Department of Commerce has conducted a study of the firms in the cast iron cooking ware industry pursuant to section 264 of the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commission makes an industry investigation under Section 201 of the Act.

In its report on May 24, 1977, the Commission determined (by a 4-to-1 vote) that increased imports of cast iron cooking ware are not causing or threatening to cause serious injury to the domestic industry.

The cast iron cooking ware included in the Commission's investigation includes all nonelectric cooking utensils, wholly or almost wholly of cast iron and includes cast iron cooking ware with noniron parts, such as wooden handles.

There are three domestic producers of cast iron cooking ware and each of the firms also produces substantial amounts of other products.

Shipments of cast iron cooking ware by the domestic producers declined steadily from 7.27 million units in 1972 to 3.73 million units in 1975. In 1976, shipments increased only slightly to 3.73 million units. The value of domestic shipments totaled $9.2 million in 1976.

The average number of production and related workers producing cast iron cooking ware declined each year from 487 employees in 1973 to 289 workers in 1976.

Imports of cast iron cooking ware increased from 654,000 pieces in 1972 to 2.1 million pieces in 1975 and then jumped to 8.4 million pieces in 1976 when such imports from designated beneficiary developing countries became eligible for duty-free treatment for purposes of the Generalized System of Preferences. Eighty-five percent of cast iron cooking ware imports entered the U.S. duty-free in 1976.

To be certified eligible to apply for trade adjusment assistance, a firm must petition the Department of Commerce and demonstrate that increased imports of articles like or directly competitive with those produced by the firm contributed importantly to declines in sales or production, or both, and to the separation, or threat of separation, of a significant number or proportion of the firm's workers. A trade-impacted producing firm may petition the Department for certification at any time regardless of a prospective Commission finding or its results. For firms in the cast iron cooking ware industry that are considering petitioning for certification, the first requirement of the qualifying criteria apparently has been met, since U.S. imports of cast iron cooking ware increased in both 1975 and 1976. None of the three firms producing cast iron cooking ware has petitioned the Department of Commerce for certification, although two of the firms appear to meet the requisite eligibility criteria of declines in their total corporate sales or production and employment.

However, even in those instances where data are available and the firms have experienced the requisite declines, without an investigation of each individual firm there is no basis for determing whether imports contributed importantly to those declines. Under such circumstances, the Department is unable to determine the number of firms that are "likely to be certified as eligible" until the firms have actually submitted acceptable petitions.

Under the program of trade adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration ("EDA") in the Department of Commerce, a certified firm may apply for adjustment assistance to carry out its recovery plan. However, the fact that a firm is certified does not imply that such assistance will be furnished. Whether the firm obtains any financial assistance will depend upon the firm's adjustment proposal meeting all of the statutory criteria essential for approval. Adjustment assistance may consist of financial assistance, technical assistance, or both. Financial assistance, in the form of direct loans and loan guarantees, may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Works and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit indirectly from grants to the designated places and related entities for financing public works, and directly from business development loans and guarantees.

Under PWEDA, neither loans nor guarantees can be used to assist firms relocating from one area to another or to expand production in an industry found to have long-term overcapacity. However, firms could obtain assistance under PWEDA for purposes of assuring the retention of existing capacity and employment. Moreover, PWEDA does authorize technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The Small Business Administration ("SBA") administers three programs of potential assistance to cooking ware firms: a management assistance program for small business; a loan program for local development companies; and a business loan program of direct, participating, and guaranteed loans. Eligibility is limited to independently owned and operated firms that are not dominant in their field and do not have over 500 average employment. The amount of the guaranteed loan, however, cannot exceed $500,000, and participating and direct loans have even lower limits.

The Farmers Home Administration ("FmHA") of the Department of Agriculture has two programs that could benefit firms in the cooking ware industry. Some companies may be able to participate in a program of loan guarantees

to businesses located in areas other than cities of over 50,000 population. As with EDA business loans, however, these guarantees are not available to firms in industries found to have long-term overcapacity. FmHA also can make grants and loans to public bodies, such as local development organizations and governments, in areas other than cities of over 10,000 population. These funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

Additional information about the adjustment assistance program and copies of the report Prospects for Adjustment Assistance for Firms in the Cast Iron Cooking Ware industry, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5113.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19242 Filed 7-6-77;8:45 am]

Maritime Administration

[Docket No. S-562]

PACIFIC FAR EAST LINE, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Pacific Far East Line, Inc. has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises for the carriage of passengers and cargo not in direct competition with other United States flag operators:

Ship	Approximate cruise dates, 1978	Area of cruise (all cruises commence and terminate at California)
SS Mariposa...	Jan. 3 to Jan. 21. Jan. 22 to Feb. 9. Feb. 10 to Feb. 28. Mar. 1 to Mar. 19. Mar. 20 to Apr. 7.	(Each cruise) Hawaiian Islands.

Any person, firm or corporation having any interest in the foregoing, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on July 18, 1977.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: June 30, 1977.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.77-19208 Filed 7-6-77;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Change in Agenda of Public Meeting

Notice is hereby given of a change in the meeting notice of the Coastal Zone Management Advisory Committee published in the FEDERAL REGISTER, Vol. 42, No. 122, on June 24, 1977. The meeting location and date remain the same: Page Building I Penthouse, 2001 Wisconsin Avenue, NW., Washington, D.C., July 15, 1977. The agenda is changed as follows:

8:30 a.m.—Call to Order: Approval of Minutes; Report on Action Items.
9:00 a.m.—Legislative Review: OCS Amendments, 404 Amendments, CEIP/Revenue Sharing.
11:30 a.m.—Preliminary Comments on Advisory Committee Functions.
11:45 a.m.—Oral Statements (if any) from Interested Person(s).
12:00 noon—Break.
12:15 p.m.—Lunch (Luncheon Discussion on Fall Meeting Agenda and Activities).
1:30 p.m.—Report on Coastal Awareness Activities and White House Conference.
2:00 p.m.—Recommendations on Priorities in Research and Beach Access.
2:45 p.m.—CZM Concerns: Coastal States Organization, American Petroleum Institute, Natural Resources Defense Council.
4:30 p.m.—Adjourn.

Dated: June 30, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-19289 Filed 7-6-77;8:45 am]

COD FISHERY

Closing of the Commercial Directed Fishery for Cod in the Gulf of Maine

Notice is hereby given pursuant to 50 CFR 651.8(a)(2) that the Director, National Marine Fisheries Service, has determined that United States vessels fishing in the Gulf of Maine have reached the accumulative and estimated propective 5,000 metric ton commercial quota of Cod for 1977. The quota is described in § 651.3 of the FEDERAL REGISTER published on June 10, 1977, page 29877.

I hereby announce that the season for taking the commercial catch of Cod in the Gulf of Maine in a directed fishery by persons and vessels subject to the jurisdiction of the United States will terminate on July 8, 1977. This restriction will remain in effect until 0001 hours, local time, January 1, 1978.

During such time as the directed fishery is closed no person or vessel in the commercial fishery shall land more than 5,510 pounds (2.5 metric tons) or 10 per cent by weight of all other fish on board, per trip, which ever is greater of Cod taken in the Gulf of Maine.

Issued at Washington, D.C., and dated July 1, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-19290 Filed 7-6-77;8:45 am]

MARINE MAMMAL PERMIT

Notice of Receipt of Application

On June 3, 1977, notice was published in the FEDERAL REGISTER (42 F.R. 28566) that Dr. Donald B. Siniff, Professor, Department of Ecology and Behavioral Biology, University of Minnesota, Minneapolis, Minnesota 55455 had applied in due form for a permit to take by tagging and specimen sampling up to 500 crabeater seals (*Lobodon carcinophagus*), 50 leopard seals (*Hydrurga leptonyx*), 25 Weddell seals (*Leptonychotes weddelli*), 10 Ross seals (*Ommatophoca rossii*), 10 southern elephant seals (*Mirounga leonina*), and 20 southern fur seals (*Arctocephalus* sp.) and to take by killing 110 crabeater seals (*Lobodon carcinophagus*), 10 leopard seals (*Hydrurga leptonyx*), 5 Weddell seals (*Leptonychotes weddelli*), 2 Ross seals (*Ommatophoca rossii*), 2 southern elephant seals (*Mirounga leonina*), and 2 southern fur seals (*Arctocephalus sp.*) in the Antarctic Peninsula area for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

The Applicant desires to amend his application in the following manner: A total of 830 Weddell seals (*Leptonychotes weddelli*) will be taken, including:

(1) 25 seals to be taken by tagging and specimens sampling in the Antarctic Peninsula area;

(2) 3 seals to be taken by killing in the Antarctic Peninsula area;

(3) 800 seals to be taken by tagging and specimen sampling in the McMurdo Sound area; and

(4) 2 seals to be taken by killing in the McMurdo Sound area.

Of the 825 seals to be tagged, 35 will be radio-tagged.

Documents submitted in connection with this application as amended, are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the Amendment to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application, as amended, should be submitted to the Director, National Marine Fisheries Serv-

ice, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individ-

FR Doc 75-22781 (40 FR 36045) August 1975.
FR Doc 75-76296 (41 FR 2970) January

the title "Defense Supply Agency (DSA)" appeared in a system notice was changed

S810.50DSAH-P-1 (40 FR 36072) Aug. 18, 1975 ---------- S810.50DLA-P-1
S850.10DCAS-Q-1 (40 FR 36073) Aug. 18, 1975 ---------- S850.10DLA-Q-1
S850.10DCAS-Q-2 (40 FR 36073) Aug. 18, 1975 ---------- S850.10DLA-Q-2

Please bring this notice to the attention of any persons known by you to have an interest in this determination

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ice, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions that may be contained in this notice in support of this amendment are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: June 30, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-19291 Filed 7-6-77;8:48 am]

MARINE MAMMALS

Issuance of Permit

On September 17, 1976, notice was published in the FEDERAL REGISTER (41 FR 40205), that an application had been filed with the National Marine Fisheries Service by Six Flags Over Texas, 2201 Road to Six Flags, P.O. Box 191, Arlington, Texas 76010, for a permit to take eight (8) California sea lions (*Zalophus californianus*) and two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on June 28, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to Six Flags Over Texas subject to certain conditions set forth therein. The Permit is available for review by interested persons at the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Candy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated June 28, 1977.

WINFRED H. MEIBOHM,
Associate Director National Marine Fisheries Service.

[FR Doc.77-19292 Filed 7-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Defense Logistics Agency

PRIVACY ACT OF 1974

Systems of Records

The Defense Logistics Agency (DLA) systems of records notices as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc 75-22781 (40 FR 36045) August 18, 1975.
FR Doc 75-76296 (41 FR 2970) January 20, 1976.
FR Doc 75-26296 (41 FR 3045) January 20, 1976.
FR Doc 76-21185 (41 FR 31002) July 26, 1976.
FR Doc 76-21185 (41 FR 31142) July 26, 1976.
FR Doc 76-22251 (41 FR 32249) August 3, 1976.
FR Doc 76-7056 (41 FR 13339 March 19, 1977.

By notice of change of title on February 15, 1977, (42 FR 9200) wherever the title "Defense Supply Agency (DSA)" appeared in a system notice was changed to read "Defense Logistics Agency (DLA)".

The Defense Logistics Agency, for administrative purposes, is reidentifying certain systems of records subject to the Privacy Act of 1974, all of which were published in the FEDERAL REGISTER. Those systems of records affected are identified below along with the new identification assigned. The substantive contents of these systems remain unchanged.

Former identification	*New identification*
S111.11DSAH-K (40 FR 36047) Aug. 18, 1975	S111.11DLA-K
S111.11DSAH-KP (41 FR 31002) July 26, 1976	S111.11DLA-KP
S111.11DSAH-KS (41 FR 31003) July 26, 1976	S111.11DLA-KS
S111.11DSAH-XA (41 FR 31003) July 26, 1976	S111.11DLA-XA
S120.05DSAH-K (41 FR 31003) July 26, 1976	S120.05DLA-K
S120.05DSAH-KP (41 FR 31004) July 26, 1976	S120.05DLA-KP
S150.20DSAH-T (41 FR 3045) Jan. 20, 1976	S150.20DLA-T
S153.10DSAH-T (41 FR 3045) Jan. 20, 1976	S153.01DLA-T
S153.20DSAH-T (40 FR 36049) Aug. 18, 1975	S153.20DLA-T
S155.051DCAS-NS (40 FR 36049) Aug. 18, 1975	S155.051DLA-NS
S155.052DCAS-NS (40 FR 36050) Aug. 18, 1975	S155.052DLA-NS
S155.53DCAS-NS (42 FR 13339) Mar. 19, 1977	S155.53DLA-NS
S160.50DSAH-T (41 FR 3046) Jan. 20, 1976	160.50DLA-T
S161.20DSAH-T (40 FR 36052) Aug. 18, 1975	S161.20DLA-T
S161.25DSAH-T (40 FR 36052) Aug. 18, 1975	S161.25DLA-T
S161.30DSAH-T (40 FR 36052) Aug. 18, 1975	S161.30DLA-T
S161.40DSAH-T (40 FR 36053) Aug. 18, 1975	S161.40DLA-T
S161.50DSAH-T (40 FR 36053) Aug. 18, 1975	S161.50DLA-T
S161.60DSAH-T (40 FR 36053) Aug. 18, 1975	S161.60DLA-T
S161.70DSAH-T (40 FR 36054) Aug. 18, 1975	S161.70DLA-T
S162.60DSAH-T (40 FR 36054) Aug. 18, 1975	S162.60DLA-T
S214.20DSAH-L (41 FR 31004) July 26, 1976	S214.20DLA-L
S233.10DSAH-K (40 FR 36055) Aug. 18, 1975	S233.DLA-K
S233.20DSAH-L (41 FR 31005) July 26, 1976	S233.20DLA-L
S243.30DSAH-K (40 FR 36056) Aug. 18, 1975	S243.30DLA-K
S252.50DSAH-G (40 FR 36056) Aug. 18, 1975	S252.50DLA-G
S253.10DSAH-G (40 FR 36057) Aug. 18, 1975	S253.10DLA-G
S253.30DSAH-G 1 (40 FR 36057) Aug. 18, 1975	S253.30DLA-G 1
S253.30DSAH-G 2 (40 FR 36057) Aug. 18, 1975	S253.30DLA-G 2
S253.40DSAH-G (40 FR 36058) Aug. 18, 1975	S253.40DLA-G
S255.01DSAH-G (40 FR 36058) Aug. 18, 1975	S255.01DLA-G
S257.10DSAH-G (40 FR 36058) Aug. 18, 1975	S257.10DLA-G
S259.05DSAH-G (41 FR 2970) Jan. 20, 1976	S259.05DLA-G
S270.10DSAH-K (40 FR 36059) Aug. 18, 1975	S270.10DLA-K
S270.30DSAH-B (40 FR 36059) Aug. 18, 1975	S270.30DLA-B
S322.15DSAH-M (40 FR 36060) Aug. 18, 1975	S322.15DLA-M
S322.35DSAH-M (40 FR 36060) Aug. 18, 1975	S322.35DLA-M
S322.45DSAH-M (40 FR 36060) Aug. 18, 1975	S322.45DLA-M
S322.70DSAH-M (40 FR 36061) Aug. 18, 1975	S322.70DLA-M
S322.01DSAH-KS (40 FR 36062) Aug. 18, 1975	S322.01DLA-KS
S333.10DSAH-G (40 FR 36063) Aug. 18, 1975	S333.10DLA-G
S344.05DSAH-K (40 FR 36063) Aug. 18, 1975	S334.05DLA-K
S334.10DSAH-KT (41 FR 31005) July 26, 1976	S334.10DLA-KT
S335.01DSAH-K (41 FR 31005) July 26, 1976	S335.01DLA-K
S335.80DCAS-Q (41 FR 31006) July 26, 1976	S335.80DLA-Q
S336.60DSAH-KM (40 FR 36065) Aug. 18, 1975	S336.60DLA-KM
S337.01DSAH-K (41 FR 31007) July 26, 1976	S337.01DLA-K
S337.25DSAH-K (41 FR 31007) July 26, 1976	S337.25DLA-K
S339.10DSAH-C (40 FR 36066) Aug. 18, 1975	S339.10DLA-C
S339.10DSAH-K (40 FR 36066) Aug. 18, 1975	S339.10DLA-K
S339.50DSAH-K (41 FR 2970) Jan. 20, 1976	S339.50DLA-K
S352.10DSAH-K (40 FR 36067) Aug. 18, 1975	S352.10DLA-K
S370.20DSAH-KH (40 FR 36067) Aug. 18, 1975	S370.20DLA-KH
S380.01DSAH-K (41 FR 31008) July 26, 1976	S380.01DLA-K
S380.20DSAH-K (41 FR 2971) Jan. 20, 1976	S380.20DLA-K
S390.01DSAH-KS (40 FR 36068) Aug. 18, 1975	S390.01DLA-KS
S431.15DSAH-C (40 FR 36068) Aug. 18, 1975	S431.15DLA-C
S434.15DSAH-C (40 FR 36069) Aug. 18, 1975	S434.15DLA-C
S434.15DSAH-KP (41 FR 31008) July 26, 1976	S434.15DLA-KP
S434.20DSAH-C (40 FR 36070) Aug. 18, 1975	S434.20DLA-C
S434.87DSAH-C (40 FR 36071) Aug. 18, 1975	S434.87DLA-C
S491.10DSAH-M (40 FR 36071) Aug. 18, 1975	S491.10DLA-M
S493.10DSAH-K (40 FR 36071) Aug. 18, 1975	S493.10DLA-K
S672.70DSAH-X (40 FR 36072) Aug. 18, 1975	S672.70DLA-X
S690.10DSAH-W (40 FR 36072) Aug. 18, 1975	S690.10DLA-W
S810.50DSAH-P-1 (40 FR 36072) Aug. 18, 1975	S810.50DLA-P-1
S850.10DCAS-Q-1 (40 FR 36073) Aug. 18, 1975	S850.10DLA-Q-1
S850.DCAS-Q-2 (40 FR 36073) Aug. 18, 1975	S850.10DLA-Q-2

WILLIAM A. SMITH,
Chief, Administrative Management Division, Office of Administration.

JUNE 30, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives Office of Assistant Secretary of Defense (Comptroller).

[FR Doc.77-19235 Filed 7-6-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 757-3]

STATE OF GEORGIA

Determination of Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93–523, December 16, 1974, and 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application, dated May 5, 1977, has been received from the Director of the Environmental Protection Division requesting that the Environmental Protection Division of the Georgia Department of Natural Resources be granted primary enforcement responsibility for water systems in the State of Georgia, in accordance with the provisions of this Act.

In response, I have determined that the Environmental Protection Division has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for water systems in the State of Georgia. The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Environmental Protection Division, Department of Natural Resources, 270 Washington Street SW., Atlanta, Georgia 30334.
Regional Administrator, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted within 30 days after publication in the FEDERAL REGISTER. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made within thirty (30) days after publication in the FEDERAL REGISTER, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Georgia of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: June 24, 1977.

JOHN A. LITTLE,
Acting Regional Administrator, Environmental Protection Agency, Region IV.

[FR Doc.77-19236 Filed 7-6-77;8:45 am]

[FRL 756-8; OPP-180125]

CLEMSON UNIVERSITY

Issuance of a Specific Exemption To Use Terramycin to Control Bacterial Spot on Peaches

The Environmental Protection Agency (EPA) has granted a specific exemption to the Division of Regulatory and Public Service Programs, College of Agricultural Sciences, Clemson University (hereafter referred to as the "Applicant"), to use no more than 146,000 pounds of Terramycin to control bacterial spot on 10,720 acres of peaches in South Carolina. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *Xanthomonas pruni;* this plant pathogen infects leaves, twigs, and fruit. Fruit infected early in the growing season develop cracks in the skin; fruit infected later in the season develop a mottled appearance. Both conditions render the fruit unacceptable for marketing. The presence of open wounds on twigs and branches render them susceptible to other plant diseases. The Applicant stated that peach crop loss caused by bacterial spot disease has been prevalent for many years throughout South Carolina. The development of the disease has depended on host resistance and local weather conditions. The Applicant further stated that growers have been applying ineffective pesticides to the environment, suffering loss of total or partial crop failure, planting more acreage than is necessary to compensate for crop loss, and experiencing leaf loss that may be contributing to short tree life.

The Applicant stated that the currently registered fungicides—copper hydroxide, dodine, and basic zinc sulfate—are ineffective for adequate control of bacterial spot. Zinc sulfate, for instance, has been used commercially for more than 30 years, but has provided poor pro-

tection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for the control of other

(2 ounces actual Terramycin/100 gallons water) by ground spray application;

3. A maximum of 8 spray applications per orchard shall be made;

read "tricyclazole 5-methyl-1,2,4-triazolo * * *" and the metabolite name is corrected to read "1,2,4-triazolo * * *"

with benomyl, which is commonly applied to peaches for the control of other

3. A maximum of 9 applications of Terramycin shall be made;

ance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of

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tection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for the control of other diseases such as brown rot, scab, and powdery mildew. Copper hydroxide is not recommended for use in South Carolina because it causes phytotoxicity under southeastern environmental conditions.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 11.33 ounces of formulation/100 gallons water by ground spray application. There will be a maximum of 8 spray applications/orchard. Applications will be made by peach growers. A Plant Pathologist at Clemson University will examine orchards to make an initial recommendation of Terramycin application based on past history of bacterial spot disease and on local weather conditions.

The value of the peach crop in South Carolina is approximately 35–40 million dollars; the anticipated loss, however, under severe disease conditions, could be valued at approximately 5–8 million dollars. This loss could be reduced to ½ million dollars or less, according to the Applicant, if Terramycin is used to prevent the development of the disease.

EPA has determined that, under heavy inoculum pressure, Terramycin (the calcium complex of oxytetracycline) would be needed to prevent large scale losses of peaches infected with bacterial spot. Tolerances for oxytetracycline hydrochloride were previously established at 0.35 ppm on pears; currently, a tolerance of 0.1 ppm in or on pears for the calcium complex of oxytetracycline has been proposed. Tolerances for peaches are pending. The use of this pesticide for this exemption is not expected to have any adverse effects to either man or the environment. Therefore, a residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA had determined that (a) a pest outbreak of bacterial spot on peaches has or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in South Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application rate shall be at 11.33 ounces Terramycin/100 gallons of water (2 ounces actual Terramycin/100 gallons water) by ground spray application;

3. A maximum of 8 spray applications per orchard shall be made;

4. A maximum of 146,000 pounds of Terramycin is authorized to be applied;

5. A maximum of 10,720 acres of peach crop shall be treated;

6. The duration of the Terramycin application period shall be from April 28, 1977 until July 31, 1977;

7. Application of Terramycin shall be made by peach growers;

8. The Division of Regulatory and Public Service Programs (Clemson University) shall inform Niagara (a subsidiary of FMC), sole distributor of this material, that records of the sale shall be kept and made available to that Division. These records shall include the name and address of purchaser, and the quantity of material purchased;

9. Dr. Walker Miller, Plant Pathologist, Clemson University, shall examine peach orchards, and shall make an initial recommendation of Terramycin application based on past history of bacterial spot disease and local weather conditions favorable to development of the disease. he shall make periodic examinations of the orchards. He will instruct county agricultural agents about disease symptoms, dosages, application techniques, and other program criteria. After the initial program recommendations by Dr. Miller, county agents will implement the program in their areas after consultation with .

10. A residue level of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action;

11. There will be a preharvest interval of no less than 21 days;

12. Workers shall not be allowed to enter orchards after Terramycin application until foliage is dry;

13. All label precautions shall be followed;

14. A final report shall be submitted to EPA by the end of 1977, summarizing the results of this program; and

15. The Applicant shall notify EPA immediately of any adverse effects resulting from this program.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.)).)

Dated: June 29, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-19222 Filed 7-6-77;8:45 am]

[FRL 756-7; PFT23A]

FOOD ADDITIVE PETITION

Filing; Correction

In FR Doc. 77-17467 appearing at page 31181 in the issue of June 20, 1977, the name of the fungicide is corrected to read "tricyclazole 5-methyl-1,2,4-triazolo * * *" and the metabolite name is corrected to read "1,2,4-triazolo * * *"

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-19225 Filed 7-6-77;8:45 am]

[FRL 757-1; OPP-180130]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issuance of a Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches

The Environmental Protection Agency (EPA) has granted a specific exemption to the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant") to use no more than 90,000 pounds of Terramycin to control bacterial spot on 16,000 acres of peaches in Gloucester and Camden counties in New Jersey. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *Xanthomonas pruni*: this plant pathogen infects leaves, twigs, and fruit. The direct loss from fruit infection has been estimated as 15 percent in 1975 and as 10 percent in 1976. In addition to fruit loss resulting from the disease, continued defoliation year after year debilitates the trees and predisposes them to winter injury; the Applicant stated that the indirect loss as a result of defoliation is more difficult to predict but loss from peach decline was approximately 10 percent during the winter of 1974 and 15 percent during the winter of 1975–76. Approximately 60 percent of the 16,000 acres of peaches in New Jersey are susceptible to bacterial spot. During years with favorable weather conditions for the disease, losses from bacterial spot approach 75–80 percent, valued at approximately $9.1 million; during years with unfavorable conditions for the disease, losses may not exceed 5 percent, valued at approximately $608,000.

The Applicant stated that the currently registered fungicides—copper hydroxide, dodine, and basic zinc sulfate—are ineffective for adequate control of bacterial spot. Zinc sulfate, for instance, has been used commercially for more than 30 years, but has provided poor protection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for the control of other diseases such as brown rot, scab, and powdery mildew.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 10 ounces actual Terramycin per acre (2 ounces actual Terramycin/100 gallons water) per application by ground spray. There will be a maximum of 9 applications made from mid-April until the end of July. Applications will be made by both custom applicators and growers. Extension agents in Gloucester and Camden counties will determine the number of acres being treated, and that application is made in accordance with all the provisions outlined in this exemption request. Applications will be limited to those that will be required for proper control; these determinations will be made based on the following criteria:

(a) Past history of development of bacterial spot disease in a given orchard or area; and

(b) The prevalent weather conditions are favorable to the development of the disease.

EPA had determined that, under heavy inoculum pressure, Terramycin (the calcium complex of oxytetracycline) would be needed to prevent large scale losses of peaches infected with bacterial spot. Tolerances for oxytetracycline hydrochloride were previously established at 0.35 ppm on pears; currently, a tolerance of 0.1 ppm in or on pears for the calcium complex of oxytetracycline has been proposed. Tolerances for peaches are pending. The use of this pesticide for this exemption is not expected to have any adverse effects to either man or the environment. Therefore, a residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of bacterial spot on peaches has or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in New Jersey; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application rate shall be 56.65 ounces/acre or 10 ounces actual Terramycin/acre (2 ounces actual Terramycin/100 gallons water) per application by ground spray;

3. A maximum of 9 applications of Terramycin shall be made;

4. The duration of the application period shall be from mid-April until the end of July;

5. A maximum of 16,000 acres in New Jersey may be treated;

6. A maximum of 90,000 pounds of actual Terramycin is authorized;

7. Applications will be made by both custom applicators and growers;

8. Niagara (a subsidiary of FMC), sole distributor of this material, shall be informed that records of the sale shall be kept and made available to the Applicant. These records shall include the name and address of the purchaser, his certification number, and the quantity of material sold;

9. The extension agents in Gloucester and Camden counties shall determine the number of acres to be under treatment and that the application is made in accordance with all the provisions of this exemption. Application of this material will be limited to those that will be required for proper control of bacterial spot. Those determinations will be based on the following criteria: (a) A high inoculum level of bacterial spot is present and (b) the weather conditions are conductive to development of bacterial spot;

10. A residue level of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration, of the U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. There will a preharvest interval of not less than 21 days;

12. All label precautions must be followed;

13. A final report shall be submitted to EPA by the end of 1977, summarizing the results of this program; and

14. The EPA shall be informed immediately of any adverse effects resulting from this program.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.)).)

Dated: June 29, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-19226 Filed 7-6-77;8:45 am]

[FRL 757-2; OPP-180132]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issuance of a Specific Exemption To Use Guthion To Control the Carrot Weevil

The Environmental Protection Agency (EPA) has granted a specific exemption to the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant"). Azinphos methyl (Guthion) will be used on 600 acres of commercial processing carrots for the control of the carrot weevil in Burlington, Camden, Gloucester, and Salem counties in southern New Jersey. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, the Carrot Weevil (*Listronotus oregonensis*) damage to commercial carrots in southern New Jersey has been increasing in severity in recent years. Carrot weevil larvae tunnel in the tap root of carrots, leaving rust-colored feeding trails. Larval feeding early in the season results in mortality of seedling carrots, reducing the row-density. Later injury reduces the quality of market carrots, rendering many unmarketable. Further losses occur when carrots are placed in cold storage due to increased incidence of storage rot disease organisms (fungi and bacteria) which enter the carrots through weevil larvae feeding tunnels.

There appear to be neither alternative registered pesticides nor non-chemical methods of control available to control this insect. The Applicant proposed to apply azinphos methyl (Guthion) to commercial carrots grown for processing under contract to the Campbell Soup Company, Camden, New Jersey. The pesticide will be applied at the rate of one-half (½) pound of actual insecticide per acre, either as an emulsifiable concentrate, or a 50 percent wettable powder. Up to six (6) applications may be applied at ten day intervals during the growing season, with a thirty-five (35) day preharvest interval. The Campbell Soup Company has agreed to use their agricultural field force to instruct growers on appropriate use of azinphos methyl on carrots, to closely monitor applications to ensure that directions for use are followed, and to provide the State of New Jersey appropriate pesticide application records. The Applicant will monitor the azinphos methyl applications also, and will enforce any restrictions EPA requires. Farmers who would be involved with the use of azinphos methyl on carrots are all New Jersey-registered applicators and are familiar with the safe use of various pesticides, including azinphos methyl.

The combination of stand loss, yield loss, and storage loss is estimated to cost the New Jersey carrot farmers about $10.00 per ton on a crop valued at $44.00 per ton, or an economic loss of about 23 percent of the gross value of the carrot crop. Carrot crop loses can be as high as 73 percent if the carrot weevil is not controlled, according to the Applicant.

The Fish and Wildlife Service of the U.S. Department of the Interior has advised EPA that no significant effects on fish and wildlife populations are expected from this limited use of azinphos methyl.

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After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of carrot weevils has or is about to occur; (b) there is no pesticide presently registered and available for use to control the carrot weevil in New Jersey; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevils are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 31, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

1. Azinphos methyl applications are limited to commercial carrots grown under contract to the Campbell Soup Company and located in the four counties identified above;

2. The azinphos methyl (Guthion) will be applied by ground equipment;

3. The dosage rate may not exceed one-half (½) pound of actual azinphos methyl per acre per application;

4. The number of applications may not exceed six (6);

5. A thirty-five (35) day preharvest interval must be observed;

6. Carrot tops treated with azinphos methyl may not be used for feed, food, or forage;

7. All applicable directions and precautions on the registered label will be observed;

8. A residue level not to exceed 0.5 ppm on carrot roots used for processing has been determined to be adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action; and

9. The Applicant is responsible for ensuring that the restrictions pursuant to this specific exemption are met.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C 136 (a) et seq.).)

Dated: June 29, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-19227 Filed 7-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21313; FCC 77-445]

AM STEREOPHONIC BROADCASTING

Inquiry

Adopted: June 22, 1977.

Released: July 6, 1977.

In the matter of AM Stereophonic Broadcasting, Docket No. 21313, RM-2646, RM-2717.

INTRODUCTION

1. The Commission has before it two petitions requesting the institution of rulemaking porceedings looking toward the adoption of rules for the transmission of stereophonic programing by AM broadcast stations.[1] One petition, RM-2717, was filed by Kahn Communications, Inc. (hereafter identified as Kahn), a New York corporation engaged in research and manufacturing of electronic communications, telephone, and broadcasting equipment, that has developed and tested a system for transmitting binaural stereophonic signals for the AM broadcast service. The second petitioner is the Association for AM Stereo, Inc. (identified as AAMSI), a non-profit corporation of 26 licensees of broadcast stations and one equipment manufacturer, founded for the purpose of encouraging the adoption of standards for stereophonic transmission by AM stations. The National AM Stereophonic Radio Committee ("NAMSRC") filed comments requesting that no action be taken on the Kahn petition, to which Kahn filed a reply.

OBJECTIVE

2. The object of this Notice is to determine if there is an interest and need for a serviee of stereophonic broadcasting by AM stations, and if so to develop a record that will assist the Commission in proceeding with the issuance of a Notice of Proposed Rulemaking, proposing standards for such a service.

BACKGROUND

3. Following the development of two channel stereophonic recordings in the mid 1950's, there was considerable interest in providing a broadcast service to transmit stereophonic programming. Several experimental broadcast systems were tried, including AM-FM and FM-FM techniques using the facilities of two stations. Although research has been conducted on both AM and FM single station systems of stereophonic transmissions, the primary attention was directed toward FM station stereophony because FM was considered to be a high-fidelity program service less subject to noise and interference, and stereophonic transmission could be more readily implemented in the developing FM broadcast service. At the present time, nearly 45% of all radio broadcast stations are FM stations, and a large majority of those FM stations transmit stereophonic programming. For a number of years all music recordings (except for reissues of performances of historical interest) have been made in the stereophonic mode. A major segment of the electronics industry is involved in the supplying of equipment for reproducing stereophonic programs in homes and automobiles. The stereophonic recording, transmission, and reproduction of music and other programming has been fully developed and in use for some time, except in the AM and television[2] broadcast services.

4. During the period from 1958 to 1960, Kahn and two others had previously petitioned the Commission to institute rule making directed at establishing stereophonic transmissions by AM broadcast stations. In a *Memorandum Opinion and Order* released on October 2, 1961 (FCC 61-1154, 21 R.R. 1616C), the Commission denied the petitions. In denying the petitions, the Commission stated that at the time there was little evidence of interest in an AM stereophonic broadcast service, that providing a dual channel transmission system with the requisite separation and without deleterious side effects in AM broadcasting presented greater problems than in FM broadcasting, that a carefully conducted study program similar to the FM studies and field tests would be required, and that because of a host of other current problems requiring attention, effort directed toward AM stereo was not in the public interest. In January, 1962, the Commission denied petitions for reconsideration of its previous denial to institute rule making proceedings (FCC 62-68, 21 R.R. 1616d). However, in doing so, it recognized that consideration could be given in the future to AM stereophonic broadcasting in light of development of stereophonic broadcasting in the FM band.

DESCRIPTION OF PENDING PETITIONS

5. Kahn states that the technology for compatible stereophonic transmissions by AM broadcast stations has been fully developed and tested over the past 16-year period, and that permitting use of this technology would allow radio listeners to enjoy stereophonic reception with little or no additional investment in receiving equipment. Kahn claims that his system for AM stereophonic transmissions is completely compatible with existing station transmitting equipment and with monophonic receivers, causes no additional interference to other stations, will provide stereo reception using two conventional receivers, and could provide high quality stereo with receivers designed for AM stereo reception.

6. AAMSI states that "AM stereo is an idea whose time has come" and requests that the Commission take a posture of leadership and active measures to promote the adoption of AM stereo standards. AAMSI acknowledges the development of at least two systems for AM stereophonic transmissions without endorsing a specific technology, but does state that AM stations are now at a competitive disadvantage as compared with the FM service that transmits stereo.

[1] For the purpose of this proceeding, AM stereophonic broadcasting is defined as the transmission of a stereophonic program by a single AM broadcast station utilizing complex modulation of the carrier wave within the authorized bandwidth.

[2] The question of television stereo is being addressed in another proceeding.

The Association also believes that the public interest would be served by AM stereo even though recognizing such service may not have the full fidelity of FM.

7. The National AM Stereophonic Radio Committee (NAMSRC), an organization sponsored by the Institute of Electrical and Electronics Engineers, the Electronics Industries Association, the National Association of Broadcasters and the National Radio Broadcasters Association, has opposed Kahn's request for a rule making proceeding. NAMSRC states that it is in the process of planning and conducting a series of extensive tests on several systems, which have been submitted to it, for transmitting stereophonic signals by AM broadcast stations, and that the results of such tests will provide valuable information concerning the establishment of standards for an effective AM stereophonic broadcast service. NAMSRC believes that it would be premature to proceed with rule making based on the limited information available on the petitioner's AM stereophonic broadcast system. Kahn responded to NAMSRC's objections by stating that extensive field tests of effective AM stereo have been accomplished,[3] that it is the Commission's obligation in the public interest to expeditiously proceed to make this already developed technology available to radio listeners, and that the Commission should neither recognize, nor depend on the work of, committees such as NAMSRC which may not be truly representative in its rule making process. Kahn contends that such committees eliminate the rights of small petitioners, who, for various reasons, cannot or believe they should not participate in them. Such committees, Kahn argues, result in unnecessary delays in implementing proven technology.

8. Presently we have little quantitative technical data on the desirable or necessary standards for an AM stereophonic broadcast service, or the performance attainable by the various modulation techniques that are available. Since we do not wish to necessarily accept the rather broad performance standards in the existing rules for monophonic AM broadcasting, we believe that the test data that NAMSRC proposes to develop would be of great assistance in the preparation of technical rules for an AM stereo service, should there be sufficient interest to do so. To proceed directly with the issuance of a Notice of Proposed Rule Making at this time, without having available a multiformity of information on AM stereophony that NAMSRC and others could provide, would be premature. We therefore encourage Kahn, NAMSRC and any others who may have additional technical information or suggested performance standards for AM stereophonic broadcasting to participate in this proceeding to the extent possible.

[3] In 1975, Radio Station WFBR, Baltimore, Maryland, was authorized to conduct experimental transmissions using the Kahn system of AM stereophonic broadcasting. The station's report of the test results is being made a part of the record in this proceeding. Reports of other authorized experimental AM stereophonic testing including those from Station WKDC, Elmhurst, Illinois using the Motorola system, and WFWR, Ft. Wayne, Indiana, using the Magnevox System received by the Commission will also be made part of the record.

THE INQUIRY

9. The Commission now believes that a Notice of Inquiry should be issued to determine the interest on the part of the public for stereophonic programming by AM broadcast stations, licensee interest in providing such service, the electronic manufacturing and marketing industries desire to meet that interest, and the technical considerations for a fully compatible and effective AM stereophonic broadcast system. In opening this proceeding, the Commission's first concern is whether there is an interest or need on the part of the public for stereophonic programming by AM broadcast stations that is not or cannot be met by the FM service. We are also concerned as to whether the AM service has technical limitations, susceptibility to interference, or other factors that will limit the quality of the stereophonic transmissions, and what differences the listener may experience between stereophonic AM and FM transmissions.

10. Kahn suggests several requirements for a compatible AM stereophonic broadcast service:

(a) No increase in adjacent or co-channel interference.

(b) No loss of AM monophonic coverage; *i.e.*, full modulation capability.

(c) No increase in distortion when received by conventional monophonic receivers.

(d) Compatibility with conventional AM broadcast transmitters.

(e) Capable of good quality stereo reception in the home and in the car. (Up to 30 dB of stereo separation.)

(f) Allows stereo reception without the purchase of special receivers.

Others may believe different requirements should be considered or that some requirements should be given greater relative importance.

11. The Commission believes that there are basic public interest issues that it must consider prior to proceeding with rulemaking to establish technical standards for an AM stereophonic radio broadcast service. Among the Commission's concerns are the following:

(a) The actual interest and need on the part of the public for an AM stereophonic broadcast service.

(b) The extent the broadcasting industry and the manufacturers of home and automobile receivers are interested in meeting the public's interest in AM stereophonic radio.

(c) The impact an AM stereophonic service would have on the continuing development of FM broadcasting.

(d) The cost impact on broadcasters for installation of equipment and stereophonic programming and on the public for receiving equipment.

(e) The compatibility of AM stereophonic transmissions with all existing international radio regulations, terms of the North American Radio Broadcast Agreement (NARBA) and any other international agreements to which the United States is a party.

(f) The extent to which the Commission should regulate stereophonic broadcast system performance from studio through radiated signal to insure that the public is provided with a quality program service.

(g) The possibility of a "standard" response characteristic for AM stereo receivers to avoid the present problem in AM broadcasting where the stations use special processing of their audio signals to overcome limitations in many receivers.

We believe that the public, broadcasters and manufacturers of both broadcasting and receiving equipment should now have the opportunity to comment on the recommendations by Kahn, to respond to our questions, and to submit any additional information they believe should be considered in this proceeding.

12. Before continuing with our considerations, a brief discussion concerning Kahn's suggested requirement that AM stereophonic transmissions cause no increase in adjacent or co-channel interference is in order. There seems to be some misunderstanding within the broadcast industry concerning limitations on the audio frequency bandwidth that AM stations can transmit under the Commission's technical standards. Although carrier frequencies within the AM broadcast band are assigned at 10 kilohertz steps, this does not indicate that a station's allocated channel is restricted to a 10 kilohertz bandwidth. If this were the case, audio frequency components of the program signal exceeding 5 kilohertz could not be transmitted. The RF spectrum bandwidth a station may use, and thus the audio frequency bandwidth that may be transmitted, is determined by the requirement that any transmitted emission between 15 and 30 kHz from the carrier frequency be attenuated 25 dB below the unmodulated carrier and emissions between 30 and 75 kHz from the carrier be attenuated 35 dB. Thus, depending on the distortion products generated and radiated, a station could transmit program material with audio frequency components extending to 15 kHz. We recognize that many AM stations currently do not have an audio frequency response extending beyond 5 to 7.5 kHz due to limitations of the studio equipment, common carrier lines connecting the studio to the transmitter, or the transmitter itself. The AM antenna system bandwidth (Q) also may place limitations on the audio response characteristics of the station transmission. The present standards of allocations for AM stations are based on the possible use of 30 kHz bandwidth with spurious emissions attenuated in accordance with the requirements discussed above. Should AM stations modify their transmitting systems for either monophonic or stereophonic broadcasting to

occupy a larger bandwidth within the existing standards, the amount of adja-

through a simple notification to the Commission, or at the most, through an

and reply comments on or before November 15, 1977. All relevant and timely

KHz channel separation, if Region 2 adopts a 9 KHz channel separation standard?

12. (a) What compromises in the audio quality of reception using existing mono-

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occupy a larger bandwidth within the existing standards, the amount of adjacent channel interference experienced by many stations, particularly at nighttime, may possibly increase.

OTHER CONSIDERATIONS

13. U.S. licensed broadcast stations are subject to international radio agreements to which the United States is a party. Any proposed use of a new type of AM signal transmission must conform to the provisions of these agreements and the United States cannot unilaterally modify the agreement provisions. Accordingly, any proposed transmission for AM stereophonic broadcasting not in accordance with these provisions would require negotiations to obtain necessary modifications. For example, the U.S.-Mexico bilateral agreement concerning AM broadcasting, effective April 18, 1970, Part 3, Article V, Paragraph A, specifies the class of emission for AM broadcast stations as "A3."[1] The North American Regional Broadcast Agreement 1950, Annex 2, B, 6, specifies: "The form of modulation for broadcasting stations is amplitude modulation of an unsuppressed carrier of constant amplitude yielding two symmetrical sidebands."

14. In November, 1975, a specialized ITU Conference concluded that all Medium Frequency stations in Regions 1 and 3 would, effective November, 1978, change to a 9 kHz channel separation. Region 2, including North and South American, did not participate in this conference. Hence, Region 2 countries will continue to adhere to the present 10 kHz channel separation[2] until otherwise altered by a Regional Conference sponsored by ITU. We are unaware of any serious proposals at this time within Region 2 that consideration be given to a reduction in channel spacing. However, in the event that such a proposal is made by a Region 2 administration and receives support by a majority of Region 2 countries, the effect, technically, on AM stereophonic transmissions at 9 kHz separation should be considered. We do not seek comments on the advantages or disadvantages of 10 kHz vs. 9 kHz channel separation. We seek comments along these lines—assume AM stereo is eventually authorized with the present 10 kHz separation and further assume that Region 2 adopts a 9 kHz separation.

15. If there is a sufficient interest and need for stereophonic AM broadcasting to proceed with the issuance of a Notice of Proposed Rule Making, we must consider, in addition to the technical matters, appropriate administrative procedures for implementing the service. It would be our desire to permit AM licensees to begin using stereophonic transmitting equipment on an optional basis through a simple notification to the Commission, or at the most, through an informal authorization request. The procedure would depend on the degree of technical changes in the transmitter or antenna system that may be required in converting the station for stereophonic broadcasting.

16. In connection with the preparation of any proposed rules for stereophonic AM broadcasting, it would be necessary for us to have information on the transmitter and antenna modifications that may be required, whether new transmitters designed for stereophonic transmissions would be required, or if conversion equipment could be used. If existing transmitters can be used, licensees may be interested in knowing what may be involved in modifications and testing of the transmitter and antenna systems they are using. Should field modifications of existing transmitters for stereophonic transmissions be practical, we would anticipate establishing authorization procedures such as type acceptance to insure that modified transmitters would comply with all the technical requirements for licensing. Similarly, if changes in station antenna systems are required, particularly in directional antennas, new proof of performance and impedance measurements of the antenna may be required. We believe the broadcast industry should consider these matters in responding to this *Inquiry*.

FILING OF RESPONSES TO INQUIRY

17. In light of the above, we now put forth a series of questions as shown in the Appendix concerning the economic, operational, and technical aspects of establishing stereophonic program transmission service for AM broadcast stations to elicit information to determine whether such a service is practical and if the issuance of a Notice of Proposed Rule Making in this matter would be in the public interest. It must be recognized that stereophonic AM broadcasting may have both an operational and technical impact on existing AM sefvice in such areas as signal coverage and monophonic signal quality. The information sought by a number of the questions in the Appendix will be needed in attempting to balance this potential impact on AM radio service and the public interest and need for a new AM stereophonic broadcasting service. Those filing comments in this proceeding should key their responses to the numbered questions in the attached Appendix. If there are other considerations which are not addressed by the specific questions listed in the Appendix, respondents are requested to bring them to our attention. We urge the radio listening public, broadcasters, radio equipment manufacturers, and all other interested parties to make known their interests and to contribute relevant information to assist the Commission in this proceeding.

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before October 15, 1977, and reply comments on or before November 15, 1977. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

19. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the Docket Number is specified. Such informal participants who wish responsible members of the staff to have a personal copy and to have an extra copy available for the Commissioners, may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, N.W.).

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

APPENDIX

1. (a) Does the public have sufficient interest in stereophonic broadcasting by AM stations for the Commission to proceed with a Notice of Proposed Rule Making looking toward such a service?

(b) Is there a need for additional stereophonic broadcasting that cannot be met by the FM broadcast service?

(c) Are AM licensees interested in having available a stereophonic broadcast system, considering the possible effect on their existing coverage areas and monophonic reception of their signals?

(d) To what extent would stereophonic service by AM broadcast stations impact on the continuing development of FM broadcastine?

2. What audio performance characteristics are essential for a stereophonic AM transmission system with respect to frequency response, distortion, . channel separation, etc.?

3. Can a satisfactory stereophonic AM broadcast signal be transmitted within the existing AM allocation standards (protection ratios, authorized bandwidth, emission designation), both domestic and international?

4. (a) What changes in occupied bandwidth (spectral density) could be expected from stereophonic AM transmissions?

(b) How much RF bandwidth is essential for AM stereophonic broadcasting and what trade-offs in signal quality (audio frequency response, distortion, and channel separation) would result from possible use of less than the authorized bandwidth?

(c) Would the RF bandwidth required for stereophonic AM transmissions be such as to foreclose future opportunities to achieve more efficient use of the spectrum through reductions in either the presently authorized 30 KHz bandwidth or spurious emissions falling outside of the 30 KHz channel?

(d) What would be the effect on stereophonic AM transmissions, both at the transmitter with encoding devices and in receivers containing decoding devices, based on 10 KHz channel separation, if Region 2 adopts a 9 KHz channel separation standard?

5. (a) Assuming that stereophonic AM signals will meet the existing technical RF spectrum bandwidth and allocation requirements, will the transmission of such signals result in an increase in actual interference experienced in the reception of both monophonic AM and stereophonic AM stations? (This would be caused by existing stations transmitting an expanded bandwidth.)

(b) What effects will adjacent or co-channel carrier interference have on the reception of stereophonic AM transmissions as received on either monophonic or stereophonic receivers?

6. (a) What, if any, will be the effect of stereophonic AM operation on the useful service area of a station, both daytime and nighttime?

(b) What could be the possible effects of the use of AM stereophonic transmissions on the quality of recepion by listeners who depend on skywave signals?

(c) What effect could stereophonic AM transmissions have on reception in the fading zone between areas of groundwave and skywave propagation?

7. Should the Commission set standards for the overall broadcast system performance for stereophonic AM transmissions from studio to radiated signal?

8. (a) What equipment performance tests would be desirable or necessary for stations transmitting stereophonic AM signals?

(b) What special monitoring and test equipment would be required to operate and maintain a stereophonic transmission system?

9. What impact would stereophonic AM transmissions have on the operation and use of existing frequency measuring equipment, modulation monitors, antenna monitors, and other ancillary equipment?

10. (a) To what extent may the various types of AM transmitters now in use require modifications for stereophonic transmissions?

(b) What antenna characteristics are critical to the satisfactory performance of stereophonic AM transmission systems, and what modifications may licensees be required to make in their antenna systems?

(c) What changes in the quality and quantity of line (common carrier or telephone company) program circuits between studios and transmitters would be required by stations interested in converting to stereophonic transmission services?

(d) If microwave systems are employed for STL's, what transmission techniques could be used by AM broadcasters to carry the stereophonic program signals from the studio to the transmitter?

(e) In light of (c) and (d) above, would licensees expect to increase their use of microwave STL's in lieu of line program circuits?

(f) What would be the range of estimated costs for modifying an AM station for stereophonic operation?

(g) If stereophonic AM broadcasting were to be authorized, how many stations would be interested in converting to its use, and what costs would be willing to expend for necessary modifications?

(h) Among AM licensees not interested in stereophonic transmission, do they expect any effects on their operations if stereophonic broadcasting is allowed?

11. (a) Would stereophonic AM transmission systems place special limitations on the carrier wave amplitude modulation levels?

(b) What type, if any, of special audio processing equipment, such as limiting amplifiers, may be desirable or required for the transmission of stereophonic AM programming?

12. (a) What compromises in the audio quality of reception using existing monophonic AM receivers may be necessary or acceptable to achieve a quality stereophonic AM broadcast service?

(b) Will there be any problems for the listener having an existing monophonic AM receiver, in tuning in or keeping properly tuned to a station transmitting stereophonic signals?

13. (a) Is it desirable that the stereophonic AM signal be receivable in stereo using two conventional monophonic AM broadcast receivers?

(b) To what extent would two conventional monophonic receivers be used instead of a single stereophonic receiver?

(c) Would the use of two monophonic receivers for stereophonic reception be limited because of excessive adjacent channel interference?

14. What price differential may the public expect between stereophonic AM and monophonic AM receivers for use in homes, vehicles, and portable applications?

[FR Doc.77-19299 Filed 7-6-77;8:45 am]

[1] An A3 emission is generally defined as amplitude modulation double sideband telephony.

[2] Some administrations in Region 2 permit transmissions in the band 535–1605 kHz on channels not in conformity with the normally accepted 10 kHz separation commencing at 540 kHz.

[FCC 77-448]

BROADCAST RATINGS

Broadcast Licensees Cautioned Against Furnishing False Information to Audience Rating Service or Improperly Influencing Persons Receiving Rating Diaries

JUNE 24, 1977.

The Commission has received information indicating that some broadcast licensees have attempted to distort audience ratings by furnishing false information to an audience rating service or improperly influencing the recipients of survey diaries. The contexts in which the complaints arose are as follows:

(1) Employees and an officer of a licensee received rating diaries. Although there was no evidence to suggest that the receipt of the diaries was improper, the persons involved submitted the diaries to a secretary at the station who completed the diaries to show falsely that their households watched the licensee's station exclusively from sign-on to sign-off every day of the week. The falsely completed diaries were thereafter submitted to the reating company.

(2) Information coming to the attention of the Commission also indicates that some licensees may have purchased diaries from persons to whom they are sent, or have paid recipients of rating diaries to complete them favorably to the licensees.

We have been asked to set forth guidelines regarding such practices.

We have issued several statements concerning broadcast ratings. See *Broadcast Ratings*, 1 FCC 2d 1078 (1965). We have recently indicated that we shall still consider complaints about the misuse of rating results, but that we shall ordinarily refer complaints as to the distortion of audience ratings by unusual promotional activities ("hypoing") to the Federal Trade Commission. *Distortion of Audience Ratings*, 58 FCC 2d 513 (1976).

Unlike typical "hypoing" cases, the practices described above involve licensee participation in a deliberate attempt to alter the outcome of a rating survey by providing, or encouraging others to provide, false information so as to make questionable the validity of the sampling process itself. We believe that these practices raise questions as to whether a licensee that engages in them is qualified to remain a licensee. In a case coming to our attention, raising the question for the first time, we granted a probationary, short-term renewal of license to the licensee involved. Licensees are warned, however, that in the future we intend to consider issuance of an appropriate hearing order.

Sent to all broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19311 Filed 7-6-77;8:45 am]

[Docket No. 21049; FCC 77-466]

COMMERCIAL TELEVISION NETWORK PRACTICES

Order Regarding Stay of Inquiry

Adopted: June 30, 1977.

Released: June 30, 1977.

In the matter of Commercial Television Network Practices and Ability of Station Licensees to Serve the Public Interest, Docket No. 21049, (RM-2749).

1. On January 14, 1977, on our motion and due in part to a petition for rulemaking filed by Westinghouse Broadcasting Company, Inc., we issued a Notice of Inquiry for the purpose of investigating network-affiliate and network-program supplier relations. The comments were to be analyzed by a special staff composed of economists, attorneys and others under the direct supervision of the Commission.[1]

2. To make possible the expert staff contemplated by the Notice of Inquiry, we concluded that it would be necessary to reprogram funds from other Commission projects. We notified the Senate and House Appropriations Subcommittees of our proposed reprogramming action.

3. We have received approval of our proposed reprogramming action from the House Appropriations Subcommittee. However, by letter of June 16, 1977, from the Chairman of the Senate Appropriations Subcommittee, we were notified that our request was disapproved. The letter explained that the disapproved was "based upon a desire to preserve the options of the soon to be named new Chairman of the Commission • • • it seemed appropriate for the new Chairman, and other new Commissioner, since they will be appointed in a short time, to have the opportunity to have their own input factored into the study." Without the necessary funds to proceed with the inquiry, we have no choice except to hold in abeyance all further proceedings connected with it.

[1] See also 42 FR 31827, June 23, 1977.

V 42 I 130 JUL 7 77 UMI

We are also concerned that comments filed at this time may become stale before an inquiry could be resumed. Reply

mission's rules and regulations or its policies.

Final action will not be taken on any

21577–CD–P–77 Caprock Communications, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 23[illegible]

Orange County Radiotelephone Service, Inc., Sierra Peak & Santa Ana, California. FN:

Kegonsa on azimuth 347.2 degrees and 11035V, 10875V MHz toward Janesville on azimuth 149.2 degrees

10935.0H MHz toward Tampa, Florida, via power split, on azimuth 278.9 degrees

We are also concerned that comments filed at this time may become stale before an inquiry could be resumed. Reply comments scheduled to be filed by July 22, 1977, need not be filed until further notice.

5. Accordingly, *it is ordered*, Pursuant to the authority contained in sections 4 (i) and (j), and 403 of the Communications Act of 1934, as amended, that the inquiry commenced by Notice of Inquiry released January 14, 1977 (42 FR 4992, January 26, 1977) is stayed pending further action.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

SEPARATE STATEMENT OF CHAIRMAN RICHARD E. WILEY

I agree fully with the Commission's action today in staying further proceedings in our Network Inquiry. In my view, it would be unfair to all concerned to require the filing of further pleadings in this matter without an appropriate staff to work on them and without any clear conception of the future direction of the entire docket.

At the same time, however, I would be less than candid if I did not register my personal regret that this Commission action has been required. The FCC's Inquiry is a well-directed and very important proceeding, one which was supported by all seven Commissioners. While it may be reactivated someday (in one form or another), the Inquiry will not be conducted by the current staff. These people, both internal employees and outside consultants, were carefully selected on the basis of their competence, experience and objectivity with respect to the issues involved. For a variety of reasons, including reassignment, acceptance of other commitments and personal disaffection, many of them no longer will be available for this project.

In light of what has occurred, I wish to make it clear that I can take no responsibility for the future course of this Inquiry nor the manner in which it may be staffed or directed.

[FR Doc.77-19300 Filed 7-6-77;8:45 am]

[Report No. 864]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 27, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act). applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21572–CD–P–77 Carolina Telephone and Telegraph Company (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located at 110 N. McGlohon Street, Ahoskie, North Carolina.

21573–CD–P–77 Odin Telephone Exchange, Inc., (new). C.P. for a new 1-way station to operate on 152.84 MHz to be located 2½ miles NW of Odin, Illinois.

21574–CD–TC–77 Highland Telephone Company. Consent to Transfer of Control from Rochester Telephone Corporation, Transferor to Rotelcom Inc., Transferee. Station: KRS697, Monroe, New York.

21575–CD–TC–4–77 Rochester Corporation. Consent to Transfer of Control from Rochester Telephone Corporation, Transferor to Rotelcom Inc., Transferee. Stations: KEK269, KEK284, KEK303, Rochester, New York and KGI786, Fairport, New York.

21576–CD–P(3)–77 Airvoice, Inc., (new). C.P. for a new station to operate on 152.18 MHz, base and 459.125 MHz, repeater at Loc. No. 1: 2½ miles E. of US Hwy. 75 on GA Hwy. 112 and 3 miles E. of Ashburn, Georgia; and 454.125 MHz, control at Loc. No. 2: 2 miles North of US Hwy. 415 and GA Hwy 33, near Cordele, Georgia.

21577–CD–P–77 Caprock Communications, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 221 North Second Street, Lovington, New Mexico.

21578–CD–P–(2)–77 Radio Relay Corp-Michigan (KQC884). C.P. to relocate facilities operating on 35.22 and 35.58 MHz at Loc. No. 3: 10 North Gratiot, Mt. Clemens, Michigan.

21579–CD–P–(2)–77 Telpage, Inc. (KSV947) C.P. to replace transmitter operating on 158.70 MHz Loc. No. 1: Red Mountain near Warton Lookout Tower, 81st Street, Birmingham, Alabama and Loc. No. 2: 2301 Farley Place, Birmingham, Alabama.

21580–CD–P–77 Empire Mobilcomm Systems, Inc. (KWU375) (Dispatch). C.P. to relocate facilities operating on 158.52 MHz at Loc. No. 1 to be located at 1309 NE 6th Street, Grants Pass, Oregon.

21581–CD–P–(2)–77 Charles L. Escue and H. B. Lee dba Telpage, Ltd. (KIE366). C.P. to change antenna system and relocate facilities operating on 152.03 MHz and 152.060 MHz to be located at crest of Red Mountain, 1700 feet west of Montevallo Road, Birmingham, Alabama.

21583–CD–P–77 Carolina Telephone and Telegraph Company (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located at 328 South Chestnut Street, Henderson, North Carolina.

21584–CD–P–(2)–77 Great Eastern Communications Company (KWU242). C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 2: Intersection of Rts 601 & 650, 3 miles SW of Bluemont, Virginia.

21585–CD–P–77 Telephone Answering Service, Inc. (KQZ754). C.P. to change antenna system and replace transmitter operating on 152.24 MHz located at 60 North Division Avenue, Grand Rapids, Michigan.

21586–CD–P–(3)–77 Intrastate Radio Telephone, Inc. of San Francisco (KMA833) C.P. for additional facilities to operate on 152.03, 152.06 & 152.12 MHz to be located at a new site described as Loc. No. 9: Big Rock, 4 miles SW of Novato, California.

21587–CD–MP–77 Cleveland Mobile Telephone, Inc. (KQA646). C.P. to change antenna system and change antenna location of facilities operating on 454.050 MHz, base at Loc. No. 2: 7392 State Road, Parma, Ohio.

21588–CD–TC–77 RAM Broadcasting of Florida, Inc. Consent to Transfer of Control from RAM Broadcasting Corporation, Transferor to Vineland Mobile Telephone Co., Transferee. Station: KRS662, Cocoa Beach, Florida.

21589–CD–P–77 Answer Iowa, Inc. dba Answer, Inc. (KQZ734). C.P. to change antenna system, replace transmitter and relocate facilities operating on 152.06 MHz at Loc. No. 1 to be located at 824 Central Beach Boulevard, Biloxi, Mississippi.

21590–CD–P–77 Vegas Instant Page (KFL-943). C.P. for additional facilities to operate on 156.70 MHz to be located at Loc. No. 5: 1020 Industrial Road, Boulder City, Nevada.

21591–CD–P–77 Aberdeen Answering and Paging Service, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at 204 South Main Street, Aberdeen, South Dakota.

MAJOR AMENDMENTS

20313–CD–P–(3)–77 Valley Mobile Communications, Inc. (KMD690). Frequencies 152.03 and 152.12 MHz, Lancaster and Palmdale, California. Amend to increase power at Loc. No. 2: 44830 North Elm Avenue, Lancaster, California and decrease power and change antenna at loc. No. 1: 6.5 miles South and 2.2 miles East of Palmdale, California. All other particulars of operation remain as reported in PN No. 835 dated December 6, 1976.

[1] See attached separate statement of Chairman Richard E. Wiley below

Orange County Radiotelephone Service, Inc., Sierra Peak & Santa Ana, California. FN: 20533–CD–P–(3)–77 KMB304, FN: 20534–CD–P–77 KSV980. Amend to add repeater facilities to operate on 2179.6 MHz, 4 miles west of Corona, on Sierra Peak, California; and to add control facilities to operate on 2129.6 MHz at 401 South Santa Fe Street, Santa Ana, California. All other particulars to remain as reported on PN No. 840 dated January 10, 1977.

CORRECTIONS:

21525–CD–P–(2)–77 Miami Valley Radiotelephone (KQK592) Correct to add: also additional facilities to operate on 72.10 MHz, control, at Loc. No. 3: Cox Road and Route 42, Pisgah, Ohio. All other particulars to remain as reported on PN No. 863 dated June 20, 1977.

INFORMATIVE

American Radio-Telephone Service, Inc. (New), Amend to describe a new site for Washington cell at 5220 River Road, Bethesda, Maryland. (File No. 20777–CD–P–( )–77.)

A Plus Communications of Puerto Rico d.b. as Caribbean Mobile Telephone Systems appeared on the Commission's Public Notice No. 862, dated June 13, 1977, as subject to Paragraph 309(b) of the Communications Act as amended. However, after receiving an engineering showing pursuant to § 21.23(c)(3)(iv) of the rules, the application is considered minor and subject to Paragraph 309(c) of the Communications Act as amended.

RURAL RADIO SERVICE

60339–CR–P–77 The Mountain States Telephone and Telegraph Company (WBB853), C.P. for an additional frequency to operate on 158.04 MHz located at Edward Nigro, 11½ miles North of Gila Bend, Arizona.

CORRECTIONS

60433–CR–P–77 Continental Telephone Company of the West (new), Correct file number to read 60333–CR–P/L–77. All other particulars to remain as reported on PN No. 863, dated June 20, 1977.

60434–CR–P–77 Silver Beehive Telephone Company (new), Correct file number to read 60334–CR–P–77. All other particulars to remain as reported on PN No. 863, dated June 20, 1977.

60435–CR–P–77 Silver Beehive Telephone Company (new), Correct file number to read 60335–CD–R–77. All other particulars to remain as reported on PN No. 863, dated June 20, 1977.

60436–CR–TC–(5)–77 Arvig Telephone Company, Correct file number to read 60336–CR–TC–(5)–77. All other particulars to remain as reported on PN No. 863, dated June 20, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE

2886–CF–P–77 Wisconsin Telephone Company (WDE40), 122 West Main Street, Madison, Wisconsin. Lat. 43°04'22" N., Long. 89°23'05" W. C.P. to add new point of communication on frequencies 10835V, 11155V MHz toward Kegonsa, Wisconsin, on azimuth 7.3 degrees.

2887–CF–P–77 Same (new) CTHN, 2 miles North of Kegonsa, Wisconsin. Lat. 43°00'-20" N., Long. 89°11'45" W. C.P. for a new station on frequencies 11285V, 11605V MHz toward Madison on azimuth 295.9 degrees and 11285V, 11605V MHz toward Fulton on azimuth 167.2 degrees.

2888–CF–P–77 Same (new), 2.2 miles NW. of Fulton, Wisconsin. Lat. 42°50'15" N., Long. 89°08'38" W. C.P. for a new station on frequencies 10835V, 11155V MHz toward Kegonsa on azimuth 347.2 degrees and 11035V, 10875V MHz toward Janesville on azimuth 149.2 degrees.

2889–CF–P–77 Same (new), 301 E Milwaukee St., Janesville, Wisconsin. Lat. 42°-41'03" N., Long. 89°01'12" W. C.P. for a new station on frequencies 11485V, 11325V MHz toward Fulton on azimuth 329.3 degrees.

2890–CF–P–77 The Bell Telephone Company of Pennsylvania (KGO67), 1119 16th Street, Altoona, Pennsylvania. Lat. 40°30'-48" N., Long. 78°24'24" W. C.P. to increase structure height and add a new point of communication on frequency 6034.2V MHz toward Northwood, Pennsylvania, on azimuth 40.2 degrees.

2891–CF–P–77 Same (new), Northwood, 1.5 miles NE. of Tyrone, Pennsylvania. Lat. 40°41'06" N., Long. 78°12'57" W. C.P. for a new station on frequencies 6315.8V MHz toward Altoona on azimuth 220.3 degrees and 6315.8V MHz toward Rockview on azimuth 65.5 degrees.

2921–CF–P–77 Same (WCG251), Rockview, 1.7 miles SSW. of Pleasant Gap, Pennsylvania. Lat. 40°50'42" N., Long. 77°44'55" W. C.P. to increase structure height to add frequencies 6034.2H MHz toward Northwood and 10695V, 10975V MHz toward State College, Pennsylvania.

2892–CF–P–77 Same (KGP35), 224 S. of Allen State College, Pennsylvania. Lat. 40°47'33" N., Long. 77°51'36" W. C.P. to delete passive reflector and add a new point of communication on frequencies 11425V, 11505V MHz toward Rockview on azimuth 58 degrees and 11365H, 11445V, 11606V MHz toward Pine Grove Mills on azimuth 199.6 degrees.

2893–CF–P–77 Same (KGO89), 1.5 mile S. of Pine Grove Mills, Pennsylvania. Lat. 40°-42'55" N., Long. 77°53'45" W. C.P. to change coordinate; to add a new point of communication on frequencies 10755H, 10915H, 10995V, 11155V MHz toward State College, Pennsylvania, on azimuth 19.6 degrees and replace antenna on frequencies 6056.4H, 10875V MHz toward Piny Rdg PR, Pennsylvania.

2872–CF–R–77 New England Telephone & Telegraph Company (KGP 58). Temporary fixed-developmental within the territory of the Grantee. Application for radio station license renewal.

2881–CF–P–77 American Telephone & Telegraph Company (KGF 94). Philadelphia 2, 900 Race Street, Philadelphia, Pennsylvania (Lat. 39°57'17" N., Long. 75°09'18" W.): Construction permit to change polarization—3770.0H, 3850.0H, and 3930.0H MHz toward Wyndmoor, Pennsylvania.

2882–CF–P–77 Western Tele-Communications, Inc. (KPR 99). 3.5 miles NE of Sarpy, Montana (Lat. 45°50'21" N., Long. 106°54'16" W.): Construction permit to add 6419.6V MHz toward Miles City, Montana.

2894–CF–P–77 Tower Communication System Corporation (WPF 49). 3.2 miles ENE of Stoutsville, Ohio (Lat. 39°36'56" N., Long. 82°46'20" W.): Construction permit to add 10855.0V, 11095.0V, 11135.0H, 10975.0H 10815.0H and 10735.0H MHz toward Columbus ATC, via power split, on azimuth 338.1 degrees.

2895–CF–P–77 Tower Communication Systems Corporation (new). Columbus ATC, 1 mile NW of intersection of Alum Creek and Refugee Rd., Columbus, Ohio (Lat. 39°55'36" N., Long. 82°56'07" W.): Construction permit for new station—11625.-0H, 11305.0H and 11545.0H MHz toward Olentangy, Ohio, on azimuth 313.6 degrees.

2910–CF–P–77 American Television & Communications Corporation (WAU 322). Pauls Drive, 0.8 mile South of Highway 60, Brandon, Florida (Lat: 27°55'32" N., Long. 82°18'04" W.): Construction permit to add 10935.0H MHz toward Tampa, Florida, via power split, on azimuth 278.9 degrees

2921–CF–P–77 MCI Telecommunications Corp. (WOE56), 1.5 miles E of Dearborn, Michigan. Lat. 42°19'10" N., Long. 83°09'06" W. Construction Permit to add a new point of communication at Southfield, Michigan, 6123.1V on azimuth 336.2 degrees.

2924–CF–P–77 Same (new), 24901 Northwestern Highway, Southfield, Michigan. Lat. 42°28'14" N., Long. 83°14'30" W. Construction permit for a new station, 6256.5V MHz towards Dearborn, Michigan on azimuth 156.2 degrees.

2871–CF–P–77 The Mountain States Telephone and Telegraph Company (KPS 44). 8.5 miles NE of Columbus, Montana. Lat. 45°44'56" N., Long. 109°11'00" W. C.P. to change polarization from horizontal to vertical 5945.2H MHz toward Billings Jct. and change frequencies vertical to horizontal 5974.8 MHz toward Big Timber.

CORRECTION:

2276–CF–P–77 Wisconsin Telephone Company (new). 1.5 miles East of West Bend, Wisconsin corrected longitude to read 88°09'28" W. All other particulars remain as reported on PN 857 dated 5–9–77.

2482–CF–P–77 American Telephone and Telegraph Company (KOC 26) Chicago No. 6, 10 South Canal Street, Chicago, Illinois corrected frequencies to read horizontal to vertical on 3790, 3870 MHz toward Matteson and corrected file number. All other particulars remain as reported on PN 860 dated 5–31–77.

2483–CF–P–77 Same (KOC 27). 2.0 miles N. of Matteson, Illinois corrected frequencies to read horizontal to vertical on 3830, 3910 MHz toward Chicago No. 6, Illinois. All other particulars remain as reported on PN 860 dated 5–31–77.

MAJOR AMENDMENTS

1001–CF–P–77 Millington Telephone Company, Inc. (New). Woodstock, 6 miles Southwest Millington, Tennessee, change receive station location from Kerrville to Wilkinsville, Lat. 35°24'58" N., Long. 89°52'42" W. path azimuth from 43.5 to 33.5 degrees toward Wilkinsville.

1002–CF–P–77 Same (new), 1½ miles N.E. of Wilkinsville, Tennessee, change station location from Kerrville to Wilkinsville, Lat. 35°24'58" N., Long. 89°52'42" W. path azimuth from 223.5 to 213.5 degrees toward Woodstock, 246.4 to 232.9 degrees toward Shelby Forest, 35.9 to 58.2 degrees toward Munford, from 112.4 to 121.6 degrees toward Rosemark and raise antenna center line height toward Shelby Forest, Rosemark, and Millington.

1003–CF–P–77 Same (new), 4880 Navy Road, Millington, Tennessee, change receive station location from Kerrville to Wilkinsville, Lat. 35°24'58" N., Long. 89°52'42" W. change path azimuth from 31.3 to 14.1 degrees.

1004–CF–P–77 Same (new), Shelby Forest, 0.2 miles South of Cuba, Tennessee, change receive station location from Kerrville to Wilkinsville, Lat. 35°24'58" N., Long. 89°52'42" W. path azimuth from 66.3 to 52.9 degrees.

1006–CF–P–77 Same (new), Rosemark, Tennessee, change receive station location from Kerrville to Wilkensville, Lat. 35°24'58" N., Long. 89°52'42" W., path azimuth from 292.5 to 301.7 degrees.

1005–CF–P–77 Same (new), Munford, Tennessee, change receive station location from Kerrville to Wilkensville, Lat 35°24'58" N., Long. 89°52'42" W., path azimuth from 216.0 to 238.3 degrees and raise antenna center line height.

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2900–CF–P–77 Arvig Telephone Company. Application for Transfer of control from Esther N. Arving, Transferor, to Gilray G.

siderations relating to Section 307(b), which of the proposals would better serve the public interest.

4. To determine, in light of the evi-

UHF TV TRANSLATOR APPLICATIONS

BPTT–3172 (new), Key West, Florida, Board of County Commissioners, Monroe County.

BPTT–3190, (new), Marathon, Florida, Board of County Commissioners, Monroe County. Req: Channel 63, 764–770 MHz, 100 watts.

BMPFT–46 (K288BE), Silver Bay, Minnesota, Stereo Broadcasting, Inc. Req: Change output frequency to: Channel 296, 107.1

base band modulation. The sum of LF+LB–RF–RB modulates a double sideband suppressed carrier at 38 kHz.

2900-CF-P-77 Arvig Telephone Company. Application for Transfer of control from Esther N. Arving, Transferor, to Gilray G. Arving, Transferee, for station WAU340 in Ash River Falls, Minnesota.

2922-CF-P-77 Rochester Telephone Corporation. Application for transfer of control from Rochester Telephone Corp., Transferor, to Rotelcom Inc. transferee for stations, KEE42 in Rochester, N.Y., KEE43 Caledonia, N.Y., KEE45 Geneso, N.Y., KEE46 (Portable), N.Y. and KEF77 Brockport, N.Y.

[FR Doc.77-19298 Filed 7-6-77;8:45 am]

[Docket Nos. 21235, 21236, Filed Nos. BPH-9937, BPH-10, 269]

COUNTRY BROADCASTING CO. AND ALACHUA BROADCASTING CO.

Order

Adopted: June 9, 1977.

Released: June 14, 1977.

In reapplications of COUNTRY BROADCASTING COMPANY, High Springs, Florida, Requests: 104.9 MHz, No. 285: 3 kW(H&V): 300 ft. and ALACHUA BROADCASTING, INC., Alachua, Florida, Requests: 104.9 MHz, No. 285: 3 kW(H&V): 300 ft. For Construction Permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications of Country Broadcasting Company and Alachua Broadcastign, Inc., for construction permits which are mutually exclusive in that they seek the same channel to serve nearby communities approximately six miles apart.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

3. The applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural (1 mV/m or greater in the case of FM) service from the proposals and the availability of other primary service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event that it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for a hearing and present evidence on the issues specified in this Order.

6. *It is further ordered*, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief,
Broadcast Bureau.

[FR Doc.77-19301 Filed 7-6-77;8:45 am]

FM AND TV TRANSLATOR APPLICATION READY AND AVAILABLE FOR PROCESSING

Adopted: June 23, 1977.

Released: June 29, 1977.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's Rules, that on August 16, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 15, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on August 15, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3172 (new), Key West, Florida, Board of County Commissioners, Monroe County Req: Channel 28, 554-560 MHz, 100 watts Primary: WPBT-TV, Miami, Florida.

BPTT-3173 (new), Marathon, Florida, Board of County Commissioners, Monroe County Req: Channel 30, 566-572 MHz, 100 watts Primary: WPBT-TV, Miami, Florida.

BPTT-3174 (new), Key West, Florida, Board of County Commissioners, Monroe County. Req: Channel 31, 572-578 MHz, 100 watts Primary: WTVJ-TV, Miami, Florida.

BPTT-3175 (new), Matecumbe, Florida, Board of County Commissioners, Monroe County. Req: Channel 32, 578-584 MHz, 100 watts. Primary: WPBT-TV, Miami, Florida.

BPTT-3176 (new), Matecumbe, Florida, Board of County Commissioners, Monroe County. Req: Channel 35, 596-602 MHz, 100 watts. Primary: WTVJ-TV, Miami, Florida.

BPTT-3177 (new), Big Pine, Florida, Board of County Commissioners, Monroe County. Req: Channel 36, 602-608 MHz, 100 watts. Primary: WPBT-TV, Miami, Florida.

BPTT-3178 (new), Marathon, Florida, Board of County Commissioners, Monroe County. Req: Channel 38, 614-620 MHz, 100 watts Primary: WTVJ-TV, Miami, Florida.

BPTT-3179 (new), Matecumbe, Florida, Board of County Commissioners, Monroe County. Req: Channel 40, 626-632 MHz, 100 watts. Primary: WCIX-TV, Miami, Florida.

BPTT-3180 (new), Matecumbe, Florida, Board of County Commissioners, Monroe County. Req: Channel 43, 644-650 MHz, 100 watts. Primary: WCKT-TV, Miami, Florida.

BPTT-3181 (new), Key West, Florida, Board of County Commissioners, Monroe County. Req: Channel 44, 650-656 MHz, 100 watts Primary: WCIX-TV, Miami, Florida.

BPTT-3182 (new), Big Pine, Florida, Board of County Commissioners, Monroe County Req: Channel 47, 668-674 MHz, 100 watts Primary: WTVJ-TV, Miami, Florida.

BPTT-3183 (new), Key West, Florida, Board of County Commissioners, Monroe County Req: Channel 49, 680-686 MHz, 100 watts Primary: WCKT-TV, Miami, Florida.

BPTT-3184 (new), Big Pine, Florida, Board of County Commissioners, Monroe County. Req: Channel 55, 716-722 MHz, 100 watts. Primary: WCIX-TV, Miami, Florida

BPTT-3185 (new), Rock Harbor, Florida, Board of County Commissioners, Monroe County. Req: Channel 56, 722-728 MHz, 100 watts. Primary: WPBT-TV, Miami, Florida.

BPTT-3186 (new), Big Pine, Florida, Board of County Commissioners, Monroe County Req: Channel 57, 728-734 MHz, 100 watts Primary: WCKT-TV, Miami, Florida.

BPTT-3187 (new), Matecumbe, Florida, Board of County Commissioners, Monroe County. Req: Channel 59, 740-746 MHz, 100 watts. Primary: WPLG-TV, Miami, Florida.

BPTT-3188 (new), Big Pine, Florida, Board of County Commissioners, Monroe County Req: Channel 60, 746-752 MHz, 100 watts Primary: WPLG-TV, Miami, Florida.

BPTT-3189 (new), Rock Harbor, Florida, Board of County Commissioners, Monroe County. Req: Channel 61, 752-758 MHz, 100 watts. Primary: WTVJ-TV, Miami, Florida.

BPTT-3190, (new), Marathon, Florida, Board of County Commissioners, Monroe County. Req: Channel 63, 764-770 MHz, 100 watts. Primary: WCIX-TV, Miami, Florida.

BPTT-3191 (new), Rock Harbor, Florida, Board of County Commissioners, Monroe County. Req: Channel 64, 770-776 MHz, 100 watts. Primary: WCIX-TV, Miami, Florida.

BPTT-3192 (new), Marathon, Florida, Board of County Commissioners, Monroe County. Req: Channel 65, 776-782 MHz, 100 watts. Primary: WCKT-TV, Miami, Florida.

BPTT-3193 (new), Key West, Florida, Board of County Commissioners, Monroe County. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WPLG-TV, Key West, Florida.

BPTT-3194 (new), Rock Harbor, Florida, Board of County Commissioners, Monroe County. Req: Channel 67, 788-794 MHz, 100 watts. Primary: WCKT-TV, Miami, Florida.

BPTT-3195 (new), Marathon, Florida, Board of County Commissioners, Monroe County. Req: Channel 68, 794-800 MHz, 100 watts. Primary: WPLG-TV, Miami, Florida.

BPTT-3196 (new), Rock Harbor, Florida, Board of County Commissioners, Monroe County. Req: Channel 69, 800-806 MHz, 100 watts. Primary: WPLG-TV, Miami, Florida.

FM TRANSLATOR APPLICATIONS

BPFT-422 (new), Myrtle Creek, Oregon, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 207, 89.3 MHz, 1 watt. Primary: KSOR-FM, Ashland, Oregon.

BPFT-423 (new), Roseburg, Oregon, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 207, 89.3 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-424 (new), Cave Junction, Kerby, Selma, Oregon, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 220, 91.9 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-425 (new), Klamath Falls, Oregon, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 217, 91.3 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-426 (new), Yreka, Hornbrook, California, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 220, 91.9 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-427 (new), Sutherlin, Glide, Oregon, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 220, 91.9 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-428 (new), Riddle, Tri-City and Canyonville, State of Oregon Acting By and Through the State Board of Higher Education. Req: Channel 220, 91.9 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon.

BPFT-429 (new), Kayenta Arizona, Kayenta TV Association. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KRSJ-FM, Durango, Colorado.

BPFT-430 (new), Black River Falls, Wisconsin, Shalom Translators, Inc. Req: Channel 272, 102.3 MHz, 1 watt. Primary: WWIB-FM, Ladysmith, Wisconsin.

BPFT-431 (K224AF), China Lake, Ridgecrest, Inyokern, California, Indian Wells Valley TV Booster, Inc. Req: Change output frequency to: 99.3 MHz, Channel 257.

BPFT-432 (new), Evanston-Bridger Valley, Wyoming, Upper Bear River Television Service. Req: Channel 252, 98.3 MHz, 10 watts. Primary: KRSP-FM, Salt Lake City, Utah.

BMPFT-46 (K288BE), Silver Bay, Minnesota, Stereo Broadcasting, Inc. Req: Change output frequency to: Channel 296, 107.1 MHz.

BMPFT-47 (K296AW), Grand Marais, Minnesota, Stereo Broadcasting, Inc. Req: Change output frequency to: Channel 288, 105.5 MHz.

[FR Doc.77-19313 Filed 7-6-77;8:45 am]

[Docket No. 21310; RM-1847, RM-1984, RM-2742]

FM QUADRAPHONIC BROADCASTING

Inquiry

Adopted: June 22, 1977.

Released: July 6, 1977.

INTRODUCTION

1. This Inquiry is being instituted as a result of three petitions submitted to the Commission regarding adoption of standards for the transmission of FM quadraphonic broadcasting. These petitions were submitted by Pacific FM, Inc., RM-1847 (hereafter identified as "Pacific"), General Electric Company, RM-1984 ("GE"), and CBS, Inc., RM-2742 ("CBS").[1] A further consideration is the study performed by the National Quadraphonic Radio Committee (NQRC).

OBJECTIVE

2. The objective of this Notice is to determine if there is sufficient interest to warrant the Commission's adoption of standards for quadraphonic broadcasting, and if so to develop a record which will assist the Commission in formulating the needed standards for this service.

DESCRIPTION OF THE THREE PENDING PETITIONS

3. Quadraphonic systems which have been proposed to date fall into three general categories, 4-2-4, 4-3-4, and 4-4-4. Where four independent or discrete audio sources are encoded by a "matrix" into two composite signals transmitted as compatible left and right stereo signals to be later decoded back into four audio signals, the system has been designated as a 4-2-4 system. Where the four independent or discrete audio sources are combined in a composite signal and transmitted as a main channel plus either 2 or 3 subcarriers, all to be later converted back into 4 (discrete in the case of 4-4-4) audio signals, the systems are designated as 4-3-4 or 4-4-4 respectively.

4. Pacific petitioned the Commission to adopt the Dorren Quadraplex System as the standard for "transmitting discrete four channel stereo utilizing the facilities of one FM station." Pacific claims that this 4-4-4 system is compatible with present monophonic and stereophonic standards. The Dorren System would sum the left front (LF), left back (LB), right front (RF) and right back (RB) audio signals as main channel or base band modulation. The sum of LF+LB—RF—RB modulates a double sideband suppressed carrier at 38 kHz. A second subcarrier also at 38 kHz but in phase quadrature with the first is likewise modulated as double sideband suppressed carrier with LF—LB—RF+RB. A third subcarrier at 76 kHz is similarly double sideband suppressed carrier modulated with LF—LB+RF—RB with modulation components from 61 to 91 kHz. A 19 kHz pilot subcarrier with 8 to 10% modulation (identical to the present 19 kHz pilot subcarrier) is proposed to phase lock the two 38 kHz quadrature subcarriers and the 76 kHz subcarrier. Proponent stated that the SCA transmission would require a frequency different from the 67 kHz normally used and proposed 114 kHz. Being harmonically related to the 19 kHz pilot, the subcarrier can be "both frequency and phase locked to the pilot" (this was later changed to 95 kHz during tests by the NQRC).

5. GE submitted a petition to the Commission requesting that a Notice of Inquiry be issued and further, that the Commission evaluate and test the General Electric 4-4-4 system. The proposed system transmits four separate audio signals by utilizing the main channel and three subcarriers with two of the subcarriers at 38 kHz, the second of which is in phase quadrature. The 38 kHz subcarriers are suppressed. The third subcarrier is placed at 76 kHz. The upper sideband of the 76 kHz subcarrier is suppressed, however, proponent proposes a 4 to 6% subcarrier level at 76 kHz to provide a signal for automatic switching between quadraphonic and other modes. The usual 19 kHz pilot is transmitted, to which the 38 and 76 kHz subcarriers are phase locked. Equations of each of the four audio signals are:

Main Channel, (LF+LB)+(RF+RB).
38 kHz in phase suppressed subcarrier subchannel, (LF+LB)−(RF+RB).
38 kHz quadrature suppressed subcarrier subchannel, (LF−LB)−(RF−RB).
76 kHz suppressed subcarrier vestigial sideband subcarrier, (LF−LB)+(RF−RB).

6. The third petition was submitted by CBS for a 4-2-4 system identified under the trademark SQ. The operation of this system depends upon the matrix encoding of 4 channels into two channels. The two channels are presently transmitted under existing stereophonic standards. In the SQ system "The signals from the front microphones, LF and RF, pass through the encoder essentially unimpeded; but the signals from the back microphones LB anl RB, enter two 'phase shifters' which split each signal into two signals at a 90° phase relationship." The phase-shifted back signals are now mixed with the front signals to product two composite output signals, Left total (LT) and Right total (RT)."[2] CBS also proposes transmission of an

[1] These petitions were filed on August 23, 1971, May 30, 1972, and August 10, 1976, respectively.

[2] Description from CBS's brochure "Spatial High Fidelity Through Quadraphonic Recording and Broadcasting."

"identification signal" at 57 kHz phase locked to the 19 kHz pilot and at a mod-

THE INQUIRY

10. The Commission is faced with the

provements could be expected in the software provided for broadcasts over such

d. What mode identification techniques are available for accomplishing

determine listener preference,[12] localization, and compatibility of quadra-

must take these receivers into account.[13]

21. In addition to determining the

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"identification signal" at 57 kHz phase locked to the 19 kHz pilot and at a modulation level of 2 to 3%.[3]

Discussion

7. In 1972 the Electronic Industries Association sponsored the National Quadraphonic Radio Committee[4] whose objective was to report to the Commission final conclusions regarding quadraphonic FM broadcasting standards. In November, 1975, the NQRC submitted its report and conclusions to the Commission. This report is composed of two volumes, of which Volume One is a summary of the tests and conclusions. Volume Two consisting of 5 books includes the various tests performed on receivers, interconnecting facilities, transmitters, field tests, and compatibility tests. These two volumes are being made a part of the record in this proceeding.[5][6]

8. The NQRC tests were performed primarily on 4–4–4 and 4–3–4 quadraphonic broadcasting systems.[7] There was a lack of comparative test data for 4–2–4 systems since proponents of such systems did not choose to provide their equipment for tests. However, subjective comparative tests were made using the Cooper-UMX 4–2–4 BFMX option as described in the NQRC report.

9. The results of the NQRC localization tests showed that the 4–4–4 and 4–3–4 systems ranked decidedly higher than the 4–2–4 system tested.[8] Current proponents of 4–2–4 systems appear to believe that such results are not representative of today's state-of-the-art for 4–2–4 systems since there has been further developments in logic enhancement. As a consequence, the Commission's Laboratory Division, Office of the Chief Engineer, is performing comparative tests between 4–4–4, 4–3–4 and several 4–2–4 systems.[9] These tests include subjective preference judgments as well as simple and complex location.[10] The results of the Commission's tests will be reported and made a part of the record in this proceeding, and parties will be afforded an opportunity to comment on that report.

[3] For a more complete description of the preceding three systems, see the petitions which have been submitted in this proceeding.

[4] EIA letter of March 23, 1972, page 132 of Vol. I, Report of the NQRC to the FCC.

[5] Copies of this report may be obtained from the staff engineer, Consumer Electronics Group, Electronic Industries Association, 2001 I Street, N.W., Washington, D.C. Volume One may be obtained at no cost and Volume Two may be acquired at a cost of $100.00.

[6] Additonally, test data for the Dorren Quadraplex System and the General Electric system were submitted under RM-1847 and RM-1984, respectively.

[7] 4–4–4 systems tested were those proposed by Quadracast Systems, Inc., RCA Corporation, Cooper-UMX, General Electric Company, and Zenith Radio Corporation. Additionally, RCA and Cooper-UMX proposed 4–3–4 systems which are compatible with their 4–4–4 systems and existing Subsidiary Communication Authorization's (SCA).

The Inquiry

10. The Commission is faced with the difficult task of trying to evaluate not only the merits of 4–4–4, 4–3–4 and 4–2–4 systems as compared to each other, but also to evaluate the several designs being proposed by various manufacturers. The line of questioning in this Inquiry will not only solicit information regarding design proposals, but will attempt to focus on the merits of quadraphonic broadcasting per se in order to identify what future Commission action, if any, is appropriate.

11. To put matters in perspective, on August 9, 1972, the Commission issued a Public Notice (Mimeo No. 7599), which stated:

> The Commission said that the four-channel stereo systems being sold today are "pseudo-enhancement devices relying on a phase-differential principle to achieve four-channel audio effects," and may be used within the FCC's present FM stereo transmission standards without specific authorization.

Since then there have been a number of FM stations which have opted to transmit 4–2–4 quadraphonic programming. In spite of this, it does not appear that there has been overwhelming public acceptance. This may indicate a lack of interest in quadraphonic sound per se or a lack of acceptance or uniformity of the present quadraphonic broadcasting techniques being utilized.

12. Of initial importance, therefore, is the question of whether the industry as a whole and the listening public will be served by adoption of additional standards for FM quadraphonic broadcasting. Manufacturers have devised techniques for such broadcasting and there have been a number of comments from the public in response to the above petitions indicating their views and interest. Additionally, we also wish to identify preferences of the broadcasters. Comments on the following questions are specifically requested:

a. Is the broadcasting industry interested in and willing to spend the money necessary to transmit quadraphonic sound?

b. Are there sufficient listeners interested in quadraphonic sound who are willing to spend funds to purchase new equipment or adapt existing equipment?

13. In considering any type of a quadraphonic ssytem, it is important to also consider the type of material that is going to be available for programming.

a. In the event that the Commission were to adopt standards for a 4–3–4 or 4–4–4 system, what advances and improvements could be expected in the software provided for broadcasts over such systems?

b. Is it probable that stations will rely heavily upon program material which uses various 4–2–4 encoding techniques? If this were to be the case, would it be in the public interest to adopt a 4–3–4 or 4–4–4 system as a standard, thereby assuring uniform quadraphonic transmissions to the public?

c. In view of the programming material that may be available in the future, we are interested in knowing: can a 4–2–4 broadcasting system realize the full potential of quadraphonic broadcasting or would a 4–3–4 or 4–4–4 system come closer to realizing this full potential?

14. In considering the various systems for quadraphonic broadcasting, it is evident that there are several options that can be pursued. One option is merely the continuation of present 4–2–4 transmissions since they have not required any changes to the existing rules or technical standards. Therefore, the minimum outcome of this proceeding could be to maintain the status quo.

a. What would be the result if the Commission did not adopt standards for any specific 4–2–4 system? What would be the advantages of adopting a specific 4–2–4 system?

b. Are there 4–2–4 standards which the Commission should adopt which are not now adequately provided by the Rules?

c. CBS proposed the use of a 57 kHz pilot subcarrier for identication purposes. If the Commission did not adopt standards for a specific 4–2–4 system, would it be practical to use such a subcarrier to identify the type of 4–2–4 system that is being transmitted?

d. If the Commission adopted rules permitting the pilot subcarrier discussed in question c above, would it be practical to manufacture 4–2–4 decoders capable of being automatically switched from one 4–2–4 system to another?

e. What identification techniques other than the use of a pilot subcarrier are available to accomplish the automatic switching suggested above?

f. If the Commission were to adopt quadraphonic broadcasting standards for 4–3–4/4–4–4 in addition to permitting continued use of 4–2–4 transmission techniques, what would be the impact of each upon the other?

15. In addition to the options of adopting standards for either 4–3–4 or 4–4–4 systems, there is also the option of adopting standards for a compatible 4–3–4/4–4–4 system.

a. If the Commission were to adopt transmission standards for 4–4–4 systems, is there any reason why the Commission should not also permit 4–3–4 transmissions?

b. Would it be practical to manufacture decoders capable of operation with both 4–3–4 and 4–4–4 systems?

c. Would it be practical to make provision in such decoders for automatically switching between 4–3–4 and 4–4–4 modes whenever received modes or conditions change?

[8] Localization tests used sounds from a particular speaker or combination of speakers to recreate for a listener real and apparent sound sources. Bursts of pink noise were used for simple localization and a "chirp" superimposed on diffuse, uncorrelated pink noise was used for complex localization.

[9] The 4–2–4 systems being tested are QS (Sansui Electric Company, Ltd.), SQ (CBS, Inc.), and the BBC H Matrix.

[10] These tests are being performed in a fashion similar to that used by the NQRC.

d. What mode identification techniques are available for accomplishing automatic switching? We hesitate to consider the use of pilot subcarriers for such switching and alerting because it may necessitate a reduction in the modulation available for the audio channels and increases the potential for intermodulation distortion. Therefore, what techniques other than pilot subcarriers can be used for such mode switching?

e. For a compatible 4–3–4/4–4–4 system, what effect would the simultaneous transmission of a 67 kHz SCA with a 4–3–4 quadraphonic transmission have on decoders which are operating in the 4–4–4 mode?

16. It has been suggested that other uses could be made of the upper baseband that would otherwise be allocated for 4–4–4 transmissions. Such other applications could, for example, be for subcarriers used for noise reduction systems, for various types of signaling purposes and SCA's. Several quadraphonic systems have been proposed that would require changing the 67 kHz SCA frequency to a higher frequency. Furthermore, the proponents of such proposals state that by phase-locking the SCA to a harmonic of the 19 kHz pilot the interference to stereophonic or quadraphonic systems will be reduced significantly. This interference is the result of non-linearities that may exist in any or all of the following: transmitter/exciter, interconnecting facilities, receiver or multipath. The non-linearity produces a "beat" or "whistle" of 9 or 10 kHz (the difference frequency between the 67 kHz SCA subcarrier and either the 3rd or 4th harmonic of the 19 kHz pilot).

a. In the event that the Commission decides to permit modulating frequencies higher than 75 kHz, should stations transmitting both quadraphonic sound and SCA's be required to transmit its SCA channel on either 76, 95 or 114 kHz subcarriers and be phase locked to a harmonic of the 19 kHz pilot?

b. What limits should the Commission set on maximum subcarrier frequency, maximum frequency deviation of subcarrier, and maximum subcarrier modulating audio frequency? Also what limits should be set on the modulation of the main carrier by the subcarriers (injection level)?

c. What reduction of SCA coverage can be expected and tolerated by the use of higher SCA subcarrier frequencies, particularly if lower injection levels are used?

d. Is it feasible to modify present SCA receivers to operate on higher subcarrier frequencies?

Subjective Considerations for Quadraphonic Sound

17. The NQRC performed subjective tests of 4–4–4, and 4–3–4 systems and a 4–2–4 system.[11] These were tests to determine listener preference,[12] localization, and compatibility of quadraphonic transmissions with monophonic and stereophonic reproduction.

18. The NQRC reported that the results of localization tests and preference tests showed that the 4–4–4 and 4–3–4 systems ranked decidely higher than the 4–2–4 system tested. Additionally, it was reported that there was no discernible difference in the monophonic and stereophonic reproduction (fold-down) when quadraphonic transmissions were made using 4–4–4, 4–3–4, and 4–2–4 systems.

19. However, as was previously pointed out in this *Inquiry*, only one 4–2–4 system was used in these tests. In the likelihood that improvements to 4–4–4, 4–3–4, or 4–2–4 systems may have occurred since the NQRC tests were made, comments on the following are requested:

a. Since logic enhancement for 4–2–4 decoders has been under development, how valid are the NQRC conclusions today with regard to localization and listener preference?

b. Can logic enhancement be used to improve the performance of 4–3–4 decoders, thereby making 4–3–4 transmissions more nearly comparable with 4–4–4 transmissions?

c. In light of the above two questions, what are the benefits, if any, of 4–4–4 systems over 4–3–4 and 4–2–4 transmissions?

d. If it is determined that further improvements can be expected for 4–3–4 or 4–2–4 decoders, do 4–4–4 systems justify the additional cost (if any) to broadcasters?

e. Since only one 4–2–4 system was tested by the NQRC, what are the monophonic and stereophonic reproduction (fold-down) characteristics of other 4–2–4 systems?

f. In considering those quadraphonic systems that do not provide equal quadraphonic and monophonic/stereophonic sound reproduction, would it be more appropriate to: adopt a system that gives superior quadraphonic sound reproduction but inferior monophonic and stereophonic reproduction, or adopt a system that gives superior monophonic and stereophonic reproduction but inferior quadraphonic reproduction?

Receiver Compatibility

20. Also of importance when considering quadraphonic broadcasting systems is the compatibility of the systems with present monophonic and stereophonic receivers. Not only is there a large number of FM monophonic and stereophonic receivers presently in existence, but it is expected that monophonic and stereophonic receivers will continue to be used even if quadraphonic standards are adopted. Therefore, the compatibility of any quadraphonic standards adopted must take these receivers into account.[13]

21. In addition to determining the ability of monophonic and stereophonic receivers to function normally in the presence of quadraphonic broadcasts, we are also interested in determining whether these receivers may be modified or adapted, through practical means, for quadraphonic reception:

a. Are any difficulties expected in the normal use of present monophonic and stereophnic receivers when either 4–4–4– or 4–3–4 transmissions are being received?

b. Recognizing the variations in quality of present stereophonic receivers, what difficulties can be expected in such receivers as a result of introducing a 38 kHz subcarrier in quadrature with the present 38 kHz subcarrier? Can crosstalk and reduced stereo separation be expected in some stereophonic receivers as a result of phase error in the regeneration of an in-phase subcarrier in the presence of a quadrature subcarrier? How much phase error can be tolerated? What additional difficulties are expected as a result of harmonic and intermodulation distortion attributable to the quadrature subcarrier?

c. Would it be practical or possible to add quadraphonic adapters to present monophonic and stereophonic receivers to decode 4–4–4 or 4–3–4 transmissions? If so, what will be the cost range for add-on adapters to decode 4–4–4 or 4–3–4 transmissions?

d. What is the projected near term cost of 4–2–4 decoders using state of the art circuitry? If logic enhancement is practical for 4–3–4 decoders, what is their projected cost?

e. Compared with present stereophonic receivers, how much more will quadraphonic receivers for 4–4–4, 4–3–4 or 4–2–4 systems cost?

Studio-Transmitter Interconnections

22. The studio-transmitter interconnection requirements for quadraphonic broadcasting vary depending upon whether a 4–2–4, 4–3–4, or 4–4–4 system is used. The 4–2–4 systems require only the use of existing stereophonic interconnection facilities. However, the 4–4–4 systems require the use of four independent channels. The NQRC investigated what could be considered to be the minimum requirements for quadraphonic broadcasting.[14] These minimum requirements were:

(1) Four 15 kHz matched/equalized program wire lines.

(2) An STL in the 947–952 MHz band modulated by a quadraphonic composite signal.

(3) A pair of STL's in a single aural channel transmitting in the 947–952 MHz band, each operating as a conventional stereophonic composite unit.

[11] For complete details, see Volume II, Chapter VI of the NQRC report.

[12] The NQRC performed preference tests by having listeners (auditors) express a preference for music reproduced by the systems being compared.

[13] Certain tests relating to receiver compatibility were reported by the NQRC in Volume II, Chapters IV and V of their report.

[14] For further details, see Volume II, Chapter II of the NQRC report.

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23. Comments on the following questions are invited:

a. Considering the difficulty of obtaining two sufficiently matched program wire lines (amplitude and phase) for present stereo transmissions, will it be economically practical to obtain four matched program wire lines?

b. Will a pair of STL's operating in the 947–952 MHz band with the usual 125 or 150 kHz offsets perform satisfactorily with stereophonic composite signals on each unit? Will a single STL modulated by a quadraphonic composite signal perform satisfactorily?

c. Are present stereophonic studio-transmitter interconnections adequately matched for 4–2–4 quadraphonic systems?

d. Are there any special performance requirements for studio-transmitter interconnections such as distortion, phase delay, frequency response, or other characteristics to facilitate quadraphonic broadcasting?

e. Is it expected that quadraphonic broadcasting using 4–4–4 or 4–3–4 systems will result in increased demand for microwave STL's?

TRANSMISSION EQUIPMENT

24. It is desired to consider the adequacy of present transmission facilities (exciters, transmitters, transmission lines, antennas and FM monitors) for quadraphonic broadcasts. The NQRC investigated the adequacy of present facilities and the results of their investigation are contained in Volume II, Chapter III of their report. It concluded that existing facilities are generally adequate or can be adapted to quadraphonic broadcasting.

25. In addition to commenting on conclusions of the NQRC on this subject, specific comments on the following questions are requested:

a. To what extent will present transmitters and exciters have to be modified to enable satisfactory broadcasting with 4–4–4, 4–3–4, and 4–2–4 systems?

b. If 4–4–4 quadraphonic broadcasting standards are adopted by the Commission, how acceptable are present antenna systems in view of the possible requirement for wider baseband signals and resulting increased RF bandwidths? For antenna systems which are not acceptable, will it be feasible to modify them? Or will new antenna systems be required?

c. What technical specifications are recommended for 4–2–4, 4–3–4 and 4–4–4 quadraphonic FM monitors? Also, to what extent can present monitors be adapted (consistent with Commission type approval requirements) for quadraphonic broadcasting?

d. What special monitoring and test equipment will be required to operate and maintain 4–4–4, 4–3–4, and 4–2–4 quadraphonic systems?

e. What procedures should be followed in performing equipment performance measurements for 4–4–4, 4–3–4, or 4–2–4 quadraphonic systems?

OTHER TECHNICAL CONSIDERATIONS

26. The adoption of standards for each of the quadraphonic systems may create certain problems or may produce less than optimum sound reproduction or station coverage. For instance, the 4–4–4 system while maintaining good separation between audio channels suffers an additional loss in station coverage compared to present stereophonic transmissions. This is compared to the 4–2–4 system which has less separation between audio channels but which, according to proponents, does not significantly reduce the signal-to-noise ratio or station coverage.

27. It is, therefore, important that broadcasters consider the effects upon station coverage, protection ratios, increased occupied bandwidth, and multipath which are characteristic of 4–4–4, 4–3–4, and 4–2–4 quadraphonic systems. These considerations taken together with those discussed in earlier paragraphs have addressed what we feel are the major issues to be resolved in this proceeding. Therefore, comments on the following are requested:

a. Compared with present stereophonic transmissions, how much will the signal to noise ratio decrease with 4–4–4, 4–3–4, or 4–2–4 transmissions?

b. Due to decreased signal to noise ratio, how much will the transmission range of stations using 4–4–4, 4–3–4, or 4–2–4 systems change?

c. What loss of transmission range is considered acceptable by broadcasters?

d. What will be the effect of multipath on reception of 4–4–4, 4–3–4, or 4–2–4 quadraphonic broadcasts?

e. What effect upon protection ratios would 4–4–4, 4–3–4, and 4–2–4 quadraphonic broadcasts have on both co-channel and adjacent channels compared to present stereophonic transmissions?

f. For the various proposed 4–4–4, 4–3–4, and 4–2–4 systems, to what degree will the occupied bandwidth increase compared with present stereophonic operation?

g. If proposed quadraphonic systems require an increase in occupied bandwidth, what would be the impact, if any, upon the Commission's frequency assignment plan? Should a system be adopted which would not increase the occupied bandwidth?

h. Would possible increases in bandwidth required for quadraphonic broadcasting be such as to foreclose future opportunities to achieve more efficient use of the spectrum through reduction in the currently authorized bandwidth?

INTERNATIONAL CONSIDERATIONS

28. U.S. licensed broadcast stations are subject to international radio agreements to which the United States is a party. Any proposed use of a new type of FM signal transmission must conform to the provisions of these agreements and the United States cannot unilaterally modify the agreement provisions. Accordingly, any proposed transmission for FM quadraphonic broadcasting not in accordance with these provisions would require negotiations to obtain necessary modifications. Specically, the U.S. Mexico bilateral agreement concerning FM broadcasting, signed November 9, 1972, as amended, Part III, Article 4, Paragraph C, 2, specifies "the instantaneous frequency of any multiplex subcarrier shall not exceed ±75 kHz from the assigned center frequency." This would, for example, affect those quadraphonic systems proposing 76 kHz or higher subcarrier frequencies.

FILING RESPONSES TO THE INQUIRY

29. Those filing comments in this proceeding should key their responses to the numbered questions appearing in the various paragraphs. If there are other considerations which are not addressed by the specific questions in this proceeding, respondents are requested to bring them to our attention. We urge radio equipment manufacturers, broadcasters, and the listening public and all other interested parties to make known their interests and to contribute relevant information to assist the Commission in this proceeding.

30. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before September 15, 1977, and reply comments on or before October 17, 1977. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding. The Commission may also consider any other relevant information brought to its attention.

31. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting a copy of their comments, without regard to form, provided that the Docket Number is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, N.W.).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19314 Filed 7-6-77;8:45 am]

[Docket Nos. 21212, 21213; File Nos. BPH-9981, BPH-10,040]

HERMISTON BROADCASTING CO. AND INTERFAITH CHRISTIAN CENTER

Memorandum Opinion and Order

Adopted: June 7, 1977.

Released: June 22, 1977.

In re Applications of Hermiston Broadcasting Co., Hermiston, Oregon. Req: 99.3 MHz, Ch. No. 257; 3.0 kW (H & V), 78 ft. Interfaith Christian Center, Hermiston, Oregon. Req: 99.3 MHz, Ch. No. 257; 3.0 kW (H & V) 300 ft. For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications, which are mutually exclusive in that they seek the same FM broadcast channel in Hermiston, Oregon. Hermiston Broadcasting Co. (hereinafter HBC) is the licensee of standard broadcast station KOHU, Hermiston, Oregon, and Interfaith Christian Center (hereinafter ICC) is the applicant for a new standard broadcast station in nearby Umatilla, Oregon.

2. Each applicant requests authority, as provided in Section 73.210(a)(3) of the Rules, to locate the main studio of its facility at its proposed transmitter site, outside of the community of license. However, the proposed location would, in each case, be readily accessible to residents of Hermiston, and, at least in the case of HBC, be the site of an existing AM studio. Thus, we find that both applicants have shown good cause for location of the main studio at either of the proposed transmitter sites.

3. Analysis of Interfaith Christian Center's financial data reveals that $87,893 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

Down payment on equipment valued at $43,482	$ 2,171
1st-year payments on equipment including interest	14,112
Equipment not included in manufacturer's letter of credit	12,000
Building	3,500
Miscelaneous	10,000
Principal payments on loan	12,000
Interest on loan	5,400
Working capital	28,710
Total	87,893

ICC plans to finance construction and operation with $85,160 in alleged existing capital and a $60,000 bank loan. Its balance sheet dated March 1, 1977 shows cash of $4,160 and indicates reliance on a contract receivable, but ICC has failed to establish the value of the property or that the alleged purchaser has adequate funds to meet his purchase contract. ICC therefore shows cash or liquid assets in excess of current liabilities of only $4,160. The letter from U.S. National Bank of Oregon is merely an offer to consider a loan of $60,000, and is not a firm commitment. Further, the letter does not clearly define the collateral required. Since the applicant has therefore shown the availability of only $4,160 to meet an $87,893 requirement, a financial issue will be specified.

4. Both applicants have failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it apears that ICC has failed to survey leaders of a significant group set forth in its demographic study. *Voice of Dixie, Inc.* 45 FCC 2d 1027, 29 RR 2d 1127 (1974). Although the applicant's study indicated the presence of a number of manufacturing concerns in Hermiston and significant construction activity, no interviews were conducted with leaders of manufacturing or the construction industry. In addition, ICC has not shown that those who conducted the survey of the general public are principals or prospective employees of the applicant, or a professional research or survey service, as required by Question and Answer 11(b) of the Primer.

5. HBC claims in its amendment of January 27, 1977, to have interviewed 38 additional community leaders between October 12, 1976 and January 19, 1977. It has not, however, shown that these interviews were conducted by principals or management-level employees of the proposed station, as required by Question and Answer 11(a) of the *Primer*. HBC also states that its general public survey was conducted by "the applicant's staff", but it has not shown that the staff members referred to are prospective employees of the proposed FM facility, as opposed to the applicant's AM station. *Maranatha, Inc.*, 56 FCC 2d 194 (Rev. Bd., 1975). Limited ascertainment issues will therefore be specified as to both applicants.

6. ICC proposes a specialized format of predominantly religious programming. HBC, in contrast, proposes general market programming. Thus, the relative need for these different types of programming will be considered under the standard comparative issue. *Ward L. Jones*, FCC 67–82 (1967); *Policy Statement on Comparative Hearings*, 1 FCC 2d 393, Footnote 9 at 397 (1965). In addition HBC proposes duplication of the programming of its AM station, KOHU, during 25% of its proposed schedule. Therefore, evidence regarding program duplication will be admissable under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360, 10 RR 2d 114 (1967).

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *It is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the needs and problems of the proposed service area, in the following respects:

(a) Whether Interfaith Christian Center has failed to consult with leaders of manufacturing and construction, which are significant groups in the community.

(b) Whether Interfaith Christian Center has complied with Question and Answer 11 (b) of the *Primer*; and

(c) Whether Hermiston Broadcasting Co has complied with Question and Answer 11 of the *Primer*.

(2) To determine, with respect to Interfaith Christian Center:

(a) The source and availability of funds in excess of the $4,160 shown;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate as proposed.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19302 Filed 7-6-77;8:45 am]

[Docket No. 21306]

WAYNE J. FRANCO

Order

Adopted: June 21, 1977.
Released: June 28, 1977.

In the matter of the application of Wayne J. Franco, 501 Grandview, Des Moines, Iowa 50313. For Amateur radio

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station and Novice Class Operator Li-[illegible]

1. The Chief, Safety and Special Radio Services Bureau, has under consideration the above-entitled application for an Amateur radio station license and for a Novice Class Operator license. The application was filed by Wayne J. Franco on March 29, 1977.

2. Franco was granted a Citizens Band (CB) radio station license on November 2, 1971, for a five-year term.[1] On September 1, 1972, a written Notice of Apparent Liability to Monetary Forfeiture for violation of Commission's CB Rules was mailed to the applicant, pursuant to Section 510 of the Communications Act of 1934, as amended. That Notice stated that the applicant appeared to have incurred liability totaling $300 for the willful violation of Section 95.95(c)[2] (failure to identify), Section 95.83(b) (attempting to communicate with a station over a distance greater than 150 miles), Section 95.41(d)(2) (interstation use of an intrastation frequency), and Section 95.37(c)(2) (overheight antenna) of the Commission's Rules. Those violations had been committed on June 21, 1972. Franco enclosed full payment of the forfeiture with his September 28, 1972, reply to the Notice of Apparent Liability.

3. In addition, on September 17, 1976, the applicant entered a plea of guilty in the United States District Court for the Southern District of Iowa to the charge that:

On or about the 20th day of August, 1976, WAYNE J FRANCO, defendant, an individual, operating under a Citizen's Radio Service Class D license issued by the Federal Communications Commission, and subject to the regulations lawfully issued by said Federal Communications Commission, did operate a radio transmitter from the premises known as 501 Grandview, Des Moines, Iowa in the Southern District of Iowa and, in the operation of said transmitter, operated the radio station with capabilities for transmissions on frequencies not assigned to the Class D Citizen's Radio Service, to-wit: 27.345 MHz, 27.405 MHz, and 27.475 MHz, in violation of 47 C.F.R. 95.55(c)(4) and 47 U.S.C. Section 502.

4. In addition, Franco apparently operated a CB radio station again in wilful violation of the Commission's Rules on May 15, 16, and 18, 1975. In particular, it appears that CB radio station KEN-4198 was operated in wilful violation of the following Sections of the Commission's Rules:

(a) Section 95.41(d)(1)—Use of a radio frequency not authorized for the Citizens Band Radio Service.

(b) Section 95.41(d)(2)—Interstation communication on a frequency reserved for intrastation use.

(c) Section 95.44—The station employed an external radio frequency power amplifier.

(d) Section 95.55(c)(4)—The station was equipped to operate on frequencies not assigned to the Citizens Band Radio Service without having a station license posted or a transmitter identification card attached to the transmitter indicating that operation on such frequencies had been authorized by the Commission.

(e) Section 95.55(e)—The station employed a transmitter having controls accessible from the exterior of the cabinet enclosing the transmitter which controls could cause operation in violation of the technical regulations applicable to the Citizens Band Radio Service.

(f) Section 95.83(a)(1)—Use of station as a hobby or diversion.

(g) Section 95.83(a)(5)—Use of station for communication with unlicensed station.

(h) Section 95.83(a)(13)—Use of station for transmission of communications relating to the technical performance, capabilities, or testing of radio equipment.

(i) Section 95.83(b)—Communicating, or attempting to communicate, over a distance of more than 150 miles.

(j) Section 95.91(b)—Communication with another CB radio station for a period exceeding five minutes.

(k) Section 95.91(b)—Failure to observe a five minute silent period between contacts.

(l) Section 95.95(c)—Failure to identify subject station and station with which in communication by assigned call signs at the beginning and end of each communication.

(m) Section 95.35(d)—User modification of the type accepted station transmitting equipment employed by the station.

The above-mentioned violations of the Commission's Rules on May 15, 16, and 18, 1975, were brought to the licensee's attention by an Official Notice of Violation mailed on June 6, 1975.

5. Furthermore, on May 15, 1975, Franco apparently identified his Citizens Band radio station "29W29" and on May 16, 1975, Franco apparently identified his Citizens Band radio station as "two nine W two nine" in lieu of its assigned call sign.

6. In view of the June 12, 1972, violations, the September 17, 1976, conviction for violation of 47 C.F.R. 95.55(c)(4) and 47 U.S.C. Section 502, and the apparent wilful violations of the Commission's Rules on May 15, 16, and 18, 1975, it cannot be determined that a grant of Franco's Amateur application would serve the public interest, convenience, and necessity. Therefore, the Commission must designate the application for hearing.

7. Accordingly, *it is ordered*, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Sections 1.973(b) and 0.331 of the Commission's Rules, that the above-captioned application for an Amateur radio station license and for a Novice Class Operator license is designated for hearing, at a time and place to be specified by subsequent Order, upon the following issues:

(a) To determine the effect of applicant's June 21, 1972, violations of Part 95 of the Commission's Rules and Regulations upon the applicant's requisite qualifications to be a licensee of the Commission.

(b) To determine the effect of Franco's September 17 1976, conviction of the charge of violation of 47 U.S.C. 502 and 47 C.F.R. 95.55(c)(4) in the United States District Court, Southern District of Iowa, upon the applicant's requisite qualifications to be a licensee of the Commission.

(c) To determine the facts and circumstances concerning the operation and condition of Citizens Band radio station KEN-4198 on May 15, 16, and 18, 1975.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant has wilfully or repeatedly violated the Commission's Rules.

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant has the requisite qualifications to be a licensee of the Commission.

(f) To determine whether the public interest, convenience and necessity would be served by a grant of the applications for an Amateur radio station license and a Novice Class Operator License.

8. *It is further ordered*, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-19303 Filed 7-6-77;8:45 am].

[1] Franco has filed an application for renewal of license for his Citizens Band radio station. On April 8, 1977, an order designating that application for hearing was released, and the matter is still pending (Docket No. 21184).

[2] Certain Sections of Part 95 of the Commission's Rules have been revised, renumbered, or deleted. The Sections referred to herein are those in effect at time of operation.

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency to be held on July 14 and 15, 1977, at the offices of Shell International Petroleum Company Limited, Shell Centre, London, England, beginning at 9:30 a.m. on July 14. The agenda is as follows:

1. Opening remarks.
2. General discussion on the design of the second allocation systems test proposed for Spring 1978, including: (a) Test objectives; (b) test scenario; (c) organizational structure; (d) data base; (e) facilities; (f) test appraisal; (g) communications; (h) other areas.
3. Update of the Fall 1976 Allocation Systems Test Guide, IAB, September 21, 1976.
4. Discussion of other tasks preparatory to the test.
5. October/November 1977 emergency data test.
6. Next meeting date/location.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., July 1, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19287 Filed 7-6-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 77-28]

GULF CARIBBEAN MARINE LINES, INC.

General Increase in Rates; Order of Investigation and Suspension

Effective July 4, 1977, Gulf Caribbean Marine Lines, Inc. (GCML), proposes to increase all its ocean freight rates between U.S. Gulf ports and ports in Puerto Rico by 10.4 percent. The increase was filed with the Commission on May 31, 1977, and was accompanied by supporting financial data pursuant to Amendment 1 to General Order No. 11 (46 CFR 512.3(d)(1)). Effective with July 24, 1977, GCML proposes to eliminate the increase insofar as it applies on wood particle boards or chipboard, various named types of lumber, plywood and cast iron pressure pipe.

The revenue projections contained in the financial data submitted by GCML in support of the general increase were based on a 10.4 percent increase of all commodities. That data indicate that GCML would suffer a loss even with the full 10.4 percent increase. However it seems that the proposed rollback would substantially reduce the projected revenue of the carrier placing it in an even worse financial position than indicated in its original justification. We are unable to reconcile the decision to rollback rates on various wood products and iron pressure pipe with the original financial data submitted by GCML. This unresolved question casts doubt on the reliability of the financial data which was submitted in support of the increase.

It is also noted that a substantial portion of GCML's projected expenses are to be paid to related companies. It is therefore considered essential to inquire into the intercorporate accounting, assignment of assets and their deployment and the allocation of expenses.

Because of these areas of concern in the financial data submitted by CGML, the Commission is of the opinion that the proposed general rate increase should be made the subject of an investigation to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or section 4 of the Intercoastal Shipping Act, 1933.

The Commission is of the further opinion that the subject tariff matter (identified in Appendix A) should be suspended pursuant to authority granted the Commission by Section 3 of the Intercoastal Shipping Act, 1933.

Therefore, *it is ordered*, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and section 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant;

It is further ordered, That the objectives of this investigation shall include, but not necessarily be limited to, a determination as to whether:

1. GCML's proposed increase in rates is unjust, unreasonable, or otherwise unlawful, and

2. The inter-corporate accounting, assignment of assets and allocation of expenses are proper;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Appendix A is hereby suspended and the use thereof deferred to and including November 3, 1977, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by GCML a consecutively numbered supplement to the aforementioned tariff, which supplement shall bear no effective date, shall reproduce this Order in its entirety, and shall state that the aforesaid matter is suspended and may not be used until November 4, 1977, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, and that the rates, fares, charges, classifications, rules, regulations, or practices in effect prior to the date of this Order and which were to be changed by the suspended tariff matter, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That this investigation determine whether the gross revenue to be derived from the proposed rate changes is just and reasonable. Evidence as to the effect of the proposed changes on the movement of any particular commodity or commodities will be considered relevant to this basic issue and may be used to determine what overall revenue will, in fact, be derived. However, the question of reasonableness of any particular commodity rate is not an issue for determination in this proceeding. A particular rate will be affected by an order that may result from this proceeding only insofar as a finding is made regarding the reasonableness of the overall rate level of which the particular rate is a part;

It is further ordered, That shippers or other persons complaining about the level of any particular commodity rate may file a complaint pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821) and litigate the issue of reasonableness of such rate with respect to cost of service, value of service and any other applicable ratemaking factors. They may also petition for leave to intervene in this proceeding: *Provided*, That they will not broaden the issue described above and that they meet the other tests prescribed by Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72);[1]

It is further ordered, That any changes or amendments to GCML's tariffs as may be filed during the pendency of this investigation will be included in this investigation subject to the foregoing unless, as a result of such changes or amendments, more than 50 percent of GCML's tariff items are increased or decreased by 3 percent or more, or GCML's gross revenue will increase or decrease by 3 percent or more;

It is further ordered, That during the pendency of this investigation GCML will serve the presiding officer and all parties of record with notice of any tariff changes affecting any of the ten leading commodities as reported pursuant to 46 CFR 512.25 at the same time such changes are filed with the Commission;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing date shall be set no later than January 4, 1978.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That (1) a copy of this Order be forthwith served upon the respondent and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER and (2) the respondent and Hearing Counsel be duly served with notice of time and place of hearing;

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rule of practice and procedure

[1] The provisions of Rule 41 of the Commission's rules of practice and procedure (46 CFR 502.41) naming such persons "complainants" and automatic parties without a showing of compliance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) are hereby waived to insure that the proceeding will be properly confined to the issue described above. (Rule 10 of the Commission's rules of practice and procedure (56 CFR 502.10).)

(46 CFR 502.72) with a copy to all parties

fulness of the tariff matter listed in Sup-

Commission's rules of practice and pro-

UNITED STATES FLAG FAR EAST

Import, Inc., 1545 South Olive Street

Act of 1972 (Pub. L. 92-392), which Law

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(46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

GULF CARIBBEAN MARINE LINES, INC.

Tariff FMC–F No. 1 (Puerto Rico Marine Lines, Inc., Series)

Supplement No. 23—Effective July 4, 1977.
8th Revised Page 70—Effective July 24, 1977.
2nd Revised Page 84–A—Effective July 24, 1977.
10th Revised Page 90—Effective July 24, 1977.
11th Revised Page 98—Effective July 24, 1977.

[FR Doc.77-19330 Filed 7-6-77;8:45 am]

[Docket No. 77-27]

TRAILER MARINE TRANSPORT CORP.

General Increase in Rates; Order of Investigation and Suspension

Effective July 4, 1977, Trailer Marine Transport Corporation (TMT) proposes a general increase in rates. The increase proposed is 10.4 percent and applies to all ocean freight rates, the minimum bill of lading charge, charges for exclusive use of trailer and to charges for return of empty pallets. Accomplishment of the proposed changes is by the filing of a supplement of TMT's Tariff FMC–F No. 2. This tariff applies between the U.S. Ports of Jacksonville and Miami, Florida on the one hand and Mayaguez, Ponce and San Juan, Puerto Rico, on the other. Data in support of the general increases was filed in compliance with the requirements of Amendment 1 to General Order 11.

It is noted that a substantial portion of TMT's projected expenses are to be paid to related companies. It is therefore considered essential to inquire into the inter-corporate accounting, assignment of asset and their deployment and the allocation of expenses.

Because of these areas of concern in the financial data submitted by TMT, the Commission is of the opinion that the proposed general rate increase should be made the subject of an investigation to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or section 4 of the Intercoastal Shipping Act, 1933.

The Commission is of the further opinion that the subject tariff matter (Supplement No. 7 to Tariff FMC–F No. 2) should be suspended pursuant to authority granted the Commission by section 3 of the Intercoastal Shipping Act, 1933.

Now, therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and section 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Supplement No. 7 to Tariff FMC–F No. 2 for the purpose of making such findings as the facts and circumstances warrant;

It is further ordered, That the objectives of this investigation shall include but not necessarily be limited to, a determination as to whether:

1. TMT's proposed increase in rates is unjust, unreasonable or otherwise unlawful, and
2. The inter-corporate accounting, assignment of assets and allocation of expenses are proper;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Supplement No. 7 to Tariff FMC–F No. 2 is hereby suspended and the use thereof deferred to and including November 3, 1977, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by TMT a consecutively numbered supplement to the aforementioned tariff, which supplement shall bear no effective date, shall reproduce this Order in its entirety and shall state that the aforesaid matter is suspended and may not be used until November 4, 1977 and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired and that the rates, fares, charges, classifications, rules, regulations, or practices in effect prior to the date of this order and which were to be changed by the suspended tariff matter, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That this investigation determine whether the gross revenue to be derived from the proposed rate changes is just and reasonable. Evidence as to the effect of the proposed changes on the movement of any particular commodity or commodities will be considered relevant to this basic issue and may be used to determine what overall revenue will, in fact, be derived. However, the question of reasonableness of any particular commodity rate is not an issue for determination in this proceeding. A particular rate will be affetced by an order that may result from this proceeding only insofar as a finding is made regarding the reasonableness of the overall rate level of which the particular rate is a part;

It is further ordered, That shippers or other persons complaining about the level of any particular commodity rate may file a complaint pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821) and litigate the issue of reasonableness of such rate with respect to cost of service, value of service and any other applicable ratemaking factors. They may also petition for leave to intervene in this proceeding provided that they will not broaden the issue described above and that they meet the other tests prescribed by Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.27);[1]

It is further ordered, That any changes or amendments to TMT's tariff as may be filed during the pendency of this investigation will be included in this investigation subject to the foregoing *unless*, as a result of such changes or amendments, more than 50 percent of TMT's tariff items are increased or decreased by 3 percent or more, or TMT's gross revenue will increase or decrease by 3 percent or more;

It is further ordered, That during the pendency of this investigation TMT will serve the presiding officer and all parties of record with notice of any tariff changes affecting any of the ten leading commodities as reported pursuant to 46 CFR 512.25 at the same time such changes are filed with the Commission;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing date shall be set no later than January 4, 1978.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That (1) a copy of this Order be forthwith served upon the respondent and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER, and (2) the respondent and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19329 Filed 7-6-77;8:45 am]

[1] The provisions of Rule 41 of the Commission's rules of practice and procedure (46 CFR 502.41) naming such persons "complainants" and automatic parties without a showing of compliance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.27) are hereby waived to insure that the proceeding will be properly confined to the issues described above. (Rule 10 of the Commission's rules of practice and procedure (46 CFR 502.10).)

UNITED STATES FLAG FAR EAST

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 27, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness and particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. P. Breed, Jr., Agreement No. 10050, United States Lines, Inc., One Broadway, New York, New York 10004.

Agreement No. 10050–2 would extend the term of the United States Flag-Far East Discussion Agreement for an additional two years from July 18, 1977 when, by the present terms of the basic agreement, it is scheduled to expire; and amends the reporting requirements contained in the basic agreement to provide that each and every exchange of information or discussion held pursuant to the agreement shall be reported to the Federal Maritime Commission within 30 days of each occurrence, rather than within 10 days of each occurrence as at present.

Dated: July 1, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19328 Filed 7-6-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1702]

MIDWEST EXPORT-IMPORT, INC.

Order of Revocation

By letter dated June 1, 1977, Mr. James L. Cronk, President, Midwest Export-Import, Inc., 1545 South Olive Street, South Bend, Indiana 46619 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1702 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 30, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Midwest Export-Import, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1702 issued to Midwest Export-Import Inc. be returned to the Commission for Cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1702 be and is hereby revoked effective June 30, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Midwest Export-Import, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-19327 Filed 7-6-77;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CLOSED COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, July 21, 1977
Thursday, July 28, 1977

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in Section 5347 of the Prevailing Rate Act of 1972 (Pub. L. 92–392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92-392), which Law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-management Committee with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415 (202–632–9710).

ALBERT F. WIECJOREK,
Secretary, Federal Prevailing Rate Advisory Committee.

JULY 1, 1977.

[FR Doc.77-19233 Filed 7-6-77;8:45 am]

FEDERAL RESERVE SYSTEM

DANIELS INSURANCE AGENCY, INC.

Acquisition of Bank

Daniels Insurance Agency, Inc., Hobbs, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire, directly or indirectly, and to retain voting shares of First National Bank of Lea County, Hobbs, New Mexico, in order to maintain its existing interest. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 27, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

fer to the specific sponsoring agency and form number and must be

tion solicited on the Validation Roster will

Office of Education

(7) Other Administrative Matters and

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Board of Governors of the Federal Reserve System, June 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19249 Filed 7-6-77;8:45 am]

SANDY HOLDING CO.

Formation of Bank Holding Company

Sandy Holding Company, Sandy, Utah, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 per cent, less director's qualifying shares, of the voting shares of Sandy State Bank, Sandy, Utah, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19250 Filed 7-6-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before August 8, 1977, and should be addressed to Administrator, National Center for Education Statistics, Attn.: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics (202-245-1022).

Dated: June 30, 1977.

MARIE D. ELDRIDGE,
Administrator National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.* Alternate Disbursement System Validation Roster (Basic Educational Opportunity Grant Program)

2. *Agency/Bureau/Office.* U.S. Office of Education/Bureau of Student Financial Assistance/Division of Basic and State Student Grants

3. *Agency form number.* OE 579.

4. *Legislative authority for this activity.* Section 411(b)(3)(A): "Payment under this section shall be made in accordance with regulations promulgated by the commissioner for such purpose, in such manner as will best accomplish the purposes of this section." (Pub. L. 92-318, 20 U.S.C. 1070a.)

Pursuant to Title 45—Public Welfare, Code of Federal Regulations Sub-part G—Administration of Grant Payments. Sec. 190-80. Maintenance and Retention of Records. "Each institution shall maintain adequate records with regard to the eligibility or lack thereof of all students enrolled in the institution who have applied to the institution for a Basic Educational Opportunity Grant. Such records shall include the student's cost of attendance at the institution, the basis on which full-time or part-time enrollment status was determined, and the basis on which the portion of the academic year for which the student was enrolled was determined. Further the institution shall make such records available for inspection by authorized representatives of the commissioner, at any reasonable time at the offices of the institution.

Section 190.81 "Submission of Reports"—Title 45 C.F.R. "The institution shall submit such reports and information as the commissioner may reasonably require."

5. *Voluntary/obligatory nature of response.* Voluntary. (Within the next year, after a new "Terms of Agreement" is cleared for use with Alternate Disbursement System (ADS) institutions, the response to this Roster, or a variation of it, will become mandatory to obtain or maintain benefits.)

6. *How information to be collected will be used.* Program Management: The Alternate Disbursement System computes awards and makes obligations and disbursements based on information supplied by those institutions which are unable or unwilling to perform those functions. Since awards are calculated and disbursements made in advance, the Program needs to ascertain whether students complete the terms or periods of study for which they have received payment of BEOG awards, and to help ensure that ADS computations were based upon correct information supplied by the institutions. Information solicited on the Validation Roster will be used to confirm the accuracy of information previously supplied, to identify cases where students may have dropped out of school without reporting their termination to the BEOG Program, and to call for additional payments or student refunds where required. The information will also help determine error frequency in order to improve procedures and provide feedback on possible program abuse.

7. *Data acquisition plan.* A. Method of Collection: Mail.

B. Time of collection: June, 1977.

C. Frequency: One time only (for 1975-76 and 1976-77 academic year) once annually for subsequent academic years.

8. *Respondents.* A. Type: Financial Aid Officers at institutions which participate in the Basic Grant Program under the Alternate Disbursement System.

B. Number: 400.

C. Estimated Average man-hours per respondent: ½ hour (but ranging from ¼ hour for small schools to as much as 4 hours for a few large schools).

9. *Information to be collected.* The Validation Roster will provide information for verification by the institution: (a) the institution's academic calendar, (b) the eligibility index and total student cost for each student, (c) the full-time or part-time status of each student and (d) the payments made for each term or payment period. The institution will confirm the data as displayed or will provide information regarding any exceptions.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.* Institutional Application to Participate in Federal Student Financial Aid Programs.

2. *Agency/Bureau/Office.* U.S. Office of Education, Bureau of Student Financial Assistance, Division of Student Financial Aid.

3. *Agency form number.* OE 1036.

4. *Legislative authority for this activity.* National Direct Student Loan Program. Sec. 462(b)(1) "Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under Section 463 and shall submit an application therefor to the Commissioner in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section." (Pub. L. 92-318, 20 U.S.C. 1087bb).

Supplemental Educational Opportunity Grants Program. Sec. 413D(b)(1)(A) "The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions of supplemental grant funds from the apportionment to that State . . ." (Pub. L. 92-318, 20 U.S.C. 1070b-3).

College Work-Study Program. Sec. 446. "The Commissioner shall establish criteria designed to achieve such distribution of assistance under this part among institutions of higher education within a State as will most effectively carry out the purposes of this Act." (Pub. L. 88-452, as amended, 42 U.S.C. 2756).

"An institution that wishes to participate in the College Work-Study Program shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner." Vol. 41, 9/1/76, Page 36885.

5. *Nature of response.* Required to obtain benefits

6. *How information to be collected will be used.* Program Management: The primary use

of this application form is to provide panelists with the necessary information to make proper recommendations to the Commissioner relative to levels of funding for the Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan Programs.

7. *Data Acquisition Plan.* A. Method of Collection: Mail.

B. Time of collection: Fall

C. Frequency: Annually.

8. *Respondents.* A. Type: Financial Aid Coordinators at institutions of higher education (Colleges, Universities, Vocational Technical and Proprietary Schools).

B. Number: estimated 4,300.

C. Estimated average man-hours per respondent: 6 hours.

9. *Information to be collected.* Number of enrolled students, number of students to be aided by each program, expenditure of program funds, request for funds under each program, number of students who dropped out of school due to a lack of financial assistance, information supporting the administrative capability of the institution (e.g., financial aid positions, by title and function).

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.* Nomination for Graduate Fellowship.

2. *Agency/Bureau/Office.* U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Training and Facilities.

3. *Agency form number.* OE 1048.

4. *Legislative authority for this activity.* Sec. 541(c). "The Commissioner may make a grant to • • • an institution of higher education only upon application by the institution • • •", (Pub. L. 89-329, as amended).

Sec. 943. "The Commissioner shall approve a graduate or professional program of an institution of higher education only upon application by the institution • • • (4)(A) the institution will recommend to the Commissioner, for the award of fellowships under this part, for study in such program, only persons of superior promise • • •". (Pub. L. 89-329, as amended).

Sec. 961(a). "It is the purpose of this part to provide fellowships (1) to assist graduate students of exceptional ability who demonstrate a financial need for advanced study in domestic mining and mineral and mineral fuel conservation • • •". (Pub. L. 89-329, as amended).

5. *Voluntary/obligatory nature of response.* Required to obtain benefit.

6. *How information to be collected will be used.* To approve fellowship awards.

7. *Data acquisition plan.*—A. Method of collection: Mail.

B. Time of collection: On occasion.

C. Frequency: Annually.

8. *Requirements.* A. Type: Individuals.

B. Number: 1,150.

C. Estimated average man-hours per respondent: ¼.

A. Type: Colleges and universities.

B. Number: 50.

C. Estimated average man-hours per respondent: ¼.

9. *Information to be collected.* A. Individuals—Name, College or University, Date of Birth, Citizenship, Previous undergraduate and graduate study.

B. College and universities—Certification.

[FR Doc.77-19244 Filed 7-6-77;8:45 am]

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Meeting

AGENCY: Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634. This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting: July 25 and 26, 1977.

ADDRESS: Council Room, Sheraton-Carlton Hotel, 16th and K Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Paul Tremper, Office of Education, Department of Health, Education, and Welfare, Room 5622—ROB 3, 7th and D Streets, SW., Washington, D.C. 20202. Telephone 202-245-0691.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

All sessions of this meeting will be open to the public.

The meeting on July 25 will begin at 9 a.m. and end at 5 p.m. On July 26, the meeting will begin at 9 a.m. and end at 3:30 p.m.

The Council has a special interest in promoting working relationships with other agencies, associations, and organizations in order to enhance the services provided through these programs and the community education program. During this meeting the Council will hear reports on the Lifelong Learning Project, the Administration on Aging and Juvenile Delinquency.

One of the major mandated responsibilities of the Council is to create a system of evaluation for the purpose of evaluating the Community Education Program and programs funded under the Community Schools Act. The Council is also mandated to submit to Congress an evaluation report on these programs. The Council will review progress made to date in fulfilling this responsibility.

The proposed agenda includes: (1) Special Reports;

(2) Status of Advisory Council Special Projects;

(3) Update on Evaluation;

(4) Future Programmatic Directions of the Federal Community Education Program;

(5) Schedule of Future Meetings;

(6) Report on Community Education Grantees;

(7) Other Administrative Matters and Releated Business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on June 29, 1977.

PAUL TREMPER,
Acting Director, Community Education Program.

[FR Doc.77-19283 Filed 7-6-77;8:45 am]

TEACHER CORPS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title V-A of the Higher Education Act of 1965, as amended (79 Stat. 1255-1258 as amended) (20 U.S.C. 1101-1107) applications are being accepted from institutions of higher education for non-competing continuation awards for the Teacher Corps networks. These continuation awards are only available to institutions of higher education which: (1) have received eleventh or twelfth cycle Teacher Corps project grants which began in fiscal years 1976 or 1977; and (2) carried out these Teacher Corps network activities under a grant in the previous fiscal year. The appropriations for fiscal year 1977 have been made and will allow for the funding of up to 15 network grant amendments within 14 sites. The average amount to be awarded to each project site will be approximately $150,000. These grants are authorized under Section 513(a)(2) of the Higher Education Act of 1965 and may only be used to provide training to members of the Teacher Corps.

In order to be assured of consideration for funding, applications should be received by the U.S. Office of Education Application Control Center on or before August 1, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. Attention: 13.489. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than July 27, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the

Building, 1875 Conn. Ave. NW., Wash-

Authority for maintenance of the system:
Section 702 and 1875 of the Social

"Categories of records in the system:

System manager(s) and address (including ZIP code):

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Department of Health, Education, and Welfare, or the U.S. Office of Education.

In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C.

C. *Program information and forms.* Information and application forms may be obtained from the Teacher Corps, Office of the Commissioner, Office of Education, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a.).

(20 U.S.C. 1101–1107a).

(Catalog of Federal Domestic Assistance Number 13.489—Teacher Crops—Operations and Training).

Dated: June 30, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc 77-19271 Filed 7-6-77; 8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93–579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that the Department of Health, Education, and Welfare plans to establish are published as set forth below. New system reports were filed for these new systems with the Director, Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on June 29, 1977. The new systems are as follows: SSA PP RSR 277.00 entitled "1978 Survey of Widows without Benefits (Statistics)"; SSA PP RSR 0377.00, entitled "Direct Deposit Survey (Statistics)"; SSA HI 0177.00, entitled "Professional Qualifications File"; CDC/NIOSH 0149.00, entitled "Health Effects of Sulphur Oxides and Sulphuric Acid, Nitrogen Oxides and Nitric Acid"; and, NIH/DRR 0336.00, entitled "PROPHET System Research Prospectuses".

In addition to the notices for new systems, there are two notices for altered systems of records The first altered system is CDC/NIOSH 0124.02, entitled "Mortality of Dairymen". The modification to this system consists of revising the "Categories of individuals" section of the system notice. This revision consists of expanding the original sample size of dairymen farmers to be studied from 5,000 to 10,000 and extending the sampling time period of dairymen worker employment (1945–1965 instead of 1950–1955). For system No. 09–40–0079, entitled "Potential and Actual Consultant, Field Reader, and Site Visitor Files, Indexes, and Lists HEW EOE", the alteration consists of automating part of the system. The automation permits access by more qualifying characteristics such as area of expertise, availability, and past performance. In this case the use of the computer affords easier and more comprehensive access, and enhances quality of selections. The two Altered System Reports were filed with the same organizations listed in the first paragraph on June 29, 1977.

Consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before August 8, 1977. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526–E, South Portal Building, at the above address. The routine uses for the new systems will be adopted as of the closing date of the comment period unless comment resulting in a contrary determination is received and a revised notice published. Because of the requirement in the Office of Management and Budget Circular A–108, however, the entire notices, including the routine use disclosures, will not be put into effect until 60 days after the filing date listed in the first paragraph.

Dated: June 29, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

SSA PP RSR 0277.00

System name:

1978 Survey of Widows Without Benefits (Statistics).

Security class [if none, so state]:

None.

System location:

Division of Retirement and Survivors Studies (DRSS), Office of Research and Statistics, Social Security Administration, 1875 Conn. Ave. NW., Washington, D.C. 20009.

Institute of Survey Research, Temple University, Philadelphia, Pa.

Categories of individuals covered by the system:

National Sample of Widows of workers who died in 1977 and from whose account only a lump-sum benefit was paid by Social Security.

Categories of records in the system:

Demographic, economic, and work history data on the widow plus data on worker before worker's death, plus social security administrative data on benefits and earnings.

Authority for maintenance of the system:

Section 702 and 1875 of the Social Security Act as amended (42 U.S.C., Sections 902, 1395 LL).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The completed data tape with identifying information removed is kept and used by DRSS at SSA and HEW computer facilities. Contractor retains *no data* after field survey is completed. During field survey and editing phases, hard copy questionnaires are kept in secure storage and data tape with identifiers are stored separately and securely from the computer facility.

Retrievability:

Records are retrievable only during field survey, edit and administrative data merge stages, by name and social security number.

Identifying information will be removed from the completed data tape and retrieval of individual data will no longer be possible.

Safeguards (access controls):

During field survey and editing, identification of tapes and documentation of tape data contents are restricted to DRSS user staff. Hard copy questionnaires are kept in locked storage cabinets located in locked rooms and can only be accessed with the permission of the project manager. All persons using tape data or having access to hard copy are notified of criminal penalties for unauthorized disclosures of information about individuals. Similarly, the contractor's staff operates under the same sanctions and also keeps hard copy data in secure storage areas. Contractor transmits all survey data to DRSS at end of field survey.

Access to completed data tape is controlled by DRSS project manager. Security measures have been incorporated in the software specifications of the system (e.g., password access, automatic lock-unlock, etc.) which are designed to prevent accidental and intentional unauthorized disclosure.

Retention and disposal:

Completed tape with no identifiers is retained indefinitely. Individual identifiers are removed after the data from survey are edited.

System manager(s) and address (include zip code):

Assistant Commissioner for Research and Statistics, Social Security Administration, Room 1121, Universal North Building, 1875 Conn. Ave. NW., Washington, D.C. 20009.

Notification procedure:

During field survey and editing; the inquirer is requested to provide System Manager with name of system, name and the social security number of deceased worker, and address of worker's survivors, as of December 1976 or first quarter of 1977.

After data tape is complete: retrieval is not possible.

Record access procedures:

Same as notification procedures. Requestor should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER October 8, 1975, page 47410).

Contesting record procedures:

Contact the official at the address specified under "Notification procedure" above and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.

Record source categories:

Direct interview questionnaire completed with individuals in the survey sample. Benefit and earnings history data on deceased worker and surviving family from social security records.

Systems exempted from certain provisions of the Act (if none, so state):

None.

System name:

Direct Deposit Survey (Statistics).

Security class (if none, so state):

None.

System location:

Evaluation and Measurement Staff, Office of Program Policy & Planning, 6300 Security Blvd., Baltimore, Maryland 21235.

Bureau of Data Processing, 6401 Security Blvd., Baltimore, Maryland 21235.

Contractor Site—unknown—when known, this information will be available from Systems Manager upon request.

Categories of individuals covered by the system:

A sample of individuals from these groups:

a. Individuals who are receiving social security benefits and having them deposited directly in financial institutions.

b. Individuals receiving social security benefits who have not elected to have their benefits deposited directly in financial institutions.

c. Individuals receiving social security benefits who had elected the direct deposit option but who subsequently elected to stop using it.

Categories of records in the system:

Selected Survey Responses reflecting individuals' knowledge of and experience with the Direct Deposit option; Social Security Administration program benefit and demographic data.

Authority for maintenance of the system:

Section 702 of the Social Security Act (42 U.S.C., Section 902).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to: a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

An organization under contract with the Social Security Administration, of information necessary to enable the contractor to comply with the conditions of the agreement to perform research and statistical functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Completed data tape and questionnaire hard copy with identifiers will be kept by EMS Project Officer: The questionnaire hard copy in a locked file; the tape in a secure computer facility.

Retrievability:

Records from the survey data tape and questionnaire hard copy will be retrievable by name and social security number until after merger with SSA program data; i.e., until end of calendar year 1979.

Safeguards:

During field survey and editing, identification of tapes and documentation of tape data contents are restricted to the SSA Project Staff and the contractor's project staff. Hard copy questionnaires are kept in locked storage cabinets located in locked rooms and can only be accessed with the permission of the project manager. All persons using tape data or having access to hard copy are notified of criminal penalties for unauthorized disclosures of information about individuals. Similarly, the contractor's staff operates under the same sanctions. Contractor transmits all survey data to SSA Project Staff at the end of field survey.

Access to completed data tape is controlled by the SSA Project Officer. Security measures have been incorporated in the software specifications of the system that were designed to prevent accidental and intentional unauthorized disclosure.

Retention and disposal:

Questionnaire hard copy and completed tape with identifiers will be retained until the end of calendar year 1979, at which time both will be destroyed. Retrieval will then no longer be possible.

System manager(s) and address (including ZIP code):

Assistant Commissioner for Research and Statistics, Social Security Administration, Room 1121, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

Notification procedure:

Provide system manager with name of system, name and social security account number, on a voluntary basis.

Record access procedure:

Same as notification procedure. Requestor should also reasonably specify the record contents being sought. These access procedures are in accordance with DHEW Regulations (45 CFR, Section 5b.5(a)(2)), FEDERAL REGISTER, October 8, 1975, page 47410.

Contesting record procedures:

Contact the systems manager at the address specified, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7), FEDERAL REGISTER, October 8, 1975, page 47411.

Record source:

Interview data completed with individuals in the survey sample. SSA program information and demographic data from social security records.

System exempted from certain provisions of the Act (if none, so state):

None.

SSA HI 0177.00

System name:

Professional Qualification Files HEW SSA.

Security class (if none, so state):

None.

System location:

(1) Regional Medicare Directors (See Appendix C, Sect. 2, FEDERAL REGISTER, September 20, 1976, page 41053).

(2) The State Agencies listed below for the indicated file categories:

Department of Public Health, State Office Building, Montgomery, AL 36130 (1) (2) (9).

Department of Health and Social Services, Pouch H, Space 06–G, Juneau, AK 99811 (1) (2).

Department of Health Services, 1740 West Adams, Room 201, Phoenix, AZ 85007 (1) (2) (3).

Bureau of Health Facilities Services, 4815 West Markham, Little Rock, AR 72201 (1) (2).

Department of Health, 2151 Berkeley Way, Berkeley, CA 94704 (1) (3).

State Department of Health, 4210 East 11th Street, Denver, CO 80220 (1) (2) (11).

State Department of Health, 79 Elm Street, Hartford, CT 06115 (1) (16).

Division of Public Health, 2634 Kirkwood Highway, Newark, DE 19711 (1) (2) (3).

Department of Health and Rehabilitative Services, P.O. Box 210, Jacksonville, FL 32201 (1) (3).

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Standards and License Unit, 618 Ponce de Leon Avenue NE., Atlanta, GA 30308 (1) (2) (3) (8).
State Department of Health, P.O. Box 33787, Honolulu, HI 96801 (1) (3) (4).
Department of Health and Welfare, Statehouse, Boise, ID 83707 (1) (2).
Office of Health Facilities and Quality of Care, 525 West Jefferson Street, Springfield, IL 62706 (1) (2).
Medical Care Administration, 1330 West Michigan, Indianapolis, IN 46202 (1) (2).
Division of Health Facilities, State Office Building, Des Moines, IA 50319 (1) (2) (3) (4).
State Department of Health and Environment, Topeka, KA 66620 (1) (2).
Louisiana Health and Human Resources Administration, P.O. Box 3767, Baton Rouge, LA 70821 (1) (2) (3).
Department of Human Services, 221 State Street, Augusta, ME 04333 (1) (2) (3).
Department of Public Health, 80 Boylston Street, Boston, MA 02116 (1) (2).
Division of Laboratory Improvement, 3500 North Logan, Lansing, MI 48914 (1) (3).
Division of Health Facilities, 717 Delaware Street SE., Minneapolis, MN 55440 (1) (2) (3).
State Board of Health, 2423 North State Street, Jackson, MS 39205 (1) (2) (3) (4) (5) (7) (8) (9) (10) (13) (14).
State Division of Health, State Office Building, Jefferson City, MO 65102 (1) (3).
Department of Health and Environmental Sciences, Caritol Station, Helena, MT 59601 (1) (2) (4) (5) (6) (7) (8) (9) (12) (13) (14).
State Health Department, 1000 O Street, Lincoln, NE 68508 (1) (2).
Bureau of Health Facilities, 505 East King Street, Carson City, NV 89710 (1) (2) (3) (5).
Division of Public Health Services, 61 South Spring Street, Concord, NH 03301 (1) (2) (3).
Department of Health, Room 401, Box 1540, Trenton, NJ 08625 (2).
State Health and Social Services Department, 725 St. Michael's Drive, Santa Fe, NM 87503 (1) (2) (3).
Department of Health, Tower Building, Empire State Plaza, Albany, NY 12237 (1) (3).
State Department of Health, 1200 Missouri Avenue, Room 302, Bismarck, ND 58508 (1) (2) (9).
Department of Health, 450 East Town Street, Columbus, OH 43215 (1) (2).
Licensure and Certification Division, Northeast 10th and Stonewall, Oklahoma City, OK 73105 (1) (2) (3).
State Health Division, P.O. Box 231, Portland, OR 97207 (1) (2).
Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 (1) (2) (3) (7) (8) (10) (14).
Department of Public Health, Nashville, TE 37219 (1) (2).
State Department of Health Resources, 4902 Grover Street, Austin, TX 78756 (1) (2) (3).
Division of Health, 44 Medical Drive, Salt Lake City, UT 84113 (1) (2) (4) (5) (6) (7) (8) (9) (14) (15).
Department of Health, 115 Colchester Avenue, Burlington, VT 05401 (1) (2) (4) (5) (6 (7) (8) (9).
Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219 (1) (2) (3).
Department of Social and Health Services, P.O. Box 1788, Alympia, WA 98504 (3).
State Health Department, 601 Morris Street, Suite 305, Charleston, WV 25301 (1) (2).
Division of Health, One West Wilson Street, Madison, WI 53703 (1) (2).

Categories of individuals covered by the system:

Certain professional individuals who are employed in hospitals and clinical laboratories, or who are self-employed providing therapy and medical services who have taken HEW proficiency examinations.

Categories of records in the system:

The system contains information on the academic and experience qualifications and social security numbers of individuals working in hospitals or clinical laboratories; the names, addresses, and license numbers of professional self-employed persons providing therapy and other medical services and their eligibility to participate in the Medicare program; whether individuals who took HEW proficiency examinations have passed or failed. Records maintained differ from State to State. The State agencies listed under System Location are followed by numbers indicating which of the following categories are recorded.

Physical Therapists (1).
Chiropractors (2).
Laboratory Personnel (3).
Licensed Practical Nurses (4).
Licensed Administrators (5).
Registered Nurses (6).
Occupational Therapists (7).
Dieticians (8).
Consultant Physicians (9).
Pharmacists (10).
Clinical Psychologists (11).
Audiologists (12).
Speech Pathologists (13).
Social Work Consultants (14).
Dentists (15).
Portable X-Ray Providers (16).

Authority for maintenance of the system:

42 U.S.C. 1395 x and 42 U.S.C. 1320 a–2.

Routine uses of records maintained in the system, including categories or users and the purposes of such uses:

(a) To contractors under contract to SSA for the performance of specific research and statistical activities directly related to the Social Security Act.

(b) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(c) To State officials and employees to the extent necessary or appropriate to carry out their functions under agreements with the Social Security Administration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper files in metal filing cabinets.

Retrievability:

System is indexed by name of individual, listed alphabetically.

Safeguards (access controls):

Disclosure of records is limited to State agency and Medicare personnel on a need to-know basis. The files are closed to unauthorized personnel. File cabinets where records are stored are locked when not in use and at close of business. Keys are kept by authorized personnel only.

Retention and disposal:

Records are maintained for 5 years after becoming inactive, and are then destroyed.

System manager:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Inquiries and requests for records should be directed to the Regional Medicare Director (See Appendix C, Section 2) or the appropriate State agency (See System Location.) The individual should furnish his or her name, address, social security number, and the specific category file he wishes to access. Information on the procedures for gaining access to and contesting records may be obtained from the Regional Medical Director.

Record access procedures:

Same as notification procedures. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2) FEDERAL REGISTER, October 8, 1975, page 47410)).

Contesting record procedures:

Contact the official at the address specified under notification procedures, above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories:

The information contained in these records is furnished by the individual or his employing entity (hospital or medical clinic).

Systems exempted from certain provisions of the Act:

None.

CDC NIOSH 0149.00

System name:

Health Effects of Sulfur Oxides and Sulfuric Acid, Nitrogen Oxides, and Nitric Acid—HEW/CDC/NIOSH.

Security classification (if none, so state):

None.

System location:

Epidemiological Investigations Branch, Appalachian Laboratory for Occupational Safety and Health, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Categories of individuals covered by the system:

Approximately 1000–1500 workers exposed to sulfur oxides, sulfuric acid, nitrogen oxides, and nitric acid, at sulfuric acid plants (e.g., in Missouri), battery plants (in Pennsylvania), and certain food processing plants which utilize sulfur dioxide (e.g., in the Washington, Oregon area).

Categories of records in the system:

Occupational histories, demographic data, chest x-rays, results of medical tests.

Authority for maintenance of the system:

Occupational Safety and Health Act, Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer tape, manual files, analog tape.

Retrievability:

The purpose of this system is to determine the cause and prevention of occupationally-related diseases. Name and assigned number are indexes used to retrieve records from this system.

Safeguards (access controls):

The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

Retention and disposal:

Records are presently scheduled to be disposed of approximately ten years following completion of the study. Records will be shredded, burned, or erased.

System manager(s) and address (include zip code):

Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Park Building—Room 3–32, Rockville, Maryland 20852.

Notification procedure:

To determine if a file exists, write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's descretion (these notification and access procedures are requirements of the Department of regulations, 45 CFR, Part 5b.6, FEDERAL REGISTER, October 8, 1975, page 47411).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures:

Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333. Reasonably identify the record and specify the information to be contested in accordance with Department regulations. FEDERAL REGISTER, October 8, 1975, page 47411 (45 CFR Part 5b7).

Record source categories:

Information is obtained directly from workers at sulfuric acid plants in Missouri, battery plants in Pennsylvania and certain food processing plants which utilize sulfur dioxide in the Washington-Oregon area.

Systems exempted from certain provisions of the Act (if none, so state):

None.

NIH DRR 0336.00

System name:

PROPHET System Research Prospectuses.

Security class (if none, so state):

None.

System location:

Bldg. 31, Rm. 6A06, NIH, 9000 Rockville Pike, Bethesda, MD 20014.

Categories of individuals covered by the system:

Applicants for access to the facilities and services of the PROPHET System, a unique national computer resource for the study of chemical/biological interrelationships.

Categories of records in the system:

(a) Descriptions of the research objectives of the applicant individuals or groups and their plans for use of the PROPHET in support of their research, (b) biographical sketches of all key individuals associated with the prospectuses, (c) evaluation documents, and (d) related correspondence.

Authority for maintenance of the system:

42 U.S.C. 241(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. To the Smithsonian Science Information Exchange for dissemination of science information (abstracts of research grants only).

2. To the Cognizant Audit Agency for auditing.

3. To the Department of Justice as required for litigation.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To qualified experts not within the definition of Department employees as prescribed in Department Regulations (45 CFR, Part 5b.2) for opinions as a part of the application review process.

6. To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

7. To individuals and organizations deemed qualified by the PHS to carry out specific research related to the review and award processes of the PHS.

8. To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

9. To the grantee institution in connection with performance or administration under the terms and conditions of the award.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

System is indexed by name of principal individual associated with the prospectus and by program identification number. HEW use: system is used exclusively in support of the Chemical/Biological Information-Handling (CBIH) Program management—i.e., technical merit review of prospectuses, allocation

of PROPHET services, analysis and evaluation of ongoing activities, and

Authority for maintenance of the system:

Occupational Safety and Health Act

the record contents being sought. (These access procedures are in accordance with

Policies and practices for storing, retriev-

Room 4030, Donohoe Building,

Privacy Coordinator, 32nd Floor, 300

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of PROPHET services, analysis and evaluation of ongoing activities, and program planning.

Safeguards (access controls):

The records are maintained in cabinets in the office of the Program Director, CBIH. Access is limited to authorized personnel, i.e., system manager and members of his staff, review committee members.

Retention and disposal:

Number of years held at NIH: 2. Disposal methods include burning or shredding paper materials.

System manager(s) and address (include Zip Code):

Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A–04, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014.

Notification procedure:

Program Director, Chemical/Biological Information-Handling Program at address listed above and ask if a file exists with your name in the PROPHET System Research Prospectuses.

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures:

Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations (45 CFR, Part 5b.7), FEDERAL REGISTER, October 8, 1975, page 47411.

Record source categories:

The information is provided by the individuals themselves and by NIH consultants who assess the scientific and technical merit of the prospectuses.

Systems exempted from certain provisions of the Act (If none, so state):

None.

CDC NIOSH 0124.02

System name:

Mortality of Dairymen—HEW/CDC/NIOSH.

Security classification:

None.

System location:

Appalachian Laboratory for Occupational Safety and Health, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Categories of individuals covered by the system:

10,000 men who worked as dairy farmers for at least one year from 1945 to 1965.

Categories of records in the system:

Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Records may be released to the Department of Justice or other appropriate Federal Agencies in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B, Department Regulations, (45 CFR Part 5b), item 100).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual files, computer cards, computer tapes, computer listings.

Retrievability:

The purpose of this system is to determine the cause and prevention of occupationally-related diseases. NIOSH. Name and case number are the indexes used to retrieve records from this system.

Safeguards:

Locked building; locked rooms; Personnel screening; Locked computer room and computer tape vaults; Locked file cabinets For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines will be used, limiting access to authorized personnel.

Retention and disposal:

Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding paper materials.

System manager(s) and address:

Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Park Bldg.—Room 3–32, Rockville, Maryland 20852.

Notification procedure:

Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 4740.).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 474.).

Record source categories:

Information is obtained from dairy cooperatives. Vital status information is obtained from Federal, State, and Local governments; from relatives; and from other available sources, including individuals in the study.

Systems exempted from certain provisions of the act:

None.

09–40–0079

System name:

Potential and Actual Consultant, Field Reader, and Site Visitor Files, Indexes, and Lists HEW E OE.

Security classification:

None.

System location:

See Appendix I.

Categories of individuals covered by the system:

Actual and prospective consultant, field readers, or site visitors used by the Office of Education to evaluate grant proposals, performance of grantees or contractors.

Categories of records in the system:

Names of consultant, field reader, and site visitors, addresses, position, institutional affiliation (if any), curriculum vitae (where necessary), *social security number for reimbursement purposes*, reimbursement information, *areas of individual's expertise, tracking of assignments, appraisal of effort.*

Authority for maintenance of the system:

(20 U.S.C. 1221e–3). Information is provided by persons interested in participating on a voluntary basis.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To general public on request, list of names and business addresses of potential and/or actual consultants, field readers, or site visitors. For uses *1, 3, 4, 5, 6, 7, 8,* and *9,* as stated in Appendix B, 45 CFR Part 5b. Disclosure may be made to a Congressional office from the record of any indiivdual in response to an inquiry from the Congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders in file cabinets, card file with pertinent data, *and (in limited locations) computer data base tapes and disks.*

Retrievability:

By name, *expertise or social security number* of potential or actual consultant, reader, or site visitor. Records are used to ensure that a fair, equal, and qualified group of consultants, readers, or site visitors is selected to review proposals or evaluate performances.

Safeguards:

Direct access is restricted to persons designated by systems managers to be responsible for maintenance of file or selection of panels of consultants, readers, or site visitors. *Automated locations are protected by password protect and key lock on terminal.*

Retention and disposal:

Destroy after five years (Item 25 OE Records Control Schedule).

System manager(s) and address(es):

See Appendix *I.*

Notification procedure:

Contact system manager of pertinent organizational component(s). Provide name and approximate date of previous correspondence. Additional verifying data (such as birthdate, home address) may be requested.

Record access procedures:

Contact system manager as above.

Contesting record procedures:

Contact system manager as above.

Record source categories:

Information forwarded voluntarily by individuals interested in serving as consultants, readers, or site visitors, obtained by contacting individuals with specific expertise in the pertinent discipline of each system manager.

Systems exempted from certain provisions of the Act:

None.

APPENDIX I

Director, Office of Gifted and Talented, *Room 3831, Donohoe, Building,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Program Manager, Handicapped Research Program, *Room 3165, Donohoe Building,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Program Manager, Learning Disabilities Program, *Room 3127, Donohoe Building,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Executive Officer, Bureau of Education for the Handicapped, *Room 4030, Donohoe Building,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of Local Educational Agency Assistance, *Room 2167, FOB–6,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of Special Projects and Programs, *Room 2161, FOB–6,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of Training and Facilities, *Room 3066, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of International Education, *Room 3907, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of Institutional Development, *Room 3052, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Community College Unit, *Room 3044, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Office of Environmental Education, Room 2025, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Program Operations Division, *Room 2007, FOB–6,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Associate Commissioner, Equal Educational Opportunity Programs, Room 2001, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Division Director, Division of *Education Replication,* Room 3616, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Chief, Library Education and Postsecondary Resources Branch, *Room 3622, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Chief, Library Research and Demonstration Branch, *Room 3124, ROB–3,* 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Office of Libraries and Learning Resources, Room 4121, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Director, Division of Research and Demonstration, Room 5042, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Program Manager, Metric Education Program Staff, Room 5640, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.
Privacy Coordinator, P.O. Box 8370, Boston, Massachusetts 02114.
Privacy Coordinator, Room 406, 26 Federal Plaza, New York, New York 10007.
Privacy Coordinator, 3535 Market Street, Room 16200, Philadelphia, Pennsylvania 19104.
Privacy Coordinator, Room 513, 50 Seventh Street, N.E., Atlanta, Georgia 30323.
Privacy Coordinator, 32nd Floor, 300 South Wacker Drive, Chicago, Illinois 60606.
Privacy Coordinator, 1114 Commerce Street, Dallas, Texas 75202.
Privacy Coordinator, Room 360, FOB, 601 East 12th Street, Kansas City, Missouri 64106.
Privacy Coordinator, Room 3444A, FOB, 1961 Stout Street, Denver, Colorado 80202.
Privacy Coordinator, 50 Fulton Street, San Francisco, California 94102.
Privacy Coordinator, Room 515, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

[FR Doc.77-19231 Filed 7-1-77;11:12 am]

Health Care Financing Administration

AMPICILLIN AND PENICILLIN V POTASSIUM

Proposed Maximum Allowable Cost: Public Hearing

Notice is hereby given, pursuant to 45 CFR Part 19 that the Pharmaceutical Reimbursement Board of the Department of Health, Education, and Welfare proposes to establish the following Maximum Allowable Costs (MACs) for the following forms and strengths of ampicillin and penicillin V potassium (penicillin VK).

1. Penicillin VK tablets, 250 mg, $0.0535 per tablet.
2. Penicillin VK tablets, 500 mg, $0.1025 per tablet.
3. Penicillin VK oral suspension, 125 mg/5ml, $0.0120 per ml.
4. Penicillin VK oral suspension, 250mg/5ml, $0.0160 per ml.
5. Ampicillin oral suspension, 125mg/5ml, $0.0145 per ml.
6. Ampicillin oral suspension, 250mg/5ml, $0.0205 per ml.

These proposed MACs will not apply to liquid unit dose packaging. Interested persons and organizations are invited to submit written comments on the proposed MAC on or before August 8, 1977.

Notice is also given that an informal public hearing has been scheduled on whether different, or any, MACs should be established for such drugs. The hearing is discussed more fully below.

Pursuant to the Department's regulations concerning Limitation on Payment or Reimbursement for Drugs (45 CFR Part 19) the Pharmaceutical Reimbursement Board sought the advice of the Pharmaceutical Advisory Committee on March 16, 1977 which met to consider the proposed MACs on April 27–28, 1977. The Committee's advice to the Board is contained in Appendix A of this notice and a summary of the Board's reasons for its proposal as indicated above are contained in Appendix B of this notice. The full transcripts and minutes of the Committee meeting, the minutes of the Board meeting and the economic and quality data upon which the Committee and the Board based their decisions are available in the Office of Acting Executive

Secretary of the Pharmaceutical Reimbursement Board at the address below.

PUBLIC HEARING

Pharmaceutical Reimbursement Advisory Committee met on April 27 and 28, 1977, to review the Board's determination of maximum allowable cost (MAC)

If the Board needs any further information on this matter please let me know.

Sincerely,

DATED: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

DATED: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements es-

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Secretary of the Pharmaceutical Reimbursement Board at the address below.

PUBLIC HEARING

Under section 19.5(g) of the regulations, any person may, within 30 days of publication of a notice of a proposed MAC, request in writing an informal hearing before the Board on whether a different, or any, MAC should be established for the drugs described in the notice. If the Board decides it will thereby be aided in its deliberations, it may grant such a hearing. The Board is required to publish in the FEDERAL REGISTER a notice of the hearing at least 30 days prior to such hearing. Since the MAC program and the proposed MAC's have generated considerable and continuing interest, the Board has elected not to await written requests but instead to announce immediately that a hearing has been scheduled.

The hearing will be before the Pharmaceutical Reimbursement Board at 10:00 a.m. on August 26, 1977 in Room 1331 of the Switzer Building, 330 C Street, SW., Washington, D.C. 20201. In the conduct of the hearing, the requirements of section 19.5(h) of the regulations will be strictly adhered to. In particular, it is emphasized that each person or organization wishing to appear at the hearing must, no later than 15 days prior to the hearing, submit in writing to the Board a statement of the general nature of the evidence or arguments, pertaining to the proposed MACs under consideration, they wish to present. The names and addresses of proposed participants in the hearing and references to any published data to be relied upon must be included in the statement. Those so requesting to appear will be notified in writing whether they may appear, the time they will be allocated, and the issues on which they will be heard. Only those persons or organizations who have made such written requests, and whose requests to appear have been granted, will be permitted to present testimony.

All comments in response to this notice, and all requests to appear at the informal hearing, should be addressed to the Acting Executive Secretary, Pharmaceutical Reimbursement Board, Health Care Financing Administration, Room 921, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

All comments received will be maintained for public inspection at the above address during regular business hours.

Dated: July 1, 1977.

M. KEITH WEIKEL,
Acting Chairman, Pharmaceutical Reimbursement Board.

APPENDIX A.

ADVICE OF THE PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE CONCERNING PROPOSED MAC'S

MARK NOVITCH, M.D.,
Executive Secretary, Pharmaceutical Reimbursement Board, Parklawn Building, Room 14-82, 5600 Fishers Lane, Rockville, Maryland 20857

DEAR DR. NOVITCH: In response to the March 16, 1977, request of the Board, the Pharmaceutical Reimbursement Advisory Committee met on April 27 and 28, 1977, to review the Board's determination of maximum allowable cost (MAC) limits on penicillin V potassium tablets and oral suspension and ampicillin oral suspension as provided under Section 19.5(d) of Title 42, Subtitle A, Code of Federal Regulations.

The Committee reviewed each of the Board's determinations of lowest unit price, together with such information as the Board relied upon or considered in making its determinations. The Committee also received written comments in accordance with the Notice of Meeting published in the FEDERAL REGISTER of March 18, 1977. On the basis of the information presented, the Committee reached the following conclusions.

1. The Committee agreed that the presence of small quantities of N,N-dimethylaniline (DMA) residues in ampicillin is not a reason to withhold a MAC limit on ampicillin products. The Committee, however, does not find it appropriate to propose MAC limits of $0.0101 per cc and $0.0160 per cc for ampicillin oral suspensions, 125 mg/5 cc and 250 mg/5 cc, respectively, because these price levels would compromise wholesaler distribution of these products. Furthermore, the Committee advises that it is not appropriate to propose any MAC limit for these products since there would not be adequate savings at any MAC level at which the products would be available from wholesalers.

2. The Committee does not find it appropriate to propose a MAC limit of $0.0535 per 250 mg tablet of penicillin V potassium (penicillin VK) because the product is not widely and consistently available at this price. The Committee does advise that it would be appropriate to propose a MAC limit of $0.0700 per 250 mg tablet of penicillin VK.

3. The Committee does not find it appropriate to propose a MAC limit of $0.1025 per 500 mg tablet of penicillin VK because the product is not widely and consistently available at this price. The Committee does advise that it would be appropriate to propose a MAC limit of $0.1250 per 500 mg tablet of penicillin VK.

4. The Committee does not find it appropriate to propose a MAC limit of $0.0120 per cc of penicillin VK oral suspension, 125 mg/5 cc because the product is not widely and consistently available at this price. The Committee does advise that it would be appropriate to propose a MAC limit of$0.0130 per cc of penicillin VK oral suspension, 125 mg/5 cc.

5. The Committee does not find it appropriate to propose a MAC limit of $0.0160 per cc of penicillin VK oral suspension, 250 mg/5 cc, because the product is not widely and consistently available at this price. The Committee does advise that it would be appropriate to propose a MAC limit of $0.0168 per cc of penicillin VK oral suspension, 250 mg/5 cc.

In making these recommendations the Committee took into account the following considerations:

That only one MAC limit per drug product be established which is set at a level to accommodate any actual regional variations;

That existing channels of distribution not be altered by establishing a MAC limit below the price at which a single bottle of the drug product is widely and consistently available from wholesalers;

That all covered dosage forms of a drug product line be available from the same manufacturer or labeler at or below applicable MAC limits;

That unit dose packaging of liquid dosage forms be exempted from applicable MAC limits or that separate limits be determined for such package forms; and

That market acceptability of a drug product be based on price, quality and service.

If the Board needs any further information on this matter please let me know.

Sincerely,

JAMES T. DOLUISIC, Ph.D.,
Chairman, Pharmaceutical Reimbursement Advisory Committee.

APPENDIX B

SUMMARY OF REASONS FOR PROPOSING MAC LIMITS ON AMPICILLIN ORAL SUSPENSIONS AND PENICILLIN VK

At its meeting of June 2, 1977, the Pharmaceutical Reimbursement Board considered the advice of the Pharmaceutical Reimbursement Advisory Committee. The Board did not agree with the advice of Committee that the MACs originally proposed for the four dosage forms of penicillin VK be set at the higher levels indicated by the Committee because of the need to assure availability and product line continuity. The Board determined that there are sufficient suppliers of the dosage forms of penicillin VK to make them widely available. Moreover, product line continuity was evident for all affected dosage forms from two manufacturers and for three out of four dosage forms from two other manufacturers.

The Board also did not agree with the advice of the Committee that no MACs be set for the two indicated oral suspension dosage forms of ampicillin. The Board concluded that its original proposed MACs for the two oral suspension dosage forms of ampicillin were at a direct deal price. The Board agrees with the Committee that wholesaler availability should be considered in setting MAC limits. The regulations do not, however, require that a product be available from any specific channel of distribution. What is required is that under prevailing market conditions the product be readily available to providers regardless of whether the source is wholesale, direct or mixed.

Consistent with the regulatory requirement that MACs be set at the lowest price at which a product is widely and consistently available, and in view of the fact the originally proposed MACs were set at deal price levels, the Board concluded that higher MACs should be set for ampicillin liquids: at $0.0145 per ml for ampicillin oral suspension 125mg/5ml and at $0.0205 per ml for ampicillin oral suspension 250mg/5ml. In proposing the establishment of MACs at these levels the Board rejects the Committee's opinion that adequate savings resulting from the proposed MACs will not be realized. Savings on these two dosage forms have been estimated to be in excess of $100,000 per year.

[FR Doc.77-19305 Filed 7-6-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-512]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7845.

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

INDIANA

Benton	Parke
Boone	Porter
Cass	Pulaski
Clay	Ripley
Gibson	Starke
Hamilton	St. Joseph
Hancock	Sullivan
Howard	Vermillion
Jasper	Vigo
Lake	Warren
LaPorte	Warrick
Marion	White
Newton	

WEST VIRGINIA

Berkeley	Mercer
Clay	Mineral
Fayette	Monroe
Grant	Morgan
Greenbrier	Pendleton
Hampshire	Pocahontas
Hardy	Putnam
Jackson	Raleigh
Jefferson	Roane
Kanawha	Summers
Mason	Wyoming

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19331 Filed 7-6-77;8:45 am]

[Docket No. NFD-511]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7845.

Acting upon the request of the Governor, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

GEORGIA

Appling	Jenkins
Atkinson	Johnson
Bacon	Jones
Baker	Lamar
Baldwin	Lanier
Banks	Laurens
Barrow	Lee
Ben Hill	Liberty
Berrien	Lincoln
Bibb	Long
Bleckley	Lowndes
Brooks	McDuffie
Bryan	McIntosh
Burke	Macon
Butts	Madison
Calhoun	Marion
Candler	Meriwether
Carroll	Miller
Chatham	Mitchell
Chattahoochee	Monroe
Cherokee	Montgomery
Clarke	Morgan
Clay	Murray
Clayton	Newton
Clinch	Oconee
Cobb	Oglethorpe
Coffee	Peach
Colquitt	Pierce
Columbia	Pike
Cook	Pulaski
Coweta	Putnam
Crawford	Quitman
Crisp	Randolph
Decatur	Richmond
Dekalb	Rockdale
Dodge	Schley
Dooly	Screvan
Dougherty	Seminole
Douglas	Spalding
Early	Stewart
Echols	Sumter
Effingham	Talbot
Elbert	Taliaferro
Emanuel	Tattnall
Evans	Taylor
Fayette	Telfair
Franklin	Terrell
Fulton	Thomas
Glascock	Toombs
Glynn	Treutlen
Grady	Troup
Greene	Turner
Gwinett	Twiggs
Hall	Upson
Hancock	Walton
Harris	Ware
Hart	Warren
Heard	Washington
Henry	Wayne
Houston	Webster
Irwin	Wheeler
Jackson	Whitfield
Jasper	Wilkes
Jeff Davis	Wilkinson
Jefferson	Worth

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977) I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19332 Filed 7-6-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-12812]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 27, 1977.

The U.S. Army Corps of Engineers, on January 29, 1976, filed application, Serial No. AA-12812, for the withdrawal of the following described lands from settlement, sale, location, or entry under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A tract of land in protracted T. 7 N., R. 2 E., Copper River Meridian, Alaska, more specifically described as follows:

Commencing at a point identical with latitude 62°24'17" N., longitude 145°07'46" W.; thence east 165 feet to the true point of beginning for this description; thence south 165 feet; thence west 330 feet; thence north 330 feet; thence east 330 feet; thence south 165 feet to the point of beginning. Containing 2.50 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for use as a radio relay site.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before August 16, 1977.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before August 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such

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investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-19245 Filed 7-6-77;8:45 am]

[Colorado 0128265]

COLORADO

Termination of Proposed Withdrawal and Reservation of Lands

JUNE 27, 1977.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 0128265, for withdrawal and reservation of lands for public purposes was published as FR Doc. 66-6859, on pages 8697-8698 of the issue of June 23, 1966. The applicant agency has cancelled its application in its entirety, which affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 6 N., R. 77 W.,
Sec. 26: S½NE¼SW¼, E½NW¼SW¼, SW¼NW¼SW¼, NE¼SW¼SW¼, SE¼SW¼, SW¼, SW¼NW¼SE¼;
Sec. 35: N½N½NE¼NW¼

The above area aggregates 120 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, such lands will be relieved of the segregative effect of the above-mentioned application 30 days from the date of this notice.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-19247 Filed 7-6-77;8:45 am]

OPPORTUNITY FOR PUBLIC HEARING AND REPUBLICATION OF NOTICE OF PROPOSED WITHDRAWAL

JUNE 27, 1977.

The U.S. Department of Agriculture, Forest Service filed application Serial No. AA-5934, on April 15, 1970, for a withdrawal in relation to the following described lands:

SEWARD MERIDIAN, ALASKA

T. 4 N., R. 4 W.,
Sec. 3, W½W½; sec. 4, E½E½, SW¼SE¼, fractional parts of W½NE¼, NW¼SE¼, and E½SW¼ lying east of Russian River.
Sec. 9, NE¼NE¼, W½NE¼, NW¼SE¼, fractional parts of E½NW¼ and NE¼SW¼ lying east of Russian River and fractional parts of SW¼SE¼, SE¼SW¼ lying east of Lower Russian Lake.
Sec. 10, NW¼NW¼.
Sec. 16, SE¼SW¼ and fractional parts of NE¼SW¼, W½NE¼, SE¼NW¼ and W½SW¼ lying east of Lower Russian Lake.
Sec. 21, NE¼NW¼, fractional part of NW¼NW¼ lying east of Lower Russian Lake and Russian River.
T. 5 N., R. 4 W.,
Sec. 33, that fractional part of SE¼SE¼ lying east of Russian River.
Sec. 34, S½, S½S½ and fractional parts of NE¼SE¼ and SE¼NE¼ lying south of Kenai River.

Containing approximately 1,165 acres in the Greater Kenai Borough about 4 miles west of Cooper Landing and Kenai Lake

The applicant desires that the land be reserved for a recreation area within Chugach National Forest.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 25, 1970, volume 35, No. 165, page 13533, FR document No. 70-11156.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501 on or before August 15, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 15, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-19246 Filed 7-6-77;8:45 am]

[Wyoming 59832]

WYOMING

Application

JUNE 27, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), The Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for existing 3 inch O.D. and 4 inch O.D. pipelines for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 99 W.,
Sec. 22, W½NE¼, NW¼SE¼.

The 3 inch pipeline was constructed by Mesa Petroleum Company to connect the Mesa Playa Federal No. 1-22 well into Colorado Interstate Gas Company's existing F28 4 inch O.D. pipeline, all in said section 22, T. 20 N., R. 99 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

LARRY STEWARD,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-19248 Filed 7-6-77; 8:45 am]

[AA-12904]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 27, 1977.

The U.S. Army Corps of Engineers, on February 3, 1976, filed application, Serial No. AA-12904, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A tract of land located within T. 20 N., R .12 E., Seward Meridian, Alaska, more specifically described as follows:

Commencing at U.S.G.S. monument "SNLC-1", latitude 61°50' N., longitude 147°20' W., thence N. 55°19' E., 265.70 feet to the true point of beginning for this description; thence south 330 feet; thence west 430 feet; thence north 330 feet; thence east 430 feet to the point of beginning. Containing 3.26 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for use as a radio relay site.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before August 16, 1977.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before August 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-19317 Filed 7-6-77;8:45 am]

[AA-12950]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 27, 1977.

The U.S. Army Corps of Engineers, on February 3, 1976, filed application, Serial No. AA-12950, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A parcel of land located within protracted section 28, T. 19 S., R. 11 E., Fairbanks Meridian, Alaska, and described as follows:

Commencing at a point identical with latitude 63°14.3' N., longitude 145°38.8' W.; thence west 165 feet to the true point of beginning for this description; thence north 495 feet; thence east 330 feet; thence south 660 feet; thence west 330 feet; thence north 165 feet, to the point of beginning. Containing 5.00 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for use as a radio relay site.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before August 16, 1977.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before August 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-19318 Filed 7-6-77;8:45 am]

[OR 17389]

OREGON

Proposed Reclassification of Public Land for Disposal by Exchange

JUNE 28, 1977.

Notice of classification, OR 1630, which was published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16285-16287), as amended, classified the land described below, among other lands, for retention in federal ownership for multiple use management under the Act of September 19, 1964, 43 U.S.C. 1411-18, (1970).

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It has been determined that the classification is no longer appropriate for the parcel described below and the segregative effect of the classification is hereby terminated. Accordingly, pursuant to 43 CFR 2400, notice is hereby given that it is proposed to reclassify this land for exchange under the provisions of Section 206 of the Act of October 21, 1976, (90 Stat. 2743, 2756; 43 U.S.C. 1716).

WILLAMETTE MERIDIAN

T. 33 S., R. 18 E.,
Sec. 3, S½S½SE¼;
Sec. 10, N½NE¼.

The area described totals 120 acres in Lake County. In accordance with 43 CFR 2201.1 and 2202.1, no application for an exchange will be accepted until the land has been classified and the application is accompanied by a statement from the Lakeview District Manager, Bureau of Land Management, that the proposal is feasible.

Information concerning this land is available at the Lakeview District Office, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon, 97630.

MURL W. STORMS,
State Director.

[FR Doc.77-19319 Filed 7-6-77;8:45 am]

[OR 17434 (Wash.)]

WASHINGTON

Proposed Withdrawal and Reservation of Land, Correction

JUNE 29, 1977.

The Notice of Proposed Withdrawal and Reservation of Land under serial number OR 17434 (Wash.), dated June 17, 1977, appearing as FR Doc. 77-18484 in the June 28, 1977 issue of the FEDERAL REGISTER at pages 32850-32851, is hereby corrected to delete the last sentence in paragraph eight and replace it with the following sentences:

For a period of two years from June 28, 1977, the date of publication of the notice in the FEDERAL REGISTER, the land will remain segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19320 Filed 7-6-77;8:45 am]

[Wyoming 59515]

WYOMING

Notice of Application

JUNE 28, 1977.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Pipeline Company of Denver, Colorado, filed an application for an 8 inch pipeline for the purpose of transporting oil across the following described national resource lands:

SIXTH PRINCIPAL MERIDAN, WYOMING

T. 15 N., R. 119 W.,
Sec. 10, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 14, W½NW¼, SE¼NW¼, E½SW¼, SW¼SW¼.
T. 16 N., R. 119 W.,
Sec. 34, W½E½.
T. 17 N., R. 119 W.,
Sec. 24, W½E½.

The pipeline will transport oil from a new oil field in Uinta County, starting in section 13, T. 17 N., R. 119 W., and will tie into existing facilities in section 23, T. 15 N., R. 119 W., all being in Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

LARRY STEWARD,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19321 Filed 7-6-77;8:45 am]

[Wyoming 59537]

WYOMING

Notice of Application

JUNE 27, 1977.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Pacific Gas Transmission Company of San Francisco, California filed an application for a right-of-way to construct a 100 ft. x 100 ft. compressor station on the following described public lands:

SIXTH PRINCIPAL MERIDAN, WYOMING

T. 25 N., R. 113 W.,
Sec. 14, SE¼NE¼.

This compressor station to be located in Lincoln County will enable Pacific Gas Transmission Company to effectuate the gas and transportation exchange agreement entered into with Northwest Pipeline Corporation on January 4, 1977. The agreement provides for delivery of gas by the applicant in the amount of 10,000 Mcf per day from the Fontennelle Prospect to the Northwest pipeline system in western Wyoming. Northwest will deliver, by exchange, an equivalent amount of gas to the applicant at Spokane, Washington.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

LARRY STEWARD,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19322 Filed 7-6-77;8:45 am]

[ES 17462]

FLORIDA

Proposed Withdrawal and Reservation of Land

JUNE 28, 1977.

The Fish and Wildlife Service, U.S. Department of the Interior, on May 11, 1977, filed application, Serial No. ES 17462, for the withdrawal of the following described land from settlement, sale, location, or entry under all of the general land laws, including the mining and mineral leasing laws, except as they pertain to oil and gas leasing which is governed by 43 CFR 3101.3-3. The application for the withdrawal of the 27.11 acres of land is filed subject to valid existing rights:

T. 44 S., R. 21 E., Tallahassee Meridian Florida

Tract No. 37, Benedict Key, 2.18 acres.
Tract No. 39, Rat Key, 12.36 acres.
Tract No. 40, Coon Key, 6.44 acres.
Tract No. 41, Narrows Key, 3.64 acres.
Tract No. 44, Whoopee Key, 2.40 acres.

The Fish and Wildlife Service desires that these islands be withdrawn and reserved for inclusion in the Pine Island National Wildlife Refuge. These islands have value for colonial waterbirds, including the endangered brown pelican. They are located in the immediate vicinity of other islands already withdrawn for the refuge.

On or before August 17, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before August 17, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency

with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate two years from the date of the publication of this notice unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-19366 Filed 7-6-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Daniel W. Anderson, Wildlife and Fisheries Biology, University of California, Davis, California 95616.

OMB NO. 42-R1370

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
To import one peregrine falcon (Falco peregrinus) found dead in Mexico.

Endangered species.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Daniel W. Anderson
Wildlife and Fisheries Biology
University of California
Davis, California 95616
(916) 752-2108

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
[X] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: 5' 8" WEIGHT: 165
DATE OF BIRTH: 2/5/39 COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 752-2108 SOCIAL SECURITY NUMBER: 502-42-1685
OCCUPATION: Research Biologist, Professor
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Museum
Wildlife and Fisheries Biology
as above

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research - teaching wildlife biology at University level.
NAME, TITLE AND PHONE NUMBER OF PRES., DENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dale F. Lott, Chairman, 752-3576
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
n/a

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Mexico-California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMITS? [X] YES [ ] NO
(If yes, list license or permit number)
PRT 2-1575-5C PRT 2-574-07 (Pending)
PRT 2-613 Banding permit #20794

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
Letter of authorization - letter specifically mentioning this import to be requested.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
n/a

10. DESIRED EFFECTIVE DATE: ASAP
DURATION NEEDED: Until completion of importation

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED
50 CFR 17.22 para (a) (attachment 1)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/ PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001

SIGNATURE (In ink): [signature] DATE: June 17, 1977

65-781

(1) Peregrine Falcon (*Falco peregrinus*). Request to import one dead adult male, found dead and mummified near its eyrie in the Bahia de los Angeles area of Baja California. The specimen will be preserved for museum use at UC Davis and a muscle tissue will beanalyzed for pollutant residues.

(2) This specimen is being stored in Mexico pending receipt of this import permit. Specimen was found dead of unknown causes.

(3) N/a.

(4) Mexico, Bahia de los Angeles area.

(5) University of California, Museum of Wildlife and Fisheries Biology, Davis, California 95616.

Specimen will be relaxed if possible, a tissue sample taken for pesticide analysis, and

be mummified, then stored in a museum case as other specimens.

(6) N/a.

WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This applica-

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be mummified, then stored in a museum case as other specimens.

(6) N/a.

(7) Letter of authorization to export said specimen will be requested from Mexican government. Export will be made by applicant, or Ron C. Cole, Curator, same address.

(8) (i) Activities sought—to import one dead specimen; to preserve for museum use; to remove tissue for pollutant analysis.

(ii) Specimen will be brought through a designated port of entry, by ground transportation.

(iii) Data on pollutant analyses will hopefully shed some light as to the cause of death.

(iv) Permanent storage of specimen at UC Davis, Museum of Division of Wildlife and Fisheries Biology.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1046-CO7; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19220 Filed 7-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given thatthe following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Charles L. Bieler, Director, San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1870

1. APPLICATION FOR (Indicate only one) — ☐ IMPORT OR EXPORT LICENSE — ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import one (1) male North Chinese Leopard Panthera pardus japonensis endangered species for long term captive breeding project.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-231-1515

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public Zoo - Wildlife exhibition, research programs in addition to educational and related activities.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Charles L. Bieler, Director, 714-231-1515
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Zurich, Switzerland to San Diego, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
1962 - 10 (under 1944 law issued 1962)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Swiss export permit No. 0130

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ not required

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE: 13 June 1977

3-200
8/748

zoo and the other is still in the San Diego Zoo. In 1971 our original male died leaving us with two pure females to continue our long range captive breeding project with this subspecies. Accordingly we imported a male from the Assiniboine Park Zoo, Winnipeg, Canada under endangered species permit ES 255. This new male sired eleven progeny with both pure females. When the international studbook registration began in 1975 we subsequently discovered through extensive pedigree analysis that while our adult breeding females were pure Panthera pardus japonensis and are fully registered with the studbook, our Winnipeg male is a hybrid. Thus the eleven offspring he sired, of which six had survived, were also hybrids. Accordingly we have separated the studbook registered females from the hybrid males to prevent additional hybrid births. Our task was then to obtain a pure, studbook registered male to mate with our studbook registered females. According to our latest International Species Inventory System inventory of zoo animals in the United States and the studbook directory, there are no males in the United States. This was confirmed by the studbook keeper for this subspecies, Mr. Alan Shoemaker of the Riverbanks Park Zoological Garden in Columbia, South Carolina, who recommended that for the best outcross specimen to improve the gene pool that we contact the Zurich Zoo which has a breeding group of this subspecies.

Our plans for this male are to breed it with our females and establish a viable captive propagation program for this subspecies. We presently have two large exhibits for North Chinese leopards and the animals will also be used for exhibition and educational purposes in addition to the propagational purpose. This is a long range program and surplus progeny will be offered to qualified institutions to expand the gene pool. Any dead specimens, and cadaver parts, will be offered to appropriate museums, research facilities and universities for full utilization of the animal. For example, the wild caught male that died in 1971 was sent to the American Museum of Natural History to be used as a scientific specimen for taxonomic and related studies. We plan to make similar arrangements for other specimens.

4. A DESCRIPTION AND THE ADDRESS OF THE INSTITUTION OR OTHER FACILITY WHERE THE WILDLIFE WILL BE USED OR MAINTAINED.

The male North Chinese leopard will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo; Box 551, San Diego, California 92112.

Post Office Box 551, San Diego, California 92112
Telephone (714) 231-1515
Cable Address: SDZOO San Diego, California, U.S.A.

Zoological Society of San Diego

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Charles L. Bieler, *Director*

13 June 1977

Director (FWS/LE)
U. S. Fish and Wildlife Service
U. S. Department of the Interior
Washington, D. C. 20036

Dear Sir:

The San Diego Zoological Gardeh requests an endangered species permit to import one male North Chinese leopard Panthera pardus japonensis from the Zurich Zoo, Switzerland.

1. COMMON AND SCIENTIFIC NAMES OF THE SPECIES OR SUBSPECIES, NUMBER, AGE AND SEX OF THE WILDLIFE TO BE COVERED IN THE PERMIT.

One male North Chinese Leopard Panthera pardus japonensis, International studbook number 0224, born 18 September 1976 in the Zurich Zoo.

2. COPY OF THE CONTRACT OR OTHER AGREEMENT UNDER WHICH SUCH WILDLIFE IS TO BE IMPORTED, SHOWING THE COUNTRY OF ORIGIN, NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF THE CONTRACT, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE WILDLIFE.

Negotiations for this animal began with our letter to Dr. Schmidt dated 29 March 1977. All copies of correspondence, studbook registration and Swiss export permit are attached.

3. A FULL STATEMENT OF JUSTIFICATION FOR THE PERMIT INCLUDING DETAILS OF THE PROJECT OR OTHER PLANS FOR UTILIZATION OF THE WILDLIFE IN RELATION TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATIONAL PURPOSES AS APPROPRIATE AND THE PLANNED DISPOSITION OF THE WILDLIFE UPON TERMINATION OF THE PROJECT.

In 1964 the San Diego Zoo received a female North Chinese leopard which had been captured a few kilometers north of Nanking, China. Also that year we received a male which had been captured north of the Gulf of Tonkin. This pair produced two females in 1965; one was shipped to another

Documents and other information submitted in connection with this application are available for public inspection

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal

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(iii). A BRIEF RESUME OF THE TECHNICAL EXPERTISE AVAILABLE, INCLUDING ANY EXPERIENCE THE APPLICANT OR HIS PERSONNEL MAY HAVE HAD IN PROPAGATING THE SPECIES OR CLOSELY RELATED SPECIES TO BE IMPORTED.

See attached.

(iii). A STATEMENT OF THE APPLICANT'S WILLINGNESS TO PARTICIPATE IN A COOPERATIVE BREEDING PROGRAM, AND TO MAINTAIN OR CONTRIBUTE DATA TO A STUDBOOK.

We presently contribute data and have registered our pure North Chinese leopards with the international studbook keeper for this subspecies. We are willing to cooperate in breeding programs established for this subspecies.

(iv). A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER; ARRANGEMENTS FOR FEEDING, WATERING AND OTHERWISE CARING FOR THE WILDLIFE IN TRANSIT; AND THE ARRANGEMENTS FOR CARING FOR THE WILDLIFE ON IMPORTATION INTO THE UNITED STATES.

The leopard will be transported from the Zurich Zoo to the Zurich airport by zoo van. It will be air transported from Zurich to New York on a TWA nonstop flight. In New York it will transfer to an American Airlines direct flight to San Diego. At the port of entry (New York) the leopard will be met by our Custom house brokers, Air Cargo Brokers, Inc. This company is experienced with such animal transactions and has acted as our broker for years. The San Diego Zoological Garden is a licensed zoological garden by the USDA, license #93C-40.

The shipping crate dimensions are 124 cm X 74 cm X 72 cm high. The crate will exceed the minimum standards required by the International Air Transport Association (IATA) and will be provided by the Zurich Zoo which is experienced in international animal shipments. The crate will have the watering facilities built in.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,
Mark S. Rich
Acting Curator of Mammals
MSR:mas
Enclosures

5. A STATEMENT THAT AT THE TIME OF APPLICATION THE WILDLIFE TO BE IMPORTED IS STILL IN THE WILD, WAS BORN IN CAPTIVITY OR HAS BEEN REMOVED FROM THE WILD.

As documented by Dr. Christian Schmidt's letters; and the international studbook card, the animal was born at the Zurich Zoo on 18 September 1976.

6. A RESUME OF THE APPLICANT'S ATTEMPTS TO OBTAIN THE WILDLIFE TO BE IMPORTED FROM SOURCES WHICH WOULD NOT CAUSE THE DEATH OR REMOVAL OF ADDITIONAL ANIMALS FROM THE WILD.

This animal is zoo born, thus will not be a drain on the natural population of North Chinese leopards.

(v). FOR THE FIVE YEARS PRECEDING THE DATE OF THIS APPLICATION PROVIDE A DETAILED DESCRIPTION OF ALL MORTALITIES INVOLVING THE SPECIES COVERED IN THE APPLICATION AND HELD BY THE APPLICANT, IF ANY (OR ANY OTHER WILDLIFE OF THE SAME GENUS OR FAMILY HELD BY THE APPLICANT), INCLUDING THE CAUSES OF SUCH MORTALITY AND THE STEPS TAKEN TO AVOID OR DECREASE SUCH MORTALITIES.

Detailed necropsy reports are attached for all deaths in which postmortems were made. In addition there were three North Chinese leopards born 21 May 1976 and eaten by the dam; no necropsy could be made. It was her first litter and she has since had a litter in which she did not harm the infants. Several improvements have been made in the denning quarters. Less than two years ago electricity was installed in the bedrooms of the animals to provide heat via infrared lamps. Presently, we are renovating the outside enclosures, removing the concrete and replacing it with grass and other live vegetation. The area will be much more natural and should increase the comfort of the animals.

The San Diego Zoo has extensive veterinary, research and pathology facilities and staffs. Our Children's Zoo has a well equipped nursery with experienced keepers to hand raise any newborn leopards should the need arise. Weekly health meetings are held between the curators, veterinarians, pathologists and researchers to discuss health problems. Every mortality is studied by the staff to determine what factors were responsible and possible courses of action to decrease such mortalities.

7 (i). A COMPLETE DESCRIPTION, INCLUDING PHOTOGRAPHS OR DIAGRAMS OF THE AREA AND FACILITIES IN WHICH THE WILDLIFE WILL BE HOUSED.

Self explanatory diagrams are enclosed. This facility has proven successful in displaying and breeding the species.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1045-07; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19219 Filed 7-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: John F. Cuneo, Jr., d/b/a Hawthorn Circus Company, Libertyville, Illinois 60048

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

IMPORT OR EXPORT LICENSE — X PERMIT

2 BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: With respect to specimens of a captive, self-sustaining population of tigers (Panthera tigris): To sell or offer for sale in interstate commerce; to deliver, receive, carry, transport or ship in the course of a commercial activity in interstate commerce for the purposes of any such sale or offer of sale.

3 APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
John F. Cuneo, Jr.
d/b/a Hawthorn Circus Company
Libertyville, Illinois 60048
Telephone: 312/EM2-2025

4 IF APPLICANT IS AN INDIVIDUAL COMPLETE THE FOLLOWING
X MR MRS MISS 6'1" 180 lbs.
DATE OF BIRTH: April 12, 1931 | COLOR HAIR: Blond | COLOR EYES: Blue
PHONE NUMBER AT HOME: 312/EM2-2025 | EMPLOYED: | SOCIAL SECURITY NUMBER: 356-26-2993
OCCUPATION: Animal breeder/trainer; owner of touring animal acts.

5 IF APPLICANT IS A BUSINESS CORPORATION PUBLIC AGENCY OR INSTITUTION COMPLETE THE FOLLOWING
EXPLANATION OF BUSINESS AGENCY OR INSTITUTION

ANY BUSINESS AGENCY OR INSTITUTION OTHER THAN APPLICANT HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE PERMIT

NAME, TITLE AND PHONE NUMBER OF PRES., V.P., SEC., TREAS., OFFICER, DIRECTOR, ETC.

IF APPLICANT IS A CORPORATION INDICATE STATE IN WHICH INCORPORATED

6 LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Wherever within the United States applicant travels with his animals and wherever within the United States they can be sold and delivered pursuant to the permit here applied for.

7 DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8 IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
not required

9 CERTIFIED CHECK OR MONEY ORDER (if applicable), PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ 0

10 DESIRED EFFECTIVE DATE: A.S.A.P.

11 DURATION NEEDED: Two years or for any longer period permitted by the regulations

12 ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE OR PERMIT REQUESTED (see 50 CFR 13.12(a)), MUST BE ATTACHED IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED
50 C.F.R. §17.33 (Proposed 41 Fed. Reg. 18621-18622 (May 5, 1976)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): John F. Cuneo Jr. DATE: April 3/77

3-230 (1 of 2) GPO 895-042

V 42 1130 JUL 7 77 UMI

John F. Cuneo, Jr.
Hawthorn Circus Company
Libertyville, Illinois 60048

April 30, 1977

Mr. Lynn A. Greenwalt
Director, Fish and Wildlife Service
U. S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Greenwalt:

This letter is designed to supplement and form a part of the enclosed application for a permit for authorization to deliver, receive, carry, transport, or ship in interstate commerce, in the course of a commercial activity; or to sell or offer for sale in interstate commerce specimens of a captive, self-sustaining population of tigers (Panthera tigris).

Housing of the tigers. Performances by applicant's tigers are put on throughout the year in places across the United States and in Canada and Mexico. The troupe is continuously on tour. Each of the applicant's adult tigers has his own traveling cage, measuring 7-1/2 feet long by 4 feet wide. For purposes of transportation and feeding the tigers are kept separately in their own cages. At other times, however, two groups of cages are put together and the inner sides of them are lifted to make one large cage for each of two groups of adult animals.

The cages for the adult tigers have steel bars while those for the cubs have stamped metal panels. All of the cages have steel floors for safety. All of the steel floors are coated with a heavy plastic coating to insure safety and to keep the animals from contact with the cold metal.

Plywood hanging covers are affixed to the cages where necessary to avoid drafts and to protect against cold. All of the cages for the adult tigers have florescent lighting.

The troupe travels with a "squeeze" cage for veterinary work. The sides of the cage come together, making it easier to administer to the tigers' needs.

All arenas in which applicant's tigers perform provide applicant with heated space (unless the weather is warm enough for the tigers without artificial heat.) The arenas also provide water and electricity.

Brief resume of the expertise of the applicant and persons who care for the tigers. The applicant, John F. Cuneo, Jr., does business as Hawthorn Circus Company, Libertyville, Illinois. He has been engaged in the business of raising and training animals for approximately 25 years.

Applicant's wife, Herta Klauser Cuneo, assists him in training, performing with, and caring for the animals. She is the daughter of the former Superintendant of Menagerie of the Circus Krone in Munich, Germany. She, too, has had long experience in raising exotic animals in captivity, starting before she reached her 10th birthday. The tigers are under the personal care of applicant or his wife virtually all of the time.

Applicant is also assisted by Mr. Wade Burke, who participates in the training of applicant's tigers. Wade Burke is a very young man but has been working with tigers since he was 15 years old, in two major zoos and two major circuses. In addition, applicant is assisted by Jean Michon, one of the top experts in the world with tigers. For 27 years, he was in charge of Klan's training farm and zoo in Holland and, for seven years, was responsible for the tiger section of the movie star Jean Richard's menagerie in France. Mr. Michon is assisted by his wife, who has also had over 20 years experience with big cats.

In addition, the applicant employs two full time caretakers and uses two-thirds of the time of another caretaker.

In 1972 the applicant embarked upon a breeding program for his tigers that, he submits, has been eminently successful. During that year two cubs were born to one of his adult females. One of the cubs died of a congenital heart defect. The other cub, a white tiger, survived. During 1973, applicant's breeding program produced 11 cubs, all of whom have survived.

Since 1973, in spite of the fact that the applicant has had to curtail breeding operations because of restrictions in selling surplus animals due to the endangered species law, the applicant has bred three additional white tigers.

As soon as the applicant considers that one of his female tigers is pregnant, he puts her into a separate cage by herself. At birth, the cubs are separated from their mother and are raised personally by applicant's wife. Until they are three or four months old, they live in a bassinet in the house trailer occupied by the applicant and his wife while on tour. The cubs are bottle fed as long as necessary. They are brought up on KMR, a product of the Borden Company made especially for cats, which is supplemented by Zoopreme as they get older. By the time the cubs are two years old, their diet is 100% meat, supplemented with calcium lactate and vitamin and mineral supplements. The cubs exercise in a playpen, approximately 8 x 16 feet in area, until they are about six months old.

The applicant's breeding program is part and parcel of his business of operating a traveling tiger act. Tigers that he breeds are worked into the act as they are trained, and older animals are phased out. The applicant submits that he has had great success in breeding tigers to date and that he would be precluded from breeding more tigers if he is unable to sell his surplus animals.

Willingness to participate in a cooperative breeding program, and to maintain or contribute to a studbook. The applicant is, of course, must willing to participate in a cooperative breeding program and to maintain or contribute data to a studbook. The applicant has collaborated with the Cincinnati Zoo and the Washington, D. C., National Zoo and, as a result of the breeding of one of his male tigers with a female tiger at the Cincinnati Zoo, five cubs arrived, two of which belong to the applicant and the others to the Cincinnati Zoo. Four of these tigers are white.

Transportation and care of tigers in transit. As noted above, the applicant is continuously on tour with his tigers. In general, animals would be transferred directly from the applicant to the new owner. When traveling, the troupe stops every three to four hours to water the animals. Adult tigers are fed 10 to 15 pounds of horsemeat (with bones) or beef per day. The meat is dusted with a mixture of 50% calcium lactate and 50% pervinal powder as a vitamin and mineral supplement. The applicant travels with a 12,000 pound freezer for food for his animals.

At every stop on a tour, where there is sufficient space and the weather is appropriate, the applicant sets up a circular cage, 40 feet in diameter, for exercising the tigers and, on occasion, for practicing with them.

The applicant's tigers are watched by a caretaker from about 8 or 9 o'clock in the morning until about midnight each night. The caretaker cleans every cage with a long-handled sweeper and receptacle as soon as any dirt is made, and white pine sawdust is sprinkled in the cage to absorb liquids. Every day before feeding, each cage is emptied of its occupant and thoroughly cleaned.

The tigers are transported in specially designed trucks, well insulated with styrofoam for warmth. The trucks may be opened on the bottoms and sides to provide ventilation.

Applicant submits that the fact that his adult tigers are engaged in regular performances at different places through the course of the year keeps them in excellent physical health, mentally alert and energetic. He believes that the rigors of traveling and performing are conducive to a superior physical and mental condition that leads to healthy pregnancies and strong offspring.

Five year mortality record. As mentioned above, in connection with applicant's breeding program, one cub, born in 1972, died shortly after birth of a congenital heart disease. Since that time, applicant has had no tiger mortalities.

Justification for granting of a permit. The applicant seeks a permit to sell his excess tigers to other permit holders in order that he may be relieved of the burden of expense of caring for animals which he cannot use in his own business. This includes animals which he acquires either through purchase or breeding which are unsuitable for training and performing, or which have grown too old for performing. At the present time, applicant owns 24 tigers, which are all captive bred. Seventeen of those tigers were bred by the applicant and, of those seventeen, five are rare white tigers. The applicant believes that his success in breeding fine, healthy tigers is good for the species as well as being necessary to his business. However, in order to continue his breeding program, he must be able to sell those animals which he cannot use.

Certification. The applicant certifies that he has read and is familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and he further certifies that the information submitted in this application for a permit is complete and accurate to the best of his knowledge and belief. He understands that any false statement herein may subject him to the criminal penalties of 18 U.S.C. 1001.

Respectfully submitted,

John F. Cuneo, Jr.
Applicant

Documents and other information submitted in connection with this application are available for public inspec-

Dated: July 1, 1977.

Donald G. Downing

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS–WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–996–25; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19221 Filed 7-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Palmer E. Krantz, III, Riverbanks Zoological Park, P.O. Box 1134, Columbia, South Carolina 29202.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Engage in inter-state commercial activities(sale, receipt, transfer,delivery) of Captive Self-Sustaining Populations (CSSP) of Tiger,Panthera tigris;Jaguar, Panthera onca;Leopard,Panthera pardus; Ring-Tail Lemur,Lemur catta; Black Lemur,Lemur macaco.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):
Riverbanks Zoological Park
P.O.Box 1143
Columbia, S.C.
29202

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
HEIGHT | WEIGHT | ☐ MR. ☐ MRS. ☐ MISS ☐ MS.
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Publically owned Zoological Park engaged in education, conservation, and research.

6. ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Above

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
Palmer E. Krantz,III (803)779-8717

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
N/A

8. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Riverbanks Zoological Park
I-126 & Greystone Blvd.
P.O.Box 1143
Columbia, S.C. 29202

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number):
PRT 7-45-C-Z-NV

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents):
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF (In ink): Palmer E. Krantz Director — DATE: 8 June, 1977

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the public. The back and sides of the exhibit are gunite, and contain lodges and pools built into the exhibit design. The ceiling is pre-stressed concrete and also contains a translucent skylight. Large logs and branches are present for climbing and scratching. Exhibits for the Lemurs are of similar design but smaller.

All enclosed cat and Lemur exhibits are individually cooled or heated, for environmental confort. Off-exhibit quarters for all exhibits of the five species are present and utilized for sleeping and separate feeding, isolation when needed, and denning (in the case of pregnant felids). The leopard and Jaguar exhibits both measure 18 feet long (frontage length), 10 feet wide, and 12 feet high. Those of the lemurs are 9 feet long, 6 feet wide, and 12 feet high. Both lemur species also have constant access to the back-up quarters during the day, thus considerably enlarging their potential useable area.

3. A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife.

All personnel have previous experience with all five species by virtue of the fact that these species are presently included in the Park's collection. The Director and senior staff have been with the Park well before opening and have a total of 16 years experience. All keeper staff similarly have previous experience with the species concerned.

Two of the five species are mature enough or have been in the Park's collection long enough to reproduce and have done so. Jaguars have been propagated twice and Siberian Tigers twice. The lemurs are too young or too recently acquired to reproduce, but in view of this Park's expertise propagating other primates, it is expected that they will breed in a year.

All senior staff and most keepers are college graduates with formal backgrounds in biology. All senior staff are Professional Fellows in the American Association of Zoological Parks and Aquariums.

The staff of veterinarian consultants have previous experience with the five species. Four in number under the direction of Dr. John Marlow, D.V.M., this group includes specialists in several disciplines: surgery, dermatology, opthamology and neurology. In addition, 13 other physicians and veterinarians participate in periodic services as needed, and cover a very broad spectrum of specialization. An intern program with the University of Georgia School of Veterinary Medicine also provides further services in the form of senior veterinary students and use of the University's facilities if needed.

4. A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

This institution presently contributes data to the Siberian Tiger studbook and maintains the studbook for Rare Leopards. Cooperative breeding programs are

p. o. box 1143, columbia, south carolina 29202 • (803) 779-8717
Palmer Krantz, director

June 7, 1977

Permit Office
U.S. Fish and Wildlife Service
Department of the Interior
Washington, D.C. 20240

Dear Sir:

Following the recent finalization of the rules governing Captive Self-Sustaining Populations(CSSP) of heretofore Endangered Species, Riverbanks Zoological Park hereby makes application for such a permit, to include the maximum time allowable for such a permit, two years. This Institution is specifically interested in permit approval for an unlimited number of transactions involving commercial transactions dealing with Tigers, Jaguars, Leopards, Ring-tail and Black Lemurs, all of which are presently in this institution's inventory.

1. The common and scientific names of the species sought to be covered by the permit, the activity sought to be authorized and whether such authorization is required for a single transaction, a series of transactions or activities over a specific period of time.

The species to be included under this permit application are Tiger, Panthera tigris; Jaguar, Panthera onca; Leopard, Panthera pardus; Black Lemur, Lemur macaco; and Ring-tail Lemur, Lemur catta. The activities sought to be covered include unlimited commercial transactions involving sale, trade, acquisition, transfer, delivery, and other similar activities.

2. A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for.

Tigers, Siberian Tigers, P.t. altaica, are housed in a large spectator-type exhibit which utilizes a dry moat 9'6 feet wide as a barrier between the animals and the public. Overall, the exhibit measures 100 feet long and 50 feet wide, with sides constructed of gunite (pneumatically-applied concrete). A large pool deep enough for swimming is centrally located in the exhibit.

Jaguar and Asur Leopards, P.p. melanitis, are both housed in self-contained exhibits that utilize laminate glass frontage for barriers to

Riverbanks zoological park

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS–WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–996–26; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19222 Filed 7-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Palmer E. Krantz, III, Riverbanks Zoological Park, P.O. Box 1134, Columbia, South Carolina 29202.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Engage in inter-state commercial activities(sale, receipt, transfer,delivery) of Captive Self-Sustaining Populations (CSSP) of Siberian Tiger,Panthera tigris altaica; Jaguar, Panthera onca; Leopard,Panthera pardus; Asur Leopard,Panthera pardus melanitis; Ring-Tail Lemur,Lemur catta; Black Lemur,Lemur macaco.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):
Riverbanks Zoological Park
P.O.Box 1143
Columbia, S.C.
29202

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
HEIGHT | WEIGHT | ☐ MR. ☐ MRS. ☐ MISS ☐ MS.
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Publically owned Zoological Park engaged in education, conservation, and research.

6. ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Above

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
Palmer E. Krantz,III (803)779-8717

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
N/A

8. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Riverbanks Zoological Park
I-126 & Greystone Blvd.
P.O.Box 1143
Columbia, S.C. 29202

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number):
PRT 7-45-C-Z-NV

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents):
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF (In ink): Palmer E. Krantz Director — DATE: 8 June, 1977

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Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS–WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–996–27; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19223 Filed 7-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Palmer E. Krantz, III, Riverbanks Zoological Park, P.O. Box 1134, Columbia, South Carolina 29202.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Engage in inter-state commercial activities(sale, receipt, transfer,delivery) of Captive Self-Sustaining Populations (CSSP) of Siberian Tiger,Panthera tigris altaica; Jaguar, Panthera onca; Leopard,Panthera pardus; Asur Leopard,Panthera pardus melanitis; Ring-Tail Lemur,Lemur catta; Black Lemur,Lemur macaco.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):
Riverbanks Zoological Park
P.O.Box 1143
Columbia, S.C.
29202

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
HEIGHT | WEIGHT | ☐ MR. ☐ MRS. ☐ MISS ☐ MS.
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Publically owned Zoological Park engaged in education, conservation, and research.

6. ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Above

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
Palmer E. Krantz,III (803)779-8717

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
N/A

8. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Riverbanks Zoological Park
I-126 & Greystone Blvd.
P.O.Box 1143
Columbia, S.C. 29202

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number):
PRT 7-45-C-Z-NV

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents):
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF (In ink): Palmer E. Krantz Director — DATE: 8 June, 1977

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Of the five species under consideration in this application, no mortalities have been experienced with Black and Ring-tail Lemurs, Jaguars, and Leopards. Three mortalities of neonatal or juvenile Tigers have occurred.

One tigress cub lived on a few days after birth. Necropsy showed degeneration of the kidneys, apparently existing from birth. Being the female's first litter, such a congenital defect is not thought to be husbandry related.

Two other mortalities have been experienced, both related to calcium deficiencies in the bone. These were thought to be diet-related and all fields are now fed commercial preparations. All young born since this change in diet have been reared successfully and no further problems are anticipated.

7. A full statement of the reasons why the applicant is justified in obtaining the permit.

Successful maintainance of any species on a scale large enough to guarantee its very existance requires exchange of transfer in ownership to adequately maintain gene pools and transfer existing surplus offspring prior to future births. For the past several years, such activities have been greatly handicapped by regulations counter to the aim of propagating individuals of endangered species already in captivity, and in particular, individuals of species that have adjusted well to captive techniques of husbandry and reproduction. With the advent of this applicant's impressive, a return from recent reduction or cessation of field breeding in general will occur. Such reductions have occurred in many institutions, and this permit is needed for this institution to resume propagation efforts and to enlarge the scope of such programs.

Respectfully submitted:

Palmer E. Kranz, Jr.
Director

Alan H. Shoemaker,
Zoologist

under way, in the case of the two lemur species, and many other species are in this park or loaned to other parks via breeding loan or other cooperative propagation arrangements.

All mammals and applicable birds in the collection are presently entered into the computer inventory of ISIS (International Species Inventory System). In previous years, this institution was among the first to computerize its inventory into this system and has provided suggestions when queried.

5. A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period.

All containers used to ship these Nyva species, whether by vehicle or air, are more than sufficient to meet federal and IATA regulations concerning construction and dimensions. Basically, larger fields are shipped in sturdy wooden crates set into metal liners. Ventilation openings are provided as are feeding and watering systems, as applicable for the species and particular shipment. If necessary, feeding and watering instructions are attached to the crate, but in interstate commerce of this type, the shortest routing possible usually precludes the need for food. Most carnivores travel better on an empty stomach. The precise size of the container is dictated by the age and size of the specimen to be shipped. Straw bedding is provided.

Primates are shipped in sturdy wooden crates with bedding and cloth or burlap material for psychological security. Although feeding and watering instructions are included if the distance requires such assistance, interstate distances and time in transit usually eliminates this need. Food items with high moisture content are included with the animal for both food and water, and eliminate the problem of spillage encountered with water devices.

In shipping animals of any type, this park notifies the recipient of the expected schedule, usually by telephone, en route, the recipient is told the time of departure and ETA, routing, airlines and waybill number. To further preclude loss of the animal en route, the recipien is contacted to ensure the safe arrival of the specimen. All historical data is sent with the animal, se:rely attached to the shipping crate with pertinent documents.

6. For the five years preceeding the date of this application, provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife or the same genus or family) including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS–WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–1023–25; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77–19218 Filed 7–6–77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Edward J. Maruska, Director, Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check only one)
☐ IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
Request permit to purchase one male and one female black and white ruffed lemurs Varecia variegata from the Assiniboine Zoo of Winnipeg, Canada. We desire permanent possesion of this pair which is now on breeding loan at the Cincinnati Zoo.

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Zoological Society of Cincinnati
3400 Vine Street
Cincinnati, Ohio 45220
(513-281-4700)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | EYE COLOR | HAIR COLOR
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Cincinnati Zoo is owned by the City of Cincinnati & managed & operated by the non-profit corporation known as the Zoological Society of Cincinnati. Purpose is for exhibiting animals for public and for conservation, education, & research of animals

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Edward J. Maruska, Director (513-281-4700)

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Ohio

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Zoological Society of Cincinnati
Cincinnati, Ohio

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES ☐ NO
(If yes, list license or permit numbers)
End. Species Permit No. ES-85
End. Species Permit No. ES-105

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Animals are captive born

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
As soon as possible.

11. DURATION NEEDED
until completion of transaction

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 13

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not)
Edward J. Maruska
DATE
June 6, 1977

3-200
10/76
GPO 899-042

V 42 I 130 JUL 7 77 UMI

Documents and other information submitted in connection with this application are available for public inspection

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Monday, July 25, 1977—8:30 a.m. until conclusion of business.

The Subcommittee may meet in open

copy to the Subcommittee at the beginning of the meeting. Comments should

factual information is presented and a copy of the minutes of the meeting will

Pioneer, Inc. Balance of Plant Standard Safety Analysis Report. Portions of this

ZOOLOGICAL SOCIETY OF CINCINNATI

3400 VINE STREET CINCINNATI, OHIO 45220 TELEPHONE 513 281 4700

CINCINNATI ZOO

June 7, 1977

Director
U. S. Fish and Wildlife Service
Wildlife Permit Office
Washington, D. C. 20240

Dear Sir:

The Cincinnati Zoological Park hereby formally applies for an Endangered Species Permit under Section 10 (A) of the Endangered Species Act of 1973.

The following information is submitted pursuant to 50 CRF 17, Section 17.22 (published October, 1976).

1. COMMON AND SCIENTIFIC NAMES OF THE SPECIES OR SUBSPECIES, NUMBER, AGE, AND SEX OF THE WILDLIFE TO BE COVERED IN THE PERMIT.

The request is for a permit to purchase one male, born 2 April 1975, I.S.I.S. No. M2018 (San Diego I.S.I.S. No. 175069) and one female, born 4 June 1976, I.S.I.S. No. M2019 (San Diego I.S.I.S. No. 176167) black and white ruffed lemurs Varecia variegata, both captive born. This pair of lemurs originally was sold to the Assiniboine Zoo of Winnipeg, Canada, under authority of permit PRT 2-330, Federal Wildlife Permit Office (copies of correspondence and permit enclosed), by the Zoological Society of San Diego.

2. COPY OF THE CONTRACT OR OTHER AGREEMENT UNDER WHICH SUCH WILDLIFE IS TO BE IMPORTED, SHOWING THE COUNTRY OF ORIGIN, NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF THE CONTRACT, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE WILDLIFE.

Enclosed are copies of corresnondence from Mr. Edward Maruska, Director of the Cincinnati Zoo, Mr. Donald G. Donahoo, Chief, Permit Branch of the Federal Wildlife Permit Office, and also a copy of the Permit Number PRT 2-330 dated to expire 12/31/77.

3. A FULL STATEMENT OF JUSTIFICATION FOR THE PERMIT INCLUDING DETAILS OF THE PROJECT OR OTHER PLANS FOR UTILIZATION OF THE WILDLIFE IN RELATION TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATIONAL PURPOSES AS APPROPRIATE AND THE PLANNED DISPOSITION OF THE WILDLIFE UPON TERMINATION OF THE PROJECT.

The ruffed lemurs Varecia variegata for which we are seeking a permit were actually sold to the Assiniboine Zoo of Winnipeg, Canada, under authority of permit PRT 2-330. The Assiniboine Zoo had permission to receive two pairs of ruffed lemurs from the San Diego Zoo. One pair has been placed on breeding loan to the Cincinnati Zoo since the Assiniboine Zoo felt they could accommodate only one pair at this time. The Assiniboine Zoo now has agreed to sell this pair to the Cincinnati Zoo.

The Cincinnati Zoo is most anxious to have permanent possession of this pair of ruffed lemurs for propagational purposes. Before the arrival of this pair of ruffed lemurs, we had only one male. Our original pair of ruffed lemurs arrived in July, 1971, age unknown, under the authority of Permit No. ES- 105 (copy enclosed). The female of this original pair died 23 July 1975. The cause of death was histoplasmosis with secondary pneumonia. We had investigated the possibility of purchasing one female from the San Diego Zoo as a mate for our lone male and decided against this approach since by best estimates by our veterinarian the male appeared to be an old animal. Therefore, it is imperative to our breeding program to begin with a young pair of ruffed lemurs.

We have done very well with ringtail lemurs, Lemur catta, having started with one pair in 1972 and produced eight offspring.

As surplus animals become available through propagation of this species, specimens will be made available to qualified zoological parks that have professed an interest in acquiring and propagating this species.

4. A DESCRIPTION AND THE ADDRESS OF THE INSTITUTION OR OTHER FACILITY WHERE THE WILDLIFE WILL BE USED OR MAINTAINED.

The ruffed lemurs are now being held at the Cincinnati Zoo. The Zoological Park is owned by the City of Cincinnati and managed and operated by the non-profit corporation known as the Zoological Society of Cincinnati. The postal address is Cincinnati Zoo, 3400 Vine Street, Cincinnati, Ohio, 45220. The telephone number is 513-281-4700.

5. A STATEMENT THAT AT THE TIME OF APPLICATION THE WILDLIFE TO BE IMPORTED IS STILL IN THE WILD, WAS BORN IN CAPTIVITY, OR HAS BEEN REMOVED FROM THE WILD.

These captive born animals are now being held by the Cincinnati Zoo.

6. A RESUME OF THE APPLICANT'S ATTEMPTS TO OBTAIN THE WILDLIFE TO BE IMPORTED FROM SOURCES WHICH WOULD NOT CAUSE THE DEATH OR REMOVAL OF ADDITIONAL ANIMALS FROM THE WILD.

The animals are captive born and constitute no drain on the wild population.

(v) FOR THE FIVE YEARS PRECEDING THE DATE OF THIS APPLICATION PROVIDE A DETAILED DESCRIPTION OF ALL MORTALITIES INVOLVING THE SPECIES COVERED IN THE APPLICATION AND HELD BY THE APPLICANT, IF ANY (OR ANY OTHER WILDLIFE OF THE SAME GENUS OR FAMILY HELD BY THE APPLICANT), INCLUDING THE CAUSES OF SUCH MORTALITIES AND THE STEPS TAKEN TO AVOID OR DECREASE SUCH MORTALITIES.

The following is a list of all births from 1972 to present and all deaths from the past five years.

Ruffed Lemur, Varecia variegata

Births	Deaths	Cause of Death
None		
	0.1, 23 July 1975	Histonlasmosis with secondary pneumonia

Ringtail Lemur, Lemur catta

Births	Deaths	Cause of Death
2, 10 Feb. 1977	1	Twins born; one died 14 Feb. 1977 bacterial infection
2, 4 Mar. 1976	1	unknown
2, 14 Mar. 1974	1	eaten by mother
1, 22 Mar. 1973		
1 22 Mar. 1972		

7. (i) A COMPLETE DESCRIPTION, INCLUDING PHOTOGRAPHS OR DIAGRAMS, OF THE AREA AND FACILITIES IN WHICH THE WILDLIFE WILL BE HOUSED.

The animals will be housed in an area which is part of our new outdoor small mammal exhibit. (Drawings enclosed for the Chairman of the Conservation/Management of Wildlife Committee of the American Association of Zoological Parks and Aquariums, Mr. Dennis Meritt, Jr., Lincoln Park Zoo, 2200 N. Cannon Dr., Chicago, Illinois 60614). The large enclosure will have rocky ledges and trees which will provide these animals with ample exercise. Winter quarters are provided. This new exhibit area is funded and is under construction. Completion is expected by July, 1977.

(ii) A BRIEF RESUME OF THE TECHNICAL EXPERTISE AVAILABLE, INCLUDING ANY EXPERIENCE THE APPLICANT OR HIS PERSONNEL HAVE HAD IN PROPAGATING THE SPECIES OR CLOSELY RELATED SPECIES TO BE IMPORTED.

See enclosed personnal resume.

(iii) A STATEMENT OF WILLINGNESS TO PARTICIPATE IN A COOPERATIVE BREEDING PROGRAM AND MAINTAIN OR CONTRIBUTE DATA TO A STUDBOOK.

The Cincinnati Zoo is currently involved in cooperative breeding programs, studbook maintenance as well as the International Species Inventory System, in an effort to enhance captive propagation of zoo species, especially those of rare and endangered species.

(iv) A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER: ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE WILDLIFE IN TRANSIT; AND THE ARRANGEMENTS FOR CARING FOR THE WILDLIFE ON IMPORTATION INTO THE UNITED STATES.

Not applicable.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

Edward J. Maruska
Director

EJM:kf
enclosures

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-997-07; please refer to this number when submitting comments. All relevant comments received on or before August 8, 1977 will be considered.

Dated: July 1, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-19217 Filed 7-6-77;8:45 am]

GEOLOGICAL SURVEY

Availability

The Geological Survey has written and published a document describing its policies, practices, and responsibilities for safety and environmental protection in oil and gas operations on the Outer Continental Shelf. In addition to describing the means through which the Geological Survey carries out its responsibilities on the Outer Continental Shelf, the document presents a brief description of the functional components of the overall Geological Survey's role on the Outer Continental Shelf.

Copies of this document, entitled Policies, Practices, and Responsibilities for Safety and Environmental Protection in Oil and Gas Operations on the Outer Continental Shelf, are available at the following address:

Acting Chief, Conservation Division, U.S. Geological Survey, 12201 Sunrise Valley Drive, National Center, Mail Stop 600, Reston, Virginia 22092.

Copies may also be obtained from the Geological Survey's Regional Conservation Manager offices at the following addresses:

Conservation Manager, U.S. Geological Survey, Eastern Region, 1725 K Street NW., Suite 204, Washington, D.C. 20006.
Conservation Manager, U.S. Geological Survey, Gulf of Mexico OCS Operations, 3301 N. Causeway Boulevard, Metairie, Louisiana 70011.
Conservation Manager, U.S. Geological Survey, Western Region, 345 Middlefield Road, Menlo Park, California 94025.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-19323 Filed 7-6-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Renewal

JULY 1, 1977.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4)); and paragraph 9 of OMB Circular A-63, notice is hereby given that continuance of the Advisory Committee on Science, Technology and Human Values has been approved by the Acting Chairman of the National Endowment for the Humanities until December 31, 1977.

This committee provides the National Council on the Humanities policy advice concerning a continuing program of the National Science Foundation and the National Endowment for the Humanities to support research and educational activities concerning relationships of science and technology to ethics and values. The compass of the program is related to both technology assessment and environmental impact but more specialized than either in its concentration on cultural and humanistic values. The committee reports to the Chairman of the Endowment and to the National Council on the Humanities.

The charter for the committee has been filed with standing committees of the Senate and House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-19272 Filed 7-6-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on July 25, 1977 in Room 1046, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting is to review the Westinghouse evaluation model for an emergency core cooling system with upper head injection.

The agenda for subject meeting shall be as follows:

Monday, July 25, 1977—8:30 a.m. until conclusion of business.

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Westinghouse Electric Corporation, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in open session to determine whether the matters identified in the initial session have been adequately covered.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff and Westinghouse matters involving proprietary information.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible

copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 18, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 22, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 1 and October 25, 1977, respectively, at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 5, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-19460 Filed 7-6-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the subject meeting to be held on July 14-16, 1977 (published on June 28, 1977—FEDERAL REGISTER Volume 42, No. 124) is revised as detailed below. This revision involves the cancellation of the site review of the San Joaquin Nuclear Project (8:45 a.m.—12:15 p.m. on July 14, 1977) and the rescheduling of the Black Fox Station Units 1 and 2 Construction Permit review to this time period. Several ACRS Subcommittees and Working Group reports previously scheduled for Saturday, July 16, 1977 (9:30 a.m.—12:30 p.m.) have been rescheduled for consideration on Friday, July 15, 1977 (2:30 p.m.—5:00 p.m.).

The revised agenda for the subject meeting will be as follows: Thursday, July 14, 1977, 8:30 a.m.—9:15 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including recommendations of the ACRS Procedures Subcommittee. Portions of this session will be closed if required to discuss information of a personal nature which if released would represent a clearly unwarranted invasion of personal privacy.

The Committee will also hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to review of the request for a Construction Permit for the Black Fox Station Units 1 and 2. Portions of this section will be closed if necessary to discuss Proprietary Information and security arrangements applicable to this project.

9:15 a.m.—12:15 p.m.: Black Fox Station Units 1 and 2 (Open)—The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for this facility. Portions of this session will be closed if necessary to discuss Proprietary Information and security arrangements applicable to this project.

1:15 p.m.—1:45 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for Preliminary Design Approval of the Fluor Pioneer, Inc. Balance of Plant Standard Safety Analysis Report. Portions of this session will be closed if required to discuss Proprietary Information and security provisions applicable to this type facility.

1:45 p.m.—5:15 p.m.: Fluor Pioneer, Inc. Balance of Plant Standard Safety Analysis Report (Open)—The Committee will hear presentations and hold discussions with representatives of the applicant and the NRC Staff regarding the request for a Preliminary Design Approval for this type of facility. Portions of this session will be closed if necessary to discuss Proprietary Information and security provisions applicable to this type of facility.

5:15 p.m.—6:30 p.m.: Executive Session (Open)—The Committee will hear and discuss reports of ACRS Subcomittees, Working Groups and members on a number of regulatory matters including the Reactor Safety Research Program for advanced reactors, proposed Regulatory Guides and related regulatory activities.

Friday, July 15, 1977, 8:30 a.m.—1 p.m. and 2 p.m.—2:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear persentations and hold discussions with the Executive Director for Operations and members of the NRC Staff regarding NRC Staff policy and procedures, recent operating experience at nuclear facilities, recent licensing actions, generic matters related to reactor licensing, and the future schedule for ACRS activities. This discussion will include:

Proposed improvements in the licensing process.

NRC Staff evaluation of system interaction effects.

Evaluation of foundation conditions at the North Anna Nuclear Station.

Equipment performance at the Rancho Seco and Beaver Valley Nuclear Plants.

Seismic reevaluation of San Onofre Nuclear Plant Unit 1 and Humboldt Bay Nuclear Plant.

Browns Ferry Nuclear Plant startup test program.

Performance of steam generator tubes in pressurized water reactors.

Report on bases for the design basis flood.

Provisions to isolate low-pressure from high-pressure systems.

2:30 p.m.—5 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Subcommittees and consultants who may be present regarding the decommissioning of nuclear facilities and the Combustion Engineering, Inc. Core Protection Calculation System. The Committee will also discuss proposed ACRS reports on the Fluor Pioneer Balance of Plant Standard Safety Analysis Report and the NRC Advanced Reactor Safety Research Program.

5 p.m.—6 p.m.: Executive Session (Closed)—The Committee members will discuss a proposed ACRS report to NRC on the Black Fox Station Units 1 and 2.

V 42 I 130 JUL 7 7 UMI

Saturday, July 16, 1977, 8:30 a.m.—9:30 a.m. and 1:30 p.m.—2:30 p.m.: Executive Session (Closed)—The Com-

tal impacts outside the radiological safety area.

With respect to public participation

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards informa-

as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in

the United States Nuclear Regulatory Commission by law.

The Review Group will provide advice

ploded 26 minutes later. The front brick wall collapsed into the street and trapped two firemen; the street then caved in

Saturday, July 16, 1977, 8:30 a.m.—9:30 a.m. and 1:30 p.m.—2:30 p.m.: Executive Session (Closed)—The Committee will meet in closed session to prepare its report to the NRC on the Black Fox Station Units 1 and 2.

9:30 a.m.—12:30 p.m. and 2:30 p.m.—4 p.m.: Executive Session (Open)—The Committee will meet in open session to hear and discuss the reports of ACRS Subcommittees, Working Groups, and members regarding various generic matters including:

Reliability of light water reactor pressure vessels—UKAEA Report on the Integrity of PWR Pressure Vessels.

The Committee will also prepare its reports on the NRC Reactor Safety Research Program for Advanced Reactors, the Fluor Pioneer Balance of Plant SSAR, and other matters discussed during this meeting as required.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552b.(c)(4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b.(c)(1)(4)), and material of a personal nature which if released would clearly constitute an unwarranted invasion of personal privacy (5 U.S.C. 552b.(c)(6)). The portion of the meeting during which the ACRS report on the Black Fox Nuclear Station is prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information from information considered exempt from disclosure under exemptions (1), (4), (6), and (10) of 5 U.S.C. 552b.(c) during these portions of the meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 6, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the following Public Document Rooms:

Black Fox Station: Tulsa City-County Library, 400 Civic Center, Tulsa, OK 74102.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety-related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obained by a prepaid telephone call on July 13, 1977, to the Office of the Executive Director of the Committee (Telephone: 202-634-1371) between 8:15 A.M. and 5:00 P.M., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on July 13, 1977.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings of the proceedings will be permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed. The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portion(c) of the meeting where factual information is presented will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW Washington, DC, on or after October 14, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: June 30, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-19237 Filed 7-6-77;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment revises operability requirements for the Rod Sequence Control System and the Rod Worth Minimizer and adds safety related snubbers to Table 3.6-1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated April 27, 1977, (2) Amendment No. 23 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of June 1977.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-19215 Filed 7-6-77;8:45 am]

[Docket Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO. (HOPE CREEK GENERATING STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Jerome E. Sharfman, Chairman
Richard S. Salzman
Dr. W. Reed Johnson

Dated: June 29, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-19214 Filed 7-6-77;8:45 am]

RISK ASSESSMENT REVIEW GROUP

Notice of Establishment

This notice announces the establishment of the Risk Assessment Review Group which has been determined to be in the public interest in connection with the performance of duties imposed on the United States Nuclear Regulatory Commission by law.

The Review Group will provide advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400, and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and on future courses of action which should be taken to improve this methodology and its application. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process, in improving the base for the use of such assessments. It will also clarify the achievements and limitations of the Reactor Safety Study.

To assure proper balance, objectivity, and independence of judgment, membership of the Review Group will be comprised generally of persons who have had no responsibility for the WASH-1400 Study and will include several members who previously have commented critically on the Study. In addition, the Group will be chaired by a non-government employee, Professor Harold W. Lewis of the University of California, Santa Barbara.

The Review Group will submit a report upon completion of its review and analysis prior to the termination of the group on or before December 31, 1977. NRC will provide the Review Group with administrative and secretarial services and the funds to acquire adequate meeting rooms and for other necessary expenses.

Copies of the Review Group charter will be filed with the appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated at Washington, D.C. this 1st day of July, 1977.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-19295 Filed 7-5-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-27]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES; ANNUAL REPORT TO CONGRESS

Availability and Receipt

Pipeline Accident Report.—The National Transportation Safety Board on June 29 released its report on the gas explosions and fires in Allentown, Pennsylvania, which last August 8 resulted in the death of two firemen, injuries to 14 persons, the destruction of two houses and four buildings, and damage to several other buildings.

At 2 p.m. on August 8, a gas explosion destroyed one house. Gas migrated from a break in a 4-inch cast-iron main under the street through loose soil under a concrete sidewalk and into the building through cracks and openings in its foundation. Another house, across the street from the site of the first explosion, exploded 26 minutes later. The front brick wall collapsed into the street and trapped two firemen; the street then caved in directly in front of them. The cast-iron gas main within the sinkhole broke into several pieces. Flames from the broken main were more than 10 feet high and hampered rescue of the trapped firemen.

The Safety Board's narrative report, No. NTSB-PAR-77-2, lists the probable cause of the accident as the ignition, by unknown sources, of natural gas which had leaked from a broken cast-iron gas main under the street in front of the houses. The gas main had been weakened structurally by localized graphitization—a form of corrosion—and was undermined by a sinkhole. The failure to check the second house for an explosive atmosphere and to shut off its gas supply resulted in the fatalities and injuries.

As a result of its investigation, the Safety Board on June 8 recommended that the UGI Corporation of Reading, Pennsylvania, (1) update its 1968 firemen's guide and training program with instructions on how to deal with such an accident; (2) rewrite its emergency plans to include new Federal requirements which became effective last October 1 and to insure better coordination with public officials; and (3) work with equipment manufacturers to perfect a survey unit such as downward-looking radar that could be used to detect the location of sinkholes in the vicinity of cost-iron gas mains (Recommendations P-77-1 through 3).

The Board also urged the U.S. Office of Pipeline Safety Operations to help in industry development of such sinkhole detector equipment (P-77-4), and further recommended that the gas piping standards committee of the American Society of Mechanical Engineers develop guidelines to assist pipeline operators during emergencies to promptly isolate leaking segments of pipe in a low-pressure system (P-77-5). (See 42-FR 30700, June 16, 1977.)

Railroad Safety Recommendations R-77-14 through 17.—Four Class II recommendations, for priority followup, were issued June 29 by the Safety Board to the Chicago Transit Authority (CTA) as a result of investigation into the collision of two CTA trains in Chicago, Illinois, last February 4.

At 5:27 p.m. c.s.t. on February 4, Lake-Dan Ryan train No. 930 struck the rear of Ravenswood train No. 415, which was standing on the elevated rail structure at the intersection of Wabash Avenue and Lake Street. The first four cars of the eight-car Lake-Dan Ryan train fell from the elevated structure and overturned. Eleven person were killed and 183 persons were injured. Property damage was estimated to be $1.2 million.

The Board's letter issuing the recommendations to CTA notes that CTA's automatic train control system displays color light cab signals and that the speedometer displays the maximum speed permitted for each cab signal. The system is so designed that if an operator exceeds the indicated speed for more than a defined period of time, the brakes

of this train will automatically apply. A train that enters a signal block adjacent to an occupied block, or an occu-

Annual Report to Congress.—The Safety Board on June 30 released its 10th annual report to Congress. The 1976

The Safety Board, having been informed that FAA withdrew its airworthiness proposal dealing with the

mendations and guidelines for train

The Civil Aeronautics Board.—On June 17, the Safety Board commented on

even though the caboose maintained its structural integrity. The Board recom-

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of this train will automatically apply. A train that enters a signal block adjacent to an occupied block, or an occupied signal block, receives a steady red cab signal. When the train stops, the signal changes to a flashing red, which allows the train to be moved forward at a speed not exceeding 15 mph. The Board notes that rules of the CTA do not permit a train to proceed on a flashing red cab signal until permission has been obtained from the controller.

Investigation revealed that because of a train ahead, the Ravenswood train had received a steady red cab signal and was stopped on the westbound track with its rear car standing on the curve at Wabash Avenue and Lake Street. The operator had not called the controller for permission to move because he was waiting for the train ahead to proceed.

Investigation further indicated that the operator of the Lake-Dan Ryan train apparently did not understand that, unless communications failed, he was always required to obtain permission from the controller before proceeding on a flashing red cab signal. He also did not have a clear understanding of the meanings of the cab signal indications.

The confusion and lack of understanding of operating rules and of the cab signal indications indicates inadequate training or the lack of periodic recurrent training, the Board stated. CTA instructs operators on the rules when they are first hired and depends on the posting of rule change information to keep the operators current with the rules. A frequent review of the rules with the operators and efficiency checks by supervisors would provide invaluable assistance in keeping the operators conversant with the intent of the rules.

Evidence brought out at the public hearing indicated that the motorman's record during the past 8 years contained numerous rule violations. The present agreement between the CTA and the operators' union to use only an employee's discipline record for 1 year to determine his past performance for disciplinary purposes also is being used by the CTA to evaluate the safety performance of an employee and to decide if he is a potentially high-risk employee. The Board believes that more than 1 year of an operator's service record should be considered in a safety performance evaluation.

In view of these findings, the Safety Board recommends that CTA:

Initiate a program which will (1) provide a systematic review of the operating rules so that all employees will have a clear understanding of such rules and of any changes, and (2) insure employee compliance with the rules. (R–77–14)

Discontinue the automatic display and control function of the flashing red cab signal and its associated flashing yellow 15 mph on the speedometer. (R–77–15)

Operate trains on an absolute block. If it becomes necessary to enter an occupied block in emergency, provide procedures that will insure safe operation. (R–77–16)

Consider an operating employee's complete service record when judging the employee's operating capabilities. (R–77–17)

Annual Report to Congress.—The Safety Board on June 30 released its 10th annual report to Congress. The 1976 report contains, for the first time, a biennial review of transportation safety—a requirement of the Independent Safety Board Act of 1974. The review includes citations of both needed transportation safety improvements and safety gains produced by the Board's accident investigations and safety recommendations.

The review makes a number of recommendations to Congress, including the need to:

• • • attack the total aviation approach and landing system problem, including improvement in the adequacy of weather observations.

• • • improve survivability of air carrier accidents through mandatory dynamic testing of seats, better cabin lighting for emergencies, and requiring fire resistant materials for cabin interiors.

• • • require safety rules and standards for rail rapid transit.

• • • review existing limitations on use of the National Driver Register.

• • • review the necessity for more stringent regulations to control highly volatile liquids carried by pipelines.

In addition to the biennial review, the Board's annual report includes chapters on significant safety trends in 1976 transportation accident statistics, and an analysis of the Board's safety recommendations.

The report's appendices also include an 11-year breakdown of selected aviation statistics. The statistics for 1976, for example, show that in all operations the certificated route air carriers, supplemental carriers, and commercial operators of large aircraft had 28 accidents. Four of these were fatal, raising the year's death toll to 45—the lowest recorded death toll since 1954 when 40 persons died.

In general aviation, the statistics show the total number of accidents in 1976 increased by 8 percent to 4,567. But the number of fatal accidents—636—decreased by 6 percent compared to 1975.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A–75–20 and 21.—Federal Aviation Administration's letter of June 22 is in response to the Safety Board's inquiry dated June 6, 1977, concerning recommendations issued March 6, 1975, which related to the security of the nose compartment door on light, twin-engine aircraft. FAA's initial response dated May 19, 1975, indicated acceptance of recommendation A–75–21.

However, recommendation A–75–20, which called for a double locking device, was rejected on the rationale that the installation of additional locks would not provide any safety benefits since the careless operator who does not utilize existing latches would ignore additional ones. The letter also mentioned that a change to FAR 23.783 had been discussed in the Biennial Airworthiness Review and that it was a part of FAA's program to require the means for a direct visual inspection to signal crewmembers when the door is closed and locked.

The Safety Board, having been informed that FAA withdrew its airworthiness proposal dealing with the visual inspection of the cargo door, on June 6 requested FAA's reasons for the withdrawal of the proposal and FAA's proposed action on this recommendation.

FAA's June 22 response notes discussion of the proposal in December 1974 at the Airworthiness Review Conference. FAA states, "Briefly, the comments received opposed the proposed changes based on added complexity, increased weight, installation and maintenance penalties and that it was not in the public interest since the accident and incident history would not support such a change." FAA notes that the proposal was formally withdrawn and published in the FEDERAL REGISTER on July 11, 1975.

Highway H–76–17.—The Texas State Department of Highways and Public Transportation on June 20 responded to the Safety Board's May 31 request for information as to progress in the Department's highway safety improvement program. (See 42 FR 29580, June 9, 1977.) The Department informs the Board that the State of Texas has been making an on-the-site investigation of roadside hazards since the fall of 1974.

The Department states, "At the present time about sixty percent of the roadways on the State highway system have been inventoried at a cost of approximately $350,000. It is anticipated that all highways with ADT of 1,000 vehicles or more will be inventoried." The Department also notes that in preparing the program submission in the Districts the inventory is used for safety projects.

Railroad: R–77–3 through 5.—Federal Railroad Administration's letter of June 20 concerns recommendations issued in conjunction with the Safety Board's investigation of the Union Pacific Railroad freight train derailment near Hastings, Nebraska, last August 2. (See 42 FR 21676, April 28, 1977.)

With regard to recommendation R–77–3, which sought regulations to insure that the locations of heavily loaded freight cars in a train will not adversely affect the train's operation, and recommendation R–77–5, which asked FRA to require that locomotive engineers be instructed in the braking of trains for varied circumstances that may develop during a train's operation, the June 20 response discusses FRA's participation in a cooperative Government/industry research program in Track-Train Dynamics—a multiphase program effort begun in 1972 and scheduled to continue through 1982.

FRA states that the Track-Train Dynamics Program (TTD) is jointly funded, staffed, and supported by the Railway Progress Institute, the Association of American Railroads (AAR), the Transportation Development Agency of the Canadian Government, the U.S. Federal Railroad Administration, and the Office de Recherches et D'Essais of the Union International des Chemin de Fer.

Two of the outputs of Phase I–TTD, according to FRA, were detailed recommendations and guidelines for train makeup and engineer education; many of the recommendations dealt with the handling and placement of heavily loaded cars and with the education of engineers in train handling performance. FRA notes that an Implementation Officers Section, formed by AAR as a TTD subcommittee, is translating the generalized recommendations of TTD Phase I into specific operating rules and training programs for individual railroads.

FRA recognizes the need to tailor general recommendations and guidelines to specific needs and has encouraged AAR's voluntary efforts in this regard. FRA reports that it has chosen this course of action in lieu of mandatory regulations covering either one of these subject areas "since it is believed that it is not possible to develop practicable and enforceable regulations at this time." As more detailed knowledge is gained in such areas as track-train dynamics interaction, improved train handling strategies, and engineer operating performance capabilities, FRA states that it may reassess this position. In the interim, FRA will continue to monitor AAR's efforts to successfully implement TTD program results.

Regarding R–77–4, which recommended that FRA require that trains operated over unstable track be limited by a slow order, verbal contact by radio, or by flag protection to speeds that will reduce the possibility of track buckling from forces that exceed the restraining ability of the track, FRA states:

> FRA is sympathetic with NTSB's concern that carriers operate at speeds that are consonant with the capability of the track to accept the applied wheel-rail forces. The problem is how to specify exactly stable track. This is a highly judgmental situation today, since the technical knowledge is not currently sufficient to adequately define it. Some factors are widely recognized as contributing to reduced track stability, and these are generally recognized in carrier instructions to field personnel. Other factors such as longitudinal rail stress are important, yet not measurable, inputs to track instability.
>
> FRA believes that in the absence of relevant guidelines it cannot, by regulation, place the burden of defining stable track on the carriers. Stable track is a broad term and really encompasses recognition of all of the many elements that can lead to track instability. FRA's Office of Research and Development currently is investigating the various parameters that contribute to unstable track. FRA is proceeding at the most practicable pace toward solving this important problem. The NTSB recommendation will be held in abeyance until this complex research reaches that point at which verified output can be reflected in effective regulations.

BOARD CORRESPONDENCE RELATING TO SAFETY RECOMMENDATIONS

Within the past few weeks, the Safety Board has supplied several other Federal agencies with comments on their recent notices of proposed rulemaking. Comments which additionally concern earlier Safety Board recommendations have now been forwarded to—

The Civil Aeronautics Board.—On June 17, the Safety Board commented on a proposed revision to 14 CFR Part 241, Uniform System of Accounts and Reports for Certificated Air Carriers, which was published April 29 at 42 FR 21793. The Safety Board stated, with reference to its recommendation A–77–44 concerning supplemental air carrier operation, that although the CAB's NPRM requires that a variety of information be reported, the requirement to report nonrevenue operations of certain supplemental air carriers was not included. Recommendation A–77–44 indicated that the Safety Board needs certain statistical data for use as an exposure base comparable to that of certificated route carriers.

The Safety Board further stated that, although a portion of the accounting and reporting requirements will fulfill the intent of recommendation A–74–44 (b), section (a) of that recommendation was not discussed in the proposal; its incorporation into the NPRM is urged. "Specifically, A–74–44(a) recommended that requirements for the periodic reporting of certain additional statistical data be included as follows: "For certificated route and supplemental air carrier operations in the nonrevenue category—departures and miles flown, respectively (assuming that the revenue and nonrevenue departure information for the supplemental air carriers which is presently collected for ICAO is equivalent in scope and accuracy to other information reported on CAB Form 41)."

The Federal Aviation Administration.—On June 30, the Safety Board concurred in FAA's proposal to require a one-time magnetic particle inspection of the main rotor hub trunnion within 100 hours on Bell Model helicopters 206A, 206B, 206A–1, and 206B–1 to preclude possible fatigue failure. The proposal was published June 20, at 42 FR 31171. The Safety Board notes that this action is in response to its recommendation A–77–23, issued May 11 (42 FR 25789, May 19, 1977).

The Federal Railroad Administration.—On May 20, the Safety Board in commenting on FRA's proposal re minimum safety requirements for railroad caboose cars, reiterated its concern with crashworthiness and other design considerations of railroad equipment affecting employee safety. FRA's proposal was published April 13 at 42 FR 19359.

The Safety Board has commented extensively on crashworthiness in locomotive cab design as part of the general usefulness of a design in assisting a locomotive engineer to perform his work efficiently. The following accident investigations conducted by the Board, and related safety recommendations, are addressed in the Board's comments to FRA:

At Riverdale, Illinois, September 8, 1970. In a low-speed collision, the caboose overrode a locomotive, and the engineer was killed when the caboose penetrated the locomotive cab. A conductor in the caboose was killed when the caboose fell down an embankment even though the caboose maintained its structural integrity. The Board recommended that the FRA and the railroad industry continue and expand their cooperative efforts toward the timely improvement of crashworthiness of railroad equipment. (R–71–39 through 44)

At Sound View, Connecticut, October 8, 1970. The Board concluded, "The caboose does not incorporate crashworthiness concepts in its design; it would benefit from a design review that would consider the application of present technology to specific problems, such as passenger packaging and communications capabilities." (R–72–1 through 8)

At Taft, Louisiana, February 21, 1973. Rapid deceleration of the caboose caused the unrestrained conductor to be hurled forward, strike the front wall of the cupola, and fall backward between the seats. The Board concluded that a properly fastened seatbelt might have prevented his injuries. (R–73–38 through 41)

At Indio, California, June 25, 1973. When the locomotive of one train struck the 25-ton caboose of another train, the caboose raised up and overrode the underframe of the first locomotive unit. The caboose demolished the short end of the unit and the control compartment back to the engine compartment and smashed the control compartment of the second locomotive unit before it was thrown onto its roof along the north side of the track. The interior of the caboose was set on fire and was completely destroyed.

The Board believes that the design and performance deficiencies cited by the Railway Labor Executive Association do not include all of complete design review, as recommended by the Safety Board, and a task analysis of the caboose crew would be beneficial and should be considered by FRA.

NOTE: The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident report, the safety recommendation letter, and the Annual Report to Congress, in their entirety, are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JULY 1, 1977.

[FR Doc.77-19336 Filed 7-6-77;8:45 am]

OFFICE OF THE ASSISTANT TO THE PRESIDENT FOR REORGANIZATION

welcomes comments, ideas, or suggestions on reorganization at any time.

ceding page will inevitably involve trade-offs. Where these are necessary,

federal agencies, and the impact of standards and reporting requirements

technology to human needs? What should be the proper mix of government-

What changes would you recommend in the present recruitment, hiring and

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OFFICE OF THE ASSISTANT TO THE PRESIDENT FOR REORGANIZATION

EXECUTIVE BRANCH REORGANIZATION

Invitation for Public Comment

AGENCY: Office of the Assistant to the President for Reorganization.

ACTION: Request for public comment.

SUMMARY: President Carter has committed his Administration to comprehensive reorganization of the Federal Executive Branch. His goal is to streamline the government, making it more competent to serve the people. Executive reorganization will depend on broad public awareness and participation. The purpose of this document is to further the President's goal by presenting the major reorganization issues to the public and encouraging their views.

DATES: Comments should be received on or before August 5, 1977.

ADDRESS: Reorganization Issues, The White House, Washington, D.C. 20500.

FOR FURTHER INFORMATION CONTACT:

Tom Belford, Office of the Assistant to the President for Reorganization, 202–456–6730.

SUPPLEMENTARY INFORMATION: The President's Assistant for Reorganization has responsibility to insure every opportunity for public involvement at each stage of the reorganization process, from pinpointing problems to developing final proposals. The President's Reorganization Project study teams, working under Bert Lance, Director of the Office of Management and Budget, have begun examining various Federal organizational problems. Certain study priorities—civil rights enforcement, civil service reform, law enforcement, human services delivery and community development, for example—have been identified already. Others are yet to be determined as part of an ongoing four-year review.

Following is a brief description of the President's Reorganization Project and a series of questions on which responses are invited. Please send your comments promptly since an early response will insure that your views assist both in guiding initial studies and in identifying additional reorganization priorities.

President Carter has directed that his reorganization teams pursue a "bottom-up" approach, looking at how government affects people directly and reexamining government structure and process accordingly. To be successful, this approach will require the involvement of those potentially affected by change as well as others who see opportunities for improving government performance.

This invitation to comment is only the first of many opportunities the public will be afforded to advise us on reorganization matters. We will certainly want additional views on specific reorganization issues as they develop. Of course, the President's Reorganization Project welcomes comments, ideas, or suggestions on reorganization at any time.

Dated: June 24, 1977.

RICHARD A. PETTIGREW,
Assistant to the President for Reorganization.

REORGANIZATION ISSUES

President Carter has pledged to make the Federal government more competent through improvements in Executive Branch structure and management.

Major objectives of reorganization include:

Efficiency and economy in government operations;

More effective planning, coordination and administration of government activities;

More open, responsive and understandable government;

Reduced governmental fragmentation, overlap and paperwork;

More simplified government regulations;

Increased predictability and consistency in governmental actions;

Improved relationships among Federal, state and local governments to promote partnership and coordinated delivery of services;

Higher levels of performance from federal officials.

Attaining these reorganization objectives will require careful and comprehensive analysis by the President's Reorganization Project. It will also require the broadest possible public participation.

The survey that follows begins with cross-cutting questions on the broad issues of Executive Branch reorganization. Following these are additional questions dealing with each reorganization study category. These questions are designed to serve primarily as points of general comment. Should you wish to focus your response on other reorganization issues, please do so in any manner you deem appropriate. Your views are welcome in every area.

I. GENERAL REORGANIZATION ISSUES

Which Federal departments and agencies are most in need of reexamination?

What tasks does the Federal government perform especially well? What tasks does it perform poorly?

Do you have specific examples of governmental programs that are failing to accomplish their purposes because they are improperly organized or managed? Can you suggest programs that are succeeding on the basis of proper organization?

What general standards would you recommend to evaluate the merits of any federal reorganization proposal? Examples might include improved service, reduced costs and paperwork.

What methods can you suggest for involving citizens in the federal reorganization effort on a continuing basis?

An effort to attain the various reorganization objectives listed on the preceding page will inevitably involve trade-offs. Where these are necessary, to which objectives would you attach the highest priority?

II. ISSUE CATEGORIES

The President's Reorganization Project consists of several study teams, each examining different functional areas of the Executive Branch. Here are brief descriptions of each study area. Once again, the questions are representative only and not intended to limit the scope of your response. Develop your views in any manner you find appropriate.

1. *General Government.* The overall justice system, including federal law enforcement, litigation, prosecution and rehabilitative activities; general revenue sharing and other general purpose fiscal assistance; revenue collection; central administrative activities such as fiscal, property and records management; and planning. Agencies of major interest in this area are the Departments of Treasury and Justice and the General Services Administration.

How can the administration of federal law enforcement be improved?

In what areas, if any, should the Federal government be playing a greater or lesser role? Should state or local governments assume greater responsibility in the law enforcement area?

Do you believe there is adequate coordination and planning in the nation's justice system? Can you indicate how and in what areas coordination or administration might be improved?

Have you any suggestions for improving federal procurement procedures? How can selling goods and services to the Federal government be simplified for smaller businesses?

Do you see any need for the Federal government to improve its long-range planning capabilities? If so, what planning mechanisms would you suggest?

2. *Human Resources.* Health, education, social services, nutrition, income assistance, employment, training, retirement and youth assistance programs. Key agencies include the Departments of HEW, Labor, Agriculture, and the Community Services Administration.

Are you aware of particular human resources policy or management problems that organizational changes might help to solve? Can you suggest any solutions that should be considered? In your judgment which human resources programs are well organized and managed and which are not?

In cases where particular federal, state, and local agencies are jointly involved in human resources programs, can you suggest ways to improve coordination of service delivery?

3. *Civil Rights Enforcement.* The Federal government's overall effort to ensure equal opportunity for minorities, women, the aged and the handicapped in the areas of employment, education, housing and federally assisted programs. The study will focus on management and administrative improvements, fragmentation of responsibilities among various

federal agencies, and the impact of standards and reporting requirements upon the affected interests. The principal agencies to be studied initially include the Departments of Justice and Labor, the Equal Employment Opportunity Commission, and the Civil Service Commission.

Do you think that discrimination complaints are adequately handled by the Federal government? If not, can you cite examples? Is there overlap or duplication among agencies handling discrimination complaints?

Do you think that persons know where they can go for relief when they feel they have been discriminated against? Is the federal enforcement effort sufficient with respect to minorities? Women? The aged? The handicapped?

How would you assess the regulatory impact of equal opportunity regulations and reporting requirements? Too burdensome? Necessary and appropriate? Can you suggest alternative methods for achieving equal opportunity objectives?

4. *National Security and International Affairs.* The structure, decision processes, and roles and missions of agencies in formulating and implementing national security and foreign affairs policy. Agencies of major interest include the Department of Defense and the Department of State.

Within the broad functional area of national security and international affairs, what problems, if any, do you see which should be reviewed by the President's Reorganization Project? Are such problems related to organizational structure, decision processes or other factors? Please explain and provide specific suggestions for improvements.

How can foreign policy and/or national security policy be developed with more public input? How would you recommend this be accomplished?

5. *Natural Resources, Environment, and Energy.* Federal programs for management of land, water, mineral, historical and forest resources, and for protection of the environment. Development and utilization of science and technology for national purposes. Agencies: the Department of the Interior, Environmental Protection Agency, Forest Service, National Oceanic and Atmospheric Administration, TVA, Army Corps of Engineers, National Aeronautics and Space Administration, the National Science Foundation, and the planned Department of Energy.

Is the Federal government organized effectively to manage and protect the nation's land resources? What about water and ocean-related resources? Are there any changes you would recommend?

Is the government well organized to implement environmental programs? Is it organized to confront and resolve properly the choices involving environmental protection and economic development? What organizational improvements would you propose?

What should be the federal role in fostering scientific research and applying technology to human needs? What should be the proper mix of government-conducted versus government-funded research?

6. *Economic development.* Federal programs dealing with urban development, rural development, housing, transportation, communications, business promotion, and the structure of the economic policy-making process. Agencies include the Departments of Commerce, Transportation, Agriculture, Housing and Urban Development, as well as the Postal Service, Small Business Administration, Export-Import Bank, Federal Reserve Board and other bank regulatory agencies, AMTRAK, the Federal Trade Commission, the ICC, the CAB, and the Federal Maritime Commission.

How can the Federal government be better organized to encourage rural and urban economic vitality? What are the most effective approaches to delivery of economic and community development assistance?

What organizational changes can be made to improve the nation's transportation system? Should transportation programs be integrated more fully into urban programs?

What should be the goals of the Federal government in the area of housing? Are separate urban and rural housing and community development programs desirable?

7. *Regulatory Reform.* The regulatory structures and practices of the Federal government. These include those policies governing certain economic decisions of business, such as regulation of prices, rates, certificates, and franchises. Also covered are those regulations designed to protect the environment and the public health and safety. The cost-effectiveness and public accountability of various regulatory schemes will be included in this study.

How would you assess the performance of the present federal regulatory system in protecting public health and safety? Worker health and safety? In preserving competition? What specific deficiencies do you perceive and how could they be remedied?

Can you provide examples of overlap, duplication or conflict among regulations issued by government agencies? How might these be resolved?

What circumstances do you believe justify regulatory action by the Federal government? In what areas would less regulation be appropriate?

Do you think there may be better approaches than direct regulation for achieving national goals? Would incentives or direct federal subsidies be feasible alternatives? In what instances?

Do you believe that regulatory agencies are properly accountable to the public? If not, how should accountability be improved? How can we achieve more effective public participation in agency decisions?

8. *Federal Personnel Management.* Federal personnel policies, processes and organization. The Civil Service Commission.

What changes would you recommend in the present recruitment, hiring and retention policies of the federal civil service?

Do you believe that the federal civil service is a productive work force? If so, why? If not, what improvements should be made?

What changes would you recommend to improve the responsiveness of federal civil servants to the public?

[FR Doc.77-19478 Filed 7-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[(CGD 77) 123]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Bulk Liquid Facilities to be held on August 10, 1977, beginning at 9:30 a.m., Room 8334, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

1. To discuss the drafting of proposed waterfront facility regulations under the authority of the Ports and Waterways Safety Act of 1972.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from: Capt. C. E. Mathieu, Commandant (G–MHM/83) U.S. Coast Guard, Washington, D.C. 20590 (202–426–2306). Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on June 29, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-19348 Filed 7-6-77;8:45 am]

[CGD 77 124]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Liquefied Gas Facilities to be held on August 2, 1977, beginning at 9:30 a.m., Room 8334, Nassif Building, 400 7th Street SW., Wash-

V 42 130 JUL 7 7 7 UMI

ington, D.C. 20590. The agenda for this meeting is a follows:

1. To discuss the drafting of proposed waterfront facility regulations under the authority of the Ports and Waterways Safety Act of 1972.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from; Capt. C. E. Mathieu, Commandant (G-MHM/83) U.S. Coast Guard, Washington, D.C. 20590 (202-426-2306). Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on June 29, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-19349 Filed 7-6-77;8:45 am]

[CGD 77 121]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from May 4, 1977 to May 18, 1977 (List No. 7-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (46 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Not withstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

MARINE BUOYANT DEVICE

The Groendyk Manufacturing Company, Inc., Route 11, Buchanan, Virginia 24066, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/94/0, 160.064/95/0, 160.064/96/0, 160.064/97/0, 160.064/294/0, 160.064/295/0, 160.064/296/0, 160.064/297/0, and 160.064/298/0 were therefore terminated effective May 4, 1977.

The Gladding-Style Crafters Division, White Horse Road, Greenville, South Carolina 29605, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/102/0, 160.064/103/0, 160.064/438/0, 160.064/439/0, 160.064/440/0, and 160.064/441/0 were therefore terminated effective May 5, 1977.

The AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/214/0, 160.064/215/0, 160.064/216/0, 160.064/217/0, 160.064/281/0, 160.064/282/0, 160.064/283/0, 160.064/284/0, 160.064/285/0, and 160.064/286/0 were therefore terminated effective May 4, 1977 and Approval Nos. 160.064/540/0, 160.064/541/0, 160.064/644/0, 160.064/745/0, 160.064/746/0, 160.064/747/0, and 160.064/748/0 were therefore terminated effective May 5, 1977.

The Burbank Ski Company, 1855 Victory Place, Burbank, California 91504, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/310/0, 160.064/311/0, 160.064/312/0, 160.064/313/0, 160.064/314/0, and 160.064/315/0 were therefore terminated effective May 4, 1977 and Approval Nos. 160.064/521/0, 160.064/522/0, 160.064/660/0, 160.064/874/0, 160.064/875/0, 160.064/876/0, and 160.064/877/0 were therefore terminated effective May 5, 1977.

FIRE-PROTECTIVE SYSTEMS

The Walter Kidde & Company, Inc., Belleville, New Jersey 07109, Approval No. 161.002/6/0 expired and was therefore terminated effective May 17, 1977.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Philip Carey Company, Lockland, Cincinnati, Ohio 45215, Approval Nos. 164.009/2/0 and 164.009/3/0 expired and were terminated effective May 18, 1977.

INTERIOR FINISHES FOR MERCHANT VESSELS

The Westinghouse Electric Corporation, Decorative Micarta Division, Hampton, South Carolina 29924, Approval No. 164.-012/3/0 expired and was therefore terminated effective May 15, 1977 and Approval No. 164.012/4/0 expired and was terminated effective May 17, 1977.

Dated: June 29, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-19350 Filed 7-6-77;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

As published in the FEDERAL REGISTER on Thursday, June 23 the Truck and Bus Safety Subcommittee will meet on July 13 and 14 at the Hyatt Regency Hotel in Cambridge, Massachusetts.

The purpose of this notice is to outline the agenda for the meeting.

On July 13 at 2 p.m. in the Wm. Dawes A room the Safety Standards Task Force will meet to develop plans for future task force activities and to formulate agenda of technical matters related to FMVSS 121 for possible discussion by technical experts from the trucking industry.

The R & D Task Force will meet on July 13 at 2 p.m. in the Wm. Dawes B room to discuss the recent GAO report "The Federal Motor Carrier Safety Program" and to analyze DOT truck and bus safety research and development activity.

Also on July 13 at 2 p.m. the Operations and Driver Task Force will meet in the Thomas Payne A room to discuss plans to develop the driver information pamphlet and the maintenance and mechanics manual as requested by the Administrator, NHTSA.

On July 14 the full subcommittee will meet from 8:30 a.m. to 1 p.m. in the Thomas Payne A&B room to hear reports from the task forces, a report on the activities of NHTSA's 121 Task Force, a presentation by Insurance Institute for Highway Safety on requirements for rear underride protection and to discuss old/new business.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued in Washington, D.C., June 29, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-19149 Filed 7-6-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of System of Records

On April 27, 1977 the Office of the Secretary published for comment by interested persons (42 FR 21532) a proposal to establish a new system of records called the Early Implementation System (EIS), Treasury/Customs 00.278.

The Proposal also advised that adoption of the new system would cancel two existing systems, the Operator Identification File Treasury/Customs 00.275 and Automated Merchandise Processing System (AMPS) Liquidation File Treasury/Customs 00.025.

No comments were received. Accordingly, the system is adopted as proposed and is republished below.

Dated: June 29, 1977.

WILLIAM J. BECKHAM,
Assistant Secretary (Administration).

TREASURY/CUSTOMS 00.278

System name:

Early Implementation System (EIS)—Treasury/Customs.

System location:

The Computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington, D.C. (For addresses of Customhouses see Customs Appendix A.)

Categories of individuals covered by the system:

U.S. Customs Service employees and individuals involved in the import trade.

Categories of records in the system:

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA) file, country file, criteria file for the selection of routine items, Team TSUSA file, district port file, and the entry master file. The following system files may contain information about U.S. Customs Service employees and/or individuals/companies involved in the import trade.

(1) Authorized Terminals Users File: Contains Randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system. (2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer name, type of importation bond, expiration date, and surety code. The importer of record number is used as the method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS employer Identification number (EIN). The vast majority of importers have the EIN because of the business necessity for it.

The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded. (3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record. (4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated.

(6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

Authority for maintenance of the system:

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide the Bureau of the Census with a magnetic tape containing foreign trade data.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Disc.

Retrievability:

By identification codes and/or name.

Safeguards:

Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are keylocked when not in use. Access to the Customs computer from other than system terminals is prohibited by hardware controls. Users must input a unique identification code during the terminal log-on procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a need-to-know basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

Retention and disposal:

Files are retained indefinitely but are periodically updated to reflect changes, etc.

System manager(s) and address:

Director, AMPS Program Division, Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, is responsible for the security and safeguard of the operating system. Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, is responsible for all data maintained in the files.

Notification procedure:

Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures:

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system

of records and how he can contest its contents, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations

ment between the Government of Japan and the Government of the United States. They will serve to establish that

(3) Position Classification Records.
(4) Foreign Service Personnel Evalu-
ation Records

COMMISSION ON FEDERAL PAPERWORK

be held in Courtroom 2119, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 348, 230 South

plicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado

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of records and how he can contest its contents, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature

Contesting records procedures:

See Access above.

Record source category:

The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for non-authorized purposes to any person other than the party-of-record upon receipt of a written request.

[FR Doc.77-19163 Filed 7-6-77;8:45 am]

Office of Foreign Assets Control

IMPORTATION FROM JAPAN OF FERRO-CHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Issuance by the Government of Japan of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special Certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan are now available for imports of ferro-chromium and specialty steel products from Japan. These certificates are issued pursuant to a formal certification agreement between the Government of Japan and the Government of the United States. They will serve to establish that Japanese materials exported to the United States do not contain any chromium of Rhodesian origin. The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importation of specialty steel products from Japan. After July 18, 1977, only materials certified under this agreement may be imported under Section 530.503 of the Rhodesian Sanctions Regulations. (31 CFR 530.503). However, until July 18, 1977, importation of materials certified pursuant to the interim arrangements will continue to be authorized.

Dated: June 24, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:
BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-19201 Filed 7-1-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period June 13, 1977 through June 24, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

TENNESSEE VALLEY AUTHORITY

System name:
Electric Load Metering Survey.
Report Date:
June 15, 1977.
Point-of-Contact:
Mr. Alan R. Griswold, Privacy Act Coordinator, Tennessee Valley Authority, Knoxville, Tennessee 37902.
Summary:
TVA proposes to expand its study of electricity use by increasing the number of individuals from whom information is obtained in order to evaluate alternative rate structures and design, implement and improve energy conservation programs.

AGENCY FOR INTERNATIONAL DEVELOPMENT

System Names:
(1) Foreign Service Employee Personnel Records.
(2) Civil Service Employee Office Personnel Records.
(3) Position Classification Records.
(4) Foreign Service Personnel Evaluation Records.
(5) Employees Relations Records.
(6) Employee Conduct and Discipline Records.
(7) Awards and Incentives Records.
(8) Employee Payroll Records.
(9) Claims Records.
(10) Privacy Act Implementation Records.
Report Date:
June 21, 1977.
Point-of-Contact:
Mr. James L. Harper, Office of Personnel and Manpower, Agency for International Development, Department of State, Washington, D.C. 20523.
Summary:
This report proposes an additional routine use (disclosure to Department of Labor to determine eligibility for unemployment compensation), and changes to the location, system managers, and notification and access procedures for ten systems of records.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-19270 Filed 7-6-77;8:45 am]

UNITED STATES INFORMATION AGENCY

PRIVACY ACT OF 1974

Additional General Routine Use

The United States Information Agency proposes to establish an additional general routine use for one of its systems of records under the Privacy Act of 1974, in addition to the one announced in the FEDERAL REGISTER on September 23, 1976 (41 FR 41884).

The Agency proposes to amend USIA-21—Master Employee Records—IPT, to reflect a new use of performance evaluation reports. Under routine uses, USIA proposes to amend the first paragraph after "for preparation of employee performance rating;" by substituting the following:

evaluation of work performance used by Selection Boards and Merit Promotion Panels to determine whether employees should be promoted; evaluations of work performance are reviewed by Officer Evaluations Report Review Panel to correct technical deficiencies in reporting and improve quality of evaluations. Also see Prefatory Statement of General Routine Uses.

Public comment on this amendment is hereby invited.

Dated: June 27, 1977.

JOHN E. REINHARDT,
Director.

[FR Doc.77-19324 Filed 7-6-77;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the thirteenth regular meeting of the Commission on Federal Paperwork to be held on July 15, 1977, in Room 2154, Rayburn House Building, Washington, D.C.

The meeting will begin at 9 a.m. and will continue until approximately 12 noon. The meeting will be open to the public. The Commission will review progress on approved projects, including reports in the following areas: Rulemaking, Banking, Tax, Employment, and State and local government.

Anyone wishing to attend the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 2000, 1111, 20th Street NW., Washington, D.C. 20582, telephone 202-653-5400.

FRANK HORTON,
Chairman.

[FR Doc.77-19563 Filed 7-6-77;11:11 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 430]

ASSIGNMENT OF HEARINGS

JULY 1, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138134 Sub 7, Donald Holland Trucking, Inc. now assigned July 25, 1977 at Chicago, Illinois in Room 348, 230 South Dearborn Street is being transfered to Courtroom 2119, Everett McKinley Dirksen Building, 219 South Dearborn Street in Chicago, Illinois.

MC 118848 Sub No. 24 Domenico Bus Service, Inc., now being assigned October 3, 1977 (1 week) for hearing in Newark, N.J. in a hearing room to be later designated.

FF-C-67, Max Gruenhut, GMBH & Co., Max Gruenhut International, Inc., Inland Imports, Inc. and Green Container Transport, Inc., Investigation of Operations, now assigned July 28, 1977 at Chicago, Illinois has been postponed indefinitely.

MC 142769 (Sub-1), Colonial Refrigerated Transportation, Inc., now assigned July 13, 1977 at Dallas, Texas, hearing canceled and the application is dismissed.

MC 123294 Sub No. 40 Warsaw Trucking Co., Inc. Now assigned July 27, 1977 at Chicago, Illinois in Room 348, 230 South Dearborn Street is being transferred to Court Room 2119, Everett McKinley Dirksen Building, 219 South Dearborn Street in Chicago, Illinois.

MC 142640, P.W.K. Terminals, Inc., now assigned July 26, 1977, at Chicago, Ill. will be held in Courtroom 2119, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 348, 230 South Dearborn Street.

MC 121142 (Sub-No. 14) J & G Express, Inc., now assigned July 11, 1977, at Jackson, Miss. is cancelled and reassigned for November 7, 1977 (2 days), at Greenwood, Miss. and continued to November 9, 1977 (3 days), at Greenville, Miss., location of hearing rooms to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19357 Filed 7-6-77;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 0131, Amdt No. 4]

ALL RAILROADS

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 131 issued February 8, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 131 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire September 30, 1977.*

This amendment shall become effective June 30, 1977.

Issued at Washington, D.C., June 23, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-19356 Filed 7-6-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 1, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and poise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by July 18, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1872 (Sub-No. E5), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, when the foregoing commodities are moving as contractors' equipment and supplies,* (1) between points in Arizona on the one hand and, on the other, points in Iowa (points in Colorado);* (2) between points in Arizona on the one hand and, on the other, points in Kansas (points in Colorado);* (3) between points in Arizona on the one hand and, on the other, points in Missouri (points in Colorado);* (4) between points in Arizona on the one hand and, on the other, points in Nebraska (points in Colorado);* (5) between points in Arizona on the one hand and, on the other, points in South Dakota (points in Colorado);* (6) between points in Idaho one the one hand and, one the other, points in Iowa (points in Wyoming);* (7) between points in Idaho on the one hand and, on the other, points in Kansas (points in Wyoming);* (8) between points in Idaho on the one hand and, on the other, points in Missouri (points in Wyoming);* (9) between points in Idaho on the one hand and, on the other, points in Nebraska (points in Wyoming);* (10) between points in Idaho on the one hand and, on the other, points in South Dakota (points in Wyoming).*

(11) Between points in Montana on the one hand and, on the other, points in Iowa (points in Wyoming);* (12) between points in Montana on the one hand and, on the other, points in Kansas (points in Wyoming);* (13) between points in Montana on the one hand and, on the other, points in Missouri (points in Wyoming);* (14) between points in Montana on the one hand and, on the other, points in Nebraska (points in Wyoming);* (15) between points in Montana on and west of a line beginning at the United States-Canada International Boundary and extending along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line on the one hand and, on the other, points in South Dakota, on, south, and east of a line beginning at the South Dakota-North Dakota State line and extending along South Dakota State Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (points in Wyoming);* (16) between points in Montana on the one hand and, on the other, points in South Dakota on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 212 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction South Dakota State Highway 34, thence along

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South Dakota State Highway 34 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Minnesota State line (points in Wyoming).*

(17) Between points in Nevada on the one hand and, on the other, points in Iowa (points in Colorado *or* Wyoming);* (18) between points in Nevada on the one hand and, on the other points in Kansas (points in Colorado);* (19) between points in Nevada on the one hand and, on the other, points in Missouri (points in Colorado);* (20) between points in Nevada on the one hand and, on the other, points in Nebraska (points in Colorado *or* Wyoming);* (21) between points in Nevada on the one hand and, on the other points in South Dakota (points in Wyoming);* (22) between points in Utah on the one hand and, on the other, points in Iowa (points in Colorado *or* Wyoming);* (23) between points in Utah on the one hand and, on the other, points in Kansas (points in Colorado);* (24) between points in Utah on the one hand and, on the other, points in Missouri (points in Colorado *or* Wyoming);* (25) between points in Utah on the one hand and, on the other, points in Nebraska (points in Colorado *or* Wyoming);* (26) between points in Utah on the one hand and, on the other, points in South Dakota (points in Colorado *or* Wyoming);* (27) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line on the one hand and, on the other, points in South Dakota (points in Utah and Colorado).*

(28) Between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666, to the New Mexico-Arizona State line on the one hand and, on the other, points in Iowa (points in Utah and Colorado);* (29) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line on the one hand and, on the other, points in Missouri (points in Utah and Colorado);* (30) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line on the one hand and, on the other, points in Kansas (points in Utah and Colorado);* (31) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Nebraska (points in Utah and Colorado);* (32) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Oregon (points in Utah and Colorado);* (33) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line on the one hand and, on the other, points in Washington (points in Utah and Colorado);* (34) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line on the one hand and, on the other, points in Oregon (points in Utah and Colorado);* (35) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Kansas (points in Utah and Colorado);* (36) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Nebraska (points in Utah and Colorado);* (37) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Wyoming (points in Utah and Colorado);* (38) between points in Utah, on the one hand, and, on the other, points in Nebraska (points in Colorado *or* Wyoming);* (39) between points in Utah, on the one hand, and, on the other, points in Kansas (points in Colorado);* (40) between points in Utah, on the one hand, and, on the other, points in Missouri (points in Colorado *or* Wyoming);* (41) between points in Utah, on the one hand, and, on the other, points in Iowa (points in Colorado *or* Wyoming);* (42) between points in Arizona, on the one hand, and, on the other, points in Nebraska (points in Colorado *or* Wyoming);* (43) between points in Arizona, on the one hand, and, on the other, points in Kansas (points in Colorado *or* Wyoming);* (44) between points in Arizona, on the one hand, and, on the other, points in Missouri (points in Colorado *or* Wyoming);* (45) between points in Arizona, on the one hand, and, on the other, points in Iowa (points in Colorado *or* Wyoming);* (46) between points in Arizona, on the one hand, and, on the other, points in South Dakota (points in Colorado *or* Wyoming);* (47) between points in Arizona, on the one hand, and, on the other, points in Nebraska (points in Utah and Colorado);* (48) between points in Arizona, on the one hand, and, on the other, points in Kansas (points in Utah and Colorado);* (49) between points in Arizona, on the one hand, and, on the other, points in Missouri (points in Utah and Colorado);* (50) between points in Arizona, on the one hand, and, on the other, points in Iowa (points in Utah and Colorado);* (51) between points in Arizona, on the one hand, and, on the other, points in South Dakota (points in Utah and Colorado).*

(9) Between points in Oregon, on the one hand, and, on the other points in Iowa (points in Wyoming *or* Colorado and Montana *or* Utah);* (10) between points in Oregon, on the one hand, and, on the other points in South Dakota (points in Montana *or* Colorado and Wyoming *or* Utah);* (11) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Missouri (points in Wyoming or Colorado and Montana or Utah);* (5) between points in Washington, on the one hand, and, on the other, points in South Dakota (points in Wyoming *or* Colorado and Montana *or* Utah);* (6) between points in Oregon, on the one hand, and, on the other, points in Nebraska (points in Wyoming *or* Colorado and Montana *or* Utah);* (7) between points in Oregon, on the one hand, and, on the other, points in Kansas (points in Wyoming *or* Colorado and Montana *or* Utah);* (8) between points in Oregon, on the one hand, and, on the other, points in Missouri (points in Wyoming or Colorado and Montana or Utah).*

No. MC 1872 (Sub-No. E8), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Contractors' equipment and supplies, the transportation of which because of size or weight requires the use of special equipment, (1) between points in Washington, on the one hand, and, on the other, points in Nebraska (points in Wyoming and Montana);* (2) between points in Washington, on the one hand, and, on the other, points in Kansas (points in Wyoming *or* Colorado and Montana *or* Utah);* (3) between points in Washington, on the one hand, and, on the other, points in Missouri (points in Wyoming or Colorado and Montana *or* Utah);* (4) between points in Washington, on the one hand, and, on the other, points in Iowa (points in Wyoming *or* Colorado and Montana or Utah);* (5) between points in Washington, on the one hand, and, on the other, points in South Dakota (points in Wyoming *or* Colorado and Montana *or* Utah);* (6) between points in Oregon, on the one hand, and, on the other, points in Nebraska (points in Wyoming *or* Colorado and Montana *or* Utah);* (7) between points in Oregon, on the one hand, and, on the other, points in Kansas (points in Wyoming *or* Colorado and Montana *or* Utah);* (8) between points in Oregon, on the one hand, and, on the other, points in Missouri (points in Wyoming or Colorado and Montana or Utah).*

(9) Between points in Oregon, on the one hand, and, on the other points in Iowa (points in Wyoming *or* Colorado and Montana *or* Utah);* (10) between points in Oregon, on the one hand, and, on the other points in South Dakota (points in Montana *or* Colorado and Wyoming *or* Utah);* (11) between points in New Mexico west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Missouri (points in Utah and Colorado);* (14) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Iowa (points in Utah and Colorado);* (15) between points in New Mexico, on, west, and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 40 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Nebraska on, west, and north of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction Nebraska State Highway 23, thence along Nebraska State Highway 23 to the Nebraska-Colorado State line (points in Utah and Colorado);* (12) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along New Mexico State Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Kansas on, north, and east of a line beginning at the Kansas-Colorado State line and extending along Interstate 70 to junction Kansas State Highway 23, thence along Kansas State Highway 23 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas State Highway 96, thence along Kansas State Highway 96 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line (points in Utah and Colorado).*

(13) Between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Missouri (points in Utah and Colorado);* (14) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Iowa (points in Utah and Colorado);* (15) between points in New Mexico, on, west, and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 40 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway

82, thence along U.S. Highway 82 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado State Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line (points in Utah and Colorado).*

(16) Between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Wyoming, on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 210 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming State Highway 789, thence along Wyoming State Highway 789, to junction Wyoming State Highway 28, thence along Wyoming State Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming State Highway 430, thence along Wyoming State Highway 430 to the Wyoming-Colorado State line (points in Utah and Wyoming);* (17) between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction New Mexico State Highway 32, thence along New Mexico State Highway 32 to junction New Mexico State Highway 61, thence along New Mexico State Highway 61 to junction New Mexico State Highway 90, thence along New Mexico State Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in South Dakota (points in Utah and Colorado);* (18) between points in Utah, on the one hand, and, on the other, points in Nebraska (points in Colorado *or* Wyoming);* (19) between points in Utah, on the one hand, and, on the other, points in Kansas (points in Colorado);* (20) between points in Utah, on the one hand, and, on the other, points in Missouri (points in Wyoming or Colorado).*

(21) Between points in Utah, on the one hand, and, on the other, points in Iowa (points in Wyoming *or* Colorado);* (22) between points in Utah, on the one hand, and, on the other, points in South Dakota (points in Wyoming *or* Colorado);* (23) between points in Arizona, on the one hand, and, on the other, points in Iowa (points in Colorado or Wyoming);* (24) between points in Arizona, on the one hand, and, on the other, points in Kansas (Colorado *or* Wyoming);* (25) between points in Arizona, on the one hand, and, on the other, points in Missouri (points in Colorado);* (26) between points in Arizona, on the one hand, and, on the other, points in Nebraska (points in Colorado);* (27) between points in Arizona, on the one hand, and, on the other, points in South Dakota (points in Colorado);* (28) between points in Idaho, on the one hand, and, on the other, points in Iowa (points in Wyoming);* (29) between points in Idaho, on the one hand, and, on the other, points in Kansas (points in Wyoming);* (30) between points in Idaho, on the one hand, and, on the other, points in Missouri (points in Wyoming);* (31) between points in Idaho, on the one hand, and, on the other, points in Nebraska (points in Wyoming);* (32) between points in Idaho, on the one hand, and, on the other, points in South Dakota (points in Wyoming);* (33) between points in Montana, on the one hand, and, on the other, points in Iowa (points in Wyoming);* (34) between points in Montana, on the one hand, and, on the other, points in Kansas (points in Wyoming);* (35) between points in Montana, on the one hand, and, on the other, points in Missouri (points in Wyoming); (36) between points in Montana, on the one hand, and, on the other, points in Nebraska (points in Wyoming).*

(37) Between points in Montana on and west of a line begining at the United States-Canada International Boundary line and extending along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, on the one hand, and, on the other, points in South Dakota on, south, and east of a line beginning at the South Dakota-North Dakota State line and extending along South Dakota State Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (points in Wyoming);* (38) between points in Montana, on the one hand, and, on the other, points in South Dakota on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 212 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction South Dakota State Highway 34, thence along South Dakota State Highway 34 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Minnesota State line (points in Wyoming);* (39) between points in Nevada, on the one hand, and, on the other, points in Iowa (points in Colorado *or* Wyoming);* (40) between points in Nevada, on the one hand, and, on the other, points in Kansas (points in Colorado);* (41) between points in Nevada, on the one hand, and, on the other, points in Missouri (points in Colorado);* (42) between points in Nevada, on the one hand, and, on the other, points in Nebraska (points in Colorado or Wyoming);* (43) between points in Nevada, on the one hand, and, on the other, points in South Dakota (points in Wyoming).

The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 2607 (Sub-No. E1), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Callagher, Suite 1200, 1000 Conecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Connecticut, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 79 to Clarksburg, Tenn., thence along Tennessee Highway 13 to the Alabama-Tennessee State line.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and Macon County, Ill.

No. MC 2607 (Sub-No. E2), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line and extending along Interstate Highway 90 to junction Wisconsin Highway 73, thence north along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence east on Wisconsin Highway 23 to junction Wisconsin Highway 49, thence north on Wisconsin Highway 49 to junction Wisconsin Highway 29, thence east on Wisconsin Highway 29 to junction U.S. Highway 45, thence north on U.S Highway 45 to the Michigan-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and Macon County, Ill.

No. MC 2607 (Sub-No. E9), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Kent County, Del. on the one hand and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Kent County, Md. and Camden, N.J. and points within 20 miles thereof in New Jersey.

No. MC 2607 (Sub-No. E10), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between

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Sussex County, Del. on the one hand and, on the other, points in Barnwell, Aiken, Edgefield, Saluda, McMormick, Greenwood, Newberry, Abbeville, Laurens, Anderson, Union, Spartansburg, Cherokee, Oconee, Pickens, and Greenville Counties, S.C. The purpose of this filing is to eliminate the gateways of Caroline County, Md. and Camden, N.J. and points within 20 miles thereof in New Jersey.

No. MC 2607 (Sub-No. E11), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia on the one hand and, on the other, points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line, thence along U.S. Highway 65 south to Harrison, Ark., thence south along Arkansas Highway 7 to junction Arkansas Highway 16, thence west on Arkansas Highway 16 to junction Arkansas Highway 23, thence south on Arkansas Highway 23 to junction U.S. Highway 71, thence south along U.S. Highway 71 to junction Arkansas Highway 28, thence west on Arkansas Highway 28 to the Oklahoma Arkansas state line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and Clark County, Ill.

No. MC 2607 (Sub-No. E12), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 100 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia on the one hand and, on the other, points in Texas on, west, and south of a line beginning at the Oklahoma-Texas state line, thence along U.S. Highway 75 south to Dallas, Tex., thence along Interstate Highway 45 to junction U.S. Highway 79, thence south on U.S. Highway 79 to junction U.S. Highway 77, thence south on U.S. Highway 77 to junction U.S. Highway Alt. 77 at Hallettsville, thence south on U.S. Alt. 77 to junction U.S. Highway 77 at Refugio, Tex., thence along U.S. Highway 77 to Sinton, Tex., thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Shelby and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E13), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia on the one hand and, on the other, points in Barnwell, Aiken, Edgefield, Saluda, McMormick, Greenwood, Newberry, Abbeville, Laurens, Anderson, Union, Spartansburg, Cherokee, Oconee, Pickens, and Greenville Counties, S.C. The purpose of this filing is to eliminate the gateways of Caroline County, Md. and Camden, N.J. and points within 20 miles thereof in New Jersey.

No. MC 2607 (Sub-No. E14), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia on the one hand and, on the other, points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line, thence along U.S. Highway 65 south to Harrison, Ark., thence south along Arkansas Highway 7 to junction Arkansas Highway 16, thence west on Arkansas Highway 16 to junction Arkansas Highway 23, thence south on Arkansas Highway 23 to junction U.S. Highway 71, thence south along U.S. Highway 71 to junction Arkansas Highway 28, thence west on Arkansas Highway 28 to the Oklahoma Arkansas state line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and Clark County, Ill.

No. MC 2607 (Sub-No. E15), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Caroline, Dorchester, Talbot, Worcester, Wicomico and Somerset Counties, Md. on the one hand and, on the other, points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky state line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Coles, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E16), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Caroline, Dorchester, Talbot, Worcester, Wicomico, Somerset, Harford, Baltimore, Carroll, Howard, Anne Arundal, Prince Georges, Calvert, Charles, and St. Marys Counties, Md. on the one hand and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark, Coles, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E17), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Caroline, Dorchester, Talbot, Worcester, Wicomico, and Somerset Counties, Md. on the one hand and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E18), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Caroline, Dorchester, Talbot, Worcester, Wicomico, and Somerset Counties, Md. on the one hand and, on the other, points in Wisconsin on, north, and west of a line beginning at the Illinois-Wisconsin state line and extending along U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Michigan-Wisconsin state line. The purpose of this filing is to eliminate the gateway of Camden, N.J. and Macon County, Ill.

No. MC 2607 (Sub-No. E19), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Kent, Queen Annes, Caroline, Dorchester, Talbot, Worcester, Wicomico, Somerset, Harford, and Baltimore Counties, Md. on the one hand and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Coles, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E20), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Harford, Baltimore, Howard, and Anne Arundel Counties, Md. on the one hand and, on the other, points in Georgia on and south of a line beginning at the Alabama-Georgia state line, thence along Georgia Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 16 at Carrollton, Ga., thence along Georgia Highway 16 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 341, thence along U.S. Highway 341 to Brunswick, Ga. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E21), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cecil, Queen Annes, Wicomico, Caroline, Dorchester, Kent, Worchester, Somerset, and Talbot Counties, Md. on the one hand and, on the other, points in Georgia on and west of a line beginning at the North Carolina-Georgia state line, thence along U.S. Highway 19 to the Florida-Georgia state line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E22), filed June 4, 1974. Applicant: Berry Van Lines, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Howard, Anne Arundel, Prince Georges, and Montgomery Counties, Md. on the one hand and, on the other, points in Florida on and south of a line beginning at Cocoa Beach, Fla., thence along Florida Highway 520 to junction Florida Highway 528 to junction Interstate Highway 4, thence along Interstate Highway 4 to Tampa, Fla., thence along Florida Highway 60 to Clearwater, Fla. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E23), filed June 4, 1974. Applicant: Berry Van Lines, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut, Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Worcester, Wicomico, and Somerset Counties, Md. on the one hand and, on the other, points in Florida on and south of a line beginning at Ft. Pierce, Fla., thence along Florida Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Florida Highway 789, thence along Florida Highway 789 to Holmes Beach, Fla. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E24), filed June 4, 1974. Applicant: Berry Van Lines, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Harford, Baltimore, Howard, and Carroll Counties, Md. on the one hand and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E25), filed June 4, 1974. Applicant: Berry Van Lines, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Dorchester, Talbot, Caroline, Cecil, Kent, and Queen Annes Counties, Md. on the one hand and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E26), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Howard, Anne Arundel, Prince Georges, and Montgomery Counties, Md. on the one hand, and, on the other, points in Florida on and west of a line beginning at the Florida-Alabama state line, thence along U.S. Highway 231 to Panama City, Fla. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E27), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts on the one hand, and, on the other, points in Tennessee on and west of a line beginning at South Fulton, Tenn., thence along U.S. Highway 51 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points within 20 miles of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E28), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del., 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky state line, thence south along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmansville, Ky., thence along Kentucky Highway 107 to junction U.S. Alt. Highway 41, thence along U.S. Alt. Highway 41 to the Tennessee-Kentucky state line. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points within 20 miles of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E29), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts on the one hand and, on the other, points in Pennsylvania on and south and west of a line beginning at the New Jersey-Pennsylvania state line and thence along U.S. Highway 202 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction Interstate Highway 80, thence west along Interstate Highway 80 to the Pennsylvania-Ohio state line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E30), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in Pennsylvania on, south and west of a line beginning at the Pennsylvania-New Jersey State line and proceeding along U.S. Highway 202 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction Interstate Highway 80, thence west along Interstate Highway 80 to junction U.S. Highway 322, to Meadville, Pa., thence along Pennsylvania Highway 6 to Pennline, Pa., to the Ohio-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E34), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on the one hand, and, on the other, Philadelphia, Pa.

The purpose of this filing is to eliminate the gateway of points in New Jersey within 20 miles of Gloucester City, N.J.

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No. MC 2607 (Sub-No. E35), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, east, and south of a line beginning at Waverly, N.Y., and proceeding on New York Highway 17 to Binghamton, N.Y., thence on New York Highway 12 to Utica, thence north on New York Highway 28 to junction New York Highway 30, thence on New York Highway 30 to Tupper Lake, thence on New York Highway 3 to Plattsburgh, N.Y., thence along U.S. Highway 9 to the Canadian border, on the one hand, and, on the other, points in Missouri.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark, Shelby, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E36), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York on, south, and east of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction Interstate Highway 87, at Kingston, N.Y., thence along Interstate Highway 87 to Albany, N.Y., thence along Interstate Highway 787 to junction New York Highway 7, thence along New York Highway 7 to the Vermont-New York State line, on the one hand, and, on the other, points in Iowa.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E37), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, south, and east of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction Interstate Highway 87 at Kingston, N.Y., thence along Interstate Highway 87 to Albany, N.Y., thence along Interstate 787 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York State Highway 22, thence along New York Highway 22 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Canadian Border, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmansville, Ky., thence along Kentucky Highway 107 to junction U.S. Alt. Highway 41, thence along U.S. Alt. Highway 41 to the Tennessee-Kentucy State line.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E38), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York on, north, and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to Batavia, N.Y., thence along New York Highway 98 to Point Breeze, N.Y., at Lake Ontario on the one hand, and, on the other, points in Georgia.

The purpose of this filing is to eliminate the gateways of points in New Jersey within 20 miles of Gloucester City, N.Y. (Camden, N.J.).

No. MC 2607 (Sub-No. E39), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative, Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York on, and east of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 6 to the Connecticut-New York State line, on the one hand, and, on the other, points in Pennsylvania on, south, and west of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E44), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and south of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-New York State line, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 61 to junction U.S. Highway 53 at La Crosse, Wis., thence along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Ashland, Wis.

The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E45), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and south of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction Interstate Highway 87 at Kingston, N.Y., thence along Interstate Highway 87 to Albany, N.Y., thence along Interstate Highway 787 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 22, thence along New York Highway 22 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Canadian Border on the one hand and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E46), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and south of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-New York state line on the one hand and, on the other, points in Ohio on, west, and south of a line beginning at the Pennsylvania-Ohio state line, thence along U.S. Highway 30 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 83, thence along Ohio Highway 83 to Avon Lake, Ohio. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E47), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, north, and east of a line beginning at the Connecticut-New York state line, thence along U.S. Highway 6 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate 87 to Albany, N.Y., thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the Vermont-New York state line on the one hand and, on the other, points in Ohio on, south, and east of a line beginning at the Pennsylvania-Ohio state line, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to Columbus, Ohio, thence along Interstate Highway 71 to Cincinnati, Ohio, thence along U.S. Highway 50 to the Ohio-Indiana state line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E50), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on, east, and north of a line beginning at Point Breeze, N.Y. on Lake Ontario, thence along New York Highway 98, to junction Alt. U.S. Highway 20, thence along Alt. U.S. Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to Silver Creek, N.Y., on Lake Erie on the one hand and, on the other, points in Georgia on, south, and east of a line beginning at the South Carolina-Georgia state line, thence along Interstate Highway 20 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 129, thence along U.S. Highway 129 to Macon, Ga., thence along U.S. Highway 80 to the Alabama-Georgia state line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 8973 (Sub-No. E123), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from Hudson County, N.J. to points in that portion of New Jersey on and south of a line beginning on the Pennsylvania–New Jersey border and extending along U.S. Highway 46 to junction New Jersey Highway 31, thence along New Jersey Highway 31 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction Unnumbered Highway, thence north on Unnumbered Highway to junction another Unnumbered, thence east along unnumbered Highway to junction U.S. Highway 514, thence along New Jersey Highway 514 to junction Unnumbered Highway, thence east along Unnumbered Highway to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alean Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E124), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Hudson County, N.Y. to points in that part of New York on, north, and west of a line beginning at the New York-Vermont State line and extending west along New York Highway 67 to junction New York Highway 55 at Amsterdam, thence along New York Highway 55 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 8, thence along New York Highway 8 to junction Broome-Delaware County line, thence along the Broome-Delaware County line to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminium Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E125), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Hudson County, N.Y. to points in that part of Vermont on and north of a line beginning at the Vermont-New Hampshire State line at Brattleboro and extending west along Vermont Highway 30 to junction Vermont Highway 315, thence along Vermont Highway 315 to junction Vermont Highway 153, thence along Vermont Highway 153 to the New York-Vermont State line. The purpose of this filing is to eliminate the Gateway of the warehouse, and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E126), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such plastic articles, hardware, and building materials equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Hudson County, to points in the part of Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending south along Massachusetts Highway 12 to junction Massachusetts Highway 140, thence along Massachusetts Highway 140 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction Massachusetts Highway 2A, thence along Massachusetts Highway 2A to junction Massachusetts Highway 111, thence along Massachusetts Highway 111 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction Massachusetts Highway 117, thence along Massachusetts Highway 117 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 16, thence along Massachusetts Highway 16 to junction Massachusetts Highway 135, thence along Massachusetts Highway 135 to junction Massachusetts Highway 138.

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thence along Massachusetts Highway 138 to junction Massachusetts Highway 140, thence along Massachusetts Highway 140 to Massachusetts Highway 18, thence along Massachusetts Highway 18 to an unnumbered road, thence south along the unnumbered road to the shore of the Atlantic Ocean near South Dartmouth.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E127), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Hudson County, N.Y., to points in that part of Pennsylvania on and west of a line beginning at the New Jersey-Pennsylvania State line and extending east along Interstate Highway 80 to Pennsylvania Highway 447, thence along Pennsylvania Highway 447 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to Pennsylvania Highway 196, thence along Pennsylvania Highway 196, to junction Pennsylvania Highway 296, thence along Pennsylvania Highway 296 to junction Pennsylvaia Highway 247, thence along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E128), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Ohio, restricted against service from the facilities of Celotex Corp. and Witco Chemical Co. at, or near, Perth Amboy, N.J.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E129), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line at an unnumbered road near Greenwood Lake and extending south along said unnumbered road to junction New Jersey Highway 511, thence along New Jersey Highway 511 to junction of unnumbered road at Pompton Lakes, thence along said unnumbered road ot junction U.S. Highway 202, thence along U.S. Highway 202, to junction of unnumbered road at Oakland, thence along said unnumbered road to junction Palisades Parkway, thence north along the Palisades Parkway to the New York-New Jersey State line.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E130), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in that part of New York on, north, and east of a line beginning at the Pennsylvania-New York State line at Barryville and extending north along New York Highway 55 to junction New York Highway 17B, thence along New York Highway 17B to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 17K, thence along New York Highway 17K to junction New York Highway 208, thence along New York Highway 208 to junction New York Highway 17M, thence along New York Highway 17M to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 202 at Suffern, thence along U.S. Highway 202 to the New York-New Jersey State line (except New York City and points on Long Island) and (b) that part of New York City and Long Island on, east, and north of a line beginning at the Hudson River at 125th St., thence east along 125th St. to junction Interstate Highway 278, thence south on Interstate Highway 278 to junction 31st St., thence south on 31st St., to junction Jackson Ave., thence south on Jackson Ave. to junction Interstate Highway 495, thence east on Interstate Highway 495 to junction Woodhaven Blvd., thence south on Woodhaven Blvd., to junction of Interborough Parkway, thence east on the Interborough Parkway to junction N.Y. Highway 25, thence east on N.Y. Highway 25 to junction 166th St., thence south on 166th St. and along Merrick Blvd. to junction Springfield Blvd., thence south on Springfield Blvd. to N.Y. Highway 27, thence east of N.Y. Highway 27 to the Queens-Nassau County line, and thence south along the Queens-Nassau County line to the shore of the Atlantic Ocean.

The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E131), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending north along Pennsylvania Highway 75 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 11, thence along U.S. Highway 11 to the ferry crossing at the Susquehanna River at Millersburg, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 118, thence along Pennsylvania 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania Highway 107, thence along Pennsylvania Highway 107 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 590, and thence along Pennsylvania Highway 590 to the New York-New Jersey State line, restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E132), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Middlesex County, N.J., to points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Maryland Highway 615 to the Maryland-West Virginia State line restricted against service from the facilities of Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 40215 (Sub-No. E29) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 26, 1977, and partially republished, as corrected, this issue. Applicant: RICARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim & Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) (A) from points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending south along U.S. Highway 385 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the International Boundary line between United States and Mexico, to points in Arkansas on and north and west of a line beginning at the Arkansas-Tennessee state line and extending west along Interstate Highway 40 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma state line; (3) (A) from points in Texas to points in Colorado on and east of a line beginning at the Colorado-New Mexico state line and extending north along Interstate Highway 25 to the Colorado-Wyoming state line; (7) (A) from points in Texas on and west of a line beginning at the Oklahoma-Texas state line and extending along U.S. Highway 271 to junction Texas Highway 24, to junction Texas Highway 34, to junction Interstate Highway 45, thence south along Interstate Highway 45 to the Gulf of Mexico, to points in Indiana on and north of a line beginning at the Kentucky-Indiana state line, and extending along U.S. Highway 231 to junction U.S. Highway 50, thence east along U.S. Highway 50 to the Indiana-Ohio state line; (12) (A) from points in Texas on and east of a line beginning at the Texas-New Mexico state line, and extending south along U.S. Highway 87 to junction U.S. Highway 277, thence south along U.S. Highway 277 to the International Boundary between United States and Mexico, to points in Nevada on and north of a line beginning at the Nevada-California state line, and extending east along U.S. Highway 40 to the Nevada-Utah state line; (20) from points in Texas on and south and east of a line beginning at the Texas-Oklahoma state line, and extending along Oklahoma Highway 283 to junction Oklahoma Highway 6, to junction U.S. Highway 277, to junction Interstate Highway 20, to junction Texas Highway 302, to junction Texas Highway 18, thence along Texas Highway 18 to the Texas-New Mexico state line, to points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma state line and extending along U.S. Highway 283 to junction Oklahoma Highway 15, thence west along Oklahoma Highway 15 to the Oklahoma-Texas state line. The purpose of this filing is to eliminate the gateways of (1), (3), (12), and (20) points in Kansas and (7) points in Kansas and Kansas City, Mo. The purpose of this republication is to correct the territorial description. The remainder of this letter-notice stands as previously published.

No. MC 61825 (Sub-No. E953), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Erie, Fostoria, Huron, Lorain, Portage, Summit, and Medina Counties, Ohio within 125 miles of Wellsburg, W. Va. on the one hand and, on the other, points in New York on and east of a line beginning at the New York-Vermont State line and extending along U.S. Highway 4 to junction New York Highway 149 to junction U.S. Highway 9, to junction New York Highway 50, to junction New York Highway 7, to junction New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line. (B) Between those points in New York on and east of a line beginning at the New York-Vermont State line and extending along U.S. Highway 4, to junction New York Highway 149, to junction U.S. Highway 9 to junction New York Highway 50, to New York Highway 7, to junction New York Highway 8, thence along New York Highway 8, to the New York-Pennsylvania State line on the one hand and, on the other, points in Erie, Fostoria, Huron, Lorain, Portage, Summit, and Medina Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E954), filed May 13, 1974. Applicant: ROY STONE

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TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Trumbull Counties, Ohio, within 125 miles of Wellsburg, W. Va. on the one hand and, on the other, points in New York on and south of a line beginning at the New York-Vermont State line, and extending along New York Highway 199 to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-New Jersey State line. (B) Between points in New York on and south of a line beginning at the New York-Vermont State line and extending along New York Highway 199 to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-New Jersey State line on the one hand and, on the other, points in Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E955), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) between points in Athens, Belmont, Coshocton, Delaware, Fairfield, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Licking, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Pickaway, Perry, Ross, Vinton, and Washington Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand and, on the other, points in Pennsylvania except Greene County. (B) Between points in Pennsylvania except Greene County on the one hand and, on the other, points in Athens, Belmont, Coshocton, Delaware, Fairfield, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Licking, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Pickaway, Perry, Ross, Vinton, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va .

No. MC 61825 (Sub-No. E956), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) between points in Carroll, Harrison, Holmes, Jefferson, and Tuscarawas Counties, Ohio, within 125 miles of Wellsburg, W. Va. on the one hand and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 219, to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line. (B) Between points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line on the one hand and, on the other, points in Carroll, Harrison, Holmes, Jefferson, and Tuscarawas Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E973), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 71, to junction U.S. Highway 190, to junction Louisiana Highway 67, to junction Interstate Highway 110, to junction Interstate Highway 10, to junction Louisiana Highway 1 to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 35 to junction U.S. Highway 460, to junction Virginia Highway 100, to junction U.S. Highway 11, to junction Virginia Highway 99, to junction Interstate Highway 81, to junction Virginia Highway 8 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E974), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except furniture parts, commodities in bulk, thoseof unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, from points in Louisiana on and east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 71, to junction U.S. Highway 190, to junction Louisiana Highway 67, to junction Interstate Highway 110, to junction Interstate Highway 10, to junction Louisi-

ana Highway 1 to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 635 to junction U.S. Highway 460, to junction Virginia Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E975), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Athens, Belmont, Coshoctin, Delaware,, Fairfield, Franklin, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Licking, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Roth, Tuscarawas, Vinton, and Washington Counties, Ohio, within 125 miles of Wellsburg, W. Va. on the one hand and, on the other, points in New York. (B) Between points in New York on the one hand and, on the other, points in Athens, Belmont, Coshoctin, Delaware, Fairfield, Franklin, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Licking, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Roth, Tuscarawas, Vinton, and Washington Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E976), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) between points in Ashland, Carroll, Columbiana, Crawford, Medina, Richland, Stark, and Wayne Counties, Ohio within 125 miles of Wellsburg, W. Va. on the one hand and, on the other, those points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 112, thence along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line. (B) between points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line on the one hand and, on the other, points in Ashland, Carroll, Columbiana, Crawford, Medina, Richland, Stark, and Wayne Counties, Ohio within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, W. Va.

No. MC 78228 (Sub-No. E193), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York bounded by a line beginning at Buffalo, New York, thence along New York Highway 3 to Silver Creek, N.Y., thence along New York Highway 428 to junction New York Highway 39, thence along New York Highway 39, to junction New York Highway 16, thence along New York Highway 16 to the place of beginning, to points in Delaware.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E194), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternative U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 428, thence along New York Highway 428 to Silver Creek, N.Y., thence along New York Highway 5 to Buffalo, N.Y., thence along the United States-Canada International Boundary line, to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Illinois.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E195), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania boundary line to points in Illinois on or west of a line beginning at the Illinois-Iowa boundary line, thence along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to Jacksonville, Ill., thence along U.S. Highway 67 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 4, thence along Illinois Highway 4, to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky boundary line.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E196), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania boundary line to points in Illinois on or west of a line beginning at the Illinois-Iowa boundary line, thence along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to Jacksonville, Ill., thence along U.S. Highway 67 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 4, thence along Illinois Highway 4, to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky boundary line.

The purpose of this filing is to eliminate the gateway to Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E197), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York on or west of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E198), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mul-

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roy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in Ohio to points in Maine.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. 199), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in that part of Pennsylvania on or west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to Greensburg, Pa., thence along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, to points in Maine.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E200), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York bounded by a line beginning at Lake Ontario, thence along New York Highway 98 to junction alternate U.S. Highway 20, thence along alternate U.S. Highway 20 to junction New York Highway 16, thence along New York Highway 16 to Buffalo, N.Y., thence along the United States-Canadian Boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Maryland (except Baltimore, Md., and points in its commercial zone as defined by the Commission) on and south of a line beginning at Cumberland, Md., thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E201), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 16, thence along New York Highway 16 to Buffalo, N.Y., thence along the United States-Canada boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Maryland (except Baltimore, Md., and points in its commercial zone as defined by the Commission) on and south of a line beginning at Cumberland, Md., thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E202), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York on and west and north of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 400, thence along New York Highway 400 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Pennsylvania State line, to points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties) on or east of a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to Delaware Bay. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E203), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along New York Highway 16 to junction New York Highway 16 to Buffalo, N.Y., thence along United States-Canada International Boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Michigan.

The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E202), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pennsylvania 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pennsylvania 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals, in dump vehicles*, from points in New York on and west and north of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 400, thence along New York Highway 400 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Pennsylvania State line, to points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties) on or east of a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to Delaware Bay. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E203), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20, thence along U.S. Highway 20 to Silver Creek, N.Y., thence along New York Highway 5 to Buffalo, N.Y., thence along the United States-Canada international boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Virginia on and south of a line beginning at Staunton, Va., thence along Interstate Highway 81 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E204), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points on New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 98, thence along New York Highway 98 to junction alternate U.S. Highway 20, thence along alternate U.S. Highway 20 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 16, thence along New York Highway 16 to Buffalo, N.Y., thence along the United States-Canada international boundary line, to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Virginia. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E205), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20, thence along U.S. Highway 20 to Silver Creek, N.Y., thence along New York Highway 5 to Buffalo, N.Y., thence along the United States-Canada international boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Virginia on and south of a line beginning at Staunton, Va., thence along Interstate Highway 81 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E206), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction New York Highway 5, thence along New York Highway 5 to Batavia, N.Y., thence along New York Highway 98 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to East Aurora, N.Y., thence along New York Highway 16 to Buffalo, N.Y., thence along the United States-Canada international boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E207), filed August 26, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20, thence along U.S. Highway 20 to Silver Creek, N.Y., thence along New York Highway 5 to Buffalo, N.Y., thence along the United States-Canada international boundary line to Lake Ontario, thence along Lake Ontario to the place of beginning, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

No. MC 78228 (Sub-No. E215), filed September 25, 1975. Applicant: J. MILLER EXPRESS, 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals*, in dump vehicles, from points in that part of Pennsylvania bounded by a line beginning at Butler, Pa., thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 861, thence along Pennsylvania Highway 861 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Interstate Highway 60, thence along Interstate Highway 60 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 40, thence along U.S. Highway 40 to Washington, Pa., thence along U.S. Highway 19 to Pittsburgh, Pa., thence along Pennsylvania Highway 8 to the place of beginning to points in Indiana. The purpose of this filing is to eliminate the gateway of Braddock, Pa.

No. MC 112070. (Sub-No. E10), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mamsemond and Isle of Wight Counties, Va., on the one hand, and, on the other, points in San Juan County, N. Mex. The purpose of this filing is to eliminate the gateway of Easton, Pa., and points within 15 miles thereof, points in Missouri, Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E11), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia on and east of a line beginning at the Virginia-District of Columbia state line and extending along Interstate Highway 95 to the Virginia-North Carolina state line, on the one hand, and, on the other, points in San Juan and McKinley Counties, N. Mex. The purpose of this filing is to eliminate the gateway of Easton, Pa., and points within 15 miles thereof, Missouri, Denver, Colo. and points within 10 miles thereof.

No. MC 112070 (Sub-No. E12), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia on and east and south of a line beginning at the Virginia-District of Columbia state line, and extending along Interstate Highway 95 to the North Carolina-Virginia state line, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of Easton, Pa. and points within 15 miles thereof, Missouri, Illinois, Iowa, Denver, Colo., and points within 10 miles thereof.

No. MC 112070 (Sub-No. E33), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cheyenne County, Kans., on the one hand, and, on the other, points in Commaron and Texas Counties, Okla. The purpose of this filing is to eliminate the gateway between points in that part of Colorado on, east and north of a line beginning at the Colorado-Wyoming state line and extending along U.S. Highway 87 to Wellington, Colo., thence along Colorado Highway 1 (formerly U.S. Highway 87) to junction U.S. Highway 287, thence along U.S. Highway 287 (formerly U.S. Highway 87) to Denver, Colo., thence along U.S. Highway 36 to the Colorado-Kansas state line.

No. MC 112070 (Sub-No. E135), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Easton, Pa., and points in Pennsylvania within 15 miles thereof, and points in Missouri.

No. MC 112070 (Sub-No. E136), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 287, thence along U.S. Highway 287/87 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the International boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateway of Easton, Pa., and points in Pennsylvania within 15 miles thereof, points in Missouri and Colorado.

No. MC 112304 (Sub-No. E2), filed July 18, 1976. Applicant: ACE DORAN HAULING AND RIGGING COMPANY, 1601 Blue Rock St., Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Columbus Center, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Retrac-*

tories (except commodities in bulk), from points in Audrain, Callaway, and

rected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6

is to eliminate the gateway of Broodville, Ind.

SUMMARY: The purpose of this document is to institute a proceeding for the

Nevertheless, carriers holding E-letter notice authority have not received cer-

chase or transfer authority should state in its application whether any E-letter

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tories (except commodities in bulk), from points in Audrain, Callaway, and Montgomery Counties, Mo., to points in Delaware, Maryland, New Jersey, points in Tennessee on and east of U.S. Highway 23, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Greenup County, Kentucky.

No. MC 114552 (Sub-No. E60) (correction), filed August 21, 1975, published in the FEDERAL REGISTER issue of June 15, 1977, and republished, as corrected this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line beginning at the Virginia–North Carolina State line, and extending along U.S. Highway 501 to junction Virginia Highway 304, thence along Virginia Highway 304 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Wayne County, N.C.

NOTE.—The purpose of this correction is to correct a typographical error in the commodity description.

No. MC 123407 (Sub-No. E319) (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, used as a building material, from Pennington Counties, S. Dak., to points in Alabama; Florida; Georgia in and south of the counties of Polk, Paulding, Cobb, Fulton, De Kalb, Rockdale, Newton, Jasper, Putnam, Hancock, Warren, McDuffie and Columbia; and South Carolina in and south of the counties of Edgefield, Aiken, Lexington, Richland, Sumter, Lee, Florence, Marion and Horry. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corporation at East St. Louis, Ill., and the plantsite of Georgia-Pacific Corporation at Taylorsville, Miss.

NOTE.—The purpose of this correction is to state the correct Sub-No. E319 which was previously published incorrectly as Sub-No. E311. The correct Sub-No. E311 was published March 2, 1977.

No. MC 123407 (Sub-No. E320) (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and Forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, used as a building material, from Lawrence and Pennington Counties, S. Dak., to points in Kentucky in and east of the counties of Jefferson, Bullitt, Nelson, Larue, Green, Metcalfe, and Monroe, and points in Tennessee in and east of the counties of Clay, Jackson, Putnam, White, Van Buren, Bledsoe, and Hamilton. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

NOTE.—The purpose of this correction is to state the correct Sub-No. E321 which was previously published incorrectly as Sub-No. E313. The correct Sub-No. E313 was published March 2, 1977.

No. MC 123407 (Sub-No. E322 (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, used as a building material, from points in Lawrence and Pennington Counties, S. Dak., to points in West Virginia, Virginia, North Carolina, Kentucky in and east of the counties of Union, Webster, Hopkins, and Christian, and Tennessee in and east of the counties of Montgomery, Dickson, Hickman, Lewis, and Lawrence. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

NOTE.—The purpose of this correction is to state the correct Sub-No. E320 which was previously published incorrectly as Sub-No. E312.

No. MC 123407 (Sub-No. E321) (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and Forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, used as a building material, from Lawrence and Pennington Counties, S. Dak., to points in Kentucky in and east of the counties of Jefferson, Bullitt, Nelson, Larue, Green, Metcalfe, and Monroe, and points in Tennessee in and east of the counties of Clay, Jackson, Putnam, White, Van Buren, Bledsoe, and Hamilton. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

NOTE.—The purpose of this correction is to state the correct Sub-No. E321 which was previously published incorrectly as Sub-No. E313. The correct Sub-No. E313 was published March 2, 1977.

No. MC 123407 (Sub-No. E322 (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, used as a building material, from points in Lawrence and Pennington Counties, S. Dak., to points in Tennessee, Mississippi, and Arkansas in the counties of Cleveland, Bradley, Lincoln, Drew, Ashley, Phillips, Chicot, and Desha. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corporation at East St. Louis, Ill.

NOTE.—The purpose of this correction is to state the correct Sub.-No. E323 which was previously published incorrectly as Sub.-No. E315. The correct Sub-No. E315 was published March 2, 1977.

No. MC 123407 (Sub-No. E324) (correction), filed February 29, 1976, published in the FEDERAL REGISTER issue of June 2, 1977, and republished, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, used as a building material, from points in Lawrence and Pennington Counties, S. Dak., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ill. NOTE: The purpose of this correction is to state the correct Sub-No. E324 which was previously published incorrectly as Sub-No. E316. The correct Sub-No. E316 was published March 2, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-19355 Filed 7-6-77;8:45 am]

[No. MC-C-9698]

E-LETTER NOTICE CERTIFICATION PROCEDURES

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Adoption of Certification Procedures.

SUMMARY: The purpose of this document is to institute a proceeding for the purpose of adopting appropriate procedures pertaining to the certification of E-letter notices.

NOTICE OF INTENTION TO PARTICIPATE MUST BE RECEIVED ON OR BEFORE: July 22, 1977.

SCHEDULE FOR SUBMISSION OF COMMENTS AND REPLY STATEMENTS: To be set by an order to be served concurrently with issuance of the service list of participants in the proceeding.

FOR FURTHER INFORMATION CONTACT:

Marvin Bober, Assistant Deputy Director, Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7564.

This proceeding is being instituted on our own motion to consider adopting certain procedures pertaining to the certification of E-letter notices.

By report and order entered December 15, 1976, and served January 26, 1977, in Maxwell Co., Petition for Declaratory Orders, 126 M.C.C. 166, the Commission found at page 171 that:

> • • • the rights embodied in a grant of direct service authority, which authority eliminates a gateway, are severable from all, or a portion of, the underlying irregular-route authority, following the standards of section 5(2) and 212(b) of the Interstate Commerce Act, with each such transaction to be considered on its own respective merits: • • •

The above decision by recognizing, in particular, the severability of E-letter notice from their underlying operating authorities, has created uncertainty regarding the jurisdiction of the Commission under section 212 of the Act to suspend, change, revoke, or authorize the transfer of E-letter notice authority. Section 212(a) of the Act refers to the suspension, change or revocation of certificates, permits, and licenses whereas section 212(b) refers to the transfer of certificates or permits. The question has arisen, therefore, as to whether E-letter notice authority, which was granted based upon the joinder of certificated irregular route authorities, should be deemed to be certificated, and thus encompassed within section 212 of the Act.

In Ex Parte No. 55 (Sub-No. 8), Gateway Elimination, 109 M.C.C. 530, it was observed at pages 533–534, that the authorization of direct service in lieu of existing gateway operations was to be based upon a finding of public convenience and necessity considered on a national scale. Accordingly, all authorities based upon E-letter notices were granted pursuant to the finding of public convenience and necessity on a national scale.

It should thus be presumed that E-letter notice authority is certificated authority for all regulatory purposes. Nevertheless, carriers holding E-letter notice authority have not received certificates embracing such authority. Instead, copies of the FEDERAL REGISTER publication notices, evidencing each carrier's grants of E-letter authority, have appeared in each carrier's lead docket.

In instances where the authority encompassed within a particular E-letter notice is to be in part, transferred, cancelled, or revoked, the aforementioned presumption regarding E notice authority will not be observed. Rather, the following procedures will be followed:

(a) Where a carrier transfers or sells a portion, or portions, of the operating authority contained in an E-letter notice, to one or more certificated carriers, and a portion of the operating authority contained in the E-letter notice is retained by the vendor carrier, the vendor and vendee (or vendees) will each receive a certificate covering the pertinent portion of the authority in the E-letter notice authorized to be conveyed or retained.

(b) Where two or more portions of authority contained in an E-letter notice are sold or transferred respectively, to two or more certificated carriers and no authority in the E-letter notice is retained by the vendor, or where the entire authority contained in an E-letter notice is transferred or sold to one certificated carrier, the vendee in the latter situation, or vendees in the former situation, would each receive a certificate covering the pertinent E-letter authority authorized to be acquired.

(c) When a non-carrier acquires all, or a portion, of the authority in an E-letter notice, it will receive a certificate covering the E-letter authority acquired. The vendor, if it retains any portions of the authority in the E-letter will receive a certificate covering the pertinent portions of the E authority to be retained.

(d) When a carrier transfers or sells all of its operating authority, except for the entire authority contained in one or more E-letter notices, it will not receive a certificate covering the E-letter authority retained. If only portions of the authority contained in one or more E-letter notices is retained by the vendor, the vendor will receive certificates covering that retained authority. The foregoing is equally applicable to instances in which a carrier retains exclusively E-letter authority following a cancellation or revocation of its other authority.

(e) A carrier receiving a certificate, pursuant to paragraphs (a) and (b) above, will be assigned the next sequential sub-number under its lead docket.

(f) A carrier retaining the entire authority in an E-letter notice as described in paragraph (c) above will retain its lead docket number, but all of its existing sub-numbers will be cancelled, and the authority contained in the retained E-letter authority will be assigned the next sequential sub-number with the standard notation in the Commission's records that this sub-number is comprised of E-letter authority. This will avoid leaving the carrier without an ICC record.

(g) An applicant under sections 5(2) and 212(b) of the Act, seeking to purchase or transfer authority should state in its application whether any E-letter notice authority of the vendor is to be acquired by the vendee. It should also describe the E-letter authority to be acquired by the vendee and that to be retained by the vendor. Unless the application so provides, the Commission will presume that the vendor will retain its E-letter authority.

(h) When a carrier transfers or sells its E-letter authority and retains the authority underlying the E-letter authority or alternatively, the carrier sells or transfers the underlying authority and retains the E authority, the separate grants of underlying authority may not be tacked with each other. See Gateway Eliminations, *supra*. Since the restriction against tacking is applicable in all instances, a "no-tacking" restriction will not be placed in each underlying certificate.

The proposed action is not expected to affect significantly the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Any person may participate in this proceeding by submitting an initial and or reply statement of views, arguments, or other comments regarding the proposed regulations. Any person intending to participate shall, on or before July 22, 1977, file an original and 1 copy of a notice of intent to participate with the Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423. Because the Commission desires (a) to conserve time, (b) to avoid unnecessary expense, and (c) to limit the service of statements in this proceeding to persons who intend actively to participate, each person filing a notice of intent shall include a detailed statement of whether he wished (1) merely to receive Commission releases in this proceeding; (2) to participate by filing and receiving initial and or reply statements; and (3) to consolidate his presentation with those of other persons through joint statements; and (4) he shall furnish any other pertinent information to aid in limiting the service list to be issued in this proceeding.

The Commission will prepare and make available to all persons submitting notice of intent to participate a service list which will contain the names and addresses of all persons participating in this proceeding. Such participants shall, whenever possible file an original and 15 copies of each statement filed with the Commission and served on each person on the service list in accordance with the schedule for submissions of comments and reply statements to be set by an order to be served concurrently with issuance of the service list of participants in the proceeding.

All written submissions will be available for public inspection during regular business hours at the Offices of the Interstate Commerce Commission, 12th Street and Constitution Avenues, Washington, D.C. 20432.

[1] This document corrects and reissues a document appearing at page 32342 in the issue for Friday, June 24, 1977.

(This notice of proposed rulemaking is issued under sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 1436 Gulf Central Pipeline Company [illegible]

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(This notice of proposed rulemaking is issued under sections 552, 558, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559) and sections 6, 207, and 212 of the Interstate Commerce Act (49 U.S.C. 5, 307, and 312).)

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19077 Filed 7-5-77;8:45 am]

PIPELINES

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1976 REPORTS

VALUATION DOCKET NO.	
1364	Acorn Pipe Line Company, P.O. Box 5008, Houston, TX 77012
1414	Alleghany Pipeline Company, P.O. Box 2521, Houston, TX 77001
[illegible]	Amoco Pipeline Company, P.O. Box 6110–A, Chicago, IL 60680
[illegible]	Arapahoe Pipe Line Company, 200 East Golf Road, Palatine, IL 60067
1329	ARCO Pipe Line Company, ARCO Building, Independence, KS 67301
[illegible]	Ashland Pipe Line Company, 1409 Winchester Ave., Ashland, KY 41101
1381	Badger Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1430	Belle Fourche Pipeline Company, P.O. Drawer 2360, Casper, WY 82602.
1425	Black Lake Pipe Line Company, P.O. Box 308, Independence, KS 67301
1434	Black Mesa Pipeline, Inc., 610 South Main Street, Los Angeles, CA 90014
1322	Buckeye Pipe Line Company, P.O. Box 368, Emmaus, PA 18049
1382	Butte Pipe Line Company, P.O. Box 2648, Houston, TX 77001
1404	Calney Pipe Line Company, 1901 Slover Avenue, Bloomington, CA 92316
1416	Chevron Pipe Line Company, P.O. Box 599, Denver, CO 80201
[illegible]	Cheyenne Pipeline Company, P.O. Box 370, Cody, WY 82414
1427	Chicap Pipe Line Company, 200 East Golf Road, Palatine, IL 60067
1312	Cities Service Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1433	Collins Pipeline Company, P.O. Box 2511, Houston, TX 77001
1422	Colonial Pipeline Company, Lenox Towers, P.O. Box 18855, Atlanta, GA 30326
1316	Continental Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
[illegible]	Cook Inlet Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1341	CRA, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116
1352	Crown Central Pipe Line & Transportation Corp., P.O. Box 1759, Houston, TX 77002
1335	Crown-Rancho Pipe Line Corp., P.O. Box 1759, Houston, TX 77002
[illegible]	Diamond Shamrock Corp., P.O. Box 631, Amarillo, TX 79173
1411	Dixie Pipeline Company, P.O. Box 2220, Houston, TX 77001
1385	Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1338	The Eureka Pipe Line Company, 963 Market Street, Parkersburg, W. VA. 26101
1394	Exxon Pipeline Company, P.O. Box 2220, Houston, TX 7701
1389	Four Corners Pipe Line Company, Box 2648, Houston, TX 77001
1435	Gulf Central Pipeline Company, 5th & Boston, Tulsa, OK 74103
1333	Gulf Refining Company, P.O. Box 3706, Houston, TX 77001
1406	Hess Pipeline Company, P.O. Box 502, Woodbridge, N.J. 07095
1431	Hydrocarbon Transportation, Inc., 2223 Dodge Street, Omaha, NE 68102
1408	Jayhawk Pipeline Corporation, P.O. Box 1030, Wichita, KS 67201
1413	Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, CT 06002
1075	Kaneb Pipe Line Company, P.O. Box 22029, Houston, TX 77027
1209	Kaw Pipe Line Company, P.O. Box 430, Bellaire, TX 77401
1309	Kenai Pipe Line Company, P.O. Box K, Concord, CA 94524
1429	Kerr-McGee Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73125
1415	Kiantone Pipeline Corporation, P.O. Box 780, Warren, PA 16365
1419	Lake Charles Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1354	Lakehead Pipe Line Company, Inc., 3025 Tower Avenue, Superior, WI 54880
1403	Laurel Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1395	Mid-America Pipeline System Division, 1800 South Baltimore Ave., Tulsa, OK 74119
1392	Marathon Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1357	Michigan-Ohio Pipeline Corporation, 600 West Pickard Street, Mt. Pleasant, MI 48858
1353	Mid-Valley Pipeline Company, P.O. Box 2039, Tulsa, OK 74102
1384	Minnesota Pipe Line Company, 4111–E. 37th Street, North, Wichita, KS 67220
1311	Mobil Pipe Line Company, 108 South Akard Street, Dallas, TX 75202
1292	Ohio River Pipe Line Company, 1409 Winchester Avenue, Ashland, KY 41101
1310	Okan Pipeline Company, P.O. Box 3706, Houston, TX 77001
1417	Olympic Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1420	Paloma Pipe Line Company, 1600 First National Bank Building, Dallast, TX 75202
1321	Phillips Petroleum Company, 1245 Adams Building, Bartlesville, OK 74004
1320	Phillips Pipe Line Company, 1245 Adams Building, Bartlesville, OK 74004
1372	Pioneer Pipe Line Company, P.O. Box 1267, Ponca City, OK 74601
1343	Plantation Pipe Line Company, P.O. Box 18616, Atlanta, GA 30326
1367	Platte Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1410	Portal Pipe Line Company, 2700-First National Bank Bldg., Dallas, TX 75202
1347	Portland Pipe Line Corporation, P.O. Box 2590–30 Hill Street, South Portland, ME 04106
1437	Powder River Corporation, 4th & Keeler, Bartlesville, OK 74004
1327	Pure Transportation Company, 200 East Golf Road, Palatine, IL 60067
1428	Santa Fe Pipe Line Company, 1200 Thompson Building, 5th & Boston Streets, Tulsa, OK 74103
1369	Shamrock Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1326	Shell Pipe Line Corporation, P.O. Box 2648, Houston, TX 77002
1438	Sinclair Pipeline Company, P.O. Box 1677, Englewood, CO 80150
1402	Skelly Pipe Line Company, 1437 South Boulder, Tulsa, OK 74119
1335	Sohio Pipe Line Company, P.O. Box 5774, Cleveland, OH 44101
1424	Southcap Pipe Line Company, 200 East Golf Road, Palatine, IL 60067
1393	Southern Pacific Pipe Lines, Inc., 610 South Main Street, Los Angeles, CA 90014
1370	Sun Oil Line Company of Michigan, P.O. Box 2039, Tulsa, OK 74102
1315	Sun Pipe Line Company, P.O. Box 2039, Tulsa, OK 74102
1386	Tecumseh Pipe Line Company, P.O. Box 308, Independence, KS 67301
1300	Texaco-Cities Service Pipe Line Company, P.O. Box 430, Bellaire, TX 77401
1408	Texas Eastern Transmission Corporation, (Little Big Inch Division) P.O. Box 2521, Houston, TX 77001
1393	Texas-New Mexico Pipe Line Company, P.O. Box 430, Bellaire, TX 77401
1330	The Texas Pipe Line Company, P.O. Box 430, Bellaire, TX 77401
1379	Trans Mountain Oil Pipe Line Corporation, 400 East Broadway, Vancouver, British Columbia, Canada V5T1X2
1412	Trans-Ohio Pipeline Company, P.O. Box 2521, Houston, TX 77001
1432	UCAR Pipeline Incorporated, P.O. Box 22146, Houston, TX 77027
1388	West Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1396	West Shore Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1362	West Texas Gulf Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1421	White Shoal Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73102
1423	Williams Pipe Line Company, P.O. Drawer 3448, Tulsa, OK 74101
1377	Wolverine Pipe Line Company, P.O. Box 900, TX 75221
1355	Wyco Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1373	Yellowstone Pipe Line Company, P.O. Drawer 1267, Ponco City, OK 74601

On or before August 8, 1977, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of any carrier named above may, pursuant to rule 72 of the Commission's "General Rules of Practice" (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a (h) of the act, thereby enabling the party to file a protest. Blanket petition to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19358 Filed 7-6-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

[MA–12 Amending M–27, 6–30–77]

NOTICE OF ADDITION OF ITEM TO JULY 5, 1977, MEETING AGENDA

REVISED AGENDA

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10:00 a.m., July 5, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of items adopted by notation.[1]

2. Discussion of regulatory reform legislation currently before Congress.

3. Docket 27891, EDR–301, advance notice of proposed rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action project).

4. Docket 23315, *Delta-Northeast Merger Case* (petition of Juanita Wells to compel arbitration of labor dispute) and Docket 22690 *Caribbean-Atlantic Airlines, Inc., Eastern Airlines, Inc., Acquisition Case* (petition of Jose Dones to compel arbitration of labor dispute).

5. Docket 30240, petition of Aviation Consumer Action project for Rulemaking to amend Part 241 to require the airlines to report and to classify as nonoperating expenses all expenditures for lobbying and institutional advertising.

6. Docket 30704, application of Trans World Airlines, Inc., for approval under section 412 of the Federal Aviation Act of 1958 of an agreement between it and British Airways, dated March 31, 1977, regarding new contract cargo rates, bulk specific commodity rates, and container specific commodity rates, in U.K.-U.S. directional markets.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: At the June 30, 1977, Board meeting, Chairman Kahn indicated that the Board should develop its views on the regulatory reform legislation currently before Congress as soon as possible. It was clear that the subject would require more discussion than the time available at the June 30, 1977, meeting. Accordingly, the following Members voted that agency business required the addition of regulatory reform legislation currently before Congress to the agenda of the July 5, 1977, meeting agenda as Item 2 and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

Because of time limitations at the July 5, 1977, meeting, Chairman Kahn stated that it might be necessary at that meeting to postpone consideration of some or all of the other items on the agenda. If that is necessary, the appropriate Sunshine votes will be taken at the meeting.

[S–820–77 Filed 7–1–77;4:12 pm]

[1] The ratification process provides an entry in the Board's minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., July 8, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey (254–6314).

[S–822–77 Filed 7–1–77;4:12 pm]

3

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., July 7, 1977

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public: Aggregation policy; Commission Quarterly Review: second quarter fiscal year 1977: Commission calendar; decision on filing of amicus curiae in Ames v. Merrill, Lynch, Pierce Fenner & Smith.

Portions closed to the public: Enforcement matters; audit report.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey (254–6314).

[S–822–77 Filed 7–1–77;4:12 pm]

4

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, July 12, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonajudicative matters. (1) Approval of minutes of nonadjudicative matters considered at meeting of June 14, 17, 21, 27, and 28, 1977.

(2) Consideration of proposed complaint in a (nonpublic) Part II matter.

(3) Consideration of proposed resolution authorizing compulsory process in a (nonpublic) Part II matter.

(4) Consideration of proposed resolution authorizing compulsory process and order to file special report in a (nonpublic) Part II matter.

(5) Consideration of issuance of proposed complaint in a (non-public) Part II matter.

Adjudicative matters under Part 3 of the rules of practice. (1) Approval of minutes of adjudicative matters considered at meeting of June 21 and 28, 1977.

(2) Consideration of reopening proceedings for modification of final order in Beneficial Corp. et al., Docket No. 8922.

(3) Consideration of motion to withdraw matter from adjudication in Bankers Life and Casualty Co., et al., Docket No. 9075.

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(4) Consideration of petition for extraordinary review of ALJ's order denying motion to dismiss for lack of subject matter jurisdiction in the Reuben H. Donnelley Corp., Docket No. 9079.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202–523–3830; recorded message, 202–523–3806.

[S–828–77 Filed 7–5–77;10:54 am]

5

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, July 13, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) Consideration of proposed rules implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (pre-merger notification).

(2) Consideration of proposed trade regulation rule regarding reasonable duties under a full warranty.

(3) Report from general counsel on congressional matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202–523–3830; recorded message, 202–523–3806.

[S–829–77 Filed 7–5–77;10:54 am]

6

[USITC SE–77–43]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., July 15, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTER TO BE CONSIDERED: 1. Briefing on certain headwear (Inv. TA–201–23).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202–523–0161).

[S–826–77 Filed 7–5–77;8:47 am]

7

[USITC SE–77–41B]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 3312.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., July 7, 1977.

CHANGES IN THE MEETING: Additional items added to the agenda as follows:

10. Certain color television receiving sets (Inv. 337–TA–23)—consideration of consent orders (discussion and vote).

11. Parts for paving equipment (Inv. AA 1921–166)—possible reconsideration of the vote.

PORTIONS CLOSED TO THE PUBLIC: 1. Reorganization (portions respecting the selection of personnel).

NOTE.—The original agenda, as published, was for a meeting all portions of which would be open to the public. As revised, the agenda contemplates both open and closed sessions for consideration of item 1 (reorganization).

[S–825–77 Filed 7–5–77;8:47 am]

8

[USITC SE–77–42]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., July 14, 1977.

PLACE: Room 117.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: 1. Reorganization.

2. Agenda.

3. Fresh cut flowers (TA–201–22)—vote.

4. Request by the Environmental Protection Agency for certain confidential data (see memoranda from the General Counsel, Environmental Protection Agency).

5. Summary of information on import relief (see action jacket ID–77–39).

6. Certain television receivers (337–TA–23)—Consideration of consent decision—if necessary.

7. Cast-iron stoves (Inv. TA–201–24)—vote.

8. Any items left over from previous agenda.

PORTION CLOSED TO THE PUBLIC: 1. Reorganizaion (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202–523–0161).

[S–824–77 Filed 7–5–77;8:47 am]

9

AGENCY HOLDING THE MEETING: National Science Board's Executive Committee.

TIME AND DATE: July 15, 1977.

PLACE: National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C. 20550.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Consideration of proposed awards.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson (202–632–5840).

[S–823–77 Filed 7–5–77;8:46 am]

10

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2 p.m., Thursday, July 14, 1977 (NM–77–19).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: 1. Recommendation to Federal Aviation Administration re improved pilot/controller communications procedures to eliminate possible misunderstandings.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202–755–4930).

[S–818–77 Filed 7–1–77;3:51 pm]

11

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: Immediately following open meeting, Thursday, July 14, 1977 (NM–77–20).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. *Order.—Administrator* v. *Danielson*, Dkt. SE–3213; disposition of Administrator's petition for reconsideration.

2. *Opinion and order.—Commandant* v. *O'Callaghan*, Dkt. ME–58; disposition of mariner's appeal.

3. Discussion of fiscal year 1979–80 authorization request.

4. Discussion of internal personnel matters.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202–755–4930).

[S–819–77 Filed 7–1–77;3:51 pm]

12

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Thursday, July 7, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

OPEN MATTERS TO BE CONSIDERED:

THURSDAY, JULY 7

10 a.m.—Briefing on containment safety (approx. 1½ hrs.) (public briefing).

2 p.m.—1. Briefing on reactor licensing schedules (approx. 1 hr.) (public briefing). 2. Briefing on current status of NRC EEO program (approx. 1 hr.) (public briefing).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202–634–1410).

Dated: June 30, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–816–77 Filed 7–1–77;3:07 pm]

13

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Friday, July 1, 1977, 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

STATUS: Closed.

MATTER TO BE CONSIDERED: Guidelines for application of statutory factors.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 20446 (202–254–8277).

Dated: July 1, 1977.

GOODWIN CHASE,
Chairman.

[S–817–77 Filed 7–5–77;1:55 pm]

14

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Friday, July 8, 1977, 9 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matter 1 will be open to the public; matter 2 will be closed to the public.

MATTERS TO BE CONSIDERED: 1. Reports of regional board observations. 2. Guidelines for application of statutory factors.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 200 M Street NW., Washington, D.C. 20446 (202–254–8277).

Dated: July 1, 1977.

GOODWIN CHASE,
Chairman.

[S–827–77 Filed 7–5–77;10:54 am]

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THURSDAY, JULY 7, 1977
PART II

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

NEW AND REVISED HEALTH STANDARDS

Notice of Proposed Rulemaking

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DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for the purpose of the regulations which have significant application to working conditions in mines and mills subject to the Federal Metal

current asbestos dust standard for surface work areas of underground coal mines and surface coal mines and

as of October 1, 1976, and which is made a part hereof. Title 42 of the Code of Federal Regulations, Part 57, Subpart J

§ 56.2 Definitions.

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DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

NEW AND REVISED HEALTH STANDARDS

Notice of Proposed Rulemaking

AGENCY: Department of the Interior, Mining Enforcement and Safety Administration (MESA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of the Interior is soliciting comments on a proposed definition for the term "potable water," proposed new mandatory standards with respect to the major health hazards of silicosis and other respiratory diseases related to excessive concentrations of silica dust, and lung cancer and other diseases related to exposure to asbestos dust, and proposed new mandatory standards limiting the use and storage of certain specified toxic or harmful chemical substances.

"Potable" as used in 30 CFR Parts 55, 56, and 57 is vague. The proposed definition of the term "potable water" will provide clarity and uniformity in compliance and enforcement of mandatory standards §§55.20–2, 56.20–2, and 57.20–2 by providing applicable minimum health requirements for drinking water. New mandatory standards will place limitations on the use of silica sand, or other materials, containing more than 1 percent free silica in abrasive blasting operations on the surface and precludes such use underground, and generally prohibit the use and storage of certain specified harmful chemical substances, and reduce the 8-hour time-weighted average airborne concentration of asbestos dust to which workers are exposed from 5 fibers per milliliter greater than 5 microns in length to 2 fibers per milliliter. The proposed amendments will improve health conditions to which mine workers are exposed and provide mine workers with an equivalent degree of protection as workers in other industries and subject to similar hazards.

DATES: Comments must be received on or before August 22, 1977.

ADDRESSES: The Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT:

Dr. Aurel Goodwin, Chief, Division of Health, Metal and Nonmetal Mine Health and Safety, Room 728, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–8307.

SUPPLEMENTARY INFORMATION

STATUTORY RULEMAKING PROVISIONS

Notice is hereby given that pursuant to the rulemaking authority of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents and occupational illnesses and diseases, it is proposed to amend Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations. The health standards are to be amended by: (1) revising the definition of "potable" to "potable water" which will provid the minimum health requirements for drinking water as established by the State or community in which the mine is located, or the Public Health Service drinking water standards published in Subpart J of 42 CFR Part 72; (2) prohibiting the use or storage of certain specified toxic chemical substances except under laboratory conditions approved by a nationally recognized agency acceptable to the Secretary; (3) revising existing mandatory standards by reducing the 8-hour time-weighted average airborne concentration of asbestos dust to which employees are to be exposed from 5 fibers per milliliter greater than 5 microns in length to 2 fibers per milliliter; and (4) prohibiting silica sand or other materials containing more than 1 percent free silica from being used as an abrasive substance in abrasive blasting cleaning operations underground and limiting such use in surface activities only with the use of full-flow respiratory protection, or equivalents to all exposed persons.

These health standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed under section 7 of the Act (30 U.S.C. 726). Each proposed mandatory health standard has been recommended as a "mandatory" standard by the Advisory Committee. Under subsections (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)) each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the subsection in which the standard is prescribed. Since the Advisory Committee has recommended these mandatory health standards, the standards are preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC. ——————"

According to the provisions of subsection (c) of section 6 of the Act, interested persons may submit written data, views, or arguments concerning these proposed standards. However under subsection (e) of section 6 of the Act, these proposed mandatory standards which are recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings.

MEMORANDUM OF UNDERSTANDING

The Mining Enforcement and Safety Administration and the Occupational Safety and Health Administration entered into a Memorandum of Understanding on April 22, 1974, to (1) clarify the jurisdiction responsibilities of each agency and (2) provide a procedure for the coordination and adoption of OSHA regulations which have significant application to working conditions in mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act. This Memorandum of Understanding was published in the FEDERAL REGISTER on Friday, July 26, 1974 (39 FR 27382–27384). Article D1(c) of the Memorandum of Understanding requires the Secretary of the Interior to publish in the FEDERAL REGISTER (1) those OSHA regulations which the Secretary proposes to publish without change, and (2) those OSHA regulations which the Secretary proposes to adopt with modification or revision because specific conditions associated with the metal and nonmetal mining industries warrant such modification or revision. The memorandum also provides that the Secretary publish the text of the proposed modified or revised standards and indicates the reasons for the modifications or revisions.

A comparison has been made between the language and substantive requirements of each proposed definition and mandatory health standard with the corresponding OSHA definition and regulation. In each instance, the proposed definition or mandatory health standard affords at least the same degree of health protection to the individuals working in the metal and nonmetal mining industries as its counterpart OSHA definition or regulation affords those persons working in the general and construction industries subject to the Occupational Safety and Health Act.

The wording of these proposed definitions and mandatory health standards are like, but not identical with, their corresponding OSHA definition and regulations. The wording has been specifically recommended to the Secretary by the Federal Metal and Nonmetal Mine Safety Advisory Committee on the basis of recognized hazards in metal and nonmetal mining, the needs of workers, and the general practice of preparing standards in short and concise statements that are readily understandable by persons working in the metal and nonmetal mining industries.

In consideration of the foregoing, it is proposed to amend Parts 55, 56, and 57 of Subchapter N, Chapter I, Title 30, Code of Federal Regulations, as set forth below.

PERMISSIBLE LEVELS OF EXPOSURE TO ASBESTOS

Because of scientific data developed in the late 1960's and early 1970's, the asbestos standards 30 CFR 55.5–1, 56.5–1, and 57.5–1 were amended in 1974 to provide the current limit of 5 fibers/ml greater than 5 microns (micrometers) in length. In keeping with the Secretary's responsibilities, MESA continued to study the available data on asbestos dust and, as a result of these studies, in June 1976 submitted to the advisory committee a recommendation to reduce the 5 fibers/ml limit to 2 fibers/ml. The reason for the reduction to 2 fibers/ml limit is to prevent asbestosis and to protect to a greater degree against cancer. The 2 fibers/ml limit is consistent with MESA's current asbestos dust standard for surface work areas of underground coal mines and surface coal mines and OSHA's current standards for general industries and the construction industry. A reduction from 5 fibers/ml level to 2 fibers/ml will improve significantly the working environment of miners.

Some prominent medical and health authorities have indicated that permissible exposures up to 2 fibers/ml may still be too high to adequately protect the health of miners exposed to asbestos dust during a working lifetime. MESA, therefore, is continuing its studies into the necessity and feasibility of further reducing the 2 fibers/ml limit and will be seeking the active cooperation of the mining industry, miners and other interested persons and organizations prior to beginning formal rulemaking procedures. OSHA has published in the FEDERAL REGISTER and solicited comments on a proposal to reduce asbestos exposure levels from 2 to 0.5 fibers/ml for all industries except the construction industry which will be considered separately at some later date. NIOSH has recommended to OSHA an asbestos standard of 0.1 fiber/ml.

DRAFTING INFORMATION

The principal persons responsible for preparation of these proposed health standards are: Arthur P. Nelson, Assistant Administrator, Metal and Nonmetal Mine Health and Safety, MESA; Aurel Goodwin, Chief, Division of Health; and, Donald R. Tindal, Assistant Solicitor, Metal and Nonmetallic Mine Health and Safety, Office of the Solicitor.

IMPACT STATEMENTS

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 dated December 31, 1976, and OMB Circular A–107; and further, that it is not a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement.

Dated: June 28, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

1. It is proposed to revise the definition of "Potable" in § 55.2 as follows:

§ 55.2 Definitions.

* * * * *

"Potable water" (MNMSAC) means water which shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located. Where no such requirements are applicable, the drinking water provided shall conform with the Public Health Service Drinking Water Standards, Subpart J, pages 527–533, 42 CFR Part 72, revised, as of October 1, 1976, and which is made a part hereof. Title 42 of the Code of Federal Regulations, Part 72, Subpart J, revised as of October 1, 1976, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

* * * * *

2. It is proposed to revise paragraph (b) of mandatory standard 55.5–1 and add new mandatory standards 55.5–6 and 55.5–10 as follows:

§ 55.5 Air quality and physical agents.

* * * * *

55.5–1 *Mandatory. MNMSAC.*

* * * * *

(b) The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 2 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 magnification (4 millimeter objective) phase contrast illumination. No employees shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers per milliliter of air, as determined by the membrane filter method over a minimum sampling time of 15 minutes. "Asbestos" is a generic term for a number of hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils. Although there are many asbestos minerals, the term "asbestos" as used herein is limited to the following minerals: chrysolite, amosite, crocidolite, anthophyilite asbestos, tremolite asbestos, and actinolite asbestos.

* * * * *

55.5–6 *Mandatory. MNMSAC.* The following chemical substances shall not be used or stored except by competent persons under laboratory conditions approved by a nationally recognized agency acceptable to the Secretary:

(a) Carbon tetrachloride
(b) Phenol
(c) 4-Nitrobiphenyl
(d) Alpha-naphthylamine
(e) 4,4-Methylene Bis (2-chloroaniline)
(f) Methyl-chloromethyl ether
(g) 3,3 Dichlorobenzidine
(h) Bis (chloromethyl) ether
(i) Beta-napthylamine
(j) Benzidine
(k) 4-Aminodiphenyl
(l) Ethyleneimine
(m) Beta-propiolactone
(n) 2-Acetylaminofluorene
(o) 4-Dimenthylaminoazobenzene
(p) N-Nitrosodimethylamine

* * * * *

55.5–10 *Mandatory. MNMSAC.* Silica sand, or other materials containing more than 1 percent free silica, shall not be used as an abrasive substance in abrasive blasting cleaning operations without requiring full-flow respiratory protection, or equivalent, to all exposed persons.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE

3. It is proposed to revise the definition of "Potable" in § 56.2 as follows:

§ 56.2 Definitions.

* * * * *

"Potable water" (MNMSAC) means water which shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located. Where no such requirements are applicable, the drinking water provided shall conform with the Public Health Service Drinking Water Standards, Subpart J, pages 527–533, 42 CFR Part 72, revised, as of October 1, 1976, and which is made a part hereof. Title 42 of the Code of Federal Regulations, Part 72, Subpart J, revised as of October 1, 1976, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

* * * * *

4. It is proposed to revise paragraph (b) of mandatory standard 56.5–1 and add new mandatory standards 56.5–6 and 56.5–10 as follows:

§ 56.5 Air quality and physical agents.

* * * * *

56.5–1 *Mandatory. MNMSAC.*

* * * * *

(b) The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 2 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 magnification (4 millimeter objective) phase contrast illumination. No employees shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers per milliliter of air, as determined by the membrane filter method over a minimum sampling time of 15 minutes. "Asbestos" is a generic term for a number of hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils. Although there are many asbestos minerals, the term "asbestos" as used herein is limited to the following minerals: chrysotile, amosite, crocidolite, anthophylite asbestos, tremolite asbestos, and actinolite asbestos.

* * * * *

56.5–6 *Mandatory. MNMSAC.* The following chemical substances shall not be used or stored except by competent persons under laboratory conditions approved by a nationally recognized agency acceptable to the Secretary:

(a) Carbon tetrachloride
(b) Phenol
(c) 4-Nitrobiphenyl
(d) Alpha-naphthylamine
(e) 4,4-Methylene Bis (2-chloroaniline)
(f) Methyl-chloromethyl ether
(g) 3,3 Dichlorobenzidine
(h) Bis (chloromethyl) ether
(i) Beta-napthylamine
(j) Benzidine
(k) 4-Aminodiphenyl
(l) Ethyleneimine
(m) Beta-propiolactone
(n) 2-Acetylaminofluorene
(o) 4-Dimethylaminoazobenzene
(p) N-Nitrosodimethylamine

* * * * *

56.5–10 *Mandatory. MNMSAC.* Silica sand, or other materials containing more than 1 percent free silica, shall not be used as an abrasive substance in abrasive blasting

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cleaning operations without requiring full-flow respiratory protection, or equivalent, to all exposed persons.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

§ 57.2 Definitions.

5. It is proposed to revise the definition of "potable" in § 57.2 as follows:

* * * * *

"Potable water" (MNMSAC) means water which shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located. Where no such requirements are applicable, the drinking water provided shall conform with the Public Health Service Drinking Water Standards, Subpart J, pages 527–533, 42 CFR Part 72 revised, as of October 1, 1976, and which is made a part hereof. Title 42 of the Code of Federal Regulations, Part 72, Subpart J, revised as of October 1, 1976, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

* * * * *

6. It is proposed to revise § 57.5 paragraph (b) of mandatory standard 57.5–1 which is applicable to surface and underground; to add new mandatory standard 57.5–6, applicable to surface and underground; to add mandatory standard 57.5–10, applicable to surface; and 57.5–16 applicable to underground:

§ 57.5 Air quality, ventilation, radiation, and physical agents.

57.5–1 *Mandatory MNMSAC*

* * * * *

(b) The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 2 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 magnification (4 millimeter objective) phase contrast illumination. No employees shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers per milliliter of air, as determined by the membrane filter method over a minimum sampling time of 15 minutes. "Asbestos" is a generic term for a number of hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils. Although there are many asbestos minerals, the term "asbestos" as used herein is limited to the following minerals: chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos.

* * * * *

57.5–6 *Mandatory MNMSAC.* The following chemical substances shall not be used or stored except by competent persons under laboratory conditions approved by a nationally recognized agency acceptable to the Secretary:

(a) Carbon tetrachloride
(b) Phenol
(c) 4-Nitrobiphenyl
(d) Alpha-napthylamine
(e) 4,4-Methylene Bis (2-chloroaniline)
(f) Methyl-chloromethyl ether
(g) 3,3 Dichlorobenzidine
(h) Bis (chloromethyl) ether
(i) Beta-napthylamine
(j) Benzidine
(k) 4-Aminodiphenyl
(l) Ethyleneimine
(m) Beta-propiolactone
(n) 2-Acetylaminofluorene
(o) 4-Dimethylaminoazobenzene
(p) N-Nitrosodimethylamine

* * * * *

57.5–10 *Mandatory MNMSAC.* Silica sand, or other materials containing more than 1 percent free silica, shall not be used as an abrasive substance in abrasive blasting cleaning operations without requiring full-flow respiratory protection, or equivalent, to all exposed persons.

* * * * *

57.5–16 *Mandatory MNMSAC.* Silica sand, or other materials containing more than 1 percent free silica, shall not be used as an abrasive substance in abrasive blasting cleaning operations.

[FR Doc.77-19312 Filed 7-6-77;12:05 pm]

federal register

THURSDAY, JULY 7, 1977

PART III

COMMODITY FUTURES TRADING COMMISSION

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TRADING STANDARDS

Interpretive Statement and Specification of Terms and Conditions for Certain Exemptions

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Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

of the regulation.[2] The Commission has analyzed these comments and, on May 19, 1977, adopted interpretive statements and specifications of terms and conditions for certain exemptions. The purpose of this regulation is to require contract markets to conform their rules to the interpretive statements and specifications of terms and conditions for certain exemptions and to require uniformity with contract market rules approved by the Commission. The purpose of this regu-

An issue has arisen as to whether a floor broker is required to hand off orders for discretionary accounts to another floor broker in order to avoid trading for his own account. The Commission agrees and will entertain, on the basis of the terms and conditions set forth in the interpretive statement, requests for exemptions from the hand off requirement for floor brokers executing orders for discretionary accounts and which provide that customers' orders, including price and time discretion orders,

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 155—TRADING STANDARDS

Interpretive Statement and Specification of Terms and Conditions for Certain Exemptions

AGENCY: Commodity Futures Trading Commission.

ACTION: Interpretive Statement and Specification of Terms and Conditions for Certain Exemptions.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted interpretations of, and specified terms and conditions for exemptions from the Commission regulation dealing with trading standards for floor brokers. The interpretations will be used in the Commission's analysis of each contract market's proposed rules implementing the floor broker trading standards, which have been submitted to the Commission pursuant to section 5a(12) of the Commodity Exchange Act, as amended. The specified terms and conditions will be used in the Commission's section 5a(12) analysis of proposed rules which accompany a petition for exemptions.

DATES: Comments must be received on or before: August 8, 1977. Effective date: May 10, 1977.

ADDRESSES: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Maureen E. Lally, Contract Markets Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, 202–254–5208.

SUPPLEMENTAL INFORMATION: On December 20, 1976, the Commission adopted a new Part 155, establishing trading standards for floor brokers and for those futures commission merchants which are members of contract markets (41 FR 56134, December 23, 1976). While the Commission determined to adopt Part 155 in the form as published, it also announced that it would "consider any comments on the new regulation submitted by interested persons on or before January 21, 1977, in determining whether any further or different action should be taken with respect to any of the matters dealt with in these regulations."[1] Numerous oral and written comments were received requesting that that Commission clarify certain aspects of the regulation.[2] The Commission has analyzed these comments and, on May 10, 1977, adopted interpretations of regulations 155.2(c) and 155.2(e).

The Commission has the authority under regulation 155.10 to exempt, upon terms and conditions it deems appropriate, a contract market or other person from the provisions of Part 155. In this regard, on May 10, 1977, the Commission specified the terms and conditions under which it will grant exemptions from the provisions of regulation 155.2(c).

Interested persons may submit comments for a period of thirty (30) days from the date hereof. The Commission will consider these comments in determining whether any further or different action should be taken with respect to these interpretations and specifications.

Set forth below are the adopted interpretations and the erms and conditions for exemptions from the provisions of regulation 155.2(c).

Interpretations

1. Regulation 155.2(c) prohibits a floor broker from executing any transaction for any account of another person over which he has the authority to originate orders or for which transactions can be executed by the broker without the prior specific consent of the account owner. Such order must be placed with another member for execution. Regulation 155.2(c) was designed, in part, to prevent a floor broker's allocation of profitable trades to his own personal trading account or accounts of favored customers to the detriment of his descretionary account customers. In announcing new Part 155, the Commission stated that regulation 155.2(c) did not require that orders giving the broker discretion as to time and price must be handed off for execution. 41 FR 56136, December 23, 1976.[3]

A question has arisen as to whether a floor broker may execute any other type of discretionary order and still be in compliance with regulation 155.2(c). The reason for the Commission's determination regarding price and time discretion orders was that the customer has limited the floor broker's discretion when he gives the broker only time and price discretion. In these situations the customer actually originates the order, not the floor broker. However, the more details of the order the broker decides the greater his exercise of discretion and the greater the potential for abuse that regulation 155.2(c) is designed to prevent. Therefore, as interpreted by the Commission, regulation 155.2(c) requires that discretionary orders giving the broker more latitude than price and time discretion must be handed off for execution.

2. Regulation 155.2(e) prohibits a floor broker from taking the other side of an order of another person "except with such other person's prior consent" and in conformity with contract market rules approved by the Commission. The purpose of this regulation is to require contract markets to adopt and enforce rules similar to section 4b(D) of the Act which, among other things, prohibits anyone from taking the other side of another person's order without such person's prior consent.

(A) A question has arisen as to whether the term "other person" in regulation 155.2(e) refers to the account owner-customer or to the futures commission merchant placing the order with the floor broker. Since the purpose of regulation 155.2(e) is to protect the account owner-customer on the other side of the transaction from trading abuses, the Commission interprets the regulation to require that the prior consent is to be obtained from that customer.

(B) Another question that has arisen is whether the prior consent must be obtained for each transaction. Commentators have stated that if the contract market member has obtained the prior consent from the account owner-customer in the form of a written agreement which is separate and distinct from the customer agreement, then the purposes of the regulation are served. While the Commission believes that it is important that the customer is aware that the broker is taking the other side of a transaction, the Commission believes that the objectives of the regulation would be met if the prior consent of the account owner-customer is obtained in the form of a written agreement which is separate and distinct from the customer agreement.

(C) A third question that has arisen is whether contract market rules which set forth the procedures outlined in Commission regulation 1.39 are acceptable contract market rules for purposes of regulation 155.2(e). Regulation 1.39 sets forth the conditions and requirements for the execution of simultaneous buying and selling orders of different principals.[4] The Commission believes that the objective of regulation 1.39, which is to minimize the potential for abuse by the floor broker, is likewise applicable when the floor broker takes the other side of the transaction. Therefore, the Commission believes that proposed contract market rules which implement the procedures outlined in Commission regulation 1.39 are acceptable for purposes of regulation 155.2(e).

Terms and Conditions for Exemptions

As discussed above, regulation 155.2(c) prohibits a floor broker from executing any order which he has the authority to originate. Such order must be placed with another member for execution.

An issue has arisen as to whether a floor broker is required to hand off orders for discretionary accounts or discretionary orders originated by the broker for members of the floor broker's immediate family, for contract market members, or for the proprietary accounts of contract market member firms. Commentators have stated that regulation 155.2(c) was designed primarily to protect those discretionary account customers who are not in a position to oversee directly the trading activities of the floor broker exercising the discretion and, therefore, the regulation should not apply to orders originated for contract market members, the proprietary accounts of contract market member firms and, to a certain extent, members of a broker's immediate family.

The Commission agrees and will entertain, on the basis of the terms and conditions set forth below, a contract market's petition for exemption from the requirements of regulation 155.2(c) with respect to orders originated on behalf of any one or all of the following:

(1) Members of the floor broker's immediate family;

(2) Contract market members; and

(3) The proprietary accounts of contract market member firms.

Such petition is to be accompanied by proposed contract market rules which define the customers for whom exemption from the requirement of handing off orders is sought and which provide that customers' orders, including price and time discretion orders, are executed before discretionary account orders or discretionary orders for family members, contract market members or the proprietary accounts of contract market member firms.

Issued in Washington, D.C. on June 29, 1977.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-19203 Filed 7-6-77;8:45 am]

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[1] 41 FR 56144, December 23, 1976. The effective date of the newly adopted Part 155 was extended to March 16, 1977 and the period for the submission of comments was extended to February 22, 1977. (42 FR 4120, January 21, 1977.)

[2] The Commission today published in the FEDERAL REGISTER a proposal to amend regulation 155.2(g) to eliminate the absolute prohibition of allocation of trades by a floor broker among accounts by permitting allocation in accordance with contract market rules approved by the Commission. *See* 42 FR 35007 July 7, 1977.

[3] Of course, the "customer first" provisions of regulation 155.3 (a) and (b) applies to price and time discretion orders so that broker may not trade for his own account until that order, which is theoretically always executable at the market, is filled.

[4] Regulation 1.39 provides that a broker may match simultaneous buying and selling orders of different principals at the market price if such matching is done in conformity with written rules of the contract market, which have been approved by the Commission. The 1.39 procedures require that both orders must be openly and competitively offered and the offer must be higher than the bid by not more than the minimal permissible price fluctuation for the commodity where neither the bid nor offer is accepted. The broker must execute these orders "in the presence of an official representative of such contract market designated to observe such transactions." All these transactions must be clearly identified, including the time, on the broker's trading card at the time of execution and must be verified and initialed by the official representative. In addition, the contract market must keep a record of all these transactions.

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federal register

THURSDAY, JULY 7, 1977
PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

COMMODITY FUTURES TRADING COMMISSION

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TRADING STANDARDS FOR FLOOR BROKERS

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COMMODITY FUTURES TRADING COMMISSION

Regulation 155.2(g) presently prohibits

Interested persons may submit com-

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 155]

TRADING STANDARDS

Proposed Rule Change

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed Rule Change.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to eliminate the absolute prohibition of allocation of trades by floor brokers among accounts by permitting allocation in accordance with contract market rules approved by the Commission pursuant to section 5a(12) of the Commodity Exchange Act, as amended. The intended effect of the proposed rule change is that contract markets be permitted to adopt and receive Commission approval of rules which set forth specific procedures by which floor brokers may allocate trades.

DATES: Comments must be received on or before: August 8, 1977.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Maureen E. Lally, Contract Markets Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-5208.

SUPPLEMENTAL INFORMATION: On December 20, 1976, the Commission adopted a new Part 155 of the Commission regulations, establishing trading standards for floor brokers and for those futures commission merchants which are members of contract markets. (41 FR 56134, December 23, 1976). While the Commission determined to adopt Part 155 in the form as published, it also announced that it would "consider any comments on the new regulation submitted by interested persons on or before January 21, 1977, in determining whether any further or different action should be taken with respect to any of the matters dealt with in these regulations."[1] Numerous oral and written comments were received requesting that the Commission clarify whether any type of allocation is permissible under regulation 155.2(g).[2]

Regulation 155.2(g) presently prohibits allocation by a floor broker of trades among accounts. While the present language of regulation 155.2(g) does not permit any type of allocation, the Commission previously stated that the purpose behind the regulation is to prevent discretionary allocation which permits floor brokers to allocate "the best trades to their own accounts and the accounts of their preferred customers to the detriment of their other customers." 41 FR 56137. The Commission recognized that there may be times when the floor broker must assign trades among accounts and suggested a nondiscriminatory method for such assignment, e.g., assignment on the basis of the order of receipt by the broker of the orders in the pit.[3]

Commentators have raised two general objections to the present regulation. First, they believe that a floor broker's assignment of trades on the basis of an objective factor such as time stamp should be a permissible method of allocation. Second, since it is impossible to assign trades on the basis of time stamp when there are identical time stamps or when there is no written time stamp record,[4] contract markets should be permitted to devise other allocation procedures.

The proposed amendment would eliminate the absolute prohibition of a floor broker's allocation of trades among accounts by permitting allocation in accordance with contract market rules approved by the Commission pursuant to section 5a(12) of the Act. Therefore, contract markets who wish to permit any type of allocation may adopt and submit for Commission approval pursuant to section 5a(12) of the Act rules setting forth specific allocation procedures which are consistent with the purpose of the regulation, i.e., to prohibit discriminatory allocation by floor brokers of trades among accounts.[5]

Interested persons may submit comments on or before the above date. The Commission will consider these comments in determining whether to adopt the proposed amendment to regulation 155.2(g).

In consideration of the foregoing and pursuant to sections 4b, 4g, 4j and 8a of the Act, 7 U.S.C. 6b, 6g, 6j and 12a, the Commission hereby proposes to amend 17 CFR 155.2 by revising § 155.2(g) to read as follows:

§ 155.2 Trading standards for floor brokers.

* * * * *

(g) Prohibit such member from allocating trades among accounts except in accordance with rules of the contract market which have been approved by the Commission.

* * * * *

Issued in Washington, D.C. on June 29, 1977.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-19204 Filed 7-6-77;8:45 am]

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[1] 41 FR 56144, December 23, 1976. The effective date of Part 155 was extended to March 16, 1977 and the period for the submission of comments was extended to February 22, 1977. (42 FR 4120, January 21, 1977).

[2] The Commission today published in the FEDERAL REGISTER interpretations of regulation 155.2(c) and 155.2(e) and specified terms and conditions for certain exemptions from various provisions of regulation 155.2. *See* 42 FR 35003 July 7, 1977.

[3] 41 FR 56137, n. 13, December 23, 1976.

[4] In this connection, the Commission has proposed that present regulations 1.35(a-1)(2) and (3) be changed to provide that all orders, including those received from another member on the floor, be written and time stamped. In this way, there would be a written, time stamped order for almost every trade. (41 FR 55887, December 23, 1976).

[5] In a related area, some commentators have questioned whether a floor broker can correct his errors while holding customer orders which are executable at the market price on the opening or opening call and still comply with the requirements of regulations 155.2 (a) and (b). Regulations 155.2 (a) and (b) prohibit a floor broker from executing any transaction for his own account while holding the order of another person which is executable at the market. These regulations incorporate a "customer first" rule which is intended to prohibit a floor broker from trading ahead of a customer order in any delivery month of the futures contract specified in the customer's order.

Commentators have stated that a floor broker will correct his errors from the previous day as soon as possible the next morning even if it means handing off his deck to another broker during the opening period or refusing to accept any customer orders for the opening. The customer, therefore, may be disadvantaged in that he would be unable to use the expertise of a particular broker for the execution of his opening orders. These commentators have requested an exemption from the "customer first" rule of regulation 155.2 (a) and (b) to permit a floor broker on the opening or opening call to correct his errors.

The Commission believes that contract markets should address this concern in the context of proposed rules submitted to comply with proposed regulation 155.2(g), if adopted. The primary purpose behind both the "customer first" rule of regulations 155.2 (a) and (b) and the regulation 155.2(g) prohibition of allocation is protection of the customer. When a floor broker is permitted to correct errors before executing his customer orders on the opening or opening call, there is a potential that the floor broker will allocate the most favorable trades to his own account to correct his errors to the detriment of his customer. This discriminatory allocation could occur without detection by the contract market since most contract markets do not presently require that each transaction be time stamped upon execution and since contract markets' time and sales information for the opening or opening call is often quote in terms of a range rather than in consecutive price changes. The contract market may have difficulty, therefore, in determining whether the customer relationship was abused by permitting the floor broker to correct his errors before executing his customer's orders.

To resolve this concern, if the proposed amendment to regulation 155.2(g) is adopted, the Commission will consider proposed contract market rules which allow a floor broker to correct his errors on the opening or opening call before executing trades for his customers only if proposed contract market rules: (1) set forth specific allocation procedures which are designed to prohibit discriminatory allocation of trades on the opening or opening call and (2) provide that the floor broker indicate on the records he keeps for the contract market that the transaction was executed to correct an error.

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THURSDAY, JULY 7, 1977
PART V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration)

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

■

MOBILE HOMES

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 77-446]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Modular Homes; Exemption from Standards Extended

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Extension of time.

SUMMARY: This extension continues until June 30, 1978, the exemption of certain modular homes from the Federal Mobile Home Construction and Safety Standard. After the issuance of the Federal standard on December 18, 1975, the Department learned that units considered to be modular homes fell under the statutory definition of mobile home. This further extension is necessary to allow the Department time to develop and obtain legislation concerning the modular-mobile issue. If appropriate legislation is enacted, then the interim rule will be withdrawn.

EFFECTIVE DATE: This extension will be in effect until June 30, 1978, or such other time prior to June 30, 1978 as the Secretary may direct.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, Washington, D.C. 30410, 202–755–7970.

SUPPLEMENTARY INFORMATION: "Modular-mobile" homes were temporarily exempted from the mobile home standard on June 21, 1976, through an amendment to 24 CFR, 280.7 at 41 FR 24968 and again on December 30, 1976, at 41 FR 57014. The current exemption expires on June 30, 1977.

The Department maintains the position stated in the December 30, 1976, interim rule that structures which meet the statutory definition of mobile home are governed by the Act. Further, we believe for the reasons stated in the December 30 interim rule that the Department should continue to exempt "modular-mobile" homes from the standard until a permanent solution can be found. Under a separate rule issued on December 30, 1976, the Department established an enforcement mechanism under § 615 of the Act, 42 U.S.C. 5414, with respect to these modular homes relating to the actions required of manufacturers where imminent safety hazards are discovered. Another document published concurrently with this extension continues the applicability of the Enforcement regulations to modular-mobile homes for one year.

The Department has considered the various alternatives in dealing with the problem and has preliminarily concluded that legislation is most appropriate. Such legislation is now being considered by the Congress. Therefore, the Department has decided to extend further the exemption of modular homes from the standard for one year. This additional time will also permit the Department to explore further the complex issues involved and to evaluate the possible solutions.

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, during normal business hours.

NOTE.—It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with Executive Order No. 11821.

In consideration of the foregoing, 24 CFR 280.7 is revised to read as follows:

§ 280.7 Modular Homes.

A structure which meets the definition of "mobile home" set out in § 280.2(a)(16) is not subject to the provisions of this part if it enters the first stage of production before June 30, 1978, and meets any one or more of the following criteria:

(a) The structure is manufactured in accordance with and meets the following codes or the most recent edition of the following codes published by Building Officials and Code Administrators (BOCA) and the National Fire Protection Association (NFPA):

(1) BOCA Basic Building Code—1975;

(2) BOCA Basic Industralized Dwelling Code—1975;

(3) BOCA Basic Mechanical Code—1975;

(4) BOCA Basic Plumbing Code—1975; and

(5) National Electrical Code—NFPA 70—1975.

(b) The structure is manufactured in accordance with and meets the following codes or the most recent edition of the following codes published by the Southern Building Code Congress (SBCC) and the NFPA:

(1) Standard Building Code—1976;

(2) Standard Gas Code—1976;

(3) Standard Mechanical Code—1976;

(4) Standard Plumbing Code—1975, with 1976 revision; and

(5) National Electrical Code—NFPA 70—1975.

(c) The structure is manufactured in accordance with and meets the following codes or the most recent edition of the following codes published by the International Conference of Building Officials (ICBO), the International Association of Plumbing and Mechanical Officials (IAPMO), and the NFPA.

(1) Uniform Building Code—1973; (ICBO);

(2) Uniform Mechanical Code—1975; (ICBO) and (IAPMO);

(3) National Electrical Code—NEPA 70—1975; and

(4) Uniform Plumbing Code—1973, (IAPMO).

(d) The structure is manufactured in accordance with and meets the following codes published by BOCA, SBCC, ICBO, the American Insurance Association and the NFPA:

(1) One- and Two-Family Dwelling Code, 1975 edition; and

(2) National Electrical Code—70—1975.

(e) The structure meets a standard established by a state for modular homes, as distinct from mobile homes as they are defined by the state.

(f) The structure is built in accordance with an FHA Structural Engineering Bulletin and FHA Minimum Property Standards and is eligible for long-term financing under section 203(b) of the National Housing Act, 12 U.S.C. 1701 et seq.

(g) The structure is manufactured with and meets the following codes or the most recent edition of the following codes published by the American Insurance Association, (NEPA), (BOCA), (SBCC), (ICBO), (IAPMO), and the National Association of Plumbing-Heating-Cooling Contractors (NAPHCC):

(1) The National Building Code—1976;

(2) National Electrical Code—NFPA—70—1975;

(3) BOCA Basic Plumbing Code—1975 or Standard Plumbing Code with 1976 revision or Uniform Plumbing Code (IAPMO)—1973 or National Standard Plumbing Code (NAPHCC)—1973.

Provided, that any aspects of the cited codes or any state codes which are intended to apply to mobile homes, as such codes may define them, are pre-empted by the comparable aspects of the Federal standards.

(Sections 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403, 5404 and 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.77-19396 Filed 7-6-77;8:45 am]

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 77-445]

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Modular Housing; Applicability of Imminent Safety Hazard Provisions

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim rule.

SUMMARY: This amendment states that modular homes meeting the statutory definition of "mobile home" and manufacturers of such homes are subject to the mobile home procedural and enforcement regulations with respect to imminent safety hazards. It also staes that such modular homes and manufacturers are subject to the other provisions of the procedural and enforcement regulations to the extent necessary to enforce the provisions of Law. The purpose of the amenndment is to reflect the Department's conclusion that modular homes that meet the Statutory definition of mobile home as well as the manufacturers of such homes, are subject to Statutory Safety provisions and particularly to the requirement that manufacturers correct imminent safety hazards that are disclosed or determined to exist in the homes. There is no intent to require modular home manufacturers to certify their homes as meeting the Federal mobile home standards or to require that modular home manufacturers obtain the design and production approval required of mobile home manufacturers that are subject to the Federal mobile home standards.

DATES: This rule is effective July 7, 1977 and will continue in effect until June 30, 1978, or until such other time prior to June 30, 1978, as the Secretary may direct.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–7970.

SUPPLEMENTARY INFORMATION: "Modular-mobile" homes were originally subjected to the imminent safety hazard provisions of the enforcement regulations on December 30, 1976, through an amendment to 24 CFR 3282.8(m) at 41 FR 57015. The Department maintains its position stated in the December 30, 1976, interim rule that modular homes which meet the statutory definition of mobile home are subject to the standards and the procedural and enforcement regulations. Another document published concurrently with this rule extends the exemption of modular-mobiles from the Federal Standard until June 30, 1978, to allow the Department time to develop and obtain legislation concerning the modular-mobile issue. If appropriate legislation is enacted, then this interim rule will be withdrawn.

The Department received 6 comments in response to the December 30, 1976, publication. Five of the commenters stated reasons why modulars should not fall under the jurisdiction of the mobile home standards. Three of those commenters discussed the fact that modular homes are built to different standards than are mobile homes, and two questioned whether it was the intent of Congress for modular homes to be regulated under the National Mobile Home Construction and Safety Standards Act of 1974.

Three commenters stated that purchasers of modular housing are offered adequate consumer protections under the existing codes and regulations. One stated that for HUD to impose its regulations upon the modular manufacturers which comply with existing remedies and controls would be an unnecessary and extremely expensive duplication of existing regulations.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, during normal business hours.

NOTE.—It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, 24 CFR 3282.8(m) is amended as follows:

§ 3282.8 Applicability.

. . . . . .

(m) *Modular Homes.* Modular homes meeting the definition of mobile home set out at 24 CFR 3282.7(u) (modular-mobile homes) and manufacturers of such homes are subject to all provisions of Part 3282 unless the modular-mobile home is exempt from the mobile home standards under 24 CFR 280.7. A modular-mobile home that is exempt from the Federal mobile home standards under 280.7 and the manufacturer of such a home are subject to Part 3282 to the extent necessary to assure that the manufacturer meets its responsibilities under § 615 of the Act, 42 U.S.C. 5414. Specifically, modular-mobile homes that are exempt from the Federal mobile home standards under 24 CFR 280.7 and manufacturers of such homes are subject to the provisions of Subpart I of Part 3282 with respect to imminent safety hazards. To the extent that other sections or subparts of Part 3282 must be followed in order to enforce § 615 of the Act, those sections and subparts will govern. In particular, Subpart D of Part 3282 will govern any hearings, presentations of views or investigations that are related to possible imminent safety hazards in modular-mobile homes. Modular-mobile homes that are exempt from the Federal mobile home standards under 24 CFR 280.7 and manufacturers of such homes are not subject to the requirements of the Subparts E and H with respect to certification of the modular-mobile home and with respect to the requirement that designs be approved and that production be subject to surveillance. This paragraph is effective until June 30, 1978.

(Sections 615 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5414 and 5424 and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 77-19395 Filed 7-6-77; 8:45 am]

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THURSDAY, JULY 7, 1977

PART VI

INTERSTATE COMMERCE COMMISSION

■

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Revision

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36367]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Revision

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has adopted a comprehensive revision of the Uniform System of Accounts for Railroad Companies (USOA). This revision updates the current accounting system and provides a more reliable acounting information system which will aid the Commission in adequately determining the cost of rail transportation service. In addition, this revision responds to the requirements of section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Public Law 94–210 which directed the Commission to issue not later than June 30, 1977, regulations and procedures prescribing a uniform cost and revenue accounting and reporting system for all railroads subject to the Interstate Commerce Act, to be effective not later than January 1, 1978.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No.: 202–275–7565.

SUPPLEMENTARY INFORMATION: Comments to the Commission's August 2, 1976, Notice of Proposed Rulemaking published at 42 FR 33016, August 6, 1976, were received from 19 railroads, 2 industry associations, 2 shipper associations and 3 governmental agencies. Their comments are summarized below by two major categories of interest.

Discussion of Major Issues

COMMENTS CONCERNING OPERATING EXPENSE

We have restructured the elements of cost in the operating expense schedule 320 to consist of natural expense accounts, activities, and functions. This restructuring facilitates the development of meaningful costs as required by the 4R Act.

The natural expense accounts will provide the total cost of each input factor, such as total cost of labor, and total cost of material, on a system-wide basis. The natural expense accounts will allow for better analysis of the relationship between variable and fixed costs in any costing methodology and will permit improved financial analysis especially in connection with general rate cases involving cost increases in particular natural expenses.

The functions describe active railroad operations and where appropriate they are separated into affected property types. Expenses reported by precisely defined functions provide a more accurate and meaningful approach to costing.

The activities and sub-activities provide for improved departmentalization of operating expenses and allow for the development of cost centers within the new activities.

We hope to develop guidelines by which railroads may structure their cost center data in a consistent basis. We also agree that this information need not be reported to the Commission on a routine basis. This would be consistent with Section 307 of the 4R Act which requires that accounting data be reported or otherwise disclosed only for essential regulatory purposes.

However, we do believe this type of information must be accumulated to meet the requirements of the 4R Act. Moreover, we envision railroads submitting cost center type information, consistent with cost center guidelines we might prescribe, to support rate change requests, abandonment of facilities requests and for other purposes.

COMMENTS CONCERNING THE 4R ACT

On February 5, 1976, the President signed the 4R Act. The 4R Act directed the Commission to revise the railroad accounting system. Specifically, Section 307 required the following be defined:

(i) Operating and non-operating revenue accounts;

(ii) Direct cost accounts for determining fixed and variable costs for materials, labor, and overhead components of operating expenses and the assignment of such costs to various functions, services, or activities including maintenance of way, maintenance of equipment (locomotive and car), transportation (train, yard, and station, and accessorial services), and general and administrative expenses; and

(iii) Indirect cost accounts for determining fixed, common, joint, and constant costs, including cost of capital, and the method for the assignment of such costs to the various functions, services or activities.

Section 307 of the 4R Act requires the revised USOA to the extent possible "be cost effective, nonduplicative, and compatible with present and desired managerial and responsibility accounting requirements of the carriers and give due consideration to appropriate economic principles."

On March 5, 1976, the Bureau of Accounts issued a draft accounting system containing definitions, instructions, and account texts. The Bureau continued to explore the possibility of implementing a restructured chart of accounts with simplified natural classifications assignable to existing activities that responds to the requirements of the 4R Act.

The 4R Act also provided funds to procure outside consulting assistance. The accounting and consulting firms of Haskins and Sells and Peat, Marwick, Mitchell & Co. (consultants) were engaged to assure proper implementation of the new uniform system of accounts by railroads. Their work included selecting two railroads as pilot models to test the new USOA. In this connection, the Norfolk and Western Railway Company and the Seaboard Coast Line Railroad Company both agreed to participate with the consultants as pilot carriers.

Both pilot programs provided insight into areas of the proposed system requiring revision. The consultants developed recommended changes to the initial accounting system based on information obtained from both pilot programs.

At our direction, the consultants established an Association of American Railroads (AAR) Contact Committee to provide a vehicle for industry as well as all interested party input. Six public meetings were held by the consultants and the contact committee which were open to interested parties to the proceeding—a notice was published in the FEDERAL REGISTER (41 FR 37689) soliciting names and addresses of all parties interested in receiving advance notice of these public meetings. All interested parties were given an opportunity to discuss problems they had with the proposed regulations, and minutes were taken of these meetings. These minutes were then mailed to those on the interested parties mailing list and were also placed in the public docket. Input at these meetings resulted in some revisions to the notice.

As a result of written comments received in the proceeding and discussions in public meetings, changes were made to the proposed system of accounts published August 2, 1976. These changes mainly incorporated proposed requirements in the AAR and Department of Transportation alternate proposals. Also, changes to the published accounting system were developed through the consultants' cost methodology studies as well as their basic review of the published proposed system.

We have reviewed the responses concerning these requirements. It is the Commission's desire to promulgate an accounting system that attempts to balance both regulatory requirements and those of the carriers.

We believe the qualifying phrase, "to the extent possible," indicates that the concepts of cost effectiveness, nonduplication, and compatibility were not designed to be overriding requirements restricting systems design. Moreover, the 4R Act further qualifies managerial and responsibility accounting requirements of the carriers with the phrase "present and desired."

Undoubtedly, a cost system designed for the Commission's regulatory needs could not fully replace a railroad's management accounting system. While we recognize that cost effectiveness, nonduplication and compatibility are worthwhile goals, we believe managerial and regulatory requirements necessitate interdependency—one system alone could not fully satisfy the needs of both. However, we believe the accounting and reporting system here published is, to the extent possible, cost effective, nonduplicative, and compatible with managerial and responsibility requirements.

It is ordered, That, effective January 1, 1978, the regulations prescribed in Part 1201, be, and they are hereby, revised and the regulations prescribed in Parts 1240, 1241 and 1243, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, amended as shown in the appendices to the above mentioned report.

H. G. Homme, Jr.,
Acting Secretary.

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I. Uniform systems of accounts; Appendix A.
II. Classes of Carriers; Appendix B.
III. Implementing instructions for revised road property accounts; Appendix C.
IV. Reports and schedules; Appendix D.
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APPENDIX A

Part 1201, Chapter X, Title 49 of the Code of Federal Regulations is revised as follows:

PART 1201—RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

REGULATIONS PRESCRIBED

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1-2 Classification of accounts.
1-3 Records.
1-4 Accounting period.
1-5 Accrual method of accounting.
1-6 Charges to be just and reasonable.
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1-8 Distribution of expenses for material, tools, fuel, lubricants, purchased services and general.
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2-3 Land.
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2-15 Merger, consolidation, and purchase of railway operating entity or system.
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2-18 Leased property improvements and retirements.
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3 Grading.
4 Other right-of-way expenditures.
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7 Elevated structures.
8 Ties.
9 Rails.
10 Other track material.
11 Ballast.
12 Track laying and surfacing.
13 Fences, snowsheds and signs.
16 Station and office buildings.
17 Roadway buildings.
18 Water stations.
19 Fuel stations.
20 Shops and enginehouses.
22 Storage warehouses.
23 Wharves and docks.
24 Coal and ore wharves.
25 TOFC/COFC terminals.
26 Communication systems.
27 Signals and interlockers.
29 Power plants.
31 Power-transmission systems.
35 Miscelleneous structures.
37 Roadway machines.
39 Public improvements; construction.
44 Shop machinery.
45 Power-plant machinery.

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50 Equipment.
52 Locomotives.
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57 Work equipment.
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106 Demurrage.
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100000 Personnel.
110000 Salaries and wages.
120000 Fringe benefits.
200000 Materiel.
210000 Materials, tools, supplies, fuels and lubricants.
300000 Purchased services.
310000 Lease rentals—Debit.
320000 Lease rentals—Credit.
330000 Joint facility rents—Debit.
340000 Joint facility rents—Credit.
350000 Other rents—Debit.
360000 Other rents—Credit.
370000 Joint facility—Debit.
380000 Joint facility—Credit.
390000 Repairs billed by others—Debit
400000 Repairs billed to others—Credit
410000 Other purchased services.
500000 Claims and insurance.
510000 Loss and damage claims.
520000 Other casualties.
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516 Income from sinking and other funds.
517 Release of premiums on funded debt.
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546 Interest on funded debt.
547 Interest on unfunded debt.
548 Amortization of discount on funded debt.
549 Maintenance of investment organization.
550 Income transferred to other companies.
551 Miscellaneous income charges.
553 Uncollectible accounts.
555 Unusual or infrequent items (debit) credit.
556 Income taxes on ordinary income
557 Provision for deferred taxes.
560 Income or loss from operations of discontinued segments.
562 Gain or loss on disposal of discontinued segments.
570 Extraotdinary items (net).
590 Income taxes on extraordinary items
591 Provision for deferred taxes—extraordinary items.

592 Cumulative effect of changes in accounting principles.

RETAINED EARNINGS ACCOUNTS

757 Payables to affiliated companies.
759 Accrued accounts payable.
760 Federal income taxes accrued.

the power to direct or cause the direction of the management and policies of

stock issued or assumed by the carrier, means those which, after being actually

(g) "Tax effects" means differentials in income taxes of a period attributable

a division, or a department, and in some cases a joint venture or other non-sub-

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592 Cumulative effect of changes in accounting principles.

RETAINED EARNINGS ACCOUNTS

Credit

601 Credit balance (at beginning of calendar year).
601.5 Prior period adjustments to beginning retained earnings account.
602 Credit balance transferred from income.
603 Appropriations released.
606 Other credits to retained earnings.

Debit

611 Debit balance (at beginning of calendar year).
612 Debit balance transferred from income.
616 Other debits to retained earnings.
620 Appropriations for sinking and other funds.
621 Appropriations for other purposes.
623 Dividends.

GENERAL BALANCE SHEET ACCOUNTS

Assets

701 Cash.
702 Temporary cash investments.
703 Special deposits.
704 Loans and notes receivable.
705 Accounts receivable; Interline and other balances.
706 Accounts receivable; Customers.
707 Accounts receivable; Other.
708 Interest and dividends receivable.
708.5 Receivables from affiliated companies.
709 Accrued accounts receivable.
709.2 Allowance for uncollectible accounts.
710 Working funds.
711 Prepayments.
712 Material and supplies.
713 Other current assets.
714 Deferred income tax debits.
715 Sinking funds.
716 Capital funds.
717 Other funds.
721 Investments and advances; Affiliated companies.
721.5 Adjustments; Investments and advances—Affiliated companies.
722 Other investments and advances.
723 Adjustments; Other investments and advances.
724 Allowances for net unrealized loss on noncurrent marketable equity securities—Credit.
731 Road and equipment property.
732 Improvements on leased property.
733 Accumulated amortization; Improvements on leased property.
734 Accumulated amortization; Improvements on leased property—Defense projects.
735 Accumulated depreciation; Road and equipment property.
736 Accumulated amortization; Road and equipment property—Defense projects.
737 Property used in other than carrier operations.
738 Accumulated depreciation; Property used in other than carrier operations.
739 Organization expenses.
741 Other assets.
743 Other deferred debits.
744 Accumulated deferred income tax debits.

Liabilities

751 Loans and notes payable.
752 Accounts payable; Interline and other balances.
753 Audited accounts and wages payable.
754 Accounts payable; Other.
755 Interest payable.
756 Dividends payable.
757 Payables to affiliated companies.
759 Accrued accounts payable.
760 Federal income taxes accrued.
761 State and other income taxes accrued.
761.5 Other taxes accrued.
762 Deferred income tax credits.
763 Other current liabilities.
764 Equipment obligations and other long-term debt due within one year.
765 Funded debt unmatured.
766 Equipment obligations.
767 Receivers' and trustees' securities.
768 Debt in default.
769 Accounts payable; Affiliated companies.
770.1 Unamortized debt discount.
770.2 Unamortized premium on debt.
771 Accrued liability; Pension and welfare.
772 Accrued liability; Leased property.
774 Accrued liability; Casualty and other claims.
775 Other accrued liabilities.
781 Interest in default.
782 Other liabilities.
785 Other deferred credits.
786 Accumulated deferred income tax credits.

Shareholders' Equity

791 Capital stock.
792 Liability for conversion of capital stock.
793 Discount on capital stock.
794 Premiums and assessments on capital stock.
795 Other capital.
797 Retained earnings; Appropriated.
798 Retained earnings; Unappropriated.
798.1 Net unrealized loss on noncurrent marketable equity securities.
798.5 Treasury stock.

REGULATIONS PRESCRIBED

(i) *Regulations prescribed.* Carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, and each lessor of such a carrier, shall comply with regulations in this part as presented hereinafter.

(ii) *Definitions.*

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued" as applied to funded debt securities or capital stock issued or assumed by the company, means those which have been sold to bona fide purchasers or holders for a valuable consideration (including those issued in exchange for other securities or other property) and such purchasers or holders secured them free from control by the carriers. Also securities issued as dividends on stock.

3. "Actually outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier means those which have been actually issued and are neither retired and canceled nor reacquired and held by or for the accounting company.

4. (a) "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries control, or are controlled by, or are under common control with, the accounting carrier.

(b) "Control" (including the terms "controlling", "controlled by", and "under common control with") means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

5. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period dependent on the requirements of regulatory bodies, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. "Carrier" as used herein and when not otherwise indicated in the context means any carrier to which this system of accounts is applicable.

7. "Commission" means the Interstate Commerce Commission.

8. "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

9. "Debt expense" means all expenses in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

10. "Discount" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the par or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

11. "Ledger value" of property means the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger, the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

12. "Minor items of property" means the associated parts or items of which units of property are composed.

13. "Nominally issued" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which have been signed, certified by trustees, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company, but which have not been sold or issued directly to the trustees of such fund in accordance with contractual requirements.

14. "Nominally outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired and canceled.

15. "Premium" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no par stock) or face value and interest or dividends accured at the date of sale.

16. "Property retired" means units of property which have been removed, sold, abandoned, destroyed, or which for any cause have been permanently withdrawn from service; also minor items of property not replaced.

17. "Salvage value" means the amount received from the sale of operating property retired less any expenses in connection with the sale or in preparing the property for sale. If the property is retained for reuse, the salvage value shall be recorded in account 712, Materials and Supplies, or other appropriate account at an amount not to exceed its recorded cost (ledger value), average cost, or current market value, whichever is lower.

18. "Service life" means the period between the date when operating property is placed in service and the date of its retirement.

19. "Service value" means the ledger value of operating property less its salvage value (see definition 17).

20. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenue to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

21. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated as a separate and specific business or project for the mutual benefit of the members of the group. Joint facilities for purposes of this system of accounts are not considered corporate joint ventures.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

22. "Cost of renewal" means the cost of additional material applied (other than the value assigned second-hand parts remaining in the rebuilt unit) plus the cost of labor used in the rebuilding process, exclusive of the portion applicable to dismantling and repair of old parts reused.

23. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale, if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

24. (a) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(b) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

25. "Joint facility" means any owned or leased carrier operating property occupied or operated jointly by the carrier and one or more other carriers, under an arrangement whereby the cost and income are apportioned to the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

26. (a) "Merger" means the acquisition of one company by another. See Instruction 2–15.

(b) "Consolidation" means the formation of a new company. See Instruction 2–15.

27. "Abandonment" means the withdrawal from transportation service of a branch line or other track segment or facility, representing a permanent reduction in plant.

28. "Work equipment" means equipment which can be coupled in a train

for movement over the carrier's tracks, and which is used in the carrier's work service. See equipment listing for account

communications systems which primarily support train operations; and joint facility transportation operations. It includes

lockers, and highway grade crossings for yards where separate switching services

subactivities. When locomotives or trains are operated in support of repairing or

revenue purpose where the supported activity should bear the train operating

pose of segregating the cost of such services is primarily to preclude distortion of

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for movement over the carrier's tracks, and which is used in the carrier's work service. See equipment listing for account 57, "Work equipment".

29. (a) "Activities" are as follows:

(1) "Way and Structures" activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way and trackage, structures, buildings, and facilities. It includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, lease rentals, purchased services, casualties, depreciation and retirements, where such objects are in the performance or support of the functions, as defined above, in the Way and Structures activity. Specifically included are all natural expense objects in the performance of the above described functions on property of the type included in property accounts 1 through 45, whether such property is owned or leased. The costs of operating work trains in support of the Way and Structures activity are to be included herein.

This activity excludes all expenses related to transportation and other equipment described in property accounts 52 through 58, all of which should be charged to the Equipment activity. It also excludes expenses in performance or support of Transportation, General and Administrative activities, property used for noncarrier operations, nonoperating property, and interest or other fixed charges.

(2) "Equipment" activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring transportation and other operating equipment. It includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, lease rentals, purchased services, casualties, depreciation, and retirements, where such objects are in performance or support of the functions, as defined above, in the Equipment activity. Specifically included are all natural expense objects in the performance of the above functions on property of the type included in property accounts 52 through 58, whether such property is owned or leased. The costs of operating work trains in support of the Equipment activity are to be included herein.

This activity excludes all expenses related to road property as described in property accounts 1 through 45, all of which should be charged to the Way and Structures activity. It also excludes expenses in performance of, or support for Transportation, General and Administrative activities, property used for noncarrier operations, nonoperating property, and interest or other fixed charges.

(3) "Transportation" activity refers to operating, servicing, inspecting, weighing, assembling, and switching trains; operating highway revenue services; operating facilities in connection with carrier transportation operations including coal and ore terminals, intermodal terminals, terminal grain elevators, and others; operating carfloat and carferry services and related facilities; operating communications systems which primarily support train operations; and joint facility transportation operations. It includes various administrative functions directly supporting transportation operations including those described in the Administrative Support Operations subactivity. Work train costs in support of the Way and Structures or the Equipment activities should be charged to those activities, whereas shipments of company materials, handled in predominantly revenue freight trains, are appropriately included in this activity. The activity includes all natural expense object subclassifications such as salaries and wages, fringe benefits, material and supplies, purchased services, lost or damaged freight, and casualties.

This activity excludes all expenses assignable to the Way and Structures, Equipment, and General and Administrative activities, as well as those expenses for noncarrier operations and nonoperating functions.

(4) "General and Administrative" activity refers to the providing of overall administration or other general support for carrier operations. It comprehends only that portion of general and administrative activity that relates to carrier operations (as distinguished from noncarrier operations or nonoperating activities) including executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting.

This activity excludes expenses incurred for noncarrier operations of the carrier company as well as for general administration of the corporate entity and nonoperating income or expenses. It also excludes expenses in performance of or direct support for Way and Structures, Equipment, and Transportation activities, with particular attention to the Administrative Support Operations subactivity.

(b) "Subactivities" are as follows:

(1) "Running" subactivity of the Way and Structures activity refers to the functions of repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way, trackage, signals and interlockers, and highway grade crossings for running tracks, passing tracks, crossovers, etc., including turn-outs from those tracks to clearance points. It includes all natural expense object subclassifications under the Way and Structures Activity that are applicable to right-of-way and trackage as defined above. The subactivity specifically excludes expenses incurred in operating signals and interlockers and highway grade crossings, which are properly charged to the Transportation activity.

(2) "Switching" subactivity of the Way and Structures activity refers to the function of repairing, maintaining, leasing, renting, depreciating, and retiring right-of-way, trackage, signals and interlockers, and highway grade crossings for yards where separate switching services are maintained, including classification, house, team, industry, and other tracks switched by yard locomotives, and for station, team, industry, and other switching tracks for which no separate switching service is maintained. It includes all natural expense object subclassifications under the Way and Structures activity that are applicable to right-of-way and trackage as defined above. The subactivity specifically excludes expenses incurred in operating signals and interlockers, and highway grade crossings, which are properly charged to the Transportation activity.

(3) "Other" subactivity of the Way and Structures activity refers to the function of repairing, maintaining, leasing, renting, depreciating, and retiring other roadway property structures, buildings, and facilities not provided for in the Running and Switching subactivities. It includes all natural expense object subclassifications under the Way and Structures activity that are applicable to the structures, buildings, and facilities as defined above. The subactivity specifically excludes expenses incurred in operating such structures, buildings, and facilities, which are properly charged to the Equipment, Transportation, and General and Administrative activities.

(4) "Locomotives" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring locomotives. It includes all natural expense object subclassifications under the Equipment activity that are applicable to locomotives. The subactivity specifically excludes expenses incurred in operating locomotives, such as locomotive fuel and lubricants, train crew wages, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning which are includible in the Transportation activity, except when locomotive use is clearly in support of other activities or subactivities. When locomotives are operated in support of repairing or maintaining locomotives, the operating costs are chargeable to the Locomotives subactivity.

(5) "Freight Train Cars" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring freight train cars. It includes all natural expense object subclassifications under the Equipment activity that are applicable to freight train cars. The subactivity pertains to all freight train cars described in property account 53, whether owned or leased, including freight cars used for hauling freight in company service and cabooses. It does not pertain to work equipment. The subactivity specifically excludes expenses incurred in running trains or operating freight cars, such as for locomotive fuel and lubricants, train crew wages, inspecting trains, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning, which are includible in the Transportation activity, except where such costs are clearly in support of repairing or maintaining freight cars, other activities or

subactivities. When locomotives or trains are operated in support of repairing or maintaining freight cars, the operating costs are chargeable to the Freight Train Cars subactivity.

(6) "Other Equipment" subactivity of the Equipment activity refers to repairing, maintaining, leasing, renting, depreciating, and retiring other equipment. It includes all natural expense object subclassifications under the Equipment activity which are applicable to other equipment. The subactivity pertains to all equipment described in property accounts 54 through 58, whether such property is owned or leased. The subactivity specifically excludes expenses incurred in operating other equipment, such as for fuel and lubricants, crew wages, inspecting equipment, operating supplies, servicing (as opposed to maintaining or repairing), and cleaning, which are includible in the Transportation activity, except where such costs are clearly in support of other activities or subactivities. When locomotives, trains, or other equipment are operating in support of repairing or maintaining other equipment, the operating costs are chargeable to the Other Equipment subactivity.

(7) "Train Operations" subactivity of the Transportation activity refers to operations of all trains except those performing yard functions in terminals. It includes running trains in road or way service; switching trains except where such switching is performed within yards or terminals; and making customer pickups and deliveries except in yards and terminals.

It also provides for dispatching, controlling, reporting, and monitoring road train movements; inspecting and lubricating trains; servicing, fueling, and cleaning (not repairing or maintaining) locomotives; purchasing or producing electric power for motive power; and operating supporting activities such as communications, signaling, crossing protection, and interlockings.

This activity also includes crew calling and transporting; crew lodging, meals, and other expenses; lost or damaged freight; casualties and insurance; clearing wrecks; and operating joint tracks and facilities except for yards or specialized services. It also includes salaries and wages, fringe benefits, material and supplies, fuel and lubricants, purchased services, casualty and damages, and other natural expense elements incurred in operating trains.

The Train Operations subactivity excludes the operation of specialized services, all of which should be charged to the Specialized Services Operations subactivity. However, road or way switching between trains and specialized service facilities outside of terminal areas belongs to the Train Operations subactivity.

Work and other nonrevenue train operating costs are to be charged to the appropriate supported activity. Shipments of company materials normally should be charged to this subactivity, except where the train movement is exclusively or predominantly for such nonrevenue purpose where the supported activity should bear the train operating costs.

(8) "Yard Operations" subactivity of the Transportation activity refers to classifying cars to make-up or breakdown trains; sorting and handling waybills in connection with freight car classification and switching in yards or terminals; inspecting, servicing, fueling, and cleaning (not repairing or maintaining) locomotives and cabooses used to provide yard or terminal services; purchasing or producing electric power for motive power; diverting or holding cars; and reporting operating and car movement data related to yards and terminals. It also includes operating supporting activities in yards or terminals, such as communications, signaling, and interlockings; yard crew calling and transporting; yard crew lodging, meals, and other expenses; lost or damaged freight specifically traceable to occurrences resulting from the performance of yard operations; casualties and insurance related to yard operations; clearing wrecks which occurred in the performance of yard operations; and operating joint yards and terminals.

Within terminals, the subactivity includes pick-up or delivery of freight cars from or to customer spur tracks, team tracks, freight houses, interchange tracks, rip tracks, and specialized service facilities. It also includes salaries and wages, fringe benefits, material and supplies, fuel and lubricants, purchased services, casualty and damages, and other natural expense elements incurred in operating yards and terminals.

The Yard Operations subactivity includes the cost of switching operations within facilities for Specialized Services and switching or transfer operations between yards and the specialized service facility belong to the Yard Operations subactivity. The latter is not limited or affected by definitions or restrictions contained in carrier operating rules or labor agreements. It is related solely to the defined operations when they are performed in a yard or terminal area.

(9) "Train and Yard Common" subactivity of the Transportation activity refers to the function of adjusting and transferring loads; and placing and removing car loading devices and grain doors. It also includes lost or damaged freight not specifically traceable to numerous activities resulting from performance of train, yard, or specialized services operations. It also includes salaries and wages, fringe benefits, material and supplies, purchased services, and other natural expense elements incurred in performing the functions defined above. It excludes the natural expense elements of casualties and insurance, which shall be charged to the Train Operations and Yard Operations subactivities.

(10) "Specialized Services Operations" subactivity of the Transportation activity refers to operating services which are specialized in nature and in cost characteristics, including all of those so designated by the Commission. The purpose of segregating the cost of such services is primarily to preclude distortion of general costs applicable to the Train Operations and Yard Operations subactivities. Secondarily, further breakout of the costs of operating individual specialized services can be provided in less detail than the full range of natural expense accounts, in reports used for recurring cost analysis purposes pertaining to each type of specialized service.

The designated specialized services operations are as follows:

(a) "TOFC/COFC Operations" refers to the function of operating rail-to-ground or water and ground or water-to-rail transfer facilities for handling trailers or containers, including related storage; and the highway movement of trailers or containers within a terminal area for purposes of pick-up, delivery, or interchange.

The function includes loading, tie-down, and/or unloading flat cars or dollies and piggyback trailers to or from highway tractors; moving trailers, dollies, or containers within the facility; servicing, cleaning, and fueling (but not repairing or maintaining) facility equipment; operating storage areas; and casualties, claims, and insurance relating to the facility.

TOFC/COFC Operations do not include Plan V or other arrangements where there is a division of revenues between the rail and motor carrier. They do not include switching services performed within the facility by yard or road crews. They also do not include the functions of the Way and Structures, Equipment, and General Administrative activities, or the Train, Yard, Train and Yard Common, or Administrative Support Operations subactivities.

(b) "Floating Operations" refers to operations of water vessels and equipment in revenue service. They include the operation of carferries, tugs, barges, lighterage, and all other forms of water craft.

Floating operations exclude operations includable in the Administrative Support Operations subactivity, and the switching transfer of cars between general yards or trains and the facility or a dedicated yard serving the facility, or switching within the dedicated supporting terminal facility when performed by yard crews. They also do not include costs appropriate to the Way and Structures, Equipment, or General and Administrative activities.

Floating operations should be classified by line and terminal operations. The distribution should be made based on the nature of the operation and not the facility or equipment. When the service occurs between distinct terminals, the operation and all supporting docks, etc., should be considered a line operation. When the service is conducted within a general terminal or harbor area, the operation of all supporting docks, etc. should be considered a terminal operation.

(c) "Coal Terminal Operations and Ore Terminal Operations" refers to operations of rail-to-water or water-to-rail

transloading facilities for coal or for ores, including related storage, blending, and other processing or handling at the

activity), billing and recording demurrage, reporting interchanges, reporting

General engineering and design.
Valuation engineering for maintenance and improvements.

aligning, reinforcing, gauging, shimming

erations—Buildings, structures, machin-

(58) Dispatching Trains—Costs in-

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transloading facilities for coal or for ores, including related storage, blending, and other processing or handling at the facility. These operations include loading and/or unloading rail cars or water vessels at the facility; moving commodities within the facility by whatever means; operating the facility's pollution control equipment; operating and directing the operations of moorings and tugboats; servicing, cleaning, and fueling (but not repairing or maintaining) facility equipment; operating storage areas; and casualties, claims, and insurance relating to the facility.

These terminal operations do not include costs appropriate to the Way and Structures, Equipment, or General and Administrative activities. They also do not include costs appropriate to the Train Operations, Yard Operations, Train and Yard Operations Common, or Administrative Support Services Operations subactivities. Switching transfer of cars between general yards or trains and the facility or a dedicated yard serving the facility and switching within the dedicated supporting terminal facility when performed by yard crews should be charged to the Yard Operations subactivity.

(d) "Other Marine Terminal Operations" refers to the operations of marine terminals other than those for which a separate designated specialized services operations category is provided.

(e) "Motor Vehicle Loading and Distribution Facility Operations" refers to the operations of facilities for loading, unloading, or storing motor vehicles.

(f) "Protective Service Operations" refers to the function of servicing, cleaning, and fueling (but not repairing or maintaining) mechanical protective service equipment.

(g) "Other Specialized Services Operations" refers to the function of performing rail substitute service, other highway revenue service, LCL terminal operations, warehouse operations, freight car transloading, grain elevator terminal operations, livestock feeding operations, and other specialized services designated by the Commission. It includes the transportation operating expenses of services not otherwise designated and which are not general in nature, applicable to only a small portion of total shipments, and are not properly includible in other subactivities as defined.

(11) "Administrative Support Operations" subactivity refers to operations providing direct administrative support to the overall Transportation activity. It includes administrative support for the Train Operations, the Yard Operations, the Train and Yard Operations Common, and the Specialized Services Operations subactivities. The administrative support operations includes receiving and processing customer orders, requesting cars, preparing waybills, rating shipments, billing customers, collecting customer receivables in the ordinary course of business (not to include treasury, legal, general accounting, revenue accounting, or credit operations, all of which are chargeable to the General and Administrative activity), billing and recording demurrage, reporting interchanges, reporting advances, and the initial reporting and summarization of input documents for purposes of cash collection and accounting. Any operations beyond the initial summarization and reporting of input data are assignable to the General and Administrative activity except for those otherwise included in the definition of this subactivity.

Carrier staff, administrative, or clerical operations related to operating or transportation department general administration should not be charged to this subactivity. The Administrative Support Operations subactivity may be performed at local stations, regional offices, or even at the general offices; however, the location of the operation performance does not affect its nature. The operations included in this subactivity should reasonably correlate to the quantity of shipments or to the quantity of carloadings.

(c) "Functions" are as follows:

(01) Administration, General—General administration and supervision of central, regional, and divisional repair and maintenance, operational, and general functions. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance of equipment.
Planning and supervision of train, yard, common, specialized services and support operations.
Planning and supervision of general and administrative functions.
Budget preparation, clerical support, and similar functions—Used in all activities except Way and Structures and Transportation—Train and Yard Common.

(02) Administration, Track—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of track. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

(03) Administration, Bridges and Buildings—General administration and supervision of central, regional and divisional engineering functions related to repair and maintenance of bridges and buildings. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

(04) Administration, Signals—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of signals. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

(05) Administration, Communications—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of communication facilities. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support; and similar functions.

(06) Administration, Other—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of other roadway property. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

REPAIR AND MAINTENANCE

This group of functions includes:

Repair and maintenance work on road property and equipment, including gang foreman, shop foreman, and other supervisors with direct authority over workers; all higher levels of supervision are included in the Administration functions.
Work train service. Crew wages are to be charged directly; other work train expenses except fuel may be apportioned if not solely identifiable to work train service.

(10) Repair and Maintenance, Roadway—Roadway, cuts, fills, banks, embankments, subgrade, roadbed, ditches, drains, landscaping; cutting and removing grass, brush, debris; dressing ballast; preventing and extinguishing fires; patrolling and inspection; roadway relocation.

(11) Repair and Maintenance, Tunnels and Subways—Repaving, ventilating, lighting, other maintenance.

(12) Repair and Maintenance, Bridges and Culverts—Bridges, trestles, culverts and elevated structures which carry tracks; repairing, filling, dredging, cleaning, watching these structures.

(13) Repair and Maintenance, Ties—Cross, switch, bridge, and other track ties.

(14) Repair and Maintenance, Rails.

(15) Repair and Maintenance, Other Track Material—All track material used in repair of tracks, except ballast, ties, and rails.

(16) Repair and Maintenance, Ballast—Gravel, stone, slag, cinders, sand, and like material.

(17) Repair and Maintenance, Track Laying and Surfacing—Applying ballast, ties, rails and other track material; aligning, reinforcing, gauging, shimming tracks; tightening bolts and spikes.

(19) Repair and Maintenance, Signals and Interlockers—Signals and interlockers and related apparatus governing train movement.

(20) Repair and Maintenance, Communications Systems—telephone, telegraph, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

(21) Repair and Maintenance, Electric Power Systems—power plants, substations, transmission and distribution systems.

(22) Repair and Maintenance, Highway Grade Crossings—Highway grade crossing signals, gates, and related apparatus.

(23) Repair and Maintenance, Station and Office Buildings—Station and office buildings, fixtures, appurtenances, and grounds.

(24) Repair and Maintenance, Shop Buildings — Locomotives — Shops and buildings, fixtures, appurtenances, and grounds, used for the repair, maintenance and servicing of locomotives.

(25) Repair and Maintenance, Shop Buildings—Freight Cars—Shops and buildings, fixtures, appurtenances, and grounds used for the repair, maintenance, and servicing of freight cars.

(26) Repair and Maintenance, Shop Buildings—Other—Shops and buildings, fixtures, appurtenances, and grounds used for the repair, maintenance, and servicing of revenue service equipment other than locomotives and freight cars; roadway machines; work equipment and the like.

(27) Repair and Maintenance, Locomotive Servicing Facilities—Fuel and water stations, fixtures, appurtenances, and grounds.

(28) Repair and Maintenance, Miscellaneous Buildings and Structures—All permanent buildings and structures, and their fixtures, appurtenances, and grounds, not otherwise provided for.

(29) Repair and Maintenance, Coal Terminals—Wharves, docks, and other loading or unloading facilities for handling coal, including conveyors, machinery and fixtures.

(30) Repair and Maintenance, Ore Terminals—Wharves, docks, and other loading or unloading facilities for handling ores and other bulk mineral commodities, including conveyors, machinery and fixtures.

(31) Repair and Maintenance, TOFC/COFC—Terminals—TOFC/COFC terminal structures, fixtures, machinery and appurtenances, used for transfer of trailers and containers.

(32) Repair and Maintenance, Other Marine Terminals — Marine terminal structures, fixtures, machinery and appurtenances not otherwise provided for.

(33) Repair and Maintenance, Motor Vehicle Loading and Distribution Facilities—buildings, structures, fixtures, machinery and appurtenances used for receipt, loading, unloading, and distribution of motor vehicles.

(35) Repair and Maintenance, Facilities for Other Specialized Services Operations—Buildings, structures, machinery, fixtures and grounds, used as part or whole of a revenue-producing specialized service.

(36) Repair and Maintenance, Roadway Machines—Machines and equipment used for repairs of roadway and structures.

(37) Small Tools and Supplies—Cost of small tools and supplies used in repair and maintenance.

(38) Snow Removal—Removal of snow and ice; plow and flange service; setting up, taking down and storing fences.

(39) Dismantling Retired Property—Dismantling retired road property when the property is not to be replaced through normal maintenance, addition or betterment.

(40) Repair and Maintenance, Shop Machinery—Repair of shop machinery and other apparatus, including special foundations.

(41) Repair and Maintenance, Locomotives—Repair of locomotives in revenue service.

(42) Repair and Maintenance, Freight Cars—Repair of freight cars and attached motor equipment in revenue service.

(43) Repair and Maintenance, Trucks, Trailers, Containers in Revenue Service—Repair, inspection, and lubrication of trucks, trailers and containers in revenue service.

(44) Repair and Maintenance, Floating Equipment in Revenue Service—Floating equipment including appurtenances.

(45) Repair and Maintenance, Passenger and Other Revenue Equipment—Repair, inspection and lubrication of passenger train cars and attached motor equipment, and other equipment used in revenue service.

(46) Repair and Maintenance, Computers and Data Processing Systems—Computers and attached peripheral equipment; data recording and punch-card processing equipment.

(47) Repair and Maintenance, Work and Other Non-Revenue Equipment—Rail and floating work equipment and appurtenances, and all other equipment not used in revenue service and not provided for elsewhere.

(48) Road Property and Equipment Damaged—Repair of roadway property and structures, locomotives, freight cars, other equipment used in revenue service, and all equipment not used in revenue service, when damage is caused by derailments, collision, fire, explosions, sabotage, other casualties, and excluding damage resulting through normal operations or use, such as part failures, overloads, overheating, short circuits and similar events.

OPERATIONS

(56) Engine Crews—Operation of trains in line-haul revenue service by enginemen, including crew meals, lodging, deadheading and other expenses.

(57) Train Crews—Operation of trains in line-haul revenue service by trainmen, including crew meals, lodging, deadheading, and other expenses.

(58) Dispatching Trains—Costs include dispatchers, supporting staff, train order stations and operators, office and supplies expense.

(59) Operating Switches, Signals, Interlockers Retarders, Humps—Operators, switch tenders, supplies, etc.

(60) Operating Drawbridges—Engineers, tenders, watchmen, supplies, etc.

(61) Highway Crossing Protection—Gatekeepers, flagmen, lighting, supplies, etc.

(62) Train Inspection and Lubrication—Inspection and lubrication of trains, including minor repairs made by inspectors.

(63) Clearing Wrecks—Removal of equipment, freight or other goods, and property of others damaged in wrecks; note that repair of wreck damage caused to roadway property and equipment is classified as function Code 48—Road Property and Equipment Damaged.

(64) Switch Crews—Operation of trains and locomotives in yard and terminal revenue switching service by enginemen and trainmen, including associated expenses.

(65) Controlling Operations—Directing the operations of yard and terminal interchange and classification service, including office and supplies expense.

(66) Yard and Terminal Clerical—Clerical work in support of the operation of yard and terminal switching and classification service, including office and supplies expense.

(67) Locomotive Fuel—Cost of locomotive fuel used in all service, including the receipt, storage, and dispensing of the fuel.

(68) Electric Power Purchased/Produced for Motive Power—Purchase cost and cost of producing electric power for use by electrically-powered motive equipment in all service.

(69) Servicing Locomotives—Preparing locomotives for switching service in yards and for train service, including moving locomotives around engine yards.

(70) Cleaning Car Interiors—Cleaning and preparing car interiors for revenue service, including minor repairs made by car cleaners.

(71) Adjusting and Transferring Loads — Transferring, picking up, straightening, and reloading freight in the ordinary course of transportation.

(72) Car Loading Devices and Grain Doors—Servicing car loading devices and placing and removing grain doors.

(73) Pickup & Delivery, Marine Line Haul & Rail Substitute Service—Operation of trucks, floating equipment, and all other specialized equipment providing line haul movement for revenue including TOFC/COFC pick-up and delivery.

(74) Loading & Unloading and Local Marine—All other specialized services in the transportation activity such as TOFC/COFC loading, unloading, and tie down; coal and ore loading and unloading; and other similar functions.

(75) Protection Services—Inspecting, servicing, cleaning, and fueling protective equipment and devices.

(76) Clerical and Accounting Employees—Direct administrative support to the transportation activity, including

receiving and processing customer orders, requesting cars, preparing waybills, rating shipments, billing customers, collecting customer receivables in the ordinary course of business (not to include treasury, legal, general accounting, revenue accounting, or credit operations, all of which are chargeable to the General and Administrative activity), billing and recording demurrage, reporting interchanges, reporting advances, and the initial reporting and summarization of input documents for purposes of cash collection and accounting. Any operations beyond the initial summarization and reporting of input data are assignable to the General and Administrative activity except for those otherwise included in the definition of this subactivity.

Carrier staff, administrative, or clerical operations related to operating or transportation department general administration should not be charged to this subactivity. The Administrative Support Operations subactivity may be performed at local stations, regional offices, or even at the general offices; however, the location of the operation performance does not affect its nature. The operations included in this subactivity should reasonably correlate to the quantity of shipments or to the quantity of carloadings.

(c) "Functions" are as follows:

(01) Administration, General—General administration and supervision of central, regional, and divisional repair and maintenance, operational, and general functions. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance of equipment.
Planning and supervision of train, yard, common, specialized services and support operations.
Planning and supervision of general and administrative functions.
Budget preparation, clerical support, and similar functions—Used in all activities except Way and Structures and Transportation—Train and Yard Common.

(02) Administration, Track—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of track. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

(03) Administration, Bridges and Buildings—General administration and supervision of central, regional and divisional engineering functions related to repair and maintenance of bridges and buildings. Used only in Way and Structures—Other. Included are:

General engineering and design.
Valuation engineering for maintenance and improvements.
Planning and supervision of repair and maintenance work.
Budget preparation, clerical support, and similar functions.

(04) Administration, Signals—General administration and supervision of central, regional, and divisional engineering functions related to repair and maintenance of signals. Used only in Way and Structures—Other. Included are:

quest the Commission for an exception to the regulations. This request shall be

cilities in which to record items in settlement for use of such facilities. When

transactions which occurred in a prior period, the accounting effects of which

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receiving and processing customer orders, requesting cars, preparing waybills, rating shipments, billing customers, collecting customer receivables in the ordinary course of business, billing and recording demurrage, reporting interchanges, reporting advances, and the initial summarization and reporting of input data.

(77) Communications Systems Operation—Cost of operating communications systems; when such operations are an integral part of other functions, only specifically identifiable costs of operating communications systems are to be allocated to this function.

(78) Loss and Damage Claims Processing—Receipt, investigation, other handling, and adjustment and settlement of claims for loss or damage of freight or other goods carried in revenue service. Does not include handling claims for personal injury or for loss or damage of other property.

GENERAL

(86) Accounting, Auditing, Finance—General and corporate accounting, auditing by internal auditors and outside accountants, treasury, tax accounting and returns, financial reporting, corporate planning related to investment decisions and budgeting.

(87) Management Services and Data Processing—Systems planning and design, programming, computer operations, data control, key entry of data, and related activities.

(88) Marketing—Market planning and analysis, traffic analysis, costing, pricing, and related activities.

(89) Sales—Traffic solicitation and related sales efforts.

(90) Industrial Development—Efforts to locate industries on real estate accessible to the railroad's lines for the purpose of creating future revenues.

(91) Personnel and Labor Relations—Efforts to attract and retain employees, handle fringe benefits plans, monitor and negotiate labor contracts, maintain employee data and records, coordinate training programs, handle grievances, handle employee transfers, operate job safety and equal opportunity programs, and related activities,

(92) Legal and Secretary—Legal functions handled by attorneys and supporting staff; including lawsuits, injury and damage claims, commerce matters, and similar functions; corporate secretarial functions involving shareholder records, corporate minutes, stock certificates, and similar items.

(93) Public Relations and Advertising—Public relations activities with governmental bodies, shippers, and the general public; advertising in the media, booklets, publications; open houses and tours; and similar activities.

(94) Research and Development—Research into the use of methods, procedures, practices, equipment, machinery tools, and plant, and in determining and measuring the impact of factors or costs not previously known, with the intention of finding ways to improve maintenance, operations, administration, rates, productivity, environmental impact, and similar items. Does not include specific studies or development efforts for which an implementation decision has already been made.

OTHER

(99) Other—All functions not properly includable in other functions.

30. "Cost Center": An organizational subdivision for which cost data are desired and for which provision is made to accumulate costs such as a terminal, yard, or track segment. A cost center may correspond to a given area of responsibility for which costs are presently accumulated for planning and control. A cost center is the smallest segment of activity or area of responsibility for which costs are accumulated and directly traceable.

31. "Net Railway Operating Income:" Operating revenue remaining after deducting operating expenses, provision for income taxes, and taxes applicable to accounts 560 and 562. Also, in arriving at NROI, deduct the Income from Lease of Road and Equipment and add the Rent for Leased Roads and Equipment, formerly accounts 509 and 542, respectively.

32. (a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares of units of each marketalbe equity security in the portfolio. When an equity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

General Instructions

1–1 *Classification of carriers.* (a) For purposes of the accounting and reporting regulations, carriers are grouped into the following two classes:

Class I: Carriers having annual carrier operating revenues of $50 million or more.

Class II: Carriers having annual carrier operating revenues of less than $50 million.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Class II carriers shall adopt Class I classification effective as of January 1 of the following year.

(2) If at the end of any calendar year a Class I carrier's annual operating revenue is less than $50 million, and has been for three consecutive years, the carrier shall adopt the accounting reporting requirements for Class II carriers. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of such operation. If actual data are not available, new carriers shall be classified on the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or the classification regulations will unduly burden the carrier, the carrier may re-elimination of contracted services, where

quest the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Class I carriers shall keep all of the accounts of this system of accounts which are applicable to their operations. Class II carriers shall keep all of the system of accounts which are applicable to their operations, except that their accounts for operating expenses may be kept under the accounts of the respective condensed groupings provided for herein. Class II carriers shall combine their accounts in accordance with the grouping for the purposes of making entries in reports filed with the Commission.

(d) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways, the sum of the annual carrier operating revenues, the joint facility rent income, and the totals of the joint facility credit accounts in operating expenses, shall be used in determining its class.

1–2 *Classification of accounts.* (a) Accounts are prescribed to cover cost of property used in transportation operations and operations incidental thereto and for revenues, expenses, taxes, rents, and other items of income for such operations. Separate accounts are prescribed for investment in property not used in transportation operations and for other investments and income therefrom; for unusual and infrequent items; for operations and disposal of discontinued segments; for extraordinary items and accounting changes; and for assets, liabilities and capital includable in the balance sheet statement. Retained earnings accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

(b) The cost of property, and the revenues, expenses, taxes and rents for miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts prescribed for transportation operations unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services. Likewise, the cost of property, the revenues, expenses, taxes, and rents arising from the operation of stockyards shall not be included in accounts prescribed for transportation operations unless operation of the facilities is conducted in connection with transportation of livestock. It is not intended that cost of property and income arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from transportation operation accounts.

(c) Joint facility accounts are provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities in which to record items in settlement for use of such facilities. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car or other unit, the amount shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor. Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers, is not considered a joint facility operation.

(d) (1) *Extraordinary Items.* All items of profit and loss recognized during the year are includable in ordinary income unless evidence clearly supports their classification as extraordinary items.

Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(2) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations.

(3) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 23(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 23(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 23(c)).

(4) *Prior Period Adjustments.* Adjustments occurring in the current accounting period relating to events or transactions which occurred in a prior period, the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they are material, and (2) can be specifically identified with and directly related to the business activities of particular prior periods, and (3) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (4) depend primarily on determinations by persons other than management, and (5) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(5) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(6) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(7) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE.—The carrier may refer to generally accepted accounting principles for further guidance in applying paragraph (d) above

1–3 *Records.* (a) Each carrier shall keep its books of account, and all other

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books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(b) All expenditures including the expense accounts of officers and employees shall be supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

(c) The books referred to herein include not only books of accounts in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

(e) In addition to prescribed accounts, clearing accounts, temporary accounts, and subdivisions of any accounts may be kept, provided the integrity of the prescribed accounts is not impaired.

(f) Cost detail shall be maintained by cost centers for purposes of cost assignments effective 1/1/79. This provides for cost control and cost planning at any designated area of responsibility. These cost centers shall be similarly defined as the railroads' existing responsibility centers. Cost center information shall therefore be kept at the same level of detail presently collected, categorized, and maintained in railroad internal managerial accounting systems. This detailed information shall not be reported to the Commission on an ongoing basis. However, the carrier shall keep the detailed information to provide a ready analysis and verification of the costs collected by cost center.

1–4 *Accounting period.* (a) Each carrier shall keep its books on a monthly basis so that known transactions, as nearly as may be ascertained, shall be entered in the accounts not later than 60 days after the last day of the period for which the accounts are stated, except that the time within which the final entries for the year ending December 31 shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual report.

(b) A trial balance of the general ledger accounts shall be prepared at the close of each month setting out the account number, title, and amount of each ledger account. (Mechanical, electronic or automatic data processing printout documentation producing the equivalent of manually prepared trial balances shall identify balances by account numbers.) At the end of the calendar year, the revenue, expense, and other income accounts shall be closed into retained earnings account, and the balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(c) No changes shall be made in the accounts for periods covered by quarterly and annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

1–5 *Accrual method of accounting.* The accounting for operating revenues, operating expenses, income and other items each month and year shall be, as nearly as practicable, upon the basis of accruals consistently applied. Any change in practice of accounting for accruals or any unusual accruals involving material amounts shall be reported promptly to the Commission.

1–6 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operation and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges."

1–7 *Delayed items.* Ordinary delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year.

1–8 *Distribution of Expenses for Material, Tools, Fuel, Lubricants, Purchased Services and General.* (a) These expenses shall be assigned directly to activities based on usage whenever possible. (b) When it is necessary to apportion these expenses to two or more activities they shall be equitably apportioned only to the activities in which they are actually used or to the activities they support.

1–9 *Transactions with affiliated companies.* (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment.

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains the information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible devices used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transaction. Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1–6.)

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1–3(e)) for the purpose of recording separately transactions with affiliated companies.

1–10 *Accounting for income taxes.* (a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 20(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 556, "Income taxes on ordinary income," and account 590, "Income Taxes on Extraordinary Items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 20 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 556, "Income taxes on ordinary income," or account 590, "Income taxes on extraordinary items," as applicable, and charge account 760, "Federal income taxes accrued," with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 557, "Provision for Deferred Taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 557, "Provision for deferred taxes," or account 591, "Provision for deferred taxes—extraordinary items," as applicable, and shall credit account 786, "Accumulated deferred income tax credits," with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 557, "Provision for deferred taxes."

NOTE A.—Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B.—The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

1–11 *Items in texts of accounts.* The items appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The items are intended to be representative, but not exhaustive. The appearance of an item in the text of a primary account warrants the inclusion of the item in the account mentioned only when the whole text also indicates inclusion inasmuch as the same item frequently appears in more than one primary account. The proper entry in each instance must be determined by the entire text of each primary account.

1–12 *Distribution of pay and expenses of employees.* (a) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense may be included in the appropriate expense accounts for the duties to which such officers or employees are regularly assigned.

(b) When it is necessary to apportion the pay of officers and employees among various accounts, the carrier shall apportion the pay on the basis of the directly assignable pay to the various accounts.

1–13 *Payroll related expenses.* (a) Fringe benefits (account series 12–00–00) may (1) be included in each natural classification and distributed to the appropriate activities or (2) they may be accumulated in the appropriate accounts as described in the account explanations and distributed to the activities using one of the following techniques (in order of preference):

(1) Apply appropriate factors to the amount in each account, or to the total of the fringe expense accounts, in such a way as to distribute an equitable proportion of cost to each activity. These factors shall be developed to take into account variables such as the following:

(i) The effect of seniority on the expense. For example, profit sharing or pensions may be available to only certain categories of employees, which may be more predominant in one activity than another.

(ii) The effect of the type of work performed. For example, workmen's compensation expense may vary for each category of employees because of the rate charged or the claims experience of the category.

(iii) Any other variable which may have an appreciable effect on the equity of the apportionment.

(2) Distribute the amount in each account, or the total of the other fringes, in the same proportion as the pay charged to each activity in account series 11–00–00 (salaries and wages).

(3) Distribute the amounts in each account, or the total of the other fringes, using any other equitable basis which the carrier can substantiate.

(b) All carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(c) Any carrier which finds it impracticable to distribute expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carrier will be advised of the procedure to be followed.

1–14 *Submission of questions.* To maintain uniformity of accounting, carriers shall submit questions of doubtful interpretation to the Commission for consideration and decision.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–1 *Items to be charged.* (a) To the road and equipment property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing buildings, facilities and equipment, and the cost of additions and betterments to property. "Cost" means the amount of money actually paid for property or services. When the consideration given for the property is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of capital stock in reorganization or a merger and pooling of interest, the value of the consideration shall be determined on a cash equivalent basis. The carrier shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than money.

(b) The cost of operating property purchased under a plan involving deferred payments, including leases which are in substance installment purchases, shall be capitalized in the appropriate property accounts. The carrier shall not include in the property account charges for interest, insurance or other expense related to such payments.

(c) Suitable records shall be maintained showing expenditures during the year for original road and equipment and road extensions; for merger and purchase of existing lines and reorganizations; for additions and betterments; and credits for property retired.

2–2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2–1 is that when the cost of acquisition of units of road property and of additions and betterments to existing units of road property (other than land or tracks) is less than $2000 such cost shall be charged to operating expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $2000 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

2–3 *Land.* (a) Accounts are provided for the cost of land used in transportation operations and also for land used in other than transportation operations. When land is retired from transportation operations but is retained by the carrier the original cost (estimated, if not known) shall be transferred to the account prescribed for property used in other than transportation operations. It is not contemplated that irregular parcels of land acquired in connection with acquisition of right-of-way which have no value as commercial property shall be thus transferred, either for the purpose of making right-of-way boundaries run

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more or less regular or for the purpose of eliminating from transportation property account the cost of unoccupied lands between tracks in yards and terminals. When any land, the cost of which is included in the accounts, is sold or otherwise retired, the ledger value shall be credited to the appropriate property investment account. The profit or loss from sale or loss from retirement or land shall be included in the accounts prescribed for such amounts.

(b) When the carrier exchanges land for other land with no other consideration involved, the land received shall be recorded at the ledger value of the land relinquished. Where the carrier receives a monetary consideration in the exchange, the carrier shall recognize gain on the exchange to the extent that the consideration received exceeds a proportionate share of the recorded cost of the land surrendered. The portion of the cost applicable to the realized amount shall be based on the ratio of the monetary consideration to the total consideration received (monetary consideration plus the estimated fair value of the land received) or, if more clearly evident, the fair value of the land transferred. Where the carrier pays a monetary consideration in such exchange, it shall not recognize any gain on the transaction but shall record the land received at the amount of the monetary consideration paid plus the recorded costs of the land surrendered. If a loss is indicated by the terms of an exchange transaction described herein, the carrier shall recognize the entire indicated loss on the exchange. Immaterial gains and losses on these exchanges shall be included in accounts 519, "Miscellaneous income," or 551, "Miscellaneous income charges," as appropriate. Material amounts shall be recorded in accordance with Instruction 1–2(d).

2–4 *Structures.* Accounts are provided for the cost of several classes of buildings and facilities, including fixtures permanently attached to and made a part thereof. When a building or other structure is used or held primarily for transportation operations and is an integral part of the carrier's transportation plant, but a part thereof is used or held for commercial purposes such as for rental to others or for use in other than transportation operations by the carrier, the entire cost of the building or other structure is includible in the accounts for transportation property. When a building or other structure is used or held primarily for commercial purposes or for use in other than transportation operations by the carrier, the entire cost of the building or structure is includible in account 737, "Property used in other than carrier operations." Reclassification of property from its primary classification as transportation or other than transportation property, as the case may be, to the other classification is not required where changes in use are of a temporary nature or for a short period of time. The accounting for costs of maintenance, taxes, other operating costs, and for revenues and rentals shall be consistent with the classification of the building or other structure.

2–5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, highway revenue equipment, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. When retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 741, "Other assets," until the salvage is recovered, except that the estimated scrap value of retired equipment held for sale in the ordinary course of business, and on which sale and realization of the proceeds within one year is assured, is includible in account 713, "Other current assets."

2–6 *Components of construction cost.* The cost of constructing property includible in the property accounts shall include the direct and other costs as described hereunder.

(a) *Cost of labor.* This includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. The cost of labor shall also include the accounting company's expenditures for associated fringe benefits, such as vacation and holiday pay, health and welfare group insurance, pensions and retirement plans, payroll taxes and unemployment insurance. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employer's liability insurance premiums. When officers or employees are especially assigned to construction work their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) *Cost of materials and supplies.* This includes the purchase price of materials and supplies, including small tools, at the point of free delivery plus the cost of inspection and loading assumed by the carrier; a suitable proportion of store expenses; also sales and excise taxes on materials and supplies except as otherwise provided in the text of account 712, "Material and supplies." In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) *Cost of work-train service.* This includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. Amounts representing constructive rent or return upon the investment in owned equipment shall not be included as a part of the cost of work-train service.

(d) *Cost of special machine service.* This includes the cost of labor expended and of materials and supplies consumed in maintaining and operating power shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(e) *Cost of transportation.* This includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) *Cost of contract work.* This includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) *Cost of protection from casualties.* This includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure incurred directly in connection with construction work.

(h) *Cost of injuries and damages.* This includes expenditures on account of injuries to persons or damage to property when incurred directly as a result of construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumberances on newly acquired lands shall be included in accounts 2, "Land for transportation purposes," or 3, "Grading," as appropriate.

(i) *Cost of privileges.* This includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

(j) *Material excavated.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of work, except that when such material is used for filing, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

2–7 *Additions to and retirements of property—General.* (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property and (2) other than units of property (minor items). A list of units of property to be used for this purpose is prescribed in Instruction 2–19.

(b) The cost of removal of retired property, both depreciable and other than depreciable, when borne by the carrier, shall be charged, as appropriate, to account 11–13–39, Personnel—Salaries and Wages—Way and Structures—Other—Dismantling retired property," or 11–23–39, "Personnel—Salaries and Wages—Equipment—Other Equipment—Dismantling retired property," and other appropriate accounts.[1]

(c) An equitable proportion of a balance in primary accounts 1, "Engineering," 76, "Interest during construction," 77, "Other expenditures; general," and 80, "Other elements of investment," applicable to retired property, shall be cleared from those accounts concurrently with the retirement accounting.

(d) When retired property is held and not removed, the estimated value of the salvage therefrom shall be included in account 741, "Other assets," until the salvage is recovered, except that the estimated scrap value of retired property held for sale in the ordinary course of business, and on which sale and realization of the proceeds within one year is assured, is includible in account 713, "Other current assets."

2–8 *Additions to and retirements of units of property.* (a) When a unit of road or equipment property is added to the plant, the cost thereof shall be included in the appropriate primary account. When a unit of property is retired, with or without replacement, the cost thereof shall be written out of the property account at time of retirement.

(b) When a unit of road or equipment property (or a minor item not replaced) classified as depreciable and included in the accounts prescribed for depreciable property is retired the service value shall be charged to account 735, "Accumulated depreciation; Road and equipment property."

(c) When road property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 61–13–99, "General—Other Expenses—Way and Structures—Other—Other." When the retirement requires Commission approval, the carrier shall clear the cost from the property account upon the Commission's approval. Subactivities 11 and 12 also apply.

(d) When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to retired property but not included in the depreciation base) shall be charged to operating expense.

2–9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $2000 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient or of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts of the kind replaced shall be charged to the appropriate primary property account. The cost of removing the old appliances and applying the improved parts shall be charged to operating expenses. (See instruction 2–8(b) covering retirement of a minor item not replaced.)

(b) The term "current cost of new parts of the kind replaced" shall not be construed as requiring an estimate based on the current price of parts or material identical with the parts or material replaced when such parts or material are no longer obtainable at reasonable price or would not be used if replacement without betterment were undertaken. In such cases the current cost shall be based on the fair and reasonable cost of parts or material comparable to those being replaced.

(c) When second-hand property acquired is in such physical condition that it is necessary to rehabilitate the property to bring it up to the standard required by the carrier, the cost of such rehabilitation shall be included in the appropriate account for the property.

2–10 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

2–11 *Units of property rebuilt or converted.* (a) A unit of road property or equipment shall be treated as rebuilt or as converted in the circumstances described in the following paragraphs (b) and (c) of this instruction and such unit shall be accounted for as an addition and the old unit accounted for as retired from service.

(b) When the cost of renewals (see Definition 22) of a unit of road property or equipment, exclusive of the expense of dismantling, the value assigned old parts reused and the cost of repairs of old parts reused, exceeds fifty percent of the cost of a new unit of the same kind and class at the time of rebuilding.

(c) When a unit of road property or equipment is transferred from one class of service to another, with or without physical conversion, and becomes includible in a prescribed primary investment account other than in which the unit previously has been carried.

(d) The charge to the appropriate road and equipment account for rebuilt or converted units shall be the sum of (1) the cost (estimated if necessary) less a fair allowance for depreciation or the salvage value, whichever is lower, of the parts reused, and (2) the cost of labor expended in rebuilding or in the conversion process and the cost of additional material applied. In no case shall the total amount charged to the property accounts for such units exceed the estimated cost of units of the same kind and class with a fair allowance for depreciation.

2–12 *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, tracks in the installation of a centralized traffic control system, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, includ-

[1] The references to solely related freight operating expense activity/subactivity numbers and titles used throughout the system are for convenience and brevity. Refer to the specific account texts to determine the appropriate solely related passenger and/or common expense activity/subactivity numbers.

ing land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered

shall be charged to account 731, "Road and equipment property." The deposit shall be credited to account 709, "Other

the transportation property acquired. The cost assigned the property, as

2–16. The remaining assets and the liabilities of the predecessor companies,

(b) Construction projects as used in this section means widening of highways,

Account 3, Grading

A retaining wall, riprap (hand placed), a

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ing land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property account.

2–13 *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

2–14 *Track connections.* (a) When the accounting carrier bears the construction cost of a connecting track situated on the property of another carrier, but acquires the salvage rights to the track, the cost of the track construction shall be charged to account 731, "Road and equipment property."

(b) When carriers (1) share the cost of constructing a connecting track of which a portion is situated on each carrier's right-of-way, and (2) own and obtain the salvage rights to the track segment located on their respective properties, the construction cost borne by each carrier shall be charged to account 731, "Road and equipment property."

(c) The cost of constructing a track connection on the right-of-way of another carrier which acquires the ownership of and salvage rights to the track, shall be charged by the carrier bearing such cost to accounts 37–11–00, "Purchased service—Joint facility—Debit—Way and Structures—Running," or 37–12–00, "Purchased services—Joint facility—Debit—Way and Structures—Switching." The owner carrier shall charge the amount of the construction cost to account 731, "Road and equipment—property," with contra credit to accounts 38–11–00, "Purchases services—Joint facility—Credit—Way and Structures—Running," or 38–12–00, "Purchases services—Joint facility—Credit—Way and Structures—Switching." Material amounts for such costs shall be referred to the Commission for consideration and decision.

(d) The cost of constructing a side track under a deposit refund agreement shall be charged to account 731, "Road and equipment property." The deposit shall be credited to account 782, "Other liabilities." Deposit amounts refunded during the agreement period shall be charged to account 782, "Other liabilities." Upon termination of the agreement, the amount of any unrefunded deposit shall be credited to the applicable primary property accounts on an equitable basis.

2–15 *Merger, consolidation, and purchase of a railway operating entity or system.* (a) When a railway or portion thereof constituting an operating unit or system is acquired by merger or consolidation in a pooling of interests or by purchase the cost of acquisition represented by cash, capital stock or other securities issued or assumed, liabilities assumed, and other consideration, shall be recorded in the accounts in the manner stated hereunder. Separate instructions are provided for a merger of subsidiaries

(b) Pooling of interests:

(1) When the acquisition results from a merger or consolidation constituting a pooling of interests, in which all or substantially all of the equity interest in predecessor companies continue, as such, in a surviving company or a new company created for the purpose, the road and equipment, the other assets, and the liabilities of the predecessor companies, together with the balances in the accumulated amortization and depreciation accounts and the retained earnings accounts shall be recorded in the appropriate balance sheet accounts at the amounts shown in the accounts of predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission. Such adjustments shall be included in retained earnings or the other accounts that would have been appropriate had the adjustments been made in the books of account of the predecessor company.

(2) When the total par or the stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is more than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the excess shall be charged to account 795, "Other capital," if unrestricted capital is available for such purpose; otherwise, the excess shall be charged to retained earnings.

(3) When the total par or stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is less than aggregate amount of the capital stock of the separate companies before such pooling of interests, the difference for reduction in capital stock shall be credited to account 795, "Other capital."

(c) Purchase:

(1) When the acquisition results from a purchase (except from subsidiaries controlled through ownership of the majority share of voting stock) including mergers or consolidations other than pooling of interests, the amount includible in account 731, "Road and equipment property," shall be the cost at the date of acquisition to the purchaser of the transportation property acquired. The cost assigned the property, as well as other assets acquired, shall be the amount of the cast consideration given. Where property and other assets are acquired for other than cash, including liabilities assumed and shares of stock issued, cost shall be determined by either the fair value of the consideration given or the fair value of the assets acquired, whichever is more clearly evident. In addition to any liabilities assumed, provision shall be made for such estimated liabilities as may be necessary.

(2) When the costs of individual units or classes of transportation property are not specified in the agreement, the cost assigned such property shall be apportioned among the appropriate primary accounts using the percentage relationship between the fair values for each class of property acquired and the total of such values.

(d) Merger of subsidiaries:

The acquisition and merger of property of subsidiaries controlled through ownership of the majority shares of voting stock is to be accounted for as a pooling of interests or as a purchase depending on the circumstances in each case. Where control was initially acquired through issuance of capital stock to stockholders of the subsidiary the rule applicable to pooling of interests ordinarily is applicable. Where control was initially acquired through purchase of stock the rule applicable to purchase of property may be appropriate even though the shares were purchased gradually from time to time over a period of years, in which event recognition of retained earnings since date of acquisition assignable to such shares may be proper. The journal entry pertaining to acquisition of property of subsidiaries shall be submitted to the Commission for consideration based on the principles herein and procedures for which there is authoritative support, and the accounting for the merger shall become final only after approval by the Commission.

2–16 *Reorganization of railway.* (a) When a railway reorganization or receivership has been consummated, the assets acquired, liabilities assumed, and the capital stock or other securities issued or assumed, and other consideration, shall be recorded in the accounts in the manner stated hereunder. An adjustment of capitalization resulting in modification and reformation of classes of securities pursuant to voluntary action of the holders of securities but not resulting in a formal reorganization following a bankruptcy or other receivership proceedings (sometimes called a quasi-reorganization) is not covered by this Instruction 2–16. Reduction of capital stock and other contributions to capital by stockholders shall be recorded in accordance with the instructions in the text of account 795, "Other capital."

(b) The amounts includable in primary road and equipment property accounts shall be recorded at cost as shown in the predecessor companies' accounts except as otherwise provided in paragraphs (c) and (d) of this Instruction 2–16. The remaining assets and the liabilities of the predecessor companies, adjusted as necessary to conform with the accounting rules of the Commission, together with the balances in the accumulated amortization and depreciation accounts, shall be recorded in the appropriate balance sheet accounts.

(c) When the amount recorded for assets acquired is more than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be applied to such extent as necessary and is available to provide first for any deficiency in past accrued depreciation on property classified as depreciable; and, second, for any estimated loss from retirement of a branch line, segment of track or other important facility indicated by supporting records to be imminent. The remaining amount of the difference, if any, shall be applied proportionately to reduce the amounts includible in the property accounts in accordance with paragraph (b) of this Instruction 2–16, based on the percentage relationship between such difference and the aggregate cost of the property shown in the predecessor companies' accounts.

(d) When the amount applicable to the assets acquired is less than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the accounting shall be referred to the Commission for consideration and decision.

2–17 *Construction projects in which governmental agencies, individuals, or others, and the carrier participate.* (a) The amount includible in the property account for construction projects in which the carrier and governmental agencies, individuals, or others participate shall be (1) the payment made by the carrier for its share of the cost of construction plus (2) the recorded cost (estimated if unknown) of property relinquished as a direct result of the arrangement and retired from service less the value of salvage recovered therefrom by the carrier and less depreciation accrued on depreciable property, which is part of the carrier's cost of the project. The amount so includible in the property account shall be distributed equitably among the primary accounts applicable to railway property constructed. This amount shall first be applied to railway facilities includible in accounts other than 4, "Other right-of-way expenditures," or 39, "Public improvements—Construction," then any remaining balance shall be included in account 4 or 39, as appropriate. In no case shall the amount included in the primary accounts for the railway facilities acquired exceed the actual cost of constructing such facilities. The property account shall not include any cost or value for facilities or land contributed or paid for by governmental agencies, individuals or others. Property acquired as a specific contribution to capital by stockholders does not come under this rule. (See text of account 795, "Other capital.")

(b) Construction projects as used in this section means widening of highways, construction of spillways, drainage canals, farm and other private passes, pipelines, drains or other facilities across the right-of-way; construction of overhead highway bridges, and railroad bridges over public highways and across streams, which provide a railroad use in the operation of trains and a public use in the uninterrupted passage of highway and river traffic; installation of warning signals to protect highway traffic; and industrial side tracks. Also, reconstruction and relocation of tracks and appurtenant facilities such as occur in connection with carrying out flood control, reclamation, and other public improvement projects where it becomes necessary to abandon part of the line of railroad and relocate the tracks.

2–18 *Leased property improvements and retirements.* The cost, to lessee of structures, facilities, additions and betterments on leased property and for retirement of property the cost of which is included in account 732, "Improvements on leased property," shall be accounted for in conformity with the principles in the instructions for property owned. When property taken over in the lease is retired and replaced and lessee is not obligated to reimburse the lessor for the retired property other than through the replacement, the lessee shall credit the ledger value of the retired property to account 732, "Improvements on leased property," as an offset to the cost of the replacement borne by lessee and charged to that account. When lessee is obligated to reimburse the lessor currently or at the termination of the lease for property retired other than through replacement, the lessee shall include the amount of the obligation in the appropriate liability account. The lessee shall furnish the lessor such information as is required to enable the lessor to perform necessary accounting. The accounting by the lessee and the lessor shall be consistent with contractual arrangements.

2–19 *List of units of property.* (a) This list of units is established for the purpose of designating the units of property to be used in accounting for additions to and retirements and replacements of property. Detailed information is included in Instructions 2–7 and 2–8. Items listed under road property accounts are subject to the minimum rule applicable to additions to property. See Instruction 2–2 pertaining to the minimum rule.

(b) This list of units will be revised from time to time as may be necessary to meet conditions. A carrier desiring to include in any account an appropriate unit not now specified therein may, upon approval of the Commission, make such authorized addition to this list of units.

(c) Rules applicable to units of property rebuilt or converted and to changes in line of road or tracks which involve accounting for units of property retired are set forth in Instructions 2–11, 2–12, and 2–13.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.

Drainage. Entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles, and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culvert. Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, "Bridges, trestles, and culverts."

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 16, Station and Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each outside steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under account 16, "Station and office buildings," and 44, "shop machinery."

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Shops and Enginehouses

A complete building, including attached platform.

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A complete platform structurally detached from a building.
A turntable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A sand storage and handling and drying apparatus.
Outdoor bins. Each complete installation.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station and office buildings."

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items, see accounts 16, "Station and office buildings," and 44, "Shop machinery."

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.
A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see accounts 3, "Grading," 6, "Bridges, trestles and culverts," and 44, "Shop machinery."

Account 24, Coal and Ore Wharves

Car dumper complete
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.
Each coal or ore pocket installation.
For additional items, see accounts 6, "Bridges, trestles and culverts," 16, "Station and office buildings," 20, "Shops and enginehouses," 23, "Wharves and docks," and 44, "Shop machinery."

Account 25, TOFC/COFC Terminals

A complete building.
A complete building, including attached platform and ramp.
A complete platform and attached ramp, structurally detached from a building.
A portable ramp.
A complete fence.
Paving, each complete installation.
An overhead crane, complete.
Each sewer installation.
A truck or tractor used exclusively at TOFC/COFC terminals.
Each floodlighting pole or tower installation.
Each floodlighting installation.
A power distribution system, complete.
Any applicable units listed under all other accounts.

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated parts.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, "Station and office buildings."

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, etc.
A complete mile section or complete installation if less than a mile, or pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.
An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C.T.C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, "Station and office buildings," and 20, "Shops and enginehouses."

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches, and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, "Communication systems," and 27, "Signals and interlockers."

Account 35, Miscellaneous Structures

A complete building, including attached platform.
A complete platform structurally detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.
Each on and/or off-track automotive vehicle complete, including appurtenant special-purpose machinery.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 44, Shop Machinery

A machine (including foundation and motor, if any), such as lathes, shapers, slotters, boring machines.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 45, Power Plant Machinery

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 44, "Shop machinery."

Account 52, Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare engines.
Electric locomotive.
Radio control locomotive.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 55, Highway Revenue Equipment

A complete vehicle.
A chassis.
A container.
A bogie.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment: (1) A complete car or machine, (2) A boiler, (3) An engine, (4) A motor, (5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver, (6) A complete motor equipment.

(b) Floating equipment—Work: (1) A complete vessel or boat, (2) A boiler, (3) An engine, (4) A motor. Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

An airplane.
A complete vehicle.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3–1 *Items to be charged.* (a) The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in transportation operations, including expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolesence, or other depreciation, or from accident, fire, flood, or other casualty.

(b) These accounts shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of

expense in connection with the maintenance of the plant used in railway service. The cost of materials and supplies, which shall include small tools, shall include the cost at the point of free delivery plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses. Such costs shall not include expenses of transportation over the carrier's line. Royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs. The cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable, except where otherwise specified in the text of the accounts. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) The cost of repairs shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of contruction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings(when not removed by those employed in the buildings); cost of periodical restorations of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

4–1 *Method.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 735, "Accumulated depreciation; Road and equipment property," during the service life of depreciable road and equipment property, includible in accounts classed as depreciable, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for accruing depreciation currently shall be computed in conformity with the group plan by applying to the cost of property such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. For road property, the cost shall be original cost or estimated original cost, as used in the valuation records, adjusted to current date. If a carrier submits proof that the actual cost of depreciable property is substantially different from cost figures in the valuation records, the carrier may, with the approval of the Commission, use such cost figures as the depreciation base.

(b) The term group plan means the plan under which depreciation charges are accrued upon the basis of the cost of depreciable property includible in accounts classed as depreciable using the service lives of the individual depreciable units in the accounts and properly weighing to determine the composite annual rate of depreciation.

(c) For the purpose of the group plan of depreciation accounting the following primary accounts are classed as depreciable accounts:

Road accounts:
1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
3. Grading (depreciable property recorded in this account).
4. Other right-of-way expenditures.
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
25. TOFC/COFC terminals.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power plant machinery.

NOTE.—With respect to account 3, 4, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request composite percentage rates to be applied to the total amount recorded in each of the accounts in computing depreciation charges.

Equipment accounts:
52. Locomotives
53. Freight-train cars.
54. Passenger-train cars
55. Highway revenue equipment.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(d) When abandonment of a branch line or other important segment of the track structure or other part of the plant for which depreciation charges are not includable in the acaounts as foreseeable within a reasonable period of time due to exhaustion of traffic, obsolescence or other causes, application may be made to the Commission for authority to record a suitable provision in anticipation of a probable loss.

4–2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed or otherwise authorized by the Commission. Where property is acquired for which no rates have been prescribed or otherwise authorized and also in the event annual percentage rates prescribed for any class or type of property become no longer currently applicable because of material changes in property, premature obsolescence, exhaustion of traffic or other causes not given effect in the existing rates, carriers shall so inform the Commission promptly and, at that time, shall submit revised annual percentage rates and supporting details developed in accordance with the method indicated in Instruction 4–1.

(b) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

4–3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for approval, new percentage rates to take the place of those based on service lives or value of salvage deemed to be inaccurate.

(b) The carrier also shall keep such records of depreciable property and property retirements as will reflect the service life of each class of property which has been retired, or will permit the determination of service life indications by past experience of useful life tenure of comparable property, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the accumulated depreciation account is broken down into component parts corresponding to each primary account to show the current credits and debits and the balance for each account. Such detailed information shall be reported annually to this Commission. For balance sheet purposes, the accumulated depreciation account shall be treated as a single composite account for depreciable property.

4–4 *Leased property—depreciation.* (a) The carrier shall include in operat-

ing expenses charges for depreciation on road property and equipment used but not owned by the carrier, but of doubtful value shall be written down or written off by charge to account

count 702. Changes in the valuation allowance for marketable equi-

of the difference between cost and net assets at date of acquisition. This ac-

(6) Material profits or losses on transactions between the investor and investee

through periodic debits to the account in which the securities are carried (prefer-

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ing expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 772, "Accrued liability: Leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall be made appropriately through accounts 519, "Miscellaneous income," or 551, "Miscellaneous income charges," at the time settlement for depreciation on the property is made with the lessor.

(b) The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts.

4–5 *Jointly used property—depreciation.* The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

5–1 *Current assets.* (a) In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to settlement in the ordinary course of business within one year. There shall not be included in this group of accounts any amount the collection of which is not reasonably assured within one year because of the known financial condition of the debtor or otherwise. Such items shall be included in account 741, "Other assets," at an amount not in excess of a reasonable estimate of realizable value. Items of current character but of doubtful value shall be written down or written off by charge to account 63–61–00, "General—Uncollectible accounts—General and administrative," or account 553, "Uncollectible accounts," as appropriate. Adjustment of these items of doubtful value shall be made by direct reduction of the asset account in which such items are carried or by provision in account 709.5, "Allowance for uncollectible accounts," for the estimated uncollectible amount.

(b) The carrier shall transfer the estimated realizable value of obsolete material to account 741, "Other assets," equitably distribute the loss due to obsolescence among the accounts ordinarily chargeable for such classes of material, and concurrently credit account 712, "Material and Supplies."

5–2 *Recorded value of securities owned.* (a) (1) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 702, "Temporary Cash Investments," 721, "Investments in Affiliated Companies," and 722, "Other Investments," shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 26) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 702 shall be considered the current portfolio and the marketable equity securities in accounts 721 and 722 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 26.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 702, "Temporary Cash Investments," shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 724, "Allowance for Net Unrealized Loss on Nonsurrent Marketable Equity Securities—Cr.," is the valuation allowance for the marketable equity securities recorded in account 721, "Investments in Affiliated Companies," and 722, "Other Investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in the determination of net income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 702 shall be charged to account 551, "Miscellaneous Income Charges," or credited to account 519, "Miscellaneous Income," as appropriate, with a contra entry to the valuation allowance contained within account 702. Changes in the valuation allowance for marketable equity securities included in accounts 721 and 722 shall be recorded in equity account 798.1, "Net Unrealized Loss on Noncurrent Marketable Equity Securities," with a contra entry to valuation account 724.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as realized loss by a charge to account 551, "Other Income Charges," and a credit to account 723, "Reserve for Adjustment of Investment in Securities." The new cost basis shall not be changed for subsequent recoveries in value.

(b) * * *

(b) (1) For financial statement purposes the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 21(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 21(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(i) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition 21(g)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(ii) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period

of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained earnings memorandum account discussed in pargaraph (iii) below.

(iii) A retained earnings account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(iv) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period adjustments reported in the investee's financial statements (see instruction 1–2(d)), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained earnings memorandum account discussed in paragraph (iii) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(i) Original cost of investment.

(ii) Equity in net assets of investee at date of acquisition.

(iii) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(iv) Accumulated amortization of difference between cost and equity in net assets.

(v) Unamortized balance of difference between cost and equity in net assets.

(vi) Equity in undistributed earnings/losses for each year since date of acquisition.

(vii) Dividends received since date of acquisition if determinable.

(viii) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained earnings (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accurals) and debits to the same accounts in which the interest income is recorded.

NOTE.—The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

5–3 *Discounts, expenses, and premiums on debt.* (a) Ledger accounts shall be provided to cover the discounts, expenses, and premiums on the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. (For explanation of "subclass" see account 765, "Funded debt unmatured.") The net debit balances remaining in the ledger accounts for discount and premium shall be included in account 770.1, "Unamortized debt discount," and the net credit balances in account 770.2, "Unamortized premium on debt." Debt expense shall be included in account 743, "Other deferred debits."

(b) Each fiscal period there shall be charged to account 548, "Amortization of discount on funded debt," a proportion on a consistent basis of each of the debit balances in the discount and premium accounts and correspondingly there shall be credited to income account 517, "Release of premiums on funding debt," a similar proportion of each of the credit balances in these accounts. Related debt expense shall also be charged to account 548 on a proportional and consistent basis. The amounts for the respective debit balances for discount and expenses applicable to a particular issue of obligations may be charged directly to account 548 at time of issue when the aggregate of such amounts does not appreciably affect the accounts.

(c) When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as appropriate, and concurrently charged or credited to account 519, "Miscellaneous income," account 551, "Mis-

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cellaneous income charges"; or to account 570, "Extraordinary items," as appropriate, in accordance with the text of these accounts. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement. Gains and losses from extinguishment of debt (excluding debt maturing serially) which is acquired to satisfy sinking fund requirements, shall not be recorded as extraordinary items regardless of amount, but shall be included in accounts 519 and 551, as appropriate. Such gains and losses shall be separately disclosed in reports to this Commission.

5–4 *Discount, premium, and assessment on capital stock.* (a) Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the time of sale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

(b) The total of net debit balance in these ledger accounts shall be included in account 793, "Discount on capital stock," and the total of net credit balances in account 794, "Premiums and assessments on capital stock."

(c) Discount on each subclass of capital stock may be offset or reduced by charges to account 794, "Premiums and assessments on capital stock," to the extent that net gains from premiums or assessments have been included therein or to account 795, "Other capital," to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charged to account 616, "Other debits to retained earnings," or may be retained and carried in account 793, "Discount on capital stock," until the stock to which the discount applies is retired.

(d) In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of other paid-in capital to its stockholders, the amount thus distributed shall be charged to account 795, "Other capital."

(e) When capital stock is reacquired, either by purchase or donation, and is retired or cancelled, account 791, "Capital stock", shall be charged with the par value, stated value of no par stock, or if no par stock without stated value, the proportionate amount at which the particular class of stock is included in account 791. Any excess of reacquisition cost over the recorded value of the stock shall be charged to account 795, "Other capital," to the extent of the accumulated net gains included in this account applicable to reacquisition and resale or retirement of such subclass. Any remaining excess reacquisition cost shall be charged to account 616, "Other debits to retained earnings." Any excess of recorded value over reacquisition cost shall be credited to account 795, "Other capital."

(f) When capital stock is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 798.5, "Treasury stock."

(g) When treasury stock is resold, account 798.5, "Treasury stock," shall be credited with the cost paid for it. Gains shall be credited to account 795, "Other capital." Losses shall be charged to account 795, "Other capital," to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 616, "Other debits to retained earnings."

5–5 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities expected to be liquidated by the other party or parties shall be shown as a contingent liability in accordance with instruction 5–6 pertaining to contingent assets and liabilities.

5–6 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but items of material amount shall be shown in a supplementary statement to the balance-sheet. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet. Examples of contingent liabilities are items which may become obligations as a result of pending or threatened litigation, assessments or possible assessments of additional taxes, guarantees of indebtedness of others, and agreements or obligations to repurchase securities or property. Where the outcome is reasonably foreseeable, such as probable tax assessment which the carrier may not reasonably expect to contest successfully, such liabilities are to be reflected in the accounts and are not to be treated as contingent liabilities.

INSTRUCTIONS FOR CLEARING ACCOUNTS

6–1 *Items to be charged.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts.

6–2 *Material and stationery store expenses.* (a) To clearing accounts called "Material store expenses" and "Stationery store expenses" shall be charged expenses in connection with purchasing, handling and storing material and stationary in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

(b) The total amount of storehouse expenses charged to these accounts shall be distributed among the accounts to which material and stationery has been charged, in proportion to the amounts charged to each account for the items issued, except that the amount representing the purchasing department expenses shall be apportioned on the value of the items issued which were purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material and stationery purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense accounts are adjusted and closed out at the end of each year.

6–3 *Shop expenses.* (a) To a clearing account entitled "Shop expenses" shall be charged items of expense at shops, enginehouses, repair tracks, and other places where mechanical work is performed, not assignable directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account is adjusted and closed out at the end of the year.

(b) The expenses assignable to this account shall include the pay of foremen who exercise supervision over all departments), their clerks, and other employees engaged in general work in and about shops, cost of heat, light and power; cost of small tools and supplies and water and power purchased; also cost of removal of snow and ice from transfer tables and shop yards, and other incidental shop expenses. To this account shall be charged expenses, including wages, fuel and supplies, of operating switching locomotives when exclusively assigned to switching service at shops (the expenses of incidental switching at shops by locomotives in transportation

switching service shall be charged to appropriate transportation accounts).

6–4 *Gravel and sand pits and quarries.* (a) When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated, "Operations of gravel pit at _____," or "Operations of quarry at _____," as the case may be. To this account shall be charged cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed (credit to the property account in which the cost of the land is included); payments for right to enter upon and remove ballast from land not owned by the carrier; cost of sinking test holes; and costs preparatory to opening the pit or quarry. To this account shall be charged also the cost, in excess of the estimated salvage value, of rails and fastenings, ties, other material and labor used in constructing tracks to and in the gravel pit or quarry (the estimated salvage being carried in an appropriate suspense account); cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of power shovels and other machines and machinery; pay and expenses of watchmen; cost of explosives and hand tools, and miscellaneous expenses; and cost of installing, operating and maintaining signals and interlockers at gravel pits.

(b) Credit to the clearing account shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit. When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account and any related profit shall be credited to account 110, "Incidental."

6–5 *Power plant operations.* (a) The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used. When a power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses, the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

(b) When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account designated "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

(c) When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and any related profit shall be credited to account 110, "Incidental." The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations.

(d) When power plants are intended and used solely for furnishing power to others, their investment cost shall be included in account 737, "Property used in other than carrier operations," and the revenues and operating expenses shall be included in the accounts provided for operations of such property.

(e) The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

PROPERTY ACCOUNTS

Road

0 Road.

The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

1 Engineering.

This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge and signal engineer.
Architects and draftsmen.
Chief clerk and other clerks.
Transitmen and levelmen.
Rodmen and chainmen.
Cooks and porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Cameras; compasses.
Camp equipage.
Chains for surveyors.
Drawing boards.
Drawing instruments.
Field glasses.
Furniture repairs and renewals.
Heating and lighting.
Magnets and magnifiers.
Official train service.
Paper, blue-print.
Periodicals and newspapers.
Photographic supplies.
Printing and stationery.
Provisions for business cars.
Rent and repairs of offices.
Rods for surveyors.
Sextants and slide rules.
Telegraph and telephone service.
Traveling expenses.
Triangles and tripods.

NOTE A.—When employees designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B.—Expenditures for tentative or preliminary surveys shall be carried in account 743, "Other deferred debits," until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to appropriate income accounts.

NOTE C.—The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D.—The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 77, "Other expenditures; General," when not directly assignable to specific road or equipment accounts.

NOTE E.—Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

2 Land for transportation purposes.

This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right-of-way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right-of-way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased. Proceeds from the sale of timber or of improvements purchased with right-of-way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right-of-way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.

Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels.
Supports.
Water channels.
Waterproofing.

included as store expenses apportioned to this account when the rails are used

NOTE B.—No entry is required in this account with respect to improved "other track material" unless installed under a definite

13 Fences, snowsheds, and signs.

This account shall include:

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Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE A.—The cost of land acquired in excess of that necessary for transportation operations shall be included in balance sheet account 737, "Property used in other than carrier operations." When the purchase of land acquired for transportation operations involves land not used for such purposes, the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 737, "Property used in other than carrier operations." Only the actual cost borne by the carrier for right-of-way and other lands acquired through vacation of streets and highways shall be included in this account. No donation should be considered as involved in the acquisition of such property.

NOTE B.—Amounts paid for options to purchase land for use in transportation operations shall be charged to account 743, "Other deferred debits." If the carrier subsequently purchases the land, the amount of the option payment shall be transferred to this account. If the carrier does not acquire the land and forfeits the option paid, the amount shall be charged to account 561, "Miscellaneous income charges."

3 Grading.

(a) This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge or trestle is used in lieu of a temporary trestle which would otherwise be required for the filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account. (Also see Instruction 2–11.)

(d) When the carrier applies additional ballast to raise the height of track and leaves the old ballast in the roadbed as part of the subgrade, the cost of the excess quantity in the subgrade over the former established standard shown by the carrier's records, shall be charged to this account based on the cost of the old ballast or current grading prices, whichever is lower.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Coffering.
Dikes (including those of earthen construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operations of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestles for fills.
Tools for grading.
Wing dams.

4 Other right-of-way expenditures.

This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right-of-way.

5 Tunnels and subways.

This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting and safety devices therein, other than signals.

NOTE A.—The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B.—Station subways not highway crossings are includible in account 16, "Station and office buildings."

NOTE C.—When a tunnel is converted into an open cut, the ledger value of the tunnel shall be credited to this account. The service value of the depreciable portion of the tunnel shall be charged to account 735, "Accumulated depreciation: Road and equipment property," and the service value of the nondepreciable portion to operating expenses.

6 Bridges, trestles, and culverts.

This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over water-courses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culvert.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culverts ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A.—When a part or the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3 shall be charged to account 735, "Accumulated depreciation: Road and equipment property."

NOTE B.—The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them, shall be included in this account.

7 Elevated structures.

This account shall include the cost of elevated structures and foundations of elevated railway systems. This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classifiable as bridges or trestles.

NOTE.—The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure and not in this account.

Ties.

(a) This account shall include the cost of cross, switch, bridge and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks. (See instruction 2–9(a) covering replacement betterments.)

(b) The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE.—The cost of labor for unloading, distributing and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE.—The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

9 Rails.

(a) This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.); the cost of welding two or more lengths of rail into continuous lengths for use in construction of tracks; and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

(b) The cost of handling rails in general supply and storage yards shall be

included as store expenses apportioned to this account when the rails are used for construction purposes.

(c) To this account shall be credited the cost (estimated if actual is not known) of the excess weight of heavier rails replaced with lighter rails.

NOTE A.—The cost of labor for unloading, distributing and placing the rails in tracks and of train service in connection with the distribution of the rails shall be charged to account 12, "Track laying and surfacing."

NOTE B.—The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

10 Other track material.

(a) This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable for foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

(b) The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail Chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A.—The cost of labor and trains service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing."

NOTE B.—No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C.—The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

11 Ballast.

(a) This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of worktrain service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission.

(b) The instructions prescribed for gravel and sand pits and quarries applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance or for both.

NOTE A.—The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B.—Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C.—The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

NOTE D.—This account shall be credited for the cost of old ballast left in the roadbed as part of the subgrade, where the quantity of such ballast exceeds the carrier's established standard due to the application of additional ballast. (See paragraph (d) of the text of account 3, "Grading.")

12 Track laying and surfacing.

This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A.—The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B.—The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

13 Fences, snowsheds, and signs.

This account shall include:

(a) Fences. The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) Snowsheds. The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) Signs. The initial cost of signs other than those for identification of bridges, signals, stations and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel-caution signs.
Water-station signs.
Whistle signs.
Yard-limit signs.

NOTE A.—The cost of fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B.—The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C.—The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D.—This account shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which are charged to this account.

16 Station and office buildings.

This account shall include the cost of station and general office structures, their fixtures, appurtenances, and furniture necessary to equip the buildings ready for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Computers.
Drainage and sewerage systems.
Elevators and machinery.
Fences.
Freight cranes and derricks.
Freight handling machinery.
Gas-supply systems.
General office buildings.
Grain elevators and warehouses.
Heating plants.
Hoisting engines, for handling freight.
Lighting plants.
Ore-transferring machinery.
Pavement within ground limits.
Platforms, passengers, including planking between tracks.

Power distribution systems, interior.
Sidewalks.
Station footbridges (not highway crossings).
Station interlocking fences.
Telegraph offices.
Telephone offices.
Toilets.
Purifying plants.
Reservoirs and wells.
Settling basins.
Stationary engines.

except those special to particular machines and other apparatus; furniture and fixtures other than equipment

cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent

the cost of restoring the grounds after addition and betterment work shall be included

Cable boxes and appurtenances.
Cable and wires, aerial.
Conduits and appurtenances.

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Power distribution systems, interior.
Sidewalks.
Station footbridges (not highway crossings).
Station intertrack fences.
Telegraph offices.
Track scales.
Water-supply systems.
Yard offices.

NOTE A.—Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be included in account 20, "Shops and enginehouses."

NOTE B.—The cost of grading and preparing grounds both before and after the construction of station buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction in the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

17 Roadway buildings.

This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Breakwaters for protection of buildings.
Carpenter shops.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Planning mills.
Rail reclamation plant.
Rail shops for repair of track material.
Rail welding plant.
Repair shops.
Scrap bins.
Section dwelling houses.
Tool houses.

NOTE.—The cost of grading and preparing grounds both before and after the construction of roadway buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights, shall be included in the cost of the buildings. The fees and expenses of architects, employed to design or supervise the construction of the buildings, shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

18 Water stations.

This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included inthis account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns and dams.
Fences.
Pump houses.
Purifying plants.
Reservoirs and wells.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Water pipe lines.
Water-treating plants.

NOTE A.—The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B.—The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C.—The cost of grading and preparing grounds both before and after the construction of water station buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

19 Fuel stations.

This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings on piers.
Dumping machinery.
Elevating machinery.
Fences.
Fuel houses or stations.
Fuel-oil plants, pumps, and tanks.
Fuel platforms on wharves.
Stationary engines.
Weighing apparatus.

NOTE A.—The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B.—The cost of a temporary fuel station established only for use during the construction period shall be allocated to the primary accounts charged with the construction costs.

NOTE C.—The cost of grading and preparing grounds both before and after the construction of fuel station buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

20 Shops and enginehouses.

This account shall include the cost of buildings to be used as shops and enginehouses and storehouses for material for maintenance of equipment; foundations except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds and shops.
Carpenter shops.
Electric-power distribution systems within buildings.
Enginehouses.
Fire engine houses.
Footbridges (not public highways).
Foundries and machine shops.
Gas-compressor houses.
Heating and lighting plants.
Laboratories.
Lumber sheds.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Paint shops.
Pipe lines, air, and heat.
Pipe lines, gas, interior.
Planning mills and repair shops.
Platforms, shop and yard.
Scale houses and scales.
Scrap bins.
Sidewalks.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas, and oil.
Test rooms.
Turntables.
Upholstering shops.
Warehouses.

NOTE A.—The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops shall be included in account 31, "Power-transmission systems."

NOTE B.—The cost of grading and preparing grounds both before and after the construction of shop buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the costs of permanent water rights shall be included in the costs of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

NOTE C.—The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

22 Storage warehouses.

This account shall include the cost of storage warehouses, including machinery and fixtures therein. The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A.—The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

NOTE B.—The cost of warehouses leased to noncarriers shall be charged to account 737, "Property used in other than carrier operations."

23 Wharves and docks.

This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, coffer-dams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons and cribwork.
Dry docks.
Ferry-bridge machinery.
Ferry bridges.
Ferry slips.
Jetties and inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A.—The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B.—The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C.—The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D.—The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves), the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the wharves. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

24 Coal and ore wharves.

This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A.—The structures referred to in the account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B.—The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the wharves. The fees and expenses of architects employed to design or supervise the construction of wharves shall also be included in the cost of the wharves. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

25 TOFC/COFC terminals.

This account shall include the cost of structures, fixtures, machinery and appurtenances comprising terminals used for loading and unloading trailers and containers on and from flat cars.

TOFC/COFC TERMINAL STRUCTURES AND DETAILS

Cranes and hoists, including related machinery and appurtenances.
Drainage and sewerage.
Fences.
Grading and preparing grounds for TOFC/COFC terminals.
Offices, TOFC/COFC terminal.
Lighting system.
Platforms, ramps and appurtenances.
Power distribution systems.
Sidewalks, pavements and driveways on terminal grounds.
Terminal trucks and tractors.

NOTE A.—"Trailer," as used in the text and elsewhere in this system of accounts unless otherwise indicated in the context, means trailer bodies used in TOFC/COFC service which are permanently mounted on running gear. "Containers" means trailer bodies used in TOFC/COFC service which are not permanently mounted on wheels or chassis, but are separated from such running gear before being loaded on flat cars.

NOTE B.—The cost of grading and preparing grounds both before and after the construction of TOFC/COFC terminals, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

26 Communication systems.

This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cable and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A.—Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B.—Communication systems of limited extent, not connected with other systems used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

Buzzers, bells, dictaphone or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signals towers.

NOTE C.—Test sets shall be classified as tools and included in the account appropriate for their use.

27 Signals and interlockers.

This account shall include the cost of interlocking and other signals apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installation; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Automatic-train control devices other than on equipment.
Call-bell systems along track to call in flagmen.

Call boxes, electric.
Car-retarder systems.
Cattle guards.
Crossing gates.
Crossing protection, automatic.
Crossing protection, flagmen.
Crossing protection, interlocking.
Crossing protection, watchmen.
Electric-power distribution systems within buildings.
Fences.
Footbridges (not public highways).
Interlocking machines.
Interlocking plants.
Interlocking towers.
Lamps, switch and signal.
Pipe lines, air, and heat.
Pipe lines, gas, interior.
Signal bridges.
Signal towers.
Signals, automatic.
Signals, hand.
Signals, semaphore.
Signals, train-order.
Switch and track circuits.
Switch boxes.
Switch locks.
Switch machines.
Switch stands.
Switch targets.
Switches.
Tracks, signal.
Water, sewer, gas, and drainage, pipes and connections.

"Shop machinery." The cost of distribution systems used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Automatic-train control devices other than on equipment.
Call-bell systems along track to call in flagmen.
Call boxes, electric.
Car-retarder systems.
Cattle guards.
Crossing gates.
Crossing protection, automatic.
Crossing protection, flagmen.
Crossing protection, interlocking.
Crossing protection, watchmen.
Electric-power distribution systems within buildings.
Fences.
Footbridges (not public highways).
Interlocking machines.
Interlocking plants.
Interlocking towers.
Lamps, switch and signal.
Pipe lines, air, and heat.
Pipe lines, gas, interior.
Signal bridges.
Signal towers.
Signals, automatic.
Signals, hand.
Signals, semaphore.
Signals, train-order.
Switch and track circuits.
Switch boxes.
Switch locks.
Switch machines.
Switch stands.
Switch targets.
Switches.
Tracks, signal.
Water, sewer, gas, and drainage, pipes and connections.

Tie tampers.
Timber trucks.

count 39, "Public improvements; construction," assessments from tenant owners shall

Steam hammers.
Vises.

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Call boxes, electric.
Car-retarder systems.
Centralized traffic control.
Crossing flasher-light signals.
Crossing gates, highway and railway.
Crossing signals bells.
Crossing warning signals.
Interlocker buildings and machinery.
Power apparatus primarily for the operation of signals and interlockers.
Power-distribution lines primarily for the operation of signals and interlockers.
Signal buildings.
Signal machinery, poles and foundations.
Train-order signals.

NOTE A.—When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B.—The cost of track material, such as switches, special rail braces, special roads, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C.—When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D.—The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, the cost of constructing sidewalks, driveways, and fences thereon, and the cost of permanent water rights shall be included in the cost of the buildings. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the buildings. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

29 Power plants.

This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

Buildings.
Coal bunkers, pockets and trestles.
Fences (other than right-of-way boundary fences).
Fixtures for lighting (including wiring) and heating power-plant buildings.
Foundations (except special foundations for machines and other apparatus).
Fuel-oil tanks.
Furniture.
Hose and appliances for protecting buildings against fire.
Pavement within ground limits.
Permanent rights in water supply.
Platforms.
Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
Water, sewer, gas, and drainage, pipes and connections.
Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

Aqueducts.
Bridges.
Fences (other than right-of-way boundary fences).
Footbridges.
Reservoirs.
Roadways.
Sluices.
Valves.
Water rights.

NOTE A.—The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 46, "Power-plant machinery."

NOTE B.—The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C.—Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 739, "Property used in other than carrier operations."

31 Power-transmission systems.

This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

Air pipe-line in car yards.
Compressed air pipe-lines.
Compressed air storage tanks (not at power houses or shops).
Cut-outs (not at power houses and substations).
Overhead trolley wires.
Rail-insulating devices.
Steam-heating pipe-lines in car yards.
Switchboards (not at power houses and substations).
Third-rail insulation and protection.
Transformers (not at power houses and substations).
Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

Braces and other support for holding poles in position.
Brackets, cross arms, and other pole fixtures.
Conduits for wires and cables.
Cutting and trimming trees.
Guy stubs and wires.
Manholes.
Poles and towers.
Sewer traps.
Stenciling or painting letters or numbers on poles.

NOTE A.—The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B.—The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

35 Miscellaneous structures.

This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

MISCELLANEOUS STRUCTURES ITEMS

Floodlight tower installations in yards.
Grain elevators where grain is stored for owners.
Storehouses for general purpose materials and supplies.

NOTE A.—Small storage elevators at way stations where grain is received for shipment are classed as station buildings.

NOTE B.—The cost of grading and preparing grounds both before and after the construction of miscellaneous structures and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the structures. The fees and expenses of architects employed to design or supervise the construction of the buildings shall also be included in the cost of the structures. However, the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts.

37 Roadway machines.

This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently. This account shall also include the cost of on and/or off-track automotive vehicles, permanently equipped with special-purpose machinery such as hydraulic cranes, derricks, ditching apparatus, pile-driving equipment, and similar machines listed below, and used exclusively in maintenance of way and structures.

LIST OF ROADWAY MACHINES

Adzers.
Anchor applicators.
Ballast regulators.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars, (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Pile drivers.
Plows, unloading.
Rail grinders.
Rail unloaders.
Rock crushers.
Scarifier-inserters.
Spike drivers.
Spike pullers.

Tie tampers.
Timber trucks.
Tracklifters.

NOTE A.—When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B.—The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings."

NOTE C.—The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

39 Public improvements; construction.

This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. The account also shall include carrier's portion of the cost of public improvements constructed under governmental requirements. (See Instruction 2-17.) The entire amount of each assessment and other liabilities for public improvements shall be included in this account as soon as the amounts are determined.

ITEMS

Cost of land outside carrier's right-of-way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A.—The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements; construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account. The lessor shall charge the cost of assessments for public improvements which is borne by joint owner tenants to the appropriate property accounts other than account 39, "Public improvements; construction," assessments from tenant owners shall be credited to account 795, "Other capital." The owner tenants shall charge their proportionate share of the assessment to account 731, "Investments and advances; affiliated companies." The carrier shall charge the appropriate property accounts other than the public improvement account for the cost of public improvement assessments borne by nonowner tenants with contra credit to account 38-00-00, "Purchased services—Joint facility—Credit," and the tenants shall charge their proportionate shall of the assessments to account 37-00-00, "Purchased services—Joint facility—Debit."

NOTE B.—The cost to the carrier of maintaining public improvements shall be included in operating expenses.

NOTE C.—Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for the taxes.

NOTE D.—The amount of the deferred payments of assessments for public improvements, if payments are to be made within one year, shall be included in account 763, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 782, "Other liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E.—Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time, shall be charged to account 547, "Interest on unfunded debt."

NOTE F.—Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 737, "Property used in other than carrier operations."

44 Shop machinery.

This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Ash conveyors.
Air compressors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A.—The cost of power-plant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power-plant machinery."

NOTE B.—The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

45 Power-plant machinery.

This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ash-conveying machinery.
Battery-charging apparatus.
Boiler-room appliances and tools.
Boilers and fittings.
Circuit breakers.
Furnaces.
Ice-manufacturing machinery and apparatus.
Lubricating devices.
Mechanical stokers.
Metal stacks on boilers.
Refrigerating—machinery and apparatus.
Rotary converters.
Sewer connection for machinery.
Coal-conveying machinery.
Condensers.
Cranes.
Draft machinery.
Dynamos.
Engine-room appliances and tools.
Feed water heaters.
Special foundations for machines.
Steam-distribution systems within the plant.
Switchboards.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Water meters.
Well pumps.

NOTE A.—The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B.—The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C.—The cost of buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D.—The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E.—The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non carriers the investment shall be included in account 737, "Property used in other than carrier operations."

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Equipment

50 Equipment.

The several primary accounts included in this general account are designed to show the cost of the several classes of equipment vehicles and shop and power-plant equipment owned by the carrier, or held under equipment trust agreements or other contractual obligation for purchase of the property.

52 Locomotives.

(a) This account shall include the cost of locomotives and tenders purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line. This account may also include the cost of spare engines carried on hand for the purpose of temporarily replacing similar units removed from locomotives for overhaul, repair or other reason.

(b) Records shall be maintained to reflect separately the investment cost of locomotives on the basis of their initial identification for depreciation purposes; i.e., road passenger, road freight, road switching and yard switching.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air brake equipment and hose.
Arm rests.
Brake fixtures.
Cab cushions.
Clocks.
Fire-extinguishing apparatus.
Gongs.
Headlamps.
Metallic packing.
Pneumatic sanding equipment.
Radio equipment, permanently attached.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE.—Cars with motor equipment are not to be classed as locomotives.

53 Freight-train cars.

This account shall include the cost of freight-train cars of all classes, such as motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Automobile.
Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Express.
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Hay.
Lime.
Mail.
Oil tank.
Ore.
Logging.
Platform.
Polling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Heating units.
Lamps and fixtures.
Loading devices.
Refrigeration units.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

54 Passenger-train cars.

This account shall include the cost of passenger-train cars of all classes, such as motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Automobile.
Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Cafe, chair, and club.
Dining.
Library.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger-baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourists.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

55 Highway revenue equipment.

(a) This account shall include the cost of highway vehicles used in revenue transportation service, including pick-up and delivery service, substitute line-haul service, and TOFC/COFC service; also the cost of appurtenances (such as radio communication equipment) necessary to equip them for service, and the inspection and transportation costs and charges required for delivery of the vehicles into the carrier's revenue service.

(b) Records shall be maintained to identify the carrier's investment in the following equipment, including appurtenances:

LIST OF HIGHWAY REVENUE EQUIPMENT

Bogies.
Buses.
Chassis.
Containers.
Semi-trailers.
Tractors.
Trailers.
Trucks.

LIST OF APPURTENANCES TO HIGHWAY REVENUE EQUIPMENT

Fire extinguishers.
Heating units.
Radio communication equipment
Refrigeration units.
Rigging equipment.
Road dollies.
Tarpaulins.

NOTE.—The cost of trucks and tractors which are used exclusively at TOFC/COFC terminals for loading and unloading trailers and containers on and from flat cars shall be charged to account 25, "TOFC/COFC terminals."

56 Floating equipment.

This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steam boats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
China, crockery, and glassware.
Chronometers.
Compasses.
Desks and furniture.

Engines and foundations.
Fire buckets and extinguishers.
Floor coverings.
Gangplanks.
Heating equipment.
Hoisting equipment.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Logs.
Machinery and foundations.
Masts.
Boilers and foundations.
Cables.
Capstan bars.
Charts.
Pianos and other musical instruments.
Pumps.
Railings.
Rigging.
Scales.
Seats, chairs, and cushions.
Spyglasses and telescopes.
Steam distribution systems.
Steering equipment.
Ticket cases.
Tool boxes and tools.
Tracks on car floats.
Ventilating equipment.

57 Work equipment.

This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service; and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas-tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail cars.
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

58 Miscellaneous equipment.

(a) This account shall include the cost of automobiles, trucks and other highway equipment not used in revenue transportation service and not provided for elsewhere; the cost of airplanes; the cost of appurtenances (such as radio communication equipment) necessary to equip them for service; and the inspection and transportation costs and charges required for delivery of the vehicles to the carrier.

(b) The cost of on and/or off-track automotive vehicles, which are permanently equipped with special-purpose machinery and used exclusively in maintenance of way and structures, shall be charged to account 37, "Roadway machines."

LIST OF MISCELLANEOUS EQUIPMENT

Airplanes.
Automobiles.
Buses.
Emergency repair vehicles.
Road dollies.
Semi-trailers.
Tractors.
Trailers.
Trucks.
Wreckers.

LIST OF APPURTENANCES TO MISCELLANEOUS EQUIPMENT

Fire extinguisher.
Radio communication equipment.
Rigging equipment.
Tarpaulins.

General Expenditures

70 General expenditures.

The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extension, additions, and betterments to road and equipment property, when such expenditures cannot properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property for which the expenditures occurred.

76 Interest during construction.

(a) When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

(b) When such securities are sold at a premium, the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

(c) This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made become available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A.—Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B.—If securities issued or assumed by the carrier are subsequently sold or exchanged by or for the carrier, the excess of the par value and accrued interest of the securities over the actual money value of the consideration received shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discount be included as part of the cost of items included in the accounts prescribed in this classification.

NOTE C.—Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific road and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE D.—This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

77 Other expenditures; general.

(a) This account shall include expenditures of a general nature which are attributable to original construction or important expansion of road but which cannot be assigned directly as part of the cost of specific units or segments of property, and are not provided for in other primary accounts of this classification, such as pay and expenses of executive and general officers and their assistants engaged exclusively in connection with such construction, law expenses (other than organization expenses), stationery and printing, and taxes before property is used in transportation operations.

(b) An equitable portion of the amounts in this account applicable to retired property shall be cleared concurrently with the retirement accounting in accordance with Instruction 2-7(c); or the entire amount in this account may be charged off immediately when authorized by the Commission.

NOTE.—Expenditures of the character described in account 739, "Organization expenses," which were incurred directly in connection with the construction of a project, shall be charged to account 90, "Construction in progress."

90 Construction in progress.

This account shall include expendi-

(1) Revenue upon the basis of arbitraries out of freight, rates for water transfers (fer-

formed in connection with line-haul transportation of freight on the basis of switching

Passenger," except that when switched for repairs, the amounts paid shall be included in

lected and credited to this account and

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NOTE.—Expenditures of the character described in account 739, "Organization expenses," which were incurred directly in organizing the corporation and can be identified as such in the corporation records of the company, are includible in that account.

Other Property Accounts

30 Other elements of investment.

(a) This account shall include amounts resulting from adjustment of the primary property accounts to conform with cost of property in valuation records. The amount in this account shall be cleared on a consistent basis as property is retired from service or otherwise in accordance with the rules in paragraphs (b), (c), and (d) of this account. Any material amount in this account assignable to property previously retired from service shall be cleared immediately.

(b) When property is retired from service, an equitable portion of the balance in this account assignable to such property shall be cleared when the retirement entry is made. The amount so cleared, when a debit, shall be charged to account 551, "Miscellaneous income charges," or, when a credit, shall be recorded in account 519, "Miscellaneous income." The exception to this general rule with respect to a credit balance assignable to property retired is that when property classified as depreciable is retired from service and the balance in the accumulated depreciation account for the property is materially deficient, because of sudden retirement or other unusual cause, the portion of a credit balance cleared for the retirement, equal to the deficiency, shall be applied to reduce the amount of loss otherwise chargeable to the accumulated depreciation account.

(c) A carrier may apply to the Commission for authority to clear the entire balance from this account immediately or amortize the balance over a short period of time by appropriate inclusion in account 616, "Other debits to retained earnings," or account 606 "Other credits to retained earnings." Any amount so authorized or directed by the Commission to be cleared and written off to retained income shall be in lieu of amounts includible in accounts indicated in paragraph (b).

(d) Other plans for clearance, disposition, or classification of a balance in this account in conformity with sound accounting principles may be submitted to the Commission with suitable details for consideration. This includes application for disposition of a balance in this account attributable to reduction of capitalization in a reorganization. An accounting procedure so applied for shall become effective only after Commission approval. Each carrier shall maintain a record of items initially included in and cleared later from this account and the basis used in computing such items.

NOTE.—The amounts attributable to past mergers, consolidations and purchases of property included in this account shall be merged with the adjustment made pursuant to paragraph (a) of this text.

90 Construction in progress.

This account shall include expenditures incurred by the carrier in the process of constructing road and equipment with its own forces or under contract during the period prior to the time property is placed in transportation operations, including cost of materials and supplies located at point of use and of necessary land acquired for such projects. When a project is completed or when a segment of a large project is completed and placed in service, the cost of the completed project or the completed segment thereof shall be transferred to the appropriate road and equipment primary accounts. Separate subaccounts may be maintained for road, equipment, or other classes of expenditures. Expenditures for relatively unimportant projects may be included directly in primary accounts.

RAILWAY OPERATING REVENUE ACCOUNTS

Transportation Revenue Accounts

100 Transportation: rail line.

The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from services rendered in transporting property or persons by rail line.

101 Freight.

(a) This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

(b) This account shall include collections in excess of tariff charges, except where such amounts are segregated and held subject to refund.

(c) Proceeds derived from the sale of unclaimed and refused freight which has been transported in accordance with the contract of shipment shall be credited to this account in cases where such items can be readily identified. Uncollected tariff charges on such shipments shall be charged to this account.

(d) Amounts determined to be uncollectible shall be accounted for in accordance with the text of account 63-61-00 "General—Uncollectible accounts."

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.

(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.

(c) Revenue from transportation of mail matter, and empty mail pouches, at freight rates.

(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.

(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.

(f) Revenue from reconsigning privileges.

(g) Revenue from stop privileges.

(h) Revenue from transit privileges.

(i) Revenue upon the basis of arbitraries out of freight, rates for water transfers (ferriage, lighterage, and floatage).

(j) Revenue from transportation of trailers and containers on flat cars in TOFC/COFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge and ferry arbitraries on freight.

(b) Amounts paid for completing a haul.

(c) Amounts paid for elevation of freight.

(d) Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.

(e) Amounts paid for transferring freight between stations.

(f) Arbitraries and allowances to others for lighterage and wharfage.

(g) The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.

(h) The carrier's proportion of refunds on account of errors in routing and billing.

(i) The carrier's proportion of uncollected revenue on freight loss or destroyed in transit.

(j) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

(k) Amounts paid on basis of tariff rates for loading and unloading livestock.

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC/COFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

NOTE A.—Amounts paid for switching empty cars other than in connection with loaded movements shall be charged to operating expense account 61-32-XX, "General — Other Expenses — Transportation — Yard—Freight," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B.—Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 61-35-76, "General—Other Expenses—Transportation—Administrative Support."

NOTE C.—When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

NOTE D.—Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE E.—This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC/COFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

102 Passenger.

This account shall include the revenue from transportation of passengers at passenger tariff fares, from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares

(b) The carrier's proportion of revenue from interline passenger fares.

(c) Revenue from extra fares.

(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.

(e) Revenue from mileage and scrip coupons honored for all services covered by this account.

(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.

(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.

(h) Cash fare penalty collections.

(i) Unclaimed collections and deposits for transportation of passengers.

(j) Passenger fare overcharges.

(k) Revenue from transportation of corpses, based on passenger fares.

(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in divisions of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.

(b) Amounts paid for switching in completing a passenger transportation movement.

(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)

(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.

(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.

(f) Uncollectible undercharges.

NOTE A.—Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B.—When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

NOTE C.—Amounts paid for switching empty passenger-train cars other than in connection with loaded movements, shall be charged to account 61-42-XX, "General—Other Expenses—Transportation—Yard—Passenger," except that when switched for repairs, the amounts paid shall be included in account 39-25-45, "Purchased Services—Repairs Billed by Others—Equipment—Other Equipment."

NOTE D.—Amounts determined to be uncollectible shall be accounted for in accordance with the text of account 63-62-00, "General—Uncollectible accounts."

103 Passenger—related.

This account shall include the revenue from the transportation of baggage, packages, etc. on passenger trains at *other than freight or express tariff rates*. This account shall also include the revenue from berth and seat accommodations furnished in sleeping, parlor observation, chair, and other special passenger cars, also the revenue derived from the operation of passenger trains not provided for elsewhere, and dining and buffet service.

The amounts recorded in this account shall not include aid in the form of abatement or forgiveness of taxes, assumption by local governments of station maintenance costs, and other similar special indirect benefits, contributed by governmental agencies.

104 Switching.

(a) This account shall include the revenue from switching service upon the basis of lawful tariff rates. To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trapcar" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

(b) To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE.—"Penalty switching" charges paid by the carrier shall be included in expense account 61-32-XX, "General—Other Expenses—Transportation—Yard—Freight."

105 Water transfers.

(a) This account shall include the revenue, from the transfer by water (ferriage, lighterage, and floatage) of passenger, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE.—No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

106 Demurrage.

This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage. This account shall also include the revenue from the detention of trailers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE.—This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC/COFC service.

110 Incidental.

This account is designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation; for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses and from incidental sources not provided for elsewhere. Among the items included in this account are revenues derived from (1) hotels and restaurants, (2) operations conducted at stations and on trains by individual or companies other than railway companies, (3) storage, (4) the sale of electric power, (5) renting property operated and maintained in connection with the property used in the carrier's transportation operations and from railway operations not provided for elsewhere.

Joint Facility Revenue Accounts

120 Joint facility.

The primary accounts included in this general account are designed to show the carrier's proportion of revenues collected by others in connection with operation of joint facilities and the amount payable by the carrier to other companies from operation of joint facilities.

121 Joint facility—credit.

This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for

such proportion of the revenue separately from the distribution of the expense of operation

companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous

for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor

Code	Functions	Running			Switching			Other		
		F	P	C	F	P	C	F	P	C

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such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B.—No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101-103, 105 and 110.

122 Joint facility—debit.

This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B.—No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101-103, 105 and 110.

Coding structure for railway operating expense accounts

	*XX-00 Control	Way and structures XX-10			Equipment XX-20			Transportation XX-30, 40, 50, and 60				
		Running	Switching	Other	Locomotive	Freight cars	Other equipment	Train	Yard	Train and yard common	Specialized services	Administrative support	General and administrative
Freight	XX 00	XX 11	XX 12	XX 13	XX 21	XX 22	XX 23	XX 31	XX 32	XX 33	XX 34	XX 35	XX 61
Passenger[1]	XX 00	XX 14	XX 15	XX 16	XX 24	XX 25	XX 26	XX 41	XX 42	XX 43	XX 44	XX 45	XX 62
Common[1]	XX 00	XX 17	XX 18	XX 19	XX 27	XX 28	XX 29	XX 51	XX 52	XX 53	XX 54	XX 55	XX 63
Personnel	10 00												
Salaries and wages	11 00	[2] 11 11	[2] 11 12	11 13	[2] 11 21	[2] 11 22	[2] 11 23	[2] 11 31	[2] 11 32	[2] 11 33	[2] 11 34	[2] 11 35	[2] 11 61
Fringe benefits	12 00	12 11	12 12	12 13	12 21	12 22	12 23	12 31	12 32	12-33	12 34	12-35	12-61
Material	20 00												
Material, tools, supplies, fuel, lubricants	21 00	[2] 21 11	[2] 21 12	[2] 21 13	[2] 21 21	[2] 21 22	[2] 21 24	[2] 21-31	[2] 21 32	[2] 21-33	[2] 21-34	[2] 21-35	[2] 21 61
Purchased services	30 00												
Lease rentals—DR	31 00	31 11	31 12	31 13	31 21	31 22	31 23						
Lease rentals—CR	32 00	32 11	32 12	32 13	32 21	32 22	32 23						
JT facility rent—DR	33 00	33 11	33 12	33 13	33 21	33 22	33 23						
JT facility rent—CR	34 00	34 11	34 12	34 13	34 21	34-22	34 23						
Other rents—DR	35 00	35 11	35-12	35 13	35-21	35-22	35-23						
Other rents—CR	36 00	36 11	36 12	36 13	36 21	36 22	36 23						
JT facility—DR	37 00	37 11	37 12	37 13	37 21	37 22	37 23	37 31	37 32			37-35	37-61
JT facility—CR	38 00	38 11	38 12	38 13	38 21	38 22	38 23	38 31	38 32			38-35	38-61
Repairs billed by others DR	39 00	[2] 39 11	[2] 39 12	[2] 39 13	[2] 39-21	[2] 39-22	[2] 39-23						
Repairs billed to others—CR	40 00	[2] 40-11	[2] 40 12	[2] 40 13	[2] 40 21	[2] 40-22	[2] 40-23						
Other purchase services	41 00	[2] 41-11	[2] 41 12	[2] 41 13	[2] 41-21	[2] 41-22	[2] 41-23	[2] 41 31	[2] 41 32	[2] 41-33	[2] 41-34	[2] 41-35	[2] 41-61
Claims and insurance	50 00												
Loss damage claims	51 00							51 31	51 32	51 33	51-34		
Other casualties	52 00	52 11	52 12	52 13	52 21	52-22	52 23	52 31	52 32		52-34	52-35	52 61
Insurance	53 00	53 11	53 12	53 13	53 21	53-22	53 23	53-31	53 32		53 34	53-35	53-61
General	60 00												
Other expenses	61 00	[2] 61 11	[2] 61 12	[2] 61 13	[2] 61 21	[2] 61 22	[2] 61 23	[2] 61 31	[2] 61 32		[2] 61-34	[2] 61 35	[2] 61 61
Depreciation	62 00	62 11	62 12	62 13	62 21	62 22	62 23						63 61
Uncollectible accounts	63 00												61 61
Property taxes	64 00												61 61
Other taxes	65 00												65-61

[1] The account numbers shown on this matrix are for freight only. The account numbers for passenger and common are derived by applying the natural expense code (1st 2 digits) to the activity codes shown. Natural expenses are used only in the same activities as shown for freight.

[2] Expenses shall be reported by precisely defined functions. (See account text.)

Function code use—way and structures

Code	Functions	Running			Switching			Other		
		[1]F	P	C	F	P	C	F	P	C
	ADMINISTRATION									
02	Track							X	X	X
03	Bridges and buildings							X	X	X
04	Signals							X	X	X
05	Communications							X	X	X
06	Other							X	X	X
	REPAIRS AND MAINTENANCE									
10	Roadway	X	X	X	X	X	X			
11	Tunnels and subways	X	X	X	X	X	X			
12	Bridges and culverts	X	X	X	X	X	X			
13	Ties	X	X	X	X	X	X			
14	Rails	X	X	X	X	X	X			
15	Other track material	X	X	X	X	X	X			
16	Ballast	X	X	X	X	X	X			
17	Track laying and surfacing	X	X	X	X	X	X			
19	Signals and interlockers	X	X	X	X	X	X			
20	Communication systems							X	X	X
21	Electric power systems							X	X	X
22	Highway grade crossings	X	X	X	X	X	X			
23	Station and office buildings							X	X	X
24	Shop buildings—locomotives							X	X	X
25	Shop buildings—freight cars							X		
26	Shop buildings—other equipment							X	X	X
27	Locomotive servicing facilities							X	X	X
28	Miscellaneous buildings and structures							X	X	X
29	Coal terminals							X		
30	Ore terminals							X		
31	TOFC/COFC terminals							X		
32	Other marine terminals							X		
33	Motor vehicle loading and distribution facilities							X		
35	Facilities—other specialized services operations							X		
36	Roadway machines							X	X	X
37	Small tools and supplies							X	X	X

Code	Functions	Running			Switching			Other		
		[1]F	P	C	F	P	C	F	P	C
38	Snow removal							X	X	X
39	Dismantling retired property	X	X	X	X	X	X	X	X	X
48	Road property damaged	X	X	X	X	X	X	X	X	X
	OTHER									
99	Other	X	X	X	X	X	X	X	X	X

[1] F—Freight; P—Passenger; C—Common.

Function code use—Equipment

Code	Functions	Locomotives			Freight cars			Other equipment		
		F	P	C[1]	F	P	C	F	P	C
	ADMINISTRATION									
01	Administration	X	X	X	X			X	X	X
	REPAIR AND MAINTENANCE									
39	Dismantling retired property	X	X	X	X			X	X	X
40	Machinery	X	X	X	X			X	X	X
41	Locomotives	X	X	X						
42	Freight cars				X					
43	Trucks, trailers, containers in revenue service							X		
44	Floating equipment in revenue service							X		
45	Passenger and other revenue equipment							X	X	X
46	Computers and EDP equipment							X	X	X
47	Work and other nonrevenue equipment							X	X	X
48	Equipment damaged	X	X	X	X			X	X	X
	OTHER									
99	Other	X	X	X	X			X	X	X

[1] F—Freight; P—Passenger; C—Common.

Function code use—transportation

Code	Functions	Train			Yard			Train and yard common			Specialized services			Administrative support		
		[1]F	P	C	F	P	C	F	P	C	F	P	C	F	P	C
	ADMINISTRATION															
01	Administration	X	X	X	X	X	X				X			X	X	X
	OPERATIONS															
56	Engine crews	X	X	X												
57	Train crews	X	X	X												
58	Dispatching trains	X	X	X												
59	Operating switches signals interlockers retarders humps	X	X	X	X	X	X									
	Operating drawbridges	X	X	X												
61	Highway crossing protection	X	X	X												
62	Train inspection and lubrication	X	X	X												
63	Clearing wrecks	X	X	X	X	X	X									
64	Switch crews				X	X	X									
65	Controlling operations				X	X	X									
66	Yard and terminal clerical				X	X	X									
67	Locomotive fuel	X	X	X	X	X	X									
68	Electric power purchased/produced for motive power	X	X	X	X	X	X									
69	Servicing locomotives	X	X	X	X	X	X									
70	Cleaning car interiors							X	X	X						
71	Adjusting, transferring loads							X								
72	Car loading devices and grain doors							X								
73	Pickup and delivery, marine line haul, rail substitute service										X					
74	Loading, unloading, local marine										X					
75	Protective services										X					
76	Clerks and accounting employees													X	X	X
77	Communications systems operations													X	X	X
78	Loss and damage claims processing													X	X	X
	OTHER															
99	Other	X	X	X	X	X	X				X			X	X	X

[1] F—Freight; P—Passenger; C—Common.

Function code use—general and administrative

Code	Functions	Running			Switching			Other		
		[1]F	P	C	F	P	C	F	P	C
	ADMINISTRATION									
01	Administration							X	X	X
	OPERATIONS									
78	Loss and damage claims processing							X	X	X
	OTHER									
99	Other							X	X	X

[1] F—Freight; P—Passenger; C—Common.

Dismantling Retired Property, 11-XX-39
Road Property and Equipment Damaged, 11-XX-48
Other, 11-XX-99

Ore Terminals, 11-13-30
TOFC/COFC Terminals, 11-13-31

Administration—General, 11-XX-01.
Repair and Maintenance—

Yard and Terminal Clerical, 11-XX-66

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Function code use—general and administrative

Code	Functions	Freight	Passenger	Common
	ADMINISTRATION			
01	Administration	×	×	×
	GENERAL			
86	Accounting, auditing, finance	×	×	×
87	Management services and data processing	×	×	×
88	Marketing	×	×	×
89	Sales	×	×	×
90	Industrial development	×		
91	Personnel, labor relations	×	×	×
92	Legal and secretarial	×	×	×
93	Public relations and advertising	×	×	×
94	Research and development	×	×	×
	OTHER			
99	Other	×	×	×

Operating expense accounts for class II railroads

		Labor	Material	Other
	Way and structures			
	Administration			
202	Repair and maintenance, roadway			
203	Repair and maintenance, structures			
	Joint facilities—Dr	NA	NA	
205	Joint Facilities—Cr	NA	NA	
206	Casualties and insurance	NA	NA	
	Other expenses			
	Depreciation	NA	NA	
	Equipment			
	Administration			
	Repair and maintenance, machinery			
213	Repair and maintenance, locomotives			
214	Repair and maintenance,			
215	Repair and maintenance, other equipment			
216	Joint facilities—Dr	NA	NA	
217	Joint facilities—Cr	NA	NA	
218	Equipment rents—Dr	NA	NA	
219	Equipment rents—Cr	NA	NA	
220	Casualties and insurance	NA	NA	
221	Other expenses			
222	Depreciation	NA	NA	
	Transportation			
231	Administration			
232	Road crews			
233	Road fuel and power			
234	Other road expenses			
235	Joint facilities—road—Dr	NA	NA	
	Joint facilities—road—Cr	NA	NA	
242	Yard crews			
243	Yard fuel and power			
244	Other yard expenses			
245	Joint facilities—yard—Dr	NA	NA	
246	Joint facilities—yard—Cr	NA	NA	
252	Specialized services operations			
	TRANSPORTATION			
253	Administrative support operations			
255	Joint facilities—other transportation—Dr	NA	NA	
256	Joint facilities—other transportation—Cr	NA	NA	
	Loss and damage claims	NA	NA	
258	Casualties and insurance	NA	NA	
259	Other expenses			
	GENERAL AND ADMINISTRATIVE			
	Administration			
272	Administrative operations			
273	Joint facilities—Dr	NA	NA	
	Joint facilities—Cr	NA	NA	
275	Casualties and insurance	NA	NA	
276	Other expenses			
277	Uncollectible accounts	NA	NA	
278	Property and other taxes	NA	NA	

OPERATING EXPENSE ACCOUNT EXPLANATIONS

Personnel—

Control—10–00–00

This account may be used as a control account for all accounts in the PERSONNEL Series: Salaries and Wages. Fringe Benefits Not Included in Compensation

Salaries and Wages—Control—11–00–00

This control account includes the compensation payable to employees for services performed. It includes amounts payable in connection with profit sharing and stock option plans that are part of employee compensation. This control account also includes amounts of compensation payable to employees for paid time off as a fringe benefits: vacation pay, holiday pay, sick pay, and other payments considered direct compensation for time not worked. Amounts of labor billed by contractors, other companies, and joint facilities, are not considered salaries and wages of the carrier company and are not to be included in this account group. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

Salaries and Wages—Way and Structures—Running—
Freight, 11–11–XX
Passenger, 11–14–XX
Common, 11–17–XX

Each account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards. Compensation payable to officers and technical and clerical employees shall only be assigned to Way and Structures—Other. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 11–XX–10
Tunnels and Subways, 11–XX–11
Bridges and Culverts, 11–XX–12
Track Laying and Surfacing, 11–XX–17
Signals and Interlockers, 11–XX–19
Highway Grade Crossings, 11–XX–22
Dismantling Retired Property, 11–XX–39
Road Property and Equipment Damaged, 11–XX–48
Other—Other, 11–XX–99
Salaries and Wages—Way and Structures—Switching—
Freight, 11–12–XX
Passenger, 11–15–XX
Common, 11–18–XX

Each account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track within classification yards and stations. Compensation payable to officers and technical and clerical employees shall be assigned to Way and Structures—Other. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 11–XX–10
Tunnels and Subways, 11–XX–11
Bridges and Culverts, 11–XX–12
Track Laying and Surfacing, 11–XX–17
Signals and Interlockers, 11–XX–19
Highway Grade Crossings, 11–XX–22
Dismantling Retired Property, 11–XX–39
Road Property and Equipment Damaged, 11–XX–48
Other—Other, 11–XX–99
Salaries and Wages—Way and Structures—Other—
Freight, 11–13–XX
Passenger, 11–16–XX
Common, 11–19–XX

Each account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's structures other than roadway and track. Each administration account (functions 02–06) includes the compensation payable to all officers and technical and clerical employees associated with the Way and Structures Activity. Each account shall be subdivided by the following functions:

Administration—
Track, 11–XX–02
Bridges and Buildings, 11–XX–03
Signals, 11–XX–04
Communications, 11–XX–05
Others, 11–XX–06
Repair and Maintenance—
Communication Systems, 11–XX–20
Electric Power Systems, 11–XX–21
Station and Office Buildings, 11–XX–23
Shop Buildings—Locomotives, 11–XX–24
Shop Buildings—Freight Cars, 11–13–25
Shop Buildings—Other, 11–XX–26
Locomotive Servicing Facilities, 11–XX–27
Miscellaneous Buildings and Structures, 11–13–28
Coal Terminals, 11–13–29

Ore Terminals, 11–13–30
TOFC/COFC Terminals, 11–13–31
Other Marine Terminals, 11–13–32
Motor Vehicle Loading and Distribution Facilities, 11–13–33
Facilities for Other Specialized Services Operations, 11–13–35
Roadway Machines, 11–XX–36
Small Tools and Supplies, 11–XX–37
Snow Removal, 11–XX–38
Dismantling Retired Property, 11–XX–39
Road Property and Equipment Damaged, 11–XX–48
Other—Other, 11–XX–99
Salaries and Wages—Equipment—Locomotives—
Freight, 11–21–XX
Passenger, 11–24–XX
Common, 11–26–XX

Each account includes the compensation payable to all officers and technical and clerical employees, repair and maintenance employees, and others who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–01
Repair and Maintenance—
Dismantling Retired Property, 11–XX–39
Shop Machinery, 11–XX–40
Locomotives, 11–XX–41
Road Property and Equipment Damaged, 11–XX–48
Other—Other, 11–XX–99
Salaries and Wages — Equipment — Freight Cars—
Freight, 11–22–XX

This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General, 11–22–01
Repair and Maintenance—
Dismantling Retired Property, 11–22–39
Shop Machinery, 11–22–40
Freight Cars, 11–22–42
Road Property and Equipment Damaged, 11–22–48
Other—Other, 11–22–99
Salaries and Wages—Equipment—Other Equipment—
Freight, 11–23–XX
Passenger, 11–25–XX
Common, 11–27–XX

Each account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–01
Repair and Maintenance—
Dismantling Retired Property, 11–XX–39
Shop Machinery, 11–XX–40
Trucks, Trailers, Containers in Revenue Service, 11–23–43
Floating Equipment—Revenue Service, 11–23–44
Passenger and Other Revenue Service, 11–XX–45
Computers and Data Processing Equipment, 11–XX–46
Work and Other Non-Revenue Equipment, 11–XX–47
Road Property and Equipment Damaged, 11–XX–48
Other—Other, 11–XX–99
Salaries and Wages—Transportation—Train—
Freight, 11–31–XX
Passenger, 11–41–XX
Common, 11–51–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the dispatching and operation of freight trains over the roadway and outside of classification yards. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–011
Operations—
Engine Crews, 11–XX–56
Train Crews, 11–XX–57
Dispatching Trains, 11–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 11–XX–59
Operating Drawbridges, 11–XX–60
Highway Crossing Protection, 11–XX–61
Train Inspection and Lubrication, 11–XX–62
Clearing Wrecks, 11–XX–63
Locomotive Fuel, 11–XX–67
Electric Power Purchased, Produced for Motive Power, 11–XX–68
Servicing Locomotives, 11–XX–69
Other—Other, 11–XX–99
Salaries and Wages—Transportation—Yard—
Freight, 11–32–XX
Passenger, 11–42–XX
Common, 11–52–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–01
Operations—
Operating Switches, Signals, Interlockers, Retarders, Humps, 11–XX–59
Clearing Wrecks, 11–XX–63
Switch Crews, 11–XX–64
Controlling Operations, 11–XX–65
Yard and Terminal Clerical, 11–XX–66
Locomotive Fuel, 11–XX–67
Electric Power Purchased Produced for Motive Power, 11–XX–68
Servicing Locomotives, 11–XX–69
Other—Other, 11–XX–99
Salaries and Wages—Transportation—Train and Yard Common—
Freight, 11–33–XX
Passenger, 11–43–XX
Other, 11–53–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees performing functions incurred on behalf of both train and yard operations. Each account shall be subdivided by the following functions:

Operations—
Cleaning Car Interiors, 11–XX–70
Adjusting and Transferring Loads, 11–33–71
Car Loading Devices and Grain Doors, 11–33–72
Salaries and Wages—Transportation—Specialized Services—
Freight, 11–34–XX

This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:

Administration—General, 11–34–01
Operations—
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service, 11–34–73
Loading, Unloading, and Local Marine, 11–34–74
Protective Services, 11–34–75
Other—Other, 11–34–99
Salaries and Wages—Transportation—Administrative Support—
Freight, 11–35–XX
Passenger, 11–45–XX
Common, 11–55–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–01
Operations—
Clerical and Accounting Employees, 11–XX–76
Communication Systems Operations, 11–XX–77
Loss and Damage Claims Processing, 11–XX–78

Other—Other, 11–XX–99
Salaries and Wages—General and Administrative—
Freight, 11–61–XX
Passenger, 11–62–XX
Common, 11–63–XX

Each account includes the compensation payable to all repair and maintenance employees and others who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards.

Fringe Benefits Not Included in Compensation—Transportation—Train—
Freight, 12–31–00
Passenger, 12–41–00
Common, 12–51–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which

Fringe Benefits Not Included in Compensation—Transportation—Train—
Freight, 12–31–00
Passenger, 12–41–00
Common, 12–51–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which

Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Salaries and Wages—Equipment—Locomotives—
Freight, 21–21–XX
Passenger, 21–24–XX
Common, 21–26–XX

Each account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Repair and Maintenance—
Dismantling Retired Property, 21–XX–39
Shop Machinery, 21–XX–40
Locomotives, 21–XX–41
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Salaries and Wages — Equipment — Freight Cars—
Freight, 21–22–XX

This account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General, 21–22–01
Repair and Maintenance—
Dismantling Retired Property, 21–22–39
Shop Machinery, 21–22–40
Freight Cars, 21–22–42
Road Property and Equipment Damaged, 21–22–48
Other—Other, 21–22–99
Salaries and Wages—Equipment—Other Equipment—
Freight, 21–23–XX
Passenger, 21–25–XX
Common, 21–27–XX

Each account includes the compensation payable to all officers, technical and clerical employees, repair and maintenance employees, and others, who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Repair and Maintenance—
Dismantling Retired Property, 21–XX–39
Shop Machinery, 21–XX–40
Trucks, Trailers, Containers in Revenue Service, 21–23–43
Floating Equipment—Revenue Service, 21–23–44
Passenger and Other Revenue Service, 21–XX–45
Computers and Data Processing Equipment, 21–XX–46
Work and Other Non-Revenue Equipment, 21–XX–47
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Salaries and Wages—Transportation—Train—
Freight, 21–31–XX
Passenger, 21–41–XX
Common, 21–51–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the dispatching and operation of freight trains over the roadway and outside of classification yards. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–011
Operations—
Engine Crews, 21–XX–56
Train Crews, 21–XX–57
Dispatching Trains, 21–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 21–XX–59
Operating Drawbridges, 21–XX–60
Highway Crossing Protection, 21–XX–61
Train Inspection and Lubrication, 21–XX–62
Clearing Wrecks, 21–XX–63
Locomotive Fuel, 21–XX–67
Electric Power Purchased, Produced for Motive Power, 21–XX–68
Servicing Locomotives, 21–XX–69
Other—Other, 21–XX–99
Salaries and Wages—Transportation—Yard—
Freight, 21–32–XX
Passenger, 21–42–XX
Common, 21–52–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Operations—
Operating Switches, Signals, Interlockers, Retarders, Humps, 21–XX–59
Clearing Wrecks, 21–XX–63
Switch Crews, 21–XX–64
Controlling Operations, 21–XX–65
Yard and Terminal Clerical, 21–XX–66
Locomotive Fuel, 21–XX–67
Electric Power Purchased Produced for Motive Power, 21–XX–68
Servicing Locomotives, 21–XX–69
Other—Other, 21–XX–99
Salaries and Wages—Transportation—Train and Yard Common—
Freight, 21–33–XX
Passenger, 21–43–XX
Other, 21–53–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees performing functions incurred on behalf of both train and yard operations. Each account shall be subdivided by the following functions:

Operations—
Cleaning Car Interiors, 21–XX–70
Adjusting and Transferring Loads, 21–33–71
Car Loading Devices and Grain Doors, 21–33–72
Salaries and Wages—Transportation—Specialized Services—
Freight, 21–34–XX

This account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:

Administration—General, 21–34–01
Operations—
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service, 21–34–73
Loading, Unloading, and Local Marine, 21–34–74
Protective Services, 21–34–75
Other—Other, 21–34–99
Salaries and Wages—Transportation—Administrative Support—
Freight, 21–35–XX
Passenger, 21–45–XX
Common, 21–55–XX

Each account includes the compensation payable to all officers, technical and clerical employees, engine and train crews, and other operational employees, who are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Operations—
Clerical and Accounting Employees, 21–XX–76
Communication Systems Operations, 21–XX–77
Loss and Damage Claims Processing, 21–XX–78
Shop Buildings—Other Equipment, 21–XX–26
Locomotive Servicing Facilities, 21–

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Other—Other, 11–XX–99
Salaries and Wages—General and Administrative—
Freight, 11–61–XX
Passenger, 11–62–XX
Common, 11–63–XX

Each account includes the compensation payable to all employees who are associated with overall administration or other general support for carrier operations. Overall administration includes executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting. For further clarification refer to the definition of the General and Administrative Activity. Each account shall be subdivided by the following functions:

Administration—General, 11–XX–01
General—
Accounting, Auditing, Finance, 11–XX–86
Management Services and Data Processing, 11–XX–87
Marketing, 11–XX–88
Sales, 11–XX–89
Industrial Development, 11–61–90
Personnel and Labor Relations, 11–XX–91
Legal and Secretarial, 11–XX–92
Public Relations and Advertising, 11–XX–93
Research and Development, 11–XX–94
Other—Other, 11–XX–99

Fringe Benefits Not Included in Compensation—Control. This control account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation. These benefits include the carrier portions of Railroad Retirement contributions, pension expense, unemployment taxes, dental plans, health plans, hospitalization insurance, life insurance, subsidies for employee lunchrooms, company entertainment facilities for personal use, and other benefits to employees that are not includible in direct compensation. They exclude travel expense on company business, casualties, workmen's compensation, as well as dues, memberships, and similar items when the direct beneficiary is clearly the company rather than the employee.

Fringe Benefits Not Included in Compensation—Way and Structures—Running—
Freight, 12–11–00
Passenger, 12–14–00
Common, 12–17–00

Each account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of the carrier's roadway and track on the line of road and outside of classification yards.

Fringe Benefits Not Included in Compensation—Ways and Structures—Switching—
Freight, 12–12–00
Passenger, 12–15–00
Common, 12–18–00

Each account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with repair and maintenance of the carrier's roadway and track within classification yards and stations.

Fringe Benefits Not Included in Compensation—Way and Structures—Other—
Freight, 12–13–00
Passenger, 12–16–00
Common, 12–19–00

Each account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of the carrier's structures other than roadway and track, and who are associated with the Administration of the Way and Structures Activity.

Fringe Benefits Not Included in Compensation — Equipment — Locomotives—
Freight, 12–21–00
Passenger, 12–24–00
Common, 12–26–00

Each account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of locomotives, whether owned by the carrier or by others.

Fringe Benefits Not Included in Compensation — Equipment — Freight Cars—
Freight, 12–22–00

This account includes amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of freight cars, whether owned by the carrier or by others.

Fringe Benefits Not Included in Compensation — Equipment — Other Equipment—
Freight, 12–23–00
Passenger, 12–25–00
Common, 12–27–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others.

Fringe Benefits Not Included in Compensation—Transportation—Train—
Freight, 12–31–00
Passenger, 12–41–00
Common, 12–51–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the dispatching and operating of freight trains over the roadway and outside of classification yards.

Fringe Benefits Not Included in Compensation—Transportation—Yard—
Freight, 12–32–00
Passenger, 12–42–00
Common, 12–52–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with the movement of freight cars within classification yards and in terminal switching and transfer service.

Fringe Benefits Not Included in Compensation — Transportation — Train and Yard Common—
Freight, 12–23–00
Passenger, 12–43–00
Common, 12–53–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees performing functions incurred on behalf of both train and yard operations.

Fringe Benefits Not Included in Compensation—Transportation—Specialized Services—
Freight, 12–34–00

This account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services.

Fringe Benefits Not Included in Compensation—Administrative Support—
Freight, 12–35–00
Passenger, 12–45–00
Common, 12–55–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who are associated with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity.

Fringe Benefits Not Included in Compensation—General and Administrative—
Freight, 12–61–00
Passenger, 12–62–00
Common, 12–63–00

Each account includes the amounts payable to others, or other costs charged to expense, for employee benefits which are not considered part of direct compensation for employees who provide overall administration or other general support for carrier operations. Overall administration includes executive, legal, financial, treasury, accounting, budgeting, taxation, corporate planning, costing, marketing, advertising, traffic, corporate secretary, public relations, real estate, insurance administration, personnel administration, pension plan administration, general purchasing, labor relations, internal auditing, industrial engineering, and regulatory reporting. For further clarification refer to the definition of the General and Administrative Activity.

Materiel—

Control—20–00–00

This account may be used as a control account for the MATERIEL series: Materials, Tools, Supplies, Fuels, Lubricants.

Materials, Tools, Supplies, Fuels, Lubricants—Control—21–00–00

This account group includes the cost of items installed or commodities consumed which are charged to expense in connection with carrier operations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. This account excludes purchased services such as utilities, communications, postage and other items of similar nature.

Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Running—
Freight, 21–11–XX
Passenger, 21–14–XX
Common, 21–17–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track on the line of the road and outside of classification yards. Each account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials, and supplies, and similar items. Its components shall be distributed to the following functions in accordance with instruction 1–8:

Repair and Maintenance—
Roadway, 21–XX–10
Tunnels and Subways, 21–XX–11
Bridges and Culverts, 21–XX–12
Ties, 21–XX–13
Rails, 21–XX–14
Other Track Material, 21–XX–15
Ballast, 21–XX–16
Track Laying and Surfacing, 21–XX–17
Signals and Interlockers, 21–XX–19
Highway Grade Crossings, 21–XX–22
Dismantling Retired Property, 21–XX–39
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Switching—
Freight, 21–12–XX
Passenger, 21–15–XX
Common, 21–18–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track within classification yards and stations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1–8:

Repair and Maintenance—
Roadway, 21–XX–10
Tunnels and Subways, 21–XX–11
Bridges and Culverts, 21–XX–12
Ties, 21–XX–13
Rails, 21–XX–14
Other Track Material, 21–XX–15
Ballast, 21–XX–16
Track Laying and Surfacing, 21–XX–17
Signals and Interlockers, 21–XX–19
Highway Grade Crossings, 21–XX–22
Dismantling Retired Property, 21–XX–39
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuel, Lubricants—Way and Structures—Other—
Freight, 21–13–XX
Passenger, 21–16–XX
Common, 21–19–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's structures not provided for in running or switching. Each account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1–8:

Administration—
Track, 21–XX–02
Bridges and Buildings, 21–XX–03
Signals, 21–XX–04
Communications, 21–XX–05
Other, 21–XX–06
Repair and Maintenance—
Communication Systems, 21–XX–20
Electric Power Systems, 21–XX–21
Station and Office Buildings, 21–XX–23
Ship Buildings—Locomotives, 21–XX–24
Shop Buildings—Freight Cars, 21–13–25
Shop Buildings—Other Equipment, 21–XX–26
Locomotive Servicing Facilities, 21–XX–27
Miscellaneous Buildings and Structures, 21–XX–28
Coal Terminals, 21–13–29
Ore Terminals, 21–13–30
TOFC/COFC Terminals, 21–13–31
Other Marine Terminals, 21–13–32
Motor Vehicle Loading and Distribution Facilities, 21–13–33
Facilities for Other Specialized Services Operations, 21–13–35
Roadway Machines, 21–XX–36
Small Tools and Supplies, 21–XX–37
Snow Removal, 21–XX–38
Dismantling Retired Property, 21–XX–39
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—Equipment—Locomotives—
Freight, 21–21–XX
Passenger, 21–24–XX
Common, 21–26–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of locomotives, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1–8:

Administration—General, 21–XX–01
Repair and Maintenance—
Dismantling Retired Property, 21–XX–39
Machinery, 21–XX–40
Locomotives, 21–XX–41
Road Property and Equipment, 21–XX–48
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants — Equipment — Freight Cars — Freight, 21–22–XX

This account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of freight-cars, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1–8:

Administration—General, 21–22–01
Repair and Maintenance—
Dismantling Retired Property, 21–22–39
Machinery, 21–22–40
Freight Cars, 21–22–42
Road Property and Equipment Damaged, 21–22–48

Other—Other, 21–22–99
Materials, Tools, Supplies, Fuels, Lubricants—Way and Structures—Switching—
Freight, 21–12–XX
Passenger, 21–15–XX
Common, 21–18–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of the carrier's roadway and track within classification yards and stations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1–8:

Repair and Maintenance—
Roadway, 21–XX–10
Tunnels and Subways, 21–XX–11
Bridges and Culverts, 21–XX–12
Ties, 21–XX–13
Rails, 21–XX–14
Other Track Material, 21–XX–15
Ballast, 21–XX–16
Track Laying and Surfacing, 21–XX–17
Signals and Interlockers, 21–XX–19
Highway Grade Crossings, 21–XX–22
Dismantling Retired Property, 21–XX–39
Clearing Wrecks, 21–XX–63
Locomotive Fuels, 21–XX–67

such items are consumed in operating services which are specialized in nature

Purchased Services—

Lease Rentals—Cr.—Way and Structures—Running—

Joint Facility Rents—Dr.—Equipment—

Other—Other, 21–22–99
Materials, Tools, Supplies, Fuels, Lubricants—Equipment—Other Equipment—
Freight, 21–23–XX
Passenger, 21–25–XX
Common, 21–27–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in the performance or support of the repair and maintenance of equipment other than locomotives and freight-cars, whether owned by the carrier or by others. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8:

Administration—General, 21–XX–01
Repair and Maintenance—
Dismantling Retired Property, 21–XX–39
Machinery, 21–XX–40
Trucks, Trailers, Containers in Revenue Service, 21–23–43
Floating Equipment—Revenue Service, 21–23–44
Passenger and Other Revenue Equipment, 21–XX–45
Computers and Data Processing Equipment, 21–XX–46
Work and Other Non-Revenue Equipment, 21–XX–47
Road Property and Equipment Damaged, 21–XX–48
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Train—
Freight, 21–31–XX
Passenger, 21–41–XX
Common, 21–51–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with the dispatching and operation of freight trains over the roadway and outside of classification yards. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8:

Administration—General, 21–XX–01
Operations—
Engine Crews, 21–XX–56
Train Crews, 21–XX–57
Dispatching Trains, 21–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 21–XX–59
Operating Drawbridges, 21–XX–60
Highway Crossing Protection, 21–XX–61
Train Inspection and Lubrication, 21–XX–62
Clearing Wrecks, 21–XX–63
Locomotive Fuels, 21–XX–67
Electric Power Purchased Produced for Motive Power, 21–XX–68
Servicing Locomotives, 21–XX–69
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Yard—
Freight, 21–32–XX
Passenger, 21–42–XX
Common, 21–52–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with the movement of freight cars within classification yards and in terminal switching and transfer service. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8:

Administration—General, 21–XX–01
Operations—
Operating Switches, Signals, Interlockers, Retarders, Humps, 21–XX–59
Clearing Wrecks, 21–XX–63
Switch Crews, 21–XX–64
Controlling Operations, 21–XX–65
Yard and Terminal Clerical, 21–XX–66
Locomotive Fuel, 21–XX–67
Electric Power Purchased Produced for Motive Power, 21–XX–68
Servicing Locomotives, 21–XX–69
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants — Transportation — Train and Yard Common—
Freight, 21–33–XX
Passenger, 21–43–XX
Common, 21–53–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed on behalf of both train and yard operations. This account includes charges to expense for all materials, small tools, supplies, fuels, lubricants, purchased standard stationery and forms, freight-in on materials and supplies, and similar items. Its components shall be distributed to the following functions in accordance with Instruction 1-8:

Administration—General, 21–XX–01
Operations—
Engine Crews, 21–XX–56
Train Crews, 21–XX–57
Dispatching Trains, 21–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 21–XX–59
Operating Drawbridges, 21–XX–60
Highway Crossing Protection, 21–XX–61
Train Inspection and Lubrication, 21–XX–62
Clearing Wrecks, 21–XX–63
Locomotive Fuels, 21–XX–67
Electric Power Purchased Produced for Motive Power, 21–XX–68
Servicing Locomotives, 21–XX–69
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—Transportation—Yard—
Freight, 21–32–XX
Passenger, 21–42–XX
Common, 21–52–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Operations—
Clerks, Accounting Employees, 21–XX–76
Communication Systems Operations, 21–XX–77
Loss and Damage Claims Processing, 21–XX–78
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—General and Administrative—
Freight, 21–61–XX
Passenger, 21–62–XX
Common, 21–63–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in providing overall administration or other general support for carrier operations. For further clarification refer to the definition of the General and Administrative Activity. This account shall be subdivided by the following functions:

Administration—General, 21–XX–01
General—
Accounting, Auditing, Finance, 21–XX–86
Management Services and Data Processing, 21–XX–87
Marketing, 21–XX–88
Sales, 21–XX–89
Industrial Development, 21–61–90
Personnel and Labor Relations, 21–XX–91
Legal and Secretarial, 21–XX–92
Public Relations and Advertising, 21–XX–93
Research and Development, 21–XX–94
Other—Other, 21–XX–99

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:

Administration—General, 21–34–01
Operations—
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service, 21–34–73
Loading, Unloading, and Local Marine, 21–34–74
Protective Services, 21–34–75
Other—Other, 21–34–99
Materials, Tools, Supplies, Fuels, Lubricants — Transportation — Administrative Support—
Freight, 21–35–XX
Passenger, 21–45–XX
Common, 21–55–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in association with providing direct administrative support for the Transportation Activity. For further clarification refer to the definition of the Administrative Support Operations Subactivity. Each account shall be subdivided by the following functions:

Administration—General, 21–XX–01
Operations—
Clerks, Accounting Employees, 21–XX–76
Communication Systems Operations, 21–XX–77
Loss and Damage Claims Processing, 21–XX–78
Other—Other, 21–XX–99
Materials, Tools, Supplies, Fuels, Lubricants—General and Administrative—
Freight, 21–61–XX
Passenger, 21–62–XX
Common, 21–63–XX

Each account includes the cost of items installed or commodities consumed which are charged to expense, where such items are consumed in providing overall administration or other general support for carrier operations. For further clarification refer to the definition of the General and Administrative Activity. This account shall be subdivided by the following functions:

Administration—General, 21–XX–01
General—
Accounting, Auditing, Finance, 21–XX–86
Management Services and Data Processing, 21–XX–87
Marketing, 21–XX–88
Sales, 21–XX–89
Industrial Development, 21–61–90
Personnel and Labor Relations, 21–XX–91
Legal and Secretarial, 21–XX–92
Public Relations and Advertising, 21–XX–93
Research and Development, 21–XX–94
Other—Other, 21–XX–99

Purchased Services—Control—30–00–00

This account may be used as a control account for all accounts in the purchased services series:

Lease Rentals—Dr.
Lease Rentals—Cr.
Joint Facility Rent—Dr.
Joint Facility Rent—Cr.
Other Rents—Dr.
Other Rents—Cr.
Joint Facility—Dr.
Joint Facility—Cr.
Repairs Billed by Others—Dr.
Repairs Billed to Others—Cr.
Other Purchased Services

Lease Rentals—Debit—Control—31–00–00

This control account includes the rentals of road property and equipment with terms of 30 days or more. This account excludes joint facility and joint trackage rents, insurance and maintenance elements of lease payments, and all elements of capital leases as defined in FASB Statement No. 13. The components of this natural expense will be distributed to the following accounts in accordance with Instruction 1–8:

Lease Rentals—Dr.—Way and Structures—Running
Freight, 31–11–00
Passenger, 31–14–00
Common, 31–17–00
Lease Rentals—Dr.—Way and Structures—Switching—
Freight, 31–12–00
Passenger, 31–15–00
Common, 31–18–00
Lease Rentals—Dr.—Way and Structures—Other—
Freight, 31–13–00
Passenger, 31–16–00
Common, 31–19–00
Lease Rentals—Dr.—Equipment—Locomotives—
Freight, 31–21–00
Passenger, 31–24–00
Common, 31–26–00
Lease Rentals — Dr. — Equipment — Cars—
Freight, 31–22–00
Lease Rentals—Dr.—Equipment—Other Equipment—
Freight, 31–23–00
Passenger, 31–25–00
Common, 31–27–00

Lease Rentals—Credit—Control—32–00–00

This control account includes the rentals of owned property and equipment or subleases of leased road property and equipment with terms of from 30 days to one year. Longer term leases are indicative of a noncarrier operation and all revenues and expenses related to such property and equipment should be classified accordingly and excluded from railroad operations. This account excludes joint facilities and joint trackage, capital leases, and portions of lease receipts covering maintenance and insurance. The components of this natural expense account will be distributed to the following accounts in accordance with Instruction 1–8:

Lease Rentals—Cr.—Way and Structures—Running—
Freight, 32–11–00
Passenger, 32–14–00
Common, 32–17–00
Lease Rentals—Cr.—Way and Structures—Switching—
Freight, 32–12–00
Passenger, 32–15–00
Common, 32–18–00
Lease Rentals—Cr.—Way and Structures—Other—
Freight, 32–13–00
Passenger, 32–16–00
Common, 32–19–00
Lease Rentals—Cr.—Equipment—Locomotives—
Freight, 32–21–00
Passenger, 32–24–00
Common, 32–26–00
Lease Rentals—Cr.—Equipment—Freight Cars—
Freight, 32–22–00
Lease Rentals—Cr.—Equipment—Other Equipment—
Freight, 32–23–00
Passenger, 32–25–00
Common, 32–27–00

Joint Facility Rents—Debit—Control—33–00–00

This control account includes amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates. Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE.—The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts (37–XX–00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and Joint Facility—Dr. (37–XX–00). This apportionment shall be made by the operating company, and shall be followed by the accounting company. The components of this natural expense consist of the following accounts:

Joint Facility Rents—Dr.—Way and Structures—Running—
Freight, 33–11–00
Passenger, 33–14–00
Common, 33–17–00
Joint Facility Rents—Dr.—Way and Structures—Switching—
Freight, 33–12–00
Passenger, 33–15–00
Common, 33–18–00
Joint Facility Rents—Dr.—Way and Structures—Other—
Freight, 33–13–00
Passenger, 33–16–00
Common, 33–19–00
Joint Facility Rents—Dr.—Equipment—Locomotives—
Freight, 33–21–00
Joint Facility Rents—Dr.—Equipment—Freight Cars—
Freight, 33–22–00
Joint Facility Rents—Dr.—Equipment—Other Equipment—
Freight, 33–23–00
Passenger, 33–25–00
Common, 33–27–00

Joint Facility Rents—Credit—Control—34–00–00

This control account includes amounts receivable accrued for rent of equipment, tracks, yards, terminals and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals. Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE.—The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts (38–XX–00). When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and Joint Facility—Cr. (38–XX–00).

Joint Facility Rents—Cr.—Way and Structures—Running—
Freight, 34–11–00
Passenger, 34–14–00
Common, 34–17–00
Joint Facility Rents—Cr.—Way and Structures—Switching—
Freight, 34–12–00
Passenger, 34–15–00
Common, 34–18–00
Joint Facility Rents—Cr.—Way and Structures—Other—
Freight, 34–13–00
Passenger, 34–16–00
Common, 34–19–00
Joint Facility Rents—Cr.—Equipment—Locomotives—
Freight, 34–21–00
Joint Facility Rents—Cr.—Equipment—Freight Cars—
Freight, 34–22–00
Joint Facility Rents—Cr.—Equipment—Other Equipment—
Freight, 34–23–00
Passenger, 34–25–00
Common, 34–27–00

Other Rents—Debit—Control—35–00–00

This account includes the rents with terms of less than 30 days which are not renewed. This account includes all time and mileage payments for interchange locomotive, freight car, and other revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with instruction 1–8:

Other Rents—Dr.—Way and Structures—Running—
Freight, 35–11–00
Passenger, 35–14–00
Common, 35–17–00
Other Rents—Dr.—Way and Structures—Switching—
Freight, 35–12–00
Passenger, 35–15–00
Common, 35–18–00

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Other Rents—Dr.—Way and Structures—Other—
Freight, 35–13–00
Passenger, 35–16–00
Common, 35–19–00
Other Rents—Dr.—Equipment—Locomotives—
Freight, 35–21–00
Passenger, 35–24–00
Common, 35–26–00
Other Rents—Dr.—Equipment—Freight Cars—
Freight, 35–22–00
Other Rents—Dr.—Equipment—Other Equipment—
Freight, 35–23–00
Passenger, 35–25–00
Common, 35–27–00

Other Rents—Credit—Control—36–00–00

This account includes rents with terms of less than 30 days which are not renewed. This account includes all time and mileage receipts for interchanged locomotive, freight car, and other revenue equipment hire. The components of this account will be distributed to the following accounts in accordance with instruction 1–8:

Other Rents—Cr.—Way and Structures—Running—
Freight, 36–11–00
Passenger, 36–14–00
Common, 36–17–00
Other Rents—Cr.—Way and Structures—Switching—
Freight, 36–12–00
Passenger, 36–15–00
Common, 36–18–00
Other Rents—Cr.—Way and Structures—Other—
Freight, 36–13–00
Passenger, 36–16–00
Common, 36–19–00
Other Rents—Cr.—Equipment—Locomotives—
Freight, 36–21–00
Passenger, 36–24–00
Common, 36–26–00
Other Rents—Cr.—Equipment—Freight Cars—
Freight, 36–22–00
Other Rents—Cr.—Equipment—Other Equipment—
Freight, 36–23–00
Passenger, 36–25–00
Common, 36–27–00

Joint Facility—Debit—Control—37–00–00

This account includes joint trackage and joint facility costs, exclusive of rents, payable by the railroad to others. The components of this account will be distributed to the following accounts in accordance with instruction 1–8:

Joint Facility—Dr.—Way and Structures—Running—
Freight, 37–11–00
Passenger, 37–14–00
Common, 37–17–00
Joint Facility—Dr.—Way and Structures—Switching—
Freight, 37–12–00
Passenger, 37–15–00
Common, 37–18–00
Joint Facility—Dr.—Way and Structures—Others—
Freight, 37–13–00
Passenger, 37–16–00
Common, 37–19–00
Joint Facility—Dr.—Equipment—Locomotives—
Freight, 37–21–00
Passenger, 37–24–00
Common, 37–26–00
Joint Facility—Dr.—Equipment—Freight Cars—
Freight, 37–22–00
Joint Facility—Dr.—Equipment—Other Equipment—
Freight, 37–23–00
Passenger, 37–25–00
Common, 37–27–00
Joint Facility—Dr.—Transportation—Train—
Freight, 37–31–00
Passenger, 37–41–00
Common, 37–51–00
Joint Facility—Dr.—Transportation—Yard—
Freight, 37–32–00
Passenger, 37–42–00
Common, 37–52–00
Joint Facility—Dr.—Transportation—Specialized Services—
Freight, 37–34–00
Joint Facility—Dr.—Transportation—Administrative Support—
Freight, 37–35–00
Passenger, 37–45–00
Common, 37–55–00
Joint Facility—Dr.—General and Administrative—
Freight, 37–61–00
Passenger, 37–62–00
Common, 37–63–00

Joint Facility—Credit—Control—38–00–00

This account includes joint trackage and joint facility costs, exclusive of rents, payable by others to the railroad. The components of this account will be distributed to the following accounts in accordance with instruction 1–8:

Joint Facility—Cr.—Way and Structures—Running—
Freight, 38–11–00
Passenger, 38–14–00
Common, 38–17–00
Joint Facility—Cr.—Way and Structures—Switching—
Freight, 38–12–00
Passenger, 38–15–00
Common, 38–18–00
Joint Facility—Cr.—Way and Structures—Other—
Freight, 38–13–00
Passenger, 38–16–00
Common, 38–19–00
Joint Facility—Cr.—Equipment—Locomotives—
Freight, 38–21–00
Passenger, 38–23–00
Common, 38–26–00
Joint Facility—Cr.—Equipment—Freight Cars—
Freight, 38–22–00
Joint Facility—Cr.—Equipment—Other Equipment—
Freight, 38–23–00
Passenger, 38–25–00
Common, 38–27–00
Joint Facility—Cr.—Transportation—Train—
Freight, 38–31–00
Passenger, 38–41–00
Common, 38–51–00
Joint Facility—Cr.—Transportation—Yard—
Freight, 38–32–00
Passenger, 38–42–00
Common, 38–52–00
Joint Facility—Cr.—Transportation—Specialized Services—
Freight, 38–34–00
Joint Facility—Cr.—Transportation—Administrative Support—
Freight, 38–35–00
Passenger, 38–45–00
Common, 38–55–00
Joint Facility—Cr.—General and Administrative—
Freight, 38–61–00
Passenger, 38–62–00
Common, 38–63–00

Repairs Billed by Others—Debit—Control—39–00–00

This account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property and equipment. The components of this account shall be distributed to the following accounts in accordance with instruction 1–8:

Repairs Billed by Others—Dr.—Way and Structures—Running—
Freight, 39–11–XX
Passenger, 39–14–XX
Common, 39–17–XX

Each account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property associated with the carrier's roadway and track on the line of road and outside of classification yards. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 39–XX–10
Tunnels and Subways, 39–XX–11
Bridges and Culverts, 39–XX–12
Track Laying and Surfacing, 39–XX–17
Signals and Interlockers, 39–XX–19
Highway Grade Crossings, 39–XX–22
Road Property and Equipment Damaged, 39–XX–48
Repairs Billed by Others—Dr.—Way and Structures—Switching—
Freight, 39–12–XX
Passenger, 39–15–XX
Common, 39–18–XX

Each account includes amounts payable by the railroad to others for repair and maintenance of the reporting railroad's property associated with the carrier's roadway and track within classification yards and stations. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 39–XX–10
Tunnels and Subways, 39–XX–11
Bridges and Culverts, 39–XX–12
Track Laying and Surfacing, 39–XX–17

Signals and Interlockers, 39–XX–19
Highway Grade Crossings, 39–XX–22
Road Property and Equipment Damaged, 39–XX–48
Repairs Billed by Others—Dr.—Way and Structures—Other—
Freight, 39–13–XX
Passenger, 39–16–XX
Common, 39–19–XX

Each account includes amounts payable by the railroad to others for repair and maintenance of the carrier's structures other than roadway and track. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Communication Systems, 39–XX–20
Electric Power Systems, 39–XX–21
Station and Office Buildings, 39–XX–23
Shop Buildings—Locomotives, 39–XX–24
Shop Buildings—Freight Cars, 39–13–25
Shop Buildings—Other Equipment, 39–XX–26
Locomotive Servicing Facilities, 39–XX–27
Miscellaneous Buildings and Structures, 39–XX–28
Coal Terminals, 39–13–29
Ore Terminals, 39–13–30
TOFC/COFC Terminals, 39–13–31
Other Marine Terminals, 39–13–32
Motor Vehicle Loading and Distribution Facilities, 39–13–33
Facilities for Other Specialized Services Operations, 39–13–35
Roadway Machines, 39–XX–36
Small Tools and Supplies, 39–XX–37
Snow Removal, 39–XX–38
Road Property and Equipment Damaged, 39–XX–48
Repairs Billed by Others—Dr.—Equipment—Locomotives—
Freight, 39–21–XX
Passenger, 39–24–XX
Common, 39–26–XX

Each account includes amounts payable by the railroad to others for repair and maintenance of the locomotive subactivity. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 39–XX–40
Locomotives, 39–XX–41
Road Property and Equipment Damaged, 39–XX–48
Repair Billed by Others—Dr.—Equipment—Freight Cars—
Freight, 39–22–XX

This account includes amounts payable by the railroad to others for repair and maintenance under the freight car subactivity. This account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 39–22–40
Freight Cars, 39–22–42
Road Property and Equipment Damaged, 39–22–48
Repair Billed by Others—Dr.—Equipment—Other Equipment—
Freight, 39–23–XX
Passenger, 39–25–XX
Common, 39–27–XX

Each account includes amounts payable by the railroad to others for the repair and maintenance of equipment not pertaining to the locomotive or freight car subactivity. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 39–XX–40
Trucks, Trailers, and Containers in Revenue Service, 39–23–43
Floating Equipment—Revenue Service, 39–23–44
Passenger and Other Revenue Equipment, 39–XX–45
Computers and Data Processing Equipment, 39–XX–46
Work and Other Non-Revenue Equipment, 39–XX–47
Road Property and Equipment Damaged, 39–XX–48

Repairs Billed to Others—Cr.—Control—40–00–00

This control account includes amounts payable by others to the railroad for repair and maintenance of others' road property and equipment. The components of this account shall be distributed to the following accounts in accordance with instruction 1–8.

Repairs Billed to Others—Cr.—Way and Structures—Running—
Freight, 40–11–XX
Passenger, 40–14–XX
Common, 40–17–XX

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track on the line of road and outside of classification yards. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 40–XX–10
Tunnels and Subways, 40–XX–11
Bridges and Culverts, 40–XX–12
Track Laying and Surfacing, 40–XX–17
Signals and Interlockers, 40–XX–19
Highway Grade Crossings, 40–XX–22
Road Property and Equipment Damaged, 40–XX–48
Repairs Billed to Others—Cr.—Way and Structures—Switching—
Freight, 40–12–XX
Passenger, 40–15–XX
Common, 40–18–XX

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' roadway and track within classification yards and stations. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 40–XX–10
Tunnels and Subways, 40–XX–11
Bridges and Culverts, 40–XX–12
Track Laying and Surfacing, 40–XX–17
Signals and Interlockers, 40–XX–19
Highway Grade Crossings, 40–XX–22
Road Property and Equipment Damaged, 40–XX–48
Repairs Billed to Others—Cr.—Way and Structures—Other—
Freight, 40–13–XX
Passenger, 40–16–XX
Common, 40–19–XX

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' structures other than roadway and track. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Communication Systems, 40–XX–20
Electric Power Systems, 40–XX–21
Station and Office Buildings, 40–XX–23
Shop Buildings—Locomotives, 40–XX–24
Shop Buildings—Freight Cars, 40–13–25
Shop Buildings—Other Equipment, 40–XX–26
Locomotive Servicing Facilities, 40–XX–27
Miscellaneous Buildings and Structures, 40–XX–28
Coal Terminals, 40–13–29
Ore Terminals, 40–13–30
TOFC/COFC Terminals, 40–13–31
Other Marine Terminals, 40–13–32
Motor Vehicle Loading and Distribution Facilities, 40–13–33
Facilities for Other Specialized Services Operations, 40–13–35
Roadway Machines, 40–XX–36
Small Tools and Supplies, 40–XX–37
Snow Removal, 40–XX–38
Road Property and Equipment Damaged, 40–XX–48
Repairs Billed to Others—Cr.—Equipment—Locomotives—
Freight, 40–21–XX
Passenger, 40–24–XX
Common, 40–26–XX

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' locomotives. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 40–XX–40
Locomotives, 40–XX–41
Road Property and Equipment Damaged, 40–XX–48
Repairs Billed to Others—Cr.—Equipment—Freight Cars—
Freight, 40–22–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' freight cars. This account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 40–22–40
Freight Cars, 40–22–42
Road Property and Equipment Damaged, 40–22–48

Repairs Billed to Others—Cr.—Equipment—Other Equipment—
Freight, 40–23–XX
Passenger, 40–25–XX
Common, 40–27–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Operations—
Engine Crews, 41–XX–56
Loading, Unloading, and Local Marine, 41–34–74
Protective Services, 41–34–75
Passenger, 41–41–00
Common, 41–51–00

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Operations—
Engine Crews, 41–XX–56
Loading, Unloading, and Local Marine, 41–34–74
Protective Services, 41–34–75
Passenger, 51–41–00
Common, 51–51–00

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' locomotives. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 40–XX–40
Locomotives, 40–XX–41
Road Property and Equipment Damaged, 40–XX–48
Repairs Billed to Others—Cr.—Equipment—Freight Cars—
Freight, 40–22–XX

This account includes amounts payable by others to the railroad for repair and maintenance of other railroads' freight cars. This account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 40–22–40
Freight Cars, 40–22–42
Road Property and Equipment Damaged, 40–22–48

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Repairs Billed to Others—Cr.—Equipment—Other Equipment—
Freight, 40–23–XX
Passenger, 40–25–XX
Common, 40–27–XX

Each account includes amounts payable by others to the railroad for repair and maintenance of other railroads' other equipment. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Machinery, 40–XX–40
Trucks, Trailers, and Containers in Revenue Service, 40–23–43
Floating Equipment—Revenue Service, 40–23–44
Passenger and Other Revenue Equipment, 40–XX–45
Computers and Data Processing Equipment, 40–XX–46
Work and Other Non-Revenue Equipment, 40–XX–47
Road Property and Equipment Damaged, 40–XX–48

Other Purchased Services—Control—41–00–00

This control account includes amounts charged or credited to operating expenses for purchased advertising; purchased printing; outside professional services such as legal, accounting, audit, engineering, and consulting; payments for detour of trains; utilities, telephone, postage, subscriptions, communications, purchased electric power for train and locomotive propulsion; and other services purchased. The components of this account shall be distributed to the following accounts in accordance with instruction 1–8:

Other Purchased Services—Way and Structures—Running—
Freight, 41–11–XX
Passenger, 41–14–XX
Common, 41–17–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—
Track, 41–XX–02
Bridges and Buildings, 41–XX–03
Signals, 41–XX–04
Repair and Maintenance—
Roadway, 41–XX–10
Tunnels and Subways, 41–XX–11
Bridges and Culverts, 41–XX–12
Track Laying and Surfacing, 41–XX–17
Signals and Interlockers, 41–XX–19
Highway Grade Crossings, 41–XX–22
Dismantling Retired Property, 41–XX–39
Road Property and Equipment Damaged, 41–XX–48
Other—Other 41–XX–99
Other Purchased Services—Way and Structures—Switching—
Freight, 41–12–XX
Passenger 41–15–XX
Common, 41–18–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—
Bridges and Buildings, 41–XX–03
Communications, 41–XX–05
Other, 41–XX–06
Repair and Maintenance—
Communications Systems, 41–XX–20
Electric Power Systems, 41–XX–21
Station and Office Buildings, 41–XX–23
Shop Buildings—Locomotives, 41–XX–24
Shop Buildings—Freight Cars, 41–13–25
Shop Buildings—Other Equipment, 41–XX–26
Locomotive Servicing Facilities, 41–XX–27
Miscellaneous Buildings and Structures, 41–XX–28
Coal Terminals, 41–13–29
Ore Terminals, 41–13–30
TOFC/COFC Terminals, 41–13–31
Other Marine Terminals, 41–13–32
Motor Vehicle Loading and Distribution Facilities, 41–13–33
Facilities for Other Specialized Services Operations, 41–13–35
Roadway Machines, 41–XX–36
Small Tools and Supplies, 41–XX–37
Snow Removal, 41–XX–38
Dismantling Retired Property, 41–XX–39
Road Property and Equipment Damaged, 41–XX–48
Other—Other, 41–XX–99
Other Purchased Services—Equipment—Locomotives—
Freight, 41–21–XX
Passenger, 41–24–XX
Common, 41–26–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administrative—General, 41–XX–01
Repair and Maintenance—
Dismantling Retired Property, 41–XX–39
Machinery, 41–XX–40
Locomotives, 41–XX–41
Road Property and Equipment Damaged, 41–XX–48
Other—Other, 41–XX–99
Other Purchased Services—Equipment—Freight Cars—
Freight, 41–22–XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. This account shall be subdivided by the following functions:

Administrative—General, 41–22–01
Repair and Maintenance—
Dismantling Retired Property, 41–22–39
Machinery, 41–22–40
Freight Cars, 41–22–42
Road Property and Equipment Damaged, 41–22–48
Other—Other, 41–22–99
Other Purchased Services—Equipment—Other Equipment—
Freight, 41–23–XX
Passenger, 41–25–XX
Common, 41–27–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Repair and Maintenance—
Dismantling Retired Property, 41–XX–39
Machinery, 41–XX–40
Trucks, Trailers, Containers in Revenue Service, 41–23–43
Floating Equipment—Revenue Service, 41–23–44
Passenger and Other Revenue Equipment, 41–XX–45
Computers and Data Processing Equipment, 41–XX–46
Work and Other Non-Revenue Equipment, 41–XX–47
Road Property and Equipment Damaged, 41–XX–48
Other—Other, 41–XX–99
Other Purchased Services—Transportation—Train—
Freight, 41–31–XX
Passenger, 41–41–XX
Common, 41–51–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Operations—
Engine Crews, 41–XX–56
Train Crews, 41–XX–57
Dispatching Trains, 41–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 41–XX–59
Operating Drawbridges, 41–XX–60
Highway Crossing Protection, 41–XX–61
Train Inspection and Lubrication, 41–XX–62
Clearing Wrecks, 41–XX–63
Locomotive Fuel, 41–XX–67
Electric Power Purchased/Produced for Motive Power, 41–XX–68
Servicing Locomotives, 41–XX–69
Other—Other, 41–XX–99
Other Purchased Services—Transportation—Yard—
Freight, 41–32–XX
Passenger, 41–42–XX
Common, 41–52–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Operations—
Operating Switches, Signals, Interlockers, Retarders, Humps, 41–XX–59
Clearing Wrecks, 41–XX–63
Switch Crews, 41–XX–64
Controlling Operations, 41–XX–65
Yard and Terminal Clerical, 41–XX–66
Locomotive Fuel, 41–XX–67
Electric Power Purchased/Produced for Motive Power, 41–XX–68
Servicing Locomotives, 41–XX–69
Other—Other, 41–XX–99
Other Purchased Services—Transportation—Train and Yard Common—
Freight, 41–33–XX
Passenger, 41–43–XX
Common, 41–53–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Operations—
Cleaning Car Interiors, 41–XX–70
Adjusting, Transferring Loads, 41–33–71
Car Loading Devices and Grain Doors, 41–33–72
Other Purchased Services—Transportation—Specialized Services—
Freight, 41–34–XX

This account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. This account shall be subdivided by the following functions:

Administration—General, 41–34–01
Operations—
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service, 41–34–73
Loading, Unloading, and Local Marine, 41–34–74
Protective Services, 41–34–75
Other—Other, 41–34–99
Other Purchased Services—Transportation—Administrative Support—
Freight, 41–35–XX
Passenger, 41–45–XX
Common, 41–55–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
Operations—
Clerks, Accounting Employees, 41–XX–76
Communication Systems Operations, 41–XX–77
Loss and Damage Claims Processing, 41–XX–78
Other—Other, 41–XX–99
Other Purchased Services—General and Administrative—
Freight, 41–61–XX
Passenger, 41–62–XX
Common, 41–63–XX

Each account includes amounts charged or credited to operating expenses for other purchased services specified in control account 41–00–00. Each account shall be subdivided by the following functions:

Administration—General, 41–XX–01
General—
Accounting, Auditing, Finance, 41–XX–86
Management Services and Data Processing, 41–XX–87
Marketing, 41–XX–88
Sales, 41–XX–89
Industrial Development, 41–61–90
Personnel and Labor Relations, 41–XX–91
Legal and Secretarial, 41–XX–92
Public Relations and Advertising, 41–XX–93
Research and Development, 41–XX–94
Other—Other, 41–XX–99

Claims and Insurance—

Control—50–00–00

This account may be used as a control account for all accounts in the Claims and Insurance series: Loss and Damage Claims, Other Casualties, Insurance.

Loss and Damage Claims—Control—51–00–00

This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service. This account excludes amounts payable to employees or other parties for injuries sustained or loss of life; for damage to real property of others or personal property not carried in revenue services; all payments for other damages of any kind; and related insurance premiums.

Loss and Damage Claims—Transportation—Train—
Freight, 51–31–00
Passenger, 51–41–00
Common, 51–51–00

Each account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service while operating all trains except those performing yard functions in terminals.

Loss and Damage Claims—Transportation—Yard—
Freight, 51–32–00
Passenger, 51–42–00
Common, 51–52–00

Each account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service which is lost or damaged in yards or terminals.

Loss and Damage Claims—Transportation—Train and Yard Common—
Freight, 51–33–00
Passenger, 51–43–00
Common, 51–53–00

Each account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service which are not predominantly train or yard.

Loss and Damage Claims—Transportation—Specialized Services—
Freight, 51–34–00

This account includes amounts payable to compensate for the loss or damage of freight or other goods carried in revenue service incurred in designated specialized services operations.

Other Casualties—Control—52–00–00

This account includes amounts payable to employees or other parties for injuries sustained or loss of life in connection with the construction, maintenance, operations, and administration of railroad property and equipment; for damage to real property, property of others or personal property not carried in revenue service; all payments for other damages of any kind. This account excludes freight and other goods carried in revenue service, and insurance premiums related to the casualties chargeable to this account.

NOTE.—The costs of clearing wrecks and repairing casualty-caused damage to the railroad's property and equipment are properly classified under other natural expense accounts as appropriate and further classified by relevant activities and functions.

These costs are appropriately charged to the following natural accounts:

Other Casualties—Way and Structures—Running—
Freight, 52–11–00
Passenger, 52–14–00
Common, 52–17–00
Other Casualties—Way and Structures—Switching—
Freight, 52–12–00
Passenger, 52–15–00
Common, 52–18–00
Other Casualties—Way and Structures—Other—
Freight, 52–13–00
Passenger, 52–16–00
Common, 52–19–00

Other Casualties—Equipment—Locomotives—
Freight, 52–21–00
Passenger, 52–24–00
Insurance—Transportation—Specialized Services—
Freight, 53–34–00

track within classification yards and stations. Each account shall be subdivided by the following functions:

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other

Other Expenses—Transportation—Train—
Freight, 61–31–XX

and other items of a general nature incurred in operating services which are specialized in nature and in cost char-

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Other Casualties—Equipment—Locomotives—
Freight, 52–21–00
Passenger, 52–24–00
Common, 52–26–00
Other Casualties—Equipment—Freight Cars—
Freight, 52–22–0
Other Casualties—Equipment—Other Equipment—
Freight, 52–23–00
Passenger, 52–25–00
Common, 52–27–00
Other Casualties—Transportation—Train—
Freight, 52–31–0
Passenger, 52–41–00
Common, 52–51–00
Other Casualties—Transportation—Yard—
Freight, 52–32–00
Passenger, 52–42–00
Common, 52–52–00
Other Casualties—Transportation—Specialized Services—
Freight, 52–34–00
Other Casualties—Transportation—Administrative Support—
Freight, 52–35–00
Passenger, 52–45–00
Common, 52–55–00
Other Casualties—General and Administrative—
Freight, 52–61–00
Passenger, 52–62–00
Common, 52–63–00

Insurance—Control—53–00–00

This account includes premiums for insurance to cover property and equipment loss and damage, liability, business interruption, and the like. These costs are appropriately charged to the following accounts:

Insurance—Way and Structures—Running—
Freight, 53–11–00
Passenger, 53–14–00
Common, 53–17–00
Insurance—Way and Structures—Switching—
Freight, 53–12–00
Passenger, 53–15–00
Common, 53–18–00
Insurance—Way and Structures—Other—
Freight, 53–13–00
Passenger, 53–16–00
Common, 53–19–00
Insurance—Equipment—Locomotives—
Freight, 53–21–00
Passenger, 53–24–00
Common, 53–26–00
Insurance—Equipment—Freight Cars—
Freight, 53–22–00
Insurance—Equipment—Other Equipment—
Freight, 53–23–00
Passenger, 53–25–00
Common, 53–27–00
Insurance—Transportation—Train—
Freight, 53–31–00
Passenger, 53–41–00
Common, 53–51–00
Insurance—Transportation—Yard—
Freight, 53–32–00
Passenger, 53–42–00
Common, 53–52–00
Insurance—Transportation—Specialized Services—
Freight, 53–34–00
Insurance — Transportation — Administrative Support—
Freight, 53–35–00
Passenger, 53–45–00
Common, 53–55–00
Insurance—General and Administrative—
Freight, 53–61–00
Passenger, 53–62–00
Common, 53–63–00

General

Control—60–00–00

This account may be used as a control account for all accounts in the General series: Other Expenses, Depreciation, Uncollectible Accounts, Property Taxes, Other Taxes.

Other Expenses—Control—61–00–00

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property and equipment retirement losses, and other items of a general nature.

Other Expenses—Way and Structures—Running—
Freight, 61–11–XX
Passenger, 61–14–XX
Common, 61–17–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's roadway and track on the line of road and outside of classification yards. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 61–XX–10
Tunnels and Subways, 61–XX–11
Bridges and Culverts, 61–XX–12
Track Laying & Surfacing, 61–XX–17
Signals and Interlockers, 61–XX–19
Highway Grade Crossings, 61–XX–22
Dismantling Retired Property, 61–XX–39
Road Property and Equipment Damaged, 61–XX–48
Other—Other, 61–XX–99
Other Expenses—Way and Structures—Switching—
Freight, 61–12–XX
Passenger, 61–15–XX
Common, 61–18–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's roadway and track within classification yards and stations. Each account shall be subdivided by the following functions:

Repair and Maintenance—
Roadway, 61–XX–10
Tunnels and Subways, 61–XX–11
Bridges and Culverts, 61–XX–12
Track Laying and Surfacing, 61–XX–17
Signals and Interlockers, 61–XX–19
Highway Grade Crossings, 61–XX–22
Dismantling Retired Property, 61–XX–39
Road Property and Equipment Damaged, 61–XX–48
Other—Other, 61–XX–99
Other Expenses—Way and Structures—Other—
Freight, 61–13–XX
Passenger, 61–16–XX
Common, 61–19–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, road property retirement losses, and other items of a general nature associated with the carrier's structures other than roadway and track. Each account shall be subdivided by the following functions:

Administration—
Track, 61–XX–02
Bridges and Buildings, 61–XX–03
Signals, 61–XX–04
Communications, 61–XX–05
Other, 61–XX–06
Repair and Maintenance—
Communication Systems, 61–XX–20
Electric Power Systems, 61–XX–21
Station and Office Buildings, 61–XX–23
Shop Buildings—Locomotives, 61–XX–24
Shop Buildings—Freight Cars, 61–13–25
Shop Buildings—Other Equipment, 61–XX–26
Locomotive Servicing Facilities, 61–XX–27
Miscellaneous Buildings and Structures, 61–XX–28
Coal Terminals, 61–13–29
Ore Terminals, 61–13–30
TOFC/COFC Terminals, 61–13–31
Other Marine Terminals, 61–13–32
Motor Vehicle Loading and Distribution Facilities, 61–13–33
Facilities for Other Specialized Services Operations, 61–13–35
Roadway Machines, 61–XX–36
Small Tools and Supplies, 61–XX–37
Snow Removal, 61–XX–38
Dismantling Retired Property, 61–XX–39
Road Property and Equipment Damaged, 61–XX–48
Other—Other, 61–XX–99
Other Expenses—Equipment—Locomotives—
Freight, 61–21–XX
Passenger, 61–24–XX
Common, 61–26–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and equipment retirement losses, associated with the repair and maintenance of locomotives, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
Repair and Maintenance—
Dismantling Retired Property, 61–XX–39
Machinery, 61–XX–40
Locomotives, 61–XX–41
Road Property and Equipment Damaged, 61–XX–48
Other—Other, 61–XX–99
Other Expenses—Equipment—Freight Cars—
Freight, 61–22–XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of freight cars, whether owned by the carrier or by others. This account shall be subdivided by the following functions:

Administration—General, 61–22–01
Repair and Maintenance—
Dismantling Retired Property, 61–22–39
Machinery, 61–22–40
Freight Cars, 61–22–42
Road Property and Equipment Damaged, 61–22–48
Other—Other, 61–22–99
Other Expenses — Equipment — Other Equipment—
Freight, 61–23–XX
Passenger, 61–25–XX
Common, 61–27–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, equipment retirement losses, associated with the repair and maintenance of equipment other than locomotives and freight cars, whether owned by the carrier or by others. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
Repair and Maintenance—
Dismantling Retired Property, 61–XX–39
Machinery, 61–XX–40
Trucks, Trailers, Containers In Revenue Service, 61–23–43
Floating Equipment—Revenue Service, 61–23–44
Passenger and Other Revenue Equipment, 61–XX–45
Computers and Data Processing Equipment, 61–XX–46
Work and Other Non-Revenue Equipment, 61–XX–47
Road Property and Equipment Damaged, 61–XX–48
Other—Other, 61–XX–99
Other Expenses—Transportation—Train—
Freight, 61–31–XX
Passenger, 61–41–XX
Common, 61–51–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, associated with the dispatching and operations of freight-trains over the roadway and outside of classification yards. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
Operations—
Engine Crews, 61–XX–56
Train Crews, 61–XX–57
Dispatching Trains, 61–XX–58
Operating Switches, Signals, Interlockers, Retarders, Humps, 61–XX–59
Operating Drawbridges, 61–XX–60
Highway Crossing Protection, 61–XX–61
Train Inspection and Lubrication, 61–XX–62
Clearing Wrecks, 61–XX–63
Locomotive Fuel, 61–XX–67
Electric Power Purchased/Produced for Motive Power, 61–XX–68
Servicing Locomotives, 61–XX–69
Other—Other, 61–XX–99
Other Expenses—Transportation—Yard—
Freight, 61–32–XX
Passenger, 61–42–XX
Common, 61–52–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature associated with the movement of freight cars within classification yards and in terminal switching and transfer service. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
Operations—
Operating Switches, Signals, Interlockers, Retarders, Humps, 61–XX–59
Clearing Wrecks, 61–XX–63
Switch Crews, 61–XX–64
Controlling Operations, 61–XX–65
Yard and Terminal Clerical, 61–XX–66
Locomotive Fuel, 61–XX–67
Electric Power Purchased/Produced for Motive Power, 61–XX–68
Servicing Locomotives, 61–XX–69
Other—Other, 61–XX–99
Other Expenses—Transportation—Specialized Services—
Freight, 61–34–XX

This account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in operating services which are specialized in nature and in cost characteristics. The specialized services designated by the Commission appear within the definition of specialized services. This account shall be subdivided by the following functions:

Administration—General, 61–34–01
Operations—
Pick-Up and Delivery, Marine Line Haul, and Rail Substitute Service, 61–34–73
Loading, Unloading, and Local Marine, 61–34–74
Protective Services, 61–34–75
Other—Other, 61–34–99
Other Expenses—Transportation—Administrative Support—
Freight, 61–35–XX
Passenger, 61–45–XX
Common, 61–55–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in association with providing direct administrative support for the Transportation Activity. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
Operations—
Clerks, Accounting Employees, 61–XX–76
Communication Systems Operations, 61–XX–77
Loss and Damage Claims Processing, 61–XX–78
Other—Other, 61–XX–99
Other Expenses—General and Administrative—
Freight, 61–61–XX
Passenger, 61–62–XX
Common, 61–63–XX

Each account includes amounts charged to operating expenses for items not otherwise provided for in the other natural expense accounts, including travel and other expenses of employees, and other items of a general nature incurred in providing overall administration or other support for carrier operations. Each account shall be subdivided by the following functions:

Administration—General, 61–XX–01
General—
Accounting, Auditing, Finance, 61–XX–86
Management Services and Data Processing, 61–XX–87
Marketing, 61–XX–88
Sales, 61–XX–89
Industrial Development, 61–61–90
Personnel Labor Relations, 61–XX–91
Legal and Secretarial, 61–XX–92
Public Relations and Advertising, 61–XX–93
Research and Development, 61–XX–94
Other—Other, 61–XX–99

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Depreciation—Control—62–00–00

This control account includes the amounts charged to operating expenses for depreciation of owned road property and equipment, and the depreciation element of road property held under capital lease in accordance with FASB Statement No. 13. These costs are appropriately charged to the following natural accounts:

Depreciation—Way and Structures—Running—
Freight, 62–11–00
Passenger, 62–14–00
Common, 62–17–00
Depreciation—Way and Structures—Switching—
Freight, 62–12–00
Passenger, 62–15–00
Common, 62–18–00
Depreciation—Way and Structures—Other—
Freight, 62–13–00
Passenger, 62–16–00
Common, 62–19–00
Depreciation — Equipment — Locomotives—
Freight, 62–21–00
Passenger, 62–24–00
Common, 62–26–00
Depreciation — Equipment — Freight Cars—
Freight, 62–2–00
Depreciation—Equipment—Other Equipment—
Freight, 62–23–00
Passenger, 62–25–00
Common, 62–27–00

Uncollectible Accounts—Control—63–00–00

This account includes charges to operating expenses for the writedown of accounts and notes due to the railroad, whether classified as current or long-term. This account includes any credits to allowance accounts for collectibility and total writeoff of receivables. This account does not include writedowns of property, equipment, or investments (except accounts, notes, or other receivables held as investments). Proper adjustments of incorrect receivables are not to be charged to this account. Collections of amounts previously written off or down are to be credited to this account. The total of this account shall be charged to the following account:

Uncollectible Accounts—General and Administrative—
Freight, 63–61–00
Passenger, 63–62–00
Common, 63–63–00

Property Taxes—Control—64–00–00

This account includes only taxes based on the value of real estate and personal property used in railroad operations. The total of this account shall be charged to the following account:

Property Taxes—General and Administrative—
Freight, 64–61–00
Passenger, 64–62–00
Common, 64–63–00

Other Taxes—Control—65–00–00

This account includes taxes on gross receipts, franchise fees, excise taxes, and similar items. This account excludes property taxes and taxes chargeable as employee benefits. The total of this account shall be charged to the following account:

Other Taxes—General and Administrative—
Freight, 65–61–00
Passenger, 65–62–00
Common, 65–63–00

INCOME ACCOUNTS

Ordinary Items

501 Railway operating revenues.

This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided elsewhere in these regulations.

506 Revenues from property used in other than carrier operations.

This account shall include the total revenues derived from property used in other than carrier operations, the cost of which is includible in balance-sheet account 737, "Property used in other than carrier operations."

510 Miscellaneous rent income.

(a) This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the forgoing accounts.

(b) This account shall be charged with the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A.—If property the rent of which is chargeable to account 543—"Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B.—Taxes on property the rent of which is creditable to this account shall be charged to account 535—"Taxes on property used in other than carrier operations."

NOTE C.—The rent from property carried in balance-sheet account 737—"Property used in other than carrier operations," shall not be included in this account, but in account 506—"Revenues from property used in other than carrier operations."

NOTE D.—Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

512 Separately operated properties; profit.

(a) This account shall include amounts earned under the terms of agreements or contracts whereby the surplus resulting from the operation by others or properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

(b) In determining the amount earned by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A.—The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B.—Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income," 514, "Interest income," or 516, "Income from sinking and other funds," as may be appropriate.

513 Dividend income.

(a) This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A.—This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B.—Dividends on stocks of other companies held in sinking or other funds shall be credited to account 516, "Income from sinking and other funds."

514 Interest income.

(a) This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) The account shall also include interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount or short-term notes. Interest shall not be accrued unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through

equal monthly credits, over the terms of the notes.

NOTE A.—This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B.—Interest on securities other than those of the accounting company, and on other assets held in sinking or other funds shall be included in account 516, "Income from sinking and other funds."

NOTE C.—Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

516 Income from sinking and other funds.

(a) This account shall include the income on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other funds. (See Note C to account 708, "Interest and dividends receivable.")

(b) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

517 Release of premiums on funded debt.

This account shall include, during each fiscal year, such proportion of the premiums on outstanding funded debt as may be applicable to the period. (See instruction 5–3.)

518 Contributions from other companies.

(a) This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contract, no obligation for subsequent reimbursement is incurred.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE.—The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

519 Miscellaneous income.

(a) This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from sale of securities carried as temporary cash investments.

Profit from sale of land used for transportation purposes, of noncarrier property and of securities acquired for investment purposes.

Profit from company bonds reacquired.

Decreases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets.

(b) Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570, "Extraordinary Items," upon approval by the Commission; however, gains from extinguishment of debt (excluding debt maturing serially) which is made to satisfy sinking fund requirements, shall be recorded in this account regardless of amount.

531 Railway operating expenses.

This account shall include total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

534 Expenses of property used in other than carrier operations.

This account shall include the depreciation and expenses incurred on property used in other than carrier operations. The cost of this property is includible in balance-sheet account 737, "Property used in other than carrier operations."

535 Taxes on property used in other than carrier operations.

This account shall include accruals of taxes paid or payable upon property used in other than carrier operations. The cost of this property is included in account 737, "Property used in other than carrier operations."

543 Miscellaneous rent expense.

This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A.—This account shall not include rents provided for in the operating expense accounts.

NOTE B.—If property, the rent of which is chargeable to this account is sublet to others, the rent from the sublease shall be credited to account 506, "Revenue from property used in other than carrier operations."

NOTE C.—Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

544 Miscellaneous taxes.

This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, and taxes on income from securities owned.

545 Separately operated properties; loss.

(a) This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A.—The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B.—Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income," or 514, "Interest income," as may be appropriate.

546 Interest on funded debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in accounts 765, "Funded debt unmatured"; 766, "Equipment obligations"; 767, "Receivers' and trustees' securities"; 768, "Debt in default"; and 769, "Accounts payable; affiliated companies." This account shall be kept in such form that the interest on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A.—This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B.—When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be includable in the road and equipment accounts.

NOTE C.—This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

547 Interest on unfunded debt.

This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount shall be distributed

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through equal monthly charges, over the term of the notes.

NOTES.—When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

548 Amortization of discount on funded debt.

(a) This account shall be charged during each fiscal period with the proportion of the discount on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount on funded debt.

(b) The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount remains unextinguished. However, the entire amount for the discount and expense applicable to any particular issue of obligations may be charged directly to this account and account 551, "Miscellaneous income charges," as appropriate, at time of issue when the aggregate of such amounts does not appreciably affect the accounts. (See Instruction 5-3(b).)

549 Maintenance of investment organization.

This account shall include the directly assignable administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendant.
Stationery and printing.

NOTE.—Administration expenses incident to railway operation are includible in the primary accounts provided for in operating expense general account series 60-00-00.

550 Income transferred to other companies.

(a) This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A.—The amount receivable by the other company shall be credited by its to account 512, "Separately operated properties—Profit."

NOTE B.—Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

551 Miscellaneous income charges.

(a) This account shall include items, not provided for elsewhere, properly chargeable to income account during the current year. Among the items which shall be included in this account are:

Interest on tax deficiencies, on overcharge claims, and on court awards.
Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company
Payments of old accounts previously written off.
Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.
Loss on sale of securities carried as temporary cash investments.
Loss on sale of land used for transportation purposes, and of noncarrier property.
Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.
Loss from company bonds reacquired.
Increases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets.

(b) Losses from extinguishment of debt shall be aggregated and, if material, charged to account 570, "Extraordinary Items," upon approval by the Commission; however, losses from extinguishment of debt (excluding debt maturing serially) which is made to satisfy sinking fund requirements, shall be included in this account regardless of amount.

553 Uncollectible accounts.

This account shall include losses on receivables, notes, or claims that are not includible in account 63-61-00, "General-Uncollectible Accounts-General and Administrative."

555 Unusual or infrequent items (debit) credit.

This account shall include material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1-2(d), upon approval by the Commission.

556 Income taxes on ordinary income.

This account shall include accruals for Federal, State and other income taxes applicable to ordinary income. See the text of account 590, for recording other income tax consequences.

557 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definition 20(e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 1-12.

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 1-12)

560 Income or loss from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 23(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1-2(d), upon approval by the Commission.

562 Gain or loss on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1-2(d), upon approval by the Commission.

570 Extraordinary items (Net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1-2(d), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary items," or account 591, "Provision for deferred taxes—extraordinary items."

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and infrequent, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes—Extraordinary items."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See Instruction 1-11.)

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1-2(d), upon approval by the Commission.

Form of income statement

	I. ORDINARY ITEMS	
501	Railway operating revenues	
531	Railway operating expenses	
	Net Revenue from Railway Operation[1]	
	II. OTHER INCOME	
506	Revenues from property used in other than carrier operations	
510	Miscellaneous rent income	
512	Separately operated properties—profit	
513	Dividend income	
514	Interest income	
516	Income from sinking and other funds	
517	Release of premiums on funded debt	
518	Contributions from other companies	
519	Miscellaneous income	
	Income from affiliated companies:	
	Dividends	
	Equity in undistributed earnings (losses)	
	Total income from affiliated companies	
	Total other income	
	Total income	
	III. MISCELLANEOUS DEDUCTIONS FROM INCOME	
534	Expenses of property used in other than carrier operations	
535	Taxes on property used in other than carrier operations	
543	Miscellaneous rent expense	
545	Separately operated properties-loss	
549	Maintenance of investment organization	
550	Income transferred to other companies	
551	Miscellaneous income charges	
553	Uncollectible accounts	
	Total miscellaneous deductions	
	Income available for fixed charges	
	IV. FIXED CHARGES	
546	Interest on funded debt:	
	(a) Fixed interest not in default	
	(b) Interest in default	
547	Interest on unfunded debt	
548	Amortization of discount on funded debt	
	Total fixed charges	
	Income after fixed charges	
	V. OTHER DEDUCTIONS	
546	Interest on funded debt: (c) Contingent interest	
	VI. UNUSUAL OR INFREQUENT ITEMS	
555	Unusual or Infrequent Items (debit) credit	
	Income (loss) from continuing operations (before income taxes)	
	VII. PROVISION FOR INCOME TAXES	
556	Income Taxes on Ordinary Income:	
	Federal income taxes	
	State income taxes	
	Other income taxes	
557	Provision for deferred income taxes	
	Income from continuing operations	
	VIII. DISCONTINUED OPERATIONS	
560	Income or Loss from operations of discontinued segments (less applicable income taxes of $)	
562	Gain or loss on disposal of discontinued segments (less applicable income taxes of $)	
	Income (loss) before extraordinary items	
	IX. EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES	
570	Extraordinary items (net)	
590	Income taxes on extraordinary items	
591	Provision for deferred taxes—extraordinary items	
	Total extraordinary items	
592	Cumulative effect of changes in accounting principles (less applicable income taxes of $)	
	Net income	

[1] Reconciliation of net railway operating income (NROI):

	Net revenues from railway operations	
(556)	Income taxes on ordinary income	
(557)	Provision for deferred income taxes	
(560)	Taxes applicable to income or loss from operations of discontinued segments	
(562)	Taxes applicable to gain or loss on disposal of discontinued segments	
	Income from lease of road and equipment (formerly account 509)	
	Rent for leased roads and equipment (formerly account 542)	
	Net railway operating income	

RETAINED EARNINGS ACCOUNTS

Credit

601 Credit Balance (at beginning of calendar year).

This account shall include the net credit balance in the retained earnings account at the beginning of the calendar year.

601.5 Prior period adjustments to beginning retained earnings account.

This account shall include adjustments net of assigned income taxes, in accordance with the text of instruction 1-2(d), to the balance in the retained earnings account at the beginning of the calendar year, upon approval by the Commission.

602 Credit balance transferred from income.

This account shall show the net credit balance brought forward from the income account for the calendar year.

603 Appropriations released.

This account is provided to return to unappropriated retained earnings the amount of appropriations no longer required. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

606 Other credits to retained earnings.

This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

Debit

611 Debit balance (at beginning of calendar year).

This account shall include the net debit balance in the retained earnings account at the beginning of the calendar year.

612 Debit balance transferred from income.

This account shall show the net debit balance brought forward from the income account for the calendar year.

616 Other debits to retained earnings.

(a) This account shall include losses from resale of reacquired capital stock, and charges which reduce or write-off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in account 795, "Other capital," applicable to net gains from reacquisition and resale or retirement of such subclass of capital stock. See instruction 5-4.

(b) This account shall also include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

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620 Appropriations for sinking and other funds.

This account shall be charged and account 797, "Retained earnings; Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

621 Appropriations for other purposes.

This account shall be charged and account 797, "Retained earnings; Appropriated," shall be credited with the amount of appropriations for general contingencies, indefinite possible future losses and other corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

623 Dividends.

This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. This account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE.—This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or sinking or other funds.

GENERAL BALANCE SHEET ACCOUNTS EXPLANATIONS

Assets

CURRENT ASSETS

701 Cash.

(a) This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

(b) The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy, an estimate of the amount shall be used. Amounts not transmitted to payees shall be included in the appropriate liability accounts.

NOTE.—Compensating balances under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 703, "Special Deposits," or 717, "Other Funds," as appropriate.

702 Temporary cash investments.

This account shall include the cost of securities and other obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character, which are readily convertible into cash at substantially their recorded cost.

This account shall be subdivided to reflect the marketable equity securities portion (and its corresponding valuation allowance) and other temporary investments (See Instruction 5–2.)

703 Special deposits.

This account shall include cash deposits, either placed in the hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (See Definition 24) under an agreement which legally restricts the use of such funds, and which constitute support for short-term borrowing arrangements. Subaccounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE.—Deposits available for general company purposes shall be included in account 701, "Cash."

704 Loans and notes receivable.

This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A.—Current loans and notes receivable from affiliated companies shall be included in account 708.5, "Receivables from affiliated companies."

NOTE B.—Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments and advances: Affiliated companies," or 722, "Other investments and advances," as appropriate.

NOTE C.—Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

705 Accounts receivable; interline and other balances.

This account shall include the net debit balances receivable from other companies representing items such as interline freight, passenger, switching, and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges, for car repairs, loss and damage freight claims, and overcharge claims.

NOTE.—The amount to be entered in this account is not the net balance between this account and account 752, 'Accounts payable; interline and other balances." Net credit balances payable to other companies shall be included in account 752.

706 Accounts receivable; customers.

This account shall include amounts currently due from customers for transportation and other charges incidental to transportation, and from agents and other representatives charged with the collection or custody of current revenues.

NOTE: Amounts advanced to general and special agents as working funds shall be included in account 710, "Working funds."

707 Accounts receivable; other.

This account shall include amounts due in audited accounts, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; miscellaneous bills against other railway companies, corporations, firms, and individuals; and other similar items.

NOTE A.—The amount to be entered in this account is not the net balance between this account and account 754, "Accounts payable; Other."

NOTE B.—Amounts due from affiliated companies for miscellaneous bills and other items subject to current settlement shall be included in account 708.5, "Receivables from affiliated companies."

708 Interest and dividends receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds, mortgages, notes, and other commercial paper owned, on loans made, open accounts, bank deposits, and the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A.—No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B.—No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C.—If settlement of accounts included in this account is not made when due, such amounts that are not subject to current settlement shall be transferred to account 741, "Other assets," at their estimated realizable value. Items of current character but of doubtful value, as well as noncurrent items, shall be written off to the extent of any estimated uncollectible portion by charge to account 638000, "Uncollectible accounts: General and administrative," or account 553, "Uncollectible accounts," as appropriate. If notes are taken in settlement of amounts included in this account, the amounts shall be transferred to account 704, "Loans and notes receivable," or account 741, as appropriate. (See Instruction 5–1.)

NOTE D.—Current interest and dividends receivable from affiliated companies shall be included in account 708.5, "Receivables from affiliated companies," and noncurrent amounts receivable shall be included in account 721, "Investments and advances; Affiliated companies."

708.5 Receivables from affiliated companies.

This account shall include amounts due from affiliated companies which are subject to current settlement such as deposits, demand or time loans, notes receivable, interest, dividends, miscellaneous bills and similar items.

NOTE.—Receivables from affiliated companies, representing net debit balances for items such as operating revenues, charges for equipment interchanged, car repairs and claims, shall not be included in this account but in account 705, "Accounts receivable; Interline and other balances."

709 Accrued accounts receivable.

This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which shall be included in this account are:

Amounts receivable from others for unreported interline traffic.
Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.
Amounts receivable from others for services for which bills have not been rendered.
Rents receivable for which bills have not been rendered.

709.5 Allowance for uncollectible accounts.

This account shall be credited with amounts provided for receivables which may become uncollectible, and shall be maintained to show the amount of each separate allowance set out below and the amounts of debits and credits thereto:

(a) Allowance for receivables applicable to transportation operations. Credits to this subdivision shall be concurrently charged to Account 636000, "Uncollectible Accounts; General and administrative."

(b) Allowances for receivables not applicable to transportation operations. Credits to this subdivision shall be concurrently charged to Account 551, "Miscellaneous income charges."

710 Working funds.

This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE.—Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, "Investments and advances; Affiliated companies," or 722, "Other investments and advances," as appropriate.

711 Prepayments.

This account shall include the balances in the accounts representing short-term prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also short-term interest, and insurance premiums, taxes and licenses, and similar items paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE.—Expenditures by a carrier for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 743, "Other deferred debits," and amortized over the rental period as additional rent.

712 Material and supplies.

(a) This account shall include the balances representing the cost of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any purchase discounts allowed. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading, and a suitable proportion of purchasing and store expenses. The cost shall also include sales and excise taxes on material purchases; however, sales and excise taxes may be charged to account 656000, "Other taxes; General and Administrative," provided this procedure will not adversely affect the accounts and is consistently followed. Taxes on gasoline, other motor fuel, and motor oil are also includible in this account.

(b) Materials recovered for reuse in connection with construction, maintenance, or the retirement of property shall be charged to this account at cost, or average cost, estimated if not known, less accumulated depreciation, if any, plus the cost to restore the materials to a serviceable condition, or current market value, whichever is lower. (See Definition 17, "Salvage value.")

(c) Scrap and other nonusable materials, including obsolete parts, shall be included in account 713, "Other current assets," at the estimated salvage value when the sale of the materials is imminent and there is a relatively firm market price. Obsolete parts not subject to imminent sale shall be included in account 741, "Other assets," at their net realizable value.

(d) Material and supplies shall be credited to this account and charged to the appropriate operating expense or other account on the basis of recorded cost, average cost, or other recognized pricing system, provided that such system is consistently applied and is based on the cost of such material and supplies.

(e) An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment, determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory. (Also see Instruction 5–1(b).)

NOTE.—Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, or for new railroad equipment, shall be included in account 90, "Construction in progress."

713 Other current assets.

This account shall include amounts for other current assets which are not includible in the foregoing current asset accounts.

714 Deferred income tax debits.

(a) This account shall include the portion of deferred income tax debits and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 762, "Deferred income tax credits."

SPECIAL FUNDS

715 Sinking funds.

(a) This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets held in the hands of the accounting company's treasurer when the assets are segregated in a distinct funds.

(b) This account shall include amounts deposited with trustees on account of mortgaged property sold, where the proceeds are held for the redemption of securities; and also the par value (or the amount recorded for no par stock) of live securities issued or assumed by the accounting company and held in such funds.

(c) A separate subaccount shall be kept for each fund. The title of each subaccount shall designate the obligation redeemable from the fund.

NOTE.—In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

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716 Capital funds.

(a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE.—Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE.—The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

717 Other funds.

This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in such funds. A separate subaccount shall be kept for each fund.

NOTE A.—Sinking funds and capital funds are provided for in accounts 715, "Sinking funds," and 716, "Capital funds," respectively.

NOTE B.—In stating the balance sheet in the annual reports to the Commission, the total amount of the funds and the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C.—This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D.—This account shall include compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

INVESTMENTS

721 Investments and advances; affiliated companies.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds; and also investment advances made to affiliated companies not subject to current settlement; notes receivable from affiliated companies which mature later than 1 year from date of the balance sheet; and similar noncurrent items of affiliated companies.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(1) Stocks.
(2) Bonds.
(3) Other secured obligations.
(4) Unsecured notes.
(5) Investment advances.

(c) A complete record of securities pledged shall be maintained to show separately the ledger value of securities pledged and unpledged in the annual report to the Commission.

NOTE A.—Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to this account.

NOTE B.—The term affiliated companies (also see Definition 4) includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (also see Definition 4) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement or source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control because of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not considered a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C.—The value of securities borrowed by the accounting company and pledged shall not be included in this account. A memorandum record shall be kept.

NOTE D.—The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital funds," or 717, "Other funds," as appropriate.

721.5 Adjustments; investments and advances—affiliated companies.

(a) This account shall be credited with amounts charged to account 551, "Miscellaneous income charges," to provide for impairment in the value of investment securities and other assets included in Account 721, "Investments and advances; affiliated companies."

(b) If provision is made for anticipated losses in specific assets, when the assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular items involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges." Where a general provision for losses in unspecified asset values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges."

722 Other investments and advances.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; and also investment advances made to nonaffiliated companies not subject to current settlement; notes receivable from nonaffiliated companies which mature later than 1 year from date of the balance sheet; and similar noncurrent items of nonaffiliated companies.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(1) Stocks.
(2) Bonds.
(3) Other secured obligations.
(4) Unsecured notes.
(5) Investment advances.

(c) A complete record of securities pledged shall be maintained to show separately the ledger value of securities pledged and unpledged in the annual report to the Commission.

NOTE A.—Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B.—The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 721, "Investments and advances: Affiliated companies."

NOTE C.—The value of securities borrowed by the accounting company and pledged shall not be included in this account. A memorandum record shall be kept.

NOTE D.—The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital funds," or 717, "Other funds," as appropriate.

723 Adjustments; other investments and advances.

(a) This account shall be credited with amounts charged to account 551, "Miscellaneous income charges," to provide for impairment in the value of investment securities and other assets included in account 722, "Other investments and advances."

(b) If provision is made for anticipated losses in specific assets, when the assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular items involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges." Where a general provision for losses in unspecified asset values is maintained, all such losses resulting from write-down, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges."

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 721 and 722. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 6–2).

This account shall *not* include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 723.)

TANGIBLE PROPERTY

731 Road and equipment property.

This account shall include the accounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet.

NOTE A.—This account shall not include any items representing titles to securities.

NOTE B.—When equipment or other property is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C.—Held for use, as referred to above, implies the ability of the carrier to substantiate within a reasonable period of time, by plan or policy, the probable future use which is to be made of the property.

732 Improvements on leased property.

(a) This account shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements. (See instruction 2–18.)

(b) The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A.—This account shall not include any items representing titles to securities.

NOTE B.—When the lessor company includes in account 731, "Road and equipment property," the cost of improvements made by the lessee to property, leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the and advances; Affiliated companies," or 722, "Other investments and advances," as appropriate.

733 Accumulated depreciation; improvements on leased property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts for depreciation accrued on improvements to leased property, the cost of which is included in account 732, "Improvements on leased property."

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which this accumulated depreciation account has been established shall be charged to this account.

(c) Instructions for depreciation accounts, rates of depreciation, and records to be maintained, as contained in instruction 4 for owned property, shall also apply to improvements on leased property.

734 Accumulated amortization; improvements on leased property—defense projects.

This account shall include the amounts of accumulated past provisions for amortization of improvements to leased property applicable to defense projects, the cost of which is included in account 732, "Improvements on leased property." This account shall be charged with the amount of the credit balance applicable to specific property at the time the property is retired. The accounting company shall maintain separate subaccounts for amortization of (1) road property and (2) equipment.

735 Accumulated depreciation; road and equipment property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts to cover the loss in service value of depreciable road and equipment property. It shall also include adjustments which the Commission may authorize the accounting company to make such as adjustments for past accruals of depreciation, and provision for material abandonment or other losses applicable to nondepreciable property.

(b) The service value of each unit of depreciable property retired (and also of each minor item, less than a unit, retired and not replaced) shall be charged to this account. This account shall also be charged for amounts for losses applicable to nondepreciable property retired for which provision was previously made by approval of the Commission, and any resultant adjustment of such provision shall be referred to the Commission for consideration and decision.

(c) Comprehensive instructions pertaining to depreciation accounts, rates of depreciation, and records to be maintained, are contained in instruction 4.

736 Accumulated amortization; road and equipment property—defense project.

This account shall include the amount of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property." This account shall be charged with the amount of the credit balance applicable to specific property at the time the property is retired. The accounting company shall maintain separate subaccounts for amortization of (1) road property and (2) equipment.

737 Property used in other than carrier operations.

This account shall include the accounting company's investment in property other than property assignable to accounts 731, "Road and equipment property," and 732, "Improvements on leased property," such as hotels, restaurants, powerplants, which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT
Coal and other mines.
Commercial power plants.

proper disposition of which is uncertain.

(b) This account shall also include the aggregate amount of the expenses in-

NOTE.—The amount to be entered in this account is not the net balance between this account and account 705, "Accounts receiv-

757 Payables to affiliated companies.

This account shall include amounts

vided such estimates shall be adjusted during the year so that this account may

dences of funded debt (pledged and unpledged) held in the company's treasury,

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ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

738 Accumulated depreciation; property used in other than carrier operations.

This account shall be credited with amounts charged to income or other authorized accounts for depreciation accrued on property, the cost of which is included in account 737, "Property used in other than carrier operations." When such property is destroyed, sold, or otherwise retired from service, this account shall be charged with the amount of the credit balance applicable to the property retired.

INTANGIBLE PROPERTY

739 Organization expenses.

This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs necessary and proper in organizing the enterprise.

NOTE.—Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance sheet account 743, "Other deferred debits." (See Instruction 5–3.)

OTHER ASSETS AND DEFERRED DEBITS

741 Other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason. (See instruction 2–5.) This account shall also include the estimated realizable amount for other assets of doubtful value, collection of which within one year is not assured; also other deferred assets and miscellaneous assets not otherwise provided for in general balance sheet accounts. (See instruction 5–1.)

743 Other deferred debits.

(a) This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

(b) This account shall also include the aggregate amount of the expenses incurred in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations, such as fees for listing long-term obligations on stock exchanges, legal and other fees, cost of tax stamps and similar items. (See Definition 9.) Separate subdivisions shall be maintained for each issue of such obligations. (See Instruction 5–3.)

744 Accumulated deferred income tax debits.

This account shall include the amount of deferred taxes (see Definition 20(h)) determined in accordance with instruction 1–10 and the text of account 786, "Accumulated deferred income tax credits," when the balance is a net debit.

Liabilities and Shareholders' Equity

CURRENT LIABILITIES

751 Loans and notes payable.

(a) This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidence (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE A.—Loans and notes payable to affiliated companies which are subject to current settlement shall be included in account 757, "Payables to affiliated companies," and noncurrent obligations in account 769, "Accounts payable; Affiliated companies."

NOTE B.—This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means: (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either: (1) the actual issuance of an obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

752 Accounts payable; interline and other balances.

This account shall include the net credit balances payable to other companies representing items such as interline freight, passenger, switching and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges for car repairs, loss and damage freight claims, and overcharge claims.

NOTE.—The amount to be entered in this account is not the net balance between this account and account 705, "Accounts receivable; Interline and other balances." Net debit balances receivable from other companies shall be included in account 705.

753 Audited accounts and wages payable.

This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

NOTE.—The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash."

754 Accounts payable; other.

This account shall include outstanding drafts drawn by station agents, conductors' refund and extra-fare checks not presented for redemption, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 751, 752, 753, 755, and 756.

NOTE A.—The amount to be reported under this account is not the net balance between this account and account 707, "Accounts receivable; Other."

NOTE B.—The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash." When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

NOTE C.—Deposits and other items of affiliated companies subject to current settlement shall be included in account 757, "Payables to affiliated companies."

755 Interest payable.

This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement. This account shall also include the amount of interest subject to current settlement accrued to the date of the balance sheet, but payable after that date, on obligations of the accounting company.

NOTE.—Interest payable on debt to affiliated companies, if subject to current settlement, shall be included in account 757, "Payables to affiliated companies." Noncurrent interest shall be included in account 769, "Accounts payable; Affiliated companies." Interest payable to others which is not paid when it matures shall be included in account 781, "Interest in default," if not subject to current settlement. Where interest is in default, subsequent accruals shall be credited directly to account 781.

756 Dividends payable.

This account shall include the amount of dividends payable on capital stock but unpaid, at the date of the balance sheet.

NOTE.—Dividends payable to affiliated companies shall be included in account 757, "Payables to affiliated companies."

757 Payables to affiliated companies.

This account shall include amounts payable to affiliated companies which are subject to current settlement such as deposits, demand or time loans, notes payable, interest, dividends, miscellaneous bills, and similar items.

NOTE.—Payables to affiliated companies, representing net credit balances for items such as revenues, charges for equipment interchanged, car repairs and claims, shall not be included in this account but in account 752, "Accounts payable; Interline and other balances."

759 Accrued accounts payable.

This account shall include estimates of unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which should be included in this account are:

Rents payable.
Amounts payable to others for unreported interline traffic.
Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.
Amounts payable to others for services for which bills have not been rendered.
Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.
Amounts payable (estimated if necessary) within one year pursuant to agreements with labor organizations or otherwise for employees vacations now earned.

760 Federal income taxes accrued.

This account shall be credited with the amount accrued for Federal income taxes which has been concurrently charged to the appropriate income or other authorized accounts. Credits to this account that are based upon estimates shall be adjusted during the year so that this account may show, as nearly as practicable the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

761 State and other income taxes accrued.

This account shall be credited with the amounts accrued for state and other income taxes which have been concurrently charged to the appropriate income or other authorized accounts. Credits to this account that are based upon estimates shall be adjusted during the year so that this account may show, as nearly as practicable, the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

761.5 Other taxes accrued.

(a) This account shall be credited with the accruals of all taxes, other than income taxes, which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted during the year so that this account may show, as nearly as practicable, the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

(b) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

NOTE.—Amounts for prepayments of taxes shall be included in account 711, "Prepayments."

762 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 714, "Deferred income tax debits."

763 Other current liabilities.

There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented fund debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not includible in the foregoing current liability accounts.

764 Equipment obligations and other long-term debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See NOTE B to Account 751, "Loans and notes payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt.

LONG-TERM DEBT DUE AFTER ONE YEAR

765 Funded debt unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (see NOTE B to account 751, "Loans and notes payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment obligations and other long-term debt due within one year.")

(b) The amounts included in this account shall be divided to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

(c) The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(1) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(2) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(3) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(4) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bond, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in accounts 782, "Other liabilities," and 766, "Equipment obligations," respectively.

(5) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for such payments, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

(d) Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

(e) Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under provisions of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of such provisions of the Act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A.—Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 757, "Payables to affiliated companies," 769, "Accounts payable; Affiliated companies," or 751, "Loans and notes payable," as appropriate, except that where an issue of securities maturing serially over a period of years contains short-term obligations such obli-

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gations may be included as funded debt. Mature funded debt shall be included in account 763, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Accounts payable; Affiliated companies."

NOTE B.—See Definitions 2, actually issued 3, actually outstanding, 13, nominally issued and 14, nominally outstanding.

NOTE C.—Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Accounts payable; Affiliated companies."

NOTE D.—Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance sheet statement the total unmatured funded debt included in this account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

766 Equipment obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (see account 764, "Equipment obligations and other long-term debt due within one year"); for explanation of long-term refinancing, see Note B to account 751, "Loans and notes payable."

(b) The amounts included herein shall be divided as follows:

(1) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under provisions of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of such provisions of the Act.

(2) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

767 Receivers' and trustees' securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE.—The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

768 Debt in default.

This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A.—The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Accounts payable; Affiliated companies."

NOTE B.—The principal amount unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 763, "Other current liabilities."

769 Accounts payable; affiliated companies.

This account shall include the par value of nonnegotiable notes issued to affiliated companies; also matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced; credit balances in open accounts with such companies other than credit balances classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements. The amounts included herein shall be divided as follows:

(a) Notes, including not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE A.—Accounts with affiliated companies which are subject to current settlement shall be classed as current assets or current liabilities, as appropriate.

NOTE B.—No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C.—The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement. (See Definition 4.)

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (See Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

770.1 Unamortized debt discount.

This account shall include the total of the net debit balances representing the excess of the discount over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained for each issue of such obligations. (See instruction 5–3.)

NOTE A.—Issue costs related to long-term debt (debt expense) shall be included in account 743, "Other deferred debits." (See instruction 5–3.)

NOTE B.—When long-term obligations are refinanced the balance of debt discount and expense pertaining to the old obligations shall be transferred to account 551, "Miscellaneous income charges."

770.2 Unamortized premium on debt.

This account shall include the total of all credit balances representing the excess of the premium over the discount and expenses in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained for each issue of obligations. (See instruction 5–3.)

OTHER LONG-TERM LIABILITIES

771 Accrued liability; pension and welfare.

(a) This account shall include the credit balances accrued representing the estimated liability of the carrier for amounts provided by charges to operating expenses, including amounts contributed by employees, irrespective of whether carried in special funds or in general funds of the carrier, for pensions accident and death benefits, savings, relief, hospital, or other provident purposes.

(b) The carrier may use the "full accrual basis" to account for pension costs upon prior approval of the Commission. Full accrual basis as used herein means recording in the accounts now and hereafter costs of employees pensions accrued, including credits for past services, upon the basis of actuarial computations, even though the sum has not been funded by payment to the trustees. Applications for such accounting shall show the method of computation, together with the carrier's proposal for recording in the accounts the related income tax credits to be realized in subsequent years.

(c) This account shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which liability was provided.

(d) Separate subaccounts shall be maintained to show the amount provided for each liability and the nature of and amounts of debits and credits to the subaccounts.

772 Accrued liability; leased property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the accrued liability on leased road and equipment when settlement between the accounting carrier and the lessor is not made currently. The amounts recorded shall include unsettled rent, based on depreciation or other factors, and liability for property retired.

(b) This account shall be divided to show the liability to (1) affiliated companies (See Definition 4), and (2) others.

774 Accrued liability; casualty and other claims.

(a) This account shall be credited with the amounts charged to operating expense to provide for estimated liabilities for claims for deaths of or injuries to employees and others, and for damages to property not owned or held under lease by the carrier; for claims for loss, destruction, damage, or delays to property entrusted to the carrier for transportation or storage; for revenue overcharges, such as those covered by reparation claims; and for similar items. No credits shall be made to this account for amounts recoverable from insurance companies or others.

(b) Separate subaccounts shall be maintained to show the amount provided for each liability and the nature of and amounts of debits and credits to the subaccounts.

(c) If settlements for claims when audited are charged to this account, the balances for each year shall be kept separately until all items have been adjusted and cleared. If the settlements when audited are charged to the appropriate expense accounts, the balance in this account shall be adjusted through the expense accounts so as to reflect the probable liability at the close of each accounting period for claims which have been or may be filed for actual occurrences.

(d) Estimates of amounts payable within one year covering liability for claims shall be transferred from this account to account 759, "Accrued accounts payable."

775 Other accrued liabilities.

(a) This account shall be credited with the amounts accrued for estimated liabilities or losses provided by charges to operating expense or income accounts which are not provided for in any of the preceding accrued liability accounts.

(b) Separate subaccounts shall be maintained to show the amount provided for each liability and the nature of and amounts of debits and credits to the subaccounts.

(c) Upon accomplishment of the purpose for which each accrued liability was provided in this account, any remaining balance in the applicable subaccount shall be cleared to the appropriate operating expense or other account. Prior Commission approval shall be required for clearance of balances in accrued liability subaccounts which were originally established by authority of the Commission.

(d) Estimates of amounts payable within one year covering any liability included in this account shall be transferred to account 759, "Accrued accounts payable."

781 Interest in default.

This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited to this account.

NOTE.—Interest matured and unpaid on debt to affiliated companies, if not subject to current settlement, shall be included in amount 769, "Accounts payable; Affiliated companies."

782 Other liabilities.

This account shall include assessments for public improvements; retained amounts due governmental agencies for construction work; percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks and similar liabilities not payable within one year; This account shall also include other deferred and noncurrent liabilities not otherwise provided for in general balance sheet accounts. Assessments for public improvements and amounts due governmental agencies and others for payments to be made within one year, shall be included in account 763, "Other current liabilities," or other appropriate current liability account.

DEFERRED CREDITS

784 Other deferred credits.

(a) This account shall include the amount of credit balances in suspense accounts that cannot be disposed of until services are performed or additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds, amounts collected from the sale of damaged, unclaimed, and over freight held pending final disposition; unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

786 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 557, "Provision for deferred taxes," and account 591, "Provision for deferred taxes—extraordinary items," representing the net tax effect of material timing differences (see Definitions 20 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1–10).

(c) This account shall be concurrently debited with amounts credited to account 557, "Provision for deferred taxes," representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current year's net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A.—The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in accounts 714, "Deferred Income Tax Debits," or 782, "Deferred Income Tax Credits," as appropriate.

NOTE B.—This account shall include a net credit balance only. A net debit balance shall be recorded in account 744, "Accumulated Deferred Income Tax Debits."

SHAREHOLDERS' EQUITY

791 Capital stock.

(a) This account shall include the par value of stocks with par value; the stated value of no par stock having a stated value; and the cash value of the consideration received or the amount approved by the Commission for no par stocks without stated value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued.

(b) This account also shall include amounts transferred from retained earnings for no par stock without stated value when approved by the Commission.

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(c) The amount of the consideration received from the sale of par value stock and no par stock having a stated value in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock."

(d) When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock without stated value, the amount to be charged shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

(e) The amounts included in this account shall be recorded so as to show (1) par value of shares of par value stock; the stated value of shares of no par stock, and the amount paid in or approved by the Commission for no par stock without stated value, (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and (2) par value of shares of par value stock, the stated value of shares of no par stock, and the amount paid in or approved by the Commission for shares of no par stock without stated value, issued and actually outstanding, being the shares not held by the company, its agents, or trustees, or subject to its control.

(f) The amounts recorded shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock*. Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock*. Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock*. Stock issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid*. Receipts for payments on account of subscriptions to capital stock.

(g) When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value, the stated value of no par stock, or the agreed purchase price or the price authorized by the Commission for no par stock without stated value, as appropriate, shall be included in the division for the class for which the certificates are issued.

(h) Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A.—When a general levy or assessment is made against the holders of capital stock requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B.—When no par stock without stated value is issued in exchange for par stock, or no par stock with stated value, amounts included in Account 794, "Premiums and assessments on capital stock," for the retired stock, shall be transferred to this account, and any amounts included in the discount account for the retired stock shall be charged to account 795, "Other capital"; Provided, however, That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in account 795 shall be charged to account 616, "Other debits to retained earnings."

NOTE C.—An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D.—See Definitions 2, actually issued; 3, actually outstanding; 13, nominally issued; and 14, nominally outstanding.

792 Liability for conversion of capital stock.

This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

793 Discount on capital stock.

This account shall include the excess of the par or stated value recorded in account 791, "Capital stock," (at the time of original sale of par value stock and no par stock with a stated value) plus accrued dividends, if any, over the cash value of the consideration received.

794 Premiums and assessments on capital stock.

(a) This account shall include the excess of the actual cash value of the consideration received (at the time of original sale of par value stock and no par stock with a stated value) over the par or stated value of the stock issued, plus accrued dividends, if any, and subsequent assessments against stockholders representing payments required in excess of par or stated value.

(b) Separate subdivisions shall be maintained for premiums and for assessments on each class and series of stock.

(c) When capital stock is retired and canceled, this account shall be charged with the amount of assessments and premiums originally recorded for the shares of stock retired and canceled.

795 Other Capital.

(a) This account shall include all other capital not classified as retained earnings. It shall include such items as the amount of consent dividends on the accounting company's capital stock; capital arising from donations by stockholders of capital stock of the company or other contribution to capital; amounts representing reduction of the par or recorded value of the accounting company's capital stock, including reductions arising in merger of a railroad and pooling of interest (see instruction 2–15(d)); capital from reorganization of the company (see instruction 2–16); and amounts of forfeited subscriptions to the accounting company's capital stock. This account shall also include gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and forgiveness by stockholders as a contribution to capital of long-term debt owed to them.

(b) This account shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein for such stock.

(c) This account shall be subdivided to show each source of other capital.

797 Retained earnings; appropriated.

This account shall include the accumulated amount of retained earnings which has been appropriated and set aside according to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations for general contingencies, possible future losses (not in the category of liabilities actually incurred), and other corporate purposes. This account shall be subdivided by classes of appropriations showing the purpose for which each appropriation is made.

798 Retained earnings; unappropriated.

(a) This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive. It shall not include transfers either to or from account 795, "Other capital," unless authorized upon application to the Commission.

(b) Any balance representing retained earnings not segregated at the date of the balance sheet shall be included in a subdivision of this account.

(c) The balance of accounts 401 to 623, inclusive, shall be closed into this account at the end of each calendar year.

798.1 Net unrealized loss on noncurrent marketable securities.

This account shall include the accumulated changes in account 724 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

798.5 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor canceled, nor properly includable in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE.—The accounting for the reacquisition and resale of capital stock shall be in accordance with instruction 5–4, paragraphs (e) through (g).

FORM OF GENERAL BALANCE SHEET STATEMENT

The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Temporary cash investments.
- 703. Special deposits.
- 704. Loans and notes receivable.
- 705. Accounts receivable; Interline and other balances.
- 706. Accounts receivable; Customers.
- 707. Accounts receivable; Other.
- 708. Interest and dividends receivable.
- 708.5. Receivables from affiliated companies.
- 709. Accrued accounts receivable.
- 709.5. Allowance for uncollectible accounts.
  - Net receivables.
- 710. Working funds.
- 711. Prepayments.
- 712. Material and supplies.
- 713. Other current assets.
- 714. Deferred income tax debits.
  - Total current assets.

Special funds:
- 715. Sinking funds.
- 716. Capital funds.
- 717. Other funds.
  - Total special funds.

Investments:
- 721. Investments and advances; Affiliated compaies.
  - Undistributed earnings from certain investments in account 751.
- 721.5. Adjustments; Investments and advances—Affiliated companies.
  - Net—investments and advances—affiliated companies.
- 722. Other investments and advances.
- 723. Adjustments; Other investments and advances.
- 724. Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.
  - Net—other investments and advances.
  - Total investments.

Tangible property:
- 731. Road and equipment property.
- 735. Accumulated depreciation; Road and equipment property.
- 736. Accumulated amortization; Road and equipment property—Defense projects.
  - Net road and equipment property.
- 732. Improvements on leased property.
- 733. Accumulated depreciation; Improvements on leased property.
- 734. Accumulated amortization; Improvements on leased property—Defense projects.
  - Net improvements on leased property.
  - Total carrier property.
- 737. Property used in other than carrier operations.
- 738. Accumulated depreciation; Property used in other than carrier operations.
  - Net—property used in other than carrier operations.
  - Total tangible property.

Intangible property:
- 739. Organization expenses.

Other assets and deferred debits.
- 741. Other assets.
- 743. Other deferred debits.
- 744. Accumulated deferred income tax debits.
  - Total other assets and deferred debits.
  - Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 751. Loans and notes payable.
- 752. Accounts payable; Interline and other balances.
- 753. Audited accounts and wages payable.
- 754. Accounts payable; Other.
- 755. Interest payable.
- 756. Dividends payable.
- 757. Payables to affiliated companies.
- 759. Accrued accounts payable.
- 760. Federal income taxes accrued.
- 761. State and other income taxes accrued.
- 761.5 Other taxes accrued.
- 762. Deferred income tax credits.
- 763. Other current liabilities.
- 764. Equipment obligations and other long-term debt due within one year.
  - Total current liabilities.

Long-term debt due after one year: [1]
- 765. Funded debt unmatured.
- 766. Equipment obligations.
- 767. Receivers' and trustees' securities.
- 768. Debt in default.
- 769. Accounts payable; Affiliated companies.
- 770.1 Unamortized debt discount.
- 770.2 Unamortized premium on debt.
  - Total long-term debt due after one year.

Other long-term liabilities:
- 771. Accrued liability; Pension and welfare.
- 772. Accrued liability; Leased property.
- 774. Accrued liability; Casualty and other claims.
- 775. Other accrued liabilities.
- 781. Interest in default.
- 782. Other liabilities.
  - Total other long-term liabilities.

Deferred credits:
- 784. Other deferred credits.
- 786. Accumulated deferred income tax credits.
  - Total deferred credits.

Shareholders' equity:

Capital stock:
- 791. Capital stock.
- 792. Liability for conversion of capital stock.
- 793. Discount on capital stock.
  - Total capital stock.

Additional capital:
- 794. Premiums and assessments on capital stock.
- 795. Other capital.
  - Total additional capital.

Retained earnings:
- 797. Retained earnings; Appropriated.
- 798. Retained earnings; Unappropriated.
- 798.1 Net unrealized loss on noncurrent marketable equity securities.
  - Total retained earnings.
- 798.5 Treasury stock.
  - Total shareholders' equity.
  - Total liabilities and shareholders' equity.

[1] To be divided as to "Total issued" and "Held by or for company."

CONVERSION TABLES

Operating Expense Accounts.
Transportation Operating Revenue Accounts.
Income Accounts.
Retained Income Accounts.
General Balance Sheet Accounts.
Operating Expense Accounts—Class II Railroads.

Operating expense accounts—conversion table

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978				
Account title	No.	Account No.[1]				
MAINTENANCE OF ROADWAY AND STRUCTURES						
Superintendence	201	11-13-02	21-13-02		41-13-02	61-13-02
		11-13-03	21-13-03		41-13-03	61-13-03
		11-13-04	21-13-04		41-13-04	61-13-04
		11-13-05	21-13-05		41-13-05	61-13-05
		11-13-06	21-13-06		41-13-06	61-13-06
Roadway maintenance	202	11-11-10	21-11-10	39/40-11-10	41-11-10	61-11-10
		11-12-10	21-12-10	39/40-12-10	41-12-10	61-12-10
		11-11-48	21-11-48	39/40-11-48	41-11-48	61-11-48
		11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
Tunnels and subways	206	11-11-11	21-11-11	39/40-11-11	41-11-11	61-11-11
		11-12-11	21-12-11	39/40-12-11	41-12-11	61-12-11
		11-11-48	21-11-48	39/40-11-48	41-12-48	61-12-48
		11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
Bridges, trestles and culverts	208	11-11-12	21-11-12	39/40-11-12	41-11-12	61-11-12
		11-12-12	21-12-12	39/40-12-12	41-12-12	61-12-12
		11-11-48	21-11-48	39/40-11-48	41-11-48	61-11-48
		11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
Elevated structures	210	11-11-12	21-11-12	39/40-11-12	41-11-12	61-11-12
		11-12-12	21-12-12	39/40-12-12	41-12-12	61-12-12
		11-11-48	21-11-48	39/40-11-48	41-11-48	61-11-48
		11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
Ties	212		21-11-13			
			21-12-13			
			21-11-48			
			21-12-48			
Rails	214		21-11-14			
			21-12-14			
			21-11-48			
			21-12-48			
Other track material	216		21-11-15			
			21-12-15			
			21-11-48			
			21-12-48			
Ballast	218		21-11-16			
			21-12-16			
			21-11-48			
			21-12-48			

[1] Freight account activity/subactivity numbers are shown except when old accounts are exclusively passenger expenses. Passenger and common activity/subactivity numbers shall be used where appropriate.

System of accounts effective prior to Jan. 1, 1978	System of accounts effective Jan. 1, 1978	
Account title	No.	Account No.[1]

System of accounts effective prior to Jan. 1, 1978	System of accounts effective Jan. 1, 1978	
Account title	No.	Account No.[1]

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978				
Account title	No.	Account No.[1]				
Track laying and surfacing	220	11-11-17	21-11-17	39/40-11-17	41-11-17	61-11-17
		11-12-17	21-12-17	39/40-12-17	41-12-17	61-12-17
		11-11-48	21-11-48	39/40-11-48	41-11-48	61-11-48
		11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
Fences, snowsheds and signs	221	11-13-28	21-13-28	39/40-13-28	41-13-28	61-13-28
Station and office buildings	227	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-23	21-13-23	39/40-13-23	41-13-23	61-13-23
		11-13-33	21-13-33	39/40-13-33	41-13-33	61-13-33
		11-13-35	21-13-35	39/40-13-35	41-13-35	61-13-35
Roadway buildings	229	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-28	21-13-28	39/40-13-28	41-13-28	61-13-28
Water stations	231	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Fuel stations	233	11-13-27	21-13-27	39/40-13-27	41-13-27	61-13-27
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Shops and enginehouses	235	11-13-27	21-13-27	39/40-13-27	41-13-27	61-13-27
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-24	21-13-24	39/40-13-24	41-13-24	61-13-24
		11-13-25	21-13-25	39/40-13-25	41-13-25	61-13-25
		11-13-26	21-13-26	39/40-13-26	41-13-26	61-13-26
Grain elevators	237	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-35	21-13-35	39/40-13-35	41-13-35	61-13-35
Storage warehouses	239	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-28	21-13-28	39/40-13-28	41-13-28	61-13-28
Wharves and docks	241	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-32	21-13-32	39/40-13-32	41-13-32	61-13-32
Coal and ore wharves	243	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-29	21-13-29	39/40-13-29	41-13-29	61-13-29
		11-13-30	21-13-30	39/40-13-30	41-13-30	61-13-30
TOFC/COFC terminals	244	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-31	21-13-31	39/40-13-31	41-13-31	61-13-31
Communication systems	247	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-13-20	21-13-20	39/40-13-20	41-13-20	61-13-20
Signals and interlockers	249	11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
		11-11-19	21-11-19	39/40-11-19	41-11-19	61-11-19
		11-12-19	21-12-19	39/40-12-19	41-12-19	61-12-19
		11-11-48	21-11-48	39/40-11-48	41-11-48	61-11-48
Power plants	253	11-12-48	21-12-48	39/40-12-48	41-12-48	61-12-48
		11-13-21	21-13-21	39/40-13-21	41-13-21	61-13-21
		11-13-24	21-13-24	39/40-13-24	41-13-24	61-13-24
		11-13-25	21-13-25	39/40-13-25	41-13-25	61-13-25
		11-13-26	21-13-26	39/40-13-26	41-13-26	61-13-26
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Power transmission systems	257	11-13-21	21-13-21	39/40-13-21	41-13-21	61-13-21
		11-13-24	21-13-24	39/40-13-24	41-13-24	61-13-24
		11-13-25	31-13-25	39/40-13-25	41-13-25	61-13-25
		11-13-26	21-13-26	39/40-13-26	41-13-26	61-13-26
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Miscellaneous structures	265	11-13-28	21-13-28	39/40-13-28	41-13-28	61-13-28
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Roadway property; depreciation	226					62-11-00
						62-12-00
Retirements; road	267					62-13-00
						61-11-xx
						61-12-xx
Roadway machines	269	11-13-36	21-13-36	39/40-13-36	41-13-36	61-13-36
		11-13-48	21-13-48	39/40-13-48	41-13-48	61-13-48
Dismantling retired road property	270	11-11-39	21-11-39		41-11-39	61-11-39
		11-12-39	21-12-39		41-12-39	61-12-39
		11-13-39	21-13-39		41-13-39	61-13-39
Small tools and supplies	271	11-13-37	21-13-37	39/40-13-37	41-13-37	61-13-37
Removing snow, ice and sand	272	11-13-38	21-13-38	39/40-13-38	41-13-38	61-13-38
Public improvements; maintenance	273	11-11-22	21-11-22	39/40-11-22	41-11-22	61-11-22
Injuries to persons	274	11-12-22	21-12-22	39/40-12-22	41-12-22	61-12-22
						52-11-00
						52-12-00
Insurance	275					52-13-00
						53-11-00
						53-12-00
						53-13-00
Stationery and printing	276		[2]21-11-xx		[2]41-11-xx	
			21-12-xx		41-12-xx	
			21-13-xx		41-13-xx	
Employees health and welfare benefits	277	12-11-00				
		12-12-00				
		12-13-00				
Maintaining joint tracks, yards and other facilities—Dr.	278			37-11-00		
				37-12-00		
				37-13-00		
Maintaining joint tracks, yards and other facilities—Cr.	279			38-11-00		
				38-12-00		
				38-13-00		
Right-of-way expenses	281	11-11-99	21-11-99		41-11-99	61-11-99
		11-12-99	21-12-99		41-12-99	61-12-99
		11-13-99	21-13-99		41-13-99	61-13-99
Other expenses	282	11-11-99	21-11-99		41-11-99	61-11-99
		11-12-99	21-12-99		41-12-99	61-12-99
		11-13-99	21-13-99		41-13-99	61-13-99
MAINTENANCE OF EQUIPMENT						
Superintendence	301	11-21-01	21-21-01		41-21-01	61-21-01
		11-22-01	21-22-01		41-22-01	61-22-01
Shop machinery	302	11-23-01	21-23-01		41-23-01	61-23-01
		11-21-40	21-21-40	39/40-21-40	41-21-40	61-21-40
		11-22-40	21-22-40	39/40-22-40	41-22-40	61-22-40
Power plant machinery	304	11-23-40	21-22-40	39/40-23-40	41-23-40	61-23-40
		11-13-21	21-13-21	39/40-13-21	41-13-21	61-13-21
Shop and power plant machinery; depreciation	305	11-13-28	21-13-28	39/40-13-28	41-13-28	61-13-28
						62-21-00
						62-22-00
						62-23-00

[1]Account numbers with the last 2 digits "xx" indicates that the account is subdivided by applicable functions. See account texts for appropriate function assignment.

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978				
Account title	No.	Account No.[1]				
Dismantling retired shop and power plant machinery	306	11-21-39	21-21-39		41-21-39	61-21-39
		11-22-39	21-22-39		41-22-39	61-22-39
		11-23-39	21-23-39		41-23-39	61-23-39
Locomotive repairs	311	11-21-41	21-21-41	39/40-21-41	41-21-41	61-21-41
		11-21-48	21-21-48	39/40-21-48	41-21-48	61-21-48
Freight-train cars; repairs	314	11-22-42	21-22-42	39/40-22-42	41-22-42	61-22-42
		11-22-48	21-22-48	39/40-22-48	41-22-48	61-22-48
		11-31-62	21-31-62		41-31-62	61-31-62
Passenger-train cars; repairs	317	11-25-45	21-25-45	39/40-25-45	41-25-45	61-25-45
		11-25-48	21-25-48	39/40-25-48	41-25-48	61-25-48
Highway revenue equipment; repairs	318	11-23-43	21-23-43	39/40-23-43	41-23-43	61-23-43
		11-23-48	21-23-48	39/40-23-48	41-23-48	61-23-48
Floating equipment; repairs	323	11-23-44	21-23-44	39/40-23-44	41-23-44	61-23-44
		11-25-48	21-23-48	39/40-23-48	41-23-48	61-23-48
Work equipment; repairs	326	11-23-47	21-23-47	39/40-23-47	41-23-47	61-23-47
		11-23-48	21-23-48	39/40-23-48	41-23-48	61-23-48
Miscellaneous equipment; repairs	328	11-23-47	21-23-47	39/40-23-47	41-23-47	61-23-47
		11-23-48	21-23-48	39/40-23-48	41-23-48	61-23-48
Dismantling retired equipment	329	11-21-39	21-21-39		41-21-39	61-21-39
		11-22-39	21-22-39		41-22-39	61-22-39
		11-23-39	21-23-39		41-23-39	61-23-39
Retirements; equipment	330					61-29-99
						61-22-99
						61-23-99
Equipment; depreciation	331					62-21-00
						62-22-00
						62-23-00
Injuries to persons	332					52-21-00
						52-22-00
Insurance	333					52-23-00
						53-21-00
						53-22-00
						53-23-00
Stationery and printing	334		[2]21-21-xx		[2]41-21-xx	
			21-22-xx		41-22-xx	
			21-23-xx		41-23-xx	
Employees health and welfare benefits	335	12-21-00				
		12-22-00				
		12-23-00				
Joint maintenance of equipment expenses—Dr.	336			37-21-00		
				37-22-00		
				37-23-00		
Joint maintenance of equipment expenses—Cr.				38-21-00		
				38-22-00		
				38-23-00		
Other expenses	339	11-21-99	21-21-99		41-21-99	61-21-99
		11-22-99	21-22-99		41-22-99	61-22-99
		11-23-99	21-23-99		41-23-99	61-23-99
Various		11-23-46	21-23-46	39/40-23-46	41-23-46	61-23-46
TRAFFIC EXPENSE ACCOUNT						
Superintendence	351	11-61-01	21-61-01		41-61-01	61-61-01
Outside agencies	352	11-61-88	21-61-88		41-61-88	61-61-88
		11-61-89	21-61-89		41-61-89	61-61-89
Advertising	353	11-61-93	21-61-93		41-61-93	61-61-93
Traffic associations	354	11-61-93	21-61-93		41-61-93	61-61-93
Fast freight lines	355	11-61-99	21-61-99		41-61-99	61-61-99
Industrial and immigration bureaus	356	11-61-90	21-61-90		41-61-90	61-61-90
Insurance	357					53-61-00
Stationery and printing	358		[2]21-61-xx		[2]41-61-xx	
Employees health and welfare benefits	359	12-61-00				
Other expenses	360	11-61-99	21-61-99		41-61-99	61-61-99
TRANSPORTATION EXPENSE ACCOUNTS						
Superintendence	371	11-31-01	21-31-01		41-31-01	61-31-01
		11-32-01	21-32-01		41-32-01	61-32-01
		11-34-01	21-34-01		41-34-01	61-34-01
		11-35-01	21-35-01		41-35-01	61-35-01
Dispatching trains	372	11-31-58	21-31-58		41-31-58	61-31-58
Station employees	373	11-33-71				
		11-35-76				
		11-35-77				
Weighing, inspection and demurrage bureaus	374				41-31-99	
Coal and ore wharves	375	11-34-74	21-34-74		41-34-74	61-34-74
Station supplies and expenses	376		21-33-71		41-33-71	
			21-35-76		41-35-76	61-35-76
			21-35-77		41-35-77	61-35-77
Yardmasters and yard clerks	377	11-32-65				
		11-32-66				
Yard conductors and brakemen	378	11-32-64				
Yard switch and signal tenders	379	11-32-59				
Yard enginemen	380	11-32-64				
Yard switching fuel	382	11-32-67	21-32-67		41-32-67	61-32-67
Yard switching power produced	383	11-32-68	21-32-68		41-32-68	61-32-68
Yard switching power purchased	384				41-32-68	
Servicing yard locomotives	388	11-32-69	21-32-69		41-32-69	61-32-69
Yard supplies and expenses	389		21-32-59		41-32-59	61-32-59
			21-32-64		41-32-64	61-32-64
			21-32-65		41-32-65	61-32-65
			21-32-66		41-32-66	61-32-66
Operating joint yards and terminals—Dr.	390			37-32-00		
Operating joint yards and terminals—Cr.	391			38-32-00		
Train enginemen	392	11-31-56				
Train fuel	394	11-31-67	21-31-67		41-31-67	61-31-67
Train power produced	395	11-31-68	21-31-68		41-31-68	61-31-68
Train power purchased	396				41-31-68	
Servicing train locomotives	400	11-31-69	21-31-69		41-31-69	61-31-69
Trainmen	401	11-31-57				

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System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978							
Account title	No.	Account No.[1]							
Train supplies and expenses	402			21-31-56				41-31-56	61-31-56
				21-31-57				41-31-57	61-31-57
		11-31-62		21-31-62				41-31-62	61-31-62
		11-33-70		21-33-70				41-33-70	
		11-33-71		21-33-71				41-33-71	
		11-33-72		21-33-72				41-33-72	
		11-34-75		21-34-75				41-34-75	61-34-75
		11-31-99		21-31-99				41-31-99	61-31-99
Operating sleeping cars	403	11-41-01		21-41-01				41-41-01	61-41-01
		11-41-57		21-41-57				41-41-57	61-41-57
		11-45-76		21-45-76				41-45-76	61-45-76
		11-41-99		21-41-99				41-41-99	61-41-99
Signal and interlocker operation	404	11-31-59		21-31-59				41-31-59	61-31-59
Crossing protection	405	11-31-61		21-31-61				41-31-61	61-31-61
Drawbridge operations	406	11-31-60		21-31-60				41-31-60	61-31-60
Communication system operation	407	11-35-77		21-35-77				41-35-77	61-35-77
Operating floating equipment	408	11-34-01		21-34-01				41-34-01	61-34-01
		11-34-73		21-34-73				41-34-73	61-34-73
		11-34-74		21-34-74				41-34-74	61-34-74
Employees health and welfare benefits	409	12-31-00							
		12-32-00							
		12-33-00							
		12-34-00							
		12-35-00							
Stationery and printing	410			[2]21-31-xx				[2]41-31-xx	
				21-32-xx				41-32-xx	
				21-34-xx				41-34-xx	
				21-35-xx				41-35-xx	
Other expenses	411	11-31-99		21-31-99				41-31-99	61-31-99
		11-32-99		21-32-99				41-32-99	61-32-99
		11-34-99		21-34-99				41-34-99	61-34-99
		11-35-99		21-35-99				41-35-99	61-35-99
Operating joint tracks and facilities—Dr	412						37-31-00		
							37-32-00		
							37-34-00		
							37-35-00		
Operating joint tracks and facilities—Cr	413						38-31-00		
							38-32-00		
							38-34-00		
							38-35-00		
Insurance	414								53-31-00
									53-32-00
									53-34-00
									53-35-00
Clearing wrecks	415	11-31-63		21-31-63				41-31-63	61-31-63
Damage to property	416	11-32-63		21-32-63				41-32-63	61-32-63
									52-31-00
									52-32-00
									52-34-00
Damage to livestock on right-of-way	417								52-35-00
Loss and damage: Freight	418								52-31-00
									51-31-00
									51-32-00
									51-33-00
									51-34-00
Loss and damage: Baggage	419	11-35-78		21-35-78				41-35-78	61-35-78
									51-31-00
									51-32-00
									51-33-00
									51-34-00
Injuries to persons	420	11-35-78		21-35-78				41-35-78	61-35-78
									52-31-00
									52-32-00
									52-34-00
									52-35-00
TOFC/COFC terminals	421	11-35-78		21-35-78				41-35-78	61-35-78
		11-34-73		21-34-73				41-34-73	61-34-73
		11-34-74		21-34-74				41-34-74	61-34-74
		11-34-75		21-34-75				41-34-75	61-34-75
Other highway transportation	422	11-34-73		21-34-73				41-34-73	61-34-73
		11-34-74		21-34-74				41-34-74	61-34-74
		11-34-75		21-34-75				41-34-75	61-34-75
MISCELLANEOUS OPERATIONS EXPENSE									
Dining and buffet service	441	11-41-01		21-41-01				41-41-01	61-41-01
		11-41-57		21-41-57				41-41-57	61-41-57
		11-41-99		21-41-99				41-41-99	61-41-99
Hotels and restaurants	442	11-34-99		21-34-99				41-34-99	61-34-99
Grain elevators	443	11-34-01		21-34-01				41-34-01	61-34-01
		11-34-74		21-34-74				41-34-74	61-34-74
		11-34-75		21-34-75				41-34-75	61-34-75
Producing power sold	445	11-31-68		21-31-68				41-31-68	61-31-68
		11-32-68		21-32-68				41-32-68	61-32-68
Other miscellaneous operations	446	11-34-99		21-34-99				41-34-99	61-34-99
Operating joint miscellaneous facilities—Dr	447						37-34-00		
							37-35-00		
Operating joint miscellaneous facilities—Cr	448						38-34-00		
							38-35-00		
GENERAL OPERATING EXPENSES									
Salaries and expenses of general officers	451	11-61-01		21-61-01				41-61-01	61-61-01
Salaries and expenses of clerks and attendants	452	11-61-86		21-61-86				41-61-86	61-61-86
		11-61-87		21-61-87				41-61-87	61-61-87
		11-61-90		21-61-90				41-61-90	61-61-90
		11-61-91		21-61-91				41-61-91	61-61-91
		11-61-92		21-61-92				41-61-92	61-61-92
		11-61-94		21-61-94				41-61-94	61-61-94
General office supplies and expenses	453			21-61-01				41-61-01	61-61-01
Law expenses	454	11-61-92		21-61-92				41-61-92	61-61-92
Insurance	455								53-61-00
Employees health and welfare benefits	456	12-61-00							

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978							
Account title	No.	Account No.[1]							
Pensions	457	12-11-00							
		12-12-00							
		12-13-00							
		12-21-00							
		12-22-00							
		12-23-00							
		12-31-00							
		12-32-00							
		12-34-00							
		12-35-00							
		12-61-00							
Stationery and printing	458			[2]21-61-xx				[2]41-61-xx	
Other expenses	460	11-61-99		21-61-99				41-61-99	61-61-99
General joint facilities—Dr	461						37-61-00		
General joint facilities—Cr	462						38-61-00		
Various expenses		11-61-94		21-61-94				41-61-94	61-61-94

Transportation operating revenue accounts conversion table

Transportation revenue accounts

Transportation; rail line	100	100	Transportation; rail line.
Freight	101	101	Freight.
Passenger	102	102	Passenger.
Baggage	103	103	Passenger-related.
Sleeping car	104	103	Do.
Parlor and chair car	105	103	Do.
Other passenger-train	106	103	Do.
Milk	109	101	Freight.
Switching	110	104	Switching.
Water transfers	113	105	Water transfers.
Incidental	130	110	Incidental.
Dining and buffet	131	103	Passenger-related.
Hotel and restaurant	132	110	Incidental.
Station, train, and boat privileges	133	110	Do.
Storage; freight	135	110	Do.
Demurrage	137	106	Demurrage.
Communication	138	110	Incidental.
Grain elevator	139	110	Do.
Power	141	110	Do.
Rent of buildings and other property	142	110	Do.
Miscellaneous	143	110	Do.
Joint facility	150	120	Joint facility.
Joint facility—cr	151	121	Joint facility—cr.
Joint facility—dr	152	122	Joint facility—dr.

Income accounts conversion table

Income accounts

Railway operating revenues	501	501	Railway operating revenues.
Revenues from miscellaneous operations	502	506	Revenues from property used in other than carrier operations.
Hire of freight cars and highway revenue freight equipment; credit balance.	503		32-22-00, 32-23-00, 36-22-00, and 36-23-00
Rent from locomotives	504		32-21-00, and 36-21-00.
Rent from passenger-train cars	505		32-25-00, and 36-25-00.
Rent from floating equipment	506		32-23-00, and 36-23-00.
Rent from work equipment	507		32-23-00, and 36-23-00.
Joint facility rent income	508		34-11-00, 34-12-00, 34-13-00, 34-21-00, 34-22-00, and 34-23-00.
Income from lease of road and equipment	509		32-11-00, 32-12-00, 32-13-00, 32-21-00, 32-22-00, and 32-23-00.
Miscellaneous rent income	510	510	Miscellaneous rent income.
Income from nonoperating property	511	502	Revenues from property used in other than carrier operations.
Separately operated properties; profit	512	512	Separately operated properties; profit.
Dividend income	513	513	Dividend income.
Interest income	514	514	Interest income.
Income from sinking and other reserve funds	516	516	Income from sinking and other reserve funds
Release of premiums on funded debt	517	517	Release of premiums on funded debt.
Miscellaneous income	519	519	Miscellaneous income.
Railway operating expenses	531	531	Railway operating expenses.
Railway tax accruals	532	535	Taxes on property used in other than carrier operations.
		556	Income taxes on ordinary income. 64-61-00. 65-61-00.
Provision for deferred taxes	533	557	Provision for deferred taxes.
Expenses of miscellaneous operations	534	534	Expenses of property used in other than carrier operations.
Taxes on miscellaneous operating property	535	535	Taxes on property used in other than carrier operations.
Hire of freight cars and highway revenue freight equipment—debit balance.	536		31-22-00, 35-22-00, 31-23-00, and 35-23-00.
Rent for locomotives	537		32-21-00, and 35-21-00.
Rent for passenger-train cars	538		31-25-00, and 35-25-00.
Rent for floating equipment	539		31-23-00, and 35-23-00.
Rent for work equipment	540		31-23-00, and 35-23-00.
Joint facility rents	541		33-11-00, 33-12-00, 33-13-00, 33-21-00, 33-22-00, and 33-23-00.
Rent for leased roads	542		31-11-00, 31-12-00, 31-13-00, 31-21-00, 31-22-00, and 31-23-00.
Miscellaneous rents	543	543	Miscellaneous rents.
Miscellaneous tax accruals	544	544	Miscellaneous taxes.
Separately operated properties; loss	545	545	Separately operated properties; loss.
Interest on funded debt	546	546	Interest on funded debt.
Interest on unfunded debt	547	547	Interest on unfunded debt.

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System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978	
Account title	No.	No.	Account title
Amortization of discount on funded debt	548	548	Amortization of discount on funded debt.
Maintenance of investment organization	549	549	Maintenance of investment organization.
Income transferred to other companies	550	550	Income transferred to other companies.
Miscellaneous income charges	551	551	Miscellaneous income charges.
		552	Uncollectible accounts.
Unusual or infrequent items (debit) credit	555	555	Unusual or infrequent items (debit) credit.
Income or loss from operations of discontinued segments.	560	560	Income or loss from operations of discontinued segments.
Gain or loss on disposal of discontinued segments	562	562	Gain or loss on disposal of discontinued segments.
Extraordinary items (net)	570	570	Extraordinary items (net).
Income taxes on extraordinary items	590	590	Income taxes on extraordinary items.
Provision for deferred taxes—extraordinary items	591	591	Provision for deferred taxes—extraordinary items.
Cumulative effect of changes in accounting principles.	592	592	Cumulative effect of changes in accounting principles.

Retained income accounts conversion table

Credit

Credit balance (at beginning of calendar year)	601	601	Credit balance (at beginning of calendar year).
Prior period adjustments to beginning retained income account.	601.5	601.5	Prior period adjustments to beginning retained earnings account.
Credit balance transferred from income	602	602	Credit balance transferred from income.
Other credits to retained income	606	606	Other credits to retained earnings.

Debit

Debit balance (at beginning of calendar year)	611	611	Debit balance (at beginning of calendar year).
Debit balance transferred from income	612	612	Debit balance transferred from income.
Other debits to retained income	616	616	Other debits to retained earnings.
Appropriations for sinking and other reserve funds	620	620	Appropriations for sinking and other funds.
Appropriations for other purposes	621	621	Appropriations for other purposes.
Appropriations released	622	623	Appropriations released.
Dividends	623	623	Dividends.

General balance sheet accounts conversion table

Cash	701	701	Cash.
Temporary cash investments	702	702	Temporary cash investments.
Special deposits	703	703	Special deposits.
Loans and notes receivable	704	704	Loans and notes receivable.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Traffic, car service and other balances—dr.	705	705	Accounts receivable; interline and other balances.
		709.5	Allowances for uncollectible accounts.
Net balance receivable from agents and conductors	706	706	Accounts receivable; customers.
Miscellaneous accounts receivable	707	707	Accounts receivable; other.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Interest and dividends receivable	708	708	Interest and dividends receivable.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Accrued accounts receivable	709	709	Accrued accounts receivable.
Working fund advances	710	710	Working funds.
Prepayments	711	711	Prepayments.
Material and supplies	712	712	Material and supplies.
Other current assets	713	713	Other current assets.
Deferred income tax charges	714	714	Deferred income tax debits.
Sinking funds	715	715	Sinking funds.
Capital and other reserve funds	716	716	Capital funds.
Insurance and other funds	717	717	Other funds.
Investments in affiliated companies	721	721	Investments and advances; affiliated companies.
Other investments	722	722	Other investments and advances.
Reserve for adjustment of investment in securities—cr.	723	721.5	Adjustments; investments and advances—affiliated companies.
		723	Adjustments; other investments and advances.
Road and equipment property	731	731	Road and equipment property.
Organization expenses	71	739	Organization expenses.
Improvements on leased property	732	732	Improvements on leased property.
Accrued depreciation; improvements on leased property.	733	733	Accumulated depreciation; improvements on leased property.
Accrued depreciation; road and equipment	735	735	Accumulated depreciation; road and equipment property.
Amortization of defense projects; road and equipment.	736		Accumulated amortization; road and equipment property—defense projects.
		734	Accumulated amortization; improvements on leased property—defense projects.
Miscellaneous physical property	737	737	Property used in other than carrier operations.
Accrued depreciation; miscellaneous physical property.	738	738	Accumulated depreciation; property used in other than carrier operations.
Other assets	741	741	Other assets.
Unamortized discount on long-term debt	770.1	770.1	Unamortized debt discount.
Other deferred charges	743	743	Other deferred debits.
Accumulated deferred income tax charges	744	744	Accumulated deferred income tax debits.

Liabilities

Loans and notes payable	751	751	Loans and notes payable.
		757	Payables to affiliated companies.
Traffic, car service and other balances—cr.	752	752	Accounts payable; interline and other balances.
Audited accounts and wages payable	753	753	Audited accounts and wages payable.
Miscellaneous accounts payable	754	754	Accounts payable; other.
		757	Payables to affiliated companies.
Interest matured unpaid	755	755	Interest payable.
		757	Payables to affiliated companies.
Dividends matured unpaid	756	756	Dividends payable.
		757	Payables to affiliated companies.

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978	
Account title	No.	No.	Account title
Unmatured interest accrued	757	755	Interest payable.
		757	Payables to affiliated companies.
Unmatured dividends declared	758	758	Dividends payable.
		757	Payables to affiliated companies.
Accrued accounts payable	759	759	Accrued accounts payable.
Federal income taxes accrued	760	760	Federal income taxes accrued.
Other taxes accrued	761	711	Prepayments.
		761	State and other income taxes accrued.
		761.5	Other taxes accrued.
Deferred income tax credits	762	762	Deferred income tax credits.
Other current liabilities	763	763	Other current liabilities.
Equipment obligations and other debt due within one year.	764	764	Equipment obligations and other long-term debt due within 1 year.
Funded debt unmatured	765	765	Funded debt unmatured.
Equipment obligations	766	766	Equipment obligations.
Receivers' and trustees' securities	767	767	Receivers' and trustees' securities.
Debt in default	768	768	Debt in default.
Amounts payable to affiliated companies	769	769	Accounts payable; affiliated companies.
Pension and welfare reserves	771	771	Accrued liability; pension and welfare.
Casualty and other reserves	774	774	Accrued liability; casualty and other claims.
		775	Other accrued liabilities.
Interest in default	781	781	Interest in default.
Other liabilities	782	782	Other liabilities.
Unamortized premium on long-term debt	790.2	770.2	Unamortized premium on debt.
Other deferred credits	784	784	Other deferred credits.
Accrued liability; leased property	785	772	Accrued liability; leased property.
Accumulated deferred income tax credits	786	786	Accumulated deferred income tax credits.

Shareholders' equity

Capital stock issued	791	791	Capital stock.
Stock liability for conversion	792	792	Liability for conversion of capital stock.
Discount on capital stock	793	793	Discount on capital stock.
Premiums and assessment on capital stock	794	794	Premiums and assessments on capital stock.
Paid-in surplus	795	795	Other capital.
Other capital surplus	796	795	Do.
Retained income; appropriated	797	797	Retained earnings; appropriated.
Retained income; unappropriated	798	798	Retained earnings; unappropriated.
Treasury stock	798.5	798.5	Treasury stock.

Operating expense accounts—class II railroads conversion table

Maintenance of way and structures

Superintendence	2201	201	Administration.
Roadway maintenance	2202	202	Repair and maintenance, roadway.
Maintaining structures	2203	203	Repair and maintenance, structures.
Retirements—road	2203½	207	Other expenses.
Dismantling retired road property	2204	207	Do.
Equalization—way and structures	2205		No longer used.
Depreciation	2208	208	Depreciation.
Other maintenance of way expenses	2209	206	Casualties and insurance.
		207	Other expenses.
Maintaining joint tracks, yards, and other facilities—dr.	2210	204	Joint facilities—dr.
Maintaining joint tracks, yards, and other facilities—cr.	2211	205	Joint facilities—cr.

Maintenance of equipment

Superintendence	2221	211	Administration.
Repairs to shop and powerplant machinery	2222	212	Repair and maintenance, machinery.
Shop and powerplant machinery—depreciation	2223	222	Depreciation.
Dismantling retired shop and powerplant machinery.	2224	221	Other expenses.
Locomotive repairs	2225	213	Repair and maintenance, locomotives.
Car and highway revenue equipment repairs	2226	214	Repair and maintenance, cars.
		215	Repair and maintenance, other equipment.
Other equipment repairs	2227	215	Do.
Dismantling retired equipment	2228	221	Other expenses.
Retirements—equipment	2229	221	Do.
Equalization—equipment	2231		No longer used.
Equipment—depreciation	2234	222	Depreciation.
Other equipment expenses	2235	220	Casualties and insurance.
		221	Other expenses.
Joint maintenance of equipment expenses—dr.	2236	218	Joint facilities—dr.
Joint maintenance of equipment expenses—cr.	2237	217	Joint facilities—cr.

Traffic

Traffic expenses	2240	271	Administration.
		272	Administrative operations.
		275	Casualties and insurance.
		276	Other expenses.

TRANSPORTATION—rail lines

Superintendence and dispatching	2241	231	Administration.
Station service	2242	232	Specialized services operations.
		253	Administrative support operations.
Yard employees	2243	242	Yard crews.
		244	Other yard expenses.
Yard switching fuel	2244	243	Yard fuel and power.

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978	
Account title	No.	No.	Account title
Amortization of discount on funded debt	548	548	Amortization of discount on funded debt.
Maintenance of investment organization	549	549	Maintenance of investment organization.
Income transferred to other companies	550	550	Income transferred to other companies.
Miscellaneous income charges	551	551	Miscellaneous income charges.
		552	Uncollectible accounts.
Unusual or infrequent items (debit) credit	555	555	Unusual or infrequent items (debit) credit.
Income or loss from operations of discontinued segments.	560	560	Income or loss from operations of discontinued segments.
Gain or loss on disposal of discontinued segments	562	562	Gain or loss on disposal of discontinued segments.
Extraordinary items (net)	570	570	Extraordinary items (net).
Income taxes on extraordinary items	590	590	Income taxes on extraordinary items.
Provision for deferred taxes—extraordinary items	591	591	Provision for deferred taxes—extraordinary items.
Cumulative effect of changes in accounting principles.	592	592	Cumulative effect of changes in accounting principles.

Retained income accounts conversion table

Credit

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Other credits to retained income	606	606	Other credits to retained earnings.

Debit

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Other debits to retained income	616	616	Other debits to retained earnings.
Appropriations for sinking and other reserve funds	620	620	Appropriations for sinking and other funds.
Appropriations for other purposes	621	621	Appropriations for other purposes.
Appropriations released	622	623	Appropriations released.
Dividends	623	623	Dividends.

General balance sheet accounts conversion table

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Loans and notes receivable	704	704	Loans and notes receivable.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Traffic, car service and other balances—dr.	705	705	Accounts receivable; interline and other balances.
		709.5	Allowances for uncollectible accounts.
Net balance receivable from agents and conductors	706	706	Accounts receivable; customers.
Miscellaneous accounts receivable	707	707	Accounts receivable; other.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Interest and dividends receivable	708	708	Interest and dividends receivable.
		708.5	Receivables from affiliated companies.
		709.5	Allowance for uncollectible accounts.
Accrued accounts receivable	709	709	Accrued accounts receivable.
Working fund advances	710	710	Working funds.
Prepayments	711	711	Prepayments.
Material and supplies	712	712	Material and supplies.
Other current assets	713	713	Other current assets.
Deferred income tax charges	714	714	Deferred income tax debits.
Sinking funds	715	715	Sinking funds.
Capital and other reserve funds	716	716	Capital funds.
Insurance and other funds	717	717	Other funds.
Investments in affiliated companies	721	721	Investments and advances; affiliated companies.
Other investments	722	722	Other investments and advances.
Reserve for adjustment of investment in securities—cr.	723	721.5	Adjustments; investments and advances—affiliated companies.
		723	Adjustments; other investments and advances.
Road and equipment property	731	731	Road and equipment property.
Organization expenses	71	739	Organization expenses.
Improvements on leased property	732	732	Improvements on leased property.
Accrued depreciation; improvements on leased property.	733	733	Accumulated depreciation; improvements on leased property.
Accrued depreciation; road and equipment	735	735	Accumulated depreciation; road and equipment property.
Amortization of defense projects; road and equipment.	736		Accumulated amortization; road and equipment property—defense projects.
		734	Accumulated amortization; improvements on leased property—defense projects.
Miscellaneous physical property	737	737	Property used in other than carrier operations.
Accrued depreciation; miscellaneous physical property.	738	738	Accumulated depreciation; property used in other than carrier operations.
Other assets	741	741	Other assets.
Unamortized discount on long-term debt	770.1	770.1	Unamortized debt discount.
Other deferred charges	743	743	Other deferred debits.
Accumulated deferred income tax charges	744	744	Accumulated deferred income tax debits.

Liabilities

Loans and notes payable	751	751	Loans and notes payable.
		757	Payables to affiliated companies.
Traffic, car service and other balances—cr.	752	752	Accounts payable; interline and other balances.
Audited accounts and wages payable	753	753	Audited accounts and wages payable.
Miscellaneous accounts payable	754	754	Accounts payable; other.
		757	Payables to affiliated companies.
Interest matured unpaid	755	755	Interest payable.
		757	Payables to affiliated companies.
Dividends matured unpaid	756	756	Dividends payable.
		757	Payables to affiliated companies.

Accounts for class II railroads		Accounts for class I railroads	
Account title	No.	No.	Account title
Unmatured interest accrued	757	755	Interest payable.
		757	Payables to affiliated companies.
Unmatured dividends declared	758	758	Dividends payable.
		757	Payables to affiliated companies.
Accrued accounts payable	759	759	Accrued accounts payable.
Federal income taxes accrued	760	760	Federal income taxes accrued.
Other taxes accrued	761	711	Prepayments.
		761	State and other income taxes accrued.
		761.5	Other taxes accrued.
Deferred income tax credits	762	762	Deferred income tax credits.
Other current liabilities	763	763	Other current liabilities.
Equipment obligations and other debt due within one year.	764	764	Equipment obligations and other long-term debt due within 1 year.
Funded debt unmatured	765	765	Funded debt unmatured.
Equipment obligations	766	766	Equipment obligations.
Receivers' and trustees' securities	767	767	Receivers' and trustees' securities.
Debt in default	768	768	Debt in default.
Amounts payable to affiliated companies	769	769	Accounts payable; affiliated companies.
Pension and welfare reserves	771	771	Accrued liability; pension and welfare.
Casualty and other reserves	774	774	Accrued liability; casualty and other claims.
		775	Other accrued liabilities.
Interest in default	781	781	Interest in default.
Other liabilities	782	782	Other liabilities.
Unamortized premium on long-term debt	790.2	770.2	Unamortized premium on debt.
Other deferred credits	784	784	Other deferred credits.
Accrued liability; leased property	785	772	Accrued liability; leased property.
Accumulated deferred income tax credits	786	786	Accumulated deferred income tax credits.

Shareholders' equity

Capital stock issued	791	791	Capital stock.
Stock liability for conversion	792	792	Liability for conversion of capital stock.
Discount on capital stock	793	793	Discount on capital stock.
Premiums and assessment on capital stock	794	794	Premiums and assessments on capital stock.
Paid-in surplus	795	795	Other capital.
Other capital surplus	796	795	Do.
Retained income; appropriated	797	797	Retained earnings; appropriated.
Retained income; unappropriated	798	798	Retained earnings; unappropriated.
Treasury stock	798.5	798.5	Treasury stock.

Operating expense accounts—class II railroads conversion table

Maintenance of way and structures

Superintendence	2201	201	Administration.
Roadway maintenance	2202	202	Repair and maintenance, roadway.
Maintaining structures	2203	203	Repair and maintenance, structures.
Retirements—road	2203½	207	Other expenses.
Dismantling retired road property	2204	207	Do.
Equalization—way and structures	2205		No longer used.
Depreciation	2208	208	Depreciation.
Other maintenance of way expenses	2209	206	Casualties and insurance.
		207	Other expenses.
Maintaining joint tracks, yards, and other facilities—dr.	2210	204	Joint facilities—dr.
Maintaining joint tracks, yards, and other facilities—cr.	2211	205	Joint facilities—cr.

Maintenance of equipment

Superintendence	2221	211	Administration.
Repairs to shop and powerplant machinery	2222	212	Repair and maintenance, machinery.
Shop and powerplant machinery—depreciation	2223	222	Depreciation.
Dismantling retired shop and powerplant machinery.	2224	221	Other expenses.
Locomotive repairs	2225	213	Repair and maintenance, locomotives.
Car and highway revenue equipment repairs	2226	214	Repair and maintenance, cars.
		215	Repair and maintenance, other equipment.
Other equipment repairs	2227	215	Do.
Dismantling retired equipment	2228	221	Other expenses.
Retirements—equipment	2229	221	Do.
Equalization—equipment	2231		No longer used.
Equipment—depreciation	2234	222	Depreciation.
Other equipment expenses	2235	220	Casualties and insurance.
		221	Other expenses.
Joint maintenance of equipment expenses—dr.	2236	218	Joint facilities—dr.
Joint maintenance of equipment expenses—cr.	2237	217	Joint facilities—cr.

Traffic

Traffic expenses	2240	271	Administration.
		272	Administrative operations.
		275	Casualties and insurance.
		276	Other expenses.

TRANSPORTATION—rail lines

Superintendence and dispatching	2241	231	Administration.
Station service	2242	232	Specialized services operations.
		253	Administrative support operations.
Yard employees	2243	242	Yard crews.
		244	Other yard expenses.
Yard switching fuel	2244	243	Yard fuel and power.

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System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978	
Account title	No.	No.	Account title
Miscellaneous yard expenses	2245	243	Do.
		244	Other yard expenses.
Operating joint yards and terminals—dr.	2246	245	Joint facilities—yard—dr.
Operating joint yards and terminals—cr.	2247	246	Joint facilities—yard—cr.
Train employees	2248	232	Road crews.
Train fuel	2249	233	Road fuel and power.
Other train expenses	2251	233	Do.
		234	Other road expenses.
Injuries to persons	2252	258	Casualties and insurance.
Loss and damage	2253	257	Loss and damage claims.
Other casualty expenses	2254	258	Casualties and insurance.
Other rail and highway transportation expenses	2255	234	Other road expenses.
Operating joint tracks and facilities—dr.	2256	235	Joint facilities—road—dr.
Operating joint tracks and facilities—cr.	2257	236	Joint facilities—road—cr.
Miscellaneous operations			
Miscellaneous operations	2258	252	Specialized services operations.
Operating joint miscellaneous facilities—dr.	2259	255	Joint facilities—other transportation—dr.
Operating joint miscellaneous facilities—cr.	2260	256	Joint facilities—other transportation—cr.
General			
Administration	2261	271	Administration.
		272	Administrative operations.
Insurance	2262	275	Casualties and insurance.
Other general expenses	2264	276	Other expenses.
General joint facilities—dr.	2265	273	Joint facilities—dr.
General joint facilities—cr.	2266	274	Joint facilities—cr.
Other			
Hire of freight cars and highway revenue freight equipment; credit balance.	503	219	Equipment rents—cr.
Rent from locomotives	504	219	Do.
Rent from passenger-train cars	505	219	Do.
Rent from floating equipment	506	219	Do.
Rent from work equipment	507	221	Other expenses.
Joint facility rent income	508	205	Way and structures—joint facilities—cr.
		217	Equipment—joint facilities—cr.
		235	Joint facilities—road—cr.
		245	Joint facilities—yard—cr.
		256	Joint facilities—other transportation—cr.
		274	General and administrative—joint facilities—cr.
Income from lease of road and equipment	509	207	Way and structures—other expenses.
		221	Equipment—other expenses.
Railway tax accruals	532	536	Income taxes on ordinary income.
		278	Property and other taxes.
Hire of freight cars and highway revenue freight equipment, debit balance.	536	218	Equipment rents—dr.
Rent for locomotives	537	218	Do.
Rent for passenger-train cars	538	218	Do.
Rent for floating equipment	539	218	Do.
Rent for work equipment	540	221	Other expenses.
Joint facility rents	541	204	Way and structures—joint facilities—dr.
		216	Equipment—joint facilities—dr.
		235	Joint facilities—road—dr.
		245	Joint facilities—yard—dr.
		255	Joint facilities—other transportation—dr.
Rent for leased roads and equipment	542	273	General and administrative—joint facilities—dr.
		207	Way and structures—other expenses.
		221	Equipment—other expenses.

CONDENSED CLASSIFICATION OF OPERATING EXPENSES FOR SMALL CARRIERS, CLASS II

Railway operating expense accounts for class II railroads

Accounts for class II railroads			Accounts for class I railroads
			Way and structure
201 Administration	Labor	11-13-xx	Salaries and wages—way and structures—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—way and structures—other.
	Other	41-13-xx	Other purchased services—way and structures—other.
		61-13-xx	Other expenses—way and structures—other.
		-xx=	Function codes: 02—Track. 03—Bridges and buildings. 04—Signals. 05—Communications. 06—Other.
202 Repair and maintenance, roadway.	Labor	11-11-xx 11-12-xx	Salaries and wages—way and structures—running/switching.
		-xx=	Function codes: 10—Roadway. 11—Tunnels and subways. 12—Bridges and culverts. 17—Track laying and surfacing. 19—Signals and interlockers. 22—Highway grade crossings. 48—Road property damaged.

Accounts for class II railroads			Accounts for class I railroads
	Material	21-11-xx 21-12-xx	Material, tools, supplies, fuels, lubricants—way and structures—running/switching.
		-xx=	Function codes: 10—Roadway. 11—Tunnels and subways. 12—Bridges and culverts. 13—Ties. 14—Rails. 15—Other track material. 16—Ballast. 17—Track laying and surfacing. 19—Signals and interlockers. 22—Highway grade crossings. 48—Road property damaged.
	Other	39-11-xx 39-12-xx	Repairs billed by others—Dr.—way and structures—running/switching.
		40-11-xx 40-12-xx	Repairs billed to others—Cr.—way and structures—running/switching.
		41-11-xx 41-12-xx	Other purchased services—way and structures—running/switching.
		-xx=	Function codes: 10—Roadway. 11—Tunnels and subways. 12—Bridges and culverts. 17—Track laying and surfacing. 19—Signals and interlockers. 22—Highway grade crossings. 48—Road property damaged.
		61-11-xx 61-12-xx	Other expenses—way and structures—running/switching.
		-xx=	Function codes: 10—Roadway. 11—Tunnels and subways. 12—Bridges and culverts. 17—Track laying and surfacing. 19—Signals and interlockers. 22—Highway grade crossings. 48—Road property damaged.
203 Repair and maintenance structures.	Labor	11-13-xx	Salaries and wages—way and structures—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—way and structures—other.
	Other	39-13-xx	Repairs billed by others—Dr.—way and structures—other.
		40-13-xx	Repairs billed to others—Cr.—way and structures—other
		41-13-xx	Other purchased services—way and structures—other.
		61-13-xx	Other expenses—way and structures—other.
		-xx=	Function codes: 20—Communication systems. 21—Electric power systems. 23—Station and office buildings. 24—Shop buildings—locomotives. 25—Shop buildings—freight cars. 26—Shop buildings—other equipment. 27—Locomotive servicing facilities. 28—Miscellaneous buildings and structures 29—Coal terminals. 30—Ore terminals. 31—TOFC/COFC terminals. 32—Other marine terminals. 33—Motor vehicle loading and distribution facilities. 35—Facilities for other specialized service operations. 36—Roadway machines. 37—Small tools and supplies. 38—Snow removal. 48—Road property damaged.
204 Joint facilities—Dr.	Labor	NA	
	Material	NA	
	Other	33-11-00 33-12-00 33-13-00	Joint facility rents—Dr.—way and structures—running/switching/other.
		37-11-00 37-12-00 37-13-00	Joint facility—Dr.—way and structures—running/switching/other.
205 Joint facilities—Cr.	Labor	NA	
	Material	NA	
	Other	34-11-00 34-12-00 34-13-00	Joint facility rents—Cr.—way and structures—running/switching/other.
		38-11-00 38-12-00 38-13-00	Joint facility—Cr.—way and structures—running/switching/other.
206 Casualties and insurance	Labor	NA	
	Material	NA	
	Other	52-11-00 52-12-00 52-13-00	Other casualties—way and structures—running/switching/other.
		53-11-00 53-12-00 53-13-00	Insurance—way and structures—running/switching/other.
207 Other expenses	Labor	11-11-xx 11-12-xx 11-13-xx	Salaries and wages—way and structures—running/switching/other.
	Material	21-11-xx 21-12-xx 21-13-xx	Material, tools, supplies, fuels, lubricants—way and structures—running/switching/other.
		12-11-00 12-12-00 12-13-00	Fringe benefits—way and structures—running/switching/other.
		31-11-00 31-12-00 31-13-00	Lease rentals—Dr.—way and structures—running/switching/other.
		32-11-00 32-12-00 32-13-00	Lease rentals—Cr.—way and structures—running/switching/other.

Accounts for class II railroads			Accounts for class I railroads
			Maintenance of equipment
211 Administration	Labor	11-13-xx	Salaries and wages—equipment—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—other.
	Other	41-13-xx	Other purchased services—equipment—other.
		61-13-xx	Other expenses—equipment—other.
		-xx=	Function codes: 01—Locomotive. 02—Freight cars. 03—Passenger cars. 04—Floating equipment. 05—Work equipment. 06—Other.
212 Repair and maintenance, locomotives.	Labor	11-11-xx 11-12-xx	Salaries and wages—equipment—running/switching.
		-xx=	Function codes: 10—Roadway. 11—Tunnels and subways. 12—Bridges and culverts. 17—Track laying and surfacing. 19—Signals and interlockers. 22—Highway grade crossings. 48—Road property damaged.
213 Repair and maintenance, freight cars.	Labor	11-13-xx	Salaries and wages—equipment—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—other.
	Other	39-13-xx	Repairs billed by others—Dr.—equipment—other.
		40-13-xx	Repairs billed to others—Cr.—equipment—other.
		41-13-xx	Other purchased services—equipment—other.
		61-13-xx	Other expenses—equipment—other.
		-xx=	Function codes: 20—Communication systems. 21—Electric power systems. 23—Station and office buildings. 24—Shop buildings—locomotives. 25—Shop buildings—freight cars. 26—Shop buildings—other equipment. 27—Locomotive servicing facilities. 28—Miscellaneous buildings and structures 29—Coal terminals. 30—Ore terminals. 31—TOFC/COFC terminals. 32—Other marine terminals. 33—Motor vehicle loading and distribution facilities. 35—Facilities for other specialized service operations. 36—Roadway machines. 37—Small tools and supplies. 38—Snow removal. 48—Road property damaged.
214 Repair and maintenance, passenger-train cars.	Labor	11-13-xx	Salaries and wages—equipment—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—other.
	Other	39-13-xx	Repairs billed by others—Dr.—equipment—other.
		40-13-xx	Repairs billed to others—Cr.—equipment—other.
		41-13-xx	Other purchased services—equipment—other.
		61-13-xx	Other expenses—equipment—other.
		-xx=	Function codes: 20—Communication systems. 21—Electric power systems. 23—Station and office buildings. 24—Shop buildings—locomotives. 25—Shop buildings—freight cars. 26—Shop buildings—other equipment. 27—Locomotive servicing facilities. 28—Miscellaneous buildings and structures 29—Coal terminals. 30—Ore terminals. 31—TOFC/COFC terminals. 32—Other marine terminals. 33—Motor vehicle loading and distribution facilities. 35—Facilities for other specialized service operations. 36—Roadway machines. 37—Small tools and supplies. 38—Snow removal. 48—Road property damaged.
215 Repair and maintenance, floating equipment.	Labor	11-13-xx	Salaries and wages—equipment—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—other.
	Other	39-13-xx	Repairs billed by others—Dr.—equipment—other.
		40-13-xx	Repairs billed to others—Cr.—equipment—other.
		41-13-xx	Other purchased services—equipment—other.
		61-13-xx	Other expenses—equipment—other.
		-xx=	Function codes: 20—Communication systems. 21—Electric power systems. 23—Station and office buildings. 24—Shop buildings—locomotives. 25—Shop buildings—freight cars. 26—Shop buildings—other equipment. 27—Locomotive servicing facilities. 28—Miscellaneous buildings and structures 29—Coal terminals. 30—Ore terminals. 31—TOFC/COFC terminals. 32—Other marine terminals. 33—Motor vehicle loading and distribution facilities. 35—Facilities for other specialized service operations. 36—Roadway machines. 37—Small tools and supplies. 38—Snow removal. 48—Road property damaged.
216 Repair and maintenance, work equipment.	Labor	11-13-xx	Salaries and wages—equipment—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—other.
	Other	39-13-xx	Repairs billed by others—Dr.—equipment—other.
		40-13-xx	Repairs billed to others—Cr.—equipment—other.
		41-13-xx	Other purchased services—equipment—other.
		61-13-xx	Other expenses—equipment—other.
		-xx=	Function codes: 20—Communication systems. 21—Electric power systems. 23—Station and office buildings. 24—Shop buildings—locomotives. 25—Shop buildings—freight cars. 26—Shop buildings—other equipment. 27—Locomotive servicing facilities. 28—Miscellaneous buildings and structures 29—Coal terminals. 30—Ore terminals. 31—TOFC/COFC terminals. 32—Other marine terminals. 33—Motor vehicle loading and distribution facilities. 35—Facilities for other specialized service operations. 36—Roadway machines. 37—Small tools and supplies. 38—Snow removal. 48—Road property damaged.
217 Joint facilities—Dr.	Labor	NA	
	Material	NA	
	Other	33-11-00 33-12-00 33-13-00	Joint facility rents—Dr.—equipment—running/switching/other.
		37-11-00 37-12-00 37-13-00	Joint facility—Dr.—equipment—running/switching/other.
218 Joint facilities—Cr.	Labor	NA	
	Material	NA	
	Other	34-11-00 34-12-00 34-13-00	Joint facility rents—Cr.—equipment—running/switching/other.
		38-11-00 38-12-00 38-13-00	Joint facility—Cr.—equipment—running/switching/other.
219 Casualties and insurance	Labor	NA	
	Material	NA	
	Other	52-11-00 52-12-00 52-13-00	Other casualties—equipment—running/switching/other.
		53-11-00 53-12-00 53-13-00	Insurance—equipment—running/switching/other.
220 Other expenses	Labor	11-11-xx 11-12-xx 11-13-xx	Salaries and wages—equipment—running/switching/other.
	Material	21-11-xx 21-12-xx 21-13-xx	Material, tools, supplies, fuels, lubricants—equipment—running/switching/other.
		12-11-00 12-12-00 12-13-00	Fringe benefits—equipment—running/switching/other.
		31-11-00 31-12-00 31-13-00	Lease rentals—Dr.—equipment—running/switching/other.
		32-11-00 32-12-00 32-13-00	Lease rentals—Cr.—equipment—running/switching/other.

Accounts for class II railroads			Accounts for class I railroads
			Transportation
221 Administration	Labor	11-13-xx	Salaries and wages—transportation—other.
	Material	21-13-xx	Material, tools, supplies, fuels, lubricants—transportation—other.
	Other	41-13-xx	Other purchased services—transportation—other.
		61-13-xx	Other expenses—transportation—other.
		-xx=	Function codes: 01—Dispatching trains. 02—Station employees. 03—Weighing, inspection and demurrage bureaus. 04—Coal and ore wharves, docks and pockets. 05—Communications systems. 06—Signals and interlockers. 07—Terminal facilities. 08—Fuel stations. 09—Operating joint facilities. 10—Other.
222 Train employees	Labor	11-11-xx 11-12-xx	Salaries and wages—transportation—running/switching.
		-xx=	Function codes: 01—Dispatching trains. 02—Station employees. 03—Weighing, inspection and demurrage bureaus. 04—Coal and ore wharves, docks and pockets. 05—Communications systems. 06—Signals and interlockers. 07—Terminal facilities. 08—Fuel stations. 09—Operating joint facilities. 10—Other.
223 Train fuel	Labor	NA	
	Material	21-11-xx 21-12-xx	Material, tools, supplies, fuels, lubricants—transportation—running/switching.
		-xx=	Function codes: 01—Diesel fuel. 02—Gasoline. 03—Coal. 04—Other.
224 Other train expenses	Labor	11-11-xx 11-12-xx	Salaries and wages—transportation—running/switching.
		-xx=	Function codes: 01—Dispatching trains. 02—Station employees. 03—Weighing, inspection and demurrage bureaus. 04—Coal and ore wharves, docks and pockets. 05—Communications systems. 06—Signals and interlockers. 07—Terminal facilities. 08—Fuel stations. 09—Operating joint facilities. 10—Other.
	Material	21-11-xx 21-12-xx	Material, tools, supplies, fuels, lubricants—transportation—running/switching.
		-xx=	Function codes: 01—Dispatching trains. 02—Station employees. 03—Weighing, inspection and demurrage bureaus. 04—Coal and ore wharves, docks and pockets. 05—Communications systems. 06—Signals and interlockers. 07—Terminal facilities. 08—Fuel stations. 09—Operating joint facilities. 10—Other.
	Other	61-11-xx 61-12-xx	Other expenses—transportation—running/switching.
		-xx=	Function codes: 01—Dispatching trains. 02—Station employees. 03—Weighing, inspection and demurrage bureaus. 04—Coal and ore wharves, docks and pockets. 05—Communications systems. 06—Signals and interlockers. 07—Terminal facilities. 08—Fuel stations. 09—Operating joint facilities. 10—Other.
225 Injuries to persons	Labor	NA	
	Material	NA	
	Other	52-11-00 52-12-00 52-13-00	Other casualties—transportation—running/switching/other.
		53-11-00 53-12-00 53-13-00	Insurance—transportation—running/switching/other.
226 Loss and damage	Labor	NA	
	Material	NA	
	Other	52-11-00 52-12-00 52-13-00	Other casualties—transportation—running/switching/other.
		53-11-00 53-12-00 53-13-00	Insurance—transportation—running/switching/other.
227 Other casualty expenses	Labor	NA	
	Material	NA	
	Other	52-11-00 52-12-00 52-13-00	Other casualties—transportation—running/switching/other.
		53-11-00 53-12-00 53-13-00	Insurance—transportation—running/switching/other.
228 Other rail and highway transportation expenses	Labor	11-11-xx 11-12-xx 11-13-xx	Salaries and wages—transportation—running/switching/other.
	Material	21-11-xx 21-12-xx 21-13-xx	Material, tools, supplies, fuels, lubricants—transportation—running/switching/other.
		12-11-00 12-12-00 12-13-00	Fringe benefits—transportation—running/switching/other.
		31-11-00 31-12-00 31-13-00	Lease rentals—Dr.—transportation—running/switching/other.
		32-11-00 32-12-00 32-13-00	Lease rentals—Cr.—transportation—running/switching/other.
229 Operating joint tracks and facilities—dr.	Labor	NA	
	Material	NA	
	Other	33-11-00 33-12-00 33-13-00	Joint facility rents—Dr.—transportation—running/switching/other.
		37-11-00 37-12-00 37-13-00	Joint facility—Dr.—transportation—running/switching/other.
230 Operating joint tracks and facilities—cr.	Labor	NA	
	Material	NA	
	Other	34-11-00 34-12-00 34-13-00	Joint facility rents—Cr.—transportation—running/switching/other.
		38-11-00 38-12-00 38-13-00	Joint facility—Cr.—transportation—running/switching/other.

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Accounts for class II railroads			Accounts for class I railroads
		35-11-00	Other rents—Dr.—way and structures—running/switching/
		35-12-00	other.
		35-13-00	
		36-11-00	Other rents—Cr.—way and structures—running/switching/other.
		36-12-00	
		36-13-00	
		41-11-xx	Other purchased services—way and structures—running/switch-
		41-12-xx	ing/other.
		41-13-xx	
		61-11-xx	Other expenses—way and structures—running/switching/other.
		61-12-xx	
		61-13-xx	
		-xx =	Function codes 39—Dismantling retired property. 99—Other.
208 Depreciation	Labor	NA	
	Material	NA	
	Other	62-11-00	Depreciation—way and structures—running/switching/other.
		62-12-00	
		63-13-00	
			EQUIPMENT
211 Administration	Labor	11-21-01	Salaries and wages—equipment—locomotives/freight cars/other
		11-22-01	equipment—administration.
		11-23-01	
	Material	21-21-01	Material, tools, supplies, fuels, lubricants—equipment—locomo-
		21-22-01	tives/freight cars/other equipment—administration.
		21-23-01	
	Other	41-21-01	Other purchased services—equipment—locomotives/freight cars/
		41-22-01	other equipment—administration.
		41-23-01	
		61-21-01	Other expenses—equipment—locomotives/freight cars/other
		61-22-01	equipment—administration.
		61-23-01	
212 Repair and maintenance, machinery.	Labor	11-21-40	Salaries and wages—equipment—locomotives/freight cars/other
		11-22-40	equipment—machinery.
		11-23-40	
	Material	21-21-40	Material, tools, supplies, fuels, lubricants—equipment—locomo-
		21-22-40	tives/freight cars/other equipment—machinery.
		21-23-40	
	Other	39-21-40	Repairs billed by others—Dr.—equipment—locomotives/freight
		39-22-40	cars/other equipment—machinery.
		39-23-40	
		40-21-40	Repairs billed to others—Cr.—equipment—locomotives/freight
		40-22-40	cars/other equipment—machinery.
		40-23-40	
		41-21-40	Other purchased services—equipment—locomotives/freight cars/
		41-22-40	other equipment—machinery.
		41-23-40	
		61-21-40	Other expenses—equipment—locomotives/freight cars/other equip-
		61-22-40	ment—machinery.
		61-23-40	
213 Repair and maintenance, locomotives.	Labor	11-21-xx	Salaries and wages—equipment—locomotives.
	Material	21-21-xx	Material, tools, supplies, fuels, lubricants—equipment—locomo-
			tives.
	Other	39-21-xx	Repairs billed by others—Dr.—equipment—locomotives.
		40-21-xx	Repairs billed to others—Cr.—equipment—locomotives.
		41-21-xx	Other purchased services—equipment—locomotives.
		61-21-xx	Other expenses—equipment—locomotives.
		-xx =	Function codes: 41—Locomotives. 48—Equipment damaged.
214 Repair and maintenance, cars.	Labor	11-22-xx	Salaries and wages—equipment—freight cars.
	Material	21-22-xx	Material, tools, supplies, fuels, lubricants—equipment—freight
			cars.
	Other	39-22-xx	Repairs billed by others—Dr.—equipment—freight cars.
		40-22-xx	Repairs billed to others—Cr.—equipment—freight cars.
		41-22-xx	Other purchased services—equipment—freight cars.
		61-22-xx	Other expenses—equipment—freight cars.
		-xx =	Function codes: 42—Freight cars. 48—Equipment damaged.
215 Repair and maintenance, other equipment.	Labor	11-23-xx	Salaries and wages—equipment—other equipment.
	Material	21-23-xx	Material, tools, supplies, fuels, lubricants—equipment—other
			equipment.
	Other	39-23-xx	Repairs billed by others—Dr.—equipment—other equipment.
		40-23-xx	Repairs billed to others—Cr.—equipment—other equipment.
		41-23-xx	Other purchased services—equipment—other equipment.
		61-23-xx	Other expenses—equipment—other equipment.
		-xx =	Function codes: 43—Trucks, trailers, containers in revenue service. 44—Floating equipment in revenue service. 45—Passenger and other revenue equipment. 46—Computers and EDP equipment. 47—Work and other nonrevenue equipment. 48—Equipment damaged.
216 Joint facilities—Dr.	Labor	NA	
	Material	NA	
	Other	33-21-00	Joint facility rents—Dr.—equipment—locomotives/freight cars/
		33-22-00	other equipment.
		33-23-00	
		37-21-00	Joint facility—Dr.—equipment—locomotives/freight cars/other
		37-22-00	equipment.
		37-23-00	
217 Joint facilities—Cr.	Labor	NA	
	Material	NA	
	Other	34-21-00	Joint facility rents—Cr.—equipment—locomotives/freight cars/
		34-22-00	other equipment.
		34-23-00	
		38-21-00	Joint facility—Cr.—equipment—locomotives/freight cars/other
		38-22-00	equipment.
		38-23-00	

Accounts for class II railroads			Accounts for class I railroads
218 Equipment rents—Dr.	Labor	NA	
	Material	NA	
	Other	35-21-00	Other rents—Dr.—equipment—locomotives/freight cars/other
		35-22-00	equipment.
		35-23-00	
219 Equipment rents—Cr.	Labor	NA	
	Material	NA	
	Other	36-21-00	Other rents—Cr.—equipment—locomotives/freight cars/other
		36-22-00	equipment.
		36-23-00	
220 Casualties and insurance.	Labor	NA	
	Material	NA	
	Other	52-21-00	Other casualties—equipment—locomotives/freight cars/other
		52-22-00	equipment.
		52-23-00	
		53-21-00	Insurance—equipment—locomotives/freight cars/other equip-
		53-22-00	ment.
		53-23-00	
221 Other expenses	Labor	11-21-xx	Salaries and wages—equipment—locomotives/freight cars/other
		11-22-xx	equipment.
		11-23-xx	
	Material	21-21-xx	Material, tools, supplies, fuels, lubricants—equipment—loco-
		21-22-xx	motives/freight cars/other equipment.
		21-23-xx	
	Other	12-21-00	Fringe benefits—equipment—locomotives/freight cars/other
		12-22-00	equipment.
		12-23-00	
		31-21-00	Lease rentals—Dr.—equipment—locomotives/freight cars/other
		31-22-00	equipment.
		31-23-00	
		32-21-00	Lease rentals—Cr.—equipment—locomotives/freight cars/other
		32-22-00	equipment.
		32-23-00	
		41-21-xx	Other purchased services—equipment—locomotives/freight cars/
		41-22-xx	other equipment.
		41-23-xx	
		61-21-xx	Other expenses—equipment—locomotives/freight cars/other
		61-22-xx	equipment.
		61-23-xx	
		-xx =	Function codes: 39—Dismantling retired property. 99—Other.
222 Depreciation	Labor	NA	
	Material	NA	
	Other	62-21-00	Depreciation—equipment—locomotives/freight cars/other equip-
		62-22-00	ment.
		62-23-00	
231 Administration	Labor	11-31-xx	Salaries and wages—transportation—train/yard/specialized serv-
		11-32-xx	ices/administrative support.
		11-34-01	
		11-35-01	
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train/
		21-32-xx	yard/specialized services/administrative support.
		21-34-01	
		21-35-01	
	Other	41-31-xx	Other purchased services—transportation—train/yard/specialized
		41-32-xx	services/administrative support.
		41-34-01	
		41-35-01	
		61-31-xx	Other expenses—transportation—train/yard/specialized services/
		61-32-xx	administrative support.
		61-34-01	
		61-35-01	
		-xx =	Function codes: 01—Administration. 58—Dispatching trains. 65—Controlling operations.
232 Road crews	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 56—Engine crews. 57—Train crews.
233 Road and fuel power	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 67—Locomotive fuel. 68—Electric power purchased/produced for motive power.
234 Other road expenses	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 62—Train inspection and lubrication. 69—Servicing locomotives.
235 Joint facilities—road—Dr.	Labor	NA	
	Material	NA	
	Other	37-31-00	Joint facility—Dr.—transportation—train.
236 Joint facilities—road—Cr.	Labor	NA	
	Material	NA	
	Other	38-31-00	Joint facility—Cr.—transportation—train.
242 Yard crews	Labor	11-32-64	Salaries and wages—transportation—yard—switch crews.
	Material	21-32-64	Material, tools, supplies, fuels, lubricants—transportation—yard—switch crews.
	Other	41-32-64	Other purchased services—transportation—yard—switch crews.
		61-32-64	Other expenses—transportation—yard—switch crews.
243 Yard fuel and power	Labor	11-32-xx	Salaries and wages—transportation—yard.
	Material	21-32-xx	Material, tools, supplies, fuel, lubricants—transportation—yard.
	Other	41-32-xx	Other purchased services—transportation—yard.
		61-32-xx	Other expenses—transportation—yard.
		-xx =	Function codes: 67—Locomotive fuel. 68—Electric power purchased/produced for motive power.

Accounts for class II railroads			Accounts for class I railroads
244 Other yard expenses	Labor	11-32-xx	Salaries and wages—transportation—yard.
	Material	21-32-xx	Material, tools, supplies, fuels, lubricants—transportation—yard.
	Other	41-32-xx	Other purchased services—transportation—yard.
		61-32-xx	Other expenses—transportation—yard.
		-xx =	Function codes: 62—Train inspection and lubrication. 69—Servicing locomotives.
245 Joint facilities—yard—Dr.	Labor	NA	
	Material	NA	
	Other	37-32-00	Joint facility—Dr.—transportation—yard.
246 Joint facilities—yard—Cr.	Labor	NA	
	Material	NA	
	Other	38-32-00	Joint facility—Cr.—transportation—yard.
251 Train operations	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 56—Engine crews. 57—Train crews.
252 Train fuel and power	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 67—Locomotive fuel. 68—Electric power purchased/produced for motive power.
253 Other train expenses	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 62—Train inspection and lubrication. 69—Servicing locomotives.
254 Joint facilities—train—Dr.	Labor	NA	
	Material	NA	
	Other	37-31-00	Joint facility—Dr.—transportation—train.
255 Joint facilities—train—Cr.	Labor	NA	
	Material	NA	
	Other	38-31-00	Joint facility—Cr.—transportation—train.
261 Trainmen	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 56—Engine crews. 57—Train crews.
262 Train supervision and dispatching	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 58—Dispatching trains. 65—Controlling operations.
263 Signal and interlocker operations	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 59—Signal and interlocker operations.
264 Crossing protection	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 60—Crossing protection.
265 Drawbridge operations	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 61—Drawbridge operations.
266 Communications systems	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 63—Communications systems.
267 Clearing wrecks	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 64—Clearing wrecks.
268 Operating joint facilities—Dr.	Labor	NA	
	Material	NA	
	Other	33-31-00	Joint facility rents—Dr.—transportation—train.
269 Operating joint facilities—Cr.	Labor	NA	
	Material	NA	
	Other	34-31-00	Joint facility rents—Cr.—transportation—train.

Accounts for class II railroads			Accounts for class I railroads
271 Operating employee casualties	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 66—Casualties.
272 Other casualties	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 66—Casualties.
273 Insurance	Labor	NA	
	Material	NA	
	Other	53-31-00	Insurance—transportation—train.
274 Other operating expenses	Labor	11-31-xx	Salaries and wages—transportation—train.
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train.
	Other	41-31-xx	Other purchased services—transportation—train.
		61-31-xx	Other expenses—transportation—train.
		-xx =	Function codes: 62—Train inspection and lubrication. 69—Servicing locomotives.
281 Administration	Labor	11-41-01	Salaries and wages—general—administration.
		11-42-01	
		11-43-01	
	Material	21-41-01	Material, tools, supplies, fuels, lubricants—general—administra-
		21-42-01	tion.
		21-43-01	
	Other	41-41-01	Other purchased services—general—administration.
		41-42-01	
		41-43-01	
		61-41-01	Other expenses—general—administration.
		61-42-01	
		61-43-01	
282 Insurance	Labor	NA	
	Material	NA	
	Other	53-41-00	Insurance—general.
		53-42-00	
		53-43-00	
283 Casualties and general expenses	Labor	11-41-xx	Salaries and wages—general.
		11-42-xx	
		11-43-xx	
	Material	21-41-xx	Material, tools, supplies, fuels, lubricants—general.
		21-42-xx	
		21-43-xx	
	Other	41-41-xx	Other purchased services—general.
		41-42-xx	
		41-43-xx	
		52-41-00	Other casualties—general.
		52-42-00	
		52-43-00	
		61-41-xx	Other expenses—general.
		61-42-xx	
		61-43-xx	
284 Joint maintenance	Labor	NA	
	Material	NA	
	Other	39-41-00	Joint facility rents—Dr.—general.
		39-42-00	
		39-43-00	
		40-41-00	Joint facility rents—Cr.—general.
		40-42-00	
		40-43-00	
285 Other joint facilities	Labor	NA	
	Material	NA	
	Other	39-41-00	Joint facility rents—Dr.—general.
		39-42-00	
		39-43-00	
		40-41-00	Joint facility rents—Cr.—general.
		40-42-00	
		40-43-00	

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Accounts for class II railroads			Accounts for class I railroads
244 Other yard expenses	Labor	11-32-xx	Salaries and wages—transportation—yard.
	Material	21-32-xx	Material, tools, supplies, fuels, lubricants—transportation—yard.
	Other	41-32-xx	Other purchased services—transportation—yard.
		61-32-xx	Other expenses—transportation—yard.
		-xx=	Function codes:
			66—Yard and terminal clerical.
			69—Servicing locomotives.
245 Joint facilities—yard—Dr.	Labor	NA	
	Material	NA	
	Other	37-32-00	Joint facility—Dr.—transportation—yard.
246 Joint facilities—yard—Cr.	Labor	NA	
	Material	NA	
	Other	38-32-00	Joint facility—Cr.—transportation—yard.
252 Specialized service operations.	Labor	11-34-xx	Salaries and wages—transportation—specialized services.
	Material	21-34-xx	Material, tools, supplies, fuels, lubricants—transportation—specialized services.
	Other	41-34-xx	Other purchased services—transportation—specialized services.
		61-34-xx	Other expenses—transportation—specialized services.
		-xx=	Function codes:
			73—Pickup and delivery, marine line haul, and rail substitute service.
			74—Loading and unloading and local marine.
			75—Protective services.
253 Administrative support operations.	Labor	11-35-xx	Salaries and wages—transportation—administrative support.
	Material	21-35-xx	Material, tools, supplies, fuels, lubricants—transportation—administrative support.
	Other	41-35-xx	Other purchased services—transportation—administrative support.
		61-35-xx	Other expenses—transportation—administrative support.
		-xx=	Function codes:
			76—Employees performing clerical and accounting functions.
			77—Communication systems operation.
			78—Loss and damage claims processing.
255 Joint facilities—other transportation—Dr.	Labor	NA	
	Material	NA	
	Other	37-34-00	Joint facility—Dr.
		37-35-00	Transportation—specialized services/administrative support.
256 Joint facilities—other transportation—Cr.	Labor	NA	
	Material	NA	
	Other	38-34-00	Joint facility—Cr.
		38-35-00	Transportation—specialized services/administrative support.
257 Loss and damage claims	Labor	NA	
	Material	NA	
	Other	51-31-00	Loss and damage claims—transportation.
		51-32-00	Train, yard, train and yard common, specilaized services.
		51-33-00	
		51-34-00	
258 Casualties and insurance.	Labor	NA	
	Material	NA	
	Other	52-31-00	Casualties and insurance—transportation—train.
		52-32-00	Yard, specialized services, administrative support.
		52-34-00	
		52-35-00	
		53-31-00	Insurance—transportation—train.
		53-32-00	Yard, specialized services, administrative support.
		53-34-00	
		53-35-00	
259 Other expenses	Labor	11-31-xx	Salaries and wages—transportation—train, yard, train and yard common, specialized services, administrative support.
		11-32-xx	
		11-33-xx	
		11-34-xx	
		11-35-xx	
	Material	21-31-xx	Material, tools, supplies, fuels, lubricants—transportation—train, yard, train and yard common, specialized services, administrative support.
		21-32-xx	
		21-33-xx	
		21-34-xx	
		21-35-xx	
	Other	12-31-00	Fringe benefits—transportation—train, yard, train and yard common, specialized services, administrative support.
		12-32-00	
		12-33-00	
		12-34-00	
		12-35-00	
		41-31-xx	Other purchased services—transportation—train, yard, train and yard common, specialized services, administrative support.
		41-32-xx	
		41-33-xx	
		41-34-xx	
		41-35-xx	
		61-31-xx	Other expenses—transportation—train, yard, train and yard common, specialized services, administrative support.
		61-32-xx	
		61-33-xx	
		61-34-xx	
		61-35-xx	
		-xx=	Function codes:
			59—Operating switches, signals, interlockers, retarders, humps.
			60—Operating drawbridges.
			61—Highway crossing protection.
			63—Clearing wrecks.
			70—Cleaning car interiors.
			71—Adjusting, transferring loads.
			72—Car loading devices and grain doors.
			99—Other.
GENERAL AND ADMINISTRATIVE			
271 Administration	Labor	11-61-01	Salaries and wages—general and administrative—administration.
	Material	21-61-01	Material, tools, supplies, fuels, lubricants—general and administrative—administration.
	Other	41-61-01	Other purchased services—general and administrative—administration.
		61-61-01	Other expenses—general and administrative—administration.

Accounts for class II railroads			Accounts for class I railroads
272 Administrative operations.	Labor	11-61-xx	Salaries and wages—general and administrative.
	Material	21-61-xx	Material, tools, supplies, fuels, lubricants—general and administrative.
	Other	41-61-xx	Other purchased services—general and administrative.
		61-61-xx	Other expenses—general and administrative.
		-xx=	Function codes:
			86—Accounting, auditing, finance.
			87—Management services and data processing.
			88—Marketing.
			89—Sales.
			90—Industrial development.
			91—Personnel, labor relations.
			92—Legal and secretarial.
			93—Public relations and advertising.
			94—Research and development.
273 Joint facilities—Dr.	Labor	NA	
	Material	NA	
	Other	37-61-00	Joint facility—Dr.—general and administrative.
274 Joint facilities—Cr.	Labor	NA	
	Material	NA	
	Other	38-61-00	Joint facility—Cr.—general and administrative.
275 Casualties and insurance.	Labor	NA	
	Material	NA	
	Other	52-61-00	Other casualties—general and administrative.
		53-61-00	Insurance—general and administrative.
276 Other expenses	Labor	11-61-99	Salaries and wages—general and administrative—other.
	Material	21-61-99	Material, tools, supplies, fuels, lubricants—general and administrative—other.
	Other	12-61-00	Fringe benefits—general and administrative.
		41-61-99	Other purchased services—general and administrative—other.
		61-61-99	Other expenses—general and administrative—other.
277 Uncollectible accounts.	Labor	NA	
	Material	NA	
	Other	63-61-00	Uncollectible accounts—general and administrative.
278 Property and other taxes.	Labor	NA	
	Material	NA	
	Other	64-61-00	Property taxes—general and administrative.
		65-61-00	Other taxes—general and administrative

(APPENDIX B)

PART 1240—CLASSES OF CARRIERS

Subpart A of Part 1240, Chapter X, Title 49 of the Code of Federal Regulations is amended by revising § 1240.1 (a) and (b) (1) and (2) as follows:

Subpart A—Railroads

1240.1 Classification of rail carriers.

(a) For the purpose of annual, other periodical and special reports, commencing with reports for the year, quarter or month beginning January 1, 1978, and thereafter until further ordered, operating carriers by railroad subject to the provisions of Part I of the Interstate Commerce Act shall be, and they are hereby, grouped into the following classes:

Class I. Carriers having annual carrier operating revenues of $50 million or more.

Class II. Carriers having annual carrier operating revenues of less than $50 million.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Class II carriers shall adopt Class I classification effective as of January 1 of the following year.

(2) If at the end of any calendar year a Class I carrier's annual operating revenue is less than $50 million, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements for Class II carriers. Such adoption shall be effective as of January 1 of the following year.

* * * * * *

APPENDIX C

Implementing instructions for revised road property accounts as of January 1, 1978.

1. *Account 21, Grain Elevators.* The related investment cost and accumulated depreciation shall be reclassified to account 35, Miscellaneous Structures.

2. *Account 38, Roadway Small Tools.* The related investment cost shall be transferred to account 743, Other Deferred Debits, and subsequently amortized over a five year period to appropriate operating expense accounts based on normal useage of the tools involved.

3. *Account 43, Other Expenditures; Road.* The related investment cost shall be equitably distributed to the appropriate other road property accounts based on the best information available.

Any questions concerning the implementing instructions shall be referred to the Commission for consideration and approval.

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART 1 OF THE INTERSTATE COMMERCE ACT

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

Parts 1241 and 1243, Chapter X, Title 49 of the Code of Federal Regulations are amended by revising certain schedules included in the reports referenced in §§ 1241.11, 1241.12, and 1243.1 through 1243.3 as follows:

REPORTS AND SCHEDULES

APPENDIX D

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REPORTS AND SCHEDULES

APPENDIX D

200. COMPARATIVE GENERAL BALANCE SHEET-EXPLANATORY NOTES

The notes listed below are provided for the purpose of disclosing supplementary information concerning matters which have an important effect on the financial condition of the carrier. The carrier shall give the particulars called for herein and where there is nothing to report, insert the word "none"; and in addition thereto shall enter in separate notes with suitable particulars other matters involving material amounts of the character commonly disclosed in financial statements under generally accepted accounting and reporting principles, except as shown in other schedules. This includes explanatory statements explaining (1) service interruption insurance policies and indicate the amount of indemnity to which respondent will be entitled for work stoppage losses and the maximum amount of additional premium respondent may be obligated to pay in the event such losses are sustained by other railroads; (2) particulars concerning obligations for stock purchase options granted to officers and employees; and (3) what entries have been made for net income or retained income restricted under provisions of mortgages and other arrangements. (Dollars in thousands)

1. Show hereunder the estimated accumulated tax reductions realized during current and prior years under Section 168 (formerly Section 124-A) and under Section 167 of the Internal Revenue Code because of accelerated amortization of emergency facilities and accelerated depreciation of other facilities and also depreciation deductions resulting from the use of the new guideline lives, since December 31, 1961, pursuant to Revenue Procedure 62-21 in excess of recorded depreciation. The amount to be shown in each case is the net accumulated reductions in taxes realized less subsequent increases in taxes due to expired or lower allowances for amortization or depreciation as a consequence of accelerated allowances in earlier years. Also, show the estimated accumulated net income tax reduction realized since December 31, 1961, because of the investment tax credit authorized in the Revenue Act of 1962. In the event provision has been made in the accounts through appropriations of surplus or otherwise for the contingency of increase in future tax payments, the amount thereof and the accounting performed should be shown.
(a) Estimated accumulated net reduction in Federal income taxes since December 31, 1949, because of accelerated amortization of emergency facilities in excess of recorded depreciation under Section 168 (formerly Section 124-A) of the Internal Revenue Code ___$ _____
(b) Estimated accumulated savings in Federal income taxes resulting from computing book depreciation under Commission rules and computing tax depreciation using the items listed below _____$ _____
_____Accelerated depreciation since December 31, 1953, under Section 167 of the Internal Revenue Code.
_____Guideline lives since December 31, 1961, pursuant to Revenue Procedure 62-21.
_____Guideline lives under Class Life System (Asset Depreciation Range) since December 31, 1970, as provided in the Revenue Act of 1971.
(c)(i) Estimated accumulated net income tax reduction utilized since December 31, 1961, because of the investment tax credit authorized in the Revenue Act of 1962, as amended _____
(ii) If carrier elected, as provided in the Revenue Act of 1971, to account for the investment tax credit under the deferral method, indicate the total deferred investment tax credit in account 872, other deferred credits, at beginning of year ___$ _____
Add investment tax credits applied to reduction of current year's tax liability but deferred for accounting purposes ___$ _____
Deduct deferred portion of prior year's investment tax credit used to reduce current year's tax accrual _____$ (_____)
Other adjustments (indicate nature such as recapture on early disposition) _____$ _____
(d) Estimated accumulated net reduction in Federal income taxes because of accelerated amortization of certain rolling stock since December 31, 1969, under provisions of Section 184 of the Internal Revenue Code _____$ _____
(e) Estimated accumulated net reduction in Federal income taxes because of amortization of certain rights-of way investments since December 31, 1969, under the provisions of Section 185 of the Internal Revenue Code _____$ _____

2. Amount of accrued contingent interest on funded debt recorded in the balance sheet:

Description of obligation	Year accrued	Account No.	Amount
			$

3. As a result of dispute concerning the recent increase in per diem rates for use of freight cars interchanged, settlement of disputed amounts has been deferred awaiting final disposition of the matter. The amounts in dispute for which settlement has been deferred are as follows:

Item	Amount in dispute	As recorded on books: Account Nos. Debit	Credit	Amount not recorded
Per diem receivable	$			$
Per diem payable				
Net amount	$	XXXXXXXXX	X XXXXXXX	$

4. Amount (estimated, if necessary) of net income or retained income which has to be provided for capital expenditures, and for sinking and other funds pursuant to provisions of reorganization plans, mortages, deeds of trust, or other contracts _____$ _____

5. Estimated amount of future earnings which can be realized before paying Federal income taxes because of unused and available net operating loss carryover on January 1 of the year following that for which the report is made _____$ _____

6. (a) Explain the procedure in accounting for pension funds and recording in the accounts the current and past service pension costs, indicating whether or not consistent with the prior year: _____
(b) State amount, if any, representing the excess of the actuarially computed value of vested benefits over the total of the pension fund. _____$ _____
(c) Is any part of pension plan funded? Specify. Yes_____ No_____
(i) If funding is by insurance, give name of insuring company _____
(ii) If funding is by trust agreement, list trustee(s) _____
Date of trust agreement or latest amendment _____
If respondent is affiliated in any way with the trustee(s), explain affiliation: _____
(d) List affiliated companies which are included in the pension plan funding agreement and describe basis for allocating charges under the agreement _____
(e)(i) Is any part of the pension plan fund invested in stock or other securities of the respondent or any of its affiliates? Specify. Yes_____ No_____
If yes, give number of the shares for each class of stock or other security: _____
(ii) Are voting rights attached to any securities held by the pension plan? Specify. Yes___ No___ If yes, who determines how stock is votes? _____

APPENDIX D

200. COMPARATIVE GENERAL BALANCE SHEET—ASSETS

For instructions covering this schedule, see the text pertaining to General Balance Sheet Accounts in the Uniform System of Accounts for Railroad Companies. The entries in this balance sheet should be consistent with those in the supporting schedules on the pages indicated. The entries in column (c) should be restated to conform with the accounting requirements followed in column (b). The entries in the short column (a2) should be deducted from those in column (a1) in order to obtain corresponding entries for column (b). All contra entries hereunder should be indicated in parenthesis.

Line No.	Account or item (a)		Balance at close of year (b)	Balance at beginning of year (c)
		CURRENT ASSETS	$	$
1	(701)	Cash		
2	(710)	Working funds		
3	(702)	Temporary cash investments		
4	(703)	Special deposits		
5	(704)	Loans and notes receivable		
6	(705)	Accounts receivable - Interline and other balances		
7	(706)	Accounts receivable - Customers		
8	(707)	Accounts receivable - Other		
9	(708)	Interest and dividends receivable		
10	(708.5)	Receivables from affiliated companies		
11	(709)	Accrued accounts receivable		
12		Less: Allowance for uncollectible accounts (Acct. 709.5)		
13		Net receivables (Accts. 704-709.5)		
14	(711)	Prepayments		
15	(712)	Materials and supplies		
16	(713)	Other current assets		
17	(714)	Deferred income tax debits		
18		Total current assets		
		SPECIAL FUNDS	(a1) Total book assets at close of year	(a2) Respondent's own issued included in (a1)
19	(715)	Sinking funds		
20	(716)	Capital funds		
21	(717)	Other funds		
22		Total special funds		
		INVESTMENTS		
23	(721)	Investments and advances; affiliated companies		
24		Undistributed earnings from certain investments in accounts (721)		
25		Less: Adjustments - Investments and advances - Affiliated companies (Acct. 721.5)		
26		Net investments and advances - Affiliated companies		
27	(722)	Other investments and advances		
28		Less: Adjustments - Other investments and advances (Acct. 722.5)		
29		Net other investments and advances		
30		Total investments		

NOTE: Schedule applicable to Form R-1, R-2 and R-4. Form R-4 will show columns for individual lessors; balance at close of year. Explanatory notes are applicable to Class I Railroads only.

NOTE: This account was added to be included in the above report form:
724 - Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities - Cr.

Line No.	Account or item (a)		Balance at close of year (b)	Balance at beginning of year (c)
		CURRENT LIABILITIES	$	$
31	(751)	Loans and notes payable		
32	(752)	Accounts payable		
33	(753)	Interest matured unpaid		
34	(754)	Dividends matured unpaid		
35	(755)	Unmatured interest accrued		
36	(756)	Unmatured dividends declared		
37	(757)	Accrued accounts payable		
38	(758)	Federal income taxes accrued		
39	(759)	Other taxes accrued		
40	(760)	Deferred income tax credits		
41		Total current liabilities		
		LONG-TERM DEBT DUE WITHIN ONE YEAR		
42	(765)	Funded debt matured unpaid		
43	(766)	Equipment obligations and other debt due within one year		
44		Total long-term debt due within one year		
		LONG-TERM DEBT DUE AFTER ONE YEAR		
45	(767)	Mortgage bonds		
46	(768)	Equipment obligations		
47	(769)	Capital leases		
48	(770)	Debentures		
49	(771)	Unsecured notes		
50	(772)	Income bonds		
51	(773)	Other long-term debt		
52		Total long-term debt due after one year		
		RESERVES		
53	(774)	Pension and welfare reserves		
54	(775)	Casualty and other reserves		
55	(776)	Accrued depreciation - Road and equipment		
56	(777)	Accrued depreciation - Leased property		
57	(778)	Amortization of defense projects - Road and equipment		
58	(779)	Accrued depreciation - Other transportation property		
59	(780)	Accrued depreciation - Nontransportation property		
60		Total reserves		
		SHAREHOLDERS' EQUITY		
61	(781)	Preferred stock		
62	(782)	Common stock		
63	(783)	Premium on capital stock		
64	(784)	Discount on capital stock		
65	(785)	Capital surplus		
66	(786)	Appropriated retained income		
67	(787)	Retained income - Unappropriated		
68	(788)	Treasury stock		
69		Total shareholders' equity		
70		Total liabilities and shareholders' equity		

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200. COMPARATIVE GENERAL BALANCE SHEET—ASSETS—Continued

Line No.		Account or item (a)	Balance at close of year (b)	Balance at beginning of year (c)
		TANGIBLE PROPERTY		
31	(731)	Road and equipment property		
32		Less: Accumulated depreciation - Road and equipment property (Acct. 735)		
33		Accumulated amortization - Road and equipment property - Defense projects (Acct. 736)		
34		Net road and equipment property		
35	(732)	Improvements on leased property		
36		Less: Accumulated depreciation - Improvements on leased property (Acct. 733)		
37		Accumulated amortization - Improvements on leased property - Defense projects (Acct. 734)		
38		Net improvements on leased property		
39		Total carrier property		
40	(737)	Property used in other than carrier operations		
41		Less: Accumulated depreciation - Property used in other than carrier operations (Acct. 738)		
42		Net property used in other than carrier operations		
43		Total tangible property		
		INTANGIBLE PROPERTY		
44	(739)	Organization expenses		
		OTHER ASSETS AND DEFERRED DEBITS		
45	(741)	Other assets		
46	(743)	Other deferred debits		
47	(744)	Accumulated deferred income tax debits		
48		Total other assets and deferred debits		
49		TOTAL ASSETS		

200. COMPARATIVE GENERAL BALANCE SHEET—LIABILITIES AND SHAREHOLDERS' EQUITY

Line No.		Account or item (a)			Balance at close of year (b)	Balance at beginning of year (c)
		CURRENT LIABILITIES			$	$
50	(751)	Loans and notes payable				
51	(752)	Accounts payable-Interline and other balances				
52	(753)	Audited accounts and wages payable				
53	(754)	Accounts Payable - Other				
54	(755)	Interest payable				
55	(756)	Dividends payable				
56	(757)	Payables to affiliated companies				
57	(759)	Accrued accounts payable				
58	(760)	Federal income taxes accrued				
59	(761)	State and other income taxes accrued				
60	(761.5)	Other taxes accrued				
61	(762)	Deferred income tax credits				
62	(764)	Equipment obligations and other long-term debt due within one year				
63	(763)	Other current liabilities				
64		Total current liabilities				
		LONG-TERM DEBT DUE AFTER ONE YEAR	(a1) Total issued	(a2) Held by or for respondent		
65	(765)	Funded debt unmatured				
66	(766)	Equipment obligation				
67	(770.1)	Unamortized debt discount				
68	(770.2)	Unamortized premium on debt				
69		Net funded debt and equipment obligations (Accts. 765-770.2)				
70	(768)	Debt in default				
71	(769)	Receivers' and trustees' securities				
72	(769)	Accounts payable; affiliated companies				
73		Total long-term debt due after one year				
		OTHER LONG-TERM LIABILITIES				
74	(781)	Interest in default				
75	(782)	Other liabilities				
76	(772)	Accrued liability; leased property				
77	(771)	Accrued liability; pension and welfare				
78	(774)	Accrued liability, casualty and other claims				
79	(775)	Other accrued liabilities				
80		Total other long-term liabilities				
		DEFERRED CREDITS				
81	(785)	Other deferred credits				
82	(786)	Accumulated deferred income tax credits				
83		Total deferred credits				

200. COMPARATIVE GENERAL BALANCE SHEET—LIABILITIES AND SHAREHOLDERS' EQUITY - Continued

Line No.		Account or item (a) (Dollars in thousands)			Balance at close of year (b)	Balance at beginning of year (c)
		SHAREHOLDER'S EQUITY			$	$
		Capital Stock	(a1) Total issued	(a2) Nominally issued securities		
84	(791)	Capital Stock: Common Stock				
85		Preferred Stock				
86		Total				
87	(792)	Liability for conversion of capital stock				
88	(793)	Discount on capital stock				
89		Total capital stock				
		Additional Capital				
90	(794)	Premium and assessments on capital stock				
91	(795)	Other capital				
92		Total additional capital				
93		Retained Earnings				
94	(797)	Retained earnings-appropriated				
95	(798)	Retained earnings-unappropriated				
96		Total retained earnings				
		Treasury Stock				
97	(798.5)	Less: Treasury Stock				
98		Total shareholder's equity				
99		TOTAL LIABILITIES AND SHAREHOLDERS EQUITY				

NOTE: This account was added to late to be included in the above report:
798.1 - Net Unrealized loss on Noncurrent Marketable Securities

INSTRUCTIONS CONCERNING RETURNS TO BE MADE IN SCHEDULE 211-1 AND 211-2 ON PAGES_____

1. Give particulars of balances at the beginning and close of the year and of all changes during the year in account No. 731, "Road and Equipment Property," and account No. 732, "Improvements on Leased Property," classified by primary accounts in accordance with the Uniform System of Accounts for Railroad Companies. The balances, by primary accounts, should, insofar as known, be stated in column (b) and all changes made during the year should be analyzed in columns (c) to (h), inclusive. Column (j) is the aggregate of columns (b) to (h), inclusive. Grand totals of columns (b) and (j) should equal the sum of accounts 731 and 732 for the respective periods; if not, full explanation should be made in a footnote.

2. In column (c) are to be shown disbursements made for the specific purpose of purchasing, constructing, and equipping new lines, and for the extension of old lines, as provided for in Instruction 2—1, "Items to be charged," of the Uniform System of Accounts for Railroad Companies, for such items.

3. In column (d) is to be shown the cost of a railway or portion thereof, acquired as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise.

4. In columns (e) and (f), should be included all entries covering expenditures for additions and betterments, as defined, whether replacing other property or not.

5. In column (f) show particulars for improvements made on property held under lease or other form of long-term contract and not charged to the owning company.

6. In columns (g) and (h) should be entered all credits representing property sold, abandoned, or otherwise retired.

7. Both the debit and credit involved in each transfer, adjustment, or clearance, between road and equipment accounts, should be included in the column in which the item was initially included, also the transfer of prior years' debits or credits from investment in road and equipment to operating expenses or other accounts, or vice versa, should be included in the column applicable to current items of like nature. Each such transfer, adjustment, or clearance should be fully explained when in excess of $100,000.

8. If during the year an individual charge of $100,000 or more was made to account No. 2, "Land for transportation purposes," state in a footnote the cost, location, area, and other details which will identify the property.

9. Report on line 32 amounts not includible in the primary road accounts. The items reported should be briefly identified and explained under "Notes and Remarks," below. Amounts should be reported on this line only under special circumstances, usually after permission is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed stub or column headings without specific authority from the Commission.

10. If during the year a segment of transportation property was acquired, state in a footnote the name of the vendor, the mileage acquired, and the date of acquisition, giving termini and the cost of the property to the respondent. Also furnish a statement of the amount included in each primary account representing such property acquired, referring to the column or columns in which the entries appear.

11. If an amount of less than $1,500 is used as the minimum debit or credit for additions and betterments to property investment accounts as provided for in instruction 2—2, of the Uniform System of Accounts for Railroad Companies, state in a footnote the amount used.

12. Show dollars in thousands.

NOTES AND REMARKS

APPENDIX D

211-1. ROAD AND EQUIPMENT PROPERTY OWNED (See Instructions page)

Line No.	Account (Dollars in thousands) (a)	Balance at beginning of year (b)	Expenditures during the year for original road and equipment, and road extensions (c)	Expenditures during the year for purchase of existing lines, reorganizations, etc. (d)
		$	$	$
1	(1) Engineering			
2	(2) Land for transportation purposes			
3	(3) Grading			
4	(4) Other right-of-way expenditures			
5	(5) Tunnels and subways			
6	(6) Bridges, trestles, and culverts			
7	(7) Elevated structures			
8	(8) Ties			
9	(9) Rails			
10	(10) Other track material			
11	(11) Ballast			
12	(12) Track laying and surfacing			
13	(13) Fences, snowsheds, and signs			
14	(16) Station and Office Buildings			
15	(17) Roadway buildings			
16	(18) Water stations			
17	(19) Fuel stations			
18	(20) Shops and enginehouses			
19	(22) Storage warehouses			
20	(23) Wharves and docks			
21	(24) Coal and ore wharves			
22	(25) TOFC/COFC terminals			
23	(26) Communication systems			
24	(27) Signals and interlockers			
25	(29) Power plants			
26	(31) Power-transmission systems			
27	(35) Miscellaneous structures			
28	(37) Roadway machines			
29	(39) Public improvements — Construction			
30	(44) Shop machinery			
31	(45) Power-plant machinery			
32	Other (specify and explain)			
33	Total expenditures for road			
34	(52) Locomotives			
35	(53) Freight-train cars			
36	(54) Passenger-train cars			
37	(55) Highway revenue equipment			
38	(56) Floating equipment			
39	(57) Work equipment			
40	(58) Miscellaneous equipment			
41	Total expenditures for equipment			
42	(76) Interest during construction			
43	(77) Other expenditures — General			
44	Total general expenditures			
45	Total			
46	(80) Other elements of investment			
47	(90) Construction in progress			
48	Grand Total			

NOTE: Similar schedule excluding amounts for Account 80, Other Elements of Investment, will be provided for Form R-4, Railroad Lessors Annual Report Form R-1

APPENDIX D

211-1. ROAD AND EQUIPMENT PROPERTY OWNED (See Instruction page)

EXPENDITURES FOR ADDITIONS AND BETTERMENTS DURING THE YEAR		CREDITS FOR PROPERTY RETIRED DURING THE YEAR		Net changes during the year (i)	Balance at close of year (j)	Line No.
Made on owned property (e)	Made on leased property (f)	Owned property (g)	Leased property (h)			
$	$	$	$	$	$	1
						2
						3
						4
						5
						6
						7
						8
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APPENDIX D

211-2. IMPROVEMENTS ON LEASED PROPERTY (See Instructions page)

Line No.	Account (Dollars in thousands) (a)	Balance at beginning of year (b)	Expenditures during the year for original road and equipment, and road extensions (c)	Expenditures during the year for purchase of existing lines, reorganizations, etc. (d)
		$	$	$
1	(1) Engineering			
2	(2) Land for transportation purposes			
3	(3) Grading			
4	(4) Other right-of-way expenditures			
5	(5) Tunnels and subways			
6	(6) Bridges, trestles, and culverts			
7	(7) Elevated structures			
8	(8) Ties			
9	(9) Rails			
10	(10) Other track material			
11	(11) Ballast			
12	(12) Track laying and surfacing			
13	(13) Fences, snowsheds, and signs			
14	(16) Station and office buildings			
15	(17) Roadway buildings			
16	(18) Water stations			
17	(19) Fuel stations			
18	(20) Shops and enginehouses			
19	(22) Storage warehouses			
20	(23) Wharves and docks			
21	(24) Coal and ore wharves			
22	(25) TOFC/COFC terminals			
23	(26) Communication systems			
24	(27) Signals and interlockers			
25	(29) Power plants			
26	(31) Power-transmission systems			
27	(35) Miscellaneous structures			
28	(37) Roadway machines			
29	(39) Public improvements — Construction			
30	(44) Shop machinery			
31	(45) Power-plant machinery			
32	Other (specify and explain)			
33	Total expenditures for road			
34	(52) Locomotives			
35	(53) Freight-train cars			
36	(54) Passenger-train cars			
37	(55) Highway revenue equipment			
38	(56) Floating equipment			
39	(57) Work equipment			
40	(58) Miscellaneous equipment			
41	Total expenditures for equipment			
42	(76) Interest during construction			
43	(77) Other expenditures — General			
44	Total general expenditures			
45	Total			
46	(80) Other elements of investment			
47	(90) Construction in progress			
48	Grand Total			

NOTE: Similar schedule excluding amounts for Account 80, Other Elements of Investment, will be provided for Form R-4, Railroad Lessors

APPENDIX D

211-2. IMPROVEMENTS ON LEASED PROPERTY (See Instructions page)

EXPENDITURES FOR ADDITIONS AND BETTERMENTS DURING THE YEAR		CREDITS FOR PROPERTY RETIRED DURING THE YEAR		Net changes during the year (i)	Balance at close of year (j)	Line No.
Made on owned property (e)	Made on leased property (f)	Owned property (g)	Leased property (h)			
$	$	$	$	$	$	1
						2
						3
						4
						5
						6
						7
						8
						9
						10
						11
						12
						13
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211G-1. AMORTIZATION OF DEFENSE PROJECTS—ROAD AND EQUIPMENT OWNED

APPENDIX D

1. Show in columns (b) to (e) the amount of base of road and equipment property for which amortization is provided in account No. 736, "Accumulated amortization-Road and equipment property-Defense projects" of the respondent. If the amortization base is other than the ledger value stated in the investment account, a full explanation should be given.

2. Show in columns (f) to (i) the balance at the close of the year and all credits and debits during the year in account No. 736, "Accumulated amortization-Raod and equipment property-Defense projects."

3. The information requested for "Road" by columns (b) through (i) may be shown by projects amounting to $100,000 or more, or by single entries as "Total road" in line 21. If reported by projects, each project should be briefly described, stating kind, location, and authorization date and number. Projects amounting to less than $100,000 should be combined in a single entry designated "Minor items, each less than $100,000."

4. Any amounts included in columns (b) and (f), and in column (h) affecting operating expenses, should be fully explained. (Dollars in thousands)

Line No.	Description of property or account (a)	BASE				Accumulated Amortization			
		Debits during year (b)	Credits during year (c)	Adjustments (d)	Balance at close of year (e)	Credits during year (f)	Debits during year (g)	Adjustments (h)	Balance at close of year (i)
	ROAD:	$	$	$	$	$	$	$	$
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21	TOTAL ROAD								
	EQUIPMENT:								
22	(52) Locomotives								
23	(53) Freight-train cars								
24	(54) Passenger-train cars								
25	(55) Highway revenue equipment								
26	(56) Floating equipment								
27	(57) Work equipment								
28	(58) Miscellaneous equipment								
29	TOTAL EQUIPMENT								
30	GRAND TOTAL								

Annual Report Form R-1 (Note) This schedule is also applicable to Form R-2 - 11 -

211G-2. AMORTIZATION OF DEFENSE PROJECTS—ROAD AND EQUIPMENT LEASED FROM OTHERS

APPENDIX D

1. Show in columns (b) to (e) the amount of base of road and equipment property for which amortization is provided in account No. 734, "Accumulated amortization-Improvements on leased property-Defense projects" of the respondent. If the amortization base is other than the ledger value stated in the investment account, a full explanation should be given.

2. Show in columns (f) to (i) the balance at the close of the year and all credits and debits during the year in account No. 734, "Accumulated amortization-Improvements on leased property-Defense projects."

3. The information requested for "Road" by columns (b) through (i) may be shown by projects amounting to $100,000 or more, or by single entries as "Total road" in line 21. If reported by projects, each project should be briefly described, stating kind, location, and authorization date and number. Projects amounting to less than $100,000 should be combined in a single entry designated "Minor items, each less than $100,000."

4. Any amounts included in columns (b) and (f), and in column (h) affecting operating expenses, should be fully explained. (Dollars in thousands)

Line No.	Description of property or account (a)	BASE				Accumulated Amortization			
		Debits during year (b)	Credits during year (c)	Adjustments (d)	Balance at close of year (e)	Credits during year (f)	Debits during year (g)	Adjustments (h)	Balance at close of year (i)
	ROAD:	$	$	$	$	$	$	$	$
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21	TOTAL ROAD								
	EQUIPMENT:								
22	(52) Locomotives								
23	(53) Freight-train cars								
24	(54) Passenger-train cars								
25	(55) Highway revenue equipment								
26	(56) Floating equipment								
27	(57) Work equipment								
28	(58) Miscellaneous equipment								
29	TOTAL EQUIPMENT								
30	GRAND TOTAL								

Annual Report Form R-1 (Note) This schedule is also applicable to Form R-2 - 12 -

APPENDIX D

INSTRUCTIONS 300. RESULTS OF OPERATIONS

1. In column (d) show, against the appropriate account, the amount of income that is offset by deductions in other income accounts of respondents so far as they relate to companies the operations of which are covered by this operating report, the amount of such deductions or disposition to be also shown against appropriate accounts.
2. Report the total railway operating revenues from schedule 310, line 12, column (b) on line 1, column (b).
3. Report the total railway operating expenses from schedule 320, line 204, column (b) on line 2, column (b).
4. Line 7 includes only dividends from investments accounted for under the cost method. Line 13 includes only dividends accounted for under the equity method. Line 14 includes the undistributed earnings from investments accounted for under the equity method.
5. All contra entries hereunder should be indicated in parenthesis.
6. Report dollars in thousands.

APPENDIX D

300. RESULTS OF OPERATIONS

Line No.	Item	Amount for Current Year (b)	Amount for Preceding Year (c)	Offsetting Debits and Credits for Current Year (d)	Freight-Related Revenues & Expenses (e)	Passenger-Related Revenues & Expenses (f)
	ORDINARY ITEMS					
	OPERATING INCOME					
1	(501) Railway operating revenues				XXXXX	XXXXX
2	(531) Railway operating expenses				XXXXX	
3	Net revenue from railway operations					
	OTHER INCOME					
4	(506) Revenue from property used in other than carrier operations					
5	(510) Miscellaneous rent income					
6	(511) Separately operated properties - Profit					
7	(512) Dividend income					
8	(516) Interest income					
9	(517) Income from sinking and other funds					
10	(518) Release of premium on funded debt					
11	(519) Contributions from other companies					
12	(519) Miscellaneous income					
	Income from affiliated companies:					
13	Equity in undistributed earnings (losses)					
14	Equity in earnings (losses) of (42)					
15	Total income (Lines 3 plus 35)					
16	Miscellaneous deductions from income					
17	(536) Expenses of property used in other than carrier operations					
18	(538) Taxes on property used in other than carrier operations					
19	(542) Separately operated properties - Loss					
20	(543) Maintenance of investment organization					
21	(544) Taxes on miscellaneous operating property					
22	(545) Miscellaneous income charges					
23	(547) Uncollectible accounts					
24	(549) Maintenance reserve deficiencies (Lines 11 to 24)					
25	Income available for fixed charges (Lines 15 to 25)					
	FIXED CHARGES					
27	(546) Interest on funded debt:					
28	(a) Interest in default					
29	(b) Interest on unfunded debt					
30	(547) Interest on equipment obligations					
31	(548) Rent for leased roads and equipment					
32	Total fixed charges (Lines 27 to 31)					
33	Income after fixed charges (Line 26 less 32)					
	OTHER DEDUCTIONS					
34	(546) Interest on funded debt:					
	(c) Contingent interest					
	JUDICIAL OR INTERCOURT ITEMS					
35	(553) Income (loss) from continuing operations					
36	(554) Income (loss) from discontinued operations					
37	Net income (loss) (Lines 33 plus 34 plus 35)					
	PROVISIONS FOR INCOME TAXES					
38	(536) Income taxes on ordinary items:					
39	Federal income taxes					
40	State income taxes					
41	Other income taxes					
42	(537) Provision for deferred income taxes					
43	Income (loss) from operations (Lines 37 to 42)					
	DISCONTINUED OPERATIONS					
44	(560) Income or loss from operations of discontinued segments (Less applicable income taxes)					
45	(561) Gain or loss on disposal of discontinued segments (Less applicable income taxes)					
46	Income before extraordinary items (Lines 43 plus 44 plus 45)					
	EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES					
47	(570) Extraordinary items (net)					
48	(572) Income taxes on extraordinary items					
49	(591) Provision for deferred taxes - Extraordinary items					
50	Total Extraordinary items (Lines 47 to 49)					
51	(593) Cumulative effect of changes in accounting principles (net of applicable income taxes of $)					
52	Net income (loss) (Lines 46 plus 50 plus 51)					

NOTE: Subsidiary schedules Form R-1, R-2 and R-4. Form R-2 will show columns (b) Amounts for current year; only.

- Form R-1 will show columns for individual lessee companies.
- Net Revenue from Railway Operations
- Income Taxes on Ordinary Income
- Taxes applicable to income or loss from operations of discontinued segments
- Taxes applicable to gain or loss on disposal of discontinued segments
- Income from Lease of Road and Equipment
- Rent for Leased Roads and Equipment
- Net Railway Operating Income
- Formerly accounts 509 and 542, respectively

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APPENDIX D

APPENDIX D

310. RAILWAY OPERATING REVENUES

1. State the railway operating revenues of the respondent for the year classified as specified in the following schedule. Companies and distribute the amounts among the classes of service as indicated. In the absence of records separating revenues between freight and passenger trains, the distribution should be estimated on the basis of the best data available.

2. Assign rail-line revenues, including revenues from water transfers and highway motor vehicle operations, to "Freight service" or to Passenger and Allied Services according to the type of train (or other equipment) by which the traffic moved.

3. Incidental revenues should be assigned as provided for in the schedule.

4. Any unusual accruals involving substantial amounts included in column (b) should be fully explained in a footnote.
(Dollars in thousands)

Line No.	Class of railway operating revenues (a)	Amount of revenue for the year (b)	RAIL-LINE REVENUES, INCLUDING WATER TRANSFERS: Assignable to freight service (c)	Assignable to passenger and allied services (d)
		$	$	$
	Transportation—Rail-Line			
1	(101)Freight*			
2	(102)Passengers*			
3	(103)Passenger-Related			
4	(104)Mail			
5	(105)Water transfers			
6	Total rail-line transportation revenue			
7	(106)Demurrage			
8	(110)Incidental			
	Joint Facility			
9	(121)Joint Facility-Cr.			
10	(122)Joint Facility-Dr.			
11	Net joint facility operating revenue			
12	Total railway operating revenues			

*Report hereunder the charges to these accounts representing payments made to others for—

Terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates:

(a) Of the amount reported for item A-1, _____% (to nearest whole number) represents payments for collection and delivery of LCL freight either in TOFC trailers or otherwise. The percentage reported is (Check one):

Actual ( ). Estimated ( ).

Switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement.

Substitute highway motor service in lieu of line-haul rail service performed under tariffs published by rail carriers (does not include traffic moved on joint rail-motor rates):

(a) Payments for transportation of persons

(b) Payments for transportation of freight shipments

•Commuter rail aid for providing passenger commuter or other passenger-train service included in account 107, as provided in item (d) of that account.

NOTE.—Gross charges for protective services to perishable freight, without deduction for any proportion thereof credited to account No. 101, "Freight" (not required from switching and terminal companies):

Charges for service for the protection against heat

Charges for service for the protection against cold

APPENDIX D

INSTRUCTION SCHEDULE 320. RAILWAY OPERATING EXPENSES

State the railway operating expenses on respondent's road for the year, classifying them in accordance with the proposed Uniform System of Accounts for Railroad Companies, and analyzing them in accordance with the Commission's rules governing the separation of operating expenses between freight and passenger service.

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APPENDIX D

SCHEDULE 310 - RAILWAY OPERATING EXPENSE

	(a)	FREIGHT (b) SALARIES AND WAGES	FREIGHT (c) MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	FREIGHT (d) PURCHASED SERVICES	FREIGHT (e) GENERAL	(f) PASSENGER
	WAY AND STRUCTURES:					
	ADMINISTRATION:					
001	Track					
002	Bridge and Building					
003	Signal					
004	Communication					
005	Other					
	REPAIR AND MAINTENANCE:					
006	Roadway - Running					
007	Roadway - Switching					
009	Tunnels and Subways - Switching					
010	Bridges and Culverts - Running					
011	Bridges and Culverts - Switching					
012	Ties - Running	N/A	N/A	N/A	N/A	N/A
013	Ties - Switching	N/A	N/A	N/A	N/A	N/A
014	Rail - Running	N/A	N/A	N/A	N/A	N/A
015	Rail - Switching	N/A	N/A	N/A	N/A	N/A
016	Other Track Material - Running	N/A	N/A	N/A	N/A	N/A
017	Other Track Material - Switching	N/A	N/A	N/A	N/A	N/A
018	Ballast - Running	N/A	N/A	N/A	N/A	N/A
019	Ballast - Switching	N/A	N/A	N/A	N/A	N/A
020	Track Laying and Surfacing - Running					
021	Track Laying and Surfacing - Switching					
022	Road Property Damaged - Running					
023	Road Property Damaged - Switching					
024	Road Property Damaged - Other					
025	Signals and Interlockers - Running					
026	Signals and Interlockers - Switching					
027	Communications Systems					
028	Electric Power Systems					
029	Highway Grade Crossings - Running					
030	Highway Grade Crossings - Switching					
031	Station and Office Buildings					
032	Shop Buildings - Locomotives					
033	Shop Buildings - Freight Cars					N/A
034	Shop Buildings - Other Equipment					

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APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

	(a)	FREIGHT (b) SALARIES AND WAGES	FREIGHT (c) MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	FREIGHT (d) PURCHASED SERVICES	FREIGHT (e) GENERAL	(f) PASSENGER
	WAY AND STRUCTURES:					
	ADMINISTRATION:					
001	Track					
002	Bridge and Building					
003	Signal					
004	Communication					
005	Other					
	REPAIR AND MAINTENANCE:					
006	Roadway - Running					
007	Roadway - Switching					
009	Tunnels and Subways - Switching					
010	Bridges and Culverts - Running					
011	Bridges and Culverts - Switching					
012	Ties - Running	N/A	N/A	N/A	N/A	N/A
013	Ties - Switching	N/A	N/A	N/A	N/A	N/A
014	Rail - Running	N/A	N/A	N/A	N/A	N/A
015	Rail - Switching	N/A	N/A	N/A	N/A	N/A
016	Other Track Material - Running	N/A	N/A	N/A	N/A	N/A
017	Other Track Material - Switching	N/A	N/A	N/A	N/A	N/A
018	Ballast - Running	N/A	N/A	N/A	N/A	N/A
019	Ballast - Switching	N/A	N/A	N/A	N/A	N/A
020	Track Laying and Surfacing - Running					
021	Track Laying and Surfacing - Switching					
022	Road Property Damaged - Running					
023	Road Property Damaged - Switching					
024	Road Property Damaged - Other					
025	Signals and Interlockers - Running					
026	Signals and Interlockers - Switching					
027	Communications Systems					
028	Electric Power Systems					
029	Highway Grade Crossings - Running					
030	Highway Grade Crossings - Switching					
031	Station and Office Buildings					
032	Shop Buildings - Locomotives					
033	Shop Buildings - Freight Cars					N/A
034	Shop Buildings - Other Equipment					

APPENDIX D

SCHEDULE 310 - RAILWAY OPERATING EXPENSE

	(a)	FREIGHT (b) SALARIES AND WAGES	FREIGHT (c) MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	FREIGHT (d) PURCHASED SERVICES	FREIGHT (e) GENERAL	(f) PASSENGER
	WAY AND STRUCTURES - Continued:					
	REPAIR AND MAINTENANCE - Continued:					
101	Locomotive Servicing Facilities					
102	Miscellaneous Buildings and Structures					
103	Coal Terminals					N/A
104	Ore Terminals					N/A
105	Other Marine Terminals					N/A
106	TOFC/COFC - Terminals					N/A
107	Motor Vehicle Loading and Distribution Facilities					N/A
108	Facilities for Other Specialized Service Operations					N/A
109	Roadway Machines					
110	Small Tools and Supplies					
111	Snow Removal					
112	FRINGE BENEFITS - RUNNING	N/A	N/A	N/A		
113	FRINGE BENEFITS - SWITCHING	N/A	N/A	N/A		
114	FRINGE BENEFITS - OTHER	N/A	N/A		N/A	
115	CASUALTIES AND INSURANCE - RUNNING	N/A	N/A		N/A	
116	CASUALTIES AND INSURANCE - SWITCHING	N/A	N/A		N/A	
117	CASUALTIES AND INSURANCE - OTHER	N/A	N/A		N/A	
118	LEASE RENTALS - DEBIT - RUNNING	N/A	N/A		N/A	
119	LEASE RENTALS - DEBIT - SWITCHING	N/A	N/A		N/A	
120	LEASE RENTALS - DEBIT - OTHER	N/A	N/A	N/A		
121	LEASE RENTALS - (CREDIT) - RUNNING	N/A	N/A		N/A	
122	LEASE RENTALS - (CREDIT) - SWITCHING	N/A	N/A		N/A	
123	LEASE RENTALS - (CREDIT) - OTHER					
124	JOINT FACILITY RENT - DEBIT - RUNNING					
125	JOINT FACILITY RENT - DEBIT - SWITCHING					
126	JOINT FACILITY RENT - DEBIT - OTHER					
127	JOINT FACILITY RENT - (CREDIT) - RUNNING					
128	JOINT FACILITY RENT - (CREDIT) - SWITCHING					
129	JOINT FACILITY RENT - (CREDIT) - OTHER					
130	OTHER RENTS - DEBIT - RUNNING					
131	OTHER RENTS - DEBIT - SWITCHING					
132	OTHER RENTS - DEBIT - OTHER					
133	OTHER RENTS - (CREDIT) - RUNNING					
134	OTHER RENTS - (CREDIT) - SWITCHING					
135	OTHER RENTS - (CREDIT) - OTHER					
136	DEPRECIATION - RUNNING					
137	DEPRECIATION - SWITCHING					
138	DEPRECIATION - OTHER					
139	JOINT FACILITY - DEBIT - RUNNING					
140	JOINT FACILITY - DEBIT - SWITCHING					
141	JOINT FACILITY - DEBIT - OTHER					
142	JOINT FACILITY - (CREDIT) - RUNNING					
143	JOINT FACILITY - (CREDIT) - SWITCHING					
144	JOINT FACILITY - (CREDIT) - OTHER					
145	DISMANTLING RETIRED ROAD PROPERTY - RUNNING					
146	DISMANTLING RETIRED ROAD PROPERTY - SWITCHING					
147	DISMANTLING RETIRED ROAD PROPERTY - OTHER					
148	OTHER - RUNNING					
149	OTHER - SWITCHING					
150	OTHER - OTHER					
151	TOTAL WAY AND STRUCTURES					

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APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

(a)	FREIGHT				PASSENGER
	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)	(f)
EQUIPMENT:					
LOCOMOTIVES:					
201 Administration					
202 Repair and Maintenance					
203 Machinery Repair					
204 Equipment Damaged					
205 Fringe Benefits	N/A	N/A	N/A		
206 Other Casualties and Insurance	N/A	N/A	N/A		
207 Lease Rentals - Debit	N/A	N/A		N/A	
208 Lease Rentals - (Credit)	N/A	N/A		N/A	
209 Joint Facility Rent - Debit	N/A	N/A		N/A	
210 Joint Facility Rent - (Credit)	N/A	N/A		N/A	
211 Other Rents - Debit	N/A	N/A		N/A	
212 Other Rents - (Credit)	N/A	N/A		N/A	
213 Depreciation	N/A	N/A	N/A		
214 Joint Facility - Debit	N/A	N/A		N/A	
215 Joint Facility - (Credit)	N/A	N/A		N/A	
216 Repairs Billed to Others - (Credit)	N/A	N/A		N/A	
217 Dismantling Retired Property					
218 Other					
219 Total Locomotives					
FREIGHT CARS:					
220 Administration					N/A
221 Repair and Maintenance					N/A
222 Machinery Repair					N/A
223 Equipment Damaged					N/A
224 Fringe Benefits	N/A	N/A	N/A		N/A
225 Other Casualties and Insurance	N/A	N/A	N/A		N/A
226 Lease Rentals - Debit	N/A	N/A		N/A	N/A
227 Lease Rentals - (Credit)	N/A	N/A		N/A	N/A
228 Joint Facility Rent - Debit	N/A	N/A		N/A	N/A
229 Joint Facility Rent - (Credit)	N/A	N/A		N/A	N/A
230 Other Rents - Debit	N/A	N/A		N/A	N/A
231 Other Rents - (Credit)	N/A	N/A		N/A	N/A
232 Depreciation	N/A	N/A	N/A		N/A
233 Joint Facility - Debit	N/A	N/A		N/A	N/A
234 Joint Facility - (Credit)	N/A	N/A		N/A	N/A
235 Repairs Billed to Others - (Credit)	N/A	N/A		N/A	N/A
236 Dismantling Retired Property					N/A
237 Other					N/A
238 Total Freight Cars					N/A

APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

(a)	FREIGHT				PASSENGER
	SALARIES AND WAGES (b)	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	PURCHASED SERVICES (d)	GENERAL (e)	(f)
EQUIPMENT - (Continued):					
OTHER EQUIPMENT:					
301 Administration					
302 Repair and Maintenance: Trucks, Trailers, and Containers - Revenue Service					N/A
303 Floating Equipment - Revenue Service					N/A
304 Passenger and Other Revenue Equipment					
305 Computers and Data Processing Systems					
306 Machinery					
307 Work and Other Non-Revenue Equipment					
308 Equipment Damaged					
309 Fringe Benefits	N/A	N/A	N/A		
310 Other Casualties and Insurance	N/A	N/A	N/A		
311 Lease Rentals - Debit	N/A	N/A		N/A	
312 Lease Rentals - (Credit)	N/A	N/A		N/A	
313 Joint Facility Rent - Debit	N/A	N/A		N/A	
314 Joint Facility Rent - (Credit)	N/A	N/A		N/A	
315 Other Rents - Debit	N/A	N/A		N/A	
316 Other Rents - (Credit)	N/A	N/A		N/A	
317 Depreciation	N/A	N/A	N/A		
318 Joint Facility - Debit	N/A	N/A		N/A	
319 Joint Facility - (Credit)	N/A	N/A		N/A	
320 Repairs Billed to Others - (Credit)	N/A	N/A		N/A	
321 Dismantling Retired Property					
322 Other					
323 Total Other Equipment					
324 TOTAL EQUIPMENT					

APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

(a)	FREIGHT: SALARIES AND WAGES (b)	FREIGHT: MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	FREIGHT: PURCHASED SERVICES (d)	FREIGHT: GENERAL (e)	PASSENGER (f)
TRANSPORTATION:					
TRAIN OPERATIONS:					
401 Administration					
402 Engine Crews					
403 Train Crews					
404 Dispatching Trains					
405 Operating Signals and Interlockers					
406 Operating Drawbridges					
407 Highway Crossing Protection					
408 Train Inspection and Lubrication					
409 Locomotive Fuel					
410 Electric Power Purchased or Produced for Motive Power					
411 Servicing Locomotives					
412 Freight Lost or Damaged - Solely Related	N/A	N/A	N/A		
413 Clearing Wrecks					
414 Fringe Benefits	N/A	N/A	N/A		
415 Other Casualties and Insurance	N/A	N/A	N/A		
416 Joint Facility - Debit	N/A	N/A		N/A	
417 Joint Facility - (Credit)	N/A	N/A		N/A	
418 Other					
419 Total Train Operations					
YARD OPERATIONS:					
420 Administration					
421 Switch Crews					
422 Controlling Operations					
423 Yard and Terminal Clerical					
424 Operating Switches, Signals, Retarders and Humps					
425 Locomotive Fuel					
426 Electric Power Purchased or Produced for Motive Power					
427 Servicing Locomotives					
428 Freight Lost or Damaged - Solely Related	N/A	N/A	N/A		
429 Clearing Wrecks					
430 Fringe Benefits	N/A	N/A	N/A		
431 Other Casualties and Insurance	N/A	N/A	N/A		
432 Joint Facility - Debit	N/A	N/A		N/A	
433 Joint Facility - (Credit)	N/A	N/A		N/A	
434 Other					
435 Total Yard Operations					

APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

(a)	FREIGHT: SALARIES AND WAGES (b)	FREIGHT: MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	FREIGHT: PURCHASED SERVICES (d)	FREIGHT: GENERAL (e)	PASSENGER (f)
TRANSPORTATION - (Continued):					
TRAIN AND YARD OPERATIONS COMMON:				N/A	
501 Cleaning Car Interiors				N/A	N/A
502 Adjusting and Transferring Loads				N/A	N/A
503 Car Loading Devices and Grain Doors					
504 Freight Lost or Damaged - all other	N/A	N/A	N/A		
505 Fringe Benefits	N/A	N/A	N/A		
506 Total Train and Yard Operations Common					
SPECIALIZED SERVICE OPERATIONS:					
507 Administration					N/A
508 Pickup & Delivery and Marine Line Haul			N/A		N/A
509 Loading & Unloading and Local Marine					N/A
510 Protective Services					N/A
511 Freight Lost or Damaged - Solely Related	N/A	N/A	N/A		N/A
512 Fringe Benefits	N/A	N/A	N/A		N/A
513 Casualties and Insurance	N/A	N/A	N/A		N/A
514 Joint Facility - Debit	N/A	N/A		N/A	N/A
515 Joint Facility - (Credit)	N/A	N/A		N/A	N/A
516 Other					N/A
517 Total Specialized Services Operations					N/A
ADMINISTRATIVE SUPPORT OPERATIONS:					
518 Administration					
519 Employees Performing Clerical and Accounting Functions					
520 Communication Systems Operation					
521 Loss and Damage Claims Processing					
522 Fringe Benefits	N/A	N/A	N/A		
523 Casualties and Insurance	N/A	N/A	N/A		
524 Joint Facility - Debit	N/A	N/A		N/A	
525 Joint Facility - (Credit)	N/A	N/A		N/A	
526 Other					
527 Total Administrative Support Operations					
528 TOTAL TRANSPORTATION					

APPENDIX D

SCHEDULE 320 - RAILWAY OPERATING EXPENSE

(a)	FREIGHT: SALARIES AND WAGES (b)	FREIGHT: MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS (c)	FREIGHT: PURCHASED SERVICES (d)	FREIGHT: GENERAL (e)	PASSENGER (f)
GENERAL AND ADMINISTRATIVE:					
601 Officers - General Administration					
602 Accounting, Auditing and Finance					
603 Management Services and Data Processing					
604 Marketing					
605 Sales					
606 Industrial Development					N/A
607 Personnel and Labor Relations					
608 Legal and Secretarial					
609 Public Relations and Advertising					
610 Research and Development					
611 Fringe Benefits	N/A	N/A	N/A		
612 Casualties and Insurance	N/A	N/A	N/A		
613 Writedown of Uncollectible Accounts	N/A	N/A	N/A		
614 Property Taxes	N/A	N/A	N/A		
615 Other Taxes Except on Corporate Income or Payrolls	N/A	N/A	N/A		
616 Joint Facility - Debit	N/A	N/A		N/A	
617 Joint Facility - (Credit)	N/A	N/A		N/A	
618 Other					
619 TOTAL GENERAL AND ADMINISTRATIVE					
620 TOTAL CARRIER OPERATING EXPENSES					

APPENDIX D

OPERATING EXPENSE ACCOUNT ASSIGNMENT
Schedule 320 - Railway Operating Expenses

	FREIGHT*: SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
WAY AND STRUCTURES:					
ADMINISTRATION:					
Track	11-13-02	21-13-02	41-13-02	61-13-02	XX-16-02
Bridges and Buildings	11-13-03	21-13-03	41-13-03	61-13-03	XX-16-03
Signals	11-13-04	21-13-04	41-13-04	61-13-04	XX-16-04
Communications	11-13-05	21-13-05	41-13-05	61-13-05	XX-16-05
Other	11-13-06	21-13-06	41-13-06	61-13-06	XX-16-06
REPAIR AND MAINTENANCE:					
Roadway - Running	11-11-10	21-11-10	39-11-10 40-11-10 41-11-10	61-11-10	XX-14-10
Roadway - Switching	11-12-10	21-12-10	39-12-10 40-12-10 41-12-10	61-12-10	XX-15-10
Tunnels and Subways - Running	11-11-11	21-11-11	39-11-11 40-11-11 41-11-11	61-11-11	XX-14-11

*Common expenses shall be allocated between Freight and Passenger for reporting purposes.

**The natural expenses (Salaries and Wages; Material, Tools, Supplies, Fuels and Lubricants; Purchase Services; General) shall be summarized for reporting Passenger expenses.

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Tunnels and Subways - Switching	11-12-11	21-12-11	39-12-11 40-12-11 41-12-11	61-12-11	XX-15-11
Bridges and Culverts - Running	11-11-12	21-11-12	39-11-12 40-11-12 41-11-12	61-11-12	XX-14-12
Bridges and Culverts - Switching	11-12-12	21-12-12	39-12-12 40-12-12 41-12-12	61-12-12	XX-15-12
Ties - Running	N/A	21-11-13	N/A	N/A	21-14-13
Ties - Switching	N/A	21-12-13	N/A	N/A	21-15-13
Rails - Running	N/A	21-11-14	N/A	N/A	21-14-14
Rails - Switching	N/A	21-12-14	N/A	N/A	21-15-14
Other Track Material - Running	N/A	21-11-15	N/A	N/A	21-14-15
Other Track Material - Switching	N/A	21-12-15	N/A	N/A	21-15-15
Ballast - Running	N/A	21-11-16	N/A	N/A	21-14-16
Ballast - Switching	N/A	21-12-16	N/A	N/A	21-15-16
Track Laying & Surfacing - Running	11-11-17	21-11-17	39-11-17 40-11-17 41-11-17	61-11-17	XX-14-17
Track Laying & Surfacing - Switching	11-12-17	21-12-17	39-12-17 40-12-17 41-12-17	61-12-17	XX-15-17
Road Property Damaged - Running	11-11-48	21-11-48	39-11-48 40-11-48 41-11-48	61-11-48	XX-14-48
Road Property Damaged - Switching	11-12-48	21-12-48	39-12-48 40-12-48 41-12-48	61-12-48	XX-15-48
Road Property Damaged - Other	11-13-48	21-13-48	39-13-48 40-13-48 41-13-48	61-13-48	XX-15-48

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Signals and Interlockers - Running	11-11-19	21-11-19	39-11-19 40-11-19 41-11-19	61-11-19	XX-14-19
Signals and Interlockers - Switching	11-12-19	21-12-19	39-12-19 40-12-19 41-12-19	61-12-19	XX-15-19
Communications Systems	11-13-20	21-13-20	39-13-20 40-13-20 41-13-20	61-13-20	XX-16-20
Electric Power Systems	11-13-21	21-13-21	39-13-21 40-13-21 41-13-21	61-13-21	XX-16-21
Highway Grade Crossings - Running	11-11-22	21-11-22	39-11-22 40-11-22 41-11-22	61-11-22	XX-14-22
Highway Grade Crossings - Switching	11-12-22	21-12-22	39-12-22 40-12-22 41-12-22	61-12-22	XX-15-22
Station and Office Buildings	11-13-23	21-13-23	39-13-23 40-13-23 41-13-23	61-13-23	XX-16-23
Shop Buildings - Locomotives	11-13-24	21-13-24	39-13-24 40-13-24 41-13-24	61-13-24	XX-16-24
Shop Buildings - Freight Cars	11-13-25	21-13-25	39-13-25 40-13-25 41-13-25	61-13-25	N/A
Shop Buildings - Other Equipment	11-13-26	21-13-26	39-13-26 40-13-26 41-13-26	61-13-26	XX-16-26
Locomotive Servicing Facilities	11-13-27	21-13-27	39-13-27 40-13-27 41-13-27	61-13-27	XX-16-27

	FREIGHT*				
	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Miscellaneous Buildings and Structures.....	11-13-28	21-13-28	39-13-28 40-13-28 41-13-28	61-13-28	XX-16-28
Coal Terminals.....	11-13-29	21-13-29	39-13-29 40-13-29 41-13-29	61-13-29	N/A
Ore Terminals.....	11-13-30	21-13-30	39-13-30 40-13-30 41-13-30	61-13-30	N/A
TOFC/COFC Terminals.....	11-13-31	21-13-31	39-13-31 40-13-31 41-13-31	61-13-31	N/A
Other Marine Terminals.....	11-13-32	21-13-32	39-13-32 40-13-32 41-13-32	61-13-32	N/A
Motor Vehicle Loading and Distribution Facilities.....	11-13-33	21-13-33	39-13-33 40-13-33 41-13-33	61-13-33	N/A
Facilities for Other Specialized Service Operations.....	11-13-35	21-13-35	39-13-35 40-13-35 41-13-35	61-13-35	N/A
Roadway Machines.....	11-13-36	21-13-36	39-13-36 40-13-36 41-13-36	61-13-36	XX-16-36
Small Tools and Supplies.....	11-13-37	21-13-37	39-13-37 40-13-37 41-13-37	61-13-37	XX-16-37
Snow Removal.....	11-13-38	21-13-38	39-13-38 40-13-38 41-13-38	61-13-38	XX-16-38
Dismantling Retired Road Property - Running...	11-11-39	21-11-39	41-11-39	61-11-39	XX-14-39
Dismantling Retired Road Property - Switching.	11-12-39	21-12-39	41-12-39	61-12-39	XX-15-39
Dismantling Retired Road Property - Other.....	11-13-39	21-13-39	41-13-39	61-13-39	XX-16-39

	FREIGHT*				
	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
FRINGE BENEFITS - Running.....	N/A	N/A	N/A	12-11-00 12-12-00 12-13-00	12-14-00 12-15-00 12-16-00
CASUALTIES AND INSURANCE - Running.....	N/A	N/A	N/A	52-11-00 53-11-00 52-12-00 53-12-00 52-13-00 53-13-00	52-14-00 53-14-00 52-15-00 53-15-00 52-16-00 53-16-00
LEASE RENTALS - Debit - Running.....	N/A	N/A	31-11-00 31-12-00 31-13-00	N/A	31-14-00 31-15-00 31-16-00
LEASE RENTALS - (Credit) - Running.....	N/A	N/A	32-11-00 32-12-00 32-13-00	N/A	32-14-00 32-15-00 32-16-00
JOINT FACILITY RENTS - Debit - Running.....	N/A	N/A	33-11-00 33-12-00 33-13-00	N/A	33-14-00 33-15-00 33-16-00
JOINT FACILITY RENTS - (Credit) - Running.....	N/A	N/A	34-11-00 34-12-00 34-13-00	N/A	34-14-00 34-15-00 34-16-00
OTHER RENTS - Debit - Running.....	N/A	N/A	35-11-00 35-12-00 35-13-00	N/A	35-14-00 35-15-00 35-16-00
OTHER RENTS - (Credit) - Running.....	N/A	N/A	36-11-00 36-12-00 36-13-00	N/A	36-14-00 36-15-00 36-16-00
DEPRECIATION - Running.....	N/A	N/A	N/A	62-11-00 62-12-00 62-13-00	62-14-00 62-15-00 62-16-00

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
JOINT FACILITY - Debit - Running	N/A	N/A	37-11-00	N/A	37-14-00
JOINT FACILITY - Debit - Switching			37-12-00		37-15-00
JOINT FACILITY - Debit - Other			37-13-00		37-16-00
JOINT FACILITY - (Credit) - Running	N/A	N/A	38-11-00	N/A	38-14-00
JOINT FACILITY - (Credit) - Switching			38-12-00		38-15-00
JOINT FACILITY - (Credit) - Other			38-13-00		38-16-00
OTHER - Running	11-11-99	21-11-99	41-11-99	61-11-99	XX-14-99
OTHER - Switching	11-12-99	21-12-99	41-12-99	61-12-99	XX-15-99
OTHER - Other	11-13-99	21-13-99	41-13-99	61-13-99	XX-16-99
TOTAL WAY AND STRUCTURES					
EQUIPMENT:					
LOCOMOTIVES:					
Administration	11-21-01	21-21-01	41-21-01	61-21-01	XX-24-01
Repair and Maintenance	11-21-41	21-21-41	39-21-41 41-21-41	61-21-41	XX-24-41
Machinery Repair	11-21-40	21-21-40	39-21-40 41-21-40	61-21-40	XX-24-40
Equipment Damaged	11-21-48	21-21-48	39-21-48 41-21-48	61-21-48	XX-24-48
Dismantling Retired Property	11-21-39	21-21-39	41-21-39	61-21-39	XX-24-39
Fringe Benefits	N/A	N/A	N/A	12-21-00	12-24-00
Other Casualties and Insurance	N/A	N/A	N/A	52-21-00 53-21-00	52-24-00 53-24-00
Lease Rentals - Debit	N/A	N/A	31-21-00	N/A	31-24-00
Lease Rentals - (Credit)	N/A	N/A	32-21-00	N/A	32-24-00
Joint Facility Rents - Debit	N/A	N/A	33-21-00	N/A	N/A
Joint Facility Rents - (Credit)	N/A	N/A	34-21-00	N/A	N/A
Other Rents - Debit	N/A	N/A	35-21-00	N/A	35-24-00
Other Rents - (Credit)	N/A	N/A	36-21-00	N/A	36-24-00

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Depreciation	N/A	N/A	N/A	62-21-00	62-24-00
Joint Facility - Debit	N/A	N/A	37-21-00	N/A	37-24-00
Joint Facility - (Credit)	N/A	N/A	38-21-00	N/A	38-24-00
Repairs Billed to Others - (Credit)	N/A	N/A	40-21-40	N/A	40-24-40
			40-21-41		40-24-41
			40-21-48		40-24-48
Other	11-21-99	21-21-99	41-21-99	61-21-99	XX-24-99
Total Locomotives					
FREIGHT CARS:					
Administration	11-22-01	21-22-01	41-22-01	61-22-01	N/A
Repair and Maintenance	11-22-42	21-22-42	39-22-42 41-22-42	61-22-42	N/A
Machinery Repair	11-22-40	21-22-40	39-22-40 41-22-40	61-22-40	N/A
Equipment Damaged	11-22-48	21-22-48	39-22-48 41-22-48	61-22-48	N/A
Dismantling Retired Property	11-22-39	21-22-39	41-22-39	61-22-39	N/A
Fringe Benefits	N/A	N/A	N/A	12-22-00	N/A
Other Casualties and Insurance	N/A	N/A	N/A	52-22-00 53-22-00	N/A
Lease Rentals - Debit	N/A	N/A	31-22-00	N/A	N/A
Lease Rentals - (Credit)	N/A	N/A	32-22-00	N/A	N/A
Joint Facility Rents - Debit	N/A	N/A	33-22-00	N/A	N/A
Joint Facility Rents - (Credit)	N/A	N/A	34-22-00	N/A	N/A
Other Rents - Debit	N/A	N/A	35-22-00	N/A	N/A
Other Rents - (Credit)	N/A	N/A	36-22-00	N/A	N/A
Depreciation	N/A	N/A	N/A	62-22-00	N/A
Joint Facility - Debit	N/A	N/A	37-22-00	N/A	N/A
Joint Facility - (Credit)	N/A	N/A	38-22-00	N/A	N/A

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FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Repairs Billed to Others - (Credit)	N/A	N/A	40-22-40 40-22-42 40-22-48	N/A	N/A
Other	11-22-99	21-22-99	41-22-99	61-22-99	N/A
Total Freight Cars					
OTHER EQUIPMENT:					
Administration	11-23-01	21-23-01	41-23-01	61-23-01	XX-25-01
Repair and Maintenance:					
Trucks, Trailers, and Containers - Revenue Service	11-23-43	21-23-43	39-23-43 41-23-43	61-23-43	N/A
Floating Equipment - Revenue Service	11-23-44	21-23-44	39-23-44 41-23-44	61-23-44	N/A
Passenger and Other Revenue Equipment	11-23-45	21-23-45	39-23-45 41-23-45	61-23-45	XX-25-45
Computers and Data Processing Systems	11-23-46	21-23-46	39-23-46 41-23-46	61-23-46	XX-25-46
Machinery	11-23-40	21-23-40	39-23-40 41-23-40	61-23-40	XX-25-40
Work and Other Non-Revenue Equipment	11-23-47	21-23-47	39-23-47 41-23-47	61-23-47	XX-25-47
Equipment Damaged	11-23-48	21-23-48	39-23-48 41-23-48	61-23-48	XX-25-48
Dismantling Retired Property	11-23-39	21-23-39	41-23-39	61-23-39	XX-25-39
Fringe Benefits	N/A	N/A	N/A	12-23-00	12-25-00
Other Casualties and Insurance	N/A	N/A	N/A	52-23-00 53-23-00	52-25-00 53-25-00
Lease Rentals - Debit	N/A	N/A	31-23-00	N/A	31-25-00
Lease Rentals - (Credit)	N/A	N/A	32-23-00	N/A	32-25-00
Joint Facility Rents - Debit	N/A	N/A	33-23-00	N/A	33-25-00
Joint Facility Rents - (Credit)	N/A	N/A	34-23-00	N/A	34-25-00
Other Rents - Debit	N/A	N/A	35-23-00	N/A	35-25-00

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Other Rents - (Credit)	N/A	N/A	36-23-00	N/A	36-25-00
Depreciation	N/A	N/A	N/A	62-23-00	62-25-00
Joint Facility - Debit	N/A	N/A	37-23-00	N/A	37-25-00
Joint Facility - (Credit)	N/A	N/A	38-23-00	N/A	38-25-00
Repairs Billed to Others - (Credit)	N/A	N/A	40-23-40 40-23-43 40-23-44 40-23-45 40-23-46 40-23-47 40-23-48	N/A	40-25-40 N/A N/A 40-25-45 40-25-46 40-25-47 40-25-48
Other	11-23-99	21-23-99	41-23-99	61-23-99	XX-25-99
Total Other Equipment					
TOTAL EQUIPMENT					
TRANSPORTATION:					
TRAIN OPERATIONS:					
Administration	11-31-01	21-31-01	41-31-01	61-31-01	XX-41-01
Engine Crews	11-31-56	21-31-56	41-31-56	61-31-56	XX-41-56
Train Crews	11-31-57	21-31-57	41-31-57	61-31-57	XX-41-57
Dispatching Trains	11-31-58	21-31-58	41-31-58	61-31-58	XX-31-58
Operating Signals and Interlockers	11-31-59	21-31-59	41-31-59	61-31-59	XX-41-59
Operating Drawbridges	11-31-60	21-31-60	41-31-60	61-31-60	XX-41-60
Highway Crossing Protection	11-31-61	21-31-61	41-31-61	61-31-61	XX-41-61
Train Inspection and Lubrication	11-31-62	21-31-62	41-31-62	61-31-62	XX-41-62
Locomotive Fuel	11-31-67	21-31-67	41-31-67	61-31-67	XX-41-67
Electric Power Purchased/Produced for Motive Power	11-31-68	21-31-68	41-31-68	61-31-68	XX-41-68
Servicing Locomotives	11-31-69	21-31-69	41-31-69	61-31-69	XX-41-69
Freight Lost or Damaged - Soley Related	N/A	N/A	N/A	51-31-00	51-41-00

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Clearing Wrecks	11-31-63	21-31-63	41-31-63	61-31-63	XX-41-63
Fringe Benefits	N/A	N/A	N/A	12-31-00	12-41-00
Other Casualties and Insurance	N/A	N/A	N/A	52-31-00	52-41-00
				53-31-00	53-41-00
Joint Facility - Debit	N/A	N/A	37-31-00	N/A	37-41-00
Joint Facility - (Credit)	N/A	N/A	38-31-00	N/A	38-41-00
Other	11-31-99	21-31-99	41-31-99	61-31-99	XX-41-99
Total Train Operations					
YARD OPERATIONS:					
Administration	11-32-01	21-32-01	41-32-01	61-32-01	XX-42-01
Switch Crews	11-32-64	21-32-64	41-32-64	61-32-64	XX-42-64
Controlling Operations	11-32-65	21-32-65	41-32-65	61-32-65	XX-42-65
Yard and Terminal Clerical	11-32-66	21-32-66	41-32-66	61-32-66	XX-42-66
Operating Switches, Signals, Retarders and Humps	11-32-59	21-32-59	41-32-59	61-32-59	XX-42-59
Locomotive Fuel	11-32-67	21-32-67	41-32-67	61-32-67	XX-42-67
Electric Power Purchased/ Produced for Motive Power	11-32-68	21-32-68	41-32-68	61-32-68	XX-42-68
Servicing Locomotives	11-32-69	21-32-69	41-32-69	61-32-69	XX-42-69
Freight, Lost or Damaged - Solely Related	N/A	N/A	N/A	51-32-00	51-42-00
Clearing Wrecks	11-32-63	21-32-63	41-32-63	61-32-63	XX-42-63
Fringe Benefits	N/A	N/A	N/A	12-32-00	12-42-00
Other Casualties and Insurance	N/A	N/A	N/A	52-32-00	52-42-00
				53-32-00	53-42-00
Joint Facility - Debit	N/A	N/A	37-32-00	N/A	37-42-00
Joint Facility - (Credit)	N/A	N/A	38-32-00	N/A	38-42-00
Other	11-32-99	21-32-99	41-32-99	61-32-99	XX-42-99
Total Yard Operations					

FREIGHT*

	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
TRAIN AND YARD OPERATIONS COMMON:					
Cleaning Car Interiors	11-33-70	21-33-70	41-33-70	N/A	XX-43-70
Adjusting and Transferring Loads	11-33-71	21-33-71	41-33-71	N/A	N/A
Car Loading Devices and Grain Doors	11-33-72	21-33-72	41-33-72	N/A	N/A
Freight Lost or Damaged - All Other	N/A	N/A	N/A	51-33-00	51-43-00
Fringe Benefits	N/A	N/A	N/A	12-33-00	12-43-00
Total Train and Yard Operations Common					
SPECIALIZED SERVICE OPERATIONS:					
Administration	11-34-01	21-34-01	41-34-01	61-34-01	N/A
Pick Up and Delivery, Marine Line Haul, and Rail Substitute Service	11-34-73	21-34-73	41-34-73	61-34-73	N/A
Loading, Unloading, and Local Marine	11-34-74	21-34-74	41-34-74	61-34-74	N/A
Protective Services	11-34-75	21-34-75	41-34-75	61-34-75	N/A
Freight Lost or Damaged - Solely Related	N/A	N/A	N/A	51-34-00	N/A
Fringe Benefits	N/A	N/A	N/A	12-34-00	N/A
Casualties and Insurance	N/A	N/A	N/A	52-34-00	N/A
				53-34-00	
Joint Facility - Debit	N/A	N/A	37-34-00	N/A	N/A
Joint Facility - (Credit)	N/A	N/A	38-34-00	N/A	N/A
Other	11-34-99	21-34-99	41-34-99	61-34-99	N/A
Total Specialized Services Operations					
ADMINISTRATIVE SUPPORT OPERATIONS:					
Administrative	11-35-01	21-35-01	41-35-01	61-35-01	XX-45-01
Employees Performing Clerical and Accounting Functions	11-35-76	21-35-76	41-35-76	61-35-76	XX-45-76
Communication Systems Operation	11-35-77	21-35-77	41-35-77	61-35-77	XX-45-77
Loss and Damage Claims Processing	11-35-78	21-35-78	41-35-78	61-35-78	XX-45-78
Fringe Benefits	N/A	N/A	N/A	12-35-00	12-45-00
Casualties and Insurance	N/A	N/A	N/A	52-35-00	52-45-00
				53-35-00	53-45-00

APPENDIX D

	FREIGHT*				
	SALARIES AND WAGES	MATERIAL, TOOLS, SUPPLIES, FUELS, AND LUBRICANTS	PURCHASED SERVICES	GENERAL	PASSENGER**
Joint Facility - Debit	N/A	N/A	37-35-00	N/A	37-45-00
Joint Facility - (Credit)	N/A	N/A	38-35-00	N/A	38-45-00
Other	11-35-99	21-35-99	41-35-99	61-35-99	XX-45-99
Total Administrative Support Operations					
TOTAL TRANSPORTATION					
GENERAL AND ADMINISTRATIVE:					
Officers - General Superintendence	11-61-01	21-61-01	41-61-01	61-61-01	XX-62-01
Accounting, Auditing and Finance	11-61-86	21-61-86	41-61-86	61-61-86	XX-62-86
Management Services and Data Processing	11-61-87	21-61-87	41-61-87	61-61-87	XX-62-87
Marketing	11-61-88	21-61-88	41-61-88	61-61-88	XX-62-88
Sales	11-61-89	21-61-89	41-61-89	61-61-89	XX-62-89
Industrial Development	11-61-90	21-61-90	41-61-90	61-61-90	N/A
Personnel and Labor Relations	11-61-91	21-61-91	41-61-91	61-61-91	XX-62-91
Legal and Secretarial	11-61-92	21-61-92	41-61-92	61-61-92	XX-62-92
Public Relations and Advertising	11-61-93	21-61-93	41-61-93	61-61-93	XX-62-93
Research and Development	11-61-94	21-61-94	41-61-94	61-61-94	XX-62-94
Fringe Benefits	N/A	N/A	N/A	12-61-00	12-62-00
Casualties and Insurance	N/A	N/A	N/A	52-61-00	52-62-00
Writedown of Uncollectible Accounts	N/A	N/A	N/A	53-61-00	53-62-00
Property Taxes	N/A	N/A	N/A	63-61-00	63-62-00
Other Taxes Except on Corporate Income or Payrolls	N/A	N/A	N/A	64-61-00	64-62-00
Joint Facility - Debit	N/A	N/A	N/A	65-61-00	65-62-00
Joint Facility - (Credit)	N/A	N/A	37-61-00	N/A	37-62-00
Other	11-61-99	21-61-99	38-61-00	N/A	38-62-00
TOTAL GENERAL AND ADMINISTRATIVE			41-61-99	61-61-99	XX-62-99
TOTAL CARRIER OPERATING EXPENSES					

APPENDIX D

FORM RE&I

INSTRUCTIONS

1. Under order of the Commission, Class I railroads, excluding switching and terminal companies, are required to file quarterly reports of revenues, expenses and income items, Form RE&I, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D. C. 20423, within 30 days after the close of each quarter. Reports should be prepared on a calendar quarter basis beginning with the first day of January, April, July and October.
2. The items reported in Form RE&I should be taken from and agree with the accounts kept in conformity with the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. The account numbers refer to the accounts in the Uniform System of Accounts. Reverse items should be shown in parentheses. Dollar amounts should be rounded to the nearest whole number and adjusted to totals; omit cents. Ratios in Items 49 through 51 should be calculated to one decimal place. Entries in columns (c) and (e) should be restated to conform with the accounting requirements followed in columns (b) and (d). Unusual transactions or items which reflect an important change in the financial condition of the carrier should be identified and explained in a footnote under "Remarks". Amounts reported in column (b), Item 41, Account 570, must be identified in a footnote showing date of Commission approval, and brief description of items included. Any dividends paid other than in cash must be fully explained in a footnote.
3. Item 33 represents the accrual of income taxes on ordinary income. Income taxes which are refundable or reduced as result of carry-back or carry-forward of operating loss shall be included in the year in which the loss occurs, or, if a carry-forward, in the year in which applied to reduce taxes, unless the amount constitutes an extraordinary item excludable from ordinary income for the year (See Instruction 1-2(d), Uniform System of Accounts). Income taxes on extraordinary items (Account 590) are reported in Item 42.
4. Item 18 includes dividend income from investments to which the cost method of accounting applies. Item 19 includes only dividends accounted for under the equity method. Item 20 includes the undistributed earnings(losses) from investments accounted for under the equity method.
5. The certification must be completed by an officer of the carrier.

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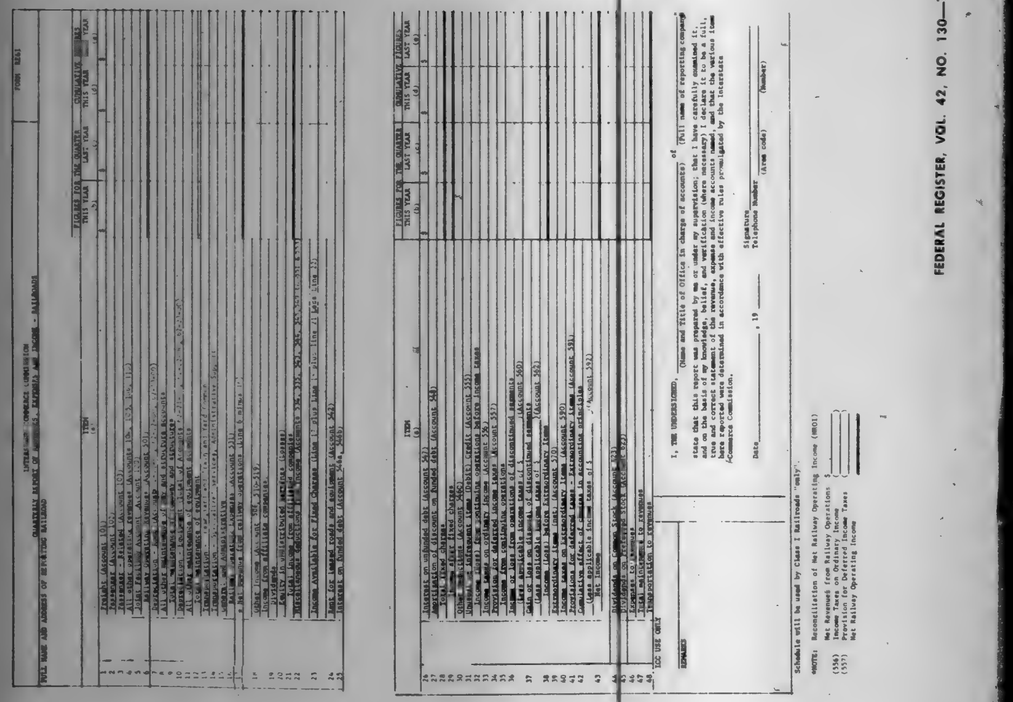

Appendix D

FOR ICC USE ONLY | FORM OS-A | 1st 2nd 3rd 4th | YEAR 19__ | INTERSTATE COMMERCE COMMISSION BUREAU OF ACCOUNTS TRAIN AND YARD SERVICE

FULL NAME OF REPORTING CARRIER

ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
1.Miles of Road Operated (Note A)	1				
2.Train Miles-Running: (Note B)	2				
2-01 Unit Trains	3				
2-02 Way Trains	4				
2-020 Diesel Locomotives	5				
2-021 Other Locomotives	6				
2-03 Through Trains	7				
2-030 Diesel Locomotives	8				
2-031 Other Locomotives	9				
2-04 Total Locomotives	10				
2-05 Motorcars	11				
2-06 Total, All Trains	12				
3.Locomotive Unit Miles: (Note C)	13				
Road Service: (Note D)	14				
3-01 Unit Trains	15				
3-02 Way Trains	16				
3-020 Diesel	17				
3-021 All Other (Type)	18				
3-03 Through Trains	19				
3-030 Diesel	20				
3-031 All Other (Type)	21				
3-04 Total	22				
Train Switching: (Note E)	23				
3-11 Diesel	24				
3-12 All Other (Type)	25				
3-13 Total	26				
Yard Switching: (Note F)	27				
3-21 Diesel	28				
3-22 All Other (Type)	29				
3-23 Total	30				
3-31 Total, All Services	31				
4.Motorcar Car-Miles: (Thousands) (Note G)	32				
4-01 Diesel	33				
4-02 Electric	34				
4-03 All Other	35				
4-04 Total	36				
5.Freight Car-Miles (Thousands): (Note H)	37				
5-01 RR Owned & Leased Cars-Loaded	38				
5-010 Box-Plain 40 Foot	39				
5-011 Box-Plain 50 Foot & Longer	40				
5-012 Box Equipped	41				
5-013 Gondola-Plain	42				
5-014 Gondola-Equipped	43				
5-015 Hopper-Covered	44				
5-016 Hopper-Open Top-General Service	45				
5-017 Hopper-Open Top-Special Service	46				
5-018 Refrigerator-Mechanical	47				
5-019 Refrigerator-Non-Mechanical	48				
5-020 Flat-TOFC/COFC	49				

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FOR ICC USE ONLY | FORM | YEAR | INTERSTATE COMMERCE COMMISSION

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FOR ICC USE ONLY | FORM OS-A | 1st 2nd 3rd 4th | YEAR 19 | INTERSTATE COMMERCE COMMISSION BUREAU OF ACCOUNTS TRAIN AND YARD SERVICE

FULL NAME OF REPORTING CARRIER

ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
5-021 Flat Multi-Level	50				
5-022 Flat-General Service	51				
5-023 Flat-All Other	52				
5-024 Tank-22,000 Gallons & Under	53				
5-025 Tank-Over 22,000 Gallons	54				
5-026 Tank-Other Than Liquid	55				
5-027 All Other Car Types	56				
5-11 RR Owned & Leased Cars-Empty	57				
5-110 Box-Plain 40 Foot	58				
5-111 Box-Plain 50 Foot & Longer	59				
5-112 Box Equipped	60				
5-113 Gondola-Plain	61				
5-114 Gondola-Equipped	62				
5-115 Hopper-Covered	63				
5-116 Hopper-Open Top-General Service	64				
5-117 Hopper-Open Top-Special Service	65				
5-118 Refrigerator-Mechanical	66				
5-119 Refrigerator-Non-Mechanical	67				
5-120 Flat-TOFC/COFC	68				
5-121 Flat-Multi-Level	69				
5-122 Flat-General Service	70				
5-123 Flat-All Other	71				
5-124 Tank-22,000 Gallons & Under	72				
5-125 Tank-Over 22,000 Gallons	73				
5-126 Tank-Other Than Liquid	74				
5-127 All Other Car Types	75				
5-13 Private Line Cars-Loaded*	76				
5-130 Box-Plain 40 Foot	77				
5-131 Box-Plain 50 Foot & Longer	78				
5-132 Box Equipped	79				
5-133 Gondola-Plain	80				
5-134 Gondola-Equipped	81				
5-135 Hopper-Covered	82				
5-136 Hopper-Open Top-General Service	83				
5-137 Hopper-Open Top-Special Service	84				
5-138 Refrigerator Mechanical	85				
5-139 Refrigerator-Non-Mechanical	86				
5-140 Flat-TOFC/COFC	87				
5-141 Flat-Multi-Level	88				
5-142 Flat-General Service	89				
5-143 Flat-All Other	90				
5-144 Tank-22,000 Gallons & Under	91				
5-145 Tank-Over 22,000 Gallons	92				
5-146 Tank-Other Than Liquid	93				
5-147 All Other Car Types	94				
5-15 Private Line Cars-Empty*	95				

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FOR ICC USE ONLY | FORM OS-A | 1st 2nd 3rd 4th | YEAR 19__ | INTERSTATE COMMERCE COMMISSION BUREAU OF ACCOUNTS TRAIN AND YARD SERVICE

FULL NAME OF REPORTING CARRIER

ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
5-150 Box-Plain 40 Foot	96				
5-151 Box-Plain 50 Foot & Longer	97				
5-152 Box Equipped	98				
5-153 Gondola-Plain	99				
5-154 Gondola-Equipped	100				
5-155 Hopper-Covered	101				
5-156 Hopper-Open Top-General Service	102				
5-157 Hopper-Open Top-Special Service	103				
5-158 Refrigerator-Mechanical	104				
5-159 Refrigerator-Non-Mechanical	105				
5-160 Flat-TOFC/COFC	106				
5-151 Flat-Multi-Level	107				
5-162 Flat-General Service	108				
5-163 Flat-All Other	109				
5-164 Tank-22,000 Gallons & Under	110				
5-165 Tank-Over 22,000 Gallons	111				
5-166 Tank-Other Than Liquid	112				
5-167 All Other Car Types	113				
5-17 Caboose	114				
5-18 Total Freight Car-Miles	115				
5-180 Unit Trains	116				
5-181 Way Trains	117				
5-182 Through Trains	118				
6.Passenger Car-Miles: (Thousands) (Note I)	119				
6-01 Coaches	120				
6-02 Combination Passenger Cars	121				
6-03 Sleeping and Parlor Cars	122				
6-04 Dining, Grill and Tavern Cars	123				
6-05 Head-end cars (Other than 6-02 combination)	124				
6-06 Total	125				
6-07 Business Cars	126				
6-08 Crew Cars (Other than Caboose)	127				
7.Gross Ton-Miles (Thousands) (Note J)	128				
7-01 Road Locomotives	129				
7-02 Freight Trains, Crs., Cnts., and Caboose	130				
7-020 Unit Trains	131				
7-021 Way Trains	132				
7-022 Through Trains	133				
7-03 Passenger-Trains, Crs., Cnts., and Caboose	134				
7-04 Total	135				

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FOR ICC USE ONLY | FORM | YEAR | INTERSTATE COMMERCE COMMISSION

ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
8.Locomotive Unit-Miles: (Thousands) (Note K)	136				
8-01 Road Locomotives	137				
8-02 Freight Trains	138				
8-020 Unit Trains	139				
8-021 Way Trains	140				
8-022 Through Trains	141				
8-03 Passenger-Trains	142				
8-04 Total	143				
9.Train-Miles: (Thousands)	144				
9-01 Freight Trains	145				
9-010 Unit Trains	146				
9-011 Way Trains	147				
9-012 Through Trains	148				
9-02 Passenger-Trains	149				
9-03 Total	150				
10.Train-Hours: (Thousands)	151				
10-01 Freight Trains	152				
10-010 Unit Trains	153				
10-011 Way Trains	154				
10-012 Through Trains	155				
10-02 Passenger-Trains	156				
10-03 Total	157				
11.Train-Miles: Light (Thousands)	158				
11-01 Freight Trains	159				
11-010 Unit Trains	160				
11-011 Way Trains	161				
11-012 Through Trains	162				
11-02 Passenger-Trains	163				
11-03 Total	164				
12.Train-Hours: Light (Thousands)	165				
12-01 Freight Trains	166				
12-010 Unit Trains	167				
12-011 Way Trains	168				
12-012 Through Trains	169				
12-02 Passenger-Trains	170				
12-03 Total	171				

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ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
13.Train-Miles: Total (Thousands)	172				
13-01 Freight Trains	173				
13-010 Unit Trains	174				
13-011 Way Trains	175				
13-012 Through Trains	176				
13-02 Passenger-Trains	177				
13-03 Total	178				
14.Train-Hours: Total (Thousands)	179				
14-01 Freight Trains	180				
14-010 Unit Trains	181				
14-011 Way Trains	182				
14-012 Through Trains	183				
14-02 Passenger-Trains	184				
14-03 Total	185				
15.Train-Miles: Switching (Thousands)	186				
15-01 Freight Trains	187				
15-02 Passenger-Trains	188				
15-03 Total	189				
16.Train-Hours: Switching (Thousands)	190				
16-01 Freight Trains	191				
16-02 Passenger-Trains	192				
16-03 Total	193				
17.Locomotive Unit-Miles: Light (Thousands)	194				
17-01 Road Locomotives	195				
17-02 Freight Trains	196				
17-020 Unit Trains	197				
17-021 Way Trains	198				
17-022 Through Trains	199				
17-03 Passenger-Trains	200				
17-04 Total	201				

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FOR ICC USE ONLY	FORM OS-A	1st 2nd 3rd 4th	YEAR 19__	INTERSTATE COMMERCE COMMISSION BUREAU OF ACCOUNTS TRAIN AND YARD SERVICE

FULL NAME OF REPORTING CARRIER

ITEM DESCRIPTION (a)	LINE NO.	FIGURES FOR QUARTER FREIGHT TRAIN (b)	FIGURES FOR QUARTER PASSENGER TRAIN (c)	FIGURES FOR PERIOD FREIGHT TRAIN (d)	FIGURES FOR PERIOD PASSENGER TRAIN (e)
8.Revenue and Non-Revenue Traffic: (Note K)*	136				
8-01 Revenue Freight	137				
8-010 Tons of Revenue Freight	138				
8-0100 Marine Terminals-Coal	139				
8-0101 Marine Terminals-Ore	140				
8-0102 Other Marine Terminals	141				
8-0103 All Other Tons of Revenue Freight	142				
8-011 Ton Miles in Road Service	143				
8-012 Ton Miles in Lake Transfer Service	144				
8-02 Non-Revenue Freight	145				
8-020 Tons of Non-Revenue Freight	146				
8-021 Ton-Miles in Road Service	147				
8-022 Ton-Miles in Lake Transfer Service	148				
8-03 Net Ton-Miles of Freight Revenue & Non-Revenue (Thousands)	149				
9.Train Hours: (Note L)	150				
9-01 Road Service	151				
9-02 Train Switching	152				
10.Total Yard-Switching Hours: (Note M)	153				
11.Train-Miles Work Trains: (Note N)	154				
11-01 Locomotives	155				
11-02 Motorcars	156				
12.Number of Loaded Freight Cars (Note O)	157				
12-01 Unit Trains	158				
12-02 Way Trains	159				
12-03 Through Trains	160				
13.TOFC/COFC-Number of Rev. Trailers & Containers Loaded & Unloaded	161				
14.Multi-Level Cars-Number of Motor Vehicles Loaded & Unloaded	162				

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FORM OS-A

SPECIAL INSTRUCTIONS

This report form is desinged for processing on Optical Character Recognition (OCR) equipment. Please observe the following directions carefully when filling in the Form:

1. Use any standard typewriter.
2. Align the form vertically by typing "H's" over the preprinted "H's" at the top of the form.
3. Do not adjust vertical alignment once you have started typing.
4. Set tab stops to insure proper horizontal alignment when typing columns of information.
5. Type each field beginning as close to the blue area as possible, but not touching it.
6. Do not use dollar signs, decimal points, or commas.
7. Report whole dollars only.
8. Do not smudge, staple, or mutilate the forms.
9. File the original typed copy of the form.

Unit Train, Way Train and Through data under Items 2, 3, 5, 7, and 12 shall be obtained from conductor's wheel reports (freight) or similar records. Unit Trains are generally defined as a solid train with a fixed, coupled consist operated continuously in shuttle service under load from origin and delivered intact at destination, and returning empty for reloading at the same origin. Way trains are defined as trains operated primarily to gather and distribute cars in road service and move them between way stations or way points. Through trains are those trains operated between two or more major concentration or distribution points. Do not include unit train statistics in way and through train statistics.

DEFINITION AND INSTRUCTIONS

Under the Commission's order of October 21, 1963, effective January 1, 1964, Class I railroads are required to make quarterly reports of operating statistics. In accordance with the order, FORM OS-A, TRAIN AND YARD SERVICE, is required to be filed, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C, 20423, within 25 days after the end of the quarter for which made (include suburban service).

(A) Miles of road operated at close of quarter, excluding industrial tracks, yard tracks, and sidings. Compute data for columns (d) and (e) by averaging mileage reported for each quarter.

(B) A train-mile is the movement of a train a distance of one mile. In computing train-miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as one mile. Train miles-running shall be based on the actual distance run between terminals and/or stations and shall be computed from the official time tables or distance tables. Train-miles shall not be increased to cover the running of locomotives from shops to terminals, doubling hills, switching, or other work at way stations, or for the service of helper or pusher locomotives or of extra locomotives on double-head or triple-head trains. When the carrier's trains are detoured over foreign roads, the miles shall be computed on the basis of the miles actually run and in accordance with the service performed. Train-miles shall be kept separately for trains hauled by locomotives and trains moved by motorcars.

(C) A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A locomotive unit-mile is a movement of a locomotive unit one mile under its own power. Include miles made by all locomotive units. In spaces marked "type" indicate type of motive power (electric, etc.), accumulating unit-miles reported. Types making less than 2 percent of total miles for service need not be segregated. Exclude miles made by motorcars. Miles of locomotives in helper service shall be computed on the basis of actual distance run in such service.

(D) All locomotive unit-miles in road service shall be based on the actual distance run between terminals and/or stations. Follow instructions (B) regarding fractions and official time-tables for computing locomotive miles.

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(E) Train switching locomotive-miles shall be computed at the rate of six miles

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(E) Train switching locomotive-miles shall be computed at the rate of six miles per hour for the time actually engaged in such service.

(F) Yard switching locomotive-miles shall be computed at the rate of six miles per hour for the time actually engaged in yard switching service.

(G) A motorcar is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not considered a locomotive. Include miles of all motorcars and trailing units.

(H) Report under Railroad owned and leased miles for both foreign cars and respondents' own cars while on the line of the respondent railroad. Report miles for private-line cars (whether under railroad control or not) and shipper owned cars under the private-line category. A car-mile is a movement of a unit of car equipment a distance of one mile. Report miles made by work service equipment in transportation trains, and miles made by tank cars loaded with water returning from phosphorus service as loaded car-miles; miles made by flatcars carrying loaded highway trailers or empty highway trailers moving under revenue billing as loaded freight car-miles and miles made by flatcars carrying other empty highway trailers as empty freight car-miles. Exclude miles made by motorcars and report miles made by business cars of other than reporting carrier as sleeping car-miles in Item 6-03. Report mail, express, baggage cars and combination cars, other than 6-02 combination cars, in Item 6-05.

*Exclude from the detail of Item No. 5 No-Payment Car-Miles. Include No-Payment Car-Miles in line 5-18 (Total) only. No payment car-miles are miles made by private-line cars (other than railroad controlled) and shipper-owned cars for which the railroad does not reimburse the owner.

(I) Report miles actually run by passenger-train cars in transportation service. Passenger-train car-miles include miles run by coaches and cars in which passengers are carried at regular tariff fares without extra charge for space occupied; miles run by combination passenger and baggage, passenger and mail, passenger and express; miles run by sleeping, parlor and other cars for which an extra fare is charged; miles run by dining, cafe, and other cars devoted exclusively to the serving of meals and other refreshments and by club, lounge, and observation cars; miles run by railway business cars operated for the transportation of the carriers officers and employees; miles run by other passenger-train cars where services are combined such as baggage, express and mail.

(J) Compute from conductors' or dispatchers' train reports weight in tons (2000 pounds). Item 7-01 includes weight of all locomotive units moved 1 mile in transportation trains. Ton-miles of motorcars should be excluded. Items 7-02 and 7-03 represent tons behind locomotive units (cars and contents, company-service equipment, cabooses and other locomotives moving in trains but not under power) moved one mile in transportation trains. Include ton-miles of exclusive work service equipment and motorcars. Use 150 lbs. as the average weight per passenger, and 4 tons as the average weight of contents of each headend car.

(K) Compute from conductors' train reports. Represents the number of tons of revenue and non-revenue freight moved 1 mile in transportation trains. Include a reasonable proportion of the weight of exclusive work equipment moved 1 mile. Include net ton-miles in motorcar trains. Exclude l.c.l. shipments of freight handled in mixed baggage-express cars.

(L) Road service represents elapsed time of transportation trains (both ordinary and light) between time of leaving initial terminals and time of arrival at final terminals excluding train switching at way stations and delays on road as shown by conductors' or dispatchers' train reports. Include time of motorcar service performed by train locomotives at terminals and way stations.

(M) Yard switching hours are hours expended in switching service performed by yard locomotives in yards where regular switching service is maintained, including terminal switching and transfer service in connection with the transportation of revenue and incidentally of company freight.

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(N) Work-train miles include the miles run by trains engaged in company service such as official inspection; inspection trains for railway Commissioners for which no revenue is received; trains running special with fire apparatus to save carrier's property from destruction; trains run for transporting the carrier's employees to and from work when no transportation charge is made; wrecking trains, trains run for distributing material and supplies for use in connection with operations and all other trains sued in work-trains services. Exclude miles run by locomotives while engaged incidentally in switching company materials in company shops or material yards in connection with regular yard switching service or in switching equipment for repairs between yards and shops.

(O) The number of loaded freight cars shall be the sum of all loaded cars handled on each train. For example, if a car moves loaded in: (1) a way train from the origination point; (2) in two through trains over the main-line; and (3) in a way train to the destination point, the total count of loaded cars would be four-two counts for the movements in the way trains and two counts for the movements in the through trains. Each car moving in a unit train would receive a count of one. All empty cars moving under revenue billing shall be considered as loaded cars.

Report figures cumulative January 1st in columns (d) and (e).

Any unusual entries or adjustments involving substantial amounts should be fully explained in footnotes.

CERTIFICATION

I, THE UNDERSIGNED _____ of the
(Full name & title of officer in charge of the accounts)

_____, state that this
(Full name of reporting company)
report was prepared by me or under my supervision; that I have carefully examined it; and, on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the operating statistics named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

SIGNATURE DATE

ADDRESS TELEPHONE NO. (INCLUDE AREA CODE)

APPENDIX D

MILEAGE CHANGES: If the miles of road operated changed during the quarter for which this report is made, show the date and

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APPENDIX D

MILEAGE CHANGES: If the miles of road operated changed during the quarter for which this report is made, show the date and amount of the change, and a brief explanation of the difference, such as, newly constructed line from _____ to _____, line abandoned from _____ to _____, acquisition of line (with name of former operating company), resurvey, etc. If no change occurred, enter the word "None"

DATE	CAUSE OF CHANGE	RESULT OF CHANGE		DATE	CAUSE OF CHANGE	RESULT OF CHANGE	
		INCREASE (Miles)	DECREASE (Miles)			INCREASE (Miles)	DECREASE (Miles)

INSTRUCTIONS

1. Under order of the Commission, Class I railroads, excluding switching and terminal companies, are required to file quarterly reports of balance-sheet items, Form CBS, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D. C. 20423, within 30 days after the close of each quarter. Reports should be prepared on a calendar quarter basis beginning with the first day of January, April, July, and October.
2. The items reported in Form CBS should be taken from and agree with the accounts kept in conformity with current Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. Report undistributed earnings from certain investments in account 721, in accordance with Docket No. 35949. The Equity Method of Accounting for Certain Long-Term Investments in Common Stocks. The account numbers refer to the accounts in the Uniform System of Accounts. Reverse items should be shown in parentheses. Dollar amounts should be rounded to the nearest whole number and adjusted to the totals; omit cents.
3. The section regarding changes in miles of road operated must be completed in the detail indicated. The resulting mileage changes should be given to the nearest tenth.
4. Unusual transactions or items which reflect an important change in the financial condition of the carrier should be identified and explained in a footnote under "Remarks".
5. The certification must be completed by an officer of the carrier

REMARKS

FOR ICC USE ONLY

APPENDIX D

INTERSTATE COMMERCE COMMISSION
QUARTERLY CONDENSED BALANCE SHEET - RAILROADS
FORM CBS

FULL NAME AND ADDRESS OF REPORTING RAILROAD (If a system report, names of all operating roads included should be shown under REMARKS)

Quarter ended

LINE NO.	ITEMS (a)	BALANCE AT END OF QUARTER THIS YEAR (b)	BALANCE AT END OF QUARTER LAST YEAR (c)
	Assets	$	
1	Cash, working funds and temporary cash investments (Accounts 701, 702, 710)		
2	Deposits, receivables- net and prepayments (Accounts 703-709,5, 711)		
3	Materials and supplies (Account 712)		
4	Other current assets (Account 713)		
5	Deferred income tax debits (Account 714)		
6	Total current assets (Lines 1 through 5)		
7	Special funds (Accounts 715-717)		
8	Investments (Accounts 721-723)		
9	Undistributed earnings from certain investments in Account 721		
10	Transportation property - net (Accounts 731-736)		
11	Property used in other than carrier operations (Accounts 737,738)		
12	Organization expenses (Account 739)		
13	Other deferred charges (Account 741, 743)		
14	Accumulated deferred income tax debits (Account 744)		
15	Total assets (Lines 6 through 14)		
	Liabilities		
16	Current liabilities (Accounts 751-761.5, 764, 763)		
17	Deferred income tax credits (Account 762)		
18	Long term debt due after one year (Accounts 765-770,2)		
19	Other liabilities (Accounts 771, 782)		
20	Accrued liabilities (Account 772, 774)		
21	Other deferred credits (Account 781)		
22	Accumulated deferred income tax credits (Account 786)		
23	Total liabilities (lines 16 through 22)		
	Shareholder's Equity		
24	Capital stock (Accounts 791, 792, 793)		
25	Additional capital (Accounts 794, 795)		
26	Retained earnings (Accounts 797, 798)		
27	Less: Treasury stock (Account 798.5)		
28	Equity in undistributed earnings (losses) of affiliated companies		
29	Total shareholder's equity		
30	Total liabilities and shareholder's equity (lines 23 plus 29)		

	GROSS EXPENDITURES FOR ADDITIONS AND BETTERMENTS (Accounts 731 and 732)	FIGURES FOR THE QUARTER THIS YEAR (a)	FIGURES FOR THE QUARTER LAST YEAR (b)	CUMULATIVE FIGURES THIS YEAR (c)	CUMULATIVE FIGURES LAST YEAR (d)
		$	$	$	$
31	Road				
32	Equipment				
33	Total				

* Line 29 equals lines 24-26 minus line 27 plus/minus line 28.

CERTIFICATION

I, THE UNDERSIGNED, _____ of _____ (Full name of reporting company) state that (Name and title of officer in charge of accounts)

this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the balance sheet accounts named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____

Date _____, 19__ Telephone Number _____ (Area Code) (Number)

Schedule will be used by Class I Railroad "only".

V 42 I 130 JUL 7 77 UMI

APPENDIX D

701-1. ROAD AND EQUIPMENT PROPERTY

1. Give particulars of changes during the year in accounts 731, "Road and equipment property," classified in accordance with the uniform System of Accounts for Railroad Companies.

2. Gross changes during the year should include disbursements made for the specific purpose of purchasing, constructing, and equipping new lines, extensions of old lines, and for additions and betterments. Both the debit and credit involved in each transfer, adjustment, or clearance between road and equipment accounts, should be included in columns (c) and (d), as may be appropriate, depending on the nature of the item. Adjustments in excess of $100,000 should be explained. All changes made during the year should be analyzed by primary accounts.

3. Report on line 32 amounts not includable in the primary road accounts. The items reported should be briefly identified and explained in a footnote on page . Amounts should be reported on this line only under special circumstances, usually after examination is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed sums or column headings without specific authority from the Commission.

Line No.	Account (a)	Balance at beginning of year (b) $	Gross charges during year (c) $	Credits for property retired during year (d) $	Balance at close of year (e) $
1	(1) Engineering				
2	(2) Land for transportation purposes				
3	(3) Grading				
4	(4) Other right-of-way expenditures				
5	(5) Tunnels and subways				
6	(6) Bridges, trestles, and culverts				
7	(7) Elevated structures				
8	(8) Ties				
9	(9) Rails				
10	(10) Other track material				
11	(11) Ballast				
12	(12) Track laying and surfacing				
13	(13) Fences, snowsheds and signs				
14	(16) Station and office buildings				
15	(17) Roadway buildings				
16	(18) Water stations				
17	(19) Fuel stations				
19	(22) Storage warehouses				
20	(23) Wharves and docks				
21	(24) Coal and ore wharves				
22	(25) TOFC/COFC terminals				
23	(26) Communication systems				
24	(27) Signals and interlockers				
25	(29) Power plants				
26	(31) Power-transmission systems				
27	(35) Miscellaneous structures				
28	(37) Roadway machines				
29	(39) Public improvements—Construction				
30	(44) Shop machinery				
31	(45) Power-plant machinery				
32	Other (specify and explain)				
33	Total Expenditures for Road				
34	(52) Locomotives				
35	(53) Freight-train cars				
36	(54) Passenger-train cars				
37	(55) Highway revenue equipment				
38	(56) Floating equipment				
39	(57) Work equipment				
40	(58) Miscellaneous equipment				
41	Total Expenditures for Equipment				
42	(76) Interest during construction				
43	(77) Other expenditures—General				
44	Total General Expenditures				
45	Total				
46	(80) Other elements of investment				
47	(90) Construction in progress				
48	Grand Total				

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APPENDIX D

701-2. IMPROVEMENTS ON LEASED PROPERTY

1. Give particulars of changes during the year in account 732, "Improvements on leased property," classified in accordance with the uniform System of Accounts for Railroad Companies.

2. Gross charges during the year should include disbursements made for the specific purpose of purchasing, constructing, and equipping new lines, extensions of old lines, and for additions and betterments. Both the debit and credit involved in each transfer, adjustment, or clearance between road and equipment accounts, should be included in columns (c) and (d), as may be appropriate, depending on the nature of the item. Adjustments in excess of $100,000 should be explained. All changes made during the year should be analyzed by primary accounts.

3. Report on line 32 amounts not includable in the primary road accounts. The items reported should be briefly identified and explained in a footnote on page . Amounts should be reported on this line only under special circumstances, usually after examination is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed sums or column headings without specific authority from the Commission.

Line No.	Account (a)	Balance at beginning of year (b) $	Gross charges during year (c) $	Credits for property retired during year (d) $	Balance at close of year (e) $
1	(1) Engineering				
2	(2) Land for transportation purposes				
3	(3) Grading				
4	(4) Other right-of-way expenditures				
5	(5) Tunnels and subways				
6	(6) Bridges, trestles, and culverts				
7	(7) Elevated structures				
8	(8) Ties				
9	(9) Rails				
10	(10) Other track material				
11	(11) Ballast				
12	(12) Track laying and surfacing				
13	(13) Fences, snowsheds and signs				
14	(16) Station and office buildings				
15	(17) Roadway buildings				
16	(18) Water stations				
17	(19) Fuel stations				
19	(22) Storage warehouses				
20	(23) Wharves and docks				
21	(24) Coal and ore wharves				
22	(25) TOFC/COFC terminals				
23	(26) Communication systems				
24	(27) Signals and interlockers				
25	(29) Power plants				
26	(31) Power-transmission systems				
27	(35) Miscellaneous structures				
28	(37) Roadway machines				
29	(39) Public improvements—Construction				
30	(44) Shop machinery				
31	(45) Power-plant machinery				
32	Other (specify and explain)				
33	Total Expenditures for Road				
34	(52) Locomotives				
35	(53) Freight-train cars				
36	(54) Passenger-train cars				
37	(55) Highway revenue equipment				
38	(56) Floating equipment				
39	(57) Work equipment				
40	(58) Miscellaneous equipment				
41	Total Expenditures for Equipment				
42	(76) Interest during construction				
43	(77) Other expenditures—General				
44	Total General Expenditures				
45	Total				
46	(80) Other elements of investment				
47	(90) Construction in progress				
48	Grand Total				

Annual Report Form R-2

APPENDIX B

SCHEDULE B2 - WAY AND STRUCTURES

Line No.	Property account	Category (a)	Depreciation (b)	Retirement (c)	Leases (d)
1	1	Engineering			N/R
2	2	Land for transportation purposes	N/R	N/R	
3	3	Grading			
4	4	Other right-of-way expenditures			N/R
5	5	Tunnels and subways			
6	6	Bridges, trestles and culverts		N/R	
7	7	Elevated structures		N/R	
8	8	Ties	N/R		
9	9	Rails	N/R		
10	10	Other track material	N/R		
11	11	Ballast	N/R		
12	12	Track laying and surfacing	N/R		
13	13	Fences, snowsheds and signs		N/R	
14	16	Station and office buildings		N/R	
15	17	Roadway buildings		N/R	
16	18	Water stations		N/R	
17	19	Fuel stations		N/R	
18	20	Shops and enginehouses		N/R	
19	22	Storage warehouses		N/R	
20	23	Wharves and docks		N/R	
21	24	Coal and ore wharves		N/R	
22	25	TOFC/COFC terminals		N/R	
23	26	Communications systems		N/R	
24	27	Signals and interlockers		N/R	
25	29	Power plants		N/R	
26	31	Power transmission systems		N/R	
27	35	Miscellaneous structures		N/R	
28	37	Roadway machines		N/R	
29	39	Public improvements; construction			N/R
30	76	Interest during construction	N/R		N/R
31	77	Other expenditures; general	N/R		N/R
32	80	Other elements of investment	N/R		N/R
33		Total			

APPENDIX D

SUPPORTING SCHEDULE EQUIPMENT

	Repairs (Net Expense)	Depreciation	Retirements	Lease Rentals (Net)
LOCOMOTIVES:				
Diesel Locomotive - Yard				
Diesel Locomotive - Road				
Other Locomotive - Yard				
Other Locomotive - Road				
CAR TYPES: (As prescribed in Ex Parte 334-Car Service Compensation)				
OTHER EQUIPMENT:				
Trucks, Trailers, Containers, in Revenue Service				
(a) Refrigerated Trailers				
(b) Other Trailers				
(c) Refrigerated Containers				
(d) Other Containers				
(e) All Other Revenue Equipment				
Floating Equipment - Revenue Service				
(a) Marine Line Haul				
(b) Local Marine				
Passengers & Other Revenue Equipment				
Computers & Data Processing Equipment				
Work & Other Non-Revenue Equipment				

Instructions: a) Freight car repair expenses shall be assigned directly to the various car types on the basis of job order records whenever possible. b) When it is necessary to apportion car repair expenses, the apportionment shall be made on the most equitable basis available to the carriers. The following list provides a basis for apportioning freight car repair expenses to car types:

1. AAR Car Repair Billing (CRB) Standards
2. A carrier conducted study to determine car repair expenses by car types
3. Other available standards valid for the respondent carrier.

c) Depreciation charges shall be made on the basis of the respondent carrier's equipment records. d) Retirement charges shall be made on the basis of the actual units retired from service during the reporting period where the service value has been determined, based on the ledger value less value of salvage and insurance recovered.

Footnote: Ex Parte 334 is expected to be published by August 5, 1977, at which time the equipment types shall be kept as prescribed in Ex Parte 334.

Type of Equipment	TERMS AMOUNTS RECEIVABLE				OTHER AMOUNTS PAYABLE			
		Per Diem Basis				Per diem Basis		
			Time				Time	
	Mileage cars	Mileage	Basis	Incentive	Mileage cars	Mileage	Basis	Incentive
Car types: (As prescribed in Ex Parte 334)								
Tank cars:								
Less than 22,000 gallons								
22,000 gallons and over								
Other than liquid								
Trailers:								
Refrigerated								
Other								
Total								

Footnote: Ex Parte 334 is expected to be published August 5, 1977, at which time equipment types will be kept as prescribed in Ex Parte 334.

APPENDIX D

SPECIALIZED SERVICE SUBSCHEDULE - TRANSPORTATION

	Items (a)	TOFC/COFC TERMINAL (b)	FLOATING EQUIPMENT (c)	COAL MARINE TERMINAL (d)	ORE MARINE TERMINAL (e)	OTHER MARINE TERMINAL (f)	MOTOR VEHICLE LOAD AND DISTRIBUTION (g)	PROTECTIVE SERVICES REFRIGERATOR CAR (h)	OTHER SPECIAL SERVICES (i)
	Administration								
1	Pick up & delivery, marine line haul and rail substitute service							N/A	
2	Loading and unloading and local marine							N/A	
3	Protective services								
4	Fringe benefits								
5	Freight loss and damage solely related								
6	Casualty and insurance								
7	Joint facility - Debit								
8	Joint facility - Credit								
9	General								
10	Total								

9—Michael E. Roper and W.A. Thie, Attorneys, Missouri-Kansas-Texas Railroad Company (MKT), 701 Commerce Street, Dallas, Texas 75202.

10—Victor C. Bohne, Comptroller Chicago, Rock Island and Pacific Railroad Company (Rock Island), 748 South La Salle Street, Chicago, Illinois 60605.

APPENDIX B

RESPONDENTS TO RPS

USOA—RAILROADS

DOCKET 36107

SERVED 6/2/76

S. No. and Name

1—R. F. Garland, Vice President and Controller, Burlington Northern (BN), 176 East Fifth Street, St. Paul, Minnesota 55101.

2—H. E. Rockwood, General Transportation Mgr. CFG, S. J. Jablonski, Mgr. Transportation Economics & Regulations, General Mills, Inc., (GMI), 9200 Wayzata Blvd., Minneapolis, Minnesota 55440.

3—Mary P. Sclawy, Attorney, Central Vermont Railway, Inc. (CV), 131 West Lafayette Boulevard, Detroit, Michigan 48226.

4—W. V. Steeves, Controller, Grand Trunk Western Railroad Co. (GTW), 131 W. Lafayette Blvd., Detroit, Michigan 48226.

5—R. P. Kratochwill, V. P. Financing & Accounting, Chicago, Milwaukee, St. Paul and Pacific Railroad Company (St. Paul), Union Station, Chicago, Illinois 60606.

6—American Short Line Railroad Association (Short Line), C. H. Johns, General Counsel, 2000 Massachusetts Avenue, N.W., Washington, D.C. 20036.

7—Richard W. Stumbo, Jr., Vice President—Finance, The Western Pacific Railroad Company (WP), 526 Mission Street, San Francisco, California 94105.

8—J. A. Stanley, Jr., Vice President and Controller, Seaboard Coast Line Railroad Company (SCL), 500 Water Street, Jacksonville, Florida 32202.

9—Michael E. Roper and W.A. Thie, Attorneys, Missouri-Kansas-Texas Railroad Company (MKT), 701 Commerce Street, Dallas, Texas 75202.

10—[1] Roy E. Olson, Director of Distribution and Transportation, American Paper Institute (API), 260 Madison Avenue, New York, New York 10016.

11—The National Industrial Traffic League (NIT League), 1900 K Street, N.W., Suite 410, Washington, D.C. 20006.

12—D. R. McArdle, Comptroller, Southern Railway (Southern), Box 1808, Washington, D.C. 20013.

13—J. Michaels, Comptroller, Maine Central Railroad Company (Maine), 242 St. John Street, Portland, Maine 04102.

14—J. P. Deasey, Controller, Union Pacific Railroad Company (UP), 1416 Dodge Street, Omaha, Nebraska 68179.

15—Thomas P. Moore, Treasurer-Controller, The Long Island Rail Road Company (LIRR), Jamaica Station, Jamaica, New York 11435.

16—Western States Association of Tax Administrators (WS Association), P.O. Box 36, Boise, Idaho 83722.

17—R. A. Peteritas, Chief Engineer, Bureau of Transportation, The Pennsylvania Public Utility Commission (PBUC).

18—Victor C. Bohne, Comptroller, Chicago, Rock Island and Pacific Railroad Company (Rock Island), 745 South La Salle Street, Chicago, Illinois 60605.

19—H. J. Brinner, Controller, Norfolk and Western Railway Company (N&W), Roanoke, Virginia 24042.

20—C. C. Rettberg, Jr., Attorney for Chessie System Lines (Chessie), P.O. Box 6419, Cleveland, Ohio 44101.

21—Supplemental Verified Statement of Respondent S. No. 8, Seaboard Coast Line Railroad Company.

22—Christopher C. DeMuth, Attorney for Consolidated Rail Corporation (Conrail), Six Penn Center Plaza, Philadelphia, Pennsylvania 19104.

23—W. J. Taylor, Vice President and General Auditor, The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), 80 East Jackson Boulevard, Chicago, Illinois 60604.

24—U.S. Department of Transportation (DOT), 400 Seventh Street, S.W., Washington, D.C. 20590.

25—R. E. Briggs, *et al*, Association of American Railroads (AAR), 1920 L Street, N.W., Washington, D.C. 20036.

26—D. L. Praeger, Vice President and Controller, South Pacific Transportation Company (SP), South Pacific Building, One Market Plaza, San Francisco, California 94105.

27—T. D. Rodman, Vice President and Con- (Mopac), Texas and Pacific Railway Com- MoPac), Texas and Pacific Railway Company, 210 North 13 Street, St. Louis, Missouri 63103.

---

[1] A petition was filed by API on April 17, 1977, for leave to file a supplemental statement. In a Commission Order dated May 3, 1977, this petition was denied on grounds that to accept any statements at that "late date would impede the Commission's task of promulgating such regulations and procedures . . ." by June 30, 1977.

[FR Doc.77-18936 Filed 7-6-77;8:45 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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DOT/NHTSA—Anthropomorphic test dummy; dummy calibration test procedures and dummy design specifications. 7148; 2–7–77

ICC—Intercity motor common carriers of passengers; service, equipment, and facilities 29309; 6–8–77

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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 3695 ..... Pub. L. 95–62
"State Veterans' Home Assistance Improvement Act of 1977". (July 5, 1977; 91 Stat. 262). Price $.35.

H.R. 3849 ..... Pub. L. 95–63
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to reflect a change in title from Regional and Intergovernmental Liaison Specialist to Liaison Specialist to the Director, Office of Regional and Intergovernmental Operations.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3318(e)(1) is amended as set out below:

§ 213.3318 Environmental Protection Agency.

* * * * * *

(e) *Office of Regional and Intergovernmental Operations.*

(1) One Liaison Specialist to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19523 Filed 7–7–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year. This exception is granted because it is impracticable to examine for these positions.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3112(a)(11) is added to read as follows:

§ 213.3112 Department of the Interior.

(a) *General.* * * *

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19524 Filed 7–7–77;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMARY: This amendment extends the exception from the competitive service of 25 additional positions in the Secretarial Science program at Langley Research Center when occupied by students at Thomas Nelson Community College with the provisions that no one may be employed under this authority for more than 1,280 hours in a service year and no new appointments may be made after September 30, 1977. This extension is granted beeause it continues to be impracticable to examine for these positions.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3148(e) is amended as set out below:

§ 213.3148 National Aeronautics and Space Administration.

* * * * * *

(e) Forty-five positions in the Secretarial Science program at Langley Research Center when occupied by students at Thomas Nelson Community College. No one may be employed under this authority for more than 1,280 hours in a service year. No new appointments may be made under this authority after September 30, 1977.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19526 Filed 7–7–77;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Assistant to the Chairman, National Endowment for the Arts because it is confidential in nature. This section is also amended to show that one position of Assistant to the Chairman, National Endowment for the Arts is revoked under Schedule A because it is confidential in nature and therefore has been excepted under Schedule C.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3182(a)(17) is revoked and 213.3382(b) is amended to read as follows:

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

* * *

(17) (Revoked).

* * * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * * *

(b) Two Assistants to the Chairman, National Endowment for the Arts.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19525 Filed 7–7–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Special Assistant to the Associate Administrator for Planning, Federal Highway Administration, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3394(d)(4) is added as set out below:

§ 213.3394 Department of Transportation.

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§ 213.3394 Department of Transportation.

* * * * *

(d) *Federal Highway Administration.*
* * *

(4) One Special Assistant to the Associate Administrator for Planning.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19522 Filed 7-7-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Counselor and Executive Assistant to the Secretary, Office of the Secretary, Department of Labor because the position is confidential and policy determining in nature.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

Dean Bollman, Civil Service Commission, 202–632–7676.

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Margaret Giovanni, Assistant Director for Executive Staffing, Department of Labor, 202–523–6555.

Accordingly, 5 CFR 213.3315(a)(57) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *
(57) Counselor and Executive Assistant to the Secretary.

* * * * *

(5 U.S.C. 3301, 3302: E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19561 Filed 7-7-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 100]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 10–16, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this section will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is similar to last week with size 165's and smaller strong and size 140's and larger steady. Average f.o.b. price was $6.33 per carton the week ended July 2, 1977, compared to $6.61 per carton the previous week. Track and rolling supplies at 240 cars were the same amount as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this section.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on July 5, 1977.

§ 910.400 Lemon Regulation 100.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 10, 1977, through July 16, 1977, is established at 275,000 cartons.

(2) As used in this section, "handled" and "carton (s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 6, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19406 Filed 7-7-77;11:45 am]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses for 1977–78 Fiscal Year and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $58,760 and the carryover as a reserve of unexpended funds for the functioning of the Avocado Administrative Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handing of avocados grown in South Florida. The regulation enables the committee to use available reserve funds for its operational expenses to support its activities under the program.

DATES: Effective for fiscal year April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of rulemaking was published in the FEDERAL REGISTER (42 FR 30513) inviting written comments not later than June 29, 1977, regarding proposed expenses for the period beginning April 1, 1977, through March 31, 1978, and carryover of unexpended funds, under the marketing agreement and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674)

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.216 Expenses and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee during the period April 1, 1977, through March 31, 1978, will amount to $58,760.

(b) *Reserve.* Unexpended assessment funds in the amount of approximately $63,910, which are in excess of expenses incurred during the fiscal year ended March 31, 1977, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of the amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of avocados began on or about May 30, 1977, (2) the recommendations upon which this regulation is based were developed by the committee at open meetings on April 13 and May 11, 1977, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed expenses and carryover of unexpended funds for the functioning of the Avocado Administrative Committee for the 1977–78 fiscal year was published in the FEDERAL REGISTER (42 FR 30513); and (4) the expenses and carryover of funds herein authorized are the same as those in the proposal.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19417 Filed 7-7-77;8:45 am]

[Nectarine Reg. 9, Amdt. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Minimum Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amended regulation continues through May 31, 1978, current minimum grade and size requirements for fresh shipments of California nectarines. The amended regulation recognizes the marketing situation facing the industry and is necessary to assure that the nectarines shipped will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATE: July 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER on June 1, 1977, (42 FR 27911), that consideration was being given to a proposal to amend Nectarine Regulation 9 (§ 916.351; 42 FR 24229), effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Nectarine Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions. The notice provided that all written data, views, or arguments in connection with Nectarine Regulation 9 or the proposed amendment be submitted by June 27, 1977. None were received.

The amendment reflects the Department's appraisal of the need for regulation of shipments of California nectarines during the aforesaid period based on the available supply and current and prospective market conditions. Fresh shipments of California nectarines from the 1977 crop are estimated at 10,977,000 packages compared to the record large 11,218,000 packages last season. The minimum grade and size requirements specified for California nectarines are consistent with the quality and size composition of the estimated crop of nectarines. The amendment is necessary to ensure the continued shipment of nectarines which satisfy the demands of the fresh fruit market. The amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the notice and other available information, it is found that the regulation of shipments of California nectarines, as set forth, is in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for making this amendment effective at the time set forth and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of nectarines are currently in progress and this amendment should be applicable to all nectarine shipments occurring during the effective period specified in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time.

Order. Section 916.351 (Nectarine Regulation 9 (42 FR 24229)) is amended to read as follows:

§ 916.351 Nectarine Regulation 9.

Order. (a) During the period July 16, 1977, through May 31, 1978, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the agregate area of a circle $\frac{3}{4}$ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{2}$ inches in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 118 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 112 nectarines.

(3) Any package or container of Mayfair variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(4) Any package or container of Crimson Gold, June Belle, June Grand, May Grand, Red June, Spring Grand, Armking, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box:

(ii) Such nectarines in any container when packed other than as specified in

PART 922—APRICOTS GROWN IN WASHINGTON

is established at $0.70 per assessable ton of apricots.

the applicable provisions of the Agricultural Marketing Agreement Act of

(3) *Cleanliness.* All varieties—"Fairly clean."

ments but fails to meet the maturity requirements, as indicated by the appli-

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(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 102 nectarines.

(5) Any package or container of Early Sungrand, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, Kent Grand, Early Star, Firebright, or Red Diamond variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (5) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(6) Any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Fairlane, Red Free, Bob Grand, or Tom Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (6) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(7) When used herein, "U.S. No. 1" and "standard pack" shall have the same meaning as set forth in the United States Standards for Grades of Nectarines (7 CFR 51.3145–51.3160); the term "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture", and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 1, 1977, to become effective July 16, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19416 Filed 7-7-77;8:45 am]

PART 922—APRICOTS GROWN IN WASHINGTON

Expenses and Rate of Assessment for 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $2,692 and a rate of assessment of $0.70 per ton of apricots for the functioning of the Washington Apricot Marketing Committee for the 1977–78 fiscal period. The committee administers locally a Federal marketing order program regulating the handling of apricots grown in Washington. The regulation will enable the committee to collect assessments from first handlers on all assessable apricots handled and to use the resulting funds for its expenses.

DATES: Effective for fiscal year April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 30514), regarding proposed expenses and the proposed rate of assessment, under the amended marketing agreement and Order No. 922, as amended (7 CFR Part 922) regulating the handling of apricots grown in the State of Washington. This notice allowed interested persons until June 30, 1977, during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals which were set forth in the notice, which were submitted by the Washington Apricot Marketing Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 922.217 **Expenses, rate of assessment, and carryover of unexpended assessment funds.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the fiscal year April 1, 1977, through March 31, 1978 will amount to $2,692.

(b) *Rate of assessment.* The rate of assessment for the fiscal year payable by each handler in accordance with § 922.41, is established at $0.70 per assessable ton of apricots.

(c) *Carryover of unexpended funds.* Unexpended funds in excess of expenses incurred during the fiscal year ended March 31, 1977, will be carried over as a reserve in accordance with § 922.42 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in the designated production area are now being made; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable apricots handled during the fiscal year, and (3) the year began on April 1, 1977, and the rate of assessment will automatically apply to all apricots handled during the year.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19419 Filed 7-7-77;8:45 am]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: During the period July 15 through August 15, 1977, this regulation will require fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable quality and sizes from being shipped to consumers.

DATE: Effective date July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: 202–447–3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to Order No. 945, as amended (7 CFR Part 945), regulating the handling of potatoes grown in designated counties of Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Idaho-Eastern Oregon Potato Committee established pursuant to the order, and upon other available information, it is hereby found that the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The regulation imposes minimum grade, size, maturity and pack requirements on the handling of potatoes. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 945.50 of the order. This regulation is necessary to prevent the handling of any potatoes of lower grades or smaller sizes than those specified in the regulation, and to provide the trade and consumers with potatoes of acceptable quality pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because shipments of potatoes from the production area are expected to begin on or about the effective date hereof. The recommendation and supporting information for regulation were submitted to the Department after a public meeting of the Idaho-Eastern Oregon Potato Committee; said meeting was held to consider recommendations for regulation, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and handlers have been informed of the proposal. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of such potatoes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date of the regulation.

§ 945.336 **Handling regulation.**

During the period July 15, 1977, through August 15, 1977, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), or (g) of this section.

(a) *Minimum quality requirements.*—(1) *Grade. All varieties*—U.S. No. 2 or better grade.

(2) *Size.*—(i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties.* Size B if U.S. No. 1 or better grade.

(3) *Cleanliness.* All varieties—"Fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose and red skin varieties:* "moderately skinned."

(2) *Norgold variety.* "Moderately skinned."

(3) *All other varieties.* "Slightly skinned."

(4) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
Count	Average count [1]	Weight
Larger than 50 count	10 pct over or under	5 pct over or under	15 oz or larger.
50 count	45 to 55	48 to 53	12 to 19.
60 count	54 to 66	57 to 63	10 to 16.
70 count	63 to 77	67 to 74	9 to 15.
80 count	72 to 88	76 to 84	8 to 13.
90 count	81 to 99	86 to 95	7 to 12.
100 count	90 to 110	95 to 105	6 to 10.
110 count	99 to 121	105 to 116	5 to 9.
120 count	108 to 132	114 to 126	4 to 8.
130 count	117 to 143	124 to 137	4 to 8.
140 count	126 to 154	133 to 147	4 to 8.
Smaller than 140 count	10 pct over or under	5 pct over or under	4 to 8.

[1] Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade.

(d) *Inspection.* (1) No handler shall handle potatoes unles such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (e), (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined: Except shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export.* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling.* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver

will complete and return to the committee such periodic receiver's reports that

of the commodity undergoes a substantial change. The act of peeling, cooling

that the total kernel defect tolerance

ACTION: Official staff interpretation(s).

on other than the scheduled dates. A payment that is made by the borrower after it's

Although phrased in various manners, your

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will complete and return to the committee such periodic receiver's reports that the committee may require:

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of the United States Standards for Peeled Potatoes (§§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It incluces only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, cleanliness and maturity requirements specified in paragraphs (a) and (b) of this section.

Effective date and termination of previous regulation. This regulation will become effective July 15, 1977, and will supersede § 945.335 which is hereby terminated upon such effective date.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: July 5, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19520 Filed 7-7-77;8:45 am]

PART 999—SPECIALTY CROPS—IMPORT REGULATIONS

Amendment of Regulation Governing Imports of Walnuts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the walnut import regulation. The amendment deletes provisions on inshell walnut quality requirements, which are obsolete.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: The regulation governing imports of walnuts (7 CFR Part 999.100) is effective pursuant to Section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 8e requires the Secretary of Agriculture to issue, after reasonable notice, quality restrictions on imported walnuts, which are the same as, or comparable to, those imposed upon domestic walnuts under a Federal marketing order (7 CFR Part 984). Section 999.100(b)(1) of the walnut import regulation currently states that imported inshell walnuts shall meet U.S. No. 2 grade as prescribed in the U.S. Standards for Walnuts (Juglans Regia) in the Shell (§§ 51.2945–51.2966 of this title), except that the total kernel defect tolerance shall be 15 percent and the tolerance for serious kernel defects shall be 8 percent. This exception is now obsolete and should be deleted.

These same requirements, including the toleranees prescribed in the exception, were imposed on domestic walnuts until December 1976, when the exception was deleted following a revision of the U.S. Grade Standards November 15, 1976. That revision lowered the total tolerance for kernel defects in the U.S. No. 2 grade from 20 to 15 percent and the serious damage tolerance from 10 to 8 percent—the same as those then prescribed under the marketing order.

Based on the foregoing, and all other relevant information, it is hereby found that the amendment of the inshell walnut import grade requirements, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and that good cause exists for making this action effective July 18, 1977, and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The requirements of section 8e of the act make this action mandatory; (2) this amendment merely deletes an obsolete provision and thus imposes no additional restrictions on importers; (3) importers of walnuts need no time for advance preparation to comply with this action; and (4) no useful purpose would be served by delaying the effective date of this action.

Therefore, § 999.100 is amended by revising subparagraph (b)(1) to read as follows:

§ 999.100 Regulation governing imports of walnuts.

* * * * *

(b) * * *

(1) *Inshell walnuts.* All inshell walnuts shall be of a quality equal to or better than the requirements of U.S. No. 2 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans Regia) in the Shell (§§ 51.2945–51.2986 of this title); or

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 1, 1977, to become effective July 18, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.77-19418 Filed 7-7-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0083 through FC-0093]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2412).

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

[12 CFR Part 226, FC-0083]

§ 226.8(b) In simple interest loans, the continued accrual of interest on the unpaid balance after the date when an instalment payment is due need not be disclosed as a "default, delinquency, or similar charge payable in the event of late payments." Similarly, interest accrual after the maturity date of the loan contract need not be disclosed if the interest rate after maturity is the same as the rate stated in the loan contract or if the rate permitted by statue is lower than the stated rate.

JUNE 20, 1977.

This will respond to your letter of * * *. You request an official staff interpretation of Regulation Z as to whether or not the accrual of simple interest on the unpaid principal balance of a closed end credit transaction beyond the date on which an instalment is due is a "default, delinquency, or similar charge payable in the event of late payment" for purposes of § 226.8(b)(4).

In such transactions, the finance charge (or the interest component of the finance charge) is determined by application of a periodic rate (daily, monthly, or annual) to the unpaid principal balance for the actual period that the balance has been outstanding. As you note, the finance charge and annual percentage rate that are intitially disclosed are computed on the basis of periodic instalment payments that will be payable by the borrower on certain dates or at fixed intervals. If these periodic instalments are made as scheduled, the interest that accrues on the decreasing principal balance will correspond to the finance charge (or the interest component of the finance charge) initially disclosed to the borrower. However, the finance charge (or the interest component of the finance charge) will vary from that initially disclosed if payments are received on other than the scheduled dates. A payment that is made by the borrower after its due date will result in the accrual of more interest, just as an instalment made in advance of its due date will result in the accrual of less interest. As to successive payment cycles, interest accrues from the date of the immediately preceding payment.

It is staff's opinion that, in the situation you describe, the continued accrual of interest beyond the date on which an installment is due does not constitute a "default, delinquency, or similar charge payable in the event of late payment" for purposes of § 226.8(b)(4). If a creditor imposes a late payment charge in addition to the accrual of simple interest, such charges are, of course, subject to disclosure under § 226.8(b)(4).

You also ask whether a creditor must disclose that, after the maturity date of a simple interest loan contract, interest may or will accrue on any principal balance that remains unpaid.

It is staff's opinion that as to simple interest loans, such continued accrual of interest need not be disclosed if the periodic rate applicable after maturity is the same as the stated periodic rate under the loan contract, or if the rate permitted by statute after the loan maturity date is lower than the stated rate. Where the interest on the unpaid balance accrues at a higher rate after the maturity date, however, staff believes disclosure is required by § 226.8(b)(4).

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts outlined herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC-0084]

§ 226.6(a) Consumer leasing disclosures need not be more conspicuous than non-required contract provisions where lease and disclosure statement are combined.

§ 226.6(a) does not require use of any particular sequence of disclosures to comply with clear, conspicuous and meaningful sequence requirements; disclosures need not be made in § 226.15(b) sequence. (See FC-0054.)

JUNE 20, 1977.

This is in reply to your letter of * * *, requesting an official staff interpretation of the requirements of the consumer leasing disclosure provisions of Regulation Z in the context of the lease disclosure form and agreement enclosed with your letter. This letter is an official staff interpretation of the meaning of the § 226.6(a) terms "clearly," "conspicuously" and "meaningful sequence" as applied to a consumer leasing disclosure.

The staff considers the other questions raised in your letter to be inappropriate for an official staff interpretation as staff's positions in response thereto do not appear to be such that a lesser would wish to rely upon them in attempting to comply with the regulation. A response to those issues will, therefore, be provided in a separate unofficial letter to you.

Question 2 in your letter inquires whether the regulation requires that the consumer leasing disclosures be more conspicuous than non-required contract provisions when the disclosure statement and lease contract are integrated. There is no requirement in the regulation that the required disclosures be more conspicuous than other terms in a combined contract-disclosure statement.

Since the remainder of the questions answered herein address the same issue, the following discussion groups those questions as specified.

Although phrased in various manners, your questions 3 and 4 and the first part of questions 5, 7, 8 and 9 request an official staff interpretation regarding the requirement in § 226.6(a) that the disclosures be made "clearly, conspicuously, (and) in meaningful sequence."

Section 226.6(a) does not require the use of any particular sequential system or arithmetical progression in making the disclosures required in connection with a consumer leasing transaction. The disclosures need not be made in the sequence of required disclosures set forth in § 226.15(b). We believe that § 226.6(a) requires related terms to be presented in an order which will assist the customer in understanding their relationship to each other. Given the wide variety and varying complexity of terms and conditions which can be encountered in consumer leases, the meaning of "clearly," "conspicuously" and "meaningful sequence" must be determined by reference to the particular set of disclosures under consideration. I am enclosing a copy of Official Staff Interpretation FC-0054. Although framed in the context of a consumer credit transaction disclosure, it contains a discussion of the "meaningful sequence" requirements which may be helpful to you.

Unfortunately, staff cannot accommodate your request for specific review of the disclosure form enclosed with your letter. Limitations upon our resources and the marginal usefulness of such a specific review to other lessors have led staff to adopt a general policy or not undertaking this type of individual review. Staff, however, directs your attention to the sample consumer leasing disclosure forms contained in the copy of the Regulation Z pamphlet enclosed with this letter. Although use of these sample forms is not required, their use, when properly completed, insures compliance with the consumer leasing disclosure requirements of the regulation.

This letter is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation, and limited in its application to the facts and issues presented herein. I trust it will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC-0085]

§ 226.15(a) Two sides of a single page may be used when making consumer leasing disclosures in a combined lease-disclosure statement so long as all disclosures are above the place for the lessee's signature.

JUNE 20, 1977.

This is in response to your letter of * * *, which requested an official staff interpretation of Regulation Z. You inquire whether § 226.15(a)(1) permits, where the lessor has combined the consumer leasing disclosures and the lease contract, the use of two sides of a single page, if the required disclosures are made together and above the place for the lessee's signature.

It is the staff's opinion that § 226.15(a)(1) permits the use of two sides of a single page when making the consumer leasing disclosures required by § 226.15(b) in a combined contract-disclosure statement. As you point out in your letter, § 226.15(a)(1) should be contrasted with § 226.8(a)(1). That subparagraph states that all Truth in Lending disclosures for a consumer credit transaction must be made *"on the same side of the page* and above teh place for the customer's signature." (Emphasis added.) Section 226.15(a)(1), on the other hand, states that "All of the disclosures shall

be made together on * * * [t]he contract or other instrument evidencing the lease on the same page and above the place for

formation Letter 666, we do not believe it is appropriate to designate that letter as an official staff interpretation. Nothing in this

tation of §§ 226.7(b)(1)(iii), 226.7(g), and 226.7(k) of Regulation Z. Specifically, you in-

would only be applied during future billing cycles.

odic statement and card brochure does not violate the general guidelines of § 226.6(c),

the first of the month. This increase in the finance charge will reduce the amount of

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be made together on * * * [t]he contract or other instrument evidencing the lease *on the same page* and above the place for the lessee's signature * * *." (Emphasis added.)

You state in your letter that the signature must be at the end of the second side to fulfill the requirements of § 226.15(a)(1). While that may be true if both sides of the single page contain required disclosures, it is the staff's opinion that compliance with § 226.15(a)(1) may also be achieved by placing the lessee's signature at the bottom of the first side, so long as all the required consumer leasing disclosures are made together on the first side of the two-sided document. This would permit the placement of the signature on the first side of the page and the incorporation of other non-disclosure contract provisions from the second side into the body of the contract in those instances where operational limitations (e.g., the use of carbons to make multiple copies) would dictate the use of a signature on the bottom of the first side. It should be pointed out, however, that there is no signature requirement in the regulation and that the requirement that all the disclosures be above the place for the lessee's signature applies only where, for contract or evidentiary purposes, the lessor wishes to have the lessee sign the combined contract and disclosure document.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts as outlined herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0086]

§ 226.7(b) It is permissible to provide a periodic statement for an open end account that separately discloses the purchase and cash advance portions of finance charge without disclosing a total of the two figures.

JUNE 20, 1977.

This will respond to your letter of * * *, in which you request official confirmation of the opinion expressed by staff in Public Information Letter 666 to the effect that § 226.7(b)(1)(iv) of Regulation Z (formerly § 226.7(b)(3)) does not require the elements of the finance charge to be added together and disclosed as a total on the periodic statement for an open end credit account.

Section 226.7(b)(1)(iv) requires the itemization and identification of the amounts of the finance charge attributable to the application of periodic rates and itemization and identification of the amounts of any other finance charges. You specifically ask whether it is permissible to provide a periodic statement for an open end account that separately discloses the purchase and cash advance portions of the finance charge computed by applying one periodic rate to the appropriate cash advance balance and a separate periodic rate (though not necessarily a different one) to the appropriate purchase balance without disclosing a total of the two figures.

It is the staff's opinion that the disclosure of the finance charge under the method outlined above meets the requirements of § 226.7(b)(1)(iv). There is no requirement under open end credit that these various elements must be added together or that the total finance charge be disclosed, as there is for credit other than open end.

This letter is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(3) of the regulation. Because the facts submitted with your inquiry varied somewhat from the facts supporting Public Information Letter 666, we do not believe it is appropriate to designate that letter as an official staff interpretation. Nothing in this letter should be construed as staff review or approval of the periodic statement form you enclosed with your letter. I note that you may represent creditors subject to the laws of the State of Connecticut. Since Connecticut has been granted an exemption under the applicable portions of the Truth in Lending Act, you may wish to contact the office of Mr. Lawrence Connell, Jr., Bank Commissioner of the State of Connecticut, for his views. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0087]

§§ 226.8(j) and 226.817 Where a creditor adjusts accounts after discovery of APR computation error to insure that customers do not pay more than the disclosed rate, this is not an 8(j) refinancing requiring new disclosures. Rather, it is analogous to a § 226.817 APR reduction.

JUNE 22, 1977.

This is in reply to your letter of * * *, requesting an official staff interpretation concerning the requirements of Regulation Z in the following situation. Your client, a creditor, discovered that it may have erroneously computed the annual percentage rate on certain loans. After discovery of the apparent error, it refunded amounts paid to date in excess of the stated annual percentage rate and prospectively adjusted the accounts over the balance of their term to insure that customers will not pay any charges in excess of the percentage rate stated. You ask whether Regulation Z requires your client to provide new disclosures under these circumstances.

The answer to this question, staff believes, depends on whether the adjustment could be considered a "refinancing" under § 226.8(j). Although the payment amounts and/or the number of payments remaining may be adjusted, staff believes that the adjustment does not constitute a refinancing as contemplated by § 226.8(j). Staff's opinion is based, to some extent, on the fact that, since the adjustment is made in order to charge the customer at a lower annual percentage rate than that which had previously been charged, the situation is somewhat analagous to that addressed in Board Interpretation § 226.817. Section 226.817 states that a reduction in the annual percentage rate applicable to an existing extension of credit does not constitute a refinancing and does not require new disclosures to be made. The adjustment made by your client in reducing the annual percentage rate charged to that initially disclosed is similar to the situation contemplated by § 226.817. In light of these considerations, staff does not believe new disclosures are required.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts stated herein. I trust that this will prove helpful to you.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0088]

§§ 226.7(b), 226.7(g), and 226.7(k). When only one date corresponding to each account entry is disclosed on a periodic statement, that date need not be described as the "transaction date," "posting date," etc.

JUNE 22, 1977.

This is in response to your letter of * * *, in which you request an official staff interpretation of §§ 226.7(b)(1)(iii), 226.7(g), and 226.7(k) of Regulation Z. Specifically, you inquire whether the portions of those sections which require particular dates to accompany the account activity reflected on periodic statements also require that the dates themselves be described (i.e., as a "transaction date," as a "posting date," etc.). Staff does not believe that the regulation imposes such a requirement. As you suggest, it is sufficient to have a single columnar heading such as "Date," identifying a column in which the required dates are placed.

Staff's conclusion, and advice to you, is based upon the assumption that only one date will be disclosed to describe each account entry. Official Staff Interpretation FC–0055, issued on March 22, 1977, explains that where a creditor desires to provide both a transaction date and a crediting date for every transaction on an account, then the dates should be separately and appropriately identified.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the issue and facts presented herein. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0089]

§ 226.7(b) Creditor that has increased periodic rates (and gives notice as required by § 7(f)) must disclose on the periodic statement only those periodic rates which may be used during the billing cycle to which the statement applies; unnecessary to disclose rates which will be in effect in future cycles.

JUNE 22, 1977.

This is in reply to your letter of * * *, in which you request an official staff interpretation concerning the proper method of disclosing the periodic rate in the periodic statement given to a customer during the last billing cycle before the periodic rate is increased. You indicate that your client is raising the periodic rates on its open end accounts and will give its existing customers notice of the change of the periodic rates pursuant to § 226.7(f) of Regulation Z. You question, however, whether § 226.7(b)(1)(v) only requires disclosure of the periodic rates in effect during the last billing cycle or whether that section requires disclosure of both the periodic rates in effect and the periodic rates which will be applied during the next billing cycle.

Section 226.7(b)(1)(v) requires that the periodic statement disclose;

"Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle) * * *."

You indicate that the phrase "may be used" could be interpreted to be prospective in nature and that, consequently, it could be concluded that § 226.7(b)(1)(v) requires disclosure of the periodic rate or rates which would apply in the next billing cycle (i.e., the one in which the increased rates first take effect).

In staff's opinion, the only periodic rates which must be disclosed are those periodic rates which may be used during the billing cycle to which the particular periodic statement applies. The notice of change of terms required by § 226.7(f) has already notified the customer of the periodic rate or rates which will be applied to the balance due as shown by the periodic statement supplied during the next billing cycle. Therefore, staff believes it unnecessary to notify the customer on the periodic statement for the last billing cycle prior to the one in which the rates are increased of periodic rates which would only be applied during future billing cycles.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(3) of the regulation and limited in its application to the facts as outlined above. We note, however, that the creditor you represent may be subject to the laws of the State of Massachusetts, which has been granted an exemption under the applicable portion of the Federal Act. If your client is such a creditor, we suggest that you contact the office of Ms. Carol S. Greenwald, Commissioner of Banks of the State of Massachusetts, for her views. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director

[12 CFR Part 226, FC–0090]

§ 226.8(b) Single composite APR, rather than 2 APR's or maximum of 2 rates, must be disclosed in transaction where 2 different interest rates are applied to different portions of loan amount.

§ 226.8(c) Portions of finance change applicable to imposition of 2 different interest rates are single component of finance charge and need not be separately itemized.

JUNE 23, 1977.

This is in response to your letter of * * *, to ( ) requesting an official staff interpretation of Regulation Z with regard to the proper disclosure of the finance charge and annual percentage rate when different interest rates are imposed on two portions of an obligation.

You indicate that your client is engaged in making government-subsidized residential rehabilitation loans. Based on certain income limits of the borrower, your client will make a closed end loan, a portion of which will be at a low interest rate and the remainder of which will be at a higher interest rate. The loan is amortized over a fixed term, and your client provides for an even payment schedule for the term of the loan.

It is staff's position that, with respect to the annual percentage rate disclosure, § 226.8(b)(2) requires the disclosure of a single composite annual percentage rate which is computed by relating the total finance charge to the total amount financed in accordance with the applicable portions of § 226.5 of the regulation. In closed end credit transactions, it would not be permissible to show two annual percentage rates, nor would it be proper to simply state the maximum of the two rates, since this would not accurately reflect the annual percentage rate imposed on the transaction.

Your second question is whether § 226.8(c)(8)(i) requires the creditor to separately describe the portions of the finance charge applicable to the imposition of each rate. In staff's opinion, the amount of finance charge computed by the imposition of the applicable interest rate to the two portions of the obligation constitutes a single component of the finance charge. Thus, it need not be further itemized on the disclosure statement to indicate the portions of the finance charge attributable to the imposition of each rate.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(3) of the regulation and limited in its application to the facts as outlined above. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0091]

§ 226.6(c) Use of name of savings and loan association which solicits credit card accounts for bank on the credit card, periodic statement and card brochure does not violate the general guidelines of § 226.6(c).

JUNE 24, 1977.

This is in response to your letter of * * * requesting an official interpretation of Regulation Z. Your company services the (credit card) accounts for a large number of ( ) banks, and you ask staff's view about the application of §§ 226.6 and 226.7 of the regulation to a proposal which you have outlined.

You intend to have savings and loan associations solicit their customers to apply to your company for a (credit card) account. For the applications so generated and approved by your company, you intend to specifically reference the savings and loan association's involvement in the following ways: (1) The name of the savings and loan will appear on the top front of the credit card; (2) the name of the savings and loan, followed by your company's post office box address, will appear on the top-left portion of the front side of the periodic billing statement; and (3) the name of the savings and loan will appear at the top of the brochure which encloses the actual credit card. The back side of your (credit) cards, which presently state "This card is the property of the Bank which issued it * * *," will not be changed, but your Cardholder and User Agreement will be modified to read, "The (credit) card has been issued by a ( ) bank through the courtesy of a savings and loan association and is issuer's property * * *."

You also indicated that your primary reason for requesting an official interpretation was to insure that the modifications proposed in your (credit) card and accompanying documents not be viewed as violating the general guidelines of § 226.6(c) regarding disclosure of additional information. It is staff's opinion that your proposal, as outlined in your letter, is consistent with those guidelines.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts and issues stated herein. I trust that we have been responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0092]

§ 226.8(b) The fact that habitual late payments on a single interest loan may cause final payment to amount to a "balloon payment" does not require disclosure of this fact or labeling of final payment as "balloon payment."

§ 226.8(n) Statement sent to customer with simple interest loan showing (1) difference between estimated and actual principal balance caused by late payments and suggesting payment of difference to return to schedule, or (2) amount due for final payment, is not periodic statement.

JUNE 24, 1977.

This is in response to your letter of * * *, in which you requested an official staff interpretation of § 226.8(n) of Regulation Z concerning periodic statements for closed end credit.

Your client is in the process of converting its closed end credit loans to a simple interest basis. This means that a customer's regular monthly payment will be credited on the date received, and interest will continue to accrue at a simple interest rate until the actual date of payment. For this reason, if a customer is habitually somewhat slow in making payments, the interest earned will be somewhat greater than that originally estimated based on payment on, for example, the first of the month. This increase in the finance charge will reduce the amount of principal reduction made with each payment so that it is possible that the final payment will be larger than that initially anticipated. Because of this discrepancy between the amount of the final payment and the amount of the regular payments, the bank sends out two types of notices. You have asked whether either of these notices would be considered a periodic statement for purposes of 226.8(n).

The first type of notice which may be sent out is a notice of the need for additional principal payment. If the total amount of principal due falls somewhat behind the estimated principal balance based on regular first-of-the-month payments, the bank sends out a notice which tells the customer that he "may wish to submit the difference indicated below along with your next regular payment in order to return to schedule and to avoid a final payment higher than your normal payment." The current principal balance is set forth, the estimated principal balance is substracted from it, and the difference between them is shown. The regular payment is shown and added to the difference figure, and the total is labeled "total payment required to return to schedule." You have indicated by telephone that this notice of need for additional principal payment would not be sent out at any regular intervals but, rather, would be sent out when the total amount of principal actually due exceeds the estimated principal balance by some specified percentage.

Staff is of the opinion that the notice of need for additional principal payment described above would not be considered a periodic statement for purposes of § 226.8(n) of Regulation Z. The notice is not mailed periodically, and it does not relate to any particular instalment payment. Furthermore, it does not notify the customer of a payment which is due; on the contrary, it merely tells the customer that if he does not pay the amount specified, his final payment will be larger than his regular payments. While it is true that the customer will continue to receive similar notices prior to each regular payment if he does not make the additional principal payment, staff nevertheless believes that this would not transform a notice of this type into a periodic statement.

The other type of notice which your client will send in connection with its closed end loans is a notice of final payment. The bank issues coupons to its borrowers and does not send out regular periodic notices of payments due. The last payment, however, is not covered by a coupon because it is usually not the same as the regular payments. Thus, a final payment notice is sent to the customer prior to the due date of the final payment advising him of the amount due.

Staff is of the opinion that the notice of final payment described above is not a periodic statement under § 226.8(n) because the notice is not mailed periodically. That is, only one such final notice is mailed with respect to any one loan.

Your final question is whether it is necessary in making the initial disclosures to advise the customer that, if payments are not made on time, it is possible that the final payment will amount to more than twice the regular payment and, thus, be a "balloon payment." It is staff's view that it is inherent in the definition of a simple interest instalment loan that interest will be calculated and charged on a daily basis on the unpaid balance of the loan and that late or early payments will thus affect the amount of the final payment. Staff believes that, in the case of a simple interest instalment loan, disclosures required under Regulation Z should

be made on the assumption that the loan payments will be made when due. Therefore, staff believes that Regulation Z does not require that, in the above described fact situation, the creditor disclose the portions of those sections which require particular dates to accompany the account activity reflected on periodic statements also require that the dates themselves be described (i.e., as a "transaction date," as a "posting date," etc.). Staff does not believe that the regulation imposes such a requirement. As you suggest, it is sufficient to have a single columnar heading such as "Date," identifying a column in which the required dates are placed.

Staff's conclusion, and advice to you, is based upon the assumption that only one date will be disclosed to describe each account entry. Official Staff Interpretation FC–0055, issued on March 22, 1977, explains that where a creditor desires to provide both a transaction date and a crediting date for every transaction on an account, then the dates should be separately and appropriately identified.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the issue and facts presented herein. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0089]

§ 226.7(b) Creditor that has increased periodic rates (and gives notice as required by § 7(f)) must disclose on the periodic statement only those periodic rates which may be used during the billing cycle to which the statement applies; unnecessary to disclose rates which will be in effect in future cycles.

JUNE 22, 1977.

This is in reply to your letter of * * *, in which you request an official staff interpretation concerning the proper method of disclosing the periodic rate in the periodic statement given to a customer during the last billing cycle before the periodic rate is increased. You indicate that your client is raising the periodic rates on its open end accounts and will give its existing customers notice of the change of the periodic rates pursuant to § 226.7(f) of Regulation Z. You question, however, whether § 226.7(b)(1)(v) only requires disclosure of the periodic rates in effect during the last billing cycle or whether that section requires disclosure of both the periodic rates in effect and the periodic rates which will be applied during the next billing cycle.

Section 226.7(b)(1)(v) requires that the periodic statement disclose;

"Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle) * * *."

You indicate that the phrase "may be used" could be interpreted to be prospective in nature and that, consequently, it could be concluded that § 226.7(b)(1)(v) requires disclosure of the periodic rate or rates which would apply in the next billing cycle (i.e., the one in which the increased rates first take effect).

In staff's opinion, the only periodic rates which must be disclosed are those periodic rates which may be used during the billing cycle to which the particular periodic statement applies. The notice of change of terms required by § 226.7(f) has already notified the customer of the periodic rate or rates which will be applied to the balance due as shown by the periodic statement supplied during the next billing cycle. Therefore, staff believes it unnecessary to notify the customer on the periodic statement for the last billing cycle prior to the one in which the rates are increased of periodic rates which

Board of Governors of the Federal Reserve System, July 1, 1977.

THEOPHILUS E. ALLISON,
Assistant Secretary.

[FR Doc.77-19284 Filed 7-7-77;8:45 am]

lender and a licensed small business investment company from financing the same small business. Also, editorial

under common control with another Subsection (b) Lender.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINIS-

BUREAU OF DRUGS

Office of the Director

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be made on the assumption that the loan payments will be made when due. Therefore, staff believes that Regulation Z does not require that, in the above described fact situation, the creditor disclose that it is possible that the final payment will amount to more than twice the regular payment and, thus, be a "balloon payment." This information may, however, be given as additional information pursuant to § 226.6(c). Of course, this view assumes that if payments were made on time, the final payment would not amount to a "balloon payment."

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) and confined to the facts as stated. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[12 CFR Part 226, FC–0093]

§ 226.2(q) Sale of cancellable credit life insurance on existing obligations subsequent to consummation, where premium amounts are computed on outstanding indebtedness, remitted to creditor as part of increased monthly payment, and incur no finance charge, is not a credit transaction.

JUNE 24, 1977.

This is in reply to your letter of * * *, requesting an official staff interpretation on the applicability of the Truth in Lending Act and Regulation Z to certain sales of credit life insurance.

According to your letter, your client proposes to contact persons who have existing debts and offer to sell them credit life insurance on those obligations. Any sales of insurance would, therefore, be made separately from, and after the consummation of, the underlying credit obligation. The insurance agreement would permit the customer to cancel the insurance coverage at any time. The customer's monthly premium payments would be computed on the outstanding daily balance of the indebtedness and would be remitted to the original creditor as part of an increased monthly payment. You indicate that these insurance premium payments would incur no finance charge and would be made concurrently with monthly coverage.

You state that, in your opinion, such sales of credit life insurance are not credit transactions subject to the Truth in Lending Act and Regulation Z for the reasons that no debtor-creditor relationship is created between the seller and the customer, and that no finance charges are imposed. The staff agrees with your conclusion on the facts you present.

This staff has consistently taken the position that Truth in Lending disclosures are not required for instalment insurance premium plans if there is no debtor-creditor relationship established between the insurer and the insured with respect to future premiums. (See Public Information Letters 200, 432 and 809.) Since the plan you describe calls for monthly payments coinciding with coverage, and since the customer can cancel the coverage at any time with no further obligation, the staff is of the view that no debtor-creditor relationship is established and no disclosures are required.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues outlined herein. We trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, July 1, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–19414 Filed 7–7–77; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 13]

PART 120—BUSINESS LOAN POLICY

Eligible Participants

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule establishes new requirements and procedures for participating with SBA in its business loan programs. With one exception, these changes apply only to small business lending companies. (These are companies formed solely to make loans to small business concerns, in participation with SBA, and are referred to in the Regulations as "Subsection (b)" lenders.) The Regulation dealing with participation with SBA is § 120.4. The rule also establishes new limits on the operations of Subsection (b) lenders.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Stuart Harbour, Office of Program Development, Finance, and Investment, U.S. Small Business Administration, Washington, D.C. 20416 (202–653–6423).

SUPPLEMENTARY INFORMATION: The changes were proposed in the FEDERAL REGISTER for September 29, 1976 (41 FR 42963). A comment period was given. Only one person responded. After giving consideration to the comments, the amendments are being adopted as proposed.

The first amendment establishes separate procedures for determining the eligibility of banks and other Subsection (a) lenders, on the one hand, and Subsection (b) lenders, on the other, to participate in SBA guaranteed loan programs. Prospective Subsection (b) lenders will be required to pay SBA a nonrefundable $500 fee for processing an application for determination of eligibility, and may be required to publish a public notice of the application.

A second group of amendments establishes several new limitations on the operations of Subsection (b) lenders. For example, the new amendments specify contractual requirements before a lender or associate may furnish services to a small business concern. Also included in the amendments are restrictions on borrowing to buy stock of a Subsection (b) lender, common control of more than one such lender, and the employment of a manager or advisor by one of these lenders. The amendment also prohibits a commonly-owned Subsection (b) lender and a licensed small business investment company from financing the same small business. Also, editorial changes have been made in the examination-fee table to remove ambiguities in the table as previously published.

Pursuant to the authority of section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, and section 7 of such Act, as amended, 72 Stat. 387 15 U.S.C. 636, Part 120 of Title 13, CFR is amended in the manner set forth below:

1. Section 120.4(c) (1) and (2) is revised as follows:

§ 120.4 Eligible loan participants.

* * * * *

(c) *Determination of eligibility*—(1) *Application by prospective Subsection (a) Lenders.* A lending institution wishing to participate with SBA in making loans to small business concerns and meeting all requirements set forth in paragraph (a) of this section should submit its request to the SBA District Office serving the area in which the lending institution intends to participate with SBA in making loans to small business concerns. The District Office may require further evidence of the lending institution's qualifications.

(2) *Application by prospective Subsection (b) Lenders.* A lending institution wishing to participate with SBA as a Subsection (b) Lender shall submit its application for determination of its qualifications on SBA Form 1080, accompanied by a non-refundable processing fee of $500, to the Associate Administrator for Finance and Investment, Washington, D.C. 20416. SBA will publish in the FEDERAL REGISTER a notice of each application and will provide an opportunity for submission of written comments. The applicant, upon request of SBA, shall publish a similar notice in a newspaper of general circulation in the city or other proposed area of operation.

2. Section 120.5(b) (10) through (14) is revised as follows:

§ 120.5 Operations of eligible participants.

* * * * *

(b) *Special requirements applicable to Subsection (b) Lenders.* * * *

(10) *Services to borrowers.* Where a Subsection (b) Lender or any of its associates provides services permitted under § 120.5(a)(2), such services shall be furnished pursuant to a written contract approved by the board of directors, partners, or proprietor of the small business concern. Records of time spent and charges made for such service shall be maintained for examination by SBA. Charges made shall not exceed those charged by established professional consultants providing similar services.

(11) *Common control.* Without prior written SBA approval, a Subsection (b) Lender shall not have any officer, director, or holder of ten percent or more of its voting securities who is an officer, director, or holder of ten percent or more of the voting securities either of another Subsection (b) Lender, or of any entity which directly or indirectly controls or is under common control with another Subsection (b) Lender.

(12) *Management and services.* A Subsection (b) Lender may employ a manager or adviser, or may contract for managerial or advisory services, subject to prior written approval of SBA and subject to the supervision of the Lender's Board of directors. The contract shall specify the services to be rendered to the Subsection (b) Lender and to its applicants and borrowers.

(13) *Prohibited financing.* A subsection (b) Lender may not make a loan to a small business concern which has received financing (or commitment therefor) from a small business investment company licensed by SBA which is an "associate", as defined by § 120.1(d)(2), of the Subsection (b) Lender.

(14) *Borrowed funds.* Shareholders owning ten or more percent of any class of the stock of the Subsection (b) Lender may not use borrowed funds in purchasing such stock unless the net worth of such shareholders is at least twice the amount borrowed or unless such shareholders receive SBA's prior written approval of a lesser ratio on the basis that it is adequate in the light of all circumstances.

3. Section 120.6(d)(2)(v) is revised to add the following:

§ 120.6 Reports to SBA by Subsection (b) Lenders.

* * * * *

(d) *Other reports to SBA.* * * *

(2) *Reports of changes.* * * *

(v) Whenever ten percent or more of the Subsection (b) Lender's stock is pledged by any person (or group of persons acting in concert) as collateral for indebtedness, and such pledge does not involve any transfer for which prior written approval of SBA is required under § 120.5(b)(9), written notice of the terms of such transaction shall be furnished to SBA by the pledgor within thirty days following the date of the transaction.

§ 120.7 [Amended]

4. In § 120.7, *Examination of Subsection (b) Lenders*, editorial changes are made so that the rate table reads as follows:

Total assets	Total fee	
	Base fee	Additional fee
$500,000 or less	$400	None.
$500,001 to $1,000,000	400	0.06 pct over $500,000.
$1,000,001 to $3,000,000	700	0.015 pct over $1,000,000.
$3,000,001 to $5,000,000	1,000	0.008 pct over $3,000,000.
Over $5,000,000	1,160	0.003 pct over $5,000,000.

(Catalog of Federal Domestic Assistance Program No. 59012, Small Business Loans.)

Dated: May 17, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–19380 Filed 7–7–77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart C—Organization

HEADQUARTERS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the organization structure of agency headquarters to revise the listings for the Bureau of Drugs, the Bureau of Medical Devices, and the Bureau of Veterinary Medicine, in accordance with recent reorganization approvals.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA–340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: The Bureau of Drugs reorganization (see the FEDERAL REGISTER of April 11, 1977 (42 FR 18904)) established a new Division of Scientific Investigations. The organization listing for the Bureau is amended accordingly. In separate actions subsequent to the reorganization of the Bureau of Medical Devices (see the FEDERAL REGISTER of May 24, 1977 (42 FR 26470)) and the Bureau of Veterinary Medicine (see the FEDERAL REGISTER of May 26, 1976 (41 FR 21507)), Associate Directors reporting to the Bureau Director were established to oversee division operations in major functional areas. The new organization listings for the two bureaus depict this organizational concept.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended in § 5.100 by adding new "Division of Scientific Investigations" under the Associate Director for New Drug Evaluation in the Bureau of Drugs; by deleting the Bureau of Medical Devices and Diagnostic Products listing and substituting therefor a Bureau of Medical Devices listing; and by adding two Associate Directors to the Bureau of Veterinary Medicine. As revised, the listings for the Bureau of Drugs, the Bureau of Medical Devices and Diagnostic Products, and the Bureau of Veterinary Medicine read as follows:

§ 5.100 Headquarters.

* * * * *

BUREAU OF DRUGS[1]

Office of the Director
Office of Planning and Evaluation
Associate Director for Monographs Drug
Division of OTC Drug Evaluation
Division of Biopharmaceutics
Division of Generic Drug Monographs
Associate Director for Biometrics and Epidemiology
Division of Biometrics
Division of Poison Control
Division of Drug Experience
Associate Director for Compliance
Division of Methadone Monitoring
Division of Drug Product Quality
Division of Drug Labeling Compliance
Division of Drug Manufacturing
Associate Director for Pharmaceutical Research and Testing
Division of Drug Biology
Division of Drug Chemistry
National Center for Antibiotics Analysis
National Center for Drug Analysis
Associate Director for New Drug Evaluation
Division of Anti-Infective Drug Products
Division of Cardio-Renal Drug Products
Division of Surgical-Dental Drug Products
Division of Metabolism and Endocrine Drug Products
Division of Neuropharmacological Drug Products
Division of Oncology and Radiopharmaceutical Drug Products
Division of Drug Advertising
Division of Scientific Investigations
Associate Director for Information Systems
Division of Drug Information Resources
Division of Information Systems Design
Medical Library

* * * * *

BUREAU OF MEDICAL DEVICES[1]

Office of the Director
Office of Small Manufacturers Assistance
Associate Director for Device Research and Testing
Associate Director for Standards
Division of General Medical Device Standards
Division of In Vitro Diagnostic Device Standards
Associate Director for Compliance
Division of Compliance Programs
Division of Compliance Operations
Division of Product Surveillance
Associate Director for Device Evaluation
Division of Cardiovascular Devices
Division of Gastroenterology/Urology and General Use Devices
Division of Anesthesiology and Neurology Devices
Division of Obstetrics/Gynecology and Radiology Devices
Division of Surgical and Rehabilitation Devices
Division of Clinical Laboratory Devices
Division of Ophthalmic, Ear, Nose, Throat and Dental Devices

* * * * *

BUREAU OF VETERINARY MEDICINE[2]

Office of the Director
Division of Veterinary Medical Research
Associate Director for Surveillance and Compliance
Division of Surveillance
Division of Compliance
Division of Animal Feeds

[1] Mailing address: 5600 Fishers Lane, Rockville MD 20857.
[2] Mailing Address: 8757 Georgia Ave., Silver Spring, MD 20910.

Associate Director for Scientific Evaluation
Division of Drugs for Swine and Minor Species

regulations has been filed in the United States Court of Appeals for the Second Circuit, and requests that the effective

view of information the Commissioner of Food and Drugs considers essential.

OBJECTIONS AND REQUESTS FOR A HEARING

this would occur by substantially and significantly altering their compositional

ments of the applicable regulations are

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Associate Director for Scientific Evaluation
Division of Drugs for Swine and Minor Species
Division of Drugs for Ruminant Species
Division of Drugs for Avian Species
Division of Drugs for Non-Food Animals

* * * * *

Effective date: This regulation becomes effective July 8, 1977.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371 (a)).)

Dated: June 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-19102 Filed 7-7-77;8:45 am]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75N-0107]

PART 105—FOODS FOR SPECIAL DIETARY USE

Vitamin and Mineral Products; Effective Date Revision

AGENCY: Food and Drug Administration.

ACTION: Revision of effective date.

SUMMARY: This document revises the effective date for recently published regulations governing vitamins and minerals. This action is taken because of a petition for stay of the effective date of those regulations. This revision provides that voluntary compliance may begin immediately and that products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

EFFECTIVE DATE: This revision is effective immediately.

FOR FURTHER INFORMATION CONTACT:

John E. Vanderveen, Bureau of Foods (HFF-260), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1064.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 19, 1976 (41 FR 46156) and April 19, 1977 (42 FR 20292), the Commissioner issued final regulations governing the labeling and composition of dietary supplements and other foods that purport or are represented to be for special dietary use because of their vitamin and/or mineral properties. The effective date for the regulations was announced as January 1, 1978 for all products initially introduced into interstate commerce on or after that date. It was provided that voluntary compliance might begin immediately.

The Commissioner has received a petition for stay of the effective date of the regulations from the law firm of Bass, Ullman & Lustigman, New York City, on behalf of the National Nutritional Foods Association, the National Association of Pharmaceutical Manufacturers, and the Solgar Co., Inc. The petition for stay states that a petition for review of the regulations has been filed in the United States Court of Appeals for the Second Circuit, and requests that the effective date of the regulations be modified to provide that all products labeled 9 months after judicial review proceedings have been concluded or initially introduced into interstate commerce 15 months after judicial review proceedings have been completed must comply, or, in the alternative, that the regulations be stayed without date pending judicial review.

Among other things, the petition for stay states that although the final revised vitamin and mineral regulations were published April 19, 1977, they did not incorporate the new uniform effective date for food labeling regulations (July 1, 1979) which FDA had announced in the FEDERAL REGISTER of April 12, 1977 (42 FR 19234) would be applicable to final food labeling regulations published after April 1, 1977.

The Commissioner concludes that the vitamin and mineral regulations should incorporate the new uniform effective date of July 1, 1979. The new effective date should provide ample time for judicial review and, assuming the regulations are sustained on review, for companies to come into compliance after completion of judicial review. If judicial review should still be pending after July 1, 1978, the Commissioner will entertain petitions with respect to further postponement of the effective date at that time.

Accordingly, the effective date paragraph for the regulations published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46156) and as reaffirmed and amended April 19, 1977 (42 FR 20292) is revised to read as follows:

Effective date: Voluntary compliance with these regulations may begin immediately, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

Dated: June 24, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-19234 Filed 7-7-77;8:45 am]

[Docket No. 76P-0500]

PART 135—FROZEN DESSERTS

Standards of Identity for Frozen Desserts; Confirmation of Effective Date, Partial Confirmation of Effective Date, Stay of Certain Provisions, and Request for Data and Information

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date for the standard of identity for water ices and certain portions of the standards of identity for ice cream, frozen custard, ice milk, and sherbet; stays other portions of the ice cream, frozen custard, ice milk, and sherbet standards pending the receipt and review of information the Commissioner of Food and Drugs considers essential for him to make a final decision on the merits of granting requests for a hearing; and provides an opportunity for all interested parties to submit more definitive data and information on the issues to which certain objections have been raised. Following a review of this information the Commissioner will make a determination on whether to grant or deny the requested hearing.

DATES: Except as to those portions that are stayed, compliance with the final regulations for frozen desserts published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19127) may have begun on June 13, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply. Data and information must be received by September 6, 1977.

ADDRESS: Written data and information to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued final regulations in the FEDERAL REGISTER of April 12, 1977 (42 FR 19127) revising the standards of identity for ice cream and frozen custard, ice milk, sherbet, and water ices to (1) provide for full ingredient declaration, (2) relax recipe requirements to permit the use of safe and suitable ingredients that do not change the basic identity of the food or adversely affect its physical and nutritional characteristics, and (3) provide for replacing the milk solids nonfat minimum with a milk protein minimum. The final regulations provided that any person who would be adversely affected could, at any time on or before May 12, 1977, file written objections and request a hearing.

Thirty-four responses were filed relative to the subject regulations. Six contained comments that were not in the form of objections or requests for hearing, 14 contained objections and no requests for hearing, and the other 14 contained objections and requests for hearing. One of the 34 responses contained all of the identified objections to the regulations that were submitted, as well as all of the requests for hearing. This single response was supported by 30 interested parties, 7 of which also submitted objections and 3 of which also submitted objections and requests for hearing.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner has considered the objections and requests for hearing. His conclusions follow:

OBJECTIONS AND REQUESTS FOR A HEARING

I. ABSENCE OF AN ECONOMIC IMPACT STATEMENT IN THE FINAL REGULATION

The assertion is made that the Commissioner was required to prepare and submit an economic impact statement with the final regulations in accordance with Executive Order 11821, OMB Circular No. A-107, and Executive Order 11949.

The Commissioner points out that the proposal to amend the frozen desserts regulations was published in the FEDERAL REGISTER of July 25, 1974 (39 FR 27144). It is the understanding of the Food and Drug Administration that Executive Order 11821 and OMB Circular A-107 spoke exclusively to agency proposals published subsequent to the November 27, 1974 issuance date of Executive Order 11821. Therefore, all proposals, as well as final regulations based on proposals, published before November 27, 1974, are exempt from economic impact evaluation. Executive Order 11949, which was published on December 31, 1976, dealt only with terminology, e.g., inflation impact vs. economic impact. The Commissioner concludes that this objection does not raise an issue of fact that warrants a hearing.

II. ADVERSE ECONOMIC IMPACT DUE TO POTENTIAL SUPPLEMENTATION OF IMPORTED CASEIN AND CASEINATES FOR DOMESTIC NONFAT MILK SOLIDS

This objection is based on a potential increase in the use of imported casein and caseinates that would decrease the use of domestic nonfat milk solids as ingredients in the fabrication of ice cream, frozen custard, ice milk, and sherbet thereby having an economic impact on milk producers, consumers, and the Federal Government.

The Commissioner agrees that if, due to technological advances, certain components or combinations of components derived from the milk of cows were allowed to compete with historical ingredients such as nonfat dry milk or condensed skim milk, there would be an economic impact on the producers, sellers, and buyers of those ingredients. The Commissioner, however, does not believe that this impact is an issue that can legally be considered in deciding upon the merits of a standard of identity. The Commissioner concludes that the objection does not raise an issue of fact that warrants a hearing.

III. THE CONCEPT OF "SAFE AND SUITABLE" (DEFINED IN 21 CFR 130.3(d)) AS UTILIZED TO PROVIDE FOR THE USE OF OTHER MILK-DERIVED INGREDIENTS ALONE OR IN COMBINATION WITH NONFAT MILK SOLIDS IN ICE CREAM AND FROZEN CUSTARD § 135.110(a)(1) ICE MILK § 135.20(a), AND SHERBET § 135.140(a)(1) AND (2)

The basis for this objection is that (a) the physical characteristics of ice cream, frozen custard, ice milk and sherbet will be adversely affected and (b) the nutritional profile of ice cream, frozen custard, ice milk, and sherbet will be adversely affected. The objection states that this would occur by substantially and significantly altering their compositional makeup by the use of "other milk-derived ingredients" not considered by the objector to be "suitable."

The Commissioner, having reviewed the data and information presented in support of this objection, as well as the data and information available to him which led to the publication of the final regulations, comments as follows:

1. The amended regulations utilizing the "safe and suitable" concept would: (a) Remove the current restriction on the use of sweet cheese whey, (b) allow the use of acid cheese whey, (c) provide for the use of modified sweet and acid whey products such as concentrated whey proteins, delactosed whey, and demineralized whey, (d) remove the current restrictions on when casein and caseinates may be used, (e) provide for the use of coprecipitates of casein, lactalbumins, and lactoglobulins, (f) allow individual components derived from milk, nonfat milk, sweet or acid cheese whey, and whey from the manufacture of casein to be blended together as a substitute for nonfat milk solids from milk, nonfat milk or nonfat dry milk, and would allow the use of any form of butterfat or milk fat, including milk fat from whey cream extracted from cheese whey.

2. The current regulations provide for the use of any form of (a) milk, nonfat milk, cream, butterfat, buttermilk (a by-product from manufacturing butter from cream), (b) partially delactosed nonfat milk (an ingredient obtained by altering the chemical composition of nonfat milk), concentrated or dried skim milk that has been modified by treatment with the chemicals sodium hydroxide and disodium phosphate, (c) concentrated or dried cheese whey, (d) casein (a milk protein substance obtained from nonfat milk much in the same manner as certain cheeses are obtained from nonfat milk, but with most of the lactose (milk sugar) removed and some of the soluble proteins (coprecipitates of whey) removed with the whey portion), and (e) caseinates made by dissolving with sodium hydroxide (a procedure similar to that used in chemically treating nonfat milk with sodium hydroxide and disodium phosphate to manufacture an ingredient mentioned in 2(b) above).

3. The amended regulations do not set specific limits as to how or when nonfat milk solids and/or other milk-derived ingredients can be used. The option as to which safe and suitable ingredients will be used and in what proportion is left up to the fabricator of the ice cream, frozen custard, ice milk or sherbet as long as the other minimum requirements of the applicable standards are met and the basic physical and nutritional characteristics are not changed.

4. The amended regulations also do not set specific limitations that would prevent all of the nonfat milk solids and/or other milk-derived ingredients from being obtained from a single safe and suitable substance derived from milk, as long as the other minimum requirements of the applicable regulations are met.

5. The current regulations would allow the nonfat milk solids to be obtained from buttermilk, delactosed nonfat milk, or nonfat milk treated with sodium hydroxide and disodium phosphate as long as the other minimum requirements of the applicable standard were met. While these practices are not restricted under the regulations, they may not be feasible or practical. The resultant food might not have the physical and nutritional characteristics of the food defined by the applicable regulation and anticipated by the consumer.

6. The current regulations set a maximum use level for cheese whey at 25 percent of the nonfat milk solids of the food, and only provide for the use of casein and caseinates after the minimum requirements for milk solids have been met. These restrictions were primarily based on previous technological inabilities to (a) utilize more cheese whey, (b) produce modified whey products and (c) formulate blends of milk-derived ingredients utilizing casein or caseinates.

7. Milk varies in composition and nutritional values. Therefore, depending on the attributes of the milk used, processes used, capability of manufacturing procedures to produce a uniform product, temperature and duration of storage as well as other factors, ingredients obtained from milk also vary in composition and nutritional value. These variations in composition and nutritional values apply to those ingredients provided for in both the current and amended regulations.

8. The physical and nutritional characteristics of ice cream, frozen custard, ice milk and sherbet vary depending on the ingredient or blend of ingredients used to fabricate a food meeting the minimum requirements of the applicable regulation. This would be so whether the minimum requirement of the current or the amended regulations were met.

9. The physical characteristics of ice cream, frozen custard, ice milk, and sherbet include, but are not limited to, flavor, body, color, texture, appearance, freezing point, performance in the freezer, whippability, melt-down characteristics, resistance to heat shock, and ability to retain physical characteristics during transportation and storage.

The Commissioner concludes that insufficient data and information have been made available to make a final decision on the merits of granting the requested hearing relative to this objection. Therefore, the Commissioner invites the submission of specific data and information about (a) the asserted effect on the physical and nutritional characteristics of ice cream, frozen custard, ice milk and sherbet that would result from the amended regulations, (b) parameters of the nutritional value variations of milk-derived ingredients allowable under both the current and amended regulations for ice cream, frozen custard, ice milk and sherbet, (c) parameters of the nutritional value variations of ice cream, frozen custard, ice milk and sherbet

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made in accordance with the minimum requirements of the current and amended applicable regulations, (d) the is relative, e.g., PER of whole milk protein (which is 108 percent that of casein)

The Commissioner concludes that insufficient data and information have been

in the same ingredient categories as those listed in § 101.4(b) (3), (4), (8),

2. Section 135.110(a)(2) is stayed to the extent that it establishes minimum

SUMMARY: This document corrects the section number of a final rule that was

made in accordance with the minimum requirements of the current and amended applicable regulations, (d) the feasible, practical and most commonly acceptable combinations or blends of nonfat milk solids and/or other milk-derived ingredients that are or could be used to fabricate ice cream, frozen custard, ice milk and sherbet meeting the applicable regulation, (e) nutritional value data and information specifically for calcium, phosphorus, zinc, sodium, protein, vitamins B_{12}, B_6, A, thiamine, riboflavin, and pantothenic acid, and (f) any other pertinent data or information.

Upon receipt and review of the data and information presented, the Commissioner will make a determination on whether to grant or deny the requested hearing. Until such a determination is announced, the applicable portions of the amended regulations for ice cream, frozen custard, ice milk and sherbet are stayed.

IV. UTILIZATION OF MINIMUM MILK PROTEIN REQUIREMENT IN LIEU OF MINIMUM NONFAT MILK SOLIDS REQUIREMENT IN ICE CREAM AND FROZEN CUSTARD § 135.110 (a)(2), ICE MILK § 135.120(a), AND SHERBET § 135.140

The basis for this objection is that by utilizing the minimum milk protein requirement, recognition and acceptance are given to ingredients from the nonfat milk ingredient category as well as those from the other milk-derived ingredient category as a means of meeting one of the minimum compositional requirements of the regulations. The minimum required level of protein quantity and quality established by the amended regulations is also part of the basis for these specified objections.

The Commissioner, having reviewed the data and information presented in support of this objection, as well as the data and information available to him which led to publication of the final regulations, comments as follows:

1. This objection is directly related to the objection discussed in III above. The use of the minimum milk protein level in lieu of the minimum nonfat milk solids requirement was intended to provide an analytical means to enforce the nonfat milk solids and/or other milk-derived ingredients requirement of the amended regulations.

2. The minimum milk protein quantity and quality requirements were established so as to be equal to the average minimum milk protein present when all of the other minimum requirements of the applicable regulations were met.

3. For the reasons elaborated in III above, the milk protein content of individual ingredients used to fabricate ice cream, frozen custard, ice milk and sherbet vary. Based on the blend of such ingredients, the protein content of these fabricated foods will also vary.

4. While there are discussion and controversy over the value of a protein efficiency ratio (PER) as a method of evaluating protein quality for humans, its use here is one of a comparative nature. Whatever the value of PER, its use is relative, e.g., PER of whole milk protein (which is 108 percent that of casein) versus any blend of proteins from nonfat milk and other milk-derived ingredients (which must also equal 108 percent of that of casein). The Food and Drug Administration will give appropriate consideration to any formal proposals suggesting more meaningful methods and procedures to evaluate relative protein quality.

The Commissioner concludes that insufficient data and information have been made available to make a final decision on the merits of granting the requested hearing relative to this objection. Therefore, the Commissioner requests, in addition to the data and information concerning milk protein content requested in III above, information pertaining to the applicability of the minimum milk protein quantity and quality requirements of the amended regulations.

Upon receipt and review of the data and information presented, the Commissioner will make a determination on whether to grant or deny the requested hearing. Until such a determination is announced, the applicable portions of the amended regulations for ice cream, frozen custard, ice milk and sherbet are stayed.

V. THE PROVISION FOR REDUCTION IN MILK FAT AND MILK PROTEIN WHEN BULKY FLAVORS ARE ADDED TO ICE MILK § 135.120(a)(2)

The basis for this objection is that the current regulations did not provide for a decrease in the milk solids content of ice milk when various amounts and kinds of bulky flavors are used to characterize ice milk.

The Commissioner, having reviewed the data and information presented in support of this objection, as well as the data and information available to him which led to the publication of the subject final regulation, comments as follows:

1. Except for the fact that the current regulations did not provide for a decrease in the milk solids content of ice milk when bulky flavors are added, no additional information was provided in opposition to providing such a decrease.

2. The regulations provided for a decrease in the milk solids content of ice milk when bulky flavors are added to the food in order to eliminate a manufacturing problem. Without this provision, in the production of ice milk with bulky flavors (nuts, macaroons, candies, etc.), an ice milk manufacturer must (a) formulate and process a different batch of ice milk mix for each variation in kind and quantity of bulky flavor used, or (b) formulate and process an ice milk mix high enough in milk solids so that in no case will the minimum milk solids requirement for the food not be met.

3. The current regulations for ice cream provide for a decrease in milk solids content when bulky flavors are added to characterize the food, and the amended regulation would make the ice milk and the ice cream standards uniform.

The Commissioner concludes that insufficient data and information have been made available to make a final decision on the merits of granting the requested hearing relative to this objection. Therefore, the Commissioner requests additional data and information about (a) the changes in physical and nutritional characteristics in bulky flavored ice milk as a result of providing for a decrease in milk solids when bulky flavors are used and (b) why ice milk should not have the same provisions for bulky flavors as ice cream.

Upon receipt and review of the data and information presented, the Commissioner will make a determination on whether to grant or deny the requested hearing. Until such a determination is announced, the applicable portion of the amended regulation for ice milk is stayed.

VI. THE PROVISIONS FOR THE DECLARATION OF OPTIONAL INGREDIENTS ON THE LABEL OF ICE CREAM AND FROZEN CUSTARD § 135.110(d), ICE MILK § 135.120(a), AND SHERBERT § 135.140(g)

The basis for this objection is an assumption that ingredients such as casein, caseinates, modified whey and "other milk-derived ingredients" would not have to be declared in the ingredient statement. The submission also objects to the use of the word "optional" and states that the term "optional ingredients" has not been specified in the paragraph. It also alleges an error in not including buttermilk in the ingredients allowed to be declared as "milk fat and nonfat milk."

The Commissioner, having reviewed the information submitted in support of this objection, as well as the information which led to the publication of the final regulations, points out:

1. Section 135.110(d) in the standard for ice cream and frozen custard and the comparable provisions in the standards for ice milk and sherbet state that all of the optional ingredients used shall be declared as required by the applicable sections of 21 CFR Part 101, except that when one or more of the ingredients listed in § 101.4(b)(3) (skimmed milk, concentrated skimmed milk, reconstituted skimmed milk and nonfat dried milk), § 101.4(b)(4) (milk, concentrated milk, reconstituted milk and dry whole milk), § 101.4(b)(8) (cream, reconstituted cream, dried cream and plastic cream) and § 101.4(b)(9) (butteroil and anhydrous butterfat) are used they may be declared either in descending order of predominance or by the use of the terms "milk fat and nonfat milk." Since all ingredients in these standards are optional, all ingredients must be declared as set forth above. This would require that casein, caseinates and other similar milk-derived ingredients be declared by their common or usual name since they would not be entitled to the alternative labeling set forth above.

2. He does not consider liquid, concentrated or dried buttermilk (byproducts from the manufacture of butter) to be in the same ingredient categories as those listed in § 101.4(b)(3), (4), (8), and (9) and, therefore, intentionally did not include them in the ingredients entitled to be declared as "milk fat and nonfat milk."

The Commissioner, therefore, concludes that this objection was based on a misunderstanding of the regulations and does not raise an issue of fact that warrants a hearing.

VII. THE USE OF THE TERM "NONFAT MILK-DERIVED SOLIDS" IN LIEU OF THE TERM "NONFAT MILK SOLIDS" AND THE USE OF THE TERM "MILK-DERIVED SOLIDS" AS APPLIED TO § 135.140(a)(2), SHERBERT

This objection is based on the use of nonfat milk solids and/or other milk-derived ingredients to be used to meet the minimum nonfat milk-derived solids content of the amended regulation.

The Commissioner, having reviewed the information presented in support of this objection, as well as the information which led to the publication of the final regulation, concludes that since (a) this objection is integral to the objection contained in III above, and (b) there is insufficient information available to make a final decision on the merits of granting the requested hearing in III above, the decision on the deferred until the data and information related to III above have been received and reviewed. Until such determination is announced, the applicable portions of the amended regulation for sherbet are stayed.

SUBMISSION OF DATA AND INFORMATION

Any interested party wishing to submit data or information in response to this notice must do so by September 6, 1977. Such data or information shall be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and identified with Docket No. 76P-0500. Received data and information may be seen in the above office between 9 a.m. and 4 p.m. Monday through Friday.

PROVISIONS STAYED

Pursuant to 21 U.S.C. 371(e), the Commissioner hereby announces that the following provisions of the April 12, 1977 final regulations for frozen desserts are stayed by the objections filed, pending receipt and review of data and information the Commissioner deems essential to make a final decision on the merits of granting the requested hearing.

For the convenience of the reader, those provisions of the regulations set forth below as being stayed are accompanied by a listing of the provisions of the former regulations that will remain in effect pending final action on the objections and requests for hearing:

1. Section 135.110(a)(1) is stayed to the extent that it permits the use of safe and suitable milk-derived ingredients not specifically listed as permitted in former § 135.30 (c) and (e).

Therefore, former § 135.30 (c) and (e) remains in effect.

2. Section 135.110(a)(2) is stayed to the extent that it establishes minimum milk protein requirements.

Therefore, in former § 135.30, the nonfat milk solids requirements of paragraph (a), the whey limitation requirements of paragraph (c), and the caseinate limitation requirements of paragraph (e) remain in effect. The provisions of former § 135.10 incorporating these requirements also remain in effect.

3. Section 135.120(a)(2) is stayed in its entirety.

Therefore, former § 135.40 (a), (b), (c), and (d) remains in effect.

4. Section 135.140(a)(1) is stayed to the extent that it permits the use of safe and suitable milk derived ingredients not specifically listed as permitted in former § 135.20 (c) and (e)(7) and former § 135.65 (c) and (e)(7).

Therefore, former § 135.20 (c) and (e)(7) and former § 135.65 (c) and (e)(7) remain in effect.

5. Section 135.140(a)(2) is stayed with respect to the provisions for "nonfat milk-derived solids" and "milk-derived solids."

Therefore, former § 135.20(a) and former § 135.65(a) remain in effect with respect to the provisions for "nonfat milk solid."

EFFECTIVE DATE

Therefore under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that objections raising substantial issues of fact which might require a hearing under section 701(e) of the act were received. Accordingly, except as to those provisions listed above as stayed, the effective date of §§ 135.3, 135.110, 135.120, 135.140 and 135.160 as published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19127) is confirmed as follows: Compliance with these regulations, including any required labeling changes, may have begun on June 13, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979 shall fully comply.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: July 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-19542 Filed 7-7-77;8:45 am]

SUMMARY: This document corrects the section number of a final rule that was published in the FEDERAL REGISTER of Tuesday, May 10, 1977.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

John Richards, FEDERAL REGISTER Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-13098 appearing at page 23772 in the FEDERAL REGISTER of Tuesday, May 10, 1977, on page 23772, in the center column, the preamble is corrected in the last paragraph by changing in the fourth line "§ 801.425 (21 CFR 801.425)" to read "§ 801.427 (21 CFR 801.427)", in the top of the right column at the end of the paragraph "§ 801.425" is changed to read "§ 801.427"; on page 23777 in the center column, in the second line of the second full paragraph "§ 801.425" is changed to read "§ 801.427"; and on page 23780 in the center column, § 310.502 *Intrauterine devices for human use for the purpose of contraception* is corrected in paragraph (c) by changing "§ 801.425" to read "§ 801.427," and amendment 2 and the section heading are corrected to read as follows:

2. In Part 801 by adding new § 801.427 to read as follows:

§ 801.427 Professional and patient labeling for intrauterine contraceptive devices.

* * * * * *

Dated: July 1, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-19420 Filed 7-7-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Chloramphenicol Tablets

Correction

In FR Doc. 77-16472, appearing at page 29859 in the issue for Friday, June 10, 1977, in § 555.110a(c)(1)(ii), in the next to last line, the number now reading "No. 017039" should have read "No. 017030."

[FAP 5H5086/T27; FRL 756-5]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

O-Ethyl S,S-Diphenyl Phosphorodithioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a feed additive regulation permitting the experi-

mental use of the fungicide *O*-ethyl *S,S*-diphenyl phosphorodithioate in rice hulls. The renewal was requested by Mo-

Effective July 8, 1977, 21 CFR 561.231 is amended as set forth below.

Board. To be designated for the written examination, a candidate, as of the date

SUMMARY: This amendment eliminates the June 30, 1977, deadline for use of

is available for public inspection in the office of the Rules Docket Clerk, Room

ble rather than as paragraph (d) of § 290a.9, Exemptions.

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mental use of the fungicide *O*-ethyl *S,S*-diphenyl phosphorodithioate in rice hulls. The renewal was requested by Mobay Chemical Corp. This rule will permit the marketing of rice hulls while further data is collected on the subject pesticide.

EFFECTIVE DATE: Effective July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Stubbs, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

SUPPLEMENTARY INFORMATION: On May 24, 1976, the EPA announced (41 FR 21186) that in response to a food additive petition (FAP 5H5086) submitted by Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, 21 CFR 561.231 was being established to permit the use of the fungicide *O*-ethyl *S,S*-diphenyl phosphorodithioate on growing rice with a tolerance of 0.3 part per million (ppm) for residues of the fungicide in rice hulls in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). This experimental program expired May 13, 1977.

Mobay Chemical Corp. has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the fungicide to the growing raw agricultural commodity rice.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may result in rice hulls from the agricultural use provided for in the experimental use permit, the feed additive regulation should be renewed along with the tolerance limitation. (A related document concerning the renewal of a temporary tolerance for residues of the subject pesticide in or on rice grain appears elsewhere in today's FEDERAL REGISTER.)

Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before August 8, 1977, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective July 8, 1977, 21 CFR 561.231 is amended as set forth below.

Dated: June 29, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

Section 561.231 is amended as follows:

§ 561.231 [Amended]

In § 561.231, the date at the end of the last line in paragraph (a) is changed from "May 13, 1977" to June 20, 1978.

[FR Doc.77-19206 Filed 7-7-77;8:45 am]

Title 22—Foreign Relations

CHAPTER V—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE

PART 501—APPOINTMENT OF FOREIGN SERVICE INFORMATION OFFICERS

Revisions Reflecting Current Procedures

AGENCY: U.S. Information Agency.

ACTION: Final rule.

SUMMARY: These revisions reflect the changed eligibility requirements regarding minimum age, and the elimination of reference to citizenship of spouse in the examination and appointment of applicants for employment in the Foreign Service. An administrative change in rules and settlement of a complaint necessitated the revisions. These changes will eliminate requirements that are no longer considered necessary.

EFFECTIVE DATES: December 6, 1976 (age requirements), May 20, 1977 (citizenship requirements), as published in the Agency's Manual of Operation and Administration.

FOR FURTHER INFORMATION CONTACT:

Mary Jane Winnett, Management Division, Office of Administration and Management, U.S. Information Agency, Washington, D.C. 20547 (202-724-9083).

SUPPLEMENTARY INFORMATION: The following revisions update Part 501 of the Agency's regulations to reflect current procedures being followed by the Board of Examiners for the Foreign Service.

1. In § 501.6, paragraph (b) is revised to read as follows:

§ 501.6 Written examination.

* * * * *

(b) *Designation to take written examination.* No person will be permitted to take a written examination for appointment as a Foreign Service officer or Foreign Service information officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination, the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not, as of that closing date, filed an application with the Board. To be designated for the written examination, a candidate, as of the date of the examination, must be a citizen of the United States and shall be at least 21 years of age.

2. In § 501.9, paragraph (a) is revised to read as follows:

§ 501.9 Certification for appointment.

(a) *Eligibility.* A candidate will not be certified as eligible for appointment as a Foreign Service information officer of class 8 unless the candidate is at least 21 years of age, and is a citizen of the United States. A candidate may be certified as eligible for direct appointment to class 7 if, in addition to meeting these specifications, the candidate also has additional qualifications of experience, education, and age which the Board of Examiners for the Foreign Service currently defines as demonstrating ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements will be certified for appointment, in accordance with the needs of the Service, in order of their standing on their respective registers.

* * * * *

3. In § 501.13, paragraph (c)(1) is revised as follows:

§ 501.13 Lateral entry, appointment of Foreign Service information officers.

* * * * *

(c) *Eligibility requirements.*—(1) *Citizenship.* Each person appointed as a Foreign Service information officer must be a citizen of the United States.

* * * * *

4. In § 501.14, paragraph (a)(1) is revised to read as follows:

§ 501.14 Reappointment of Foreign Service information officers.

(a) *Requirements for reappointment.* (1) On the date of application, each applicant must be a citizen of the United States.

* * * * *

Effective date: These provisions and amendments were effective December 6, 1976, and May 20, 1977, as published in the Agency's Manual of Operations and Administration.

JOHN E. REINHARDT,
Director.

[FR Doc.77-19397 Filed 7-7-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF THE ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-390]

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Certification Label—Elimination of Deadline for Use of Original Language

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment eliminates the June 30, 1977, deadline for use of the original version of the mobile home certification label. That deadline was established at the time the original language of the label was changed. This amendment will permit the existing stock of labels to be exhausted.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, Washington, D.C., 20410. Phone number 202-755-7970.

SUPPLEMENTARY INFORMATION: If the June 30, 1977 deadline remained in effect, the excess labels would have to be destroyed at a cost of approximately $30,905.00. This cost would be absorbed by the Department and ultimately passed on to the industry or the taxpayer. The elimination of deadline will permit use of all of the original labels.

The January 12, 1977 rule stated that all labels in the inventories of Production Inspection Primary Inspection Agencies (IPIAs), as of December 31, 1976, shall be used up before labels with the new language may be used. This date is being changed to March 15, 1977. This is necessary because the December 31, 1976 date was chosen on the basis of incorrect information. The Department believed that no labels containing the original language would enter IPIA inventories after December 31, 1976. However, it now appears that some such labels, ordered before the January 12 rule, may have entered IPIA inventories as late as March 15, 1977. Therefore, to assure that such labels need not be destroyed, and to avoid the cost of such destruction, the Department is changing the relevant date to March 15, 1977. Once inventories held by IPIAs as of March 15, 1977 are exhausted, only labels containing the new language shall be used.

The Department believes that this amendment will have no substantive impact. While it may result in some manufacturers using the original label language longer than would be required under the current rule, the Department stated in Enforcement Bulletin H-1-76, issued on June 21, 1976, at 41 F.R. 24973, that the change in the language of the label would have no substantive impact. Therefore, this deadline extension will also have no substantive impact.

The Department has determined that it would be unnecessary to issue this amendment for public comment before issuing it as a final rule. The basis for this determination is the fact, as stated above, that this amendment will have no substantive impact.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, during normal business hours.

It is hereby certified that the economic and inflationary impacts of this amendment have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, 24 CFR 3282.362(c)(2)(i)(C) is amended to read as follows:

§ 3282.362 Production Inspection Primary Inspection Agencies (IPIAs).

* * * * *

(c) * * *
(2) * * *
(i) * * *

(C) The label shall read as follows:

As evidenced by this label No. ABC 000 001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See Data Plate.

However, labels containing the language specified in 24 CFR 3282.362 as issued on May 13, 1976, at 41 FR 19869, shall be used until inventories held by IPIAs as of March 15, 1977, are exhausted. After such inventories are exhausted, only labels containing the language stated above shall be used.

(Sec. 625, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5424); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C., July 5, 1977.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc.77-19557 Filed 7-7-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 290a—DEFENSE CONTRACT AUDIT AGENCY, PRIVACY ACT OF 1974

Implementation; Correction

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Correction.

SUMMARY: The Defense Contract Audit Agency corrects its Privacy Act regulations to reflect delegation to the Director, Defense Contract Audit Agency, authority to exempt from disclosure certain information to the public. This provision was published in the final adoption of rules; however, through oversight, it was published in the preamble rather than as paragraph (d) of § 290a.9, Exemptions.

EFFECTIVE DATE: September 27, 1975.

FOR FURTHER INFORMATION CONTACT:

Sybil L. Taylor, Records Administrator, Room 4A320, Cameron Station, Alexandria, VA 22314. Telephone: 202-274-7285.

SUPPLEMENTARY INFORMATION: On August 26, 1975, there was published in the FEDERAL REGISTER (40 FR 37504) a proposal to change 32 CFR Part 290 by adding Part 290a to implement the provisions of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) within the Defense Contract Audit Agency. The proposal delegated to the Director, Defense Contract Audit Agency, the authority to exempt from disclosure certain information to the public. Interested parties were given the opportunity to submit comments. No unfavorable comments were received.

On Friday, November 28, 1975, FR Doc. 75-32008, there was published in the FEDERAL REGISTER (40 FR 55537) a final adoption of rules, effective September 27, 1975. The preamble of the final adoption, rather than subparagraph (d) of § 290a.9, Exemptions, contained the Defense Contract Audit Agency's implementation of 5 USC 552a (j) and (k).

Accordingly, the text of 32 CFR Part 290a is corrected by adding the following paragraph (d) after § 290a.9(c)(7):

§ 290a.9 Exemptions.

* * * * *

(d) Section 5 USC 552a (j) and (k) authorize an agency head to exempt certain systems of records or parts of certain systems of records from some of the requirements of the act. All systems of records maintained by the Defense Contract Audit Agency shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 USC 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," dated March 8, 1972 (37 FR 10053, May 19, 1972) and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions may contain isolated information which has been properly classified.

Dated: June 24, 1977.

FREDERICK NEUMAN,
Director.
MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JULY 5, 1977.

[FR Doc.77-19482 Filed 7-7-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

FOR FURTHER INFORMATION CONTACT:

Title 40—Protection of Environment

D.C. 20460. Such objections should be submitted in quintuplicate and should

Effective on July 8, 1977, Part 180, Subpart D, § 180.1001 is amended as set forth

Title 49—Transportation

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Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Addition of New Section to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: A recent amendment to the Postal Contracting Manual (Transmittal Letter 24) added, among other things, a new section 26 dealing with transportation and traffic management policies and procedures in the procurement of supplies and services. This makes necessary the following revision of 39 CFR 601.103, which lists and describes each section of the Manual.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Jones (202–245–4603).

Accordingly, 39 CFR is amended as follows:

In § 601.103 paragraphs (t), (u), (v), and (w) are redesignated (u), (v), (w), and (x) respectively; new paragraph (t) is added and redesignated paragraph (v) is revised to read as follows:

§ 601.103 Content of Postal Contracting Manual.

* * * * *

(t) Section 26 prescribes policies and procedures for the application of transportation and traffic management considerations in procurement of supplies and services.

* * * * *

(v) Sections 4, 13, 17, 21, 23, and 25 are reserved for future use.

(5 U.S.C. 552(a) (39 U.S.C. 401).)

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

[FR Doc.77–19464 Filed 7–7–77;8:45 am]

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces revisions of the Postal Contracting Manual. The revisions add a new section dealing with transportation and traffic management policies and procedures in the procurement of supplies and services. The new section, which adopts policies similar to those found in the Armed Services Procurement Regulations, treats in depth matters not previously fully covered in the Manual Three other parts of the Manual are also revised to be consistent with the provisions of the added section.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Jones (202–245–4603).

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 24, dated June 10, 1977.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 1—GENERAL PROVISIONS

1. Paragraph 1–102 has been revised to clarify the provisions concerning applicability of the Manual.

SECTION 2—PURCHASE BY FORMAL ADVERTISING

2. Paragraph 2–203.3 has been revised to update the provisions on the place and method of delivery of supplies, and to add a cross-reference to new section 26.

SECTION 7—CONTRACT CLAUSES

3. Paragraph 7–203.28 has been added to set forth a new required clause, Commercial Bill of Lading Notation, for cost reimbursement type contracts. The purpose of this clause is to insure that the Postal Service receives the benefit of any existing special freight rates for transportation of supplies.

SECTION 26—TRANSPORTATION OF SUPPLIES AND EQUIPMENT

4. Section 26 has been added to prescribe policies and procedures for the application of transportation and traffic management considerations in the procurement of supplies and equipment.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105:

§ 601.105 Amendment to the Postal Contracting Manual.

* * * * *

Amendments to postal contracting manual

Transmittal letter	Dated	FEDERAL REGISTER publication
* * *	* * *	* * *
24	June 10, 1977	42 FR 35158

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411, 2008).)

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

[FR Doc.77–19465 Filed 7–7–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 759–2; OPP–300011A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes exemptions from the requirement of a tolerance for certain inert ingredients used in pesticide formulations. The exemptions were requested by six firms. This rule will permit the use of these inert ingredients in pesticide formulations applied to growing crops or raw agricultural commodities after harvest.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Registration Division (WM–567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. (202–426–2680).

SUPPLEMENTARY INFORMATION: On March 14, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 13842) to amend 40 CFR 180.1001 by exempting certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under provisions of Section 408(e) of the Federal Food, Drug, and Cosmetic Act. Two comments were received in response to this notice. One comment pointed out a typographical error in connection with polyoxyethylated primary amine. (The range given was C_{15}–C_{18} instead of C_{15}–C_{18}).

A second comment stated that 1,2-benzisothiazolin-3-one is very closely related to saccharin, a suspected carcinogen, and that approval should be held up pending further information from the manufacturer. Based on these comments, the typographical error is corrected, and 1,2-benzisothiazolin is deleted from the list of inert ingredients. No requests for referral to an advisory committee were received by the Agency with regard to this notice. It has been concluded that the amendment will protect the public health and, therefore, that the amendment to the regulations should be adopted with the recommended changes.

Any person adversely affected by this regulation may, on or before August 8, 1977, file written objections with the Hearing Clerk, EPA, Room 1019, East Tower, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 8, 1977, Part 180, Subpart D, § 180.1001 is amended as set forth below.

(Sec. 408(e), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: June 30, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, § 180.1001 is amended by (1) revising the entry "Poly-oxyethylated primary (C_{12}–C) * * * in paragraph (d) by amending the limits and (2) alphabetically inserting new items in paragraphs (c) and (d), to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * * *

(c) * * *

Inert ingredient	Limits	Uses
* * *	* * *	* * *
Monoammonium phosphate	No more than 3.75 pct by weight in formulation.	Postharvest fumigation in formulation with aluminum phosphide.
* * *	* * *	* * *
Sodium alpha-olefin sulfonate (sodium (C_{11}–C_{14}) olefin sulfonate).		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Alpha-alkyl (C_{12}–C_{15})-omega-hydroxypoly(oxyethylene) poly(oxypropylene) copolymer; poly(oxyethylene) content is 11–15 moles; poly(oxypropylene) content is 1–3 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
(Phthalocyaninato(2-)) copper; (C.I. pigment blue No. 15).	When used as a colorant in low-density plastic films.	Coloring agent, pigment.
* * *	* * *	* * *
Polyoxyethylated primary amine (C_{15}–C_{18}), the fatty amine is derived from an animal source and contains 3 pct water; the poly(oxyethylene) content averages 20 moles.	Applied prior to planting of any crop, or as directed spray around the base of any crop.	Surfactant.
* * *	* * *	* * *

[FR Doc.77–19373 Filed 7–7–77;8:45 am]

SUBCHAPTER N—EFFLUENT LIMITATIONS AND GUIDANCE

[FRL 758–3]

PART 419—PETROLEUM REFINING POINT SOURCE CATEGORY PRETREATMENT STANDARDS FOR EXISTING SOURCES

Interim Final Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule.

SUMMARY: This action extends the deadline for the receipt of comments on the interim final rulemaking establishing pretreatment standards for existing sources for the petroleum refining point source category (42 FR 15684, March 23, 1977). The deadline is moved to August 15, 1977.

EFFECTIVE DATE: This extension becomes effective July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460 (202–426–2560).

SUPPLEMENTARY INFORMATION: On March 23, 1977, the Agency published a notice of interim final rulemaking establishing pretreatment standards for the petroleum refining point source category (42 FR 15684, March 23, 1977). This notice stated that the Development Document and Economic Impact Analysis were available to the public and provided for a 60 day comment period. Delays in completing these documents for public release require that additional time be allowed for public review. Therefore the comment period is being extended to August 15, 1977.

Dated: June 30, 1977.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–19372 Filed 7–7–77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–01]

PART 258—REGULATIONS GOVERNING SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

Final Standards for Evaluation and Other Miscellaneous Amendments

Correction

In FR Doc. 77–15923 appearing at page 28976 in the issue for Monday, June 6, 1977, on page 28985, third column, in the first line of § 258.27(b)(1)(vi) the phrase "Are located in a corridor" should read "Are not located in a corridor".

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices

JUNE 28, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Car service rule.

SUMMARY: This car service rule denies the petition of Construction Aggregate Rail Shippers Conference, Inc., to modify car service rules previously prescribed in this proceeding and to revise the endorsed adequacy of car ownership formula.

EFFECTIVE DATE: August 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202–275–7693.

SUPPLEMENTARY INFORMATION: Petitioner's proposal was designed to place the burden of car ownership and supply on the originating class I railroad; to expedite movement of freight cars back to the owning carrier's lines; and to give the freight car owner more control over the use of its cars by other railroads. The petition was denied on the grounds that petitioner had failed to provide a convincing argument for abandoning the present adequacy of freight car ownership formula which is based on the principal that freight car ownership is a joint duty of all carriers participating in interline movements, and that the restrictions on use permitted by the proposed car service rules could encourage empty mileage and result in less efficient utilization of the national fleet.

This document (order) also stated that no further action was contemplated with respect to the show cause order 346 I.C.C.

SUPPLEMENTARY INFORMATION: Section 1063.4(f)(1) is corrected to read as follows:

emergency regulations will terminate on July 24, 1977.

to section 123 of the Atomic Energy Act. Recently, another export by Energy Re-

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

Subsequent to issuance of the amended definition of property, FEA received com-

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This document (order) also stated that no further action was contemplated with respect to the show cause order 346 I.C.C. 497. That order required the carriers to show cause why they should not be required to purchase specified amounts of equipment. The Commission indicated that a number of its proceedings designed to encourage voluntary acquisition of freight cars has made the directive approach envisioned in the show cause order inappropriate and unnecessary.

The order also discontinued this proceeding. The proceeding had been held open by the report 335 I.C.C. 264, in order that weaknesses in the prescribed car service rules and the car ownership formula might be exposed and corrected. The Commission reasoned that the rules and formula had been in effect sufficient time to discover and correct such flaws as the proceeding had been held open to expose. The parties were informed that the closing of the proceeding would not affect the previously prescribed car service rules presently in effect or the fleet adequacy reporting requirements imposed at 335 I.C.C. 309.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19424 Filed 7-7-77;8:45 am]

[Ex Parte No. MC-95]

PART 1063—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE

Interstate Transportation of Passengers by Motor Common Carriers; Adequacy of Service, Equipment, and Facilities; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: By notice published in the FEDERAL REGISTER (42 FR 29309-29311 (1977)), the Interstate Commerce Commission announced that it had adopted certain regulations designed to improve the adequacy of service provided by intercity motor common carriers of passengers. The purpose of this document is to notify interested persons that paragraph (f)(1) of § 1063.4, appearing at 42 FR 29310 contains an inadvertent error, namely "* * * such forms shall be considered the same as a claim in accordance with the provisions of 49 CFR 1005 in the event the baggage is not recovered within 15 days after filing." The ten day period specified in the above-quoted phrase should have read "15 day period" so that, as corrected, paragraph (f)(1) reads as set forth below.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423 (202-275-7292).

SUPPLEMENTARY INFORMATION: Section 1063.4(f)(1) is corrected to read as follows:

§ 1063.4 Baggage service.

* * * * *

(f)(1) Checked baggage which cannot be located within one hour after the arrival of the bus upon which it is supposed to be transported shall be designated as lost baggage. The passenger shall be notified by the carrier at that time and appropriate tracing forms shall be furnished to the passenger for completion and filing with the carrier or its agent. Such forms shall be considered the same as a claim in accordance with the provisions of 49 CFR Part 1005 in the event the baggage is not recovered within 15 days after filing.

* * * * *

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19423 Filed 7-7-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 661—SALMON FISHERY

Amendment to Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Amendment to Emergency Regulations Repromulgated.

SUMMARY: This rule extends the amendments (42 FR 26580) published on May 24, 1977 to the emergency regulations of the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California for an additional 16 days from July 9 to July 24, 1977 inclusive. This extension is consistent with the termination date of the initial emergency regulations published in the FEDERAL REGISTER on April 26, 1977 and repromulgated for an additional 45 days until July 24, 1977.

EFFECTIVE DATE: 0001 hours July 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald R. Johnson, Northwest Regional Director, National Marine Fisheries Services, Seattle, Washington 98109. 206-442-7575.

SUPPLEMENTARY INFORMATION: On May 24, 1977, the Director, National Marine Fisheries Service published amendments to emergency regulations in the FEDERAL REGISTER (42 FR 26580) that provided for changes in the minimum length of Chinook salmon from 26 to 28 inches, changes in the opening and closing dates in Management Areas A through E, and recognized the rights of the Makah Indian Tribe. These amendments to the emergency regulations are to terminate on July 8, 1977. The initial emergency regulations will terminate on July 24, 1977.

Therefore, the amendments to the emergency regulations adopted on May 24, 1977 are continued in effect for 16 days from 0001 hours, July 9, 1977 to 2400 hours July 24, 1977 inclusive unless sooner amended or terminated by appropriate public notice.

Dated this 5th day of July 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19527 Filed 7-7-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Export Requirement Exemption

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Final Rule.

SUMMARY: As a result of a request from the National Aeronautics and Space Administration to export special nuclear material to the Soviet Union for use in a joint space experiment, and in order to facilitate U.S. participation in international programs pursuant to intergovernmental cooperative agreements, NRC is amending its regulations to exempt U.S. Government agencies from the requirements for an export license for small quantities of special nuclear material intended for use in U.S. Government sponsored or cooperative activities in foreign countries.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Neal Moore, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7984.

SUPPLEMENTARY INFORMATION: Section 57d. of the Atomic Energy Act, 42 U.S.C. 2092, authorizes the Commission to "exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license * * * when it makes a finding that the exemption * * * would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public." To date the Commission has not exercised this authority.

Recently, the Commission has received a request from the National Aeronautics and Space Administration to export to the USSR 0.65 gram of high-enriched uranium (special nuclear material) for use in a joint US/USSR space experiment to take place soon pursuant to the US/USSR Space Cooperation Agreements of 1972 and 1977. Under present regulations, the Commission is precluded from issuing an export license for this material because there is no agreement for cooperation with the USSR pursuant to section 123 of the Atomic Energy Act. Recently, another export by Energy Research Development Administration to the USSR of 2.0 milligrams of plutonium-244, for a scientific experiment with U.S. scientists participating, has been withheld in the absence of an agreement for cooperation.

Therefore, the Commission having found that the exemption will not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public, has decided to exercise the authority granted under sections 53, 54, and 57d. of the Act to facilitate United States participation in international programs pursuant to intergovernmental cooperative agreements.

In view of the urgency of the export proposed and the insignificant amounts of the material involved, and the intergovernmental cooperative agreement under which this experiment and others would take place, the Commission has found that the customary 30-day notice of proposed rulemaking, and public procedures thereon, are impracticable and unnecessary and good cause exists why this regulation should be made effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 70 is published as a document subject to codification and effective July 8, 1977.

A new § 70.15 is added to read as follows:

§ 70.15 Intergovernmental cooperative activities.

Any U.S. Government agency is exempt from the regulations in this part and from the requirements for a license set forth in section 53 of the Atomic Energy Act to the extent that such agency exports up to three (3) grams of any type of special nuclear material to be used for or in support of activities authorized by intergovernmental cooperative agreements between the U.S. and a foreign nation, group of nations, or international organization, and such agency is required to notify the Nuclear Regulatory Commission of the destination and purpose of the export.

(Secs. 53, 161, Pub. L. 83-703, 68 Stat. 930, as amended, 948, as amended (42 U.S.C. 2073, 2201); Sec. 57d., Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077); Sec. 201, Pub. L. 93-438, 88 Stat 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 1st day of July 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary for the Commission.

[FR Doc.77-19828 Filed 7-7-77;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Treatment of Separate Reservoirs as Stripper Well Properties

AGENCY: Federal Energy Administration.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the Federal Energy Administration ("FEA") Office of General Counsel pursuant to 10 CFR 205.150 to set forth FEA's determination as to certain issues that have arisen with respect to the proper treatment of separate reservoirs as stripper well properties after September 1, 1976. A written comment on or objection to the appended Ruling may be filed at any time with the FEA Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Rendel B. Alldredge (Office of Regulatory Programs), 2000 M Street, NW., Room 6212 E, Washington, D.C. 20461, (202) 254-7886.

Dennis M. Moore (Office of General Counsel), 12th and Pennsylvania Avenue, NW., Room 7132, Washington, D.C. 20461, (202) 566-2085.

Issued in Washington, D.C., June 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

FEDERAL ENERGY ADMINISTRATION

[Ruling 1977-7]

POST-SEPTEMBER 1, 1976 TREATMENT OF SEPARATE RESERVOIRS AS STRIPPER WELL PROPERTIES

BACKGROUND

Effective September 1, 1976, the Federal Energy Administration ("FEA") amended the definition of "property" in 10 CFR 212.72 so that a producer may, but is not required to, treat as separate properties each separate and distinct producing reservoir subject to a single right to produce crude oil, provided that the reservoir is not in communication with any other reservoir subject to the same right to produce: *And provided*, That the reservoir is recognized as such by the appropriate governmental regulatory authority, and where production has been consistently and historically reported as such. The amended definition of property was intended to provide more realistic incentives under the two tier price system over the longer term of price controls on domestic crude oil. (See 41 FR 36172, August 26, 1976.) (Prior to September 1, 1976, a producer could treat separate reservoirs as seperate properties only where there were "separate and distinct rights to produce crude oil from each reservoir." ("FEA Ruling 1975-15", 40 FR 40832, September 4, 1975.))

Subsequent to issuance of the amended definition of property, FEA received comments addressed to certain issues raised by the amendment (as well as other issues not relevant to this Ruling), which were resolved in "FEA Ruling 1977-2" (42 FR 4409, January 25, 1977). In "Ruling 1977-2" FEA determined that, with respect to a particular "right to produce crude oil", once a producer has exercised the option to treat each governmentally-recognized separate reservoir as a separate property, a reservoir-property created by the exercise of that option may not qualify as a stripper well property until it has sustained production levels of 10 barrels or less per well per day for a consecutive 12-month period, "commencing after the reservoir has been designated as a separate property". FEA also determined in "Ruling 1977-2" that, subject to certain exceptions not relevant in the context of this Ruling, once a producer has elected to designate a single right to produce crude oil as two or more separate reservoir-properties, the producer may not redesignate any two or more of those separate reservoirs as a single property.

This Ruling is addressed only to those cases in which, subsequent to September 1, 1976, but prior to February 1, 1977, producers elected to designate single properties as two or more separate reservoir-properties and mistakenly began to treat one or more of the separate reservoirs as stripper well properties before such time as the reservoir-properties had established production rates of 10 barrels or less per well per day for a consecutive 12-month period commencing after the election to treat such reservoirs as separate properties.

DISCUSSION

Since the issuance of "Ruling 1977-2," FEA has learned that, with respect to certain properties, some producers elected to designate a single right to produce crude oil as two or more separate reservoir-properties under the mistaken assumption that the September 1 amendment to the definition of property permitted immediate classification of one or more of those separate reservoirs as stripper well properties. While some of these producers desire to continue to treat such reservoirs as separate properties because of the additional incentives that arise under the September 1, 1976 amendment to the definition of property, other producers may not wish to continue such separate property treatment, because by treating the right to produce crude oil encompassing several reservoirs as a single property, these latter producers would be permitted to produce and sell greater quantities of new crude oil.

However, because of the restrictions contained in "Ruling 1977-2" which generally prohibit the redesignation of any two or more separate reservoirs as a single FEA property, and due to the general two month prohibition in 10 CFR 212.72 against the certification of volumes of crude oil as new crude oil, some producers in both categories may now be in a less advantageous position than would otherwise have been permitted under the price regulations. Accordingly, FEA will permit, to the extent possible as more fully discussed below, such producers to be placed in the same position that would have been permitted under the price regulations had they not erroneously treated such separate reservoirs as stripper well properties. In no instance, however, will a producer be permitted to retain revenues obtained as a result of improper treatment of such a reservoir as a stripper well property.

FEA is aware of the following situations in which a producer might have been placed in a disadvantageous position under the price

produce as separate properties, such a decision shall be effective from that time forward with respect to all of the separate and

ference. If during that period Producer X had certified as stripper well crude oil a greater number of barrels than would have qualified

tion of projects designed to increase production from any such reservoir, and where such investments were based upon the mistaken

5. Minimum Program Requirements.
C. Application.
D. Selection of Grantees

tervenors," 88 Harv. L. Rev. 1815 (1975); Murphy and Hoffman, "Current Models

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FEA is aware of the following situations in which a producer might have been placed in a disadvantageous position under the price regulations because of his mistaken assumption that the September 1, 1976 amendment to the definition of property permitted the immediate treatment of separate reservoirs as stripper well properties. It is to these situations only that this Ruling is addressed.

EXAMPLE I

Facts. Producer X elected to treat a single property as three separate properties effective October 1, 1976, based upon the recognition by the appropriate governmental regulatory authority of three separate reservoirs underlying the property. However, Producer X's decision to treat the separate reservoirs as separate properties was based solely upon the mistaken assumption that Reservoir A could be classified as a stripper well property effective October 1, 1976. Producer X would not otherwise have elected to treat the single property as three separate properties, because to do so would have resulted in lower volumes of new crude oil produced and sold from the three reservoir properties than would have been produced and sold had Producer X continued to treat the three reservoirs as a single FEA property. For the months of October 1976 through January 1977, Producer X certified all the crude oil produced and sold from Reservoir A as stripper well crude oil and charged prices in excess of the upper tier ceiling price.

With the issuance of "Ruling 1977-2," Producer X learned that the certification of crude oil as stripper well crude oil from Reservoir A is improper until such time as the reservoir has sustained an average daily rate of production of 10 barrels or less per well per day for a consecutive 12-month period commencing on or after October 1, 1976.

Issues. (1) Must Producer X refund any revenues obtained as a result of having certified the production and sale of crude oil from Reservoir A as crude oil produced and sold from a stripper well property?

(2) Notwithstanding the provisions of "Ruling 1977-2," may Producer X redesignate the separate reservoirs back as the single property that existed prior to October 1, 1976?

(3) Notwithstanding the provisions of 10 CFR 212.72, may Producer X recertify as "new crude oil" those volumes of crude oil that would have been produced and sold from the entire property during the period October 1, 1976, through January 31, 1977, but which were not certified as new crude oil because such volumes were mistakenly certified as stripper well crude oil?

Ruling. (1) Yes. FEA made it clear in "Ruling 1977-2" that a reservoir-property may not qualify as a stripper well property until it has sustained a production rate of 10 barrels or less per well per day for a consecutive 12-month period commencing *after* the reservoir has been designated as a separate property. As FEA indicated in the October 29, 1976, Notice adopting the stripper well property exemption, this is consistent with the Congressional intent "to *prolong* the production of crude oil from properties that produced 10 barrels per well per day or less, and not to generate development of new stripper well properties." (Emphasis added, 41 FR at 48321.)

Accordingly, any revenues obtained by Producer X as a result of erroneously characterizing Reservoir A as a stripper well property, were in excess of the ceiling prices determined under Subpart D, and must be refunded.

(2) Yes. "Ruling 1977-2" does provide that:

> [o]nce a producer has elected to treat separate reservoirs subject to a single right to produce as separate properties, such a decision shall be effective from that time forward with respect to all of the separate and distinct producing reservoirs subject to the same right to produce * * *.

Moreover, the decision to segregate all of the producing reservoirs subject to the same right to produce, is one that, once made for a particular property, is not subject to modification throughout the duration of price controls applicable to the first sale of domestic crude oil.

However, FEA recognizes that, with respect to certain properties, some producers elected during the period from September 1, 1976, through January 31, 1977, to segregate reservoirs subject to the same right to produce in reliance upon the mistaken belief that the provisions of the September 1, 1976, amendment to the definition of property permitted the immediate treatment of such reservoirs as stripper well properties. FEA also recognizes that in many cases such elections would not have been exercised had the producer known that none of such reservoirs could qualify as a stripper well property until at least 12 consecutive months had elapsed. Under these circumstances, FEA has determined that to apply the redesignation proscription of "Ruling 1977-2" so as to prohibit producers from redesignating such reservoirs as the single property that existed prior to the exercise of the option to segregate separate reservoirs would constitute a gross inequity and may in many cases result in serious hardship.

Accordingly, where a producer, during the period September 1, 1976, through January 31, 1977, elected to treat separate reservoirs subject to a single right to produce crude oil as separate properties based solely upon the assumption that one or more of such reservoirs was entitled to immediate treatment as a stripper well property, the producer may promptly redesignate such separate reservoirs as the single property that existed prior to the election to segregate.

(3) Yes. § 212.72 provides that new crude oil volumes shall not include:

> any number of barrels not certified as new crude oil pursuant to the provisions of § 212.131(a)(2) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is *explicitly* required or *permitted by FEA* order, interpretation, or *ruling*. (Emphasis added.)

With respect to Producer X, the failure to certify what would otherwise have properly qualified as new crude oil volumes produced and sold from the entire property is the result only of Producer X's having mistakenly treated those volumes as stripper well crude oil, and certified them as such, based upon his mistaken assumption that exempt treatment was immediately permitted under the September 1, 1976, amendment to the definition of property. Under these circumstances, FEA has concluded that it is permissible for Producer X to compute, for the months of October 1976 through January 1977, the volumes of new crude oil that would have been produced and sold each month had the producer continued to treat the particular right to produce crude oil as the single property that existed prior to October 1, 1976. Producer X may now certify such volumes, for the months October 1976 through January 1977, as new crude oil. The net result is that, for any such volumes that had been certified as stripper well crude oil, Producer X is required to refund to the purchaser only the difference between the exempt price paid for those barrels of crude oil and the upper tier ceiling price applicable to those barrels of crude oil in those months, without the payment of any penalty on that difference. If during that period Producer X had certified as stripper well crude oil a greater number of barrels than would have qualified as new crude oil, Producer X is required to refund to the purchaser the difference between the exempt price paid for those barrels of crude oil and the lower tier ceiling price applicable to those barrels of crude oil for the months October 1976 through January 1977, without the payment of any penalty on that difference.

FEA has also determined that such recertification may be necessary and will be permitted by FEA in the manner described above, where a producer wishes to continue separate property treatment for each individual reservoir based upon the additional benefits that accrue under the two tier price system. In other words, for some properties a producer may not wish to redesignate the separate reservoirs as the single property that existed before the election to segregate separate reservoirs, because the aggregate volumes of new crude oil produced and sold would be greater if each separate reservoir underlying the property were treated as a separate property than if the entire right to produce crude oil were treated as a single property. However, such as producer may have failed to certify some of those crude oil volumes as new crude oil during the period September 1, 1976 through January 31, 1977, because they were mistakenly certified as stripper well crude oil. In this situation FEA will also permit any volumes that would otherwise have qualified as new crude oil during that period to be recertified as new crude oil produced and sold from the separate reservoir during that period. For any crude oil volumes mistakenly certified during that period as stripper well crude oil, refunds will be required, subject to the offset provisions discussed above.

EXAMPLE II

Facts. Producer Y elected to treat a single property as three separate properties effective October 1, 1976, either because to do so afforded additional incentives under the two tier price system or because the election was based upon Producer Y's mistaken belief that one or more of the resulting reservoir-properties was entitled immediately to treatment as a stripper well property. In reliance upon the mistaken belief that Reservoir A was qualified immediately as a stripper well property, and that Producer Y was entitled to charge exempt prices for crude oil produced and sold from Reservoir A, Producer Y invested additional funds designed to increase production from that reservoir.

Issue. May Producer Y continue to treat Reservoir A as a stripper well property?

Ruling. No. As indicated above, a reservoir-property may not qualify as a stripper well property until such time as it has sustained levels of production of 10 barrels or less per well per day for a consecutive 12-month period commencing after the election to treat the reservoir as a single property. Accordingly, FEA will not, as a general matter, permit the treatment of such reservoirs as stripper well properties. However, as in Example I above, Producer Y may now certify as new crude oil any volumes produced and sold during the period October 1, 1976, through January 31, 1977, which would have qualified as new crude oil but which were mistakenly certified during that period as stripper well crude oil. Also, as in Example I above, any exempt prices received for such volumes must be refunded, without penalty, to the purchasers of such crude oil.

To the extent that producers, in reliance upon the mistaken belief that one or more reservoir-properties could qualify immediately as a stripper well property, undertook additional investments for the implementation of projects designed to increase production from any such reservoir, and where such investments were based upon the mistaken assumption that crude oil produced and sold from such a reservoir could be sold at prices above the upper tier ceiling price, and where producers have invested additional funds which cannot adequately be recovered, even by the recertification permitted by this Ruling, FEA will consider relief, on a case-by-case basis through the FEA Office of Exceptions and Appeals, on grounds of gross inequity or serious hardship.

REINSTITUTION OF SUPPLIER/PURCHASER RELATIONSHIPS

In situations similar to one of the examples above, a producer may have erroneously certified production from one or more reservoir-properties as stripper well crude oil and, on that basis, terminated a supplier/purchaser relationship with the original purchaser under 10 CFR 211.63(d)(1)(ii) or (iii). Such a termination would be improper if based solely on what the producer believed to be the status of the reservoir as a stripper well property. Accordingly, unless the termination was otherwise permitted by the provisions of § 211.63(d), the obligation imposed on the supplier by its supplier/purchaser relationship under § 211.63 would require prompt resumption of the supply relationship with the original purchaser.

Issued in Washington, D.C., June 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19398 Filed 7-7-77;8:45 am]

PART 460—GRANTS FOR OFFICES OF CONSUMER SERVICES

Establishment of Guidelines

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: The Federal Energy Administration hereby establishes guidelines for a program of discretionary grants for the establishment or operation of State offices of consumer services to assist the representation of consumer interests before electric utility regulatory commissions. Any State, the District of Columbia, any territory or possession of the United States and the Tennessee Valley Authority are eligible to apply for a grant under this program. Grants will be awarded on a competitive basis to a limited number of States.

DATES: The effective date is July 3, 1977. A State must submit an application to FEA on or before August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Ms. Nancy Tate Gavin, Office of Conservation, Room 6451, Federal Energy Administration, Washington, D.C. 20461, 202-254-9700.

SUPPLEMENTARY INFORMATION:

A. Introduction.
B. Elements of the Program.
1. Award of Funds.
2. Statutory Requirements.
3. Eligible Consumer Groups.
4. Allowable Expenditures.
5. Minimum Program Requirements.
C. Application.
D. Selection of Grantees.
E. Termination of Grants.

A. INTRODUCTION

With the issuance of this final rule, the Federal Energy Administration (FEA) amends Chapter II of Title 10, Code of Federal Regulations, to establish Part 460 which provides for a program of grants for offices of consumer services, pursuant to Section 205 (42 U.S.C. 6807) of the Energy Conservation and Production Act (Act), Pub. L. 94-385, 90 Stat. 1125 et seq., 42 U.S.C. 6801 et seq.

The purpose of this program is to establish or operate a State office of consumer services (Office) to support consumer representation in proceedings before an electric utility regulatory commission (commission). A consumer, for the purpose of the guidelines, is any person who buys electricity for purposes other than resale. Congress has appropriated $2 million for this program in the current fiscal year. For this reason, FEA can only fund programs in a limited number of States if each grantee is to have a reasonable likelihood of providing effective assistance for consumers.

On May 16, 1977, FEA published an advance notice of program guidelines (advance notice), 42 FR 24768, which described the grant program for State Offices being developed by FEA and solicited comments from interested persons. FEA received and considered thirty-nine substantive comments, most of which endorsed the basic concepts and goals of the program. These comments are summarized and discussed below.

Pursuant to Section 553(a)(2) of the Administrative Procedure Act, 5 U.S.C. 553, exempting grant programs from the requirement of publishing a proposed rule, FEA is publishing this final rule because it considers that consumer interests will best be served by making program funds available as soon as practicable.

In developing and implementing this program, FEA considered, among other resources, the following materials: law review articles and reports including "Report to the Nuclear Regulatory Commission: Policy Issues Raised by Intervenor Requests for Financial Assistance in NRC Proceedings," prepared by Boasberg, Hewes, Klores and Kass ("The Boasberg Report") 1976; Federal Regulation and Regulatory Reform, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce ("Subcommittee Report") (1976); Crampton, "The Why, Where and How of Broadened Public Participation in the Administrative Process," 60 Geo. L.J. 525 (1972); Gelhorn, "Public Participation in Administrative Proceedings," 81 Yale L.J. 359 (1972); Bloch and Stein, "The Public Counsel Concept in Practice: The Rail Reorganization Act of 1973," 16 William and Mary L. Rev. 215 (1975); Note, "Federal Agency Assistance of Impecunious Intervenors," 88 Harv. L. Rev. 1815 (1975); Murphy and Hoffman, "Current Models for Improving Public Representation in the Administrative Process," 28 Ad. L. Rev. 391 (1976); Lenny, "The Case for Funding Citizen Participation in the Administrative Process," id, at 483; Paglin and Shor, "Public Interest Representation," 37 Pub. Ad. Rev. 140 (1977); proposed legislation and Federal agency regulations providing for payment of attorneys' fees and other assistance to participants in agency proceedings; and the standards applied by FEA and other Federal agencies to determine whether they could properly reimburse intervenors in agency proceedings in the absence of a statutory directive to the agency concerned to make financial assistance available for this purpose.

B. ELEMENTS OF THE PROGRAM

The program is a discretionary grant program whereby grants will be awarded to a State which has been selected by FEA on a competitive basis. No State shall receive a grant in excess of $200,000.

1. *Award of Funds.*—In Section 460.15, the guidelines prescribe criteria FEA will use to evaluate an application submitted by a State. Two categories of criteria will be evaluated, the quality and feasibility of a State's proposed Office and a State's need for an Office. The advance notice described a rating system with a total of 100 points under which a State could receive up to 55 points for quality and feasibility and 45 points for need.

FEA received a number of comments on this evaluation procedure. Two comments objected to the rating system on the ground that a State's need should be the primary factor in evaluating an application. Two others maintained that funding should be allocated only to States whose applications clearly demonstrated that a proposed Office would effectively advocate rate reform, with need relegated to a secondary role. Four comments found the proposed criteria satisfactory.

The guidelines reflect FEA's consideration of these comments and provide that, in evaluating an application, feasibility and need will be given equal weight.

The advance notice stated that no grant would be awarded in excess of $250,000. Thirteen comments addressed the appropriateness of this ceiling. Six approved of the ceiling; five suggested that it be lowered in order to increase the number of States able to participate in the program; one found the ceiling much too low; and one recommended against imposing a ceiling. The guidelines reflect FEA's attempt to strike a balance between these competing views by lowering the grant award ceiling to $200,000.

2. *Statutory Requirements.*—Pursuant to Section 205 of the Act, the guidelines, in Section 460.12(a), require that an Office be empowered to carry out three functions and be operated independently of a commission. In its application, as prescribed by § 460.11(b)(2), a State must provide a legal opinion describing the manner in which it meets,

or will in a timely manner satisfy, these requirements. Within six months of the date of grant award, an Office must be empowered and authorized under legal

two other functions are also important. FEA has been persuaded by these comments, and Section 460.12(c) requires an

vide that a consumer group must show that it does not have reasonably available and cannot reasonably obtain suffi-

necessary element of the intervenor's decision to participate.

and consultants should be raised substantially.

grantee or Office shall establish and publish these procedures within either six

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or will in a timely manner satisfy, these requirements. Within six months of the date of grant award, an Office must be empowered and authorized under local law—(A) to make general factual assessments of the impact of proposed electric utility rate changes and other proposed regulatory actions upon consumers; (B) to provide technical or financial assistance to eligible consumer groups in the presentation of their positions in a commission proceeding; and (C) to advocate on its own behalf a position which it determines represents the position most advantageous to consumers, taking into account developments in electric utility rate design reform.

The advance notice provided that an Office must be authorized by State law to unertake these three functions. One comment expressed concern that the proposed language implied that a State legislature had to adopt enabling legislation to empower an Office to carry out these functions.

To clarify this point, the guidelines provide that an Office must be empowered and authorized to perform the three functions under local law, which is broadly defined as the laws in force and effect in a State and includes the statutes, rules and regulations, judicial decisions, administrative findings and determinations and executive orders and proclamations, as enforced by the State and its judicial system. This provision negates any implication that FEA requires specific legislative or executive act to establish an Office.

In addition, an application must demonstrate that the proposed Office is independent of any commission within the State by showing that no commission has direct control over the Office's budget or its disbursement of funds; that no commission has authority over the Office's personnel; and that no employees of the proposed Office perform any services for, report to, or in any way act on behalf of, a commission.

Eight comments responded to the proposed criteria for determining whether an Office is independent. Four endorsed them; two advocated even more stringent guarantees of independence; while another, finding the criteria unduly restrictive, suggested that an Office that could not meet the test should nonetheless be permitted to demonstrate its actual independence. Another comment proposed that a State should be required to submit sworn affidavits of the chief executive officer of a commission and the head of an Office attesting to the latter's independence.

FEA considers that the requirements described in the advance notice are both necessary and sufficient to establish an Office's independence, and accordingly, no substantive changes have been made in the guidelines.

The advance notice stated that FEA would permit an Office to engage exclusively in activities relating to assisting consumer groups in the presentation of their positions in a commission proceeding. Nine comments objected to the emphasis placed on the consumer assistance function on the ground that the two other functions are also important. FEA has been persuaded by these comments, and Section 460.12(c) requires an Office to undertake activities either to assist consumer groups or to advocate, on its own behalf, a position it determines represents the position most advantageous to consumers. Accordingly, an Office must perform at least one of these two functions but may, if it chooses, perform any combination of the three functions it is empowered to carry out.

3. *Eligible Consumer Groups.*—The definition provided in the advance notice of "eligible consumer" elicited twenty-three comments. The majority of comments concluded that the proposed definition was unnecessarily restrictive. On the other hand, four comments expressed the opinion that the definition should be narrowed to exclude all but residential consumers. The guidelines express FEA's conclusion that a State should have considerable flexibility in determining which consumer groups are most in need of representation. Accordingly, the final definition does not restrict eligibility to a specific consumer class or group. At the same time, FEA believes that an Office should represent residential consumers and the guidelines in § 460.12(a)(2)(A) and (C) so provide.

The advance notice restricted eligibility for assistance to a group which represents an interest, the representation of which is necessary to contribute to a fair determination of the proceeding taken as a whole. This "necessity test" was a restatement of standards developed by Federal agencies to decide claims for reimbursement by intervenors in agency proceedings in the absence of a statutory directive authorizing broad consumer participation. Under the necessity test, a Federal agency has implied authority to allow reimbursement to a consumer group as a necessary ancillary function of carrying out a regulatory program. The necessity test appears unduly restrictive in light of Section 205's statutory directive to encourage consumer participation.

For this reason, § 460.14 provides more flexible standards. FEA has decided to use a "fairness test." This test requires that a consumer group represent a consumer interest, the representation of which would substantially contribute to a full and fair determination of the issues to be considered in the proceeding. FEA considers that the fairness test is more likely to result in a broad spectrum of views being incorporated in a commission's decisionmaking process. Thus, the fairness test increases the likelihood that consumer participation will provide a commission with access to the information it needs to identify and evaluate accurately and impartially the costs and benefits that alternative resolutions of a given issue entail.

The advance notice required a consumer group to demonstrate that, but for the assistance to be provided, it lacked sufficient resources to participate effectively in the proceeding. Upon reconsideration, FEA finds this "but for" test too restrictive. The guidelines provide that a consumer group must show that it does not have reasonably available and cannot reasonably obtain sufficient resources to participate effectively in a proceeding. The distinction is that the "but for" test required a consumer group to be virtually without resources, with the result that only the "poorest of the poor" could be certain of qualifying. The guidelines now permit a consumer group to obtain assistance if needed resources are not reasonably available. Thus, if a consumer group could raise funds to participate in a proceeding by drastically reducing its staff or their salaries, it would fail the "but for" test. However, where an Office concludes that such a solution is unreasonable, funding could be provided under § 460.14.

The "reasonably obtainable" test is designed to prevent an Office from concluding, for example, that a group of consumers who own or have equity in their homes are ineligible for assistance on the theory that the consumers could obtain the necessary resources to fund their participation by selling or taking out additional mortgages on their houses. Accordingly, a further purpose served by the reasonably obtainable test is to ensure that an ad hoc group does not have to carry a heavier burden of proving financial need than incorporated organizations where the assets of members are screened by the corporate veil. An Office is thus precluded from looking behind a consumer group to inquire into the wealth of its individual members regardless of whether the group is incorporated or an ad hoc association.

The guidelines in § 460.14(b)(2) establish an alternative test of need employing a class action standard. Under this class action test, a consumer group may be eligible for funding if an Office finds, on the one hand, that the economic interest of both the consumer group and any consumer is small in relation to the costs of effective participation in a proceeding; and, on the other hand, that the costs of the consumer group's effective participation are small in relation to the social, economic or environmental consequences for consumers of the outcome of the proceeding. In this situation, the interest, though substantial, will remain unrepresented because no individual or group has a sufficiently strong financial incentive to intervene.

The class action test does not take financial need into consideration. A consumer group may qualify for financial or technical assistance irrespective of the extent of its financial resources. Where the cumulative consequences of the outcome for consumers are exceptionally important, the consumer interest should be protected regardless of ability to pay.

The utility of the class action test can be illustrated as follows: a small initial outlay (in this case reimbursement of an intervenor's out-of-pocket expenses) is clearly justified if it can be expected to yield a substantial return (either by achieving or foreclosing certain economic, social or environmental consequences) and if that outlay is also a

necessary element of the intervenor's decision to participate.

An example in which the class action concept may be appropriate is the case where a utility company requires a $10 deposit from new consumers as a condition of commencing service. The deposit will be refunded when service is discontinued, provided that a consumer has paid his bill. If the average period of service is six years and, during that time, the utility pays no interest on deposits, the dollar value of interest not received by a consumer is insubstantial. Therefore, the benefits to be gained from an intervention by an individual or group of individuals in a proceeding is too insignificant to recover the costs. However, if a consumer group representing all similarly situated consumers files a petition with a commission that is instrumental in the utility's having to pay interest on past and future deposits, the consumer group's action will have generated enormous economic consequences. In these or similar cases, it might be appropriate for an Office to be able to assist a consumer group's participation regardless of the extent of the group's own resources.

4. *Allowable Expenditures.*—One comment recommended that FEA permit the use of grant funds to enable a State to meet the statutory requirements that an Office be empowered to carry out three functions and be independent of a commission. However, the Act precludes FEA's authorizing a grantee to expend any program funds prior to such time as an Office is empowered to perform the three statutory functions and is independent of the commission, and this restriction is set forth in § 460.13(b).

Seventeen comments responded to the question raised in the advance notice of whether expenses incurred by consumer groups in presenting their positions in proceedings before a Federal utility regulatory commission should be funded. Ten comments stated that these costs should be allowed; six believed they should be disallowed; and one comment suggested that if the costs of participation in Federal proceedings were not allowable expenditures, an exemption should be granted to States in which a Federal agency is the sole supplier of electric power.

After considering these comments, FEA is persuaded that expenses incurred by an Office and its sub-grantees in participating in Federal utility regulatory proceedings will be allowable program expenditures.

FEA also provided in the advance notice that an Office not expend more than 45 percent of its budget for consultants. One comment urged that an Office should be encouraged to develop strong staff capabilities and therefore, while FEA should permit an Office to hire consultants on occasion, it should not promote an Office's reliance on outside experts by allowing it to expend up to 45 percent of its grant funds for this purpose. Another comment stated the contrary view that the 45 percent ceiling on expenditures incurred in hiring experts and consultants should be raised substantially.

FEA considers that the 45 percent limit, which is provided in § 460.13(a)(3) is appropriate. It furthers the twin goals of promoting an Office's long term viability by requiring it to develop its own expertise and operational capacity, and at the same time ensuring that it has access to additional manpower and expertise when needed for the effective performance of its functions. These goals are reinforced by limiting, in § 460.13(a)(3), the amount that may be paid to an individual consultant to 20 percent and by allowing expenses incurred by an Office to provide technical assistance to eligible consumer groups. Such assistance includes making data, technical analyses, or other information available to eligible consumer groups, preparing testimony on their behalf for use in a commission proceeding and providing them with legal assistance or expert testimony.

The amount that may be spent to contract for the use of computers and other equipment for storing and analyzing data is limited to 20 percent in § 460.13(a)(4). An Office's administrative expenses, exclusive of compensation paid to its staff for which there is no limit, may not exceed 10 percent of its grant funds.

The guidelines also specify and limit the other expenditures that an Office may incur with program funds. In developing these limits, FEA considered comparable provisions in rulemakings proposed by other Federal agencies to regulate reimbursement to intervenors for the costs of participating in agency proceedings; proposed legislation that would authorize Federal agencies to make awards to intervenors for attorney's fees and other reasonable costs incurred in participating in agency proceedings; and law review articles and Congressional committee reports considering the circumstances in which a party is or should be entitled to recover its costs of participating in administrative and judicial proceedings.

The ceilings on allowable expenditures for attorneys' and experts' fees and other out-of-pocket expenses adopted by the guidelines are intended to strike a balance. On the one hand, a substantial number of large eligible consumer groups will be able to receive financial assistance and, on the other, allowances are provided that are realistic in light of prevailing market rates for, and costs of, services necessary to a consumer group's effective participation.

5. *Minimum Program Requirements.*—FEA has established minimum program requirements in § 460.12(a) which call for compliance with the statutory requirements of the Act. In § 460.12(b), FEA has prescribed minimum program requirements for which a State must provide procedures. To comply with these requirements an Office must conceptualize its program for assisting consumers by developing procedures that are essential to its effective operation. A grantee or Office shall establish and publish these procedures within either six months of the date of the grant or three months of the date on which the requirements of § 460.12(a) are met, whichever occurs later. FEA may grant an extension of time to a grantee upon application and for good cause shown.

An Office must develop all of the enumerated procedures, regardless of whether they pertain to a function proposed for an Office in its application, because FEA believes that in the long run, an Office should have the capability to carry out all three functions. To be viable, an Office needs to be able to perform analyses, intervene in proceedings on its own behalf and assist eligible consumer groups. Only in this way will an Office be able to discharge fully its obligation to act effectively on behalf of consumers.

FEA received thirteen comments on the issue of whether or not an Office should be required to establish priorities among eligible consumer groups. Six comments objected to this requirement. Seven comments endorsed the concept of priorities and suggested a variety of criteria upon which these priorities should be based. Two comments suggested that proven competence and experience in analyzing issues related to utility regulatory matters and making presentations to this commission should be the critical requirements. Two comments stated that the financial need and age of the consumers represented by an eligible consumer group were the most significant factors. Another comment suggested giving priority to certain classes of consumers such as residential users of electricity and to certain types of groups such as environmental, civic, or nonprofit organizations. The final comment focused on such factors as the group's size, the importance of the interest it represented, and the amount of the rate increase proposed by an electric utility that would be at issue in the proceeding.

In § 460.12(b)(3), the guidelines provide criteria that an Office shall consider in establishing priorities among eligible consumer groups but that also allow considerable latitude for each grantee to establish its own requirements. In general, application of these criteria will ensure than an Office will provide assistance to groups that represent large numbers of consumers with a substantial aggregate interest in the outcome of a particular proceeding. The criteria are also intended to ensure that direct assistance will be furnished to groups that are capable of effectively representing a consumer interest by presenting well-reasoned, well-organized testimony. At the same time, FEA has included as a consideration the uniqueness or novelty of a consumer group's position, in order not to preclude an Office from assisting well-qualified advocates of unconventional and innovative approaches.

To the extent practicable, FEA urges an Office to establish procedures which will enable it to identify in advance and

participate in those commission proceedings most likely to achieve its goals and objectives.

where consumers are likely to experience sharp increases in the price of electricity due to increases in the price of natural

460.3 Definitions.
460.10 Grant awards.
460.11 Applications.

(j) Treasury Circular 1075, entitled "Regulations Governing Withdrawal of

"Person" means an individual, partnership, corporation, unincorporated as-

functions to assist consumers similar to those set forth in § 460.12(a)(2);

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participate in those commission proceedings most likely to achieve its goals and objectives.

B. APPLICATIONS

Application procedures are set forth in § 460.11. To be eligible for a grant, a State must submit an application to FEA not later than August 26, 1977. Since FEA will accept only one application per State, a State must designate the department or agency which shall apply to FEA for a grant.

The guidelines require an application to include information on how the State proposes to establish, where none currently exists, and operate an Office. The application must include a description of the goals and objectives of the proposed Office; a discussion of how it proposes to meet the minimum program requirements; a description of the functions the Office will perform; a program budget and a description of the Office's proposed organizational structure and staffing; a statement of task sequence and a timetable. The application also shall include an assurance that the proposed budget for the Office exceeds by the amount of the grant award, the amount expended by the State, if any, in the prior fiscal year or appropriated to be expended in the current fiscal year, whichever is greater, to perform functions similar to those to be conducted for this program. A State must also provide information concerning any State department or agency which represents consumers with respect to commission proceedings.

In addition, the application shall contain information concerning a State's need for an Office, which shall be evaluated by FEA as described in Section 460.15(c).

C. SELECTION OF GRANTEES

Grantees will be selected on the basis of FEA's evaluation of their applications through the use of the rating system set forth in § 460.15. An application may receive up to 50 points for the feasibility and quality of the proposed Office, taking into account the overall conceptualization of the proposal and the feasibility of implementation. An application may receive up to 50 points for a State's demonstration of its need for an Office. Of this, up to 25 points will be awarded on the basis of the magnitude of need demonstrated with respect to the information provided in response to Section 460.11(b)(11). The remaining 25 points will be awarded on the basis of FEA's analysis of the following three factors: first, the average revenue per KWH calculated for all electric utilities in the State, as an indication of where the costs to consumers for a KWH of electricity are already high or likely to increase sharply; second, the percentage of per capita income of a State's residential consumers which is spent for electricity for residential use, as an indication of the impact of an average electric bill on a typical family; and third, the extent to which a State uses natural gas to generate electricity, as an indication of where consumers are likely to experience sharp increases in the price of electricity due to increases in the price of natural gas or conversion to other electricity generating sources.

FEA has selected these three factors as ones which will provide comparable information about the current and anticipated electricity price and supply characteristics in each State. FEA already has the data needed to perform the analyses of these factors.

D. TERMINATION OF GRANTS

In § 460.19, FEA provides for suspension and termination of grants upon written notice to a grantee in the event FEA determines there has been a substantial failure to comply with the requirements of this guidelines.

5. *Environmental and Inflationary Review.*—In accordance with FEA's obligations under the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321 et seq., an evaluation of the potential environmental impacts of this program has been prepared by FEA. FEA finds that this program does not entail a major federal action that will have a significant impact on the environment. FEA cannot anticipate nor will it restrict the positions which may be advocated by an Office or subgrantee and therefore cannot foresee the environmental consequences of such advocacy. Copies of this analysis are available during normal business hours at FEA's Freedom of Information Office.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this program on the quality of the environment. The Administrator has no comments.

The guidelines have also been reviewed in accordance with Executive Order 11821 and OMB Circular A-107, issued November 27, 1974, and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

(Title II (42 U.S.C. 6801), Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; Federal Energy Administration Act of 1974, Pub. L. 93-275 (15 U.S.C. 761 et seq. as amended by Pub. L. 94-335, supra); E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations, is amended by establishing Part 460 as set forth below, effective July 3, 1977.

Issued in Washington, D.C. June 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Subpart D, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 460 as follows:

Sec.
460.1 Purpose and scope.
460.2 Administration of grants.
460.3 Definitions.
460.10 Grant awards.
460.11 Applications.
460.12 Minimum program requirements.
460.13 Allowable expenditures.
460.14 Eligible consumer groups.
460.15 Selection of grantees.
460.16 Oversight responsibility.
460.17 Recordkeeping.
460.18 Reporting requirements.
460.19 Grant termination.

AUTHORITY: Title II (42 U.S.C. 6801), Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; Federal Energy Administration Act of 1974, Pub. L. 93-275, 15 U.S.C. 761 et seq. as amended by Pub. L. 94-385, supra; E.O. 11790, 39 FR 23185.

§ 460.1 Purpose and scope.

This part contains the regulations adopted by the Federal Energy Administration to conduct a discretionary grant program to provide Federal financial assistance to a State. This financial assistance shall be used to establish or operate a State office of consumer services which shall assist the representation of consumer interests with regard to matters before an electric utility regulatory commission pursuant to section 205, 42 U.S.C. 6805 of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq. Grants will be awarded on a competitive basis to a limited number of States.

§ 460.2 Administration of grants.

Grants awarded under this part shall be administered in accordance with the following—

(a) Federal Procurement Regulation 1-15.7, entitled "Grants and Contracts with State and Local Governments;"

(b) Federal Management Circular 73-2 entitled "Audit of Federal Operations and Programs by Executive Branch Agencies;"

(c) Federal Management Circular 74-4, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(d) Federal Management Circular 74-7, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(e) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(f) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(g) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(h) Office of Management and Budget Circular A-110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations;"

(i) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

(j) Treasury Circular 1075, entitled "Regulations Governing Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs;" and

(k) Such procedures applicable to this part as FEA may from time to time prescribe for the administration of grants.

§ 460.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., 42 U.S.C. 6801 et seq.

"Administrator" means the Administrator of the Federal Energy Administration.

"Commission" means a utility regulatory commission.

"Consultant" means a person who contracts to provide personal services for an Office and includes an attorney, accountant, economist, or other expert witness.

"Consumer" means a person who buys electricity for purposes other than resale.

"Consumer Group" means an association or organization consisting of not less than three individuals that represents a consumer interest, and may include a corporation, nonprofit corporation, unincorporated association, unit of general purpose local government, tribal organization, law firm, committee, or association of concerned consumers.

"Consumer Interest" means a potential benefit or detriment to a consumer from the social, economic or environmental consequences of the outcome of a proceeding.

"Consumer-Interest Office" means a department, agency, or office of a State which engages in activities on behalf of a consumer interest.

"Electric Utility" means a person, State agency, or Federal agency which sells electric energy for purposes other than resale.

"FEA" means the Federal Energy Administration.

"Federal Agency" means an agency or instrumentality of the United States.

"Fuel Adjustment Clause" means a clause in a rate schedule that provides for an adjustment of the consumer's bill if the cost of the fuel used for electrical generation varies from a specified unit of cost.

"Governor" means the chief executive officer of a State or territory, the Mayor of the District of Columbia, or the Chairman of the Tennessee Valley Authority.

"Grantee" means the State or other entity named in the notification of grant award as the recipient.

"Kilowatt-Hour" means a unit of measuring electricity usage which represents a unit of work or energy equal to that expended by one kilowatt in one hour.

"KWH" means a kilowatt hour.

"Local Law" means the laws in force and effect in a State and includes the statutes, rules and regulations, judicial decisions, administrative findings and determinations and executive orders and proclamations, as enforced by the State and its judicial system.

"Office" means an Office of Consumer Services.

"Person" means an individual, partnership, corporation, unincorporated association or any other group, entity or organization.

"Proceeding" means a proceeding before a utility regulatory commission.

"State" means a State, the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands and the Tennessee Valley Authority.

"Sub-grantee" means the eligible consumer group named as the recipient in a grant which shall be made by an Office.

"Tribal Organization" means the recognized governing body of an Indian Tribe, or any legally established organization of Native Americans which is controlled, sanctioned or chartered by such governing body.

"TVA" means the Tennessee Valley Authority.

"Unit of General Purpose Local Government" means any city, county, town, parish, village or other general purpose political subdivision of a State.

"Utility Regulatory Commission" means TVA or a regulatory authority empowered by Federal or local law to fix, modify, approve, or disapprove rates for the sale of electric energy by an electric utility other than itself.

§ 460.10 Grant awards.

(a) FEA shall provide financial assistance to a State, from sums appropriated for any fiscal year, only upon annual application.

(b) Grants shall be awarded to States, selected at the discretion of FEA on the basis of the evaluation made in accordance with § 460.15, for the establishment or operation of an Office.

§ 460.11 Applications.

(a) To be eligible to receive a grant under this part, a State shall submit an application, in conformity with paragraph (b) of this section, which shall be received by FEA on or before 5:30 p.m. e.d.t. on August 26, 1977. FEA shall send a copy of this regulation to the Governor of every State and invite him or her to submit an application.

(b) Each application shall include—

(1) An overview statement of the specific goals and objectives of the proposed office and an explanation of how they relate to the goals and objectives of an existing State Consumer-Interest Office and any commission before which the Office intends to assist the representation of consumer interests;

(2) A legal opinion setting forth the manner in which the State has complied, or will, in a timely manner, comply with the requirements of § 460.12(a);

(3) Where applicable, an explanation of the authority, functions, organization, activities, budget and financial resources of a Consumer-Interest Office operating within the State;

(4) An assurance that the final proposed budget for the Office exceeds, by the amount of the grant award, the amount expended by the State, if any, in the prior fiscal year or appropriated to be expended in the current fiscal year, whichever shall be greater, to perform functions to assist consumers similar to those set forth in § 460.12(a)(2);

(5) A statement of which of the functions set forth in § 460.12(a)(2) are proposed to be carried out by the Office with financial assistance under this part and the reasons for choosing to perform those functions;

(6) A detailed description of how the Office will meet the minimum program requirements prescribed by § 460.12(b) and a timetable for satisfying these requirements;

(7) The amount of Federal financial assistance being applied for under this part, which shall not exceed $200,000, and a budget including an identification and a description of resources or financial assistance which shall be provided to an Office from sources other than the financial assistance provided under this part;

(8) A description of the organizational structure of the Office including the extent of coordination proposed between the Office and other parts of the State government representing consumers or regulating electric utilities;

(9) A description of the responsibilities and the experience and qualifications, if known, of key personnel and consultants proposed to be used by the Office;

(10) A statement of the task sequence and a timetable for establishing the Office, where applicable, and for implementing the activities for a 12 month period, by calendar quarter, beginning October 1, 1977;

(11) A detailed description of the State's need for the Office which shall identify the conditions and circumstances existing within the State that give rise to that need including, to the extent this information is reasonably available, information concerning—

(i) Recent increases in average electric bills of different types of consumers;

(ii) The type, quality and amount of participation by consumer groups in proceedings within the State;

(iii) The responsiveness of a commission to the views and data submitted by consumers in proceedings within the State;

(iv) Changes, including rate reform, initiated by a commission within the State responsive to problems of supplying sufficient electricity to meet demand for the foreseeable future, taking into account the cost to consumers and need for energy conservation;

(v) The number and type of proceedings within the State;

(vi) The policies with respect to fuel adjustment clauses adopted by a commission within the State;

(vii) The nature and extent of State legislative activities affecting utility companies, commissions, or consumers.

§ 460.12 Minimum program requirements.

(a) Prior to the expenditure of any grant funds and no later than 6 months from the date of a notification of grant award made under this part, a grantee

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shall have in existence or establish an Office which—

(1) Is a consumer-interest office;

tise of a consultant which an eligible consumer group intends to engage;

(4) Advocate on its own behalf a posi-

volunteer, provided that such costs are incurred in connection with preparing or making a presentation at a proceeding.

50 points may be scored for the quality of the proposed Office and up to 50 points may be scored for a State's need to es-

§ 460.16 Oversight responsibility.

(a) The Administrator shall monitor

§ 460.19 Grant termination.

(a) FEA shall give notice to a grantee

shall have in existence or establish an Office which—

(1) Is a consumer-interest office:

(2) Is empowered and has authority under local law to—

(i) Make general factual assessments of the impact of proposed electric utility rate changes and other proposed regulatory actions upon consumers, including residential consumers;

(ii) Provide technical or financial assistance to an eligible consumer group meeting the requirements of § 460.14 in the presentation of its position in a proceeding; and

(iii) Advocate, on its own behalf, a position which it determines represents the position most advantageous to consumers, including residential consumers, taking into account developments in electric utility rate design reform; and

(3) Is independent of a commission with respect to the following—

(i) The Commission has no direct control over the Office's budget or its disbursement of funds;

(ii) The commission has no authority over the hiring, management, or dismissal of the personnel employed by an Office; and

(iii) Employees of the Office do not perform services for, report to, or act on behalf of, the commission.

(b) Each Office shall develop and publish within 6 months of the date of a grant award or 3 months from the date upon which the Office meets the requirements of paragraph (a) of this section, whichever shall be later, procedures to be approved by FEA, to—

(1) Determine whether a consumer group is an eligible consumer group in accordance with the requirements of this part;

(2) Provide technical assistance to an eligible consumer group, and financial assistance on a full funding or cost sharing basis to a sub-grantee to make one or more presentations in a proceeding;

(3) Establish priorities for providing technical and financial assistance to eligible consumer groups taking into consideration—

(i) Consumer interests;

(ii) The consumer interest of, or represented, by an eligible consumer group;

(iii) The composition, diversity and number of members of an eligible consumer group;

(iv) The relative effectiveness of an eligible consumer group's proposed presentation including the extent to which—

(A) The eligible consumer group is familiar with and understands the subject matter and issues involved in the proceeding;

(B) Its proposed presentation is feasible and well-conceived; and

(C) The eligible consumer group can effectively represent a consumer interest in a proceeding;

(D) The uniqueness or novelty of an eligible consumer group's position or point of view; and

(E) Where financial assistance is to be provided, the experience and expertise of a consultant which an eligible consumer group intends to engage;

(4) Advocate on its own behalf a position in a proceeding which it determines represents the position most advantageous to consumers which shall involve the performance of activities including—

(i) Consideration of views and data obtained from consumers through the use of such information gathering techniques as a public hearing, survey of consumer advisory committee, to ensure that the Office obtains and considers the broadest possible spectrum of consumer views;

(ii) Obtaining qualified witnesses and preparing testimony and other submissions for presentation in a proceeding;

(iii) Analysis, and consideration of developments in innovative utility rate design reform;

(5) Making general factual assessments of the impact of proposed rate changes and other proposed regulatory actions upon consumers; and

(6) Identifying consumer groups and providing them with information concerning this program and its operation.

(c) After complying with the requirements of paragraph (b) of this section, an Office shall carry out activities for the functions prescribed in § 460.12(a)(2)(i) or (ii). FEA may upon application by a grantee or Office and for good cause shown extend the time limit set to meet the requirements of paragraphs (a) and (b) of this section.

§ 460.13 Allowable expenditures.

(a) Financial assistance provided under this part shall be used for the establishment or operation of an Office, and grant funds awarded in any year shall only be expended for the following—

(1) Compensation of employees of the Office;

(2) No more than 10 percent shall be used for administrative expenses of an Office, exclusive of compensation provided under paragraph (a)(1) of this section;

(3) No more than 45 percent may be paid for the services of consultants, provided that no consultant shall receive in excess of 20 percent; and

(4) No more than 20 percent may be paid to contract for the use of computers and similar equipment for the storage and analysis of data;

(5) Payments to sub-grantees to carry out the function described in § 460.12(a)(2)(B) in accordance with the requirements of this part, provided that total payments to sub-grantees shall not exceed 45 percent of the grant funds awarded in any year;

(6) Payments to a consultant by an Office or sub-grantee shall not exceed the prevailing market rate for the level and quality of the personal service but not to exceed 75 dollars per hour exclusive of reasonable costs for travel and incidental disbursements such as mailing and photocopying; and

(7) Reasonable costs of an Office or sub-grantee for travel and transportation for an employee, consultant or a person performing services, such as a volunteer, provided that such costs are incurred in connection with preparing or making a presentation at a proceeding.

(b) No grant funds shall be expended until a State has established an Office which meets the requirements of § 460.12(a).

(c) For the purposes of paragraph (a)(3) of this section, a consultant shall include—

(1) Any person which employs or otherwise uses the personal services of the consultant including employment by a partnership, corporation, sole proprietorship, or other business enterprise engaged in performing personal services;

(2) Any person in which the consultant owns 10 percent or more of the stock, including options to purchase stock, or other securities issued by a corporation, or any person engaged in performing personal services in which the consultant has a financial interest which is equal to or exceeds 10 percent;

(3) Any person, such as a parent company or affiliate, which owns 10 percent or more of the stock, including options to purchase stock, of the consultant, or other securities issued by the consultant, or owns a financial interest of any kind in the consultant which is equal to or exceeds 10 percent;

(4) Any business entity engaged in performing personal services including a corporation, partnership, consortium or other enterprise in which the consultant is an officer or director, partner or active principal; and

(5) Any business entity including a corporation, partnership, consortium or other business enterprise engaged in providing personal services in which the consultant participates in a profit-sharing program.

§ 460.14 Eligible consumer group.

No consumer group shall receive financial or technical assistance from an Office unless—

(a) The consumer group's—

(1) Representation of a consumer interest would substantially contribute to a full and fair determination of the issues to be considered in the proceeding; and

(2) Participation in the proceeding is necessary to the effective representation of the consumer interest; and

(b) The consumer interest would not be effectively represented because—

(1) The consumer group does not have reasonably available and cannot reasonably obtain sufficient resources to participate effectively in the proceeding; or

(2)(i) The economic gain or loss to the consumer group and any consumer with regard to the outcome of the proceeding is small relative to the costs of effective participation in the proceeding; and

(ii) The costs of effective participation are small relative to the social, economic or environmental consequences of the outcome of the proceeding.

§ 460.15 Selection of grantees.

(a) FEA shall evaluate an application submitted in accordance with § 460.11 through the use of a rating system with a total of 100 points under which up to 50 points may be scored for the quality of the proposed Office and up to 50 points may be scored for a State's need to establish and operate an Office.

(b) FEA shall evaluate the quality of a proposed Office on the basis of its conceptualization and the feasibility of its implementation taking into account—

(1) The precision with which goals and objectives for the Office are defined;

(2) Whether the activities proposed for the Office will effectively carry out the functions selected in accordance with § 460.11(b)(5);

(3) The responsibilities, experience and competence of the key personnel and consultants proposed for the Office;

(4) The organizational structure of the Office including the extent of coordination proposed between the Office and other parts of the State government representing consumers or regulating electric utilities;

(5) The feasibility of the Office's complying with the requirements of § 460.12;

(6) The task sequence for activities and the likelihood that an Office can meet the schedule of the proposed timetable as required by § 460.11(b)(10); and

(7) The adequacy of the budget required by § 460.11(b)(7) in relationship to the proposed activities.

(c) FEA shall evaluate a State's need for an Office based upon—

(1) The magnitude of need demonstrated in the description provided in response to § 460.11(b)(11) for which up to 25 points may be scored; and

(2) FEA's analysis, for which up to 25 points may be scored, of—

(i) The average revenue per KWH calculated for all electric utilities within the State;

(ii) The percentage of per capita income of residential consumers within the State which is spent for electricity for residential use; and

(iii) The extent to which the State uses natural gas to generate electricity.

§ 460.16 Oversight responsibility.

(a) The Administrator shall monitor and evaluate the establishment and operation of Offices receiving financial assistance under this part through on-site project reviews, or through other means, in order to insure the effective performance of Offices under the grants.

(b) The Administrator and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, information, and records of Offices receiving financial assistance under this part.

(c) Each grantee shall conduct, on an annual basis, an audit of the pertinent records of any sub-grantee receiving financial assistance under this part.

§ 460.17 Recordkeeping.

Each grantee or sub-grantee receiving Federal financial assistance under this part shall keep such records as FEA shall require, including records which fully disclose the amount and disposition by each grantee and sub-grantee of the funds received, the source and amount of funds not supplied by FEA for an Office, and such other records as FEA deems necessary for an effective audit and performance evaluation. Such recordkeeping shall be in accordance with Federal Management Circular 74-7 and any further requirements of this regulation or which FEA may otherwise establish under the terms and conditions of a grant.

§ 460.18 Reporting requirements.

Each grantee receiving financial assistance under this part shall submit a quarterly program performance report and a quarterly financial report to the Administrator. The program performance report shall contain such information as the Administrator may prescribe in order effectively to monitor the progress of a grantee.

§ 460.19 Grant termination.

(a) FEA shall give notice to a grantee in the event FEA finds there is a failure by the grantee to comply substantially with the provisions of this part.

(b) FEA shall issue such notice in the form of a written notice mailed by registered mail, return receipt requested, to the grantee and shall include (1) a statement of the reasons for the finding referred to in paragraph (a) of this section together with an explanation of any remedial action which, if undertaken, would result in compliance; and (2) the date upon which the grant will be terminated.

(c) A grantee which receives the notice referred to in paragraph (a) of this section may file a written response containing an explanation of how it will comply with the requirements of this part, or a statement of its views and supporting data explaining why the grant should not be terminated. This response shall be made by registered mail, return receipt requested, not later than 10 days after the receipt of the notice referred to in paragraph (b) of this section.

(d) Within 20 days after the grantee's receipt of notice in accordance with the procedure set forth in paragraph (b) of this section, the Administrator, after consideration of any response filed by the grantee, shall determine whether or not to terminate the grant for failure to comply substantially with the requirements of this part and issue a written statement explaining the reasons for this determination.

(e) Upon issuance of the notice referred to in paragraph (a) of this section, FEA may suspend payments to any grantee pending a final determination. If the Administrator makes a final determination of substantial failure to comply, the grantee will be ineligible to participate in the program unless and until FEA is satisfied that the failure to comply has been corrected.

[FR Doc.77-19369 Filed 7-7-77;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Part 381]

TRANSPORTATION OF INEDIBLE MATERIAL

Withdrawal of Proposed Regulation

AGENCY: Food Safety and Quality Service of Agriculture.

ACTION: Notice of withdrawal.

SUMMARY: This notice withdraws a notice of proposed rulemaking which would have allowed the movement in commerce, for uses other than human food, of certain undenatured, inedible poultry products under a system involving permits, seals, and invoices. The Meat and Poultry Inspection Program has determined that instead of the permit system, a more efficient method of controlling shipments of inedible poultry products can be devised.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

James P. Lyons, Chief Staff Officer, Inspection Standards and Regulations Staff, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3219).

SUPPLEMENTARY INFORMATION: On July 28, 1975, the Meat and Poultry Inspection Program of the Department of Agriculture published a proposed rule (40 FR 31616–31617) to amend 9 CFR 381.175 and 381.193 of the poultry products inspection regulations, that would have allowed the movement in commerce, for uses other than human food, of certain undenatured, inedible poultry products under a system involving permits, seals, and invoices. The proposal was intended to control the movement in commerce of undenatured, inedible poultry products in the same manner as undenatured, inedible meat and meat products (9 CFR 325.11(f)).

The Acting Administrator has determined that a more effective method of controlling the shipment of inedible product than the permit system can be developed. Several other methods are being considered for both meat and poultry products. A more comprehensive and less complicated proposal will be published at a later date.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (40 FR 31616–31617) on July 28, 1975, is hereby withdrawn

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Done at Washington, D.C., on: June 29, 1977.

HARRY C. MUSSMAN,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc.77–19518 Filed 7–7–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212]

POST-EXEMPTION MONITORING OF MIDDLE DISTILLATE PRICES

Rescheduling of Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Notice of rescheduling of public hearing.

SUMMARY: The Federal Energy Administration ("FEA") hereby extends the previously announced date of the Washington hearing on the post-exemption monitoring of middle distillate prices to August 2, 1977, to provide additional time for preparation of comments. The deadline for requests to speak has been extended to July 18, 1977. No other dates are changed.

FOR FURTHER INFORMATION CONTACT:

Laura Kuitunen or Dennis M. Moore (Office of General Counsel), Federal Building, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461 (202–566–9567 or 566–2085).

SUPPLEMENTARY INFORMATION: On May 26, 1977, FEA issued a Further Notice of Proposed Rulemaking and Public Hearing on the post-exemption monitoring of middle distillate prices (42 FR 27937, June 1, 1977). The further notice announced FEA's intent to provide an opportunity for receipt of comments and testimony on the manner in which the FEA middle distillate price monitoring system operated during the past heating season and on what action, if any, ought to be taken by FEA with respect to possible further monitoring of or re-imposition of controls on middle distillates through the next heating season. National and regional hearings were scheduled by the further notice for dates in mid-July 1977.

To allow additional time for analysis of the information presented at the regional hearings and to provide additional time for preparation of comments, FEA hereby extends the date previously announced for the Washington hearing to Tuesday, August 2, 1977, 9:30 a.m. The Washington hearing will be held, as originally announced, in Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. In accordance with this extention of the Washington hearing date, requests to speak at the Washington hearing must be submitted by July 18, 1977.

All hearing dates, times, and locations for the regional hearings announced in the May 26, 1977, further notice remain unchanged and such regional hearings will take place as scheduled. The final date for filing comments is July 6, 1977, but FEA will continue to consider comments submitted up to the time of the Washington hearing.

Issued in Washington, D.C., June 30, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–19368 Filed 7–7–77;8:45 am]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking Regarding Test Procedures for Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens; Corrections

AGENCY: Federal Energy Administration (FEA).

ACTION: Proposed rulemaking; corrections.

SUMMARY: This document corrects errors made in the proposed rulemaking regarding test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens which appeared at 30627 and following of the June 16, 1977, FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, (Program Office), Old Post Office Building, Room 307, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202–566–4635.

Jim Merna (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202–566–9833.

Michael T. Skinker (Office of General Counsel), 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202–566–9750.

SUPPLEMENTARY INFORMATION: A number of provisions of Appendix I contained in the proposed regulation, pages 30633 and following, were incorrectly stated and are corrected below. In all other respects the proposed rulemaking remains as published on June 16, 1977.

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–385; as amended by Pub. L. 94–385; E. O. 11790, 39 FR 23185.)

In consideration of the foregoing, the proposed regulation for test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens published in 42 FR 30627 et seq. (June 16, 1977) is corrected as set forth below.

Issued in Washington, D.C., July 1, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Section 4.5.2 of Appendix I is deleted and sections 4.1.4, 4.2.1.2, 4.5.3 and 4.5.4 are corrected to read as follows:

APPENDIX I—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CONVENTIONAL RANGES, CONVENTIONAL COOKING TOPS, CONVENTIONAL OVENS, AND MICROWAVE OVENS

• • • • •

4.1.4 *Conventional oven annual self-cleaning energy consumption of a basic model.* Calculate the conventional oven annual self-cleaning energy consumption, E_{sc}, of the basic model tested, expressed in kWh per year for electrical energy and Btu's per year for gas, and defined as:

For conventional gas ovens:

$$E_{sc}=\sum_{i=1}^{n}[(E_s\times H)+E_{IS}\times H_e)]_i\times\frac{S}{n},$$

where

E_s = Energy consumption in cubic feet of gas per oven tested according to 3.2.1.1.
E_{IS} = Electrical energy consumed by an ignition device for the self-cleaning operation of a conventional gas oven.
H_e = Conversion factor of watt-hours to Btu's (3.412 Btu/Wh).
H = H_e or H_g, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2 in Btu's per standard cubic foot.
S = 11 (representative average number of times a self-cleaning operation of a conventional oven is used per year).
n = Number of conventional ovens of the basic model tested.

For conventional electric ovens:

$$E_{sc}=\left(\frac{\sum_{i=1}^{n}(E_s)_i}{n}\right)\times S\times C,$$

where

E_s = Energy consumption in watt-hours per oven tested according to 3.1.1.1.
S = As defined above.
n = As defined above.
C = Conversion factor of watts to kilowatts (.001 W/kW).

• • • • •

4.2.1.2 *Gas heating element efficiency.* Calculate the efficiency, Eff_{GS}, of the gas heating element under test, and defined as:

$$Eff_{GS}=\frac{W_3\times C_p\times T_{ER}}{E},$$

where

W_3 = Measured weight of test block according to 3.3.2, in pounds.
C_p = Specific heat of aluminum, 0.23 Btu's/lb.-°F.
T_{ER} = Temperature rise of the test block: final test temperature, T_{ET} as determined in 3.2.2, minus the initial test block temperature, T_I.

$$E=[(E_{CT}-E_{CP})\times H]+(E_{IC}\times H_e),$$

where

E_{CT} = Energy consumption for the gas heating elements as defined in 3.2.2
E_{IC} = Electrical energy consumed by an ignition device of a gas heating element.
H_e = Conversion factor of watt-hours to Btu's (3.412 Btu/Wh)
H = Either H_e or H_g, the value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

$E_{CP}=P\times T_P$,

where

$$P=\frac{P_e}{L_e},$$

where

P_e = Any pilot lights gas consumption defined in 3.2.2.1.
L_e = Elapsed time of the cooking top pilot lights test as defined in 3.1.2.1.
T_P = The elapsed test time as defined in 3.2.2.

• • • • •

4.5.3 *Specific microwave efficiency.* Calculate the specific microwave efficiency, e_i, for each test load (i), and defined as:

$$e_i=\frac{(MP_o)_i}{E_i}\times\frac{t_i}{S},$$

where

S = 3,600 s (the number of seconds in 1 h).
$(MP_o)_i$ = the microwave power out in watts as defined in 4.5.1.
E_i = the energy consumption as defined in 3.2.3.
t_i = the elapsed test time as defined in 3.2.3.

4.5.4 *Microwave oven rated efficiency.* Calculate the microwave oven rated efficiency, $e_{(ave)}$, and defined as:

$$e_{ave}=\frac{\sum_{i=1}^{m}(e)_i}{m},$$

where

m = 4 (the number of test loads)
e_i = The specific microwave efficiency as defined in 4.5.3.

• • • • •

[FR Doc.77–19425 Filed 7–7–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 193]

[FRL 758–7; FAP 3H5030/P7]

TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Food Additive Tolerance for Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of dalapon in potable water. The proposal was submitted by the U.S. Dept. of the Interior. This amendment will establish a maximum permissible level for residues of dalapon in potable water.

DATE: Comments must be received on or before August 8, 1977.

ADDRESS: Send comments to: Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Rm. 401 East Tower, 401 M Street SW., Washington D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Critchlow, Registration Division (WH–567), Office of Pesticide Programs, EPA, (202/755–2516).

SUPPLEMENTARY INFORMATION: On June 22, 1973, the EPA published in the FEDERAL REGISTER (38 FR 16418) a notice that the United States Department of the Interior (USDI), Bureau of Reclamation, Washington, D.C. 20240, had submitted a petition (FAP 3H5030). This petition proposed that 21 CFR 193 be amended by the establishment of a food additive tolerance for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water at 0.2 part per million (ppm) when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation canal and ditch banks.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). The toxicological data considered in support of the proposed tolerance were two mutagenicity tests in rats with a no-effect level of 3,000 ppm for each, two 2-year rat feeding studies to investigate tumor formation, a 1-year chronic dog-feeding study, and a rat teratology study. An adequate analytical method (gas chromatography) is available to enforce the proposed tolerance. Tolerances have previously been established (40 CFR 180.150) for residues of dalapon from 75 ppm to 0.1 ppm (negligible residue) on a wide variety of crops. (A related proposed rulemaking document to amend 40 CFR 180.150 by establishing tolerances for residues of dalapon in or on a variety of crops and crop groupings appears elsewhere in today's FEDERAL REGISTER.) Therefore, it is proposed that 21 CFR 193 be amended as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before August 8, 1977, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "FAP3H5030/P7." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

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(Sec. 409, Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).)

It is proposed that Part 193, Subpart A, be amended by adding the new § 193.105 as follows:

§ 193.105 Dalapon.

A tolerance of 0.2 part per million is established for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation canal and ditch banks in the Western United States in programs of the Bureau of Reclamation, United States Department of the Interior.

[FR Doc.77-19381 Filed 7-7-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Correction

In FR Doc. 77-17469, appearing at page 31174 in the issue of Monday, June 20, 1977, the following correction should be made:

Between the fifth and sixth lines of the footnote at the bottom of the second column, a line should be inserted reading, "comments pursuant to the notice must be".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 55]

[FRL 757-6]

GEORGIA; ENERGY RELATED AUTHORITY

Proposed Revision to Compliance Date Extensions for the Savannah Electric and Power Company's Port Wentworth Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule will modify the dates that the Savannah Electric and Power Company's Port Wentworth, Georgia, Power Station Units 1, 2, and 3 must convert to coal burning and be in compliance with all applicable air pollution requirements. These dates are to be modified to allow a three-month extension in constructing control equipment for Units 1 and 2. The control equipment for Unit 3 must be installed one month ahead of the original schedule.

DATES: Comments must be submitted by August 8, 1977.

ADDRESSES: Comments should be submitted to: Robert R. Geddis, Air Enforcement Division, Enforcement Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308 (404/881-4253).

FOR FURTHER INFORMATION CONTACT:

Paul J. Traina, Director, Enforcement Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308 (404/881-2211).

SUPPLEMENTARY INFORMATION: On December 17, 1976, John Quarles, Acting Administrator of EPA, issued compliance date extensions (41 FR 55191) to the Savannah Electric and Power Company's Port Wentworth Generating Station for Units 1, 2, and 3, located in Chatham County, Georgia. Each unit was required to be equipped with air pollution control devices by specific dates, before converting to coal burning. The Savannah Electric and Power Company informed EPA on March 4, 1977, that the construction time for the control equipment for Units 1 and 2 would have to be extended three months and the construction of control equipment for Unit 3 would be completed one month ahead of the date originally scheduled. EPA is considering the approval of the modification of the construction dates and is reviewing the documentation submitted by Savannah Electric. This documentation indicated that the schedule had to be adjusted because a new contractor was selected to install the control equipment.

All other conditions of the original compliance date extension will remain in effect, including the requirement to maintain compliance with all applicable air pollution regulations by continuing to burn oil until the construction of the control equipment is completed.

Accordingly, it is proposed that Part 55 of Chapter I, Title 40, Code of Federal Regulations, be amended by revising subdivisions (iii), (iv), (vi), and (vii) of § 55.570(a)(1) to read as follows:

Subpart L—Georgia

§ 55.570 Compliance date extensions.

(a) * * *

(1) * * *

(iii) *August 1, 1977.* Initiate site preparation toward installation of particulate emission control equipment for Units 1, 2, and 3.

(iv) *April 1, 1978.* Initiate on-site construction or installation of particulate emission control equipment for Units 1, 2, and 3.

* * * * *

(vi) *August 1, 1978 (Unit 1), September 1, 1978 (Unit 2), October 1, 1978 (Unit 3).* Complete on-site construction or installation of particulate emission control equipment and initiate use of such equipment.

(viii) *October 15, 1978 (Unit 1), November 15, 1978 (Unit 2), December 31, 1978 (Unit 3).* Complete shakedown operations and performance tests on the control equipment required by this subparagraph; also, demonstrate compliance with section 391-3-1-.02(2) d of the Georgia Rules and Regulations for Air Quality Control and certify such compliance to the Director of the EPA Region IV Enforcement Division.

* * * * *

(Secs. 110, 119, 301, Clean Air Act (42 U.S.C. 1857c-5, 1857c-10, 1857q).)

Dated: June 29, 1977.

JOHN A. LITTLE,
Acting Regional Administrator.

[FR Doc.77-19422 Filed 7-7-77;8:45 am]

[40 CFR Part 180]

[FRL 759-3; OPP-260023]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Amendment to Tolerance Regulation for Pesticide Chemical Naled

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that established tolerances for naled be amended to (1) correct error in the regulations, (2) update the regulations, and (3) editorially revise the format. This proposed amendment will provide the public with more accurate information in an easier to read style.

DATE: Comments must be received on or before August 8, 1977.

ADDRESSES: Federal Register Section, Technical Services Divisions (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jan B. Wine, Federal Register Section, at the address above or by telephone at 202-755-4854.

SUPPLEMENTARY INFORMATION: As announced on October 27, 1976 (41 FR 47076), the Environmental Protection Agency (EPA) is reformatting the pesticide tolerance regulations contained in 40 CFR Part 180. The current narrative paragraphs are being put into an alphabetized columnar listing for the purpose of providing orderly development of and/or amendments to the regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected parties with regulations that are easier to read. In addition to editorial revisions, certain section titles are being amended by substituting acceptable common names for antiquated and unacceptable pesticide chemical names where appropriate, and the regulations are being updated and corrected where necessary.

It is proposed that (1) § 180.215 be reformatted, (2) § 180.319 be amended to correct an error in the regulations, and (3) § 180.215 be amended to update the record.

In June 1974, the Agency amended 40 CFR 180.215 in response to a petition (1F1078) filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804. Interim tolerances for naled residues in or on certain raw agricultural commodities were established pending review and completed action on this petition and others submitted to the Agency. In addition, the petition submitted by Chevron also included a proposal for a permanent tolerance for residues of naled in or on soybeans which was subsequently withdrawn by the petitioner. Therefore, § 180.319 should have been amended to delete the interim tolerances for beans, peas, and soybeans at the time § 180.215 was amended (39 FR 22423) by establishing permanent tolerances for residues of naled in or on the raw agricultural commodities beans (succulent) and peas (succulent) at 0.5 part per million.

On January 29, 1975, the Agency amended 40 CFR 180.215 (40 FR 4273) in response to two petitions (PP0F00975 and PP1F111) also filed by Chevron Chemical Co. Permanent tolerances were established for all remaining interim tolerances found in Section 180.319. However, amendments to 40 CFR 180.319 were once again overlooked.

Therefore, it is proposed at this time that § 180.319 be amended to delete all interim tolerances shown for the pesticide naled.

It is also proposed that § 180.215 be amended to eliminate a contradication contained in the regulation pertaining to the established tolerance of 0.05 ppm for almonds (hulls) and almonds (nuts) and the established tolerance of 0.5 ppm for "all raw agricultural commodities, except those otherwise listed in this section, from use of the pesticide for area pest (mosquito and fly) control." To make the minimum tolerance uniform for residues of naled on growing crops, regardless which registered use of naled causes such residues, the established tolerances for almonds (hulls) and almond (nuts) are being increased from 0.05 to 0.5 ppm. Furthermore, to clarify the situation of the established tolerances of 0.05 ppm for eggs, milk, and the fat, meat, and meat byproducts of livestock and poultry with respect to 40 CFR 180.6, the introductory paragraph to § 180.215 is being revised to include residues which may result from direct application to livestock and poultry. In addition, since available toxicity data now include long-term feeding studies which were used to support non-negligible residues of naled in or on raw agricultural commodities such as oranges, spinach, and turnips at 3 ppm, the negligible residue designator "N" is being removed. It has been determined that these proposed changes and clarifications will protect the public health.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rotenticide Act which contains any of the ingredients listed herein may request, on or before August 8, 1977, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should bear a notation indicating the subject and document control number "OPP-260023". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Section 180.215 be amended by revising the entire section to read as follows:

§ 180.215 Naled; tolerances for residues.

Tolerances are established for residues of the insecticide naled (1,2-dibromo-2, 2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, resulting from the application of the pesticide to growing crops or from direct application to livestock and poultry, in or on the following raw agricultural commodities:

Commodity:	Parts per million
Almonds (hulls)	0.5
Almonds (nuts)	0.5
Beans (dry)	0.5
Beans (succulent)	0.5
Beets, sugar, roots	0.5
Beets, sugar, tops	0.5
Broccoli	1
Brussels sprouts	1
Cabbage	1
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Cauliflower	1
Celery	3
Collards	3
Cottonseed	0.5
Cucumbers	0.5
Eggplant	0.5
Eggs	0.05
Goats, fat	0.05
Goats, mbyp	0.05
Goats, meat	0.05
Grapefruit	3
Grapes	0.5
Grasses, forage	10
Hogs, fat	0.05
Hogs, mbyp	0.05
Hogs, meat	0.05
Hops	0.5
Horses, fat	0.05
Horses, mbyp	0.05
Horses, meat	0.05
Kale	3
Legumes, forage	10
Lemons	3
Lettuce	1
Melons	0.5
Milk	0.05
Mushrooms	0.5
Oranges	3
Peaches	0.5
Peas (succulent)	0.5
Peppers	0.5
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Pumpkins	0.5
Rice	0.5
Safflower, seed	0.5
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05
Spinach	3
Squash, summer	0.5
Squash, winter	0.5
Strawberries	1
Swiss chard	3
Tangerines	3
Tomatoes	0.5
Turnips, tops	3
Walnuts	0.5

A tolerance of 0.5 part per million is established for the pesticide naled in or on all raw agricultural commodities, except those otherwise listed in this section, from use of the pesticide for area pest (mosquito and fly) control.

§ 180.319 [Amended]

It is proposed that § 180.319 be amended by deleting the substance naled and corresponding tabular material from the regulation.

[FR Doc.77-19415 Filed 7-7-77;8:45 am]

[40 CFR Part 180]

[PP3E1385/P43; FRL 758-8]

PESTICIDE PROGRAMS

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerances for the Pesticide Chemical Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide dalapon in or on a variety of crops and crop groupings. This proposal was submitted by the U.S. Department of the Interior. The proposal will permit the safe use of dalapon on irrigation ditch banks in the western United States in programs of the Bureau of Reclamation.

DATE: Comments must be received on or before August 8, 1977.

ADDRESS: Send comments to: FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, (202-765-2516).

SUPPLEMENTARY INFORMATION: The United States Department of the Interior (USDI), Bureau of Reclamation, Washington, DC 20240, has submitted a pesticide petition (PP 3E1385) to the EPA. This petition requests that the Administrator, pursuant to section 406(e)

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of the Federal Food, Drug and Cosmetic Act, propose that 40 CFR 180.150 be

The comments must be received on or before August 8, 1977. And should bear

Commodity: Parts per million

ADDRESSES: Send comments to: Interstate Commerce Commission, 12th

ing this practice if the petition is granted and a proceeding instituted. This prac-

On August 16, 1977, at Thomas Nelson Community College, Room 100, Hampton,

of the Federal Food, Drug and Cosmetic Act, propose that 40 CFR 180.150 be amended by the establishment of tolerances for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in programs of the USDI Bureau of Reclamation in or on the following raw agricultural commodities and commodity groups:

Flaxseed, forage grasses, forage legumes, and wheat at 2 parts per million (ppm).

Cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm.

Avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, and stone fruits at 0.2 ppm.

The data submitted in the petition and all other relevant material having been evaluated, it has been concluded that the tolerances established by amending 40 CFR 180.150 will protect the public health. The toxicological data considered in support of the proposed tolerances were two mutagenicity tests in rats with a no-effect level of 3,000 ppm for each, two 2-year rat feeding studies to investigate tumor formation, a 1-year chronic dog-feeding study, and a rat teratology study. An adequate analytical method (gas chromatography) is available to enforce the proposed tolerances. Tolerances have previously been established for residues of dalapon from 75 ppm to 0.1 ppm (negligible residue) on a wide variety of crops. In addition, it is being proposed that the negligible residue designator ("N") be removed from the existing tolerances since long-term feeding studies are now available. Existing tolerances are adequate to cover residues which may result in eggs, milk, meat, and poultry as delineated in 40 CFR 180.6(a)(2). (A related document proposing the establishment of a food additive tolerance for residues of dalapon in potable water appears under 21 CFR Part 193 in this FEDERAL REGISTER.) The EPA proposes, therefore, that the tolerances be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before August 8, 1977, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW., Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before August 8, 1977. And should bear a notation indicating both the subject and the petition/document control number, "PP3E1385/43". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

It is proposed that Part 180, Subpart C, Section 180.150 be revised (1) by designating the existing tolerances as paragraph (a), (2) by deleting the negligible residue designation ("N"), (3) by establishing the new paragraph (b) containing tolerances for residues of dalapon resulting from application of delapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in programs of the USDI Bureau of Reclamation, and (4) by editorially restructuring paragraph (a) into a tabular alphabetized listing, to read as follows:

§ 180.150 Dalapon; tolerances for residues.

(a) Tolerances are established for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium salt or sodium-magnesium salt mixtures in or on the following raw agricultural commodities:

Commodity:	Parts per million
Almonds	10.0
Almonds, hulls	50.0
Apples	3.0
Apricots	1.0
Asparagus	30.0
Bananas	5.0
Beans	1.0
Beans, straw	1.0
Beets, sugar (roots)	5.0
Beets, sugar (tops)	5.0
Cattle, mbyp	.2
Cattle, meat	.2
Coffee beans	2.0
Corn, ear, dried (K+C)	10.0
Corn, fodder	5.0
Corn, forage	5.0
Corn, fresh (including sweet K+CWHR)	5.0
Corn, grain	10.0
Cottonseed	35.0
Cranberries	5.0
Eggs	.3
Flaxseed	75.0
Goats, mbyp	.2
Goats, meat	.2
Grapefruit	5.0
Grapes	3.0
Grasses, pasture	10.0
Grasses, range	10.0
Hogs, mbyp	.2
Hogs, meat	.2
Lemons	5.0
Limes	5.0
Macadamia nuts	1.0
Milk	.1
Oranges	5.0
Peaches	15.0
Pears	3.0
Pears, shelled	15.0
Peas, unshelled	15.0
Peas, vine, with pod	15.0
Peas, vine, without pod	15.0
Pecans	.1
Pineapples	3.0
Plums	1.0
Potatoes	10.0
Poultry, (excluding kidney)	3.0
Poultry, kidney	9.0
Sheep, mbyp	.2
Sheep, meat	.2
Sorghum	1.0
Sorghum, forage	5.0
Soybeans	1.0
Soybeans, straw	1.0
Sugarcane	.1
Tangerines	5.0
Walnuts	5.0

(b) Tolerances are established for residues of dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States, in programs of the U.S. Department of the Interior Bureau of Reclamation, in or on the following raw agricultural commodities. Where tolerances are established at higher levels from other uses of dalapon on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use.

Commodity:	Parts per million
Avocadoes	0.2
Citrus fruits	.2
Cottonseed	.2
Cucurbits	.5
Flaxseed	2.0
Fruits, pome	.2
Fruits, small	.2
Fruits, stone	.2
Grain crops (exc wheat)	.5
Grasses, forage	2.0
Hops	.2
Legumes, forage	2.0
Nuts	.2
Vegetables, fruiting	.2
Vegetables, leafy	.5
Vegetables, root crop	.2
Vegetables, seed and pod	.5
Wheat	2.0

[FR Doc.77-19374 Filed 7-7-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1047, 1082]

[Nos. MC-C-3437, MC-C-4000]

MOTOR TRANSPORTATION OF PROPERTY INCIDENTAL AND PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

Extension of Comment Period

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: At the request of Todd A. Peterman, Representative of American Trucking Associations, Inc., the time for filing comments in the above-entitled proceeding (42 FR 26667, May 25, 1977) has been extended from August 8, 1977, to September 7, 1977. No further extensions.

DATES: Comments must be received on or before September 7, 1977.

ADDRESSES: Send comments to: Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423. All written submissions will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy, Director, Section of Operating Rights, Office of Proceedings (202-275-7292).

H. J. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19537 Filed 7-7-77;8:45 am]

[49 CFR Part 1331]

[Ex Parte No. 297 (Sub-No. 2)]

NOTIFICATION OF RATE PROPOSALS FOLLOWING PRIOR INDEPENDENT ACTION

Petition for Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: On petition by the U.S. Department of Justice the Commission is considering whether to prescribe a rule prohibiting rate bureaus from publishing changes or modifications to independently established rates and related matters of member carriers without the specific consent of such carriers. This rule will have the effect of eliminating the practice of changing or modifying independently established rates without the specific consent of carriers.

DATES: Statements of intent to participate in support or opposition are due on or before July 28, 1977.

ADDRESS: Send statements of intent to participate to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION:

Deputy Director Rosenak or Assistant Deputy Director Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The United States Department of Justice has petitioned the Interstate Commerce Commission to prescribe a proposed rule reading as follows:

No rate bureau may publish any tariff which has the effect of changing or modifying any rate, term, or condition of an existing tariff, which rate, term or condition was a result of the exercise of independent action by a member of the rate bureau, unless the rate bureau shall have first notified such member that a proposed tariff will change or modify the rate, term or condition which resulted from that member's exercise of independent action and shall have obtained the member's written consent to the change or modification.

Petitioner alleges that rate bureaus often cancel or change independently established rates of member carriers without the acquiscience or knowledge of such carriers. It will submit evidence illustrating this practice if the petition is granted and a proceeding instituted. This practice, petitioner argues, hinders a carrier's right of independent action recognized in section 5a(6) of the Interstate Commerce Act (49 U.S.C. § 5b) and in Ex Parte 297, Rate Bureau Investigation, 351 I.C.C. 437 (1976). It maintains that the proposed rule is intended to curb the practice.

The matter submitted by petitioner has been variously raised in certain section 5a amendatory agreement application proceedings presently pending before the Commission. Consideration and disposition of the matter in a single proceeding upon a full and complete record will avoid piecemeal litigation and avoid the expenditure of unnecessary time and expense to all parties concerned and the Commission.

NOTE.—This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission. (Commissioners Hardin and Christian were absent and did not participate.)

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19365 Filed 7-7-77; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Announcement is made of six of a number of public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These particular hearings will be held by the National Marine Fisheries Service (NMFS). These hearings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: Public hearings will be held:

On August 8, 1977, at New England Aquarium, Central Wharf, Atlantic Avenue, Boston, Massachusetts 02110.

On August 9, 1977, at Recreation Hall, 30 Federal Street, Brunswick, Maine 04011.

On August 16, 1977, at Thomas Nelson Community College, Room 100, Hampton, Virginia 23670.

On August 17, 1977, at King's Grant Motel (Conference Room to be posted), Route 70 and River Road, Point Pleasant, New Jersey 08742.

On August 18, 1977, at Southhampton Inn (Conference Room to be posted), 91 Hill Street, Southampton, Long Island, New York 11968.

On August 19, 1977, at Newport Treadway Inn, on the Harbor, The Marine Suite, Newport, Rhode Island 02840.

The hearings will begin at 7:30 p.m. and will continue until all testimony is received. The hearings will terminate, however, by 10:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: During the hearings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at these public hearings may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: July 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-19625 Filed 7-7-77;8:45 am]

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmos-

peric Administration, U.S. Department of Commerce.

posted), 17620 Pacific Highway, South Seattle, Washington 98188.

notices

(a) Modifying existing preliminary management plans and regulations dur-

V 42 131 JUL 8 77 UMI

peric Administration, U.S. Department of Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Announcement is made of five of a number of public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for delaing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These particular hearings will be held jointly by the National Marine Fisheries Service (NMFS) and the North Pacific Regional Fishery Management Council. These hearings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES; TIMES, AND LOCATIONS: Public hearings will be held:

On August 3, 1977, at City Council Chambers, Petersburg, Alaska 99833.

On August 5–6, 1977, at Sea-Tak Hilton Hotel (Conference Room to be posted), 17620 Pacific Highway, South Seattle, Washington 98188.

On August 22, 1977, at Supreme Court Chambers, State Court Building, 3rd and K Streets, Anchorage, Alaska 99501.

On August 23, 1977, at Sand Point City Hall, Sand Point, Alaska 99661.

On August 24, 1977, at Kodiak Elks Club, Kodiak, Alaska 99615.

Hearings will begin at 9:00 a.m. and will continue until all testimony is received. The hearings will terminate however, by 5:00 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Phillip Chitwood, Fisheries Research Administrator, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, Telephone: (907) 586–7221.

SUPPLEMENTARY INFORMATION: During the hearings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at these public hearings may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: July 6, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77–19626 Filed 7–7–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77–125]

AMINOIL, U.S.A.

Emergency Order

On June 21, 1977, Aminoil, U.S.A. (Aminoil) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)) a petition seeking assistance in obtaining the transportation charges of Pacific Gas and Electric Company (PG&E) which are necessary prior to the approval of the sale of natural gas from Aminoil to Natural Gas Pipeline Company (Natural).

Specifically, Aminoil requests that PG&E provide the following information:

(1) The information necessary to establish a point of connection on PG&E's line in section 8, 2 N., 3 E. near the Union Scapesi well on its lines in Contra Costa County, California.

(2) The information necessary to establish another point of connection on PG&E's lines in Solano County, California on the east side of section 6, 6 N., 2 E.

(3) A determination by PG&E as to the day on which delivery of gas can commence.

Pursuant to section 6(c)(1) of the Act, I hereby order PG&E to submit the requested information to Aminoil within 48 hours of issuance of this order. Further, should Aminoil determine that either or both of these connections are feasible, pursuant to section 6(c)(1) of the Act, I order PG&E to transport said gas for Natural's account.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Aminoil, Natural, and PG&E. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 30, 1977.

[FR Doc.77–19461 Filed 7–7–77;8:45 am]

[Docket No. E77–121]

TUCO, INC., AND LLANO, INC.

Supplemental Emergency Order; Correction

In FR Doc. 77–17783, appearing on page 31611 in the issue of Wednesday, June 22, 1977, please change the word "Eddy" to "Lea," Line 5 in the second complete paragraph on page 31611 of the order issued June 15, 1977, in Docket No. E77–121, *TUCO, Inc., and Llano, Inc.* Please change the words "TUCO—Natural delivery point" to "delivery point on TUCO's line at Section 12, Township 18 South, Range 27 East, Eddy County, New Mexico" line 6 in the second complete paragraph on page 31611.

That sentence should read: "Llano will transport up to 10,000 Mcfd of the subject gas, from TUCO's storage in Lea County, New Mexico, to the delivery point on TUCO's line at Section 12, Township 18 South, Range 27 East, Eddy County, New Mexico."

RICHARD L. DUNHAM,
Administrator.

JUNE 30, 1977.

[FR Doc.77–19462 Filed 7–7–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

EXPERT PANEL ON NITRITES AND NITROSAMINES

Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218A, Administration Building, Department of Agriculture, 12th and Independence Avenue SW., Washington, D.C., July 25, 1977, at 9:30 a.m. The meeting will reconvene in the same room on July 26 at a time announced during the July 25 session.

The agenda of the meeting is (1) consideration of carcinogenicity issue in relation to nitrites and nitrosamines, (2) final reports of Panel's subcommittees, (3) further discussions on recommendations relating to use of nitrite in cured meats, especially bacon, and residual nitrite allowances in such products, and (4) other business as appropriate.

The meeting will be open to the public and under the direction of the Panel Chairperson or her designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who has further questions should contact the Issuance Coordination Staff, Technical Services, Food Safety and Quality Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code 202–447–6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Done at Washington, D.C., on July 5, 1977.

HARRY C. MUSSMAN,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc.77–19519 Filed 7–7–77;8:45 am]

Rural Electrification Administration

ALLEGHENY ELECTRIC COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has adopted the generating plant portion and the associated 230 kV transmission portion of the 1973 Final Environmental Statement prepared by the Atomic Energy Commission (presently the Nuclear Regulatory Commission (NRC)), for the Susquehanna Steam Electric Station currently under construction by the Pennsylvania Power & Light Company in Salem Township, Luzerne County, Pennsylvania. These portions of NRC's statement adopted by REA, together with independent determinations made by REA, constitute REA's Final Environmental Impact Statement for the plant and the associated 230 kV facilities.

This action on the part of REA is in accordance with section 102(2)(C) of the National Environmental Policy Act and is in connection with the review of an application for a loan guarantee commitment from the Allegheny Electric Cooperative, Inc., 212 Locust Street, Harrisburg, Pennsylvania 17101. The application is for the financing of a ten percent ownership interest by Allegheny Electric Cooperative, Inc., in the Susquehanna Steam Electric Station, Units No. 1 and No. 2, and for the financing of 42.3 miles of the 128 miles of 500 kV transmission facilities also associated with the station.

Additional information may be secured upon request, if submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The REA Final Environmental Impact Statement on the plant and associated 230 kV facilities may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower's address indicated above. Final REA action with respect to this matter, including any release of funds, may be taken after August 8, 1977.

Copies of the REA Final Environmental Impact Statement have been sent to various Federal, State and local to be considered in connection with the proposed loan guarantee commitment

Report and REA experience with installations of this type and the sub-

public hearing on the matter. A request for a hearing must be received by the

and Airport Road in Naples, Florida; at 7:30 p.m. to 10:30 p.m., on Tuesday, July

Council Guidelines the *minimum* period for public review and comment on draft

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Copies of the REA Final Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines.

Any loan guarantee commitment which may be made pursuant to this matter will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969.

A separate Draft Environmental Impact Statement has been prepared by REA for all of the 500 kV transmission facilities associated with the Susquehanna Steam Electric Station.

Dated at Washington, D.C., this 1st day of July 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-19516 Filed 7-7-77;8:45 am]

ALLEGHENY ELECTRIC COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Draft Environmental Impact Statement for the 500 kV transmission facilities associated with the Susquehanna Steam Electric Station, Units No. 1 and No. 2, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969. This notice is given in connection with an application for a loan guarantee commitment from the Alleghany Electric Cooperative, Inc., 212 Locust Street, Harrisburg, Pennsylvania 17101, for the financing of a ten percent ownership interest by Allegheny Electric Cooperative, Inc., in the Susquehanna Steam Electric Station, Units No. 1 and No. 2, and for the financing of 42.3 miles of the 128 miles of 500 kV transmission facilities also associated with the station. The 500 kV transmission facilities are located in Luzerne, Lackawana, Columbia, Montour, Northumberland, Snyder, Carbon, and Northampton Counties in Pennsylvania.

Additional information may be secured upon request, if submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically. Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above and must be received by September 6, 1977.

to be considered in connection with the proposed loan guarantee commitment.

Copies of the aforementioned REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Any loan guarantee commitment which may be made pursuant to this matter will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969.

A separate Final Environmental Impact Statement has been prepared by REA for the Susquehanna Steam Electric Station, Units No. 1 and No. 2, and the associated 230 kV transmission facilities.

Dated at Washington, D.C., this 1st day of July 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-19517 Filed 7-7-77;8:45 am]

COOPERATIVE POWER ASSOCIATION AND UNITED POWER ASSOCIATION

Negative Determination for Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has made a negative determination on the need for an environmental impact statement by REA in connection with construction approval by the Rural Electrification Administration for Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota (CPA-UPA), in the relocation of a 7.7-mile segment of the existing U.S. Bureau of Reclamation Garrison-Jamestown 230 kV Transmission Line in the vicinity of Underwood, North Dakota.

CPA-UPA have prepared an Environmental Report of the proposed action in which REA has had extensive input. The Environmental Report is in compliance with REA's environmental guidelines and numerous commitments have been made by CPA-UPA to satisfy Federal, State, and local requirements.

Our independent evaluation of the proposed project leads us to conclude that REA's financial assistance for this project does not represent a major Federal action that would significantly affect the quality of the human environment.

Based on REA's independent evaluation, our review of the Environmental Report and REA experience with installations of this type and the subsequent environmental effects, a negative determination was made under section 5K, of REA Bulletin 20-21.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Final REA action with respect to this matter may be taken after fifteen (15) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 29th day of June 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77-19175 Filed 7-7-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary of Labor, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19562 Filed 7-7-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

ABE LEVINE KNITTING MILLS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Abe Levine Knitting Mills, Inc., 1329 Willoughby Avenue, Brooklyn, New York 11237, a producer of women's knit outerwear, was accepted for filing on June 30, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19399 Filed 7-7-77;8:45 am]

Economic Development Administration, Office of Planning and Program Support

ARDMORE FASHIONS, INC.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Ardmore Fashions, Inc., 550 Sproul Street, Chester, Pennsylvania 19013, a producer of women's knit outerwear, was accepted for filing on July 1, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19400 Filed 7-7-77;8:45 am]

National Oceanic and Atmospheric Administration

PROPOSED ESTUARINE SANCTUARY, ROOKERY BAY, FLA.

Public Hearing on the Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement for the proposed estuarine sanctuary in Rookery Bay, Florida.

The public hearing will be held at the Collier County Courthouse (Building C), in the Board Room, East Tamiami Trail and Airport Road in Naples, Florida, at 7:30 p.m. to 10:30 p.m., on Tuesday, July 26, 1977.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-served basis or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his/her statement. No verbatim transcript of the hearing will be maintained; but staff present will record the general thrust of the remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite terms established for presentations. Please contact:

June Cradick, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235; phone 202-634-4242.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before August 8, 1977, to assure adequate consideration for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management at the above address.

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following Collier County Free Public Library Branches: Naples, Everglades, Golden Gate, Immokalee, and Marco Island.

Comments may address the adequacy of the impact statement and/or the nature of the proposed sanctuary.

Following consideration of the comments received at this hearing, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

Dated: June 29, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-19386 Filed 7-7-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from June 27 through July 1, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 22, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Prairie Dogs, Nebraska National Forest, South Dakota, and Nebraska, June 30: Proposed is implementation of a management plan for prairie dogs on public lands in Nebraska National Forest in South Dakota and Nebraska. Reductions in prairie dog colonies will be done with use of chemical toxicants. A key feature of the plan is to manage prairie dogs on a 92-square mile area of the Buffalo Gap National Grassland, primarily to enhance habitat for the black-footed ferret. Anticipated effects will be a reduction in habitat available for species associated with prairie dogs other than black-footed ferrets, and a reduction in beef production by 186,750 lbs. per year. (ELR Order No. 70807.)

Final

Little Kern Unit Plan, Sequoia National Forest, Tulare County, Calif., June 27: This statement proposes a land use plan for 111,763 acres within the Sequoia National Forest, Tulare County, California. The plan, when implemented, will replace the existing Multiple Use Plan for this area and direct the management of the National Forest land within this plan-management were considered for implementation. The selected alternative increases the area proposed for wilderness to 49,440 acres and reduces the trail access area to 18,160. Socio-economic impacts will result due to the mix of user groups able to enter Little Kern. Comments made by: USDA, DOI, HEW, EPA, DOT, COE, AHP, State and local agencies, and interested groups and persons. (ELR Order No. 70800.)

Salmon River Wild and Scenic Rivers Proposal, Idaho, June 29: Proposed is the inclusion of 237 miles of the Salmon River in the National Wild and Scenic Rivers System. The segment under consideration runs from North Fork, Idaho, to its confluence with the Snake River through Nezperce, Lewis, Idaho, and Lemhi Counties, Idaho. The purpose of the action is to control the impacts of development and increased recreation use within the river corridor. There are approximately 5,691 acres of private lands involving 150 owners within the proposed boundaries. Comments made by: USDA, DOI, USA, HUD, DOC, DOT, EPA, FPC, WRC, state and local agencies, and concerned citizens. (ELR Order No. 70805.)

Proposed Pere Marquette Wild and Scenic River, Lake, and Mason Counties, Mich., June 29: The proposed action is the legislative designation of 66.4 miles of the Pere Marquette River and 13,000 adjoining acres as

part of the National Wild and Scenic Rivers System. The action is intended to protect the unique natural resource values of the

Bald Head Island Marina (permit), Brunswick County, N.C., July 1: Proposed is the

is a 320-acre Planned Unit Development in Dade County, Florida. The development will

ments to Big Ditch stream in High Point, North Carolina. Corrective methods pro-

length of 12.3 miles. Adverse impacts include the diversion of 800 acres of land to right-

DEPARTMENT OF DEFENSE

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part of the National Wild and Scenic Rivers System. The action is intended to protect the unique natural resource values of the area. Comments made by: DOI, USA, HUD, FPC, WRC, EPA, state and local agencies, and concerned citizens. (ELR Order No. 70804.)

RURAL ELECTRIFICATION ADMINISTRATION

Supplement

Reid Power Station (S–1), Kentucky, June 30: This statement supplements a final EIS filed with CEQ in April 1976. The proposed action is the addition of one or two (240 MW each) steam generating units at the Reid Station. This supplement serves to complete REA's and EPA's requirements under NEPA by presenting the environmental impacts associated with the discharge of effluents from the second unit, including the results of air quality modeling. (ELR Order No. 70808.)

SOIL CONSERVATION SERVICE

Final

Avery Brook Watershed, Hartford County, Conn., July 1: Proposed is a watershed project for watershed protection and flood prevention located in the town of South Windsor, Connecticut. The plan encompasses an area of 1,664 acres, and proposes conservation land treatment supplemented by two floodwater retarding structures and floodproofing. Installation of the two structures will destroy 315 feet of stream channel. Water, noise, and air pollution will be increased during construction. Comments made by: USDA, HEW, DOI, DOT, EPA, state and local agencies, and concerned citizens. (ELR Order No. 70811.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202–[redacted]

Draft

Upper White Oak Bayou, Harris County, Tex., June 27: The proposed action consists of constructing flood control improvements in upper White Oak Bayou and its tributaries, Cole and Vogel Creeks, in Harris County, Texas. Channel improvements considered for upper White Oak Bayou would extend from the terminus of the existing Federal flood control project at mile 10.7 to mile 19.9. For the tributary streams, Cole and Vogel creeks, improvements would extend from their mouths at White Oak Bayou upstream 4.9 and 4.5 miles respectively. Adverse impacts include removal of about 30 acres of trees and about 31 acres of shrubs and bush along stream banks. (Galveston District) (ELR Order No. 70798.)

[redacted]

Cape Cod Canal, Bourne and Sandwich, O & M, Bourne County, Mass., June 28: Propcsed is the maintenance and operation of the Cape Cod Canal, including intermittent dredging of the main channel, mooring basins, and boat basins. In addition, the project includes maintenance and operation of a breakwater, a jetty, a railroad bridge, two highway bridges, three dikes, maintenance and administrative buildings, floating plant, electronic traffic control system, and service roads and recreation areas. This project would allow for continued safe navigation by commercial and recreational vessels. Permanent elimination of some benthic habitats is anticipated. (New England Division) Comments made by: DOI, EPA, AHP, HUD, FEA, state and local agencies, and concerned citizens. (ELR Order No. 70803.)

Bald Head Island Marina (permit), Brunswick County, N.C., July 1: Proposed is the granting of a U.S. Army permit to the Bald Head Island Corporation for the construction of a boat marina and access facilities adjacent to the Cape Fear River at Bald Head Island, North Carolina. The project includes the construction of a marina basin, service facilities, and access channel. The direct impacts of project implementation will be filling of 2.5 acres of high marsh, and alteration of dune marsh ecotone and the aesthetics of the area. (Wilmington District) Comments made by: EPA, USDA, HUD, DOC, DOI, DOT, HEW, state and local agencies, and concerned citizens. (ELR Order No. 70812.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Rebecca W. Hanmer, Director, Office of Federal Activities, Environmental Protection Agency, 537 West Tower, Washington, D.C. 20460, 202–755–0780.

Supplement

W. Contra Costa Co. Wastewater Management (S–1), Contra Costa County, Calif., July 1: This statement supplements a final EIS filed with CEQ in January 1977. The project is designed to: provide wastewater treatment for wet weather infiltration-inflow flows to the San Pablo Sanitary District treatment plant, rehabilitate or replace some treatment facilities at the SPSD, and provide a sludge transport pipeline from the Richmond treatment plant to the SPSD and regional solid waste handling facilities at the SPSD. Construction impacts will result. (Region 9) (ELR Order No. 70810.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 825 North Capitol Street, NE., Washington, D.C. 20426, 202–275–4791.

Draft

Matagorda Bay Project, several counties in Texas, July 1: Proposed is the approval of applications filed by El Paso Eastern Co., El Paso LNG Terminal Co., El Paso Natural Gas Co., United LNG Co., and United Gas Pipe Line Co. These applications relate directly or indirectly to a proposal by El Paso Eastern Co. to import LNG from Algeria to a terminal to be located in the vicinity of Port O'Connor, Texas., on Matagorda Bay. Approval would authorize construction and operation of facilities necessary to unload, store, revaporize, and distribute the imported LNG. (ELR Order No. 70814.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202–755–6308.

Draft

Greengate Place and Birnam Wood, Harris County, Tex., June 27: The proposed action is acceptance of, for HUD/FHA home mortgage insurance purposes, some 723 acres of land (368-acre tract of Greengate Place and 255-acre tract of Birnam Wood) located in the northern part of Harris County, Texas. The development of the two tracts located within a mile of each other will be composed primarily of single family dwellings consisting of approximately 3000 units. Adverse effects will be loss of grazing land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70793.)

Final

Bent Tree Planned Unit Development, Dade County, Fla., June 27: The proposed project is a 320-acre Planned Unit Development in Dade County, Florida. The development will contain approximately 1095 town house units, 196 quadraplex units, and 247 single family detached cluster residences, for a total of 1925 residential units. There will be recreational facilities consisting of two lakes, tot lots, a school-park site, and common green areas. There will also be a commercial site near the center of the development. Adverse effects include noise and air pollution. Comments made by: COE, FPC, GSA, EPA, state and local agencies, and concerned citizens. (ELR Order No. 70794.)

Indian Oaks Subdivision, Will County, Ill., June 27: Proposed is the provision of FHA mortgage insurance 221(d)4 for 212 multi-family apartment units that comprise an intermediate stage of a planned unit development that already comprises 1,388 units and will eventually total 2,250 units. Few adverse effects are anticipated due to the fact that the natural environment has already been altered on the southern portion of the site, having been cleared years ago. The northern portion of the area is still wooded and will remain so even after development. Comments made by: DOI, FPC, DOT, USDA, state and local agencies, concerned citizens. (ELR Order No. 70795.)

Memorial Parkway Subdivision, Harris County, Tex., June 30: The proposed action is the acceptance for HUD/FHA mortgage insurance purposes of the 1,109–acre Memorial Parkway Subdivision located in Harris County, Texas. When completed in approximately 6 years, the subdivision will contain 3,842 single-family homes plus some attached single-family and multi-family housing, and shopping and recreational facilities. Adverse impacts will be removal of agricultural land from production and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: DOT, COE, DOI, USDA, EPA, AHP, state and local agencies, interested groups and persons. (ELR Order No. 70809.)

Supplement

West Side Housing (S–1), Denver County, Colo., June 28: This statement supplements a final EIS submitted to CEQ in January 1973. The proposed project, the West Side Housing Development, was never approved due to lack of funds. The addendum describes the present proposal which consists of acquisition of 11 parcels of land and the demolition of 12 structures. Redevelopment plans include construction of 80 units of medium-high density high-rise apartments and 60 units of medium density garden apartments. (ELR Order No. 70802.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104 (h)

Draft

Denver, Colo.—Sloan Lake Sanitary Sewer, Denver County, Colo., June 27: Proposed are improvements to the existing Sloan Lake Sanitary Sewer System in Denver, Colorado. Plans call for the replacement of existing aged or damaged main sanitary sewer line in the drainage basin. Construction-related impacts are expected, as well as socio-economic impacts due to an increased population. (ELR Order No. 70801.)

High Point, N.C.—Big Ditch, North Carolina, June 27: Proposed are improvements to Big Ditch stream in High Point, North Carolina. Corrective methods proposed for the Big Ditch include: (1) piping the stream from West Grimes to West Ward Avenues; (2) retaining open flow but improving the stream channel for the same length of stream; or (3) a combination of piping and channel improvements. The action will result in increased erosion and stream sedimentation, removal of trees, and flooding of adjacent structures. (ELR Order No. 70784.)

Tarrant County, Tex.—County Water Project, June 27: Proposed is the adoption of a water project for Bedford, Euless, Collyville, Grapevine, and North Richland Hills in northeast Tarrant County, Texas. Plans call for the expansion of the existing plant, along with completion of the following items: raw water storage and booster pump facility; 9 miles of raw water transmission line; 11 miles of treated water transmission line; and approximately 110 acres of right-of-way with 28 acres of easements. The action will result in alterations to land forms, streams and drainage patterns; increased erosion; and construction-related impacts. (ELR Order No. 70797.)

Final

DeKalb County, Tenn.—3rd Year Water Line, June 27: Proposed is the installation of 18 miles of 6-inch, 4-inch, and 2-inch plastic potable water line in DeKalb County, Tennessee. The project will provide potable water for 135 rural families who have been consuming well water that stands an 80 percent chance of being polluted. Water will also be available in adequate amounts for fire-fighting purposes. Temporary construction related impacts are expected. Comments made by: DOI, EPA, interested parties. (ELR Order No. 70799.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555 (301–443–6965).

Final

Arkansas Nuclear One, Unit 2, Pope County, Ark., June 30: Proposed is the issuance of an operating license to the Arkansas Power and Light Company for the startup and operation of Arkansas Nuclear One, Unit 2, located on Lake Dardanelle, 2 miles southeast from the village of London and 6 miles northwest from the City of Russellville, Arkansas. The unit will employ a pressurized-water reactor to produce up to 2,825 megawatts thermal. A steam turbine-generator will use this heat to provide up to 950 megawatts electrical of electrical power capacity. The exhaust steam will be cooled by a close-cycle cooling system using a natural-draft tower to dissipate waste heat to the atmosphere. Comments made by: USDA, COE, EPA, HEW, DOI, DOT, state and local agencies, concerned citizens. (ELR Order No. 70806).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590 (202–426–4357).

FEDERAL HIGHWAY ADMINISTRATION

Final

Freeway 520, Black Hawk and Grundy Counties, Iowa, July 1: The proposed project involves the construction of a segment of Freeway 520 in Black Hawk and Grundy Counties. The 4 lane facility will have a total length of 12.3 miles. Adverse impacts include the diversion of 800 acres of land to right-of-way, displacement of 22 homes and buildings, and increased air and noise pollution. A 4(f) determination is necessary concerning the Black Hawk Creek Greenbelt. Comments made by: HEW, USDA, DOI, EPA, COE, state and local agencies, concerned citizens. (ELR Order No. 70813.)

National Freeway, Cumberland to Hancock, Allegany County, Md., June 27: This statement seeks approval for construction for the eastern portion of the proposed National Freeway, designated Section II, from Cumberland to Hancock in Allegany and Washington Counties, Maryland. (The draft EIS was filed for Sections I and II in October 1973. Separate final EISs are being filed on the two sections.) The project lies within a region between Orleans Road on the eastern side of Town Hill to Woodmont Road near Little Tonoloway Creek, Maryland, a distance of approximately 8.7 miles. Adverse impacts include the taking of wildlife management land, and the noise disruption of predominantly tranquil surroundings. (Region 3.) Comments made by: AHP, EPA, DOI, USDA, DOT, DOC, COE, state and local agencies, concerned citizens. (ELR Order No. 70796.)

Supplement

Appalachian Highway, North Georgia, several counties in North Carolina, July 1: Proposed is the extension of the Appalachian Highway in Forsyth, Cherokee, Pickens, Gilmer, Fannin, Union, and Towns Counties in North Carolina. S.R. 400 would extend from S.R. 396 in Forsyth County approximately 100 miles generally in a northern direction into Towns County and end at the North Carolina State line. Adverse impacts include displacement of from 262 to 458 residences and businesses, and displacement of up to 5,000 acres of woodland, farmland, and developed land. (ELR Order No. 70815.)

U.S. COAST GUARD

Draft

Shallotte Creek Bridge, Brunswick County, N.C., July 1: Proposed is issuance of a permit to construct a bridge across Shallotte Creek, Brunswick Co., North Carolina. Plans call for construction of a fixed bridge approximately 90 feet in length and 15 feet in width to connect two parcels of property owned by the applicant. Adverse impacts will occur with respect to water quality, wetlands, wildlife, and vegetation. (ELRD Order No. 70816.)

Final

West Bank Expressway, Jefferson Parish, La., July 1: Proposed is the upgrading of the existing West Bank Expressway in Jefferson Parish, Louisiana, to a 6-lane limited access expressway. The expressway route extends from U.S. Highway 90 on the west to Terry Parkway/General DeGaulle on the east, and follows the existing corridor which is 9.7 miles long with 300 foot right-of-way. Adverse effects include loss of 14 acres of swamp hardwoods for right-of-way purposes. Comments made by: DOI, AHP, USDA, DLAB, DOT, COE, EPA, state and local agencies, interested groups and persons. (ELR Order No. 70817.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77–19477 Filed 7–7–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 26 and 27 July 1977 in the Sheraton-Chicago Hotel at 505 N. Michigan Avenue in Chicago, Illinois. The meeting will be in session from 10:30 a.m. until approximately 4:30 p.m. on the 26th and from 8:30 a.m. until approximately 11:30 a.m. on the 27th.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Public Laws 91–611, 93–251, and 94–587.

The primary purpose of the meeting is to review efforts in preparation of Interim Feasibility Report No. 2. This report is to address requirements for a permanent, Federally funded year-round navigation program on the entire Great Lakes-St. Lawrence Seaway System. Efforts to be reviewed include those in the engineering, economic, environmental and social aspects of the winter navigation program. Other topics to be discussed include program direction and funding status, U.S.-Canadian coordination, and FY–77 activities.

The meeting will open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following, the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226–6770.

Dated: June 28, 1977.

By Authority of The Secretary of The Army.

ROME D. SMYTH,
Colonel, United States Army,
Director, Admin. Mgt., TAGCEN.

[FR Doc.77–19387 Filed 7–7–77;8:45 am]

Defense Mapping Agency

PRIVACY ACT OF 1974

New System of Records

The Defense Mapping Agency systems of records notices as prescribed by the

Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reporting and

Retrievability:

Filed by name

Notification procedure:

Information may be obtained from

matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b

Pesticide Programs, EPA, Washington, D.C.

It has been determined that the Alaska

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Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75-21075 (40 FR 35297) August 18, 1975.
FR Doc. 76-5608 (41 FR 8513) February 27, 1976.

Notice is hereby given that the Defense Mapping Agency submitted a proposed new system of records on June 10, 1977, pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Defense Mapping Agency invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to Headquarters, Defense Mapping Agency, Attn.: Counsel, Building 56, Naval Observatory, Washington, D.C. 20305, on or before August 10, 1977. The system will become effective, within 30 days (August 10, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

B0601-03 HQTHASI

System name:

Advanced Personnel Data System—Civilian (APDS-C).

System location:

Director, Defense Mapping Agency, Bldg. 56, Naval Observatory, Attn.: PO, Washington, D.C. 20305.
Director, DMA Aerospace Center, Attn.: PO, St. Louis Air Force Station, Missouri 63118.
Director, DMA Hydrographic Center, Attn.: PO, Washington, D.C. 20390.
Director, DMA Topographic Center, Attn.: 20000, 6500 Brookes Lane, Washington, D.C. 20315.
Director, Defense Mapping School, Ft. Belvoir, Virginia 22060.
Director, Inter American Geodetic Survey, Attn.: SD, Drawer 934, Ft. Clayton, Canal Zone.

Categories of individuals covered by the system:

Current and former DMA civilian employees.

Categories of records in the system:

Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluation of potential; civilian historical files covering job experience, training and transactions; civilian awards information, merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand-along file, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide automated system support to DMA officials at all levels from that part of the Civil Service Commission required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotions, demotions, reductions in force, complaints resolution, labor management relations, and the suspensing and processing of personnel actions; to provide for transmission of such records between employing activities within the Defense Mapping Agency; to provide reports to the Civil Service Commission; to provide reports of military reserve status to other armed services for contingency planning; to obtain statistical data on the work force to fulfill internal and external report requirements and to provide DMA offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs, to provide minority group designator codes to the U.S. Civil Service Commission's automated data file, to provide the Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs, with data to assess the effectiveness of the program for employment of women in executive level positions; to provide data to DMA officials to facilitate the assessment of the DMA Affirmative Action Plan for minorities and women; to obtain listings of employees by function or area for locator and inventory purposes; disclosed to officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies and practices and matters affecting working conditions.

Authority for maintenance of the system:

5 U.S. Code 301 and 44 U.S. Code 3101.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.
Maintained in card files.
Maintained on computer magnetic tapes.
Maintained on disks or drums.
Maintained on computer paper printouts.
Maintained on microfiche.

Retrievability:

Filed by name.
Filed by Social Security Account Number (SSAN).
Filed by other identification number or system identifier.
The primary individual record identifier in APDS-C is SSAN.
There is the added capability of selecting an individual's record or certain preformatted information by SSAN on an immediate basis using a teletype or cathode ray tube display device.

Safeguards:

Records are accessed by custodian(s) of the record system.
Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.
Records are accessed by authorized personnel who are properly screened and cleared for need-to-know.
Records are stored in security file containers/cabinets.
Records are stored in safes.
Records are stored in vaults.
Records are stored in locked cabinets or rooms.
Records are protected by guards.
Records are controlled by computer system software.

Retention and disposal:

Analog output products are retained in office files until superseded, obsolete, no longer needed for reference, or inactivated. They are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Data stored digitally within system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements.

The Notification of Personnel Action, Standard Form 50, is disposed of as directed by the Civil Service Commission. work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and social security account number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, macerating, or burning work sheets pertaining to qualification and retention registers are disposed of as directed by the Civil Service Commission; transitory files such as pending files, and recovery files are destroyed after use by degaussing files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. The separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

Systems manager and address:

Defense Mapping Agency, Attn.: Personnel Office, Building 56, Naval Observatory, Washingtn, D.C. 20305, telephone: Area Code 202-254-4066.

Notification procedure:

Information may be obtained from above.

Record access procedure:

Requests from individuals should be addressed to above.

Written requests for information should contain the full name of the individual, Social Security Number, current address and telephone number.

For personal visits, the individual should be able to furnish personal identification containing his/her full name, Social Security Number, physical description, photograph and signature.

Contesting record procedures:

The Agency rules for contesting contents and appealing initial determination may be obtained from System Manager.

Record source categories:

Digest of information from existing Personnel Files and management/employee source documents.

System Exempted from certain provisions of the Act:

None.

B. C. WIMBERLY,
Counsel, Defense Mapping Agency.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JULY 5, 1977.

[FR Doc.77-19484 Filed 7-7-77;8:45 am]

Office of the Secretary

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, September 6, 1977; Tuesday, September 13, 1977; Tuesday, September 20, 1977; and Tuesday, September 27, 1977, at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recomdation, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense, (Comptroller).

JULY 5, 1977.

[FR Doc.77-19483 Filed 7-7-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-42046A; (FRL 758-2)]

ALASKA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

On May 9, 1977, notice was published in the FEDERAL REGISTER (42 FR 23534) of the intent of the Regional Administrator, EPA Region X, to approve, on a contingency basis, the Alaska Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Alaska State Plan). Contingent approval was requested by the State of Alaska pending promulgation of implementing regulations. Complete copies of the Alaska plan were made available for public inspection at the Alaska Department of Environmental Conservation, Juneau, Alaska; EPA Region X Office, Seattle, Washington; and the Office of Pesticide Programs, EPA, Washington, D.C.

It has been determined that the Alaska State Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the regulations described in the plan, which are necessary for its implementation, are promulgated by the Alaska Department of Environmental Conservation. Accordingly, the Alaska plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the State plan.

The contingent approval shall expire September 21, 1977 if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingent approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Alaska plan as a result thereof.

Effective date: Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the contingent approval granted herein to the Alaska plan shall be effective immediately. Neither the Alaska plan itself nor this Agency's contingent approval of the plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Alaska. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingent approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: JUNE 27, 1977.

L. EDWIN COATE,
Acting Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc.77-19377 Filed 7-7-77;8:45 am]

[OTS-081004A; FRL 758-5]

COMPUTER-READABLE CANDIDATE LIST

Availability

An April 28, 1977, the Environmental Protection Agency (EPA) announced (42 FR 21639) the availability of the candidate list of chemicals intended to aid in compilation of the initial inventory of chemical substances required by section 8(b) of the Toxic Substances Control Act (90 Stat 2003, 15 USC 2601 et seq.). This notice detailed, in part, the procedures for obtaining a copy of the candidate list on magnetic tape.

The EPA intended the computer tape to aid persons required to report a significant number of chemical substances for the initial inventory. Therefore, effective immediately, requests for magnetic tape copies of the candidate list will be honored only if, in addition to meeting the requirements set forth at 42 FR 21639-21640, the manufacturer anticipates reporting more than ten (10)

chemical substances under the inventory reporting regulations. The request must contain a certification to that effect,

ance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug

application. Specific questions concerning the following application should be directed to the designated

Room 360, 100 California Street, San Francisco, CA 94111, Pesticides Branch, Air

Legal authority for the certification program is contained in the following

control areas which are identified in the plan. Additionally, individuals who oper-

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chemical substances under the inventory reporting regulations. The request must contain a certification to that effect, and be signed by a responsible representative of the requesting organization. The computer-readable version of the candidate list may be obtained by written request to: Computer List, OTS (TS-557), Attn: Kenneth Olsen, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. For additional information you may call Mr. Olsen (202) 426-9819.

Dated: June 29, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-19379 Filed 7-7-77;8:45 am]

[PP 5G1617/T120; FRL 756-6]

PESTICIDE PROGRAMS

Renewal of a Temporary Tolerance for O-Ethyl S,S-Diphenyl Phosphorodithioate

On May 24, 1976, the Environmental Protection Agency (EPA) announced (41 FR 21218) an extension of a temporary tolerance for residues of the fungicide *O*-ethyl *S*,S-diphenyl phosphorodithioate in or on the raw agricultural commodity rice grain at 0.1 part per million (ppm). This tolerance was established (40 FR 41834) in response to a pesticide petition (PP 5G1617) submitted by Mobay Chemical Corp., Chemagro Agricultural Div., P.O. Box 4913, Kansas City, Mo. 64120. This extension expired May 13, 1977.

Mobay Chemical Corp., Chemagro Agricultural Div., has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a renewal of the temporary tolerance will protect the public health. (A related document concerning the renewal of a temporary food additive regulation for residues of the fungicide on rice hulls appears elsewhere in today's FEDERAL REGISTER.) Therefore, the temporary tolerance is renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Mobay Chemical Corp., Chemagro Agricultural Div., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 20, 1978. Residues not in excess of 0.1 ppm remaining in or on rice grain after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Section, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460 (202-755-4851).

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. (346a(j)).)

Dated: June 20, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-19223 Filed 7-7-77;8:45 am]

[OPP-31010; FRL 759-1]

REGISTRATION OF PESTICIDE PRODUCT ENTAILING A CHANGED USE PATTERN

Receipt of Application

Application to register a pesticide product entailing a changed use pattern has been made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is given in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application referred to in this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before August 8, 1977, and should bear a notation indicating the EPA File Symbol number of the application to which the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning the following application should be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone (202 426-2454.

Notice of approval or denial of this application to register the pesticide product listed will be announced in the FEDERAL REGISTER. The label furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATION RECEIVED

EPA File Symbol 21137-4. EM Laboratories Inc., Pesticides Div., 500 Executive Blvd., Elmsford NY 10523. FUNGINEX. Active Ingredients: Triforine (N,N'-(1,4-piperazinedyl-bis(2,2,2-trichloroethylidene)] bis (formamide)) 18.2%. This application proposes a significant new use pattern, since the proposed use patterns entail an outdoor application, whereas this pesticide chemical is now registered only for use on roses in greenhouses. Application also proposes that the product be classified for restricted use. PM21

[FR Doc.77-19376 Filed 7-7-77;8:45 am]

[OPP-42047; FRL 758-1]

STATE OF CALIFORNIA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.) and 40 CFR 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Governor of the State of California, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis.

Contingency approval is being requested pending promulgation of additional regulations. Copies of pertinent laws, regulations, proposed regulations, and other related documents are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IX to approve the plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

Department of Food and Agriculture, 1220 "N" Street, Room A170, Sacramento, CA 94815 (916-425-2742).

Room 360, 100 California Street, San Francisco, CA 94111, Pesticides Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX (415-556-3352).

Room 401, East Tower, Waterside Mall, 401 "M" Street, S.W., Washington, D.C. 20460 (Federal Register Section Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202-755-4854).)

SUMMARY OF CALIFORNIA STATE PLAN

The California Department of Food and Agriculture has designated as the State lead agency for administering all pesticides regulatory activities, including any provisions pertaining to private and commercial applicators, and the use of restricted use pesticides under FIFRA.

The cooperating agencies in the certification program include the County Agricultural Departments; University of California Cooperative Extension Service; State Universities and Community Colleges; California Department of Health, Vector and Waste Management Control Section; and the Department of Consumer Affairs, Structural Pest Control Board.

The County Agricultural Departments are each managed by an Agricultural Commissioner who is locally responsible for administration and enforcement of California laws and regulations pertaining to pest control and pesticides, including the use and possession of restricted materials by private and commercial applicators.

The Cooperative Extension Service, University of California, will have the lead role, pursuant to a Memorandum of Understanding, in the development of training information and systems pertaining to the use of restricted pesticides by private and commercial applicators.

The State Universities and Community Colleges will respond to applicator training and information through the use of methods and materials made available by the lead agency, University of California, EPA, and other private and governmental sources.

The California Department of Health, Vector and Waste Management Control Section has designed and implemented a specialized training and certification activity for public health, mosquito control, and vertebrate vector control personnel.

The Department of Consumer Affairs, Structural Pest Control Board is responsible for carrying out a multicategory licensing and enforcement program for applicators meeting structural pest control competency requirements. The Structural Pest Control Board also regulates other aspects of the structural pest control business.

In order to assure program coordination and uniformity in applicator training, certification, and restricted use pesticide enforcement, the lead agency will coordinate and direct activities with the various cooperating agencies to whatever extent necessary. This will be carried out directly through several cooperative agreements and interagency advisory committees.

Legal authority for the certification program is contained in the following statutes and regulations: Food and Agriculture Code Divisions 2, 2, 6, & 7; California Administrative Code Title 3; and Structural Pest Control Act Sections 475-491; 8620, 8647.

The plan indicates that the State lead agency and cooperating agencies have sufficient qualified personnel and funds necessary to conduct the programs described in the State Plan. Certain EPA funds have been provided to the lead agency to support the certification program. In FY 1976-77 a grant of $235,000 was awarded to the Department of Food and Agriculture for this purpose. Additionally, the Cooperative Extension Service, University of California, has received applicator training monies during FY 1976 and FY 1977.

The State lead agency will submit an annual report to EPA on or before March 15 of each year concerning the previous calendar year to include the information specified in 40 CFR 171.7.

The certification requirements for private and commercial applicators will be met by the restricted materials control system, which requires applicators intending to possess or use restricted pesticides to comply with permit requirements, and by other pesticide regulatory activities.

PRIVATE APPLICATOR CERTIFICATION

Private applicators will be certified by completion of an oral interview between the County Agricultural Commissioner and the private applicator. The oral interview will cover the standards of competency as specified in 40 CFR 171.5 and 171.6. The oral interview will take place at the time a restricted materials permit is issued to the private applicator. Additionally, the County Agricultural Commissioner is required to consider the broad criteria specified in Section 14004.5 of the California Food and Agricultural Code. Permits may be issued for a single use, several uses, or for a season, but never in excess of twelve months. The private applicator, after issuance of the restricted materials permit, will be subject to pesticide use surveillance when the restricted material is used. Provisions for supervision of non-certified applicators by certified private applicators is discussed in the plan.

COMMERCIAL APPLICATOR CERTIFICATION

Commercial applicators fall into four identified groups. They are (a) agricultural pest control operators, (b) technicians employed by local public health vector control agencies, (c) structural pest control operators, and (d) all other commercial applicators. The standards of competency utilized for commercial applicators will meet or exceed those in 40 CFR 171.4 and 171.6. All commercial applicators are determined competent by means of satisfactorily passing a written examination.

AGRICULTURAL PEST CONTROL APPLICATORS

The Agricultural Pest Control Operator category covers fourteen specific pest control areas which are identified in the plan. Additionally, individuals who operate aircraft in the business of pest control must hold an agricultural pilot's certificate and an agricultural pest control operator license. There are provisions for both apprentice and journeyman certificates.

During 1976, the lead agency issued over 1,800 agricultural pest control operator licenses. In that same year 300 apprentice pilots and over 600 journeyman pilots were licensed by the Department.

PUBLIC HEALTH APPLICATORS

The Department of Health, Vector and Waste Management Control Section certifies local public health vector control personnel who use or supervise the use of chemical or biological agents to control vectors. This certification program meets or exceeds the standards of competency for Category 8 (public health pest control). As of July 1976, 824 vector control technicians had been certified in mosquito control and vertebrate vector control subcategories. Certification in the third subcategory "terrestrial invertebrate vector control" will be offered during 1977. The training program for the certified technician is comprehensive and designed to upgrade employees of local public health programs. A written certification examination covering the appropriate standards is included in the training course.

The certification examination includes a code section on general pesticide use, safety, laws and regulations, vector-disease relationships, and specialty sections on biology and control of the vectors in each of these three subcategories. Continued competence will be maintained by means of mandatory periodic training. Each certified technician certificate will expire two years after issuance. As a condition for renewal, the completion of a prescribed refresher training course will be required prior to or within six months following the date of expiration.

STRUCTURAL PEST CONTROL APPLICATORS

The Structural Pest Control Board, Department of Consumer Affairs, is responsible for the examination and licensing of structural pest control operators and field representatives. To obtain a license for either, a person must successfully pass written examinations which meet the competency standards for certification in EPA Category 7 (Industrial, Institutional, Structural, and Health Related Pest Control). The license categories utilized include: Operator Branch 1 (fumigation), Operator Branch 2 (general pest control), Operator Branch 3 (wood-destroying pests and organisms), Field Representative Branch 1 (fumigation, Field Representative Branch 2 (general pest control), and Field Representative Branch 3 (wood-destroying pests and organisms). Discussion of compliance with the lead agency's regulatory requirements and supervision of non-certified individuals is included in the Plan.

OTHER COMMERCIAL APPLICATORS

Commercial applicators not included in the previous categories will be certi-

[PP 6G1667/T122; FRL 758-6]

TEBUTHIURON

STATUTORY AUTHORITY: Section 408(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(j)).

Pennsylvania Avenue NW., Room 4420, Washington, D.C. 20461 (202-566-7493).

93-319, as amended, to require that the Administrator file quarterly reports with the President and the Congress present-

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OTHER COMMERCIAL APPLICATORS

Commercial applicators not included in the previous categories will be certified by the Department of Food and Agriculture to use restricted use pesticides after passing a written examination to demonstrate the ability to conduct pest control operations safely and to demonstrate knowledge of the principles and practices of pest control. The examinations will include all of the general standards and specific category standards applicable to the type(s) of pest control to be conducted with the exception of those relating to pest recognition in certain categories (Forest Pest Control, Seed Treatment, Aquatic Pest Control, and Right-of-way Pest Control) which is adequately regulated through the licensing of agricultural pest control advisors discussed elsewhere in the plan.

The commercial categories to be utilized, in addition to those licensing programs discussed previously, include: (1) Agricultural Pest Control, (2) Forest Pest Control, (3) Ornamental and Turf Pest Control, (4) Seed Treatment, (5) Aquatic Pest Control, (6) Right-of-way Pest Control, (7) Industrial and Institutional Pest Control, and (8) Regulatory Pest Control.

The Demonstration and Research Pest Control category was deleted and the Agricultural Pest Control category was added in an amendment to State Plan submitted April 28, 1977.

The applicant must successfully pass a written examination on each type of pest control to be conducted in addition to the basic core examination on laws, regulations, safety, and general practices. Examinations will consist of approximately 100 multiple choice questions. The minimum passing score is 70 percent for each examination. Training and study guides are available from the University of California, Cooperative Extension Service for the specific applicator certification categories. In addition, each applicant will be sent a study guide on California's pest control laws and regulations plus information on sources of other appropriate materials. A certificate will be issued to each certified commercial applicator and will consist of an embossed plastic card similar to a common credit card. Each certificate will be valid indefinitely unless suspended or revoked by the Director, Department of Food and Agriculture. It is estimated that there will be between 3,000 to 20,000 applicants in this group, the size of this group being dependent on the final listing of restricted use pesticides by EPA. Provisions for supervision of non-certified applicators are discussed in the Plan.

There are no provisions in the Plan for the certification of applicators who do not read English.

The Plan indicates that applicators employed by Federal agencies and applicators on Indian reservations will be required to comply with the same competency standards and restricted materials permit requirements that pertain to other commercial applicators who possess or apply restricted materials.

The Plan also indicates that reciprocity agreements are not in place at the present time. As certification programs are established in neighboring states, it will be possible to determine if reciprocity agreements can be established.

Other regulatory program activities described in the California State Plan to maintain and supplement the certification program include the following:

(1) Pesticide product registration,
(2) Experimental use permits,
(3) Pesticide product quality control,
(4) Restricted materials,
(5) Agricultural pest control advisor licensing,
(6) Pesticide dealer licensing,
(7) Pesticide worker safety regulations,
(8) Storage, handling, transportation, and disposal of pesticides and used containers regulations,
(9) Pesticide residue enforcement.

Each of these programs is discussed in the Plan.

Maintenance of the State Plan will be insured by provisions that private and commercial applicators comply with the standards for use of restricted materials including those pertaining to supervision of noncertified applicators, and through the enforcement of the regulatory measures detailed in the State Plan. An enforcement staff of over 700 lead agency and county agricultural personnel will, on a statewide basis, continue to maintain applicator competence through frequent direct contact and observation of pesticide applications.

Private and commercial applicators, on the basis of changing technology, will routinely be given various refresher courses, technical information, and specialized training as necessary to insure continuation of competency through coordinated programs carried out by the University of California, Department of Food and Agriculture, County Agricultural Commissioners, and other cooperating agencies.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed Plan for the State of California to the Chief, Pesticides Branch, Air and Hazardous Materials Division, Region IX, Environmental Protection Agency, Room 360, 100 California Street, San Francisco, California 94111. The comments must be received on or before August 8, 1977, and should bear the identifying notation (OPP-42047). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned location from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 24, 1977.

PAUL DE FALCO, JR.,
Regional Administrator,
Region IX.

[FR Doc.77-19375 Filed 7-7-77;8:45 am]

[PP 6G1667/T122; FRL 758-6]

TEBUTHIURON

Establishment of Temporary Tolerances

Elanco Products Co., Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis, Ind. 46206, has submitted a pesticide petition (PP 6G1667) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*,*N'*-dimethylurea and its metabolites in or on the raw agricultural commodities grasses (pasture and rangeland) and grass hay at 20 parts per million (ppm); in kidney and liver of cattle, goats, horses and sheep at 2 ppm; in milk at 0.3 ppm and in the meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, horses and sheep at 0.25 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit that has been issued under the Federal Insecticide, Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have any bearing on safety. The firm must also keep records of production, distribution and performance and on request make the records available to any authorized officer or employee of the EPA or Food and Drug Administration.

These temporary tolerances expire June 15, 1978. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Section, Registration Division (WH-567), Office of Pesticide Programs, Rm. 315, East Tower, 401 M Street SW., Washington, D.C. 20460 (202-755-4851).

STATUTORY AUTHORITY: Section 408(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(j)).

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-19378 Filed 7-7-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PETROLEUM COMPANY FINANCIAL REPORTING SYSTEM

Public Panel

AGENCY: Federal Energy Administration (FEA).

ACTION: Notice of public panel to discuss the petroleum company financial reporting system.

SUMMARY: The Federal Energy Administration (FEA) requires financial information regarding petroleum company operations to fulfill its responsibility to formulate energy policy. FEA proposes to implement a Financial Reporting System that will collect detailed information about the financial results for these companies. The proposed reporting form will be a modified version of a previous proposal which was changed and expanded to take account of new data requirements and the receipt of public comments. The public comments were received as part of a public comment period which was announced in 40 FR 43612, dated September 22, 1975. The new requirements implement a part of the National Energy Plan. The public panel discussion announced in this notice provides interested parties the opportunity to offer comments which will help guide FEA's development of this reporting program. Certain topics are highlighted for specific comment.

DATES: Comments by August 3, 1977, 4:30 p.m. Requests to speak by July 22, 1977. Panel date: July 29, 1977, 9 a.m. to 5 p.m.

ADDRESSES: Written comments and requests to participate to David T. Hulett, Deputy Assistant Administrator, Data and Analysis, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Room 4426, Washington, D.C. 20461, telephone 202-566-9618.

Panel discussion location: Conference Room B, Departmental Auditorium, Old Labor Department Building, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. 20461.

Transcripts available for review at Freedom of Information Office, Public Reading Room, 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461.

Copies of the transcript of the meeting may be purchased from the reporter.

FOR FURTHER INFORMATION CONTACT:

Gilbert M. Rogers, Project Manager, Financial Reporting System, 12th and Pennsylvania Avenue NW., Room 4420, Washington, D.C. 20461 (202-566-7493).

Fred A. Santogrossi, Financial Analysis Division, 12th and Pennsylvania Avenue NW., Room 4433, Washington, D.C. 20461 (202-566-9694).

William D. Luck, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 6144, Washington, D.C. 20461 (202-566-9296).

SUPPLEMENTARY INFORMATION:

I. Legislative Mandate for the Financial Reporting System (FRS).
II. Objectives of FRS.
III. Previously Published Version of FRS.
IV. Implementation Scheme.
V. Comments Invited, Particularly on Cetrain Issues.
VI. Panel Discussion Procedures.

Notice is hereby given that the issues related to the development and implementation of the FEA Petroleum Company Financial Reporting System (FRS) will be the topic of a panel discussion to be held on July 29, 1977, from 9 a.m. to 5 p.m. in Conference Room B, Departmental Auditorium, Old Labor Department Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

I. LEGISLATIVE MANDATE FOR FRS

The Financial Reporting System (FRS) is designed to provide energy information from the petroleum industry to meet two areas of responsibility of the Administrator of the Federal Energy Administration (FEA).

The first of these areas is to assist the Administrator in fulfilling certain of his responsibilities under the FEA Act of 1974, Public Law 93-275, as amended. Pursuant to Section 13 of the FEA Act the Administrator is required to "collect, assemble, evaluate, and analyze energy information by categorical groupings, established by the Administrator, of sufficient comprehensiveness and particularity to permit fully informed monitoring and policy guidance with respect to the exercise of his functions under this Act." Section 5(v)(5) of the FEA Act further states that the Administrator shall "promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field, prevent unreasonable profits within the various segments of the energy industry, and promote free enterprise." Finally, Section 18(a) of the FEA Act states that "* * * the Administrator shall * * * ensure that the potential economic impacts of proposed regulatory and other actions * * * are evaluated * * *".

The second area of responsibility which is addressed by FRS is the requirement of Title V, Section 505 of the Energy Policy and Conservation Act (EPCA), Public Law 94-163, as amended, which amends Section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), Public Law 93-319, as amended, to require that the Administrator file quarterly reports with the President and the Congress presenting energy information as specified in Section 503(c) of EPCA. Such quarterly reports are to be made by the Administrator for each calendar quarter which begins 6 months after the date on which the accounting practices being developed pursuant to Title V, Section 503 of EPCA are made effective. Title V, Section 503 of EPCA provides: (1) for the development by the Securities and Exchange Commission, relying on the Financial Accounting Standards Board and in consultation with the FEA, the General Accounting Office and the Federal Power Commission, of accounting practices to be followed in the preparation of accounts by persons engaged in the production of crude oil or natural gas in the United States; (2) that the standards developed, to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base consisting of (a) the separate calculation of capital, revenue, and operating cost information pertaining to prospecting, acquisition, exploration, development, and production; (b) the full presentation of the financial information of persons engaged in the production of crude oil or natural gas; and (c) such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data bases.

With respect to the scope of energy information which may be collected by FRS, Section 11(e) of ESECA defines energy information as including "(A) all information in whatever form on (i) fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located; (ii) production, distribution, and consumption of energy and fuels wherever carried on; and (B) matters relating to energy and fuels, such as corporate structure and proprietary relationships, costs, prices, capital investment, and assets, and other matters directly related thereto, wherever they exist."

Although the subject of this notice is the annual reporting system, the quarterly reporting will be compatible with the exploration, development and production sections of the annual FRS.

II. OBJECTIVES OF FRS

The information collected by FRS will enable more informed deliberation as to possible government actions with regard to the petroleum industry. FRS information will assist in analysis of the following areas:

(1) What are the revenues, costs, and profits being realized in the different segments of the petroleum industry: Foreign and domestic operations? Production, refining, and marketing? What are the relationships between costs and sales prices?

(2) What is the degree of influence or control exercised by single companies or groups of companies within the context of ownership of reserves, control of pro-

duction and access to foreign sources of oil and of other fuels?

(3) How are the petroleum companies

Board and the Securities and Exchange Commission, pursuant to Section 503 of EPCA, as described in Section I of this

identified by the FEA staff upon which comment is especially desired:

1. *Confidential information.*

The second area of desired comment concerns allocation of asset, liability, or

The implementation of the new financial accounting standards may distort

Issued at Washington, D.C., on July 1, 1977.

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duction and access to foreign sources of oil and of other fuels?

(3) How are the petroleum companies using funds generated from their operations in terms of reinvestment in exploration and development of additional reserves, investment in other energy industries or investment in industries other than energy?

III. Previously Published Version of FRS

A proposed version of the FRS form and an October 14, 1975, public hearing concerning that proposed form have been the subject of a previous notice (40 FR 43612, September 22, 1975). The present version of the FRS form responds to many of the comments made by interested parties at that previous public hearing and to comments received by mail. Specific comments regarding further elimination of parts or individual elements in the forms are solicited. At the same time, FEA solicits ideas for additional data requirements that will serve the public policy analysis process. In each case, supporting arguments should accompany comments.

The confidentiality of the data collected and the burden of preparing the form were the primary concerns expressed by companies which submitted comments. Many firms felt that their competitive position vis-a-vis other firms in the industry would be weakened if detailed information of their operations became known to the public. The question of confidentiality remains under consideration by FEA, and further comments are desired.

Also, many parties felt that the burden was unnecessary because some of the data was already being reported to various government agencies. In response to these comments the FEA has attempted to reduce substantially the reporting burden, as described in more detail later in this section.

Suggestions for improving the clarity of the form and recommending the need for additional information were offered by many government agencies. Some agencies felt that clarity could be improved by providing more detailed definitions and by incorporating a greater number of definitions in the form and its accompanying instructions. Furthermore, it was suggested that a set of the basic financial statements be provided as a part of the form so that the subsidiary schedules could be reconciled or incorporated into the detailed accounts appearing in the basic financial statements. Additional comments were made regarding collection, including the following: (1) requiring that all companies in the energy field, and not just petroleum companies, file this or a similar form, (2) obtaining financial information on a regional basis, in order to enable better analysis of competition, (3) establishing a uniform detailed system of accounts to improve comparability between companies, and (4) the expansion of the form to include additional vertical and horizontal line of business segments. As to (3) the Financial Accounting Standards Board and the Securities and Exchange Commission, pursuant to Section 503 of EPCA, as described in Section I of this Notice, are presently working to establish accounting standards for financial reporting in the extractive industries. As to (4) the form has been expanded to collect costs and revenues by vertical and horizontal business segment, adding separate segments for refining and marketing, for example.

Other significant changes which have been made to the form include: (a) reduction of the detail required in Schedule 11 concerning accounting for book tax timing differences, (b) elimination of the net acreage section of Schedule 12, and (c) various other consolidations and eliminations in Schedules 1, 4, 5, 7, and 9 in order to reduce the reporting burden without sacrificing essential petroleum company data.

IV. Implementation Scheme

After modifications are made subsequent to the July 29, 1977, panel discussion, the form will have reached nearly final form. A 30-day pretest will then be conducted, involving approximately 8 firms; the pretest will examine in detail especially those parts of FRS which have changed since the earliest version of the form. The pretest is scheduled to be completed at the end of September 1977 at which time a final version of the form will be prepared for submission to the General Accounting Office (GAO) for clearance.

As a part of the forms clearance process the GAO will publish a Federal Register Notice with the proposed final version of the form, and all interested parties will again be invited to provide comment. That process is expected to take about 45 days and be complete at the end of November.

FEA plans to implement the FRS in phases. In the first phase, to be implemented this year, FEA plans to require only a sample of 35 to 50 large petroleum companies to complete and submit the form. This sample may include large integrated companies as well as large oil and gas producers, refiners, and marketers. In subsequent phases, FEA plans to expand the reporting coverage to include a sample of smaller companies as well as the large petroleum companies, and may develop surveys of firms producing only other fuels such as coal or uranium.

Respondents will be required to submit the form by (a) 135 days after the close of each company's fiscal year or (b) 100 days after receipt of the form, whichever is later. As a means of establishing a historical data base, FEA will require a condensed version of the form be submitted indicating responses for the years 1972 through 1976.

V. Comments Invited, Particularly in Certain Issues

The July 29, 1977, public panel discussion is for the purpose of discussing any issues and problems connected with the design and implementation of FRS. However, described below are some issues identified by the FEA staff upon which comment is especially desired:

1. *Confidential information.* Some of the information requested on this form may be considered confidential information, because its release would be deemed to cause substantial competitive injury. If it is believed that any information required by the form is covered by the exemption to the Freedom of Information Act concerning trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)), please provide comment. Such comment should include: (1) a description of the item, (2) an explanation of the competitive injury to the submitting party which would result from public disclosure, (3) an indication whether and why such items of information are customarily treated as confidential within the industry, and (4) an indication when such information might become nonconfidential due to the passage of time. FEA retains the right to make its own determination with regard to any claim of confidentiality.

2. *Reporting of financial information by separate refining and marketing business segments.* The most important modification of the earlier form is the requirement to report the refining and marketing functions of integrated companies as separate business segments. In requiring the reporting of financial information by business segment, FEA has as its objective the determination of the return on investment achieved by each segment. FEA recognizes that many companies may never have accounted for their operations in this fashion and therefore may encounter difficulty in implementing this aspect of the form. FEA is seeking comment and information with a view towards refining the instructions and further ascertaining the feasibility of reporting by segment. In particular, there are two aspects of this problem upon which comment is especially desired.

The first area concerns the establishment of revenues for inter-segment sales. In principle this may be done by establishing transfer prices based upon (1) sales of the same quantity of the same product to third parties by the same company in the same locality in the same time period, etc., (2) effecting some compromise with regard to the aforementioned variables, such as using prices from sales of a similar product or using prices from sales at a different geographic location, etc., or (3) calculating a price based upon some preset return on investment for the assets involved in the operation. FEA invites comment on the availability of representative third party prices for products which would be suitable for the calculation of inter-segment sales and the availability or suitability of alternative methods for establishing transfer prices. Of particular interest would be detailed descriptions of circumstances in which the establishment of a product's transfer price would be difficult, including suggested solutions to the problem.

The second area of desired comment concerns allocation of asset, liability, or income items not specific to a segment or operation, such as general corporate expenses, research and development, corporate working capital, debt service, etc. to the separate business segments. Although such financial information cannot always be specifically associated with a particular segment on the basis of objective evidence, calculation of net income and investment by segment would require such an allocation. Comment is desired as to (a) whether it is believed that such nonassociated costs are significant, (b) whether there are reasonable means to allocate some or all of these costs to segments, (c) whether a systematic allocation of such costs would lead to significantly incorrect income and investment information for each segment concerned, and (d) whether there are other indicators of segmental performance which can be used without the allocation of such items.

3. *Statistical data for nonconsolidated subsidiaries.* FEA proposes to modify the 1975 FRS forms and instructions to show separately the operating data for consolidated and nonconsolidated affiliates. Data for nonconsolidated operations would reflect the company's equity share in its affiliates' operations. FEA believes that this form of reporting is already standard practice, but any comments on potential problems would be welcomed.

4. *Prospective implementation of financial accounting standards.* In response to Section 503 of EPCA, the Financial Accounting Standards Board (FASB) is expected to promulgate financial accounting standards for companies involved in the exploration, development and production of oil and natural gas by December 22, 1977. The SEC will determine whether to rely on these standards or to adopt different ones. The implementation of the standards is expected to have significant effects upon the financial statements of many companies, although it cannot be ascertained which companies will be affected until the standards are decided upon. The issues under consideration are contained in the FASB Discussion Memorandum entitled, "Financial Accounting and Reporting in the Extractive Industries, which is available at $8 per copy by directing a request to: Publications Division, File Reference 1015, Financial Accounting Standards Board, High Ridge Park, Stamford, Connecticut 06905. The FASB expects to publish an Exposure Draft in mid-July 1977 containing its proposed accounting standards.

On June 16 the SEC released for comment a series of topics related to accounting and financial reporting standards (Release 33-5837). These topics supplement the FASB's proposals; they relate to accounting for oil and gas exploration and production. The SEC topics were published in 42 FR 33136 on June 29, 1977.

Interested parties may want to review the FASB and SEC documents.

The implementation of the new financial accounting standards may distort the comparability between currently filed FRS forms, and those filed after the implementation of new standards. Accordingly, FEA proposes to require the future amendment of information filed for previous years to conform to any new accounting practices. FEA seeks comment on this proposal.

5. *Exploration, development, and production expenditures.* FEA invites comment on its plan to collect information about historical expenditures for exploration, development and production of oil and gas and the additions to oil and gas reserves. These data would cover the years 1962–1971.

6. *Burden.* Comment is desired concerning the amount of burden which is anticipated to complete each schedule of the form and ways to reduce such burden. Comment should also include information as to whether there are (1) data already being supplied to the Federal Government which would be duplicated by the form, or (2) publicly available data which would accomplish the objectives of the form, (3) data required by the form which is either unavailable or which would require an extraordinary effort to gather.

7. *Simplified forms for small companies.* The proposed report may represent a substantial burden for small companies. FEA requests specific comments on ways to simplify the form for these companies, without losing essential data.

VI. Panel Discussion Procedures

The purpose of the panel discussion is to assist the FEA in its decision-making relating to the implementation of the FRS. Members of the public who wish to participate in the panel discussion should inform David T. Hulett, Deputy Assistant Administrator, Data and Analysis, FEA, 12th and Pennsylvania Avenue NW., Room 4426, Washington, D.C. 20461, Phone 202–566–9618, at least 7 days prior to the meeting. Prepared written comments will be made a part of the public record. Prepared oral presentations will be limited to 5 minutes for each interested party. Written comments may be submitted either before or within 5 days after the meeting.

Copies of the proposed form. Copies of an information package and draft FRS forms may be obtained by calling or writing to FRS Project Office, Room 4420, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–7686).

Transcripts. Approximately two weeks after the panel discussion, the transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on July 1, 1977.

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19370 Filed 7-7-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet Det Ostasiatiske Kompagni: *Paranagua, Songkhla.*
01058	States Steamship Co.: *Illinois.*
01125	N.V. Ubem S.A.: *Catherine.*
01323	Manchester Liners Ltd.: *Manchester Vanguard.*
01456	Oceanverg Shipping Co. Ltd.: *Sea Moon.*
01951	Astromandato Cia Naviera S.A. of Pamana: *Topaz.*
02138	Sioux City and New Orleans Barge Lines Inc.: *Nebraska City*
02163	J. Lauritzen A/S: *Irena Dan.*
02330	Taiwan Marine Corp.: *Shing Ta. Houng Ta.*
02367	Canadian Pacific (Bermuda) Ltd *Port Quebec.*
02492	Interstate and Ocean Transport Co.: *Chem-36.*
02736	Reichhold Chemicals Inc.: *RV-52*
02975	Venture Shipping (Managers) Ltd.: *Nigeria Venture.*
02982	The Shipping Corp. of India, Ltd. *Arunachal Pradesh.*
03314	Gulf Oil Corp.: *American Spirit.*
03727	Continental Oil Co.: *N.M.S. No 1459.*
03730	Brown & Root Inc.: *Bar 275.*
03893	Skaarup Shipping Corp.: *Gold Bond Conveyor.*
04092	B. V. Bureau Wijsmuller: *Typhoon, Tempest, Ocean Servant I, Ocean Servant II.*
04126	Jugolinija Rijeka: *Dreznica, Sava.*
04263	Waywiser Navigation Corp. Ltd.: *Concord Horizon.*
04289	Dixie Carriers Inc.: *DXE 2311, DXE 2312, DXE 1800.*
04793	Snam S.P.A.: *Agip Abruzzo.*
05008	Star Kist Foods Inc.: *Sea Hawk.*
05437	The Dow Chemical Co.: *DC497, DC 498.*
05659	Bisso Marine Co. Inc.: *Cappy Bisso.*
06248	Commercial Corp. "Sovrybflot": *Ivan Ayazovskiy, Alekseev Venetsianov, Konstantin Olshanskiy, Vasiliy Surikov, Valentin Serov, Ivan Shishkin, Severnyy Veter, Kosmonavt Gagarin, Demyan Korotchenko, Darnitsa, Neftegorsk, Neftekamsk, Kivach, Kholmogory, Zakarkazye, Verkhoyany, Khibiny, Ambarchik, Onekotan, Kharovsk, Stargorod, Gigant.*

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Certificate No.	Owner/Operator and Vessels
06311	Kanai Gyogyo Kabushiki Kaisha: *Tomi Maru No. 85.*
06351	Southern Shipbuilding Corp.: *Southern No. 6.*
06937	Kabushiki Kaisha Usufuku Honten: *Shofuku Maru No. 61.*
07360	Hokuyo Suisan Kabushiki Kaisha: *Koyo Maru No. 3, Koyo Maru No. 2, Koyo Maru No. 21.*
07711	AB Vasa Shipping OY: *Michael, Andrew.*
[illegible]	Marcona Ocean Industries Ltd.: *Allan Judith.*
[illegible]	Milton Shipping Co. Ltd : *Mountpark.*
[illegible]	Sicula Partenopea Di Navigazione S.P.A.: *Stella Azzurra.*
08617	Fairmont Enterprises Ltd.: *United Spirit.*
[illegible]	C.A. Naviera De Transporte Y Turismo: *Nela Altomare.*
09021	Daeyang Shipping Corp. Ltd.: *Daeyang Royalty.*
09040	Seiju Kato: *Fukuyoshi Maru No. 28.*
09101	Aeakos Compania Naviera S.A.: *Aegis Atomic.*
09164	Aquanaves,C.A.: *Isabel Margarita.*
09413	Kanei Busan K.K.: *Genpuku Maru No. 82.*
09608	Fukuichi Gyogyo Kabushiki Kaisha: *Fukuichi Maru No. 63.*
09696	Thomas & Williamson, Partnership: *CC–211.*
09717	The Academy of Sciences of the U.S.S.R.: *Sergei Vavilov, Petr Lebedev.*
10088	Linea Manaure C.A.: *Manaure III.*
10263	Tilip Industries Inc.: *North Lite.*
10567	Stephenson Clarke Shipping Ltd.: *Washington.*
10616	Arab Maritime Petroleum Transport Co, *Al Rafidain.*
10892	Compania Internacional de Pesca y Derivados S.A.: *Lur-Txori, Ur-Txori, Txori-Urdin.*
11011	Power Corp. of Canada Ltd.: *Ferbec.*
11344	Brusco Towboat Co.: *ZB–43.*
11388	Federal Transport Co. Inc.: *Lord d'Orleans, Lord Fleur d'Epee.*
11400	J.L. Offshore Drilling A/S: *Maya Dan.*
11410	Salen Offshore Drilling Co.: *Salenergy II.*
11792	Prometheus Maritime Corp., *Poseidon, Treana, Aegokeros.*
12120	Pine-Oak Shipping S.A.: *Cressida.*
12145	Chevron U.S.A. Inc.: *Chevron Louisiana.*
12280	Ioangulf S.A. Panama: *Theofilos K.*
12341	Geo W. Thacker: *Korshamn.*
12387	Petry Cia S. A. Panama: *Yawa.*
12434	United Arab Shipping Co. (S.A.G).: *Ibn Alabbar, Ibn Bajjah, Ibn Younus, Ibn Zuhr.*
12463	Oyang Fisheries Co. Ltd.: *Oyang No. 70.*
12617	Summit I, Inc.: *Lng Aquarius.*
12623	Brace Transport Corp.: *Leda Maersk*
12625	Partenreederei ms Alsterberg: *Alsterberg.*
12626	Reunion Tanker Corp.: *Reunion.*
12627	Regent Virgo Shipping Inc.: *Regent Virgo.*
12629	Cliveden Compania Naviera S.A.: *Katherine.*
12630	Risco Blando Compania S.A.: *Ohtori.*
12632	Chelone Maritime, Inc.: *Attican Unity.*
12633	Eastern Heaven Shipping S.A.: *Eastern Bride.*
12634	Far East World Enterprise S.A.: *Vortex Breeze.*
12635	Estelina Navigation S.A.: *Laurel Peak.*
12636	Dejal Shipping S.A.: *Dejal.*
12637	Kabushiki Kaisha Yamasugi Sugimoto Shoten: *Minato Maru No. 85.*
12638	Yahata Gyogyo Kabushiki Kaisha: *Yahata Maru No. 31, Yahata Maru No. 35.*
12639	Kabushiki Kaisha Teizo Maru: *Eiko Maur No. 6.*
12640	Yanagiya Gyogyo Kabushiki Kaisha: *Hokuo Maru No. 25.*
12641	Seiju Suisan Kabushiki Kaisha: *Seiju Maru No. 28, Seiju Maru No. 20.*
12642	Kabushiki Kaisha Fukushima Gyogyo: *Soho Maru No. 83, Soho Maru No. 85.*
12643	Empire Navigation, Ltd.: *Enrui.*
12645	Northfield Shipping Co. S.A.: *Leonis Halcoussis.*
12647	Kavos Maritime, Inc.: *Silver Lady.*
12648	Emperor Maritime, Inc.: *Al Raouf.*
12649	Saracen Shipping, Ltd.: *Al Razak.*
12650	Rederij M.S. Oceanic: *Oceanic.*
12652	Pitho Shipping Co., S.A.: *Vingaren.*
12653	F.B.V. Corp.: *Cat No. 1.*
12657	Partrederiet Tagus: *Tagus.*
12658	Kommandittaelskapet A/S Tibetan & Co.: *Tsu.*
12659	Eastport Shipping Co., Ltd.: *Eastport.*
12660	Plover Marine Corp.: *African Addax, Arabian Addax, Euro Priority, Euro Pride.*
12661	Carib Compania Naviera, Ltd.: *Carib.*
12664	Theva Compania Maritima S.A.: *Theofilos J. Vatis.*
12667	International Carriers Corp.: *Amazonia.*
12668	Acropolis Shipping, Ltd.: *Yannis D.*
12671	Pesquera Intercontinental S.A.: *Esperanza.*
12672	Red Sea Saudi Maritime Co., Ltd.: *Al Hada.*
12674	All Trading Co., Ltd.: *Linda.*
12675	Biehl Offshore, Inc.: *Biehl Trader, Biehl Traveler.*
12676	Oriental Pearl Line Kabushiki Kaisha: *Sun Emerald.*
12679	Bilton Shipping S.A.: *Golden Star.*
12680	Elthaco Compania Naviera S.A.: *Dafni C.*
12684	Evibreeze Maritime Co. S.A.: *Stella C.*
12685	Marigold Shipping Co. S.A.: *Tsitika Halcoussi.*
12686	Comben Longstaff & Co. Ltd.: *Leicesterbrook, Lincolnbrook.*
12687	Petavius Shipping Inc.: *Eurotransport.*
12689	Agrambeli Maritime S.A. of Liberia: *Dimitris*
12691	Crystal Pinus Inc.: Crystal Camellia.
12692	Tonera Maritime S.A.: *Tajima.*
12693	Naviera Marrigo S.A.: *Arenal, orosi.*
12694	Nippo Kaiun K.K.: *Sunny Wealth.*
12695	Car Bulk Carriers Inc.: *Ysi Trader.*
12696	Chi Song Navigation Inc.: *Chi Song.*
12697	Kommanditgesellschaft MS Boberg: *Boberg.*
12700	Dubai Maritime Mishref S.A.: *Mishref.*
12701	Cedar Maritime Inc.: *Eurowave.*
12702	K/S Mascot: *Fetish.*
12703	Carina Navigation Corp.: *Carina I.*
12704	Carrier Shipping Co. Ltd.: *Strymon.*
12706	Okada Kaiun Co. Ltd.: *Valiant.*
12708	Oxford Shipping Co. Ltd.: *Eastern Saga.*
12715	Galapagos Line S.A.: Pacifico.
12716	Entrepose GTM Pour Les Travaux Petroliers Maritimes E.T.P.M.: *E.T.P.M. 701.*
12717	Dianeira Compania Naviera S.A.: PN: *Nopal Tellus.*
12723	Ascendente Armadora S.A.: *Serene Med.*
12724	Lucero Galante Navegacion S.A.: *Radiant Med.*
12728	Gladstone Co., Ltd.: *Nicole.*
12730	Como Shipping, Inc.: *Viva 1.*
12733	Coronis Shipping Corp., S.A.: *Gomasa.*
12734	Ritchie Towing Co., Inc.: *Bar 345.*
12735	Rederei Hans Beilken Ohg: *Germanic.*
12737	Caminos Ultramar Naviera S.A.: *Polychronis.*
12738	Asiatic Drilling, Inc.: *Norkong.*
12740	Vitawind S.A.: *Vitawind.*
12741	Sincerity Marine Corp.: *Prinkipos.*
12743	Pan Asia Tanker Services, Inc.: *Pan Asia Courage.*
12744	Pacific Union Container Carriers, Ltd.: *Oriental Chief.*
12745	Binza Maritima, S.A.: *Alhambra.*
12746	Eastern Mediterranean Shipping Maritime Enterprises, S.A.: *Papacostas.*
12747	Aegean Sun, Inc.: *Aloha.*
12752	Chain Transport Corp.: *Luna Maersk.*
12753	Casing & Transport Corp.: *Lexa Maersk.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–19492 Filed 7–7–77;8:45 am]

TRANS-ATLANTIC ASSOCIATED FREIGHT CONFERENCES (LONDON)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10301, among the North Atlantic Westbound Freight Association, Continental North Atlantic Westbound Freight Conference, Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference and South Atlantic North Europe Rate Agreement, sets forth the agreement of the member conferences for the establishment and maintenance of joint administrative facilities and staff.

Dated: July 5, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–19491 Filed 7–7–77;8:45 am]

[Docket No. ER77–426]

FEDERAL POWER COMMISSION

APPALACHIAN POWER CO.

Order Rejecting Filing of Proposed Fuel Adjustment Clause Surcharge

JUNE 30, 1977.

On June 7, 1977, Appalachian Power Company (APCO) tendered for filing a Supplement to its FPC Rate Schedule No. 23, service to Kingsport Power Company, an affiliate of APCO. The supplement would impose a surcharge of 0.33 mills/kWh on all energy billed to Kingsport for a 24 month period. APCO claims that the surcharge is designed to recover fuel expenses which were incurred by the Company but which it alleges became uncollectable as a result of changes made in its fuel adjustment clause pursuant to Commission order No. 517.[1]

Public notice of the filing was issued on June 16, 1977, with protests or petitions due on or before June 29, 1977. No protests or petitions were filed at the time of this writing.

APCO's revised fuel clause was submitted as part of its rate increase filing to Kingsport in Docket No. ER76–799. It was accepted by the Commission, suspended, and given an effective date of September 21, 1976. APCO has requested waiver of the Commission's notice requirements so that the surcharge can become effective as of that date.

The alleged revenue deficiency that APCO proposes to recover involves the difference in the base cost of fuel between the old and the revised clauses over the period from September 21, 1976 to October 21, 1976, the first month that the revised clause became effective. APCO charged its customers for fuel under the filed revised clause (with its updated base fuel cost) for that month. It now claims that it is entitled to recover revenues for that month under the old clause's base fuel cost (subtracting the recovery already received) due to the one month lag provision in its old clause.

In Public Service Company of New Hampshire (PSNH), Opinion No. 790[2] as well as in Virginia Electric and Power Company (VEPCO), Order Denying Proposed Fuel Adjustment Clause Surcharge,[3] the Commission did not permit the fuel adjustment clause surcharges to become effective because they "would require that customers of * * * today pay for costs incurred previously."[4] APCO's proposed surcharge is no exception.

As the Commission stated in the VEPCO case:

> It is clear that the Commission never contemplated that fuel adjustment clauses should guarantee penny for penny recovery. Although these clauses are designed to reflect increased fuel costs they are not designed to relieve the utility of all the risks of doing business * * *. The fuel adjustment clause is a part of the filed rate and although the monthly charge under the fuel adjustment clause may vary the formula used to compute that charge does not vary. The fuel adjustment formula, not the monthly fuel adjustment factor, constitute the rate [footnote omitted]

APCO will not be allowed to collect revenues under its suspended clause.

The Commission finds: (1) APCO's filing presents no factual issues that require an evidentiary hearing and no legal justification for the imposition of a fuel adjustment clause surcharge to its customer, Kingsport Power Company.

(2) Good cause exists to reject APCO's filing for the fuel adjustment clause surcharge.

The Commission orders: (A) Appalachian Power Company's tender of a supplement to its Rate Schedule No. 23 in this docket for filing is hereby summarily disallowed.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19449 Filed 7–7–77;8:45 am]

[Docket No. CP75–96, et al.]

EL PASO ALASKA CO.

Availability of Alcan II Computerized Financial Documentation

JUNE 29, 1977.

The Federal Power Commission, Bureau of Natural Gas, Systems Analysis Branch has made available in the FPC's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, the computerized financial documentation for Alcan II under El Paso Alaska Company, Docket No. CP75–96, et al. This documentation is a systematic analysis of accounting data for cost-of-service determination and specific input in specified computer runs used as a basis for the financial data shown in the Federal Power Commission's Recommendation to the President.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19450 Filed 7–7–77;8:45 am]

[Docket No. E–9309]

INTERSTATE POWER CO.

Application

JUNE 30, 1977.

Take notice that on June 2, 1977, the Interstate Power Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to extend the latest permissable issue date to December 31, 1978 and to extend the final maturity date to December 31, 1979, on $40 million of short-term promissory notes previously authorized; all other terms and conditions previously instituted shall remain in full force and effect.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Dubuque, Iowa and is engaged in the electric utility business in Northern and Northeastern Iowa, Southern Minnesota and a few small communities in Illinois.

The net proceeds to be derived from the notes will be used to provide additional funds for Applicant's construction program and to maintain cash working funds at normal levels.

Any person desiring to be heard or to make any protest with reference to said application should, on or before, July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19454 Filed 7–7–77;8:45 am]

[1] APCO did not change its one-month lag billing provision but did update the base fuel cost level substantially in the revised clause.

[2] Docket No. ER76–285, issued March 31, 1977.

[3] Docket No. ER76–415, issued June 20, 1977.

[4] *PSNH* Opinion No. 790, (Mimeo P. 14)

[Docket No. RP77–63]

MONTANA-DAKOTA UTILITIES CO.

Order Approving Rate Increases and Granting Waiver

JUNE 30, 1977.

On March 31, 1977, Montana-Dakota Utilities Co. (Montana-Dakota) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to be effective May 1, 1977. The proposed changes would increase jurisdictional revenues by $1,200,000 based on the twelve months ended December 31, 1976, as adjusted.

Montana-Dakota requests waiver of the Commission's notice requirements to permit the proposed rates to become effective May 1, 1977. Montana-Dakota states that the proposed rates are identical to those filed with the Public Service Commission of the State of North Dakota on March 31, 1977, and that the proposed rates have been accepted for filing by the North Dakota Commission.

Notice of the filing was issued April 6, 1977, with protests or petitions due on or before April 18, 1977. No protests or petitions were filed at the time of this writing.

Montana-Dakota's proposed rates have been shown to be just and reasonable and should therefore be approved, as hereinafter ordered.

Applicant indicates that it is requesting the two-phase procedure since actual deliveries of LNG cannot be made until further notice of such hearing will be duly given.

Applicant states that the facilities at the proposed Gulf Coast LNG Terminal would be capable of receiving LNG tank-

Exhibits G–II—Flow diagram data
Exhibit H—Gas supply data
Exhibit I—Market data

[Docket No. RP77-63]

MONTANA-DAKOTA UTILITIES CO.

Order Approving Rate Increase and Modification of Tariff PGA Clause

JUNE 30, 1977.

On April 29, 1977, Montana-Dakota Utilities Co. (Montana-Dakota) tendered for filing [1] a proposed rate increase of $269,392 annually for jurisdictional natural gas sales and services. The increase is proposed to become effective on July 1, 1977. Montana-Dakota also proposes to modify its tariff PGA clause to recognize special circumstances affecting its sales to Northern Gas Company (Northern Gas).

Montana-Dakota's proposed increased rates are based on a total cost of service of $60,900,462, representing actual experience for the 12 months ended December 31, 1976, as adjusted, including a rate of return of 9.38 percent and a return on common equity of 13 percent.

Montana-Dakota submitted statements L, M and N pursuant to Section 154.63 of the Commission's regulations and requests waiver of the regulations so as not to be required to file statements A through K, O and P. In view of the relatively small amount of increase sought, the time and expense which would be required to prepare the additional statements, and the fact that the statements submitted are fully adequate for purposes of the Commission's review and determination, the Commission finds that good cause exists to grant the requested waiver.

Montana-Dakota requests the Commission to approve a modification of its PGA clause to provide for separate calculation of unrecovered purchased gas costs applicable to its sales to Northern Gas and the recovery of such costs by means of a lump sum charge. The proposed modification appears reasonable in view of the unpredictable and widely fluctuating volume of sales to Northern Gas and shall accordingly be approved.

Public notice of Montana-Dakota's filing herein was issued on May 6, 1977, providing for protests or petitions to intervene to be filed on or before May 25, 1977. No protests or petitions to intervene have been received. However, Montana-Dakota's three jurisdictional customers [2] have entered into written agreements stating their intention not to intervene or otherwise object to Montana-Dakota's proposals. These agreements have been filed with the Commission.

Based upon a review of Montana-Dakota's rate increase application, the Commission finds that the proposed rates have been shown to be just and reasonable and should therefore be approved, as hereinafter ordered.

The Commission orders: (A) Montana-Dakota's rate increase and PGA modification filed herein on April 29, 1977, are accepted for filing and approved, effective July 1, 1977.

(B) Waiver of Section 154.63 of the Commission's regulations with respect to statements A through K, O and P is granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19453 Filed 7-7-77;8:45 am]

[1] Third Revised Sheet No. 3, Seventh Revised Sheet No. 3A, Second Revised Sheet No. 16A, First Revised Sheet No. 16B First Revised Sheet No. 16C, Second Revised Sheet No. 16D, Second Revised Sheet No. 16E, and Original Sheet No. 16F to Montana-Dakota's FPC Gas Tariff, Original Volume No. 4; and First Revised Sheet No. 10 to First Revised Volume No. 2.

[2] Northern Gas Company, Wyoming Gas Company, and Byron Gas Service.

[Docket No. CP77-449]

NATURAL GAS PIPELINE CO. OF AMERICA

Application and Request for Phased Proceeding

JUNE 28, 1977.

Take notice that on June 20, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-449 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation 27.6 miles of 30-inch pipeline and appurtenant facilities from a site near Ingleside, Texas in San Patricio County (Gulf Coast LNG Termination [1]) to a point of interconnection with Applicant's existing main transmission system located near Sinton, Texas in San Patricio County in order to connect vaporized liquefied natural gas (LNG) into its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization from the Commission in a two-phase proceeding. In Phase I of such proceeding, Applicant requests that the Commission evaluate the environmental and safety aspects of the proposed facilities and issue a preliminary opinion with respect thereto. In Phase II of the proceeding in this docket, Applicant indicates that it would file additional information necessary for the Commission to evaluate and issue an order authorizing the construction and operation of the particular facilities.

Applicant indicates that in an attempt to alleviate its critical gas supply shortage, it is exploring all reasonable avenues, both traditional and non-traditional, to offset its declining supplies. Applicant states that it is currently negotiating for the purchase of LNG for several sources.

Applicant indicates that it is requesting the two-phase procedure since actual deliveries of LNG cannot be made until all requisite regulatory approval are obtained and that the Commission's commencement of evaluation of environmental and safety issues, are requested in Phase I of this proceeding, would aid contract negotiations. Applicant further indicates that issues other than those relating to the environment and safety would be reserved for Phase II. Specifically, Applicant indicates that the following exhibits, required by Section 157.14 of the Regulations under the Natural Gas Act (18 CFR 157.14), have been omitted from this application and would be submitted in Phase II of this proceeding:

Exhibit H—Gas Supply Data
Exhibit I—Market Data
Exhibit L—Financing
Exhibit M—Construction, Operation and Management
Exhibit N—Revenues, Expenses, Income
Exhibit O—Depreciation and Depletion
Exhibit P—Tariff

Applicant states that Exhibit AA—Environmental Impact Assessment, being filed concurrently by NGP-LNG, Inc., covers the proposed pipeline and is incorporated herein by reference. Applicant indicates that it anticipates no significant amount of environmental and safety data would be submitted in Phase II.

Applicant states that the estimated cost of the facilities proposed to be constructed and operated in this proceeding is $23,864,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. LAMB,
Secretary.

[FR Doc.77-19445 Filed 7-7-77;8:45 am]

[1] Applicant's affiliate, NGP-LNG has filed an application in Docket No. CP77-448 for authorization to construct and operate the Gulf Coast LNG Terminal.

[Docket No. CP77-448]

NGP-LNG, INC.

Application and Request for Phased Proceeding

JUNE 28, 1977.

Take notice that on June 20, 1977, NGP-LNG, Inc. (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-448 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities on a site near Ingleside in San Patricio County, Texas (Gulf Coast LNG Terminal), to receive, unload, store and vaporize liquefied natural gas (LNG), and the delivery of such vaporized LNG in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, a wholly-owned subsidiary of Peoples Gas Company (Peoples) seeks authorization from the Commission in a two-phased proceeding. In Phase I of such proceeding, Applicant requests that the Commission evaluate the environmental and safety aspects of the proposed development of the Ingleside site as an LNG terminal and issue a preliminary opinion with respect thereto. In Phase II of the proceeding in this docket, Applicant indicates that it would file additional information necessary for the Commission to evaluate and issue an order authorizing the construction and operation of the particular facilities and for the delivery of the subject gas.

Applicant indicates that it proposes to construct and operate the Gulf Coast LNG Terminal in order to receive, unload, store and vaporize LNG to be obtained from foreign sources of supply. It is stated that the vaporized LNG would be transported for 0.9 mile by Applicant to the terminal property line and there would be delivered to Applicant's affiliate, Natural Gas Pipeline Company of America (Natural), also a wholly-owned subsidiary of Peoples. Natural would transport the vaporized LNG through a proposed 27.6 mile, 30-inch pipeline to a point of interconnection with its existing main transmission system located 4 miles north of Sinton, Texas, in San Patricio County, it is said.[1] Applicant asserts that in an attempt to alleviate its critical gas supply shortage. Natural is exploring all reasonable avenues, both traditional and non-traditional, to offset its declining supplies.

Applicant states that the facilities at the proposed Gulf Coast LNG Terminal would be capable of receiving LNG tankers as large as 165,000 cubic meter capacity transporting LNG from foreign sources of supply and that the tankers would enter the Corpus Christi Ship Channel through the Aransas Pass jetties and proceed to a position at the tanker berth. It is indicated that the terminal facilities would consist of (1) a marine transport berth, (2) a system that would transfer the LNG, (3) a storage system for the LNG including three storage tanks with a total storage capacity of 1.65 million barrels of LNG, (4) a system which would convert the LNG into gaseous form for transmission, (5) ancillary support systems and (6) 0.9 mile of pipeline to transport the vaporized LNG to Natural's proposed 27.6-mile pipeline.

It is stated that all facilities which handle LNG would be constructed of cryogenic materials. It is further stated that On-board ship unloading pumps would pump LNG into the ship's piping headers which provide ship-to-shore tie-in connections. On-shore piping would carry the LNG to one of the storage tanks, and each tank would be approximately 230 feet in diameter and 130 feet in height and would be capable of receiving 550,000 barrels of LNG it is said. It is stated that the design fill rate for each tank would be 78,000 barrels per hour. Applicant states that the terminal storage system would be capable of handling all the process needs of the LNG during the containment operation. The storage system LNG pumps would supply LNG to the vaporizer system during sendout. Applicant asserts that the vaporizer system would receive LNG at pipeline pressure and vaporize the LNG for pipeline transmission.

Applicant indicates that the proposed facilities would be located on a 378-acre tract of undeveloped industrial property on the lower central Gulf Coast, adjacent to the north shore of Corpus Christi Bay, in the southeast San Patricio County, Texas, and that the proposed site is immediately adjacent to the Corpus Christi Ship Channel and is approximately nine nautical miles from the Gulf of Mexico. The estimate costs of the facilities proposed for this project is $145,073,000.

Applicant indicates that it is requesting the two-phase procedure since actual deliveries of LNG cannot be made until all requisite regulatory approval are obtained and that the Commission's commencement of evaluation of environmental and safety issues, as requested in Phase I of this proceeding, would aid contract negotiations. Applicant further indicates that issues other than those relating to the environment and safety would be reserved for Phase II. Specifically, Applicant indicates that the following exhibits, required by Section 157.14 of the Regulations under the Natural Gas Act (18 CFR 157.14), have been omitted from this application and would be submitted in Phase II of this proceeding:

Exhibits G-II—Flow diagram data
Exhibit H—Gas supply data
Exhibit I—Market data
Exhibit L—Financing
Exhibit M—Construction, operation and management
Exhibit N—Revenues, expenses, income
Exhibit O—Depreciation and depletion
Exhibit P—Tariff

Applicant has submitted with the instant filing Exhibit AA-Environmental Impact Assessment and Exhibit Z-1-LNG Safety Assessment. Applicant indicates that it anticipates no significant amount of environmental and safety data would be submitted in Phase II.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19446 Filed 7-7-77;8:45 am]

[1] Natural has filed an application for authorization for such facility in Docket No. CP77-449.

[Docket No. RP73-64 (PGA77-2) (DCA77-2)]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment, Requiring Modification, Directing Submission of Additional Information, and Rejecting Alternate PGA Rates

JUNE 30, 1977.

On May 17, 1977, Southern Natural Gas Company (Southern) tendered for filing in the above docket a proposed

rate increase [1] of 10.108 cents per Mcf consisting of (1) an increase of 7.061 cents per Mcf consisting of (1) an in-

tion of emergency supplies, the Commission rejects and shall disallow Southern's claim for internal company costs.

By the Commission.

KENNETH F. PLUMB,

lations under the Natural Gas Act (18

The Commission orders: (A) United's

the same or similar circumstances. To as-

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rate increase[1] of 10.108 cents per Mcf consisting of (1) an increase of 7.061 cents per Mcf consisting of (1) an increase of 7.061 cents per Mcf or $52,992,170 annually in Southern's current cost of purchased gas, (2) an increase of 1.9050 cents per Mcf in the surcharge to recover deferred purchased gas costs of $8,244,408, and (3) an increase of 1.1420 cents per Mcf to recover estimated demand charge credits of $5,894,734 pursuant to section 9.6(3) of Southern's tariff. Southern requests that the proposed increased rates be permitted to become effective on July 1, 1977.

Southern's filing includes approximately $17.8 million of costs associated with emergency purchases made during the 1976–77 winter. The bulk of these supplies were obtained pursuant to Commission orders which authorized the various transactions and permitted the related costs to be recovered through Southern's PGA rates.

The claimed costs for emergency supplies obtained under Commission orders in Docket Nos. RP77–28, CP77–143, CP77–32, CP77–179, CP77–126, CP77–188, and CP77–148 shall be approved, subject however, to the elimination of certain internal company costs discussed below.

Southern's filing is also predicated, in part, upon 60-day emergency purchases under Section 2.68 of the Commission's General Rules at rates in excess of those established in Opinion No. 770–A. Southern shall be entitled to include in its purchased gas costs those rates for Section 2.68 emergency purchases which a reasonably prudent pipeline would pay for gas under the same or similar circumstances. To assist the Commission in reviewing the reasonableness of the emergency purchases, Southern shall be required to submit certain additional information as specified in ordering paragraph (C) below.

It further appears that Southern has included in its claimed PGA rates amounts representing materials and installation costs needed to complete the emergency purchases, as well as amounts paid to other pipelines for transportation of emergency supplies. The Commission finds that the amounts paid by Southern to others for materials installation and transportation are reasonable and should be approved. These costs are directly associated with the emergency purchases involved and were necessary in order for Southern to get the emergency supplies contracted for to and into its system. However, it appears from workpapers furnished by Southern to the Commission staff that, in addition to the above costs, Southern has claimed certain internal company expenses associated with the emergency purchases. While the Commission is willing to permit all necessary costs paid by Southern to others in connection with the acquisition of emergency supplies, the Commission rejects and shall disallow Southern's claim for internal company costs. The Commission believes that company costs must be disallowed in the absence of pursuasive evidence from the claimant, Southern, that such expenditures are not fully provided for by its tariff rates and that if not allowed would result in a lower rate of return than that authorized by the Commission in the pipeline's most recent general rate case. Southern has made no such showing.

A relatively small amount of costs have been included by Southern for the installation of facilities from which no gas was actually received. The Commission finds that because no gas was received, these facility costs must be disallowed.

Southern included in its filing an alternate increase comprised of the above-noted 10.108 cents per Mcf plus an additional 0.12 cents per Mcf charge for anticipated costs of its share of the Gas Research Institute (GRI) research and development project currently pending in Docket No. RM77–14. The GRI project has not as yet been approved by the Commission and Southern's alternate filing shall accordingly be rejected.

In light of the foregoing, the Commission finds that Southern's PGA rates should be accepted for filing, suspended for one day, and permitted to become effective on July 2, 1977, subject to refund and to the terms of this order.

The Commission orders: (A) Southern's proposed PGA rates are accepted for filing and suspended for one day until July 2, 1977, when they shall be permitted to become effective subject to refund.

(B) Southern shall, within 15 days from the date of this order file revised PGA rates excluding (1) all claimed costs of emergency gas which were not paid to other parties and (2) all claimed costs which did not result in obtaining emergency supplies.

(C) Southern shall, within 30 days of the date of this order, file with the Commission and serve on all of its customers and interested state commissions the following information concerning its 60-day emergency purchases under Section 2.68 of the Commission's General Rules, at rates in excess of those established in Opinion No. 770–A:

(1) The pipeline's need for the gas;

(2) The availability of other gas supplies;

(3) The amount of gas purchased under each 60-day transaciton;

(4) A comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and

(5) The relationship between purchases and seller.

(D) Southern's proposed alternate PGA increase is rejected.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19452 Filed 7–7–77;8:45 am]

[1] Twenty-Fifth Revised Sheet No. 4A to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1.

[Docket No. CP77–446]

UNITED GAS PIPE LINE CO.

Application

JUNE 29, 1977.

Take notice that on June 16, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77–446 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap on its Boise Southern 8-inch line in Beauregard Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that in May 1968 Applicant entered into an agreement with Mrs. Clara Hickman (Hickman) wherein Hickman granted Applicant a right-of-way and easement authorizing the construction of a segment of Applicant's Boise Southern Line across certain lands owned by her in Beauregard Parish, Louisiana. Applicant indicates that in partial consideration for the granting of said right-of-way to Applicant, Hickman was advised that a farm tap would be constructed by Applicant and that deliveries of natural gas to her principal dwelling would be made by Applicant through the distributor in the area, United Gas Corporation, a then affiliate of Applicant. Applicant states that Hickman has requested gas service be extended to her principal dwelling. Consequently, Applicant seeks authorization to construct the required tap and commence service to Hickman. It is estimated that the total cost of the proposed facilities would be $1,000, it is indicated.

It is stated that Applicant has contracted Entex, Inc. (Entex), the distributor in the Beauregard Parish, Louisiana, area and has been advised that farm tap service to Hickman be provided from within the seasonal volumetric limitations which may be established for its purchases from Applicant by the Commission. Applicant states that it is estimated that deliveries of gas through this farm tap would be approximately 80 Mcf annually, or approximately 0.00001 percent of Applicant's system requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19447 Filed 7–7–77;8:45 am]

The Commission orders: (A) United's proposed PGA rates herein are accepted for filing and suspended for one day until July 2, 1977, when they shall be permitted to become effective subject to refund.

(B) United shall file revised rates as may be required to give effect to the following:

(1) Any change in Sea Robin's PGA rates in Docket No. RP73–89 (PGA77–2).

(2) Claimed producer rate increases which are not effective on or before July 1, 1977, and

(3) Claimed costs associated with the Delhi purchase in the event a certificate therefor has not been issued on or before July 1, 1977.

(C) All amounts included in United's proposed PGA rates associated with alleged non-jurisdictional purchases shall be subject to the outcome of proceedings in Docket Nos. RP74–83 and CP76–238.

(D) United shall, within 30 days of the date of this order, file with the Commission and serve on all of its customers and interested state commissions the following information concerning its 60-day emergency purchases at rates in excess of those established in Opinion 770–A.

(1) The pipeline's need for the gas;

(2) The availability of other gas supplies;

(3) The amount of gas purchased under each 60-day transaction;

(4) A comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and

(5) The relationship between the purchaser and the seller.

(E) United shall, within 30 days of the date of this order, file with the Commission and serve on all of its customers and interested state commissions the following information for each alleged non-jurisdictional purchase: (1) producer name, (2) contract date, (3) location, (4) total rate per Mcf, (5) a statement of individual rate components including base rate, Btu adjustment, gathering or other charges, and taxes, and (6) total cost claimed (volume × total rate).

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19451 Filed 7–7–77;8:45 am]

[Docket No. RP72–133 (PGA77–2)]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Requiring Adjustments, and Directing the Submission of Additional Information

JUNE 30, 1977.

On May 16, 1977, United Gas Pipe Line Company (United) tendered for filing a proposed semi-annual PGA rate increase of 29.95 cents per Mcf[1] consisting of (1) an increase of 20.40 cents per Mcf or approximately $167 million annually in the current cost of purchased gas and (2) an increase of 9.55 cents[2] per Mcf in the surcharge to recover deferred purchased gas costs of $60.6 million. United requests that the proposed higher PGA rates be permitted to become effective on July 1, 1977.

A review of United's filing reveals that it is predicated, in part upon 60-day emergency purchases at rates in excess of those established in Opinion No. 770–A and upon certain alleged non-jurisdictional purchases.

United shall be entitled to include in its purchased gas costs those rates for emergency purchases which a reasonably prudent pipeline would pay for gas under the same or similar circumstances. To assist the Commission in reviewing the reasonableness of the emergency purchases, United shall be required to submit additional, pertinent information as specified in ordering paragraph (D) below.

The issue of weather purchased gas costs associated with United's alleged non-jurisdictional purchases may be included in its PGA rates is an issue in proceedings currently pending in Docket Nos. RP74–83 and CP76–238. The amounts included in the present filing associated with alleged non-jurisdictional purchases shall be accepted subject to refund and subject to the outcome of the proceedings in Docket No. RP74–83, et al., supra. United has not identified the alleged non-jurisdictional purchases included in its present filing. No other information as to these purchases is available, inasmuch as the respective producers have not made filings with the Commission. The Commission finds that pertinent information concerning the alleged non-jurisdictional purchases included in United's present PGA filing is required for purposes of identification and the Commission's further review. The necessary data is specified in ordering paragraph (E) below.

It further appears that United's filing reflects increased PGA rates of Sea Robin Pipeline Company (Sea Robin), in Sea Robin's Docket No. RP73–89 (PGA77–2). A review of Sea Robin's filing indicates that its rates may be predicated in part, on purchases which have not been certificated by the Commission. Therefore, United's PGA rates shall be accepted subject to downward adjustment to track adjustments which may be required in Sea Robin's PGA rates

It further appears that United's rates are based, in part, upon the anticipated purchase of 12,900,000 Mcf from Delhi Gas Pipeline Corporation (Delhi) in Victoria, Texas, under a contract dated January 20, 1977. An application for a certificate authorizing this sale by Delhi is currently pending before the Commission in Docket No. CP77–140. However, no certificate has as yet been issued. Accordingly, United's PGA rates shall be accepted subject to the condition that United shall file revised rates excluding the Delhi purchases in the event a certificate is not issued by July 1, 1977, the proposed effective date of United's rates herein.

Finally, in the absence of information pertaining to the alleged non-jurisdictional purchases, the Commission is not able to verify that the effective dates of the claimed increases thereunder will occur prior to the proposed effective date of July 1, United shall therefore be required to file revised lower rates to reflect the exclusion of any increases which are not effective as of July 1, 1977.

In light of the foregoing, the Commission finds that United's proposed PGA rates should be accepted for filing, suspended for one day, and permitted to become effective thereafter on July 2, 1977, subject to refund and to the terms of this order.

[1] Thirty-Seventh Revised Sheet No. 4 to United's FPC Gas Tariff, First Revised Volume No. 1.

[2] Exclusive of 3.43 cents per Mcf special surcharge pursuant to Opinion No. 770–A.

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

[Docket Nos. ER76–303 and ER76–399]

Tariff Change

JUNE 30, 1977.

Take notice that Wisconsin Electric Power Company and Wisconsin Michigan Power Company, jointly, on June 16, 1977, in compliance with Order Approving Settlement issued May 25, 1977, tendered for acceptance by the Federal Power Commission, rate Schedules, affecting the cities and villages of Cedarburg, Clintonville, Deer-

field, Elkhorn, Florence, Hartford, Jefferson, Kiel, Lake Mills, New London,

Natural Gas Company (El Paso) for transportation and delivery to Trans-

proceeding or to participate as a party

the provision that the amended certificate authorization and the rights granted

[Docket No. ER77–264]

DETROIT EDISON CO.

occur by order of the Commission occur pursuant to an order issued pursuant to Sec-

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field, Elkhorn, Florence, Hartford, Jefferson, Kiel, Lake Mills, New London, Oconomowoc, Shawano, Slinger, and Waterloo, Wisconsin, and Crystal Falls, Michigan; Oconto Falls, Wisconsin, purchasing jointly with Oconton Electric Cooperative; Alger Delta Cooperative Electric Association and Ontonagon County REA; Upper Peninsula Power Company; and Kaukauna and Menasha, Wisconsin, acting in concert as a single customer.

Copies of the filing were served upon the public utilities' jurisdictional customers and state public service commissions.

Any person desiring to be heard or to protest said filing on whether the filing conforms to the Commission's decision approving the settlement agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19448 Filed 7-7-77;8:45 am]

[Docket No. CP77-445]

COLORADO INTERSTATE GAS CO.

Application

JUNE 29, 1977.

Take notice that on June 16, 1977 Colorado Interstate Gas Company (Applicant), P. O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-445 an application pursuant to Section 7 of the National Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 40,000 Mcf of gas per day to Natural Gas Pipeline Company of America (NGPL) during the period of July 1, 1977 through October 31, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the proposed short-term sale would be separate from and in addition to Applicant's historical, long-term sales to NGPL. Applicant also requests that the requested authorization terminate on October 31, 1977.

Applicant indicates that it would deliver to NGPL the proposed volumes of gas by means of a commensurate reduction in the volumes of gas it would otherwise receive from Northwest Pipeline Corporation (NPC) under NPC's Rate Schedule PL-1 near Green River, Wyoming, and NPC would then deliver an equivalent quantity of gas to El Paso Natural Gas Company (El Paso) for transportation and delivery to Transwestern Pipeline Company (Transwestern) for ultimate delivery to (NGPL). Applicant indicates that no additional facilities would be required to render the proposed service.

Applicant asserts that NGPL needs the additional gas, which it proposes to sell on a short-term basis, in order to help assure that NGPL can continue to provide adequate service to its customers and replenish its storage reserves.

Applicant states that it has a short-term excess annual supply of gas which it can make available to NGPL. A current estimate of Applicant's calendar year 1977 supply and requirements, including the maximum sale under the arrangement proposed herein, is as follows:

CIG TOTAL SYSTEM GAS BALANCE, 1977

(Volumes in MMcf at 14.65 p.s.i.a.)

Gas supply:	
Southern pipeline system	302,032
Wyoming pipeline system	145,601
Total purchases and production	447,633
Storage withdrawal, exchange gas, and air injection (net)	(10,051)
Total gas supply	437,582
Requirements:	
Sales to existing customers	402,627
Proposed short-term sale, maximum volume	4,920
Company usage	30,035
Total requirements	437,582

Applicant states that it has recently experienced significant reductions in the annual requirements of its nonjurisdictional transmission system customers, and that the recent weather in Applicant's general market area has been unseasonably warm, and Applicant's 1977 deliveries have been correspondingly lower.

It is stated that through negotiation Applicant and NGPL determined that the initial rate for gas sold under the proposed arrangement would be 95.65 cents per Mcf, which is equal to the presently effective rate incorporated in Applicant's FPC Rate Schedule EX-1. The EX-1 Rate Schedules provides for the on-system of gas which is in excess of Applicant's volumetric obligations, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19433 Filed 7-7-77;8:45 am]

[Docket No. CP73-95]

COLUMBIA GAS TRANSMISSION CORP.

Petition to Amend Order

JUNE 29, 1977.

Take notice that on June 15, 1977, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP73-95 a petition to amend the Commission's order of July 20, 1976, issued in the instant docket (56 FPC ----), pursuant to Section 7 of the Natural Gas Act so as to permit the four-year term for development of Artemas-B to its full capacity to apply also to obtaining the necessary storage rights on the acreage needed to extend the Artemas-B Storage Reservoir, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commissions order of December 6, 1972, in the instant docket Petitioner was granted authorization inter alia, to construct and operate certain facilities in connection with the activation and operation of Artemas-B Storage Field, and that on June 6, 1975, the Commission amended its order of December 6, 1972, to provide an extension of time to December 6, 1975. It is further indicated that on July 20, 1976, the Commission further amended its order of December 6, 1972 in the instant docket so as to authorize Petitioner to construct and operate facilities to extend the Artemas-B Storage Reservoir. It is stated that the extension of Artemas-B Storage Reservoir required the acquisition of additional storage rights on 5,000 acres. Petitioner states that ordering paragraph (D) of the July 20, 1976 order contained the provision that the amended certificate authorization and the rights granted thereunder were conditioned upon Petitioner's obtaining the necessary storage rights on the acreage needed to extend the Artemas-B Storage Reservoir within one year from the issuance of the Order, which period would expire July 20, 1977.

It is indicated that the areas of the lease acquisition that has not been completed as of June 8, 1977, are as follows:

(1) A modification of the present lease from the Commonwealth of Pennsylvania is required to include its ¼ undivided interest in 58 acres situate within the extension herein applied for;

(2) The ¾ undivided interest in 604 acres owned by the United States of America, administered by the United States Department of the Interior, which negotiation has been pursued on a continuing basis since October, 1972;

(3) A 58-acre tract on which the private owner has refused to execute a storage lease. If it is determined that a negotiated lease cannot be secured, Petitioner will be forced to obtain storage rights through a condemnation suit; and

(4) 1,363.1 acres owned by the State of Maryland. This lease has been approved by the Attorney General of Maryland, executed on behalf of Petitioner and mailed to Maryland for execution by the proper authorities.

Petitioner states that areas (1) and (2) may well be leased by July 20, 1977. However, it is doubtful that areas (2) and (3) can be placed under lease in less than an additional three-year period, it is said.

By this petition, Petitioner requests that the Commission amend its order of July 20, 1976 in the instant docket by deleting from ordering paragraph (D) the phrase, "within one year from the issuance of this order," and permit the four-year term for development of Artemas-B to its full capacity to apply also to obtaining the necessary storage rights on the acreage needed to extend the Artemas-B Storage Reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 19, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19434 Filed 7-7-77;8:45 am]

[Docket No. ER77-264]

DETROIT EDISON CO.

Order on Rehearing

JUNE 30, 1977.

On May 31, 1977, the Detroit Edison Company (DEC) filed an Application for Rehearing and Reconsideration of the Order Accepting for Filing in Part, Rejecting for Filing in Part, Suspending Proposed Rate Schedules in Part, Granting Intervention and Establishing Procedures, issued April 29, 1977, in Docket No. ER77-264. Finding Paragraph (2) of that Order stated that:

[g]ood cause exists to reject the filing of a proposed rate increase as to the Village of Sebewaing under Section 205, and to instead institute an investigation under Section 206 to determine whether the rate is so low as to adversely affect the public interest as where it might impair the financial ability of the public utility to continue its service, cast upon other customers an excessive burden, or be unduly discriminatory. *FPC v. Sierra Pacific Power Co.* 350 U.S. 48.

In addition, Ordering Paragraph (C) stated that:

[p]ursuant to Section 206 of the Federal Power Act and the Commission's Rules of Practice and Procedure, an investigation is ordered to determine whether the current rate paid by Sebewaing under its contract of November, 1973 is so low as to adversely affect the public interest.

In its Application for Reconsideration, DEC avers that the above stated standard is not appropriate, as it applies only to fixed rate contracts, according to the Mobile-Sierra doctrine,[1] while the instant contract specifically provides that the rates are subject to change by order issued by the Federal Power Commission.

The DEC-Sebewaing contract contains the following provision:

3. Beginning in the effective date of the Agreement, the customer shall be billed by the Company at the rates as approved by the Federal Power Commission. It is expressly understood by the customer that these rates are subject to change by order issued by that Commission.

As we stated in our order of April 29, 1977, that contract provision was interpreted in the Order Denying Motion to Reject, Instituting Section 206 Investigation, and Ordering Refunds, issued July 2, 1975 in Docket No. E-9294. There the Commission held that:

[s]ince the parties provided for changes in rates only by order issued by the Commission, it is clear that they did not contemplate the unilateral filings permitted by Section 205. The only changes in rates which occur by order of the Commission occur pursuant to an order issued pursuant to Section 206. Thus, the parties have provided that changes in rates will only occur pursuant to Section 206. Accordingly, we shall investigate Detroit's current rates and set just and reasonable rates pursuant to Section 206, all changes to be prospective in application.

Having established that changes in rates may occur only pursuant to Section 206, we are presented with the question of whether the appropriate standard for the Commission's investigation is whether the rate is "so low as to adversely affect the public interest as where it might impair the financial ability of the public utility to continue its service, cast upon other customers an excessive burden, or be unduly discriminatory", or whether the rate is below the just and reasonable rate.

In Docket No. E-7740, Indiana and Michigan Electric Company, the contract between the Companies and the Cooperatives provided that a change in rate was to be made only when ordered by the appropriate regulatory agency. The Commission interpreted this clause to mean that the contracts "* * * contemplated a procedure as may be instituted under Section 206 of the Federal Power Act."[2] Regarding these procedures, the Commission stated that:

We would note that the procedures under such a Section 206 proceeding would not entail meeting the heavy burden of proof associated with the Mobile-Sierra decisions. As all parties concede, these contracts clearly contemplate that the Commission may order a change in rates; that is, the rates are not fixed for the term of the contract, only the manner in which such a change may be effected is contractually established. Accordingly, our examination of I&M's proposed rates would still be on a basis of our cost-plus-fair return standard. Cf: Southern California Edison Company, Docket No. E-8176, order issued September 21, 1973.

Since the contract between DEC and the Village of Sebewaing states that "* * * these rates are subject to change by order issued by [the Federal Power] Commission," it is similarly clear that while the manner of change in rates is contractually established the rates themselves are not fixed for the term of the contract.

We note that to hold otherwise would imply that it was DEC's intent to contract to provide power at a rate which might yield less than a fair return, and which could only be changed if it were so low as to adversely affect the public interest. It is more reasonable to conclude that the parties intended that the rates could be revised of the Commission found them to be below the just and reasonable rate level. Since the Sierra-Mobile standard applies only when a public

[1] *United Gas Pipeline Company* v. *Mobile Gas Service Corp.* 350 U.S. 332 (1956) and *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] Order on Reconsideration, issued June 3, 1974, *Indiana and Michigan Electric Company*, Docket No. E-7740.

utility has agreed to a fixed contract rate affording less than a fair return, it would not be appropriate to use that stricter standard in the case sub judice. Based on

come a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene

through the use of otherwise available capacity in Applicant's system, pursuant to a letter agreement between Applicant and Natural dated June 9, 1977. It is

tain facilities, all as more fully set forth in the application which is on file with

facilities, at the present site of the Mesa No. 2 meter station. These facilities

of the certificate and permission and approval for the proposed abandonment are

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utility has agreed to a fixed contract rate affording less than a fair return, it would not be appropriate to use that stricter standard in the case sub judice. Based on the above,

The Commission finds: (1) Good cause exists to amend the Order issued April 29, 1977, in this proceeding as requested by Detroit Edison Company in its Application for Rehearing and Reconsideration, filed May 31, 1977.

The Commission orders: (A) Finding Paragraph (2) of the abovementioned Order issued April 29, 1977, in this proceeding is hereby amended to read as follows:

Good cause exists to reject the filing of a proposed rate increase as to the Village of Sebewaing under Section 205, and instead to institute an investigation under Section 206 to determine just and reasonable rates to be charged to the Village of Sebewaing. *See* Order on Reconsideration, issued June 3, 1974, Indiana and Michigan Electric Company, Docket No. E–7740.

(B) Ordering Paragraph (C) of the Order issued April 29, 1977 is hereby amended to read as follows:

The motion to reject the filing of a rate increase as to the Village of Sebewaing is granted. Pursuant to Section 206 of the Federal Power Act and the Commission's Rules of Practice and Procedure, an investigation is ordered to determine the just and reasonable rate to be charged to the City of Sebewaing.

(C) In all other respects, our Order of April 29, 1977 remains in full force and effect.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19438 Filed 7–7–77;8:45 am]

[Docket No. RI77–48]

ELMS BROTHERS & CO.

Settlement Proposal

JUNE 29, 1977.

Take notice that on June 22, 1977, Elms Brothers and Company filed a settlement proposal in the captioned proceeding offering to accept rates of $0.8209 and $1.49, respectively, for its Greene County and Washington County Wells that are the subject of this proceeding.

Any person desiring to be heard or to make any protest with reference to said proposal should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19431 Filed 7–7–77;8:45 am]

[Docket No. CP77–455]

EL PASO NATURAL GAS CO.

Application

JUNE 30, 1977.

Take notice that on June 21, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77–455 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain exiting facilities and the transportation on a best efforts basis of up to 40,000 Mcf of natural gas per day in interstate commerce for Natural Gas Pipeline Company of America (Natural) for the period July 1, 1977, through October 31, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Natural has asked Applicant and others for assistance in making available to its system certain short term gas supplies which are available to Natural but not located in close proximity to its system. Natural would utilize the gas made available to it through the instant proposal as a part of its overall supply and storage program to help maintain presently effective customer entitlement level for the 1977–78 winter season, it is said.

Applicant indicates that Natural has contracted with Colorado Interstate Gas Company (Colorado) for the purchase of up to 40,000 Mcf of natural gas per day which would be available for sale by Colorado near Green River, Wyoming, beginning July 1, 1977, and continuing through October 31, 1977. It is stated that pursuant to the terms and conditions of an agreement between Natural and Colorado, Colorado would deliver those volumes of gas purchased by Natural to Northwest Pipeline Corporation (Northwest) who, in turn, would deliver such volumes to Applicant at an existing point of interconnection between the pipeline systems of Northwest and Applicant in La Plata County, Colorado. Applicant states that it would transport those quantities of gas that it receives from Northwest and deliver equivalent volumes on an Mcf basis to Transwestern Pipeline Company (Transwestern) at an existing point of interconnection between Applicant's system and that of Transwestern in Ward County, Texas. It is stated that Transwestern would deliver the volumes of gas so received from Applicant into Natural's pipeline system.

Applicant states that it would render the proposed back-haul transportation service for Natural on a best efforts basis, through the use of otherwise available capacity in Applicant's system, pursuant to a letter agreement between Applicant and Natural dated June 9, 1977. It is stated that Natural would compensate Applicant through the payment of an administrative fee of 1.0 cent for each Mcf delivered by Applicant to Transwestern for Natural's account.

No new or additional facilities would be required by Applicant in connection with the effectuation of such arrangements, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on it own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19504 Filed 7–7–77;8:45 am]

[Docket No. CP77–456]

EL PASO NATURAL GAS CO.

Application

JUNE 30, 1977.

Take notice that on June 21, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77–456 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain minor sales lateral pipeline facilities and for a certificate of public convenience and necessity authorizing the relocation, and modification of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon and convey, without cost, to the City of Mesa, Arizona, certain minor sales lateral pipeline facilities and a certificate of public convenience and necessity authorizing the relocation and rebuilding of Applicant's existing Mesa No. 2 meter station facility all located on Applicant's interstate system in Maricopa County, Arizona.

It is indicated that on November 29, 1951, in Docket No. G–1345 (10 FPC 644), Applicant was authorized inter alia, to construct and operate the Mesa No. 2 meter station and approximately 10 miles of 4½-inch O.D. sales lateral pipeline, all located in Maricopa County, Arizona, in order to provide natural gas service for the City of Mesa. It is further indicated that by order issued February 28, 1958, at Docket No. G–13107 (10 FPC 282), Applicant was authorized to construct and operate approximately 10.2 miles of 6⅝-inch O.D. pipeline looping and the 4½-inch O.D. sales lateral pipeline in order to provide Applicant with additional pipeline capacity to serve the increased natural gas requirements of the City of Mesa. The Mesa No. 2 meter station and the 4½-inch O.D. and 6⅝-inch O.D. lateral pipelines are currently utilized by Applicant in rendering gas service to the City of Mesa, it is said.

Applicant states that as a result of encroachment[1] in the vicinity of the Mesa No. 2 meter station, such site has become increasingly congested and less suitable for location of gas measurement facilities. Applicant indicates that it is therefore necessary to relocate the existing Mesa No. 2 meter station to a site on the existing pipeline some 2,200 feet south of the present site. Applicant also proposes to rebuild the existing metering facilities when relocated in order to upgrade the measurement of deliveries and accommodate the changes in operating conditions.

Applicant indicates that it and the City of Mesa have agreed to the relocation and the conveyance by Applicant to the City of Mesa of the subject pipeline facilities pursuant to a letter agreement dated January 7, 1977, between the two parties. It is stated that the City of Mesa would accept from Applicant, upon Applicant's relocation of the subject meter station, approximately 0.42 mile of said 4½-inch O.D. pipeline and approximately 0.42 mile of said 6⅝-inch O.D. loop pipeline commencing at the proposed outlet of the relocated Mesa No. 2 station and terminating at the point of interconnection of such facilities with the City of Mesa's existing distribution facilities, at the present site of the Mesa No. 2 meter station. These facilities would be operated and maintained by the City of Mesa, and would become a part of the City of Mesa's distribution system utilized in serving its customers requirements, it is said.

Applicant states that the realignment of facilities would permit a reduction in the current operating pressure of the segment of pipeline to be conveyed by Applicant from approximately 500 psia to 250 psia, and that under these more desirable operating conditions, Applicant is required to provide the City of Mesa an increased delivery pressure at the new site. Applicant indicates that the operation of the City of Mesa's distribution system after the proposed realignment requires Applicant to increase the present contract maximum delivery pressure at the said Mesa No. 2 meter station of not more than 200 psig to a new maximum contract delivery pressure of not more than 250 psia. The City of Mesa would install appropriate underground regulation facilities required to accept such delivery pressures from Applicant and necessary for distribution system operations, it is said. Applicant states that no change in the contract demand quantity or daily volume deliveries to the City of Mesa would occur as a result of the proposed realignment of the facilities.

Applicant states that the estimated original total cost of the facilities to be conveyed to the City of Mesa is $11,997.50, and that the total estimated cost of the relocation and rebuilding of the Mesa No. 2 meter station, including overhead, contingency and filing fees is $48,344. Applicant further states that it would finance the cost of the facilities relocated and rebuilt through use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing wil be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19503 Filed 7–7–77;8:45 am]

[Docket No. RI77–64]

FRIO PRODUCTION CO.

Petition for Special Relief

JUNE 29, 1977.

Take notice that on May 5, 1977, Frio Production Company (Frio), P.O. Box 290, Alice, Texas 78332, filed a petition for special relief in Docket No. RI77–64 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Frio, a small producer, seeks authorization to charge $1.60 per Mcf at 14.65 psia for gas produced from three wells in the Ramerino Field in Live Oak County, Texas. The gas underlying these wells is dedicated to United Gas Pipe Line Company (United) as a result of a contract between Frio and United dated August 24, 1972. Applicant reworked and added compression to one of these wells in consideration of a rate increase to 55 cents per Mcf, pursuant to a contract amendment of January 1, 1974. On July 27, 1976, Opinion No. 742–A and Order No. 553 issued by the Commission had the effect of reducing the rate for these wells to 35 cents per Mcf, plus adjustments.

According to the application, production from these wells has ceased due to a compressor failure. Applicant seeks special relief based on the work previously done under the 1974 contract amendment, anticipated work to repair the compressor, construction of an access road, and other items. Frio estimates that 60,000 Mcf of gas could be produced from these wells. United has agreed to pay a higher special relief rate up to $1.60 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a peti-

[1] It is stated that Highways adjacent to the existing Mesa No. 2 meter station have been raised to a higher elevation than the Station site, thus presenting potential traffic and flood hazards. Additionally, present and planned residential development surround the immediate area, it is said.

tion to intervene in accordance with the Commission's Rules.

[Docket No. ER76–715]

INDIANA & MICHIGAN ELECTRIC CO.

amount indicated by Staff's revised Top Sheet filing based on a 9.16% rate of

(F) The Secretary of the Federal Power Commission shall cause prompt

I&ME's resale services in the consolidated proceedings. During the settle-

lected under the rates made effective July 27, 1976, subject to refund and the

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tion to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19440 Filed 7-7-77;8:45 am]

[Docket No. RI77-85]

GOLDKING PRODUCTION CO.

Petition for Special Relief

JUNE 29, 1977.

Take notice that on May 11, 1977, Goldking Production Company (Petitioner), 900 First City National Bank Bldg., Houston, Texas, filed in Docket No. RI77-85 a petition for special relief pursuant to Section 2.76 of the Commission's Rules and Practice and Procedure.

Petitioner during October, 1976 reentered and re-completed the Ballard and Cardells # 1 Krenek well at a depth between 7485 and 7491 feet involving expenditures for surface equipment and delivery facilities together with other items respresenting an aggregate investment of $68,986 to recover estimated reserves 174,000 Mcf of natural gas located in the Bonus Field, Wharton County, Texas. Such property was acquired by assignment of an oil and gas lease dated August 26, 1975 from Brown & Mc Kenzie,[1] which lease expired and thereafter was renewed by Petitioner. Petitioner seeks a rate of approximately $1.16 per Mcf and requests that such rate be made effective subject to refund. Such sales when commenced are pursuant to a contract dated April 19, 1977 between Petitioner and Texas Eastern Transmission Corporation.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before Juply 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19444 Filed 7-7-77;8:45 am]

[1] Brown & McKenzie received a small producer certificate in Docket No. CS73-49.

[Docket No. ER76-715]

INDIANA & MICHIGAN ELECTRIC CO.

Order Adopting Settlement Agreement

JUNE 30, 1977.

On May 28, 1976, Indiana and Michigan Electric Company (I&ME) filed proposed increased rates for service to Northern Indiana Public Service Company (NIPSCO). By Order dated June 25, 1976, the Commission accepted the proposed rate filing and suspended them for 30 days to become effective on July 27, 1976, subject to refund. In addition, the Commission consolidated this docket with proceedings in Docket Nos. ER76-714[1] and ER76-716.[2]

On February 17, 1977, I&ME submitted a negotiated settlement agreement between itself and NIPSCO to the Commission. Notice of the proposed settlement was issued on February 3, 1977 requiring comments to be filed on or before March 11, 1977. On March 11, 1977, Staff Counsel filed comments supporting the proposed settlement agreement.

The proposed settlement provides certain changes to I&ME's proposed rate changes as originally filed on May 28, 1976. The agreement provides: (1) the inclusion of a provision mutually agreed upon procedures for the curtailment of power and energy delivery to NIPSCO in the event that there should be a shortage of capacity and or electric energy requiring I&ME to curtail power and energy deliveries to its own customers; (2) a reduction in the demand charge from $7.12 to $6.41 per KW reducing the effect of proposed increase of revenues from approximately $11,300,000 to a level of approximately $9,600,000, (3) an effective date of July 27, 1976 (the date I&ME's increased rates were permitted to become effective subject to refund), (4) refunds of all amounts collected in excess of the settlement rates with interest at 9 percent per annum, and (5) requests waiver of Section 35.13 of the Commission's Regulations to the extent necessary to effect all provisions of the proposed settlement agreement.

On November 1, 1976, Staff of the Federal Power Commission filed Settlement Cost of Service Top Sheets for I&ME resale service in this proceeding. On November 10, 1976 Staff requested additional information for purposes of further evaluation. Upon receipt of the additional information, Staff on December 8, 1976 filed revised Cost of Service Top Sheets. The proposed settlement hereinafter approved by this Order provides for increase in rates less than that amount indicated by Staff's revised Top Sheet filing based on a 9.16% rate of return and 12.50% on common equity.

Based upon our review of the record in these proceedings including the settlement agreement itself, the filings, documents and pleadings submitted, we conclude that the settlement agreement represents a reasonable resolution of the issues in Docket No. ER76-715, and that such settlement is in the public interest. Accordingly, the settlement agreement between I&ME and NIPSCO filed on February 17, 1977, should be approved.

The Commission finds: The settlement filed by I&ME on February 17, 1977, as it applies to NIPSCO should be approved and made effective as hereinafter ordered.

The Commission orders: (A) The negotiated Settlement agreement filed by I&ME in this docket on February 17, 1977 is hereby approved and made effective as of July 27, 1976.

(B) In accordance with the terms of the settlement agreement and consistent with the Commission's Regulation § 33.19 (a) within 30 days of the date of this order, I&ME is hereby directed to refund the difference in revenues collected under the rates made effective July 27, 1976, subject to refund and the revenues authorized to be collected pursuant to the terms of the settlement agreement filed on February 17, 1977 at an agreed upon interest rate of 9 percent per annum.

(C) The Commission hereby orders that Section 35.3 of the Commission Regulations be waived in order that the revised supplement to I&ME's service agreement with NIPSCO be approved for filing to become effective July 27, 1976 designated as Idiana & Michigan Electric Company, Supplement No. 6 to Rate Schedule FPC No. 22 (Supersedes Supplement No. 5).

(D) I&ME is hereby directed to file a compliance report within 15 days after refunds have been made, such reports to show monthly billing determinants and revenues under prior, present, and settlement rates. The report should also show the monthly settlement increase, the monthly revenue refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furished by I&ME to each State Commission within whose jurisdiction the wholesale customer distributes and sells all electric energy at retail.

(E) This Order is without prejudice to any findings or Order which may have been made or which will hereafter be made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, the Staff, or any party or persons affected by the Order against I&ME or any person or party.

[1] The filing in Docket No. ER76-714 involves a rate increase filing for service to Michigan Power Company.

[2] The filing in Docket No. ER76-716 involves a rate increase application for service to I&ME Cooperative and Municipal resale customers.

(F) The Secretary of the Federal Power Commission shall cause prompt publication of this Order in the FEDERAL REGISTER.

By the Commission:

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19498 Filed 7-7-77;8:45 am]

[Docket No. ER76-714]

INDIANA & MICHIGAN ELECTRIC CO.

Order Adopting Settlement Agreement

JUNE 30, 1977.

On May 28, 1976 Indiana & Michigan Electric Company (I&ME) filed proposed increased rates for service to Michigan Power Company (MPCO) a wholly-owned subsidiary. By Order dated June 25, 1976, the Commission accepted the proposed rates for filing and suspended them for 30 days to become effective on July 27, 1976 subject to refund. In addition, the Commission consolidated this docket with proceedings in docket Nos. ER76-715[1] and ER76-716.[2]

On January 28, 1977, I&ME filed "Agreement of Settlement and Compromise" proposing to effect a complete settlement with Michigan Power Company of all issues raised in the proceeding. Notice of the proposed settlement was issued on February 8, 1977, with comments due by February 23, 1977. Upon Motion of Michigan Public Service Commission filed February 22, 1977, the Secretary of the Commission by notice dated February 28, 1977, extended the date for filing comments to March 11, 1977.

The Settlement Agreement proposes certain changes to I&ME's rate filing as originally submitted on May 28, 1976, inasmuch as it provides for (1) a reduction in the original proposed demand charge of $8.17 per KW to $6.95 per KW; (2) an effective date of July 27, 1976 (the date I&ME's increases were permitted to become effective subject to refund); (3) refund all amounts collected in excess of settlement rates at 9 percent per annum; (4) requests waiver of 35.13 of the Commission's regulations to the extent necessary to effect all provisions of the proposed settlement; and (5) the inclusion of a provision dealing with mutually agreed upon procedures for the curtailment of power and energy deliveries to MPCO in the event that there should be a shortage of capacity and or electric energy requiring I&ME to curtail power and energy delivery to its own customers.

The proposed settlement rate would reduce the amount of previously requested increase from $7,254,000 to approximately $5,939,000.

On November 1, 1976, Staff filed Settlement Cost of Service Top Sheets for I&ME's resale services in the consolidated proceedings. During the settlement conference held on November 10, 1976, Staff requested additional information complete its evaluation of I&ME's filing which was subsequently provided. On December 8, 1976 Staff filed revised Settlement Cost of Service Top Sheets. The proposed settlement hereinafter approved by this Order provides for an increase in rates less than the amount indicated by Staff's revised Top Sheet filing based on a 9.16% rate of return and a 12.50% return on common equity. On the basis of the Settlement Cost of Service Top Sheets, Staff, on February 23, 1977, filed comments supporting the Motion of I&ME for Approval of the Negotiated Agreement of Settlement and Compromise.

On March 11, 1977, the Michigan Public Service Commission filed comments stating that it was "officially taking no position" with respect to the reasonableness of the proposed settlement agreement.

On March 16, 1977, the Michigan Power Users Association filed comments opposing the proposed settlement agreement. In addition to filing comments opposing the settlement, MPUA filed a Motion for leave to intervene after time for intervention had expired. MPUA submits that good cause exists to grant the Motion for leave to intervene out of time since it did not receive notice of I&ME's rate increase until after June 17, 1976, the date for filing petitions to intervene. The Commission will grant MPUA's Motion for Leave to File Intervention, but finds it unnecessary to set the matter for hearing as requested by MPUA's petition to intervene.

Based upon our review of the record in these proceedings including the settlement agreement itself, the filings, documents and pleadings submitted including MPUA's petition to intervene, we conclude that the settlement agreement represents a reasonable resolution of the issues in Docket No. ER76-714, and that such settlement agreement is in the public interest. Accordingly, the settlement agreement between I&ME and MPCO filed on January 23, 1977 should be approved.

The Commission finds: (1) That good cause exists to grant MPUA's Motion for Leave to File Intervention, Time for Intervention Having Expired.

(2) That good cause exists to allow MPUA to intervene in this proceeding.

(3) The Settlement Agreement filed by I&ME on January 28, 1977, as it applies to service to MPCO should be approved and made effective as hereinafter ordered.

The Commission orders: (A) The negotiated Settlement Agreement filed by I&ME in this docket on January 28, 1977, is hereby approved and made effective as of July 27, 1976.

(B) In accordance with the terms of the Settlement Agreement and consistent with the Commission's Regulation § 33.19(a) within 30 days of the date of this order I&ME is hereby directed to refund the difference in revenues collected under the rates made effective July 27, 1976, subject to refund and the revenues authorized to be collected pursuant to the terms of the Settlement Agreement filed on January 28, 1977, at an agreed upon interest rate of 9 percent per annum.

(C) The Commission hereby orders that Section 35.3 of the Commission Regulations be waived in order that the revised supplement to I&ME's service agreement with MPCO be approved for filing to become effective July 27, 1976.

(D) I&ME is hereby directed to file a compliance report within 15 days after refunds have been made, such reports to show monthly billing determinent and revenues under prior, present, and settlement rates. The report should also show the monthly settlement increase, the monthly revenue refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished by I&ME to each State Commission within whose jurisdiction the wholesale customer distributes and sells all electric energy at retail.

(E) MPUA is hereby permitted to intervene in this proceeding.

(F) This Order is without prejudice to any findings or Order which may have been made or which will hereafter be made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, the Staff, or any party or persons affected by the Order against I&ME or any other person or party.

(G) The Secretary of the Federal Power Commission shall cause prompt publication of this Order in the Federal Register.

By the Commission:

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19497 Filed 7-7-77;8:45 am]

[Docket No. RI77-106]

MARINE CONTRACTORS & SUPPLY, INC.

Further Amended Petition for Special Relief

JUNE 29, 1977.

Take notice that on June 17, 1977, Marine Contractors and Supply, Inc. (Marine), P.O. Box 27344, Houston, Texas, filed a further amended petition for special relief in the captioned docket, pursuant to 18 CFR § 2.76.

In Marine's original petition for special relief, filed June 10, 1976, noticed June 30, 1976, in Docket No. RI76-131, it sought authorization to charge $1/Mcf for the sale of gas from the Lucy Field, St. Charles Parish, Louisiana to Transcontinental Gas Pipe Line Corporation (Transco). At the time, Marine was selling its gas to Transco for 27.1617 cents per Mcf. Its petition was based on its allegation of the need for well reconditioning in order to prevent its abandonment.

On July 23, 1976, noticed August 6, 1976, Marine filed an amended petition

for special relief requesting a rate of 85 cents per Mcf for the same gas. Transco, in a June 3, 1976 letter stated

[Docket No. CP77-443]

NORTHERN NATURAL GAS CO.

this application if no petition to intervene is filed within the time required

transport and/or exchange such gas as may be necessary ultimately to make ap-

further notice of such hearing will be duly given.

and prior to January 1, 1975, to be escalated by 1.3 cents at the end of each

for special relief requesting a rate of 85 cents per Mcf for the same gas. Transco, in a June 3, 1976 letter stated that it was willing to amend its contract to pay Marine up to $1/Mcf.

By an order dated September 20, 1976, the Commission approved the special relief rate of 85 cents per Mcf in order to enable production of the wells remaining recoverable reserves estimated to be 1,056,600 Mcf.

Marine now petitions the Commission to approve a special relief rate of $1.62/Mcf. Marine states that continued further operations necessitate this new higher price. Transco, in a June 10, 1977, letter to Marine, agreed to amend its contract up to a rate of $1.62/Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to he proceeding. Any party wishing to become a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19437 Filed 7-7-77;8:45 am]

[Docket No. ER77-1]

MISSISSIPPI POWER CO.

Presiding Administrative Law Judge's Certification of Proposed Settlement to Commission

JUNE 30, 1977.

Take notice that on June 2, 1977, Presiding Administrative Law Judge Ernst Liebman certified to the Commission for consideration and disposition a Settlement Agreement which would resolve all outstanding issues in the case. Judge Liebman indicated that all parties, including Staff, concur in the settlement.

Any person desiring to do so may submit written comments on the proposed Settlement Agreement. All such comments will be considered by the Commission in determining the appropriate action to be taken. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should be filed on or before July 13, 1977. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19442 Filed 7-7-77;8:45 am]

[Docket No. CP77-443]

NORTHERN NATURAL GAS CO.

Application

JUNE 29, 1977.

Take notice that on June 16, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP77-443 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain gas measuring facilities located in Iron County, Wisconsin, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of June 2, 1965, in Docket No. CP64-255 (Phase II), Applicant installed a sales measuring station, designated Hurley TBS No. 2, in order to sell and deliver natural gas to Lake Superior District Power Company (Lake Superior) for resale to the Lakehead Pipe Line Pumping Station (Lakehead) at Saxon, Wisconsin.

Hurley TBS No. 2 was installed in Iron County, Wisconsin and was placed in service on October 4, 1966, it is said. It is stated that the measuring station has been utilized to effect delivery of volumes on a firm basis to Lake Superior for resale to Lakehead for pump engine fuel, and that on December 31, 1976, Lakehead completed conversion of their pumping station to electric motor drives thereby discontinuing the use of natural gas fueled engine drives. The estimated cost of removing the facilities of Hurley TBS No. 2 is $5,100 which would be financed from cash on hand, it is said. It is stated that the estimated salvage value of the facilities being retired is $2,550.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19432 Filed 7-7-77;8:45 am]

[Docket No. CP77-457]

NORTHWEST PIPELINE CORP.

Application

JUNE 30, 1977.

Take notice that on June 22, 1977, Northwest Pipeline Company (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP77-457 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on a best efforts basis for Natural Gas Pipeline Company (Natural) for a period commencing on the date of any authorization issued herein and continuing through October 31, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 40,000 Mcf of natural gas per day on a best efforts basis for Natural pursuant to a gas transportation agreement dated June 15, 1977, between Applicant and Natural. Applicant indicates that Natural and Colorado Interstate Gas Company (CIG) have entered into an agreement dated June 13, 1977, which provides that CIG would sell to Natural up to 40,000 Mcf of natural gas per day for a term commencing on July 1, 1977, and continuing through October 31, 1977, and that the sale by CIG to Natural would be at the existing point of interconnection between the facilities of Applicant and CIG in the vicinity of Green River, Wyoming.

It is stated that in order to make such gas as it may purchase from CIG available to its transmission system, Natural has requested that Applicant transport such volumes of natural gas as Natural may purchase from CIG and deliver such volumes to El Paso Natural Gas Company (El Paso). It is indicated that El Paso and Transwestern Pipeline Company (Transwestern) would further transport and/or exchange such gas as may be necessary ultimately to make approximately equivalent volumes of gas available to Natural's transmission system.

Applicant states that pursuant to the terms of the transportation agreement dated June 15, 1977, between Applicant and Natural, it would transport up to 43 billion Btu's of natural gas per day on a best efforts basis for Natural. It is stated that Natural would cause CIG to deliver or otherwise make available to Applicant and Applicant would accept the proposed volumes of gas at an existing point of interconnection between the facilities of CIG and Applicant in the vicinity of Green River, Wyoming, and that Applicant would redeliver equivalent billion Btu's to El Paso at an existing point of interconnection between the facilities of Applicant and El Paso in the vicinity of Ignacio, Colorado.

It is stated that deliveries by CIG to Applicant for the account of Natural would be made by Applicant reducing the volume of natural gas it would otherwise deliver to CIG pursuant to Applicant's presently effective FPC Gas Rate Schedule PL-1. Applicant states that it would concurrently redeliver equivalent volumes, adjusted for heating value, to El Paso, for Natural's account, at the point of interconnection between Applicant and El Paso. Applicant would not require any additional facilities to effectuate the proposal, it is said.

Applicant states that it would charge Natural 8 cents per billion Btu's for the proposed transportation service, and that this 8 cent rate is cost based.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19502 Filed 7-7-77;8:45 am]

[Docket No. CP77-447]

NORTHWEST PIPELINE CORP.

Application

JUNE 29, 1977.

Take notice that on June 17, 1977, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-447 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for IGC Production Company (IGC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that IGC, a wholly owned subsidiary of Intermountain Gas Company (Intermountain), has developed or otherwise acquired natural gas reserves in the Rangely Field in Rio Blanco County, Colorado, and that IGC desires to make available the natural gas produced from the Rangely Field to Intermountain for use in Intermountain's distribution system. Consequently, IGC and Applicant have entered into a gas purchase, transportation and exchange agreement dated February 22, 1977, whereby IGC would deliver up to 5,000 Mcf of natural gas per day from the Rangely Field to Applicant at a point on Applicant's Piceance Creek Lateral located in Rio Blanco County, Colorado, and Applicant would receive for transportation such volumes as are delivered by IGC and would redeliver equivalent volumes, subject to Applicant's right to purchase up to 40 percent of the volumes delivered for transportation, at an existing point of interconnection between the facilities of Applicant and Intermountain near Pocatello, Idaho. It is stated that no new facilities are required to effectuate the proposed transportation service.

It is stated that Applicant has the option to purchase up to 40 percent of the gas so delivered to it by IGC, and that Applicant would also deduct 2 percent of the gross heating value of the volumes which it would otherwise redeliver as compensation for fuel usage.

It is indicated that the base price to be paid by Applicant to IGC for each Mcf of gas purchased by Applicant would be:

(i) $1.44 for gas from a well or wells commenced on or after January 1, 1975, to be escalated by 1 cent at the end of each calendar quarter.

(ii) $1.222 for gas from a well or wells commenced on or after January 1, 1973, and prior to January 1, 1975, to be escalated by 1.3 cents at the end of each one-year period.

(iii) $0.689 for gas from a well or wells prior to January 1, 1973, to be escalated by 1.3 cents at the end of each one-year period.

The price to be paid for the gas IGC proposes to sell to Applicant would be within the scope of Opinion 770-A or Opinion 742, it is said. It is stated that Applicant would also pay a 1 cent per Mcf gathering charge for gas purchased from IGC. IGC would pay Applicant 16.03 cents per Mcf of natural gas delivered to Applicant for transportation, it is said.

It is stated that Applicant on April 14, 1977, commenced the purchase of all the volumes proposed herein to be transported and/or purchased by Applicant, and that Applicant constructed a meter station at the interconnection of Applicant's and IGC facilities in Rio Blanco County, Colorado, for the receipt or the volumes purchased under the contract. Applicant constructed such facilities pursuant to the Commission's order issued on October 19, 1976, at Docket No. CP76-459 authorizing Applicant to construct gas purchase facilities during the calendar year 1977, it is said. It is stated that the facilities would be retained for utilization, pursuant to the proposed gas purchase, transportation and exchange agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1977, file with the Federal Power Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19503 Filed 7-7-77;8:45 am]

[Docket No. CP77-448]

NORTHWEST PIPELINE CORP.

Application

JUNE 29, 1977.

Take notice that on June 17, 1977, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-448 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Wexpro Company (Wexpro), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Wexpro, a wholly owned subsidiary of Intermountain Gas Company (Intermountain), has developed or otherwise acquired natural gas reserves in the Rangely Field in Rio Blanco County, Colorado, and that Wexpro desires to make available the natural gas produced from the Rangely Field to Intermountain for use in Intermountain's distribution system. Consequently, Wexpro and Applicant have entered into a gas purchase, transportation and exchange agreement dated February 22, 1977, whereby Wexpro would deliver up to 5,000 Mcf of natural gas per day from the Rangely Field to Applicant at a point on Applicant's Piceance Creek Lateral located in Rio Blanco County, Colorado, and Applicant would receive for transportation such volumes as are delivered by Wexpro and would redeliver equivalent volumes, subject to Applicant's right to purchase up to 40 percent of the volumes delivered for transportation, at an existing point of interconnection between the facilities of Applicant and Intermountain near Pocatello, Idaho. It is stated that no new facilities are required to effectuate the proposed transportation service.

It is stated that Applicant has the option to purchase up to 40 percent of the gas so delivered to it by Wexpro, and that Applicant would also deduct 2 percent of the gross heating value of the volumes which it would otherwise redeliver as compensation for fuel usage.

It is indicated that the base price to be paid by Applicant to Wexpro for each Mcf of gas purchased by Applicant would be:

(i) $1.44 for gas from a well or wells commenced on or after January 1, 1975, to be escalated by 1 cent at the end of each calendar quarter.

(ii) $1.222 for gas from a well or wells commenced on or after January 1, 1973, and prior to January 1, 1975, to be escalated by 1.3 cents at the end of each one-year period.

(iii) $0.689 for gas from a well or wells prior to January 1, 1973, to be escalated by 1.3 cents at the end of each one-year period.

The price to be paid for the gas Wexpro proposes to sell to Applicant would be within the scope of Opinion 770-A or Opinion 742, it is said. It is stated that Applicant would also pay a 1 cent per Mcf gathering charge for gas purchased from Wexpro. Wexpro would pay Applicant 16.03 cents per Mcf of natural gas delivered to Applicant for transportation, it is said.

It is stated that Applicant on April 14, 1977, commenced the purchase of all the volumes proposed herein to be transported and/or purchased by Applicant, and that Applicant constructed a meter station at the interconnection of Applicant's and Wexpro facilities in Rio Blanco County, Colorado, for the receipt or the volumes purchased under the contract. Applicant constructed such facilities pursuant to the Commission's order issued on October 19, 1976, at Docket No. CP76-459 authorizing Applicant to construct gas purchase facilities during the calendar year 1977, it is said. It is stated that the facilities would be retained for utilization, pursuant to the proposed gas purchase, transportation and exchange agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1977, file with the Federal Power Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19504 Filed 7-7-77;8:45 am]

is whether Sierra's proposed rates to Mt. Wheeler Cooperative Association, Inc. (Mt. Wheeler) are just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or

69 kv or lower. Consequently, service to

are allocated to it in the same manner as

increase revenues from Sierra's whole-

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unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19443 Filed 7-7-77;8:45 am]

[Docket No. ER77-422]

PUBLIC SERVICE CO. OF OKLAHOMA

Order Accepting for Filing and Suspending Notices of Cancellation and Providing for Expedited Hearing

JUNE 30, 1977.

On June 3, 1977, Public Service Company of Oklahoma tendered for filing Notices of Cancellation of Rate Schedule FPC numbers 119–A, 119–B, 17–A as supplemented and 17–B, as supplemented for interconnected service between the Southwestern Power Administration (SWPA), Public Service Company of Oklahoma (PSCO), and Oklahoma Gas and Electric Company (OG&E). PSCO states that the rate schedules expire by their terms at midnight on June 30, 1977, and requests waiver of the Commission's thirty day notice requirement to make July 1, 1977, the effective date of the cancellation.

Public notice of the filing was issued on June 10, 1977. On June 22, 1977, a petition to intervene and protest was timely filed by the Municipal Customer Group (Municipals),[1] wholesale preference customers of the Southwestern Power Administration. Municipals contend that their entire power supply is supplied by one of the rate schedules being sought to be cancelled herein, and that no new contractual arrangements have been finalized for service between PSCO, OG&E, and SWPA. The Municipals therefore seek a Commission order continuing the terms of the present contract until a new contractual arrangement may be accepted by the Commission. Municipals state that they are completely dependent on the power service provided under the present contract, and that a serious hazard to the safety, health and welfare of their respective communities is posed by its threatened termination.

On June 27, 1977, PSCO filed an answer to the petition to intervene and protest contending that Municipals were not totally dependent upon SPA since two of the cities receive a portion of their power from OG&E, and that this Commission lacks authority to extend the terms of the present contract beyond the five month suspension period provided under Section 205(e) of the Federal Power Act.

Commission review of the proposed cancellations indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept for filing the proposed notices of cancellation, suspend their effectiveness for five months and establish expedited hearing procedures to determine whether service may be terminated consistent with Sections 205 and 206 of the Federal Power Act.

The Commission finds: (1) Good cause exists to accept PSCO's notices of cancellation for filing and suspend their effectiveness for five months and establish hearing procedures.

(2) Good cause exists to grant intervention to the Municipals in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, an expedited public hearing shall be held concerning the justness and reasonableness of PSCO's service termination.

(B) Pending a hearing and final decision thereon, PSCO's submittals are hereby accepted for filing and suspended for five months, until December 1, 1977.

(C) Municipals are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19500 Filed 7-7-77;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Order Approving Settlement

JUNE 30, 1977.

On March 7, 1977, the Presiding Administrative Law Judge in this proceeding certified to the Commission a proposed Settlement Agreement, together with a portion of the evidentiary record and a Statement of Position submitted by Sierra Pacific Power Company (Sierra) regarding the proposed fuel adjustment clause. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings in this docket were initiated on August 22, 1975, when Sierra submitted for filing proposed changes in its Rate Schedule R and a revised fuel adjustment clause, which together would increase revenues from Sierra's wholesale customers by approximately $716,132. Sierra's filing also proposed to transfer to Rate Schedule R service to one of its wholesale customers, Mt. Wheeler Power, Inc. (Mt. Wheeler), to reflect the fact that Mt. Wheeler has been integrated with Sierra's system as of August 1975, when construction of a 230 kv transmission line was completed.

Certain deficiencies in Sierra's August 22, 1975, filing were cured in its amended filing submitted October 29, 1975. By order issued November 25, 1975, the Commission permitted Sierra's rate change to become effective as of December 29, 1975, subject to refund. Effective the same date, Sierra was allowed to place service to Mt. Wheeler under its Rate Schedule R. The order then set the entire filing for hearing. In addition, the order permitted the interventions of California-Pacific Utilities Company (Cal-Pac); Mt. Wheeler; Pacific Gas and Electric Company (PG&E); the City of Fallon, Nevada (Fallon); the Truckee-Donner Public Utility District (Truckee-Donner); and the Public Service Commission of Nevada (Nevada). The late intervention of the Secretary of the Navy was granted by order issued June 8, 1976.

As a result of informal settlement conferences among the parties, a proposed Settlement Agreement,[1] was submitted and received into evidence at a hearing held December 20, 1976 (Tr. 4:109–110). The proposed Agreement would modify certain portions of the Company's tariff and provide that Sierra would withdraw its rate increase application in this docket and make the requisite refunds. Service to Mt. Wheeler would remain under Rate Schedule R (Tr. 4:105–106) but, together with service to the Company's other wholesale customers, would be priced at the Schedule R rate previously approved in Docket No. E–8224.

The proposed Agreement does not resolve the issue of whether it is proper for Sierra to transfer Mt. Wheeler to Rate Schedule R, the schedule under which Sierra's other wholesale customers are served, and, if so, whether Mt. Wheeler is entitled to a high voltage discount. Although all parties concurred in certifying the proposed settlement to the Commission, Mt. Wheeler believes the reservation of issues as set forth in the Agreement is too narrowly drawn. Mt. Wheeler's suggested wording of the reservation includes a series of alleged facts relating to the "right and/or reasonableness of Mt. Wheeler Power, Inc. being treated specially and separately for rate making purposes * * *".[2]

We find that, despite the shifts in emphasis attending the different descriptions of the reserved issues, there is no real difference in the nature of the issues they describe. However worded, the issue

[1] The Municipal Customer Group petitioning to intervene herein consists of the following cities: Clarksville and Paris, Arkansas; Comanche, Copan, Duncan, Eldorado, Goldtry, Granite, Hominy, Lexington, Monitou, Olustee, Purcell, Ryan, Skiatook, Spiro, Walters, Wetumka, and Yale, Oklahoma.

[1] The Agreement was executed by Sierra, Fallon, Truckee-Donner, Cal-Pac, PG&E, and the Navy, but not by Mt. Wheeler.

[2] Letter dated October 22, 1976, to Presiding Administrative Law Judge Kanell, pages 2–3.

is whether Sierra's proposed rates to Mt. Wheeler, filed under Section 205 of the Federal Power Act, are just and reasonable or whether they would unduly prejudice or disadvantage Mt. Wheeler. An investigation of this type was in fact the subject of a hearing in this docket, and the Initial Decision therein, issued March 28, 1977, is currently pending review by the Commission.

On the same date on which the proposed Settlement Agreement was submitted for inclusion in the record, Sierra circulated a modification to its fuel adjustment clause (Tr. 4:107–108). The modification was intended to bring the fuel clause into compliance with Order No. 517.[3] In light of their inability to examine the changes prior to the hearing, some of the parties reserved the right to object to the modified fuel clause after sufficient time for review thereof (Tr. 4:109, 111).

The parties subsequently convened an informal settlement conference to resolve any objections to Sierra's amended fuel clause. On February 28, 1977, Sierra submitted a Statement of Position to which was attached a revised fuel adjustment clause reflecting the pricing of generation and interchange fuel costs based on a one-month operating period and reflecting average actual costs in that period. Also attached to Sierra's Statement were the parties' responses to Sierra's earlier proffering of alternate proposals for pricing fuel costs: (1) a price based on a twelve-month operating period and reflecting average costs experienced during the last month of the operating period; (2) the one month operating period alternative which Sierra subsequently submitted as it settlement offer.

Comments in support of the first alternative were filed by PG&E. Comments in favor of the second alternative were received from the Commission Staff, the Department of the Navy, Truckee-Donner, and Fallon. Mt. Wheeler submitted a statement that, while it believed that for the other wholesale customers the second alternative was proper as written, a number of amendments to the clause would have to be made before Mt. Wheeler could agree to it.

Mt. Wheeler posits three objections to the application to it of the second (alternative) fuel clause. First, Mt. Wheeler argues that the base energy cost of Sierra's clause would be equivalent to the energy cost contained in the effective Schedule R rate. But Mt. Wheeler's position is that it should be billed under the separate Schedule R–2 and that therefore any fuel clause applied to Mt. Wheeler should contain a base energy cost equivalent to the energy cost of the R–2 rate.

Mt. Wheeler's second objection is that there should be a different loss factor attributable to it than to the other wholesale customers, because Mt. Wheeler takes its service at 230 kv while the other wholesale customers receive service at 69 kv or lower. Consequently, service to the other customers has different loss factor characteristics than service to Mt. Wheeler.

Finally, Mt. Wheeler argues that, to the extent its purchases from Sierra are intermittent, under the Company's fuel clause there will be a lack of synchronization between the fuel costs which Mt. Wheeler helps create and the fuel costs for which it would be billed. This is because the clause bills fuel costs for one month using the actual average cost experienced in the previous month. To alleviate the synchronization problem Mt. Wheeler recommends use of a "self-correcting" fuel clause which retroactively accounts for and bills the actual fuel costs each customer causes Sierra to incur.

The pertinence of Mt. Wheeler's first objection, regarding the proper base energy cost, rests on the resolution of which rate schedule, R or R–2, is properly applicable to Mt. Wheeler. According to the Agreement this question was a reserved issue, and the Initial Decision thereon is currently pending review by the Commission. The Commission's order of November 25, 1975, which suspended Sierra's filing in this docket and provided for a hearing, permitted service to Mt. Wheeler to be placed under Schedule R, subject to refund. The proposed Agreement would keep Mt. Wheeler under Schedule R. At least until the Commission issues its opinion reviewing the Initial Decision, therefore, service to Mt. Wheeler remains under Schedule R. Accordingly, the base energy cost in the proposed fuel clause to be applied to Mt. Wheeler is correctly derived. Should the Commission ultimately decide to restore Mt. Wheeler's separate R–2 rate schedule, then the fuel clause applicable to Mt. Wheeler, including the base energy cost and the loss factor components, would be coordinated with the underlying R–2 rate.

Mt. Wheeler's objection to its loss factor under the proposed settlement is also tied to the determination of the applicable rate schedule. Sierra's premise in placing Mt. Wheeler on Schedule R is that construction of the 230 kv transmission line served to integrate Mt. Wheeler with Sierra's system.[4] While Mt. Wheeler remains under Schedule R, transmission plant costs and line losses are allocated to it in the same manner as to the other wholesale customers. Sierra rolls in the transmission plant and the line losses and assigns cost responsibility to each wholesale customer according to the customer's energy allocator.

Mt. Wheeler's objection concerning the lack of synchronization between actual and billed fuel costs has been addressed by the Commission. In Opinion No. 790[5] we quote the following language from Opinion No. 633:[6]

> We would observe in this connection that while every fuel adjustment clause should be designed to produce as nearly as practicable a mirror image of the cost of fuel upon the price of energy which is delivered by an electric utility, we must expect ripples in that reflection. Because of the time factor involved in gathering and assimilating data, expressing the number of dollars spent for gallons of oil or tons of coal in terms of dollars per kilowatt hour, and mailing and collecting the resulting billings, there must be some imprecision in matching fuel expense dollars with delivered enery revenue dollars for any given date or any given period of time. (Footnote omitted.)

The effect of the lack of synchronization on billings to an intermittent purchaser is different only in degree from the effect on billings to a non-intermittent customer. In both instances, the actual average per-kwh fuel cost for the month will not necessarily be equivalent to the per-kwh fuel cost billed in the same month. Any increase or decrease (or termination) in the kwhs purchased by a customer from month to month will prevent the recovery from that customer of the precise amount of past fuel costs which the customer caused the company to incur. As has been reiterated in Opinion No. 790,[7] this imprecision is not fatal to the propriety of the fuel clause.

Sierra is of course free to file in some future proceeding a fuel clause modified along the lines recommended by Mt. Wheeler. In this proceeding, however, the proposed Settlement Agreement submitted by Sierra contains a fuel adjustment clause which bills the actual average fuel costs of the preceding month. Mt. Wheeler has itself conceded that the settlement fuel clause is in conformity with Order No. 517,[8] and we have found unpersuasive its argument that the cost-billing synchronization problem, in combination with an intermittent purchase pattern entitles Mt. Wheeler to a separate and modified fuel clause. We reach this conclusion regardless of whether Mt. Wheeler may ultimately be placed under Schedule R or Schedule R–2.

We find that the settlement fuel clause proposed by Sierra and supported by

[3] 52 FPC 1304 (1974).

[4] In Sierra Pacific Power Company, 52 FPC 355 (1974) (Opinion No. 702), the Commission held that, after Sierra had placed into service the 230 kv transmission line which would connect Mt. Wheeler with Sierra's main system, Sierra should undertake a review of its cost of serving all of its wholesale customers, including Mt. Wheeler, to determine whether Mt. Wheeler should be placed on the same rate schedule as the other wholesale customers (52 FPC 363). In Sierra Pacific Power Company, Opinion No. 730, issued May 15, 1975, in Docket No. E–8224, the Commission cited its holding in Opinion No. 702 and affirmed the finding of the Initial Decision that Sierra's wholesale rate filing was still inapplicable to Mt. Wheeler. The 230 kv line was subsequently placed into service in August 1975.

[5] Public Service Company of New Hampshire, issued March 21, 1977, in Docket No. ER76–285; slip opinion at 11.

[6] New England Power Company, 48 FPC 899, 908–09 (1972).

[7] Slip opinion at 11.

[8] Letter dated February 12, 1977, from Mt. Wheeler's counsel to Judge Kanell, at page 1. This letter is attached to Sierra's Statement of Position, dated February 28, 1977, which was certified to the Commission on March 7, 1977, along with the proposed Settlement Agreement.

all the parties except PG&E[9] and Mt. Wheeler is in conformance with Order

(D) Within 15 days after refunds have been made, Sierra shall file with th

[Docket Nos. RP73–114, RP74–24 and RP74–73 (PGA77-2; (DCA77-2;

the R&D provision in Tennessee's tariff[9]

petition to intervene or a protest in ac-

plicant be obligated to deliver on any

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all the parties except PG&E[1] and Mt. Wheeler is in conformance with Order No. 517 and should be approved. We further find that the settlement fuel clause is applicable to Mt. Wheeler as well as to the other wholesale customers. As we have stated, supra, Mt. Wheeler's argument regarding the synchronization problem is unpersuasive, and its objections concerning the proper base energy cost and the proper loss factor are moot for so long as Mt. Wheeler is served under Schedule R.

Public notice of the filing and certification of the proposed Settlement Agreement was issued on March 19, 1977, with comments thereon due on or before April 8, 1977. On April 7, 1977, the Department of the Navy filed comments in support of the settlement and the alternative fuel clause proposed by Sierra. In comments filed April 8, 1977, the Commission Staff supported the settlement and the alternative fuel clause and agreed that the fuel clause should apply to Mt. Wheeler. Late comments filed on April 12, 1977, by Truckee-Donner called attention to a typographical error in the Settlement Agreement.[2]

Based on our review of the record in these proceedings, including the Settlement Agreement itself and Sierra's Statement of Position on the fuel clause (with attached comments of the other parties), we conclude that the Settlement Agreement represents a reasonable resolution, in the public interest, of the issues in the preceeding (with the exception of the reserved issues), and that accordingly the settlement should be approved.

The Commission finds: The proposed Settlement Agreement submitted to the Commission in this docket should be approved and made effective, as hereinafter ordered.

The Commission orders: (A) The Settlement Agreement certified to the Commission on March 7, 1977, by the Presiding Administrative Law Judge in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Sierra shall file within 30 days of the issuance of this order revised tariff sheets in conformance with the settlement agreement and the revised fuel clause included as Attachment B to Sierra's Statement of Position filed February 28, 1977.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, Sierra shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, Sierra shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Sierra or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19499 Filed 7-7-77;8:45 am]

[1] PG&E supported the first alternative fuel clause in a one-sentence comment which gave no elaboration of its position. See letter dated February 16, 1977, from PG&E's counsel to Sierra's counsel. This letter is also attached to Sierra's Statement of Position, op. cit.

[2] Page 4, pagaraph 5, line 7 should contain the date December 29, 1975, the date from which refunds are to be computed.

[Docket No. CI77-298]

TENNECO INC.; AMOCO PRODUCTION CO., ET AL.

Extension of Time

JUNE 30, 1977.

On June 24, 1977, Tenneco Inc. (Tenneco) filed a motion to extend the time within which to file its direct testimony and evidence as required by Commission Order issued June 6, 1977, in the above indicated proceeding. In support of its request, Tenneco states that the second and final supplement to its Petition for Declaratory Order, filed February 28, 1977, will be filed by July 1, 1977, and will list producers who previously had not been named respondents in this proceeding.

Tenneco submits that an extension of time will enable the Commission to notice all parties involved and allow Tenneco to avoid piecemeal filing of testimony and evidence.

Upon consideration, notice is hereby given that the procedural dates set by the June 6, 1977, Order in the above proceeding are extended as follows:

Filing of direct testimony and evidence by Tenneco Inc. On or before August 12, 1977.

Filing of direct testimony and evidence by respondents. On or before September 2, 1977.

Pre-hearing conference at 10 A.M. E.D.T. in in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. September 27, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19439 Filed 7-7-77;8:45 am]

[Docket Nos. RP73-114, RP74-24 and RP74-73 (PGA77-3) (DCA77-2) (R&D77-2)]

TENNESSEE GAS PIPELINE CO.

Order Accepting Rate Filing Under Tariff Rate Adjustment Provisions

JUNE 30, 1977.

On May 16, 1977, Tennessee Gas Pipeline Company (Tennessee), a division of Tenneco, Inc., tendered for filing proposed tariff sheets[1] reflecting rate adjustments under the purchased gas (PGA), curtailment demand charge credit, and research and development (R&D) provisions in the General Terms and Conditions of its FPC Gas Tariff. The proposed effective date is July 1, 1977. Notice of the filing was issued on June 6, 1977, providing for protests and petitions to intervene to be filed on or before June 22, 1977. None has been received. The Commission shall accept the filing and permit it to become effective on July 1, 1977. However, the portion of the filing reflecting increased R&D expenditures will be collected subject to refund, as provided in Tennessee's tariff, and subject to the outcome of the proceedings in Docket Nos. RP75-13, RP75-113, and RP77-62.

The proposed rate filings include three separate tracking adjustments: (1) a PGA rate increase of 6.44 cents per Mcf to track both increased gas costs of 5.71 cents per Mcf or $63.05 million per year and an increase of 0.73 cents recoupping the balance in Tennessee's Unrecovered Purchase Gas Cost Account; (2) curtailment credit rate decreases of 0.79 cents per Mcf to 2.14 cents per Mcf; and (3) a rate increase of 0.08 cents per Mcf or $921,060 to update R&D expenditures through March 31, 1977.

Included in Tennessee's PGA surcharge is 0.14 cents per Mcf to recoup $741,229 in its deferred account that is the amount by which the costs of Tennessee's purchases under the Emergency Natural Gas Act of 1977A (Pub. L. 95-2, 91 Stat. 4 (1977) exceed its average system gas costs. Under Order No. 7 of the Administrator in Docket No. E77-92, Tennessee is authorized to seek Commission approval to recover these additional costs through its PGA provision, as its purchases under the Emergency Act are less than two percent of its total purchases, 18 CFR 1000.9(e)(1). The Commission will grant this request and permit recovery in the PGA surcharge accepted here.

The Commission finds that the proposed rate adjustments, with the exception of the 0.08 cents per Mcf R&D rate increase, have been shown to be just and reasonable. The proposed R&D rate adjustment has not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. However, the R&D provision in Tennessee's tariff[2] provides that adjustments are not subject to suspension but become effective subject to refund of any portion found unjustified after hearing and final decision. Tennessee's R&D projects and expenditures are already a subject in the proceedings in Docket Nos. RP75-13, RP75-113 and RP77-62. Refunds of the amounts collected to recoup those expenditures may be ordered at the conclusion of those proceedings. Therefore, the proposed rates will be accepted for filing and permitted to become effective on July 1, 1977, as proposed.

The Commission orders: (A) Substitute Seventeenth Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of Tennessee's FPC Gas Tariff, as tendered by Tennessee on May 16, 1977, are hereby accepted for filing and permitted to become effective on July 1, 1977.

(B) To the extent that the rates accepted here reflect charges attributable to R&D expenditures by Tennessee, these rates shall be collected subject to refund, with interest, upon conclusion of the proceedings in Docket Nos. RP75-13, RP75-113, or RP77-62.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19501 Filed 7-7-77;8:45 am]

[1] Substitute Seventeenth Revised Sheet Nos. 12A and 12B to Tennessee's FPC Gas Tariff, Ninth Revised Volume No. 1.

[2] Article XXV of the General Terms and Conditions to Tennessee's FPC Gas Tariff, Ninth Revised Volume No. 1.

[Docket No. RI77-88]

TEXAS ENERGIES, INC.

Petition for Special Relief

JUNE 29, 1977.

Take notice that on May 23, 1977, Texas Energies, Inc. (Texas Energies), P.O. Box 9317, Amarillo, Texas, filed a petition for special relief in Docket No. RI77-88 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Texas Energies, a small producer, seeks authorization to charge $1 per Mcf at 14.65 psia for gas produced from its well, the L. A. Ward Unit, in Harper County, Oklahoma (Section 2, Township 25 North, Range 25 West). The well is presently shut in because of not being able to produce. The gas is dedicated to Colorado Interstate Gas Company and Michigan Wisconsin Pipeline Company at a present price of 21 cents per Mcf. Applicant proposes to rework the well and install artificial lift and compression equipment. Applicant estimates 800,000 Mcf of gas could be produced from this well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-19441 Filed 7-7-77;8:45am]

[Docket No. CP77-451]

TEXAS GAS TRANSMISSION CORP.

Application

JUNE 29, 1977.

Take notice that on June 20, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-451 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 2,304 Mcf of natural gas per day, on an interruptible basis, for Martin-Merietta Aluminum, Inc. (Martin-Marietta), an existing industrial customer of Western Kentucky Gas Company (Western Kentucky), one of the Applicant's resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for 2 years up to 2,304 Mcf of natural gas per day, on an interruptible basis, for Martin-Marietta pursuant to a transportation agreement dated May 27, 1977, between Applicant and Martin-Marietta.

It is stated that Martin-Marietta has entered into a contract with Equitable Petroleum Corporation (Equitable), for the purchase of volumes of natural gas to be produced from certain leasehold interests presently owned or controlled by Equitable in Bayou Biloxi Field, St. Bernard Parish, Louisiana. It is indicated that Martin-Marietta would pay Equitable commencing with the first day of delivery of natural gas, a price of $2.18 per Mcf, and that the price would continue for the next 364 days. It is further stated that thereafter and for the next 365 days the price in effect would be $2.33 per Mcf.

Applicant states that such gas would be delivered to it by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), through a dispatching arrangement at the tailgate of the Champlin Gasoline Plant, Panola County, Texas, and that applicant would simultaneously redeliver volumes of natural gas up to 2,304 Mcf per day at 14.73 psia to an existing point of delivery with Western Kentucky for the account of Martin-Marietta. In no event would Applicant be obligated to deliver on any day an aggregate amount of more than the Contract Demand of 94,043 Mcf of natural gas at 14.73 psia through all points of delivery of Applicant to Western Kentucky in Applicant's Zone 3, it is said. It is stated that Western Kentucky has available capacity and has agreed to accept the volumes of gas to be transported and delivered by Applicant to Western Kentucky. It is indicated that no new facilities are necessary to effectuate the proposed transportation service.

Applicant states that it would retain 5.27 percent above the delivered volumes as make up for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Applicant would be made, i.e., Zone 3. Applicant further states that it would also charge Martin-Marietta an initial charge of 17.81 cents per Mcf (at 14.73 psia) for all quantities of gas transported and delivered to Western Kentucky for the account of Martin-Marietta.

It is indicated that all of the volumes of gas proposed to be transported to Western Kentucky for delivery to Martin-Marietta at its Lewisport, Kentucky plant would be used for plant protection and process needs, which would be classified as Priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearings.

petition should on or before July 15, 1977, file with the Federal Power Com-

[Docket No. RP75-102]

justed for approved 1976-1977 PGA rate increases, a .1 cent per Mcf advance pay-

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unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19435 Filed 7-7-77;8:45 am]

[Docket No. CP77-452]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 29, 1977.

Take notice that on June 21, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-452 an application pursuant to Section 7 of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 750 Mcf of natural gas per day on an interruptible basis for Collins & Aikman Corporation (Collins), Crown Aluminum, Division of Hunter-Douglas, Inc. (Crown) and Davsco, Inc. (Davsco), industrial customers of Public Service Company of North Carolina, Inc. (PSNC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport the proposed volumes of natural gas for Collins, Davsco, and Crown on an interruptible basis pursuant to transportation agreements each dated April 15, 1977 between Applicant and Collins, and Davsco, severally, for a period of two years.

It is stated that Collins, Crown and Davsco have purchased from Samedan Oil Corporation (Samedan) up to 750 Mcf of natural gas per day (at 15.65 psia) of gas to be produced from the Carl Unit No. 1, Bee County, Texas. It is indicated that Collins, Crown and Davsco would pay Samedan for all gas delivered $2.25 per million Btu's (at 14.65 psia), and that they would also pay Samedan 8.4 cents per Mcf for gathering and transporting gas to delivery point.

Applicant states that Collins, Crown and Davsco would arrange to have such quantities delivered to United Gas Pipe Line Company (United) and United would deliver the gas to Applicant at mutually agreeable authorized exchange points between Applicant and United. Applicant further states that it would redeliver the transportation volumes existing points of delivery to PSNC for the accounts of Collins, Crown and Davsco, and that PSNC would transport the subject gas to Collins' and Crown's Roxboro, North Carolina plants and to Davsco's Gastonia, North Carolina plant.

It is indicated that the volumes of gas proposed to be transported and delivered to Collins, Crown and Davsco would be used for Priority 2 uses and that there is no other alternate fuel for use at these plants.

Applicant states that it would charge Collins, Crown and Davsco 29.8 cents per Dekatherm (dt) for all quantities delivered pursuant to their respective transportation agreements, and that this rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline throughput to and within its Rate Zone 2 in which the proposed transportation deliveries would be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19436 Filed 7-7-77;8:45 am]

[Docket No. RM77-20]

ASSOCIATED GAS DISTRIBUTORS

Petition for Notice of Proposed Rulemaking Concerning Pipeline Transportation

JUNE 28, 1977.

Take notice that on May 12, 1977, Associated Gas Distributors (Petitioners or AGD) [1] filed in Docket No. RM77-20 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure 18 C.F.R. § 1.7 and Sections 5, 7 and 16 of the Natural Gas Act, requesting the Commission to issue a notice of proposed rulemaking concerning the transportation, by interstate pipelines, of gas not owned by the transporting pipeline (non-system gas).

AGD's petition identifies several issues on which it seeks FPC rulemaking action. These include the following:

1. The need for a uniform approach to transportation rates applicable to non-system gas.

2. The need to take into account, in fashioning a uniform transportation rate policy, the important differences between transactions involving transportation service for a pipeline's existing customers, on the one hand, and those involving transportation service for other "off-system" customers, on the other.

3. The need to consider, in any uniform transportation rate policy, the questions of whether and how to distinguish between usual transportation service and so-called back-haul service, where transportation service is effectuated by displacement.

4. The need to consider, in any uniform transportation policy, the circumstances under which a pipeline may be obligated to provide transportation service.

Petitioners point out that the need for a uniform policy on pipeline transportation service for non-system gas has become more prevalent in recent years as more gas distributors and industrial users have engaged in self-help measures to offset increasing pipeline curtailments. They further allege that there are wide variations among interstate pipelines' charges for non-system transportation service, making it difficult for parties seeking transportation service to plan transactions effectively and discouraging pipeline customers from undertaking efforts to overcome gas shortages. By establishing uniform rules governing pipeline transportation service of non-system gas, it is alleged that pipeline customers will be encouraged to seek out supplemental supplies of gas, thereby increasing the general interstate supply.

The petition includes a draft statement of the general guidelines recommended by AGD with regard to transportation service for non-system gas. AGD states that it is prepared to offer more detailed comments and suggestions if and when the Commission decides to initiate the proposed rulemaking proceeding.

The purpose of this notice is to invite responses from interested parties and the public concerning whether the request for a rulemaking should be granted, i.e., whether or not the Commission should institute a formal rulemaking proceeding to resolve any or all of the issues identified in the petition and outlined above.

Any person desiring to be heard or to make any protest with reference to said

[1] The members of AGD joining in this petition are designated on Appendix A of this notice.

petition should on or before July 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

ASSOCIATED GAS DISTRIBUTORS

Atlanta Gas Light Co.
Baltimore Gas and Electric Co.
The Brooklyn Union Gas Co.
Central Hudson Gas & Electric Corp.
Chesapeake Utilities Corp.
Consolidated Edison Company of New York, Inc.
Delmarva Power & Light Co.
Elizabethtown Gas Co.
Long Island Lighting Co.
Lynchburg Gas Co.
New Jersey Natural Gas Co.
New York State Electric & Gas Corp.
Philadelphia Electric Co.
Philadelphia Gas Works
Public Service Company of North Carolina, Inc.
Public Service Electric & Gas Co.
South Jersey Gas Co.
UGI Corporation
Washington Gas Light Co.

[FR Doc.77-19456 Filed 7-7-77;8:45 am]

[Docket No. CP76-255]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Settlement Proposal

JULY 1, 1977.

Take notice that on March 8, 1977, Michigan Consolidated Gas Company (MCG) filed with the Commission in Docket No. CP76-254, one of the above captioned dockets in this consolidated proceeding, a settlement proposal, which purports to resolve MCG's rates in this proceeding.

The settlement was certified to the Commission by the Presiding Administrative Law Judge on March 22, 1977.

Any person wishing to do so may submit comments in writing concerning MCG's settlement proposal. All comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, and should be mailed or filed on or before July 12, 1977. Reply comments should be mailed or filed on or before July 26, 1977. MCG's settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19505 Filed 7-7-77;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Approving Tariff Revisions, Accepting for Filing and Suspending Proposed Advance Payment Tracking Increase, Initiating Hearing, Establishing Procedures, and Requiring Submission of Revised Settlement Rates

JUNE 30, 1977.

On May 9, 1977, as modified on May 31, 1977, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing tariff sheets [1] which are allegedly in compliance with the Commission's order of April 25, 1977, approving Panhandle's rate settlement in the captioned proceeding. These tariff sheets are proposed to be effective as of December 1, 1975. The tariff sheets incorporate certain changes in the purchased gas adjustment provision (PGA) of Panhandle's tariff and revisions in Panhandle's Rate Schedules TT-1, TSTE-1 and TSE-1. The proposed changes in Panhandle's PGA relate to the determination of the base cost of gas from suppliers, the allocation factors from pipeline suppliers, and the removal of off-system sales to Colorado Interstate Gas Company and Kansas Nebraska Natural Gas Company from the calculation of the current average cost of purchased gas. The PGA revisions and the revisions to Panhandle's Rate Schedules comply with the terms of the settlement agreement in this docket and, therefore, will be approved.

Panhandle included as part of its filing First Substitute Nineteenth Revised Sheet No. 3-A, proposed to become effective April 1, 1977. This sheet increases the PGA part of the rate to current levels, excludes amounts applicable to Gas Arctic Northwest Project and Northern Border Pipeline Project, and includes an increase in advance payments, and a reduction in the DCA surcharge. This sheet reflects rate levels approved in various PGA filings by Panhandle during the pendency of the settlement approved by the Commission on April 25, 1977. Under the agreement, First Substitute Nineteenth Revised Sheet No. 3-A could not become effective prior to approval of the settlement. (Article II, Section 2 and Article VII). April 25, 1977, was the earliest date on which a tariff sheet filed in accordance with the terms of the settlement could become effective.

The Commission finds that the proposed advance payment increase included in First Substitute Nineteenth Revised Sheet No. 3-A has not been shown to be just and reasonable. Accordingly, the Commission shall suspend operation of this sheet for one day from the earliest possible effective date, or until April 26, 1977, at which time it shall be permitted to become effective, subject to refund. Hearing procedures shall be instituted to determine the lawfulness of the proposed increase.

Panhandle's tendered settlement rates in Docket No. RP75-102 have been adjusted for approved 1976-1977 PGA rate increases, a .1 cent per Mcf advance payment increase, and the exclusion of costs related to Gas Artic Northwest Project and the Northern Border Pipe Line Project. The adjusted rates form the basis for refunds to be made by Panhandle in this docket. In its calculation of the adjusted rates, Panhandle included the .1 cent per Mcf advance payment increase as if it had become effective August 1, 1976. Panhandle did not have tracking authority for advance payment increases in this docket prior to approval of the settlement. Because of Panhandle's lack of advance payment tracking authority from August 1, 1976, Panhandle shall be required to file revised settlement rates excluding the unauthorized .1 cent per Mcf advance payment charge for the period August 1, 1976, through April 25, 1977.

The Commission orders: (A) The proposed tariff sheets listed in Appendix A are accepted for filing as of December 1, 1975, and are approved.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased advance payment rates proposed herein by Panhandle.

(C) Pending hearing and decision, Panhandle's proposed First Substitute Nineteenth Revised Sheet No. 3-A rate increase is accepted for filing and suspended for one day or until April 26, 1977, when it shall be permitted to become effective, subject to refund. However, Panhandle may file a revised tariff sheet eliminating the proposed advance payment increase to be effective on April 25, 1977.

(D) An informal conference shall be convened by the Commission staff within 30 days from the date of this order for the purpose of resolving the issues in this proceeding. Further procedures, if any, as may be required following conclusion of the conference shall be prescribed by the Presiding Law Judge upon motion by the parties to the proceeding, including the staff.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(D), shall be assigned to this proceeding for the purposes set forth in this order and to preside over any hearings which ultimately may be required.

(F) Panhandle shall file within fifteen (15) days of the issuance of this order revised settlement rates excluding the unauthorized .1 percent per Mcf advance payment charge for the period August 1, 1976, through April 25, 1977.

(G) Panhandle's refunds under the settlement in this docket shall be based on the revised rates filed pursuant to (F) above.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Appendix A.

APPENDIX A

PANHANDLE EASTERN PIPE LINE COMPANY

The Commission orders: (A) Pursuant to the authority of the Natural Gas

N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is

file with the Commission, and set June 30, 1977, as the date by which respond-

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APPENDIX A

PANHANDLE EASTERN PIPE LINE COMPANY

[Docket No. AP75-102]

SHEETS PROPOSED TO BE EFFECTIVE DECEMBER 1, 1975

F.P.C. Gas Tariff, Original Volume No. 1—Substitute Third Revised Sheet No. 42-2, Fourth Revised Sheet No. 43-3, Second Substitute Fourth Revised Sheet No. 43-A.

F.P.C. Gas Tariff, Original Volume No. 2—Substitute First Revised Sheet No. 93, First Substitute First Revised Sheet No. 135, Substitute First Revised Sheet No. 211.

[FR Doc.77-19458 Filed 7-7-77;8:45 am]

[Docket No. RP77-98]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting in Part and Denying in Part Requests for Waiver of Regulations, Initiating Hearing and Establishing Procedures

JUNE 30, 1977.

On May 31, 1977, Natural Gas Pipeline Company of America (Natural) tendered for filing in the captioned docket proposed changes to its FPC Gas Tariff[1] which would increase its revenues for jurisdictional gas sales and services by $50.8 million annually above rates currently in effect subject to refund in Docket No. RP76-106, based on the twelve months ended February 28, 1977, as adjusted for known and measurable changes through November 30, 1977. The tariff sheets tendered by Natural, additionally, would increase the unauthorized over-run penalty under Rate Schedules DMQ-1 and G-1 from $1.00 per Mcf to $5.00 per Mcf and would increase the interest rate charged on late payments from 7 percent to 9 percent. Natural requests that the proposed tariff sheets be permitted to become effective on July 1, 1977, except for certain sheets which it requests become effective on January 1, 1978. For the reasons stated below, the Commission shall accept the proposed rate increase for filing, suspend it for five months, and set the matter for hearing.

Natural states that the principal reasons for its proposed rate increase are a need for a 10.69 percent overall rate of return reflecting a 15.5 percent return on common equity; the costs associated with certain offshore transmission facilities and the proposed expansion of the North Lansing field storage project; a need for depreciation rates of 5.75 percent for production, gathering, storage and onshore transmission property and 8 percent for all offshore property; the increased cost of transportation of gas by others; and the costs associated with Natural's proposed exploration and development program in the Rocky Mountain area.

Based upon a review of Natural's filing, the Commission finds that the increased rates which Natural proposes to become effective July 1, 1977, have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing those rates proposed to become effective on July 1, 1977, but shall suspend their use for five months or until December 1, 1977, when they shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

Natural requests waiver of the Commission's Regulations to permit it to file the tariff sheets dated January 1, 1978 more than 60 days prior to the proposed effective date of the sheets. Natural states that certain tariff provisions and contracts preclude Natural from making the rate changes set forth on such sheets until January 1, 1978. Good cause for granting waiver of the Regulations has not been shown. Accordingly, Natural's request shall be denied, and the tariff sheets dated January 1, 1978 shall be rejected. Rejection is without prejudice, however, to Natural refiling such sheets at least 30 days but no more than 60 days prior to the proposed effective date in accordance with Section 154.22 of the Commission's Regulations.

Natural has included in its claimed rate base costs related to certain facilities which have not been certificated as of the date of filing in this docket. Natural requests waiver of Section 154.63 (e) (2) (ii) of the Commission's Regulations to permit such inclusion and in support of its request states that it anticipates receiving all necessary certifications prior to the time its proposed rates become effective. The Commission shall grant the requested waiver of its Regulations provided, however, that if such facilities are not certificated and placed in service on the date the proposed rates take effect subject to refund, Natural shall file revised tariff sheets which reflect exclusion of the costs associated with those facilities which have not been certificated and placed in service as of that date. Natural shall, also, submit supplemental cost and revenue data which reflect the elimination of such costs from its cost of service.

Natural has restated its depreciation reserve to reflect depreciation rates of 5% for production, gathering, storage and offshore plant and 4.5% for transmission plant. These were the last depreciation rates approved by the Commission.[2] Since December 1, 1976, in Docket No. RP76-106, however, Natural has collected, subject to refund, rates which reflect 5.75% for property other than offshore transmission and 8.0% for offshore transmission other than Stingray property.

The effect of Natural's restatement of its depreciation reserve is to allow the company to calculate its rate base as if it had not filed to change its depreciation rates in its last rate increase filing, with the result that the return and income tax allowances included in Natural's cost of service are not synchronized with the depreciation expense included in its cost of service and, more importantly, in its rates. This restatement of the accumulated reserve for depreciation results in a rate base, and consequent allowance for return and associated income taxes, in excess of the rate base, return and income taxes which would result from the depreciation rates claimed and included in rates during the period following December 1, 1976.[3] Therefore, the Commission shall order Natural to file revised tariff sheets to go into effect at the end of the suspension period reflecting the accumulated reserve for depreciation resulting from its claimed depreciation rates for the period following December 1, 1976, together with appropriate adjustments to the claimed allowances for return and income taxes. Natural shall file with such revised tariff sheets, supplemental cost and revenue data reflecting the adjusted reserve for depreciation. The revised tariff sheet and supplemental data shall reflect the actual advance payment balance in Account No. 166 as of November 30, 1977.

Public notice of Natural's filing was issued on June 10, 1977, with comments and petitions to intervene due on or before June 22, 1977. Timely petitions to intervene were filed by the parties listed in Appendix B. The Commission believes that intervention of such petitioners may be in the public interest, and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Natural to become effective on July 1, 1977, and that the same be accepted for filing and suspended as hereinafter ordered.

(2) Good cause exists to deny Natural's request for waiver of Section 154.22 of the Commission's Regulations requiring that proposed tariff sheets shall not be filed more than 60 days prior to the proposed effective date thereof.

(3) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Regulations, subject to the condition hereinafter ordered.

(4) Good cause exists to order Natural to file revised tariff sheets and supplemental cost and revenue data reflecting the accumulated reserve for depreciation resulting from Natural's claimed depreciation rates for the period following December 1, 1976, with appropriate changes in the allowance for return and taxes and reflecting the actual advance payment balance in Account No. 166 as of November 30, 1977.

(5) Good cause exists to permit the intervention of the petitioners listed in Appendix B.

[1] *See:* Appendix A.

[2] *Natural Gas Pipeline Company of America*, Docket No. RP75-108, order issued April 4, 1977.

[3] *Natural Gas Pipeline Company of America*, Docket No. RP76-106, order issued June 30, 1976, at 4; *see also: Sea Robin Pipeline Company*. Docket No. RP76-39, order issued December 11, 1975, at 2, *rehearing denied*, order issued March 25, 1976, at 5-9.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of these rates which Natural proposes to become effective on July 1, 1977.

(B) Pending hearing and decision, the rates which Natural proposes to become effective on July 1, 1977, are accepted for filing and suspended for five months or until December 1, 1977, when they shall be permitted to become effective, subject to refund, upon motion filed by Natural in accordance with the provisions of the Natural Gas Act.

(C) Natural's request for waiver of Section 154.22 of the Commission's Regulations requiring that proposed tariff sheets shall not be filed more than 60 days prior to the proposed effective date is hereby denied, and, accordingly, those tariff sheets dated January 1, 1978 are hereby rejected. Such rejection is without prejudice to refiling of such tariff sheets at such a time as is in accordance with the Commission's Regulations.

(D) Natural's request for waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations is hereby granted: *Provided, however,* That Natural file revised tariff sheets and supplemental cost and revenue data on or before November 1, 1977, which shall reflect the exclusion of costs associated with facilities not certificated and placed in service as of November 30, 1977.

(E) Natural shall file revised tariff sheets to go into effect December 1, 1977 and suplemental cost and revenue data reflecting the accumulated reserve for depreciation resulting from Natural's claimed depreciation rates for the period following December 1, 1976, with appropriate changes in the allowance for return and taxes and reflecting the actual advance payment balance in Account No. 166 as of November 30, 1977.

(F) The petitioners listed in Appendix B are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 1, 1977. (See Administrative Order No. 157).

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

TARIFF SHEETS PROPOSED TO BE EFFECTIVE JULY 1, 1977

Third Revised Volume No. 1—Thirty-second Revised Sheet No. 5, Eighth Revised Sheet No. 5A, Fifth Revised Sheet No. 9, Fifth Revised Sheet No. 9A, Fifth Revised Sheet No. 9, Fifth Revised Sheet No. 14, First Revised Sheet No. 108, Eighth Revised Sheet No. 119, Sixth Revised Sheet No. 120-A.

Second Revised Volume No. 2—Tenth Revised Sheet No. 220 (R/S X-30), Fifth Revised Sheet No. 270 (R/S X-35), First Revised Sheet No. 390 (R/S X-46), Second Revised Sheet No. 407 (R/S X-48), Second Revised Sheet No. 433 (R/S X-49), First Revised Sheet No. 710 (R/S X-68), First Revised Sheet No. 744 (R/S X-72), First Revised Sheet No. 1000 (R/S X-84).

TARIFF SHEETS PROPOSED TO BE EFFECTIVE JANUARY 1, 1978

Second Revised Volume No. 2—First Revised Sheet No. 457 (R/S X-50), First Revised Sheet No. 653 (R/S X-62), First Revised Sheet No. 654 (R/S X-62), First Revised Sheet No. 668 (R/S X-63), First Revised Sheet No. 695 (R/S X-67).

APPENDIX B

TIMELY PETITIONS TO INTERVENE FILED BY:

Interstate Power Company
Illinois Power Company
United Cities Gas Company
Wisconsin Southern Gas Company, Inc.
Iowa Power and Light Company
Northern Illinois Gas Company
Northern Indiana Public Service Company
North Central Public Service Co. Division of Donovan Companies, Inc.
Central Illinois Public Service Company
Iowa-Illinois Gas and Electric Company
Columbia Gas Transmission Corporation

[FR Doc.77-19459 Filed 7-7-77;8:45 am]

[Docket No. RM76-10]

RATE SCHEDULES ANALYSIS ON A CONTINUING CURRENT BASIS: FPC FORM NO. 108

Order Postponing Procedural Dates Until Further Notice

JUNE 30, 1977.

On page 5 of Order No. 556 issued herein November 22, 1976, we stated that by March 31, 1977, the Commission would transmit to all producers that complied with our August 1973 order in Docket No. R-478 a copy of the appropriate schedules of Form No. 108 filled out with the information currently on file with the Commission, and set June 30, 1977, as the date by which respondents would be required to verify the data on these schedules and complete any portions of Form No. 108 that request new information. By our order of March 11, 1977, these dates were postponed until June 30, 1977, and September 30, 1977, respectively.

The Commission orders: The abovementioned dates are further postponed until further notice.

By the Commission.

KENNETH E. PLUMB,
Secretary.

[FR Doc.77-19508 Filed 7-7-77;8:45 am]

[Opinion No. 796-A; Docket Nos. CP74-138, CP74-139, CP74-140]

TRUNKLINE LNG CO. AND TRUNKLINE GAS CO.

Opinion and Order on Rehearing Modifying Prior Opinion and Granting Late Petitions to Intervene

JUNE 30, 1977.

Applications for rehearing of Opinion No. 796 issued April 29, 1977, in this proceeding were filed by Algonquin LNG Company, et al. (Algonquin), Battle Creek Gas Company (Battle Creek), Columbia Gas Transmission Corporation (Columbia Gas), Columbia LNG Corporation (Columbia LNG), Consumers Power Company (Consumers Power), Eascogas LNG, Inc. (Eascogas), East Ohio Gas Company (East Ohio), El Paso Algeria Corporation (El Paso Algeria), General Motors Corporation (General Motors), Indiana Gas Company, Inc. (Indiana Gas), Interstate Natural Gas Association of America (INGAA), Mississippi River Transmission Corporation (MRTC), Public Service Electric & Gas Company (PSE&G), Southern Natural Gas Company, et al. (Southern), Southern California Gas Company (So-Cal), and Tennessee Gas Pipeline Company (Tennessee). Motions for reconsideration[1] were filed on June 1, 1977, by Michigan Consolidated Gas Company (Michigan Consolidated) and by the City of Indianapolis D/B/A Citizens Gas & Coke Utility (Indianapolis); on June 3, 1977, by Northern Indiana Public Service Company (NIPSCO); and on June 9, 1977, by Southeastern Michigan Gas Company (Southeastern). In response to the Commission's "Order Setting Oral Argument * * *", —— FPC ——, issued June 2, 1977, in this proceeding, comments were filed by Algonquin; jointly by Distrigas Corporation and Distrigas of Massachusetts Corporation (Distrigas); jointly by the Environmental Defense Fund, the Consumer Federation of America and the Public Interest Economics Center (EDF, et al.); Pertamina;

[1] Although these pleadings were styled as "applications for rehearing," they are being treated as motions for reconsideration because they were not filed within the time prescribed by Section 1.34 of the Commission's Rules of Practice and Procedure.

Michigan Gas Utilities Company (Michigan Gas); the Federal Energy Administration on behalf of the Energy Resources Council (ERC); the Commission

argument cited page 8 of Columbia LNG, et al., Opinion No. 786 wherein the Commission noted that under Opinion No. 622-A, which required incremental pric-

$3.37 per Mcf, the Commission would also have required incremental pricing in that case.

Staff argues against comparing the

of rolled-in pricing. Because of national defense and balance of payments considerations, the need for incremental pric-

thereof) to sign up for LNG for use in 1980 and thereafter under separate incremental rate schedules, which, in all

Trunkline LNG by using rolled-in, as opposed to incremental pricing, we find the initial rate of $3.37 to be within the zone

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Michigan Gas Utilities Company (Michigan Gas); the Federal Energy Administration on behalf of the Energy Resources Council (ERC); the Commission Staff; the National Association of Regulatory Commissioners (NARUC); and by the State Regulatory Commissions of Ohio, Michigan, Missouri, Indiana, Kansas and Illinois. On June 13, 1977, the Commission held oral argument concerning issues raised in the applications for rehearing and in other pleadings filed with the Commission. Participants in the oral argument included Trunkline, EDF, et al., Indiana Gas, Michigan Consolidated, INGAA, Tennessee, So-Cal, Columbia Gas, Columbia LNG, Eascogas, PSE&G, Southern MRTC and the Commission Staff. For the reasons set forth below, the Commission shall modify Opinion No. 796. On June 24, 1977, the Commission granted rehearing of Opinion No. 796 for purposes of further consideration.

INCREMENTAL VERSUS ROLLED-IN PRICING

Most of the parties addressed this issue and, of those, all but the Commission Staff and EDF, et al. opposed incremental pricing and supported the use of rolled-in pricing.

The Energy Resources Council filed a statement calling the Commission's attention to Section 414 of the proposed National Energy Act transmitted by the President to the Congress on April 29, 1977. According to the ERC, the policies and positions considered in drafting Section 414, which is entitled "Incremental Pricing of Natural Gas", are similar to those considered by the Commission in Opinion No. 796. The ERC explains, however, that whereas Opinion No. 796 provides for full marginal cost pricing of a specific source, Section 414 provides that the costs of all above-average-cost gas supplies will be allocated to low priority users until the burner-tip prices for such users reach the prices of substitute fuels.

Those opposed to incremental pricing contend, inter alia, that it: (1) jeopardizes the financeability of the LNG project, (2) only assists those customers with the ability and foresight to sign up to purchase LNG in 1977 for delivery in 1980, (3) is inconsistent with Opinion No. 786 (Columbia LNG wherein the FPC approved rolled-in pricing for imported LNG), and with the Commission's Alaska pipeline report to the President (wherein rolled-in pricing was also recommended), (4) is improper where LNG is used for base load, high priority uses, (5) is inconsistent with the goal of encouraging all forms of supplemental supplies in times of energy shortages, (6) is difficult to administer and impedes the flexibility and reliability of a pipeline's system, and (7) discriminates against high priority customers of low load factor customers of Trunkline, Panhandle and MRT who won't be able to contract to purchase the LNG because such purchases will have to be at 100 percent load factor as required by the take-or-pay arrangements of the import contract. As an example, Tennessee in oral argument cited page 8 of Columbia LNG, et al., Opinion No. 786 wherein the Commission noted that under Opinion No. 622–A, which required incremental pricing, only 44 of Southern Natural's 120 resale customers elected to purchase LNG on an incremental basis. The Commission stated:

> Nine large relatively high load factor customers purch sed over 92 percent of the total volume. Southern's low load factor customers, primarily municipally-owned systems, did not participate in the purchase of the LNG as they were unable to obligate themselves to purchase LNG incrementally now. These customers represent small cities and towns throughout the southeastern p rt of the United States.

Tennessee Gas argues that the "market test," envisioned by Opinion No. 796 won't work because new, high priced supplies of coal, oil and electricity are usually rolled-in. Tennessee Gas and other parties also argue that Opinion No. 796 adopted incremental pricing without substantial evidence as required by *Columbia LNG, et al.* v. *F.P.C.*, 491 F.2d 651 (5th Cir., 1974) on such issues as: (1) the administrative problems involved, (2) the cost of implementation, and (3) the degree to which the public interest would be served by incremental pricing. It is also argued that a future Commission almost assuredly will not observe the "non-curtailable" provision, a fact which, it is alleged, would adversely affect investors' confidence in the project.

While not directly opposing the FPC's incremental pricing decision, the Ohio Commission sets forth its policy, used at the state level, and belief that only short term supplies of gas should be incrementally priced, whereas long term supplies of gas, which require long term capital commitments (such as The Trunkline LNG project) should be rolled-in. The Missouri Commission questions the financeability and the general wisdom of using incremental pricing and recommends use of the rolled-in method. The Indiana, Illinois, Kansas and Michigan Commissions, as well as NARUC, also support use of the rolled-in method, citing many of the reasons discussed above as support.[3]

In support of the incremental pricing method, Staff, at the oral argument, defended the use of incremental pricing for the reasons set forth in Opinion No. 796. In addition, Staff responded to several of the arguments raised by opponents of incremental pricing. Staff defended the "price comparability" test used by the Commission to distinguish Columbia LNG, Opinion No. 786 from Opinion No. 796 against attacks that the Commission should have adjusted the price of LNG in Opinion No. 786 to account for higher costs. Staff rejects this argument as "bootstrapping", stating that if the estimated price in Columbia LNG were $3.37 per Mcf, the Commission would also have required incremental pricing in that case.

Staff argues against comparing the Trunkline LNG price of $3.37 per MMBtu with estimated prices for deregulated gas of $2.50 to $3 per Mcf because, at this point, deregulation is too speculative a possibility to be considered. Staff also challenges the assertion that the need for the LNG outweighs price considerations because, by being confronted with the "true" cost of the LNG, customers will decide whether or not they actually need the LNG. As an example, Staff notes that ceratin proposed short-term emergency supplies of gas, amounting to 11 out of 13 Bcf of gas offered at an incremental price of $3 per Mcf, were rejected by gas consumers last winter in Ohio as too expensive. Staff similarly rejects the argument that distributors with low load factors (with high winter peaks) will be unable to contract for LNG stating that the gas delivered in the off-peak summer period can be sold by the pipeline to other customers or put in storage.

Staff also argues that the Commission's Alaska recommendations, which included a rolled-in pricing proposal for Alaskan gas, is distinguishable from the instant case because the investment in the Alaska project is much greater ($10 billion) than the investment in the Trunkline LNG project ($193 million) and the market far smaller in the instant case. Staff also notes that its filed comments show the price of LNG in the Sonatrach contract has now escalated from a base price of $1.30 to $1.64, a figure in excess of the $1.47 figure included in the Commission's certificated initial rate of $3.37 per MMBtu.

Staff supported an incremental pricing method including use of increasing block rates, with entitlements to low cost conventional source domestic gas in the initial tariff block and the higher priced LNG in the tail block which is the most "price elastic range" of the rate structure; i.e. that gas most likely not to be taken (1) if it is more costly than the alternatives, such as conservation or other energy sources, or (2) in the event of warm weather or a slackening of demand due to other factors. Staff also stated that under its pricing plan the probable "confrontation" with incremental pricing would occur at the distribution level, i.e. distributor-customers of the pipelines, would decide, in effect, for their customers, the ultimate consumers of the gas, whether or not to take the gas. If an excess of gas occurred such that the gas was not marketable on Trunkline's system, the gas could be sold to other pipelines. If it was not marketable anywhere in the United States, then, Staff states, "* * * we should not be importing gas at $3.37. It's the whole point of incremenal pricing." (Tr 2889.)

EDF, et al. supports the Staff position and argues, inter alia, that the Commission should price LNG incrementally to encourage state commissions to be creative and to do the same rather than discourage such efforts through the use

[3] It should be noted that none of the State Commissions indicated whether they would require the LNG, if priced incrementally by the pipeline, to be sold to ultimate consumers on an incremental or rolled-in basis.

of rolled-in pricing. Because of national defense and balance of payments considerations, the need for incremental pricing of foreign LNG is particularly compelling, even though EDF, et al. would recommend incremental pricing of all new supplemental supplies of high cost gas.[2]

Upon consideration of the arguments raised by the parties on rehearing, in the comments, and at oral argument, as well as a reconsideration of the record in this case and of Opinion No. 796, the Commission is convinced that the incremental pricing method should not be used herein and that the rolled-in method should be used in its stead. One of the Commission's primary concerns is in the financeability of the project. Trunkline has stated that the incremental pricing provisions, if upheld on rehearing, would probably render the project unfinanceable.[4] Trunkline has further stated that with incremental pricing, there is not enough present firmness of demand to warrant going forward with the project on an incremental basis. The response of Staff and EDF, et al. to this statement is that if the demand on the Trunkline system does not exist for LNG at its "true market cost", then the gas should not be imported and the project should be allowed to fail because there is not enough market demand for the LNG to justify the project. The evidence in this proceeding indicates that the true issue facing the Commission is not whether to certificate this project and require incremental or rolled-in pricing, but rather whether to certificate this project with rolled-in pricing or to, in effect, kill the project by using incremental pricing, an action tantamount in result to denying Trunkline's request for certification of the project. Given the record in the proceeding, and considering all factors, the Commission finds that certification of this project is in the public interest.

One of the primary factors leading us to this conclusion is that this gas should be made available on the Trunkline Gas system as insurance to protect Priority 1 loads and Priority 2 plant protection requirements. To ensure that this supply is made available to the Trunkline Gas system, as stated above, rolled-in pricing is required as a necessary ingredient to the project's financeability and therefore its ultimate viability. The availability of such gas to these customers, particularly when they are customers of low load factor distributors, should not hinge on the distributor's present ability and willingness (or lack thereof) to sign up for LNG for use in 1980 and thereafter under separate incremental rate schedules, which, in all probability, will contain take-or-pay provisions which require the LNG to be taken at 100 percent load factor. The record indicates that one-half of Trunkline Gas' base load is projected to be LNG by the mid-1980's (I.D., p. 28), at which time Trunkline Gas will be meeting 75 percent of its Priority 1 requirements, even with imported LNG, with no gas left over for lower priorities (I.D., p. 37). As the Commission stated in Columbia LNG, Opinion No. 786 where the gas will be used as base load to serve high priority users in Priorities 1 and 2, rather than as an "exotic" supplemental supply for use by lower priority users, rolled-in pricing should be used.[5] Thus, with rolled-in pricing, the LNG will be available on the Trunkline Gas system as a part of Trunkline Gas' general system supply. Thus, it is only proper that all customers pay their proportionate share of the costs of the LNG since all customers would benefit therefrom.

With respect to the availability of alternate fuels, the Commission agrees with and adopts the Presiding Judge's finding (I.D., p. 33);

> * * * that alternate fuels are not available in sufficient quantity or within a comparable price range to offset the need for imported LNG, for the reasons set forth in his Initial Decision.

In related matter, the Commission agrees that it cannot in this proceeding, ensure that future commissions or successor regulatory authorities, would never curtail the gas sold under separate incremental rate schedules. We also agree that the eventual curtailability of this LNG supply, under purportedly "non-curtailable" rate schedules, has been a major factor in the apparent reluctance of parties to sign 20-year contracts with take-or-pay provisions for the purchase of LNG. Accordingly, consistent with our decision to use rolled-in pricing, the LNG from the project shall be curtailed pursuant to Trunkine Gas' end-use curtailment plan.

We further agree with certain of the applicants that use of the rolled-in pricing method is consistent with our decision in the Alaska Pipeine recommendation and with our decision in Columbia LNG, Opinion No. 786 to use rolled-in pricing. Once we have determined that a supplemental gas supply project is in the public interest, the Commission should take reasonable steps, consistent with its consumer protection responsibility under Sections 4 and 5 of the Natural Gas Act, to ensure the financial viability of the project.

We note that the certificated initial rate of $3.37 per MMBtu is based upon calculations using a 15 percent rate of return on common equity. Although the instant opinion reduces the risk to Trunkline LNG by using rolled-in, as opposed to incremental pricing, we find the initial rate of $3.37 to be within the zone of reasonableness. Furthermore, the rate of return issue shall be reviewed in Trunkline LNG's first Section 4 or 5 rate proceeding before the Commission, or its successor agency.

FIXED RATE PROVISION

Trunkline and others argue that the so-called "fixed rate" provision of Opinion No. 796, which permits no change in the straight volumetric rate of $3.37 per MMBtu[6] (except for changes due to currency adjustments or the operation of the minimum bill provisions) unless a proceeding is instituted under Section 4 or 5 of the Natural Gas Act, seriously jeopardizes the financeability of the project. Specifically, the Commission is asked to approve the Panhandle-Sonatrach contract; particularly the escalator which ties the price of the LNG to the price of #2 and #6 oil. Furthermore, the Commission is urged to approve the shipping contracts; particularly (1) those permitting increased rates for cost overruns in the LNG tankers themselves, (2) the escalator which tracks interest charges applicable to Title XI bonds, and (3) certain other unavoidable costs as set out in the shipping contracts. In addition, the Commission is asked to approve a cost-of-service tariff to track costs of the Trunkline LNG terminal facilities.

The parties in support of these modifications recommend use of the Presiding Judge's requirement that these adjustments be justified, after they have taken effect, by yearly filings. With respect to the Panhandle-Sonatrach supply contract, the parties argue that the *Pacific Gas Transmission* case is inapplicable because that was a case of unilateral price increases, whereas the instant case involves a set index related to the price of #2 and #6 oil.[7] With respect to the shipping costs, Trunkline at the oral argument noted that a portion of the ships are to be financed by subsidies from the Maritime Administration and that this agency will monitor the costs of the shipbuilding. (Tr. 2901) Tennessee argues that the record is sufficient to approve the shipping contract, and the cost escalators provided therein. Tennessee and others also argue that cost-of-service tariffs to cover, inter alia, Trunkline's LNG's terminal costs are not proscribed by the *Pacific Gas Transmission* case. Furthermore, Tennessee also argues that the decision not to approve a cost-of-service tariff but to rely instead

[2] The latter recommendation, of course, is beyond the scope of this certificate proceeding.

[4] See statement of Trunkline Counsel, Tr. 2776. In addition, Trunkline argues that the fixed rate provision, and to a lesser extent, the minimum bill provision and lack of approval of the escalation in the purchased gas supply and the shifting contracts jeopardize the financeability of the project. These matters will be discussed later in the opinion.

[5] *See:* Columbia LNG Opinion No. 786 (mimeo, p. 13).

[6] This is the price for gas delivered at Trunkline Gas' now existing pipline system.

[7] Trunkline's Counsel indicated at oral argument that Trunkline supported the requirement of a Section 4 proceeding with respect to the contract renegotiation provision which requires approval by the Algerian authorities and the Federal Power Commission, or its successor agency, of any contract renegotiation not otherwise permitted in the supply contract. (Tr. 2899–2900)

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on Section 4 procedures for rate changes was not supported by substantial evidence.

Staff generally supported the decision in Opinion No. 796 on this issue, noting that the oil price index in the supply contract was analogous to the *Pacific Gas* situation because there the Canadian Government was basing the price of exported gas on the price of alternate fuels (oil). With respect to the requested approval of the shipping contracts and the requested cost-of-service tariff to track excess terminal costs, Staff argues that despite the track excess record in this case, these costs are unknown and unpredictable. Furthermore, Staff notes that the Commission's initial certification rate reflects a 15% rate of return on common equity which offsets any increased risk in recovery or terminal or other costs through a fixed rate.

With respect to the index in the Panhandle-Sonatrach contract relating to base price of LNG to the price of #2 and #6 oil, the Commission finds that Trunkline LNG should be able to track such amounts in its tariff pursuant to a rate adjustment provision which provides for 30 days' notice of such a filing to Trunkline Gas, to the customers of Trunkline Gas and to the affected state commissions, accompanied by appropriate calculations showing that the new rate correctly reflects the application of the escalation provision in the Panhandle-Sonatrach supply contract and that Trunkline LNG has used the correct figures for #2 and #6 oil, as required by the supply contract. We find that this is substantially consistent with our treatment of similar provisions in Opinion No. 622–A and will enable Trunkline LNG to recover such costs in a rapid manner. Because of the fact that the formula is reasonably well defined and predictable as to timing, with escalations occurring twice a year, we find it appropriate to permit this escalator to operate as set forth above. Upon reconsideration, we are not persuaded that the *Pacific Gas* case is applicable to the instant case based upon the record in this proceeding. With regard to the renegotiation provision, the Commission concurs with the statement of Trunkline's Counsel that Section 4 procedures should be followed with respect to this provision.

With regard to the shipping contracts, we are not persuaded that any change in Opinion No. 796 is necessary with regard thereto. As Staff correctly notes, the costs for this portion of this project are not known and are subject to overruns due to increases in, inter alia, ship construction costs. Accordingly, any change in the $3.37 per MMBtu rate necessitated by changes in the shipping arrangements shall continue to be subject to review in a Section 4 proceeding for prudency. The Commission wishes to emphasize, however, that the review of shipping costs will not be done on a "cost-plus-fair-return" basis, but rather on a prudent cost incurrence basis.[8] To give up even this limited right of review of such costs would be inconsistent with our responsibility to assure just and reasonable rates for the nation's gas consumers.

The Commission shall similarly reject the request for a cost-of-service tariff to track Trunkline LNG's terminal costs. The terminal is a jurisdictional facility and, as such, the costs related thereto must be reviewed to establish if they are just and reasonable. In reviewing Trunkline LNG's Section 4 rate applications to determine whether or not suspension is appropriate, and if so, the length of suspension required, the Commission shall, of course, consider the necessity of Trunkline LNG, like other jurisdictional facilities to recover their costs of doing business.

Minimum Bill Provisions

Trunkline has said that it is willing to accept the general outline of the minimum bill if modifications were made that: (1) permit calculation related to the minimum bill on an annual (rather than daily) basis; (2) impose no penalty (i.e. loss of return on or return of equity) if at least 90 percent of the annual volumes were delivered; and (3) credit the purchasers for supply and transportation costs to the extent Trunkline LNG is able to avoid such costs under its supply and shipping contracts. Upon review, the Commission finds these recommended changes reasonable and shall modify the minimum bill to so provide.

Other parties argue that the minimum bill should permit recovery of equity in the event of service interruption and further that Trunkline should not be pealized by loss of equity in cases where the interruption is not the fault of Trunkline. As stated on Opinion No. 796, the provision for a pro rata reduction of both return of and return on equity during periods of service interruptions represents a balancing of the risk between consumers and stockholders. Accordingly, the Commission reaffirms its position herein.

In response to a request for clarification by So-Cal, the Commission notes that Trunkline LNG will be permitted to recover costs actually incurred during the locked-in period, except that capital costs (o.e. debt costs, return on equity, etc.) and the depreciation expense shall be calculated based upon the rates approved by the Commission for Trunkline LNG in the rate case covering the period of interruption.

As discussed above, we find the principles of Trunkline LNG's proposals to modify the minimum bill provisions reasonable. However, Trunkline LNG has proposed a minimum bill based upon a cost of service tariff such that all costs incurred over the year would be collected from Trunkline Gas and then appropriate refunds made at the end of the year. However, because the Commission has rejected Trunkline's request for a cost of service tariff as set forth above, a different type of minimum bill is required, as set forth below:

"In the event that Seller is unable to deliver 100 percent of the gas contracted for by Buyer during a monthly billing period, Buyer shall reimburse Seller not only for volumes delivered, but also for contract volumes not delivered, such that Seller will recover on the nondelivered volumes an apportioned share of Seller nonequity-related fixed expenses incurred during such period, limited to the following:

(a) Operating and maintenance expenses;

(b) Taxes payable;

(c) Interest expense based on that portion of Seller's then existing debt which was incurred for the construction of the LNG and related facilities;

(d) The requirements for repayment of such debt;

(e) Amounts, if any, Seller shall be obligated to pay for LNG supplies and for ocean transportation under the LNG supply and shipping contract;

(f) All return of and return on equity in the event Seller has delivered at least 90 percent of the contractual volumes calculated on a monthly basis.

(g) On an annual basis, the minimum bill shall be recomputed according to the above formula and an appropriate refund made, or surcharge collected, as appropriate;

Provided, however, that Buyer's obligation to pay for nondelivered amounts shall not extend beyond the time at which Seller, if it is the party claiming *force majeure,* could have remedied the cause in an adequate manner with all reasonable dispatch in order to resume deliveries to Buyer."

As set forth above, the minimum bill would permit a "swing" of 10% in delivery of volumes without any loss of return of or return on equity. However, should such deliveries fall below 90% of contract volumes, then Trunkline LNG would be subject to a proportional loss of return of and return on equity. Thus, delivery of 50% of contractual volumes during a given period would entitle Trunkline LNG to recover 50% of its return of and return on equity from all non-equity related fixed expenses as set forth in subparagraphs (a) through (e) of the minimum bill formula. We view the 10% "swing" provision not as a "guarantee" of return of and return on equity as such, but as a recognition of the need for an allowance: (1) for "down time" on the LNG facilities for maintenance, and (2) for time for short delays in deliveries.[9]

[8] Opinion No. 796 (mimeo, pp. 20–21) citing *Pacific Indonesia LNG Co., et al.*, — FPC — issued April 2, 1976, in Docket No. CP74–160, *et al.*

[9] Compare: *Transwestern Pipeline Company, et al.* Opinion No. 728–A, — FPC —, issued November 21, 1975 in Docket No. CP73–211 (mimeo, pp. 3–4).

The reason for the monthly formula, which is eventually adjusted to reflect the calculation of the minimum bill on an annual basis, is to permit monthly billing under the rate formula prescribed herein, with adjustments at the end of the year, to prevent undue delays in the recovery of Trunkline LNG's costs under the minimum bill which might occur if recovery were delayed until the end of the year.

Miscellaneous

Algonquin, Eascogas and Public Service Electric & Gas urge deletion of Ordering Paragraph (L) of Opinion No. 796 because, inter alia, it conditions the Commission's approval of this project under sections 3 and 7 of the Natural Gas Act to the obtaining by Trunkline LNG of all requisite permits, certificates, etc. from applicable state, local and other federal agencies. This, it is argued, subjects the Commission's authority to that of these other affected governmental units and, in effect, gives them the power to veto the Commission's certificates granted herein. Trunkline LNG is already obligated to obey all applicable laws and regulations so that compliance with such provisions is not threatened by deletion of Ordering Paragraph (L). Trunkline LNG does not specifically object to the provision but reserves the right to request modification of that condition in the future should it become necessary.

We note that similar conditions have been imposed in previous Commission certificate orders including *Transwestern Coal, et al.* Opinion No. 728, — FPC — issued April 21, 1975 (mimeo, p. 3), Ordering Paragraph (C) and in *Columbia LNG, et al.*, Opinion No. 622, 47 FPC at 1649. We find they are necessary to assure that this project is in the public convenience and necessity. Should a severe problem arise as to this condition, Trunkline LNG may, of course, seek amendment of the certificate in an application under section 3 of the Natural Gas Act stating the reasons therefor.

Tennessee argues for a guaranty of recovery of all costs in the event of project failure. Trunkline LNG states that it will assume the risks associated with project failure and the possibility of not being able to recover its costs. The Commission reaffirms its finding in Opinion No. 796 that such determination should be made at such time as project failure occurs so as to judge the circumstances as they then exist. It is premature at this time to make a determination. Late petitions to intervene were filed by Pertamina, Southeastern and NIPSCO. For good cause shown, the Commission shall grant the petitions subject to the conditions set forth below.

The Commission finds: (1) Good cause exists to modify Opinion No. 796 as described in the body of this Opinion.

(2) Participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders: (A) Opinion No. 796 is hereby modified as set forth in the body of this opinion and order.

(B) To the extent not granted above, the applications for rehearing and motions for reconsideration of Opinion No. 796 are denied.

(C) The above-named petitioners are permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding; and *Provided, further,* that the granting of such petitions shall not be grounds for delay in this proceeding, and that such intervenors shall take the record as they find it.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc.77–19455 Filed 7–7–77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 25]

ACTIONS OF THE BOARD; APPLICATIONS AND REPORTS RECEIVED DURING THE WEEK ENDING JUNE 18, 1977

Actions of the Board

Regulation J amendment, by adding a new section concerning the wire transfer of funds between member banks (Docket No. R–0013).

The Board of Governors noted that five new Standard Metropolitan Statistical Areas (SMSAs) have been designated and that this affects banks and thrift institutions subject to the Home Mortgage Disclosure Act in those areas.

Pamphlet explaining provisions of the Equal Credit Opportunity Act as it applies to doctors, lawyers and small businessmen is now available for public distribution.

Staff study of private placement activities of commercial banks, letter to Chairman Henry S. Reuss with enclosure of the staff study.

Bank of the Commonwealth, Detroit, Michigan, to make an investment in bank premises in connection with leasehold improvements to warehouse facilities located at Fort and Twelfth Streets, Detroit, Michigan.

Bank of New Jersey, Camden, New Jersey, to make an investment in bank premises.[1]

English State Bank, English, Indiana, to make an additional investment in bank premises.[1]

Warren Bank, Warren, Michigan, to make an investment in bank premises.[1]

Termination of registration for Atlas Credit Union, Wood River, Illinois.[1]

Barnett Bank of Lake Placid, Lake Placid, Florida, propcsed merger with Barnett Bank at Sebring, Sebring, Florida, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

Barnett Banks of Florida, Inc., subsidiaries of, Jacksonville, Florida, proposed merger with Barnett Bank of Plantation, Plantation, Florida, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Century National Bank of Fort Lauderdale, Fort Lauderdale, Florida, proposed merger with Century National Bank of Broward, Fort Lauderdale, Florida, report to the Comptroller of the Currency on competitive factors.[1]

Guarantee Trust and Safe Deposit Company of Shamokin, Pennsylvania, Shamokin, Pennsylvania, proposed merger with Northern Central Bank, Williamsport, Pennsylvania, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Merchants and Farmers Bank, Portsmouth, Virginia, proposed merger with First National Bank of Tidewater, Norfolk, Virginia, report to the Comptroller of the Currency on competitive factors.[1]

Planters Bank and Trust Company, Staunton, Virginia, proposed merger with Augusta Bank & Trust Company, Augusta County, Virginia, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Second American State Bank, Lubbock, Texas, proposed merger with American State Bank, Lubbock, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Correction: On H.2 No. 24

Statement by Governor J. Charles Partee before the Senate Committee on Banking, Housing and Urban Affairs on H.R. 5675, which permits the payment of interest on Treasury accounts.

Letter to Chairman William Proxmire, Senate Committee on Banking, Housing and Urban Affairs, answering questions regarding monetary velocity—the intensity with which money is being used.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Approved

Lake View Trust and Savings Bank, Chicago, Illinois. Branch to be established at 538 West Diversey, Chicago.[2]

English State Bank, English, Indiana. Branch to be established in the Jay-C Plaza Shopping Center at the Intersection of U.S. Highway 64 and State Road 37, R.R. 1, English, Crawford County.[2]

Central Bank of Denver, Denver, Colorado. Branch to be established at the intersection of 10th and Larimer Streets, Denver.[2]

* * * * *

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act

Approved

Chase Manhattan Bank, N.A.: Branch—Manila, Philippines.

Crocker National Bank: Branch—Manila, Philippines.

Security Pacific National Bank: Branch—Manama, Bahrain.

The Bank of California, N.A.: Branch—Manila, Philippines.

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended

Approved

including distribution of newly approved and renewed credit cards; the calculation

ing loans and other extensions of credit for any person) at 120 South Ridgewood

Applications Received

Oklahoma and Southroads Shopping Cen-

contracts executed in connection with the

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APPROVED

Security Pacific Overseas Corporation: Investment-additional shares of Marac Holdings Limited, New Zealand, in order to maintain its current 20 per cent interest.
Maryland National Overseas Investment Corporation: To increase capital.
Morgan Guaranty International Bank of Miami: To issue debt obligations.
Walter E. Heller International Corporation: Investment-additional shares of H & H Factors Limited, Croydon, England.
Bamerical International Financial Corporation: For MBC International Limited, Australia. To engage in the business of underwriting or dealing in Equity Securities.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Hawkeye Bancorporation, Des Moines, Iowa, for approval to acquire 60 per cent or more of the voting shares of Commercial State Bank, Marshalltown, Iowa.
First City Bancorporation of Texas, Inc., Houston, Texas, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of City National Bank of Austin, Austin, Texas.
First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to People State Bank of Baytown, Baytown, Texas.

REVISED

D. H. Baldwin Company, Cincinnati, Ohio, for approval to directly acquire 100 per cent of the voting shares of Rifle Bank Agency, Inc., Rifle, Colorado and to indirectly acquire 89.6 per cent or more of the voting shares of The First National Bank in Rifle, Rifle, Colorado.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

RELATED

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (acting as agent in the sale of insurance protecting collateral held against its extensions of credit) at 119 East Innes Street, Salisbury, North Carolina, through its subsidiaries, Landmark Financial Corporation of North Carolina and Landmark Mortgage Corporation (wholly-owned subsidiaries of Landmark Financial Services, Inc.) (6–13–77).[2]

RESCINDED

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (the sale of credit life and credit accident and health insurance) at 1443 West Schaumburg Road, Schaumburg, Illinois, through a subsidiary, Mortgage Associates, Inc. (6–17–77).[2]

PERMITTED

Northeast Bankshare Association, Lewiston, Maine, notification of intent to engage in de novo activities (servicing loans and other extensions of credit related to credit card issuance by banks and merchants particularly providing credit card administration, processing and customer servicing including distribution of newly approved and renewed credit cards; the calculation and distribution of monthly customer billing; the resolution of customer complaints and billing errors; the receipt of customer payment; and the disbursement of funds to the credit granting bank or merchant) at 178 Court Street, Auburn, Maine, through its subsidiary, Northeast Consumer Services Corp. (6–16–77).[2]
Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (the origination and sale of mortgage loans on residential, commercial and industrial real estate; the servicing of mortage loans owned by The Galbreath Mortgage Company and owned by others) in the vicinity of Briley Parkway and Murfreesboro Pike, Nashville, Tenneessee and in the vicinity of the Galleria area on Westheimer Road, Houston, Texas, through its subsidiary, The Galbreath Mortgage Company (6–16–77).[2]
Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property) and to engage de novo in the following additional activity (making loans for the account of others such as one-to-four family unit mortgage loans) from 3845 Florida Street, Baton Rouge, Louisiana to Cortana Mall, Space D–7, Florida Boulevard at Airline Highway, Baton Rouge, Louisiana, through its subsidiary, Citicorp Person-to-Person Financial Center (6–16–77).[2]
Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (leasing of real and personal property provided that at the inception of the initial lease the effect of the transaction will be to yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease and that the transaction is otherwise in conformity with Section 225.4(a)(6) of Regulation Y) at Broad and Chestnut Streets, Philadelphia, Pennsylvania and 1133 Avenue of the Americas, New York, New York, through its direct and indirect subsidiary, Congress Factors Corporation, at 1133 Avenue of the Americas, New York, New York, through its direct and indirect subsidiary, Congress Financial Corporation and 1401 Brickell Avenue, Miami, Florida, through its direct and indirect subsidiary, Congress Financial Corporation, Florida (6–12–77).[2]
Bank of Virginia Company, Richmond, Virginia, notification of intent to relocate de novo activities (making loans or extensions of credit such as would be made by a finance company; and acting as agent for credit life/accident and health insurance and other insurance written to protect collateral during the period of credit extension) from 2920 West Broad Street, Richmond, Virginia to 4509 West Broad Street, Richmond, Virginia, through its indirect subsidiary, The Budget Plan Company of Virginia (6–13–77).[2]
Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for any person) at 120 South Ridgewood Avenue, Daytona Beach, Florida, through a subsidiary, Sunbank Mortgage Company (6–11–77).[2]
Merchants National Corporation, Indianapolis, Indiana, notification of intent to relocate de novo activities (leasing of capital goods and equipment to industry, and banks, or others or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) from 3110 S. Wadsworth, Denver, Colorado to 12000 East 47th Street, Denver, Colorado, through its indirect subsidiary, Circle Leasing of Colorado Corp. (6–17–77).[2]
BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at Turnpike Tower Office Building, 7475 Dakin Street, Denver, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (6–18–77).[2]
Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties, for its own account or for the sale to others and the servicing of such loans for others) at 1700 West Loop South, Houston, Texas, through its subsidiary, Security Pacific Mortgage Corporation (6–12–77).[2]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Warner Communications Inc., New York, New York, notification of intent to merge with or acquire the common stock of Knickerbocker Toy Co., Inc., Middlesex, New Jersey (6–12–77).[2]

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Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

First Missouri Banks, Inc., Creve Coeur, Missouri, prior certification pursuant to § 6158 (a) of the Internal Revenue Code, that the sale by First Properties, Inc., a subsidiary of First Missouri, of 7.3 acres of real property to Gilbert Buick, Inc., St. Louis, Missouri, was necessary or appropriate to effectuate § 4 of the Bank Holding Company Act. (Legal Division Docket TCR 76–106).[4]

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[4] Processed on behalf of the Board of Governors under delegated authority.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Lake View Trust and Savings Bank, Chicago, Illinois. Branch to be established at 538 West Diversey, Chicago.

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To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Wells Fargo Bank, N.A.: Branch—London, England.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Citizens Bancorp, Inc., Hartford City, Indiana, for approval to acquire 80 percent or more of the voting shares of The Citizens State Bank, Hartford City, Indiana.
Ottawa Bancshares, Inc., Ottawa, Kansas, for approval to acquire 100 percent of the voting shares of The Kansas State Bank, Ottawa, Kansas.
American State Financial Corporation, Lubbock, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of American State Bank, Lubbock, Texas.
Marble Falls Financial Corporation, Marble Falls, Texas, for approval to acquire 81 percent or more of the voting shares of The Home State Bank, Marble Falls, Texas.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Huntington Bancshares Incorporated, Columbus, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Bellefontaine National Bank, Bellefontaine, Ohio.
Huntington Bancshares Incorporated, Columbus, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Central National Bank of London, London, Ohio.
National City Corporation, Cleveland, Ohio, for approval to acquire 100 percent of the voting shares of National Union Bank, Columbiana, Ohio.
Equitable Bancorporation, Baltimore, Maryland, for approval to acquire 100 percent of the voting shares of the successor by merger to University National Bank, Rockville, Maryland.
First Bankers Corporation of Florida, Pompano Beach, Florida, for approval to acquire 80 percent of the voting shares of First National Bank of Cape Canaveral, Cape Canaveral, Florida.
First Glenrock Corporation, Glenrock, Wyoming, for approval to acquire an additional 64.49 percent of the voting shares of First National Bank of Glenrock, Glenrock, Wyoming.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to engage in de novo activities (making consumer installment sales finance contracts; and acting as agent or broker for the sale of credit related life/accident and health insurance) at Centre 71, 71st Street and Memorial Drive, Tulsa, Oklahoma and Southroads Shopping Center, 4945 E. 41st Street, Tulsa, Oklahoma, through its subsidiary, Citicorp Person-to-Person Financial Center (6–13–77).[2]
Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property) from 5935 E. Admiral Place, Tulsa, Oklahoma, to Main Park Plaza, Tulsa, Oklahoma, through its subsidiary, Nationwide Financial Services Corporation (6–13–77).[2]
Citicorp, New York, New York, notification of intent to relocate de novo activities (purchasing consumer installment sales finance contracts for its own account; sale of credit related life/accident and health insurance; sale by a licensed agent of insurance which protects personal property) from 4305–07 Plank Road, Baton Rouge, Louisiana, to Village Square Shopping Center, College Drive and I–10, Baton Rouge, Louisiana, through its subsidiary, Nationwide Financial Services Corporation (6–15–77).[2]
Republic New York Corporation, New York, New York, for permission to retain Republic Clearing Corporation, New York, New York (to engage in acting as a future commission merchant for execution of future contracts covering gold and silver bullion and coins on contract markets of which Republic Clearing Corporation is a member).
Saban, S. A., Panama City, Republic of Panama, Trade Development Bank Holding, S.A., City of Luxembourg, Grand Duchy of Luxembourg and Trade Development Bank, Geneva, Switzerland, for permission to retain Republic Clearing Corporation, New York, New York (to engage in actiug as a future commission merchant for execution of future contracts covering gold and silver bullion and coins on contract markets of which Republic Clearing Corporation is a member).
Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (second mortgage lending which consists of making personal installment loans secured by mortgages other than first liens on the borrowers' real estate and by security interests in personal property of the borrowers; selling credit life insurance in connection with such personal installment loans and reinsuring such insurance through Patrick Henry Life Insurance Company, an indirect subsidiary of Philadelphia National Corporation) at 3600 North Duke Street, North Duke Mall, Durham, North Carolina, and 530 East Innes Street, Salisbury, North Carolina, through an indirect subsidiary, Signal Mortgage Corporation of North Carolina (6–9–77).[2]
Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property on a full payout basis in accordance with the provisions of Section 225.4 of Regulation Y of the Federal Reserve System) at Pittsburgh National Building, Fifth Avenue and Wood Street, Pittsburgh, Pennsylvania, through its wholly owned subsidiary, Pittsburgh National Leasing Corporation (6–13–77).[2]
Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making installment loans to individuals for personal, family or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against its extensions of credit) at 119 East Innes Street, Salisbury, North Carolina, through its subsidiaries, Landmark Financial Corporation of North Carolina and Landmark Mortgage Corporation (wholly owned subsidiaries of Landmark Financial Services, Inc.) (6–13–77).[2]
Southwest Florida Banks, Inc., Fort Myers, Florida, notification of intent to engage in de novo activities (providing, as agent, in connection with extensions of credit by Applicant's subsidiary banks, insurance assuring repayment of such an extension of credit in the event of death or disability of the borrower) at 2400 First Street, Fort Myers; 4301 Palm Beach Boulevard, Fort Myers; 2525 Estero Boulevard, Fort Myers Beach; First Commercial Bank of Fort Myers, College Parkway, Fort Myers; 6848 North Cleveland Avenue, North, Fort Myers; 691 Fifth Avenue, South, Naples; 2001 Siesta Drive, Sarasota; 6525 South Tamiami Trail, Sarasota; and 2180 South Tamiami Trail, Venice, all located in Florida, through a subsidiary, Southwest Financial Services, Inc. (6–17–77).[2]
Ottawa Bancshares, Inc., Ottawa, Kansas, for approval to acquire the assets of Credit Life Insurance Agency, Ottawa, Kansas.
BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses, purchasing installment sales finance contracts, and making loans secured by real property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance and credit related property insurance in connection with extensions of credit made or acquired by FinanceAmerica Mortgage Services, Inc.) from 490 Valley Street to 50 Bridge Street, Manchester, New Hampshire, through its indirect subsidiary, FinanceAmerica Mortgage Services, Inc. (6–9–77).[2]
Security Pacific Corporation, Los Angeles, California, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including secured and unsecured consumer, commercial and agricultural loans, sale contracts and other forms of receivables, and such other types of loans and credit extensions as are customarily made or acquired by a finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance and credit-related property and casualty insurance) from 110 N. Wewoka, Wewoka, Oklahoma to 1707 N. Milt Phillips Avenue, Seminole, Oklahoma, through its subsidiary, The Bankers Investment Company (6–10–77).[2]
Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (the financing of personal property and equipment and real property and the leasing of such property or the acting as an agent, broker, or adviser in the leasing and/or financing of such property where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated fu-

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ture transactions) will yield a return that will compensate the lessor for not less than the lesor's full investment in the property plus the estimated total cost of financing the property over the term of the lease and the servicing of such financings and/or leases as is authorized by the Federal Reserve Board under Regulation Y and the Bank Holding Company Act) at 5100 Westheimer, Houston, Texas, through its subsidiary, Security Pacific Leasing Corporation (6–9–77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate de novo activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 8316 Claremont Mesa Boulevard to 591 Camino de la Reina, San Diego, California, through its subsidiary, Security Pacific Mortgage Corporation (6–13–77).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agency or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries. credit life and credit accident and health insurance and mortgage redemption life insurance and group mortgage disability insurance) from One East First Street to 1135 Terminal Way, Reno, Nevada, through its subsidiaries, Wells Fargo Mortgage Company and WFMC Corporation (6–10–77).[3]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extensions of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance and mortgage redemption life insurance and group mortgage disability insurance) at 22 W. Osborn Road, Phoenix, Arizona, through its subsidiary, Wells Fargo Mortgage Company and WFMC Corporation (6–14–77).[3]

* * * * *

REPORTS RECEIVED

Current Report filed Pursuant to Section 13 of the Securities Exchange Act.

The Sylvania Savings Bank Company, Sylvania, Ohio.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, July 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–19404 Filed 7–7–77;8:45 am]

K & B PRODUCERS, INC.

Acquisition of Bank

K & B Producers, Inc., Wichita, Kansas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 24.9 per cent of the voting shares of Twin Lakes Financial Corporation, Wichita, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 26, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–19405 Filed 7–7–77;8:45 am]

LAKE VIEW BANCORP., INC.

Formation of Bank Holding Company

Lake View Bancorp., Inc., Northbrook, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 99.9 percent of the voting shares of Lake View Trust and Savings Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 28, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–19406 Filed 7–7–77;8:45 am]

MIDLAND CAPITAL CO.

Order Approving Formation of Bank Holding Company and Acquisition of Midland Mortgage Co.

Midland Capital Co., Oklahoma City, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares of Northwest Bank, Oklahoma City, Oklahoma ("Bank").

Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for the Board's approval to acquire 75 percent of the voting shares of Midland Mortgage Co., Oklahoma City, Oklahoma ("Mortgage"), a company principally engaged directly and through a wholly owned subsidiary, Johnston-Records Co., in the general business of mortgage banking, including the origination and servicing of conventional, FHA and VA residential and commercial mortgages.[1] The mortgage banking activities that Applicant proposes to engage in have been determined by the Board to be closely related to banking (12 C.F.R. § 225.4(a)(1)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (42 FR 26247). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act and the considerations specified in § 4(c)(8) of the Act.

Applicant is a non-operating corporation organized for the purposes of becoming a bank holding company through the acquisition of Bank and of engaging in the general business of mortgage banking through the acquisition of Mortgage. Bank, with deposits of approximately $24.5 million, holds approximately 0.2 per cent of total commercial bank deposits in the State and is the 35th largest banking organization in the Oklahoma City market,[2] controlling 0.7 per cent of the total deposits therein. Inasmuch as Applicant has no existing operations, consummation of the proposal insofar as it relates to the acquisition of Bank would have no adverse effects on existing or potential competition. Accordingly, the Board concludes that considerations relating to the competitive factors are consistent with approval of the application to become a bank holding company.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank and Mortgage, are considered satisfactory and consistent with approval of the application to become a bank holding company. The debt to be incurred by Applicant appears to be serviceable primarily from dividends to be derived from Bank and Mortgage without having adverse effects on the financial condition of either Bank or Mortgage. Therefore, considerations relating to banking factors are regarded as being consistent with approval. Consummation of the proposed transaction would result in an organization that appears capable of enhancing Bank's ability to improve its operating efficiency and thereby become a stronger competitor within the market. Accordingly, considerations relating to convenience and needs are consistent with approval. It is the Board's judgment that the proposed acquisition of Bank would be in the public interest and that the application to become a bank holding company should be approved.

In connection with the application to become a bank holding company, Applicant has also applied for approval to acquire 75 per cent of the outstanding voting shares of Mortgage, a company that, along with its wholly owned subsidiary, Johnston-Records Co., engages in the general business of mortgage banking, as described above, at four locations in the Oklahoma City area and in Lawton, Tulsa, and Broken Arrow, Oklahoma; Tucson, Phoenix, and Prescott, Arizona; Houston and San Antonio, Texas; Denver, Colorado Springs, Pueblo, and Canon City, Colorado; and Tustin, California.[3] As of July 31, 1976, Mortgage ranked as the 56th largest mortgage servicer in the United States, with a mortgage loan servicing portfolio of $575.5 million. During 1976, it originated in excess of $121 million in residential and commercial loans.

Bank and Mortgage are presently under common ownership, Bank having been acquired by a principal of Mortgage during the latter half of 1976. Bank and Mortgage both compete in the Oklahoma City market in the origination of mortgage loans on 1–4 family residential properties. During 1976, Mortgage originated $19.5 million of such mortgages while Bank originated $0.4 million. Approval of Applicant's proposal would have some adverse effects on competition in the origination of loans on 1–4 family residential properties in the relevant market, but the Board does not regard such effects as being particularly significant in view of the relatively small market shares (Bank and Mortgage accounted for about three percent of the 1–4 family mortgage originations) and the large number of competitors within the market. On the other hand, consummation of the proposal whereby Applicant will acquire Bank and Mortgage will result in a well-managed and financially strong organization with resources capable of providing an increased variety of banking and mortgage activities to the public. The Board regards such results as positive factors in its consideration of the proposal. In addition, with respect to other considerations, the Board finds no evidence in the record that consummation of the proposal would result in an undue concentration of resources, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

In connection with the application to acquire Mortgage, the Board has also considered Mortgage's ownership of 100 percent of the shares of Midland Property Management Co. and Midland Center Co., both of which are essentially inactive corporations that exist for the sole purpose of owning Midland Realty Co., a general partnership that holds title to and operates Midland Center, an office building in downtown Oklahoma City, Oklahoma, that serves as the head office for Mortgage's operation. Mortgage currently occupies approximately 18.9 percent of the total available space in Midland Center with the remainder leased to third parties with an annual rental of approximately $600,000. Although Applicant has indicated that it and its subsidiaries ultimately plan to occupy all of the space in Midland Center and that it expects to occupy up to 25 percent of the building through the establishment of a data processing system for Mortgage's operation, it is estimated that it will be nine years before the building is at least 50 percent occupied by Applicant.

Based upon these facts and Applicant's projections for the future utilization of Midland Center, the Board is unable to conclude that Applicant's interest in Midland Center is insignificant or that it should be regarded as "incidental activities . . . necessary to carry on the activities" of Mortgage, within the meaning of § 225.4(a) of Regulation Y. Accordingly, under § 4(a)(2) of the Act, Applicant is required to dispose of its direct or indirect ownership or control of Midland Center within two years from the date it becomes a bank holding company.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors set forth in § 4(c)(8) of the Act both favor approval of Applicant's proposed transaction, and that these applications should be approved.

The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the commencement of the above-described mortgage business activities shall be accomplished later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or with respect to Bank, by the Federal Reserve Bank of Kansas City pursuant to delegated authority, and, with respect to Mortgage, pursuant to authority hereby delegated. The determination as to Applicant's proposed non-banking activities is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–19407 Filed 7–7–77;8:45 am]

PIEDMONT BANK

Order Approving Application for Merger of Banks

Piedmont Bank, Collinsville, Henry County, Virginia, an organizing State bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. § 1842(c)) to merge with Piedmont Trust Bank, Collinsville, Virginia, a member State bank of the Federal Reserve System, the resulting bank to operate under the charter of Piedmont Bank and with the name of Piedmont Trust Bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265).

As required by the Bank Merger Act, notice of proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of Piedmont Bankgroup Incorporated to acquire the successor by merger to the Piedmont Trust Bank. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 30, 1977.

ROBERT P. BLACK,
President.

[FR Doc.77–19408 Filed 7–7–77;8:45 am]

[1] Mortgage also currently owns 100 percent of Midland Property Management Co. and Midland Center Co. These corporations exist solely for the purpose of owning Midland Realty Co., a general partnership that holds title to and operates Midland Center, an office building in downtown Oklahoma City in which Mortgage's head office is located. Discussion of the acquisition of Midland Center appears infra.

[2] The relevant market for both banking and the origination of mortgage loans is approximated by the five-county Oklahoma City, Oklahoma SMSA. Within this market there are 76 banks, 15 savings and loan associations, and some of the largest mortgage companies in the country.

[3] Prior to July 31, 1976, Mortgage held stock ownership interests in various other companies engaged in certain activities not heretofore deemed permissible for bank holding companies. Through a series of transactions on July 31, 1976, Mortgage divested its ownership interests in all but one of these companies. On April 26, 1977, Mortgage completed its series of planned divestitures through the sale of Midmark Co., a company whose only activity was the shared operation of an airplane that Mortgage uses in connection with its mortgage banking business.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

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PIEDMONT BANKGROUP INC.

Order Approving Formation of Bank Holding Company

Piedmont Bankgroup Incorporated, Martinsville, Virginia (Applicant), has applied for prior approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through the acquisition of 100 percent of the voting shares of the successors by merger to the Piedmont Trust Bank (Piedmont), Collinsville, Virginia, a State member bank and the Bank of Carroll (Carroll), Hillsville, Virginia, a State nonmember bank. The banks into which Piedmont and Carroll are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of the two banks. Accordingly, the proposed acquisition of the success or organizations are treated herein as the proposed acquisition of the shares of the banks. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 C.F.R. 265).

Notice of the receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act, and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant has no present operations and the two banks to be acquired are located in distinctly separate commercial banking markets. Piedmont ranks second with 35.8 percent of deposits in Henry County and the City of Martinsville while Carroll ranks fourth with 6.9 percent of deposits in Carroll County and the City of Galax. These relative positions will not be influenced by holding company affiliation and, under State law, neither bank may establish de novo branches in the market of the other. Consummation of the proposal, therefore, would eliminate neither existing nor potential competition and would not appear to have any adverse effects on other banks in the respective areas. Consequently, the factors related to competition are consistent with approval.

The banking factors, including future prospects and managerial resources of Applicant, are considered satisfactory. Therefore, convenience and needs of community should be served and are consistent with approval. In particular, it appears that the acquisition of Carroll would enable the latter to offer a full line of banking services and become more responsive to the banking needs within its market. Accordingly, it is the Reserve Bank's judgment that the proposed transaction would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 30, 1977.

ROBERT P. BLACK,
President.

[FR Doc.77-19409 Filed 7-7-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of First Bank & Trust, Carollton, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1977.

Board of Governors of the Federal Reserve System, July 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19410 Filed 7-7-77;8:45 am]

SIERRA PETROLEUM CO., INC.

Acquisition of Bank

Sierra Petroleum Co., Inc., Wichita, Kansas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 24.9 percent of the voting shares of Twin Lakes Financial Corporation, Wichita, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 26, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19411 Filed 7-7-77;8:45 am]

TWIN LAKES FINANCIAL CORP.

Formation of Bank Holding Company

Twin Lakes Financial Corporation, Wichita, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 98.9 per cent of the voting shares of Twin Lakes State Bank, Wichita, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be reserve System, June 30, 1977.

Board of Governors of the Federal Reserve System, June 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19412 Filed 7-7-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings; Correction

In FR Doc. 77-16956 appearing on page 30888 in the FEDERAL REGISTER of Friday, June 17, 1977: On page 30891, entry No. 8. "Neurological Device Classification Panel," under the column "Type of meeting and contact person," is corrected to read "Open public hearing July 22, 9 a.m. to 10 a.m.; open committee discussion July 22, 10 a.m. to 4 p.m.; July 23, 9 a.m. to 4 p.m. * * *."

Dated July 1, 1977.

WILLIAM F. RANDOLPH,
Actino Associate Commissioner for Compliance.

[FR Doc. 77-19401 Filed 7-7-77; 8:45 am]

[Docket No. 77N-0156]

ELANCO PRODUCTS CO., ET AL.

Penicillin-Streptomycin Premixes; Extension of Time To File Data Supporting Request for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice extends to August 10, 1977, the time for filing data upon which a request for hearing relies concerning a proposal to withdraw approval of new animal drug applications (NADA's) for penicillin-streptomycin premixes.

DATES: Written appearances requesting a hearing must be submitted by July 11, 1977; data supporting the request must be filed by August 10, 1977.

ADDRESS: Written submissions to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Donald Gable, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, the Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-4313).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is extending until August 10, 1977, the time for filing data to support a request for hearing on the notice of opportunity for hearing, published in the FEDERAL REGISTER of June 10, 1977 (42 FR 29999), proposing to withdraw approval of new animal drug applications providing for use of penicillin-streptomycin premixes.

The June 10, 1977, notice gave interested persons until July 11, 1977, to file the data.

The Director of the Bureau of Veterinary Medicine, FDA, has received a request for an extension of an additional 30 days to respond to the subject notice. Because of the amount of scientific material which must be reviewed and evaluated, the request for an additional 30 days is granted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) (formerly 21 CFR 5.29 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), the time for filing data to support requests for a hearing on the subject notice is extended to August 10, 1977.

Dated: July 1, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-19402 Filed 7-7-77;8:45 a.m.]

[Docket No. 77F-0170]

GEORGIA-PACIFIC CORP.

Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Georgia-Pacific Corporation has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a certain polyamidol-epichlorohydrin resin in the manufacture of paper and paperboard for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3196) has been filed by Schuyler, Birch, Swindler, McKie & Beckett, 1000 Connecticut Avenue NW., Washington, D.C. 20036, on behalf of Georgia-Pacific Corp., proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170, formerly § 121.2526, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), be amended to provide for the safe use of polyamidol-epichlorohydrin resin, modified by reaction with formaldehyde, as a wet strength agent in the manufacture of paper and paperboard for food-contact use.

The environmental impact analysis report and other relevant materials have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-19403 Filed 7-7-77;8:45 am]

Food and Drug Administration

[Docket No. 77P-0065]

LIBBY, McNEILL & LIBBY, INC.

Canned Pears Deviating From Identity Standards; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces that a temporary permit has been issued to Libby, McNeill & Libby, Inc., as requested, to market test a new style of canned pears designated as "chunky." The finished product deviates from the standard of identity for canned pears.

EFFECTIVE DATE: This permit is effective for a period of 15 months beginning no later than October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Benjamin Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. (202-245-1231).

SUPPLEMENTARY INFORMATION: A permit has been issued to Libby, McNeill & Libby, Inc., 200 South Michigan Ave., Chicago, Ill. 60604, in accordance with § 130.17 (21 CFR 130.17, formerly § 10.5, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

This permit allows the company to conduct interstate marketing tests of canned pears that deviate from the standard of identity prescribed in § 145.-175(a) (formerly § 27.20, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) and provides for the temporary marketing of pears cut into units predominately greater than ½ inch and less than 1¾ inches in the largest dimension and designated as "chunky" pears, an optional style not provided for in the standard. The product will be packed in heavy syrup and will contain artificial strawberry flavor both of which are already provided for by the standard.

This permit provides for the market testing of 50,000 cases of twenty-four 16-ounce cans of test product. The product will be packed by Libby, McNeill & Libby, Inc., in Sunnyvale, California, and will be marketed in Western New York State, the States of Iowa and Nebraska, and the cities of Erie, Pennsylvania, and Moline and Rock Island, Illinois.

In addition to the name "chunky pears," the principal display panel will contain the words "in heavy syrup." The ingredients used will be declared on the label in accordance with Part 101 (21 CFR Part 101, formerly 21 CFR Part 1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

This permit is effective for a period of 15 months beginning no later than October 6, 1977.

Dated: June 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-19098 Filed 7-7-77;8:45 am]

[Docket No. 77N-0148]

METABOLIC, INC.

Hearing and Prehearing Conference on Proposed Revocation of U.S. License No. 415

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a formal evidentiary public hearing, and a prehearing conference, on the factual issues relating to the Bureau of Biologics' proposed revocation of U.S. License No. 415 issued to Metabolic, Inc., 4520 Yoakum Blvd., Houston, TX, for the manufacture of four biological products at six locations.

DATES: Hearing July 25, 1977, beginning at 9 a.m.; prehearing conference

July 19, beginning at 1 p.m.; written notices of participation by July 18.

1. Whether more than the maximum permissible amount of whole blood was removed from donors of specific

after suspension of a portion of its license on February 25, 1977.

license or from published biologics regulations need not be shown to have re-

of Biologics for approval. That request is denied at this time. Questions of fact

tivities, including the physical, mental, and physiological characteristics of the

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July 19, beginning at 1 p.m.; written notices of participation by July 18.

ADDRESSES: Prehearing conference and hearing will be held in FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD. 20857; written notices of participation identified by the above docket number to FDA Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

John F. Harty, Jr., Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: A notice of opportunity for a hearing was published in the FEDERAL REGISTER of May 13, 1977 (42 FR 24328), on the Bureau of Biologics' proposal to revoke U.S. License No. 415. Significant deviations from standards for biological products and the failure to submit products for lot release and/or licensure were cited as grounds for the proposed revocation. The notice was preceded by a suspension, pursuant to 21 CFR 601.6, of certain locations operating under the license on February 25, 1977. The remaining locations were suspended on April 26, 1977. The Notice of Opportunity for Hearing invited the licensee to submit a written request for a hearing by June 13, 1977 and data justifying a hearing by July 12, 1977. Other interested persons were given until July 12, 1977 to submit comments on the proposed revocation.

On May 3, 1977, the licensee, Metabolic, Inc., filed suit in the United States District Court for the Southern District of Texas to compel the Food and Drug Administration to release the suspension. *Metabolic, Inc., et al.* v. *Joseph Califano, et al.* (Civil No. H77CA676). On May 20, 1977, the Court directed that Metabolic, Inc., pursue its administrative remedy on the ultimate question of revocation as announced in the FEDERAL REGISTER of May 13, 1977, and postponed further judicial proceedings until July 20, 1977. In consideration of the time limits imposed by the Court and to assure that submission of comments by persons other than Metabolic, Inc., would not delay the administrative proceedings, a notice was published in the FEDERAL REGISTER of May 31, 1977 (42 FR 27678) shortening the time for comments by such persons from July 12 to June 13, 1977. No such comments have been received.

A request for a hearing was received from Metabolic on June 13, 1977, and is granted as to the issues set forth in this notice. Since no other comments were received, the parties to the hearing will be the Bureau of Biologics, FDA, and Metabolic, Inc. The hearing will be open to the public.

The Commissioner has reviewed the issues of fact on which a hearing has been requested and concludes that a hearing will be granted as to the following:

1. Whether more than the maximum permissible amount of whole blood was removed from donors at one time.

2. Whether the amount of whole blood removed from donors within a 7-day period exceeded the maximum possible amount, or whether donors were plasmapheresed more than twice within 7 days.

3.a. Whether samples of blood for the serum protein electrophoresis test were drawn at least every 4 months, or at the earliest opportunity thereafter or whether, if drawn, the results were in the donor record file and available for physician review and, in each case, donors continued to be plasmapheresed.

b. Whether donors were plasmapheresed beyond the date when the required annual physical examination was to have been performed.

4. Whether equipment was properly standardized and/or performing in the manner for which it was designed so as to assure compliance with the requirements prescribed by FDA for Source Plasma (Human). (Metabolic's objection to this item in its request for a hearing discussed the use of a refractometer in testing protein control values). The hearing, however, will consider centrifuges for plasma separation, trip scales used to control plasma donations and hematocrit centrifuges.

5. Whether Source Plasma (Human) was stored at a temperature of −20° C or colder.

6. Whether there were adequate procedures for notifying collection facilities and donors of a reactive test for hepatitis B surface antigen (HB_sAg).

7. Whether records of each step in the manufacture and distribution of products were made in such a manner that successive steps in the manufacture and distribution of any lot could be traced, including identification for hepatitis testing of donor samples and the storage, location, and shipment of plasma received from the collections locations.

8. Whether there were adequate control and supervision of management and other employees by the responsible head of the establishment to assure compliance with applicable regulations, with the terms of its license, including Metabolic standard operating procedures and with other directives from the responsible head, particularly with respect to overbleeding, donor identification and plasma collection and separation procedures.

9. Whether Metabolic has (a) manufactured and shipped in interstate commerce Pertussis Immune Globulin without a license; or (b) manufactured and shipped in interstate commerce any bulk fraction without a license and/or without first having obtained lot release from the Bureau; or (c) processed a sample-size amount of Immune Serum Globulin with high pertussis titer, submitted it to the Bureau as representative of a lot, and, after receiving Bureau release, processed the lot.

10. Whether Metabolic shipped in interstate commerce a biological product after suspension of a portion of its license on February 25, 1977.

These issues involve provisions of the Public Health Service Act, and applicable regulations in 21 CFR Parts 600, 606, 610, and 640, which were identified with particularity in the Notice of Opportunity for Hearing.

The objectionable conditions which form the basis for the Bureau's action were noted during the following inspections of locations suspended in February: Corpus Christi, January-February 1977; Houston (Almeda Street), April 1976, February 1977; Houston (LaBranch Street), April 1976 and February 1977; Houston fractionation facility (Yoakum Boulevard and additional storage locations), February and April 1977. In addition, objectionable conditions reflected in the issues on which a hearing is granted were observed by FDA officials in three locations not suspended in February but listed in the Notice of Opportunity for Hearing and in the suspension letter of April 26, 1977 which advised of the intention to proceed to revocation: Jacksonville, March-April 1977, Houston (Jensen Street), May 1976, January 1977, and New Orleans, September 1976. Further evidence on issues 9 and 10 above has been developed during followup investigations at these Metabolic locations and elsewhere. In referencing numerous instances of deviations from standards, the Commissioner notes that it is not necessary to show all the deviations in order to legally support revocation.

In an effort to comply with the time limitations suggested by the District Court's decision, and pursuant to 21 CFR 10.19, the following modifications in the procedures, which may be further amended at the prehearing conference, are adopted to expedite the hearing:

1. Section 12.45(a) (21 CFR 12.45(a)) is modified to provide for the filing of written notices of participation by or before July 18, 1977.

2. Section 12.85(b) (21 CFR 12.85(b)) is modified to provide that § 12.85(a) submissions by participants other than the Bureau and objections to the completeness of the administrative record be submitted by or before July 22, 1977. In view of the detailed suspension letters, the issuance of Lists of Observations (FD Form 483), the correspondence between the Bureau and Metabolic, and pleadings and other documents filed in the District Court, § 12.85(a)(4) is waived.

In its request for a hearing, Metabolic objected to each of the grounds for revocation. Almost every objection included an assertion (1) that since improvements had been made, the deficiency had been or would be corrected, (2) that the deficiency was the result of human error, and (3) that it occurred without intent. These are not questions of fact on whether or not grounds exist for revocation. Similarly, Metabolic contended that the problems identified in the Notice of Opportunity for Hearing did not result in any harm to the public. Deviations from the terms of an approved

license or from published biologics regulations need not be shown to have resulted in some demonstrable public harm; improper manufacturing practices must be curtailed because they create a risk of harm, which may become manifest at any particular time, place, or manner, or not at all. (See *United States* v. *Bel-Mar Laboratories, Inc.*, 284 F. 875 (E.D. N.Y., 1968); *United States* v. *Medwick Laboratories, Inc.*, 416 F. Supp. 832 (N.D. Ill., 1976); *United States* v. *An article of drug * * * White Quadrisect*, 484 F.2d 748 (C.A. 7, 1973).)

The Commissioner points out that the terms of biologics licenses and the published biologics regulations embody requirements designed to protect the public from harm. Thus, any demonstration of significant deviations from such terms or regulations can be viewed as presenting a danger to public health. However, the Notice of Opportunity for Hearing announced FDA's intention to revoke Metabolic's license, which does not require an independent showing of danger to health. The issues for the hearing, therefore, relate solely to the existence of facts revealing deviations from the license terms or regulations sufficient to justify revocation.

At this time, however, the Commissioner is denying Metabolic's request that he lift the suspension and stay or abate the revocation proceedings. Metabolic contents that the deviations from standards designed to protect donors were minor, infrequent, and inadvertent. These considerations are not necessarily determinative on the question of a danger to health. The issue is not documentation of adversely affected donors in Metabolic collection facilities, but practices deviating from the terms of the license or the biologics regulations that by hypothesis create that potential.

Metabolic requested that the suspension be lifted so that it could begin operations on the ground that it is impossible to comply with all regulations and make corrections while suspended. Post-reinstatement inspections were welcomed by Metabolic. The Commissioner reiterates a point of which Metabolic has already been advised, i.e., that a mechanism does exist for relicensure or reinstatement from under suspension. That procedure includes the following basic requirements:

(1) The license application, particularly standard operating procedures, is revised as necessary;

(2) The applicant begins operation on a pilot basis; and

(3) An inspection is conducted to determine whether the applicant appears to be operating in compliance with the license, the standard operating procedures, and all applicable regulations. Reinstatement without prior inspection would be inconsistent with the obligation of FDA to enforce the premarket licensure scheme established by section 351 of the Public Health Service Act.

Metabolic has also requested that FDA approve for release all products that have been submitted to the Bureau of Biologics for approval. That request is denied at this time. Questions of fact surrounding the Metabolic licensure and lot release practices (see item 9 above) must be first resolved since these questions bear upon Metabolic's approach to the basic statutory and regulatory scheme. If the hearing should disclose and the Commissioner conclude that the Metabolic license should not be revoked, the Commissioner will review the question of the release of products now on hand.

Metabolic objected to that portion of the Notice of Opportunity for Hearing which incorporated by reference deficiencies noted in the February and April suspension letters on the grounds that this constituted inadequate specification of the bases for the hearing. Metabolic also contended that these letters had been "sufficiently and properly" answered. The Commissioner believes incorporation by reference is proper.

Metabolic's request that the hearing be held in Houston, Texas, is denied. The Administrative Law Judge and all Bureau of Biologics personnel are in Rockville and/or Bethesda, MD.

The prehearing conference will begin July 19, 1977 at 1 p.m. and the hearing will begin July 25, 1977 at 9 a.m., unless otherwise ordered. The presiding Administrative Law Judge will be Daniel J. Davidson.

Any participant may appear in person, or with counsel or other qualified representative, and may be heard with respect to matters relevant to the issues under consideration. Nonparty participants shall disclose data and information pursuant to § 12.85 by 5 days after the last day of the hearing.

Dated: July 6, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-19629 Filed 7-7-77;8:45 am]

Health Resources Administration

ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the months of July and August 1977:

Name: United States National Committee on Vital and Health Statistics.
Date and Time: July 26-27, 1977, 9 a.m.
Place: Snow Room (5051), HEW-North Building, 330 Independence Avenue SW., Washington, D.C. 20201.
Open for entire meeting.

Purpose. The Secretary and by delegation the Assistant Secretary for Health and the Director, National Center for Health Statistics (NCHS) are charged under section 306 of the Public Health Service Act, as amended, (42 U.S.C. 242k), with the responsibility to collect, analyze and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and statistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitations of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.

Agenda. Review Health Statistics section of OMB's "A Framework for Planning U.S. Federal Statistics"; current activities of the NCHS; review current activities of the Technical Consultant Panels; review NCHS-NIH joint study to supplement Hospital Discharge Survey Data and produce hospital incidence statistics; discussion of how the statistical activities of CDC are integrated with those of the NCHS.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, minutes of meeting, or other relevant information should contact James A. Smith, National Center for Health Statistics, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1470. After July 8, 1977, contact James A. Smith, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7122.

* * * * *

Name: Health Services Developmental Grants Study Section.
Date and Time: July 31-August 1, 1977, 8 p.m.
Place: Parlor A Conference Room, O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois.
Open July 31, 8 p.m.-Adjournment.
Closed for remainder of meeting.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Service Research.

Agenda. The open session of the meeting on July 31, 1977, will be devoted to a discussion of review procedures. During the closed session, the Study Section will be reviewing Health Services Policy Analysis Center grant applications relating to the responsibility for analyzing existing and proposed national policies that are designed to improve the performance of the health care system. The closing is in accordance with provision set forth in section 552b(c)(6), Title 5

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U. S. C., and the Determination by the Deputy Administrator, Health Resources

Lynn Stevens, Bureau of Health Manpower, Room 4-22, Center Building, 3700

Purpose. The Committee is changed

Room 4B43, National Institutes of

which was published in the FEDERAL REG-

552b(c)(4) and 552b(c)(6), Title 5, U.S.

U. S. C., and the Determination by the Deputy Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6916.

Agenda items are subject to change as priorities dictate.

Dated: June 29, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77–19210 Filed 7–7–77;8:45 am]

ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the months of August and September 1977:

Name: National Advisory Council on Health Professions Education.
Date and Time: August 29–31, 1977, 8:30 a.m.
Place: Center Building, Room 7–32, 3700 East-West Highway, Hyattsville, Maryland 20782.
Open August 29, 8:30 a.m.–12:30 p.m. (10:30 a.m.—12:30 p.m. will be structured study for Council members)
Closed for remainder of the meeting.

Purpose. The Council advises the Secretary with respect to the preparation of general regulations and with respect to policy matters in the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance.

Agenda. The open portion of the meeting will cover reports on the Legislation Implementation Update; 1978 Budget Update; Review of Draft Program Specifications; and a review by staff personnel of those programs for which grant applications have been submitted. The remainder of the meeting will be closed to the public for the review of applications submitted under the following programs: Capitation Waivers; Training in Emergency Medical Services; Training, Traineeships, and Fellowships in General Internal Medicine and General Pediatrics; Education of Returning United States Students from Foreign Medical Schools; New Medical Schools Emphasing Family Medicine; and Construction of Teaching Facilities. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Deputy Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mrs. Lynn Stevens, Bureau of Health Manpower, Room 4–22, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6508.

* * * * *

Name: National Advisory Council on Nurse Training.
Date and Time: August 29–September 1, 1977, 10:30 a.m.
Place: Conference Room 4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open August 29, 10:30 a.m.–12:15 p.m.
Closed remainder of meeting.

Purpose. The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda. Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of previous meetings; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be closed to the public for the review of grant applications for Federal assistance for nurse training grants, National Research Service Awards, capitation grants, nurse practitioner grants, research project grants, and special projects for the improvement of nurse training, in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Deputy Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Bureau of Health Manpower, Room 3–50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6681.

Agenda items are subject to change as priorities dictate.

Dated: June 29, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77–19211 Filed 7–7–77;8:45 am]

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1977:

Name: Health Services Developmental Grants Study Section.
Date and Time: September 25–26, 1977, 8 p.m.
Place: Wright/Farman Conference Room, O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois 60666.
Open September 25, 8 p.m.–adjournment.
Closed for remainder of meeting.

Purpose. The Committee is changed with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda. The open session of the meeting on September 25, 1977, will be devoted to a discussion of review procedures. During the closed session, the Study Section will be reviewing Health Services Policy Analysis Center grant applications relating to the responsibility for analyzing existing and proposed national policies that are designed to improve the performance of the health care system. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Deputy Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Service Research, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6916.

Agenda items are subject to change as priorities dicate.

Dated: June 29, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 77–19212 Filed 7–7–77;8:45 am]

LONG-TERM CARE ADVISORY COMMITTEE

Announcement of Meeting Cancellation

In FEDERAL REGISTER Document 77–15851 appearing at page 28936 in the issue for Monday, June 6, 1977, the July 14–15, 1977, meeting of the "Long-Term Care Advisory Committee" has been cancelled. The meeting will be rescheduled at a later date, and announcement made in the FEDERAL REGISTER accordingly.

Dated June 29, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77–19213 Filed 7–7–77;8:45 am]

National Institutes of Health

ADVISORY COMMITTEES

Open Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committee advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

EXECUTIVE SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: August 1, 1977; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review the activities of the Clearinghouse bioassay program and other relevant matters.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institues of Health. Phone: 301/496–5108.

PRESIDENT'S CANCER PANEL

Dates: August 9, 1977; 9:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports of the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI.
Executive Secretary: Dr. Richard A. Tjalma, Building 31A, Room 11A46, National Institutes of Health. Phone: 301/496–5854.

CHEMICAL SELECTION SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: August 29, 1977; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. J. Dan Recer, Building 31, Room 3A16, National Institutes of Health. Phone: 301–496–5108.

EXPERIMENTAL DESIGN SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: August 30, 1977; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.
Executive Secretary: J. Dan Recer, Ph.D., Building 31, Room 3A16, National Institutes of Health. Phone: 301–496–5108.

Dated: June 24, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77–19259 Filed 7–7–77;8:45 am]

CARCINOGENESIS SCIENTIFIC ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Carcinogenesis Scientific Advisory Committee, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, July 18–19, 1977, which was published in the FEDERAL REGISTER on May 25, 1977 (42 FR 26703).

Dated: June 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77–19260 Filed 7–7–77;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, August 18, 1977, Building 10, Room 4B14, National Institutes of Health. This meeting will be open to the public on August 18, 1977, from 1:15 p.m. to 1:45 p.m. to consider administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)6, Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on August 18, 1977 from 1:45 p.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5708) will provide summaries of the meeting and rosters of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Maryland 20014 (201–496–1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health.)

Dated: June 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–19258 Filed 7–7–77;8:45 am]

REVIEW OF CONTRACT PROPOSALS

Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual contract proposals, as indicated. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

DIET AND CANCER SCIENTIFIC REVIEW COMMITTEE

Dates: August 23–24, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open August 23, 8:30 a.m.–9:15 a.m.; open: August 24, 8:30 a.m.–9:15 a.m.; closed: August 23, 9:15 a.m.–5:00 p.m.; closed: August 24, 9:15 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Glo B. Gori, Building 31, Room 11A03, National Institutes of Health. Phone 301/496–6616.
(Catalog of Federal Domestic Assistance Number 13.393 National Institutes of Health.)

CANCER AND NUTRITION SCIENTIFIC REVIEW COMMITTEE

Dates: August 23–24, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Times: Open: August 23, 8:30 a.m.–9:15 a.m.; open: August 24, 8:30 a.m.–9:15 a.m.; closed August 23, 9:15 a.m.–5:00 p.m.; closed August 24, 9:15 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Glo B. Gori, Bldg. 31, Room 11A03, National Institutes of Health. Phone 301/496–6616.
(Catalog of Federal Domestic Assistance Number 13.393 National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates: August 30, 1977; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: August 30, 2:00 p.m.–2:30 p.m.; closed: August 30, 2:30 p.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health, Phone 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.396 National Institutes of Health.)

Dated: June 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–19265 Filed 7–7–77;8:45 am]

National Heart, Lung, and Blood Institute

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970, 29 U.S.C.

specific diagnostic tests which should be used and the rationale of their selection.

safety and health standards and to perform all functions of the Secretary of

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National Heart, Lung, and Blood Institute

CARDIOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, September 23, 1977, National Institutes of Health, Building 31, Conference Room 8.

The entire meeting will be open to the public from 8:30 A.M. to 5:00 P.M. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Peter L. Frommer, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Federal Building, Room 320, Bethesda, Maryland 20014, phone (301) 496–5421, will furnish substantive program information.

Dated: June 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–19264 Filed 7–7–77;8:45 am]

ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting time of the National Commission on Digestive Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER on June 14, 1977, 42 FR 30433.

This Commission was to have convened at 8:30 a.m. on July 21, 1977, but has been changed to 9:30 a.m. The entire meeting will be open to the public from 9:30 a.m., July 21 through 5:00 p.m., July 22, 1977.

Dated: June 30, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–19262 Filed 7–7–77;8:45 am]

PLANNING AND AGENDA WORK GROUP OF THE NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Notice is hereby given of the meeting of the Planning and Agenda Work Group of the National Advisory Research Resources Council (NARRC) on Tuesday, August 16, 1977, from 9:00 a.m. to 3:00 p.m., in Room 5B03, Building 31, National Institutes of Health, Bethesda, Maryland 20014. The entire meeting will be open to the public. The Planning and Agenda Work Group will discuss the development of Council Agenda for the September 19–20 meeting of the NARRC Council to Council communications, and subject matter for the annual Council review of the Biotechnology Resources Program of the Division of Research Resources. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Maryland 20014 (301) 496–5545, will provide summaries of the meeting and rosters of the Work Group members, and Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014 (301) 496–6023, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health.)

Dated: June 30, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–19266 Filed 7–7–77;8:45 am]

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Amended Notice of Meeting

Notice is hereby given of changes in the meeting date and place of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on June 10, 1977 (42 FR 30006).

The Committee was to have met on July 26, 1977, in Conference Room 8 but has been changed to meet on July 29, 1977, in Conference Room 6.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: June 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–19261 Filed 7–7–77;8:45 am]

HOST-PHAGE VECTOR

Notice of Workshop

Notice is hereby given of a Workshop on Design of Tests for EK3 Host-Phage Vector Systems sponsored by the Recombinant DNA Molecule Program Advisory Committee at the National Institutes of Health, Conference Room 9, Building 31C, 9000 Rockville Pike, Bethesda, Maryland, 20014, July 19, 1977 from 9:00 a.m. to 5:00 p.m.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, NIGMS, NIH, Building 31, Room 4A52, Bethesda, Maryland—telephone 301/496–2323.

The workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: June 30, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–19268 Filed 7–7–77;8:45 am]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE

Amended Notice of Meeting

The date for the meeting of the Minority Access to Research Careers Review Committee scheduled to begin on Thursday, July 21, 1977, at 9 a.m. has been changed to Wednesday, July 20, 1977, at 9 a.m. in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. The Committee will meet July 21, 22, and 23 in Conference Room 8, Building 31C, National Institutes of Health, Bethesda, Maryland. The open portion of the meeting will be on July 20.

The agenda and other information relating to the committee meeting, as published in the FEDERAL REGISTER (42 FR 30540) Wednesday, June 15, 1977, remain unchanged.

Dated: June 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institute of Health.

[FR Doc.77–19263 Filed 7–7–77;8:45 am]

Public Health Service

COAL GASIFICATION

Request for Information

AGENCY: National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of request for information.

SUMMARY: This notice solicits information concerning coal gasification. The information will be used in the development of criteria for a recommended standard for occupational exposures in the coal gasification industry.

DATES: Comments concerning this notice should be submitted by October 5, 1977.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. Rm 3–18), Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Murray L. Cohen, Project Administrator, Priorities and Research Analysis Branch, NIOSH, 301–443–2100.

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 20(a)(4) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems including those created by new technology. Section 22(c) authorizes NIOSH to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act.

In this particular process-oriented recommended standard, NIOSH does not plan to recommend workplace environmental limts for all products or intermediates involved in commercial scale coal gasification. Because of the vast number of chemical species, their varving toxicities, the unique safety hazards, and because the potential for exposure to suspected chemical carcinogens is an exceedingly important consideration, work practices and engineering controls designed to limit occupational exposure, methods to educate the employee and employer, and methods of biological and workplace monitoring will be recommended in addition to specific environmental limits.

The criteria document will include among other items an evaluation of available information relative to the areas listed below. Any person having information or data in any of these areas or in other areas considered relevant to the establishment of a safe and healthful occupational environment in coal gasification facilities is requested to submit such information, with accompanying documentation.

1. Establishment of biologic standards i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

2. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

3. Specifications for the conditions under which personal protective devices should be required.

4. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

5. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when emergency or unusual situations occur.

6. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

7. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning coal gasification, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated June 30, 1977.

EDWARD J. BAIER,
Acting Director, National Institute
for Occupational Safety and Health.

[FR Doc.77–19238 Filed 7–7–77;8:45 am]

VINYLS

Request for Information

AGENCY: National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of request for information.

SUMMARY: This notice solicits information concerning the establishment of a safe and healthful occupational environment involving vinyls. The information will be used in the development of criteria for a recommended standard for occupational exposure to vinyls.

DATES: Comments concerning this notice should be submitted by October 5, 1977.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. Rm. 3–18), Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Dr. Irwin Baumel, Chief, Criteria Development Branch, NIOSH, 301–443–5290.

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop a criteria document containing a recommended occupational health standard for vinyls (to include

Vinyl acetate,
Vinyl bromide,
Vinyl chloride,
Vinyl fluoride,
Vinylidene chloride,
Vinylidene fluoride, and
1,2-dichloroethylene).

This criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving this substance is requested to submit such information, with accompanying documentation.

1. Establishment of safe occupational environmental levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agents and methods of measuring levels of exposure to the physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational enviromental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused

(b) whether in the administration of its approved State plan under title IV of the Social Security Act, 42 U.S.C. 601 et

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16

the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Mon-

V 42 131 JUL 8 77 UMI

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning these substances, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: June 30, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77-19239 Filed 7-7-77;8:45 am]

Social Security Administration

[Docket No. 77-2]

GEORGIA STATE AFDC PLAN AMENDMENT AND GEORGIA COMPLIANCE WITH STATE AFDC PLAN

Notice Regarding Petition for Hearing

Please take notice that the Social Security Administration, Department of Health, Education, and Welfare, received on April 12, 1977, a petition for a hearing to reconsider the Department's rejection of an amendment to Georgia's State plan which was submitted by State Manual Transmittal No. 75-12 pursuant to section 1116(a)(2) of the Social Security Act, 42 U.S.C. 1316(a)(2) and implementing regulations appearing at 45 CFR 201.4. The Social Security Administration hereby notifies petitioner, the State of Georgia, that it grants that request. In addition, the Social Security Administration also hereby notifies the State of Georgia of its intention also to consider at this hearing the matter of whether Georgia is failing to comply with it State plan in the administration of its AFDC program pursuant to section 404(a) of the Social Security Act, 42 U.S.C. 606(a) and implementing regulations at 45 CFR 201.6.

1. The hearing shall commence on Wednesday, July 20, 1977, at 10:00 a.m. in Room 735, 50 Seventh Street NE., Atlanta, Georgia 30323, or at such other time and place as may be fixed, pursuant to 45 CFR 213.22(a)(1), by the presiding officer designated pursuant to 45 CFR 213.21. The hearing shall continue from day to day thereafter until completed.

2. The issues to be considered at the hearing are: (a) whether the amendment submitted by the State of Georgia to its State plan approved under title IV of the Social Security Act, 42 U.S.C. 601, et seq., by Georgia Manual Transmittal 75-12 on treatment of lump sum payments meets the requirements for approval. These requirements are set forth in that title and implementing Federal Regulations at 45 CFR Part 201, et seq.; and

(b) whether in the administration of its approved State plan under title IV of the Social Security Act, 42 U.S.C. 601 et seq., Georgia is failing to comply with those provisions regarding the treatment of lump sum payments.

3. Pursuant to 45 CFR 213.11, a copy of this notice shall be published as soon as practicable in the FEDERAL REGISTER.

In witness whereof, the Social Security Administration has caused this notice to be issued at Washington, D.C., this 15th day of June 1977.

JAMES B. CARDWELL,
Commissioner, Social Security Administration, U.S. Department of Health, Education, and Welfare.

[FR Doc.77-19837 Filed 7-7-77;10:16 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NATIVE GROUPS APPLICATIONS

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes. Accordingly, pursuant to the authority contained in 14(h)(2) of the said Act of December 18, 1971, and subpart 2653.6 of said regulations, notice is hereby given that the following Native Groups have filed application for determination as to their eligibility.

BLM serial No.	Name of native group	Location	Date of filing
AA-11160	Gold Creek-Susitna Native Association, Inc., Gold Creek, Alaska.	Sec. 20 T. 31 N., R. 2 W., Seward Meridian, Alaska.	Jan. 16, 1976
AA-11203	The Grouse Creek Corp., Seward, Alaska.	Mile 7 to Mile 8 on the Seward Highway north of Seward, Alaska.	June 30, 1976
F-21868 and F-21869	Hayecock Native Group Corp., Nome, Alaska.	Secs. 20, 21, 28, and 29, T. 3 S., R. 12 W., Kateel River Meridian, Alaska, except active mining claims.	Dec. 10, 1975
AA-10537	Little Lake Louise Anchorage, Alaska.	Sec. 13, T. 6 N., R. 8 W., Copper River Meridian, Alaska.	Dec. 12, 1975
AA-10535	Lower Tonsina, Inc., Copper Center, Alaska.	Sec. 34, T. 2 S., R. 4 E., Copper River Meridian, Alaska.	Dec. 11, 1975
AA-12377	Medfra Native Council Medfra, Alaska.	Sec. 32, T. 27 S., R. 22 E., Kateel River Meridian, Alaska.	May 19, 1976
AA-11140	Nabesna Native Group, Inc., Gakona, Alaska.	Sec. 18, T. 7 N., R. 14 E., Copper River Meridian, Alaska.	Dec. 16, 1975
AA-9902	Nagamut, Ltd., Nagamut, Alaska	Sec. 30, T. 11 N., R. 47 W., Seward Meridian, Alaska.	Aug. 21, 1975
F-22910	Neechootaalichaagat Corp., Nenana, Alaska.	Sec. 12, T. 12 S., R. 21 W., Fairbanks Meridian, Alaska.	June 30, 1976
AA-9790	Nunivak Ltd., Nunivak Island, Alaska.	Sec. 4, T. 3 S., R. 98 W., Seward Meridian, Alaska.	Sept. 11, 1975
AA-10538	Olsonville, Inc., Olsonville, Alaska.	Sec. 36, T. 13 S., R. 56 W., Seward Meridian, Alaska.	Sept. 26, 1975
AA-11128 and AA-11130	Point Possession, Inc., Point Possession, Alaska.	Sec. 19, T. 11 N., R. 6 W., Seward Meridian, Alaska.	Dec. 17, 1975
AA-11157	Tanalian, Inc., Port Alsworth, Alaska.	Sec. 4, T. 1 N., R. 29 W., Seward Meridian, Alaska.	Dec. 15, 1975
AA-10536	Slana Native Group Corp., Slana, Alaska.	Sec. 29, T. 11 N., R. 8 E., Copper River Meridian, Alaska.	Dec. 12, 1975
AA-10437	Twin Lakes Native Group, Inc., Gakona, Alaska.	Sec. 30, T. 9 N., R. 12 E., Copper River Meridian, Alaska.	Nov. 24, 1975

This notice will be published in one or more newspapers of general circulation in Alaska, once a week for three consecutive weeks.

Protest to any of the applications listed herein must be filed with the Bureau of Indian Affairs by July 30, 1977. Such protest shall be mailed to the Director, Juneau Area Office, Bureau of Indian Affairs, Post Office Box 3-8000, Juneau, Alaska 99802.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-19316 Filed 7-7-77;8:45 am]

Bureau of Land Management

[Serial No. I-13325]

IDAHO

Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 77-16962 appearing at page 30547 in the issue for Wednesday, June 15, 1977, on page 30548 in the first line of the seventh paragraph, the effective date reading "July 15, 1977" should be corrected to read "June 15, 1977."

[ES 17504]

FLORIDA

Proposed Withdrawal and Reservation of Land; Correction

In FR Doc. 77-18136, appearing at page 32322 in the issue of Friday, June 24, 1977, the date in the second column, ninth line from the bottom of the document should be corrected to read June 24, 1979.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-19485 Filed 7-7-77;8:45 am]

JACK H. THOMPSON, JR.

Receipt of Application

Notice is hereby given that the following application for a permit has been received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

Applicant: Jack H. Thompson, Jr., Texas A&M University.
Area of Proposed Operations: East Flower Garden Reef, Offshore Texas.
Description of Proposed Operations: Live collection of 4 species of coral for use in bioassays.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the New Orleans Outer Continental Shelf Office, 500 Camp Street/Suite 841, New Orleans, Louisiana 70130.

Interested persons may comment on this application by submitting written data, views or arguments to the Manager, New Orleans OCS Office at his address above. All relevant comments received on or before August 8, 1972 will be considered.

HAROLD P. SIEVERDING,
Acting Manager.

JUNE 20, 1977.

[FR Doc.77-19426 Filed 7-7-77;8:45 am]

[M 924]

MONTANA

Opportunity for Public Hearing and Republication of Proposed Withdrawal

JUNE 29, 1977.

The Department of Agriculture filed application, Serial No. M 924, on November 8, 1966, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

TRAPPER CREEK CHARCOAL KILNS AREA

T. 3 S., R. 10 W.,
Sec. 6, W½ of Lot 1.
Total area—21.85 acres.

CANYON CREEK CHARCOAL KILNS AREA

T. 2 S., R. 10 W.,
Sec. 8, N½SE¼NW¼.
Total area—20 acres.

The areas described aggregate 41.85 in Beaverhead County, Montana.

The applicant desires that the lands be reserved as they contain unique brick charcoal kilns which the applicant desires to preserve for historical purposes.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 1, 1966, Volume No. 232, Page No. 15098, Document No. 66-12890.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before August 8, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 8, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19428 Filed 7-7-77;8:45 am]

[M 1169]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 1, 1977.

The Department of Agriculture filed application, Serial No. M 1169, on January 3, 1967, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

SAVENAC NURSERY, BIG CREEK ADDITION

T. 19 N., R. 30 W.,
Sec. 27, S½NE¼, SE¼SW¼, and SE¼.

The area described contains 280 acres in Mineral County, Montana.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 18, 1967, Volume No. 32, Page No. 582, Document No. 67-552.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before August 8, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 10, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19489 Filed 7-7-77;8:45 am]

[NM 30948, 30952, 30972 and 30975]

NEW MEXICO

Applications

JUNE 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for three 4-inch and one 6-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 25 E.,
Sec. 5, SW¼SE¼;
Sec. 8, NW¼NE¼.
T. 20 S., R. 28 E.,
Sec. 12, E½NE¼;
Sec. 13, NE¼NE¼.
T. 20 S., R. 29 E.,
Sec. 7, lot 3 and NE¼SW¼;
Sec. 18, lots 1 and 2.
T. 23 S., R. 25 E.,
Sec. 12, S½SE¼.

These pipelines will convey natural gas across 2.19 miles of public lands in Eddy County, New Mexico.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
T. 4 S., R. 101 W.,
Sec. 1: N½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 28 NW¼NE¼, NE¼NW¼, S½NW¼,

uges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FR 18906). On May 12, 1977, a hearing was held in accordance with the notice, and all persons requesting the opportun-

These pipelines will convey natural gas across 2.19 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19486 Filed 7-7-77;8:45 am]

[NM 30964]

NEW MEXICO

Application

JUNE 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 28 E.,
Sec. 31, W½SE¼.
T. 20 S., R. 28 E.,
Sec. 6, lot 2 and SW¼NE¼.

These pipelines will convey natural gas across 0.918 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLIA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.77-19487 Filed 7-7-77;8:45 am]

[NM 30953, 30955, 30958, 30959, 30960, 30965, 30967, 30970, 30976, 30977, 30978 and 30979]

NEW MEXICO

Applications

JUNE 30, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for twelve 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 26, S½NW¼ and NW¼SW¼;
Sec. 27, SW¼NE¼, N½SW¼, SE¼SW¼ and NW¼SE¼;
Sec. 34, N½NW¼.
T. 31 N., R. 8 W.,
Sec. 29, S½SE¼.
T. 31 N., R. 11 W.,
Sec. 11, NE¼NW¼.
T. 32 N., R. 11 W.,
Sec. 15, SW¼SW¼;
Sec. 22, NW¼NW¼;
Sec. 27, N½NW¼.
T. 25 N., R. 12 W.,
Sec. 11, W½SW¼, SE¼SW¼, E½SE¼ and SW¼SE¼;
Sec. 12, N½SW¼;
Sec. 14, N½NW¼.
T. 30 N., R. 14 W.,
Sec. 1, lot 3;
Sec. 12, lots 3 and 4.

These pipelines will convey natural gas across 3,658 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19488 Filed 7-7-77;8:45 am]

[Colorado 22771-A through F (Trail Canyon; Colorado 25379—A and B Gathering System)]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JUNE 30, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right of way for a 6⅝" o.d. and a 4½" o.d. natural gas pipelines for the Trail Canyon Gathering System approximately 10 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 3 S., R. 100 W.,
Sec. 31: Lots 2 and 3, E½NW¼, NW¼NE¼.
T. 4 S., R. 100 W.,
Sec. 30: E½SE¼;
Sec. 31: Lots 6, 9, and 10, SW¼NE¼, E½E½;
Sec. 32: SW¼NW¼, N½S½;
Sec. 33: SW¼NW¼.
T. 3 S., R. 101 W.,
Sec. 36: E½SE¼.
T. 4 S., R. 101 W.,
Sec. 1: N½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec 11: SE¼SE¼;
Sec. 12: W½NE¼, NE¼NW¼, SW¼NW¼, NW¼SE¼;
Sec. 34: Lot 4, NE¼SE¼;
Sec. 35: Lots 1 and 4, SE¼NE¼, NE¼SE¼;
Sec. 36: Lots 2 and 3, W½NW¼, N½SE¼.

SIXTH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO

T. 5 S., R. 100 W.,
Sec. 6: Lots 9 and 10.
T. 5 S., R. 101 W.,
Sec. 1: Lot 8;
Sec. 2: Lots 6 and 8;
Sec. 3: Lot 5;
Sec. 11: SE¼NE¼, NW¼NW¼, NE¼SE¼;
Sec. 12: W½W½.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicant's customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determing whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportermining whether or not the application (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corporation.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

THOMAS HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-19427 Filed 7-7-77;8:45 am]

[Wyoming 59827]

WYOMING

Application

JUNE 29, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct 6 inch O.D. and 8 inch O.D. pipelines, a 1 inch "sweet" gas line, 8 inch "pig" launching facilities, an electric control cable and power cable for the purpose of processing "sour" gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 28 NW¼NE¼, NE¼NW¼, S½NW¼, and NW¼SW¼;
Sec. 32, N½NE¼, SW¼NE¼, E½NW¼.

The pipelines will connect the Higgins No. 4 Well at a location in sec. 32, T. 18 N., R. 98 W., Sweetwater County, Wyoming, into existing pipeline facilities at a location in sec. 21, T. 18 N., R. 98 W. The related facilities are to be utilized in the operation and maintenance of the gas pipelines.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19429 Filed 7-7-77;8:45 am]

Office of the Secretary

[INT FES 77-23]

PROPOSED SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed San Francisco Bay National Wildlife Refuge, California.

The U.S. Fish and Wildlife Service, Department of the Interior proposes to acquire 23,000 acres of land in the south San Francisco Bay region, Alameda, San Mateo and Santa Clara Counties, to be included in a National Wildlife Refuge for the protection of Fish and Wildlife and to provide opportunities for wildlife oriented recreation within the open space. As part of this proposal certain acquired salt ponds would be reserved to Leslie Salt Company under an Easement Agreement with the right to continue producing salt therein by the solar evaporation process.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, 1500 Plaza Building, 1500 NE. Irving Street, P.O. Box 3737, Portland, Oregon 97208.

Refuge Manager, San Francisco Bay National Wildlife Refuge, 3849 Peralta Boulevard, Fremont, California 94536.

U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: June 29, 1977.

HEATHER L. ROSS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-19490 Filed 7-7-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDER REMOVAL WICKS

Order Concerning Commission Determination

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission hereby orders the termination of investigation No. 337-TA-26, Certain, Solder Removal Wicks, on the basis of a determination that no violation of section 337 of the Tariff Act of 1930, as amended, exists.

Copies of the Commission Memorandum Opinion in support of the Commission action are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 24036. Notice of the institution of the investigation was published in the FEDERAL REGISTER on July 1, 1976 (41 FR 27134).

Issued: July 1, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-19371 Filed 7-7-77;8:45 am]

[AA1921-165]

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Determination of Likelihood of Injury

On March 29, 1977, the United States International Trade Commission received advice from the Department of the Treasury that metal-walled above-ground swimming pools from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on April 5, 1977, the Commission instituted investigation No. AA1921-165 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was duly given by posting copies thereof in the Office of the Secretary, United States International Trade Commission, Washington, D.C., and at the Commission's New York Office, and by publishing the notice in the FEDERAL REGISTER of April 11, 1977 (42 FR 18906). On May 12, 1977, a hearing was held in accordance with the notice, and all persons requesting the opportunity were permitted to apear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personnel interviews, and other sources.

On the basis of the investigation, the Commission (Chairman Minchew and Commissioner Abiondi dissenting) has determined that an industry in the United States is likely to be injured by reason of the importation of metal-walled above-ground swimming pools from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Issued: June 29, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL

On April 5, 1977, the U.S. International Trade Commission instituted investigation No. AA1921-165 under section 201(a) of the Antidumping Act, 1921, as amended. This investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of metal-walled above-ground swimming pools from Japan which the Department of the Treasury has determined are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the act. In order to make an affirmative decision, the Commission must find two conditions satisfied in this investigation. First, it must find that an industry in the United States is being or is likely to be injured or is prevented from being established.[1] Second, any injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Treasury has determined is being, or is likely to be, sold at LTFV. We have determined that an industry in the United States is likely to be injured by reason of the importation of the subject articles which the Department of the Treasury has determined are being or are likely to be sold at LTFV.

LTFV SALES

The Department of the Treasury investigated U.S. imports of metal-walled above-ground swimming pools from

[1] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

Japan during the period November 1, 1975, through April 30, 1976. For that period, Asahi Chemical Industry Co., Ltd. (Asahi) supplied approximately 90

they accounted for almost 90 percent of apparent U.S. consumption of such pools. A number of these imports, in 1976, were found by Treasury to be sold

imports. Fifteen U.S. purchasers of above-ground pools reported data to the Commission showing a displacement of purchases of U.S.-made pools by imports

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN DANIEL

NO INJURY BY REASON OF LTFV SALES

The information gathered during the

economy took a healthier turn, U.S. producers' shipments rose from 91,000

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Japan during the period November 1, 1975, through April 30, 1976. For that period, Asahi Chemical Industry Co., Ltd., (Asahi) supplied approximately 90 percent of all Japanese exports of above-ground pools to the United States, according to information developed by the Department of the Treasury. Fair value comparisons were made on almost all sales of the subject merchandise sold in the United States by Asahi during the period of investigation. Treasury found margins on Asahi's sales in the United States ranging from 1 percent to 32 percent on approximately 47 percent of the sales compared. The weighted average margin on all sales was 3.5 percent. Margins were found on all sizes of metal-walled above-ground pools exported by Asahi to the United States.

THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

Metal-walled above-ground swimming pools are recreational pool structures which can be taken apart and reassembled. Such pools differ from other types of swimming pools, such as inflatable children's pools and the larger in-ground and on-ground pools, in that they are both noninflatable and transportable. Above-ground swimming pools are normally categorized into two groups: Splashers and family pools. Splashers, which are circular, range from about 6 feet to 12 feet in diameter, and from 1 foot to 3 feet in depth. Family pools, which are circular or oval, are generally 15 feet or more in diameter and 4 feet in depth, although certain large models are up to 8 feet in depth at certain points.

We have considered the relevant domestic industry in this investigation to consist of the U.S. facilities devoted to the production of metal-walled above-ground swimming pools. There are eight known manufacturers of metal-walled above-ground swimming pools in the United States, three of which account for more than 80 percent of annual U.S. producers' shipments. Sales of family pools accounted for approximately 90 percent of the value of U.S. producers' shipments of all above-ground pools in 1975 and 1976.

LIKELIHOOD OF INJURY BY REASON OF LTFV SALES

U.S. imports from Japan of all metal-walled above-ground pools have accounted for over 60 percent of apparent U.S. consumption from 1975 through January-March 1977. In 1976, the year in which most LTFV sales occurred, imports from Japan climbed to their highest level for the 1973–76 period. To fully understand the effect of imports of metal-walled above-ground pools from Japan on the domestic industry, it is necessary to review the recent history of such imports with respect to specific pool categories.

Imports of splasher pools from Japan first entered the U.S. market in significant quantities in the late 1960's. Such imports increased so rapidly that by 1976 they accounted for almost 90 percent of apparent U.S. consumption of such pools. A number of these imports, in 1976, were found by Treasury to be sold in the United States at LTFV.

In 1975, the first imports of family pools from Japan (all of which were from Asahai) entered the U.S. market, accounting for less than 5 percent of apparent U.S. consumption of such pools in that year. In 1976, however, such imports increased significantly and accounted for more than 10 percent of apparent U.S. consumption of family pools. All the family pools imported from Japan during 1975, and most of those imported during 1976, entered during the period in which Treasury found LTFV sales.

The recent increase in imports of metal-walled above-ground pools from Japan, particularly family pools, together with a drop in demand in 1975, has had an impact on the operations of U.S. producers. U.S. producers' shipments of all metal-walled above-ground pools declined from a peak of 249,000 pools in 1974 to 91,000 pools in 1975 and then increased to 133,000 pools in 1976—still 47 percent below the 1974 level. Shipments of family pools, which as indicated above constitute about 90 percent of the value of annual U.S. producers' shipments of all above-ground pools, declined from 123,000 pools in 1974 to 46,000 pools in 1975, and then increased to 76,000 pools in 1976—38 percent below the 1974 level.

The average number of production and related workers engaged in the manufacture of above-ground pools followed a trend similar to that for producers' shipments, declining from 611 in 1974 to 346 in 1975 and then increasing slightly to 415 in 1976—32 percent below the 1974 level.

The LTFV imports, if allowed to continue, could well exacerbate a trend of declining profits which the domestic industry has experienced in recent years. The net operating profit for the 3 U.S. producers, which account for over 80 percent of domestic shipments, declined from $5.6 million in 1974 to $2.7 million in 1975. In 1976, despite an increase in net sales, net operating profit continued to decline to $2.5 million. The ratio of net operating profit to net sales for the 3 firms on their above-ground swimming pool operations declined from 13.7 percent in 1974 to 11.8 percent in 1975 and to 7.5 percent in 1976.

There is additional evidence that the domestic producers lost sales to LTFV imports from Japan and, if such imports continue, it is likely that they will injure the domestic industry. U.S. producers advised the Commission that sales lost to LTFV imports totaled $2.3 million in 1975 and $4.4 million in 1976. Officials of several of the firms listed by U.S. producers as having reducing purchases of domestically produced pools because of increased purchases of Japanese pools stated that price was the determinative factor in their decisions to begin importing pools from Japan or increase their imports. Fifteen U.S. purchasers of above-ground pools reported data to the Commission showing a displacement of purchases of U.S.-made pools by imports of Japanese pools during the period 1975 and 1976 and January-March 1977. Three large purchasers did not import any above-ground pools prior to 1975, but by 1976 they were importing virtually all their above-ground-pool requirements from Japan.

Price data collected by the Commission indicate that all sizes of above-ground pools imported from Japan undersell the domestic product, but that the margin of underselling is more pronounced with respect to family pools. Since 1975, when imports of family pools from Japan first entered the United States, such pools have been sold at prices averaging from 24 to 41 percent below those of U.S.-made pools. However, at the Commission's public hearing, the domestic industry maintained, and counsel for Asahi agreed, that the practical price advantage is much less. This is because U.S. producers provide their customers with numerous services that are not available from Japanese manufacturers. Such services include a form of easy financing that is written into the wholesale terms of sale allowing the pool dealer to pay for pools in July or August, although actual delivery may have taken place up to 7 months earlier. Furthermore, often pool producers do not force dealers to take delivery of pools previously ordered. The financing and flexibility in delivery provided by U.S. producers are not available for imports from Japan, which are purchased only through irrevocable letters of credit and require lengthy lead times. Taking such factors into consideration, it is believed that the real price advantage of imports from Japan is less than 10 percent. Consequently, the 3.5 percent average dumping margin found by Treasury is a significant factor in causing likehood of injury to the domestic industry.

As noted above, it is evident that Japanese imports of splasher pools now dominate the U.S. market for these articles and the LTFV imports from Japan have also made significant inroads into the U.S. market for family pools. Information obtained in the investigation indicate that Asahi is capable of significantly increasing its share of the U.S. family pool market by reason of its ability to expand production of metal-walled above-ground pools with existing equipment. In view of these considerations, the U.S. industry is likely to be injured if LTFV imports continue unabated.

CONCLUSION

On the basis of the evidence developed during this investigation, we have determined that an industry in the United States is likely to be injured by reason of the importation of metal-walled above-ground swimming pools from Japan which the Department of the Treasury has determined are being, or are likely to be, sold at LTFV.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN DANIEL MINCHEW AND COMMISSIONER ITALO H. ABLONDI

On March 29, 1977, the United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) that metal-walled above-ground swimming pools from Japan are being sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160(a)). Accordingly, on April 5, 1977, the Commission instituted investigation No. AA1921–165 under section 201 (a) of the Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Before the Commission may find in the affirmative in this investigation, it is necessary that the following two conditions be met:

(1) An industry in the United States is being or is likely to be injured, or is prevented from being established,[1] and

(2) The requisite injury must be by reason of importation into the United States of the merchandise which Treasury has determined is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act of 1921, as amended.

DETERMINATION

On the basis of information obtained in the investigation, we determine that there is no injury or likelihood of injury to an industry in the United States by reason of the importation of metal-walled above-ground swimming pools from Japan.

THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

Metal-walled above-ground swimming pools, the imported articles which are the subject of this investigation, are recreational structures which can be taken apart and reassembled. They differ from other types of swimming pools in that they are non-inflatable unlike many children's pools, and are transportable as opposed to the larger in-and-on-ground pools. The above-ground pools involved in this investigation are normally categorized as "splashers," which are smaller units, and the larger "family pools," generally having a diameter of 15 feet and over.

Approximately eight U.S. firms manufacture metal-walled above-ground swimming pools. These firms are the most likely to be affected by LTFV imports, and for the purposes of this determination are treated as the relevant domestic industry. Of the firms comprising this industry, the three largest account for over 80 percent of the total U.S. production of the pools in question.

[1] Prevention of the establishment of an industry is not an issue in the instant investigation and will not be discussed further.

NO INJURY BY REASON OF LTFV SALES

The information gathered during the investigation indicates that the second condition as set out above, which must be met prior to an affirmative finding, is not satisfied in the instant case, i.e., any injury experienced by the domestic industry involved in the production of the subject swimming pools is not by reason of LTFV imports.

IMPORT PENETRATION AND LOST SALES

The proportion of the U.S. market captured by pools imported from Japan is decreasing. The ratio of imports to total U.S. consumption of the subject swimming pools dropped by almost 3 percent from 1975 to 1976. Further decline occurred during the first quarter of 1977 for all pool sizes. Of particular importance is the marked decline in imports of family pools, for which the ratio decreased by more than 50 percent from that in the corresponding period of 1976. This sharp decline has special significance because family pools constitute the vast bulk of the value of all above-ground swimming pools sold in this country. Thus, the penetration exists for the most part in an area of relative insignificance to domestic operations. On the other hand, the import penetration is very small in the area of primary concern to the domestic industry (sales of family poo's represent approximately 90 percent of the value of U.S. producers' shipments), and as the report reveals, this penetration is decreasing.

Furthermore, available data indicate that the current impact of LTFV margins is much less important than the overall Japanese price advantage with respect to this product. The Japanese price advantage in the sale of above-ground metal-walled pools is substantial, at 20–25 percent. Any injury to the domestic industry, therefore, would seem to be attributable to this significant price advantage and not to the 3.5-percent average weighted dumping margin. Although other factors such as financing arrangements and flexibility in delivery terms somewhat mitigate the considerable Japanese price advantage, it remains highly influential. When contrasted to the relatively low dumping margin, price advantage appears to be a more persuasive cause of any injury which the domestic industry may have suffered.

U.S. PRODUCERS' SHIPMENTS, EMPLOYMENT, AND PROFITABILITY

The declines experienced by the domestic industry during 1975 in the areas of shipments, employment, and profitability must be viewed within the context of the generally poor economic conditions existing at that time. In 1974 in response to a strong and increasing demand, shipments were at their highest level during the 1973–76 period. In 1975, however, total apparent U.S. consumption of above-ground metal-walled pools plummeted by 43 percent, and predictably, shipments, employment, and profitability followed a parallel course. As the economy took a healthier turn, U.S. producers' shipments rose from 91,000 pools in 1975 to 133,000 pools in 1976, an increase of 46 percent over the previous year.

Employment followed a similar upward course in 1976, and the figures for the first quarter of 1977, which are eight percent above the averages for the corresponding period in the previous year, clearly indicate continuing gains in this area. Advances also are present in U.S. producers' net operating profits for overall company operations. Following 1975's slide to $4.6 million from $8.5 million from the previous year, net operating profits soared to $11.6 million in 1976—the highest figure in the 1972–76 period. The ratio of net operating profits to net sales for overall company operations similarly increased to 10 percent in 1976 from a low of 6.2 percent in 1975. Thus, in terms of sales, employment, and profitability, 1976 was a highly prosperous year for U.S. producers. These figures make clear that the depressed state of production affairs for the domestic industry resulted not from LTFV import sales, but rather because of the prevailing domestic market patterns during the period in question. One additional factor which has had a continuing adverse impact on domestic operations is weather conditions, particularly the acute water shortages currently being experienced in the West. This situation helps explain why, in spite of the strong post-recession surge in U.S. producers' overall operations, the above-ground swimming pool figures still lay behind their earlier record levels.

NO LIKELIHOOD OF INJURY BY REASON OF LTFV IMPORTS

The above-mentioned reasons which dictate a finding that a U.S. industry is not being injured by reason of LTFV sales of imported metal-walled above-ground swimming pools from Japan, also apply to the issue of likelihood of injury. The Commission has received assurances that any sales which possibly could be interpreted as having been at LTFV have been terminated and will not occur in the future. Further, U.S. imports from Japan are substantially declining, which is especially significant as noted earlier with regard to family pools. These imports dropped by almost 60 percent from January–March 1976 to the corresponding period in 1977, while the ratio of such imports to consumption declined more than 50 percent in that same period.

CONCLUSION

On the basis of the factors set forth above, we have determined that an industry in the United States is not being and is not likely to be injured by reason of the importation of metal-walled above-ground swimming pools from Japan which the Department of the

Treasury has found to be or likely to be sold at LTFV.

Issued: June 30, 1977.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full ad-

State and make a significant and effective contribution to the State's effort to deal with crime if, on the basis of the

will not have an adverse effect upon existing competitive enterprises in the area.

other areas (where such competition is a factor).

tional Science Foundation, Telephone 202–634–6608. Persons interested in at-

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Treasury has found to be or likely to be sold at LTFV.

Issued: June 30, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-19515 Filed 7-7-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Proposed 1977 Aggregate Production Quota for Ecgonine for Conversion

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

Ecgonine is a naturally occuring biproduct derived from the processing of coca leaves. There is no direct medical usage of this substance in the United States and thus, all quantities which are produced are destroyed.

DEA has now been advised that a domestic manufacturer of cocaine desires to convert quantities of ecgonine to cocaine in addition to producing cocaine directly from coca leaves. This change of process will not result in the production of cocaine in excess of the limitations established by the aggregate production quota for cocaine for a given year.

In order to allow for this conversion from ecgonine, quantities of ecgonine must be produced under the restrictions of a quota. No quota has been established thus far in 1977 for this substance.

To provide for the legitimate needs of this substance for 1977, the Drug Enforcement Administration hereby establishes an interim 1977 aggregate production quota for ecgonine for conversion of 700 kilograms expressed as anhydrous base. In addition, based upon consideration of the above factors, the Administrator of the Drug Enforcement Administration does hereby propose that the aggregate production quota for this substance for 1977 be established at 700 kilograms, expressed in terms of anhydrous base.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by August 8, 1977. If a person believes that one or more issues raised by him warrants a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

The establishment of the interim aggregate production quota for ecgonine for conversion is effective on July 8, 1977.

Dated: July 1, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-19521 Filed 7-7-77;8:45 am]

Law Enforcement Assistance Administration

STANDARDS FOR REVIEWING STATE COMPREHENSIVE LAW ENFORCEMENT AND CRIMINAL JUSTICE PLANS

Pursuant to the 1976 amendment (Pub. L. 94-503) to section 303(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3733 (b), the Law Enforcement Assistance Administration must evaluate the likely effectiveness and impact of State Comprehensive Law Enforcement and Criminal Justice Plans prior to approving such plans submitted by each State Planning Agency. In order to approve a plan, LEAA must make an affirmative finding in writing that such plan (1) reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and (2) is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. The LEAA evaluation and written findings will be made based on the standards set forth in this notice. These standards are derived from the requirements for State Comprehensive Plans contained in LEAA Guideline Manual M 4100.1F, "State Planning Agency Grants". Copies of that Manual have been made available to State Planning Agencies; other interested parties may obtain copies from LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531 or from LEAA Regional Offices. The LEAA standards for plan review are as follows:

1. LEAA will make a written finding that a State plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State if LEAA finds that the State plan is comprehensive and statewide pursuant to LEAA Guideline Manual M 4100.1F in the definition, development, and correlation of law enforcement and criminal justice programs and projects and in the establishment of law enforcement and criminal justice priorities.

2. LEAA will make a written finding that a State plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's effort to deal with crime if, on the basis of the evaluation for effectiveness and impact, LEAA finds that:

(a) There is clear and explicit evidence that the plan follows a logical progression from crime analysis and problem analysis to the development of programs, showing a thread of continuity in which each of the components of the plan builds upon each of the previous steps in the plan development;

(b) Quantifiable goals have been realistically set and are related to identified problems;

(c) Standards have been realistically set, and are related to goals to be achieved;

(d) The plan contains a detailed strategy for implementation; and

(e) The State's progress in achieving goals and implementing standards under previous plans gives clear and explicit evidence that the plan under consideration is likely to have impact and be effective.

JAMES M. H. GREGG,
Assistant Administrator, OPM.

[FR Doc.77-19430 Filed 7-7-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 5th day of July 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending July 1, 1977

Name of applicant	Location of Enterprise	Principal Product or Activity
Browning Laboratories, Inc	Laconia, N.H	Manufacture of citizens band radios.
Saratoga Knitting Mill, Inc	Saratoga Springs, N.Y	Manufacture of fabric-tricot-synthetic.
Quality Box Company, Inc	Nazareth, Pa	Manufacture of paper boxes.
LNG Services, Inc	Pittsburgh, Pa	Process, compress, transport and unload compressed natural gas.
Trooper, Inc	Wadley, Ga	Manufacture of women's and men's work clothing.
Louis Courie	Carolina Beach, N.C	Night club with food and dancing.
Rick's Automotive Service	do	Automotive repair and sales.
W. E. Bailey & Sons, Inc	Chadbourn, N.C	Sweet potato storage and processing warehouse.
Holiday Hosiery Mills, Inc. (tenant of town of Hudson).	Hudson, N.C	Finishing, packaging and sales of hosiery products.
Davis Wood Products, Inc. (tenant of town of Hudson).	do	Manufacture of plywood and furniture parts.
Judy Branch Dehy, Inc	Clio, Ala	Prepares feed ingredient and fertilizer.
C. S. Industries, Inc	Donaldsonville, La	Produce liquid and solid carbon dioxide.
Don Rorer Supermarkets, Inc	Hoxie, Ark	Retail groceries and meat.
H&H Industries, Inc	Mercedes, Tex	Rendering plant for meat packers.
Britt Tech Corp	Britt, Iowa	Manufacture of portable high pressure washers.
Farm Products Elevator Co	Schuyler, Nebr	Grain storage facility.
Julius Poole and Hershl Pilcher	Rangley, Colo	Motel with restaurant and lounge.
Security Manufacturing Corp	Palmer, Alaska	Manufacture of mobile homes and modular homes.

[FR Doc.77-19496 Filed 7-7-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77-8; Application No. D-281]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Transfer of Individual Life Insurance Contracts and Annuities From Employee Benefit Plans to Plan Participants, Certain Beneficiaries of Plan Participants, Employers, and Other Employee Benefit Plans

Correction

In FR Doc. 77-17666, appearing at page 31574 in the issue for Tuesday, June 21, 1977, in the first line, middle column, page 31574, "C.B. 772" should read "C.B. 722"; and in the last line of the paragraph titled "Exemption," middle column, page 31575, "C.B. 22" should read "C.B. 722."

NATIONAL SCIENCE FOUNDATION

SCIENCE APPLICATIONS TASK FORCE

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Science Applications Task Force.

DATE AND TIME: July 26, 1977—9 a.m.–5 p.m.; July 27, 1977—9 a.m.–4 p.m.

PLACE: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Partially open. July 26—9 a.m.–5 p.m.—Open to public observers. July 27—9 a.m.–12 noon—Closed session; 1:30 p.m.–4 p.m.—Open to public observers.

CONTACT PERSON:

Gilbert B. Devey, Executive Secretary, Science Applications Task Force, National Science Foundation, Telephone 202-634-6608. Persons interested in attending the meeting should inform the Executive Secretary before 5 p.m. on July 20, 1977.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF ADVISORY GROUP: The purpose of the NSF Task Force on Science Aplications is to provide advice and assessments and make recommendations to the NSF Director on science applications programs and related organization and management issues.

AGENDA: July 26, 1977—Discussion of final report. July 27, 1977—(Closed session.) Discussion of the professional qualifications of prospective candidates for the position of the Assistant Director for science applications programs, including possible assessment of incumbent management. July 27, 1977—(Open session.) Discussion of final report.

REASON FOR CLOSING: The disclosure of the intended content could constitute an unwarranted invasion of individuals' personal privacy, and this session is closed in accordance with exemption 6 of the Government in the Sunshine Act of 1977.

AUTHORITY FOR CLOSING: This determination was made on June 27, 1977, pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Acting Committee, Management Officer.

JULY 1, 1977.
[FR Doc.77-19413 Filed 7-7-77;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Correction

In FR Doc. 77-18076 appearing on page 32339 in the issue for Friday, June 24, 1977, in the ninth line, "7⅛" should be corrected to read "7⅞."

EXEMPTION OF FOREIGN MILITARY SALES

Rescission of Interpretation No. 80

Correction

In FR Doc. 77-18075 appearing on page 32339 in the issue for Friday, June 24, 1977, the date above the signature, "June 2, 1977" should be corrected to read "June 21, 1977."

SECURITIES AND EXCHANGE COMMISSION

ment securities market. Certain of the proposed amendments are more sub-

derlying security is quoted at 102½ or above, or 103½ or below.)

curities carried in a short position in a

underlying fixed income securities, as re-

3. Identification of subjects for U.S. contributions to December 1977 Working Party

V 42 131 JUL 8 77 UMI

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CAL-AM CORP.

Suspension of Trading

JUNE 28, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Cal-Am Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:00 p.m. (EDT) on June 28, 1977 through July 7, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19509 Filed 7-7-77;8:45 am]

[Release No. 34-13698; File No. SR-CBOE-1977-15]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on June 13, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends present rules of the Chicago Board Options Exchange, Incorporated ("CBOE") so as to enable options on debt securities issued by the United States Government or agencies thereof ("Government securities") to be traded on CBOE.

Although most of CBOE's current rules are consistent with the trading of options on Government securities, there are certain qualitative and quantitative differences between stocks, which presently underlie CBOE options, and Government securities that necessitate amendments to several CBOE rules. The proposed rule change reflects amendments to CBOE rules that are presently applicable only to trading of options on underlying stocks so as to make those rules also applicable to trading of options on underlying Government securities. However, in drafting each proposed amendment, the same substantive basis or policy followed in formulating a rule with respect to options on underlying stocks has been retained, modified only as necessary to reflect the particular standards or practices of the Government securities market. Certain of the proposed amendments are more substantive than others, and merit a brief explanation.

The position limits proposed in Rule 4.11 reflect that the Government securities market is largely an institutional market in which the average trade size is $1,000,000 principal amount (i.e., the equivalent of 10 Government securities options having a unit of trading of $100,000 principal amount of the underlying Government security). In view of this large average trade size, it is necessary that position limits for Government securities options be sufficiently large to provide useful hedging opportunities for institutions and other Government securities traders. At the same time, position limits should continue to serve their fundamental purpose of preventing potential trading abuses. To meet these objectives, it is proposed that position limits vary with the original public issuance (the amount issued to and available for trading by public investors) of underlying Government securities, according to the schedule set forth in proposed Rule 4.11. A similar rationale applies to exercise limits (Rule 4.12).

Rule 4.17, which currently imposes restriction on certain out-of-the-money options on underlying stocks, was developed only after considerable trading experience. In the absence of such experience for Government securities options it is not clear what sort of similar rule, if any, would be appropriate for Government securities options. Accordingly, it is proposed initially to limit the applicability of Rule 4.17 solely to options on underlying stocks; however, CBOE will closely monitor the need for a corresponding rule for Government securities options.

The purpose of Rules 5.3 and 5.4, in establishing criteria for the listing and delisting of options covering particular Government securities, is to ensure that the Government securities chosen for options trading are widely held and actively traded. For this reason, it is provided that only the larger Government issues may be selected as underlying securities, and that even these will ordinarily remain as underlying securities only for one year following their original selection, since CBOE will ordinarily not introduce series with new expiration months on an underlying note or bond six months after the inception of options trading on that particular underlying Government security. After six months, CBOE will ordinarily commence options trading on a more recently issued Government note or bond.

Although not reflected in Rule 5.6 governing the terms of options, it will be the policy of CBOE to open additional series of options covering a particular underlying Government security at one percentage point intervals whenever the quotation for the underlying security reaches the mid-point between such intervals. (I.e., options having an exercise price of 103 will be opened when the underlying security is quoted at 102½ or above, or 103½ or below.)

Under Rules 6.3 (Trading Halts) and 6.4 (Suspension of Trading), it is proposed that the appropriate officials have authority to halt or suspend trading in Government securities options when conditions detrimental to the maintenance of a fair and orderly market are present. Included among such conditions is the unavailability of current quotations in the underlying Government security. This reflects that Government securities are ordinarily traded on the basis of current quotations, not last sale reports; it is intended that CBOE options on Government securities will also be traded on the basis of such current quotations.

Under Rule 6.73(b), it is proposed that a Floor Broker handling an order in a Government securities option that is dependent upon a quotation for the underlying security shall be responsible for satisfying the dependency requirement on the basis of the most reliable information reasonably available to him concerning current quotations for the underlying Government security. Thus the Floor Broker is not limited to quotation information obtained from the quotation display mechanism, but may also utilize such information obtained from other reliable sources.

Separate market-maker obligations for Government security options are proposed in Rule 8.7(b) with respect both to the spread between the "bid" and "ask" for options and to the amount by which a bid or offer may be raised or lowered from the previous transaction. These separate, specific requirements of Rule 8.7(b) reflect the unique characteristics of the Government securities market, including that it is a dealer market, and that Government securities are less volatile than stocks.

It is proposed to amend CBOE's rules relating to account approval, suitability of recommendations, and 1933 Act disclosure (Rules 9.7, 9.9, and 9.15) to provide separate account approval and disclosure requirements for options on Government securities, and to impose on all recommendations relating to Government security options the higher suitability standards that presently apply to recommendations of certain writing transactions.

Rule 11.3 (Delivery and Payment) will be amended to make it explicit that, in accordance with the standard procedures in the Government securities market with respect to the treatment of accrued interest, the exercising holder of a call option or the writer of a put option assigned an exercise notice must pay both the exercise price of the Government security option plus interest on the underlying Government security accrued from the last interest payment date to but not including the exercise settlement date.

It is proposed to amend Rule 12.3 to provide minimum margin requirements for option contracts on Government securities carried in a short position in a customer account that are comparable to the proprietary haircuts prescribed by Rule 15c-3-1(c)(2)(vi)(A) for positions in Government securities. This follows the existing pattern reflected in Rule 12.3, whereby minimum margin requirements respecting short positions in options dealt in on an exchange relating to underlying stocks are comparable to proprietary haircut requirements under Rule 15c-3-1. Rule 12.3 will exempt from customer margin requirements those persons who are Government securities dealers reporting their positions to the New York Federal Reserve Bank, since those dealers have no margin requirements respecting their short positions in Government securities themselves.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to implement CBOE's market for the trading of options on Government securities.

The proposed rule change is adopted pursuant to section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the rules proposed hereby are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in options covering underlying Government securities.

CBOE believes that its proposed market for options on Government securities is consistent with the standards of section 6(b)(5) since it expects such a market to provide the same increased investment flexibility with respect to Government securities as the present options market provides with respect to stocks. CBOE's discussions with Government securities investors and primary dealers have strengthened its conclusion that such a market is both feasible and in the interests of investors. The basic economic function of a Government securities option will be essentially similar to that of an option on common stock: To separate the risks and opportunities of investing in securities, and to redistribute those risks and opportunities between the holder and writer of the option. CBOE expects that Government securities options will be used primarily to hedge against adverse price fluctuations in Government securities resulting from changes in interest rates and other economic developments which affect the money and capital markets.

In January 1976, CBOE established a Fixed Income Securities Task Force consisting of CBOE members and commercial banks experienced in the options market or in the market for fixed income securities to assess the feasibility of providing a market in options on such securities. Comments received informally from members of the Task Force and other potential participants in such an options market were generally in favor of developing such a market, and selecting Government notes and bonds as the underlying fixed income securities, as reflected in the proposed rule change. Formal comments on the proposed rule change have not been solicited or received.

CBOE believes that the proposed rule change will not impose any burden on competition.

On or before August 12, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it find such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 29, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77-19510 Filed 7-7-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/88]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE, INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on July 26, 1977, at 10:00 a.m. in Room 5611 of the Department of Commerce, 1325 G Street, N.W., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission services.

The agenda for the July 26 meeting will include consideration of the following:

1. Results of the meeting of CCITT Study Groups VII (April 19-26, 1977) and XVII (April 27-May 3, 1977).
2. Approval of draft Provisional Recommendations as recommended by CCITT Study Groups VII and XVII.
3. Identification of subjects for U.S. contributions to December 1977 Working Party meeting of CCITT Study Group XVII and to the April 1978 meeting of Study Group VII: User Facilities (X.2); Datagram; Routing principles for interworking of data networks with telephone/telex networks; and Other.
4. Other business.

All participants are requested to use the main entrance to the Department of Commerce on 14th Street, N.W. Members of the general public who desire to attend the meeting on July 26 will be admitted up to the limit of the meeting room.

Dated: June 29, 1977.

ARTHUR L. FREEMAN,
Chairman,
U.S. National Committee.

[FR Doc.77-19394 Filed 7-7-77;8:45 am]

[Public Notice CM-7/87]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on August 4, 1977 in Room 8334 at the Department of Transportation, 400 Seventh St., S.W., Washington, D.C.

The business of this meeting will be to review the report (if available) of the Joint IMCO/ILO Committee on Training (5th Session); and develop the US position on watchkeeping requirements in the annex to the draft convention.

For further information, contact Captain J. P. Dawley, United States Coast Guard, G-MVP/82, Washington, D.C. 20590, (area code 202) 426-1500.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

JUNE 28, 1977.

[FR Doc.77-19393 Filed 7-7-77;8:45 am]

Agency for International Development

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID INDONESIA

Redelegation of Authority No. 164-10 (Revised)

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated April 10, 1964 (29 FR 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director and

Deputy Mission Director, USAID/Indo-

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID BANGLADESH

loan agreements is also hereby redele-

tracts, amendments and modifications

(a) Authority to prepare, negotiate,

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Deputy Mission Director, USAID/Indonesia, and to any person acting in their official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Indonesia.

The Redelegation of Authority dated October 24, 1973 from D. G. MacDonald, Assistant Administrator, Bureau for Asia, to the Mission Director and Deputy Mission Director, USAID/Indonesia is hereby rescinded.

This Redelegation of Authority is effective immediately.

Dated: June 23, 1977.

MICHAEL H. B. ADLER,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.77-19388 Filed 7-7-77;8:45 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID BANGLADESH

Redelegation of Authority (Revised)

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated April 10, 1964 (29 FR 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to Itnernational Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director and Deputy Mission Director, USAID/Bangladesh, and to any person acting in their official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foregin governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Auhtority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Bangladesh.

This Redelegation of Authority is effective immediately.

Dated: June 23, 1977.

MICHAEL H. B. ADLER,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.77-19389 Filed 7-7-77;8:45 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID PHILIPPINES

Redelegation of Authority No. 164–12 (Revised)

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated April 10, 1964 (29 FR 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director and Deputy Mission Director, USAID/Philippines, and to any person acting in their official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membershio consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available uder such loan or grant agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to the Philippines.

Delegation of Authority No. 111 dated September 23, 1975 (40 FR 45451) is hereby rescinded.

This Redelegation of Authority is effective immediately.

Dated: June 23, 1977.

MICHAEL H. B. ADLER,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.77-19390 Filed 7-7-77;8:45 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID PAKISTAN

Redelegation of Authority No. 164–11 (Revised)

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated April 10, 1964 (29 FR 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director and Deputy Mission Director, USAID/Pakistan, and to any person acting in their official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Pakistan.

Redelegation of Authority No. 164–5 dated June 26, 1972 (37 FR 13646) is hereby rescinded.

This Redelegation of Authority is effective immediately.

Dated: June 23, 1977.

MICHAEL H. B. ADLER,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.77-19391 Filed 7-7-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order 190; (Rev. 14)]

SUPERVISION OF BUREAUS AND OFFICES, DELEGATION OF CERTAIN AUTHORITY, AND ORDER OF SUCCESSION IN THE TREASURY DEPARTMENT

1. The Deputy Secretary shall be under the direct supervision of the Secretary.

2. The following officials shall be under the supervision of the Secretary, and shall report to him through the Deputy Secretary:

Under Secretary for Monetary Affairs
Under Secretary
General Counsel
Assistant Secretary (Tax Policy)
Commissioner, Internal Revenue Service
Comptroller of the Currency
Assistant Secretary (Legislative Affairs)
Assistant Secretary (Economic Policy)
Assistant Secretary (Domestic Finance)
Assistant Secretary (Public Affairs)
Executive Secretary

3. The following officials shall be under the supervision of the Under Secretary for Monetary Affairs, and shall exercise supervision over those officers and

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organizational entities indicated thereunder:

Assistant Secretary (International Affairs)
Deputy Assistant Secretary for Trade and Investment Policy
Deputy Assistant Secretary for Commodities and Natural Resources
Deputy Assistant Secretary for International Monetary Affairs
Deputy Assistant Secretary for Developing Nations
Deputy to the Assistant Secretary for Saudi Arabian Affairs
Deputy to the Assistant Secretary and Secretary of International Monetary Group
Inspector General for International Finance
(The Assistant Secretary (Domestic Finance) reports through the Under Secretary for Monetary Affairs for debt management purposes.)
Fiscal Assistant Secretary

4. The following officials shall be under the supervision of the Under Secretary, and shall exercise supervision over those officers and organizational entities indicated thereunder:

Assistant Secretary (Administration)
Deputy Assistant Secretary
Office of Administrative Programs
Office of Audit
Office of Budget and Program Analysis
Office of Computer Science
Office of Equal Opportunity Program
Office of Management and Organization
Office of Personnel
Chief Deputy to the Under Secretary (Enforcement and Operations)
Office of Enforcement
Office of Operations
United States Secret Service
Bureau of Alcohol, Tobacco and Firearms
Federal Law Enforcement Training Center
United States Customs Service
Office of Foreign Assets Control
Treasurer of the United States
United States Savings Bonds Division
Director of the Mint
Bureau of the Mint
Director, Bureau of Engraving and Printing
Bureau of Engraving and Printing

5. The following officials shall exercise supervision over those officers and organizational entities indicated thereunder:

General Counsel
Deputy General Counsel
Legal Division
Office of Director of Practice
Office of Tariff Affairs
Assistant Secretary (Tax Policy)
Deputy Assistant Secretary for Tax Legislation
Deputy Assistant Secretary for Tax Policy Economics
Office of Tax Analysis
Office of Tax Legislative Counsel (also part of Legal Division)
Office of International Tax Counsel (also part of Legal Division)
Office of Industrial Economics
Assistant Secretary (Legislative Affairs)
Deputy Assistant Secretary (Legislative Affairs)
Office of Legislative Affairs
Assistant Secretary (Economic Policy)
Deputy Assistant Secretary for Domestic Economic Analysis
Office of Financial Analysis
Deputy Assistant Secretary for International Economic Analysis
Assistant Secretary (Domestic Finance)
(Also reports to Under Secretary for Monetary Affairs for debt management purposes.)
Deputy Assistant Secretary for Capital Markets Policy
Office of Securities Market Policies
Office of Capital Markets Legislation
Deputy Assistant Secretary for State and Local Finance
Office of Municipal Finance
Office of the Deputy to the Assistant Secretary for New York City Finance
Office of Urban Economics
Deputy Assistant Secretary for Debt Management
Senior Adviser (Debt Research)
Office of Government Financing
Office of Agency Finance and Market Policies
Office of Revenue Sharing
Assistant Secretary (Public Affairs)
Deputy Assistant Secretary (Public Affairs)
Office of Public Affairs
Fiscal Assistant Secretary
Deputy Fiscal Assistant Secretary
Bureau of Government Financial Operations
Bureau of the Public Debt
Commissioner of Internal Revenue
Deputy Commissioner
Internal Revenue Service
Comptroller of the Currency
First Deputy Comptroller
Office of the Comptroller of the Currency

6. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to the bureaus, offices, or other organizational units over which he had supervision. Any action heretofore taken by any of these officials in his own capacity and under this own title is hereby affirmed and ratified as the action of the Secretary.

7. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed, or until the absence or sickness shall cease:

A. Deputy Secretary
B. Under Secretary for Monetary Affairs
C. Under Secretary
D. General Counsel
E. Assistant Secretaries, or Deputy Under Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary, or Deputy Under Secretary.

8. Treasury Department Orders No. 190 (Revision 13) and No. 190 (Revision 13—Amendment 1) are rescinded effective this date.

Dated: July 1, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 77-19493 Filed 7-7-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 431]

ASSIGNMENT OF HEARINGS

JULY 5, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 118989 Sub 145, Container Transit, Inc. now assigned July 19, 1977 at Chicago, Illinois is being postponed to September 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.
MC 142152 (Sub-1), N.A.T. Transportation, Inc., now being assigned September 13, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.
MC 36255 (Sub-1), K & R Delivery, Inc., now assigned September 13, 1977 at Chicago, Illinois, has been postponed indefinitely.
MC 142747, David L. Tate, Hamer L. Tate, Alicia L. Tate, William H. Tate, Beryl E. Tate & Gerald Ross, d/b/a Tate Cheese Company, now being assigned September 14, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.
MC 128375 (Sub-151), Crete Carrier Corp., now being assigned September 15, 1977 (2 days) at Chicago, Illinois, in a hearing room to be later designated.
MC 142719 (Sub-1), Robert J. Kirkpatrick, d/b/a/ Kirk's Towing Service, now being assigned September 19, 1977 (2 days) at Chicago, Illinois, in a hearing room to be later designated.
MC 142773, Prather Auto Sales, Inc., now being assigned September 21, 1977 (3 days) at Chicago, Illinois, in a hearing room to be later designated.
MC 95376 (Sub No. 14) McVey Trucking, Inc. now assigned August 3, 1977 at Chicago, Illinois in Room 348, 230 South Dearborn Street is being transferred to Courtroom 1903, Everett McKinley Dirksen Bldg., 219 South Dearborn Street in Chicago, Illinois.
MC 140484 Sub 20, Lester Coggins Trucking, Inc. now assigned August 9, 1977 at Lexington, Kentucky and will be held at the Holiday Inn North, 1950 Newtown Pike.
MC 123048 Sub 349, Diamond Transportation System, Inc. now assigned August 8, 1977 at Lexington, Kentucky and will be held at the Holiday Inn North, 1950 Newtown Pike.
AB 6 Sub No. 16 Burlington Northern, Inc., Abandonment Between Maryville and Barnard, in Nodaway County, Missouri, now being assigned September 13, 1977 (2 days) for hearing in Maryville, Missouri, in a hearing room to be later designated.
MC 108207 Sub No. 456 Frozen Food Express, Inc., now being assigned Semptember 15, 1977 (2 days) for hearing in Kansas City, Missouri, in a hearing room to be later designated.
MC-F-13129 Kaw Transport Company—Control—Royal Transport, Inc. now being assigned September 19, 1977 (1 week) for hearing in Kansas City, Missouri, in a hearing room to be later designated.
MC 2832 Sub 13, The Kelley Transit Co., Inc. now being assigned October 12, 1977 (3 days) at Hartford, Connecticut in a hearing room to be later designated.
MC 109495 Sub 20, Brunswick Transportation Co., Inc. now being assigned October 17, 1977 (1 week) at Augusta, Maine in a hearing room to be later designated.
MC 6319 Sub No. 8 California Cartage Co., Inc., now assigned July 14, 1977 in Los Angeles, California is cancelled and application dismissed.
MC 114273 (Sub-261), CRST, Inc., now assigned July 18, 1977 at Chicago, Illinois, hearing canceled and the application is dismissed.
MC 128273 Sub 255, Midwestern Distribution, Inc. now being assigned October 4, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 141033 Sub 9, Continental Contract Carrier Corp. now being assigned November 1, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.
MC 106644 (Sub-No. 236), Superior Trucking Company, Inc., now being assigned September 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 108241 (Sub-No. 57), Moss Trucking Company, Inc., now being assigned September 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 105636 (Sub-No. 35), Armellini Express Lines, Inc., now being assigned September 8, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 21866 (Sub-No. 87), West Motor Freight, Inc., now being assigned September 8, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 108811 (Sub-No. 7), Thomas Motor Tours, Inc., now being assigned September 27, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 133798 (Sub-No. 42), George Appell, now being assigned September 28, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, JR.
Acting Secretary.

[FR Doc.77-19511 Filed 7-7-77;8:45 am]

[Docket No. AB 1 (Sub-No. 56)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Marshall Junction and Vesta, in Lyon and Redwood Counties, Minn.

JUNE 29, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Chicago and North Western Transportation Company of its branch line between Marshall Junction and Vesta, a distance of 37.3 miles, all in Lyon and Redwood Counties, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are not considered significant because the involved traffic could be diverted to heavy motor vehicles with only minor alterations in highway traffic volumes, safety hazards, fuel consumption, intrusive noise incidents, and ambient air quality. In addition, no definitive developmental plans are dependent on the continuation of the subject line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-2011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 10, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-19514 Filed 7-7-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 5, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by July 8, 1977.

FSA No. 43392—*Returned Shipments of Oyster Shells from and to Calumet, Louisiana, and Points in Western Trunk Line Territory* Filed by Southwestern Freight Bureau, Agent (No. B-683), for interested rail carriers. Rates on oyster shells, crushed or ground, in closed cars, as described in the application, from Calumet, Louisiana, to points in western trunk-line territory; also returned shipments in the reverse direction. Grounds for relief—Market competition and returned shipments. Tariff—Supplement 18 to Southwestern Freight Bureau, Agent, tariff 127-G, I.C.C. No. 5128. Rates are published to become effective on August 5, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-19512 Filed 7-7-77;8:45 am]

[Notice No. 86]

MOTOR CARRIER TEMPORARY

which may be examined at the field office named below. Send protests to: Dis-

Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B.

for 180 days. Supporting shipper: Exxon Chemical Co., P.O. Box 3272, Houston, Tex. 77001. Send protests to: J. P. Werth-

Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from

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[Notice No. 86]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3281 (Sub-No. 9TA), filed June 23, 1977. Applicant: POWELL TRUCK LINE, INC., 800 South Main Street, Searcy, Ark. 72143. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles which require special handling because of size or weight: Between Memphis, Tenn., and Little Rock, Ark., and their commercial zones, as follows: (1) From Memphis, Tenn., to Bald Knob, Ark., over U.S. Highway 64, thence over U.S. Highway 67 to Little Rock, Ark., and return over the same route, serving no intermediate points, (2) from Memphis, Tenn., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, serving no intermediate points, for 180 days. Supporting shipper(s): There are approximately (110) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 59264 (Sub-No. 62TA), filed June 21, 1977. Applicant: SMITH & SOLOMON TRUCK CO., How Lake, New Brunswick, N.J. 08902. Applicant's representative: Herbert Burstein, 2373 One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal cans and ends*, from plant site of Ball Corp. in or near Williamsburg, Va., to plant sites of Carling National Breweries, Inc., in or near Baltimore, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ball Corp., 345 South High Street, Muncie, Ind. 47302. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 102567 (Sub-No. 199TA), filed June 22, 1977. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions*, in bulk, in tank truck vehicles, from plantsite of Merichem Co. and/or storage facilities of Merichem Co., in Houston, Tex., to all points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma, for 180 days. Supporting shipper: Merichem Co., 1914 Haden Road, Houston, Tex. 77015. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 106398 (Sub-No. 779TA), filed June 21, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 S. Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant constructed commercial buildings, in sections*, from Aberdeen, S. Dak., to points in Kansas, Missouri, Illinois, North Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Wisconsin, Minnesota, and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Contractors of America, Inc., 224 6th Avenue SE., Aberdeen, S. Dak. 57401. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 107452 (Sub-No. 11TA), filed June 16, 1977. Applicant: R. D. BROWN, doing business as Dan Brown Trucking, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in pneumatic tank vehicles, from the facilities of Wyo-Ben Products located at or near Lovell and Greybull, Wyo., to points in Washington and Oregon, for 180 days. Supporting shipper: Materials Supply Division, Wyo-Ben Products, 3044 Hesper Road, Billings, Mont. 59104. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Bldg. and Court House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 107515 (Sub-No. 1083TA), filed June 20, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Magazines, periodicals and parts and sections thereof*, from the plantsite of R. R. Donnelly & Son, Chicago, Ill., to Memphis, Tenn., Atlanta, Ga., and Jacksonville, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. News and World Report, Inc., 350 E. 22nd Street, Chicago, Ill. 60616. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 1084TA), filed June 20, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat by-products* in vehicles, equipped with mechanical refrigeration from the plant site and/or warehouse facilities of Dixie Packer, Inc., at or near Madison, Fla., to points in New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dixie Packers, Inc., P.O. Box 622, Madison, Fla. 32340. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street, Atlanta, Ga. 30309.

No. MC 113325 (Sub-No. 148TA), filed June 20, 1977. Applicant: SLAY TRANSPORTATION CO., INC., 2001 S. 7th Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Ash Grove plant at or near Sequoita, Mo., to Bayway, N.J.,

for 180 days. Supporting shipper: Exxon Chemical Co., P.O. Box 3272, Houston, Tex. 77001. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 113388 (Sub-No. 118TA), filed June 21, 1977. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, frozen and non-frozen, from points in Florida to points in Virginia, Delaware, District of Columbia, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and Massachusetts, for 180 days. Supporting shippers: There are approximately four (4) statement of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 115311 (Sub-No. 227TA), filed June 20, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of the United States Gypsum Company, Greenville, Miss., to points in Texas, Oklahoma, Illinois, Indiana, Michigan, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 115311 (Sub-No. 228TA), filed June 20, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Opelika, Ala., to points in Florida, Georgia, Louisiana, Mississippi, Tennessee, North Carolina, and South Carolina; (2) *lumber and particle board*, from Pine Hill, Ala., to points in Florida, Georgia, Louisiana, Mississippi, Tennessee, North Carolina, and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McMillan Bloedel, Inc., 1250 Brown Marx Building, Birmingham, Ala. 35203. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 115841 (Sub-No. 541TA), filed June 21, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: Mike G. Moneymaker, 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Smoked and cured meats*, from the plantsite and storage facilities of Hygrade Food Products at or near Philadelphia, Pa., to points in West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hygrade Food Products Corporation, 8400 Executive Avenue, Philadelphia, Pa. 19153. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A–422–U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115931 (Sub-No. 43TA), filed June 20, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Riverton, Wyo., to points in Illinois, Iowa and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joel T. Blalock, Assistant General Traffic Manager, Louisiana-Pacific Corporation, 1300 S. W. 5th Avenue, Portland, Oreg. 97201. Send protests to: District Supervisor Paul J. Labane, Intertate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 117119 (Sub-No. 642TA), filed June 23, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Martin M. Geffon, P.O. Box 154, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, pigments, paint and dyes, and personnel safety devices* in vehicles equipped with mechanical refrigeration, from Bound Brook, N.J., and Willow Island, W. Va., to Portland, Oreg., for 180 days. Supporting shipper: American Cyanamid Company, Bound Brook, N.J. 08805. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117303 (Sub-No. 10TA), filed June 21, 1977. Applicant: HUDSON VALLEY CEMENT LINES, INC., P.O. Box 203, Claverack, N.Y. 12513. Applicant's representative: Werner & Weiss, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Belchertown, Mass., to points in Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Independent Cement Corporation, 65 William St., Wellesley, Mass. 02181. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 119399 (Sub-No. 70TA), filed June 20, 1977. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd. P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Ft. Worth, Tex., to Blytheville and Paragould, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ed Roleson, Jr., Inc., P.O. Box 16, Paragould, Ark. 72450. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119670 (Sub-No. 28TA), filed June 22, 1977. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, fibreboard, pulpboard or strawboard, N.O.I.*, other than corrugated, from Carthage, Ind., to Illinois, Ohio, West Virginia, and Louisville, Ky., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James R. Raudenbush, Central Traffic Manager, Container Corporation of America, 500 E. North Avenue, Carol Stream, Ill. 60187. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations—Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No MC 124230 (Sub-No. 32TA), filed June 16, 1977. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from Tempiute, Nev., to the facilities of Union Carbide Corporation at or near Bishop, Calif., for 180 days. Supporting shipper: Union Carbide Corporation, One California Street, San Francisco, Calif. 94111. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 124511 (Sub-No. 37TA), filed June 17, 1977. Applicant: JOHN E. [illegible] cant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Exxon Chemical Co., P.O. Box 3272, Houston, Tex. 77001. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 141500 (Sub-No. 4TA), filed

Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, state Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, petition matters and all documents should clearly specify the "docket"

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No. MC 124511 (Sub-No. 37TA), filed June 17, 1977. Applicant: JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Mo. 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing bars*, from the plantsite and facilities of Ceco Corporation at Chicago, Ill., to points in Callaway County, Mo., for 180 days. Supporting shipper: Daniel International, P.O. Box 108, Fulton, Mo. 65251. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 134145 (Sub-No. 65TA), filed June 20, 1977. Applicant: NORTH STAR TRANSPORT, INC., Route 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, computing, and parts thereof* (except commodities in bulk), from Campton, Ky., to Detroit Metropolitan Air Terminal at or near Detroit, Mich., under a continuing contract, or contracts, with Computer Peripherals, Inc., for 180 days. Supporting shipper: Computer Peripherals, Inc., Edina, Minn. 55400. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135953 (Sub-No. 1TA), filed June 21, 1977. Applicant: CHEROKEE LINES, INC., P.O. Box 152, 805 E. Moses, Cushing, Okla. 74023. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cured, preserved meats*, in packages, from the plantsite and storage facilities of Land O'Frost, Inc., at Searcy, Ark., to points in California, Oregon, Washington, Idaho, Montana, Utah, Colorado, Wyoming, Arizona and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Frost, Inc., 16850 Chicago Avenue, Lansing, Ill. 60438. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 136228 (Sub-No. 28TA), filed June 17, 1977. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 11, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef, meat and meat products*, from Spokane, Wash., to Portland, Clackamas, Sublimity, Eugene and Medford, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hygrade Food Products Corporation, Box 2567 Term. Annex., Spokane, Wash. 99220. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136315 (Sub-No. 17TA), filed June 21, 1977. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the facilities of Weyerhaeuser Company at Adel, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Company, 100 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: District Supervisor Tarrant, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136545 (Sub-No. 10TA), filed June 20, 1977. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 1109 Railroad St., P.O. Box 95, Prentice, Wis. 54556. Applicant's representative: Richard A. Westley, 4506 Regent St., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable wheel crushers*, from the plantsite of the La Font Corporation at or near Prentice, Wis., to points in the United States (except Alaska, Hawaii, Minnesota, and Wisconsin), for 180 days. Supporting shipper La Front Corporation, 1319 Town Street, Prentice Wis. 54556. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141362 (Sub-No. 7TA), filed June 10, 1977. Applicant: GEORGE A. SPARKS, d.b.a. ESCONDIDO TRUCK & EQUIPMENT, 1020 Linda Vista Drive, San Marcos, Calif. 92069: Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from Long Beach, Calif., to Clarkdale, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): IMC Industry Group, Inc., Carbon Products Division, 1270 Pier G. Avenue, Long Beach, Calif. 90802. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141500 (Sub-No. 4TA), filed June 22, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from South St. Paul, Minn., and Dubuque, Iowa to facilities of the state of Wisconsin at Chippewa Falls, Eau Claire, Madison, Menomonie, Platteville, River Falls and Whitewater, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The C. Reiss Coal Company, Sheboygan, Wis. 53081, (E. R. Knauf). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 141546 (Sub-No. 22TA), filed June 20, 1977. Applicant: BULK TRANSPORT SERVICE, INC., 1 Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State St., Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank trucks: From all Quebec-U.S.A. border points to points in Connecticut, Rhode Island, and Massachusetts, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Independent Cement Corporation, 65 William Street, Wellesley Office Park, Wellesley, Mass. 02181. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 141940 (Sub-No. 2TA), filed June 17, 1977. Applicant: R. B. BATOR TRUCKING, INC., Route 116, East Cheshire, Mass. 01225. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, limestone products and limestone by-products*, from Adams, Mass., to Westbrook, Me., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pfizer, Inc., 235 East 42nd Street, New York, N.Y. 10017. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Room 338, Springfield, Mass. 01103.

No. MC 142778 (Sub-No. 3TA), filed June 20, 1977. Applicant: DON BAKER, R.R. 2, McLeansboro, Ill. 62859. Applicant's representative: Don Baker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union, and Jackson Counties in Illinois, to points south of State Route 32 in Indiana, for 180 days. Supporting shipper: John P. Masselink, Fuel Manager, Public Service Company of Indiana, Inc., 1000 E. Main Street, Plainfield, Ind. 46168. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 143311 (Sub-No. 1TA), filed June 22, 1977. Applicant: FAMCO TRANSPORT, INC., P.O. Box 80007, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1200 Fifth Avenue, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and trim*, from points in Skagit County, Wash., to points in California under contract with Supreme Cedar Products, Inc., of Concrete, Wash., for 180 days. Supporting shipper: Supreme Cedar Products, Inc., Route 1, Box 140, Concrete, Wash. Send Protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174

No. MC 143402TA, filed June 21, 1977. Applicant: JOHN HENSAL TRUCKING, INC., Box 621, Woodward, Okla. 73801. Applicant's representative: C. L. Phillips, Rm. 248-Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to oeprate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling rigs*, used in the discovery of natural gas and petroleum (from and to jobsite locations), between points in Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper(s): There are approximately six (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 143403TA, filed June 20, 1977. Applicant: MADISON COAL & SUPPLY COMPANY, Port Amherst, Charleston, W. Va. 25306. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Lee, Owsley, Rockcastle, Jackson, Breathilt, Leslie, Perry, Morgan, Magoffin, Clay, Wolfe, Johnson, and Pike Counties, Ky., to points in Hamilton County, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. L. Hartman, Jr., VP, Hatfield Coals Division of Amherst Industries, Inc., P.O. Box 14118, Cincinnati, Ohio 45214. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 143413TA, filed June 22, 1977. Applicant: A & B Wilson & Sons, Inc., 261 Squawbrook Road, North Haledon, N.J. 07508. Applicant's representative: Edward L. Nehez, 167 Fairfield Road (P.O. Box 1409), Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, in individual rolls, and materials and supplies* used in the dyeing or finishing of piece goods, between the plant sites of Braendly-Fishkill, Inc., at Beacon, N.Y., on the one hand, and, on the other New York, N.Y., and points in the New York, N.Y. Commercial Zone as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Braendly-Fishkill, Inc., 10 East Main Street, Beacon, N.Y. 12508. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

WATER APPLICATION

W–976 (Sub-No. 2TA), filed June 17, 1977. Applicant: LYKES BROS. STEAMSHIP CO., INC., 300 Poydras Street, New Orleans, La. 70130. Applicant's representative: A. F. Babin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Five (5) pieces Nuclear Reactor Components consisting of two (2) reactors each 35'2" x 23'4¼" x 23'4¼"/840,000 lbs.; One (1) Service Support 16'7⅜" x 14'13/16" x 15'7"/35,600 lbs.; Two (2) *Closure* Heads each 19'6" x 10'6"/209,200 lbs. From: Port of New Orleans, La. To: Port of Longview, Wash., via the Panama Canal by Steamship, for 90 days. Supporting shipper: The Babcock & Wilcox Company, S. Ladich, Manager of Transportation Operations, 20 So. Van Buren Avenue, Barberton, Ohio 44203. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Avenue, 9038 Federal Building, New Orleans, La. 70113.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–19513 Filed 7–7–77;8:45 am]

[Volume No. 24]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

JULY 1, 1977.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket," "sub," and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before August 8, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 730 (Sub-No. 149) (M1) (notice of filing of petition to modify a certificate), filed May 13, 1977. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Petitioner's representative: Alfred G. Krebs (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 730 (Sub-No. 149), issued July 31, 1959, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Salt Lake City, Utah, to Seattle, Wash., serving all intermediate points in Utah restricted to pick-up only, those in Idaho east of Burley, Idaho (including Burley), for pick-up and delivery, and those in Idaho west of Burley, Idaho, and in Oregon and Washington restricted to delivery only as follows: (A) from Salt Lake City over the above-described routes covering the transportation of *fish, frozen fruits, cheese, horticultural bulbs, and frozen vegetables*, to Seattle; and also over the following described routes: (1) from Quincy, Wash., over Washington Highway 10 to Wenatchee, Wash., and thence over Washington Highway 2 to Teanaway, Wash.; (2) from Walla Walla, Wash., over U.S. Highway 410 to Wallula, Wash.; and (3) from Fall City, Wash., over Washington Highway 2 via Redmond and Bothell, Wash., to Seattle, Wash.

By the instant petition, petitioner seeks to modify the authority above, so as to read: "*General commodities* (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Salt Lake City, Utah, over the above-described routes covering the transportation of *fish, frozen fruits, cheese, horticultural bulbs, and frozen vegetables* to Seattle, Wash., serving all intermediate points, and return over the same routes; and also over

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

the following described routes: (2) from Quincy, Wash., over Washington Highway 10 to Wenatchee, Wash., and thence over Washington Highway 2 to Teana-

City, N.J., in connection with carrier's presently authorized regular route operations between Scranton and Wilkes-

scribing in detail the method—whether by joinder, interline, or other means—

modities requiring special equipment): (1) Between Richmond, Va., and junc-

ways 258 and 60 at or near Newport News, Va.: From junction U.S. Highways

requests that it be held at Kansas City, Mo., or Chicago, Ill. Common control may be

the following described routes: (2) from Quincy, Wash., over Washington Highway 10 to Wenatchee, Wash., and thence over Washington Highway 2 to Teanaway, Wash.; (b) from Walla Walla, Wash., over U.S. Highway 410 to Wahlula, Wash.; and (c) from Fall City, Wash., over Washington Highway 2 via Redmond, and Bothell, Wash., to Seattle, Wash."

No. MC 3600 and MC 3600 (Sub-Nos. 4 and 5) (M1) (Notice of filing of petition to delete restriction), filed June 1, 1977. Petitioner: FRANK MARTZ COACH COMPANY, a corporation, 239 Old River Road, Wilkes-Barre, Pa. 18702. Petitioner's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Petitioner holds a motor *common carrier* certificate in No. MC 3600 and (Sub-Nos. 4 and 5), issued November 24, 1942, September 5, 1957, and November 4, 1965, respectively, authorizing transportation, as pertinent, over regular routes, as follows: No. MC 3600 authorizes *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, during the season extending from the 15th day of May to the 1st day of October, both inclusive, between the junction of U.S. Highway 22 and New Jersey Highway 30, near Clinton, N.J., and Atlantic City, N.J., serving all intermediate points: from the junction of U.S. Highway 22 and New Jersey Highway 30 near Clinton, N.J., over New Jersey Highway 30 to Trenton, N.J., thence over U.S. Highway 206 to junction U.S. Highway 30 near Hammonton, N.J., and thence over U.S. Highway 30 to Atlantic City, N.J., and return over the same route; No. MC 3600 (Sub-No. 4) authorizes *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, during the season extending from May 15 to October 15, both inclusive, of each year, between the Lehigh Valley Interchange of the Pennsylvania Turnpike, near Allentown, Pa., and junction U.S. Highways 30 and 206, near Hammonton, N.J., in connection with carrier's regular route operations between Scranton and Wilkes Barre, Pa., and between Atlantic City, N.J., and New York, N.Y., serving no intermediate points, and with service at the Lehigh Valley Interchange of the Pennsylvania Turnpike for purpose of joinder only: from the Lehigh Valley Interchange over the Pennsylvania Turnpike to junction New Jersey Turnpike, thence over the New Jersey Turnpike to the Camden-Philadelphia Interchange, thence over New Jersey Highway 73 to junction U.S. Highway 30, and thence over U.S. Highway 30 to junction U.S. Highway 206, and return over the same route; and

No. MC 3600 (Sub-No. 5) authorizes *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, during the season extending from May 15 to October 15, both inclusive, of each year, between the junction of the Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike and Atlantic City, N.J., in connection with carrier's presently authorized regular route operations between Scranton and Wilkes-Barre, Pa., and Atlantic City, N.J., serving no intermediate points, but serving junction of Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike for purpose of joinder only: from junction of the Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike over the Pennsylvania Turnpike to Valley Forge Interchange (No. 24), thence over Interstate Highways 76 and 676 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction Atlantic City Expressway, and thence over Atlantic City Expressway to Atlantic City, and return over the same route. By the instant petition, petitioner seeks to modify its authority in the lead certificate, (Sub-No. 4) and (Sub-No. 5) by deleting the seasonal operational restrictions.

No. MC 123778 (Sub-Nos. 1, 19, 21, and 23) (M1) (notice of filing of petition for interpretation or modification of permits), filed May 25, 1977. Petitioner: JALT CORP., doing business as United Newspaper Delivery Service, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *contract carrier* permits in No. MC 123778 (Sub-Nos. 1, 19, 21, and 23), issued April 13, 1977, July 1, 1976, October 7, 1976, and December 9, 1976, respectively, authorizing generally, as pertinent, the transportation of magazines and similar products over irregular routes, from Woodbridge, N.J., to Wilmington, Del., Baltimore, Md., and named points in New Jersey, New York, Connecticut, Pennsylvania, and the District of Columbia, under contracts with various named shippers. By the instant petition, petitioner requests a finding by the Commission that the authority to serve Woodbridge, N.J., encompasses authority to serve Edison, N.J., or, in the alternative, seeks to modify the permits by substituting Edison, N.J., in lieu of Woodbridge, N.J., as the origin point.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before August 8, 1977. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 405), filed May 19, 1977. Applicant: Pacific Intermountain Express Co., A Corporation, 1417 Clay Street, P.O. Box 958, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from points in the United States in and west of Texas, New Mexico, Colorado, Wyoming and Montana (except Alaska and Hawaii) to points in the United States in and east of Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 2542 (Sub-No. 15), filed May 31, 1977. Applicant: The Adley Corporation d.b.a. ADLEY EXPRESS COMPANY, 10990 Roe Avenue, Shawnee Mission, KS 66207. Applicant's representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, alcoholic beverages, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Richmond, Va., and junction U.S. Highway 460 and Virginia Highway 24: From Richmond over U.S. Highway 60 to junction Virginia Highway 24, thence over Virginia Highway 24 to junction U.S. Highway 460, and return over the same route; (2) between Richmond, Va., and Martinsville, Va.: From Richmond over U.S. Highway 360 to junction U.S. Highway 58 at or near South Boston, Va., thence over U.S. Highway 58 to Martinsville, and return over the same route; (3) between Martinsville, Va., and Roanoke, Va.: From Martinsville over U.S. Highway 220 to Roanoke, and return over the same route; (4) between Danville, Va., and junction U.S. Highway 29 and Virginia Highway 24: From Danville over U.S. Highway 29 to junction Virginia Highway 24, and return over the same route; (5) between Burkeville, Va., and junction U.S. Highway 460 and Virginia Highway 24: From Burkeville over U.S. Highway 460 to junction Virginia Highway 24, and return over the same route; (6) between South Boston, Va., and junction U.S. Highway 501 and Virginia Highway 24: From South Boston over U.S. Highway 501 to junction Virginia Highway 24, and return over the same route; (7) between South Boston, Va., and Emporia, Va.: From South Boston over U.S. Highway 58 to Emporia, and return over the same route; (8) between junction U.S. Highways 360 and 460 at or near Burkeville, Va., and junction U.S. Highway 460 and 1: From junction U.S. Highways 360 and 460 at or near Burkeville, Va., over U.S. Highway 460 to junction U.S. Highway 1, and return over the same route; (9) between Crewe, Va., and Clarksville, Va.: From Crewe over Virginia Highway 49 to junction U.S. Highway 15, thence over U.S. Highway 15 to Clarksville, and return over the same route; (10) between junction Virginia Highways 40 and 49 at or near Lunenburg, Va., and junction Virginia Highway 40 and U.S. Highway 220: From junction Virginia Highways 40 and 49 at or near Lunenburg, over Virginia Highway 40 to junction U.S. Highway 220, and return over the same route;

(11) Between Victoria, Va., and junction Virginia Highway 138 and U.S. Highway 1: From Victoria, Va., over Virginia Highway 138 to junction U. S. Highway 1, and return over the same route; (12) between Blackstone, Va., and Alberta, Va.: From Blackstone over Virginia Highway 46 to Alberta, and return over the same route, (13) between Blackstone, Va., and junction Virginia Highway 40 and Virginia Highway 10: From Blackstone over Virginia Highway 40 to junction Virginia Highway 10, and return over the same route; (14) between junction Interstate Highway 95 and Virginia Highway 10 at or near Hopewell, Va., and Suffolk, Va.: From junction Interstate Highway 95 and Virginia 10 at or near Hopewell, thence over Virginia Highway 10 to Suffolk, and return over the same route; (15) between junction U.S. Highways 58 and 258 at or near Franklin, Va., and junction U.S. Highways 258 and 60 at or near Newport News, Va.: From junction U.S. Highways 58 and 258 at or near Franklin, thence over U.S. Highway 258 to junction U.S. Highways 258 and 60 at or near Newport News, and return over the same route; (16) between junction U.S. Highway 60 and Virginia Highway 24 and Lynchburg, Va., as an alternate route for operating convenience only: From junction U.S. Highway 60 and Virginia Highway 24 over U.S. Highway 60 to junction Highway 29 at or near Amherst, thence over U.S. Highway 29 to Lynchburg, and return over the same route; (17) between Lynchburg, Va., and junction U.S. Highway 29 and Virginia Highway 24, as an alternate route for operating convenience only: From Lynchburg over U.S. Highway 29 to junction Virginia Highway 24, and return over the same route; (18) between Lynchburg, Va., and junction U.S. Highway 501 and Virginia Highway 24, as an alternate route for operating convenience only: From Lynchburg over U.S. Highway 501 to junction Virginia Highway 24, and return over the same route; and (19) between junction U.S. Highway 460 and Virginia Highway 26 at or near Appomattox, Va., and Lynchburg, Va., as an alternate route for operating convenience only: From junction U.S. Highway 460 and Virginia Highway 26 at or near Appomattox over U.S. Highway 460 to Lynchburg, and return over the same route.

Applicant seeks authority to serve all intermediate points in Virginia on routes (1) through (15) above and, as off-route points in connection with routes (1) through (15) above points in that part of Virginia located on and east of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 220 to Roanoke; thence on and south of a line extending from Roanoke over Virginia Highway 24 to its junction with U.S. Highway 60; thence over U.S. Highway 60 to its junction with Virginia Highway 168; thence southeasterly over Virginia Highway 168 to its junction with Colonial National Parkway; thence over Colonial National Parkway to the Chesapeake Bay at or near Yorktown, Va., with service authorized at all points on the highways specified and Salem, Va.

NOTE.—In routes (1) through (15) above, applicant seeks authority to convert its existing irregular-route authority to regular-route authority. Its existing irregular-route authority is as follows: Between points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 220 to Roanoke; thence on and south of a line extending from Roanoke over Virginia Highway 24 to its junction with U.S. Highway 60; thence over U.S. Highway 60 to its junction with Virginia Highway 168; thence southeasterly over Virginia Highway 168 to its junction with Colonial National Parkway; thence over Colonial National Parkway to the Chesapeake Bay at or near Yorktown, Va., with service authorized at all points on the highways specified and Salem, Va. Routes (16) through (19) above are sought as alternate routes for operating convenience only. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Chicago, Ill. Common control may be involved.

No. MC 2900 (Sub-No. 305), filed May 26, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment): Serving the plant site of Hartsville Nuclear Plant located at or near Hartsville, Tenn., as an off-route point in connection with carrier's presently authorized routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Washington, D.C.

No. MC 3117 (Sub-No. 3) filed May 26, 1977. Applicant: PARAGON VAN LINES, INC., P.O. Drawer 630, Mt. Holly, New Jersey 08060. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *used household goods*, in containers, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, between points in New York City, Ulster, Dutchess, Nassau, Suffolk, Westchester, Rockland, Orange and Putnam Counties, New York; New Castle County, Delaware; Philadelphia, Delaware, Montgomery, Chester, Bucks, Lancaster, Dauphin, Berks, Lehigh, Northamption and Lebanon Counties, Pennsylvania; and points in New Jersey (except Sussex, Passaic, and Bergen Counties), a non-radial movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Mt. Holly, New Jersey.

No. MC 16513 (Sub-No. 10) (partial correction), filed May 10, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, as MC 16513 (Sub-No. 19) and republished as corrected in part this issue. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, N.J. 08110. Applicant's representative: L. C. Major, Jr., Overlook Building, 6121 Lincolnia Road, Suite 400, Alexandria, Va. 22312. The purpose of this partial republication is to indicate applicant's correct docket number as 16513 (Sub-No. 10) in lieu of 16513 (Sub-No. 19). The rest of the publication remains the same.

MC 26396 (Sub-No. 147), filed May 27, 1977. Applicant: POPELKA TRUCKING

CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob

and marketing of tobacco, and (b) *unmanufactured tobacco* when moving on the same vehicles at the same time with

products, and supplies, materials and equipment used in the manufacture of aluminum and aluminum products (ex-

trict of Columbia and points in the above named destination states to the plantsite of the Curtis Corporation at New Lon-

P.O. Box 308, Ligonier, Pa. 15658. Applicant's representative William A. Gray, 2310 Grant Building, Pittsburgh, Pa.

Cartersville, Georgia, to Tennga, Georgia, over U.S. Highway 411 and re-

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CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *agricultural chemicals* (except in bulk), from the plantsite and facilities of Monsanto Company located at Des Moines, Iowa, to points in California, Colorado, Idaho, Montana, Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 7), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 27817 (Sub. No. 133), filed June 2, 1977. Applicant: H. C. GABLER, INC., R. D. No. 3, Box 220, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, and fibreboard boxes*, from the plantsite and shipping facilities of Glass Containers Corporation located in the Borough of Knox and the Townships of Paint and Elk, Clarion County, Pa.; the Borough of Marienville, Forest County, Pa.; and the Borough of Parker, Armstrong County, Pa., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey, and that part of New York, on and east of U.S. Highway 11 and New York Highway 12, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 28088, (Sub-No. 29), filed May 25, 1977. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldge., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Stouffer Food Co., located at or near Solon and Cleveland, Ohio, to points in the United States in and east of Ohio, Kentucky, Tennessee and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisonburg, Va., or Washington, D.C. Common control may be involved.

No. MC 30513 (Sub-No. 15), filed May 31, 1977. Applicant: NORTH STATE MOTOR LINES, INC., U.S. 301 By-Pass South, P.O. Box 4108, Rocky Mount, North Carolina 27801. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Kentucky 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) (a) *Materials, supplies and equipment* (except commodities in bulk, in tank vehicles) used in the procesisng, packing, storing, handling and marketing of tobacco, and (b) *unmanufactured tobacco* when moving on the same vehicles at the same time with the commodities described above, between points in Florida, Georgia, Kentucky, Maryland, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held with similar applications at either Raleigh, N.C., or Washington, D.C.

No. MC 30844 (Sub-No. 591), filed May 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Garden, lawn, turf, and golf course equipment, snow throwers, and parts and accessories therefor, from the plantsite and warehouse facilities of The Toro Company located at or near Windom, Minnesota, and at or near Tomah, Wisc., to points in Conn., Del., Maine, Md., Mass., N.H., N.J., N.Y. (except Buffalo and points in its Commercial Zone), Pa (except Pittsburgh and points in its Commercial Zone), R.I., Vt., Va., W.Va., and the District of Columbia, restricted to shipments originating at the above named origin points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minnesota.

MC 31462 (Sub-No. 23) filed May 31, 1977. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, Tex. 75146. Applicant's representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, in the transportation of *Empty household goods shipping containers*, set up or knocked down, between points in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Dallas, Texas.

No. MC 32882 (Sub-No. 77), filed June 21, 1977. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia, P.O. Box 17039, Portland, Oreg. 97217. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment used in the manufacture of aluminum and aluminum products (except in bulk)*, between the plantsites and facilities of Alumax, Inc., at or near Casa Grande, Ariz. Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Boise and Twin Falls, Idaho; Tulsa and Checotah, Okla.; Umatilla and Stayton, Oreg.; Mansfield and Dennison, Tex. and Spokane and Ferndale, Wash. on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—Prehearing conference, July 6, 1977, Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 36509 (Sub-No. 28) filed May 31, 1977. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 821 Sansome Street, San Francisco, California 94111. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Washington 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and currency*, (1) between Minneapolis, Minnesota, on the one hand, and, on the other, Superior, Wisconsin; and (2) between Minneapolis, Minnesota, on the one hand, and, on the other, points in Barnes, Burleigh, Cass, Grand Forks, Morton, Ramsey, Richland, Stutsman, and Ward Counties, North Dakota; and (3) between Minneapolis, Minnesota, on the one hand, and, on the other, points in South Dakota, under a continuing contract, or contracts, with Federal Reserve Bank of Minneapolis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.; San Francisco, Calif.; or Seattle, Wash.

No. MC 40978 (Sub-No. 32) filed May 31, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, A Corporation, 3321 Business 141 South, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Doors* from the plantsite of Curtis Corporation at New London, Wis. to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, and (2) *Equipment, materials and supplies* used in the manufacture and distribution of doors, except commodities in bulk, from points in the District of Columbia and points in the above named destination states to the plantsite of the Curtis Corporation at New London, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 41404 (Sub-No. 127) filed May 25, 1977. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products and food ingredients* (except oleomargarine, shortening, and salad oils), in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Company, located at Decatur, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee restricted to shipments originating at the named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Springfield, Ill. or St. Louis, Mo.

No. MC 42261 (Sub-No. 125) filed June 2, 1977. Applicant: LANGER TRANSPORT, CORP., Box 305, Jersey City, N.Y. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Elizabeth, N.J., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 47583 (Sub-No. 50) filed June 2, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose insulation*, in bags, *blowing machines and replacement parts and supplies* for blowing machines, from the plantsite and storage facilities of General Fiber Corporation, at or near Commerce City, Colorado, to points in Arkansas and Louisiana; and (2) *materials, equipment and supplies* used in the manufacture and distribution of cellulose insulation except commodities in bulk, from points in Arkansas and Louisiana, to the plant site and storage facilities of General Fiber Corporation, at or near Commerce City, Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Kansas City, Missouri.

No. MC 48213 (Sub-No. 46) filed May 18, 1977. Applicant: C. E. LIZZA, INC., P.O. Box 308, Ligonier, Pa. 15658. Applicant's representative William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and fireworks* from New Castle, Pa. to points in Michigan and Minnesota, under a continuing contract of contracts with Vitale Fireworks Manufacturing Company of New Castle, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 56679 (Sub-No. 90) filed June 17, 1977. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave., S.E., Atlanta, Ga. 30315. Applicant's representative: R. J. Reynolds, III, Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Atlanta, Georgia, and Cartersville, Georgia, serving no intermediate points, but serving the terminii of Atlanta, Georgia, and Cartersville, Georgia, and all points within their respective commercial zones. From Atlanta, Georgia, to Cartersville, Georgia, over U.S. Highway 41 (also over all completed portions of Interstate Highway 75 between Atlanta, Georgia, and Cartersville, Georgia, and over all roads and portions of roads connecting completed portions of Interstate Highway 75 to U.S. Highway 41) and return over the same route. Restriction: No point may be served by operating over Interstate Highway 75 that is not also authorized for service over U.S. Highway 41. (2) Between Cartersville, Georgia, and Chattanooga, Tennessee, serving (a) the terminii of Cartersville, Georgia, and Chattanooga, Tennessee, and all points within their respective commercial zones; and (b) all intermediate points between Cartersville, Georgia, and Chattanooga, Tennessee, and all places within the commercial zones of each of said intermediate points. From Cartersville, Georgia, to Chattanooga, Tennessee, over U.S. Highway 41 (also over all completed portions of Interstate Highway 75 between Cartersville, Georgia, and Chattanooga, Tennessee, and over all roads and portions of roads connecting completed portions of Interstate Highway 75 to U.S. Highway 41); and return over the same route. Restriction: No point may be served by operating over Interstate Highway 75 that is not also authorized for service over U.S. Highway 41.

(3) Between Cartersville, Georgia, and Tennga, Georgia, serving (a) the terminii of Cartersville, Georgia, and Tennga, Georgia, and all points within their respective commercial zones; and (b) all intermediate points between Cartersville, Georgia, and Tennga, Georgia, and all places within the commercial zones of each of said intermediate points. From Cartersville, Georgia, to Tennga, Georgia, over U.S. Highway 411 and return over the same route. (4) Between Chatsworth, Georgia, and Dalton, Georgia, serving (a) the terminii of Chatsworth, Georgia, and Dalton, Georgia, and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Georgia, and Dalton, Georgia, and all places within the commercial zones of each of said intermediate points. From Chatsworth, Georgia, to Dalton, Georgia, over U.S. Highway 76, and return over the same route. (5) Between Chatsworth, Georgia, and Calhoun, Georgia, serving (a) the terminii of Chatsworth, Georgia, and Calhoun, Georgia, and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Georgia, and Calhoun, Georgia, and all places within the commercial zones of each of said intermediate points. From Chatsworth, Georgia, to Calhoun, Georgia, over U.S. Highway 76 to junction Georgia Highway 225, thence over Georgia Highway 225 to Calhoun, Georgia, and return over the same route. (6) Between the junction of Georgia Highway 156 and U.S. Highway 411 and Calhoun, Georgia, serving (a) the terminii as points of joinder only; and (b) all intermediate points between the junction of Georgia Highway 156, and U.S. Highway 411 and Calhoun, Georgia and all places within the commercial zones of said intermediate points. From the junction of Georgia Highway 156 and U.S. Highway 411 to Calhoun, Georgia, over Georgia Highway 156 and return over the same route. (7) Between Fairmount, Georgia, and Calhoun, Georgia, serving (a) the terminii of Fairmount, Georgia, and Calhoun, Georgia and all points within their respective commercial zones; and (b) all intermediate points between Fairmount, Georgia, and Calhoun, Georgia, and all places within the commercial zones of each of said intermediate points. From Fairmount, Georgia, to Calhoun, Georgia over Georgia Highway 53 and return over the same route.

(8) Between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Georgia, serving (a) the terminii and all points within their respective commercial zones; and (b) all intermediate points between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Georgia, and all places within the commercial zones of each of said intermediate points. From the junction of Georgia Highway 140 and U.S. Highway 411, to Adairsville, Georgia, over Georgia Highway 140, and return over the same route. (9) Serving the plant site of E. T. Barwick Industries, Inc. near the intersection of Georgia Highways 143 and 193 at or near Hedges, Georgia, located in Walker County, Georgia, as an off-route point in connection with carrier's authorized regular route operations described above between Atlanta and Cartersville, Georgia, and between Cartersville, Georgia, and Chattanooga, Tennessee. (10) Between Chattanooga, Tennessee, and Knoxville,

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Tennessee, serving no intermediate points, but serving the terminii of Chattanooga, Tennessee, and Knoxville, Tennessee, and all points within their respective commercial zones. From Chattanooga, Tennessee, to Knoxville, Tennessee, over Interstate Highway 75, and return over the same route. (11) Serving Huntsville, Alabama, as an off-route point in connection with carrier's regular route operations described above between Atlanta and Cartersville, and between Cartersville, Georgia and Chattanooga, Tennessee. (12) Serving Folkston, Georgia, and Lake City, Florida, as off-route points in connection with carrier's regular route operations described in Docket Mc–56679 Sub 41.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chattanooga, Tenn. or Atlanta, Ga.

No. MC 59367 (Sub-No. 108), filed May 27, 1977. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's Representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Fremont, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; (2) from Hartley, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; (3) from Spencer, Iowa, to points in Illinois, Indiana, Michigan and Minnesota; and (4) from Fort Dodge, Iowa, to points in Illinois, Indiana, Michigan, and Minnesota, restricted to the transportation of traffic originating at the plant sites and storage facilities of Spencer Foods, Inc. and destined to points in the respective above-named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Omaha, Nebr.

No. MC 61403 (Sub-No. 244), filed May 31, 1977. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11–W, P.O. Box 969, Kingsport, Tennessee 37662. Name of Representative: Mr. W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting Acids, Chemicals, Alcohol, Denatured Alcohol Solvents and Polyethylene Resins, in tank or hopper type vehicles, from Tuscola, Illinois, to points in the United States on and east of U.S. Highway 85, and points in Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 62162 (Sub-No. 8), filed May 25, 1977. Applicant: Dave Campbell, d.b.a. Campbell Truck Line, Lake City, Iowa 51449. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *detasseling machines, loading equipment and harvesting machines* on shipper-owned trailers, between Iowa, Illinois, Kansas, Missouri, Nebraska, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Des Moines, Iowa or Omaha, Nebraska.

No. MC 67121 (Sub-No. 9) filed May 18, 1977. Applicant: HARP TRANSPORTATION LINE, a Corporation, P.O. Box 1159, St. Joseph, Missouri 64502. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colorado 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Rangely, Colorado and Dinosaur, Colorado, serving all intermediate points: From Rangely, Colo., over Colorado Highway 64 to Dinosaur, Colo., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Denver, Colorado.

No. MC 78228 (Sub-No. 63) (partial correction) filed May 4, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished as corrected this issue. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219.

NOTE.—The purpose of this partial republication is to indicate applicant's correct docket number as MC–78228 (Sub-No. 63) in lieu of MC 78228 (Sub-No. 41) as was previously published. The rest of the publication remains as previously published.

No. MC 83835 (Sub-No. 143), filed May 27, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Prof. Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Plastic pipe, aluminum, aluminum pipe, and machinery, from Spokane, Wash., to points in the United States in and east of New Mexico, Colorado, Nebraska, South Dakota, and North Dakota; and (2) metal building materials and supplies, from Denver, Colo., and Minneapolis, Minn., to points in the United States in and east of New Mexico, Colorado, Nebraska, South Dakota, and North Dakota; and (3) steel used in the manufacture of metal building materials and supplies, from Spokane and Tacoma, Wash., to Denver, Colorado and Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 86247 (Sub-No. 10), filed May 25, 1977. Applicant: I. C. L. INTERNATIONAL CARRIERS, LIMITED, 1333 College Avenue, Windsor, Ontario, Canada N9C3Y9. Applicant's representative: Joseph P. Allen, 7701 W. Jefferson, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nepheline Syenite*, in bulk in dump or hopper bottom vehicles, from the ports of entry on the International Boundary line between the United States and Canada, located at Detroit and Port Huron, Mich., to Toledo, Ohio, restricted to the transportation of foreign commerce originating at Blue Mountain and Nephton, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 89697 (Sub-No. 30), filed May 31, 1977. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. 07204. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chlorohydrate*, in bulk, from Middletown, N.Y., to St. Louis, Mo., Franklin, Ky., and Cincinnati, Ohio.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 95540 (Sub-No. 982), filed May 23, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Florida 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents* (except in bulk) (1) From the facilities of the Oil-Dri Corporation of America, located at or near Ripley, Miss., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois (except Chicago), Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri (except St. Louis), Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia and (2) from the facilities of the Oil-Dri Corporation of America, located at or near Ochlocknee, Ga., to points in Arkansas, Colorado, Delaware, Illinois, Iowa, Indiana (except Richmond, Gary, and Hammond and points in their respective commercial zones), Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Washington, D.C., or Tampa, Fla.

Docket No. MC 95876 (Sub-No. 200), filed May 26, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors*; (2) *agricultural implements and farm machinery*; (3) *parts, attachments, and accessories*, for tractors, farm machinery, and agricultural implements; (4) *equipment designed for use with tractors*; and (5) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1), (2), (3), and (4), between Winneconne and Neenah, Wis., on the one hand, and points in the United States (except Alaska and Hawaii), on the other.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

Docket No. MC 95876 (Sub-No. 201), filed May 31, 1977. Name of carrier: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Pipe, cable, conduit, wire, and strip steel and attachments* therefor, from Glendale (Marshall County), W. Va., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C

No. MC 98327 (Sub-No. 23) (correction), filed April 27, 1977, published in the FEDERAL REGISTER issue of June 3, 1977, republished as corrected this issue. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Michael J. O'Neill (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment): (1) Between Redding, Calif., and Eugene, Oreg.; from Redding over Interstate Highway 5 to Eugene and return over the same route; (2) between Portland, Oreg., and Klamath Falls, Oreg.; from Portland over Interstate Highway 5 to its junction with Oregon State Highway 62, thence over Oregon State Highway 62 to its junction with Oregon State Highway 140, thence over Oregon State Highway 140 to its junction with U.S. Highway 97, thence over U.S. Highway 97 to Klamath Falls and return over the same route, as alternate routes for operating convenience only, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Reno, Nev. The purpose of this republication is to eliminate the phrase "and serving the termini for purposes of joinder only" from the previous publication.

No. MC 99498 (Sub 5), filed May 4, 1977. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, Ala. 36601. Applicant's representative: J. Douglas Harris, 1406 Union Bank Tower, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except commodities in bulk, explosives and household goods as defined by the Commission): (1) Between the plant site of MacMillan Bloedel, Inc., at or near Pine Hill, Ala., and Meridian, Miss., over Alabama State Highway No. 10 and Mississippi State Highway No. 19, serving all intermediate points and the off-route point of Naheola, Ala. Restricted against any tacking. (2) Between Mobile and Selma, Ala., over U.S. Highway 43 and Alabama State Highways 5 and 22, serving all intermediate points, and authorizing service to the off-route points of Dixon Mills, Sweetwater, Morvin, and Fulton, Ala. (3) Between Mobile and Selma, Ala., over U.S. Highway 45 through Deer Park; thence over Alabama State Highway 17 to the intersection of U.S. Highway 80; thence over U.S. Highway 80 to Selma, Ala., serving all intermediate points and off-route points of Coatopa, Choctaw, Livingston, Myrtlewood, Pennington, York, and the plant site of American Can Company at Naheola, Ala. (except no shipment of less than 5,000 pounds may be handled to and from Moscow, Coatopa, York, Livingston, and Bellamy, Ala. (4) Between Butler, Ala., and Pine Hill, Ala., over Alabama Highway No. 10, serving all intermediate points. (5) Between a point beginning near Nanafalia, Ala., thence north to Linden, Ala., over Alabama Highway No. 69 and U.S. Highway 43, thence eastward over Alabama Highway No. 28, to a point 6 miles east of Thomaston, Ala., thence over Alabama Highway No. 66 to Stafford, Ala., serving all intermediate points. (6) Between Linden, Ala., and Demopolis, Ala., over U.S. Highway 43 (except no service will be rendered between Demopolis and Selma, Ala., via Linden, Ala. (7) Between Saraland, Ala., over Mobile County Highway No. 41 to its junction with the U.S. Highway No. 45, serving all intermediate points. (8) Between Wagerville, Ala., and Chatom, Ala., over Alabama State Highway No. 56, serving all intermediate points, and the off-route points of Surginer, Magnolia, Lower Peach Tree, Whatley, Gosport, Pope, Lisman, Cromwell, Lavaca, Mt. Sterling, and Dickerson. (9) Between Silas, Ala., and the site of the Jackson Lock and Dam located near U.S. Highway No. 84 and return. (10) Between McIntosh, Ala., and Citronelle, Ala., over County Highway No. 35 and return serving all intermediate points. (11) Between Mt. Vernon, Ala., and Citronelle, Ala., over County Highway No. 96 and return serving all intermediate points. (12) Between Silas, Ala., and Grove Hill, Ala., over U.S. Highway 84 and return serving all intermediate points. (13) From Gilbertown, Ala., on Alabama Highway No. 17 to Water Valley and Melvin, Ala., over County Highway No. 14 to County Highway No. 18 back to Alabama State Highway No. 17 making Needham, Eiler, Gouguelossa, and Land, Ala. (14) Between Pine Hill, Ala., and the plant site of MacMillan Bloedel, Inc., near Pine Hill, Ala., over Alabama Highway No. 10, to be tacked at Pine Hill, Ala., with existing authority. (15) Between Chatom, Ala., and the plant site of Phillips Petroleum Co., Chatom Plant, over Alabama State Highway No. 56 approximately 9 miles west of Chatom, to be tacked at Chatom with existing authority. Irregular routes: (16) Voting machines between points in Mobile County, Ala.

NOTE.—This application is made to convert Certificate of Registration No. MC 99498, Sub-Nos. 1, 2, 3, and 4 now held by applicant, Jimmy Stein Motor Lines, Inc., to a certificate of public convenience and necessity and in addition thereto extend service to Meridian, Miss., as described in paragraph 1. If a hearing is deemed necessary, the applicant requests it be held at either Montgomery or Mobile, Ala.

Docket Number MC 99565 (Sub-No. 15) (correction), filing date May 18, 1977, published in the FEDERAL REGISTER issue of June 23, 1977, republished as corrected this issue. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Mole Lake, Wis., and points in the towns of Nashville, Lincoln, and Crandon, Forest County, Wis., and the town of Ainsworth, Langlade County, Wis., as off-route points in connection with applicant's present authorized regular route operations.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee or Madison, Wis., or Minneapolis or St. Paul, Minn.

No. MC 100666 (Sub-No. 347) filed May 23, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla.

73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents*

No. MC 107403 (Sub-No. 1019), filed May 26, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representa-

No. MC 109825 (Sub-No. 11), filed June 2, 1977. Applicant: MASHKIN FREIGHT LINES, INC., 64 Oakland Avenue, East Hartford, Conn. 06108. Applicant's repre-

may be involved. Common control may also be involved. Applicant requests that it be held at Hous-

vehicle, over irregular routes, transporting: Printed matter, and materials, equipment and supplies used in the

No. MC 114569 (Sub-No. 179), filed May 18, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New

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73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents* (except commodities in bulk), from the facilities of Oil-Dri Corp. of America, located at or near, Ochlocknee, Ga., to points in Iowa, Kansas, Missouri, and Texas, restricted to shipments originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 774), filed May 23, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, Traffic Manager, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, hardboard, composition board, lumber, and lumber products* from Camden, N.J., Philadelphia, Pa., Baltimore, Md., Charleston, S.C., New Oreleans, La., Jacksonville, Fla., and Savannah, Ga., to points in the United States in and east of the states of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MC 106674 (Sub-No. 236) filed May 26, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the plantsite and warehouse facilities of the Johns-Manville Sales Corp., located at or near Natchez, Miss., to the plantsite and warehouse facilities of the Celotex Corp., located at or near Elizabethtown, Ky. Restricted to shipments originating at and destined to points as named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

Docket No. MC 107012 (Sub-No. 239), filed May 31, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys and games*, from the plantsite and storage facilities of Ideal Toy Co., located at or near Newark, N.J., to Atlanta, Ga., Dallas, Tex., Chicago, Ill., and Las Vegas, Nev., and (2) *Sporting goods and recreational and physical fitness equipment, toys and games*, from Carson, Compton, and Dominquez, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 107403 (Sub-No. 1019), filed May 26, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as above). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Plastics and rubber compounds*, in bulk, in tank vehicles, from Dyersburg, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 107496 (Sub-No. 1085), filed May 27, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, from points in Pike County, Ind., to points in Illinois, Kentucky, Arkansas, and Tennessee; and (2) *Crushed gypsum rock*, in bulk, in dump vehicles, from Sperry, Iowa, to points in Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 107515 (Sub-No. 1081), Filed May 26, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Food Products, Inc., located at or near Greenville, S.C., to the facilities of Jeno's, Inc., located at Duluth, Minn., and Superior, Wis.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub-No. 2) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Duluth, Minn.

No. MC 108341 (Sub-No. 62), filed May 31, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yard tractors*, between Lyons, Ill., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109825 (Sub-No. 11), filed June 2, 1977. Applicant: MASHKIN FREIGHT LINES, INC., 64 Oakland Avenue, East Hartford, Conn. 06108. Applicant's representative: Gerald A. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *bakery products*, from the facilities of First National Stores, Inc., located at East Hartford, Conn., to points in Maine, New Hampshire, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 111401 (Sub-No. 488) (partial correction), filed May 10, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, as No. MC 111401 (Sub-No. 448), and republished as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). The purpose for this partial correction is to indicate the correct docket number as No. MC 111401 (Sub-No. 488) in lieu of No. MC 111401 (Sub-No. 448) which was published in error. The rest of the publication remains the same.

No. MC 111545 (Sub-No. 237), filed May 31, 1977. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30067. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Heat exchangers or equalizers for air, gas, or liquids;* (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and* (3) *parts, attachments, and accessories for use in the installation and operation of* (1) *and* (2) *above*, from the plant and warehouse facilities of Trane Co., in or near Fayette County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington or Louisville, Ky., or Washington, D.C.

No. MC 111729 (Sub-No. 704), filed May 23, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardiac Pacemakers, related accessories, instruction booklets, specification sheets and identification charts:* Between Freeport and Houston, Tex., on traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds motor contract carrier authority in No. MC 112750 and subs thereunder, and therefore dual operations

may be involved. Common control may also be involved. If a hearing is deemed necessary, Applicant requests that it be held at Houston, Texas or Washington, D.C.

No. MC 112184 (Sub-No. 54), filed May 31, 1977. Applicant THE MANFREDI MOTOR TRANSIT COMPANY, A Corporation, 11250 Kinsman Road, Newberry, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *paint* and *paint products*, in bulk, in tank vehicles from Cleveland, Ohio to Ports of Entry on the International Boundary Line between the United States and Canada, located at Detroit, Mich., and points which lie between Buffalo and Youngstown, New York, including Buffalo and Youngstown, New York for furtherance to the province of Ontario, Canada, under a continuing contract or contracts with PPG Industries, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 128302 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, Applicant requests that it be held at either Columbus, Ohio or Washington, D.C.

No. MC 112520 (Sub-No. 340), filed June 1, 1977. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's Representative: Thomas F. Panebianco (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the site of Alpine Laboratories located in Baldwin County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 112588 (Sub-No. 24), filed May 23, 1977. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials* and *materials* and *supplies* used in the manufacture, installation or distribution thereof between the plantsite and facilities of the United States Gypsum Company located at River Rouge, Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held with similar applications.

No. MC 113678 (Sub-No. 673), filed May 27, 1977. Applicant: CURTIS INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Printed matter, and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter (except commodities in bulk), between Taunton, Mass.; Hammond and Indianapolis, Ind.; Versailles and Lexington, Ky.; Ossining, N.Y.; Nashville, Tenn.; and points in the Chicago, Ill. Commercial Zone, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held on a consolidated hearing with similar applications at Chicago, Ill.

No. MC 114211 (Sub-No. 305), filed May 25, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's Representative: Daniel C. Sullivan, Suite 1600, 10 South La Salle, Chicago, Illinois 60603. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Treated lumber mill products* from Jefferson County, Arkansas to points in Minnesota, Iowa, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant request it be held at either Little Rock, Arkansas or Fort Smith, Arkansas.

No. MC 114533 (Sub-No. 359), filed May 23, 1977. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Illinois 60609. Applicant's representative: Warren W. Wallin, 1106 West 35th St., Chicago, Illinois 60609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), between points in Salt Lake, Davis, and Weber Counties, Utah, on the one hand, and, on the other, points in Idaho, Colorado, Oregon and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC 128616 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 114552 (Sub-No. 129), filed May 31, 1977. Applicant: SENN TRUCKING COMPANY, A Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, and composition board*, from points in Orangeburg County, S.C., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi (except points in South Carolina).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 114569 (Sub-No. 179), filed May 16, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between the ports of entry on the International Boundary Line between the United States and Canada, located at points in Michigan and New York, on the one hand, and, on the other, points in Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia. Restricted to traffic in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Michigan or Washington, D.C.

No. MC 115162 (Sub-No. 368), filed May 23, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Alabama 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground clay, floor sweeping compounds and absorbents* (except in bulk) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ochlocknee, Georgia to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *Floor sweeping compounds and absorbents* (except in bulk) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ripley, Mississippi to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Chicago, Illinois or Washington, D.C.

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No. MC 115648 (Sub-No. 28), filed May 31, 1977. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, Wyoming, 82201. Applicant's representative: Ward A. White, P.O. Box 568, Cheyenne, Wyoming 82001. Authority sought to operate a sa *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Platte County, Wyoming to those points in Texas which are (a) on and west of U.S. Highway 75 (Interstate Highway 45) and south of U.S. Highway 80 (Interstate Highway 20), and (b) on and north of U.S. Highway 80 (Interstate Highway 20) and east of U.S. Highway 75 (Interstate Highway 45).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cheyenne, Wyo., or Denver, Colo.

No. MC 115826 (Sub-No. 266), filed May 31, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Denver, Colorado 80217. Applicant's representative: Charles J. Kimball, 350 Capital Life Center, 1600 Sherman Street, Denver, Colorado 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766. From the plant site and warehouse facilities of Wilson Foods Corporation at Albert Lea and Hopkins, Minnesota, and Cedar Rapids and Des Moines, Iowa to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington restricted to the transportation of traffic originating at the above named origins and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116014 (Sub-No. 82), filed May 31, 1977., Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Kentucky 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Kentucky 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Materials, supplies and equipment* (except commodities in bulk, in tank vehicles) used in the processing, packing, storing, handling and marketing of tobacco, and (b) *unmanufactured tobacco* when moving on the same vehicle at the same time with the commodities described above, between points in Florida, Georgia, Kentucky Maryland, Missouri, North Carolina, New Jersey, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. (2) *Homogenized tobacco*, (a) from Louisville, Ky. to Petersburg, Virginia and Macon, Georgia. (b) From Hopewell, Virginia, to Louisville, Kentucky. (c) From Spotswood, New Jersey to Petersburg, Virginia and Macon, Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held with similar applications at either Raleigh, N.C., or Washington, D.C.

No. MC 116725, (Sub-No. 23), filed June 1, 1977. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the plantsites or facilities of Keller Creamery Co. (a division of Beatrice Foods Co.) located at or near Somerset, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 116849 (Sub-No. 4), filed May 31, 1977. Applicant: ISLAND TRANSPORTATION CORP., 299 Main Street, Westbury, N.Y. 11590. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Jennite J-16 (a coal tar emulsion) in bulk from South Windsor, Conn. to Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, Maryland, North Carolina, South Carolina, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Cleveland, Ohio or New York, N.Y.

Docket number: MC 117370 (Sub-No. 29), filed May 27, 1977. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica products*, from South Windsor, Conn. and points in New London County, Conn., to points in Delaware, Indiana, Maine, Michigan, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 118159 (Sub-No. 213), filed June 1, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Picture frames, plastic products*, and *related advertising materials and supplies*, from Worcester, Mass. to points in the United States (except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 149), filed May 31, 1977. Applicant: JERRY LIPPS, INC., 130 S. Frederick St. Cape Girardeau, MO 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plywood; paneling; gypsum board; composition board; and molding from the facilities of Pan-American Gyro-Tex Company located at or near Jacksonville, Fla., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 125634, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Jacksonville, Fl. or Washington, DC.

No. MC 119226 (correction) (Sub-No. 99), filed May 5, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, republished as corrected this issue. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Wisconsin, and West Virginia, restricted against the transportation of traffic originating at the facilities of National Starch and Chemical Corporation, at Indianapolis, Indiana.

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. Applicant is controlled by Ecoff Trucking, Inc., who holds contract carrier authority under Docket No. MC-128161 and MC-128161 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 119619 (Sub-No. 109), filed May 18, 1977. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Eau Claire, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hamsphire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states this application is filed solely to add this commodity to their existing pertinent Certificate issued in MC-119619 (Sub-No. 29). If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 92), filed May 19, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents*, from the plantsite of Oil-Dri Corp. of America, located at or near Ripley, Miss., and Ochlocknee, Ga., (1) from Ripley, Miss., to Hopkins, Minn., Omaha, Nebr., Kansas City, Kans., Kansas City and St. Louis, Mo., Detroit, Mich., Pittsburgh, Pa., and points in Illinois, Indiana, Iowa, Ohio, and Tennessee, and (2) from Ochlocknee, Ga., to points in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 119988 (Sub 113), filed May 25, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Highway 103 East, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, conveyors and conveyor equipment, furniture, power equipment, and wheel goods and parts, attachments, and accessories therefor, and materials, equipment, and supplies*, utilized in the manufacture and distribution thereof (except in bulk), between Indianola, Miss., on the one hand, and, on the other, points in Tennessee, North Carolina, South Carolina, Alabama, Georgia, and Florida.

NOTE.—Applicant holds motor contract carrier authority in No. MC 140271, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120910 (Sub-No. 11), filed May 26, 1977. Applicant: SERVICE EXPRESS, INC., Post Office Box 1009, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Tuscaloosa, Ala., to points in Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 121509 (Sub-No. 1), filed May 27, 1977. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay Street, Muscatine, Iowa 52761. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer, in bulk*, from the storage and terminal facilities of Allied Chemical Corp., located at or near Durant, Iowa, to points in Arkansas, Illinois (except points in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone), Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that the hearing be held in Chicago, Ill., or Omaha, Nebr.

No. MC 123048 (Sub-No. 356), filed May 23, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranpsorting: (1) *Irrigation systems and parts and attachments* for irrigation systems; (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, between Havana, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Peoria, Ill.

No. MC 123407 (Sub-No. 381), filed May 31, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper, and materials, equipment and supplies used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities* (except in bulk) from points in Texas to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 123407 (Sub-No. 382), filed June 1, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and conduit* (except oilfield commodities as described in Mercer Extension Oilfield Commodities, 74 M.C.C 459), from Wheatland, Pa., to Wisconsin and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 123819 (Sub-No. 43), filed May 25, 1977. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags*, (2) *textile bags*, when moving in mixed loads with paper bags, from Memphis, Tenn., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; and (3) *materials and supplies* used in the manufacture, processing, and distribution of the commodities in (1) and (2) above, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia to Memphis, Tenn.

NOTE.—If the hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 124306 (Sub-No. 29), filed May 27, 1977. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and animal and vegetable oil products, and by-products*, in bulk (except such commodities which are chemicals), between Charlotte, N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C., Richmond, Va., or Charlotte, N.C.

No. MC 124579 (Sub-No. 18), filed May 26, 1977. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio. Applicant's representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, (1) from the plantsite and warehouse facilities of Orrville Milk Co., located in Wayne County, Ohio, to points in Indiana, New York, and Pennsylvania; and (2) from Goshen, Ind., to the plantsite and warehouse facilities of Orrville Milk Co. located in Wayne County, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 124579 (Sub-No. 19), filed May 31, 1977. Applicant: WIKEL BULK

(2) as pertinent: *Automobile parts, materials and supplies, and equipment, materials*

Virginia east of U.S. Highway 29 and north of U.S. Highway 60, and (2) from

freezing boxes, imitation fireplaces and logs, heaters, range hoods, lighting fix-

Oregon, Utah, Washington and Wyoming, under a continuing contract, or

houses, as described in Sections A and C to Appendix I to the report in *Descrip-*

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No. MC 124579 (Sub-No. 19), filed May 31, 1977. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio. Applicant's representative: James Duvall, Post Office Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and molasses*, in bulk, from Findlay and Fremont, Ohio, to points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, Denver, Colo., or Washington, D.C.

No. MC 124679 (Sub-No. 76) (correction), filed April 1, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, republished as corrected this issue. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, P.O. Box 2465, 165 South West Temple, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fairfield, Calif., to Cedar City, Logan, Moab, Ogden, Price, Provo, Salt Lake City, and Tooele, Utah.

NOTE.—Applicant holds contract carrier authority in various subs under MC 128813, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah. The purpose of this republication is to correct the territorial description.

No. MC 124947 (Sub-No. 60), filed May 27, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers* (except those which because of size or weight require the use of special equipment, and pipe and pipe fittings such as are included in the first findings of the Commission in T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, 543), from the plantsite and shipping facilities of Tyler Pipe Co., located at or near Tyler, Tex., to points in the United States (excluding Alaska

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Denver, Colo.

No. MC 126118 (Sub-No. 40) (partial correction), filed April 18, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished as corrected this issue. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant).

NOTE.—The purpose of this partial correction is to indicate the correct commodity restriction and territorial description of Part (2) as pertinent: *Automobile parts, materials and supplies, and equipment, materials and supplies* utilized in the manufacture thereof (except commodities in bulk, in tank vehicles); between Columbus, Nebr., Marianna, Ark., Columbus, Tucker, Newnan, and Carrollton, Ga., Cleveland, Miss., and Detroit, Mich., on the one hand, and, on the other, points in Florida, Arkansas, Colorado, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Virginia, Massachusetts, Connecticut, and California. The rest of the publication remains as previously published.

No. MC 127974 (Sub-No. 9), filed May 27, 1977. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave, Trenton, N.J. 08610. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in containers or in trailers having an immediately prior or subsequent movement by water (except Classes A and B explosives, those of unusual value, and commodities requiring special equipment); and (2) *used containers, trailers, and trailer chassis*, between Baltimore, Md., Boston, Mass., Norfolk, Va., Philadelphia, Pa., and New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 128155 (Sub-No. 5), filed May 17, 1977. Applicant: R. C. VAN LINES, INC., 1044 Northside Drive NW., Atlanta, Ga. 30318. Applicant's representatives: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, points in Utah on and east of U.S. Highway 91, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 128539 (Sub-No. 8), filed May 25, 1977. Applicant: EAGLE TRANSPORT CORP., P.O. Box 4508, Rocky Mount, N.C. 27801. Applicant's representative: Robert J. Corber, 1747 Pennsylvania Avenue, Suite 1050, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, (1) from the site of the pipeline-terminal of the Dixie Pipe Line Co., located near Apex, N.C., to points in Virginia east of U.S. Highway 29 and north of U.S. Highway 60, and (2) from Norfolk, Va., to points in Maryland.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 128802 (Sub-No. 4), filed May 31, 1977. Applicant: ARDEN E. OLSEN, Route No. 1, Kalispell, Mont. 59901. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and empty containers* between Kalispell, Mont., on the one hand, and, on the other, Fairfield, Calif., under a continuing contract, or contracts, with Flathead Beverage Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kalispell or Billings, Mont.

No. MC 128951 (Sub-No. 16), filed May 25, 1977. Applicant: ROBERT H. DITTRICH, doing business as Bob Dittrich Trucking, 1000 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Bruce A. Rasmussen, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles from New Ulm, Minn., to points in Iowa, South Dakota, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, or Mankato, Minn.

No. MC 129635 (Sub-No. 9), filed May 31, 1977. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Texas 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Prof. Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Tractors (except truck tractors); and attachments, parts and accessories for tractors when moving at the same time and in the same equipment with tractors, (1) from the rail ramps located at or near Baton Rouge, La., to points in Louisiana and points in Wilkinson, Amite, and Pike Counties, Miss.; and (2) from the rail ramps located at or near Houston, Texas, to points in that part of Texas located on and east of Interstate Highway 81 and on and south of Interstate Highway 84, restricted to traffic having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Texas.

No. MC 133095 (Sub 161), filed May 26, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, intercommunication systems, refrigerators,*

freezing boxes, imitation fireplaces and logs, heaters, range hoods, lighting fixtures, exhaust systems, and *splasher plates and parts, attachments and accessories thereof and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk), Between Cleburne, Itasca and West, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133590 (Sub-No. 10), filed May 23, 1977. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street Worcester, Massachusetts 01604. Applicants' representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Massachusetts 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic articles*, and *materials and supplies* used in the manufacture and distribution of such commodities (except in bulk in tank trucks), between the facilities of Plastic Packaging Corporation located in West Springfield and Springfield, Massachusetts, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Maine, New Hampshire, Vermont, Connecticut and Rhode Island), under a continuing contract, or contracts, with Plastic Packaging Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., Boston, Mass., or Washington, D.C.

No. MC 133689 (Sub-No. 131), filed May 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from Minneapolis-St. Paul, Minnesota to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Minneapolis, Minnesota.

No. MC 133928 (Sub-No. 12), filed May 27, 1977. Applicant's OSTERKAMP TRUCKING, INC., 1049 North Glassell Street, Orange, Calif. 92667. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract* carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, and *materials and supplies* used in the manufacturing, distribution and installation of the aforementioned commodities, between the plantsite of United States Gypsum Company located at or near Empire, Nev., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, under a continuing contract, or contracts, with United States Gypsum Company.

NOTE.—Applicant holds common carrier authority in MC 138732 (Sub-Nos. 2 and 4), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, California or Los Angeles, Calif.

No. MC 134286 (Sub-No. 26), filed May 31, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs; (2) pharmaceutical materials, supplies and products: (3) chemicals; (4) alcoholic beverages; (5) tobacco products; (6) pet foods; (7) such commodities as are dealt in by distribution or consolidation warehouses for the commodities described in (1) through (6); and (8) exempt commodities when moving with regulated commodities, (A) from Denver, Colo., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (B) from points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana, to Denver, Colo., restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held on a consolidated hearing with similar applications at Denver, Colo. Common control may be involved.

No. MC 134755 (Sub-No. 106), filed May 27, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) truck and trailer suspension systems and parts; and (2) equipment, materials, and supplies (except in bulk) used in the manufacture of truck and trailer suspension systems and parts, and iron and steel articles, between Marshfield, Mansfield, and Seymour, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds motor contract carrier authority in MC 138398 (Sub-No. 2) and other subs, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or St. Louis, Mo.

No. MC 134783 (Sub-No. 35), filed June 2, 1977. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, Lubbock, Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C to Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., located at or near Lubbock, Tex., to Chicago, Illinois.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in Docket No. MC 139309 and (Sub-No. 1) therefore, dual cperations may be involved. If a hearing is deemed necessary, Applicant requests that it be held at either Lubbock, Tex., or Chicago, Ill.

No. MC 135284 (Sub 5), filed June 1, 1977. Applicant: FLEETWOOD TRANSPORTATION CORP., 1030 Reeves Street, Dunmore, Pa. 18512. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk), between the plant site of Land-O-Lakes located at or near Laurel, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, under continuing contract or contracts with Agfoods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135874 (Sub-No. 89), filed May 23, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., So. St. Paul, Minnesota 55075. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle transporting: *Frozen foods* from Kansas City, Kansas-Missouri to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, restricted to traffic originating at Kansas City, Kansas-Missouri and points in their Commercial Zones and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Kansas City, Kans.

No. MC 136005 (Sub-No. 3), filed May 18, 1977. Applicant: JACK D. WHATLEY AND ROBERT T. CALHOUN, d.b.a. MAGIC VALLEY REFRIGERATED EXPRESS, 1400 Whitewing, P.O. Box 2101, McAllen, Tex. 78501. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned citrus juice*, from the facilities of Texas Citrus Exchange located at Harlingen and Mission, Tex., to points in New Mexico, Arizona, California, Indiana, Michigan, and the ports of entry on

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the International boundary line between the United States and Canada, located at Detroit, Mich., Pembina and Portal, N. Dak., for furtherance into the Canadian provinces of Saskatchewan, Manitoba and Ontario; and (2) *Frozen concentrated citrus products*, in containers, in mixed loads with canned citrus juice, from the facilities of Texas Citrus Exchange located at Harlingen and Mission, Tex., and from the storage facilities of Texas Citrus Exchange at Brownsville, and McAllen, Tex., to points in Oklahoma, Arkansas, Missouri, Kansas, Illinois, Nebraska, Iowa, South Dakota, Minnesota, Wisconsin, North Dakota, Colorado, New Mexico, Arizona, California, Indiana, Michigan, and the ports of entry on the International boundary line between the United States and Canada, located at Detroit, Mich., Pembina and Portal, N. Dak., for furtherance into the Canadian provinces of Saskatchewan, Manitoba and Ontario, under a continuing contract, or contracts, in (1) and (2) above with Texas Citrus Exchange.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or San Antonio, Tex.

No. MC 136077 (Sub-No. 7), filed May 23, 1977. Applicant: REBER CORPORATION, 2216 Old Arch Road, Norristown, PA 19401. Applicant's representative: Roland Morris, 1600 Land Title Bldg., 100 S. Broad St., Philadelphia, PA 19110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lime* in bulk from Plymouth Meeting, Pa. to points in North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 136553 (Sub-No. 49), filed May 31, 1977. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials, in bulk*, from Pekin, Ill. to points in Iowa, Minnesota, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at St. Paul, Minnesota.

No. MC 136825 (Sub-No. 5), filed May 26, 1977. Applicant: ENDICOTT TRUCKING CO., A Corporation, P.O. Box 705, Columbus, Ohio 43216. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by electronic equipment and supply stores, between the facilities of Radio Shack, Division of Tandy Corporation located at Charleston, S.C., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Louisiana, Texas, Tennessee and Virginia, under a continuing contract or contracts with Radio Shack, Division of Tandy Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 136904 (Sub-No. 20), filed May 31, 1977. Applicant: WORSTER-MICHIGAN, INC., R.D. No. 1, Gay Road, North East, Pennsylvania 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pennsylvania 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Traverse City, Michigan to points in Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 138000 (Sub-No. 8), filed May 31, 1977. Applicant: ARTHUR H. FULTON, Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to points in Alabama, Delaware, Georgia, Maryland, North Carolina, South Carolina, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC-129613, Sub 2, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138000 (Sub-No. 29), filed May 31, 1977. Applicant: ARTHUR H. FULTON, Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (A) *Slag*, except in bulk: (1) From Strasburg, Va. to Gore, Va.; (2) From Gore, Va. to Coatesville, Pa.; (3) From Coatesville, Pa. to Chelsea, Mich.; and (4) From Gore, Va. to Chelsea, Mich.; and (B) *powdered clay*, except in bulk from Whitlock, Tenn., to Chelsea, Mich.

NOTE.—Applicant holds contract carrier authority in No. MC-129613, Sub 2, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138096 (Sub-No. 1), filed May 17, 1977. Applicant: LEE P. WEGNER, SR., d.b.a. WEGNER TRUCKING COMPANY, W290 S6299 Holiday Road Waukesha, Wisc. 53186. Applicant's representative David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, Wisc. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk) used in the manufacturing, production, and distribution of refrigerated display coolers and freezers and refrigerated, sectional, walk-in cooling and freezing rooms, knocked down, from points in Indiana, Kansas, and Missouri, to Genesee, Wisc., under a continuing contract or contracts with Zero Zone Refrigeration Manufacturing Company, Inc., located at Genesee, Wisc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, or Madison, Wisc.

No. MC 138514 (Sub-No. 10), filed May 23, 1977. Applicant: ARCTICARE TRANSPORT, INC., P.O. Box 356, 47 East St., Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* in vehicles equipped with mechanical refrigeration, from Baltimore, Md., and points in its Commercial Zone to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138634 (Sub-No. 2), filed June 1, 1977. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, Iowa 50158. Applicant's representative: William L. Fairbank 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Marshalltown, Iowa, to points in Illinois, Indiana, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Des Moines, Iowa or Chicago, Ill.

No. MC 138652 (Sub-No. 1), filed May 25, 1977. Applicant: BAKER TRUCK SERVICE, INC., P.O. Box 535, Lewiston, Idaho 83501. Applicant's representative: George R. LaBissoniere, 1100 Norton Building: Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Particleboard, from the plantsite of Boise-Cascade located at or near LaGrande, Oreg., on the one hand, and, on the other, Tacoma, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 139495 (Sub-No. 239), filed May 31, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) Cigars from Dothan and Selma, Ala. to points in Delaware, Illinois, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; and (2) packaging material and tobacco blends and agricultural commodities, the transportation of which is otherwise exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act in mixed loads with packaging materials and tobacco blends from Hatfield, Mass. and Lancaster, Pa. to Dothan and Selma, Ala.

NOTE.—Applicant holds contract carrier authority in MC-133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139923 (Sub-No. 33), filed May 27, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74709. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products, fruit juices, and table sauces*, (except commodities in bulk), from the plantsite and warehouse facilities of or utilized by Ocean Spray Cranberries, Inc., located at or near Kenosha, Wis., and North Chicago, Ill., to Kansas City, Mo., and points in Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC-139926 (Sub-No. 2), therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140174 (Sub-No. 3), filed May 23, 1977. Applicant: BROOKS TRUCKING, INC., Box 187, Vanlue, Ohio, 45890. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, Post Office Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and Fertilizer Compounds*, from Findlay, Ohio, to points in Indiana and Michigan, restricted against liquid commodities in bulk, under a continued contract or contracts with W. R. Grace & Co., Agricultural Chemicals Group.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 140216 (Sub-No. 3), filed May 25, 1977. Applicant: JOHN E. WAY, Jr. d.b.a. WAY MESSENGER SERVICE, 205 East King Street, Lancaster, Pennsylvania 17602. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pennsylvania 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, (1) Between Lancaster, Pa., on the one hand, and, on the other, Baltimore, Md. and Washington, D.C.; and (2) Between York, Pa., on the one hand, and, on the other, Baltimore, Md., New York, N.Y., and Washington, D.C.

NOTE.—Applicant states that the requested service is limited to expedited pickups and expedited deliveries by messenger-drivers of minimum gross weight straight trucks. If a hearing is deemed necessary, applicant requests that it be held at Lancaster, Pa. or Washington, D.C.

No. MC 140612 (Sub-No. 18), filed May 25, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and closures* from San Diego, California to Davenport, Iowa, Rock Island, and Milan, Illinois.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Missouri or Lincoln, Nebraska.

No. MC 140612 (Sub-No. 20), filed May 26, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television sets, radios, phonographs, stereo systems recorders, players, recording material, television stands, speaker systems, and audio equipment, accessories, components, materials, supplies, and equipment* used in the manufacture, production and distribution of the above commodities, from Bloomington, Indiana to Davenport and Des Moines, Iowa; Springfield, Missouri; Ft. Smith and Little Rock, Arkansas; and Oklahoma City, Oklahoma.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Bloomington, Indiana or Lincoln, Nebraska.

No. MC 141027 (Sub-No. 3), filed May 26, 1977. Applicant: ARMOND L. HART, doing business as PETE HART TRUCKING, 3328 North Grantland Avenue, Fresno, Calif. 93711. Applicant's representative: Edward L. Fanucchi, 2409 Merced Street, Suite 3, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Onion and garlic planting and harvesting machines*, transported on lowbed trailers specially built to accommodate shipper's equipment, between points in California, and Nevada, under a continuing contract or contracts with Gilroy Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fresno, Calif.

No. MC 141033 (Sub-No. 24), filed May 25, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, NB 60581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act, (1) from Atlanta, GA; Charlotte, NC; Greensboro, NC; Greenville, SC; Lynchburg, VA; Norfolk, VA and Nashville, TN, to Memphis, TN and points in Arizona, California, Washington and Oregon and, (2) from Memphis, TN to points in Arizona, California, Washington and Oregon.

NOTE.—Applicant holds contract carrier authority in No. MC-124796 (Sub-No. 11) and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Memphis, Tenn.

No. MC 141124 (Sub-No. 4), filed May 26, 1977. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, Delaware 19899. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Ludlow and Covington, Kentucky to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Virginia, Maine, and the District of Columbia; and (2) *rejected and returned shipments* and *commodities* used in the manufacture of paper and paper products, (except commodities in bulk), from points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Virginia, Maine, and the District of Columbia, to Ludlow and Covington, Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141124 (Sub-No. 5), filed May 26, 1977. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 1709, Wilmington, Del. 19899. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos—cement roofing and siding*, and *accessories and supplies* (except commodities in bulk), between Windgap, Pa., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Florida, Georgia, North Carolina, South Carolina, New Jersey,

New York, Rhode Island, Vermont, and the District of Columbia).

republished as corrected this issue. Applicant: JOSEPH MAGRI, doing busi-

operate as a *common carrier* by motor vehicle, over irregular routes transport-

Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota,

ING, INC., 12 Patricia Lane, Sicklerville, N.J. 08081. Applicant's representative:

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New York, Rhode Island, Vermont, and the District of Columbia).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141177 (Sub-No. 4), filed May 26, 1977. Applicant: RICK'S DELIVERY SERVICE, INC., 6 West Alexandria Avenue, Va. 22301. Applicant's representative: Patrick McEligot, 700 World Center Building, 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, medical test kits, and related supplies and accessories*, between the Baltimore-Washington International Airport located at or near Baltimore, Md., on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia. Restricted against the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C. or Baltimore, Md.

No. MC 141410 (Sub-No. 4), filed May 31, 1977. Applicant: BLACK ANGUS, INC., P.O. Box 8780, Jackson, Miss. 39202. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides or fungicides, organic Phosphate compound mixtures, and weed killing compounds* (except in bulk in tank vehicles) between Leland, Miss. and McIntosh, Ala., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), under contract with Olin Corporation located at Little Rock, Ark

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark.

No. MC 141618 (Sub-No. 3), filed May 23, 1977. Applicant: DAVID C. BURNS, doing business as DAVID C. BURNS TRUCKING, 1146 East Main St., Casa Grande, Ariz. 85222. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Arizona 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Cellulose insulation (except in bulk), from the plant sites and facilities of Collier Insulation Company, Inc. at Glendale and Tolleson, Arizona to points in that part of California, in and south of the counties of San Francisco, Contra Costa, San Joaquin, Tuolumne and Mono., under a continuing contract, or contracts, with Collier Insulation Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 142343 (correction), (Sub-No. 1), filed April 25, 1977, published in the FEDERAL REGISTER issue of May 19, 1977, republished as corrected this issue. Applicant: JOSEPH MACRI doing business as J & M TRUCKING, 8237 West Mexico, Lakewood, Colorado 80226. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Offal in bulk; and dead animals, hides, fat, bones, grease, and liquid blood*. From points in Arizona, Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming, to Denver, Colorado. Restricted to traffic originating at or destined to the facilities utilized by Denver Recycling Co., and under a continuing contract or contracts with Denver Recycling Co.

NOTE.—The purpose of this republication is to correct the commodity description in this proceeding. If a hearing is deemed necessary, the applicant requests that it be held at Denver, Colo.

No. MC 142478 (Sub-No. 1), filed May 26, 1977. Applicant: ACE INDUSTRIES, INC. d.b.a. ACE COURIER & EXPEDITING SERVICE, 282 South Potomac Street, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Hagerstown, Md., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Virginia, Ohio, Maryland, West Virginia, and the District of Columbia, restricted against handling shipments of packages or articles weighing in the aggregate more than 5,000 lbs., from any one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hagerstown, Md.

No. MC 142600 (Sub-No. 1), filed May 31, 1977. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulvard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: Resins, and compounds and products thereof; and such other commodities as are manufactured and distributed by chemical manufacturers (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Hercules Incorporated located at or near Hattiesburg, Miss., to points in Arizona, California, Colorado, New Mexico, Oregon and Washington, under a continuing contract or contracts with Hercules Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 142765 (Sub-No. 3), filed May 27, 1977. Applicant: AMERICAN TRANSPORTATION CORPORATION, P.O. Box 2379, Trenton, N.J. 08601 Applicant's representative: Mel P. Booker, Jr., 118 North Street, Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coatings and sealers* and *materials, equipment* and *supplies*, used or useful in the manufacture, distribution or sale of such commodities, between the facilities of Cosmicoat, Inc., located at or near Ewing Township, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia and the District of Columbia, restricted against the transportation of commodities in bulk, and under a continuing contract or contracts with Cosmicoat, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Trenton, N.J. or the District of Columbia.

No. MC 142811 (Sub-No. 1), filed May 23, 1977. Applicant: S. R. I. TRUCKING CO., A Corporation, 1000 North Cindy Lane, Carpinteria, California 93013. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, California 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *restaurant supplies; foodstuffs; fats and oils (except in bulk); and furniture and fixtures; and shellfish, poultry, fresh produce, and fish*, normally exempt from economic regulation under Section 203(b) of the Interstate Commerce Act, when moving in mixed loads with restaurant supplies, foodstuffs, fats and oils (except in bulk), and furniture and fixtures, (1) from the warehouse facilities of Sambo's Restaurants, Inc. in Carpinteria, California and Florence, Kentucky to points in the United States (except Alaska and Hawaii); (2) from points in the United States (except Alaska and Hawaii) to the warehouse facilities of Sambo's Restaurants, Inc. in Carpinteria, California and Florence, Kentucky; and (3) between the warehouse facilities of Sambo's Restaurants, Inc. in Carpinteria, California, on the one hand, and, on the other, the warehouse facilities of Sambo's Restaurants, Inc. in Florence, Kentucky, under a continuing contract, or contracts, with Sambo's Restaurants, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, California.

No. MC 142833 (Sub-No. 2), filed May 26, 1977. Applicant: CLEARVIEW MOTOR CO., INC., 3120 Clearview Parkway, Metairie, La. 70002. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to

operate as a *common carrier* by motor vehicle, over irregular routes transporting: Wrecked or disabled motor vehicles by use of wrecker equipment, between New Orleans, La., and points in St. John the Baptist Parish, La., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142857 (Sub-No. 2), filed May 31, 1977. Applicant: MCC TRANSPORTATION COMPANY, INC., 1311 West Seventh Street, Little Rock, Arkansas 72201. Applicant's representative: Eugene T. Liipfert, Suite 1000, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products*, and *equipment, materials* and *supplies* used in the manufacture or distribution of unfrozen bakery products, between the plant site of Meyer's Bakeries, Inc., at or near Orlando, Fla., on one hand, and, on the other hand, points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas, under a continuing contract or contracts with Meyer's Bakeries, Inc., located at Little Rock, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark. or Washington, D.C.

No. MC 142971 (Sub-No. 1), filed May 26, 1977. Applicant: F & W TRANSPORT CO., INC., 37 River Road, Camden, N.J. 08105. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Wooden and Plastic Cabinets, and materials and supplies*, used in the manufacturing, sale, and installation thereof (except in bulk), between Lakewood, N.J., on the one hand, and, on the other, points in New York, Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under a continuing contract or contracts with Excel Wood Products Co., Inc., located at Lakewood, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 143046 (Sub-No. 2), filed May 27, 1977. Applicant: GERALD E. CARPENTER, Rural Route No. 2, Box 241, Maxwell, Iowa 50161. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier* over irregular routes transporting: *Liquid soil conditioners and liquid fertilizers in bulk*, from the plantsite and storage facilities of Carpenter Sales, Inc., located at Bondurant, Iowa, to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, and Wisconsin, under a continuing contract or contracts with Carpenter Sales, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Minneapolis, Minn., Omaha, Nebr. or Kansas City, Mo.

No. MC 143088 (Sub-No. 1), filed May 26, 1977. Applicant: ROBERT TARBOX, d.b.a. TARBOX TRUCKING, Johnson Heights, Pa. 16912. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority is sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *animal and poultry feed and feed ingredients*, from Bremen, Frankfort and Syracuse, Ind.; Bellevue, Fostoria, Dayton, Delphos, and Circleville, Ohio; Arkport and Castile, N.Y.; and Camp Hill and Hampden Township, (Cumberland County), Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Syracuse, N.Y.; Harrisburg, Pa.; or Washington, D.C.

No. MC 143103 (Sub-No. 1), filed May 27, 1977. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, Okla. 74023. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cured, preserved* meats, in packages, from the plantsite and storage facilities of Land O'Frost, Inc., located at Searcy, Ark., to points in California, Oregon, Washington, Idaho, Montana, Utah, Colorado, Wyoming, Arizona, and Nevada, under a continuing contract or contracts with Land O'Frost, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 143183 (Sub-No. 2), filed May 26, 1977. Applicant: L. M. ROACH, d.b.a. D&L TRUCKING COMPANY, Post Office Box 1741, Wilmington, N.C. 28401. Applicant's representative: Ralph McDonald, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry fertilizer and fertilizer materials*, in bulk, in dump vehicles: from points in New Hanover, Columbus, and Brunswick counties, N.C., to points in South Carolina.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Wilmington, or Raleigh, N.C.

No. MC 143222 (Sub-No. 2), filed May 27, 1977. Applicant: SHIFLET TRUCKING, INC., 12 Patricia Lane, Sicklerville, N.J. 08081. Applicant's representative: Fritz R. Kahn, Suite 1000, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Wines and liqueurs, in containers, from ports in the New York City Commercial Zone, to the facilities of Banfi Products, Inc. located at Farmingdale, N.Y., (2) wines and liqueurs in vehicles equipped with mechanical refrigeration, from the facilities of Banfi Products, Inc. located at Farmingdale, N.Y., to wholesale distributors of wine and liqueurs located at points in the United States including Alaska, but excluding Hawaii with unlimited intermediate stop-offs; and (3) wines in vehicles equipped with mechanical refrigeration, from wineries at San Jose, Rippon, and Modesto, Calif., to the facilities of Banfi Products, Inc. located at Farmingdale, N.Y. with unlimited intermediate stop-offs, under a continuing contract or contracts with Banfi Products, Corp., located at Farmingdale, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Trenton, N.J., New York, N.Y. or Washington, D.C.

No. MC 143241 (Sub-No. 2), filed May 27, 1977. Applicant: SUBURBAN TRUCKING, INC., 500 Hazle Avenue, Wilkes-Barre, Penna. 18702. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Penna. 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such merchandise as is dealt in by retail department stores (except commodities in bulk); and (2) advertising matter, premiums, catalogs, sales brochures, printed matter, and materials and supplies used in the manufacture and distribution of the above-named commodities, between Exeter, Penna. and points in its Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsites or facilities of Jewelcor, Inc. and Suburban Publishers, a subsidiary of Jewelcor, Inc., at or near Exeter, Pa.

NOTE.—Applicant has contract carrier authority pending in No. MC 140777, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 143242 (Sub-No. 1), filed May 10, 1977. Applicant: MART LINES, INC., 311 17th Street, Jersey City, N.J. 07306. Applicant's representative: John P. Tynan, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such Commodities* as is dealt in by retail department stores, (1) between Storage and Distribution Center of Mammoth Mart at Somerville, Mass. and New York, N.Y. and its Commercial Zone and Jersey City, N.J.; (2) between the Distribution Center of Mammoth Mart, Somerville, Mass. and stores of Mam-

moth Mart located in Maryland, North Carolina, and the District of Columbia and the Distribution Center of Mam-

or cat food, in cans or packages, from ports of entry on the International

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at either

NOTE: The purpose of this republication is to amend the territorial description in this

INC.—Purchase (portion)—Allyn Transportation Company, published in the May

Arizona and off-route points in Arizona within 50 miles of the above-specified

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moth Mart located in Maryland, North Carolina, and the District of Columbia and the Distribution Center of Mammoth Mart at Charlotte, N.C.; (3) between the Jersey City, N.J. Consolidated and Distribution Center of Mammoth Mart located at Jersey City, N.J. and stores of Mammoth Mart located in Maryland, N.C., the District of Columbia and the Distribution Center of Mammoth Mart located at Charlotte, N.C.; and (4) between the stores of Mammoth Mart located in Maryland and North Carolina and the Distribution Center of Mammoth Mart located at Charlotte, N.C., Under a continuing contract with Mammoth Mart, Inc. of W. Bridgewater, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests hearing at Newark, N.J. or New York, N.Y.

No. MC 143316, filed May 25, 1977. Applicant: SUMNER STROYMAN and RENEE RICHMOND, a partnership, doing business as COMFORT TRANSPORTATION CO., 30 Howard Street, Somerville, Mass. 02144. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sleeping bags, comforters*, and *pillows*, and (2) *commodities* used in the manufacture and distribution of the commodities in (1) above (except in bulk), between the facilities of Comfort Pillow & Feather Co., located in Middlesex County, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Comfort Pillow & Feather Co., located at Somerville, Mass.

NOTE.—If a hearing is deemed necessary, applicants request that it be held at Boston, Mass.

No. MC 143331 (Sub-No. __), filed June 2, 1977. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottle or can carriers*, from Fullerton, Calif., to Casa Grande, Phoenix and Tucson, Ariz., and Portales, N. Mex., under a continuing contract, or contracts, with Hi-Cone Division, Illinois Tool Works, Inc., located at Fullerton, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 143338, filed May 17, 1977. Applicant: MAURICE GUILLEMETTE, INC., St. Gregoire, Nicolet County, Quebec, Canada. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dog or cat food*, in cans or packages, from ports of entry on the International Boundary line between the United States and Canada located on the St. Clair River, to points in Michigan; and (2) *inedible meat and by-products of meat*, from points in Michigan, to ports of entry on the International Boundary line between the United States and Canada located on the St. Clair River, restricted in (1) and (2) above to shipments originating at or destined to points in Quebec, Canada, under a continuing contract, or contracts, with Jean Demers, Inc. of Gentilly, Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 1940 (Sub-No. 43), filed May 13, 1977. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street, North West, Washington, D.C. 20005. Applicant's representatives: D. Paul Stafford, 1500 Jackson Street, Suite 422, Dallas, Texas 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *Passengers and their baggage* in the vehicle with passengers, in special operations, (1) From all points on the presently authorized regular routes of Applicant (as set forth in MC-1940 and Sub-Nos. 17, 20, 31, 34, 35, 37, 39, and 41 extending generally from New York, New York on the south, to Portland, Maine and Berlin, New Hampshire on the north, Springfield, Massachusetts on the west, to Boston, Massachusetts on the east) to Atlantic City, New Jersey; from points on the presently authorized routes of Applicant via all presently authorized routes of Applicant to New York, New York, thence over Interstate Highway 495 to junction New Jersey turnpike, thence over New Jersey turnpike to junction access Highway at interchange No. 11, thence over access Highway to junction Garden State Parkway, thence over Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, New Jersey, and return over the same route, serving all intermediate points on the presently authorized routes of Applicant, and serving no intermediate points on Interstate Highway 495, New Jersey turnpike, access Highway, Garden State Parkway, and Atlantic City Expressway; (2) from junction Sunnyside Boulevard and New York Highway 495 at exit 46 to Atlantic City, New Jersey; from junction Sunnyside Boulevard and New York Highway 495 at exit 46 via New York Highway 495 to junction Interstate Highway 278, thence over Interstate Highway 278 via the Verrazano Narrows Bridge and the Goethals Bridge to junction Interstate Highway 95, thence over Interstate Highway 95, to junction Garden State Parkway, thence over Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City, New Jersey, and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at either New York, New York, or Boston, Massachusetts. Common control may be involved.

No. MC 47786 (Sub-No. 6), filed April 27, 1977. Applicant: ROSSMEYER & WEBER, INC., doing business as RARITAN VALLEY BUS SERVICE, P.O. Box 312, Metuchen, New Jersey 08040. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, New York 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting *passengers and their baggage* in the same vehicle with passengers from New York, New York to Vermont and Maine and return, in charter operations.

NOTE.—Applicant proposes to join this authority with its authority authorizing charter operations from New York to New Hampshire, Maine, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Ohio, Nebraska, Maryland, the District of Columbia, and return. If a hearing is deemed necessary, applicant requests that it be held at New York, New York.

No. MC 61016 (Sub-No. 46), filed May 25, 1977. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points in Hampden, Hampshire and Berkshire Counties, Mass., and extending to Atlantic City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 99581 (Sub-No. 4) (Correction), filed May 5, 1977, published in the FEDERAL REGISTER issue of June 16, 1977 republished as corrected this issue. Applicant: HORACE SIMMONS, doing business as VACA VALLEY BUS LINES, 321 State St., Fairfield, Calif. 94533. Applicant's representative: Daniel W. Baker, 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers* in the same vehicle with passengers, in special and charter operations, from and to the following points or areas: Between points in Contra Costa County and those points in Alameda County on, north and east of the following highways, including all points within 3 miles of said highways: Interstate Highway 680 between the Alameda-Contra Costa County Boundary Line and junction with State Highway 84; State Highway 84, between junction with Interstate Highway 680 and junction with Tesla Road; Tesla Road, between junction with State Highway 84 and the Alameda-San Joaquin County Boundary Line; and Dublin and Livermore, Calif., on the one hand, and, on the other, points in the United States, including Alaska (except Hawaii).

NOTE: The purpose of this republication is to amend the territorial description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 143333, filed May 31, 1977. Applicant: BERRY TRANSPORTATION CO., INC., Walnut Ave., No. Hampton, N.H. 03862. Applicant's representative: Shaun G. Berry (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and baggage in the same vehicle with passengers* in round trip charter operations, beginning and ending at points on and east of Route 125 located in Rockingham and Strafford Counties, New Hampshire and extending, to points in Connecticut, District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Portsmouth, N.H., Exeter, N.H., or Concord, N.H.

No. MC 143335, filed May 26, 1977. Applicant: CONCORD COACH LINES LTD., 4706 50th St., Lloydminster, Saskatchewan, Canada S9V OM7. Applicant's representative: Ronald Carlyle Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations beginning and ending at all ports of entry on the International Boundary line between the United States and Canada, and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, the applicant requests that it be held at either Billings, Mont. or Fargo, N. Dak.

NOTE: If a hearing is deemed necessary, the applicant requests that it be held at either Billings, Mont. or Fargo, N. Dak.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13216. (Correction) (CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC., d/b/a CALIFORNIA AMMONIA TRANSPORT, INC.—Purchase (portion)—Allyn Transportation Company, published in the May 26, 1977 issue of the FEDERAL REGISTER on pages 27104 and 27105. Previous notice excluded a portion of the operating authority to be transferred which is: *Liquified Petroleum gas* in tank truckloads, minimum 2,500 gallons over regular routes from Kingsman, Arizona, to Flagstaff, Arizona, serving all intermediate points and off-route points within ten miles of the specified highway, restricted to delivery only: From Kingman over U.S. Highway 66 to Flagstaff, and return over the same route; From Wickenburg, Arizona, to Flagstaff, Arizona, serving all intermediate points and off-route points within ten miles of the specified highways restricted to delivery only; From Wickenburg over U.S. Highway 99 to Prescott, Arizona and thence over Alternate U.S. Highway 89 to Flagstaff, and return over the same route, with no transportation for compensation except as otherwise authorized; *Liquified petroleum gas*, in minimum lots of 2,500 gallons over regular and irregular routes from California points to Coaldale, Beatty, and Boulder City, Nevada, Kingman, Phoenix, and Nogales, Arizona and points at the boundary of the United States and Mexico, as follows: From points within 40 miles of City Hall, Los Angeles, California, over irregular routes to junction U.S. Highway 99, thence over U.S. 99 to junction U.S. Highway 6, thence over U.S. Highway 6 to Coaldale. From the above specified origin points over irregular routes to junction U.S. Highway 70, thence over U.S. Highway 70 to Colton, Calif., thence over U.S. Highway 395 to San Bernardino, Calif., thence over U.S. Highway 66 to Barstow, Calif. thence over U.S. Highway 91 to Baker, Calif., thence over California Highway 127 to the California-Nevada State Line, thence over Nevada Highway 29 to junction U.S. Highway 95, and thence over U.S. Highway 95 to Beatty. Serving all intermediate points in Nevada and off-route points in Nevada within 15 miles of the above specified route, restricted to delivery only; From the above specified origin points to Baker as specified above, thence over U.S. Highway 466 to Boulder City.

Serving all intermediate points in Nevada and off-route points in Nevada within 50 miles of the above-specified route restricted to delivery only; From the above-specified origin points over irregular routes to junction U.S. Highway 70, thence over U.S. Highway 70 to Phoenix. Serving all intermediate points in Arizona and off-route points in Arizona within 50 miles of the above specified route, restricted to delivery only; From the above-specified origin points over irregular routes to junction U.S. Highway 99, thence over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Gila Bend, Arizona, thence over Arizona Highway 84 to Tucson, Arizona, and thence over U.S. Highway 89 to Nogales; Serving all intermediate points in Arizona and off-route points in Arizona within 50 miles of the above-specified route, restricted to delivery only; From the above-specified origin points over irregular routes to junction U.S. Highway 99, thence over U.S. Highway 99 to Prescott, Arizona and thence over Alternate U.S. Highway 89 to Flagstaff, and return over the same route, with no transportation for compensation except as otherwise authorized; *Liquified petroleum gas*, in minimum quantity of 3,000 gallons, in tank trucks over irregular routes from Hobbs, New Mexico and points in New Mexico and Texas within 25 miles thereof, to points in Arizona with no transportation for compensation on return except as otherwise authorized; *Liquefied petroleum gases*, in bulk, in tank trucks, in minimum quantities of 2,500 gallons from points in Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, Kern, Kings, Tulare, and Fresno Counties, Calif., to points in Arizona, with no transportation for compensation on return except as otherwise authorized; *Liquefied petroleum gases*, in tank trucks, in minimum quantities of 2,500 gallons, restricted to service in foreign commerce only from the California origins specified immediately above to ports of entry at San Ysidro, Tecate and Galexico, Calif., with no transportation for compensation on return except as otherwise authorized; *Natural and casinghead gasoline* and *liquefied petroleum gases*, in bulk, in tank vehicles from Farmington, New Mexico, and points in New Mexico within 60 miles of Farmington to points in California south of the northern boundary lines of San Luis Obispo, Kern and San Bernardino Counties, with no transportation for compensation on return except as otherwise authorized. The Certificate of Public Convenience and Necessity was served May 24, 1977 in No. MC 135215.

No. MC-F-13218. Authority sought for purchase by PENN EMPIRE TRANSPORT, INC., P.O. Box 517, Livingston Avenue, Jamestown, N.Y. 14701, of a portion of the operating rights of James E. Griffin & Sons, Inc., 275 Circuit Street, West Hanover, MA 02339, and for acquisition by E. Virginia Beckstrom, RD No. 1, Ashville, NY 14710, W. M. Beckstrom, Orchard Road, Pittsburgh, PA and N. B. Sundell, Knowlton Avenue, Pittsburgh, PA., of control of such rights through the purchase. Applicants' attorney: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Operating rights sought to be purchased: *Household goods* as defined by the Commission, *furniture, pianos* and *baggage*, as a *common carrier* over irregular routes between points in Massachusetts; *New furniture*, from Concord and Acton, Mass., to points in

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Allegany, Broom, Cattaraugus, Chautauqua, Erie, Genesee, Chemung, Livingston, Niagara, Orleans, Steuben, Tioga, and

tween Sewell, N.J., and points in Gloucester and Camden Counties, N.J., on the

South Carolina, Georgia, and Florida; uncrated new furniture and mattresses

From Albany over New York Highway

No. MC-F-13261. Authority sought for

Roxana; General commodities, with ex-

Allegany, Broom, Cattaraugus, Chautauqua, Erie, Genesee, Chemung, Livingston, Niagara, Orleans, Steuben, Tioga, and Wyoming Counties, N.Y., with no transportation for compensation on return as otherwise authorized. Vendee is authorized to operate as a *common carrier* in New York, District of Columbia, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13247. Authority sought for purchase by FRITZ TRUCKING, INC., East Highway 7, Clara City, MN., 56222, of the operating rights of Kruthoff Truck Lines, Inc., 517 Tenth Street SW., P.O. Box 603, Watertown, SD., 57201, and for acquisition by Vernon O. Fritz, Clara City, MN., 56222, of control of such rights through the purchase. Applicants' Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN., 55403. Operating rights sought to be transferred: Animal and poultry feed, in bulk, or in mixed shipments in bulk and in bags, as a common carrier over irregular routes, from Minneapolis, Minn. to points in Brown County, S.D., except Aberdeen, points in Day County, S.D., except Waubay and points within 30 miles thereof, and points in Clark and Hamlin Counties, D.D. Also, animal and poultry feed (except liquid molasses), from Minneapolis, Minn. to points in Day, Roberts, Marshall, Grant, Spink, Deuel, Codington, Brookings, Kingsbury, Beadle, Hand, Hyde, Faulk, Edmunds, McPherson, Campbell, Walworth, Potter, Sully, Hughes, Stanley, Haakon, Ziebach, Corson, Perkins, Meade, Butte, Dewey and Harding Counties, S.D. Vendee is authorized to operate as a contract carrier in Minnesota, Idaho, Iowa, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, Wyoming, Illinois, Colorado, and Utah, and as a common carrier in Minnesota, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13248. Authority sought for purchase by GATEWAY TRANSPORTATION CO., Inc., 455 Park Plaza Drive, La Crosse, WI. 54601, of a portion of the operating rights of Atkinson Freight Lines, Inc., P.O. Box 520, Blanche Road, Cornwells Heights, PA. 19020, and for acquisition by estate of W. Leo Murphy, 1st Wisconsin Trust Co., Milwaukee, WI., Eugene W. Murphy, 300 South Ocean Blvd., Palm Beach, FL., John A. Murphy, 455 Park Plaza Dr., La Crosse, WI. 54601, and Michael P. Murphy, 10301 S. Harlem Avenue, Chicago Ridge, IL. 60415, of control of such rights through the purchase. Applicants' attorneys: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005, and F. Neil Aschemeyer, 455 Park Plaza Drive, La Crosse, WI. 54601, with copy to Joseph B. Atkinson, Jr., President, P.O. Box 520, Blanche Road, Cornwells Heights, PA. 19020. Operating rights sought to be transferred: *General commodities* with exceptions as a *common* carrier over irregular routes between Sewell, N.J., and points in Gloucester and Camden Counties, N.J., on the one hand, and, on the other, Philadelphia, PA. Vendee is authorized to operate as a *common* carrier in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Foirida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13250. Authority sought for purchase by AERO MAYFLOWER TRANSIT COMPANY, INC., P.O. Box 107B, Indianapolis, IN., 46206, of a portion of the operating rights of Warners Motor Express, Inc., West Country Club Road, Red Lion, PA., 17356, and for acquisition by Mayflower Corporation, (a public corporation), P.O. Box 107B, Indianapolis, IN, 46206, of control of such rights through the purchase. Applicant's attorneys: James L. Beattey, 130 E. Washington Street, Suite One Thousand, Indianapolis, IN, 46204, and Norman T. Petow, 43 North Duke Street, York, PA., 17401. Operating rights sought to be transferred: *New furniture*, as a common carrier over irregular routes between Red Lion, Pa., on the one hand, and, on the other, Camden, N.J., and Baltimore, Md.; new furniture, uncrated, from Red Lion and Stewartstown, Pa., to Washington, D.C., Baltimore, Md., Columbus, Cincinnati, Cleveland and Pickerington, Ohio, Grand Rapids, Michigan, and to points in Massachusetts, Connecticut, New Jersey, New York, and Rhode Island; and from Railroad, Pa., to points in Illinois, Indiana, Ohio, and West Virginia, points in Virginia (except those within 15 miles of Washington, D.C.), and points in Michigan (except Grand Rapids); from Hellam, Red Lion, and Stewartstown, Pa., to points in Illinois, Indiana, and West Virginia, points in Virginia (except those within 15 miles of Washington, D.C.), points in Michigan (except Grand Rapids), and points in Ohio (except Cincinnati, Cleveland, Columbus, and Pickerington); and from Dallastown, Pa., to points in West Virginia and those in Virginia (except points within 15 miles of Washington, D.C.); and from Mt. Wolf, Pa., to points in Delaware, New Jersey, New York, Maryland, and the District of Columbia. Rejected shipments of new furniture, uncrated from the above-specified destination points to their respective origin points; new furniture, (over irregular routes) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland.

New furniture, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Pennsylvania; new furniture, between Philadelphia, Pa., on the one hand, and, on the other points in Maine, New Hampshire, Illinois, Indiana, North Carolina, South Carolina, Georgia, and Florida; uncrated new furniture and mattresses in cartons, from Philadelphia, Pa., to points in Virginia, West Virginia, and Ohio; new and used-furniture, between Wilkes-Barre, Pa., on the one hand, and, on the other, Washington, D.C., and points in Massachusetts, Maryland, Virginia, West Virginia, Connecticut, New York, New Jersey, North Carolina, and Florida; new furniture, from points in Pennsylvania, to points in Delaware, North Carolina, South Carolina, Georgia, and Florida, from points in York County, Pa., to points in Illinois and Indiana, from points in Maryland, to points in Maine, New Hampshire, New York, Delaware, Massachusetts, Connecticut, New Jersey, North Carolina, South Carolina, Georgia, and Florida, from points in New Jersey, to points in North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, from points in Massachusetts, Connecticut, and New York, to points in Maryland, Delaware, North Carolina, South Carolina, Georgia, and Florida, from points in North Carolina, to points in Maine, New Hampshire, New York, Massachusetts, Pennsylvania, Connecticut, New Jersey, and the District of Columbia; new furniture (except metal shelving), uncrated, from points in Pennsylvania, to points in Maryland, from points in Maryland, to points in Pennsylvania, West Virginia, Virginia, and the District of Columbia; from points in New Jersey, to points in Maryland, West Virginia, and Virginia; new furniture, from points in Pennsylvania to points in Connecticut, Massachusetts, New Jersey, New York, and Ohio. Also, gateway eliminations granted in Docket No. MC–61692 (Sub-No. E1). Vendee is authorized to operate as a common carrier in all 50 States. Application has not been filed for temporary authority.

No. MC–F–13254. Authority sought for purchase by UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, MA 01604, of a portion of the operating rights of Oneida Motor Freight, Inc., Commercial Avenue, Carlstadt, NJ 07072, and for acquisition by Joseph F. Russell and Anthony M. Russell, both of 9A Southwest Cutoff, Worcester, MA 01604, of control of such rights through the purchase. Applicant's attorney: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exception as a *common carrier* over regular routes between Albany, N.Y., and Buffalo, New York, serving all intermediate points, and the off-route points of Ontario, Sodus, Webster, Williamson, Hamlin, Hilton, and Hulloy, New York: From Albany over U.S. Highway 20 to junction unnumbered highway (formerly U.S. Highway 20), thence over unnumbered highway via Cherry Valley, New York, to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 5 at Auburn, New York, and thence over New York Highway 5 at Buffalo, and return over the same route;

From Albany over New York Highway 5 to Vernon, New York, thence over New York Highway 254 to junction New York Highway 31, thence over New York Highway 31 to Rochester, New York, thence over U.S. Highway 104 to Niagara Falls, New York, and thence over New York Highway 384 to Buffalo, and return over the same route. Vendee is authorized to operate as a common carrier in Delaware, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13260. Authority sought for control and merger by BECKER CORPORATION, P.O. Box 1050, El Dorado, KS., 67042, of C. E. Reynolds Transport, Inc., P.O. Box A, Joplin, MO., 64801, and for acquisition by Frank J. Becker P.O. Box 1050, El Dorado, KS., 67042, of control of such rights through the transaction. Applicants' attorney: T. M. Brown 223 Ciudad Bldg. Oklahoma City, OK., 73112. The operating rights sought to be controlled and merged are contained in certificates of public convenience and necessity under No. MC–114890 and subs authorizing the transportation of Anhydrous ammonia, nitrogen fertilizer solutions, aqua ammonia, methanol, and anti-freeze preparations, in bulk, in tank vehicles, nitrogen fertilizer solutions, in bulk, in tank vehicles, nitric acid, in bulk, in tank vehicles, phosphoric acid, in bulk, in stainless steel tank vehicles, Sulphuric and phosphoric acids, in bulk, in tank vehicles, Sulphuric and phosphoric acid, in bulk in tank vehicles, refined petroleum products, in bulk, lubricating oil, in containers petroleum products, in truckload lots, petroleum products, in bulk, in tank vehicles, nitric acid, in bulk, in tank vehicles, sulphuric acid, in bulk, in tank vehicles, and numerous other specified commodities, as a common carrier over irregular routes, from, to, and between specified points in Kansas, Missouri, Oklahoma, Arkansas, Texas, Tennessee, Alabama, Florida, Illinois Indiana, Kentucky, Louisiana Mississippi, Nebraska, Iowa, Nevada, Colorado, Wisconsin, Minnesota, North Dakota, South Dakota, New Mexico, Wyoming, Montana, Michigan, and Ohio, with certain restrictions, as more specifically described in Docket No. MC–114890 and subs thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a common carrier in the States of Kansas, Nebraska, Oklahoma, Texas, New Mexico, Colorado, Iowa, South Dakota, North Dakota, Montana, Idaho, Minnesota, Wisconsin, Illinois, Missouri, Arkansas, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13261. Authority sought for purchase by THE MICKOW CORP., P.O. Box 1774, Des Moines, IA., 50306 of the operating rights of Romans Drywall Express, Inc., R.R. 1, Yutan, NB and for acquisition by Double-D Systems Corporation, P.O. Box 1774, Des Moines, IA., 50306 of control of such rights through the purchase. Applicants' attorneys: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA., 50309; and Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NB., 68106. Operating rights sougth to be transferred: Plasterboard, plaster, and plaster products as a common carrier over irregular routes from points within 10 miles of Fort Dodge, Iowa to points in Nebraska; gypsum and gypsum products, and materials and supplies used in the installation and distribution thereof (except in bulk), from the plantsite and storage facilities of Georgia-Pacific Corporation, at or near Fort Dodge, Iowa to points in South Dakota, Nebraska, Kansas, Missouri, and Illinois. Vendee is authorized to operate as a common carrier in Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13262. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Box 151, Gerald, MO., 63037, of the operating rights of John Kleffner, d.b.a. Iberia Transfer Co., Box 44, Iberia, MO., 65486, and for acquisition by Olin Flottmann, P.O. Box 151, Gerald, MO., 63037, of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO., 63101. Operating rights sought to be transferred: Animal feed, animal feed ingredients, and fertilizers, in bags, as a common carrier over irregular routes from East St. Louis, Ill., to Argyle, Mo., with no transportation for compensation on return except as otherwise authorized; fertilizers, in bags, from East St. Louis, Ill., to Vienna, Mo., with no transportation for compensation on return except as otherwise authorized; General commodities, with exception as a common carrier over regular routes between Iberia, MO., and East St. Louis, Ill., and the intermediate and off-route points of Crocker, Mo., and National Stock Yards, Ill., those within 12 miles of Iberia, and those within 12 miles of Crocker; petroleum products, in containers, from Roxana, and Wood River, Ill., to East St. Louis, Ill., from Roxana over unspecified highways to Wood River, thence over Alternate U.S. Highway 67 to junction U.S. Highway 66, and thence over U.3. Highway 66 to East St. Louis; and empty containers for petroleum products, from East St. Louis, Ill., to Wood River, and Roxana, Ill., from East St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to Wood River, and thence over unspecified highways to Roxana; General commodities, with exceptions as a common carrier over irregular routes between Iberia, Mo., and Springfield, Mo., with restrictions; General commodities with exceptions as a common carrier over regular routes between Kansas City, Mo., and Richland, Mo., serving the intermediate points of Iberia, Crocker, and Swedeborg, Mo., and serving Brumley, Ulman, Hancock, and Dixon, Mo., as off-route points, with restrictions. Vendee is authorized to operate as a common carrier in Missouri, Illinois, Kansas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, Ohio, Arkansas, Indiana, Iowa, Nebraska, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13263. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Box 151, Gerald, MO., 63037, of the operating rights of Steve J. Bure, d.b.a. Iberia Express, Box 81, Iberia, MO., 65486, and for acquisition by Olin Flottmann, P.O. Box 151, Gerald, MO., 63037, of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO., 63101. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over irregular routes between Iberia, Mo., and Springfield, Mo., with restrictions. Vendee is authorized to operate as a common carrier in Missouri, Illinois, Kansas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, Ohio, Arkansas, Indiana, Iowa, Nebraska, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13265. Authority sought for purchase by EAST TEXAS MOTOR FREIGHT LINES, INC., d.b.a. ETMF FREIGHT SYSTEM, 2355 Stemmons Freeway, Dallas, TX., 75207, of a portion of the operating rights of Hemingway Transport, Inc., 438 Dartmouth, New Bedford, MA., 02740, and for acquisition by H. R. Bright, individually, and as executor and trustee of the estate of Mary Frances Smith Bright, deceased, and H. G. Schiff, both of 2355 Stemmons Freeway, Dallas, TX., 75207, of control of such rights through the purchase. Applicants' attorneys: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX., 75202, Ray Chesney, East Texas Motor Freight Lines, Inc., 2355 Stemmons Freeway, Dallas, TX., 75207, and David G. Macdonald, 1000 16th St., N.W., Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier over regular routes between Waynesville, N.C., and Wilmington, N.C.; between Lumberton, N.C., and Bolton, N.C.; between Statesville, N.C. and Salisbury, N.C.; between Smithfield, N.C. and Beaufort, N.C.; between Winston-Salem, N.C. and Greensboro, N.C.; between Charlotte, N.C. and Washington, N.C.; between Sanford, N.C. and Fayetteville, N.C.; between Fayetteville, N.C. and Junction N.C. Highway 87 and U.S.

Highway 74; between Greensboro, N.C. and Sanford, N.C.; between Clinton, N.C., and Camden, S.C.; between Spartanburg, S.C., and Camden, S.C.; between Mocksville,

commodities in general (except petro-

451 (1976), any protests may include a DIXON LINES, INC., Eastman Road, between points in Ohio, West Virginia,

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Highway 74; between Greensboro, N.C. and Sanford, N.C.; between Clinton, N.C., and Wilmington, N.C.; between Fayetteville, N.C., and Greenville, N.C.; between Junction U.S. Highways 64 and 264 and Wilson, N.C.; between junction U.S. Highway 64 and North Carolina Highway 97, and Greenville, N.C.; between junction U.S. Highway 64 and 13, and Williamston, N.C.; between Hickory, N.C., and Statesville, N.C.; between Raleigh, N.C., and Carrboro, N.C.; between Asheville, N.C., and Burnsville, N.C.; between Raleigh, N.C., and Elizabethtown, N.C.; between Winston-Salem, N.C., and Asheboro, N.C.; between Westminster, S.C., and Wilmington, N.C.; between Asheville, N.C., and North Augusta, S.C.; between Hendersonville, N.C., and Charleston, S.C.; between Charlotte, N.C. and Anderson, S.C.; between Winston-Salem, N.C., and junction U.S. Highway 25 and South Carolina Highway 121; between Statesville, N.C., and junction U.S. Highway 21 and North Carolina Highway 150; between Rock Hill, S.C., and Hardeeville, S.C.; between Columbia, S.C., and Hardeeville, S.C.; between junction U.S. Highway 70 and North Carolina Highway 16 and Charlotte, N.C.; between Monroe, N.C., and Charleston, S.C.;

Between Lincolnton, N.C. and Charlotte, N.C.; between Fineville, N.C., and junction U.S. Highways 15 and 175; between Greensboro, N.C., and junction U.S. Highways 220 and 74; between junction U.S. Highways 1 and 74, and Darlington, S.C.; between junction U.S. Highways 52 and 301 and junction U.S. Highways 17A and 17; between Raleigh, N.C. and North Augusta, S.C.; between Fayetteville, N.C. Sumpter, S.C.; between junction U.S. Highway 401 and North Carolina Highway 210, and Fayetteville, N.C.; between Smithfield, N.C. and Fayetteville, N.C.; between Lumberton, N.C. and Junction U.S. Highway 301 and U.S. Highway 76; between junction U.S. Highways 301 and 15, and Allendale, S.C.; between junction U.S. Highway 158 and North Carolina Highway 48, and Rocky Mount, N.C.; between Norlina, N.C. and junction North Carolina Highway 39 and U.S. Highway 301; between junction U.S. Highways 301 and 701, and Clinton, N.C.; between Elizabethtown, N.C. and Georgetown, S.C.; between Junction U.S. Highway 158 and N.C. Highway 39 and Junction N.C. Highway 39 and U.S. Highway 401; between New Bern, N.C. and Hardeeville, S.C.; between Georgetown, S.C., and junction U.S. Highways 17 and 17A; between Burham, N.C. and Pittsboro, N.C.; between Laurinburg, N.C. and Junction U.S. Highway 501 and U.S. Highway 301; between junction U.S. Highways 301 and 501, and Myrtle Beach, S.C.; between North Augusta, S.C., and Charleston, S.C.; between McCormick, S.C., and Conway, S.C.; between Abbeville, S.C., and Nichols, S.C.; between North Augusta, S.C., and Yemassee, S.C.; between Greenville, S.C., and Clemson, S.C.; Between Easley, S.C., and Clemson, S.C.; between Darlington, S.C., and Camden, S.C.; between Spartanburg, S.C., and Camden, S.C.; between Mocksville, N.C., and Cheraw, S.C.; between Greer, S.C., and Laurens, S.C.; between Darlington, S.C., and Society Hill, S.C.; between Hardeeville, S.C., and Garden Corners, S.C.; between Fair Play, S.C., and Anderson, S.C.; serving all points in North Carolina and South Carolina as intermediate and off-route points in connection with the routes described above; *General commodities*, with exceptions as a common carrier over regular routes between Atlanta, Ga., and Westminster, S.C.; between Atlanta, Ga., and Anderson, S.C.; between junction U.S. Highway 29 and Georgia Highway 72 and Abbeville, S.C.; between Atlanta, Ga., and McCormick, S.C.; between Atlanta, Ga., and junction U.S. Highways 78 and 378;

Between junction U.S. Highway 278 and Georgia Highway 44, and North Augusta, S.C.; between Atlanta, Ga., and Hardeeville, S.C.; between Warrenton Ga., and Savannah, Ga.; serving Augusta, Savannah, and Atlanta, Ga., and points in South Carolina as intermediate and off-route points in connection with the eight routes described next above, with restrictions; *General commodities*, with exceptions as a common carrier over irregular routes, between points in North Carolina and South Carolina; between points in North Carolina and South Carolina, on the one hand, and, on the other, Augusta and Savannah, Ga.; between Atlanta, Ga., on the one hand, and, on the other, points within 15 miles of Atlanta; between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Augusta and Savannah, Ga., and points in North Carolina and South Carolina, with restrictions. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Nebraska, New Mexico, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13266. Authority for purchase by THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, TN., 37662, of the operating rights of J. W. Craig d.b.a. City Transfer & Storage Co., P.O. Box 10107, Rock Hill, S.C., 29730, and for acquisition by E. William King, P.O. Box 969, Kingsport, TN., 37662, John R. King, P.O. Box 969, Kingsport, TN., 37662, and M. K. Norris, 1400 Belmeade Place, Kingsport, TN., 37660, of control of such rights through the transaction. Applicants' attorney: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C., 20014. The operating rights sought to be acquired are contained in a certificate of registration in Docket No. MC-120165 (Sub-No. 1) authorizing the transportation of commodities in general (except petroleum products in bulk in tank trucks, high explosives and other dangerous commodities, and household goods, over irregular routes, between points and places in York County, South Carolina, and between points and places in York County and points and places in South Carolina. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a (b). Note: MC-59583 (Sub-No. 163) is a directly related matter.

NOTICE

Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California 90071, and the Anaconda Company, 1271 Avenue of the Americas, New York, New York 10020, represented by Fritz R. Kahn, Verner, Liipfert, Bernhard and McPherson, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036, hereby give notice that on the 17th day of June, 1977, they filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of the Atlantic Richfield Company and the Anaconda Company to acquire control of the Butte, Anaconda & Pacific Railway Company and the Tooele Valley Railway Company, which application is assigned Finance Docket No. 28490.

The nature of the proposed transaction is for the acquisition of control of Butte, Anaconda & Pacific Railway Company and Tooele Valley Railway Company, carriers subject to Part I of the Interstate Commerce Act, by the Atlantic Richfield Company and The Anaconda Company, which are not carriers.

The Butte, Anaconda & Pacific Railway Company operates 45.872 miles of railroad within Montana, including 25.295 miles between Butte and Anaconda. It renders freight service only, connecting with the BN and MILW at Butte, the MILW at Rocker and the BN, MILW and UP at Silver Bow. The Tooele Valley Railway Company operates 7 miles of railroad within Utah, between Warner and International. It renders freight service only connecting with the UP and WP at Warner.

In the opinion of the applicants, Atlantic Richfield Company and the Anaconda Company, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28490 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

ATLANTIC RICHFIELD CO., ANACONDA CO. OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before August 8, 1977. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 59583 (Sub-No. 163), filed June 14, 1977. Applicant: THE MASON AND DIXON LINES, INC., Eastman Road, Post Office Box 969, Kingsport, Tenn. 37662. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in York County, S.C.; and between points in York County, on the one hand, and, on the other, points in South Carolina.

NOTE.—Common control may be involved. This application is directly related to the application simultaneously filed in docket No. MC-F-13266. By this application, Mason and Dixon seeks to convert the certificate of registration issued City Transfer & Storage Co. in MC 120165 (Sub-No. 1) to one of public convenience and necessity. If a hearing is deemed necessary, applicant requests that it be held at Columbia, S.C. Notice of the filing of the application docketed at MC-F-13266 appears in a prior section of this FEDERAL REGISTER issue.

No. MC 121420 (Sub-No. 8), filed June 13, 1977. Applicant: DART TRUCKING CO., INC., 61 Railroad Street, P.O. Box 158, Canfield, Ohio 44406. Applicant's representative: Paul F. Beery, Paul F. Beery Co., L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, between Atwater, Ohio, on the one hand, and, on the other, points in Ohio; (2) *coal, builders supplies, farm equipment, farm supplies, farm commodities, lumber, logs, and sawmill equipment*, between Portage County, Ohio, on the one hand, and, on the other, points in Ohio; (3) *lumber, logs and sawmill equipment*, between Columbiana, Mahoning, Trumbull, Stark, and Summit Counties, Ohio, on the one hand, and, on the other, points in Ohio; (4) such *bulk commodities* as are transported in dump trucks, (a) between Summit, Stark, and Wayne Counties, Ohio, within 50 miles of Toronto, Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia, within 50 miles of Toronto, Ohio, and points in Mercer County, Pa., (b) between points in Ashtabula County, Ohio, north and east of a line beginning at the Ohio-Pennsylvania state line and extending west along U.S. Highway 20 to its intersection with Ohio Highway 45, thence along Ohio Highway 45 to the shores of Lake Erie, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia, within 50 miles of Toronto, Ohio, (3) between points in Mahoning and Columbiana Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania, and West Virginia, within 50 miles of Toronto, Ohio, and points in Mercer County, Pa., (d) between points in Mercer County, Pa., and points in Ashtabula, Mahoning, Trumbull, Columbiana, and Portage Counties, Ohio, on the one hand, and, on the other, points in Ohio, (e) between points in Ohio, West Virginia, and Pennsylvania, within 50 miles of Toronto, Ohio, on the one hand, and, on the other, points in Ohio, (f) between points in Guernsey, Noble, Monroe, Belmont, Wayne, Holmes, Coshocton, Tuscarawas, Carroll, Harrison, and Jefferson Counties, Ohio; and Marshall, Wetzel, Hancock, Ohio, and Brooke Counties, W. Va., within 50 mies of Toronto, Ohio, on the one hand, and, on the other, points in Mercer County, Pa., and points in Ashtabula, Mahoning, Trumbull, Columbiana, and Portage Counties, Ohio, (g) between points in Lawrence, Beaver, Allegheny, Washington, Greene, Westmoreland, Fayette, Butler, and Armstrong Counties, Pa. on the one hand, and, on the other, points in Ohio, (h) between points in Mercer County, Pa., on the one hand, and, on the other, points in Ohio and points in West Virginia and Pennsylvania, within 50 miles of Toronto, Ohio (elimination in part (4) of Ohio and Mercer County, Pa. gateways);

(5) *Limestone and limestone products, insecticides, herbicides, fungicides, fertilizer, and fertilizer ingredients and materials* (other than such commodities in bulk liquid form), *and iron-bearing agglomerates*, (a) from Mahoning Township, Lawrence County, Pa., to points in Ohio, (b) from points in Ohio to points in West Virginia and points in Ohio on and east of U.S. Highway 23, restricted against the transportation of the above-named commodities, in bulk, to points in West Virginia and points in that part of Ohio on and north of the southern boundaries of Franklin, Licking, Muskingum, Noble, and Monroe Counties, Ohio (elimination in part (5) of Atwater, Ohio, gateway); (6) *Limestone and limestone products, fungicides, fertilizer, and fertilizer ingredients and materials*, in bulk, in dump vehicles, from Lawrence County, Pa., to points in Ohio, Pennsylvania, and West Virginia within 50 miles of Toronto, Ohio (elimination in (6) of Ohio gateways); (7) *Iron bearing fines*, as are usually transported in dump vehicles, (a) from points in Ohio, Pennsylvania, and West Virginia within 50 miles of Toronto, Ohio, to Mahoning Township, Lawrence County, Pa. (elimination of southern Ohio and Atwater, Ohio, gateways); (b) from Lucas County, Ohio, east of U.S. Highway 23 to points in Ohio, Pennslvania, and West Virginia within 50 miles of Toronto, Ohio (elimination in (7)(b) of Atwater and Columbiana County, Ohio, gateways); (8) *lime* (a) from Branchton, Pa., to points in Ohio, and (b) from Branchton, Pa., to points in Pennsylvania and West Virginia within 50 miles of Toronto, Ohio (elimination in (8) of Atwater and Ohio gateways); (9) *coal*, in bulk, in dump vehicles, (a) from points in Clay and Laurel Counties, Ky., and the facilities of Perry Brothers Coal Co., located in Mercer County, Pa., to points in Mercer County, Pa., and points in Ohio, Pennsylvania, and West Virginia, within 50 miles of Toronto, Ohio, (b) from points in Ohio, Pennsylvania, and West Virginia within 50 miles of Toronto, Ohio, to points

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in the lower peninsula of Michigan, restricted against the transporta- ate as a *common carrier*, by motor vehicle, of *general commodities*, with certain pertinent service route as follows: From

580 at Dublin; (13) Interstate 680 be- ville, inclusive. In performing the service westerly along White Road to McKee Road;

in the lower peninsula of Michigan, restricted against the transportation of traffic moving to Canada, (c) from points in Mercer County, Pa.; and points in Ashtabula, Mahoning, Trumbull, Columbiana, and Portage Counties, Ohio, to points in the lower peninsula of Michigan, (d) from points in Mercer County, Pa.; and Ashtabula, Mahoning, Trumbull, Columbiana, and Portage Counties, Ohio, to points in Pennsylvania (except points in Butler, Crawford, Venango, Armstrong, Indiana, Westmoreland, Washington, Greene, Fayette, Somerset, Mercer, Lawrence, Beaver, Clarion, and Allegheny Counties), (e) from points in Ohio, Pennsylvania, and West Virginia within 5 miles of Toronto, Ohio, to points in Pennsylvania (except points in Butler, Crawford, Venango, Armstrong, Indiana, Westmoreland, Washington, Greene, Fayette, Somerset, Mercer, Lawrence, Beaver, Clarion, and Allegheny Counties) (elimination in part (9) of Ohio gateways):

(10) *Coal, builders supplies, farm supplies, farm commodities, lumber and logs,* as are usually transported in dump trucks, (a) between points in Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia, within 50 miles of Toronto, Ohio, including Toronto, and (b) between points in Ohio, on the one hand, and, on the other, points in Mercer County, and points in Ashtabula, Trumbull, Mahoning, Columbiana, and Portage Counties, Ohio (elimination in (10) of Atwater, Ohio gateway).

NOTE.—The purpose of parts (1), (2), and (3) is to convert a certificate of registration to a certificate of public convenience and necessity. The purpose of parts (4) through (10) is to eliminate gateways in Ohio and Mercer County, Pa., pursuant to Ex Parte 55 (Sub-No. 8), Gateway Elimination, 119 M.C.C. 530 (1974). If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio. This application is directly related to a finance matter in MC-F-13258 which was noticed in the FEDERAL REGISTER issue of June 30, 1977.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTORS CARRIERS OF PROPERTY

No. MC 3054 (Deviation No. 17), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed June 22, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Michigan City, Ind., over U.S. Highway 421 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 30 near Tama, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Michigan City, Ind., over U.S. Highway 20 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 53, thence over Illinois Highway 53 (formerly Alternate U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 14, thence over Iowa Highway 14 to Marshalltown, Iowa, and return over the same route.

No. MC 52752 (Deviation No. 4), WESTERN TRANSPORTATION CO., 1300 W. 35th Street, Chicago, Ill. 60609, filed June 27, 1977. Carrier's representative: Edward Bazelon, 39 S. LaSalle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cedar Rapids, Iowa, over Iowa Highway 149 to Homestead, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cedar Rapids, Iowa, over U.S. Highway 218 to Iowa City, Iowa, thence over U.S. Highway 6 to Homestead, Iowa, and return over the same route.

No. MC 11231 (Deviation No. 60), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed June 24, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From El Dorado, Ark., over U.S. Highway 167 to junction Interstate Highway 20 near Ruston, La., thence over Interstate Highway 20 (using portions of U.S. Highway 80 where Interstate Highway 20 is not completed) to junction Interstate Highway 20 By-Pass and U.S. Highway 80 north and east of Vicksburg, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From El Dorado, Ark., over U.S. Highway 82 to junction U.S. Highway 61 near Leland, Miss., thence over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 By-Pass, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57339, amendment filed June 3, 1977. Applicant: MERRILL E. WOLKINS, doing business as California Mail Delivery Service, P.O. Box 77132, San Francisco, Calif. 94577. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, as follows: (A) Between all points in the San Francisco Territory as described in Note A. (B) between all points on and within the following routes: (1) U.S. Highway 101, between San Francisco and Sausalito, inclusive; (2) Interstate Highway 80, between San Pablo and Crockett, inclusive; (3) unnumbered road and route between Crockett and Martinez, inclusive; (4) unnumbered road and route between Martinez and Pittsburg, inclusive; (5) unnumbered road and route between Pittsburg and Antioch, inclusive; (6) State Highway 4 between Antioch and the Willow Pass Road intersection, inclusive; (7) Willow Pass Road between the intersection of Highway 4 and the intersection of Interstate Highway 680, inclusive; (8) State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive; (9) Monument Boulevard between its intersection with State Highway 24 and its intersection with Willow Pass Road, inclusive; (10) State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive; (11) State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (12) Interstate Highway 680 between its intersection with State Highway 24 and its intersection with Interstate Highway 580 at Dublin; (13) Interstate 680 between its intersection with Interstate Highway 580 at Dublin and its intersection with Bernal Ave., inclusive; (14) Bernal Avenue between its intersection with Interstate Highway 680 and the City of Pleasanton, inclusive; and

(15) Interstate Highway 680 between its intersection with Interstate Highway 580 at Dublin and its intersection with State Highway 238 at Mission San Jose. (C) Through routes and rates may be established between any and all points specified in paragraphs A and B above. (D) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served. (E) From all points and places within the San Francisco Territory (See Note A), on the one hand, to all points and places on or within 10 lateral miles of the following routes, on the other hand: (1) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (2) State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive; (3) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (4) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 198, inclusive; (5) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (6) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (7) State Highway 99 between Sacramento and Tulare, inclusive; (8) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (9) State Highway 33 between its intersection with State Highway 152 at the Dos Palos Wye and its intersection with Interstate Highway 5, via Firebaugh, inclusive; (10) State Highway 180 between its intersection with State Highway 99, inclusive; and

(11) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99, inclusive; (12) U.S. Highway 101 between its intersection with Tully Road at San Jose and Salinas; (13) State Highway 17 between its intersection with Los Gatos-San Jose Road at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (14) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, (15) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive; (16) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; and (17) State Highway 152 between its intersection with U.S. Highway 101 at Gilroy and its intersection with State Highway 1 at Watsonville, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service, (except that pursuant to the authority herein granted carrier shall not transport any shipments of:

(1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcase, overnight or boston bags, brief cases, hat boxes, valises, traveling bags trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). (2) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (3) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (4) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. (5) Logs. (6) Articles of extraordinary value. (7) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; and (8) Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials.) In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

NOTE A.—San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82, southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road, southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Ave.; easterly along W. Parr Ave.; to Capri Drive; southerly along Capri Drive to Division St.; easterly along Division St.; to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Ave. (formerly San Jose-Los Gatos Road), northeasterly along South Bascom Ave. to Foxworthy Ave.; easterly along Foxworthy Ave. to Almaden Road; southerly along Almaden Road to Hillsdale Ave.; easterly along Hillsdale Ave.; to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Ave.; northwesterly along Capitol Ave.; to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs, northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Ave.; easterly along Seminary Ave.; to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Ave.; northerly along College Ave.; to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Ave.; northerly along Euclid Ave.; to Marin Ave.; westerly along Marin Ave.; to Arlington Ave.; northerly along Arlington Ave.; to San Pablo Ave.; (State Highway 123); northerly along San Pablo Ave.; to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market St.; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

Hearing.—Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Ave., San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A 55339, 2nd Amendment filed June 30, 1977. Applicant: WEBSTER DELIVERY SERVICE, INC., 6360 S. Greenwood, City of Commerce, Calif. 90022, Applicant's representative: Levin & Oberman Incorporated, 3550 Wilshire Blvd., No. 1420 Los Angeles, Calif. 90010. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities;* however the following commodities shall *not* be transported: (a) Used household goods and personal effects not packed in accordance with the crated property requirements as set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (b) liquids, compressed gases, commodities in semiplastic form or commodities in suspension; liquids in bulk in tank trucks, tank trailers or tank and semi-trailers or a combination of such highway vehicles. (c) commodities when transported in motor vehicles equipped for mechanical mixing transit. (d) articles of extraordinary value; and (e) automobiles, trucks or buses, new or used, finished or unfinished, viz.: passenger automobiles (including jeeps); ambulances; hearses; taxies; freight automobiles; automobile trucks and trailers combined; buses or bus chassis. Such general commodities are to be transported in the area known as the Los Angeles Basin Territory, which includes that area embraced by the boundary more fully described in the attached which is incorporated herein by this reference.

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point Ventura Drive; southwesterly along La Cadena Drive to Iowa Ave.; southerly along Iowa Ave.; to U.S. Highway No. 60; southwest-

Hearing.—Date, time and place not yet fixed. Requests for procedural information should be addressed to this pub-

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Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence north easterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Ave.; northeasterly along McClay Ave.; and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Ave.; westerly along Brookside Ave.; to Barton Ave.; westerly along Barton Ave.; and its prolongation to Palm Ave.; westerly along Palm Ave.; to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Ave.; southerly along Iowa Ave.; to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Ave.; southerly along San Jacinto Ave.; to State Highway No. 74.

Westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Ave.; southerly Washington Ave.; through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line, westerly along boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

Hearing.—Date, time and place not yet fixed. Requests for procedural information should be addressed to the public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Ave., San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 770469–CCT, filed June 14, 1977. Applicant: LIGHTNING TRUCKING COMPANY, 645 North Lane Ave., Jacksonville, Fla. 32205. Applicant's representative: O. C. Beakes, 1409 Barnett Bank Building, Jacksonville, Fla. 32202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Jacksonville, Fla., and its commercial zone. Intrastate, interstate and foreign commerce authority sought.

Hearing.—Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77–15354 Filed 7–7–77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Commission on Civil Rights.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 34403, July 5, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 8, 1977, 7–10 p.m.

CHANGES IN THE MEETING: Time of meeting is changed to 4–10 p.m.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit (202–254–6697).

[S–833–77 Filed 7–6–77;10:02 am]

2

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, July 12, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) *Freedom of Information Act Appeal No. 77–4FOIA–97.* Request, by an attorney representing an employer charged with discrimination, for an affidavit submitted to the Commission by the party filing the charge of discrimination.

(2) *"Bona fide" seniority systems.* Recommendations concerning the appropriate interpretation of recent U.S. Supreme Court decisions defining the application of title VII to "bona fide" seniority systems.

(3) Review of procedures for seeking temporary restraining orders

Portions closed to the public:

(1) *Litigation authorization; general counsel recommendations.* Matters closed to the public under § 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

(2) *Audit Report No. EEO–77–460–20–015 of EEOC Financial Services Division for fiscal year 1975; resolution of Anti-Deficiency Act question.* The Commission will consider an opinion and recommendation submitted by the General Counsel.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202–634–6748.

This notice issued July 5, 1977.

[S–834–77 Filed 7–6–77;11:55 am]

3

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, July 13, 1977, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S–830–77 Filed 7–5–77;4:22 pm]

4

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: July 13, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Agreement Nos. 8054–15 and 9502–10: Modification of the South and East Africa/U.S.A. Conference and the United States/South and East Africa Conference Agreements—Miscellaneous amendments regarding membership requirements and authorization of Chairman to file amendments.

2. Agreement No. 10261; the U.S. South Atlantic/Spanish, Portuguese, Moroccan, and Mediterranean Rate Agreement, and Agreement No. 134–39; modification of the Gulf/Mediterranean Ports Conference—Creation of new rate agreement and limitation of existing agreement to prevent overlap.

3. Agreement No. 9847–3—Pooling, sailing, and equal access to government-controlled cargo agreement—U.S. Atlantic Coast to Brazil—Proposed extension and miscellaneous amendments.

4. Agreement No. 10028–5—Pooling and sailing agreement in the northbound trade from Brazilian ports to U.S. Atlantic Coast ports—Proposed extension and miscellaneous amendments.

5. Petition for order requiring Sea-Land Service, Inc., to withdraw embargo notice and to carry cargo in accordance with current tariffs (U.S./Puerto Rico Trade).

6. Notice of intent to make an environmental assessment: Docket No. 76–41—Berthing of Seatrain vessels in San Juan, Puerto Rico.

7. Special Docket No. 512—*Corning Glass Works* v. *North Atlantic Continental Freight Conference*—Review of initial decision.

8. Sergio E. Vasques (FMC License No. 1635)—Qualification for license as independent ocean freight forwarder.

9. Special Docket No. 491—*Munoz y Cabrero* v. *Sea-Land Service, Inc.*—Review of initial decision.

10. Docket No. 77–2—*Sun Company, Incorporated* v. *Lykes Bros. Steamship Company, Incorporated*—Review of initial decision.

11. Docket No. 77–24—Financial responsibility for oil pollution—final rules.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202–523–5727).

[S–831–77 Filed 7–5–77;4:22 pm]

5

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 11, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, July 12, 1977, at 10 a.m. and immediately following the open meeting on Thursday, July 14, 1977. Open meetings will be held on Tuesday, July 12, 1977, at 2:30 p.m. and on Thursday, July 14, 1977, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)A, and (10) and 17 CFR 200.402(a), (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Pollack, and Evans voted to

The subject matter of the open meeting scheduled for Tuesday, July 12, 1977,

1. Oral argument in support of American Bakeries Company's application pursuant to

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Chairman Williams and Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 12, 1977, will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of administrative proceedings.
Referral of investigative files to Federal, State, or Self-Regulatory authorities.
Regulatory matters arising from or bearing enforcement implications.
Other litigation matters.
Matters relating to issuer registration statements, proxies, tender offers, etc.
Personnel matters.
Freedom of Information Act appeal.

The subject matter of the open meeting scheduled for Tuesday, July 12, 1977, at 2:30 p.m. will be:

1. Consideration by the Commission of a recommendation that it issue for public comment (1) a revised version of proposed Rule 206(4)–4 under the Investment Advisers Act of 1940, which would require investment advisers to deliver to their clients and prospective clients certain information about the adviser, (2) a revised and expanded Form ADV, the investment adviser registration form, and (3) a proposed form to be filed annually by investment advisers disclosing whether the adviser is still in business.

The subject matter of the open meeting scheduled for Thursday, July 14, 1977, at 2:30 p.m. will be:

1. Oral argument in support of American Bakeries Company's application pursuant to section 6(c) of the Investment Company Act of 1940 for an exemption from provisions of section 17(a)(2) of the Act.

The subject matter of the closed meeting scheduled for Thursday, July 14, 1977 immediately following the 2:30 p.m. open meeting will be:

Post-oral argument discussion.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. Horn (202–755–1563) or Edward A. Scallet (202–376–8025).

JULY 5, 1977.

[S-832-77 Filed 7-5-77;4:22 pm]

federal register

FRIDAY, JULY 8, 1977

PART II

DEPARTMENT OF STATE

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

DEPARTMENT OF STATE

[Public Notice 553]

except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

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DEPARTMENT OF STATE

[Public Notice 553]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (P.L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Government of Italy, and are published herewith.

Dated: July 1, 1977.

ALBERT L. ZUCCA,
Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: _____

Application No. For Use of Issuing Office EC(ET)-77-0009

State: ITALY

1. Name of Vessel GABRIELLA C
2. Vessel No.: Hull No. _____ Registration No. 905
3. Name and Address of Owner
   Name F.LLI CEFALU' FRANCESCO PAOLA E GIUSEPPE
   Address via Onorato, 4,
   90139 Palermo
   Cable Address _____
   Name and Address of Charterer _____
4. Homeport and State of Registry: Palermo
5. Type of Vessel Stern Trawler
6. Tonnage (Gross) 1325.98 (Net) 651.24
7. Length 71.15 M. 8. Breadth 11.52 M. 9. Draft 6.02 M.
10. Horsepower 1910 shp. 11. Maximum Speed 13 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
    Other _____
13. Date Built 1971
14. Number and Nationality of Personnel 32 persons, Italy
    Officers 10 Crew 22 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ),
    Other _____
    International Radio Call Sign IKUJ
    Radio Frequencies Monitored 24, 77
    Other Working Frequencies _____
    Schedule _____

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: _____

Application No. For Use of Issuing Office EC(ET)-77-0010

State: ITALY

1. Name of Vessel AMORUSO SESTO
2. Vessel No.: Hull No. _____ Registration No. 170
3. Name and Address of Owner
   Name Amoruso Michele & Figli
   Address Molo Pizzoli 70123
   Cable Address Amopesca Bari
   Name and Address of Charterer _____
4. Homeport and State of Registry: BARI
5. Type of Vessel Stern Trawler
6. Tonnage (Gross) 833.89 (Net) 369
7. Length 62.73 M. 8. Breadth 10.42 M. 9. Draft 3.94 M.
10. Horsepower 2000 shp. 11. Maximum Speed 13 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
    Other _____
13. Date Built 1970
14. Number and Nationality of Personnel 30 persons, Italy
    Officers 10 Crew 20 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ),
    Other _____
    International Radio Call Sign IKRS
    Radio Frequencies Monitored 2182
    Other Working Frequencies _____
    Schedule _____
16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (X), Fathometer (X),
    Other _____
17. Cargo Capacity (MT) 600 TONS
    Salted Fish _____ Freezer
    Fresh Fish _____ Dry Hold
    Frozen Fish 600 Tanks
    Fish Meal _____ Other
    Other _____
18. Cargo Space Number _____
19. Processing Equipment (Indicate daily capacity,MT) _____
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Atlantic (5 and 6)	1977	Squid Butterfish Mackerel Other finfish	500	Bottom and mid-water trawls

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    International Trading and Shipping Agency
    25 Broadway
    New York, New York

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ),
    Decca (X), Navsat ( ), Radar (x), Fathometer (x),
    Other _____
17. Cargo Capacity (MT) 600 TONS
    Salted Fish _____ Freezer
    Fresh Fish _____ Dry Hold
    Frozen Fish 600 Tanks
    Fish Meal _____ Other
    Other _____
18. Cargo Space Number _____
19. Processing Equipment (Indicate daily capacity,MT) _____
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Atlantic (5 and 6)	1977	Squid Butterfish Mackerel Other finfish	500	Bottom and mid-water trawls

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    International Trading and Shipping Agency
    25 Broadway
    New York, New York

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16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca (X), Navsat ( ), Radar (x), Fathometer (x), Other _____

17. Cargo Capacity (MT) 500 tons

18. Cargo Space

	Number	Name
Salted Fish		Freezer
Fresh Fish		Dry Hold
Frozen Fish	500	Tanks
Fish Meal		Other
Other		

19. Processing Equipment (Indicate daily capacity,MT)

_____

_____

_____

_____

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contenplated Catch (MT)	Gear to be Used
Atlantic (5 and 6)	1977	Squids, Mackerel, Other finfish	400	Bottom and mid-water trawls

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

International Trading and Shipping Agency

25 Broadway

New York, New York

[FR Doc.77-19392 Filed 7-7-77;8:45 am]

federal register

FRIDAY, JULY 8, 1977

PART III

ENVIRONMENTAL PROTECTION AGENCY

AIR QUALITY

Recommended Policy on Control of Volatile Organic Compounds

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 729–5]

AIR QUALITY

Recommended Policy on Control of Volatile Organic Compounds

PURPOSE

The purpose of this notice is to recommend a policy for States to follow on the control of volatile organic compounds (VOC), which are a constituent in the formation of photochemical oxidants (smog). This notice does not place any requirements on States; State Implementation Plan (SIP) provisions which offer reasonable alternatives to this policy will be approvable. However, this policy will be followed by EPA whenever it is required to draft State Implementation Plans for the control of photochemical oxidants.

BACKGROUND

Photochemical oxidants result from sunlight acting on volatile organic compounds (VOC) and oxides of nitrogen. Some VOC, by their nature, start to form oxidant after only a short period of irradiation in the atmosphere. Other VOC may undergo irradiation for a longer period before they yield measurable oxidant.

In its guidance to States for the preparation, adoption, and submittal of State Implementation Plans published in 1971, the Environmental Protection Agency emphasized reduction of total organic compound emissions, rather than substitution. (See 40 CFR Part 51, Appendix B.) However, in Appendix B, EPA stated that substitution of one compound for another might be useful where it would result in a clearly evident decrease in reactivity and thus tend to reduce photochemical oxidant formation. Subsequently, many State Implementation Plans were promulgated with solvent substitution provisions similar to Rule 66 of the Los Angeles County Air Pollution Control District. These regulations allowed exemptions for many organic solvents which have now been shown to generate significant photochemical oxidant.

On January 29, 1976, EPA published its "Policy Statement on Use of the Concept of Photochemical Reactivity of Organic Compounds in State Implementation Plans for Oxidant Control." The notice of availability of this document appeared in the FEDERAL REGISTER on February 5, 1976 (41 FR 5350).

The 1976 policy statement emphasized that the reactivity concept was useful as an interim measure only, and would not be considered a reduction in organic emissions for purposes of estimating attainment of the ambient air quality standard for oxidants. The document also included the following statement:

> Although the substitution portions of Rule 66 and similar rules represent a workable and acceptable program at the present time, better substitution regulations can be developed, based on current knowledge of reactivity and industrial capability. EPA in collaboration with State and industry representatives will formulate in 1976 an improved rule for national use.

SUMMARY

Analysis of available data and information show that very few volatile organic compounds are of such low photochemical reactivity that they can be ignored in oxidant control programs. For this reason, EPA's recommended policy reiterates the need for positive reduction techniques (such as the reduction of volatile organic compounds in surface coatings, process changes, and the use of control equipment) rather than the substitution of compounds of low (slow) reactivity in the place of more highly (fast) reactive compounds. There are three reasons for this. First, many of the VOC that previously have been designated as having low reactivity are now known to be moderately or highly reactive in urban atmospheres. Second, even compounds that are presently known to have low reactivity can form appreciable amounts of oxidant under multiday stagnation conditions such as occur during summer in many areas. Third, some compounds of low or negligible reactivity may have other deleterious effects.

Of the small number of VOC which have only negligible photochemical reactivity, several (benzene, acetonitrile, chloroform, carbon tetrachloride, ethylene dichloride, ethylene dibromide, and methylene chloride) have been identified or implicated as being carcinogenic, mutagenic, or teratogenic. An additional compound, benzaldehyde, while producing no appreciable ozone, nevertheless forms a strong eye irritant under irradiation. In view of these circumstances, it would be inappropriate for EPA to encourage or support increased utilization of these compounds. Therefore, they are not recommended for exclusion from control. Only the four compounds listed in Table 1 are recommended for exclusion from SIP regulations and, therefore, it is not necessary that they be inventoried or controlled. In determining reductions required to meet oxidant NAAQS, these VOC should not be included in the base line nor should reductions in their emission be credited toward achievement of the NAAQS.

It is recognized that the two halogenated compounds listed in Table 1 (methyl chloroform and Freon 113) may cause deterioration of the earth's ultraviolet radiation shield since they are nearly unreactive in the lower atmosphere and all contain appreciable fractions of chlorine. The Agency has reached conclusions on the effects of only the fully halogenated chlorofluoroalkanes. The Agency on May 13, 1977 (42 FR 24542), proposed rules under the Toxic Substances Control Act (TSCA) to prohibit the nonessential use of fully halogenated chlorofluoroalkanes as aerosol propellants. The restrictions were applied to all members of this class, including Freon 113, since they are potential substitutes for Freon 11, Freon 12, Freon 114, and Freon 115, which are currently used as aerosol propellants. The Agency is planning to investigate control systems and substitutes for nonpropellant uses under TSCA, as announced on May 13. Methyl chloroform is not a fully halogenated chlorofluoroalkane. Rather, it is among the chlorine-containing compounds for which the Agency has not completed its analysis; EPA has not yet concluded whether it is or is not a threat to the stratospheric ozone. Therefore, it has been placed on this list as an acceptable exempt compound. As new information becomes available on these compounds, EPA will reconsider the recommendation.

The volatile organic compounds listed in Table 2, while more photochemically reactive than those in Table 1, nevertheless do not contribute large quantities of oxidant under many atmospheric conditions.

TABLE 1.—*Volatile Organic Compounds of Negligible Photochemical Reactivity That Should Be Exempt From Regulation Under State Implementation Plans*

Methane
Ethane
1,1,1-Trichloroethane (Methyl Chloroform)
Trichlorotrifluoroethane (Freon 113)[1]

[1] These compounds have been implicated as having deleterious effects on stratospheric ozone and, therefore, may be subject to future controls.

TABLE 2.—*Volatile Organic Compounds of Low Photochemical Reactivity*

Propane
Acetone
Methyl Ethyl Ketone
Methanol
Isopropanol
Methyl Benzoate
Tertiary Alkyl Alcohols
Methyl Acetate
Phenyl Acetate
Ethyl Amines
Acetylene
N, N-dimethyl formamide

Only during multiday stagnations do Table 2 VOC yield significant oxidants. Therefore, if resources are limited or if the sources are located in areas where prolonged atmospheric stagnations are uncommon, priority should be given to controlling more reactive VOC first and Table 2 organics later. Table 2 VOC are to be included in base line emission inventories and reductions in them will be credited toward achievement of the NAAQS. Reasonably available control technology should be applied to significant sources of Table 2 VOC where necessary to attain the NAAQS for oxidants. New sources of these compounds will also be subject to new source review requirements.

Perchloroethylene, the principal solvent employed in the dry cleaning industry, is also of low reactivity, comparable to VOC listed in Table 2. It was not included in Table 2 because of reported adverse health effects. Uses, environmental distribution, and effects of perchloroethylene currently are being studied intensively by occupational health authorethylene currently are being studied investigations may have major impact on industrial users. In designing control regulations for perchloroethylene sources, particularly dry cleaners, consideration should be given to these findings as well as industry requirements and the cost of applying controls. Available control technology is highly cost effective for large perchloroethylene dry cleaning operations. However, for coin-operated and small dry cleaners, the same equipment would represent a heavy economic burden.

As part of its continuing program, EPA will review new information relative to the photochemical reactivity, toxicity, or effects on stratospheric ozone of volatile organic compounds. Where appropriate, additions or deletions will be made to the lists of VOC in Tabels 1 and 2.

DISCUSSION

Most air pollution control regulations applicable to stationary sources of VOC in the United States are patterned after Rule 66 of the Los Angeles County Air Pollution Control District (presently Regulation 442 of the Southern California Air Pollution Control District). Rule 66 and similar regulations incorporate two basic strategies to reduce ambient oxidant levels, i.e., positive VOC reduction and selective solvent substitution based on photochemical reactivity. Positive reduction schemes such as incineration, absorption, and the use of low-solvent coatings are acknowledged means of reducing ambient oxidant levels; they should be retained in future VOC control programs. In contrast, the utility of solvent substitution strategies has been questioned as more information on photo chemical reactivity has emerged.

EPA acknowledged the shortcomings of solvent substitution based on Rule 66 reactivity criteria in a 1976 policy statement (41 FR 5350). Findings were cited which indicated that almost all VOC eventually react in the atmosphere to form some oxidant. Concurrently, EPA initiated an investigation to consider implications of revising the solvent substituton aspects of Rule 66. Three separate forms were conducted with representatives of State and local air pollution control agencies, university professors, and industrial representatives with knowledge and expertise in the fields of atmospheric chemistry and industrial solvent applications. In addition, numerous discussions were held with acknowledged experts in the field. Topics of particular concern were:

Whether Rule 66 substitution criteria could be revised consistent with available reactivity data and yet be compatible with industrial processes and with product requirements.

Whether some compounds are of sufficiently low reactivity that they are not oxidant precursors and can be exempted from control under State Implementation Plans.

Whether the imposition of reactivity restrictions in addition to positive emission reductons will delay the development or implementation of promising technologies, particularly the use of water-borne and high-solids surface coatings.

Investigation showed that:

1. Solvent substiution based on Rule 66 has been directionally correct in the aggregate and probably effects some reductions in peak oxidant levels. However, because of the relatively high reactivity of most of the substituted solvents, the reduction is small compared to that which can be accomplished with positive reduction techniques. Revision of Rule 66 consistent with current knowledge of reactivity would eliminate the solvent substitution option for most sources in which substitution is new employed. Many of the organic solvents which have been categorized as having low photochemical reactivity are, in fact, moderately or highly reactive; they yield significant oxidant when subjected to irradiation in smog chambers designed to simulate the urban atmosphere.

2. A few VOC yield only negligible ozone when irradiated in smog chambers under both urban and rural conditions. Experiments conducted to date indicate that only methane and ethane, a group of halogenated paraffins, and three other organics—benzene, benzaldehyde, and acetonitrile—can be so classified. These compounds react very slowly yielding little ozone during the first few days following their release to the atmosphere. Available data suggest that none of the listed compounds contribute significant oxidant even during extended irradiation under multiday stagnation conditions.

The broad group "halogenated paraffins" includes important industrial solvents, most of which are chlorinated methanes and ethanes and chlorofluoroethanes. They find use as metal cleaning and dry cleaning solvents and as paint removers. Halogenated paraffins also serve as building blocks in the manufacture of other halogenated organics; these processes do not necessarily release significant VOC to the atmosphere.

3. Besides focusing on VOC of negligible reactivity, smog chamber studies show that a few additional VOC generate oxidant at a relatively slow rate. Under favorable atmospheric conditions, these VOC releases may not form oxidant until they have been transported substantial distances and become greatly diluted. However, under multiday stagnation conditions such as occur during summer in many areas of the middle and eastern United States, there is the potential for these organics to undergo appreciable conversion to oxidant. The more important VOC in this category are acetone, methyl ethyl ketone, parchloroethylene, methanol, isopropanol, and propane. All except propane are industrial solvents. The latter, a gas under normal conditions, is associated principally with crude oil and liquefied petroleum gas operations.

4. The vast number of volatile organic compounds—particularly nonhalogenated VOC—yield appreciable ozone when irradiated in the presence of oxides of nitrogen. While there are measurable variations in their rates of ozone formation, all are significantly more reactive than VOC listed in Table 2. Quickly reactive VOC include almost all aliphatic and aromatic solvents, alcohols, ketones, glycols, and ethers.

5. Low photochemical reactivity is not synonymous with low biological activity. Some of the negligible or slowly reactive compounds have adverse effects on human health. Benzene, acetonitrile, carbon tetrachloride, chloroform, perchloroethylene, ethylene dichloride, ethylene dibromide, and methylene chloride have been implicated as being carcinogens, teratogens, or mutagens. In addition, benzaldehyde, which produces no appreciable ozone, nevertheless forms a strong eye irritant under irradiation. While their use might reduce ambient oxidant levels, it would be unwise to encourage their uncontrolled release. Additional halogenated organics are being investigated for possible toxicity.

Most of the related health information available at this time concerns acute toxicity. Threshold limit values (TLV's) have been developed for many VOC. They are appropriate for the healthy, adult work force exposed eight hours a day, five days a week. Experts suggest that more stringent levels should be established for the general population. Hazards represented by chronic and subchronic exposure are much more difficult to quantify than acute toxicity. Adverse health effects of the VOC cited above are generally recognized although not completely quantified. Chlorinated solvents currently are under intensive study.

6. Some VOC are of such low photochemical reactivity that they persist in the atmosphere for several years, eventually migrating to the stratosphere where they are suspected of reacting and destroying ozone. Since stratospheric ozone is the principal absorber of ultraviolet (UV) light, the depletion could lead to an increase in UV penetration with a resultant worldwide increase in skin cancer. The only in-depth analysis of this potential problem has focused on the chlorofluoromethanes (CFM), Freon 11 and Freon 12, because of their known stability and widespread use in aerosol containers. A report of the National Academy of Sciences concerning environmental effects of CFM's concluded that:

> • • • seletcive regulation of CFM uses and releases is almost certain to be necessary at some time and to some extent of completeness.

In response to the report of the National Academy of Sciences and other studies, EPA on May 13, 1977 (42 FR 24542), proposed rules to prohibit nonessential useage of fully halogenated chlorofluoroalkanes as areosol propellants. The restrictions were applied to all members of this class including Freon 113 since they are potential substitutes for Freon 11, Freon 12, Freon 114, and Freon 115 which are currently used as aerosol propellants.

Other stable halogenated solvents which are released in volumes comparable to the chlorofluoroalkanes also are suspected of depleting the earth's UV shield. Of major concern is the wide-

spread substitution of methyl chloroform (1,1,1 trichloroethane) for the photochemically reactive degreasing solvent intermediate solvent which is neither reactive nor detrimental to the upper atmosphere. Major revisions would be destroy VOC emissions, they seldom have the option of applying reactivity con-

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spread substitution of methyl chloroform (1,1,1 trichloroethane) for the photochemically reactive degreasing solvent trichloroethylene. Such substitution under Rule 66 generation regulations has already influenced industrial degreasing operations to the extent that methyl chloroform production has surpassed that of trichloroethylene in the United States. Any regulation in the area will have a marked effect on the production and atmospheric emissions of both solvents. Endorsing methyl chloroform substitution would increase emissions, particularly in industrial States that have not, heretofore, implemented Rule 66. On the other hand, disallowing methyl chloroform as a substitute or banning it altogether would significantly increase emissions of trichloroethylene even if degreasers were controlled to the limits of available technology. Presently, technology is only able to reduce emissions by approximately 50 percent. In metropolitan areas which have already implemented Rule 66, a return to trichloroethylene would have an adverse effect on ambient oxidant levels. In addition to being highly reactive, trichloroethylene has been implicated as a carcinogen.

Alternatives to the above-cited choices would be (1) development and application of highly efficient degreaser control systems and (2) replacement with an intermediate solvent which is neither reactive nor detrimental to the upper atmosphere. Major revisions would be needed to degreaser designs to improve vapor capture above the current best level. Anticipated design changes could add materially to degreaser costs. No alternative solvent is clearly acceptable from the standpoints of photochemical oxidant and stratospheric ozone depletion. Neither methylene chloride nor trichlorotrifluoroethane are reactive, but, like methyl chloroform, are suspected of causing damage to the stratospheric ozone layer. In addition, methylene chloride is a suspect mutagen. Perchloroethylene, the principal dry cleaning solvent, does not present a hazard to the stratosphere but has been implicated as being a carcinogen and also reacts slowly in the atmosphere to form oxidant.

7. Organic solvents of low or negligible photochemical reactivity have only limited use in many industries. Most are chlorinated organics that find principal applications as cleaners for metals and fabrics. A few nonhalogenated VOC such as acetone, methyl ethyl ketone, and isopropanol are of low reactivity but these can't possibly satisfy all the myriad needs of the paint, plastics, pharmaceutical, or many other industries. While users of reactive VOC usually can employ effective control equipment to recover or destroy VOC emissions, they seldom have the option of applying reactivity considerations in choosing solvents. Applying reactivity restrictions to the surface coating industry would be especially disadvantageous since it would greatly inhibit the development of low-solvent coatings; essentially all of the organic solvents used to constitute high-solids coatings and water-borne coatings are, in fact, highly reactive.

8. It is recognized that smog chamber studies conducted to date are incomplete because many organic compounds have not been examined and it has been impossible to duplicate all atmospheric situations. For example, there has been only limited examination of oxidant formation under relatively high ratios of VOC to NO_x (30:1 and greater), comparable to rural conditions. Any policy on photochemical reactivity necessarily has to be open to revision as new information is developed which may show specific organic compounds to be more or less photochemically reactive than indicated by current data.

Dated: June 29, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-19385 Filed 7-7-77;8:45 am]

federal register

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PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Office of the Secretary

■

COMPREHENSIVE MANPOWER PROGRAMS AND GRANTS TO AREAS OF HIGH UNEMPLOYMENT

Proposed Rulemaking

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Office of the Secretary

tion Act amendments, for coordination efforts between the State Advisory Council on Vocational Education and the

from family income as indicated in the *Forms Preparation Handbook*.

a functioning labor market area or to be a rural area with a high level of unemployment and to have demonstrated that

and prime sponsors as the SMSC believes necessary to effectively carry out the Act. The Annual Report shall include an

scription of General Information, Assurances and Certifications, and, for con-

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 94, 95, 96, 98]

COMPREHENSIVE MANPOWER PROGRAMS AND GRANTS TO AREAS OF HIGH UNEMPLOYMENT

Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor

ACTION: Proposed rules.

SUMMARY: This document proposes to amend the Comprehensive Employment and Training Act of 1973 (CETA) regulations. The changes are being proposed in order to reflect the experience gained during the first 3-years of implementation, clarify existing policies, and provide for new approaches to the grant process.

DATES: Comments are due by August 8, 1977.

ADDRESSES: Comments sent to: Pierce A. Quinlan, Director, Office of Comprehensive Employment Development, U.S. Department of Labor, 601 D Street N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Pierce A. Quinlan, Director, Office of Comprehensive Employment Development, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213, telephone 202–376–6254.

SUPPLEMENTARY INFORMATION:

SUMMARY OF PROPOSED CHANGES

A new paragraph (s) in § 94.4, Definitions, would permit prime sponsors to utilize the higher of the poverty levels or 70 percent of the lower living standard income level in determining whether a person is economically disadvantaged, and to annualize the family income of the applicant.

A new grant procedure is being proposed which would substantially simplify the existing grant application and closeout process. The new process would necessitate changes in the following sections:

Sections 95.14; 95.16; 95.18; 95.21; 95.52; 95.53; 95.54; 96.14; 96.43; 98.17.

A new paragraph (a)(4)(ii) in § 95.3, Eligibility for funds, would automatically extend eligibility as exceptional circumstance prime sponsors to: (a) A unit of local government which was a prime sponsor in the previous fiscal year, had a population of at least 100,000 persons according to the previous year's census update estimate, and which has since decreased below 100,000 (but not below 90,000) in population; and (b) a consortium where the independently eligible unit of general local government from the previous fiscal year has decreased below 100,000 (but not below 90,000) in population.

A new paragraph (d) in § 95.13, *Planning process; advisory councils*, would incorporate the provisions, required by the recent Vocational Education Act amendments, for coordination efforts between the State Advisory Council on Vocational Education and the State Manpower Services Council.

A new paragraph (c) in § 95.31, Basic responsibilities of prime sponsors, and a revised § 96.28, Equitable service to the unemployed population; serving significant segments, would require prime sponsors to provide equitable service to the unemployed population in terms of age, race, and sex; identify the significant segments to be served; and justify where service to the significant segments results in a plan of service which varies by more than 15 percentage points from the demographic characteristics of the unemployed population.

New paragraphs (b) and (c) in § 98.12, *Allowable Federal costs*, clarify the use of funds for construction and for repairs, maintenance, and capital improvements to existing facilities.

Because of the proposed changes to simplify the grant process, in reading all the changes in conjunction with unrevised portions of Parts 95, 96, and 98, whenever the terms "Comprehensive Manpower Plan" or "plan" appear in the unrevised portions, the terms "grant application" or "grant", as appropriate, shall be substituted; except that in §§ 95.17(b)(7), 96.13, 96.24(e)(2), 98.6(f)(1), 98.8(b)(1), 98.15(b), 98.16, 98.27(g), 98.30(a), 98.32(b) in the last line, and 98.32(b)(1), the term "Annual Plan" shall be substituted for the terms "plan" and "grant".

Accordingly, 29 CFR Parts 94, 95, 96, and 98 are proposed to be amended as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

* * * * *

§ 94.4 Definitions.

* * * * *

(s) "Economically disadvantaged" shall mean a person who is a member of a family which:

(1) Receives cash welfare payments, or

(2) Has a total family income which, in relation to family size, does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget or 70% of the lower living standard income level, whichever is higher. Family income shall be determined by:

(i) Annualizing all monies received from all sources during the 3 months preceding the assignment of the economically disadvantaged classification, except for the monies excluded from family income as indicated in the *Forms Preparation Handbook*, or

(ii) If, due to seasonal unemployment (e.g., teachers), seasoned employment, summer employment for youth, or other circumstances, the 3 month period is unrepresentative, totaling all monies received from all sources during the 12 months preceding the assignment of the economically disadvantaged classification, except for the monies excluded from family income as indicated in the *Forms Preparation Handbook*.

* * * * *

(v) "Family" shall mean one or more persons living in a single household who are related to each other by blood, marriage or adoption. A stepchild who receives at least 50% of his/her support from the stepparent shall be counted as a member of the stepparent's family. A member of a household:

(1) Who is 10 or older;

(2) Who receives less than 50% of his/her maintenance from the family; and

(3) Who is not the head of the household or the spouse of the head of the household, shall not be considered a member of the family. Such an individual shall be consider a family residing alone or in group quarters.

* * * * *

(kk) "Participant" shall mean an individual who is eligible for and takes part in activities under provisions of the Act or receives services funded under the Act, except for an individual who receives only outreach and intake services. An individual applicant becomes a participant when:

(1) The individual is declared eligible upon intake; and

(2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and/or intake services.

* * * * *

(fff) "Underemployed person" shall mean:

(1) A person who is working part-time but has been seeking full-time work, and who is a member of a family whose total family income (as defined in paragraphs (s)(2) (i) and (ii) of this section) in relation to his or her family size, does not exceed the poverty level determined in accordance with criteria established by OMB, and

(2) A person who is working full-time and who is a member of a family whose total family income (as defined in paragraphs (s)(2) (i) and (ii) of this section) in relation to his or her family size, does not exceed the poverty level determined in accordance with criteria established by OMB.

* * * * *

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

* * * * *

§ 95.3 Eligibility for funds.

(a) * * *

(4)(i) Any unit of general local government, or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary, after giving serious consideration to comments from the prime sponsor otherwise responsible for the area and the Governor, to serve a substantial portion (e.g., 75 percent) of a functioning labor market area or to be a rural area with a high level of unemployment and to have demonstrated that (A) it has the capability for effectively carrying out a comprehensive manpower program under the Act, evidenced by its effective operation of programs such as CEP or other multicomponent programs, (B) there is a special need for services provided by the Act (e.g., the area has a high proportion of such groups within the population as older workers, high school dropouts, or has a high unemployment rate, substantial outmigration or unique commuting problems, and (C) it will afford administrative and programmatic advantages over other methods of delivering services under the Act;

(ii) The following units of general local government or combination of such units shall automatically be considered as exceptional circumstance prime sponsors since such unit(s) have been determined by the Secretary to meet the requirements of paragraph (a)(4)(i) of this section:

(A) A unit of general local government which was a prime sponsor in the previous fiscal year, had a population of 100,000 or more persons according to the previous year's census update estimate, and has since fallen below 100,000 (but not below 90,000) in population; and

(B) A combination of units of general local government which meet the requirements of paragraph (a)(3)(i)(A), (B), and (D) of this section, which were members of the same consortium in the previous fiscal year, and which contain at least one unit which had a population of 100,000 or more persons according to the previous year's census update estimate, but has since decreased below 100,000 (but not below 90,000) in population; and

* * * * *

§ 95.13 Planning process; advisory councils.

* * * * *

(d) * * *

(2) * * *

(ii) One representative shall be appointed from each of the following: The State Board of Vocational Education, the State Advisory Council on Vocational Education, the State employment service, and any State agency the Governor believes has an interest in manpower or manpower-related services within the State (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94–482)).

* * * * *

(4) Council responsibilities shall include, but not be limited to:

(i) Reviewing prime sponsor grant applications, proposed modifications, and comments thereon, particularly for utilization of and coordination with State agencies and for coordination of plans and operations in contiguous areas.

* * * * *

(v) Submitting an Annual Report to the Governor which shall be a public document, and issuing such other studies, reports or documents to the Governor and prime sponsors as the SMSC believes necessary to effectively carry out the Act. The Annual Report shall include an analysis of the coordination achieved during the previous year, efforts taken to effect such coordination, and recommendations on potential actions that would further facilitate effective coordination. This report shall be submitted no later than 120 days after the end of the Federal fiscal year. A copy of this report shall also be submitted to the State Advisory Council on Vocational Education. Comments received from the State Advisory Council on Vocational Education shall be incorporated into the Annual Report to the Governor (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94–482)):

(vi) Consulting with the State Advisory Council on Vocational Education in order to identify the employment and training vocational education needs within the State and to assess the extent to which employment training, vocational education, vocational rehabilitation and other programs assisted under this and related Acts represent a consistent, integrated and coordinated approach to meeting such needs (sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94–482)); and

(vii) Commenting at least once annually on the reports of the State Advisory Council on Vocational Education and incorporating those comments in the Annual Report to the Governor (Sec. 203 of the Vocational Education Act of 1973, as amended (Pub. L. 94–482)).

(4) The Governor shall appoint a member of the Council to represent the SMSC on the State Advisory Council on Vocational Education.

(5) The Governor shall appoint the chief executive officer of the Council to represent the Council on the State Occupational Information Coordinating Committee.

* * * * *

§ 95.14 Content and description of grant application.

(a) *General.* This section describes the grant application which designated prime sponsors shall use to apply for funds under title I. The application shall consist of two documents, the Prime Sponsor Agreement (PSA) and the Annual Plan (AP). Detailed instructions for completing the application, which is described in summary form below, are contained in the *Forms Preparation Handbook*.

(b) *Prime Sponsor Agreement.* A designated prime sponsor applying for assistance for the first time shall submit to the RA a signed copy of the PSA. A designated prime sponsor which has already entered into a PSA in a previous year shall submit to the RA with its Annual Plan, a certification that the PSA remains the same or that it is revised as described in attachments to the certification. The initial submission and subsequent certification of the PSA are subject to the comment and publication procedures of § 95.15 (c), (d), and (e) of this part. The PSA shall consist of the Signatory Page, the Narrative Description of General Information, Assurances and Certifications, and, for consortia, the approved consortium agreement.

(1) *Signatory page.* The Signatory Page, when signed by the designated prime sponsor and the authorized representative of the RA, shall constitute a legal and binding document by which the designated prime sponsor agrees that all work performed under its Annual Plan will be in accordance with the Act, the Assurances and Certifications and the regulations of 29 CFR Parts 94, 95, 96 and 98.

(2) *Narrative description of general information.* The Narrative Description of General Information shall include a detailed statement on the following items:

(i) *Program purpose.*

(ii) *Geographic description and economic conditions of area to be served.* A brief description of the geographic area to be served and the economic conditions of the area.

(iii) *Approach.* (A) A description of the recruitment and selection methods to be used.

(B) A description of the special consideration that will be given to the needs of eligible disabled veterans, special veterans, and veterans who served in the Armed Forces and received other than a dishonorable discharge within the four years prior to the date of their application;

(C) A description of the placement and follow-up mechanisms and procedures to be used.

(iv) *Delivery agents.* (A) An explanation of the methods and criteria to be used in the selection of deliverers of service.

(B) A list of the manpower-related services and facilities which are available from Federal, State, and local agencies and an indication of which have been determined to have demonstrated effectiveness in providing manpower services.

(C) A description of priority given to area skill centers.

(D) A description of efforts to utilize apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code.

(v) *Prime sponsor planning.* (A) A description of the role and procedures of the planning council.

(B) A description of the staff support of the council.

(C) A list of the sectors represented on the council.

(D) A description of the participation of community-based organization and groups in the program plan.

(vi) *Management and administrative plan.*—(A) *Organizational structure.* A description of the prime sponsor's organizational structure.

(B) *Administrative controls.* A description of the internal administrative controls including:

(1) Monitoring system;

(2) Evaluation system;

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(3) Personnel or merit system (including the prime sponsor's plan for obtaining an acceptable personnel system as

order to obtain funds under Title I. The Annual Plan shall consist of the following:

funded including: (1) An explanation of how these jobs relate to the public service needs identified in paragraph (c)

copy of the signatory page will be provided to the designated prime sponsor by the RA indicating approval of the PSA

design and/or program goals defined as follows:

(A) When the cumulative number of

may submit its modification to the RA without submitting it to the A–95 clearinghouses as specified in paragraph (b)

(3) Personnel or merit system (including the prime sponsor's plan for obtaining an acceptable personnel system as required in § 98.14(b));

(4) Accounting system;

(5) Fiscal reporting and participant tracking system(s);

(C) *Allowance payments system.* A description of the details of the allowance payments system, including waiver provisions.

(D) *Grievance procedures.* A description of the procedures for resolving any complaints of CETA participants, contractors, subgrantees and other parties prior to the Department's hearing process.

(E) *Equal employment opportunity.* A description of the mechanisms which will be used to assure nondiscrimination and equal employment opportunities.

(vii) *Public service employment program.* (A) A description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs in other than the entry level.

(B) A description of the training for supervisory personnel.

(C) A description of efforts to remove artificial barriers.

(D) A description of the specific steps to be undertaken to provide consideration to special veterans, disabled veterans, those veterans who have received other than a dishonorable discharge within four years prior to application, and welfare recipients.

(E) A description of the emphasis which will be placed on the development of jobs for veterans which will utilize skills acquired through their military experience.

(3) • • •

(v) Additional assurance for Title II programs:

(A) Hiring of residents of areas of substantial unemployment for all jobs created under Title II and providing services to benefit residents of such areas.

(B) Selection of other than necessary technical supervisory and administrative personnel from the unemployed and underemployed population.

(vi) Additional assurance for Title VI programs:

(A) Only persons residing in the area served by the eligible applicant under title VI of the Act will be hired to fill jobs created under the Act and that the public services provided by such jobs shall, to the extent feasible, be designed to benefit the residents of such areas except that funds allocated under title VI of the Act (section 603(a)(2)(B)), to an area eligible for assistance under title II of the Act shall only be used to provide project and program opportunities to persons residing in those areas of substantial unemployment as defined in section 204(c). (Sec. 603(a)(2)).

(B) To the extent possible, administrative staff shall be drawn from unemployed and underemployed persons. (Section 205(c)(20)).

(c) On a date set by the Secretary, an Annual Plan for Title I must be submitted by designated prime sponsors in order to obtain funds under Title I. The Annual Plan shall consist of the following:

(1) *Application for Federal assistance.* The Application for Federal Assistance shall identify the designated prime sponsor and the amount of funds requested and provide information concerning the area to be served and the number of people expected to benefit from the program. Standard Form 424 contained in FMC 74-7 shall be used.

(2) *Annual narrative description of program.* The Annual Narrative Description of Program shall contain a detailed statement of the following items:

(i) *Objectives and needs for assistance.* (A) A breakout of the unemployed population in terms of age, race and sex; identification of the significant segments to be served; and justification where services to the significant segments results in a plan of service which varies by more than 15 percentage points from the demographic characteristics of the unemployed population.

(B) An assessment of job opportunities in the area.

(ii) *Results and benefits expected.* (A) A statement of the specific participant goals the prime sponsor intends to accomplish.

(B) A statement of other goals.

(iii) *Approach.*—(A) *Program activities and services.* (1) A description of the activities and services to be provided.

(2) A description of the participant flow and the relationship among the activities to be provided.

(3) A description of programs, if any, designed for persons of limited English-speaking ability.

(4) For those applicants intending to request funds under section 303, of the Act, a discussion of how migrants and seasonal farmworkers will be served.

(B) *Delivery agents.* (1) A list of deliverers and the services to be provided by each.

(2) A description of the linkage established.

(3) An explanation for non-use or duplication of existing services and facilities including programs of demonstrated effectiveness listed in § 95.14(b)(2)(iv)(B).

(C) *Discussion of program planning summary (PPS) and budget information summary (BIS).* (1) An explanation of how the PPS reflects the goals, objectives, and activity description provided above.

(2) An explanation of how costs were determined for the BIS.

(D) *Property.* A list of any items of capital equipment which individually cost more than $1,000 including quantity and prices.

(iv) *Public service employment program.* (A) For those Title II applicants whose geographic area differs from the Title I area described in the PSA, a description of the Title II area.

(B) *Analysis of public service needs.* A description of the unmet public service needs.

(C) *Approach.* A description by employing agency of the types of jobs to be funded including: (1) An explanation of how these jobs relate to the public service needs identified in paragraph (c)(2)(iv)(B) of this section.

(2) A description of determination of rates of compensation when they differ from what is normally paid by the employer.

(3) A description of the education, training, and supportive services to participants.

(4) A maintenance of effort verification.

(5) A description of plans to improve and expand employment and advancement opportunities of the target population.

(6) An explanation of how the public service employment program is integrated with other activities and services.

(7) A narrative explanation for basis of funding and job allocation to each local government and agency.

(3) *Program planning summary.* The Program Planning Summary requires a prime sponsor to provide a quantitative statement of planned enrollment levels, the participants to be served by each program activity (classroom training, on-the-job training, public service employment, work experience, and other activities) and planned outcomes for program participants. It shall also include an identification of the significant segments of the population and the number of individuals in each to be served.

(4) *Budget information summary.* The Budget Information Summary shall include a quantitative statement of yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services), planned quarterly obligations, and planned quarterly expenditures by program activity.

(5) *Public service employment occupational summary.* The Public Service Employment Occupational Summary shall include a description of proposed public service job opportunities, occupations and wages, including a comparison of such wages for similar unsubsidized jobs in each employing agency. If, at the time of submission of the Annual Plan, final decisions have not yet been made on all jobs to be filled, the Occupational Summary need not be submitted with the Annual Plan. Instead, it shall be submitted to the RA as soon as all jobs are selected but not later than 60 days after the date the Annual Plan is executed.

* * * * *

§ 95.16 Submission of grant application.

(a) Except as indicated in paragraph (b) of this section, each designated prime sponsor shall simultaneously submit both parts of its grant application to the RA on or before a date set by the Secretary. An Approval Request Letter shall accompany the submission.

(b) Newly designated prime sponsors shall submit the PSA no later than 30 days prior to the submission of the Annual Plan, on or before a date set by the Secretary. An Approval Request Letter shall accompany the submission. A signed

copy of the signatory page will be provided to the designated prime sponsor by the RA indicating approval of the PSA before submittal by the designated prime sponsor of its Annual Plan.

§ 95.18 Application approval.

(a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act and other applicable law, and if the RA determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's annual plan.

* * * * *

(d) In addition to notifying the designated prime sponsor as provided in paragraph (c)(1) of this section, if an Annual Plan is approved, the RA shall provide the prime sponsor with a letter indicating approval.

(e) Funding authority will be issued by a Notice of Fund Availability.

* * * * *

§ 95.21 Modifications.

(a) *Modifications of the prime sponsor agreement.* (1) The Signatory Page and the Assurances and Certifications shall only be modified at the initiation of the RA, after consultation with the prime sponsor, to insure compliance with the regulations.

(2) *The narrative description of general information of the PSA.* The Narrative Description shall be modified as follows:

(i) *RA initiated modifications.* RAs may require modification to insure compliance with the regulations, after consultation with the prime sponsor.

(ii) *Prime sponsor initiated modifications.* (A) When significant changes are planned in the systems and procedures, such as a change in the allowance payment system, prior regional office approval is necessary.

(B) The prime sponsor may make any changes other than those described in (a)(1), (a)(2)(i), and (ii)(A) of this section without prior regional office approval, but must notify the RA of these changes in writing by the end of the quarter in which the change occurs. Revised portions of the PSA need not be submitted with the notice.

(3) *Format.* Modifications pursuant to paragraphs (a)(1), (a)(2)(i), and (ii)(A) of this section shall consist of the following:

(i) Approval request letter.

(ii) Revised Assurances and Certifications or revised Narrative Description of General Information, as appropriate.

(iii) A copy of the newspaper announcement required in paragraph (c) of this section.

(b) *Modifications to the annual plan.* (1) A modification to the Annual Plan requiring prior Regional Office approval is required under any of the following conditions:

(i) Change in duration of the annual plan;

(ii) Change in annual plan allotment;

(iii) Substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, individuals to be served within significant segments, is to be increased or decreased by 15 percent or more.

(B) For grants of over $100,000 or less, when the cumulative transfer of funds among program activities or cost categories exceeds $15,000.

(C) For grants of over $100,000, when the cumulative transfer of funds among program activities or cost categories exceeds $50,000 or 15 percent of the total grant budget whichever is greater.

(D) When the program design is altered significantly such as when there is development or elimination of a program activity, or when 10% or more of the public service employment positions are to be used for rehiring laid-off employees.

(iv) at the initiation of the RA, after consultation with the prime sponsor, to insure compliance with the regulations and/or to insure responsiveness to changing economic conditions. A prime sponsor is responsible for assuring that its programs are responsive to the changing economic situation in its jurisdiction and for making appropriate modifications to its plan. The RA may request a reassessment and appropriate modification when the RA believes that the changing economic situation in a jurisdiction makes such a reassessment appropriate. If the prime sponsor disagrees with the RA's request for a modification pursuant to the conditions in this paragraph (iv), it may initiate a hearing pursuant to § 98.47.

(2) Annual Plan modifications will not be initiated solely to adjust planned performance to meet actual performance.

(3) *A-95 Clearance.* (i) Modifications require clearance through the A-95 clearinghouses only under the following conditions:

(A) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the Annual Plan allotment for the current program year and/or;

(B) The Annual Plan is extended for a period of more than 3 calendar months and/or

(C) The RA directs that A-95 clearance is required for a particular modification.

(ii)(A) When A-95 clearance is required, the prime sponsor, whenever possible, shall provide notification to the appropriate A-95 State and areawide clearinghouses of its intent to modify its Annual Plan 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SP 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the prime sponsor receives no notification from the A-95 clearinghouses that they wish to review the modification, the prime sponsor has fulfilled its obligation under A-95 and may submit its modification to the RA without submitting it to the A-95 clearinghouses as specified in paragraph (b)(3)(ii)(B) of this section.

(B) When a prime sponsor has not provided notification as specified in paragraph (b)(3)(ii)(A) of this section, or when it has provided this notification and the clearinghouses have requested to review the completed modification, the prime sponsor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(C) Where no comments have been received from A-95 clearinghouses, or where the clearinghouses have not requested to review the completed modification, the prime sponsor shall so indicate in the appropriate item on the revised Standard Form 424, noting clearinghouses which sent no response after receiving the modification and clearinghouses which did not request to review the completed modification after being notified of the prime sponsor's intent to modify.

(4) A prime sponsor may make any change, consistent with the regulations in this Part and Part 98, in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (b)(1) of this section without prior approval, but must show any such change in the First Program Status Summary and Financial Status Report, as appropriate, submitted to the Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary, Budget Information Summary, or Annual narrative description, as appropriate, shall also be submitted to the RA. Only those lines and columns or portions of the annual narrative affected by the modification need be submitted. Comments and publication requirements do not apply to changes described in this paragraph (4).

(5) *Format.* Modifications pursuant to paragraphs (b)(1) and (3) of this section shall consist of the following:

(i) Approval Request Letter;

(ii) Revised form SF 424 (if A-95 clearance is required);

(iii) Revised Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the annual plan allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(iv) Narrative description of the changes made and certification that the review and comment procedures in paragraph (d) have been complied with.

(v) A copy of the newspaper announcement required in paragraph (c).

(vi) Revised portions of the program narrative description, if appropriate.

(vii) Revised Occupational Summary, if appropriate.

(6) *Incremental Funding.* When the Annual Plan allotment is obligated by the RA in increments, each subsequent obligation by the RA requires a new Notice

of Fund Availability (NFA) to be signed by an authoized representative of the Department of Labor. This NFA does not require a revised Annual Plan and

§ 95.32 Eligibility for participation in a title I program.

* * * * *

mination of the availability of an appropriate manpower activity; a decision on selection; and dissemination of informa-

(6) Incentive allowances shall not be waived.

numbers of participants served by vocational education projects and State Manpower Services

clude administraton, wages, and fringe benefits.

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of Fund Availability (NFA) to be signed by an authoized representative of the Department of Labor. This NFA does not require a revised Annual Plan, and does not require publication, comment or A-95 clearance procedures to be followed.

(c) *Publication and Comment.* (1) No later than the date of submission to the RA, a copy of any proposed modification to the PSA and the Annual Plan pursuant to paragraph (a)(1), (a)(2)(i), (a)(2)(ii)(A), and (b) (1) and (3) above shall be forwarded to the Governor and summaries of the modifications shall be provided to appropriate units of general local government with a population of at least 25,000, to appropriate Indian sponsors, and to labor organizations representing employees engaged in similiar work in the same area as that for which participants will receive subsidized employment or training; and the prime sponsor shall publish in a minimum of one issue of a newspaper or newspapers (including minority newspaper(s), where feasible) of general circulation throughout the area to be served a notice of the prime sponsor's intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b)(3)(ii)(B) and (c)(1) shall be made to the prime sponsor and the RA within 30 days of publication. All substantive written comments and responses will be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they will be sent separately to the RA.

(3) A prime sponsor shall acknowledge any written comment made pursuant to this section. It shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination.

(d) *Notification of Action.* (1) RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7 days after taking action, the RA shall notify the prime sponsor and the Governor of the action.

(2) A denial of a prime sponsor's request for a modification shall be subject to the appeal procedures set out in Part [illegible]

(3) The procedures in § 95.18(c)(1) and (2) shall apply to modifications under paragraph (b)(3) of this section.

§ 95.31 Basic responsibilities of prime sponsors.

* * * * *

(c) Providing equitable service to the unemployed population and serving significant segments of the unemployed population in accordance with the requirements of § 96.28.

* * * * *

§ 95.32 Eligibility for participation in a title I program.

* * * * *

(d) Citizenship shall not be used as a criterion to prevent persons from participating in a program. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are refugees.

* * * * *

§ 95.33 Types of manpower program activities available.

* * * * *

(d) * * *

(2) * * *

(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary training costs associated with providing on-the-job training. When using a formula, the prime sponsor can reimburse the employer for extraordinary training costs for training on the job, up to a level not to exceed 50 percent of participant wages. Prime sponsors may design other methods of cost reimbursement provided that payments reflect only extraordinary training costs.

* * * * *

(iv) *Labor organization consultation.* Appropriate labor organizations shall be consulted in the design and conduct of one-the-job training programs where collective bargaining agreements exist with the employer. Prime sponsors shall consider the advice and comments of such labor organizations, when designing OJT programs and negotiating OJT contract provisions and shall ensure that wages for covered positions conform with collective bargaining agreements.

* * * * *

(4) * * *

(viii) * * *

(D) When a participant in a work experience activity is performing the tasks of regular public service employment type job, wages must be comparable to those paid for the regular public service job, as specified in § 96.34.

* * * * *

(5) * * *

(i) * * *

(B) Intake: This includes screening for eligibility; completion of Part A, B, and C of the Participant Record; the initial determination as to whether the program can benefit the individual; the determination of the appropriate manpower activity to which the applicant should be referred initially; the determination of the availability of an appropriate manpower activity; a decision on selection; and dissemination of information on the program.

(ii) * * *

(C) Employability Assessment;

(D) Job Development;

(E) Job Referral and Placement;

* * * * *

§ 95.34 Training allowances.

* * * * *

(c) * * *

(2) No allowances shall be paid for participation in any course or program of study (e.g., a B.A. or B.S. degree program) which exceeds 104 weeks. While prime sponsors may pay for the costs of tuition, books, and related training expenses of courses or programs of study exceeding 104 weeks, at no time during participation in such a course shall allowances be paid. (sec. 111(a)).

* * * * *

(f) *Dependents allowances.* (1) Dependents allowances of $5 per week for each dependent in excess of two dependents, up to a maximum of $20 for six or more dependents shall be provided to participants receiving basic allowances or who would be receiving basic allowances were it not for adjustments which are permitted pursuant to paragraph (i) of this section. Participants eligible for dependents allowances from other sources shall not be precluded from receiving dependents allowances funded under the Act.

(2) Dependents allowances may be reduced pro rata only for absences without good cause. The methodology for making the reduction shall be described in the approved PSA.

(g) * * *

(1) * * *

(i) Incentive allowances shall be reduced pro rata only for absences without good cause. The methodology for making the reduction shall be described in the approved PSA.

* * * * *

(i) * * *

(6) The basic allowance may be reduced by the amount of wages received by classroom training participants who are concurrently enrolled during the same payment period in either full-time work experience, public service employment, or on-the-job training funded under the Act. The determination of whether the other activity is full-time shall be based on the number of hours that constitute full-time employment for regular employees similarly employed at the employing agency or worksite.

(7) Incentive allowances for public assistance recipients may, at the option of the prime sponsor, be adjusted downward, provided that the adjustment shall not result in an incentive allowance payment at a rate less than the higher of the Federal, State, or local minimum wage multiplied by the number of hours of participation, which the trainee attends as required or is absent from for good cause.

(j) * * *

(6) Incentive allowances shall not be waived.

* * * * *

§ 95.35 Wages.

* * * * *

(d) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor. Where hours spent in production of goods or services are in positions covered by collective bargaining agreements, wages paid to trainees by the employer shall not conflict with the terms of the collective bargaining agreement.

* * * * *

§ 95.38 Cooperative relationships between prime sponsor and other manpower agencies.

(a)(1) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (Section 105(a)(3)(D)). Prime sponsors are encouraged to utilize the free direct placement services offered by the SESA's.

* * * * *

§ 95.52 Grant application.

(a) * * *

(2) The Governor shall comply with the preapplication and comment and publication requirements specified in 95.11 and § 95.15 (a), (b), (d), (e) and (f). In addition, the Governor shall provide 30 days prior to submission of the grant application for the purposes of commenting thereon:

(i) A summary of the grant application to each prime sponsor in the State and to units of general local government within the Balance-of-State with a population of at least 25,000;

(ii) A summary of the grant application to appropriate Indian prime sponsors and to labor organizations representing employees engaged in similar work in the same areas as that for which participants still receive subsidized employment or training; and

(iii) A summary of any programs to be funded within a prime sponsor's area with State Manpower Services funds to the prime sponsor in whose jurisdiction the program is to be funded.

(b) * * *

(1) *Approval Request Letter.*

(2) *Application for Federal Assistance.* Standard Form 424 as prescribed by FMC 74-7 is being used for the application for the special grant.

(3) *Special Grant Plan.* This plan consists of:

(i) *Special Grant-Program Planning Summary.* The Special Grant-Program Planning Summary is a multiprogram form providing for statistical entries on numbers of participants served by vocational education projects and State Manpower Services.

(ii) *Special Grant-Budget Information Summary.* The Special Grant-Budget Information Summary is a multiprogram form providing for entries on funds planned to be obligated and expended in vocational education projects. State Manpower Services Council and State manpower services.

(iii) *Special Grant Program Narrative.* The narrative for the special grant will be composed of three separate sections. The Program Narrative form contained in the *Forms Preparation Handbook* requires a detailed statement on the program including the following items:

(A) *Vocational Education Services Program Narrative.* (1) An explanation of the method used to allocate funds to prime sponsor areas and the rationale for the method used;

(2) An explanation for any nonfinancial agreement which was not reached between a prime sponsor and Vocational Education Board;

(3) A summary of all agreements required in § 95.56 between individual prime sponsors and the State Vocational Education Board;

(4) A copy of each such agreement. The summary should follow the procedures established for the development of individual program narratives supporting each nonfinancial agreement. If all of the nonfinancial agreements are not available when the application is submitted, the Governor shall describe the training and services which he expects to be supplied by the State Vocational Education Board to each prime sponsor. Nonfinancial agreements received afer the grant is made will be forwarded to the RA; and

(5) An explanation of administrative costs which exceed 20 percent.

(B) *State Manpower Services Council Program Narrative.* (1) A listing of members of the Council, identifying the group each member represents;

(2) Identification of the chairman.

(3) A statement of the procedures which will be followed in reviewing prime sponsor plans and plans of State agencies and making recommendations which will provide more effective overall coordination of manpower services in the State;

(4) A description of the system to be used in monitoring other prime sponsors and State manpower services;

(5) A description of the types of data, materials, and information which will be included in the annual report to the Governor;

(6) If the Governor plans to use part of the funds authorized for the Council under Section 103(d) of the Act (one percent of the allocation) for Section 106 (State services), the specific use of the funds shall also be described, including the amount of funds and objectives to be accomplished.

(7) A breakdown of staff and other council costs. This breakdown should include administraton, wages, and fringe benefits.

(C) *State Manpower Services Program Narrative.* (1) Explanation of steps taken to assure cooperation of State agencies with prime sponsors in implementing the program;

(2) Description of State plan for sharing of manpower resources and facilities for most efficient and economical operation;

(3) Coordination of programs financed under Wagner-Peyser Act to provide assistance to individuals in accordance with policies of this Act;

(4) An explanation of the arrangements made by the State to assist the Secretary in carrying out the Secretary's mandatory listing responsibilities under section 2012(a) of title 38 U.S. Code. Such arrangements shall be explained in the State Comprehensive Manpower Plan and shall relate only to Federal contractors and subcontractors and grantee, subgrantees, or contractors should not be interpreted to include the under the Act;

(5) A description of any arrangements for planning areas (see Part V of Attachment A, OMB Circular A-95) to serve geographical regions within the State;

(6) A description of provisions for coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, including the exchange of information and coordination of manpower plans;

(7) A description of any of the activities allowable under Section 106(c) of the Act, that the State chooses to provide, detailing those activities to be undertaken and the costs and goals of such activities, including:

(i) A description of allowable services being delivered under the Act throughout the State, by State agencies responsible for employment, training, and related services (sec. 106(c)(1));

(ii) A description of special programs and services for rural areas outside major labor market areas; (sec. 106(c)(2));

(iii) A description of the extent to which information will be developed and published regarding economic, industrial, and labor market conditions;

(iv) A description of information and technical assistance to be provided to prime sponsors in the State; and

(v) A description of any model training and employment programs.

§ 95.53 Application approval and disapproval.

* * * * *

(b) * * *

(2) It meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the RA determines that the Governor has demonstrated maximum efforts to meet the goals of the prior year's annual plan.

(c) * * *

(d) If an application is approved, the RA shall provide the Governor with a letter indicating approval.

* * * * *

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§ 95.54 Modifications.

(a) A modification to a Governor's Special Annual Plan is required under any of the following conditions:

(1) Change in duration of the Annual Plan;

(2) Change in the Annual Plan allotment;

(3) Substantial change in program design and/or program goals defined as follows:

(i) When the cumulative number of individuals to be served or the planned placement terminations is to be increased or decreased by 15 percent or more;

(ii) When the cumulative transfer of funds among program activities or cost categories exceeds $50,000 or 15 percent of the total grant budget whichever is greater.

(iii) When the program design is altered significantly (see § 95.21(b)(1)(iii)(D)).

(4) Major grant modifications shall not be initiated solely to adjust planned performance to meet actual performance.

(b) A–95 Clearance. (1) Modifications require clearance through the A–95 clearinghouse only under the following conditions:

(i) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the Annual Plan allotment for the current program year and/or;

(ii) The term of the Annual Plan is extended for a period of more than 3 calendar months and/or;

(iii) The RA directs that A–95 clearance is required for a particular modification.

(2)(i) When A–95 clearance is required, the Governor, whenever possible, shall provide notification to the appropriate A–95 State and areawide clearinghouses of its intent to modify its Annual Plan 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SF 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the Governor receives no notification from the A–95 clearinghouses that they wish to review the modification, the Governor has fulfilled its obligation under A–95 and may submit the modification to the RA without submitting it to the A–95 clearinghouses as specified in paragraph (b)(2)(ii) of this section.

(ii) When the Governor has not provided notification as specified in paragraph (b)(2)(i) of this section or when the Governor has provided this notification and the clearinghouse(s) have requested to review the completed modification, the Governor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(iii) Where no comments have been received from A–95 clearinghouses or where the clearinghouses have not requested to review the completed modification, the Governor shall so indicate in the appropriate item on the revised SF 424, noting clearinghouses which sent no response after receiving the modification, and clearinghouses which did not request to review the completed modification after being notified of the Governor's intent to modify.

(c) The Governor may make any change, consistent with the regulations in this Part and Part 98, in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (a) of this section without prior approval, but must show any such change in the First Program Status Summary and Financial Status Report, as appropriate, submitted to the Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary, Budget Information Summary, or Annual narrative description, as appropriate, shall also be submitted to the RA. Only those lines and columns or portions of the Annual narrative affected by the modification need be submitted. Comments and publication requirements do not apply to changes described in this paragraph (c).

(d) Special Annual Plan modifications shall not be initiated solely to adjust planned performance to meet actual performance.

(e) Format. Modifications pursuant to paragraphs (a) and (b) above shall consist of the following:

(1) Approval Request Letter;

(2) Revised Form SF 424 (if A–95 cleance is required);

(3) Revised Special Grant Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the grant allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(4) Narrative description of the changes made and certification that the review and comment procedures in paragraph (f) have been complied with.

(5) A copy of the newspaper announcement required in paragraph (f) of this section.

(6) Revised portions of the program narrative description, if appropriate.

(f) Publication and Comment. (1) No later than the date of submission to the RA, the Governor shall provide a summary of any modification pursuant to paragraphs (a) and (b) of this section to each prime sponsor in the State and units of general local government within the Balance of State with a population of at least 25,000 to appropriate Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the Governor shall publish in a minimum of one issue of a newspaper or newspapers (including minority news paper(s), where feasible) of general circulation throughout the area to be served a notice of the intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b)(2)(ii) and (f)(1) shall be made to the Governor and the RA within 30 days of publication. All substantive written comments and responses shall be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they shall be sent separately to the RA.

(3) The Governor shall acknowledge any written comment made pursuant to this section, and shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for such determination.

(g) Notification of Action. (1) The RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7-days after taking action, the RA shall notify the Governor of the action.

(2) A denial of a Governor's request for a modification shall be subject to the appeal procedures set out in Part 98.

(3) The procedures in § 95.18(c) (1) and (2) shall apply to modifications under paragraph (b) of this section.

(h) The procedures for incremental funding are the same as those specified in § 95.21 of Subpart A.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

§ 96.14 Content and description of grant application.

(a) *General.* (1) This section describes the grant application for funds under Title II of the Act. Copies of all forms and instructions are contained in the *Forms Preparation Handbook.*

(b) An Annual Plan for Title II must be submitted by prime sponsors on a date set by the Secretary. The Annual Plan consists of the following:

(1) *Application for Federal Assistance.* This form is described in § 95.14(c)(1).

(2) *Annual Narrative Description of Program.* The annual narrative description requirements for Title II are the same as those described in § 95.14(c)(2) for Title I programs. A detailed statement on each of those items must be provided as part of the Title II Annual Plan, except as provided below:

(i) The information required under objectives and needs for assistance, as specified in § 95.14(c)(2)(i) need not be repeated for Title II if the geographic area and analysis of needs are identical to that described under the Title I Annual Plan.

(ii) The information required under § 95.14(c)(2)(iii)(A), program activities and services, shall only be provided if the Title II applicant intends to conduct Title I activities with Title II funds.

(iii) If the Title II applicant's geographical area differs from the Title I geographical area described in the PSA, the information required under geographical area to be served, as specified

in § 95.14(b)(2)(ii) shall be provided for the Title II area.

(3) *Program Planning Summary.* This form is described in § 95.14(c)(3).

(4) *Budget Information Summary.* This form is described in § 95.15(c)(4).

(5) *Public Service Employment Occupation Summary.* This form is described in § 95.15(c)(5).

(6) *Monthly Schedule.* A monthly estimate of total individuals enrolled at the end of the month and total cumulative expenditures shall be provided. Such monthly schedule will reflect the activity for each month during the grant period under Title II.

(7) *Program Summary.* The Program Summary presents a distribution of jobs, training slots, and funds to be provided to eligible, applicants and subgrantees. It designates the area to be served, the population and employing agencies of each area.

* * * * * *

§ 96.23 Acceptable public employment positions.

* * * * * *

(b) * * *

(5) To the extent consistent with the maintenance of effort requirements of § 96.24, the participant activity limitations of § 98.23 and the personnel procedures and collective bargaining agreements of the eligible applicant and the private nonprofit agencies, jobs may also be allocated to private nonprofit agencies, such as educational, social service, and health agencies, which provide public services, as defined in § 94.4, within an eligible applicant's jurisdiction. Jobs may be allocated to such agencies provided: they offer public services for the general public and not primarily or exclusively for the benefit of their membership or constituencies; and they are determined to best serve the unemployed population based on the considerations stated in § 96.23(b)(4). Such jobs may include positions in Job Corps Centers other than those operated by private for profit organizations.

* * * * * *

§ 96.27 Eligibility for participation in a Title II program.

* * * * * *

(b) A veteran who has served on active duty for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge or release for participation in a program under Title II of the Act without regard to the 30-day unemployment requirement which would otherwise pertain (38 U.S.C. 2013), provided such veteran has not obtained permanent full-time unsubsidized employment between the time of discharge or release from active duty and the time of application for participation in Title II.

* * * * * *

(g) Citizenship may not be used as a criterion to prevent persons from participating in a program under Title II. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are refugees.

* * * * * *

§ 96.28 Equitable service to the unemployed population; serving significant segments.

(a) The prime sponsor shall provide equitable service to the unemployed population in relationship to the population's demographic characteristics—age, race and sex. A breakout of the unemployed population on the basis of these characteristics shall be included in the Annual Plan.

(b) The prime sponsor shall identify the significant segments, as defined in § 94.4, of its unemployed population to be targeted for service. These significant segments shall be described in the Annual Plan.

(c) Where service to the identified significant segments results in a plan of service which varies by more than 15 percentage points from the demographic breakout identified in paragraph (a) of this section, adequate justification of the variance must be provided by the RA in its Annual Plan.

(d) The prime sponsor shall take positive steps, such as active recruitment, to insure that the significant segments in its approved plan of service are served.

§ 96.29 Groups to be provided special consideration within the significant segment groups served.

Special consideration shall be given to:

(a) *Veterans.* (1) Special consideration shall be given to eligible disabled veterans, special veterans, and veterans who served in the Armed Forces and who received other than a dishonorable discharge within four years before the date of their application. In so doing, the eligible applicant shall: take into consideration the extent that such veterans are available in the area in selecting participants within its significant segments and/or identify such veterans in its Annual Plan as significant segments. Specific effort should be made to develop appropriate full or part-time opportunities for such veterans. In order to insure special consideration for veterans, all public service employment vacancies under Title II, except those to which former employees are being recalled, and those into which CETA participants are being transferred, must be listed with the State employment service at least 48 hours (excluding Saturdays, Sundays, and holidays) before such vacancies are filled. During this period those veterans specified above who fall within the significant segments to be served will be referred by SESAs and other referral agencies. If sufficient numbers of veterans are not available, the employment service, upon request, may also refer other members of the significant segments (sec. 205(c)(5)). The eligible applicant should utilize the assistance of State and local veterans employment representatives in formulating its program objectives.

(2) Each eligible applicant shall, on a continuing and timely basis, provide information on job vacancies and training opportunities funded under Title II of the Act to State and local veterans employment representatives and to other veterans organizations for the purpose of disseminating information to eligible veterans (sec. 104(b) of Emergency Jobs and Unemployment Assistance Act of 1974).

(b) *Welfare recipients.* Eligible applicants shall give special consideration to welfare recipients by taking them into account when selecting participants within significant segments and/or by identifying them as a significant segment in the Annual Plan.

(c) *Former manpower trainees.* Due consideration shall be given, in developing an eligible applicant's plan and enrolling individuals in the manpower programs funded under Title II of the Act, to persons, falling within the significant segments to be served, who have participated in manpower training programs and for whom work opportunities are not otherwise immediately available (sec. 205(c)(9)).

§ 96.30 Serving the most severely disadvantaged persons.

In meeting the requirements of §§ 96.28 and 96.29 above, the eligible applicant shall give priority to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title II (secs. 205(c)(7) and 210).

* * * * * *

§ 96.33 Placement goals.

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(c)(1)(i) To carry out the intent of paragraph (b), each eligible applicant, program agent and subgrantee, to the extent consistent with law and applicable collective bargaining agreements, shall have the goal of accomplishing on an annual basis at least one of the following:

(A) Placing half of the cumulative number of participants terminated in unsubsidized private or public sector employment;

(B) Placing participants in half the vacancies occurring in suitable occupations in an eligible applicant, program agent, or subgrantee's permanent work force which are not filled by promotion from within the agency.

(ii) When a suitable job offer or offer of referral to a suitable job is made to and rejected by a participant, this can be construed as being acceptable grounds for termination of the participant by the prime sponsor regardless of how long the individual has been in the program. Suitable job shall mean a job which is: comparable to the participant's CETA job in terms of working conditions and benefits; the same or equivalent to (in terms of the three-digit DOT code) the participant's CETA job or otherwise commensurate with his/her skill level; located within a commuting distance of

the participant's home comparable to the distance traveled by others in the juris-

(ii) An Annual Narrative Description of Program;

rental, or leasing of necessary supplies, equipment, and materials except

marily for programs under the Act are allowable.

a merit based system of personnel policies and practices for employees includ-

plied with during the proces of determination;

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the participant's home comparable to the distance traveled by others in the jurisdiction similarly employed; and not vacant due to a strike or based on a requirement that an employee must join or resign from a union.

* * * * *

§ 96.37 Use of of Title II funds for programs under Titles I and III–A.

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part for programs authorized under Title I or Part A of Title III of the Act. Where Title II funds are used for activities other than PSE authorized under other Titles of the Act, all provisions under this Part, except § 96.21 (b), (c), (e), (g), and (h), § 96.27(e), § 96.31, § 96.33, § 96.34, and § 96.36, shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III (sec. 210); however, when Title II funds are used to fund public service employment, all of the provisions of this Part 96 shall apply.

* * * * *

§ 96.43 Funding of eligible applicants.

(a) In order to be funded, a potentially eligible applicant must request to operate a program under Title II by complying with the provisions of § 97.111 of the regulations for Indian Employment and Training Programs funded under Section 302 of the Act.

(b) Each potentially eligible applicant will receive a tentative allocation against which it will prepare and submit its grant application.

(c) *General.* The grant application will consist of two documents, the Prime Sponsor Agreement (PSA) and the Annual Plan (AP). Detailed instructions for completing the application are contained in the Forms Preparation Handbook.

(1) *Prime sponsor agreement.* An applicant applying for the first time shall not later than 30 days prior to submission of the Annual Plan submit to the Director, Division of Indian and Native American Programs (DINAP), a signed copy of the PSA. An applicant who has already effected a PSA shall submit with the Annual Plan to the Director, DINAP, a certification that the PSA remains the same or is revised in certain respects which are attached to the certification. The initial submission and subsequent certifications are subject to the comment and publication procedures of § 96.45. The PSA consists of:

(i) A signatory page (see § 95.14(b)(1));

(ii) A narrative description of general information; and

(iii) Assurances and certifications.

(2) *Annual plan.* On a date set by the Director, DINAP, an Annual Plan must be submitted to the Director, DINAP. The submission of the AP is subject to the comment and publication procedures of § 96.45. The Annual Plan consists of:

(i) An Application for Federal Assistance. (See § 95.14(c)(1));

(ii) An Annual Narrative Description of Program;

(iii) A Program Planning Summary (see § 95.14(c)(3));

(iv) A Budget Information Summary (see § 95.14(c)(4));

(v) A Public Service Employment Occupational Summary (See § 95.14(c)(5));

(vi) A Monthly Schedule (see § 96.14(b)(6)); and

(vii) A Program Summary (see § 96.14(b)(7)).

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

* * * * *

§ 98.6 Audit.

* * * * *

(e)(1) Each grantee shall establish and maintain an audit program for its contractors and subgrantees to the extent necessary to insure adequate financial management and conformance with Federal requirements. The Governor shall also establish and maintain such an audit program for vocational education services and activities funded pursuant to § 95.2(c)(4).

(2) Each grantee shall conduct at least once every two years an independent audit of each contractor or subgrantee providing activities and services amounting to a cost of $100,000 or more during one grant year. Audits of those subgrantees or contractors providing activities and services under $100,000 may be conducted on a sample basis as coordinated with and approved by the Regional Administrator for Audit. Of the awards of less than $100,000, the sample selected shall include at least 25% of the total number of awards or 25 percent of the total dollars awarded, during a two-year period. The auditing of contractors and subgrantees on a sample basis in no way lessens the prime sponsor's responsibility to insure that program activities and related costs incurred by contractors and subgrantees are in compliance with Federal requirements as stated in paragraph 98.5(a). Fixed price contracts for nonprogram, administrative type procurements such as typewriter maintenance, administrative supplies, etc., do not require independent audits. The two-year audit period shall begin with Fiscal Year 1976.

* * * * *

§ 98.12 Allowable Federal costs.

* * * * *

(b) *Restriction on use of funds.*—(1) *Public service employment programs.* (i) Not less than 85 percent of the funds appropriated pursuant to the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(ii) The remaining 15 percent may be used for administration, training, supportive services to public service employment participants; for the acquisition of, rental, or leasing of necessary supplies, equipment, and materials, except as limited by paragraph (c) of this section; and for the rental or leasing of real property. An eligible applicant which does not itself administer the entire program may not retain the entire 15 percent for its own use unless this is agreed to by it's subgrantees. Unless otherwise agreed to, at least 50 percent of the amount used for the administration of the program shall be available to subgrantees for administrative costs.

(2) No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under the Act as a matching contribution in order to obtain additional funds under the Act is not prohibited.

(3) Unless otherwise provided in parts 94–99, funds provided under one grant under the Act may not be used to support costs of another grant under the Act.

(c) *Expenditures for repairs, maintenance, and capital improvements and for construction; home repair; winterization/weatherization.* (1) Funds for construction, as defined in § 94.4(o), and for repairs, maintenance and capital improvements to existing facilities are allowable only under the following conditions:

(i) To pay wages and fringe benefits for public service employment participants;

(ii) To purchase equipment, materials, and supplies for use by public service employment participants and for use in the training of public service employment participants, except for materials used in construction;

(iii) To cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, and books, and allowance and wages; but not including materials used in construction, and only when such construction would not normally be performed by an outside contractor.

(2) Consistent with maintenance of effort requirements of this subtitle, the cost of participant salaries and fringe benefits shall be allowable costs when such participants are used in home repair and winterization/weatherization activities where work performed will not inure primarily to the benefit of a profitmaking organization. Home repair and winterization/weatherization activities shall be limited to dwellings of individuals who are at or below 125 percent of the poverty level (as defined in § 94.4) which are privately owned and owner-occupied, privately owned by a nonprofit organization, units of public housing, or privately owned rental housing projects funded and approved by the Federal Energy Administration or the Community Services Administration. (704(f)).

(3) Costs associated with building repairs, maintenance, and capital improvements of existing facilities used primarily for programs under the Act are allowable.

* * * * *

(e) * * *

(2) Participants' fringe benefits shall be charged to fringe benefits (premiums for medical and accident insurance for participants enrolled in classroom training and services to participants is considered to be a training or service cost as appropriate).

* * * * *

(f) * * *

(2) *Fringe Benefits.* Allowable fringe benefit costs for participants include, but are not limited to the following: annual, sick, court and military leave pursuant to an established leave system; employer's contribution for social security, employees' life and health insurance plans, unemployment insurance, workers' compensation insurance; retirement benefits in accordance with section 98.25 of this part; and, under public service employment programs, training materials, work tools, uniforms, or other equipment ordinarily provided by the employer to its regular employees, provided these are for benefit and ownership of the participants.

* * * * *

(5) *Services.* Services include, but are not limited to services to applicants, supportive and manpower services, as set forth in § 95.33(d)(5).

(i) Services to applicants include outreach and intake.

(ii) Supportive services include child care, health care, medical and dental services, residential support, assistance in securing bonding, transportation, family planning and legal services.

(iii) Manpower services include orientation, counseling, job development, job placement, and employability assessment.

* * * * *

(6) * * *

(iii) * * *

(A) The costs for planning for all titles by the prime sponsor planning council shall be charged to title I.

* * * * *

(g) * * *

(6) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services. Such travel shall be restricted to the grantee's jurisdiction or within daily commuting distance, except:

(i) As provided under § 98.29a(f);

(ii) To pay for transportation costs at the beginning and end of a training course which is more than daily commuting distance but within the State in which the prime sponsor is located;

(iii) As permitted for good cause by the RA, on a case by case basis, within the United States.

* * * * *

§ 98.14 Basic Personnel Standards for Grantees.

(a) Each prime sponsor and eligible applicant shall establish and maintain a merit based system of personnel policies and practices for employees including participants, engaged in the administration of the Act. Such system shall be in accord with State and local laws and regulations that adequately reflect the merit principles declared in the Intergovernmental Personnel Act (IPA) of 1970 (Pub. L. 91–648). Prime sponsors whose personnel systems have been accepted by the U.S. Civil Service Commission as being in conformity with the Uniform Standards for a Merit System of Personnel Administration (45 CFR Part 70), including any amendments thereto, shall be deemed to be in compliance with this section (Sec. 703.14).

(b) Except as provided in paragraph (c) of this section, any prime sponsor or eligible applicant whose personnel system has not been accepted as meeting the requirements of this section shall provide to the RA for approval a plan and steps to be taken for attaining an acceptable system and a reasonable date for completing the plan; and also shall provide a list of those steps it has already taken to provide for merit based personnel system coverage. This plan and description of steps taken shall be submitted to the RA as part of the grant application.

(c)(1) The following are not subject to the requirements of paragraphs (a) and (b) of this section:

(i) Any non-governmental prime sponsor;

(ii) A consortium administrative unit which is not a unit of government;

(iii) Staff of contractors, subgrantees, title II program agents and employing agencies and titles I, II, and VI program participants; and

(iv) Employees of the prime sponsor's jurisdiction not engaged in the administration of CETA.

(2) A consortium administered by one of the member governments or a unit thereof or a unit of government not a member shall be subject to paragraphs (a) and (b) of this section.

(d) Units whose staff are exempt under paragraph (c) of this section shall insure equal employment opportunity based on objective standards of recruitment, selection, promotion, classification, compensation, performance evaluation, and employee management relations reflective of the principles contained in IPA.

(e) Prime sponsors and eligible applicants should include individuals on their CETA administrative staffs which at all levels are reflective of the composition of the population to be served by the program within its jurisdiction.

§ 98.17 Annual Plan settlement procedures.

(a) The settlement of an Annual Plan is the process by which the Department of Labor determines that all applicable administrative actions and all required work of the Annual Plan have been completed by the grantee and the grantor. The following procedures will be complied with during the process of determination:

(b) By a date specified by the RA, each grantee shall submit a TWX containing the following information on each expiring annual plan:

(1) Total fund availability;

(2) Estimated accrued expenditures;

(3) Estimated carryout.

(c) The RA shall issue a notice of fund availability to transfer carryout from the previous Annual Plan. A second notice of fund availability, shall be issued by the RA to transfer the carryout from the previous Annual Plan into a new Annual Plan.

(d) In the following months (generally not to exceed six months), the grantee shall take steps as set forth in the *Forms Preparation Handbook*, or other appropriate issuance, to settle each expiring Annual Plan.

(e) Final settlement of expired Annual Plans shall not be complete until a final audit has been performed, audit findings have been resolved and final reports have been submitted.

(f) *End of Prime Sponsor Agreement.* The Prime Sponsor Agreement has no end or termination date. However, under the following conditions the Prime Sponsor Agreement shall no longer be in effect:

(1) When all activity under all Annual Plans has been completed and final settlement under those Annual Plans including an inventory settlement under the PSA has been reached.

(2) When the PSA is a multiparty agreement and one or more signatory parties has legally withdrawn from the agreement and an inventory settlement under the PSA has been reached.

(g) Additional guidance pertaining to Annual Plan settlement and transfer of funds shall be provided in the *Forms Preparation Handbook*.

* * * * *

§ 98.22 Nepotism.

(a) *Restriction.* No grantee, subgrantee, contractor, or employing agency may hire a person in an administrative capacity, staff position or public service employment position funded under the Act if a member of his or her immediate family is engaged in an administrative capacity for the same grantee or its subgrantees, contractors, or employing agencies. Where a State or local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State or local statute in lieu of this policy.

(b) * * *

(3) The term "person in an administrative capacity" includes: those persons who have overall administrative responsibility for a program, including all elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under the Act, such as members of the prime sponsor planning council, as well as other officials who have an influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and

persons who have selection, hiring, placement or supervisory responsibilities for

tivity, i.e., work experience, public service employment, on-the-job training, class-

§ 98.41 Review of plans and applications, violations.

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persons who have selection, hiring, placement or supervisory responsibilities for public service employment participants.

* * * * *

§ 98.24 General benefits and working conditions.

(a)(1) Each participant in an on-the-job training, work experience or public service employment program under the Act shall be assured of workers' compensation at the same level and to the same extent as other employees of the employer who are covered by a State or industry workers' compensation statute. Whether provided through the State's compensation agency or a private insurance carrier, this coverage includes medical and accident insurance as well as income maintenance insurance.

(2) Where a participant is employed or engaged in any CETA program activity, i.e., work experience, public service employment, on-the-job training, classroom training, services to participants and other activities where others similarly employed or engaged are not covered by an applicable workers' compensation statute, the participant shall be provided with medical and accident insurance coverage. Whether provided through the State's workers' compensation agency or a private insurance carrier, the prime sponsor shall provide such participants with medical and accident insurance coverage equivalent to the medical and accident insurance provided under the applicable State workers' compensation statute. However, prime sponsors shall not be required to provide these participants with the income maintenance insurance coverage in the statute.

* * * * *

§ 98.41 Review of plans and applications, violations.

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plan or Application for financial assistance submitted under any title of the Act (except where other procedures are set forth e.g., Sec. 97.292), or any modifications, or amendments thereof, without first affording the grantee submitting the plan or application reasonable notice and opportunity for a hearing as provided in section 98.47 et seq.

* * * * *

Signed in Washington, D.C., this 30th day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc.77-19558 Filed 7-7-77;8:45 am]

federal register

FRIDAY, JULY 8, 1977
PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Employment and Training Administration

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MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Fiscal Year 1978 State Planning Estimates, Programs and Areas To Be Renewed Without Competition, and Areas Open for Competition

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DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Fiscal Year 1978 State Planning Estimates, Programs and Areas To Be Renewed Without Competition, and Areas Open for Competition

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Pursuant to 29 CFR 97.211, the Employment and Training Administration is required to announce State planning estimates of resources available to implement programs funded under title III, section 303 of the Comprehensive Employment and Training Act (CETA) of 1973, as amended. This notice also announces the States and/or areas open for competition as provided in 29 CFR 97.219.

FOR FURTHER INFORMATION CONTACT:

Paul A. Mayrand, Chief, Division of Farmworker Programs, DOL/ETA, 601 D Street NW., Washington, D.C. 20213, Phone: (202—376–7288).

SUPPLEMENTARY INFORMATION:

1. *Fiscal Year 1978 State Planning Allocations.* Planning estimates are announced for planning purposes only and are subject to congressional action on the Fiscal Year 1978 appropriation for the Department of Labor, Employment and Training Administration, CETA. The total amount of planning estimates listed below, $63,920,000, is 85 percent of the total amount planned for all section 303 purposes in Fiscal Year 1978.

The apportionment of the planning estimate amounts for 49 States and Puerto Rico is based on each State's percentage of the nation's farmworkers and on each State's hold harmless level of 90 percent of the Fiscal Year 1977 allocation. These estimates are based upon the same data source utilized for the Fiscal Year 1977 estimates. (A description of this data source and the rationale for using it are set forth in the FEDERAL REGISTER, Volume No. 144, page 31293, July 25, 1975.)

Eligible applicants should use the following State planning estimates in developing Fiscal Year 1978 funding requests:

State:	*Fiscal year 1978 allocation*
Alabama	$967,200
Arizona	931,500
Arkansas	916,100
California	11,911,400
Colorado	690,900
Connecticut	235,700
Delaware	81,000
Florida	3,113,600
Georgia	1,471,600
Hawaii	324,000
Idaho	791,100
Illinois	1,532,200
Indiana	1,208,100
Iowa	1,934,400
Kansas	855,200
Kentucky	1,110,200
Louisiana	685,300
Maine	302,900
Maryland	517,100
Massachusetts	320,500
Michigan	1,239,800
Minnesota	1,768,900
Mississippi	916,100
Missouri	1,173,600
Montana	402,900
Nebraska	828,400
Nevada	103,600
New Hampshire	77,500
New Jersey	453,000
New Mexico	656,100
New York	1,526,500
North Carolina	3,880,700
North Dakota	264,900
Ohio	1,265,200
Oklahoma	736,800
Oregon	1,096,800
Pennsylvania	1,527,200
Rhode Island	40,500
South Carolina	1,029,200
South Dakota	555,100
Tennessee	810,800
Texas	4,962,900
Utah	335,300
Vermont	290,200
Virginia	1,297,600
Washington	1,980,900
West Virginia	499,500
Wisconsin	2,166,200
Wyoming	245,900
Puerto Rico	1,887,900
Total	63,920,000

2. *Programs and areas to be renewed without recompetition.* The Secretary of Labor will exercise the option contained in 29 CFR 97.219(a), to negotiate Fiscal Year 1978 grants without recompetition for existing sponsors whose Fiscal Year 1976 performance was determined to be satisfactory as recorded in the quarterly Program Status Summary (PSS) reports which are used to assess the grantees' performance in carrying out the objectives of the Act, and whose performance continues during the grant negotiation period to be at an acceptable level. (If prior to award of grant, a sponsor's performance is determined not to be acceptable, the Secretary may invite proposals for that area from other organizations and, with or without a panel review, negotiate a grant with one or more proposers pursuant to 29 CFR 92.217.) Satisfactory performance was determined after a review of "actual performance versus planned performance" on 11 factors:

1. Number of participants enrolled.
2. Number placed in jobs.
3. Number of direct job placements.
4. Number of indirect job placements.
5. Number of other positive terminations.
6. Number enrolled in classroom training.
7. Number enrolled in on-the-job training.
8. Number enrolled in work experience.
9. Number enrolled in other activities.
10. Accrued expenditures.
11. Level of nonpositive terminations.

Satisfactory performance for each factor was considered as obtaining at least 85 percent of the planned goal. (For factor 11—level of nonpositive terminations—the grantee had to be at or under the number of planned nonpositive terminations.) For each factor, each grantee was given a positive mark when they adequately met the goal. Grantees with eight or more positive marks were determined to be satisfactorily performing and were selected as grantees to be renewed without competition.

Grantees experiencing serious audit questioned costs or management difficulties were excluded from the noncompetitive list. Also, the new sponsors (selected in 1977) automatically compete since they did not have a full year's experience to rate their actual versus planned performance. Section 97.219 requires that no grant shall be operated in any State or area for a period of more than 2 years without recompetition. Consequently, all States or areas that did not recompete last year were also excluded from the noncompetitive list.

The following are the organizations which demonstrated satisfactory performance and will not compete for Fiscal Year 1978 sponsor status:

States	Sponsors	Areas
Alabama	Alabama Migrant and Seasonal Farmworker Council.	Statewide.
California	County of Los Angeles	Los Angeles.
Iowa	Migrant Action Program	Statewide.
Louisiana	Manpower, Education, and Training of Louisiana.	Do.
Massachusetts	New England Farmworkers Council, Inc.	Do.
Michigan	United Migrants for Opportunity, Inc.	Do.
Minnesota	Minnesota Migrant Council	Do.
Nevada	State of Nevada	Do.
New Jersey	Farmworkers Corp. of New Jersey	Do.
New Mexico	Home Education Livelihood Program	Do.
Tennessee	Tennessee Opportunity Program	Do.
Texas	Community Action Council of South Texas	Starr and Zapata Counties.
	Economic Opportunities Development Corporation of San Antonio.	Counties of Atoscosa, Guadalupe, Bandera, Karnes, Bexar, Kendall, Comal, Kerr, Frio, Medina, Gillespie, Wilson, and McMullen.
	Manpower Education and Training	All remaining counties statewide, excluding the following counties, which will be open for competition: Hidalgo, Jim Hogg, Cameron, and Willacy.

Intra-State planning estimates for Texas and California will be published to enable applicants for funding in areas not closed to competition to prepare funding requests.

All programs to be renewed without competition are required to submit an updated comprehensive plan for Fiscal Year 1978 and, in addition, are subject to the requirements set forth in 29 CFR 97.217 covering negotiation of final grant which includes procedures in case of the failure of negotiations to result in an acceptable, negotiated grant.

3. *Areas Open for Competition.* (a) All areas, except those listed in Paragraph No. 2, above, are open for competition. Organizations interested in applying for these funds should consult the January 7, 1977, FEDERAL REGISTER for the procedures to be used. A notice of intent to apply, the Preapplication for Federal Assistance form, Part I (OMB No. 29–RO218), must be submitted by eligible organizations to the Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, NW., Washington, D.C. 20213, by August 1, 1977. The Preapplication must be registered or certified by the Postal Service on or before August 1, 1977, or actually received in Room 7122 before 4 p.m. e.d.t. on August 2, 1977. In accordance with 29 CFR 97.212(b), no preapplication received after this time shall be considered for funding.

(b) In a State or area where no organization except the current 303 sponsor submits a Preapplication for a Fiscal Year 1978 grant, the Secretary may elect to negotiate a Fiscal Year 1978 grant without submitting the funding request for panel review.

All programs to be renewed are required to submit an updated comprehensive plan for Fiscal Year 1978 and, in addition, are subject to the requirements set forth in 29 CFR 97.217 covering negotiation of final grant which includes procedures in case of the failure of negotiations to result in an acceptable negotiated grant.

Signed at Washington, D.C. this 5th day of July, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–19528 Filed 7–7–77;8:45 am]

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federal register

FRIDAY, JULY 8, 1977

PART VI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

RANGE MANAGEMENT AND TECHNICAL SERVICES

Grazing Administration and Trespass

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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DISCUSSION OF COMMENTS RECEIVED ON THE PROPOSED RULEMAKING OF JULY

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WHO IS THE AUTHORIZED OFFICER?

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4100, 4700, 9230]

RANGE MANAGEMENT AND TECHNICAL SERVICES

Grazing Administration and Trespass

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: Rulemaking is proposed to update livestock grazing regulations for public lands and to add provisions required by the Federal Land Policy and Management Act of 1976. Changing and increasing land use demands and passage of the new Act necessitate new rulemaking. This proposal changes the grazing regulations to allow for management flexibility to achieve multiple use and environmental objectives.

DATE: Comment by September 6, 1977.

ADDRESS: Send comments to Director (210), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 at the above address from 7:45 a.m.–4:15 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202–343–8735.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rulemaking is Allan W. Strobel of the Bureau of Land Management, Washington Office, Division of Range Management, assisted by staff of the Division of Legislation and Regulatory Management and Gail L. Achterman of the Solicitor's Office, Department of the Interior.

Proposed rulemaking was published on pages 31504 through 31515 of the FEDERAL REGISTER of July 28, 1976, under authority of the Taylor Grazing Act of 1934 and other Acts. Comments were invited through January 31, 1977. The purpose of that proposed rulemaking was to modernize the rules for grazing on public lands and to conform with changing land use demands and the resulting need for management flexibility to achieve multiple use and environmental objectives.

The proposed rulemaking of July 28, 1976 was the first major proposed revision of the grazing regulations in decades. Following passage of the Taylor Grazing Act in 1934, regulations were adopted to control use of public rangelands and to adjudicate livestock use allowances to qualified ranch operations. The existing regulations have several deficiencies. First, they are divided into two repetitive sections, one covering grazing administration inside grazing districts and the other covering grazing administration outside grazing districts, making the regulations unnecessarily long and unclear. Second, nearly all of the administrative procedures, including those pertaining to base property and commensurability requirements and transfers of grazing preferences, are cumbersome and time consuming. Third, the existing regulations fail to recognize the multiple use values of the land and the need for management flexibility to achieve multiple use and environmental objectives. In addition, the primary objective of the existing regulations, allocating grazing preferences among ranch operations, was essentially accomplished by the mid-1960's.

The rules proposed last July responded to these deficiencies largely by simplifying the rules, and requiring grazing management to be consistent with land use plans. The key substantive change responded to the increasing and changing demand for public land use. Since the total public land area remains constant, demand can only be accommodated through land use planning for multiple use to minimize adverse impact on the land and its resources. Therefore, the proposed regulations based grazing allocation and management on land use plans incorporating environmental and other resource values. In addition, varying degrees of livestock grazing management intensity were recognized based on the resource evaluations made in land use plans.

Approximately 1,000 comments were received on the proposed rulemaking. During the comment period the Federal Land Policy and Management Act of 1976 was signed into law. The rulemaking process was delayed to determine the effect of the Act on the grazing rules. The Act amended the Taylor Grazing Act and provided for the following: Including a redistribution of grazing fee revenues, new provisions on permit and lease terms, and a new requirement for cancellation, notice and compensation for range improvements. Most importantly, though, the Federal Land Policy and Management Act requires that livestock grazing management be carried out in accordance with multiple use land use plans. This statutory provision thus affirms previously adopted administrative policy. New provisions were added to the proposed rules in order to implement the new Act.

Many individuals and groups analyzed the initial proposal and submitted good thoughtful comments and suggestions. Since substantive changes were made in the proposed rulemaking because of the new Act, some comments are no longer appropriate. The proposed rulemaking was amended and clarifying language added in several places as a result of the suggestions received. Interested and affected persons and organizations should critically examine this current proposed rulemaking and comment again.

DISCUSSION OF COMMENTS RECEIVED ON THE PROPOSED RULEMAKING OF JULY 28, 1976

SHOULD ALLOCATION OF GRAZING USE BE BASED ON HISTORICAL USE OF THE PUBLIC LANDS BY DEPENDENT PRIVATE PROPERTY OWNERS IN ORDER TO MAINTAIN THE STABILITY OF THE LIVESTOCK INDUSTRY?

Many comments were received from ranchers, state and local governments and extension agents suggesting that maintaining the stability of the livestock industry be included as an objective of the regulations, as stated in the Taylor Grazing Act. This provision has been included in the new proposed rules. These commentators also feared that elimination of the commensurability requirement and much of the adjudication language in the old regulations indicated that grazing would no longer be allocated on the basis of historic use by dependent private property owners. The concept of commensurability, basing grazing preference on public lands on the productive capacity of private lands, has been included in the new proposed rules in modified form. Base property must be capable of producing crops or forage that can be used to support livestock, but the new proposed regulations do not require the crops or forage to actually be produced. Land base property must be owned or controlled and must be used in a livestock operation. Provision is also made for future adjudication, if necessary, in the sections on grazing preference and conflicting applications.

HOW MUCH CONTROL SHOULD THE BUREAU HAVE OVER PRIVATE LIVESTOCK OPERATIONS?

Many ranchers and their representatives criticized provisions in the proposed regulations which they believed interfered unjustifiably with the rancher's judgment on how to run livestock. They especially feared unilateral imposition of allotment management plans by the Bureau. The new proposed regulations require that allotment management plans be developed in consultation with the permittee or lessee. Only if agreement cannot be reached will the Bureau institute a grazing management plan by decision. The comments also criticized the provision allowing the Bureau to specify the breed of livestock in a permit or lease. This provision was clarified by limiting its use to community allotments where two or more operators graze their livestock in common. Comments also criticized prohibiting placing feed or mineral supplements on public lands without authorization. Many noted that salt placement is a necessary and proper part of livestock management which should not require prior authorization. We agree and the new proposed regulations have been changed accordingly.

HOW MUCH PUBLIC PARTICIPATION SHOULD OCCUR BEFORE CLOSING PUBLIC LANDS TO GRAZING?

Some comments criticized the provision allowing public lands to be closed to livestock by notifying livestock operators and the public. Greater opportunity for public comment was suggested. This provision was clarified to emphasize that it will only be used in exceptional circumstances to protect the soil, vegetative or other public land resources usually in cases such as droughts. These circumstances require quick action inconsistent with time-consuming public participation.

HOW MUCH NOTICE IS NECESSARY BEFORE GRANTING A LIVESTOCK OPERATOR A CHANGE OF USE?

The proposed rules required livestock operators to apply for a change in grazing use 30 days before the grazing season or year begins. Permittees or lessees must file their basic grazing schedules with the Bureau and they are billed for scheduled use unless a change in use is allowed in advance. Many comments suggested that changes be allowed up until the first day of the season or year. The suggestion was not adopted because 30 days is needed to evaluate the compatibility of the proposed change with existing operations and management objectives for the allotment and to complete necessary administrative requirements.

SHOULD WILLFUL AND NONWILLFUL TRESPASS BE DISTINGUISHED?

Many comments criticized the proposed rules for failing to treat willful and non-willful trespass differently. Ranchers believed the penalties were too severe in cases of non-willful trespass. Environmental groups and others believed they were too lenient in cases of willful trespass. The existing rules allow collection of twice the value of the forage consumed in cases of willful trespass, while the proposed rules did not. The new proposed rules distinguish between willful and non-willful trespass and reinsert the double damage provision in cases of willful trespass in order to provide a real disincentive to trespassers.

COORDINATING GRAZING USE WITH STATES AND PRIVATE LANDOWNERS WHERE THEIR LANDS ARE INTERMINGLED WITH PUBLIC LAND

Many States and ranchers owning land intermingled with public land commented on the inclusion of these lands in allotment management plans and the application of prescribed systems of livestock grazing on these lands. The new proposed rules explain that private and State land shall be considered if these lands are unfenced and intermingled with public lands in the allotment or with consent or request of the rancher. The exchange-of-use permit provision was not changed because in such cases the private owner voluntarily applies for the permit and subjects his private land to Bureau control in exchange for free use of the intermingled public land.

WHO IS THE AUTHORIZED OFFICER?

The existing grazing regulations refer to the State Director of the Bureau and the District Manager. Many comments criticized the shift to the term "authorized officer" in the proposed rules contending that no one knows who this person is. While we agree that the term causes some confusion, it would be even more confusing to state explicitly who has each particular authority since delegations of authority change frequently. The authorized officer is not a new concept or person. The term refers to any official of the Bureau of Land Management who has been delegated the authority, through specific Secretarial or Bureau delegations, to carry out the management responsibilities of the Secretary of Interior on a particular management area of the public land. The authorized officer may be an Area Manager, District Manager, State Director, or the Director of the Bureau of Land Management depending upon the location and the resource program involved. The authorized officer will most often be an Area Manager or a District Manager under these rules.

SHOULD CONSULTATION WITH ADVISORY BOARDS BE REQUIRED?

Several comments from both ranchers and environmental groups suggested that consultation with advisory boards should be mandatory in certain instances. Ranchers also sought reestablishment of grazing district advisory boards. This was done in a limited way by the Federal Land Policy and Management Act. Regulations governing the boards appear in 43 CFR Subpart 1784.

SHOULD VIOLATION OF STATE AND FEDERAL CONSERVATION LAWS BE GROUNDS FOR CANCELLING OR REDUCING A RANCHER'S GRAZING PREFERENCE?

The proposed rules made violation of a Federal or State law or regulation concerning the conservation or protection of natural or cultural resources or the environment a prohibited act punishable by cancellation or reduction of the violator's grazing preference. This provision was widely criticized. Ranchers contend that the provision is unfair because it punishes them twice, once under the conservation law or regulation violated and once under this provision. Conservation organizations contend that there should be no requirement for criminal conviction, rather that the Bureau should administratively determine whether such laws have been violated. Both arguments have been thoroughly reviewed. The rule proposed in July has not been changed. First, it should be noted that the Bald Eagle Protection Act and the Endangered Species Act both authorize reduction or cancellation of grazing permits or leases only following criminal conviction. This standard was adopted in the proposed rules in order to provide due process and because the Bureau cannot legally determine whether these other laws and regulations have been violated. This provision is necessary though because in some instances violation of these laws and regulations indicates that a permittee or lessee has insufficient regard for the public lands and their resources to warrant continuation of his preference.

SHOULD VEGETATIVE RESOURCES BE ALLOCATED TO WILDLIFE AND WILD HORSES AND BURROS BEFORE ALLOCATING FORAGE TO DOMESTIC LIVESTOCK?

Several conservation organizations, state governments and university professors commented on the needs of wildlife. The existing regulations explicitly recognize the need to set aside forage for wildlife while the rules proposed last July implied that this would be done through land use planning. The new proposed rules require in § 4110.2–2(a) that grazing preference be allocated to qualified applicants only following the allocation through land use planning of the forage between livestock grazing, wild horses and burros, wildlife and other forage needs. No priority is given to one forage use over another since this would not conform with multiple use land use planning objectives. It is also important to note that these regulations only cover domestic livestock grazing. Other regulations now being prepared by the Department will cover land use planning, the process in which vegetative resources are allocated between livestock, wildlife and wild and free-roaming horses and burros.

LIVESTOCK GRAZING CAPACITY

The regulations proposed in July used the term "livestock grazing capacity" without defining it. This omission and failure to explicitly condition grazing permits and leases on available forage were severely criticized. A definition is included in the new proposed rules. In addition, a general condition was added stating that authorized livestock grazing use shall not exceed the livestock grazing capacity. One comment suggested that grazing capacity should be reviewed annually to assure that use matches available forage. This procedure would be costly, cumbersome, and is unnecessary since a number of provisions allow for reductions in grazing if necessary for resource protection.

Accordingly, in line with the above discussion, the proposed rulemaking has been changed as appropriate in accordance with comments received on the July 28, 1976 publication and the applicable provisions of the Federal Land Policy and Management Act. The amended rulemaking is published as a proposed rulemaking and public comments and suggestions are invited.

MAJOR FEATURES

These regulations apply to livestock grazing on all lands administered by the Bureau of Land Management outside of Alaska. Regulations for the public lands within and outside grazing districts are consolidated and the issuance of grazing permits and leases will be treated in nearly identical fashion.

The allocation of grazing preference and the authorization of grazing use on the public lands through the issuance of

ing, impounding, caring for, and disposing of livestock may also be included

Sec.
4120.4 Ownership and identification of

ple-use, environmental, economic, and other objectives as stated in Subpart 1725

other objectives of land management; and (3) contains such other provisions

number of livestock, season(s) of use,

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The allocation of grazing preference and the authorization of grazing use on the public lands through the issuance of grazing permits and leases will be accomplished in accordance with land use plans which provide for multiple use management and protection of the environment and other resource values. The regulations provide for issuing grazing permits and leases for a term of 10 years; however, if the public lands involved are pending disposal or will be devoted to a public purpose which precludes livestock grazing prior to the end of 10 years, the grazing permits or leases will be issued for a term coinciding with the anticipated date of disposal or anticipated date for devoting the lands to another public purpose. Grazing permits or leases will also be issued for less than 10 years in the interest of sound land management if necessary to achieve the objectives in the land use plans or if the land use plans have not been completed.

The proposed regulations provide for the application of the appropriate intensity of livestock grazing management, along with associated range improvement, needed to achieve the management objectives on specific areas of public land consistent with land use plans. Allotment management plans will be developed and implemented in consultation with the grazing permittees or lessees. Only if agreement cannot be reached will the Bureau institute a grazing management plan by decision.

While the commensurability and base property requirements are retained, they have been streamlined to reduce administrative requirements and to provide more livestock operator flexibility. Transfer procedures have been simplified.

No change is proposed in the grazing fee formula. This issue will be dealt with separately after the study required by the Federal Land Policy and Management Act is submitted to Congress. Until then the fee will remain the same. Grazing fees must be paid prior to using the public land for grazing unless a management permit or lease has been issued providing for billing and payment after use. If such a permit or lease has been issued, a fee notice based upon actual use reported will be issued after the grazing season. A $25 service charge will be made for each transfer of grazing preference and for each supplemental or revised billing made on the motion of the permittee or lessee. Unless provided otherwise in an allotment management plan, a request to change the grazing use authorized by a grazing permit or lease must be made in writing and approved by the authorized officer before the change is made.

The means of coping with livestock grazing trespass have been strengthened. Instead of using a $2 nonwillful and $4 willful trepass, fee, settlement for unauthorized grazing use will include a charge for the cash rental value of the forage consumed plus costs arising from damage to the public land and property. The proposed rulemaking provides for impoundment and sale of trespass livestock. The expenses incurred in gathering, impounding, caring for, and disposing of livestock may also be included in the settlement. Additionally, the authorized officer may suspend a grazing permit or lease in whole or in part or may cancel a grazing permit or grazing lease, and grazing preference in whole or in part for nonwillful trespass. The authorized officer is required, under these rules, to suspend a grazing permit or lease in whole or in part or cancel a grazing permit or grazing lease and grazing preference in whole or in part for trespass determined to be clearly willful or repeated.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 11821 and OMB Circular A–107.

An environmental impact statement (EIS) for livestock grazing management on national resource lands, released on January 22, 1975, was prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The revised regulations will facilitate implementation of the proposed grazing program discussed in this statement. Implementation of the proposed action will be completed through the preparation of EIS's which discuss livestock grazing activities on localized areas of public lands.

Under the authority of the Taylor Grazing Act of 1934, as amended, (43 U.S.C. 315, 315(a)–315(r)), section 4 of the Act of August 28, 1937 (43 U.S.C. 1181(d)), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), it is proposed to amend Group 4100, Subchapter D, Chapter II, Title 43 of the Code of Federal Regulations as set forth below.

1. Part 4100 is revised to read as follows:

PART 4100—GRAZING ADMINISTRATION—EXCLUSIVE OF ALASKA

Subpart 4100—Grazing Administration—Exclusive of Alaska; General

Sec.
4100.0–1 Purpose.
4100.0–2 Objectives.
4100.0–3 Authority.
4100.0–5 Definitions.
4100.0–7 Cross-references.

Subpart 4110—Allocation of Grazing Use

4110.1 Mandatory qualifications.
4110.2 Grazing preference.
4110.2–1 Base property.
4110.2–2 Grazing preference allocation.
4110.2–3 Transfer of grazing preference.
4110.2–4 Relinquishment of grazing preference.
4110.3 Changes in available forage.
4110.3–1 Additional forage.
4110.3–2 Decrease in forage.
4110.4 Changes in public land acreage.
4110.4–1 Additional land acreage.
4110.4–2 Decrease in land acreage.
4110.5 Conflicting applications.
4110.6 Interest of Member of Congress.

Subpart 4120—Grazing Management

4120.1 Allotments.
4120.2 Terms and conditions.
4120.2–1 General terms and conditions.
4120.2–2 Allotment management plans.
4120.3 Closure to livestock.
4120.4 Ownership and identification of livestock.
4120.5 State livestock requirements.
4120.6 Range improvements.
4120.6–1 Cooperative agreements.
4120.6–2 Range improvement permits.
4120.6–3 Standards and design.
4120.6–4 Assignment of range improvements.
4120.6–5 Removal and compensation for loss of range improvements.
4120.6–6 Contributions.
4120.7 Special rules.

Subpart 4130—Authorizing Grazing Use

Sec.
4130.1 Applications.
4130.2 Grazing permits or leases.
4130.2–1 Regular permits or leases.
4130.2–2 Management permits or leases.
4130.2–3 Custodial permits or leases.
4130.3 Free-use grazing permits.
4130.4 Other permits.
4130.4–1 Exchange-of-use grazing permits.
4130.4–2 Nonrenewable grazing permits.
4130.4–3 Crossing permits.
4130.5 Fees.
4130.5–1 Payment of fees.
4130.5–2 Refunds.
4130.5–3 Service charges.
4130.6 Changes in grazing use.
4130.7 Pledge of permit or lease as security for loan.

Subpart 4140—Prohibited Acts

4140.1 Acts prohibited on public lands.

Subpart 4150—Unauthorized Grazing Use

4150.1 Unauthorized grazing.
4150.2 Notice and order to remove.
4150.3 Settlement.
4150.4 Demand for payment.
4150.5 Impoundment and disposal.
4150.5–1 Notice of intent to impound.
4150.5–2 Notice of public sale.
4150.5–3 Redemption.
4150.5–4 Sale.

Subpart 4160—Administrative Remedies

4160.1 Proposed decisions.
4160.1–1 Proposed decisions on permits or leases.
4160.1–2 Proposed decisions on alleged violations.
4160.2 Protests.
4160.3 Final decisions.
4160.4 Appeals.

Subpart 4170—Penalties

4170.1 Penalty for violations.
4170.1–1 Failure to use.
4170.1–2 Federal and State law or regulation.
4170.2 Penal provisions.

AUTHORITY: 43 U.S.C. 315, 315a–315r, 1701 et seq., 1181d.

Subpart 4100—Grazing Administration—Exclusive of Alaska; General

§ 4100.0–1 Purpose.

The purpose of these regulations is to provide for the uniform administration and management of livestock grazing on the public lands, exclusive of Alaska.

§ 4100.0–2 Objectives.

The objectives of these regulations are to manage livestock grazing on public lands, to preserve the land and its resources from destruction or unnecessary injury, to stabilize the livestock industry dependent on the public lands, and to provide for the orderly use, improvement, and development of the public lands for livestock grazing consistent with multiple-use, environmental, economic, and other objectives as stated in Subpart 1725 of this chapter and in Section 1.02 of the Federal Land Policy and Management Act of 1976, Pub. L. 94–579, 90 Stat. 2745 (43 U.S.C. 1701 et seq.).

§ 4100.0–3 Authority.

(a) The Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a–315r), authorizes the Secretary of the Interior to establish grazing districts and to make provisions for the protection, administration, regulation, and improvement of the public lands. It also authorizes the Secretary to lease lands outside of such districts for grazing purposes upon such terms and conditions as he may prescribe.

(b) The Federal Land Policy and Management Act of 1976, Pub. L. 94–579, 90 Stat. 2745 (43 U.S.C. 1701 et seq.), provides for the management, protection, development, and enhancement of the public lands and directs the Secretary to manage these lands under principles of multiple use and sustained yield in accordance with land use plans.

(c) Executive orders transferring land acquired under the Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1012), to the Secretary for administration under the Taylor Grazing Act.

(d) Section 4 of the O&C Act of August 28, 1937 (43 U.S.C. 1181d), which authorizes the Secretary, at his discretion, to lease for grazing purposes any revested Oregon and California Railroad or Reconveyed Coos Bay Wagon Road grant lands in the State of Oregon which may be so used without interfering with the production of timber or other purposes specified in the O&C Act.

(e) Public land orders, Executive orders, or agreements which authorize the Secretary to administer livestock grazing on specified lands in accordance with the Taylor Grazing Act or other authority as specified.

§ 4100.0–5 Definitions.

Whenever used in this part, unless the context otherwise requires, the following definitions apply:

(a) The "Act" means the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a–315r).

(b) "Allotment" means an area of land designated and managed for grazing of livestock.

(c) "Allotment management plan (AMP)" means a documented program which applies to livestock operations on the public lands, which is prepared in consultation with the permittee(s) or lessee(s) involved, and which (1) prescribes the manner in and extent to which livestock operations will be conducted in order to meet the multiple-use, sustained-yield, economic, and other needs and objectives as determined for the public lands through land use planning; and (2) describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the public lands to meet the livestock grazing and other objectives of land management; and (3) contains such other provisions relating to livestock grazing and other objectives as may be prescribed by the authorized officer consistent with applicable law.

(d) "Animal unit month (AUM)" means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. One horse, one burro, five sheep, or five goats shall be considered equivalent to one cow.

(e) "Authorized officer" means any person authorized by the Secretary to administer regulations in this part.

(f) "Base property" means (1) farm or ranch property (land and improvements) that serves as a base for a livestock operation and has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year, or (2) water that is suitable for consumption by livestock and is available, accessible, and adequate for the authorized livestock when the public lands are used for livestock grazing.

(g) "Cancellation" means a permanent termination of a grazing permit or grazing lease and grazing preference in whole or in part.

(h) "Class of livestock" means age and/or sex groups of a kind of livestock.

(i) "Contiguous land" means land that borders upon or corners upon public land.

(j) "District" means the specific area of public lands administered by a District Manager.

(k) "Grazing district" means the specific area within which the public lands are administered under section 3 of the Act. Public lands outside grazing district boundaries are administered under Section 15 of the Act.

(l) "Grazing fee year" means the year March 1 to the last day of February which is used for billing purposes.

(m) "Grazing lease" means a document authorizing use of the public lands outside grazing districts under section 15 of the Act for the purpose of grazing livestock.

(n) "Grazing permit" means a document authorizing use of the public lands within grazing districts under section 3 of the Act for the purpose of grazing livestock.

(o) "Grazing preference" means the total number of animal unit months of livestock grazing on public lands apportioned and attached to base property owned or controlled by a permittee or lessee.

(p) "Livestock" or "kind of livestock" means species of domestic likestock—cattle, sheep, horses, burros, and goats.

(q) "Livestock grazing capacity" means the number of animal unit months of forage available for livestock grazing on a sustained yield basis on the public lands as determined through land use planning.

(r) "Modification" means a change or revision of the terms and conditions of an unexpired grazing permit or lease including changes in kind or class and number of livestock, season(s) of use, and area(s) of use.

(s) "Other lands under Bureau of Land Management control" means those State or private lands controlled by the Bureau of Land Management through lease, agreement, or otherwise.

(t) "Public lands" means any land and interest in land outside of Alaska owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians.

(u) "Range betterment" means the rehabilitation, protection, and improvement of the public lands to arrest range deterioration and to improve forage conditions, fish and wildlife habitat, watershed protection, and livestock production consistent with land use plans.

(v) "Range betterment fund" means the separate account in the Treasury established by Section 401(b)(1) of the Federal Land Policy and Management Act of 1976 consisting of 50 per centum of all moneys received by the United States as fees for grazing livestock on public lands.

(w) "Range improvement" means a structure, development, or treatment used to rehabilitate, protect, or improve the public lands to advance range betterment.

(x) "Secretary" means the Secretary of the Interior or his authorized officer.

(y) "Suspension" means temporarily withholding a grazing permit or lease in whole or in part.

§ 4100.0–7 Cross-references.

The regulations in Subpart 1784 of this chapter govern advisory boards and the regulations in Part 4 of this title govern appeals and hearings.

Subpart 4110—Allocation of Grazing Use

§ 4110.1 Mandatory qualifications.

Except as provided under §§ 4130.3 and 4130.4–3, to qualify for grazing use on the public lands an applicant must be engaged in the livestock business, must own or control land or water base property, and must be:

(a) A citizen of the United States or have properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization; or

(b) A group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are qualified under paragraph (a) of this section; or

(c) A corporation authorized to conduct business in the State in which the grazing use is sought, and in which the controlling interest is vested in persons qualified under paragraph (a) of this section.

§ 4110.2 Grazing preference.

§ 4110.2–1 Base property.

(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see § 4110.0–5(f)) if:

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(1) It is used in conjunction with a livestock operation which utilizes public lands within a grazing district; or

(2) It is contiguous land, and in certain cases non-contiguous land, used in conjunction with a livestock operation which utilizes public lands outside a grazing district.

(b) The authorized officer shall specify the lenth of time for which land base property shall be capable of supporting authorized livestock, during the year, taking into consideration the availability and customary use of base properties and the management requirements for the public lands.

(c) An applicant shall provide a legal description of his base property and shall certify to the authorized officer that this base property meets the requirements under paragraph (a) and (b) of this section and § 4110.0–5(f).

§ 4110.2–2 Grazing preference allocation.

(a) Grazing preference shall be allocated to qualified applicants following the allocation of the forage resources between livestock grazing, wild free-roaming horses and burros, wildlife, and other forage uses in the land use plans.

(b) Applicants who own or control base property contiguous to public land outside of a grazing district where such public land consists of an isolated or disconnected tract embracing 760 acres or less shall have a preference right for 90 days after the tract has been offered for lease to lease the whole tract.

(c) The animal unit months of grazing preference is attached to the acres of land base property on a pro rata basis.

§ 4110.2–3 Transfer of grazing preference.

(a) Transfers of grazing preference in whole or in part are subject to the following requirements:

(1) The transferee shall qualify for a grazing preference under the regulations of this part.

(2) The transfer shall not disrupt the stability of the livestock industry in the general area within which the public lands involved are located.

(3) The transfer document, under paragraph (b) of this section or the transfer application, under paragraph (c) of this section, shall evidence assignment of interest and obligation in range improvements authorized on public lands under § 4120.6 and used and maintained in conjunction with the transferred preference (see § 4120.6–4). The transferee shall accept the terms and conditions of the cooperative agreements and range improvement permits with such modifications deemed necessary by the authorized officer.

(4) The transferee shall accept the terms and conditions of the grazing permit or lease (see § 4130.2) with such modifications as he may request which are consistent with the land use plans and approved by the authorized officer.

(5) The transferee shall file an application for a grazing permit or lease to the extent of the transferred preference simultaneously with filing a transfer document or a transfer application under paragraph (b) or (c) of this section.

(b) If base property is sold or leased, the transferee shall file with the authorized officer a properly executed transfer document showing the base property and the amount of grazing preference being transferred, in animal unit months, within 60 days of the date of sale or lease. If the transfer document has been timely filed and the requirements under paragraph (a) of this section have been met, the authorized officer shall approve the transfer of the grazing preference attached to the affected base property, shall approve the assignment of interest and obligation in range improvements on the public lands, and shall issue a grazing permit or lease.

(c) If a grazing preference is being transferred from one base property to another base property, the transferee shall file with the authorized officer a properly competed transfer application in advance for approval. The transfer application shall (1) state the amount of grazing preference being transferred, in animal unit months, (2) include a legal description of the old and new base property, (3) contain the concurrence of any lien holder, and (4) contain the consent of the owner(s) of the base property from which the transfer is to be made, unless the transferee is a lessee of the base property without whose livestock operation a grazing preference would not have been established, in which case the consent of the owner of the base property is not required. If the transfer application has been properly filed and the requirements under paragraph (a) of this section have been met, the authorized officer may approve the transfer of grazing preference between the base properties, may approve the assignment of interest and obligation in range improvements on the public lands, and may issue a grazing permit or lease.

(d) As the date of approval of a transfer, the existing grazing permit or lease shall terminate automatically and without notice to the extent of the transfer.

(e) If an unqualified transferee acquires rights in base property through operation of law or testamentary deposition, such transfer will not affect the grazing preference or any outstanding grazing permit or lease, or preclude the issuance or renewal of a grazing permit or lease based on such property for a period of 2 years after the transfer. However, such a transferee shall qualify under paragraph (a) of this section within the 2-year period or the grazing preference shall be subject to cancellation. The authorized officer may grant extensions of the 2-year period where there are delays solely attributable to probate preceedings.

(f) Failure of the transferee to comply with the regulations of this section may result in the cancellation of the grazing preference.

§ 4110.2–4 Relinquishment of grazing preference.

Upon written request, the authorized officer shall accept the relinquishment of a grazing preference in whole or in part. No such relinquishment shall be accepted without the written concurrence of any lien holder and the written consent of the owner(s) of the base property to which the preference is attached, unless the applicant is a lessee of the base property without whose livestock operation a grazing preference would not have been established.

§ 4110.3 Changes in available forage.

§ 4110.3–1 Additional forage.

Additional forage may be allocated to qualified applicants for livestock grazing use at the discretion of the authorized officer if this use is consistent with the land use plans.

(a) Additional forage temporarily available, including forage which is temporarily available within an allotment because of a change in grazing use under § 4130.6, may be allocated on a nonrenewable basis.

(b) Additional forage permanently available for livestock grazing use shall first be allocated in satisfaction of grazing preferences to the permittee(s) or lessee(s) authorized to graze in the allotment in which the forage is available.

(c) Additional forage permanently available for livestock grazing use over and above the preference(s) of the permittee(s) or lessee(s) in an allotment may be allocated in the following priority to:

(1) Permittee(s) or lessee(s) in proportion to their preferences or in proportion to the permittee's or lessee's contribution or efforts which resulted in increased forage production; or

(2) Other qualified applicants under § 4110.5.

§ 4110.3–2 Decrease in forage.

When authorized grazing use exceeds the amount of forage available for livestock grazing within an allotment or where reduced grazing use is necessary to facilitate achieving the objectives in the land use plans, grazing permits or grazing leases and grazing preferences shall be cancelled in whole or in part. The cancellation will be equitably apportioned by the authorized officer or as agreed to among permittees or lessees and the authorized officer. If consistent with resource management needs, the cancellations may be scheduled over a period not to exceed 3 years at the discretion of the authorized officer if necessary to ease the economic impacts on the affected permittees or lessees.

§ 4110.4 Changes in public land acreage.

§ 4110.4–1 Additional land acreage.

When land outside designated allotments becomes available for grazing administration by the Bureau of Land Management, the forage available for livestock grazing may be allocated to qualified applicants at the discretion of the authorized officer if this use is consistent with the land use plans. If there are applicants who were previously authorized to make grazing use of these lands, they shall have a preference to grazing use of the additional lands.

Otherwise, grazing use will be allocated under § 4110.5.

§ 4110.4–2 Decrease in land acreage.

(a) Where there is a decrease in public land acreage available for livestock grazing use within a allotment, grazing permits of grazing leases and grazing preferences shall be cancelled in whole or in part. The cancellations will be equitably apportioned by the authorized officer or as agreed to among authorized users and the authorized officer.

(b) When public lands are disposed of or devoted to a public purpose which precludes livestock grazing, the permittees and lessees shall be given two years' prior notification except in cases of emergency, before their grazing permit or grazing lease and grazing preference may be cancelled in whole. A permittee or lessee may unconditionally waive the two year prior notification. Such a waiver shall not prejudice the permittee's or lessee's right to reasonable compensation for the fair market value of his interest in authorized permanent range improvements located on these public lands (see § 4120.6–5).

§ 4110.5 Conflicting applications.

When more than one qualified applicant applies for livestock grazing use of the same public land and/or where additional forage or additional land acreage becomes available, the authorized officer may allocate grazing use of such land or forage consistent with the land use plans on the basis of any or all of the following factors:

(a) Historical use of the public land;

(b) Proper range management and use of water for livestock;

(c) General needs of the applicants' livestock operations;

(d) Public ingress and egress across privately owned or controlled land to public lands;

(e) Topography;

(f) Other land use requirements unique to the situation.

§ 4110.6 Interest of Member of Congress.

Title 18 U.S.C. 431–433 (1970) generally prohibits a Member of or Delegate to Congress from entering into any contract or agreement with the United States. Title 41 U.S.C. 22 (1970) generally provides that in every contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of or Delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon. The provisions of these laws are incorporated herein by reference and apply to all permits, leases, and agreements issued under these regulations.

Subpart 4120—Grazing Management

§ 4120.1 Allotments.

As land use plans are prepared, the authorized officer shall designate allotments where the public lands and other lands under Bureau of Land Management control are suitable and available for livestock grazing.

§ 4120.2 Terms and conditions.

Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management control identified in land use plans.

§ 4120.2–1 General terms and conditions.

(a) The authorized officer shall specify the kind or class and number of livestock, the season(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, that can be made. The authorized livestock grazing use shall not exceed the livestock grazing capacity and shall be limited or excluded to the extent necessary to achieve the objectives established for the allotment.

(b) The authorized officer may:

(1) Specify breed of livestock in allotments within which 2 or more permittee(s) or lessee(s) are authorized to graze.

(2) Authorize and direct the placement of feed and mineral supplements for livestock on the public lands.

(3) Authorize grazing use by kinds of indigenous animals under specific terms and conditions.

(c) If allotment management plans have not been prepared or if it has been determined that allotment management plans are not necessary, the authorized officer shall incorporate terms and conditions under this section in grazing permits or leases. The authorized officer shall modify these terms and conditions if the condition of the range requires modification of grazing use and may cancel grazing permits or grazing leases and grazing preferences as conditions warrant under §§ 4110.3–2 and 4110.4–2. These modifications and cancellations may be made at anytime and shall be put into full force and effect on the date specified by the authorized officer.

§ 4120.2–2 Allotment management plans.

Grazing management may be applied on allotments through the preparation and implementation of allotment management plans.

(a) An allotment management plan shall be prepared in consultation with the affected permittee(s) or lessee(s), approved by the authorized officer and implemented (see § 4100.0–5(c)). The allotment management plan shall include appropriate terms and conditions under § 4120.2–1 and shall prescribe a system of grazing designed to meet specific management objectives. The plan shall include the limits of flexibility within which the permittee or lessee may adjust his operation without prior approval of the authorized officer. The plan shall provide for the collection of studies data that shall be used to evaluate the effectiveness of the system of grazing in achieving the specific objectives.

(b) Private and State lands shall be considered in the allotment management plan if these lands are unfenced and are intermingled with the public lands in the allotment or with the consent or at the request of the permittee or lessee.

(c) Allotment management plans may be revised in consultation with the affected permittee(s) or lessee(s).

(d) If allotment management plans have been prepared, the authorized officer shall incorporate these plans in grazing permits or leases when they are issued. If grazing permits or leases have been issued prior to the preparation of allotment management plans, the authorized officer shall incorporate the allotment management plans in the grazing permits or leases when these plans are completed.

(e) Decisions which specify that allotment management plans are incorporated as terms and conditions of grazing permits or leases may be protested and appealed under Subpart 4160.

§ 4120.3 Closure to livestock.

Where required for the protection of the soil, vegetative, or other resources on the public lands, the authorized officer may close allotments to grazing by any kind of livestock and for any period of time. The action taken by the authorized officer shall be specified in a notice of closure. The notice shall be published in a local newspaper and shall be posted at the county courthouse and at a post office near the public land area involved. Written notification shall be delivered personally or by certified mail to those who are authorized to graze livestock on the allotments affected. The notice of closure shall be issued as a final decision in full force and effect under § 4160.3(c) and shall require all owners of livestock affected thereby to remove such livestock in accordance with provisions of the notice. The authorized officer may proceed to impound, remove, and dispose of any livestock found in violation of the closing notice after the closure date specified in the notice in accordance with § 4150.5.

§ 4120.4 Ownership and identification of livestock.

(a) The permittee or lessee shall own or control and be responsible for the management of the livestock which graze the public lands under a grazing permit or lease. If the permittee or lessee does not own the livestock, he shall furnish the authorized officer a document specifying the kind and number of livestock, the brand or other marking the livestock are carrying, and the arrangements which in fact give him control of the livestock. This document shall be approved by the authorized officer prior to placing the livestock on the public lands.

(b) All cattle, horses, and burros over 6 months of age shall carry a brand which has been filed with the authorized officer. All sheep and goats over 6 months of age shall be identified with an earmark, paint brand, or other marking that has been filed with the authorized officer.

(c) The authorized officer may exempt certain livestock from the mini-

mum requirements under paragraph (b) of this section. An alternative method of identifying the livestock satisfactory

standards and design for the range improvements and shall contain conditions and construction criteria deemed nec-

should reasonably be responsible for such costs.

given first priority for receipt of new permits or leases if:

change-of-use permit shall coincide with the expiration date of the grazing permit

lease, in which case a billing notice based on actual use may be issued at the

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mum requirements under paragraph (b) of this section. An alternative method of identifying the livestock satisfactory to the authorized officer shall be used in such instances.

(d) The authorized officer may require additional or special marking or tagging of the authorized livestock in order to control trespass or in order to otherwise promote the orderly administration of the public lands.

§ 4120.5 State livestock requirements.

Authorized users shall comply with the requirements of the State in which the public lands are located relating to: branding of livestock; breed, grade, and number of bulls; and sanitary requirements.

§ 4120.6 Range improvements.

(a) When appropriated, one-half of the range betterment funds (see § 4130.5-1(d)) shall be available for use in the District from which the grazing fees were collected for the purpose of on-the-ground range rehabilitation, protection, and improvement of public lands after consultation with user representatives. The other one-half of the range betterment funds shall be used for on-the-ground range rehabilitation, protection, and improvement of public lands at the discretion of the authorized officer after consultation with user representatives. See § 4100.0-5 (u), (v), and (w).

(b) Range improvements shall be installed, used, maintained, and/or modified on the public lands in a manner consistent with the land use plans.

(c) Prior to installing, using, maintaining and/or modifying range improvements on the public lands permittees or lessees shall have entered into a cooperative agreement with the Bureau of Land Management or must have a range improvement permit.

§ 4120.6-1 Cooperative agreements.

Any permittee or lessee may enter into a cooperative agreement with the Bureau of Land Management for the installation, use, maintenance, and/or modification of range improvements needed to achieve management objectives within his designated allotment. Cost and/or labor shall be placed between United States and permittees or lessee. The United States shall have title to range improvements authorized under cooperative agreements.

§ 4120.6-2 Range improvement permits.

Any permittee or lessee may apply for a range improvement permit to install, use, maintain and/or modify range improvements that are needed to achieve management objectives within his designated allotment. The permittee or lessee shall agree to provide total funding. The range improvement permits are issued at the discretion of the authorized officer. The permittee or lessee shall have title to range improvements authorized under range improvement permits.

§ 4120.6-3 Standards and design.

Range improvement cooperative agreements and permits shall specify the standards and design for the range improvements and shall contain conditions and construction criteria deemed necessary by the authorized officer to facilitate achieving the objectives in the land use plans. Where an existing range improvement is significantly inconsistent with these objectives, the authorization for the improvement may be modified by the authorized officer to reflect needed changes. Upon failure of the permittee or lessee to comply with the standards and design specified by the authorized officer or failure to comply with the authorized officer's order to modify an existing range improvement, authorization for the improvement may be cancelled.

§ 4120.6-4 Assignment of range improvements.

The authorized officer shall not approve the transfer of a grazing preference under § 4110.2-3 nor approve use by the transferee of an existing range improvements, unless the transferee has agreed to compensate the transferor for fair market value of his interest in the authorized improvements within the allotment as of the date of transfer. If the parties are unable to agree as to the amount or manner of reasonable compensation, the matter shall be resolved by the authorized officer.

§ 4120.6-5 Removal and compensation for loss of range improvements.

(a) The authorized officer may require permittees or lessees to remove range improvements which they own on the public lands if these improvements are no longer serving the purpose for which they were installed or if they fail to meet the standards and design criteria under § 4120.6-3.

(b) If grazing permits or grazing leases and grazing preferences are cancelled in whole or in part because the public lands are being disposed of or devoted to a public purpose which precludes livestock grazing, the permittees or lessees shall receive fair market value from the United States for their interest in the authorized permanent range improvements located on the public lands (less salvage value) which will no longer be available for livestock grazing.

(c) Permittees or lessees may be allowed a period of 180 days from the date of cancellation of a range improvement permit to salvage material owned by them and to perform such rehabilitation measures as are deemed necessary by the authorized officer.

§ 4120.6-6 Contributions.

(a) The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of this part.

(b) The authorized officer may require the permittee or lessee to finance individually, or to share proportionately with other permittees or lessees, the cost of installation and/or maintenance of range improvements if the permittee or lessee will benefit in substantial measure or should reasonably be responsible for such costs.

§ 4120.7 Special rules.

Whenever it appears to a State Director that local conditions within his administrative jurisdiction require a special rule to achieve improved administration consistent with the objectives of this part, he may recommend such a rule for approval by the Director. These recommendations shall be subject to public review and comment, as appropriate, and upon approval shall become effective when published in the FEDERAL REGISTER as final rules. Special rules shall be published in a newspaper within the local area. Copies of the rule shall be sent to those who are authorized to graze livestock in the area where the special rule is applicable.

Subpart 4130—Authorizing Grazing Use

§ 4130.1 Applications.

Applications for grazing permits or leases (active use and non-use), free-use grazing permits and other permits shall be filed with the authorized officer at the local Bureau of Land Management office.

§ 4130.2 Grazing permits or leases.

(a) Grazing permits or leases shall be issued to authorize livestock grazing on the public lands and other lands under Bureau of Land Management control. These grazing permits or leases shall specify the amount of active grazing use, nonuse, or combination of active grazing use and nonuse that is authorized and shall include appropriate terms and conditions under § 4120.2.

(b) A grazing permit or lease conveys no right, title, or interest in any lands or resource use authorized thereunder and is a privilege for the exclusive benefit of the permittee or lessee.

(c) Grazing permits or leases authorizing livestock grazing on the public lands, and other lands under Bureau of Land Management control, shall be issued for a term of ten years unless:

(1) The land is pending disposal; or

(2) The land will be devoted to another public purpose prior to the end of ten years; or

(3) It will be in the best interest of sound land management to specify a shorter term.

If the public lands involved are pending disposal or shall be devoted to a public purpose which precludes livestock grazing prior to the end of 10 years, the grazing permits or leases shall be issued for a term coinciding with the anticipated date of disposal or anticipated date for devoting the lands to another public purpose. Grazing permits or leases shall be issued for less than ten years in the interest of sound land management if necessary to achieve the objectives in the land use plans or if the land use plans have not been completed. The absence of details from allotment management plans shall not be the basis for establishing a term shorter than ten years.

(d) Permittees or lessees holding expiring grazing permits or leases shall be

given first priority for receipt of new permits or leases if:

(1) The lands remain available for livestock grazing in accordance with land use plans (see Subpart 4120).

(2) The permittee or lessee is in compliance with the regulations contained in this part and the terms and conditions of his grazing permit or lease; and

(3) The permittee or lessee accepts the terms and conditions to be included in the new permit or lease by the authorized officer.

§ 4130.2-1 Regular permits or leases.

Regular permits or leases shall be issued for terms of from 1 up to and including 10 years to authorize livestock grazing on allotments within areas where land use plans have not been completed. The term of the permits or leases shall coincide with the scheduled completion dates for the land use plans for the affected areas.

§ 4130.2-2 Management permits or leases.

Management permits or leases shall be issued for a term of not more than 10 years to authorize livestock grazing on allotments within areas where land use plans have been completed and where allotment management plans have been or will be incorporated into the permits or leases.

§ 4130.2-3 Custodial permits or leases.

Custodial permits or leases shall be issued for a term of not more than 10 years to authorize livestock grazing on allotments wthin areas where land use plans have been completed and where it has been determined that allotment management plans are not necessary.

§ 4130.3 Free-use grazing permits.

A free-use grazing permit shall be issued to any applicant whose residence is adjacent to public lands within grazing districts and who needs these public lands to support those domestic livestock owned by the applicant whose products or work are used directly and exclusively by the applicant and his family. The permit may be issued for a period of not more than 10 years.

§ 4130.4 Other permits.

Exchange-of-use grazing permits, nonrenewable grazing permits, and crossing permits have no priority for renewal and cannot be transferred or assigned.

§ 4130.4-1 Exchange-of-use grazing permits.

An exchange-of-use grazing permit may be issued to any permittee or lessee who owns or controls lands within the exterior boundaries of the allotment covered by his grazing permit or lease. An exchange-of-use permit may be issued to authorize use of public land within the allotment to the extent of the livestock grazing capacity of the permittee's or lessee's land within the allotment. No fee shall be charged for this grazing use. The exchange-of-use permit may be issued for a term of not more than 10 years. The expiration date of the exchange-of-use permit shall coincide with the expiration date of the grazing permit or lease issued on the allotment in which the land offered in exchange is located. During the term of the exchange-of-use permit, the Bureau of Land Management shall have management control of such private land for grazing purposes under the provisions of this part and may authorize grazing use as deemed appropriate.

§ 4130.4-2 Nonrenewable grazing permits.

Nonrenewable grazing permits may be issued to qualified applicants when forage is temporarily available, provided this use does not interfere with existing livestock operations on the public lands and it is consistent with the land use plans. This use shall be authorized on a seasonal or annual basis only. Nonrenewable grazing use may be included in a regular grazing permit or lease issued for 1 year under § 4130.2-1.

§ 4130.4-3 Crossing permits.

Any applicant showing the necessity for crossing the public land with livestock for proper and lawful purposes may be issued a crossing permit upon such terms and conditions deemed necessary by the authorized officer to achieve the objectives of this part.

§ 4130.5 Fees.

§ 4130.5-1 Payment of fees.

(a) The fees for each grazing fee year shall be published annually in the FEDERAL REGISTER.

(b) Fees shall be charged for livestock grazing upon or crossing the public lands and other lands under Bureau of Land Management control at a specified rate per animal unit month. A minimum annual charge of $10 will be made for livestock grazing upon or crossing the public lands. No fee shall be charged for livestock grazing authorized under free-use grazing or exchange-of-use grazing permits.

(c) Fees shall be established by the Secretary in equal annual increments effective with the grazing fee year beginning March 1, 1978, to attain fair market value of range forage beginning March 1 of the 1980 grazing fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by any study which may be conducted to update the fee base. Annual adjustments shall also be made for any of the 1978–80 grazing fee years and thereafter to reflect changes in the current market value as determined by an adequate index(es).

(d) Fifty percent of the grazing fees collected for grazing livestock on public lands (other than ceded Indian lands) under the Act shall be deposited in a separate account in the United States Treasury for the range betterment program (see § 4120.6).

(e) Fees are due upon issuance of the billing notice and must be paid in full prior to grazing use except where an allotment management plan has been incorporated in a management permit or lease, in which case a billing notice based on actual use may be issued at the end of the grazing season or year or a billing notice based on the normal operation may be issued prior to the grazing season or year followed by an adjusted billing notice based on actual use after grazing use has been completed. Each permittee or lessee operating under a management permit or lease incorporating an allotment management plan shall submit within 15 days after the end of his authorized grazing period, or as otherwise specified in the permit or lease, a report of the actual livestock grazing use made. Upon failure or refusal to submit an actual use report, a billing notice, or adjusted billing notice, reflecting charges for grazing use at the upper limit of flexibility as specified in the allotment management plan, shall be issued and is immediately due and payable.

(f) The full fee shall be charged for all weaned livestock which are not the natural increase of livestock upon which fees are paid and for animals that shall become 12 months of age during the period of use. No charge shall be made for animals under 6 months of age at the time of entering public lands and other lands under Bureau of Land Management control, which are the natural increase of the livestock upon which fees are paid or for those born during the season for which the permit or lease authorizes use, and until they are 12 months of age.

§ 4130.5-2 Refunds.

(a) Grazing fees may be refunded at the discretion of the authorized officer where applications for change in grazing use and related refund are filed prior to the period of use for which the refund is requested.

(b) No refunds shall be made for failure to make grazing use, except during periods or range depletion due to severe drought, fire, or other natural causes or general epidemic of disease that occurs during the term of a permit or lease. During these periods of range depletion the authorized officer may credit or refund fees in whole or in part, or fee payment may be postponed for as long as the emergency exists.

§ 4130.5-3 Service charge.

Except for actions initiated by the authorized officer, a service charge of $25 shall be made for each transfer of a preference and for each supplemental or revised billing issued under § 4130.6.

§ 4130.6 Changes in grazing use.

(a) Permittees and lessees shall have on file with the authorized officer a basic grazing schedule which outlines their annual livestock grazing use on the public lands, including the kind or class and number of livestock, the season(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months. Permittees and lessees shall be billed in accordance with the basic grazing schedule unless a change in use has been requested.

(b) Requests for grazing use different than the basic grazing schedule should

be filed with the authorized officer no later than 30 days before the grazing season or year. Requests for change in use filed later than 30 days before the

protection and management of wild free-roaming horses and burros;

(i) Violating any Federal or State law or regulation concerning conservation or

shall be made under paragraphs (a) (1) and (a) (3) of this section. When violations are determined to be willful, and/or

§ 4150.5-2 Notice of public sale.

Following the impoundment of livestock under this subpart the livestock

tified mail or personal delivery, and shall notify any known lien holder of the proposed decision. The proposed decision

the authorized officer shall suspend the grazing use authorized under a grazing permit or grazing lease in whole or in

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be filed with the authorized officer no later than 30 days before the grazing season or year. Requests for change in use filed later than 30 days before the grazing season or year, or after the start of the grazing season or year, shall be subject to a service charge under § 4130.5–3.

(c) A request for change in use may be granted at the discretion of the authorized officer if the request is compatible with existing operations and consistent with the objectives for the allotment.

§ 4130.7 Pledge of permit or lease as security for loan.

The authorized officer shall renew a grazing permit or lease that has been pledged as security for a loan from a lending agency for a period of not to exceed 10 years if the loan is for the purpose of furthering the permittee's or lessee's livestock operation, *Provided*, That the permittee or lessee has complied with the rules and regulations of this part and that such renewal will be in accordance with other applicable laws and regulation.

Subpart 4140—Prohibited Acts

§ 4140.1 Acts prohibited on public lands.

The following acts by permittees and lessees are prohibited on public lands and other lands under Bureau of Land Management control:

(a) Allowing livestock on or driving livestock across these lands in violation of the terms and conditions of a permit or lease, either by exceeding the number of livestock authorized, or by allowing livestock to be on these lands in an area or at a time different from that designated;

(b) Failing to make substantial grazing use as authorized for 2 consecutive fee years;

(c) Placing feed or mineral supplements, other than salt, for livestock on these lands without authorization;

(d) Failing to comply with the terms of a range improvement cooperative agreement or range improvement permit;

(e) Refusing to finance individually, or to share proportionately with other permittees or leasees, the cost of installation, maintenance and/or modification of range improvements when so directed by the authorized officer if the permittee or lessee will benefit in substantial measure or should reasonably be responsible for such costs.

(f) Installing, using, maintaining, and/or modifying range improvements on these public lands without authorization;

(g) Cutting, burning, spraying, destroying, or removing vegetation without authorization;

(h) Damaging or removing United States property without authorization;

(i) Molesting livestock lawfully grazing on these lands;

(j) Littering;

(k) Violating any provision of Part 4700 of this subchapter concerning the protection and management of wild free-roaming horses and burros;

(l) Violating any Federal or State law or regulation concerning conservation or protection of natural and cultural resources or the environment including, but not limited to, those relating to air and water quality, protection of fish and wildlife, plants, and the use of chemical toxicants;

(m) Interfering with lawfully uses or users;

(n) Knowingly or willfully making a false statement or representation in grazing applications, range improvement permit applications, and/or amendments thereto.

Subpart 4150—Unauthorized Grazing Use

§ 4150.1 Unauthorized grazing.

Allowing livestock on or driving livestock across public lands and other lands under Bureau of Land Management control without proper authorization is prohibited and constitutes unauthorized grazing use. See § 4140.1(a). Violators shall be liable in damages to the United States for the forage consumed by their livestock, for injury to Federal property caused by their unauthorized grazing use, and for expenses incurred in impoundment and disposal, and may be subject to civil penalties or criminal sanction for such unlawful acts.

§ 4150.2 Notice and order to remove.

(a) Whenever it appears that a violation exists and the owner of the unauthorized livestock is known, written notice shall be served upon the alleged violator or his agent by certified mail or personal delivery and a copy of the notice shall be sent to any known lien holder. The notice shall set forth the act or omission constituting the violation and refer to the specific terms, conditions, or regulatory provisions, alleged to have been violated. It shall also order the alleged violator to remove the livestock within a specified time. The notice shall allow a specified time from receipt of notice for the alleged violator to show that there has been no violation or to make settlement under § 4150.3. If the alleged violator fails to comply with the notice, the authorized officer may proceed to impound the livestock under § 4150.5.

(b) When neither the owner of the unauthorized livestock nor his representative is known, the authorized officer may proceed to impound the livestock under § 4150.5.

(c) A notice alleging unauthorized horse or burro use in areas with wild free-roaming horses and burros shall specify that the unauthorized horses or burros can be claimed and gathered only in accordance with the procedures of Part 4700 of this subchapter.

§ 4150.3 Settlement.

The authorized officer shall weigh the facts and circumstances of the case and shall determine if the violation is nonwillful or willful and whether it is a repeated violation. When violations are determined to be nonwillful, settlement shall be made under paragraphs (a)(1) and (a)(3) of this section. When violations are determined to be willful, and/or repeated, settlement shall be made under paragraphs (a)(2), (3), and (4) of this section and the authorized officer shall take action under § 4170.1.

(a) The amount due the United States in settlement for unauthorized grazing use shall be determined by the authorized officer as follows:

(1) "Nonwillful violations." The value of forage consumed as determined by the average monthly rate for pasturing livestock on privately owned land for the 11 Western States as published annually by the Department of Agriculture.

(2) "Willful, and/or repeated violations." Twice the value of the forage consumed as determined in paragraph (a)(1) of this section.

(3) The full value for all damages to the public lands and other property of the United States.

(4) All expenses incurred by the United States including those incurred in gathering, impounding, caring for, and disposing of livestock in cases which necessitate impoundment under § 4150.5.

(b) Payment made under this section does not relieve the alleged violator of any criminal liability under Federal or State law.

§ 4150.4 Demand for payment.

Where the livestock have been removed, but satisfactory settlement has not been made within the time allowed under § 4150.2, a certified letter demanding payment will be sent or personally delivered to the owner or his agent and a copy of the letter shall be sent to any known lien holder. This letter shall allow not more than 15 days from date of receipt to settle the obligation.

§ 4150.5 Impoundment and disposal.

Unauthorized livestock remaining on the public lands after the date set forth in the notice and order to remove sent under § 4150.2 may be impounded and disposed of by the authorized officer as provided herein.

§ 4150.5–1 Notice of intent to impound.

(a) A written notice of intent to impound shall be sent by certified mail or personally delivered to the owner, or his agent, and a copy of the notice shall be sent to any known lien holder. Any time after five days of delivery of the notice the unauthorized livestock may be impounded.

(b) Where the owner or agent is unknown, or a known owner or agent refuses to accept delivery, a notice of intent to impound shall be published in a local newspaper and posted at the county courthouse and a post office near the public land involved. Any time after 5 days of the posting of the notice, the unauthorized livestock may be impounded.

(c) Unauthorized livestock may be impounded without further notice any time within the 12-month period following the effective date of a notice given under this provision.

§ 4150.5–2 Notice of public sale.

Following the impoundment of livestock under this subpart the livestock may be disposed of by the authorized officer or, if a suitable agreement is in effect, they may be turned over to the State for disposal. If the authorized officer disposes of the livestock, he shall publish a notice of sale in a local newspaper and post this notice at the county courthouse and at a post office near the land involved. The notice shall describe the livestock and specify the date, tifne, and place of sale. The sale date shall be at least 5 days after the publication and posting of the notice. Any known owners or agents and known lien holders shall be notified in writing by certified mail or by personal delivery of the sale and the procedure by which the impounded livestock may be redeemed prior to the sale.

§ 4150.5–3 Redemption.

Any owner or known lien holder of the impounded livestock may redeem them in accordance with State law, prior to the time of sale upon settlement with the United States under § 4150.3 or adequate showing that there has been no violation.

§ 4150.5–4 Sale.

If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be offered at public sale to the highest bidder either by the authorized officer or by the State. If a satisfactory bid is not received, the livestock may be reoffered for sale, condemned and destroyed, or otherwise disposed of in accordance with State law. When livestock are sold by the authorized officer pursuant to these regulations, he shall furnish the purchaser a bill of sale or other written instrument evidencing the sale. If sold by the State, the Bureau of Land Management shall be reimbursed for the amount due under § 4150.3 up to the amount received for sale of the livestock.

Subpart 4160—Administrative Remedies

§ 4160.1 Proposed decisions.

§ 4160.1–1 Proposed decisions on permits or leases.

The authorized officer shall serve a proposed decision on any applicant, permittee, or lessee, or his agent, who is adversely affected by his proposed action on applications for permits or leases or by his proposed action related to terms and conditions of permits or leases, by certified mail or personal delivery, and shall notify any known lien holder of the proposed decision. The proposed decision shall state the reasons for the action, including reference to the pertinent terms, conditions, and/or regulating provisions, and shall provide for a period of 15 days after receipt for the filing of a protest.

§ 4160.1–2 Proposed decisions on alleged violations.

If the authorized officer determines that a permittee or lessee appears to have violated any provision of this part he shall serve a proposed decision on the permittee or lessee, or his agent, by certified mail or personal delivery, and shall notify any known lien holder of the proposed decision. The proposed decision shall state the alleged violation and refer to the specific terms, conditions, and/or regulatory provisions alleged to have been violated and the reasons for the proposed decision. As applicable, the proposed decision shall state the amount due under § 4150.3 and the action to be taken under § 4170.1. The proposed decision shall provide for a period of 15 days after receipt for the filing of a protest.

§ 4160.2 Protests.

Any applicant, permittee, lessee, or any other person adversely affected by a proposed decision of the authorized officer may protest the proposed decision in person or in writing to the authorized officer within 15 days after receipt of the proposed decision.

§ 4160.3 Final decisions.

(a) In the absence of a protest, the proposed decision shall become the final decision of the authorized officer without further notice.

(b) Upon the timely filing of a protest, the authorized officer shall reconsider his proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion of his review of the protest, the authorized officer shall serve his final decision on the protestant, or his agent, and on any other known interested individual, and shall notify any known lien holder of the final decision.

(c) The final decision shall provide for a period of 30 days after receipt for filing of an appeal. An appeal shall suspend the effects of the final decision from which it is taken pending final action on the appeal unless the authorized officer provides in the final decision that it shall be in full force and effect pending decision on appeal thereform. Final decisions shall be in full force and effect only if required for the orderly administration of the range or for the protection of other resource values. See § 4.477 of this title.

§ 4160.4 Appeals.

Any applicant, permittee, lessee, or any other person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge under § 4.470 of this title by filing his notice of appeal in the office of the authorized officer within 30 days after the receipt of the decision.

Subpart 4170—Penalties

§ 4170.1 Penalty for violations.

The authorized officer may suspend the grazing use authorized under a grazing permit or grazing lease in whole or in part or may cancel a grazing permit or grazing lease and grazing preference in whole or in part under Subpart 4160 for violation by a permittee or lessee of any of the provisions of this part. However, the authorized officer shall suspend the grazing use authorized under a grazing permit or grazing lease in whole or in part or shall cancel a grazing permit or grazing lease and grazing preference in whole or in part under Subpart 4160 for willful or repeated violation by a permittee or lessee of § 41.40.1(a). Whenever a nonpermittee or nonlessee violates § 4140.1(a) and has not made satisfactory settlement under § 4150.3, the authorized officer shall refer the matter to proper authorities for appropriate legal action by the United States against the violator.

§ 4170.1–1 Failure to use.

Failing to make substantial grazing use as authorized for 2 consecutive fee years may result in the cancellation of the grazing preference only to the extent of failure to use (see § 4140.1(b)).

§ 4170.1–2 Conservation and protection of resources.

Violation of § 4140.1(1) may result in suspension, reduction, or revocation of a permit, lease, or grazing preference where:

(a) Public land administered by the Bureau of Land Management is involved or affected;

(b) Such violation is related to grazing use authorized by permit or lease; and

(c) The permittee or lessee has been convicted of violating any such laws by a court.

§ 4170.2 Penal provisions.

Under section 2 of the Act and under section 303(a) of the Federal Land Policy and Management Act of 1976, any person who willfully violates the provisions of these Acts or of this part or of approved special rules and regulations may be brought before a designated United States magistrate and is punishable by a fine of not more than $1,000 or imprisonment for no more than twelve months, or both.

PART 4700—WILD FREE-ROAMING HORSE AND BURRO PROTECTION, MANAGEMENT, AND CONTROL

2. Part 4700 is amended by changing references in §§ 4720.3, 4730.3, and 4730.4. These sections are revised to read as follows:

§ 4720.3 Trespass animals.

Unauthorized horses or burros which have been claimed and have been determined to be privately owned in accordance with the provisions of this section will be considered to have been in trespass and may not be released until a proper trespass charge has been determined by the authorized officer in accordance with the provisions of Subpart 4150 of this subchapter.

§ 4730.3 Habitat reservation and allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed pro-

tection, domestic livestock, maintenance of environment quality, wildlife, and other factors will be considered along

§ 4730.4 Closure to livestock grazing.

The authorized officer may close public

PART 9230—TRESPASS

3. Part 9230 is amended by deleting

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tection, domestic livestock, maintenance of environment quality, wildlife, and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the optimum number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust or exclude domestic livestock use accordingly. See §§ 4110.2–2 and 4110.3–2 of this subchapter.

§ 4730.4 Closure to livestock grazing.

The authorized officer may close public lands to use by all or a particular class of domestic livestock where it is necessary to allocate all available forage to, or to satisfy other biological requirements of wild free-roaming horses or burros. Such closures may be made only after appropriate public notice and in accordance with the procedures for reduction or cancellation of grazing privileges provided for under provisions in this subchapter. See §§ 4110.2–2 and 4110.3–2 of this subchapter.

PART 9230—TRESPASS

3. Part 9230 is amended by deleting §§ 9239.3, 9239.3–1, and 9239.3–2 and redesignating "§ 9239.3–3 Alaska." as "9239.3 Grazing, Alaska." as follows:

§§ 9239.3—9239.3–2 [Deleted]

§ 9239.3 Grazing, Alaska. [Redesignated from § 9239.3–3]

GUY R. MARTIN,
Assistant Secretary of the Interior.

JULY 6, 1977.

[FR Doc.77–19608 Filed 7–7–77;8:45 am]

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BOOK 2 OF 2 BOOKS

FRIDAY, JULY 8, 1977

PART VII

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Internal Analgesic, Antipyretic and Antirheumatic Products

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

drug products submitted for consideration by the Advisory Review Panel have time is provided for the submission of such data to the FDA. Therefore, the

and pH and the product is identified as

The Commissioner appointed the following

William Madison, Ph.D.
Arnold D. Marcus, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 343]

[Docket No. 77N-0094]

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Internal Analgesic, Antipyretic and Antirheumatic Products

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This is a proposal to establish conditions under which over-the-counter (OTC) internal analgesic, antipyretic and antirheumatic drugs are generally recognized as safe and effective and not misbranded, based on the recommendations of the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Products.

DATES: Comments by October 6, 1977, and reply comments by November 7, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Division of OTC Drug Evaluation (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-4960).

SUPPLEMENTARY INFORMATION: Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on April 5, 1977, a report of the Advisory Review Panel on Over-The-Counter (OTC) Internal Analgesic and Antirheumatic Products. In accordance with § 330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner is issuing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC internal analgesic, antipyretic and antirheumatic drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are on public display in the office of the Hearings Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), all data and information concerning OTC internal analgesic, antipyretic and antirheumatic drug products submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and FDA. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration, on or before August 8, 1977, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to FDA, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-510), 5600 Fishers Lane, Rockville, MD 20857.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

(1) That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient (Category III) to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded, or as Category II—not being generally recognized as safe and effective or would result in misbranding, be permitted to remain in use for not longer than 3 years (for the specific conditions specified in this document) after the date of publication of the final monograph in the FEDERAL REGISTER if the Food and Drug Administration (FDA) receives notification in accordance with § 330.10(a)(13) (21 CFR 330.10(a)(13)) that tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel will be conducted. The period of time within which studies must be completed will be carefully reviewed by the Commissioner after receipt of comments on this document.

The Commissioner recognizes that new additional data or information not previously available to the Panel regarding Category III conditions may become available prior to publication of the tentative final monograph in the FEDERAL REGISTER pursuant to § 330.10(a)(7) of the OTC drug review regulations. The Commissioner concludes that it is in the best interest of all parties if additional time is provided for the submission of such data to the FDA. Therefore, the Commissioner shall accept new data or information regarding Category III conditions until January 9, 1978.

Any changes justified by the new data and information will be included in the tentative final monograph. Full opportunity for comment on both the changes and the new data and information will be provided by the opportunity to file objections to the tentative final monograph pursuant to § 330.10(a)(7).

The Commissioner has not yet fully evaluated the report, but has concluded that it should first be issued as a formal proposal to obtain full public comment before any decision is made on the recommendations of the Panel. The purpose of issuing the unaltered conclusions and recommendations of the Panel is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report of the Panel represents the best scientific judgment of the members. The report has been prepared independently of FDA and does not necessarily reflect the agency position on any particular matter contained therein.

The Commissioner recognizes that major changes will result in the current marketing practices of these products if the recommendations of the Panel are fully implemented. The Panel's recommendations include many revisions in labeling, particularly limitations of indications for use, and additional warnings against unsafe use. In addition, revised dosage schedules are proposed with major changes in the labeling for pediatric use.

In the final order for antacid products published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862), the antacid monograph provides that any safe and effective analgesic, as determined by the internal analgesic monograph, may be used in combination with an antacid for concurrent analgesic and antacid symptoms. The Commissioner determined that the issue of the safety, effectiveness, and appropriate labeling of the analgesic component of an antacid/analgesic combination would be addressed in the course of reviewing the recommendations of the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Products. The Commissioner is aware of the Panel's recommendation that (1) combinations of nonsalicylate ingredients that meet the standard for Category I combination products may be combined with antacid ingredients which meet the requirements of § 331.10 of the OTC antacid monograph provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for acid indigestion" and (2) aspirin may be combined with antacid active ingredients identified in § 331.11 of the OTC antacid monograph such that the finished product meets certain specifications regarding neutralizing capacity and pH and the product is identified as highly buffered aspirin for solution with labeling only as an analgesic and/or antipyretic.

At this time, the Commissioner seeks comment on these recommendations before any final determination is made. After review of the comments and data submitted, the Commissioner will address this issue in the publication of the internal analgesic, antipyretic and antirheumatic tentative final monograph. At that time the Commissioner will also address any related modifications that may be required in the antacid monograph (21 CFR Part 331).

The Commissioner notes that the Panel's recommendation concerning the dosage of acetaminophen exceeds that set forth in § 310.201(a)(1) (21 CFR 310.201(a)(1)). The Commissioner's final acceptance of the Panel's recommendation regarding acetaminophen, including its dosage and labeling, would necessitate withdrawal of NDA's for acetaminophen drugs and revocation of § 310.201(a)(1).

The Commissioner invites full public comment on all of the Panel's recommendations. After careful review of all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the FEDERAL REGISTER to establish a monograph for OTC internal analgesic, antipyretic and antirheumatic drug products.

The Commissioner has reviewed the potential environmental impact of the recommendations and proposed monograph for OTC internal analgesic, antipyretic and antirheumatic products of the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Products and has concluded that the Panel's recommendations and proposed monograph will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

The conclusions and recommendations in the report of the Advisory Review Panel on OTC Internal Analgesic, Antipyretic and Antirheumatic Products follow:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness and labeling of all OTC drugs by independent advisory review panels. On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10 (formerly § 130.-301) published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately. Pursuant to these regulations, the Commissioner issued in the FEDERAL REGISTER of July 21, 1972 (37 FR 14633) a request for data and information on all internal analgesic and antirheumatic active ingredients in drug products.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC internal analgesic and antirheumatic ingredients pursuant to § 330.10(a)(1):

Henry W. Elliott, M.D., Ph.D., Chairman, deceased August, 1976
J. Weldon Bellville, M.D., Chairman from August, 1976
William H. Barr, Ph.D.
Julius M. Coon, M.D., Ph.D.
Ninfa I. Redmond, Ph. D., resigned January, 1977
Naomi F. Rothfield, M.D.
George Sharpe, M.D.

The Panel was first convened on October 24, 1972 in an organizational meeting. Working meetings were held on November 21 and 22, 1972; January 22 and 23, February 26 and 27, April 12 and 13, June 11 and 12, July 30 and 31, September 25 and 26, October 22 and 23, November 19 and 20, and December 17 and 18, 1973; March 11 and 12, April 10 and 11, May 8 and 9, July 8, 9 and 10, September 25 and 26, November 11 and 12, and December 9 and 10, 1974; March 17, 18 and 19, June 25, 26 and 27, August 14 and 15, October 6 and 7, and November 18 and 19, 1975; April 8 and 9, May 20 and 21, August 21, 22 and 23, October 15 (telephone conference) and November 22, 23, and 24, 1976.

Two nonvoting liaison representatives served on the Panel. Ms. Kathryn Ellers Van Flue, nominated by the Consumer Federation of America, served as the consumer liaison and Joseph M. Pisani, M.D., nominated by the Proprietary Association, served as the industry liaison.

The following FDA employees served: Brigitta Dassler, M.D., served as Executive Secretary until August 1975 followed by Lee Geismar who also served as Panel Administrator. Lee Quon, R.Ph., served as Drug Information Analyst until August 1973, followed by Thomas H. Gingrich, R.Ph., until May 1975, followed by Timothy T. Clark, R.Ph. until June 1976, followed by Victor H. Lindmark, Pharm.D.

The following individuals were given an opportunity to appear before the Panel to express their views:

Clealand Baker
Dorothy L. Carter-Staples, M.D.
Robert B. Choate
John M. Clayton, Ph.D.
Allan R. Cooke, M.D.
Alan K. Done, M.D.
Constantine J. Falliers, M.D.
Edward E. Fischel, M.D.
George S. Goldstein, M.D.
Arthur Grollman, M.D.
Robert John, M.D.
Daniel R. Johnson, Esq.
Charles Jolly, Esq.
Edward H. Kass, M.D.
David Katz, M.D.
Priscilla Kincaid-Smith, M.D. (Australia)
Jan Kock-Weser, M.D.
Irving Kushner, M.D.
Ben Marr Lanman, M.D.
Louis Lasagna, M.D.
Jack R. Leonards, M.D., Ph.D.
Robert Levine, M.D.
Dietrich Lorke, M.D. (Germany)
William Madison, Ph.D.
Arnold D. Marcus, M.D.
F. Gilbert McMahon, M.D.
Bernard L. Mirkin, M.D.
Fred Mueller
Ranjit S. Nanra, M.D. (Australia)
William M. O'Brien, M.D.
Peter D. Orahovats, M.D.
W. K. Poole, M.D.
Laurie Prescott, M.D. (Scotland)
Adrien L. Ringuette, Esq.
Mervyn A. Sahud, M.D.
George Schreiner, M.D.
Cecil Slome, M.D., C.H.B., D.P.H.
J. Edward Smiley, M.D.
Hale Sweeney, Ph.D.
Garrett W. Swenson, Esq., R.Ph.
Monroe E. Trout, M.D.
Walter Tucker, Jr., Ph.D.
Ralph Vinegar, Ph.D.
Ralph O. Wallerstein, M.D.
T. E. Watson
Richard M. Welch, Ph.D.
Harvey Weiss, M.D.
Sidney Wolfe, M.D.
Sumner J. Yaffe, M.D.

The following individuals were given an opportunity to present their views at the Panel's request:

John Baum, M.D.
William T. Beaver, M.D.
Gordon Benson, M.D.
Owen M. Edwards, M.D.
Henry M. Gault, M.D.
Thomas Haley, M.D.
Raymond Houde, M.D.
L. W. Hoyer, M.D.
Harold Mielke, M.D.
Ronald F. Miller, M.D.
S. I. Rapaport, M.D.
Jane Schaller, M.D.

No other person requested an opportunity to appear before the Panel. No person who so requested was denied an opportunity to appear before the Panel.

The Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through November 22, 1976 in arriving at its conclusions and recommendations. Because the charge to the Panel required the review of three classes of OTC drugs, i.e., analgesics, antipyretics and antirheumatics, the Panel has presented its conclusions and recommendations in three separate parts. (See part III. below—ANALGESIC AGENTS, part IV. below—ANTIPYRETIC AGENTS, and part V. below—ANTIRHEUMATIC AGENTS.) Each part covers the submission of data and information discussed below. (See part I. below—SUBMISSION OF DATA AND INFORMATION.)

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to these classes of drugs are set out in three categories:

Category I. Conditions under which internal analgesic, antipyretic and antirheumatic products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which internal analgesic, antipyretic and antirheumatic products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit

Sandoz Pharmaceuticals, East Hanover, N.J. Floresic,

V 42 131 JUL 8 77 UMI

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel recommends the following for each class of drugs:

1. That the conditions included in the monograph on the basis of the Panel's determination that they are generally recognized as safe and effective and are not misbranded (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel's determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as Category I—generally recognized as safe and effective and not misbranded or as Category II—not being generally recognized as safe and effective or would result in misbranding (Category III) be permitted to remain in use for 3 years after the date of publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to answer the questions raised by the Panel with respect to the particular condition.

I. SUBMISSION OF DATA AND INFORMATION

Pursuant to the notice published in the FEDERAL REGISTER of July 21, 1972 (37 FR 14633) requesting the submission of data and information on OTC internal analgesic and antirheumatic drugs, the following firms made submissions relating to the indicated products:

A. SUBMISSIONS BY FIRMS

Firm:	*Marketed products*
Abbott Laboratories, North Chicago, Ill. 60064	Children's Chewable Aluminum Aspirin.
Berry & Withington Co., Cambridge, Mass. 02140	Aspirin, Aspirin Compound No. 2, Buffered Aspirin, Sodium Salicylate.
Block Drug Co., Inc., Jersey City, N.J. 07302	BC Powder, BC Tablet.
Boericke & Tafel, Philadelphia, Pa. 19107	B & R Tablet No. 171–A, Boericke & Runyon Tablets No. 200.
Bristol-Myers Co., New York, N.Y. 10022	Arthritis Strength Bufferin, Bufferin, Dissolve, Excedrin, Excedrin-P.M., Neolin.
Cooper Laboratories, Inc., Wayne, N.J. 07470	Persistin.
Curtis Drug Co., Decatur, Ill. 62521	Curtis A–R Pain Relief.
Dorsey Laboratories, Lincoln, Nebr. 68501	Calurin, Cama Inlay Tablets, Chexit, Pabirin, Triaminicin, Tussagesic Tablets Suspension, Ursinus Inlay Tablets.
The Dow Chemical Co., Research Center, Zionsville, Ind. 46077.	Phensal, Tenlap.
Eli Lilly and Co., Indianapolis, Ind. 46206	Aspirin Suppositories.
Endo Laboratories, Inc., Garden City, N.Y. 11530	Percogesic, Dilone.
Eneglotaria Medicine Co. of Puerto Rico, Santurce, P.R. 00907.	Pediascirin.
L. W. Estes Co., Inc., Washington, D.C. 20010	Estes Nu-Ral.
Fountain Laboratories, Inc., Fountain Inn, S.C. 29644.	Pano.
R. L. Gaddy, Pharmacist, Tallahassee, Fla. 32302	EZ–IT APC.
Goody's Manufacturing Corp., Winston-Salem, N.C. 27102.	Goody's Headache Powders.
Edgar Larsen, Lafayette, Calif. 94549	Hoover Powders.
Lewis Manufacturing Co., Pierpont, Ohio 44082	Dr. Lewis' Preparation for Rheumatism.
McNeil Laboratories, Inc., Fort Washington, Pa. 19034.	Tylenol Chewable Tablets, Tylenol Drops, Tylenol Elixir, Tylenol Tablets.
Mead Johnson Labs., Evansville, Ind. 47721	Tempra Drops, Tempra Syrup, Tempra Tablets.
Miles Laboratories, Inc., Elkhart, Ind. 46514	Alka-Seltzer.
Norwich Pharmacal Co., Norwich, N.Y. 13815	Norwich Aspirin, Nebs Elixir, Nebs Tablets.
Plough, Inc., Memphis, Tenn. 38101	Aspergum, St. Joseph Aspirin, St. Joseph Aspirin for Children.
Purdue Frederick Co., Yonkers, N.Y. 10701	Arthropan Liquid.
Republic Drug Co., Inc., Buffalo, N.Y. 14207	A.P.C. with Codeine, A.P.C., Aspirin, Buffered Aspirin, Tapanol, Superin.
Rilox Co., New Orleans, La. 70122	Baltar's Medicine.
A. H. Robins Co., Richmond, Va. 23220	Arthralgen, Pabalate.
William H. Rorer, Inc., Fort Washington, Pa. 19034.	Ascriptin.

Sandoz Pharmaceuticals, East Hanover, N.J. 07936.	Flogesic.
Smith, Kline & French Laboratories, Philadelphia, Pa. 19101.	Ecotrin.
E. R. Squibb & Sons, Inc., New Brunswick, N.J. 08903.	Aspirin, Trigesic, Valadol Chewable Tablets, Valadol Liquid, Valadol Tablets.
Sterling Drug, Inc., New York, N.Y. 10016	Bayer Aspirin, Bayer Children's Aspirin, Bayer Timed-Release Aspirin, Cafenol, Cafiaspirina, Cope, Cortal, Fizrin, Measurin, Mejoral, Midol, Vanquish.
Templetons, Inc., Buffalo, N.Y. 14223	Templetons T-R-C's.
Upjohn Co., Kalamazoo, Mich. 49001	Acetonyl, Aspirin, P-A-C Compound, Salicionyl.
USV Pharmaceutical Corp., Tuckahoe, N.Y. 10707	Comeback, Femicin, Liquiprin.
Warner-Chilcott Laboratories, Morris Plains, N.J. 07950.	Sinutab, Sinutab II.
Warner Lambert Co., Morris Plains, N.J. 07950	Bromo Seltzer.
Warren-Teed Pharmaceutical, Inc., Columbus, Ohio 43215	Magan.
T. E. Watson Co., Sarasota, Fla. 33578	Felsol.
Whitehall Laboratories, Inc., New York, N.Y. 10017.	Anacin, Arthritic Pain Formula, Duplexin, Saloxium.

In addition, the following firms made related submissions:

Firm:	*Submission*
Monsanto Industrial Chemicals Co., St. Louis, Mo. 63166.	Aspirin, Phenacetin, Salicylamide.

B. LABELED INGREDIENTS CONTAINED IN MARKETED PRODUCTS SUBMITTED TO THE PANEL

Acetaminophen (N-acetyl p-aminophenol; paracetamol)
Acetanilid
Aluminum aspirin
Aminoacetic acid (glycine, glycocoll)
Aminobenzoic acid (para-aminobenzoic acid (PABA))
Antipyrine
Ascorbic acid (vitamin C)
Aspirin (acetylsalicylic acid)
Bryonin
Caffeine
Calcium carbaspirin
Calcium carbonate
Calcium phosphate dibasic (monocalcium phosphate)
Calomel
Cascara sagrada
Choline salicylate
Cinnamedrine hydrochloride
Citrated caffeine
Citric acid
Codeine phosphate
Dextromethorphan hydrobromide
Dihydroxyaluminum aminoacetate (aluminum glycinate)
Dihydroxyaluminum sodium carbonate
Dried alumimum hydroxide gel
Homatropine methylbromide
Iodopyrine
Iris versicolor
Macrotin
Magnesium carbonate
Magnesium hydroxide
Magnesium salicylate
Methapyrilene fumarate
Nux vomica
Phenacetin (acetophenetidin)
Pheniramine maleate
Phenyltoloxamine dihydrogen citrate
Phenylpropanolamine hydrochloride
Potassium bromide
Potassium iodide
Pyrilamine maleate
Quinine
Riboflavin (vitamin B_2)
Salicylamide
Salsalate (Salicylsalicylic acid)
Sodium bicarbonate
Sodium carbonate
Sodium para aminobenzoate
Sodium salicylate
Terpin hydrate
Thiamine hydrochloride (vitamin B_1)

C. CLASSIFICATION OF INGREDIENTS

1. *Active ingredients.* The Panel has classified the following as analgesic, antipyretic, and antirheumatic agents:

Acetaminophen
Acetanilid
Aluminum aspirin
Antipyrine
Aspirin
Calcium carbaspirin
Choline salicylate
Codeine phosphate
Iodopyrine
Magnesium salicylate
Phenacetin
Quinine
Salicylamide
Salsalate (salicylsalicylic acid)
Sodium salicylate

These active ingredients may be further identified chemically into two groups. One group represents the "salicylates" (SA) in which all of the ingredients are chemically related to salicylic acid. The other group represents the "nonsalicylates" (NSA) in which the ingredients are not chemically related to salicylic acid. The most commonly used salicylate is aspirin or acetylsalicylic acid (ASA). Throughout this document the Panel has used the term aspirin which is the official adopted name for acetylsalicylic acid (ASA).

The Panel has included the following table in which the active ingredients have been categorized:

Categorization of active ingredients considered by the panel for safety and effectiveness

Acetaminophen	Dihydroxyaluminum aminoacetate (aluminum glycinate)	Methapyrilene fumarate (for uses other than as an analgesic adjuvant)
Acetanilid	Dihydroxyaluminum sodium carbonate	Nux vomica
Aluminum aspirin	Dried aluminum hydroxide gel	Phenacetin (acetophenetidin)
Aminoacetic acid (glycine, glycocoll)	Homatropine methylbromide	Pheniramine maleate
Aminobenzoic acid (para-aminobenzoic acid (PABA))	Iodopyrine	Phenyltoloxamine dihydrogen citrate
Antipyrine	Iris versicolor	Phenylpropanolamine hydrochloride
Ascorbic acid (vitamin C)	Macrotin	Potassium bromide
Aspirin (acetylsalicylic acid)	Magnesium carbonate	Potassium iodide
Bryonin	Magnesium hydroxide	Pyrilamine maleate
Caffeine	Magnesium salicylate	Quinine
Calcium carbaspirin	Methapyrilene fumarate	Riboflavin (vitamin B_2)
Calcium carbonate	Nux vomica	Salicylamide
Calcium phosphate dibasic (monocalcium phosphate)	Phenacetin (acetophenetidin)	Salsalate (Salicylsalicylic acid)
Calomel	Pheniramine maleate	Sodium bicarbonate
Cascara sagrada	Phenyltoloxamine dihydrogen citrate	Sodium carbonate
Choline salicylate	Phenylpropanolamine hydrochloride	Sodium para aminobenzoate
Cinnamedrine hydrochloride	Potassium bromide	Sodium salicylate
Citrated caffeine	Potassium iodide	Terpin hydrate
Citric acid	Pyrilamine maleate	Thiamine hydrochloride (vitamin B_1)
Codeine phosphate	Quinine	
Dextromethorphan hydrobromide	Riboflavin (vitamin B_2)	
	Salicylamide	

them succeeded in defining pain. Having said that it is the opposite of pleasure, or that

2. *Mechanism of action of an analgesic* be used as a sign to aid in treatment and

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Categorization of active ingredients considered by the panel for safety and effectiveness as analgesics, antipyretics or antirheumatics

Active ingredient	Analgesic	Antipyretic	Antirheumatic[1]
Acetaminophen (NSA)[2]	I	I	II (E)
Acetanilid (NSA)	II (S)[3]	II (S)	II (S, E)
Aluminum aspirin (SA)[4]	III (E)[5]	III (E)	III (E)
Antipyrine (NSA)	III (S, E)	III (S, E)	III (S, E)
Aspirin (SA)	I	I	I
Calcium carbaspirin (SA)	I	I	I
Choline salicylate (SA)	I	I	I
Codeine (NSA)	II (S, E	II (S, E)	II (S, E)
Iodopyrine (NSA)	II (S)	II (S)	II (S)
Magnesium salicylate (SA)	I	I	I
Phenacetin (NSA)	II (S)	II (S)	II (S, E)
Quinine (NSA)	II (S)	II (S)	II (S, E)
Salicylamide (NSA)	III (S, E)	III (S, E)	II (E)
Salsalate (SA)	III (E)	III (E)	III (E)
Sodium salicylate (SA)	I	I	I

[1] Antirheumatic active ingredients are limited to professional labeling.
[2] The term "(NSA)" refers to a nonsalicylate active ingredient.
[3] The term "(S)" refers to safety considerations.
[4] The term "(SA)" refers to a salicylate active ingredient.
[5] The term "(E)" refers to effectiveness considerations.

The Panel reviewed aminobenzoic acid, caffeine and phenyltoloxamine (and other antihistamines submitted) as possible analgesic, antipyretic and/or antirheumatic active ingredients and concludes that they cannot be properly included in these classes of internal analgesic ingredients. However, the Panel concludes that they may be considered adjuvants, categorized in the table as follows:

Categorization of ingredients considered by the panel for safety and effectiveness as analgesic, antipyretic or antirheumatic adjuvants

Adjuvant	Analgesic	Antipyretic	Antirheumatic
Aminobenzoic acid	II (S, E)	II (S, E)	II (S, E)
Sodium para-aminobenzoate	II (S, E	II (S, E)	II (S, E)
Caffeine	III (E)	III (E)	III (E)
Methapyrilene fumarate	III (E)	III (E)	III (E)
Pheniramine maleate	III (E)	III (E)	III (E)
Phenyltoloxamine	III (E)	III (E)	III (E)
Pyrilamine maleate	III (E)	III (E)	III (E)
Salicylamide	III (S, E)	III (S, E)	III (S, E)

2. *Adjuvant agents.* The Panel has discussed adjuvants and their classification elsewhere in this document. (See part VI. below—ADJUVANTS AND CORRECTIVE AGENTS.) The agents identified below are included as active ingredients because they were submitted as such pursuant to the notice published in the FEDERAL REGISTER of July 21, 1972 (37 FR 14633) and the Panel considered that these agents (adjuvants) when combined with active ingredients could affect the activity or safety of the active component(s) of the submitted preparation(s):

(a) *Corrective (antacid or buffering) adjuvant agents.*

Aminoacetic acid (glycine, glycocoll)
Calcium carbonate
Calcium phosphate dibasic (monocalcium phosphate)
Citric acid
Dihydroxyaluminum aminoacetate (aluminum glycinate)
Dihydroxyaluminum sodium carbonate
Dried aluminum hydroxide gel
Magnesium carbonate
Magnesium hydroxide
Sodium bicarbonate
Sodium carbonate

(b) *Direct acting adjuvant agents.*
(1) *Caffeine-containing ingredients.*

Caffeine
Citrated caffeine

(2) *Antihistamine-containing ingredients*

Methapyrilene fumarate
Pheniramine maleate
Phenyltoloxamine
Pyrilamine maleate

(c) *Indirect acting adjuvant agents.*
(1) *Benzoic acid-containing ingredients.*

Aminobenzoic acid (para-aminobenzoic acid (PABA))
Sodium para-aminobenzoate
(2) Salicylamide

3. *Ingredients deferred to other OTC advisory review panels or other experts.* Agents deferred to other OTC panels are considered by this Panel not to have analgesic activity and it is not known whether they affect the safety or effectiveness of the analgesics listed above. (See part I. paragraph C.1. above—Active ingredients.)

a. The following agents were deferred for review to the Advisory Review Panel on OTC cold, cough, allergy, bronchodilator and antiasthmatic drug products:

Ascorbic acid (vitamin C)
Dextromethorphan hydrobromide
Homatropine methylbromide
Methapyrilene fumarate (for uses other than as an analgesic adjuvant)
Pheniramine maleate (for uses other than as an analgesic adjuvant)
Phenylpropanolamine hydrochloride
Potassium iodide
Pyrilamine maleate (for uses other than as an analgesic adjuvant)
Terpin hydrate

b. The following agents were deferred for review to the Advisory Review Panel on OTC sedative, tranquilizer, sleep-aid and stimulant drug products:

Methapyrilene fumarate (for uses other than as an analgesic adjuvant)
Pheniramine maleate (for uses other than as an analgesic adjuvant)
Phenyltoloxamine (for uses other than as an analgesic adjuvant)
Potassium bromide
Pyrilamine maleate (for uses other than as an analgesic adjuvant)
Nux vomica

c. The following agents were deferred for review to the Advisory Review Panel on OTC laxative, antidiarrheal, antiemetic and emetic drug products:

Calomel
Cascara sagrada

d. The following agents were deferred for review to the Advisory Review Panel on OTC vitamin, mineral and hematinic drug products:

Ascorbic acid
Riboflavin
Thiamin hydrochloride

e. The following agent was deferred for review to the Advisory Review Panel on OTC internal miscellaneous drug products:

Cinnamedrine hydrochloride

f. The following agents were deferred and recommended for review to experts on homeopathy:

Bryonin
Iris Versicolor
Macrotin
Nux vomica

D. REFERENCED OTC VOLUME SUBMISSIONS

All "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the call for data notice published in the FEDERAL REGISTER of July 21, 1972 (37 FR 14633). The volumes shall be put on public display on or before August 8, 1977, in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857.

II. GENERAL STATEMENTS AND RECOMMENDATIONS

A. INTRODUCTION

1. *Pain.* Pain is the most common symptom for which man seeks relief. While it is best to determine the cause of the pain and treat the underlying disease process, mild to moderate pain that is self-limited may often be treated symptomatically by self-medication. If pain persists more than 10 days or is severe, medical advice should be sought.

Many definitions of pain have been formulated. There is no doubt that everyone has experienced it. Beecher (Ref. 1), a recognized authority, has defined the symptom as follows:

> Unfortunately pain is a universal experience of mankind and everybody knows what is meant by it; so this discussion will concern itself only briefly with past unsatisfactory attempts to define pain. Pain is, it must be admitted, uncommonly difficult to define. But attempts at definition are useful in that they throw light on the process and on the nature of the difficulties encountered.
>
> Pain is a subjective matter clearly "known to us by experience and described by illustration" [Ref. 609]. There seems little point for the present purposes to labor a definition of what all understand. Lexicographers, philosophers, and scientists have none of them succeeded in defining pain. Having said that it is the opposite of pleasure, or that it is different from other sensations (touch, pressure, heat, cold) or how it is mediated (through separate nerve structures), or what the kinds of it are (bright, dull, aching, pricking, cutting, burning), or what kinds of things will produce it (trauma to nerve endings, or to nerves, electric shocks, intense stimulation of the sensations of touch, pressure, heat, cold), or what it comes from (injury, bodily derangements, or disease), or that certain types of mild stimulation can probably be stepped up to a painful level through conditioning or what some reaction patterns to it are (escape or avoidance), none of these individual statements, nor indeed their sum total, provides a definition of pain.

The Panel concludes that OTC analgesics are both safe and effective for use in the treatment of the symptoms of occasional minor aches and pains. Minor pain, for the purpose of self-medication, may be defined as pain that is self-limited and which requires no special treatment or prior diagnosis by a physician. The pain is usually described as of mild to moderate intensity as opposed to sharp, severe and/or protracted pain. Even though no medical treatment is required for minor aches and pains, analgesics may be desirable to reduce their intensity and provide relief and comfort to the sufferer. Individuals who must work or maintain normal daily activities, or those seeking comfort at home, may find these agents particularly useful. The role of these agents in the treatment of headache is discussed below. (See part II. paragraph A.7. below—Headache (cephalalgia).)

The Panel concludes that the most appropriate indications for pain for all OTC analgesic agents should state, "For the temporary relief of occasional minor aches, pains and headache".

The Panel has included the term "occasional" because recurrent or chronic pain, even of minor intensity may require a physician's diagnosis of its cause. For example, frequent headaches, joint pain which flares up periodically or lower back pain which undergoes exacerbations and remissions may indicate pathologic conditions and should not be treated with OTC analgesics except under the advice and supervision of a physician. Regardless of the type of pain, these agents should not be used in adults for more than 10 days. If symptoms persist beyond this period, become more severe, or new ones occur, a physician should be consulted. The Panel has concluded elsewhere in this document that the duration of use of all analgesic products should be limited to 5 days for children under 12 years of age rather than 10 days as recommended for adults. (See part II. paragraph F.3. below—Statement on children's dosage.) The Panel concludes that the most appropriate warning for all OTC analgesic agents should state for adults, "Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician", and for children under 12 years, "Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician".

2. *Mechanism of action of an analgesic agent.* The Panel has defined an OTC analgesic drug as an agent useful to alleviate the symptoms of mild to moderate pain.

The analgesics alleviate pain principally by a peripheral effect (blockade of pain impulse generation) rather than by a central effect. The best evidence for this is based on the studies of Lim, who in 1967, induced experimental pain in animals and human volunteers and showed that the actions of aspirin and acetaminophen were predominantly on the peripheral nervous system rather than on the brain (Ref. 2).

In addition, there is evidence that a portion of the pain relief provided by analgesics that also have anti-inflammatory activity is due to a peripheral effect of decreasing the inflammation which removes one source of stimulation of pain receptors (Ref. 3). The basic mechanisms of action of the analgesics are further discussed in the analgesic section below. (See part III. below—ANALGESIC AGENTS.)

3. *Fever.* The ordinary individual has a normal body temperature of 98.6° F (37° C). Although most individuals have a 0.5° C variation during a 24-hour period or over several days, this is still considered by the Panel within the normal range. Fever is defined as a body temperature above the normal of 98.6° F (37° C) (Ref. 4) and is a common sign that may or may not be accompanied by pain. Many of the analgesics are also effective antipyretics (fever reducers) and may be safely used for self-medication when fever is due to the common cold or flu. However, fever also may indicate a serious illness and good medical practice dictates its cause, when not known, be determined immediately especially if it is marked, over 103° F (39.5° C) persists for more than 72 hours, or recurs. The Panel recommends that labeling of antipyretic products include the warning: "If fever persists for more than 3 days (72 hours), or recurs, consult your physician".

The Panel notes one author who states that the use of antipyretics has been abandoned, as fever is recognized as only a symptom which sometimes is beneficial (Ref. 5). Another author indicates that currently antipyretics are seldom used for the purpose implied by their name because efforts previously devoted to reducing fever are now turned more profitably to removing its cause (Ref. 6). The Panel concurs with the authors' views that modern use of antipyretics is limited to relief of fever, which is symptomatic of an underlying illness. The fact that fever is most often a symptom of disease rather than a disease itself is in stark contrast to broadly held medical views of 50 or more years ago when reduction of fever was the end, not the means. In fact, it was often the only way in which the physician could distinguish among the myriad of untreatable diseases confronting him. With the introduction of antibiotics, antipyretics are not as important as they once were (Ref. 6). Today, in some instances, fever or its absence can be used as a sign to aid in treatment and diagnosis. Once the cause of the fever is ascertained, that cause is treated, and treatment of fever, per se, becomes secondary to removal of the underlying cause.

Nevertheless, the Panel believes the availability of OTC antipyretics fulfills a need of a significant target population.

The Panel concludes that an acceptable labeling claim for an OTC antipyretic is, "For the reduction of fever".

4. *Mechanism of action of an antipyretic agent.* The Panel has defined an OTC antipyretic drug as "an agent used to reduce fever" and antipyresis as "symptomatic treatment of fever rather than of the underlying disease."

The salicylates and other antipyretics, e.g., acetaminophen, lower the temperature in patients with fever but have no effect on the body temperature when it is normal. The hypothalmic nuclei in the brain stem play a primary role in the regulation of body temperature. In fever, the balance between heat production and heat loss is still regulated by the hypothalamus but the latter sets the body temperature at a higher than normal level. The antipyretics are said to act to "reset" the "thermostat" (hypothalamus) so that the body temperature will decrease toward normal 98.6° F (37° C). Heat production is not changed but heat loss is increased by increased peripheral blood flow and sweating. The perspiration is not due to a direct effect of the antipyretics on peripheral blood flow or the sweating mechanism but rather to a central action on the hypothalamus.

Elevation in body temperature can occur following infection and inflammation. The causative agents of fever are referred to as pyrogens. Pyrogens may be differentiated into two basic categories: Those pyrogenic substances which are external to the body such as those produced by infectious agents and referred to as exogenous pyrogens and those pyrogenic substances which are produced by the body referred to as endogenous pyrogens. In a recent article by Milton (Ref. 7), a modern view on the pathogenesis of fever and the mode of action of antipyretic drugs is discussed. He notes that it is now generally accepted that the cells capable of producing endogenous pyrogens are activated either by exogenous pyrogens or by endogenous factors. These endogenous factors include inflammation, tissue damage, etc. which release endogenous pyrogens and it is this circulating material which is the common mediator of fever. Endogenous pyrogen is found to be a protein with a molecular weight of approximately 10,000 to 20,000.

These pyrogens which mediate fever induce changes in the central nervous system presumably in the region of the anterior hypothalamus to decrease heat loss and increase heat production resulting in the increase in deep body temperature. Milton notes that there is considerable evidence that both exogenous and endogenous pyrogens, when injected di-

rectly into the central nervous system, produced fever in a majority of the ani- ... acetaminophen both produced a fall in deep body temperature when adminis- ... (Refs. 16 through 26). Recently, prosta-

reduced ability of the vessel walls to accommodate changes in blood pressure. ... over, but can occur at any age, even in childhood. The symptoms are usually ... gesic products unacceptable for reasons discussed later in this document and they

rectly into the central nervous system, produced fever in a majority of the animal species studied, and that the fevers produced are similar to those resulting from peripheral administration of these pyrogens. However, he points out that there is a lack of evidence to demonstrate that pyrogens can enter the central nervous system from the periphery.

The role of pyrogens and their effect on the anterior hypothalamus to produce a rise in deep body temperature and the mechanism by which antipyretic drugs reduce fever may be related to the role of the prostaglandins. Prostaglandins are naturally occurring substances found in the body and consist basically of the fatty acid, prostanoic acid. These agents are known to be released from various tissues following nervous or chemical stimulation and to have numerous pharmacologic effects. Milton notes that the first evidence that prostaglandins might be involved in the pathogenesis of fever was reported in 1970 when a specific prostaglandin identified as E_1 (PGE_1) injected directly into the third cerebral ventricle of a cat's brain, resulted in a rapid rise in deep body temperature. In 1971 other workers (Ref. 8) confirmed these hyperthermic effects of PGE, not only in the cat but also in the rabbit and rat. More importantly, these studies showed that the hyperthermia produced was sustained only as long as the infusion lasted and the site of action was found to be in the preoptic area of the anterior hypothalamus.

Furthermore, Milton (Ref. 7) describes studies in which cerebrospinal fluid from the third ventricle of the brain of the cat was assayed for contractile activity which in turn could be related to prostaglandin activity. It was found that in the absence of fever, contractile activity was very low or absent in contrast to the considerably greater activity in the presence of fever, produced by injecting pyrogen directly into the third ventricle. Following the administration of the antipyretic drug acetaminophen, the fever abated and the contractile activity of the cerebrospinal fluid was again low. In subsequent studies in the cat, in which a microorganism was used to produce fever, it was found that the prostaglandin-like activity of the cerebrospinal fluid increased in all cases during the febrile response and that following the admininstration of three antipyretic drugs, i.e., aspirin, acetaminophen and indomethacin, fever was abolished in all cases and at the same time the prostaglandin content of the cerebrospinal fluid decreased.

Milton found that acetaminophen, but not salicylates, generally, may produce a fall in deep body temperature when administered to both man and animals in the absence of fever, particularly when given in large doses. In addition, in the presence of fever the reduction in temperature may be found to fall below that found in the afebrile state. Milton studied this phenomenon to determine whether the fall in body temperature in the absence of fever could be attributed to the inhibition of prostaglandin synthesis and its release. Indomethacin and acetaminophen both produced a fall in deep body temperature when administered to the conscious cat. When prostaglandin was infused, deep body temperature rose. When the temperature had reached a plateau, the infusion of the drugs produced vasodilation and panting but had no effect on the shivering and deep body temperature which fell slightly, reaching a new plateau level that was sustained until the infusion was stopped. From these studies, the author concluded that the effects of the antipyretic drugs were not mediated through inhibition of prostaglandin synthesis but were due to an action of the two drugs (indomethacin and acetaminophen) on the heat loss mechanisms concerned. Aspirin did not affect deep body temperature in either the afebrile state or during prostaglandin infusion. He concluded that the results could be regarded as further evidence that the prostaglandins are not involved in normal thermal regulation.

5. *Inflammation.* Inflammation and many rheumatic diseases usually are accompanied by pain and sometimes fever. In many rheumatic conditions the object of the therapy is to stop the disease process. This usually requires doses of drug higher than those recommended for OTC use. Furthermore, symptomatic self-medication with relief of accompanying pain may still allow permanent degenerative processes to continue. In certain inflammatory conditions, specific antibiotic therapy is indicated, e.g., inflammation of the joint or skin due to a bacterial infection, and if it is not provided early in the course of the disease, infection of the blood stream or spread of infection may occur. Therefore, the Panel concludes that these OTC drugs for the treatment of inflammatory conditions and rheumatic disease should be used only under the advice and supervision of a physician. For these reasons, which are explained more fully below in the antirheumatic ingredient section, the Panel further concludes that such OTC drugs should not contain OTC labeling for treating inflammatory or rheumatic conditions. (See part V. below—ANTIRHEUMATIC AGENTS.)

6. *Mechanism of action of an antirheumatic agent.* The Panel has defined an OTC antirheumatic drug as an agent which reduces joint or muscle tenderness or swelling.

Despite their long history of use, the precise mechanism(s) whereby salicylates exert anti-inflammatory actions remains unclear; numerous mechanisms of action have been proposed. They may interfere with cellular metabolism (Refs. 9, 10, and 11), inhibit the release of some inflammatory material from plasma protein (Ref. 12), interfere with the movements of ions such as sodium and potassium across cell membranes (Ref. 13), stabilize the membranes of lysosomes which are intracellular structures that may leak materials that cause inflammation and tissue injury (Refs. 14, 15, 16), or inhibit or compete with the actions of chemical mediators of inflammation (Refs. 16 through 22). However, all these possible mechanisms are controversial (Refs. 16 through 26). Recently, prostaglandins, complex molecules found in all cells, have been shown to be capable of producing inflammation and it has been proposed that aspirin and possibly other anti-inflammatory drugs inhibit the synthesis of prostaglandins (Refs. 27 through 38). Presently, this is thought to be a key mechanism whereby aspirin exerts its anti-inflammatory effects. This mechanism of action is discussed further in the antirheumatic section. (See part V. below—ANTIRHEUMATIC AGENTS.)

7. *Headache (cephalalgia).* OTC analgesic products are commonly used for the treatment of headache. A brief survey of the OTC analgesic market will readily indicate the extensive use of claims for "headache", "simple headache", "common headache", "occasional headache", and in many combination drug products containing additional nonanalgesic active ingredients terms such as "sinus headache" or "nervous tension headache". Regardless of the descriptive terminology used, the Panel finds headache to be a very common term for a pain affecting almost everyone.

Headache is a unique symptom. Unfortunately, it is an ambiguous term for pain having many different etiologies which can originate in almost any part of the body. Most headaches are transient usually lasting less than 1 day. However, some types are chronic and may recur over months or years. The occasional headache may be secondary to many factors including fatigue, tension, eyestrain, fever, or even alcohol ingestion. The chronic or recurrent headaches may be caused by more serious underlying diseases such as vascular disturbances, brain tumor or abscess, intracranial lesions, or lesions of the eye, nose, ear, or throat.

Wolff (Ref. 39) has differentiated headaches into two major categories based upon their origin, i.e., those that arise mainly as a result of stimulation of intracranial structures and those that occur on stimulation of tissues outside the head or adjacent to the skull. He describes 11 major types of headaches. In most cases each type could be further classified into distinct subgroups. He found that most of the tissues covering the cranium are sensitive to pain, particularly the arteries.

Diamond and Dalessio (Ref. 40) have separated headaches into three main groups, based upon their probable etiology, to include vascular, psychogenic and traction-inflammatory headaches. Vascular headaches include the classical and common migraine headache, whereas psychogenic headaches are usually attributed to anxiety or depression. Traction and inflammatory headaches include those attributed to organic diseases of the brain and associated structures, arteries, veins, eyes, ears, teeth, nose and paranasal sinuses.

A common feature of all vascular headaches are physiological changes in cranial blood vessels. In a majority of cases there is a tendency for vasodilation which provokes the headache. When cranial vessels are distended there is a

reduced ability of the vessel walls to accommodate changes in blood pressure. This results in a more direct transmission of pressure variation to sensory receptors in vessel walls and the subarachnoid space of the brain and is interpreted as pain.

One type of vascular headache, the hypertensive headache, is related to elevation in the systemic arterial blood pressure. A sudden rise in arterial blood pressure in either normal or hypertensive individuals causes headache by virtue of a sudden dilation of the pain-sensitive intracranial blood vessels. Another type of vascular headache is the common migraine. It has been estimated that nearly 12 million people in the U.S. suffer from migraine and 8 percent of all headaches seen by the physician are attributable to migraine. A common feature of the migraine headache is a recurrent, throbbing, unilateral head pain. OTC analgesics are usually not appropriate for the treatment of hypertensive or migraine headaches which require diagnosis of the disease by a physician and usually treatment with drugs available only by prescription.

Next to migraine, the most common vascular headache is the toxic vascular headache produced by fever for which OTC analgesics may be indicated. Diamond and Dalessio (Ref. 40) note that generalized vasodilation may occur as a consequence of any significant fever, the vasodilation usually becoming more intense as the fever rises. It has even been suggested that alcohol can produce a toxic vascular headache which is commonly referred to as a hangover headache. Another common form of toxic vascular headache occurs after withdrawal of caffeine. This caffeine withdrawal headache is common in heavy coffee drinkers and is discussed in the caffeine statement later in this document. (See part VI. paragraph B.3. below—Caffeine (citrated caffeine).)

The second major type of headache is the psychogenic headache which is considered one of the most common forms of headache. Apprehension, anxiety, post-traumatic experiences, and depression can precipitate the symptoms. This form of headache is usually accompanied by persistent contraction of the muscles of the head, neck and face. In some individuals, it is described as a sense of pressure rather than a true pain. Wolff notes that "the intensity of the headache is likely to be unaffected by the simple analgesics, whereas agents such as opiates or barbiturates that alter reaction to pain may grant significant, though transient, relief" (Ref. 39). The Panel concurs and finds the use of OTC analgesics for the persistent psychogenic headaches undesirable.

The terms "muscle contraction" and "tension" headache have been used synonymously for almost 40 years. These headaches are not vascular in nature or associated with traction or inflammation. Psychogenic headaches, which may account for up to 90 percent of the chronic headaches seen by the physician, are more common in those aged 30 years and over, but can occur at any age, even in childhood. The symptoms are usually described as a generalized pain not localized on one side of the head. The headache is diffuse in nature and usually difficult to describe. Various factors which may cause a psychogenic headache include the individual's marital relations, occupation, social relationships, life stresses, and habits.

The third major group of headache includes the traction and inflammatory headache evoked by organic disease. The term traction headache has been defined "to describe the often nonspecific headache seen with mass lesions of the brain, including tumors, hematomas, abscesses, or brain edema from whatever cause" (Ref. 37). Traction and inflammatory headaches are associated with inflammatory disease of the meninges, and intracranial or extracranial arteritis or phlebitis. The sinus inflammatory headache is related to sinus disease. The symptoms include localized pain within the frontal sinus of a deep, dull, aching, nonpulsatile quality. With proper diagnosis of a precise paranasal disease by a physician the underlying cause of such a sinusitis or allergic rhinitis can be properly treated.

The frequency, duration, location, and severity of the headache may be useful in determining its cause. The diagnosis of the occasional headache can usually be related by the individual to a direct, causative factor, e.g., fatigue, acute febrile episodes or alcohol ingestion. However, the cause of chronic and recurrent headaches require diagnosis by a physician. With regard to children, the large majority complaining of headache do not have organic disease (Ref. 37) but vascular, psychogenic and traction-inflammatory headaches are found among children as well as adults.

The Panel concludes that the occasional headache is self-limited and requires no definitive medical treatment. However, the Panel recognizes that OTC analgesics are useful for symptomatic treatment. For example, in many situations an OTC analgesic may be desirable to reduce the intensity and duration of the headache providing relief to the sufferer enabling him to return more readily to normal activity. The Panel has found the Category I analgesics discussed later in this document safe and effective for use for the occasional headache. (See part III. paragraph B.1. below—Category I Conditions under which analgesic agents are generally recognized as safe and effective and are not misbranded.) As in adults, the Panel finds the use of OTC analgesics appropriate for the treatment of occasional headache in children. However, the treatment of the psychogenic headache as, for example caused by stress situations at school or disturbed family relationships at home, should stress counseling rather than use of drugs.

The Panel has limited labeling claims for analgesics to the statement "For the temporary relief of occasional minor aches, pains and headache". The Panel has found other labeling claims for analgesic products unacceptable for reasons discussed later in this document and they are therefore classified as Category II. (See part III. paragraph B.2. below—Category II Labeling.) The Panel has specifically included the term "headache" as an acceptable labeling claim because of the wide acceptance and usage of OTC analgesics by the general population for headaches as caused by muscle fatigue from occasional overexertion for example, as opposed to the more complex migraine headache. The Panel believes that the consumer can usually distinguish the symptoms of this form of headache from other forms of headache or pain. In addition, whereas the etiology of some headaches, such as migraine, require prior diagnosis of a disease by a physician, the pain of occasional minor headache can be suitably relieved by self-medication with an appropriate OTC analgesic.

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B. GUIDELINES FOR DETERMINATION OF EFFECTIVENESS AND SAFETY

In arriving at its conclusions and recommendations regarding the effectiveness and safety of all active ingredients, the Panel considered all pertinent data and information submitted and adopted the following general guidelines:

1. *Effectiveness.* The Panel's determination of analgesic, antipyretic and antirheumatic effectiveness was based on published and unpublished studies considered to be scientifically valid and pertinent to the pharmacologic effect(s) evaluated. Clinical criteria for proof of analgesic effectiveness of single agents or combinations were essentially those described in the review by Beaver (Ref. 1) and will be discussed elsewhere in this document. (See part III. paragraph C. below—Data Required for Evaluation.)

Criteria for proof of antipyretic effectiveness were obtained from clinical studies which showed that the agent or combination studied, significantly lowered disease-induced fever. These will be discussed elsewhere in this document. (See part IV. paragraph C. below—Data Required for Evaluation.)

Criteria for antirheumatic effectiveness were obtained from clinical studies which showed that the agent or combination studied significantly decreased signs of certain rheumatic diseases. These criteria will be discussed elsewhere in this document. (See part V. paragraph C. below—Data Required for Evaluation.)

2. *Safety.* The Panel's determination of the safety for single agents and combinations of agents was based on the following criteria:

a. The incidence and risk of adverse reactions and significant side effects when the agent is used according to adequate directions and instructions on the label.

b. The potential for harm that might result from abuse or misuse under conditions of widespread OTC availability.

c. Assessment of the benefit to risk ratio.

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C. LABELING OF ANALGESIC, ANTIPYRETIC AND ANTIRHEUMATIC DRUG PRODUCTS

The Panel reviewed the general labeling requirements previously adopted by the Food and Drug Administration for OTC (analgesic, antipyretic and antirheumatic) products (21 CFR Part 201). These requirements provide for labeling information on the principal display panel of the packaging form, the identity of ingredients, directions for use and general and specific warnings. The Panel concurs that these general requirements are appropriate for such OTC preparations. The labeling of individual active ingredients will be discussed later in this document.

After reviewing all submitted labels of OTC analgesic, antipyretic, and antirheumatic preparations, the Panel recommends the following additional requirements:

1. *Ingredients.* The Panel concludes that analgesic, antipyretic, and antirheumatic products should contain only active ingredient(s) plus such inactive ingredients (pharmaceutical necessities) as may be necessary for product formulation. All such drug products should identify the active and inactive ingredients in the labeling. Active ingredients should be listed by the established name. Since the United States is converting to the metric system, the label should state the quantity of active ingredient in the recommended dosage in metric units, e.g., 325 mg per teaspoonful, 325 mg per tablet, etc. Secondarily, the quantity of the more widely used drugs aspirin and acetaminophen in the recommended dosage should also be stated in apothecary units, e.g., 325 mg (5 gr) per teaspoonful, 325 mg (5 gr) per tablet, etc., until the metric system becomes official.

The Panel reviewed the labeling requirements adopted by the Food and Drug Administration for OTC antacid products containing sodium and magnesium salts (21 CFR Part 331). The Panel concurs with these requirements and for reasons stated later in this document concludes that they be adopted for OTC internal analgesic, antipyretic and antirheumatic products containing sodium and magnesium salts. (See part III. paragraph B.1.f.(2) below—Safety and part III. paragraph B.1.e.(2) below—Safety.) Therefore, the Panel recommends that the labeling of products should contain the sodium content per dosage unit, e.g., tablet, teaspoonful, if it is 0.2 mEq (5 mg) or higher. For products containing more than 5 mEq (125 mg) sodium in the maximum recommended daily dose, the labeling should contain the warning "Do not take this product if you are on a sodium restricted diet except under the advice and supervision of a physician". For products containing magnesium salts with more than 50 mEq of magnesium in the recommended daily dosage, the labeling should contain the warning "Do not take this product if you have kidney disease except under the advice and supervision of a physician".

2. *Indications and directions for use.* The indications for use should be simply and clearly stated, provide the user with enough information for effective and safe use of the preparation and include the statement that the preparation is for the temporary relief of symptoms applicable to the ingredient(s) of the

preparation. For analgesic-antipyretic drugs, the Panel believes that the general indications statement "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever" answers these needs. This general statement covers the many slightly different claims found on the labeling of presently marketed OTC preparations and discourages the implication that these drugs are to be used for the self-treatment of diseases.

An important area of the Panel's responsibility is concerned with the labeling of OTC analgesic-antipyretic products. In years past it was believed that the greater the number of claims, the better the product. Often the claims would be vague, not easily understood or ambiguous. Even in today's OTC analgesic market there has been some carryover of this philosophy by industry and government. Specific analgesic studies have been cited to support claims for particular types of pain. However, a plethora of claims may be confusing, and misleading to the consumer.

The Panel recognizes that well-controlled studies have been done with various analgesic-antipyretic agents in patients with specific types of pain such as postpartum pain, pain due to cancer, pain following tooth extraction, etc. It is the Panel's opinion, however, that "pain" is sufficiently broad to encompass all the studies in populations with pain of specific etiology and therefore it is in the public's best interest to emphasize the use for pain generally rather than list on the labeling all the specific types of pain that have been shown to be effectively treated in well-controlled clinical studies.

Some of the claims for alleviation of pain found on the labeling of presently marketed OTC analgesics include: "muscle aches"; "stiffness"; "pain of toothaches", "teething"; "dental procedures and dental work"; "muscle soreness"; "body aches"; "simple headache"; "nervous headache"; "tension headache", "pain due to head colds"; "simple pain of inoculations and immunizations"; etc. Rather than list all the numerous conditions all basically describing the common problem of pain, the Panel believes the term "minor pain" is sufficiently broad to encompass the specific types of pain effectively treated by this group of ingredients.

Another frequent problem with a variety of claims for alleviation of pain is their vagueness and lack of clarity. Often the consumer does not know what is meant by such claims and is misled when similar products have different claims. For example, if the labeling of one manufacturer's product omitted claims found on the labeling of another identical product, the consumer would be misled into believing the two preparations are different or are for different indications. Also, the same claim can have a meaning for one consumer that is exactly opposite to its meaning for another consumer. Furthermore, some claims are not even recognized by the medical community. For example, the Panel does not understand what is meant by "jumpy nerves", "fretfulness", "nighttime pain and its tension", or "under the weather". Since the Panel does not comprehend such claims, it anticipates that the consumer would have similar difficulty.

The Panel further notes that this current labeling of some OTC products lists claims for conditions for which they are clearly ineffective such as "depression", "nervous tension", etc. The Panel believes that such claims are inappropriate.

To protect the consumer from unfounded, misleading, and possibly hazardous claims, the Panel decided that the best labeling is one which states indications for use in simple, clear and easily understood language. The consumer would benefit greatly from such labeling. Therefore, the Panel recommends the restriction of the claims that may be made for analgesic-antipyretic products and has concluded that the general indications statement "For the temporary relief of occasional minor aches, pains and headaches, and for the reduction of fever", is the most appropriate.

Since OTC drugs are meant to be used only for the temporary relief of symptoms, the labeling should not indicate or imply that the preparation is for the treatment of disease entities, such as arthritis. This is especially important for preparations containing antirheumatic drugs, which if taken without medical supervision, may prevent or delay definitive treatment of arthritis which requires prior diagnosis by a physician, establishment of a proper antirheumatic dosage and concomitant or alternate therapy. Self-medication may lead to irreversible joint damage if taken in inadequate dosage intermittently for pain relief over prolonged periods by individuals with some forms of arthritis. Since the most common forms of arthritis, rheumatoid arthritis and osteoarthritis, are chronic diseases, "temporary" relief by OTC analgesic doses is inappropriate therapy for these diseases. Therefore, the labeling for preparations containing salicylates should include the statement, "Take this product for the treatment of arthritis only under the advice and supervision of a physician". For preparations containing the nonsalicylate, acetaminophen, labeling should include the statement, "Do not take this product for the treatment of arthritis except under the advice and supervision of a physician".

The Panel has further determined that some of the current claims for specific conditions recognized by the medical community and found on OTC labeling and in product names are not amenable to self-diagnosis or treatment. Consumers with these conditions, such as several types of arthritis, gout, and acute rheumatic fever, should be under the care of a physician. The Panel believes that any labeling for diseases such as these which require medical intervention may mislead the consumer who attempts to self-diagnose and self-treat serious diseases. Therefore, the Panel strongly recommends that product names or labeling that imply or suggest the use of these products for specific diseases requiring prior diagnosis by a physician should not be allowed. Any reference to "arthritis", "arthritic strength", "arthritis pain formula", "rheumatism preparation", etc., in product names or labeling is unacceptable to the Panel. As will be noted later in this document, the Panel concurs with the Arthritis Foundation's opposition to the term "arthritis" in aspirin brand names and also concurs with their recommendation that sufferers of the disease would be best served if the term "arthritis" were banned from the labeling and advertising of these products, leaving the choice of drug treatment to the physician. (See part V. below—ANTIRHEUMATIC AGENTS). The only terms acceptable to this Panel are those included in the general OTC indication statement for all analgesic-antipyretics, i.e., "For the temporary relief of occasional minor aches, pains and headaches, and for the reduction of fever".

3. *General and specific warnings.* The Panel decided additional statements need to be included on the labeling of analgesic-antipyretic products for proper use and adequate consumer protection. These statements should come under the general headings of warnings and cautionary statements.

The Panel agrees with the current regulation (21 CFR 330.1(g)) containing the general warning statement "Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact a poison control center immediately", and considers it reasonable and proper for all OTC medications. In regard to specific warnings or cautions the Panel recommends that potential users be alerted to possible serious side effects of therapeutic doses and especially serious consequences of overdose.

Because OTC products can be purchased by anyone, it is the view of the Panel that the public generally does not regard these products as medicines which, if used improperly, can result in injurious or potentially serious consequences. The public needs to be continually alerted to the idea that these products like all medicines carry some risk and should be treated with respect. The Panel, therefore, concurs with the Food and Drug Administration and considers it prudent to include the general warning statements now required under § 330.1(g).

The consumer should be informed of any possible signs of known toxicity or any indication requiring discontinuation of the use of the drug so that appropriate steps may be taken before more severe symptoms become apparent. For example, one of the first symptoms of salicylate intoxication, or overdose, is tinnitus or "ringing in the ears" which is discussed later in this document. (See part III. paragraph B.1.a. below—Aspirin.) It is very important for the consumer to recognize this symptom. With continued dosing, serious intoxication may occur due to the mode of salicylate metabolism.

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For example, a small increase in the salicylate dose ingested may cause a disproportionate increase in the salicylate blood level and could result in serious consequences.

Unfortunately, acetaminophen has no similar sign of toxicity or "safety valve" to alert the consumer. Further, some advertising for acetaminophen gives the impression that it is much safer than aspirin and implies that the toxic effects of the drug are less than those encountered with aspirin. Actually, a large overdose of acetaminophen can result in serious liver damage which is not as amenable to therapy as salicylate intoxication. This is discussed later in this document. (See part III, paragraph B.1.b. below—Acetaminophen.)

Therefore, the Panel decided to include the warning, "Stop taking this product if ringing in the ears or other symptoms occur", on all products containing salicylates, and the warning, "Do not exceed recommended dosage because severe liver damage may occur", on all products containing acetaminophen, a nonsalicylate.

Likewise, consumers should be alerted to possible serious side effects from therapeutic doses of these products. Some evidence suggests that aspirin might be contraindicated in pregnancy. (See part III, paragraph B.1.a.(2)(iv) below—Adverse effects during pregnancy.) Therefore, the Panel concludes that it is necessary to include the labeling warning statement on all aspirin-containing products, "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

The labeling of several currently marketed aspirin products contains the advice that the product should be taken with a full glass of water. Baum (Ref. 1) also states that aspirin should be taken with large amounts of fluids. *The Medical Letter* (Ref. 2) also advises that "to minimize gastrointestinal irritation, any aspirin tablet should be taken with a full glass of water."

The Panel could not find any controlled studies to support the contention that the quantity of water used to administer the drug has any effect relative to safety or efficacy. However, it is the opinion of the Panel that this advice is sound, since the water would be expected to facilitate dissolution of the drug and reduce the irritation of the mucosa of the stomach from aspirin particles as discussed elsewhere in this document. (See part III, paragraph B.1.a.(2)(ii) below—Adverse effects on the gastrointestinal tract.) The Panel believes that this recommendation should apply to all salicylates. Therefore, the Panel concludes that the labeling for products containing salicylates intended for oral administration as a solid dosage form, e.g., tablets, state for adults, "Adults: Drink a full glass of water with each dose" and for children under 12 years, "Children under 12 years: Drink water with each dose".

In summary, the Panel concludes that the purpose of OTC preparations is to provide for the temporary relief of self-limited symptoms and not for the self-treatment of disease entities. If OTC products are used for a long period of time to treat symptoms which indicate a potentially serious problem, a disease requiring medical supervision could be masked until irreparable damage has occurred. This is especially important for those drugs with antirheumatic properties. As previously noted, if such drugs are taken there could be a delay in proper treatment of rheumatic disease which could lead to irreversible joint damage when inadequate dosage is taken intermittently for prolonged periods by patients with some rheumatic diseases such as rheumatoid arthritis. The Panel also decided that if an individual needs to take these products for a long period of time, i.e., more than 10 days in an adult, or more than 5 days in a child, he or she is sufficiently ill to require the consultation of a physician. Therefore, the Panel added the word "temporary" to the general indications statement making it read: "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever", and has added a general warnings statement for adults, "Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician", and for children under 12 years, "Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician". Such warnings or cautions will be included in the proposed labeling for individual preparations presented later in this document.

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D. LABELING WARNINGS, ADVERTISING AND THE MEDIA

Because the consumer needs to be correctly and fully informed, the Panel recommends that the advertising in any medium for these drugs that in any way uses the labeling, package or container not be inconsistent, even on subtle implication through mood, focus or innuendo, with the applicable labeling in the OTC internal analgesic monograph.

The Panel has noted, with concern, certain aspects of commercial advertising of OTC medicines that urge the consumption of these drugs without directing attention to adequate warnings regarding the possible immediate hazards of the use of these products or the potential hazards from their long-term use.

This concern was shared by representatives of consumer and children's advocacy groups, by representatives of pharmaceutical associations and manufacturers, the broadcast media, and researchers from the academic world at a 2-day conference on televised OTC drug advertising that was sponsored by the Federal Communications Commission and the Federal Trade Commission on May 20 and 21, 1976. At the three Panels comprising the conference the status of research, industry self-regulation, and government regulation was discussed and alternatives suggested; governmental policy decisions were not formulated (Ref. 1).

As was pointed out to the Panel, based upon common sources of advertising information, the advertising expenditures for internal analgesic drugs are greater than for other OTC drug categories (Ref. 2). It was noted that analgesic promotion in this country has reached a new level of sophistication with advertising references to whole new ailments such as "file cabinet backaches" or "camper noise tension." While the National Association of Broadcasters and the Proprietary Association representing many OTC drug manufacturers have been active in developing codes for the advertising of nonprescription or OTC medicines, the Panel believes that government requirements for the inclusion of warnings and cautionary language are inadequate, particularly as to possible effects of this advertising upon children (Ref. 2).

The Panel notes that the Food and Drug Administration does not regulate the advertising of OTC drug products. Therefore, the Panel asks that the proper authority, i.e., the Federal Trade Commission, with the full support and active cooperation of the Food and Drug Administration, more effectively regulate commercial advertising of internal analgesic, antipyretic and antirheumatic preparations on the basis of the labeling recommendations contained in this document. Further, the Panel strongly urges the Federal Trade Commission to require that the cautionary language and warnings developed by the Panel be given emphasis in commercial advertising more so than is currently being done, and that special attention be given to the regulation of OTC drug advertising on those television programs watched most often by children or whose viewing audience includes large numbers of children.

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E. STANDARD DOSAGE UNIT AND ANALGESIC EQUIVALENCE VALUE

1. *Background.* The Panel recognizes that currently the OTC drug market provides for many different products containing a large variety of analgesic, antipyretic and/or antirheumatic drugs. These products are marketed containing either single ingredients or combinations of active ingredients. A majority of these products contain aspirin with variation from product to product in the amount of aspirin per dosage unit. Likewise, there are many marketed products containing nonaspirin ingredients, e.g., acetaminophen, or derivatives of salicylic acid other than aspirin, e.g., sodium salicylate, which in most cases contain labeling similar to that found for products containing aspirin. The Panel is concerned with the confusion that may arise when a consumer purchases such products.

To more fully inform the consumer as to the contents and therapeutic capabilities of these products as well as to minimize the hazard of confusion, the Panel recommends for these reasons and for reasons of safety described below, that products containing aspirin be clearly labeled on the principal display panel to indicate the presence of aspirin, that a standard amount of aspirin per dosage unit be established of 325 mg (5 gr) for all marketed products containing aspirin alone, as the single OTC analgesic-antipyretic active ingredient, and that labeling clearly indicate that the product contains the standard or a nonstandard amount of aspirin per dosage unit. The Panel has further determined that a standard dosage unit of 325 mg (5 gr) also be established for acetaminophen and sodium salicylate. It is the Panel's opinion that it is rational to establish standards, not only for aspirin, but for all three commonly used ingredients, thus enabling the consumer to more fully compare marketed OTC products.

2. *Standard dosage unit.* Aspirin is the most commonly used OTC drug in the United States. The majority of products marketed are labeled 325 mg or 5 gr aspirin. However, there are products marketed with less than 325 mg and some with 300 mg aspirin labeled as 5 gr. To most individuals these dosages are assumed to be equivalent but on a weight basis they are actually not equivalent. Confusion arises because there are two systems of weight measurement commonly used. One system, which has been historically used in pharmacy is the apothecary system of weights based on the "grain" (gr) and the other being the more universal metric system based on the "gram" (g). The apothecary weight of 1 gr is equivalent to the metric system measurement of 64.8 mg but is often approximated as equal to 60 mg. Therefore, a 5 gr aspirin dosage unit should actually contain 324 mg aspirin but is sometimes equated to 300 mg of active ingredient, thus making for a difference of 24 mg of aspirin.

A further factor contributing to a wide range in the amount of available aspirin is the provision of the *United States Pharmacopeia XIX* to provide for a variation of ±5 percent of the labeled amount of aspirin per dosage unit (Ref. 1). The Panel recognizes this as an understandable requirement necessary for manufacturing purposes but is concerned with the potentially wide variation in the currently allowable content of aspirin which, because of different interpretations of the "grain", varies for a labeled "5 gr product" between 285 mg and 340.2 mg aspirin from one marketed brand product to another brand. This could represent a possible difference of 55.2 mg or almost 1 gr aspirin between two different marketed products. To avoid the confusion that presently exists in the conversion between the two systems of weight measurement, i.e., between the apothecary system (gr) and the metric system (mg), the Panel recommends that the amount of aspirin in a 325 mg (5 gr) standard dosage unit be established on the basis of the apothecary weight of 1 gr being equivalent to the metric system measurement of 65 mg.

The Panel also recommends that this equivalence between the apothecary and metric systems be used for all ingredients. The following table illustrates equivalent values for the two systems as used throughout this document:

EQUIVALENT VALUES FOR APOTHECARY AND METRIC SYSTEMS.

Apothecary (gr):	*Metric (mg)*
1.0	65
1.23	80
5.0	325
10.0	650
61.54	4,000

The Panel has evaluated the amounts of aspirin contained in the submissions for marketed products submitted to the review. (See part I, paragraph A. above—Submissions by Firms.) For example, of the submissions reviewed by the Panel, 32 pertained to dosage forms containing aspirin as a "single" ingredient. In 16 of these single ingredient products (50 percent), the amount of aspirin differed from the standard 325 mg (5 gr). The range was from a low of 227 mg for a chewable gum to a high of 650 mg in a single tablet. This represents a variation of 70 to 200 percent of the standard 325 mg (5 gr) aspirin dosage unit available as a single ingredient in such marketed products.

The Panel has provided the following table to illustrate the variations in the amount of aspirin contained in submitted products:

AMOUNT OF ASPIRIN CONTAINED IN SUBMITTED PRODUCTS WHERE ASPIRIN WAS THE SINGLE ANALGESIC INGREDIENT

Grains of aspirin:	*Number of submissions*
3.5	1
4.5	2
5.0	16
6.0	2
7.5	7
10.0	4
Total	32

The Panel is aware of the widespread and common belief that the usual amount of aspirin an adult should ingest is "two tablets." The Panel believes that this can cause a problem if a person accustomed to buying and properly taking a particular analgesic product containing 325 mg aspirin per tablet changes to another analgesic product such as those currently marketed containing 295 mg or even 650 mg aspirin per tablet. If this same individual follows the usual custom of ingesting "two tablets" every 4 hours, he may receive as little as 590 mg or as much as 1,300 mg aspirin. The Panel is concerned that the 1,300 mg dosage will achieve the desired effect but with the potential hazard of toxic overdose. Since aspirin is the most common drug used in the United States, the latter situation is critically important. If a person takes 1,300 mg aspirin every 4 hours for several dosing intervals, serious aspirin intoxication may result. This is due to both the absolute quantity of aspirin taken and the kinetics of aspirin metabolism which is discussed later in this document. (See part III, paragraph B.1.a.(2) below—Safety.)

As an example, a 20 percent increase in dosage can cause a 40 to 60 percent increase in blood salicylate level over a period of time, which can produce a therapeutic response in patients who had not responded to a lower dose, or more importantly, result in an increase of dose-related systemic toxic effects (Refs. 2 and 3). Even those aspirin tablets commonly marketed in 300 mg or 325 mg dosage units, which usually permit variation of ±5 percent active ingredient per tablet as described above, when calculated to each extreme (a low of 285 mg for the 300 mg tablet to a high of 340 mg for the 325 mg tablet), represent a 20 percent variation in dosage.

This could be a problem in the area of pediatric overdosing. If a pediatrician instructs a parent to give a child half or quarter of an aspirin tablet, the child could, depending upon the strength of the tablet, be exposed to a potentially serious aspirin overdose. In the case of antipyresis (fever reduction) for an infant or small child this is especially hazardous because the young child cannot complain of tinnitus (ringing of the ears), one of the early symptoms of aspirin overdose. Further, the symptoms could progress to include fever, one of the later signs of salicylate intoxication (Ref. 4). The parent, noting that the fever has not subsided, may continue to give excessive amounts of aspirin, continuing a vicious cycle.

The Panel believes that the current availability of so many different amounts of aspirin per dosage unit is very confusing to the consumer. It is the opinion of the Panel that this availability has encouraged the myriad of claims such as "higher levels of pain reliever" or "arthritis strength" that are currently used. Of even more concern to the Panel is the fact that wide ranges in the amount of aspirin per dosage unit can result in either subtherapeutic or even toxic aspirin blood levels.

The Panel strongly recommends, based upon considerations of safety and effectiveness, that all products containing aspirin, acetaminophen, or sodium salicylate be standardized to contain and labeled to indicate either 325 mg (5 gr) per dosage unit for adults or 80 mg (1.23 gr) per dosage unit for children under 12 years of age.

The Panel recommends an adult oral dosage of 325 mg (5 gr) to 650 mg (10 gr) aspirin, acetaminophen or sodium salicylate every 4 hours while symptoms persist not to exceed 4,000 mg in 24 hours. The Panel finds this dosage regimen safe and effective for the treatment of occasional minor aches and pains, headache, and fever indicated later in this document. The Panel believes that

a standardized dosage unit of 325 mg (5

dosage schedule are defined by the Panel

nervous system, the blood clotting sys-

A. *Analgesic equivalence value.* Con-

Therefore, the Panel recommends that

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a standardized dosage unit of 325 mg (5 gr) is safe and effective when used as directed. More importantly, the adult oral dosage of 650 mg (10 gr) is the amount consumers believe they are ingesting, i.e., two 325 mg (5 gr) tablets.

However, the Panel recognizes the current availability of products containing an amount different than 325 mg (5 gr) per dosage unit. If the Food and Drug Administration is unable to implement the Panel's advice that products contain only 325 mg (5 gr) aspirin, acetaminophen or sodium salicylate per dosage unit, the Panel recommends that products contain not less than 325 mg (5 gr) per dosage unit since this is the minimum effective dosage for adults. Since a single dosage greater than 650 mg (10 gr) is not commonly required by the general population, the Panel believes it rational to establish 650 mg (10 gr) as the upper limit for the quantity of drug to be included in a single dosage unit. Therefore, the Panel has defined nonstandard dosage units as dosage units containing not less than 325 mg (5 gr) and not greater than 650 mg (10 gr) aspirin, acetaminophen or sodium salicylate. In addition, the Panel concludes that only nonstandard dosage units of 500 mg (7.69 gr) be recognized for acetaminophen in addition to the standard unit of 325 mg (5 gr) since the Panel is unaware of any other nonstandard dosage units currently available in marketed adult strength products containing acetaminophen as the single active ingredient.

The Panel recommends that any product containing an amount different from 325 mg (5 gr) per dosage unit be clearly labeled as to the amount of active ingredient the product contains and any product containing more than 325 mg (5 gr) per dosage unit shall be labeled appropriately "Contains nonstandard strength of X mg (X gr) aspirin per dosage unit compared to the established standard of 325 mg (5 gr) aspirin per dosage unit", "Contains nonstandard strength of 500 mg (7.69 gr) acetaminophen per dosage unit compared to the established standard of 325 mg (5 gr) acetaminophen per dosage unit", or "Contains nonstandard strength of X mg sodium salicylate per dosage unit compared to the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" for the specific product shall be used.

3. *Analgesic-antipyretic recommended dosage.* The Panel has defined the components of a dosage schedule below. The basis of the Panel's recommendation and conclusions are discussed elsewhere in this document. (See part II. paragraph F. below—Statement on Recommended Dosage Schedules.)

a. *Dosage range.* The Panel has examined the data submitted and finds for purposes of clarity that it is necessary to define the components of a dosage schedule which include a minimum effective dosage, a usual single dosage, a usual effective dosage range, a maximum single dosage, and a maximum daily (24 hours) dosage. These components of a dosage schedule are defined by the Panel in relation to a general OTC target population seeking relief of symptoms, such as occasional minor aches, pains and headache, and the reduction of fever.

(1) *Minimum effective dosage.* The minimum effective dosage is the amount of drug necessary to achieve the intended effect in some individuals in the general OTC target population.

(2) *Usual single dosage.* The usual single dosage is the amount of drug necessary to achieve the intended effect in most individuals in the general OTC target population.

(3) *Usual effective dosage range.* The usual effective dosage range is the range between the minimum effective dosage and the usual single dosage.

(4) *Maximum single dosage.* The Panel finds that there may be circumstances when more than the usual single dosage may be needed to provide an adequate effect. An increase in the usual single dosage may be needed, for example, by individuals who because of their large body size (unusual height) or overweight (obesity) require a higher dosage. To meet this contingency, the Panel defines the maximum single dosage as the maximum amount of drug that is safe and effective for use in a 4-hour period. The Panel has established 1,000 mg as the maximum single safe and effective dosage for the standard drugs (aspirin, acetaminophen and sodium salicylate). The Panel does not believe that this maximum single dosage should be encouraged on OTC labeling, except as an initial dosage, as it may be subsequently used routinely even when it may not be necessary and may potentially lead to toxic side effects.

(5) *Maximum daily dosage.* The maximum daily dosage is the maximum amount of drug that is safe and effective for use in a 24-hour period. The Panel has established 4,000 mg as the maximum daily dosage for the standard drugs (aspirin, acetaminophen and sodium salicylate).

The Panel considers the adherence to a maximum daily dosage of not greater than 4,000 mg necessary in the interest of safety. The clinical evaluation of aspirin clearly shows that higher daily dosages produce more side effects on the central nervous system, the blood clotting system, the gastrointestinal tract, etc. (See part III. paragraph B.1.a. (2) below—Safety.)

b. *Recommended dosage for products containing standard dosage units.* For products containing the standard dosage unit of 325 mg (5 gr) aspirin, acetaminophen or sodium salicylate, the minimum effective dosage for adults is 325 mg (5 gr), the usual single dosage is 650 mg (10 gr), the usual effective dosage range is 325 mg (5 gr) to 650 mg (10 gr), the maximum single dosage is 1,000 mg (15.38 gr) but should not be provided for in OTC drug labeling, and the maximum daily dosage is 4,000 mg (61.54 gr). The Panel notes that it is convenient to relate the standard dosage unit of 325 mg (5 gr) to a maximum single dosage of 975 mg (15 gr) and to a maximum daily dosage of 3,900 mg (60 gr) rather than to the established maximum single dosage of 1,000 mg and the established maximum daily dosage of 4,000 mg as defined above by the Panel. The recommended dosage schedules are described in section d. below.

c. *Recommended dosage for products containing nonstandard dosage units.* The Panel has defined nonstandard dosage units as dosage units containing not less than 325 mg (5 gr) and not more than 650 mg (10 gr) aspirin, acetaminophen or sodium salicylate. In addition, the Panel concludes that only nonstandard dosage units of 500 mg (7.69 gr) be recognized for acetaminophen in addition to the standard unit of 325 mg (5 gr) since the Panel is unaware of any other nonstandard dosage unit currently available in marketed adult strength products containing acetaminophen as the single active ingredient. The recommended dosage schedules are described in section d. below.

d. *Recommended adult dosage schedules.* Besides the establishment of standard and nonstandard dosage units, the Panel has also established standard and nonstandard dosage schedules for their use. The Panel strongly recommends that the standard dosage schedule be utilized but recognizes the current availability of nonstandard schedules. Therefore, the Panel recommends the following dosage schedules:

Recommended adult dosage schedules for standard and nonstandard aspirin, acetaminophen or sodium salicylate dosage units

Dosage unit [1] (milligram (grain))	Initial dosage units [2] (milligram)	Frequency [3] (tablets/hours)	Dosage units/day [4] (tablets (milligram))
Standard dosage schedule under: 325 (5)	2	2 after 4	12 (3,900)
Nonstandard dosage schedule under:			
325 (5)	1 to 3 (650 to 975)	do	12 (3,900)
400 (6.15)[5]	1 to 2 (400 to 800)	1 after 3	9 (3,600)
421 (6.48)[5]	1 to 2 (421 to 842)	do	9 (3,780)
485 (7.46)[5]	1 to 2 (485 to 970)	1 after 4 or 2 after 6	8 (3,880)
500 (7.69)	1 to 2 (500 to 1,000)	1 after 3 or 2 after 6	8 (3,880)
650 (10)[5]	(650)	1 after 4	8 (4,000)
			6 (3,900)

[1] The amount of drug contained in a single dosage unit.
[2] The maximum number of dosage units that cannot be exceeded when dosing is initiated.
[3] The number of dosage units per time interval.
[4] The maximum total number of dosage units that cannot be exceeded in 24 hours regardless of the initial number of dosage units taken or the frequency of repeated dosing.
[5] This nonstandard dosage schedule does not apply to acetaminophen since only the 500 mg (7.69 gr) nonstandard dosage unit is recognized by the panel.

4. *Analgesic equivalence value.* Consumers may be perplexed not only by the variation in the available amounts of an active ingredient per dosage unit, but also by any attempt to compare the relative potency of an active ingredient with other active ingredients. For example, if an individual normally takes a product containing 325 mg sodium salicylate and compares its label with the label of a product containing choline salicylate, the directions may instruct the user to take a total of 650 mg sodium salicylate but 870 mg choline salicylate. This may result in the mistaken notion that because more choline salicylate is taken there will be more of a therapeutic benefit, although 650 mg sodium salicylate is chemically equivalent in salicylate content to 870 mg choline salicylate.

The Panel reviewed the submissions for marketed "combination" products containing aspirin. The Panel found that of the submissions containing "combination" analgesic-antipyretic products, the amount of aspirin contained in the products varied from 194.4 mg to 650 mg per dosage unit with the total amount of analgesic ingredients ranging from 360 mg to 842.4 mg per tablet.

It is most difficult to equate the total amount of analgesic effectiveness for such combination products. While these submissions are not necessarily a representative sample of the dosage variation in all of the currently marketed OTC analgesic products, they represent the major products in this market and do in fact give some concept of the range of aspirin dosages currently available to consumers. This represents a confusing and potentially harmful situation, since consumers may substitute one brand of analgesic product for another containing different active ingredients, ignorant of the fact that there are differences in potency between brands, and inadvertently ingest either too much or too little of the product.

The Panel is concerned that current labeling for some products extols the virtues of different quantities of analgesics for pain relief with such claims as "adult pain formula", "extra added ingredients", or "arthritis formula". The consumer, faced with such different claims has no ready source to consult to determine the validity of these claims. Consequently, an analgesic product may be purchased with the mistaken notion, "if one ingredient is good, two or more are better."

In addition to the current confusion, i.e., variable aspirin dosages, availability of many combinations of ingredients with and without aspirin, and many labeling claims, there is still another area of concern which involves the clinical evaluation of analgesics in general, i.e., increased blood levels of analgesic-antipyretics do not demonstrate an equivalent increase in the desired effect. The problem of trying to correlate analgesia with blood levels is discussed elsewhere in this document. (See part II. paragraph J. below—Effects of Product Formulations on Drug Absorption and Pharmacologic Effectiveness.)

Therefore, the Panel recommends that standard drugs (aspirin, acetaminophen and sodium salicylate) and standard dosage units of 325 mg (5 gr) be established. The analgesic equivalence to other drugs can then be compared as follows:

OTC ANALGESIC EQUIVALENCE DRUGS

Standard 325 mg (5 gr)/dosage unit drugs:	*Comparison drugs*
Aspirin	Aluminum aspirin. Calcium carbaspirin.
Acetaminophen	None (comparisons only to standard dosage unit).
Sodium salicylate	Choline salicylate. Magnesium salicylate. Salsalate.

The Panel believes that the current availability of so many different products containing derivatives of salicylic acid other than aspirin or nonsalicylate active ingredients with labeling claims similar to products containing aspirin is confusing and recommends that an analgesic equivalence value be established. This value would inform the purchaser as to the contents and therapeutic capabilities of these products and thereby benefit the consumer. The labeling should clearly describe the strength of the product as compared to the standard applicable dosage unit.

5. *Labeling of products.* Because of the many common side effects observed with the use of aspirin as discussed later in this document, the Panel recommends that all products containing aspirin be clearly labeled as containing aspirin on the principal display panel. Such labeling will not only benefit all consumers but will alert those individuals having a sensitivity to aspirin.

a. *Products containing a standard drug in the standard dosage unit.* (1) *Aspirin.* The Panel recommends that products containing 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) aspirin per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event that the Food and Drug Administration cannot implement this recommendation under the current Federal Food, Drug, and Cosmetic Act, the labeling shall state "Contains standard strength of aspirin per dosage unit".

(2) *Acetaminophen.* The Panel recommends that products containing 325 mg (5 gr) acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event that the Food and Drug Administration cannot implement this recommendation under the current Federal Food, Drug, and Cosmetic Act, the labeling shall state "Contains standard strength of acetaminophen per dosage unit".

(3) *Sodium salicylate.* The Panel recommends that products containing 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg sodium salicylate per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event that the Food and Drug Administration cannot implement this recommendation under the current Federal Food, Drug, and Cosmetic Act, the labeling shall state "Contains standard strength of sodium salicylate per dosage unit".

b. *Products containing a standard drug in an amount different from the standard dosage unit.* (1) *Aspirin.* If the Food and Drug Administration is unable to implement the Panel's advice that products contain only 325 mg (5 gr) aspirin per dosage unit, the Panel recommends that products containing an amount of aspirin other than 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg (X gr) aspirin per dosage unit compared to the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount "X" of aspirin for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event the Food and Drug Administration cannot implement this recommendation, the labeling shall state "Contains nonstandard strength aspirin".

(2) *Acetaminophen.* If the Food and Drug Administration is unable to implement the Panel's advice that products contain only 325 mg (5 gr) acetaminophen per dosage unit, the Panel recommends that products containing 500 mg (7.69 gr) acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of 500 mg (7.69 gr) acetaminophen per dosage unit compared to the established standard of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event that the Food and Drug Administration cannot implement this recommendation, the labeling shall state "Contains nonstandard strength acetaminophen".

(3) *Sodium salicylate.* If the Food and Drug Administration is unable to implement the Panel's advice that products contain only 325 mg sodium salicylate per dosage unit, the Panel recommends that products containing an amount of sodium salicylate other than 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg sodium salicylate per dosage unit compared to the established standard of 325 mg sodium salicylate per dosage unit". The actual amount "X" of sodium salicylate for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. In the event the Food and Drug Administration cannot implement this recommendation, the labeling shall state "Contains nonstandard strength sodium salicylate".

REFERENCES

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Finally, the problem is further compounded by the large number of dosage

mendations of the Panel including the need for a standard dosage, the use of

In the Panel's opinion, single active ingredient salicylate products which con-

tively, which is usually considered to be log normally distributed. Thus Qt–2 St

in the case of nonstandard dosage forms dosage instruction schedules designed so

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F. STATEMENT ON RECOMMENDED DOSAGE

1. *Statement on standard and nonstandard salicylate dosage schedules.* The Panel has defined the components of a dosage schedule elsewhere in this document. (See part II. paragraph E.3. above — Analgesic-antipyretic recommended dosage.) The basis of the Panel's conclusions regarding recommended dosage schedules is discussed below.

a. *Factors in selection of optimal dosage schedules.* The Panel recognizes that one of the most important and critical factors in maximizing the safe and effective use of any therapeutic agent is the choice of optimal dosage regimens. The need to carefully define and promote adherence to a safe dosage regimen is particularly important for aspirin and other salicylates for several reasons.

First is the alarming fact that a significant proportion of the serious salicylate toxicities including deaths are caused by inappropriate multiple dosing during therapeutic use rather than accidental or suicidal ingestion of large single dosages of salicylates (Refs. 1 through 4). Toxicities that result from overzealous multiple dosing during therapy are claimed to be more serious (Refs. 3 and 4) and said to occur at lower plasma salicylate levels compared to toxicities resulting from large single doses (Ref. 1).

Secondly, the propensity for serious toxicities during multiple dosing can now be explained by the recent discovery that the salicylates have very unusual and complex pharmacokinetic characteristics. They are metabolized by processes which can be saturated by doses within the usual therapeutic range. As a result relatively small increases in the dose may exceed the capacity of the metabolizing systems and cause inordinate increases in salicylate plasma levels during multiple dosing.

A third problem in defining the dosage regimens is that aspirin is used extensively for several effects which may have different dosage schedules, e.g., antipyretic effect or antirheumatic effect. Furthermore, these schedules must be adapted to several age groups in which the metabolic capacity may vary greatly. Different dosage regimens for each type of therapy will also be required as a function of age, weight and other possible relevant variables.

Finally, the problem is further compounded by the large number of dosage forms and chemical derivatives which vary appreciably in the strength of the dosage form and recommended dosage schedules for different purposes. The multitude of strengths in currently marketed aspirin products presents a critical problem in the case of salicylates which have the potential for serious toxic effects when the wrong dosage is used. This can be partially overcome by designating a standard strength and standard dosage regimen which will provide the basis for assuring that each patient will be better informed.

In addition to the above considerations, the Panel received several opinions and recommendations regarding its proposed dosage schedules in response to the Panel's various public statements. The Panel's response to these opinions and recommendations are incorporated into this document.

b. *Considerations of risk to benefit.* Ideally the evaluation of OTC drugs should be based upon benefit to risk considerations. The Panel finds, however, that there are no generally accepted protocols or procedures for the objective evaluation of the often cited but seldom quantitated given "risk to benefit ratio." Unfortunately this phrase is usually employed to describe a subjective assessment rather than a real value, i.e., a number based on reproducibly quantifiable measurements.

The absence of a reasonable procedure that can be used to objectively compare the relative effectiveness and safety of different dosage forms, tablet strengths, dosage regimens or different therapeutic indications, e.g., headache or rheumatoid arthritis, is particularly disadvantageous in the case of OTC salicylates. This is due partly because of the toxicity potential related to the dose dependent saturation kinetics of the salicylates and partly to the multiplicity of products which contain different amounts of aspirin, at different doses and dosage intervals.

There is also no established procedure to address the fundamental question regarding appropriate criteria to determine if the potential risk exceeds the benefit when a product is used for self-medication, rather than under the supervision of a physician or other health professional. The Panel has attempted to address this question in terms of the need for additional types of specific monitoring of drug therapy that is required for safe use and whether this monitoring must be carried out by an individual with training beyond that which can be conveyed to the average individual through labeling instructions.

The Panel used the following guidelines in an attempt to establish a systematic means for the evaluation of risk to benefit questions. Based upon certain assumptions discussed below semi-quantitative methods were used for benefit to risk considerations in salicylate dosing.

In response to the Panel's various public statements, the Panel received submissions, some of which represented conflicting views on several of the recommendations of the Panel including the need for a standard dosage, the use of aspirin for arthritis, and alternative regimens for pediatric dosing and dosage regimens in which data to support the safety of larger dosages than those recommended by the Panel were presented. The Panel also received submissions supporting the recommendations of the Panel but suggesting that they should be more stringent. These submissions were considered by the Panel in the recommendations given in this document.

c. *Correlation of dose to blood levels.* (1) *Maximum safe salicylate blood levels.* A maximum salicylate blood concentration, termed the steady state blood level, is reached and maintained after several repeated dosages at periodic intervals (dosage interval during multiple dosing). This steady state or plateau salicylate blood concentration correlates quite well with early signs of dosage related salicylate toxicity. Tinnitus (ringing in the ears) and deafness which are early signs of dose related salicylate toxicity, occur above a salicylate concentration of 20 mg/100 ml of plasma.

The correlation of salicylate blood levels with early signs of salicylism provides the basis for using the steady state plasma levels as a quantifiable means to compare the toxic potential of different dosage regimens. Single dosage and multiple dosage regimens should result in plasma salicylate levels which are below 20 mg/100 ml for 95 percent of the population. The mean steady state blood levels are determined by both the total daily dosage and the hourly dosage rate.

The steady state salicylate blood level is a function of the total daily dosage and the average dosage rate throughout the day. Different dosage schedules, e.g., 650 mg every 4 hours or 975 mg every 6 hours can be adequately characterized and compared in terms of the total daily dosage and average hourly rate which is the usual maintenance dosage divided by the dosage interval.

(2) *Standard dosage.* The standard upper limit of the Panel's recommended dosage regimen for aspirin is 650 mg every 4 hours for six dosages which is within the upper limit of 4,000 mg maximum total daily dosage and 167 mg/hour average hourly dosage rate. The Panel considered this to be the maximum safe dosage for the general population. Dosage regimens exceeding either this total daily dosage or mean hourly rate provide a significantly greater risk without a compensating therapeutic benefit. A single dosage of 975 mg provides greater benefits to a few individuals without significant additional risk. Repeated dosing at this level can lead to plasma concentrations in the range where more than 5 percent of the population probably experiences tinnitus.

(3) *Nonstandard dosage.* Nonstandard single ingredient salicylate products containing nonstandard amounts per dosage unit should provide dosing instructions limiting the number and dosage intervals such that the total daily dosage and mean hourly dosage rate do not exceed the standard.

In the Panel's opinion, single active ingredient salicylate products which contain nonstandard amounts per dosage unit provide a greater potential for confusion and thus deviation from the standard dosage regimen. However, there have been no studies designed to evaluate this contention. The Panel concluded that the additional risk is probably minimal provided that the labeling provides adequate notice that such products contain nonstandard amounts per dosage unit and thus require dosage regimens that are suitably modified so as not to exceed maximum daily and hourly dosage rates specified by the Panel. Since the modified dosage schedules for nonstandard products would be expected to provide blood levels and total body salicylate levels comparable to those obtained with the standard strength products, any claims of greater strength, e.g., adult strength, 15 percent stronger than standard aspirin, would be misleading and incorrect.

d. *Criteria for determining optimal dosage regimens.* Wagner (Ref. 5) has summarized some useful criteria that have been used to evaluate comparative risk to benefit ratios for drugs. Listed below are those formulae that are applicable to the evaluation of an optimal dosage regimen for a given indication or relative risk to benefit ratio for different therapeutic indications, e.g., use for general analgesic effect compared to use for anti-inflammatory effect in rheumatoid arthritis. Equation (1), Ehrlich's Chemotherapeutic Index (ECI), is generally used for a single dosage in animals but it can be applied to multiple dosages in humans with the following definitions:

(1) $ECI = \frac{\text{minimal therapeutic dose}}{\text{maximal tolerated dose}}$

(2) Jardetzky's therapeutic characteristic (Tc):

$$\text{Tc: } \frac{Dt}{DE} = \frac{Qt - 2\ S.D.}{QE + 2\ S.D.}$$

$$= \frac{\text{Dosage rate producing toxicity to 2.5 pct of subjects}}{\text{Dose effective to 97.5 pct of subjects}}$$

Qt and QE are defined as the median dosage rate to produce a toxic and therapeutic effect, respectively, in 50 percent of subjects. Dt and DE could be a single dosage or multiple dosages where different dosages are given for a specific duration at fixed dosage intervals. This concept is extended in this document to include any multiple dosage rate (dosage/time) given for a sufficient time to reach steady state or the steady state salicylate plasma levels which correspond to toxic or therapeutic effects.

$$\frac{Dt}{DE} = \frac{Qt - 2\ St}{QE + 2\ SE}$$

Qt and *QE* are defined as the dosage to produce either a toxic effect or a therapeutic effect, respectively, in 50 percent of the subjects. *St* and *SE* represent the standard deviation of the distribution of the toxic or effective dosage respectively, which is usually considered to be log normally distributed. Thus *Qt*–2 *St* will represent the dosage that will produce toxic effects in 2.5 percent of the target population, and *QE*+2 *SE* represents the dosage to produce a desired therapeutic effect in 97.5 percent of the target population. The addition of the statistical estimates of the range of responses in the target population is a desirable approach to defining a general dosage for the total population. As discussed by Wagner (Ref. 5), the therapeutic indices of Chen and Jardetzky are useful for certain comparisons but do not provide a means of determining the optimal dosage to be used.

Wagner (Ref. 5) suggests the minimum loss function of Schneidermen et al. as a method to define the optimal dosage which minimizes a loss index (*L*) and is defined in terms of a "loss" due to the toxicity (q_1) and a loss due to failure to cure (q_2) in which q_1 and q_2 are equated using a weighing factor (λ) thus:

$$L = (1 - q_1)\ \lambda q_2$$

e. *Pharmacokinetic relationships.* (1) *A relationship between dosage and plasma concentrations.* Normally for most drugs there are linear relationships between the plasma concentration and the variables of the dosage regimen, mg, kg^{-1}, $hour^{-1}$. The complex nonlinear kinetics of the salicylates negate these usual assumptions, however, and care must be taken in extrapolating from one dosage regimen to another or using the same dosage regimen in individuals of different age or size. Because of the complex nonlinear pharacokinetic characteristics of the salicylates, comparison and adjustment of mutiple dosage regimens must be based upon substantial experimental data.

Unfortunately there are relatively few carefully controlled multiple dosage studies providing adequate blood level data at different dosage, dosage intervals or different body weights. In many studies, the dosage regimens are given in different units such as daily dosage/m^2 or mg/kg/4 hours without sufficient additional data on the patient characteristics to allow exact conversion to comparable units. Differences in the number of days the dosage regiment was administered and the types of patients (rheumatoid arthritics) compared to normal subjects also made some published data difficult to assess.

Nevertheless, there are data from pharmacokinetic and clinical studies which provide a firm basis for establishing a safe and effective dosage regimen recommendation consistent with the unusual pharmacokinetic characteristics of the salicylates.

On the basis of these studies reviewed below, the Panel established standard and nonstandard dosage schedules. The schedules shown below reflect the Panel's recommendations of a minimum initial and maintenance dosage of 325 mg (5 gr), a maximum initial single dosage of 975 mg (15 gr) to be used only once, and a maximum maintenance dosage of 650 mg (10 gr) every 4 hours (standard) or in the case of nonstandard dosage forms dosage instruction schedules designed so as not to exceed a maximum hourly rate of 167 mg/hour and a total maximum daily dosage of 4,000 mg. The dosage schedules are stated in terms of the initial starting number of dosage units, the number of dosage units per time interval and the maximum total dosage units per day (24 hours).

(i) *Hourly dosage rate.* Because of the unusual nonlinear kinetics of salicylates, some changes in dosage schedules which ordinarily would have little or no effect on steady state blood levels can result in clinically significant changes in the case of salicylates. For example, if salicylates behaved like most other drugs which have linear kinetics, the mean steady state blood level would essentially be the same for a total daily dosage regardless of whether it is given as four dosages taken every 4 hours only during the day (dosage rate is 1,000 mg every 4 hours) or every 6 hours day and night (dosage rate is 1,000 mg every 6 hours). In the case of salicylates, a change of the hourly dosage rate can lead to potentially toxic levels and it is necessary to put limits on the hourly dosage rate as well as the total daily dosage. On the basis of clinical data and pharmacokinetic calculations, the maximum critical hourly rate is 167 mg/hour for an adult.

This consideration is particularly important in the case of some currently marketed salicylate products containing 7½ gr aspirin per dosage unit with a recommended dosage schedule of 15 gr (975 mg) every 4 hours for four dosages during the day. Although the total daily dosage is within recommended limits, the hourly dosage rate is 244 mg/hour which is 50 percent greater than the recommended limit of 167 mg/hour.

The Panel's evaluation of the safety claims for this type of product involved the following considerations:

(*a*) Evaluation of the assumptions used in the submitted computer simulations to justify the safety of this dosage regimen (Ref. 6).

(*b*) Evaluation of blood level data from the literature in which the same or similar dosage regimens were used.

(*c*) Benefit to risk considerations regarding the use of this dosage schedule for analgesic, antipyretic and anti-inflammatory effects.

The Panel concludes that this dosage regimen would not provide any significant improvement in analgesic or antipyretic effectiveness, but may result in increased blood levels at the potentially toxic level. The increased blood levels may enhance the therapeutic effect in rheumatoid arthritis but will be inadequate to suppress inflammation in many arthritic patients in whom adequate plasma levels could have been attained under proper professional supervision.

The significance of small changes in the hourly dosage rate can be illustrated by consideration of a simplified model which assumes that drug elimination procedes by a constant rate regardless of the dosage input or plasma concentration. Although this assumption is not

strictly true, the apparent rate of elimination is quite constant at the dosages and corresponding plasma concentra-

unteers. These simulations indicate that simply by increasing the daily dosage by

matoid arthritis (mean age 9.4 years) were given a dosage of aspirin based

$$\frac{100\ \text{mg/hour/m}^2}{23.7\ \text{kg/m}^2} = 4.2\ \text{mg/hour/kg or } \frac{33.8\ \text{mg/kg}}{(8)(4\ \text{hours})}$$

significantly increase the dosage rate and therefore significantly increase the

strictly true, the apparent rate of elimination is quite constant at the dosages and corresponding plasma concentrations where toxicity begins to occur, i.e., above 20 mg/100 ml. The following simple model correlates quite well with the published data:

$$A = D/\gamma - M$$

where A is the rate of accumulation of drug in the body per unit time (hour or day); D/γ is the dosage rate per unit time (hour or day); and M is the maximum elimination rate per unit time.

The more detailed model of Levy (Refs. 7 through 10) was also used by the Panel in computer simulations.

Levy and coworkers have extensively studied the problem of saturable metabolism. They have explained many of the apparent discrepancies in the literature using computer simulations based upon the average values of kinetic parameters describing saturable metabolism obtained experimentally from healthy volunteers. These simulations indicate that simply by increasing the daily dosage by 50 percent from 2 to 4 g daily as four equal doses every 6 hours, the total amount of drug in the body at steady state will increase from 1.3 g to 5.3 g, a 400 percent increase (Ref. 7).

They also show that the time to reach the steady state plateau greatly increases with dosage levels in the OTC range. Their simulations show that a dose of 0.5 g (7½ gr) when given every 8 hours will reach a constant maximum level of salicylate in the body (plateau level) of less than 0.5 g after 2 days of dosing. However, if two tablets were taken every 8 hours, the amount in the body would continue to increase for at least 7 days, reaching a total body load six times greater than that reached in the one tablet dosage.

After careful consideration of the various risk factors discussed above, the Panel developed the following table for standard and nonstandard dosage units:

Relationship between dosage unit, frequency and hourly dosage rate

Dosage unit [1] (mg/gr)	Initial dosage units [2] (mg)	Frequency [3] (tablets/hours)	Dosage units/day [4] (tablets mg)	Hourly dosage rate [5] (mg/hour)
325 (5)	2 to 3 (650 to 975)	2 after 4	12 (3,900)	16
400 (6.15)	1 to 2 (400 to 800)	1 after 3	9 (3,600)	13
421 (6.48)	1 to 2 (421 to 842)	do	9 (3,780)	14
485 (7.46)	1 to 2 (485 to 970)	1 after 4 or 2 after 6	8 (3,880)	12
			8 (3,880)	16
500 (7.69)	1 to 2 (500 to 1,000)	1 after 3 or 2 after 6	8 (4,000)	16
			8 (4,000)	16
650 (10)	1 (650)	1 after 4	6 (3,900)	16

[1] The amount of aspirin contained in a single dosage unit (tablet).
[2] The maximum number of dosage units (tablets) that cannot be exceeded when dosing is initiated.
[3] The number of dosage units (tablets) per time interval (number of tablets taken after each time interval (hours) for repeated dosing).
[4] The maximum total number of dosage units (tablets (mg)) that cannot be exceeded in 24 hours regardless of the initial number of tablets taken or the frequency of repeated dosing.
[5] The amount of aspirin (milligram) taken at each time interval divided by the number of hours in a time interval gives the hourly dosage rate.

(ii) *Other factors increasing risk.* It is emphasized that the upper dosage level of 4,000 mg aspirin daily for a limited period of time (7 to 10 days) may frequently be below the optimal adult daily dosage required for anti-inflammatory effects in patients with rheumatoid arthritis but above that needed by the vast majority of "normal" adults for occasional use as an analgesic and antipyretic agent. This upper dosage was selected by the Panel as the upper limit above which a significant risk of toxicity increases dramatically in the majority of the target population. Furthermore, in some individuals other factors may increase the risk of exceeding salicylate plasma concentrations that are considered safe.

Any factors, such as diet, diuretics or other drugs which may affect the acidity of urine will be greatly magnified at the 4,000 mg daily dosage level. Levy and Leonards (Ref. 11) found the average salicylate plasma concentration of 13 normal adults receiving 1 g aspirin four times daily (4,000 mg daily) for 7 days was 15.0 mg/100 ml plasma (standard deviation is 4.6) if urine pH was kept above 6.2 by administration of sodium bicarbonate. When urine pH was allowed to fall to the usual range below 6 (5.6 to 6.1), the average plasma salicylate levels increased to 27.0 mg/100 ml (standard deviation is 7.9) which is above the desired level to avoid ototoxicity.

It should be noted that the plasma salicylate level of 27 mg/100 ml but not the level of 15 mg/100 ml would usually be suitable for treatment of rheumatoid arthritis. Thus, subtherapeutic levels might occur in patients who were adjusted to a dosage satisfactory at normal pH levels but greatly reduced if the patient also was taking antacids which increase the urine pH. For this reason, Levy and Leonards (Ref. 11) recommend that in the treatment of rheumatoid arthritis the urine pH should be routinely monitored particularly if antacids are being taken.

The data of Brewer (Ref. 12) illustrates several points which form the basis of the Panel's recommended dosage schedule. In this study, 32 children ranging in age from 2 to 15 years with rheumatoid arthritis (mean age 9.4 years) were given a dosage of aspirin based upon the body surface area. A dose of 800 mg/m² aspirin was given every 4 hours for four doses and no drug was administered during the night. During the first 12 hours this hourly dosage rate (200 mg/hour/m²) resulted in a mean increase in the steady state plasma concentration from 35 mg/100 ml at 8 a.m. to 48 mg/100 ml at 8 p.m. Thus, the net plasma concentration accumulation rate (A) was +10 mg/L/hour during a dosage input of 200 mg/hour/m², and −10 mg/L/hour during zero input. Therefore, during dosing the values of the equation, $(dC/dt)\,Vd = D/\gamma/m^2 - Vm$, are (10 mg/L/hour) Vd = 200 mg/hour/m² − Vm, and during the second 12 hour period of zero input, (−10 mg/L/hour) Vd = −Vm. The apparent volume of distribution (Vd) can be calculated from the equation 2(10 mg/L/hour) Vd = 200 mg/hour/m². Therefore, Vm = 100 mg/hour/m². If the mean dosing rate exceeds 100 mg/hour/m², the plasma concentration will not reach a plateau but will continue to increase during dosing for the entire 10-day dosing period.

It is important to note that the maximum safe rate determined in this study for an average adult of 1.73 m² surface area is 173 mg/hour which is only slightly higher than the upper hourly rate recommended by the Panel.

The Brewer study also illustrates the effect of using a dosage regimen in which the hourly rate exceeds the maximum elimination rate for part of the day even though the total dosage is below the critical daily dosage. The hourly rate was 200 mg/hour/m² for 12 hours during the day and during the second 12 hours, the rate was zero. Although the mean hourly rate was 100 mg/hour/m², the daily dosage is also just below the maximum rate. The increased hourly rate in the first 12 hours results in a plasma accumulation from 36 mg/100 ml, the upper desired therapeutic level for rheumatoid arthritis, to 48 mg/100 ml which is in the potentially toxic range because the dosage used by Brewer was on the average just equal to the mean maximum elimination rate for this group.

It would be expected therefore that the maximum individual elimination rates will be just above and below this standard dosage input rate and therefore the range multiple dose plasma concentration will be very large. This is in fact the case. The plasma levels range from 14 mg/100 ml to 62 mg/100 ml at 8 a.m. and 27 mg/100 ml to 77 mg/100 ml at 8 p.m. for this dosage regimen.

For these children, the mean dosage calculation from body weight was 33.8 mg/kg (standard deviation is 5.3), and therefore, the ratio of body weight to surface area was 23.7 kg/m² (standard deviation is 5.3). Therefore, the mean maximum dosage per kg of body weight for this group would be:

$$\frac{100\ \text{mg/hour/m}^2}{23.7\ \text{kg/m}^2} = 4.2\ \text{mg/hour/kg or } \frac{33.8\ \text{mg/kg}}{(2)(4\ \text{hours})}$$

$$= \frac{8.45}{(2)} = 4.2\ \text{mg/hour/kg or } 101.4\ \text{mg/kg/day}.$$

From the study of Makela et al. (Ref. 13), it is clear that use of body weight to determine the dosage in children can be misleading and lead to toxicity because the ratio of body weight to surface area changes with different age groups. The average kg/m² ratio for this group of children was 23.7 kg/m² but would be about 40 kg/m² for an adult. When surface area is used to calculate the equivalent dosage for adults a maximum hourly input rate for a 70 kg adult (1.73 m²) would be 173 mg/hour which is in good agreement with the maximum hourly rate (167 mg/hour) recommended by the Panel. If body weight is used to calculate the adult dosage, the corresponding dosage would be 7,000 mg/day or 280 mg/hour.

Dosage forms which contain more than 10 gr must be taken at intervals which will generally not sustain blood levels unless the plasma levels are above 20 mg/100 ml (Ref. 14). They are therefore justified only for treatment of rheumatoid conditions under the direction of a physician. Most of the sustained release type microspherules do not significantly prolong the release of the drug. The plasma sustained levels are more a result of the prolonged duration in the body rather than delayed release during absorption (Ref. 15).

(iii) *Change of dosage interval with constant daily and hourly dosage rates.* Because of limited published data, the Panel used analog and digital computer simulations to study the effect of increasing the dosage interval when the daily and hourly dosage rates were maintained constant at the recommended level of 4,000 mg daily and 167 mg hourly. The total amount of salicylate in the body at steady state was similar at clinically realistic dosage intervals of 3 to 8 hours. The maximum amounts of drug in the body and plasma concentrations just after dosing and the minimum concentrations just before dosing at steady state that were obtained using the model and average values given by Levy and Tsuchiya (Ref. 7) are shown below:

Relationship between dosage and dosage interval (with constant daily and hourly dosage rates) to steady state concentration

Dosage interval (hours)	Average dosage rate (milligram/hour)	Total daily dosage (milligram) and number of dosage units per day	Steady state: Total body load after 5 days	
			Maximum amount in body (milligram)	Minimum amount in body (milligram)
Dosage (milligram)				
167	1	167 4,000/24	4,282	
500	3	167 4,000/8	4,472	4,133
650	4	167 4,000/6		
1,000	6	167 4,000/4	4,718	3,882
1,330	8	167 4,000/3	4,896	3,702
4,000	24	167 4,000/1	5,394	2,156

From these simulations, it appears that as long as the total daily dose and the mean hourly dosage regimen are kept constant, reasonable increases in the dosage interval of 3 to 8 hours will not greatly increase the total maximum and minimum body load of salicylates at steady state. As the dosage interval is increased from 3 to 8 hours, the difference between the total maximum and minimum amounts of salicylate in the body is less than 10 percent providing the dosage per dosage interval is also adjusted to maintain the same average dosage rate every hour.

(iv) *Maximum safe single dosage.* The Panel concludes that a large adult dosage of 975 to 1,000 mg may provide increased therapeutic benefit in some cases without significantly increasing the probability of toxicity provided that the dosage is administered only once as a single dosage or as the initial dosage in a multiple dosage regimen. The use of an initial (loading) dosage is a common practice in designing multiple dosage regimens for many drugs. The multiple dosage regimen results in an accumulated amount of drug in the body at steady state which is greater than the amount produced by a single maintenance dosage.

For most drugs which follow linear kinetics, the use of a higher initial (loading) dosage permits the desired steady state drug level in the body to be reached more quickly without changing the ultimate steady state drug level that is reached for a given maintenance dosage. For drugs such as the salicylates, which follow nonlinear kinetics, the amount of the loading dosage is more critical. If the dosage is too large or given repetitively, it may actually increase the final amount of drug in the body at steady state that is reached with a given multiple dosage level. The maximum initial dosage recommended by the Panel is only for use as a single nonrepeated dosage or as the initial dosage used only to initiate a multiple dosage schedule. The recommended maximum initial dosage is recommended, therefore, on the assumption that it will be used only once as a margin of safety for inadvertent or noncompliant use. Repetitive use of the 975 to 1,000 mg maximum single dosage at the usual dosage intervals would significantly increase the dosage rate and therefore significantly increase the risk relative to any possible increase in analgesic or antipyretic effect.

The maximum single dosage was selected as the single dosage which produces salicylate plasma levels (6 mg/100 ml to 10 mg/100 ml) comparable to those achieved by the minimum dosage (325 mg) in a standard multiple dosage regimen known to be effective and free of major side effects. Thus, the maximum single dosage will produce rapid increase in plasma levels in multiple dosing which can be maintained by smaller dosages of 325 to 650 mg given every 4 hours.

Leonards (Ref. 15) found that comparable plasma salicylate levels of less than 10 mg/100 ml were produced by administration of 1,300 mg (20 gr) aspirin in three different ways. A total of 1,300 mg was given as a single dosage of one 1,300 "sustained release" capsule, a single dosage of four 325 mg tablets and two dosages of two 325 mg tablets (650 mg) given 4 hours apart.

The maximum plasma concentration time curves following one 1,300 mg dosage were similar for the sustained-release product and the large dosage of regular aspirin. Thus, the microsphere aspirin product did not produce a sustained plasma level due to a prolonged release or decreased absorption rate but simply because of saturated elimination which occurs independent of the product used.

The larger single dosage resulted in a greater total area under the plasma time curve than the divided dosage. The increase in the total area under the plasma time curves even though these regimens have the same total dosage and hourly dosages illustrates the effect of saturable metabolism which augments plasma levels from a large single dosage compared to the usual 650 mg (10 gr). The plasma concentrations were essentially the same, 8 hours after the initial dosing in both cases. Eight hours after the initial dosing, both dosage schedules resulted in essentially identical plasma levels of about 5 mg/100 ml. This may indicate that a dosage schedule of one 1,300 mg (20 gr) capsule every 8 hours could possibly produce blood levels that would be probably equivalent to blood levels produced by a standard dosage regimen of 650 mg (10 gr) dosage every 4 hours since the hourly rate is the same 167 mg/hr. Although the final plasma concentrations are similar, the increased area under the curve for the higher dosage may indicate potential differences in the two regimens, however. Additional data on the mean plasma levels and variability about the mean after several days of multiple dosing are required before the 1,300 mg (20 gr) capsule can be considered a safe dosage form for OTC analgesic and antipyretic use. The Panel is concerned that while this dosage form may be appropriate for treatment of conditions requiring high dosages such as arthritis, it offers no advantage in the treatment of pain or fever. It lacks flexibility when adjusting dosages.

(2) *Relationship between plasma concentration (and dosage) and toxicity.* Although it has not been possible to ex-

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(2) *Relationship between plasma concentration (and dosage) and toxicity.* Although it has not been possible to establish the plasma levels of aspirin or salicylic acid required for analgesic effects, estimates are available on the blood levels associated with several types of toxic effects.

The levels of aspirin following usual dosages of 600 mg are relatively low (2 mg/100 ml) and decline rapidly (half-life about 20 to 40 minutes). Aspirin levels have not been correlated with toxicity. Plasma levels of salicylic acid, however, correlate well with probability of toxicities.

Tinnitus is the most frequent and reliable symptom of salicylism which occurs at salicylate levels of about 20 mg/100 ml. Other early symptoms of salicylism include deafness, headache, vertigo, vomiting and hyperventilation. Above 30 mg/100 ml, irritability and psychosis may occur (Ref. 16). A target concentration of 20 mg/100 ml for the treatment of rheumatoid arthritis is usually sought in the treatment of adults while children can often tolerate higher doses (30 mg/100 ml) in the treatment of rheumatoid arthritis, but monitoring for toxicity is essential (Refs. 17 and 18). Children often develop other symptoms (nausea, hyperventilation) before experiencing tinnitus (Refs. 13 and 17).

Done found a very poor correlation between serum salicylate concentrations at the time of admission and the severity of salicylate intoxication (Ref. 19). The serum salicylate concentrations were extrapolated back to the time of ingestion (S_o), assuming a half-life value of 20 hours (k=0.03465 hour), and a much better correlation was observed. Of additional significance was the fact that the correlations were similar for both children and adults indicating that serum salicylate concentrations may provide a reasonable basis for comparing the potential of different dosage regimens to produce toxicities in adults and children.

The reversible effects of salicylates on hearing function appear to be the earliest and most useful indicators of toxic salicylate serum levels. Although permanent hearing loss has occurred with the use of salicylates (Ref. 20), this is relatively uncommon. Since the great majority of effects are rapidly reversible and correlate quite well with individual plasma levels except for patients who are already deaf, the incidence of tinnitus and common reversible hearing loss are the most reliable and earliest indicators of potentially toxic doses.

Salicylates can produce two effects on hearing function, tinnitus which is a ringing sensation, and deafness which involves a reversible loss of pure tone sensitivity affecting all frequencies. Both effects correlate with individual serum salicylate concentrations.

Progressive loss of the sensitivity to hear pure tones was demonstrated in volunteers receiving doses of three tablets (975 mg) every 4 hours (244 mg/hour) for 4 days (Ref. 21).

Similar effects of increasing aspirin dosage on actual hearing loss were studied by Myers et al. (Ref. 22). Audiometric measurements were made before and after administration of aspirin to 20 patients.

Myers et al. found that a dosage of 5,000 to 8,000 mg of drug was usually necessary to produce tinnitus and subject hearing loss (Ref. 22). In patients with normal hearing, high salicylate concentrations produced a bilateral hearing loss of 20 to 40 decibels for all frequencies which were reversible in all patients within 3 to 10 days.

Hearing loss did not occur below salicylate plasma concentrations of 20 mg/100 ml. Seventeen of 21 patients experienced hearing loss of more than 10 decibels (30 to 40 decibels in most) when salicylate concentrations were above 20 mg/100 ml. The hearing loss increased as plasma levels increased. Usually, hearing loss reached a maximum at 40 mg/100 ml.

The median dose at which tinnitus occurs was 4.5 g daily with a range of 2.4 to 6.0 g in a study by Ropes (Ref 23) and at 5.3 g in the study by Mongan et al. (Ref. 24). Neither tinnitus nor deafness occurs at salicylate levels below 20 mg/100 ml which is greater than required for analgesia and antipyresis for 95 percent of patients.

(3) *Relationship between analgesic effects, dosage and salicylate plasma concentrations.* Although it has not been possible to relate analgesic effect with plasma salicylate concentrations, a relationship between oral dose and analgesic effect has been well-established for several different types of clinical pain.

In almost all well-controlled studies, analgesic effect cannot be distinguished from placebo at dosages below 325 mg. However, higher dosages of 650, 975 and 1,300 mg have been shown to be significantly different from placebo. (See Part III. paragraph B.1.a.(1) below—Effectiveness.) Dosages above 650 mg do not result in a significantly greater incidence or degree of pain relief in most studies. In some studies, however, dosages of 975 mg (three 325 mg tablets) to 1,300 mg (four 325 mg tablets) appeared to have a greater analgesic effect based on dose-response curves which appear to be increasing above 650 mg. The difference between the larger dosages compared with 650 mg generally could not be shown to be statistically significant but the apparent increase in the dose-response curve above 650 mg dosages suggests that greater pain relief may be obtained in some individuals with some types of pain with single dosages of 975 to 1,300 mg.

Although the dose-response curves in a few studies suggest that larger dosages may produce a slightly greater incidence of analgesia than a 650 mg dosage, there are important limitations in this assumption.

First, the relationship of increased analgesia to increased dosage is not linear but, like many drugs, the effect is proportional to the logarithm of the dosage. Second, the increase in response is generally relatively small because the dose-response curve is relatively flat requiring large increases in the dosage to obtain a relatively small increase in analgesic response.

A third consideration is that most studies of analgesic effects have involved only single dosages. There is relatively little information on the dose-response curves after multiple dosages.

Although limited, current data appeared to justify that an initial dosage of 975 mg may prove more beneficial than 650 mg for alleviating pain in a few individuals. For reasons discussed below, an increase in dosage above 650 mg would probably not greatly increase the potential of systemic toxicity if taken only once or twice. If the larger dosage is taken according to the usual multiple dosage schedule, significantly increased potential for toxicity will occur. Furthermore, there are no data available to show that multiple dosages greater than 650 mg will provide any greater clinical benefit for analgesic and antipyretic effects.

Although it is not possible at this time to correlate analgesic effect with the plasma salicylate concentrations, it is possible to determine the plasma salicylate concentrations that are attained with the dosages known to produce analgesia. Since toxicity correlates with plasma salicylate concentrations much better than with the dosage of salicylates, it is appropriate to determine and compare the toxicity potential of dosages and dosage regimens required for a certain therapeutic effect, e.g., analgesic or antirheumatic effects, by comparing the corresponding plasma salicylate concentrations.

The maximum salicylate plasma levels which are achieved with recommended multiple dosages with all different types of salicylates are less than 15 mg/100 ml (Refs. 15, 25, 26, and 27). Even the highest possible effective single dosage, 1300 mg (20 gr), doesn't usually result in plasma levels which exceed 15 mg/100 ml (Ref. 15). Thus, 20 mg/100 ml is both the lower toxic limit and also the concentration which should not be exceeded with multiple dosing of 650 mg every 4 hours or the equivalent. However, repeated administration of dosages above 650 mg at the usual dosage interval will accumulate in the body to produce higher concentrations that can be expected to produce toxic symptoms in a significant number of the population, i.e., greater than 5 percent of the population.

(4) *Relationship between plasma concentrations and anti-inflammatory effect in rheumatoid arthritis.* In contrast to analgesic and antipyretic efforts, the suppression of inflammation increases with the dosage of salicylates even beyond the point of toxicity (Ref. 28). Mills states that the therapeutic objective is to employ as large a dosage as possible short of toxicity and the most common reason for therapeutic failure is use of inadequate doses.

The usual target concentration tolerated by most patients is the range of 20.0 to 25.0 mg/100 ml. This is the region where small increases in dosing can result in very large increases in plasma levels. Special directions must be given

to the patient and, depending on the dosage and condition, special monitoring for adverse effects may be required and therapeutic doses must be determined for each patient.

Fremont-Smith and Bayles (Ref. 29) gave increasing dosages of salicylates to 11 hospitalized patients with rheumatoid arthiritis over a period of 5 days until the largest tolerated dose was reached. In most cases, the dosage increase was stopped because of auditory effects, either tinnitus or deafness, which occurred at an average daily dosage of 5.2 g. Fremont-Smith and Bayles established that salicylates produced an important anti-inflammatory effect in rheumatoid arthritis which was in addition to the analgesic effect. This effect, which could be quantitated by decreased joint size, measured by standard jewelers rings, or grip strength, was rapidly reversed when subtherapeutic doses were administered. These authors concluded that all patients with active rheumatoid arthritis, whether mild or severe, should receive salicylates regularly in the largest tolerated dosages. The average maximum tolerated dosage was 5.2 g.

Boardman and Hart (Ref. 30) compared placebo with prednisone, paracetamol, high dosages of salicylate (5.3 g daily), and low dosages of salicylate (2.6 g daily) administered in multiples of 10 gr (660 mg) tablets given in four equal doses daily for 7 days followed by 7 days rest. Therapeutic response was objectively measured by the occurrence of predefined significant changes in joint size, grip strength and also subjectively by patient preference. A significant change in joint size (4 mm or more over 7 days) was produced by high doses of salicylates but not by low doses of salicylate, paracetamol or placebo. Changes in joint size, compared sequentially with placebo, proved the most objective means of assessing the anti-inflammatory effect of salicylates and also prednisone, a drug known to have anti-inflammatory effects but no significant direct analgesic effects. It is significant that the drug therapies with analgesic, but not anti-inflammatory effects, such as paracetamol and low aspirin doses, produced slight improvements in grip strength and patient preference compared to placebo, presumably due to the analgesic effects, but had no effect on joint swelling.

With the high dosage of aspirin (5.3 g/day) improvement of joint size occurred in 5 of 7 patients (71 percent) in the first trial and 7 of 11 in the second trial in which the drug was given in the first or second week of a crossover study with a placebo. The mean decrease in joint size was 5 mm and 4 mm for the two studies. In a study in which a low dosage of salicylate (2.6 g) was compared with a high dosage of salicylate, improvement was noted in 1 of 11 patients in one trial when the low dosage was given first and 2 of 7 patients when the high dosage was given first indicating a possible residual effect of the high dosage of salicylate. Tinnitus occurred in 4 of 18 patients at the higher dosage and in none of 33 patients receiving the low dosage.

The authors conclude that their study confirms earlier reports that according to their criteria of objective clinical response, anti-inflammatory effects are essentially nonexistent with the lower dosage of salicylates used.

Boardman and Hart (Ref. 30) concluded that "These findings confirm the importance of administering high doses of salicylates in rheumatoid arthritis irrespective of symptoms and their severity if the aim of the treatment is the promotion of nonspecific anti-inflammatory actions."

Graham and coworkers (Ref. 31) state that inadequate suppression of inflammation of rheumatoid arthritis commonly occurs where salicylate plasma levels fall below 15 mg/100 ml. In a study of 12 hospitalized patients with rheumatoid arthritis in which a 4.8 g daily dosage was given and patient compliance and drug bioavailability carefully supervised, assured therapeutic plasma levels (greater than 15 mg/100 ml) were not reached in eight patients (67 percent). The maximum average midday plasma concentration after several days dosing was 12.6 mg/ml with a range of 5.5 to 27.6 mg/100 ml. Low levels of salicylate in these patients were stated to be due to rapid elimination, large volume of distribution or both. Concomitant administration of corticosteroids was also identified as a factor which might be involved in inadequate therapeutic plasma levels on long term therapy even though high dosages were given (3.6 to 4.8 g daily).

In summary, on the basis of pharmacokinetic considerations, the Panel concludes there is an abundance of published literature which clearly establishes that self-medication of even minor symptoms of rheumatoid arthritis constitutes irrational therapy. There is a greatly increased risk relative to benefit that would result from any attempts of untrained laity to determine and monitor an individual dosage regimen required to maximize the great potential benefit from dosages adequate to suppress inflammation and minimize the great potential risk from only slightly higher dosages which can cause serious toxicity.

The available literature clearly shows that in the case of rheumatoid arthritis, aspirin should not be used simply to relieve symptoms but rather to actively treat the disease by giving individualized dosages adequate to suppress inflammation. Because of the unusual pharmacokinetic characteristics of the salicylates only recently recognized, the determination of the appropriate dosage for rheumatoid arthritis requires skilled professional assistance. Furthermore, dosages and duration of therapy required for adequate therapeutic treatment are greater than those considered safe for unsupervised OTC dosing. Many factors must be considered beyond the capability of the general population and indeed requiring skilled clinical judgment and assessment.

In some cases, careful monitoring is required involving clinical laboratory tests, such as determination of plasma salicylate concentration, liver function tests and urine pH, which are not accessible to or interpretable by the untrained general population.

The Panel, therefore, believes that any labeling which encourages unsupervised treatment of rheumatoid arthritis even for relief of "minor symptoms" constitutes an unacceptable risk. The Panel recognizes that because of the large dosages required over a long period of time, it would create an unnecessary economic hardship to require a prescription status for the use of salicylates in the treatment of rheumatoid arthritis. By analogy, insulin can be purchased by diabetics without a prescription for medically supervised use. It would be irrational, however, to suggest that the labeling directions or promotional material should encourage the target population to determine the dosage to relieve their symptoms or attempt to monitor the effects of their drug treatment or their disease progress without laboratory testing and supervision by a physician.

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2. Statement on standard and nonstandard nonsalicylate dosage schedules. The components of a salicylate dosage schedule also apply to a nonsalicylate dosage schedule. (See part II. paragraph E.3. above—Analgesic-antipyretic recommended dosage.) Dosage schedules for the use of aspirin, a salicylate, in standard and nonstandard dosage units, were discussed above by the panel. The Panel also considered dosage schedules for the use of acetaminophen, a nonsalicylate, in standard and nonstandard dosage units.

There was much less information available to the Panel on the pharmacokinetics of acetaminophen in animals and man than of aspirin. However, there is good evidence that the pharmacokinetics of this drug are simpler than those for aspirin, and acetaminophen probably shows linear kinetics. However, the Panel finds it reasonable to recommend the use of acetaminophen in the same dosages as those recommended for the use of standard aspirin dosage units, i.e., 325 and 650 mg. (See part II. paragraph E.3.b. above—Recommended dosage for products containing standard dosage units.)

Of particular concern to the Panel in considering the possibility of increasing the dosages of acetaminophen was the paucity of data regarding the toxic effect of acetaminophen from single dosages that exceed the dosages recommended for chronic use of the drug for longer than the 5-day interval in children or the 10-day interval in adults, or from dosages that exceed the maximum adult daily dosage of 4,000 mg. Elsewhere in this document the Panel has discussed the toxicity of acetaminophen and its relationship to dosage level. (See part III. paragraph. B.1.b.(2) below—Safety.)

Until data based on clinical efficacy studies and appropriate toxicological studies are available to justify an increase in the dosage of acetaminophen, the Panel believes it unwarranted to introduce dosages that exceed those recommended for aspirin. Also, the Panel concludes that only nonstandard dosage units of 500 mg may be recognized for acetaminophen in addition to the standard dosage unit of 325 mg since the Panel is unaware of any other nonstandard dosage unit currently available in marketed adult strength products containing acetaminophen as the single active ingredient. Therefore, regarding the dosage schedule for acetaminophen in nonstandard dosage unit of 500 mg, the Panel concluded that the same dosage should apply to acetaminophen as that recommended for the use of nonstandard aspirin dosage unit of 500 mg. (See part II. paragraph E.3.c above—Recommended dosage for products containing nonstandard dosage units.)

3. Statement on children's dosage. a. Introduction. The Panel has reviewed OTC drug labeling for currently marketed products containing aspirin. The Panel finds that there is a lack of a single recognized pediatric dosage schedule. Initially, the Panel attempted to compile a pediatric dosage schedule based upon common features of dosage schedules presently found in the labeling of marketed pediatric products. This representative dosage schedule is given below in Pediatric Schedule A.

The Panel also sought comments from the drug industry, through the industry liaison Panel member, regarding a recommended pediatric dosage regimen for aspirin products. One drug manufacturer (Ref. 1) submitted data containing a review of the medical literature regarding pediatric dosages of aspirin, survey information on the aspirin dosages currently used by practicing pediatricians and data pertaining to the pharmacology and pharmacokinetics of aspirin dosages through consultation with pediatric clinical pharmacologists. In addition, a new regimen was proposed by the drug manufacturer discussed below as Pediatric Schedule B.

To support the submission, data and comments were presented that the currently labeled OTC pediatric dosage schedule (Pediatric Schedule A) is inadequate (Ref. 2). It was stated that the dosage in the labeling is too low particularly in the youngest age group. Because of this, therapeutic failure may cause consumers to either exceed the labeled dosage or repeat dosing before the recommended 3-hour interval. This was proposed to the Panel as a cause for overdosing. This new dosage schedule was proposed to prevent the problem of overdosing by initiating treatment with an adequate dosage and then repeating after 4 hours to maintain the desired effect.

The Panel further modified this proposal (Pediatric Schedule C) which is discussed more fully below. It should further be noted, that based upon a review of the use of aspirin in children, the Panel also considered the pediatric dosage schedules for acetaminophen, aspirin salts, and all other salicylates. While not included in the example for aspirin in Pediatric Schedule C, the Panel has included appropriate pediatric dosage recommendations for Category I ingredients, where applicable, in the appropriate sections of this document.

b. Discussion. The following dosage schedule based upon current recommendations given on many aspirin-containing products currently marketed for OTC use, was initially considered by the Panel:

Pediatric schedule A—representative current pediatric dosage schedule on marketed products for 81 mg (1.25 gr) aspirin tablets

Age (years)	Number tablets taken every 3 h (single dosage)	Total dosage (milligrams)
Under 3	(1)	
3	1	81
4 through 5	2	162
6 through 9	3	243
10 through 14	4	324

[1] As directed by physician

As was pointed out by one drug manufacturer, this dosage schedule was selected primarily on the basis of safety considerations to assure minimal potential for toxicity, particularly in the youngest group (Ref. 1).

In a survey of 2,241 pediatricians regarding the current pediatric dosage schedule on marketed products of aspirin tablets described in the above table, 2,202 (approximately 94 percent) stated that the labeled dosage is subtherapeutic (Ref. 1). Further, 72 percent believed that the labeled frequency of every 3 hours is too frequent a dosing interval. In addition, 78 percent of the physicians indicated that they usually use age as the basis for determining the appropriate aspirin dosage for their patients while 21 percent utilize body weight as the basis. In most cases, a dosage of 65 mg (1 gr) per year of age every 4 hours as needed was the preferred dosage schedule.

The medical literature lists many methods of calculating dosages based on either age, body weight or body surface area. Several clinical studies have been cited supporting the efficacy of aspirin dosage based on age (Ref. 1). Standard references such as *AMA Drug Evaluations* utilize the body weight of the child in a recommended schedule of 65 mg (1 gr)/kg of body weight daily, divided into four to six equal dosages (Ref. 3). In addition, body surface area has been used, for example 1.5 g/m² of body surface daily has been recommended. The official pediatric analgesic-antipyretic dosage in the *United States Pharmacopeia XIX* is 11 mg/kg of body weight (64 mg/kg/dav) or 250 mg/m² of body surface, six times daily (1.5 gm/m²/day), to 16 mg/kg of body weight (64 mg/kg/dav) or 375 mg/m² (1.5 mg/m²/day), of body surface, four times daily (Ref. 4). In this latter case, the official compendial regimen is based on patient parameters not likely to be understood by the consumer and in the Panel's view is inadequate for product labeling. However, as noted later, dosage by age is proportional to dosage regimens calculated by surface area up to age 12 years. Therefore, age can be used to indicate dosages based upon surface area calculations.

One drug manufacturer (Ref. 1) states: "based on available data, the best such basis for an effective therapeutic dosage for fever and pain in children appears to indicate 10 to 15 mg of aspirin per kg of body weight every 4 hours as required (not to exceed 5 doses per 24 hours) unless directed otherwise by a physician." This schedule has been reported as effective (Refs. 5 through 9) and is similar to that found in the dosage for body weight recommendation of the *United States Pharmacopeia XIX*.

The Panel considered the following pediatric dosage schedule proposed by industry:

Pediatric schedule B—drug industry proposal for pediatric dosages for 81 mg (1.25 gr) aspirin tablets

Age (years)	Number tablets taken every 4 h [1]	Total dosage (milligrams)
Under 2	(2)	
2 through 3	2	162
4 through 6	3	243
7 through 8	4	324
9 through 10	5	405
11 through 12	6	486
13 and older	8	648

[1] Not to exceed 5 dosages in 24 h except under the advice and supervision of a physician.
[2] As directed by physician.

The published results of two studies comparing the antipyretic effect of a single dosage of acetaminophen with the antipyretic effect of a single dosage of aspirin were also submitted to the Panel (Refs. 10 and 11). The comparison was made in children between the ages of 6 months and 72 months (6 years). For the same age groups, the acetaminophen dosages were approximately the same as the aspirin dosages. For example, the dosages for children 30 to 48 months of age in one study were 225 mg and 240 mg aspirin and acetaminophen, respectively (Ref. 10). In the second study, the dosage for children 30 to 42 months of age was 180 mg for both aspirin and acetaminophen (Ref. 11). These pediatric dosages are higher than the currently recommended dosages for this age group in the labeling of marketed aspirin-containing products.

The Panel also considered the dosage of salicylates for individuals 12 years and over as equivalent to adult dosages, a concept accepted by the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products, as published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38419). This would conform to the dosage schedules for other therapeutic agents which are used in combination products with salicylates. The Panel concludes that because of the unusual pharmacologic characteristics of the salicylates, an adult dosage schedule would result in an unwarranted risk potential in children under 12 years of age. The data of Makela et al. (Ref. 12) clearly establish the potential for overdosing in children weighing more than 40 kg if inappropriate schedules, based upon children's weight, are used.

The Panel appreciates the desirability of standardizing the percent of the adult dosage required for different age ranges. Ideally, it would be advantageous to establish the pediatric dosage for a given age range as the same percent of the adult dosage as for drugs commonly used together. This is possible, however, only when these agents have similar changes in pharmacokinetic and dose-response characteristics as a function of increasing age. When two or more therapeutically active agents are used which do not have proportional changes in their dosage requirements for children in different age groups, fixed combinations may not be suitable for pediatric use. In some cases, the dosage of one or both agents may be different in the combination than when used alone. The dosage regimen would have to be adjusted relative to the agent of highest potential toxicity. The pediatric dosage of aspirin as a percent of the adult dosage regimen is listed below. The pharmacokinetic basis and clinical data supporting the recommended dosage regimen were discussed elsewhere in this document. (See part II. paragraph F.1. above—Statement on standard and nonstandard salicylate dosage schedules.)

As noted above, the Panel originally considered the currently used dosage regimen for marketed products (Pediatric Schedule A) but later considered industry's proposed regimen (Pediatric Schedule B) because the doses in the former are too low at lower ages. The latter schedule is based essentially upon the commonly used daily pediatric dosage of 65 mg/kg of body weight with a maximum of five dosages daily. It is commonly stated that this dosage is equivalent to a 1.5 g/m² daily dosage schedule based upon surface area. This is strictly true only at the ages (years) when the average surface area is 1.5 m². It is significant to note that after the age of 7 years, the weight increase is much greater than the increase in surface area. Therefore, after the age of 7 years, dosages based upon body weight will be greater than dosages based upon surface area.

The increasing deviation of body weight per age curve from the surface area per age curve may result in overdosing toxicity particularly in older children (body weight of 40 kg or more). This effect is clearly shown in the data of Makela et al. (Ref. 12) in which 100 mg/kg daily was administered every 8 hours. This dosage regimen generally resulted in plasma levels of 24 to 27 mg percent which is adequate for patients with rheumatoid arthritis but excessive for analgesic-antipyretic effects. Additionally, in 7 of the 19 subjects (37 percent), toxicity occurred which was associated with plasma levels of more than 35 mg percent (37.3 mg percent to 48.3 mg percent). In 50 percent of toxic cases, the patients were 11 years of age or older and weighed more than 40 kg. The 100 mg/kg schedule, therefore, is not suitable if it results in a schedule in which 3.0 g/m² daily is exceeded since every toxic case received dosages of more than 3.0 g/m² daily while those who were nontoxic received a dose of 2.4 g/m² daily.

This study illustrates several important points. First, body surface area is the most accurate predictor of dosage. There are two other reasons why the Panel believes that body surface area should be the standard means of calculating the salicylate dosage. The reason that the prediction of toxicity can be better done by dosing on the basis of surface area rather than body weight is clear from basic pharmacokinetic data.

Accumulation of drugs and toxicity occur when dosage input exceeds maximum output. Levy has shown that maximum output of salicyluric acid, the primary metabolite, is formed at a maximum rate (Vmax) which is proportional to body surface area (Ref. 13). Even though all subjects in the Makela study received usual rheumatoid arthritis dosage schedules of 100 mg/kg, salicylate levels were too high because the input calculated on a weight basis (D=100 mg/kg daily) was greater than 3.0 g/m² daily when calculated on the basis of surface area; greater than the maximum output of 3.0 g/m² daily found by Makela (Ref. 12) and also derived by the Panel from the data of Brewer (Ref. 14).

A second reason for calculating dosing regimens on the basis of surface area is that the body surface area is essentially (linearly) proportional to age for

children from ages 3 to 12 years. Body weight is a nonlinear function of age, however, in ages over 7 years. This ex-

After consideration of the data and submitted comments, the Panel recom-

for oral use in children should contain no more than 36 tablets to reduce the

scribed later in this document, that there are no acceptable Category I claims for

rational in order to be included in the proposed drug monograph.

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children from ages 3 to 12 years. Body weight is a nonlinear function of age, however, in ages over 7 years. This explains the preference of the majority of clinicians for a dosing system based upon age.

Based on these pharmacokinetic considerations and clinical data, the Panel has revised the industry proposed schedule (Pediatric Schedule B) to conform with a daily dosage of 1.5 g/m² daily rather than 65 mg/kg daily. These two methods produce similar values at ages below 8 years and deviation between the Panel's recommended schedule (Pediatric Schedule C) and the industry proposal occur mainly at higher age levels where weight is not the best predictor of dosage.

The Panel concludes that the dosage should never exceed 2.5 g/m² daily (approximately 100 mg/m²/hour). Therefore the dose of 1.5 g/m² daily will provide effective plasma levels for analgesic and antipyretic effects and provide a safety margin in the event of an inadvertent 50 percent increase in dosage. This conversion of age to total dosage is approximated from ages 2 to under 12 years by the relationship:

mg/day=650 mg+(100 mg/year of age)

It is important to note that the use of the full maximum daily adult dosage at 12 or 13 years of age may exceed the critical dose rate toxicity level. The total daily dosage of salicylate divided by the usual body weight will be about 2.8 mg/kg/day which is equal to the lower level of the toxic level found by Makela (Ref. 12).

For children age 11 to 15 years, a 25 percent difference in dosage increase from 2.4 ± 0.2 g/m² daily dosage to 3.2 ± 0.5 g/m² daily will increase the plasma concentration from 25 to 29 mg/100 ml to 40 mg/100 ml. For children 4 to 7 years, a similar increase in dosage will result in a change of 20 to 25 mg/100 ml at the lower dosage to a plasma concentration of about 36 mg/100 ml.

The dosages established are based upon the 1.5 g/m² daily dosage for that age as described by Done (Ref. 15). Under the Panel's proposed schedule, the age minimum for OTC use is lowered to 2 years and the frequency of administration is increased by 1 hour to every 4 hours. The Panel concludes that this dosage schedule is more reasonable than that currently being used. The Panel further concludes that the regimen is safe and effective and is much clearer and more concise for the OTC drug consumer.

It should further be noted that, based upon a review of the use of aspirin in children, the Panel also considered and included a pediatric dosage schedule for acetaminophen. In addition, pediatric dosage schedules for other aspirin salts and all other salicylates were considered by the Panel. While not included in the example for aspirin and acetaminophen in Pediatric Schedule C which applies to all dosage forms, e.g., tablets, liquids, etc. for these ingredients, the Panel has included appropriate pediatric dosage recommendations for Category I ingredients, where applicable, in the appropriate sections of this document.

Pediatric Schedule C—the Panel's proposed (new) pediatric single dosage schedule every 4 hours for 80 mg (1.23 gr) aspirin or acetaminophen

Age (years)	Pediatric (80 mg) dosage units [1]		Adult (325 mg) dosage unit [2]	
	Dosage units	Total dosage (mg)	Dosage units	Total dosage (mg)
Under 2	[3]	[3]	[3]	[3]
2 to under 4	2	160	½	162.5
4 to under 6	3	240	¾	243.8
6 to under 9	4	320	1	325.0
9 to under 11	5	400	1¼	406.3
11 to under 12	6	480	1½	487.5

[1] Not to exceed 5 single dosages in 24 h or to be used for more than 5 d except under the advice and supervision of a physician.
[2] Not to exceed 5 single dosages in 24 h or to be used for more than 5 d except under the advice and supervision of a physician.
[3] There is no recommended dosage except under the advice and supervision of a physician.

c. *Conclusion.* In view of these findings, the Panel concludes that it is appropriate to revise the currently marketed OTC pediatric dosage recommendations. In its evaluation, the Panel adopted the definition of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products, as published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38419): "Infant or baby (under 2 years), child (2 years to under 12 years), and adult (12 years and over)."

The Panel further concludes on the basis of the available data on the use of aspirin in children, that the duration of use for all OTC analgesic products should be limited to 5 days for children under 12 years of age rather than 10 days as recommended for adults. It is the opinion of the Panel that this restriction should also apply to acetaminophen to avoid confusion in the labeling of pediatric products. Therefore, labeling should contain the following warning: "Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician". This recommendation is based upon reports from data available from poison control centers that there is a higher incidence of aspirin overdosage among children for periods longer than 5 days. This is also consistent with computer simulations, which demonstrate that while using the maximum daily recommended dosage, the plasma concentration could exceed 20 mg/100 ml among some smaller children of a particular age category following the recommended dosage schedule after 5 days.

The Panel concludes that the pediatric dosage unit of 80 mg (1.23 gr) of aspirin should be retained because there is long standing acceptance. One, two, or three pediatric units can easily be obtained by quartering or halving a standard 325 mg aspirin tablet, and surface area gain and age of children correlate closely over the first 12 years of life, permitting a regular increase in dosage according to age. While the Panel realizes that dosage by square meters of body surface alone would be more accurate, it believes that basing pediatric dosage recommendations on age will be more readily understood by the average consumer and acceptable since it correlates closely with dosages calculated on the basis of surface area.

After consideration of the data and submitted comments, the Panel recommends the following pediatric dosage schedule for aspirin and acetaminophen:

d. *Recommendation.* The Panel recommends that the proposed (new) pediatric single dosage schedule described above (Pediatric Schedule C) be used in labeling of future marketed products. The Panel recognizes that, if their recommendation is implemented by the Food and Drug Administration, there will be of necessity an interim marketing period at which time both the old Pediatric Schedule A and new Pediatric Schedule C will be simultaneously available to the OTC drug consumer. The Panel recommends that the Food and Drug Administration establish an orderly process to reduce the likelihood of confusion in interpreting product labeling. Perhaps the improved labeling can be clearly identified as "new" or "revised" on the traditionally marketed products that consumers are accustomed to purchasing.

The Panel has examined the regulations of the Poison Prevention Packaging Act of 1970 as set forth in 16 CFR 1700.15(a), (b) and (c) of the regulations, that provide for poison prevention packaging standards for aspirin-containing products in a dosage form intended for oral administration. The standards for child-resistant safety closures required on the containers of these products are intended to protect children from intentional or accidental ingestion without hampering the adult-use effectiveness of the products. The Panel concurs with these standards and is of the opinion that the standards for child-resistant safety closures should apply to the containers in which acetaminophen oral products are packaged as well as to aspirin-containing products.

The Panel further recommends that the restrictions on the maximum number of tablets permitted in containers of aspirin products for child use should also apply to acetaminophen products formulated for use in children only. Therefore, acetaminophen products containing 80 mg (1.23 gr) tablets intended for oral use in children should contain no more than 36 tablets to reduce the hazard of accidental poisoning, as set forth in 21 CFR 201.314(c)(2) for products containing 80 mg (1.23 gr) tablets of aspirin for pediatric use. The Panel recommends that the OTC packaging requirements for safety closures and the restriction on the maximum number of tablets in the containers of aspirin products for pediatric use should also apply to acetaminophen products for use in children.

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G. DRUG COMBINATION STANDARDS

1. *General comment.* The Panel has classified the active ingredients submitted for review into three pharmacological activities, i.e., analgesic, antipyretic and antirheumatic. For purposes of establishing standards for safe and effective OTC drug combination products, the Panel developed the policy not to include the antirheumatic pharmacologic activity in the standard. This policy is based upon the Panel's conclusion, described later in this document, that there are no acceptable Category I claims for OTC labeling as an antirheumatic. (See part V. paragraph B.1. below—Category I Labeling.)

Two major types of combination products were considered by the Panel. One group of products consists only of combinations of analgesic and/or antipyretic active ingredients reviewed for safety and effectiveness by this Panel. The other group of products consists of combinations of analgesic and/or antipyretic active ingredients combined with active ingredients having different pharmacologic activities, such as antihistamines or nasal decongestants. For this second group of combination products, the Panel only reviewed the rationale of combining nonanalgesic-nonantipyretic active ingredients with analgesic-antipyretic active ingredients. The nonanalgesic-nonantipyretic ingredients were deferred to other OTC Advisory Panels for a review of their safety and effectiveness. (See part I. paragraph C.3. above—Ingredients deferred to other OTC advisory review panels or other experts.)

The Panel is not opposed to the concept of combinations of active ingredients which have been shown to be individually safe and effective, provided that the specific combination has been shown to be at least as safe and effective as therapeutic doses of the individual active ingredients. For example, if two active ingredients A and B, with similar pharmacologic activity, are combined such that each is combined at one-half the usual therapeutic dose when used alone, the combination (AB) should be at least as safe and effective as the full therapeutic dose of either A or B when used alone.

It should be noted that for the drugs reviewed by this Panel three variations are possible. The variations would include combinations of analgesics, combinations of antipyretics or an analgesic-antipyretic combination. However, the Panel has found that the active ingredients submitted for review and classified as analgesics are also antipyretics. Therefore, even though three different variations are possible, in reality, the ingredients currently available all possess analgesic and antipyretic properties.

In the event that at a later date ingredients are identified as only having one of these pharmacologic activities, the Panel believes that the drug combination standard should provide for all possible safe and effective combinations of active ingredients and for all acceptable labeling. Therefore, the concept of combining analgesics, antipyretics or analgesic-antipyretics is acceptable.

The marketplace is filled with a variety of single ingredient analgesic-antipyretic products, and many of these ingredients are also present in combination products. The Panel has found that the concepts used to explain the reasons for marketing combination products have not yet been supported by adequate clinical data. The Panel concludes that combinations must be safe, effective and rational in order to be included in the proposed drug monograph.

A possible rationale for the use of analgesic-antipyretic combination products is that each ingredient's anticipated activity is additive or synergistic. The additive or synergistic effect could be due to the drugs acting by different mechanisms or perhaps exerting their effect at different locations within the body.

In reviewing combination ingredients in the market place, the Panel applied the OTC Drug Review regulation (21 CFR 330.10(a)(4)(iv)) which states:

> An OTC drug may combine two or more safe and effective ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel recognizes the regulation and believes that each active ingredient in a combination product must contribute to the claimed effects and that the combination provides rational concurrent therapy. It is the view of the Panel that it is irrational to use a combination product unless each of its active ingredients contributes to the effective treatment of at least one of the labeled symptoms for which the combination of ingredients is recommended. The specific combination should be at least as safe and effective as therapeutic doses of the individual active ingredients when used alone.

The Panel recognizes that safety and effectiveness studies are desirable, especially, when it becomes known or suspected that one of the drugs in the combination may influence the metabolism or the action of another drug. However, Category I ingredients, known to be individually safe and effective, may be combined as described below in Standard No. 4.

2. *Limitation of ingredients in combination products.* The Panel concludes that, in general, an OTC product with fewer ingredients provides safer use. Also, the interests of the consumer are best served by exposing the user of OTC drugs to the smallest number of ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness. The possibility of adverse reactions increases with the number of drugs ingested resulting in potential increased risk to the user without a concurrent increase in benefit. Therefore, with fewer ingredients there is a better chance of reduced risks due to toxic effects, undesirable additive or possibly synergistic effects, allergic and/or idiosyncratic reactions.

The Panel recommends that not more than two active analgesic-antipyretic ingredients from Category I be included in any combination without further study unless the addition of a third analgesic-antipyretic ingredient can be demonstrated to contribute to the effectiveness or safety of the combination. This does

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not preclude the use of adjuvants or correctives which are discussed later in this document. (See part VI. below—Adjuvants and Corrective Agents.) The Panel bases this conclusion, not only on the fact that fewer ingredients generally provide safer use, but also on the fact that no combination was submitted to the Panel containing three Category I analgesic-antipyretic active ingredients. In addition, the Panel can find no data to support the combining of more than two analgesic-antipyretics in the same product. Therefore Category I combinations are limited to combinations of two analgesic-antipyretic ingredients. (See part II. paragraph G.4. below—Standards for Category I combination products.)

The Panel is aware of the inclusion of inactive ingredients (pharmaceutical necessities) in the preparations for use as preservatives, fillers, coatings, colorants, vehicles, aromatics, binders, sweeteners, flavoring agents, etc. Such inactive ingredients are acceptable for marketing purposes provided they are pharmacologically inert and do not adversely affect the bioavailability of the active ingredient(s). However, the Panel is of the opinion that such pharmaceutical necessities be studied by a separate body for the evaluation of their safety. Special attention needs to be given to the effects of these pharmaceutical necessities on children. The Panel considers it important that the advisability of including them in drug products be reviewed by an appropriate body. Since many of these inactive ingredients are used in the formulation of many drug products other than those reviewed by this Panel, it is not appropriate that they be dealt with specifically and solely in relation to analgesic, antipyretic and antirheumatic active ingredients, except as they might affect the actions of these active ingredients.

Nonanalgesic-nonantipyretic active ingredients may be included in products only if they are in safe and effective doses and either provide relief for symptoms designated by this or other panel(s) or beneficially influence the actions of the active ingredient(s).

In summary, marketed combination products should contain only those active and inactive ingredients that are rational for a safe and effective product as described above.

The Panel concurs with the following conclusions of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products, as published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38334), regarding the labeling of inactive ingredients:

> For various reasons, individuals may wish to avoid using certain inactive ingredients found in drug products. These reasons may be allergic reactions, idiosyncratic responses, fear of safety (whether valid or not), or personal dislike. It is impossible to make a free choice in this regard unless the full contents of drug products are listed on the label. Therefore, this Panel strongly recommends that the Food and Drug Administration require full ingredient labeling of inactive as well as active ingredients in descending order of quantities present in all drug products.

In support of this position the Panel notes that food products are already required to have such labeling, and since the purpose of a drug is to alleviate symptoms of disease, it would seem much more compelling to have this information on all drugs.

In line with the Panel's desire to expose the consumer to the smallest number of ingredients possible, the Panel has previously recommended that marketed products contain only those ingredients essential to the product.

3. *Labeling of active ingredients.* The Panel agrees that each claimed active ingredient in a combination product must make a contribution to the claimed effect(s).

Labeled indications should only be for the combinations of symptoms appropriate to the activity of the combined ingredients. The consumer should be adequately informed through the labeling of the therapeutic capabilities of the product by emphasizing the use of the product only when all such symptoms are present. Labeling should, therefore, fully reflect the activities of all active ingredients so that a consumer may select an appropriate product for relief of symptoms.

4. *Standards for Category I combination products.* a. Each active ingredient and its labeling in a combination product must be generally recognized as safe and effective (Category I).

b. One Category I analgesic-antipyretic active ingredient at the minimum effective dosage may be combined with one other Category I analgesic-antipyretic active ingredient at its minimum effective dosage. The Panel was unable to find data to support the use of more than two analgesic-antipyretic active ingredients in the same combination product.

c. One Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. may be combined with generally recognized as safe and effective antitussive active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for the temporary relief of cough due to minor throat and bronchial irritation as may occur with the common cold (cold) or with inhaled irritants".

d. One Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. may be combined with generally recognized as safe and effective expectorant active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for expectorant action to help loosen phlegm (sputum) and bronchial secretions".

e. One Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. may be combined with generally recognized as safe and effective nasal decongestant active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the temporary relief of nasal congestion due to the common cold (cold)".

f. One Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. may be combined with generally recognized as safe and effective antihistamine active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and to alleviate, decrease, or temporarily relieve running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

g. One Category I nonsalicylate analgesic-antipyretic active ingredient or a combination of two such nonsalicylate ingredients as provided above in standard No. 4.b. may be combined with antacid active ingredient(s) which meet the requirements of § 331.10 (21 CFR 331.10) of the OTC antacid monograph provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for acid indigestion".

h. Aspirin may be combined with antacid active ingredient(s) identified in § 331.11 (21 CFR 331.11) of the OTC antacid monograph such that the finished product contains at least 20 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 (21 CFR 331.25) of the OTC antacid monograph and provided the product is identified as highly buffered aspirin for solution with labeling only as an analgesic and/or antipyretic.

The Panel is limiting labeled indications to "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever". In addition, the Panel has classified the following as Category III labeling which may be included in the principal display panel: (1) "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label".

(2) "Faster to the bloodstream than plain aspirin".

The Panel has discussed the above Category III labeling elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

The Panel finds it irrational to provide claims for an antacid effect, e.g., "For the treatment of heartburn, sour stomach and acid indigestion", since aspirin may potentiate peptic ulcer, cause stomach distress or heartburn. Aspirin also

causes an increase in occult bleeding and in some individuals massive gastrointestinal bleeding. The adverse effects of aspirin on the gastrointestinal tract are discussed elsewhere in this document. (See part III. paragraph B.1.a.(2)(i) below—Adverse effects on the gastrointestinal tract.)

i. Aspirin may be combined with antacid active ingredient(s) identified in § 331.11 of the OTC antacid monograph such that the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of the OTC antacid monograph and provided the product is identified as buffered aspirin with labeling only as an analgesic and/or antipyretic: "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever".

In addition, the Panel classified the following as Category III labeling which may be included on the principal display panel:

(1) "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label".

(2) "Faster to the bloodstream than plain aspirin".

The Panel has discussed the above Category III labeling elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

5. *Standards for Category II combination products.* a. Combination products containing a Category II analgesic-antipyretic or Category II labeling, except for the inclusion of caffeine used as an adjuvant, are classified as Category II. The classification and role of caffeine is discussed later in this document. (See part VI. paragraph B.3. below—Caffeine (citrated caffeine).)

b. Combination products containing Category I analgesic-antipyretic(s) combined with any active ingredient(s) not reviewed by this or other OTC advisory review panels or found to be either unsafe or irrational are classified as Category II.

c. Aspirin in combination with any generally recognized as safe and effective oral bronchodilator active ingredient is classified as Category II. Aspirin may cause a severe, and possibly fatal reaction in some asthmatics taking such a product. This adverse effect is discussed later in this document. (See part III. paragraph B.1.a.(2)(iii) below—Adverse effects on hypersensitive individuals.)

d. Combinations of analgesics with laxatives, or vitamins, are considered irrational since any conditions requiring such drugs should not be treated by fixed-ratio combination products. Conditions requiring treatment with such drugs should be treated with single ingredients. Vitamins combined with analgesic may encourage unnecessary prolonged use of analgesics and are therefore classified as Category II.

6. *Standards for Category III combination products.* a. Combination products containing a Category III analgesic-antipyretic active ingredient and no Category II analgesic-antipyretic active ingredient are classified as Category III.

b. Combination products containing any Category I analgesic-antipyretic active ingredient at less than the minimum effective dosage are classified as Category III.

c. Combination products containing more than two analgesic-antipyretic active ingredients are classified as Category III. (See Standard No. 4.b. above.)

d. Combination products containing one Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. combined with caffeine used as an adjuvant are classified as Category III.

The Panel concludes that there are insufficient data available to evaluate the adjuvant effect of caffeine. The Panel finds that there is little evidence to show that this ingredient contributes to analgesic, antipyretic and/or antirheumatic effects in the clinical situation. Additional studies are necessary as described below in this document. (See part VI. paragraph C.2. below—Combination products containing an analgesic, antipyretic and/or antirheumatic adjuvant.)

e. One Category I analgesic active ingredient or a combination of two such analgesic ingredients as provided above in standard No. 4.b. combined with a generally recognized as safe and effective nighttime sleep-aid active ingredient is classified as Category III provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for the relief of occasional sleeplessness". The Panel concurs with the recommendations of the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid Drug Products published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57315) that a suitable target population requiring both drugs concurrently should be defined. This Panel finds that an individual with e.g., headache and sleeplessness may be relieved of symptoms conveniently by such a combination product. However, it should be demonstrated that there is a well-defined target population requiring concurrent use of an analgesic and a nighttime sleep-aid. Otherwise, it is the Panel's opinion that it would be more desirable to alleviate the symptoms of pain which may in turn be the underlying factor causing the sleeplessness condition. The Panel concurs with the recommendation of the OTC Sedative, Tranquilizer and Sleep-Aid Panel that several studies using a factorial design should be completed to demonstrate that the combination is safe and effective for a significant proportion of the target population requiring relief from both symptoms of pain and sleeplessness.

f. One Category I analgesic-antipyretic active ingredient or a combination of two such ingredients as provided above in standard No. 4.b. combined with phenyltoloxamine (or methapyrilene fumarate, pheniramine maleate or pyrilamine maleate) used as an adjuvant is classified as Category III.

The Panel concludes that there are insufficient data available to evaluate the adjuvant effect. The Panel finds that there is inadequate data to show that these ingredients contribute to analgesic, antipyretic and or antirheumatic effects in the clinical situation. Additional studies are necessary as described below in this document. (See part VI. paragraph B.4. below—Antihistamine-containing ingredients.)

7. *Standards for testing Category III combination products.* The Panel concludes that additional testing is required for Category III combination products.

Since aspirin serves as a standard for all drugs in this class, all combinations must demonstrate at least as much analgesia and/or antipyresis as 325 mg (5 gr) to 650 mg (10 gr) of aspirin in a single dose (2 dosage units) or in the recommended maximum dosage of 4,000 mg in 24 hours.

To establish Category I status for a Category III combination product requires a minimum of two studies by independent investigators which conform to the standards and guidelines included and discussed above for ingredients for which safety is unquestioned. (See part II. paragraph B.2. above—Safety and part II. paragraph G.4. above—Standards for Category I combination products.) If the ingredient is placed in Category III for reasons of safety, at least two, 3-month safety studies by independent investigators should be required. This requirement does not apply to antipyrine. (See part III., paragraph B.3.b.(5) below—Evaluation.)

Each study should include an appropriate number of subjects, a placebo, known drug controls, and should involve appropriate intervals of administration of the drug in question to controlled subject populations in whom side effects can be checked daily, and where applicable complete blood counts, urinalysis, and organ function tests are checked weekly or more often if necessary.

Clinical studies should be pertinent to each of the symptoms for which the combination is designed to give relief. The combination, a placebo, and each active ingredient alone should be subjected to well-controlled, suitably-blinded studies to determine both safety, e.g., adverse reactions or significant side effects, and effectiveness. In addition, where provided, objective methods should be employed as described elsewhere in this document. (See part III. paragraph B.3. below—Category III conditions for which the available data are insufficient to permit final classification at this time, and part IV. paragraph B.3. below—Category III conditions for which the available data are insufficient to permit final classifi-

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cation at this time, and part V, paragraph B.3. below—Category III conditions for which the available data are insufficient to permit final classification at this time.)

H. DRUG INTERACTIONS WITH ANALGESIC, ANTIPYRETIC, AND ANTIRHEUMATIC AGENTS

Numerous reports have indicated possible harmful interactions between the salicylates and other drugs (Refs. 1 through 5). The Panel is concerned that the average individual using these agents, particularly aspirin, will consider the OTC drug innocuous and not realize the possibility of a drug interaction.

The Panel is aware that instances exist where individuals suffering from serious illness or other medical conditions are instructed by their physician to use OTC analgesics, antipyretics or antirheumatic drugs.

The Panel is also aware that many other individuals suffering from chronic illnesses will use OTC analgesics, antipyretics or antirheumatics on their own volition to alleviate pain, fever or inflammation. These individuals may not be aware of possible interactions between the salicylates, aspirin in particular, and prescription drugs.

Therefore, the Panel recommends that the labeling caution against the concurrent use of salicylates and some prescription drugs without consulting a physician. The Panel concludes that the warning on products containing salicylates should read *"Caution:* Do not take this product if you are presently taking a prescription drug for anticoagulation (thinning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

This salicylate drug interaction warning is based upon the concept that maintenance drugs prescribed for certain chronic illnesses or conditions may interact with salicylates, most often aspirin. A discussion of aspirin effects of concomitant use with other drugs or by persons with specific disease is discussed elsewhere in this document. (See part III. paragraph B.1.a.(2)(viii) below—Adverse effects of concomitant use with other drugs or by persons with certain disease states.)

The prescription drugs used in the treatment of these chronic illnesses and the drug interactions with salicylates which are hazards are as follows:

1. *Cardiovascular diseases.* Individuals with heart disease or other circulatory diseases who are currently taking anticoagulants, specifically of the coumarin type, will experience increased anticoagulation when large doses of salicylates, especially aspirin, are ingested. This phenomenon is due to depressed prothrombin formation in the liver and the displacement of the anticoagulant from secondary binding sites. These mechanisms may lead to severe hemorrhage unless the dosage of the anticoagulant is reduced or the individual ceases taking the OTC salicylate (Ref. 2).

2. *Diabetes.* Individuals taking oral antidiabetic drugs concurrently with salicylates may experience an additive hypoglycemic (low blood sugar) effect due to displacement of the antidiabetic drugs from protein binding sites. This can result in poor control of diabetes (Ref. 5).

3. *Gout.* Individuals with gout have high serum uric acid levels. Several drugs are prescribed for gout to decrease uric acid blood levels. These drugs include probenecid, the sulfinpyrazones, and allopurinol.

Probenecid and salicylates interfere with two kidney processes, i.e., secretion of uric acid by the distal tubule and reabsorption of uric acid by the proximal tubule of the kidney. The end result of taking both drugs at the same time depends on which process is predominant. At usual OTC doses, retention may be affected resulting in uric acid retention with a decrease in probenecid effects (Ref. 5).

In individuals receiving probenecid for gout therapy the effects of this drug are altered by salicylates because these agents when given with probenecid inhibit uric acid excretion by competing for active transport mechanisms in the proximal and distal tubules of the kidney.

Also, when analgesic doses of salicylates are taken concurrently with sulfinpyrazones the uricosuric effects are antagonized, and the effect of sulfinpyrazones is diminished (Ref. 5).

When phenylbutazone is taken with salicylates, uric acid retention results. This occurs because the phenylbutazone appears to compete successfully with uric acid and salicylate for excretion from the kidney. This combination of drugs produces mutual suppression of uricosuric action, thus negating any therapeutic benefit. Since both drugs are ulcerogenic, the possibility of gastrointestinal bleeding is increased (Refs. 1 and 5).

4. *Arthritis.* Certain individuals who suffer from arthritis have corticosteroids prescribed for them to relieve inflammation. Sometimes these individuals also take salicylates, especially aspirin, for the anti-inflammatory and analgesic effects. However, if corticosteroids and salicylates are taken together, the ulcer producing effect in the stomach is additive and thus increased danger of ulceration occurs. Also, corticosteroids may increase the excretion of salicylates and a withdrawal of the steroids while continuing salicylate medication may lead to signs of salicylate poisoning (Ref. 5).

Indomethacin is another drug prescribed as an anti-inflammatory agent for arthritis. Since both indomethacin and salicylates have an ulcer-producing effect on the mucous membrane of the stomach, their combined use may be especially dangerous (Refs. 1 and 5).

5. *Other drug interactions of varying significance.* Several other interactions between salicylates and prescription drugs occur, but due to the varying clinical significance, do not warrant inclusion of a warning on the labeling.

Methotrexate is a highly potent and very toxic drug which is prescribed for individuals with cancer or extensive psoriasis or psoriatic arthritis. Salicylates potentiate the therapeutic as well as the toxic effects of this drug (Ref. 5). The Panel is cognizant of the severity of this interaction. Yet, because of the toxicity of methotrexate physicians always carefully control the patient's use of all other medications, thereby negating the need for a warning.

Sulfonamides are antibacterials employed primarily in the treatment of urinary tract infections. Salicylates have been reported to increase serum sulfonamide levels by displacement from plasma protein binding sites (Ref. 5). Even though this interaction can potentially be serious, sulfonamides are usually used for treatment of acute infections not for chronic conditions and thereby do not merit inclusion in the warning.

Another interaction occurs between salicylates and drugs used to acidify the urine since acidic urine decreases the excretion rate of salicylates and thus increases their half-life (Refs. 4 and 5). Also, salicylism may result from a small increase in urine acidity when high doses of aspirin are used. Conversely, urine alkalinizers (Refs. 3 and 4) decrease activity of salicylates by increasing the excretion rate. While both of these instances demonstrate an interaction, the Panel does not consider them enough of a hazard to justify inclusion in the warning.

When salicylates are taken with ascorbic acid (vitamin C), the salicylates accumulate in the blood due to decreased salicylate excretion and ascorbic acid excretion rate is increased (Ref. 5). This interaction is probably not important since it is unlikely that the ascorbic acid-salicylate interaction will result in toxic salicylate levels in the blood.

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I. DEFINITIONS

The Panel has adopted and uses the following definitions throughout this document:

1. *Acetaminophen analgesic equivalence value.* The analgesic effectiveness for a product containing acetaminophen when compared to the standard acetaminophen 325 mg (5 gr) dosage unit.

2. *Acetaminophen (pediatric dosage unit).* A single dosage unit containing 80 mg (1.23 gr) acetaminophen for children under 12 years.

3. *Acetaminophen (standard dosage unit).* A single dosage unit containing 80 325 mg (5 gr) acetaminophen.

4. *Adjuvant.* An agent which, in the amount used, has no significant analgesic effect itself but contributes to the therapeutic effect of the active agent either directly or indirectly.

a. *Direct acting.* An adjuvant which enhances the pharmacologic response directly by synergistic or additive effects at the site of action.

b. *Indirect acting.* An adjuvant which does not have effects at the site of action, but indirectly increases the activity of the active agent(s) of the preparation by modifying the disposition (absorption, metabolism, excretion or distribution) of the active agent.

5. *Age (dosage) usage.* Infant or baby (under 2 years), child (2 years to under 12 years), and adult (12 years and over).

6. *Analgesic drug.* An agent useful to alleviate the symptoms of pain.

7. *Antacid.* An agent that reacts with acid, such as the hydrochloric acid in the stomach (gastric acid), to neutralize it (decrease its amount).

8. *Antipyretic drug.* An agent used to reduce fever.

9. *Antirheumatic drug.* An agent which reduces joint or muscle tenderness or swelling.

10. *Aspirin analgesic equivalence value.* The analgesic effectiveness for a product containing aspirin or aspirin salts, e.g., aluminum aspirin or calcium carbaspirin when compared to the standard aspirin 325 mg (5 gr) dosage unit.

11. *Aspirin (buffered).* A solid dosage form containing 325 mg (5 gr) aspirin with sufficient buffering capacity with antacid active ingredient(s) identified in § 331.11 of the OTC antacid monograph such that the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg of aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of the OTC antacid monograph and provided the product is identified as buffered aspirin with labeling only as an analgesic and/or antipyretic.

12. *Aspirin (highly buffered) for solution.* A solid dosage form to be dissolved in water prior to oral administration as a solution. The product shall contain 325 mg (5 gr) aspirin and sufficient buffering capacity with antacid active ingredient(s) identified in § 331.11 of the OTC antacid monograph such that the finished product contains at least 20 mEq of acid neutralizing capacity per 325 mg of aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of the OTC antacid monograph and provided the product is identified as highly buffered aspirin with labeling only as an analgesic and/or antipyretic.

13. *Aspirin (pediatric dosage unit).* A single dosage unit containing 80 mg (1.23 gr) aspirin for children under 12 years.

14. *Aspirin (standard dosage unit).* A single dosage unit containing 325 mg (5 gr) aspirin.

15. *Bioavailability.* The rate and extent of absorption as determined by the measurement of the blood levels of the parent drug and/or its active metabolites relative to a standard product. The standard product chosen must be one which has been demonstrated to be safe and effective.

16. *Corrective.* An agent in the drug delivery system intended to reduce some undesirable effect of the therapeutically active agent.

17. *Sodium salicylate analgesic equivalence value.* The analgesic effectiveness for a product containing sodium salicylate or other salicylates, e.g., choline salicylate, magnesium salicylate, or salsalate when compared to the standard sodium salicylate 325 mg dosage unit.

18. *Sodium salicylate (standard dosage unit).* A single dosage unit containing 325 mg sodium salicylate.

J. EFFECTS OF PRODUCT FORMULATIONS ON DRUG ABSORPTION AND PHARMACOLOGIC EFFECTIVENESS.

1. *General Comment.* Analgesic, antipyretic and antirheumatic drugs are the most frequently used of all OTC medications. Of these medications, aspirin is most commonly taken. These products may be purchased in a wide variety of dosage forms which may affect their absorption and ultimately their pharmacologic effectiveness. The Panel recognizes that these drugs are intensively promoted through labeling and advertising with a myriad of claims including "fast pain relief", "special pain relieving formula", "so strong and so gentle", "acts 5 times faster than aspirin", "reaches peak action 12 times faster than aspirin", "long-lasting pain reliever", "enhanced relief of pain", "night-time pain reliever", "faster to the bloodstream", etc. The claims are numerous and in the opinion of the Panel, many are confusing or misleading to the consumer. The Panel has discussed certain labeling claims classified as Category III elsewhere in this document. (See Part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

The Panel was charged to evaluate the safety and effectiveness of these OTC drugs and to review their labeling. It was necessary for this Panel to consider finished dosage forms because of their significant effect on the rate and extent of absorption and therefore potential effect on the therapeutic activity of the active ingredients. For example, buffered aspirin formulations must be considered because some buffered preparations may have significant effects on the rate of dissolution and subsequent absorption of aspirin (Ref. 1). The pharmaceutical characteristics of the finished dosage form are claimed to affect the performance of the active ingredients. By definition, therefore, these agents might be considered as indirect acting adjuvant agents as discussed elsewhere in this document. (See part VI. below—Adjuvants and Corrective Agents.)

For many years drug manufacturers were primarily concerned with the appearance of their product for consumer acceptability. Later, product stability became increasingly important. In the past decade it has become evident that the materials and methods used in the finished dosage forms (tablets, capsules, etc.) can greatly affect the onset, duration and intensity of the pharmacologic effects of some drugs. The relationships between dosage formulations and the effect of changes in the rate and extent of absorption and resultant plasma concentrations are the basis of the new area of study termed biopharmaceutics. Bioequivalence is a closely related term which is used to describe the situation when the rate and extent to which the active ingredient is absorbed into the bloodstream from the finished dosage form being tested relative to some standard product which has been shown to be clinically effective. It is assumed that the test drug is available to the site(s) of the drug's action to the same extent as the standard drug product when the plasma concentration time curves are identical with respect to the same active substances. It is important to note that the use of bioequivalence as established by essentially identical plasma concentration time curves is valid only when two different drug delivery systems deliver only the same active principle(s) to the general bloodstream. Furthermore, unless additional correlations between biological response and plasma levels have been established, it is not possible to use differences in the plasma time curves of the active substances to infer that differences in biological response will necessarily occur. For example, one could compare the blood levels of aspirin and the active metabolite salicylic acid obtained from a capsule formulation which used a calcium salt of aspirin and a standard aspirin tablet previously shown to produce clinical effects. If the blood level time curves were superimposable, it would be reasonable, based on all known studies, to assume that the formulations would have equal onset, duration and intensity of pharmacological effects. However, if one product were substantially more rapidly absorbed than the other, one cannot conclude that there is necessarily a corresponding difference in onset of effect. The mathematical relationship between changes in blood levels and corresponding changes in onset, or intensity of analgesia response is not presently known for aspirin.

The Panel finds that there are several processes and factors that govern the ultimate effectiveness of an active ingredient from the time of its administration until its pharmacologic effects, e.g., relief of minor aches and pains, become evident. These factors include the disintegration or breakup of the dosage form (solids) into granules or aggregates in the aqueous fluid of the stomach or intestine. Another critical factor is the rate and extent of dissolution which involves the further transfer of drug in the fine solid particles into a dispersion of molecules or ions in an aqueous solution. The disintegration and dissolution

of the dosage form are actually two different processes. Until recently, however,

DOSAGE FORMS IN SUBMISSIONS OF MARKETED DRUG PRODUCTS

significant variation in dissolution rate

seems to indicate that some individuals in the small subset of persons who regu-

fering agents were studied. The time required for 50 percent of a given aspirin

In another study, Levy and Hayes compared six commercial unbuffered as-

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of the dosage form are actually two different processes. Until recently, however, rapid disintegration was thought to be the most critical factor involved with rapid availability of the drug for absorption into the circulation. Official standards only required disintegration data from most tablets.

It is now understood that it is the dissolution rate of the drug that most often determines the overall rate of absorption into the systemic circulation, and consequently its distribution to the desired site of action and its pharmacologic effect at that site.

As will be described later in this discussion, various studies have clearly demonstrated that each finished dosage form, e.g., tablet, solution, etc., directly affects the dissolution rate and consequently the bioavailability of the active ingredient. There are also data that demonstrate differences even in the dissolution rates for the same dosage form, for example, between two unbuffered aspirin tablets, or between an unbuffered and buffered aspirin tablet.

Whereas the Panel can find correlations between changes in product formulations and the drug levels achieved in the blood, the relationship of these blood levels to the degree and onset of pharmacologic effect is not yet understood (Ref. 2). It is obvious that a given level of drug in the blood is required to produce analgesia. However, for most OTC analgesics, because of the insensitivity of the current methodology, the possible increase in analgesia cannot be quantitated.

2. *Marketed product formulations.* The active ingredients in OTC drug products are available in the marketplace in several finished dosage forms (formulations), e.g., tablets, capsules, solutions, suppositories, etc. As part of its evaluation of the safety and effectiveness of OTC internal analgesic, antipyretic and antirheumatic active ingredients, the Panel reviewed submissions for drug products manufactured in 14 different dosage forms. The Panel finds that an assessment of the safety and effectiveness of each active ingredient must take into consideration the influence of product formulation on the absorption and pharmacologic effectiveness of the active ingredient. Differences in formulation such as the difference between a tablet and a solution can affect the absorption characteristics of a drug product and consequently its therapeutic performance. However, the Panel emphasizes that despite any apparent correlation between formulation and bioavailability, there is no evidence that blood drug levels (a measure of bioavailability) correlate directly with pharmacologic effectiveness.

The submissions to the Panel for 14 different dosage forms (formulations) of OTC internal analgesics, antipyretic and antirheumatic active ingredients are listed in the following chart:

DOSAGE FORMS IN SUBMISSIONS OF MARKETED DRUG PRODUCTS

	Number of product submissions
Solid dosage forms:	
Tablets:	
Unbuffered	62
Buffered	13
Chewable	8
Enteric-coated	1
Timed-release	3
Capsules	1
Powders	4
Gums	1
Liquid dosage forms:	
Drops	4
Elixirs	7
Highly buffered (effervescent) aspirin for solution	2
Suspensions	3
Syrups	3
Suppository dosage forms:	
Suppository	1

a. *Solid dosage forms.* It is evident from the above chart that the greatest number of OTC internal analgesic, antipyretic and antirheumatic drug products are marketed in a solid dosage form. Of these, the tablet in several variations, i.e., unbuffered, buffered, enteric-coated, timed-release and chewable, is the most predominant solid dosage form used to market these products. Even though all of these formulations are in tablet form, formulation variations between them can affect the bioavailability, i.e., bioavailability as manifested in blood levels of the active ingredient(s) contained in them. The Panel, recognizing the variety of claims made for these different formulations, has attempted to evaluate the safety and effectiveness of active ingredients. Some evidence relating to possible differences between dosage forms was developed by the drug manufacturers to meet other needs of the consumer, such as decreasing the incidence or severity of a drug's side effects, e.g., the buffering of aspirin to modify its irritating effects on the lining of the stomach, or to provide dosage forms that can be more conveniently taken, e.g., timed-release forms, etc. The Panel has considered the advantages and disadvantages of these formulations which are briefly described below.

Unbuffered (plain) aspirin tablets are the most common dosage form available in the marketplace. One might assume that all the products containing unbuffered aspirin are comparable with respect to their bioavailability, i.e., the amount of aspirin absorbed into the blood in a given time. This unfortunately has not been demonstrated to be the case in those studies in which the dissolution rates of commercial unbuffered aspirin products have been compared, as discussed below. The rate of bioavailability of most of the analgesics, such as aspirin, is related to its dissolution rate.

Several studies have shown that all aspirin products do not have the same ability to be absorbed and therefore to produce comparable blood levels in a specified time. The Panel concludes that significant variation in dissolution rate and absorption rate between aspirin products demonstrates the need for a standard dissolution test which can be used to detect preparations which will be so slowly absorbed as to potentially increase local adverse effects on the gastric mucosa or decrease therapeutic effects due to decreased bioavailability. The Panel has proposed a standard tablet dissolution test elsewhere in this document. (See part VI. paragraph C.1.b. below—Aspirin (plain and buffered) tablet dissolution testing procedure.)

The other major tablet solid dosage form is buffered aspirin products. Buffering agents have been used for aspirin tablets to increase the dissolution rate in an attempt to hasten the onset of activity and reduce gastric irritation. The testing of buffered aspirin is discused later in this document. (See part VI. paragraph C.1.a below—Buffered aspirin acid neutralizing testing procedure.) The labeling of buffered aspirin is also discussed later in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Two forms of buffered aspirin are commonly used which the Panel has distinguished as "buffered" and "highly buffered for solution".

The Panel has defined a buffered aspirin product as a solid dosage form containing 325 mg (5 gr) aspirin and sufficient buffering capacity with antacid active ingredient(s) identified in the OTC antacid monograph (21 CFR 331.31) such that the total acid neutralizing capacity of each minimum labeled dosage unit contains at least 1.9 mEq of acid neutralizing capacity following the testing procedures discussed later in this document. (See part VI. paragraph C.1.a. below—Buffered aspirin acid neutralizing testing procedure.)

The quantity of alkaline buffers is sufficient to increase the dissolution rate of the product without necessarily increasing the pH of the gastric fluid. The principal reason for increasing the dissolution rate of aspirin is to facilitate its removal from the stomach as rapidly as possible to reduce the irritating effects of the drug on the gastric mucosa.

Buffered aspirin preparations are claimed to reduce the possibility of gastric distress due to the aspirin. Even though the amount of buffer is not sufficient to markedly affect the pH of gastric fluids, the buffering agent will increase the pH immediately around the dissolving particles, resulting in more rapid dissolution and removal from the stomach and hence decrease the likelihood of local gastic irritation.

The Panel concurs with the general consensus of a large number of studies which demonstrate that buffered aspirin is more rapidly absorbed from the gastrointestinal tract. The evidence also

seems to indicate that some individuals in the small subset of persons who regularly experience subjective symptoms of gastric distress may experience less gastric intolerance with some buffered aspirin compared to unbuffered (plain) aspirin. Suitable Category III labeling claims are discussed elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

The dissolution is usually the rate limiting process for gastrointestinal absorption of salicylates given in solid form. The greater dissolution rate of aspirin in the presence of buffers is reported to be one of the factors responsible for the more rapid absorption of buffered aspirin (Ref. 3).

The Panel has defined a highly buffered aspirin for solution product as a solid dosage form which must be dissolved in water prior to oral administration as a solution. The product shall contain 325 mg (5 gr) aspirin and sufficient buffering capacity with antacid active ingredient(s) identified in the OTC antacid monograph (21 CFR 331.11) such that the total acid neutralizing capacity of each minimum labeled dosage unit contains at least 20 mEq of acid neutralizing capacity by the testing procedures described later in this document. (See part VI. paragraph C.1.a. below—Buffered aspirin acid neutralizing testing procedure.)

The quantity of alkaline buffers in these highly buffered preparations is greater than that in buffered tablet preparations. In this case, the pH of the gastric fluid is increased. Some highly buffered aspirins have been shown to significantly decrease gastric occult bleeding that results from direct effects of aspirin on the gastric mucosa and are discussed later in this document. (See part III. paragraph B.1.a.(2) below—Safety.) The Panel finds that this is a desirable method of taking aspirin because of the rapid absorption. As with buffered aspirin, it may also be the case that some individuals in the small subset of persons who regularly experience subjective symptoms of gastric distress, may experience less gastric intolerance with some highly buffered aspirin for solution products compared to unbuffered (plain) aspirin. However, the Panel has also concluded that this or any other dosage form does not necessarily reduce the potential for massive gastrointestinal hemorrhage. Suitable Category III labeling claims are discussed elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Although numerous buffering agents are available for tablet formulations, few studies have been done to compare the effects of different buffering agents on the dissolution rate of aspirin from solid dosage forms. In one study (Ref. 4) the investigators found a definite difference in the rate of dissolution of aspirin from tablets depending on the agent used to buffer the aspirin. Eleven different buffering agents were studied. The time required for 50 percent of a given aspirin sample tablet to dissolve ranged from 1 to 20 minutes depending on the buffering agent used. In general, it was determined that carbon dioxide producing buffering agents (sodium bicarbonate, magnesium carbonate and calcium carbonate) gave more rapid dissolution than the readily water-soluble buffering agents (sodium ascorbate and sodium citrate), and both of these classes of buffering agents gave much faster dissolution than water-insoluble buffering agents such as aluminum compounds and magnesium compounds other than magnesium carbonate.

From the available data, the Panel finds that simply adding buffering agents to aspirin does not guarantee an increased dissolution rate over unbuffered aspirin. Important factors appear to be the type of buffering agent used and other undefined factors, e.g., tablet compression during manufacturing, etc. This may be an explanation for the discrepancy between studies comparing unbuffered aspirin with buffered aspirin. The buffering agent used with the aspirin may to some extent determine the outcome of the study. For this reason, actual testing of the dissolution rate of buffered aspirin products is necessary to determine if the buffering agent actually does affect the dissolution rate of the aspirin products and to what extent.

Also, the Panel notes that an adequately buffered aspirin product may not have an advantage over a well-formulated unbuffered product. In some studies, unbuffered aspirin performs as well as buffered aspirin products.

The totality of formulation variables of unbuffered and buffered aspirin products therefore plays a very important role in determining their dissolution times. Levy has compared the dissolution of commercial unbuffered aspirin products with the dissolution of an aspirin product buffered with aluminum glycinate and magnesium carbonate (Ref. 5). In this study, three unbuffered products were tested. He found that 68 percent of the 300 mg buffered aspirin tablet dissolved in 10 minutes, whereas the amounts of the three 300 mg unbuffered aspirin tablets that dissolved in 10 minutes were lower and varied among the three products. The three values were 42, 52 and 55 percent. There was a 13 percent difference between the fastest dissolving unbuffered product and the buffered product, the same difference as between the fastest and slowest dissolving unbuffered products. He concluded that the variation in dissolution times among the unbuffered products could be due to differences in the formulation between the three products. It is evident that the variation in dissolution rates among unbuffered aspirin products can be as great as the difference between unbuffered and buffered aspirin products. It is interesting to note that in this study another unbuffered salt of aspirin, namely calcium acetylsalicylate, had a dissolution rate of 81 percent in 10 minutes, which was greater than the dissolution rate of the buffered aspirin product.

In another study, Levy and Hayes compared six commercial unbuffered aspirin products with an aspirin product buffered with aluminum glycinate and magnesium carbamide (Ref. 6). The dissolution half-times (the time required for half (150 mg) of a 300 mg tablet to go into solution) were determined. The dissolution half-time of the buffered aspirin product was less than 5 minutes as compared to dissolution half-times of the six unbuffered aspirin products, which were all greater and ranged from $8\frac{1}{2}$ to $13\frac{3}{4}$ minutes. In determining the dissolution rate, samples were not measured at less than 5 minutes so that an accurate measure of the dissolution half-time of the buffered aspirin was not ascertained. A product consisting of a calcium acetylsalicylate carbamide complex was also tested in this study and its dissolution half-time, like that of the buffered aspirin, was less than 5 minutes. Actually this product dissolved somewhat faster than the buffered aspirin. Whereas 68 to 72 percent of the buffered aspirin dissolved in 10 minutes, 81 percent of the calcium acetylsalicylate carbamide complex dissolved in that time. This study showed again that marketed unbuffered aspirin products have a wide range of dissolution rates. The six products showed dissolution half-times of $8\frac{1}{2}$, $8\frac{3}{4}$, $10\frac{3}{4}$, 11, $11\frac{3}{4}$ and $13\frac{3}{4}$ minutes. There was approximately a 62 percent difference between the fastest and the slowest values.

It is apparent that different nationally distributed brands of unbuffered aspirin exhibit significant differences in dissolution rate. These product-to-product differences probably account for some of the conflicting clinical reports concerning the relative advantages of unbuffered and buffered tablets. Some investigators have reported that the buffered form is more rapidly absorbed and causes less gastric irritation than the unbuffered drug. Other workers could find no difference between unbuffered aspirin and buffered aspirin. It is now clear that because of the differences in dissolution rates of different brands of both unbuffered and buffered aspirin products, different results would be expected depending on the products compared. Since the dissolution rates of buffered products might vary because of the type of buffering agent used and the dissolution rates of unbuffered aspirin products might vary because of formulation differences, the Panel concludes that unbuffered (plain) aspirin products should be tested for dissolution rate as well as buffered aspirin products. The Panel has proposed suitable testing procedures elsewhere in this document. (See part VI. paragraph C.1. below—Aspirin standard testing procedures.)

Chewable tablets offer a convenient method of administering the drug to individuals who have difficulty in swallowing whole tablets. This dosage form is especially popular for use in children. There are many marketed children's chewable aspirin tablets, which are usually flavored, containing 80 mg (1.23 gr) of aspirin per dosage unit. These

tablets may be chewed, crushed on a spoon, dissolved on the tongue or even swallowed as a conventional tablet. The

It has been found that a significant proportion of commercially available enteric-coated tablets are either not re-

Micronized aspirin refers to aspirin formulated in smaller than the usual size of particles. Such fo-

The Panel finds marketing of an OTC analgesic, in a chewing gum formulation

vidual may pass the intact suppository without receiving any pharmacologic

ables of gastrointestinal function can profoundly determine the bioavailability

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tablets may be chewed, crushed on a spoon, dissolved on the tongue or even swallowed as a conventional tablet. The Panel finds these chewable, flavored tablets acceptable and recommends that all such tablets containing salicylates for children under 12 years be labeled, "Drink water with each dose". In addition, as noted elsewhere in this document, because aspirin can increase bleeding, the Panel recommends that chewable aspirin-containing tablets be labeled with the warning, "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician". (See part III. paragraph B.1.a.(2)(ii)(b)(1) below—Mucosal erosion of the mouth.)

The Panel is aware that in the case of aspirin most of these products are packaged with safety caps to prevent accidental opening by small children. However, regardless of the method of packaging, the Panel recommends that the container be labeled with the warning, "Keep this product and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact a poison control center immediately".

Enteric-coated tablets were developed in an attempt to eliminate the local irritation in the stomach caused by some analgesics. Accordingly such tablets were designed to dissolve in the small intestine rather than in the acid gastric fluids. Therefore, when taking an enteric-coated tablet, the individual must take into consideration the delayed action to be anticipated in the initial use of this dosage form. The use of these preparations for the treatment of acute symptoms such as the occasional headache, is not as desirable as a plain (uncoated) analgesic tablet which is expected to give relief in a shorter period of time. However, for the treatment of chronic conditions such as arthritis, these products may be more useful once an adequate blood level is established and maintained.

In a study of single doses of aspirin or sodium salicylate, uncoated tablets and two different enteric-coated preparations of the two drugs were compared (Ref. 7). The results of the study showed that enteric-coated aspirin delayed absorption and adequate salicylate serum levels were usually not evident for 6 hours or more. The absorption of uncoated aspirin was more rapid and salicylate serum levels appeared within 1 hour and were maintained for the next 3 hours. The absorption characteristics of enteric-coated sodium salicylate resembled uncoated aspirin but was delayed by about 4 hours.

Studies have shown that some enteric-coated formulations pass through the entire intestinal tract without dissolving or have erratic dissolution rates resulting in unpredictable blood levels (unpredictable absorption rates) and consequently unreliable therapeutic effectiveness (Ref. 2). Other studies with enteric-coated aspirin tablets of different formulations have shown effective blood salicylate levels (Ref. 8).

It has been found that a significant proportion of commercially available enteric-coated tablets are either not resistant to gastric fluid or not fully absorbed after reaching the small intestine (Ref. 9). Part of the problem may be due to the tendency of some types of coated tablets to undergo changes on aging which can markedly alter their release characteristics (Ref. 10). In addition, the absorption of aspirin from physiologically available enteric-coated tablets is highly variable depending upon individual factors such as gastric emptying time.

The Panel has therefore classified enteric-coated tablets as Category III until adequate testing can demonstrate the bioavailability (blood levels).

Timed-release dosage forms encompass the principle of a controlled release of drugs from oral dosage units. They provide the advantages of increasing the intervals between dosing and at the same time increasing the duration of action. However, effective preparations of timed-release drugs have been difficult to achieve in the past, because of technical problems associated with their manufacture. Theoretically, timed-release products are formulated so as to dissolve in gastrointestinal fluids in a controlled manner so that the total dose will be absorbed in increments over a longer period of time, e.g., over 3 to 6 hours rather than 1 hour, and the duration of drug action will be extended over a longer period, e.g., 8 to 12 hours rather than 3 to 6 hours.

These formulations usually contain more than one single dosage of the drug intended to be released in a continuous and controlled manner so that the duration of the claimed effect is increased. However, it can be debated whether a 1,300 mg aspirin sustained-release tablet is as effective as two 650 mg doses of aspirin given 4 hours apart (Ref. 2).

Sevelius and Colmore (Ref. 11) showed in a clinical study that a sustained-release aspirin preparation had analgesic properties comparable to unbuffered aspirin and buffered aspirin, but was not superior to these forms of aspirin with respect to the duration of analgesic effect in postpartum patients. Stubbe et al. (Ref. 12) suggest that a cellulose acetate phthalate coating on tablets slows salicylate release and increases the duration of action. There was little gastrointestinal blood loss with this coating and the salicylate blood levels were higher the following morning than with uncoated aspirin.

Several timed-release aspirin preparations are currently marketed. The labeling on these products suggests that they provide long lasting relief, are useful at bedtime for relief of pain during the night, etc. The Panel has classified these timed-release products with such labeling in Category III until it is demonstrated that blood levels (rate and extent of absorption) or pharmacologic effectiveness are comparable to, and the incidence of side effects are not greater than, those seen with preparations given in conventional dosage.

Micronized aspirin refers to aspirin formulated in smaller than the usual size of particles. Such forms are as safe and effective as ordinary aspirin but if special claims relate to such characteristics as rapidity of onset or higher blood levels they are classified as Category III since no convincing data are available that micronizing confers any favorable properties to aspirin beyond those found with regular aspirin.

Capsules are solid dosage forms in which the active ingredient(s) is enclosed in either a hard or soft, soluble container or shell of a suitable form of gelatin. Its principal advantage in OTC products is that some individuals find it easier to swallow capsules than tablets. Otherwise, considerations of absorption and pharmacologic effectiveness are similar to those for tablets.

Powders are a dosage form which are not as commonly used. They are rapidly absorbed however, often reaching peak blood levels more rapidly than the tablet dosage form. The rapid absorption from finely divided powders is directly related to the large surface area of these products. Powders have the advantage of ease of administration to young children who cannot swallow capsules or tablets. They may present problems if the dosage unit is not individually packaged. The chief disadvantage for bulk products is in measuring an accurate dose of a powder. Consequently, the use of bulk powders as a dosage form should be discouraged unless there is assurance that an adequate measuring device is attached and likely to be used routinely. The Panel recommends that powders containing salicylates be mixed with a full glass of water and stirred prior to use.

Historically, aspirin has been used as a gargle for the treatment of minor sore throat pain. Chewing gum formulations containing aspirin in a gum base were developed to provide for greater retention and absorption of the drug and to produce a topical, local effect on the surrounding tissues. These formulations may also make the medication more pleasant to take. Chewing gums with aspirin are primarily used and labeled for "relief of minor sore throat pain". However, other traditional labeling is also included such as "for headache, muscular aches and pain". The latter claims can only be attributed to the absorption of the drug into the systemic circulation.

The Panel concludes that aspirin or any analgesic in a gum base, with the specific claims for the relief of sore throat, has not been adequately tested for effectiveness. This use of aspirin may not be desirable or safe particularly if the tissue is highly inflamed or abraded because aspirin is irritating to the mucosal tissue as discussed above. The Panel recommends that claims of aspirin-containing gum for the relief of sore throat or the use of aspirin as a gargle for a local effect properly belongs in a review of ingredients claimed for treatment of sore throat in general and should therefore be deferred to the Advisory Review Panel on OTC oral cavity drug products for evaluation.

The Panel finds marketing of an OTC analgesic, in a chewing gum formulation acceptable if the product contains the dosage and Category I labeling claims recommended by the Panel. (See part III. paragraph B.1. below—Category I Labeling.) However, such product formulations containing aspirin should include the warning, "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician". As with chewable tablets discussed above, oral mucosal damage may occur from the use of chewing gum aspirin products and the effect of aspirin on blood clotting may be a factor in such situations.

b. *Liquid dosage forms.* Although liquid dosage forms are used for OTC internal analgesic, antipyretic and antirheumatic drug products, they are not as commonly available as the solid dosage forms. For chemical reasons, aspirin is not readily available in liquid form. It is reasonably stable in dry air, but in the presence of moisture is slowly hydrolyzed to acetic acid and salicylic acid. Currently only acetaminophen, choline salicylate and salicylamide are available in liquid preparations. Theoretically, liquid dosage forms, i.e., drops, elixirs, suspensions and syrups, should have one chief advantage over solid dosage forms in that they are more rapidly absorbed and consequently should have a more rapid onset of action. However, unless a significant difference in the onset of clinical analgesia can be shown, this theoretical speculation is moot.

These preparations, which are usually flavored for consumer acceptability, are promoted for use as drops for children to relieve the pain and discomfort of teething, tonsillectomy, etc. Drops may be administered orally directly from a calibrated dropper or mixed with food or liquid prior to use. The elderly and individuals who have difficulty swallowing solid dosage forms may find the liquid dosage forms easier to take.

As pointed out above, with more rapid absorption of liquid dosage forms, one would expect peak blood levels and therapeutic effectiveness to be attained sooner than with solid dosage forms. No significant advantage in this respect, however, has been demonstrated.

c. *Rectal suppository dosage forms.* Practical reasons underlie the necessity for the use of the suppository dosage form. Its use is indicated, for example, in individuals who are vomiting, are unconscious, are suffering from extreme gastric irritation, or are otherwise debilitated and not able to take an oral dosage form. In such individuals, rectal administration may be practical. Suppositories are dosage forms that melt and undergo dissolution, after rectal insertion, releasing the active ingredient(s) which are then absorbed and produce their pharmacologic effect. There are limiting factors which can influence each step of melting, dissolution, or absorption. The composition of the suppository base can be a very important limiting factor. If it fails to melt at body temperature or melts too slowly, the individual may pass the intact suppository without receiving any pharmacologic effect. On the other hand, if the base melts too rapidly and the active ingredient(s) is very irritating to mucous membranes, adverse effects may result (Ref. 13). This is a problem, especially for drugs such as aspirin which may cause local irritation.

Variability in the melting time of suppository bases may result in variations in the blood levels of the active ingredient (bioavailability) so that the pharmacologic and therapeutic effectiveness of the drug is not achieved. An example of variations in the bioavailability of suppositories is demonstrated in a study in which the salicylate absorption from five brands of commercially available aspirin rectal suppositories was studied in four adult male subjects (Ref. 13). All subjects received each of the five brands at intervals of at least 1 week. The urinary excretion rates of total salicylate served as an index of the extent of absorption from the five brands of suppositories. The rate of absorption from the suppositories was slow compared to absorption of the drug given orally in tablet form. Within a 2-hour retention period, only about 40 percent of the dose was absorbed from one of the five brands, and an average of only about 20 percent of the dose was available from the other four brands. It was found that longer retention times tended to diminish the differences in absorption between brands. Only after a 10-hour retention period was absorption of the drug nearly complete in most cases. Generally, the slow absorption from the suppositories, and the inability to control the retention time due to defecation needs, make the use of suppositories a questionable dosage form for aspirin or salicylate therapy.

Because suppositories may have different melting or dissolution rates and therefore provide unpredictable bioavailability of the drug contained in them, the blood levels achieved may be too low to be therapeutically effective or very high and produce toxic effects. Therefore, the Panel has classified suppositories in Category III. The Panel recommends that suppository formulations demonstrate blood levels (rate and extent of absorption) or pharmacologic effectiveness comparable to and the incidence of side effects (including irritation) not greater than, those seen with preparations given in conventional dosage. Furthermore, suppositories can produce irritation to the rectal mucosal cells. The extent of the irritation depends on the active ingredient and the chemical composition of the base. For these reasons, each suppository formulation must be subjected to study in human subjects. (See part III. paragraph B.1.a.(2)(ii)(b)(2) below—Rectal irritation.)

3. *Factors affecting drug absorption.* A decrease in the rate and extent of gastrointestinal absorption (bioavailability) of a drug may produce a decreased pharmacologic effect of the drug. Not only can the formulation influence drug absorption but physiological variables of gastrointestinal function can profoundly determine the bioavailability of the drug. Factors affecting gastrointestinal function such as gastric emptying, intestinal transit time, and intestinal and hepatic metabolism may greatly affect the availability of the drug for absorption into the systemic circulation. Poorly absorbed drugs have a longer residence time in the gastroinstestinal tract. In some cases this may lead to adverse local effects on the gastrointestinal mucosa.

The blood levels of a drug depend on the rate and amount of drug absorbed. Blood levels will rise and fall in proportion to the dose of the drug available and be subject to the vicissitudes of formulation and to physiological variables such as gastrointestinal function. For example, if only one-half the drug is absorbed, the effect is equivalent to lowering the dose. If absorption is sufficiently slow, minimum pharmacologic effectiveness may never be attained. On the other hand, if the rate of absorption is too rapid, toxic levels can be achieved. This assumes that there is a direct correlation between blood levels and the pharmacologic effect of a drug. In the case of analgesic agents, the relationship between blood levels and pharmacologic effectiveness has not been well established. A comparison of blood levels may offer a basis of comparison between different formulations of the same agent but are at present almost meaningless in comparing chemically different classes of analgesic agents.

4. *Determination of pharmacologic effectiveness. Evaluation of pharmacologic groups.* a. *Analgesic effectiveness.* The most important measurement in evaluating the effectiveness of an OTC analgesic is its ability to relieve minor aches and pains, and headache in a suitable target population. However, pain, which is discussed later in this document, is a subjective symptom and presently our knowledge is limited as to its etiology and as to the detection of its presence, absence, or modification. (See part II. paragraph A.1. above—Pain.) The study of analgesics, or analgesiometry, must be based primarily on observations in man. The medical literature stresses the need for laboratory animal procedures, as yet not fully reliable, which will yield results that can be correlated with those in man. Hence, the Panel finds that the literature on analgesics is conflicting as to the effectiveness of specific drugs because of the subjective, imprecise methods of testing and the difference of opinion regarding suitable methods of testing.

The Panel notes that the most successful efforts to quantitate pain in the clinical situation have been those that have accepted the patient's own reports as appropriate indices of the pain experience and of relief resulting from analgesic administration. The Panel's recommendations pertaining to the evaluation of the effectiveness of a claimed OTC analgesic drug is discussed later in this document. (See part III. paragraph C. below—Data Required for Evaluation.)

b. *Antipyretic effectiveness.* The obvious measurement in evaluating the ef-

Journal of Clinical Pharmacology, 10:132–137, 1970.

from the microsomal drug metaboliz-

curves for all three doses are linear and first

that size (D=0.5D°) given at five-hour in-

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b. *Antipyretic effectiveness.* The obvious measurement in evaluating the effectiveness of an OTC antipyretic is its ability to reduce fever. This is a clinical sign that can readily be determined by objective measurement. The Panel has recommended that clinical studies be conducted in several populations of patients, such as, patients with fever secondary to cancer and associated infections, and fever in children and adults with acute infectious diseases. The Panel's recommendations pertaining to evaluation of the effectiveness of a claimed OTC antipyretic drug is discussed later in this document. (See part IV. paragraph C. below—Data Required for Evaluation.)

c. *Antirheumatic effectiveness.* The critical measurements in evaluating the effectiveness of an OTC antirheumatic agent is its ability to restore joint function and prevent progression of the disease. These drugs reduce joint or muscle tenderness or swelling. Rheumatoid arthritis is still not curable and therefore treatment must include the use of anti-inflammatory agents. One problem in assessing a claimed antirheumatic drug is the fact that the disease itself may change spontaneously. Adequate study design is critical in the assessment of antirheumatic effectiveness.

Aspirin is one of the most commonly prescribed drugs for the treatment of rheumatic diseases and is used not only as an analgesic but as an anti-inflammatory agent. To achieve the desired effect, large doses administered over a prolonged period of time are usually necessary. The Panel's recommendations pertaining to the evaluation of the effectiveness of a claimed OTC antirheumatic drug are discussed later in this document. (See part V. paragraph C. below—Data Required for Evaluation.)

d. *Drug blood level determinations.* Many of the studies the Panel has reviewed either in the literature or in data submissions to the Panel, have utilized drug blood levels as a measure of analgesic effectiveness. Aspirin is commonly used as a standard analgesic drug for comparison with other drugs in which assays of blood salicylate levels are made rather than direct measurements of the analgesic effectiveness of these agents. The Panel has evaluated this technique and concludes that there is inadequate evidence that the amount of drug in the blood correlates directly with clinical analgesia. The Panel emphasizes that this is not to say that a relationship between blood levels and clinical response does not exist, but rather, that the relationship is complex and not presently understood. However, the Panel does recognize that an important value of drug blood level comparisons is that they do give an indication of comparative dissolution rates. If an analgesic product produces a blood level higher than another product within a given period of time, e.g., 10 to 20 minutes after administration, the higher absorption rate of the product might be attributed to a faster dissolution rate. The Panel concludes that there should be no reference to blood levels in the labeling which implies a corresponding clinical effect without substantiation of a correlation between blood level and clinical analgesia.

e. *Onset, duration and intensity of pharmacologic effects.* The Panel recognizes that drug labeling related to the onset, intensity and duration of pharmacologic effects can influence the consumer's selection of a product but can find no convincing evidence to support labeling claims which suggest a faster onset of effectiveness, e.g., "fast pain relief". Other than possibly for timed-release preparations no evidence was found to support claims such as "nighttime pain reliever". There is also no direct evidence available to the Panel which suggests a greater intensity of analgesia for comparable products with claims such as "enhanced relief of pain".

In the discussion above, the importance of product formulation on drug absorption has been stressed. The dissolution rate of the drug determines the rate of absorption. As mentioned earlier, studies have demonstrated that the addition of small amounts of some buffering agents to aspirin enhances the rate of absorption of the drug, thus causing less gastric irritation. Consequently, some buffered aspirins are somewhat more rapidly absorbed from the gastrointestinal tract than unbuffered aspirin and might also be expected to show earlier higher salicylate blood levels. On the other hand, there are buffered aspirin preparations that are not absorbed any faster than unbuffered aspirin products, as noted above. However, the Panel is unaware of any data that demonstrate that buffered aspirin provides a more rapid onset, a greater peak intensity or a more prolonged duration of analgesic effectiveness than unbuffered aspirin.

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K. ABSORPTION, DISTRIBUTION, BIOTRANSFORMATION (METABOLISM) AND EXCRETION OF ASPIRIN AND SALICYLATES IN MAN

1. *Absorption.* Aspirin and salicylate absorption occur by passive diffusion primarily of the nondissociated lipid-soluble molecules (salicylic acid and acetylsalicylic acid) across gastrointestinal membranes and is influenced by gastric pH. If the pH is increased, salicylate is more ionized and this tends to decrease rate of absorption; however, a rise in pH also increases solubility of salicylate, which has the opposite effect on absorption. Actually, there is little meaningful difference between the rates of absorption of sodium salicylate, aspirin and the numerous buffered preparations of salicylates. For example, in man, the absorption half-time for unbuffered aspirin is about 30 minutes, for buffered aspirin about 20 minutes, and for an aspirin solution only slightly less. The presence of food delays absorption of salicylates. Orally ingested salicylates are absorbed rapidly, partly from the stomach but mostly from the upper small intestine. Appreciable plasam concentrations are found in less than 30 minutes; after a single dose, a peak value is reached in about 2 hours and then gradually declines. Rate of absorption is determined by many factors, particularly the disintegration and dissolution rates if tablets are given, the pH at the mucosal surfaces, and gastric emptying time.

2. *Biotransformation.* Aspirin, which is absorbed as such, is first rapidly hydrolyzed to salicylic acid by esterases present in the gastrointestinal tract, red blood cells, and serum, but primarily in the liver. This is a rapid reaction which has a half-life of 15 to 20 minutes (Refs. 1 and 2). As a result of this rapid hydrolysis, plasma concentration of aspirin is low (less than 20 micrograms/ml) at the usual therapeutic doses (Ref. 2). Salicylic acid, then undergoes biotransformation which occurs in many tissues but particularly in the liver by the enzymes

from the microsomal drug metabolizing system.

The three chief metabolic products are salicyluric acid (the glycine conjugate), the ether or phenolic glucuronide, and the ester or acylglucuronide. In addition, a small fraction is oxidized to gentisic acid (2,5-dihydroxybenzoic acid) and to 2,3-dihydroxybenzoic and 2,3,5-trihydroxybenzoic acids. These metabolites are found in the urine; the conjugates and gentisic acid have also been identified in plasma, liver, and some other tissues. The concentration of the metabolites in plasma is generally only about 1 percent of the total plasma salicylate.

The biotransformation routes of aspirin in man have been reviewed by Levy and Leonards (Ref. 3). Aspirin is hydrolyzed rapidly in the body to salicylic acid which is conjugated in part with glycine to form salicyluric acid and with glucuronic acid to form acyl and phenolic glucuronides. A small fraction of salicylic acid is further hydroxylated to gentisic acid. There may be several other minor metabolites. Free salicylic acid and its metabolites are eliminated from the body by renal excretion.

The conjugates (salicyluric acid, phenolic and ester glucuronide) and the other minor metabolites are excreted almost exclusively in the urine (Refs. 1 and 2). Levine (Ref. 1) in her short review of salicylate metabolism states:

> All the processes of biotransformation and excretion are first order with the exception of the conjugation of salicylic acid with glycine to form salicyluric acid and with glucuronic acid to form the ether glucuronide * * * Salicyluric acid formation has been found to change from first-order to near zero-order kinetics when the amount of salicylic acid in the body exceeds the quantity derived from the biotransformation of about 1 g of aspirin: the glucuronide conjugating system is saturated at somewhat higher levels of salicylic acid. When conventional dosage forms are administered and the aspirin is absorbed normally, it would take only two tablets to reach the level at which salicyluric acid formation ceases to be a first-order phenomenon.

When the salicylic acid derived from aspirin in the body is below saturation levels, the overall rate of elimination of salicylate follows first-order kinetics because all the elimination processes are first order, for the elimination of the 0.25 mg [sic] dose of aspirin. The half-time of elimination under first-order conditions is about 3.1 hours. At these low doses the major process responsible for salicylate elimination is its conjugation with glycine, since the first-order rate of salicyluric acid formation is much faster than the rates of the glucuronide syntheses. When doses of aspirin of 1 g or more are administered, the glycine conjugation reaction becomes practically zero order and the glucuronide conjugation with the phenolic group of salicylate also approaches the limit of its capacity. As a consequence, the overall rate of elimination of the salicylate derived from large doses of aspirin displays complex kinetics, indicative of a mixture of apparent zero-order and first-order processes * * * The curves for the 1.0 and 1.5 g doses of aspirin do not become linear until the salicylic acid remaining in the body drops to the quantity equivalent to about 300 mg of aspirin. This indicates a lack of conformity with first-order kinetics. Below 300 mg the curves for all three doses are linear and first order. Moreover, the time required to eliminate 50 percent of the salicylate in the body lengthens as the dose of aspirin increases, because less of the more rapidly formed salicyluric acid is contributing to the overall elimination process.

This was reported originally by Levy (Ref. 4) who in 1965 reported:

> Salicylate elimination kinetics was studied over a dose range of from 0.25 to 2.0 gm. of aspirin. It was found that when the amount of salicylate in the body of normal adult test subjects exceeded approximately 360 mg. aspirin equivalent, conjugation of salicylic acid with glycine reached a maximum rate and thus proceeded by zero-order kinetics. The overall elimination of salicylate was found to proceed by first-order kinetics at very small doses and by parallel zero and first-order processes at higher doses. A kinetic model was developed, and values for appropriate rate constants were determined which make it possible to reconcile apparent half-lives for salicylate elimination ranging from about 3 hr. to over 20 hr. which have been reported in the literature. The pharmacokinetics of salicylate elimination were found to be unusual both qualitatively and quantitatively, and the results of the present study have potentially important therapeutic, toxicologic, and pharmacogenetic implications.

The half-life of salicylate in doses between 300 and 650 mg has been reported to be between 3.1 to 3.2 hours (Ref. 1). However, if the dose is increased to 1 g the half-life is increased to 5 hours (Refs. 4 and 5). If the dose is increased to 2 g the half-life is increased to about 9 hours (Ref. 4). Not only is the half-life markedly increased, but the urinary excretion also decreases as the dose is increased from 0.32 g to 0.97 g (Refs. 4 and 6).

If the urinary excretion is decreased, more salicylate will be retained in the body with a great toxic potential since it probably will occupy most of the available albumin binding sites and displace other drugs or endogenous products, e.g., bilirubin.

The percent of the dose recovered in 7.5 hours of urine collection is 71.5 percent after a 0.32 g dose, 55 percent after a 0.64 g dose and 52.1 percent after a 0.97 g dose (Ref. 6). The subject becomes more complicated if one considers the great variability of salicylate metabolism and elimination when large doses (1 g) of aspirin are given. Levy and Hollister (Ref. 5) found an appreciable variation between normal, healthy volunteers. They commented:

> The marked intersubject variation of salicylate-elimination rate is very significant. Expressed in terms of biological half-life ($t_{\frac{1}{2}}$) the time necessary to reduce body drug content by 50%, values ranged from 2.55 to 8.5 hours. It is likely the studies of a larger number of subjects would reveal even greater differences in salicylate elimination rates. The possible implications of these differences between subjects can be illustrated by considering the amount of salicylate in the body immediately after administration of one loading dose (D^*) and as few as three maintenance doses ($\frac{D^*}{2}$). Based on the average salicylate half-life found in the group (5.0 hours), one may administer a loading dose (D^*) followed by maintenance doses of half that size ($D=0.5D^*$) given at five-hour intervals. Assuming that the drug is administered in rapidly absorbed form, the body salicylate content in a subject who eliminates the drug at the observed average rate (elimination-rate constant 0.138 $hr.^{-1}$) is about D^* shortly after administration of the third maintenance dose. In other words, the body drug content is maintained at its initial (and desired) level. On the other hand, the same dosage schedule, if used for the most rapid salicylate eliminator in the group studied, would yield a body salicylate content of only about $0.67D^*$. Given to a subject who eliminates salicylate at the lowest rate found in this study, the average dosage regimen described above would result in a body salicylate content of about $1.4D^*$ (40% greater than the loading dose) after the third maintenance dose.
>
> These examples illustrate the need to adjust salicylate dosage regimens individually on the basis of a subject's predetermined elimination rate if the incidence of therapeutic failure (due to subtherapeutic drug levels) or toxic effects (due to drug accumulation) is to be minimized.

The authors (Ref. 5) also recommended adjusting individual dosage intervals as follows: "The appearance of side-effects (such as tinnitus), indicative of overdosage due to drug accumulation, may call for a change in dosing intervals rather than in amount of drug per dose, if therapeutically adequate drug concentrations are to be maintained at all times."

Individual differences in apparent half-life probably reflect differences in salicyluric acid formation capacity (glycine conjugation) and is probably genetically determined. Levy has pointed out (Ref. 4) that: "Any search for genetic differences in salicylate elimination by salicyluric acid formation must be directed not only toward the determination of individual first-order rate constants for this process (which requires that the administered doses be small), but must also include the determination of individual maximum salicylurate formation rate capacities. Either one or the other (or both) could show genetically determined differences, if existent." He has also expressed concern (Ref. 4) about how little is known concerning the formation of salicyluric acid in children (as a function of age) and in arthritics and other individuals taking large doses of salicylates. Levy et al. (Ref. 7) have studied the kinetics of salicyluric acid formation in man and have confirmed that this is the limiting step for the excretion of salicylate in urine.

There is no information available in the literature to suggest that salicylates induce their own metabolism, hence more caution is necessary when large, frequent doses are used. Some data are available from a study in dogs (Ref. 8) which showed no change in the kinetics of salicylate elimination after repeated dosing. However, it is not known how validly this data can be extrapolated to man.

3. *Plasma concentration and distribution.* This subject has been reviewed by Davidson and Mandel (Ref. 9) as follows:

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PLASMA CONCENTRATION AND DISTRIBUTION

After a single oral dose of 0.6 Gm of aspirin in normal men, the average peak salicylate level in the plasma is approximately 4 mg/100 ml and is reached in 100 to 120 min. After ingestion by a fasting human subject, the drug may reach its peak plasma level in 40 min; after a heavy meal, however, it may take 3 hr. In the treatment of rheumatic fever, the desired plasma level is in the range of 30 mg 100 ml, which requires doses of 2 Gm several times daily. Sustained-action tablets are also available, which may plateau over many hours and require less frequent dosage. As noted under excretion, however, after larger doses salicylates tend to be excreted less rapidly, thereby reducing the need for sustained tablets.

A large part of the salicylate in the blood is bound to plasma proteins. Of this fraction, at least 85 percent is bound to albumin, with the remainder adhering to alpha and beta globulins. The percentage which is protein-bound ranges from 85 percent at 20 mg 100 ml salicylates to 50 percent at 50 mg/100 ml. Binding involves primarily the free carboxyl group, but the phenolic group markedly enhances the attraction for proteins. Aspirin itself, however, undergoes little or no binding. Binding may be strikingly altered in disease states. Although the albumin present still binds to the same degree per molecule, the total albumin concentration may be markedly lowered, thus reducing binding by as much as 50 percent.

The salicylate concentration is usually greater in the serum than in whole blood. It appears that the red cell membrane is readily permeable to salicylate and that the drug is not bound by the proteins of the erythrocytes.

The exact significance of blood levels of salicylate is still unclear. In dogs salicylate levels after oral administration can actually still be increasing after the analgesic response to bradykinin has worn off. It seems obvious that assays at the site of action are more meaningful than in blood but are more difficult to obtain. In a few cases salicylate concentrations in joint fluids have been measured. Although unbound concentrations in plasma and synovial fluid are essentially equal, the total concentration in joint fluid is only one-half of the peak plasma concentration, since joint fluid contains less protein and therefore less protein-bound drug. However, the synovial fluid drug concentrations remain higher for considerably longer periods.

The salicylates are distributed through a volume of body water much greater than that of the extracellular fluid. Studies on rats showed that the concentrations in the liver, kidney, and lung were similar to those in the serum. When the salicylate concentration is calculated on the basis of water content, the liver contains about two-thirds as much as the serum, and muscle approximately one-fifth as much.

Passage across the blood-brain barrier is relatively incomplete. After the administration of either aspirin or salicylate, salicylate is found in brain water in rats and reaches a maximum of about 10 percent of the plasma concentration. In four mammalian species, including the monkey, no free aspirin was found in the brain. It is apparently completely hydrolyzed to salicylate in the blood or brain, or else it does not penetrate the brain. Salicylates show some selective concentration effects in certain portions of the brain. At first, the more vascular gray matter takes up the drug more rapidly, but at equilibrium, these differences have disappeared. It has been shown with other analgesic agents such as morphine, that the uptake is related to the vascularity of tissue. In contrast, the pituitary gland of several mammalian species contains a two-fold or threefold excess concentration compared to the other portions of the central nervous system. Goldberg has reported the effects of alterations in carbon dioxide tension on the penetration of salicylate into brain. Hypercapnia (with plasma pH 6.81) may produce a twofold to threefold increase in brain penetration of drug whereas hypocapnia (with plasma pH 7.86) produces a 30 percent decrease. These observations may be of importance in salicylate toxicity.

It is of interest that insulin markedly increases analgesic action of salicylates and raises its concentration in brain and other tissues, both in normal and alloxan diabetic animals.

Apparently salicylates cross the placental barrier readily. When pregnant rabbits are given large doses of sodium salicylate, the concentration of salicylate in the fetal serum is approximately two-thirds that in the maternal serum. Salicylates have also been found in milk.

As far as traversing the placental barrier, Woodbury (Ref. 2) states this fact more emphatically: "The drug readily crosses the placental barrier." Woodbury also mentions in reference to distribution that:

The volumes of distribution of aspirin and sodium salicylate in normal subjects average about 150 ml/kg of body weight, a value equivalent to that of the extracellular space; since salicylate is present within cells in various tissues, this suggests a markedly uneven distribution of salicylate in the body. The concentration of salicylate in intracellular fluid is lower than in plasma, in part because of the lower pH of the former. The movement of salicylate across some cell membranes is pH dependent and appears also to be insulin dependent. Salicylate does not accumulate in pathological fluids, such as joint effusions in acute rheumatic fever; hence, a selective distribution is not the basis for its therapeutic effects.

Furthermore, Woodbury adds that "only traces (of aspirin) are present in sweat, bile and feces."

4. *Excretion.* It has already been mentioned how salicylates are excreted in the urine (vide supra) (Ref. 2):

Practically all of a given dose can be recovered in the urine as free, unaltered salicylate and as the metabolites described above, the nature and the relative amounts of which vary in health and disease with the dosage and with the pH of the urine. Studies in man indicate that salicylate is excreted in the urine as free salicylic acid (10%), salicyluric acid (75%), salicylic phenolic (10%) and acyl (5%) glucuronides, and gentisic acid (less than 1%).

Urinary pH plays an important role in excretion. As stated by Woodbury (Ref. 2):

Changes in urinary pH in the acid range have negligible effects on salicylate clearance; however, the mean clearance is about four times as great at pH 8.0 as at pH 6.0. The clearance is well above the glomerular filtration rate at pH 8.0 but considerably below it when the urine is acidic. This is due to the fact that salicylate and salicylurate are highly ionized at pH 8.0 and little diffuses back from the renal tubular lumen. At a urinary pH 6.0 large amounts of salicylate and salicylurate are nonionized and readily back-diffuse. High rates of urine flow decrease tubular back diffusion, whereas the opposite is true in oliguria. The conjugates of salicylic acid with glycine and glucuronic acid are water-soluble organic acids that do not readily back-diffuse across the renal tubular cells. Their excretion, therefore, is both by glomerular filtration and proximal tubular secretion and is not pH dependent.

Furthermore, conditions that decrease the glomerular filtration rate or reduce the secretory Tm (transport maximum) of the proximal renal tubules, such as renal disease or the presence of inhibitors (such as probenecid) will decrease excretion and consequently increase plasma concentration which could be dangerous if the concentration in plasma approaches toxic levels.

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L. ABSORPTION, DISTRIBUTION, BIOTRANSFORMATION (METABOLISM) AND EXCRETION OF ACETAMINOPHEN

Acetaminophen is rapidly and almost completely absorbed from the gastrointestinal tract (Ref. 1). It has been suggested that some dietary components could alter the absorption of acetaminophen administered orally. In particular, high carbohydrate test meals have been found to retard acetaminophen absorption (Ref. 2). Acetaminophen absorption has also been found to be inhibited by activated charcoal (Ref. 3). The authors found that 10 g activated charcoal administered immediately after the oral administration of 1 g acetaminophen reduced absorption by 69 to 77 percent in 2 subjects (Ref. 3).

Peak plasma concentrations after the administration of acetaminophen have been reported to occur in 30 to 60 minutes (Ref. 1). In an unpublished study, it was found that peak plasma levels after acetaminophen administration were reached between 40 and 67 minutes,

using different pharmaceutical forms of acetaminophen (Ref. 4).

The plasma half-life has been reported to be from 1 to 3 hours (Ref. 1). In an unpublished study (Ref. 5), the mean plasma half-life using several pharmaceutical forms was 148 ±43 minutes.

Acetaminophen is relatively uniformly distributed throughout most body fluids (Ref. 1). Binding of the drug to plasma proteins is variable and depends on the dose. During acute intoxication, as much as 20 to 50 percent may be bound to plasma proteins (Ref. 1). Dearden and Tomlison (Ref. 6) studied the protein binding affinities of some p-substituted acetanilid derivatives including acetaminophen and found that at therapeutic doses the association constant was low, which would permit high free drug concentration in blood and plasma for a relatively long period of time.

Acetaminophen is conjugated in the liver to form glucuronide and sulfate conjugates. Cummings et al. (Ref. 7) showed that acetaminophen is eliminated mainly by these two pathways. By chromatography and infrared spectrophotometry they characterized the sulfate and glucuronide of acetaminophen. They found that 26 percent of acetaminophen administered was excreted as the sulfate and 49 percent as the glucuronide.

It seems that the formation of acetaminophen sulfate in man may be capacity-limited in the 1 to 2 g dose range (Ref. 8). This has been shown by Levy and Yamada by the fact that acetaminophen sulfate excretion reaches a plateau following the administration of 2 g acetaminophen. Acetaminophen is also conjugated to a lesser degree with cysteine and the corresponding mercapturate.

The metabolites of acetaminophen have been separated and determined quantitatively in urine by gel filtration using Sephadex G 10 (Ref. 9). These authors also found the most important metabolites to be the glucuronide and sulfate. Other metabolites found were S-(1 - acetamino - 4 - hydroxy phenyl) - cysteine and 1 - acetamino - 4 - hydroxy phenyl mercapturic acid. Using this technique minor quantities of free acetaminophen were also found in the urine. Using this technique the total recovery was 95 to 100 percent and the administered dose was accounted for as follows:

30.5 to 58.5 percent as glucuronide.
17.5 to 33.9 percent as sulfate.
4.5 to 6.1 percent as mercapturate.
0.4 to 5.9 percent as cysteine conjugate.
3.5 to 4.5 percent as free acetaminophen (Ref. 9).

It has been suggested that the hydroxylated metabolites are responsible for methemeglobin formation and hepatotoxicity (Ref. 1). The administration of acetaminophen to patients with impaired renal function results in increased accumulation of acetaminophen conjugates in the plasma because of poor excretory capacity but only in minor changes in the plasma concentrations of free acetaminophen (Ref. 1).

The metabolism of acetaminophen has been shown to be markedly changed by the concurrent administration of salicylamide (Ref. 8). The authors found evidence of competitive inhibition by salicylamide in the formation of acetaminophen glucuronide and sulfate. This effect was counteracted or prevented by the administration of L-cysteine (a source of sulfate). This interaction may have therapeutic and/or toxicological implications since the inclusion of salicylamide in an analgesic mixture will inhibit the two major processes for the elimination of acetaminophen. This interaction with salicylamide becomes more important if one considers the capacity-limited formation of sulfate described above (Ref. 8). On the other hand, concurrent administration of salicylic acid has been found not to exert any significant effect on the formation of acetaminophen glucuronides or sulfate or in the half-life of acetaminophen (Ref. 10).

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The Panel considered all pertinent data and information in arriving at its conclusions and recommendations. The Panel was charged with the review of OTC internal analgesic, antipyretic, and antirheumatic drug products. After carefully reviewing all of the available data, the Panel has classified the data into analgesic, antipyretic and antirheumatic agents. (See part II. paragraph I. above—Definitions.)

III. ANALGESIC AGENTS

A. GENERAL DISCUSSION

The Panel has defined OTC analgesic drugs as agents useful to relieve occasional minor aches, pains and headache. These agents are intended for the relief of the type of pain that is self-limited and requires no special treatment or prior diagnosis by a physician. Such analgesic agents are commonly referred to as the mild analgesics in contradistinction to the strong analgesics such as the potent narcotic or morphine-like analgesics. The mild analgesics can be chemically divided into two main subgroups: Those agents chemically related to the strong analgesics, e.g., codeine, ethoheptazines, and propoxyphene; and those analgesics like aspirin, with antipyretic and anti-inflammatory or antirheumatic activity, e.g., salicylates, salicylamide, aniline derivatives, phenylpyrazoles, etc. It is the latter group of mild analgesics that have generally been associated with OTC use.

The mild analgesics which are acceptable for OTC use include the salicylates, e.g., aspirin and the nonsalicylates, e.g., acetaminophen. All of these agents are administered orally and in special cases rectally. Since these agents are not as potent as the strong analgesics the milder agents are most effective for relief of mild to moderate pain. Mild analgesics probably achieve their effect through several mechanisms. The salicylates which are the most commonly used OTC analgesic agents are believed to alleviate pain by both a peripheral and a central nervous system (CNS) effect. Direct effects of salicylates on the CNS have been described and suggest a hypothalamic site for the analgesic as well as the antipyretic effects. This is supported by the fact that analgesic doses do not cause mental disturbances, hypnosis, or change in modalities of sensation other than pain. Both the peripheral and CNS factors contribute significantly to the pain relief afforded by this class of drugs.

The types of pain amenable to relief by OTC analgesics are generally those of relatively low intensity, particularly headache, myalgia, arthralgia and other pains arising from integumental structures. The salicylates have lower maximal effects than do the narcotic analgesics and hence are used only for pain of mild to moderate intensity. The salicylates are more widely used for pain relief than any other class of drugs.

Although OTC analgesics may effectively ameliorate the pain due to various physical conditions, disease entities, or specific physical sites, the listing of a multitude of conditions and sites in order to be factual and all inclusive would not only result in a lengthy list that would tend to be confusing but could also mislead the consumer by the implied assumption that the product treats the physical condition and/or disease rather than just temporarily relieves the pain associated with the physical condition and/or disease. For this reason, the Panel has recommended that OTC analgesics be simply indicated "For the temporary relief of occasional minor aches, pains and headache".

The Panel concludes that no OTC analgesic product should be taken by adults for more than 10 days or by children for more than 5 days except under

the advice and supervision of a physician. If the consumer feels the need to

ical pharmacologic testing has estab-

analgesic studies which demonstrated

and 325 mg doses of aspirin did not

compared with 60 mg codeine sulfate in

(10) Cooper, S. A. and W. T. Beaver, "Eval-

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the advice and supervision of a physician. If the consumer feels the need to continue self-medication beyond 10 days, it may be indicative of an underlying serious condition requiring medical supervision. Self-medication without consulting a physician may in some conditions cause irreparable damage. It is the Panel's opinion that if symptoms require the use of an OTC analgesic for more than 10 days, the individual is sufficiently ill to require consulting a physician. The 10 day limit is based on historical precedent and past marketing experience. The Panel has concluded elsewhere in this document that the duration of use of all analgesics should be limited to 5 days for children under 12 years of age (See part II. paragraph F.3. above—Statement on children's dosage.) Therefore, the Panel recommends that all OTC analgesics contain the warning for adults, "Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician", and for children under 12 years of age, "Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician".

B. CATEGORIZATION OF DATA

1. *Category I conditions under which analgesic agents are generally recognized as safe and effective and are not misbranded.*

CATEGORY I—ACTIVE INGREDIENTS

The Panel has classified the following analgesic active ingredients as generally recognized as safe and effective and not misbranded:

Aspirin	Magnesium salicylate
Acetaminophen	
Calcium carbaspirin	Sodium salicylate
Choline salicylate	

a. *Aspirin.* The Panel concludes that aspirin is a safe and effective OTC analgesic when taken in the recommended dosage of 325 to 650 mg every 4 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Aspirin is by far the most widely used OTC ingredient in the U.S. In fact, almost 19 billion dosage units are sold annually. During the 75 years that have elapsed since aspirin was introduced to the U.S. market, and because of its immense popularity in this country, it has been extensively discussed in the medical and scientific literature.

Aspirin is useful in mild to moderate pain not only when the pain is localized but also when it is widespread. Studies on cancer pain suggest that aspirin may also relieve mild to moderate pain of visceral origin.

Thousands of articles have been written on aspirin since the first pharmacological data were reported in the literature by Dreser in 1899 (Ref. 1). Virtually all of the experiments discussed in the articles showed aspirin to be superior to placebo in "mild" to "moderate" pain. Kantor states that "modern clinical pharmacologic testing has established that aspirin is an effective analgesic in a variety of pain states" (Ref. 2). Beaver, in an extensive discussion of mild analgesics in 1965, summarized the findings of over 40 controlled human analgesic studies which demonstrated the superiority of aspirin to placebo (Ref. 3).

The Panel has included the following table which summarizes the studies reported by Beaver (Ref. 3):

Controlled human studies demonstrating the superiority of aspirin to placebo prior to 1965

Investigator(s)	Type of patient, etiology of pain, or both	Aspirin dose (milligram)
Beecher et al.	Postoperative	600.
Boyle et al.	Mixed chronic	650.
Brennan	Postoperative dental, outpatients	650.
Bruni and Holt	Postpartum	650.
Carlsson and Magnusson	Headache, outpatients	1,000.
Cass and Frederik	Mixed chronic	300 to 650.
Cass et al	Mixed chronic	325 to 600.
Currier and Westerberg	Headache, outpatients	650.
DeKornfeld and Lasagna	Postpartum	600.
DeKornfeld et al.	do	650.
Feinberg et al.	Mixed musculoskeletal, outpatients	325 or 650.
Forrest	Mixed acute and chronic	300 and 900.
Frey	Headache, inpatients and outpatients	650.
Houde et al.	Cancer	600.
Houde & Wallenstein	do	400, 600 and 900.
Kantor et al.	Postoperative and fracture	600.
Do.	Postpartum	600 and 1,200.
Lasagna et al.	do	600 (?).
Magee & DeJong	Headache, outpatients	600 and 1,200.
Marrs et al.	Mixed chronic and acute	325.
Murray	Headache outpatients	163, 325 and 650.
Orkin et al.	Postpartum	600.
Settel	Mixed chronic	650.
Sevelius & Colmore	Postpartum	325 (?).
Sunshine et al.	Mixed acute	650.
Uhland	Postpartum and mixed	625 or 650.
Valentine & Martin	Postoperative	325.
Zelvelder	Mixed chronic and acute	500.

Beaver also noted that because of the consistency of aspirin's analgesic activity in well-controlled analgesic studies, most researchers often included it as a standard in their experiments. For example, Lasagna (1962), in a series of 23 separate consecutive studies conducted on patients with postpartum pain (after childbirth) found in 22 of these studies that the analgesic response to 600 mg of aspirin was superior to that of placebo (Ref. 4). Similarily, Houde demonstrated a significant superiority of aspirin over placebo in 9 of 10 studies in patients with cancer (Ref. 5).

The Panel has included the following table which summarizes some other more recent studies which also demonstrate the superiority of aspirin to placebo.

Controlled human studies demonstrating the superiority of aspirin to placebo since 1965

Investigator(s)	Type of patient, etiology of pain, or both	Aspirin dose (milligram)
Bloomfield, et al. (reference 6)	Episiotomy	600.
Bloomfield and Hurwitz (reference 7)	Tourniquet and episiotomy	1,200.
Bloomfield et al. (reference 8)	Episiotomy	900.
Calimlim et al. (reference 9)	Postoperative	650.
Cooper and Beaver (reference 10)	Oral surgery	650.
Hill and Turner (references 11 and 12)	Postoperative	600.
Lamphier et al. (reference 13)	Postoperative	325.
Moertel et al. (reference 14)	Pancreatic cancer pain	650.
Moertel et al. (reference 15)	Various, mild to moderate	650.
Moertel et al. (reference 16)	Cancer	650.
Murray (reference 17)	Headache	648.
Parkhouse et al. (reference 18)	Postoperative	300 to 1,200.
Parkhouse et al. (reference 19)	Postoperative	600.
Stenport (reference 20)	Orthopedic, postoperative	600.

In 1967, Murray compared placebo, 648 mg aspirin, 325 mg acetaminophen plus 325 mg salicylamide, and 487 mg acetaminophen plus 487 mg salicylamide in medical and pharmacy students with pain due to headaches (Ref. 17). He found that aspirin produced relief in 78 percent of the cases, placebo in 46 percent and the acetaminophen-salicylamide mixtures in 69 percent and 76 percent, respectively. All medications were found to be statistically superior to placebo but no significant differences were found among the drugs tested. The importance of this study is that the pain evaluated was that from common headache, the most frequent reason for aspirin ingestion.

The blood level below which aspirin is ineffective as an analgesic has not been adequately demonstrated because analgesia has not been shown to correlate directly with levels of salicylates in the blood. However, Beaver noted that the use of graded doses can illustrate the threshold phenomenon (Ref. 3).

In another study by Murray, a group of medical and pharmacy students used graded doses of aspirin to treat headache (Ref. 21). He showed that 163 mg and 325 mg doses of aspirin did not statistically differ from placebo response. Results were significant, however, in those using 650 mg of aspirin. An intermediate dose of about 500 mg was not used in this study. It would appear that a minimum dose of between 325 and 650 mg is necessary for significant headache analgesia, but additional studies are necessary to confirm this.

In addition, once some measurable level of analgesia is achieved, its duration and intensity also do not necessarily correlate with salicylate levels in the blood (Ref. 3).

However, with regard to intensity of analgesia, Murray demonstrated an increase in analgesia when the dose of aspirin was increased from 325 mg to 650 mg (Ref. 21). A study by the Veterans' Administration Cooperative Analgesic Study Group also showed a difference in analgesic effect between 300 and 900 mg aspirin in patients with postoperative pain (Ref. 22). In this study even the low dose of 300 mg was significantly better than the placebo.

In another study, Modell and Houde showed a dose related increase in pain relief when 400 mg, 600 mg and 900 mg aspirin were administered to patients with cancer (Ref. 23).

Kantor found that within a population of postpartum patients there were two response groups. The patients whose main complaint was pain following episiotomy (a surgical incision made to aid removal of the infant from the vagina) were able to discriminate between 300 mg and 600 mg doses of aspirin while those patients whose main complaint was uterine cramp pain could not (Ref. 2).

Bloomfield et al., in a double-blind study performed in 1967, were unable to show a significant difference between the analgesic effects of 300 mg and 600 mg doses of aspirin. However, both levels of aspirin were significantly more effective than placebo (Ref. 6). Later in 1970, Bloomfield et al. confirmed Kantor's results regarding the differing levels of effectiveness of aspirin in relieving the pain of episiotomy (Ref. 7).

Hill and Turner (1969) approached the analgesic evaluation problem from a different point of view. In a double-blind study, aspirin was compared to the narcotic analgesic meperidine in patients with post-operative pain ranging from "mild" to "severe." They concluded that aspirin was preferred at the milder levels of pain while meperidine was preferable at the severe pain levels (Ref. 11). However, these same researchers in another double-blind study in patients with pain following gynecological surgery could not differentiate meperidine, aspirin and placebo "in the patient population as a whole" but could distinguish them when patients were classified as to the initial severity of their pain (Ref. 12). This latter study could have been insensitive if the pain intensity had not been considered and illustrates one of the inherent difficulties in analgesiometry.

Moertel et al. (1971) have evaluated the analgesic effect of 650 mg aspirin as compared with 60 mg codeine sulfate in patients with pain due to unresectable carcinoma (cancer) and found that pain relief with aspirin exceeded that of codeine (Ref. 14).

Moertel et al. (1972) compared 650 mg aspirin to 250 mg mefenamic acid, 50 mg pentazocine, 650 mg acetaminophen, 650 mg phenacetin, 65 mg codeine, 65 mg propoxyphene, 25 mg promazine, 75 mg ethoheptazine, and placebo all given orally to patients with pain due to unresectable cancer (Ref. 16). They concluded that aspirin was "superior to all agents tested."

Recently, Moertel et al. (1974) studied aspirin as a single ingredient and in combination. Aspirin 650 mg again proved significantly better than placebo. Neither 32 mg pentobarbital nor 65 mg caffeine appeared to increase efficacy in patients with cancer. However, adding 65 mg codeine, 25 mg pentazocine, or 9 mg oxycodone did significantly increase pain relief (Ref. 15).

While the effectiveness of aspirin is undisputed, there are limitations to its use which must be kept in mind. There are wide individual variations in response to all analgesics, and while aspirin is generally effective in relief of mild to moderate pain, it is only of limited value in relief of severe pain.

The Panel recognizes that pain is only a symptom of an underlying pathologic state and if it is severe or persists, medical attention should be sought. Thus, it finds the following warning necessary, "Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician".

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(2) *Safety.* As noted earlier in this document, aspirin is the most widely used single drug in the United States. The Panel believes that in light of this extensive use and long marketing history and the relatively low incidence of serious toxic effects associated with short term use of presently recommended doses, the safety of aspirin has been well-established for the majority of the population and the risk benefit ratio is low. However, the Panel wishes to make clear that this does not mean that aspirin has no adverse effects. In fact, the Panel has identified eight areas of concern where aspirin may have some potential for adverse effects including effects on organ systems, i.e., gastrointestinal tract, central nervous system, kidney, liver and the blood; specialized effects on hypersensitive individuals, persons with certain disease states or during pregnancy; or when used concomitantly with other drugs. The Panel believes that subsets of the population at risk can be identified so that adequate

labeling can be established to provide for safe OTC use of the drug. The safety of aspirin is discussed below. The Panel

(1) *Adverse effects on the blood.* In addition to the well-known association

but significant increase in the bleeding time occurred in normal subjects. A much

Other analgesic drugs which show marked inhibition of platelet aggrega-

extraction bleeding in dentistry, and chronic purpura (hemorrhage into the

ternal and newborn hemostatic mechanisms are discussed in more detail later

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labeling can be established to provide for safe OTC use of the drug. The safety of aspirin is discussed below. The Panel has reviewed the metabolism of aspirin elsewhere in this document. (See part II. paragraph K. above—Absorption, Distribution, Biotransformation (Metabolism) and Excretion of Aspirin and Salicylates in Man.)

Because of the extensive use and research on this drug, the Panel has been able to identify many of the safety considerations and has summarized them in the following table:

SUMMARY OF SAFETY CONSIDERATIONS WITH USE OF ASPIRIN

ADVERSE EFFECTS ON THE BLOOD

Aspirin interferes with blood clotting. Persons with a history of blood coagulation defects, or receiving anticoagulant drugs or with severe anemia should avoid the drug.

ADVERSE EFFECTS ON THE GASTROINTESTINAL TRACT

The drug may potentiate peptic ulcer, cause stomach distress or heartburn. Aspirin causes an increase in occult bleeding and in some persons massive gastrointestinal bleeding.

ADVERSE EFFECTS ON HYPERSENSITIVE INDIVIDUALS

Aspirin produces allergic and anaphylactic reactions in hypersensitive individuals, especially certain types of asthmatics, ranging from rash, hives and swelling to asthmatic attacks which may be life-threatening.

ADVERSE EFFECTS DURING PREGNANCY

Aspirin interferes with maternal and infant blood clotting and lengthens the duration of pregnancy and parturition time. Aspirin produces teratogenic effects in animals and increases the incidence of stillbirths and neonatal deaths in humans.

ADVERSE EFFECTS ON THE CENTRAL NERVOUS SYSTEM

Aspirin when taken in overdose produces stimulation (often manifested as tinnitus) followed by depression of the central nervous system.

ADVERSE EFFECTS ON THE KIDNEY

Aspirin may rarely cause an increase of existing severe kidney disease.

ADVERSE EFFECTS ON THE LIVER

High doses may produce a reversible hepatic dysfunction.

ADVERSE EFFECTS OF CONCOMITANT USE WITH OTHER DRUGS OR BY PERSONS WITH CERTAIN DISEASE STATES

Aspirin interferes with some anticoagulant and antidiabetic drugs, some drugs used for the treatment of gout and may have an additive ulcer-producing effect with some drugs used in arthritis.

ADVERSE EFFECTS RESULTING IN IRON DEFICIENT ANEMIA

Aspirin used chronically may cause a persistent iron deficient anemia.

(i) *Adverse effects on the blood.* In addition to the well-known association between aspirin ingestion and gastrointestinal bleeding discussed below, aspirin and salicylic acid have been implicated but not always proven as factors in bleeding from the skin, throat (posttonsilectomy), nose, rectum, vagina, postsurgical wounds and dental extraction sites (Refs. 1 through 6). The major hemostatic mechanisms involved are the effects of aspirin and salicylates in large doses on prothrombin production and the effects of aspirin in small doses (but not salicylates) on platelet function which results in an increased bleeding time and possibly other effects such as fibrinolysis (Ref. 7).

(a) *Decrease in prothrombin production.* High doses of aspirin and salicylic acid (6,000 to 10,000 mg daily) taken for several days can cause hypoprothrombinemia, i.e., a decrease in the amount of prothrombin (blood clotting factor II) in the circulating blood (Refs. 1 and 4) which may be reversed by vitamin K (Ref. 5). However, it is important to emphasize that this effect of salicylates does not usually result in clinically significant alteration of the coagulation mechanism except in patients who may be particularly susceptible. Susceptible patients include those receiving anticoagulant therapy; patients consuming high doses of aspirin or salicylates chronically, e.g., patients with rheumatoid arthritis; patients with liver disease which limits the production of prothrombin (blood clotting factor II); and patients with malabsorption syndrome or gastrectomy leading to a deficiency of vitamin K, which is a substance required for prothrombin synthesis (Ref. 8).

As noted above, hypoprothrombinemia is produced by both aspirin and other salicylates when taken in high doses. In one study a daily total dose of 3,200 mg sodium salicylate produced no change in prothrombin time, 6,600 mg produced a slight change and 10,000 mg produced a marked change in prothrombin time (Ref. 6). Aspirin or salicylate-induced hypoprothrombinemia has been implicated in posttonsillectomy bleeding, epistaxis (nose bleed), and postdental extraction bleeding (Refs. 9 and 10), although other mechanisms such as a platelet effect (discussed below) may be involved.

(b) *Increased bleeding time and inhibition of platelet aggregation.* Aspirin increases bleeding time and inhibits the in vivo and in vitro aggregation of platelets.

Bleeding time is defined as the duration of time that bleeding continues after a superficial puncture of about 1 mm is made in the skin. This occurs with doses of aspirin far below those required for a hypoprothrombinemic effect. The effect of aspirin on bleeding time in a patient with bleeding tendencies was noticed many years ago by Frick who attributed it to an effect of aspirin on capillary fragility (Ref. 11). Later, Quick showed that 2 hours after ingestion of 1,300 mg aspirin, but not sodium salicylate, a small but significant increase in the bleeding time occurred in normal subjects. A much greater increase was observed in patients with mild coagulation defects such as von Willebrand's disease and hereditary telangiectasia (Ref. 12). Quick postulated that aspirin, due to the presence of the acetyl group, may interfere with or compete with some vascular factor, such as cholinesterase, involved in the vascular tone of small vessels (Ref. 13). However, the results of a recent study submitted to the Panel, demonstrated, by an in vitro method, that aspirin did not have any effect on cholinesterase inhibition (Ref. 14). In the study, aspirin, salicylic acid and physostigmine (a known inhibitor) were compared. The dosages of aspirin and salicylic acid were correlated to the average amount of nonprotein bound aspirin and salicylic acid found in human plasma up to 2 hours after ingestion of two aspirin (650 mg) tablets. The findings indicated inhibition with physostigmine and none with aspirin or salicylic acid. The investigators concluded that "this information, obtained with dilute enzyme preparations, suggests that in vivo cholinesterase concentrations are too substantial for aspirin doses, at least recommended doses, to have any influence." Still, others have proposed that inhibition of prostaglandin synthesis leads to vasodilation and pooling in the microcirculation (Ref. 5). While, as yet undiscovered, direct effects on the blood vessel or vasoactive mediators may prove to be a factor, it is presently well established that the primary effect of aspirin on bleeding time and hemostasis is due to a potent irreversible effect on platelet function which inhibits the in vivo and in vitro aggregation of platelets.

The effects of aspirin on platelet function were shown almost simultaneously by several independent groups (Refs. 15 through 20). The effect of a single dose of 1,500 mg aspirin on platelets will persist 2 to 3 days and not completely disappear for 4 to 7 days (Ref. 15). Since this is roughly the life span of a platelet, it indicates irreversible damage to platelet function.

Weiss and Aledort reported that bleeding time was increased by a mean value of 3.3 minutes in 10 normal male subjects receiving 350 mg aspirin (Ref. 16). They first reported that aspirin interfered with platelet connective tissue reaction by inhibiting the release of adenosine diphosphate (ADP) which results in prolongation of bleeding time.

Mielke et al. showed the standard Ivy Test to be very reproducible when the wound is standardized ("template bleeding time") (Ref. 21). Aspirin 975 mg (15 gr) increased the mean bleeding time from 5.5 minutes to 9.5 minutes on repeated tests by different investigators (Ref. 19). The population distribution of this trait appeared to be heterogeneous.

Mielke and Britton found that a 300 mg dose of aspirin each day maintained the prolongation of bleeding time and that no greater effect was obtained with higher doses (900 or 2,700 mg) (Ref. 22).

Other analgesic drugs which show marked inhibition of platelet aggregation include indomethacin, ibuprofen, mefenamic acid, and amidopyrine. Less effect was noted with oxyphenbutazone. No effect was noted with sodium salicylate or phenacetin (Ref. 23).

The importance of the platelets as the first line of defense in hemostasis has been established in recent years (Refs. 24 and 25). Platelets adhere to exposed collagen fibers within seconds after damage occurs to small vessels. This interaction results in a release of ADP which facilitates platelet aggregation into a loosely (first phase) and then tightly (second phase) packed plug. The plug formation precedes the formation of a fibrin network which eventually forms a clot. It is now known that aspirin inhibits ADP release in phase one and/or phase two aggregations and also in the initial interaction with collagen fibers. Plug formation may be relatively unimportant when major arteriolar damage occurs because other available mechanisms are more effective; but it is thought to be an extremely important hemostatic mechanism in capillary (oozing) bleeding (Refs. 24 and 26).

This type of bleeding is now believed to be involved in the types of gastrointestinal bleeding that are potentiated by aspirin (Refs. 25, 27, 28, and 29) as well as other sites of bleeding such as the posttonsillectomy tonsillar bed, or surgical wounds, or tooth sockets following dental extractions (Refs. 25 and 30). The demonstrated effect of aspirin on platelet function and the importance of this process in the hemostasis of oozing type of small vessel bleeding provides a consistent mechanism for the wide variety of sites of bleeding that have been associated with aspirin. Some of these types of bleeding are briefly reviewed below.

Nonthrombocytopenic purpura (bleeding in the tissues in a patient with a normal platelet count) associated with aspirin ingestion has been described as a hypersensitivity reaction (Ref. 31). However, idiosyncracy was ruled out in three cases of purpura in children with normal platelet counts who received usual doses of aspirin (Ref. 32). The authors attributed the bleeding to a demonstrated platelet dysfunction due to inhibition of ADP release following aspirin therapy, rather than vascular or hypersensitivity reactions. It is of interest that in two cases with no family history of bleeding disorders, the patients were sisters (9-year-old and 14-month-old). However, the father on two occasions within a 3-year period had experienced severe gastric bleeding after a single intake of 2,000 and 1,000 mg doses of aspirin, respectively.

Buettinghaus and Tenhaeff (1973) stated that 16 of 24 patients taking aspirin developed hematoma (a swelling filled with extravassated blood) in the wound regions following abdominal surgery or hysterectomies (Ref. 33).

De Vries and Ten Cate have suggested that thrombocyte damage may be responsible for many cases of menorrhagia (excessive menstrual discharge), postextraction bleeding in dentistry, and chronic purpura (hemorrhage into the skin resulting in discoloration) (Ref. 34).

Several cases of massive hemorrhage from the tonsillar bed following topical application of aspirin through gargles or aspirin-containing chewing gums have been reported (Ref. 35). Hemorrhage was observed in 8 percent of 100 posttonsillectomy patients medicated with aspirin (Ref. 36). The bleeding occurred on the 6th or 7th postoperative day and could be controlled only with packing and suturing. No hemorrhage occurred in the 100 patients medicated with acetaminophen in an identical manner. Similar results were also reported by Hersh who carried out a controlled study in patients having dental extractions (Ref. 30). Hersh (Ref. 30) conducted a randomized controlled study in patients undergoing dental extraction. Those not taking an aspirin-containing analgesic in the 7 days prior to dental extraction were given either aspirin or acetaminophen for post-tooth extraction pain. Significantly more bleeding was noted among those who received aspirin. Of those patients among the 516 studied who had taken aspirin in the 7 days prior to extraction and who were continued on aspirin, the incidence of postextraction bleeding was the largest of the three groups studied.

A high incidence of posttonsillectomy hemorrhage was also reported by Fox and West (Ref. 37) in children given an aspirin-containing chewing gum. The incidence of bleeding was said to be decreased by 99 percent when use of the gum was discontinued. In view of these reports, the Panel has recommended that all aspirin oral product formulations to be chewed (chewable tablets or gums) should contain the following warning: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician". The Panel has discussed chewable tablets and gums earlier in this document. (See part II. paragraph J.2.a. above—Solid dosage forms.)

The effects of aspirin on hemostasis in the newborn may be particularly hazardous since infants metabolize drugs slowly and are particularly susceptible to central nervous system hemorrhage (Ref. 25). Bleeding episodes in newborns may be higher in those whose mothers have taken aspirin during the 2 weeks prior to delivery. Alteration of platelet function in infants of mothers who ingested aspirin within 2 weeks of delivery has been reported by Bleyer and Breckenridge (Ref. 38), and Corby and Schulman (Ref. 39).

Bleyer and Breckenridge have studied the effects of prenatal administration of aspirin on the blood clotting of newborns. Two potentially serious drug effects were detected in infants born of mothers who had taken ordinary doses of aspirin during the last 2 weeks of pregnancy. They indicated that an aspirin-induced decrease in clotting ability may have clinical relevance particularly during difficult traumatic deliveries or in the presence of other clotting defects (Ref. 38). The effects of aspirin on maternal and newborn hemostatic mechanisms are discussed in more detail later in this document. (See part III. paragraph B.1.a. (2)(iv)(c) below—Effects on maternal and newborn hemostatic mechanisms.)

(c) *Relationship between systemic platelet effects and gastrointestinal bleeding.* Massive gastrointestinal bleeding which is discussed below, is the most frequent serious bleeding problem associated with aspirin. Several authors have recently pointed to the probable role of aspirin-induced platelet dysfunction in gastrointestinal bleeding (Refs. 5, 15, 24, 26, 29, and 40). There is growing evidence that the systemic effect of aspirin on platelets is a significant factor in a causal relationship between aspirin ingestion and subsequent gastrointestinal hemorrhage. Several lines of reasoning and recent experimental evidence support this conclusion.

Aspirin-induced platelet dysfunction will significantly promote bleeding when the platelet plug is the primary factor in hemostasis. This is usually true for the oozing type of bleeding, which occurs from capillary beds. An argument against the role of platelet dysfunction in gastrointestinal bleeding has been that bleeding occurs from ulcers which involve extensive tissue and arteriolar damage (Ref. 26). This type of bleeding requires hemostatic mechanisms other than platelet plugs, such as vasoconstriction and fibrin clots, to stop bleeding. Even a significant reduction in the platelet function would not be sufficient to alter the degree of bleeding from these types of sites (Ref. 25). However, recent studies involving direct endoscopic observation of the bleeding lesions have shown that bleeding occurs most often not from ulcers but from inflamed mucosal tissue which is partially denuded of surface epithelium exposing engorged, hyperemic and dilated capillaries in the underlying lamina propria. This histological picture is characteristic of acute gastritis and duodenitis which gastroenterologists state are most often involved in massive gastrointestinal hemorrhage associated with recent aspirin ingestion (Refs. 28 and 41). It is also precisely the vascular condition which many hematologists state is most dependent upon platelet plugs to stop bleeding (Refs. 25, 26, and 29).

Gast (Ref. 42) has pointed out that alteration of platelet function alone is usually not sufficient to initiate bleeding. This is evident in the bleeding episodes due to aspirin described above which usually involve tissues subjected to prior injury, e.g., tonsillectomies. Thus, gastrointestinal bleeding involving platelet dysfunction would generally require other factors to be present to initiate epithelial and capillary damage and perhaps to promote local blood flow (Ref. 43). This is consistent with the relatively infrequent and sporadic incidence of massive gastrointestinal hemorrhage relative to the high incidence of aspirin use and current theories on the multiple factor etiologies of massive gastrointestinal bleeding (Ref. 44). It is also consistent with the difficulty of de-

veloping a suitable animal experimental model or designing adequate epidemiologic studies to define causal relation-

(9) Neivert, H., "Salicylate-Induced Hypoprothrombinemia," *Journal of the American Medical Association*, 130:733, 1946.

(33) Buettinghaus, K. and D. Tenahaeff, "Klinsche Aspekte zur Postoperativen Embolieprophylaxe mit Azetylsalizylsaeure

Disease variables of interest relative to safety and labeling include the increased

(See part VI. paragraph B.1.d. below—Labeling claims for marketed products

the gastrointestinal tract (Refs. 1, 6, 10, 23, and 24). The effect is acute and re-

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veloping a suitable animal experimental model or designing adequate epidemiologic studies to define causal relationships. Some experimental evidence to support the role of platelet function in gastrointestinal hemostasis was presented by Schmid et al. (Ref. 31). These authors showed that decreased platelet function produced by aspirin, but not sodium salicylate, correlated with the extent of blood loss following aspirin ingestion. It is perhaps significant that virtually every compound tested thus far (including indomethacin and phenylbutazone), showing a significant deleterious effect on platelet function, has also been demonstrated to cause massive gastrointestinal bleeding. Recently, amidopyrine which has strong deleterious platelet effects was reported to be the cause of massive gastrointestinal bleeding (Ref. 45).

More information is needed on the relationship between gastrointestinal bleeding and platelet function. However, the Panel believes there is convincing evidence that the systemic effects of aspirin on platelet function are quite likely to be a factor in the aspirin-induced gastrointestinal hemorrhage. This systemic effect is independent of the dosage form used.

For the various reasons discussed above, the Panel has concluded that because aspirin can promote or increase bleeding after it has been absorbed into the bloodstream all preparations containing aspirin regardless of formulation should bear the following warning: "*Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician". The Panel concludes that this recommended warning should also apply to all salicylates. (See part III. paragraph B.1. below—Category I Labeling.)

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(ii) *Adverse effects on the gastrointestinal tract.* Aspirin has several adverse effects on the gastrointestinal tract. These range from relatively mild effects such as gastric distress (minor stomach pain, heartburn or nausea), superficial mucosal irritation and minor occult (unseen) bleeding, to less frequent but more serious effects such as mucosal erosion, ulceration or life-threatening massive bleeding from a variety of gastrointestinal sites. The Panel concludes that all products containing aspirin should include the labeling warning, "Caution: Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

The direct and indirect roles of aspirin in producing or potentiating these different types of mucosal damage or bleeding in the gastrointestinal tract are complex and have been controversial. Disagreement, in part, has been due to the many interacting variables related to drug use and to the disease processes involved.

Disease variables of interest relative to safety and labeling include the increased incidence, and severity of adverse effects associated with aspirin use, the site and mechanisms involved and whether aspirin causes, potentiates or exacerbates particular types of gastrointestinal conditions. Important drug variables considered by the Panel include the usual dose required to produce these effects, and whether the effects involve acute (1 to 5 days) or chronic (several months) use of aspirin. Particular attention was given to claims that adverse effects may be reduced by a particular type of dosage form such as buffered tablets or highly buffered effervescent solutions. Buffered aspirin can reduce the incidence of minor effects but not serious disorders, such as massive bleeding.

The Panel concludes that aspirin should not be used by individuals with a recent history of peptic ulcers or gastrointestinal bleeding because of the increased incidence of gastrointestinal bleeding in such individuals following acute and chronic aspirin ingestion. Furthermore, because recurrent gastric distress is such a common symptom in upper gastrointestinal tract disease which predisposes individuals who experience massive, life-threatening, gastrointestinal hemorrhage regardless of the presence or absence of ulcers, the Panel recommends that individuals with gastric distress should not take aspirin without the advice of their physician.

There is now sufficient evidence to indicate that some individuals taking aspirin chronically may develop gastric ulcers. Therefore, use of aspirin in chronic conditions such as arthritis is not advised without proper medical supervision and surveillance to avoid development of these untoward effects.

Muir and Cossar (Ref. 1) in 1961 stated that a plethora of information supports the following conclusions: "People with peptic ulcer should not take aspirin; people who have aspirin dyspepsia are in danger of serious gastric hemorrhage under circumstances as yet undefined."

(*a*) *Gastric distress.* Gastric distress or gastric intolerance including dyspepsia (heartburn), nausea and epigastric pain is a subjective response that can occur after usual doses of aspirin and salicylates in about 2 to 10 percent of the normal population (Refs. 1 through 7). The incidence or severity of gastric distress caused by aspirin is not necessarily related to acute gastric erosion (Refs. 7 and 8) and massive bleeding can occur with no pain (Ref. 9). However, dyspepsia prior to and after aspirin ingestion occurs more frequently in patients with peptic ulcers, gastritis and duodenitis (Refs. 10 and 11).

Buffered aspirin tablets are claimed to reduce the incidence of gastric distress to aspirin which may be true in a small number of normal individuals (Refs. 12 and 13). (See part II paragraph J.2.a. above—Solid dosage forms.) The Panel has discussed a suitable labeling claim for buffered aspirin products which is classified as Category III and discussed elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Gastric distress appears to provide one of the best means of identifying a high percentage of individuals who may be at risk of gastrointestinal hemorrhage after aspirin ingestion. Gastric distress can be categorized according to its cause as follows: Gastric distress caused by an underlying gastrointestinal disease which predisposes a person to bleeding; gastric distress related to recent aspirin ingestion; and gastric distress related to temporary problems unrelated to drug use or serious underlying gastrointestinal disease.

Several studies involving massive bleeding show that most patients experienced gastric distress, usually recurrent epigastric pain prior to their bleeding episode. Gastric distress occurs in 60 to 70 percent of patients with hemorrhagic gastritis (Refs. 14 and 15). In ulcer patients, the incidence of recurrent gastric distress may be 90 percent (Refs. 16 and 17). Patients who develop gastric ulcers because of chronic aspirin use frequently have gastric distress (Refs. 18 and 19).

The incidence of gastric distress after taking aspirin is much higher in patients with severe gastrointestinal disease. Muir and Cossar (Ref. 3) in 1955 stated that dyspepsia after aspirin ingestion is six times greater in patients with peptic ulcer as compared to normal subjects. Roth states that dyspepsia occurs in about 7 percent of normal subjects, 10 percent of rheumatoid arthritis patients and 33 percent of peptic ulcer patients (Ref. 11). Although individuals with an active peptic ulcer are not unusually susceptible to aspirin-induced occult bleeding, they do have an increased susceptibility to dyspeptic symptoms (Refs. 8 and 11).

Vining (Ref. 20) in 1957 reported a higher incidence of gastric distress in rheumatoid arthritics taking aspirin chronically, occurring in about one out of four of this group. However, in a carefully performed study, Stubbe (Ref. 21) in 1958 found no difference in occult bleeding between rheumatoid arthritics and normal subjects indicating as in other studies that there is no correlation between occult bleeding and incidence of gastric distress. (See Part III paragraph B.1.a.(2)(ii)(*e*) below—Occult bleeding.)

Alvarez and Summerskill (Ref. 22) in 1958 stated that 80 percent of all patients who experienced major gastrointestinal bleeding after aspirin ingestion had proven histories of either duodenal or gastric ulcer, or dyspepsia.

The Panel concludes that by merely identifying those patients with a history of gastrointestinal ulcer or recurrent gastric distress, e.g., dyspepsia, it may be possible to warn as many as 80 percent of the high risk population.

(*b*) *Direct mucosal damage.* The Panel concludes that aspirin (and salicylic acid) have a direct local irritant effect on all the surface mucosal cells lining the gastrointestinal tract (Refs. 1, 6, 10, 23, and 24). The effect is acute and occurs in most normal individuals (Ref. 10) and has also been demonstrated in several animal species (Refs. 6, 25, and 26). Prolonged contact with aspirin produces direct damage (focal necrosis) and sloughing (desquamation and exfoliation) of surface cells (Refs. 6, 8, and 10). Erosion can occur in the mouth (Refs. 6 and 27), rectum (Refs. 28 and 29) and stomach mucosa (Ref. 6) with concentrated solutions of aspirin (Ref. 26), and with particles of plain, buffered and combination aspirin tablets (Ref. 6).

(*1*) *Mucosal erosion of the mouth.* Aspirin-containing gum has produced a severe lesion of the inner wall of the cheek which promptly healed upon discontinuation (Refs. 27 and 30). Kawashima et al. (Ref. 30) in 1975 reported that aspirin tablets applied directly to the mucous membranes of the mouth for a local anesthetic effect have resulted in oral lesions on the roof of the mouth. Roth et al. (Ref. 6) found that aspirin preparations (tablet) allowed to remain in contact with mucous membranes of the mouth for 30 minutes produce a white opaque buccal mucosa capable of being peeled off with the slightest manipulation. They placed a quarter of several commercial plain, buffered and combination aspirin tablets between the lower lip or cheek and gums of 26 normal subjects for 30 to 60 minutes. In every case the aspirin produced an irregular opaque lesion with sloughing of cells characteristic of acute superficial necrosis.

(*2*) *Rectal irritation.* The Panel concludes that aspirin taken rectally in a suppository dosage form may have a direct local irritant effect on surface mucosal cells. The irritating effect of rectally administered aspirin can be alleviated by changes in the composition of the matrix of the suppository vehicle. The adverse effects of aspirin appear to be related to the chemical composition of the suppository base (Refs. 31 and 32) and to the rate of absorption of aspirin from the suppository base (Ref. 33).

Aspirin suppositories (1,300 mg aspirin per suppository) made of a cocoa-butter or a carbowax base were administered to dogs every 4 hours for a total dose of 3,900 mg daily for 3 days (Ref. 31). The experimental dogs in the study all showed signs of mucosal irritation. The irritation ranged from a distinct hyperemia to hemorrhagic ulcerative lesions. Perforations and death also occurred. The four dogs receiving the control suppository bases showed no rectal mucosal changes. The authors concluded that "prolonged rectal administration of aspirin suppositories may be potentially hazardous" and recommended that "additional studies to evaluate the extent of irritation and ulcerative hemorrhagic lesions in the human rectum following repeated administrations of aspirin suppositories seem to be indicated." Serum salicylate determinations in 40 human subjects administered 650 mg aspirin orally (tablets) and rectally (cocoa-butter base suppositories) indicated that the oral route pro-

vided significantly higher blood salicylate levels (p is less than 0.001) than the

and 28). Aspirin tablets placed directly on the gastric mucosa of anesthetized

proven) to slightly increase occult bleed-

for aspirin's role in initiating, exacer-

(*3*) *Vascular effects.* In contrast to the Davenport mechanism which assumes

by the direct effects of aspirin on cellular metabolism and the integrity of the

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vided significantly higher blood salicylate levels (p is less than 0.001) than the rectal route (Ref. 31).

In a study reported by Cacchillo and Hassler (Ref. 32), 11 male volunteers were administered 650 mg aspirin in one of three different types of suppository bases on 1 day for 3 successive weeks. On the fourth week, 650 mg aspirin (tablets) was given orally to compare the oral route with the rectal route. The three suppository bases were cocoa butter, Carbowax and glycerinated gelatin. There was virtually no rectal irritation from aspirin suppositories formulated with cocoa butter and Carbowax as the bases. Glycerinated gelatin based suppositories showed a high incidence of prolonged burning and pain, and the subjects evidenced a very strong desire to expel the suppository. There was no statistically significant difference between the absorption of aspirin orally and the absorption of aspirin from the Carbowax base only. The authors state that "individual studies must be undertaken to determine for each drug the base best suited for its absorption." In this study, Carbowax unlike the other two bases, not only showed that "the rectal dosage given is equivalent to the oral, as a high degree of absorption through this vehicle is assured when employed rectally", but also that "little or no irritation" occurred.

The rate of absorption of aspirin rectally was related to the incidence of irritation in a study by Borg, Ekenved, Elofsson and Sjogren (Ref. 33). They formulated suppositories with two neutral triglyceride mixtures as the bases, i.e., Witepsol H15 with a melting range of 33.5° to 35.5° C and Witepsol E75 with a melting range of 37° to 39° C. Male volunteers were administered 750 mg and 1,000 mg aspirin in these formulations in two studies to investigate the absorption of aspirin from the suppositories. In another study, the investigators administered the two aspirin suppository formulations on the first 2 days of the week for 3 consecutive weeks. A dose of two suppositories daily, 8 hours apart, was administered. There was a difference in the rate of absorption of aspirin from the two bases. It was found that a rapid absorption was associated with a high incidence of side effects. Reducing the rate of absorption by changing the suppository base, reduced the intensity and frequency of the side effects. The side effects consisted of burning pain, blood in the feces, diarrhea and tenesmus. The authors point out that with the use of bases giving reduced absorption and reduced side effects, however, the amount of drug absorbed from suppositories "will be highly dependent on the length of time the patient retains the suppository."

(3) *Stomach mucosal damage.* Aspirin has a direct damaging effect on mucosal tissue which is not dependent on the presence of hydrogen ion, bile or other cellular irritants associated with peptic ulcer (Ref. 6). Prolonged contact with aspirin particles or concentrated solution produces lesions in the mucosa of the mouth, stomach, rectum and probably most other mucosal tissue (Refs. 6 and 28). Aspirin tablets placed directly on the gastric mucosa of anesthetized cats initially produced coagulation of mucus and opacification of the adjacent mucosa, similar to the appearance of the buccal (mouth) tissue exposed to aspirin (Ref. 6). These changes were attributed to coagulation of the mucous layer and desquamation (Ref. 8). Multiple small acute lesions showed focal necrosis with underlying secondary capillary damage. The direct mucosal desquamation and focal necrosis produced by aspirin has been observed in man by gastroscopic observations (Refs. 23, 24 and 34), during surgery (Refs. 1, 2, and 6).

The mucous opacity noted after aspirin irritation is related to epithelial exfoliation. Cellular exfoliation can be measured by increased DNA content in the gastric fluids since DNA is found only in cells and therefore reflects sloughed or damaged mucosal cells (Ref. 8). Accumulation of DNA in gastric fluid occurred in about 10 minutes in 9 of 12 subjects receiving aspirin (Ref. 8) which is similar to the percent of subjects showing direct irritation to aspirin in the gastroscopic studies of Douthwaite and Lintott (Ref. 23).

The direct observations by gastroscope of the effects of aspirin on the gastric mucosa by Douthwaite and Lintott in 1938 have provided basic principles which have been substantiated by many investigators during the past 30 years. Specifically, gastroscopic observations of 16 hospital patients demonstrated the following: In 80 percent of the patients, a local inflammatory reaction of the gastric mucosa was observed ranging from slight hyperemia to submucous hemorrhage; and the occurrence and severity of the reaction was not a function of the brand of aspirin, the acidity of the stomach or the prior appearance or condition of the gastric mucosa. Patients with hyperchlorhydria (excessive acid secretion) had both positive and negative direct irritation responses. Responses were seen in patients with atrophic gastritis, hypochlorhydria (hydrochloric acid deficiency) and achlorhydria (absence of hydrochloric acid). Therefore, gastric acidity is not essential for initial direct irritation. Marked hyperemia with submucous hemorrhage (hemorrhagic erosive gastritis) occurred in 1 of the 16 patients. Salicylic acid also caused direct gastric irritation but was less severe. Contact with 20 percent alcohol for 10 minutes did not have a direct effect on the gastric mucosa.

The initial effects of aspirin, such as mucous destruction, epithelial desquamation, and focal mucosal necrosis takes the appearance of small well-demarcated erosions. This phase is not related to vascular damage or bleeding. It is apparently not dependent on the presence of gastric acid. Progression to visible hemorrhage may be dependent on local effects of gastric acid according to Davenport (Refs. 35 and 36) and/or possibly systemic effects (Ref. 6).

Roth found that phenacetin and acetaminophen have no direct irritating effect on the gastric mucosa (Ref. 6). However, phenacetin is claimed (but not proven) to slightly increase occult bleeding (Ref. 37), perhaps indicating that the two events are not necessarily related.

(c) *Acid-mediated erosive gastritis.* In the stomach, the direct effect of aspirin or salicylic acid after being absorbed into the mucosal cell renders the cell more permeable to the hydrogen ions of the gastric acid (Refs. 35, 36, and 38 through 43). Absorption of aspirin or salicylic acid into the mucosal cell causes increased permeability via breakdown of the cell barrier, which normally protects the stomach lining from its own acid secretions. Excessive backflux of hydrogen ion into the cell further damages the cell, causing erosion (acute erosive gastritis). Excess hydrogen ions can also pass into the space just below the surface cell (lamina propria), which contains an extensive network of capillary blood vessels. Hydrogen ions can initiate capillary damage and subsequently, minor bleeding occurs into the lumen of the stomach (Refs. 35 through 41, 44, and 45). This mechanism, referred to as the hydrogen ion mediated effect or the Davenport mechanism has been extensively studied in animals (Refs. 35 through 41, 44, and 45). Many investigators believe that it is a major factor involved in the focal erosion and minor bleeding into the stomach (occult bleeding). This mechanism may contribute in some cases to gastritis and major gastrointestinal bleeding (Refs. 44 and 46).

There are some authors who believe that all gastrointestinal effects of aspirin from occult bleeding to hemorrhagic erosive gastritis to major gastrointestinal hemorrhage are all related to this single mechanism involving the back diffusion of acid (Ref. 46). As a corollary, it has been proposed that any preparation which neutralizes gastric acid during absorption will obviate the danger of severe gastrointestinal damage and massive bleeding (Ref. 47).

The Panel concludes that the acid-mediated gastric erosion induced by aspirin is undoubtedly an important factor in some adverse effects of aspirin on the gastrointestinal tract. It is probably associated with increased occult bleeding following single and multiple doses of aspirin. It may contribute at least in the beginning stages of aspirin-induced gastric ulcer caused by chronic doses of aspirin (Ref. 48). It is also probably a factor in hemorrhagic erosive gastritis directly initiated by multiple doses of aspirin. In this case it may initiate major bleeding. However, as will be noted in subsequent sections, there are other factors which can initiate hemorrhagic erosive gastritis and aspirin has other effects independent of gastric acid which may be of equal or greater significance in contributing to massive gastrointestinal bleeding.

(d) *Other mechanisms of aspirin damage.* The Panel agrees that there is very good evidence in both animals and man that the Davenport mechanism is one important effect of aspirin. However, to conclude that this mechanism is the only effect of aspirin on the gastrointestinal tract and thus the only basis

for aspirin's role in initiating, exacerbating, potentiating or facilitating gastrointestinal pathologies is not consistent with current experimental data and clinical studies.

(1) *Additional factors in the Davenport mechanism.* According to the Davenport theory, the absorption of unionized aspirin or salicylic acid into the cell carries hydrogen ion across the barrier into the cell or interstitial spaces where the pH is higher, where aspirin or salicylic acid are ionized and the hydrogen ion is dissociated. Hydrogen ion is thought to cause the release of vasoactive substances such as histamine, from mast cells, in the lamina propria, which initiates capillary bleeding. If the hydrogen ion flux associated with transport of the acids were the only factor, one would expect salicylic acid to cause greater occult bleeding than aspirin since it is more rapidly absorbed. Leonards and Levy (Ref. 49) have shown that salicylic acid (sodium salt) is more rapidly absorbed than aspirin in man, but it produces significantly less occult bleeding. Mean occult blood loss in 13 subjects was 6.3 ml, 1.9 ml, 1.2 ml and 0.7 ml for aspirin, salicylic acid, salicylic acid with buffer, and control respectively.

An explanation for the differences between aspirin and salicylic acid is that the direct cellular effects of aspirin and salicylic acid interfere at different concentrations with biochemical cellular process (Ref. 50) which affect the hydrogen ion barrier. Lower concentrations of aspirin are heeded to initiate cellular dysfunction. Indeed the cellular effects of these agents are consistent with the direct mucosal effects seen in nonacid mucosal cells (mouth).

However, this would not explain why several anti-inflammatory agents cause gastric erosions and massive gastric bleeding but do not affect the hydrogen ion barrier and vice versa.

(2) *Relationship between aspirin damage and bleeding.* Studies using the gastric potential difference which is the most sensitive way to measure changes in the hydrogen ion barrier in man show that phenylbutazone and indomethacin in usual doses do not damage the hydrogen ion barrier (Ref. 51). However, they both produce major gastrointestinal bleeding and gastric ulcer (Refs. 51 and 52). These agents do not generally increase occult bleeding (Refs. 53 and 54) indicating the occult bleeding may involve the Davenport mechanism but not massive bleeding.

Conversely, some agents may affect gastric potential but do not cause bleeding. Indeed this was recognized by Davenport (Ref. 40) who raised the question "why does bleeding occur during back diffusion following salicylate injury and not during comparable diffusion after many other forms of injury." Bile can cause changes in the barrier at neutral pH which is said to be augmented by the effect of aspirin (Refs. 40 and 55). Some discrepancies can be resolved by considering additional direct and indirect effects of aspirin and other agents on mucosal blood flow.

(3) *Vascular effects.* In contrast to the Davenport mechanism which assumes the initial effect of aspirin is on the mucosal cell mediated through hydrogen ion possibly by causing release of histamine with secondary vascular involvement, there is evidence that in some types of hemorrhagic erosive gastritis the reverse occurs where the initial effect is on the mucosal vasculature.

Weiss et al. (Ref. 10) state that the primary local effect is direct vascular injury of the capillaries in the lamina propria followed by capillary hemorrhage and hypoxia (deprivation of oxygen) which produces necrobiosis of the neck cells and exfoliation of the gland.

It is now believed that some types of hemorrhagic erosive gastritis are caused by factors which directly initiate histamine release from the mast cells in the lamina propria as opposed to the hydrogen ion mediated release in the Davenport theory (Ref. 39). These factors may be involved in "stress ulcers", and atrophic gastritis. Thus regardless of the initial mechanism, whether hydrogen ion or stress, the common denominator is initiation of hitamine release from the mast cells in the mucosal capillary region and initial vascular damage or reshunting of blood flow leading to hypoxia and a secondary cellular effect (Ref. 40).

Local capillary blood flow can apparently be affected by many diverse factors. The mechanism by which vagotomy decreases gastric bleeding may not be a result of decreased gastric acid as commonly stated but reshunting of mucosal blood from the capillaries. Nylander and Olerud (Ref. 56) reported that blood was reshunted from the mucosal capillaries through the direct arteriovenous shunts in the submucosa after vagotomy.

(e) *Occult bleeding.* Occult (unseen) bleeding is a common predictable occurrence related to normal aspirin ingestion. The average person (70 percent of the population) taking one or two tablets of aspirin 3 or 4 times daily will lose from 2 to 5 ml of blood per day into the stools due to the direct effect of aspirin on the gastric mucosa (mucous membrane of the stomach). Some individuals, about 10 percent of the population, may lose as much as 10 ml daily (Ref. 57). Occult blood loss is not decreased by food although aspirin dyspepsia is (Ref. 58).

This minor occult bleeding is not, usually, clinically significant except in those individuals taking aspirin for long periods of time who are anemia-prone or have bleeding tendencies (Refs. 49, 59, and 60).

The Panel has discussed the association of aspirin with iron deficient anemia elsewhere in this document. (See part III. paragraph B.1.a. (2)(ix) below—Adverse effects resulting in iron deficient anemia.)

The mechanisms involved in occult bleeding have been extensively studied in animals (Ref. 26) and to a lesser extent in man (Ref. 61). There is general agreement among most authorities that the primary mechanisms involve first, absorption of aspirin into the cell, followed by the direct effects of aspirin on cellular metabolism and the integrity of the mucous membrane which initiates the subsequent indirect effects of gastric acid through the Davenport mechanism. By interfering with the integrity of the mucous membrane, aspirin increases the permeability of the membrane to the hydrogen ion which either further damages the cell or passes into the underlying space (lamina propria) containing the extensive capillary beds. Hydrogen ion either directly or indirectly through histamine causes capillary damage and small amounts of blood are lost into the lumen of the stomach.

The exact mechanisms involved in occult bleeding are not completely understood, however. Although gastric acid is known to be an important variable, it apparently is not essential since increased occult blood loss following aspirin is small but still greater than control values even in patients with a complete absence of gastric acid (achlorhydria) (Ref. 22).

In some studies there was no correlation between the number of erosions observed and the amount of occult bleeding (Refs. 42 and 62). In fact, carefully done studies (Ref. 62) show that visible erosions are not necessary in order to have increased occult bleeding. This may mean that the effect of aspirin to increase membrane permeability to hydrogen ion may require a lower concentration or require less exposure to aspirin than is needed to produce direct cellular damage and exfoliation. It may also indicate that multiple effects are involved.

Occult bleeding can be readily measured by well-known techniques used for the detection of blood in the feces, such as the use of radioactively-tagged red blood cells (Ref. 57). Therefore, there are many studies and reliable data available on the relationships between occult stomach bleeding and different types and formulations of analgesics (Ref. 58).

There is good evidence that the addition of sufficient buffering to decrease gastric acidity and increase the pH of the gastric contents will significantly reduce, but not necessarily eliminate, occult bleeding. However, highly buffered aspirin preparations will increase occult bleeding in normal subjects if given as multiple doses for 2 to 3 days (Ref. 63). In a few susceptible individuals who are otherwise apparently normal any aspirin preparation including highly buffered aspirin solutions, will greatly increase occult bleeding (Ref. 63).

While these individuals with unusual susceptibilities may provide some insight into the factors related to clinically important massive upper gastrointestinal bleeding, the average occult bleeding following aspirin ingestion in normal individuals or in individuals with peptic ulcer apparently has no relationship to massive bleeding (Refs. 6 and 9).

There appears to be no difference between the average increase in occult bleeding in normal individuals and major bleeders. Correlations between occult bleeding and massive bleeding have

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never been shown. Occult bleeding and massive gastrointestinal hemorrhage should be considered as two distinct clinical entities (Refs. 7 and 8). The failure to recognize this difference has been stated to be responsible for much of the confusion in the literature (Ref. 8). Occult bleeding is a predictable occurrence in most normal people. Massive bleeding is relatively rare and unpredictable.

Persons with active peptic ulcer (Refs. 7 and 8) or persons who have recently experienced a massive gastrointestinal hemorrhage (Refs. 7 and 10) do not show greater occult bleeding after small doses of aspirin than normal subjects. These subjects, however, do have a greater propensity for recurrence of massive bleeding (Refs. 7 and 10).

Watson and Pierson (Ref. 64) in 1961 showed that occult bleeding was not greater in persons taking anticoagulants even though prothrombin activity was greatly reduced. Massive bleeding, however, has been associated with hypoprothrombinemia resulting from high doses of aspirin. (See part III, paragraph B.1.a.(2)(i)(*a*) above—Decrease in prothrombin production.) The amount of occult blood loss is less in individuals who have atrophic gastritis (Refs. 8, 61, and 65), and it occurs less frequently than in normals, presumably because these patients have decreased gastric acid. But, patients with atrophic gastritis are often involved in aspirin-induced massive bleeding and are at much greater risk of bleeding following aspirin than the normal population (Refs. 61 and 65).

The Panel concludes that occult bleeding resulting from aspirin ingestion appears to have very little correlative or predictive value in the diagnosis or study of the major clinically important gastrointestinal effects produced by aspirin such as ulceration and massive bleeding.

(*f*) *Gastric ulcers.* The Panel concludes that chronic use of aspirin may directly cause gastric ulcers (Refs. 16 through 19 and 66 through 86). Several types of studies show that chronic aspirin use significantly increases the incidence of gastric ulcers but not duodenal ulcers (Refs. 80, 81, and 82). Chronic use of aspirin is associated with an increased incidence of uncomplicated nonbleeding ulcers, bleeding from ulcers and perforated gastric ulcers (Refs. 18, 86, and 87). Epigastric pain is common in all of these cases. Continued use of aspirin can delay ulcer healing even though ulcer therapy is started (Ref. 18). Discontinuation of aspirin leads to rapid recovery (Refs. 3 and 18). Readministration of aspirin can reactivate gastric ulcer (Ref. 17).

Acute use of aspirin may activate symptoms of both gastric and duodenal ulcers. The symptoms and signs include both epigastric pain and massive gastrointestinal hemorrhage.

The role of acute aspirin use in the exacerbation of existing peptic ulcers has been noted by several authors over the past twenty years (Refs. 16 through 19 and 66 through 86). Evidence that chronic use of aspirin will increase the incidence of gastric ulcers has not been widely appreciated. In the opinion of the Panel a causal role of chronic aspirin use and increased incidence of peptic ulcer is supported by several types of evidence. These include the demonstration that aspirin causes ulcers in animal models; direct observation of isolated cases in man; several recent well-controlled studies (in which disease-induced analgesic ingestion biases were eliminated); demonstration of increased gastric ulcer incidence in a population in which increased chronic use occurred due to abuse; evidence that characteristics of the lesion are different in aspirin users than nonaspirin users; and evidence that the site of the ulcer lesion can be affected by the dosage form used.

The Boston series (Ref. 84) conservatively estimated that 10 out of every 100,000 aspirin users would develop a nonbleeding gastric ulcer requiring hospital admission. This study estimated that one-eighth of all gastric ulcers were related to aspirin and Cameron found one-third of all new non-bleeding gastric ulcers are caused by chronic aspirin ingestion (Ref. 19).

Jorgensen and Gyntelberg (Ref. 88) determined the life incidence of peptic ulcer to be 9.2 percent in a sample of 5,249 men aged 40 to 59 in Copenhagen which is similar to the incidence reported in the U.S. In a one year followup study on 4,753 males the year incidence of peptic ulcer was 1.2 percent. Only 15 percent of these were new (previously diagnosed) ulcer cases and only 24 percent were hospitalized. Thus hospitalized new ulcer cases during the year accounted for only about 3.6 percent (15 percent×0.24) of total cases for the year.

Thirty percent of subjects ingested aspirin regularly compared to 16 percent of controls (p is less than 0.02). In only one of these subjects was aspirin taken for ulcer symptoms.

It can be estimated that 16 percent of the ulcer cases were associated with aspirin which is equivalent to a 19 percent annual incidence rate (19 per 1,000) for men between 50 and 59. However, only 3.6 percent of these (15 percent×0.24) would represent hospitalized new cases. Thus if only hospitalized new cases were used to calculate possible annual cases of aspirin-induced ulcer in 50 to 59-year-old men, one would conclude that the annual incidence associated 0.68 cases per 1,000 or 68 per 100,000 total population in the age group 50 to 59. This is similar to the estimate given by Levy of 10 per 100,000 of all adults taking aspirin since the incidence in women and younger adults would be lower. Thus the total incidence of aspirin related gastric ulcer may be higher than generally assumed.

There appears to be almost universal agreement that aspirin should not be used in persons with peptic ulcer, particularly those with gastric ulcers. Cameron (Ref. 89) states, "* * * the evidence presented suggests that patients with gastric ulcer should be urged to avoid aspirin." Similar warnings have been urged by Roth (Ref. 6), Brown and Mitchell (Ref. 86), Schneider (Ref. 24), Muir and Cossar (Refs. 2 and 3) and Weiss (Ref. 10).

Acute use of aspirin can precipitate massive hemorrhage in gastric and duodenal ulcer patients. The mortality of massive bleeding in peptic ulcer patients is about 8 to 10 percent (Refs. 67 through 70).

The Panel believes that initiation or exacerbation of stomach ulcers, stomach irritation and intestinal inflammation occurs in a significant number of individuals who take aspirin. Particularly at risk are those with a history or symptoms of gastrointestinal problems. Accordingly, a warning should state that individuals who have a history of ulcer, intestinal bleeding and stomach distress should not take aspirin without first consulting a physician.

Peptic ulcer has been estimated to occur in 5 to 10 percent of the general population at one time or another (Ref. 67). In 1967 it was estimated that 3.5 million individuals suffered from gastric ulcer (Ref. 70). Less than 0.5 percent of ulcer patients are hospitalized annually, involving hemorrhage in about 25 to 30 percent of these admissions (Refs. 67 and 68). Duodenal ulcer is about eight to ten times more frequent than gastric ulcer but the annual incidence of new cases per 1,000 adult male population at risk is 3.7 for duodenal ulcers and 1.4 for gastric ulcers. Gastric ulcers occur twice as frequently in men as in women (Ref. 69).

The direct ulcerogenic effect of long term aspirin use and massive bleeding following short term use are not necessarily related to the same factors. Gastric ulcers related to prolonged use of aspirin do not necessarily result in massive bleeding even though aspirin is frequently ingested by these patients (Ref. 15). Furthermore, aspirin is associated with massive bleeding in patients with duodenal ulcers but there is no evidence that aspirin produces duodenal ulcers (Ref. 84).

Kiser (Ref. 18) commented that the role of aspirin in the production of gastric ulcers has been underestimated because most studies have not dealt with the effects of prolonged aspirin ingestion with the exception of the studies by Douglas and Johnson (Ref. 74) and Muir and Cossar (Refs. 2 and 3).

Cameron (Ref. 19) points out that the protocol for a large Veterans Administration cooperative study on gastric ulcer published in 1971 excluded patients taking ulcerogenic compounds such as corticosteroids and phenylbutazone but did not mention aspirin. Patients and physicians in Cameron's study seldom associated aspirin with their ulcers.

(*f*) *Evidence for a causal role in gastric ulcer.* (*i*) *Direct observation in animals and man.* The properties of aspirin that produce direct erosive effects have been discussed earlier relative to acute erosions. Large acute erosions have been observed directly after drug intake in several instances (Ref. 3). Chronic administration of aspirin to animals consistently produces gastric ulcers (Refs. 18 and 66).

(*ii*) *Increased incidence of ulcer in analgesic abuse.* The unusually high incidence of analgesic use in Australia,

particularly in women, provides evidence for a causal relationship between aspirin, usually in combination, and chronic peptic ulcer. This population is significant from an epidemiologic point of view not only because of the very high prevalence of chronic, daily aspirin use but also the significantly greater incidence of daily use by women compared to men, first noted by Billington in 1960 (Refs. 71 and 72). The increased use of analgesics by women who take analgesic compounds is clearly for other than gastro-intestinal symptoms. If increased chronic use of aspirin does result in a higher incidence of gastric ulcer, then this effect should be clearly evident in the Australian population. A correlation between increased analgesic use and increased incidence of ulcer was shown by Douglas and Johnson (Ref. 74) and confirmed by several others (Refs. 16, 17, 19, 76, 77, and 78). It is possible that phenacetin, an ingredient in almost all abused analgesic combinations, contributes to ulcer production. However, phenacetin alone does not have a direct damaging effect on the gastric mucosa (Ref. 6). Furthermore, ulcers are rare in patients taking phenacetin compounds not containing aspirin even though kidney disease continues to develop (Ref. 73).

It is possible, however, that the combined effect of phenacetin and aspirin may be greater than aspirin alone for the same reasons discussed later in the section on the effects of aspirin on the kidney. (See part III, paragraph B.1.a.(2)(vi)—Adverse effects on the kidney.)

Douglas and Johnson of Australia (Ref. 74) reported that 90 percent of 78 chronic gastric ulcer patients took a proprietary compound containing aspirin, phenacetin and caffeine. Most patients were chronic headache sufferers with pain predating the ulcer and were daily users of analgesic compounds containing aspirin. Compounds with phenacetin (or salicylamide) and caffeine were preferred by over 50 percent of this group. The usual reasons for use given by chronic users were chronic headache (41 percent), nerves and tension (31 percent), arthritis (21 percent), and indigestion (7 percent).

Gillies and Skyring (Ref. 77) in an interview study found a statistically significant association between chronic use of high doses of aspirin and the incidence of gastric ulcer. Fifty-seven percent of patients with active gastric ulcer had taken aspirin daily compared to 22 percent of controls. In earlier case-control studies, Gillies and Skyring (Ref. 77) found a significant correlation between high intake of aspirin and gastric ulcer but not intestinal ulcer.

Duggan and Chapman (Refs. 81 and 82) found a correlation between the incidence of gastric ulcer in women and the consumption of large amounts of aspirin, mainly as APC powders taken for headache. No such correlation for duodenal ulcer in either sex or gastric ulcer in males was found. Duggan (Ref. 82) followed all patients with acute perforated peptic ulcer in an Australian hospital over a 4-year period. The proportion of women in this series was very high (24 percent) compared to the usually very low incidence of gastric ulcer in women in British literature. The association between the use of high doses of aspirin over prolonged periods and the incidence of gastric ulcer was highly significant statistically particularly for the women. In men, 28 percent had a heavy intake of aspirin and 45 percent of ulcer patients took no aspirin. In the women, 62.5 percent had a heavy intake and only 25 percent took no aspirin. The authors state that aspirin abuse is the environmental factor responsible for the excess of gastric ulcer in middle-aged Australian women.

In a further study, Duggan (Ref. 90) analyzed the prognostic factors of 1,634 patients with acute gastrointestinal hemorrhage and found 66 percent of the cases had chronic ulcer and 25 percent involved an acute lesion. The total mortality was 11 percent. There was a statistically significant association between gastric ulcer and the incidence of chronic aspirin use. These patients had the worst prognosis. However, the reason for the poor prognosis probably reflects habituation of the individuals to the APC powder which was the usual compound taken by women in Australia. In other series, aspirin-induced gastric ulcers healed rapidly with a good prognosis when aspirin was withdrawn (Ref. 15). In the Duggan study the overall mortality for all forms of major gastrointestinal hemorrhage was 11 percent. The mortality of peptic ulcer patients who had gastrointestinal hemorrhage was 8.5 percent and was not related to whether or not the patients took aspirin.

(*iii*) *Case-control studies with controlled drug intake.* There have been three case-control studies in gastric ulcer patients that have been designed to avoid bias due to analgesic drug intake related to gastrointestinal pain.

Cameron (Ref. 19) in a prospective study with matched controls found that chronic aspirin use (15 tablets per week for 1 month or more) was associated with gastric ulcer in 53 percent of 61 patients compared to 10 percent of controls. When patients who took aspirin for their symptoms of ulcer were excluded, 45 percent of 40 ulcer patients took aspirin. The difference between ulcer cases and control subjects was highly significant statistically. When the same correction was applied to duodenal ulcer patients only 16 percent of the remaining 25 duodenal ulcer patients were regular aspirin users which was not statistically different (p is greater than 0.1) from controls.

(*iv*) *Characteristics of aspirin-related gastric ulcer lesions.* Aspirin-related gastric ulcer patients have lesions which are generally of the same shape, size and appearance as in nonaspirin ulcer patients. However, the location and distribution of aspirin-induced lesions in the stomach and the condition of the surrounding mucosa appear to be different. Interestingly, the distribution of aspirin lesions is apparently a function of the dosage form as well as the drug.

McDonald (Ref. 91) found that aspirin-related ulcers occurred most frequently on the greater curvature of the antrum. He claimed that only the aspirin-related ulcers were found in this region and were surrounded by normal pyloric gland mucosa. In the Minnesota series of Cameron (Ref. 19), the ulcer was within 1 inch of the pyloric sphincter in 65 percent of patients with gastric ulcer associated with heavy aspirin use, as compared to 21 percent of gastric ulcer patients taking no aspirin (p is less than 0.05). Cameron (Ref. 89) in 1975 noted that 90 percent of the ulcers related to regular aspirin use (15 tablets weekly or more) were in the antral region compared to 50 percent of the ulcers in patients who took less than 15 aspirin tablets per week (occasional and nonusers).

In some parts of Australia, however, where powders rather than tablets are almost exclusively used, aspirin-related ulcers are not located in the antral region and, indeed, Gilles and Skyring (Ref. 78) excluded all antral ulcers from their study. The differences in the peristaltic movement of tablets and powders are considered the reason for the differences in the location of lesions in studies in these two countries (Ref. 19). Other differences have been noted in the patients. The aspirin-related ulcer patient was younger (57.9 years compared to 66.4 years) and included fewer females (53 percent compared to 71 percent) than the nonaspirin ulcer patient. Smoking did not appear to be more frequent than in controls in these aspirin-related ulcer patients in contrast to the nonaspirin related ulcer patients who appeared to have a greater incidence of smoking compared to matched controls.

(*v*) *Acute exacerbation of ulcers.* Kiser (Ref. 18) described the effects of continued aspirin administration on five chronic gastric ulcer patients. Two had mild anemia with no overt bleeding. Delayed healing occurred with continued aspirin use. All healed well when aspirin was discontinued. Reoccurrence was observed when aspirin use was reinstated.

Alp et al. (Ref. 17) stated that the ulcer patients who continue to smoke, drink and take aspirin have a much higher incidence, 87 percent compared to 49 percent, (about a two-fold increase) of reactivation of ulcers. Exacerbation or recurrence of ulcer symptoms following aspirin ingestion was demonstrated by Muir and Cossar (Ref. 3) for 14 of 34 gastric ulcer patients who recalled taking aspirin within 24 hours of their symptoms.

Several other authors have shown that activation of ulcers occurs shortly after acute aspirin ingestion (Refs. 12 and 13).

(*g*) *Massive gastrointestinal bleeding.* By far the most serious adverse effect of the action of aspirin on the gastrointestinal tract is massive upper gastrointestinal bleeding, which can be life-threatening (Ref. 87), often requiring surgical intervention and which also has a high mortality risk (Ref. 87). The mechanisms and factors involved in massive gastrointestinal bleeding are not completely understood. It is a relatively rare event which in most cases does not ap-

pear to be predictable relative to the dose or frequency of use of aspirin.

Although the incidence of massive rhage in susceptible individuals. Therefore, the Panel concludes that the

(Ref. 10), Hurst (1 case) (Ref. 34), Kelly (3 cases) (Ref. 85), Waterson (Ref. 103)

were carefully matched and the "case" group is just as likely to have dyspepsia

case-control study would be virtually impossible since there would be no satisfac-

in an abnormally high incidence in as-. pirin users. The association of aspirin

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pear to be predictable relative to the dose or frequency of use of aspirin.

Although the incidence of massive bleeding is low, relative to the frequency of aspirin use, the total occurrence is not insignificant. Three different recent reports from the Boston Collaborative Surveillance program and incidence figures supplied by other groups indicate that the number and severity of adverse effects on the gastrointestinal tract produced by aspirin are quite significant (Refs. 28, 92, and 93).

In a recent survey, aspirin was the second most frequent drug involved in adverse effects that were serious enough to require hospitalization. Two out of every 1,000 hospital admissions were attributed to aspirin. Massive bleeding was second only to digitalis intoxication as the most frequent cause of drug-induced hospital admission, and aspirin products were involved in over 60 percent of the cases (Ref. 92). Of greater significance is the fact that the mortality rate associated with this condition is high (Ref. 92). Death occurs in 4 to 10 percent of all patients with gastrointestinal bleeding including those associated with aspirin ingestion (Refs. 15 and 16). Even greater mortality rates are involved in those patients requiring surgery to stop bleeding (Ref. 87).

Miller (Ref. 93) also compared the incidence of adverse reactions in 1,615 hospitalized patients receiving usual doses (300 to 600 mg aspirin in 70 percent of patients). The incidence of gastric distress such as heartburn, indigestion, nausea, vomiting was only 1.9 percent. The incidence of gastrointestinal bleeding, including hematemesis and epistaxis, was 0.7 percent (12 per 1,615) of all patients receiving aspirin (7 per 1,000).

A third report by Levy (Ref. 84) estimated the frequency of major gastrointestinal hemorrhage that was unrelated to any known predisposing factors such as ulcers, gastritis. The incidence of massive bleeding in regular "heavy" aspirin users was estimated at 25 per 100,000 (0.25 per 1,000).

The very low figure in the third study is undoubtedly an underestimate due to the design of the study, which is discussed below.

Numerous clinical studies have indicated that from 30 to 80 percent of all persons (Refs. 4, 22, 85 through 87, and 94 through 101) entering the hospital for massive gastrointestinal bleeding have taken aspirin within the past 24 to 72 hours. Recent epidemiological studies conclusively show that acute use of aspirin is causally related to massive bleeding (Refs. 84 and 95). The Panel believes that aspirin can potentiate bleeding in patients having a variety of gastrointestinal lesions including acute erosive gastritis (Refs. 15 and 102), chronic atrophic gastritis, stress ulcer, gastric ulcer (Refs. 19, 79, 82, and 84), duodenal ulcer (Ref. 84) and duodenitis (Ref. 69).

There are now convincing studies which indicate that aspirin is a definite factor associated with increased incidence of severe gastrointestinal hemorrhage in susceptible individuals. Therefore, the Panel concludes that the labeling should include the warning, "*Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

(1) Evidence for aspirin-causation in major bleeding. Important criteria in establishing a causal relationship between a drug and disease are satisfied when a particular type of lesion associated with the drug can be identified, when a mechanism involving the drug can be established, consistent with all data, or by identification of a particular high risk group.

The possibility of comparing the incidence of aspirin use and the incidence of bleeding from different types of lesions is dependent upon the diagnostic procedures used such as x-ray, laparotomy, gastroscopy and histological examination of biopsies. Radiological (x-ray) methods detect chronic ulcers but not erosions or acute (superficial) ulcer. Detection of erosive gastritis requires gastroscopic examination or, occasionally, observation during surgery. More recently it has been established that acute hemorrhagic gastritis associated with aspirin may be one of several types (incomplete gastritis, atrophic, hyperfunctional etc.) which can only be established if biopsies of mucosa are examined microscopically. Even histological studies involving single biopsies may miss some types of lesions.

(i) Direct observation of bleeding in subjects. Hemorrhagic erosive gastritis has been directly observed during aspirin studies designed to test other responses. In a few cases, bleeding was severe enough to require surgery. Bleeding erosions containing fragments of aspirin tablets have been reported (Ref. 6). A representative case was described by Roth (Ref. 6) who described an example illustrative of massive hemorrhage secondary to the gastric erosion after acute use of aspirin. Surgical intervention was necessary and revealed two 1-cm round lesions (the size of the tablets). The appearance of the lesions resembled acute focal hemorrhagic gastritis including desquamation of surface epithelium and capillary breakdown in the focal area.

The authors state that there could be no doubt about the causative relation of aspirin to the punched out bleeding erosions but questioned the persistent bleeding from two small erosions involving only capillary breakdown. They concluded that occasional massive bleeding probably requires the local effect to initiate the bleeding but also some undefined effect such as hypersensitivity or a capillary or coagulation defect.

Several other authors have observed mucosal erosions and hemorrhage associated with aspirin particles by gastroscopic examination (Ref. 23) and during surgery (Ref. 3).

(ii) Correlation of individual bleeding response with variable drug intake. Individual cases showing reversible susceptibility to bleeding when aspirin is increased or withdrawn are given by Weiss (Ref. 10), Hurst (1 case) (Ref. 34), Kelly (3 cases) (Ref. 85), Waterson (Ref. 103) and Brown and Mitchell (Ref. 86).

(iii) Case-control clinical studies. In the opinion of the Panel, there is sufficient evidence from experimental and clinical studies involving different experimental designs to warrant the conclusion that aspirin ingestion is a contributory factor in increased incidence of major gastrointestinal hemorrhage.

Most clinical evidence involves retrospective case-control studies comparing the incidence of aspirin use in cases compared to a variety of control populations (Refs. 4, 19, 22, 84 through 87, 90, 92, and 94 through 101).

Because aspirin is frequently taken by patients for symptoms of their gastrointestinal disease, it is particularly critical to evaluate this potential bias in all studies showing an increased incidente of aspirin use associated with a particular disease condition. There are several studies, however, in which the available information clearly shows that the drug was not taken for symptoms related to the disease condition and the control group was matched for all important variables except bleeding (Refs. 2, 22, 84, and 95).

Because gastric distress is such a common component of gastrointestinal disease, in some studies all cases of acute upper gastrointestinal hemorrhage in individuals with a known history of gastrointestinal disease, were excluded as possible cases involving aspirin as a causal gastric pain associated with peptic ulcer or contributory factor (Refs. 2 and 84). These studies do not consider the important possibility that aspirin taken either for unrelated reasons or for the chronic gastric pain associated with peptic ulcer or gastritis will initiate bleeding from existing lesions.

(iv) Case-control studies eliminating bias due to drug use for gastrointestinal symptoms. Langman (Ref. 104) has reviewed several of the case-control studies concluding that a clear association between aspirin and major gastrointestinal hemorrhage was evident but could not be shown to be a causal relationship. A causal relationship could not be shown because it could not be ruled out that aspirin may have been taken for symptoms of massive bleeding. The Panel believes that some of the criticisms of the control groups, made by Langman, were possibly appropriate but also some were arbitrary and not based on any substantive evidence known to the Panel. Furthermore, the fact that the percent of persons taking aspirin in the case group was greater than control in all of the different types of studies is important since it is highly unlikely that a systematic bias would be involved for all groups in all the studies (Refs. 4, 19, 22, 84 through 87, 90, 92, and 94 through 101).

The choice of Alvarez and Summerskill (Ref. 22) in using dyspeptic patients as controls was criticized by Langman (Ref. 104) because these patients may have been warned by their physicians not to take aspirin. In the Panel's opinion this criticism is not valid because the patients

were carefully matched and the "case" group is just as likely to have dyspepsia and be warned by their physician; and dyspeptic patients are probably the best possible control group to assure that the control group would have the same likelihood of taking the drug for symptoms as the case group.

A well-controlled study by Needham et al. (Ref. 95) was designed to meet the criteria described by Langman. They found a definite association between short-term use of aspirin (within 72 hours of hospital admission) and massive upper gastrointestinal bleeding.

A second study also carefully ruled out bias from aspirin being taken for symptoms, a retrospective case-control study of 16,468 patients carried out by the Boston Collaborative Drug Surveillance Program found an association of "heavy" aspirin use (used for 4 or more times a week for 12 weeks) with nonbleeding stomach ulcer and major upper gastrointestinal bleeding in the absence of known predisposing conditions (Ref. 86).

In the Boston study it was estimated that the incidence rate of hospital admissions for major upper gastrointestinal bleeding in individuals without known predisposing conditions, or evidence of intestinal ulcer, and not taking aspirin, to be 11 to 13 per 100,000 per year. The incidence rate in heavy aspirin users was twice as high, being about 28 per 100,000 per year. The yearly incidence rate of new cases of nonbleeding stomach ulcers in individuals not taking aspirin is 3 per 100,000 per year. In heavy aspirin users the rate is about four times higher, 13 per 100,00 per year. Both of these differences were statistically significant. Thus, the increase in admissions for new massive gastrointestinal bleeding, excluding intestinal ulcer, and stomach ulcers that might be attributed to heavy use of aspirin would be about 25 per 100,000 per year. The author concludes that these data are consistent with a causal relationship between regular "heavy" use of aspirin and major upper gastrointestinal bleeding and nonbleeding stomach ulcers. It should be noted that 15 percent of the total patients admitted to the hospitals used aspirin at least once a week for 3 months and 6.3 percent of the total took aspirin four or more times a week for 3 months.

The estimated involvement of aspirin is probably conservative in the Boston study since it involved only new cases. It unfortunately does not provide information on a critical point of concern to this Panel, i.e., the possible increased risk of aspirin use in patients with a history of bleeding or peptic ulcer. It also does not provide information regarding the possible role of aspirin effects on the blood clotting mechanism which might potentiate bleeding from existing intestinal ulcers since this group was excluded from the study. The authors state:

> It is worth emphasizing that this study provides no information on the relation of aspirin intake to upper gastrointestinal bleeding in patients who have predisposing conditions such as established chronic peptic ulcer disease. Evaluation of such cases, in a case-control study would be virtually impossible since there would be no satisfactory way to determine the influence of the disease itself on aspirin use.

The Levy study clearly underestimated the true incidence (Ref. 1). It did not study primed subjects. It only studied subjects with chonic use of aspirin. It therefore ignored the largest group. While this may be true in the cited study, other studies have provided controls to eliminate individuals who may have taken aspirin for the gastrointestinal symptom. Even this does not include those individuals who take aspirin for gastric distress which then precipitates bleeding from primed sites.

Of the total number of cases of peptic (stomach) ulcer (517) and upper gastrointestinal bleeding (467) only 242 cases were used in the study. 356 cases were excluded from the study because of a history of stomach ulcer or stomach surgery and an additional 78 cases were excluded because bleeding occurred after admission. Furthermore, this study did not examine the possible effect of one time or short term ingestion of aspirin on massive bleeding since only chronic use of aspirin (3 months) was studied. It is important to realize that while the study does prove that there is a causal relationship between chronic or heavy use that this study does not prove that only chronic use of aspirin will produce ulcer or gastric bleeding. The study was designed such that only chronic aspirin use was studied. Any individual who had taken aspirin less than 3 months was excluded. All other studies of gastric hemorrhage have examined only acute use of aspirin, usually only 24 to 72 hours prior to bleeding. The association between bleeding and "heavy regular" use (more than 3 times per week) may simply reflect the higher probability of aspirin being ingested during the period of gastric susceptibility even though only a few doses were actually necessary to potentiate the bleeding episode.

It is also of possible significance that the Boston Collaborative Drug Surveillance Study found no evidence of an association between aspirin ingestion and newly diagnosed cases of uncomplicated non-bleeding intestinal ulcer. In the study, 7.9 percent of 63 patients were heavy users of aspirin compared to 6.9 percent of controls. In the 43 patients with newly diagnosed duodenal ulcer who had major bleeding 11.6 percent were heavy aspirin users compared to 6.9 percent of controls which was not statistically significant.

However, this trend of an increased incidence of bleeding in duodenal ulcer patients taking aspirin was found to be statistically significant in the study of Needham et al. (Ref. 95). Chapman and Duggan (Ref. 79) in 1969 also found a relationship between chronic aspirin use and the ingestion of a combination product that contained aspirin, phenacetin and caffeine (APC), and the incidence of peptic ulcer but found no association between duodenal ulcer (intestinal ulcer) and analgesic consumption. Prepyloric ulcers (ulcers near the exit valve of the stomach) were found in an abnormally high incidence in aspirin users. The association of aspirin with ulcers was highly significant, supporting the concept that aspirin abuse is a cause of chronic peptic ulcer and is the environmental factor responsible for the excess of peptic ulcers in middle-aged women in eastern Australia (Ref. 89).

(2) Difference between case and control in the frequency distribution of the time between aspirin ingestion and response. Unfortunately the details of aspirin consumption in patients with major gastrointestinal bleeding has not been given in most studies. The carefully done prospective study of Alvarez and Summerskill (Ref. 22) does provide some useful information in this regard. These workers carefully noted the exact time and reason for aspirin ingestion in 103 consecutive patients in order to determine if the drug was taken as a result of the bleeding rather than being the precipitating factor. The control group of dyspeptic patients with no bleeding were matched for sex but not age. The differences in age, however, are small and insignificant relative to the study.

Two important conclusions can be drawn from their data. First, the difference in the time distribution provides additional support for aspirin as a causative factor in hemorrhage.

Second, the effect of aspirin in producing hemorrhage is acute. If one plots these data as the cumulative frequency of aspirin use, relative to total use, for bleeders and nonbleeders, it is clear that the probability of aspirin ingestion being associated with gastric bleeding declines exponentially with time. The majority of patients who bleed took aspirin within 1 day prior to bleeding.

(3) Characteristics of lesions. (i) Bleeding in peptic ulcer patients. Peptic ulcer patients do not show increased occult bleeding after aspirin (Refs. 8 and 9) but aspirin does increase the incidence of massive bleeding in both gastric and duodenal ulcer patients. Weiss (Ref. 10) states that patients with peptic ulcer are two times more likely to show gastrointestinal bleeding.

When bleeding occurs it often occurs from other sites rather than from the healed or active ulcer (Ref. 15) or bleeding may occur from the ulcer directly (Ref. 102).

Gastro-duodenal hemorrhage following the taking of aspirin is more often due to superimposed acute erosive gastritis than to bleeding from the actual ulcer (Ref. 2).

Several recent studies indicate that acute use of aspirin will increase bleeding in both the gastric and duodenal ulcer patient (Refs. 95, 104, and 105). Furthermore, recent studies establish that the gastrointestinal bleeding associated with aspirin is increased by alcohol consumption (Refs. 104 and 105). In these studies the increased effect of alcohol was often statistically demonstrated only in duodenal ulcer patients and not in the gastric ulcer subgroups of massive bleeding patients (Refs. 95 and 104). The fact that aspirin causes only gastric ulcer

but can potentiate bleeding from both gastric and duodenal ulcers suggests that

lesion in this group. Aspirin erosions were more frequent in the body, but

orrhagic duodenitis (bleeding resulting from intestinal inflammation)

they are not under arteriolar control

able hydrogen ion (Ref. 22). As a corol-

supports the hypothesis that the effect

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but can potentiate bleeding from both gastric and duodenal ulcers suggests that different mechanisms are involved.

It should be noted that the chronic aspirin-related gastric ulcer is not necessarily a bleeding ulcer. Only 3 of the 61 gastric ulcer patients studied by Cameron had hematemesis or melena in the previous 6 months (Ref. 19). The occurrence of acute lesions associated with patients with chronic peptic ulcers is not necessarily dependent upon aspirin ingestion since they are also seen in patients who were not taking aspirin. Furthermore, the nature of the acute lesions depends upon the probable inciting factors such as stress or alcohol. However, the majority of bleeding associated with lesions in acute gastritis involves patients taking aspirin. It appears that aspirin can potentiate bleeding from acute lesions regardless of whether it initiates the lesion. These lesions are usually the type designated as erosive gastritis.

(ii) *Hemorrhagic erosive gastritis.* Hemorrhagic erosive gastritis is characterized by gastric mucosal hemorrhage from small superficial discrete lesions. Unlike ulcers they do not penetrate beyond the muscular layer (muscularis mucosa) just below the lamina propria (Ref. 15). These lesions are too small to be seen by radiographic examination and are generally detected only by direct observation with a gastroscope during surgery. In studies in which gastroscopic examinations were not performed this lesion is probably included in the "cause unknown" category. Furthermore, these lesions may not be observed if gastroscopy is performed several days after bleeding as they frequently disappear rapidly (24 to 48 hours).

The incidence of gastric mucosal erosions and hemorrhage have been associated with a variety of diseases, including infections, following gastric and nongastric surgery and trauma (brain injury) (Ref. 15). Although the occurrence of hemorrhagic erosive gastritis has been associated with a variety of disease states, alcohol and aspirin alone or together are most frequently identified as the precipitating agents (Ref. 61).

Sugawa, Lucas and Walt (Ref. 105) followed 132 patients with acute erosive gastritis (84 after sepsis or trauma, 40 after alcohol intake and 8 after aspirin ingestion). They were studied by serial gastroscopy and photography using fiberoptic endoscopes. The color, size, shape and distribution of mucosal changes were recorded during early healing phases, and these changes were correlated with microscopic studies.

Mucosal changes in the trauma-sepsis group (stress "ulcer") with mainly black based erosions, were usually restricted to the parietal cell mucosa and were mainly on the greater curvature near the fundus.

Mucosal changes in the alcohol group were more evenly distributed throughout the stomach. It was found that 17 out of 40 patients had striking antral involvement. Red based erosions were the main lesion in this group. Aspirin erosions were more frequent in the body, but were seen throughout the stomach. An unusual number of patients developed superficial white based ulcerations after aspirin.

Dagradi et al. (Ref. 15) state that the appearance and distribution of lesions in hemorrhagic erosive gastritis are similar regardless of the nature of the inciting agent. They undergo the same course of healing and the clinical spectrum is identical.

There are some differences related to the inciting agent. These differences are exemplified by the series of 106 patients bleeding from hemorrhagic erosive gastritis. The bleeding in 90 percent of the cases was associated with the ingestion of aspirin and/or alcohol just before the bleeding. In 10 percent of the cases, no determinant could be established. In most cases, aspirin was taken acutely, 2 to 3 days prior to bleeding for pain unrelated to gastric condition. Gastric distress was frequently seen in the aspirin-related group and varied from 1 day to several weeks prior to bleeding. Gastric ulcers occurred in 33 percent of the aspirin group but only in 5 percent of the alcohol-related group. Active peptic ulcer was present in 50 percent of the aspirin-related group and only 4 percent of the alcohol group. However, the frequent gastric distress in the aspirin group was unrelated to the presence or absence of ulcers.

Katz and Siegel (Ref. 14) reported that bleeding from acute erosions outnumber acute ulcers as a source of bleeding by 7 to 1, respectively. They described the typical acute gastric lesion as having denudation of superficial epithelium sheared at the neck of the glands with variable hemorrhage in the capillary rich area of the neck. These authors propose that a variety of agents may cause hemorrhagic erosive gastritis through the same mechanism. A variety of inciting agents may cause release of histamine from the mast cells in the lamina propria. They state, "It seems probable that many pathways lead to degranulation of the histamine-laden mast cells in the area about the neck of glands and that capillary injury results whatever the initiating stimulus. Capillary permeability increases, leading to hemorrhage at the neck with tissue anoxia, amputation of superficial epithelium and gross hemorrhage following."

The importance of stress as a precipitating factor for erosive gastritis has been suggested by several authors (Refs. 14, 94, and 96).

The more recent studies of Gelzayd and Gelfand and Gelzayd, Gelfand, and Rinaldo (Refs. 106 and 107) show that aspirin and alcohol may often be involved in duodenitis (inflammation of the intestine) rather than duodenal (intestinal) ulcer. Thirty-two patients had a variable history of epigastric pain (mainly dyspeptic), nausea, vomiting, and hematemesis (passage of blood by vomiting) or melena (passage of blood through the stools). Only three of these people had had a duodenal ulcer. Hemorrhagic duodenitis (bleeding resulting from intestinal inflammation) was present in eight patients with anemia and severe enough in four patients to require transfusion.

These bleeding episodes involve sites of bleeding which would not be decreased by highly buffered aspirin in solution since the primed site is already existing. Thus, there is no rationale for using buffered or highly buffered aspirin for concurrent symptoms of headache and alcoholic gastritis. Indeed, the Panel believes it is contraindicated. The Panel has discussed the labeling of such products elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Those who contend that the systemic effect of aspirin is negligible relative to the association of aspirin to massive bleeding have usually made the assumption that the systemic effect must cause the bleeding rather than potentiate existing bleeding. However, based on current information regarding the effect of aspirin on platelet function, it is clear that aspirin will not initiate bleeding on the basis of the platelet effects and most likely will not potentiate bleeding from all types of bleeding sites. Most authorities agree that reduced platelet function will be important only when there is existing bleeding potential at the capillary level. It is of significance that the unique vasculature of the gastrointestinal tract and the importance of capillary blood flow to the lamina propria is the primary factor in acute hemorrhagic erosive gastritis or duodenitis. It is in these situations that aspirin is most frequently involved, accounting for 50 to 90 percent of all cases of massive bleeding from these sites. There are few situations in the body other than gastrointestinal erosions where extensive existing damage to mucosal tissue would involve extensive capillary networks. The capillary bed in the tonsillar region is one such case, however, and as might be expected, bleeding associated with aspirin does not occur in this region unless trauma and existing tissue damage is present e.g. posttonsillectomy. When existing damage occurs and capillary bleeding does occur, massive bleeding from this site can and does take place following aspirin ingestion. It should be clear that aspirin is not acting through the Davenport (hydrogen ion mediated bleeding) mechanism.

In summary, the Panel finds that massive gastrointestinal bleeding frequently is associated with acute aspirin ingestion by patients who have existing lesions which involve capillary type "oozing" bleeding (Ref. 14), such as weeping types of lesions associated with erosive gastritis regardless of the original cause and the more recently recognized duodenitis (Refs. 106 and 107). The tonsillar bed following surgery or inflammation also presents this picture. These lesions are often multiple superficial areas which would be dependent on platelet function for hemostasis since

they are not under arteriolar control (Ref. 14); massive bleeding is more frequently observed in individuals who have inborn clotting deficiencies. While hemophilia has long been recognized to be a condition which is a contraindication to aspirin use, other clotting deficiencies which are less severe have been detected because of their reaction to aspirin (See part III paragraph B.1.a.(2)(i) above—Adverse effects on the blood.); and large increases of gastrointestinal occult blood loss are frequently associated with individuals who are more likely to have existing mild bleeding sites. The effects of aspirin on platelet function require only small doses. The effect may persist for several days. This dose-time response is consistent with some reports of massive bleeding following one or two aspirin tablets 1 or 2 days before massive bleeding occurs (Ref. 86).

(h) *Interaction with alcohol.* Another aspect of the gastrointestinal bleeding problem is the evidence in recent studies of a synergism between alcohol and aspirin's ability to cause such gastrointestinal bleeding.

In a study which was also designed to overcome the problems outlined, Needham et al. (Ref. 95) found a definite association between the acute use of aspirin (within 72 hours of hospital admission) and massive upper gastrointestinal bleeding, and evidence of a synergism between alcohol and aspirin in the association with gastric bleeding. It is of significance that of the separate diagnostic groups, i.e., duodenal and gastric ulcer, gastritis etc., only the duodenal group showed a high significance in the synergistic effect of aspirin and alcohol in terms of an increased incidence of bleeding. While this may be because of the low numbers of patients in the other categories, e.g., gastritis, it is important to note that acute ingestion of aspirin had a significant effect on duodenal bleeding and a synergistic effect with alcohol in bleeding from duodenal ulcers even though there is presently no evidence that even chronic aspirin usage is implicated in the incidence of nonbleeding duodenal ulcers (Ref. 86). This gives support to the hypothesis that aspirin may support or potentiate bleeding from gastrointestinal lesions even though aspirin alone may not initiate the lesion.

It is also significant that in this study alcohol alone did not increase the risk of bleeding, but did potentiate the effect of aspirin. It is also of interest to note that 13 percent of the total number of patients took aspirin for stomach pains, and 4 percent for hangover. The authors conclude that there seems to be a good case for warning the public of the dangers of aspirin since the combination of headache and upset stomach are often related to alcohol ingestion and might be a frequent reason for use of aspirin.

(i) *Formulation effects.* Some authorities claim that the mechanism involved with major gastrointestinal bleeding is the same as occult bleeding, i.e., involving direct cellular damage mediated through, and therefore requiring, available hydrogen ion (Ref. 22). As a corollary to this hypothesis, it has been claimed that highly buffered aspirin solutions which decrease occult bleeding would also obviate major bleeding (Refs. 37 and 47). While the direct acid-mediated gastric erosion may undoubtedly contribute or even in some cases initiate massive bleeding it is clear that this is not the only, and in fact probably not the most important mechanism involved in aspirin-induced massive bleeding.

There are several lines of reasoning to support this conclusion. Mucous membrane damage to the stomach produced by direct contact with aspirin and occult bleeding are responses that are predictable under given experimental conditions. Increased occult bleeding is observed in about 70 percent of the normal population taking normal therapeutic doses (Ref. 108). Massive bleeding has not been simulated in the laboratory and occurs sporadically and unpredictably in the aspirin taking population.

Even though highly buffered aspirin solution decreases the average occult bleeding loss in most studies (Ref. 75), frequently in these studies using highly buffered aspirin, one or two subjects who have taken highly buffered aspirin solution have sporadic, large increases in gastric bleeding. These "atypical responders" or "outliers" have occult bleeding losses which are often significantly greater statistically than the average for all subjects in the study (Ref. 77). Studying occult bleeding without regard to the unusual excessive bleeder or eliminating these "outliers" from the study begs the issue that buffering decreases blood loss and probably ignores the very type of exaggerated responder which is so characteristic of massive gastrointestinal bleeding.

Locally applied aspirin produces massive bleeding from capillary beds of tissues which do not secrete hydrochloric acid such as the tonsillar areas of the throat (See Part III paragraph B.1.a.(2)(ii)(b)(1) above—Mucosal erosion of the mouth), particularly following tonsillectomy when abraded oozing tissue is involved.

Enteric-coated aspirin products designed to release aspirin in the intestine where the acidity is low, produce significant increases in occult gastrointestinal bleeding, particularly in individuals who are more prone to such bleeding, e.g., the elderly (Ref. 1).

The Panel recognizes that a direct correlation between a reduction in occult bleeding and a reduction in occasional massive gastrointestinal bleeding has never been demonstrated.

Chronic aspirin ingestion appears to increase the incidence of stomach ulcers to a greater extent than duodenal (intestinal) ulcers presumably due to the hydrochloric acid effect in the gastric mucosa (mucous membrane of the stomach). However, aspirin appears to be implicated in massive bleeding associated with duodenal ulcer patients to the same or greater extent as in patients with stomach ulcers or erosive gastritis (stomach inflammation) (Ref. 79). This supports the hypothesis that the effect of aspirin on massive bleeding may not be dependent on the same factors as those factors related to direct mucosal damage in the stomach.

While the Davenport mechanism may contribute to or even in some cases initiate massive bleeding, it would appear not to be the only mechanism involved.

For the various reasons discussed above, the Panel concludes that because aspirin after it has been absorbed into the blood stream can promote or increase bleeding, all preparations containing aspirin regardless of formulation should bear a warning: "*Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

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(iii) *Adverse effects on hypersensitive individuals.* Aspirin has long been recognized to produce allergic type reactions in hypersensitive individuals (Refs. 1 through 9). Hypersensitivity reactions are varied, including the following types: Effects on the respiratory tract ranging from shortness of breath to severe asthma attacks; effects on the skin including urticaria (hives), angioedema (neurotic edema) (giant hives), edema and rash; and anaphylactic shock involving laryngeal swelling, which blocks air pathways, and a precipitous drop in blood pressure (shock) which can result in death if not rapidly treated.

(a) Incidence of adverse effects. The incidence of hypersensitivity reactions (dermal and pulmonary) has been estimated to be about 0.2 percent of the general population (Refs. 8 and 9). However, a much higher incidence of hypersensitivity is found in some subgroups. Six to 20 percent of asthmatics are sensitive to aspirin (Refs. 10 through 13). About 20 percent of patients with chronic urticaria will experience exacerbation when given aspirin (Refs. 14 through 16). The Panel concludes that these adverse effects occur in a significant proportion of the population. They can be serious and even life-threatening in some instances (Refs. 4 through 6). Although very rare, death has occurred within minutes following ingestion of only one or two aspirin tablets in individuals who were known to be hypersensitive to aspirin (Refs. 5 and 6).

(b) Adequate labeling information. Because of the known risk of a severe aspirin hypersensitivity reaction, the Panel concludes that groups at high risk, such as persons with asthma and persons with a known allergic reaction to aspirin (e.g., shortness of breath, skin rash, hives) should be warned not to ingest the drug without consulting a physician.

The Panel recommends that all products containing aspirin should be labeled with the warning: "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

The Panel also considered the suggestion (Ref. 17) that the warning to asthmatics should be directed only to the asthma subgroup known to be most often involved and that salicylic acid or acetaminophen can be recommended to this and other aspirin sensitive groups as a safe alternative. Evaluation of these and other considerations relating to recommended labeling statements involved assessment of the current information regarding the following: Identification of the mechanism(s) involved and the role(s) that aspirin plays in the pathogenesis of different types of hypersensitivity reactions; characterization of subgroups that can be used to identify individuals that have a significantly higher risk of reaction with aspirin; and identification of other drugs, particularly analgesics, that do or do not have cross-sensitivities with aspirin.

The Panel finds there is still considerable disagreement and there are unresolved questions regarding these important considerations, but some generalizations can be drawn on the probable mechanisms involved and susceptible subgroups. These are complex and exceptions are numerous.

The Panel concludes that aspirin can precipitate hypersensitivity reactions by different mechanisms in different groups of patients who may have entirely different characteristics. The acceptable types of substitute analgesics would also appear to be entirely different for the different groups.

(c) Major types of hypersensitivity reactions. Information reviewed by the Panel suggests at least two major types of hypersensitivity reactions to aspirin which differ in mechanism, usual type of response and cross-sensitivities with other agents (Refs. 18 and 19). There may be overlap of individuals in these categories.

It appears that the group usually exhibiting an asthmatic response to aspirin does not usually have atopic characteristics. Rather, they show the usual triad of aspirin hypersensitivity, nasal polyps, and late, abrupt onset of asthma (Refs. 10 through 12). Current evidence suggests this group involves a nonimmunologic hypersensitivity mechanism possibly related to the effects of aspirin on inhibition of prostaglandin synthesis (Refs. 20 and 21). Cross-sensitivity is commonly seen with other prostaglandin synthesis inhibitors including indomethacin, flufenamic acid, mefenamic acid, ibuprofen and phenylbutazone (Refs. 20 and 21). Analgesic agents which do not affect prostaglandin synthesis such as salicylamide, salicylic acid and acetaminophen do not usually show cross-sensitivities in this group (Ref. 20). Exceptions have been noted however (Ref. 13).

The second group are those who usually exhibit dermal reactions, such as urticaria or angioedema (Refs. 14, 15, 16, and 19), but may also have asthma following aspirin ingestion (Ref. 19). They often exhibit typical atopic constitutions (Ref. 19). This group also appears to be susceptible to anaphylaxis (Ref. 19). The mechanism involved in this group is possibly mediated by immunologic response as indicated by a positive rat mast cell reaction (Ref. 19). This group appears to be more susceptible to cross-sensitivities with salicylic acid and acetaminophen (Ref. 19).

Thus, although some generalizations can now be made regarding the type of reactions most likely to occur in a group with particular characteristics, the interrelationships are complex, not precisely defined, and not likely to be under-

stood by the majority of patients. It is sufficient to state that these relation-

runny nose (allergic rhinitis) and bron-

Polish workers recently demonstrated

The Panel is in agreement with this

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intramuscularly to pregnant mice in-

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stood by the majority of patients. It is sufficient to state that these relationships are not discernible and cannot be self-diagnosed by a lay person. Consequently, at this time, no statement would be any more meaningful to the user of aspirin than the general warning against its use by those known or likely to be hypersensitive to aspirin.

(*d*) *Asthma.* Asthma may range from mild brief attacks to severe and prolonged attacks and, rarely, deaths. Severe angioedema, bronchial asthma, cyanosis, asphyxia, coma and death within minutes have been reported in hypersensitive individuals (Refs. 1 through 4).

Conflicting figures are given in the literature regarding the incidence of aspirin hypersensitivity in the general population and the asthmatic population, depending on the population studied and the method of assessment (Refs. 6 through 13, 17, 22, and 23). Objective measurement of pulmonary function after oral challenge appears to be an effective means of establishing sensitivity. There is some risk involved in challenge tests because deaths have been reported (Ref. 22). Skin tests have not been found to be an effective means of detection (Ref. 15).

McDonald et al. (Ref. 22) studied 42 asthmatic patients who had no history of asthma after taking aspirin. Patients with an unequivocal history of asthma after taking aspirin (aspirin intolerant) were excluded from the study. Patients who had no history of asthma associated with aspirin were selected for aspirin challenge during a time when the patient's asthma was stable. A dose of 600 mg aspirin was given as two tablets which also contained 150 mg magnesium hydroxide and 150 mg aluminum hydroxide per two tablets. Other tablets, containing 200 mg magnesium hydroxide and 200 mg aluminum hydroxide per tablet and no aspirin, which were similar in size and appearance, were given as a control, in crossover fashion, to the same patients. Respiratory signs were measured by spirometry and a Jones Pulmonor. Eight of 42 (19 percent) challenges were positive. These results, combined with 14 patients with a history of intolerance to aspirin, yield a prevalence of aspirin intolerance of 8 percent in the asthmatic population studied by these investigators. The number of patients who were intolerant to aspirin showed a statistically significant increase in the presence of nasal polyps, sinusitis and steroid dependence when compared to all new asthmatic patients examined during the 2-year period.

Many other authors have noted a particularly high incidence of aspirin sensitivity in asthmatic patients with nasal polyps, chronic sinusitis and eosinophilia. In general, aspirin-induced asthmatics have not fitted the usual characteristics of the typical "allergic" patient. The allergic patient most familiar is one who when exposed to some allergen (reagin), such as pollen or a food, develops "hay fever" watery and itchy eyes, runny nose (allergic rhinitis) and bronchospasm. Secondary symptoms may involve urticaria, allergic asthma and, rarely, anaphylactic shock. Allergy of this type belongs to a subgroup of the so-called "immune" class of disease termed atopy (Type I, reagin-mediated allergic hypersensitivity). In this class of disease an antibody mediates the reaction. The antibody belongs to the IgE class of immunioglobulins which has the peculiarity of attaching itself to a certain type of cell, mast cells in the tissues and basophils in the blood. With the arrival of the allergen (reagin), union between the allergen and the antibody attached to these cells occurs and leads to the release of active substances such as histamine which in turn cause the symptoms we call "allergic."

In contrast to the atopic group, most aspirin-sensitive asthmatics do not have any of the usual indications of an immunological reaction. They have been termed Type II, intrinsic, nonallergic type (Refs. 17 and 24).

Falliers states that aspirin-sensitive asthmatics are usually the Type II, intrinsic, nonallergic type and are quite different from asthmatics not sensitive to the drug (usually Type I atopic asthmatics). Based on his study of 1,29[illegible] chronic asthmatics, between the ages of 6 to 16 years, the 25 children sensitive to aspirin were mainly the typical "abrupt-late-onset" intrinsic types with nasal polyps. He states that the majority of the atopic (reagin-mediated or Type I allergic hypersensitivity) are said to carry no greater risk of aspirin sensitivity than the general population. The distinguishing characteristics of the low risk patient are: An early onset of atopic (reagin-mediated) asthma; a family history of allergy; and specifically asthma, atopic eczema, and rhinitis. In contrast to the large number of asthmatic adults who are sensitive to aspirin (approximately 10 to 20 percent), the number of asthmatic children who are allergic to aspirin is only about 2 percent, according to Falliers (Ref. 24). Falliers has recommended to this Panel that the label warning for aspirin should state "some asthmatics (intrinsic nonallergic type) may react adversely and therefore should not use aspirin without medical advice." One difficulty of this suggestion is that many asthmatics may not know which category they are in and could not self-diagnose their condition. A second more important reason is that some aspirin-sensitive children do in fact have atopic characteristics. For example, in five children with asthma induced by aspirin, Yunginger et al. (Ref. 23) found that four were in the group considered by Falliers to be low risk. These four had no history of nasal polyps and were characterized by atopic constitutions including sensitivities to seasonal pollens, a family history of allergies and positive skin tests.

The mechanism involved in the intrinsic nonallergic aspirin-sensitive asthmatic probably includes the effect of aspirin on prostaglandin synthesis (Refs. 20 and 21).

Polish workers recently demonstrated bronchoconstriction in patients with aspirin hypersensitivity after administration of five drugs which inhibited prostaglandin synthesis (Refs. 20 and 21). Indomethacin produced decreased peak expiratory flow in all 11 patients tested after a dose of 5 mg. Therapeutic doses of mefenamic acid and flufenamic acid, and 200 to 400 mg phenylbutazone produced a bronchoconstrictor effect in most patients. These five drugs all inhibited microsomal prostaglandin synthetase. Salicylamide, acetaminophen, benzydamine and chloroquine did not inhibit prostaglandin synthetase and did not produce bronchoconstriction.

(*e*) *Urticarial (dermal) hypersensitivity reactions.* Speer states that the most common manifestations of aspirin sensitivity are urticaria (hives) and angioedema (giant hives) rather than asthma (Ref. 15). Urticaral reactions (hives) are generally considered as part of the general aspirin sensitivity syndrome. However, dermal and respiratory reactions frequently occur independently. Different mechanisms may be involved. These patients frequently have other allergies (food, drugs) and do not necessarily exhibit the usual signs of late onset and nasal polyps found in aspirin-induced asthmatics. In 112 patients found sensitive to aspirin (1.5 percent of all patients seen in a 10-year period), there were 74 cases of urticaria and/or angioedema and 38 cases of asthma. Of interest is the fact that four of these patients also reacted to acetaminophen. Of these, three developed urticaria and one asthma.

In contrast to aspirin-induced asthma which is usually precipitated only by aspirin and not salicylic acid, both aspirin and sodium salicylate will exacerbate chronic urticaria in 20 to 25 percent of cases (Refs. 14 through 16).

Phills et al., using the rat mast cell technique, which is thought to detect IgE immunoglobin reactions, were able to distinguish between two groups of patients hypersensitive to aspirin (Ref. 19).

Dermal reactions are not usually life-threatening. There are indications that life-threatening anaphylactic shock is often associated with patients with dermal rather than asthmatic reactions to aspirin. Thus while typical (intrinsic, nonallergic) aspirin hypersensitive patients (Type II) can frequently use salicylic acid or acetaminophen or other analgesics which do not inhibit prostaglandin synthesis without cross-sensitivity, this does not appear to be true with urticarial and possibly anaphylactoid type reactions in the atopic type (Type I) aspirin responders.

The American Academy of Allergy in 1973 (Ref. 25) approved the following resolution:

> While recognizing that acetylsalicylic acid (aspirin) is a valuable drug, the American Academy of Allergy recommends that a formulation containing aspirin and advertisements promoting the formulation should clearly indicate that the preparation contains aspirin and that aspirin can be harmful to some persons.

The Panel is in agreement with this resolution.

In summary, since aspirin has long been recognized to produce allergic type reactions in hypersensitive individuals, the Panel recommends that all products containing aspirin should be labeled with the warning: "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

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(25) News Release, "Aspirin to be Labeled 'Can Be Harmful'," The American Academy of Allergy, February 14, 1973, is included in OTC Volume 030150.

(iv) *Adverse effects during pregnancy.* The Panel has reviewed the effects of aspirin on various aspects of pregnancy as studied and extensively reported in the literature. The investigations on the effects of aspirin ingestion during pregnancy have focused on the following aspects: Teratogenic effects (malformation of offspring); the incidence of stillbirths and neonatal deaths (deaths at or shortly after birth); the effect of aspirin ingestion on the length and duration of pregnancy and parturition time (length of labor and delivery); and the impairment of hemostatic mechanisms by aspirin (but not other salicylates) on the mother as well as on the newborn infant.

In the discussion below, the Panel has elected to separate and review the available data according to the above effects. Teratogenic potential and fetal lethality will be discussed in terms of both animal studies and human retrospective and prospective studies. Secondly, prolongation of the duration of pregnancy and parturition time in animals and in human retrospective studies will then be summarized. Lastly, the effects on maternal and newborn hemostatic mechanisms will be described followed by the Panel's conclusions and recommendations.

(*a*) *Teratogenic potential and fetal lethality. (1) Animal studies.* Warkany and Takacs (Ref. 1) reported for the first time in 1959 that both methyl and sodium salicylate were teratogenic in rats. The drugs were administered to pregnant rats subcutaneously from days 9 to 11 of pregnancy. However, the doses used were, on a weight basis, much greater than the therapeutic doses used in man. Females received either single subcutaneous injections of methyl salicylate in doses of from 0.1 to 0.5 ml (the mg/kg dose was not specified) or sodium salicylate in doses of 60 to 180 mg (maximum 900 mg kg based on the assumption of a 0.2 kg rat). In addition, the teratogenic doses (doses which caused malformations) were found to be quite close to doses lethal to the embryo (developing offspring) and toxic to the mother (Ref. 1).

Larsson, Bostrom and Eriksson (Ref. 2) in 1963 showed that large doses of salicylates, 10 mg (maximum 500 mg/kg based on the assumption of a 0.02 kg mouse) sodium salicylate, administered intramuscularly to pregnant mice induced malformation in the embryos. A feature of particular interest was that these malformations occurred either in vascular (blood vessel) or skeletal tissues both know to contain acid mucopolysaccharides. The authors hypothesized that the teratogenic effects of salicylates in mice were related to the inhibition of mucopolysaccharide synthesis and suggested that the embryos seemed to be most sensitive when the injections were given on the 12th and 13th day of gestation.

Larsson and Eriksson (Ref. 3) in 1966 investigated the effects of time of administration of salicylates to pregnant mice on the incidence of fetal death and fetal resorption. They compared two mouse strains identified as A/Jax and CBA strains and found that they had different teratogenic susceptibility. Sodium salicylate, 500 mg/kg of body weight, was given intramuscularly in a single dose on one specific gestation day (either day 9, 11, 13, 15 or 17) to pregnant primiparous mice of A/Jax and CBA strains and to their reciprocal crossings. It was found that the fetal resorption rate increased steadily the later in pregnancy sodium salicylate was given to the A/Jax strains and to hybrids from A/Jax females crossed with CBA males. In contrast, in the CBA strain, and to the progeny from CBA females crossed with A/Jax males, the resorption rate was low even after injection of sodium salicylate in late pregnancy. Vascular anomalies were studied and it was noted that the highest incidence of vascular anomalies occurred after injection of sodium salicylate on the 15th day of gestation, whereas anomalies of the ribs and vertebrae showed the highest incidence after injection on the 9th day. Again, the A/Jax strain, and the progeny from A/Jax females crossed with CBA males were

administered on days 15 and 16 of gestation followed by 500 mg/kg salicylate on day 17, fetal death was significantly de- 13.1±0.56 and in group IV it was 6.4± 1.51. This seems a marked decrease in litter size in group IV when compared to dition to the retrospective nature of the study, the dosages of salicylates, the duration of treatment, and the medical

Nevertheless, the Panel concludes that regardless of the circumstances, the whole of pregnancy, the first trimester and the first 14 and 56 days and all controls (p is less than 0.001), approxi-

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administered on days 15 and 16 of gestation followed by 500 mg/kg salicylate on day 17, fetal death was significantly decreased. Although these observations are interesting, it must be noted that here again extremely high doses were used since the LD_{50} for females of the strain used (A/Jax) was determined to be 760 mg/kg of body weight.

Studies in rhesus monkeys by Wilson (Ref. 5) have shown that doses of aspirin five to six times higher than the teratogenic doses used in rodents produced embyrotoxicity and fetal malformations in this species. It should be emphasized that the daily dose of 500 mg/kg was considerably in excess of that likely to be used therapeutically in pregnant women.

According to Wilson (Ref. 6), this "margin of safety" has been made less secure by the observation of Kimmel, Wilson and Schumacher (Ref. 7) that the teratogenic potential of a given dose of aspirin in rats can be appreciably increased by the concurrent administration of benzoic acid, a widely used food preservative. Levy, Amsel and Elliott (Ref. 8) have shown that benzoic acid elevates salicylate blood levels in man by inhibiting salicyluric acid formation, but whether such interaction could raise the salicylate concentration in maternal blood sufficiently to cause embryotoxicity still remains an open question. The Panel has further discussed the role of benzoic acid-containing ingredients later in this document. (See part VI. paragraph B.2. below—Benzoic acid-containing ingredients.)

Since these and other reports have appeared, questions are sometimes raised about the possible embryotoxicity of salicylates, particularly aspirin, in view of its widespread use as an analgesic and the high doses used in arthritis. For purposes of comparison, it should be noted that the use in the average adult female of the recommended maximum daily dosage of 3,900 mg aspirin would be equivalent to 70 mg/kg for an average 55 kg (120 lb) woman.

Recently, Beall and Klein (Ref. 9) have reported a study in rats using a dose of 250 mg/kg (administered on days 7 through 10 of pregnancy) with and without food restrictions. They found that the controls (group I) (food ad libitum, no drug administration) had 2.6 percent of abnormal progeny. Group II (250 mg/kg aspirin and food ad libitum) had 23.8 percent of abnormal fetuses. Group III animals on a restricted diet (6 g daily) had an incidence of abnormal fetuses of 5.3 percent. However, Group IV receiving 250 mg/kg aspirin plus food restriction had an incidence of 95.8 percent malformed fetuses.

The types of anomalies observed included rib anomalies, craniorachischisis, umbilical hernia, scoliosis, anophthalnia, cleft lip and palate, etc.

The data also show a significantly increased number of resorptions in group IV when compared to groups I, II, and III (p is less than 0.05). The litter size of control group I was 11.6 ± 1.54, for group II it was 9.4 ± 1.45, for group III it was 13.1 ± 0.56 and in group IV it was 6.4 ± 1.51. This seems a marked decrease in litter size in group IV when compared to other groups, although the authors do not mention the significance of this factor. These data indicate that, in rats, the combination of food restriction and aspirin affected fetal development more than did aspirin alone.

In summarizing the animal studies as they might be related to humans, several important points should be noted. As has already been emphasized, on a weight basis the doses used in the animal studies were excessively high and approached or were at lethal levels in comparison to the usual human adult dosage. Not only were these doses at lethal levels for the animals, but considering that the lethal dose for man ranges from 400 to 600 mg/kg, the animal doses were also at levels that would be lethal to humans (equivalent to 84 to 96 aspirin 325 mg (5 gr) tablets). When pregnant mice were given lower doses, such as a dose of 150 mg/kg, there was little or no adverse reaction. As noted above, the total maximum daily dose of aspirin recommended by the Panel for an average woman is approximately 70 mg/kg, about one-half the dose in mice of 150 mg/kg. However, extrapolation from animal data to humans is not always a matter of simple arithmetic and conversion of doses on a mg/kg basis. It is a well-known fact in toxicological assessment that species vary in the susceptibility to toxic agents and often it is required by government agencies that doses 10 or 50-fold of those intended for human use be used in animals for the assessment of toxic potential.

This interspecies variation could be due to susceptibility of the target organ (or growing embryo) or to differences in absorption, metabolism, distribution or excretion. Interspecies differences in metabolism are extremely common.

(2) *Human studies.* Studies related to the use of salicylates by pregnant women were reviewed by the Panel to make an assessment of the risks involved. Obviously, ethical and moral reasons preclude specially designed randomized studies that would examine the effects of salicylates on pregnancy. The Panel has therefore had to rely mainly on retrospective studies, i.e., previous clinical experience or statistical records which are subject to many valid criticisms and from which conclusive evidence cannot be definitively drawn. Several retrospective studies in humans attempting to determine if a correlation exists between aspirin ingestion and fetal malformations have been reported in the literature.

A retrospective survey of malformed infants resulting from 833 pregnancies during the period between 1964 to 1966 was performed in Wales by Richards (Ref. 10). The mothers of the malformed infants were matched with an equal number of controls, women who had given birth to normal infants. The findings were based on interviews in the homes of each mother of a malformed infant and her matched control. In addition to the retrospective nature of the study, the dosages of salicylates, the duration of treatment, and the medical histories of the mothers were not given. Richards reported that a very highly significant greater (p is less than 0.001) percentage of women (22.3 percent) delivering malformed babies, had taken salicylates during the first trimester of pregnancy than had women who had not taken salicylates and delivered normal babies (14.4 percent). It is interesting that in these populations of women following pregnancy, the incidence of salicylate ingestion was relatively low, i.e., only 36.7 percent of the 833 subjects had taken salicylates.

The author concluded that the results of the investigation "suggest that either salicylates have a teratogenic effect or that the conditions for which they are given have such an action." It should be noted that in addition to salicylates, other drugs had been taken by some of the women during pregnancy such as antibiotics, sulfonamides, steroids, sedatives, iron, oral contraceptives, antiemetics, etc. However, the women taking salicylates did not all take these various drugs.

The retrospective study included a statistical evaluation of each drug administered to the mothers to determine whether there was a statistically significant relationship between the drug and the malformation found in the infants. The author acknowledged that there are several limitations to a retrospective study that cannot be overlooked, and that "a large number of tests of significance were performed and many of these apparently significant differences could have arisen merely by chance." The author performed a total of 1,025 tests of significance and indicated that of the 101 tests that showed statistical significance, he considered that 51 of these statistically significant results could have occurred merely by chance.

In reviewing the study, the Panel finds several limitations which prevent a valid interpretation of the findings. Even the author acknowledges limitations to a retrospecive study including the fact that the results may be affected by bias on the part of the interviewer or the mother; events, drugs and dosages may have been forgotten; emphasis was placed on the whole of the first trimester, whereas the critical periods of development are short and occur at different times for different organs; and lastly that since a large number of tests of significance had been performed, many of these apparently significant differences could have arisen mainly by chance. The Panel recognizes these deficiencies and especially the fact that the statistical analyses were not planned in advance of the study. It is also important to note that the study was not designed specifically to evaluate the effects of salicylates or other drugs but to evaluate congenital malformations and environmental influences in pregnancy. Many factors besides drugs were evaluated such as illnesses during first trimester, smoking and diet habits, employment, accommodations, water supply, etc.

Nevertheless, the Panel concludes that regardless of the circumstances, the Panel views the summary conclusions of the authors as very important. Namely, the fact that Richards found many statistically significant differences between cases and controls, those of greatest interest (and possible importance) being: (i) Use of salicylates, (ii) certain other drugs (antiemetics) and (iii) the effects of diet in the first trimester considered to be unbalanced or doubtful. Of importance to this Panel, the author found that the taking of salicylates in the first trimester resulted in the following significant differences: Defects on the central nervous system (p is less than 0.05), of the alimentary tract (p is less than 0.01), miscellaneous defects (p is less than 0.05) and talipes (club foot) (p is less than 0.01) (for all organ systems p is less than 0.001).

In another retrospective study by Nelson and Forfar (Ref. 11) reported in 1971, the effects of drugs administered during pregnancy and their possible association with congenital abnormalities of the fetus were compared. Virtually all 1,369 of these women (1,333 out of 1,369) had taken one or more drugs during pregnancy. Only 2.1 percent of mothers in the abnormal group and 2.9 percent of mothers in the control group had not taken any drug. Most mothers who had taken analgesics delivered normal infants. In the study 97 percent of the mothers took prescribed drugs and 65 percent OTC drugs. Aspirin was one of the drugs included. More specifically, the aspirin ingestion during pregnancy of 458 mothers of malformed infants was compared with the ingestion of aspirin by 911 mothers of normal infants. Of mothers delivering normal infants, 54.3 percent took aspirin during the entire period of pregnancy as compared with 62.2 percent of mothers delivering malformed infants. This was reported to be a statistically "highly" significant difference (p is less than 0.01).

Approximately 50 to 60 percent of the mothers of the malformed infants and also the mothers of the normal infants had taken two to five different drugs during pregnancy. Approximately 15 to 20 percent of both groups of mothers had taken 6 to more than 10 drugs during pregnancy. The drugs consisted of analgesics, antacids, antiemetics, antibiotics, appetite suppressants, barbiturates, bronchodilators, cough medicines, diuretics, hormones, hypnotics and tranquilizers, iron, sulfonamides and vitamins. Tests for significance had to be done for each class of drugs for the same groups of mothers. In the case of some drugs, the actual numbers were too small to show significant results which could not alone exonerate a drug from possible teratogenic effects. In other instances, although a greater number of mothers of malformed infants took a particular drug than the control mothers, it might not necessarily mean that the drug had a teratogenic effect.

Twenty-three different analgesic preparations had been used by the women. Statistical comparisons were made between the analgesics used during the whole of pregnancy, the first trimester and the first 14 and 56 days and all abnormalities observed (which were further divided into major and minor abnormalities). The data showed that analgesics were used by a significantly high proportion of mothers of infants with "all and minor" abnormalities during the whole of pregnancy and "all" abnormalities during the first 56 days of pregnancy. The authors specifically note that "aspirin was taken by a significantly higher proportion of mothers of all abnormal infants and of infants with major abnormalities in the whole of pregnancy and of infants with all abnormalities in the first trimester." It was specifically concluded that the increased occurrence of congenital abnormalities associated with analgesics appeared to be related to the aspirin content.

The data further showed no significant differences for aspirin for the first 14 and 56 days. However, there was a significant difference for the first 28 day period where 8 out of 458 mothers (1.75 percent) in the "all" abnormalities group had taken aspirin compared to 3 out of 911 mothers (0.33 percent) in the control group (p is less than 0.05). The abnormalities included achondroplasia, hydrocephalus, congenital heart disease, mongolism, congenital dislocation of the hip, hydrocele, talipes, and papilloma of the forehead. It should be noted that Richards (Ref. 10) also observed talipes. Since the average dose of aspirin per mother in the study group was reported to be a little over half that in the control group, this indicates a woman does not necessarily have to be an abuser or take large quantities of the drug to have the fetus at risk.

The authors' summary comments emphasize the need for caution in presuming teratogenic effects on the basis of the associations found in the study. They do recommend that any drug which carries a suspicion of teratogenicity should be avoided during pregnancy unless specifically prescribed. More interestingly, they recommend that OTC drugs such as aspirin should be avoided.

A retrospective study in Finland reported by Saxen (Ref. 12) in 1975 investigated the association between oral clefts in infants and drugs taken by their mothers during pregnancy. Five hundred ninety-nine cases of oral clefts (cleft lips and cleft palates) reported to the Finnish Register of Congenital Malformation in the years 1967 to 1971 were used in the study. The mothers of these malformed infants were compared with matched controls, i.e., mothers of normal infants, for salicylate ingestion during preghancy. In considering the results, it should be kept in mind that this study was partially prospective and partially retrospective. The information concerning intake of drugs was obtained from welfare center records (prospective) whereas questionnaires were completed by the mothers during their first visit after delivery (retrospective). Although it was reported that in the first trimester of pregnancy 14.9 percent of the mothers of the malformed infants took salicylates as compared to 5.6 percent of the controls (p is less than 0.001), approximately the same percentage of mothers of malformed infants and of the controls (18.4 and 16.9, respectively) did not remember exactly when during pregnancy they took salicylates. Since a correlation with the intake of other drugs during pregnancy was also studied, the author cautions that when a large number of significant tests are performed, the possibility of chance correlations must be taken into account; but the fact that the significant differences were mostly confined to the first trimester, lessens the probability that these differences arose by chance. Saxen also points out that other drugs administered simultaneously may alter the response to a drug.

A survey in England by Crombie et al. (Ref. 13) reported in 1970, compared the number of aspirin prescriptions issued by physicians to women in early pregnancy who had eventually delivered a congenitally malformed baby, with the number of aspirin prescriptions issued to women who had delivered a normal baby. There was no statistically significant difference between the two sets of mothers. The authors concluded that any relationship between "drug consumption and a congenital abnormality is indirect and possibly more directly related to the morbid conditions for which the drugs were given." This survey included the records of approximately 10,000 women.

In another study by Turner and Collins (Ref. 14) reported in 1975, the infants of 144 mothers who took salicylates regularly during pregnancy were studied with respect to birth weight, perinatal mortality and the incidence of congenital malformations. Since salicylates cross the placental barrier freely and go into the fetal circulation, the study was initiated in an attempt to assess the effects of increased levels of blood salicylate on infants whose mothers regularly took salicylates during pregnancy. After delivery, the babies were divided into groups, i.e., Group I (64 infants) where the mothers had taken salicylates daily and Group II (82 infants) where the mothers had taken salicylates at least once a week. Mothers in Group I were matched with controls for age, parity, gravity, ethnic group and social class. Blood salicylate level determinations showed that when the maternal blood level was high so was the cord-blood level. The mean birth weight of the infants of mothers who took salicylates daily was significantly lower than the mean control birth weight (p is less than 0.005). The birth weight was also found to decrease in relation to the length of time (in years) that mothers had been taking salicylates which suggested that it may not be solely an effect of salicylates on fetal growth but rather a cumulative secondary effect from some maternal factor. When the present and past pregnancies of the women were combined, it was found that the stillbirth rate and the perinatal mortality rate were significantly increased in infants born to the Group I mothers (p is less than 0.01 and 0.005, respectively).

With regard to teratogenicity, there was no significant increase in malformed infants as compared to controls.

Group II: Containing 9,736 aspirin-exposed mother-child pairs.

Group III: Containing 35,418 non-aspirin-

son who has taken eight aspirin or therapeutic dosages in any lunar month or in any of the first 4 lunar months, can

(15 days postmature). Patients taking aspirin had a longer length of labor

INFLUENCE OF ASPIRIN ON DURATION OF HUMAN GESTATION AND LABOR

Because the numbers in the survey were small, the findings in present and

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With regard to teratogenicity, there was no significant increase in malformed infants as compared to controls.

The authors concurred with the suggestions of Richards (Ref. 10) and Nelson and Forfar (Ref. 11), stating that it may well be as suggested by those investigators "that teratogenicity is related to the illness for which salicylates were taken rather than a direct effect of the salicylates themselves." Turner and Collins (Ref. 14) did find that babies of mothers taking salicylates had a significantly reduced birth weight compared with controls. In addition, some babies were born with an elevated cord-blood level of salicylates but this was not associated with hypoglycemia, bleeding or any other obvious clinical disturbance. It is interesting to note that there were more anomalies in the group of women who took salicylates intermittently rather than constantly which suggested to the authors that if there is any teratogenic effect it may be more related to fluctuating levels of salicylate than a constantly elevated level. Turner and Collins concluded, "Our findings do not support the suggestion that salicylates are teratogenic, but they do suggest that chronic salicylate ingestion is associated with an increase in perinatal mortality and with decreased intrauterine growth."

In a recent study reported by Slone et al. (Ref. 15), the results of a prospective study suggest that aspirin is not teratogenic. In the study, which was conducted in 12 hospitals throughout the U.S., 50,282 mother-child pairs were selected for evaluation. Prior to delivery, data were collected on drugs taken, maternal illnesses, complications, etc. However, full details of dosages were not recorded but the heaviest use of aspirin, which was recorded, was for 8 or more days in any lunar month. Aspirin had been the most commonly used drug which was taken by 32,164 women during pregnancy. With regard to evaluating congenital malformations, the first 4 lunar months of pregnancy were studied in which aspirin had been taken by 14,864 women. In fact, during this period, 5,128 women (heavy users) had taken aspirin for at least 8 days during at least 1 of the first 4 lunar months. To fully evaluate the data, the authors developed risk factors for each of the outcomes identified. These included comparisons of the children (with and without each of the outcomes) in terms of such factors as antenatal visits, personal characteristics of mother and offspring, age, illnesses, genetic factors (prior malformed siblings), etc.

The findings of the study in terms of malformations according to aspirin exposure during the first 4 months of pregnancy are as follows:

CONGENITAL MALFORMATIONS FOLLOWING ASPIRIN EXPOSURE IN EARLY PREGNANCY

GROUPS EVALUATED

Group I: Containing 5,128 "heavily" aspirin-exposed mother-child pairs. (See description of heavy users above.)

Group II: Containing 9,736 aspirin-exposed mother-child pairs.

Group III: Containing 35,418 non-aspirin-exposed mother-child pairs.

Findings of study

Parameter measured	Group I	Group II	Group III
Number malformed children	343	663	2,242
Percent of group	6.7	6.8	6.3
Relative risk	1.06	1.08	1.0

When the children were further divided according to outcome, i.e., uniform malformations (CNS, cardiovascular, etc.) and nonuniform malformations (inguinal hernia and clubfoot), the data show that both aspirin exposure groups were similar to the unexposed group. The standardized relative risk approximated unity. The upper approximate limits (p value less than 0.05) for uniform and major malformations in children who were heavily exposed to aspirin (Group I) were 1.08 and 1.11, respectively. The authors stated that "With regard to any exposure to aspirin (whether heavy or not), the standardized relative risks of uniform and major malformations were 1.00 and 1.01, respectively, with approximate upper 95 percent confidence limits of 1.06 and 1.09."

As with other studies, criticisms were raised which could have obscured possible teratogenic effects. The authors commented in their discussion:

First, chance may explain failure to detect relationships with some of the less common outcomes. Second, even though multiple logistic risk function analysis was used to simultaneously control a wide range of potential confounding factors, the possibility of negative confounding by undetected factors could not be ruled out. Third, a systemic bias in the data collection could have obscured an association. Certainly, observer-bias was unlikely in this study because the information on drug exposure was collected before delivery. Fourth, some degree of underestimation of aspirin use was undoubtedly present, since the median time of entry into the study was 21.6 weeks; some women may not have recalled taking aspirin during early pregnancy. However, there was less likelihood of underestimation among heavy users. In addition, misclassification of aspirin users as non-users would have had to be very common to completely obscure an actual association, because the non-exposed group was extremely large.

The data presented here are not in accord with two previous studies (Refs. 14 and 16).

The striking differences between the study of Slone et al. and those of Collins and Turner (Ref. 16) and Turner and Collins (Ref. 14) are not as dramatic as it may appear at first sight. The studies in the American and Australian papers were widely different and probably the main difference lies in the definition of "heavy user" given in the U.S. study. The term "heavy user" as described by Slone et al. appears to be a misnomer as these authors were really studying three non-abusing populations and the outcome could have easily been predicted. A person who has taken eight aspirin or therapeutic dosages in any lunar month or in any of the first 4 lunar months can hardly be called a heavy user.

However, it is noteworthy that Slone et al. (Ref. 15) concluded that the study gave no evidence that aspirin ingestion during pregancy is associated with congenital malformations. They pointed out that from the statistical analysis the relative risk estimates for uniform malformations and for major malformations make it unlikely that substantial teratogenic effects would have escaped detection. Nevertheless, they were of the opinion that the possibility still remains that grossly excessive exposure to aspirin may be teratogenic. However, they referred to the study of Turner and Collins (Ref. 14) which in their view showed no effect. More importantly, Slone et al. concluded: "Based on a larger body of data, more conventional doses of aspirin as used by pregnant American women do not appear to cause malformations in their offspring."

(b) *Prolongation of the duration of pregnancy and parturition (labor and delivery) time.* Tuchmann-Duplessis et al. (Ref. 17) have recently reported that the administration of 200 mg/kg/day to rats during the last 6 days of pregnancy resulted in a prolongation of the duration of pregnancy, a prolongation of parturition time and the appearance of dystocia (abnormal labor) in some animals resulting in possible secondary death of fetuses in utero. Seventy percent of control dams delivered during day 21 of pregnancy while only 18 percent of the treated dams did (p is less than 0.05). Fetal deaths occurred undoubtedly during but not before parturition and were the result of prolonged parturition and not the result of the toxic effect of aspirin on the fetus in utero.

Lewis and Schulman (Ref. 17) reported a 20 year retrospective study of 103 patients, most of whom had nonspecific collagen disease or degenerative musculoskeletal disease, taking doses of aspirin greater than 3,250 mg/day during the last 6 months of pregnancy in which comparisons were made with two control populations. The control populations were chosen as follows: The first control group consisted of 52 pregnant patients with rheumatoid arthritis, "nonspecific collagen disease", or degenerative musculoskeletal disease who were not taking aspirin or other compounds known to affect prostaglandin synthesis; and the second control group contained 50 pregnant women without known disease who were not taking therapeutic doses of aspirin or related drugs. The patients taking aspirin had an average gestation period of over 1 week longer than either control group. These differences were significant (p is less than 0.025). The two control groups did not differ from each other. The change in the mean length of gestation which occurred in the group taking aspirin was associated with increases (42 percent vs 3 percent in controls) in gestation periods lasting more than 42 weeks

(15 days postmature). Patients taking aspirin had a longer length of labor than either of the 2 control groups (12 hours vs 7 hours; p is less than 0.005). Further analysis showed that there were no statistical differences in mean age, parity or growth.

The Panel has summarized some of the findings of the authors in the following table:

INFLUENCE OF ASPIRIN ON DURATION OF HUMAN GESTATION AND LABOR

COMPARISONS OF STUDY GROUPS

Group I: Patients with rheumatic diseases taking therapeutic dosages of aspirin with daily consumption greater than 3,250 mg for at least the last 6 months of gestation (103 patients).

Group II: Control patients with rheumatic diseases not taking aspirin (52 patients).

Group III: Control healthy women not taking aspirin (50 women).

Results of study groups

Parameter measured	Group I	Group II	Group III
Length of gestation (days)	286.1±13.3	275.2±10.6	278.6±6.91
Length of labor (hours)	12.1±10.6	7.3±4.11	6.96±4.96
Birth weight (g)	3,077.0±597.0	2,972.0±538.0	3,379.0±460.0
Estimated blood loss (ml)	340.0±155.0	244.0±114.0	235.0±97.0

The purpose of the study was to evaluate the influence of aspirin, an inhibitor of prostaglandin synthesis, on the duration of human gestation and labor. Prostaglandins are known to be capable of initiating uterine contractions. Lewis and Schulman indicate that their results support the view that prostaglandin metabolism may be an important determinant of the timing of the onset of spontaneous labor and of its duration. Patients taking aspirin had labors averaging 70 percent longer than those in the control populations.

Collins and Turner (Ref. 16) in an Australian study compared two groups of pregnant women who self-medicated with analgesics regularly, with a group of matched controls. One group of self-medicated women took analgesics in a powder daily (constant takers). A combination of aspirin, salicylamide, and caffeine was taken by 58 percent; 36 percent took a combination of aspirin, phenacetin, and caffeine; and 6 percent used either powder. The second group of self-medicated women admitted taking analgesics at least once a week throughout pregnancy (intermittent takers). Many of the constant takers had self-medicated with analgesics for many years and were "habituated" to analgesics. After the delivery of each patient in Group I (constant takers), the next Australian-born clinic patient to deliver a baby, who was matched for age, parity and gravity and after assurance that the patient had not taken analgesics, was used as a control. There were 63 patients in Group I, the same number in the control group and 81 patients in Group II. The major effects of regular salicylate consumption in pregnancy were found to be an increased frequency of anemia during pregnancy, a prolonged gestation, an increased incidence of complicated deliveries, a high incidence of antepartum and postpartum hemorrhage and transfusion at delivery and an increased perinatal mortality. The mechanism of the prolongation of gestation and labor by salicylates have been found to be related to the inhibition of the release of prostaglandins. Since one of the actions of prostaglandins is to stimulate uterine contractions, salicylates might be expected to delay the onset of labor and increase the length of labor. The Panel has summarized some of the findings of the authors in the following table:

INCIDENCE OF MAIN CLINICAL FEATURES FROM REGULAR SALICYLATE INGESTION DURING PREGNANCY

COMPARISONS OF STUDY GROUPS

Group I: Constant takers—analgesics taken 2 to 12 times daily during entire pregnancy.

Group II: Intermittent takers—analgesics taken at least once weekly during entire pregnancy.

Group III: Controls—no analgesics taken during entire pregnancy.

Results of study groups

		Group I	Group II	Control
Anemia in pregnancy	percent	41	22	20
Antepartum hemorrhage	do	14	7	7
Postpartum hemorrhage	do	12	7	2
Transfusion at delivery	do	12	6	0
Mean duration of pregnancy	weeks	39.7	39.8	39.7
Duration 36 weeks or less	percent	5.0	5.0	8.0
Duration 42 weeks or more	do	16.0	16.0	14.0
Mean duration of labor	hours	5.6	5.5	4.8
Complicated delivery		30	27	11
Caesarian section		12	6	2
Stillbirths		4.57	1.81	0

1 P is less than 0.025.
2 P is less than 0.050.

Because the numbers in the survey were small, the findings in present and past pregnancies of the women in the study were combined when assessing the antepartum hemorrhage, postpartum hemorrhage and transfusion at delivery, and all of these were found to be significantly increased in the constant takers group (p is less than 0.001). The stillbirths and perinatal death rates of the combined pregnancies of this group were also much greater than in the controls (p is less than 0.01 and less than 0.005, respectively).

In another recent study reported by Shapiro et al. (Ref. 19), the results showed no evidence that aspirin taken during pregnancy is a cause of stillbirth, neonatal death, or reduced birth weight. In this study, the collaborative perinatal project previously described by Slone et al. (Ref. 15) was used. The 50,282 mother-child pairs previously described were reduced to 41,337 mother-child pairs by the following modification:

When a mother was enrolled in the study more than once, a random pregnancy was selected. This was done because perinatal deaths in prior siblings may increase the risk of subsequent perinatal death. Pregnancies lasting less than 7 lunar months were excluded, since as explained below, the definition of heavy aspirin exposure used here was partly dependent upon the duration of pregnancy.

As in the previous study, women were divided into those who were not exposed to aspirin (14,956), those with intermediate exposure but poorly defined (24,866) and those who were heavily exposed (1,515). Heavy exposure was defined for pregnancies lasting at least 8 lunar months, as aspirin taken for at least 8 days per lunar month in at least 6 lunar months. For pregnancies of 7 lunar months duration, the drug had to be taken for at least 8 days in each of at least 5 lunar months.

The findings of the study in terms of stillbirths and neonatal deaths according to aspirin exposure during pregnancy are as follows:

STILLBIRTHS, NEONATAL DEATHS, AND MEAN BIRTH WEIGHTS FOLLOWING ASPIRIN EXPOSURE DURING PREGNANCY

GROUPS EVALUATED

Group I: Containing 1,515 heavily aspirin-exposed mother-child pairs.

Group II: Containing 24,866 intermediate aspirin-exposed mother-child pairs.

Group III: Containing 14,956 non-aspirin-exposed mother-child pairs.

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Findings of study

Parameter measured	Group I	Group II	Group III
Number stillbirths	21	266	203
Percent of group	1.4	1.2	0.4
Number of neonatal deaths	17	232	268
Percent of group	1.7	1.0	1.1
Mean birth weight (g) [Standardized (±S.E.M.)]:			
White	3,223(±20.4)	3,268(±4.6)	3,264(±6.1)
Black	3,074(±17.0)	3,047(±4.6)	3,046(±6.2)

The findings demonstrate that in this study there is no evidence that aspirin taken during pregnancy is a cause of stillbirths, neonatal deaths or reduced birth weight. The fact that white children were associated with slightly reduced birth weight and for that matter neonatal deaths could have been in the authors' views due to chance. Opposite trends were evident in black children.

Criticisms of the study by Slone et al. (Ref. 15) discussed above are equally valid here. However, it is the conclusion of Shapiro, et al. that "based on our data, we find no evidence that aspirin as used by pregnant women in the United States is related to perinatal mortality or low birth weight."

(c) *Effects on maternal and newborn hemostatic mechanisms.* (1) *Interference with maternal hemostatic mechanisms.*—In the study of Lewis and Schulman previously mentioned (Ref. 18), the average blood loss at delivery in patients in Group I, patients taking large doses of aspirin for at least 6 months of gestation, was 340±155 ml compared to 244±114 ml and 235±97 ml in the two control groups. This difference was found to be significant (p is less than 0.025) when the results were assessed using Student's t-test.

Collins and Turner (Ref. 16) also found that the incidence of antepartum hemorrhage defined by the authors as "bleeding greater than a show, after 28 weeks gestation," and postpartum hemorrhage defined by the authors as "a blood loss of 600 ml of blood or more in the first 24 hours after delivery," was significantly increased (p is less than 0.001) when group I (constant takers) was compared to controls. In the same study, the authors also found that the incidence of patients requiring transfusions at delivery was markedly increased when groups I and II (constant and intermittent takers) were compared to the control group (12 percent (6 percent versus 0 percent, respectively)).

(2) *Effect of aspirin on newborn hemostasis.* Bleyer and Breckenridge (Ref. 20) studied the effects of prenatal administration of aspirin on newborn hemostasis. Fourteen newborn babies who had been exposed to aspirin during the week prior to birth were compared to 17 children whose mothers had not taken aspirin. The two potentially adverse drug reactions detected were platelet dysfunction and diminished factor XII (Hageman Factor) in neonates born of mothers who had taken ordinary doses of aspirin during the last week of pregnancy. Aspirin-induced platelet dysfunction may have clinical relevance particularly during difficult traumatic deliveries or in the presence of other hemostatic defects. The authors conclude that "until the clinical significance of these findings is more fully evaluated, it would seem prudent to restrict aspirin during the last month of pregnancy."

Preliminary studies of premature infants whose mothers have ingested aspirin during the week preceding delivery suggest that this drug might be a risk factor to these infants and produce clinical bleeding (Ref. 21). Studies are now in progress to confirm this preliminary finding.

Haslam, Ekert and Gillman (Ref. 22) have reported one case of a "life-threatening gastrointestinal hemorrhage" requiring two transfusions in one infant whose mother had taken calcium aspirin (3 tablets of 300 mg on each of the last 3 days of pregnancy, making a total of 2,700 mg). The baby required a transfer to a children's hospital because of vomiting blood at 4, 9 and 10 hours of age as well as rectal hemorrhage (30 ml of blood). Platelet function studies showed that platelet aggregation was impaired. Three weeks after the transfusions, the platelet function had returned to normal.

On the other hand, Turner and Collins (Ref. 14) examined the infants born to mothers who took salicylates regularly during pregnancy and found that although these infants had raised cord-blood levels of salicylate, they did not show signs of clinical bleeding.

(3) *Salicylate exposure in the perinate.* Studies demonstrating the presence of salicyluric acid in neonatal urine specimens have shown intrauterine fetal exposure to aspirin or other salicylates. Umbilical cord sera from 272 consecutively delivered infants were examined for salicylate by Palmisano and Cassady (Ref. 23). Salicylate levels were unexpectedly found to be above 1 mg/100 ml in 26 of the sera (9.5 percent). The degree of fetal exposure to salicylate was indicated by a mean concentration of 3.3 mg/100 ml with a range of 1.2 to 10.9 mg/100 ml in this group. The mean reserve albumin binding capacity in these infants was significantly depressed (p is less than 0.03). The authors reported that unrecognized fetal exposure to salicylate was surprisingly common during late pregnancy. In view of comparable serum protein concentrations, the depression in the mean reserve albumin binding capacity is unlikely to be related to different albumin concentrations between the positive sera and control sera samples. Since salicylates displace bilirubin from its albumin binding sites (Refs. 24 and 25), this could pose problems in neonatal hyperbilirubinemia. The problem seems to be of such importance that Palmisano and Cassady have proposed that blood salicylic acid measurements should be included in the clinical assessment and management of neonatal hyperbilirubinemia (Ref. 23).

Turner and Collins (Ref. 14) had shown that the babies of 144 mothers who took salicylates regularly during pregnancy had increased cord-blood salicylate concentrations. Although maternal blood was not always collected immediately after delivery it was always taken while the mother was still in the labor ward and, as expected, when the maternal blood salicylates concentrations were high, so were the cord-blood concentrations. Unfortunately, because of the timing it was not possible to compare maternal and cord-blood levels directly but in most cases the cord-blood concentrations were higher than the maternal concentrations.

It has been previously shown that the concentration of salicylate in the blood of the infant is usually higher than that of the mother (Refs. 26 and 27). This has been interpreted as an indication that the fetus near birth has the pharmacokinetics of a "deep" compartment with respect to salicylate (Ref. 28).

Furthermore, another factor to consider is that the apparent volume of distribution for salicylates is higher in the neonate (300 to 350 ml/kg) than that for similar doses, on a body weight basis, in older children and adults, namely 200 ml/kg (Refs. 29 and 30).

In a recent report Garrettson, Procknal and Levy (Ref. 29) have described the placental transfer and kinetics of elimination of salicylates in an infant whose arthritic mother took 6.5 g/day aspirin during her entire pregnancy. The baby was born with a salicylic acid concentration of 25 mg/100 ml plasma. While salicylate elimination was slower than in normal adults, it was more rapid than in the newborn whose mother had taken only one small dose of aspirin shortly before delivery. The slower rate of elimination in this infant when compared to adults was described as due to immaturity of the glucuronidation pathway and immaturity of the renal excretory mechanism.

(d) *Conclusions and recommendations.* Any relationship regarding the possibility of any teratogenic effect of salicylates in pregnant women has come from retrospective studies which are indirect and are possessed with obvious shortcomings. As conducted, they do not unequivocally demonstrate a teratogenic effect. Some limitations of the study, as indicated by the authors themselves, are that they cannot distinguish between the effect of the salicylates and the effect of the condition for which the salicylates were taken. In those specific studies (Refs. 14, 15, 18, and 19), in which the delivery of women who had taken salicylates during pregnancy was directly observed, no relationship between salicylates and teratogenicity was found. Even in a survey in which a comparison could be made between mothers of normal infants who had taken salicylates by prescription during pregnancy and mothers of malformed infants who had taken salicylates by prescription, no difference was found that would demonstrate any relationship between salicylates and malformation in the offspring. Of particular significance in these retrospective studies, is the fact that the women in the study who had delivered malformed infants had taken several drugs other than salicylates, either alone or in addition to salicylates. This meant that many tests for significance had to be done during the statistical analysis to determine whether an association existed between the ingestion of a drug and the development of a malformation in an infant. The authors of the retrospective studies recognize these factors as limitations in the studies, and they state that because so many tests of significance were necessary some of the results of the tests may be due to chance.

Most of the studies relating to pregnancy did show that in those women taking salicylates, adverse effects to the mother and the fetus were significantly increased. High levels of salicylates in cord-blood were correlated with high levels of salicylates in maternal blood. In cases where such correlations were found, adverse effects were significantly increased in the mother and in the infant at delivery. In the mother the adverse effects consisted of an increase in the length of pregnancy and labor, and bleeding before and after delivery (Ref. 16). The fetus was adversely affected as evidenced by a decreased birth weight, and an increase in the stillbirth rate, perinatal mortality rate and decreased albumin binding capacity (Ref. 14).

The Panel is particularly concerned with the effects of chronic aspirin ingestion on the fetus, i.e., decreased birth weight, increased stillbirth rate, perinatal mortality and prolonged parturition. As for the acute administration of aspirin, the Panel is concerned with its effects on increasing duration of labor, changing hemostatic mechanisms in the newborn and increasing maternal blood loss. The latter may be a hazard particularly in premature labor and thus at any time during the last 3 months of pregnancy.

For the reasons detailed in the above paragraphs, the Panel concludes that there is a potential hazard to the use of aspirin during pregnancy and recommends the following warning on all aspirin-containing products "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

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(v) *Adverse effects on the central nervous system.* The lethal dose of aspirin or other salicylates probably is between 20 to 30 g for adults (Ref. 1) but doses of 200 to 300 mg/kg in children usually require hospital treatment (Ref. 2). The major toxic signs and symptoms arise from stimulation followed by depression of the central nervous system. Stimulation reveals itself in many ways including tinnitus (ringing in the ears), rapid breathing, confusion, unusual or bizarre behavior, vomiting, mania and even generalized convulsions. In severe poisoning, the stimulation is followed by depression as shown by respiratory failure, collapse of the cardiovascular system and coma. Tinnitus has been studied recently in man (with rheumatoid arthritis) by Mongan et al. (Ref. 3). In 59 subjects they noted tinnitus to be present in two individuals taking 12 aspirin tablets (3,900 mg) daily. The highest incidence of tinnitus was reported by those patients (14) taking 16 tablets per day. They found the serum salicylate level was invariably greater than 19.6 mg/100 ml when tinnitus was reported. They also observed a lack of correlation between the total daily aspirin ingestion and serum salicylate concentration. The authors emphasize the fact that patients with preexisting hearing loss will not report tinnitus as plasma salicylate concentrations increase.

It has been known for some time that salicylates produce a reversible ototoxicity manifested by deafness (Ref. 4). This was discussed recently by Jick et al. (Ref. 5) who studied drug-induced deafness in 11,526 hospitalized patients. Following aspirin, deafness was noted in 11 per 1,000 patients exposed. It is important for physicians to monitor patients receiving aspirin regularly at higher dosages for hearing loss as well as the presence of tinnitus. Because tinnitus or ringing in the ears is an early and frequent sign of aspirin or salicylate overdosage and the other symptoms mentioned may vary and be misinterpreted, the Panel believes that the labeling of aspirin and other salicylates should contain the following warning: "Stop taking this product if ringing in the ears or other symptoms occur". This built-in

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"early warning system" of overdosage is advantageous in that it alerts users to a

The rat kidney is different than that

patients were followed up after 2 years.

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"early warning system" of overdosage is advantageous in that it alerts users to a potential hazard and thereby contributes to the safe use of aspirin.

However, it should be noted that approximately 100 deaths per year result from accidental poisoning by salicylates and congeners (Ref. 6). Until recently, over one-half the deaths have been of children under 5 years of age. This figure has recently declined to approximately one-fourth probably as a result of the introduction of safety closures for medicine containers and educational campaigns.

The Panel has included the following table which summarizes the total number of deaths of children under 5 years and the total number of deaths for all ages from accidental poisonings due to salicylates and congeners for the years 1968 to 1974 (Ref. 3):

Deaths from accidental poisonings due to salicylates and congeners

	1968	1969	1970	1971	1972	1973	1974
Total deaths of children under 5 yr	61	58	48	44	46	26	25
Total deaths for all ages	120	104	107	105	122	95	88

Thus, salicylate poisoning can result in death and these drugs should not be viewed as harmless household remedies. Some authorities (Ref. 7) feel that the toxicity of the salicylates is underestimated by both the general public and physicians resulting in a higher than necessary incidence of toxic reactions most of which, fortunately, are mild and inconsequential.

However, with the consumption of aspirin exceeding 19 billion doses annually in the U.S. the relatively small number of accidental deaths attests to the safety of the salicylates under present conditions of use. The Panel believes that continued education of the public regarding the proper use and the potential dangers of misuse of these valuable OTC remedies and more informative labeling will result in a progressive decrease in the incidence of toxic reactions to aspirin and related drugs.

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(vi) *Adverse effects on the kidney.* Aspirin has been suggested as a contributing factor in analgesic-induced kidney disease. Studies of many animal species and a few individual cases in man have been reported which suggest that aspirin may cause kidney disease or may increase existing kidney disease (Refs. 1 and 2). However, studies in other species of animals have shown no adverse effects (Ref. 3).

In rats, aspirin in combination with phenacetin may augment the nephrotoxic effect of phenacetin through synergistic renal effects (Refs. 3 and 4) producing a greater effect than either aspirin or phenacetin alone. The effects of phenacetin in producing nephropathy are discussed elsewhere in this document. (See part III. paragraph B.2.d. (2) (ii) (b) (2) below—Mechanism of action producing nephropathy.) In view of the much higher incidence of the use of aspirin than of phenacetin and the very few reports implicating products containing aspirin alone with renal papillary necrosis, the principal lesions associated with analgesic renal disease, the Panel finds that it is unlikely that aspirin alone is an initiator of analgesic nephropathies. This view is supported by recent epidemiologic studies which show that aspirin alone is not a cause of permanent (irreversible) kidney disease in man even when taken in high doses for prolonged periods of time (Refs. 4 through 8).

There are some indications that long term (chronic) aspirin consumption even in the absence of phenacetin may cause renal dysfunction in a small number of long term aspirin users (Refs. 9 and 10). The majority of these cases involved abuse of analgesic compounds or treatment of rheumatoid arthritis. It is the Panel's opinion that long-term abuse of aspirin, used alone, is infrequent. Almost all nontherapeutic chronic use has been as a component in a mixture containing another ingredient with greater potential to produce dependence (codeine, caffeine, phenacetin). The other major group involved in long-term use are patients with rheumatoid or osteoarthritis. It is the Panel's contention that for this and other reasons elaborated elsewhere in this document that arthritic patients should not be self-medicating without medical supervision. (See part V. paragraph A. below—General Discussion.) In addition, it is the Panel's recommendation that professional labeling to health professionals adequately alert physicians to the need for periodic renal function tests for their patients taking large amounts of aspirin. An OTC kidney warning labeling is therefore not necessary.

The Panel concludes that although prolonged use of high doses of aspirin may produce kidney disease in rare instances, the risk involved is insignificant in the recommended target populations when aspirin alone is involved. In the opinion of the Panel, a warning regarding aspirin causing kidney disease is not warranted for OTC use. However, physicians should be alerted that substitution of aspirin alone or in combination, for phenacetin, in patients with existing analgesic kidney disease, may be tolerated in low doses in some patients but contribute to continued renal deterioration in others.

Furthermore, recent evidence discussed below showing acute effects of aspirin on renal glomerular filtration, indicates that perhaps short term use of aspirin may contribute to or exacerbate other types of chronic or acute renal disease. Although a warning label regarding the use of aspirin in patients with existing renal disease would be premature now, this is only because the definitive studies have not been performed to the Panel's knowledge.

(a) *Acute effects (short-term use).* Prescott found that aspirin produces a transient increase in urinary excretion of tubular epithelial cells (Ref. 1). The effect of aspirin was greater than that obtained with phenacetin. The effect does not persist during continued dosing. Two very recent studies have demonstrated that aspirin produces an acute decrease in glomerular filtration rate (Refs. 11 and 12). A mean 10.5 percent decrease in glomerular filtration rate was observed in patients receiving oral doses of 20 mg/kg aspirin (Ref. 10). In another independent study, an intravenous dose of aspirin produced a 30 percent fall in glomerular filtration rate (Ref. 12). This effect is significant since the usual decrease in glomerular filtration rate is only about 20 percent from 25 to 65 years of age (Ref. 13).

It is not known whether these acute effects of aspirin on the kidney contribute to long term analgesic nephropathy. Some authors believe this is unlikely (Ref. 14). The significance of these findings relative to the short-term use of aspirin in patients with acute or chronic renal disease is also not yet known.

(b) *Analgesic nephropathy.* A large number of studies in rats have shown that, in this species, aspirin alone can produce renal papillary necrosis, the primary kidney lesion associated with analgesic kidney disease (Refs. 1, 2, 15, and 16). Combinations of aspirin and phenacetin produced renal papillary necrosis more frequently than aspirin alone. In rats, aspirin alone produced renal papillary necrosis in a generally greater number of cases than phenacetin alone (Ref. 15).

Renal papillary necrosis has also been induced in the dog. However, most animal studies have been carried out in the rat.

The rat kidney is different than that of man. Being unilobular and having a long slender papilla, it has been suggested that the rat kidney may be much more susceptible to papillary damage (Ref. 17). The pig was selected as a more suitable test animal because it has a multilobular kidney similar to that of man and is thought to metabolize salicylate similarly to man. McIver and Hobbs fed aspirin to 11 pigs for 10 months at a dose higher than that usually used by abusers without any evidence of renal injury to any of the animals (Ref. 13).

(c) *Clinical studies.* In spite of the extensive use of aspirin and numerous attempts to show correlation between chronic aspirin use and renal papillary necrosis, there are less than 10 cases of renal papillary necrosis reported in the world literature that are associated with the use of aspirin only (Refs. 1, 6, 9, 10, 18, and 19). The possibility of a causative role of aspirin when used alone in large long term doses has been the subject of several epidemiologic studies.

A recent study of the Boston Collaborative Drug Surveillance program reported by Lawson (Ref. 20) examined a possible correlation between analgesic use and renal function in 6,407 patients and found no correlation. As discussed elsewhere in this document, the negative results of this study are inconclusive because the study design (error due to drug, dose, time) is such that real associations are unlikely to be detected. (See part III. paragraph B.2.d.(ii)(b)(1) below—Epidemiological studies.) This study also could not show any association between renal dysfunction and ingestion of phenacetin compounds.

The better controlled long-term prospective study of Dubach clearly showed an association between analgesic abuse of phenacetin combinations and decreased renal function (Ref. 4). No such correlation could be demonstrated in those patients taking preparations containing only aspirin.

In a recent study by Emkey and Mills (Ref. 5), it was shown that prolonged high doses of aspirin given to patients with rheumatoid arthritis do not cause significant kidney damage. They studied all patients with rheumatoid arthritis followed at the Massachusetts General Hospital Arthritis Clinic who had been taking aspirin for 10 or more years. There were 36 patients whose average age was 60.5 years, mean duration of therapy was 23 years, and mean daily ingestion was 5 g aspirin. The average total amount of aspirin ingested was 42 kg. Studies of renal function and urinary abnormalities revealed that although minor histological or functional renal abnormalities could not be ruled out, no permanent kidney damage could be demonstrated in these patients.

Macklon and coworkers (Ref. 6) initially studied renal function in 17 patients with rheumatoid arthritis who had ingested 5 to 20 kg aspirin. Renal function was assessed by measuring serum creatinine, creatinine clearance and proteinuria. Fourteen of these patients were followed up after 2 years. No evidence of permanent renal damage was found.

The New Zealand Rheumatism Association Survey in 1974 (Ref. 8) of 763 patients with rheumatoid arthritis and 145 patients with osteoarthritis, showed no association between aspirin (alone) intake and a renal score designed to identify analgesic nephropathy. Analgesic nephropathy was detected in three patients taking APC (aspirin, phenacetin and caffeine) compounds, one taking aspirin and phenylbutazone and one taking aspirin and acetaminophen. The New Zealand Rheumatism Association concluded that there is risk from APC compounds but not aspirin alone. However, aspirin may have an additive or potentiating effect with other analgesics.

Bulger (Ref. 7) found a correlation between the total dose of aspirin ingested and the depression of creatinine clearance in rheumatoid arthritis. These findings were not corrected for age of the patients, and none had a creatinine clearance less than 50 even though one patient took a total dose of 40 kg aspirin.

The Panel concludes, that in view of the much higher incidence of the use of aspirin than phenacetin and the very few reports implicating products containing aspirin alone with renal papillary necrosis, it is unlikely that aspirin is an initiator of serious kidney disease. However, it has been suggested that products containing aspirin, alone, can exacerbate and/or perpetuate the progression of papillary necrosis and renal dysfunction (Refs. 1 and 2). Aspirin may contribute to the nephrotoxic effect of phenacetin through the impairment of renal concentrating mechanisms (Ref. 15) or other possible mechanisms. Burry (Ref. 21) speculates that the initial damage occurs in the ascending limb of the loops of Henle. Ischemia may be caused by inhibition of prostaglandin E_2 synthesis by aspirin. Phenacetin and its metabolites have a profound oxidative effect on cells with salicylate-induced suppression of the hexose monophosphate shunt. Burry and others have suggested that aspirin may contribute to renal papillary necrosis through an additive effect even though aspirin alone is rarely associated with renal papillary necrosis (Refs. 8 and 21).

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(vii) *Adverse effects on the liver.* Several recent studies have confirmed that aspirin causes a reversible hepatotoxicity (Refs. 1 through 9). Increased hepatic dysfunction after aspirin ingestion has been identified by increased serum activity of transaminase (Refs. 1 through 4), serum glutamic oxaloacetic transaminase (SGOT) (Ref. 2), serum glutamic pyruvic transaminase (SGPT) (Ref. 2) and decreased activity of aspirin esterase (Ref. 9).

The increased incidence of hepatotoxicity has generally been observed in children (Ref. 2) and adults (Refs. 7 and 8) of both sexes treated for systemic lupus erythematosus or rheumatoid arthritis requiring moderate doses over a period of several weeks. The effect is apparently a function of dose (Refs. 2 and 10), plasma salicylate level (Ref. 10), the disease state and preexisting liver disease (Ref. 9).

In children treated for juvenile rheumatoid arthritis requiring high plasma

salicylate levels, over 65 percent experience elevated transaminase activity

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pharmacologic interactions are the two best understood mechanisms by which

lants, and since the use of anticoagulants must be closely monitored by a physician,

acid blood levels by increasing the renal excretion of uric acid (uricosuria). These

The combined use of indomethacin and salicylates also poses an increased

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salicylate levels, over 65 percent experience elevated transaminase activity (Ref. 2).

Seaman and Plotz gave aspirin four times daily at a dose sufficient to obtain a serum salicylate level of 25 to 30 mg/100 ml (Ref. 6). They observed increased transaminase activity in 3 of 18 rheumatoid arthritis patients. Patients with systemic lupus erythematosus required lower salicylate plasma concentrations to produce hepatitis. Some patients experienced a fall in elevated transaminase activity even though the multiple aspirin dosing was continued. Others maintained high transaminase activity until aspirin therapy was stopped or the dose reduced.

Rich and Johnson reported dose-related hepatotoxicity of salicylates in six children with severe rheumatoid arthritis (Ref. 2). Elevated SGOT and SGPT activities were observed in all patients and occurred only when serum salicylate levels were above 25 mg/100 ml. The effects occurred with sodium and choline salicylic acid salts as well as aspirin. A reduction of the dose reversed the effect indicating that the effect is primarily a function of salicylic acid level, rather than aspirin per se and is a reversible process. Clinical symptoms were also manifest in four patients. Liver biopsies were done in two patients which showed histological evidence of liver damage with scattered cell necrosis evident in one case.

Aramaki et al. studied 42 patients with various diseases given 2 g aspirin daily for 3 to 4 weeks (Ref. 9). They concluded that aspirin caused liver damage only in adult patients with impaired liver function. They found aspirin esterase enzyme activities decreased after aspirin administration in 8 of 14 patients with liver damage but slightly increased in those patients without liver disease. The decrease in aspirin esterase correlated with elevated transaminase in six of the eight patients with liver disease.

In view of the recent findings which have confirmed that aspirin causes a reversible hepatitis, especially in children and adults with systemic lupus erythematosus or rheumatoid arthritis and for other reasons elaborated elsewhere in this document, the Panel concludes that arthritic patients should not be self-medicating without medical supervision. (See part V. paragraph A. below—General Discussion.) In addition, it is the Panel's recommendation that professional labeling to health professionals adequately alert physicians to the need for periodic liver function tests. An OTC liver warning labeling for this group is therefore not necessary.

The Panel concludes that although prolonged use of high doses of aspirin may produce hepatotoxicity, the effect is dose related, dependent upon the disease state for which aspirin is indicated, and is a function of any preexisting liver disease. In the opinion of the Panel, a warning that aspirin may cause liver disease is not warranted.

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(viii) *Adverse effects of concomitant use with other drugs or by persons with certain disease states.* The Panel has earlier briefly discussed the need for caution in the use of salicylates, especially aspirin, in the presence of serious illness and medical conditions for which prescription drugs are indicated. (See part II. paragraph H. above—Drug Interactions with Analgesic, Antipyretic and Antirheumatic Agents.) Reports have indicated possible drug interactions between the salicylates and other drugs (Refs. 1 through 7). Individuals who are taking prescription drugs may also use OTC analgesics, antipyretics or antirheumatics containing salicylates to relieve pain, fever or headache without consulting a physician. Therefore, to alert such individuals that a drug interaction may occur between their prescription drugs and salicylates, the Panel recommends that the labeling of these OTC products contains a general warning against the concurrent use of salicylate-containing products and certain prescription drugs. The warning on products containing salicylates should read *"Caution:* Do not take this product if you are presently taking a prescription drug for anticoagulation (thinning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

The effects of a drug may be modified by prior or concurrent administration of salicylates. Such modifications or drug interactions may alter the effectiveness or toxicity of a drug by several mechanisms. Pharmacokinetic interactions and pharmacologic interactions are the two best understood mechanisms by which salicylates may modify the actions of drugs. In pharmacokinetic interactions, salicylates affect the absorption, metabolism, distribution or excretion of other drugs. Salicylates may also alter the pharmacologic effects of other drugs by producing an additive, synergistic or antagonistic pharmacologic effect. In the interaction of prescription drugs with salicylates, both of these mechanisms operate to modify the effectiveness and/or toxicity of prescription drugs.

Salicylates may interfere with or modify the effect of drugs that are taken for therapeutic use in the following disease conditions:

(a) Anticoagulants used in the treatment of blood diseases. As the Panel has noted above, high doses of aspirin and salicylic acid taken for several days can increase prothrombin time significantly. (See part III. paragraph B.1.a.(2)(i)*(a)* above—Decrease in prothrombin production.) Aspirin in doses below those required for a hypoprothrombonemic effect may also increase bleeding time by inhibiting aggregation of platelets. (See part III. paragraph B.1.a.(2)(i)*(b)* above—Increased bleeding time and inhibition of platelet aggregation.) Aspirin, particularly, should be avoided when oral anticoagulants (especially the coumarins) are taken. Anticoagulants are prescribed for thrombophlebitic and thromboembolic states including postoperative thrombophlebitis, pulmonary embolism and coronary thrombosis.

Aspirin has an additive effect on the action of anticoagulant drugs. Coumarin anticoagulants [coumadin (warfarin sodium), dicumarol (bishydroxycoumarin), acenocoumarol, ethyl biscoumacetate, and phenprocoumon] as well as indandione anticoagulants (anisindione, diphenadione, and phenindione) would all be expected to act in a similar manner (Ref. 6). The inhibition of platelet aggregation by which aspirin can significantly increase bleeding time, may preclude its concurrent use with heparin.

The available clinical data actually provides conflicting reports with regard to the effects of aspirin on the prothrombin time response to warfarin and other oral anticoagulants. Nevertheless, in view of aspirin's effect on gastric erosion, its inhibition of platelet activity, and its possible direct inhibition of the prothrombin complex, the possibility of inducing a clinically significant problem in patients receiving oral anticoagulants needs to be recognized (Ref. 6). The concurrent use of large doses of salicylates and anticoagulants may lead to severe hemorrhage unless the dosage of the anticoagulant is reduced or the individual stops taking the OTC salicylate (Ref. 2).

The Panel recommends that nonsalicylate analgesics be used in patients requiring oral anticoagulants of the coumarin type. Since documented adverse effects with salicylates have been shown to be directly related to oral anticoagulants, and since the use of anticoagulants must be closely monitored by a physician, the Panel concludes that the term "anticoagulant drug" should be included in the general warning statement. It is the Panel's view that patients currently taking such prescription drugs are under the close supervision of a physician. These patients will be aware that they are taking anticoagulant drugs, and it is important that they be immediately alerted through adequate labeling not to take salicylates concurrently.

(b) Hypoglycemic effect with antidiabetic drugs. The hypoglycemic (low blood sugar) activity of the oral antidiabetics (sulfonylureas) may be enhanced by the concurrent administration of salicylates. It should be noted that salicylates, themselves, were among the first compounds used for their hypoglycemic effect. The exact mechanism of the hypoglycemic effect of salicylates is not completely understood. Several mechanisms by which aspirin may decrease plasma glucose levels have been postulated, among which are hepatic glycogen depletion and increased glucose utilization.

It has been reported that the hypoglycemic activity of the antidiabetic drug, chlorpropamide, may be enhanced by the concurrent administration of aspirin (Ref. 6). Chlorpropamide is chemically related to other hypoglycemic agents such as tolbutamide, acetohexamide and tolazamide and a similar interaction with aspirin may possibly occur. The interaction between salicylates and oral antidiabetic drugs would result in a prolonged and protracted fall in plasma glucose levels. The mechanism by which this effect is brought about has been attributed to salicylate displacing the antidiabetic agent from its binding sites rather than to any intrinsic hypoglycemic activity of the salicylates. The displacement would increase the amount of free (pharmacologically active) antidiabetic drug in circulation and increased hypoglycemia would result. The interaction would result in poor control of diabetes (Ref. 5). The only alternative, if both drugs were required, would be to decrease the dosage of the antidiabetic drug during salicylate intake and then to increase the dosage when salicylates were discontinued. This would need to be accomplished under the direct supervision of a physician.

There have been no controlled clinical trials demonstrating a direct relationship between chlorpropamide and aspirin. However, as has been pointed out, the literature does indicate that the hypoglycemic activity of chlorpropamide may be enhanced with use of aspirin, but maybe only at uricosuric doses. Nevertheless, because of this possibility and because salicylates do have hypoglycemic properties, the Panel recommends that the general warning advise against the use of salicylates concurrently with prescription drugs used in the treatment of diabetes.

(c) Uricosuric inhibition in gout. Individuals with gout have high serum uric acid levels. Several prescription drugs are prescribed for gout to decrease uric acid blood levels by increasing the renal excretion of uric acid (uricosuria). These drugs include probenecid, the sulfinpyrazones and phenylbutazone. Aspirin has been reported to specifically interfere with the uricosuric action of sulfinpyrazone. High serum uric acid levels and mutual suppression of uricosuria occur in humans when both drugs are used concurrently (Ref. 6).

The concurrent use of salicylates with uricosuric drugs results in the inhibition of the excretion of uric acid in the urine (uricosuria inhibition) and thereby results, in effect, in the antagonism of the activity of these drugs (Ref. 5). Uric acid is normally reabsorbed into the body and not excreted by the kidney. The uricosuric agents used in gout block the reabsorption of uric acid from the urine to the plasma and thus increase the excretion of uric acid. It is interesting to note that salicylates alone have a pronounced uricosuric effect in high doses and can be used to reduce high uric acid levels in gout, but in OTC doses, aspirin causes retention of uric acid. Hence in the latter instance the uricosuric effect of the uricosuric agents may be counteracted. This interaction in low OTC doses may cause a suppression of uricosuria which results in uric acid retention in the body; uricosuria is prevented and the therapeutic action of the drug is negated.

Salicylates and uricosuric agents compete for common binding sites on plasma proteins and for active tubular transport in the kidneys. Concurrent administration decreases the binding of the uricosuric agents. The salicylate binding remains unaltered, reducing the excretion of the salicylates.

The Panel concludes that individuals with gout should avoid salicylates. Because salicylates have been shown to antagonize the effects of uricosuric agents, the Panel recommends that the general warning advise against the use of salicylates concurrently with prescription drugs used in the treatment of gout.

(d) Ulcerogenic enhancement in arthritis. Almost all anti-inflammatory agents commonly used in rheumatic diseases can cause gastric ulcers. These agents include aspirin, corticosteroids, phenylbutazone and indomethacin. Although the mechanisms by which the ulcerogenic effect is produced by these agents are not definitely established, the possibility of an increased incidence of gastric ulceration when aspirin is used concomitantly with other ulcerogenic anti-inflammatory agents must be considered.

When corticosteroids and salicylates are taken concurrently, the ulcer-producing effect in the stomach is additive. An increased ulceration hazard occurs. In addition, the corticosteroids may increase the excretion of salicylates so that to achieve a therapeutic anti-inflammatory and/or analgesic effect, the dose of the salicylates must be increased. If the steroids are then withdrawn, the continuing high dose salicylate medication may lead to signs of salicylate toxicity (Ref. 5).

The combined use of indomethacin and salicylates also poses an increased potential for gastric ulceration since both indomethacin and salicylates have an ulcer-producing effect on the mucous membrane of the stomach (Refs. 1 and 5). The use of aspirin with indomethacin is particularly hazardous since aspirin appears to have some inhibitory effect on the gastrointestinal absorption of indomethacin. Aspirin decreases and delays the gastrointestinal absorption of indomethacin causing a decrease in the indomethacin serum level and urinary excretion, and a rise in the fecal excretion of indomethacin (Ref. 6). The concurrent use of the two drugs does not produce an additive therapeutic effect but may increase gastric ulceration.

The Panel concludes that individuals taking antirheumatic agents for the treatment of arthritis should not self-medicate with salicylates. Because salicylates increase the potential for gastric ulceration and because aspirin has been shown to decrease and delay the gastrointestinal absorption of a commonly used antirheumatic agent, e.g., indomethacin, the Panel recommends that the general warning advise against the use of salicylates concurrently with prescription drugs used in the treatment of arthritis.

(e) Other drug interactions of varying significance. The Panel has considered several other interactions between salicylates and prescription drugs which the Panel does not consider warrant inclusion of a warning in the labeling of salicylates. The clinical significance of these interactions is not sufficiently urgent, either because individuals taking these prescription drugs are under close medical supervision, are not taking these drugs chronically or because there is little likelihood of toxicity.

An example of an interaction with a prescription drug that is closely supervised by a physician, is methotrexate. This drug is a highly potent and very toxic drug which is prescribed for individuals with cancer or extensive psoriasis or psoriatic arthritis. Salicylates potentiate the therapeutic as well as the toxic effects of this drug (Ref. 5). The Panel is cognizant of the severity of this interaction, particularly of its immunosuppressive effect. However, because of the severe toxicity of methotrexate, physicians always carefully control the patient's use of all other medications, thereby negating the need for a warning.

Sulfonamides are antibacterials employed primarily in the treatment of urinary tract infections. It has been suggested that the increased antibacterial activity resulting from the interaction with salicylates is due to the ability of salicylates to decrease the serum protein binding of sulfonamides, thus increasing the amount of free drug (pharmacologically active) (Ref. 6). Even though this interaction can be potentially serious, sulfonamides are usually used for treatment of active infections, not for chronic conditions, and thereby do not merit inclusion in a warning.

An interaction which the Panel does not consider enough of a hazard to justify inclusion in the warning, concerns the

been observed in adults, particularly in some studies in rheumatoid arthritis

continued iron injections as an outpa-

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The second case involved another 3-year-

more than 10 days. Children 11 to under

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An interaction which the Panel does not consider enough of a hazard to justify inclusion in the warning concerns the concurrent use of salicylates with drugs that result in changing the pH of the urine. Some substances, such as ascorbic acid (vitamin C), increase the acidity of the urine. The acidification of the urine increases the renal tubular reabsorption of salicylates, thus decreasing the excretion of the salicylates and increasing the salicylate level in the blood (Ref. 5). On the other hand, when substances, such as sodium bicarbonate, are taken, the urine becomes alkaline. Under alkaline conditions, the excretion rate of salicylates is increased, decreasing salicylate levels in the blood (Ref. 3). For salicylates to reach toxic levels in the blood when urine acidifiers are taken concurrently, high doses of salicylates would have to be ingested. The Panel does not believe that this interaction is important since in the usual OTC use of salicylates, it is unlikely that an ascorbic acid salicylate type of interaction would result in toxic salicylate levels in the blood.

For patients with disease conditions that require prescription drugs but which do not require the constant or daily supervision of a physician, the Panel recommends that a warning on the labeling of OTC salicylates is necessary, to warn the patient against serious potential interaction with salicylates. The Panel has therefore concluded that the warning against the use of salicylates with drugs prescribed for specific kinds of disease conditions, i.e., anticoagulants and drugs used in the treatment of gout, diabetes and arthritis, is adequate for the labeling of OTC salicylates.

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(ix) *Adverse effects resulting in iron deficient anemia.* Occult blood loss is usually not clinically significant (Refs. 1 and 2), but prolonged use of aspirin can result in greater occult bleeding in some patients and cause a persistent, otherwise inexplicable, iron deficient anemia (Refs. 3 through 4). This has been observed in adults, particularly in some studies in rheumatoid arthritis (Ref. 5). At the same time it is known that anemia associated with some rheumatoid diseases will improve when the disease is brought under control with therapeutic doses of aspirin. Aspirin has been recently re-emphasized as an important consideration in the diagnosis of anemia in children (Ref. 6).

Aspirin causes occult blood loss from the gastrointestinal tract. This has been discussed extensively elsewhere in this document. (See part III. paragraph B.1.a.(2)(ii)(e) above—Occult bleeding.)

Stubbe (Ref. 1), in a study on the presence of occult blood in the feces due to aspirin ingestion, stated that:

> It has been demonstrated that the loss of blood (produced by aspirin) may not always be ignored: this applies especially to the extent to which the patient is already anaemic and in a bad state generally. The taking of aspirin over a long period is most common in the case of persons suffering from rheumatoid arthritis. Many such patients are anaemic, a state of which has always been regarded as a consequence of the rheumatic process. Now that we know that aspirin can cause bleeding, it may be asked whether this has not likewise often played a more or less important part in bringing about anaemia.

Holt (Ref. 2), in a study in which gastrointestinal blood loss was measured after aspirin ingestion, found that 69 percent of 35 subjects who were ingesting 40 gr of aspirin (8 tablets daily) were losing blood and that 17 percent lost more than 6 ml (an average of 20-fold over control values). Ten of the 35 were "healthy" volunteers tested at the same doses, all 10 bled with an average blood loss of 5.7 ml daily. Fourteen out of the remaining 25 subjects who bled had an average blood loss of 3.3 ml daily. These latter subjects were patients with negative histories of gastrointestinal bleeding. This difference was found not to be statistically significant. Holt concluded that "This suggests that alimentary bleeding represents a very frequent side effect of aspirin therapy, and in some patients chronic ingestion of salicylates may be accompanied by sufficient blood loss to induce iron deficiency over a prolonged period."

The first report directly linking the consumption of aspirin with anemia appeared in 1958 (Ref. 3). The authors described two cases of patients with severe anemia due to the ingestion of salicylates. The first, a 39-year-old man, complained of fatigue and exertional dyspnea. For 7 years he had suffered from migraine headaches and had taken an average of 8 to 10 tablets of aspirin weekly. His hemoglobin was 8.4 g/100 ml and there were hematological features of iron deficiency. A history failed to reveal the cause of the anemia, and after responding to intravenous iron therapy he was discharged to the outpatient department where he was followed with oral iron treatment. Six months later he was readmitted to the hospital with severe anemia (hemoglobin 4.2 g/100 ml). He again responded favorably to intravenous iron therapy and then continued iron injections as an outpatient.

The clinical and hematological findings were compatible with iron deficiency anemia due to chronic hemorrhage. Occult blood tests in the stools were negative while the patient was hospitalized. It was difficult to diagnose the reason for the anemia.

Then, on two occasions aspirin (10 gr) was administered three times daily and the occult blood tests showed strongly positive results. Confirmation of the relationship between salicylate consumption and the anemia was obtained when the patient was advised to discontinue the intake of aspirin. Iron therapy could soon be discontinued and at the time of publication there was no recurrence of the anemia.

The other case described in this report was that of a 29-year-old woman who was admitted to the hospital for the treatment of anemia. She also complained from fatigue and exertional dyspnea, as well as epigastric pain and "acid-regurgitation". She had had severe headaches for a year for which she took up to "30 salicylate tablets" weekly. Her history also included a complication of hemorrhage during her "fourth confinement" (fourth child delivery) for which she had received a blood transfusion and iron tablets. Examination revealed severe anemia (hemoglobin of 5.6 g/100 ml) apparently due to iron deficiency. She responded well to oral iron therapy. After leaving the hospital she regularly attended the outpatient clinic. The anemia recurred and required continuous iron therapy which had to be supplemented on two occasions with intravenous iron. She had a dilatation and curetage and then a total hysterectomy. She still remained anemic and did not respond to a 6-month course of oral iron. Her anemia worsened to 4.2 g of hemoglobin per 100 ml and she was again hospitalized. Her serial stool occult blood tests were negative. The diagnosis for the cause of the anemia in this case was again very difficult. The patient was experimentally administered 10 gr aspirin four times daily which was followed by strong occult blood reactions in the stools.

This patient again was advised against salicylate ingestion and an alternative analgesic was suggested. The patient started to take salicylates after having recovered from the anemia and again her hemoglobin decreased from 14.6 to 11.2 g/100 ml. Eventually, after repeated exhortations the patient stopped taking salicylates and recovered. This latter case has been described in what may seem excessive detail; however, the purpose is to illustrate that in this case, because of the failure to obtain an early correct diagnosis, this woman had to undergo not only anemia of long time duration but dilatation and curetage and eventually even hysterectomy at the age of 29 years.

Stubbe has described 16 cases of severe iron deficiency anemia due to blood loss associated with aspirin ingestion (Ref. 4). Stubbe comments:

> In every patient the use of aspirin, even if not the sole cause, played an important role in the development of the condition. There were no indications of peptic ulcer, profuso menses or haemorrhagic diathesis in any of these patients. It appears that the use of aspirin certainly does not need to be extravagant to play a predominant role. The main feature of these 16 patients, all of whom developed strongly positive benzidine reactions after the administration of aspirin, were:
>
> (i) reason for taking aspirin: rheumatic complaints, 4; headache, 12 (patients);
>
> (ii) daily dose of aspirin 0.5–3 g in 15 (patients);
>
> (iii) Age less than 25 years in 9;
>
> (iv) Sex 15 females;
>
> (v) Hemoglobin less than 9.0 g. 100 ml in 15.

He then commented on the difficulties of diagnosing this type of anemia: "As a rule aspirin is no longer given after admission, and so the role of this drug will often be masked and will therefore not be found unless one is conscious of this process."

All the patients reported by Stubbe had also a low serum iron and a high iron binding capacity.

Menguy in a review of the clinical, pathological and pathogenetic aspects of gastric mucosal injury induced by aspirin described two other cases of aspirin-induced anemia (Ref. 5). The first case was that of a 60-year-old retired pharmacist with severe iron deficiency anemia. His hematocrit had never risen over 30 percent except immediately after each of the many transfusions he had received. When the attending physician, to whom the patient had been referred, inquired about aspirin ingestion, which had never been explored before, the patient confided he had been taking 2 g aspirin daily over the past 2 to 3 years. Initially, he had taken them for headaches, then it became a "habit." Tests for fecal blood were carried out using ^{51}Cr-tagged red blood cells during and after the administration of 2 g aspirin daily. After the results of the tests were disclosed to the patient he stopped taking salicylates, and without any transfusion his hematocrit rose from 19 percent upon admission to 25 percent 2 weeks later; a month later it was 34 percent and 3 months later it was normal.

The second case described in this report was that of a 40-year-old woman who was admitted with severe anemia after an episode of melena.

The patient later admitted taking an aspirin-containing preparation (an average of 100 tablets weekly) over the previous 6 months. This one is the only case in the literature reviewed where the anemia was due to excessive doses of an aspirin-containing analgesic preparation.

More recently, five cases of aspirin-induced anemia have been reported to occur in children (Ref. 6). The first case was that of a 3-year-old child who had received 150 mg aspirin nightly as a "sedative". His hemoglobin was 5.2 g/100 ml and his blood showed an iron deficiency anemia pattern. After he stopped taking aspirin, the anemia did not recur. The second case involved another 3-year-old child with a hemoglobin of 4.3 g/100 ml and his blood again showed an iron deficiency anemia pattern. The results of occult blood tests in the stool were positive on the first 3 days after admission. From repeated history-taking, it was found that the boy had been taking two to three 300 mg aspirin tablets daily for many months as a "sedative". The third case was that of a 14-year-old boy with a hemoglobin of 5.8 g/100 ml and the blood film was classical of iron deficiency anemia. The occult blood tests were positive for the first 5 days after admission. After repeated questioning the boy disclosed that he had been taking 600 mg aspirin daily and often 600 mg at night for 6 months "to relieve mild tooth aches, headaches and sleeplessness."

Case 4 involved a 12-year-old girl with a hemoglobin of 7.1 g/100 ml and again the blood film showed iron deficiency anemia. She eventually admitted having taken 600–1,200 mg aspirin daily for 4 months before admission to the hospital.

Case 5 was a 8-month-old infant who had a hemoglobin of 7.4 g/100 ml and the blood film showed iron deficiency anemia. Stool occult blood tests gave positive results. On closer questioning the parents admitted that the baby had received 2 "junior" 150 mg aspirin daily for the previous 6 to 8 weeks for febrile episodes, teething and as a "sedative". Aspirin was stopped, the anemia responded to iron therapy and the baby remained well thereafter.

The similar pattern in all five children and the complete recovery when aspirin ingestion was stopped suggests strongly that the aspirin ingestion caused the anemia.

All of the cases in this review of the literature suggest that caution should be exerted during aspirin therapy and that when pallor, fatigue and easy exertion are the symptoms the possibility of aspirin-induced anemia should be investigated.

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(3) *Dosage.* (i) *For products containing 325 mg (5 gr) per dosage unit.* (a) *Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while symptoms persist not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while symptoms persist not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while symptoms persist not to exceed 1,625 mg (25 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while symptoms persist not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while symptoms persist not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing 80 mg 1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while symptoms persist not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while symptoms persist not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while symptoms persist not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while symptoms persist not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while symptoms persist not to exceed 800 mg (12.3 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) per dosage unit.* Adult oral dosage is more than 325 mg (5 gr) but not more than 842 mg (12.96 gr) initially, followed by more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) every 3 hours while symptoms persist not to exceed 3,789 mg (58.32 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iv) *For products containing more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) per dosage unit.* Adult oral dosage is more than 421 mg (6.48

gr) but not more than 970 mg (14.92 gr) initially, followed by more than 421 mg (6.48 gr) but not more than 485 mg (7.46

consumers but will alert those individuals having sensitivity to aspirin.

(a) *Products containing the standard*

patients with chronic pain of different causes and found both analgesics superior to placebo (Ref. 6).

a combination of 65 mg isometheptene, 325 mg acetaminophen and 100 mg di-

Larger than normal doses were required to produce a mild methemoglobinemia (a

testes and inhibition of the production of sperm in rats and guinea pigs as well

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gr) but not more than 970 mg (14.92 gr) initially, followed by more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) every 4 hours or 842 mg (12.86 gr) but not more than 970 mg (14.92 gr) every 6 hours while symptoms persist not to exceed 3,880 mg (59.68 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(v) *For products containing more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is more than 485 mg (7.46 gr) but not more than 1,000 mg (15.38 gr) initially, followed by more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) every 3 hours or 970 mg (14.92 gr) but not more than 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(vi) *For products containing more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) per dosage unit.* Adult oral dosage is more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(*b*) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(*c*) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Standard aspirin dosage unit.* In the previous discussion on "standard strength" dosage forms, the Panel made clear the need to indicate both the quantity of aspirin per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing aspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that all products containing aspirin be clearly labeled as containing aspirin on the principal display panel. In addition, labeling shall state in metric units and secondarily in apothecary units the quantity of aspirin per dosage unit. As previously stated, such labeling will not only benefit all consumers but will alert those individuals having sensitivity to aspirin.

(*a*) *Products containing the standard aspirin dosage unit.* The Panel recommends that products containing only 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) aspirin per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(*b*) *Products containing aspirin in an amount different than the standard aspirin dosage unit.* While the Panel recommends that products contain only 325 mg (5 gr) aspirin per dosage unit, if the Food and Drug Administration is unable to implement this recommendation, the Panel recommends that products containing an amount of aspirin other than 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg (X gr) aspirin per dosage unit compared to the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount "X" of aspirin for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

b. *Acetaminophen.* The Panel concludes that acetaminophen is a safe and effective OTC analgesic when taken in the recommended dosage of 325 to 650 mg every 4 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* This drug belongs to a group of drugs which were introduced into therapeutic use before the era of well-controlled clinical trials. Acetaminophen (N-acetyl-p-aminophenol) was first used by von Mering in 1893 (Ref. 1). Yet, as Beaver has observed, there have been a number of suitably controlled studies of its analgesic effect in man in the past few decades as noted below.

While acetanilid and phenacetin have been used extensively since the time of their introduction, acetaminophen was used very little until Brodie and Axelrod demonstrated that in man, both acetanilid and phenacetin are converted into acetaminophen and proposed that acetaminophen may be the "active" metabolite through which both precursors exerted their pain relieving and fever reducing effects (Refs. 2, 3, and 4).

Flinn and Brodie in 1948 evaluated the effect of 325 mg of acetaminophen in 12 normal healthy females subjected to experimental pain by means of heat radiation. They found that within 30 minutes following administration the pain threshold rose significantly. The analgesic activity was maximal at approximately 2.5 hours and was terminated at about 4 hours after administration. They also showed that the analgesic effect obtained with acetaminophen was significantly superior to that of placebo (Ref. 5).

Zelvelder administered repeated doses of 500 mg acetaminophen, 500 mg aspirin and placebo in a crossover study in patients with chronic pain of different causes and found both analgesics superior to placebo (Ref. 6).

Batterman and Grossman evaluated the analgesic activity of acetaminophen in 234 patients with musculoskeletal pain using doses of 300 or 600 mg 4 times daily for up to 25 weeks. They concluded that with the exception of inflammatory pathological situations acetaminophen was superior to aspirin for the treatment of musculoskeletal pain (Ref. 7).

In a double-blind study Wallenstein and Houde compared aspirin, acetaminophen and salicylamide, all at a dose of 600 mg, against placebo in a population of hospitalized cancer patients. The time-effect curves were similar for acetaminophen and aspirin and both were greater in peak effect and in duration than those for salicylamide and placebo (Ref. 8).

Lasagna, Davis and Pearson (Ref. 9) carried out a double-blind study in 373 patients who had just undergone childbirth. Acetaminophen, phenacetin and aspirin, 600 mg of each, were compared against placebo. They concluded that "in agreement with the findings of other workers, our data show that acetaminophen is, in commonly recommended doses, an effective analgesic which can be satisfactorily substituted for acetylsalicyclic acid."

Kantor et al. compared aspirin at two dose levels, 600 and 1,200 mg, acetaminophen at 600 mg, and placebo in patients who had just undergone childbirth and found the three drug treatments were all significantly superior to placebo but not significantly different from each other (Refs. 10 and 11).

Parkhouse and Hallinon (Ref. 12) in a double-blind study in post-operative orthopedic patients, in which a nurse-observer and the patient assessed the pain, found that both 600 mg aspirin and 1 g acetaminophen were easily distinguishable from placebo.

In the study of Moertel, Ahmann, Taylor and Schwartau (Ref. 13) acetaminophen rated fourth after aspirin, mefenamic acid and phenacetin in the patients' ratings which were from 1 to 10 and it rated third in a mean percentage relief of pain. They concluded that acetaminophen or phenacetin would be a reasonable alternative in case of aspirin intolerance.

In *AMA Drug Evaluations* (Ref. 14), acetaminophen effectiveness is described as follows: "The analgesic and antipyretic efficacy of phenacetin and acetaminophen is equal to that of aspirin; however, unlike aspirin, these two analgesics do not have anti-inflammatory or uricosuric effects and thus are not as useful in the treatment of rheumatic diseases."

The Panel reviewed unpublished well-controlled double-blind studies where acetaminophen was studied in patients with headache (Refs. 15 and 16). Acetaminophen 650 mg, was shown to be effective in the treatment of headache. Additionally, in another double-blind crossover study of patients with migraine headache (Ref. 17) patients received (a)

a combination of 65 mg isometheptene, 325 mg acetaminophen and 100 mg dichloralphenazone, (b) 325 mg acetaminophen and (c) placebo. Only the combination showed to be superior to placebo in this type of headache.

In another study, not controlled, a combination of acetaminophen and Vitamin C was studied in 45 patients with pain of different etiology (Ref. 18). The doses used were four to six tablets (containing 330 mg acetaminophen) per 24 hours. Nine of these patients had headache, and positive, favorable results were obtained in all of them. Four of these patients had pain described as neuralgia and all four obtained relief using this dose.

In another uncontrolled study by Perrin (Ref. 19) acetaminophen in combination with Vitamin C (doses not given) was evaluated in 1,000 patients with pain of different etiology. Of these, 96 patients were admitted into the study for headache. The results are mostly analyzed in global form for all patients included. However, the following statement is made: "patients with headache reacted well and were alleviated rapidly." Unfortunately, the doses and dosage regimen are not specified for these patients. An additional 66 patients in the study are identified as having "neuralgias and neuritis" but the response of this group of patients is not stated.

In another single-blind study (Ref. 20), 500 mg acetaminophen was compared with a combination of 300 mg acetaminophen, 5 mg hydroxyzine, 30 mg propoxyphene hydrochloride and 30 mg caffeine. One to two tablets of each preparation were given to patients suffering from tension headache. The results showed that 45 percent success was obtained with acetaminophen alone and 90 percent with the combination. This superiority was attributed to the "potentiation of the analgesic agents by hydroxyzine."

The Panel concludes that acetaminophen is effective in relieving the pain of headache, and that it is a general analgesic of proven efficacy as shown by clinical testing. Thus, acetaminophen is considered to be equivalent to aspirin in its analgesic effects, although the lack of anti-inflammatory action might make it less useful in conditions having an inflammatory component (Ref. 21).

(2) *Safety.* Numerous clinical studies have shown that acetaminophen, when taken in recommended doses, is relatively free of adverse effects in most age groups, even in the presence of a variety of disease states. There was no increase in fecal blood loss (Ref. 22). There were no stomach mucous membrane reactions in patients with gastrointestinal illnesses (Ref. 23). There was no interference with the action of drugs which promote uric acid excretion in the urine (Ref. 24). No effects on clotting were seen in hemophiliacs (Ref. 25). However, several studies have shown small increases in blood clotting time in patients using acetaminophen, but concurrent anticoagulant therapy was considered manageable with conventional precautions (Ref. 26). Larger than normal doses were required to produce a mild methemoglobinemia (a reversible blood disorder) (Ref. 27). The safety of acetaminophen is discussed in detail below. The metabolism of acetaminophen was considered and has been reviewed by the Panel elsewhere in this document. (See part II. paragraph L. above—Absorption, Distribution, Biotransformation (Metabolism) and Excretion of Acetaminophen.)

A few cases of hypersensitivity to acetaminophen have been reported, as manifested by skin rashes (Ref. 28), thrombocytopenic purpura (characterized by "black and blue" patches on skin and mucous membranes) (Ref. 29), rarely hemolytic anemia (anemia due to red blood cell destruction) and the very serious blood disorder agranulocytosis (Ref. 30). Occasional individuals respond to ordinary doses with nausea and vomiting or diarrhea.

The only contraindications to the use of acetaminophen presently well-established are known hypersensitivities to the drug. Definitive studies are not available on whether or not acetaminophen should be used in patients with certain preexisting liver diseases. The Panel concludes that increased risk may be a possibility in these individuals and recommends that high priority be given to well-designed studies to resolve this issue.

(i) *Animal toxicity.* With regard to the acute toxicity of acetaminophen, the large doses of acetaminophen required to evoke toxic reactions in the studies cited below are considered by the Panel to reflect a wide range of safety. This is especially true when those dosages are compared to the Panel's recommended single dose and daily intake.

The single-dose oral LD_{50} (dose that kills 50 percent of the animals) of acetaminophen in male rats was reported to be 3,710 mg/kg (Ref. 31), as compared to the previously reported LD_{50} of 1,650 mg/kg for phenacetin in the female rat (Ref. 32). The LD_{50} of acetaminophen in the rat is about 300 to 400 times the usual single dose in 50 to 70 kg (110 to 150 lb) adult humans.

In an acute toxicity study by Boyd and Bereczky (Ref. 31), acetaminophen produced early pathologic effects in the rats similar to those seen in the same laboratory in an earlier study (Ref. 32) with phenacetin. Rats dying in 24 hours showed extensive capillary-venous congestion, tubular nephritis and centrilobular hepatitis (kidney and liver inflammatory conditions, respectively). When deaths occurred later with acetaminophen the hepatitis had progressed into hepatic necrosis.

A 100-day LD_{50} of acetaminophen in the rat was found to be 770 mg/kg daily; the 100-day LD_{50} was estimated to be 400 mg/kg daily (Ref. 33). Extrapolating to humans ranging in weight from 50 to 70 kg (110 to 150 lb) the latter dose represents about 5 to 7 times the usual maximum recommended daily dose of 3,900 mg.

Boyd further found that his 100-day LD_{50} in the rat produced atrophy of the testes and inhibition of the production of sperm in rats and guinea pigs as well (Ref. 34). The sex organs of females were affected to a lesser degree. Other effects noted by Boyd and Hogan (Ref. 33), in rats receiving the 100-day LD_{50} dose, included kidney and liver damage.

(ii) *Acute toxicity in man.* Several recent reports have also described numerous cases of poisoning in man by large single doses of acetaminophen, apparently usually taken for suicidal purposes. Prescott, Roscoe, Wright and Brown (Ref. 35) observed liver damage in 17 of 30 patients who had taken at least 15 g; one went into a coma induced by liver degeneration and died. In this report, no estimate was given of the lowest dose thought to have caused liver damage. Clark et al. (Ref. 36) studied a series of 60 patients who took doses of acetaminophen claimed to range from 13 to 100 g. Forty-nine developed liver damage, 17 progressed to hepatic encephalopathy (brain damage), and 12 died from fulminant liver failure. Death occurred in 4 to 18 days after the ingestion of the drug. Proudfoot and Wright (Ref. 37) studied 41 cases of acute acetaminophen poisoning, 17 of which showed liver damage. One patient died, 3 developed jaundice and the others showed only biochemical evidence of liver dysfunction. These authors stated that "liver damage is a toxic effect which is present in most patients who ingest more than 15 g of paracetamol" (acetaminophen). In all these series it was noted that other drugs were, or may have been, also taken.

In the U.S. in 1972, 61 cases of acetaminophen overdosage were reported to the National Clearinghouse for Poison Control Centers, Food and Drug Administration (Ref. 38). Of these, 15 reported the ingestion of less than 3.5 g, 23 between 3.5 and 15 g, and 7 ingested more than 15 g. Two of the latter developed toxic hepatitis. No effects of this nature were reported from doses lower than 15 g. In 1971 there were only 3 cases reported in which more than 15 g were ingested. One of these had no symptoms, another experienced some lethargy, and the other experienced nausea, vomiting and abdominal pain. The Panel concludes that single doses less than 15 g are not usually associated with serious liver damage. The much lower incidence of reported acetaminophen hepatotoxicity in the U.S.A. compared to England has been attributed to the well known axiom, if the diagnosis is not suspected, it is not seen, since one investigator reported 156 cases with 4 fatalities in one city alone (Ref. 39).

A dose of 15 g is 23 times the usual recommended single dosage of acetaminophen (650 mg) and about 4 times the maximum recommended daily intake. In estimating the range of safety, the single dosage comparison is probably more appropriate than the comparison of the single toxic dose with the daily divided therapeutic dose. The toxic effect of acetaminophen on the liver is related to glutathione depletion (Ref. 40).

Since acetaminophen is metabolized by the liver the question of the safety of its use in the presence of liver disease

enzymes (mixed oxidase) is responsible for the liver toxicity of acetaminophen. In normal subjects the concentration of

with liver disorders at this time, it is noted that there is no evidence to exclude this possibility and the consider-

study the increase was significant in one of eight subjects on acetaminophen

Act of 1970 as set forth in 21 CFR 1700.15

(9) Lasagna, L., M. Davis and J. W. Pearson, "A Comparison of Acetophenetidin and Acetaminophen; I. Analgesic Effects in Post-

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Since acetaminophen is metabolized by the liver the question of the safety of its use in the presence of liver disease should be considered.

In a study of 72 patients with various forms of liver disease given 10 mg/kg of acetaminophen, Fevery and de Groote (Ref. 41) found an increase in both the serum levels and urinary excretion of unconjugated acetaminophen in the presence of certain liver diseases (parenchymal disease with hyperbilirubinemia or obstructive jaundice). Patients with cirrhosis exhibited plasma levels 2 to 3 times higher than those observed in subjects with no liver damage indicating decreased rates of metabolism. No decrease in the blood levels of conjugated acetaminophen or total urinary excretion of the drug could be demonstrated indicating that these two types of observations would not be expected to show differences in metabolism of free drug as would be expected from the pharmacokinetic characteristics of this drug. Vest and Fritz (Ref. 42) observed a lowered ability of the liver to conjugate acetaminophen in six children with infectious hepatitis given 10 or 20 mg/kg of the drug intravenously. In the acute phase of the hepatitis the excretion of conjugated acetaminophen was decreased. However, urinary excretion of free drug or excretion of total conjugated acetaminophen is an insensitive method to observe changes in metabolism of acetaminophen. Direct comparison of blood levels of unchanged drug indicates that the relative rate of conjugation can be decreased significantly without significant differences in urinary excretion of total conjugates. Free acetaminophen disappeared more slowly from the blood. The effects on excretion and blood levels of the conjugates and free acetaminophen reflected a partial inhibition of the conjugation of the drug to its glucuronide and the sulfate resulting in a moderate delay in the total elimination of the drug from the body. In 33 patients with liver cirrhosis, Jirsa and Hykes (Ref. 43) found no effect on the excretion of conjugated acetaminophen but did find a significant decrease in diabetics. Schmid and Hammaker (Ref. 44) observed no significant reduction in the formation of conjugated acetaminophen in five patients with Gilbert's disease (congenital liver disorder) after the administration of 30 mg/kg of acetaminophen but did not study blood levels of unchanged drug. In studies on infants prior to the development of their ability to metabolize this drug, no significant hematologic or other toxic effect were produced by single oral doses of acetaminophen up to 16.6 mg/kg (Ref. 45), or by 100 mg 3 times daily rectally for 3 days (Ref. 46).

There have been no clinical studies of the effect of liver disorders on metabolic pathways other than the glucuronide and sulfate conjugation pathways through which acetaminophen may be metabolized. In this connection Mitchell et al. (Ref. 40) have postulated that a minor but as yet unidentified highly reactive metabolite formed by nonconjugating enzymes (mixed oxidase) is responsible for the liver toxicity of acetaminophen. In normal subjects the concentration of this metabolite is low, and it is further conjugated with glutathione to a nontoxic metabolite. At high doses glutathione stores may be overwhelmed and the reactive metabolite reacts chemically with other compounds in the cell which results in necrosis. It is pertinent to know whether liver disease might affect the liver toxicity of acetaminophen by interfering with the production of this toxic metabolite by nonconjugating pathways and further conjugation with cysteine to a nontoxic substance.

There is evidence in the results of the above studies that in some forms of liver disease there is a decrease in the conjugation of acetaminophen. This effect significantly increases the half-life of acetaminophen to 3 to 4 hours in some cases. It is perhaps significant that in toxic reactions to overdoses of acetaminophen the half-life is usually increased to 4 hours (Ref. 35).

Decreased metabolism of acetaminophen by normal conjugation mechanisms (glucuronide and sulfate) observed in some patients with chronic liver disease could potentially increase toxicity of acetaminophen by increasing the relative fraction metabolized through nonconjugating pathways to the toxic metabolite. Decreased conjugation could also indicate decreased capacity of the liver to further conjugate the toxic metabolites with gluthathione to a less toxic conjugate.

An alternative explanation for the increased susceptibility of chronic alcoholics to the hepatotoxicity of acetaminophen (Ref. 47) is the induction of the microsomal enzyme systems (nonconjugating) by chronic use of alcohol (Ref. 48). However, recent evidence suggests that the overall elimination by conjugation is decreased in alcoholics similar to that observed in other cases of decreased liver function.

Shamszad et al. found that preexisting liver disease significantly decreases the rate of elimination of drug (as evidenced by the increased half-life of unchanged drug in the plasma in patients with cirrhosis (half-life 3.5±1.3 hours) and active alcoholic hepatitis (4.5±1.5 hours) compared to chronic alcoholics with normal liver function (2.2±.039 hours) and chronic alcoholics off alcohol for 7 days (2.8±0.7 hours)) (Ref. 49).

Thus several types of liver disease result in prolonged half-lives of unchanged drug which are about the same increase (about 4 hours) observed in patients who suffer liver damage after acetaminophen overdosage.

One cannot conclude that because an increased acetaminophen half-life occurs in association with acute liver damage caused by acetaminophen, that increased acetaminophen half-life caused by preexisting liver disease will increase the potential or severity of acetaminophen hepatoxicity. Well designed studies to answer this question are needed. Although the Panel does not have evidence to warrant a warning to persons with liver disorders at this time, it is noted that there is no evidence to exclude this possibility and the considerations discussed above require that this possibility not be dismissed.

Although the Panel concludes that additional studies are needed to determine if a warning is required for normal doses in adults or infants with liver disease, overdose may result in such severe liver damage that a label warning regarding this effect is obligatory. The basis for such a warning is well documented in several recent reviews of the hazards of acetaminophen overdosage, especially with respect to the harmful effects on the liver (Refs. 39, 48, and 50 through 52).

The warning should state: "Do not exceed recommended dosage because severe liver damage may occur".

Kidney damage has been described in numerous cases in which the liver injury has been of primary concern in acute poisoning by acetaminophen, as previously discussed. The nature of the injury to the kidney observed in such acute cases is apparently not related to the type of injury (papillary necrosis) which typically results from long-term abuse of analgesic drugs.

One case of the papillary necrosis type of kidney injury has been reported (Ref. 53) following prolonged use of acetaminophen at a dose of 11 to 18 g daily for 6 months in combination with proportionately large doses of chlormezanone. Two other cases, though questionably attributed to acetaminophen (Ref. 54), involved in one case this type of kidney injury which continued after switching to acetaminophen after the consumption of phenacetin-containing analgesics for 14 years. In the other case, the kidney damage developed after 5 years of intake of 1.5 g acetaminophen daily along with other drugs including some drugs containing phenacetin. Master (Ref. 55) reported a case of analgesic-induced kidney injury in a woman who took an average of 1.5 g acetaminophen daily for 10 years, though other analgesics were consumed previously or concurrently. Nanra (Ref. 56) mentioned two other cases of analgesic-induced kidney injury occurring in Australia. He attributed these to acetaminophen alone but he described no details. In none of the above six cases, in which the consumption of acetaminophen was involved, is it clear that this drug was the sole cause of the analgesic-induced kidney damage or that it was the primary drug of abuse.

Abel (Ref. 57) and the Royal Australasian College of Physicians (Ref. 58) have stated that patients fail to recover from kidney injury when their intake of phenacetin combinations is replaced by acetaminophen either alone or in combinations.

In studies on healthy adult human subjects, Prescott (Ref. 59) and Prescott, Sansur, Leven and Conney (Ref. 60) observed a slight increase in the excretion of kidney tubule cells in the urine following the intake of 3.6 g acetaminophen daily for 5 days. In the latter study the increase was significant in one of eight subjects on acetaminophen and two of nine subjects on the same dosage schedule of phenacetin. This effect was considerably less than that seen in subjects taking similar doses of aspirin.

Edwards, Edwards, Huskisson and Taylor (Ref. 61) found only a minor impairment of urine concentrating ability in 6 of 13 patients after their intake of 2 to 30 kg acetaminophen over a period of 2 years. Batterman and Grossman (Ref. 7) noted no blood, liver or kidney disturbances in human subjects receiving 3.6 g daily for up to 116 weeks.

In an experiment on dehydrated dogs, Bluemle and Goldberg (Ref. 62) found a high concentration of acetaminophen in the papillae of the kidney after a single dose of phenacetin, and a similar concentration of the drug in the renal papillae was observed after a single dose of acetaminophen. However, in this study, no concentration of acetaminophen was found in nondehydrated dogs.

Acetaminophen has not been reported to produce effects on the central nervous system like those produced by phenacetin, variously described as euphoria, stimulation, sedation, depression, etc. These effects of phenacetin are considered to constitute the basis of the potential for abuse of analgesic preparations containing this drug. In comparing the subjective effects of phenacetin and acetaminophen in 20 healthy male volunteers, Eade and Lasagna (Ref. 63) found that phenacetin "depressed mood, energy and mentation," while acetaminophen in the same dose, 28 mg/kg, had no such effects and did not differ from aspirin or placebo. However, Nakra et al. recently reported that some patients, especially housewives, have used acetaminophen as a "pick-me-up" and raises the possibility that some will abuse it (Ref. 64).

No comparison has yet been made with regard to the relative abuse potential of analgesic mixtures of phenacetin and similar mixtures of acetaminophen. A longer history of use of acetaminophen combinations, especially those with aspirin, will be required before this question can be answered. However, considering the lack of effects of acetaminophen on the sensorium similar to those of phenacetin it is justifiable to conclude that acetaminophen, as a single entity or in analgesic mixtures, does not have the abuse potential demonstrated for analgesic mixtures containing phenacetin. Reports from Australia (Ref. 59) showing that established abusers of phenacetin-containing drugs continued to abuse acetaminophen combinations after the removal of phenacetin from proprietary products, do not indicate a primary abuse potential of acetaminophen or of its analgesic mixtures.

The Panel concludes from observations reviewed above that acetaminophen may be taken in recommended doses without undue risk.

The Panel has examined the regulations of the Poison Prevention Packaging Act of 1970 as set forth in 21 CFR 1700.15 (a), (b) and (c), that provide for poison prevention packaging standards for aspirin-containing products in a dosage form intended for oral administration. The standards for child-resistant safety closures required on the containers of these products are intended to protect children from intentional or accidental ingestion without hampering the adult use effectiveness of the products. The Panel concurs with these standards and is of the opinion that the standards for child-resistant safety closures should apply to the containers in which acetaminophen oral products are packaged as well as to aspirin-containing products.

The Panel further concludes that the restrictions on the maximum number of tablets permitted in containers of aspirin products for child use should also apply to acetaminophen products formulated for use in children only. Therefore, acetaminophen products containing 80 mg (1.23 gr) tablets intended for oral use in children should contain no more than 36 tablets to reduce the hazard of accidental poisoning, as set forth in 21 CFR 201.314(c)(2) for products containing 80 mg (1.23 gr) tablets of aspirin for pediatric use.

The Panel concludes that the OTC packaging requirements for safety closures and the restriction on the maximum number of tablets in the containers of aspirin products for pediatric use should also apply to acetaminophen products for use in children.

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(3) *Dosage.* (i) *For products containing 325 mg (5 gr) per dosage unit.* (*a*) *Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while symptoms persist not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while symptoms persist not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while symptoms persist not to exceed 1,625 mg (25 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while symptoms persist not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while symptoms persist not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervison of a physician.

(*b*) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while symptoms persist not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while symptoms persist not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while symptoms persist not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while symptoms persist not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while symptoms persist not to exceed 800 mg (12.3 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is 500 mg (7.69 gr) to 1,000 mg (15.38 gr) initially, followed by 500 mg (7.69 gr) every 3 hours or 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "Do not exceed recommended dosage because severe liver damage may occur".

(*b*) "Do not take this product for the treatment of arthritis except under the advice and supervision of a physician".

(ii) *Standard acetaminophen dosage unit.* In the previous discussion on "standard strength" dosage forms, the Panel made clear the need to indicate both the quantity of acetaminophen per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing acetaminophen differs per dosage unit from the established standard of 325 mg (5 gr) acetaminophen per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that all products containing acetaminophen be clearly labeled as containing acetaminophen on the principal display panel. In addition, labeling shall state in metric units and secondarily in apothecary units the quantity of acetaminophen per dosage unit.

(*a*) *Products containing the standard acetaminophen dosage unit.* The Panel recommends that products containing only 325 mg (5 gr) acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(*b*) *Products containing acetaminophen in an amount different than the standard acetaminophen dosage unit.* While the Panel recommends that products contain only 325 mg (5 gr) acetaminophen per dosage unit, if the Food and Drug Administration is unable to implement this recommendation the Panel recommends that only nonstandard dosage units of 500 mg (7.69 gr) be recognized for acetaminophen in addition to the standard dosage unit of 325 mg (5 gr). The Panel recommends that products containing 500 mg (7.69 gr) of acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of 500 mg (7.69 gr) acetaminophen per dosage unit compared to the established standard of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

c. *Calcium carbaspirin.* The Panel concludes that calcium carbaspirin is a safe and effective OTC analgesic when taken in the recommended dosage of 414 to 828 mg every 4 hours while symptoms persist not to exceed 4,968 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Calcium carbaspirin is a complex of calcium acetylsalicylate and urea (Ref. 1). This compound is also frequently called soluble calcium aspirin. This nomenclature has produced some confusion with another preparation which consists of aspirin, calcium carbonate, and citric acid, which occasionally is also referred to as "soluble" calcium aspirin. Because calcium carbaspirin is a larger molecule than aspirin, a larger amount (414 mg) will be required to produce the same pharmacological effect as that produced by 325 mg of aspirin. Levy and Hayes have reported that the dissolution rate for this compound is faster than that for aspirin (Ref. 2). However, Beaver noted that the rate of absorption into the bloodstream was similar to that of aspirin (Ref. 3). Bonica and Allen have reported that "there is no evidence that it offers a clinically significant advantage (over aspirin) in the rate in which analgesic effects are achieved" (Ref. 4).

The previous discussion in this document with regard to effectiveness of aspirin including the limitations on maximum daily and total intake are applicable here with a slight modification based upon potency (414 mg instead of 325 mg). In addition, the previous discussion on aspirin dose-response relationship regarding the lack of correlation between blood levels and threshold levels of analgesia, rapidity of onset of analgesic action, intensity of analgesia, and duration of pain relief, are equally applicable to calcium carbaspirin. (See part III. paragraph B.1.a.(1) above—Effectiveness.)

(2) *Safety.* Evidence indicates that calcium carbaspirin is as safe as aspirin when taken in equivalent doses (Ref. 5). It is a complex of urea and calcium acetylsalicylate which is hydrolyzed (broken down) in the gastrointestinal tract to aspirin, calcium and urea. While calcium carbaspirin has a more rapid dissolution rate than aspirin, the amounts of calcium and urea formed from the breakdown of therapeutic doses of calcium carbaspirin would not be expected to have any pharmacological effects. It is assumed that calcium and urea are not absorbed in significant quantities. Thus the severity and incidence of adverse reactions either prior to or after absorption of calcium carbaspirin would be comparable to the incidence of adverse reactions discussed previously in this document for aspirin. (See part III. paragraph B.1.a.(2) above—Safety.)

The only studies which show that the side effects of calcium carbaspirin may be different from those of aspirin are the following: Muir and Cossar (Ref. 6) in a study with patients undergoing gastrectomy summarized their finding as follows: "Soluble calcium aspirin has shown no significant signs of gastric irritation in 95 gastrectomy specimens. Standard aspirin has shown potentially serious gastric lesions in 8 out of 102." These authors also found that calcium carbaspirin produced significantly less gastric bleeding than aspirin in 20 patients (aspirin 65 percent with bleeding, calcium carbaspirin 5 percent with bleeding) with no previous history of dyspepsia.

One article reported a series of studies using radioactive labeled chromate to determine gastrointestinal blood loss when aspirin and calcium carbaspirin were ingested (Ref. 7). The authors concluded that gastrointestinal bleeding occurred for both drugs, but the quantities of blood lost were less with calcium carbaspirin than with aspirin preparations for the same subjects (Ref. 7), and this difference was highly significant (p is less than 0.01).

In an unpublished study submitted by the manufacturer (Ref. 5), 20 patients with known intestinal ulcers and 20 patients with arthritis were followed for 9 months. Stool tests for blood using the testing reagent guaiac were used. A comparison between aspirin, placebo and calcium carbaspirin revealed guaiac reagent-positive stools in all three situations, and no difference could be observed between the three treatments. The data are difficult to assess; the results were not presented in tabulated form and the data were not statistically analyzed.

The Panel concludes that while slightly less gastrointestinal bleeding may result from the use of calcium carbaspirin, not enough evidence exists to differentiate this effect quantitatively from that of aspirin. Consequently, all cautions required for aspirin should be required for calcium carbaspirin.

(3) *Dosage.* Adult oral dosage is 414 to 828 mg every 4 hours while symptoms persist not to exceed 4,968 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 621 mg every 4 hours while symptoms persist not to exceed 3,105 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 517.5 mg every 4 hours while symptoms persist not to exceed 2,587.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 414 mg every 4 hours while symptoms persist not to exceed 2,070 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 310.5 mg every 4 hours while symptoms persist not to exceed 1,552.5 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 207 mg every 4 hours while symptoms persist not to exceed 1,035 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(*b*) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(*c*) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of calcium carbaspirin per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing calcium carbaspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing calcium carbaspirin be clearly labeled on the principal display panel: "Equivalent to X mg (X gr) per dosage unit of the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 414 mg calcium carbaspirin per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg (5 gr) per tablet of the established standard of 325 mg (5 gr) aspirin per tablet".

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d. *Choline salicylate.* The Panel concludes that choline salicylate is a safe and effective OTC analgesic when taken in the recommended dosage of 435 to 870 mg every 4 hours while symptoms persist not to exceed 5,220 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Choline salicylate is one of several nonacetylated salicylates reviewed by the Panel. Choline salicylate is highly soluble and may be administered as a stable, palatable liquid. It should be noted that an advantage of this drug is that it is the only liquid salicylate preparation that is currently available on the OTC drug market. It is said to be absorbed 5 times faster than aspirin (Ref. 1). Beaver (Ref. 2) has stated that "While choline salicylate may prove more palatable than an equivalent dose of aspirin, the analgesic effectiveness of the two drugs has never been adequately compared, and experience with sodium salicylate suggests that from the standpoint of analgesia at least, simple salicylates are less than equianalgesic when compared with equivalent doses of aspirin."

While no well-controlled clinical studies for the assessment of the analgesic activity of choline salicylate have been found, the Panel's review of the scientific literature has produced sufficient evidence of its analgesic activity. Broh-Kahn (Ref. 3) conducted a study in which 80 physicians throughout the U.S. and Canada gave this drug to 1,200 patients. Attempts were made to compare the effectiveness of choline salicylate to that of aspirin. This was accomplished in several ways. In some cases, patients had been treated with aspirin, and when its effect was assessed, it was discontinued and replaced with choline salicylate. In other cases in which the effect of aspirin was not previously ascertained, a crossover study was performed. Physical differences in the appearance of both drugs precluded the use of a double-blind technique. Finally, in some cases the physician compared the effects of choline saliylate in some patients with the known effects of aspirin in his patient population at large. The author concluded that "choline salicylate displayed a more favorable effect than aspirin." No adequate statistical analysis is presented to support this conclusion.

Leary (Ref 1) has also reported that salicylate concentration in the blood of man rises faster and to a considerably higher level after the administration of choline salicylate than after the administration of aspirin.

Levy, Gumtow and Rutowski (Ref. 4), in a study with 12 healthy male volunteers, assessed the blood plasma levels obtained after the administration of a solution of choline salicylate with those of two product formulations of aspirin tablets, aspirin tablets combined with aluminum glycinate and magnesium carbonate and an aqueous solution of sodium salicylate. The authors concluded that the two aspirin formulations produced significantly lower absorption rates than choline salicylate solution. There was no difference in absorption between the several types of salicylates administered in solution (Ref. 4).

Wolf and Aboody (Ref. 5) have also shown that choline salicylate is more rapidly absorbed than aspirin.

Broh-Kahn (Ref. 6) in a study with normal volunteers who acted as their own controls has shown that choline salicylate is absorbed approximately 5 times more rapidly than aspirin.

The significance of faster absorption has not been determined, since there is no evidence that faster absorption also indicates a faster onset of analgesic effect. Besides, as stated by Beckman (Ref. 7), "it is absurd to claim advantages for compounds that may at best advance the advent of relief no more than a few minutes."

2 *Safety.* The Panel finds that choline salicylate is about as safe as aspirin, because the side effects are similar to aspirin and those of the other salicylates. Yet unlike aspirin and the other acetylated salicylates, choline salicylate has not been reported to be associated with reactions causing asthmatic attacks in susceptible people. In addition, choline salicylate, as well as the other nonacetylated salicylates, do not affect the platelet adhesiveness involved in the clotting mechanism. However, choline salicylate in large doses does have an effect on another aspect of the clotting mechanism, an hypoprothrombinemic effect. Therefore, the caution concerning bleeding should be addressed to that population which is exposed to large doses of choline salicylate.

There have been many reports assessing the occurrence of gastrointestinal bleeding associated with the use of choline salicylate. Watson and Pierson (Ref. 8) measured gastrointestinal bleeding in 90 normal volunteers who had ingested various salicylate compounds. The subjects were injected with radioactively labeled red blood cells and the daily stools were checked for blood loss. The average loss was 4.8 ml for the patients taking aspirin. Ten percent showed a loss of over 10 ml daily for aspirin. Choline salicylate resulted in an average daily loss of 0.5 ml.

Lange (Ref. 9) selected 19 patients who had shown signs of occult (unseen) or manifest (noticeable) bleeding under ordinary salicylate treatment. He concluded that there was less incidence of blood in the stool with the use of choline salicylate. In a crossover study 73 percent of patients who took aspirin versus 36 percent of those using choline salicylate showed occult blood loss.

Rider et al. (Ref. 10), using the gastroscope studied 30 patients soon after ingestion of choline salicylate. He found no evidence of irritation of the mucous membrane of the stomach, hyperemia, hemorrhage, or ulcer.

In another study using radioactive Chromium-51 tagging of cells, Pierson, Holt, Watson and Keating (Ref. 11) demonstrated that 73 percent of 148 patients had significant bleeding with aspirin. When choline salicylate was used, no intestinal bleeding was noted. Croft, Cuddigan and Sweetland (Ref. 12) using Chromium-51 labeled red blood cells reported the same amount of bleeding after choline salicylate or soluble aspirin administration.

A submission summarizes ten uncontrolled or partially controlled clinical studies involving approximately 1,500 patients (Ref. 13). There were no serious untoward reactions reported. The most significant of these reports was that of Broh-Kahn (Ref. 2) which included a collection of the results of a cooperative study by 80 physicians of 1,200 patients using aspirin as a reference standard. The conclusion was stated in general terms. There evidently was a lower incidence of gastrointestinal distress, and choline salicylate was better tolerated in higher doses than aspirin.

The labeling in this submission (Ref. 13) includes claims for choline salicylate such as "Taken on an Empty Stomach, Starts Acting 5 Times Faster Than Aspirin" and "Provides Gentle-To-The-Stomach Action". Other claims made for this product have been discussed by the Panel elsewhere in this document. (See part III. paragraph B.2. below—Category II Labeling.) As for the claims mentioned above, the Panel concludes that its remarks regarding the claims of rapid absorption and the consequent rapid onset of analgesia made for highly buffered aspirin products also apply to choline salicylate products. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

In the case of choline salicylate, the Panel notes that although choline salicylate may not contain buffering ingredients as highly buffered aspirin does, it is, like highly buffered aspirin, taken in a solution dosage form and therefore may, for this reason, have similar performance action. In addition, the Panel concludes that regarding the claims for choline salicylate and its effect on the stomach, further testing is required to substantiate such claims, and therefore, will only permit the following claim which may be included in the principal display panel and which it classifies as Category III labeling: "May be taken on an empty stomach and may prevent the stomach distress that aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label". The Panel further concludes that any other statement(s) are classified as Category II.

(3) *Dosage.* Adult oral dosage is 435 to 870 mg every 4 hours while symptoms persist not to exceed 5,220 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 652.5 mg every 4 hours while symptoms persist not to exceed 3,262.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 543.8 mg every 4 hours while symptoms persist not to exceed 2,719 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 435 mg every 4 hours while symptoms persist not to exceed 2,175 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 326.5 mg every 4 hours while symptoms persist not to exceed 1,632.5 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 217.5 mg every 4 hours while symptoms persist not to exceed 1,087.5 mg in 24 hours for not more than 5 days. Children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of choline salicylate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing choline salicylate differs per dosage unit from the established standard of 325 mg sodium salicylate per dosage unit. (See Part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing choline salicylate be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 435 mg choline salicylate per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg per tablet of the established standard of 325 mg sodium salicylate per tablet".

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e. *Magnesium salicylate.* The Panel concludes that magnesium salicylate is a safe and effective OTC analgesic when taken in the recommended dosage of 325 to 650 mg every 4 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* This ingredient has been used since 1888 when it was first cited in an editorial of *Pharmazeutische Post* and was used for therapy of typhoid fever (Ref. 1). The same year Caldwell (Ref. 2) in a review article reported on its use as an "intestinal antiseptic" and therefore useful in typhoid fever. This product was still found in the *Merck Index*, 1930 Ed., where it was described as antiseptic, antirheumatic and antidiarrheic and still listed among its uses "typhoid fevers and typhus" (Ref. 3).

In a report published in the late 1930's, analgesia is mentioned for the first time by Joseph (Ref. 4). That report consists of the experience of a single physician with ten of his patients in which magnesium salicylate produced a marked analgesic effect. In 1967, Stern (Ref. 5) compared aspirin with magnesium salicylate and found no statistically significant differences in the levels of analgesia using these two agents. This study was double-blind and analgesia was evaluated in 22 patients with several types of arthritis. They concluded that magnesium salicylate was preferable to aspirin in conditions requiring long term therapy since it produced less gastrointestinal irritation than aspirin.

In an unpublished study performed by F. W. McCoy (Ref. 6) in 1964, aspirin, magnesium salicylate and aspirin plus magnesium aluminum hydroxide were compared on the basis of salicylate blood levels. Although it is known that salicylate blood levels do not directly correlate with analgesic effects it is interesting to note that magnesium salicylate, in spite of a greater solubility than aspirin, gave "somehow" lower blood levels of salicylate than aspirin. The blood levels of salicylate obtained with magnesium salicylate were greater than those obtained with aspirin plus aluminum and magnesium hydroxides. This is most likely due to the buffering of the aspirin formulations by aluminum and magnesium hydroxides. In another unpublished study, the analgesic effectiveness of magnesium salicylate was evaluated in 42 elderly patients with degenerative bone disease. In this double-blind crossover study, magnesium salicylate was compared to aspirin and placebo. The data were analyzed statistically, and the conclusions obtained from this study were that magnesium salicylate and aspirin were equally effective in relieving the pain of patients with osteoarthritis and that both drugs were superior to placebo (Ref. 7).

Batterman (Ref. 8) reported the use of magnesium salicylate in 34 patients with rheumatoid arthritis and 27 patients with degenerative joint disease. In this study, analgesic and not antirheumatic effect was assessed. The data suggest the effective value of this drug as an analgesic in the patients tested.

The Panel concludes that while the number of well-controlled clinical studies are few and mostly unpublished, the studies and the other data reviewed by the Panel indicate that magnesium salicylate is an effective analgesic and that it is comparable to aspirin. However, the claim that magnesium salicylate might be indicated when aspirin cannot be tolerated, remains to be proven.

(2) *Safety.* At the present time, there is evidence which indicates that magnesium salicylate is as safe as aspirin, although it has side effects, similar to aspirin and the other salicylates. Unlike aspirin and the other acetylated salicylates, magnesium salicylate has not been associated with reactions causing asthmatic attacks in susceptible people. In addition, magnesium salicylate, as well as the other nonacetylated salicylates, are not known to affect the platelet adhesiveness involved in the clotting mechanism. However, magnesium salicylate in large doses does have an effect on another aspect of the clotting mechanism, an hypoprothrombinemic effect. There is evidence of gastric mucosal bleeding and irritation similar to aspirin.

Unpublished studies on magnesium salicylate, utilizing the gastrocamera, revealed some variation between aspirin and magnesium salicylate when irritation of the stomach walls was assessed. Irritation to the mucous membranes of the stomach did occur in the presence of both drugs (Ref. 9). Other submitted studies used radioactively-labeled sodium chromate Cr_{51}. These studies indicated that bleeding also took place in a significant number of subjects. There was evidence that the amount of bleeding might be less with magnesium salicylate than with aspirin (Ref. 10). One study that determined magnesium concentrations in the blood indicated considerable individual variations which were neither consistent nor significant (Ref. 11).

The Panel has reviewed the possible systemic toxicity of magnesium ions with

recommended doses of magnesium salicylate. Unless renal insufficiency is present, toxicity due to the absorption of

magnesium salicylate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product

tablets caused a gastrointestinal blood loss of 1.2 ml daily above control values but the blood loss produced by 325 mg

Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while symptoms

(ii) *For products containing 0.2 mEq (5 mg) or higher of sodium per dosage*

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recommended doses of magnesium salicylate. Unless renal insufficiency is present, toxicity due to the absorption of magnesium is unlikely in the recommended dosages of 325 to 650 mg magnesium salicylate every 4 hours not to exceed 3,900 mg in 24 hours for not more than 10 days (Ref. 12). Absorbed magnesium is rapidly excreted, so that hypermagnesemia is difficult to achieve by the oral route in the presence of normal renal function. In renal dysfunction, however, hypermagnesemia toxicity may occur and a warning is therefore necessary (Ref. 13). The Panel concludes, based on the available evidence, that a restriction on the intake of magnesium salicylate for normal persons in the recommended daily dosage is not necessary because there is no evidence of possible systemic toxic effects due to magnesium. The amount of magnesium in the recommended maximum daily dosage of 3,900 mg magnesium salicylate is 26.2 mEq magnesium which does not pose any safety problem. However, for any product containing magnesium in which the maximum daily dosage exceeds 50 mEq of magnesium, the labeling should contain the warning: "Do not take this product if you have kidney disease except under the advice and supervision of a physician".

(3) *Dosage.* Adult oral dosage is 325 to 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while symptoms persist not to exceed 2,437.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while symptoms persist not to exceed 2,031.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while symptoms persist not to exceed 1,625 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243 8 mg every 4 hours while symptoms persist not to exceed 1,219 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while symptoms persist not to exceed 812.5 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(ii) *For products containing more than 50 mEq of magnesium in the recommended daily dosage. Warning.* "Do not take this product if you have kidney disease except under the advice and supervision of a physician".

(iii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of magnesium salicylate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing magnesium salicylate differs per dosage unit from the established standard of 325 mg sodium salicylate per dosage unit. (See Part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing magnesium salicylate be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 325 mg magnesium salicylate per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg per teaspoon of the established standard of 325 mg sodium salicylate per tablet".

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f. Sodium salicylate. The Panel concludes that sodium salicylate is a safe and effective OTC analgesic when used in the recommended dosage of 325 to 650 mg every 4 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Sodium salicylate had already been in use for about 25 years when aspirin was introduced into therapy in 1899. Aspirin was introduced on the basis that it was more palatable and caused less gastrointestinal disturbances than sodium salicylate (Ref. 1).

It has been demonstrated that aspirin (acetylsalicylic acid) is hydrolyzed to salicylic acid. It has been suggested that the latter is the active compound (Ref. 2). However, the therapeutic effect of aspirin as an a analgesic is generally recognized as being superior to an equal dose of sodium salicylate (Refs. 1 and 2).

Some researchers using patients with cancer pain as well as post partum patients, have found aspirin superior to sodium salicylate when given in equimolar doses (Refs. 3 and 4).

Frey has reported that aspirin was more effective than sodium salicylate in the treatment of the common headache (Ref. 5).

The *AMA Drug Evaluations* (Ref. 6) mentions sodium salicylate as an analgesic and states that "* * * it is less effective than equal doses of aspirin in relieving pain and reducing fever * * *"

Woodbury (Ref. 7) cites sodium salicylate as one of the two most commonly used preparations for analgesic effects, the other one being aspirin.

The Panel concludes that the few well-controlled clinical studies, the long clinical history of this ingredient's use and acceptance in most basic medical and pharmacology texts, indicate that sodium salicylate is an effective analgesic.

(2) *Safety.* The Panel concludes that sodium salicylate is as safe as aspirin, although it has side effects similar to aspirin and the other salicylates. Yet unlike aspirin and the other acetylated salicylates, sodium salicylate has not been associated with reactions causing asthmatic attacks in susceptible people. In addition, sodium salicylate, as well as the other nonacetylated salicylates, are not known to affect the platelet adhesiveness involved in the clotting mechanism. However, sodium salicylate in large doses does have an effect on another aspect of the clotting mechanism, an hypoprothrombinemic effect.

Comparison between aspirin preparations and sodium salicylate in various studies reveals some differences of opinion in the conclusions drawn by the authors. However, it would seem that some bleeding from the gastrointestinal tract does indeed take place.

Grossman et al. reported that sodium salicylate, aspirin, and calcium aspirin all gave a significant increase of blood in the stools as compared to the controls. This was determined using the radioactively-labeled red blood cell technique (Ref. 8). Stubbe, Pietersen and Van Heulen after studying 130 patients found that there was much less blood found in the stools when using sodium salicylate as compared to aspirin (Ref. 9). Scott et al. in 1961 also reported decreased bleeding with sodium salicylate as compared to aspirin (Ref. 10).

Leonards and Levy (Ref. 11) have shown that 325 mg sodium salicylate

tablets caused a gastrointestinal blood loss of 1.2 ml daily above control values but the blood loss produced by 325 mg aspirin tablets was appreciably greater, 5.6 ml daily above control values.

Furthermore, the effects of prolonged salicylate administration on the carbohydrate metabolism of rheumatic fever patients ranging in age from 5 to 18 years have been studied. Glucose or other carbohydrates were given orally at a dose of 1 g/kg after measuring the fasting blood sugar. It was found that although the fasting blood sugar was lower than normal, sugar concentrations determined 30 and 60 minutes after the carbohydrate administration remained abnormally high. The single ingestion of 0.6 g of sodium salicylate did not produce these changes in glucose metabolism (Ref. 12).

These latter reports are not sufficiently clear to permit any definitive conclusion to warrant a labeling warning.

The Panel has reviewed the relationship between sodium intake and hypertension and found that it is generally accepted that sodium intake is one of several factors contributing to the pathophysiology of hypertension. In experimental animals, sodium salts may precipitate marked hypertension in the presence of certain endocrine and/or renal disturbances. Even in the absence of abnormalities, blood pressure increases with sodium intake. However, in the presence of normal renal function, the rise in pressure is moderate (Ref. 13). The doubling of salt and water intake raises the mean blood pressure in man by 10 mm Hg (Ref. 13). Apart from hypertension, edema may develop in persons with occult heart failure or renal disease with high salt intake. The prevalence of these conditions increases with age (Refs. 14, 15, and 16). The recommended maximum daily dosage of 4,000 mg sodium salicylate contains 25 mEq sodium which is sufficiently high to warrant a warning in the labeling. Therefore, the Panel concludes that the labeling for sodium salicylate shall contain the warning: "Do not take this product if you are on a sodium restricted diet except under the advice and supervison of a physician" (Ref. 17). It would seem prudent for individuals on sodium restricted diets to take another Category I OTC analgesic, antipyretic or antirheumatic product instead of sodium salicylate to avoid any increase in sodium intake.

(3) *Dosage.* (i) *For products containing 325 mg per dosage unit.* (a) *Standard schedule.* Adult oral dosage is 325 to 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while symptoms persist not to exceed 2,437.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while symptoms persist not to exceed 2,031.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while symptoms persit not to exceed 1,625 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while symptoms persist not to exceed 1,219 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while symptoms persist not to exceed 812.5 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Nonstandard schedule.* Adult oral dosage is 325 mg to 975 mg initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing more than 325 mg but not more than 421 mg per dosage unit.* Adult oral dosage is more than 325 mg but not more than 842 mg initially, followed by more than 325 mg but not more than 421 mg every 3 hours while symptoms persist not to exceed 3,789 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing more than 421 mg but not more than 485 mg per dosage unit.* Adult oral dosage is more than 421 mg but not more than 970 mg initially, followed by more than 421 mg but not more than 485 mg every 4 hours or 842 mg but not more than 970 mg every 6 hours while symptoms persist not to exceed 3,880 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iv) *For products containing more than 485 mg but not more than 500 mg per dosage unit.* Adult oral dosage is more than 485 mg but not more than 1,000 mg initially, followed by more than 485 mg but not more than 500 mg every 3 hours or 970 mg but not more than 1,000 mg every 6 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(v) *For products containing more than 500 mg but not more than 650 mg per dosage unit.* Adult oral dosage is more than 500 mg but not more than 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(ii) *For products containing 0.2 mEq (5 mg) or higher of sodium per dosage unit.* The labeling of the product contains the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq (5 mg) or higher.

(iii) *For products containing more than 5 mEq (125 mg) sodium in the maximum recommended daily dosage. Warning.* "Do not take this product if you are on a sodium restricted diet except under the advice and supervision of a physician".

The Panel recommends that all products containing sodium salicylate be clearly labeled as containing sodium salicylate on the principal display panel.

(a) *Products containing the standard sodium salicylate dosage unit.* The Panel recommends that products containing only 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg sodium salicylate per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(b) *Products containing sodium salicylate in an amount different from the standard sodium salicylate dosage unit.* While the Panel recommends that products contain only 325 mg sodium salicylate per dosage unit, if the Food and Drug Administration is unable to implement this recommendation, the Panel recommends that products containing an amount of sodium salicylate other than 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg sodium salicylate per dosage unit compared to the established standard of 325 mg sodium salicylate per dosage unit". The actual amount "X" of sodium salicylate for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

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ning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

tively small overdosages that were involved, even as single doses. The Panel is further impressed by the

b. *Codeine preparations (codeine, codeine phosphate, codeine sulfate).* The Panel concludes that codeine is an effe-

Panel agrees with this limitation on OTC sale. The Panel notes that the Advisory Review Panel on OTC Cold, Cough, Aller-

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CATEGORY I LABELING

The Panel recommends the following Category I labeling for analgesic active ingredients to be generally recognized as safe and effective and not misbranded as well as any specific labeling discussed in the individual ingredient statements.

a. *Indications.* "For the temporary relief of occasional minor aches, pains and headache".

b. *Warnings.* (1) *For products containing any analgesic ingredient.* (i) "Adults: Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician".

(ii) "Children under 12 years: Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician".

(2) *For products containing salicylates.* (i) "Take this product for the treatment of arthritis only under the advice and supervision of a physician".

(ii) "Stop taking this product if ringing in the ears or other symptoms occur".

(iii) *For products intended for oral administration as a solid dosage form, e.g., tablets.* (*a*) "Adults: Drink a full glass of water with each dose".

(*b*) "Children under 12 years: Drink water with each dose".

(iv) *"Caution*: Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

(v) *"Caution*: Do not take this product if you are presently taking a prescription drug for anticoagulation (thinning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

2. CATEGORY II CONDITIONS UNDER WHICH ANALGESIC AGENTS ARE NOT GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE OR ARE MISBRANDED

Category II Active Ingredients

The Panel has classified the following claimed analgesic active ingredients as not generally recognized as safe and effective or are misbranded:

Acetanilid
Codeine preparations:
Codeine
Codeine phosphate
Codeine sulfate
Iodopyrine
Phenacetin
Quinine

a. *Acetanilid.* The Panel concludes that acetanilid is an effective OTC analgesic when taken in the recommended dosage of 200 to 300 mg but is not safe for OTC use.

(1) *Effectiveness.* Acetanilid was introduced into medicine in 1886 as an antipyretic, and subsequently in the same year its analgesic properties were also recognized. Studies, prior to 1946, on the pharmacology and toxicology and on the analgesic and antipyretic effectiveness of this drug were reviewed in detail by Gross (Ref. 1). Acetanilid maintained "official" status in the *United States Pharmacopeia* through its 14th revision, but was deleted from the 15th revision in 1955.

Though acetanilid has long been generally recognized as an effective analgesic and antipyretic, no well-controlled studies of its effectiveness in the clinical situation have been reported, and it has not been quantitatively compared with aspirin in this respect in controlled tests in humans.

Because of its relative toxicity compared to other drugs used for the same therapeutic purposes there is little or no commercial interest in the drug at the present time. Two industry submissions (Refs. 2 and 3) contained only the labels of two products containing 120 mg and 150 mg of acetanilid, respectively, with caffeine and other miscellaneous ingredients. No effectiveness or safety data were submitted. One of these products has been withdrawn from the market. Current pharmacology texts consistently either ignore acetanilid completely, or mention it only as of historical interest and condemn its use as an analgesic and antipyretic.

Because of the high incidence of toxic side effects and the relatively unfavorable margin of safety, the Panel makes no recommendations for further studies of acetanilid for its analgesic effectiveness.

(2) *Safety.* The Panel concludes that acetanilid is not safe for use as an OTC analgesic.

The literature up to 1946 dealing with the toxic reactions to acetanilid in man has been reviewed in detail by Gross (Ref. 1). Though most reported poisoning cases were associated with overdosage of the drug, the Panel is impressed by the large numbers of poison cases reported with a fatal outcome and by the relatively small overdosages that were involved, even as single doses. The Panel is further impressed by the apparent wide range of individual sensitivity and the relatively narrow margin of safety between the recommended therapeutic dose and the toxic dose in sensitive individuals.

Estimates of lethal, single doses of acetanilid in laboratory animals do not indicate a high toxicity. For example, oral LD_{50}'s of 323 mg/kg for the mouse and 800 and 1,700 mg/kg for the rat have been reported. The lethal dose for rabbits was estimated to be approximately 1,500 mg/kg. Dogs and cats exhibited about the same sensitivity as the mouse. In man, on the other hand, a dose as small as 1.2 g (approximately 24 mg/kg) has been reported to cause death, and in a series of fatalities described, 4 g (80 mg/kg) was the largest dose. To illustrate the wide range in sensitivity, survival after the intake of 30 g has been observed (Ref. 1).

The predominant toxic effects of acetanilid in both acute and chronic poisoning in man include methemoglobinemia, sulfhemoglobinemia and hemolytic anemia. In chronic poisoning, these effects are accompanied by cyanosis, anorexia, various psychic and neurologic disorders, insomnia and headache. The latter symptom tends to lead to further use of the drug, which thus becomes habit-forming. Evidence of the habit-forming properties of acetanilid is reviewed by Gross (Ref. 1).

In man it has been shown that about 85 percent of an administered dose of acetanilid is converted to acetaminophen, and about 0.04 percent is metabolized to aniline (Ref. 4). The analgesic and antipyretic properties of acetanilid are attributed to its major metabolite, acetaminophen, while the toxic effects are attributed to other as yet unidentified metabolic derivatives of the minor metabolite, aniline. Phenylhydroxylamine, a potent methemoglobin former, has been postulated as a metabolite of aniline which could account for the methemoglobinemia caused by acetanilid.

In the final analysis, the metabolism of acetanilid through aniline is held responsible for the toxic effects of the drug. Furthermore, it may be assumed that the many individuals who are highly sensitive to the toxic action of acetanilid have a genetically determined capacity to metabolize greater amounts of the drug through the aniline pathway.

(3) *Evaluation.* The Panel concludes because of the high incidence of toxic effects and the relatively unfavorable margin of safety that the risks from use outweigh any benefit and therefore classifies acetanilid not safe for use as an OTC analgesic.

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b. *Codeine preparations (codeine, codeine phosphate, codeine sulfate).* The Panel concludes that codeine is an effective analgesic when taken in the recommended oral dosage of 30 to 60 mg and is safe for prescription use but because of its potential for dependence and other adverse effects is not safe for OTC use as an analgesic. The Panel notes that there were no submissions of data provided to the Panel, nor was the suggestion made through any other source, that codeine in effective analgesic doses be considered for OTC use.

(1) *Effectiveness.* In a collaborative study, cited by Eddy et al. (Ref. 1), the oral effectiveness of codeine, aspirin and other analgesics was compared in the treatment of postoperative pain at several U.S. Veterans Administration hospitals (Ref. 1). The drugs were administered when postoperative pain began to subside so that parenteral medication was no longer needed. Oral doses of 30 and 90 mg codeine were compared with 300 and 900 mg aspirin. The studies showed the estimated potency of codeine to be approximately 10 times that of aspirin. These results indicate that the effectiveness of 30 to 60 mg codeine as an analgesic would be approximately comparable to the recommended analgesic OTC dosage range of 325 to 650 mg for aspirin.

On the other hand, Lasagna (Ref. 2) concluded that codeine, orally, was a moderately effective analgesic, but not superior, on the average to aspirin when these drugs are given in the usual doses. For short term use, he considered that the evidence suggested that aspirin is a more reliable and effective agent.

Codeine is often combined with analgesic-antipyretic drugs for prescription use. Eddy et al. (Ref. 1) cite 25 studies on the analgesic effectiveness of codeine and codeine combined with aspirin or "aspirin mixtures". Most of these studies utilized usual analgesic doses (30 to 60 mg) of codeine alone or in combination, and it was concluded that combinations of codeine with other drugs were slightly more effective than either component alone possibly because of different sites of action for codeine and the analgesic-antipyretic drugs. Four unpublished studies using 5 to 15 mg of codeine were cited. The results of one study in which doses of 15 to 30 mg codeine were used suggested that 15 mg might have some analgesic effect. Three studies utilized 5 to 10 mg codeine in combination with 100 to 400 mg aspirin. The degree of pain relief was similar for all doses and combinations studied, i.e., 5 to 10 mg codeine combined with 100 to 400 mg aspirin was no better than 400 mg aspirin alone.

The Panel is aware that the Federal Controlled Substance Act classifies codeine as an ingredient having dependence liability and restricts its OTC sale under Schedule V of that act to not more than 200 mg/100 ml container or approximately 10 mg to 20 mg codeine/dose and then only when it is combined with other nonnarcotic active ingredients. The Panel agrees with this limitation on OTC sale. The Panel notes that the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Drug Products, in their report published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312), found codeine suitable for OTC use as an antitussive in the dosage range of 10 to 20 mg. If the studies reported by Eddy et al. (Ref. 1) which showed that the potency of codeine is approximately 10 times that of aspirin are considered, this dosage range for codeine is approximately comparable to a range of 100 to 200 mg aspirin which is about ⅓ of the effective analgesic dosage range of 325 to 650 mg aspirin. At the doses permitted to be sold OTC, codeine is ineffective as an analgesic.

(2) *Safety.* The Panel concludes that codeine is not safe for use as an OTC analgesic.

Codeine is one of the opium alkaloids. It was isolated from opium in 1832 (Ref. 3). It is listed and described in virtually every major pharmaceutical text and details need not be reiterated here.

The *AMA Drug Evaluations* (Ref. 4) state, "adverse reactions to antitussive doses of narcotics occur infrequently because the doses used are less than those usually given for analgesia" and "Dependence liability of codeine is less than with morphine or meperidine, and physical dependence occurs only rarely from its use as an oral analgesic; however, the abuse of the drug, particularly in the form of cough syrup, is not uncommon."

Codeine as a single ingredient regardless of amount is classified under the Federal Controlled Substances Act as a Schedule II prescription (high potential for abuse) drug. When combined with other active medicinal ingredients in quantities of not more than 1,000 to 8,000 mg codeine/100 ml container or 90 mg codeine/dosage unit, codeine is classified as a Schedule III prescription drug. Only in quantities of 200 mg codeine/100 ml container or approximately 10 to 20 mg codeine/dose combined with other non-narcotic active medicinal agents is codeine classified as a Schedule V OTC (low potential for abuse) drug and OTC marketing is permitted.

While the Panel does not believe that codeine has a high potential for the development of dependence, serious safety considerations of abuse have caused the severe marketing restrictions now placed upon it.

(3) *Evaluation.* The Panel finds that codeine is an effective analgesic drug at the dosage restricted to prescription use and at the doses permitted to be sold OTC is ineffective as an analgesic. However, because of the known abuse and potential for dependence of this ingredient leading to severe restrictions under the Federal Controlled Substances Act, the Panel concludes codeine is not safe for OTC use as an analgesic and should only be used under proper medical supervision. For these reasons, the Panel recommends that codeine's availability for analgesic use continue to be restricted to perscription use only.

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(2) Lasagna, L., "The Clinical Evaluation of Morphine and its Substitutes as Analgesics," *Pharmacological Review*, 16:47–83, 1964.

(3) Swinyard, E. A., "Analgesics and Antipyretics," in "Remington's Pharmaceutical Sciences," 15th Ed., Mack Publishing Co., Easton, PA, pp. 1035–1054, 1975.

(4) "AMA Drug Evaluations," Second Edition, American Medical Association, Chicago, IL, pp. 481–490 and 261–276, 1975.

c. *Iodopyrine.* The Panel finds that there are no data to demonstrate effectiveness and there are data showing it not safe and therefore concludes that iodopyrine is not safe and not effective for use as an OTC analgesic.

(1) *Effectiveness.* No studies were found concerning the effectiveness of iodopyrine which is also known as iodoantipyrine. Chemically, iodopyrine is the iodide salt of antipyrine. The seventh edition of the *Merck Index* recommended its use as a substitute for metal iodides and as an analgesic but also cautioned that the drug is capable of producing iodism (Ref. 1). The eighth edition of the *Merck Index* contains no reference to the drug.

The Panel received only one submission for an OTC combination product containing 30 mg iodopyrine, 870 mg antipyrine and 100 mg citrated caffeine (Ref. 2). This product has since been reformulated without iodopyrine. Since the original submission, the drug manufacturer has submitted more recent information to the Panel indicating that the product has been reformulated to contain only 975 mg antipyrine (Ref. 3). The iodopyrine and citrated caffeine have been removed from the product. The reasons for the removal of the iodopyrine and citrated caffeine were not given.

The manufacturer had noted in the original submission that the combination had been historically marketed in Germany as an antiasthmatic product. The manufacturer also acknowledged that there is no known rationale for its use in the treatment of asthma but that nevertheless millions of doses have been used for that purpose. However, the product is now currently marketed in the U.S. only as an OTC analgesic-antipyretic. The manufacturer indicated, "We have no new data to contribute to the protracted deliberation whether caffeine should or should not be included in analgesic formulations. Nor do we have data substantiating the contribution of iodopyrine to the analgesic action of the drug. Suffice it to say that halogens have long been used in analgesic combinations and the superiority, if any, of iodopyrine arises from its contribution of additional pyrazole along with the contained iodine."

Since the Panel has been unable to find any data to support the effectiveness of iodopyrine alone or in combina-

tion as an analgesic, and even the manufacturer who previously marketed the ingredient could find no data to demon-

Morgans and Trotter (Ref. 7) have reported the development of goiter in three adults who had been taking an

euphoria. It is possible that these effects of acetophenetidin, coupled with the pain threshold-raising action, are responsible for

throblastosis. Iron deficiency anemia persisted for 7 months in the infant

products not involving phenacetin, even though these products are extensively

Several different types of studies consistently suggest temporal and dose rela-

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tion as an analgesic, and even the manufacturer who previously marketed the ingredient could find no data to demonstrate any effect, the Panel concludes that although it may be possible to determine by appropriate testing whether the ingredient has analgesic activity or not, the following discussion regarding its safety makes iodopyrine unsuitable for clinical study.

(2) *Safety.* The Panel concludes that iodopyrine is not safe for use as an OTC analgesic. Iodopyrine is the product of a reaction between antipyrine and iodine. Free iodide is liberated after oral ingestion by humans. The Panel can find no rationale for administering a claimed analgesic as an iodide salt because of the danger of iodism (iodine poisoning). The Panel finds that the toxic effects of the ingredient are due to the iodide. It should be noted that approximately 40 percent of iodopyrine, on a weight basis, is iodide.

Iodopyrine when fed to young rats has been shown to retard growth (Ref. 4). However, the study did not demonstrate any goitrogenic effect. Toxic effects included depressed basal metabolic rate, poor health and deaths. The drug had no effect on the size or morphology of the thyroid. Single doses of iodopyrine inhibited the incorporation of radioactive iodine into organic compounds. This effect subsided at about the same rate as that of comparable doses of iodide. It was concluded by the investigators that the data suggest that the effects of iodopyrine on the thyroid can be attributed to the release of iodide very soon after ingestion. They further noted that the effects of iodopyrine and an equivalent amount of iodide are similar, suggesting that the only effect of iodopyrine on the thyroid is due to iodide.

Wilkinson et al. (Ref. 5) have reported a case of iodide-induced hypothyroidism and dwarfism attributed to the use of a combination product containing iodopyrine (identified as 18 mg phenazone with 12 mg iodide). A 24-year-old male was hospitalized with signs of hypothyroidism that had developed gradually over 3 years. The patient had suffered from asthma and had taken the iodopyrine-containing product for 17 years, 3 times a day since the age of 7 years until admittance into the hospital. Earlier, at the age of 11 years, he was found to have a goiter. Following the clinical diagnosis in the hospital of iodide-induced hypothyroidism, the drug was discontinued and 5 months later all features of hypothyroidism had remitted.

The Medical Letter has reported that congenital goiter and hypothyroidism can result in the fetus when a pregnant woman uses iodide-containing drugs (Ref. 6). Iodides, themselves, are not known to cause malformation of the fetus. However, iodides do cross the placental barrier and after about the 12th week of gestation are taken up by the thyroid. *The Medical Letter* concluded, that because of these potential hazards, prolonged use of iodide preparations should be avoided by pregnant women. It was further concluded that normal children and adults also carry some risk of goiter.

Morgans and Trotter (Ref. 7) have reported the development of goiter in three adults who had been taking an iodopyrine-containing combination drug product. In all cases, the goiters became smaller when the patients were given the same product without iodopyrine. The authors also reported that a baby whose mother was taking the drug during pregnancy had a goiter at birth. This later disappeared spontaneously. They concluded that iodopyrine inhibits the organic binding of iodine by the human thyroid and that the effect of the drug on the thyroid is wholly due to the iodide liberated shortly after ingestion.

(3) *Evaluation.* The Panel finds that iodopyrine is not safe for OTC use because of the significantly high availability of iodide following oral administration and increased likelihood of iodism. Accordingly, the Panel concludes that the risks from use of iodopyrine outweigh any possible benefit and classifies the ingredient not safe for use as an OTC analgesic.

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(5) Wilkinson, R., M. Anderson and G. A. Smart, "Growth Hormone Deficiency in Iatrogenic Hypothyroidism," *British Medical Journal*, 2:87–88, 1972.

(6) Anonymous, "Drug-Induced Goiter in the Fetus and in Children and Adults," *The Medical Letter on Drugs and Therapeutics*, 12:61–62, 1970.

(7) Morgans, M. E., and W. R. Trotter, "Iodopyrine as a Cause of Goitre," *Lancet*, 2:374–375, 1959.

d. *Phenacetin.* The Panel concludes that phenacetin is an effective OTC analgesic but not safe for OTC use because of the high potential for abuse, the high potential for harm to the kidney and the possibility of hemolytic anemia and methemoglobinemia resulting from abuse and the lack of compensating benefits of the drug. The benefit to risk ratio of phenacetin compounds compares unfavorably with other single agents and combination analgesic preparations available to target populations.

(1) *Effectiveness.* The nonsalicylate phenacetin was first synthesized in 1887 (Ref. 1). It was introduced as a therapeutic agent before controlled clinical trials were established. It was first used as an antipyretic and then as an analgesic. Its use has been widespread for over 80 years. In contrast to the salicylates, this drug has no anti-inflammatory or antirheumatic properties and therefore is mostly used for the relief of "ordinary aches and pains" (Ref. 1). However, Mandel and Davison (Ref. 1) stated:

Psychologic effects from acetophenetidin (phenacetin) are more pronounced than from aspirin. Relaxation, drowsiness, and difficulty in mental activity are noted; concentration, attention, and retention are slightly impaired; restlessness is allayed, and anxiety is diminished. There is no euphoria. It is possible that these effects of acetophenetidin, coupled with the pain threshold-raising action, are responsible for the popularity of the agents as headache remedies, especially when tension or anxiety is dominant.

Lasagna and Pearson compared placebo, 600 mg aspirin, 600 mg phenacetin and 600 mg acetaminophen in patients with postpartum pain (Ref. 2). They found that acetaminophen and aspirin had comparable analgesia and that this effect was superior to that of placebo. Phenacetin, although it had a greater analgesic effect than placebo, rated well behind the other two in analgesic activity.

Moertel et al. found that in patients suffering from pain due to cancer, 650 mg phenacetin relieved pain in 48 percent of the patients as compared to 62 percent of the patients receiving aspirin (Ref. 3). In their rating system (drugs rated 1 to 10 by each patient) phenacetin ranked below aspirin and mefenamic acid with all three drugs being superior to placebo.

Lasagna, Davis and Pearson, compared phenacetin, acetaminophen (a metabolite of phenacetin) and placebo in a group of patients with postpartum pain (Ref. 4). The authors concluded that their data showed no overall advantage of phenacetin over acetaminophen, and they showed that both drugs were superior to placebo for the relief of pain.

Mandel and Davison state that in human volunteers given 300 mg phenacetin the "height and duration" of the pain threshold-raising effects are of the same order as those of aspirin, but they are careful to mention the "unreliability" of pain threshold measurements (Ref. 1).

(2) *Safety.* (i) *Short-term use.* Short-term use of phenacetin at recommended doses for a period of 10 days seldom results in serious toxicity in adults. Even large doses are well-tolerated by adults and fatalities following acute overdose are rare. Complete recoveries have occurred following acute overdoses of as much as 50 to 60 g (about 200 to 300 tablets) (Refs. 5 and 6). However, serious blood disorders such as methemoglobinemia and hemolytic anemia can be induced in infants with only one or two usual doses and can be life-threatening (Refs. 7 and 8). This is because hemoglobin (the oxygen carrying component of the blood) of an infant at birth is twice as sensitive to the effects of phenacetin as that of an adult (Ref. 9). This highly sensitive fetal blood component is almost completely replaced with adult type hemoglobin within the first 6 months of life (Ref. 8). Consequently, ingestion of phenacetin during pregnancy can result in effects on the blood of an unborn child.

A 28-year-old pregnant woman, who "for some months" had ingested up to 20 tablets daily of an analgesic compound containing 250 mg phenacetin, entered the hospital with sulfhemoglobinemia, Heinz bodies, and hemolytic anemia. The woman gave birth 4 hours later and the infant had methemoglobinemia, Heinz bodies and marked erythroblastosis. Iron deficiency anemia persisted for 7 months in the infant (Ref. 10).

(ii) *Adverse effects of long-term use.* Unlike short-term use of phenacetin, which is relatively safe, long-term use is unsafe and can result in hazardous effects to the urinary tract, blood, gastrointestinal and central nervous systems. Chronic use is usually a result of abuse probably due to the well-documented central nervous system effects of phenacetin (Ref. 11).

Of particular significance and concern to the Panel in arriving at its conclusions on the safety of phenacetin is the evidence associating excessive chronic ingestion of phenacetin-containing analgesics with life-threatening urinary tract and kidney disease (renal papillary necrosis, nonobstructive interstitial nephritis, calcification), and cancer of the kidney and bladder.

The correlation between excessive intake of analgesic mixtures and kidney damage, first observed in Switzerland in 1963 (Ref. 12), has now been extensively studied. The fact that phenacetin-containing analgesic products have been almost universally associated with cases of renal papillary necrosis, a form of kidney disease, throughout the world, has led several countries including Denmark, Sweden, England and Canada, to limit the availability of analgesic preparations containing phenacetin on the self-therapy market.

A thorough review of the literature on the relationship between phenacetin and severe renal disease has been made by the Panel and submitted to outside statistical evaluation. Numerous experts have appeared before the Panel to discuss these and other unpublished studies. In addition, the Panel has collected new information from a variety of sources including kidney dialysis centers and regulatory agencies of other countries (Refs. 13 and 14).

In the opinion of the Panel, the evidence relating phenacetin to severe renal disease now derives from a world body of published reports so numerous and varied in design that the possibility of coincidental association is negligible and requires that phenacetin be removed from the OTC drug market.

There is a view set forth in material submitted to the Panel that phenacetin should not be singled out as the causative agent in analgesic combination products because other agents in analgesic combinations, such as aspirin or acetaminophen, have been shown to produce kidney damage when used alone in man and animals, whereas phenacetin alone has rarely been shown to produce kidney damage in man (Ref. 15). The Panel does not agree with this argument because there are now thousands of reported cases of kidney disease associated with the use of phenacetin-containing mixtures, while there are probably no more than ten well-documented cases of analgesic-induced kidney disease in the world literature that can be definitively associated with abuse of all other single agent products or combination analgesic products not involving phenacetin, even though these products are extensively used throughout the world. The Panel has discussed the adverse effects of aspirin on the kidney elsewhere in this document. (See part III. paragraph B.1.a (2)(vi) above—Adverse effects on the kidney.)

From the point of view of safety of phenacetin, whether it causes kidney disease itself, augments effects of other active ingredients or increases the use of other nephrotoxic agents, it is the Panel's opinion that prolonged excessive ingestion of any common analgesic product containing phenacetin will significantly increase the probability of serious kidney disease and premature death. These levels and duration of ingestion, far exceeding label directions for use of such analgesic mixtures, are indicative of a serious potential for abuse problem that the Panel believes is associated with CNS effects of phenacetin and other components of such mixtures. This is especially true for powder formulations.

Phenacetin is virtually never used as a single agent in the U.S. or any other country. It is almost always commercially available and used only in combinations containing other analgesic compounds. Obviously, since the actual use of phenacetin as a single entity is rare, it could not be expected that renal disease resulting from its use alone would occur or be reported. It should be noted though that at least one case allegedly involving only phenacetin has been reported (Ref. 15). Although epidemiological or experimental studies on the effects of phenacetin alone in producing renal disease in man are not available or feasible, several other types of evidence indicate the major involvement of phenacetin in analgesic-induced renal disease.

In several major industrialized countries, where kidney disease induced by analgesic abuse has been a problem, many analgesic mixtures have been involved. Phenacetin has been the common denominator of analgesic products responsible for the problem. In the U.S., available data also indicate that phenacetin-containing products are involved in almost all reported cases of analgesic-induced kidney disease (Ref. 13).

In addition to phenacetin being involved qualitatively as the common denominator, data from several countries show similar quantitative relationships between the dose of phenacetin required to produce a given degree of kidney injury or incidence of kidney disease, irrespective of the dose of other agents involved (Ref. 16).

Retrospective case control studies indicate that total doses of 2 to 4 kg phenacetin over a period of about 10 years would result in approximately a 70 percent probability of renal papillary necrosis. The probability of death due to kidney failure in patients with degeneration of the part of the kidney affected by phenacetin is about 30 to 40 percent. This incidence appears to be similar for all mixtures of phenacetin regardless of whether they contain aspirin, antipyrine, or caffeine.

Several different types of studies consistently suggest temporal and dose relationships between phenacetin ingestion and renal dysfunction. In the opinion of the Panel, and consulting reviewers, studies following changes in renal function in the same individual or groups of individuals when phenacetin is removed, replaced, or readministered provide strong evidence for a direct causal effect. Followup studies in countries after complete removal of phenacetin from nonprescription use have shown a decrease in the incidence of kidney damage associated with analgesic abuse as will be discussed later in this document. (See part III. paragraph B.2.d.(2)(ii)(b) below—Evidence for a relationship between phenacetin abuse and kidney disease.) This not only supports the assumption of causality but also the conclusion that removal from OTC drug status would be beneficial. Data collected from kidney dialysis units in the U.S. and previous autopsy studies suggest the incidence of analgesic-induced kidney disease to be significantly high to warrant the Panel's action to recommend restriction of this drug from the OTC drug market (Ref. 13).

The Panel further believes that these data provide the same early warning indications seen in other countries just before analgesic-induced kidney disease was diagnosed as a major public health problem. The "lag time" between several initial diagnoses of analgesic-induced kidney disease and the realization that in fact the problem was widespread is what most concerns the Panel. While there are not large numbers of cases of analgesic-induced kidney disease being presently reported in the U.S., the Panel believes that if the medical community were aware of this problem and looked for this type of kidney disease, the incidence of analgesic-induced kidney disease would in fact be found to be a major public health problem in the U.S.

The following sections provide more detailed examination and documentation of the available data supporting these conclusions.

(a) *Central nervous system effects.* The central nervous system effects of phenacetin appear to be a major factor in the chronic abuse of combinations containing this drug. The habituation potential has been noted by several authors (Refs. 17 through 20).

Most chronic phenacetin takers have used the drug for nonanalgesic purposes. This is probably due to its euphoric and stimulant effects. For example, analgesic kidney disease has occurred most often in middle-aged women with an anxiety syndrome (Refs. 5, 6, 11, 15, and 17 through 20) or in male factory workers who have taken the drug as a stimulant to increase work output. The latter group includes Swiss watch workers (Ref. 11), Huskvarna factory workers (Ref. 12) and workers in the southern part of the U.S. (Ref. 11).

Krumholz, Sheppard and Merlis found fearfulness and depression were more effectively reduced by a phenacetin-containing product than by aspirin, placebo or a mild tranquilizer (Ref. 21).

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Eade and Lasagna (Ref. 22) compared the subjective effects of phenacetin and acetaminophen in 20 normal male volun-

generally restrospective case-control studies in which patients with renal dis-

of renal dysfunction. Evidence for a continuous dose response curve has been

Swedish government in 1961, which re-

Incidence of renal dysfunction with ingestion of phenacetin

Eade and Lasagna (Ref. 22) compared the subjective effects of phenacetin and acetaminophen in 20 normal male volunteers. Phenacetin depressed mood, energy and mental activity. It was assessed as a drug with a striking effect while acetaminophen and aspirin did not differ from a placebo. It is of interest that this is the only study found in which a depressant effect was noted rather than euphoria or stimulant effects which have been noted by Zeman (Ref. 19), Moeschlin (Ref. 5), and Gsell, Kielholz and Hegg (Ref. 23).

The acute central nervous system (CNS) effects appear to be due to a direct effect of phenacetin rather than the effect of its metabolite, acetaminophen. This was demonstrated by Prescott et al. (Ref. 24) who studied phenacetin and acetaminophen blood levels and CNS effects resulting from administration of different formulations containing phenacetin. In this study the peak blood levels of phenacetin correlated very well with the appearance of CNS effects while maximum blood levels of acetaminophen were usually achieved at a stage when the CNS effects were diminishing.

There appears to be a dual liability involved in the central nervous system effects of phenacetin. Initially the drug may be taken for pain or for the CNS effect of phenacetin as a "pick-me-up" or stimulant. After prolonged use, however, chronic headache, fatigue and apathy begin to appear (Refs. 5, 19, and 25). Individuals with these symptoms experience temporary relief shortly after taking phenacetin but these symptoms then reappear. Abnormal (epileptiform activity) brain EEG patterns (Ref. 25), and psychic symptoms including instability, disordered volition and acute disturbances may occur (Ref. 23). However, all these effects generally decrease or disappear when phenacetin is discontinued.

Schweingruber found neuropsychiatric symptoms in 28 percent of all phenacetin abusers (Ref. 26).

Murray and coworkers (Ref. 27) found a high incidence of abuse of phenacetin-containing preparations in psychiatric patients. Sixteen of 181 patients (9 percent) took an average of 5.2 kg aspirin (1.3 to 16 kg range) and 3.3 kg phenacetin (1.5 to 11 kg range). An additional 26 patients (14.40 percent) had taken analgesic products daily for 6 months. In virtually all cases the products were taken for psychological rather than analgesic effects.

(b) *Evidence for a relationship between phenacetin abuse and kidney disease.* (1) *Epidemiological studies.* Evidence that ingestion of phenacetin-containing analgesics can result in renal disease can be obtained from either epidemiological studies or direct experimental studies. For ethical reasons direct experimentation is generally possible only in animals which without collaborative studies in humans are usually inconclusive. Therefore, the primary evidence regarding the role of phenacetin in kidney disease must be derived from a variety of epidemiological studies. These are generally restrospective case-control studies in which patients with renal disease (cases) are compared with patients who do not have renal disease (controls) relative to the frequency or degree of drug intake.

Several types of epidemiological studies (Refs. 12, 16, 22, and 28 through 46) of possible relationships between phenacetin-containing compounds and kidney disease were initially selected by the Panel for detailed study for one or more of the following reasons: The studies were carried out over a period of 10 years, 1962 to 1972, in several different countries; the conclusions of many of these studies were instrumental in the decision of various countries to remove phenacetin from nonprescription use; in most of the studies, large numbers of patients and controls were studied and statistical evaluation of the data was possible; and several types of experimental design models were used to assess drug intake and renal disease variables. Therefore, extraneous variables, sources of possible bias, and deficiencies in experimental design would be expected to be different in the various studies.

The association between renal disease variables and drug intake variables have been established by showing that the incidence of kidney disease is higher in people who abuse analgesics (abuse is usually defined as a total intake of 1 kg or greater). This has been shown by many investigators including Nordenfelt and Ringertz (Ref. 47), Larson and Mullen (Ref. 48), Gault, Rudwal and Redmond (Ref. 49), Burry (Ref. 16), and Murray, Lawson and Linton (Ref. 38). In addition, the incidence of analgesic abuse is higher in people who have renal disease. This relationship has been shown by Olafsson, Gudmundsson and Brekkan (Ref. 50), Wilson (Ref. 41), and Murray and Goldberg (Ref. 15).

Even though a statistically valid association between two variables may be shown, this does not necessarily prove that a causal relationship exists in which one variable is the direct consequence of the other.

To prove that a cause and effect relationship exists between two variables in an epidemiological case-control study, it is necessary to show that all other interacting variables are constant and are the same in the patient and control populations. This is usually not possible in the clinical setting.

There are other types of analysis which take into consideration well-established pharmacological principles relating to dose-response relationships as a function of time, that can be used to examine causal relationships between drug intake and drug effect. If a true causal relationship exists between some function of drug intake (independent variable) and some measure of renal disease (dependent variable), then the following relationships between the drug intake and renal disease variables would be expected: If the variables are continuous functions, i.e., not all-or-none phenomena, then a correlation should exist between the degree of drug use (rate or total amount of drug intake) and the degree or incidence of renal dysfunction. Evidence for a continuous dose response curve has been given by Grimlund (Ref. 12), Burry and coworkers (Ref. 16), and Olafsson, Gudmundssen and Brekkan (Ref. 50); if both events are reversible then a change in the independent variable (drug intake) should be followed by a corresponding change in the dependent variable (degree incidence of renal disease). This has been shown in individuals (Refs. 31, 33, 35, 37, 38, and 41) and large populations (Refs. 12 and 39) when phenacetin is withdrawn; a history of drug intake (the independent variable) should precede the onset of renal symptoms (dependent variable), and a similar lag time should be observed between changes in intake and changes in the degree of renal function in an individual or changes in the incidence of renal disease in a population. Several examples of this type of data were found (Refs. 12, 39, and 43).

Studies that provide data which meet these criteria and provide convincing evidence of a causal relationship between phenacetin ingestion and kidney disease are discussed below.

The detailed, continuing studies of employees of a large company and other residents of Huskvarna, Sweden, provide some of the most significant epidemiological information regarding phenacetin abuse and its consequences (Ref. 12). This community provides data to assess the correlations between the degree of analgesic intake, incidence of renal dysfunction, and the disease prognosis, the time involved in development of nephropathy (kidney disease), and the effect of removal of phenacetin from the OTC drug market on the degree of analgesic abuse and the incidence of kidney disease. These data present very strong evidence for the association between phenacetin-containing analgesic products and kidney damage.

The town of Huskvarna had a population of 13,000 in 1963. Three thousand of these worked at the Huskvarna Factory which manufactures appliances, guns, small machinery, etc. Following an influenza epidemic in 1918 to 1919, Dr. Hjorton, a leading town physician, introduced a product containing 500 mg phenazone (antipyrine), 500 mg phenacetin and 150 mg caffeine which immediately gained widespread acceptance and began to be widely misused.

The use of the product apparently was primarily to increase working ability at the Huskvarna Factory where its virtues were extolled by senior workers to new apprentices. Fifty years later, a serious attempt was made through advertising and lectures to decrease use of the product. The consumption continued unabated. When phenacetin was removed from this product in 1961, most habitual users kept taking the product and estimates of sales figures at pharmacies indicated the high consumption of the product had not been significantly changed even though users knew it had been altered and stated it did not have as satisfactory an "effect" as the previous preparation.

Phenacetin was removed from this product as a result of the action of the

Swedish government in 1961, which removed phenacetin from all OTC products. Consequently, the consumption of phenacetin-containing tablets and powders fell from 31.4 million units in 1959 to 1.8 million in 1962. Nordenfelt (Ref. 39) evaluated the effect of removal of phenacetin from the OTC drug market by following all deaths from uremia (blood poisoning due to kidney failure) from 1960 to 1970 in Jenkoping County Hospital (the hospital which normally received Huskvarna residents). Definitive diagnosis of uremia was made on autopsy of 180 patients, 86 (47 percent) of whom were abusers of analgesic drugs. The ratio of men to women was consistent with earlier years (64 men, 22 women) and 45 of the men were Huskvarna workers.

The number of deaths of abusers did not diminish until 1968 which is consistent with the lag time of 6 to 8 years observed by others. In 1970 only 3 deaths due to uremia were noted.

This study showed that while removal of phenacetin from the OTC analgesic market did not affect the degree of analgesic abuse, the incidence of kidney damage dropped significantly.

Studies in Huskvarna also provide data which strongly suggest that the high female to male ratio of analgesic kidney injury in other countries is due most likely to a difference in the incidence of abuse rather than susceptibility since in this town it was the male workers who used phenacetin compounds in large quantities.

The study of Grimlund, the Huskvarna factory physician, provides a clear correlation between the degree of drug intake and the incidence of kidney impairment measured by two renal function variables, the inability to concentrate urine and increased serum creatinine (greater than 1.5 percent is a measure of uremic blood poisoning). Grimlund (Ref. 12) also carried out a prospective follow-up study on 64 patients with serum creatinine levels above 1.5 percent (uremic blood poisoning) over a period of time from 18 months to 4 years. There was a correlation between the degree of elevated serum creatinine and prognosis in patients. Three types of relationships were established by the Grimlund study and are summarized as follows:

(i) In 936 representative Huskvarna employees in apparent good health, it was found that renal function was reduced in 34 percent of phenacetin takers but only in 2.4 percent of nonphenacetin takers.

(ii) The incidence of renal dysfunction, as measured by serum creatinine and decreased concentrating ability, increased proportionately to the amount of phenacetin ingested, and is indicative of a dose-response relationship (Ref. 12). The following table summarizes these findings:

Incidence of renal dysfunction with ingestion of phenacetin

[In percent]

	Phenacetin—amount ingested—			
	0	1 to 4 kg	5 to 9 kg	10 to 29 kg
Incidence in total population	79.0	12.7	4.8	2.7
Incidence of increased serum creatinine (milligram percent) in group	2.4	19.0	50.0	76.0
Incidence of reduced concentrating ability in group	2.4	15.0	52.0	72.0

(iii) The degree of elevated serum creatinine correlated with the prognosis of recovery or death in the patients is summarized in the following table:

Correlation of serum creatinine to patient prognosis

[In percent]

Serum creatinine (milligram percent)	Total	Recovery	Unchanged	Deterioration	Death
1.5 to 2.5	64	35.0	35.0	30.0	2.4
2.6 to 3.5	21	21.4	28.6	42.9	7.0
3.5	14	0	0	22.2	78.0
Total	100	46.9	15.6	64.0	14.0

In addition to an evaluation by the Panel, several of these studies were also submitted to two consultant review groups (Refs. 51 through 53) for an independent evaluation of the validity of statistical procedures and factors in the experimental design which would support or invalidate the conclusions of the studies. Evaluations of the studies by the two groups were carried out independently.

Based on the studies reviewed, one group concluded that there is an association between the use of phenacetin-containing analgesic compounds and kidney disease and that statistically there is an increased incidence of kidney disease in abusers of phenacetin compounds compared to nonabusers and decreased renal function in abusers compared to abusers who cease abuse. This group felt that Grimlund's study of the Huskavarna workers (Ref. 12) provided the strongest evidence for association between phenacetin compounds and nephropathy (Ref. 52).

The second consultant review group concluded that the paper by Waters (Ref. 45) represents the only paper out of the 14 reviewed which does not support a relationship between analgesic consumption and renal damage. The remaining papers all tend to support a relationship between phenacetin-containing compounds and renal damage (Ref. 53).

Based on experimental design, the strongest evidence, in their opinion, were the studies by Bell and coworkers, (Ref. 34), Pearson (Ref. 32), and Wilson (Ref. 41) which rely on the patient as his own control and where improvement in the patient's renal condition occurred once the analgesic abuse was stopped.

A common variable which might bias correlations between the amount of drug used and nephropathy incidence would be the age of the patient. As age increases, a person is more likely to have renal disease and is more likely to have consumed more analgesics which could give a false correlation unless a control group was used which was matched relative to age. This criticism is given by one of the consultant review groups as a major factor in evaluating the dose-response data in Grimlund's study (Ref. 12). While the age factor conceivably could have biased the relationships shown by Grimlund, it is highly unlikely that the correlations were spurious due to the age effect because the magnitude of the changes in drug intake or renal function is much greater than would be expected due to increased age alone and also because in other detailed studies there has been no correlation between the age of patients, duration of use, or incidence of use.

An analysis of the data of Bell and coworkers (Ref. 34) shows no correlation between age (average 57 years, range 33 to 70), duration of use (average 12 years, range 6 to 23 years) and phenacetin total dose (average 5.6 kg, range 2.2 to 12.0 kg). The average age of patients in Grimlund's study was 63 years.

Several other researchers have found a correlation between the degree of phenacetin intake and probability of serious kidney damage (Refs. 16, 34 and 38).

The prospective autopsy study of Burry, de Jersey and Weedon (Ref. 16) provides significant evidence for phenacetin involvement in renal papillary necrosis. Pathological diagnosis and degree of analgesic consumption, as determined by questioning the next of kin, were determined independently. In 507 autopsies when other possible reasons for renal papillary necrosis (obstruction, diabetes, and papillary amyloidosis) were excluded, severe papillary necrosis (42

cases) correlated with heavy phenacetin abuse (2 to 4 kg total).

This retrospective case-control study

drawal of phenacetin compounds from the OTC drug market has resulted in significant decreases of renal disease in

years of use, one would see only 38 percent of the total number of individuals who ultimately will develop

dysfunction including papillary necrosis in 3 of 39 rats. Boyd et al. (Refs. 56 and 57) found that hepatorenal necrosis

drug histories are frequently not obtained because of the reluctance of the patient or oversight by the interviewer

having chronic pyelonephritis. It is possible that misdiagnosis may have been

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cases) correlated with heavy phenacetin abuse (2 to 4 kg total).

This retrospective case-control study indicated that total doses of 4.0 kg would result in a 73 percent probability of renal papillary necrosis (kidney damage). The probability of death in patients with papillary necrosis was 37 percent. This is similar to the findings of Bell, Kerr, Swinney and Yeates, who reported that 29 percent of patients with renal papillary necrosis associated with phenacetin abuse died of renal (kidney) failure (Ref. 34). Murray, Lawson and Lenton (Ref. 38) found that total analgesic intake greater than 1 kg resulted in the finding of renal papillary necrosis (kidney damage) in 85 percent of autopsies; 26 percent of these patients died of uremia (uremic blood poisoning) due to kidney failure. Olafsson, Gudmundsson and Brekkan (Ref. 50) have also shown a correlation between increased intake of phenacetin compounds and decreased renal function.

A change in renal function in individuals following a change in drug intake has been shown in several studies. The effect of substituting aspirin for phenacetin in products used by analgesic abusers was studied by Murray, Lawson and Lenton (Ref. 38). The study took advantage of a change in formulation of two powders which were among the most commonly abused compounds in Scotland and in which phenacetin was removed and aspirin substituted. Other preparations which retained phenacetin provided a basis for comparing aspirin-phenacetin compounds with preparations containing aspirin only. As seen in other studies, the lag time after removal of phenacetin until changes in the incidence of renal disease (nephropathy) were observed was found to be from 4 to 5 years. Renal function of those who continued to abuse analgesics containing aspirin only or aspirin with phenacetin as measured by creatinine clearance continued to deteriorate. The study showed that renal function continued to deteriorate when aspirin-containing products were abused but the rate of progression was significantly less rapid (4.9 ml/minute/year compared to 12.9 ml/minute/year) for phenacetin compounds.

Furthermore, the incidence of deaths due to uremia was less (3 out of 12 patients) in patients taking nonphenacetin-containing products than the number of deaths in patients taking products containing phenacetin (9 out of 14 patients), and the total number of new cases was reduced.

Bell and coworkers substituted acetaminophen for phenacetin in 5 patients with renal disease (0.5 to 6 g acetaminophen daily) and aspirin for phenacetin in 2 patients (0.1 to 1.8 g aspirin daily) with no apparent difference in renal function from that seen in patients with total withdrawal of analgesics (Ref. 34).

Evidence of the beneficial effects of removal of phenacetin from the OTC drug market can also be seen in countries which have removed phenacetin from nonprescription use. The total withdrawal of phenacetin compounds from the OTC drug market has resulted in significant decreases of renal disease in Sweden and Denmark.

As a basis of comparison, in Australia and Switzerland, countries which have attempted public education on the hazards of analgesic abuse but have not restricted nonprescription use of phenacetin compounds, the incidence of analgesic-induced renal disease has not changed appreciably in spite of the widespread awareness of the problem (Ref. 14).

In Sweden, Bengtsson (Ref. 28) reported that following restriction of OTC drug sales in 1961, consumption decreased 10 fold and the incidence of renal disease decreased from 58 percent in 1961 to 25 percent in 1965 and according to Nordenfelt continued in a favorable direction after 1965 (Ref. 39).

In Denmark, it has been reported that the incidence of renal papillary necrosis in all deaths due to renal disease decreased when phenacetin compounds were removed from nonprescription use (Ref. 43).

In Switzerland, where nonprescription phenacetin compounds are still available, the deaths due to uremia have not changed during the period from 1966 to 1971. The total number of uremic deaths each year during this period were 73, 71, 69, 70, and 68, respectively (Ref. 14).

Australia has been cited as an example of a country where the removal of phenacetin compounds from the OTC drug market has not modified the incidence of analgesic nephropathy. The Panel finds that statements of this nature are a misrepresentation of the actual facts since phenacetin compounds have never been actually withdrawn from the OTC drug market in Australia. In 1966, phenacetin compounds were withdrawn from the public health list which simply prevents payments for these products from National Welfare funds. Phenacetin-containing products are at least as readily available for unlimited self-treatment as they are in the U.S. (Ref. 34). The Panel was unable to find any evidence that the act of excluding phenacetin compounds from free payment on the National Health list or the public education campaign resulted in any change in the ingestion habits of the analgesic abusers or the increasing incidence of analgesic renal disease in Australia.

As briefly mentioned above, the lag time between ingestion of drug and the appearance of kidney effects is relatively long and provides further evidence of a causal relationship between chronic phenacetin intake and analgesic-induced kidney disease. Burry and others noted that in 52 cases of analgesic nephropathy involving patients consuming greater than 2 kg phenacetin total, only 1 of 19 deaths occurred in less than 10 years. Severe renal damage was rarely seen in less than 5 years (Ref. 16).

Wilson (Ref. 41) observed that analgesic kidney disease required a development period of 5 or more years in 84 percent of patients and more than 10 years in 62 percent of patients. Thus after 10 years of use, one would see only 38 percent of the total number of individuals who ultimately will develop symptoms. This provides an explanation for the continued appearance of analgesic nephropathies for several years after drug-intake is stopped.

In 35 patients from Huskvarna who died of uremia the time between initial use and onset of symptoms was several years. The time between onset of symptoms and death, however, was quite rapid, usually 1 year or less in 75 percent of patients. Only 2 of 35 patients survived for 4 to 5 years. Abuse of the product containing phenacetin was probably continued in most of these cases.

A few authors have suggested the possibility that high analgesic use is a result of renal disease rather than the cause. It has been suggested that renal pain may be subthreshold and not be recognized except for a better feeling after analgesic use. Because of the long lag time (3 to 10 years) between initial analgesic use and the first indication of renal dysfunction, which has been observed in many different studies, there is very little possibility that this is a reasonable explanation in most reported cases. Other authors have provided other valid reasons or data to clearly refute any serious considerations of analgesic abuse being a result of renal dysfunction.

Burry and others (Ref. 16) refuted the idea that patients take analgesics to allay the pain of kidney infection (pyelonephritis). In his study there was no association between analgesic consumption and pyelonephritis in the absence of papillary necrosis. Furthermore, many cases of papillary necrosis were associated with analgesic abuse in the absence of pyelonephritis.

(2) *Mechanism of action producing nephropathy.* The difficulty of showing the mechanism by which phenacetin causes nephropathy in animals, even when large amounts of phenacetin are administered over long periods of time, has been a primary factor in the belief of some authorities that it is not the primary agent responsible for analgesic-induced nephropathy. However, this difficulty in showing kidney disease in animals has also been shown to be a factor of experimental variables such as difference in metabolism between different species, type of diet, water intake, and others.

Clausen (Ref. 46) found rabbits given either 325 mg aspirin or phenacetin orally developed interstitial nephritis (kidney inflammation) with both drugs and an increased susceptibility to kidney infection. Abrahams et al. (Ref. 54) found papillary necrosis (kidney disease) in two rats who received an aspirin-phenacetin-caffeine combination. Renal papillary hemorrhage (kidney bleeding) was noted in rats orally given both phenacetin alone and in the aspirin-phenacetin-caffeine-containing product.

Fordham et al. (Ref. 55) administered phenacetin to Sprague-Dawley rats (300 mg for 10 days, or 450 mg for 10 days, or 600 mg for 20 days) resulting in physiologic and histologic evidence of renal

dysfunction including papillary necrosis in 3 of 39 rats. Boyd et al. (Refs. 56 and 57) found that hepatorenal necrosis (liver and kidney disease) that occurred in acute toxicity to phenacetin was influenced by diet and mode of administration (dietary against intragastric). Eisalo and Talanti (Ref. 58) showed interstitial nephritis (kidney inflammation) in 7 of 18 rats given 100 mg/day of phenacetin in food and in 5 of 18 rats given 100 mg acetaminophen in water. However, no papillary necrosis (permanent kidney injury) was observed.

Animal studies are useful to study mechanisms of toxicity. However, care must be taken in extrapolating data from animal to man. Furthermore, it must be realized that strain difference is important. Recently Mazze, Cousins and Kosek showed that dose-related methoxyflurane nephrotoxicity in rats varied markedly with strain (Ref. 59). Thus, when studying a toxic effect in animals extreme care must be taken in interpreting whether results are positive or negative.

The primary sites of kidney injury are the papillae and medulla. Papillary necrosis is thought to be vascular in origin, resulting from ischemia. In lay language, this means that the type of kidney disease which occurs is thought to be due to constriction or obstruction of blood vessels in the kidneys.

Kincaid-Smith has shown early lesions in the efferent vasa recta of rats treated with phenacetin and aspirin/phenacetin/caffeine (Ref. 60).

Abrahams and Levin have observed platelet deposition in the vasa recta in treated animals (Ref. 61).

Secondary chronic atrophic lesions in the overlying renal cortex result in changes which have been referred to as "chronic interstitial nephritis" (Ref. 62).

The medullary blood flow is particularly susceptible to a number of drugs and the medulla is quite sensitive to ischemia.

It is possible that the anemia which accompanies or perhaps precedes renal effects may contribute to the ischemia.

The hemolytic effect (red blood cell destruction) of phenacetin may play a role in the mechanism of renal damage. The pathological picture of centrally located papillary necrosis is the same as that seen in sickle cell anemia in which the deformed erythrocytes occlude the vasa recta (Ref. 63).

The possible sequential effects of erythrocyte damage caused by phenacetin resulting in urinary excretion of abnormal hemoglobin which produces a "sludging" effect and interstitial nephritis has been discussed by Grobin (Ref. 64).

(3) *The incidence of analgesic-induced kidney disease.* The true incidence of analgesic-induced kidney disease is difficult to assess and is undoubtedly underestimated for several reasons. First, it is clear that unless physicans are alerted to the possibility of analgestic-induced kidney injury and specifically consider it during diagnosis, it is likely to be missed (Refs. 34, 63, and 65). Secondly, accurate drug histories are frequently not obtained because of the reluctance of the patient or oversight by the interviewer, and thirdly, the distinguishing characteristics of this type of kidney injury have not until recently been generally accepted or recognized.

The experiences reported by many investigators indicate that correlations between drug intake and disease variables may be biased due to underestimates of the values given for incidence of and amount of drug used.

Several authors have stated that there is a definite tendency of patients to withhold information on the frequency and degree of analgesic intake, particularly if a stigma of abuse has been associated with intake of these drugs. In some cases only persistent questioning of the patient or relatives eventually established the incidence of drug intake (Refs. 28, 37, and 39).

Bell et al. (Ref. 34) commented that the difficulty of establishing drug intake may often be the failure of the physicians to include direct questioning of analgesic intake in routine interviews rather than a reluctance of the patient, noting that each of the 13 patients with analgesic-induced kidney disease that he reported were seen previously by one or another of the authors who did not suspect an excessive analgesic intake. A history of excessive drug ingestion was readily obtained when the patients were specifically asked regarding the frequency of drug use.

Although early workers did not believe the renal lesion to be specifically related to analgesic abuse, and, in fact, originally described the pathology as chronic pyelonephritis or interstitial nephritis, there is general agreement among authorities that a specific type of kidney injury, renal papillary necrosis, is the primary lesion observed most often with analgesic abuse (Ref. 63). Koch states that renal papillary necrosis associated with analgesic abuse can be distinguished morphologically from renal papillary necrosis associated with diabetes and other nondrug-related causes.

The histologic and electron microscopic studies of Gault et al. (Ref. 37) provide a clearer picture of the relationship between disease development and functional changes in analgesic-induced kidney disease. The first events are morphologic changes in interstitial collagen and medullary sclerosis accompanied by slight changes in concentrating ability. A reduction in creatinine clearance, one of the usual diagnostic methods to detect renal disease, is not apparent until significant medullary sclerosis and papillary necrosis occur.

Differentiation of analgesic kidney disease from bacterial interstitial nephritis or pyelonephritis is often complicated by the difficulty of finding analgesic kidney disease in the presence of renal infection. Thus, a histological picture of chronic pyelonephritis is often superimposed on the analgesic-induced papillary necrosis. Rubenstein et al. (Ref. 66) state that 50 patients with analgesic kidney disease were previously diagnosed as having chronic pyelonephritis. It is possible that misdiagnosis may have been and in some cases still is a factor in low incidence of detection. Rubenstein et al. (Ref. 66) state that in those cases where sterile urine is found, analgesic nephropathy can be distinguished from chronic pyelonephritis by microscopic findings of papillary necrosis.

In the series of 13 patients with analgesic nephropathy discussed by Bell (Ref. 34), 12 patients underwent intravenous pyelography. Nevertheless, in eight cases, the initial diagnosis was chronic pyelonephritis even though the cardinal signs (Ref. 63) of renal papillary necrosis were present including small kidney (seven cases), clubbed calices (five cases) and lobulated outline (three cases). Bell concluded that the detection of renal papillary necrosis is likely to be missed unless a conscious effort is made, and the true incidence is likely to be much higher than reported.

An additional factor in poor detection of analgesic nephropathy may be related to the erroneous conclusion frequently reached in the literature that because analgesic-induced kidney injury has not been reported in a given area or country it does not exist.

Such statements often attempt to relate differences between countries in the number of cases reported to possible genetic or environmental differences between countries rather than a difference in accurate diagnosis and thus may compound the basic problem of lack of awareness in the medical community.

The slow rate at which the medical and scientific community throughout the world has become aware of and reported new cases of analgesic-induced kidney disease clearly shows the difficulties of using reported cases at a given point in time as an estimate of the true incidence in a given country.

In 1967 Shelley (Ref. 67) reviewed over a thousand cases of analgesic-induced kidney disease throughout the world from the time it was first described by Spuhler and Zollinger in 1953. These reports were largely from Scandanavian countries and Australia. Prior to 1966, there were only 11 cases reported in Great Britain. That year Prescott reported 36 cases in northeast Scotland alone (Ref 68). Four years later in 1970, only 117 total cases had been reported, 89 of which were from Scotland, 28 from England and Wales. There was only one from the London area (Ref. 69). This led to the false conclusion that the problem was confined primarily to Scotland.

Between June 1964 and January 1970 Koutsaimanis and de Wardener (Ref. 65) detected 16 cases at a small 200 bed hospital in London. Seven of these patients had first been seen in other departments of the hospital before the diagnosis was made. Based on these cases they estimated that the overall incidence of analgesic-induced kidney disease in England and Wales was 500 cases per year. The actual rate of detection, however, was only 5 percent of this number.

The same lag time in recognition of the problem has occurred in Canada. In 1967,

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14 years after the first Swiss report, there were only seven cases reported in Canada. In 1968, Koch reported 26 cases of kidney injury in 195,004 cases (0.013 percent) admitted to the Ottawa civic hospital between 1961 to 1966. Fifteen of these cases (58 percent) were analgesic abusers who had taken more than 1 kg phenacetin-containing products (Ref. 63). In the same year Gault and coworkers (Ref. 49) reported 22 patients with analgesic-induced kidney disease seen in two hospitals in Montreal over a 4-year period. In 1972, 100 cases in two Ontario cities, London and Glasgow, were reported by Linton (Ref. 40). In Canada analgesic kidney disease now accounts for 5.5 percent of all renal dialysis in Ontario.

A similar time lag is now occurring in recognition of the association of kidney tumors with phenacetin abuse which was first noted in 1965 in Sweden, 12 years after the association between analgesic compounds and kidney disease was noted. Four years later an editorial in *Lancet* pointed out that reports had not come from any other country suggesting that perhaps factors other than phenacetin may be involved (Ref. 70). Finally, in 1971, after an additional 6 years, reports are now beginning to appear from several other countries, showing again that a low incidence of reported disease in a particular region does not necessarily assure that the true incidence is low.

(4) *Incidence of analgesic-induced kidney disease in U.S.* It has been stated that analgesic kidney disease is less frequent in the U.S. than in other countries with similar per capita ingestion of phenacetin-containing analgesics. Recent evidence suggests that the lower incidence of reported cases may simply represent differences in detection rather than real differences as has been seen in other countries. In the past 10 years about 100 cases of analgesic kidney disease have been reported in the literature in the U.S. (Refs. 71 and 72). Murray and Goldberg have reported that 20 percent of patients with newly clinically diagnosed chronic interstitial nephritis at the University of Pennsylvania Hospital, during the period 1969 to 1972, had abused analgesics which was considered the likely cause of renal disease (Ref. 15). This is similar to the incidence of 3 to 17 percent of analgesic abusers in patients with otherwise unexplained end-stage renal disease in Canada (Ref. 41) and Europe (Refs. 73 and 74). The signs and symptoms of this group (headache, anemia, hypertension, urinary tract infection and papillary necrosis) also were comparable in incidence to previous reports. The authors state that this high rate of detection was not due to a selective population but was simply due to the fact that they were aware of and specifically looked for analgesic kidney disease in these patients. It is significant that the referring physicians did not make the correct diagnosis in any of the 20 cases nor did the primary intern in 13 of the cases. Furthermore, as in many other studies, 7 of the patients denied analgesic intake, and accurate drug histories could be obtained only from relatives. Two of the cases had other family members with analgesic kidney disease. The authors conclude that their experience is typical of what would be expected elsewhere and suggest that the prevalence of analgesic kidney disease in the U.S. may be about 7 percent of all end-stage renal patients.

The incidence of renal papillary necrosis in the U.S. and other countries has been estimated by Heptenstall (Ref. 75). These figures summarized in the table below probably represent the minimum incidence and are compared to estimates of the per capita consumption of phenacetin in different countries (Refs. 49 and 50):

Incidence of renal papillary necrosis compared to phenacetin consumption

Countries surveyed	Minimum incidence of renal papillary necrosis at autopsy	Per capita consumption of phenacetin (grams per year)
Australia	3.7 to 5	40
Canada	0.15 to 0.5	6 to 7
Copenhagen	1.05	25
Northern England	0.16	Not available
Scotland	0.54 to 0.59	12
Switzerland	1.92	22
United States (3 series)	0.16 to 0.26	10

This Panel has requested information on the cases of analgestic kidney disease that had been detected in several renal dialysis centers. A total of 103 cases of suspected analgesic nephropathy were reported which represented about 1.1 percent of all renal dialysis patients. Only two of these cases were stated to have involved aspirin preparations not containing phenacetin. Five cases were not specified. The remaining 95 cases were stated to have involved phenacetin-containing compounds (Ref. 13).

In a recent report (Ref. 15), analgesic abuse was identified as the primary cause of renal disease in 30 (1.25 percent) of 2,395 chronic hemodialysis patients treated in 91 dialysis centers in California between January 1, 1974 and September 1, 1974. Of 332 deaths in 1974, seven (2.71 percent) were attributed to abuse of analgesic compounds.

A detailed analysis of cases of suspected analgesic kidney disease was supplied by the Minneapolis Regional Kidney Disease Program (Ref. 13). The amounts used (1 to 3 g/day), duration of use (6 to 12 years) and reasons for use (headache, nervous tension) are essentially the same as reports in the literature.

The Panel can only conclude that the same lag time in detecting and reporting analgesic-induced kidney disease is now occurring in the U.S. as has previously occurred in the United Kingdom and Canada.

(c) *Cancer of the urinary tract.* During the past few years, several reports have implicated long term use of phenacetin-containing products with cancer of the renal pelvis (kidney) and urinary bladder. The first report, in 1965, was a retrospective study by Hultengren et al. of fifteen patients with cancer of the renal pelvis in the Huskvarna Hospital (Ref. 76). All but two had renal papillary necrosis associated with long term analgesic use.

Bengtsson and colleagues (Ref. 77) reported a study of 192 patients with documented nephropathy in which patients were followed for a period of 1 to 11 years (average 5.3 years). During this time, nine patients developed renal pelvis carcinoma (cancer of the kidney) and another two patients developed cancer of the urinary bladder. No tumors were found in 88 individuals with chronic pyelonephritis (kidney inflammation) who served as a control population of nonanalgesic abusers observed during the same period of time. In a followup study by Angervall et al. (Ref. 78), it was shown that renal pelvic carcinoma (cancer of the kidney) is an infrequent disease in Sweden, the average yearly incidence being only 11 cases per 156,000 inhabitants which is about 1,000 times less than the incidence reported for analgesic abusers. A more recent study by Johansson and coworkers (Ref. 79) was based upon known abusers of phenacetin compounds (29 men and 33 women) who had uroepithelial tumors of the renal pelvis (carcinomas) treated at the hospitals throughout Sweden. All tumors were diagnosed during the years 1960 through 1972. All patients had been abusers of drug products containing phenacetin. The preparation used by 80 percent of the patients contained 0.5 g phenacetin, 0.5 g antipyrine and 0.1 g caffeine. The other patients (20 percent) took compounds of the same composition but containing varying amounts of the same ingredients. In 38 patients, detailed data of drug intake were available. The average total ingestion of phenacetin was estimated to be 9.1 kg, with a mean exposure time of 17 years. Chronic kidney disease had been established in 23 patients for a period of 3 to 15 years before a diagnosis of kidney cancer was made. Forty patients had a history of urinary tract infection. A diagnosis of analgesic-induced papillary necrosis (permanent kidney injury) was made in all but five of the patients. In two patients, examination was not possible. In the remaining three patients, there were no signs of papillary necrosis even though these patients were known analgesic abusers. The authors concluded that renal papillary necrosis was a prominent feature, but not essential, for the development of renal pelvic tumors in abusers of phenacetin-containing drugs. The sudden appearance of this relatively rare condition in patients, almost universally associated with analgesic abuse, leaves little doubt that a strong association exists. There are now many case reports available from Sweden, Denmark, Germany, Canada and the U.S. which associate phenacetin abuse with cancer of the kidney (Refs. 80 through 88).

A large number of cases of tumors of the renal epithelium (cancer of the kidney) associated with analgesic abuse have been reported in Germany by Rathart and workers (Ref. 83) and Schabert, Nagel and Leistenschneider

(Ref. 84). Hoyby and Neilson (Ref. 80) have summarized a number of cases of transitional cell tumors of the renal pelvis (kidney cancer) in Denmark over a 5-year period.

Their retrospective review of patients with chronic pyelonephritis (kidney inflammation) and abuse of phenacetin, revealed two cases of transitional tumors among 101 patients who abused phenacetin. They conclude that cancer of the kidney should be suspected in patients with renal papillary necrosis (kidney injury) associated with abuse of phenacetin, particularly when hematuria occurs without accompanying pain. Liu, Smith and Rankin have reported one case in Canada (Ref. 81). There is a report of bladder tumor associated with phenacetin abuse in one patient in the U.S. Mannion and Susmano (Ref. 87) describe a 48-year-old man suffering from chronic headaches first admitted to the hospital with urinary tract symptoms in 1965, during which time a small cancerous tumor was removed from his bladder. This individual continued analgesic ingestion in fairly large amounts of 15 to 20 tablets daily intermittently until 1969 when he was readmitted and another cancerous tumor was removed from the same location. At this time the patient had been ingesting aspirin-phenacetin-caffeine-containing tablets intermittently for the past 20 years. The patient had never smoked. He worked and lived in an environment where obvious carcinogenic contamination was not apparent. It is interesting that this individual did not have papillary necrosis and was therefore similar to some of the cases reported by Bengtsson. Hultengren and associates (Ref. 76) also found that in six cases where papillary necrosis (kidney disease) and renal pelvic carcinoma (cancer of the kidney) occurred together in patients who abused phenacetin, the papillary necrosis antedated the cancer in only four cases. This may indicate that the two events are unrelated. Perhaps different metabolites are involved.

(d) *Adverse effects on blood.* Phenacetin has been implicated as a cause of hemolytic anemia, decreased red blood cell survival time, enlarged spleen, methemoglobinemia and sulfhemoglobinemia (serious blood disorders) (Refs. 89 through 91). Hutchinson, Jackson and Cassidy discussed three cases of hemolytic anemia following large doses of phenacetin compounds (Ref. 92). The studies of Lorenzen and Schwartz, and of MacGibbon and workers, indicate that phenacetin or its metabolites may activate an allergic type sensitization mechanism which leads to acute hemolytic anemia and acute kidney failure (Refs. 93 and 94).

Bird et al. (Ref. 95) have reported a case of a patient with an immune hemolytic anemia which was associated with both tolbutamide and phenacetin.

The studies of Lorenzen and Schwartz showed that hemolysis took place in the spleen of women ingesting large amounts of phenacetin compounds (Ref. 93). An enlarged spleen is a common symptom of phenacetin abusers. Duggan (Ref. 96) also reported 10 women with significant enlargement of the spleen which were apparently related to chronic ingestion of phenacetin. He found parallel phenomena in his experimental studies in rats.

(e) *Additional considerations of benefit to risk consequences of removal of phenacetin from OTC analgesic preparations.* The Panel has discussed the evidence showing that OTC analgesic preparations containing phenacetin were subject to abuse and that the chronic misuse of such preparations resulted in a high incidence of life-threatening kidney disease. In addition to its toxic effect on the kidney, phenacetin has also been reported to cause serious blood dyscrasias. It is thought that the central nervous system effects, such as euphoria and stimulation, are the major factors contributing to the chronic abuse (habituation potential) of OTC combinations containing phenacetin. The Panel, therefore, concludes that because the risks from use far outweigh any possible benefits, phenacetin in combinations is not safe for OTC use as an analgesic and should be removed from analgesic preparations (Category II).

Several presentations have been made in response to the Panel's conclusion. These presentations are in favor of the retention of phenacetin in OTC analgesic preparations. In making its final recommendation, the Panel considered the questions submitted by these groups. The questions and the Panel's replies are summarized below.

(1) If phenacetin were removed from the OTC market would the general public be deprived of a useful agent for which alternative drugs are not available?

Unlike other analgesics, such as aspirin and acetaminophen, phenacetin is mainly available in OTC combinations, whereas aspirin and acetaminophen are available in single ingredient products as well as in combinations. These phenacetin combinations are no more effective analgesics than combinations that do not contain phenacetin, but phenacetin combinations are less safe than preparations that do not contain phenacetin. Because phenacetin is less safe than other analgesics, the general public would not be deprived of a useful agent for which alternative drugs are available if phenacetin were removed from the OTC market. The risks from the use of phenacetin combinations are much greater then the risks from the use of analgesic combinations that do not contain phenacetin.

In addition, phenacetin preparations offer no advantages to individuals unable to take other analgesic preparations, i.e., individuals sensitive to aspirin. Phenacetin is virtually never marketed as a single entity in this country and the APC combination products (aspirin-phenacetin-caffeine) are not useful as substitutes for individuals with aspirin sensitivity.

In contrast, acetaminophen has been available alone. Although it is the major metabolite of phenacetin it is safer than the parent compound in many respects. Acetaminophen lacks the intrinsic CNS effects of phenacetin and therefore has less abuse potential. Other minor metabolites of phenacetin associated with methemoglobinemia, hemolytic anemia, splenomegaly and thrombocytopenia, occur to a lesser extent when acetaminophen is given as such.

(2) Is the combination of aspirin and phenacetin as safe as those drugs alone? Experimental evidence available strongly suggests that the potential toxicity may actually be increased for combinations of phenacetin and aspirin.

(i) Phenacetin appears to be a major factor in the excessive use of analgesic preparations. Its presence may increase use and thus the incidence of serious toxic effects of aspirin or other agents ingested in large amounts in combination products.

(ii) The evidence implicating both aspirin and phenacetin with experimentally-induced papillary necrosis in animals suggests that combinations of these drugs may be more nephrotoxic than phenacetin alone. The studies of Kincaid-Smith and others show greater effects of aspirin-phenacetin-caffeine combinations than phenacetin or aspirin alone.

The direct effects of phenacetin, including production of methemoglobinemia and hemolytic anemia may interact with direct hematologic effects of aspirin which include effects on platelet function, thrombocytopenia and anemias associated with occult gastric bleeding. These combined effects may be related to gastric and renal hemorrhage, ischemia and focal necrosis.

(3) Would the risk potential associated with abuse be greater or less with alternate preparations?

In cases where phenacetin compounds have been substituted by nonphenacetin containing compounds, the renal consequences of abuse are less severe. Substitution has resulted in decreased progression of existing nephropathy or decreased incidence of new cases.

Some authors have opposed the removal of phenacetin because acetaminophen may be substituted and the combinations with this agent may be equally nephrotoxic. While there is some evidence that acetaminophen may be nephrotoxic, it is likely to be less so for several reasons:

(i) The decreased CNS effect of acetaminophen reduces abuse potential.

(ii) Decreased amounts of potentially nephrotoxic metabolites are formed after acetaminophen ingestion compared to phenacetin ingestion.

This is supported by several substitution studies in patients with existing renal papillary necrosis in whom the substitution of acetaminophen for phenacetin produced less renal dysfunction.

(4) *Considerations of gastrointestinal effects.* Will the removal of phenacetin from OTC products simply result in additional amounts of aspirin being added to combination products, increasing the risk of gastrointestinal ulceration asso-

ciated with aspirin? There is no evidence that the substitution of phenacetin for aspirin in APC preparations decreases

quired gastrectomy. Nine of these 17 patients died during the period of followup

(18) Duggan, J. M., "The Association Between Aspirin Ingestion and Perforated Peptic Ulcer," *Australian Annals of Medicine*

(39) Nordenfelt, O., "Deaths from Renal Failure in Abusers of Phenacetin-Contain-

(60) Kincaid-Smith, P., B. M. Saker, I. F. C. McKenzie and K. Muriden, "Lesions in the

Analgesics and Malignant Renal Pelvic Tumors)," *International Symposium on Prob-*

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ciated with aspirin? There is no evidence that the substitution of phenacetin for aspirin in APC preparations decreases the ulcerogenic potential of the product. A review of the medical histories of patients described in the literature shows a clear pattern of gastric bleeding and ulceration in patients taking large amounts of phenacetin-containing analgesic preparations.

The incidence of adverse effects of aspirin on the gastrointestinal system may be increased when aspirin is used as a component of mixtures taken primarily for the central nervous system effects of phenacetin since increased amounts of aspirin are ingested.

Plass (Ref. 97) reported a case of a 35-year-old man who had intractable ulcer symptoms and renal papillary necrosis. Cessation of intake of an APC compound, which had been taken for 20 years, resulted in relief of ulcer symptoms as well as a return to normal BUN (blood urea nitrogen) values.

Ramsay and White (Ref. 98) reported clinical data on four patients with analgesic nephropathy who had taken large amounts of an APC compound over 20 to 30 years. Each of these patients also had symptoms of gastric damage including gastrointestinal hemorrhage, a history of gastrectomy and peptic ulcer.

Tan, Rabbino and Hopper (Ref. 99) reported that 4 of 23 patients with analgesic nephropathy had gastric or duodenal ulcers. Rapaport, White and Rankin (Ref. 100) reported that two patients with suspected phenacetin/analgesic nephropathy also exhibited a history of peptic ulcer.

An increase of gastric ulcers in eastern Australia has been attributed to the effects of aspirin. However, the preparations involved in 80 percent of these cases contained aspirin, phenacetin or acetaminophen, and caffeine (Ref. 17).

There are now several reports of a combination of renal, hematologic, gastrointestinal and psychological symptoms which occur so frequently with analgesic abuse that Gault and coworkers state that they warrant a syndrome status. The combination of symptoms include anemia, renal disease, gastric ulcer, frequently with a history of gastrectomy for intractable ulcer, hypertension, and psychiatric disturbances (Refs. 37, 49, 71, and 101). It has been speculated by other authors that additional effects are possibly associated with the abuse of phenacetin-containing compounds.

Other complications which have been stated to be a result of analgesic abuse of phenacetin-containing analgesics include greater risk of mortality following surgical procedures. Koutsaimanis and de Wardener (Ref. 65) reported a study of phenacetin abusers who underwent surgery; in 3 out of 7, the operation was followed by a severe deterioration of renal function and they all died shortly after surgery.

Dawborn et al. (Ref. 101) in a study on the association of peptic ulcer, chronic renal disease and analgesic abuse (of phenacetin-containing analgesics) found 17 of 30 patients had such severe gastric symptoms that they required gastrectomy. Nine of these 17 patients died during the period of followup (4-year period). Uremia was invariably present at the time of death; however, it did not constitute the major cause of death.

(3) *Evaluation.* The Panel concludes because of the high potential for abuse, the high potential for harm to the kidney and the possibility of hemolytic anemia and methemoglobinemia resulting from abuse, that the risks from use outweigh any benefit and therefore classifies phenacetin not safe for OTC use as an analgesic.

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quinine and aminophylline superior to quinine alone. *The Medical Letter* (Ref.

ulocytosis have been reported following quinine ingestion. Idiosyncrasy to

claims are "jumpy nerves", "fretfulness", "under the weather", etc.

of tonsillectomy", "toothache", "fretful-

The Panel concludes that until ade-

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tion of Peptic Ulceration, Chronic Renal Disease, and Analgesic Abuse," *Quarterly Journal of Medicine*, 35:69–83, 1966.

e. *Quinine.* The Panel concludes that quinine is an effective analgesic but that it is not safe for OTC use.

(1) *Effectiveness.* The analgesic and antipyretic properties of quinine have been known since the introduction of cinchona bark into medicine in the 17th Century. Because it lowered the fever of malarial patients it was tried in many febrile illnesses, but was relatively ineffective in fevers due to diseases other than malaria. However, when used as an antipyretic in febrile illnesses it was noted that pain and discomfort were relieved and thus the analgesic action was discovered. Modern use of quinine for analgesia and antipyresis is based on long experience instead of controlled studies. In the first edition of the Pharmacological Basis of Therapeutics, published in 1941 (Ref. 1), Goodman and Gilman stated:

> Quinine in oral doses of 0.3 to 0.6 gram is employed for the relief of headache, myalgia, arthralgia, neuralgia, etc., and for reducing fever. It has, therefore, the same general field of usefulness as the salicylates but is somewhat less effective. Repeated medication may cause unpleasant symptoms of cinchonism.

An almost identical statement is made in the fourth edition of Goodman and Gilman's text published in 1970, indicating no change in the status of quinine for treatment of pain and fever during the last 30 years.

Apparently, there has never been complete agreement as to the dose. For instance in the eighth and last edition of his text, Sollmann states that the clinical antipyretic dose of quinine is 0.05 to 0.2 g, 1.0 to 3.0 gr may be used for pain in colds, headaches and neuralgias (Ref. 2). Further evidence that the antipyretic-analgesic action of quinine is still recognized but considered inferior to other drugs is found in the following quotation from the *AMA Drug Evaluations* (Ref. 3): "Quinine has been used • • • as an antipyretic analgesic • • • however • • • more effective drugs are currently available for these purposes." No controlled or uncontrolled effectiveness studies on either antipyretic or analgesic activity of quinine were found in an industry submission which included quinine in combination with other ingredients as a cold preparation. It may be noted that the doses recommended by Sollmann for pain are lower than those recommended by Goodman and Gilman and therefore, modern controlled clinical trials would be necessary to establish the effective analgesic and antipyretic doses for quinine.

The use of quinine for relief of nocturnal leg cramps was introduced in the 1940's when Moss and Herman (Ref. 4) and Gootnick (Ref. 5) reported on the basis of uncontrolled trials that quinine in the doses of 3 to 5 gr (200 to 325 mg) abolished the spasms. Nicholson and Falk (Ref. 6) reported relief following quinine treatment in about ¾ of 35 young men with disturbing nocturnal cramps. Rawls (Ref. 7) found a combination of quinine and aminophylline superior to quinine alone. *The Medical Letter* (Ref. 8), while stating that controlled clinical trials evaluating quinine's effectiveness for nocturnal or recumbancy cramps were needed, did recommend trying quinine for nocturnal cramps pending the outcome of trials to establish efficacy and dosage. These uncontrolled studies suggest that quinine may be useful for leg cramps but the lack of controlled studies and comments by authors that patients may remain free of cramps for indefinite periods following quinine therapy suggest that trials of quinine against placebo are in order. In addition, the recommended dosage varies widely, from 200 mg at bedtime to 5 gr (325 mg) 4 times daily as recommended by Perchuk (Ref. 9) who also suggests that the drug should be used only when everything else has failed. Until controlled studies show that a dose of not more than 325 mg daily is safe and useful for relief of nocturnal leg cramps the drug should not be available for OTC use for treatment of nocturnal leg cramps.

(2) *Safety.* The Panel concludes that quinine is not a safe analgesic for OTC use when taken in the recommended dosage.

Although quinine has demonstrated analgesic, antipyretic and muscle relaxant actions, its numerous toxic effects give it an unfavorable benefit to risk ratio for these purposes. The high dosage recommended by some for relief of nocturnal leg cramps should be dispensed only by prescription. The toxicity of quinine has been the subject of innumerable reports and is well summarized in many modern text books of pharmacology and toxicology. The toxicology of quinidine and its stereoisomer quinine is well summarized by Gleason et al. (Ref. 10), and in the fourth edition of Goodman and Gilman, Rollo (Ref. 11) states that the fatal oral dose of quinine for adults is approximately 8.0 g. When quinine is repeatedly given at full doses, e.g. 0.3 to 0.6 g with a total daily dose of not more than 2.0 g, a group of symptoms known as cinchonism appear. These include tinnitus, headache, nausea and visual disturbances. The body systems which may be involved include the gastrointestinal, nervous and cardiovascular systems, and the skin. Actions on the gastrointestinal tract are evidenced by nausea, vomiting, abdominal pain and diarrhea. Damage to the nervous system is usually manifested by the disturbances in hearing and vision due to actions on the optic and auditory nerves. Other actions on the central nervous system may be expressed by headache, fever, apprehension, confusion, excitement, delirium and syncope. Respiration is stimulated and then depressed. Cardiovascular toxicity may be manifested by hypotension, weakness, shock, coma and death. Renal damage has been reported, as has acute hemolytic anemia and hypoprothrombinemia. Thrombocytopenic purpura (Refs. 12 and 13) has been reported in young people taking quinine for nocturnal leg cramps. Some cases of agranulocytosis have been reported following quinine ingestion. Idiosyncrasy to quinine is a frequent subject of medical reports.

(3) *Evaluation.* The Panel concludes that because the toxic effects described above may occur following repeated administration that the risks from use outweigh any benefit and therefore classifies quinine not safe for use as an OTC analgesic.

References

(1) "Drugs Used in the Chemotherapy of Malaria," *in* "Pharmacological Basis of Therapeutics," 1st Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, p. 903–929, 1941.

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(3) "Antimalarial Agents," *in* "AMA Drug Evaluations," 2nd Ed., American Medical Association, Chicago, pp. 607–615, 1973.

(4) Moss, H. K. and L. G. Hermann, "Night Cramps in Human Extremities," *American Heart Journal*, 34:403–408, 1948.

(5) Gootnick, A., "Night Cramps and Quinine," *Archives of Internal Medicine*, 71:555–563, 1943.

(6) Nicholson, J. H. and A. Falk, "Night Cramps in Young Men," *New England Journal of Medicine*, 233:556–559, 1945.

(7) Rawls, W. B., "Management of Nocturnal Leg Cramps," *Western Medicine*, 7:153–157, 1966.

(8) Anonymous, "Quinine Therapy," *The Medical Letter*, 8:83–84, 1966.

(9) Perchuk, E., "The Diagnosis and Treatment of Nocturnal Leg Cramps," *Clinical Medicine*, 71:1167–1174, 1964.

(10) "Quinidine," *in* "Clinical Toxicology of Commercial Products: Acute Poisoning," 3d Ed., Edited by Gleason, M. N. et al., Williams and Wilkins Co., Baltimore, pp. 200–204, 1969.

(11) Rollo, I. M., "Drugs Used in the Chemotherapy of Malaria," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, pp. 1119–1121, 1970.

(12) Helmly, R. B., J. J. Bergin and N. R. Shulman, "Quinine-Induced Purpura," *Archives of Internal Medical*, 120:59–62, 1967.

(13) Burgess, M. A., J. Hirsh and G. C. de Gruchy, "Acute Thrombocytopenic Purpura Due to Quinine Sensitivity," *Medical Journal of Australia*, 1:453–456, 1969.

Category II Labeling

The Panel has examined the submitted labeling claims for analgesics alone and for combination products with nonanalgesic ingredients and has placed certain claims into Category II. These Category II claims have been further divided by the Panel into those labeling claims that are unsupported by scientific data or by sound theoretical reasoning, claims containing modifying adjectives associating pain with illnesses, and unacceptable claims related to product performance as follows:

a. *Certain labeling claims that are unsupported by scientific data and in some instances by sound theoretical reasoning.* (1) *Claims not clearly defined nor clinically recognized.* These claims are not clearly defined nor clinically recognized and would confuse the consumer because the use of these words have different significance to different people and no meaning for others. Examples of such claims are "jumpy nerves", "fretfulness", "under the weather", etc.

(2) *Claims requiring diagnosis and care of a physician.* These claims are not amenable to self-diagnosis and self-treatment and require medical diagnosis and supervision for safe use. Examples of such claims are "bursitis", "arthritis", "rheumatism", "gout", "swollen tissues", "functional mentrual pain", etc. In addition, there are claims for conditions which are appropriately treated by mild analgesics but presuppose that the patient is under the care of a physician or dentist. Examples of such claims are: "pain following dental work", "inoculation" or "vaccination". "Pain of teething" is also included here because the use of OTC drugs in children under 2 years of age requires the advice and supervision of a physician.

b. *Modifying adjectives associating pain with illnesses.* In its discussion of the indications and directions for use information on the labeling of OTC drug products, the Panel concluded that the indications for use should be simply and clearly stated, should include the statement that the preparation is for the temporary relief of symptoms applicable to the ingredient(s) in the product, and the implication that these drugs are to be used for the treatment of diseases should be discouraged. (See part II. paragraph C. above—Labeling of Analgesic, Antipyretic and Antirheumatic Drug Products.) Although analgesic ingredients may effectively ameliorate the pain due to various physical conditions, disease entities or specific physical sites, the listing of a plethora of conditions and sites in order to be factual and all inclusive would not only result in a lengthy list that would tend to be confusing but would also mislead the consumer by the implied assumption that the product treats the physical conditions and/or disease rather than just temporarily relieves the pain associated with the physical condition and/or disease.

In addition, the Panel feels that the use of only a partial list of some claims such as "low back pains, pains due to overexertion" in the labeling of one manufacturer's product and the omission of these claims from the labeling of the same drug by another manufacturer would mislead the user into believing the preparations are different. The misdirection would be even greater if the products were of different ingredients as for example one manufacturer's aspirin tablets versus another manufacturer's acetaminophen tablets.

c. *Unacceptable claims submitted for specific analgesics.* Examples of unacceptable claims that have been submitted for specific analgesics that are unsupported by scientific data and/or sound theoretical reasoning, and that contain modifying adjectives associating pain with various physical conditions, disease entities or specific physical sites are listed below:

(1) *Acetaminophen:* "nervous tension headache", "cold symptoms", "simple exertion", "simple pain of teething", "simple pain of immunization", "simple pain of tonsillectomy", "toothache", "fretfulness", "pain of neuralgia", "pain of neuritis", "pain of flu", "pain following dental procedures", "sinusitis", "overexertion", "similar discomforts", "bursitis", "sprains".

(2) *Aspirin:* "comforting relief of aches", "pains caused by: colds and flu, inoculations, minor ailments, tonsillectomy", "pains caused by teething", "under the weather", "pains of neuralgia", "pains of neuritis", "gargle for sore throat", "sinusitis", "pains of mild migraine", "tooth extraction", "pains of minor injuries", "pains of dysmenorrhea", "discomfort of ordinary colds", "pains of sciatica", "swollen tissues", "jumpy nerves", "minor sore throat irritation", "sleeplessness caused by minor painful distress", "normal menstrual distress", "pre-menstrual tension", "functional menstrual pains and cramps", "the blues", "nervous tension headache", "feeling of depression", "minor pain of arthritis", "minor pain of rheumatism", "sore, stiff aching muscles", "muscular fatigue", "muscle tension", "low back pain", "bursitis", "lumbago", "low body ache due to fatigue", "body aches".

(3) *Calcium carbaspirin:* "pains due to sinusitis", "minor aches and pains of arthritis", "minor aches and pains of rheumatism".

(4) *Choline salicylate:* "menstruation", "menstrual cramps", "neuralgia", "pains of arthritis", "pains of rheumatism".

(5) *Magnesium salicylate:* "pain of menstrual period", "pains of sciatica", "dental pains", "overexertion", "fatigue", "minor aches and pains of rheumatism", "minor aches and pains of arthritis", "minor muscle aches", "aches and pains due to fatigue".

(6) *Sodium salicylate:* "minor muscle pains and aches", "arthritis", "rheumatism".

(7) *Salsalate (salicylsalicylic acid):* "minor pains, swelling, stiffness of arthritis", "minor pains, swelling, stiffness of fibrositis", "minor pains, swelling, stiffness of osteoarthritis", "aspirin—for relief of arthritis".

(d) *Unacceptable claims related to product performance.* Terms such as "fast pain relief", "special pain relieving formula", "so strong and so gentle", "so gentle can be taken on an empty stomach", "acts 5 times faster than aspirin", "reaches peak action 12 times faster than aspirin", "long-lasting pain reliever", "enhanced relief of pain", etc., are in the opinion of the Panel confusing and misleading to the consumer unless they can be substantiated and clearly supported by scientific data.

Terms were submitted for buffered and highly buffered aspirin products that allude to the beneficial performance of these products as a result of the antacids or buffering agents they contain. The Panel has examined these terms which in essence assert that these products are more rapidly absorbed into the blood and that they consequently prevent the adverse reactions to the stomach that may be caused by plain (unbuffered) aspirin products.

The Panel concludes that until adequate data are available, labeling terms pertaining to product performance for buffered and highly buffered aspirin should be restricted to the following: "Faster to the bloodstream than plain aspirin"; and "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label". The Panel has discussed this labeling elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.) The Panel further concludes that any other statement(s) are classified as Category II.

3. Category III conditions for which the available data are insufficient to permit final classification at this time.

Category III active ingredients

The Panel has concluded that the available data are insufficient to permit final classification of the following claimed analgesic active ingredients listed below. The Panel believes it reasonable to provide 3 years for the development and review of such data. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness and/or safety data are not obtained within 3 years, however, the ingredients listed in this Category should no longer be marketed in OTC products:

Aluminum aspirin
Antipyrine
Salicylamide
Salsalate (salicylsalicylic acid)

a. *Aluminum aspirin.* The Panel concludes that aluminum aspirin is safe but that there are insufficient data to determine effectiveness as an OTC analgesic in the recommended dosage of 365 to 730 mg every 4 hours while symptoms persist not to exceed 4,380 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Aluminum aspirin (aluminum acetylsalicylate) is chemically very similar to aspirin. The aluminum salt has been used because of greater palatability with less astringence to the taste. Its greater stability gives it no acetic odor. It has been reported that because of its greater stability, it is compatible with more drugs than is aspirin (Ref. 1). However the presence of the aluminum makes the salt practically insoluble in water and probably accounts for the greatly decreased dissolution, and subsequent slower absorption when compared to aspirin, possibly rendering this ingredient ineffective. Several studies relating to absorption, point out that aluminum aspirin is poorly absorbed from the gastrointestinal tract (Refs. 1, 2, and 3). Yet, it is claimed that although this drug is absorbed somehow more slowly than aspirin it apparently produces a satisfactory degree of analgesia similar to that produced by aspirin (Ref. 4).

Levy and Sahli (Ref. 2) compared the absorption of aluminum aspirin and aspirin in man. They concluded that "acetylsalicylic acid (aspirin) absorp-

tion from orally administered aluminum acetylsalicylate (aluminum aspirin) was found to be less rapid than from aspirin,

compared to aspirin cannot be stated at this time.

"Equivalent to X mg (X gr) per dosage unit of the established standard of 325

antipyrine as a single ingredient. The world consumption is estimated at 900

agent even in these two cases. Since that time no further cases have come to light.

Case Report IV (Ref. 8):
Authors: McDulloch & Zeligman (1951).

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tion from orally administered aluminum acetylsalicylate (aluminum aspirin) was found to be less rapid than from aspirin, probably due to the very slow dissolution of the aluminum salt in gastrointestinal fluids." This may be due to its water insolubility. They suggested that this drug be carefully evaluated with respect to absorption rate and biological availability.

Nogami and Hanano (Ref. 3) compared the release rate in vivo of several antipyretic and analgesic drugs in humans. They compared six sugar coated analgesic tablets. The ingredients were: sulpyrine, aminopyrine, phenacetin, bucetin, N-acetyl-p-aminophenol, salicylamide and aluminum aspirin. They concluded that aluminum aspirin release rate was slower than that of any of the others and this difference was statistically significant.

However, one submission cites two bioavailability studies which are pertinent; the first, an oral study in rabbits and the second, a study of absorption by man of aluminum aspirin from suppositories (Ref. 1). The data are presented in raw form and no conclusions are drawn. Nevertheless, both studies found that the levels of salicylate in plasma remained constant between ½ and 8 hours after either route of administration of aluminum aspirin. This gives rise to the speculation that although aluminum aspirin is absorbed more slowly into the bloodstream than aspirin, it may maintain its analgesic effect longer. However, since the Panel has not been able to correlate blood levels with analgesia, the longer duration of action remains to be proven by controlled clinical trials.

As to this ingredient's analgesic potency, Watrous (Ref. 5) in an unpublished double-blind study, compared aspirin and aluminum aspirin preparations in 49 patients (employees) with pain of various causes. He concluded that there was no significant difference between the two preparations in terms of pain relief. No conclusion can be drawn by the Panel from this study since there was no placebo control nor did the author demonstrate a dose-effect curve with one of the medications. Besides, no statistical analysis of the data was performed.

In a study in experimentally induced pain it was reported that in 10 volunteers who had pain induced in their tooth pulp "there was no statistically significant difference in the analgesic response produced by aspirin compared with that of aluminum aspirin" (Ref. 6). The individuals recived 5 gr of each preparation. This information is contained in a letter and no description of the statistical analysis of the data is given. No data are provided in tabulated form. The conclusions seem to be based on "impression of efficacy." In addition, studies utilizing experimentally induced pain are only supportive and not definitive in showing analgesic effectiveness because they do not measure pain under normal conditions where pain is caused by a variety of causes.

The Panel finds that aluminum aspirin may be an effective analgesic, but because of its poor absorption, its efficacy compared to aspirin cannot be stated at this time.

(2) *Safety.* Data reviewed by the Panel indicate that aluminum aspirin is as safe as aspirin in equivalent doses. Although the evidence is not complete, it seems to indicate that the severity and incidence of adverse reactions, either prior to or after absorption, would be comparable to that of aspirin as discussed previously in this document. (See part III. paragraph B.1.a.(2) above—Safety.) Consequently, all cautions required for aspirin should be required for aluminum aspirin.

(3) *Proposed dosage.* Adult oral dosage is 365 to 730 mg every 4 hours while symptoms persist not to exceed 4,380 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 365 mg every 4 hours while symptoms persist not to exceed 1,825 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 305 mg every 4 hours while symptoms persist not to exceed 1,525 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 215 mg every 4 hours while symptoms persist not to exceed 1,075 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 180 mg every 4 hours while symptoms persist not to exceed 900 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 120 mg every 4 hours while symptoms persist not to exceed 600 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgetic active ingredients. (See part III. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (a) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(b) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(c) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of aluminum aspirin per tablet, teaspoon or other dosage units as well as the quantity by which a particular product containing aluminum aspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin. (See part II. paragraph E. above—Standard Dosage Unit ad Analgesic Equivalence Value.)

The Panel recommends that products containing aluminum aspirin be clearly labeled on the principal display panel: "Equivalent to X mg (X gr) per dosage unit of the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 365 mg aluminum aspirin per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg (5 gr) per tablet of the established standard of 325 mg (5 gr) aspirin per tablet".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for analgesic drugs. Bioavailability studies of aluminum aspirin in man must show comparable blood levels of salicylates to those following administration of a standard aspirin as detailed below and/or clinical evaluation of efficacy. (See Part III. paragraph C. below—Data Required for Evaluation.)

REFERENCES

(1) Wheeler, W. C., "Comparative Aluminum Aspirin Blood Level Test," draft of unpublished paper is included in OTC Volume 030037.

(2) Levy, G. and B. A. Sahli, "Comparison of the Gastrointestinal Absorption of Aluminum Acetylsalicylate and Acetylsalicylic Acid in Man," *Journal of Pharmaceutical Sciences*, 51:58–62, 1962.

(3) Nogami, H. and M. Hanano, "Studies on Absorption and Excretion of Drugs. VIII. The Release Rate In Vivo of Antipyretic and Analgesic Drugs from Commercial Sugar Coated Tablets," *Chemical and Pharmaceutical Bulletin*, 15:1002–1009, 1967.

(4) OTC Volume 030037.

(5) Watrous, R. M., "Clinical Trial of 2½ Grain Aluminum Aspirin Dulcet Tablets," draft of unpublished paper is included in OTC Volume 030037.

(6) Harris, S., draft of unpublished paper is included in OTC Volume 030037.

b. *Antipyrine.* The Panel concludes that there are insufficient data to determine the safety and effectiveness of antipyrine as an OTC analgesic when, as recommended, the dosage is limited to a single 975 mg dose in 24 hours while symptoms persist for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(1) *Effectiveness.* Antipyrine was synthetized in 1883 by Knorr (Ref. 1) after a 40-year search to find a safer and more effective antipyretic than quinine. When its use as an antipyretic was declining, antipyrine continued to be used for its analgesic effects which were first discovered in 1886. In the last 50 years, however, for reasons not entirely clear, antipyrine has declined in use as an analgesic. This is thought to be due to the increased popularity of the salicylates and not because of a demonstrated lesser effectiveness or safety of antipyrine (Ref. 1). In Europe, where it is much more commonly used by large segments of the population, it is found mainly in combination with other products. Therefore, there are insufficient data on the safety and effectiveness of

antipyrine as a single ingredient. The world consumption is estimated at 900 tons annually (Ref. 2).

Though antipyrine has been generally recognized since 1888 as an effective analgesic, no well-controlled studies of its analgesic effectiveness in the clinical situation have been reported. As reviewed by Greenberg (Ref. 1), numerous reports of experimental tests of the pain threshold in man, using mechanical, thermal, or electrical stimulation, describe only moderate or, in most cases, inconsistent and generally inconclusive effects of antipyrine in elevating the pain thresholds. Similar tests designed for use in animals yielded significantly positive results only when excessive doses of antipyrine were used. These questionable results are undoubtedly attributable to the inadequacy of such methods in measuring parameters related to the true clinical effectiveness of analgesic drugs.

The manufacturer of the only product submitted containing antipyrine cites in his labeling and in his submission a study by Brodie and Axelrod (Ref. 3) who state that "the transformation of antipyrine is slow, so that plasma levels after a single therapeutic dose decline only 1 to 12 percent per hour, resulting in plasma levels of 15 hours or more. This is considerably longer than with acetanilide, phenacetin or *N*-acetyl-*p*-aminophenol." Thus, from this study it is apparent that the metabolism of antipyrine is slow and that one would expect it to provide longer antipyretic and analgesic action.

The Panel finds that antipyrine may be an effective analgesic, but because of a lack of clinical studies, its effectiveness compared to aspirin cannot be established at this time.

The Panel believes that in view of these uncertainties, appropriate comparative clinical studies should be completed before antipyrine can be considered generally recognized as effective. (See part III. paragraph C. below—Data Required for Evaluation.)

(2) *Safety.* The Panel concludes that there are insufficient data to determine the safety of antipyrine when taken in the recommended dose and dosage schedule for the relief of occasional minor aches and pains, and headache. Because of safety considerations discussed below, the Panel has made no recommendations for the use of antipyrine in children under 12 years of age.

Antipyrine has been said to have fewer side effects than aspirin. It is said to not interfere with the blood clotting mechanism as does aspirin. There is no evidence that antipyrine is hepatotoxic as is acetaminophen in large doses. However, it should be pointed out that the side effect liability of this compound is not as well understood as that of aspirin because of its limited use in the U.S.

Unlike aminopyrine, antipyrine has not been established as a significant cause of agranulocytosis. According to Greenberg's extensively documented review (Ref. 1), only two cases of agranulocytosis had been reported to be due to antipyrine prior to 1950, and there was doubt that antipyrine was the specific etiologic agent even in these two cases. Since that time no further cases have come to light. Though antipyrine is closely related chemically to aminopyrine it is metabolized differently (Refs. 3 and 4), which undoubtedly accounts for the different propensities of the two drugs to produce agranulocytosis.

Of 394 cases of antipyrine poisoning, reported prior to 1950 and reviewed by Greenberg (Ref. 1), 77 percent were of an allergic nature and 18 percent nonallergic (5 percent undetermined). Of these 394 cases, 23 were reported as terminating in death, all of which were in the groups showing reactions of the nonallergic or undetermined nature. In none of the fatal cases could the contributory role of antipyrine be fully assessed because the patients were suffering from serious diseases, such as typhoid, typhus, pneumonia, puerperal fever and brain tumor, and therefore were taking or had taken other drugs, or had taken obvious overdoses of antipyrine. It is noteworthy that all of the "fatal cases" described (Ref. 1) were reported between 1885 and 1913. There is serious doubt of a definite causal relationship between these fatalities and antipyrine, except in one case of a murder by the use of 4 drachms (16 g) of the drug (Ref. 1). Subsequent to Greenberg's 1950 review (Ref. 1), no fatalities definitely attributable to antipyrine have been reported.

The Panel reviewed numerous case reports of adverse reactions in which antipyrine was suspected of playing a causative role. These case reports are summarized in the following table:

ANTIPYRINE CASE REPORTS

Case Report I (Ref. 5):
Author: Brocq (1894).
Medication: Antipyrine.
Patient description: Three white females.
Signs and symptoms: Fixed pigmented erythema.[1]
Antipyrine test dose: [2]
Other drug test dose: [2]
Outcome: [2]

Case Report II (Ref. 6):
Author: Apolant (1898).
Medication: Antipyrine (ointment).
Patient description: [2]
Signs and symptoms: Erythema reappeared after local application of an antipyrine-containing ointment.
Antipyrine test dose: +, + [3]
Other drug test dose: [2]
Outcome: [2]

Case Report III (Ref. 7):
Authors: Ritchie & Spiller (1949).
Medication: Antipyrine-containing cold medicine (2 tablets).
Patient description: One white male.
Signs and symptoms: Large, dusky erythematous and scaly machles scattered over shoulders, arms and thighs.
Antipyrine test dose: +, + [3]
Other drug test dose: +, + [3]
Outcome: Hospitalization.

Case Report IV (Ref. 8):
Authors: McDulloch & Zeligman (1951).
Medication: Antipyrine-containing cold preparation.
Patient description: One black male.
Signs and symptoms: Numerous erythematous and hyperpigmented well-demarcated plaques, some of which contained central bullae. They were located in the face, neck, chest, back, buttocks, abdomen, upper and lower extremities, scrotum and glans penis.
Antipyrine test dose: +, + [3]
Other drug test dose: [2]
Outcome: Hospitalization for more than 7 days.

Case Report V (Ref. 9):
Authors: Goldman & Rockwell (1951).
Medication: Antipyrine-containing cold preparation.
Patient description: One black male.
Signs and symptoms: 7 days history of sore lips and penis, fever and chills, loss of appetite and headache. The lips and the interior portion of the penis were edematous and denuded with crusting and bleeding.
Antipyrine test dose: +, + [3]
Other drug test dose: —
Outcome: Hospitalization for more than 19 days.

Case Report VI (Ref. 10):
Authors: Kennedy et al. 1957.
Medication: Antipyrine-containing cold preparation.
Patient description: 21 black males and 7 black females.
Signs and symptoms: Pruritus, burning of the mouth and throat, sometimes choking sensation and sometimes pain referred to the genito-urinary system. The mucosa of the eyes, mouth and genitalia was involved and large, pigmented bullous lesions, of the type seen in erythema multiforme, appeared over the body, particularly on the neck, thighs and genitals. Patients were acutely ill and had fever over 102° F.
Antipyrine test dose: —
Other drug test dose: —
Outcome: Hospitalization of various duration; one death.

Case Report VII (Ref. 11):
Authors: Nelson and Berry (1967).
Medication: Antipyrine-containing cold preparation (plus large quantities of whiskey).
Patient description: Three black males.
Signs and symptoms: "Typical skin rash" (due to antipyrine), neurological symptoms, grand mal seizures, decerebrate posturing, tremors, nystagmus and deviation of the tongue.
Antipyrine test dose: —
Other drug test dose: —
Outcome: Hospitalization; one death.

Case Report VIII (Ref. 12):
Author: Verbou (1972).
Medication taken: Dichloralphenazone (an antipyrine derivative with hypnotic properties).
Patient description: One white female.
Signs and symptoms: Severe irritation of the upper thighs and erythematous circular patches.
Antipyrine test dose: +, + [3]
Other drug test dose: —
Outcome: [2]

It is interesting to note from the above description and tabulation that the most striking feature of antipyrine hypersensitivity is the "fixed pigmented erythema" originally described by Brocq (Ref. 5). In 1894, 11 years after antipyrine had been introduced, Brocq discovered (Ref. 5), to his "intense embarrass-

[1] The term "fixed" was used because once the reaction had occurred it tended to reappear in the same areas of the body where it had occurred previously.
[2] Not specified.
[3] The first sign (+ or —) indicates whether test doses were employed to see if signs and symptoms reappeared. The second sign (+ or —) indicates whether the reaction was positive or negative.

ment" because he missed the diagnosis at first, that antipyrine could cause a dermatological reaction. He described

Hospital. The authors then cite the following: "Over the last year, there has seldom been a time when at least one

Early toxicologic experiments with various species of animals, as reviewed by Greenberg (Ref. 1), revealed stimula-

cerns of the Panel. Interested drug manufacturers should consult with the Food

(14) Henington, V. M., C. B. Kennedy and K. B. Snider, "Bullous Dermatoses in the Southern Negro," Southern Medical Journal,

evaluations of salicylamide preparations, which are discussed below, can be

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ment" because he missed the diagnosis at first, that antipyrine could cause a dermatological reaction. He described that once the reaction occurred it tended to reappear when the drug was taken again, in the same areas of the body in which it had previously occurred which in most cases had remained darker in color. He coined the term of "fixed pigmented erythema" which is still used.

In 1898, Apolant (Ref. 6) suggested that the fixed eruption caused by antipyrine was the result of "the arrival of body fluids containing the drug at the affected site." To prove his hypothesis he prepared an ointment containing 10 percent antipyrine in lanolin. After rubbing this ointment in previously affected areas, he observed that itching occurred at these sites within 10 minutes, and that within 24 hours an erythema, exactly like the original in size but somewhat less in degree, appeared and lasted for about 3 days. Previously unaffected sites did not react to the application of the ointment.

Two articles cited in the table of antipyrine case reports warrant further discussion.

Goldman and Rockwell (Ref. 9) have reported a case of a 47-year-old male Negro who was admitted to the hospital with a 7-day history of sore lips and penis, fever and chills, loss of appetite and headache. The patient had ingested 10 days before admission a marketed OTC cold remedy containing 3.9 g antipyrine (60 gr). His temperature on admission was 102° F and both his lips and anterior portion of the penis were edematous and denuded with crusting and bleeding.

Ulceration of the buccal mucosa and erythematous, pigmented lesions on the hands and body were noted. Ten days later the patient improved and was asymptomatic. To prove the hypersensitivity, 0.2 g (3 gr) antipyrine was administered to the patient. The patient responded with a fever for 4 days, severe abdominal pain and pruritus of the perianal region and in the pigmented lesions on the hands.

A week later the patient was given 100 mg cortisone at 2 p.m. and 4:00 p.m., and 0.2 g antipyrine was administered at 5 p.m. followed by an additional dose of 50 mg cortisone at 5:30 p.m. Only a minimal pruritus in the hands was reported by the patient. This is another case in which hypersensitivity to antipyrine was proved first with a challenge dose of antipyrine and then the reaction was prevented by the concurrent administration of cortisone.

Kennedy et al. (Ref. 10) have reported 28 cases, all Negroes, of dermatitis medicamentosa following the use of a marketed OTC cold preparation containing antipyrine. Kennedy et al. comment that at that time (1959) druggists in New Orleans and elsewhere in Louisiana were reporting an increasing amount of sales of the marketed OTC antipyrine-containing cold preparation. This increase in sales was reflected in the increasing number of reactions to the marketed OTC antipyrine-containing cold product observed at the New Orleans Charity Hospital. The authors then cite the following: "Over the last year, there has seldom been a time when at least one patient with dermatitis medicamentosa from this cause was not under treatment on the dermatological wards. The seriousness of the condition is shown not only by the fatal case in the series but by the fact that the average period of hospitalization was 14 days."

All the cases reported by Kennedy et al. were black and 21 out of 28 were males. Seventeen patients had taken the marketed OTC antipyrine-containing cold product in the past but only nine patients gave a history of previous reactions. The history and clinical picture were the same in all cases of these series. Kennedy et al. cite: "The typical onset included generalized pruritus, burning of the mouth and throat, sometimes choking sensations and sometimes pain referred to the genitourinary system. The mucosa of the eyes, mouth and genitalia was involved, and large, pigmented bullous lesions of the type seen in erythema multiforme, appeared over the body, particularly on the neck, trunk, thighs and genitals. All the patients were acutely ill. Fever was frequently 102° F or higher."

In this series, there was no correlation between the size of the dose and the severity of the reaction. In the single fatal case reported, the patient took half-a-glassful but another patient had taken one full bottle followed 5 days later by another bottle and survived, although he had a serious reaction. Patch tests were performed on five patients of this series either with antipyrine alone or with the liquid marketed OTC antipyrine-containing cold preparation. Three out of five patients responded positively to either antipyrine alone or the marketed OTC antipyrine-containing liquid cold preparation. One of the patients on whom a positive response was not elicited was receiving prednisone at the time the tests were carried out.

The severity of the symptoms in the patients of this series discouraged experimental administration of the marketed OTC antipyrine-containing cold product or antipyrine alone to the subjects. However, one patient who had been released after 22 days hospitalization for severe eruptions and had been warned not to use this medication or anything containing antipyrine again, provided unwittingly an experimental demonstration of this reaction. He took a compound containing 100 mg antipyrine as well as sodium salicylate and caffeine. After taking two doses of this drug the patient had an immediate burning sensation over the entire body and had blisters on the limbs, back, penis and mouth, the same areas that had been affected in the first episode that required hospitalization. The reaction was so severe that he required hospitalization again.

This series is the largest found in the literature concerning the toxicity of antipyrine and seems to show without any doubt that all the reported reactions are indeed due to antipyrine hypersensitivity.

Early toxicologic experiments with various species of animals, as reviewed by Greenberg (Ref. 1), revealed stimulation of the central nervous system, followed by depression, with oral doses of the order of 500 mg/kg or larger. The oral lethal dose of antipyrine in several species was reported to be 1,000 mg/kg or more. If this could be extrapolated to man, it would provide a wide margin of safety with respect to the acute toxicity of antipyrine. Because of species differences, this is rarely possible.

However, this does not preclude the occasional hypersensitivity reaction summarized in the table of antipyrine case reports above, which is of concern to the Panel.

Thus the main concern of the Panel is that there is an association between the use of antipyrine and the occurrence of fixed pigmented erythemia of the skin (so-called Brocq Skin Eruption). Skin eruptions have also been reported following the use of such drugs as quinine, phenacetin, aspirin, acetaminophen, phenophthalein, barbiturates, antihistamines, etc. (Ref. 13). However, the reactions with these drugs are not reported to be as severe as the reactions with antipyrine (Refs. 14 through 18).

In summary, the Panel finds that such reactions are relatively rare following the use of antipyrine. The exact incidence cannot be determined at this time. In spite of the fact that the annual world consumption of antipyrine is estimated at 900 tons the number of cases of adverse reactions reported is rare.

Antipyrine has been said to have fewer side effects than aspirin. It is said not to interfere with the blood clotting mechanism as does aspirin, and there is no evidence that antipyrine causes hepatotoxicity as does acetaminophen when used in large doses (Refs. 1 and 3). The Panel believes that this compound should be studied further to determine its risk to benefit ratio because it represents an antipyretic-analgesic with a long duration of action chemically distinct from acetaminophen or the salicylates and could be an alternative in patients who do not tolerate other analgesic drugs.

(3) *Proposed dosage.* Adult oral dosage is limited to a single 975 mg dose in 24 hours while symptoms persist for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "Do not exceed recommended dosage".

(*b*) "If skin rash appears discontinue use and consult a physician."

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for analgesic drugs. (See part III. paragraph C. below—Data Required for Evaluation.) Data to demonstrate safety should include epidemiological studies which take into consideration the concerns of the Panel. Interested drug manufacturers should consult with the Food and Drug Administration as to the design of such studies. The studies should consider pharmacogenetic factors and include several racial groups.

(6) *Minority statement of the Panel.* The minority of the Panel concludes that antipyrine is unsafe and should be in Category II.

The extensive review of adverse reactions described in this document above includes analysis of the literature. Thirty-six patients with fixed pigment erythema have been reported. The severe skin disease reported in 28 black patients in New Orleans and the predominance of blacks in the other case reports suggested that future studies of toxicity must be done in this target population. As these studies may lead to serious illness in the study group and since other analgesics are available at present, the risk to benefit ratio of such a study of antipyrine toxicity is extremely high. This type of prospective toxicity study should be required if the drug is to move from Category III to Category I. The minority of the Panel feels that such a study has a high risk to benefit ratio and therefore would place antipyrine in Category II.

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c. Salicylamide. The Panel concludes that there are insufficient data to determine that salicylamide is either safe or effective when used in combination as an OTC analgesic in the currently marketed dosage of 97.2 to 400 mg. The Panel finds that salicylamide when used alone at a higher dosage (1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 10 days) may be effective but has not been demonstrated to be safe for OTC use. Therefore, the Panel recommends that salicylamide not be made available for OTC use at the higher dosage range until suitable studies have been completed to show both safety and effectiveness. In addition, the Panel has also considered the use of salicylamide in combination as an OTC analgesic adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

(1) *Effectiveness.* Salicylamide is currently marketed as an OTC analgesic-antipyretic agent. It is used primarily in a wide variety of OTC analgesic combination products and in cold preparations as an analgesic agent. The amount per dosage unit ranges from 97.2 to 400 mg salicylamide in such combinations. It has also been used in sedative products for its slight hypnotic properties.

Until a few years ago, it was marketed as a single ingredient in a suspension dosage form for use as an OTC antipyretic for pediatric use in the treatment of mild fever at a dose of 100 mg every 3 to 4 hours for each year of age. Since then, the product has been reformulated. The salicylamide was removed from the product and replaced with acetaminophen.

Salicylamide is not a salicylate but the amide congener of salicylic acid. However, it is often included in the salicylate class. It does not have the chemical properties of the salicylates and is not hydrolyzed to salicylic acid in the body as are aspirin and the other salicylates (Ref. 1). It also does not form salts of salicylic acid. Salicylamide was first tested for analgesic activity in 1947 when Hart compared it with aspirin in rats (Ref. 2).

Because of the unique characteristics of the drug, the Panel has divided the discussion into the following sections:

(i) *Biolavailability (pharmacokinetics).* Recent pharmacokinetic studies indicate that many of the discrepancies found in the earlier published clinical evaluations of salicylamide preparations, which are discussed below, can be explained in part by the unusual absorption and metabolism characteristics of this drug. (See part III. paragraph B.3.c. (1) (ii) (*b*) below—Clinical studies.)

Contrary to many other drugs, it is important to note that salicylamide, which is the parent (free, unmetabolized) active drug, can be almost completely metabolized to inactive metabolites during its transit from the gastrointestinal lumen through the gastrointestinal mucosa and hepatic circulation before it is even absorbed into systemic circulation (blood) to become available for therapeutic action. This initial absorption (transit) of the drug before it becomes available in the systemic circulation is called the absorptive phase. The rapid rate of elimination noted by earlier authors is due to the metabolism of the drug during the absorptive phase by intestinal and/or liver drug conjugating enzyme systems. In the absorptive phase, salicylamide is metabolized principally to glucuronide and sulfate conjugates by intestinal and primarily hepatic metabolizing systems.

The rate and extent of salicylamide metabolism by these systems during the absorptive phase is saturable, i.e., the metabolizing capacity is limited by available metabolizing sites and enzymes and therefore greatly dependent on both the dose and dosage form, e.g., solution, suspension or tablet, administered. Hence, the complete metabolism of an administered oral dose of salicylamide can occur very rapidly during this absorptive phase with use of a commercial dosage form of the drug, i.e., tablets. Since the drug is poorly water-soluble (approximately 0.2 percent), the small amount available for the absorptive phase at any one time from tablet dissolution is metabolized as quickly as it is absorbed from the gastrointestinal lumen and the first pass through the liver, leaving little circulating active (unmetabolized) salicylamide available for therapeutic action.

The metabolism, at low doses, is so extensive that virtually no active (unmetabolized) drug is available for absorption into the systemic circulation for distribution to the site(s) of therapeutic action. The rapid metabolism of salicylamide, i.e., its metabolism before the drug even reaches the circulatory system, makes the availability of active (unmetabolized) salicylamide dependent on the metabolic rate. At low doses and with the usual dosage form (tablets) from which the drug has been shown to be slowly released, the concentrations of intestinal and hepatic enzymes can be sufficient to completely metabolize salicylamide, leaving little or no free drug available to be absorbed into the systemic circulation (Ref. 3). The metabolism of salicylamide is therefore dose-dependent and dosage-form-dependent during the absorptive phase (initial transit). However, as indicated, the capacity for the intestinal and hepatic enzymes to metabolize salicylamide is limited (saturable) (Ref. 4). The rate and extent of salicylamide metabolism

by these enzymes is dose-dependent because a limit to metabolism by these enzymes (saturation of the enzyme sys-

Evidence that salicylamide is extensively metabolized during the absorptive phase in man was demonstrated in a

for the peak concentration to be reached, whereas the solution provided the high-

man by salicylamide may be due to its rapid absorption, early peak blood levels, extensive metabolism and rapid excre-

fective analgesic or antirheumatic medication (Ref. 22). This study has several experimental deficiencies and has been

and developed these signs and symptoms. Bone marrow examination showed hypo-

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by these enzymes is dose-dependent because a limit to metabolism by these enzymes (saturation of the enzyme systems) can be reached. To overcome this limit, a high dose, termed the "breakthrough dose" is needed. A "breakthrough" dose is a dose that contains, in addition to a sufficient amount of salicylamide to overwhelm the metabolizing limits of the intestinal and hepatic enzymes, a quantity of salicylamide that will break through this metabolizing barrier and allow active (unmetabolized) drug to reach the systemic circulation intact. Studies have shown that very small increases in the dose above the "breakthrough" does result in profound increases in systemic availability of active (unmetabolized) salicylamide. Studies indicate that both intestinal and hepatic sites of salicylamide metabolism are saturated (limited) at doses higher than the breakthrough doses. The slow drug-releasing dosage form (tablets) in which salicylamide is available is also a factor which needs to be considered in determining a "breakthrough" dose.

It is possible that a dosage form which would release the active ingredient slowly either purposefully as in a timed-release form or accidentally through improper formulation as in a tablet, would fail to saturate the metabolic enzymes even though each dosage unit contained a breakthrough dose. The failure to release adequate active ingredient at a rate sufficient to overwhelm these enzymes would result in no free drug emerging from the liver to the systemic circulation and therefore in no therapeutic efficacy. For this reason, the formulation of each drug product must ensure a proper rate of release.

Several earlier workers noted that the pharmacologically active (unmetabolized) salicylamide is rapidly eliminated from the body by hepatic metabolism (Refs. 5 and 6) to the corresponding glucuronide and sulfate conjugates (Refs. 7 through 12). These water soluble conjugates of salicylamide are considered to be pharmacologically inactive and are rapidly eliminated by the kidney (Refs. 11 and 12).

Very little active (unmetabolized) salicylamide can be detected in the plasma or urine after usual oral single doses of 300 to 600 mg. Most earlier blood level studies, therefore, measured only total drug (active drug plus metabolites). It is now clear that for a drug with nonlinear metabolism, i.e., the rate of metabolism is not linearly related to the dose, like salicylamide, analytical methods measuring the concentrations of total drug alone provide no information on the bioavailability (systemic availability) of the parent drug, i.e., the amount of unmetabolized drug reaching the systemic (general) circulation after oral administration.

Levy and Matsuzawa (Ref. 13) demonstrated that the metabolism of salicylamide was saturable since changes in the ratio of the amounts of sulfate and glucuronide conjugates appearing in the urine occurred with different doses and different dosage forms.

Evidence that salicylamide is extensively metabolized during the absorptive phase in man was demonstrated in a study which compared both active drug (unmetabolized salicylamide) and total drug (active drug plus metabolites) in plasma following oral and intravenous administration of a 300 mg dose. Free (active) drug was greatly reduced but not the metabolities following oral administration. Over 90 percent of the active drug was metabolized during the absorptive phase. Additional studies comparing different dosage forms at the same dose show that metabolizing enzyme systems are saturable during absorption and the bioavailability is dependent on the dose and dosage form given (Refs. 13 and 14).

In studies where active (unmetabolized) salicylamide in plasma is measured and can be distinguished from the conjugated, inactive (metabolized) drug by sensitive assay procedures, it seems that the levels are indirectly influenced by the dose given (Ref. 14) as illustrated in the following table:

Dose-related effects—peak plasma concentration (micrograms per millimeter) of active (unmetabolized) salicylamide following single oral dose given in solution

	Dose		
	300 mg	1,000 mg	2,000 mg
Subject A	0.2	1.0	9.8
Subject B	[1]0	.9	13.8
Subject C	[1]0	1.0	[2]19.0

[1] Plasma levels could not be detected.
[2] Patient was sedated.

These data show that the doses usually used in combinations produce negligible plasma levels. As the dose is increased from 1,000 to 2,000 mg, inordinate increases in the peak plasma concentration (10 to 20 fold) are observed. Based on other information (Refs. 13 and 15) these workers concluded that with smaller doses (300 to 600 mg) the drug is metabolized almost oompletely during the absorptive phase. But at higher doses, termed the "breakthrough dose", the metabolism system becomes saturated resulting in a decrease in the fraction of the dose metabolized and an increase in active (unmetabolized) salicylamide reaching the systemic circulation (Ref. 14). It is important to note that these dose dependent effects on systemic availability of active (unmetabolized) drug would not be evident if only total drug was measured in plasma or urine (Refs. 13 through 15).

Dosage formulation also can influence the systemic availability and plasma blood levels of active drug (free salicylamide). In a study of five subjects (Ref. 14), each given 1,200 mg salicylamide in a noncommercial aqueous solution, commercial suspension and tablet, the maximum active (unmetabolized) salicylamide plasma concentration reached by the suspension was greatly reduced (2 μg/ml), the tablet reached a higher level (3 μg/ml) and greater area under the plasma time curve but took a longer time for the peak concentration to be reached, whereas the solution provided the highest plasma level (13.8 μg/ml), a significantly greater area under the plasma time curve. The following table summarizes the peak plasma concentrations of free drug reached with each dosage form:

Dosage form related effects—comparison of peak plasma concentrations following administration of 1,200 mg of different dosage forms

Dosage form	Microgram per milliliter
Solution, aqueous	[1]13.8
Tablet (commercial)	[1]3.0
Suspension (commercial)	[1]2.0

[1] Peak plasma concentration active (unmetabolized) drug (mean of 5 subjects).

Comparison of total drug in plasma and urine for each dosage form clearly shows that differences between dosage forms are not due to decreased absorption but are due to increased metabolism during absorption of the more slowly released drug from the solid dosage forms.

The salicylamide suspension was quite viscous and the slow release resulted in drastically reduced plasma levels. It is significant that this formulation was used in early clinical trials and illustrates the difficulties in assessing clinical effects of this drug unless its pharmacokinetic characteristics are well understood and sufficient data collected to assess systemic availability (Ref. 15).

Therefore, the Panel concludes that it is obvious that the pharmacokinetic characteristics of saturable metabolism during the absorptive phase account for earlier difficulties in establishing a safe and efficacious dosage and standard for bioavailability studies. Based upon current understanding, the Panel finds that this remains to be done.

(ii) *Effectiveness as a single ingredient.* (a) *Analgesia in animals.* Analgesic potency evaluations of salicylamide in animal studies have indicated that a wide range can be demonstrated when compared to aspirin. Hart reported salicylamide to be six times as potent as aspirin in rats subjected to heat stimulus (Ref. 2). McKenzie found salicylamide to be three to four times more potent than acetanilid in mice (Ref. 16), and salicylamide has been reported to be at least equal or better in several other animal studies (Ref. 12).

(b) *Clinical studies.* Salicylamide has been shown to have greater analgesic effects in animals than aspirin. However, studies in humans with pathologic pain have shown that salicylamide does not have any superiority over aspirin in doses below 600 mg and is indistinguishable from placebo (Ref. 17). Beaver (Ref. 17) has suggested a number of possible explanations for this lack of correlation between the effect of salicylamide on experimental pain in animals and the clinical response to this agent in humans. A possible explanation could be the lack of anti-inflammatory activity of salicylamide (Refs. 17 and 18) or alternatively that the lack of effective analgesia in man by salicylamide may be due to its rapid absorption, early peak blood levels, extensive metabolism and rapid excretion (Refs. 9, 10, and 17). In five healthy subjects administered 2,000 mg salicylamide, peak serum levels were seen 1 hour after administration and 50 percent of the total dose was excreted in the urine by the end of 4 hours postdosing (Ref. 9).

Clinical studies on the efficacy of salicylamide in man have produced conflicting results. Many of these discrepancies can be explained on the basis of current knowledge of dose dependent absorption and deficiencies in experimental design including the following: Use of rheumatoid and musculoskeletal pain to determine analgesic effect even though salicylamide has no anti-inflammatory activity (Refs. 8 and 14); use of doses below the "breakthrough dose" (300 to 600 mg)—because of the extensive metabolism during the absorptive phase, doses of 600 mg or less would not be expected to have any significant clinical effect; use of dosage forms which have slow drug release characteristics; decreased systemic availability; failure to use more than one dosage level; and failure to show sensitivity of method.

Clinical studies in humans have not demonstrated any superiority of salicylamide over aspirin. Several studies used low doses and could not distinguish the drug from placebo. Studies employing higher doses have established analgesic activity. Litter et al. (Ref. 19) reported an analgesic effect of salicylamide in 90 of 118 subjects (75 percent) with a variety of arthritic diseases. The total daily doses found to cause analgesia in these rheumatic patients varied from 3,000 to 24,000 mg. An average of 2,000 mg every 4 to 6 hours was needed to show a moderate to marked analgesic effect in 75 percent of the patients.

Wallenstein and Houde (Ref. 20), and Wallenstein, Houde and Beaver (Ref. 21) compared aspirin, salicylamide and acetaminophen, using 600 mg doses, with placebo, in 27 patients with chronic pain due to advanced cancer. Each patient received at least one dose of each drug and replicated data was obtained on 17 patients. Hourly reports of changes in pain intensity for a 6-hour period after the administration of each drug were tabulated. They found aspirin and acetaminophen significantly different from placebo but not from each other. However, over the 6-hour observation period, salicylamide did not show any superiority over placebo, but was "somewhat" more effective than placebo, 1 hour after administration only. This difference in the activity of salicylamide was explained by the rapid metabolism of salicylamide to an inactive compound resulting in a very brief duration of action.

Batterman and Grossman evaluated 73 subjects in a double-blind study comparing 600 mg salicylamide with 600 mg aspirin taken every 4 hours for 1 to 3 weeks. Most of the subjects had pain due to osteoarthritis and/or musculoligamentary spasm or strain. They concluded that salicylamide was not an effective analgesic or antirheumatic medication (Ref. 22). This study has several experimental deficiencies and has been criticized by several authors (Refs. 23 and 24). In addition to the single borderline dose used, the poor choice of patient population (pain due to osteoarthritis), and the poor choice of a standard which also has anti-inflammatory effects, this study also failed to statistically distinguish aspirin from placebo.

In view of the contradictory conclusions reported in the literature regarding the degree of clinical response to salicylamide as an analgesic in man, some of which are a result of poor experimental design, the Panel recommends further well-controlled clinical studies be done to demonstrate adequate and consistent analgesic activity. This compound has unique properties that make it mandatory to clearly delineate the dosage form relation and the dose effects on systemic availability during such studies using analytical methods and pharmacokinetic studies which measure active (unmetabolized) salicylamide in plasma.

(2) *Safety.* The Panel concludes that salicylamide is ineffective in currently recommended doses of 300 to 600 mg and has not been adequately tested for safety and should be placed in Category III. In addition at doses that may be effective, i.e., 1,000 mg every 4 hours not to exceed 6,000 mg in 24 hours for not more than 10 days, safety has not been established for OTC use. The central nervous system effects of drowsiness and dizziness and gastrointestinal upset are common adverse effects reported when "higher doses are used". Other toxic manifestations in dosages that can produce analgesia, such as hepatic effects in children and damage to blood formation following chronic use are sufficiently serious to warrant additional study.

Goodman and Gilman described gastric irritation in 10 percent of cases, drowsiness or dizziness in 10 and 20 percent of cases, respectively (Ref. 25), with dosages of 2,000 mg, 3 times daily required to reach therapeutic plasma levels. Batterman and Grossman noticed side effects in 31 percent of patients taking 600 mg of salicylamide every four hours from one to three weeks which were evenly distributed between gastrointestinal and central nervous system manifestations (Ref. 22).

Three cases of purpura attributed to salicylamide have been reported. Stettbacher in 1950 reported a 48-year-old woman who had taken a total of 144 g in 3 months and developed epistaxis, severe bruising and bleeding. Examination revealed thrombocytopenia, depression of myeloid elements and maturation arrest of megakaryocytes in the bone marrow (Ref. 26).

Greig reported two cases of "black and blue" areas caused by effects on the blood clotting mechanism (thrombocytopenic purpura) in 1955 (Ref. 27). One woman took a total of 300 g orally in 50 days and developed the usual signs and symptoms consisting of bruising and bleeding. The second case was also a woman who had taken a prescribed dose and developed these signs and symptoms. Bone marrow examination showed hypocellularity with hypoplasia of all elements in both women.

Very large doses of salicylamide can produce toxic effects similar to those of the salicylates including ringing of the ears, ecchymoses, hemorrhagic lesions, leucopenia and thrombocytopenia. Barr and Penna (Ref. 14) also describe hypotensive effects in large doses but do not delineate the exact dose.

In an unpublished study submitted to the Panel dealing with the use of salicylamide (Ref. 28), W. S. Anderson reported his observations of 57 infants and children in Childrens Hospital in Washington, D.C. All of these infants and many were admitted because of fever and an accompanying respiratory illness. Thirty patients were given salicylamide every 4 hours for 4 days. Patients up to 5 years of age received 120 mg/dose and those over 5 years of age received 600 mg/dose. Since the ages of the patients are not specified, the Panel assumes that they are all below 12 years of age. They were compared with 27 patients who received aspirin at half of the salicylamide dosage. Salicylamide had "practically" no antipyretic or analgesic action. Anderson noted a mild sedative reaction. In addition, however, five patients with no evidence of renal disease had a significant blood urea nitrogen rise after 4 days. Another five patients with no demonstrable liver disease had a cephalin flocculation that increased from 0 to 3+ in two patients and from 0 to 4+ in three patients after 4 days indicating an adverse effect on liver function. Anderson found these effects only in the salicylamide treated groups. He concluded that there was no correlation between the rise in the blood urea nitrogen and the change in the cephalin flocculation.

It would seem from this study that the toxic manifestations occurred in a significant number of children and warrants further studies of this drug in children. At this time only this unpublished report of hepatic toxicity has been reported and in this case a causal relationship was not established. There is no reason to believe that 12-year-olds would react to the drug differently than an adult. Similar doses to infants and adults by the same investigators did not produce toxicity.

Signs of hepatic dysfunction have not been reported in other studies reviewed by the Panel. However, there is no indication that liver function tests were actually done in these studies. Because of the lack of current information on possible hepatic effects, the Panel recommends that suitable hepatic function tests be required in the Category III testing protocols for salicylamide.

On the basis of available reports, the Panel recommends further studies as to the toxic effect of therapeutic doses on liver and kidney function. It would also be advisable to clarify what, if any, effect formulation has on toxic manifestations.

Although salicylamide in large doses can produce gastric distress, it has no direct irritant effect on gastrointestinal unit in combination with other active ingredients.

The Panel finds that salicylamide at

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tion since 10 to 20 percent is excreted in the urine unchanged.

a significant amount of the ester is absorbed, toxicology data may be needed.

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Although salicylamide in large doses can produce gastric distress, it has no direct irritant effect on gastrointestinal mucosa. Studies on direct mucosal irritation involving a variety of analgesic agents have shown that salicylamide, unlike the salicylates, has no erosive effect on the gastric mucosa (Ref. 7). Salicylamide does not cause occult bleeding (Ref. 12). Salicylamide has not been associated with clinically significant massive gastrointestinal bleeding or peptic ulcer (Ref. 12). The Panel concludes that in contrast to salicylates, the gastric distress observed following large oral doses of salicylamide is not symptomatic of serious gastrointestinal dysfunction and represents no serious risk.

Allergic reactions to salicylamide are not common. It has been claimed that salicylamide does not show cross-sensitivity with aspirin although the definitive studies establishing this claim are said to be lacking (Ref. 12). Salicylamide has no effect on bleeding time (Ref. 29), prothrombin time and is not highly protein bound.

Conclusions and Recommendations

The Panel concludes that most earlier published clinical studies, relating to dosage, dosage form and effectiveness are inconclusive. Deficiencies of some earlier studies were largely due to the fact that it has been only recently recognized that salicylamide undergoes extensive metabolism during the absorption process. The extent of metabolism and thus the systemic availability of the pharmacologically active (unmetabolized) parent drug is greatly dependent on both the dose and the release characteristics of the dosage form used.

The Panel notes that the lack of therapeutic effects or toxicities observed in some earlier studies were likely a consequence of the properties of the dosage form used rather than the intrinsic pharmacologic effects of the drug itself.

The Panel concludes that currently recommended doses of 300 to 600 mg are probably ineffective when salicylamide is used as a single analgesic (or antipyretic) agent.

Doses of 600 to 1,000 mg may be effective depending on the characteristics of the dosage form which should be individually evaluated for each product. The true incidence and nature of adverse effects at this dosage level is not well established and must also be characterized by a well-designed study.

Studies to establish safety and/or effectiveness must include an assessment of the systemic availability of the unmetabolized parent drug. Pre and postdrug assessments of organ functions, which have been identified in the literature, are needed including those for CNS, gastrointestinal, hematopoietic and hepatic functions.

(3) *Proposed dosage.* No marketed product containing salicylamide alone was submitted to the Panel. Currently marketed products submitted contain 97.2 to 250 mg salicylamide per dosage unit in combination with other active ingredients.

The Panel finds that salicylamide at a higher dosage (1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 10 days) may be effective but has not been demonstrated to be safe for OTC use. However, the Panel recommends that salicylamide not be made available for OTC use at the higher dosage range until suitable studies have been completed to show both safety and effectiveness.

For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

In addition, the Panel has also considered the use of salicylamide as an OTC analgesic adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness and safety will be required in accordance with the guidelines set forth below for analgesic drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

Additional information from carefully planned clinical studies is required in order to establish effective dosage, select formulations that provide suitable bioavailability of active drug, and determine the nature and true incidence of adverse effects when effective doses and dosage forms are used. The Panel concludes that the pharmaceutical industry should consult with the Food and Drug Administration as to a suitable proposed dosage and dosage formulation prior to testing.

(6) *Combination products containing salicylamide combined with acetaminophen or salicylamide combined with aspirin.* The Panel concludes that there is insufficient information to determine the safety and effectiveness of salicylamide as an adjuvant in combination with acetaminophen or aspirin, and therefore classifies such combinations as Category III. The Panel has discussed the role of salicylamide as an adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

Salicylamide is a frequent component of analgesic mixtures. The average amount in these combinations is only about 200 mg which on the basis of previous discussion would appear to be ineffective.

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d. *Salsalate (salicylsalicylic acid).* The Panel concludes that there are insufficient data to determine that salsalate is either safe or effective as an OTC analgesic in the recommended dosage of 500 to 1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 10 days.

(1) *Effectiveness.* Salsalate, also known as salicylsalicylic acid, is more closely related to the nonacetylated salicylates than it is to aspirin (an acetylated salicylate). However, unlike most of the other salicylates reviewed by the Panel, this ingredient is highly insoluble (Refs. 1 and 2). In fact, Beaver notes that salsalate seems to hydrolyze slowly in the stomach, which may result in slow or incomplete absorption (Ref. 3).

Although salsalate is discussed in several standard medical texts, little work has been done on this ingredient (Refs. 2 and 4).

In one uncontrolled, unpublished study, salsalate was compared to aspirin on the basis of analgesic effect on "nervous headaches" in 30 subjects (Ref. 5). Aspirin was given at a dose of 600 mg and salsalate at a dose of 1,000 mg. Aspirin not only had a faster onset of analgesia, but the authors also concluded that it showed a slight superiority in degree of pain relief. However, they felt this difference in degree of pain relief was not significant. While it is likely that salsalate might be an effective analgesic, the Panel concludes that, because of its insolubility and slow absorption, at best it is only ⅔ as potent as aspirin.

(2) *Safety.* Salsalate (salicylsalicylic acid) is an ester of two salicylic acid molecules that hydrolyzes to yield the parent compound and thus it is considered by some to be pharmacologically indistinct from salicylic acid. However, there appears to be no justification in the literature for such a simplistic view of the pharmacokinetic and pharmacologic properties of this compound. Following the early work of Hanzlik and Presho in 1925 (Ref. 6), there were apparently no additional published studies on plasma levels until the study of Rubin in 1965 (Ref. 7). The study of Hanzlik and Presho (Ref. 6) indicates that a significant amount of unhydrolyzed drug reaches the systemic circulation since 10 to 20 percent is excreted in the urine unchanged.

The study of Rubin (Ref. 7) indicates that salsalate, when absorbed intact, will be measured as one salsalate molecule by the ferric chloride assay that is usually used to assay serum salicylates, and therefore, would not usually be detected by usual blood level studies. The study of Rubin (Ref. 7) suggests that a significant amount of salsalate is absorbed intact and hydrolyzes slowly to salicylic acid. Of concern to the Panel are the great variations in resulting plasma levels of salicylic acid following multiple doses given 4 times daily. After 2 days of dosing, serum salicylate levels ranged from 4 mg/100 ml to 24 mg/100 ml, and from 2 mg/100 ml to 42 mg/100 ml after 8 days of dosing. The prolonged time to reach plateau levels after multiple dosing indicates that salsalate has a greater half-life of elimination than salicylic acid.

Furthermore, the half-life appeared to be quite variable among the subjects in this study. Additional data are needed to better characterize the pharmacokinetics of salsalate. There are no data on the pharmacologic properties of the salsalate ester. Based upon the significant differences in pharmacologic effects produced by salicylic acid and its acetyl ester, aspirin, one can make no assumption that salsalate and salicylic acid have equal effects. Nordqvist et al. (Ref. 8) compared the kinetics of salsalate, aspirin and sodium salicylate following single doses. Significant differences were observed in the elimination rate constant and volume of distribution of salsalate which were both larger than that of aspirin or sodium salicylate.

Additional blood level data was submitted to the Panel in a submission (Ref. 9) to provide evidence of comparable bioavailability. A crossover study comparing 650 mg aspirin, salsalate and 650 mg calcium carbaspirin was described. Sufficient information was not given on the specifics of the analytical procedure used. However, the Panel could not determine if the serum levels following salsalate administration represented the parent compound or the hydrolysis product, salicylic acid. Therefore, additional information is needed on its bioavailability.

The Panel has outlined procedures to use salicylate blood level data only when salicylic acid and aspirin are the compounds which are absorbed from various salts or other dosage forms which hydrolyze in the gastrointestinal tract to the parent drug. When other potentially toxic or inactive substances are also absorbed, bioavailability studies alone are not sufficient to establish safety and effectiveness in lieu of adequate toxicology studies. The Panel concludes that there is insufficient information on this product to allow evaluation at this time. Additional pharmacokinetic studies permit analysis of both parent (unhydrolyzed) drug and salicylic acid in plasma. The elimination rate constants for both parent drug and metabolite should be determined over the full dosage range. If a significant amount of the ester is absorbed, toxicology data may be needed.

Unlike aspirin and the other acetylated salicylates, salsalate has not been associated with reactions causing asthmatic attacks in susceptible people. In addition, salsalate, as well as the other nonacetylated salicylates, are not known to affect the platelet adhesiveness involved in the clotting mechanism. However, this ingredient in large doses may have an effect on another aspect of the clotting mechanism (hypoprothrombinemic effect). The caution concerning bleeding should be addressed to that population which is exposed to large doses of this salicylate. The one study available at this time is that of Leonards consisting of a double-blind investigation involving twelve subjects (Ref. 10). In this particular investigation, comparisons were made of gastrointestinal blood loss associated with the ingestion of placebo, salsalate, aspirin and a combination of the latter two. Blood loss was measured by a method employing the measurement of radioactively-labeled red blood cells of normal subjects. Salsalate did not produce any bleeding above the normal control values. Aspirin produced a blood loss of 4.8 ml on the average per day. The combination tablet resulted in a 1.2 ml average daily blood loss, and the lactose placebo tablet a 0.6 ml daily blood loss.

(3) *Proposed dosage.* Adult oral dosage is 500 to 1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for analgesic active ingredients. (See part III. paragraph B.1 above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of salsalate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing salsalate differs per dosage unit from the established standard of 325 mg sodium salicylate per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing salsalate be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 500 mg salsalate per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg per tablet of the established standard of 325 mg sodium salicylate per tablet".

As noted previously a decrease in occult bleeding does not mean that salsalate does not have the other gastroin-

testinal and blood clotting side effects of aspirin or the other salicylates.

While the evidence is not complete, it stream than plain aspirin". The Panel has discussed the above Category III labeling elsewhere in this document. (See other conditions. When several doses of drug are studied or if a combination of several ingredients is being studied, a

standard and possibly a placebo as well.

(5) Studies employing graded doses of the test drug are more meaningful. If

6. *General guidelines for reclassification of Category III combinations to Category I.* Combinations must dem-

the use of the product as an antipyretic

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testinal and blood clotting side effects of aspirin or the other salicylates.

While the evidence is not complete, it seems to indicate that the severity and incidence of adverse reactions, either prior to or after absorption, would be comparable to that of aspirin and the other salicylates discussed previously in this document. Until studies show that salsalate has different absorption characteristics and these characteristics are correlated with greater safety, all indications, limitations and warnings for the nonacetylated salicylates would be equally applicable here.

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for analgesic drugs. (See part III. paragraph C. below—Data Required for Evaluation.)

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CATEGORY III LABELING

The Panel concludes that the Category I labeling claims are sufficiently broad to encompass the various specific types of pain, e.g., "body aches", "muscle aches", etc. All other labeling claims relating to pain are unsupported by scientific data or sound theoretical reasoning and are classified Category II. (See part III. paragraph B.1. above—Category I Labeling and part III. paragraph B.2. above—Category II Labeling.)

In addition, the Panel has examined the submitted labeling claims for buffered and highly buffered aspirin products and has classified the following as Category III labeling which may be included on the principal display panel: a. "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label", and b. "Faster to the bloodstream than plain aspirin". The Panel has discussed the above Category III labeling elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Although buffering agents are not included in the formulation of choline salicylate, some of its currently marketed labeling claims are similar to the claims submitted for highly buffered aspirin. The similarity in labeling claims is undoubtedly due to the fact that choline salicylate, like highly buffered aspirin, is marketed in a liquid dosage form. The Panel has reviewed these claims for choline salicylate and has classified the following as Category III labeling: "May be taken on an empty stomach and may prevent the stomach distress that aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label". The basis for this classification is discussed elsewhere in this document. (See part III. paragraph 1.d.(2) above—Safety.)

C. Data Required for Evaluation

The Panel finds the protocols recommended in this document for the studies required to bring a Category III drug into Category I are in accord with the present state of the art and do not preclude the use of any advances of improved methodology in the future.

1. *Considerations in designing an experimental protocol for testing analgesic drugs. General Principles.* The important considerations concerning the design and interpretation of analgesic assays are as follows (Refs. 1 and 2): a. The appraisal of real analgesic power must be based on the capacity of the agent to relieve pain present as a consequence of disease or trauma in as much as the pain experience of man consists of perception of the natural painful stimuli together with the psychic modification of these stimuli (Ref. 3).

b. Animal screening tests and most methods employing experimental pain in normal human volunteers have failed to predict with any consistency the clinical performance of analgesic drugs, particularly those used for OTC medication.

c. The most successful efforts to quantitate pain in the clinical situation have been those that have accepted the patient's own reports as appropriate indices of the pain experience and of the relief resulting from analgesic administration. Various criteria for analgesia may be used successfully, but whichever is used should be well defined, and sleep should not be confused with analgesia.

2. *Determination of the patient population.* A large number of appropriate subjects with different types of pain should be studied for the analgesic effect of mild analgesics. The subjective response variable change in pain intensity or pain relief are the usual effects studied. The majority of subjects should be those who have at least moderate pain. Subjects who have pain due to inflammatory conditions should be differentiated from those who have pain from other conditions. When several doses of drug are studied or if a combination of several ingredients is being studied, a number of groups is required, that is, at least four groups. Such a study should preferably use separate large groups of perhaps at least 30 subjects per group since intergroup comparisons have statistical advantages. A well-planned crossover study, however, would also be acceptable.

Determination should be made that the randomization procedure balances out the variables not otherwise controlled in the patient selection. This can be determined by analyzing the distribution of age, sex, type of pain, weight, height, etc. within each of the treatment groups. In any case, full reporting of the subject's characteristics is necessary to allow for the adequate interpretation of results. Furthermore, all exclusions from the experimental protocol should be stated.

Allowance must be made for the placebo response in a well-designed clinical study. In a population of patients, administration of a placebo will give a degree of pain relief and generate a time-effect curve that looks very similar to many of the curves generated by the mild analgesics. However, the active compound will yield significantly more relief.

Much has been written about the placebo responder. The response of patients to an inert compound or a placebo complicates the evaluation of analgesics. It is known that response to placebo is not an abnormal response but a response to be expected. Some believe that the degree of placebo response among the population is in some respects a measure of the rapport that the investigator has with the patients in the population. There is nothing gained from determining who responds to a placebo and from eliminating them from the analysis of the data of the analgesic study. Furthermore, it has been shown that the patients responding to placebo are not necessarily consistent within themselves. That is, if they respond positively to placebo in one trial, in the next trial they may or may not respond positively to a placebo, and therefore it is impossible in the clinical setting to define the placebo responders.

3. *Test parameters for study.* a. *General considerations.*—Regardless of the parameters studied to evaluate the effectiveness of an analgesic ingredient, the following considerations should be incorporated into the design of the study: (1) Patients should be allocated to treatment groups in such a way as to avoid bias.

(2) A double-blind technique should be used.

(3) Consideration should be given to the type of pain present in the patient populations used in the various studies, since conflicting reports could arise from the fact that certain of the mild analgesics owe some, or most of their effects to actions directed at relieving the cause of the pain, e.g., anti-inflammatory.

(4) Suitable controls should be introduced; graded doses of an analgesic

standard and possibly a placebo as well.

(5) Studies employing graded doses of the test drug are more meaningful. If with increasing dose an increased effect is demonstrated, this verifies the sensitivity of the method. The studies with graded doses of the test drug compared to the standard drug permit determination of relative potency and 95 percent confidence limits which otherwise are difficult to assess (Ref. 4).

(6) The scoring of pain and/or relief should be done frequently during the expected duration of action of the test drug. Retrospective evaluation of drug effect has often proved to be virtually meaningless.

(7) Results of single dose studies should not be extrapolated to predict the effect of the chronic use of a drug.

(8) Prior to carrying out an analgesic assay, the appropriate statistical analysis should be defined.

Unless the foregoing points have been observed, any statistical analysis would only impart a false sense of confidence in the results.

b. *Use of blood levels in evaluation of analgesic effectiveness.*—In the case of salts or similar variants of an analgesic, e.g. aspirin, for which effectiveness has been established, crossover bioavailability studies may be used to establish effectiveness. In these studies blood levels produced by the salt or other variant are compared with those of the established analgesic, after administration of similar dosage forms. Comparable blood levels of the parent compound and major active metabolites may be equated with effectiveness.

4. *Data interpretation.* To establish Category I status for a Category III compound requires at least two studies by independent investigators which conform to the guidelines included above for compounds for which safety is unquestioned. If the compound is placed in Category III for reasons of safety at least two 3-month safety studies by independent investigators should be required. These studies should include at least 90 subjects, placebo and known drug controls, and involve 4 times daily or other recommended intervals of administration of the test drug in question to controlled subject populations in whom side effects can be checked daily and complete blood counts, urinalysis, stool, blood and organ function tests can be checked weekly or more often if necessary. If a pharmacogenetic link is suspected a target population should be selected.

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

5. *Safety evaluation.* An evaluation of the safety of an analgesic ingredient should be based on the usual animal studies and observations in man relevant to the various organs and systems, such as the gastrointestinal system, the kidneys, the effect on the cardiovascular system, particularly the effect on the clotting mechanism, etc. In addition, the hepatic system and the potential for teratogenicity should be considered.

6. *General guidelines for reclassification of Category III combinations to Category I.* a. Combinations must demonstrate at least as much analgesic effectiveness as a 650 mg (10 gr) dose of aspirin.

b. Combinations must be at least as safe as the recommended 650 mg (10 gr) single dose of aspirin or the recommended maximum 24-hour dose of 4,000 mg of aspirin.

c. Each component must make a statistically significant contribution to the total effect. For instance, this could be determined by factorially designed studies. They might be of the form: 650 mg aspirin, 650 mg aspirin plus 60 mg caffeine, 60 mg caffeine, and placebo. The analysis must show caffeine in combination to have a significant effect to justify its continued inclusion in combinations.

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IV. ANTIPYRETIC AGENTS

A. GENERAL DISCUSSION.

Antipyretics are used to reduce the body temperature when it is above the normal value of 98.6° F (37° C). The OTC antipyretics are intended primarily for the symptomatic reduction of fever. If the fever is over 103° F (39.5° C), persists for more than 72 hours, or recurs, measures in addition to antipyresis should be considered. The Panel concludes that to specify a specific temperature in the label warning would not be meaningful. A specific temperature above the normal value of 98.6° F (37° C) that would be symptomatic of a disease state requiring the diagnosis and treatment of a physician cannot be established by the Panel.

The Panel does not believe that a fever secondary to an undiagnosed condition should be allowed to persist for more than 3 days. The Panel recognizes the long standing use of OTC analgesic-antipyretic products without any specific limitation on the use of them as antipyretics. In most instances, the labeling contains a general warning statement, not specific to fever, for use up to 10 days. In view of the marketing experience with the 10 day warning, the Panel recommends that all future labeling be readily distinguishable and clearly limit use of antipyretic products to 3 days (72 hours) in the presence of fever. The Panel recommends that labeling of antipyretic products include the warning: "If fever persists for more than 3 days (72 hours), or recurs, consult your physician".

The Panel believes that it is important to differentiate in the labeling between the use of the product as an antipyretic and its use as an analgesic. It may be that some antipyretics have a relative potency which is less than one would predict from their analgesic relative potency. So far the Panel has found only one antipyretic ingredient for which relative potency has been computed in man. For this reason, the Panel recommends that the labeling on all preparations containing analgesic-antipyretic ingredients list the same dose for antipyretic use as that required for the analgesic effect since our present state of knowledge is uncertain as to the optimal dose for antipyretic effect.

The question has properly been raised whether a fever should be treated at all. This subject has been argued at length and the Panel recognizes that not every fever requires immediate treatment. In children especially, febrile convulsions are a concern to the pediatrician and to the parent.

There are some disadvantages to antipyretic therapy, for instance, in the patient who has just been started on an antibiotic for the treatment of an infection, the response to the antibiotic can be judged by the reduction in fever as the infection is brought under control. Some physicians argue that by giving an antipyretic, the one sign, reduction in body temperature, which can be followed easily to determine the effectiveness of the antibiotic therapy has been obscured. It is also possible that in patients with undiagnosed disease, the febrile course may be of diagnostic importance because of its particular characteristics. In a febrile child, a progressively rising temperature indicates to the physician that things are not going well and additional examination, diagnostic procedures, treatment or perhaps hospitalization may be necessary. These arguments for and against antipyretic treatment have been discussed by Done (Ref. 1).

The Panel finds that antipyretics fill a real need in the OTC management of symptomatic relief of fever. The Panel believes that there is a suitable target population that can benefit from the use of such OTC products. However, since fever may indicate a serious illness, a physician should be consulted if fever persists for more than 3 days (72 hours).

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B. CATEGORIZATION OF DATA.

1. *Category I conditions under which antipyretic agents are generally recognized as safe and effective and are not misbranded.*

CATEGORY I ACTIVE INGREDIENTS

The Panel has classified the following antipyretic active ingredients as generally recognized as safe and effective and not misbranded:

Aspirin	Choline salicylate.
Acetaminophen	Magnesium salicylate
Calcium carbaspirin	Sodium salicylate

a. *Aspirin.* The Panel concludes that aspirin is a safe and effective OTC anti-

pyretic when taken in the recommended dosage of 325 mg to 650 mg every 4 hours while fever persists not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 3 days. For children under

to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under

gr) but not more than 650 mg (10 gr) every 4 hours while symptoms persist not

aspirin for the specific product shall be used. The term "dosage unit" may be re-

same mg dose of aspirin were compared in these later two studies, it is impossible

6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for

pyretic when taken in the recommended dosage of 325 mg to 650 mg every 4 hours while fever persists not to exceed 4,000 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* In animals, as well as in man, aspirin has proven to be an effective antipyretic. Although many clinical studies are poorly designed and the evidence is often anecdotal, there are well-documented and carefully analyzed studies showing that aspirin is a potent antipyretic agent (Refs. 1 through 10). The most carefully conducted study is that of Seed (Ref. 6) who demonstrated significant dose-effect curves.

Although it has been suggested by Steele et al. (Ref. 5) that there is a therapeutic advantage to giving aspirin in combination with acetaminophen for antipyresis (Ref. 5), the study has been criticized by Harden (Ref. 11) as well as by Wolman (Ref. 12). The Panel agrees with the criticism of Harden and Wolman and finds that the study of Steele et al. (Ref. 5) is not designed to study this interaction. Furthermore, there is no advantage to giving these drugs in combination for their antipyretic effect. The drugs in this study were used alone and at the same dosage in the combination. The increased effect observed with the combination may be due to merely the increase in dosage because of the presence of both drugs. Statistically, there is no way of calculating the interaction in this study in order to determine if the combined effect represents simple addition, potentiation or indeed even antagonism.

(2) *Safety.* The safety of aspirin has been discussed earlier in this document. (See part III. paragraph B.1.a.(2) above—Safety.)

(3) *Dosage.* (i) *For products containing 325 mg (5 gr) per dosage unit.* (*a*) *Standard schedule.*—Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while fever persists not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while fever persists not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while fever persists not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while fever persists not to exceed 1,625 mg (25 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while fever persists not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while fever persists not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(*b*) *Nonstandard schedule.*—Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while fever persists not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while fever persists not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while fever persists not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while fever persists not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) per dosage unit.* Adult oral dosage is more than 325 mg (5 gr) but not more than 842 mg (12.96 gr) initially, followed by more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) every 3 hours while symptoms persist not to exceed 3,789 mg (58.32 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iv) *For products containing more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) per dosage unit.* Adult oral dosage is more than 421 mg (6.48 gr) but not more than 970 mg (14.92 gr) initially, followed by more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) every 4 hours or 842 mg (12.96 gr) but not more than 970 mg (14.92 gr) every 6 hours while symptoms persist not to exceeded 3,880 mg (59.68 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(v) *For products containing more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is more than 485 mg (7.46 gr) but not more than 1,000 mg (15.38 gr) initially, followed by more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) every 3 hours or 970 mg (14.92 gr) but not more than 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(vi) *For products containing more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) per dosage unit.* Adult oral dosage is more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(*b*) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(*c*) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Standard aspirin dosage unit.* In the previous discussion on "standard strength" dosage forms, the Panel made clear the need to indicate both the quantity of aspirin per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing aspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that all products containing aspirin be clearly labeled as containing aspirin on the principal display panel. In addition, labeling shall state in metric units and secondarily in apothecary units the quantity of aspirin per dosage unit. As previously stated, such labeling will not only benefit all consumers but will alert those individuals having sensitivity to aspirin.

(*a*) *Products containing the standard aspirin dosage unit.* The Panel recommends that products containing only 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) aspirin per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(*b*) *Products containing aspirin in an amount different than the standard aspirin dosage unit.* While the Panel recommends that products contain only 325 mg (5 gr) aspirin per dosage unit, if the Food and Drug Administration is unable to implement this recommendation, the Panel recommends that products containing an amount of aspirin other than 325 mg (5 gr) aspirin per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg (X gr) aspirin per dosage unit compared to the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount "X" of

aspirin for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

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(10) Simila, S., S. Koinanen and K. Kouvalainen, "Oral Antipyretic Therapy," *European Journal of Pediatrics*, 121:15–20, 1975.

(11) Harden, L. B., "Oral Antipyretic Therapy," *American Journal of Diseases in Children*, 126:563–564, 1973.

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b. *Acetaminophen.* The Panel concludes that acetaminophen is a safe and effective OTC antipyretic when taken in the recommended dosage of 325 to 650 mg every 4 hours while fever persists not to exceed 4,000 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* A number of studies have been done on the antipyretic effects of acetaminophen (Refs. 1 through 6). Acetaminophen has been shown to be effective. However, there has been no assay in which the relative antipyretic potency of acetaminophen compared to aspirin has been computed. An examination of the data in the studies by Eden and Kaufman (Ref. 2), Cornely and Ritter (Ref. 3), Colgan and Mintz (Ref. 4), and Hunter (Ref. 5) seem to indicate that acetaminophen is a less potent antipyretic than aspirin. However, if one examines the recent study by Tarlin et al. and constructs mean temperature lowering curves, the total effect of acetaminophen and aspirin appear to be comparable (Ref. 6), while the data of Steele et al. (Ref. 8) indicate a slight superiority for acetaminophen. However, since only one dose of acetaminophen and the same mg dose of aspirin were compared in these later two studies, it is impossible to make a statement on relative potency since dose-effect curves were not defined.

(2) *Safety.* The safety of acetaminophen has been discussed earlier in this document. (See part III. paragraph B.1.b.(2) above—Safety.)

(3) *Dosage.* (i) *For products containing 325 mg (5 gr) per dosage unit.* (*a*) *Standard schedule.*—Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while fever persists not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while fever persists not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while fever persists not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while fever persists not to exceed 1,625 mg (25 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while fever persists not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while fever persists not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(*b*) *Nonstandard schedule.*—Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while fever persists not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while fever persists not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while fever persists not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while fever persists not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while fever persists not to exceed 800 mg (12.3 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is 500 mg (7.69 gr) to 1,000 mg (15.38 gr) initially, followed by 500 mg (7.69 gr) every 3 hours or 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (*a*) "Do not exceed recommended dosage because severe liver damage may occur".

(*b*) "Do not take this product for the treatment of arthritis except under the advice and supervision of a physician".

(ii) *Standard acetaminophen dosage unit.* In the previous discussion on "standard strength" dosage forms, the Panel made clear the need to indicate both the quantity of acetaminophen per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing acetaminophen differs per dosage unit from the established standard of 325 mg (5 gr) acetaminophen per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that all products containing acetaminophen be clearly labeled as containing acetaminophen on the principal display panel. In addition, labeling shall state in metric units and secondarily in apothecary units the quantity of acetaminophen per dosage unit.

(*a*) *Products containing the standard acetaminophen dosage unit.* The Panel recommends that products containing only 325 mg (5 gr) acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(*b*) *Products containing acetaminophen in an amount different than the standard acetaminophen dosage unit.* While the Panel recommends that products contain only 325 mg (5 gr) acetaminophen per dosage unit, if the Food and Drug Administration is unable to implement this recommendation the Panel recommends that only nonstandard dosage units of 500 mg (7.69 gr) be recognized for acetaminophen in addition to the standard dosage unit of 325 mg (5 gr). The Panel recommends that products containing 500 mg (7.69 gr) of acetaminophen per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of 500 mg (7.69 gr) acetaminophen per dosage unit compared to the established standard of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

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Pharmacologic Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The MacMillan Co., New York, 1970.

ample, a product containing 435 mg choline salicylate per tablet (dosage

allergic to salicylates except under the advice and supervision of a physician".

more than 3 days. Children 4 to under 6

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c. *Calcium carbaspirin.* The Panel concludes that calcium carbaspirin is a safe and effective OTC antipyretic when taken in the recommended dosage of 414 to 828 mg every 4 hours while fever persists not to exceed 4,968 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* The Panel concludes that calcium carbaspirin is effective, not based on controlled clinical studies, but on the fact that the absorbed moiety is aspirin, discussed fully above, and that adequate bioavailability has been established demonstrating an effect similar to aspirin (Refs. 1 and 2). (See part III paragraph B.1.c. above—Calcium carbaspirin.)

(2) *Safety.* The safety of calcium carbaspirin has been discussed earlier in this document. (See part III. paragraph B.1.c. (2) above—Safety.)

(3) *Dosage.* Adult oral dosage is 414 to 828 mg every 4 hours while fever persists not to exceed 4,968 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 621 mg every 4 hours while fever persists not to exceed 3,105 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 517.5 mg every 4 hours while fever persists not to exceed 2,587.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 414 mg every 4 hours while fever persists not to exceed 2,070 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 310.5 mg every 4 hours while fever persists not to exceed 1,552.5 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 207 mg every 4 hours while fever persists not to exceed 1,035 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* (*a*) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(*b*) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(*c*) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of calcium carbaspirin per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing calcium carbaspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing calcium carbaspirin be clearly labeled on the principal display panel: "Equivalent to X mg (X gr) per dosage unit of the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount of "X" of equivalent analgesic effectivness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 414 mg calcium carbaspirin per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg (5 gr) per tablet of the established standard of 325 mg (5 gr) aspirin per tablet".

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d. *Choline salicylate.* The Panel concludes that choline salicylate is a safe and effective OTC antipyretic when taken in the recommended dosage of 435 to 870 mg every 4 hours while fever persists not to exceed 5,220 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* A number of studies have been done on the antipyretic effects of choline salicylate.

Broh-Kahn reported on the results of a cooperative study involving 1,200 patients (Ref. 1). He did show statistically significant blood salicylate levels after the administration of choline salicylate. However, the information on its antipyretic effect is largely anecdotal.

Hunt studied the antipyretic effect of choline salicylate and found it to be an active antipyretic (Ref. 2), however, there was no direct comparison with a drug such as aspirin.

Leary again demonstrated the rapid absorption of choline salicylate and the appearance of salicylate in the plasma (Ref. 3). The major evidence for the antipyretic efficacy of choline salicylate other than the demonstration of effective blood levels is the study by Tupper (Ref. 4). This is not a controlled study but does demonstrate the temperature-lowering effect following the administration of choline salicylate.

These studies show that the drug is effective. However, they were not designed to determine whether they are more or less potent than an equivalent mg dose of aspirin and so its relative antipyretic potency cannot be determined based upon the studies.

(2) *Safety.* The safety of choline salicylate has been discussed earlier in this document. (See part III. paragraph B.1.d.(2) above—Safety.)

(3) *Dosage.* Adult oral dosage is 435 to 870 mg every 4 hours while fever persists not to exceed 5,220 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 652.5 mg every 4 hours while fever persists not to exceed 3,262.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 543.8 mg every 4 hours while fever persists not to exceed 2,719 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 435 mg every 4 hours while fever persists not to exceed 2,175 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 326.5 mg every 4 hours while fever persists not to exceed 1,632.5 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 217.5 mg every 4 hours while fever persists not to exceed 1,087.5 mg in 24 hours for not more than 3 days. Children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

These studies show that the drug is effective. However, they were not designed to determine whether they are more or less potent than an equivalent mg dose of aspirin and so its relative antipyretic potency cannot be determined based upon the studies.

(2) *Safety.* The safety of choline salicylate has been discussed earlier in this document. (See part III. paragraph B.1.d.(2) above—Safety.)

(3) *Dosage.* Adult oral dosage is 435 to 870 mg every 4 hours while fever persists not to exceed 5,220 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 652.5 mg every 4 hours while fever persists not to exceed 3,262.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 543.8 mg every 4 hours while fever persists not to exceed 2,719 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 435 mg every 4 hours while fever persists not to exceed 2,175 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 326.5 mg every 4 hours while fever persists not to exceed 1,632.5 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 217.5 mg every 4 hours while fever persists not to exceed 1,087.5 mg in 24 hours for not more than 3 days. Children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of magnesium salicylate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing magnesium salicylate differs clinically per dosage unit from the established standard of 325 mg sodium salicylate per dosage unit. (See Part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing magnesium salicylate be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsules. For example, a product containing 325 mg magnesium salicylate per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg per teaspoon of the established standard of 325 mg sodium salicylate per tablet".

f. *Sodium salicylate.* The Panel concludes that sodium salicylate is a safe and effective OTC antipyretic when taken in the recommended dosage of 325 to 650 mg every 4 hours while fever persists not to exceed 4,000 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* Although sodium salicylate is an effective antipyretic, it is probably only 0.6 times as effective as aspirin. In a controlled study, Seed investigated the antipyretic effects in patients with chronic cancer and associated infectious processes. He determined that sodium salicylate in this population was 0.6 times as potent as aspirin (Refs. 1 and 2). This is the only controlled study in which an assay was carried out so that the relative potency of one antipyretic as comoared with the standard, aspirin, could be determined.

(2) *Safety.* The safety of sodium salicylate has been discussed earlier in this document. (See part III. paragraph B.1.f. (2) above—Safety.)

(3) *Dosage.* (i) *For products containing 325 mg per dosage unit.* (*a*) *Standard schedule.* Adult oral dosage is 325 to 650 mg every 4 hours while fever persists not to exceed 3,900 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while fever persists not to exceed 2,437.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while fever persists not to exceed 2,031.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while fever persists not to exceed 1,625 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while fever persists not to exceed 812.5 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

REFERENCES

(1) Broh-Kahn, R. H., "Choline Salicylate: A New, Effective and Well-Tolerated Analgesic, Anti-inflammatory, and Antipyretic Agent," *International Record of Medicine*, 173:217–232, 1960.

(2) Hunt, W. D., "Choline Salicylate As An Antipyretic and Analgesic In Pediatric Practice," *Clinical Medicine*, 69:2688–2693, 1962.

(3) Leary, J. F., "Preliminary Pharmacological Comparison of Choline Salicylate with Acetylsalicylic Acid," *International Record of Medicine*, 173:259–261, 1960.

(4) Tupper, J. A., "Choline Salicylate in Pediatric Practice, Trial of a New Soluble Analgesic," *Northwest Medicine*, 62:122–124, 1963.

e. *Magnesium salicylate.* The Panel concludes that magnesium salicylate is safe and effective as an OTC antipyretic in the recommended dosage of 325 to 650 mg every 4 hours while fever persists not to exceed 4,000 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* The effectiveness of magnesium salicylate has been discussed earlier in this document. Although the Panel found no controlled clinical antipyretic study of magnesium salicylate, adequate studies showing bioavailability have been done (Ref. 1) and there is no reason to believe it a less effective antipyretic than sodium salicylate. (See part III. paragraph B.1.e.(1) above—Effectiveness.)

(2) *Safety.* The safety of magnesium salicylate has been discussed earlier in this document. (See part III. paragraph B.1.e.(2) above—Safety.)

REFERENCE

(1) OTC Volume 030042.

(3) *Dosage.* Adult oral dosage is 325 to 650 mg every 4 hours while fever persists not to exceed 3,900 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while fever persists not to exceed 2,437.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while fever persists not to exceed 2,031.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while fever persists not to exceed 1,625 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while fever persists not to exceed 1,219 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while fever persists not to exceed 812.5 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(*b*) *Nonstandard schedule.* Adult oral dosage is 325 mg to 975 mg initially, followed by 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *For products containing more than 325 mg but not more than 421 mg per dosage unit.* Adult oral dosage is more than 325 mg but not more than 842 mg initially, followed by more than 325 mg but not more than 421 mg every 3 hours while symptoms persist not to exceed 3,789 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iii) *For products containing more than 421 mg but not more than 485 mg per dosage unit.* Adult oral dosage is more than 421 mg but not more than 970 mg initially, followed by more than 421 mg but not more than 485 mg every 4 hours or 842 mg but not more than 970 mg every 6 hours while symptoms persist not to exceed 3,880 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(iv) *For products containing more than 485 mg but not more than 500 mg per dosage unit.* Adult oral dosage is more than 485 mg but not more than 1,000 mg initially, followed by more than 485 mg but not more than 500 mg every 3 hours or 970 mg but not more than 1,000 mg every 6 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(v) *For products containing more than 500 mg but not more than 650 mg per dosage unit.* Adult oral dosage is more than 500 mg but not more than 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning:* "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(ii) *For products containing 0.2 mEq (5 mg) or higher of sodium per dosage unit.* The labeling of the product contains

the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq (5 mg) or higher.

(*b*) "Children under 12 years: Drink water with each dose".

(iv) *"Caution:* Do not take this product

than phenacetin or acetaminophen (Ref. 2). Severe methemoglobinemia occurs and possibly sulfhemoglobinemia. The

and the possibility of hemolytic anemia and methemoglobinemia resulting from

hypersensitivity in the effective antipyretic dosage, the risks from the use of

a. *Aluminum aspirin.* The Panel con-

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the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq (5 mg) or higher.

(iii) *For products containing more than 5 mEq (125 mg) sodium in the maximum recommended daily dosage. Warning.* "Do not take this product if you are on a sodium restricted diet except under the advice and supervision of a physician".

The Panel recommends that all products containing sodium salicylate be clearly labeled as containing sodium salicylate on the principal display panel.

(a) *Products containing the standard sodium salicylate dosage unit.* The Panel recommends that products containing only 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg sodium salicylate per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(b) *Products containing sodium salicylate in an amount different than the standard sodium salicylate dosage unit.* While the Panel recommends that products contain only 325 mg sodium salicylate per dosage unit, if the Food and Drug Administration is unable to implement this recommendation, the Panel recommends that products containing an amount of sodium salicylate other than 325 mg sodium salicylate per dosage unit be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg sodium salicylate per dosage unit compared to the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of sodium salicylate for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

REFERENCES

(1) Seed, J. C., "A Clinical Comparison of the Antipyretic Potency of Aspirin and Sodium Salicylate," *Clinical Pharmacology and Therapeutics*, 6:354–358, 1965.

(2) Seed, J. C. and F. S. Acton, "Clinical Trials of Antipyretic Drugs," *Clinical Pharmacology: International Encyclopedia of Pharmacology and Therapeutics*, 1:297–308, 1968.

CATEGORY I LABELING

The Panel recommends the following Category I labeling for antipyretic active ingredients to be generally recognized as safe and effective and not misbranded as well as any specific labeling discussed in the individual ingredient statements:

a. *Indications.* "For the reduction of fever".

b. *Warnings.* (1) "If fever persists for more than 3 days (72 hours), or recurs, consult your physician".

(2) *For products containing salicylates.* (i) "Take this product for the treatment of arthritis only under the advice and supervision of a physician".

(ii) "Stop taking this product if ringing in the ears or other symptoms occur".

(iii) *For products intended for oral administration as a solid dosage form, e.g., tablets.* (a) "Adults: Drink a full glass of water with each dose".

(b) "Children under 12 years: Drink water with each dose".

(iv) *"Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

(v) *"Caution:* Do not take this product if you are presently taking a prescription drug for anticoagulation (thinning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

The Panel recognizes that there are few, if any, OTC products marketed exclusively as antipyretics. The vast majority of products are labeled combinations of antipyretics-analgesics.

The Panel finds that some antipyretic-analgesics have a lower antipyretic relative potency when compared to aspirin (the standard) than the relative potency of their analgesic effects. The Panel finds that there are few well-controlled antipyretic clinical trials. Since the major reason for taking antipyretic-analgesics is usually pain relief, the inclusion of antipyretic dosage information on the labeling of these products showing dosage schedules at variance from the dosage based on analgesic efficacy would be confusing to the public. Therefore, the Panel recommends that future labeling of effective antipyretics follow the labeling used for single entities and combinations in the labeling sections of analgesics, except for the duration of use which should be no more than 3 days for antipyretic use. (See Part III.—ANALGESIC AGENTS.)

2. *Category II conditions under which antipyretic agents are not generally recognized as safe and effective or are misbranded.*

CATEGORY II ACTIVE INGREDIENTS

The Panel has classified the following claimed antipyretic active ingredients as not generally recognized as safe and effective or are misbranded:

Acetanilid	Phenacetin
Iodopyrine	Quinine

a. *Acetanilid.* The Panel concludes that acetanilid is an effective OTC antipyretic when taken in the recommended dosage of 200 to 300 mg but is not safe for OTC use.

(1) *Effectiveness.* No suitable designed clinical assays on acetanilid have been reported in the literature. Nevertheless, it is recognized that acetanilid is an effective antipyretic agent.

In the *AMA Drug Evaluations*, acetanilid is listed as having historical interest being the first coal tar analgesic-antipyretic introduced into medicine (Ref. 1). However, it is stated that there is "no justification for using acetanilid in preference to less toxic and equally effective mild analgesics."

(2) *Safety.* The Panel concludes after a review of the literature that this drug is not safe for OTC use.

The safety of acetanilid has been discussed earlier in this document. (See part III. paragraph B.2.a.(2) above—Safety.) Woodbury in 1970, summarized the case against this drug and stated that acetanilid is definitely more toxic than phenacetin or acetaminophen (Ref. 2). Severe methemoglobinemia occurs and possibly sulfhemoglobinemia. The dose required to produce these changes varies from one individual to another, and there is some evidence that dependence on the drug may occur (Ref. 3).

Acetanilid has practically disappeared from use since it is rapidly converted to aniline which causes methemoglobinemia (Ref. 4). Furthermore, it has been implicated in the production of hemolysis, in glucose-6-phosphate dehydrogenase deficient individuals who form a significant proportion of the target population (Ref. 5).

(3) *Evaluation.* The Panel concludes because of the high incidence of toxic effects and the relative unfavorable margin of safety that the risks from use outweigh any benefit and therefore classifies acetanilid not safe for use as an OTC antipyretic.

REFERENCES

(1) "Mild Analgesics," in "AMA Drug Evaluations," 1st Ed., American Medical Association, Chicago, pp. 177–188, 1971.

(2) Woodbury, D. M., "Analgesic-Antipyretics, Anti-inflammatory Agents, and Inhibitors of Uric Acid Synthesis," in "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, Macmillan Co., New York, pp. 332–333, 1970.

(3) Gross, M., "Acetanilid: A Critical Bibliographic Review," Hillhouse Press, New Haven, 1946.

(4) Goth, A., "Medical Pharmacology," 4th Edition, The C. V. Mosby Co., St. Louis, 1966.

(5) Williams, H. E., "Genetic Disorders" in "Clinical Pharmacology," Edited by Melmon, K. L. and H. F. Morrelli, The Macmillan Company, New York, pp. 535–546, 1972.

b. *Iodopyrine.* The Panel finds that there are no data to demonstrate effectiveness but there are data showing it not safe and therefore concludes that iodopyrine is not safe and not effective for use as an OTC antipyretic.

(1) *Effectiveness.* No studies were found concerning the effectiveness of this iodide salt of antipyrine for use as an OTC antipyretic. The lack of demonstrated effectiveness for use of iodopyrine as an OTC analgesic has been discussed earlier in this document. (See part III. paragraph B.2.c.(1) above—Effectiveness.)

(2) *Safety.* The safety of iodopyrine has been discussed earlier in this document. (See part III. paragraph B.2.c.(2) above—Safety.) The Panel concludes that iodopyrine is not safe for use as an OTC antipyretic.

(3) *Evaluation.* The Panel finds that iodopyrine is not safe for OTC use because of the significantly high availability of iodide following oral administration and increased likelihood of iodism. Accordingly, the Panel concludes that the risks from use of iodopyrine outweigh any possible benefit and classifies the ingredient unsafe for use as an OTC antipyretic.

c. *Phenacetin.* The Panel concludes that phenacetin is an effective OTC antipyretic but not safe for OTC use because of the high potential for abuse, the high potential for harm to the kidney and the possibility of hemolytic anemia and methemoglobinemia resulting from abuse (Ref. 1), and the lack of compensating benefits of the drug. The benefit to risk ratio of phenacetin compounds compares unfavorably with other single agents and combination antipyretic preparations available to target populations.

(1) *Effectiveness.* The antipyretic effect of phenacetin has been investigated by Mintz (Ref. 2). He studied the comparative antipyretic effects expressed in percent of initial temperature and found that aspirin was more effective than phenacetin. He studied these compounds in 20 febrile children under the age of 5 years who were given a single standard dose of 60 mg phenacetin per year of age and compared them with 20 febrile children given aspirin in a standard dose of 65 mg per year of age. Rectal temperatures were taken ½, 1, 2, 3 and 4 hours following the administration of drugs. Aspirin was more effective than phenacetin in lowering the body temperature whether it was expressed in percent of initial temperature or whether it was expressed in terms of the average temperature. The author concludes that half doses of aspirin are as effective as full doses of phenacetin. Thus, phenacetin appears to be half as effective as aspirin in terms of its antipyretic effects.

(2) *Safety.* The safety of phenacetin has been discussed earlier in this document. (See part III, paragraph B.2.d.(2) above—Safety.)

(3) *Evaluation.* The Panel concludes that because of the high potential for abuse, the high potential for harm to the kidney and the possibility of hemolytic anemia and methemoglobinemia resulting from abuse, the risks from the use of phenacetin outweigh any benefit and therefore classifies phenacetin not safe for OTC use as an antipyretic.

REFERENCES

(1) Woodbury, D. M., "Analgesic-Antipyretics, Anti-Inflammatory Agents, and Inhibitors of Uric Acid Synthesis," in "Pharmacologic Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, MacMillan Co., New York, 1970.

(2) Mintz, A. A., "Antipyretic Effect of Acetophenetidin," *Clinical Medicine*, 71:865–870, 1964.

d. *Quinine.* The Panel concludes that quinine is an effective OTC antipyretic but that it is not safe for OTC use.

(1) *Effectiveness.* The Panel notes that Rollo states, "The antipyretic effect of quinine is not very prominent except in cases of malaria. The striking effect in this disease is due to its specific antimalarial action. The weak antipyretic effect that quinine has in other febrile conditions seems to be due to mainly peripheral general inhibitory effect on metabolism and suppression of skeletal muscle activity" (Ref. 1).

(2) *Safety.* The safety of quinine has been discussed earlier in this document (See part III. paragraph B.2.e.(2) above—Safety.)

(3) *Evaluation.* The Panel concludes that because of the high incidence of hypersensitivity in the effective antipyretic dosage, the risks from the use of quinine outweigh any benefit, and therefore, classifies quinine not safe for use as an OTC antipyretic.

REFERENCE

(1) Rollo, I. M., "Drugs Used in the Chemotherapy of Malaria," in "The Pharmacologic Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, The Macmillan Co., New York, p. 1119, 1970.

CATEGORY II LABELING

The Panel has examined the submitted labeling claims for antipyretics alone and for combination products with nonantipyretic ingredients and has placed certain claims into Category II. These Category II claims have been categorized by the Panel as claims that are unsupported by scientific data or by sound theoretical reasoning, claims that are not clearly defined or clinically recognized, claims that require prior diagnosis and care of a physician, claims that are misleading or specifically contraindicated, and claims that contain modifying adjectives associating fever with illnesses.

Several of the claims considered by the Panel are Category II claims for one or more of the above reasons. An individual claim may include one, several or all of the reasons for classifying a claim as Category II. Therefore, it is difficult to outline an individual claim under one specific reason. All the reasons mentioned above including unacceptable claims related to product performance have been clearly defined elsewhere in this document. (See part III. paragraph B.2.a. above—Category II Labeling.)

The Panel has classified the following labeling claims as Category II claims: "fever of colds and flu," "reduce fever in simple headaches, minor muscular aches, neuritis, neuralgia", "reduces temperature and calms the fretfulness and discomfort of fever, the kind that comes with inoculations, common colds and teething", "fever accompanying colds or the flu", "fever discomfort", "for fever from colds, flu, inoculations, minor ailments, headache, sore throat due to colds, tonsillectomy, teething", and "hay fever".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

CATEGORY III ACTIVE INGREDIENTS

The Panel has concluded that the available data are insufficient to permit final classification of the following claimed antipyretic active ingredients listed below. The Panel believes it reasonable to provide 3 years for the development and review of such data. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness and/or safety data are not obtained within 3 years, however, the ingredients listed in this Category should no longer be marketed in OTC products:

Aluminum aspirin
Antipyrine
Salicylamide
Salsalate (salicylsalicylic acid)

a. *Aluminum aspirin.* The Panel concludes that aluminum aspirin is safe but that there are insufficient data to determine effectiveness as an OTC antipyretic in the recommended dosage of 365 mg to 730 mg every 4 hours while fever persists not to exceed 4,380 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* The Panel recommends that if bioavailability studies show that aluminum aspirin produces blood levels comparable to those achieved with aspirin then it should be accepted as an effective OTC antipyretic and classified as Category I for this use.

The Panel recommends alternatively that if two clinical trials as described below show that aluminum aspirin is an effective antipyretic it should be placed in Category I for this use. (See part IV. paragraph C. below—Data Required for Evaluation.)

(2) *Safety.* The safety of aluminum aspirin has been discussed earlier in this document. (See part III. paragraph B.3.a.(2) above—Safety.)

(3) *Proposed dosage.* Adult oral dosage is 365 to 730 mg every 4 hours while fever persists not to exceed 4,380 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 365 mg every 4 hours while fever persists not to exceed 1,825 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 305 mg every 4 hours while fever persists not to exceed 1,525 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 215 mg every 4 hours while fever persists not to exceed 1,075 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 180 mg every 4 hours while fever persists not to exceed 900 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 120 mg every 4 hours while fever persists not to exceed 600 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warning.* (a) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(b) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(c) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(ii) *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of aluminum aspirin per tablet, teaspoon or other dosage unit as well as the quan-

tity by which a particular product containing aluminum aspirin differs per dosage unit from the established standard. Products containing aluminum aspirin in accordance with the guidelines set forth below for antipyretic drugs. (See part IV. paragraph C. below—Data Required for

active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate

following specific labeling: *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage

choline salicylate and has classified the following as Category III labeling: "May be taken on an empty stomach and may

To establish Category I status for a Category III ingredient, the number of studies required for compounds for

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tity by which a particular product containing aluminum aspirin differs per dosage unit from the established standard of 325 mg (5 gr) aspirin. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing aluminum aspirin be clearly labeled on the principal display panel: "Equivalent to X mg (X gr) per dosage unit of the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or caosule. For example, a product containing 414 mg aluminum aspirin per tablet (dosage unit) shall be labeled. "Equivalent to 325 mg (5 gr) per tablet of the established standard of 325 mg (5 gr) aspirin per tablet".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antipyretic drugs. In addition, the following information is needed: Bioavailability studies of aluminum aspirin in man must show comparable blood levels of salicylates to those following administration of the standard aspirin, as detailed below. (See part IV. paragraph C. below—Data Required for Evaluation.)

b. *Antipyrine.* The Panel concludes that there are insufficient data to determine the safety and effectiveness of antipyrine as an OTC antipyretic when, as recommended, the dosage is limited to a single 975 mg dose in 24 hours while symptoms persist for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(1) *Effectiveness.* As far as effectiveness is concerned, not a single controlled clinical study has been found in which the effectiveness of antipyrine as an antipyretic has been evaluated.

The effectiveness of antipyrine as an analgesic has been discussed earlier in this document. (See part III. paragraph B.3.b.(1) above—Effectiveness.)

(2) *Safety.* The safety of antipyrine has been discussed earlier in this document. (See part III. paragraph B.3.b.(2) above—Safety.)

(3) *Proposed dosage.* Adult oral dosage is limited to a single 975 mg dose in 24 hours while symptoms persist for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: (i) *Warnings.* (a) "Do not exceed recommended dosage".

(b) "If skin rash appears, discontinue use and consult a physician".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antipyretic drugs. (See part IV. paragraph C. below—Data Required for Evaluation.) Data to demonstrate safety should include epidemiological studies which take into consideration the concerns of the Panel. Interested drug manufacturers should consult with the Food and Drug Administration as to the design of such studies. The studies should consider pharmacogenetic factors and include several racial groups.

c. *Salicylamide.* The Panel concludes that there are insufficient data to determine that salicylamide is either safe or effective when used in combination as an OTC antipyretic in the currently marketed dosage of 97.2 to 400 mg. The Panel finds that salicylamide when used alone at a higher dosage (1,000 mg every 4 hours while fever persists not to exceed 6,000 mg in 24 hours for not more than 3 days) may be effective but has not been demonstrated to be safe for OTC use. However, the Panel recommends that salicylamide not be made available for OTC use at the higher dosage range until suitable studies have been completed to show both safety and effectiveness. In addition, the Panel has also considered the use of salicylamide in combination as an OTC analgesic adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

(1) *Effectiveness.* Controlled studies in animals and in children comparing the effects of aspirin and salicylamide have been carried out (Refs. 1 through 4), but their interpretation has been subject to much discussion. Upon reviewing the papers, it appears that the best estimate is that as an antipyretic salicylamide is about half as potent as aspirin. This compound probably has a threshold dose which must be exceeded before any antipyretic effect is seen.

(2) *Safety.* The safety of salicylamide has been discussed earlier in this document. (See part III. paragraph B.3.c.(2) above—Safety.)

(3) *Proposed dosage.* No marketed product containing salicylamide alone was submitted to the Panel. Currently marketed products submitted contain 97.2 to 250 mg salicylamide per dosage unit in combination with other active ingredients.

The Panel finds that salicylamide at a higher dosage (1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 3 days) may be effective but has not been demonstrated to be safe for OTC use. However, the Panel recommends that salicylamide not be made available for OTC use at the higher dosage range until suitable studies have been completed to show both safety and effectiveness.

For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

In addition, the Panel has also considered the use of salicylamide as an OTC analgesic adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness and safety will be required in accordance with the guidelines set forth below for antipyretic drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

(6) *Combination products containing salicylamide combined with acetaminophen or salicylamide combined with aspirin.* The Panel concludes that there is insufficient information to determine the safety and effectivenes of salicylamide as an adjuvant in combination with acetaminophen or aspirin, and therefore classifies such combinations as Category III. The Panel has discussed the role of salicylamide as an adjuvant elsewhere in this document. (See part VI. paragraph B.5. below—Salicylamide.)

Salicylamide is a frequent component of analgesic mixtures. The average amount in these combinations is only about 200 mg which on the basis of previous discussion would appear to be ineffective.

REFERENCES

(1) Vignec, A. J. and M. Gasparik, "Antipyretic Effectiveness of Salicylamide and Acetylsalicylic Acid in Infants: A Comparative Study," *Journal of the American Medical Association*, 167:1821–1826, 1958.

(2) Bass, A., "Antipyretic Effectiveness of Aspirin and Salicylamide," *Journal of the American Medical Association*, 168:1684–1685, 1958.

(3) Woodbury, R. A., "Toxicity and Antipyretic Activity of Salicylamide and Aspirin," *Journal of the American Medical Association*, 168:1259–1260, 1958.

(4) Borovsky, M. P., "Antipyretic Activity of Acetylsalicylic Acid and Salicylamide Suspension in Pediatrics; a Comparative Clinical Evaluation in Two Hundred Six Cases," *American Journal of Diseases of Children*, 100:23–30, 1960.

d. *Salsalate (salicylsalicylic acid).* The Panel concludes that salsalate (salicylsalicylic acid) is safe but that there are insufficient data to determine effectiveness as an OTC antipyretic in the recommended dosage of 500 to 1,000 mg every 4 hours while fever persists not to exceed 6,000 mg in 24 hours for not more than 3 days.

(1) *Effectiveness.* The Panel concludes that while this compound probably has antipyretic properties there is no clinical evidence to support this. The Panel recommends that if a clinical trial shows this compound to be an effective antipyretic, that it be classified as Category I for this use.

(2) *Safety.* The safety of salsalate has been discussed earlier in this document. (See part III. paragraph B.3.d.(2) above—safety.)

(3) *Proposed dosage.* Adult oral dosage is 500 to 1,000 mg every 4 hours while fever persists not to exceed 6,000 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for antipyretic active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *Analgesic equivalence value.* In the previous discussion on "standard strength" dosage forms the Panel made clear the need to indicate the quantity of salsalate per tablet, teaspoon or other dosage unit as well as the quantity by which a particular product containing salsalate differs per dosage unit from the established standard of 325 mg sodium salicylate per dosage unit. (See part II. paragraph E. above—Standard Dosage Unit and Analgesic Equivalence Value.)

The Panel recommends that products containing salsalate be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule. For example, a product containing 500 mg salsalate per tablet (dosage unit) shall be labeled, "Equivalent to 325 mg per tablet of the established standard of 325 mg sodium salicylate per tablet".

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antipyretic drugs. (See part IV. paragraph C. below—Data Required for Evaluation.)

CATEGORY III LABELING

The Panel concludes that the Category I labeling claims are sufficiently broad to encompass the various types of fever due to "cold", etc. All other labeling claims relating to fever are unsupported by scientific data or sound theoretical reasoning and are classified Category II. (See part IV. paragraph B.1. above—Category I Labeling and part IV. paragraph B.2. above—Category II Labeling.)

In addition, the Panel has examined the submitted labeling claims for buffered and highly buffered aspirin products and has classified the following as Category III labeling which may be included on the principal display panel: a. "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label", and b. "Faster to the bloodstream than plain aspirin". The Panel has discussed the above Category III labeling elsewhere in this document. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.) All other claims for buffered aspirin products are classified as Category II.

Although buffering agents are not included in the formulation of choline salicylate, some of its currently marketed labeling claims are similar to the claims submitted for highly buffered aspirin. The similarity in labeling claims is undoubtedly due to the fact that choline salicylate, like highly buffered aspirin, is marketed in a liquid dosage form. The Panel has reviewed these claims for choline salicylate and has classified the following as Category III labeling: "May be taken on an empty stomach and may prevent the stomach distress that aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label". The basis for this classification is discussed elsewhere in this document. (See part III. paragraph B.1.d.(2) above—Safety.)

C. DATA REQUIRED FOR EVALUATION

The Panel finds the protocols recommended in this document for the studies required to bring a Category III drug into Category I in accord with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Considerations in designing an experimental protocol for testing antipyretic drugs. General principles.*—The important considerations concerning design and interpretation of antipyretic assays are as follows: The effect of antipyretic drugs in reducing fever is nonspecific and does not influence the cause of the underlying disease. In fact, the cause of the patient's illness may be obscured by relief of symptoms and the reduction of fever by the use of antipyretic drugs. However, when OTC antipyretic ingredients are used, it should only be for the symptomatic relief of fever and not for the treatment of a disease as discussed by the Panel earlier in this document. (See part IV. paragraph A. above—General Discussion.) Therefore, in antipyretic assays, the patient population should be varied as described below.

2. *Determination of the patient population.* The clinical studies should be carried out in several populations of patients, such as patients with hyperpyrexia (fever) secondary to cancer and associated infections, hyperpyrexia in children with acute infectious diseases, and hyperpyrexia in adults with acute infectious diseases.

3. *Test parameters for study.* a. *General considerations.*—(1) These studies should be carried out under double-blind conditions using graded doses of active and standard compounds and possibly a placebo.

(2) The patient treatments should be allocated under a randomized scheme to distribute bias evenly.

b. *Method of study.*—The antipyretic effect of the drug should be evaluated by obtaining the patient's temperature at least every hour for 4 to 6 hours. The difference between the postdrug temperature and the predrug temperature can be used to calculate "the degree minutes" of lowering of the temperature. From the temperature lowering effect of the drug, a total and peak score can be obtained and analysis of variance or other suitable statistical analysis should be done on on these data.

4. *Data interpretation.* If significant dose-effect curves are obtained, parallel line assay can be done and the relative potency and fiducial limits of the test compound to the standard compound computed (Ref. 1).

To establish Category I status for a Category III ingredient, the number of studies required for compounds for which safety is unquestioned, and the number and types of studies required for compounds questioned because of safety, will be the same as outlined for Category III analgesic ingredients. (See part III. paragraph C. above—Data Required for Evaluation.)

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

5. *Safety evaluation.* An evaluation of the safety of an antipyretic ingredient should be based on the same studies and observations discussed earlier in this document for the safety evaluation of analgesics. (See part III. paragraph C.5. above—Safety evaluation.)

REFERENCE

(1) Seed, J. C. and F. S. Acton, "Clinical Trials of Antipyretic Drugs," *International Encyclopedia of Pharmacology and Therapeutics*, 16:297–308, 1965.

V. ANTIRHEUMATIC AGENTS

A. GENERAL DISCUSSION

1. *Introduction.* An antirheumatic agent reduces joint inflammation and relieves muscle tenderness and swelling. These agents are used in the treatment of arthritis and the rheumatic diseases. Arthritis is man's oldest known chronic illness. In the discussion that follows below, the Panel will describe arthritis and other rheumatic diseases.

As will be noted, the Panel has found aspirin, calcium carbaspirin, choline salicylate, magnesium salicylate and sodium salicylate acceptable antirheumatic agents. However, the Panel concludes that these drugs should be used in the treatment of rheumatic diseases only under the advice and supervision of a physician. There are many reasons for the Panel taking this position. The reasons will be elaborated upon in greater detail below. Basically, each person with symptoms of the more common rheumatic diseases, e.g., joint and muscular aches, pains and stiffness, and joint swelling should seek the advice of a physician for proper diagnosis of the specific cause of the symptoms and for identification of the exact rheumatic disease involved. Each rheumatic disease is a distinct disease entity with a different cause and a different prognosis, and more importantly, each disease requires a different method of treatment.

As pointed out by the National Institute of Arthritis, Metabolism and Digestive Diseases (Ref. 1), "If you have arthritis, do not try to treat yourself. All forms of arthritis must be treated by a qualified physician."

The Panel recognizes the remarkable properties of aspirin, its salts, and other salicylates in relieving pain and reducing inflammation. However, as pointed out by the Arthritis Foundation (Ref. 2), each individual is different; in a leaflet prepared for arthritis sufferers describing the use of aspirin the following is stated:

You are an individual, not quite like anyone else. Your arthritis is not quite like anyone else's arthritis. How such aspirin you

in order to attempt to prevent possible progressive degeneration.

The mistaken notion that joint ache

The term rheumatism is derived from the Greek word *rheumatismos* which

sensitivity angiitis, Wegener's granulomatosis, Takayasu's (pulseless) disease,

K. Hypothyroidism
L. Scurvy, hypovitaminosis C)

The impact of these diseases in the U.S. is discussed elsewhere in this doc-

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You are an individual, not quite like anyone else. Your arthritis is not quite like anyone else's arthritis. How such aspirin you need for your disease, and how much you can tolerate, is for a qualified physician to decide. You make a serious mistake when you act as your own doctor and try to figure out your own dosage schedule.

On the basis of the above, and other data described below, the Panel concludes that the use of OTC antirheumatic agents for the treatment of the symptoms of specific rheumatic diseases requires prior diagnosis by a physician and the establishment of a suitable treatment program, which may include not only OTC antirheumatic drugs, but also prescription medications (e.g. gold, phenylbutazone, indomethacin, hydroxychloroquine, oorticosteroids, etc.), physical therapy, exercise, devices (braces, splints, crutches, etc.) and reconstructive surgical procedures. The Panel is concerned that any labeling conditions promoting the use of OTC products for the treatment of rheumatic diseases mislead the consumer who attempts to self-diagnose and self-treat a serious disease. Terms such as "arthritis", "rheumatism", "pain of arthritis", "pain of rheumatism", "minor aches and pains of arthritis", "minor aches and pains of rheumatism", "minor pain of arthritis", "minor pain of rheumatism", "low back pains", "bursitis" and "lumbago" are clearly conditions that should be diagnosed by a physician prior to treatment. Most importantly, there is a potential hazard from self-diagnosis and self-medication. Even with all the precautions the Panel has recommended for OTC drug labeling, there is the unfortunate hazard of an inadequate treatment program with progression of the disease and permanent disability. The advice of a physician is essential for a complete treatment program.

For example, aspirin, the most commonly used OTC antirheumatic agent, can have serious side effects when taken at the high dosages required for effective anti-inflammatory activity. Proper diagnosis and controlled treatment by a physician is essential. Aspirin is only a safe OTC drug when taken at the recommended analgesic daily dosage for the recommended time period (10 days). It is the Panel's conclusion that labeling and advertisements for aspirin-containing products which make antirheumatic claims leave the general impression in the mind of the consumer that aspirin is an innocuous drug and is completely effective when used for this purpose.

In addition, present OTC antirheumatic labeling and advertising has given consumers the impression that arthritis is a "minor" disease. No allusion is made to the progressive, disabling degeneration that occurs if rheumatic diseases are not properly diagnosed and treated. Consequently, such misleading labeling and advertising may cause the affected individual to delay consulting a physician until the disease has progressed to a degenerative state that results in permanent physical disability. It is important that the individual see a physician in the early stages of rheumatic disease in order to attempt to prevent possible progressive degeneration.

The mistaken notion that joint aches and pains can be self-treated is instilled in the consumer by current labeling of OTC antirheumatic products and by misleading advertising. In addition, the consumer is led to believe that there is no distinction between the joint aches and pains of different individuals. The impression is given that all aches, pains and stiffness of joints are medically the same and that all individuals with these "minor" symptoms can self-medicate with OTC antirheumatic products with benefit to their condition.

Many of these OTC products contain the term "arthritis" in their trade name. The advertisements of these products leave the consumer with the false idea that all joint aches, pains and stiffness are both "minor" and due to a single disease entity when in fact these same symptoms are present in individuals who have many different rheumatic diseases. As will be discussed in detail below, many of these rheumatic diseases are very serious and are not amenable to treatment with the OTC antirheumatic products. Although the pain associated with some rheumatic diseases can be relieved, their serious clinical features, which if untreated often lead to progressive degeneration and debilitation, may be unaffected by these products. Also, those inflammatory rheumatic diseases that can be treated with these products often require a much higher daily dosage and more prolonged treatment than is required for the relief of pain alone.

There are no labeling claims, i.e., indications for use, for OTC antirheumatic drugs that are suitable for OTC marketed products. Labeling claims are limited to professional labeling (labeling of the products for health professionals but not for the general public). There is no suitable OTC dosage schedule nor directions for use that could be included on OTC marketed products. Each person should have the proper daily dosage adjusted on an individual basis by a physician.

Because of the widespread current OTC use of aspirin and other salicylates in treating rheumatic diseases, the Panel recommends that all OTC products containing salicylates contain the warning, "Take this product for the treatment of arthritis only under the advice and supervision of a physician". The Panel is of the opinion that such a warning is necessary to inform the consumer not to self-diagnose and self-medicate for arthritis. In addition, the Panel concludes that the nonsalicylate, acetaminophen, is not an effective OTC antirheumatic as discussed elsewhere in this document. (See part V. paragraph B.2.a. below—Acetaminophen.) Therefore, the Panel recommends that all OTC products containing acetaminophen contain the warning, "Do not take this product for the treatment of arthritis except under the advice and supervision of a physician".

In the discussion that follows, the basis for the Panel's concern for the protection of the consumer will become quite obvious.

The term rheumatism is derived from the Greek word *rheumatismos* which designated mucus (catarrh) as an evil humor that was thought to flow from the brain to the joints and other portions of the body, producing pain (Ref. 3). Rheumatic diseases includes diseases of a wide variety that involve the joints and/or para-articular structures. The rheumatic diseases are associated with pain and stiffness of the musculoskeletal system and include diseases of the connective tissue.

Arthritis, which is one of the oldest known diseases, is the general term used when the joints themselves are the major cause of the rheumatic disease. However, the disease involves much more than just aches and pains around a joint. In fact, inflamed joints may be only one manifestation of the many different diseases that can be termed arthritis. "In some of these conditions rheumatic complaints occur irregularly or constitute only a minor problem whereas in others joint disease may play an important role in the patient's illness" (Ref. 4). Other types of rheumatic diseases involve muscles, tendons, ligaments, or bursae and are referred to as rheumatism. According to the National Health Examination Survey conducted by the National Center for Health Statistics of the Department of Health, Education, and Welfare, more than 16 million people in the United States believed they had "arthritis" (Refs. 5, 6, and 7).

2. *Classification of rheumatic diseases.* In this discussion, the Panel has referred to the classification of rheumatic diseases as proposed by the Nomenclature and Classification Committee of the American Rheumatism Association and officially adopted by that society in 1963 (Ref. 4).

The common property shared by most of the diseases and syndromes is that of an involvement of the joints (chiefly the synovial joints) and/or para-articular structures. The three most common diseases in the U.S. are osteoarthritis, rheumatoid arthritis and gout. Each disease is different, with different causes and different prospects for recovery depending upon the specialized treatment used. To illustrate the wide variety of known rheumatic diseases, many of which produce similar symptoms requiring diagnosis by a physician, the Panel has included the American Rheumatism Association's classification of rheumatic diseases (Ref. 4) in the following table:

CLASSIFICATION OF THE RHEUMATIC DISEASES

I. POLYARTHRITIS OF UNKNOWN ETIOLOGY

A. Rheumatoid arthritis
B. Juvenile rheumatoid arthritis (including Still's disease)
C. Ankylosing spondylitis
D. Psoriatic arthritis
E. Reiter's syndrome
F. Others

II. "CONNECTIVE TISSUE" DISORDERS (ACQUIRED)

A. Systemic lupus erythematosus
B. Progressive systemic sclerosis (scleroderma)
C. Polymyositis and dermatomyositis
D. Necrotizing arteritis and other forms of vasculitis (polyarteritis nodosa, hypersensitivity angiitis, Wegener's granulomatosis, Takayasu's (pulseless) disease, Cogan's syndrome and giant cell arteritis (including polymyalgia rheumatica)).
E. Amyloidosis
F. Others (See also rheumatoid arthritis, I. A. above; Sjogren's syndrome, VI. G. below.).

III. RHEUMATIC FEVER

IV. DEGENERATIVE JOINT DISEASE (OSTEOARTHRITIS, OSTEOARTHROSIS)

A. Primary
B. Secondary

V. NONARTICULAR RHEUMATISM

A. Fibrositis
B. Intervertebral disk and low back syndromes
C. Myositis and myalgia
D. Tendinitis and peritendinitis (bursitis)
E. Tenosynovitis
F. Fasciitis
G. Carpal tunnel syndrome
H. Others (see also shoulder-hand syndrome, VIII. C. below)

VI. DISEASES WITH WHICH ARTHRITIS IS FREQUENTLY ASSOCIATED

A. Sarcoidosis
B. Relapsing polychondritis
C. Schönlein-Henoch purpura
D. Ulcerative colitis
E. Regional enteritis
F. Whipple's disease
G. Sjogren's syndrome
H. Familial Mediterranean fever
I. Others (See also psoriatic arthritis, I. D. above)

VII. ASSOCIATED WITH KNOWN INFECTIOUS AGENTS

A. Bacterial (gonococcus, meningococcus, pneumococcus, streptococcous, staphylococcus, salmonella, brucella, streptobacillus moniliformis (Harverhill fever), mycobacterium tuberculosis, treponema pallidum (syphilis), treponema pertenue (yaws), and others (see also rheumatic fever, III. above.)).
B. Rickettsial
C. Viral (Rubella, Mumps, Viral hepatitis, and Others)
D. Fungal
E. Parasitic

VIII. TRAUMATIC AND/OR NEUROGENIC DISORDERS

A. Traumatic arthritis (the result of direct trauma)
B. Neuropathic arthropathy (charcot joints), syphilis (tabes dorsalis), diabetes mellitus (diabetic neuropathy), syringomyelia, myelomeningocele, congenital insensitivity to pain (including familial dysautonomia) and others
C. Shoulder-hand syndrome
D. Mechanical derangement of joints
E. Others (see also degenerative joint disease, IV above; carpal tunnel syndrome, V. G. above.).

IX. ASSOCIATED WITH KNOWN OR STRONGLY SUSPECTED BIOCHEMICAL OR ENDOCRINE ABNORMALITIES

A. Gout
B. Chondrocalcinosis articularis ("pseudogout")
C. Alkaptonuria (ochronosis)
D. Hemophilia
E. Sickle cell disease and other hemoglobinopathies
F. Agammaglobulinemia (hypogammaglobulinemia)
G. Gaucher's disease
H. Hyperparathyroidism
I. Acromegaly
J. Thyroid acropachy
K. Hypothyroidism
L. Scurvy, hypovitaminosis C)
M. Hyperlipoproteinemia type II (xanthoma tuberosum and tendinosum).
N. Fabry's disease (angiokeratoma corporis diffusum or glycolipid lipidosis).
O. Hemochromatosis
P. Others (See also inherited and congenital disorders, XII. below.)

X. NEOPLASMS

A. Synovioma
B. Primary juxta-articular bone tumors
C. Metastatic malignant tumors
D. Leukemia
E. Multiple myeloma
F. Benign tumors of articular tissue
G. Others (See also hypertrophic osteoarthropathy, XIII. I. below.)

XI. ALLERGY AND DRUG REACTIONS

A. Arthritis due to specific allergens (e.g., serum sickness)
B. Arthritis due to drugs
C. Others (see also systemic lupus erythematosus, II, A. above for drug-induced lupus-like syndromes, e.g., hydralazine and procainamide syndromes; hypersensitivity angiitis, II. D. above).

XII. INHERITED AND CONGENITAL DISORDERS

A. Marfan syndrome
B. Homocystinuria
C. Ehlers-Danlos syndrome
D. Osteogenesis imperfecta
E. Pseudoxanthoma elasticum
F. Cutis laxa
G. Mucopolysaccharidoses (including Hurler's syndrome)
H. Arthrogryposis multiplex congenita
I. Hypermobility syndromes
J. Myositis (or fibrodysplasia) ossificans progressiva
K. Tumoral calcinosis
L. Werner's syndrome
M. Congenital dysplasia of the hip
N. Others (See also arthropathy associated with known biochemical or endocrine abnormalities, IX. above.)

XIII. MISCELLANEOUS DISORDERS

A. Pigmented vidonodular synovitis and tenosynovitis
B. Behcet's syndrome
C. Erythema nodosum
D. Relapsing panniculitis (Weber-Christian disease)
E. Avascular necrosis of bone
F. Juvenile osteochondritis
G. Osteochondritis dissecans
H. Erythema multiforme (Stevens-Johnson syndrome)
I. Hypertrophic osteoarthropathy
J. Multicentric reticulohistiocytosis
K. Disseminated lipogranulomatosis (Farber's disease)
L. Familial lipochrome pigmentary arthritis
M. Tietze's syndrome
N. Thrombotic thrombocytopenic purpura
O. Others

3. *Incidence of rheumatic diseases.* Many different population studies have been conducted to determine the incidence of rheumatic diseases. However, as pointed out by Hollander (Ref. 3):

Large scale surveys are inaccurate because they depend on answers to set questions, permitting guesswork by the people surveyed. Smaller population samplings, with strict diagnostic criteria and medical examination, are far more accurate but represent such a local segment that doubt is thrown on the projection of the figures to cover the general population. In spite of the handicaps, the realization that rheumatic diseases form a tremendous segment of chronic disability all over the world has become more widespread in recent years.

The impact of these diseases in the U.S. is discussed elsewhere in this document. (See part V. paragraph A.5. below—Economic and social impact of rheumatic diseases in the U.S.)

On the basis of a U.S. survey (Ref. 7), Hollander (Ref. 3) further states that:

From the National Health Survey figures it appears that 26 percent of those having rheumatic disease were definitely limited in their activities, and 10 percent were grossly disabled. This means that more than a million persons are rendered unemployable by arthritis and rheumatism.

About 27 million work days are lost annually because of arthritis. About 1 in every 5 chronically housebound invalids had arthritis. Arthritis and rheumatism were the second greatest cause of chronic limitation of major activity with a relative incidence of 16 percent. Heart disease, with an incidence of 17 percent, was the only disease group exceeding arthritis.

Although arthritis cripples a tremendous number of persons each year, it kills relatively few. There is no other group of diseases which causes so much suffering by so many for so long. Because of the tendency to cripple without killing, arthritis and rheumatism belong at the head of the list of chronic diseases from the standpoint of social and economic importance.

The Panel finds that the insidiousness of this group of diseases makes it all the more important that extraneous factors be eliminated so as not to result in delayed diagnosis or treatment. Factors which allude to arthritis as a "minor disease", such as the misrepresentation that the alleviation of symptoms, e.g., joint and muscle pain or stiffness with "extra strength aspirin" or other salicylates will control the disease, are clearly misleading.

According to the Arthritis Foundation (Ref. 8), the incidence of the most common rheumatic diseases in the United States during 1974 (the latest figures available) is as follows:

Incidence of rheumatic diseases in the United States during 1974

Rheumatic disease:	*Number of persons (millions)*
Osteoarthritis	12
Rheumatoid arthritis	5
Gout	1
Systemic lupus erythematosus	.4 to 0.5
Juvenile rheumatoid arthritis	0.25

Since the above listed diseases are the most prevalent, the Panel has included a more detailed description of their clinical features and the recommended treatment program below. As will be evident from the discussion, adequate treatment requires the advice and supervision of a physician.

4. *Comments on the more common rheumatic diseases in the U.S.* a. *Osteoarthritis.*—(1) *Clinical features*—Osteoarthritis (degenerative joint disease) is a very common disease especially among elderly individuals. It probably begins as degeneration of joint cartilage in all people by the end of their second decade of life. It is rarely accompanied by evidence of inflammation in and around the joints, yet pain and swelling of the joint are present due to destruction of

cartilage and misalignment of the joint. This condition which is very common among elderly individuals is an ubiqui-

joints; and the intervertebral articulations which constitute an amphiarthrosis known as a symphysis.

the hip, could be totally relieved of the pain and disability they endure, and in

fect joints, and maintenance of normal joint alignment and motion.

tients is undesirable because they will thus deny themselves proper medical

dosage of aspirin provides inadequate

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cartilage and misalignment of the joint. This condition which is very common among elderly individuals is an ubiquitous condition which increases in frequency with aging.

The joints most frequently involved are those of the distal interphalangeal joint (joint near fingernail), first carpometacarpal joint (joint at base of thumb), hips and knees. Degenerative disease of the hip alone is estimated to be present in at least 175,000 Americans age 65 or older (Ref. 9). The lower spine and spine of the neck may also be involved frequently.

Twenty-three percent of those persons having osteoarthritis have moderate or severe disease (Ref. 10).

Clinical features of the disease (Ref. 11) include pain, crunching sounds (crepitus) with crunching feeling in the joint, atrophy of the surrounding muscles, limitation of motion, malalignment of the extremity and changes in the shape of the joint which are detectable on physical examination. Tenderness to palpation may be observed, but signs of inflammation are relatively uncommon, except for fluid in the joint which may be present after episodes of trauma following overly vigorous usage of the involved joint.

The *Primer on the Rheumatic Diseases* has described the clinical features as follows (Ref. 11):

> Special forms of degenerative disease involve particular joints in a characteristic manner.
>
> (Bony nodes, termed Heberden's nodes, are common.) These consist of a deforming bony protuberance at the margins and on the dorsal surface of the distal interphalangeal joints (joint next to the nail) of the fingers, and are often associated with flexion and angulation of the distal phalanx. Local pain and tenderness with some warmth may be present early in the course of their development. Heberden's nodes are more frequent in women, tend to occur in families, and are often associated with degenerative changes in other joints, although the association is not invariable. Involvement of the proximal interphalangeal finger joints (Bouchard's nodes) is not at all uncommon in osteoarthritis, and may give rise to confusion with rheumatoid arthritis.
>
> Degenerative disease of the hip, although less common than knee disease, is the most disabling form of osteoarthritis * * *. Pain on motion or weightbearing is the main complaint, and this generally becomes progressively more severe and is often referred to the groin or to the medial (inner) side of the knee. Later, the pain may become continuous, and be especially difficult to bear at night. On physicial examination there is a global loss of range of motion of the involved hip * * *.
>
> The changes (in the knee) may involve the softening of the posterior surface of the patella (knee cap) (chondromalacia patellae) as well as the weight-bearing surfaces of the femoral and tibial condyles. The former is often observed in young persons and is considered by many to be related to trauma. Degenerative disease of the knees is commonly observed in older women and is associated with loss of motion, crepitus, and flexion deformity.
>
> Degenerative disease of the spine affects two distinct articular systems: The apophyseal articulations in the vertebral arch (and, in the case of the cervical vertebrae, between the vertebral bodies) which are diarthrodial joints; and the intervertebral articulations which constitute an amphiarthrosis known as a symphysis.

Symptoms of osteoarthritis of the spine include localized pain and stiffness and radicular pain (nerve root pain). Spontaneous remissions and exacerbations occur. Spasm of back muscles is common.

The prognosis of osteoarthritis is extremely variable. "Involvement of the distal interphalangeal joints of the hands may be associated with a moderate amount of pain but usually leads to little limitation of the essential function unless fine finger motion is occupationally required" (Ref. 12). Involvement of certain joints may be associated with moderate to severe pain, stiffness and limitation of motion localized to that particular area. In this regard, osteoarthritis is not a benign disease. Involvement of the hip or knee may lead to marked disability as the disease progresses. In a study of osteoarthritis of the hip, the average time from onset of pain to almost complete loss of motion in 400 patients reviewed was 8 years with a range of 18 months to 23 years (Ref. 12).

As pointed out by Dr. Roland W. Moskowitz in his chapter on osteoarthritis in Hollander and McCarty's textbook on *Arthritis and Allied Conditions*, 8th Ed. (Ref. 12), "Active treatment may retard disease progression and is of further value in protecting contralateral joints which may be exposed to increased stress." Thus, it is apparent that such active treatment as described below is denied to patients who self-medicate for a long period of time for the relatively minor symptoms, such as pain and stiffness, without consulting a physician and, therefore, are subject to disease progression which may be prevented by proper medical management.

(2) *Treatment.* The management of osteoarthritis is dependent on the anatomic patterns involved and the degree of joint deformity. There is no specific remedy, but disability can be minimized. The principal objectives of treatment are the relief of pain, restoration of joint function, and the prevention of avoidable disability and progression of the disease. Diagnosis by a physician and continued medical supervision in preventing the development of unnecessary disability is therefore essential. Since the degree of disability and the extent of joint involvement varies among patients, the treatment must be individualized by a physician.

Orthopedic surgical management is often effective in severe cases. This is the only rheumatic disease affecting a large portion of the population in which aspirin is used as an analgesic rather than as an anti-inflammatory agent. The proper medical management includes not only analgesic therapy but such modalities as physical therapy, orthopedic devices, weight reduction if necessary and possible orthopedic reconstructive surgery which may be extremely effective in severe hip disease. Many patients accept pain as inevitable. Many individuals, who self-medicate for degenerative disease of the hip, could be totally relieved of the pain and disability they endure, and in addition, prevent degenerative changes if they went to a physician for treatment of their arthritis.

(i) *Drugs.* No medication has been shown to retard the development or progression of degenerative joint disease (Ref. 13). Pharmacologic agents play a relatively minor role in the management of osteoarthritis. As has been noted in the *Primer on the Rheumatic Diseases* (Ref. 14):

> It remains to be determined whether drug therapy can slow the development or progression of early degenerative joint disease, although there are some interesting preliminary findings from experimental studies.
>
> Aspirin, in moderate dosage (0.6 gm 3 to 5 times a day) is helpful in conjunction with rest and physical measures, especially when inflammation due to traumatic synovitis is present. Agents with greater risk of toxicity are rarely justified, particularly since they would have to be used on a long-term basis. Since osteoarthritis is generally a noninflammatory disease, the use of an anti-inflammatory agent, such as aspirin would seldom be justified except for use in the relief of pain. Individuals with joint pain who self-medicate with analgesics to relieve their pain may delay consulting a physician and thus unwittingly contribute to the progressive degeneration of their joint disease.

The *Primer on the Rheumatic Diseases* (Ref. 14) also notes that:

> Corticosteroids should not be used with the exception of intra-articular injections which may provide relief of symptoms for several weeks and permit graded exercises to be started with less discomfort. Repeated injections of corticosteroids should be avoided, however, as the course of the degenerative process is not changed and may even be accelerated, since these agents have been found to inhibit the synthesis of proteinpolysaccharide by articular cartilage.

It has been stated by Christian (Ref. 13):

> It remains to be determined whether drug therapy can slow the development of progression of early degenerative joint disease, although there are some interesting preliminary findings from experimental studies. Salicylates seem to prevent the development of degenerative changes in scarified cartilage in rabbits and there is an extract of calf costal cartilage which has been shown to stimulate cartilage proteinpolysaccharide synthesis.

(ii) *Physical measures and surgical management.* The use of drugs is only one method of treatment. Osteoarthritis is treated by several methods in an attempt to relieve pain, restore joint function and prevent avoidable disability or progression of the disease. The Panel refers to the statement in the *Primer on the Rheumatic Diseases* (Ref. 14), "It is helpful to emphasize the value of continued medical supervision in preventing the development of unnecessary disability." Hence, the disability that results from the disease can be minimized by a physical therapy program and by orthopedic surgical treatment. The two general goals in the design of a physical medicine program for degenerative joint disease are minimizing the forces of work and weightbearing that apply to affect joints, and maintenance of normal joint alignment and motion.

Christian (Ref. 13) recommends that:

> General physical measures include daily periods of rest and support during recumbency, particularly in spondylosis (patients with spine involvement) in which case a firm mattress with underlying board is needed. When weight-bearing joints are affected, local support is often of great value, including the use of canes, crutches, or other mechanical devices. Avoidance of unnecessary walking and stair-climbing, wearing of proper shoes, restoration of arch, or building up of one side of a shoe to shift the line of weight-bearing often prove helpful. Correction of abnormal posture is desirable, although this is more effective before advanced disease has developed. Weight reduction is advised when indicated, although not often accomplished. Local measures include heat and specific exercises designed to avoid or correct muscle atrophy, since weakness aggravates joint instability and contributes to disability. Traction is useful when there is muscle spasm, particularly for hip or cervical vertebral disease. Patients with the latter are often relieved by wearing a cervical collar.

It is clear to the Panel that these measures will not be undertaken unless the patient is under medical care. A self-medicating patient will obviously not receive adequate treatment for his/her disease even though their pain may be relieved by OTC doses of analgesics.

As has been described in the *Primer on the Rheumatic Diseases* (Ref. 14):

> In adults, surgical treatment is often necessary for the relief of persistent pain and the correction of serious deformity. Obviously, many considerations influence the selection of patients and the type of operative procedure. It is important to note that the patient must be able to cooperate physically and emotionally with the necessary postoperative rehabilitation if a good end result is to be achieved. Surgical treatment of osteoarthritic joints includes (1) debridement; (2) arthrodesis (joint fusion); (3) arthroplasty (the formation of a prosthetic articulating surface); (4) osteotomy (a general term for section of bone to alter weight-bearing surfaces); and (5) total joint replacement. Specific procedures usually have predictable end-results with respect to pain relief, mobility, stability, and deformity, and the procedure is selected with this knowledge in mind. Thus, intertrochanteric osteotomy for osteoarthritis of the hip is indicated in the case of early disease when relatively good motion (at least 60° to 70° of flexion) is present. With replacement arthroplasty using metallic prosthesis, or with the recently developed and highly encouraging total hip replacement, pain relief is often obtained with good stability and mobility. Surgery for knee disease is perhaps less well defined, but there are patients who benefit markedly from high tibial osteotomy, patellectomy and debridement, interposition arthroplasty, or arthrodesis. Rarely does spondylosis of the thoracic or lumbar spine require surgical intervention. Occasionally, however, resection of cervical osteophytic spurs or cervical arthrodesis is necessary to relieve impingement on nerve roots or the spinal cord.

(3) *Summary and conclusions.* Osteoarthritis is an extremely common rheumatic disease affecting more than 6 percent of the U.S. population. Hip disease alone affects 175,000 Americans aged 64 or older. The Panel concludes that self-medication with analgesics by these patients is undesirable because they will thus deny themselves proper medical management. Self-medicating patients will not receive proper treatment for their disease because they will not receive treatment such as physical therapy and orthopedic surgery. Such management by physicians may arrest further disease progression whereas patients who self-medicate, only relieve their joint pain temporarily, while allowing their diseased joint to progressively degenerate.

b. *Rheumatoid arthritis.* (1) *Clinical features.*—The second most common rheumatic disease is rheumatoid arthritis which affects 3 percent of the female population and 1 percent of the male population (Ref. 15). The disease occurs in both adults and juveniles. Juvenile rheumatoid arthritis begins before the age of 16 and can occur as early as 6 weeks of age. The disease is characterized by inflammation of the synovial joints (moveable joints which possess a cavity and are lined by a synovium or joint lining which is a specialized connective tissue). Inflammation of the synovium results in pain, swelling, tenderness and may lead to limitation of the motion of the joint. The cartilage of the joint may become eroded by the inflamed proliferating synovium and this process may eventually lead to severe destruction of the joint.

The clinical features of the disease are described in the *Primer on the Rheumatic Diseases* (Ref. 16) as follows:

> Rheumatoid arthritis is defined clinically by joint involvement but this is often preceded by constitutional symptoms alone, and, in children particularly, by "unexplained" high fever. In the majority of cases the onset is insidious, with aching and stiffness often poorly localized to joints. This followed by the gradual appearance of frank articular inflammation in the form of pain, swelling, redness, warmth, and tenderness. Stiffness of the joints, particularly noticeable on awakening in the morning, is a regular and often prominent early complaint.
>
> The characteristic morning stiffness of patients with rheumatoid arthritis is very common in these patients. The Panel concludes that advertisements which promise relief from morning stiffness may give these consumers the belief that the OTC dosage of aspirin is the recommended therapy for their symptoms. The Panel is concerned that both the labeling and mass media advertising (through television and magazines), primarily directed toward women and the elderly, give the consumer the misleading impression that aspirin in the OTC dose is the therapy of choice for individuals with rheumatoid arthritis. Consumers are deluged with such advertisements daily on a massive scale, leading to a general misconception in the minds of many patients with rheumatoid arthritis that aspirin in OTC doses is as effective for rheumatoid arthritis, as it is for headaches and minor pains, and that this is a disease which is easily managed by an OTC product without medical supervision. As will be discussed below, the Panel's recommended OTC analgesic dosage of aspirin provides inadequate management for rheumatoid arthritis. (See part V. B.1.a. below—Aspirin.)

The Arthritis Foundation in its *Primer on the Rheumatic Diseases* (Ref. 16) gives the following additional description of the clinical features of rheumatoid arthritis:

> In adults joint symptoms usually originate in the hands and feet. Rheumatoid arthritis also attacks the large peripheral joints, including the knees, ankles, wrists, and elbows; in some cases virtually all the peripheral junctures may be involved, including the jaw, the spine (intervertebral facetal joints), and even such fine structures as the cricoarytenoid joints of the larynx.
>
> Tenosynovitis (inflammation of the tendon sheath) is common, most frequently affecting the extensor and flexor tendon sheaths about the wrists. Inflammation of the latter structures is often associated with the development of the carpal tunnel syndrome (median neuropathy).
>
> Although often spotty in the initial distribution of affected joints, rheumatoid arthritis tends to be bilaterally symmetrical. A monoarticular onset, usually one knee, is noted in some instances; there may be a history of prior trauma to the joint. In these patients, particular attention must be given to the differential diagnosis, which includes especially infectious arthritis and gout.

Thus, it is important for the patient with pain and some swelling in one knee to see a physician rather than to self-medicate. Although a delay of 10 days may not lead to serious consequences in a patient with rheumatoid arthritis, this patient may actually have infectious arthritis which needs immediate therapy with antibiotics to prevent spread of the infection and destruction of the cartilage (which can occur during the recommended 10 days of self-medication for OTC indications). Changes observable by x-ray can occur 3 weeks after the onset of infectious arthritis consisting of loss of cartilage and erosion of bone (Ref. 17). Since these changes can be seen by x-ray within only 3 weeks, it is quite likely that subtle changes occur within the first week of the disease.

As has also been stated in the *Primer on the Rheumatic Diseases* (Ref. 16):

> The period from the onset of symptoms to the time the patient consults a physician is highly variable. When there are only mild constitutional complaints and stiffness limited to the hands, it is understandable why a patient may not seek medical advice; indeed she may dose herself with aspirin, or the symptoms may disappear spontaneously Swelling and pain of the larger joints, however, are likely to lead to prompt medical attention. Evaluation by the physician in the early stages of the disease is important in order to exclude other diagnostic possibilities, to begin a relationship with the patient that will be especially helpful in management in the event of prolonged active disease, and to prescribe appropriate conservative measures at the stage in which improvement and even remission is likely to occur in the majority of cases.

The Panel concurs with the above statement regarding the need for evaluation by a physician in the early stages of the disease. Since self-medicating patients may, in some instances, experience relief of pain, they may tend to con-

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subcutaneous nodules and high titers of rheumatoid factor.

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tinue to self-medicate intermittently for a prolonged time at intervals for 10-day periods as stated in the OTC labeling. In the early stages of the disease, the OTC dosage may give relief of pain for the period of time (10 days) it is taken. The patient will be relieved of pain but will not be taking aspirin at the dosage required for anti-inflammatory action. During this period of intermittent self-medication, the patient will not seek out a physician because the pain will have been relieved. The Panel is also aware that at least three-quarters of the patients with rheumatoid arthritis who have the symptoms of the disease for less than 1 year will improve for a time, and that 15 to 20 percent may show a complete remission (Ref. 18). Such remission would only tend to reinforce the belief by the consumer that aspirin and the salicylates are completely effective for this disease. Clearly, it is the Panel's conclusion that the patient should be seen by a physician so that an adequate dosage of aspirin or other salicylate can be recommended along with appropriate physical therapy or other measures discussed above. The Panel concurs with the statement "Evaluation by the physician in the early stages of the disease is important" * * * (Ref. 16) and considers that self-medication is to be avoided even at the early stages of the disease.

The patient should not self-medicate because an adequate physical examination and history of the disease should be made by a physician. In addition, the physician will perform certain laboratory tests at the time of the first visit in order to establish the severity of the disease and to rule out other diseases.

The patient is clearly unable to perform a physical examination on himself or herself. The physician will search for nodules near the elbow which are characteristic of rheumatoid arthritis. The physician will perform a thorough evaluation of all joints for swelling, heat, synovial thickening, deformities, and note the range of motion of all joints. All the findings will be recorded for future reference, and laboratory tests may be needed. Mild anemia and an elevated erythrocyte sedimentation rate are often observed with active rheumatoid arthritis. A number of tests to rule out systemic lupus erythematosus may be employed since this disease not infrequently has an onset similar to rheumatoid arthritis. If fluid is present within the knee or another single large joint, analysis of the fluid may be done to rule out infection. The physician inserts a needle into the knee and withdraws fluid which can be examined for crystals typical of gouty arthritis and a culture can be obtained to determine whether or not the swollen knee is due to an infection of the joint.

Clearly, the patient with a single swollen knee cannot determine the cause of the swelling. The most common diseases are those discussed above, i.e., osteoarthritis and rheumatoid arthritis. These two conditions cannot be distinguished by the patient. Since the treatment of the two diseases, the prognosis, and the management are different, it is to the patient's advantage to seek medical advice rather than to self-medicate. Since infectious arthritis is frequently present as a single swollen knee, the patient may be harmed by self-medicating for even 10 days.

The Panel concurs with the following statements made in the *Primer on the Rheumatic Diseases* (Ref. 18):

> Clearly, the major concern on the part of the patient as well as the physician is not for a mild arthritis that lasts a few weeks or months and leaves no impairment. Rather, the difficult problem is recurrent or sustained disease, in which, over the course of a few to many years, there is an increasingly serious and permanent disturbance in joint function. At sites of involvement one finds swollen, boggy joints that are the result of intra-articular effusion, edema of periarticular structures, and particularly the overgrowth of the hyperplastic synovial membrane and variable degrees of periarticular fibrosis.
>
> The joint deformities which develop in rheumatoid arthritis are thought to originate in muscle spasm, the flexors maintaining involuntary contraction with accompanying extensor relaxation, such as occurs reflexly with injury of the extremity. Inflammation and subsequent fibrosis in the capsule, ligaments, and musculotendinous apparatus lead to fixed deformity. Subluxation, or the slipping of one articular (joint) surface past the other, is usually preceded by erosion of cartilage and bone and destruction of supporting soft tissues, particularly ligaments and joint capsule. Among the most characteristic deformities in the hand are an ulnar drift or deviation of the fingers, subluxation (dislocation) of the metacarpophalangeal joints, and enlargement of the proximal interphalangeal joints. More disabling is the "boutonniere" deformity in which the flexed proximal interphalangeal joint is forced through the extensor hood like a button through the buttonhole.
>
> Any diarthrodial joint (moveable joint) may be affected in rheumatoid arthritis. Rheumatoid (and other) effusions of the knee may be complicated by the development of large popliteal cysts, (Baker's cyst) that often extend into the calf. . . . Serious indeed life-threatening, complications may occur from involvement of the atlanto-axial (one of the neck) joints leading to subluxation and spinal cord compression with sensory and/or pyramidal tract signs and disease of the cricoarytenoid joint of the larynx which, when fixed with the vocal cords abducted, can cause laryngeal obstruction.
>
> The joints most frequently involved are those at the fingers, knees, wrists, feet, ankles, shoulders, elbows and hips although any joint may be affected. The course and prognosis depend on several factors. Laboratory tests are often required.

The *Primer on the Rheumatic Diseases* also makes the following observations (Ref. 19):

> The combination of typical joint deformities, subcutaneous nodules, and high titers of rheumatoid factor is diagnostic of rheumatoid arthritis and constitutes classic disease. After observing a patient with active rheumatoid arthritis for several months, the physician (can) evaluate the prognosis and discuss this cautiously yet realistically with the patient . . . A poor prognosis, in respect to joint function includes persistent disease of more than one year's duration, age below 30 when the patient is first seen by a physician, sustained disease, and the presence of subcutaneous nodules and high titers of rheumatoid factor.

With regard to the long-term outlook for patients followed for periods of many years, based on the course of cases seen in various arthritis clinics, the *Primer on the Rheumatic Diseases* notes that about 50 percent of the patients are in the "stationary" or "improved" categories after 10 years (Ref. 19).

It also goes to note that:

> Without an improvement by this time, there is little likelihood that one will occur, and thereafter more patients begin to appear in the "worse" category. Nevertheless, it should be noted that in observations extending for 10 to 15 years, 50 percent to 70 percent of the patients remained capable of full-time employment and that after 15 to 20 years those completely incapacitated constituted only about 10 percent of the group.

(2) *Treatment.* In planning a treatment program for the patient with rheumatoid arthritis the *Primer on the Rheumatic Diseases* states that the physician should be guided by the following factors (Ref. 20):

> (1) the status of joint function, particularly range of motion, with respect to the apparent duration of the disease; (2) degree of disease activity, from slight, with mild complaints confined to a few joints, to most severe, with extra-articular manifestations, especially vasculitis; (3) the age, sex, occupation, and family responsibilities of the patient, and her or his response to the disease; (4) the results of previous treatment. Assessment of these variables guide the physician in deciding on the most appropriate course of action, in being conservative or more vigorous, and in considering the advisability of surgical intervention. In judging the stage of disease and the degree of the patient's disability in estimating and reporting response to treatment, it is helpful to utilize criteria for the classification of progression of rheumatic arthritis and of functional capacity developed for these purposes by a committee of the American Rheumatism Association.

(See part V. paragraph A.2. above—Classification of rheumatic diseases.)

The Panel believes that conservative measures should be used at the outset of treatment and continued as long as indicated. In addition, the Panel concurs with the following statement made in the *Primer on the Rheumatic Diseases* (Ref. 19):

> When discussing the nature of the disease with the patient who has had arthritis of a few weeks' to months' duration the prudent physician avoids promises of quick relief or cures, and usually refrains from prescribing any antiarthritis medication except aspirin. This is a strong opinion, and clearly a personal one, but appears to be the prevailing view of those experienced physicians who have treated patients with this disorder for many years. There is no cure for rheumatoid arthritis, there is no certain way to arrest the disease or produce a remission, and there is no evidence that the more potent drugs can relieve symptoms fully and regularly. On the other hand, there is ample evidence that if such agents temporarily ameliorate joint comolaints, severe rebound of inflammation may occur when they are withdrawn.

The Panel has heard expert testimony of physicians brought to the Panel by the drug industry (Ref. 20). It was stated by industry spokesmen that arthritic patients will be better off self-medicating than going to a physician because the physician will treat them with corticosteroids. However, the Panel concurs with the statement in the *Primer on the Rheumatic Diseases*, prepared by leading rheumatologists of the American Rheumatic Association, that "the prudent physician avoids promises of quick relief or cures, and usually refrains from prescribing any antiarthritis medication except aspirin" (Ref. 18). The use of corticosteroids in the treatment of rheumatic diseases is limited to specific indications. The hazards of the indiscriminate use of corticosteroids in the treatment of arthritis has been well documented over the past 15 years.

Proper therapy includes the use of aspirin in adequate doses to control the inflammation of the synovial membrane. As noted in the *Primer on the Rheumatic Disease* (Ref. 21), "Aspirin is the mainstay of therapy." In addition, the Panel concurs with the following statement (Ref. 21):

> Adults should take a total of at least 3.6 gm of aspirin per day, in divided doses after each meal and before bedtime; often 4.8 gm per day or more will be tolerated without gastrointestinal symptoms, loss of auditory acuity, or tinnitus. With active disease aspirin should be taken on a regular daily basis rather than at will. There is considerable variation from person to person in the plasma level of salicylate produced by a constant quantity of aspirin so that it is misleading to think in terms of a "standard" dose. If need be, each patient should be given increasing amounts of aspirin to tolerance (tinnitus). In general, younger individuals show a much higher tolerance to the side effects of aspirin than do the elderly.

In order to achieve anti-inflammatory efficacy, a higher daily dose and a much more prolonged administration is required than that which is required for analgesic efficacy. Since the dose and duration of therapy should be regulated by a physician, and in addition, because the dose is higher and the duration of medication is longer than that for analgesic use, the side effects are more significant. However, it should be noted that one side effect of overdosage, tinnitius (ringing of the ears), is used by physicians in the management of patients with rheumatoid arthritis in order to provide the patient with the necessary anti-inflammatory levels of salicylate. This unique safety feature of salicylates, particularly aspirin, was discussed in more detail above. (See part III. paragraph B.I.a. (2) above—Safety.)

Clearly, OTC dosages of 12 tablets daily are rarely capable of achieving anti-inflammatory levels of salicylates. Thus, it is unwise for patients to self-medicate with aspirin for rheumatoid arthritis since not all individuals will achieve adequate anti-inflammatory levels of serum salicylate when following the OTC dosages. Since the majority of such individuals will achieve analgesic levels, their pain will be relieved but at the same time the inflammation in their joints will not be suppressed. The Panel concludes that intermittent self-medication, for intermittent periods of 10 days, over the course of a few months using different OTC preparations (especially trying out those labeled with the word "Arthritis") will result in continued disease activity. The Panel emphasizes that this may lead to destruction of the cartilage by the inflamed synovium which could have been suppressed if the patient had received earlier medical therapy by a physician, as described above, including adequate individualized amounts of aspirin.

In addition to using aspirin, the physician has additional measures that the patients will follow. Clearly, these will not be followed if the patient is self-medicating. For example, periods of rest during the day are helpful. Complete inactivity should be avoided, however, unless severe disease exists with markedly painful swollen joints. Lightweight splints or shells may be used. The majority of patients will respond with improvement to these conservative measures. In the case of those patients who continue to have persistent complaints, the physician may recommend drugs, such as chloroquine or hydroxychloroquine. Gold salts may be recommended.

The *Primer on the Rheumatic Diseases* (Ref. 21) notes that:

> At all stages of the disease * * * physical measures must be considered in the comprehensive program of management. Local application of heat by means of moist compresses or infrared irradiation, followed by directed exercises, is often helpful in relieving joint pain and muscle spasm. These exercises are designed to preserve the range of motion of joints and to strengthen muscles.
>
> The cooperative efforts of professional personnel trained in rheumatology, orthopedic surgery, and rehabilitation medicine have proven to be of great value in providing a truly comprehensive and maximally effective approach to the care of the patient with rheumatoid arthritis. Many other health care specialists, including physiotherapists, occupational therapists, and social service workers, play an important role. Joint inflammation may persist with incapacitating symptoms despite careful apolication of the measures described above. When this occurs, hospitalization may be warranted so that therapy can be continued with maximum intensity.

At this stage in the disease, some physicians will use corticosteroids at a low dose in addition to aspirin. Immunosuppressive therapy is reserved for patients with progressive deformities, disease activity and incapacity. Various surgical procedures have also been used for correcting or compensating for joint damage.

It is clear that the management of patients with rheumatoid arthritis is a complicated therapeutic situation which must include the family physician or internist. These physicians may request consultation in the complicated patient with a rheumatologist and/or orthopedic surgeon. This is clearly not a disease which can be controlled by self-medication.

(3) *Summary and conclusions.* Rheumatoid arthritis is a chronic disease, in which inflammation of the moveable joints is frequently combined with a variety of manifestations (Ref. 22). As an inflammatory disease which is accompanied by pain, the use of aspirin or other salicylates at very high dosage levels as analgesics and as anti-inflammatory agents is the mainstay of therapy. The treatment of rheumatoid arthritis requires the administration of aspirin or other salicylates on a regular daily basis at high dosage levels that will achieve an anti-inflammatory therapeutic effect. Such daily dosages are higher and require more prolonged use than is needed for analgesic effectiveness. Individuals with inflamed joints who self-medicate with aspirin or other salicylates to relieve the pain without consulting a physician will probably self-administer OTC daily dosages which will achieve analgesia but will not produce an anti-inflammatory effect. Such individuals will suffer continuous deterioration of their inflamed joint condition unless they consult a physician for proper diagnosis and treatment. The daily dosage of aspirin or other salicylates needed to reach an anti-inflammatory effect may vary between patients but is frequently far above the OTC analgesic dosage level. Only a physician can individualize the salicylate dosages needed for anti-inflammatory effectiveness.

c. *Gout.* (1) *Clinical features.* Another common condition is a rheumatic disease associated with a biochemical abnormality, i.e., gouty arthritis. Acute gouty arthritis is more prevalent among males (Ref. 23).

The *Primer on the Rheumatic Diseases* (Ref. 24) has described gout and its clinical features as follows:

> Gout is a disease of ancient lineage which is characterized by recurrent episodes of violent arthritis associated with the presence of monosodium urate monohydrate crystals in the synovial fluid (fluid in the joint space), and in many cases, the eventual appearance of gross uratic deposits called tophi (deposits of uric acid crystals) in and about the joints, in the kidneys and in certain subcutaneous sites. Gouty arthritis a complication of prolonged hyperuricemia (high blood uric acid levels), the origin of which has been found to be markedly diverse. Hyperuricemia is the result of a heritable error of metabolism leading to overproduction and/or retention of uric acid due to abnormalities in purine biosynthesis and/or renal excretion of uric acid. Acute gout is a type of arthritis in which the onset of joint inflammation is very rapid, and, typically, maximal pain and swelling are reached in several hours. The affected joint tends to be exquisitely painful and tender, and there is generally considerable periarticular swelling and erythemia. This feature together with the low-grade fever and leukocytosis which often accompany the attack frequently give rise to the mistaken impression of cellulitis or thrombophlebitis.
>
> In the United States uric acid stones (calculi) represent about 10 percent of all urinary calculi. Such stones occur in approximately 15 to 20 percent of all patients with gout. Patients with gout have a higher frequency of arterial hypertension (high blood pressure) and kidney malfunction than do nongouty individuals and are often found to have nephrosclerosis. Fyelonephritis associated with urate deposits in the medulla of the kidney and obstruction by stone may contribute to the renal disease.

Since the patient with joint inflammation due to gout cannot self-diagnose and self-medicate, the diagnosis and

treatment of gouty arthritis must clearly be carried out by a physician.

ing numbers of attacks over the years, serious complications will arise unless

The Panel therefore estimates the incidence of gonococcal arthritis in 1975 to

flammatory disease which occurs as a sequel to infection with group A strepto-

from other more serious and life-threat-

In a survey described by Hollander

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treatment of gouty arthritis must clearly be carried out by a physician.

(2) *Treatment.* Treatment of this form of arthritis is based firstly on an accurate diagnosis. Once the physician has made the diagnosis, treatment is aimed at 1) immediate control of the acute joint inflammation and 2) prevention of future attacks and the long term reduction in hyperuricemia so as to prevent formation of uratic deposits and promote resolution of those tophi already present (Refs. 24 and 25). With the medications currently available it is possible to achieve both of these objectives and to attain normal levels of uric acid in the blood in the vast majority of gouty subjects. The maintenance of normal serum uric acid levels and prevention of tophaceous gout require long treatment which is seldom successful unless the patient is well informed concerning the nature of this disease (Ref. 24).

Several drugs are used to treat gout, some of which lower the amount of uric acid in the blood. Dietary management is also important in helping to reduce the body burden of uric acid. Especially to be avoided are foods high in purines. Surgery has been used in the management of gout. Surgical excision is indicated for large bulky tophi, particularly so, if there is external drainage, infection or interference with joint function. Orthopedic surgery and other procedures may be helpful in selected cases of severe or crippling gouty arthritis.

The objectives of treatment cannot be met by the use of any of the OTC analgesics. Aspirin given in amounts of 3 g or more daily exerts a uricosuric effect (increased amount of uric acid excretion into the urine). The *Primer on the Rheumatic Diseases* notes that "Since uricosuric therapy must be continued indefinitely, however, and since the frequency of toxic reaction to the large doses of aspirin required for effective uricosuria is high, there is little indication today for the use of aspirin to control serum urate levels" (Ref. 24). Probenecid and sulfinpyrazone are prescribed for many patients with gout. It should also be made clear that smaller quantities of aspirin counteract the uricosuric effects of the agents sulfinpyrazone and probenecid and, hence, should be avoided by patients taking these drugs (Ref. 24). In addition, small doses of aspirin may lead to the inhibition of uric acid excretion resulting in elevation of serum urate levels which may bring on an attack of gout (Ref. 24).

The drugs that will effectively control acute gouty arthritis are prescription drugs. They can only be obtained with a physician's prescription. It is therefore imperative that individuals with joint inflammation that may be due to gout consult a physician for diagnosis and treatment.

(3) *Summary and conclusions.* If the patient self-medicates with OTC analgesics for painful acute attacks, which would subside within a few days without any treatment at all, he will not have seen a physician and therefore no diagnosis will have been made. With increasing numbers of attacks over the years, serious complications will arise unless proper medical management is received which is directed at lowering the serum uric acid levels. Prior to the advent of the uricosuric agents, 50 to 60 percent of patients with gouty arthritis developed visible tophi and permanent joint damage (Refs. 24 and 26). The development of tophi is correlated with the height of the serum uric acid concentration. These patients, in addition to developing severe joint destruction, may also develop renal disease due to the deposition of urate in the kidney. Renal failure is the eventual cause of death in from 22 to 25 percent of chronic gouty subjects who have not received proper medical management to reduce their uric acid levels (Refs. 27 and 28).

The Panel concludes that self-medication with OTC analgesics, such as aspirin, by individuals with joint inflammation that may be due to gouty arthritis, to alleviate pain without consulting a physician is hazardous. It delays proper diagnosis and treatment which may lead to serious complications.

d. *Arthritis associated with known infectious agents.* Arthritis may be associated with a known infectious agent. The following bacterial agents may produce arthritis: Gonococcus (gonnorhea), meningococcus, pneumococcus, *Streptococcus, Staphylococcus, Salmonella, Brucella, Streptobacillus moniliformis, Mycobacterium tuberculosis, Treponema pallidum* (syphilis), *Treponema pertenue* (yaws) and others. Rickettsial agents may also produce arthritis. Viruses such as rubella, mumps, viral hepatitis agent and others may cause arthritis. Occasionally, arthritis due to fungal and parasitic agents may occur (Ref. 29). Bacterial arthritis is caused by the invasion of the synovial membrane by living microorganisms. Infectious arthritis may present minimal signs of inflammation and need not be confined to a single joint. Between 75 and 85 percent of gonococcal infections involve two or more joints (Refs. 30 and 31).

Bacterial arthritis may cause pain in the joint which is perceived by the individual as "pain of arthritis." The individual who self-medicates for this "pain of arthritis" with aspirin may delay proper specific antibiotic therapy which would stop the arthritis and control spread of the infection to other parts of the body. For example, gonococcal arthritis may occur in a patient with gonorrhea and is a frequently occurring cause of infectious arthritis. The Center for Disease Control states that the total number of cases of gonorrhea reported to health departments in 1975 was 938,776, an increase of 7.4 percent over the number reported in 1974. When underreporting and underdiagnosis of cases are taken into consideration, the true incidence of gonorrhea is estimated at 2.6 million cases annually. From 1964 to 1973, gonorrhea cases increased 179 percent. (Ref. 31). Holmes reported that approximately 1 to 3 percent of gonorrhea patients develop arthritis (Ref. 32). The Panel therefore estimates the incidence of gonococcal arthritis in 1975 to be from 25,000 to 75,000. Since the incidence of gonorrhea is steadily increasing, the incidence of gonococcal arthritis can also be expected to increase. This type of infectious arthritis occurs most frequently in young, otherwise healthy individuals who may have no other symptoms of gonococcal infection. In most women with gonococcal arthritis, no symptom other than joint pain may be noted by the patient even though the genital tract is infected.

Any delay in the diagnosis and treatment of these patients leads to continued venereal spread of gonorrhea to other individuals. Gonococcal arthritis is usually but not always accompanied by a fever which is moderate in the majority of patients. Shaking chills rarely occur. Many patients experience migratory aches in a number of joints with variable signs of articular inflammation. In other patients, the joints first involved may clear completely as new joints are affected until the arthritis becomes particularly severe in one or more joints. Large joints are most frequently involved. Females accounted for 76.7 percent of patients in a series reported from Ben Taub General Hospital. (Ref. 33).

It is obvious that patients with gonococcal arthritis should not be encouraged to self-medicate with aspirin since they will supress pain and may also suppress signs of arthritis. This may lead to their not seeking care from a physician and therefore may lead to spread of the venereal disease to others during the period of self-medication, increased risk of gonococcemia due to self-medication, and the possibility of significant restriction of joint function due to permanent damage to the joint because of delay in diagnosis and therapy. Sharp describes two patients who had permanent damage to infected wrists due to delay in treatment for 18 and 28 days (Ref. 34). He states "* * * diagnostic studies should be completed with haste and treatment started as soon as appropriate cultures have been obtained to minimize the risk of residual articular damage." Although no severe joint damage may occur in patients with gonococcal arthritis who self-medicate with aspirin for less than 10 days, such individuals are clearly not receiving adequate treatment. Some loss of joint (cartilage) space and lytic changes in bone may be noted within 1 to 2 weeks after onset of infection. It is important that "effective treatment of septic arthritis requires early recognition, prompt arthrocentesis and the administration of an antibiotic chosen on the basis of sensitivity tests on the infection organism. Treatment should be initiated as soon as adequate cultures are obtained and altered as required after the antibiotic sensitivities are available" (Ref. 35).

e. *Other diseases*—(1) *Rheumatic fever.* Rheumatic fever is a serious illness manifested by arthritis, and involves the heart in from one-third to one-half of the patients. Involvement of the heart particularly during the acute phase of the disease may occasionally have fatal consequences. Rheumatic fever is an inflammatory disease which occurs as a sequel to infection with group A streptococci (Ref. 36). Salicylates are of considerable value in controlling the toxic manifestations, in contributing to the comfort of the patients, and in combating anemia and other constitutional symptoms (Refs. 37 and 38). Salicylates, usually aspirin, are given in an initial daily dose of approximately 0.1 g/kg of body weight ranging from 3 g in children to 6 to 8 g in adults, trying to achieve a plasma salicylate level of 25 to 30 mg/100 ml. (Compared to an OTC analgesic dosage limit of 4g/24 hours for aspirin). The symptoms of rheumatic fever typically appear as an acute polyarthritis (swelling and pain of the joints) which may subside in one joint after a few days only to appear in another joint (migratory polyarthritis). Fever is a frequent accompanying feature of the disease. It is entirely possible that where fever is not present or is of low grade, an individual who has unknowingly contracted rheumatic fever may treat the arthritic symptoms with OTC antirheumatic products. The illusion of having successfully treated the problem is reinforced when the symptoms disappear. When the arthritic symptoms reappear in another joint (migratory polyarthritis), aspirin or other salicylates are, again, ingested by the consumer. During this period the disease progresses to include the serious and, perhaps, permanent heart manifestations described above. It is clear that patients with this type of arthritis should be under prompt physician's care and should not self-medicate with aspirin even for 10 days.

(2) *"Connective tissue" disorders.* Another group of rheumatic diseases is the "connective tissue" disorders which are acquired rather than congenital diseases. These disorders include systemic lupus erythematosus, progressive systemic sclerosis, polymyositis, necrotizing arteritis and other forms of vasculitis and are serious disorders which may be life-threatening. These patients must be under the care of the physician and should not self-medicate. Since arthritis or muscle pain is a feature of all of these diseases, it is important that the disease be diagnosed by a physician, and such patients should not self-medicate for their "arthritis" since this will prolong the period before they eventually seek a physician's aid and are diagnosed and treated. This is particularly important since some of these patients may have severe kidney disease that is usually asymptomatic. Urine and blood chemistry studies are essential for diagnosis and subsequent assessment of the patient's status and response to treatment.

(3) *Miscellaneous diseases.* Other diseases with which arthritis may be associated include sarcoidosis, relapsing polychondritis, ulcerative colitis, and regional enteritis.

Nonarticular rheumatism involves structures around joints and includes such conditions as fibrositis, low back syndromes, myositis, tendonitis and others. These more common conditions which may be acutely painful, however, must be distinguished by a physician from other more serious and life-threatening conditions as described above. For example, gonococcal arthritis may be associated with tendonitis due to infection with gonococci. Myositis may occur in systemic lupus erythematosus and polymyositis and gout may involve bursa leading to acute bursitis.

A variety of miscellaneous disorders also involve joints and should also not be treated by self-medication. These include villonodular synovitis, Behcet's Syndrome, erythema nodosum, avascular necrosis of the bone and others.

Serious traumatic and neurogenic disorders involving joints should also be treated under the care of a physician. Diseases other than gout with known or strongly suspected biochemical or endocrine abnormalities in which joint disease occurs include hemophilia, sickle cell anemia, hyperparathyroidism, acromegaly, hypothroidism, scurvy and other disorders. Clearly, self-medication with analgesics may lead to a delay or lack of proper diagnosis and therapy in these serious and, in many cases, curable disorders. Neoplasms (cancers) involving the joints include leukemia and multiple myeloma as well as primary neoplasm of the synovium (synovioma), and self-medication is clearly to be discouraged in these patients. Indeed, self-medication may lead to delay in diagnosis.

5. *Economic and social impact of rheumatic diseases in the U.S.* The rheumatic diseases cause a large segment of chronic disability in the U.S., and in fact, all over the world. In this country alone, the three most common of these diseases, i.e., rheumatoid arthritis, osteoarthritis and gout afflict over 18 million individuals. When all rheumatic diseases are considered, it is evident that these diseases afflict well over 10 percent of the U.S. population. Hence, over 20 million Americans suffer from discernible symptoms of some form of rheumatic disease.

Of even greater importance to the Panel is a statement in a 1973 advisory committee report (Ref. 39) to the Arthritis Foundation where it was concluded that most individuals with rheumatic diseases are not receiving medical care. They stated:

> Of the more than 20 million individuals afflicted with rheumatic diseases, well over 12 million are not receiving medical care, even though many of these experience some degree of disability.
>
> Since early accurate medical diagnosis and appropriate treatment can often prevent or delay the appearance of advanced symptoms, the potential for unnecessary suffering among those not under treatment is considerable.

Further, more than 12 million victims of rheumatic diseases are under age 65 and more than 3 million are under age 45. In 1969, these diseases caused victims to spend a total of more than 70 million days in bed. Among normally employed individuals, more than 14 million days were lost from work due to rheumatic diseases. The number of days lost from work does not include the many lost by those who are so disabled that they are no longer employed, nor does it include the days lost by housewives and students (Ref. 38).

In a survey described by Hollander (Ref. 3), conducted during 1957 to 1959, 30,000 persons were found to be unable to work because of arthritis for a minimum of 6 months. These individuals became eligible for Social Security benefits. Of these, 78 percent were over 50 years of age, and 20 percent were women. Osteoarthritis was present in 56 percent and rheumatoid arthritis in 27 percent.

Rheumatoid arthritis seldom causes death directly, but is still the greatest cause of crippling deformity from disease. These patients form a great proportion of the population attending arthritis clinics because of the long duration and severity of the process.

The Panel believes that early diagnosis and treatment in many cases can prevent or delay the most serious and crippling symptoms of arthritis which so seriously detract from the U.S. labor force as well as causing a great deal of suffering among these same people and their families.

6. *Hazards of self-diagnosis and self-medication.* The Panel concludes that it is absolutely essential that the individual seek proper medical attention when symptoms of arthritis are present. Abnormal fatigue, muscular stiffness, painful swelling of joints or loss of joint motion are all common first signs of rheumatoid arthritis. The self-medication of these symptoms with aspirin, as promoted through OTC drug labeling or suggested through advertising, may lead to relief of pain. However, cessation of self-medication will cause the patient to note return of pain which will inevitably result in self-medication again with aspirin. The Panel is concerned that repeated "successful" self-medication may keep the patient from going to a physician and obtaining the correct diagnosis and therapy; the result being progression of the disease with possible permanent crippling. Futhermore, where infectious diseases manifest themselves as arthritis, these may also, in the early stages, be "successfully" self-treated only to result in very serious or life-threatening episodes. It is essential for the control of the disease and to prevent disability that the individual seek proper medical advice as early as possible.

Because symptomatic self-medication for arthritis of undetermined and undiagnosed etiology may lead in some instances to some relief of pain and yet allow the disease to progress, the Panel recommends that aspirin and aspirin-containing agents not be labeled for the treatment of "arthritis." The use of aspirin and aspirin-containing products as antirheumatic agents (anti-inflammatory agents) should be under the supervision of a physician because only a physician can properly diagnose the cause of the arthritis and prescribe the therapy suitable for the specific disease causing the arthritis in the individual patient. It should be noted that the principal therapeutic purpose for the use of aspirin in some rheumatic diseases is as an anti-inflammatory agent and not as an analgesic. As an anti-inflammatory agent, the dosage of aspirin is higher

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and the duration of treatment is longer than when aspirin is used as an OTC analgesic for the relief of pain.

The Panel concurs with a leaflet published by the Arthritis Foundation (Ref. 2), where it is emphasized that aspirin is the best single drug for treatment of arthritis but points out that its use is widely misunderstood. In addition, it is the conclusion of the Arthritis Foundation that it is a misused drug. It is stated, "There is a special way to take aspirin for arthritis. It is not the way you take it for a headache or the common cold."

The Arthritis Foundation has published in the leaflet (Ref. 2) five important "Do's and Don'ts" pertaining to the treatment of arthritis. The Panel fully concurs with these recommendations which are as follows:

1. DO see a qualified physician for diagnosis and treatment of arthritis. Proper treatment can control the disease and prevent crippling.

2. DO take aspirin, if the doctor prescribes it, strictly according to the 'aspirin program' he gives you.

3. DON'T change your aspirin dosage schedule without first asking your physician.

4. DON'T try to diagnose your own arthritis problem or pick your own remedies from non-prescription medicines available at the local drugstore.

5. DON'T be lured by aspirin advertising into self-treatment and dosing yourself on a homemade schedule. Even though arthritis may begin with 'minor aches and pains,' it is no disease to fool around with. DO get qualified medical advice and get it early.

The Panel has recommended that all OTC analgesic-antipyretic-antirheumatic products be labeled with the warning, "Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician". The Panel concludes that even if temporary self-medication is limited to 10 days, pain may be relieved, but will recur and the disease may progress if not properly diagnosed by a physician.

7. *Labeling of antirheumatic products.* In his chapter on "Salicylate Therapy for Rheumatiod Arthritis" in "*Arthritis and Allied Conditions*", Dr. T. B. Bayles states "All patients with active rheumatoid arthritis, mild to severe, should receive salicylates regularly in the largest tolerated dosage excluding only those with proven adverse gastrointestinal symptoms or bleeding, peptic ulcer, or allergic manifestation due to salicylates" (Ref. 33).

Suggested labeling doses for self-medication provide only analgesic effect and deprive the patient of the benefit of a physician's care as discussed above. Permanent disability may occur if self-medication occurs intermittently or over prolonged periods of time for certain types of arthritis.

In a brochure distributed by the Arthritis Foundation for patients with arthritis (Ref. 2), the following is stated:

Many ads make arthritis sound like nothing much more than a disease of "minor aches and pains". The truth is arthritis can be a serious disease. The pain can be excruciating and results can be severe crippling unless the victim starts full and proper medical treatment in the early stages. How often do aspirin advertisements tell you this? And how often do aspirin advertisements tell you that your dosage schedule should be prescribed by a doctor? Don't let advertising lead you to self-diagnosis and self-treatment for arthritis. There is more to controlling arthritis than getting wonderful "relief". Arthritis isn't a disease to fool around with. While you are dosing yourself from the medicine cabinet and staying away from the doctor, irreversible damage may be taking place in your arthritic joints.

In another more recent position by the Arthritis Foundation (Ref. 40), the following is stated:

Aspirin is frequently the drug of choice in treating the more serious forms or arthritis, but it should be prescribed by a physician in appropriate dosage for each individual patient, who should be closely monitored for side effects. Furthermore, people who have "minor aches and pains" are usually not qualified to decide whether these symptoms are just that and no more, or whether they may herald a serious form of arthritis requiring medical diagnosis and treatment.

Therefore, the Arthritis Foundation considers advertising for aspirin products which encourage arthritis sufferers to self-diagnose and self-medicate as a disservice to them. In some cases, self-diagnosis and self-medication may lead to delay in seeking medical attention until after preventable joint damage has taken place.

The Arthritis Foundation also opposes use of the word "arthritis" in aspirin brand names, because of its potential for abuse. It should not be permitted.

Arthritis suffers would be best served if the word "arthritis" were banned from aspirin product labeling and advertising, leaving the medication decisions to physicians.

The Panel strongly concurs with this statement and concludes that there should be no OTC labeling for antirheumatic indications or use of the term in product names. Therefore, the ingredients reviewed for such use have all been classified by the Panel as Category II for any OTC antirheumatic labeling claims.

The Panel recognizes that the Food and Drug Administration does not regulate the advertising of OTC drug products. However, it is the Panel's conclusion that labeling and advertisements be closely monitored by the proper authority to see that advertisements do not go beyond the limitations of the monograph and/or negate the restrictions and warnings recommended by this Panel.

8. *Conclusions.* The Panel is concerned with the continuous promotion of OTC drug products for use in the self-treatment of rheumatic diseases. The labeling and advertisements of these OTC products represent a hazard to the individual afflicted with these potentially incapacitating and crippling disease conditions. The consumer is misled into the false belief that he can self-diagnose and self-treat any joint aches and pains he may have. The labeling and advertisements make no allusions to the progressive degenerating nature of rheumatic diseases if proper medical diagnosis and appropriate treatment is not instituted early in the disease. Pain is only one of the clinical features of these diseases. It is this symptom which the labeling and advertisement belabor to the exclusion of the other more serious clinical features.

OTC analgesics, especially aspirin, are the antirheumatic agents that are used by individuals with joint pains and aches that may be due to rheumatic diseases. The daily dosage of aspirin that is sufficient to achieve an analgesic effect, is an inadequate dose to affect the inflammation of the inflammatory rheumatic diseases, such as rheumatoid arthritis. A higher daily dosage and a much more prolonged administration is required to affect the inflammation of rheumatoid arthritis. The dosage and duration of treatment should be supervised by a physician. At doses higher than the dosage recommended for OTC use, serious side effects occur. The dosage and duration of treatment must be individualized for each patient by his physician. The consumer cannot self-diagnose and self-treat for the rheumatic diseases.

There is the general impression in the minds of American consumers that aspirin is an innocuous medication and that arthritis is a minor disease. The labeling and advertising of OTC aspirin products have reinforced this mistaken impression. This disease condition is not rare and the degenerating nature of the disease if proper medical diagnosis and treatment are not instituted can have a severe debilitating effect on the individual. The labeling and advertising that downplay the seriousness of this disease do the American consumer a gross injustice.

The Panel therefore concludes that all OTC products containing salicylates contain the warning, "Take this product for the treatment or arthritis only under the advice and supervision of a physician". In addition, the Panel recommends that the term "arthritis" be removed from the product names of OTC products to avoid the false impression that the consumer can self-diagnose and self-treat rheumatic diseases.

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B. Categorization of Data

1. *Category I conditions under which antirheumatic agents are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Panel has classified the following antirheumatic active ingredients as generally recognized as safe and effective and not misbranded:

Aspirin
Calcium carbaspirin
Choline salicylate
Magnesium salicylate
Sodium salicylate

a. *Aspirin.* The Panel concludes that aspirin is a safe and effective OTC antirheumatic when taken in the dosages recommended by a physician for specific rheumatic diseases. The dose required for antirheumatic effectiveness usually exceeds the dose recommended for analgesia (4,000 mg in 24 hours) and the duration of therapy required is longer than 10 days. The therapeutic indications require prior diagnosis by a physician and therefore suitable claims are limited to professional labeling.

(1) *Effectiveness.* The effectiveness of aspirin in the treatment of rheumatoid arthritis has been endorsed by many generations of physicians and patients. Very few controlled or uncontrolled studies have been performed to demonstrate the antirheumatic effectiveness of aspirin. However, the analgesic action of aspirin in patients with a variety of rheumatic diseases has been extensively reported.

A double-blind study was carried out by the Cooperating Clinics Committee of the American Rheumatism Association in which placebo or eight 5 gr aspirin tablets daily were taken by 441 patients with rheumatoid arthritis. The results showed that aspirin had significantly more antirheumatic effect than placebo (Ref. 1).

Fremont-Smith and Bayles reported that after withdrawal of aspirin in a total dose of from 3.6 to 7.5 g daily given in 5 divided doses, objective evidence of exacerbation of rheumatoid arthritis appeared. This was demonstrated by a significant decrease in the grip strength and increased circumference of the interphalangeal joints (Ref. 2).

Boardman and Hart measured grip strength and circumference of proximal interphalangeal joints in a double-blind study of the effectiveness of aspirin in patients with rheumatoid arthritis. The data showed that a low dose of aspirin, 2.6 g daily given in 4 equal doses, was not significantly superior to acetaminophen or placebo but a high dose of 5.3 g daily, was (Ref. 3).

Calabro and Paulus performed a double-blind crossover study comparing aspirin, salicylamide and placebo in patients with rheumatoid arthritis. Each patient took 18 tablets daily, 3 tablets every 4 hours. All tablets contained 300 mg of analgesic or placebo. The results showed a statistically significant greater improvement of objective parameters of joint inflammation in patients receiving aspirin than in those receiving either salicylamide or placebo (Ref. 4).

Aspirin is effective in the treatment of some patients with rheumatoid arthritis at a dose of 2.4 g daily in divided doses. However, most patients require more than this minimally effective dose (Refs. 5, 6, and 7).

Extensive studies by Ansell, Bywaters and Isdale have demonstrated that aspirin is effective in the suppression of juvenile rheumatoid arthritis (Ref. 8). Initial doses ranged from 1.3 g daily at age 2 years to 6 g daily for older children. Maintenance dosage ranged from 1.5 to 6 g daily.

Manifestations of acute rheumatic fever such as fever, arthritis, elevated erythrocyte sedimentation rate and c-reactive protein disappear faster in patients receiving aspirin therapy than in untreated controls (Ref. 9).

Ankylosing spondylitis should be treated with aspirin and more potent agents added only when aspirin does not suffice (Ref. 10). Godfrey, Calabro, Mills and Maltz conducted a double-blind crossover trial of aspirin and the anti-inflammatory drugs indomethacin and phenylbutazone. Each drug was used for 6 weeks. They found that indomethacin and phenylbutazone were clearly superior to aspirin in increasing the range of motion. However, aspirin proved more effective than the other two medications in 5 of the 41 patients (Ref. 11).

Psoriatic arthritis should also be treated with aspirin (Ref. 12).

Aspirin is generally recommended for treatment of fibrositis syndromes (Ref. 13).

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Aspirin is helpful in the treatment of systemic lupus erythematosus, especially when arthritis is associated with the disease. A minimal dose of 2.4 g daily in four divided doses is required (Ref. 14).

Aspirin is also recommended in the treatment of osteoarthritis (Ref. 15). Harth and Bondy performed a crossover trial "using objective measurements rather than relief of pain scores. This study compared the effects of 1.3 g aspirin taken 3 times daily with the effects of indomethacin 50 mg taken 3 times daily. Objective measurements of hip-muscle strength and isometric strength of knee muscles were evaluated prior to therapy and during each trial of medication. These results revealed that aspirin is effective in the treatment of osteoarthritis (Ref. 16).

Effectiveness of Other Forms of Aspirin as Antirheumatic Agents

The problem of managing the adverse effects of aspirin in the gastrointestinal tract are a particular concern in patients with rheumatoid arthritis where large doses are generally employed over extended periods of time. The addition of antacids, buffering agents and enteric coating have been used among others to reduce gastrointestinal irritation. The Panel has discussed the effects of finished dosage forms on the therapeutic activity of the active ingredients elsewhere in this document. (See part II. paragraph J. above—Effects of Product Formulations on Drug Absorption and Pharmacologic Effectiveness.)

Buffered aspirin has been proven effective in the treatment of rheumatoid arthritis (Refs. 2 and 4).

Aspirin combined with magnesium and aluminum hydroxides has not specifically been shown to have antirheumatic efficacy; however, if the product contains 325 mg (5 gr) aspirin it should be considered to be as effective as aspirin at the same dosage.

A study by Batterman (Ref. 17) analyzed the analgesic but not the antirheumatic effect of aspirin plus magnesium and alminimum hydroxides on patients with arthritis.

Feinblatt et al, measured the effect of aspirin plus magnesium and aluminum hydroxides in 20 patients with arthritis of unclear etiology. The mobility improved in all but one patient (Ref. 18). Unfortunately, the exact disease and the method of measurement of limitation of joint motion were poorly described.

Sandove and Schwartz (Ref. 19) studied the analgesic effect of aspirin and magnesium and aluminum hydroxides in patients with arthritis. No attempt to measure antirheumatic efficacy was made.

An enteric-coated aspirin tablet was studied regarding its analgesic effect on patients with rheumatoid arthritis and osteoarthritis (Ref. 20).

Similarly, Giovinco (Ref. 21) studied the analgesic effect of an enteric-coated tablet on rheumatoid arthritis and osteoarthritis patients. If the enteric-coated aspirin can be shown to prove blood salicylate levels similar to that of uncoated aspirin, then it should be recommended that the coated tablet is effective as an antirheumatic agent in all diseases in which aspirin is effective.

(2) *Safety.* The safety of aspirin has been previously discussed earlier in this document. (See part III, paragraph B.1.a.(2) above—Safety.)

The Panel concludes that it is generally not safe for the general public to self-medicate for joint pain perceived as "arthritis". Since the antirheumatic daily dose is much greater than that recommended for OTC use, side effects are more severe. In addition, the duration of therapy is much longer than that recommended for OTC use, and therefore, prolonged high daily doses of aspirin are less safe.

The OTC consumer is unable to differentiate the various forms of arthritis due to the large variety of diseases associated with pain in joints. Diagnosis should be made by a physician so that appropriate and adequate treatment of the arthritis can be instituted. It is not safe for individuals to self-medicate using antirheumatic doses of aspirin.

Patients with a history of gastric or duodenal ulcers or those with symptoms of ulcers should be under the care of a physician and antirheumatic therapy prescribed by the physician. These patients are at risk of gastrointestinal hemorrhage and clearly should not be self-medicating with aspirin using antirheumatic doses for prolonged periods to control their arthritis. In addition, the daily dose of aspirin should be individualized for each patient and monitored by the physician at specific intervals. For example, only a physician can measure the efficacy of aspirin therapy in rheumatoid arthritis patients by determining diminution of swelling, increase in range of motion, decrease in joint tenderness, increased grip strength, etc. Based upon the physician's assessment of the patient the physician may increase, decrease or continue the same dose of aspirin or add additional medication. In addition, evidence of side effects such as ulcer symptoms and falling hematocrit suggesting gastrointestinal bleeding can only be noted by the physician. Patients who are to undergo surgery are told to withhold aspirin for an appropriate period prior to and after surgery. In addition, the physician may institute other therapy such as gold injections, antimalarial therapy, etc. The physician also prescribes specific physical therapy, may order such measures as splints, paraffin baths, hot packs, and change the lifestyle of the patient to include periods of rest. All of these measures cannot be prescribed unless the patient is under the care of the physician.

The Panel concludes that aspirin is safe for use as an OTC antirheumatic only under the advice and supervision of a physican.

(3) *Dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. below—Category I Labeling.)

References

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b. *Calcium carbaspirin.* The Panel concludes that calcium carbaspirin is a safe and effective OTC antirheumatic when taken in the dosages recommended by a physician for specific rheumatic diseases. The dose required for antirheumatic effectiveness usually exceeds the dose recommended for analgesia (4,968 mg in 24 hours) and the duration of therapy required is longer than 10 days. The therapeutic indications require prior diagnosis by a physician and therefore suitable claims are limited to professional labeling.

(1) *Effectiveness.* No data on effectiveness as an antirheumatic agent are available. However, as discussed earlier in this document, its dissolution rate and analgesic efficacy have been studied and found to be similar in action to aspirin. (See part III. paragarph B.1.c.(1) above—Effectiveness.)

(2) *Safety.* The safety of calcium carbaspirin has been previously discussed earlier in this document. (See part III. paragraph B.1.c.(2) above—Safety.) Its safety when administered in antirheumatic doses and for prolonged periods is not known because of the significant amount of calcium that may be absorbed.

The Panel concludes that calcium carbaspirin is safe for use as an OTC antirheumatic only under the advice and supervision of a physician.

(3) *Dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. below—Category I Labeling.)

c. *Choline salicylate.* The Panel concludes that choline salicylate is a safe and effective OTC antirheumatic when taken in the dosages recommended by a physician for specific rheumatic diseases. The dose required for antirheumatic effectiveness usually exceeds the dose recommended for analgesia (5,220 mg in 24 hours) and the duration of therapy required is longer than 10 days. The therapeutic indications require prior diagnosis by a physician and therefore suitable claims are limited to professional labeling.

(1) *Effectiveness.* A study performed in 1960 by Nevinny and Gowans (Ref. 1) described the results of the treatment of five patients with rheumatoid arthritis with liquid choline salicylate but did not describe the dose and duration of therapy. Four of the five patients showed a reduction of "systemic indexes", which are a series of subjective and objective parameters of joint inflammation (Ref. 2).

A well-designed double-blind crossover study comparing equimolar concentrations of choline salicylate and aspirin as antirheumatic agents was performed by Golden, Tesar and Schmid (Ref. 3). The amount of salicylate used was a mean of 3.6 g daily and patients took tablets of one ingredient during the first 2 weeks and then took tablets of the second ingredient during the second 2 weeks. Patients were examined weekly using the following parameters: Duration of morning stiffness; grip strength; ring size; time to complete a measured walk; and subjective pain severity. Statistical analysis showed no difference in therapeutic effectiveness between choline salicylate and aspirin.

(2) *Safety.* The safety of choline salicylate has been previously discussed earlier in this document. (See part III. paragraph B.1.d.(2) above—Safety.)

The Panel concludes that choline salicylate is safe for use as an OTC antirheumatic only under the advice and supervision of a physician.

(3) *Dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. below—Category I Labeling.)

References

(1) Nevinny, D. and J. D. C. Gowans, "Observations on the Usefulness of a New Liquid Salicylate in Arthritis," *International Record of Medicine*, 173:242–247, 1960.

(2) Wallace, S. L. and C. Ragan, "The Problem of Therapeutic Evaluation in Rheumatoid Arthritis," *Arthritis and Rheumatism*, 1:20–28, 1958.

(3) Golden, H. E., J. T. Tesar and F. R. Schmid, "Quantitation of Gastrointestinal Bleeding and Therapeutic Effectiveness of Choline Salicylate Compared to Aspirin in Rheumatoid Arthritis," *Arthritis and Rheumatism*, 13:319, 1970.

d. *Magnesium salicylate.* The Panel concludes that magnesium salicylate is a safe and effective OTC antirheumatic when taken in the dosages recommended by a physician for specific rheumatic diseases. The dose required for antirheumatic effectiveness usually exceeds the dose recommended for analgesia (4,000 mg in 24 hours) and the duration of therapy required is longer than 10 days. The therapeutic indications require prior diagnosis by a physician and therefore suitable claims are limited to professional labeling.

(1) *Effectiveness.* Brown (Ref. 1) conducted a double-blind study on patients with rheumatoid arthritis who received 1 g aspirin or magnesium salicylate 4 times daily for 7 days. Objective measurements of antirheumatic efficacy were studied including grip strength, morning stiffness duration, walking time and number of active joints. The results showed that magnesium salicylate is equally as effective as an antirheumatic as aspirin.

(2) *Safety.* The safety of magnesium salicylate has been previously discussed earlier in this document. (See part III. paragraph B.1.e.(2) above—Safety.)

Magnesium salicylate is contraindicated in patients requiring long-term use of the agent as an antirheumatic who have advanced chronic renal insufficiency (Ref. 1). Use of this agent in patients with advanced chronic renal insufficiency may lead to toxic levels of magnesium.

The Panel concludes that magnesium salicylate is safe for use as an OTC antirheumatic only under the advice and supervision of a physician.

(3) *Dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Categorv I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling: *For products containing more than 50 mEq of magnesium in the recommended daily dosage. Warning.* "Do not take this product if you have kidney disease except under the advice and supervision of a physician".

Reference

(1) Brown, H., "Magan-7 Day Variability Study," draft of unpublished paper is included in OTC Volume 030042.

e. *Sodium salicylate.* The Panel concludes that sodium salicylate is a safe and effective OTC antirheumatic when taken in the dosages recommended by a physician for specific rheumatic diseases. The dose required for antirheumatic effectiveness usually exceeds the dose recommended for analgesia (4,000 mg in 24 hours) and the duration of therapy required is longer than 10 days. The therapeutic indications require prior diagnosis by a physician and therefore suitable claims are limited to professional labeling.

(1) *Effectiveness.* Sodium salicylate was tested in 27 patients with rheumatoid arthritis by Hollander and Harris (Ref. 1). Patients were given 4 g (1 g 4 times daily) for at least 1 week. Antirheumatic effectiveness was measured by subjective parameters such as relief of stiffness and measurement of the erythrocyte sedimentation rate before and after 1 week of therapy. No change in the sedimentation rate was observed, while relief of stiffness occurred. The data were compared with the efficacy of para-aminobenzoic acid at a dose of 4 g daily for 1 week. Sodium salicylate was found to give substantially more relief of stiffness than para-aminobenzoic acid. The study, however, did not actually measure antirheumatic effect on an objective scale and the results, therefore, do not permit a conclusion as to the efficacy of sodium salicylate as an antirheumatic.

A similarly inconclusive study was carried out by Smith (Ref. 2) who studied the analgesic effect of sodium salicylate in doses of 0.6 to 1.3 g every 4 hours during the day. Although the drug was found to be an effective analgesic, no objective parameters of its antirheumatic efficacy were measured.

Other studies in the literature are poorly designed and describe only analgesic effect of sodium salicylate in patients with rheumatoid arthritis and

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other forms of arthritis (Refs. 3, 4, and 5).

An excellent study was carried out by Dick et al., (Refs. 6 and 7) in which the antirheumatic effect of sodium salicylate was compared with that of indomethacin and placebo. The study was carried out in 13 patients with rheumatoid arthritis who entered a 3 week, double-blind trial during which they received the following three courses of treatment each lasting for 1 week: Enteric-coated sodium salicylate 1.2 g 4 times daily; indomethacin 25 mg 4 times daily; and lactose as placebo. The order of treatment was randomized. The Ritchie index (Ref. 8) was used as a measure of total articular status. This index is based on the response of the patient to firm pressure over the joint margin (0=no pain, +1= patient complains of pain, 2+=patient complains of pain and winces, 3+= patient complains of pain, winces and withdraws). The maximal score is +78. The mean intra-observer error difference (difference between observers examining this same joint) is 1.2 score units and the standard error is 1.1 score units. In addition to the Richie index, pain, tenderness, stiffness and swelling in one knee was noted (knee score). Each was noted on a 0 to +3 scale. The results revealed that the knee score was significantly higher as tested by a paired Students t test while the patients received placebo than the values obtained while the patients received either sodium salicylate (p is less than 0.001) or indomethacin (p is less than 0.001). The articular index of Ritchie was significantly higher while patients received placebo than when they were treated with either sodium salicylate (p is less than 0.001) or indomethacin. Thus, this study clearly demonstrated the antirheumatic efficacy in a well-designed study.

A similarly well-designed study was carried out by Dick, Greyson, Woodburn et al. (Ref. 7). In this study, which may be used as a model for future studies on antirheumatic efficacy, the following parameters were measured: Ritchie index (Ref. 4); grip strength (Ref. 9) (mechanical measurement of the strength of a patient's grip); measurement of circumference of finger joints using a millimeter gauge (Ref. 10); and knee score (Ref. 6).

In addition to the above, the accumulation of radioactive technetium within the knee joint after intravenous administration was studied by joint scanning. Ten patients with rheumatoid arthritis were studied in a triple crossover clincial trial using 5 g sodium salicylate daily, 100 mg indomethacin daily and placebo, each administered for 1 week. Sodium salicylate was shown to be significantly better than placebo according to articular index (Ritchie index), knee score, and technetium peak count. No significant difference was shown using joint size or grip strength. The results reveal that sodium salicylate has antirheumatic efficacy.

The effectiveness of sodium salicylate as an antirheumatic has been clearly established. The effective dose is at least 4.8 g daily in divided doses.

(2) *Safety.* The safety of sodium salicylate has been previously discussed earlier in this document. (See part III. paragraph B.1.f.(2) above—Safety.)

The long-term administration of sodium salicylate preparations may be hazardous in patients with chronic renal insufficiency or heart disease due to the sodium in the preparation.

The Panel concludes that sodium salicylate is safe for use as an OTC antirheumatic only under the advice and supervision of a physician.

(3) *Dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. below—Category I Labeling.) In addition, the Panel recommends the following specific labeling:

(i) *For products containing 0.2 mEq (5 mg) or higher of sodium per dosage unit.* The labeling of the product contains the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq (5 mg) or higher.

(ii) *For products containing more than 5 mEq (125 mg) sodium in the maximum recommended daily dosage. Warning.* "Do not take this product if you are on a sodium restricted diet except under the advice and supervision of a physician".

REFERENCES

(1) Hollander, J. L. and T. N. Harris, "Combined Salicylate and Para-Aminobenzoic Acid in the Treatment of Rheumatoid Arthritis," American Journal of the Medical Sciences, 221:398–401, 1951.

(2) Smith, R. T., "Treatment of Rheumatoid Arthritis and other Rheumatic Conditions with Salicylate and Para-Aminobenzoic Acid," The Journal—*Lancet*, 70:192–196, 1950.

(3) Barden, F. W., P. S. Hill and E. J. Cuneo, "Evaluation of a Drug Therapy in Arthritis and Rheumatoid Conditions," *Journal of the Maine Medical Association*, 46:99–101, 1955.

(4) Cass, L. J., W. S. Frederik and J. D. Cohen, "Para-Aminobenzoic Acid and Salicylates in the Treatment of Arthritis," The Journal—*Lancet*, 76:42–44, 1956.

(5) Hebert, G. and N. Renzi, "Salicylate et Para-Aminobenzoate Sodium dans le Traitement De l'Artheite Rhumatoide," *Union Medicale Canada*, 86:73–75, 1957.

(6) Dick, C. et al., "Effect of Anti-Inflammatory Drug Therapy Clearance of 133Xe from Knee Joints of Patients with Rheumatoid Arthritis," *British Medical Journal*, 3: 278–280, 1969.

(7) Dick, W. C. et al., "Indices of Inflammatory Activity," *Annals of the Rheumatic Diseases*, 29:643–648, 1970.

(8) Ritchie, D. M. et al., "Clinical Studies with an Articular Index for the Assessment of Joint Tenderness in Patients with Rheumatoid Arthritis," Quarterly Journal of Medicine, 37:393–406, 1968.

(9) Wright, V., "Some Observations on Diurnal Variation of Grip," *Clinical Science*, 18:17–23, 1959.

(10) Boardman, P. L. and F. D. Hart, "Clinical Measurement of the Anti-inflammatory Effects of Salicylates in Rheumatoid Arthritis," *British Medical Journal*, 4:264–268, 1967.

CATEGORY I LABELING

The use of OTC antirheumatic agents for the treatment of the symptoms of specific rheumatic diseases requires prior diagnosis by a physician and the establishment of a suitable recommended dosage. The Panel believes that any labeling conditions such as these which require medical intervention may mislead the consumer who attempts to self-diagnose and self-treat serious disease. Therefore, there are no suitable labeling claims for use on OTC marketed products. Suitable labeling claims are limited to professional labeling.

The Panel recommends the following Category I professional labeling (labeling of the product for health professionals but not for the general public) for antirheumatic active ingredients to be generally recognized as safe and effective and not misbranded as well as specific labeling discussed in the individual ingredient statements.

a. *Indications.* For rheumatoid arthritis, juvenile rheumatoid arthritis, systemic lupus erythematosus, osteoarthritis (degenerative joint disease), ankylosing spondylitis, psoriatic arthritis, Reiter's syndrome and fibrositis.

2. *Category II conditions under which antirheumatic agents are not generally recognized as safe and effective or are misbranded.*

CATEGORY II ACTIVE INGREDIENTS

The Panel has classified the following claimed antirheumatic active ingredients as not generally recognized as safe and effective or are misbranded:

Acetaminophen	Phenacetin
Acetanilid	Quinine
Iodopyrine	Salicylamide

a. *Acetaminophen.* The Panel concludes that acetaminophen is not an effective OTC antirheumatic.

(1) *Effectiveness.* Acetaminophen is not considered to have effective antirheumatic properties (Refs. 1 and 2). A study by Boardman and Hart compared the efficacy of 6 g acetaminophen daily administered as 3 tablets given 4 times daily compared to placebo given in the same manner (Ref. 3). Each drug was given for 7 consecutive days, and quantitative measurements of joint size using standard jewellers' rings under double-blind controlled conditions, in addition to measurements of grip strength were made at the beginning of the study and at the end of each of the 7 day trials. All patients had classical or definite rheumatoid arthritis of at least 1 year's duration, had synovitis of the small joints of the hands, and in all patients it was possible to stop all treatment for 14 days before the trial. The results showed that there was no significant difference of joint size in patients on acetaminophen compared with placebo. Patients had a mean improvement of grip strength from 303 mm Hg on placebo to 326 mm Hg on acetaminophen. This difference was not significant (t=0.57, n=26; P is greater than 0.05).

The Panel concludes that acetaminophen is not effective as an antirheumatic.

(2) *Safety.* The Panel has discussed the safety of acetaminophen earlier in this document. (See part III. paragraph B.1.b.(2) above—Safety.)

(3) *Evaluation.* The Panel concludes because there are no data demonstrating the effectiveness of acetaminophen as an antirheumatic that the ingredient is not effective for use as an OTC antirheumatic.

REFERENCES

(1) Woodbury, D. N., "Analgesic-Antipyretics, Anti-Inflammatory Agents, and Inhibitors of Uric Acid Synthesis," *in* "The Pharmacological Basis of Therapeutics," 4th Ed., Edited by Goodman, L. S. and A. Gilman, Macmillan Co., New York, pp. 314–317, 1970.

(2) Handel, H. G. and C. Davidson, "Non-narcotic Analgesics and Antipyretics II: Non-salicylates and Drugs Useful in Gout," *in* "Drill's Pharmacology in Medicine," Edited by DiPalma, J. R., McGraw-Hill, New York, 1972.

(3) Boardman, P. L. and F. D. Hart, "Clinical Measurement of the Anti-Inflammatory Effects of Salicylates in Rheumatoid Arthritis," *British Medical Journal*, 4:264–268, 1967.

b. *Acetanilid.* The Panel concludes that acetanilid is not an effective OTC antirheumatic and is not safe for OTC use.

(1) *Effectiveness.* The Panel has discused the effectiveness of acetanilid earlier in this document. (See part III. paragraph B.2.a.(1) above—Effectiveness.)

The Panel concludes that acetanilid is not effective for use as an OTC antirheumatic.

(2) *Safety.* The Panel has discussed the safety of acetanilid earlier in this document. (See part III. paragraph B.2.a.(2) above—Safety.)

The Panel concludes that acetanilid is not safe for use as an OTC antirheumatic.

(3) *Evaluation.* The Panel concludes because there are no data demonstrating the effectiveness of acetanilid as an antirheumatic and because of the high incidence of toxic effects that the ingredient is not safe and not effective for use as an OTC antirheumatic.

c. *Iodopyrine.* The Panel finds that there are no data to demonstrate effectiveness and there are data showing it not safe and therefore concludes that iodopyrine is not safe and not effective for use as an OTC antirheumatic.

(1) *Effectiveness.* No studies were found concerning the effectiveness of this iodide salt of antipyrine for use as an OTC antirheumatic. The lack of demonstrated effectiveness for use of iodopyrine as an OTC analgesic has been discussed earlier on this document. (See part III. paragraph B.2.c.(1) above—Effectiveness.)

(2) *Safety.* The safety of iodopyrine has been discussed earlier in this document. (See part III. paragraph B.2.c.(2) above—Safety.) The Panel concludes that iodopyrine is not safe for use as an OTC antirheumatic.

(3) *Evaluation.* The Panel finds that iodopyrine is not safe for OTC use because of the significantly high availability of iodide following oral administration and increased likelihood of iodism. Accordingly, the Panel concludes that the risks from use of iodopyrine outweigh any possible benefit and classifies the ingredient unsafe for use as an OTC antirheumatic.

d. *Phenacetin.* The Panel concludes that phenacetin is not an effective OTC antirheumatic and is not safe for OTC use because of the high potential for abuse, the high potential for harm to the kidneys and the possibility of hemolytic anemia and methemoglobinemia resulting from abuse and the lack of compensating benefits of the drug. The benefit-risk ratio of phenacetin compounds compares unfavorably with other single agents and combination antirheumatic preparations available to target populations.

(1) *Effectiveness.* The Panel notes that "Acetaminophen and phenacetin have analgesic and antipyretic effects similar to those of aspirin. However, they have only weak anti-inflammatory effects and do not share the antirheumatic uses of the salicylates" (Ref. 1).

(2) *Safety.* The Panel has discussed the safety of phenacetin earlier in this document. (See part III. paragraph B.2.d.(2) above—Safety.)

(3) *Evaluation.* The Panel concludes because there are no data demonstrating the effectiveness of phenacetin as an antirheumatic and because of the significant high risk level with long-term use that the ingredient is not effective and not safe for use as an OTC antirheumatic.

REFERENCES

(1) Woodbury, D. M. and E. Fingl., "Analgesic-Antipyretics, Anti-Inflammatory Agents, and Drugs Employed in the Therapy of Gout," *in* "Pharmacological Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S. and A. Gilman, MacMillan, New York, p. 344, 1975.

e. *Salicylamide.* The Panel concludes that salicylamide is not an effective OTC antirheumatic.

(1) *Effectiveness.* Calabro and Paulus compared the efficacy of aspirin, salicylamide and sucrose placebo given as three 0.3 g tablets every 4 hours for 24 hours (Ref. 1). The double-blind crossover study included in each of its three phases, 8 weeks of drug-testing of aspirin, salicylamide or placebo daily, and 2 weeks of interval therapy when all patients took only 2.6 g aspirin daily. The patients were evaluated every 2 weeks using the Lansbury indices. This index evaluates five criteria: Duration of morning stiffness; time of onset of fatigue; aspirin need; grip strength; and the Westergren erythrocyte sedimentation rate. Using Lansbury's Tables, individual findings are converted to a percentage equivalent. When the percentages are added together they constitute a final score on the Lansbury systemic index. In addition, joint pain and metacarpophalangeal and metatarsophalangeal tenderness and swelling were graded from 0 to 4+. The results of this study using the subjective and objective criteria revealed that salicylamide was more effective than placebo in only two subjective parameters of the ten parameters evaluated. These were, time of onset of fatigue and the need for additional aspirin. All of the eight other parameters showed no statistically significant difference between salicylamide and placebo. Statistically significant differences between placebo and aspirin were shown by all criteria.

Batterman and Grossman (Ref. 2) studied the analgesic effect of salicylamide on patients with osteoarthritis, but did not measure antirheumatic effect.

Similarly, Litter, Moreno and Donin (Ref. 3) studied the analgesic efficacy of salicylamide on a large group of arthritic patients, but did not measure antirheumatic effects.

(2) *Safety.* The Panel has discussed the safety of salicylamide earlier in this document. (See part III. paragraph B.3.c. (2) above—Safety.)

(3) *Evaluation.* The Panel concludes from the data presented that salicylamide is not effective for use as an OTC antirheumatic.

REFERENCES

(1) Calabro, J. J. and H. E. Paulus, "Anti-Inflammatory Effect of Acetylsalicylic Acid in Rheumatoid Arthritis," *Clinical Orthopedics and Related Research*, 71:124–131, 1970.

(2) Batterman, R. C. and A. J. Grossman, "Effectiveness of Salicylamide as an Analgesic and Antirheumatic Agent," *Journal of the American Medical Association*, 159:1619–1622, 1955.

(3) Litter, M., A. R. Moreno and L. Donin, "Salicylamide: Pharmacology, Fate, and Clinical Use," *Journal of Pharmacology and Experimental Therapeutics*, 101:119–124, 1951.

CATEGORY II LABELING

The Panel has examined the submitted labeling claims for antirheumatics alone and for combination products with non-antirheumatic ingredients and concludes that there are no labeling claims suitable for OTC labeling of antirheumatic agents. Other labeling including unacceptable claims related to product performance have been clearly defined elsewhere in this document. (See part III. paragraph B.2. above—Category II Labeling.) The Panel classifies all labeling claims, including the following which are currently used in the OTC marketplace, as Category II:

a. *Claims that refer to diseases requiring prior diagnosis by a physician.* The Panel considers the use of any indication for the treatment of arthritic conditions not to be suitable for OTC labeling and recommends that such indications be deleted from the labeling of OTC antirheumatic products. Therefore, the following submitted claims are classified as Category II and should be removed from OTC antirheumatic products: "arthritis", "rheumatism", "pain of arthritis", "pain of rheumatism", "minor aches and pains of arthritis", "minor aches and pains of rheumatism", "minor pain of arthritis", "minor pain of rheumatism", "low back pains", "bursitis", "chronic minor pain of arthritis", "minor aches and pains of bursitis," and "lumbago".

b. *Claims that are unnecessarily descriptive.* The Panel has recommended

that the indications for antirheumatic OTC products be limited to professional labeling. Therefore, the Panel feels that labeling claims such as "body aches" and

following information is needed: Bioavailability studies of aluminum aspirin in man must show comparable blood

for antirheumatic drugs. (See part V. paragraph C. below—Data Required for Evaluation.)

REFERENCES

(1) Dick, W. C. et al., "Indices of Inflam-

to two components, for example, buffering agents may be added to serve as an

toms may include "For the temporary relief of occasional minor aches, pains

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that the indications for antirheumatic OTC products be limited to professional labeling. Therefore, the Panel feels that labeling claims such as "body aches" and "minor muscle aches" are unnecessary. Such claims are included in the simple term, aches. Likewise, the claim "sore, stiff aching muscles" can be adequately described and understood by the terms, aches and pains. The consumer will not be confused by the cause of the ache but will merely treat the ache. The consumer perceives a muscle ache after exercise as an ache and will take the appropriate ingredient. Since the Panel wishes to avoid multiple descriptions of the terms, aches and pains, such descriptions as "due to fatigue" and "sore, stiff muscles" should be deleted from the labeling. The following submitted labeling claims have been classified as Category II by the Panel and should be removed from OTC antirheumatic products: "minor muscular pains and aches", "minor muscular aches", "minor muscle aches", "aches and pains due to fatigue", "sore, stiff aching muscles", "muscular fatigue", "muscular tensions", "low body ache and fatigue", "body aches", and "sprains".

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

CATEGORY III ACTIVE INGREDIENTS

The Panel has concluded that the available data are insufficient to permit final classification of the following claimed antirheumatic active ingredients listed below. The Panel believes it reasonable to provide 3 years for the development and review of such data. Marketing need not cease during this time if adequate testing is undertaken. If adequate effectiveness and/or safety data are not obtained within 3 years, however, the ingredients listed in this category should no longer be marketed in OTC products.

Aluminum aspirin
Antipyrine
Salsalate (salicylsalicylic acid)

a. *Aluminum aspirin.* The Panel concludes that aluminum aspirin is safe but that there are insufficient data to determine effectiveness as an OTC antirheumatic.

(1) *Effectiveness.* No data on the effectiveness of aluminum aspirin as an antirheumatic were found or submitted to the Panel.

(2) *Safety.* The safety of aluminum aspirin has been discussed earlier in this document. (See part III. paragraph B.3.a. (2) above—Safety.) No data on the safety of prolonged use of antirheumatic doses are available.

(3) *Proposed dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antirheumatic drugs. In addition, the following information is needed: Bioavailability studies of aluminum aspirin in man must show comparable blood levels of salicylates to those following administration of the standard, aspirin, as detailed below. (See part V. paragraph C. below—Data Required for Evaluation.)

b. *Antipyrine.* The Panel concludes that there are insufficient data to determine the safety and effectiveness of antipyrine as an OTC antirheumatic.

(1) *Effectiveness.* No study has been found or submitted in which the antirheumatic efficacy of antipyrine has been evaluated (Ref. 1).

The effectiveness of antipyrine as an analgesic has been discussed earlier in this document. (See part III. paragraph B.3.b.(1) above—Effectiveness.)

(2) *Safety.* The safety of antipyrine has been discussed earlier in this document. (See part III. paragraph B.3.b. (2) above—Safety.)

(3) *Proposed dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antirheumatic drugs. (See part V. paragraph C. below—Data Required for Evaluation.) Data to demonstrate safety should include epidemiological studies which take into consideration the concerns of the Panel. Interested drug manufacturers should consult with the Food and Drug Administration as to the design of such studies. The studies should consider pharmacogenetic factors and include several racial groups.

REFERENCES

(1) Woodbury, D. M. and E. Fingl, "Analgesic-Antipyretics, Anti-Inflammatory Agents, and Drugs Employed in the Therapy of Gout," *The Pharmacologic Basis of Therapeutics*, 5th Ed., Edited by Goodman, L. S. and A. Gilman, MacMillan, New York, pp. 347–348, 1975.

c. *Salsalate (salicysalicytic acid).* The Panel concludes that salsalate (salicylsalicylic acid) is safe but that there are insufficient data to determine effectiveness as an OTC antirheumatic.

(1) *Effectiveness.* No data is available either in the literature or in the submission to evaluate the efficacy of salsalate as an antirheumatic.

(2) *Safety.* The safety of salsalate (salicylsalicylic acid) has been discussed earlier in this document. (See part III. paragraph B.3.d. (2) above—Safety.)

(3) *Proposed dosage.* There is no recommended dosage except under the advice and supervision of a physician.

(4) *Labeling.* The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for antirheumatic drugs. (See part V. paragraph C. below—Data Required for Evaluation.)

CATEGORY III LABELING

The Panel recommends the Category I professional labeling for antirheumatic active ingredients. (See part V. paragraph B.1. above—Category I Labeling.)

C. DATA REQUIRED FOR EVALUATION

The Panel finds the protocols recommended in this document for the studies required to bring a Category III drug into Category I in accord with the present state of the art and do not preclude the use of any advances or improved methodology in the future.

1. *Considerations in designing an experimental protocol for testing antirheumatic drugs. General principles.*—The important considerations concerning design and interpretation of short term antirheumatic assays are as follows: The studies should be designed to test the anti-inflammatory activity of an ingredient, separate from any other action it may have.

2. *Determination of the patient population.* Patients with appropriate inflammatory rheumatic diseases should be selected. They should be studied by disease groups. Patients with the same inflammatory rheumatic disease should be compared for the action of the ingredient in significantly reducing the signs of the rheumatic disease.

3. *Test parameters for study.* Patients should be grouped according to disease. The studies should be double-blind crossover in design with aspirin as the standard drug and the patients treatment scheme should be randomized. Objective indices of joint inflammation should be measured (Ref. 1), e.g., grip strength measured by manometer, circumference of the proximal interphalangeal joints, measurement of the time taken to walk 50 ft and the number of swollen or tender joints.

Prior to carrying out an antirheumatic assay, the appropriate statistical analysis should be defined. Unless the above points have been observed, any statistical analysis would only impart a false sense of confidence in the results.

4. *Data interpretation.* To establish Category I status for a Category III ingredient, the number of studies required for compounds for which safety is unquestioned and the number and types of studies required for compounds questioned because of safety, will be the same as outlined for Category III analgesic ingredients. (See part III. paragraph C. above—Data Required for Evaluation.)

All data submitted to the Food and Drug Administration must present both favorable and any unfavorable results.

5. *Safety evaluation.* An evaluation of the safety of an antirheumatic ingredient should be based on the same studies and observations discussed earlier in this document for the safety evaluation of analgesics. (See part III. paragraph C.5.—Safety evaluation.)

REFERENCES

(1) Dick, W. C. et al., "Indices of Inflammatory Activity," *Annals of Rheumatic Diseases*, 29:643–648, 1970.

VI. ADJUVANT AND CORRECTIVE AGENTS

A. GENERAL DISCUSSION

The Panel considered several nonanalgesic ingredients as "active" because they were submitted as such pursuant to the notice published in the FEDERAL REGISTER of July 21, 1972 (37 FR 14633) and the Panel classifies these as adjuvant and/or corrective agents because they may affect the activity or safety of the analgesic components(s) of the submitted preparation(s).

The Panel is of the opinion that these ingredients, which are commonly found in marketed products, can be properly reviewed as a separate group, i.e., as components of a drug delivery system. Their activity either derives from or modifies the activity of the analgesic, antipyretic or antirheumatic agents reviewed. More specifically, this group may be divided into three categories to include adjuvants, which may be directly or indirectly acting, correctives and excipients.

The components of the drug delivery system can be defined as follows:

1. *Adjuvants.* Adjuvants are agents which, in the amounts used, have no significant analgesic effect themselves but contribute to the therapeutic effect of the active agent either directly or indirectly.

a. *Direct acting.* A direct acting adjuvant is one which enhances the pharmacologic response directly by synergistic or additive effects at the site of action. For example, caffeine is added to some analgesic preparations for this purpose.

b. *Indirect acting.* An indirect acting adjuvant is one which does not have effects at the site of action, but indirectly increases the activity of the active agent(s) of the preparation by modifying the disposition (absorption, metabolism, excretion or distribution) of the active agent. Examples include benzoic acid and salicylamide, which are claimed to compete for metabolizing systems affecting the elimination (benzoic acid) or absorption (salicylamide) of aspirin. Buffering systems may act as an indirectly acting adjuvant by increasing the rate of absorption of salicylates.

2. *Correctives.* A corrective is an agent in the drug delivery system intended to reduce some undesirable effect of the therapeutically active agent. An example would be the addition of buffering agents to aspirin formulations to reduce the incidence of gastric distress.

3. *Excipients.* In the course of the manufacture of the finished dosage form, many inert ingredients are required, such as starch or other agents to aid disintegration, or magnesium stearate as a lubricant in the tableting process. Not only should these agents be inert pharmacologically but inactive from the point of view of adversely affecting the rate and extent of the absorption of the active agents. It is important to recognize that some of the agents above may have effects relating to two components, for example, buffering agents may be added to serve as an indirectly acting adjuvant to enhance absorption rate of aspirin or as a corrective to decrease the incidence of gastrointestinal adverse effects of aspirin. In these cases each effect should be considered as a separate claim since the mechanism of action and the clinical endpoint are likely to be different.

B. CATEGORIZATION OF DATA

1. *Antacid or buffering ingredients.* The Panel has classified the following as ingredients of buffering systems for use as antacids or correctives:

Aminoacetic acid (glycine, glycocoll)
Calcium carbonate
Calcium phosphate dibasic (monocalcium phosphate)
Citric acid
Dihydroxyaluminum aminoacetate (aluminum glycinate)
Dihydroxyaluminum sodium carbonate
Dried aluminum hydroxide gel
Magnesium carbonate
Magnesium hydroxide
Sodium bicarbonate
Sodium carbonate

The Panel notes that these ingredients are generally recognized as safe and effective antacid active ingredients and are identified in § 331.11 of the OTC antacid monograph.

The Panel finds that there are three major types of marketed products containing these ingredients that have been submitted to the review:

MARKETED PRODUCTS CONTAINING ANALGESIC COMBINED WITH ANTACID OR BUFFERING INGREDIENTS

Analgesic-antacid products. Products containing nonsalicylate ingredients combined with antacids.

Buffered aspirin products. Products containing aspirin combined with buffering ingredients (correctives).

Highly buffered aspirin for solution. Products containing aspirin combined with antacids.

a. *Products containing nonsalicylate ingredients combined with antacids.* One group consists of products containing analgesic, antipyretic and/or antirheumatic active ingredients combined with these antacid agents in such quantities that they can be classified as antacids pursuant to the OTC antacid monograph. Such marketed combination products are not only labeled as analgesics (for "headache," "pain", etc.) because of their analgesic ingredient(s) but are also labeled as antacids (for "heartburn", "sour stomach", etc.) because they also contain effective antacids.

The Panel concludes that such combinations are appropriate provided they contain nonsalicylate ingredients and satisfy the standards established by the Panel for combination products. (See part II, paragraph G.4.g. above—Standards for Category I combination products.) Each claimed antacid ingredient must be generally recognized as safe and effective as an antacid and be identified in § 331.11 of the OTC antacid monograph. Labeling for concurrent symptoms may include "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for acid indigestion".

b. *Products containing aspirin combined with buffering ingredients (correctives).* Another major group of marketed products contain these agents combined with aspirin. These products are identified as "buffered aspirin" if the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin. These agents are employed to reduce the local irritant effects of aspirin which have been extensively discussed earlier in this document. (See part III. paragraph B.1.a.(2)(ii) above—Adverse effects on the gastrointestinal tract.) Buffered aspirin products are labeled as an analgesic (for "headache", "pain", etc.) accounting for the recognized activity of aspirin, but in addition, are labeled with terms such as "buffering agents to help make the pain reliever more gentle to the system", or "helps prevent the stomach upset often caused by pain aspirin". The Panel has discussed such labeling more fully below. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

Buffered aspirin is defined in this document as a solid dosage form which consists of aspirin plus a sufficient quantity of alkaline buffers to significantly increase the dissolution rate of the product relative to a standard aspirin tablet without necessarily increasing the pH of the gastric fluid. The Panel recommends that specific standards be established, through appropriate testing procedures, that each product shall meet in order to be recognized as a safe and effective "buffered aspirin" preparation.

The Panel concludes that aspirin tablets may be labeled as "buffered aspirin" providing they meet the following minimum requirements: Each dosage unit contains antacid active ingredients identified in § 331.11 of the OTC antacid monograph such that the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of the OTC antacid monograph.

The product should have dissolution characteristics equivalent to the buffered aspirin tablet that has been used in most comparative clinical studies (Refs. 1 through 6). The dissolution test used should be capable of detecting significant differences in the initial rate of dissolution which correlates with the in vivo rate of absorption. This problem of devising suitable dissolution methodology is likely to involve significant experimental development to establish in vitro/in vivo correlations and is therefore, beyond the scope of this Panel. The conditions of the dissolution tests should be established by the appropriate compendial and/or Governmental Agency. A tentative methodology is described below for illustrative purposes. (See part VI.

paragraph C.1.b. below—Aspirin (plain and buffered) tablet dissolution testing procedure.) While these are desirable

pirin ingestion. The evaluation of this claim is difficult because the overall

dence of gastric intolerance in some patients but not in all patients who ex-

Acid Controversy," *New England Journal of Medicine*, 262:1053–1058, 1960.

ered aspirin for solution" or as "specially buffered aspirin" with labeling only as

volved in the production of occult bleeding in normal subjects. Major gastrointesti-

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paragraph C.1.b. below—Aspirin (plain and buffered) tablet dissolution testing procedure.) While these are desirable formulation characteristics, the Panel has placed claims relative to these effects in Category III because of the potential of these statements to mislead the general public. Evaluation of individual claims is necessary to assure that the claims do not imply that increased rate of absorption has been proven to result in improved clinical effectiveness or that decreased incidence of gastric distress is significant for most people or that increased incidence of recurring gastric distress following aspirin ingestion in a small set of patients implies greater safety from serious gastrointestinal effects associated with aspirin products.

Current evidence indicates that properly formulated preparations, those meeting the proposed antacid and dissolution standards, can be expected to (1) increase the rate of absorption of aspirin relative to a plain aspirin tablet; and (2) decrease the incidence of subjective gastric intolerance in some of the relatively small percentage of persons in the general population who regularly experience gastric intolerance with OTC doses of plain aspirin tablets.

In the presence of buffers, an increase in dissolution rate of aspirin tablets has been demonstrated. Even though the amount of buffer in buffered aspirin tablets is not sufficient to markedly affect the pH of gastric fluids, it does increase the pH immediately around the dissolving particles causing an increased rate of dissolution of aspirin from the particles (Refs. 7 through 9). Since dissolution is usually the rate-limiting process for gastrointestinal absorption of salicylates given in solid dosage form, the greater dissolution rate of aspirin in the presence of buffers results in a more rapid rate of absorption (Ref. 10). However, other aspirin formulation variables, such as the tablet compression and choice of tablet excipients, can also have significant effects on the rate of dissolution of aspirin (Refs. 7 and 8). Thus, the inclusion of buffering agents alone will not necessarily result in an increase in the dissolution rate and, therefore, the absorption rate of aspirin. Buffered aspirin tablets with slower rates of dissolution than plain aspirin tablets have been reported (Refs. 7 and 8). Therefore, it is important to evaluate the actual dissolution rate of products claiming rapid absorption. The Panel believes that a suitably designed dissolution test would obviate the necessity of requiring in vivo blood level studies for all buffered aspirin products in order to establish increased absorption rate. It should be noted that a clear relationship between absorption rate and clinical effects (onset, intensity or duration of clinical effects) has not been definitively established. (See part II. paragraph J.4.e. above—Onset, duration and intensity of pharmacologic effects.)

Buffered aspirin has been claimed to reduce subjective symptoms of gastric intolerance (dyspepsia, stomach upset, gastric distress, etc.) associated with aspirin ingestion. The evaluation of this claim is difficult because the overall number of persons who regularly experience subjective symptoms of gastric distress is relatively small in the general population. However, the evidence seems to indicate that some individuals in this small subset of the general population may experience less gastric intolerance with some buffered aspirin tablets compared to plain aspirin tablets.

Sher (Ref. 1) compared buffered aspirin, unbuffered aspirin and aspirin-phenacetin-caffeine products in a prisoner population. Twenty-nine percent or 476 of the total population of 1,629 prisoners reported a previous history of gastric intolerance to aspirin products. The effects of the 3 types of aspirin products were studied in 236 of these 476 prisoners. The 236 prisoners in this "double-blind" study were selected at random. Sher claims that 94 percent of these 236 subjects had one or more complaints of gastric intolerance during the study. "Severe" reactions were encountered more often with an aspirin-phenacetin-caffeine combination (33 percent) and with aspirin alone (18.3 percent) than with buffered aspirin (3.9 percent).

Paul (Ref. 3) also claimed that buffered aspirin produced less gastric distress.

Fremont-Smith (Ref. 2) found 70 percent of patients who were intolerant to unbuffered aspirin could take buffered aspirin and 30 percent were intolerant to both forms.

Unpublished double-blind, crossover, multiple dose studies by Paul (Ref. 4) submitted to this Panel provide evidence that a buffered aspirin tablet and highly buffered aspirin tablet may produce less incidence of gastric intolerance than either unbuffered aspirin tablets or a product containing aspirin and caffeine when multiple doses are administered.

Some investigators have failed to show a difference between buffered and unbuffered aspirin in controlled studies. Batterman (Ref. 5) used a crossover double-blind technique in ambulatory and hospitalized patients who received repeated doses for 1 day, 1 week, 1 to 3 weeks and greater than 5 weeks. Intolerance increased with duration of therapy for both preparations with no significant difference between the two. There is a question whether the tablets used in this study were representative of the usual marketed preparations used in most other studies in the literature.

Cronk (Ref. 6) states that in a well-controlled study only 8 of 397 patients showed gastric intolerance with no difference between buffered aspirin or plain aspirin. Patients who experienced intolerance to regular aspirin did not complain when repeatedly given unidentified aspirin. These latter two studies did not evaluate large numbers of patients usually intolerant to aspirin and the authors did not demonstrate the sensitivity of their method.

Thus, the evidence although apparently conflicting seems to indicate that buffered aspirin produces a lower incidence of gastric intolerance in some patients but not in all patients who exhibit gastric intolerance with regular aspirin products. The number of patients who might benefit from buffered aspirin compared to standard aspirin is probably small. (See part III. paragraph B.1.a.(2)(ii) above—Adverse effects on the gastrointestinal tract.)

The results of a study on subjective gastric intolerance obtained with a given buffered aspirin product cannot necessarily be extrapolated to all other buffered aspirin products. It is not clear whether an observed decrease in gastric distress is related to the buffering effect on the pH of the microenvironment surrounding the dissolving particles, an increased dissolution rate, or both. However, it is the opinion of the Panel that claims of less gastric intolerance if valid for one buffered product would also be justified for other buffered aspirin tablets which contain the same neutralizing capacity and show similar dissolution characteristics and appropriately designed dissolution procedures as determined by this Panel.

Evaluation of individual formulations is beyond the scope of the Panel's review. It is the Panel's opinion that if a buffered aspirin formulation meets the requirements for buffer capacity and dissolution rates outlined above, the claims described below may be used. (See part VI. paragraph B.1.d. below—Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients.)

In spite of this apparent superiority in terms of blood salicylate studies there is no evidence on the basis of controlled clinical analgesic assays that buffered or highly buffered aspirin provides a more rapid onset, a greater peak intensity, or a more prolonged duration of analgesia than unbuffered aspirin (Ref. 9).

REFERENCES

(1) Sher, D. B., "Aspirin and APC Irritation of the Stomach," Scientific Exhibit, World Congress of Gastroenterology, Washington, DC, 1958.

(2) Fremont-Smith, P., "Bufferin in Management of Rheumatoid Arthritis," *Journal of the American Medical Association*, 158: 386–388, 1955.

(3) Paul, W. D., R. L. Dryer and J. I. Routh, "Effect of Buffering Agents on Absorption of Acetylsalicylic Acid," *Journal of the American Pharmaceutical Association*, 39:21–24, 1950.

(4) Paul, W. D., "Bufferin and Neolin, Demonstration of Gastric Tolerance," draft of unpublished paper is included in OTC Volume 030137.

(5) Batterman, R. C., "Comparison of Buffered and Unbuffered Acetylsalicylic Acid," *New England Journal of Medicine*, 258:213–219, 1958.

(6) Cronk, G. A., "Laboratory and Clinical Studies With Buffered and Nonbuffered Acetylsalicylic Acid," *New England Journal of Medicine*, 258:219–221, 1958.

(7) Chiou, W. L. and I. Onyemelukwe, "Disintegration, Dissolution, and Oral Absorption in Humans of Five Commercial Buffered Aspirin Dosage Forms," *Journal of Clinical Pharmacology*, 14:597–603, 1974.

(8) Levy, G. and B. A. Hayes, "Physicochemical Basis of the Buffered Acetylsalicylic Acid Controversy," *New England Journal of Medicine*, 262:1053–1058, 1960.

(9) Beaver, W. T., "Mild Analgesics in the Treatment of Pain," *Modern Treatment*, 5: 1094–1120, 1968.

(10) Muir, A. and I. A. Cossar, "Aspirin and Ulcer," *British Medical Journal*, 2:7–12, 1955.

c. *Products containing aspirin combined with antacids*—(1) *Introduction.* Highly buffered aspirin for solution contains a sufficient quantity of buffers to conform to the specifications for antacids established in the antacid monograph (21 CFR Part 331) and therefore, will increase the pH of the gastric fluid. Such products, which have a neutralizing capacity of at least 20 mEq of hydrochloric acid, have been shown to significantly decrease gastric occult bleeding that results from the direct effects of aspirin on the gastric mucosa. Such products also have the most rapid rate of aspirin absorption. The Panel notes that there is current OTC marketing of aspirin combined with antacids for use as an effervescent solution with labeling for use in the symptomatic relief of concurrent symptoms requiring both an antacid and an analgesic-antipyretic.

The Panel finds it irrational to include aspirin with any antacid preparation intended to provide claims for an antacid effect, e.g., "For the treatment of heartburn, sour stomach and acid indigestion", since aspirin in any dosage form e.g., tablet, highly buffered aspirin solution, etc., can potentiate symptoms of peptic ulcer, occult bleeding and in some predisposed individuals massive gastrointestinal bleeding. The serious adverse effects of aspirin on the gastrointestinal tract occur more frequently in individuals who have existing gastrointestinal disorders which are often characterized by the recurring gastric symptoms described above.

Therefore, the Panel concludes that it is rational to market such an aspirin product for use only as an analgesic-antipyretic and not for concurrent symptoms requiring an antacid. The Panel has identified such products as highly buffered aspirin for solution. The Panel has discussed products as highly buffered aspirin for solution. The Panel has discussed the basis for these conclusions that any potential increased analgesic benefits derived from combining aspirin and an antacid for concurrent symptoms is not justified by the increased risk of serious adverse effects in this population relative to other analgesic ingredients that are available to the target population. (See part III. paragraph B.1.a.(2)(ii) above—Adverse effects on the gastrointestinal tract.)

The highly buffered aspirin for solution products discussed above contain aspirin combined with antacid active ingredient(s) identified in § 331.11 of the OTC antacid monograph such that the finished product contains at least 20 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of the OTC antacid monograph. These products shall be identified as "highly buffered aspirin for solution" or as "specially buffered aspirin" with labeling only as an analgesic and/or antipyretic.

The Panel is limiting claims for these products to "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever". In addition, claims such as "Provides ingredients that may prevent the stomach upset that plain aspirin occasionally causes", and/or "Gets to the bloodstream faster than plain aspirin", are possibly more valid for highly buffered aspirin products for solution than for buffered aspirin tablets. However, these claims would carry the same benefit to risk considerations for highly buffered aspirin for solution as for other buffered aspirin preparations and must therefore be considered as Category III.

Currently marketed highly buffered aspirin for solution preparations are claimed by the drug manufacturer to be safe for self-medication by individuals with symptoms of stomach distress, indigestion and heartburn and to be safe for occasional use for relief of concurrent symptoms requiring both an antacid and an analgesic, both for individuals with normal gastrointestinal function and those who may have peptic ulcer. The following statements have also been made by them (Refs. 1 and 2):

> Evidence is presented indicating that blood loss occurring after the ingestion of aspirin, whether occult or overt, is due to the action of unionized aspirin in altering the gastric mucosal barrier, permitting back diffusion of aspirin into the gastric mucosa. In the absence of these events there will be no blood loss from aspirin . . . data are also presented which demonstrate that blood loss occurring after the ingestion of aspirin is due not only to the action of unionized aspirin in breaking the gastric mucosal barrier but in the absense of acid there will be no blood loss from the stomach [and] The conclusion that individuals with peptic ulcer (whether or not diagnosed) are not at risk from highly buffered aspirin is founded on the demonstrated evidence that [highly buffered aspirin solution] does not "initiate acute gastric erosions.

It is therefore argued by the drug manufacturer that this type of product is safe by virtue of special properties conferred by the highly buffered aqueous drug delivery form which obviates the acid-mediated local effects of aspirin on the gastric mucosa. It is alleged that aspirin contributes to both occult and massive bleeding through only these acid-mediated local effects (Refs. 1 through 4).

The Panel concludes that there is evidence that highly buffered aspirin solutions will reduce, but not eliminate the acute gastric erosions and occult blood loss produced by the local effects of aspirin in experimental animals and individuals with no predisposing gastrointestinal disease. However, there is no valid clinical evidence to support the claim that highly buffered aspirin for solution has significantly less potential to induce major gastrointestinal hemorrhage in patients with preexisting gastrointestinal lesions which the Panel believes includes mechanisms other than the acid-mediated local mechanisms involved in the production of occult bleeding in normal subjects. Major gastrointestinal bleeding produced by aspirin is frequently associated with recurring gastric distress and a history of peptic ulcer, gastritis or previous episodes of gastrointestinal hemorrhage.

Contrary to the assertions in the data submitted by the manufacturer, there is no evidence to support their arguments that aspirin acts through only one single localized mechanism. In fact, the submitted studies and references support the view that several different mechanisms may be involved in the potentiation of bleeding from acute lesions by the local and/or systemic effects of aspirin and salicylates on hemostasis as well as on mucosal blood flow. These lesions are not only caused by aspirin in the presence or absence of gastric acid but may also be caused by other factors.

The claims for highly buffered aspirin solutions have been quite controversial. The Panel in its examination of these claims has had the advantage of extensive information from recent reviews, including the conclusions of the OTC Antacid Advisory Panel's review of the evidence for this claim (Ref. 5), and also of the hearings and individual reactions to published conclusions of others (Refs. 6, 7, and 8). The Panel has also had the advantage of several new epidemiological (Refs. 9 and 10) and experimental studies (Refs. 11 through 13) not reviewed by previous groups which support the concept that major gastrointestinal bleeding involves multiple mechanisms, and that highly buffered aspirin preparations can induce bleeding.

The Panel has also reviewed all available epidemiological data implicating highly buffered aspirin solution preparations from the above point of view that several mechanisms are involved. Many of the inconsistencies in the arguments used in the drug manufacturer's submission are resolved by the concept that aspirin in any dosage form can potentiate massive bleeding in certain individuals with existing "primed" (ready to bleed or slightly bleeding) bleeding sites.

Based upon the total evidence now available to the Panel, it concludes that the evidence is insufficient to substantiate the claims that buffered or highly buffered aspirin solution is safe for use in patients who should not take regular, unbuffered (plain) aspirin. Furthermore, based upon current knowledge of high risk groups such as individuals who drink alcohol excessively, the benefit to risk ratio for individuals with symptoms of gastric distress, particularly with concomitant headache, does not warrant the use of aspirin in any dosage form. Therefore, the Panel does not recommend any exception to the current proposed labeling warning which states: "*Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

The Panel's conclusions, which are discussed more fully below, are based in part on a thorough evaluation of all submissions that support the concurrent antacid-analgesic claims, including the

arguments relating to assumptions on the mechanism of aspirin-induced bleeding and the properties of highly buffered

for solution. The acid-mediated single mechanism theory has been the basis of

by Langman (Ref. 17) on the basis of the above invalid argument, actually

It is stated (Ref. 3) that "Dagradi et al. confirmed that aspirin is capable of caus-

Although morphologically different, these lesions have the same clinical

The evidence supporting the potentiating role rather than the initiating role of

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arguments relating to assumptions on the mechanism of aspirin-induced bleeding and the properties of highly buffered aspirin for solution preparations on animal and clinical experimental studies, including published and unpublished studies on occult bleeding in normal and peptic ulcer patients; on the analysis of published epidemiological studies; and on marketing experience data.

(2) *Arguments submitted to the Panel to support concurrent analgesic-antacid labeling claims for highly buffered aspirin for solution.* All arguments given in the extensive materials provided to the Panel directly relate to the following basic contentions: (i) *The acid-mediated single mechanism theory.* The first contention relates to the primary mechanism involved in the gastric damage produced by aspirin. It is asserted that massive bleeding, erosive gastritis and occult (unseen) bleeding, all result from the same (universal) gastric acid-mediated (Davenport) mechanism and only this single mechanism is involved. According to this mechanism, the presence of gastric acid is required for aspirin to produce the primary lesion involved in massive or occult bleeding. The primary lesion must be produced by the absorption of unionized aspirin into the mucosal cell and at some critical concentration increases the permeability of the gastric barrier which facilitates backflux of hydrogen ion to produce subsequent erosion and hemorrhage. This postulate is referred to by the Panel as the "acid-mediated single mechanism theory."

(ii) *The alleged distinctive properties of highly buffered aspirin for solution.* The second contention relates to proposed properties of highly buffered aspirin solutions. It is asserted that the direct effects of aspirin, and therefore gastric bleeding, are not possible with highly buffered aspirin for solution because in these solutions only sodium acetylsalicylate, which is chemically and pharmacologically distinct from aspirin, is present. Acetylsalicylate, the ionized form of aspirin, is not absorbed into the mucosal cell. Therefore, critical concentrations are not reached in the cell for local effect. Also, the gastric acid is neutralized, and therefore, hydrogen ion is not available to damage the mucosa, thus erosion and massive bleeding cannot occur.

The Panel concludes that submitted and published experimental information which is discussed in more detail below does not support any of these contentions. In the evaluation of statements in the extensive submissions to the Panel, it found that in the final analysis, the validity of the claim for use of highly buffered aspirin for solution preparations for concurrent symptoms, i.e., for use as an antacid and analgesic, is dependent on an unproven argument that there is only one single mechanism involved in massive bleeding. Virtually all other arguments in the submission are dependent upon the validity of the "acid-mediated single mechanism theory."

(3) *Data submitted to the Panel to support concurrent analgesic-antacid labeling claims for highly buffered aspirin for solution.* The acid-mediated single mechanism theory has been the basis of the additional sequence of arguments which have been used to justify the proposed use of highly buffered aspirin for solution products in individuals with stomach distress, gastritis, peptic ulcer, etc.

(i) *The allegation that occult bleeding studies demonstrate the safety of highly buffered aspirin for solution.* In the data submitted to the Panel, it is contended that since aspirin-induced massive bleeding and occult bleeding involve the same mechanism, studies of occult bleeding are adequate to establish safety relative to major (massive) gastrointestinal bleeding (Refs. 1, 2, and 3).

This assertion is the basis of the use of occult bleeding studies in normal subjects and experimental animals in place of clinical studies. The Panel finds that this assertion and the use of these studies are not consistent with available experimental evidence. Occult blood studies in normal subjects do not serve as good models for the effects of aspirin in "primed" individuals with preexisting gastrointestinal pathologies and potentially bleeding acute lesions.

(ii) *The contention of the absence of highly buffered aspirin for solution associated erosion and occult bleeding.* In the data submitted to the Panel, it is contended that because highly buffered aspirin for solution does not produce erosion or occult bleeding, it is safe for use in individuals with a history of signs and symptoms including gastric distress, gastritis, peptic ulcer or massive bleeding (Refs. 2 and 3).

All initial experimental studies with highly buffered aspirin for solution submitted to the Panel involved short-term use of the product in normal subjects or animals in which no increased occult blood loss was claimed as proof of safety for highly buffered aspirin for solution (Refs. 1 and 2). However, upon the request by the Panel for information on occult blood loss in humans or animals with existing lesions, new information was obtained showing that when preexisting lesions were present, occult blood loss after highly buffered aspirin for solution use was actually increased (Refs. 11, 12 and 14).

(iii) *The argument against aspirin-associated massive bleeding in the absence of gastric erosion.* In the data submitted to the Panel, it is contended that since aspirin-induced massive bleeding and gastric erosion occur only through acid-mediated gastric erosion, any cases of massive bleeding not involving aspirin-induced acute erosion cannot be considered to have been caused by aspirin (Refs. 3, 15, and 16).

This argument is used to dismiss the few epidemiological studies which have specifically considered highly buffered aspirin for solution preparations as a separate class and found them associated with cases of massive bleeding to the same extent as regular aspirin preparations (Refs. 15 and 16).

The Panel concludes that the studies of Brown and Mitchell (Ref. 15) and Jennings (Ref. 16), which were criticized by Langman (Ref. 17) on the basis of the above invalid argument, actually support the conclusion that highly buffered aspirin for solution like other aspirin formulations can potentiate massive bleeding from existing lesions in individuals with a variety of gastrointentinal disorders.

The Panel concludes that several types of evidence (experimental and epidemiological) clearly show that the effects of aspirin cannot be totally explained by one mechanism and that the acid-mediated acute lesion produced by aspirin is not the only mechanism by which aspirin can contribute to massive bleeding (Refs. 4, 9 through 12, 14, 18, and 19). There is good evidence that all aspirin products can precipitate bleeding from existing acute lesions.

The Panel finds that there is conclusive evidence that aspirin can and does produce acute erosions and occult bleeding by the acid-mediated mechanism, but that gastric acid is not essential for all local effects of aspirin. The Panel also concludes that in view of the evidence now available it is impossible and illogical to attempt to explain all effects of aspirin on the gastrointestinal tract by a single mechanism in which the effect must involve a lesion produced by aspirin mediated through gastric acid.

Thus, the Panel concludes that aspirin in any form can potentiate major gastrointestinal bleeding in certain individuals with new or preexisting mucosal lesions. The bleeding lesions may be either caused by aspirin in some cases, or by other factors (alcohol, stress, gastrointestinal disease) and may be simply triggered or potentiated by aspirin. This mechanism(s) explains and correlates many otherwise inconsistent clinical and experimental observations.

(4) *Analysis of data submitted to the Panel*—(i) *Evidence for and against a universal acid-mediated mechanism.* A recent submission on highly buffered aspirin for solution (Ref. 3) illustrates the sequence of invalid reasoning repetitively used to show that highly buffered aspirin for solution cannot produce massive bleeding. The argument that massive gastrointestinal bleeding must occur from erosions caused by aspirin is discussed in the submission to reinforce arguments given in previous submissions (Refs. 1 and 2). The recent submission states: "For massive gastrointestinal bleeding to occur in response to aspirin, there must be sufficient erosions of the gastric mucosa." Information is also summarized in the submission to show that aspirin can cause gastric erosions and that the direct effect of aspirin is consistent with the acid-mediated Davenport mechanism. The Panel notes that it is unwarranted to conclude that because (*a*) erosions are needed for bleeding, (*b*) aspirin causes lesions, and (*c*) aspirin can act through the acid-mediated Devenport mechanism, that therefore, all gastric bleeding involves erosions produced by the Davenport mechanism. Such a conclusion assumes that there is evidence that only one possible mechanism exists for each of the three observed events.

It is stated (Ref. 3) that "Dagradi et al. confirmed that aspirin is capable of causing massive gastrointestinal bleeding because of its ability to initiate acute gastric erosions". They further state that erosions will be prevented if acid is eliminated from the stomach and cite animal studies to support this statement as follows: "Evidence that there is only a single mechanism whereby aspirin may produce gastric damage and blood loss is the fact that * * * even under conditions where aspirin will produce severe hemorrhagic erosions, these erosions will be prevented from occurring if conditions are varied by eliminating the presence of acid in the stomach," citing the animal studies of Brodie and Chase (Refs. 20 and 21) and Dagle et al. (Ref. 22) and concluding that "regardless of the severity of the gastric damage or bleeding response, the presence of acid in the stomach is an essential element for this to occur" (Ref. 2).

Finally the submission (Ref. 3) quotes Cooke (Ref. 23) who reiterates the key argument that only one mechanism is involved with all adverse aspirin effects on the gastrointestinal system: "Finally, the basis of aspirin damage to the gastric mucosa, i.e., erosions, occult and overt bleeding is the presence of acid in the lumen of the stomach."

However, the animal studies of Brodie and Chase (Refs. 20 and 21) and Dagle et al. (Ref. 22) clearly show that gastric acid is not required for aspirin to produce gastric erosions.

As noted above, even if each statement regarding experimentally observed phenomena were valid, the Panel concludes that it is not valid to extrapolate that each event is causally related to each other to the exclusion of all other possible contributing or causal factors.

In the Panel's review of the data of Dagradi et al. (Ref. 24), the Panel agrees that, indeed, evidence is provided that would support the contention that aspirin may cause massive bleeding by virtue of initiating acute gastric erosions. However, this same study also provides evidence that aspirin may precipitate or potentiate bleeding from lesions that were quite unlikely to have been caused by the acute effects of aspirin.

Thus, the basic fallacy in virtually all arguments given in the submissions is the unproven, and in the Panel's opinion, highly unlikely argument that aspirin can cause massive gastric bleeding only if aspirin directly produces the acute bleeding lesion (with the further constraint that aspirin can produce the lesion only through the acid-mediated mechanism).

There are now several lines of recent evidence which strongly indicate that massive bleeding related to aspirin ingestion does not involve only one type of acute gastric erosion but several types, some of which may have been present before aspirin was administered. These potentially bleeding erosions may have been caused by a variety of initiating factors, including stress, alcohol and infection, as well as aspirin and other drugs.

Although morphologically different, these lesions have the same clinical characteristics and prognosis in cases of massive bleeding. These lesions may be chronic or acute, gastric or intestinal, and involve excessive secretion or the absence of gastric acid (Refs. 24 and 25). The feature they have in common, however, is an abraded mucosa with an exposed engorged capillary bed which by virtue of the unique vascular arrangement are very prone to an oozing type of bleeding dependent on platelet plugs for hemostasis (Ref. 26). The Panel has discussed the effects of aspirin on platelet aggregation and hemostasis elsewhere in this document. (See part III. paragraph B.1.a.(2)(i)(c) above—Relationship between systemic platelet effects and gastrointestinal bleeding.) There is now considerable evidence that the primary effects of aspirin on these lesions is a prolonged impairing effect on hemostasis involving irreversible platelet damage and there may possibly be other effects on the microcirculation, although this has not been proven.

The submission dismisses the effect of aspirin on hemostasis as a factor in massive bleeding on the basis of the study by Leonards and Levy (Ref. 27) who showed that aspirin given intravenously increased template bleeding time but did not increase occult bleeding. The lack of correlation between bleeding time and occult blood loss has also been noted by the Panel. (See part III, paragraph B.1.a.(2)(ii)(e) above—Occult bleeding.)

The use of this study as evidence to conclude that the systemic aspirin hemostatic effect does not relate to massive bleeding, again results from the unwarranted adherence to the unproven single acid-mediated mechanism theory. This conclusion is again not valid unless it is assumed that massive bleeding and occult bleeding are identical, or that the individuals studied by Leonards and Levy had preexisting lesions which predisposed them to massive bleeding episodes, and therefore, they served as realistic models to determine the effects of the increase in bleeding time on gastric bleeding from preexisting potentially bleeding sites.

The Panel reemphasizes that a study which shows no difference should not be accepted unless there is evidence that the study was properly designed relative to the question at hand and that the study had sufficient sensitivity to detect real differences if they did exist. The design of this study of occult bleeding in normal subjects is totally unrelated to the question of whether systemic aspirin effects on platelet function and thus bleeding time will potentiate bleeding in patients who have existing potentially hemorrhagic gastrointestinal lesions. Indeed, the studies of Grossman showed that intravenous aspirin caused significant gastrointestinal bleeding in only the two "primed" individuals who had preexisting lesions (Ref. 19). This information was noted in the submission but dismissed because it conflicted with their single acid-mediated mechanism theory.

The evidence supporting the potentiating role rather than the initiating role of aspirin in bleeding from existing erosions is reviewed below.

The Panel concludes that there is now significant evidence from experimental and clinical studies strongly supporting a mechanism in which aspirin can potentiate major gastrointestinal bleeding in certain individuals with preexisting mucosal lesions. The possibility that bleeding lesions may be either caused by aspirin in some cases but also may have been caused by other factors and simply triggered or potentiated by aspirin, provides a unifying mechanism that explains and correlates many otherwise inconsistent clinical and experimental observations.

(ii) *Evidence for multiple mechanisms of aspirin-induced massive bleeding.* The Panel concludes that current evidence indicates that aspirin may contribute to the increased incidence of massive gastric bleeding by direct production of the bleeding lesion and/or by potentiating bleeding from existing lesions. (*a*) *Direct production of acute mucosal lesions.* In some cases it is possible that repetitive dosing with aspirin directly produces acute erosive gastritis which becomes the bleeding lesion. Supporting evidence, discussed elsewhere in this document, is the extensive clinical and experimental data showing that aspirin reproducibly produces gastric erosions and occult bleeding in normal subjects. Massive bleeding, however, is more likely in individuals with existing gastrointestinal disease (Refs. 28, 29, and 30). (See part III. paragraph B.1.a.(2)(ii)(*g*) above—Massive gastrointestinal bleeding.) However, when a challenge dose of aspirin is given to individuals who have recently experienced massive hemorrhage following aspirin ingestion or who may have peptic ulcers which may have been produced by chronic aspirin ingestion, the occult bleeding and gastric damage produced in these individuals is frequently no different than that produced in normal control subjects (Ref. 31).

Those who contend that aspirin contributes to massive bleeding only by its direct mucosal erosive effect, claim that this is proof that there must be other modifying factors in order for local erosion and occult bleeding to progress to massive hemorrhage. For those who argue that there can be no effect of aspirin other than the direct local effect, these modifying factors must of course be assumed to be independent of aspirin. Current evidence indicates that aspirin is a modifying factor which can increase bleeding from certain types of bleeding lesions (acute mucosal lesions) (Refs. 19 and 32). Langman (Ref. 17) claims that the absence of proof that such modifying factors commonly occur must be considered as evidence that the contribution of aspirin to massive bleeding must be limited. The validity of this conclusion is also of course dependent on the assumption that aspirin acts by only one direct mechanism.

In the opinion of the Panel, there is insufficient evidence to assume that all

gastrointestinal effects of aspirin are limited to one single mechanism. The evidence offered by proponents of this

ing, the acute mucosal erosions were present in histological studies in 66.6 percent of patients with gastroscopically

negative massive bleeding are probably due to acute mucosal lesions (Refs. 25 and 26). The categorization by different

It has also been shown that the assumption that alcoholics bleed most often

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tion of known gastrointestinal pathology.

Analysis of the data of Grossman (Ref.

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gastrointestinal effects of aspirin are limited to one single mechanism. The evidence offered by proponents of this theory (Refs. 1 through 4, and 33) is based on the contention that in order to contribute to massive bleeding aspirin must cause the bleeding erosion by the same mechanism that it causes occult bleeding. An important part of their basic assertion is that this common mechanism requires the involvement of gastric acid since part of the proof involves the reduction of occult bleeding by a highly buffered aspirin preparation. Evidence has been given previously that occult bleeding and massive bleeding are unlikely to be due to the same effects of aspirin and that the direct erosive effects of aspirin and occult bleeding can occur in the absence of gastric acid. Furthermore, the development of erosions associated with massive bleeding can occur in the absence of either acid or aspirin, for example as a result of alcohol or stress (Refs. 24 and 26).

While there is no reason to rule out the possibility that aspirin may initiate acute erosions or increase the bleeding from existing erosions by direct musocal effects, there is no reason to assume that this is the only mechanism possible or that the mechanism requires gastric acid since massive bleeding following aspirin ingestion may occur in patients with achlorhydria (Refs. 25 and 34).

(b) *Potentiation of bleeding from existing erosions.* Although aspirin at times causes acute mucosal erosions, in many cases reported bleeding took place after only a few aspirin ingestions in patients with gastric conditions in which acute lesions were highly likely to exist, such as chronic gastritis and chronic atrophic gastritis. This is true also, however, in the four studies cited by Langman (Ref. 17) in which aspirin had a greater probability of being involved in bleeding in the presence of a peptic ulcer because mucosal lesions are also associated with peptic ulcer. The typical lesion involved in most acute bleeding cases is described by Katz and Siegel (Ref. 26).

Katz and Siegel (Ref. 26) have discussed the relationship between gastrointestinal hemorrhage and the occurrence of the acute gastric mucosal lesion which is involved in bleeding from acute erosive gastritis (localized or diffuse small erosions a few millimeters in diameter), acute gastric ulcer (single or multiple erosions 10 mm or more in diameter), and hemorrhagic gastritis (which may appear to "weep" blood without recognizable erosions or ulcers). The latter category is not generally detected by gastroscopy but is observed during surgery.

The acute gastric mucosal lesion is characterized histologically by the presence of three features which are: denudation of superficial epithelium; hemorrhage in the capillary-rich area of the neck of the glands; and hemorrhage in the lamina propria which has diffused throughout the gastric gland area. The degree of involvement of each of these categories may not be evident unless multiple biopsies are made. In 93 patients with upper gastrointestinal bleeding, the acute mucosal erosions were present in histological studies in 68.6 percent of patients with gastroscopically observed localized erosions, in 69.7 percent of patients with diffuse gastric erosions, and in 80 percent of patients in whom the cause of upper gastrointestinal hemorrhage was undiagnosed by gastroscopic examination indicating to the authors the possible involvement of antral or duodenal erosions.

The histological acute mucosal lesion is thus the common denominator for a variety of gastric conditions associated with massive gastrointestinal bleeding. The diagnosis actually reported and the incidence in different studies depends upon whether examination was carried out by radiology (x-ray) only, or whether gastroscopic examination was done at all, done on all patients who bled (including x-ray positive cases) or done only in x-ray negative cases. Gastroscopy must be done rapidly as erosions can disappear in a few days after bleeding. Further characterization of the lesion depends upon whether single or multiple biopsies were taken for histological studies (Refs. 24 and 26). Finally, recent studies show that similar types of mucosal lesions are frequently associated with bleeding in the duodenum and jejunum and upper parts of the stomach and esophagus in hiatus hernia and esophageal varices. These lesions are not seen unless special endoscopic procedures (duodenoscopy or esophagoscopy) or surgery are performed.

Several authors have concluded that many cases of x-ray and gastroscopically negative massive bleeding are probably due to acute mucosal lesions (Refs. 25 and 26). The categorization by different authors will also depend on the age group surveyed, the proportion of women and men studied, the proportion of cases involving different inciting agents (aspirin, alcohol, stress) and the precipitating factor (alcohol, stress, aspirin, other drugs).

The acute mucosal lesion is the histological picture seen in hemorrhagic gastritis in which erosions are not seen gastroscopically. This diagnosis is usually not possible gastroscopically but is observed during gastrectomy (Ref. 26). The acute mucosal lesion is seen in 69 percent of localized acute erosive gastritis and 70 percent of diffuse acute erosive gastritis and acute gastric ulcers. The acute mucosal lesion was also observed by Katz and Siegel (Ref. 26) in 80 percent of radiologically and gastroscopically negative cases of overt hemorrhage. It has been shown during surgery that similar erosions can be found concurrently in the gastric and duodenal mucosa and that bleeding may occur from the latter, a possible explanation for some gastroscopically negative cases. A control group had acute lesions in only 6.6 percent of 90 patients which was significantly different from all other groups. The relationships between gastroscopically diagnosed erosions, histologically diagnosed types of gastritis and the frequency of histologically characterized acute mucosal lesions are shown in the following table by Katz and Siegel (Ref. 26):

Relationship between gastroscopically diagnosed erosions, histologically diagnosed gastritis and frequency of histologically characterized acute mucosal lesions

Type of erosion, gastroscopic diagnosis	Number of cases	Cases with acute gastric mucosal lesion (In percent)	Histological diagnosis—type of hemorrhagic gastritis			
			Number chronic gastritis	Chronic superficial gastritis	Chronic atrophic gastritis	Gastric atropsy
Localized gastric erosions	35	68.6	7	19	7	2
Diffuse erosive gastritis	[illegible]	69.7	5	21	4	0
Undiagnosed (x-ray and gastroscopically negative)	25	80.0	7	13	5	0
Total	93		22	53	16	2

The findings of Katz and Siegel described in the above table are of particular importance showing the high incidence (80 percent) of active mucosal lesions found in the undiagnosed (x-ray and gastroscopically negative) group. Langman in his critical review erroneously concluded that the incidence of aspirin associated bleeding should be small in this group which biased some of his further conclusions.

(1) *Acute lesions in peptic ulcer and other x-ray positive conditions.* Even when a positive radiological diagnosis of a chronic ulcer is made, further gastroscopic or surgical examination frequently shows that bleeding actually occurs from an acute mucosal lesion (erosion or acute ulcer) and not from the chronic ulcer. A number of studies have been reviewed by Katz and Siegel (Ref. 26) and others showing that the majority of patients with a diagnosis of gastric ulcer are found to be bleeding from coexisting acute gastric mucosal lesions (Ref. 24). Back diffusion of hydrogen ion from gastric acid is generally assumed to be a primary factor in the production of acute gastric erosions, presumably by direct and indirect effects on capillary blood flow through liberation of histamine or other substances from the mast cells in the lamina propria. However, acute mucosal erosions can occur in the stomach with reduced or absent gastric acid (Ref. 26).

The etiology of acute mucosal erosions is apparently the end product of several possible interacting endogenous and exogenous factors which can directly or indirectly affect the mucosal blood supply. Although duodenal ulcer is most often cited as the cause of upper gastrointestinal bleeding, several studies in which early gastroscopy is carried out in all patients have shown that acute gastric erosions are a more frequent site of bleeding than duodenal ulcers (Ref. 35).

It has also been shown that the assumption that alcoholics bleed most often from esophageal varices is false since in one series 43 percent bled from acute gastric mucosal lesions while only 13 percent bled from varices (Ref. 26). Acute erosions were found in 20 of 34 men during acute alcohol intoxication who exhibited abnormal mucosa on histological examination in all 34 cases and acute gastritis in 30 of 34 gastroscopic examinations. Erosions and histology returned to normal after abstinence. It is claimed that the erosions can probably develop in the absence of gastric acid. They also occur in chronic alcoholics in the absence of alcohol ingestion which indicates that alcohol plays a role but is not essential for production of acute mucosal erosions (Ref. 26).

Similarly in hiatus hernia in which the upper portion of the stomach is strangulated, an acute mucosal lesion, similar to those seen lower in the stomach, occurs presumably due to venous congestion from occlusion by the diaphragm. Although aspirin apparently is not the cause of the erosion, bleeding is often precipitated immediately following aspirin ingestion (Ref. 36). Bleeding from acute mucosal erosion in patients with hiatus hernia was involved in 2 percent of all massive bleeding in the series of Katz and Siegel (Ref. 26). Although acute aspirin and alcohol ingestion are frequently involved in bleeding from acute mucosal lesions, it is now clear that acute mucosal erosions can be the end product of a variety of other interacting endogenous and exogenous potential etiological variables which directly or indirectly affect the mucosal circulation.

Histamine produced overt bleeding in one of 17 patients. Histological examination showed minimal denudation of superficial epithelium in only three patients but moderate or severe hemorrhage in the lamina propria in 15 patients and hemorrhage in the neck of all patients. Several studies in animals have indicated the probable role of histamine release from degranulation of mast cells in the lamina propria as a factor in stress ulcers. Other factors including vagal and sympathetic stimulation, epinephrine release, and ACTH release have been shown as possible factors in acute hemorrhagic erosive gastritis associated with a variety of types of physical and emotional stress, infections and hypovolemic shock (Refs. 24 and 26).

In 1961, Kossover and Kaplan (Ref. 32) stated that for more than a decade, controversy has existed regarding the role of salicylates in gastrointestinal bleeding. They stated: "There are those who feel that salicylates could be responsible for the bleeding; those more skeptical who are awaiting additional evidence, and finally the group who ridicules the very idea" and further noted: "Then among those who do believe that this drug can cause bleeding, there is divided opinion between the local gastric irritation theory and the hypothesis that the effect is primarily systemic on blood coagulation." It is interesting that the same controversy still exists even though 15 years ago based upon data available to them, Kossover and Kaplan reached conclusions on the role of aspirin and the mechanisms involved which are essentially the same as the conclusions presented here based on different, more recent experimental evidence.

Based upon information from the literature, from the first report of gastrointestinal bleeding after salicylate medication in 1877 by Balz to the study of Kossover and Kaplan conducted in 1959, the following conclusions were reached (Ref. 32):

(i) Stress of different types, including physical and emotional trauma and infections are the primary causes of gastric erosions and may well be the sole cause of gastrointestinal hemorrhage.

(ii) The effect of salicylates is at the capillary vascular component possibly by affecting capillary fragility and permeability or affecting clotting mechanisms.

(iii) Aspirin may be involved in a reasonable percentage of massive gastrointestinal hemorrhages, in the "cause undetermined" category as well as activation of known gastrointestinal pathology.

Analysis of the data of Grossman (Ref. 19) provides clear and conclusive evidence that aspirin and salicylic acid can both precipitate bleeding from existing lesions and that aspirin has effects which cannot be explained on the basis of the acid-mediated (Davenport) mechanism. Based upon the Davenport mechanism, salicylic acid would be expected to be essentially equivalent to aspirin in producing occult bleeding based on its ability to break the gastric barrier. (See part III. paragraph B.1.a.(2)(ii)(c) above—Acid-mediated erosive gastritis.) There are significant differences, however, between the two drugs in the degree of occult bleeding when given intravenously and orally, and in the duration of increased bleeding after dosing is terminated. In the Grossman study, patients with recent gastrointestinal bleeding who are more susceptible to the effects of salicylates, were given aspirin or salicylic acid orally or intravenously for 3 days followed by a 3-day collection period. These data are summarized below.

Comparison of occult blood loss (milliliter per day) of aspirin and salicylic acid given intravenously and orally to patients with past history of bleeding

	Control before drug	Treatment	Post treatment period (3 d)	Post treatment period 2 (3 d)
Aspirin intravenous 3 g/d×3 d	0.6 ±0.29	1.14±0.89	1.70±0.80	0.81±0.52
Aspirin oral 3 g/d×3 d		2 ±2.8	2.86±2.69	1.06± .066
Aspirin, enteric	.68± .30	1.58± .9	1.42± .21	.52± .3
Salicylic acid, intravenously	.43± .20	.70± .76	.48	
			.39	
Salicylic acid, oral	.48± .20	.54± .32	.58± .3	.51± .3

Comparison of occult blood loss (milliliter per day) of aspirin and salicylic acid effects in patients with bleeding (primed) lesions

Patient with existing occult bleeding:				
Aspirin:				
Jejunal ulcer	4.0	72.9	209.1	0.66
Duodenal ulcer	4.9	10.1	19.3	4.7
Esophageal varices	6.1	14.3	43.7	21.4
Sodium Salicylate:				
Duodenal	2.9	3.6	24.7	1.6
Esophageal varices	7.1	49.9	9.3	6.2

The effects of aspirin were usually prolonged into the second and third postadministration period of 3 days per period. Sodium salicylate did not exert its effect beyond the first postadministration period even in the "primed" patients with existing erosions. Oral sodium salicylate did however greatly increase blood loss in "primed" patients bleeding from duodenal ulcer and esophageal varices. Oral aspirin greatly increased bleeding in jejunal ulcer, duodenal ulcer and esophageal varices. It is obvious that this effect is not dependent upon the acid-mediated mechanism (Davenport) in the jejunum or esophagus. Thus, part of the action of aspirin appears to be due to local effects of salicylic acid on existing erosions. There is an additional effect which can be exerted from systemic aspirin since it occurs after intravenous administration of aspirin but not salicylic acid. This aspirin effect persists longer than the effect of an equivalent salicylic acid dose. The aspirin effect also increased bleeding longer than salicylic acid in patients with existing bleeding lesions.

The clinical results seen by Grossman et al. (Ref. 19) in patients are virtually identical to the experimental results of Brodie and Hooke (Ref. 37) in rats who showed a difference between aspirin and salicylic acid in the mechanism of inducing bleeding in the fasted rat stomach. Salicylic acid (sodium salt) produced gastric hemorrhage only by the oral route, requiring twice the dose of aspirin to produce this effect (the 50 percent effective dose (ED_{50})). The ED_{50} for salicylic acid and aspirin was 36 mg/kg and 16 mg/kg, respectively. In contrast to salicylic acid which produced gastric lesions only on direct contact, aspirin produced gastric effects also by the intravenous route at the higher dose (36 mg/kg) (Ref. 37).

Both aspirin and salicylic acid potentiate bleeding from existing acute erosions. There is evidence that aspirin has an additional effect that is different from that of salicylic acid. This effect is observed after systemic administration of aspirin but only when potential bleeding from acute erosions exists. It is clear that the potentiating effect of aspirin is not dependent upon gastric acid since

potentiation of bleeding also occurs from duodenal and jejunal ulcers. If the primary effect of aspirin is to enhance

solution does not directly produce gastric mucosal lesions or occult bleeding in the stomach, in contrast to other aspirin

at about one-fifth the rate of unionized species.

Davenport states that at high gastric

Other mechanisms involving delayed gastric acid effects can be postulated. Ethanol, which can damage the hydro-

to controls receiving placebo or no aspirin and significant when multiple doses

In the initial submission to the Panel, it was stated that "* * * subjects 8, 11,

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potentiation of bleeding also occurs from duodenal and jejunal ulcers. If the primary effect of aspirin is to enhance bleeding from existing lesions it would be expected that increased occult bleeding would not be observed after intravenous administration of aspirin in normal subjects. This is in fact what has been shown by the data of Leonards and Levy (Ref. 27). Thus, the primary factors in producing occult bleeding in normal subjects appear different than potentiation of bleeding from acute mucosal lesions.

Aspirin-induced occult bleeding in normal subjects can be significantly reduced or eliminated when given as highly buffered aspirin solutions. However, recent studies submitted at the request of this Panel, in patients or animals with existing gastrointestinal lesions, show that increased occult bleeding continues to occur even with highly buffered aspirin preparations. These effects persist even after aspirin is discontinued, similar to the results seen by Grossman et al. (Ref. 19). The role of aspirin in potentiating bleeding from existing erosions is not dependent upon gastric acid because the primary role of hydrogen ion is thought to stimulate histamine release. In existing acute lesions histamine has probably already been stimulated by other factors, the most likely being stress, according to some authors (Refs. 5, 16, 26, and 32).

Increased occult bleeding is produced by aspirin in patients with achlorhydria which is further evidence that some effects of aspirin on abnormal gastric mucosa do not require the presence of gastric acid. This has been shown in several studies in patients with achlorhydria due to atrophic gastritis and pernicious anemia. St. John and McDermott (Ref. 34) have shown, in patients with achlorhydria, that aspirin can induce bleeding in the absence of stomach acid although normal patients gave higher values of blood loss (4.29 ml daily). Achlorhydric patients do show significant blood loss (1.9 ml daily). There are several possible mechanisms by which aspirin can precipitate or potentiate bleeding from existing acute mucosal lesions. The effects of aspirin on platelet function will be seen only when exposed oozing capillaries are involved such as acute gastric or duodenal mucosal ulcer.

Thus, the study by Leonards and Levy (Ref. 27) in normal subjects showing increased bleeding time after intravenous aspirin administration, but no increase in occult bleeding, is what would be expected if the effect of systemic aspirin was to potentiate bleeding from existing acute gastric mucosal lesions rather than to cause lesions. Therefore, the Panel concludes that the use of the Leonards and Levy study in the submission to refute the possibility that effects of aspirin on platelet function cannot contribute to massive bleeding is totally inappropriate.

(2) *Effect of highly buffered aspirin for solution on gastric mucosa.* The arguments that highly buffered aspirin for solution does not directly produce gastric mucosal lesions or occult bleeding in the stomach, in contrast to other aspirin solid dosage forms, are based on the acid-mediated single mechanism theory and a series of contentions (Ref. 1) listed below. These contentions are not consistent with experimental data from animals or occult bleeding studies in man. These erroneous allegations are: "Aspirin which is contained in the dry tablet of [an effervescent aspirin preparation] is entirely converted to the water soluble salt, sodium acetylsalicylic acid"; "A solution of [an effervescent aspirin preparation] does not contain aspirin"; and "Sodium acetylsalicylate possesses chemical and pharmacological properties which distinguish it in fundamental ways from aspirin."

A national news release dated June 6, 1973 cited a subcommittee hearing (Ref. 38) in which it was stated that, "much of the testimony before the subcommittee is founded on a mistaken premise. Many people do not realize the analgesic as taken in (an effervescent aspirin preparation) is not aspirin."

The Panel strongly disagrees with statements that the aspirin in highly buffered aspirin for solution is physicochemically or pharmacologically different from any other aspirin. This assumption is scientifically unsound and clinically misleading.

All aspirin whether administered as an effervescent buffered solution, tablet, or sodium salt always exists in solution as an equilibrium mixture of both the unionized molecular species (acetylsalicylic acid) and the ionized species (acetylsalicylate). Both species are always present. The relative abundance of each being determined solely by the pH (a measure of acidity) of the solution, and therefore, changes almost instantly whenever the pH of the solution changes. If the pH of the solution is lowered to a pH of 1 to 2 (the usual gastric pH) the ratio of unionized to ionized aspirin is about 1,000-fold. When the pH is raised to pH 6 to 7 (the initial pH after highly buffered aspirin for solution is given) the ratio of unionized to ionized is only 0.001.

Since the ratio of ionized to unionized drug is a function only of pH, it should be clear that regardless of the form administered, when aspirin gets into the cell it will exist almost completely as the ionized acetylsalicylate as the cell has a constant pH between about 5 and 6. The ratio of ionized to unionized aspirin in the gastric cell, the blood, or cells where it exerts therapeutic effects is totally independent of the form of aspirin administered.

Another argument is that the gastric mucosal cell acts as a lipid barrier and hence is impervious to sodium acetylsalicylate which is ionized and therefore not lipid soluble. Therefore, gastric absorption occurs with aspirin (unionized) but not sodium acetylsalicylate (ionized) (Ref. 1). The earlier concept that ionized drug is not absorbed can no longer be considered valid. The data of Davenport clearly shows that ionized species of aspirin is absorbed in the stomach at about one-fifth the rate of unionized species.

Davenport states that at high gastric pH the rate of absorption is by no means negligible. In a surgically prepared dog, the absorption rate of aspirin was found to decrease from 342 μmol/30 min at pH 1 to 65 μmol/30 min at pH 6.5 even though the fraction of aspirin unionized is reduced from 0.997 to 0.001, a 1,000-fold decrease. He suggests that absorption of the ionized species may occur or that there is an acidic microenvironment at the cell surface. Aspirin damages the gastric mucosa only after being absorbed into the cell at sufficient concentration to alter the gastric barrier and result in bleeding. In the normal state the gastric barrier prevents diffusion of hydrogen ions into the cell and to the capillaries.

Morris et al. (Ref. 39) correlated gastric lesions with the absorption of radioactive (^{14}C) sodium acetylsalicylic acid administered to albino rats at a dose of 0.28 μmol/kg of body weight dissolved in 0.15 M citrate buffer. The final pH was 4.6 which is about that usually obtained with highly buffered aspirin for solution preparations. Absorption occurred in the corpus (body) portion of the stomach more rapidly than the rumen (storage) portion. Ninety percent of the drug was absorbed after 1 hour indicating a half-life of about 20 minutes or less. Absorption from the rumen region is very slow. Lesions were produced in the corpus region only by sodium acetylsalicylate and not by sodium salicylate which was absorbed more rapidly than sodium acetylsalicylate.

Anderson (Ref. 40) also found that the addition of buffering did not preclude gastric absorption and gastric erosions when gastric emptying was prevented, concluding that the decreased gastric damage observed with highly buffered solutions is largely due to increased gastric emptying rather than decreased gastric absorption. He showed in guinea pigs that when gastric emptying was prevented (pyloric ligature) the gastric absorption of aspirin from a solution of pH 7.0 was only reduced to about 50 percent of the amount absorbed when the pH was 1 to 3. Most important, lesions were also produced at the high pH (7.0).

Anderson concludes that the critical rate of absorption is of low order in the guinea pig and if a similarly low rate occurs in man the avoidance of gastric erosions would be different with any formulation where the whole dose was immediately available for absorption. The latter statement would, of course, be true for highly buffered aspirin for solution preparations.

The mechanism by which aspirin exerts its effect may simply be a result of accumulation of sufficient acidity in the cell to cause damage by directly interfering with biochemical processes. The accumulation of total salicylate in the cell will be increased when the gastric contents are acidic because of the higher gradient of unionized aspirin outside the cell to the unionized aspirin in the cell (Ref. 41).

Other mechanisms involving delayed gastric acid effects can be postulated. Ethanol, which can damage the hydrogen ion barrier in an alkaline medium, is potentiated by salicylates (Ref. 42). It is not known how long these effects last but they might persist after the buffering capacity of highly buffered aspirin for solution is gone. This might be particularly true for hypersecretors of gastric acid. As is discussed in the next section, the effects of aspirin may persist for several days after dosing has stopped. In prolonged effect cases, the immediate buffering capacity of highly buffered aspirin for solution is obviously of no value if, as the submission contends, that all effects are really mediated by gastric acid.

The many inconsistencies in the data and arguments reviewed do not permit the Panel to accept the argument that the use of highly buffered aspirin for solution will obviate all direct mucosal effects of aspirin.

It has been argued that the presence of the buffer not only decreases aspirin absorption but also reduces excess hydrogen ion which is a necessary component in the production of gastric damage and bleeding. Therefore, the argument continues, "highly buffered acetylsalicylate causes no damage." The Panel finds that although gastric acid undoubtedly contributes to the occult bleeding, the availability of gastric acid is not essential for aspirin to cause gastric erosions or occult bleeding as has been discussed earlier. (See part III. paragraph B.1.a.(2)(i)(*d*) above—Other mechanisms of aspirin damage.)

The study of Dagle et al. (Ref. 22) in vagotomized rats indicates that microscopic lesions can be produced in the absence of hydrochloric acid. If hydrochloric acid is later added, more severe damage and hemorrhage occurs. Several authors have noted reduced but statistically significant occult bleeding in patients with achlorhydria from a variety of causes including pernicious anemia and atrophic gastritis (Ref. 25 and 34).

(3) *Experimental data submitted to the Panel.* Evidence to support the contentions regarding the mechanism of aspirin effects and each effect of highly buffered aspirin for solution has come from occult bleeding studies in normal subjects or in experimental preparations. The studies of Leonards and Levy were cited to substantiate the following statement: "In all studies where meaningful protocols were employed, it has been consistently found that [an effervescent aspirin preparation] does not cause occult blood loss since in every study the occult blood loss occurring with highly buffered aspirin for solution was not statistically different from that found habitually occurring in the same subjects or were well within the normal limits," (Refs. 11, 12, and 43 through 46).

However, analysis of submitted data show that average occult bleeding loss produced by highly buffered aspirin for solution is less than that produced by regular aspirin but significant compared to controls receiving placebo or no aspirin and significant when multiple doses are given or when patients with peptic ulcer are used (Refs. 11 and 14). The Panel is not concerned with these minor increases in occult bleeding from a clinical point of view. They are significant, however, from the point of view of evaluating mechanistic assumptions. Of additional importance in these studies are certain patterns that can be seen in several different occult bleeding studies which lend support to the involvement of other mechanisms. In particular, the occurrence of unusually greater occult blood loss in a few individuals is consistently seen in several studies. The prolongation of effects for several days after the drug dosing has stopped is also significant (Refs. 11 and 14).

Average increases or decreases in occult bleeding studies represent the response of most of the normal subjects (70 to 80 percent). It is not likely, therefore, to provide useful information on mechanisms related to the atypical massive bleeder. In some studies an occasional subject has shown excessive occult bleeding. These individuals may be two standard deviations higher than others of the group and in some studies these cases have been omitted from statistical evaluation as "outliers." The mean blood loss of the occult bleeding is not predictive of massive bleeding. However, in several studies in animals and humans, there were subjects who constantly showed an excessive pattern of blood loss. It is the opinion of the Panel that these outliers may have some unknown predisposing factors and should be studied further to see if these outliers could provide a possible model for massive bleeding. In the Panel's opinion, it is significant that these outliers occurred most often in subjects who are likely to have acute mucosal lesions, e.g., patients with peptic ulcer, and are therefore subjects with potential or potentially critical bleeding sites. These outliers or "excessive occult bleeders" have occurred with all types of aspirin preparations including highly buffered aspirin for solution (Refs. 3 and 4) and enteric-coated preparations (Ref. 19).

The potential for increased occult bleeding in patients receiving highly buffered aspirin for solution is shown in the Goulston study (Ref. 11). Multiple doses of highly buffered aspirin (effervescent) solution were given to apparently healthy subjects (19 males and 1 female). Ten subjects were given two tablets dissolved in 200 ml water 4 times daily for the first 8 days followed by a control period of 8 days (Group A). The reverse order was given for the second 10 subjects (Group B) resulting in average occult bleeding losses shown below:

	Highly buffered aspirin for solution (milliliter)	Control (milliliter)
Group A	1.7	1.1
Group B	1.5	.5

In the initial submission to the Panel, it was stated that "* * * subjects 8, 11, 12 on some days had fecal blood loss well in excess of the range of the other subjects. Applying statistical analysis ('United States Pharmacopeia,' 16th Ed., p. 873) these aberrant values may be rejected." As a result it was claimed that no statistical difference existed. The notion of omitting the "outliers" which were excessive bleeders therefore atypical, in a study designed to assess bleeding potential following drug treatment is in the Panel's view not only erroneous from a statistical point of view but totally illogical from a clinical point of view. Exclusion of outliers obscures the obvious fact that some patients bleed significantly after receiving highly buffered aspirin effervescent solution. In each of the outliers, cases where significantly increased bleeding occurred, it was only during the highly buffered aspirin for solution drug treatment period. The most dramatic example was the outlier, subject 8, who had no appreciable bleeding in the 8 day control period (average blood loss of 0.4 ml daily; range 0.0 to 0.9 ml daily) but on the 4th, 5th and 6th day of drug treatment experienced daily blood losses of 17.9, 24.9 and 13.5 ml, respectively.

In the opinion of the Panel, the following can be concluded for the population studied in the Goulston study: (1) Highly buffered aspirin for solution given chronically 4 times daily for 8 days slightly increases fecal blood loss. This loss is probably less than would have been produced by aspirin tablets and is not significant clinically.

(2) One subject had a loss of over 50 ml during 3 successive days which is not only clinically significant but suggests that highly buffered aspirin for solution may produce excessive bleeding in an unpredictable abrupt manner similar to that seen in massive (major) gastrointestinal bleeding. Three other subjects had blood losses of 8.0 ml or more in 1 day during drug treatment only.

(3) There is a temporal pattern that appears consistent with other studies. Evidence of increased bleeding occurs only after about 3 to 4 days of multiple dosing but appears to persist for up to 3 days after drug dosing stops. When one compares the bleeding during the control period after drug dosing (1.1 ml daily) with the control period before dosing (0.5 ml daily), there is a statistically significant carryover effect. If one accepts the average blood loss of all controls as 0.79 as given, this value is exceeded in only 3 of 20 subject days in the first 2 days of the second period when the control is given first, but in 15 of 20 days when drug is given in the first period (Ref. 4). When one plots the average and individual values as a function of time, this pattern is quite obvious.

(4) *Review of new studies on occult bleeding in subjects and animal preparations with existing lesions.* The Rider study (Ref. 14) measured average daily fecal blood loss in patients receiving no drug (12 day control period), a placebo (7 days) and a highly buffered aspirin for

solution product (7 days), and a post-treatment period (5 days).

for use in gastric distress was not considered by Langman in his review.

Because the Panel believes the control group, referred to by Langman in his

This argument is found again in this statement by Langman: "Finally, Jenn-

the promotion of bleeding from existing lesions by systemic effects, then the

lished paper is included in OTC Volume 030122.

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solution product (7 days), and a post-treatment period (5 days).

The average data are shown below:

Occult fecal blood loss in patients with active duodenal ulcer

	Average range milliliter per day
Control period (12 d)	0.57 (0.23–1.04)
Placebo period (7 d)	0.71 (0.32–1.22)
Post placebo period (5 d)	[1] 0.67
Highly buffered aspirin for solution period (7 d).	[2] 1.58 (0.57–4.18)
Post highly buffered aspirin for solution period (5 d).	[1] [3] 2.17

[1] Not given.
[2] Significant (p less than .01)
[3] Significance not stated (individual data not given)

The Rider study clearly shows that occult bleeding does increase in patients with active peptic ulcer after administration of the highly buffered aspirin for solution product (mean blood loss 1.58 ml daily) compared to a control period (mean blood loss 0.57 ml daily) and a placebo (mean blood loss 0.71 ml daily).

Perhaps more significant was the finding that the effects of the highly buffered aspirin for solution product persisted for at least 5 days after administration had ceased (mean blood loss 2.7 ml daily compared to mean blood loss of 0.67 ml daily for placebo).

This provides evidence that the increase in bleeding may not involve the direct effects of aspirin. It would be consistent with the long lasting effects (7 days) of aspirin on platelet function which would be expected to be observed only in patients with potential bleeding sites but not in individuals with a normal mucosa. The bleeding lesion may not necessarily be the ulcer but acute gastric erosions which are often associated in patients with peptic ulcer.

Similar results are seen in the recent two studies of Phillip et al. (Ref. 12) in which highly buffered aspirin for solution produced a statistically significant increase in occult bleeding in dogs with chronic ulcer. Excess occult bleeding in some animals (outliers) also occurred in these studies. Further evaluation of these studies was limited because individual data were not available and arbitrary, e.g., "weighting factors" appeared to be applied to the bleeding data in an irregular manner.

(5) *Epidemiological studies on massive bleeding.* Two epidemiologic studies, the Brown and Mitchell study and the Jennings study do not show that there is any difference between the role of regular aspirin and highly buffered aspirin for solution in potentiating massive bleeding. These two studies were critically reviewed by Langman in an industry submission (Ref. 47). The reasons used by Langman in dismissing the highly buffered effervescent aspirin dosage form as a factor in massive bleeding ignore several important points. For example, the fact that highly buffered aspirin preparations are promoted for use in gastric distress was not considered by Langman in his review.

Brown and Mitchell (Ref. 15) showed that a highly buffered aspirin preparation was more frequently used by individuals who bleed from duodenal ulcers whereas plain aspirin was most often used in those who bleed from acute gastritis. Langman concluded from this study that since bleeding from gastritis is more frequently associated with aspirin the types of aspirin dosage forms which have the greatest potential to cause bleeding would be associated in this diagnostic category. This conclusion ignores three important points. First, individuals with duodenal ulcer who frequently also have acute gastritis have a greater incidence of gastric distress than individuals with only acute gastritis, particularly of the atrophic variety. Since at the time of the Brown and Mitchell study (1956), highly buffered aspirin for solution preparations claimed and were promoted for the symptoms of gastric distress, in the Panel's opinion it was more likely that a greater number of individuals with duodenal ulcer ingested this type of preparation. Second, the potentiation of aspirin induced bleeding by alcohol is most often shown for the duodenal ulcer subgroup when subgroups are analyzed, a point noted by Langman in the same paper. Highly buffered effervescent aspirin preparations have been claimed and have been heavily promoted for use for concomitant symptoms of headache and gastritis related to overindulgence with alcohol. Therefore, when alcohol ingestion is a factor, these preparations would more likely be associated with bleeding from duodenal ulcer rather than gastritis. Finally, irrespective of the above, the Panel believes that it is not a matter of whether aspirin tablets cause bleeding more frequently than highly buffered effervescent aspirin but whether or not highly buffered effervescent aspirin can potentiate bleeding, especially since industry contends that this product can be used safely by ulcer patients (Ref. 3).

Langman implies that the epidemiological study of Brown and Mitchell (Ref. 15) in which 83 percent of patients who bled had taken "insoluble" (regular) aspirin and 14 percent of such patients had taken a buffered effervescent preparation, supports only the role of the "insoluble" aspirin product forms in potentiating bleeding. He reached this conclusion by comparing these figures with the 40 percent, the control population, who had taken buffered effervescent prepartions from "time to time". However, this conclusion is entirely unwarranted as the 40 percent figure referred to individuals who might have ingested highly buffered effervescent aspirin as long as several months before the study. It did not refer to aspirin ingestion by the individuals who bled in the last 48 hours just prior to the study. The latter group of individuals would have been the proper control upon which Langman should have based his conclusions.

Because the Panel believes the control group, referred to by Langman in his analysis of the Brown and Mitchell study, was improperly defined, it has estimated what the control group should have been, based upon data in the submissions (Ref. 1). The data (Ref. 2) show that about 38 percent of the total population takes one brand of buffered effervescent aspirin from "time to time". This is consistent with the control group of Brown and Mitchell (Ref. 15). However, calculations from the industry data also show that on any given day less than 5 percent of a random sample would be expected to have consumed the highly buffered effervescent preparations. Using the 5 percent figure rather than the 40 percent as a control upon which to view the Brown and Mitchell study, the Panel concludes that one cannot rule out the possibility that all aspirin preparations regardless of formulation are equally capable of potentiating gastrointestinal bleeding.

Langman (Ref. 47) also reinterpreted the epidemiological data of Jennings (Ref. 15) to show that highly buffered effervescent aspirin products are not implicated in massive gastrointestinal bleeding to the same extent as "insoluble" varieties of aspirin. The Panel does not agree with the assumptions used by Langman in this conclusion.

In the Jennings study, detailed information was provided on the specific types of aspirin used, including highly buffered effervescent aspirin. The distribution of aspirin products in patients with overt gastrointestinal bleeding was as follows: In the radiologically negative group, 42 percent with acute ulceration took ordinary aspirin, 18 percent took soluble varieties, and 7 percent took a buffered effervescent preparation. In contrast, 29 percent of the chronic ulcer patients took ordinary aspirin, 14 percent took soluble varieties, and 21 percent took the highly buffered effervescent preparation. Langman in his review (Ref. 47) states that if the highly buffered effervescent product were the cause of bleeding the incidence of use would be higher in the acute ulceration group which is most often associated with aspirin-induced bleeding. There are several reasons for questioning the validity of this contention. First, patients with chronic ulcer generally have a higher incidence of gastrict distress than patients with acute ulcer. At the time of the study (1965) highly buffered effervescent preparations were specifically and almost exclusively promoted for gastric distress. It would not be surprising therefore that the group with the highest incidence of gastric distress would have the highest incidence of highly buffered effervescent aspirin use. Second, even though aspirin is associated more with acute ulcer (to a higher proportion) than with chronic ulcer, it has nevertheless been associated with bleeding in chronic ulcer patients. In fact, Langman states in his review that in four of five studies, aspirin ingestion was more frequently associated with massive bleeding in duodenal ulcer than in acute gastric lesions.

This argument is found again in this statement by Langman: "Finally Jennings data, which were claimed by the author to suggest synergistic effects of alcohol and aspirin, show that the coincident alcohol and aspirin intake were less common in the acute lesion group than in those with bleeding due to chronic ulcers although the typical aspirin lesion is generally considered to be an acute mucosal erosion."

The data of Jennings (Ref. 16), showing a higher incidence of aspirin and alcohol associated with hemorrhage in patients with chronic ulcer including duodenal ulcer, are consistent with other recent studies.

Therefore, the Panel concludes that arguments of Langman cannot be used to dismiss this study as reasonable evidence that highly buffered effervescent aspirin is as likely to be associated with gastric bleeding as any other form of aspirin.

(5) *Benefit to risk considerations.* Several benefit to risk considerations were involved in the Panel's recommendation not to allow highly buffered aspirin for solution to be indicated for use in individuals with a history of symptoms of gastrointestinal bleeding, ulcer or symptoms of gastric distress with or without concurrent headache. The Panel's conclusions regarding the mechanisms involved in aspirin-induced major gastrointestinal bleeding were a significant factor in this decision, particularly the fact that the "primed" bleeding lesion may be caused by factors other than direct gastric erosion induced by aspirin. It was concluded that bleeding can be precipitated by aspirin from existing acute mucosal lesions which occur in a variety of different conditions, e.g., atrophic gastritis which is associated with a variety of causes, hypertrophic gastritis associated with alcohol, and acute erosions related to stress.

The Panel is concerned that the same conditions, alcohol and stress, which frequently "prime" the gastrointestinal tract for massive bleeding, are also those which most frequently produce the symptoms of concomitant headache and gastric distress. Highly buffered aspirin solution has been claimed for use to relieve the concurrent conditions.

A further concern of the Panel is that if an antacid (highly buffered)-aspirin combination product is promoted for use in gastric distress, even if the concurrent claim of a headache is allowed, the public will regard these products as safer than unbuffered (plain) or slightly buffered aspirin but also somewhat different. The Panel feels that this is misleading.

The Panel is concerned that in cases where concurrent gastritis and headache occur, individuals will usually take some analgesic, probably containing aspirin, and that they may assume that the availability of highly buffered aspirin for solution would at least provide the safest aspirin product that could be taken. However, if as the new information suggests, the primary role of aspirin is not the initiation of the bleeding lesion but the promotion of bleeding from existing lesions by systemic effects, then the dosage form is irrelevant and highly buffered aspirin for solution offers no advantage over unbuffered (plain) aspirin. In fact, the Panel finds that the use of highly buffered aspirin for solution may increase the risk because it delivers more pure aspirin to the systemic circulation than regular aspirin products (Ref. 48).

Even if a claim was allowed only for use for concurrent symptoms of gastric distress and headache, in the opinion of the Panel based on marketing history (Ref. 2), such products would be more likely to be used in instances involving gastric symptoms only. When one considers that massive gastric hemorrhage related to aspirin involves a 10 percent mortality rate this is much too severe a risk relative to the minimal, if any, benefit derived (Ref. 49).

The Panel concludes that is is unproven, and unlikely that highly buffered aspirin for solution is less apt to produce major gastrointestinal hemorrhage than regular aspirin. Neither is there evidence to show that it would be safer to use this product rather than regular aspirin for concurrent symptoms of headache and gastric distress. Current evidence suggests that alcohol gastritis and stress are the two most likely causes of concomitant symptoms of headache and gastric distress. Alcohol and stress are also the two major factors which may produce acute mucosal lesions and thus increase the risk of bleeding from the use of any aspirin product.

The Panel does not believe that current evidence warrants an exemption from the labeling recommendation for any form of aspirin for persons with gastric distress which states: "*Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

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These advantages have been, in various ways, stated to be due to a more rapid dissolution resulting in faster absorption

onset, intensity or incidence of relief of pain or fever.

In the absence of this definitive infor-

a nonlinear dose-response function has been shown by different methods and

requiring only 1 to 3 mg/100 ml to initiate pain relief. Because of the great vari-

different production lots of the same product. There is also ample evidence

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d. *Labeling claims for marketed products containing analgesics combined with antacid or buffering ingredients*—(1) *Introduction.* The Panel has examined the claims relating to the performance of marketing aspirin products that contain antacid or buffering ingredients. These products have been termed buffered or highly buffered aspirin. The Panel has been particularly concerned with the labeling claims of such products that imply an advantage over plain aspirin products. These advantages have been, in various ways, stated to be due to a more rapid dissolution resulting in faster absorption into the bloodstream, and consequently preventing the adverse local reactions to the stomach that may be caused by plain (unbuffered) aspirin products. The statements that have most frequently been used on the labeling of buffered and highly buffered aspirin products suggest these advantages in terms or phrases such as "Faster to the bloodstream" or "Gentle to the stomach".

The Panel concludes that these claims give the consumer the impression that buffered and highly buffered aspirin products have a therapeutic advantage over plain aspirin products, and may mislead those consumers who can be adversely affected by buffered aspirin as well as by plain aspirin. Until such statements can be adequately documented, the Panel recommends that claims be limited and restricted on the label to discourage unproven claims of therapeutic advantage.

Therefore, for the reasons discussed below, the Panel recommends that such labeling be restricted to the principal display panel of the product and be limited to the following Category III statements: "Faster to the bloodstream than plain aspirin" and "Provides ingredients that may prevent the stomach distress that plain aspirin occasionally causes but should not be taken by certain individuals with stomach disorders as cautioned elsewhere on the label". The Panel also concluded that any other statement(s) that suggests or represents a product as having a more rapid absorption or as preventing any side effects to the stomach because of the antacid or buffering ingredients in the product be classified as Category II.

(2) *Effect of rate of absorption into the bloodstream.* The Panel has reviewed data, opinions and recommendations from both sides of the controversy regarding claims that buffered aspirin has therapeutic advantages over plain aspirin due to a more rapid rate of drug absorption into the bloodstream.

The problem is complex largely due to inadequacies in the available data and the lack of understanding of the relationship between salicylate blood levels and onset of analgesic effects. There is clear experimental evidence based upon well-designed blood level studies which substantiate the claim that buffered aspirin is more rapidly absorbed than plain aspirin (Refs. 1 through 3). Comparisons of the most commonly used plain and buffered aspirin show that salicylate blood levels are twice as high in the first 10 to 20 minutes for the buffered aspirin product compared to regular aspirin. It can be shown that the differences in plasma levels in the first 20 minutes correlate quite well with the amount of drug absorbed (Ref. 4).

The basic problem is that there are no well-controlled clinical studies that unequivocally prove or disprove that these differences in absorption will result in clinically important differences in the onset, intensity or incidence of relief of pain or fever.

In the absence of this definitive information on the clinical significance of the increased rate of absorption, there is a secondary question that was debated by members of the Panel and consultants. This second question pertained to divergent opinions regarding the validity and value to the public of statements regarding differences in drug absorption with no mention of therapeutic effect. One argument is that since the information regarding absorption is true and these differences likely relate to real therapeutic advantages, the information should be available to the public for their assessment. The opposite view, held equally strong, is that such information will usually be confusing or misleading to the public. Any statement regarding more rapid absorption will always be interpreted by the public as implying some therapeutic advantage. Else, why would it be made?

The Panel does not believe that questions regarding the public's interpretation of presently undefined promotional statements can be objectively resolved by any practical methods presently available to the Panel. One suggestion was that the Panel should carefully formulate an accurate statement. However, regarding the relative rates of aspirin absorption which would be accurate and informative, the problem of public interpretations of labeling claims relates not only to the current controversy but to the interpretation also of future statements based on new studies. Similar problems have and will occur with statements regarding prolonged blood levels produced with some dosage forms and the inference that prolonged duration of effect will occur.

The Panel views the problem of evaluating claims relating to differences in blood levels of drug products as involving several interrelated steps. First is the assessment of current scientific information and the sensitivity of available methodology to determine the validity of the claims. Category III should be used to classify claims which cannot be fully evaluated with present data but have some reasonable basis and can probably be evaluated by further testing, perhaps, involving more sensitive methodology. Second is to establish a policy that allows the maximum amount of information to be given to the public provided that information is well defined and can be put in perspective by the general public. Third is to define the specific information that should be supplied by additional scientific studies not only to validate the clinical significance of differences in blood level data but also to accurately communicate them to the public.

While current studies have failed to show a direct one-to-one correlation between plasma levels of an analgesic drug and pharmacologic response, there is some evidence that a complex nonlinear relationship between these two variables undoubtedly does exist and involves nonlinear complex functions and time lags. These reasons include the fact that

a nonlinear dose-response function has been shown by different methods and that a graded time course of pharmacologic activity has also been shown (See part III. paragraph B.1.a.(1) above—Effectiveness.) There are known relationships between dose and plasma concentration (also nonlinear). It follows logically and mathematically that some expression does exist and recent advances in computer assisted pharmacokinetic modeling, analytical methodology and analgesic testing will probably allow elucidation of this function in the future. When an insensitive test does not show clear differences between two products it can only be said that present insensitive methods cannot determine a difference between the two. In the absence of other evidence, no means of validating claims are available.

There is some other evidence to indicate potential clinical differences due to rates of absorption. First, from a theoretical point of view, it can be shown by mathematical analysis that because the rate of elimination of aspirin is much more rapid than most other drugs (50 percent is eliminated in 15 to 20 minutes), changes in rates of absorption within normal ranges can result in two-fold changes in the peak plasma concentration (Ref. 1). Experimental data on the blood levels of aspirin by Leonards (Ref. 5) have shown that the peak blood level and relative amount of aspirin absorbed as assessed by the areas under the blood level-time curves is twice as great for an effervescent preparation as for a simple aspirin tablet. Even greater peak blood levels were observed when the sodium salt of aspirin was administered.

Some possible approaches to define the conditions required in a study to move claims from Category III to Category I are in the literature. Feinblatt et al. (Ref. 6) compared the salicylate levels attained with buffered aspirin products with an unspecified plain aspirin tablet. The initial plasma levels and, therefore, the rates of absorption of the buffered products were from 1½ to 2½ times greater than plain aspirin preparations.

One of the buffered products was tested against the plain aspirin in two crossover studies comparing time of onset for relief of pain in patients with recurring headaches and pain of rheumatoid arthritis for arthritis pain. Unfortunately, the data were given only as the mean and range of the time of initial onset of relief. It is claimed that the buffered aspirin preparation had a more rapid onset in both headache and arthritis pain relief. The data were not evaluated statistically and individual data were not provided. Therefore, the apparent increased onset of pain relief with buffered aspirin cannot be further evaluated.

However, because two preparations were evaluated with two types of pain, the data can be analyzed to see if they are consistent with the possibility that the rate of absorption could affect the onset. Preliminary pharmacokinetic analysis by the Panel indicates that with certain assumptions the data are consistent with a low threshold for pain relief requiring only 1 to 3 mg/100 ml to initiate pain relief. Because of the great variability in absorption rates even in the same individual, it is readily seen that differences in onset of pain relief on the order of a 10 minute difference between two products would be very difficult to show statistically because of the large number of subjects that would be required.

The Panel recognizes that the differences in a few minutes in the onset of pain relief may be considered by some to be meaningless and of little practical value. The Panel believes that this subjective evaluation of effectiveness is best left to the consumer provided that sufficient facts are given to make an informed decision. Claims such as "faster acting" may be scientifically accurate but misleading for example, if the difference is 1 or 2 minutes in a small percentage of the target population. The Panel recommends, therefore, that claims implying a greater or faster onset of therapeutic effect or claims relating to blood level data showing differences in the rate of absorption may be moved from Category III to Category I if the claimed differences of analgesic effect can be quantitated to provide information on the quantitative estimates or the average differences in the time of onset of analgesic that can be expected. Scientifically valid studies must provide some estimate of the degree and incidence of effect that can be expected by the average user for comparative claims. Claims such as safer to the stomach, faster to the blood stream, are of limited or negative value to the consumer unless sufficient information is given to put them in a proper perspective.

The Panel suggests once the clinical studies are available to adequately demonstrate quantitative differences in the action of different aspirin products that such information be included in labeling. Reference to blood level data or other indirect data inferring a therapeutic advantage should be accompanied by clear concise statements regarding the quantitative information on the significance and degree of the difference. The specific information that should be conveyed is the average difference in magnitude of effect that has been proven and what percent of the usual target population will be involved.

In the Panel's view, value judgments on comparable claims are best left to the consumer provided all the pertinent facts are available. In the absence of available information on the relative degree of effect or incidence of effect in the target population, comparative statements are of limited value and even potentially misleading. Indeed, the Panel notes that statements such as "safe to the stomach" may be taken as a comparative judgment involving properties not possessed by other agents.

(3) *Validation of Category III labeling.* The Panel notes that clinical or blood level studies showing an increased rate of absorption for one buffered product are not necessarily valid for other buffered products, or even different production lots of the same product. There is also ample evidence that some buffered products have formulations, such that, they are more slowly absorbed than regular aspirin. (See part VI. paragraph B.1.b. above—Products containing aspirin combined with buffering ingredients (correctives).) For these reasons, the term buffered aspirin has limited value as a general labeling term in identifying or assuring particular performance characteristics. The Panel, therefore, considered the need for in vivo and in vitro standards to define the therapeutically significant characteristics of the dosage form.

The Panel does not believe this to be a high priority until the claims for buffered aspirin have been validated and, accordingly, justify a special designation. It does not seem justified to expend considerable time and money to define the in vivo blood level characteristics at this point. Methodology for in vivo stomach acid neutralization properties that relate to absorption and stomach safety claims should also probably have a lower priority at this point in time. There will be other needs, however, for in vitro dissolution and in vitro neutralization standards as a more expedient means to routinely evaluate products and lots.

In addition to serving as a means of simulating in vivo performance of the dosage form, in vitro procedures may be needed as components of a quality control program not only for buffered aspirin but all standard regular aspirin tablets. Therefore, although methodology of development is now beyond the scope of the Panel, preliminary planning with the FDA was initiated to consider possible recommendations to suggest a starting point for methodology development, which is discussed elsewhere in this document. (See part VI. paragraph C.1. below—Aspirin standard testing procedures.) This methodology must be thoroughly evaluated before it can be used to screen products which may have poor biological performance. With less extensive modification, it may be useful for quality control programs. The Panel recommends that, if possible, the development of suitable in vitro methodology for aspirin and buffered aspirin be continued by the approoriate FDA staff in collaboration with all interested parties, e.g., industry, academia and the *United States Pharmacopeia.*

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with headache other than migraine

drawal of caffeine after the administra-

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2. *Benzoic acid-containing ingredients.* The Panel has classified the following active ingredients as ineffective antirheumatic adjuvants:

Aminobenzoic acid (para-aminobenzoic acid (PABA))
Sodium para-aminobenzoate

Further, para-aminobenzoic acid or sodium aminobenzoate may not be included in combinations for safety reasons discussed below.

a. *Effectiveness.* The Panel concludes that para-aminobenzoic acid (PABA) is ineffective for use as an OTC antirheumatic adjuvant and classifies it as Category II. The Panel further concludes that the combination of para-aminobenzoic acid (PABA) or sodium aminobenzoate with any ingredient(s) discussed above in the antirheumatic section of this document are also classified as Category II. (See part V. above—ANTI-RHEUMATIC AGENTS.) There is no evidence that para-aminobenzoic acid or sodium aminobenzoate contribute to the antirheumatic action of known antirheumatic agents.

In 1947, Rosenblum and Fraser studied the efficacy of para-aminobenzoic acid in nine patients with rheumatic fever and found depression of fever and relief of joint pain in seven patients after 2 days of administration of 1 to 3 g every 2 to 3 hours (Ref. 1). In 1951, Hollander and Harris studied 27 patients with active rheumatoid arthritis. The effect of the drug on relief of pain and stiffness was studied after administration of 4 g of PABA daily for at least 1 week. No patient experienced relief of pain and stiffness whereas relief was noted in patients given 4 g of sodium salicylate for at least 1 week (Ref. 2).

Para-aminobenzoic acid (PABA) in the form of sodium aminobenzoate is a sulfonamide antagonist which competitively counteracts bacteriostasis induced by sulfonamides. Certain microorganisms require PABA for incorporation into folic acid. It is capable of altering the course of experimental and clinical rickettsial disease. In large doses, PABA can increase the blood level of salicylate by competing for glycine and thereby slowing the rate of conversion of salicylate to salicyluric acid, as shown by studies of Salassa et al., who demonstrated that PABA in doses of 24 g daily along with a single dose of 3 g of sodium salicylate produced a sustained, elevated plasma salicylate level (Ref. 3). This observation was confirmed by Hoagland (Ref. 4).

Carski compared the blood salicylate levels after the administration of a single dose of 650 mg sodium salicylate with the blood salicylate level after a single dose of 650 mg sodium salicylate plus 650 mg PABA and found no difference in blood salicylate level (Ref. 5). Similarly, there was no difference in blood salicylate levels after 1 week of the same doses administered 4 times daily.

Hollander and Harris showed that 4 g each of sodium salicylate and PABA raised the plasma salicylate level more than did 4 g of sodium salicylate alone (Ref. 2). However, analgesic effectiveness could not be related to the level of salicylate achieved.

The studies on the antirheumatic effectiveness of PABA do not provide objective evidence of effectiveness.

Analgesic effectiveness in relief of arthritis pain is claimed by Barden and Cuneo (Ref. 6), Cass et al. (Ref. 7), Smith (Ref. 8) and Hebert and Renzi (Ref. 9). Only clinical impressions of effectiveness are given.

Ford and Blanchard compared the functional capacity of arthritis patients before and after the treatment with physical therapy and the combination (sodium salicylate plus PABA) (Ref. 10). Some patients were also given the combination plus 2.5 mg cortisone. No conclusions regarding either the antirheumatic or analgesic effectiveness of the combination can be reached from this study because the design of the study did not separate the effect of hospitalization and physical therapy from the effect of the drug combination.

The enteric-coated combination of aspirin and PABA may be excreted intact as described by Smith in three patients (Ref. 8).

Studies of the blood salicylate levels of aspirin alone and with PABA reveal no significant differences when taken in a dose of 900 mg aspirin every 6 hours for 12 doses as compared to 900 mg aspirin plus 900 mg PABA every 6 hours for 12 doses (Ref. 11). The combination was found to produce a greater number of mild gastrointestinal side effects.

Taylor (Ref. 12) studied the antirheumatic effectiveness of the combination in osteoarthritis patients by observing activity status and early morning pain. No details are provided regarding the definition of these parameters and therefore no conclusions can be reached.

(b) *Safety.* PABA has been shown to be goiterogenic in large doses (Ref. 13).

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3. *Caffeine (citrated caffein).* The Panel concludes that caffeine (citrated caffeine) when used alone in an adult oral dosage of 65 mg not to exceed 600 mg in 24 hours is safe but ineffective as an OTC analgesic, antipyretic and/or antirheumatic ingredient and is classified as Category II. However, there are insufficient data available to classify the adjuvant effect of caffeine (citrated caffeine) when used in combination with Category I analgesic, antipyretic and/or antirheumatic agents as an effective analgesic, antipyretic and/or antirheumatic adjuvant and it is therefore classified in combination as Category III.

The Panel notes that the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid Drug Products, in their report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292) concluded that caffeine is safe and effective for use as an OTC stimulant when used in the recommended oral dosage of 100 to 200 mg not more often than every 3 to 4 hours. The current *United States Pharmacopeia XIX* also categorizes caffeine as a stimulant whereas a former edition of another official compendium, *National Formulary XIII*, categorizes caffeine in combination with aspirin and phenacetin (widely known as APC compound) as an analgesic mixture. This combination is no longer found in current official compendia. However, caffeine is still widely used in analgesic-antipyretic preparations. In fact, several of the submissions submitted to the Panel for review contained combination products which include caffeine in varying amounts averaging from 15 to 65 mg per dosage unit. Unfortunately, the information and data submitted, fail to demonstrate conclusively that caffeine in combination is effective as an analgesic, antipyretic and/or antirheumatic ingredient. The Panel finds there is little evidence to show that this ingredient even contributes to these pharmacologic effects in the clinical situation.

The pharmacologic rationale for the long accepted use of caffeine in APC compound and in other similar products is not clearly understood. The Panel recognizes the known pharmacologic actions of the drug in stimulating the central nervous system, acting on the kidney to produce diuresis, and in stimulating cardiac and relaxing smooth muscle. Perhaps, it is this latter effect which accounts for its popularity. Caffeine has been claimed to be useful in treating certain migraine headaches due to constriction of cerebral blood vessels and has been shown to be important in the treatment of caffeine withdrawal headache. The latter is discussed below. The Panel, therefore, finds that an important historical use for these preparations containing caffeine has been for the treatment of certain types of headache. There is also some evidence that caffeine may contribtue to the effectiveness of analgesics, and therefore, the Panel has categorized this possible contributory effect as a potential adjuvant action of caffeine.

a. *Effectiveness*—(1) *Caffeine as an analgesic adjuvant.* As noted above, the Panel finds that there is some inconclusive evidence to suggest that caffeine may exert additional analgesia when used in combination with other analgesics. Therefore, the Panel concludes that although caffeine combined with any Category I analgesic is safe, there are insufficient data to demonstrate any additional contribution of caffeine to the action of the Category I analgesic ingredient.

Although there is weak evidence to suggest that the combination is more effective than the analgesic ingredient alone, more clinical studies need to be done to show that caffeine contributes to the claimed effect(s) and to study the interaction of these combinations in terms of their analgesic and antipyretic effects. As will be discussed below, there is only one well-controlled clinical study to determine whether aspirin plus caffeine is more effective than aspirin alone and the results of this study are equivocal (Ref. 1). Several other clinical studies provide some support for this hypothesis, and there are also supporting animal data, and data related to sensory changes to suggest that caffeine enhances the analgesic properties of mild analgesics (Refs. 2 and 3).

The reasons for the lack of clinical studies of the potentiating effect of caffeine on other mild analgesics are many and include the difficulty of carrying out controlled clinical assays with mild analgesics. Another possibility is that clinical analgesiometry is sufficiently imprecise in patients so that a biologically significant effect might not be measurable. A third possibility is that the assay is not sensitive to measure changes in pain intensity for the particular type of pain studied. Although the efficacy of mild analgesics has been studied in experimental pain and in patients with post partum pain, the effects of caffeine would probably be more apparent if, under closely controlled conditions, patients with headache other than migraine headache were the study population. Still another possibility is that mixtures of caffeine and mild analgesics may contribute therapeutic benefits beyond those of pain relief, such as mood changes, which are not measured by typical clinical pain relief studies.

One of the earliest reports by Moyer et al. (Ref. 4) compared the effects of aminophylline (theophylline with ethylenediamine) and caffeine on cerebral hemodynamics and cerebral spinal fluid pressure in patients with headache clinically identified as hypertensive headache. The study demonstrated that aminophylline is more effective but that both aminophylline and caffeine cause prompt relief of headache which results from the hypertensive state. There was immediate relief of headaches following aminophylline in seven of nine patients. After caffeine, relief from headache was obtained in five of nine patients.

There have been other studies which have shown that caffeine may exert a beneficial effect on pain relief through an effect on the blood vessels. It has been known for many years and shown by the work of Leake et al. (Ref. 5) that the production of experimental headache by nitrites was accompanied by dilatation of the meningeal blood vessels.

Likewise, Pickering in 1933 (Ref. 6) studied headache produced by intravenous injections of small amounts of histamine. These studies were enlarged by Clark et al. in 1934 (Ref. 7), and by Schumacher et al. in 1940 (Ref. 8) who demonstrated that this experimental headache was accompanied by increased amplitude of pulsation of the cerebral blood vessels. Thus, there is good evidence to support the theory that some headaches are related to cerebral vascular distension.

A plausible explanation for the biochemical mechanism by which caffeine is effective in treating this vascular smooth muscle spasm has to do with the biologic role of adenosine-3',5'-monophosphate (cyclic AMP) (Ref. 9). Caffeine (an inhibitor of a phosphodiesterase) can cause cyclic AMP to be increased and act as a second messenger to increase vascular tone. This mechanism would explain, then, the common effect of catecholamines and amphetamines and caffeine on the small blood vessels and thereby serve as the pharmacologic mechanism by which caffeine could be effective in treating headache associated with constriction of cerebral blood vessels.

In studies of other types of headache, Dreisbach and Pfeiffer (Ref. 10) showed that caffeine could be important in the treatment of caffeine withdrawal headache. The authors recognized that many people ascribe an occasional headache to lack of morning coffee and the "let-down" which may result if this stimulant is withdrawn from habituated individuals. This study of caffeine withdrawal headaches was one of the earliest experiments and in their double-blind study in 22 young volunteers, they produced headache by the abrupt withdrawal of caffeine after the administration of up to 0.78 g caffeine daily usually in the morning over a period of 7 to 8 days. It was uniformly noted that headache following caffeine withdrawal was quite different from the migraine syndrome in the five subjects who also suffered from migraine, although the caffeine withdrawal headache was accompanied by nausea in four of the migraine subjects, and vomiting in one of them. The investigators found that in 55 percent of 38 trials in 22 subjects, headache as extreme and severe as the subject had ever experienced was produced by the sudden withdrawal of caffeine. This headache responded to treatment by caffeine or aspirin. The authors concluded that this study also provides a plausible explanation for the hitherto empirical addition of caffeine to many headache remedies.

The psychotropic effect of caffeine has been studied in detail by Goldstein et al. (Ref. 11). In the study, the effects of caffeine in coffee were compared in two groups of subjects (abstainers and users of coffee). The study was well controlled and well analyzed, and the authors concluded that caffeine had no demonstrable effect upon objectively measured performance, although it made some subjects feel more awake and physically active. There was a strong positive association between the subjects' sensitivity to mood elevating effects of caffeine, and a sensitivity to the wakefulness caused by caffeine. The central nervous system stimulant effects of caffeine have been discussed in detail in the OTC Sedative, Tranquilizer and Sleep-Aid Panel report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292).

The Panel finds these studies tend to demonstrate that the habitual use of caffeine for central nervous system effects may lead to withdrawal headache. Hence, the likelihood of headache associated with the use of analgesic agents in combination with caffeine may be increased without proven compensatory analgesic benefit when the product is taken continuously for central nervous system effects or for caffeine withdrawal headache.

It is of interest to note that in some recent, controlled clinical studies comparing aspirin alone, aspirin in combination with phenacetin, salicylamide and caffeine, or aspirin, phenacetin and caffeine, the combinations produced a mean pain relief score higher than those for aspirin alone (Refs. 1 and 12). Although the difference was not statistically significant in the study of DeKornfeld et al. (Ref. 12), it seemed to suggest that caffeine was contributing to the pain relief observed. However, this study was not designed to test the hypothesis that caffeine augments the effect of the analgesic(s), and the higher scores could have been due to higher total equivalent dosage of analgesic or indeed, as the authors interpreted, due to chance.

In a study presented by Houde (Ref. 1), the effect of caffeine is statistically significant. Houde found that a com-

bination of 210 mg aspirin, 150 mg acetaminophen and 30 mg caffeine gave

that caffeine may raise levels of 3',5'-cyclic AMP, a substance reported to raise

ber 8, 1975 (40 FR 57292). They discussed, in addition, the mutagenic effects

a factor in analgesic abuse the Panel finds insufficient evidence to justify a

Action of Aspirin Administered During Endotoxin Induced Fever," *British Journal of*

The Panel notes that the Advisory Review Panel on OTC Sedative, Tranquil-

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bination of 210 mg aspirin, 150 mg acetaminophen and 30 mg caffeine gave somewhat better pain relief than either aspirin or acetaminophen alone. Houde concluded, "while our data does/not permit a conclusive statement, there is at least some evidence in it to show that caffeine contributes something to the efficacy of these drugs." This is the only well-controlled clinical study the Panel was able to find to suggest that caffeine may contribute to the analgesic efficacy of analgesics.

More recently Booy studied pain relief in patients following tooth extraction (Ref. 13). His data indicate that on the first day 500 mg acetaminophen plus 50 mg caffeine produced more pain relief than 500 mg acetaminophen alone. This difference was not apparent on the second day.

In a study by Lim et al., (Ref. 14) in which experimental pain was induced in man by bradykinin intraperitoneally, they observe that the addition of caffeine to the combination of aspirin and acetaminophen produced more pain relief. Their method was sensitive enough to distinguish between two dose levels of aspirin, as well as the two dose levels of the combination of 32.5 mg caffeine, 325 mg aspirin, 162.5 mg acetaminophen, and double these doses. These analgesic data are cautiously interpreted and the authors suggest that more work needs to be done on the potentiating effect of caffeine.

Williams (Ref. 15) studied experimental pain in rats and found that caffeine alone was capable of raising experimental pain reaction thresholds and thereby exerted analgesic effects. However, when combined with aspirin, there was no potentiation, but the effect appeared additive. In addition, the possibility of inhibition was in evidence. Recently Vinegar et al. (Ref. 16) showed in the rat not only the analgesic potentiating effect of caffeine on aspirin but also potentiation of the anti-inflammatory effect of aspirin.

(2) *Caffeine as an antipyretic adjuvant.* Caffeine may cause a slight hyperthermia probably through its central stimulating action since it increases wakefulness and muscle tone. Carbon dioxide tension is reduced and the sensitivity of the respiratory center to carbon dioxide is increased (Ref. 17).

A recent preliminary report of the interference of caffeine with the antipyretic action of aspirin in rabbits, when pyrogens were used to induce fever, has been published (Ref. 18). The study involved comparisons of temperature response in rabbits following administration of aspirin, aspirin combined with caffeine, caffeine and placebo (saline). The investigators found that in the absence of pyrogens and fever, the drugs were without significant effect. Rabbits receiving pyrogens plus caffeine developed a significantly greater fever than those receiving pyrogens alone. In addition, as expected, aspirin markedly reduced pyrogen induced fever but aspirin combined with caffeine had no antipyretic action. The investigators postulated that caffeine may raise levels of 3',5'-cyclic AMP, a substance reported to raise body temperature by inhibiting 3',5'-cyclic AMP phosphodiesterase. They concluded by recommending that these experiments be repeated in man and if similar responses are found that caffeine and mixtures containing caffeine not be used during fever.

The Panel believes that if combinations are to claim antipyretic efficacy the inclusion of caffeine must be shown not to interfere with the fever-reducing effect of the antipyretic in man. Therefore, combinations employing caffeine are placed in Category III for this indication. To test for such interference, a study should be done in humans to demonstrate an effect of the single entity and no interference with this effect when 65 mg caffeine is given concomitantly. Thus, following the guidelines under clinical testing the study would contain placebo, a dose of the single entity both alone and in combination with caffeine in a 2x2 factorial design. (See part VI. paragraph C.2. below—Combination products containing caffeine as an analgesic, antipyretic and/or antirheumatic adjuvant.)

b. *Safety.* The Panel concludes that caffeine when used as an adjuvant is safe at a single adult dosage of 65 mg not to exceed 600 mg in 24 hours.

The behavioral effects of caffeine were reviewed in detail by Weiss and Laties in 1962 (Ref. 19), who reported that there was a wide range of behavior with the exception of intellectual tasks that could be enhanced by caffeine. They were unable to find any evidence of physical dependence to continued use of caffeine, although abrupt cessation of the drug has been reported to cause headache. It is the consensus of many workers that caffeine probably does more than restore performance degraded by muscular fatigue, sleep deprivation, and boredom.

More recently, the toxicity of caffeine has been reviewed by Peters (Ref. 20). Most of the work regarding caffeine toxicity has been done in animals. The LD_{50} for mice has been determined to be 101 mg/kg and for rats 105 mg/kg. The minimal lethal intravenous dose for cats is 80 to 100 mg/kg. It is believed that human subjects may be more sensitive to the lethal effects of caffeine, but extrapolating from the animal data, it appears that the therapeutic doses used in combination with analgesics are safe. Although toxicity is extremely low and fatalities extremely rare, they are not unheard of (Refs. 21 and 22). In his excellent review, Peters (Ref. 20) pointed out that it has been shown for humans that the absorption of caffeine after oral administration is faster than after intramuscular administration, where the peak plasma level occurs after 30 minutes to 1 hour. Thus, orally administered caffeine is very quickly taken up and has a half-life of 3 to 3½ hours in the body.

The stimulant effects and toxicity of caffeine have also been reviewed extensively by the OTC Sedative, Tranquilizer and Sleep-Aid Panel in the report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292). They discussed, in addition, the mutagenic effects in detail. This Panel agrees with their conclusions regarding the safety of caffeine.

Chronic toxicity has not been observed in humans, but some resistance to the drug does develop. In animals, the dose that killed 50 percent of young adult female rats in 100 days, or one-tenth of their life span, was estimated to be 150 mg/kg daily. The maximal dose that was estimated to produce no death in 100 days was 110 mg/kg daily. The figure of 110 mg/kg daily extrapolated to man corresponds to drinking 60 to 100 cups of coffee daily. Thus, caffeine consumption by man, in the most readily available form, is not likely to cause death in young healthy persons.

Related to chronic toxicity is the factor of tolerance to caffeine. Tolerance appears to develop within 2 to 3 days after the daily dosage. Tolerance to the hypertensive effects of caffeine has also been demonstrated to develop in cats. Thus, in man it is likely that some tolerance to caffeine develops with daily use. In the rat, sensitivity to the toxic dose of caffeine increases with age. There is little information available on the biochemical effects of caffeine on blood glucose level or the sugar tolerance curve. In high doses, caffeine produces a sharp rise in the free fatty acids level of blood, an action similar to the effect of stress. Caffeine increases lipolysis by direct action on the adipose tissue (Ref. 23). These actions, like other pharmacologic actions of caffeine, resemble those of the catecholamines.

Ingestion of caffeine in some patients resembles the effects of catecholamines on the heart, too, in that it induces a rise in cardiac index, oxygen consumption, mean arterial pressure and ventricular filling pressure (Ref. 24). In some individuals the use of coffee causes an increase in premature ventricular contractions and recently Jick et al. (Ref. 25) reported a positive association between coffee consumption and acute myocardial infarction but no association between tea consumption and acute myocardial infarction. However, a later report from the Framingham Study provided no support for the hypothesis that coffee intake is either qualitatively or quantitatively related to the initial development of manifestations of atherosclerotic disease (Ref. 26).

Also, caffeine has been reported to cause increased acid secretion in the stomach and possibly contribute to gastric bleeding (Ref. 27). In vitro it inhibits platelet aggregation (Refs. 28 and 29) and its use in patients with gastritis is not recommended.

Habituation to the use of caffeine is well documented. The Panel concurs with the OTC Sedative, Tranquilizer and Sleep-Aid Panel that this is not a serious problem and does not believe that a warning regarding habituation is necessary. At the same time it is concerned that inclusion of caffeine in OTC analgesic preparations may lead to their continued use and abuse. While this could be a factor in analgesic abuse the Panel finds insufficient evidence to justify a warning at the present time and the potential benefits outweigh this risk.

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4. *Antihistamine-containing ingredients.* The Panel has classified the following as ingredients for potential use as direct acting adjuvants:

Methapyrilene fumarate
Pheniramine maleate
Phenyltoloxamine
Pyrilamine maleate

The Panel received data only on phenyltoloxamine (Refs. 1 through 5) for use as an adjuvant. However, it is the opinion of the Panel that such potential activity is shared by antihistamines in general. Therefore, the Panel has included for consideration other antihistamines submitted to the Panel for review i.e., methapyrilene fumarate, pheniramine maleate and pyrilamine maleate.

a. *Methapyrilene fumarate.* The Panel concludes that methapyrilene fumarate when used alone in the currently marketed OTC adult oral dosage of 25 mg not to exceed 100 mg in 24 hours is safe but ineffective as an OTC analgesic, antipyretic and/or antirheumatic ingredient and is classified as Category II. However, there are insufficient data available to classify the adjuvant effect of methapyrilene fumarate when used in combination with Category I analgesic, antipyretic and/or antirheumatic agents as an effective analgesic, antipyretic and/or antirheumatic adjuvant and it is therefore classified in combination as Category III.

The Panel notes that the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid Products, in their report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292) concluded that the available data were insufficient to make a final determination as to the safety and effectiveness of methapyrilene fumarate for use as a nighttime sleep-aid or daytime sedative. The Panel recommended a proposed dosage of 25 to a maximum 100 mg single dose at bedtime as a nighttime sleep-aid and a maximum 25 mg single dose up to 4 times daily for the drug as a daytime sedative.

b. *Pheniramine maleate.* The Panel concludes that pheniramine maleate when used alone in the currently marketed OTC adult oral dosage of 12.5 mg not to exceed 50 mg in 24 hours is safe but ineffective as an OTC analgesic, antipyretic and/or antirheumatic ingredient and is classified as Category II. However, there are insufficient data available to classify the adjuvant effect of pheniramine maleate when used in combination with Category I analgesic, antipyretic and/or antirheumatic agents as an effective analgesic, antipyretic and/or antirheumatic adjuvant and it is therefore classified in combination as Category III.

The Panel notes that the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products, in their report published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312) concluded that pheniramine maleate is safe and effective as an OTC antihistamine. The Panel recommended an adult oral dosage of 25 mg every 4 to 6 hours not to exceed 150 mg in 24 hours.

c. *Phenyltoloxamine dihydrogen citrate.* The Panel concludes that phenyltoloxamine dihydrogen citrate when used alone in the currently marketed OTC adult oral dosage of 30 mg not to exceed 240 mg in 24 hours is safe but ineffective as an OTC analgesic, antipyretic and/or antirheumatic ingredient and is classified as Category II. However, there are insufficient data available to classify the adjuvant effect of phenyltoloxamine dihydrogen citrate when used in combination with Category I analgesic, antipyretic and/or antirheumatic agents as an effective analgesic, antipyretic and/or antirheumatic adjuvant and it is therefore classified in combination as Category III.

The Panel notes that the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid Products, in their report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292) concluded that the available data were insufficient to make a final determination as to the safety and effectiveness of phenyltoloxamine dihydrogen citrate for use as a nighttime sleep-aid or daytime sedative. The Panel recommended a proposed dosage of 100 to a maximum 200 mg single dose at bedtime as a nighttime sleep-aid and a maximum 100 mg single dose up to 4 times daily for the drug as a daytime sedative.

Phenyltoloxamine belongs to the ethanolamine group of antihistamines. It is

fective (Ref. 2). Patients with acute episodes of mild to moderate traumatic or

to a maximum 50 mg single dose at bedtime as a nighttime sleep-aid and a max-

2 g and higher are usually required to show analgesic effects.

Barr et al. (Ref. 5) have shown that

at intestinal or hepatic sites during ab-

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Phenyltoloxamine belongs to the ethanolamine group of antihistamines. It is currently marketed in OTC combination products for the treatment of asthma, allergic conditions and for headache and other pain. The drug has been shown to be effective in relieving vasomotor rhinitis, hay fever, pruritus, eczema, urticaria, asthma and certain other allergic drug reactions. Animal studies have shown that the drug is one of the least toxic antihistamines. However, it may cause drowsiness, dizziness, insomnia, nervousness and epigastric distress in some people.

The Panel is unaware of any OTC marketing of phenyltoloxamine alone as an analgesic, antipyretic and/or antirheumatic. However, the Panel did receive submissions of the use of phenyltoloxamine in combination with acetaminophen only, with acetaminophen, phenacetin, phenylpropanolamine, and with acetaminophen and caffeine. Labeling for these marketed products include phrases such as "for enhanced relief of pain", "relief of mild to moderate pain and discomfort due to simple headaches; for temporary relief of such pain associated with muscle and joint soreness, neuralgia, sinusitis, minor menstrual cramps, the common cold or grippe, toothache, and minor aches and pains of rheumatism and arthritis" and "produces mild sedation and tranquilization".

The results of two clinical studies were submitted to the Panel to support the analgesic adjuvant effects of phenyltoloxamine in combination with acetaminophen. One study was designed to determine the analgesic-calmative effects of a currently marketed combination product containing acetaminophen and phenyltoloxamine in the treatment of simple nervous tension accompanied by headache and the second study was designed to determine the effectiveness of the combination product in relief of musculoskeletal pain associated with anxiety.

In the single-dose, double-blind cross-over study on simple nervous tension accompanied by headache, both acetaminophen and phenyltoloxamine were found to be effective (Ref. 1). There were 200 females and 6 males in the study. Subjects were instructed to take two tablets on the day they developed nervous tension with headaches. Each subject completed four, single-dose trials and received each drug alone, the combination and placebo with a minimum of 48 hours between. The interaction of phenyltoloxamine and acetaminophen was not significant.

The Panel carefully reviewed this study and the additional data submitted (Refs. 1 and 5). The Panel finds that problems in the 2x2 factorial analysis prevent a firm conclusion from being reached since it cannot be determined if the combination is significantly more effective than acetaminophen alone in the treatment of headache.

In the other double-blind study on relief of musculoskeletal pain associated with anxiety, both acetaminophen and phenyltoloxamine were reported to be effective (Ref. 2). Patients with acute episodes of mild to moderate traumatic or nonrheumatic musculoskeletal pain associated with anxiety were included. There were 73 females and 87 males in the study such that the 160 subjects were divided into four medication groups of 40 subjects. Each patient received two tablets 3 times daily for 3 days.

Both were found to be effective, 325 mg acetaminophen in relieving pain and 60 mg phenyltoloxamine in relieving anxiety. It was reported that after a single dose, and after one day of dosing, the combination, i.e., 325 mg acetaminophen and 60 mg phenyltoloxamine, was equivalent to the combined effects of the two drugs in relieving pain and anxiety. After 2 days of dosing, the analgesic effect of the combination was significantly greater than the effect of acetaminophen alone (p is less than 0.01).

The Panel carefully evaluated this study and the additional data submitted (Refs. 2 and 5) and found that while the data suggested the combination of acetaminophen and phenyltoloxamine produced more pain relief than acetaminophen alone, this was statistically significant only at 2 days. Therefore, the Panel finds these data insufficient to classify phenyltoloxamine as an adjuvant in combination with acetaminophen in Category I.

The Panel concludes, based upon all the data submitted, that the statistical analysis does not support the conclusion that the combination is effective in the treatment of tension headache or for the relief of musculoskeletal pain associated with anxiety. The Panel has classified such claims as Category II. (See part III. paragraph B.2. above—Category II Labeling.) The Panel further concludes that the available data are insufficient to support the conclusion that the combination is more effective than acetaminophen alone. The Panel has classified the potential adjuvant effect of phenyltoloxamine in combination as Category III.

d. *Pyrilamine maleate.* The Panel concludes that pyrilamine maleate when used alone in the currently marketed OTC adult oral dosage of 12.5 mg not to exceed 50 mg in 24 hours is safe but ineffective as an OTC analgesic, antipyretic and/or antirheumatic ingredient and is classified as Category II. However, there are insufficient data available to classify the adjuvant effect of pyrilamine maleate when used in combination with Category I analgesic, antipyretic and/or antirheumatic agents as an effective analgesic, antipyretic and/or antirheumatic adjuvant and it is therefore classified in combination as Category III.

The Panel notes that the Advisory Review Panel on OTC Sedative, Tranquilizer and Sleep-Aid Products, in their report published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292) concluded that the available data was insufficient to make a final determination as to the safety and effectiveness of pyrilamine maleate for use as a nighttime sleep-aid or daytime sedative. The Panel recommended a proposed dosage of 25 to a maximum 50 mg single dose at bedtime as a nighttime sleep-aid and a maximum 25 mg single dose up to 4 times daily for the drug as a daytime sedative.

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5. *Salicylamide.* The Panel concludes that there are insufficient data to determine that salicylamide is either safe or effective when used in combination as an OTC adjuvant in the currently marketed dosage of 97.2 to 400 mg. The Panel finds that salicylamide when used alone at a higher dosage (1,000 mg every 4 hours while symptoms persist not to exceed 6,000 mg in 24 hours for not more than 10 days) may be effective but has not been demonstrated to be safe for OTC use. However, the Panel recommends that salicylamide not be made available for OTC use at the higher dosage range until suitable studies have been completed to show both safety and effectiveness. (See part III. paragraph B.3.c. above—Salicylamide and part IV. paragraph B.3.c. above—Salicylamide.)

The Panel concludes that there is some evidence that salicylamide may effectively contribute to the analgesic effectiveness of combination products in doses (200 mg) considerably below those required when salicylamide is used as a single analgesic agent.

Current evidence, although still incomplete, suggests that salicylamide may be acting either as an adjuvant to directly enhance the pharmacologic activity of other agents, e.g., increased hypnotic activity of acetaminophen, or possibly indirectly by increasing the amount of the aspirin absorbed possibly by competition or inhibition of metabolizing systems in the intestine or liver. This mechanism provides one possible explanation for the "aspirin sparing" claim submitted for one analgesic combination (Ref. 1).

Salicylamide has been demonstrated to inhibit salicylate metabolism competing with aspirin for the glucuronidation pathway. It has also been shown that it competitively inhibits the metabolism of acetaminophen in the glucuronidate and sulfate formation (Refs. 2 and 3).

The mechanisms involved, doses required and effects of formulation variables are not well defined. Claims for adjunctive effects of salicylamide should be evaluated for each product.

Studies on the systemic availability of salicylamide in man at doses of 300 to 600 mg indicate that very little free drug reaches the systemic circulation. In most clinical studies, these doses of salicylamide have provided little or no effect over that obtained with placebo. Doses of 1 to

2 g and higher are usually required to show analgesic effects.

Based on the knowledge of single doses of salicylamide alone, it would seem unlikely that the small oral doses of 300 to 600 mg found in most combination products would result in effective plasma levels of salicylamide. There is accumulating evidence, however, that combinations of salicylamide with salicylates and acetaminophen may result in higher blood levels of all three agents than when they are given alone. Levy and co-workers have shown that a mutual inhibition of metabolism occurs in man with a combination of salicylamide and sodium salicylate (Ref. 2) and also a combination of salicylamide and acetaminophen (Ref. 3). This was not the case, however, with the combination of acetaminophen and salicylic acid (Ref. 4).

When 2.32 g sodium salicylate was given to healthy adults 2 hours before the administration of 600 mg salicylamide, there was a mutual inhibition of glucuronide formation by both drugs and a suggestion of a salicylate-induced inhibition of salicylamide sulfate formation (Ref. 2). Such inhibitory action would be expected to result in higher blood levels of the free unmetabolized drugs with a concomitant increased pharmacologic action.

A similar competitive inhibition in the metabolism of acetaminophen and salicylamide occurred when the drugs were administered to healthy subjects. When 1 or 2 g salicylamide was given 1.5 hours after the administration of 1 g acetaminophen, a decrease in the formation of acetaminophen sulfate, acetaminophen glucuronide and salicylamide sulfate was observed as evidenced by the decreased excretion rates of these metabolites in the urine. The inhibition of sulfate formation was counteracted by L-cysteine, a source of sulfate, administered concomitantly with salicylamide (Ref. 3). On the other hand, when sodium salicylate was given after acetaminophen administration, there was no apparent mutual inhibition of the formation of the metabolic conjugates (glucuronides and sulfates) of acetaminophen or the formation of the metabolites of sodium salicylate (Ref. 4). This is in contrast to the mutual metabolic inhibition that occurred when acetaminophen was administered with salicylamide (Ref. 3).

The results of the metabolic studies using combinations of salicylamide and acetaminophen, salicylamide and sodium salicylate, and acetaminophen and sodium salicylate, indicate that salicylamide is the major determinant in the metabolic inhibitory interactions between acetaminophen and salicylamide and between sodium salicylate and salicylamide. The pronounced competitive inhibitory effect of salicylamide on glucuronide and sulfate formation is most likely due to its very rapid metabolism. Available data indicate that the formation of salicylamide glucuronide and sulfate proceeds about 10 times more rapidly than the formation of acetaminophen glucuronide and sulfate at body levels of 1 g of these drugs (Ref. 4).

Barr et al. (Ref. 5) have shown that salicylic acid can competitively inhibit salicylamide glucuronide formation and noncompetitively inhibit salicylamide sulfate formation in a rabbit in vitro intestinal preparation resulting in a 40 percent increase in free salicylamide transfer across the everted intestine.

The extent to which combinations of these analgesics may interact in man at intestinal metabolism sites to increase systemic plasma levels of the active forms of the analgesics has not been measured directly. Considering the metabolic interactions, however, these combinations might be expected to have greater than additive effects. Synergistic pharmacologic effects of combinations of salicylamide with acetaminophen or with phenacetin have been demonstrated in animals and man (Refs. 3, 6, and 7).

Berger (Ref. 6) in 1954 reported that salicylamide had a hypnotic effect that was enhanced by phenacetin which has no sedative effect of its own.

The findings of Berger are corroborated by the studies in mice by White et al. (Ref. 7) who in 1956 found sedative effects of several combinations at doses which had no effect when given separately, including salicylamide-phenacetin, salicylamide-acetaminophen and salicylamide-acetanilide. These workers also found that with a mixture of 240 mg acetaminophen and 600 mg salicylamide, 76 of 108 patients noted a sedative effect and some patients commented on the analgesic effect of the mixture. The same dose given 4 times daily to 15 subjects resulted in daytime sedation in 14 patients and in 7 patients receiving a placebo. No other adverse reactions were noted.

The effectiveness of two dose levels of a combination of acetaminophen-salicylamide (487.5 mg plus 487.5 mg, and 325 mg plus 325 mg) in the treatment of headaches was compared to a dose of 648 mg aspirin and to placebo in university students, employing a double-blind Latin-square design (Ref. 8). In a total of 94 subjects with 229 headaches, relief was obtained in 46 percent by placebo, 78 percent by aspirin and 76 and 69 percent, respectively, by the high and low doses of the acetaminphen-salicylamide combination. The effectiveness of all drug treatments was significantly different from the placebo efficacy, but not different from each other.

It is reasonable to conclude that in considering the dose of each individual ingredient in a combination product that includes salicylamide, reliance cannot be placed upon using the same dose of the ingredients that is contained in single ingredient products. The inhibitory action on the metabolism of the ingredients in the combination, by the presence of salicylamide, might be expected to increase the amounts of the free unmetabolized drugs to levels that would not otherwise occur if each ingredient were administered alone at the same dose. Such increased levels might result in overdosage and toxic effects. It is possible that competition for metabolism either at intestinal or hepatic sites during absorption will provide a "sparing" effect.

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C. DATA REQUIRED FOR EVALUATION

1. *Aspirin standard testing procedures.* The studies cited above have shown that buffered aspirin products vary among themselves with respect to dissolution rate, rate of absorption and effect on gastric tolerance. (See part II. paragraph J. above—Effects of Product Formulation on Drug Absorption and Pharmacologic Effectiveness.) Variations in these characteristics, are also found in plain aspirin products. Although buffered aspirin products generally have faster dissolution rates, are better tolerated and are absorbed faster than plain aspirin products, all buffered aspirin products cannot be equated to have the same ability to be absorbed and therefore to produce comparable blood levels in a specified time. On the other hand, while plain (unbuffered) aspirin products generally dissolve and are absorbed at a slower rate, and are less well tolerated, some plain aspirin products are comparable to buffered aspirin products in their ability to be rapidly dissolved and rapidly absorbed. The similarities and/or dissimilarities between plain aspirin products and buffered aspirin products may be accounted for on the basis of formulating procedures of the manufacturers and/or the dissolution methodology employed by different investigators. To avoid any discrepancies in dissolution methodology and to eliminate products that are, without question, improperly formulated for the safe use of aspirin, the Panel proposes to set standards for plain and buffered aspirin products. The Panel has proposed a tentative testing procedure for future development and implementation.

a. *Buffered aspirin acid neutralizing testing procedure.* The Panel concludes that aspirin tablets may be labeled as

"buffered aspirin" providing each dosage unit containing the equivalent of 325 mg (5 gr.) of aspirin contains at least 1.0

water and mix on a magnetic stirrer at 300±30 r.p.m. for about 1 minute.

fitted with a speed-regulating device that allows the motor speed to be held at 50

mining the total amounts of acetylsalicylic acid and salicylic acid in solu-

Subpart B—Active Ingredients

with sufficient buffering capacity with antacid active ingredient(s) identified in

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"buffered aspirin" providing each dosage unit containing the equivalent of 325 mg (5 gr) of aspirin contains at least 1.9 mEq of acid neutralizing capacity as determined by the following procedure:

(1) *Apparatus and reagents.* (i) pH meter, equipped with glass and saturated calomel electrodes.

(ii) Magnetic stirrer.

(iii) Magnetic stirring bars (about 40 mm long and 10 mm in diameter).

(iv) 50 ml buret.

(v) Buret stand.

(vi) 100 ml beakers.

(vii) 250 ml beakers.

(viii) 10 ml, 20 ml and 30 ml pipets calibrated to deliver.

(ix) Tablet comminuting device.

(x) A number 20 and 100 U.S. standard mesh sieve.

(xi) Tablet disintegration apparatus.

(xii) 0.1 N, 0.5 N and 1.0 N hydrochloric acid.

(xiii) 0.5 N sodium hydroxide.

(xiv) Standard pH 4.0 buffer solution (0.05 M potassium hydrogen phthalate).

(xv) 95 percent ethanol.

(xvi) Purified water U.S.P.

(2) *Reagent standardization.* Standardize the sodium hydroxide (NaOH) and hydrochloric acid (HCl) solutions according to the procedures in the *United States Pharmacopeia XVIII* (NaOH page 1036 and HCl page 1034) or the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th Ed., 1970, (NaOH page 876 and HCl page 878).

(3) *Temperature standardization.* All tests shall be conducted at 25° C±3° or 37° C±3°.

(4) *Acid neutralizing capacity test*—(i) *pH meter.* Standardize the pH meter at pH 4.0 with the standardizing buffer and check for proper operation at pH 1 with 0.1 N HCl.

(ii) *Dosage form testing*—(a) *Tablet sample.* Place an accurately weighed amount of a tablet composite equivalent to the minimum labeled dosage into a 250 ml beaker. (The composite shall be prepared by determining the average weight of not less than 20 tablets and then comminuting the tablets sufficiently to pass through a number 20 U.S. standard mesh sieve and held by a number 100 U.S. standard mesh sieve. Mix the sieved material to obtain a uniform sample.) If wetting is desired, add not more than 5 ml of 95 percent ethanol and mix to wet the sample thoroughly (ethanol may affect the acid neutralizing capacity). Add water to a volume of 70 ml and mix on magnetic stirrer at 300±30 r.p.m. for about 1 minute. Capsules should be tested in the same manner using the sieved capsule powder as the sample. Analyze the sample according to the procedure set forth in section (5) below.

(b) *Effervescent sample.* Place an amount equivalent to the minimum labeled dosage into a 250 ml beaker. Add 10 ml water and swirl the beaker gently while allowing the reaction to subside. Add another 10 ml of water and swirl the beaker gently. Wash down the walls of the beaker with 50 ml of water and mix on a magnetic stirrer at 300±30 r.p.m. for about 1 minute. Analyze the sample according to the procedure set forth in § 331.26.

(5) *Acid neutralizing capacity test procedure.* (i) Pipette 30.0 ml of 1.0 N HCl into the sample solution while stirring on the magnetic stirrer at 300±30 r.p.m.

(ii) Stir for exactly 15 minutes after addition of acid.

(iii) Begin titrating immediately and in a period not to exceed an additional 5 minutes titrate the excess 1.0 N HCl with 0.5 N NaOH to a stable pH of 3.5.

(iv) Check the sample solution 10 to 15 seconds after obtaining pH 3.5 to make sure the pH is stable.

(v) Calculate the number of mEq of acid neutralized by the sample as follows:

Total mEq = (30.0 ml) (normality of HCl) − (ml of NaOH) (N of NaOH).

Use appropriate factors, i.e., density, average tablet weight, etc., to calculate the total mEq of acid neutralized per minimum labeled dosage.

(6) *Test modifications.* The formulation and/or mode of administration of certain products may require modification of this in vitro test. Any proposed modification and the data to support it shall be submitted to the Food and Drug Administration for approval prior to use.

b. *Aspirin (plain and buffered) tablet dissolution testing procedure.* Each dosage unit containing the equivalent of 325 mg (5 gr) of aspirin shall be suitable for labeling as an "aspirin" or if applicable "buffered aspirin" product if the quantity of aspirin dissolved within "x" minutes is not less than 162.5 mg (2.5 gr) (50 percent of labeled amount) and the quantity of aspirin dissolved in "x" minutes is not less than 292.5 mg (4.5 gr) (90 percent of labeled amount) as determined by the following procedure:

(1) *Laboratory technique.* Throughout this procedure use scrupulously clean glassware, which previously has been rinsed with dilute hydrochloric acid, distilled or deionized water, then with alcohol, and carefully dried. Take precautions to prevent contamination from airborne, fluorescent particles and from metal and rubber surfaces.

(2) *Dissolution test apparatus.* The apparatus consists of a suitable water bath, a 500 ml round bottom glass vessel (Kimble Glass No. 33710–S1, or equivalent), a motor, and a stirring blade (Sargent S–76637, Size B, 3–in length; Hanson 65–700–300; or equivalent) on a stirring shaft (Sargent S–76636, 14, 5–in length; Hanson 65–700–001; or equivalent). The water bath may be of any convenient size that permits keeping the water temperature uniformly at 37° C ±0.5° C throughout the test. The water bath must not transmit perceptible vibration to the vessel. The vessel is cylindrical, with a spherical bottom. It is 16 cm high and is 10 cm in inside diameter. Its sides are flanged near the top. The vessel is positioned so that the stirring shaft from the motor is centered on the vessel's cylindrical axis. The motor is fitted with a speed-regulating device that allows the motor speed to be held at 50 rpm±2 rpm. The motor is suspended above the vessel in such a way that it may be raised or lowered to position the stirring blade. The stirring shaft is 10 mm in diameter and about 37 cm in length. It must run true on the motor axis without perceptible wobble. The stirring blade is 4 mm thick and forms a section of a circle whose diameter is 83 mm and which is subtended by parallel chords of 42 and 77 mm. The blade is positioned horizontally, with the 42 mm edge down, so that the lower edge of the blade is 2.5 cm + 0.2 cm above the lowest inner surface of the vessel.

(3) *Dissolution medium.* Use a reagent containing 2.0 g sodium chloride, 3.2 g papain, 5.0 g mucin and 10 ml 0.1 N hydrochloric acid (HCl) combined and diluted with distilled water per each 1,000 ml solution.

(4) *Procedure.* Place 500 ml of dissolution medium in the vessel, immerse it in the constant-temperature bath set at 37° C.±0.5° C. and allow the dissolution medium to assume the temperature of the bath. Position the shaft so that there is a distance of 2.5 cm±2 cm between the midpoint of the bottom of the blade and the bottom of the vessel. With the stirrer operating at a speed of 50 rpm ±2 rpm, place 1 tablet containing the equivalent of 325 mg (5 gr) buffered aspirin into the flask. After 5, 10, 20 and 30 minutes, accurately timed, withdraw 10 ml, using a glass syringe connected to a glass sampling tube, of solution from a point midway between the stirring shaft and the wall of the vessel, and approximately midway in depth. Filter the solution promptly after withdrawal, using a suitable membrane filter of not greater than 0.8 micron porosity. This is the test solution. Repeat the dissolution procedure on 5 additional tablets containing the equivalent of 325 mg (5 gr) buffered aspirin per tablet.

(5) *Measurement of acetylsalicylic acid and salicylic acid.* Dilute the test solution with an equal volume of 0.1 N HCl. The absorbance of the diluted test solution is measured in a spectrophotometer at a wavelength of 275 millimicrons for acetylsalicylic acid and at a wavelength of 302 millimicrons for salicylic acid. The values are corrected for blank absorbance using the reagent dissolution medium. The amounts of acetylsalicylic acid and salicylic acid in the test solution at the time of sampling are determined by comparing their absorbancies with standard curves prepared for the two acids from known solutions. The solutions from which the standard curves are prepared should contain a known amount of acid dissolved in reagent dissolution medium and their absorbancies should be read immediately after preparation. The amounts of the acids in the test solution at the time of sampling are expressed in mg. The decreasing volume of the test solution after repeated samplings as well as the amounts of acetylsalicylic acid and salicylic acid removed in each sample should be considered in determining the total amounts of acetylsalicylic acid and salicylic acid in solution at the time of each sampling. The amounts of acetylsalicylic acid and salicylic acid should be converted to express the total amount of acetylsalicylic acid, in mg. (Ref. 1) resulting from the dissolution of a dosage unit (tablet) containing 325 mg (5 gr) buffered aspirin in (x) minutes.

2. *Combination products containing an analgesic, antipyretic and/or antirheumatic adjuvant*—a. *General principles.* (1) Combinations must demonstrate at least as much analgesic effectiveness as 650 mg (10 gr) dose of aspirin.

(2) Combinations must be at least as safe as the recommended 650 mg (10 gr) single dose of aspirin or the recommended maximum 24 hour dose of 3,900 mg of aspirin.

(3) Each component must make a statistically significant contribution to the total effect. For instance in the case of caffeine, this could be determined by factorially designed studies which might include aspirin 650 mg, aspirin 650 mg plus caffeine 60 mg, caffeine 60 mg, and placebo. The analysis must show caffeine in combination to have a significant effect to justify its continued inclusion in combinations.

b. *Determination of effectiveness.* To establish Category I status for a Category III compound requires at least two studies by independent investigators which conform to the guidelines included above for compounds for which safety is unquestioned. (See part III. paragraph C. above—Data Required for Evaluation.)

c. *Combinations containing adjuvants.* Combinations containing adjuvants which have been shown to affect the metabolic pathways of other ingredients must be shown on repeated dosage schedules not to inhibit or interfere with the metabolism in such a way that toxic levels of any ingredients are achieved. For example, for a combination containing salicylamide and aspirin, it must be shown with repeated dosing that the blood salicylate level does not exceed 20 mg percent.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs proposes that Subchapter D be amended by adding new Part 343 to read as follows:

PART 343—INTERNAL ANALGESIC, ANTIPYRETIC AND ANTIRHEUMATIC PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
343.1 Scope.
343.3 Definitions.

Subpart B—Active Ingredients

343.10 Analgesics.
343.12 Antipyretics.
343.14 Antirheumatics.
343.20 Permitted combinations of active ingredients.

Subpart C—[Reserved]

Subpart D—Labeling

343.50 Labeling of analgesic and antipyretic products.
343.80 Professional labeling.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 343.1 Scope.

An over-the-counter internal analgesic, antipyretic, or antirheumatic product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 343.3 Definitions.

(a) *Acetaminophen analgesic equivalence value.* The analgesic effectiveness for a product containing acetaminophen when compared to the standard acetaminophen 325 mg (5 gr) dosage unit.

(b) *Acetaminophen (pediatric dosage unit).* A single dosage unit containing 80 mg (1.23 gr) acetaminophen for children under 12 years.

(c) *Acetaminophen (standard dosage unit).* A single dosage unit containing 325 mg (5 gr) acetaminophen.

(d) *Adjuvant.* An agent which, in the amount used, has no significant analgesic effect itself but contributes to the therapeutic effect of the active agent either directly or indirectly.

(1) *Direct acting.* An adjuvant which enhances the pharmacologic response directly by synergistic or additive effects at the site of action.

(2) *Indirect acting.* An adjuvant which does not have effects at the site of action, but indirectly increases the activity of the active agent(s) of the preparation by modifying the disposition (absorption, metabolism, excretion or distribution) of the active agent.

(e) *Age (dosage) usage.* Infant or baby (under 2 years), child (2 years to under 12 years), and adult (12 years and over).

(f) *Analgesic drug.* An agent useful to alleviate the symptoms of pain.

(g) *Antipyretic drug.* An agent used to reduce fever.

(h) *Antirheumatic drug.* An agent which reduces joint or muscle tenderness or swelling.

(i) *Aspirin analgesic equivalence value.* The analgesic effectiveness for a product containing aspirin or aspirin salts, e.g., aluminum aspirin or calcium carbaspirin when compared to the standard aspirin 325 mg (5 gr) dosage unit.

(j) *Aspirin (buffered).* A solid dosage form containing 325 mg (5 gr) aspirin with sufficient buffering capacity with antacid active ingredient(s) identified in § 331.11 of this chapter such that the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg of aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of this chapter and provided that product is identified as buffered aspirin with labeling only as an analgesic and/or antipyretic.

(k) *Aspirin (highly buffered) for solution.* A solid dosage form to be dissolved in water prior to oral administration as a solution. The product shall contain 325 mg (5 gr) aspirin and sufficient buffering capacity with antacid active ingredient(s) identified in § 331.11 of this chapter such that the finished product contains at least 20 mEq of acid neutralizing capacity per 325 mg of aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of this chapter and provided the product is identified as highly buffered aspirin with labeling only as an analgesic and/or antipyretic.

(l) *Aspirin (pediatric dosage unit).* A single dosage unit containing 80 mg (1.23 gr) aspirin for children under 12 years.

(m) *Aspirin (standard dosage unit).* A single dosage unit containing 325 mg (5 gr) aspirin.

(n) *Corrective.* An agent in the drug delivery system intended to reduce some undesirable effect of the therapeutically active agent.

(o) *Sodium salicylate analgesic equivalence value.* The analgesic effectiveness for a product containing sodium salicylate or other salicylates, e.g., choline salicylate, magnesium salicylate, or salsalate when compared to the standard sodium salicylate 325 mg dosage unit.

(p) *Sodium salicylate (standard dosage unit).* A single dosage unit containing 325 mg sodium salicylate.

Subpart B—Active Ingredients

§ 343.10 Analgesics.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Aspirin.*—(1) *For products containing 325 mg (5 gr) per dosage unit.*—(i) *Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while symptoms persist not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while symptoms persist not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while symptoms persist not to exceed 1,625 mg (25 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg

(3.75 gr) every 4 hours while symptoms persist not to exceed 1,219 mg (18.75 gr) (7.46 gr) but not more than 500 mg (7.69 gr) every 3 hours or 970 mg (14.92 for not more than 5 days. Children 2 to under 4 years oral dosage is 160 mg (2.46

2,437.5 mg in 24 hours for not more than dosage except under the advice and gli- to exceed 2,000 mg (30.75 gr) in 24 hours

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(3.75 gr) every 4 hours while symptoms persist not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while symptoms persist not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7. 38 gr) every 4 hours while symptoms persist not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while symptoms persist not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while symptoms persist not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while symptoms persist not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 160 mg (2. 46 gr) every 4 hours while symptoms persist not to exceed 800 mg (12.3 gr) in 24 hours for not more than 10 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) per dosage unit.* Adult oral dosage is more than 325 mg (5 gr) but not more than 842 mg (12.96 gr) initially, followed by more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) every 3 hours while symptoms persist not to exceed 3,789 mg (58.32 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *For products containing more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) per dosage unit.* Adult oral dosage is more than 421 mg (6.48 gr) but not more than 970 mg (14.92 gr) initially, followed by more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) every 4 hours or 842 mg (12.96 gr) but not more than 970 mg (14.92 gr) every 6 hours while symptoms persist not to exceed 3,880 mg (59.68 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(5) *For products containing more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is more than 485 mg (7.46 gr) but not more than 1,000 mg (15.38 gr) initially, followed by more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) every 3 hours or 970 mg (14.92 gr) but not more than 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(6) *For products containing more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) per dosage unit.* Adult oral dosage is more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Acetaminophen—(1) For products containing 325 mg (5 gr) per dosage unit—(i) Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while symptoms persist not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while symptoms persist not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while symptoms persist not to exceed 1,625 mg (25 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while symptoms persist not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while symptoms persist not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while symptoms persist not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while symptoms persist not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while symptoms persist not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while symptoms persist not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while symptoms persist not to exceed 800 mg (12.3 gr) in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is 500 mg (7.69 gr) to 1,000 mg (15.38 gr) initially, followed by 500 mg (7.69 gr) every 3 hours or 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *Calcium carbaspirin.* Adult oral dosage is 414 to 828 mg every 4 hours while symptoms persist not to exceed 4,968 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 621 mg every 4 hours while symptoms persist not to exceed 3,105 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 517.5 mg every 4 hours while symptoms persist not to exceed 2,587.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 414 mg every 4 hours while symptoms persist not to exceed 2,070 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 310.5 mg every 4 hours while symptoms persist not to exceed 1,552.5 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 207 mg every 4 hours while symptoms persist not to exceed 1,035 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(d) *Choline salicylate.* Adult oral dosage is 435 to 870 mg every 4 hours while symptoms persist not to exceed 5,220 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 652.5 mg every 4 hours while symptoms persist not to exceed 3,262.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 543.8 mg every 4 hours while symptoms persist not to exceed 2,719 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 435 mg every 4 hours while symptoms persist not to exceed 2,175 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 326.5 mg every 4 hours while symptoms persist not to exceed 1,632.5 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 217.5 mg every 4 hours while symptoms persist not to exceed 1,087.5 mg in 24 hours for not more than 5 days. Children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(e) *Magnesium salicylate.* Adult oral dosage is 325 to 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while symptoms persist not to exceed

2,437.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while symptoms persist not to exceed 2,031.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while symptoms persist not to exceed 1,625 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while symptoms persist not to exceed 1,219 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while symptoms persist not to exceed 812.5 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(f) *Sodium salicylate. (1) For products containing 325 mg per dosage unit.—(i) Standard schedule.* Adult oral dosage is 325 to 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while symptoms persist not to exceed 2,437.5 mg in 24 hours for not more than 5 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while symptoms persist not to exceed 2,031.5 mg in 24 hours for not more than 5 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while symptoms persist not to exceed 1,625 mg in 24 hours for not more than 5 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while symptoms persist not to exceed 1,219 mg in 24 hours for not more than 5 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while symptoms persist not to exceed 812.5 mg in 24 hours for not more than 5 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg to 975 mg initially, followed by 650 mg every 4 hours while symptoms persist not to exceed 3,900 in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing more than 325 mg but not more than 421 mg per dosage unit.* Adult oral dosage is more than 325 mg but not more than 842 mg initially, followed by more than 325 mg but not more than 421 mg every 3 hours while symptoms persist not to exceed 3,789 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing more than 421 mg but not more than 485 mg per dosage unit.* Adult oral dosage is more than 421 mg but not more than 970 mg initially, followed by more than 421 mg but not more than 485 mg every 4 hours or 842 mg but not more than 970 mg every 6 hours while symptoms persist not to exceed 3,880 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *For products containing more than 485 mg but not more than 500 mg per dosage unit.* Adult oral dosage is more than 485 mg but not more than 1,000 mg initially, followed by more than 485 mg but not more than 500 mg every 3 hours or 970 mg but not more than 1,000 mg every 6 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(5) *For products containing more than 500 mg but not more than 650 mg per dosage unit.* Adult oral dosage is more than 500 mg but not more than 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 343.12 Antipyretics.

The active ingredients of the product consist of the following within the dosage limit established for each ingredient:

(a) *Aspirin.—(1) For products containing 325 mg (5 gr) per dosage unit.—(i) Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while fever persists not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while fever persists not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while fever persists not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while fever persists not to exceed 1,625 mg (25 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while fever persists not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while fever persists not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while fever persists not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while fever persists not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while fever persists not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while fever persists not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 3 days. Children 2 to 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while fever persists not to exceed 800 mg (12.3 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) per dosage unit.* Adult oral dosage is more than 325 mg (5 gr) but not more than 842 mg (12.96 gr) initially, followed by more than 325 mg (5 gr) but not more than 421 mg (6.48 gr) every 3 hours while symptoms persist not to exceed 3,789 mg (58.32 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *For products containing more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) per dosage unit.* Adult oral dosage is more than 421 mg (6.48 gr) but not more than 970 mg (14.92 gr) initially, followed by more than 421 mg (6.48 gr) but not more than 485 mg (7.46 gr) every 4 hours or 842 mg (12.96 gr) but not more than 970 mg (14.92 gr) every 6 hours while symptoms persist not to exceed 3,880 mg (59.68 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(5) *For products containing more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is more than 485 mg (7.46 gr) but not more than 1,000 mg (15.38 gr) initially, followed by more than 485 mg (7.46 gr) but not more than 500 mg (7.69 gr) every 3 hours or 970 mg (14.92 gr) but not more than 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(6) *For products containing more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) per dosage unit.* Adult oral dosage is more than 500 mg (7.69 gr) but not more than 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(b) *Acetaminophen. (1) For products containing 325 mg (5 gr) per dosage unit.—(i) Standard schedule.* Adult oral dosage is 325 mg (5 gr) to 650 mg (10 gr) every 4 hours while fever persists not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. Children 11 to un-

der 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while fever persists not

every 4 hours while fever persists not to exceed 2,587.5 mg in 24 hours for not

years oral dosage is 406.3 mg every 4 hours while fever persists not to exceed

(a) *Aspirin.* There is no recommended dosage except under the advice and

(3) Any single active ingredient identified in § 343.10 or § 343.12 or any com-

"For the temporary relief of occasional minor aches, pains and headache."

der 12 years oral dosage is 487.5 mg (7.5 gr) every 4 hours while fever persists not to exceed 2,437.5 mg (37.5 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg (6.25 gr) every 4 hours while fever persists not to exceed 2,031.5 mg (31.25 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg (5 gr) every 4 hours while fever persists not to exceed 1,625 mg (25 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg (3.75 gr) every 4 hours while fever persists not to exceed 1,219 mg (18.75 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg (2.5 gr) every 4 hours while fever persists not to exceed 812.5 mg (12.5 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg (5 gr) to 975 mg (15 gr) initially, followed by 650 mg (10 gr) every 4 hours while symptoms persist not to exceed 3,900 mg (60 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing 80 mg (1.23 gr) per dosage unit.* Children 11 to under 12 years oral dosage is 480 mg (7.38 gr) every 4 hours while fever persists not to exceed 2,400 mg (36.9 gr) in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 400 mg (6.15 gr) every 4 hours while fever persists not to exceed 2,000 mg (30.75 gr) in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 320 mg (4.92 gr) every 4 hours while fever persists not to exceed 1,600 mg (24.6 gr) in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 240 mg (3.69 gr) every 4 hours while fever persists not to exceed 1,200 mg (18.45 gr) in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 160 mg (2.46 gr) every 4 hours while fever persists not to exceed 800 mg (12.3 gr) in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing 500 mg (7.69 gr) per dosage unit.* Adult oral dosage is 500 mg (7.69 gr) to 1,000 mg (15.38 gr) initially, followed by 500 mg (7.69 gr) every 3 hours or 1,000 mg (15.38 gr) every 6 hours while symptoms persist not to exceed 4,000 mg (61.52 gr) in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *Calcium carbaspirin.* Adult oral dosage is 414 to 828 mg every 4 hours while fever persists not to exceed 4,968 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 621 mg every 4 hours while fever persists not to exceed 3,105 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 517.5 mg every 4 hours while fever persists not to exceed 2,587.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 414 mg every 4 hours while fever persists not to exceed 2,070 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 310.5 mg every 4 hours while fever persists not to exceed 1,552.5 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 207 mg every 4 hours while fever persists not to exceed 1,035 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(d) *Choline salicylate.* Adult oral dosage is 435 to 870 mg every 4 hours while fever persists not to exceed 5,220 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 652.5 mg every 4 hours while fever persists not to exceed 3,262.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 543.8 mg every 4 hours while fever persists not to exceed 2,719 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 435 mg every 4 hours while fever persists not to exceed 2,175 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 326.5 mg every 4 hours while fever persists not to exceed 1,632.5 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 217.5 mg every 4 hours while fever persists not to exceed 1,087.5 mg in 24 hours for not more than 3 days. Children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(e) *Magnesium salicylate.* Adult oral dosage is 325 to 650 mg every 4 hours while fever persists not to exceed 3,900 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while fever persists not to exceed 2,437.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while fever persists not to exceed 2,031.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while fever persists not to exceed 1,625 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while fever persists not to exceed 1,219 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while fever persists not to exceed 812.5 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(f) *Sodium salicylate.*—(1) *For products containing 325 mg per dosage unit.*—(i) *Standard schedule.* Adult oral dosage is 325 to 650 mg every 4 hours while fever persists not to exceed 3,900 mg in 24 hours for not more than 3 days. Children 11 to under 12 years oral dosage is 487.5 mg every 4 hours while fever persists not to exceed 2,437.5 mg in 24 hours for not more than 3 days. Children 9 to under 11 years oral dosage is 406.3 mg every 4 hours while fever persists not to exceed 2,031.5 mg in 24 hours for not more than 3 days. Children 6 to under 9 years oral dosage is 325 mg every 4 hours while fever persists not to exceed 1,625 mg in 24 hours for not more than 3 days. Children 4 to under 6 years oral dosage is 243.8 mg every 4 hours while fever persists not to exceed 1,219 mg in 24 hours for not more than 3 days. Children 2 to under 4 years oral dosage is 162.5 mg every 4 hours while fever persists not to exceed 812.5 mg in 24 hours for not more than 3 days. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

(ii) *Nonstandard schedule.* Adult oral dosage is 325 mg to 975 mg initially, followed by 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(2) *For products containing more than 325 mg but not more than 421 mg per dosage unit.* Adult oral dosage is more than 325 mg but not more than 842 mg initially, followed by more than 325 mg but not more than 421 mg every 3 hours while symptoms persist not to exceed 3,789 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(3) *For products containing more than 421 mg but not more than 485 mg per dosage unit.* Adult oral dosage is more than 421 mg but not more than 970 mg initially, followed by more than 421 mg but not more than 485 mg every 4 hours or 842 mg but not more than 970 mg every 6 hours while symptoms persist not to exceed 3,880 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(4) *For products containing more than 485 mg but not more than 500 mg per dosage unit.* Adult oral dosage is more than 485 mg but not more than 1,000 mg initially, followed by more than 485 mg but not more than 500 mg every 3 hours or 970 mg but not more than 1,000 mg every 6 hours while symptoms persist not to exceed 4,000 mg in 24 hours for not more than 3 days. Children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(5) *For products containing more than 500 mg but not more than 650 mg per dosage unit.* Adult oral dosage is more than 500 mg but not more than 650 mg every 4 hours while symptoms persist not to exceed 3,900 mg in 24 hours for not more than 3 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

§ 343.14 Antirheumatics.

The active ingredients of the product consist of the following:

(a) *Aspirin.* There is no recommended dosage except under the advice and supervision of a physician.

(b) *Calcium carbaspirin.* There is no recommended dosage except under the advice and supervision of a physician.

(c) *Choline salicylate.* There is no recommended dosage except under the advice and supervision of a physician.

(d) *Magnesium salicylate.* There is no recommended dosage except under the advice and supervision of a physician.

(e) *Sodium salicylate.* There is no recommended dosage except under the advice and supervision of a physician.

§ 343.20 Permitted combinations of active ingredients.

(a) *Active ingredients.* The active ingredients of the combination product consist of any two of the following at the dosage limit established for each ingredient:

(1) Aspirin 325 mg (5 gr) per dosage unit.

(2) Acetaminophen 325 mg (5 gr) per dosage unit.

(3) Calcium carbaspirin 414 mg per dosage unit.

(4) Choline salicylate 435 mg per dosage unit.

(5) Magnesium salicylate 325 mg per dosage unit.

(6) Sodium salicylate 325 mg per dosage unit.

(b) *For analgesic combination products.* Adult oral dosage is 1 dosage unit every 4 hours while symptoms persist not to exceed 6 dosage units in 24 hours for not more than 10 days. For children under 12 years, there is no recommended dosage except under the advice and supervision of a physician.

(c) *For antipyretic combination products.* Adult oral dosage is 1 dosage unit every 4 hours while fever persists not to exceed 6 dosage units in 24 hours for not more than 3 days.

(d) *For combination products containing nonanalgesic and/or nonantipyretic active ingredients.* (1) Any single active ingredient identified in § 343.10 or § 343.12 or any combination of active ingredients identified in § 343.20(a) may be combined with generally recognized as safe and effective nasal decongestant active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for the temporary relief of nasal congestion due to the common cold (cold)".

(2) Any single active ingredient identified in § 343.10 or § 343.12 or any combination of active ingredients identified in § 343.20(a) may be combined with generally recognized as safe and effective antihistamine active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and to alleviate, decrease, or temporarily relieve running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(3) Any single active ingredient identified in § 343.10 or § 343.12 or any combination of active ingredients identified in § 343.20(a) may be combined with generally recognized as safe and effective nasal decongestant active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and for the temporary relief of nasal congestion due to the common cold (cold)".

(4) Any single active ingredient identified in § 343.10 or § 343.12 or any combination of active ingredients identified in § 343.20(a) may be combined with generally recognized as safe and effective antihistamine active ingredient(s) provided the product is labeled for the concurrent symptoms involved, e.g., "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever, and to alleviate, decrease, or temporarily relieve running nose, sneezing, itching of the nose or throat and itchy and watery eyes as may occur in allergic rhinitis (such as hay fever)".

(5) Any single active ingredient identified in § 343.10(b), or § 343.12(b) may be combined with antacid active ingredient(s) which meet the requirements of § 331.10 of this chapter provided the product is labeled for the concurrent indications identified in § 343.50(a) and § 331.30(a) of this chapter.

(6) Aspirin identified in § 343.10(a) or § 343.12(a) may be combined with antacid active ingredient(s) identified in § 331.11 of this chapter such that the finished product contains at least 20 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of this chapter and provided the product is identified as highly buffered aspirin with labeling only as identified in § 343.50(a).

(7) Aspirin identified in § 343.10(a) or § 343.12(a) may be combined with antacid active ingredient(s) identified in § 331.11 of this chapter such that the finished product contains at least 1.9 mEq of acid neutralizing capacity per 325 mg (5 gr) aspirin and results in a pH of 3.5 or greater at the level of the initial 10-minute period as measured by the method established in § 331.25 of this chapter and provided the product is identified as buffered aspirin with labeling only as identified in § 343.50(a).

Subpart C—[Reserved]

Subpart D—Labeling

§ 343.50 Labeling of analgesic and antipyretic products.

(a) *Indications.* The labeling shall identify the product pursuant to the appropriate definition(s) established in § 343.3 and shall contain the following:

(1) For products containing analgesic ingredients identified in § 343.10 or § 343.20 if applicable under the heading "Indications," the labeling shall state "For the temporary relief of occasional minor aches, pains and headache."

(2) For products containing antipyretic ingredients identified in § 343.12 or § 343.20 if applicable under the heading "Indications," the labeling shall state "For the reduction of fever."

(3) For products containing analgesic-antipyretic ingredients identified in §§ 343.10 and 343.12 or § 343.20 if applicable under the heading "Indications," the labeling shall state "For the temporary relief of occasional minor aches, pains and headache, and for the reduction of fever."

(b) *Directions for use.* The labeling of the product contains the recommended dosage and appropriate directions identified under §§ 343.10 and 343.12, followed by "or as directed by a physician."

(c) *Warnings.* The labeling of the product contains the appropriate warnings under the heading "Warnings" which may be combined to eliminate duplicative words or phrases so the resulting warning is clear and understandable as follows:

(1) For products containing any analgesic ingredient identified in § 343.10:

(i) "Adults: Do not take this product for more than 10 days. If symptoms persist, or new ones occur, consult your physician".

(ii) "Children under 12 years: Do not take this product for more than 5 days. If symptoms persist, or new ones occur, consult your physician".

(2) For products containing any antipyretic ingredient identified in § 343.12: "If fever persists for more than 3 days (72 hours), or recurs, consult your physician".

(3) For products containing any analgesic or any antipyretic ingredient identified in §§ 343.10 and 343.12 other than acetaminophen identified in §§ 343.10(b) and 343.12(c):

(i) "Take this product for the treatment of arthritis only under the advice and supervision of a physician".

(ii) "Stop taking this product if ringing in the ears or other symptoms occur".

(iii) For products intended for oral administration as a solid dosage form, e.g., tablets: (*a*) "Adults: Drink a full glass of water with each dose".

(*b*) "Children under 12 years: Drink water with each dose".

(iv) *"Caution:* Do not take this product if you have stomach distress, ulcers or bleeding problems except under the advice and supervision of a physician".

(v) *"Caution:* Do not take this product if you are presently taking a prescription drug for anticoagulation (thinning the blood), diabetes, gout or arthritis except under the advice and supervision of a physician".

(4) For products containing any analgesic or any antipyretic ingredient identified in § 343.10 (a) and (c) or § 343.12 (a) and (c) or § 343.20 if applicable:

(i) "This product contains aspirin. Do not take this product if you are allergic to aspirin or if you have asthma except under the advice and supervision of a physician".

(ii) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a

established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount "X" of aspirin for the specific

§ 343.12(d) shall be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the estab-

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(ii) "Do not take this product during the last 3 months of pregnancy except under the advice and supervision of a physician".

(iii) For oral product formulations to be chewed before swallowing: "Do not take this product for at least 7 days after tonsillectomy or oral surgery except under the advice and supervision of a physician".

(5) For products containing acetaminophen identified in § 343.10(b), § 343.12(b) or § 343.20 if applicable:

(i) "Do not exceed recommended dosage because severe liver damage may occur".

(ii) "Do not take this product for the treatment of arthritis except under the advice and supervision of a physician".

(6) For products containing any analgesic or any antipyretic ingredient identified in § 343.10 (d), (e), (f), § 343.12 (d), (e), (f), or § 343.20 if applicable: "Do not take this product if you are allergic to salicylates except under the advice and supervision of a physician".

(7) For products containing magnesium salicylate identified in § 343.10(e), § 343.12(e) or § 343.20 if applicable in an amount more than 50 mEq of magnesium in the recommended daily dosage: "Do not take this product if you have kidney disease except under the advice and supervision of a physician".

(8) For products containing sodium identified in § 343.10(f), § 343.12(f) or § 343.20 if applicable:

(i) For products containing 0.2 mEq (5 mg) or higher of sodium per dosage unit: The labeling of the product contains the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq (5 mg) or higher.

(ii) For products containing more than 5 mEq (125 mg) sodium in the maximum recommended daily dosage: "Do not take this product if you are on a sodium restricted diet except under the advice and supervision of a physician".

(d) *Statement on dosage unit.* (1) For products containing the standard aspirin dosage unit identified in § 343.10(a)(1) or § 343.12(a)(1) shall be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) aspirin per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(2) For products containing aspirin in an amount different than the standard aspirin dosage unit identified in § 343.10(a)(3), (4), (5), (6) or § 343.12(a)(3), (4), (5), (6) shall be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg (X gr) aspirin per dosage unit compared to the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount "X" of aspirin for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(3) For products containing the standard acetaminophen dosage unit identified in § 343.10(b)(1) or § 343.12(b)(1) shall be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(4) For products containing 500 mg (7.69 gr) acetaminophen identified in § 343.10(b)(3) or § 343.12(b)(3) shall be clearly labeled on the principal display panel: "Contains nonstandard strength of 500 mg (7.69 gr) acetaminophen per dosage unit compared to the established standard of 325 mg (5 gr) acetaminophen per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(5) For products containing the standard sodium salicylate dosage unit identified in § 343.10(f)(1) or § 343.12(f)(1) shall be clearly labeled on the principal display panel: "Contains the standard strength of 325 mg sodium salicylate per dosage unit". The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(6) For products containing sodium salicylate in an amount different than the standard sodium salicylate dosage unit identified in § 343.10(f)(2), (3), (4), (5) or § 343.12(f)(2), (3), (4), (5) shall be clearly labeled on the principal display panel: "Contains nonstandard strength of X mg sodium salicylate per dosage unit compared to the established standard of 325 mg sodium salicylate per dosage unit". The actual amount "X" of sodium salicylate for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(e) *Statement on analgesic equivalence value.* (1) For products containing calcium carbaspirin identified in § 343.10(c) or § 343.12(c) shall be clearly labeled on the principal display panel: "Equivalent to X mg (X gr) per dosage unit of the established standard of 325 mg (5 gr) aspirin per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(2) For products containing choline salicylate identified in § 343.10(d) or § 343.12(d) shall be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

(3) For products containing magnesium salicylate identified in § 343.10(e) or § 343.12(e) shall be clearly labeled on the principal display panel: "Equivalent to X mg per dosage unit of the established standard of 325 mg sodium salicylate per dosage unit". The actual amount of "X" of equivalent analgesic effectiveness for the specific product shall be used. The term "dosage unit" may be replaced by the applicable dosage form such as tablet or capsule.

§ 343.80 Professional labeling.

The labeling of a product provided to health professionals (but not to the general public) containing active ingredients identified in § 343.14 may contain any of the following indications: "For rheumatoid arthritis, juvenile rheumatoid arthritis, systemic lupus erythematosus, osteoarthritis (degenerative joint disease), ankylosing spondylitis, psoriatic arthritis, Reiter's syndrome, and fibrositis."

Interested persons are invited to submit their comments in writing (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before October 6, 1977. Such comments should be addressed to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before November 7, 1977. Received comments may be seen in the above office between the hours of 9 a. m. and 4 p. m. Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 7, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-19108 Filed 7-7-77;8:45 am]

federal register

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PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

MEDICARE

Limitations on Provider Costs

Effective July 1, 1977

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

definition of metropolitan environments in the New England area. Under the Office of Management and Budget (OMB)

sitive to changes in economic conditions from one year to the next. This is especially true where the primary source of

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS UNDER THE HEALTH INSURANCE PROGRAM

Cost-Reporting Periods Beginning on or After July 1, 1977, and Before October 1, 1977

A revised Schedule of Limits on Hospital Inpatient General Routine Service Costs in the Medicare program, applicable for cost reporting periods beginning on or after July 1, 1977, and before October 1, 1977, is set forth by the Administrator, Health Care Financing Administration, with the approval of the Secretary of Health, Education, and Welfare. Section 1861(v)(1) of the Social Security Act permits the Secretary to set prospective limits on costs to be recognized as reasonable based on estimates of the cost necessary in the efficient delivery of needed health services. The revised Schedule of Limits replaces the Schedule currently in effect which was published in the FEDERAL REGISTER (41 FR 26992) on June 30, 1976. The schedule applies to the total of the cost of hospital inpatient general routine service costs. These limits do not apply to the cost of special care units or ancillary services.

The Secretary of Health, Education, and Welfare is strongly committed to a national policy of containing the rapidly escalating health care costs. Therefore, the Secretary hereby serves notice of his intention to publish in the near future for comment a proposed new schedule of limits which, when published in final form, will become effective for cost reporting periods beginnnig on or after October 1, 1977. The Secretary also serves notice that either this or the subsequent schedule of limits may be required to be revised to conform with any Federal cost containment legislation enacted subsequent to the effective date of this schedule.

The initial classification system, which is described in the FEDERAL REGISTER (39 FR 20168) published June 6, 1974, was developed to provide for comparison of hospitals of similar size and in similar economic environments. Several refinements of the initial classification system were made effective July 1, 1975, and are described in the FEDERAL REGISTER (40 FR 23622) published May 30, 1975.

An additional refinement was made in the revised schedule of limits effective July 1, 1976. The refinement was the result of changes in the size of units of economic environment, and is described in the FEDERAL REGISTER (41 FR 26992) published June 30, 1976.

A refinement is made in the revised schedule of limits effective July 1, 1977. This limited refinement arose from the definition of metropolitan environments in the New England area. Under the Office of Management and Budget (OMB) definition, which has been used to distinguish between metropolitan and nonmetropolitan areas, Standard Metropolitan Statistical Areas (SMSA's) and Standard Consolidated Statistical Areas (SCSA's) in New England are based on cities and towns rather than on counties, as is the case in the rest of the United States. Because towns and cities are used to delineate SMSA's and SCSA's in New England, a county may be part of more than one SMSA or only a part of a county may be in an SMSA. However, income data supplied by the Department of Commerce, Bureau of Economic Analysis (BEA), which are used to group various areas according to economic environment, are available only on a county basis. In order to use the available data, BEA has slightly changed SMSA definitions in New England so that the SMSA's follow county lines.

Therefore, under the classification system presently in force, a hospital located in the part of the county not included by OMB in the SMSA/SCSA would be subject to a nonmetropolitan limit even though the per capita income of the hospital's location had been used for SMSA/SCSA classification grouping purposes. This situation is limited to New England and is inconsistent with the classification grouping for the rest of the United States where the OMB and BEA definitions of SMSA's consistently follow county lines.

In order to rectify this inconsistency, a change is made in the description of metropolitan environment used in the classification system. The change would alter the requirements for metropolitan status and would deem an entire county to be within an SMSA/SCSA if any part of such county was included by OMB in the SMSA/SCSA. Where a county contains the major city of an SMSA and is considered by OMB to be part of two or more SMSA's, the entire county would be deemed to be part of the SMSA whose major city it encompasses. Where a county is considered by OMB to be part of two or more SMSA's and does not contain the major city of any SMSA, the county would be included in the SMSA having the highest per capita income. An SMSA's major city is defined as the city from which the SMSA takes its name. Where the application of this provision results in a provider being placed in a group with a limit lower than the limit to which it would have been subject without the change, the higher limit may be applied in the cost reporting period to which this schedule applies.

An additional refinement is made in the revised schedule of limits effective July 1, 1977, for nonmetropolitan areas. In nonmetropolitan areas, which are frequently single industry areas, per capita income levels are extremely sensitive to changes in economic conditions from one year to the next. This is especially true where the primary source of income is from agriculture. In these cases, hospital costs usually reflect the trend of the area's economy rather than year to year fluctuations. In order to provide more equitable treatment to nonmetropolitan areas, a change has been made that would base the classification of State nonmetropolitan areas on a 5-year per capita average income instead of a one year base period. In these areas the longer base would be more reflective of the economic environment than a single year's income.

The same change was considered for the metropolitan (SMSA/SCSA) areas. However, these areas do not exhibit the same volatility of per capita income from one year to the next as do the non-SMSA areas. This may be attributed to diversity in economic activity in the SMSA areas plus the additional benefits, such as supplemental unemployment compensation, which are available to the mostly unionized workers in these areas. Therefore, no change is being made in the classification system for SMSA/SCSA areas.

The revised Schedule of Limits retains the provision to protect metropolitan area providers, for the period in which this schedule is in effect from the effects of lower limits that might result from circumstances that result in a lower per capita income for the provider's area. Thus, if a metropolitan area's per capita income in a year, or a change in SMSA/SCSA designation during the year, places the area in a group lower than in the previous year, the limit to be applied for that year will be the higher of the current period group or the immediately preceding year group. This provision will lessen the effect of unusual short-term fluctuations in area per capita income on reimbursement to individual providers.

For the period in which this schedule is in effect the same provision will be applied to nonmetropolitan providers which have been placed in a lower group as a result of the new classification methodology. SMSA and non-SMSA areas that are affected by this provision are indicated in the list of groups by an asterisk preceding the area name.

Example: Hospital A, Bed Size: 150. Per capita income in the provider's SMSA during the period on which the classification is based was reduced because of the effects of a natural disaster. Provider A had been classified in Group II effective July 1, 1976, and is now classified in Group III beginning July 1, 1977. The limit to be applied to Provider A beginning July 1, 1977, is the higher of the Group II limit or the Group III limit.

All SMSA's and SCSA's have been divided into the following five groups based on per capita income. Counties, rather than SMSA/SCSA areas, are listed for New England States.

SMSA/SCSA Group I	SMSA/SCSA Group II	SMSA/SCSA Group III	SMSA/SCSA Group IV	SMSA/SCSA Group V
Alaska	Anchorage	Alaska	Alaska	Alaska
California	Los Angeles-Long Beach-Anaheim (SCSA)	Anchorage	Anchorage	Anchorage
Los Angeles-Long Beach-Anaheim (SCSA)	Los Angeles-Long Beach	California	California	California
Los Angeles-Long Beach	Anaheim-Santa Ana-Garden Grove	Los Angeles-Long Beach-Anaheim (SCSA)	Los Angeles-Long Beach-Anaheim (SCSA)	Los Angeles-Long Beach-Anaheim (SCSA)
Anaheim-Santa Ana-Garden Grove	Oxnard-Simi Valley-Ventura	Los Angeles-Long Beach	Los Angeles-Long Beach	Los Angeles-Long Beach
Oxnard-Simi Valley-Ventura	Riverside-San Bernardino-Ontario	Anaheim-Santa Ana-Garden Grove	Anaheim-Santa Ana-Garden Grove	Anaheim-Santa Ana-Garden Grove
Riverside-San Bernardino-Ontario	Salinas-Seaside-Monterey	Oxnard-Simi Valley-Ventura	Oxnard-Simi Valley-Ventura	Oxnard-Simi Valley-Ventura
Salinas-Seaside-Monterey	San Francisco-Oakland-San Jose (SCSA)	Riverside-San Bernardino-Ontario	Riverside-San Bernardino-Ontario	Riverside-San Bernardino-Ontario
San Francisco-Oakland-San Jose (SCSA)	San Francisco-Oakland	Salinas-Seaside-Monterey	Salinas-Seaside-Monterey	Salinas-Seaside-Monterey
San Francisco-Oakland	San Jose	San Francisco-Oakland-San Jose (SCSA)	San Francisco-Oakland-San Jose (SCSA)	San Francisco-Oakland-San Jose (SCSA)
San Jose	Vallejo-Fairfield-Napa	San Francisco-Oakland	San Francisco-Oakland	San Francisco-Oakland
Vallejo-Fairfield-Napa	Colorado	San Jose	San Jose	San Jose
Colorado	Denver-Boulder	Vallejo-Fairfield-Napa	Vallejo-Fairfield-Napa	Vallejo-Fairfield-Napa
Denver-Boulder	Connecticut	Colorado	Colorado	Colorado
Connecticut	Fairfield County	Denver-Boulder	Denver-Boulder	Denver-Boulder
Fairfield County	Hartford County	Connecticut	Connecticut	Connecticut
Hartford County	Litchfield County	Fairfield County	Fairfield County	Fairfield County
Litchfield County	Middlesex County	Hartford County	Hartford County	Hartford County
Middlesex County	Tolland County	Litchfield County	Litchfield County	Litchfield County
Tolland County	District of Columbia	Middlesex County	Middlesex County	Middlesex County
District of Columbia	Washington, DC, DC-MD-VA	Tolland County	Tolland County	Tolland County
Washington, DC, DC-MD-VA	Florida	District of Columbia	District of Columbia	District of Columbia
Florida	Miami-Fort Lauderdale (SCSA)	Washington, DC, DC-MD-VA	Washington, DC, DC-MD-VA	Washington, DC, DC-MD-VA
Miami-Fort Lauderdale (SCSA)	Fort Lauderdale-Hollywood	Florida	Florida	Florida
Fort Lauderdale-Hollywood	Miami	Miami-Fort Lauderdale (SCSA)	Miami-Fort Lauderdale (SCSA)	Miami-Fort Lauderdale (SCSA)
Miami	Sarasota	Fort Lauderdale-Hollywood	Fort Lauderdale-Hollywood	Fort Lauderdale-Hollywood
Sarasota	West Palm Beach-Boca Raton	Miami	Miami	Miami
West Palm Beach-Boca Raton	Illinois	Sarasota	Sarasota	Sarasota
Illinois	Chicago-Gary, IL-IN (SCSA)	West Palm Beach-Boca Raton	West Palm Beach-Boca Raton	West Palm Beach-Boca Raton
Chicago-Gary, IL-IN (SCSA)	Chicago, IL	Illinois	Illinois	Illinois
Chicago, IL	Gary-Hammond-East Chicago, IN	Chicago-Gary, IL-IN (SCSA)	Chicago-Gary, IL-IN (SCSA)	Chicago-Gary, IL-IN (SCSA)
Gary-Hammond-East Chicago, IN	Peoria	Chicago, IL	Chicago, IL	Chicago, IL
Peoria	Springfield	Gary-Hammond-East Chicago, IN	Gary-Hammond-East Chicago, IN	Gary-Hammond-East Chicago, IN
Springfield	Iowa	Peoria	Peoria	Peoria
Iowa	Davenport-Rock Island-Moline, IA-IL	Springfield	Springfield	Springfield
Davenport-Rock Island-Moline, IA-IL	Michigan	Iowa	Iowa	Iowa
Michigan	Detroit-Ann Arbor (SCSA)	Davenport-Rock Island-Moline, IA-IL	Davenport-Rock Island-Moline, IA-IL	Davenport-Rock Island-Moline, IA-IL
Detroit-Ann Arbor (SCSA)	Detroit	Michigan	Michigan	Michigan
Detroit	Ann Arbor	Detroit-Ann Arbor (SCSA)	Detroit-Ann Arbor (SCSA)	Detroit-Ann Arbor (SCSA)
Ann Arbor	Minnesota	Detroit	Detroit	Detroit
Minnesota	Minneapolis-St. Paul, MN-WI	Ann Arbor	Ann Arbor	Ann Arbor
Minneapolis-St. Paul, MN-WI	Nevada	Minnesota	Minnesota	Minnesota
Nevada	Reno	Minneapolis-St. Paul, MN-WI	Minneapolis-St. Paul, MN-WI	Minneapolis-St. Paul, MN-WI
Reno	New Jersey	Nevada	Nevada	Nevada
New Jersey	SEE NEW YORK SCSA	Reno	Reno	Reno
SEE NEW YORK SCSA	New York	New Jersey	New Jersey	New Jersey
New York	New York-Newark-Jersey City, NY-NJ-CT (SCSA)	SEE NEW YORK SCSA	SEE NEW YORK SCSA	SEE NEW YORK SCSA
New York-Newark-Jersey City, NY-NJ-CT (SCSA)	New York, NY-NJ	New York	New York	New York
New York, NY-NJ	Newark, NJ	New York-Newark-Jersey City, NY-NJ-CT (SCSA)	New York-Newark-Jersey City, NY-NJ-CT (SCSA)	New York-Newark-Jersey City, NY-NJ-CT (SCSA)
Newark, NJ	Jersey City, NJ	New York, NY-NJ	New York, NY-NJ	New York, NY-NJ
Jersey City, NJ	Patterson-Clifton-Passaic, NJ	Newark, NJ	Newark, NJ	Newark, NJ
Patterson-Clifton-Passaic, NJ	Nassau-Suffolk, NY	Jersey City, NJ	Jersey City, NJ	Jersey City, NJ
Nassau-Suffolk, NY	Long Branch-Asbury Park, NJ	Patterson-Clifton-Passaic, NJ	Patterson-Clifton-Passaic, NJ	Patterson-Clifton-Passaic, NJ
Long Branch-Asbury Park, NJ	New Brunswick-Perth Amboy-Sayerville, NJ	Nassau-Suffolk, NY	Nassau-Suffolk, NY	Nassau-Suffolk, NY
New Brunswick-Perth Amboy-Sayerville, NJ	Rochester	Long Branch-Asbury Park, NJ	Long Branch-Asbury Park, NJ	Long Branch-Asbury Park, NJ
Rochester		New Brunswick-Perth Amboy-Sayerville, NJ	New Brunswick-Perth Amboy-Sayerville, NJ	New Brunswick-Perth Amboy-Sayerville, NJ
		Rochester	Rochester	Rochester

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Ohio

Cleveland-Akron-Lorain, (SMSA)

Cleveland
Akron
Lorain-Elyria

Virginia

Richmond

Washington

Richland-Kennewick

Wisconsin

Milwaukee-Racine (SCSA)

Milwaukee
Racine

Kenosha

SMSA/SCSA Group II

Arizona

Phoenix

California

Bakersfield
Santa Barbara-Santa Maria-Lompoc
San Diego
Stockton

Connecticut

New Haven County
New London County

Delaware

SEE PHILADELPHIA SCSA

Georgia

Atlanta

9

Hawaii

*Honolulu

Idaho

Boise City

Illinois

Bloomington-Normal
Decatur
Kankakee
*Rockford

Indiana

Fort Wayne
Indianapolis

Iowa

Cedar Rapids
Des Moines
Waterloo-Cedar Falls

Kansas

Topeka
Wichita

Kentucky

Louisville, KY-IN

Maryland

Baltimore

Massachusetts

Berkshire County
*Essex County
*Middlesex County
*Norfolk County
*Plymouth County
*Suffolk County
Worcester County

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Michigan

*Flint
Grand Rapids
Jackson
Kalamazoo-Portage
Saginaw

Missouri

Kansas City, MO-KS
St. Louis, MO-IL

Nebraska

Lincoln

New Hampshire

Rockingham County

New Jersey

SEE PHILADELPHIA SCSA

Nevada

*Las Vegas

New York

Albany-Schenectady-Troy
Buffalo
Poughkeepsie

North Carolina

Greensboro-Winston-Salem-High Point

North Dakota

*Fargo-Moorehead, ND-MN

Ohio

Dayton
Lima
Toledo, OH-MI
Youngstown-Warren

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Oregon

Portland, OR-WA

Pennsylvania

Philadelphia-Wilmington-Trenton, PA-DE-MD-NJ (SCSA)

Philadelphia, PA-NJ
Trenton, NJ
Wilmington, DE-NJ-MD

Allentown-Bethlehem-Easton, PA-NJ
Harrisburg
Lancaster
Pittsburgh
Reading

Rhode Island

Washington County

Texas

Houston-Galveston (SCSA)

Houston
Galveston-Texas City

Dallas-Fort Worth
Midland

Washington

Seattle-Tacoma, (SCSA)

Seattle-Everett
Tacoma

Wisconsin

Madison

SMSA/SCSA Group III

Alabama

Birmingham

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Arizona

Tucson

Arkansas

Little Rock-North Little Rock

California

Fresno
Modesto
Sacramento
Santa Cruz
Santa Rosa

Colorado

Greeley

Florida

Jacksonville
Orlando
Tampa-St. Petersburg

Illinois

Champaign-Urbana-Rantoul

Indiana

*Anderson
Evansville, IN-KY
*South Bend

Iowa

Dubuque
Sioux City, IA-NE

Kentucky

Lexington-Fayette

Louisiana

New Orleans

Maine

Cumberland County
York County

13

Massachusetts

Hampden County
Hampshire County

Michigan

*Battle Creek
Bay City
*Lansing-East Lansing

Minnesota

*Rochester

Mississippi

Jackson

Montana

Billings

Nebraska

Omaha, NE-IA

New Hampshire

Hillsborough County
Merrimack County

New Jersey

Atlantic City
Vineland-Millville-Bridgeton

New York

Binghamton, NY-PA
Elmira
Syracuse

North Carolina

Charlotte-Gastonia
Raleigh-Durham

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Ohio

Cincinnati-Hamilton, OH-KY-IN (SCSA)

Cincinnati, OH-KY-IN
Hamilton-Middletown, OH

Canton
Columbus
Mansfield
Springfield

Steubenville-Weirton, OH-WV

Oklahoma

Tulsa

Oregon

Salem

Pennsylvania

Erie
York

Rhode Island

Bristol County
Kent County
Newport County
Providence County

South Dakota

Sioux Falls

Tennessee

Memphis, TN-AR-MS
Nashville-Davidson

Texas

Amarillo
Beaumont-Port Arthur-Orange
Wichita Falls

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Virginia

Newport News-Hampton
Norfolk-Virginia Beach-Portsmouth, VA-NC
Petersburg-Colonial Heights-Hopewell
Roanoke

Washington

Spokane
Yakima

West Virginia

Charleston

Wisconsin

Appleton-Oshkosh

SMSA/SCSA Group IV

Alabama

Montgomery

Colorado

Colorado Springs
Fort Collins
Pueblo

Florida

Daytona Beach
Fort Meyers
Gainesville
Lakeland-Winter Haven
Melbourne-Titusville-Cocoa
Tallahassee

Georgia

Augusta, GA-SC
Columbus, GA-ALA
Macon
Savannah

Indiana

*Lafayette-West Lafayette
Muncie

Kentucky

Owensboro

Louisiana

Baton Rouge
Shreveport

Massachusetts

Bristol County

Michigan

Muskegon-Norton Shores-Muskegon Heights

Minnesota

Duluth-Superior, MN-WI

Missouri

*St. Joseph

Montana

*Great Falls

New Mexico

Albuquerque

New York

Utica-Rome

North Carolina

Asheville
Burlington

Oklahoma

Oklahoma City

Oregon

Eugene-Springfield

Pennsylvania

Johnstown
Wilkes Barre-Scranton-Hazletun (Northeast PA)
Williamsport

South Carolina

Columbia
Greenville-Spartanburg

Tennessee

Chattanooga, TN-GA
Clarksville-Hopkinsville, TN-KY
Knoxville

Texas

Abilene
Austin
Killeen -Temple
Longview
Lubbock
Odessa
San Angelo
San Antonio
Sherman-Denison
Tyler
Waco

Utah

Salt Lake City-Ogden

Virginia

Lynchburg

West Virginia

Parkersburg-Marietta, WV-OH
Wheeling, WV-OH

Wisconsin

Green Bay
La Crosse

SMSA/SCSA Group V

Alabama

Anniston
Florence
Gadsden
Huntsville
Mobile
Tuscaloosa

Arkansas

Fayetteville-Springdale
Fort Smith, AR-OK
Pine Bluff

Florida

Pensacola

Georgia

Albany

Indiana

Bloomington
*Terre Haute

Louisiana

Alexandria
Lafayette
Lake Charles
Monroe

Maine

Androscoggin County

Minnesota

St. Cloud

Missouri

Columbia
*Springfield

Mississippi

Biloxi-Gulfport
Pascagoula-Moss Point

North Carolina

Fayetteville
Wilmington

Oklahoma

Lawton

Pennsylvania

Altoona

Puerto Rico

Caguas
Mayaguez
Ponce
San Juan

South Carolina

Charleston-North Charleston

Tennessee

Johnson City-Kingsport-Bristol, TN-VA

Texas

Brownsville-Harlingen-San Benito
Bryan-College Station
Corpus Christi
El Paso
Laredo
McAllen-Pharr-Edinburg
Texarkana, TX-AR

Utah

Provo-Orem

West Virginia

Huntington-Ashland, WV-KY-OH

Wisconsin

Eau Claire

*Hospitals in areas (SCSA or SMSA) identified by an asterisk will receive the higher of the limit published herein for the group in which the hospital is actually classified or the limit published herein for the group in which the hospital was classified in the immediately preceding cost reporting period.

Non-SMSA areas will be classified according to the per capita income of all non-SMSA counties within a State. The following are the five income groupings, (with States classified according to a 5-year per capita income average) to be used for hospitals located in non-Standard Metropolitan Statistical Areas in those States.

Non-SMSA

Group I

Alaska	Massachusetts	New Jersey
Iowa	Nebraska	Washington
Kansas	Nevada	Wyoming

Group II

California	Hawaii	Maryland
Connecticut	*Illinois	*North Dakota
Delaware	Indiana	

Group III

Colorado	*Minnesota	Oregon
Florida	Montana	Pennsylvania
Idaho	New Hampshire	*South Dakota
Michigan	New York	Vermont
	Ohio	Wisconsin

Group IV

Arizona	*Missouri	*Oklahoma
Maine	North Carolina	Texas

Group V

Alabama	Mississippi	Utah
*Arkansas	New Mexico	*Virginia
Georgia	Puerto Rico	Virgin Islands
Kentucky	South Carolina	West Virginia
Louisiana	Tennessee	

*Hospitals in States identified by an asterisk will receive the higher of the limit published herein for the group in which the hospital is actually classified or the limit published herein for the group in which the hospital was classified in the immediately preceding cost reporting period.

With respect to the Standard Consolidated Statistical Area/Standard Metropolitan Statistical Area groupings, the groupings were developed by combining those SCSA/SMSA's which reflect a similar economic environment as expressed by per capita income data. The SCSA/SMSA's were arrayed in order of the size of their per capita income and groupings were established. The same procedure was followed for grouping the non-SCSA/SMSA areas to arrive at State groups.

The following bed-size categories are used to classify hospitals:

Standard Metropolitan Statistical Areas

Groups I and II	Groups III, IV, and V
Less than 100	Less than 100
100-404	100-404
405-684	405 and above
685 and above	

Non-Standard Metropolitan Statistical Areas

Less than 100
100-169
170 and above

The limits were developed in the following manner:

1. Inpatient general routine service cost data for each participating hospital were obtained from the fiscal intermediaries.

2. The data for hospitals in each class were arrayed in descending order of inpatient general routine service cost.

3. The 80th percentile and the median were computed for each class.

4. For each class, an amount equal to 10 percent of the median was added to the 80th percentile amount.

5. This sum was adjusted to reflect the 14.0 percent annual rate of estimated cost increases in per diem routine service costs following the date of data collection.

6. The amounts calculated in step 5 are rounded to the next highest dollar which establishes the limit for each class, subject to adjustment for hospitals reporting on other than a reporting period beginning July 1, 1977.

Under the authority of section 1861(v) of the Social Security Act, the following cost limitations apply to the total of the hospital inpatient general routine service costs (excluding costs incurred for special care units and ancillary services), adjusted upward as provided for below. The limits are applicable to cost reporting periods beginning on or after July 1, 1977, and will remain in effect until the effective date of a revised schedule.

The limits are applicable to any hospital with a cost reporting period beginning on or after July 1, 1977. Where a hospital

has a cost reporting period beginning after July 1, 1977, the published limit will be adjusted upward by a factor of 1.17 percent for each elapsed month between July 1, 1977, and the month in which the hospital's reporting period begins. The result of this calculation is not rounded and is to be given in dollars and cents.

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NOTICES 35505
FRIDAY, JULY 8, 1977
UMI

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS FOR HOSPITALS WITH COST-REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1977 (A)

HOSPITALS LOCATED WITHIN SMSA'S (METROPOLITAN) BED SIZE

SMSA group	Less than 100	100 to 404	405 to 684	685 and above
I[1]	$ 139	$ 144	$ 160	$ 211
II	121	123	126	151
III	109	110	109	109
IV	100	105	108	108
V	89	87	109	109

[1]Limits apply to all SMSA's except Anchorage, Alaska, and Honolulu, Hawaii, where cost-of-living adjustment (25 percent Anchorage, Alaska; 17.5 percent Honolulu, Hawaii) was made. The limits for these areas are as follows:

	Less than 100	100 to 404	405 to 684	685 and above
Anchorage	$ 174	$ 180	$ 200	$ 264
Honolulu	164	170	188	248

HOSPITALS LOCATED OUTSIDE SMSA'S (NONMETROPOLITAN) BED SIZE

State group	Less than 100	100 to 169	170 and above
I[2]	$ 103	$ 114	$ 112
II[3]	119	114	107
III	100	105	103
IV	92	89	91
V	84	83	84

[2]Limits apply to all Group I States except Alaska where cost of living adjustment (25%) was made - limits for Alaska are:

Less than 100	100 to 169	170 and above
$ 129	$ 143	$ 140

[3]Applies to all Group II States except Hawaii where cost of living adjustment (12.5%) was made - limits for Hawaii are:

Less than 100	100 to 169	170 and above
$ 134	$ 129	$ 121

(A) The schedule of limits and adjustment factor are only for a 12-month cost reporting period. For providers with other than 12-month cost reporting periods, intermediaries must contact the Health Care Financing Administration for adjustment factor.

The Department finds that there is good cause for dispensing with a notice and comment period for this Notice of Limits because of the need to inform hospitals whose cost reporting year begin July 1 of the limits which will be applicable to them for this year. Continued uncertainty on the part of such hospitals as to the limits to which they will be subject for this cost reporting year would not serve the public interest.

(Secs. 1102, 1861(v)(1), 1866(a), and 1871, Social Security Act; 49 Stat. 647, as amended; 79 Stat. 313, as amended; 79 Stat. 327, as amended; 79 Stat. 331 (42 U.S.C. 1302, 1395x (v), 1395cc(a), and 1395hh).)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

NOTE: The Health Care Financing Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 30, 1977.

DAVID N. WEINMAN,
Acting Administrator, Health Care Financing Administration.

Approved: June 30, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

[FR Doc.77-19360 Filed 7-1-77;5:01 pm]

federal register

FRIDAY, JULY 8, 1977
PART IX

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •
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NOTICES 35509

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AL77–1090
Georgia	GA77–1093
Michigan	MI77–2106
North Carolina	NC77–1092

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:		
	AZ77–5058; AZ77–5059; AZ77–5060.	June 17, 1977.
California:		
	CA77–5039; CA77–5040	Apr. 22, 1977.
Florida:		
	FL77–1065	May 13, 1977.
Georgia:		
	AR–4038	Sept. 27, 1974.
Idaho:		
	ID77–5045	May 13, 1977.
Illinois:		
	IL76–2015	Feb. 27, 1976.
	IL76–2120; IL76–2121	Oct. 1, 1976.
	IL76–2126; IL76–2127	Oct. 8, 1976.
	IL76–2128; IL76–2131; IL76–2133.	Oct. 22, 1976.
	IL76–2130; IL76–2132	Oct. 29, 1976.
	IL76–2142	Nov. 12, 1976.
	IL76–2144	Nov. 25, 1976.
	IL76–2145	Dec. 3, 1976.
	IL76–2149	Dec. 10, 1976.
	IL77–2029	Feb. 25, 1977.
	IL77–2068	June 10, 1977.
Kansas:		
	MO77–4075	Apr. 8, 1977.
Louisiana:		
	LA77–4104	May 20, 1977.
Maryland:		
	MD77–3077	June 3, 1977.
Michigan:		
	MI76–2140	Nov. 19, 1976.
	MI77–2050; MI77–2053; MI77–2054.	May 6, 1977.
	MI77–2055	May 13, 1977.
	MI77–2071	June 3, 1977.
Minnesota:		
	MN77–2047	May 6, 1977.
	MN77–2048	May 20, 1977.
Mississippi:		
	MS77–1033	Mar. 25, 1977.
Montana:		
	MT77–5057	June 3, 1977.
Nevada:		
	NV77–5031	Mar. 18, 1977.
	NV77–5061	June 17, 1977.
New Mexico:		
	NM77–4116	Do.
Pennsylvania:		
	PA77–3029; PA77–3030	Feb. 18, 1977.
	PA77–3031; PA77–3039	Apr. 8, 1977.
	PA77–3049	Apr. 22, 1977.
	PA77–3050; PA77–3053; PA77–3054; PA77–3055; PA77–3057.	May 13, 1977.
	PA77–3061	June 10, 1977.
South Dakota:		
	SD77–3065	June 17, 1977.
Texas:		
	TX77–4097; TX77–4098	May 6, 1977.
	TX77–4101	May 13, 1977.
	TX77–4108	June 3, 1977.
Washington:		
	WA77–5055	June 17, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:						
	AL76–1000 (AL77–1089)	Jan. 16, 1976.	Montana:			
				MT77–5034 (MT77–5074)	Mar. 11, 1977.	
Florida:			Nevada:			
	FL77–1015 (FL77–1091)	Feb. 18, 1977.		NV77–5012 (NV77–5072)	Feb. 11, 1977.	
Illinois:			New Jersey:			
	IL76–2122 (IL77–2100)	Oct. 1, 1976.		NJ77–3038 (NJ77–3093)	June 3, 1977.	
Kansas:			New York:			
	KS77–4064 (KS77–4161)	Apr. 15, 1977.		NY77–3015 (NY77–3067)	Feb. 11, 1977.	
	MO77–4076 (MO77–4160)	Apr. 8, 1977.	Ohio:			
Missouri:				OH77–2063 (OH77–2108)	Apr. 15, 1977.	
	MO77–4076 (MO77–4160)	Do.	Puerto Rico:			
				PR76–3069 (PR77–3098); PR77–3099.	Aug. 6, 1976.	

NEW DECISION

STATE: Alabama
DECISION NO.: AL77–1090
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Madison & Marshall
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	4.58				
Bricklayers	6.75				
Carpenters	5.10				
Cement masons	5.50				
Drywall finisher	5.00				
Drywall hanger	5.00				
Electricians	5.41				
Insulators	4.65				
Laborers:					
Laborers, unskilled	3.00				
Mason tenders	3.75				
Lathers	6.00				
Painters, brush	4.00				
Plumbers & pipefitters	6.11				
Roofers	5.00				
Sheet metal workers	3.75				
Soft floor layers	6.00				
Tile setters	5.00				
Tile setters' helpers	3.00				
Truck drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	4.00				
Motor patrol	3.88				
Tractor operator	4.00				

NEW DECISION

STATE: GEORGIA
DECISION NO.: GA77–1093
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

COUNTY: GLYNN
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 8.00				
Bricklayers	6.50				
Carpenters	6.04				
Electricians	8.95	.50	1% + .50		1/5 of 1%
Ironworkers	6.50				
Laborers:					
Unskilled	3.00				
Plasterer tenders	3.75				
Painters - brush	5.44				
Plasterers	6.50				
Plumbers & Pipefitters	7.00				
Roofers	4.82				
Sheet metal workers	5.00				
Soft floor layers	6.00				
Tile setters	6.50				
Truck drivers	3.54				
Welders - rate for craft					
Power Equipment Operators:					
Cranes, derricks, draglines	5.75				
Distributors	3.05				
Mechanics	6.35				
Motor graders	4.60				
Rollers	3.05				

TX77–4083 (TX77–4161); TX77–4084 (TX77–4163); TX77–4085 (TX77–4164).
TX77–4087 (TX77–4156) -- Mar. 4, 1977.

Signed at Washington, D.C., this 1st day of July 1977.

RAY J. DOLAN,
Assistant Administrator, Wage and Hour Division.

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NEW DECISION

STATE: Michigan COUNTY: Ionia
DECISION NO: MI77-2106 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$5.50				
CEMENT MASONS	5.00				
DRYWALL HANGERS	8.00				
DRYWALL TAPERS	6.00				
LABO[illegible]	4.00				
PAINTERS	5.22				
PLUMBERS	7.75				
ROOFERS	4.81				
SUVT FLOOR LAYERS	7.08				

NEW DECISION

STATE: NORTH CAROLINA COUNTY: ORANGE
DECISION NO.: NC77-1092 DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 6.25				
Carpenters	4.83				
Cement masons	5.00				
Electricians	5.00				
Glaziers	5.22				
Ironworkers - structural, ornamental & reinforcing	5.21				
Laborers	3.07				
Painters	4.12				
Plumbers & Pipefitters	5.00				
Roofers	4.00				
Sheet metal workers	4.50				
Tile setters	6.50				
Truck drivers	3.13				
Power Equipment Operators:					
Backhoe	4.37				
Front end loader	4.25				
Roller	3.75				
Welders - rate for craft					

MODIFICATIONS P. 1

DECISION NO. AZ77-5058 - Mod. #1
(42 FR 31056 - June 17, 1977)
Statewide, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers (Tucson Area):					
Bricklayers, Stonemasons:					
Zone A	$ 10.82	.90	.85		.06
Zone B	11.19	.90	.85		.06
Zone C	11.56	.90	.85		.06
Zone D	12.32	.90	.85		.06
Manhole Builders:					
Zone A	11.07	.90	.85		.06
Zone B	11.44	.90	.85		.06
Zone C	11.81	.90	.85		.06
Zone D	12.57	.90	.85		.06
Electricians (Phoenix, Kingman and Prescott Areas)					
Zone A	12.24	.96	3%+.78		3/4%
Zone B	14.3[illegible]	.96	3%+.78		3/4%
Zone C	15.4[illegible]	.96	3%+.78		3/4%
Electricians (Tucson Area)					
Zone A					
Electricians	13.05	6%	3%+8%		1/2%
Cable Splicers	13.34	6%	3%+8%		1/2%
Zone B					
Electricians	13.79	6%	3%+8%		1/2%
Cable Splicers	14.04	6%	3%+8%		1/2%
Zone C					
Electricians	14.3[illegible]	6%	3%+8%		1/2%
Cable Splicers	14.64	6%	3%+8%		1/2%
Zone D					
Electricians	15.09	6%	3%+8%		1/2%
Cable Splicers	15.34	6%	3%+8%		1/2%
Line Construction:					
Zone I (Phoenix and Tucson 30 mile radius from center of town)					
Groundmen	9.67	8%	3%+7%		1/2%
Equipment Operators; Powdermen; Mechanics Linemen; Technicians; Crane Operators; Linemen Welder	11.17	8%	3%+7%		1/2%
Cable Splicers	12.00	8%	3%+7%		1/2%
	13.00	8%	3%+7%		1/2%

MODIFICATIONS P. 2

DECISION NO. AZ77-5058 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town)					
Groundmen	$ 10.51	8%	3%+7%		1/2%
Equipment Operators; Powdermen; Mechanics Linemen; Technicians; Crane Operators; Linemen Welder	11.94	8%	3%+7%		1/2%
	13.42	8%	3%+7%		1/2%
Zone II (Other areas):					
Groundmen	11.29	8%	3%+7%		1/2%
Equipment Operators; Powdermen; Mechanics Linemen; Technicians; Crane Operators; Linemen Welder	12.73	8%	3%+7%		1/2%
	14.22	8%	3%+7%		1/2%
Cable Splicers	14.65	8%	3%+7%		1/2%

DECISION NO. AZ77-5059 - Mod. #1
(42 FR 31065 - June 17, 1977)
Maricopa County, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Zone A	$ 12.24	.96	3%+.78		3/4%
Zone B	14.38	.96	3%+.78		3/4%
Zone C	15.48	.96	3%+.78		3/4%

DECISION NO. AZ77-5060 - Mod. #1
(42 FR 31070 - June 17, 1977)
Pima County, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, Stonemasons:					
Zone A	$ 10.82	.90	.85		.06
Zone B	11.19	.90	.85		.06
Zone C	11.56	.90	.85		.06
Zone D	12.32	.90	.85		.06
Electricians:					
Zone A	13.09	6%	3%+7%		1/2%
Zone B	13.79	6%	3%+7%		1/2%
Zone C	14.39	6%	3%+7%		1/2%
Zone D	15.09	6%	3%+7%		1/2%

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MODIFICATIONS P. 3

DECISION NO. CA77-5039 - Mod. #2 (42 FR 20991 - April 22, 1977)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	$ 11.42	$ 1.50	$ 1.10	$ 1.00	.05
Fresno, Kings, Madera, Mariposa and Merced Counties	11.55	.95	1.00		
Brick Tenders:					
Fresno, Kings, Madera and Tulare Counties	10.35	.80	1.40		
Electricians:					
Alameda County					
Electricians	12.91	1.05	3%+1.15		.03
Cable Splicers	14.52	1.05	3%+1.15		.03

MODIFICATIONS P. 4

DECISION NO. CA77-5039 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed					
Electricians	$ 14.39	.95	3%+.85		.045
Cable Splicers	15.83	.95	3%+.85		.045
Tunnels:					
Electricians	14.52	.95	3%+.85		.045
Cable Splicers	15.97	.95	3%+.85		.045
Lake Tahoe Area					
Electricians	13.98	.67	3%+.77		.08
Cable Splicers	15.28	.67	3%+.77		.08
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties					
Electricians	11.98	.87	3%+.705		.04
Cable Splicers	13.18	.87	3%+.705		.04
Tunnel:					
Electricians; Cable Splicers' Helpers	12.58	.87	3%+.705		.04
Cable Splicers	13.84	.87	3%+.705		.04
Calaveras and San Joaquin Cos.					
Electricians; Technicians	12.15	.92	3%+1.25		.01
Cable Splicers	13.67	.92	3%+1.25		.01
Contra Costa County					
Electricians	15.20	.70	3%+1.00		
Cable Splicers	16.70	.70	3%+1.00		
Del Norte and Humboldt Cos.					
Electricians	11.25	.80	3%+1.85		.04
Cable Splicers	12.15	.80	3%+1.85		.04
Fresno, Kings, Madera and Tulare Counties					
Electricians	12.91	.75	3%+.95		.05
Cable Splicers	14.20	.75	3%+.95		.05

MODIFICATIONS P. 5

DECISION NO. CA77-5039 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	$ 12.65	.81	3%+.30		.02
Cable Splicers	13.91	.81	3%+.30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	3%		1%
Cable Splicers	10.81	.62	3%		1%
Monterey County					
Electricians	12.50	1.10	3%+2.30		.06
Cable Splicers	13.81	1.10	3%+2.30		.06
Napa and Solano Counties					
Electricians	12.07	.68	3%+.85		.04
Cable Splicers	13.58	.68	3%+.85		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	13.80	.77	3%+1.50		.05
Cable Splicers	15.53	.77	3%+1.50		.05
San Francisco County					
Electricians	15.585	1.04	3%+.90		.06
Cable Splicers	17.53	1.04	3%+.90		.06
San Mateo County					
Electricians	11.77	.82	3%+.50		.03
Lathers:					
Calaveras and San Joaquin Counties	11.30	.68	.55		.01
Line Construction:					
Contra Costa County					
Groundmen	11.40	.70	3%+1.00		
Line Equipment Operators	13.68	.70	3%+1.00		
Linemen	15.20	.70	3%+1.00		
Cable Splicers	16.70	.70	3%+1.00		

MODIFICATIONS P. 6

DECISION NO. CA77-5039 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fresno, Kings, Madera and Tulare Counties					
Groundmen	$ 12.09	.75	3%+.95		.05
Linemen; Line Equipment Operators	12.91	.75	3%+.95		.05
Cable Splicers	14.20	.75	3%+.95		.05
Monterey County					
Groundmen	9.42	1.10	3%+2.30		.06
Linemen; Technicians	12.56	1.10	3%+2.30		.06
Cable Splicers	13.88	1.10	3%+2.30		.06
Napa and Solano Counties					
Linemen	12.07	.68	3%+1.10		.04
Cable Splicers	13.58	.68	3%+1.10		.04
Alameda County					
Groundmen	9.68	1.05	3%+1.15		.03
Linemen	12.91	1.05	3%+1.15		.03
Line Equipment Operators	11.62	1.05	3%+1.15		.03
Humboldt County					
Groundmen	9.00	.80	3%+1.85		.04
Linemen	11.25	.80	3%+1.85		.04
Cable Splicers	12.15	.80	3%+1.85		.04
San Francisco County					
Groundmen	13.25	1.04	3%+.90		.06
Linemen; Technicians	15.585	1.04	3%+.90		.06
Cable Splicers	17.53	1.04	3%+.90		.06
San Benito, Santa Clara, and Santa Cruz Counties					
Groundmen	11.65	.87	3%+1.50		.05
Linemen; Line Equipment Operators	13.70	.87	3%+1.50		.05
Cable Splicers	15.41	.87	3%+1.50		.05
Plasterers:					
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	10.25	.98	.50	1.25	.01

MODIFICATIONS P. 7

DECISION NO. CA77-5039 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	$ 10.73	.84	$ 1.30	$ 1.00	.10
Terrazzo Workers: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	11.42	1.50	1.10	1.00	
Tile Setters: Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	10.35	1.00	.50		
Monterey and Santa Cruz Counties	13.41	1.09	1.18		
Laborers:					
Group 1	8.775	1.25	1.70	1.10	.10
Group 1(a)	9.00	1.25	1.70	1.10	.10
Group 1(b)	9.275	1.25	1.70	1.10	.10
Group 1(c)	8.825	1.25	1.70	1.10	.10
Group 1(d)	8.725	1.25	1.70	1.10	.10
Group 1(e)	9.325	1.25	1.70	1.10	.10
Group 1(f)	8.975	1.25	1.70	1.10	.10
Group 2	8.625	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10

MODIFICATIONS P. [illegible]

DECISION NO. CA77-5039 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Gunnite):					
Group 1	$ 9.235	$ 1.25	$ 1.70	$ 1.10	.10
Group 2	8.645	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10
Tunnel and Shaft work:					
Group 1	10.345	1.25	1.70	1.10	.10
Group 2	10.035	1.25	1.70	1.10	.10
Group 3	9.855	1.25	1.70	1.10	.10
Group 4	9.735	1.25	1.70	1.10	.10
Wrecking work:					
Group 1	8.775	1.25	1.70	1.10	.10
Group 2	8.625	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10

MODIFICATIONS P. 9

DECISION NO. CA77-5040 - Mod. #2 (42 FR 21012 - April 22, 1977) Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons: Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	$ 11.42	$ 1.50	$ 1.10	$ 1.00	.05
Fresno, Mariposa and Merced Counties	11.55	.95	1.00		
Brick Tenders: Fresno County	10.35	.80	1.40		
Electricians:					
Alameda County					
Electricians	12.91	1.05	3%+1.15		.03
Cable Splicers	14.52	1.05	3%+1.15		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	14.39	.95	3%+.85		.045
Cable Splicers	15.83	.95	3%+.85		.045
Lake Tahoe Area					
Electricians	13.98	.67	3%+.77		.08
Cable Splicers	15.28	.67	3%+.77		.08
Tehama County					
Electricians (Family residences, limited to 3 stories)	8.18	1.12	3%+.53		.04

MODIFICATIONS P. 10

DECISION NO. CA77-5040 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians (4 stories):					
Electricians	$ 11.98	.87	3%+.705		.04
Cable Splicers	13.18	.87	3%+.705		.04
Calaveras and San Joaquin Cos.					
Electricians	12.15	.92	3%+1.25		.01
Cable Splicers	13.67	.92	3%+1.25		.01
Contra Costa County					
Electricians	15.20	.70	3%+1.00		
Cable Splicers	16.70	.70	3%+1.00		
Del Norte and Humboldt Cos.					
Electricians	11.25	.80	3%+1.15		.04
Cable Splicers	12.15	.80	3% 1.15		.04
Marin and Sonoma counties					
Electricians	12.65	.81	3%+.30		.02
Cable Splicers	13.91	.81	3%+.30		.02
Monterey County					
Electricians	12.50	1.10	3%+2.30		.06
Cable Splicers	13.81	1.10	3%+2.30		.06
Napa and Solano Counties					
Electricians	12.07	.68	3%+.15		.04
Cable Splicers	13.58	.68	3%+.15		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	13.80	.77	3%+1.50		.05
Cable Splicers	15.53	.77	3%+1.50		.05
San Francisco County					
Electricians	15.585	1.04	3%+.90		.06
Cable Splicers	17.53	1.04	3%+.90		.06
Lathers:					
Calaveras and San Joaquin Counties	11.30	.68	.55		.01
Plasterers:					
Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties	10.25	.98	.50	1.25	.01

DECISION NO. CA77-5040 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers: Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	$ 10.73	.84	$ 1.30	$ 1.00	.10
Terrazzo Workers: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	11.42	1.50	1.10	1.00	
Tile Setters: Fresno, Mariposa and Merced Counties	10.35	1.00	.50		
Monterey, and Santa Cruz Counties	13.41	1.09	1.18		
Laborers:					
Group 1	8.775	1.25	1.70	1.10	.10
Group 1(a)	9.00	1.25	1.70	1.10	.10
Group 1(b)	9.275	1.25	1.70	1.10	.10
Group 1(c)	8.825	1.25	1.70	1.10	.10
Group 1(d)	8.725	1.25	1.70	1.10	.10
Group 1(e)	9.325	1.25	1.70	1.10	.10
Group 1(f)	8.975	1.25	1.70	1.10	.10
Group 2	8.625	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10
Laborers (Gunnite):					
Group 1	9.235	1.25	1.70	1.10	.10
Group 2	8.645	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1065 - Mod. # 3 (42 FR 24575 - May 13, 1977) Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida.					
Change: Mod. # 1 in June 3, 1977 Federal Register publication to Mod. # 2					
DECISION #AR-4038 - Mod. #6 (39 FR 34764 - September 27, 1974) Statewide, Georgia					
Change: DESCRIPTION OF WORK to read: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).					
DECISION #ID77-5045 - Mod. #4 (42 FR 24577 - May 13, 1977) Statewide Idaho					
Change: Ironworkers: Remaining Counties and those portions of Adams, Idaho, Valley, Washington Counties located south of the Weiser-Gibbonsville Line	$10.69	.65	$1.15		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2015 - Mod. #5 (41 FR 8643 - February 27, 1976) Peoria & Tazewell Counties, Illinois					
CHANGE:					
Bricklayers & Stonemasons	$11.06	.60	.85		.01
Carpenters:					
Residential					
Tazewell County & the remainder of Peoria County	11.11	.40	.50		.05
Commercial					
Tazewell County & the remainder of Peoria County					
Carpenters & Soft Floor Layers	11.11	.40	.50		.05
Millwrights & Piledrivermen	11.61	.40	.50		.05
Cement Masons	10.75	.45	.50		.05
Laborers:					
Peoria Co., & the City of East Peoria in Tazewell County					
Class 1	9.85	.40	.60		.035
Class 2	9.975	.40	.60		.035
Class 3	10.10	.40	.60		.035
Class 4	10.025	.40	.60		.035
Class 5	10.225	.40	.60		.035
Class 6	9.975	.40	.60		.035
Class 7	10.10	.40	.60		.035
Plasterers	10.60	.70	.80		.01
Sheet Metal Workers	11.22	.50	.75		.08
Dredging Construction:					
Group 1	10.57	.45	.55		.05
Group 2	10.37	.45	.55		.05
Group 3	9.995	.45	.55		.05
Group 4	9.72	.45	.55		.05
Group 5	9.11	.45	.55		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2120 - Mod. #5 (41 FR 43570 - October 1, 1976) Adams, Brown & Pike Counties, Illinois					
CHANGE:					
Carpenters:					
Adams County:					
Carpenters & Soft Floor Layers	$9.75	.55	.35		.02
Millwrights & Piledrivermen	10.00	.55	.35		.02
Roofers	9.90				
Cement Masons	8.85		1.00		
DECISION #IL76-2121 - Mod. #4 (41 FR 43573 - October 1, 1976) Champaign & Vermilion Counties, Illinois					
CHANGE:					
Sheet Metal Workers	$11.39	3%+.60	.67		.12
Electricians:					
Champaign County	11.80	.40	3%+.30		.3%
Sprinkler Fitters	11.65	.65	.95		.08
Plumbers & S/F-Champaign Co.	11.40	.35	1.15		.12
DECISION #IL76-2126 - Mod. #3 (41 FR 44630 - October 8, 1976) Logan, Menard & Mason Counties, Illinois					
CHANGE:					
Carpenters:					
Logan County					
Carpenters & Soft Floor Layers	$11.11	.40	.50		.05
Millwrights & Piledrivermen	11.61	.40	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2127 - Mod. #3					
(41 FR 44627 - October 8, 1976)					
McLean County, Illinois					
CHANGE:					
Carpenters:					
Carpenters & Soft Floor Layers	$11.11	.40	.50		.05
Millwrights & Piledrivermen	11.61	.40	.50		.05
Painters:					
Brush	10.35	.45			.06
Structural Steel & Spray	10.85	.45			.06
Plumbers & Steamfitters	11.70	.65	1.10		.15
DECISION #IL76-2128 - Mod. #6					
(41 FR 46823 - October 22, 1976)					
Christian, DeWitt, Macon, Macoupin, Moultrie, Piatt & Shelby Counties, Illinois					
CHANGE:					
Cement Masons: Remainder of Christian County	10.55		.65		
Electricians: Macon & Christian Cos; DeWitt Co.,(Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas, Creek & Nixon)Piatt Co;(Goose Neck, Willow Branch, Cerro Gordo, Bement & Unity); Shelby Co., (Twps. of Moweaqua, Penn, Flat Branch, Pickaway, Todds Point, Rural Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Spring, Lakewood, Clarkburg, Herrick, Dry Point & Holland; Moultrie Co.,(Twps. of Dora, Lovington, Marrowbone & Sullivan at the Ill. Masonic					

DECISION #IL76-2128 - Mod. #6 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Steamfitters: Macon; DeWitt; Moultrie Cos; Twps. of Pana, Assumption & Radford in Christian Co; West of Rt. #105 in Piatt County	$12.26	.35	.75		.11
DECISION #IL76-2130 - Mod. #5					
(41 FR 47724 - October 29, 1976)					
Henderson, Henry, Knox, Mercer, Rock Island, Stark & Warren Counties, Illinois					
CHANGE:					
Carpenters:					
Knox, Henderson & Warren Cos.					
Carpenters & Soft Floor Layers	11.11	.40	.50		.05
Millwrights & Piledrivermen	11.61	.40	.50		.05
Cement Masons:					
Knox & Warren Counties					
Cement Masons & Plasterers	11.00	.50	.25		
DECISION #IL76-2131 - Mod. #4					
(41 FR 46828 - October 22, 1976)					
Sangamon County, Illinois					
CHANGE:					
Bricklayers:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers-Pointers-Caulkers & Cleaners	10.10	.50	1.00		.02
Plasterers	11.46	.65	1.00		.01
Plumbers & Steamfitters	11.53	.35	.88		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2132 - Mod. #7					
(41 FR 47729 - October 29, 1976)					
Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson Counties, Illinois					
CHANGE:					
Bricklayers & Stonemasons:					
Jackson & Perry Counties:					
Bricklayers, Stonemasons, Terrazzo & Tile Workers	$9.45	.55	.40		
Cement Masons & Plasterers:					
Alexander, Jackson, Perry, Pulaski & Union Counties	9.65	.30			
Plumbers & Steamfitters:					
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Cos.	11.90	.30	.40		.08
DECISION #IL76-2133 - Mod. #6					
(41 FR 46831 - October 22, 1976)					
Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whitside & Winnebago Counties, Illinois					
CHANGE:					
Carpenters:					
DeKalb Co; Ogle(E. of Hwy. #51 incl. Rochelle City)Co; Lee (Eastern ⅓ of Co., incl. Roxbury & Compton) County					
Carpenters & Soft Floor Layers	11.13	.65	.40		.01
Millwrights & Piledrivermen	11.38	.65	.40		.01
Electricians:					
Boone, DeKalb, Winnebago, Stephenson, Ogle, Lee, JoDaviess(Warren, Rush, Nora, Stockton, Wards Grove,					

DECISION #IL76-2133 - Mod. #6 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians (Cont'd)					
Pleasant Valley, Berrenann Twps.) Co; Whiteside(Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, Hahnaman Twps.) County	$11.65	.40	3%+.40		½%
Sheet Metal Workers: Boone, DeKalb, Lee, Ogle, Whiteside, Winnebago, Carroll (Eastern ½ of Co.)	10.55	.40	.88	.50	.06
Truck Drivers:					
Boone, Stephenson, Winnebago Cos; Carroll(North of Rt. #72 & East of Rt. #78) Co; JoDaviess(East of Rt. #78-except city of Stockton) Co.					
2-3 Axle Trucks	9.75	.40	.90		
4-Axle Trucks	9.90	.40	.90		
5-Axle Trucks	10.10	.40	.90		
6-Axle Trucks	10.30	.40	.90		
DeKalb Co; East of Rt. #51 in Lee & Ogle Counties:					
2-3 Axle Trucks	9.80	a26.00	a30.00		
4-Axle Trucks	9.95	a26.00	a30.00		
5-Axle Trucks	10.15	a26.00	a30.00		
6-Axle Trucks	10.35	a26.00	a30.00		
ADD:					
Under Counties					
DeKalb County to Mod. #5 Vol. 42 P. 28743 dated June 3, 1977					

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2142 - Mod. #3 (41 FR 50126 - November 12, 1976) Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE:					
Carpenters & Piledrivermen: Winnebago County; North of Oregon in Ogle County	$10.33	.40	1.25		
DECISION #IL76-2144 - Mod. #3 (41 FR 52247 - November 25, 1976) Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren Counties, Illinois					
CHANGE:					
Cement Masons:					
Fulton, Peoria & Tazewell Counties	$10.30	.70	.80		
Carpenters & Piledrivermen:					
Knox, Henderson & Warren Cos:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
Stark Co; Peoria Co., excluding area south of Rt. #116, west of US Rt. #34, & East Peoria in Tazewell County:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05
McDonough Co; & the Eastern 1/3 of Hancock County:					
Carpenters	11.11	.40	.50		.05
Fulton Co., & Peoria County south of R. #116 & west of US #24; Remainder of Tazewell Co:					
Carpenters	11.11	.40	.50		.05
Piledrivermen	11.61	.40	.50		.05

MODIFICATIONS P. 20

DECISION #IL76-2145 - Mod. #5 (41 FR 53251 - December 3, 1976)
Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion Counties, Illinois

CHANGE: LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Champaign County					
Unskilled	10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035
Coles & Cumberland Counties					
Unskiled	9.85	.55	.40		.035
Semi-Skilled	10.05	.55	.40		.035
Skilled	10.20	.55	.40		.035
Douglas Co; S. ¼ of Piatt Co.					
Unskilled	9.75	.45	.60		.035
Semi-Skilled	9.95	.45	.60		.035
Skilled	10.10	.45	.60		.035
Clark & Edgar Counties					
Unskilled	9.75	.45	.60		.035
Semi-skilled	9.95	.45	.60		.035
Skilled	10.10	.45	.60		.035
Western ¼ of Moultrie County					
Unskilled	10.05	.35	.40		.035
Semi-Skilled	10.25	.35	.40		.035
Skilled	10.40	.35	.40		.035
Eastern ¼ of Moultrie County					
Unskilled	9.75	.45	.60		.035
Semi-Skilled	9.95	.45	.60		.035
Skilled	10.10	.45	.60		.035
Northern ¼ of Piatt County					
Unskilled	10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035

MODIFICATIONS P. 21

DECISION #IL76-2145 - Mod. #5 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Shelby County					
Unskilled	10.05	.35	.40		.035
Semi-Skilled	10.25	.35	.40		.035
Skilled	10.40	.35	.40		.035
DeWitt County					
Unskilled	10.20	.30	.30		.035
Semi-Skilled	10.40	.30	.30		.035
Skilled	10.55	.30	.30		.035
Macon County					
Unskilled	9.95	.35	.50		.035
Semi-Skilled	10.15	.35	.50		.035
Skilled	10.30	.35	.50		.035
Vermillion County					
Unskilled	9.75	.45	.60		.035
Semi-Skilled	9.85	.45	.60		.035
Skilled	10.10	.45	.60		.035

MODIFICATIONS P. 22

DECISION #IL76-2149 - Mod. #4 (41 FR 54120 - December 10, 1976)
Adams, Brown, Cass Christian, Logan, Mason, Menard, Morgan, Scott Counties, Illinois

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams County:					
Unskilled	9.25	.45	.36		.035
Semi-skilled	9.45	.45	.36		.035
Skilled	9.60	.45	.36		.035
Logan & Menard Cos: (North of Petersburgh):					
Unskilled	9.21	.45	.40		.035
Semi-skilled	9.41	.45	.40		.035
Skilled	9.56	.45	.40		.035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuyler Cos.:					
Unskilled	9.26	.35	.45		.035
Semi-skilled	9.46	.35	.45		.035
Skilled	9.61	.35	.45		.035
Christian County:					
Unskilled	9.21	.45	.40		.035
Semi-skilled	9.41	.45	.40		.035
Skilled	9.56	.45	.40		.035
Menard County (Petersburgh & South)					
Unskilled	9.31	.35	.40		.035
Semi-skilled	9.51	.35	.40		.035
Skilled	9.66	.35	.40		.035
Sangamon County:					
Unskilled	9.31	.35	.40		.035
Semi-skilled	9.51	.35	.40		.035
Skilled	9.66	.35	.40		.035

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL77-2029 - Mod. #1 (42 FR 11206 - February 25, 1977) Fulton, Hancock, McDonough & Schuyler Counties, Illinois					
CHANGE:					
Bricklayers:					
Hancock & McDonough Counties					
Bricklayers, Stonemasons, Cement Blocklayers, Marble-Tile-Terrazzo Workers	$11.65				
Carpenters:					
McDonough Co; & Eastern 1/3 of Hancock County					
Carpenters & SFL	11.11	.40	.50		.05
Millwrights & Piledrivermen	11.61	.40	.50		.05
Painters:					
Remainder of Counties					
Brush	$9.85				
Structural Steel & Spray	10.30				
Cement Masons & Plasterers:					
Hancock, McDonough & Schuyler Counties:					
Cement Masons	11.65				
Hancock & McDonough Cos.					
Plasterers	11.40				

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL77-2068 - Mod. #1 (42 FR 30108 - June 10, 1977) DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Carpenters:					
Carpenters, SFL, Millwrights & Piledrivermen:					
Kane, Kendall & McHenry Counties	$11.13	.65	.86		
Will County:					
Building	11.18	.80	1.00		.02
Cement Masons:					
Kane, Kendall & McHenry Cos.	11.50	.65	.77		
Will & Grundy Counties	11.02	.65	1.28		.05
Plasterers:					
Kane, Kendall & McHenry Cos.	11.05	.65	.77		
Plumbers & Pipefitters & Steamfitters:					
Will (City Limits of Joliet) County; & Grundy (E. of Rt. #47) County					
Plumbers & Pipefitters	11.90	.85	.87		.10
Roofers:					
DuPage & Lake Counties:					
Composition & Waterproof	11.50	1.06	.85		.02
Slate & Tile	11.69	1.06	.50		.02
Truck Drivers:					
2-3 Axles Trucks	9.80	d26.00	d30.00		
4-Axle Trucks	9.95	d26.00	d30.00		
5-Axle Trucks	10.15	d26.00	d30.00		
6-Axle Trucks	10.35	d26.00	d30.00		
Cement Masons - Lake County	11.25	.75	.95		.03
Roofers:					
Will & Grundy Counties	11.89	.86	.80		

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO77-4075 - Mod. #4 (42 FR 18815 - April 8, 1977) Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas					
Change:					
Cement masons (Heavy & Highway Construction):					
Johnson & Wyandotte Counties, Kansas	$10.20	.40	.50	1.25	
Electricians:					
Zone 1	11.22	.39	3%+.51	.80	.06
Zone 2					
Electricians (contract over $5,000)	11.22	.39	3%+.51	.80	.06
Electricians (contracts $5,000 and under)	10.67	.39	3%+.51	.80	.06
Zone 3					
Electricians (contracts over $5,000)	11.22	.39	3%+.51	.80	.06
Electricians (contracts $5,000 and under)	10.06	.39	3%+.51	.80	.06
Zone 4	11.22	.39	3%+.51	.80	.06
Line Construction:					
Zone 1					
Linemen	11.39	.45	3%+.15		½%
Lineman operator	10.60	.45	3%+.15		½%
Groundman	7.50	.45	3%+.15		½%
Groundman 1st 6 mos.	6.43	.45	3%+.15		½%
Groundman powderman	7.90	.45	3%+.15		½%
Zone 2					
Linemen	10.00	.45	3%		½%
Cable splicers	10.50	.45	3%		½%
Groundman, over 1 year	6.22	.45	3%		½%
Groundman, 1st year	4.71	.45	3%		½%
Powderman	8.29	.45	3%		½%
Line truck and equipment operators:					
1st year	6.37	.45	3%		½%
2nd year	7.62	.45	3%		½%
Over 2 years' experience	8.29	.45	3%		½%

DECISION NO MO77-4075

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pipefitters	12.22	.62	1.35		.12
Soft floor layers	8.71	.45	.75	10%	1%

MODIFICATIONS P. 27

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA77-4104 - Mod. #4 (42 FR 26137 - May 26, 1977) Statewide Louisiana					
Change:					
Bricklayers & stonemasons:					
Zone 4	$10.42	.35	.20		.035
Laborers (Building Construction):					
Zone 4:					
Group 1	6.87	.15	.27		.05
Group 2	6.97	.15	.27		.05
Group 3	7.02	.15	.27		.05
Zone 5:					
Group 1	6.47	.15	.27		.05
Group 2	6.57	.15	.27		.05
Group 3	6.62	.15	.27		.05
Marble setters:					
Zone 1	10.42	.35	.20		.035
Plasterers:					
Zone 4	9.00				.01
Plumbers & pipefitters:					
Zone 1	10.30	.45	.75		.08
Zone 2	10.50	.64	.825		.06
DECISION NO. MD77-3077 - Mod. #2 (42 FR-287660 - June 3, 1977) Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Harford, Howard, and Baltimore City, Maryland					
Change:					
TRUCK DRIVERS (Excavation):					
Dump truck	7.74	.95	.70	f+g	
Euclid wagons & dumpsters	8.05	.95	.70	f+g	
Drop-frame, goose-neck, & trailers	7.94	.95	.70	f+g	
Pickups	7.56	.95	.70	f+g	

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI76-2148 - Mod. #3 (41 FR 51318 - November 19, 1976) Statewide, Michigan					
CHANGE:					
Cement Masons:					
Zone 1					
Genesee, Livingston, Macomb, Monroe, Oakland, Saginaw, Washtenaw & Wayne Counties; Cement Masonry related to Highway, Road & Street Construction	$10.80	.60	.50		.02
Zone 2					
Remainder of State	10.45	.60	.50		.02
DECISION #MI77-2055 - Mod. #3 (42 FR 23369 - May 6, 1977) Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan					
CHANGE:					
Glaziers:					
Emmet & Muskegon Counties	$8.45	.40	.30		
Charlevoix, Grand Traverse, Leelanau, Mason & Oceana Counties	8.20	.40	.30		
Plumbers & Steamfitters:					
Mason, Muskegon & Oceana Counties	11.09	.96	.60		.04

MODIFICATIONS P. 29

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI77-2053 - Mod. #2 (42 FR 23377 - May 6, 1977) Allegan, Barrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan					
CHANGE:					
Electricians:					
Clinton & Ingham (except Onondaga, Leslie, Stockbridge & Bunker Hill Twps.) & Remainder of Eaton Co.	$12.05	.40	17+.75		.5%
Jackson Co; & Remainder of Ingham County	11.01	.40	3%		
Ironworkers:					
Remaining Counties	10.70	.60	1.00		.08
Painters:					
Allegan Co: (Norhtern portion)					
Brush	8.05	.50	.25		.02
Paperhanging, Taping & Finishing Machine	8.30	.50	.25		.02
Steamcleaning, Sandblasting & Spray	8.55	.50	.25		.02
Steeplejack	10.05	.50	.25		.02
Clinton, Eaton & Ingham Counties:					
Brush & Tapers	10.87	.42	.40		.005
Structural Steel	11.27	.42	.40		.005
Spray	11.62	.42	.40		.005
Plumbers:					
Clinton & Ingham Cos; Sunfield, Roxand, Oneida, Delta & Windson Twps. in Eaton County	10.44	.75	1.00		

MODIFICATIONS P. 30

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI77-2054 - Mod. #2 (42 FR 23384 - May 6, 1977) Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola Counties, Michigan					
CHANGE:					
Bricklayers:					
Genesee, Lapeer & Shiawassee Cos.					
Marble-Tile-Terrazzo Workers	$10.09	.50	1.00		
Glaziers:					
Bay, Huron, Iosco, Tuscola & Saginaw Counties	8.75		.50	.25	.01
Plasterers:					
Bay, Huron, Iosco, Saginaw & Tuscola Counties	10.12	.85			
Plumbers & Steamfitters:					
Genesee, Lapeer & Shiawassee Counties	11.47	1.00	1.10		.02
Roofers:					
St. Clair, Sanilac & Huron Counties	7.70				
DECISION #MI77-2055 - Mod. #2 (42 FR 24614 - May 13, 1977) Genesee, Lapeer, Saginaw, St. Clair & Shiawassee Counties, Michigan					
CHANGE:					
Glaziers:					
Saginaw County	8.75		.50	.25	.01
Marble-Tile-Terrazzo Workers					
Genesee, Lapeer & Shiawassee Counties	10.09	.50	1.00		
Plumbers:					
Genesee, Lapeer & Shiawassee	11.47	1.00	1.10		.02
ADD:					
Plasterers-Saginaw County	10.12	.85			

MODIFICATIONS P. 31

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI77-2071 - Mod. #1 (42 FR 28763 - June 3, 1977) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Electricians:					
Remainder of Counties					
Building	$12.00	1.95	1%+1.06		.06
Residential	12.00	1.95	1%+1.06		.06
Migfers:					
Remainder of Counties:					
Composition	10.81	.80	.80	1.00	
Slate & Tile	11.81	.80	.80	1.00	
DECISION #MN77-2047 - Mod. #2 (42 FR 23412 - May 6, 1977) Carlton, Itasca, Koochiching & St. Louis Counties, Minnesota					
CHANGE:					
Sheet Metal Workers:					
Carlton Co; & Southern ½ of St. Louis County	10.35	.40	.44		

MODIFICATIONS P. 32

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #MN77-2048 - Mod. #2 (42 FR 26157 - May 20, 1977) Aitken, Anoka, Benson, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Fairbault, Fillmore, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Lake, LeSueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steel, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
CHANGE:					
Well Drilling:					
Construction or Repair of Water Wells & appurtenances)					
Metropolitan Area					
Hennepin, Ramsey, Washington, Anoka, Carver, Scott & Dakota Counties; That part of Wright County east of T.N. 25, Sherburne County south of T-34N & east of R-27W & that part of of Chisago Co., south of T-35N					
Field Work					
Driller-Pumpman	$8.50				
General Helper	6.90				
Mechanic-Welder	7.85				
Driver or Service Man	6.90				
Rural Area					
Remainder of Counties					
Driller-Pumpman	8.35				
General Helper	6.00				
Mechanic-Welder	7.35				
Driver or Service Man	6.45				

MODIFICATIONS P. 33

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS77-1033 - Mod. # 2 (42 FR 14361 - March 25, 1977) Warren County, Mississippi					
Change:					
Electricians:					
Electricians	9.25	.35	3%+.50		.04
Cable splicers	9.50	.35	3%+.50		.04
Ironworkers	8.95	.30	.35		.04
Lathers	8.45				.01
Plasterers	7.60	.25	.50		.05
Roofers	8.25		.20		
DECISION #MT77-5057 - Mod. #2 (42 FR 28769 - June 3, 1977) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
ELECTRICIANS:					
Cascade and Glacier Counties:					
Electricians	$10.75	.55	3%+.75		4%
Cable Splicers	11.00	.55	3%+.75		4%
Deer Lodge and Silver Bow Cos.	9.90	.50	3%+.35		4%
Missoula County:					
Electricians	10.68	.42	3%		4%
Cable Splicers	11.18	.42	3%		4%
Gallatin County:					
Electricians	10.35	.40	3%		4%
Hill County:					
Electricians	10.35		3%+.50		4%
Valley County:					
Electricians	9.20	.55	3%+.50		4%
PAINTERS:					
Missoula County:					
Brush	7.48	.44	.40		.04
PLUMBERS:					
Cascade, Glacier, Hill and Valley Counties	11.60	.65	.95		
Roofers:					
Cascade, Glacier, Hill and Valley Counties	9.20				
Missoula County	8.49	.60			.01
SHEET METAL WORKERS:					
Missoula County	10.23	.82	.25		.10

MODIFICATIONS P. 34

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV77-5011 - Mod. #4 (42 FR 15278 - March 18, 1977) Washoe County, Nevada					
Change:					
Laborers:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities: Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Group 1	$8.20	.70	.90		.10
Group 2	8.30	.70	.90		.10
Group 3	8.45	.70	.90		.10
Group 4	8.70	.70	.90		.10
Group 5	9.00	.70	.90		.10
Group 6-A	9.00	.70	.90		.10
Group 6-B	8.70	.70	.90		.10
Group 6-C	8.35	.70	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.80	.70	.90		.10
Group 2	8.90	.70	.90		.10
Group 3	9.05	.70	.90		.10
Group 4	9.30	.70	.90		.10
Group 5	9.60	.70	.90		.10
Group 6-A	9.60	.70	.90		.10
Group 6-B	9.30	.70	.90		.10
Group 6-C	8.95	.70	.90		.10

DECISION #NV77-5031 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
[illegible] (Cont'd):					
None 1: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	$9.00	.70	.90		.10
Group 2	9.10	.70	.90		.10
Group 3	9.25	.70	.90		.10
Group 4	9.50	.70	.90		.10
Group 5	9.80	.70	.90		.10
Group 6-A	9.80	.70	.90		.10
Group 6-B	9.50	.70	.90		.10
Group 6-C	9.15	.70	.90		.10
Zone 4: Area over 40 road miles from the above communities:					
Group 1	9.70	.70	.90		.10
Group 2	9.80	.70	.90		.10
Group 3	9.95	.70	.90		.10
Group 4	10.20	.70	.90		.10
Group 5	10.50	.70	.90		.10
Group 6-A	10.50	.70	.90		.10
Group 6-B	10.20	.70	.90		.10
Group 6-C	9.85	.70	.90		.10
Sheet Metal Workers	10.34	1.04	2.13		.05

DECISION #NV77-5061 - Mod. #1
(42 FR 31074 - June 17, 1977)
Clark County (does not include the Nevada Test Site), Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
None 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; In Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$11.36	.65	.90	$1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	11.51	.65	.90	1.00	.10
Piledrivermen	11.56	.65	.90	1.00	.10
Millwrights	12.06	.65	.90	1.00	.10
Zone 2: Area outside of Zone and not more than 20 miles from the communities described above:					
Carpenters	11.86	.65	.90	1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	12.01	.65	.90	1.00	.10
Piledrivermen	12.06	.55	.90	1.00	.10
Millwrights	12.56	.65	.90	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	12.11	.65	.90	1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	12.26	.65	.90	1.00	.10
Piledrivermen	12.31	.65	.90	1.00	.10
Millwrights	12.81	.65	.90	1.00	.10

DECISION #NV77-5061 (Cont'd):

Change (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters (Cont'd):					
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	$13.36	.65	.90	$1.00	.10
Floor layers; Patent scaffold erectors; Power saw operators	13.51	.65	.90	1.00	.10
Piledrivermen	13.56	.65	.90	1.00	.10
Millwrights	14.06	.65	.90	1.00	.10
Glaziers	13.50	.50	.40		.05
Soft Floor Layers	12.67	.65			.15

DECISION NO. NM77-4116 - Mod. #2
(41 FR 31094 - June 17, 1977)
Statewide, New Mexico

CHANGE:
CARPENTERS:
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height to read:
"CARPENTERS - GENERAL BUILDING AND HEAVY CONSTRUCTION AND RESIDENTIAL CONSTRUCTION (DWELLING HOUSES AND APARTMENTS OVER TWO STORIES IN HEIGHT"

Zone 2-A	$ 9.20	.90	.90	.65	.20
Zone 2-B	10.45	.90	.90	.65	.20
Zone 2-C	11.20	.90	.90	.65	.20
BRICKLAYERS:					
Zone VIII	9.79	.67	.20		.10
Zone IX	9.79	.67	.20		.10
Zone XI	8.79	.67	.20		.10

DECISION #PA77-3029 - Mod. # 4
(42 FR 10263 - February 18, 1977)
Berks County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Stonemasons	$9.30	.60	.75		
Electricians:					
Remainder of County	10.49	.73	3%		.03
Ironworkers:					
Structural, ornamental & bridge	11.80	.84	1.36		.02
Reinforcing	11.80	.84	1.36		.02
Laborers:					
General laborers	7.45	.40	.25		
Operators of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools, coming under the jurisdiction of laborer, laying of all clay terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies, precast slab placers, signalmen, brick, stone, plasterers and cement masons tenders, machine mixers, stockers, scaffold building, plaster pump and conveyors, blasters, caisson workers, wagon air track and diamond point drill operators, burning torches, green cutting machine, steam jenny and blastin	7.68	.40	.25		
Cofferdam, (below 10'), tunnel free air and muckers	7.73	.40	.25		
Handling and using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold building and removal for plasterers	7.84	.40	.25		
Line Construction:					
Cable splicers & Linemen	11.51	.40	3%		3/4%
Groundman	6.87	.40	3%		3/4%
Winch truck operator	8.03	.40	3%		3/4%

MODIFICATIONS P. 39

DECISION NO. PA77-3029 - Mod. #4 Cont'd.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	8.95	.70	.55		
Bridge, tower, stacks & tanks	10.40	.70	.55		
Spray & steel	10.00	.70	.55		
Plumbers & Steamfitters	11.76	.80	1.45		.11
DECISION #PA77-3030 - Mod. # 4 (42 FR 1026 - February 18, 1977) Cumberland, Dauphin, Perry, Juniata, New Cumberland, Army Depot in York County, Pa.					
Change:					
Cement masons	$10.035	.55	.40		
Electricians	10.36	.56	3%+.31		3/4%
Ironworkers:					
Structural, ornamental & reinforcing	11.28	.84	1.36		.03
Line Construction:					
Linemen	10.81	.40	3%		3/8%
Cable splicer	10.81	.40	3%		3/8%
Groundmen	6.45	.40	3%		3/8%
Winch truck operators	7.54	.40	3%		3/8%
Piledrivermen	10.77	2.13	1.30	f	.12

MODIFICATIONS P. 40

DECISION #PA77-3031 - Mod. # 4 (42 FR 18339 - April 8, 1977) Lebanon County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Lawn, East Hanover & Indiantown Gap Military Reservation	$10.36	.65	3%+.31		3/4%
Ironworkers	11.28	.84	1.36		.03
Laborers:					
General Laborers	6.70	.40	.25		
Operators of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies, pre-cast slab placers, signalmen, brick, stone, plasterers and cement masons tenders, machine mixers, stockers, scaffold building, plaster pump and conveyors, blasters caisson workers, wagon air track and diamond point drill operators, burning torches, green cutting machine, steam jenny and blastin, cofferdam, (below 10') tunnel free air and muckers, handling and using cutting or burning torches in the wrecking of buildings, plasterers tenders, scaffold building and removal for plasterers	6.80	.40	.25		

MODIFICATIONS P. 41

DECISION NO. PA-77-3031 - Mod. #4, Cont.'d.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen & cable splicer	$11.51	.40	3%		3/4%
Groundmen	6.87	.40	3 3%		3/4%
Winch truck operator	8.03	.40	3%		3/4%
Piledrivermen	10.77	2.13	1.30	g	.12
Add:					
Footnote:					
g. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day, and Christmas Day.					

MODIFICATIONS P. 42

DECISION #PA77-3039 - Mod. # 5 (42 FR 18778 - April 8, 1977) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers					
Zone 1	$10.70	.65	.60		.01
Bricklayers & Stonemasons					
Zone 1	9.55	.60	.80		.03
Zone 4	10.55	.60	.80		.03
Carpenters & Soft floor layers	9.80	6%	8%	6%	.40 of 1%
Cement masons					
Zone 3	10.035	.55	.40		
Electricians					
Zone 2	10.36	.65	3%+.31		3/4 of 1%
Ironworkers					
Zone 2	11.28	.84	1.36		.03
Zone 3	9.48	.50	3%+.50	.60	.02
Line Construction:					
Zone 1					
Lineman	12.04	.40	3%		3/8%
Groundman	7.20	.40	3%		3/8%
Winch truck operator	8.41	.40	3%		3/8%
Zone 3					
Lineman	10.81	.40	3%		3/8%
Winch truck operator	7.54	.40	3%		3/8%
Groundman	6.45	.40	3%		3/8%
Plumbers & Steamfitters:					
Zone 1	10.56	.69	.50	.20	.05

MODIFICATIONS P. 43

DECISION #PA77-3049 - Mod. # 3 (42 FR 21043 - April 23, 1977) Northumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.70	.65	.60		.01
Cement masons	10.10				.01
Electricians:					
Delaware, Lewis & Trubut	9.48	.50	3%+.60	.60	.02
Remainder of County	10.95	.35	3%		.05
Ironworkers	11.28	.84	1.36		.03

DECISION #PA77-3050 - Mod. # 2 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and, Wyoming Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.70	.65	.60		.01
Electricians:					
Lackawanna, Susquehanna and Wayne Counties	9.75	.50	3%+.50	.50	.10
Wyoming County:					
East of Susquehanna River	9.75	.50	3%+.50	.50	.10
West of Susquehanna River	10.74	.50	3%+.75		.03
Glaziers	9.65	.40	.70		
Ironworkers:					
Lackawanna, Wayne & Wyoming Counties:					
Structural & ornamental	11.90	e			.10
Reinforcing	11.80	e			.10
Painters:					
Brush & Rollers	8.40		1.20		
Spray	9.90		1.20		
Steel	9.60		1.20		

MODIFICATIONS P. 44

DECISION #PA77-3053 - Mod. # 2 (42 FR 24672 - May 13, 1977) Elk, Forest, McKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians					
Zone I	$10.90	4½%	6%+3%	6%	1/2 of 1%
Bricklayers, cement masons & stonemasons					
Zone I	10.65	.45	.95		

MODIFICATIONS P. 45

DECISION #PA77-3054 - Mod. # 2 (42 FR 24677 - May 13, 1977) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons:					
Zone 1	$10.55	.60	.80		.03
Zone 2	10.65	.45	.95		
Zone 3	10.91	.70	.40		
Zone 4	11.00	.55	.50		
Carpenters & Soft Floor Layers					
Zone I	9.80	6%	8%	6%	.4% of 1%
Cement Masons					
Zone 3	10.91	.70	.40		
Electricians					
Zone 4	12.35	3%	3%+2%		
Landscape:					
Zone 1					
Class I	6.50	.40	.60		
Class II	6.65	.40	.60		
Class III	7.00	.40	.60		
Zone 2					
Class I	6.40	.40	.60		
Class II	6.55	.40	.60		
Class III	6.90	.40	.60		
Zone 3					
Class I	7.80	8%	6.5%		3.5%
Line Construction					
Zone 1					
Class I	12.04	.40	3%		3/8%
Class II	7.20	.40	3%		3/8%
Class III	8.41	.40	3%		3/8%
Marble Setters					
Zone 1	10.55	.60	.80		.03
Zone 5	9.55	.60	.80		.03
Plasterers					
Zone I	10.91	.70	.40		

MODIFICATIONS P. 46

DECISION #PA77-3055 - Mod. # 2 (42 FR 24688 - May 13, 1977) Greene, Somerset & Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons					
Zone 3	$11.00	.55	.50		
Electricians					
Zone II	9.48	.50	3%+.50	.60	.02
Line Construction					
Zone 2					
Lineman	12.04	.40	3%		3/8%
Groundman	7.20	.40	3%		3/8%
Winch truck operators	8.41	.40	3%		3/8%
Painters					
Zone 1					
Commercial					
Brush	8.35	.65	.35		.05
Spray	9.475	.65	.35		.05
Industrial					
Brush	8.85	.65	.35		.05
Spray	9.97	.65	.35		.05
Plumbers & Steamfitters					
Zone II	11.07	.85	1.16		.07
Zone III	10.56	.69	.50	.20	.05

DECISION #PA77-3057 - Mod. # 1 (42 FR 24700 - May 13, 1977) Sullivan County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.70	.65	.60		.01
Bricklayers	9.25	.55	.70		.01
Electricians:					
Western part of County	9.48	.50	3%+.50	.60	.02
Glaziers	9.65	.40	.70		
Plasterers	10.20				
Soft floor layers	8.88	.40	.50		.03
Plumbers & steamfitters	10.56	.69	.50	.20	.05
Stonemasons	9.25	.55	.70		.01

MODIFICATIONS P. 47

DECISION #PA77-3041 - Mod. # 1 (42 FR 30131 - June 10, 1977) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Bricklayers:					
Zone 3	$12.125	.65	.60		
Zone 2	11.60	.60	1.00		
Electricians					
Zone 3	12.35	3%	3%+2%		
Landscape Laborers:					
Landscape laborer	6.50	.40	.60		
Skilled landscape laborer	6.65	.40	.60		
Landscape tractor operator	7.00	.40	.60		
Line Construction					
Zone 1					
Linemen	12.04	.40	3%		3/8%
Winch truck operator	8.41	.40	3%		3/8%
Groundman	7.20	.40	3%		3/8%
Marble Setters:					
Zone 1	12.125	.65	.60		
Painters					
Zone 2					
Commercial					
Brush	9.00	.65	.35	.60	
Spray	9.52	.65	.35	.60	
Industrial					
Brush	10.25	.65	.35	.60	
Roller	10.78	.65	.35	.60	
Zone 4					
Brush & Roller	8.35	.65	.35		.05
Spray	9.475	.65	.35		.05
Plumbers					
Zone 2	11.71	.60	.55		.05
Zone 3	11.07	.85	1.16		.07
Steamfitters					
Zone 4	11.71	.60	.55		.05
Stonemasons					
Zone 4	12.125				
Zone 1	10.63	.75	1.50		
Terrazzo workers					
Zone 2	12.125	.65	.60		
Tile Setters					
Zone 2	12.125	.65	.60		

MODIFICATIONS P. 48

DECISION NO. CO77-5065 - Mod. #1 (42 F. [illegible] - June 17, 1977) Meade and Pennington Counties, South Dakota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Within 15 mile radius of Rapid City Post Office					
Electricians	$ 9.65	.40	3%	6%	1/2%
Cable Splicers	10.20	.40	3%	6%	1/2%
Within 15 to 35 mile radius of Rapid City Post Office					
Electricians	10.05	.40	3%	6%	1/2%
Cable Splicers	10.60	.40	3%	6%	1/2%
Outside a 35 mile radius of Rapid City Post Office					
Electricians	10.90	.40	3%	6%	1/2%
Cable Splicers	11.45	.40	3%	6%	1/2%

MODIFICATIONS P. 49

DECISION #TX77-4097 - Mod. #1 (42 FR 23429 - May 6, 1977) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Zone 1:					
Carpenters	$ 9.725	.30	.30		.005
Millwrights	10.125	.30	.30		.005
Piledrivermen	10.225	.30	.30		.005
Omit:					
Electricians:					
Zone 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.:					
Area A - All work performed in Dallas & Grayson Cos.:					
Electricians	10.43	4%	5%		7/10%
Cable splicers	11.47	4%	5%		7/10%
Area B - All work performed outside of Dallas Co. up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	10.68	4%	5%		7/10%
Cable splicers	11.75	4%	5%		7/10%
Area C - All work performed outside of Area A & B:					
Electricians	10.93	4%	5%		7/10%
Cable splicers	12.02	4%	5%		7/10%
Add:					
Electricians:					
Zone 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.:					
Electricians	10.43	6%	7%		.70 of 1%
Cable splicers	11.47	6%	7%		.70 of 1%

MODIFICATIONS P. 50

DECISION #TX77-4098 - Mod. #2 (42 FR 23433 - May 6, 1977) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Group 1	$ 6.91	.28	.40		.02
Group 2	6.96	.28	.40		.02
Group 3	7.01	.28	.40		.02
Group 4	7.11	.28	.40		.02
Group 5	7.16	.28	.40		.02
Group 6	7.285	.28	.40		.02
DECISION #TX77-4101 - Mod. #3 (42 FR 24705 - May 13, 1977) Bexar County, Texas					
Change:					
Painters:					
Brush; Paperhanger; Taper & floater	8.30		.20		.05
Spray; structural steel	8.55		.20		.05
Spray on structural steel; sandblasting	8.80		.20		.05
DECISION #TX77-4108 - Mod. #2 (42 FR 28810 - June 3, 1977) Tom Green County, Texas					
Change:					
Carpenters	8.25				.02
Electricians:					
Zone 1	8.20		3%		1/4%
Zone 2	8.55		3%		1/4%

MODIFICATIONS P. 51

DECISION NO. WA77-5055 - Mod. 1 (42 FR 31115 - June 17, 1977) Statewide, Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Laborers (Area 1)					
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern Portion of Pacific County:					
Group 1:					
Zone A	$8.29	.90	$1.10	.65	.10
Zone B	8.69	.90	1.10	.65	.10
Zone C	9.04	.90	1.10	.65	.10
Zone D	9.29	.90	1.10	.65	.10
Zone E	9.54	.90	1.10	.65	.10
Zone F	9.79	.90	1.10	.65	.10
Group 2:					
Zone A	8.64	.90	1.10	.65	.10
Zone B	9.04	.90	1.10	.65	.10
Zone C	9.39	.90	1.10	.65	.10
Zone D	9.64	.90	1.10	.65	.10
Zone E	9.89	.90	1.10	.65	.10
Zone F	10.14	.90	1.10	.65	.10
Group 3:					
Zone A	8.94	.90	1.10	.65	.10
Zone B	9.34	.90	1.10	.65	.10
Zone C	9.69	.90	1.10	.65	.10
Zone D	9.94	.90	1.10	.65	.10
Zone E	10.19	.90	1.10	.65	.10
Zone F	10.44	.90	1.10	.65	.10
Group 4:					
Zone A	9.19	.90	1.10	.65	.10
Zone B	9.59	.90	1.10	.65	.10
Zone C	9.94	.90	1.10	.65	.10
Zone D	10.19	.90	1.10	.65	.10
Zone E	10.44	.90	1.10	.65	.10
Zone F	10.69	.90	1.10	.65	.10

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: *See below
DECISION NUMBER: AL77-1089 DATE: Date of Publication
Supersedes Decision No.: AL76-1009 dated January 16, 1976, in 41 FR-2540
DESCRIPTION OF WORK: Residential monstruction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Baldwin, Mobile, Clarke, Conecuh, Monroe and Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.85				
Bricklayers	6.00				
Carpenters	4.00				
Cement masons	4.81				
Dry wall hangers	4.50				
Dry wall finishers	4.85				
Dry wall sanders	2.30				
Electricians	4.66				
Laborers:					
Unskilled	2.30				
Mason tenders	2.30				
Painters	5.00				
Plumbers	6.00				
Roofers	6.45				
Sheet metal workers	3.50				
Soft floor layers	4.00				
Tile setters	4.00				
Truck drivers	2.76				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	4.00				
Dragline	3.75				
Asphalt spreader	4.25				
Roller	3.75				
Front end loader	4.50				

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Broward
DECISION NO.: FL77-1091 MODIFICATION: Change in Publication
Supersedes Decision No.: FL77-1015 dated February 18, 1977 in 42 FR-10224
DESCRIPTION OF WORK: Building Construction (excludes single family homes and garden type apartments of 4 stories) and Heavy Construction (excludes sewer and water line construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	11.15	.50	.65		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers:					
Blocklayers, bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo mechanic, and tile setters	9.25	.53	.50		.03
Carpenters:					
Carpenters, soft floor layers	8.95	.78	.45		.06
Electricians:					
Electricians	10.36	.65	3%+.40	4%	1%
Cable splicers	10.88	.65	3%+.40	4%	1%
Elevator Constructors:					
Elevator constructors	10.73	.545	.35	4%+a+b	.02
Elevator constructor helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructor helpers (prob.)	50%JR				
Ironworkers	9.75	.75	.58		.08
Laborers:					
General laborers	6.52	1.00	.30		
Mason tenders, Mortar mixers, vibrator operators	6.62	1.00	.30		
Plasterer tenders	6.80	1.00	.30		
Lathers	9.40	.50	.20		.04
Line Constructors:					
Linemen, Class A operators	10.54	.65	3%		1%
Cable splicers	10.79	.65	3%		1%
Class B operators	8.43	.65	3%		1%
Groundmen	6.01	.65	3%		1%
Painters:					
Brush	8.80	.55	.50		.02
Spray, sandblasters	9.30	.55	.50		.02
Structural, steel, paper hangers, drywall tapers	9.05	.55	.50		.02
Plumbers, pipefitters	10.65	.50	.80		.07
Air conditioning & refrigeration mechanic	10.75	.86	1.00		.09
Roofers	8.45	.45	.20	.85	
Sheet metal workers	10.55	.75	.50		.10
Sprinkler fitters	10.16	.60	.90		.10
Welders - Rate for craft to which welding is incidental					

FOOTNOTES:

a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

b. Four per cent of basic hourly rate for employees who have worked in business more than five years; two percent for employees who have worked less than five years.

OPERATING ENGINEERS:

Group I:
All tower cranes, cranes with boom length over 250 ft., derricks, helicopters, All types of flying cranes, all nuclear powered equipment.

Group II:
All cranes with boom length of 150 ft., to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes.

Group III:
All hydro cranes, cranes with boom length of under 150 ft., clamshell, shovel, backhoe, gradall, cherrypicker, dragline, piledriver, drilling of piling, tugger, hoist, motor grader, (finish), mechanic, sideboom, tractor boom, concrete mixer, cableway.

Group IV:
Boring & drilling machine, concrete pump machine, batching plant, inside elevator, forklift with vert. lift of over 20 ft.

Group V:
Locomotive, motor mixing pump, winch truck, A-frame truck, grease truck, front end loader, bulldozer, pan, motor grader, forklift.

Group VI:
Trenching and ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacumn pump, tractor, conveyor

Group VII:
Utility operator (any combination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4).

Group VIII:
Pump (over 2½ inches), conveyor (over 125 c.f.m.), generator (over 5 KW) welding machines (2).

Group IX:
Oiler, fuel truck, mechanic helper, boom hauling truck, lowboy truck

FL77-1091 - (CONT'D)

OPERATING ENGINEERS (CONT'D):

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	9.40	.50	.80		.05
Group II	9.25	.50	.80		.05
Group III	8.75	.50	.80		.05
Group IV	8.30	.50	.80		.05
Group V	8.15	.50	.80		.05
Group VI	7.80	.50	.80		.05
Group VII	7.55	.50	.80		.05
Group VIII	7.45	.50	.80		.05
Group IX	7.05	.50	.80		.05
HEAVY CONSTRUCTION:					
Group I	7.60	.50	.80		.05
Group II	7.45	.50	.80		.05
Group III	6.95	.50	.80		.05
Group IV	6.80	.50	.80		.05
Group V	6.65	.50	.80		.05
Group VI	6.55	.50	.80		.05
Group VII	6.45	.50	.80		.05
Group VIII	6.35	.50	.80		.05
Group IX	6.25	.50	.80		.05

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL77-2100 DATE: Date of Publication
Supersedes Decision Nm. IL76-2122, dated October 1, 1976, in 41 FR 43576
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.51	.81	.72		.12
BOILERMAKERS	10.55	.65	1.00	5%	.03
BRICKLAYERS & STONEMASONS	11.21	.80	.75		.05
CARPENTERS:					
Building, Heavy & Highway Carpenters & Soft Floor Layers	10.55	.78	.8[illegible]		.06
Millwrights & Piledrivermen	10.55	.78	.8[illegible]		.06
CEMENT MASONS:					
Building	10.50	.95	.85		.05
Heavy & Highway	10.05	.82	.85		.05
ELECTRICIANS	11.75	8.24%	9.63%	.80	.88%
ELEVATOR CONSTRUCTORS:					
Constructors	11.91	.545	.35	4%+a+b	.02
Helpers	70%JR	.535	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	11.23	.28	.79		.01
IRONWORKERS:					
Metal Fence Erector	8.30	.50	.575		.10
Structural & Reinforcing	11.80	1.14	1.13		.09
Ornamental	11.60	.65	.805		.10
Riggers & Machinery Movers	9.45	.65	1.325	1.05	.15
Red Book Fence Erector	8.62	.65	.805		.10
LATHERS	9.81	.58	.445		.015
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.80	.5%	.6%	8.50%	4%
Groundmen	9.05	.5%	.6%	8.50%	4%
MARBLE SETTERS	11.50	.70			
MARBLE SETTERS' HELPERS & POLISHERS	9.00	.62		.33	
PAINTERS:					
Brush, decorators, Paperhangers & Tapers	9.65	.575	.45		.013
PLASTERERS	9.60	.60	.81		.045
PIPEFITTERS	11.90	.80	1.00		.02
PLUMBERS	11.92	.75	.75		.10
POINTERS, CAULKERS & CLEANERS	11.10	.95	.85		

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DECISION NO. IL77-2100

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition & Waterproofers	11.50	1.06	.85		.02
Slate & Tile	11.69	1.06	.50		.02
SHEET METAL WORKERS	11.80	.55	.59	.25	.05
SPRINKLER FITTERS	11.75	.75	.90		.15
SURVEY CREW:					
Layout Technician	11.30	.80	.25		
Instrument Man	9.30	.80	.25		
Rodman	7.71	.80	.25		
TERRAZZO WORKERS	8.95	.30	.30		
TILE SETTERS	10.30	.306	.525		
TILE SETTERS' HELPERS	8.10	e2.45	e3.40		
TRUCK DRIVERS:					
Building & Residential					
2-3 Axle Trucks	9.80	d26.00	d30.00		
4 Axle Trucks	9.95	d26.00	d30.00		
5-Axle Trucks	10.15	d26.00	d30.00		
6-Axle Trucks	10.35	d26.00	d30.00		
Heavy & Highway					
2-3 Axle Trucks	9.30	.75	.65		
4 Axle Trucks	9.55	.75	.65		
5 Axle Trucks	9.75	.75	.65		
6-Axle Trucks	9.95	.75	.65		
WELL DRILLERS:					
Driller, Pump Installer, Welder & Mechanic	8.75	.50	.50	a	
Tool Dresser, Helper	8.10	.50	.50	a	

PAID HOLIDAYS: (WHERE APLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six pid Holidays A through F.
b. Employer contributes 4% of regular houlry rate to Vacation Pay cRedit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation pay credit for employee who has worked in business less than 5 years.
c. Nine paid holidays: A through F plus Washington's Birthday, Good Friday & calendar days prior to the HOliday and the regular sheduled work days immeidately preceding and following the Holiday.
d. Per week per employee.
e. Per Day

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DECISION NO. IL77-2100 ILL-9-LAB-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS 1 Common Laborers, Plasterer Laborers, Pumps for De-Watering & other Unclassified Laborers	7.[illegible]0	.57	1.10		
CLASS 2 Cement Gun Laborers	7.875	.57	1.1[illegible]		
CLASS 3 Scaffold Laborers & Chimney Laborers over 40'	7.90	.57	1.10		
CLASS 4 Windlass & CementGun Nozzle Laborers - Gunnite	7.9[illegible]	.57	1.10		
CLASS 5 Stone Handlers & Derrickmen	8.0[illegible]	.57	1.10		
CLASS 6 Jackhammermen	8.0[illegible]	.57	1.10		
CLASS 7 Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.05	.57	1.10		
CLASS 8 Firebrick & Boiler Setters' Laborers	8.1[illegible]	.57	1.10		
CLASS 9 Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.1[illegible]	.57	1.10		
CLASS 10 Boiler Setter Plastic Laborers	8.[illegible]5	.57	1.10		
CLASS 11 Jackahmmer on Firebrick Only	[illegible].375	.57	1.10		

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DECISION NO. IL77-2100 ILL-[illegible]-FEO-1

POWER EQUIPMENT OPERATORS: BUILDING & RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.85	.75	.85	.40	.05
CLASS II	10.55	.75	.85	.40	.05
CLASS III	9.40	.75	.85	.40	.05
CLASS IV	8.15	.75	.85	.40	.05

CLASS I - Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), Boiler & throttle valve, emission regs, central redi-mix plant, combination backhoe breaker (trunkmounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes, - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slipform paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II - Boiler, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevator, hoists, tugger single drum, roller, all, steam generators, stone crushers, tractor, all winch trucks with "A" frame

CLASS III - Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 Ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW heaters, mechanical pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV -Oilers

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DECISION NO. IL77-2100

POWER EQUIPMENT OPERATORS: SEWER, HEAVY & HIGHWAY CONST.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
CLASS I	11.50	.75	.85	.40	.05
CLASS II	10.95	.75	.85	.40	.05
CLASS III	10.20	.75	.85	.40	.05
CLASS IV	9.10	.75	.85	.40	.05
CLASS V	8.10	.75	.85	.40	.05

CLASS I - Asphlat plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, Classon rigs, central premix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete pumps, concrete tube float, cranes, all attachments, cranes, Linden, Pemo & machines of akin nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, derricks, all derrick boats, derricks, traveling, dragues, euclid loader, elevating type gradall, and machines of a like nature, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom tractaire w/attachments, trenchingmachine, underground boring &/or mining machine under 3 ft., wheel excavtor widener (Apsco)

CLASS II - Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; srew type pumps Cypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL77-2100

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Boilers, boiler & throttle valve, brooms, all power propelled, cement & slip tender, compressor throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch truck with "A" frame, work boats, tamper, form motor driven

CLASS IV - Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pmps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V - Oilers

STATE: Kansas

COUNTIES: Douglas, Jefferson, Leavenworth, Miami & Shawnee

DECISION NO.: KS77-4161

DATE: Date of Publication

Supersedes Decision No. KS77-4084 dated April 15, 1977 in 42 FR 20059

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS and PILEDRIVERMEN:					
Zone 1	$8.40	.45	.35		.05
Zone 2	8.00	.45	.35		.05
Zone 3	11.00	.50	.30		.05
Zone 4:					
Carpenters	10.75	.50	.30		.05
Piledrivermen	11.00	.50	.30		.05
Zone 5	5.375	.275	.25		.05

AREAS COVERED BY CARPENTERS AND PILEDRIVERMEN ZONES

Zone 1 - Douglas and Shawnee Counties (Includes Forbes Air Force Base and within the City of Topeka and the City of Lawrence and with 3 miles of the city limits of these cities)
Zone 2 - Remainder of Douglas and Shawnee Counties
Zone 3 - Leavenworth County
Zone 4 - Miami County
Zone 5 - Jefferson County

CEMENT MASONS:					
Zone 1 - Leavenworth and Miami Counties	10.20	.40	.50	1.25	
Zone 2 - Douglas and Shawnee Cos.	8.80	.35	.35		
Zone 3 - Jefferson County	8.85	.40	.35		
ELECTRICIANS:					
Zone 1 - Leavenworth County (Delaware, High Prairie, Kickapoo and Leavenworth) Townships)	11.22	.39	3%+.51	.80	.06
Zone 2 - Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth Counties	11.35	.45	3%+.35		.05
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Group 1					
Zone 1	6.00	.40	.35		.05
Zone 2	6.80	.40	.35		.05
Zone 3	6.85	.35	.35		.05
Zone 4	4.025	.35	.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Group 2					
Zone 1	$6.15	.40	.35		.05
Zone 2	6.95	.40	.35		.05
Zone 3	7.00	.35	.35		.05
Zone 4	4.775	.35	.35		
Group 3					
Zone 1	6.25	.40	.35		.05
Zone 2	7.05	.40	.35		.05
Zone 3	7.10	.35	.35		.05
Zone 4	4.875	.35	.35		
Group 4					
Zone 1	6.40	.40	.35		.05
Zone 2	7.20	.40	.35		.05
Zone 3	7.25	.35	.35		.05
Zone 4	5.025	.35	.35		
Group 5					
Zone 1	6.50	.40	.35		.05
Zone 2	7.30	.40	.35		.05
Zone 3	7.35	.35	.35		.05
Zone 4	5.275	.35	.35		

CLASSIFICATION DEFINITIONS

Laborers:
Group 1 - Board mat weavers and cable tiers; georgia buggy (manually operated); mixerman-no skip lift; nailers; salamander tenders; trank men; tractor swamper; truck dumper; wire mesh cutter; water pump to to 4 inches; and all other general laborers including flagman
Group 2 - Air tool operators; cement handlers (bulk); chain saw; georgia buggy (mechanically operated); grade man; hot mastic kettlemen; crusher feeder; joint man; jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 feet deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane); truck dumper-dry batch; vibrator operator; wagon and churn drill operator
Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch)
Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunnite nozzleman; sanitary sewer pipe layer
Group 5 - Leadmen or pusher

NOTICES 35544 NOTICES 35545 NOTICES 35542 NOTICES 35543 UMI

LABORERS: (cont'd) AREA COVERED BY LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1 - Jefferson County Zone 2 - Douglas and Shawnee Co. Zone 3 - Leavenworth County Zone 4 - Miami County					
LINE CONSTRUCTION:					
Zone 1 - Remainder of Leavenworth Co.					
Lineman	11.39	.45	3%+.15		5%
Lineman operator	10.60	.45	3%+.15		5%
Groundman powderman	7.90	.45	3%+.15		5%
Groundman	7.50	.45	3%+.15		5%
Groundman (1st year)	6.43	.45	3%+.15		5%
Zone 2 - Douglas, Jefferson, Miami and Shawnee Cos. and Southwestern 2/3 of Leavenworth County					
Lineman	10.00	.45	3%		5%
Cable splicers	10.50	.45	3%		5%
Groundman, over 1 year	6.22	.45	3%		5%
Groundman, 1st year	4.71	.45	3%		5%
Powderman	8.29	.45	3%		5%
Line Truck and Equipment Ops.:					
1st year	6.37	.45	3%		5%
2nd year	7.62	.45	3%		5%
Over 2 years' experience	8.29	.45	3%		5%
POWER EQUIPMENT OPERATORS:					
Zone 1 - Leavenworth County					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	10.35	.50	1.00	.75	.10
Group 6	10.60	.50	1.00	.75	.10
Group 7	10.10	.50	1.00	.75	.10
Group 8	9.10	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, back hoe, blade operator, all types, boiler - 2; booster pump on dredge, boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator-central mix, concrete mixer paver, crane operator; derrick or derrick trucks; Ditching machine, dragline operator, dredge engineman, dredge operator, drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled, high loader-fork lift; locomotive operator, standard gauge, Mechanics and welders, maintenance operator, mucking machine, pile driver operator, pitman crane operator, pump-2; quad-trac; scoop operator - all types; scoop in tandem, self-propelled rotary drill (Leory or equal - not air trac); shovel operator, side discharge spreader; sideboom cats, skimmer scoop operator, slip-form paver (CMI, REX, or equal); throttle man, truck crane, welding machine maintenance operator - 2; hoisting engine - 2 active drums

Group 2 - "A" frame truck, asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller backfiller operator; chip spreader, concrete batch plant, dry-power operated, concrete mixer operator, skip loader, concrete pump operator, crusher operator; elevating grader operator, greaser, hoisting engine - 1 drum, Latourneau rooter, multiple compactor, pavement breaker, self-propelled of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator - over 50 HP

Group 3 - Boilers - 1; chip spreader (front man) churn drill operator, compressor maintenance operator - 1; concrete saws, self-propelled, conveyor opr., distributor operator, finishing machine opr., fireman, rig, float operator, form grader operator, pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor - 50 HP or less without attachments; vibrating machine operator, hot hand; welding machine maintenance operator - 1

Group 4 - Mechanic's helper; oiler

Group 5 - Clamshells, 3 yd. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

Group 6 - Crane or rigs, over 200 ft. of boom (including jib)

Group 7 - Hoists (each additional drum over 1 drum)

Group 8 - Oiler drivers, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

POWER EQUIPMENT OPERATORS CONTD: Zone 2 - Douglas, Jefferson, Miami and Shawnee Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	8.60	.50	1.00	.75	.10
Group 2	8.35	.50	1.00	.75	.10
Group 3	8.10	.50	1.00	.75	.10
Group 4	7.85	.50	1.00	.75	.10
Group 5	7.50	.50	1.00	.75	.10
Group 6	7.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Master mechanic

Group 2 - Asphalt paver and spreader, backhoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator (automatic), crane, truck crane, pitman crane, hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist - 2 active drums; loader, all types, mechanic or welder, mixermobile, multi-unit scraper, piledriver operator, power shovel operator, quad track; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator

Group 3 - Asphalt plant operator, elevating grader operator; pushcat operator

Group 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman, backfiller operator, barker green loader, boiler - other than asphalt, bull float operator, churn drill operator, compressor operator (1); concrete central plant operator, concrete mixer opr., skip; concrete pump operator, crusher operator, distributor operator, finish machine operator - concrete; fireman other than asphalt, flex plane operator, fork lift, form grader operator; greaser ;hoist - 1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator, small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons and jets; subgrading machine operator, tank car heater operator, combination booster and boilers, towboat operator, vibrating machine operator, hot hand

Group 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc, seeder; oiler, tractor operator, 50 h.p. or less without attachments

Group 6 - Oiler, motor crane

TRUCK DRIVERS: Zone 1 - Leavenworth County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	8.80	.75	1.00	.75	
Group 2	9.00	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch truck-fork trucks; distributor drivers and operators; agitator and transit mix tank wagon drivers, single axle; tank wagon drivers; tandem or semi-trailer; insley wagons, dump trucks, excavator 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

Group 3 - A-frame, lumboy, boom truck drivers

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, oilers and greasers

DECISION NO. KS77-4161

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
Zone 2 - Douglas and Shawnee Cos.					
Group 1	6.90	.40	.35		
Group 2	7.00	.40	.35		
Group 3	7.15	.40	.35		
Zone 3 - Miami County	8.35	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks single axle

Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks, (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tournatockers; atheys, dumpsters and similar off-road equipment and mechanics on such equipment

DECISION NO. KS77-4161

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 4 - Jefferson County					
Group 1	4.22	.275	.25		
Group 2	4.37	.275	.25		
Group 3	4.42	.275	.25		
Group 4	4.47	.275	.25		
Group 5	4.65	.275	.25		
Group 6	4.47	.275	.25		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups, panel trucks, station wagons

Group 2 - Flat beds, dump and batch trucks, single axle

Group 3 - Tandem trucks

Group 4 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such

Group 5 - Euclid, end and bottom dump; tournatockers; atheys; dumpsters and similar off-road equipment and mechanics on such equipment

Group 6 - Watchmen or partsmen; mechanic helpers; servicemen

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte & Ray Missouri; Johnson & Wyandotte, Kansas

DECISION NO.: MO77-4160

DATE: Date of Publication

Supersedes Decision No. MO77-4076 dated April 8, 1977, in 42 FR 18820

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$11.52	.50	.80		.05
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS and STONEMASONS	9.725	.55	.35	1.00	
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN	10.50	.50	.20		.05
CEMENT MASONS:					
Cement masons	9.475	.40	.50	.50	
Composition	9.725	.40	.50	.50	
ELECTRICIANS (Up to and including 3 stories):					
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	6.60	.45	3%+.20		.05
ZONE 2 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Wyandotte County, Kansas; and remainder of Johnson County, Kansas	8.31	.39	3%+.51	.80	.06
ELECTRICIANS(4 stories):					
ZONE 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	11.22	.39	3%+.51	.80	.06
ZONE 2 - Remaimdew of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	11.22	.39	3%+.51	.80	.06
Electricians (contracts under $5,000)	10.67	.39	3%+.51	.80	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS (4 stories): (Cont'd)					
ZONE 3 - Ray County, Missouri:					
Electricians (contracts $5,000 and over)	$11.22	.39	3% +.51	.80	.06
Electricians (contracts under $5,000)	10.06	.39	3%+ .51	.80	.06
ELEVATOR CONSTRUCTORS	10.56	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a. Employer contributes 4% basic hourly rate for over 5 yrs.' service, and 2% of basic hourly rate for 6 mos. to 5 yrs. as Vacation Pay Credit. b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	9.90	.55	.59	16.46%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
ZONE 1 - Clay, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas:					
Group 1	8.10	.45	.40	.50	.10
Group 2	8.195	.45	.40	.50	.10
Group 3	8.295	.45	.40	.50	.10
Group 4	8.39	.45	.40	.50	.10
Group 5	8.49	.45	.40	.50	.10
ZONE 2 - Ray County, Missouri					
Group 1	7.80	.45	.40	.50	.10
Group 2	7.90	.45	.40	.50	.10
Group 3	7.975	.45	.40	.50	.10
Group 4	8.05	.45	.40	.50	.10
Group 5	8.15	.45	.40	.50	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - General laborers; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

Group 2 - Plumber Laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizer; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3 - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation men;

Group 4 - Fork lift (masonry); Brick tenders; Plasterer Tener; Stone masons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

Group 5 - Barco, Jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Site Preparation and Grading					
ZONE 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental Paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Group 1	$ 8.80	.50	.50	.75	.10
Group 2	9.05	.50	.50	.75	.10
Group 3	9.10	.50	.50	.75	.10
Group 4	9.30	.50	.50	.75	.10
Group 5	9.60	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - General laborers; Salamander tenders; Dump man and track [illegible] sheet piles; Flagmen; Loading trucks under bins, hoppers and conveyors; track men and all other general laborers

Group 2 - Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgia buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalmen; Scaffolds over 10 ft. not self-supported from [illegible]; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, [illegible], oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work in connection with [illegible] or general dredging operations; Form setter helpers; Puddlers (paving only)

Group 3 - Crusher feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used

Group 4 - Spreader or screed man on asphalt machine; Asphalt rakers; Laser beam man; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track Drills and all other similar drills; Form setters; gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

Group 5 - Manhole builder (brick or block); Dynamite and powder men

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	10.60	.40			
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
Brush, Tapers and Roller	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
PLASTERERS	11.15				
PIPEFITTERS	12.22	.62	1.35		.12
PLUMBERS	12.59	.75	.85		.12
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	8.60	.50	1.00	.75	.10
Group 4	9.10	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	9.35	.50	1.00	.75	.10
Group 7	10.35	.50	1.00	.75	.10
Group 8	10.60	.50	1.00	.75	.10
Group 9	10.10	.50	1.00	.75	.10
Group 10	11.10	.50	1.00	.75	.10
Group 11	10.60	.50	1.00	.75	.10
Group 12:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 105 ft. of over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges-any type power; Grade-all similar type; Hoist, endless chain - power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

Group 2: A-frame trucks; Boilers (1); Brooms-power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 105' or over; Concrete saws, self-propelled); Conveyor operator; Crab-power operated; Curb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift-all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets and jennies; Sub-grader; Tractors over 50 h.p.

Group 3: Oiler

Group 4: Forl lift-masonry

Group 5: Oiler driver all types

Group 6: Tractors (except when hauling material less than 50 h.p.

Group 7: Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. or boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

Group 8: Crane or rigs, over 200 ft. of boom

Group 9: Hoists each additional drum over 1 drum

Group 10: Master Mechanic

Group 11: Crane - tower or climbing

Group 12: Ready Mixer Concrete Plants: (a) Crane operator; (b) Loader operator; (c) Plant man; (d) Conveyor operator

DECISION NO. M077-4160

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd Site Preparation and Grading Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental Paving and Utilities- Clay, Jackson, Platte, and Ray Counties, Missouri					
ZONE 2					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.85	.50	1.00	.75	.10
Group 3	9.60	.50	1.00	.75	.10
Group 4	8.60	.50	1.00	.75	.10
Group 5	9.10	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	10.10	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 2

Group 1: Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers-2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator-2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drill cat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader-fork lift; Hoisting engine-2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine pile driver operator; Pitman crane operator; Pump-2; Quad-trac; Scoop operator-all types; Scoops in tandem; Self-propelled rotary drill (Leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sideboom cats; Skimmer scoop operator; Slip-form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator-2

Group 2: A-frame truck; Asphalt hot mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine-1 drum; Latourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

Group 3: Boilers - 1 ; Chip spreader (front man); Churn drill operator; Compressor maintenance operator-1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator-combination boiler and booster; Tractor, 50 h.p. or less with/o attachments; Vibrating machine operator, not hand; Welding machine Maintenance operator - 1

Group 4: Mechanic's Helpers; Oilers

Group 5: Oiler driver, all types

Group 6: Clamshells, 3 yds. capacity or over; Cranes or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Pile-drivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

DECISION NO. M077-4160

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 months	5.88	.45	.60		.04
2nd 6 months	6.37	.45	.60		.04
3rd 6 months	6.86	.45	.60		.04
4th 6 months	7.35	.45	.60		.04
5th 6 months	7.84	.45	.60		.04
6th 6 months	8.33	.45	.60		.04
7th 6 months	8.82	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SOFT FLOOR LAYERS	8.71	.45	.75	10%	1%
SPRINKLER FITTERS	11.63	.60	.90		.06
TERRAZZO WORKERS	10.48	3.65%	3.25%		.06
TRUCK DRIVERS:					
Building Construction					
Zone 1					
Group 1	8.525	.50	1.00		
Group 2	8.575	.50	1.00		
Group 3	8.65	.50	1.00		
Group 4	8.775	.50	1.00		
Group 5	8.675	.50	1.00		
Group 6	8.875	.50	1.00		
Group 7	8.725	.50	1.00		
Group 8	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 1

Group 1: Warehousemen and stockman

Group 2: Flat beds; Pick-ups; Dump trucks, under 10 yds.

Group 3: Dump trucks, 10 yds. and over; Steel trucks; Semi-trick drivers

Group 4: Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated aerial lifts; Heavy hauling, A-frame winch and form fitter; Heavy excavating (dumpster, Euclid, etc.); Double bottom units (20 tons or over, other and over)

Group 5: Distributor truck drivers and operators; Oilers, greasers and mechanics' helpers

Group 6: Mechanics

DECISION NO. M077-4160

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS: (Cont'd) Site preparation and grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Zone 2					
Group 1	8.89	.75	1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Zone 2

Group 1: One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

Group 2: Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributer drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailer; Insley wagons; Pump trucks, excavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame, lowboy, and boom truck driver

Group 4: Mechanics and welders

Group 5: Mechanics' helpers, oilers and greasers

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT77-5074 DATE: Date of Publication
Supersedeas Decision No. MT77-5034 dated March 11, 1977, in 42 FR 13765
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters	$ 9.08	.55	.75		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	9.23	.55	.75		.02
CEMENT MASONS:					
Cement Masons	8.90	.75	.25		
Grinder, Bush Hammer and Clipping Fan preparing finished surface; Epoxy	9.05	.75	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.90	.50	3%+.35		
Gallatin County	10.35	.40	3%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	9.55	.55	3%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	10.35		3%+.50		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	10.75	.55	3%+.75		1/2%
Cable Splicers	11.00	.55	3%+.75		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	10.68	.42	3%		1/2%
Cable Splicers	11.18	.42	3%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	9.97	.40	3%+.50		1/2%
Cable Splicers	10.42	.40	3%+.50		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $30,000)	$ 7.65	.40	3%		1/2%
(Electrical contracts $30,000 or more)	9.75	.40	3%		1/2%
Park and Sweetgrass Counties	8.95	.40	3%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	9.20	.55	3%+.50		1/2%
Custer and Garfield Counties	9.08		3%		1/2%
IRONWORKERS:					
Beaverhead, Brodawater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver bow Cos.	10.66	.65	1.15		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	10.66	.65	1.15		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (West of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.60	.25	.10		
Spray	10.40	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	$ 8.13	.49	.20		
Steel	8.38	.49	.20		
Spray	9.36	.49	.20		
Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Philipsburg					
Painter and perfataper	7.60				
Paint mitts	8.12				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	10.40				
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties:					
Painter, brush, preparatory work, Pot Tender, Parking lot and related work, Roller up to 9 inches	8.94	.49	.40		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS: (Cont'd)					
Paperhanger, Brush on steel Water and sandblasting, Application of cold tar products, Epoxies, Polyurethanes and acid resistant paints, Spraying and airless spray	$ 9.44	.49	.40		1/2%
Roller over 9" long	11.19	.49	.40		1/2%
Taper	12.54	.49	.40		1/2%
Broadwater, Gallatin, Jefferson (northern area from a line running east and west five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running east and west through the southern limits of Craig), Madison (east of the west city limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west limits of Helmsville)	9.34	.49	.40		1/2%
Brush	8.44	.25	.20		.03
Parking lot striping and related work	8.69	.25	.20		.03
Paper Hanger	9.19	.25	.20		.03
Perfataper:					
Hand	9.19	.25	.20		.03
Spray	9.69	.25	.20		.03
Machine	9.94	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	6.76				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	9.35	.44	.40		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	10.53	.35	.70		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	11.60	.65	.95		1%
Beaverhead, Brodawater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	11.70	.60	.75		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	11.25	.40	.80		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meagher Counties	$ 10.31	.77	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	10.23	.82	.25		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	9.39	.37	3%+.45		.10
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	10.27	.66	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	9.15	.37	.40	1.00	.02

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asphalt Raker	$ 8.35	.55	.45		.05
Axeman	8.10	.55	.45		.05
Burning Bar	8.26	.55	.45		.05
Car and Truck Loaders, Scissorman	8.10	.55	.45		.05
Caisson Workers (free air)	8.26	.55	.45		.05
Carpenter Tender	8.10	.55	.45		.05
Cement Handlers	8.26	.55	.45		.05
Cement Mason Tender	8.26	.55	.45		.05
Choker Setter	8.26	.55	.45		.05
Chuck Tender and Nipper (above ground)	8.10	.55	.45		.05
Concrete Laborers (wet or dry); Bucketman and Signalman	8.26	.55	.45		.05
Concrete or Asphalt Saw	8.20	.55	.45		.05
Concrete Vibrator (5" and over)	8.40	.55	.45		.05
Cosmolene applying and removing	8.10	.55	.45		.05
Core Drill	8.70	.55	.45		.05
Curb Machine	8.20	.55	.45		.05
Drills, Air-tract, selff-propelled, Cat, or Truck mounted air operated	8.36	.55	.45		.05
Drills, Air-tract, with Dual Mast	8.46	.55	.45		.05
Drills, Air-tract, self-propelled, Mustang type or similar	8.41	.55	.45		.05
Dumpman (Spotter)	8.10	.55	.45		.05
Dumpman (Grademan)	8.26	.55	.45		.05
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	8.10	.55	.45		.05
Form Stripper	8.10	.55	.45		.05
Form Setter	8.20	.55	.45		.05
Gunite Setter	8.45	.55	.45		.05
General Laborer	8.10	.55	.45		.05

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Hand Faller	$ 8.18	.55	.45		.05
Hand Scaler	8.46	.55	.45		.05
High Pressure Machine Nozzleman	8.30	.55	.45		.05
Heater Tender	8.10	.55	.45		.05
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other Power Tools	8.26	.55	.45		.05
Landscape Laborers	8.10	.55	.45		.05
Nozzleman-Air and Water, Gunite and Pluco Machine	8.20	.55	.45		.05
Pipe Layer (all types)	8.26	.55	.45		.05
Pipe Wrapper	8.26	.55	.45		.05
Post Hole Digger (power auger)	8.20	.55	.45		.05
Power Saw, bucking	8.26	.55	.45		.05
Power Saw, falling	8.36	.55	.45		.05
Powderman Helper	8.20	.55	.45		.05
Powderman	8.66	.55	.45		.05
Power Driven Wheelbarrow	8.20	.55	.45		.05
Riprapper	8.26	.55	.45		.05
Riprap Helper	8.10	.55	.45		.05
Scaleman	8.26	.55	.45		.05
Sandblaster	8.30	.55	.45		.05
Sandblaster Tail Hoseman, Pot Tender	8.10	.55	.45		.05
Sodcutter-hand operated	8.10	.55	.45		.05
Spike Driver, single or dual or hand	8.26	.55	.45		.05
Stake Jumper for Equipment	8.10	.55	.45		.05
Switchman	8.26	.55	.45		.05
Tar Pot	8.20	.55	.45		.05
Tool Checker, Toolhouseman	8.10	.55	.45		.05
Welder	9.10	.55	.45		.05

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 9.85	.55	.55	.35	.05
Air Compressor, Single	9.54	.55	.55	.35	.05
Air Compressor, two or more	9.71	.55	.55	.35	.05
Air Dozer	10.01	.55	.55	.35	.05
Asphalt Paving Machine	10.01	.55	.55	.35	.05
Asphalt Paving Machine Screed Automatic Finegrader, Gurries and other similar types	10.01	.55	.55	.35	.05
Belt Finish Machine	10.14	.55	.55	.35	.05
Bit Grinder	9.71	.55	.55	.35	.05
Bituminous Mixer Paving, Travel Plant	10.01	.55	.55	.35	.05
Boring Machine (Small), Jeep, Pickup or Farm Tractor mounted	9.60	.55	.55	.35	.05
Boring Machine (large)	10.01	.55	.55	.35	.05
Broom, Self-propelled	9.68	.55	.55	.35	.05
Cableway Highline	10.52	.55	.55	.35	.05
Cement Silo	9.80	.55	.55	.35	.05
Central Mixing Plants, Concrete dam and stationary	10.26	.55	.55	.35	.05
Chain Bucket Loader	9.73	.55	.55	.35	.05
Chip or Gravel Spreader, Self-propelled	9.73	.55	.55	.35	.05
Concrete Batch Plant, one and two mixers	10.01	.55	.55	.35	.05
Concrete Batch plant, three and four mixers	10.21	.55	.55	.35	.05
Concrete Batch Plant, five mixers and over	10.41	.55	.55	.35	.05
Concrete Batch Plant Oiler, up to and including two mixers	9.53	.55	.55	.35	.05
Concrete Batch Plant Oiler, three mixers and over	9.84	.55	.55	.35	.05
Concrete Bucket Dispatcher	10.01	.55	.55	.35	.05
Concrete Curing Machine	10.01	.55	.55	.35	.05
Concrete Finish Machine Paving	10.01	.55	.55	.35	.05
Concrete Float-Spreader	10.01	.55	.55	.35	.05
Concrete Mixer, three bags and under	9.60	.55	.55	.35	.05
Concrete Mixer, four bags and over	9.77	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Concrete Power Saw, self-propelled	$ 10.01	.55	.55	.35	.05
Concrete Travel Patcher	10.01	.55	.55	.35	.05
Concrete Conveyor under 40 ft	9.59	.55	.55	.35	.05
Concrete Conveyor over 40 ft.	10.34	.55	.55	.35	.05
Concrete Pump	10.34	.55	.55	.35	.05
Conveyor Loader Operator, up to and including 42" belt	9.59	.55	.55	.35	.05
Conveyor Loader Operator over 42" belt	9.71	.55	.55	.35	.05
Crane, to and including 80' boom	10.17	.55	.55	.35	.05
Crane, 81' to 130' boom	10.32	.55	.55	.35	.05
Crane, 131' to 150' boom	10.37	.55	.55	.35	.05
Crane, 151' boom and over	10.42	.55	.55	.35	.05
Crane Oiler	9.58	.55	.55	.35	.05
Crane with jib, an additional $.15 per hour					
Crusher	10.01	.55	.55	.35	.05
Crusher Oiler and Helper	9.50	.55	.55	.35	.05
Crusher Conveyor, when required	9.47	.55	.55	.35	.05
Distributor	10.01	.55	.55	.35	.05
DW 10, 15, or 20 Tractor pulling Roller	9.73	.55	.55	.35	.05
Electric Overhead Cranes	10.19	.55	.55	.35	.05
Elevating Grader	10.01	.55	.55	.35	.05
Farm type Tractor, 44 to and including 50 HP engine	9.47	.55	.55	.35	.05
Farm type Tractor, over 50 HP engine	9.55	.55	.55	.35	.05
Field Equipment Serviceman	9.93	.55	.55	.35	.05
Field Equipment Serviceman Helper	9.50	.55	.55	.35	.05
Fireman	9.60	.55	.55	.35	.05
Forklift, on construction job site	9.82	.55	.55	.35	.05
Form Grader	9.78	.55	.55	.35	.05
Gradall	10.01	.55	.55	.35	.05
Grade Setter	9.47	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty Drill, all types	$ 10.01	.55	.55	.35	.05
Heavy Duty Driller Helper	9.60	.55	.55	.35	.05
Herman-Nelson Heaters and similar type	9.55	.55	.55	.35	.05
Hoist, two or more drums	10.01	.55	.55	.35	.05
Helicopter Hoist	10.51	.55	.55	.35	.05
Hot Plant	10.01	.55	.55	.35	.05
Hot Plant Fireman, when in operation	10.01	.55	.55	.35	.05
Hot plant Oiler, 100 ton per hour or over	9.50	.55	.55	.35	.05
Hydra lift and similar types	9.91	.55	.55	.35	.05
Industrial Locomotive all classes	10.01	.55	.55	.35	.05
Mechanic and/or Welder on job	10.11	.55	.55	.35	.05
Mechanic and/or Welder Helper on job	9.50	.55	.55	.35	.05
Mechanic, Shop (Dec. 1 to April 1)	9.71	.55	.55	.35	.05
Mechanic Helper, Shop (Dec. 1 to April 1)	9.17	.55	.55	.35	.05
Mixermobile	10.09	.55	.55	.35	.05
Motot Patrol	10.14	.55	.55	.35	.05
Mountain Logger or similar type	10.01	.55	.55	.35	.05
Mucking Machine	10.01	.55	.55	.35	.05
Oiler-Driver, Rubber Tired Cranes	9.58	.55	.55	.35	.05
Oilers, other than shovels and cranes	9.50	.55	.55	.35	.05
Oiler, hoist house, dams	9.91	.55	.55	.35	.05
Pavement Breaker, Emsco and similar	10.01	.55	.55	.35	.05
Paving and Mixing Machine	10.14	.55	.55	.35	.05
Power Augers, Large Truck or Tractor mounted and Punch	10.01	.55	.55	.35	.05
Power Mixer, single or double drum	10.02	.55	.55	.35	.05
Power Saw, multiple cut, self-propelled	10.01	.55	.55	.35	.05
Pumpcrete or Grout Machine	10.01	.55	.55	.35	.05
Pumpman	9.45	.55	.55	.35	.05
Push Tractor	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Quad Cat	$ 10.31	.55	.55	.35	.05
Quad Loader and similar type	10.59	.55	.55	.35	.05
Radiator Repairman	9.82	.55	.55	.35	.05
Rayjo Gaint	10.59	.55	.55	.35	.05
Refrigeration Plant	10.01	.55	.55	.35	.05
Retort	9.60	.55	.55	.35	.05
Roller, on Blade or hot mix oil paving	10.01	.55	.55	.35	.05
Roller, on other Blade or hot mic paving	9.71	.55	.55	.35	.05
Roller, 25 ton or over	10.01	.55	.55	.35	.05
Ross and similar type carriers, on construction site	10.01	.55	.55	.35	.05
Rubber-tired Dozer	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard and under	9.72	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard to and including 3 yds.	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10.13	.55	.55	.35	.05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10.23	.55	.55	.35	.05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10.31	.55	.55	.35	.05
Rubber-tired Front End Loader, over 15 yards	10.41	.55	.55	.35	.05
Scraper, DW 10, 20, 21 and similar type if power unit is not used	10.01	.55	.55	.35	.05
Scraper, single or twin engine pulling belly dump trailer	10.39	.55	.55	.35	.05
Scraper, single engine	10.14	.55	.55	.35	.05
Scraper, twin engine	10.24	.55	.55	.35	.05
Scraper, tandem engine or 3 engine	10.59	.55	.55	.35	.05
Self-propelled Sheepfoot and similar type	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovels, including all attachments, under 1 cu. yd.	$10.01	.55	.55	.35	.05
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	10.19	.55	.55	.35	.05
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	10.46	.55	.55	.35	.05
Shovels, including all attachments, over 5 cu. yds.	10.59	.55	.55	.35	.05
Shovel Oiler, 3 yards and under	9.50	.55	.55	.35	.05
Shovel Oiler, over 3 cu. yds.	9.91	.55	.55	.35	.05
Slip Form Paver	10.14	.55	.55	.35	.05
Stiff Leg Derrick and Guy Derrick	10.46	.55	.55	.35	.05
Track-type Front End Loaders, up to and including 5 cu. yds.	10.01	.55	.55	.35	.05
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	10.24	.55	.55	.35	.05
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	10.34	.55	.55	.35	.05
Track-type Front End Loaders, over 15 cu. yds.	20.44	.55	.55	.35	.05
Track-type Tractor w/wo attachments	10.01	.55	.55	.35	.05
Track-type Tractor, on Euclid Loader	10.19	.55	.55	.35	.05
Trenching Machine	10.01	.55	.55	.35	.05
Turnhead Conveyor, or Head Tower on Batch Plant	10.01	.55	.55	.35	.05
Wagner Roller and similar type	10.01	.55	.55	.25	.05
Whirley Crane	10.54	.55	.55	.35	.05
Whirley Crane Oiler	9.91	.55	.55	.35	.05
Water Pull when used for Compaction	10.01	.55	.55	.35	.05
Washing and Screening Plant	10.01	.55	.55	.35	.05
Washing and Screening Plant Oiler	9.50	.55	.55	.35	.05
Yo-Yo Cat, both ends	9.56	.55	.55	.39	.05

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$ 9.01	.65	.50		
Over 4 cu. yds. to and including 6 cu. yds.	9.09	.65	.50		
Over 6 cu. yds. to and including 8 cu. yds.	9.17	.65	.50		
Over 8 cu. yds. to and including 10 cu. yds.	9.25	.65	.50		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment	-				
DISTRIBUTOR DRIVER and HELPER	8.99	.65	.50		
DRY BATCH TRUCKS:					
3 Batch or under	8.76	.65	.50		
Over 3 Batch to and including 5 Batch	8.89	.65	.50		
Over 5 Batch to and including 10 Batch	9.05	.65	.50		
Over 10 Batch to and including 15 Batch	9.21	.65	.50		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.86	.65	.50		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters and Helpers	8.76	.65	.50		
Warehousemen, Partsmen, Cardex Men, Warehouse Expediter	8.96	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling F.E. 21 or Similar Dump Wagons:					
Water Level Capacity, including Sideboards					
7 cu. yds. or less	$ 8.76	.65	.50		
Over 7 cu. yds. to and including 10 cu. yds.	8.89	.65	.50		
Over 10 cu. yds. to and including 15 cu. yds.	9.05	.65	.50		
Over 15 cu. yds. to and including 20 cu. yds.	9.19	.65	.50		
Over 20 cu. yds. to and including 25 cu. yds.	9.25	.65	.50		
Over 25 cu. yds. to and including 30 cu. yds.	9.31	.65	.50		
Over 30 cu. yds. to and including 35 cu. yds.	9.37	.65	.50		
Over 35 cu. yds. to and including 40 cu. yds.	9.43	.65	.50		
Over 40 cu. yds. to and including 45 cu. yds.	9.45	.65	.50		
Over 45 cu. yds. - additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTER	8.89	.65	.50		
SERVICEMEN	9.60	.65	.50		
POWER TRUCK DRIVER (bulk unloader type)	8.94	.65	.50		
FLAT TRUCK:					
To and including 3 tons	8.91	.65	.50		
over 3 tons Factory rating	9.11	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	$ 9.35	.65	.50		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	9.11	.65	.50		
LUMBER CARRIERS, LIFT TRUCKS	9.01	.65	.50		
POWER BROOM	8.85	.65	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	8.76	.65	.50		
Over 2,500 gallons to and including 4,500 gallons	9.05	.65	.50		
Over 4,500 gallons to and including 6,000 gallons	9.25	.65	.50		
Over 6,000 gallons to and including 8,000 gallons	9.31	.65	.50		
Over 8,000 gallons to and including 10,000 gallons	9.39	.65	.50		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Dewdizer Crane, Hydra-lift, Grautcrete, and Combination mulching, seeding and fertilizing	9.01	.65	.50		
TRUCK MECHANIC	9.75	.65	.50		

MONTANA, LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
(Flathead, Lake and Lincoln Cos.)					
All construction of "H" fixtures and steel tower transmission lines with capacity of 69 K.V. voltages and over, Switch yard and substation rated at 5000 K.V.A. and all work not covered by Schedule "B".					
SCHEDULE "A"					
Lineman	$10.29	.45	1%		1/2%
Cable Splicer	11.44	.45	1%		1/2%
Powderman, Jackhammer, Compressorman	7.60	.45	1%		1/2%
Line Equipment Operators	8.76	.45	1%		1/2%
Groundman	6.15	.45	1%		1/2%
Groundman (Experienced)	7.13	.45	1%		1/2%
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
SCHEDULE "B"					
Lineman	9.19	.45	1%		1/2%
Cable Splicers	10.22	.45	1%		1/2%
Pole Sprayer	9.08	.45	1%		1/2%
Line Equipment Operators	7.97	.45	1%		1/2%
Powderman, Jackhammer, Compressorman	6.94	.45	1%		1/2%
Groundman	6.52	.45	1%		1/2%
Tree Trimmer	9.44	.45	1%		1/2%

MONTANA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd)					
Remaining Counties					
Jobs over 69,000 Volts:					
Lineman, Pole Sprayer	$ 9.31	.35	1%		1/2%
Cable Splicer	9.80	.35	1%		1/2%
Line Equipment Operator; Powderman	8.53	.35	1%		1/2%
Groundman	7.04	.35	1%		1/2%
Jobs 69,000 Volts or less:					
Lineman	8.65	.35	1%		1/2%
Cable Splicer	9.56	.35	1%		1/2%
Line Equipment Operators; Powderman	8.47	.35	1%		1/2%
Groundman	5.93	.35	1%		1/2%
Experienced Groundman (1000 hours); Truck Drivers	6.68	.35	1%		1/2%

DECISION NO. MT77-5074

MONTANA DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Assistant Mate (Deckhand)	$10.04	.60	1.05		.11
Fireman	10.14	.60	1.05		.11
Oiler	10.14	.60	1.05		.11
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	10.48	.60	1.05		.11
Mates and Boatman	10.48	.60	1.05		.11
Engineer Welder	10.53	.60	1.05		.11
Crewman	10.53	.60	1.05		.11
Assistant Engineer (Electric, Commutator Operators for Primary Pump, Power Barge or Dredge)	10.58	.60	1.05		.11
Leverman, Hippos:					
(a) 8 Yards and Under	11.29	.60	1.05		.11
(b) Over 8 Yards	11.84	.60	1.05		.11
Leverman, Hydraulic	10.90	.60	1.05		.11

SUPERSEDED DECISION

STATE: Nevada

COUNTIES: Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

DECISION NUMBER: NV77-5072

DATE: Date of Publication

Supersedes Decision No. NV77-5012 dated February 11, 1977, in 42 FR 8947.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$ 11.92	.78	$ 1.17	$ 1.00	
BRICKLAYERS	11.37	.70	.60		.06
BRICK TENDERS	8.47	.51	1.25	1.00	
CARPENTERS:					
Carpenters	11.19	.65	.90	.80	.03
Floor Layers	11.215	.65	.90	.80	.03
Millwrights	11.69	.65	.90	.80	.03
CEMENT MASONS:					
Cement Masons	8.25	1.00	.40	2.00	.08
Floor Finishing Machine	8.60	1.00	.40	2.00	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	13.07	.73	18+.40		.05
Cable Splicers	13.40	.73	18+.40		.05
Groundman	80%J	.73	18+.40		.05
IRONWORKERS:					
Reinforcing; Ornamental; Structural	11.30	1.14	1.86	1.20	.04
PAINTERS:					
Brush; Roller Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers; Buffing; Sandblasters, Steel	9.21	.75	.35	1.50	.06
PLUMBERS; Steamfitters	9.56	.75	.35	1.50	.06
ROOFERS	11.05	1.05	1.90	1.85	.08
SHEET METAL WORKERS	12.75	.65			
SPRINKLER FITTERS	10.88	.93	1.60	1.00	.05
	15.05	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 8.08	.51	$ 1.25	$ 1.25	
Group 2	8.13	.51	1.25	1.25	
Group 3	8.16	.51	1.25	1.25	
Group 4	8.18	.51	1.25	1.25	
Group 5	8.20	.51	1.25	1.25	
Group 6	8.21	.51	1.25	1.25	
Group 7	8.23	.51	1.25	1.25	
Group 8	8.26	.51	1.25	1.25	
Group 9	8.27	.51	1.25	1.25	
Group 10	8.29	.51	1.25	1.25	
Group 11	8.34	.51	1.25	1.25	
Group 12	8.37	.51	1.25	1.25	
Group 13	8.39	.51	1.25	1.25	
Group 14	8.42	.51	1.25	1.25	
Group 15	8.44	.51	1.25	1.25	
Group 16	8.505	.51	1.25	1.25	
Group 17	8.53	.51	1.25	1.25	
Group 18	8.60	.51	1.25	1.25	

LABORERS

Group 1: Laborer - general; Laborer - demolition (cleaning of bricks, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Flagman, spotter, debris handler and dumpman; Fence Builder; Tool Attendant (jobsite only); Gas and oil pipeline laborer

Group 2: Cutting torch operator (demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine grader; highway and street paving, airport runways and similar work; Landscape gardener, nurseryman and grounds keeper

Group 5: Laborer - packing rod steel and pans

Group 6: Underground laborer including caisson bellowers (except tunnels)

Group 7: Chucktender (except tunnels); Scaler; Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer - impervious membrane and oiler of all materials and form oiler; Riprap stonepaver; Sandblaster (pot tender); Making and caulking of all non-metallic pipe joints

Group 10: Operators and tenders of pneumatic and electric tools, vibrating machines, and similar mechanical tools not separately classified herein, including hand guided ditch witch and hand type roller; Asphalt raker, ironer, spreader; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man excluding tractor type; Concrete core cutter; Gas and oil pipeline wrapper - pot tender and form man; Operator of cement grinding machines; Roto-scraper; Tree climber, faller, chain saw operator; Pittsburgh chipper and similar type brush shredders

LABORERS (Cont'd)

Group 11: Rock slinger; Scaler (using bos'n chair or safety belt or power tools)

Group 12: Driller and/or pavement breaker

Group 13: Laying of all nonmetallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and oil pipeline wrappers - 6 inch pipe and over

Group 15: Caisson or shorer; Powderman

Group 16: Steel Header/Board Man

Group 17: Driller (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills; Sandblaster (nozzleman)

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS (except Piledriving and Steel Erection)					
Group 1	$ 9.98	.95	$ 2.00	.30	.04
Group 2	10.22	.95	2.00	.30	.04
Group 3	10.46	.95	2.00	.30	.04
Group 4	10.57	.95	2.00	.30	.04
Group 5	10.76	.95	2.00	.30	.04
Group 6	10.86	.95	2.00	.30	.04
Group 7	9.76	.75	2.00	.30	
Group 7-A	9.47	.75	2.00	.30	
Group 7-B	9.36	.75	2.00	.30	
Group 7-C	9.12	.75	2.00	.30	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yard or less (w/o drag-type attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or Similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Self-propelled Tar Pipe-lining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber-tired, heavy duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Sliploader, wheeltype, over 3/4 yards, up to and including 1½ yards; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tractor Operator - drag-type Shovel, Bulldozer, Tamper, Scraper and Push Tractor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader Operator - Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or sizes); Multiple-engine earth-moving machinery; Pneumatic Concrete placing machine - Hackley-Presswell or similar type; Rotary Drill, excluding Ciasson type; Skiploader, wheeltype, over 1½ yards; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, cleaning and bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine); Forklift, over 5 tons

Group 7: Drillmr Operator; Fishing tool engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drill Helper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$ 9.37	.39	.70		
Group 2	9.48	.39	.70		
Group 3	9.53	.39	.70		
Group 4	9.69	.39	.70		
Group 5	9.87	.39	.70		

TRUCK DRIVERS

Group 1: Light Duty Driver

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts Stockroom Clerk

Group 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren

DECISION NO.: NJ77-3093

DATE: Date of Publication

Supersedes Decision No. NJ77-3038 dated June 3, 1977 in 42 FR 28779

DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANIC: Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	$ 8.50	.045	.18	m	.04
ASBESTOS WORKERS:					
ZONE 1	11.60	.80	.90		.025
ZONE 2	10.25	.92	1.03	1.74	.04

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsbury, Clinton, Delaware, East Amwell, Flemington, Franklin, Frenchtown, Glen Garden, Hampton, High Bridge, Holland, Kingwood, Lambertville, Labanon, Milford, Raritan, Readington, Stockton, Union, and West Amwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships) and Warren (Franklin, Greenwich, Hamony, Lopatcong, Oxford, Phillipsburg, Pohotcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

BOILERMAKERS	10.57	8%	20%+.25	10%	.01
BOILERMAKERS HELPERS	10.04	8%	20%+.25	10%	.01

DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	10.60	.60	.70		.02
ZONE 2	11.25	1.07	1.35		.03
ZONE 3	11.35	.84	.65		.02
ZONE 4					
Bricklayers & Stone Masons	11.05	.87	.75		
Cement Masons	10.60	.75	1.00		
Plasterers	10.60	.75	1.00		.05
ZONE 5	11.20	.90	.55		
ZONE 6	11.30	.75	.70		.02
ZONE 7	11.65	.50	.70		
ZONE 8	11.19	.70	.75		.02
ZONE 9	11.50	.65	.60		.02

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (except Wallington, part of East Patterson, Garfield, Lodi, North Arlington, part of Lyndhurst, and part of Edgewater) County.

ZONE 3 - Bergen (remainder of county); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, along Route #206 to Lafayette, then along North Church Road to Route #32, then along Route #23 to Passaic County Line) Counties.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Munellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

ZONE 6 - Essex (Millburn Township), Middlesex (remainder of county), Morris (Gillette & Sterling) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Annadale, Lebanon, White House Station, Readington, Stantion and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris, (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 1	10.56	8%	8%+.50		.02
ZONE 2	10.85	.60	1.00	.5%	.02
ZONE 3					
Carpenters & Insulators	11.26	8%	7%		1/5 of 1%
Millwrights	11.51	8%	7%		1/5 of 1%
ZONE 4					
Carpenters & Insulators	11.26	8%	7%		1/5 of 1%
Millwrights	11.51	8%	7%		1/5 of 1%
ZONE 5					
Carpenters & Insulators	11.26	8%	7%	5%	1/5 of 1%
Millwrights	11.51	8%	7%	5%	1/5 of 1%

AREA COVERED BY CARPENTERS, ETC. ZONE

ZONE 1 - Bergen (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville) and Hudson Counties.

ZONE 2 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Sommerset Countly Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory smuth of a line beginning at Amwell on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstewn to the Delaware and Raritan Canal) Counties.

ZONE 3 - Hunterdon (remainder of County), Middlesex, Morris, Passaic, Somerset (remainder of mounty), Sussex, Union and Warren Counties.

ZONE 4 - Essex County

ZONE 5 - Bergen (remainder of county)

DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCK BUILDERS & PILEDRIVERMEN	11.45	1.40	1.78	.76	.02
DRYWALL TAPERS & FINISHER	10.60	1.10	.50		.10
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	13.24	7%	10%		
ZONE 2	12.95	6%	6% + .54		.02
ZONE 3	13.43	6%	3% + .42		.02
ZONE 4	12.95	6%	3% + .50		
ZONE 5	12.68	6%	6% + .56		1/2 of 1%
ZONE 6	13.33	6%	6%		
ZONE 7	13.20	6%	3% + .50		
ZONE 8	13.14	6%	3% + .55		.02
ZONE 9	13.14	6%	3% + .50		
ZONE 10	13.14	6%	3% +1.29		.02
ZONE 11	12.85	6%	3% +1.29		.02
ZONE 12	13.66	6%	3% + .42		.02
ZONE 13	12.90	12%	7%		.02
ZONE 14	11.20	6%	3% + .50		.02
ZONE 15	11.20	6%	3% + .50		

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

ZONE 4 - Union (remainder of county) County.

ZONE 5 - Bergen and Hudson Counties.

DECISION NO. NJ77-3093

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONE (CONT'D)

ZONE 6 - Passaic County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Tewksburg Township and Califon Boro) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave., to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Still well Rd., and west on Hall's Bridge Rd., to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to to the Harlingen Rd. and west along that road the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

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AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONE (CONT'D)

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Hamony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Construction:					
Mechanics	10.12	.495	.32+a	b+c	.02
Helpers	7.59	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Modernization:					
Mechanics	9.35	.495	.32+a	b+c	.02
Helpers	7.01	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Contract Repair:					
Mechanics	8.50	.495	.32+a	b+c	.02
Helpers	6.38	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
GLAZIERS:					
ZONE 1	9.77	.60	1.10		.03
ZONE 2	11.50	.91	.65		.02
ZONE 3	11.35	.85	1.25		.05

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of mounty) and Warren Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H E W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS - Structural, Reinforcing & Ornamental					
Warren County	12.10	.84	1.36		
Bergen, Essex, Hudson, Hunterdon Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	10.82	7%	23%	10%	1%
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1					
Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	7.80	.75	.85		.02
ZONE 2					
Laborers, AIr Tool Op. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	7.70	1.00	.70		.02
ZONE 3					
Regular Laborers	8.55	.60	.40		.02
Mortar Mixers, Scaffol Men & Pneumatic Hammer Ops.	8.80	.60	.40		.02
ZONE 4					
Common Laborers	8.35	.65	.40		.02
ZONE 5					
Common Laborers	7.80	.75	.85		.02
ZONE 6					
Common Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers & Pipelayers (concrete & Clay)	8.00	.70	.70		.02
ZONE 7					
Common Laborers	7.05	.75	.75	.90	.02
ZONE 8					
Common Laborers	8.50	.40	.50		.02
ZONE 9					
Common Laborers	8.50	.40	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H E W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION CONT'D					
ZONE 10					
Laborers, Wrecking, Demolition, Concrete Mixers, W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	8.50	.45	.45		.02
ZONE 11					
Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	8.25	.65	.50		.02
ZONE 12					
Laborer, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	8.25	.60	.55		.02
ZONE 13					
Laborers, Tenders, Scaffolds, Excavating & Site Preparation & Clearance, Bituminous Concrete & Aggregates, Trenches, Manholes, Handling & Distribution of Pipes, Underpinning, Lagging, Bracing, Propping & Shoring	7.80	.75	.85		.02
ZONE 14					
Common Laborers	7.95	.70	.60		.02
ZONE 15					
Common Laborers	8.00	.70	.70		.02
ZONE 16					
Common Laborers, Air Tool Ops. Mason Tenders, Plasterer Tenders & Mortar Mixers	7.80	.75	.85		.02
ZONE 17					
Common Laborers, Hod Carriers, Power Tool Ops. & Plasterer Tenders	8.25	.50	.35		.02

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AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

ZONE 2 - Bergen (remainder of County) County.

ZONE 3 - Essex (City of East Oragne, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montclair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Townships) Counties.

ZONE 6 - Essex (remainder of county) and Hudson(kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of County) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro.) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Netcong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Ced Knools, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of County) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

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AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES (Cont'd)

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Millstone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of County) and Union (remainder of County) Counties.

ZONE 17 - Hunterdon and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H E W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	$9.10	.70	1.00	e	.10
GROUP 2	8.95	.70	1.00	e	.10
GROUP 3	8.70	.70	1.00	e	.10
GROUP 4	8.65	.70	1.00	e	.10
GROUP 5	8.55	.70	1.00	e	.10
GROUP 6	8.45	.70	1.00	e	.10
GROUP 7	8.20	.70	1.00	e	.10
GROUP 8	8.05	.70	1.00	e	.10
GROUP 9	8.00	.70	1.00	e	.10

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CLASSIFICATION DEFINITIONS
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stonecutters.

GROUP 3 - Rimmermen

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools used to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Caser Men, Conduit and Duct Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on cold Patch Work.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS - FREE AIR TUNNEL JOBS:					
GROUP 1	9.47	.70	1.00	e	.10
GROUP 2	9.07	.70	1.00	e	.10
GROUP 3	8.91	.70	1.00	e	.10
GROUP 4	8.40	.70	1.00	e	.10

CLASSIFICATION DEFINITIONS
LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Blank Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All other skilled men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workmrs and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-Skilled Men).

GROUP 4 - All other (including Powder Watchmen, Changehouse Attendents, Top Laborers).

LABORERS, ASPHALT CONSTRUCTION:					
ZONE 1					
STREET:					
Head Raker	8.20	.71	.74	e	.05
Rakers & Screen Men	8.05	.71	.74	e	.05
Tampers, Smoothers, Kettlemen, Painters, Pot Shovelers & Roller Boys	7.80	.71	.74	e	.05
PLANT:					
Scale Mixer & Burner Men	8.05	.71	.74	e	.05
Feeders & Dust Men	7.80	.71	.74	e	.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, ASPHALT CONSTRUCTION: (Cont;d)					
ZONE 2					
STREET:					
Head Rakers	$7.90	.60	1.00	e	.10
Rakers and Screed Men	7.75	.60	1.00	e	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers and Roller Boys	7.50	.60	1.00	e	.10
PLANT:					
Scale Mixer and Burner Men	7.75	.60	1.00	e	.10
Feeders and Dust Men	7.50	.60	1.00	e	.10

AREA COVERED BY LABORERS, ASPHALT CONSTRUCITON ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of County), Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of County) County.

LATHERS	10.00	.60	.25		.02
LEAD BURNERS	10.75	.40	.25	f	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen and Welders	13.24	7%	10%		
ZONE 2					
Linemen and Equipment Operators	13.33	6%	8%		½ of 1%
Cable Splicers	14.41	6%	8%		½ of 1%
Groundmen	9.33	6%	8%		½ of 1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators and Groundmen	12.68	5%	8% + .58		3/4of1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	6% + .54		
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	4%	3% + .42		½ of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	3% + .60		
ZONE 7					
Linemen and Equipment Operators	13.10	6%	3% + .60		
Groundmen and Line Truck Operators	11.55	6%	3% + .60		
ZONE 8					
Linemen and Equipment Operators	11.95	4%	3% + .42		½ of 1%
Groundmen and Winch Operators	10.09	4%	3% + .42		½ of 1%
ZONE 9					
Linemen and Equipment Operators	11.95	6%	3% + .60		
Groundmen and Line Truck Operator	10.09	6%	3% + .60		
ZONE 10					
Line and Equipment Operators	12.85	6%	3% +1.29		
Groundmen and Winch Operators	12.00	6%	3% +1.29		
ZONE 11					
Linemen and Equipment Operators	12.85	4%	3% + .42		½ of 1%
Groundmen and Winch Operators	12.00	4%	3% + .42		½ of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
ZONE 12					
Linemen and Equipment Operators	$12.90	12%	7%		½ of 1%
Groundmen and Winch Operators	12.00	12%	7%		½ of 1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3% + .50		½ of 1%
Groundmen	6.67	6%	3% + .50		½ of 1%
ZONE 14					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3% + .60		
Groundmen	6.67	6%	3% + .60		

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southerly direction from Morris Ave. along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave. to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains LIne, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and south west on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (rmeaindar of County) County.

AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 7 - Morris and Sussex Counties

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd, southwest on Mount Prospect Rd., west on Martinvsville-Pluckemin Rd., west on Klines Mill Rd., north on John Kane Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Harlingen Rd., West along that road the Dutchtown - Zine Rd. to Hillsboro Township Line) Counties

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of County) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd., along Mill Rd. to the Raritan River, along the Rarian River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of County) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	11.19	.70	.75		.02
ZONE 2					
Marble Setters	10.00	1.13	1.19	q	
Terrazzo Workers	10.73	1.21	1.50		
Tile Setters	9.15	.80	2.10		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS/FINISHERS:					
ZONE 1					
Marble Setters Finishers	8.28	1.09	1.23	q	
Terrazzo Workers Finishers	9.14	.76	1.95		
ZONE 2					
Tile Setters Finishers	9.00	.84	.51		

AREA COVERED BY MARBLESETTERS FINISHERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and Cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beemerville, Mt. Pisah, Swartswood, Huntsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Painters and Tapers	10.00	.95	1.60		.06
Steel outside	11.00	.95	1.60		.06
Spray and Sandblasting	11.55	.95	1.60		.06
Rollers on vitreous coatings, exotic coatings, insul-rock ceilings, stacks and storage tanks	11.55	.95	1.60		.06
ZONE 2					
Brush and Roller	9.40	.85	.90		
Spray	10.30	.85	.90		
Repaint work	9.00	.85	.90		
ZONE 3					
Painters on new construction and major alterations	9.40	.55	.50	.30	.05
Painters on repaint work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on repaint work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.05	.55	.50	.30	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Repaint work as described above	9.05	.55	.50	.30	.05
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials	10.00	.55	.50	.30	.05
ZONE 4					
Commercial & Industrial Sprayers, Tapers, Coverers, & Spacklers	9.57	.90	1.75	.50	
Paperhangers	9.80	.90	1.75	.50	
All extension ladder work, 36' high or over, scaffold work, structural steel, tanks, bridges, towers, smoke stacks, radio towers, television towers, flag poles (steel or wood), fire escapes from top to bottom, cable work & hazardous work	10.00	.90	1.75	.50	
Sandblasting & Spraying	10.46	.90	1.75	.50	
	10.50	.90	1.75	.50	

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Edison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twps, and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 3 - Essex, Hudson (west half of county), Hunterdon, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 4 - Hudson (remainder of county).

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPE FITTERS:					
Bergen & Hudson Counties	11.00	1.10	.80	1.00	.25
PLUMBERS:					
ZONE 1	11.50	.70	.75	1.00	.20
ZONE 2	10.55	.76	.75	1.00	.02
ZONE 3	11.85	.75	1.35		.20
ZONE 4	10.66	.60	1.00	.85	.11
ZONE 5	11.36	.73	.83	1.25	.10

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Haworth, Hillsdale, Lemnia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Rivervale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Teterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park Edgewater, Fairview, Fort Lem, Morsemere and Ridgefield) and Hudson (Guttenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.

ZONE 3 - Hudson (Citiss of Hoboken, Haymans and Jersey City) County.

ZONE 4 - Union (Fanwood, Netherwood, Plainfield and Plainfield Twp.) County.

ZONE 5 - Union (Cranford, Cranford Twp., Garwood, Hillside, Hillside Twps., Kenilworth, Linden, Lorraine, Lyons Farms, Mountainside, Picton, Rahway, Roselle, Roselle Park, Scotch Plains, Scotch Plains Twp., South Elizabeth, Townley,Union, Union Twps., West Elizabeth, Westfield, Westfield Twp. and Winfield) County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	12.425	.65	1.00		.15
PLUMBERS & PIPEFITTERS:					
ZONE 1	10.51	.65	1.00	10%	.05
ZONE 2	12.10	.65	.70		.08
ZONE 3	10.61	6%	8%	10%	1%
ZONE 4	10.85	.675	1.36	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County.

ZONE 2 - Middlesex (Piscataway to Old Bridge to the County Line and North thereof) County.

ZONE 3 - Middlesex (Adams, Gardiner Corners, Guyton, Deans, Helmetta, Highland Park, Kingston, Livingston Park, Jamesburg, Milltown, Monroe Twps. New Brunswick, New Durham, North Brunswick Twp., Northstelton, Old Bridge, Piscataway, Raritan Twp., South Brunswick Twp., South River, Spotswood and Steelmanville) and Somerset (Clyde, Middlebush, South Bound Brook, South Branch, Voorhees, Warren Twp. and West New Brunswick) Counties.

ZONE 4 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Holmkus, Waldwick, Allendale, Uppse Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahawah), Morris (Lincoln Park, Pompton Plains, Pequanock, Pequanock Twp., Riverdale, Butler, Kinnelon Boro., Jacksonville and Brook Valley) and Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Haledon, Haledon, Hawthore, Pompton Lakes, West Milford Twp., Ringwood Boro., Boro of Wanaque, Bloomingdale, Mountain View, Part of Clifton and Clintwn) Cmumtims.

DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
ZONE 1					
Plumbers	11.50	.65	1.00	1.00	
Steamfitters	11.00	1.10	.80	1.00	.25
ZONE 2	10.77	.60	1.00	.75	.10
ZONE 3	11.69	.67	.90		.05
ZONE 4	10.25	1.04	.77	1.10	.09
ZONE 5	11.42	.65	1.00	1.00	.15
ZONE 6	11.42	.60	1.00		.20
ZONE 7	11.42	.65	1.00	1.00	.15
ZONE 8					
Steamfitters	10.49	7%	9%	10%	½ of 1%

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Bergen (Lodi, Garfield and Wallington and Passaic (Passaic) Counties.

ZONE 2 -Essex (Short Hills and Millburn) and Union (Ashbrook, Berkeley Heights, Great Island, Murray Hill, Springfield, Chatham Twp., Unionburg, Unionville, Vauzhall, Warners, Summit, Summit Twp., New Providence and New Providence Twp) Counties.

ZONE 3 - Hunterdon (Barbertown, Bowne, Cooperhill Flemington, Idell, Lambertville, Larisons Corners, Linvale, Lockton, Raven Rock, Ringoes, Rocktown, Rosemont, Sand Brook, Sergeantsville, Stockton and West Amwell Twp.) County.

ZONE 4 - Hunterdon (remainder of county), Middlesex (Cranbury, Cranbury Twp., Cranbury Station, Franklin Park, Monmouth Junction,Oakley, Plainsboro, Plainsboro Twp. and Prospect Plains) and Somerset (Griggstown, Harlingen, Kingston, Skillman and Stoutsburg) Counties.

ZONE 5 - Somerset (remainder of county) and Warren (area encompassed by the Delaware River, Hunterdon and Morris County Lines including Belvidere and south thereof) Counties.

ZONE 6 - Morris (Beginning at Dover to Rockway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, Montague, Port Jervis, (N.Y.), Glenwood, Stockholm, Charlottsburg and returning to Dover), Sussex and Warren (remainder of county) Counties.

ZONE 7 - Morris (remainder of county) County.

ZONE 8 - Essex (except Millburn and Short Hills), Middlesex (Middlesex Boro., South Plainfield, New Market, Dunellen, New Market, a portion of Piscataway Twp. & a portion of Edison Twp.), Somerset (North Plainfield, Warren Twp. & Greenbrook Twp.) & Union (except Springfield & a portion of Mountainside & Union Twp.) Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	15.31	7%	15%	h	3%
GROUP 2	13.49	7%	15%	h	3%
GROUP 3	12.61	7%	15%	h	3%
GROUP 4	12.50	7%	15%	h	3%
GROUP 5	12.27	7%	15%	h	3%
GROUP 6	11.78	7%	15%	h	3%
GROUP 7	11.49	7%	15%	h	3%
GROUP 8	11.32	7%	15%	h	3%
GROUP 9	11.27	7%	15%	h	3%
GROUP 10	11.15	7%	15%	h	3%
GROUP 11	11.10	7%	15%	h	3%
GROUP 12	10.86	7%	15%	h	3%
GROUP 13	10.46	7%	15%	h	3%
GROUP 14	10.29	7%	15%	h	3%
GROUP 15	9.95	7%	15%	h	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet, or over above ground level.

DECISION NO. NJ77-3093

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2 yds but less than 5 yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-Le-Tourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago BOOM type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

DECISION NO. NJ77-3093

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D.)

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (Building & Heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (side on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch winch or similar); drill doctor (duties include dust collector); dope pots (Mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway,road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (In conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - Building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 9 - Broom & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with job site); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer constructiom rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or elemtric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only.)

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

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DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
STEEL ERECTION:					
GROUP 1	17.12	7%	15%	h	3%
GROUP 2	15.31	7%	15%	h	3%
GROUP 3	14.40	7%	15%	h	3%
GROUP 4	13.66	7%	15%	h	3%
GROUP 5	11.88	7%	15%	h	3%
GROUP 6	11.49	7%	15%	h	3%
GROUP 7	11.34	7%	15%	h	3%
GROUP 8	10.97	7%	15%	h	3%
GROUP 9	10.41	7%	15%	h	3%

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot and communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition	10.35	.68	1.00		
ZONE 2					
Composition, Waterproofing, Slate & Asphalt Shingle	10.15	.50	.60		
ZONE 3					
Composition, Damp & Waterproofing	11.82	.80	1.00		
ZONE 4					
Slate and Tile	10.25	.80	1.30		
Slate & Tile Helpers	8.20	.80	1.30		
ZONE 5					
Slate and Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
ZONE 6					
Composition, Damp and Waterproofing	11.80	1.00	.65		
Slate and Tile	11.925	1.00	.65		
Slate & Tile Helpers	10.75	1.00	.65		
ZONE 7					
Composition, Damp & Waterproofing	9.85	1.59	2.65	.65	

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Hunterdon and Somerset (Rocky Hill, Harlingen, Belle Meade, Neshanic, Clover Hill, Montgomery. Zion, Skillman, Stoutsburg, Blawenburg, Centerville and Kingston) Counties.

ZONE 3 - Essex, Hundson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminister, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung), Sussex, Union (remainder of county) and Warren Counties.

ZONE 4 - Bergen, Passaic and Sussex Counties.

ZONE 5 - Essexx Hudson, Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung), Sussex, Union (remainder of county) and Warren Counties.

ZONE 6 - Middlesex, Somerset (remainder of county) and Union (Scotch Plains, Plainfield, Clark and Rahway) Counties.

ZONE 7 - Hudson (remainder of county) County.

DECISION NO. NJ77-3093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
SHEET METAL WORKERS:					
Middlesex County	10.94	6%+i	5%+.10	8%	.07
Essex and Passaic Counties	11.00	4%+.29	4%+.06	8%	.03
Bergen and Hudson Counties	10.17	5%+.16+i	5%+.10	4%+.06	.02
Warren County	9.76	1.17	1.03		.05
Morris, Somerset, Sussex and Union Counties	10.15	.91	.94	.54	.07
Hunterdon County	10.21	.84	.60		.02
SOFT FLOOR LAYERS	10.33	6%	5%+.50		
SPRINKLER FITTERS:					
ZONE 1	11.73	.60	.90		.07
ZONE 2	12.40	.65	.95		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown and North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville and Somerville) and Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex and Warren Counties.

TRUCK DRIVERS:				
ZONE 1				
GROUP 1	7.27	.68	.75	j & k
GROUP 2	7.50	.68	.75	j&k
GROUP 3	7.55	.68	.75	j&k
GROUP 4	7.65	.68	.75	j&k
GROUP 5	7.75	.68	.75	j&k
ZONE 2				
GROUP 1	8.52	1	.96	j&k
GROUP 2	8.75	1	.96	j&k
GROUP 3	8.80	1	.96	j&k
GROUP 4	8.90	1	.96	j&k
GROUP 5	9.00	1	.96	j&k

DECISION NO. NJ77-3093

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONES 1 and 2

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinklers, Road Oil, Stringer, Bead, Hot Mass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, K-Way, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor and Spreader, Nipper, Fuel. Trucks (Drivers on Fuel Trucks including Handling of hose and nozzles-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), Concrete Mobile Trucks (entire unit), Expediter (parts chasers), Heltcrete Trucks, Dump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checker, Receivers, Shippers, Binning Men (Materials), Curbex Man, Helper when required on Graybill Coal Tar Epoxy Truck and Asphalt and Bituminous Distributor Truck, Drivers on the following type vehicles: Graybill Coal Tar Epoxy Trucks, Little Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck and any Rubber Tired Tractor used in pulling and towing Farm Wagons and Trailers of any description, similar type vehicles, Off-site and On-site Repair Shop.

GROUP 3 - Drivers on straight 3-Axle Materials: Trucks and Floats.

GROUP 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors and Wagons, Dumpters, Straight, Bottom, Rear and Side Dumps, Carryalls and Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls and similar types of Vehicles; Drivers on Tractors and Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Dumpty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

GROUP 5 - Winch Trailers Drivers

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AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Avenue south of Cranford) and Warren Counties.

ZONE 2 - Essex, Morris, Sussex and Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 30 full days for the employer during the 90 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

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FOOTNOTES: (CONT'D)

g. Holiday: A half day's pay for Labor Day.

h. Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

i. Employer contribution of 3% based on the basic hourly rate plus Health and Welfare plus Pension and Vacation Fringes.

j. Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day, provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

k. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

l. Employer contribution of $116.80 per month per employee to Health and Welfare Funds.

m. Holidays: A through F, plus Armistice Day and Washington's Birthday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE
DECISION NO. NY77-3087 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY77-3015 dated February 11, 1977 in 42 FR 8973
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.31	1.02	.55		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS:					
Bricklayers and stone masons	12.39	.55	1.40		
Terrazzo workers & tile setters	12.105	.55	1.40		
Mason madons	12.01	.55	1.40		
CARPENTERS, BUILDING:					
Grand Island north of White Haven Road					
Carpenters	12.69	.55	1.10		.02
Millwrights	12.80	.55	1.10		.02
Remainder of County, Building, Heavy and Highway:					
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	11.33	1.25	1.55		
Divers	18.62	1.25	1.55		
CEMENT MASONS	12.68		1.25		
ELECTRICIANS	12.49	.65	3%+1.00	g	.05
ELEVATOR CONSTRUCTORS	12.51	.745	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	8.76	.745	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	6.255				
GLAZIERS	10.34	1.60	.70		.15
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING:					
Grand Island to White Haven Road	10.82	.86	.82		
Remainder of County	11.52	1.06	1.56		
LATHERS	11.92		.10		.01
LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen	11.10	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Groundmen digging machine operation	9.9%	.65	1%+.60	d	½%
Groundmen mobile equipment	8.8%	.65	1%+.60	d	½%
Groundmen truck driver and mechanic and	8.325	.65	1%+.60	d	½%
Groundmen dynamite man	8.80	.65	1%+.60	d	½%

DECISION NO. NY77-30%7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE, TILE & TERRAZZO WORKERS' HELPER	9.51	1.55	.4%		
PAINTERS:					
Grand Island North of White Haven Road:					
Painters, brush	%.99	1.12	1.45		.01
Spray, steel, steeple jacks, stage chair, and sandblasting	%.74	1.1%	1.45		.01
Bridge-crossing the Niagara River	11.355	1.12	1.4%		.01
Remainder of County:					
Painters, brush	11.005	.%75	.30		.10
Steel tanks, towers, stacks, bridges, cranes, flag poles, radio TV towers	11.%05	.97%	.3%		.%0
Sandblasting, swing stage, scaffold, spray, bosun chair, epoxy or similar	11.25%	.975	.3%		.10
Bridges 35' high or in depth of 35' from road level	12.67	.97%	.30		.10
PLASTERERS:					
Except Tonawanda & Grand Island	12.06				
PLUMBERS	12.15	.%3	1.11		.06
ROOFERS:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	10.62	.%9	1.30		.0%
Slate, precast tile roofers, tile asbestos	10.77	.89	1.30		.02
SHEET METAL WORKERS	11.98	1.33	1.03		.08
SOFT FLOOR LAYERS	11.18	1.25	1.55		
SPRINKLER FITTERS	11.6%	.6%	.%0		.06
STEAM FITTERS	12.87	1.1%	.%8		.08
TRUCK DRIVERS, BUILDING, HEAVY & HIGHWAY:					
All other truck drivers	10.72	.60	.775	e+f	
Euclid	10.97	.60	.775	e+f	
Dump	9.60	.50	.55		
Ready-mix	9.965	.50	.775		

DECISION NO. NY77-3087

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 3 full days during the 90 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, one week vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Holidays: A through F except where the employee is laid off 2 or more weeks prior to the holiday.

g. Employees shall be given time off with pay on election day in accordance with the New York State Election Law.

DECISION NO. NY77-3087

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
BUILDING					
Bottoman, blaster; plumbing laborer, wagon drill operators; mixing scaffold	8.555	1.55	1.40		.10
Pneumatic-gas-electric tool op	8.405	1.55	1.40		.10
Tool operator (over 8 feet deep)	8.505	1.55	1.40		.10
Mortar mixer	8.455	1.55	1.40		.10
Foundation laborer (over 8 feet deep): Hod carriers; plasterer tender; plasterer scaffold builder; pneumatic gas-electric tool operator	8.405	1.55	1.40		.10
Laborer	8.305	1.55	1.40		.10
WRECKING					
Wagon drill operator	8.555	1.55	1.40		.10
Pneumatic-gas-electric tool operators steel burners	8.405	1.55	1.40		.10
Wrecking & topman	8.305	1.55	1.40		.10
OPEN CUT SEWER					
Blaster: Wagon drill op.	8.555	1.55	1.40		.10
Pneumatic-gas-electric tool op.	8.405	1.55	1.40		.10
Laborer: Top men	8.305	1.55	1.40		.10
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)					
Blaster: Bottom men; wagon drill op.	8.555	1.55	1.40		.10
Pneumatic-gas-electric tool op.	8.40	1.55	1.40		.10
Top men	8.305	1.55	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
Rodman (reinforce); welder	8.905	1.55	1.40		.10
Lead miner	8.705	1.55	1.40		.10
Concrete form mover: Monkey hole man: Side miner	8.655	1.55	1.40		.10
Bottom shaft men	8.505	1.55	1.40		.10
Tunnel shaft mucker; shaft miner	8.555	1.55	1.40		.10
Car pusher: Concrete placing crew; bull gangs & track gang	8.455	1.55	1.40		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCK TUNNEL					
Rodmen (reinforce); welder	8.905	1.55	1.40		.10
Lead heading rock drillers	8.705	1.55	1.40		.10
Concrete form mover: Side heading rock drillers	8.655	1.55	1.40		.10
Plug hole and roof bolt drillers: Mucking machine tender; tunnel & shaft mucker; shaft sinking drillers	8.555	1.55	1.40		.10
Bottom shaft man	8.505	1.55	1.40		.10
Car pushers: Bull & tract gangs; concrete placing crew	8.455	1.55	1.40		.10
Top man	8.305	1.55	1.40		.10
ASPHALT WORKERS AND CURB SETTERS					
Asphalt plant men, blacksmith	8.155	1.55	1.40		.10
Dumpers, gutterman, painters, & smoothers	8.48	1.55	1.40		.10
Rakers, screed man	8.59	1.55	1.40		.10
Stone, wood & brick pavers	8.58	1.55	1.40		.10
Shovelers	8.385	1.55	1.40		.10
Curb setter helper	8.455	1.55	1.40		.10
Curb setter & flag layers	9.24	1.55	1.40		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	8.055	1.50	1.45		.10
CLASS B	8.255	1.50	1.45		.10
CLASS C	8.455	1.50	1.45		.10
CLASS D	8.655	1.50	1.45		.10

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters; form setters, stone or granite curb setters

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

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DECISION NO. NY77-3087	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	13.32	1.00	.75	a	.15
GROUP II	12.235	1.00	.75	a	.15
GROUP III	12.08	1.00	.75	a	.15
GROUP IV	12.04	1.00	.75	a	.15
GROUP V	11.955	1.00	.75	a	.15
GROUP VI	9.15	1.00	.75	a	.15
GROUP VII	12.04	1.00	.75	a	.15
GROUP VIII	8.835	1.00	.75	a	.15
GROUP IX	8.68	1.00	.75	a	.15
GROUP X	11.185	1.00	.75	a	.15
GROUP XI	11.80	1.00	.75	a	.15
GROUP XII	9.305	1.00	.75	a	.15
GROUP XIII	11.645	1.00	.75	a	.15
GROUP XIV	8.535	1.00	.75	a	.15
GROUP XV	12.735	1.00	.75	a	.15
GROUP XVI	13.235	1.00	.75	a	.15
GROUP XVII	13.735	1.00	.75	a	.15

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BUILDING - POWER EQUIPMENT OPERATORS

GROUP I: Master Mechanic

GROUP II: All boom type equipment (100 ft or less), all pan and carry-all operators, archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operators, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finisher course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile dribing machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op.

GROUP VI: Air compressor operator, (under 160 CFM), air compressor op., (over 160 CFM), generator mechanical heater, (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), monorail

GROUP VIII: Firemen

GROUP IX: Truck crane driver

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BUILDING - POWER EQUIPMENT OPERATORS CONT'D

GROUP X: Aggregate bin op., cement bin op., concrete mixer op., (under ½ c.y.), tractor machines

GROUP XI: Grout machine operator, heating boiler operator (used for temporary heat), lubrication unit on truck, pneumatic mixer operator

GROUP XII: Pump operator (4" or over); pump operator 2-3 in a battery)

GROUP XIII: Bulldozer & tractor (50 H.P. drawbar and under), jump trench, mulchers, power brooms 7 rakes, seeders

GROUP XIV: Apprenctice engineer or oiler, mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Election Day.

DECISION NO. NY77-3087	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATOR HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	11.37	1.00	1.15	a	.15
CLASS 2	11.23	1.00	1.15	a	.15
CLASS 3	8.59	1.00	1.15	a	.15
CLASS 4	10.79	1.00	1.15	a	.15
CLASS 5-A	10.34	1.00	1.15	a	.15
CLASS 5-B	8.84	1.00	1.15	a	.15
CLASS 5-C	8.39	1.00	1.15	a	.15
CLASS 6	10.94	1.00	1.15	a	.15
CLASS 7	7.99	1.00	1.15	a	.15
CLASS 8	12.46	1.00	1.15	a	.15
CLASS 9	11.75	1.00	1.15	a	.15
CLASS 10	12.12	1.00	1.15	a	.15
CLASS 11	12.37	1.00	1.15	a	.15
CLASS 12	12.87	1.00	1.15	a	.15

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY

CLASS 1
All boom type equipment all pan and carry-all operators, archer hoist (finish course), asphalt roller (finish course), asphalt spreader or paver, automatic fine grade machine (C.M.I. and similar type), back filling machine operators, back and pull hoe operator, belt placer (C.M.I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, cableway operator, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine concrete pump, crane operator, derrick operator, dragline operator, dredge elevating grader (self-propelled), excavator (all purposed hydraulically operated), forklift, front end loader, gradall, grader, head tower operator, hydro crane, hydraulic booms, lubrication unit on truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane, peine crane or similar type, piledriving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road windener, rock bit sharpener (all types), scoopmobile, shovel, side boom, skimmer operator, slip form paver (C.M.I. and similar type), tire truck and repair, tractor drawn belt type graders, trenching machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine winch, winch truck with A Frame

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONT'D

CLASS 2
Airhoist operator, automatic fine grade machine (C.M.I. and similar type), belt placer (C.M.I. and similar type), bending machine (pipe), boring machine operator bituminous spreader and mixer, cage hoist operator, concrete finishing machine concrete mixer operator ½ cu. yd. or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt or crete or similar), hoisting engine operator, house elevator (when used for hoisting), hydraulic pipe jackmachine or similaR type machines, hydro hammer or similar types, industrial tractor, kalman loader or similar type manhine, locomotive operator, mixer for stabilized base self-propelled, monorail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel, stone crushers, strato-tower, towed or self-propelled, rollers, tractors (when used winch power), tractors (with towed acessories) tube finisher (C.M.I. and similar type)

CLASS 3
Air compressors (under 160 cu. ft.), air compressors (over 160 cu. ft.), mechanical heaters (when 3 are in a battery), generator, pump operator (2 or 3 in battery) welding machine operator

CLASS 4:
Firemen, jeep trencher, motorized hydraulic seeders, mulching machine power broom and rakes

CLASS 5-A
Aggregate bin operator, apprentice engineer or oiler, C.M.I. and similar type concrete spreads, cement bid operators, concrete mixer operator (under ½ cu. mechanical heaters (when one or two are used), pump operator (oneinch), pump operator (two inch), pump operator (three inch), revinius widener, steam cleaner, tractor machines

CLASS 5-B
Truck crane driver

CLASS 5-C
Oiler

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONT'D

CLASS 6
Asphalt curb, gutter machines, blower for burning brush, chipping machine, chip spreader, concrete curb, concrete curing machines, grout or gunite machines, heating boiler operator (used for temporary heat), hydraulic pin puller, pneumatic mixer operator, post hole digger, post driver, power plant in excess of 10 K.W., well point systems (electric, diesel, or gas driven)

CLASS 7
Mechanic, heaters (when one or two are used), pump operator (one inch, two inch, or three inch)

CLASS 8
Master mechanic

CLASS 9
Assistant master mechanic

CLASS 10
Crane with boom over 100 feet

CLASS 11
Crane with boom over 200 feet

CLASS 12
Crane with boom over 300 feet

PAID HOLIDAYS: A-New Year's Day, M-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided employee works the day before and after the paid holiday.

SUPERSEDEAS DECISION

STATE: Ohio — COUNTIES: Statewide
DECISION NO.: OH77-2108 — DATE: Date of Publication
Supersedes Decision No. OH77-2063, dated April 15, 1977 in 42 FR 20086
DESCRIPTION OF WORK: Heavy and Highway Construction

BRICKLAYERS & STONE MASONS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO Cos.	$ 9.90				
ALLEN, AUGLAIZE, MERCER & VAN WERT Cos.	11.08		.20		
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE Cos. & WYANDOT Co. (except Townships of Crawford, Richland, Ridge & Tymochtee)					
Bricklayers	10.63	.60	1.00		.02
Sewer Bricklayers	10.63	.60	1.00		.02
ASHTABULA County					
Bricklayers	11.21	.60	.50		
Sewer Bricklayers	11.46	.60	.50		
ATHENS County	11.25	.60	.60		.05
BELMONT & MONROE Counties & JEFFERSON County (Townships of Mt. Pleasant, & Warren & City of Dillonvale)	9.60	.60	.25		.02
BROWN, CLERMONT & HAMILTON Cos. Bricklayers & Stonemasons	11.245	.55	.35		.02
BUTLER & WARREN Cos. & PREBLE Co. (Townships of Dixon, Gratis, Isreal, Lanier, & Somers)	10.435	.45	.35	.43	.01
CARROLL, STARK & TUSCARAWAS Cos., MAHONING Co. (Township of Smith), COLUMBIANA Co. (Townships of Butler, Hanover, Knox & West)	10.79	.85	.60		.01
CHAMPAIGN, CLARK & LOGAN Cos.	10.60				
CLINTON & HIGHLAND Cos.	8.50				
COLUMBIANA Co., (Townships of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING Co. (except Smith Twp.)	11.54	.60	.60		.02

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA County (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON Co. (Twps. of Bush, Creek & Saline)	$ 10.10	.50	.50		
COSHOCTON, GUERNSEY, KNOX, LICKING, MORGAN & MUSKINGUM Counties	10.33	.60	.50		.02
CUYAHOGA Co. & MEDINA Co. (except the Twps. of Chatham, Harrisville, Homer, Litchfield & Spencer)	12.05	1.00	1.00		.01
DARKE, MIAMI, & SHELBY Cos.	10.30		.25		.05
DEFIANCE, PAULDING, PUTNAM & WILLIAMS Cos., FULTON Co. (except Twps. of Amboy, Fulton & Swan Creek), HENRY Co. (except Twps of Barlo, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean)	11.30	.60			
DELAWARE, FRANKLIN MADISON, PICKAWAY & UNION Cos. Bricklayers	10.64	.00	.00		.02
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) & ISLAND OF LAKE ERIE North of SANDUSKY	11.14	.60	.50		.01
FAIRFIELD , HOCKING & PERRY Cos.	9.50	.60	.50		.02
FAYETTE, ROSS & PIKE Cos.	11.35				
GALLIA & MEIGS Cos.	10.85	.50			
GEAUGA & LAKE COS.	12.37	.60	.80		
GREENE & MONTGOMERY Cos. & the remainder of PREBLE Co.	10.35	.75	.75		.02

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
NOBLE Co. (Twps. of Beaver, Buffalo, Marion, Seneca & Wayne)	9.68	.45	.50		.02
HARRISON Co. & the remainder of JEFFERSON Co.	10.53	.50			.02
JACKSON & VINTON Cos.	10.50				
LAWRENCE County	9.00				
LORAIN Co. & the remaimder of MEDINA Co.	12.10		.40		.01
LUCAS Co., the remainder of FULTON Co. & WOOD Co. (Twps. of Lake, Perrysburg & Ross)	11.655	.73	.80		.01
PORTAGE & SUMMIT Cos.:					
Bricklayers	10.97	.57	.50		.02
TRUMBULL County	11.84	.40	.50		.02
WASHINGTON Co. & the remainder of NOBLE Co.	10.10	.50			.04
The remainder of WOOD & HENRY Cos.	11.86	.65	.45		.01
CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	$10.41	.50	.75		.03
Piledrivermen	10.70	.50	.75		.03
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT Cos.					
Carpenters	9.87	.40	.70		.02
Piledrivermen	10.47	.40	.70		.02

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CARPENTERS & PILEDRIVERMEN(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HURON, LORAIN and RICHLAND Counties					
Carpenters	$ 10.66	.70	1.00	a	.04
Piledrivermen	10.66	.70	1.00	a	.04
ERIE (East of B & O Rail Road Tracks)					
Carpenters	10.66	.70	1.00	a	.04
Piledrivermen	12.10	.77	1.25		.03
ERIE (West of B & O Rail Road Tracks), OTTAWA, SANDUSKY and SENECA Counties and City of Fostoria in WOOD and HANCOCK Counties					
Carpenters	10.66	.70	1.00	a	.04
Piledrivermen	11.97	.73	.50		.05
ASHTABULA, CUYAHOGA, GEAUGA and LAKE Counties					
Carpenters	12.10	.77	1.25		.03
Piledrivermen	12.10	.77	1.25		.03
ATHENS HOCKING, VINTON and WASHINGTON Counties					
Carpenters	9.80	.50	.70		.02
Piledrivermen	10.10	.50	.70		.02
BELMONT and MONROE Counties					
Carpenters	10.52	.50	.50		.03
Piledrivermen	11.02	.50	.50		.03
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN Counties					
Carpenters	11.40	.60	.65		.075
Piledrivermen	11.40	.60	.65		.075
CARROLL, STARK, TUSCARAWAS and WAYNE Counties					
Carpenters	10.28	.50	.50		.02
Piledrivermen	10.76	.50	.50		.02
COLUMBIANA, HARRISON AND JEFFERSON Counties					
Carpenters	9.45	.87	.65		.02
Piledrivermen	9.52	.40	.50		.01

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CARPENTERS & PILEDRIVERMEN (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE and SHELBY Counties					
Carpenters	$ 10.35	.65	1.00		.05
Piledrivermen	10.35	.65	1.00		.05
DEFIANCE, HENRY, PAULDING and WILLIAMS Counties					
Carpenters	11.29	.73	.40		
Piledrivermen	11.97	.73	.50		.05
FULTON, HANCOCK, LUCAS and WOOD Counties, excluding the City of Fostoria in HANCOCK and WOOD Counties					
Carpenters	11.97	.73	.50		.05
Piledrivermen	11.97	.73	.50		.05
MAHONING and TRUMBULL Counties					
Carpenters	9.45	.87	.65		.02
Piledrivermen	10.60	1.07	.80		.02
MEDINA, PORTAGE and SUMMIT Counties					
Carpenters	11.55	.50	.70		.02
Piledrivermen	12.10	.77	1.25		.03
CEMENT MASONS:					
CUYAHOGA, FULTON, GEAUGA, HANCOCK, HENRY, LAKE, LORAIN, LUCAS, PUTNAM, and WOOD Counties	11.33	.60	.15		.02
ASHTABULA, BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN and WILLIAMS	10.68	.60	.15		02
REMAINING COUNTIES	9.88	.60	.15		.02
FOOTNOTE: 2 Paid Holidays: Memorial Day and Independence Day.					
ELECTRICIANS:					
ADAMS and SCIOTO Counties, JACKSON County (all but Coal, Jackson, Liberty, Milton and Washington Twps.), PIKE County (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish and Union)	10.75	.50	3%+.50	1.02	.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT Cos. & WYANDOT Co. (West of Crane, Pitt, & Tymochtee Twps)	10.94	.32	3%+.37		.04
ASHLAND, CRAWFORD, MARION, MORROW & RICHLAND Cos., WYANDOT CO. (Remainder of County), KNOX Co. (North ½ including Clinton, Howard, Liberty, Monroe & Union Twps.), & HURON Co. (Twps. of Greenwich, New Haven, Richmond & Ripley)	11.35	.45	3%+.30		.1%
ASHTABULA Co. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	12.00	.90	3%+.85		.2%
ATHENS, MEIGS, MONROE, NOBLE & WASHINGTON Cos., & VINTON Co. (East of Clinton, Elk & Swan Twps.)	10.65	.50	3%+.77	1.27	.04
BELMONT Co.	10.50	.50	3%+.32	1.02	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi. of Hamilton County Court House	11.30	.70	3%+.40		.5%
From 18 to 21 Miles	11.60	.70	3%+.40		.5%
From 21 to 25 Miles	11.70	.70	3%+.40		.5%
Over 25 Miles	11.85	.70	3%+.40		.5%
BUTLER County & WARREN Co. excluding Clear Creek, Franklin & Wayne Twps Within City Limits of Hamilton or Middleton	11.40	.40	3%+.65		4%
Outside city limits West of Interstate 75	11.75	.40	3%+.65		4%
Outside city limits East of Interstate 75	11.95	.40	3%+.65		4%
CHAMPAIGN & CLARK Cos. & MADISON Co. (Twps. of Paint, Pike, Somerford, Stokes & Union)	10.44	.45	3%+.75		.04

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS. & WARREN CO. (Rem. of Co.)					
Within 11 Mi. radius of 3rd & Main Streets, Dayton	$11.43	.50	3%+1.00		.5%
Beyond 11 Mi. radius	11.66	.50	3%+1.00		.5%
COLUMBIANA Co. (except Twps. of Butler, Fairfield, Knox, Perry, Salem, & Unity)	10.26	8%	6.5%	8%+a	1%
COSHOCTON CO., KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), LICKING CO., TUSCARAWAS CO. (S½ incl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, & Bucks)	10.90	.28	3%+.60		.03
CUYAHOGA CO., LORAIN CO. (Twps. of Columbia), & GEAUGA Co. (Twps. of Bainbridge, Chester & Russell)	12.15	.50	3%+.43		.02
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	12.35	.50	3%+.55		.2%
DELAWARE, FAIRFIELD, FRANKLIN, & UNION COS., MADISON (Rem. of Co.), & PICKAWAY CO. (Excl. Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.)	11.48	.40	3%+.87		.03
ERIE CO., HURON CO. (Rem. of Co.)	11.85	.53	3%		.1%
FAYETTE, HIGHLAND, HOCKING, & ROSS COS. & JACKSON CO. (Rem. of Co.), PICKAWAY, PIKE & VINTON COS.	10.95	.29	3%		.02
GALLIA CO.	11.47	.50	3%+.50	1.00	.04

ELECTRICIANS (CONT D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY, MUSKINGUM and PERRY Cos.	10.45	.28	3%+.60		.03
HARRISON and JEFFERSON Counties and CARROLL County (south of Fox, Harrison, Rose and Washington Twps.)	12.00	6%	9%	8%	1/2%
HOLMES and STARK Counties, the remainder of CARROLL and TUSCARAWAS Counties, COLUMBIANA County (Knox Twp.), MAHONING County (Smith Twp.), and WAYNE County (South of Baughman, Chester, Green and Wayne Twps.)	11.75	.40	3%+.40		.3%
LAKE County and GEAUGA County (all but Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell and Troy Twps.)	11.88	.70	3%+.50		.3%
LAWRENCE County	11.02	.50	3%+.50	1.00	.04
LORAIN County (remainder of Co.) and MEDINA County (Twps. of Litchfield and Liverpool)	11.68	.60	3%+.80		.1%
MAHONING County (excluding Milton and Smith Twps.), TRUMBULL Co. (Twps. of Hubbard and Liberty) and COLUMBIANA County (Twps. of Butler, Fairfield, Perry, Salem and Unity)	12.55	.56	7%		.3%
SUMMIT County, the remainder of MEDINA and WAYNE Counties and PORTAGE County (excluding Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris and Windham)	12.33	.47	3%+.50		.2%
MORGAN County	9.40	.28	1%		.02
ASHTABULA (remainder of County), Remainder of PORTAGE and TRUMBULL Counties, GEAUGA County (Twps. of Auburn, Middlefield, Parkman and Troy), and MAHONING County (Twp. of Milton)	12.59	.60	7%		.7%

FOOTNOTE: a. 9 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Good Friday, Day after Thanksgiving Day and Day before Christmas

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS (Part), BROWN, CLERMONT and HAMILTON Counties and the South half of BUTLER and WARREN Cos.					
Structural and Ornamental	11.48	.90	1.05		.03
Reinforcing	10.63	.90	1.85		.02
ALLEN, AUGLAIZE, CLINTON, DARKE, GREENE, MERCER, MIAMI, MONTGOMERY, PREBLE & SHELBY COS., the North ½ of BUTLER & WARREN COS., the West 2/3 of CHAMPAIGN & LOGAN COS., the West 3/4 of CLARK CO. & the West 4/5 of HIGHLAND CO.,					
Dayton Metropolitan Area	10.96	.90	1.25		.04
Outside Dayton Metro Area	11.11	.90	1.25		.04
ASHLAND, CARROLL, COSHOCTON, HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE COS.	11.00	.70	.75		.03
CUYAHOGA, ERIE, GEAUGA, HURON, LAKE, LORAIN, MEDINA & SUMMIT, COS., & ASHTABULA CO. (except the N/E ¼), & PORTAGE CO. (except the Ravenna Ordnance Depot)	12.22	.80	1.10		.03
ASHTABULA (Remainder of Co.)	10.00	1.11	1.01		.10
ATHENS, MEIGS, MORGAN, NOBLE, & WASHINGTON COS.	10.92	.75	.83		.01
BELMONT, GUERNSEY, HARRISON, JEFFERSON & MONROE COS.	9.30	.60	.50	5%	.03
COLUMBIANA, MAHONING & TRUMBULL COS. & The Ravenna Ordnance Depot in PORTAGE CO.	11.76	.40	1.15		.07
CRAWFORD, FAYETTE, HARDIN, HOCKING, JACKSON (N ½ of Co.), KNOX, MARION, MORROW, MUSKINGUM, PERRY, PIKE (Pt.), ROSS, VINTON, WYANDOT, & the rem. of CHAMPAIGN, CLARK, HIGHLAND & LOGAN COS.	11.45	.75	1.35		.05
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY & UNION COS.	11.35	.75	1.35		.05
FRANKLIN CO.	11.20	.75	1.35		.05
DEFIANCE, PAULDING, PUTNAM, VAN WERT & WILLIAMS COS.	11.20	.90	1.70		.02
FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	11.75	.73	1.06		.05
GALLIA, LAWRENCE, SCIOTO, ADAMS (Pt.), JACKSON (S ½ of Co.), & PIKE (Pt.) COS.:					
10 mi. from Union Hall in Ashland, Kentucky	11.27	.90	1.05		.01
10 to 15 mi. from Union Hall	11.42	.90	1.05		.01
15 to 20 mi. from Union Hall	11.52	.90	1.05		.01
20 mi. & Over from Union Hall	11.62	.90	1.05		.01

LINEMEN	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO Cos., JACKSON Co. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON Co. (East of Clinton, Elk, & Swan Twps.)	11.00	.45	3%+.50	1.00	4%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT & WYANDOT Co. (Remainder of Co.)	11.10	.45	3%		
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Cos,. HURON Co. (Townships of Greenwich, New Haven, Richmond, & Ripley), KNOX Co. North Half including the Twps. of Clinton, Howard, Liberty, Monroe, & Union), & WYANDOT Co. East Half including the Twps of Crane, Pitt & Tymochtee)	10.30	.33	3%+.25		.25%
ASHTABULA Co. except the Twps. of Colebrook, Orwell, Wayne, Williamsfield, & Windsor	12.00	.90	3%+.85		4%
BELMONT CO.	10.50	.50	3%+.35	1.00	4%
BROWN, CLERMONT, & HAMILTON COS.					
Within 18 Mi. of Hamilton County Court House	11.30	.70	3%+.40		.5%
From 18 to 21 Miles	11.60	.70	3%+.40		.5%
From 21 to 25 Miles	11.70	.70	3%+.40		.5%
Over 25 Miles	11.85	.70	3%+.40		.5%
BUTLER Co. & WARREN CO., except Townships of Clear Creek, Franklin & Wayne-within city limits of cities of Hamilton & Middleton	11.40	.40	3%+.65		4%
West of Interstate 75	11.74	.40	3%+.65		4%
East of Interstate 75	11.95	.40	3%+.65		4%

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, & CLARK COS.	9.11	.35	3%		.25¢
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE Cos. & WARREN CO. (Rem. of Co.)	11.43	.50	3%+1.00		.5%
COLUMBIANA Co. except the Twps. of Butler, Knox, Fairfield, Perry, Salem & Unity	10.26	8¢	6½%	8¢	½¢
COSHOCTON & TUSCARAWAS Cos.	11.43	.35	3%		½¢
CUYAHOGA Co., & GEAUGA Co. (Twps. of Bainbridge, Chester, & Russell), LORAIN CO. (Columbia Twps.)	12.73	.35	3%		½¢
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	12.76	.45	3%	a	.25¢
DELAWARE, MADISON, PICKAWAY & UNION Cos.	12.41	.35	3%		½¢
ERIE Co., & HURON Co. (Remainder of Co.)	11.85	.53	3%		1¢
FAIRFIELD & LICKING Cos. & KNOX Co. (Remainder of Co.)	11.73	.50	3%		½%
FAYETTE, HIGHLAND, HOCKING & ROSS Cos. & the remainder of JACKSON, PIKE & VINTON Cos.	10.95	.28	3%		.02
FRANKLIN Co.	9.88	.35	3%		½¢

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY Co.	10.98	.35	3%		½¢
MORGAN Co.	9.40	.28	3%+.30		
HARRISON, & JEFFERSON Cos. & CARROLL Co. (South of Fox, Harrison, Rose & Washington Twps.)	12.00	6¢	9%	8¢	½¢
HOLMES & STARK Cos., CARROLL (Remainder of Co.), COLUMBIANA Co. (Knox Twp.), & WAYNE Co. (South of Baughman, Chester, Green & Wayne Twps.)	11.75	.40	3%+.35		½%
LAKE CO. & GEAUGA Co. except the Twps of Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy	12.28	.70	3%+.5¢		½%
LORAIN Co. (except Columbia Twp.) & MEDINA Co. (Twps. of Litchfield & Liverpool)	11.68	.60	3%+.80		.1¢
MAHONING & TRUMBULL Cos., ASHTABULA Co. (Remainder of Co.), COLUMBIANA Co. (Twps of Butler, Fairfield, Perry, Salem & Unity), GEAUGA Co. (Townships of Auburn, Middlefield, Parkman, & Troy) & PORTAGE Co. (Twps of Charlemton, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham)	13.23	.45	3%		½%
MONROE, NOBLE & WASHINGTON Cos.	12.41	.35	3%+.62	1.02	½%
MUSKINGUM & PERRY COS.	10.98	.35	3%		½%
SUMMIT Co. & the remainder of MEDINA, PORTAGE & WAYNE Cos.	12.08	.57	3%+.65		½%

FOOTNOTE:
a. 9 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Christmas Eve; New Year's Eve & Day after Thanksgiving Day

PAINTERS

ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.					
Brush	11.65		.40		
Spray	12.65		.40		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT and WILLIAMS Counties	$ 8.90	.73	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, and RICHLAND Counties					
Brush	8.05		.50		
Structural Steel	8.55		.50		
Spray	8.80		.50		
ATHENS and HOCKING Counties:					
Brush	11.08				
Spray	12.08				
BELMONT County	7.50	.30	.25		
BROWN, CLERMONT and HAMILTON Cos.					
Brush	10.80		.25		
Spray	11.20		.25		
BUTLER and WARREN Counties					
Brush	10.23				
Spray	10.73				
CARROLL, HOLMES, STARK, TUSCARAWAS and WAYNE Counties					
Brush	9.47	.55	.50		.02
Spray	9.97	.55	.50		.02
Structural Steel	10.19	.55	.50		.02
CHAMPAIGN, CLARK and LOGAN COS.					
Brush	7.80	.10	.25		
Structural Steel	8.35	.10	.25		
Spray	8.50	.10	.25		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY and PREBLE Counties					
Brush	11.05	.40	.40		.02
Structural Steel	11.45	.40	.40		.02
Spray	11.55	.40	.40		.02

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PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CUYAHOGA, GEAUGA and LAKE Cos., LORAIN (North East Part) and PORTAGE and SUMMIT Counties North of the Ohio Turnpike					
Brush	$ 11.66	.63	.74		.05
Bridge and open steel; closed steel over 55'	12.36	.63	.74		.05
Closed steel below 55'; Spray	12.06	.63	.74		.05
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY and UNION Counties					
Brush	9.45	.55	.55		
Structural Steel	9.75	.55	.55		
Spray	9.95	.55	.55		
ERIE, HANCOCK, HURON, SANDUSKY, SENECA and WYANDOT Counties					
Brush	8.95	.50	.50		
Structural Steel and Bridges	9.65	.50	.50		
FULTON, HENRY, LUCAS, OTTAWA and WOOD Counties					
Brush	10.49	.65	.70		
Spray	11.04	.65	.70		
Structural Steel	10.04	.65	.70		
GALLIA, LAWRENCE, MEIGS, and VINTON Counties					
Brush	9.45				
Spray	9.75				
GUERNSEY County					
Brush	7.00				
Structural Steel, Spray	7.50				
Tanks and Bridges	8.75				
HARRISON and JEFFERSON Counties:					
Brush	7.70	.30	.25		
Spray; Sandblaster	8.10	.30	.25		
Hot Stacks	9.30	.30	.25		
KNOX, LICKING, MUSKINGUM and PERRY Counties:					
Brush	8.00				
Bridge	8.00				
LORAIN County (Remainder of Co.)					
Brush	9.05				
Spray	9.55				
Structural Steel and Bridge	10.35				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA, MAHONING & TRUMBULL Cos. and the Ravenna Ordnance Depot in PORTAGE County					
Brush	11.30	.60	.80		
Spray	12.00	.60	.80		
MEDINA Co. & PORTAGE & SUMMIT Cos. South of Ohio Turnpike excluding the Ravenna Ordnance Depot in PORTAGE Co.					
Brush	9.40	.62	.60		
Spray	9.90	.62	.60		
Structural Steel	9.65	.62	.60		
MONROE, MORGAN, NOBLE & WASHINGTON Cos.	9.92		.20		.02
ROSS County					
Brush	10.00				
Spray	10.25				
PLUMBERS & STEAMFITTERS:					
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON Cos.	11.67	.55	.75		
ALLEN, AUGLAIZE, HARDIN, MERCER, & VAN WERT Cos.	11.35	.40	.65		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS.	12.43	.50	.80		.05
ASHTABULA, CUYAHOGA, GEAUGA & LAKE Cos., MEDINA Co. N. of Rt. 18 & Smith Rd. & SUMMIT CO. N. of Rt 303 - Plumbers	12.28	.75	1.00		.02
Pipefitters	11.97	1.05	1.10		.05
BELMONT Co. & MONROE Co. South of Rt. 78	10.45	.40	8%	10%	.05
BROWN, CLERMONT, HAMILTON & WARREN Cos.					
Plumbers	12.07	.75	1.05		.05
Steamfitters	12.20	.90	1.225		.08

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PLUMBERS & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER Co. North half	$12.05	.60	1.00		.05
BUTLER Co. South Half	11.82	.65	1.10		.02
CARROLL Co. (except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS.	11.42	.45	.55	a	.05
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London) COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Route #78 & from McConnelsville West on State Route #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS Cos.	11.32	.35	.35		.08
CHAMPAIGN, CLARK & LOGAN Cos., GREENE Co. (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), MADISON Co. (West of Rt. 38 including the City of London)	11.41	.58	.80		.04
CLINTON, DARKE, FAYETTE, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos. & GREENE Co. (Remainder of Co.)	11.81	.55	.80		.03
COLUMBIANA & MAHONING Cos. & TRUMBULL Co. (Hubbard & Liberty Twps, Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	12.31	.75	.50		.03

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PLUMBERS & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	$12.83	.80	.85		.09
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MARION, PERRY, PICKAWAY, ROSS & UNION Cos. & MADISON (remainder of Co.)	12.32	.55	.80		.05
MEIGS, MONROE (Rem. of Co.), MORGAN (Remainder of Co.), & WASHINGTON COS.	10.98	.52	.55		.045
PORTAGE Co. & the remainder of MEDINA & SUMMIT Cos.	11.61	.79	.90		.04
TRUMBULL Co. (Remainder of Co.)	10.75	.57	.65		.01

FOOTNOTE:
a. One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the holiday

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LABORERS

	ZONE 1	ZONE 2	ZONE 3
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$ 9.53	8.70	8.27
GROUP II	9.655	8.82	8.39
GROUP III	9.73	8.90	8.47
GROUP IV	9.88	9.05	8.62
GROUP V	10.18	9.35	8.92

FRINGE BENEFITS FOR ALL ZONES AND CLASSIFICATIONS
$.65 - Health & Welfare
.40 - Pension
.10 - Education and/or Apprentice Training

GROUP I - Laborers (construction); plant laborers or yardmen; right-of-way laborers; landscape laborer; utility man or handyman; joint setter; flagman; carpenter helper; waterproofing laborer; slurry seal; seal coating surface treatment or road mix laborer; Asphalt laborer; Dump man (batch trucks); Sign installer; Guardrail & fence installers; mesh handlers & placers; concrete curing applicator; scaffold erector; Riprap laborer & grouter; Grade checker
GROUP II - Asphalt raker; concrete puddler; kettle man (pipeline); machine driven tools; mason tender; mortar mixer; sheeting & shoring man; surface grinder man; power buggy or power wheelbarrow
GROUP III - Form setter; bottom man; Welder helper (pipeline); concrete saw man; cutting with burning torch; pipelyer; hand spiker (railroad); car pusher (without air); undergroundman (working in sewer & waterline, clamming, repairing & reconditioning); Tunnel laborer (without air) and caissmn; cofferdam (below 25 feet deep); air track & wagon drill
GROUP IV - Blaster; Powderman; muckers; wrencher (mechanical joints & utility pipeline); yarner; top lander
GROUP V - Curb setter & cutter; miner without air; concrete crew in tunnels; utility pipeline tapper; gunnite nozzle man; waterline caulker

ZONE DEFINITIONS

Zone 1 - Cuyahoga, Geauga & Lake Cos.
Zone 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
Zone 3 - Remainder of Counties

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 12.01	.65	.80		.14
CLASS II	11.32	.65	.80		.14
CLASS III	10.68	.65	.80		.14
CLASS IV	10.27	.65	.80		.14
CLASS V	10.17	.65	.80		.14
CLASS VI	12.28	.65	.80		.14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C.M.I. road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whiley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach.- pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; ~~Grease truck op.; Grout pump; Gunnite mach.; Hack Sawing Mach.;~~ Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Sasgon derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw blower mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster

CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or caisson type

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POWER EQUIPMENT OPERATORS	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$12.03	$ 11.04	.56	1.00		.15
CLASS B	11.93	10.92	.56	1.00		.15
CLASS C	10.89	9.88	.56	1.00		.15
CLASS D	10.42	9.45	.56	1.00		.15
CLASS E	8.73	7.64	.56	1.00		.15

CLASS A - Air compressor on steel erection; Asphalt plant engineer (Cleveland District only); Boiler Op., compressor or generator when mounted on rig; Cableway; combination concrete mixer & tower; Concrete plants (over 4 yds. cap.); Concrete pumps; Cranes (all types incl. A frames, boom trucks, cherry pickers); Derricks; Draglines; Dredge (dipper clam or suction); Elevation grader or euclid loader; Floating equipment (all types); Helicopter crew (hoist or winch); hoes (all types); Hoisting engines (including shaft & tunnel work); Industrial type tractor; Jet engineer dryer (D8 or D9) diesel tractor; Locomotives (standard guage); Maintenance Op. Class A; Mixer (paving single or double drum); Mucking mach.; Multiple scraper; piledriving mach. (all types); power shovel; Quad 9 (double pusher); Refrigerating mach. (freezer operation); Rotary drill on caisson work; slip form paver; Tower derricks; Tree shredder; Trench mach (over 24" wide); Truck mounted concrete pump; Tug boat; tunnel mach. and/or mining machine; Wheel excavator

CLASS B - Asphalt paver; Automatic subgrader mach. self propelled (CMI type), Boring mach. Op. (more than 48"), Bulldozers; Endloader; Kolman Loader (production type dirt); Lead grease man; Maintenance Op., Class B (in Zone 2 Portage & Summit Cos. only); Power grader; Power Scraper; Push Cat; Trench mach. (24" wide & under)

CLASS C - Air compressor on tunnel work (low pressure); asphalt plant engineer (in Zone 2 Portage & Summit Cos. only); Locomotive (narrow guage); Concrete mixers (More than 1 bag cap.); Mixers (1 bag cap. - side loader); Power boiler over 15 lb. pressure; Pump op. installing & operating well points; Pumps (4" & over discharge); Rollers (asphalt); Utility Op. (Small equipment); Welding mach. & generators

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (joint & mesh installing mach.); Batch Plant; Boring mach. Op. (48" or less); Bull floats; Burlap & curing mach.; Compressor (portable, sewer, hvy & hwy.); Concrete plant (4 yd. & under cap.); concrete saw (multiple); Conveyors (hwy.); Crusher, Deckhand; drill highway (w. integral power); Farm type tractors w/attachs.(hwy); Finishing Mach.; Fireman (floating equipment, all types); fork lift (Hwy.); form Trenchers; Hydro hammer; Hydro seeder; Pavement breaker; Plant mixers; Post driver; Post Hole digger (power augr);power brush burner; Power form handling Equip.; Road Widening trencher; Rollers (brick, grade, macadam); self-propelled power spreader; self-propelled power subgrader; Steam fireman; Tractor (pulling sheepfoot roller or grader); Vibratory compactor (w/integral power)

CLASS E - Drum fireman (asphalt plant); Helpers; Inboard-outboard, motor boat-launch; Oil heaters (asphalt plant); Oilers; Power driven heaters; Pumps (under 4" discharge); Signalmen; Tire repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of counties

DECISION NO. OH77-2108

TRUCK DRIVERS ZONE I - CUYAHOGA, LAKE & GEAUGA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.70	26.00a	26.00a	b&c	
CLASS II	7.85	26.00a	26.00a	b&c	
CLASS III	8.20	26.00a	26.00a	b&c	
CLASS IV	8.20	26.00a	26.00a	b&c	

CLASS I - Straight & dumps (including asphalt); Warehousemen; Straight fuel
CLASS II - Semi fuel; semi pole drivers (hauling steel pipe); & semi tractor drivers.
CLASS III - Ready-mix; agitator or bulk concrete drivers; dry batch truck.
CLASS IV - Euclids; darts; tank asphalt spreaders; low boys; carry-all driver; tournarockers; hi-lifts; fork lifts; extra long trailers & semi pole trailers except when hauling steel pipe; double hook-up tractor trailers including team track & railroad siding; semi tractor & tri-axle trailer; tandem tractor, Tandem trailer & tri-axle trailer; tag along trailer, expandable trailers, loads (requiring road permits)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Per week per employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F plus National Election Day.

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$8.52	$23.00a	$8.00a		.05
CLASS II	8.57	23.00a	8.00a		.05
CLASS III	8.62	23.00a	8.00a		.05
CLASS IV	8.72	23.00a	8.00a		.05
CLASS V	8.82	23.00a	8.00a		.05
CLASS VI	8.99	23.00a	8.00a		.05

CLASS I - 4 wheel service truck; 4 wheel dump trucks; batch Trucks; oil distributors; asphalt distributors
CLASS II - Tandems
CLASS III - Semi tractor trucks; pole trailers; fuel trucks
CLASS IV - All trucks five axlm & over
CLASS V - Asphalt oiler spraybar man when operated from cab
CLASS VI - Euclid wagons; Euclid end dumps; low boys; heavy duty equipment over 12 cu. yds. capacity when used exclusively for transportation; truck mechanics

FOOTNOTE:
a. Per week Per employee

SUPERSEDEAS DECISION

STATE: PUERTO RICO
DECISION NO.: PR77-3096
Supersedes Decision NO. PR75-3091 dated August 8, 1975 in 40 FR 33644
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: ISLAND WIDE
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$2.50				
CARPENTERS	2.50				
CEMENT MASONS	2.50				
ELECTRICIANS	2.50				
IRONWORKERS, REINFORCING	2.25				
LABORERS	2.25				
PAINTERS	2.25				
PLASTERERS	2.50				
PLUMBERS	2.45				
ROOFERS	2.25				
TRUCK DRIVERS	2.25				
POWER EQUIPMENT OPERATORS:					
BULLDOZER	3.45				
CRANE	3.50				
GRADER	3.50				
DIGGER AND TRANSCAVATOR	2.85				

SUPERSEDEAS DECISION

STATE: PUERTO RICO
DECISION NO.: PR77-3097
Supersedes Decision No. PR75-3090 date August 8, 1975 in 40 FR 33643
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

COUNTY: ISLAND WIDE
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$2.95				
CEMENT MASONS	2.97				
ELECTRICIANS	2.89				
IRONWORKERS	2.51				
LABORERS	2.25				
PAINTERS	2.59				
PLUMBERS AND PIPEFITTERS	2.79				
ROOFERS	2.25				
TRUCK DRIVERS:					
TRUCK DRIVERS	2.50				
OVER 3/4 TONS	2.95				
POWER EQUIPMENT OPERATORS:					
DERRICK WINCH, CRANE	3.83				
RIGGER	3.00				

SUPERSEDEAS DECISION

STATE: PUERTO RICO
DECISION NO.: PR77-3098
COUNTY: ISLAND WIDE
DATE: DATE OF PUBLICATION
Supersedes Decision No. PR75-3089 dated August 8, 1975 in 40 FR33643
DESCRIPTION OF WORK: Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$2.69				
Cement Masons	2.49				
Electricians	2.68				
Ironworkers	2.25				
Laborers:					
laborers	2.25				
air tool operator (jackhammer, vibrator)	2.85				
asphalt raker	2.52				
pipelayers	2.42				
Plumbers and Pipefitters	2.70				
Truck Drivers:					
3/4 ton to 3 ton	2.50				
Heavy, over 3 ton	2.90				
Euclid	3.90				
Welders	3.25				
Power Equipment Operators:					
Bulldozer	3.73				
Crane, Derrick	3.92				
Digger	3.50				
Front End Loader	3.32				
Gradall	3.31				
Grader	3.75				
Mechanic	3.90				
Oiler, Greaser	2.90				
Paver	2.96				
Rigger	2.70				
Roller	2.81				
Shovel	3.45				
[illegible]	3.76				

SUPERSEDEAS DECISION

STATE: Tennessee
DECISION NUMBER: TN77-1082
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: TN77-1052 dated May 6, 1977, in 42 FR 23427, and No. TN77-1037 dated April 1, 1977 in 42 FR-17780.
DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of 4 stories or less)

*Counties: All of Knox and Monroe, and those portions of Anderson & Roane which comprise the Oak Ridge Energy Research and Development Administration site.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.00	.45	.20		.02
Boilermakers	9.50	.90	1.00		.02
Bricklayers	9.92				
Carpenters	8.42		.40		.02
Cement Masons	7.74				
Electricians:					
Knox & Monroe Counties:					
Electricians	9.05	.40	10%+.40		0.5%
Lineman	9.05	.40	10%+.40		0.5%
Cable splicer	9.45	.40	10%+.40		0.5%
Anderson & Roane Counties:					
Electricians	9.16	.40	10%+.40		0.5%
Lineman	9.16	.40	10%+.40		0.5%
Cable splicers	9.66	.40	10%+.40		0.5%
Elevator Constructors:					
Elevator constructors	8.625	.545	.35	4%+a+b	.02
Elevator constructor helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructor helpers (prob.)	50%JR				
Glaziers	5.75		.25		.005
Ironworkers:					
Structural, ornamental, & fence erector	8.34	.50	.50		.02
Reinforcing	8.20	.50	.50		.02
Lathers:	8.19		.20		.01
Leadburners	10.50	.40		c	
Marble setters	9.92				
Millwrights	9.06		.40		
Painters	7.70		.35		.03
Piledrivers	8.67		.40		.02
Plasterers	8.85				
Plumbers & steamfitters:					
Knox County	9.15	.40	.70	.30+.05	.05
Outside Knox County	9.45	.40	.70	.30+.05	.05
Roofers:					
Roofers	7.63		.25		
Roofers helpers	5.76		.25		
Sheet metal workers:					
Knox County	9.72	.58	.66		.04
Monroe, Anderson, & Roane Counties	10.22	.58	.66		.04
Soft floor layers	8.42		.40		.02
Sprinkler fitters	10.35	.65	.95		.08

TN77-1082 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tile & terrazzo workers	9.92				
Truck drivers:					
Up to 3 tons, incl. 4 yd. dump	5.10	.25	d		
3 to 5 tons, incl. 6 yd. dump					
over 5 tons, incl. dump truck					
over 6 yds., ready mix concrete truck, tank trucks, floats, lowboys, winch trucks, semi trailer, any truck pulling or towing equipment	5.35	.25	d		

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence, D-Labor Day, E-Thanksgiving Day, F-Christmas Day, G-Washington's Birthday, H-Good Friday, J-Christmas Eve

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. 9 Paid Holidays: A through J, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays.

d. $ 14.00 per week for each employee.

TN77-1082 - (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP A	5.14	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.32	.15	.15		.01
GROUP E	5.44	.15	.15		.01

GROUP A: Construction laborer

GROUP B: Mortar mixer, plasterer tender

GROUP C: Hod carriers, power buggies, yarner, potman, grademan, smoke man, form setter & strippers, pipelayers, asphalt raker, jackhammer op., air tool operator, vibrator operator, chain saw operator, barco tamp operator all power driven toop operator

GROUP D: Acetylene burner

GROUP E: Wagon drill operator

TN77-1082 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP A	8.19	.30	.30		.05
GROUP B	7.61	.30	.30		.05
GROUP C	6.36	.30	.30		.05
GROUP D	5.84	.30	.30		.05

GROUP A: Backhoes; cable ways; cross carriers; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material, central mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); trenchbile; maintainers; blacktop roller; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engineman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine, 2 not more than 3; heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater (1)

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX77-4151

DATE: Date of Publication

Supersedes Decision No. TX77-4053, dated March 4, 1977, in 42 FR 12668.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & Highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

DECISION NO. TX77-4151

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$ 9.11	.42	.60		.06
ZONE 2 - Bosque, Hill & McLennan Counties	10.03	.40	.76		.02½
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	9.10		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	8.20				
Millwrights	8.45				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	8.45				
Millwrights	8.85				
CEMENT MASONS	8.69	.40	.30		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Fort Hood, the boundary which presently is located approximately 2 miles inside the Bell Co. line & the City of Killeen), Bosque, Coryell (except that part of Fort Hood south of Cowhouse Creek), Falls, Hill & McLennan Counties	9.51		1%		1/4%
ZONE 2 - Bell (that part which is nearer to Austin than Waco and not to extend more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen) & Coryell (that part south of Cowhouse Creek)	10.60		1%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	$ 6.90				
IRONWORKERS	9.45	.55	.80		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	9.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	11.26		1%		1/2%
Cable splicers	12.39		1%		1/2%
Groundman, 1st 6 months	6.76		1%		1/2%
Groundman, 2nd 6 months	7.32		1%		1/2%
Groundman, 1 year & over	7.88		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	7.15				.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	7.65				.04
GROUP 3 - Ames tools for dry walls	7.75				.04
GROUP 4 - Spray work & self feeding rollers	7.90				.04
GROUP 5 - Steam cleaning, sand-blasting & hazardous work	8.25				.04
PLASTERERS	9.54	.35	.20		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	8.70	.30	.33		.03
ZONE 2 - All other areas	9.10	.30	.33		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.70				.03
GROUP 2 - Composition, built-up, [illegible] waterproofing	6.55				.03
GROUP 3 - Kettlemen	4.91				.03

DECISION NO. TX77-4151

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 25 miles from the McLennan County Court House, Waco	$ 9.26		.39		.05
ZONE 2 - Over 25 miles but less than 45 miles including the towns of Hillsboro, Temple, Marlin, Gatesville & Clifton	9.76		.39		.05
ZONE 3 - Over 45 miles	10.26		.39		.05
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES: a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate L - Paid Holidays A thru F					
PAID HOLIDAYS A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

DECISION NO. TX77-4151

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Pull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driver, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, power operated; Pump Crete Machines; Clam Shell Operator Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 175 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. TX77-4151

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.25				
Asphalt Heaterman	3.40				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.40				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.50				
Form Setter (Paving and Curb)	4.20				
Form Setter (Structures)	4.30				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.90				
Laborer, Utility Man	3.00				
Mechanic	4.55				
Mechanic Helper	4.10				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	5.25				
Piledrivermen	4.00				
Pipelayer (Concrete & Clay)	3.85				
Pipelayer Helper (Concrete & Clay)	3.00				
Plumbers:					
Zone 1 - 35 miles from Waco, Texas including town of Temple	8.70	.30	.33		.03
Zone 2 - all area not included in Zone 1	9.10	.30	.33		.03
Powderman	4.40				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Rigging Erection	3.25				
Rigging Erector Helper	3.00				
Spreader Box Man	4.00				
Sweeper	3.30				

DECISION NO. TX77-4151

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.85				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.85				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.00				
Concrete Paving Saw	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.15				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.25				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.60				
Trenching Machine, Light	3.75				
Trenching Machine, Heavy	4.05				

DECISION NO. TX77-4151

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Operator	$ 3.80				
Truck Drivers:					
Single Axle, Light	3.40				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.95				
Welder	4.50				
Welder Helper	3.25				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX77-4152

DATE: Date of Publication

Supersedes Decision No. TX77-4044, dated February 25, 1977, in 42 FR 11226.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.85	.55	.45		.07
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.70		.30		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	9.39		.20		.01
Millwrights	9.74		.20		.01
ZONE 2 - Childress County:					
Carpenters	9.07	.43	.40		.07
Millwrights	9.57	.43	.40		.07
CEMENT MASONS:					
Cement masons	8.30				
Machine operators	8.55				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Electricians	10.13	.60	3%		1/2%
Cable splicers	11.16	.60	3%		1/2%
ZONE 2 - Childress County:					
Electricians	10.35	.40	3%		1/10%
Cable splicers	10.60	.40	3%		1/10%

DECISION NO. TX77-4152

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$ 6.75			a	
IRONWORKERS	9.00	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.99	.53	.27		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe) & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers, spotters	5.14	.53	.27		
LATHERS	9.55				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	10.13	.60	3%		1/2%
Cable splicer	11.16	.60	3%		1/2%
Groundman, more than 1 year experience	6.61	.60	3%		1/2%
Groundman, less than 1 year experience	5.76	.60	3%		1/2%
Operator-hole digger, line truck	7.71	.60	3%		1/2%
Flat bed truck driver	5.76	.60	3%		1/2%

DECISION NO. TX77-4152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$11.26		1%		1/2%
Cable splicer	12.39		1%		1/2%
Groundman, 1st 6 months	6.76		1%		1/2%
Groundman, 2nd 6 months	7.32		1%		1/2%
Groundman, 1 year & over	7.88		1%		1/2%
MARBLE MASONS (EXTERIOR)	9.70		.30		
PAINTERS:					
GROUP 1 - Brush & roller; paper-hangers; perfa-tapers	8.20		.40		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	8.32		.40		
GROUP 3 - Spray painters & sand blasters	8.95		.40		
GROUP 4 - Perfa-tape machine operator	8.45		.40		
PLASTERERS	9.55				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles from the police station in either Amarillo or Borger	9.21	.45	.65	.60	
ZONE 2 - shall extend a distance of 25 to 50 road miles from either Amarillo or Borger	9.46	.45	.65	.60	
ZONE 3 - shall extend a distance of 50 road miles & over from either Amarillo or Borger	9.71	.45	.65	.60	
ROOFERS	4.50				
SHEET METAL WORKERS	9.60	.35	.33		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX77-4152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FOOTNOTE: a - Paid Holidays A thru F					
PAID HOLIDAYS A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

DECISION NO. TX77-4152

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.75	.40	.50		.10
GROUP 2	8.25	.40	.50		.10
GROUP 3	6.30	.40	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 machines); Derricks, power operated (all types); Dragline; Elevating Graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers - 12½ ton & over; Shovels; Heavy Duty Mechanics; All Welders; All tractors with power attachments; Ditching Machines - crawler type; Farm type Tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Cherry Pickers - under 12½ tons; Ditch Witch - 730 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tamper; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader and Payloader; Blade Grader, towed; Elevators, Building; Fork Lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors - Wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Oiler-Fireman-Greaser

[illegible] DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX77-4153 DATE: Date of Publication
Supersedes Decision No. TX77-4054, dated March 4, 1977, in 42 FR 12671.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.00	.70	.70		.06
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	10.53	.63	.60		.06
CARPENTERS	9.25				
CEMENT MASONS	9.86	.52	.55		.08
ELECTRICIANS	11.05	.55	7%		.06
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	10.07	.60	.425		.01
IRONWORKERS	10.28	.55	1.00		.10
LABORERS:					
GROUP 1	4.78	.33	.27		.02
GROUP 2	4.88	.33	.27		.02
GROUP 3	4.98	.33	.27		.02
GROUP 4	4.93	.33	.27		.02
GROUP 5	5.03	.33	.27		.02
GROUP 6	5.18	.33	.27		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironer and raker, water proofing tender, pipe layer (non-metallic), pump crete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); Dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling material from first stack pile; concrete pipe (handling and laying); Sand blaster; Power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker
GROUP 6 - Gunite nozzleman

DECISION NO. TX77-4153

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman & cable splicer	$11.62	.40	1%		1/2%
Groundman (1st 8 months)	4.07	.40	1%		1/2%
Groundman (2nd 6 months)	4.88	.40	1%		1/2%
Groundman	6.74	.40	1%		1/2%
MARBLE MASONS	10.46				
PAINTERS:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	9.295	.365	.35	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	9.67	.365	.35	.40	.04
GROUP 3 - Tape, float & drywall	9.42	.365	.35	.40	.04
GROUP 4 - Steeple jack work, hot materials	9.92	.365	.35	.40	.04
PIPEFITTERS	10.85	.45	.65		.045
PLASTERERS	9.70	.77	.30		.02
PLUMBERS	10.72	.55	.70		.12
SHEET METAL WORKERS	10.18	.275	.595	.32	.06
SOFT FLOOR LAYERS	9.17	.35	.45		.09
TERRAZZO WORKERS	10.46				
TILE SETTERS	10.46				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4153

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.87	.35	.65		.06
GROUP 2	8.38	.35	.65		.06
GROUP 3	7.84	.35	.65		.06
GROUP 4	7.66	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Drives; Scraper, heavy type, over 3 cubic yards; Trenching Machine (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated
GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 150 watts; Rubber Tired Farm Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: TX77-4154 DATE: Date of Publication
Supersedes Decision No. TX77-4055, dated March 4, 1977, in 42 FR 12673.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	8.85		.35		.05
CARPENTERS:					
Carpenters	7.75				.015
Millwrights	10.00				.015
Piledrivermen	8.25				.015
CEMENT MASONS	6.50				
ELECTRICIANS:					
Electricians	8.60	.60	3%		1/4%
Cable splicers	9.00	.60	3%		1/4%
GLAZIERS	5.80				
IRONWORKERS	8.95	.35	.35		.04
LABORERS:					
Laborers	3.40				
Mason tenders	3.80				
Plasterers' tenders	4.40				
LATHERS	6.875	.20	.10		.01
PAINTERS, BRUSH	6.75				
PLASTERERS	7.68				
PLUMBERS & PIPEFITTERS	7.79	.43	.90		.10
ROOFERS	6.40				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
TILE SETTERS	6.90				
TILE SETTERS' HELPERS	3.65				
TRUCK DRIVERS	3.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Blade graders	4.50				
Bulldozers	4.75				
Cherry pickers	4.50				
Drilling machine operators	3.75				
Loaders	4.50				
Motor graders	5.00				
Rollers	4.87				
Scrapers	4.28				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX77-4155 DATE: Date of Publication
Supersedes Decision No. TX76-4147, dated December 28, 1976, in 41 FR 56802.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.85	.55	.45		.07
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.60		.30		.03
CARPENTERS	8.67	.48	.40		.01
CEMENT MASONS	7.10				
ELECTRICIANS:					
Electricians	9.55	.60	3%		1/10%
Cable splicers	9.80	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.23	.50	1.00		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	8.385	.55	1.00		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	4.985	.275	.20		
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & gleaming pumpcrete pipe	5.70	.275	.20		
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	5.125	.275	.20		
GROUP 4 - Mason drill	5.275	.275	.20		
GROUP 5 - Blasters & powder man-up men	5.525	.275	.20		

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DECISION NO. TX77-4155

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	9.55	.60	3%		
Operators	80%JR	.60	3%		
Groundmen (more than 1 year experience)	55%JR	.60	3%		
Groundmen (less than 1 year experience)	50%JR	.60	3%		
Flat bed truck operator	70%JR	.60	3%		
PAINTERS:					
Brush	6.55	.30	.20		.04
Spray	7.30	.30	.20		.04
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	9.26	.39	.45		.04
ROOFERS	3.50				
SHEET METAL WORKERS	9.60	.35	.33		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX77-4155

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.20	.30	.50		.10
GROUP 2	8.10	.30	.50		.10
GROUP 3	8.50	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Smith
DECISION NO.: TX77-4156 DATE: Date of Publication
Supersedes Decision No. TX77-4057, dated March 4, 1977, in 42 FR 12673.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.63				
BRICKLAYERS	7.75				
CARPENTERS	7.90				
CEMENT MASONS	5.92				
ELECTRICIANS:					
Electricians	8.60	.60	3%		1/4%
Cable splicers	9.00	.60	3%		1/4%
GLAZIERS	5.25				
IRONWORKERS	8.50	.30	.35		.04
LABORERS:					
Laborers	3.00				
Mason tenders	4.00				
Mortar mixers	4.10				
Plasterer tenders	4.40				
LATHERS	7.15	.30	.10		.01
PAINTERS	4.50				
PLASTERERS	8.075				.05
PLUMBERS:					
On projects of $200,000 or more	7.59				.03
On projects less than $200,000	6.76				.03
ROOFERS	4.50				
SHEET METAL WORKERS	7.78	.62	.50		.03
SOUND INSTALLERS	6.00	.40	1%		
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	2.75				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Taylor
DECISION NO.: TX77-4157 DATE: Date of Publication
Supersedes Decision No. TX75-4171, dated October 8, 1976, in 41 FR 44664.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 4.00				
ASBESTOS WORKERS	10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	7.20				
CARPENTERS	6.00	.25	.30		
CEMENT MASONS	5.41				
ELECTRICIANS:					
Electricians	8.65	.60	3%		1/4%
Cable splicers	8.90	.60	3%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
LINE CONSTRUCTION:					
Lineman	8.65	.60	3%		1/4%
Cable splicers	8.90	.60	3%		1/4%
Groundman (over 1 year of experience)	6.49	.60	3%		1/4%
Groundman (under 1 year of experience)	5.19	.60	3%		1/4%
Equipment operator	7.09	.60	3%		1/4%
Flat bed truck driver	5.36	.60	3%		1/4%
PAINTERS:					
Brush, tape & bedding, paperhanger	7.30		.25		
Spray	8.175		.25		
PLASTERERS	6.60				
PLUMBERS & PIPEFITTERS	8.05	.25	.55		.03
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bravis
DECISION NO.: TX77-4158 DATE: Date of Publication
Supersedes Decision No. TX77-4006, dated January 21, 1977, in 42 FR 4105.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX77-4158

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.88	.42	.60		.08
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.64	.50	.40		.04
CARPENTERS:					
Carpenters	9.86	.43	.40		.04
Millwrights	10.11	.43	.40		.04
CEMENT MASONS	8.69	.40	.30		
ELECTRICIANS & CABLE SPLICERS	10.60		1%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.29	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	8.31		.20		.01
IRONWORKERS	9.45	.55	.80		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	5.655	.275	.40		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool operator	5.805	.275	.40		.02
GROUP 3 - Plaster tender; Hod carrier; Mortar mixers; Lather tender; Water or damp proofers	5.98	.275	.40		.02
GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	6.055	.275	.40		.02
LATHERS	9.825				.01
LINE CONSTRUCTION:					
Linemen	10.20	.40	1%		1/2%
Groundmen	5.61	.40	1%		1/2%
Groundmen (1st year)	5.10	.40	1%		1/2%
MARBLE SETTERS	7.86	.45			.04
MARBLE SETTERS' FINISHERS	5.37				
PAINTERS:					
GROUP 1 - Brush; Taping & floating of sheetrock	$ 7.95				
GROUP 2 - Paperhangers; Chipper, burner, torch; Skeletom steelwork erected	8.20				
GROUP 3 - Spray; Steam cleaning, sand blast & other powered equipment	8.45				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25c per hour above all base rates					
PLASTERERS	9.54	.35	.20		.01
PLUMBERS & STEAMFITTERS	10.05	.35	.35		.05
ROOFERS:					
Roofers	5.23				.01
Wettlemen	5.08				.01
SHEET METAL WORKERS	9.75	3%+.33	.55		.07
SOFT FLOOR LAYERS	9.17	.35	.45		.09
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	7.96	.45			.04
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	5.37				
Floor machine operators	5.57				
Base machine operators	5.72				
TILE SETTERS	7.96	.45			.04
TILE SETTERS' FINISHERS	5.37				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4158

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher, Operated on Job; Welding Machine, 6 to 12, Two 125 cu. ft. Compressors; Well Points, including installations
GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loader, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator
GROUP 3 - Firemen
GROUP 4 - Oiler

UMI

STATE: Texas COUNTY: Wichita
DECISION NO.: TX77-4159 DATE: Date of Publication
Supersedes Decision No. TX77-4007, dated January 21, 1977, in 42 FR 4107.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.64		.30		.05
CARPENTERS:					
Carpenters	9.07	.43	.40		.07
Millwrights	9.57	.43	.40		.07
CEMENT MASONS	8.55				
ELECTRICIANS:					
ZONE 1 - Work performed within a road mile radius from the Local Union 661 business office up to 30 miles:					
Electricians	10.00	.40	3%		1/10%
Cable splicers	10.25	.40	3%		1/10%
ZONE 2 - All work performed beyond Zone 1:					
Electricians	10.35	.40	3%		1/10%
Cable splicers	10.60	.40	3%		1/10%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.23	.55	1.00		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	8.355	.55	1.00		.10
LABORERS:					
GROUP 1 - General laborers	5.025	.275	.27		
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer Power tool operator; Bell hole man (piers)	5.15	.275	.27		
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1½" thick; Nozzleman & machine operator	5.275	.275	.27		
GROUP 4 - Powderman, blaster	5.525	.275	.27		
LATHERS	$ 7.65				.01
LINE CONSTRUCTION:					
Lineman; lineman operator	11.26		1%		1/2%
Cable splicer	12.39		1%		1/2%
Groundman, 1st 6 months	6.76		1%		1/2%
Groundman, 2nd 6 months	7.32		1%		1/2%
Groundman, 1 year & over	7.88		1%		1/2%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	9.07				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	9.55	.35	.55		.02
ZONE 2 - Between 25 & 40 miles of Wichita Falls City limits	10.05	.35	.55		.02
ZONE 3 - Between 40 & 70 miles of Wichita Falls City limits	10.35	.35	.55		.02
ZONE 4 - Between 70 & 100 miles of Wichita Falls City limits	10.65	.35	.55		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	10.95	.35	.55		.02
ROOFERS	5.42				
SHEET METAL WORKERS	9.72				.03
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.20	.30	.50		.10
GROUP 2	8.10	.30	.50		.10
GROUP 3	8.50	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-Po; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 Machines); Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

[FR Doc.77-19296 Filed 7-7-77;8:45 am]

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MONDAY, JULY 11, 1977

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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presidential documents

Title 3—The President

Executive Order 12002 • July 7, 1977

Administration of the Export Administration Act of 1969, as Amended

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, *et seq.*), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2, the power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, *et seq.*), hereinafter referred to as the Act, are delegated to the Secretary of Commerce, with the power of successive redelegation.

SEC. 2. (a) The power, authority and discretion conferred upon the President in Sections 4(h) and 4(l) of the Act are retained by the President.

(b) The power, authority and discretion conferred upon the President in Section 3(8) of the Act, which directs that every reasonable effort be made to secure the removal or reduction of assistance by foreign countries to international terrorists through cooperation and agreement, are delegated to the Secretary of State, with the power of successive redelegation.

SEC. 3. The Export Administration Review Board, hereinafter referred to as the Board, which was established by Executive Order No. 11533 of June 4, 1970, as amended, is hereby continued. The Board shall continue to have as members the Secretary of Commerce, who shall be Chairman of the Board, the Secretary of State, the Secretary of Defense, and the Chairman of the East-West Foreign Trade Board (Section 7 of Executive Order No. 11846, as amended). No alternate Board members shall be designated, but the acting head of any department may serve in lieu of the head of the concerned department. In the case of the East-West Foreign Trade Board, the Deputy Chairman or the Executive Secretary may serve in lieu of the Chairman. The Board may invite the heads of other United States Government departments or agencies, other than the agencies represented by Board members, to participate in the activities of the Board when matters of interest to such departments or agencies are under consideration.

SEC. 4. The Secretary of Commerce may from time to time refer to the Board such particular export license matters, involving questions of national security or other major policy issues, as the Secretary shall select. The Secretary of Commerce shall also refer to the Board any other such export license matter, upon the request of any other member of the Board or of the head of any other United States Government department or agency having any interest in such matter. The Board shall consider the matters so referred to it, giving due consideration to the foreign policy of the United States, the national security, and the domestic economy, and shall make recommendation thereon to the Secretary of Commerce.

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SEC. 5. The President may at any time (a) prescribe rules and regulations applicable to the power, authority, and discretion referred to in this Order, and (b) communicate to the Secretary of Commerce such specific directives applicable thereto as the President shall determine. The Secretary of Commerce shall from time to time report to the President upon the administration of the Act and, as the Secretary deems necessary, may refer to the President recommendations made by the Board under Section 4 of this Order. Neither the provisions of this section nor those of Section 4 shall be construed as limiting the provisions of Section 1 of this Order.

SEC. 6. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under, or continued in existence by, the Executive orders revoked in Section 7 of this Order, and not revoked administratively or legislatively, shall remain in full force and effect under this Order until amended, modified, or terminated by proper authority. The revocations in Section 7 of this Order shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under those Orders during the period those Orders were in effect.

SEC. 7. Executive Order No. 11533 of June 4, 1970, Executive Order No. 11683 of August 29, 1972, Executive Order No. 11798 of August 14, 1974, Executive Order No. 11818 of November 5, 1974, Executive Order No. 11907 of March 1, 1976, and Executive Order No. 11940 of September 30, 1976 are hereby revoked.

Jimmy Carter

THE WHITE HOUSE,
July 7, 1977.

[FR Doc.77-19925 Filed 7-7-77;4:13 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Confidential Secretary to the Assistant Secretary is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3316(r) (10) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(10) One Confidential Secretary to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-19869 Filed 7-8-77;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary and General Offices to reflect new positions and the organizational realignment of the Department of Agriculture. It has been determined that this action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Siegler, Deputy Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, (202–447–6035).

SUPPLEMENTARY INFORMATION: The delegations of the Department of Agriculture are amended by redesignating the title of the "Under Secretary" to the "Deputy Secretary"; by making delegations of authority to the Assistant Secretary for Food and Consumer Services, the Assistant Secretary for Marketing Services, the Director of Economics, Policy Analysis and Budget, the Inspector General, the Director, Office of Congressional and Public Affairs, the Administrator, Federal Grain Inspection Service, the Director, Office of Budget, Planning and Evaluation, and the Director, Office of Finance; by revising the delegations of authority to the Assistant Secretary for Administration, the Administrator, Agricultural Marketing Service, and the Administrator, Animal and Plant Health Inspection Service; and by deleting the delegations of authority to the Assistant Secretary for Marketing and Consumer Services, the Director of Agricultural Economics, the Under Secretary for Congressional and Public Affairs, the Director, Office of Investigation, the Director, Office of Audit and the Director, Office of Management and Finance.

Pub. L. 94–561 upgraded the position of "Under Secretary" to "Deputy Secretary". In accordance with that Act, the delegations of authority are amended to reflect the new title of Deputy Secretary. In addition, the Department has determined that its responsibilities and the services provided to the public can be better performed by dividing the responsibilities formerly performed by the Assistant Secretary for Marketing and Consumer Services between an Assistant Secretary for Food and Consumer Services and an Assistant Secretary for Marketing Services. Reporting to the Assistant Secretary for Food and Consumer Services will be the Food and Nutrition Service and a new agency, the Food Safety and Quality Service. Reporting to the Assistant Secretary for Marketing Services will be the Federal Grain Inspection Service established by Pub. L. 94–582, the Packers and Stockyards Administration, the Agricultural Marketing Service, and the Animal and Plant Health Inspection Service. The newly created Food Safety and Quality Service will perform the functions formerly performed by the Animal and Plant Health Inspection Service relating to meat and poultry inspection, including voluntary inspection programs under the Agricultural Marketing Act of 1946 (except with respect to animal byproducts), and the functions under the Humane Slaughter Act, and the functions formerly performed by the Agricultural Marketing Service relating to meat and poultry grading and standardization, inspection and grading of dairy products, standardization and inspection for fresh and processed fruit and vegetable products, and those functions authorized by the Egg Products Inspection Act and by Section 32 of the Act of August 24, 1935.

The Federal Grain Inspection Service will perform those functions authorized under the United States Grain Standards Act, as amended, and inspection and standardization functions relating to grain under the Agricultural Marketing Act of 1946.

In addition, in order to give added emphasis to the concept of zero-base budgeting it has been determined that the budgetary and program evaluation functions should be under the responsibility of the Director of Agricultural Economics who is currently responsible for Department-wide economic policy analysis. Accordingly, the functions in these areas formerly under the direction of the Assistant Secretary for Administration are transferred to the Director, whose title is redesignated as the Director of Economics, Policy Analysis and Budget. In addition to the other units reporting to the Director, a new Office of Budget, Planning and Evaluation will report to him. The name of the Office of Management and Finance is changed to the Office of Finance, which will continue to report to the Assistant Secretary for Administration.

The functions formerly performed by the Deputy Under Secretary for Congressional and Public Affairs will be performed by a new Office of Congressional and Public Affairs. The Director of the Office will report directly to the Secretary.

It has also been determined that the functions performed by the Office of Audit and the Office of Investigation should be merged into a new Office of the Inspector General. The Inspector General will report directly to the Secretary.

Lastly, minor editorial changes are made to conform the present delegations of authority with the delegations made herein, and to update the order in which Officers of the Department may act as Secretary in the absence of the Secretary as authorized by Executive Order 11957, January 13, 1977.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

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Subpart A—General

1. Section 2.4 is amended to read as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary, who is assisted by the following general officers: The Deputy Secretary; the Assistant Secretary for Conservation, Research and Education; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for International Affairs and Commodity Programs; the Assistant Secretary for Marketing Services; the Assistant Secretary for Rural Development; the General Counsel; the Director for Economics, Policy Analysis and Budget; the Director, Office of Congressional and Public Affairs; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; and the Director of Communication.

2. Section 2.5 is amended to read as follows:

§ 2.5 Order in which Assistant Secretaries and the General Counsel shall act as Secretary.

(a) Pursuant to Executive Order 11957, dated January 13, 1977 (42 FR 3295), in the case of the absence, sickness, resignation, or death of both the Secretary and the Deputy Secretary, the Assistant Secretary for Conservation, Research and Education; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for International Affairs and Commodity Programs; the Assistant Secretary for Marketing Services; and the Assistant Secretary for Rural Development shall act as Secretary in the order in which they have taken office as an Assistant Secretary.

(b) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, and the Assistant Secretaries referred to in paragraph (a) of this section, the General Counsel shall act as Secretary.

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Congressional and Public Affairs

3. The heading of Subpart C is amended to read as set forth above.

4. Sections 2.15 and 2.16 are renumbered §§ 2.13 and 2.14 respectively. Section 2.13, as renumbered, is amended by revoking paragraph (d) and by revising the heading and introductory text to read as follows:

§ 2.13 Delegations of authority to the Deputy Secretary.

The following delegations of authority are made by the Secretary of Agriculture to the Deputy Secretary:

* * * * *

(d) [Revoked].

5. A new § 2.15 is added to read as follows:

§ 2.15 Delegations of authority to the Assistant Secretary for Food and Consumer Services.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Food and Consumer Services:

(a) *Related to food safety and quality.* (1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) relating to meat and poultry grading and standardization, grading and standardization of eggs and dairy products, standardization and inspection of fresh and processed fruit and vegetable products, grading and standardization and voluntary inspection of rabbits and edible products thereof, and voluntary inspection and certification of edible meat and other products.

(2) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) Egg Products Inspection Act (21 U.S.C. 1031–1056).

(ii) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(iii) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(iv) Federal Meat Inspection Act, as amended, and related legislation (21 U.S.C. 601–624, 641–645, 661, 671–680, 691–692, 694–695).

(v) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in administration of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

(vi) Humane Slaughter Act (7 U.S.C. 1901–1906).

(vii) Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c) and related legislation except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(viii) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(ix) In carrying out the procurement functions in subdivisions (vii) and (viii) of this subparagraph, the Assistant Secretary for Food and Consumer Services shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

(b) *Related to food and nutrition.* (1) Administer the following legislation:

(i) The Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2025).

(ii) National School Lunch Act of 1946, as amended (42 U.S.C. 1751–1763), except procurement of agricultural commodities and other foods under section 6 thereof.

(iii) Child Nutrition Act of 1966, as amended (42 U.S.C. 1771–1785).

(2) Administer those functions relating to the distribution and donation of agricultural commodities and products thereof under the following legislation:

(i) Clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), except the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

(ii) Section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a–1).

(iii) Section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation.

(iv) Section 9 of the Act of September 6, 1958 (7 U.S.C. 1431b).

(v) Section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), except with respect to donations to Federal penal and correctional institutions.

(vi) Section 402 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1922).

(vii) Section 707 of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f).

(viii) Sections 203 and 233 of the Disaster Relief Act of 1970 (42 U.S.C. 4413, 4457).

(3) Administer those functions relating to the distribution of food coupons under section 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4457).

(4) In connection with the functions assigned in subparagraphs (1), (2) and (3) of this paragraph, relating to the distribution and donation of agricultural commodities and products thereof and food coupons to eligible recipients, authority to determine the requirements for such agricultural commodities and products thereof and food coupons to be so distributed.

(5) Receive donation of food commodities under clause (3) of section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agricultural Act of 1965, as amended.

(c) *Related to committee management.* Establish and reestablish regional, State, and local advisory committees for activities under his authority. This authority may not be redelegated.

(d) *Related to Defense.* Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), concerning wholesomeness of meat and poultry and products thereof; inspection of eggs and egg products; and food stamp assistance.

6. A new § 2.16 is added to read as follows:

§ 2.16 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) [Reserved]. (b) *Related to food and nutrition.* Authority to appoint members of the National Advisory Council on Child Nutrition as directed in the National School Lunch Act of 1966, as amended (42 U.S.C. 1763).

7. Section 2.17 is amended as follows:

(a) The heading and introductory text is revised to read as set forth below.

(b) revoking and reserving Paragraphs (a)(3)(iv), (xviii), (xix), (xx), (xxvi), and (xxviii) is revoked and reserved as set forth below.

(c) revoking and reserving Paragraphs (b) (18), (19), and (20) is revoked and reserved, paragraphs (b), (28) and (29) is revised, and a new paragraph (b)(32) is added to read as set forth below.

(d) A new paragraph (c) is added to read as set forth below.

(e) Paragraph (d) is revoked and reserved as set forth below.

(f) Paragraph (h) is revised to read as set forth below. As amended, § 2.17 reads as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing Services.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Marketing Services:

(a) *Related to agricultural marketing.* * * *

(3) * * *

(iv) [Revoked and reserved].

* * * * *

(xviii)–(xx) [Revoked and reserved].

* * * * *

(xxvi) [Revoked and reserved].

* * * * *

(xxviii) [Revoked and reserved].

(b) *Related to animal and plant health inspection.* * * *

(18)–(20) [Revoked and reserved].

* * * * *

(28) The Agricultural Marketing Act of 1946, sections 203, 105, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of animal byproducts; inspection, testing, treatment, and certification of animals; voluntary inspection and certification of technical animal fats; and voluntary inspection and certification of products for dogs, cats and other carnivora.

(29) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in control and eradication of plant and animal diseases and pests.

* * * * *

(32) The Endangered Species Act of 1973 (87 Stat. 884).

(c) *Related to grain inspection.* (1) Exercise the authority of the Secretary of Agriculture contained in the U.S. Grain Standards Act, as amended (7 U.S.C. 71–87h).

(2) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) relating to inspection and standardization activities relating to grain.

(d) [Revoked and reserved].

(h) *Related to Defense.* Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), concerning protection of livestock, poultry and crops and products thereof from biological and chemical warfare; and utilization or disposal of livestock and poultry exposed to radiation.

8. Section 2.18 is amended by revoking paragraph (d) as follows:

§ 2.18 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

* * * * *

(d) [Revoked].

§ 2.21 [Amended]

9. Section 2.21 is amended by deleting "2.17(d), 2.21(b)," in paragraph (a)(27) and substituting in lieu thereof "2.15(b)"; by deleting "2.17(d)" in paragraph (a)(28) and substituting in lieu thereof "2.15(b)"; by deleting the term "Agricultural Marketing Service" in paragraph (a)(28) and substituting in lieu thereof the term "Assistant Secretary for Food and Consumer Services"; and by deleting the term "Assistant Secretary for Marketing and Consumer Affairs" in paragraph (a)(30) and substituting in lieu thereof the term "Assistant Secretary for Marketing Services".

10. Section 2.21 is amended by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraph (d)(2) and substituting in lieu thereof the term "Assistant Secretary for Food and Consumer Services"; by deleting the term "Director of Agricultural Economics" in paragraphs (d)(1), (3) and (16) and substituting in lieu thereof the term "Director of Economics, Policy Analysis and Budget"; by deleting the term "Assistant Secretary for Marketing and consumer Services" in paragraph (d)(7) and substituting in lieu thereof, the term "Assistant Secretary for Marketing Services"; and by deleting "2.27(a)" in paragraph (d)(16) and substituting in lieu thereof "2.27(c)".

11. Section 2.25 is amended by revoking and reserving paragraph (i) and by revoking paragraphs (b) and (g) and substituting the following in lieu thereof:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(b) *Related to finance.* (1) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:

(i) Financial administration, including accounting and related activities.

(ii) Financial reporting.

(iii) Operating the central voucher payment service for the Department.

(iv) Operating the Department's central accounting system.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel statistics and reporting, with payroll, budget, and accounting operations.

(2) Formulate and promulgate Departmental financial policies, procedures, and regulations.

(3) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(4) Review financial aspects of agency operations.

(5) Represent the Department in contacts with the General Accounting Office, the Treasury Department, and other organizations or agencies on matters related to his responsibilities.

(6) Designate the Department's Director of Finance.

(7) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.25(e)(10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's records, forms, reports, and directives management programs.

* * * * *

(g) *Related to committee management.* Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

* * * * *

(i) [Revoked and reserved]

* * * * *

12. Paragraph (a) through (d) of § 2.26 is revoked and reserved as follows:

§ 2.26 Reservations of authority.

(a)–(d) [Reserved]

* * * * *

13. Section 2.27 is amended by revising the heading and introductory paragraph thereof; by redesignating paragraphs (a) through (g) as (b) through (h) respectively; by deleting the term "Director of Agricultural Economics" in paragraph (e) as redesignated and substituting in lieu thereof the term "Director of Economics, Policy Analysis and Budget; and by adding a new paragraph (a) and revising paragraph (f) as redesignated to read as follows:

§ 2.27 Delegations of authority to the Director of Economics, Policy Analysis and Budget.

The following delegations of authority are made by the Secretary of Agriculture to the Director of Economics, Policy Analysis and Budget:

(a) *Related to budget, planning and evaluation.* (1) Exercise general respon-

sibility and authority for all matters related to the Department's budgeting activities. These reviews will provide coordinated appraisals of Departmental

activities under his authority. This au-

independent information to determine whether—

20. Section 2.47 is revoked and reserved as follows:

treatment, and certification of technical

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sibility and authority for all matters related to the Department's budgeting affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Budgetary reporting.

(iii) Legislative reporting and related activities.

(2) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(3) Formulate and promulgate Departmental budgetary, legislative, fiscal, and committee management policies, procedures, and regulations.

(4) Review budgetary, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and other organizations or agencies on matters related to his responsibility.

(6) Designate the Department's Budget Officer.

(7) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning review; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization, and operation of the Department's programs.

(8) Maintain, review, update and amend Departmental Delegations of Authority.

(9) Administer the Department's management review program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(10) Develop, design, install and revise systems, processes, work methods, and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(11) Authorize organizational changes which occur in:

(i) Departmental organizations:

(a) Service or office.

(b) Division (or comparable component).

(c) Branch (or comparable component in Departmental Centers, only).

(ii) Field organizations:

(a) First organizational level.

(b) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(12) Administer the Department's operations review and analysis program. This includes the authority to:

(i) Set operations review and analysis policies, programs, plans, and procedures for the Department, and

(ii) Conduct operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(13) Develop comprehensive, long-range program plans.

(14) Administer the Department's program evaluation system: maintain an integrated multi-year programming and budgeting structure; and monitor performance of agencies in meeting budgeting targets and objectives.

(15) Review and approve exemptions for Department of Agriculture contracts, subcontracts, grants, subgrants, agreements, subagreements, loans and subloans from the requirements of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and Executive Order 11738 when he determines that the paramount interest of the United States so requires as provided in the above acts and Executive Order and the regulations of the Environmental Protection Agency (40 CFR 15.5).

(16) Act as Acquisition Executive in USDA as defined in OMB Circular No. A–109: Major System Acquisitions. In this capacity he will assure that OMB Circular No. A–109 is effectively implemented in USDA and ensure that the management objectives of the Circular are realized. Also, he will have authority to:

(i) designate the program manager for each major system acquistion, and

(ii) designate any departmental acquisition as a major system acquisition under A–109.

* * * * *

(f) *Related to committee management.* (1) Serve as the Department's Committee Management Officer and establish and maintain departmentwide policies and procedures for the management of committees. This delegation includes the authority to:

(i) Consult with the Office of Management and Budget prior to the establishment or reestablishment of advisory committees.

(ii) Approve and sign the written certification that creation of the advisory committee is in the public interest and provide for the publication of such certification in the FEDERAL REGISTER, along with a description of the nature and purpose of the advisory committee, following the Office of Management and Budget's approval of the establishment of the committee.

(iii) Approve and sign the notice of renewal of advisory committees for publication in the FEDERAL REGISTER, following the Office of Management and Budget's occurrence in the renewal of the committees.

(iv) Assign responsibility for preparation of timely notice of meetings for publication in the FEDERAL REGISTER.

(v) Approve charters for national advisory committees when in a format other than a Secretary's memorandum.

(2) Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

* * * * *

14. Section 2.28 is amended to read as follows:

§ 2.28 Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to budget, planning and evaluation.* Final approval of the Department's program and financial plans.

(b)–(c) [Reserved].

(d) *Related to statistical reporting.* (1) Final approval and issuance of the monthly crop report (7 U.S.C. 411a).

(2) Final action on rules and regulations for the Crop Reporting Board.

15. A new § 2.29 is added to read as follows:

§ 2.29 Delegations of authority to the Director, Office of Congressional and Public Affairs.

The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Congressional and Public Affairs:

(a) *Related to congressional affairs.* (1) Exercise responsibility for coordination of all Congressional matters in the Department.

(2) Maintain liaison with the Congress and the White House on legislative matters of concern to the Department.

(b) *Related to public affairs.* (1) Advise and counsel general officers on public affair matters of concern to the Department.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

16. Section 2.33 is revoked and the following substituted in lieu thereof:

§ 2.33 Delegations of authority to the Inspector General.

The following delegations of authority are made by the Secretary of Agriculture to the Inspector General:

(a) Advise the Secretary and general officers in the planning, development, and execution of Department policies and programs.

(b) Initiate, direct, or control all audit and investigation activities by and for the Department. This includes the authority to:

(1) Formulate audit and investigative policies, programs, plans, and procedures within the Department.

(2) Set standards and approve the use of organizations outside the Department for audit and investigative services in connection with USDA programs.

(c) Provide audit services pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined by the Inspector General to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed with recommendations for action. These audits will provide timely, comprehensive,

independent information to determine whether—

(1) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(2) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(3) Programs and operations are effective, relevant, and necessary, and administered efficiently.

(d) Conduct all required audits of program results.

(e) Conduct investigations concerning operations of the Department, its employees, its constitutent organizations, and others under contract, grant, or agreement, with the Department; and to issue reports of facts from which allegations or violations and irregularities can be evaluated.

(f) Determine that OIG reports and those of an audit or investigative nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(g) Determine the proper areas of jurisdiction of audit and investigative functions as between OIG and other USDA agencies.

(h) Provide for physical protection of the Secretary.

(i) Provide liaison and coordination on audit and investigative matters between agencies within the Department and between the Department and other Government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, Department of Justice (except security program matters) and other Federal, State and local executive and legislative organizations.

(j) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in maintaining the security of physical facilities, self-protection, and warden systems.

17. A new § 2.34 is added to read as follows:

§ 2.34 Reservations of authority.

The following authority is reserved to the Secretary of Agriculture.

(a) Giving final approval to determinations by the Inspector General of the proper areas of jurisdiction of audit and investigative functions as between the OIG and other USDA agencies.

Subpart E—Delegations of Authority by the Deputy Secretary

18. The heading of Subpart E is amended to read as set forth above.

19. Section 2.46 as amended to read as follows:

§ 2.46 Director, Office of Intergovernmental Affairs.

(a) *Delegations.* Pursuant to § 2.13(c), the following delegations of authority are made by the Deputy Secretary to the Director, Office of Intergovernmental Affairs.

* * * * *

20. Section 2.47 is revoked and reserved as follows:

§ 2.47 [Revoked and reserved]

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing Services

21. The hearing of Subpart F is amended to read as set forth above.

22. Section 2.49 is amended by revising the heading and text of paragraph (a) to read as follows:

§ 2.49 Deputy Assistant Secretary for Marketing Services.

(a) *Delegations.* Pursuant to § 2.17, subject to reservations in § 2.18, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Marketing Services to the Deputy Assistant Secretary for Marketing Services, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which hereafter be delegated to the Assistant Secretary for Marketing Services.

23. Section 2.50 is amended by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraphs (a) and (b) and substituting in lieu thereof the term "Assistant Secretary for Marketing Services"; and by revoking and reserving paragraphs (a)(3) (iv), (xviii), (xix), (xx), (xxvi), (xxviii), and (xxx) as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(3) * * *

(iv) [Revoked and reserved]

* * * * *

(xviii)–(xx) [Revoked and reserved]

* * * * *

(xxvi) [Revoked and reserved]

* * * * *

(xxviii) [Revoked and reserved]

* * * * *

(xxx) [Revoked and reserved]

* * * * *

24. Section 2.51 is amended by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraph (a) and substituting in lieu thereof the term "Assistant Secretary for Marketing Services"; by revoking and reserving paragraphs (a)(18), (19), and (20); by revising paragraphs (a)(28), (29), and (30); and by adding a new paragraph (a)(32) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) *Delegations.* * * *

(18)–(20) [Revoked and reserved]

* * * * *

(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of animal byproducts; inspection, testing, treatment, and certification of technical animal fats; and voluntary inspection and certification of products for dogs, cats, and other carnivora.

(29) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in control and eradication of plant and animal diseases and pests.

(30) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), relating to protection of livestock, poultry and crops and products thereof from biological and chemical warfare; and utilization or disposal of livestock and poultry exposed to radiation.

* * * * *

(32) The Endangered Species Act of 1973 (87 Stat. 884).

25. Section 2.53 is revoked and a new § 2.53 added to read as follows:

§ 2.53 Administrator, Federal Grain Inspection Service.

(a) *Delegations.* Pursuant to § 2.17 (c), the following delegations of authority are made by the Assistant Secretary for Marketing Services to the Administrator, Federal Grain Inspection Service:

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) relating to inspection and standardization activities related to grain.

(b) *Other responsibilities.* The Administrator, Federal Grain Inspection Service is responsible for the administration of the United States Grain Standards Act, as amended (7 U.S.C. 71–87h).

(c) *Reservations.* The following authority is reserved to the Assistant Secretary for Marketing Services:

(1) Exercise general direction and supervision of the Federal Grain Inspection Service.

§ 2.54 [Amended]

26. Paragraph (a) of § 2.54 is amended by deleting the term "Assistant Secretary for Marketing and Consumer Services" and substituting in lieu thereof the term "Assistant Secretary for Marketing Services."

§ 2.65 [Amended]

27. Section 2.65 is amended by deleting "2.17(d), 2.21(b)," in paragraph (a)(27) and substituting in lieu thereof "2.15(b)"; by deleting "2.17(d)"; in paragraph (a)(28) and substituting in lieu thereof "2.15(b)"; by deleting the term "Agricultural Marketing Service" in paragraph (a)(28) and substituting in lieu thereof the term "Food Safety and Quality Service"; and by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraph (a)(30) and substituting in lieu thereof the term "Assistant Secretary for Marketing Services".

§ 2.66 [Amended]

28. Section 2.66 is amended by deleting the phrase "the Director of Agricultural Economics in § 2.27(b)" in paragraph (a)(6) and substituting in lieu thereof

the phrase "the Director of Economics, Policy Analysis and Budget in § 2.27(c)."

tions, messenger, paperwork management, and related administrative

(3) Formulate and promulgate Departmental budgetary, legislative, fiscal

budgeting structure; and monitor performance of agencies in meeting budget-

following delegations of authority are made by the Director of Economics, Poli-

(ii) Act of May 23, 1908, regarding inspection of dairy products for export (21

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the phrase "the Director of Economics, Policy Analysis and Budget in § 2.27(c)."

§ 2.68 [Amended]

29. Section 2.68 is amended by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraph (a)(2) and substituting in lieu thereof the term "Assistant Secretary for Food and Consumer Services"; by deleting the term "Director of Agricultural Economics" in paragraphs (a) (1) and (3) and substituting in lieu thereof the term "Director of Economics, Policy Analysis and Budget"; and by deleting the term "Assistant Secretary for Marketing and Consumer Services" in paragraph (a) (7) and substituting in lieu thereof the term "Assistant Secretary for Marketing Services."

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

30. Section 2.75 is revoked and the following substituted in lieu thereof:

§ 2.75 Director, Office of Finance.

(a) *Delegations.* Pursuant to § 2.25 (b) and (d), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Finance:

(1) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:

(i) Financial administration, including accounting and related activities.

(ii) Financial reporting.

(iii) Operating the central voucher payment service for the Department.

(iv) Operating the Department's central accounting system.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel statistics and reporting, with payroll, budget, and accounting operations.

(2) Formulate and promulgate Departmental financial policies, procedures, and regulations.

(3) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(4) Review financial aspects of agency operations.

(5) Represent the Department in contacts with the General Accounting Office, the Treasury Department, and other organizations or agencies on matters related to his responsibilities.

(6) The Director, Office of Finance is designated as the Department's Director of Finance.

(7) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as lited in § 2.25 (e) (10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's records, forms, reports, and directives management programs.

(9) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated and trust funds for:

(i) The Secretary of Agriculture.

(ii) The general officers of the Department.

(iii) The offices and agencies reporting to the Assistant Secretary for Administration, and

(iv) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department not included in paragraph (a)(9) (i), (ii), or (iii) of this section.

§ 2.81 [Revoked]

31. Section 2.81 is revoked as set forth above.

Subpart K—Delegations of Authority by the Director of Economics, Policy Analysis and Budget

32. The heading of Subpart K is amended to read as set forth above.

33. A new § 2.83 is added to read as follows:

§ 2.83 Deputy Director of Economics, Policy Analysis, and Budget.

(a) *Delegations.* Pursuant to § 2.27 subject to reservations in § 2.28 and subject to policy guidance and direction by the Director, the following delegation of authority is made by the Director of Economics, Policy Analysis and Budget to the Deputy Director of Economics, Policy Analysis and Budget, to be exercised only during the absence or unavailability of the Director:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Director of Economics, Policy Analysis and Budget.

34. A new § 2.84 is added to read as follows:

§ 2.84 Director, Office of Budget, Planning and Evaluation.

(a) *Delegations.* Pursuant to § 2.27(a), the following delegations of authority are made by the Director of Economics, Policy Analysis and Budget to the Director, Office of Budget, Planning, and Evaluation:

(1) Exercise general responsibility and authority for all matters related to the Department's budgeting affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Budgetary reporting.

(iii) Legislative reporting and related activities.

(2) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(3) Formulate and promulgate Departmental budgetary, legislative, fiscal and committee management policies, procedures, and regulations.

(4) Review budgetary, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and other organizations or agencies on matters related to his responsibility.

(6) The Director, Office of Budget, Planning and Evaluation is designated as the Department's Budget Officer.

(7) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning review; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization, and operation of the Department's programs.

(8) Maintain, review, update and amend Departmental Delegations of Authority.

(9) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(10) Develop, design, install and revise systems, processes, work methods, and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(11) Authorize organizational changes which occur in:

(i) Departmental organization:

(a) Service or office.

(b) Division (or comparable component).

(c) Branch (or comparable component in Departmental Centers, only).

(ii) Field organizations:

(*a*) First organizational level.

(*b*) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same requires approval in accordance with 1 AR 673.

(12) Administer the Department's operations review and analysis program. This includes the authority to:

(i) Set operations review and analysis policies, programs, plans, and procedures for the Department, and

(ii) Conduct operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(13) Develop comprehensive long-range program plans.

(14) Administer the Department's program evaluation system; maintain an integrated multi-year programming and budgeting structure; and monitor performance of agencies in meeting budgeting targets and objectives.

(15) Review and approve exemptions for Department of Agriculture contracts, subcontracts, grants, subgrants, agreements, subagreements, loans and subloans from the requirements of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and Executive Order 11738 when he determines that the paramount interest of the United States so requires as provided in the above acts and Executive Order and the regulations of the Environmental Protection Agency (40 CFR 15.5).

(16) Act as Acquisition Executive in USDA as defined in OMB Circular No. A-109: Major System Acquisitions. In this capacity he will assure that OMB Circular No. A-109 is effectively implemented in USDA and ensure that the management objectives of the Circular are realized. Also, he will have authority to:

(i) designate the program manager for each major system acquisition, and

(ii) designate any departmental acquisition as a major system acquisition under A-109.

(b) *Reservations.* The following authorities are reserved to the Director of Economics, Policy Analysis and Budget:

(1) Authorize organizational changes occurring in a department service or office which affect the overall structure of that service or office; i.e., requires a change to that service's or office's overall organization chart.

35. Paragraph (a) of § 2.85 is amended to read as follows:

§ 2.85 Administrator, Farmer Cooperative Service.

(a) *Delegations.* Pusuant to § 2.27(b), the following delegations of authority are made by the Director of Economics, Policy Analysis and Budget to the Administrator, Farmer Cooperative Service:

* * * * *

36. Paragraph (a) of § 2.86 is amended to read as follows:

§ 2.86 Administrator, Economic Research Service.

(a) *Delegations.* Pursuant to § 2.27(c), the following delegations of authority are made by the Director of Economics, Policy Analysis and Budget to the Administrator, Economic Research Service:

* * * * *

37. Paragraph (b) of § 2.86 is amended by deleting the term "Director of Agricultural Economics" and substituting in lieu thereof the term "Director of Economics, Policy Analysis and Budget".

38. Paragraph (a) of § 2.87 is amended to read as follows:

§ 2.87 Administrator, Statistical Reporting Service.

(a) *Delegations.* Pursuant to § 2.27(d), subject to reservations in § 2.28(d), the following delegations of authority are made by the Director of Economics, Policy Analysis and Budget to the Administrator, Statistical Reporting Service:

* * * * *

39. Paragraph (a) of § 2.88 is amended to read as follows:

§ 2.88 Director, Economic Management Support Center.

(a) *Delegations.* Pursuant to § 2.27(e), the following delegations of authority are made by the Director of Economics, Policy Analysis and Budget to the Director, Economic Management Support Center:

(1) Provide to the other agencies reporting to the Director of Economics, Policy Analysis and Budget management support services, as agreed upon by the agencies. As used herein, management support services include:

* * * * *

40. A new Subpart L is added to read as follows:

Subpart L—Delegations of Authority by the Assistant Secretary for Food and Consumer Services

41. New §§ 2.91 through 2.93 are added to read as follows:

§ 2.91 Deputy Assistant Secretary for Food and Consumer Services.

(a) *Delegations.* Pursuant to § 2.15, subject to reservations in § 2.16, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Food and Consumer Services to the Deputy Assistant Secretary for Food and Consumer Services, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for Food and Consumer Services.

§ 2.92 Administrator, Food Safety and Quality Service.

(a) *Delegations.* Pursuant to § 2.15(a), the following delegations of authority are made by the Assistant Secretary for Food and Consumer Services to the Administrator, Food Safety and Quality Service:

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) relating to meat and poultry grading and standardization, grading and standardization of eggs and dairy products, standardization and inspection of fresh and processed fruit and vegetable products, grading and standardization and voluntary inspection of rabbits and edible products thereof, and voluntary inspection and certification of edible meat and other products.

(2) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) Egg Products Inspection Act (21 U.S.C. 1031–1056).

(ii) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(iii) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(iv) Federal Meat Inspection Act, as amended, and related legislation (21 U.S.C. 601–624, 641–645, 661, 671–680, 691–692, 694–695.

(v) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in administration of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

(vi) Humane Slaughter Act (7 U.S.C. 1901–1906).

(vii) Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c) and related legislation except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(viii) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(ix) In carrying out the procurement functions in (vii) and viii) above, the Administrator, Food Safety and Quality Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

(x) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), relating to wholesomeness of meat and poultry and products thereof, and inspection of eggs and egg products.

§ 2.93 Administrator, Food and Nutrition Service.

(a) *Delegations.* Pursuant to § 2.15 (b), subject to reservations in § 2.16(b), the following delegations of authority are made by the Assistant Secretary for Food and Consumer Services to the Administrator, Food and Nutrition Service:

(1) Administer the following legislation:

(i) The Food Stamp Act of 1964, as amended (7 U.S.C. 2011–2025).

(ii) National School Lunch Act of 1946, as amended (42 U.S.C. 1751–1763), except procurement of agricultural commodities and other foods under section 6 thereof.

(iii) Child Nutrition Act of 1966, as amended (42 U.S.C. 1771–1785).

(2) Administer those functions relating to the distribution and donation of agricultural commodities and products thereof under the following legislation:

(i) Clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), except the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

(ii) Section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a-1).

(iii) Section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

cially important to farmers needing irrigation water to compensate for drought

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.3; dele-

SUMMARY: As a result of a request from the National Aeronautics and Space

cedures thereon, are impracticable and unnecessary and good cause exists with

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(iii) Section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation.

(iv) Section 9 of the Act of September 6, 1958 (7 U.S.C. 1431b).

(v) Section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), except with respect to donations to Federal penal and correctional institutions.

(vi) Section 402 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1922).

(vii) Section 707 of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f).

(viii) Sections 203 and 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4413, 4457).

(3) Administer those functions relating to the distribution of food coupons under section 238 of the Disaster Relief Act of 1970 (42 U.S.C. 4457).

(4) In connection with the functions assigned in paragraphs (a)(1), (2), and (3) of this section, relating to the distribution and donation of agricultural commodities and products thereof and food coupons to eligible recipients, authority to determine the requirements for such agricultural commodities and products thereof and food coupons to be so distributed.

(5) Receive donation of food commodities under clause (3) of section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agricultural Act of 1965, as amended.

(6) Authorize defense emergency food stamp assistance.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subparts A, C, and D, dated: July 5, 1977.

BOB BERGLAND,
Secretary of Agriculture.

For Subpart E, dated: July 5, 1977.

JOHN C. WHITE,
Deputy Secretary of Agriculture.

For Subpart F, dated: June 27, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

For Subpart J, dated: June 27, 1977.

J. FRED KING,
Acting Assistant Secretary for Administration.

For Subpart K, dated: June 28, 1977.

HOWARD W. HJORT,
Director of Economics, Policy Analysis and Budget.

For Subpart L, dated: June 28, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-19628 Filed 7-8-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 443.2]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart B—Soil and Water Loans

SECURITY REQUIREMENTS

AGENCY: Farmers Home Administration, USDA

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to remove the requirement that indebtedness on land which is not serving as security for a soil and water loan count towards the total indebtedness limit of such loan and to increase the maximum limit for a soil and water loan secured by nonreal estate items. The amendment is necessitated by the need for more soil and water loan assistance and the increased cost of equipment.

EFFECTIVE DATE: July 11, 1977. Comments received on or before August 10, 1977, will be considered for amendment purposes.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Reid Robison—202-447-4572.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends §§ 1821.55(c)(1) and 1821.56(a)(1) and (2) and § 1821.60 of Subpart B of Part 1821, Chapter XVIII, Title 7, Code of Federal Regulations (31 FR 14165, redesignated at 32 FR 717 and as amended). This amendment will remove the requirement that indebtedness on portions of the applicant's land, which are not, or will not serve as security for the soil and water loan, count towards the total indebtedness limit of $225,000, and to increase the limitation from a maximum of $25,000 to $60,000 for the amount that can be loaned when only nonreal estate items serve as security for the soil and water loan.

This will make it possible for more farmers, in need of soil and water loans and who are otherwise eligible, to meet the soil and water eligibility total indebtedness limitation. Increased costs of irrigation equipment and its corresponding value as security necessitates increasing to $60,000, the limitation for loans secured only by nonreal estate items. Both of these changes are especially important to farmers needing irrigation water to compensate for drought conditions now prevailing in many areas.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the change is needed to combat the present drought and any delay would be contrary to the public interest. Accordingly, as amended, §§ 1821.55(c)(1), 1821.56(a)(1) and (2) and § 1821.60 read as follows:

§ 1821.55 Special requirements.

* * * * *

(c) *Loan limitations.* * * *

(1) The loan would cause the unpaid indebtedness against the farm, exclusive of that portion which is not or will not be security, and/or other security to exceed $225,000 or the value of the farm and/or the other security, whichever is less. In addition, the SW loan will not be approved if only nonreal estate items will serve as security, and the borrower's unpaid indebtedness against the nonreal estate security plus the amount of the loan will exceed $60,000. The unpaid indebtedness in either case outlined above includes all FmHA's and any other lender's principal and any past-due interest on the existing and proposed security; or

* * * * *

§ 1821.56 Security requirements.

(a) *General.* * * *

(1) Any loan of more than $60,000 and any loan to be paid in more than 20 years from the date of the note will be secured by a mortgage on the applicant's farm unless an exception is made in accordance with paragraph (b)(1) of this section. Usually loans of more than $60,000 will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or to facilitate servicing the loan, a mortgage also may be taken on other nonfarm real estate or on chattel or other property owned by the applicant.

(2) A loan of not more than $60,000 to be paid in not more than 20 years from date of the note may be secured by:

* * * * *

§ 1821.60 Subsequent soil and water loans.

A subsequent soil and water loan may be made to a borrower who currently owes a soil and water (including water facilities) debt for the same purposes and under the same conditions as an initial loan subject to applicable provisions of § 1821.23; except that the borrower's total unpaid indebtedness of soil and water (including water facilities) loans computed in accordance with § 1821.55(c) will not exceed $60,000 unless the loan is secured by real estate.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.3; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 28, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-19613 Filed 7-8-77;8:45 am]

[FmHA Instruction 442.7]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart G—Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

DELETION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration deletes Subpart G, Part 1823, Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 17029). The provisions of this regulation are no longer necessary. The intent of this action is to remove unnecessary regulations in order to accomplish an overall simplification of the Code of Federal Regulations.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles B. Hart (202-447-6499).

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 23, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-19612 Filed 7-8-77;8:45 am]

Title 10—Energy

CHAPTER I—U.S. NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

NOTE.—The following document was originally published on Friday, July 8, 1977. It is being republished here in order to meet Assigned-Day-of-the-Week publication requirements.

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Final rule.

SUMMARY: As a result of a request from the National Aeronautics and Space Administration to export special nuclear material to the Soviet Union for use in a joint space experiment, and in order to facilitate U.S. participation in international programs pursuant to intergovernmental cooperative agreements, NRC is amending its regulations to exempt U.S. Government agencies from the requirements for an export license for small quantities of special nuclear material intended for use in U.S. Government sponsored or cooperative activities in foreign countries.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Neal Moore, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 telephone: (301) 492-7984.

SUPPLEMENTARY INFORMATION: Section 57d. of the Atomic Energy Act, 42 U.S.C. 2092, authorizes the Commission to "exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license * * * when it makes a finding that the exemption * * * would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public." To date the Commission has not exercised this authority.

Recently, the Commission has received a request from the National Aeronautics and Space Administration to export to the USSR 0.65 grams of high-enriched uranium (special nuclear material) for use in a joint US/USSR space experiment to take place soon pursuant to the US/USSR Space Cooperation Agreements of 1972 and 1977. Under present regulations, the Commission is precluded from issuing an export license for this material because there is no agreement for cooperation with the USSR pursuant to section 123 of the Atomic Energy Act. Recently, another export by Energy Research Development Administration to the USSR of 2.0 milligrams of plutonium-244, for a scientific experiment with U.S. scientists participating, has been withheld in the absence of an agreement for cooperation.

Therefore, the Commission having found that the exemption will not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public, has decided to exercise the authority granted under sections 53, 54, and 57d. of the Act to facilitate United States participation in international programs pursuant to intergovernmental cooperative agreements.

In view of the urgency of the export proposed and the insignificant amounts of the material involved, and the intergovernmental cooperative agreement under which this experiment and others would take place, the Commission has found that the customary 30-day notice of proposed rulemaking, and public procedures thereon, are impracticable and unnecessary and good cause exists why this regulation should be made effective upon publication in the FEDERAL REGISTER (July 8, 1977).

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 70 is published as a document subject to codification and effective upon publication in the FEDERAL REGISTER (July 8, 1977).

A new § 70.15 is added to read as follows:

§ 70.15 Intergovernmental cooperative activities.

Any U.S. Government agency is exempt from the regulations in this part and from the requirements for a license set forth in section 53 of the Atomic Energy Act to the extent that such agency exports up to three (3) grams of any type of special nuclear material to be used for or in support of activities authorized by intergovernmental cooperative agreements between the U.S. and a foreign nation, group of nations, or international organization, and such agency is required to notify the Nuclear Regulatory Commission of the destination and purpose of the export.

(Secs. 53, 161, Pub. L. 83-703, 68 Stat. 930, as amended, 948, as amended (42 U.S.C. 2073, 2201); Sec. 57d., Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077); Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 584).)

Dated at Washington, D.C., this 1st day of July, 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary for the Commission.

[FR Doc.77-19828 Filed 7-7-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 318—COMMUNITY EMERGENCY DROUGHT RELIEF PROGRAM

Eligible Applicants

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This amendment clarifies the identity of eligible applicants under this program. It ensures that water districts organized as profit-making entities are excluded from participation. It also makes certain format changes.

DATES: Effective date: July 11, 1977. Comments by: August 10, 1977.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

James F. Marten, U.S. Department of

FOR FURTHER INFORMATION CON-

FR 2576, 40 FR 28603, and 41 FR 27954)

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James F. Marten, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230; 202–377–5441.

SUPPLEMENTARY INFORMATION: Because this amendment relates to an EDA grant program, it is exempted from the procedures described in Section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, in the spirit of the public policy set forth in that Act, interested persons may submit written suggestions regarding this amendment to the above address.

NOTE.—EDA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Accordingly, 13 CFR Part 318 is amended by revising § 318.4 to read as follows:

§ 318.4 Eligible applicants.

The following entities located in areas designated under § 318.3 are eligible to apply for assistance under this part:

(a) States;

(b) Political subdivisions of States with populations of 10,000 or more persons;

(c) Indian tribes;

(d) Public or private non-profit corporations; and

(e) Water districts except for those which are organized as profit-making bodies.

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211); Pub. L. 95–31, 91 Stat. 169 (42 U.S.C. 5184); Department of Commerce Organization Order 10–4 (September 30, 1975) as amended, 40 FR 56702.)

Dated: July 1, 1977.

ROBERT T. HALL,
Assistant Secretary for Economic Development.

[FR Doc.77–19827 Filed 7–8–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10492, Amdt. SFAR 26–10]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the effectivity of a current Special Federal Aviation Regulation which provides for the interim approval of certain aircraft engines, propellers, materials, parts, and appliances that are manufactured outside the United States. The extension is needed to facilitate the completion of the renegotiation of a related bilateral agreement with Japan.

DATE: Effective July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch (AFS–940), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202–755–8716).

SUPPLEMENTARY INFORMATION: SFAR 26 provides for approvals on a selective basis of aircraft engines, propellers, materials, parts and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to certain of those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date of March 1, 1972, for SFAR 26 was extended by Amendment SFAR 26–1 to September 1, 1972, by Amendment SFAR 26–2 to January 1, 1973, by Amendment SFAR 26–3 to July 1, 1973, by Amendment SFAR 26–4 to January 1, 1974, by Amendment SFAR 26–5 to July 1, 1974, by Amendment SFAR 26–6 to January 1, 1975, by Amendment SFAR 26–7 to July 1, 1975, by Amendment SFAR 26–8 to July 2, 1976, and further extended by Amendment SFAR 26–9 to July 1, 1977.

The FAA has been advised that the continuing negotiations to amend the Japanese bilateral agreement will not be concluded by the July 1, 1977, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, with respect to Japanese aircraft components and subassemblies. In view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from July 1, 1977, to October 1, 1977, for Japanese aircraft components and subassemblies. However, the termination date of SFAR 26 will not be further extended.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

The principal authors of this document are Mr. C. A. Christie, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, effective July 1, 1977, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26–1, SFAR 26–2, SFAR 26–3, SFAR 26–4, SFAR 26–5, SFAR 26–6, SFAR 26–7, SFAR 26–8, and SFAR 26–9 published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, 37 FR 28276, 38 FR 17491, 38 FR 35441, 39 FR 25228, 40 FR 2576, 40 FR 28603, and 41 FR 27954) on March 2, 1972, August 19, 1972, December 22, 1972, July 2, 1973, December 28, 1973, July 9, 1974, January 14, 1975, July 8, 1975, and July 8, 1976, respectively, is further amended by striking out the words "July 1, 1977" and inserting the words "October 1, 1977" in place thereof, and by adding a new paragraph 6, that reads: "After July 1, 1977, this special regulation applies only to aircraft components and subassemblies manufactured in Japan."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on July 1, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc.77–19692 Filed 7–8–77;8:45 am]

[Docket No. 77–CE–10–AD; Amendment 39–2960]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 60, A60 and B60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires installation of drain holes in the fuselage of certain Beech Models 60, A60 and B60 airplanes to preclude the accumulation of water that can subsequently freeze during flight and prevent or restrict movement of the elevator controls, which, in turn, could result in the aircraft becoming difficult for the pilot to control.

EFFECTIVE DATE: August 18, 1977. Compliance: Required within 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 0741–103, Revision I, may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the Service Instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue, Southwest, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William R. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816–374–3446).

SUPPLEMENTARY INFORMATION: On May 2, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Beech Models 60, A60 and B60 airplanes (42 FR 22172). The AD requires installation of five drain holes and valves in the fuselage. Beechcraft Service Instructions No. 0741–103, Revision I, pertains to this AD.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. No comments were received.

This AD is necessary because there have been reports of water collecting in the fuselage, freezing, and thereby restricting movement of elevator controls on the above mentioned airplanes. These reports show that water seeps into the fuselage around the cabin door while aircraft are on the ground and collects around the elevator control cables just aft of the wing rear spar carry through structure in the bottom of the fuselage. When aircraft encounter low temperatures at high altitudes, the water freezes and prevents or restricts elevator movement. The FAA has concluded that lack of adequate drain holes on inservice airplanes is an unsafe condition. Since the conditions described herein is likely to exist or develop in other airplanes of the same type design, the AD is being issued as proposed in the Notice.

DRAFTING INFORMATION

The principal authors of this document are: William R. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Sec. 39.13) is amended by adding the following new AD:

BEECH. Applies to Models 60 (Serial Numbers P–3 thru P–126 except P–123), A60 (Serial Numbers P–123, P–127 thru P–246), and B60 (Serial Numbers P–247 thru P–346) airplanes certified in all categories.

Compliance: Required as indicated, unless already accomplished.

To prevent collection of water in the bottom of the fuselage, subsequent freezing of the water and resulting restriction of elevator control, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

A. Locate and drill five (5) .250 inch diameter drain holes and install five (5) Beech P/N 50–420082–3 drain seals in the bottom of the fuselage in accordance with Beechcraft Service Instructions No. 0741–103, Rev. I, or later approved revisions.

B. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective August 18, 1977.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)) and Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Kanas City, Missouri on July 1, 1977.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.77–19701 Filed 7–8–77;8:45 am]

[Docket No. 16996; Amdt. 39–2963]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires repetitive inspections and repair, as necessary, of the flap structure on certain British Aircraft Corporation BAC 1–11 airplanes to prevent possible flap failures due to fatigue cracks.

DATES: Effective July 21, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone (703–979–1400).

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D.C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There has been a report of a flap structural failure on a BAC 1–11 airplane during a landing approach that resulted in the loss of the outboard section of the flap and in the remaining inboard section swinging up into, and causing considerable damage to, the fuselage. Investigation revealed the failure to be a fatigue type that originated where previous flap skin cracks had been repaired and where subsequent cracking of the flap spar had progressed through the entire web of the spar resulting in complete chordwise failure of the flap surface. Inspection of the operator's fleet disclosed a number of other BAC 1–11 airplanes with crack damage of the type that caused the reported failure.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. J. F. Karnowski, Europe, Africa and Middle East Region, Mr. E. S. Newberger, Flight Standards Service, and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1–11 200 and 400 series airplanes certificated in all categories, and equipped with any of the following flap assemblies:

Inboard Flap Assy. AB09 A1/2 or AK09 A121/2 or AK09 A1579/80 or AP09 A1/2 or AP09 A501/2 or EN09 A1/2.

Center Flap Assy. AB09 A3/4 or AK09 A123/4 or AP09 A3/4 or EN09 A3/4.

Outboard Flap Assy. AB09 A5/6 or AK09 A125/6 or AP09 A5/6 or EN09 A5/6.

Compliance is required as indicated.

To detect cracks and prevent possible failure of the flap structure, accomplish the following:

(a) For airplanes equipped with flap assemblies (R/H and L/H) which do not incorporate Modification 57–PM2961, the following inspections apply:

(1) Upon accumulating 20,000 landings on the flap assemblies or within 50 landings after the effective date of this AD, whichever occurs later, unless accomplished within the preceding 200 landings for inboard flap assemblies or 950 landings for center and outboard flap assemblies, visually inspect the top surface skin panels or all flaps for cracks, paying particular attention to the rivet attachment areas.

(2) Repeat the inspection of paragraph (a)(1) of this AD at intervals from the last inspection not to exceed 250 landings for the inboard flaps and 1,000 landings for the center and outboard flaps.

(3) If, during an inspection required by paragraph (a)(1) or (a)(2) of this AD, signs of movement or distress are found at a group of rivets, within 500 landings, unless already accomplished within the preceding 500 landings, conduct an X-ray or visual inspection of the flap internal structure in accordance with paragraph 2.1.1 of the section titled "Accomplishment Instructions" of BAC Alert Service Bulletin 57–A–PM5381, Issue 2, dated July 5, 1976 (hereinafter referred to as BAC ASB 57–A–PM5381), or an FAA-approved equivalent.

(4) Upon accumulating 20,000 landings on the inboard flaps or within 100 landings after the effective date of this AD, whichever occurs later, unless already accomplished within the preceding 3,400 landings, conduct an X-ray inspection of the flap structure in accordance with paragraph 2.1.3 of BAC ASB 57–A–PM5381, or an FAA-approved equivalent.

(5) Repeat the X-ray inspection of the flap structure of the inboard flaps required by paragraph (a)(4) of this AD at intervals not to exceed 3,500 landings from the last inspection.

(6) If an inspection required by paragraph (a)(4) or (a)(5) of this AD confirms that the internal structure is free of cracks, and if the skin panels are free of cracks, the intervals of 250 landings for the repetitive visual inspection of the skin panels of the inboard flaps required by paragraph (a)(2)

of this AD may be increased to 1,200 land-

(6) If skin cracks are found emanating

aration of an Economic Impact Statement

weight and aft center of gravity location. Subsequent to its investigation, the

the airplane in accordance with this limitation until paragraph B. of this AD is accom-

William Ashworth, Engineering and

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of this AD may be increased to 1,200 landings.

(7) Upon accumulating 23,000 landings on the center and outboard flaps, or within 500 landings after the effective date of this AD, whichever occurs later, unless already accomplished, conduct an X-ray inspection of the flap structure in accordance with the instructions contained in paragraph 2.1.6 of BAC ASB 57-A-PM5381, or an FAA-approved equivalent.

(b) For airplanes equipped with flap assemblies (R H and L H) that incorporate Modifications 57-PM-1931 and 57-PM-2961, the following inspections apply:

(1) Upon accumulating 25,000 landings on the flap assemblies or within 1,000 landings after the effective date of this AD, whichever occure later, unless already accomplished, conduct an X-ray inspection of the flap structure in accordance with paragraph 2.2.1 of BAC ASB 57-A-PM5381, or an FAA-approved equivalent.

(2) Repeat the inspection required by paragraph (b) (1) of this AD, for the inboard flaps only, at intervals not to exceed 5,000 landings.

(c) For airplanes equipped with flap assemblies (R H and L H) that were originally manufactured to the standard of Modification 57-PM-2961, upon accumulating 25,000 landings on the flap assemblies, or within 1000 landings after the effective date of this AD, whichever occurs later, unless already accomplished, conduct an X-ray inspection of the flap structure in accordance with paragraph 2.3.1 of BAC ASB 57-A-PM5381, or an FAA-approved equivalent.

(d) If one or more cracks are found in the top skin panels during an inspection required by this AD, comply with the following as applicable:

(1) If skin panel cracks are found that do not exceed two inches in length (measured from the skin panel edge) and no more than three such cracks exist over the span of any one spar and no more than one crack at any rib station, the flap may continue in service provided that each crack is measured for propagation at intervals not to exceed 250 landings.

(2) If more than three skin panel cracks are found over the span of any one spar or more than one crack is found at any rib station, all of which measure less than two inches in length (measured from the skin panel edge), before further flight, accomplish temporary repairs in accordance with Figure 2A or 2B of BAC ASB 57-A-PM5381, or accomplish a repair in accordance with the BAC 1-11 Structural Repair Manual, Chapter 57-02-4, or an FAA-approved equivalent.

(3) If a skin panel crack is found that exceeds two inches in length (measured from the skin panel edge), before further flight, accomplish a repair in accordance with the BAC 1-11 Structural Repair Manual, Chapter 57-02-4, or an FAA-approved equivalent.

(4) If one or more skin cracks that do not exceed six inches in length are found along a rib flange rivet line, and providing not more than one crack exists at any one rib station and not more than two cracks are found on any one flap surface, before further flight, accomplish a temporary repair of the cracked area in accordance with Figure 3 of BAC ASB 57-A-PM5381, or accomplish a repair in accordance with BAC 1-11 Structural Repair Manual, Chapter 57-02-4, or an FAA-approved equivalent.

(5) If a skin crack that exceeds six inches in length is found along a rib flange rivet line or if more than two cracks of any length are found on any one flap surface, before further flight, accomplish a repair of the cracked areas in accordance with the BAC 1-11 Structural Repair Manual, Chapter 57-02-4, or an FAA-approved equivalent.

(6) If skin cracks are found emanating from beneath rubbing strips or external patches, before further flight, remove the rubbing strip or external patch and accomplish a repair in accordance with the criteria established in paragraph (d)(4) or (d)(5) of this AD as applicable.

(7) If temporary repairs are accomplished for cracked areas in the skin panels in compliance with paragraph (d)(2), (d)(4), or (d)(6) of this AD, within 15 landings after accomplishing the temporary repair, conduct an X-ray inspection of the internal structure of the flap in the area of the repair in accordance with paragraph 2.1.3 of BAC ASB 57-A-PM5381, or an FAA-approved equivalent. If the X-ray inspection confirms that the internal structure is free of cracks, the flap with temporary repairs incorporated may remain in service for a period not to exceed 1,200 landings at which time the temporary repairs must be replaced by repairs in accordance with the BAC 1-11 Structural Repair Manual, Chapter 57-02-4, or an FAA-approved equivalent.

(e) If one or more cracks are found in the flap spars as a result of an inspection required by this AD, the following apply:

(1) Except as provided in paragraph (e)(2) of this AD, before further fight, repair the cracked area of the spar in accordance with Figure 4 or Figure 5, or both, as applicable, of BAC ASB 57-A-PM5381, or an FAA-approved equivalent.

(2) If one or more cracks are found in the flanges of the flap spars but they have not progressed into the web of the spar, the flap assembly may remain in service for an additional 600 landings provided that, before further flight, a temporary repair of the affected area is accomplished in accordance with Figure 2A or 2B of BAC Alert Service Bulletin 57-A-PM5381, Issue 2, dated July 5, 1976, or an FAA-approved equivalent. Upon accumulating the 600 additional landings, repair the cracked area of the spar in accordance with Figure 4 or Figure 5, or both, as applicable, of BAC ASB 57-A-PM5381, or an FAA-approved equivalent.

(f) For the purpose of complying with this AD, subject to acceptance by the assigned Airworthiness Inspector, the number of landings, if not recorded, may be determined by dividing the actual number of flight hours for the particular flap assembly by the operator's fleet average time from take-off to landing for the airplane type.

(g) Upon the request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667, may adjust crack length limitations, approve alternate repetitive inspection intervals and procedures, and approve alternate rework procedures to facilitate continued operations by the operator, if data substantiating such action are submitted by the operator.

(h) The repetitive inspections required by paragraphs (a)(2) and (a)(5) of this AD may be discontinued upon the incorporation of Modifications 57-PM-1931, 57-PM-2961, and 57-PM-5381.

(i) The repetitive inspections required by paragraph (b)(2) of this AD may be discontinued upon the incorporation of Modification 57-PM-5381.

This amendment becomes effective July 21, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 30, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77-19474 Filed 7-8-77;8:45 am]

[Docket No. 77-CE-14-AD; Amendment 39-2964]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 182P and 182Q Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to certain Cessna Models 182P and 182Q airplanes which requires inspection of the horizontal stabilizer skin contour directly above the rear spar upper flange and reforming of the contour if required. Pending the inspection, installation of a placard is required limiting aft center of gravity location to 46.0 inches aft of datum.

EFFECTIVE DATE: July 18, 1977. Compliance: Initial compliance required within 25 hours time-in-service after the effective date of this AD and final compliance required within 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Service Letter Number SE77-11, dated April 25, 1977, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685-9111. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: During FAA flight testing for a supplemental type certificate project involving a Cessna Model 182Q airplane, it was discovered that the airplane could not be trimmed and that excessive elevator control forces existed when the airplane was loaded to maximum gross weight and maximum aft center of gravity location. The aircraft manufacturer was advised and upon investigation, determined that the problem was caused by the upper flange on the right and left horizontal stabilizer rear spar being improperly formed. This condition described herein can have an adverse effect on aircraft controllability and safety of flight when aircraft are loaded to maximum gross weight and aft center of gravity location. Subsequent to its investigation, the manufacturer issued Cessna Service Letter Number SE77-11, dated April 25, 1977, recommending inspection of the right and left horizontal stabilizer rear spar upper flange for proper forming and reforming of any improperly formed spar flanges. In addition, the Service Letter limits the maximum aft center of gravity location to 46.0 inches aft of the datum until the inspection and, if necessary, reforming are accomplished.

Accordingly, since an unsafe condition is likely to exist in other airplanes of the same type design, an AD is being issued applicable to certain serial numbers of Cessna Model 182P and 182Q airplanes, requiring installation of a temporary placard within 25 hours time-in-service after the effective date of the AD limiting the aft center of gravity location to 46.0 inches aft of datum. In addition, the AD makes the inspection and, if necessary, the reforming requirements noted in the Cessna Service Letter mandatory within 100 hours time-in-service after the effective date of this AD. This AD has been coordinated with the aircraft manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Sec. 39.13) is amended by adding the following new AD.

CESSNA. Applies to Models 182P (serial numbers 18262466 through 18264713, 18264715 through 18265081, 18265083 through 18265175) and 182Q (serial numbers 18265177 through 18265213, 18265215 through 18265222, 18265224 through 18265237, 18265239 through 18265305, 18265307 through 18265320, and 18265322 through 18265327) airplanes certificated in all categories.

Compliance: Required as indicated, unless already accomplished.

To assure aircraft controllability when operating at maximum gross weight and aft center of gravity location, accomplish the following:

A. Within 25 hours time-in-service after the effective date of this AD:

1. Fabricate a placard having 3/16 inch or larger letters reading "AFT C.G. LOCATION LIMITED TO 46.0 INCHES".

2. Install the placard fabricated in A. 1. above in clear view of the pilot and operate the airplane in accordance with this limitation until paragraph B. of this AD is accomplished.

B. Within 100 hours time-in-service after the effective date of this AD in accordance with Cessna Service Letter SE77-11, dated April 25, 1977, or later approved revisions:

1. Using a steel straight edge, visually inspect the right and left horizontal stabilizer upper skin immediately aft of the stabilizer rear spar upper flange rivet line for evenness along the entire span of the spar.

2. If the inspection required by paragraph B.1. of this AD shows that unevenness exists, support the right and left stabilizer tips and fuselage tail cone and, using a mallet and a 6"x1"x1" phenolic block, reform the stabilizer rear spar upper flange to eliminate any unevenness.

C. After complying with paragraphs B.1. and B.2. of this AD, the aft center of gravity location is no longer limited to 46.0 inches aft of the datum and the placard installed in accordance with paragraph A. of this AD may be removed.

D. The 100 hour compliance time in paragraph B. may be extended to a maximum of 110 hours time-in-service when necessary to allow compliance at a regularly scheduled maintenance period.

E. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 18, 1977.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri on July 1, 1977.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.77-19700 Filed 7-8-77;8:45 am]

[Docket No. 77-GL-10; Amdt. 39-2907]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 250-C20/C20B/C20C and 250-B17/B17B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment comprising a new Airworthiness Directive (AD) was adopted effective immediately on May 10, 1977, and concurrently copies were air mailed to all known operators of Detroit Diesel Allison Model 250-C20/C20B/C20C and 250-B17/B17B Engines. The AD amends AD 77-09-08 to correct the effective date from May 10, 1977, to June 10, 1977, due to an inadvertence.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

William Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (312) 694-4500, extension 308.

SUPPLEMENTARY INFORMATION: Due to an inadvertence, Amendment 39-2889, 42 F.R. 23504, AD 77-09-08, was issued with an effective date of May 11, 1977, rather than June 10, 1977. Since immediate correction of the inadvertence was required in the public interest air mail letters dated May 10, 1977, were distributed to all known operators of the engines referenced by this AD to correct the effective date to read June 10, 1977.

Since this amendment corrects an inadvertence, is relaxatory in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes Region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2889, 42 FR 23504, AD 77-09-08, is hereby amended to substitute the following as the effective date paragraph:

"This amendment becomes effective June 10, 1977."

This corrective amendment is effective July 18, 1977, and was effective immediately for all recipients of air mail letters dated May 10, 1977, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on July 1, 1977.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.77-19702 Filed 7-8-77;8:45 am]

[Docket No. 77-GL-12; Amdt. 39-2955]

PART 39—AIRWORTHINESS DIRECTIVES

tions inherent in the design. In the case of the blade shanks, metallurgical inves

spect the double retention shoulders of the blade shanks for evidence of cracks in the

substantiating data to justify the adjustment for that operator.

Executive Park, Burlington, Massachu-

Issued in Burlington, Massachusetts,

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[Docket No. 77-GL-12; Amdt. 39-2955]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propeller, Inc. Model EHC-A3VF-2B/V7636N Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) requires that Hartzell Model EHC-A3VF-2B/V7636N propellers used on Continental IO-520-E series engines installed on the de Havilland (Heron) D.H. 114 series aircraft in accordance with STC SA1685WE be inspected periodically to detect cracks and modified to prevent possible failure of the blade clamps and blade shanks, and to insure that sealant against corrosive atmosphere is properly and adequately applied. This action is considered necessary due to additional blade clamp and shank cracks which have occurred in service following issuance of AD 75-17-34.

DATE: Effective date—July 14, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: Copies of Hartzell Bulletin No. 97A, Bulletin No. 113B and Manual No. 114B may be obtained from Hartzell Propeller, Inc., 350 Washington Avenue, Piqua, Ohio 45356.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

M. J. Walker, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; telephone (312) 694-4500, extension 309.

SUPPLEMENTARY INFORMATION: AD 75-17-34, Amendment 39-2337, effective August 14, 1975 was issued to detect cracks and prevent possible blade shank and clamp failures by daily inspection of the clamps and blade shank exterior surfaces using a 10 power magnifying glass, relieved by removal of the propeller, disassembly, and inspection of the blade shank retention and bore areas and replacement with new approved parts, as necessary, prior to the accumulation of 1,000 hours in service and every 1,000 hours in service thereafter. The AD applies only to Model EHC-A3VF-2B propellers having Model V7636D blades. Since issuing AD 75-17-34 there have been several more instances of propeller blade clamp cracks as well as blade shank cracks in new Model V7636N blades having a redesigned pilot bore configuration when operated on the D.H. 114 series aircraft.

Reinvestigation revealed that, in the case of the blade clamps, the most probable cause is the aggravation of imposed vibratory stresses by stress concentrations inherent in the design. In the case of the blade shanks, metallurgical investigations revealed that the cracks originated in discontinuities in the shot peened surface of the grooves under steady and vibratory loads and propagated further in the presence of corrosion. Failure of the blade clamp or of the blade shank could result in loss of a propeller blade.

Since this condition is likely to exist or develop in other propellers of similar design used on the D.H. 114 aircraft, an airworthiness directive is being issued to change the frequency of inspections, to rework the propeller blade shank retention area, and to replace defective parts with new approved parts, as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

Drafting Information

The principal authors of this document are M. J. Walker, Fight Standards Division, Great Lakes Region, and H. Hettinger, Office of the Regional Counsel, Great Lakes Region.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HARTZELL PROPELLERS. Applies to Hartzell Model EHC-A3VF-2B/V7636N Propellers Used on Continental IO-520-E Series Engines Installed on the de Havilland (Heron) D.H. 114 Series Aircraft Modified in Accordance With STC SA1685WE.

(a) External Clamp and Blade Inspection. To detect cracks and prevent posible blade clamp and shank failures accomplish this paragraph before further flight or within 32 hours time in service from the time of previous inspection, if accomplished. Reinspect in accordance with this paragraph each 32 hours time in service thereafter:

(1) Remove spinner and inspect propeller blade shank external surface for cracks using a 10X (ten power) glass from area where blade emerges from clamp to the station 10 inches outboard of the clamp.

(2) Inspect blade clamp for cracks using a 10X (ten power) glass. Also, inspect for loose or broken bolts. Replace any cracked clamp or broken bolt with new parts before further flight.

(b) Blade Shank Inspection. To detect cracks in the blade shank retention shoulder and groove and prevent possible blade failure, accomplish this paragraph before further flight or within 400 hours time in service from the time of previous inspection, if accomplished. Reinspect in accordance with this paragraph each 400 hours time in service thereafter:

(1) Remove propeller from the aircraft, disassemble blades from propeller and inspect the double retention shoulders of the blade shanks for evidence of cracks in the shoulder and groove surfaces using a 3-step dye penetrant method. If no cracks are found, reassemble in accordance with Hartzell (overhaul) Manual No. 114B, or later FAA approved revision. During reassembly insure that a complete seal and proper sealant are used in the retention area interface between blades and clamps.

(2) Upon request of the operator, subject to approval of the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region, an ultrasonic or other alternate method of crack detection which does not require removal from the aircraft or disassembly of the propeller may be substituted for paragraph (b)(1) above.

In the event any cracked blade is found during inspections accomplished in accordance with paragraphs (a) or (b) above, the propeller must be replaced with a propeller which has been inspected and modified in accordance with paragraph (c) which follows:

Any propeller with a history of synchronization difficulties and/or rough operation must be replaced before further flight with a propeller inspected and modified in accordance with paragraph (c) which follows:

(c) Blade Shank Modification. To prevent the initiation of fatigue cracks induced by shot peening and the propagation of such cracks by corrosion; rework, or replace if necessary in accordance with this paragraph within the next 1,200 hours or one year in service after the effective date of this AD, whichever occurs first. Reinspect and, as necessary, rework or replace in accordance with this paragraph each 1,200 hours or two years thereafter, whichever occurs first:

(1) Remove propeller from the aircraft, disassemble propeller and inspect blades, clamps, and hub for cracks in accordance with applicable portions of Hartzell Bulletin No. 97A dated March 1, 1973, Bulletin No. 113B dated September 10, 1976 and Hartzell (overhaul) Manual No. 114B, or later FAA approved revisions.

(2) Return propeller blades to Hartzell Propeller, Inc., or a maintenance agency designated by it, for rework of shot peened areas and removal of any dimensional inconsistencies in accordance with processes approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region.

(3) Reassemble propeller in accordance with Hartzell (overhaul) Manual No. 114B or later approved revision. During reassembly insure that a complete seal and proper sealant are used in the retention area interface between blades and clamps.

Replace before further flight any cracked or irreparable blade with a new or processed blade which conforms to paragraph (c)(2) above.

A service record (log) shall be maintained for affected propellers (blades and hub) which are inspected, repaired or replaced in accordance with this airworthiness directive. Report serial number, total time and description of any cracked blades to the Chief, Engineering and Manufacturing Branch, AGL-210, Great Lakes Region, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

Upon request of the operator, a Federal Aviation Administration Maintenance Inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region, may adjust the repetitive inspection intervals specified in this airworthiness directive, if the request contains satisfactory substantiating data to justify the adjustment for that operator.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hartzell Propeller, Inc., 350 Washington Avenue, Piqua, Ohio 45356. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file of this airworthiness directive which includes incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Great Lakes Region.

This amendment becomes effective July 14, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois on June 27, 1977.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-19480 Filed 7-8-77;8:45 am]

[Airspace Docket No. 77-NE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Barre-Montpelier, Vermont, control zone and 700-foot transition area to provide more controlled airspace for aircraft executing a revised instrument approach procedure (Amendment 5) to VOR Runway 35 at the Edward F. Knapp State Airport, Barre-Montpelier, Vermont.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: On May 19, 1977, the Federal Aviation Administration published a Notice proposing to alter the Barre-Montpelier, Vermont, control zone and 700-foot transition area to provide more controlled airspace for aircraft executing a revised instrument approach procedure (Amendment 5) to VOR Runway 35 at the Edward F. Knapp State Airport, Barre-Montpelier, Vermont. Interested persons were invited to participate in this rule making process by submitting written comments on the proposal to the FAA. No objections were received.

Drafting Information

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

Adoption of the Amendment

§§ 71.171 and 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 G.m.t., October 6, 1977, as follows:

SECTION 71.171

MONTPELIER, VERMONT, CONTROL ZONE

Within a 6-mile radius of the center, lat. 44°12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vermont; within 3 miles each side of the Montpelier VOR, lat. 44°12'41" N., long. 72°33'45" W., 163° radial extending from the 6-mile radius zone to 8.5 miles south of the VOR; within 2 miles each side of the center line of Runway 23 extending from the 6-mile radius zone to 8 miles southwest of the end of Runway 23.

SECTION 71.181

MONTPELIER, VERMONT, 700-FOOT TRANSITION AREA

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 44°12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vermont; within 6.5 miles west and 5 miles east of the Montpelier VOR, lat. 44°12'41" N., long. 72°33'45" W., 163° radial extending from the 10-mile radius zone to 17.5 miles south of the VOR; within 4.5 miles each side of the Mount Mansfield NDB, lat. 44°23'11.8" N., long. 72°41'38.3" W., 332° and 152° bearing from the NDB, extending from the 10-mile radius zone to 10.5 miles northwest of the NDB, excluding that portion within the Morrisville, Vermont, transition area.

(Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on June 23, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-19694 Filed 7-8-77;8:45 am]

[Airspace Docket No. 77-RM-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of a Low Altitude Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate Hugo, Colo., as a domestic low altitude reporting point, thereby requiring low altitude IFR flights transiting this area to provide accurate position reports to air traffic control. This requirement will allow air traffic control to provide increased services to airspace users in this area of marginal low altitude radar coverage.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202-426-8530).

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart I of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate the Hugo, Colo., VORTAC as a domestic low altitude reporting point. Subpart I of Part 71 of the Federal Aviation Regulations was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 626).

Presently, aircraft proceeding along VOR airway V-263 over Hugo, Colo., are not required to make a position report to air traffic control. The level of radar coverage in this area below 15,000 feet MSL is marginal and radar air traffic services cannot always be provided to these flights. This designation of Hugo, Colo., VORTAC as a low altitude reporting point will allow air traffic control to provide increased services to the airspace users in this area.

Under the circumstances presented, the FAA concludes that this action is of benefit to the flying public and is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

Drafting Information

The principal authors of this document are Mr. David F. Solomon, Air

Traffic Service, and Mr. Jack P. Zimmer-

the requirements for a continuous con-

FOR FURTHER INFORMATION CON-

more controlled airspace for aircraft ex-

SUBCHAPTER F—AIR TRAFFIC AND GENERAL

documents which are

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Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

§ 71.203 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart I of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 626) is amended, effective 0901 Gmt, October 6, 1977, as follows:

In § 71.203 add "Hugo, Colo."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 1, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-19481 Filed 7-8-77;8:45 am]

[Docket No. 77-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone, Tuscaloosa, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Tuscaloosa, Alabama, Control Zone to coincide with the hours of operation of the Tuscaloosa Flight Service Station. The hours of the Flight Service Station are being reduced from continuous to 0600 to 2200 hours local time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Tuscaloosa Control Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicates insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0545 to 2200 hours local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 GmT, August 11, 1977, as follows:

§ 71.171 [Amended]

In Subpart F, § 71.171 (42 FR 355), the Tuscaloosa, Alabama, Control Zone is amended by adding the following:

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 28, 1977.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.77-19475 Filed 7-8-77;8:45 am]

[Docket No. 77-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, AND CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area, Craig AFB Aux. (Vaiden), Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Craig AFB Aux. (Vaiden), Alabama, 700 foot transition area because the IFR GCA approach procedure to the airport has been cancelled.

EFFECTIVE DATE: October 6, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: The Craig AFB Aux. (Vaiden), Alabama, transition area, described in § 71.181 (40 FR 441), was designated to provide controlled airspace protection for IFR operations at Craig AFB Aux. Airport. The IFR GCA approach procedure has been cancelled. Therefore, it is necessary to revoke the transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) revokes the Craig AFB Aux. (Vaiden), Alabama, 700 foot transition area.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR, Part 71) as republished (42 FR 307) is amended, effective 0901 Gmt, October 6, 1977, the Craig AFB Aux. (Vaiden), Alabama, transition area is revoked.

(Sec. 307(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) (14 CFR 11:69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., June 28, 1977.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.77-19476 Filed 7-8-77;8:45 am]

[Airspace Docket No. 77-NE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Palmer, Massachusetts, 700-foot transition area to provide more controlled airspace for aircraft executing a new standard instrument approach procedure (NDB-A) to the Palmer Metropolitan Airport, Palmer, Massachusetts.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFOMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: On April 25, 1977, the Federal Aviation Administration published a Notice proposing the alteration of the 700-foot transition area at Palmer, Massachusetts, to provide more controlled airspace for aircraft executing a new standard instrument approach procedure (NDB-A) to the Palmer Metropolitan Airport, Palmer, Massachusetts. Interested persons were invited to participate in this rule making process by submitting written comments to the FAA. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

SECTION 71.181

PALMER, MASSACHUSETTS, 700-FOOT TRANSITION AREA

1. By deleting Line 5 of the description of the Palmer, Massachusetts, 400-foot transition area and inserting in lieu thereof the following:

Line 5. And within 4.5 miles each side of the 202° bearing from the Palmer, Massachusetts, RBN 42°13'26" N., 72°18'47" W., extending from the 5-mile radius area to 10.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts, on June 23, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-19693 Filed 7-8-77; 8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16994; Amdt. No. 1080]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrumental Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed weekly, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

§ 97.23 [Amended]

§ 97.27 [Amended]

Title 17—Commodity and Securities

§ 240.17a-5 include, in addition to the

Comments should refer to File No. S7-691, aidered

§ 97.23 [Amended]

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *effective August 25, 1977.*

Terre Haute, IN—Hulman Field, VOR Rwy 23, Amdt. 12
Kalamazoo, MI—Kalamazoo Municipal, VOR Rwy 17, Amdt. 8
Kalamazoo, MI—Kalamazoo Municipal, VOR Rwy 23, Amdt. 9
Kalamazoo, MI—Kalamazoo Municipal, VOR Rwy 35, Amdt. 7
Minneapolis, MN—Flying Cloud, VOR Rwy 9L, Amdt. 7
Minneapolis, MN—Flying Cloud, VOR Rwy 36, Amdt. 3
Duchesne, UT—Duchesne Municipal, VOR/DME Rwy 25, Original

* * * *effective August 18, 1977.*

Pell City, AL—St. Clair County, VOR-A, Amdt. 5
East St. Louis, IL—Bi-State Parks, VOR/DME-A, Amdt. 4
Quincy, IL—Quincy Muni Baldwin Field, VOR Rwy 3, Amdt. 8
Quincy, IL—Quincy Muni Baldwin Field, VOR DME Rwy 21, Amdt. 3
Shelbyville, IN—Shelbyville Municipal, VOR Rwy 18, Amdt. 4
Clinton, IA—Clinton Muni., VOR Rwy 3, Amdt. 5
Clinton, IA—Clinton Muni., VORTAC Rwy 21, Amdt. 1, cancelled
Clinton, IA—Clinton Muni., VOR/DME Rwy 21 (TAC), Original
Ottumwa, IA—Ottumwa Industrial, VOR/DME Rwy 13, Amdt. 4
Ottumwa, IA—Ottumwa Industrial, VOR Rwy 31, Amdt. 12
Augusta, ME—Augusta State, VOR Rwy 35, Amdt. 1
Augusta, ME—Augusta State, VOR/DME Rwy 8, Amdt. 8
Augusta, ME—Augusta State, VOR/DME-A, Amdt. 8
Augusta, ME—Augusta State, VOR/DME Rwy 17, Amdt. 1
Millinocket, ME—Millinocket Muni., VOR-A, Amdt. 6
Detroit, MI—Willow Run, VOR Rwy 5R, Amdt. 5
Detroit, MI—Willow Run, VOR Rwy 23L, Amdt. 2
Ainsworth, NE—Ainsworth Muni., VOR Rwy 17, Amdt. 4
Ainsworth, NE—Ainsworth Muni., VOR Rwy 35, Original
Washington, PA—Washington County, VOR-A, Amdt. 1
Washington, PA—Washington County, VOR-B, Amdt. 1
Shelbyville, Tenn.—Bomar Field-Shelbyville Municipal, VOR-A, Amdt. 2, cancelled

§ 97.25 [Amended]

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *effective August 25, 1977.*

Terre Haute, IN—Hulman Field, LOC(BC) Rwy 23, Amdt. 12
Kalamazoo, MI—Kalamazoo Municipal, LOC BC Rwy 17, Amdt. 9

* * * *effective August 18, 1977.*

East St. Louis, IL—Bi-State Parks, LOC Rwy 30, Amdt. 2
Quincy, IL—Quincy Muni. Baldwin Field, LOC/DME (BC) Rwy 21, Amdt. 2
Ottumwa, IA—Ottumwa Industrial, LOC/DME BC Rwy 13, Original
Detroit, MI—Detroit City, LOC Rwy 15, Amdt. 3
Detroit, MI—Willow Run, LOC (BC) Rwy 23L, Amdt. 3

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective August 25, 1977.*

Terre Haute, IN—Hulman Field, NDB Rwy 5, Amdt. 10
Kalamazoo, MI—Kalamazoo Municipal, NDB Rwy 35, Amt. 9

* * * *effective August 18, 1977.*

East St. Louis, IL—Bi-State Parks, NDB Rwy 30, Amdt. 10
Quincy, IL—Quincy Muni., Baldwin Field, NDB Rwy 3, Amdt. 12
Clinton, IA—Clinton Muni., NDB Rwy 3, Amdt. 3
Clinton, IA—Clinton Muni., NDB Rwy 14, Amdt. 3
Augusta, ME—Augusta State, NDB-B, Amdt. 5
Millinocket, ME—Millinocket Muni., NDB-B, Amdt. 6
Detroit, MI—Willow Run, NDB Rwy 5R, Amdt. 3
Detroit, MI—Detroit City, NDB Rwy 15, Amdt. 14
Madisonville, TN—Monroe County Airport, NDB Rwy 5, Amdt. 1

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *effective August 25, 1977.*

Kalamazoo, MI—Kalamazoo Municipal, ILS Rwy 35, Amdt. 11

* * * *effective August 18, 1977.*

Ottumwa, IA—Ottumwa Industrial, ILS Rwy 31, Amdt. 2
Detroit, MI—Detroit City, ILS Rwy 33, Amdt. 5
Detroit, MI—Willow Run, ILS Rwy 5R, Amdt. 5

* * * *effective June 24, 1977.*

Miami, FL—Miami International, ILS Rwy 9R, Amdt. 3

5. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective August 25, 1977.*

Terre Haute, IN—Hulman Field, RNAV Rwy 31, Amdt. 1

* * * *effective August 18, 1977.*

East St. Louis, IL—Bi-State Parks, RNAV Rwy 30, Amdt. 2
Clinton, IA—Clinton Muni., RNAV Rwy 21, Amdt. 2

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.]

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on July 1, 1977.

NOTE: The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.77-19473 Filed 7-8-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13713; File No. S7-961]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

FOCUS Reporting System

AGENCY: Securities and Exchange Commission.

ACTION: Postponement of effective date; extension of comment period.

SUMMARY: This action defers until January 1, 1978 the effective date of the requirement that the annual audited report of a registered broker or dealer include a determination by the independent accountant as to the adequacy of the procedures established by a broker or dealer for complying with the requirements for possession or control of certain customer securities. It also extends until October 31, 1977 the comment period with respect to the standard of adequacy. This postponement will permit consideration and dissemination of standards for the evaluation of the adequacy of these procedures.

DATES: Effective date of provision: January 1, 1978. Comments on or before: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202/755-1390).

ADDRESSES: Written comments, submitted in triplicate, should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced a postponement of the effective date of that part of 17 CFR 240.17a-5(g)(1)(iv) under section 17(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)) which would require the audited report of a broker or dealer conducted in compliance with paragraph (d) of 17 CFR 240.17a-5 to include a determination of the adequacy of procedures established by a broker or dealer in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required by 17 CFR 240.15c3-3.

DISCUSSION

On April 22, 1977, in Securities Exchange Act Release No. 34-13462 (42 FR 23786, May 9, 1977), the Commission announced the adoption of certain amendments to the FOCUS reporting system, including 17 CFR 240.17a-5. Paragraph (g)(1)(iv) was revised to require that the audited report of a broker or dealer by an independent public accountant conducted pursuant to paragraph (d) of § 240.17a-5 include, in addition to the review of the practices and procedures of the broker or dealer in obtaining and maintaining possession or control of all fully-paid and excess margin securities of customers as required by § 240.15c3-3, "a determination as to the adequacy of the procedures described in the records required to be maintained pursuant to § 240.15c3-3(d)(4)." In the adopting release the Commission requested comments with respect to the appropriate definition of the term "adequacy" in this context.

A number of commentators have argued that the parameters of an adequate system of procedures for obtaining and maintaining physical possession or control under § 240.15c3-3 have not been established in sufficient detail or in terms susceptible of objective interpretation. They have asserted that, absent specific criteria against which to evaluate the broker's or dealer's procedures, the independent accountant would not be able to make a determination as to their adequacy. Further, without a definition of the term "adequacy" in this context, comments have indicated that disparities in interpretation and application may arise.

In order to consider the desirability of explicating the standards of § 240.15c3-3 or standards of the auditing profession and to permit the further solicitation of public comment on the guidelines which should be established, the Commission has determined that a delay in the effective date of that part of paragraph (g)(1)(iv) of § 240.17a-5 which prescribes that the audited report include a determination as to the adequacy of a broker's or dealer's procedures for obtaining and maintaining possession and control is appropriate.[1] Unless otherwise modified in the interim, this requirement will become effective on January 1, 1978.[2]

The Commission specifically solicits comment with respect to the sufficiency of the requirements of § 240.15c3-3 as a standard for evaluating the adequacy of procedures for securing possession or control and the content and formulation of supplementary guidelines which may be included in Commission rules or in standards for auditors.

Interested persons shall submit written comments in triplicate on or before October 31, 1977. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Comments should refer to File No. S7-691 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 1, 1977.

[FR Doc.77-19637 Filed 7-8-77;8:45 am]

[1] Pursuant to paragraph (g) of § 240.17a-5 the audit of a broker or dealer will continue to include a review, among other things, of its procedures for safeguarding securities and practices and procedures in obtaining and maintaining physical possession or control of all fully-paid and excess margin securities of customers as required by § 240.15c3-3. This review must be "sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed."

[2] All other amendments to § 240.17a-5 as set forth in Securities Exchange Act Release No. 13462 (April 22, 1977) become effective on June 30, 1977.

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Individual and Family Grant Program

AGENCY: Federal Disaster Assistance Administration.

ACTION: Final rule.

SUMMARY: This rule contains the requirements each State must adopt for requesting and implementing the Individual and Family Grant program authorized by Section 408 of the Disaster Relief Act of 1974. This rule updates and replaces that currently published at 24 CFR 2205.48.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

C. T. Babcock, Federal Disaster Assistance Administration, Room B-133, 451 Seventh Street SW., Washington, D.C. 20410. (202-634-7860).

SUPPLEMENTARY INFORMATION: On Thursday, January 27, 1977, the Federal Disaster Assistance Administration (FDAA) published proposed amendments to the regulations for the Individual and Family Grant program for public comment, to clarify, update, and consolidate the regulations. Several comments were received, and all were carefully considered in promulgating this final rule.

DISCUSSION OF MAJOR COMMENTS

FLOOD INSURANCE

1. There were several comments on the proposed requirement for States to determine whether flood insurance is required as a condition of eligibility for a grant (subsection (c)(1)(iv)). Two commenters felt that making this determination and requiring proof of purchase put an undue burden on the State. These comments have not been adopted because it is a State responsibility to administer the grant program, and it is incumbent upon the State to make all relevant determinations. Concerning the $25 initial premium as an eligible item under the grant program, two commenters suggested that this amount be raised to cover the actual cost of the first year's premium. The $25 initial premium will provide sufficient insurance coverage to protect the maximum grant investment of $5,000 and is considered a necessary and reasonable expense.

2. One commenter suggested that subsection (c)(1)(iv) be revised to provide greater detail and more complete guidance on a State's responsibility for ensuring compliance with the National Flood Insurance Program. This suggestion has been adopted, and the subsection has been rewritten to provide this guidance.

ELIGIBILITY CATEGORIES

3. One commenter suggested that "debris clearance" be deleted from the categories of eligibility in that this is a local government responsibility. This regulation is intended to provide assistance when other available programs cannot meet the needs of disaster victims. In those instances when debris is not removed from private property by other governmental programs and there is a need to do so in order to remove health hazards or protect against additional damage to private, owner-occupied primary residences, the Individual and Family Grant program should meet this need. Subsection (c)(2)(ii)(D) provides the authority to meet the need for debris removal, and will be retained.

4. Two comments were received concerning the proposed eligibility category providing for costs of moving and storing personal property, specifically, unoccupied mobile homes. The commenter suggested that this subsection be deleted because it exceeds the scope of the program, since such homes may be used for purposes unrelated to owner-occupied primary dwellings. These comments have been adopted by deleting "unoccupied mobile homes" from subsection (c)(2)(ii)(E), thereby allowing a State to determine what types of movement and storage of personal property constitute a necessary expense or serious need.

5. Three commenters responded to the addition of subsection (c)(2)(vi) which provides for temporary rental accommodations as a category of eligibility. One of these suggested that such assistance is more appropriately provided under the temporary housing program. However, since the grant program covers unmet needs, temporary accommodations expenses which cannot be covered otherwise (e.g., for those who are unable to qualify for temporary housing, or those whose insurance does not cover temporary lodging) would be eligible. Therefore, this comment has not been adopted. The second and third comments indicated that the States would be burdened in determining who would be eligible for this assistance and under what circumstances, since no restrictions are implied. The Act states that the Governor of a State shall administer the grant program under national eligibility criteria and program standards; therefore, a State must assume the responsibility for certain determinations. The Congress has recognized this by allowing up to 3 percent of the Federal grant for administrative purposes. This policy will be further clarified in a grant program handbook soon to be published.

COORDINATION

6. A suggestion was received that the

the needed incentives and flexibility, and the suggestions for change have not

to an individual or family to prevent or reduce hardship, injury, or loss caused

(iv) Where an individual or family is otherwise eligible for a grant to repair, replace, or rebuild a home or to purchase

(D) Repair, clean or sanitize any eligible personal property item; and

(7) A commitment to implement the grant program throughout the

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COORDINATION

6. A suggestion was received that the State should coordinate with the Federal Coordinating Officer (FCO) rather than the Regional Director (RD), as proposed by subsection (d)(6). This suggestion has not been adopted because the delegated authority for financial and technical assistance to States under this program rests with the RD. This does not eliminate the need for the State Coordinating Officer to coordinate the grant program with other State programs and to provide the FCO with reports as required, nor does it eliminate the State's requirement to coordinate with Federal and private organizations.

STATE ADMINISTRATIVE PROCEDURES

7. As the result of four comments on procedures for verifying grant expenditures which must be contained in each State Administrative Plan (subsection (e)(1)(iv)(F)), a change has been adopted which specifies that not less than 5 percent of approved grants must be verified. Subsection (e)(1)(ii)(G), which discusses recovery of grant funds for unauthorized items or services, has also been modified to properly emphasize actions concerning grant funds obtained fraudulently or misapplied by grant recipients. The subsection which proposed controls to insure that grant funds were spent in a timely manner was deleted, but subsection (j) has been modified to incorporate guidance on claims for reimbursement that include grants made on the basis of fraudulent information or grants that were misapplied.

8. Two commenters suggested that States be allowed to determine eligibility and grant amounts according to already established procedures, namely those in existing welfare programs. Because the legislative history indicates that no means test will be imposed, these suggestions were not adopted. Similarly, the suggestion that the grantee be permitted to use the money for any purpose was not adopted. As specified in the authorizing legislation, grant funds are for those necessary expenses or serious needs which cannot otherwise be met, i.e., they must be earmarked for those items, thus avoiding duplication of benefits.

TIME LIMITATIONS

9. Two comments were received on the 180-day limitation for the entire grant program. One of those suggested that attention should be focused on prompt delivery of assistance by allowing 150 days for program activity, with a more flexible and separate time for final sampling, appeals, and audits. The other suggested that the application period be modified so that the State could comply with the 180-day limitation while expediting payment to grantees. In considering these comments, records show that most grants, even in large programs, can be disbursed within 180 days. Regional Directors now have the authority to approve 90-day extensions when all grants have been disbursed, in order to allow the State to complete audits and submit vouchers. Subsection (g) contains the needed incentives and flexibility, and the suggestions for change have not been adopted.

AUDITS

10. In order to clarify the State audit requirements, subsection (k) has been revised to eliminate the implied need for auditing each approved grant. The 5 percent guideline, as proposed by one commenter, has not been adopted; however, the audit procedure has been tied to guidelines provided by the HUD Inspector General.

DEFINITIONS

In addition to the above, a change has been made to clarify the meaning and intent of "available governmental programs" by adding "disaster assistance" to the phrase in subsection (c)(1)(i)(A) (i.e., available governmental disaster assistance programs). Thus it is clear that applicants need not first apply for welfare programs or non-disaster related programs such as those which impose a means test or asset test.

Findings of inapplicability regarding environmental and economic impact were prepared for the proposed rule and copies are available in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Since the Department has previously determined that adoption of this rule will not affect the quality of human environment or the national economy, and since no change has been made in the substance of this rule, no further environmental or economic determination is being made.

Accordingly, 24 CFR Part 2205.48 is amended as follows and reprinted in its entirety for the convenience of users:

2205.48 Individual and Family Grant Programs.

§ 2205.48 Individual and family grants.

(a) *General.* The Governor may request that Federal funds be made available to a State for the purpose of such State making grants to individuals and families who, as a result of a major disaster, are unable to meet necessary expenses or serious needs. The grant program authorized by this section will be 75 percent Federally funded and 25 percent State funded. The Governor of the affected State or his representative will administer the grant program. The grant program is intended to provide funds to disaster victims to permit them to meet those necessary expenses or serious needs for which other governmental assistance is either unavailable or inadequate. The grant program is not intended to indemnify all disaster losses or to purchase items or services that may generally be characterized as nonessential, luxury, or decorative.

(b) *Definitions as used in this section.* (1) "Necessary expense" means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.

(2) "Serious need" means a requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster.

(3) "Family" means a social unit comprised of husband and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(4) "Individual" means a person who is not a member of a family, as defined in paragraph (b)(3) of this section.

(5) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any source other than those of the individual or family.

(c) *National eligibility criteria.* In administering the Individual and Family Grant Program, a State shall determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with the following criteria.

(1) *General.* (i) In order to qualify for a grant under this section, an individual or family representative must certify:

(A) That application has been made to other available governmental disaster assistance programs for assistance to meet a necessary expense or serious need and that neither he nor any member of his family has been determined to be qualified for such assistance, or for demonstrated reasons, any assistance recevied has not satisfied any such necessary expense or serious need.

(B) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means.

(C) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the State that part of the grant for which assistance from other means has been received.

(ii) Farmers, ranchers, and persons engaged in aquaculture who are qualified to apply to the Farmers Home Administration (FmHA), must submit proof of the denial of such loan assistance from the FmHA before they may be considered eligible for a grant under this section. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan program.

(iii) Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within the State in which the major disaster had been declared.

(iv) Where an individual or family is otherwise eligible for a grant to repair, replace, or rebuild a home or to purchase insurable furnishings to be contained in the home, States must determine whether the assistance is prohibited by the Flood Disaster Protection Act of 1973; i.e., where the assistance relates to a building located in a Federal Insurance Administration (FIA) identified special flood hazard area of a community not participating in the National Flood Insurance Program (NFIP), as shown on an FIA flood hazard boundary map or flood insurance rate map which has been in effect longer than one year (see 42 U.S.C. 4001 et seq.). If assistance is not prohibited, the State must determine from a review of the FIA map whether the building is located in a special flood hazard area of a participating community and, if it is, the applicant must purchase a flood insurance policy as a condition for the assistance in order to reduce future avoidable claims for Federal or State disaster assistance. These determinations by States are required in order for FDAA to comply with its obligations under sections 102(a) and 202(a) of the Flood Disaster Protection Act. The policy must provide coverage in an amount at least equal to the project cost; i.e., the cost of repairing, replacing, or rebuilding a dwelling (less any land value) and the cost of insurable personal property to be located in the dwelling, which are to be covered by the Individual and Family Grant Program. After a determination that flood insurance is required, and after disbursement of a grant, States shall require the grant recipient to provide proof of purchase of the required flood insurance. In this regard, the first $25.00 of the initial premium for flood insurance shall be considered a necessary expense.

(2) *Eligible categories.* Assistance under this section may be made available to meet necessary expenses or serious needs by providing essential items or services in the categories set forth below:

(i) Medical or dental.

(ii) Housing. With respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:

(A) Repair, replace, rebuild;

(B) Provide access;

(C) Clean or make sanitary;

(D) Remove debris from such residences. Any debris removal will be limited to the minimum required to remove health hazards or protect against additional damage to the residence;

(E) Provide minimum protective measures required to protect such residences against the immediate threat of damage; and

(F) Move mobile homes to prevent or reduce damage.

(iii) Personal Property.

(A) Clothing;

(B) Household items, furnishings, or appliances;

(C) Tools, specialized or protective clothing or equipment which are essential to or a condition of a wage earner's employment;

(D) Repair, clean or sanitize any eligible personal property item; and

(E) Move and store to prevent or reduce damage.

(iv) Transportation.

(A) Grants may be authorized to provide transportation by public conveyance provided that the requirement for this transportation was the direct result of the disaster.

(B) Grants may be authorized to provide private transportation, if the requirement for this transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable.

(v) Funeral expenses. Grants for funeral expenses will be based on minimum expenditures for interment or cremation.

(vi) Rental accommodations, to include motel, hotel, and other temporary accommodations.

(3) *Ineligible categories.* Assistance under this section will not be made available for any item or service in the following categories:

(i) Business losses, including farm businesses.

(ii) Improvements or additions to real or personal property.

(iii) Landscaping.

(iv) Real or personal property used exclusively for recreation.

(v) Financial obligations incurred prior to the disaster.

(vi) Any necessary expense or serious need or portion thereof for which assistance was available from other means but was refused by the individual or family.

(4) *Other categories.* Should the State determine that an individual or family has an expense or need not specifically identified as eligible, the State shall provide a factual summary to the Regional Director, and request a determination.

(d) *State request to participate in the Individual and Family Grant Program.* In order to make assistance under this section available to disaster victims, the Governor must file with the appropriate Regional Director a request which includes the following:

(1) A certification that assistance under the Act and from other means is insufficient to meet necessary expenses or serious needs of disaster victims.

(2) An estimate of the number of disaster victims who have necessary expenses or serious needs and the basis for such estimate.

(3) An estimate or the total Federal grant as identified in paragraph (f)(1) of this section.

(4) A commitment to implement an administrative plan as identified in paragraph (e) of this section.

(5) A commitment to identify specifically in the accounts of the State all Federal and State funds committed to the grant program.

(6) A commitment to maintain close coordination with the Regional Director and provide him with such reports as he may require in order to insure proper administration, including avoidance of duplication of benefits and timely availability of Federal funds.

(7) A commitment to implement the grant program throughout the major disaster area designated by the Administrator.

(8) A certification that the State will pay its 25 percent share of all grants to individuals or families. If the State is unable immediately to pay its 25 percent share, the State may request an advance of Federal funds as identified in paragraph (h) of this section.

(e) *State Administrative Plan.* (1) The State will develop a plan for the administration of the Individual and Family Grant Program that includes, but is not limited to:

(i) Assignment of grant program responsibilities to State officials or agencies.

(ii) Methods and procedures for notification of potential applicants to include the publication of pertinent time limitations.

(iii) Provisions for accepting applications, including the establishment of local application centers.

(iv) Administrative procedures for:

(A) Verifying necessary expenses and serious needs.

(B) Determining applicant eligibility and grant amounts by a panel of at least three State employees.

(C) Determining the need for flood insurance.

(D) Processing applicant appeals.

(E) Disbursing grants.

(F) Verifying grant expenditures by sampling not less than five percent of approved grants.

(G) Recovering grant funds obtained fraudulently or expended for unauthorized items or services.

(H) Conducting a State audit.

(v) National eligibility criteria as defined in paragraph (c) of this section.

(vi) Provisions for compliance with §§ 2205.13, 2205.15, and 2205.18 of these regulations and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975) and the Federal Insurance Administration Regulations, 24 CFR Parts 1909 et seq.

(2) The Governor or his representative may request the Regional Director to provide technical assistance in the preparation of an administrative plan to implement the Individual and Family Grant Program.

(3) The Regional Director will review the State administrative plan for each disaster for which assistance is requested under this section to insure that the requirements of these regulations have been met. The Regional Director may defer approval of a State administrative plan until any deficiencies have been corrected.

(4) The State administrative plan is to be made part of the State's emergency plan, as described in § 2205.4 of these regulations.

(f) *Limitation on grants.* (1) The Federal grant under this part shall be equal to 75 percent of the actual cost of meeting necessary expenses or serious needs of individuals and families, plus State administrative expenses not to exceed 3 percent of the total Federal grant, and

shall be made only on condition that the remaining 25 percent of such actual cost is paid to such individuals and fami-

(ii) A statement as to the specific actions taken or to be taken to overcome

Issued at Washington, D.C., June 30, 1977.

view Board were published as FR Doc. 77-7064 on March 10, 1977 (42 FR 13274).

CHAPTER VI—DEPARTMENT OF THE NAVY

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shall be made only on condition that the remaining 25 percent of such actual cost is paid to such individuals and families from funds made available by the affected State.

(2) An individual or family shall not receive a grant or grants under the provisions of this section aggregating more than $5,000 with respect to any one major disaster. Such aggregate amount shall include both the Federal and State share of the grant.

(g) *Time limitations.* (1) In the administration of the Individual and Family Grant Program authorized under section 408 of the Act, the following time limitations will be applicable except as described in paragraph (g) (2) of this section:

(i) Should the Governor decide to request assistance under this section, he must submit such request no later than seven days following the date on which the major disaster was declared and in the manner set forth in paragraph (d) of this section.

(ii) The State will accept applications from individuals or families for a period of 60 days following the date on which the major disaster was declared.

(iii) Any application filed after the 60-day period stated above must be reviewed by the State to determine whether the late filing was the result of extenuating circumstances or conditions beyond the control of the individual or family. If such conditions or circumstances are demonstrated, the State will determine that good cause existed for late filing and accept that application as though it had been filed on a timely basis; otherwise, the application will be rejected.

(iv) No application will be accepted by the State if it is filed more than 90 days following the date on which the major disaster was declared.

(v) All administrative activities, including the submission of final reports, State audits, and vouchers to the Regional Director, shall be completed by the State within 180 days following the date on which the major disaster was declared.

(2) The Regional Director may extend any time limitation set forth above for a period not to exceed 30 days. If all appeals to the State have been resolved and all grants disbursed, the Regional Director may further extend the 180-day time limitation contained in paragraph (g) (1) (v) above for a period not to exceed 90 days. The Administrator may further extend any of the above time limitations.

(h) *Advance of State share.* (1) If the State is immediately unable to pay its 25 percent share of the grants to be made under this section, the Governor may request that this amount be advanced by the Federal Government. Requests for such advances will be made to the Regional Director and will include the following:

(i) A certification that the State is immediately unable to pay its 25 percent share and an explanation of the reasons therefor.

(ii) A statement as to the specific actions taken or to be taken to overcome the inability to provide the State share, including a time schedule for such actions.

(iii) A commitment to repay the Federal advance at the time the State is able to do so.

(iv) An estimate of the total amount needed to meet the 25 percent State share.

(v) An agreement to return immediately upon discovery all Federal funds advanced to meet the State's 25 percent share which exceed actual requirements.

(2) Failure to repay the advance of the State share, in accordance with the time schedule in paragraph (h) (1) (ii) of this section, may result in the withholding by the Federal Government of subsequent advances under this section.

(3) Any advance of the State's share not repaid to the Federal Government by the repayment date established by the time schedule in accordance with paragraph (h) (1) (ii) of this section, may, at the discretion of the Administrator, be recovered by the offset of Federal funds to which the State would otherwise be entitled under other sections of this Act.

(i) *Approval—Authorization of Funds.* (1) The Regional Director may approve Federal assistance and authorize advances of funds under this section upon his determination that:

(i) All required certifications and commitments have been completed by the Governor;

(ii) The administrative plan provided by the State to implement the Individual and Family Grant Program meets the requirements of these regulations.

(2) The Regional Director may authorize Federal assistance based on his estimate of the amount required to meet the necessary expenses or serious needs of disaster victims.

(j) *Reimbursement to the State.* Reimbursement to the State of the Federal share of eligible costs will be on the basis of a voucher filed by the State and approved by the Regional Director. If a State presents a voucher which includes a claim for a grant that is improperly or inadequately documented, or not made in conformity with the State Administrative Plan, such claim shall be suspended by the Regional Director. The State may include a claim for a grant that was made on the basis of fraudulent information, or that was misapplied by the grant recipient. If the State has taken the action required by its Administrative Plan, but has been unable to recover the grant funds, the claim may be approved for payment by the Regional Director.

(k) *Audits.* The State shall perform a site audit on each grant program in accordance with audit guidelines provided by the HUD Inspector General. All claims are subject to Federal audit.

(Sec. 408, Pub. L. 93-288, 88 Stat. 156 (42 U.S.C. 5178); E.O. 11795 as amended by E.O. 11910, 39 FR 25939; Delegation of Authority, 29 FR 28227.

Issued at Washington, D.C., June 30, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-19825 Filed 7-8-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 731-77]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart A—Equal Employment Opportunity Within the Department of Justice

REMEDIAL ACTION IN EEO COMPLAINTS

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On May 9, 1977, the regulations governing discrimination complaints filed by employees and applicants for employment in the Department of Justice were amended to provide that any remedial action ordered by the Complaint Adjudication Officer in cases where no discrimination is found shall have the prior approval of the Assistant Attorney General in charge of the Civil Rights Division in consultation with the Deputy Attorney General. (42 FR 25724, May 19, 1977) This order further amends the regulations to provide that the consultation shall be with the Associate Attorney General instead of the Deputy Attorney General, in view of the respective management functions of those officials.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Acting Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, D.C. 20530 (202-739-2041).

§ 42.2 [Amended]

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, and in conformity with 5 CFR Part 713, § 42.2(b) of Subpart A of Part 42 of Title 28, Code of Federal Regulations, is amended by substituting "Associate Attorney General" for "Deputy Attorney General."

Dated: June 29, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-19624 Filed 7-8-77;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

PART 581—PERSONNEL REVIEW BOARD

Army Discharge Review Board Rules

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The revised rules of procedure governing the Army Discharge Review Board were published as FR Doc. 77-7064 on March 10, 1977 (42 FR 13274). The revised rules of procedure are amended. This amendment is made in compliance with the Stipulation of Dismissal in the Case of *Urban Law Institute of Antioch College, Inc., et al.* v. *Secretary of Defense, et al.* Certain modifications are made in terminology and a paragraph is added to indicate where inquiries for indexes should be addressed.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Albert A. Covington, Legal Advisor, OX 73518.

Dated: June 28, 1977.

WILLIAM E. WEBER,
Colonel, Infantry, President, Army Discharge Review Board.

In consideration of the foregoing and by authority of section 301, Title 1, Act of 22 June 1944 (10 U.S.C. 1553), the rules of procedure of the Army Discharge Review Board in § 581.2 are amended by revising paragraphs (e) (7), (h) (1) (ii) and (iii), and (h) (11) and by adding new paragraph (h) (12) as follows:

§ 581.2 **Army Discharge Review Board.**

* * * * * * *

(e) * * *

(7) * * * Applicants may be provided a form for this purpose which must be completed or amended prior to the closing of the hearing of panel or Hearing Examiner.

* * * * * * *

(h) * * *

(i) * * * (ii) Findings on all issues of fact, law, or discretion upon which the panel's determination is based, including factors required by applicable AR's when such factor(s) is (are) a basis for denial of any relief requested.

(iii) Findings and conclusions on all other issues of fact, law, or discretion raised by the applicant, including claims by the applicant that statutory, regulatory or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the panel would warrant greater relief than that afforded applicant by the panel's determination if resolved in the applicant's favor.

* * * * * *

(11) Each index shall also be made available at all regional locations where ADRB panels shall meet to hear cases. Notice of hearings to applicants shall include information as to where the ADRB indexes may be located for inspection and copying. Indexes shall be permanently maintained only at permanent regional locations.

(12) Inquiries concerning indexes should be addressed to the Armed Forces Discharge Review/Correction Boards Reading Room, the Pentagon Concourse, Washington, D.C. 20310.

* * * * * *

[FR Doc.77-19545 Filed 7-8-77;8:45 am]

CHAPTER VI—DEPARTMENT OF THE NAVY

Privacy Act of 1974; Additional Exemption

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

[SECNAVINST 5211.5A]

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This rule adds an exemption to the Department of the Navy Privacy Act rules for records compiled by the Bureau of Medicine and Surgery that pertain to the discovery and reporting of incidents of child abuse and neglect. Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information, and to protect such sources from embarrassment or recriminations, as well as to protect their right to privacy.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain L. J. Schaffner, MSC, USN, Director, Health Records Division, Bureau of Medicine and Surgery, Department of the Navy, 23rd and C Streets NW., Washington, D.C. 20372 (202-254-4082).

SUPPLEMENTARY INFORMATION: On April 29, 1977, a notice of proposed rulemaking was published (42 FR 21817) to amend Subpart G of Part 701 of 32 CFR (41 FR 50661), entitled "Privacy Act Exemptions," by adding a new subparagraph (m) entitled "Bureau of Medicine and Surgery" to § 701.123 which would exempt portions of a Navy system of records identified as N 00018 10, entitled "Child Advocacy Program Files," pursuant to 5 U.S.C. 552a(k) (2) and (5).

In response to the Navy's request for public comment, one was received. The respondent said that subparagraph (m) to § 701.123 of 32 CFR should not be adopted. Because the routine uses for records in the Child Advocacy Program Files system include disclosure for the purposes of litigation and determining personnel suitability for assignments and continued military service, the commenter expressed concern that the exemptions would seriously abridge the rights of suspected or confirmed child abusers or neglecters to information which may restrict or curtail their military careers. The comment was carefully considered. The known incidents of child abuse and neglect within the armed forces are on the rise. Many cases, however, go unreported because persons with knowledge of such acts are reluctant to come forward with information for fear of reprisals. Unless the identities of abusive and neglectful persons can be readily and effectively ascertained, efforts to treat them and rehabilitate the family relationship will be foreclosed. Therefore, the need to maintain the confidentiality of sources far outweighs individual interests in obtaining access to the identities of such sources. Further, many states require that cases of child abuse and neglect be reported to local authorities for further investigation and possible civil or criminal prosecution. For these reasons, the exemptions claimed pursuant to 5 U.S.C. 552a(k) (2) are entirely appropriate and necessary. It has been determined, however, that it would be inappropriate to claim any exemption for this records-system under 5 U.S.C. 552a(k) (5) because the records contained therein are not investigatory materials compiled solely for the purpose of determining suitability, eligibility, or qualifications for military service or access to classified information.

Accordingly, Subpart G of Part 701 of 32 CFR is amended by adding a new subparagraph (m) to § 701.123 as follows:

§ 701.123 **Exemptions for specific Navy record systems.**

* * * * *

(m) *Bureau of Medicine and Surgery.* (1) ID-N0001810.

SYSNAME—Child Advocacy Program Files.

EXEMPTION—Portions of this system of records are exempt from the following subsections of 5 U.S.C. 552a: (c) (3) and (d).

AUTHORITY—5 U.S.C. § 552a(k) (2).

REASONS—Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information, and to protect such sources from embarrassment or recriminations, as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. Additionally, granting individuals access to information relating to criminal and civil law enforcement, as well as the release of certain disclosure accountings, could interfere with ongoing investigations and the orderly administration of justice, in that it could result in the concealment, alteration, destruction, or fabrication of information; could hamper the identification of offenders or alleged offenders and the disposition of charges; and could jeopardize the safety and well being of parents and their children.

Dated: June 10, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General, Administrative Law.

MAURICE W. ROCHE,
Director, Correspondence and Directive, OASD (Comptroller).

JULY 6, 1977.

[FR Doc.77-19707 Filed 7-8-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

by written or telegraphic notice received by the bid custodian prior to bid

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411, 2008).)

§ 105-54.102 **Definitions.**

(a) * * *

(3) Established or utilized by one or

§ 105-54.202 **Review and approval of proposals.**

(a) The GSA Committee Management

formation will be considered are required to have an adequate security clearance.

3. Section 105-54.301-3 is revised as

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Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces revisions of the Postal Contracting Manual. The revisions, which affect the procurement of mail transportation services, include new delegations of contracting authority occasioned by the establishment of new contracting offices for mail transportation, and minor procedural changes in the solicitation and award of mail transportation contracts. Further, a requirement is added for the consent of a surety to a bidder's modification of a bid, and provision is made for the extension of mail transportation contracts for short periods. Other changes are made to reconcile conflicting provisions of the regulations. Finally, interim changes to various contract forms are prescribed pending revision of the forms.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Jones (202-245-4603).

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.-100), has been amended by the issuance of Transmittal Letter 25, dated June 27, 1977.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follow:

SECTION 19—MAIL TRANSPORTATION CONTRACTING

1. Paragraph 19-117.5 has been revised to update the positions delegated authority and assigned responsibility to act as contracting officers for the transportation of mail.

2. Paragraph 19-117.6 has been revised to update the provisions concerning approval of proposed procurement actions that exceed the delegated authority of the contracting officer.

3. Paragraph 19-130.3(c) has been revised to update the provisions concerning posting of Invitations for Bids.

4. Paragraph 19-130.73 has been revised to require surety approval of modifications to bids when a bond is required. The surety approval must be confirmed by written or telegraphic notice received by the bid custodian prior to bid opening.

5. Paragraph 19-130.871 has been changed to require that a copy of the contract be sent to the successful bidder along with the Form 7409, Notice of Acceptance—Transportation Services Bid or proposal.

6. Paragraph 19-130.881 has been revised to delete as a basis for bid rejection the prospective contractor's willful or negligent failure to perform under a prior contract. This information shall, however, be taken into consideration in determining the responsibility of the prospective contractor (see 19-122).

7. Paragraph 19-132.4 has been added to provide a means by which the term of a contract may be extended, when required due to service exigencies beyond the control of the contracting officer and a short term renewal or reprocurement would not be in the best interest of the Postal Service.

8. Paragraph 19-305(c) has been added, which requires that copies of certain solicitations be provided to the American Postal Workers Union, pursuant to its Memorandum of Understanding with the Postal Service.

9. Paragraph 19-307.1 has been revised to update the procedures to be followed in awarding advertised contracts that meet the criteria of the Memorandum of Understanding between the American Postal Workers Union and the Postal Service.

10. Paragraph 19-310.4 has been revised to expand the conditions under which highway transportation contracts may not be renewed.

11. Paragraph 19-314.3(b) has been revised, by deletion of the last sentence, to conform to the provisions of 19-124.4 and 19-127.3 concerning assessment of damages.

12. Paragraph 19-317.1 has been revised to correct a paragraph reference.

13. Paragraph 19-810.53(a) has been revised to change the form to be utilized when issuing an order fining the contractor on air transportation contracts.

14. Paragraph 19-810.53(b) has been revised, by deletion of the last sentence, to conform to the provisions of 19-124.4 and 19-127.3 concerning assessment of damages.

15. The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105.

§ 601.105 Amendments to the Postal Contracting Manual.

* * * * *

Amendments to postal contracting manual

Transmittal letter	Date	FEDERAL REGISTER publication
*	*	*
25	June 27, 1977	42 FR.

(5 U.S.C. 552(a) (39 U.S.C. 401, 404, 410, 411, 2008).)

W. ALLEN SANDERS,
Assistant General Counsel,
Legislative Division.

[FR Doc.77-19553 Filed 7-8-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 5420.40B]

PART 105-54—ADVISORY COMMITTEE MANAGEMENT

GSA-Sponsored Advisory Committees

AGENCY: Office of Administration, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation sets forth revisions to policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees under GSA's responsibility. These revisions are necessary to comply with recently announced Federal guidelines concerning advisory committees. The revisions are intended to provide the most up-to-date procedures needed to effectively carry out the advisory committee function in GSA.

EFFECTIVE DATE: This regulation is effective June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. George, Management Systems Division, Office of Management Services, Office of Administration, General Services Administration, Washington, DC 20405 (202-566-1777).

SUPPLEMENTARY INFORMATION: These revisions are necessary to implement in GSA recent guidelines for use in reporting and estimating the costs of advisory committees issued by the Office of Management and Budget; the provisions of Public Law 94-409, Government in the Sunshine Act, regarding the closing to the public of advisory committee meetings; and the provisions of a recent Presidential memorandum relating, in part, to the establishment and continuation of advisory committees. These revisions are also necessary to change the reference of the Assistant Administrator to the Deputy Administrator, who is now responsible for coordination and control of committee management in GSA; to reference new Standard Forms for use in preparing the Annual Report on Federal Advisory Committees; and to change the date the report is due.

The table of contents for Part 105-54, is amended by adding the following entry:

Sec.
105-54.303a Cost guidelines.

Subpart 105-54.1—General Provisions

1. Section 105-54.102(a)(3) is revised as follows:

§ 105-54.102 Definitions.

(a) * * *

(3) Established or utilized by one or more agencies to obtain advice or recommendations for the President or for one or more agencies or officers of the Federal Government. The term "advisory committee" excludes the Advisory Commission on Intergovernmental Relations and any committee which is composed wholly of full-time officers of the Federal Government.

* * * * *

2. Section 105-54.104(a) is revised as follows:

§ 105-54.104 Responsibilities.

(a) Responsibility for coordination and control of committee management in GSA is vested in the Deputy Administrator. This responsibility will be exercised through the Director of Management Services, OAD, or his designee, who shall serve as the GSA Committee Management Officer. This Officer shall, on behalf of the Deputy Administrator, carry out the functions prescribed in section 8(b) of the Federal Advisory Committee Act. Specifically, he shall control and supervise the establishment, procedures, and accomplishments of GSA-sponsored advisory committees. This control and supervision shall be adequate to ensure compliance with the GSA guidelines provided by these regulations.

* * * * *

Subpart 105-54.2—Establishment of Advisory Committees

1. Section 105-54.201 is amended to read as follows:

§ 105-54.201 Proposals for establishing advisory committees.

The Head of a Service or Staff Office may propose establishment of a Central Office or regional advisory committee within the scope of his program responsibilities. In doing so, the Head of the Service or Staff Office should pay particular attention to the President's statement in his memorandum to the Heads of Executive Departments and Agencies, dated February 25, 1977, that * * * "I want you to undertake a continuing effort to assure that no new advisory committees are established unless they are essential to meet the responsibilities of the Government." Accordingly, the Head of a Service or Staff Office shall establish no new advisory committees unless there is a compelling need for the committees, the committees have a truly balanced membership, and the committees conduct their business as openly as possible consistent with the law and their mandate. Each proposal shall be submitted to the Deputy Administrator (Attn: GSA Committee Management Officer) for review and coordination and shall include the following:

* * * * *

2. Section 105-54.202(a) is revised as follows:

§ 105-54.202 Review and approval of proposals.

(a) The GSA Committee Management Officer shall review each proposal for establishment of an advisory committee to ensure conformity with GSA committee management policies and procedures. Thereafter, the letter of justification addressed to the Director of the Office of Management and Budget shall be forwarded through the Deputy Administrator to the Administrator of General Services for his signature.

* * * * *

3. Section 105-54.203 is revised as follows:

§ 105-54.203 Advisory committee charters.

No advisory committee may meet or take any action until its charter has been approved by the Administrator of General Services and forwarded by the Deputy Administrator to the standing committees of the Senate and the House of Representatives having legislative jurisdiction over GSA. This requirement applies to committees used as advisory committees though not established for that purpose, but only to the extent that the group performs the function of advising a GSA official.

4. Section 105-54.203-1 is amended as follows:

§ 105-54.203-1 Preparation of charters.

(a) The Head of Service or Staff Office having jurisdiction over an advisory committee shall, following publication of the Federal Register notice regarding the establishment of that committee, prepare the committee's charter in accordance with this § 105-54.203. The completed charter shall be forwarded to the Deputy Administrator (Attn: GSA Committee Management Officer) for review, submission to the Administrator for approval, and filing.

* * * * *

Subpart 105-54.3—Advisory Committee Procedures

1. Section 105-54.301-1 is revised as follows:

§ 105-54.301-1 Agenda.

An agenda shall be prepared or approved by the Government chairman or designated Government official for each meeting of an advisory committee. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting will be closed to the public under the provisions of 5 U.S.C. 552b(c) (Government in the Sunshine Act). Ordinarily, copies of the agenda shall be distributed to committee members before the date of the meeting.

2. Section 105-54.301-2 is revised as follows:

§ 105-54.301-2 Security clearance.

All persons attending advisory committee meetings at which classified information will be considered are required to have an adequate security clearance.

3. Section 105-54.301-3 is revised as follows:

§ 105-54.301-3 Time and place.

Meetings shall be held only at the time and place determined or approved by the Government chairman or designated Government official. Unless otherwise authorized, meetings shall be held in space under the control of the Government.

4. Sections 105-54.301-4 (a) and (b) are revised as follows:

§ 105-54.301-4 Public notice of meetings.

(a) The Head of the responsible Service or Staff Office or Regional Administrator shall give timely notice of each advisory committee meeting by publication of a notice, over his signature, in the FEDERAL REGISTER at least 15 calendar days before the date of the meeting. (Material for publication in the FEDERAL REGISTER is submitted through the Federal Register liaison officer (BRAI).) Shorter advance notice may be provided in emergency situations, and the reasons for emergency exceptions shall be made part of the meeting notice. In giving notice, consideration must be given to the processing time required to get the notice printed in the FEDERAL REGISTER (at least 4 workdays). In addition to the notice in the FEDERAL REGISTER, announcements may also be made by general press release, direct mailing, publication in trade and professional journals appropriate to the nature of the committee meeting, or to special interest and community groups which may be affected by the committee's deliberations.

(b) The fact that a meeting may be closed to the public pursuant to the exemptions under the Government in the Sunshine Act does not, in general, relieve GSA of the requirements for publication of a notice of that meeting. An exception from this notice requirement may be authorized for reasons of national security by the Director of the Office of Management and Budget upon request by the Administrator at least 30 calendar days before the meeting.

* * * * *

5. Section 105-54.301-6(e) is revised as follows:

§ 105-54.301-6 Public attendance and participation.

* * * * *

(e) An advisory committee meeting will not be open to the public, nor will the attendance, appearance, or filing of statements by interested persons be permitted, whenever the Administrator of General Services determines that the meeting is concerned with matters covered by the exemptions to the Government in the Sunshine Act (5 U.S.C. 552b (c)) and there is sufficient reason to invoke any of these exemptions. If it is determined that only a portion of the

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meeting is concerned with these matters, only that portion of the meeting shall be closed. Any determinations concern-

to committee functions (Personnel compensation should reflect all actual or estimated Federal person-years or parts

(continuation sheet) (original and five copies);
(3) Standard Form 249, Membership

read "structed on or after September 6, 1977, that carries in bulk."

North Carolina. An interest has been shown for its use, and it would be in the

if he receives a construction permit. No oppositions have been filed.

meeting is concerned with these matters, only that portion of the meeting shall be closed. Any determinations concerning the closing of meetings shall be submitted in writing by the Head of the Service or Staff Office or Regional Administrator to the Administrator for approval at least 30 calendar days in advance of the scheduled date of the meeting. These determinations should clearly set forth the reasons for closing the meeting. These determinations shall be made available to the public on request.

* * * * *

6. Section 105-54.302 is revised as follows:

§ 105-54.302 Committee records and reports.

(a) Subject to the Freedom of Information Act (5 U.S.C. 552), the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were available to or prepared for or by a GSA advisory committee shall be available (until the committee ceases to exist) for public inspection and copying in the office of the Government chairman or designated Government official of the committee. Requests for inspection or copying of these records shall be processed in accordance with the provisions found in 41 CFR 105-60.4. Except where prohibited by contractual agreement entered into before January 5, 1973, copies of transcripts, if any, of advisory committee meetings shall be made available by the Government chairman or designated Government official to any person at the actual cost of duplication. After the committee has been terminated, disposition of the committee documents enumerated above and the subsequent release of information therefrom shall be in accordance with existing Federal records, statutes, and regulations.

(b) Subject to 5 U.S.C. 552(b) and instructions of the Director of the Office of Management and Budget, at least eight copies of each report made by an advisory committee shall be filed by its Government chairman or designated Government official with the Library of Congress at the time of its issuance. Where appropriate, copies of background papers prepared by consultants to the advisory committee shall also be filed with the Library of Congress. The letter of transmittal shall identify the materials being furnished, and a copy of the transmittal shall be provided to the GSA Committee Management Officer.

7. Section 105-54.303a is added as follows:

§ 105-54.303a Cost guidelines.

(a) The reporting and estimating of the costs of advisory committees shall include direct obligations for the following items:

(1) Personnel compensation of committee members; consultants to the committee; all permanent, temporary, or part-time (GS, WB, or other) positions which are a part of or supportive to the committee; and all overtime related to committee functions (Personnel compensation should reflect all actual or estimated Federal person-years or parts thereof devoted to a particular committee's activities. It should also include the compensation of Federal employees assigned to committees, on a reimbursable or nonreimbursable basis, from agencies or departments other than that to which the committee reports.);

(2) Personnel benefits associated with the above compensation (10 percent of basic payroll);

(3) Travel costs (including per diem) of committee members; consultants; and all permanent, temporary, or part-time positions which are a part of or supportive to the committee;

(4) Transportation of things, communications, and printing and reproduction;

(5) Rent for additional space acquired for committee use;

(6) Other services required by the committee, including data processing services, management studies and evaluations, contractual services, and reimbursable services; and

(7) Supplies, materials, and equipment acquired for committee use.

(b) The reporting and estimating of the costs of advisory committees shall not include indirect or overhead costs, e.g., the costs of the committee management system (committee management officers, etc.).

8. Section 105-54.304 is amended by adding new paragraph (a-1) as follows:

§ 105-54.304 Renewal of advisory committees.

* * * * *

(a-1) Advisory committees shall not be renewed unless there is a compelling need for the committees, the committees have a truly balanced membership, and the committees conduct their business as openly as possible consistent with the law and their mandate.

* * * * *

Subpart 105-54.4—Reports

Section 105-54.401 is revised as follows:

§ 105-54.401 Reports on GSA Federal Advisory Committees.

(a) By January 5 of each year, the Head of the Service or Staff Office shall conduct a comprehensive review of each advisory committee under his jurisdiction in existence during the preceding calendar year and shall report to the Deputy Administrator (Attn: GSA Committee Management Officer) on the results of this review and on the activities of each committee. Detailed instructions for the conduct of the comprehensive review including preparation of the report will be issued by the GSA Committee Management Officer. The report on committee activities shall be submitted on the following report forms:

(1) Standard Form 248, Annual Report on Federal Advisory Committee (original and five copies);

(2) Standard Form 248-A, Annual Report on Federal Advisory Committee (continuation sheet) (original and five copies);

(3) Standard Form 249, Membership List on Federal Advisory Committee (original and five copies); and

(4) Standard Form 249-A, Membership List on Federal Advisory Committee (continuation sheet) (original and five copies).

* * * * *

(c) By January 15 of each year, the GSA Committee Management Officer shall submit to the Office of Records Management, NARS, the agency annual report required by FPMR 101-11.12. In addition to Standard Forms 248, 248-A, 249, and 249-A, the report will include Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet.

* * * * *

(Pub. L. 92-463 dated October 6, 1972: Executive Order 11769 of February 21, 1974; and Subpart 101-11.12 of Title 41, Code of Federal Regulations)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 22, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-19536 Filed 7-8-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-041]

PART 31—INSPECTION AND CERTIFICATION

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Loading Information for Tank Vessels; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects a rule appearing at page 28886 in the FEDERAL REGISTER of Monday, June 6, 1977 (FR Doc. 77-15962).

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

In FR Doc. 77-15962, appearing at page 28886 in the issue of Monday, June 6, 1977, make the following changes:

1. On page 28887, first column, the last line of § 31.10-32(a) should read "which begins on or after September 6, 1977."

2. On page 28887, first column, the second line of § 151.01-10(c-1) should read "structed on or after September 6, 1977, that carries in bulk."

Dated: June 27, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-19383 Filed 7-8-77;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21196; RM-2813]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Windsor, N.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein assigns first Class A FM channel to Windsor, North Carolina. Petitioner, Bermey E. Stevens, states that this action will provide Windsor with its first FM broadcast service.

EFFECTIVE DATE: August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Windsor, North Carolina) (Docket No. 21196; RM-2813) Report and order (Proceeding Terminated).

Adopted: June 29, 1977.

Released: July 5, 1977.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed Rule Making, adopted April 7, 1977, 42 FR 20644, in the above-captioned proceeding instituted in response to a petition filed by Bermey E. Stevens ("petitioner"), licensee of daytime AM Station WBTE, Windsor, North Carolina. The petition proposed the assignment of Channel 249A to Windsor, North Carolina, as a first FM channel to that community. Petitioner filed supporting comments in which he reaffirmed his intention to promptly file an application for a construction permit for use of the frequency, if assigned. No oppositions were filed.

2. Windsor (pop. 2,199),[1] seat of Bertie County (pop. 20,528), is located approximately 169 kilometers (105 miles) east of Durham, North Carolina.

3. In support of his proposal, petitioner submitted information with respect to Windsor and its need for a first FM channel assignment.

4. We have given careful consideration to the proposal and believe that Channel 249A should be assigned to Windsor, North Carolina. An interest has been shown for its use, and it would be in the public interest as it would provide the community with its first full-time aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

§ 73.202 [Amended]

6. In view of the foregoing, *it is ordered*, That effective August 15, 1977, § 73.202 (b) of the Commission's rules, the FM Table of Assignments, as regards Windsor, North Carolina, is amended to read as follows:

City	Channel No.
Windsor, N.C.	249A

7. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19651 Filed 7-8-77;8:45 am]

[Docket No. 21192; RM-2819]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Macomb, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein assigns a second Class A FM channel to Macomb, Illinois. Petitioner, Ralph Trieger, states that a second FM station is needed to serve the growing population with an additional broadcasting service.

EFFECTIVE DATE: August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Macomb, Illinois) (Docket No. 21192; RM-2819), Report and order (Proceeding Terminated).

Adopted: June 29, 1977.

Released: July 5, 1977.

By the Chief, Broadcast Bureau:

1. On April 4, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 20153, proposing the assignment of Channel 276A to Macomb, Illinois, as its second Class A FM assignment, at the request of Ralph Trieger ("petitioner"). Petitioner filed supporting comments in which he reaffirmed his intention to apply for Channel 276A, if assigned, and to build a station promptly if he receives a construction permit. No oppositions have been filed.

2. Macomb (pop. 19,643),[1] seat of McDonough County (pop. 36,653), is located 147 kilometers (92 miles) southwest of Peoria, Illinois. Macomb presently receives local service from daytime-only AM Station WKAI and Station WKAI-FM (Channel 261A), both licensed to William H. Rudolph.

3. Petitioner states that Macomb has had a population increase of 21% between 1970 and 1975. He notes that Macomb is a major trading center for the entire area of McDonough County. Petitioner asserts that the spendable income of Macomb and McDonough County has increased 100 percent over the past six years while retail sales have climbed more than 50 percent. He adds that a second FM station is needed to serve the growing population with additional broadcasting service.

4. Preclusion would occur on Channels 274, 275, 276A, and 277. Six communities with populations greater than 1,000 are located in the precluded area.[2] Of the six communities, Carthage and Canton, Illinois, and Mount Pleasant, Iowa, each have an AM station and a Class A FM assignment; Canton, Missouri, has a Class A FM assignment; and Bushnell and Rushville, Illinois, have no local aural broadcast service. An alternate channel is available for assignment to Rushville, but none for Bushnell. However, Bushnell is located 18 kilometers (11 miles) from Macomb, and petitioner states that he intends to locate his transmitter site midway between Bushnell and Macomb, thereby enabling a station to provide a city-grade signal to both communities. Meaningful program service to meet the problems, interests and needs of both Bushnell and Macomb would be provided. With these facts in mind, we do not believe preclusion should be an obstacle to the proposal here.

5. Petitioner's Roanoke Rapids study indicates that the proposed assignment would provide a first FM service to 949 persons in an area of 135 square kilometers (52 square miles), a second FM service to 26,980 persons in an area of 730 square kilometers (281 square miles) and a third FM service to 10,269 persons in an area of 655 square kilometers (252 square miles). Petitioner also states that 19,735 persons (including Macomb) in an area of 41 square kilometers (16 square miles) would receive a second nighttime aural service.

6. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 276A to Macomb, Illinois. The proposed assignment would provide for an FM station which could render significant second FM and second night-

[1] Population figures are taken from the 1970 U.S. Census.

[1] All population figures are taken from the 1970 U.S. Census.

[2] Illinois: Bushnell (pop. 3,703); Canton (14,184); Carthage (3,350); Rushville (3,300); Iowa: Mount Pleasant (7,007); Missouri: Canton (2,080).

time aural service to a substantial area. It would also provide a second local

farmers and workers, coverage of general events in the community and also

ACTION: Final rule.

would be unnecessary in view of the size

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time aural service to a substantial area. It would also provide a second local nighttime service and provide the first competitive outlet in the community.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

§ 73.202 [Amended]

8. In view of the foregoing, *it is ordered*, That effective August 15, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Macomb, Illinois, is amended as follows:

City	Channel No.
Macomb, Ill	261A, 276A

9. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19652 Filed 7-8-77;8:45 am]

[Docket No. 21048; RM-2370]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Adel, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action herein assigns a first Class A FM channel to Adel, Georgia. Petitioner, Timberland Communications, Inc., states that a first local full-time service in Adel would fulfill a definite need for its citizens and would further stimulate the planned economic growth of the community.

EFFECTIVE DATE: August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau. (202–632–7792).

SUPPLEMENTARY INFORMATION:

In the matter Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Adel, Georgia) (Docket No. 21048; RM-2370). *Report and order* (Proceeding Terminated).

Adopted: June 29, 1977.

Released: July 5, 1977.

By the Chief, Broadcast Bureau:

1. On January 13, 1977, the Commission adopted a *Notice of Proposed Rule Making*, 42 FR 4157, proposing the assignment of Channel 221A to Adel, Georgia, as its first FM assignment, at the request of Timberland Communications, Inc. ("petitioner"), licensee of daytime AM Station WBIT, Adel, Georgia. Petitioner filed supporting comments in which it reaffirmed its intention to expeditiously file an application for a facility on the proposed channel, if assigned, and if authorized to promptly build an FM station. No oppositions were filed.

2. Adel (pop. 4,972), seat of Cook County (pop. 12,129)[1] is located in the south-central region of Georgia approximately 209 kilometers (130 miles) south of Macon, 344 kilometers (214 miles) south of Atlanta, and 233 kilometers (145 miles) northwest of Jacksonville, Florida. Adel presently receives service from daytime AM Station WBIT, licensed to petitioner.

3. Petitioner states that, between 1960 and 1970, Adel's population increased 15.1%, and Cook County's population increased 2.6%. Adel has eighteen manufacturing industries which employ over 1,600 persons, two industrial areas which it hopes will attract new industry and a five-million dollar expansion by Weyerhauser Company. Petitioner states that a first local full-time service in Adel would fulfill a definite need of its citizens and would further stimulate the planned economic growth.

4. Because a Channel 221A assignment could potentially affect otherwise possible educational FM service, the *Notice* requested petitioner to furnish data showing the preclusionary effect, if any, of assigning Channel 221A to Adel upon the future assignment of educational stations on Channels 218, 219 and 220. Petitioner submitted a showing which indicates that the proposed assignment would have no preclusionary effect on any of the three educational channels assuming that all stations or assignments, or both, on Channels 218, 219 and 220 were Class C assignments. Assuming that Class A stations were to be assigned, preclusion would occur only on Channel 220A, affecting an area of some 1,000 square kilometers (400 square miles). Within this area, there are two communities (Tifton and Valdosta) with institutions of higher education. These institutions are now the licensees of educational FM stations and do not appear to warrant reservation of another FM assignment.

5. We have given careful consideration to the proposal and believe that Channel 221A should be assigned to Adel, Georgia. An interest has been shown for its use and the assignment would provide the community with an opportunity to acquire its first local aural broadcast transmission service which would be in the public interest.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

§ 73.202 [Amended]

In view of the foregoing, *it is ordered*, That effective August 15, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Adel, Georgia, is amended as follows:

[1] Population figures are taken from the 1970 U.S. Census.

City	Channel No.
Adel, Ga	221A

8. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19653 Filed 7-8-77;8:45 am]

[Docket No. 21195; RM-2823]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Wellington, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken assigning a first Class A FM channel to Wellington, Kansas. Petitioner, Sumner Broadcasting Company, states it has particular need for an FM station to provide local weather information and coverage of general events in the community. The assignment of this channel will provide for a first local aural broadcast facility in Wellington, Kansas.

EFFECTIVE DATE: August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau. (202–632–7792).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Wellington, Kansas) (Docket No. 21195; RM-2823), Report and Order (Proceeding Terminated).

Adopted: June 29, 1977.

Released: July 5, 1977.

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making adopted April 7, 1977, 42 FR 20643, inviting comments on a proposal to assign Channel 228A to Wellington, Kansas, as its first FM assignment. The proceeding was instituted on the basis of a petition filed by Edwin D. and Zora B. Hundley, dba Sumner Broadcasting Company ("Petitioner"), licensee of daytime AM Station KLEY, Wellington, Kansas. Supporting comments were filed by petitioner. No oppositions were filed.

2. Wellington pop. 8,338),[1] seat of Sumner County (pop. 23,553), is located approximately 48 kilometers (30 miles) south of Wichita, Kansas. Petitioner states that Wellington's population has a particular need for an FM station to provide local weather information to the farmers and workers, coverage of general events in the community and also to provide a new local competitive advertising outlet for retail business in Wellington and Sumner County. Petitioner reaffirmed its intention to apply for the channel, if assigned.

[1] Population figures are taken from the 1970 U.S. Census.

3. We believe that the public interest would be served by the assignment of Channel 228A to Wellington, Kansas. A demand has been shown for its use and such an assignment would provide the community with its first full-time local aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum spacing requirements.

4. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

§ 73.202 [Amended]

5. Accordingly, *it is ordered*, That effective August 15, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City	Channel No.
Wellington, Kans	228A

6. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-19654 Filed 7-8-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-151, Amdt. Nos. 171-36, 172-37]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Label and Placard Colors; Hazard Numbers

Correction

In FR Doc. 77-18888 appearing at page 34283 in the issue for Tuesday, July 5, 1977, in the last paragraph of the document, first column, page 34288, the incorporation by reference date, now reading "July 30, 1977", should read "June 30, 1977".

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY OPERATIONS

[Amdt. 192-28; Docket No. OPSO-37]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Corrosion Control for Metal Alloy Fittings in Plastic Pipelines

AGENCY: Materials Transportation Bureau, Office of Pipeline Safety Operations, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment permits the use of certain metal fittings in plastic pipelines without coating, cathodic protection, and monitoring when adequate external corrosion control is provided by alloyage. The full safety and economic advantage of these fittings cannot be realized under the present rule because of the cost and burden of providing cathodic protection and frequent monitoring.

EFFECTIVE DATE: This amendment becomes effective on August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Simmons (202–426–2392)

SUPPLEMENTARY INFORMATION: On September 22, 1976, the Materials Transportation Bureau (MTB) issued a notice of proposed rulemaking, Notice No. 76–1, (41 FR 42221, September 27, 1976), to exempt certain alloy fittings installed in plastic pipelines from the external corrosion control requirements of § 192.455. To qualify for exemption, it was proposed that the fittings be small, electrically isolated, and designed to prevent leakage caused by localized corrosion pitting, and that the operator demonstrate that adequate corrosion control is provided by alloyage. Interested persons were invited to submit written data, views, or arguments by November 1, 1976.

There were 24 persons who submitted written comments to Notice No. 76–1: 19 natural gas distribution companies, 3 state regulatory agencies, 1 trade association, and 1 manufacturer of fittings. All 24 commenters were favorable, in general, to the proposed amendment. A discussion of the significant comments which suggested that changes be made to the proposed amendment and the disposition of those comments in developing the final rule is contained in the "Discussion of the Comments" section of this preamble. Comments which suggested rule changes outside the scope of the proposed notice are not discussed but may be considered by the Materials Transportation Bureau (MTB) in any future rulemaking on corrosion control. Also, editorial changes in the final rule which do not alter the substance of the proposal are not discussed herein.

Discussion of comments. With regard to the term "small" in the proposed § 192.455(f), five commenters suggested that it either be deleted or defined since the term "small" without definition would be open to individual interpretation and could result in a nonuniform application of the regulations. Alternatively, these commenters suggested that the size of the fittings be limited to six inches or less in diameter and 12 inches or less in length. The commenters contend that such size would be sufficiently small to protect against electrolytic corrosion provided a fitting is electrically isolated. Five other commenters stated that any exemption of fittings should not be restricted by size. These commenters suggested that such a restriction would be unnecessary in view of the size limitations effectively placed on the use of plastic pipe in gas service by the availability joining methods and by the cost of materials. (Presently, 12-inch diameter plastic pipe is the largest normally used in gas service.) These commenters also pointed out that the most relevant test of safety would be meeting the proposed requirement to demonstrate that corrosion is not a problem. Further, on this point, the Technical Pipeline Safety Standards Committee (TPSSC) stated that a size limitation might restrict the application of new technology and that adequate protection would be provided by requiring the operator to show by tests, investigation, or experience that adequate corrosion control is obtained through alloyage.

In the Notice, MTB noted that the term "small" is rather indefinite and requested specific comments on adoption of the term or any comparable restriction in the final rule. The term was included in the Notice because of evidence indicating that small components are not as susceptible to corrosion as larger ones. However, after considering all relevant information, MTB now believes that adoption of the term "small" could result in nonuniform application of § 192.455 and has deleted it in the final rule. Also, a size limitation is effectively created by present technology and economics related to the use of plastic pipe.

More significant than size, however, in protecting against corrosion is the fact that as discussed hereafter the operator would be required under § 192.455(f)(1) to show by tests, investigation, or experience that adequate corrosion control is provided by alloyage of the fitting material. To ensure that this restriction is appropriately applied in view of the deletion of the word "small," in the final rule, the proposed § 192.455(f)(1) is modified by the phrase "for the size of fitting to be used." This modification is consistent with a change recommended by the TPSSC.

Twelve commenters and the TPSSC felt that the word "metallic" should be substituted in the final rule for the word "alloy" used in the proposal. These commenters contend that metals other than Type 316 stainless steel are corrosion resistant and could do an equally satisfactory job in protecting against corrosion. Although the petition upon which Notice 76–1 was based referred to Type 316 stainless steel fittings, the proposed amendment was written to provide for the use of any alloy material that can provide the necessary corrosion resistance. Therefore, MTB has not adopted this proposed word change in the final rule. Also, in this regard, the TPSSC suggested that the word "fitting" be replaced by "component." This comment was not adopted, however, because the word "component" has a broader connotation than was intended by use of the word "fitting" in the Notice.

Five other commenters and the TPSSC suggested that the words "by alloyage" in the proposed § 192.455(f)(1) should be omitted. They argue that subpara-

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graph (f) (1) would establish a good performance standard without the words "by alloyage" since the most important consideration is prevention of corrosion failures. Although this argument may be true, this comment was not adopted because the word "alloyage" is necessary to provide a definitive description of the type of corrosion control which is intended to qualify fittings for an exemption under § 192.455(f).

Nine commenters suggested that the proposed limitation under § 192.455(f) (2) (that a fitting be designed to prevent leakage due to corrosion pitting) either be deleted or adopted as an alternative to the proposed restriction of § 192.455(f) (1). Three commenters contended that in complying with either subparagraph (f) (1) or (f) (2), the corrosion problem is resolved.

MTB does not agree with these comments and for the following reasons did not adopt them in the final rule. Considering the lack of performance data available for the alloy fittings which might be used to qualify for an exemption from the cathodic protection and coating requirements of § 192.455(a), the variable corrosivity conditions in which fittings might be installed, and imprecise corrosivity measurement techniques available, MTB believes that an initial determination of the protection afforded by alloyage may not provide a sufficient, long-term safeguard against corrosion. As an additional factor in providing long-term protection, MTB believes that the fitting must also be "designed" to prevent any leakage that may be caused by localized corrosion.

Furthermore, for these same reasons relating to the possible uncertainty of future corrosion control performance, the final rule is changed by adding a subparagraph (f) (3) to require that each operator be able to identify the location of each fitting installed under § 192.455 (f). This additional requirement appears necessary to protect the public interest, and it is consistent with the requirement of § 192.491 that an operator know the location of all cathodically protected piping. Subparagraph (f) (3) is intended to provide for any future inspection, repair, or replacement that might be required as a result of future rulemaking should any new information indicate a need for such remedial action.

In addition, MTB requests that operators voluntarily report the condition of any alloy fitting installed under § 192.455 (f) which is uncovered for any reason. MTB is interested in receiving reports on corrosion performance of the fittings, especially any leakage of a fitting that is not required to be reported under §§ 191.5 and 191.9 of this chapter, and the number of fittings installed. These reports could be submitted by operators in letter form and need not be submitted more often than once a year, unless the operator desires to report more frequently. MTB expects that information obtained through the voluntary reporting may serve as a basis for a future rulemaking action either to relax the restrictions applicable to exemption under § 192.455(f) or to prescribe any necessary remedial measures, as the case may be.

Regarding the proposed § 192.455(f) (2), the TPSSC further suggested that the term "corrosion pitting" be replaced by "corrosion attack." This comment was not adopted for the sake of consistency since the term "corrosion pitting" is used elsewhere in Part 192.

Another commenter thought that an operator should not have to use tests, investigation, or experience "in the area of application" to show under § 192.455(f) (1) that alloy fittings provide adequate corrosion control. This commenter alleged that the testing, investigation, or experience in the corrosion studies reported in the National Bureau of Standard's (NBS) Circular No. 579 and two California field studies mentioned in the Notice are sufficient to allow a general exception without the need for an individual finding by each operator.

MTB does not agree. The NBS study compares the performance of certain materials under a limited number of environments. It did not establish a means to quantitatively measure the corrosivity of any environment in which a material might be used. Also, the two field studies conducted in California do not have universal application to all soils. Those studies are more indicative of local conditions. They include the type of testing and investigation that an operator might conduct in an area to determine whether fittings are adequately protected against corrosion by alloyage. For these reasons, MTB did not adopt the suggested change in the final rule.

Report of the Technical Pipeline Safety Standards Committee

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each proposal." The proposed amendment was submitted to the Committee as Item A-1 in a list of two proposed amendments at a meeting in Washington, D.C., on December 16 and 17, 1976. A minority report was not submitted.

On February 3, 1977, the Committee filed the following favorable report:

> This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on two amendments to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations and other matters which the Committee decided should be brought to the attention of the Department of Transportation.
>
> The following described actions were taken by the Committee at a meeting held in Washington, D.C., on December 16 and 17, 1976.
>
> Item A-1 of the agenda was a proposal by OPSO to revise § 192.455, External corrosion control. By an affirmative vote of 12-1 the Committee found that the following language for § 192.455 is technically feasible, reasonable, and practicable.
>
> • • • • •
>
> (The language suggested is adopted in the final rule except as discussed in the "Discussion of Comments Section" above.)

Principal Authors

Ralph T. Simmons, Regulations Specialist, George Mocharko, Staff Engineer, and Robert L. Beauregard, Attorney, Office of the General Counsel.

In consideration of the foregoing, § 192.455 of Title 49 of the Code of Federal Regulations is amended by amending paragraph (a) and adding a new paragraph (f) to read as follows:

§ 192.455 External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b), (c), and (f) of this section, each buried or submerged pipeline installed after July 31, 1971, must be protected against external corrosion, including the following:

• • • • • •

(f) This section does not apply to electrically isolated, metal alloy fittings in plastic pipelines if—

(1) For the size fitting to be used, an operator can show by tests, investigation, or experience in the area of application that adequate corrosion control is provided by alloyage;

(2) The fitting is designed to prevent leakage caused by localized corrosion pitting; and

(3) A means is provided for identifying the location of the fitting.

(49 USC 1672; 49 CFR 1.53(a).)

Issued in Washington, D.C., on July 1, 1977.

ALAN A. BUTCHMAN,
Acting Director, Materials Transportation Bureau.

[FR Doc.77-19421 Filed 7-8-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"

AGENCY: Interstate Commerce Commission.

ACTION: Amended application form.

SUMMARY: The Interstate Commerce Commission upon further consideration, adopted certain changes in the additional information required to be submitted with applications for authority by rail and motor carriers to insure compliance with antitrust statutes. The required statement as to the applicant's compliance with section 10 of the Clayton Act will be restricted to the transaction which is the subject of the application.

EFFECTIVE DATE: Stayed pending further order of the Commission.

FOR FURTHER INFORMATION CONTACT:

Philip Israel, Deputy Director, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, Phone No. 202-275-7245.

SUPPLEMENTARY INFORMATION:

Background

This proceeding was reopened by the Commission, upon its own motion, for further consideration, on the existing record, of the amendments to Form OP-F-200, the form for filing section 20a or 214 securities application. The United States Court of Appeals, District of Columbia Circuit, which has jurisdiction over the pending appellate review of the proceeding, approved the limited reopening and held the court litigation in abeyance. The effectiveness of the Commission's order has been stayed pending completion of that litigation.

Changes

The requirement that an applicant submit forecasts of its revenues, expenses, net income and cash flow for the twelve month period following the application date was deleted. However, the applicant must submit its cash flow statement for the twelve month period preceding the filing of the application.

The required statement as to the applicant's compliance with section 10 of the Clayton Act was restricted to the transaction which is the subject of the application.

The requirement of a description of the applicant's prior nonsecurity financing was retained for an interim period to cover nonsecurity financing that predates the effectiveness of the redefinition of securities.

The requirement that consolidated financial statements be submitted was also retained. However, the applicant need not show intercompany eliminations. Nor must it submit separate subsidiary financial statements. The nature of each subsidiary's business, its annual income, investment account and net worth are required.

The complete report and order is reported at 354 ICC 10.

Issued at Washington, D.C., May 13, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

Part 1115 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations is amended by deleting item 2 (e) (iii) of Form OP-F-200 (formerly Form BF-6) referred to in § 1115.1, redesignating item 2(e) (iv) of Form OP-F-200 as item 2(e) (iii) and amending the following items of Form OP-F-200 to provide:

§ 1115.1 [Amended]

• • • • •

Item 1(c). Is any director, president, manager, purchasing or selling officer, or agent of the applicant in the particular transaction which is the subject of this application also a director, manager, purchasing or selling officer, or the owner of a substantial interest in any other party to the transaction?

If so, include a statement clearly outlining the measures taken to insure that compliance with section 10 of the Clayton Antitrust Act (15 U.S.C. 20) has been achieved with respect to the proposed financing.

Item 2(d). Applicant shall file a description of the amounts, terms, and purposes of all nonsecurity financing for the current year and 2 previous calendar years, by separate category.

The terms of each category of nonsecurity financing shall include the interest rate, terms of repayment, collateral pledged as security therefore, material restrictions of such arrangements, as well as a detailed breakdown as to the use of the proceeds or credit thus obtained, specifically identifying uses for noncarrier purposes.

Information contained in prior applications and informaton supplied in the Annual Report in response to section III of the of the Corporate Disclosure Regulations, where applicable, may be incorporated by specific reference.

Item 2(e). Applicant shall file the following:

(i) Consolidated balance sheet and a consolidated income statement for applicant and its subsidiaries. The dates should correspond to those used in the statements submitted for (a) and (c) above.

(ii) A statement describing the nature of the business of each of applicant's subsidiaries, and a statement listing the annual net income and stockholder's equity (net worth) of each of the subsidiaries. Also, applicant shall furnish a schedule showing its net investment in each subsidiary as of the date of its balance sheet statement.

(iii) Applicant's cash flow statement for the 12 months preceding the filing of the application. This statement should show opening cash on hand, receipts by categories, disbursements by items, and cash balance at the end of the period, with a breakdown of funds flowing to and from the carrier subsidiaries.

[FR Doc.77-19610 Filed 7-8-77;8:45 am]

proposed rules

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All comments will be available both before and after the closing date for

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would establish the quantity of Florida celery to be marketed fresh during the 1977–78 season, with the objective of assuring adequate supplies and orderly marketing.

DATE: Comments due July 26, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR 967) regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

This notice is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 15.

The committee recommended a Marketable Quantity of 8,082,572 crates of fresh celery for the 1977–78 season. This recommendation is based on the appraisal of the expected supply and prospective market demand for the 1977–78 season.

During the past decade, planted acreage in Florida has ranged between 12,200 and 13,000 acres per season. Yield is variable, mainly in response to weather, although unfavorable market conditions may sometimes reduce average output per acre. The 3.8 million hundredweight producted in 1976–77 was 4 percent below the previous season. The relatively small crop reflected the late January freeze which damaged the outer part of plants and reduced yield per acre.

The recommended 8.1 million crate Marketable Quantity is one-third more than the under 6 million crates expected to be marketed during the current season ending July 31, 1977. Each producer registered pursuant to § 967.37(f) would have an allotment equal to 100 percent of his historical marketings. This recommendation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

With no valid applicants for new or increased Base Quantities, no reserve is recommended for additional Base Quantities under § 967.37(d)(1).

On the basis of all considerations it is believed that this proposed regulation would tend to effectuate the declared policy of the act.

The proposal is as follows:

§ 967.313 Handling regulation; marketable quantity; and uniform percentage for the 1977–78 season ending July 31, 1978.

(a) The Marketable Quantity is established under § 967.36(a) as 8,082,572 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b) no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) No reserve for Base Quantities is established for the 1977–78 season.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 5, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-19616 Filed 7-8-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-17-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–9, –10, –20, –30, –40 and –50 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to add an airworthiness directive that would require inspections and replacement of fuselage frame lower sections on McDonnell Douglas Model DC–9, –10, –20, –30, –40 and –50 series airplanes, to preclude possible cracking of the fuselage frames, that could result in a significant reduction of the structural integrity of the fuselage structure.

DATES: Comments must be received on or before August 15, 1977.

ADDRESSES: Send comments on proposal to: Department of Transportation, Federal Aviation Administration, Office of the Regional Counsel, Attn: A. D. Rules Docket, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: There have been reported instances of cracks found in the lower section of the fuselage frames at stations 718 (series-30), and 737, 756, 775 (series-40), which are located above the trapezoidal panel in the area of the main gear wheel well. The fuselage frames are made in three (3) segments; an upper half, and two lower side sections made from 7075–T6 heat treat "H" shaped forgings—the flanges facing fore and aft. All frames are "L" shaped at the bottom, except for one series of frames which has an additional tab that extends below the "L" and attaches to a trapezoidal panel below the floor, in the wheel well. The horizontal leg of the "L" is "I" shaped and is used to splice the frames to the passenger compartment floor beams. The cracks are occurring in the radius of the horizontal flanges on the "I" section and in the radius at the base of the pocket which is formed at the junction of the flanges of the vertical and horizontal portions of the "L", at the fuselage cusp (floor) line.

The cracks were detected on airplanes having between 13,700 and 21,500 hours time in service and are attributed to stress corrosion initiated by residual stresses induced during manufacture, and the added stresses caused by preload due to misalignment during installation.

Residual stresses are generally the result of certain heat treat processes and subsequent machining and/or forming operations during manufacture, particularly on large or thick sectioned high strength alloys of the wrought 7000 series, such as 7075 material in the –T6 heat treat condition.

The misalignment is attributed to shimming in the frame-to-floor beam splice area (Certain series—40 airplanes have the shallower, series –30 floor beams installed, therefore requiring the use of shims for aligning the floor level).

The manufacturer recommended that the 7075–T6 parts found cracked in service, be replaced with parts made from 7075–T73 heat treat material. The –T6 and –T73 suffixes designate the heat treat processes used in hardening the material. Although the –T73 process results in a reduction in static strength from that of the –T6 condition, the resistance to stress corrosion is improved.

As noted in paragraph A.1., certain DC–9 series airplanes have factory installed lower sections made from –T73 material. There are no known cases of stress corrosion cracks in these parts.

Except for the cracks that are located in the tab below the floor in the wheel well and which are easily detectable from the wheel well, the location of the other cracks in the three frames is such that the cracks could go unnoticed. These cracks are located in an area of the frame lower section that is buried between the fuselage outer skin and the passenger compartment lower side panels (lining), just below the upper level of the compartment floor. If this cracking were allowed to go undetected it could become detrimental to the structural integrity of the fuselage.

The manufacturer has issued Service Bulletin 53–100 in January 1970 (Revision No. 3, April 15, 1975) for inspection and repair of the tab cracks (fuselage stations 604, 718 and 756—DC–9 series –10, –20, –30, and –40).

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections and replacement of the fuselage station frame(s) lower section(s).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before August 15, 1977, will be considered by the Administrator before taking action upon the proposed rule.

The proposals contained in this notice may be changed in the light of comments received.

All comments will be available both before and after the closing date for comments, in the Rule Docket for examination by interested persons.

DRAFTING INFORMATION

The principal authors of this document are Harry J. Irwin, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS: Applies to Model DC–9–10, –20, –30, –40, and –50 Series airplanes, fuselage numbers, F/N 1 through F/N 625, certificated in all categories, which correspond to the factory serial numbers as provided below.

45695 through 45749; 45770 through 45799; 45825 through 45847; 45863 through 45876; 47000 through 47386; 47389 through 47396; 47399 through 47427; 47429 through 47451; 47453 through 47457; 47459; 47462; 47464 through 47466; 47472 through 47474; 47476 through 47482; 47487 through 47494; 47497 through 47503; 47505 through 47508; 47514; 47517 through 47519; 47522 and 47523; 47526 through 47530; 47535; 47547; and 47550.

Compliance required as indicated: To detect cracks in the fuselage frame(s) lower section(s), accomplish the following:

A. For airplanes with 12,000 hours or more time in service on the effective date of this A.D., within the next 1,900 hours time in service or 6 calendar months, whichever occurs earlier, unless previously accomplished within the last 1,900 hours time in service or 6 calendar months, prior to the effective date of this A.D., and thereafter at intervals not to exceed 3,800 hours time in service from the last inspection or 12 calendar months from the last inspection, whichever occurs earlier, inspect the left hand and right hand lower sections of the fuselage frames, listed in paragraph "C" below.

B. For airplanes with less than 12,000 hours in service on the effective date of this A.D., comply with paragraph "C" before the accumulation of 13,900 hours time in service.

C. Visually inspect for evidence of cracking, using dye penetrant methods and/or a magnifying glass with a minimum of 4 power, the fore and aft pocket areas at the junction of the vertical and horizontal legs of the frame lower section, immediately below the cusp line.

Frame station applicability

	Fuselage frame station		
DC–9–(series):			
–10, –20	585	604	623
–30	699	718	737
–40	737	756	775
–50	794	813	832

NOTE.—Unless it can be determined otherwise, all fuselage frames at the above listed frame stations are assumed to have had T–6 heat treat material lower sections installed at the factory.

D. Equivalent inspection procedures and modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

E. If cracks are found, before further flight:

1. Replace with a new part(s) of the same design made from 7075–T6 material heat treat; or,

2. Replace with a new part(s) of the same design made from 7075–T73 heat treat material. The requirements per this A.D. may be terminated for that frame(s) only, when both the right and left hand lower sections, made from 7075–T73 heat treat material, have been installed.

3. If new parts are installed per E.1 above, the requirements of this A.D. may be discontinued for that part(s) only, until the new part(s) has accumulated 12,000 hours time in service, or within 40 calendar months after the part(s) has been replaced, whichever occurs earlier, at which time reinstate the program of repetitive inspections and/or corrective action per this A.D.

F. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or maintenance required by this A.D.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, California on June 30, 1977.

M. C. BEARD,
Acting Director, FAA Western Region.

[FR Doc.77-19703 Filed 7-8-77; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-RM-7]

CONTROL ZONE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Helena, Montana, control zone. The proposal is necessary to encompass the new LOC/DME–BC instrument approach at Helena, Montana.

DATES: Comments must be received on or before August 10, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn.: ARM–500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM–537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East

25th Avenue, Aurora, Colorado 80010; telephone 303–837–3937.

SUPPLEMENTARY INFORMATION: The Helena, Montana, control zone is presently designated as a 5-mile radius of the Helena Airport, with an extension 3 miles each side of the 180° bearing from the airport, extending from the 5-mile radius to 8 miles south of the airport. The new LOC/DME–BC instrument approach at Helena requires that the control zone be extended to encompass the new approach.

The proposal is as follows:

§ 71.171 Control zone.

Helena, Montana

Within a 5-mile radius of the Helena Airport (lat. 46°36'05" N., long. 112°00'00" W.), and within 3 miles each side of the 180° bearing from the airport, extending from the 5-mile radius to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Denver, Colorado, on June 30, 1977.

JOHN M. REYNOLDS,
Acting Director, Rocky Mountain Region.

[FR Doc.77-19704 Filed 7-8-77; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-RM-8]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Billings, Montana, control zone and transition area. The proposal is necessary to encompass the new LOC/DME–BC instrument approach at Billings, Montana.

DATES: Comments must be received on or before August 10, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn.: ARM–500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM–537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone 303–837–3937.

SUPPLEMENTARY INFORMATION: The Billings, Montana, control zone is presently designated as a 5-mile radius of the Billings Airport, with an extension 3 miles each side of the 180° bearing from the airport, extending from the 5-mile radius to 8 miles south of the airport. The Billings transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Billings Airport, with an extension 3 miles each side of the 180° bearing from the airport, extending from the 9-mile radius to 8 miles south of the airport. The new LOC/DME–BC instrument approach at Billings requires that the control zone and transition area be extended to encompass the new approach.

The proposal is as follows:

§ 71.171 Control zone.

Billings, Montana

Within a 5-mile radius of the Billings Airport (lat. 45°48'30" N., long. 108°32'30" W.), and within 3 miles each side of the 180° bearing from the airport, extending from the 5-mile radius to 8 miles south of the airport.

§ 71.181 Transition area.

Billings, Montana

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Billings Airport (lat. 45°48'30" N., long. 108°32'30" W.), and within 3 miles each side of the 180° bearing from the airport, extending from the 9-mile radius to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Denver, Colorado, on June 30, 1977.

JOHN M. REYNOLDS,
Acting Director, Rocky Mountain Region.

[FR Doc.77-19705 Filed 7-8-77; 8:45 am]

containing the following order to cease and desist in disposition of the proceed-

parties; and giving assistance to physi-

3. The Birmingham, Alabama area, being

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25th Avenue, Aurora, Colorado 80010; telephone 303–837–3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone at Helena, Montana. The present control zone is inadequate to contain the new LOC/DME–BC instrument approach to the Helena Airport, Helena, Montana. It is proposed to make the control zone alteration effective coincident with the effective date of the new approach. Accordingly, the Federal Aviation Administration proposes to amend Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.171 so as to alter the following control zone to read:

HELENA, MONT.

Within a 5 mile radius of the Helena County-City Airport (latitude 46°36'27" N., longitude 111°58'45" W.), within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5 mile radius zone to 4½ miles east of the VORTAC, and within 1 mile each side of the 282° bearing from the airport reference point, from the 5 mile radius zone 8 miles west of the VORTAC.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Aurora, Colorado, on June 28, 1977.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.77–19691 Filed 7–8–77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 741 0603]

DAMON CORP.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent order, among other things, bars a Needham Heights, Mass., operator of a chain of medical laboratories, from acquiring, for a period of ten years, any independent medical laboratory located in, or doing 25 percent or more of its business in given markets, without prior Commission approval. Further, the order requires the firm to cease furnishing any means of compensation to physicians and others for referring specimens for testing to Damon laboratories, rather than to those of its competitors.

DATE: Comments must be received on or before September 6, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Owen M. Johnson, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 741 0603]

DAMON CORPORATION

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of Damon Corporation, a corporation, and it now appearing that Damon Corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Damon Corporation, by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Damon Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its executive offices located at 115 Fourth Avenue, Needham Heights, Massachusetts 02194.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60 days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in this agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached or otherwise.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the aforementioned complaint and decision containing the agreed-to order to proposed respondent at its address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The aforementioned complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or this agreement may be used to vary or contradict the terms of the order. The Commission has relied in a material way in entering into this agreement upon representations by proposed respondent as to the revenues and profits derived from its medical laboratories in certain locations, attached hereto as Exhibit A (*in camera*).

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, proposed respondent will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by then-existing law for each violation of the order occurring or in existence after the order becomes final.

ORDER

I.

For purposes of this order, the following definitions shall apply:

1. *Respondent.*—Damon Corporation, and those persons, partnerships, corporations, and other legal entities acting on its behalf, including but not limited to, its officers, directors, agents, representatives, employees, subsidiariers, affiliates, successors and assigns.

2. *Medical Laboratory Tests.*—Tests or examinations performed on specimens drawn or otherwise taken from the human body or on other organic material, for the purpose of assisting in the diagnosis of disease or assessment of medical condition or state of body condition; not including autopsies, X-ray and other radiographic examinations, and electrocardiographic and other electrographic examinations.

3. *Medical Laboratory Test Services.*—The services performed by businesses performing or arranging for the performance of Medical Laboratory Tests in connection with the performance of such Tests, which services may include but are not limited to: Provision of such equipment and supplies as are necessary to obtain specimens; pick-up of specimens; performing or arranging for the performance of Medical Laboratory Tests; communication of results of Medical Laboratory Tests to interested parties; and giving assistance to physicians in their interpretation of the meaning of the results of such Medical Laboratory Tests

4. *Independent Laboratory.*—Any entity performing or arranging for the performance of Medical Laboratory Tests, other than a entity: (1) Owned and operated by a hospital or hospitals; or (2) more than 90 percent of the Net Sales of Medical Laboratory Tests of which during its four most recent complete fiscal quarters were attributable to sales of Medical Laboratory Tests performed at said laboratory on specimens obtained from in-patients and out-patients of either: (i) A single hospital, or (ii) a group of hospitals that has jointly contracted to purchase Medical Laboratory Test Services from a single source or to have such Test Services performed by a single source.

5. *Net Sales.*—Gross sales minus returns, discounts and allowances.

II.

A. It is ordered, That for a period of ten (10) years from the date of service of this order, Respondent shall not acquire, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or any other indicia of ownership of, or any ownership interest in, any other Independent Laboratory: (1) Which performs any Medical Laboratory Tests at any location within a Market; or (2) which during its four most recent fiscal quarters has derived more than twenty-five percent (25%) of its Net Sales of Medical Laboratory Tests from Tests performed upon specimens originating from within any one Market.

B. For purposes of this Part II, any arrangement between Respondent and an Independent Laboratory pursuant to which such Independent Laboratory:

1. Transfers or otherwise makes available to Respondent, for a consideration, any list of customers for Medical Laboratory Tests in a Market; or

2. Discontinues the solicitation of customers for, or the marketing of, Medical Laboratory Tests within a Market, pursuant to an understanding with Respondent, and thereafter refers or sends customers for Medical Laboratory Tests in such Market to Respondent;

shall constitute an acquisition by Respondent of an ownership interest in such Independent Laboratory subject to the provisions of Paragraph A of this Part II.

C. For purposes of this Part II, the term "Market" shall mean each of the following geographic areas:

1. The Philadelphia, Pennsylvania area, being Bucks, Chester, Delaware, Montgomery and Philadelphia counties within the state of Pennsylvania; and Burlington, Camden and Gloucester counties within the state of New Jersey;

2. The Chicago, Illinois area, being Cook, DuPage, Kane, Lake, McHenry and Will counties within the state of Illinois;

3. The Birmingham, Alabama area, being Jefferson, St. Clair, Shelby and Walker counties within the state of Alabama;

4. The Tampa, Florida area, being Hillsborough, Pasco and Pinellas counties within the state of Florida;

5. The Bradenton, Florida area, being Manatee County within the state of Florida;

6. The Phoenix, Arizona area, being Maricopa County within the state of Arizona;

7. The Orlando, Florida area, being Orange, Osceola and Seminole counties within the state of Florida;

8. The Huntsville, Alabama area being Limestone, Madison and Marshall counties within the state of Alabama;

9. The Topeka, Kansas area, being Jefferson, Osage and Shawnee counties within the state of Kansas;

10. The Los Angeles, California area, being Los Angeles county within the state of California;

11. The Ventura, California area, being Ventura county within the state of California;

12. The Santa Barbara, California area, being Santa Barbara county within the state of California;

Provided, That if Respondent, in any of its fiscal years during the continuing existence of this Part II has less than five hundred thousand dollars ($500,000) in Net Sales of Medical Laboratory Tests performed on specimens originating from within any geographic area listed above, said area or areas shall not constitute a Market for each of Respondent's subsequent fiscal quarters during which Respondent's Net Sales of Medical Laboratory Tests performed on specimens originating from within said area or areas, including such sales by any Independent Laboratory acquired by Respondent, are below one hundred and twenty-five thousand dolars ($125,000).

D. No acquisition made by Respondent shall be deemed immune or exempt from the provisions of the antitrust laws by reason of anything contained in this order.

III.

A. *It is further ordered,* that Respondent shall not, directly or indirectly, make any payment of money, or grant or transfer any other thing of value, to or for the benefit of any Person: (a) To induce such Person either: (i) To contract with Respondent for Respondent to perform any Medical Laboratory Test Service; or (ii) to order or arrange for any Medical Laboratory Test Service to be performed by or through Respondent; or (b) to compensate such Person for so contracting, ordering, or arranging; whether or not said payment, grant or transfer is described or regarded as a rebate, credit, gift, commission, rental payment, participation in or share of profits, payment for any service in connection with the provision of any Medical Laboratory Test Service, or otherwise. This provision shall not, however, prohibit Respondent:

(1) From providing Medical Laboratory Test Services to any Person without charge, unless Respondent knows or should know that such Person will receive anything of value for such Services from any other Person or a hospital; or

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(2) From granting such bona fide extensions of credit to Persons charged for Medical Laboratoray Test Services as are usual in the normal course of providing such Medical Laboratory Test Services;

(3) From granting to Persons charged for Medical Laboratory Test Services any discount or reduced price for any Medical Laboratory Test Services (free Medical Laboratory Test Services, however, being controlled solely by subparagraph (1) above and not by this subparagraph). *Provided*, That subsequent to the date six (6) months after the date of service of this order upon Respondent, (i) the resultant net price for each Medical Laboratory Test Service on which any discount or reduced price is granted is provided in writing to the Person charged for the Medical Laboratory Test Services before or at the time said Person is billed for such Services, and (ii) the method of calculation and the conditions of eligibility for such discount or reduced price are clearly stated in writing on all notices of charges therefor.

B. For the purposes of this Part III, the term "Person" shall mean any individual, corporation, partnership, trust, unincorporated association or organization, or government or agency or political subdivision thereof, other than a hospital or Respondent.

C. No act or practice carried out by Respondent shall be deemed immune or exempt from the laws of any State or of the United States by reason of anything contained in this order.

IV.

It is further ordered, That for a period of ten (10) years from the date of service of this Order, Respondent shall, within ten (10) days after signing an agreement in principle to acquire any Independent Laboratory, or after the acquisition of any Independent Laboratory, whichever event is first, submit the following information in writing to the Federal Trade Commission:

1. Name of such Independent Laboratory.

2. Location of each facility owned, operated, or managed by such Independent Laboratory at which Medical Laboratory Tests were performed within the twelve (12) month period preceding the date of notification and, with respect to each such facility:

a. Net Sales of Medical Laboratory Tests for each of the last twelve (12) complete fiscal quarters prior to the date of notification;

b. The principal geographic area(s) it served within the twelve (12) month period prior to the date of notification; and

c. Medical Laboratory Tests it was licensed to perform by any State or Federal agency within the twelve (12) month period prior to the date of notification.

3. Price paid or to be paid for such Independent Laboratory.

4. Location of the facility owned, operated, or managed by Respondent at which Medical Laboratory Tests were performed within the twelve (12) month period preceding the date of notification which was nearest to each facility of such Independent Laboratory identified pursuant to (2) above.

5. Net Sales of Medical Laboratory Tests attributable to each facility of Respondent identified pursuant to (4) above for each of the last twelve (12) complete fiscal quarters of Respondent prior to the date of notification.

6. Date of closing or contemplated date of closing.

V.

It is further ordered, That Respondent shall forthwith distribute a copy of this order to each of its operating divisions, its present corporate officers, its medical laboratory directors, and its sales personnel; and shall secure from each such officer, director, and employee, a signed statement acknowledging receipt of said order.

VI.

It is further ordered, That Respondent shall, within sixty (60) days after the date of service of this order, and thereafter on the first anniversary date of the date of service of this Order and on each anniversary date thereafter to and including the tenth anniversary date, submit in writing to the Commission a report setting forth in detail the manner and form in which Respondent intends to comply, is complying, and has complied with Parts II and III of this order. All compliance reports shall include such other information and documentation as may hereafter be required to show compliance with this order.

VII.

It is further ordered, That Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation, which may affect obligations arising out of this order.

ANALYSIS TO FACILITATE PUBLIC COMMENT ON PROPOSED CONSENT ORDER

The Federal Trade Commission has provisionally accepted an agreement with the Damon Corporation containing a proposed consent order. The agreement culminates an investigation conducted pursuant to File No. 741 0603.

Count I of a complaint proposed by the Commission staff alleges that in the course of its nationwide acquisition program, Damon has violated section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act by reason of its acquisition of twelve independent medical laboratories located in the Philadelphia and Chicago metropolitan areas. Part II of the proposed consent order would provide relief with respect to this alleged violation. It would:

(a) Prohibit Damon from making any further acquisition, without prior Commission approval, of any independent medical laboratory located in or doing a substantial portion of its business (25 percent or more) in the Philadelphia or the Chicago area; and

(b) Prohibit Damon from making any further acquisition, without prior Commission approval, of any independent medical laboratory in ten other areas:

Birmingham, Alabama; Huntsville, Alabama; Tampa, Florida; Bradenton, Florida; Orlando, Florida; Topeka, Kansas; Phoenix, Arizona; Los Angeles, California; Santa Barbara, California; and Ventura, California.

However, Part II would permit Damon to acquire an independent laboratory in any of the twelve areas listed in (a) and (b) if Damon's sales in that area fall below $500,000 per year.

Part IV of the order would supplement Part II; it would require Damon to supply information to the Commission on all proposed independent laboratory acquisitions.

Count II of the proposed complaint alleges that during a period extending at least from 1971 to mid-1975, Damon and certain of its subsidiary laboratories paid rebates to physicians and others to induce them to refer specimens to Damon's laboratories for testing rather than to its competitors. The proposed complaint alleges that Damon used various devices to accomplish this end. In some cases where Damon billed patients (or their insurers), it is alleged that the laboratory paid to the ordering physician, or to the medical clinic where the testing originated, or to the owners or managers of said clinics, a percentage of the amounts billed. In other cases, Damon allegedly made payments calculated on the basis of a set amount per test, or per specimen, or per patient, to physicians or to their employees. In still other cases, it is alleged that Damon made payments to intermediaries, who paid rebates to physicians or to their employees in turn. It is alleged that while Damon sometimes attempted to conceal the nature of these payments by calling them "fees" of one type or another, they were all intended to induce physicians and others, by enriching them, to send business to Damon laboratories.

The proposed complaint further alleges that Damon used similar techniques in areas where it billed the physician and the physician included the laboratory charge on his bill to the patient. In some areas where Damon used this billing procedure, it is alleged that the laboratory would bill the physician for work, but would later write off some or all of these charges, or would grant "volume discounts" designed and intended to enrich the physician rather than to benefit the patient. The proposed complaint alleges that all of the above devices violate Section 5.

All of these practices would be prohibited by Part III of the proposed consent order. It would bar Damon from making any payment, directly or indirectly, to a physician or other person to induce any person to refer specimens to Damon for testing. The prohibition would apply whether the payment is made in money or any other form, and regardless of how the payment is described or designated by the parties involved.

Three clarifications of this general prohibition are stated. First, Damon could provide free testing and other ancillary services which are usually provided without charge for the benefit of patients unless Damon "knows or should know" that the physician will receive something of value for these services. Second, Damon could provide credit which is bona fide and usual in the laboratory business. Finally, Damon could grant any lawful discount or reduced price for a test so long as Damon informed the customer of the terms of any applicable discounts on all notices of charges for that test and provided the customer with the resulting net price at or before the time the customer was billed for the test.

Part III of the proposed order would not prohibit Damon from granting discounts or rebates or otherwise making payments to hospitals. This exemption is limited, however, to hospitals as institutions; the order would prohibit any payment to any individual, including individuals associated with a hospital, such as a staff physician who might order laboratory tests or a hospital administrator.

The remainder of the proposed order would deal with provisions for compliance. Part V would require Damon to distribute the order to appropriate personnel; Part VI would specify the filing of regular compliance reports to the Commission; and Part VII would require Damon to notify the Commission in the event of any significant changes in corporate structure which could affect its obligations under the order.

This analysis is intended to encourage public comment; it does not constitute an official interpretation of the proposed order or a modification of its terms.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-19611 Filed 7-8-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240]

[Release Nos. 33-5840, 34-13710]

RAILROAD INDUSTRY DISCLOSURE GUIDELINES, DEFERRED MAINTENANCE, AND BETTERMENT ACCOUNTING

Extension of Comment Period

AGENCY: Securities for Exchange Commission.

ACTION: Extension of time and comment.

SUMMARY: Because interested persons have requested additional time to formulate material in response to the Commission's invitation to comment on proposed railroad industry disclosure guidelines, deferred maintenance and betterment accounting, the Commission has extended the comment deadline date which currently would expire on June 17, 1977.

DATES: Comments must be received on or before: September 16, 1977.

ADDRESS: Comments should refer to file No. S7-692 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: (A) With respect to disclosure guidelines:

Richard K. Wulff, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202/755-1750).

(B) With respect to deferred maintenance and betterment accounting:

Lawrence J. Bloch, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202/755-1182).

SUPPLEMENTARY INFORMATION: On April 28, 1977, the Commission published Securities Act Release No. 5824, Securities Exchange Act Release No. 5824, Securities Exchange Act Release No. 13479 (42 FR 24069 (May 12, 1977)) announcing that it was considering the formulation of rules and guides and requesting public comment with respect to (1) the form and content of railroad industry disclosure guidelines; (2) a uniform definition of deferred maintenance and uniform standards for its quantification and disclosure; and (3) the appropriateness of betterment accounting in documents filed with the Commission and distributed to stockholders. Interested persons were invited to submit written views and comments on or before June 17, 1977.

The Commission has received written requests and several oral requests to extend the comment period on these matters. In order to receive the benefit of the comments which affected issuers and others may have on these matters, the Commission has determined to extend the comment period until September 16, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 1, 1977.

[FR Doc.77-19638 Filed 7-8-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 759-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from New York State to revise its State Implementation Plan (SIP). The State is seeking approval from the Environmental Protection Agency (EPA) of "special limitations" granted by the State pursuant to Part 225.2 of Title 6 of its Official Compilation of Codes, Rules and Regulations (6 NYCRR 225.2). The proposed revision will relax the sulfur-in-fuel-oil limitation for air pollution sources which do not have a total heat input in excess of 250 million Btu per hour in parts of the Southern Tier East, Central New York and Champlain Valley (Northern) Air Quality Control Regions (AQCR's). These "special limitations" will allow the use by these sources of fuel oil with a maximum sulfur content of 2.8 percent, by weight, until December 31, 1979. Currently, these sources are limited by State regulation to the use of fuel oil with a maximum sulfur content of 2.0 percent, by weight.

DATES: Comments must be received on or before August 10, 1977.

ADDRESSES: All comments should be addressed to: Gerald M. Hansler, P.E., Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Copies of the proposal are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10007. U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460. New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007. 212-264-2517).

SUPPLEMENTAL INFORMATION:

BACKGROUND

On March 16, 1976, New York State requested that EPA approve a proposed revision to its SIP concerning, in part, "special limitations" to allow the use of fuel oil with a sulfur content of 2.8 percent until May 31, 1977 for certain sources in the Southern Tier East, Central and Champlain Valley AQCR's.

On May 25, 1976 (41 FR 21360) EPA announced receipt of the proposal and indicated that the State's control strategy demonstration in support of the plan revision, as it applied to the three AQCR's, was inadequate. The State submitted additional technical information on June 22, 1976. However, adequate technical support was still lacking.

The SIP revision, except for the three AQCR's, was approved on July 20, 1976 (41 FR 29817) with a correction notice published on August 13, 1976 (41 FR 34259). In the July 20, 1976 notice, EPA

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extended the public comment period for the proposed revision as it applied to the three AQCR's and, on July 30, 1976, the State requested that the proposed revision be withdrawn. This withdrawal was announced on September 3, 1976 (41 FR 37344).

On March 3, 1977, the State requested that EPA reconsider the original proposed plan revision for the three AQCR's. However, in its March 3, 1977 request, the State excluded from consideration for plan revision the counties of Broome and Onondaga. These counties were contained in the original request. On April 5, 1977, the State requested that the original expiration date of the SIP revision be extended to December 31, 1979. On June 16, 1977, the State submitted three orders effectuating these provisions for the AQCR's.

The current revision request was submitted in accordance with all applicable EPA requirements pursuant to 40 CFR Part 51 including a public hearing which was held on June 26 and 27, 1975.

SYNOPSIS

In its current request, New York State proposes to relax to a maximum of 2.8 percent, by weight, the sulfur-in-fuel-oil limitations applicable to sources which do not have a total heat input in excess of 250 million Btu per hour and which are located in the following areas:

1. The Southern Tier East AQCR, with the exception of Broome County.
2. The Central New York, AQCR, with the exception of Onondaga County.
3. The Champlain Valley (Northern) AQCR, with the exception of all sources in the City of Glens Falls and sources with a total heat input greater than 100 million btu per hour in the Town of Queensbury.

The State control strategy demonstration shows that these "special limitations" for the applicable parts of the three AQCR's are not expected to cause or exacerbate violations of the air quality standards for sulfur dioxide. The State demonstration utilizes diffusion modeling techniques meeting EPA policy requirements for relaxation of sulfur-in-fuel-oil limitations. In its March 3, 1977 request, the State informed EPA that it intends to perform additional diffusion modeling for Broome and Onondaga Counties, which are excluded from this current action. After this modeling is completed, the State intends to request a plan revision for these two counties.

This notice is issued as required by section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Dated: June 29, 1977.

ERIC B. OUTWATER,
Acting Regional Administrator, Environmental Protection Agency.

[FR Doc.77–19534 Filed 7–8–77;8:45 am]

[40 CFR Part 52]

[FRL 759–6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Del Norte County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Del Norte County Air Pollution Control District (APCD) has adopted changes to rules concerning the monitoring of stationary sources of air pollution. The intended effect of these rules is to ascertain the extent of compliance with other APCD rules. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board as revisions to the California State Implementation Plan (SIP). The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before August 10, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air & Hazardous Materials Division, Environmental Protection Agency, 100 California Street, San Francisco CA 94111, Attn: David R. Souten, (415—556–7288.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal included the following revised rules:

Rule 240(d)—Compliance Verification. Rule 240(e)—Mandatory Monitoring Requirements.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision.

The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before August 10, 1977 will bec onsidered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Del Norte County Air Pollution Control District, Courthouse, Crescent City CA 95531.
California Air Resources Board, 1709—11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

AUTHORITY: Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–5).

Dated: June 24, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77–19535 Filed 7–8–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 30, 32]

[CGD 77–057]

INERT GAS SYSTEMS

Comment Closing Deadline; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects a proposed rule appearing at page 24874 of the FEDERAL REGISTER of May 16, 1977 (FR Doc. 77–13895) by providing a deadline date for the submission of comments.

DATE: Comments must be received on or before September 1, 1977.

ADDRESSES: Comments should be submitted to the Commandant (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken is available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1477).

Dated: June 27, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.77–19382 Filed 7–8–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 21116]

PROHIBITING THE MARKETING OF EXTERNAL AMPLIFIERS ON SOME FREQUENCIES

Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Extension of Time to file Reply Comments.

SUMMARY: An extension of time to file reply comments has been requested in Docket No. 21116. Because of the importance of this proceeding to both the manufacturers and consumers, the Commission is granting the request. No objections have been received. (See 42 FR 27628, May 31, 1977 and 42 FR 12203, March 3, 1977).

DATES: Reply comments must be received on or before July 13, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Frank Rose, Research and Standards Division, Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554 202–632–7093.

SUPPLEMENTAL INFORMATION:

Adopted: June 30, 1977.
Released July 5, 1977.

In the matter of amendment of Part 2 of the Commission's Rules to prohibit the marketing of external radio frequency amplifiers capable of operation on any frequency from 24 to 35 MHz; Docket No. 21116; order extending time to file reply comments.

1. The R. L. Drake Company, has requested the Commission to extend the time for filing reply comments in the above-captioned proceeding from July 6, 1977, to July 13, 1977.

2. Because of the technical nature of this proceeding, the importance of this proceeding to both the manufacturers and licensees, and the Commission's desire to have the most definitive responses possible, a 7 day extension of time from July 6, 1977 to July 13, 1977, for filing Reply Comments is hereby ordered pursuant to the authority granted by § 0.241 (d) of the Commission's rules.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.77–19649 Filed 7–8–77;8:45 am]

[47 CFR Parts 2, 97]

[Docket No. 21117]

AMATEUR RADIO SERVICE

Type Acceptance Requirements; Extension of Comment Period

AGENCY: Federal Communications Commission.

ACTION: Extension of Time to file Reply Comments.

Summary: An extension of time to file reply comments has been requested in Docket No. 21117.[1] Because of this proceeding to both the manufacturers and consumers, the Commission is granting the request. No objections have been received.

DATES: Reply comments must be received on or before July 13, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Frank Rose, Research and Standard Division, Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554 (202–632–7093).

SUPPLEMENTARY INFORMATION:

Adopted: June 30, 1977.
Released: July 1, 1977.

In the matter of amendment of Parts 2 and 97 of the Commission's Rules to require type acceptance of equipment marketed for use in the Amateur Radio Service; Docket No. 21117; Order extending time to file reply comments.

1. The R. L. Drake Company, has requested the Commission to extend the time for filing reply comments in the above-captioned proceeding from July 6, 1977, to July 13, 1977.

2. Because of the technical nature of this proceeding, the importance of this proceeding to both the manufacturers and licensees, and the Commission's desire to have the most definitive responses possible, a 7 day extension of time from July 6, 1977, to July 13, 1977, for filing Reply Comments is hereby ordered pursuant to the authority granted by § 0.241 (d) of the Commission's rules.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.77–19650 Filed 7–8–77;8:45 am]

[47 CFR Parts 89, 91, 93]

[Docket No. 21229]

LAND MOBILE SERVICES

Practices and Procedures for Spectrum Management; Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry, request for comments.[1]

Summary: The Commission is seeking public rsponse to its plan for developing a new program of spectrum management for the land mobile radio services. These services include most private uses of two way radio and radio paging by police, fire, business, and other industrial users. The Commission invites comments on a new application form that will be used to build a computerized data base. The Commission also announces its intention to develop new rules and standards for the selection of frequencies for land mobile systems. Also included is a report on spectrum monitoring that the Commission has been conducting in Chicago on a trial basis. Public response to any of the material presented will be considered in the development of the new program.

DATES: At the request of the Association of Maximum Service Telecasters, Inc., the time for filing comments in this proceeding has been extended to October 13, 1977, and reply comments to November 14, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Morgan O'Brien, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, D.C. 20554 (202–254–3301).

SUPPLEMENTARY INFORMATION:

Adopted: June 27, 1977.

Released: June 30, 1977.

In the matter of inquiry into the practices and procedures for spectrum management in the land mobile services governed by Parts 89, 91, 93 of the Commission's rules; Docket No. 21229; Order extending time to file comments, See 42 FR 26030, May 20, 1977.

1. The Association of Maximum Service Telecasters, Inc. ("MST") has requested an extension of time until October 13, 1977, within which to file comments in the spectrum management proceeding. The filing deadline presently is July 15 for comments and August 15 for reply comments.

2. MST wishes to participate in the inquiry, but its resources currently are fully employed in other Commission proceedings.

3. It is our intention to solicit the widest possible comment on the complex issues associated with spectrum management for the land mobile services. We therefore find that the public interest will be served by the ninety (90) day extension herein requested.

4. *Accordingly, it is ordered,* Pursuant to §§ 0.331, and 1.46 of the Commission's rules that the time for filing comments in this proceeding is extended from July 15, 1977 to October 13, 1977, and reply comments from August 15, 1977 to November 14, 1977, respectively.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77–19657 Filed 7–8–77;8:15 a.m.]

[1] See 42 FR 27628, May 31, 1977 and 42 FR 12204, March 3, 1977.

[1] See 42 FR 26029, May 20, 1977.

DEPARTMENT OF TRANSPORTATION

tice incorrectly listed the location of the

tion Avenue NW., Washington, D.C. The

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Parts 575 and 581]

BUMPER STANDARD

Damageability Requirements and Consumer Information; Correction

AGENCY: National Highway Traffic Safety Administration.

ACTION: Correction of proposed rule and notice of hearing.

SUMMARY: On June 16, 1977, the NHTSA proposed three alternative amendments to the Bumper Standard and announced a public hearing on the issues raised in that proposal. That notice incorrectly listed the location of the public hearing. This notice amends the June 16 notice to correct the location of the public hearing.

DATE: The hearing begins at 9:30 a.m. on July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Bob Mewhinney, Office of Crashworthiness, Motor Vehicle Programs, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–8896).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER on June 16, 1977 (42 FR 30655), the location of a public hearing on the Bumper Standard amendments was listed as the Departmental Auditorium at 14th Street and Constitution Avenue NW., Washington, D.C. The location of the hearing is changed to the United States Department of Commerce Auditorium at 14th Street and Constitution Avenue NW., Washington, D.C. The June 16 proposal remains the same in all other respects.

The principal author of this notice is Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); Sec. 201, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1941); delegation of authority at 49 CFR 1.50 and 501.8.)

Issued on July 6, 1977.

JAMES E. HOFFERBERTH,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.77–19843 Filed 7–7–77; 10:33 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

MARKAGUNT PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Markagunt Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA–FS–FES (Adm) R4–77–1.

The environmental statement identifies and evaluates the probable effects of the land management plan for the Markagunt Plateau Planning Unit on the Dixie National Forest in southwestern Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resources uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit.

This final environmental statement was transmitted to CEQ on July 1, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning & Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324–25th Street, Ogden, Utah 84401.
Forest Supervisor, 82 North 100 East, P.O. Box 580, Cedar City, Utah 84720.
District Forest Ranger, Cedar City Ranger District, 82 North 100 East, P.O. Box 580, Cedar City, Utah 84720.

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 82 North 100 East, P.O. Box 580, Cedar City, Utah 84720.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

EINAR L. ROGET,
Acting Deputy Chief, P&L.

JULY 1, 1977.

[FR Doc.77–19826 Filed 7–8–77;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Third Quarterly Estimates

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by Section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimates for 1977 are published.

1. The estimated quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1977 is 1,165.4 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1977 is less than 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations ror the calendar year 1977 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88–482 at this time.

This estimate is based upon information provided by the Department of State that agreements have been concluded with major supplying countries to limit meat imports into the United States in 1977. Were it not for these voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Done at Washington, D.C., this 6th day of July 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77–19617 Filed 7–8–77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF MANUFACTURES, SUPPLEMENT

Notice of Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due notice having been published on April 20, 1977 (42 F.R. 20483), I have determined that the data received from this supplement will provide the information necessary to develop estimates of alternative energy capabilities in manufacturing. The information will be used for energy analysis and policy guidance. The impact of fuel shortages upon the level of employment and output can be determined and policy to ameliorate adverse situations can be implemented with the assistance of such information. Therefore, these data will have significant application to the needs of the public and industry. They are not available from nongovernmental or other governmental sources.

This survey is a supplement to the annual survey of manufactures and will request a measure of substitutable and nonsubstitutable energy capabilities by type of energy. The potential type and magnitude of the substitutable capability as well as the time required to implement substitutions will also be measured.

Data will be collected from a subsample of the annual survey of manufactures establishments. The sample will consist of 5,000 establishments and account for about 70 percent of the purchased energy consumed by manufacturers.

Copies of the report forms are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed this supplement be conducted for the purpose of collecting the data hereinabove described.

Dated: July 6, 1977.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

[FR Doc.77–19630 Filed 7–8–77;8:45 am]

Domestic and International Business Administration

Office of Import Programs

EMORY UNIV. SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00153. Applicant: [illegible] of no domestic instrument or apparatus

[illegible] a high tilt (±60 degrees) eucentric

article: The article is intended to be used

A copy of the record pertaining to this

the regulations issued thereunder as

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Docket Number: 77-00153. Applicant: Emory University School of Medicine, Dept. of Pathology and Laboratory Medicine, 80 Butler Street S.E., Atlanta, Georgia 30303. Article: Electron Microscope, Model EM 9S-2, TI-Coolwell recirculating cooling system and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for basic and clinical research in the fields of nephrophathology, GI pathology, infectious diseases, neuropathology and in general, surgical pathology. More specifically, projects that will be conducted will involve:

a. G.I. studies—Absorption studies, X-ray studies and when clinically indicated, liver biopsies will be done and correlated with per oral small intestinal biopsies which will be examined by both light and especially with electron microscopy. Attempts will be made to evaluate and confirm the presence of ultrastructural changes in the small intestinal mucosa, their significance in regard to functional abnormalities, whether they are also present in patients with no functional abnormalities, and whether there is a correlation between morphologic and functional findings in small intestine and liver.

b. Genital Infections and Neoplasia—Studies directed at searching for viruses especially herpes simplex which are implicated in the pathogenesis of cervical cancer.

c. Renal Ischemic Injury—Studies on experimental ischemic renal injury in rats to determine detriments and benefits of renal encapsulation.

In addition, the article will be used to teach sophomore medical students and pathology residents in the use of EM and interpretation of electron micrographs and to take large numbers of photographs for montages, exhibits, and presentation by students and residents.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 27, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that the low distortion, low magnification capabilities available specifically in the optical range at 140X are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19659 Filed 7-8-77;8:45 am]

HENRY FORD HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00163. Applicant: Henry Ford Hospital, 2799 West Grand Blvd., Detroit, MI 48202. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of a wide variety of biological materials including organs, tissues, cells, cellular products and individual molecules. The overall fine structural details of cells composing various normal organ systems and tissues as well as the alterations accompanying disease states will be studied. The objectives of the investigations will be as follows: (1) Assessment of various potential risk factors for thrombosis in different forms of arthritic and hematologic disorders, (2) exploration of the distribution and type of receptor sites associated with several different cell types that are important in the arthridites, (3) to determine whether or not certain biological crystals are formed inside or outside of cells and (4) to evaluate similar and/or unique ultrastructural details present in normal or abnormal samples of synovial membrane.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (February 21, 1977). Reasons: The foreign article is equipped with a high tilt (±60 degrees) eucentric goniometer stage. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that the eucentric goniometer stage of the article is pertinent to the applicant's intended uses. HEW further advises that it knows of no domestic instrument which provided a scientifically equivalent eucentric goniometer stage at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19661 Filed 7-8-77;8:45 am]

ST. FRANCIS HOSPITAL, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00164. Applicant: St. Francis Hospital, 929 North St. Francis Avenue, Wichita, Kansas 67214. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the areas of renal biopsies, liver biopsies and tumor pathology. A definitive diagnosis of kidney diseases based on the findings of electron microscopic studies will help determine the modality of treatment for the patients. The projected experiment to be conducted will be in the field of virology, particularly the clinical study of viral hepatitis.

Application received by Commissioner of Customs: March 18, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977. Article ordered: December 30, 1976.

Docket Number: 77-00171. Applicant: Robert B. Brigham Hospital, 125 Park Hill Avenue, Boston, Massachusetts 02120. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide variety of research projects which will include the following:

(1) High resolution transmission microscopy of plasma membranes of various cells to determine the relationships between a phagocytic cell and a target, e.g. macrophage attacking a tumor cell, and eosinophil attacking a schistosomula.

(2) Studies of the fusion of liposomes with macrophages.

(3) Examination of membranes of white blood cells by negative staining to discern any membrane order such as occurs in viral and some bacterial membranes.

(4) Scanning microscopy of cell surfaces to determine whether peptides or proteins which alter the movement and behavior of cells act by entering the cell or on its surface.

Application received by Commissioner of Customs: March 16, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977. Article ordered: June 11, 1977.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United State at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that the additional resolving capability of the foreign articles to which the foregoing applications relate is intended to be used. HEW advises that it knows of no domestic instrument which could provide the pertinent feature at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19662 Filed 7-8-77;8:45 am]

TEXAS INST. FOR REHABILITATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00108. Applicant: Texas Institute for Rehabilitation and Research, 1333 Moursund Avenue, Houston, Texas 77030. Article: ANOPS Computer, Model 10 and accessories. Manufacturer: Politechnika Warszawska ul. Poland. Intended use of article: The article is intended to be used to study the characteristics of motor unit responses in various neuromuscular disorders such as muscular dystrophy and in the relative merits of various techniques to classify these signals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received this application (January 24, 1977).

Reasons: The article is intended to be used in collaborative studies involving identical techniques, instruments, etc. which were developed through long and careful study by one of the applicant's colleagues. The article provides a specific program and software that will be used to avoid equivocation that would result from different means of recording and analyzing data produced during the experiment. Identical capability developed elsewhere would involve a sizable developmental effort. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that the capabilities of the article described above are pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument or apparatus that provides the pertinent features.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19663 Filed 7-8-77;8:45 am]

UNIVERSITY OF MICHIGAN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00155. Applicant: The University of Michigan, Department of Microbiology, 6643 Medical Science Bldg., II, Ann Arbor, Michigan 48109. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of (1) DNA structure of bacterial and mammalian viruses, (2) plasmid DNA structure, (3) bacterial cell morphology, (4) virus particle morphology, and (5) nucleic acid-protein complexes. Representative research projects will include:

1. Investigation of the structure and function of Simian Virus 40 DNA and evolutionary variants of it and the mechanisms by which cell transformation is induced by this virus.

2. Fine structure studies of the temperate phage, RO, which grows on the photosynthetic bacterium *R. spheroides* and the temperate phage which grows in *E. coli*.

3. Biological consequences of specific modifications in DNA molecules of the tumor virus, simian virus 40 and bacterial plasmid DNA.

4. Investigation of transformation in N. gonorrhea which concerns studies of the physiology and genetics of gram-negative cocci including Acinetobacter, Moraxella, Achromobacter, and Neisseria. In addition, the article will be used by graduate students and occasional undergraduate students in connection with the courses Biological Chemistry 600, 990, and 995, Human Genetics 990 and 995, and Microbiology 399, 599, 990 and 995. All of these courses are either special techniques courses or directed research for academic credit courses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (March 14, 1977).

Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that the resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument which provides the pertinent feature of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at

the time the U.S. Customs Service received this application.

at times made prior to the meeting. To receive information on changes, if any,

c. Implements the President's 1971 Statement of Government Patent Policy

Rights clause in § 1-9.107-5(c) or §1-9.-107-6(b)

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the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19658 Filed 7-8-77;8:45 am]

UNIVERSITY OF OREGON, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00166. Applicant: University of Oregon Health Sciences Center, Department of Ophthalmology, Research Bldg., Room 324, 3181 SW. Sam Jackson Park Road, Portland, Oregon 97201. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning eye tissues which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic tissues, cyto- and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective of these investigations is to further basic knowledge of cell and tissue ultrastructure and to reveal, at the ultrastructural level, the enzyme localization and organelle distribution in cells and tissues developing under normal and pathological conditions. Application received by Commissoner of Customs: March 18, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977.

Docket Number: 77-00168. Applicant: Robert B. Brigham Hospital, 125 Parker Hill Avenue, Boston, Massachusetts 02120. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the study of biological materials which include tissues, cells and subcellular fractions. The various types of specimens will be embedded in hardened epoxy resins for sectioning. Investigations will include ultrastructural studies on normal cells which have been exposed to various biologically active peptides and proteins, studies on the morphology of subcellular fractions, studies on cell parasite interactions, immunocytochemical studies to localize binding sites of biologically active peptides and studies on the pathologically altered renal glomerulus. The main objective of this research is to elucidate morphologic changes that occur during the inflammatory response, to localize binding sites of small peptides on the surfaces of cells and to study structural alterations seen in allergic reactions. Application received by Commissioner of Customs: March 18, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 8, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model M-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19660 Filed 7-8-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf of Mexico Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi, and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The meeting will be held Tuesday, Wednesday, and Thursday, August 2, 3, and 4, 1977, in the Tamaran Hall, Rooms 21 and 22 of the Innisbrook Resort and Gulf Club, U.S. Highway 19 South, Tarpon Springs, Florida. The meeting will convene at 1:30 p.m. on August 2, and adjourn at about noon on August 4, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.
4. Other fishery management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are

at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about July 25, 1977:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: July 6, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-19627 Filed 7-8-77;8:45 am]

Office of the Secretary

[Dept. Administrative Order 208-14]

DEPARTMENT OF COMMERCE PATENT FOR CONTRACTS AND GRANTS

Policies, Procedures and Clauses Regarding Inventions

This order effective June 13, 1977 supersedes the material appearing at 32 FR 15890 of November 18, 1967.

SECTION 1. *Purpose and Scope.* .01 This order sets forth policies, procedures, and clauses with respect to inventions made in the course of or under a contract or subcontract entered into with or for the benefit of the Government where a purpose is the conduct of experimental, developmental or research work. These policies, procedures and clauses shall also be applicable to grants issued by the Department and its operating units where experimental, developmental or research work is involved.

Essentially, this order provides criteria for determining the allocation of rights in inventions resulting from Department-sponsored research and development contracts and grants, to promote their expeditious development so that the public can benefit from early civilian commercialization and use of the inventions; and to insure their continued availability. In applying this order, two of the factors to be weighed are the need for incentives to draw forth private initiatives; and the need to promote healthy competition in industry.

.02 This revision: a. Redefines the responsibilities of the Assistant Secretary for Science and Technology, the Department of Commerce Contract Inventions Committee, the Contracting Officer and the Assistant General Counsel for Science and Technology;

b. Defines the responsibilities of the Grants Officer; and

c. Implements the President's 1971 Statement of Government Patent Policy (36 FR 16887, Aug. 26, 1971) and the Federal Procurement Regulations, 41 CFR Subpart 1-9.1, issued May 7, 1975.

.03 All sections beginning with the numbers "1-9" cited in this order refer to corresponding sections on 41 CFR 1-9.1.

SEC. 2. *Definitions.* .01 For the purpose of this order, the following terms shall have the meanings set forth below:

a. "Contract" means any contract, agreement, or other arrangement or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work;

b. "Grant" means any agreement entered into with or for the benefit of the Government where an individual, firm, or organization, public or private, receives a Government grant or subgrant in money or property and where a purpose of the grant is the conduct of experimental, developmental, or research work;

c. "Assistant Secretary" means the Assistant Secretary for Science and Technology; and

d. "Assistant General Counsel" means the Assistant General Counsel for Science and Technology of the Department of Commerce.

.02 "Subject Invention," as defined in the Patent Rights clauses in §§ 1-9.107-5 and 1-9.107-6 and in this order, means any invention or discovery of the contractor conceived or first actually reduced to practice in the course of or under a contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is, or may be, patentable under the Patent Laws of the United States of America or any foreign country.

SEC. 3. Responsibilities.—.01 *Responsibilities of the Assistant Secretary.* a. With respect to each contract or grant falling within the scope of this order, the Assistant Secretary, upon appropriate notification from the Contracting or Grants Officer, shall:

1. Certify pursuant to § 1-9.107-3(a) when contractor or grantee retention of greater rights than a nonexclusive license at the time of contracting or granting will best serve the public interest;

2. Determine pursuant to § 1-9.107-3(a) whether the contractor or grantee may retain greater rights than a nonexclusive license after the invention has been identified;

3. Determine whether the contractor, grantee, or an employee of the contractor or grantee, may retain greater rights than a nonexclusive licensee to an identified invention pursuant to:

(a) The criteria in § 1-9.109-6(d) when the contract or grant contains the Patent Rights clause in § 1-9.107-5(a) or § 1-9.107-6(a); or

(b) The criteria in § 1-9.109-6(e) when the contract or grant contains the Patent Rights clause in § 1-9.107-5(c) or §1-9.107-6(b);

4. Determine whether a contractor's or grantee's request, submitted pursuant to § 1-9.109-6(g)(1), for greater foreign rights in a Subject Invention should be granted;

5. Determine the appropriate patent rights clause or any modified patent rights clause to be used in a particular contracting or grant situation;

6. Determine whether the contractor shall be required, pursuant to § 1-9.107-3(f) or (g), to grant a nonexclusive or exclusive license on a Subject Invention to responsible applicant(s) on terms that are reasonable under the circumstances;

7. Determine pursuant to § 1-9.107-4(d), whether at the time of contracting, it would be in the national interest to provide the Government with the right to grant a sublicense in any Subject Invention to any foreign government pursuant to any treaty or agreement;

8. Determine pursuant to § 1-9.107-4(d), whether at the time of contracting, it would be in the public interest to reserve the right specified in subparagraph .01a.8. of this section and when the right is reserved, whether the license shall be acquired after the Subject Invention has been identified; and

9. Determine pursuant to § 1-9.107-4(e)(3), whether the contract shall reserve to the contractor an irrevocable, nonexclusive, royalty-free license in any Subject Invention.

b. The Assistant Secretary may prescribe guidelines for Contracting and Grants Officers regarding special situations as described in § 1-9.107-3(c). These guidelines shall be published in the FEDERAL REGISTER.

c. The determinations listed above in subparagraph .01a. shall be the final agency action for the Department.

d. Before carrying out the responsibilities specified in subparagraph .01a. in a particular contracting or grant situation, the Assistant Secretary shall obtain the written opinion and recommendation of the Department of Commerce Contract Inventions Committee established under paragraph .02 of this section, unless it is determined that an emergency situation exists, requiring immediate action. In nonemergency contracting and grant situations, the Assistant Secretary shall consider the opinion of the Committee before acting, and may act by adopting or modifying its recommendation.

e. The Assistant Secretary may at any time provide guidance to the Contracting or Grants Officer with respect to any of the functions set forth in paragraphs .04 and .05 of this section.

f. Pursuant to § 1-9.109-3, the Assistant Secretary, through the Assistant General Counsel, shall take any necessary steps to ensure compliance by the contractor or grantee with the obligations of the Patent Rights clause of the contract or grant.

.02 *Department of Commerce Contract Inventions Committee.* a. There shall be established a Department of

Commerce Contract Inventions Committee for the purpose of assisting and advising the Assistant Secretary in the per-

3. Shall include in a contract the Patent Rights clause in § 1-9.107-5(b)

ception or first actual reduction to practice of inventions in the same field of

21. Shall determine whether the contractor has forfeited to the Government all rights in a Subject Invention pursuant to the provisions of § 1-9.109-6(c);

work to be performed under the grant is for basic or applied research with a non-

furnish the Patent Adviser, National Bureau of Standards, promptly upon receipt

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Commerce Contract Inventions Committee for the purpose of assisting and advising the Assistant Secretary in the performance of the responsibilities specified in subparagraph .01a. of this section.

b. The members of the Committee shall be appointed by the Assistant Secretary and shall include members from operating units in the Department engaged in research and development activities, but not necessarily members from every unit engaged in such activities. Each member shall be selected in consultation with the head of the operating unit employing the prospective member. Insofar as possible, members shall have a technical background and be knowledgeable of contract practices, specifically with regard to the patent aspects thereof. The Assistant Secretary shall designate one of the members to serve as the Committee's chairman. The Committee may adopt such rules and procedures as it deems appropriate.

c. The Patent Adviser, National Bureau of Standards, under the direct supervision of the Assistant General Counsel, shall advise the Committee and shall record the basis for determinations regarding exceptional circumstances in § 1–9.107–3(a), retention of greater rights pursuant to § 1–9.109–6, and determinations under § 1–9.107–4(d).

.03 *Responsibilities of the Assistant General Counsel.* The Assistant General Counsel under the professional supervision of the General Counsel shall:

a. Take appropriate action to protect by patenting or publication any Subject Invention, title to which has been acquired by the Government;

b. Secure and properly record all instruments confirmatory of the rights reserved to the Government in any Subject Invention, title to which is retained by the contractor or grantee; and

c. Take all other steps which he shall deem appropriate to secure, protect, and enforce the rights of the Government in Subject Inventions.

.04 *Responsibilities of the Contracting Officer.* a. The Contracting Officer shall in every situation involving a determination which is the responsibility of the Assistant Secretary under subparagraph 3.01(a) request by memorandum a decision from the Assistant Secretary. The Contracting Officer's memorandum shall in each case be forwarded to the Assistant Secretary through the Assistant General Counsel.

b. The Contracting Officer:

1. Shall upon receipt of a determination of the Assistant Secretary pursuant to subparagraph 3.01(a) of this order take the appropriate steps to implement that determination,

2 Shall include in a contract the Patent Rights clause in § 1–9.107–5(a) whenever the Contracting Officer determines that the work to be performed under the contract falls within § 1–9.107–3(a) (1) to (4); this clause provides that the Government shall acquire title to Subject Inventions under certain circumstances, subject to the reservation of nonexclusive license rights to the contractor;

3. Shall include in a contract the Patent Rights clause in § 1–9.107–5(b) whenever the Contracting Officer determines that the work to be performed under the contract does not come within § 1–9.107–3(a) (1) to (4) but is within § 1–9.107–3(b); this clause provides that title to Subject Inventions shall remain with the contractor, subject to the acquisition of certain specified rights by the Government;

4. Shall include in a contract the Patent Rights clause in § 1–9.107–5(c) whenever the Contracting Officer determines that the work to be performed under the contract does not come within § 1–9.107–3 (a) (1) to (4) or (b) but is within § 1–9.107–3(c); this clause provides that the allocation of rights in Subject Inventions shall be deferred until after the Inventions have been identified;

5. May determine, pursuant to § 1–9.107–4(e)(2), that the contractor may reserve a revocable, nonexclusive, royalty-free license in Subject Inventions only upon a request by the contractor for retention of such a license;

6. May determine, pursuant to § 1–9.104–4(e)(4), that the contractor may retain an irrevocable, nonexclusive, royalty-free license in an invention(s) constructively reduced to practice prior to the effective date of the contract;

7. Shall provide the contractor with the Patent Rights clause to be included in a subcontract, pursuant to § 1–9.107–4(f), whenever the prime contractor or a subcontractor considers the inclusion of the Patent Rights clause of the prime contract in the subcontract to be inconsistent with the policy expressed in § 1–9.107–3, or when a subcontractor refuses to accept the Patent Rights clause in the subcontract;

8. Shall restrict publication of an invention disclosure, pursuant to § 1–9.107–4(g), where it is necessary to protect the interests of the Government or the contractor in obtaining foreign patents;

9. May request the contractor to furnish a description of the procedure that has been established to ensure that Subject Inventions are promptly identified and timely disclosed pursuant to paragraph (e) of the Patent Rights clauses in § 1–9.107–5 and may, pursuant to subparagraph (g)(2)(iii) of the clauses, notify the contractor to correct or eliminate any material deficiency in the procedures;

10. May examine, pursuant to subparagraph (g)(1) of the Patent Rights clauses in § 1–9.107–5, any books (including laboratory notebooks), records, documents and any other supporting data of the contractor which the Contracting Officer reasonably deems pertinent to the discovery or identification of Subject Inventions to determine compliance with the requirements of the clauses, and may, when appropriate, assign a designee to effect such examination;

11. May review, pursuant to and under the conditions specified in subparagraph (g)(2) of the Patent Rights clauses of § 1–9.107–5, all books (including laboratory notebooks), records and documents of the contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under the contract to determine whether any such inventions are Subject Inventions, and may, when appropriate, assign a designee to effect such review;

12. May authorize a subcontractor to furnish the papers and other information specified in subparagraph (i)(4) of the Patent Rights clauses of § 1–9.107–5 to the contractor for transmission to the Contracting Officer;

13. May request the contractor to furnish a copy of any subcontract, pursuant to subparagraph (i)(5) of the Patent Rights clauses in § 1–9.107–5;

14. May request the contractor to convey to the Government, subject to the license specified in paragraph (d) of the Patent Rights clause in § 1–9.107–5(b);

(a) The entire "domestic" right, title and interest in a Subject Invention under the conditions specified in subparagraph (b)(2) of the Patent Rights clause in § 1–9.107–5(b); and

(b) The entire right, title and interest in a Subject Invention in any "foreign" country under the conditions specified in subparagraph (b)(3) of the Patent Rights clause in § 1–9.107–5(b);

15. May approve requests for extension of time in which the contractor shall:

(a) File a "domestic" patent application on a Subject Invention pursuant to subparagraph (j)(1) of the Patent Rights clause in § 1–9.107–5(b); and

(b) File a "foreign" patent application on a Subject Invention pursuant to subparagraph (k)(1)(ii) of the Patent Rights clause in § 1–9.107–5(b);

16. May authorize reimbursement, pursuant to § 1–9.109–6(b), to the party causing a United States patent application to be filed for the reasonable costs of the filing and for any prosecution that may have occurred;

17. May authorize the contractor, pursuant to § 1–9.109–6(g)(2), to file a patent application on a Subject Invention in any foreign country where the Government determines not to file a patent application;

18. Shall fully document in writing the contract file to support the selection of the Patent Rights clause for inclusion in a contract (procedures for providing documentation of the file shall be as prescribed by the Director, Office of Administrative Services and Procurement, Office of the Secretary);

19. Shall determine whether at the time of contracting, it would not be in the public interest to acquire a paid-up license in any Subject Invention for States and municipal governments, and shall record the basis for such determination;

20. Shall determine pursuant to § 1–9.107–4(c), whether it would be in the public interest to reserve the right to acquire a paid-up license in any Subject Invention for States and domestic municipal governments and, when the right is reserved, whether the license shall be acquired after the Invention has been identified, and shall record the basis for such determination;

21. Shall determine whether the contractor has forfeited to the Government all rights in a Subject Invention pursuant to paragraph (f) of the Patent Rights clauses in § 1–9.107–5;

22. May withhold payment under the contract pursuant to paragraph (h) of the Patent Rights clauses in § 1–9.107–5;

23. Shall determine, pursuant to subparagraph (d)(2) of the Patent Rights clauses in § 1–9.107–5, whether a domestic nonexclusive license on a Subject Invention retained by the contractor shall be revoked or modified to the extent necessary to achieve expeditious practical application of the Subject Invention under 41 CFR 101–4.103–3;

24. Shall determine, pursuant to subparagraph (d)(2) of the Patent Rights clauses in § 1–9.107–5, whether the contractor's nonexclusive license in a Subject Invention in any foreign country may be revoked or modified to the extent the contractor, or the contractor's domestic subsidiaries or affiliates, have failed to achieve the practical application of the invention in that foreign country; and

25. Shall determine, pursuant to paragraph (d) of the Patent Rights clause in § 1–9.107–6(a), whether the contractor's nonexclusive license in a patent application filed in any country on a Subject Invention and any resulting patent shall be revoked.

c. Before making any determination pursuant to subparagraphs 23, 24 and 25 of subparagraph .04b. of this section, the Contracting Officer shall furnish the contractor a written notice of the intention to make such a determination and the contractor shall be allowed thirty (30) days (or such longer period as may be allowed by the Contracting Officer for good cause shown in writing by the contractor) after the notice to show cause why such determination should not be made. The determination of the Contracting Officer shall be final and conclusive unless within said thirty (30) days (or such longer time as may be allowed), the contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Assistant Secretary. The determination of the Assistant Secretary with respect to any such appeal shall be the final agency action for the Department.

.05 *Responsibilities of the Grants Officer.* a. The Grants Officer shall in every situation involving a determination which is the responsibility of the Assistant Secretary under subparagraph 3.01(a) request by memorandum a decision from the Assistant Secretary. The Grants Officer's memorandum shall in each case be forwarded to the Assistant Secretary through the Assistant General Counsel.

b. The Grants Officer: 1. Shall upon receipt of a determination of the Assistant Secretary pursuant to subparagraph 3.01(a) of this order take the appropriate steps to implement that determination;

2. Shall include in a grant the Patent Rights clause in § 1–9.107–6(a) whenever the Grants Officer determines that the work to be performed under the grant is for basic or applied research with a nonprofit organization other than for the operation of a Government-owned research or production facility and falls within § 1–9.107–3(a) (1) to (4); this clause provides that the Government shall acquire title to Subject Inventions under certain circumstances, subject to the reservation of nonexclusive license rights to the contractor;

3. Shall include in a grant the Patent Rights clause in § 1–9.107–6(b) whenever the Grants Officer determines that the work to be performed under the grant is for basic or applied research with a nonprofit organization other than for operation of a Government-owned research or production facility and does not come within § 1–9.107–3(a) (1) to (4) but is within § 1–9.107–3(c); this clause provides that the allocation of rights in Subject Inventions shall be deferred until after the Inventions have been identified;

4. Shall restrict publication of an invention disclosure pursuant to § 1–9.107–4(g), where it is necessary to protect the interests of the Government or the grantee in obtaining foreign patents;

5. May direct the grantee, pursuant to paragraph (e) in the Patent Rights clause in § 1–9.107–6 (a) or (b), not to:

(a) Obtain patent agreements to effectuate the provisions of this clause from all persons who shall perform any part of the work under the grant;

(b) Insert in a subgrant provisions making this clause applicable to the subgrantee and its employees; and

(c) Promptly notify the Grants Officer of the award of any such subgrant, when the work to be performed under the grant or subgrant is not likely to produce a Subject Invention made by the persons specified in subparagraph a. or by the subgrantee or its employees specified in subparagraph b. above;

6. May authorize reimbursement, pursuant to § 1–9.109–6(b) to the party causing a United States patent application to be filed for the reasonable costs of the filing and for any prosecution that may have occurred;

7. May authorize the grantee, pursuant to § 1–9.109–6(g)(2), to file in patent application on a Subject Invention in any foreign country where the Government determines not to file a patent application; and

8. Shall fully document in writing the grant file to support the selection of the Patent Rights clause for inclusion in a grant (procedures for providing documentation of the file shall be as prescribed by the Director, Office of Administrative Services and Procurement, Office of the Secretary).

.06 *Request for advice.* With respect to any of the functions set out in paragraphs .04 and .05 of this section, the Contracting or Grants Officer may, in their discretion, request an advisory opinion from the Assistant Secretary.

SEC. 4. Forwarding of papers received under contracts and grants. .01 The Contracting and Grants Officers shall furnish the Patent Adviser, National Bureau of Standards, promptly upon receipt thereof from a contractor or grantee, a copy of:

a. The disclosure of each Subject Invention;

b. Each interim and final report listing all Subject Inventions or certifying that no Subject Inventions were made under the contract or grant;

c. Any patent application filed on a Subject Invention by the contractor or grantee and a copy of the resulting patent;

d. Any notification of a decision of the contractor or grantee not to continue prosecution of an application filed on a Subject Invention and the instrument granting the Government a power of attorney in the application;

e. Each instrument confirmatory of rights of the Government in a patent application filed on a Subject Invention and the power to inspect and make copies of such patent application;

f. Any decision of the contractor not to retain principal domestic rights in a Subject Invention and any information concerning sale, public use, or publication of the invention;

g. All subcontracts and subgrants received under the Patent Rights clause in the contract or grant;

h. All decisions made by the Contracting or Grants Officer pursuant to any provision of the Patent Rights clause;

i. A copy of each document supporting the selection of the Patent Rights clause for inclusion in a contract or grant;

j. All other reports, papers and other information which may be submitted under the Patent Rights clause in the contract or grant; and

k. Any other documents or materials which the Patent Adviser may request.

.02 Upon receipt of the papers specified in paragraph .01 of this section, the Patent Adviser, National Bureau of Standards, under the direct supervision of the Assistant General Counsel shall:

a. Maintain a docket of Subject Inventions;

b. Take appropriate action to protect by patenting or publication any Subject Invention, title to which has been acquired by the Government;

c. Secure and properly record all instruments confirmatory of the rights reserved to the Government in any Subject Invention, title to which is retained by the contractor or grantee;

d. Take steps necessary to secure, protect and enforce the rights of the Government in Subject Inventions; and

e. Take steps necessary to ensure compliance by the contractor or grantee with the obligations of the Patent Rights clause in the contract or grant.

Effective date: June 13, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–19541 Filed 7–8–77;8:45 am]

[Dept. Organization Order 45–1, Amdt. 3]

ECONOMIC DEVELOPMENT

Administration ("NOAA") and prescribes the functions of NOAA. This re-

d. The functions in Title 33, Chapter 17, U.S. Code, which pertain to commis-

or instrumentality of that Department,

to aid in the construction and purchase

of Federal planning programs for en-

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[Dept. Organization Order 45–1, Amdt. 3]

ECONOMIC DEVELOPMENT ADMINISTRATION

Establishment

This order effective June 1, 1977, further amends the material appearing at 40 FR 5549 of February 6, 1975, 40 FR 7111 of February 19, 1975, and 41 FR 5858 of February 10, 1976, Department Organization Order 45–1, dated December 24, 1974, is hereby further amended as shown below. The purpose of this amendment is to establish the Office of Special Projects within EDA (paragraph 3.02).

1. In section 3. Office of the Assistant Secretary for Economic Development, add a new paragraph .02, as shown below, and renumber the existing paragraphs .02 through .04 as .03 through .05, respectively.

".02 The Office of Special Projects shall serve as a principal staff office of the Assistant Secretary. The Office shall provide advice, direction and coordination for the development and implementation of selected innovative economic development programs and projects to assist selected urban areas, special areas such as the Mexican-American border and Puerto Rico, and special groups identified by the Assistant Secretary. In accomplishing these functions the Office shall develop necessary implementation plans, strategies, and procedures and coordinate, as appropriate, with other Federal, State, and local organizations. The Office shall be headed by a director who shall report and be responsible to the Assistant Secretary."

2. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated December 24, 1976. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

Effective date: June 1, 1977.

ROBERT HALL,
Assistant Secretary for Economic Development.

Approved:

ELSA C. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–19540 Filed 7–8–77;8:45 am]

[Dept. Organization Order 25–5A]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Statement of Organization, Functions, and Delegation of Authority

This order effective June 3, 1977, supersedes the materials appearing at 39 FR 27486 of July 29, 1974, 40 FR 36608 of August 21, 1975, 40 FR 42764 of September 16, 1975, 40 FR 58882 of December 19, 1975, 41 FR 50317 of November 15, 1976, 41 FR 50317 of November 15, 1976, and 41 FR 53525 of December 7, 1976.

SECTION 1. *Purpose.* This order delegates authority to the Administrator of the National Oceanic and Atmospheric Administration ("NOAA") and prescribes the functions of NOAA. This revision: (1) Incorporates outstanding amendments; (2) delegates to the Administrator, NOAA, with certain reservations, the authority of the Secretary under the National Weather Modification Policy Act of 1976; (3) delegates, to the Administrator, NOAA the Secretary's authority related to certain NOAA Commissioned Corps personnel actions; and (4) generally updates the language of the order.

SEC. 2. *Status and line of authority.* .01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as an operating unit of the Department of Commerce.

.02 As provided by Reorganization Plan No. 4 of 1970:

a. The Administrator of NOAA who is appointed by the President by and with the advice and consent of the Senate, shall be the head of NOAA.

b. The Deputy Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

c. The Associate Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator.

.03 The Administrator shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970, Executive Order 11564 of October 6, 1970, and otherwise by law, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce: *Provided, however,* That the Secretary reserves the authority to provide general policy guidance to the Administrator and, from time to time in the Secretary's discretion, either on the Secretary's own initiative or at the request of the Administrator, to consult with the Administrator to the extent permitted by law concerning the functions delegated by this section:

a. The functions in Title 15, Chapter 9 and in Title 49, section 1463, of the U.S. Code which relate to the provision of weather services.

b. The functions relating to weather in Title 49, Chapter 15 of the U.S. Code, which pertain to international aviation facilities.

c. The functions in 15 U.S.C. 272(f)(12), which relate to the transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in Title 33, Chapter 17, U.S. Code, which pertain to commissioned officers, surveys and related matters.

e. The functions of sections 901(3) (a) and (b), 905 and 906 of Executive Order 11490, as amended, and the functions of Executive Order 10480, as amended. These relate to emergency preparedness, provision of weather, geodetic, hydrographic, and oceanographic data in consonance with civil defense programs, and developing overall plans and programs for the fishing industry's continued production during an emergency.

f. The functions in sections 3 and 4 of the Office of Management and Budget Circular No. A–62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research.

g. The functions in sections 3b. and 4 of the Office of Management and Budget Circular No. A–16 of May 6, 1967, which pertain to the establishment and maintenance of the National Networks of Geodetic Control, and to the development and execution of a coordinated national program of geodetic surveys.

h. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate concurrent resolution 67 of May 29, 1968, furthering participation in and support of the World Weather Program by the United States. The plan to be developed annually for submission by the President to Congress on the proposed participation by Federal agencies shall be prepared for transmittal to the President by the Secretary.

i. The functions in 42 U.S.C. 1891–3 which pertain to making grants for the support of basic scientific research.

j. The functions authorized to be performed by the Department of Commerce in accordance with Chapter 19B of Title 42, United States Code, relating to water resources planning.

k. The functions transferred to the Secretary of Commerce in section 1 of the Reorganization Plan No. 4 of 1970. The functions are:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau of Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Pub. L. 86–359, 73 Stat. 642, 16 U.S.C. 760e–760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer

or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 99), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Pub. L. 91–144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

l. The functions in Title 37 of the U.S. Code with respect to pay and allowances for the Commissioned Officer Corps of NOAA established by section 4(d) of Reorganization Plan No. 4 of 1970.

m. The functions in Title 10 of the U.S. Code made applicable to commissioned officers of NOAA by 33 U.S.C. 857a.

n. The functions in the following sections of Executive Order 11023: sections 1(a) through 1(j) and 1(l); section 2(l); section 3; section 5; and section 6. These relate to the appointment, promotion, retirement, separation, and resignation of commissioned officers of NOAA, and to the employment of public vessels.

o. The functions in Title II of the National Housing Act, as amended (12 U.S.C. 1715m), which pertain to mortgage insurance for commissioned officers to aid in the construction and purchase of homes.

p. The functions in 7 U.S.C. 450b and 2220, which relate to cooperation with outside sources and disposition of funds received.

q. The functions relating to the operation of (1) the National Oceanographic Instrumentation Center, (2) the National Oceanographic Data Center, and (3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

r. The functions relating to (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories, and (2) hydroclimatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

s. The functions in section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms or agreements.

t. The functions prescribed in 15 U.S.C. 330 et seq., which petrain to collection, maintenance and dissemination of information concerning weather modification activities.

ii. The functions in 46 U.S.C. 749 (relating to the arbitration, compromise or settlement of maritime claims) with regard to any claim in the amount of $5.000 or less involving a vessel operated by the Administration.

v. The functions prescribed by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.).

w. The functions prescribed in the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), including those prescribed in Pub. L. 94–370, subject to the following exceptions and limitations whereby the Secretary reserves the authority to:

1. Carry out the mediation function under section 307(h) of the Act and to make the findings under subsections 307 (c) (3) and 307(d) of the Act; and

2. Approve initial regulations for the implementation of the coastal energy impact program contained in section 308 of the Act.

x. The functions prescribed by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

y. The functions prescribed by the Offshore Shrimp Fisheries Act of 1973 (16 U.S.C. 1100b et seq.).

z. The functions prescribed the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).

aa. The functions in Paragraphs 4 and 5, Office of Telecommunications Policy Circular No. 12 of October 12, 1973, which pertains to the coordination of Federal planning programs for environmental telecommunications systems and services.

bb. The functions assigned to the Secretary of Commerce by the Atlantic Tunas Convention Act of 1975, Pub. L. 94–70.

cc. The functions relating to section 202 of the Disaster Relief Act of 1974 (42 U.S.C. 5132) specified in the delegation of authority from the Secretary of Housing and Urban Development (40 FR 42769), effective September 16, 1975, which pertains to disaster warnings for meteorological catastrophes.

dd. The functions prescribed in the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265, 16 U.S.C. 1801 et seq. and other miscellaneous provisions), subject to the following exceptions and limitations.

1. The Secretary reserves the authority to:

(a) Submit the annual reports to the Congress and the President under subsection 305(f) of the Act;

(b) Make final findings and notifications under subsection 306(b) of the Act;

(c) To issue, in particular instances, preliminary fishery management plans and implementing regulations under subsection 201(g) of the Act in each instance where the Secretary specifically determines such action is appropriate; and

(d) In particular instances to approve, disapprove, partially disapprove, or issue a fishery management plan or amendment and implementing regulations under sections 304 and 305 of the Act in each instance where the Secretary specifically determines that such action is appropriate.

2. To assure a full opportunity to the Secretary to exercise the authority which is reserved to the Secretary, the Administrator shall advise the Secretary before any final action is taken with respect to the following functions:

(a) The appointment of members of the Regional Fishery Management Councils under subparagraph 302(b)(1)(C) of the Act;

(b) The establishment of guidelines to assist in the development of fishery management plans under subsection 301(b) of the Act;

(c) The prescribing of uniform standards for each Regional Fishery Management Council under paragraph 302(f)(6) of the Act;

(d) The establishment of schedules of fees under paragraph 204(b)(10) of the Act;

(e) The taking of emergency actions under subsection 305(e) of the Act;

(f) The issuance of preliminary fishery management plans under subsection 201(g) of the Act; and

(g) The approval, disapproval, partial disapproval or issuance of a fishery management plan or amendment under section 304 or 305 of the Act.

3. The Administrator shall not redelegate beyond an Associate Administrator any of the final actions to be taken under those provisions of the Act set forth

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in subparagraphs 3.01dd.2 (a) through (g) of this order.

ee. The functions prescribed in the National Weather Modification Policy Act of 1976, Pub. L. 94–490, except that the Secretary reserves the authority to submit the final report to the President and the Congress under Section 5(a) of the Act.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate the Administrator's authority to any employee of NOAA subject to such conditions in the exercise of such authority as the Administrator may prescribe or as may be prescribed in this order.

SEC. 4. *Functions.* To ensure the safety and welfare of the public, and to further the Nation's interests and activities with respect to the protection of public health against environmental pollution, the protection and management of the Nation's biological, miner and water resources, the maintenance of environmental quality, agriculture, fisheries, industry, transportation, communications, space exploration, national defense and the preservation of the Nation's wilderness and recreation areas, NOAA shall perform the following functions:

a. Observe, collect, communicate, analyze, process, provide and disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the earth, the sun and the space environment;

b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature to all who may be affected;

c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, aeronautical charts, and related publications and services;

d. Operate and maintain a system for the storage, retrieval and dissemination of data relating to the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the earth, the sun and the space environment;

e. Explore the feasibility of, develop the basis for and undertake the modification and control of environmental phenomena;

f. Coordinate efforts pertinent to Federal agencies in support of national and international programs as may be assigned from time to time, such as Federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;

g. Administer a program of sea grant colleges and education, training and research in the fields of marine science, engineering and related disciplines as provided in the Sea Grant College and Program Act of 1966, as amended;

h. Perform basic and applied research and develop technology relating to the state and utilization of resources of the oceans and inland waters including the seabed, the upper and lower atmosphere, the earth, the sun and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;

i. Perform research and develop technology relating to the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval, and use of environmental data as may be necessary or desirable to permit the Administration to discharge its responsibilities;

j. Acquire, analyze and disseminate data and perform basic and applied research on electromagnetic waves, as relate to or are useful in performing other functions assigned here; prepare and issue predictions of atmospheric, ionospheric and solar conditions, and warnings of disturbances thereof; and acquire, analyze and disseminate data and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;

k. Administer a program for the protection, management and conservation of marine mammals and endangered marine species; provide for the administration of the Pribilof Islands; assist the native inhabitants of those islands; and manage the fur seal herds of the North Pacific Ocean;

l. Perform economic studies, education and other services related to management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance, and other programs to conserve and develop fisheries resources and to foster and maintain a viable climate for industry to produce efficiently under competitive conditions;

m. Develop and implement policies on international fisheries including the negotiation and implementation of agreements, conventions and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of United States nationals and perform surveillance of foreign fishing activities;

n. Participate in technical assistance programs for fishery development projects in foreign countries;

o. Develop technology and carry out scientific and engineering data collection and analysis and other functions to assess, monitor, harvest, and utilize marine and anadromous fishery resources and their products;

p. As a Departmentwide responsibility, coordinate the requirements for and the management and use of radio frequencies by all organizations of Commerce;

q. Administer a national management program to preserve, protect, develop, and where possible restore or enhance the land and water resources of the coastal zones, including grants, loans, and loan guarantees to the states and interagency coordination and cooperation, as provided by the Coastal Zone Management Act of 1972, as amended; and

r. Administer a marine sanctuaries program to preserve or restore such areas for their conservation, recreational, ecological, or esthetic values.

Effective date: June 3, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–19538 Filed 7–8–77;8:45 am]

[Dept. Organization Order 30–7A, Amdt. 2]

NATIONAL TECHNICAL INFORMATION SERVICE

Delegation of Authority

This order effective June 6, 1977 furthere amends the material appearing at 41 FR 18538 of May 5, 1976 and 41 FR 43753 of October 4, 1976.

Department Organization Order 30–7A of April 9, 1976 is hertby further amended as shown below. The purpose of this amendment is to delegate to the Director of NTIS the authority to administer an incentive awards program for Federal inventors.

1. In Section 3. "Delegation of authority," subparagraph 3.01d. is renumbered 3.01f., and new subparagraphs 3.01d. and 3.01e. are added to read as follows:

"d. Chapter 45 of Title 5, United States Code, as implemented by 5 CFR 451, to administer an incentive award program for Federal civil service and District of Columbia employee inventors.

"e. Executive Order 11438 (3 CFR 755 (1966–70 Comp.) 10 United States Code 1124 (1970)) to recommend to the Department of Defense, or to the Department of Transportation in the case of a member of the Coast Guard when it is not operating as a service in the Navy, that a cash award be made under the incentive awards program to a member of the armed forces."

2. In Section 4. "Functions." a. In pen and ink, remove the word "and" at the end of subparagraph 4.j.

b. In pen and ink, remove the period at the end of subparagraph 4.k. and after the word "Administration" insert: "; and".

c. A new subparagraph 4.l, is added to read as follows:

"l. Administer an incentive award program for Federal inventors as provided in Department Administrative Order 202–452."

Effective date: June 6, 1977.

ELSA C. PORTER,
Assistant Secretary for Administration.

[FR Doc. 77–19539 Filed 7–8–77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TOXIC SUBSTANCES CONTROL ACT

Sharing of Chemical Information With Environmental Protection Agency

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of intent to share chemical information with the Environmental Protection Agency.

SUMMARY: The Commission is considering furnishing the Environmental Protection Agency with data derived from the chemical information submitted to the Commission under its Special Order of August 18, 1975. The Environmental Protection Agency requested the data under section 26(a)(2) of the Toxic Substances Control Act, 15 U.S.C. 2625(a)(2), for the use of the Interagency Testing Commiteee and contractors in compiling a priority list of 50 chemicals which the committee recommends that the Environmental Protection Agency should test. The proposed sharing of information would not include any original or duplicate tapes of product formulas claimed to be trade secrets. The data release would be limited to identifying the chemicals contained in the products surveyed, the number of products by product use categories that contain a particular chemical, the ranking of the chemical in terms of its frequency of appearance and information about the concentration level of the chemical.

Although the Commission does not believe that the proposed release contains confidential commercial information, the Commission will enter into an agreement with the Environmental Protection Agency to insure its confidential treatment because the data sharing does identify some chemicals that appear in only one or a few products.

DATE: The Commission proposes to share this information with Environmental Protection Agency on or about August 1, 1977. Comments must be received in the Office of the Secretary of the Commission no later than July 20, 1977.

ADDRESS: Comments to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Jeanette Wiltse or Edward J. Cull, General Law Division, Office of the General Counsel, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207 (202–634–7770).

DETAILS ON THE PROPOSED SHARING OF CHEMICAL INFORMATION

The Environmental Protection Agency (EPA) has requested the Commission under section 26(a)(2) of the Toxic Substances Control Act, 15 U.S.C. 2625(a)(2), to grant it access to data derived from chemical information submitted to the Commission under its Special Order of August 18, 1975 entitled Chemical Formulations for Specified Chemical Products (40 FR 36617, August 21, 1975). The requested data would, in turn, be furnished by EPA under Section 14(a) of the Toxic Substances Control Act, 15 U.S.C. 2613(a), to the Interagency Testing Committee and contractors to be used in assessing human and environmental exposure to chemicals. This is one of the factors to be considered by the Committee in compiling a priority list of 50 chemicals for mandatory testing which the Committee recommends that EPA test to determine if they cause cancer, gene mutations, or birth defects. The Interagency Testing Committee, which was created under section 4(e) of the Toxic Substances Control Act, 15 U.S.C. 2603(e), is composed of representatives from each of the eight following federal entities which are particularly concerned with exposure to chemicals: Environmental Protection Agency, Department of Labor, Council on Environmental Quality, National Institute for Occupational Safety and Health, National Institute of Environmental Health Sciences, National Cancer Institute, National Science Foundation and Department of Commerce.

The Commission has already furnished the Interagency Testing Committee, under section 26(a)(2) of the Toxic Substances Control Act, 15 U.S.C. 2625(a)(2), some chemical exposure data derived from the chemical information previously submitted under the Commission's Special Order. The data furnished was limited to a list of those chemicals which appeared in ten or more products covered by the Commission's Special Order. For example, the following information about the chemical titanium oxide was furnished to the Interagency Testing Committee beeause the chemical appears in more than 10 products surveyed:

(1) The ranking of the chemical in terms of its frequency of appearance. In the case of titanium oxide, it was ranked number one because it was found in more products surveyed (i.e., 5,700) than any other chemical.

(2) The average concentration of the chemical in the products surveyed. In the case of the titanium oxide, its average concentration level in the 5,700 products was 12.3 percent.

(3) The number of products which contain the chemical as determined by the following eight categories of concentration: less than one percent concentration, between one and 4.9 percent concentration, between 5 and 9.9 percent concentration, between 10 and 19.9 percent concentration, between 20 and 39.9 percent concentration, between 40 and 59.9 percent concentration, between 60 and 79.9 percent concentration, and between 80 and 100 percent concentration. In the case of titanium oxide, 328 products were found to contain less than one percent titanium oxide, 1181 products contained between 1 and 4.9 percent, 1053 products between 5 and 9.9 percent, etc.

(4) The number of products which contained the chemical as determined by product use categories such as paints, household aerosols, etc. In the case of titanium oxide, over 5,000 paints were found to contain the chemical.

The Commission is considering granting EPA access to the data described above for those chemicals found in fewer than ten products. Although the Commission does not believe that such data constitutes confidential commercial information under the Freedom of Information Act, 5 U.S.C. 552(b)(4), the Consumer Product Safety Act, 15 U.S.C. 2055(a)(2), or 18 U.S.C. 1905, the hypothetical possibility exists that an individual could reconstruct a product formulation if such data were made publicly available and combined with other information. To avoid any possibility of this occurring, the proposed release of data to EPA will be accorded confidential treatment.

To insure confidential treatment of this information, the Commission will enter into an agreement with EPA which will stipulate that the data will be treated in accordance with the confidentiality requirements of the Toxic Substances Control Act, 15 U.S.C. 2613, and in accordance with the Commission's security procedures for safeguarding chemical formulation data (41 FR 36648, August 31, 1976). The Commission does not intend to release to EPA any original or duplicate tapes of product formulas claimed confidential.

It is believed that the release of this data will assist the Interagency Testing Committee in determining the human exposure level to certain chemicals and that this, in turn, will assist the Committee in more accurately determining whether or not a chemical should be considered for inclusion on its priority list. It is also believed to be in the interest of both government and industry if this data is shared with EPA avoiding the duplicate submission of the data under the Toxic Substances Control Act.

Because the Interagency Testing Committee must complete and submit its priority list of chemicals to EPA no later than October 1, 1977, as provided in section 4(e) of the Toxic Substances Control Act, 15 U.S.C. 2603(b), the Commission proposes to release the chemical data described above on or about August 1, 1977. Because of this deadline, the Commission invites the public to submit by July 20, 1977 any comments, suggestions or recommendations which it believes might prove helpful in reaching a final decision on whether or not to disclose. It is requested that commenters specifically address the following issues: (1) Does the proposed release of the chemical information in the format described above involve the release of confidential information? If so, please give specifics. (2) Do you believe the Commission should undertake any additional security procedures for the data release over and above those provided in its security regulations published at 41 FR 36648, August 8, 1976? If so, please specify.

Comments and any accompanying data or material should be submitted,

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preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207,

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5132, 44 U.S.C.

ords are accessible only to authorized personnel that are properly screened and

For additional information contact the system manager(s).

SATELLITE COMMUNICATIONS SERVICES

504–DSE–ML–77 Hampton Roads Cablevi-

511–DSE–P/L–77 Columbia Cable TV, Inc., Columbia, South Carolina. For authority to

preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received by the Commission may be inspected in the Office of the Secretary, at 1111 18th Street, NW., Washington, D.C. during working hours, Monday through Friday.

Dated: July 6, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19552 Filed 7-8-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

PRIVACY ACT OF 1974

Change to System of Records

On April 22, 1977, the Department of the Navy published a notice (42 FR 28047) for a new system of records identified as "N 00018 10, Child Advocacy Program File." No comments having been received, the record-system notice became effective on May 23, 1977. Notice is hereby given that this system-notice is being revised by deleting the reference to 5 U.S.C. § 552a(k)(5) from that portion of the system-notice entitled "Systems exempted from certain provisions of the act." This change is being made because the records contained in the system do not fall within the 5 U.S.C. § 552a(k)(5) exemption.

Accordingly, the system-notice for the system of records identified as "N 00018 10, Child Advocacy Program File" is revised to read as follows:

N 00018 10

System name:

Child Advocacy Program File.

System location:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372. Individual Case Files—Naval Regional Medical Centers, naval hospitals and clinics (dispensaries), and duty station of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice.)

Categories of individuals covered by the system:

All children entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate medical authorities and all persons suspected of abusing or neglecting such children.

Categories of records in the system:

Medical records of suspected and confirmed cases of child abuse or neglect, investigative reports, correspondence, child advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual child advocacy program files.

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5132, 44 U.S.C. 3101.

Routine uses of records maintained by the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy in the performance of their official duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments and fitness for continued military service; performance of research studies and compilation of statistical data.

Officials and employees of other components of the Department of Defense and other departments and agencies of the Executive Branch of government in the performance of their official duties relating to the coordination of child advocacy programs, medical care and research concerning child abuse and neglect.

The Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state, or local governmental agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in child abuse or neglect, or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, private organizations and individuals for authorized health research in the interest of the Federal Government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

Retrievability:

Records are retrieved by name of the abused or neglected child and the social security number of the sponsor or guardian.

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel that are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

Retention and disposal:

Child advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

System manager(s) and address:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372. Individual Case Files—commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

Notification procedure:

Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the child and social security number of the military or civilian sponsor or guardian, date and place of treatment and alleged reporting of incident. The requester may visit the Office of the Chief, Bureau of Medicine and Surgery, 23rd and E Streets NW., Washington, D.C., and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requester will be considered adequate proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager

Record source categories:

Reports from physicians and other medical department personnel regarding the results of physical, dental, mental and other examinations, treatment evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) as applicable.

For additional information contact the system manager(s).

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

MAURICE W. ROCHÉ,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 10, 1977.

[FR Doc.77-19708 Filed 7-8-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PW11; FRL 759-4]

PESTICIDE PETITION

Withdrawal

On October 18, 1972, the Environmental Protection Agency (EPA) gave notice (37 FR 20015) that Uniroyal Chemicals, Division of Uniroyal, Inc., Bethany, CT 06525, had filed a petition (PP 3F1311). This petition proposed the establishment of a tolerance for residues of the herbicide CIPC (isopropyl N-(3-chlorophenyl) carbamate) in or on the raw agricultural commodity soybeans at 0.3 part per million.

Uniroyal Chemicals has withdrawn this petition without prejudice in according with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: June 28, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-19529 Filed 7-8-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-365]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

JULY 5, 1977.

By the Chief, Common Carrier Bureau.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

504-DSE-ML-77 Hampton Roads Cablevision Co. (WB96), Newport News, Virginia. Modification of license to permit the operations of this station on a cost sharing basis with an unaffiliated cable television system in the area.

505-DSE-ML-77 Cable Haven TV, Inc. (WB64), Manhawkin, New Jersey. Modification of license to permit the reception of signals of WYAH-TV, Channel 27, Portsmouth, Virginia.

506-DSE-ML-77 Courier Cable Company, Inc. (WB77), Buffalo, New York. Modification of license to permit the reception of signals from WTCG-TV, Channel 17, Atlanta, Georgia, and WYAH-TV, Channel 27, Portsmouth, Virginia.

507-DSE-P/L-77 Clear Lake City Cablevision, Inc., Pasadena, Texas. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°35'49", Long. 95°06'21". Rec. freq: 3700-4200 MHz. Emission—none listed. With a 4.5 meter antenna.

508-DSE-P/L-77 Western Tele-Communications, Inc., Memphis, Tennessee. For authority to construct and operate a domestic communication satellite receive-only earth station at this location. Lat. 35°07'19", Long. 89°41'47". Receive-only frequencies: 3700-4200 GHz. Emission 3600F9. With a 10 meter antenna.

509-DSE-P/L-77 Skyline Cable, Inc., Brookings, Oregon. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°03'05", Long. 124°17'06". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

510-DES-P/L-77 Gulf Coast-Bellaire Cable Television, Bellaire, Texas. For authority to construct and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°42'27", Long. 95°28'01". Rec. freq: 3700-4200 MHz. Emission none listed. With a 6 meter antenna.

511-DSE-P/L-77 Columbia Cable TV, Inc., Columbia, South Carolina. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°00'-06", Long. 81°01'00". Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

512-DSE-P/L-77 Catawba Valley Communications, Inc., Hickory, North Carolina. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 35°43'43", Long. 81°19'17". Rec. freq: 3700-4200 MHz. Emission none listed. With a 5 meter antenna.

513-DSE-P/L-77 LaCrosse Westgate, Inc., Onalaska, Wisconsin. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°53'01", Long. 91°13'54". Rec. freq: 3700-4200 MHz. Emission none listed. With a 6 meter antenna.

514-DSE-P-77 Dow Jones & Company, Inc., Denver, Colorado. For authority to construct a transmit/receive earth station at this location. Lat. 93°34'00", Long. 104°-51'29". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 200F9Y. With a 36 foot parabolic antenna.

515-DSE-P-77 Valparaiso Communications Systems, Valparaiso, Florida. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 30°30'-34", Long. 86°30'05". Rec. freq: 3700-4200 MHz. Emission none listed. With a 5 meter antenna.

SSA-11-77 Western Union Telegraph Co., McLean, Virginia. Request for a temporary authorization to operate a temporary earth station at McLean, Virginia, for a period of three months but no later than October 31, 1977, to provide service to and from subscribers in the Washington, D.C., area.

[FR Doc.77-19647 Filed 7-8-77;8:45 am]

[Report No. 1060]

RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration of Actions

JULY 5, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20901	Sec. 73.202(b)	Amendment of sec. 73.202(b) table of assignments, FM broadcast stations (Brewer, Maine). Filed by Harry G. Sells, attorney for Bangor Broadcasting Corp.	June 23, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before July 21, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19648 Filed 7-8-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Date	Name and location of applicant	Case No.	Type of submission

V 42 1132 JUL 11 77 UMI

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting; Correction

In FR Doc. 77-18573, appearing at pages 33054 and 33055 in the FEDERAL REGISTER of June 29, 1977, the first paragraph of the notice is corrected by deleting the last sentence thereof and substituting the following:

"It is expected that the following draft agenda will be followed and that representatives of the IAB will be invited to join the meeting during discussion of items 6-14 of the agenda, or such other items as determined by the SEQ."

Issued in Washington, D.C., July 6, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-19609 Filed 7-8-77;8:45 am]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of June 17 Through June 24, 1977

Notice is hereby given that during the week of June 17 through June 24, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

JULY 1, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and appeals week of June 17 through June 24, 1977*

Date	Name and location of applicant	Case No.	Type of submission
June 17, 1977	Arkansas Louisiana Gas Co., Shreveport, La. (If granted: Arkansas Louisiana Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products produced at its Hamilton processing plant.)	FEE 4352	Price exception (sec. 212.165).
Do	Exxon Co., U.S.A. Houston, Tex. (If granted: The FEA's Apr. 29, 1977 decision and order Corp. would be rescinded.)	FXA 1357	Appeal of the decision and order in TOSCO Corp., 5 FEA par. (Apr. 29, 1977).
Do	Industrial Fuel Oils, Inc., Fort Wayne, Ind. (If granted: Industrial Fuel Oils, Inc. would be permitted to increase retroactively the prices for fuel oil which it sold during the period Nov. 1, 1973, through July 1, 1976, above the maximum levels permitted by the provisions of 10 CFR 212.93.)	FEE 4350	Price exception (sec. 212.93).
Do	Industrial Fuel Oils, Inc., Fort Wayne, Indiana. (If granted: The remedial order issued by FEA region V on May 17, 1977 would be rescinded and Industrial Fuel Oils, Inc. would not be required to refund overcharges made in its sales of covered products.)	FRA-1358 FRS-1358	Appeal of the remedial order issued by FEA region V on May 17, 1977.
Do	Lampton-Love, Inc., Washington, D.C. (If granted: Lampton-Love, Inc. would be permitted to retroactively establish its prices for sales of propane above the maximum levels permitted by the provisions of 10 CFR 212.93.)	FEE 4351	Price exception (sec. 212.93).
Do	J. C. and J.H. McClure d.b.a. McClure Oil Co.; McClure Butane, et al., Konawa, Okla. (If granted; The remedial order issued by FEA region VI on June 2, 1977 would be rescinded and J. C. and J. H McClure would not be required to refund overcharges made in sales of propane, motor gasoline and No. 2 diesel fuel.)	FRA-1359 FRS-1359	Appeal of the remedial order issued by FEA region VI on June 2, 1977.
Do	r.v. Whitmer Thermogas Co., Inc., Akron, Ohio. (If granted: The FEA's Apr. 29, 1977 decision and order would be rescinded and r.v. Whitmer Thermogas Co., Inc. would be permitted to retroactively and prospectively increase the prices on its sales of propane above the maximum levels permitted by the provisions of 10 CFR 212.93.)	FXA-1360	Appeal of the decision and order in r.v. Whitmer Thermogas Co., 5 FEA par. ____ (Apr. 29, 1977).
June 20, 1977	Doric Petroleum, Inc.; Washington, D.C. (If granted: Doric Petroleum, Inc. would receive an extension of the exception relief granted in the FEA's Jan. 25, 1977 decision and order which permitted the firm to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquids produced at its Enid processing plant.)	FXE-4353	Extension of the relief granted in Doric Petroleum, Inc., 5 FEA par. 83,048 (Jan. 25, 1977).
June 21, 1977	City of Richmond, Va.; Department of Public Utilities, Richmond, Va. (If granted: The Department of Public Utilities of the City of Richmond, Va., would be permitted to receive additional allocations of propane for use as propane-air feedstock in its Richmond, Va. propane-air plant for peak shaving purposes.)	FEE-4362	Allocation exception.

Date	Name and location of applicant	Case No.	Type of submission
Do	Eason Oil Co., Oklahoma City, Okla. (If granted: Eason Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 3, 1976 decision and order which permitted the firm to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products produced at its Crescent plant.	FXE-4356	Extension of the relief granted in Eason Oil Co., 4 FEA par. 83,215 (Dec. 3, 1976).
Do	Eddy Refining Co., Houston, Tex. (If granted: Eddy Refining Co. would receive an exception from the refiner's price rule requiring the sequential method of recovering increased nonproduct costs.)	FEE-4364	Price exception (sec. 212.83).
Do	Florida Hydrocarbons Co., Winter Park, Fla. (If granted: Florida Hydrocarbons Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products produced at its Brooker plant.)	FEE-4363	Price exception (sec. 212.165).
Do	Jay Oil Co., Fort Smith, Ark. (If granted: Jay Oil Co. would receive a stay of the refund requirements stated in a remedial order issued by FEA region VI on May 6, 1977 pending a determination on its appeal of that order.)	FRS-0097	Stay of the remedial order issued by FEA region VI on May 6, 1977.
Do	William C. Kirkwood, Casper, Wyo., (If granted: Crude oil produced from the Dubois Federal Lease No. W-0317694, Cowley Field Dalton No. 1 Lease, Justice Field Rudnik No. 4 Lease and Justice Field Rudnik No. 32-27 Lease would be sold at upper tier ceiling prices on a retroactive basis.)	FEE-4358—FEE-4361	Price exception (sec. 212.73).
Do	Midland Cooperatives, Inc., Washington, D.C. (If granted: The FEA's Nov. 5, 1976 decision and order would be rescinded and Midland Cooperatives, Inc. would not be required to purchase additional entitlements during the period November 1976 through October 1977.)	FXA-1362	Appeal of the decision and order in in Midland Cooperatives, Inc., 4 FEA par. 87,024 (Nov. 5, 1976).
Do	Monsanto Co., St. Louis, Mo. (If granted: Monsanto Co. would receive an exception from the refiners' price rule requiring the sequential method of recovering increased nonproduct costs.)	FEE-4354	Price exception (sec. 212.83).
Do	National Oil Recovery Corp., Bayonne, N.J. (If granted: Texaco would be required to supply National Oil Recovery Corp. with Miranda crude oil.)	FSG-0060	Request for special redress.
Do	Robert W. O'Meara New Orleans, La. (If granted: Robert W. O'Meara would receive an extension of the exception relief granted in the FEA's Jan. 14, 1977 decision and order and would be permitted to sell crude oil produced from the Louisiana Fruit No. 2 well, located in the Tiger Pass field of Plaquemines Parish, La. at upper tier ceiling prices for an additional period of time.)	FXE-43[illegible]	Extension of the relief granted in Robert W. O'Meara, 5 FEA par. 83,042 (Jan. 14, 1977).
Do	Petroleum Management, Inc., Wichita, Kans. (If granted: The FEA's May 31, 1977 decision and order would be modified to eliminate the requirement that an escrow account be established.)	FMR-0112	Modification of the FEA's decision and order in Petroleum Management, Inc., 5 FEA par. ____ (May 31, 1977).
Do	S&W Engine Supply Co. Oklahoma City, Okla. (If granted: S&W Engine Supply Co.'s Baker-Townsend Lease in Oklahoma County, Okla. would be classified as a stripper well property.)	FEE-4357	Price exception (sec. 212.73).
Do	LaVerne and Phyllis Vanderwork, Towner, Colo. (If granted: The FEA's May 27, 1977 decision and order would be rescinded and L. G. Vanderwork would not be required to make refunds for alleged overcharges made in sales of propane and would be permitted to establish selling prices for propane which are above the maximum level permitted under the mandatory petroleum price regulations)	FXA-1363	Appeal of the decision and order in L. G. Vanderwork, 5 FEA par. ____ (May 27, 1977).
Do	W. E. Riley Oil Co., Petersburg, Va. (If granted: The remedial order issued by FEA region III on May 9, 1977 would be rescinded and W. E. Riley Oil Co. would not be required to refund overcharges made in its sales of motor gasoline and middle distillates.)	FRA-1364 FRS-1364	Appeal of the remedial order issued by FEA region III on May 9, 1977.
Do	Washington News Service, Inc., Kensington, Md. (If granted: The FEA's May 31, 1977 information request denial would be rescinded and the Washington News Service, Inc. would receive access to the names and complete mailing addresses of recipients of several FEA publications.)	FFA-1361	Appeal of the FEA information request denial.
June 23, 1977	Hocker Oil Co., Salem, Mo. (If granted: The FEA's May 16, 1977 decision and order would be rescinded, Hocker Oil Co. would receive an increase in its base period use of motor gasoline and suppliers would be assigned to furnish the increased quantities of motor gasoline)	FXA-1367	Appeal of the decision and order in Hocker Oil Co., 5 FEA par. ____ (May 16, 1977).

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Date	Name and location of applicant	Case No.	Type of submission

FEA Region VI for further review. However, the FEA rejected Alpine's claim that the

City of Long Beach, California, Long Beach, Calif.; FXA-1105; Crude Oil.

Gulf Oil Corporation; Tulsa, Okla.; FXA-1190, Motor Gasoline.

FEA determined that the firm had failed to

Date	Name and location of applicant	Case No.	Type of submission
Dec.	George A. Hoffman, Henderson, Ky. (If granted: The remedial order issued by FEA region IV, on June 7, 1977, would be rescinded and Mr. Hoffman would not be required to refund overcharges made in sales of crude oil produced from Bohnhoff Lease.)	FRA-1305	Appeal of the remedial order issued by FEA region IV on June 7, 1977.
Dec.	Karchmer Pipe and Supply Co., Centralia, Ill. (If granted: The FEA's Feb. 22, 1977 decision and order would be rescinded and Karchmer Pipe & Supply Co. would not be required to refund revenues which may have been realized as a result of charging excessive prices for crude oil produced from the Dakota Unit No. 1. Also the Catoka Unit No. 1 located on the Wasem Lease in Marion County, Ill. would be classified as a stripper well property.)	FXA-1306	Appeal of the decision and order in Karchmer Pipe & Supply Co., 5 FEA par. 83,075 (Feb. 22, 1977).
Dec.	Sabine Production Co. Dallas, Tex. (If granted: The FEA's Apr. 7, 1977 decision and order would be modified to permit both the working and royalty interest owners of the Perry Sound waterflood unit north segment, Yazoo County, Miss., to sell the crude oil produced at upper tier ceiling prices.)	FXA-1308	Appeal of the FEA's decision and order in Penrzoil Producing Co., Inc., 5 FEA par. 83,122 (Apr. 7, 1977).
Dec.	Texaco, Inc., New York, N.Y. (If granted: The FEA's May 17, 1977 assignment order would be rescinded and Texaco, Inc. would not be required to supply Southwest Airlines with aviation turbine fuel.)	FEA-1309	Appeal of the FEA's May 17, 1977 assignment order.
June 3, 1977	Allied Chemical Corp. (Union Texas Petroleum), Houston, Tex. (If granted: Union Texas Petroleum Division of Allied Chemical Corp. would receive an exception from the refiners' price rule requiring the sequential method of recovering increased non-product costs.)	FEE-1306	Price exception (sec. 212.83).
Dec.	Diversified Chemicals & Propellants Co., Oak Brook, Ill. (If granted: The interpretation issued by FEA region V on Feb. 20, 1977 would be rescinded and sales of aerosol grade propellants by Diversified Chemicals & Propellants Co., would not be subject to the mandatory petroleum price regulations.)	FIA-1279	Appeal of the interpretation issued by FEA region V on Feb. 20, 1977.
Dec.	Hanson Oil Co., Roswell, N. Mex. (If granted: Hanson Oil Co. would receive an exception from the lease production control level established for an oil lease in Washakie County, Wyo.)	FEE-1307	Price exception (sec. 212.74).
Dec.	J. H. Buhrmaster Co., Inc., Scotia, N.Y. (If granted: J. H. Buhrmaster Co., Inc. would not be required to file form FEA-P131-S3-1.)	FEE-1307	Exception to the reporting requirements.
Dec.	Sentry Refining, Inc., St. Mary's, W. Va. (If granted: The FEA's May 24, 1977 allocation order would be rescinded and Sentry Refining, Inc. would receive an adjustment to its crude oil allocation under the buy-sell program.	FEA-1271	Appeal of the FEA's May 24, 1977 allocation order.

[FR Doc.77-19530 Filed 7-8-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 23 Through May 27, 1977

Notice is hereby given that during the week of May 23 through May 27, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Alpine Butane Co., Inc., Houston, Texas; FRA-1207; Propane; Propane-Mix

Alpine Butane Co., Inc. appealed from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to it on January 21, 1977. In the Remedial Order, the FEA Regional Office found that Alpine charged prices for propane and propane-butane mix which exceeded the firm's maximum permissible price levels determined in accordance with the provisions of 10 CFR 212.93. In considering the Alpine Appeal, the FEA found that there was considerable merit to Alpine's assertion that the Remedial Order was defective because it did not include specific findings of fact to support the determination reached. In particular, the FEA held that the Order should have contained explicit factual findings with regard to the classes of purchaser which Alpine serves, the maximum legal selling prices for each of the classes of purchaser during the period covered by the Remedial Order, the quality of the propane which Alpine sold to the various purchasers involved in the compliance proceeding, and the disallowance of certain transportation costs from the computation of Alpine's allowable increased costs under the provisions of Section 212.92. The FEA further found that it was not possible to determine from the Remedial Order whether Alpine was correct in asserting that the FEA had used weighted average selling prices instead of actual selling prices in arriving at the conclusion that the firm had violated the provisions of Section 212.93. In view of these deficiencies in the Remedial Order, the FEA determined that the Appeal should be granted and the Remedial Order should be remanded to the Regional Administrator of FEA Region VI for further review. However, the FEA rejected Alpine's claim that the Remedial Order improperly applied the provisions of Section 212.93(e) to the firm on a retroactive basis. In this regard, the FEA determined that an amendment to that Section which was issued on September 1 did not change those provisions but only clarified them. In addition, the FEA rejected Alpine's contention that the FEA lacks authority to require a firm to refund overcharges and to pay interest on the overcharges.

Berry Holding Co., Fresno, Calif.; FXA-1149, Crude Oil

Berry Holding Company appealed from a Decision and Order which the FEA issued to it on October 26, 1976. Berry Holding Co., 4 FEA Par 83,167 (October 26, 1976). In that determination, the FEA denied an Application for Exception which the firm had submitted from the provisions of 10 CFR, Part 212, Subpart D. The approval of the Berry exception request would have permitted the firm to retain approximately $7 million in revenues which it realized during 1975 by charging prices for crude oil that were in excess of the levels permitted under 10 CFR 212.73. The FEA held in the October 26, 1976 Decision that there was no reasonable basis upon which Berry could have construed Section 210.32 of the FEA Regulations as permitting it to consider any well that produces crude oil for only a portion of the measurement year to have produced crude oil for the entire year for purposes of determining whether the property qualified for stripper well status in 1975. In its Appeal, Berry contended that compelling reasons existed which warranted the approval of retroactive exception relief. The firm asserted that during 1974 it became committed to an extensive crude oil drilling and exploration program in reliance on the cash flow that the two properties involved in the proceeding would generate as stripper well leases in 1975. In considering the Appeal, the FEA found that the legislative history of the Emergency Petroleum Allocation Act of 1973, as amended, clearly indicates that Congress intended that the stripper well exemption should be strictly interpreted so as to preclude a firm from manipulating the exemption and obtaining a benefit which the Congress never intended to confer. The FEA concluded that the position taken in Ruling 1975–12 which states that "average daily production" must be computed so as to recognize the fact that a well may have not been operating as a producing well for the entire measurement period simply clarifies the meaning of the term by interpreting it in light of the underlying Congressional intent. The FEA therefore rejected Berry's assertion that the Ruling involves a retroactive modification of the FEA Regulations and sustained the conclusion reached in the October 26, 1976 Decision that Berry's interpretation of the term "average daily production" and its reliance on that interpretation were unreasonable. The FEA also concluded that Berry had failed to establish that its drilling and exploration program would be seriously imperiled in the absence of relief. In this regard, the FEA held that a mere showing by a firm that it would be able to invest additional funds and earn greater profits if it were permitted to retain the funds it had improperly received from violating FEA regulatory requirements did not form a proper basis for the approval of exception relief. The FEA therefore concluded that Berry had failed to establish that the October 26 Decision and Order was erroneous in fact or law or was arbitrary or capricious and the firm's Appeal was accordingly denied.

City of Long Beach, California, Long Beach, Calif.; FXA-1105; Crude Oil.

The City of Long Beach, California, appealed from a Decision and Order which the FEA issued to it on December 3, 1976. City of Long Beach, California, 4 FEA Par. 83,212 (December 3, 1976). In that determination, the FEA approved exception relief from the provisions of 10 CFR, Part 212, Subpart D, and permitted Long Beach to sell 18.0791 percent of the crude oil which it produces from Fault Block Unit 2 of the western half of the Wilmington Field at the upper tier ceiling price. The Appeal, if granted, would permit Long Beach to sell a greater percentage of the crude oil produced from Unit 2 at the upper tier ceiling price. In considering the Appeal, the FEA noted that subsequent to the issuance of the December 3, 1976 exception Decision, the upper tier ceiling price for the Unit 2 crude oil was reduced from $10.36 to $9.71 per barrel. Based upon previous FEA decisions involving similar factual circumstances, the FEA held that the change in the upper tier ceiling price constituted significantly changed circumstances which effectively prevented Long Beach from receiving the full measure of exception relief which the FEA intended to provide in the December 3, 1976 Decision. The FEA therefore permitted the City to sell additional quantities of crude oil produced from Unit 2 at the upper tier ceiling price.

In considering the Appeal, the FEA also determined that Long Beach had failed to notify the FEA during the pendency of the exception proceeding that the purchasers of Unit 2 crude oil were not paying the full lower tier ceiling price for old crude oil produced from Unit 2. Consequently, it was not erroneous for the FEA to have used the lower tier ceiling price rather than the market price which the purchasers of Unit 2 crude oil were actually paying in calculating the amount of exception relief approved in the December 3 Decision and Order. However, in view of this new factual information the FEA determined that additional exception relief should be granted to the City on a prospective basis.

Duke Oil Company, Inc., Mineral Va.; FRA-1111; Refined Petroleum Products

Duke Oil Company, Inc. appealed from a Remedial Order which had been issued to it by the FEA Region III on December 23, 1976. In the Remedial Order the FEA found that during the period December 3, 1974 through April 21, 1975, Duke had sold covered products at prices which were in excess of the maximum levels permitted by 10 CFR 212.93. Since Duke had failed to maintain adequate records of its business operations, the FEA could not make a precise determination as to the firm's compliance with FEA Regulations on the basis of those records and had been compelled to adopt certain assumptions regarding Duke's classes of purchaser and costs. In considering the firm's Appeal, the FEA determined that contrary to Duke's claims the types of assumptions which the FEA was required to adopt during the course of the compliance proceeding were not arbitrary. The FEA observed in this regard that at no time had Duke advanced a factual challenge to any specific assumption or finding made by the FEA despite the opportunities which the firm had to do so. In addition, the FEA found that Duke had failed to make a *prima facie* showing that it would incur a serious financial hardship if it were required to refund the overcharges specified in the Remedial Order. The Duke Appeal was accordingly denied.

Gulf Oil Corporation; Tulsa, Okla.; FXA-1190, Motor Gasoline

Gulf Oil Corporation appealed from a Decision and Order which the FEA issued to Mid-Michigan Truck Service, Inc. on January 6, 1977. Mid-Michigan Truck Service, Inc., 5 FEA Par. 87,003 (January 6, 1977). In that Order the FEA approved an extension of the exception relief which it had initially granted on February 13, 1976. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976), modified, Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,197 (May 20, 1976). In the February 13 determination, the FEA directed Gulf to cease supplying Mid-Michigan with motor gasoline through a substitute supplier and to begin supplying Mid-Michigan directly. The May 20, 1976 Supplemental Order required Gulf to calculate the terms and conditions of its sale of motor gasoline to Mid-Michigan by using the actual selling price and credit terms which were in effect on May 15, 1973 between Gulf and Mid-Michigan In considering the Appeal, the FEA found that all of the issues raised by Gulf had previously been considered and rejected in a Decision and Order which had been issued with regard to Gulf's Appeal of a related determination. Gulf Oil Corp., 5 FEA Par. 80,598 (April 11, 1977). Since Gulf advanced no new arguments in support of its present Appeal, the FEA held that the previous determination was controlling. Gulf's Appeal was accordingly denied.

John B. Walker Texaco, Inc.; Jackson, Miss.; FXA-1256; Diesel Fuel

John B. Walker Texaco, Inc. (Walker) appealed from a Decision and Order which the FEA issued on March 11, 1977. John B. Walker Texaco, Inc., 5 FEA Par. 83,092 (March 11, 1977). In the March 11 determination, the FEA denied a request for exception which would have permitted Walker to retain $17,728 in revenues which it received as a result of selling diesel fuel at prices which exceed the maximum levels specified in the FEA Regulations. In considering the Walker Appeal the FEA observed that Walker would have achieved a higher level of profitability in its 1974 fiscal year than it realized in each of the two preceding fiscal years even if it had complied with the FEA Regulations. The FEA held that in view of that situation no showing had been made that a serious hardship exists in this matter. Finally, the FEA determined that Walker had failed to show, either in its initial exception application or in its Appeal, that it would experience a severe and irreparable injury in the absence of retroactive relief. The FEA therefore denied the Walker Appeal.

Kewanee Oil Co.; Tulsa, Okla.; FXA-1237, Crude oil

Kewanee Oil Company appealed from a Decision and Order which the FEA issued to it denying the firm's Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Kewanee Oil Co., 5 FEA Par. 83,069 (February 18, 1977). The Kewanee Appeal, if granted, would have resulted in the rescission of the February 18 Decision and Order and the issuance of an Order permitting the firm to charge upper tier ceiling prices for a portion of the crude oil which it produces from the North Stanley Field located in Osage County, Oklahoma. In the Appeal Kewanee contended that it should have been permitted to sell at upper tier price levels a quantity of crude oil which is equivalent to the amount it would have been able to sell at comparable levels prior to regulatory changes which became effective on February 1, 1976. In reviewing the Kewanee submission, the FEA determined that the firm had failed to show that it did not have a substantial economic incentive under current regulations to continue its polymer injection operations at the Field or that it was affected in a unique or disproportionate manner by the FEA Price Regulations. The FEA noted that Kewanee's contention that its profits had been reduced as a result of changes in the FEA regulatory program does not provide a sufficient basis for the approval of exception relief. Finally, the FEA rejected Kewanee's assertion that the denial of exception relief in this case would discourage it and other firms from making similar investments in enhanced recovery projects in the future. The FEA pointed out that exception relief may be granted where a producer demonstrates that, unless it is permitted to charge prices in excess of lower tier levels, it will lack an economic incentive to make a proposed investment which would increase crude oil production. On the basis of these considerations, the Kewanee Appeal was denied.

Pawnee Petroleum Co.; Seminole, Okla.; FXA-1254; Crude Oil

Pawnee Petroleum Company appealed from a Decision and Order issued to it by the FEA on March 4, 1977. Pawnee Petroleum Co., 5 FEA Par. 83,087 (March 4, 1977). In that Order the FEA denied the portion of Pawnee's Application for Exception in which the firm requested prospective and retroactive exception relief which would have permitted it to treat its Strothers #C Well, Logan Lease and Riley #1 Well as stripper well properties. In considering the Appeal, the FEA rejected Pawnee's contention that it was unreasonable to require it to comply with the provisions of Ruling 1975–12. That Ruling sets forth the criteria that must be satisfied in order for a well to be regarded as a multiple completion well for purposes of determining whether a property qualifies as a stripper well property. The FEA noted that, since Ruling 1975–12 increased rather than reduced the number of wells that would qualify as stripper wells, its retroactive application did not in any way adversely affect Pawnee. The FEA further found that Pawnee had failed to substantiate its assertion that the Oklahoma Corporation Commission (OCC) had treated each of the wells involved in this case as two or more wells. Moreover, the FEA stated that, even if this assertion were correct, the OCC determination would not, by itself, constitute a sufficient reason for a firm to conclude that its well should be considered as two or more wells for the purposes of the FEA regulatory program. Finally, the FEA found that Pawnee had not provided any material in support of its claim that it had sought clarification of the meaning of the term "well" from the Cost of Living Council and was instructed to refer to the rules and regulations of the State of Oklahoma. In view of these considerations, the FEA determined that Pawnee's Appeal should be denied.

Skelly Oil Co.; Tulsa, Okla.; FRA-1098; Motor Gasoline

Skelly Oil Company filed an Appeal from a Remedial Order which the Regional Administrator of FEA Region VI issued to the firm on December 6, 1976. In the Remedial Order, the FEA found that Skelly markets two brands of leaded gasoline, regular and Skeltane, at the nearest octane number to its unleaded gasoline. The Remedial Order further found that Skelly determined its imputed May 15, 1973 price for unleaded motor gasoline solely on the basis of its May 15, 1973 selling price for its regular brand motor gasoline without regard to the lower price which it was charg-

ing for its Skeltane brand. On the basis of those findings, the Remedial Order concluded that Skelly had been charging prices for Skeltane which exceeded the maximum lawful selling price for that product. In its Appeal, Skelly contended that the Remedial Order was defective because it did not take into account the fact that Skeltane is a premium grade gasoline which commands a higher price than regular unleaded gasoline. In considering the Skelly Appeal, the FEA found that Skelly had failed to demonstrate that it had charged prices for Skeltane which were lower than the maximum lawful selling price for that product. The FEA therefore concluded that Skelly had violated the provisions of 10 CFR 212.93. However, the FEA found that the Remedial Order was defective because it did not include sufficient findings of fact to support the determination reached. In particular, the FEA held that the Order should have contained explicit factual findings with regard to the classes of purchaser which Skelly serves, the maximum legal selling prices for each of the classes of purchaser during the period covered by the Remedial Order, the quality of the gasoline which Skelly sold to the various purchasers involved in the compliance proceeding, and the disallowance of certain transportation costs from the computation of Skelly's allowable increased costs under the provisions of Section 212.92. The FEA further found that it was not possible to determine from the Remedial Order whether Skelly was correct in asserting that the FEA had used weighted average selling prices instead of actual selling prices in arriving at the conclusion that the firm had violated the provisions of Section 212.93. In view of these deficiencies in the Remedial Order, the FEA determined that the Appeal should be granted and the Remedial Order should be remanded to the Regional Administrator of FEA Region VI for further review. However, the FEA rejected Skelly's claim that the Remedial Order improperly applied the provisions of Section 212.93(e) to the firm on a retroactive basis. In this regard, the FEA determined that an amendment to that Section which was issued on September 1 did not change those provisions but only clarified them. In addition, the FEA rejected Skelly's contention that the FEA lacks authority to require a firm to refund overcharges and to pay interest on the overcharges.

Zenith Oil Co.; Tulsa, Okla.; FXA-1150, Crude Oil

Zenith Oil Company appealed from a Decision and Order which the FEA issued to it on October 26, 1976. Zenith Oil Co., 4 FEA Par. 83,168 (October 26, 1976). In that determination, the FEA denied an Application for Exception which the firm had submitted from the provisions of 10 CFR, Part 212, Subpart D. The approval of the Zenith exception request would have permitted the firm to retain approximately $2 million in revenues which it realized during 1975 by charging prices for crude oil that were in excess of the levels permitted under 10 CFR 212.73. The FEA held in the October 26, 1976 Decision that there was no reasonable basis upon which Zenith could have construed Section 210.32 of the FEA Regulations as permitting it to consider any well that produces crude oil for only a portion of the measurement year to have produced crude oil for the entire year for purposes of determining whether the property qualified for stripper well status in 1975. In its Appeal, Zenith contended that compelling reasons existed which warranted the approval of retroactive exception relief. The firm asserted that during 1974 it became committed to an extensive crude oil drilling and exploration program in reliance on the cash flow that the two properties involved in the proceeding would generate as stripper well leases in 1975. In considering the Appeal, the FEA found that the legislative history of the Emergency Petroleum Allocation Act of 1973, as amended, clearly indicates that Congress intended that the stripper well exemption should be strictly interpreted so as to preclude a firm from manipulating the exemption and obtaining a benefit which the Congress never intended to confer. The FEA concluded that the position taken in Ruling 1975–12 which states that "average daily production" must be computed so as to recognize the fact that a well may have not been operating as a producing well for the entire measurement period simply clarifies the meaning of the term by interpreting it in light of the underlying Congressional intent. The FEA therefore rejected Zenith's assertion that the Ruling involves a retroactive modification of the FEA Regulations and sustained the conclusion reached in the October 26, 1976 Decision that Zenith's interpretation of the term "average daily production" and its reliance on that interpretation were unreasonable. The FEA also concluded that Zenith had failed to establish that its drilling and exploration program would be seriously imperiled in the absence of relief. In this regard, the FEA held that a mere showing by a firm that it would be able to invest additional funds and earn greater profits if it were permitted to retain the funds it had improperly received from violating FEA regulatory requirements did not form a proper basis for the approval of exception relief. The FEA therefore concluded that Zenith had failed to establish that the October 26 Decision and Order was erroneous in fact or law or was arbitrary or capricious and the firm's Appeal was accordingly denied.

Public Oil Co.; Morristown, Tenn.; FEE-3567

Public Oil Co. (Public) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Public requested that it be permitted to sell crude oil produced from its Lone Mountain Lease at upper tier ceiling prices. In considering the Application, the FEA found that Public had failed to demonstrate that it had been adversely affected by the FEA Regulations in a manner which would justify the grant of exception relief. The FEA noted that Public's gross revenues had increased substantially since 1973 and that its profits had increased as a result of changes in the FEA regulatory program. The FEA also found that Public had failed to demonstrate that it had been unable to pass through increased costs to its customers. Finally, the FEA found that Public had failed to demonstrate that it had been unable to obtain sufficient capital to finance its operations. The FEA therefore concluded that Public had failed to demonstrate that it was experiencing a serious hardship or gross inequity. Accordingly, Public's Application for Exception was denied.

Sun Oil Co.; Tulsa, Okla.; FXA-1252, Crude Oil

Sun Oil Company appealed from a Decision and Order which the FEA issued to it on March 4, 1977. Sun Oil Co., 5 FEA Par. 83,088 (March 4, 1977). In that Order the FEA denied the portion of Sun's Application for Exception in which the firm requested prospective and retroactive exception relief which would have permitted it to treat its Strothers #C Well, Logan Lease and Riley #1 Well as stripper well properties. In considering the Appeal, the FEA rejected Sun's contention that it was unreasonable to require it to comply with the provisions of Ruling 1975–12. That Ruling sets forth the criteria that must be satisfied in order for a well to be regarded as a multiple completion well for purposes of determining whether a property qualifies as a stripper well property. The FEA noted that, since Ruling 1975–12 increased rather than reduced the number of wells that would qualify as stripper wells, its retroactive application did not in any way adversely affect Sun. The FEA further found that Sun had failed to substantiate its assertion that the Oklahoma Corporation Commission (OCC) had treated each of the wells involved in this case as two or more wells. Moreover, the FEA stated that, even if this assertion were correct, the OCC determination would not, by itself, constitute a sufficient reason for a firm to conclude that its well should be considered as two or more wells for the purposes of the FEA regulatory program. Finally, the FEA found that Sun had not provided any material in support of its claim that it had sought clarification of the meaning of the term "well" from the Cost of Living Council and was instructed to refer to the rules and regulations of the State of Oklahoma. In view of these considerations, the FEA determined that Sun's Appeal should be denied.

Texaco, Inc.; New Orleans, La.; FRA-1208, Motor Gasoline

Texaco, Inc. filed an Appeal from a Remedial Order which the Regional Administrator of FEA Region VI issued to the firm on December 6, 1976. In the Remedial Order, the FEA found that Texaco markets two brands of leaded gasoline, regular and Sky Chief, at the nearest octane number to its unleaded gasoline. The Remedial Order further found that Texaco determined its imputed May 15, 1973 price for unleaded motor gasoline solely on the basis of its May 15, 1973 selling price for its regular brand motor gasoline without regard to the lower price which it was charging for its Sky Chief brand. On the basis of those findings, the Remedial Order concluded that Texaco had been charging prices for Sky Chief which exceeded the maximum lawful selling price for that product. In its Appeal, Texaco contended that in the Remedial Order the FEA excluded certain

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ing for its Skeltane brand. On the basis of those findings, the Remedial Order concluded that Skelly had been charging prices for unleaded motor gasoline which exceeded the maximum price levels permissible under the provisions of 10 CFR 212.112. In order to rectify the violation which was found to exist, the Remedial Order directed Skelly to establish an imputed May 15, 1973 price for unleaded gasoline by calculating a weighted average price in all sales of the two brands of leaded gasoline at the nearest octane number to unleaded gasoline. The Remedial Order further directed Skelly to establish its classes of purchaser for unleaded gasoline based on the criteria which distinguish leaded gasoline classes of purchaser with the exception of brand and grade distinctions.

In considering the Skelly Appeal, the FEA held that in order to correctly formulate classes of purchaser in accordance with the principles enumerated in Ruling 1975–2 a firm must apply the illustrative factors discussed in the Ruling sequentially, by first applying the factor that makes the broadest or most basic differentiation among purchasers and applying the remaining factors in order to achieve a finer discrimination among the purchasers involved. In the context of the Skelly Appeal, the FEA determined that price distinctions based on differences in quality are so basic that those differences must provide the initial class of purchaser differentiation. Consequently, the FEA held that Skelly must first select the particular quality of leaded gasoline of the same or nearest octane number which is most similar to the quality of the unleaded gasoline which it is now offering for sale and then apply the other relevant factors within that particular quality of leaded gasoline in order to identify the particular class of purchaser that is most similar to the class of purchaser to which unleaded gasoline is being sold. The FEA further stated that Skelly must then utilize the maximum lawful price at which leaded gasoline was priced in transactions with the particular class of purchaser on May 15, 1973 to determine its maximum lawful price for the most similar class of purchaser to which unleaded gasoline is presently being sold. Since the approach which the Regional Administrator adopted in the December 6 Remedial Order differed in a number of significant respects from these principles, the FEA concluded that the Remedial Order should be rescinded and the matter remanded to the Regional Administrator for further proceedings.

Zenith Oil Company, Inc., Minneapolis, Minn.; FEA–1047; No. 2 Heating Oil

Zenith Oil Company, Inc., appealed from a Remedial Order which FEA Region V issued to ... on October 28, 1976. In the Remedial Order, Region V determined that Zenith sold No. 2 heating oil to certain customers at prices in excess of those permitted under 6 CFR 150.359 and 10 CFR 212.93. In order to remedy the violations, Zenith was directed to refund the overcharges to the customers which were overcharged. In its Appeal, Zenith contended that it was prejudiced in its attempts to comply with the FEA Price Regulations because it did not possess a copy of those regulations. The FEA found this claim to be without merit since the FEA Regulations are public documents and Zenith, like all firms dealing in petroleum-related activities, has an affirmative obligation to be cognizant of and to conform its business operations to the requirements set forth in the FEA Regulations. See Carlos R. Leffler, Inc., 2 FEA Par. 80,640 (July 18, 1975). In addition, the FEA found that Zenith's May 15, 1973 cost of No. 2 heating oil was correctly calculated and that no transportation costs were improperly included in the calculation from which the violation was determined. Zenith also contended that in the Remedial Order the FEA excluded certain allowable nonproduct cost increases in calculating the firm's maximum permissible selling prices. Although this particular argument was rejected, the FEA did find that the Remedial Order was defective because it neglected to set forth Zenith's maximum permissible prices which had been used in calculating the amount of the pricing violations. In the absence of this information Zenith was unable to fully verify the accuracy of the FEA's findings with respect to its overcharges. See Koch Industries, Inc., 2 FEA Par. 80,580 (May 2, 1975). Accordingly, the Remedial Order was remanded to FEA Region V for further findings of fact with respect to this issue. Zenith also claimed that its sales of No. 2 heating oil to the customers identified in the Remedial Order constituted sales to a "new market" and that its maximum permissible prices should therefore have been determined in accordance with 10 CFR 212.111(b)(3). This contention was rejected because Zenith failed to show that any of the sales in question were in fact made to a new market. Zenith also claimed that the Remedial Order erroneously based the calculation of its maximum permissible selling price for No. 2 heating oil to the end-user class of purchaser on a February 15, 1973 sale when in fact the firm made another sale to the same class of purchaser on May 3, 1973. See 10 CFR 212.93(d). The FEA concluded that there was insufficient information presented in the Remedial Order to evaluate this claim, and that further and more specific findings should be made with respect to this issue in the revised Remedial Order which Region V issues. Finally, in view of the fact that Zenith had submitted evidence indicating that its financial condition was precarious, the FEA concluded that the firm might well be unable to make the refunds specified in the Remedial Order within the 210-day period provided. Accordingly, it was determined that any revised Remedial Order which is issued in this matter should provide for a method of restitution over a period of time which is not less than two years.

REQUESTS FOR EXCEPTION

Boise Aviation Fuel Co.; Boise, Idaho; Fee–3738; Aviation Fuels

The Boise Aviation Fuel Company (BAFCO) filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit BAFCO to increase its selling prices for aviation fuels by 4.2 cents per gallon and to retroactively increase its prices to recover non-product costs which the firm was unable to reflect in its selling prices in the period subsequent to November 1, 1973. In considering BAFCO's request for prospective exception relief, the FEA determined that BAFCO is presently incurring increased non-product costs which are 3.3 cents per gallon above the level of non-product costs which the firm is permitted to reflect in its selling prices. The FEA also found that BAFCO's present financial condition will be seriously affected if it is required to absorb these non-product cost increases on a continuing basis. Therefore, based upon previous FEA decisions involving similar factual circumstances, the FEA concluded that the application of Section 212.93 to BAFCO results in that firm bearing an unfair distribution of the burdens resulting from the nation's energy problems which constitutes a gross inequity warranting exception relief. Accordingly, exception relief was approved which permits BAFCO to increase its selling prices for aviation fuels to reflect the 3.3 cents per gallon of increased non-product costs. With respect to the firm's request for retroactive relief, the FEA determined that since the firm was unable to specify the potential refund obligation to which it would be subject, it was not possible to evaluate BAFCO's claim that it will experience an irreparable injury in the absence of retroactive exception relief. The FEA therefore concluded that the request for retroactive exception relief should be dismissed without prejudice to a resubmission if a Remedial Order is issued in this matter.

Cleary Petroleum Corp.; Oklahoma City, Okla.; FEE–4042; Crude Oil

Cleary Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from the J. A. Little "A" lease (the Little "A" lease) at upper tier ceiling prices. In considering the exception application, the FEA determined that the costs of producing crude oil from the Little "A" lease have increased significantly since May 1973 and, as a result of these costs, Cleary's production costs now exceed the price which the firm is permitted to charge for the crude oil which it produces. Consequently, the FEA concluded that Cleary does not have an economic incentive to continue to operate the Little "A" lease. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Cleary. Accordingly, Cleary was granted exception relief which permits it to sell at upper tier ceiling prices 89.77 percent of the crude oil produced and sold for the benefit of the working interest owners from the Little "A" lease.

Edwin L. Cox; Dallas, Tex.; FEE–4014; Crude Oil

Edwin L. Cox (Cox) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from its Seward LeJeune Lease at prices which are in excess of the lower tier ceiling price specified in 10 CFR 212.73. According to the Cox submission, in the absence of exception relief the firm would not have sufficient economic incentive to undertake capital investment projects which were necessary to continue its crude oil operations at the Lease. In considering Cox's Application, the FEA determined that a substantial amount of crude oil could be recovered from the Unit if the investments necessary to continue crude oil extraction operations were made. The FEA also determined, however, that if the firm were to sell the crude oil involved at the price levels specified in the FEA Regulations the firm would realize a negative rate of return on its capital investments. On the basis of previous precedents involving similar factual circumstances, the FEA concluded that exception relief should be granted to provide Cox with a sufficient economic incentive to make the necessary investments while at the same time avoiding the possibility that windfall profits would be obtained as a result of the exception relief. Exception relief was therefore approved which permits the firm to sell at upper tier ceiling prices a portion of the crude oil produced from the Lease for the benefit of the working interest owners during the period 1977 through 1979.

Robert E. Davis; Great Bend, Kans.; FEE–4072; Crude Oil

Robert E. Davis (Davis) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in a determination that the Gartung lease was a stripper well property during the period November 1973 through December 1974 and would thereby relieve Davis of any obligation to refund revenues which he may have realized as a result of charging excessive prices for crude oil during that period. In his exception application, Davis contended that the Gartung lease would have been classified as a stripper well property during the period if the lease's Well No. 3, which produces crude oil from two separate reservoirs, were regarded as two separate wells. In considering the exception request, the FEA noted that pursuant to Ruling 1976–12, a well may be regarded as two wells for the purpose of calculating the average daily production pursuant to the stripper well lease exemption only if the well contains two or more tubing strings, each of which carries crude oil from a separate and distinct producing formation, and the production capabilities of each formation are not affected by any change in the production level of any other formation producing through the same well. Since Davis' Well No. 3 did not meet these tests, the FEA concluded that Well No. 3 did not qualify as a multiple completion well under Ruling 1975–12. The FEA further noted that the fact that the Corporation Commission of the State of Kansas permitted Davis to commingle the crude oil which was produced from the two reservoirs does not constitute a sufficient reason for Davis to conclude that Well No. 3 should be considered as two wells for the purpose of the FEA regulatory program. The FEA therefore concluded that Davis had failed to establish that retroactive exception relief should be approved, and his exception request was accordingly denied.

Louisiana Land and Exploration Co.; New Orleans, La.; FEE–3595; Crude Oil

The Louisiana Land and Exploration Company (LL&E) filed an Application for Exception from the provisions of 10 CFR 211.63(b)(1) which, if granted, would extend the exception relief which the FEA had approved in four previous Decisions and Orders. In those Decisions the FEA permitted LL&E to retain for its own use up to 32,719 barrels per day (bpd) of crude oil produced from the Jay-Little Escambia Creek Field in northwestern Florida and relieved the firm of its obligation under 10 CFR 211.63(b)(1) to sell any of that crude oil to the Exxon Company, U.S.A. This relief was designed to make available to LL&E a quantity of Jay Field crude oil which is sufficient to enable it to continue operating its newly constructed refinery in Mobile, Alabama at a level equal to the supply-to-capacity ratio for domestic refiners in 1972. On the basis of financial and operating data which LL&E submitted in support of its present exception request, the FEA determined that the conditions which prevailed at the time the earlier Decisions and Orders were issued continue to exist. Accordingly, an extension of exception relief was approved. However, since LL&E has recently acquired access to an additional quantity of feedstock which is suitable for processing at its Mobile refinery, the measure of the exception relief which was approved was reduced to account for that new supply. Finally, the FEA found that the same factual circumstances on which previous approvals of exception relief to LL&E were based were likely to persist for the foreseeable future, and the exception relief which was approved was therefore extended on a permanent basis. As a condition of the continuation of exception relief, LL&E was directed to notify the FEA Office of Exceptions and Appeals if the factual circumstances on which the grant of exception relief was based are substantially altered in the future.

Marathon Oil Co.; Findlay, Ohio; FEE–3563
Mid-Continent, Inc.; West Memphis, Ark.; FEE–3564
Hamilton Oil Co.; Memphis, Tenn.; FEE–3565
Publix Oil Co.; Morristown, Tenn.; FEE–3567
Ingram Corp.; New Orleans, La.; FEE–3566; Unleaded Gasoline

Mid-Continent, Inc., Hamilton Oil Company, Publix Oil Company, Inc., Ingram Corporation (the applicants), and Marathon Oil Company filed Applications for Exception from the provisions of 10 CFR 211.9. The exception requests, if granted, would result in the assignment of Marathon as a base period supplier of unleaded gasoline to Mid-Continent, Hamilton, Publix and Ingram. Marathon would also be required to supply those firms with the volumes of unleaded gasoline which they contracted to purchase from the Energy Corporation fo Louisiana (ECOL) prior to the sale of ECOL's refinery to Marathon in September 1976. In considering the exception applications, the FEA found that the applicants had failed to take prudent and timely measures to protect their interests by filing Applications for Exception prior to undertaking capital investments which were contingent upon their receipt of the supplies of unleaded gasoline specified in those contracts. Nevertheless, the FEA found that the applicants had assisted ECOL in obtaining the financial support necessary for the construction of a new refinery and had thereby promoted important national policy objectives. The FEA also found that, if exception relief were not granted to Mid-Continent, Hamilton and Publix, those firms would experience significant losses on the capital investments which they made in anticipation of receiving supplies of unleaded gasoline from ECOL. Moreover, no evidence had been presented which indicated that any party would be adversely affected to a significant degree by the approval of the relief sought by the three firms. The FEA therefore concluded that exception relief should be granted assigning Marathan as a base period supplier to Mid-Continent. Hamilton and Publix for the volumes of unleaded gasoline which they contracted to purchase from ECOL. However, Ingram's exception request was denied because that firm, as a parent corporation of ECOL, was a party to the sale of the ECOL refinery to Marathon in September 1976 and did realize substantial economic benefits from that transaction. The FEA found that those benefits far outweighed any inconvenience which Ingram would experience if it were unable to obtain an assured supply of unleaded gasoline from the Marathon facility.

New England Power Co.; Westborough, Mass.; FEE–4146; Montaup Electric Co.; Somerset, Mass.; FEE–4148; Coal Conversion

The New England Power Company (NEP) and the Montaup Electric Company filed Applications for Exception which, if granted, would extend the period of time within which the firms could submit written comments with respect to certain Notices of Intent (NOI's) issued by the Federal Energy Administration pursuant to the Energy Supply and Environmental Coordination Act of 1974 (ESECA). In the NOI's, the FEA announced its intention to issue Prohibition Orders to various power plants owned by NEP and Montaup which would prohibit those power plants from burning natural gas or petroleum as their primary energy source. In their Applications for Exception, NEP and Montaup claimed that they would be unable to complete their analyses of the proposed findings set forth in the NOI's prior to the May 30, 1977 deadline for the submission of written comments and they requested that the comment period by extended to June 15, 1977. In considering the Applications for Exception, the FEA found that the legislative history accompanying ESECA confirmed that Congress wished to avoid extensive evidentiary hearings in which each party subject to a proposed Prohibition Order would be entitled to discovery procedures as well as cross-examination with respect to the findings which the FEA is required to make under Section 2 of ESCEA. The FEA further found that the firms had not demonstrated that material which had recently been released to them was indispensable to their preparation of responses to the NOI's since the firms had sufficient prior notice of the type of information necessary to dispute the proposed findings which were contained in the NOI's. Finally, the FEA determined that there was no material in the record which would substantiate a claim that the May 30 deadline imposed a greater burden on NEP or Montaup than on any other firm similarly affected by the NOI's. Based on these considerations, the FEA concluded that the Applications for Exception should be denied.

UCO Oil Co.; Whittier, Calif.; FXE–4111; Motor Gasoline

On June 11, 1976, October 15, 1976, and February 17, 1977, the FEA issued Decisions and Orders to the UCO Oil Company granting the firm an exception from the provisions of 10 CFR 211.9. UCO Oil Co., 5 FEA Par. 83,072 (February 17, 1977); UCO Oil Co., 4 FEA Par. 83,155 (October 15, 1976); and UCO Oil Co., 3 FEA Par. 83,219 (June 11, 1975). In each of those Decisions, the FEA determined that UCO was experiencing a serious financial hardship as a result of the prices which its principal base period suppliers, the TOSCO Corporation and the Macmillan Ring-Free Oil Company, Inc., were charging for motor gasoline. In order to alleviate the hardship which UCO was experiencing, each of those Orders directed the Regional Administrator of FEA Region IX to assign to UCO for a period of three months, a supplier or suppliers whose wholesale price for motor gasoline was within the range of prices charged by major suppliers in UCO's marketing area. In its present Application, UCO requested an extension of the exception relief previously granted. In considering the UCO Application, the FEA determined that UCO's financial position had improved substantially when compared to the financial results which the firm was experiencing during earlier periods and that the firm was no longer experiencing operating losses. Under the circumstances, the FEA concluded that no basis existed for an extension of exception relief which would confer special benefits on UCO and impose substantial burdens on other firms in UCO's market area. Accordingly, the UCO exception application was denied.

L. G. Vanderwork; Towner, Colo.; FEE–3457; Propane

L. G. Vanderwork filed an Application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit Vanderwork to increase its prices for propane above the maximum permissible levels computed pursuant to Section 212.93. Vanderwork also requested retroactive exception relief to November 1973 which would relieve the firm of any obligation to refund revenues which it previously obtained by charging unlawful prices for propane. In considering the request for prospective relief, the FEA noted that during the pendency of Vanderwork's Application amendments to the provisions of Section 212.93 had been promulgated which permit resellers such as Vanderwork the option of increasing their prices for propane on a monthly basis to reflect the actual non-product cost increases incurred. Consequently, as of May 1977, Vanderwork may choose to adjust its prices for propane to reflect actual non-product costs. In view of

this development, the firm's application for exception relief to pass on increased non-

condition would not permit it to place the full amount of the disputed funds into an

refund requirements of a Remedial Order set forth in General Crude Oil Co., 3 FEA Par.

by an amount which reflects the savings to the firm resulting from the discontinuance

additional exception relief for its 1976 fiscal year. In considering Sunland's Application,

April 8 Decision and Order further provided that exception relief would not be granted

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this development, the firm's application for exception relief to pass on increased non-product costs appeared to be unnecessary and was dismissed. In considering Vanderwork's request for retroactive relief, the FEA determined that the firm's assertions that it might be adversely affected by a denial of retroactive relief were premature for consideration since the firm was not yet able to specify the exact amount of the potential refund obligation to which it would be subject. The FEA stated that an argument based on speculative future hardship does not form a basis for the approval of exception relief and therefore denied this portion of Vanderwork's request.

PETITION FOR SPECIAL REDRESS

Gulf Oil Corp.; Tulsa, Okla.; FSG–0035; Motor Gasoline

Gulf Oil Corporation filed a Petition for Special Redress in which it requested that an Assignment Order issued by the FEA Region VI on July 14, 1976 directing Gulf to supply motor gasoline to Bay-Tex Terminal, Ltd. be rescinded. In its Petition, Gulf contended that the statement of fact and law set forth in the Assignment Order was insufficient as a matter of law. Gulf also argued that Region VI's refusal to permit the firm to examine the files relating to the Bay-Tex Application for Assignment deprived Gulf of a meaningful opportunity to comment on the July 14, 1976 Assignment Order prior to its issuance. In considering the firm's Petition, the FEA found that the July 14 Assignment Order failed to make certain factual determinations which the Regional Office was required to make, while other determinations were stated in a conclusory manner which gave no indication of the information on which they were based. The FEA therefore remanded the Assignment Order to the Region VI Office for further findings of fact and conclusions of law. Finally, the FEA found that the information contained in the files which Gulf had requested was proprietary information which was properly withheld from Gulf by the Region VI Office and which could not be released under a protective order. See Standard Oil Co. (Indiana), 5 FEA Par. 80,553 (January 17, 1977).

REQUESTS FOR STAY

Adams Oil Co., Inc.; Dillwyn, Va.; FRS–1267; Motor Gasoline; No. 2–D; Diesel Fuel; No. 2 Fuel Oil; Kerosene

Adams Oil Company, Inc. requested that a Remedial Order which the Director of Compliance of FEA Region III issued to the firm on April 4, 1977 be stayed pending a final determination of the firm's Appeal. In the Remedial Order the FEA found that Adams had sold motor gasoline, No. 2 fuel oil, No. 2–D diesel fuel and kerosene during the period November 1, 1973 through July 31, 1975 at prices that were in excess of the firm's maximum permissible selling prices. On the basis of these findings the Remedial Order directed Adams to refund the overcharges which it had obtained. In considering the firm's request for stay, the FEA determined that the firm had satisfied the standards for the approval of a stay set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). The FEA found that Adams had shown that it would raise significant arguments concerning the FEA's calculations of the firm's alleged overcharges and had also demonstrated that it would encounter an undue burden in recovering the refunds specified in the Remedial Order if it were ultimately successful on the merits of its Appeal. The FEA therefore concluded that the refund requirements should be stayed. The FEA also found that the firm's financial condition would not permit it to place the full amount of the disputed funds into an escrow account and remain a viable business venture. Consequently, the FEA required Adams to place one-third of the overcharges calculated in the Remedial Order into an escrow account as a condition of the stay.

C. C. Operating Co.; Victoria, TX.; FRS–1274; Crude oil

The C. C. Operating Company (C. C.) requested that a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on April 14, 1977 be stayed pending a final determination on the firm's Appeal of the Remedial Order. In the Remedial Order, the Deputy Regional Administrator determined that C. C. had sold crude oil at price levels that were in excess of the ceiling prices for crude oil specified in 10 CFR 212.73. In order to remedy the violation cited, C. C. was directed to refund to the purchaser of the crude oil approximately $38,000 in overcharges which it had improperly obtained from sales of crude oil during the relevant periods. In considering the request for stay, the FEA found that C. C. had failed to address any of the criteria set forth in Section 205.125(b), which establishes the grounds for granting a stay and that the allegations which it made in its Application for stay did not relate to those criteria. In view of those determinations, the firms' stay request was denied.

Florida Gas Exploration Co.; Winter Park, Fla.; FRS–1329; Crude Oil

Florida Gas Exploration Company requested that the provisions of a Remedial Order which the FEA issued to the firm on April 19, 1977 be stayed pending a final determination of its Appeal from that Order. In the Remedial Order, the FEA found that Florida Gas had sold crude oil produced from the Discorbis 15 Unit to the Kerr-McGee Oil Company at prices which exceeded maximum lawful levels. The Remedial Order also found that Florida Gas had overcharged Shell Oil Company in sales of crude oil produced from the Unknown Pass Field. On the basis of these findings, Florida Gas was directed to refund the overcharges plus interest. In considering the request for stay, the FEA found that Florida Gas could experience an irreparable injury in the event that it is required to make refunds since Kerr-McGee and Shell would in all likelihood pass through the refunds to their own customers, and Florida Gas could therefore experience considerable difficulty in recovering the funds in the event that it prevails on the merits of it Appeal. Furthermore, the FEA found that Florida Gas had raised significant substantive issues in its Appeal. Consequently, the FEA determined that a stay of the Remedial Order was warranted on the condition that Florida Gas place the full amount of the disputed funds into an escrow account pending a final determination of its Appeal.

Jay Oil Co.; Fort Smith, Ark.; FRS–1330; Refined Petroleum Products

The Jay Oil Company requested that a Remedial Order which the Director of Compliance of FEA Region VI issued to the firm on May 6, 1977 be stayed pending a final determination of the firm's Appeal of the Remedial Order. In the Remedial Order, the Director of Compliance determined that Jay had sold motor gasoline and diesel fuel to its customers at price levels which were in excess of the maximum permissible levels for the products specified in 10 CFR 212.93. On the basis of those findings, Jay was directed to refund to its customers approximately $150,000 in overcharges. In considering the request for stay, the FEA determined that Jay had failed to satisfy the criteria for a stay of the refund requirements of a Remedial Order set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). The FEA found that Jay had failed to raise sufficient questions concerning the propriety of the Remedial Order to warrant a stay under the General Crude standards. In addition, the FEA determinde that Jay had failed to substantiate its claims that it would be impossible for the firm to comply with the refund requirements of the Remedial Order within the time limitations specified or that the denial of its stay request would result in a more serious hardship and inequity to Jay than to any other affected party. The Application for Stay was therefore denied.

Kern County Refinery, Inc.; Bakersfield, Calif.; FRS–1331; Crude Oil

Kern County Refinery, Inc. filed an Application for Stay of the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would suspend Kern's obligation to purchase 248,066 entitlements specified in the Entitlement Notice which the FEA published in the month of May 1977 pending a determination of the firm's Appeal. In considering Kern's request, the FEA observed that in a Decision and Order issued on December 15, 1976, the FEA granted an exception to Kern that relieved the firm of any obligation to purchase entitlements during the period December 1976 through May 1977. Kern County Refinery, Inc., 4 FEA Par. 83,246 (December 15, 1976). However, as a result of an administrative error by the FEA Office of Regulatory Programs, Kern was listed on that Entitlement Notice as a net purchaser of entitlements. Under these circumstances, the FEA concluded that Kern's obligation to purchase 248,066 entitlements should be stayed pending further order.

Kaye J. Maupin d.b.a. Maupin Retail Sales; Eaton Rapids, Mich.; FRS–1320; Propane

Kaye J. Maupin d.b.a. Maupin Retail Sales filed an Application for Stay of a Remedial Order which the FEA Region V issued to it on May 2, 1977. In the Remedial Order, the FEA determined that Maupin had sold propane at prices that were in excess of the levels permitted under the provisions of Section 212.93. On the basis of this determination, the Remedial Order directed Maupin to refund the overcharges plus interest. In considering Maupin's stay request, the FEA determined that the firm had satisfied the criteria for the approval of stay set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976) by showing that it would raise substantial issues in its Appeal and that it could encounter an undue burden in recovering the refunds required by the Remedial Order if it ultimately succeeded on the merits of its Appeal. The Application for Stay was therefore approved. However, the FEA also determined that the firm's financial condition would not permit it to place the amount of the refunds required by the Remedial Order into an escrow account. The FEA observed that the establishment of an escrow account would affect the firm more severely than the actual implementation of the Remedial Order. Consequently, the FEA concluded that an escrow account should not be required as a condition of the stay.

Shell Oil Co.; Houston, Tex.; FRS–1319; Petroleum Products

Shell Oil Company filed an Application for Stay of the requirements of a Remedial Order which was issued to the firm by the Deputy Regional Administrator of FEA Region VI on April 26, 1977. The Remedial Order directed Shell to make refunds to its dealers and either to reinstate the Master Charge credit plan which it utilized on May 15, 1973 or reduce its selling prices by an amount which reflects the savings to the firm resulting from the discontinuance of the use of the credit card. The amount of refunds which were to be made was not specified, but Shell was directed to secure data from its dealers and to develop further material which would enable it to calculate the amount involved. In its Application Shell requested a stay of the provisions of the Remedial Order which require the firm to make reimbursements to its dealers. In considering the Application the FEA noted that Shell had raised substantial questions of law concerning the propriety of the Remedial Order. Furthermore, Shell had convincingly demonstrated that it could incur an irreparable injury if it were successful on the merits of its Appeal of the Remedial Order. Under these circumstances, the FEA concluded that the refund requirements of the Remedial Order should be stayed during the pendency of the Appeal proceedings. In addition, the FEA concluded that Shell should not be required to establish an escrow account in this matter since the FEA could not determine the amount that should be set aside and Shell's ability to make timely disbursements of the refunds required by the Remedial Order would not be impaired by the approval of a stay.

Suburban Propane Gas Corp.; Whippany, N.J.; FRS–1314; Crude Oil

Suburban Propane Gas Corporation requested that a Remedial Order that the Deputy Regional Administrator of FEA Region VI issued to the firm on April 25, 1977 be stayed pending a final determination of the firm's Appeal. On the basis of findings that Suburban had erroneously classified a certain property as a stripper well lease from November 1973 through December 1974 and had improperly sold the crude oil from this property at exempt price levels, the Remedial Order directed Suburban to refund the revenues which it had derived from charging unlawfully high prices. In considering Suburban's stay request, the FEA determined that the firm had satisfied the criteria for the approval of a stay set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), by showing that it would raise substantial issues in its Appeal and that it could encounter an undue burden in recovering the refunds required by the Remedial Order if it ultimately succeeded on the merits of its Appeal. Consequently, in accordance with previous Decisions, a stay was granted on the condition that the contested funds be placed in an appropriate escrow account.

Sunland Refining Corp.; Los Angeles, Calif.; FES–0094; Crude Oil

Sunland Refining Corporation filed an Application for Stay of a Decision and Order which the FEA issued to the firm on May 13, 1977. *Sunland Refining Corp.*, 5 FEA Par. ---- (May 13, 1977). The May 13 Decision and Order directed the firm to purchase entitlements equal in value to $798,180 during the month of May 1977 in order to return entitlements revenues which Sunland erroneously received during the month of March 1977. In its Application for Stay, Sunland asserted that it received insufficient exception relief benefits from the provisions of the Entitlements Program during 1976 and accordingly would be entitled to receive additional exception relief from the FEA for its 1976 fiscal year. According to Sunland the value of this additional relief would exceed the $798,180 entitlement purchase obligation specified in the May 13 Decision and Order. Sunland therefore requested that the FEA stay the firm's $798,180 entitlement purchase obligation until such time as it is granted the additional exception relief for its 1976 fiscal year. In considering Sunland's Application, the FEA determined that the firm failed to satisfy any of the criteria for the approval of a stay set forth in 10 CFR 205.125(b). In addition, the FEA emphasized that the year-end review of entitlements exception relief and the obligations of a firm regarding the month-to-month operation of the Entitlements Program are separate and distinct. The FEA noted that Sunland was unjustly enriched by the $798,180 which it erroneously received in March 1977 at the expense of other participants in the Entitlements Program and concluded that, regardless of the ultimate outcome of the review of exception relief granted to the firm in 1976, the public policy considerations involved in this case lead to the conclusion that Sunland should not be permitted to retain those funds. Accordingly, Sunland's Application for Stay was denied.

SUPPLEMENTAL ORDER

Texas Asphalt & Refining Co., Houston, Tex.; FEX–015.; Crude and Unfinished Oils

On April 8, 1977 the Federal Energy Administration issued a consolidated Decision and Order to Texas Asphalt & Refining Company (TARCO) and two other firms. In that Decision exception relief was approved which permitted TARCO to obtain a fee-free allocation under 10 CFR 213.12 for the 1977–78 allocation period. *Algonquin Gas Transmission Co.; Texas Asphalt & Refining Co.; Time Oil Co.*; 5 FEA Par. ---- (April 8, 1977). The April 8 Decision and Order further provided that exception relief would not be available if TARCO were already eligible for a fee-exempt allocation for the 1977–78 allocation period under Part 213. Subsequent to the issuance of that Decision, TARCO notified the FEA that due to a projected increase in its inputs the firm will apparently qualify for an allocation during the 1977–78 period under 10 CFR 213.29 based on expanded refinery capacity, and that TARCO would therefore be disqualified from receiving the exception relief provided in the April 8 Decision and Order. However, the provision which disqualifies TARCO was only intended to ensure that the firm would not receive more than one allocation during the 1978–79 allocation period which was based on the same inputs to the Fort Worth refinery. The FEA therefore modified the terms of the exception relief provided in the April 8 Order and permitted TARCO to receive a fee-free allocation for expanded refinery capacity.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (dollars per gallon)
Farmland Industries, Inc	FXE–4067	Gillette	$0.0649
	FXE–4068	Lamont	.0286
	FXE–4069	Merizon	.0295
	FXE–4070	Quitman	.0174
Gary Operating Co.	FXE–4063	Rhebell	.0784
Locust Ridge Gas Processing Co.	FEE–4039	Locust Ridge	0.0400
Marathon Oil Co.	FEE–3956	Indian Basin	.0084
	FEE–3958	Markham	.0074
	FEE–3959	Rock River	1490
	FEE–3960	Sapio	.0162
	FEE–3961	South Coles Levee	.0095
	FEE–3963	Welder	.0741
	FEE–3964	West Forelands	.07115
	FEE–3965	West Sidney	.0454
Ozona Gas Processing Plant	FEE–4024	Ozona	.0133
Phillips Petroleum Co.	FEE–4025	Goldsmith	.0082
	FEE–4026	Lusk	.0071
Placid Oil Co.	FEE–4001	Black Lake	.0057
	FEE–4002	Calumet	.0098
	FEE–4003	Lapeyrouse	.0128
	FEE–4004	Lake Washington	.0257
	FEE–4005	Lirette	.0072
	FEE–4006	Patterson	.0138
	FEE–4007	Prentice	.0390
	FEE–4008	Pronix	.0071
	FEE–4009	Womack Hill	.0063
	FEE–4010	Ysceloskey	0
Sid Richardson Carbon & Gasoline Co.	FXE–4129	Keystone	.0216

1 Denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

B & K Oil Co., Piedmont, Mo., FEE–4142.
Daleco Resources, Beverly Hills, Calif., FEE–4041.

The following submissions were dismissed on the grounds that the requests are now moot:

Montaup Electric Co., Washington, D.C., FES–4148.
Skelly Oil Co., Tulso, Okla., FES–0079.

The following submissions were dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

O. B. McFarland, McAlester, Okla., FEE–4106.
Standard Oil Co. (Indiana), Chicago, Ill., FSG–0045.

SUMMARY DECISION

The FEA issued a summary decision which extended the time in which the following firm is required to file certain data pursuant to an April 25, 1977 Decision and Order:

Gary Western Co., Englewood, Colo., FEX–0160.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of

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Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

JULY 1, 1977.

[FR Doc.77-19531 Filed 7-8-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP77-65, RP77-66, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Hearing Dates

JUNE 28, 1977.

Alabama-Tennessee Natural Gas Company, RP77-65; Algonquin Gas Transmission Company, RP77-66; Arkansas-Louisiana Gas Company, RP77-67; Cities Service Gas Company, RP77-68; Colorado Interstate Gas Company, RP77-69; Columbia Gas Transmission Corporation, RP77-70; Consolidated Gas Supply Corporation, RP77-71; East Tennessee Natural Gas Company, RP77-72; Eastern Shore Natural Gas Company, RP77-73; El Paso Natural Gas Company, RP77-74; Equitable Gas Company, RP 77-75; Florida Gas Transmission Company, RP77-76; Michigan-Wisconsin Pipe Line Company, RP77-77; Midwestern Gas Transmission Company, RP77-78; Mississippi River Transmission Company, RP77-79; National Fuel Gas Supply Corporation, RP77-80; Natural Gas Pipeline Company of America, RP77-81; Northern Natural Gas Company, RP77-82; Northwest Pipeline Corporation, RP77-83; Panhandle Eastern Pipe Line Company, RP77-84; Southern Natural Gas Company, RP77-85; Tennessee Gas Pipeline Company, RP77-86; Tennessee Natural Gas Lines, Inc., RP77-87; Texas Gas Transmission Corporation, RP77-88; Transcontinental Gas Pipe Line Corporation, RP77-89; Transwestern Pipeline Company, RP77-90; Trumkline Gas Company, RP77-91; United Gas Pipe Line Company, RP77-92; Texas Eastern Transmission Corporation, RP77-93.

Pursuant to the directives prescribed in the Commission's order issued on May 11, 1977, in the above-styled proceedings, the following dates will be fixed for the purpose of convening formal hearings with respect to the following pipeline companies as provided for in the latter order:

Company	Docket Nos.	Dates
Transcontinental Gas Pipe Line Corp.[1]	RP77-89	July 18
Eastern Shore Natural Gas Co.[1]	RP77-73	Do.
United Gas Pipe Line Co.	RP77-92	July 7
Southern Natural Gas Co.	RP77-85	July 11
Columbia Gas Transmission	RP77-70	July 14
National Fuel Gas Supply Corp.[1]	RP77-80	July 19
Equitable Gas Co.[1]	RP77-75	Do.
Tennessee Gas Pipe Line Co.[1]	RP77-86	July 21
East Tennessee Natural Gas Co.	RP77-72	Do.
Alabama-Tennessee Natural Gas Co.	RP77-65	Do.
Tennessee Natural Gas Lines, Inc.	RP77-87	Do.

[1] 3 joint hearings will be held in the indicated dockets. The Transcontinental and Eastern Shore proceedings will convene as one hearing on July 18. Subsequently, National Fuel Gas and Equitable will convene on July 19. Similarly, Tennessee Gas and its listed customers will appear on July 21.

It is anticipated that each of these proceedings will, similarly to those conducted in the past, be concluded after one full day of hearing. The basic data needed to provide impact evaluation will be obtained from the witnesses sponsored by the designated jurisdictional pipeline companies noted in this Notice. It would seem that there would be little need for testimony from customers of the jurisdictional pipelines if the latter adequately complied with the requirements of our May 11, 1977, order in these proceedings.

Formal hearings will not be convened for any of the other pipelines that where designated in the above-styled proceedings.

The aforementioned formal hearings scheduled herein will be held in a hearing room of the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426 at 10:00 a.m. (EDT) on the dates indicated above.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-19457 Filed 7-8-77;8:45 am]

[Docket No. E-7671]

BLANDIN POWER CO.

Order Amending Order Approving Settlement

JULY 5, 1977.

On June 23, 1977, the Commission issued an order approving a settlement of payments for headwater benefits due the United States, certified to the Commission by the Presiding Administrative Law Judge on July 19, 1976, and incorporating that settlement by reference.

The settlement provided for the payment of specific amounts by the parties to this proceeding for headwater benefits during the period 1925 through 1965. The settlement also provided, as was pointed out by Commissioner Smith in his dissent, for payments for the years 1966 through 1975 under calculations to be made pursuant to Paragraph 3 of the offer of settlement.

The Commission has, on its own motion reconsidered its order of June 23, 1977, in this proceeding and has decided to condition its approval of the settlement proposal by limiting it to the years 1925 through 1965, as contained in Paragraphs 1 and 2 of section II of the proposed agreement. While the settlement for past periods represented an equitable apportionment of the headwater benefits given the procedural posture and other circumstances of the case, that reasoning does not apply to periods after 1965. Acceptance of a dollar settlement should not be precedential for determining the methodology for calculating headwater benefits for later periods or for other proceedings. Consequently, our order of June 23, 1977, is not binding as to computation of future payments for headwater benefits in this or any other proceeding.

The Commission orders: (A) Ordering Paragraph (A) of the order of June 23, 1977, in this proceeding is amended to read as follows:

"(A) The proposed settlement of payments for headwater benefits due the United States, certified to this Commission by the Presiding Administrative Law Judge on July 19, 1976, is incorporated herein by reference, approved and made effective, except insofar as it would apply to payments for the years 1966 and thereafter. Payments for headwater benefits for the years 1966 and thereafter by the parties to this proceeding are expressly reserved for future determination by the Commission."

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.19679 Filed 7-8-77;8:45 am]

[Docket No. E-9593]

CENTRAL POWER & LIGHT CO., ET AL.

Order Denying Emergency Petition and Granting Interventions

JULY 5, 1977.

On April 27, 1977, Central Power and Light Company (CP&L), Public Service Company of Oklahoma (PSO), Southwestern Electric Power Company (SWEPCO), and West Texas Utilities Company (WTU) (collectively referred to hereinafter as the C&SW companies) submitted for filing an "Emergency Petition * * * for Proceedings and Joint Hearings Pursuant to Sections 307 and 209(b) of the Federal Power Act." In the petition, the C&SW companies request that the Commission initiate a proceeding to conduct joint hearings with the Public Utility Commission of Texas (Texas PUC) concerning the question of intrastate and/or interstate service of Texas interconnected public utility systems. The C&SW companies allege that petitions for hearing on this question were filed with the Texas PUC by Houston Lighting and Power Company (HL&P),[1] Dallas Power & Light Company (DP&L), Texas Electric Service Company (TESCO) and Texas Power & Light Company (TP&L) on January 7, 1977.

Notice of the emergency petition of the C&SW companies was issued on May 13, 1977, with protests due on May 27, 1977. Timely petitions to intervene were filed by HL&P (on April 29, 1977),[2] Community Public Service Company (on May 23, 1977), the Committee on Power for the Southwest, Inc. (on May 27, 1977), the Corporation Commission of the State of Oklahoma (on May 27, 1977), the Oklahoma Association of Electric Cooperatives (on May 27, 1977), and DP&L, TESCO, and TP&L (on May 27, 1977).[3] A late petition to intervene was filed on June 21, 1977 by Concho Valley Electric Cooperative, Inc., Dickens County Electric Cooperative, Inc., Gate City Electric Cooperative, Inc., Hall County Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc., and Stamford Electric Cooperative, Inc. All of these petitioners have demonstrated a substantial interest in this proceeding.

The C&SW companies allege that the purpose of requesting the hearing before the Texas PUC by HL&P, DP&L, TESCO, and TP&L was to force the C&SW companies "to drop any transmission of electricity across state lines." It is further alleged that HL&P, DP&L, TESCO, and TP&L have "steadfastly refused to reconnect" with two of the C&SW companies, West Texas Utilities and Central Power and Light, despite the Federal Power Commission's order in Docket No. E-9558, issued July 21, 1976, in which those utilities were granted the opportunity to reconnect voluntarily without being subjected to FPC jurisdiction. According to the C&SW companies' petition, since the Texas PUC has been asked to hold a hearing which will involve a determination of the reliability of the interconnected utility system affecting the state of Texas, and since the FPC's July 21, 1976, Order called for a study involving a similar question, this Commission should initiate a joint hearing with the Texas PUC to avoid duplication of proceedings.

[1] The HL&P petition is entitled "Petition Requesting an Order (a) Convening a Hearing and Compelling West Texas Utilities Company (WTU) and Central Power and Light Company (CPL) To Appear and Show Cause Why Their Actions of May 3-4, 1976, and the Action of August 26, 1976, in Commencing Synchronous Operation With the Southwest Power Pool and Their Breach of the Participation Agreement Relating to the South Texas Project Do Not Violate the Public Utility Regulatory Act and (b) Ordering WTU and CPL, Pending the Completion of Such Hearing, To Cease and Desist the Implementation of any Plans for Generation or Transmission Facility Construction That Would Have an Adverse Impact, From Either an Economic or Electric Reliability Standpoint, on Other Utilities in Texas."

[2] A response to the emergency petition was included in the HL&P petition to intervene.

[3] DP&L, TESCO and TP&L filed an answer in addition to a petition to intervene on the same date.

We shall interpret the petition of the C&SW companies as presenting alternative requests: the initiation of joint hearings with the Texas PUC or the initiation of a separate hearing by this Commission relating to the same issue as is before the Texas PUC. For reasons set forth in the following paragraphs, we shall deny the petition and decline to initiate either alternative.

Joint hearing with the Texas PUC. A hearing before the Texas PUC on this issue commenced on May 2, 1977.[4] The emergency petition was filed with this Commission on April 27, 1977. This Commission was not provided with timely notice to be able to issue an oder relating to the petition prior to the commencement of the hearing before the Texas PUC. Moreover, the response of the C&SW companies to the petition before the Texas PUC included a request for the Texas PUC to convene joint hearings with the Federal Power Commission. The Texas PUC did not act on that request, apparently failing to see the necessity for joint deliberations. Consequently, it would be clearly inappropriate to initiate joint hearings at this late date, and we will not do so.

Hearing before the Federal Power Commission. A request for a hearing before this Commission on the issue in question is premature for two reasons. First, our July 21, 1976, order in Docket No. E-9558 denied an investigation and a hearing on this issue but ordered a Staff study to update a 1972 Staff report entitled "Study of Proposed Interconnection Between Electric Reliability Council of Texas and Southwest Power Pool." Since the study has not been completed, it would serve no useful purpose to set the matter of reliability of electric interconnections for hearing.

Second, the C&SW companies have appealed the July 21, 1976, order to the United States Court of Appeals for the District of Columbia Circuit.[5] Rather than hazard a guess as to the opinion of the Circuit Court concerning that order, we prefer to adhere to our findings and decisions pending the determination of the appellate court. Therefore, we shall deny the request for a hearing of the C&SW companies.

The Commission finds: (1) Good cause exists to accept the petitions to intervene of Houston Light and Power Company, Community Public Service Company, the Committee on Power for the Southwest, Inc., the Corporation Commission of the State of Oklahoma, the Oklahoma Association of Electric Cooperatives, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Concho Valley Electric Cooperative, Inc., Dickens County Electric Cooperative, Inc., Gate City Electric Cooperative, Inc., Hall County Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc., and Stamford Electric Cooperative, Inc. are hereby granted: *Provided, however,* That such intervention is limited to the issues set forth in the petitions to intervene; and *Provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any Commission order entered in this proceeding.

(B) The emergency petition of the Central and Southwest Companies which requests a joint hearing with the Public Utility Commission of Texas, or, in the alternative, a hearing by this Commission, is hereby denied.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19677 Filed 7-8-77;8:45 am]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Order Approving Settlement

JULY 1, 1977.

On February 16, 1977, the Presiding Administrative Law Judge in these proceedings certified to the Commission the proposed Settlement Agreement and the hearing record. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

These proceedings were initiated on August 1, 1974 when Delmarva Power and Light Company (Delmarva) and its

[4] The Texas Commission issued an interim order on May 2, 1977, and a final order on June 2, 1977, which ordered CP&L and WTU to disconnect its ties with the interstate non-Texas components of the C&SW system and to connect with the former members of the intrastate Texas Interconnected System. The C&SW companies have filed an appeal of both orders in Federal district court for the western district of Texas and in the district court of Travis County, Texas.

[5] Nos. 76-1995, 76-2012.

Maryland and Virginia affiliates[1] tendered for filing a rate increase of about $4 million for the Period II 12-month

proved and made effective as hereinafter ordered and conditioned.

cepted the filing, suspended it for one month to become effective subject to re-

(C) Within 30 days after the compliance rate filings are accepted for fil-

municipalities,[1] two rural electric cooperatives,[2] and its wholly-owned subsidiary

ministrative Law Judge for that purpose (see delegation of Authority, 18 CFR 3.5

Maryland and Virginia affiliates[1] tendered for filing a rate increase of about $4 million for the Period II 12-month test period ending September 30, 1975 applicable to various municipal, private, and cooperative utility customers. By order issued on October 24, 1974, the Commission suspended the proposed increase for one day, with an effective date of October 26, 1974, subject to refund.

Hearings were held and the initial and reply briefing was completed in February, 1976. On March 1, 1976, the Commission permitted Delmarva to amend its filing to include a fuel adjustment clause filed by stipulation to conform to Section 35.14 of the Commission's Regulations (18 CFR 35.14) as amended by Commission Order No. 517. Delmarva's filing in compliance with Order No. 517 enabled it to complement changes in its recovery of fuel related expenses.

By subsequent separate orders issued July 26, 1976, the Commission re-opened the record to include price squeeze as an issue,[2] and also an issue involving the settlement and cancellation of Delmarva's contract for the construction of the Summit Nuclear Power Station.

As a result of a settlement conference held on November 3, 1976,[3] an agreement was reached. Public notice of the proposed settlement and the Presiding Administrative Law Judge's certification to the Commission was issued on March 1, 1977. Both the customers and Staff filed comments in support of the agreement. No other comments were received.

Under the proposed agreement, the rate increase would be reduced to approximately $1,723,000 based on the actual test year data. The Company would refund excess revenues collected between October 26, 1974 and March 31, 1976[4] at the rate of 9% per annum; the fuel clause accepted by the March 1, 1976 Commission order in this docket would be included; and the price squeeze and Summit Nuclear Power Station issues would be resolved. Staff's analysis indicates that the settlement rates do not produce an earned return in excess of Staff's recommended rate of return of 8.94 percent which includes 12.50 percent on common equity.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement certified to the Commission in these proceedings on February 16, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Delmarva shall file with the Commission revised tariff shets and rate schedules in conformance with the Settlement Agreement.

(C) Within 30 days after the compliance rate filings are accepted for filing, Delmarva shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, Delmarva shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates: the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. This report shall include all data for the City of Dover, Delaware. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Delmarva or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19682 Filed 7-8-77;8:45 am]

[Docket No. ER76-494]

DELMARVA POWER & LIGHT COMPANY AND SUBSIDIARIES

Order Approving Settlement

JULY 1, 1977.

On May 3, 1977, the Presiding Administrative Law Judge in these proceedings certified to the Commission the proposed settlement agreement entered into by Delmarva Power & Light Company (Delmarva) and thirteen of its wholesale customers. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings in this docket were initiated on January 30, 1976, when Delmarva tendered for filing proposed rate increases amounting to $4,145,350 (12.8 percent), based on a projected test year ending December 1976. By order issued February 27, 1976, the Commission accepted the filing, suspended it for one month to become effective subject to refund on April 1, 1976, and ordered a revised fuel clause to be filed to comply with Order No. 517.

By order of May 7, 1976, the Commission granted a motion to sever the issue of deferred fuel expense surcharge from the other issues in this docket and to establish an expedited proceeding on the surcharge issue (Phase I). On January 12, 1977, the Presiding Administrative Law Judge issued his Initial Decision disapproving the surcharge provision. On May 20, 1977, the Secretary issued notice of review of this decision.

After several previous attempts at settlement, a conference of all parties was convened on February 2, 1977, which resulted in the proposed settlement agreement. By letter dated April 29, 1977, the Public Service Commission of Maryland indicated that it neither supports nor opposes the agreement, as reviewed by it previously in draft form. Public Notice of the proposed settlement agreement was issued on May 12, 1977. The Commission Staff filed comments in support of the settlement on May 20, 1977. No other comments were received.

The proposed settlement agreement would resolve all issues in this proceeding.[1] The rate increase requested would be reduced to $1,499,524 (4.6 percent), which would not generate an earned rate of return above the rate of return recommended by Staff of 9.23 percent, including 13.25 percent on common equity.

As part of the settlement Delmarva is waiving its right to contest the Initial Decision in Phase I and the proposed surcharge will be removed from the fuel clause. The Initial Decision is consistent with the decision reached by the Commission in Opinion No. 790, *Public Service Company of New Hampshire*, Docket No. ER76-285, issued March 21, 1977. Accordingly, we shall adopt the Initial Decision issued in Phase I of these proceedings.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement certified to the Commission in these proceedings on May 3, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Delmarva shall file with the Commission revised tariff sheets and rate schedules in conformance with the settlement agreement.

[1] Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia.

[2] On July 2, 1975, the Commission had deferred action on a motion of the municipal intervenors to include price squeeze as an issue pending final decision by the U.S. Supreme Court in *FPC* v. *Conway Corporation, et al.*, which was decided on June 7, 1976.

[3] A settlement conference was first held on May 30, 1975 but no agreement was reached at that time.

[4] This "locked in period" ends on March 31, 1976 because another Delmarva rate increase to the same customers became effective subject to refund on April 1, 1976 in Docket No. ER76-494. The City of Dover, Delaware, is to be included in this settlement for the period ending August 31, 1975, after which Dover received no service under Delmarva's firm service tariff.

[1] In Docket No. ER76-871, the Commission accepted Delmarva's Service Agreement with Lincoln and Ellendale Electric Company, subject to refund and subject to the outcome in this proceeding. Acceptance of the proposed agreement would also conclude all aspects of the Docket No. ER76-871 proceeding.

(C) Within 30 days after the compliance rate filings are accepted for filing, Delmarva shall refund amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made, Delmarva shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation together with a summary of such information for the total refund period (including Lincoln and Ellendale service resulting from the Docket No. ER76-871 proceeding). A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) Consistent with the provisions of the settlement agreement approved herein, the Initial Decision in Phase I of this proceeding issued January 12, 1977, is adopted.

(F) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Delmarva or any person or party.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19684 Filed 7-8-77;8:45 am]

GAS POLICY ADVISORY COUNCIL

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Gas Policy Advisory Council Conservation-Technical Advisory Task Force-Efficiency in the Use of Gas of July 14, 1977, which was published in the FEDERAL REGISTER June 6, 1977, 42 FR 28921.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19554 Filed 7-8-77;8:45 am]

[Docket No. ER77-427]

MINNESOTA POWER AND LIGHT CO.

Order Accepting For Filing and Suspending Proposed Rate Increase Filing, Initiating Hearing and Establishing Procedures

JULY 1, 1977.

Electric rates: (acceptance for Filing, Suspension).

On June 8, 1977, Minnesota Power and Light Company (MPL) submitted for filing a proposed increase in rates to 17 municipalities,[1] two rural electric cooperatives,[2] and its wholly-owned subsidiary Superior Water, Light and Power Company (Superior).[3] MPL also filed for a rate increase for transmission service applicable to its three transmission service customers.[4] The proposed rates would result in increased revenues of approximately $2,451,501 (11.5 percent) based on estimated sales for the year ending July, 1978. MPL has requested the increase be made effective July 8, 1977.

Public notice of the filing was issued on June 24, 1977 with protests or petitions to intervene due on June 29, 1977. No protests or petitions to intervene has been received at the time of this writing. Our review indicates that the proposed increased rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the proposed rates shall be suspended for 5 months until December 8, 1977, when they shall go into effect subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the proposed rates and to suspend those rates for five months until December 8, 1977, when they shall become effective subject to refund.

(2) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing to determine the justness and reasonableness of the proposed rates and to establish procedures for that hearing, as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained under the Federal Power Act, the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, proposed by MPL in this proceeding.

(B) Pending hearing and final decision thereon, MPL's filing for rate increases in Docket No. ER77-427 is hereby accepted for filing and suspended for five months, to become effective December 8, 1977, subject to refund.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 4, 1977 (see Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of Authority, 18 CFR 3.5 (d)), shall preside at an initial conference in this proceeding to be held on October 13, 1977, at 10 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commissions Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

MINNESOTA POWER AND LIGHT COMPANY
DOCKET NO. ER77-427

Municipal customers:	*Rate Schedule FPC No*
City of Biwabik	103
City of Brainerd	96
City of Ely	104
City of Gilbert	106
City of Grand Rapids	100
City of Keewatin	107
City of McKinley	117
City of Mountain Iron	123
City of Nashwauk	116
City of Pierz	98
City of Proctor	115
City of Randall	99
City of Staples	111
City of Aitkin	119
City of Buhl	121
City of Hibbing	105
City of Two Harbors	110

[FR Doc.77-19506 Filed 7-8-77;8:45 am]

[Docket No. ER 76-785]

MONONGAHELA POWER CO.

Order Approving Settlement

JULY 1, 1977.

On May 9, 1977, the Presiding Administrative Law Judge in these proceedings certified to the Commission the proposed settlement agreements together with the record. The Commission finds that the settlement agreements are in the public interest and accepts and approves them as hereinafter ordered and conditioned.

These proceedings were initiated on July 15, 1976 when Monongahela Power Company (Monongahela) tendered for filing a proposed rate increase in FPC Electric Tariff, Original Volume No. 1 amounting to $258,307 for its wholesale customers[1] based on a calendar 1975 test

[1] See attachment.

[2] The rural electric cooperative customers and their respective rate schedules are as follows:
United Power Association, Rate Schedule FPC Nos. 52 & 53.
Stuntz Cooperative Light & Power, Rate Schedule FPC No. 112.

[3] Superior receives service under Rate Schedule FPC No. 118.

[4] The transmission service customers and their respective rate schedules are as follows:
City of Wadena, Rate Schedule FPC No. 120.
United Power Association, Rate Schedule FPC Nos. 29 & 95.
City of Virginia, Rate Schedule FPC No. 102.

[1] Monongahela's wholesale customers under the Tariff are Harrison Rural Electrification Association, Inc.; The City of New Martinsville, West Virginia; and The City of Philippi, West Virginia (the Customers); and Potomac Edison Company (Potomac Edison).

period. By order issued on August 13, 1976, the Commission accepted the proposed rate increase for filing, suspended it for one month to become effective subject to refund on April 1, 1976, and ordered a revised fuel clause to be filed to comply with Order No. 517.

By order of May 7, 1976, the Commission granted a motion to sever the issue of deferred fuel expense surcharge from the other issues in this docket and to establish an expedited proceeding on the surcharge issue (Phase I). On January 12, 1977, the Presiding Administrative Law Judge issued his Initial Decision disapproving the surcharge provision. On May 20, 1977, the Secretary issued notice of review of this decision.

After several previous attempts at settlement, a conference of all parties was convened on February 2, 1977, which resulted in the proposed settlement agreement. By letter dated April 29, 1977, the Public Service Commission of Maryland indicated that it neither supports nor opposes the agreement, as reviewed by it previously in draft form. Public Notice of the proposed settlement agreement was issued on May 12, 1977. The Commission Staff filed comments in support of the settlement on May 20, 1977. No other comments were received.

The proposed settlement agreement would resolve all issues in this proceeding.[1] The rate increase requested would be reduced to $1,499,524 (4.6 percent), which would not generate an earned rate of return above the rate of return recommended by Staff of 9.23 percent, including 13.25 percent on common equity.

As part of the settlement Delmarva is waiving its right to contest the Initial Decision in Phase I and the proposed surcharge will be removed from the fuel clause. The Initial Decision is consistent with the decision reached by the Commission in Opinion No. 790, *Public Service Company of New Hampshire*, Docket No. ER76-285, issued March 21, 1977. Accordingly, we shall adopt the Initial Decision issued in Phase I of these proceedings.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement certified to the Commission in these proceedings on May 3, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Delmarva shall file with the Commission revised tariff sheets and rate schedules in conformance with the settlement agreement.

[1] In Docket No. ER76-871, the Commission accepted Delmarva's Service Agreement with Lincoln and Ellendale Electric Company, subject to refund and subject to the outcome in this proceeding. Acceptance of the proposed agreement would also conclude all aspects of the Docket No. ER76-871 proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in

Complainants allege that the language

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period. By order issued on August 13, 1976, the Commission accepted the proposed rates for filing, suspended them for one month, with an effective date of September 15, 1976, subject to refund.

As a result of a formal settlement conference held on February 25, 1977, two settlement agreements were reached between Monongahela and Potomac Edison and between Monongahela and the Customers. The agreements were filed with the Presiding Administrative Law Judge on May 1, 1977, along with a joint motion for Commission approval. Public notice of the proposed settlement was issued on May 10, 1977. Staff filed comments supporting the agreements. No other comments were received.

Under the proposed settlement, the rate increase would be reduced to $160,000, based on the same test period, to be effective September 15, 1976, in addition to revenues produced by application of charges resulting only to the Cities of Philippi and New Martinsville from implementation of the municipal tax surcharge clause included in the proposed Tariff. The Cities and the Company release each other from any claims for refunds of payment of municipal business and occupation taxes or tax surcharges made to the other before the effective date of the proposed settlement rates. Staff's analysis indicates that the settlement rates do not produce an earned return in excess of Staff's recommended rate of return of 9.20 percent which included 13.00 percent return on common equity.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement certified to the Commission in these proceedings on May 9, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, Monongahela shall file with the Commission revised tariff sheets in conformance with the settlement agreement.

(C) Within 30 days after the compliance rate filings are accepted for filing, Monongahela shall refund amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made, Monongahela shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly settlement rate increase; the monthly revenue refund; and the monthly interest computation, together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Monongahela or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19683 Filed 7-8-77;8:45 am]

[Docket No. ER77-326]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Order Accepting in Part and Rejecting in Part Proposed Amendment to Power Pool Agreement

JULY 1, 1977.

On April 28, 1977, the NEPOOL Executive Committee tendered for filing an Agreement Amending the NEPOOL Power Pool Agreement (Amendment), dated December 31, 1976,[1] which modifies the provisions of the New England Power Pool Agreement (NEPOOL Agreement), dated September 1, 1971. The proposed Amendment deletes Section 9.5 of the NEPOOL Agreement and suspends Section 9.4(d) of the NEPOOL Agreement during the pendency (and ninety days thereafter) of the appeal taken by the NEPOOL Executive Committee to the United States Court of Appeals for the District of Columbia Circuit from the order of the Commission requiring modification of Section 9.4(d). The NEPOOL Executive Committee requests waiver of the Commission's notice requirements to allow the Amendment to become effective as of February 3, 1977.

Public notice of the filing was issued on May 5, 1977, with comments, protests, or petitions to intervene due on or before May 20, 1977. No responses were received.

For the reasons set out below we shall accept the filing as to Section 9.5 (Section 1, 1.1 of the Amendment) and reject the filing as to Section 9.4(d) (Section 1, 1.2 of the Amendment).

The Amendment was filed by the NEPOOL participant systems pursuant to orders of the Commission issued in Docket No. E-7690 on September 10, 1976 and on November 5, 1976. Commission Opinion No. 775 dated September 10, 1976, found that Sections 9.4(d) and 9.5 of the NEPOOL Agreement are unduly discriminatory and ordered the Executive Committee to file within 60 days an amended NEPOOL Agreement with an appropriate revised Section 9.4(d) and with Section 9.5 deleted. Opinion No. 775-A dated November 5, 1976, extended the time for such filing to 90 days after its date of issue, i.e., to February 3, 1977.

To the extent that the Amendment proposes to delete Section 9.5, it is in compliance with Commission Opinion Nos. 775 and 775-A and, therefore, we will accept the Amendment with respect to that Section.

With respect to Section 9.4(d), the Executive Committee seeks to suspend the operations of that Section pending court review, which, if granted, would constitute a stay of our Opinion Nos. 775 and 775-A requiring modification of Section 9.4(d). Such a stay had previously been denied. Specifically, on December 20, 1976, the Executive Committee petitioned for stay of the Commission's orders requiring modification of Section 9.4(d) pending court review. By order of February 7, 1977, the Commission denied the request for a stay, but allowed a further 120 days for compliance. No new facts or principles of law have been presented in the instant filing to warrant any change or modification of our order of February 7, 1977, and, since the provision pertaining to Section 9.4(d) is contrary to our order, we shall reject it.

Rejection of part of this filing for noncompliance with Commission orders requiring modification does not, however, affect the current suspension of Section 9.4(d). By order of December 24, 1975, in Docket No. ER76-97, the Commission accepted for filing an agreement amending NEPOOL Power Pool Agreement, dated June 1, 1975, which provided for elimination of any charges under Section 9.4(d) of the Power Pool Agreement during the period May 1, 1975, through October 31, 1977. No charges are, therefore, currently collected under Section 9.4(d). The partial rejection of the instant filing is without prejudice to a request for extension of the current suspension period of Section 9.4(d) which will expire by its terms on November 1, 1977.

The Commission finds: (1) Good cause exists to accept for filing NEPOOL's proposed Amendment as it relates to Section 9.5 of the NEPOOL Agreement (Section 1, 1.2 of the Amendment).

(2) Good cause exists to reject NEPOOL's filing as it relates to Section 9.4(d) of the NEPOOL Agreement (Section 1, 1.1 of the Amendment) for not being in compliance with Commission orders.

(3) Good cause exists to waive the notice requirements of the Commission's regulations for the provisions of the Amendment accepted hereby, to permit an effective date of February 3, 1977, as specified in Opinion No. 775-A.

The Commission orders: (A) The proposed Amendment tendered for filing in this docket is hereby accepted with respect to the deletion of Section 9.5 of the NEPOOL Agreement (Section 1, 1.2 of the Amendment) to become effective as of February 3, 1977.

(B) The proposed Amendment with respect to Section 9.4(d) of the NEPOOL Agreement (Section 1, 1.1 of the Amendment) is hereby rejected for the reasons stated in the body of this order.

[1] Designated as: New England Power Pool Supplement No. 15 to Rate Schedule FPC No. 2.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19672 Filed 7-8-77;8:45 am]

[Docket No. ER77-461]

NORTHERN STATES POWER CO.

Notice of Proposed Tariff Change

JULY 5, 1977.

Take notice that Northern States Power Company (Wisconsin) on June 17, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff, FPC Rate Schedule No. 45, Supplement No. 6. Wisconsin states that the proposed changes are requested to alter its agreement with the Village of Bloomer, Wisconsin.

Wisconsin further states that this Agreement was renegotiated at this time since the present Agreement is scheduled to expire in January 1978. Wisconsin proposes an effective date of July 11, 1977, and therefore requests waiver of the Commission's notice requirements.

According to Wisconsin copies of the filing were served upon the Village of Bloomer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19676 Filed 7-8-77;8:45 am]

[Docket No. E-9572]

PAPAGO TRIBAL UTILITY AUTHORITY AND ARIZONA ELECTRIC POWER COOPERATIVE, INC. v. ARIZONA PUBLIC SERVICE CO.

Order Instituting Investigation, Permitting Intervention, and Establishing Procedures

JULY 5, 1977.

On October 28, 1976, the Papago Tribal Utility Authority (PTUA) and Arizona Electric Power Cooperative, Inc. (AEPCO) jointly tendered for filing a complaint against Arizona Public Service Company (APS) alleging that APS has failed to comply with certain provisions of the Order Approving Stipulation and Offer of Settlement Subject to Conditions issued by the Commission on September 16, 1975, as clarified by an order issued on November 4, 1975, in Docket Nos. E-8621, et al., E-9280, et al., and E-9081, and with the express terms of the June 27, 1975 settlement agreement thereby approved. The proceedings in Docket Nos. E-8621, et al., E-9280, et al., and E-9081 were concerned primarily with certain automatic adjustment provisions. At issue in the proceedings herein are the provisions in the June 27 agreement and the September 16 order relating to the flow through of certain tax credit benefits.

Specifically, the complaint alleges the following:

(1) APS has flowed through the additional investment tax credit benefits it realized under the Tax Reduction Act of 1975[1] only from September 16, 1975 forward, rather than from January 1, 1975 forward, as was agreed and ordered.

(2) APS has failed to implement its flowthrough of these tax benefits by following the procedure specified in the "Corrections of Formulae" provision of its wholesale power supply agreements which require that it will consult with affected jurisdictional customers in order to agree on new formulae to effectuate such flowthrough, as agreed and ordered herein. Instead, APS has unilaterally determined the amount of such tax benefits to be flowed through and has refused to disclose the basis for its computations.

The proceedings in Docket Nos. E-8621, et al., E-9280, et al., and E-9081 arose from several APS rate filings which included automatic adjustment provisions. By order issued July 15, 1974, the Commission instituted a Section 206 investigation into the reasonableness of the APS rates, including the automatic adjustment clauses, in these consolidated proceedings. A settlement was reached among the parties on June 27, 1975, and was approved by the Commission by order dated September 16, 1975.

The relevant paragraph of the settlement agreement which requires APS to flowthrough certain tax credit benefits states as follows:

3. The Federal income tax law having been changed by the Tax Reduction Act of 1975 and APS having made its election thereunder to immediate flowthrough of a greater investment tax credit benefit than was previously available, this shall be deemed good cause for implementation of an adjustment flowing through all of the additional investment tax credit benefit to APS under the "Correction of Formulae" provisions of the adjustment clause in APS' wholesale power or transmission agreements containing such correction clause, including the wholesale contracts with the five distributors listed in footnote 2 above.[2]

Order Clause (B) of the September 16 order states, in part:

* * * *Provided, however,* That Arizona shall flow through all of the investment tax credit resulting from the Tax Reduction Act of 1975, as provided in the settlement agreement.

Complainants allege that the language of the settlement agreement and the September 16 order, cited herein above, leave little room for doubt that APS was to flow through all of the dollars of additional investment tax credit benefits it received under the 1975 Act by making such flowthrough effective from January 1, 1975 when the new tax credits became effective. The complainants state that they were not aware of the fact that APS assumed the contrary interpretation, i.e., that the date which the FPC approved the settlement agreement was the date on which APS's obligation to flow through the tax credit benefits was to begin, until they received a letter dated April 27, 1976 transmitting refunds to the complainants pursuant to the September 16 Commission order. The refunds did not include any amount for the additional investment tax credit benefits realized by APS for the period of January 1, 1975 to September 16, 1975.

PTUA and AEPCO further allege that the calculations they received from APS, at their request, make it impossible to determine either the amount of the additional investment tax credit benefit to APS or the manner in which APS calculated the distributions it made for the period beginning September 16, 1975. In addition, the complainants allege APS's failure to comply with the terms of the settlement agreement which they state requires APS to consult with its wholesale customers to determine, by mutual agreement, the measure and method of flowing through the additional tax credit benefits.

PTUA and AEPCO state that an effort at informal resolution of their complaints has been unsuccessful.

To correct the conditions described in the allegations, the complainants request the Commission to find that:

(1) APS is obligated to flow through all additional investment tax credit benefits received from January 1, 1975 forward;

(2) APS is obligated to determine the amount and method of flowing through refunds atributable to such additional investment tax credit benefits in accordance with the "Corrections of Formulae" provisions of its wholesale power supply agreements with PTUA and AEPCO; and that

(3) APS shall disclose fully its federal and state income tax returns and all other data relevant to a determination of such additional investment tax credit benefits.

PTUA and AEPCO further request that, on the basis of such findings, the FPC issue an order directing APS to immediately meet with its customers so that agreement may be reached upon an appropriate means whereby the entire tax savings accruing to APS by virtue of the additional investment tax credit benefits enacted by the Tax Reduction Act of 1975 will be flowed through to PTUA and AEPCO, starting with January 1, 1975.

Notice of the Complaint was issued on November 16, 1976, with responses due on or before December 13, 1976. On November 29, 1976, APA and Wellton-Mohawk filed a Joint Petition for Leave to Intervene, and on December 27, 1976, Citizens filed a Petition to Intervene Out of Time. Neither party added to the allegations

[1] The June 27 settlement agreement refers to the Tax Reduction Act of 1975.

[2] Footnote 2 refers to Citizens Utility Company (Citizens), Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk), and Arizona Power Authority (APA), as well as to PTUA and AEPCO.

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raised in the Complaint but only requested that they be permitted to partici-

(2) Good cause exists to allow APA and Wellton-Mohawk to intervene in

ment the sale, finds it uneconomical to continue operation of certain of these

out prior Commission permission and approval constitute apparent violations of

the Commission's Regulations thereunder for operating the hereinbefore de-

1977, at 10 a.m., in a hearing room at the

raised in the Complaint but only requested that they be permitted to participate fully in any proceedings which might be initiated as a result of the Complaint.

By letter dated November 12, 1976, the Commission served a copy of the subject Complaint on APS advising them that an answer to the Complaint was required within 30 days. On December 10, 1976, APS filed its response.

With regard to complainants' allegation that all additional investment tax credits should be flowed through from January 1, 1975, rather than only from September 16, 1975, APS contends that if such had been the intent of the Stipulation it would have been plainly so stated. APS points out that in its filings of December 2, 1975, in compliance with the aforementioned Commission order of September 16, it is specifically stated that the rate schedules are to be effective as of September 16, 1975. APS states that the December 2 filings as to both complainants contained a statement relating to the "Correction of Formulae" clause, which reads as follows:

> 3.1(b) Applicable after September 16, 1975, all rates schedules having a "Correction of Formulae" clause shall have the benefits of the flow through of the investment tax credit under the Tax Reduction Act of 1975 by reason of the Stipulation of Settlement and the Commission's Order issued September 16, 1975.

APS argues that notice of these filings was issued, but that no one objected.

With regard to the allegations that APS unilaterally determined the amount of the tax benefits to be flowed through and refused to disclose the basis for its computations, APS contends that the implementation of the tax investment credit under the Tax Reduction Act of 1975 was a part of the extensive settlement negotiations in Docket Nos. E–8621, et al., and that APS had sent to complainants sufficient explanatory material with its June 2 calculations and also with its December 2 compliance filing.

The Commission's review of the complaint, the petitions to intervene, and APS's response thereto indicates that PTUA and AEPCO have raised issues which require development in an evidentiary proceeding. An investigation is necessary to determine (1) the proper effective date for APS's flow through of the additional tax investment credit benefits resulting from the Tax Reduction Act of 1975, (2) whether APS is flowing through the full amounts of the tax investment credits, and (3) whether APS is using the proper methodology. Further, we determine that APA and Wellton-Mohawk have standing to intervene in this docket.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into an investigation concerning APS's proper flowthrough of certain tax credit benefits resulting from the Tax Reduction Act of 1975.

(2) Good cause exists to allow APA and Wellton-Mohawk to intervene in the proceedings herein instituted.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly Sections 306, 307, 308, and 309 thereof, and the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a Presiding Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene a pre-hearing conference on July 28, 1977, at 10 a.m., in a public hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issues discussed herein. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the rules of practice and procedure.

(B) APA and Wellton-Mohawk are hereby permitted to intervene in the proceeding herein instituted, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the intervenors shall be limited to matters effecting the rights and matters specifically set forth in their petitions to intervene. *And provided, further,* That the admissions of the intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Secretary shall cause the prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19670 Filed 7–8–77;8:45 am]

[Docket No. CI75–541]

PAUL R. DAVIS AND LESTOR B. WOOD ET AL.

Order to Show Cause, Setting Formal Hearing, and Prescribing Procedures

JULY 1, 1977.

On March 12, 1975 Paul R. Davis and Lester B. Wood (Applicants) filed in Docket No. CI75–541 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Texas Eastern Gas Transmission Corporation (Texas Eastern) from the Woodlawn Field, Harrison and Marion Counties (Other Southwest Area). Such sales are made pursuant to a contract dated June 2, 1955 on file a applicants' FPC Gas Rate Schedule No. 1 and certificated in Docket No. G–9036.

Applicants' stated reason for the requested abandonment is that a third party, Dorchester Gas Processing Company (Dorchester), operator of the gathering system, processing plant and delivery line necessary to actually implement the sale, finds it uneconomical to continue operation of certain of these facilities due to monthly volumes of casinghead gas produced, processed and sold. In connection with the filing of its application for abandonment, applicants state by letter dated May 8, 1975 that there are approximately 10 to 12 oil wells producing oil and casinghead gas and that rather than flare such gas, it is being processed and sold at the plant tailgate for delivery to a local gas line (East Texas Industrial Gas Company). Applicants also estimate remaining reserves to be produced over a one year period to approximate 24,000 to 36,000 Mcf. By letter dated May 23, 1977 applicants relate that in excess of 51,000 Mcf have been delivered at the plant tailgate to East Texas from May, 1975 through March, 1977. By letter dated August 4, 1975 applicants state that they hold minority interests in East Texas and that East Texas owns a 25 percent interest in the Dorchester Woodlawn Gasoline plant facilities. As of May 12, 1976 applicant Davis also served as one of five Directors on East Texas Board of Directors.

Dorchester, by letter dated April 1, 1976, advised that the gathering, processing, and delivery line facilities were built in 1954 under a gas processing agreement between Woodlawn Processing Corporation and the Gas Owners whereby Woodlawn was to install the above facilities as consideration for execution of the Gas Processing Agreements by the Gas Owners. As payment for installing the gas handling facilities, Woodlawn received a portion of the liquids from gas wells and certain payments for gathering, compressing and processing the casinghead gas. The facilities installed by Woodlawn were, according to Dorchester, required to prepare the gas for marketing and were not subject to the provisions of section 7(c) of the Natural Gas Act. Dorchester acquired a 25 percent interest in these facilities in 1963 and the remaining 75 percent on July 1, 1972. Subsequently, on December 1, 1972, Dorchester sold a 25 percent interest in the facilities to East Texas. Dorchester states that no application for abandonment was filed inasmuch as the 8 mile delivery line from the plant to Texas Eastern's transmission line was not certificated when constructed.

We note that applicants' request for abandonment raise serious questions apart from the immediate issue of whether approval is warranted. In particular, we note that since deliveries ceased to Texas Eastern commencing in November, 1974 in excess of 67,000 Mcf of natural gas has been diverted to the intrastate market without first having obtained Commission permission and approval. Moreover, Dorchester's operation of the 8 mile delivery line from the plant tailgate to Texas Eastern's transmission line involving the transportation of natural gas in interstate commerce without obtaining a certificate and its subsequent cessation of service in connection with the subject sales to Texas Eastern without prior Commission permission and approval constitute apparent violations of Sections 7(c) and 7(b) respectively of the Natural Gas Act.

This order will therefore direct that a hearing be convened, concerning not only the request for abandonment authorization but also to ascertain facts and circumstances surrounding the applicant's termination of deliveries to Texas Eastern and concomitant diversion of such gas to the intrastate market through East Texas, an entity in which applicants purportedly hold a minority interest and representation on the Board of Directors. Concurrently, Texas Eastern's acquiescence to such cessation of deliveries and its apparent inaction to obtain reinstitution of service or monetary compensation for such loss of deliveries warrant evaluation. Further, Dorchester's operation and subsequent cessation of the 8 mile delivery line from the plant tailgate to Texas Eastern's transmission line ostensibly for economic reasons merit examination as to the facts and circumstances precipitating such action.

In view of the foregoing, we are further directing applicants to show cause why they should not be found in violation of Section 7(b) of the Natural Gas Act and the Commission Regulations thereunder for not first securing the requisite authorization before abandoning jurisdictional sales of natural gas. Similarly, we direct Dorchester to show cause why it should not be found in violation of Sections 7(c) and 7(b) respectively for operating the above mentioned 8 mile delivery line without obtaining Commission certification and thereafter for cessation of service without prior Commission approval, thereby denying applicants the capability to implement the sale of casinghead gas to Texas Eastern. In this connection, alternative courses of action or remedies available are matters also be evaluated.

The Commission finds: (1) It may be that applicants and Dorchester are in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on matters involved and issues presented in these proceedings as hereinbefore described.

(3) Opportunity for participation in this proceeding by intervenors and protestants may be in the public interest.

The Commission orders: (A) Applicants shall show cause, if any there be, at the hearing directed in paragraph (C) below why they should not be held in violation of Section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having obtained authorization before abandoning jurisdictional sales of natural gas as hereinbefore described.

(B) Dorchester shall show cause, if any there be, at the hearing directed in paragraph (C) below why they should not be held in violation of Sections 7(c) and 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for operating the hereinbefore described 8 mile delivery line without obtaining prior Commission approval and thereafter for cessation of service without obtaining prior Commission approval.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15, and 16 thereof, the Commission's Rules of Practice and Procedure under the Natural Gas Act (18 CFR Chapter I) a public hearing concerning the abandonment application, the show cause issues, and any other issues presented in this proceeding will be held in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. Applicants, Dorchester, and Texas Eastern shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties, testimony and exhibits addressing the specific issues set forth in this order, including but not limited to, the circumstances surrounding:

(1) Applicants' efforts to reinstitute service and attempts to pursue alternative courses of action before and after diversion of residue gas to the intrastate market;

(2) Applicants' refusal to seek special relief available under to provisions of Section 2.76 of the Commission's Rules and Regulations;

(3) Texas Eastern's efforts, if any, to reinstitute service ad attempts to pursue alternative courses of action before and after cessation of deliveries by applicants;

(4) Texas Eastern's efforts, if any, to obtain monetary compensation for loss if deliveries attributable to applicants diverted gas;

(5) Dorchester's efforts, if any, to reinstitute service and attempts pursue alternative courses of action before and after cessation of service of its 8 mile delivery line necessary to implement the sale of subject gas to Texas Eastern;

(6) The details of efforts, if any, by Applicants, Dorchester, or Texas Eastern to arrange for sale, leasing or sale/leaseback of the aforesaid 8 mile delivery line;

(7) Detailed explanation supporting requested abandonment by applicants;

The 7 above enumerated items, statements showing full details of accounts (as required under Article X of the Gas Processing Agreement dated June 3, 1955) relating to Dorchester's distribution of gross and net proceeds from the sales of residue gas and plant products as among Seller, Owner, and Processor from December, 1972 to the present, together with any other testimony and exhibits which applicants, Dorchester, or Texas Eastern propose to offer at the hearing shall be filed on or before August 17, 1977.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(E) The presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on September 7, 1977, at 10 a.m., in a hearing room at the address noted in Ordering Paragraph (C).

(F) Notices of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules of Practice and Procedure, 18 CFR §§ 1.8 and 1.37(f), on or before July 21, 1977.

(G) That Dorchester Gas Producing, East Texas Industrial Gas Company, and Texas Eastern Gas Transmission Corporation, be, and hereby are added as necessary party respondents to the instant proceeding involving Paul R. Davis and Lestor B. Wood (Applicants).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–19674 Filed 7–8–77;8:45 am]

[Docket No. CI76–14]

SAN SALVADOR DEVELOPMENT COMPANY, INC., ET AL.

Order Denying Abandonment and Setting Issue of Special Relief for Hearing

JULY 1, 1977.

On July 9, 1975, San Salvador Development Company, Inc., et al. (San Salvador),[1] filed in Docket No. CI76–14 an application pursuant to Section 7(b) of the Natural Gas Act and Sections 157.30 and 250.7 of the Commission's Regulations thereunder requesting authorization to abandon the sale of natural gas in interstate commerce to Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee), from certain "shallow fields" in the San Salvador Field, Hidalgo County, Texas in order to sell the subject gas in intrastate commerce to Lo Vaca Gathering Company (Lo Vaca). Notice of San Salvador's application was issued on July 24, 1975, and appeared in the FEDERAL REGISTER on July 30, 1975, at 40 F.R. 31992.

On October 14, 1954, San Salvador entered into an agreement with Tennessee (then Tennessee Gas Transmission Company) for the sale and purchase of natural gas from the San Salvador Field.[2] Pursuant to the terms of the October 4, 1954, contract, gas was produced for a number of years with a gradual decline in production, which ultimately culminated in the plugging and abandonment of the wells. San Salvador states that the leases dedicated to

[1] San Salvador submitted the instant application for abandonment for itself and for Highland Resources, Inc., (Highland) as assignee of 75 percent of its working interest in the subject leases under a Partial Assignment dated June 11, 1974.

[2] Pursuant to San Salvador's October 14, 1954, contract with Tennessee, while San Salvador is required to install facilities necessary to deliver gas from dedicated leases (Section 4(b)) and has the obligation to deliver gas to Tennessee at a pressure sufficient to enter Tennessee's line (Section 7(a)), neither party is obligated to install or operate compressor facilities, but each may do so at its option. (Section 7(c))

Tennessee were terminated for lack of production, but that no application for

San Salvador readily admits that the

The Commission orders: (A) Tennes-

It is proposed that the pipeline would

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Tennessee were terminated for lack of production, but that no application for abandonment was filed. Subsequent to the cessation of the original production and termination of the original leases, Atlantic Richfield Company (ARCO), in March, April and May of 1972, acquired a number of new leases on much of the same property in the San Salvador Field which was covered by San Salvador's Gas Rate Schedule No. 1.[1] On December 14, 1973, ARCO assigned the working interests in the shallow horizons (all horizons from ground level down to 150 feet below the top of the Frio K Sand) to San Salvador under the new leases. San Salvador states that no jurisdictional sales have been made from said shallow sands under the ARCO-San Salvador assignment, but San Salvador has drilled an exploratory well which indicates the existence of "marginal" natural gas reserves of approximately 447,000 Mcf.

By letter of December 1, 1975, in response to a Staff inquiry San Salvador states that if it is to deliver the gas in question to Tennessee, the following facilities are required: (a) 1.3 miles of two-inch pipe, coated and wrapped; (b) metering facilities; (c) relief valve and gate valve; (d) heater; (e) flame arrestor; (f) high pressure separator; (g) low pressure separator; (h) two 210-barrel tanks and stairway; (i) glycol unit, and (j) a compressor installed during the first year; all at a cost of approximately $100,700.

In its December 1, 1975, letter, San Salvador furnished a cost study which indicated, inter alia, that a rate of $2.48 per Mcf would be necessary to make the delivery of natural gas economically feasible. The $2.48 rate was based, in part, on San Salvador's assertion that the return on the money spent including operating expenses should be at least "2 to 1".

On August 13, 1975, Tennessee filed a petition to intervene in the instant proceeding in which it states, inter alia, that it does not oppose the proposed abandonment since it cannot economically install the facilities necessary to take the gas based on the minimal reserves and costs associated therewith. Tennessee points out however that it has verbally contacted San Salvador and inquired if the latter would lay the piping and metering facilites in exchange for a 10.0-cent per Mcf rate increase. San Salvador's response according to Tennessee, was in the negative, stating that a rate increase of that amount would be insufficient.

On March 2, 1977, San Salvador filed a "Motion To Expedite Application To Abandon" pursuant to Section 1.12 of the Commission's Regulations. On April 15, 1977, San Salvador followed the above motion with a filing captioned as a "Petition To Remove Uncertainty", although referred to by San Salvador as a Petition for Declaratory Order pursuant to Section 1.7(b) of the Commission's Regulations. In this petition, San Salvador requested that the Commission promptly resolve the status of the abandonment proceedings and grant abandonment, or, in the alternative, grant Special Relief pursuant to Section 2.76 of the Commission's Regulations. As part of this petition, San Salvador increased its estimate of additional investment from $100,700 to $120,000 and production expense from $13,410 to $18,000.

For the reasons to follow, we shall deny abandonment and set for formal hearing the matter of special relief.

In its April 15, 1977, petition, San Salvador recites a litany of cases and Commission orders that, in its opinion, compel the Commission to authorize the requested abandonment. We disagree. San Salvador initiates its defense with reference to *Michigan Consolidated Gas Co. v. FPC*.[4] The Court in that case noted the obligation of the holder of a certificate of public convenience and necessity to continue service in interstate commerce once commenced.[5] The Court held, and San Salvador agrees, that the burden rests with the applicant to demonstrate that the public interest in such continued service "will in no way be disserved" by the abandonment thereof.[6] San Salvador contends that, since no sales have been made from the subject field for many years, there is no "service" to continue. San Salvador therefore concludes that the public interest will in no way be disserved if its application for abandonment is approved.

San Salvador clearly has not shown that abandonment authorization here of these dedicated reserves will in no way disserve the public interest, and thus its obligation to continue service remains.[7] It goes without saying that the consuming public served by Tennessee's system needs the remaining recoverable dedicated reserves that San Salvador now wishes to deprive them of.

San Salvador then cites *Valley Gas Company v. FPC*[8] as authority for the proposition that a "lack of market support" dictates approval of its abandonment application. San Salvador contends that Tennessee is the customer lending the "lack of market support" component to its case simply because Tennessee does not oppose the abandonment. But, Tennessee has offered an increased rate for the subject gas evidencing its desire to obtain these gas reserves. In addition, in *Valley Gas, supra*, the lack of market support was with respect to an in-ground storage LNG facility from which service had not yet commenced because the facilities had, in the language of the Court, "foundered on insurmountable physical defects."[9]

San Salvador also relies on *Transcontinental Gas Pipe Line Company v. FPC*,[10] the so-called *"La Gloria"* case. There the Court applied a comparative needs test in a situation where service to one jurisdictional pipeline company was to be abandoned and diverted to another jurisdictional pipeline company. Here, not only does San Salvador's proposal involve a diversion of gas from the interstate to the intrastate market, there is no allegation that Lo Vaca needs the subject gas more than Tennessee, which is currently in curtailment.

San Salvador goes on to cite several Commission orders as support for its application for abandonment.

In Terra Resources, Inc., Docket No. RI74-44, 51 FPC 876 (1974), cited by San Salvador [11] the Commission permitted a choice of abandonment or special relief in a situation involving less than one quarter of the reserves involved herein and which entailed very high operating expenses. In both Cities Service Oil Company, et al., Docket No. G-18352, et al. (March 2, 1977) and Amoco Production Company, Docket No. G-7532, et al. (March 11, 1977) we granted abandocument where a direct sale was converted to a percentage sale and where, unlike here, the gas sales were to remain in interstate commerce.

Arena Oil and Gas Company, Docket No. CI76-326 (March 7, 1977), M. W. Messer, Docket No. CI76-158 (March 7, 1977), and Stephens and Cass, Docket No. CI76-291 (March 11, 1977) cited by San Salvador have no bearing here inasmuch as they all involved virtually depleted reservoirs. Finally, Arkansas-Louisiana Gas Company, Docket No. CP76-329 (March 8, 1977) also lends no support to San Salvador's position. That proceeding involved the abandonment of a so-called "dump" sale contract arrangement that hadn't been utilized since 1971, for which there was no anticipation of future use, and in which the related facilities were left in place for future use in emergency sales pursuant to Section 157.22 of the Commission's Regulations. There is simply no parallel to the situation presented here.

We must deny San Salvador's application for abandonment because we are unable to find that, as mandated by § 7 (b) of the Natural Gas Act:

> the available supply of natural gas is depleted to the extent that the ccontinuation of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment. 15 U.S.C. § 717 (b).

[1] Cancelled by order of October 15, 1971, which granted San Salvador a small producer certificate in Docket No. CS71-565.

[4] 283 F. 2d 204 (D.C. Cir. 1960), cert. denied, 364 P.S. 913 (1960).

[5] Id. at 214.

[6] Id.

[7] As the Supreme Court stated in *Sunray Mid-Continent Oil Co. v. FPC:* Moreover, once so dedicated [to interstate commerce] there can be no withdrawal of that supply from continued interstate movement without Commission approval. 364 U.S. 137,156 (1960).

[8] 487 F. 2d 1182 (D.C. 1973).

[9] Id. at 1186.

[10] 488 F. 2d 1325 (D.C. Dir. 1973).

[11] Referring to O. G. McClain, Docket No. CI74-173, Opinion No. 110, 52 FPC 1245, 1247, (1974).

San Salvador readily admits that the subject reserves are not depleted and indicates that a continuance of service is warranted as evidenced by its desire to sell the subject gas to Lo Vaca. Nor does the "present or future public convenience or necessity permit such abandonment" in these circumstances. San Salvador seeks to rid itself of Commission price regulation in order to sell the subject gas at the higher intrastate market price. Personal financial gain is the motivating force behind this proposal, not the public interest. As the Court stated in Michigan Consolidated, *supra*.

> If [the applicant] wants to abandon service * * * because it prefers to use that gas for more profitable unregulated sales, or because it wants to be rid of what it considers a vexatious servitude, these are not reasons for granting its request.[12]

Consequently, we shall deny San Salvador's application for abandonment. But, we shall set for formal hearing the issue of what rate increase, if any, is justified for these previously certificated sales pursuant to Section 2.76 of the Commission's Statements of General Policy and Interpretations (18 CFR 2.76) so as to give San Salvador an opportunity to show that it is entitled to a higher rate: The data submitted thus far does not justify San Salvador's estimate that a $2.48 rate is necessary for this sale. The current base ceiling price applicable to San Salvador's share of gas, based on the December 4, 1974, spud-in date of the well, is $1.307 at 14.73 psia based on the rate established in Opinion No. 770-A as adjusted for the 130 percent small producer differential pursuant to Opinion No. 742, as amended, and tax reimbursement, and subject to further adjustment for gathering allowance and BTU adjustment. The large producer rate as adjusted for tax reimbursement applicable to Highland's share of the gas is $1.005 per Mcf.

In order to develop a complete record in this proceeding, such proceeding should develop, and San Salvador shall submit evidence and testimony including, but not limited to the following:

1. A detailed and itemized presentation showing what costs would be required to produce and deliver the recoverable reserves including full documentation of the unit price at which such undertaking would be feasible.
2. A detailed analysis and presentation of the recoverable reserves in the subject well, including a complete explanation of all tests conducted and technical data relied upon to arrive at the estimated reserves.
3. Copies of San Salvador's December 14, 1973, assignment from ARCO and its June 11, 1974, assignment to Highland.
4. Copies of San Salvador's base October 14, 1954, contract with Tennessee.

The Commission finds: (1) The participation of Tennessee in this proceeding may be in the public interest.

(2) San Salvador's application for abandonment filed in Docket No. CI76-14 should be denied.

3. Good cause exists to set the matter of special relief for hearing.

[12] 283 F.2d 204 at 214.

The Commission orders: (A) Tennessee is permitted to intervene in Docket No. CI76-14 subject to the rules and regulations of the Commission; Provided, however, that participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, futher that the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, 15, and 16 thereof, as implemented by the Commission's Rules of Practice and Procedure and the Regulations thereunder, a Pre-hearing Conference shall be held commencing on July 19, 1977, at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of what rate increase, if any, is warranted for the subject sales of natural gas to Tennessee.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(D) On or before July 13, 1977, San Salvador shall file with the Secretary and serve all testimony and exhibits comprising its case-in-chief consistent with the evidentiary requirements of this order and Section 2.76 of the Commission's Statements of General Policy and Interpretations, 18 CFR 2.76.

(E) San Salvador's application for abandonment filed in Docket No. CI76-14 is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19671 Filed 7-8-77;8:45 am]

[Docket No. CP76-314]

SOUTHERN TRANSMISSION CORPORATION, ET AL.

Order Providing Formal Hearing and Granting Interventions

JULY 5, 1977.

On March 30, 1976, Southern Transmission Corporation, (STC) filed, as later supplemented, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 148 miles of proposed 8⅝-inch O.D. pipeline, one 1,500 H.P. compressor station, two metering stations, and appurtenant facilities and the transportation of natural gas thereby.

It is proposed that the pipeline would extend from a point approximately 7 miles southwest of Aberdeen, in Monroe County, Mississippi, to a point 12 miles north of Memphis, Tennessee, to the plant of W. R. Grace and Co. (Grace), the parent company of STC. It is contemplated that up to 25,000 Mcf per day of natural gas would be transported from Grace's Corinne-Strong gas fields in Monroe County to the ammonia and urea plants owned and operated by Grace in Shelby County, Tennessee. It is estimated by Grace that the total recoverable proved and probable initial reserves of the subject fields are 89,309 MMcf, of which 65,794 MMcf represents proved reserves. The total estimated cost of the proposed facilities is $15,763,000, which STC plans to finance through long term loans and equity contributions by Grace, or through financing commitments with lending institutions.

STC alleges that the Grace plant receives all its gas from Memphis Light, Gas and Water Division, City of Memphis, Tennessee (MLGW), which in turn receives all its pipeline supply from Texas Gas Transmission Corporation (Texas Gas). Although the detailed impact of MLGW's curtailment plan on the Grace plant has not been made known to Grace, Grace estimates that its curtailment was 38 percent by April 1, 1977, and will be 60 percent by November 1, 1977, based on the historical relationship between Texas Gas' reserves and deliveries to MLGW.

It is further proposed that MLGW would design and construct for STC a 37-mile segment of the prepared pipeline located in Shelby County which would be operated by MLGW and located within its utility easements, with an option of acquisition to STC after 20 years.

The application was noticed in the FEDERAL REGISTER on April 20, 1976 (41 FR 17625). Timely petitions to intervene were filed by Texas Gas, MLGW, Mississippi Valley Gas Company, and Mississippi Public Service Commission. A late notice of intervention was filed by the Tennessee Public Service Commission. MLGW objected to STC's proposal to build parts of its pipeline in Shelby County, but later amended its petition to intervene stating that it had reached agreement with STC and Grace whereby MLGW would construct said pipeline for STC as noted above. The Tennessee Public Service Commission amended its notice of intervention stating that it supports STC's proposal as amended by its agreement with MLGW, supra.

The Commission has long encouraged self-help measures. In the instant case there is concern with losses of potential revenue to the ratepayers of nearby pipeline transmission companies who conceivably could transport the volumes of natural gas in their existing pipelines. It is for this reason that Texas Gas, Tennessee Gas Pipeline Company (Tennessee), and Texas Eastern Transmission Company (Tetco) will be joined in this proceeding and allowed to demonstrate at a limited hearing, to be held herein, any counter-proposal they might wish

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to make in contrast with the stated proposal of STC, as well as detailing their respective pipeline capacities. STC or any intervenor will have the opportunity to present testimony in comment thereto.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in these proceedings, as hereinbefore described.

(2) The public convenience and necessity warrants the joining of Texas Gas, Tennessee, and Tetco as parties to this proceeding.

(3) Participation in these proceedings by aforementioned intervenors may be in the public interest. Permitting the filing of the late petitions to intervene will not delay the proceedings and may be in the public interest.

The Commission orders: (A) The proceedings herein are set for hearing and disposition.

(B) Pursuant to the Natural Gas Act, particularly Sections 4, 5, and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Part 1), and the Regulations under the Natural Gas Act (18 CFR Chapter I, Subchapter E), and a prehearing conference shall be held on August 9, 1977, commencing at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to discuss procedural issues and the clarification of issues and will be followed immediately by a hearing on the merits herein.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5 (d)), shall preside at the prehearing conference in this proceeding with authority to establish and change all procedural dates, and to rule on all motions (with the sole exceptions of petitions to intervene, motions to consolidate or sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The direct case of STC including testimony on the issues raised by this order, as well as any testimony proferred by Texas Gas, Tennessee, Tetco, or any intervenor or staff, shall be filed and served contemporaneously on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before August 1, 1977.

(E) The aforementioned are permitted to intervene in the instant proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission. Commissioner Holloman abstaining.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-19680 Filed 7-8-77;8:45 am]

[Docket No. CP77-100, etc.]

TENNECO ATLANTIC PIPELINE CO. ET AL.

Availability of Draft Environmental Impact Statement

JULY 11, 1977.

Notice is hereby given in the above docket that on July 11, 1977, as required by § 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)), copies of the Draft Environmental Impact Statement (DEIS) are being transmitted pursuant to the requirements of the National Environmental Policy Act of 1969 and § 2.82(b) of the Commission's General Policy and Interpretations.

The DEIS, prepared by the Staff of the Federal Power Commission, concerns applications filed by Tenneco Atlantic Pipeline Company (Tenneco Atlantic) Docket No. CP77-100 et al., which relate directly or indirectly to a proposal by Tenneco, pursuant section 3 of the Natural Gas Act, to import liquefied natural gas (LNG) from Algeria to a terminal to be located in the vicinity of St. Johns, New Bruswick, Canada, and enter the United States via the proposed natural gas pipeline near Calais, Maine. Approval of the applications would authorize the construction and operation of facilities necessary to transport approximately one billion cubic feet of natural gas to consumers along Tennessee Gas Pipeline Company's system. A total of 504 miles of pipeline would be required in order to transport the regasified LNG from the border near Calais, Maine, to Milford, Pennsylvania.

This DEIS has been sent to the persons shown in the DEIS summary sheet, all parties to the proceeding, and interested citizens. The DEIS is on file with the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and its regional office located at 26 Federal Plaza, 22nd Floor, New York, N.Y. 10007. Copies of the DEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the DEIS. All comments must be filed on or before August 10, 1977. Any person who wishes to present evidence regarding environmental matters in the proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the DEIS in accordance with § 2.82(c) of the Commission's Policy and Interpretation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19670 Filed 7-8-77;2:30 pm]

[Docket Nos. G-12446, et al.]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Notice of Filing of Settlement Agreements and Stipulations

JULY 1, 1977.

Public notice is hereby given that on June 28, 1977, pursuant to Section 1.18 (e) of the Commission's Rules of Practice and Procedure, two stipulations and settlement agreements were filed jointly by Continental Oil Co., Sun Oil Co., and General Crude Oil Co. and by Texas Eastern Transmission Corp., respectively, as proposed resolutions of matters pending in the consolidated proceeding involving rate reductions, refunds, and other matters relating to Rayne Field, Acadia Parish, Louisiana. Said filings are contained in Hearing Exhibit Nos. 42' and 43' and are available for public inspection in the Office of Public Information of the Commission.

The settlement agreement of independent producers contains an offer of cash refund of approximately $55 million, offers of first call on rights to purchase gas from specified acreage, and other stipulations. The settlement offer of Texas Eastern Transmission Corp. provides for establishment of a $33 million exploration and development fund, refund of approximately $30 million to customers, establishment of a 5-year amortization account of approximately $8 million to support the above fund, deferral of rate decrease, and other matters.

Any person desiring to be heard or to protest the said offers of settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 22, 1977. Replies to comments may be submitted not later than August 8, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the offers of settlement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19673 Filed 7-8-77;8:45 am]

[Docket No. CP76-403]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

JULY 5, 1977.

Take notice that on June 23, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-403 a petition to amend the Commission's orders of August 13, 1976 (56 FPC ------), and February 7, 1977 (57 FPC ------), issued in the instant docket pursuant to Section 7 of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations, so as to authorized the diversion of all or a portion of the volumes of natural gas presently being transported and delivered to Jackson Utility Division, City of Jackson, Tennessee (Jackson), for the account of Owens-Corning Fiberglas Corporation (Owens-Corning) to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the Commission's orders, issued August 13, 1976, and February 7, 1977, Applicant was authorized to transport and deliver for the account of Owens-Corning a volume of natural gas up to 2,000 Mcf per day to Jackson, and up to 300 Mcf per day to Texas Eastern Transmission Corporation at the point of delivery located near Lebanon, Ohio. The transportation service was authorized for a period of two years from the date of initial delivery, which date was August 27, 1976.

Applicant indicates that by letter agreement dated June 21, 1977, between Applicant and Owens-Corning the two companies have agreed to the diversion of all or a portion of the volumes of natural gas presently being transported and delivered to Jackson for the account of Owens-Corning. Applicant states that the volumes to be diverted would be transported and delivered to Transco at an existing point of exchange between Applicant and Transco near Eunice, Louisiana, or at other mutually agreeable existing points of exchange for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant.

Applicant states that it would charge Owens-Corning 4.67 cents (at 14.73 psia) for each Mcf of natural gas diverted and delivered to Transco for Owens-Corning's account, and that it would retain 0.38 percent above the volume delivered to Transco as makeup for compressor fuel and line loss. The percentage was calculated on an incremental basis for pipeline throughput to an within the rate zone in which delivery by Applicant would be made, it is said.

It is stated that the term during which volumes would be diverted for Owens-Corning's Anderson, South Carolina, plant would run commensurate with the term previously authorized by the Commission in the captioned docket. Applicant states that no new facilties are required in order to effectuate the diversion of volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77 19678 Filed 7-8-77;8:45 am]

[Docket No. ER77-462]

TUCSON GAS & ELECTRIC CO.

Filing of Letter Agreement for Wheeling Services

JULY 5, 1977.

Take notice that on June 16, 1977, Tucson Gas & Electric Company ("TGE") tendered for filing a Letter Agreement for Wheeling Services (the "Agreement") between TGE and Nevada Power Company ("NPC") dated June 2, 1977.

TGE states that the primary purpose of this Agreement is to provide temporary assistance to NPC for the wheeling by displacement through TGE's transmission system of certain quantities of energy for delivery to Utah Power & Light Company ("UPL") critically needed by UPL as a result of the drought in the Southwestern United States and the shortage of hydroelectric power otherwise available to UPL.

TGE proposes an effective date of June 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to make application with reference to said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19675 Filed 7-8-77;8:45 am]

[Docket No. CP77-264]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 29, 1977.

Take notice that on June 20, 1977, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001 (Applicants), filed in Docket No. CP77-264 a joint application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 275 Mcf of natural gas per day on an interruptible basis for Sayles Biltmore Bleacheries, Inc. (Bleacheries), and existing industrial customer of Public Service Company of North Carolina, Inc. (Public Service), a Transco CD-2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 275 Mcf of natural gas per day (at 14.73 psia) of natural gas on an interruptible basis for Bleacheries pursuant to an agreement dated March 17, 1977, among Transco, Bleacheries and Public Service and an agreement dated February 25, 1977, as amended between United and Bleacheries. It is indicated that the proposed volumes of gas would be used at Bleacheries' plant located in Asheville, North Carolina.

Applicants state that Bleacheries has purchased from Louisiana Crude Oil & Gas Company, Inc. (Louisiana Crude), the proposed volumes of gas to be produced from the Monroe Field, Morehouse Parish, Louisiana, and that Bleacheries would pay Louisiana Crude for gas delivered hereunder $1.75 per Mcf for the first year of the agreement and $1.85 per Mcf for the second year of this agreement. It is stated that Bleacheries would arrange to have such quantities of gas delivered to United, which would make equivalent quantities (less those retained as make-up for compressor fuel and line loss) available to Transco at a mutually agreeable authorized exchange point between the two companies. It is further stated that Transco would in turn deliver equivalent quantities (less those retained as make-up for compressor fuel and line loss) to the existing point of delivery to Public Service for the account of Bleacheries, and that Public Service would transport such quantities of natural gas delivered to it by Transco to Bleacheries' Asheville, North Carolina plant. No additional facilities are required to effectuate the transportation service, which would terminate two years following the date of the first delivery which occurred on April 5, 1977, pursuant to temporary authorization granted in the instant docket on March 3, 1977.

It is indicated that the daily quantity to be transported for Bleacheries (less the quantities retained for compressor fuel and line loss make-up), when combined with the quantities Public Service is scheduled under Transco's Rate Schedule CD-2, other transportation with Transco, and any quantities being scheduled for transportation by other customers of Public Service, would not exceed Public Service's authorized daily entitlement under such Rate Schedule CD-2.

Transco would retain initially 3.8 percent of the volumes received for transportation as make-up for compressor fuel and line loss, which percentage is

based on Transco's "company use" factor for pipeline throughput to and within

review of the matter finds that a grant of the certificate is required by the public

tions: (1) The filing violates § 35.13(b) (2) of the Regulations since WPL failed

until December 1, 1977, when they shall

ticularly Sections 205 and 206 thereof,

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based on Transco's "company use" factor for pipeline throughput to and within the rate zone in which the delivery by Transco would be made, i.e., Zone 2, it is said. It is stated that Transco would collect an initial charge of 21.55 cents per dekatherm (dt) for all quantities transported and delivered to Public Service for Bleacheries' account. The proposed interruptible transportation rate is the same as that initially charged for comparable long-haul interruptible transportation services by Transco, it is said.

It is stated that United would retain initially 1.5 percent of the volumes received for transportation as make-up for fuel and company used gas, and that Bleacheries would pay United for gas transported a price equal to United's average jurisdictional transmission cost of service in its northern rate zone as such may be determined by United based upon rate filings made from time to time with the Commission, less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operations of United's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in United's operations is 20.04 cents per Mcf in the Northern Zone and 17.92 cents per Mcf in the Southern Zone, it is indicated.

Applicants indicate that the Asheville plant would use the 275 Mcf per day for "process" and "plant protection" gas requirements. It is further indicated that there are no other sources of natural gas available to the Asheville plant other than those quantities which might become available from the plant's normal supplier, Public Service, and that Bleacheries has been informed by Public Service that future supplies are uncertain and would be allocated on a month-to-month basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-19681 Filed 7-8-77;8:45 am]

[Docket No. ER77-347]

WISCONSIN POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Interventions, Instituting Hearing and Establishing Procedures

JULY 1, 1977.

Electric rates (acceptance for filing) (suspension) (hearing).

On May 2, 1977, Wisconsin Power and Light Company (WPL) submitted for filing proposed rate schedules for 32 municipalities, five rural electric cooperatives, and two investor-owned wholesale customers. The proposed rates would increase revenues to WPL by $5,425,456 for the test period year ending June 30, 1978, representing a 20.86% increase to these wholesale customers over the revenues presently being collected. WPL requests an effective date of July 1, 1977, for all of the affected customers.

The Commission issued a deficiency letter on June 1, 1977, and WPL cured its filing on June 10, 1977. Since July 1, 1977 continues to be the requested effective date, a waiver of notice requirements request will be implied.

Public notice of the filing was issued on May 10, 1977, with all protests or petitions due on or before May 25, 1977. On May 11, 1977, the Municipal Wholesale Power Group (MWPG), representing "approximately 24 wholesale customers" of WPL, filed a Notice of Intention to Intervene, Request for Rejection and Plea for Maximum Suspension. On May 26, 1977, WPL filed a Response to the MWPG filing. On May 25, 1977, MWPG filed a Petition to Intervene, Request for Rejection and Request for Maximum Suspension. On June 10, 1977, WPL filed a response to the petition.

The five electric cooperatives [1] filed a Petition to Intervene and Request for Five-Month Suspension on May 25, 1977. On June 6, 1977, the Wisconsin Public Commission filed a Notice of Late Intervention In the Event Formal Hearing Is Held.

MWPG, in its request for rejection of WPL's filing, made the following assertions: (1) The filing violates § 35.13(b)(2) of the Regulations since WPL failed to compare the proposed rates with its rates charged to its wholly owned subsidiary, South Beloit Water, Gas and Electric Company (Beloit); (2) the filing is on its face discriminatory between the municipals (W-3) and the cooperatives (W-2) with regard to rates and contract provisions, (3) the filing contains a fuel adjustment clause which violates § 35.14(a)(2)(ii) of the Regulations; (4) the filing contains no Statement E1, in violation of Regulation 35.13(b)(4)(iii); (5) the filing violates the fixed-price, fixed-term contracts to four of WPL's wholesale customers.

Regarding MWPG's first three allegations, these issues involve subjects to be discussed and resolved at a public hearing which we will hereinafter order. As for the E1 filing, WPL submitted Statement E1 for filing on May 19, 1977, and thus is in compliance with the Regulation requirement.

However, MWPG's point about the fixed-rate contracts with the four resale customers is well taken. Fixed rate contracts involving Pioneer Power and Light Company,[2] Cross Plains Electric Company,[3] the City of Princeton,[4] and Shullsburg [5] will not expire prior to the proposed July 1, 1977 effective date. In its Response to MWPG's Notice of Intervention, WPL stated that "it does not propose to apply the proposed rates to its customers until its contract with its customers expires." As a result of the assurances made by WPL, we shall accept all of the proposed rate schedules, including those affecting customers presently under fixed-rate contracts with WPL, for filing. In addition, we shall require WPL to notify the Commission when it has commenced service under the proposed rates to any customer whose fixed rate contract expires after the effective date granted by the Commission.

The increased rates proposed by WPL have not been shown to be just and reasonable and may be unjust, reasonable, unduly discriminatory, preferential, or otherwise unlawful. Based on a review of all of the pleadings, we will accept for filing the proposed increased rates and will suspend their effectiveness for five months, i.e., to December 1, 1977, at which time they will become effective subject to refund.

The Commission finds: (1) Good cause exists to grant the Petitions to Intervene of the Municipal Wholesale Power Group, the Wisconsin Public Service Commission, and the Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rocky County Electric Cooperative, and Waushara County Electric Cooperative.

(2) Good cause exists to accept for filing WPL's proposed rate schedules and to suspend the rates contained therein until December 1, 1977, when they shall become effective, subject to refund.

(3) It is necessary and in the public interest that an evidentiary hearing be held in this docket in order for the Commission to discharge its statutory responsibilities under the Federal Power Act.

The Commission orders: (A) The Petitions to Intervene of the Municipal Wholesale Power Group, the Wisconsin Public Service Commission, and the Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rocky County Electric Cooperative and Waushara County Electric Cooperative are hereby granted in this proceeding: *Provided, however,* That participation of such intervenors shall be limited to matters set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) WPL's proposed rate schedules are hereby accepted for filing and suspended for five months until December 1, 1977, when they shall become effective subject to refund.

(C) WPL shall notify the Commission immediately upon commencement of service under the proposed rates to any customer whose fixed-rate contract expires after the effective date granted by the Commission.

(D) Pursuant to the authority contained under the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms and conditions of service included in the proposed rate schedules.

(E) The Staff shall prepare and serve top sheets on all parties for Settlement purposes on or before October 5, 1977. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on October 14, 1977, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions to consolidate and sever and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Attachment A for Rate Schedule designations.

[2] Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rocky County Electric Cooperative, Waushara County Electric Cooperative.

[3] Contract expires August 31, 1977.
[4] Contract expires September 16, 1977.
[5] Contract expires October 21, 1977.
[6] Contract expires July 30, 1978.

Customer	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Municipal customers—rate W-3:			
City of Evansville	12	29	11
Village of Oregham	13	31	12
Village of New Glarus	12	29	11
Village of Hustiford	11	71	10
City of Sun Prairie	11	73	10
City of Plymouth	10	75	9
Village of Muscoda	12	76	11
City of Boscobel	10	77	9
City of Cuba City	10	79	9
City of Waupun	10	82	9
City of Brodhead	10	83	9
Village of Sauk City	9	84	8
City of Juneau	9	86	8
City of Benton	9	88	8
City of Reedsburg	9	89	8
Village of Hazel Green	8	91	7
Village of Mount Horeb	9	92	8
Village of Black Earth	3	116	2
Village of Prairie du Sac	9	95	8
City of Wisconsin Dells	9	96	8
City of Sheboygan Falls	8	98	7
City of Lodi	8	101	7
Village of Pardeville	7	102	6
Village of Wonewoc	5	107	4
Village of Mazomanie	5	108	4
Village of Waunakee	5	109	4
Village of Belmont	5	110	4
Village of Footville	5	111	4
City of Stoughton	3	115	2
City of Princeton	5	68	4
City of Columbus	7	66	6
Pioneer Power & Light Co.	7	60	6
Cross Plains Electric Co.	7	67	6
Cooperative customers—rate W-2:			
Rock County Electric Cooperative Association	11	103	10
Columbus Rural Electric Cooperative	7	104	6
Waushara County Electric Cooperative	5	105	4
Adams-Marquette Electric Cooperative	5	112	4
Central Wisconsin Electric Cooperative	8	113	4

[FR Doc.77-19507 Filed 7-8-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Morgan County Bank, Versailles, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 3, 1977.

Board of Governors of the Federal Reserve System, July 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-19468 Filed 7-8-77;8:45 am]

CONTINENTAL ILLINOIS CORP.

Order Approving Acquisition of Great Lakes Life Insurance Company

Continental Illinois Corporation, Chicago, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire Great Lakes Life Insurance Company, Phoenix, Arizona ("Company"), a company that will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance that is directly related to extensions of credit by Applicant's subsidiary bank. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, according opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 21661 (1977)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the largest bank holding company in Illinois, controls one subsidiary bank, Continental Illinois National Bank and Trust Company of Chicago ("Bank"), the largest bank in the State of Illinois. Bank holds domestic deposits of $9.1 billion [1] representing approximately 14.9 per cent of the total deposits in commercial banks in the

[1] All banking data are as of June 30, 1976.

State. Applicant also engages directly, or through subsidiaries, in leasing, debt financing, mortgage lending, trust, and

consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is

proposal would have no appreciable effect on the concentration of banking resources in the State.

management of Applicant. Protestants assert that the presidents of Bank and

Bank's services in the areas of real estate mortgages, farm loans, loan operations,

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

State. Applicant also engages directly, or through subsidiaries, in leasing, debt financing, mortgage lending, trust, and investment advisory activities on a national and international basis.

Company will be chartered under the laws of Arizona and will initially engage in the activity of underwriting, as a reinsurer, credit life and credit accident and health insurance sold in connection with Bank's direct installment loan and direct open-end credit programs. Inasmuch as the subject proposal involves engaging in this activity de novo, consummation of this transaction would not have any adverse effect upon existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board [illegible]

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR 225.4(a)(10), n. 7)

Applicant proposes to offer, through Company, various credit life and credit accident and health insurance coverage to its instalment and open-end credit borrowers at various rates ranging from 7.7 to 40.0 per cent below the approved and prima facie rates established in Illinois.[2] In addition, Applicant proposes to expand the insurance coverage that it currently makes available, increase the amount of indebtedness covered and offer insurance to a broader class of borrowers. Based upon these factors, the Board concludes that Applicant's proposed continued reductions[3] in premiums and expanded coverage are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

This transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to authority hereby delegated.

By order of the Board of Governors,[4] effective July 1, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc. 77-19555 Filed 7-8-77;8:45 am]

[2] *Prima facie* rates are the maximum rates allowed by the state for particular types of insurance coverage. Where no prima facie rate exists for a type of coverage, the insurance company may apply to the state insurance department for approval of a proposed rate.

[3] Applicant has stated that it anticipates that it will be necessary to raise the rate it charges open-end credit customers for credit accident and health insurance if this application is denied.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

VALLEY BANCORPORATION

Order Approving Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Shawano National Bank, Shawano, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including, but not limited to, those on behalf of shareholders and customers of Bank filed by Messrs. Frank Feivor and Walter Karth (hereinafter collectively referred to as "Protestants" in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Wisconsin, controls 14 banks with total deposits of $295.1 million, which represents 1.8 per cent of total deposits in commercial banks in the State.[1] Bank, with deposits of $51.3 million, controls .31 per cent of total deposits in the State. Consummation of the proposed acquisition would increase Applicant's share of statewide deposits to 2.1 per cent, and Applicant would become the fifth largest banking organization in the State of Wisconsin. Inasmuch as the five largest banking organizations in Wisconsin hold only 31.5 per cent of the total deposits in the State, consumption of the proposal would have no appreciable effect on the concentration of banking resources in the State.

While Applicant is not currently represented in the relevant market, three of its subsidiary banks each maintain an office 28 to 30 miles from Bank's sole office. The three offices are located in Outagamie County, in which Applicant's subsidiary banks maintain six additional offices. Although eight of Applicant's fourteen subsidiary banks derive deposits from Bank's service area, the aggregate of those deposits amounts to less than $200,000, and none derives more than $62,000. The aggregate amount of loans Applicant's subsidiaries derive from Bank's service area is less than $30,000. Conversely, Bank does not derive significant amounts of deposits or loans from the service areas of Applicant's subsidiaries. Accordingly, it does not appear that Applicant's acquisition of Bank would eliminate significant amounts of existing competition.

Applicant proposes to enter the Shawano banking market[2] by acquiring the largest of ten banking organizations in that market, with 32.8 percent of total market deposits.[3] The Shawano market does not appear attractive for de novo entry and 12 large multibank holding companies, including the five largest banking organizations in the State, appear to be as likely to enter the Shawano market as Applicant. In light of the above, the Board concludes the proposed acquisition would not have significant adverse effects on potential competition.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Protestants contend that this application should be denied on the grounds that the financial and managerial resources of Applicant are inadequate in that Applicant would assume more debt than it can retire without extracting earnings from Bank and Applicant's subsidiary banks. In connection with the acquisition of Bank, Applicant will incur debt of $5.5 million through the issuance of four-year unsecured promissory notes and 12-year corporate notes.[4] Applicant proposes to service its new debt primarily through dividends from its subsidiary banks and consolidated tax benefits. Applicant's projections of cash flow requirements and growth in assets, earnings, and capital of subsidiary banks appear reasonable in light of historical data. It appears, based upon those projections, that Applicant can service the acquisition debt without imposing excessive burdens on the capital of Bank and its other subsidiary banks. In light of the above the Board regards the financial and managerial resources of Applicant and Bank as satisfactory and consistent with approval.

Protestants argue that the manner in which tender offers were made to Bank's shareholders reflects adversely on the management of Applicant. Protestants assert that the presidents of Bank and Applicant conducted negotiations without the knowledge of Bank's directors and that Bank's directors did not have an opportunity to analyze the specific proposal, including the debt financing, that Applicant later submitted to the Board. The record before the Board in this case, including submissions by Protestants and Applicant, does not indicate any impropriety or questionable actions in the preparation of Applicant's tender offer. The board of directors of Bank endorsed Applicant's offer to Bank's shareholders following a series of presentations to the board by Applicant and rival offerors, and any discussions between officers of Bank and Applicant were conducted in consultation with legal counsel. While Applicant did not submit its application to the directors of Bank prior to making its tender offer, Applicant forwarded a copy of the application to Bank on the same day that it filed the application wtih the Federal Reserve Bank of Chicago. Furthermore, Applicant's letter proposing the tender offer indicated that Applicant proposed to incur debt in connection with the acquisition, and the specific financing proposal was not put into final form until it was incorporated in the application which, as noted above, was promptly forwarded to Bank.

Protestants state that Applicant's tender offer is below the market value of Bank's shares. The record in this application indicates the Applicant's offer was the highest of the competing bids made to the shareholders, and that the protesting shareholders were among those shareholders owning 97.5 per cent of the Bank's shares who accepted the offer. Bank's own analysis of the projected market value of its shares indicated that Applicant's offer represented a premium on market value. There is nothing in the record to support Protestant's opinion that the offer was inadequate, other than a statement by Protestants that an unidentified expert indicated a higher market value for Bank's shares. In light of the above and other facts of record, the Board is unable to conclude that Applicant's conduct relating to the tender offer reflects adversely on its managerial resources.

Protestants also claim that the convenience and needs of the community to be served would not be aided by the proposed acquisition. Specifically, they state that transferring control of Bank outside of the Shawano community will make Bank less responsive to local needs. In this connection Applicant has indicated that a representative of the Shawano community would be named to Applicant's Board of Directors upon consummation of the proposal. In addition, while it appears that the banking needs of the Shawano area are adequately served at present, Applicant has stated its intention to improve and expand Bank's services in the areas of real estate mortgages, farm loans, loan operations, employee fringe benefits, data processing, and personnel services. Applicant also proposes to offer investment advice at no charge to local municipalities and to provide equity capital to Bank when necessary. In light of these factors the Board regards considerations of the convenience and needs of the community to be served as lending weight in favor of approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 29, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19556 Filed 7-8-77;8:45 am]

[1] All banking data are as of December 31, 1976.

[2] The Shawano banking market is approximated by Shawano County and the southern one-half of Menominee County.

[3] Market data are as of June 30, 1976.

[4] Approximately $1 million of this debt will be used for corporate purposes other than the proposed acquisition, including improving the capital position of subsidiary banks.

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. D-77-423]

INTERSTATE LAND SALES ADMINISTRATOR AND ASSOCIATE ADMINISTRATOR

Redelegation of Authority

By a delegation of authority published in the FEDERAL REGISTER at 41 FR 19365 on May 12, 1976, the Secretary of Housing and Urban Development has, with some exceptions, delegated to the Assistant Secretary for Consumer Affairs and Regulatory Functions the power and authority of the Secretary with respect to the Interstate Land Sales Full Disclosure Act, Title XIV of the Housing and Urban Development Act of 1968, as amended (15 U.S.C. 1701 et seq.). Concurrently, the Assistant Secretary for Consumer Affairs and Regulatory Functions redelegated certain aspects of that power and authority to the Interstate Land Sales Administrator, as published in the FEDERAL REGISTER at 41 FR 19366. The Assistant Secretary for Consumer Affairs and Regulatory Functions has determined that certain aspects of that redelegation should be revised to provide redelegation to both the Interstate Land Sales Administrator and the Associate Administrator of all of the Assistant Secretary's delegated power and authority under the Interstate Land Sales Full Disclosure Act which may be redelegated.

Accordingly, a new redelegation of authority to the Interstate Land Sales Administrator and the Associate Administrator is issued to read as follows:

Section A. *Authority Redelegated.* The Interstate Land Sales Administrator and the Associate Administrator each is authorized to exercise the power and authority of the Assistant Secretary for Consumer Affairs and Regulatory Functions with respect to the program implemented under the Interstate Land Sales Full Disclosure Act, Title XIV of the Housing and Urban Development Act of 1968, as amended (15 U.S.C. 1701 et seq.), except the authority to issue rules and regulations.

Section B. *Authority to Redelegate.* The Administrator is authorized to redelegate to employees of the Department any of the authority delegated under Section A of this redelegation.

Effective Date. This redelegation of authority is effective as of June 30, 1977.

GENO C. BARONI,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-19824 Filed 7-8-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ADVISORY COMMITTEE ON NATIONAL HEALTH INSURANCE ISSUES

Meetings

Notice of the establishment of the Advisory Committee on National Health Insurance Issues was published in the April 21, 1977 FEDERAL REGISTER (Vol. 42, No. 77, Pages 20675 and 20676).

Pursuant to Pub. L. 92-463, notice is hereby given of one meeting of the Advisory Committee to be held on Friday, July 29, 1977, and another on Saturday, July 30, 1977.

The July 29 meeting will be held from 11 a.m. to 12:30 p.m. and 2 p.m. to 4:30 p.m. at the Holiday Inn, 2700 Roddis Avenue, Marshfield, Wisconsin. The July 30 meeting will be held from 8:30 a.m. to 10 a.m. and from 1:30 p.m. to 4 p.m. at the Wisconsin Center, 702 Langdon Street, Madison, Wisconsin. The agenda will include physician reimbursement, hospital reimbursement, long term care, and planning.

These meetings will be open to the public.

Further information on these meetings may be obtained from either SueZanne B. Hagans in Washington, D.C. 202-472-3026 or from Bill Moran in Chicago, Illinois, 312-353-5166.

Dated: July 8, 1977.

SUSANNE STOIBER,
Project Coordinator.

[FR Doc.77-19986 Filed 7-8-77;10:02 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filings; Regional Selections

JUNE 27, 1977.

On December 15, 1975, and on June 29, 1976, Bering Straits Native Corporation

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filed applications under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 43 U.S.C. 1601), for certain lands in the area of the Seward Peninsula, Alaska. The lands described below are, as of the date of filing and subject to valid existing rights segregated from all forms of appropriation under the public land laws:

Kateel River Meridian
(Protracted)

Serial Number	Description		Approx. Acreage
	(Applications for the following lands were filed on December 15, 1975.)		
F-21883	T. 9 S., R. 11 W.:	sec. 24 (fractional).	425
F-21884	T. 10 S., R. 11 W.:	sec. 1, S½ (fractional); sec. 12, N½ (fractional).	550
F-21885	T. 11 S., R. 10 W.:	sec. 8, N½, N½S½ excluding M.S. 1894	475
F-21886	T. 11 S., R. 10 W.:	sec. 11, SE¼SE¼; sec. 12, SW¼SW¼; sec. 13, NW¼NW¼; sec. 14, NE¼NE¼.	160
F-21887	T. 11 S., R. 9 W.: T. 11 S., R. 10 W.:	sec. 6, W½W½; and sec. 1, E½E½, SW¼NE¼, S½NW¼.	440
F-21907	T. 7 S., R. 35 W.:	secs. 26 and 35.	1280
F-21908	T. 7 S., R. 35 W.:	sec. 11; sec. 14; sec. 23.	1920
F-21909	T. 6 S., R. 22 W.:	sec. 15, NE¼.	160
F-21913	T. 13 S., R. 9 W.:	sec. 27, SE¼.	160
F-21914	T. 11 S., R. 9 W.:	sec. 9, E½SE¼; sec. 10, SW¼.	240
F-21929	T. 6 S., R. 9 W.:	sec. 5, W½W½; sec. 6, E½E½.	320
F-21930	T. 7 S., R. 9 W.:	sec. 7, SW¼SW¼; sec. 18, NW¼NW¼.	80
F-21934	T. 13 S., R. 10 W.:	sec. 1, W½W½; sec. 2, E½E½.	320
F-21942	T. 8 S., R. 28 W.:	sec. 16.	640
F-21943	T. 8 S., R. 28 W.:	sec. 9.	640
F-21947	T. 1 N., R. 34 W.:	sec. 20, E½NE¼; sec. 21, W½NW¼.	160
F-21949	T. 1 S., R. 31 W.:	sec. 6, SE¼; sec. 7, E½; sec. 8; sec. 17, W½; sec. 18, E½.	1760

F-21954	T. 1 N., R. 34 W.:	sec. 20, S½; sec. 29, N½.	640
F-21957	T. 5 N., R. 39 W.:	sec. 11, S½S½; sec. 14, N½, N½S½.	640
F-21976	T. 3 S., R. 34 W.:	sec. 20, W½,W½E½.	480
F-21977	T. 3 S., R. 34 W.: T. 4 S., R. 34 W.:	secs. 25 through 36, inclusive (fractional); and secs. 1 through 6, inclusive (fractional); secs. 8 through 11, inclusive (fractional).	9405
F-21979	T. 3 S., R. 34 W.:	sec. 15, S½.	320
F-21981	T. 3 S., R. 21 W.:	sec. 13, W½W½; sec. 14, E½; sec. 23, E½; sec. 24, W½W½.	960
F-22000	T. 6 N., R. 36 W.:	secs. 9 through 11, inclusive excluding M.S. 1327 secs. 14 through 16, inclusive.	3814
F-22001	T. 6 N., R. 35 W.:	sec. 12, S½S½; sec. 13, N½N½.	320
F-22003	T. 6 S., R. 5 W.:	sec. 33.	640
F-22010	T. 2 N., R. 35 W.:	sec. 19.	622
F-22011	T. 1 N., R. 9 W.: T. 1 S., R. 9 W.:	sec. 36, S½S½; and sec. 1; sec. 2, N½N½.	960
F-22013	T. 1 S., R. 9 W.:	sec. 6, E½; sec. 8, W½.	640
	(Applications for the following lands were filed on June 29, 1976.)		
F-22870	T. 7 S., R. 20 W.:	sec. 26, W½; sec. 27, E½.	640
F-22871	T. 8 S., R. 20 W.:	sec. 12, SW¼.	160
F-22872	T. 8 S., R. 21 W.:	sec. 10.	640
F-22873	T. 8 S., R. 20 W.:	sec. 18, SW¼.	160
F-22874	T. 7 S., R. 20 W.:	sec. 6, S½.	320
F-22875	T. 6 S., R. 21 W.:	sec. 9, SW¼.	160
F-22876	T. 6 S., R. 21 W.:	sec. 9, S½SE¼; sec. 16, N½NE¼.	160
F-22877	T. 7 S., R. 17 W.:	sec. 8, E½; sec. 9, W½.	640
F-22881	T. 12 S., R. 8 W.:	sec. 23, SE¼SE¼; sec. 24, S½SW¼;	

		sec. 25, NW¼;	
		sec. 26, E½, NE¼.	360

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

[U-37612]

UTAH

pressure equivalent to at least a 0.5 ppg kick."

or, surface, intermediate, and production casing.

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		sec. 25, NW¼; sec. 26, E½, NE¼.	360
F-22882	T. 11 S., R. 7 W.:	sec. 28, SW¼; sec. 29, SE¼.	320
F-22883	T. 13 S., R. 7 W.:	sec. 22, N½.	320
F-22884	T. 13 S., R. 8 W.:	sec. 13, NE¼.	160
F-22885	T. 9 S., R. 11 W.:	sec. 12, S½ (fractional).	260
F-22886	T. 10 S., R. 10 W.:	sec. 16, SW¼SW¼; sec. 17, SE¼SE¼; sec. 20, E½NE¼; sec. 21, W½NW¼.	240
F-22888	T. 6 S., R. 9 W.: T. 7 S., R. 9 W.:	sec. 33, SE¼; and sec. 4, E½, SW¼; sec. 9.	1280
F-22889	T. 6 S., R. 6 W.:	sec. 31, E½; sec. 32, W½.	640
F-22891	T. 4 S., R. 20 W.:	sec. 9, E½.	320
F-22892	T. 5 S., R. 20 W.:	sec. 21, SE¼NE¼, NE¼SE¼.	80
F-22893	T. 5 S., R. 20 W.:	sec. 9, S½.	320
F-22894	T. 5 S., R. 21 W.:	sec. 2, W½NW¼; sec. 3, E½NE¼.	160
F-22895	T. 3 S., R. 22 W.:	sec. 21, NW¼.	160
F-22896	T. 3 S., R. 23 W.:	sec. 11, S½SW¼; sec. 14, N½SW¼.	160
F-22897	T. 9 S., R. 7 W.:	sec. 19, SE¼; sec. 20, SW¼; sec. 29, NW¼; sec. 30, NE¼.	640
F-22899	T. 4 S., R. 24 W.:	sec. 19, SE¼NE¼, NE¼SE¼; sec. 20, SW¼NW¼, NW¼SW¼.	160
F-22900	T. 5 S., R. 17 W.:	sec. 33, SE¼.	160

In accordance with Departmental regulation 43 CFR 2653.5(b), notice of these selections is being published once in the FEDERAL REGISTER and once a week, for three (3) consecutive weeks, in the *Nome Nugget*. Any party claiming a property interest in lands selected may file their protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before August 10, 1977.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19631 Filed 7-8-77;8:45 am]

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 3, lots 9 and 10.

This pipeline will convey natural gas across 0.222 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.77-19546 Filed 7-8-77;8:45 am]

(NM 30945 and 30949)

NEW MEXICO

Applications

JUNE 28, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 23, S½NE¼.
T. 31 N., R. 7 W.,
Sec. 10, SW¼NE¼.
T. 30 N., R. 14 W.,
Sec. 13, S½NW¼;
Sec. 14, SE¼NE¼.

These pipelines will convey natural gas across 0.630 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-19547 Filed 7-8-77;8:45 am]

(NM 30981)

NEW MEXICO

Application

JUNE 29, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

[U-37612]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 21 E.,
Sec. 24, NW¼NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

Dated: June 28, 1977.

PAUL HOWARD,
State Director.

[FR Doc.77-19548 Filed 7-8-77;8:45 am]

Geological Survey

[Gulf of Mexico Area]

CONTINENTAL OIL CO.

Revised Outer Continental Shelf Order No. 2

Notice is hereby given that, pursuant to 30 CFR 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved the final revision to Outer Continental Shelf (OCS) Order No. 2, "Drilling Procedures," for the Gulf of Mexico Area as set forth below.

A Notice was published in the FEDERAL REGISTER on Monday, January 10, 1977 (Vol. 42 FR 2137), delineating the proposed changes and soliciting public comments. Comments were received from the following organizations:

Continental Oil Company
Gulf Energy and Minerals Company—U.S.
Exxon Company, U.S.A.
Offshore Operations Committee
Sun Production Company
Texaco, Inc.

The comments received are discussed as follows:

Paragraph 1. *"Well Casing and Cementing."* It was suggested that the second paragraph of Section 1.C be relocated and should become the third paragraph of Paragraph 1. It is agreed that the philosophy of utilizing appropriate drilling technology is applicable to more than intermediate casing practices; therefore, this paragraph was included in Paragraph 1. All of the comments concurred with the deletion of the phrase, "* * * such that the well bore could be expected to withstand a pressure equivalent to at least a 0.5 ppg kick."

Paragraph 1.C. *"Intermediate Casing."* It was the consensus that the phrase, "* * * such as drilling rate evaluation and shale density analysis * * *." be deleted from the third paragraph of Paragraph 1 (formerly appearing as the second paragraph of 1.C of the proposed Order). The intent of the language, "such as drilling rate evaluation and shale density analysis," was to serve as an example of generally accepted methods and not to restrict or specify methods in all cases and in different phases of the drilling operation. It is agreed that there are many parameters and methods to be considered in drilling operations in various portions of the well and under various conditions.

In regard to the setting depth of intermediate casing, it is considered appropriate to continue to use the proposed language, "based on pressure tests of the exposed formation below the surface casing shoe." The Order was revised by adding the phrase "or other appropriate methods."

Paragraph 2.E(3). *"Actuation."* It was suggested that the blind/shear rams and control stations be actuated "once each trip," and the phrase be added to state "but not more than once each day." This suggestion is considered usual operating practice and appropriate actuation frequency; therefore, the suggestion was included in the appropriate subparagraphs.

The final revisions from the existing Order (effective January 1, 1975) are set forth below with the modifications indicated in italics.

For further information, contact Mr. Richard B. Krahl, Chief of the Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 620, Reston, Virginia 22092 (703-860-7531).

AUTHORS: Donald W. Solanas, Gulf of Mexico Area; Glenn Frizzell, Gulf of Mexico Area; Lloyd Tracey, National Headquarters; Wm. E. Lyle, Jr., National Headquarters.

The Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and Office of Management and Budget Circular A-107.

W. A. RADLINSKI,
Acting Director.

FINAL REVISION: OUTER CONTENTAL SHELF ORDER NO. 2, GULF OF MEXICO AREA

DRILLING PROCEDURES

1. *Well Casing and Cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. In cases where cement has filled the annular space back to the Gulf floor, the cement may be washed out or displaced to a depth not exceeding 12 meters (40 feet) below the Gulf floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

The design criteria for all wells shall consider all pertinent factors for well control, including formation fracture gradients and pressures, and casing setting depths.

The Operator shall utilize appropriate drilling technology and state-of-the-art methods, such as drilling rate evaluation, shale density analysis, or other appropriate methods, in order to enhance the evaluation of conditions of abnormal pressure, and to minimize the potential for the well to develop a flow or kick.

All casing, except drive pipe, shall be new pipe or reconditioned used pipe that has been tested to insure that it will meet American Petroleum Institute (API) standards for new pipe.

1.C. *Intermediate Casing.* This string of casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing shall be based on the pressure tests of the exposed formation below the surface casing shoe *or on subsequent pressure tests.*

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. If a liner is used as an intermediate string, the cement shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The test shall be recorded on the driller's log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

2.E. Testing. (1) B.O.P. Controls—A minimum of one operable remote blowout preventer control station shall be provided in addition to the primary blowout preventer control station on the drilling floor. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic blowout preventers.

(2) Pressure Tests.—Ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the B.O.P. stack assembly, or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of the applicable above pressure test requirements. All preventers shall be tested (a) when installed, (b) before drilling out after each string of casing has been set, (c) not less than once each week, alternating between control stations, and (d) following repairs that require disconnecting a pressure seal in the assembly.

(3) Actuation.—While drill pipe is in use, the following actuation procedures shall be performed, as a minimum, to determine proper functioning of the blowout preventers and control stations:

Pipe Rams—Actuated daily

Blind/Shear Rams—Actuated while drill pipe is out of the hole. Once each trip, but not more than once each day.

Tapered Drill String Pipe Rams—The smaller size pipe rams shall be actuated on the appropriate drill pipe size, once each trip.

Annular-Type Preventer—Actuated on the drill pipe, in conjunction with the pressure test, once each week.

Control Stations—Actuated while drill pipe is out of the hole, once each trip, but not more than once each day.

D. W. SOLANAS,
Oil and Gas Supervisor, Field Operations, Gulf of Mexico Area.

RUSSELL G. WAYLAND,
Acting Chief, Conservation Division.

[FR Doc.77-19615 Filed 7-8-77;8:45 am]

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Geological Survey

COAL MINING PLAN, MONTANA

Availability of Proposed Decision for Mine Plan Submitted for Approval; Correction

In FR Doc. 77-17196, appearing at page 30695 in the FEDERAL REGISTER of June 16, 1977, the second paragraph, line 3 is corrected by the addition of Section 24 to the lands described. As corrected, line 3 of the second paragraph reads as follows:

"Sections 24, 25, and 26, T. 1 N., R. 37 E. The".

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-19549 Filed 7-8-77;8:45 am]

Office of the Secretary

FEDERAL METAL AND NONMETAL MINE SAFETY AND HEALTH ADVISORY COMMITTEE

Revised Charter

On January 11, 1977, the Secretary of the Interior, with the concurrence of the Office of Management and Budget, renewed the Federal Metal and Nonmetal Safety Advisory Committee to assist the Secretary in the development and revision of safety standards for mines and mills and related matters as authorized by the Federal Metal and Nonmetallic Mine Safety Act. Notice of renewal was published in the FEDERAL REGISTER on January 19, 1977 (42 FR 3699). After consultation with the Office of Management and Budget, the charter for the Safety Advisory Committee has been revised to reinvest it with the authority to assist the Secretary in the development of health standards as well as safety standards and to change the name to the Federal Metal and Nonmetal Mine Safety and Health Advisory Committee.

Further information regarding this revision may be obtained from Herbert P. Levan, Executive Secretary, Federal Metal and Nonmetal Mine Safety and Health Advisory Committee, Metal and Nonmetal Mine Health and Safety, Mining Enforcement and Safety Administration, Room 702, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703-235-8685).

I have determined that the Federal Metal and Nonmetal Mine Safety and Health Advisory Committee is in the public interest in connection with the administration of the Federal Metal and Nonmetallic Mine Safety Act by the Department of the Interior.

Dated: June 30, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-19550 Filed 7-8-77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SHARING COMMITTEE

Meeting

The Sharing Committee of the National Commission on Electronic Fund Transfers will meet on Monday, July 18, 1977, at 10:00 A.M. in Room 4900, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. The purpose of the meeting is to discuss possible recommendations for dealing with potential sharing problems.

The meeting will be open to the public on a first-call basis to the extent that space permits. Interested persons should contact Ms. Janet Miller at (202) 254-7500 to check on the availability of space.

Dated: July 6, 1977.

JAMES O. HOWARD, Jr.
General Counsel.

[FR Doc. 77-19614 Filed 7-8-77;8:45am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Eighth Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the eighth periodic report to Congress on abnormal occurrences (NUREG-0090-7). The release date is June 30, 1977.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The eighth report to Congress is for the first quarter of 1977 and indicates that during this period:

(a) There were no abnormal occurrences at the 63 nuclear power plants licensed to operate.

(b) There were no abnormal occurrences at fuel cycle facilities (other than nuclear power plants).

(c) There was one abnormal occurrence at other licensee facilities. The event involved an inadvertent radiation exposure to two painters while working in an area where industrial radiography was being performed.

The incident involved temporary reductions in margins of safety normally provided.

The eighth report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

The report does not contain information on activities in those states which have entered into agreements with the NRC for the assumption of certain regulatory authority pursuant to Section 274 of the Atomic Energy Act, as amended. Future reports will include Agreement State licensee activities as soon as procedures can be implemented.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. or at the 130 local Public Document Rooms throughout the country. The report, designated NUREG 0090-7, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.50 a copy on or about July 14, 1977.

Dated at Washington, D.C., this 5th day of July, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-19669 Filed 7-8-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK AND WILCOX WATER REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on July 27, 1977, in Room 1062, 1717 H Street, NW., Washington, DC 20555. The purpose of this meeting is to review the application by the Babcock and Wilcox Company for preliminary design approval of their proposed standard plant design (BSAR-205).

The agenda for subject meeting shall be as follows:

Wednesday, July 27, 1977—8:30 a.m. until conclusion of business. The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the Babcock and Wilcox Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff and Bacock & Wilcox matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552 b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 19, 1977 to Mr. Ragnwald Muller ACRS, NRC, Washington, DC 20055, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 25, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. Ragnwald Muller) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Ragnwald Muller, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 2 and October 26, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 7, 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-19871 Filed 7-8-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems will hold an open meeting on July 26, 1977 in Room 1062, 1717 H St., N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss possible changes to the Emergency Core Cooling System (ECCS) rule (10 CFR 50.46 and Appendix K to 10 CFR Part 50).

The agenda for subject meeting shall be as follows:

Tuesday, July 26, 1977—8:30 a.m. until conclusion of business. The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 19, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 27, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. Ragnwald Muller) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Ragnwald Muller, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 2 and October 26, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 7, 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-19871 Filed 7-8-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems will hold an open meeting on July 26, 1977 in Room 1062, 1717 H St., N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss possible changes to the Emergency Core Cooling System (ECCS) rule (10 CFR 50.46 and Appendix K to 10 CFR Part 50).

The agenda for subject meeting shall be as follows:

Tuesday, July 26, 1977—8:30 a.m. until conclusion of business. The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by representatives of the NRC Staff, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 19, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

ters identified in the initial session have been adequately covered and whether the project is ready for review by the

ing has been cancelled or rescheduled, the Chairman's ruling on requests for

License No. DPR-35, issued to Boston Edison Company (the licensee), which

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(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 25, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 2 and October 26, 1977, respectively, at the NRC Public Document Room 1717 H Street, N.W., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 6, 1977.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.

[FR Doc.77-19874 Filed 7-8-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 3 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Gruop No. 3 of the ACRS Subcommittee on Reactor Safety Research will hold an open meeting on July 28, 1977 in Room 1046, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting is to review matters pertaining to the scope of the site safety research currently being performed and planned by the NRC.

The agenda for subject meeting shall be as follows:

Thursday, July 28, 1977—8:30 a.m. until conclusion of business. The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet to hear presentations by representatives of the NRC Staff and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Working Group may caucus in to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilities the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 21, 1977 to Dr. Richard Savio, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 27, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1394, Attn: Dr. Richard Savio) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 4 and October 28, 1977, respectively, at the NRC Public Document Room 1717 H Street, N.W., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 7, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.77-19873 Filed 7-8-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 5 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 5 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on July 27, 1977 in Room 1046, 1717 H St., NW., Washington, DC 20555. The purpose of this meeting is to review research needs and progress in the areas of fuel cycle development, health and environmental factors, and material safeguards.

The agenda for subject meeting shall be as follows:

Wednesday, July 27, 1977—8:30 a.m. until conclusion of business. The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by representatives of the NRC Staff, the Energy Research and Development Administration (ERDA), and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff and ERDA matters involving classified or proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect classified or proprietary information (5 U.S.C. 552b (c)(1) and (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 20, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 26, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 3 and October 27, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 7, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.77-19872 Filed 7-8-77;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the Facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions and is based upon new analyses.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission's has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1977, (2) Amendment No. 25 to License No. DPR-35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-19466 Filed 7-8-77;8:45 am]

[Dockets Nos. 50-325, 324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-71 and Amendment No. 28 to Facility Operating License No. DPR-62, issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility) located

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in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the off-site corporate organization for facility management and technical support, and make several editorial changes to the administrative sections of the Technical Specifications to reflect the revised organization.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated March 21, 1977, (2) Amendment No. 6 to License No. DPR–71, (3) Amendment No. 28 to License No. DPR–62, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport–Brunswick County Library, 109 West Moore Street Southport, North Carolina 28461. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of June 1977.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–19467 Filed 7–8–77;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–26, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment establishes provisions in the Technical Specifications for steam generator tube inspection that are consistent with the guidance contained in Regulatory Guide 1.83, Revision 1, dated July 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendments was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment transmitted by letter dated December 9, 1976, (2) Amendment No. 31 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–19697 Filed 7–8–77;8:45 am]

[Docket No. 50–155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR–6, issued to the Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to (1) incorporate reactor vessel pressure temperature operating limits that comply with Appendix G of 10 CFR Part 50, (2) authorize automatic bypassing of the high condenser pressure reactor trip anytime steam drum pressures are less than 50 psig instead of the current 350 psig reactor coolant pressure limit, (3) define the administrative control requirements associated with the air ejector off-gas monitoring system, (4) correct an error in chloride ion concentration limit in the primary coolant, and (5) delete the 100-inch per minute limitation on winch speed during refueling operations.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 30, 1975 (as supplemented by letter dated June 30, 1975), September 10, 1975 (as supplemented by letter dated May 25, 1977), May 26, 1976, April 21, 1977, and May 18, 1977, (2) Amendment No. 14 to License No. DPR–6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–19469 Filed 7–8–77;8:45 am]

[Docket No. 50–341–A]

DETROIT EDISON CO.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

The Detroit Edison Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on May 6, 1977 an amendment to their application, in connection with their plans to construct and operate the Enrico Fermi Atomic Power Plant, Unit 2, a boiling water nuclear reactor (the facility), located on the applicant's site in Frenchtown Township, Monroe County, Michigan, at a steady-state power level of 3292 megawatts thermal. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The original antitrust portion of the application was submitted on April 29, 1969 by the Detroit Edison Company. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER on February 19, 1971 (34 FR 3213).

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161.

Any person who wishes to have his views on the antitrust matters with respect to the Wolverine Electric Cooperative and the Northern Michigan Electric Cooperative presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before September 9, 1977.

Dated at Bethesda, Maryland, this 5th day of July 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77–19696 Filed 7–8–77;8:45 am]

[Dockets Nos. 50–269, 50–270, and 50–287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41, 41, and 38 to Facility Operating Licenses Nos. DPR–38, DPR–47, and DPR–55, respectively, issued to Duke Power Company (the licensee), which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, (the facilities) located in Oconee County, South Carolina. The amendments are effective within 30 days after the date of issuance.

The amendments revise the common Technical Specifications to (1) allow a 72 hour period to restore operability of at least one of two redundant sources of concentrated boric acid and a one hour period to restore the borated water storage tank to operability if they should become unavailable, (2) allow a two hour period for restoration of control rod group overlap, (3) provide a clearer definition of xenon reactivity passing its final peak prior to increasing reactor power above the power level cutoff, (4) allow use of a key-operated shutdown bypass switch during power operation, (5) provide a change in reporting requirements whenever a measured level of radioactivity in any environmental medium exceeds the control station value, and (6) provide administrative changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated November 1, 1976, (2) Amendments Nos. 41, 41 and 38 to Licenses Nos. DPR–38, DPR–47, and DPR–55, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of June 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–19470 Filed 7–8–77;8:45 am]

[Docket No. 50–335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment modified the Technical Specifications to authorize a 48-hour bypass period of any one of the four Reactor Protection Systems (RPS) channels and any one of the four Engineered Safety Feature Actuation System (ESFAS) channels for testing and maintenance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 20, 1976, (2) Amendment No. 15 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–19471 Filed 7–8–77;8:45 am]

[Dockets Nos. 50–245 and 50–336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Provisional Operating License No. DPR–21 and Amendment No. 30 to Facility Operating License No. DPR–65 to Northeast Nuclear

Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Mas-

For the Nuclear Regulatory Commission.

GEORGE LEAR,

Amendments No. 35 and 35 to Facility Operating Licenses Nos. DPR–44 and DPR–56, respectively, issued to Phila-

[Docket Nos. STN 50–556, STN 50–557]

PUBLIC SERVICE COMPANY OF OKLA-

and 10 CFR Part 51 have been complied with in this proceeding;

3. Independently consider the final balance

Towers, 4350 East West Highway, Bethesda, Maryland.

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Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Environmental Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

These amendments will allow an increase in the spent fuel storage capability in the spent fuel pools (SFPs) through the use of high density spent fuel racks. The storage capability for Millstone Unit No. 1 will increase from 1,100 to 2,184 fuel assemblies while the capability for Unit No. 2 will be increased from 301 to 667 fuel assemblies.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notices of Proposed Issuance of Amendments to Facility Operating License in connection with this action were published in the FEDERAL REGISTER on September 30, 1976 (41 FR 43257) and December 23, 1976 (41 FR 55953). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated July 15, 1976 (supplemented by letter dated December 3, 1977) and November 22, 1976 (supplemented by February 4, 1977 and May 16, 1977 letters), (2) Amendments Nos. 39 and 30 to Licenses Nos. DPR-21 and DPR-65, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 117 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30 day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19698 Filed 7-8-77;8:45 am]

[Docket Nos. STN 50-580, STN 50-581]

OHIO EDISON CO., ET AL. (ERIE NUCLEAR PLANT, UNITS 1 AND 2)

Order Relative to Special Prehearing Conference

Before the Atomic Safety and Licensing Board.

In accordance with 10 CFR 2.751a, a special prehearing conference will be held at the Lorain City Hall Council Chamber, 200 West Erie Avenue, Lorain, Ohio, at 10 a.m. (local time) on July 28, 1977. The purpose of the conference is to consider the following:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

The Board will invite each petitioner to further explain his or her "interest" and each contention submitted. It will also expect the Applicant and NRC Staff to respond to each explanation. The Board suggests that the Applicant and NRC Staff meet with petitioners prior to the prehearing conference to effect possible reconciliation of any differences which may exist. The Board will not consider granting any petitioner time to amend a petition until it has the additional information developed at the prehearing conference.

The public in invited to attend. Limited appearance statements will not be called for at the prehearing conference but will be invited at the subsequent evidentiary hearing.

Dated at Bethesda, Maryland, this 1st day of July 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-19494 Filed 7-8-77;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 35 and 35 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

These amendments to the Technical Specifications will modify the method of testing the operability of relief valves at Units Nos. 2 and 3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 8, 1977, (2) Amendments Nos. 35 and 35 to License Nos. DPR-44 and DPR-56, and (3) the Commission's elated Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief of Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-19472 Filed 7-8-77;8:45 am]

[Docket Nos. STN 50-556, STN 50-557]

PUBLIC SERVICE COMPANY OF OKLAHOMA, ASSOCIATED ELECTRIC COOPERATIVE, INC., AND WESTERN FARMERS ELECTRIC COOPERATIVE, INC. (BLACK FOX STATION, UNITS 1 AND 2)

Notice and Order Setting Evidentiary Hearing on Environmental and Site Suitability Issues

Before the Atomic Safety and Licensing Board.

The U.S. Nuclear Regulatory Commission (the Commission) by its January 19, 1976, "Notice of Hearing on Application for Construction Permits" (41 FR 3515), ordered a hearing be held on the application by Public Service Company of Oklahoma and the Associated Electric Cooperative, Inc. (hereinafter referred to as Applicant),[1] to construct two boiling water nuclear reactors designated as the Black Fox Station, Units 1 and 2 (the facility). The facility is proposed to be located in the Township of Inola, Oklahoma, approximately 23 miles east of Tulsa, on the east side of the Verdigris River in Rogers County. This hearing will be evidentiary in nature and will be conducted pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011, et seq., the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and the Commission's Rules and Regulations as set out in Title 10, Code of Federal Regulations (CFR).

The hearing on this application will be conducted by an Atomic Safety and Licensing Board which is composed of Dr. Paul W. Purdom and Mr. Frederick J. Shon as technically qualified members, and Mr. Sheldon J. Wolfe as chairman.

The Applicant on January 7, 1977, submitted a "Motion to Consider Issues Relevant to Limited Work Authorization" in which it moved the Board to hear and consider such evidence at the environmental and site suitability hearing as may be necessary to make those findings set forth in 10 CFR 50.10(e)(2). This motion was granted by the Board at the Third Prehearing Conference (Tr. 327-329) which action was set out in the Third Prehearing Conference Order of March 9, 1977. Since all health and safety issues are not currently ready for adjudication, the evidentiary hearing provided for in this Notice and Order shall be a separate hearing on environmental and site suitability matters pursuant to 10 CFR 2.761a. Specifically, in its Partial Initial Decision resulting from this separate hearing, the Board will rule on the following issues:

1. Decide those matters in controversy among the parties which are within the scope of NEPA and 10 CFR 51;

2. Determine whether the requirements of Section 102(2) (A), (C), and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding;

3. Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken;

4. After weighing the environmental economic, technical, and other benefits against the environmental and other costs, and considering the available alternatives, determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values;

5. Determine whether, in accordance with 10 CFR Part 51, the construction permits should be issued as proposed;

6. Determine whether, based on the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a nuclear power reactor of the general size and type proposed from the standpoint of radiological, health and safety considerations under the Atomic Energy Act and under the Rules and Regulations promulgated by the Commission pursuant thereto.

Accordingly, please take notice and it *is hereby ordered* That the evidentiary hearing on the environmental and site suitability issues specified above is scheduled to begin at 1 p.m. on August 22, 1977, in the main conference room, Room 211, of the U.S. Army Corps of Engineers, Tulsa District, 224 South Boulder, Tulsa, Oklahoma. The hearing will continue through August 26, 1977, beginning at 9:30 a.m. The hearing will resume on August 29, 1977 at 1 p.m. and will continue through September 2, 1977, beginning at 9:30 a.m. If necessary to complete the taking of evidence, the hearing will resume on September 6, 1977 at 1 p.m. and will continue through September 9, 1977, beginning at 9:30 a.m.

Members of the public are invited to attend this evidentiary hearing. Pursuant to 10 CFR 2.715(a), individuals or organizations wishing to make limited appearances will be permitted to do so after opening statements (if any) by the parties have been concluded. Oral statements will be limited to five (5) minutes each but written statements may be submitted without limitations on length.

Dated at Bethesda, Maryland, this 1st day of July 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, Esq.,
Chairman.

[FR DOC 77-19495 Filed 7-8-77;8:45 am]

[Docket Nos. 50-553, 50-554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of June 30, 1977, oral argument on the ruling contained in LBP-77-14, 5 NRC 494, which was referred to the Appeal Board by the Licensing Board's April 20, 1977, order, is calendared for 10:00 a.m. on Wednesday, September 7, 1977, in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Dated: July 1, 1977.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc 77-19473 Filed 7-8 77,8:45 am]

[Docket Nos. 50-553; 50 554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2)

Order for Evidentiary Hearing

The evidentiary hearing in this matter will commence on Wednesday, July 13, 1977, at 9:30 a.m., at the Kingsport Civic Auditorium (Club Room), 1550 Memorial Boulevard, Kingsport, Tennessee Limited appearances will be received at that time.

It is so ordered.

Dated at Bethesda, Maryland this 1st day of July 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc 77-19695 Filed 7 8 77:8 45 am]

[Docket Nos. STN 50-518, STN 50-519, and STN 50-520 and STN 50-521]

TENNESSEE VALLEY AUTHORITY; HARTSVILLE NUCLEAR PLANTS, UNITS 1A, 2A, 1B & 2B

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Alan S. Rosenthal, Chairman. Dr. John H. Buck, Jerome E. Sharfman.

Dated: July 1, 1977.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.77-19699 Filed 7-8-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13706; File No SR-Amex-77-14]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 15,

[1] See 42 FR 21672, April 28, 1977.

[1] Subsequently Western Farmers Electric Cooperative, Inc., became a co-owner in the facility and an "Amended Notice of Hearing Application for Construction Permits" was issued October 20, 1976.

1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the following

dividual, whether or not a member of the Exchange, and to require at any time the

to permit exercise of the Board's authority only "to the extent not inconsistent

On or before August 10, 1977 or within such longer period (i) as the Com-

recommended the step-by-step development of a communications network link-

For the Commission by the Division of

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1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the following proposed rule changes:

THE AMERICAN STOCK EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend Article II, Section 2 of the Exchange Constitution to bring it into compliance with the Act. The text of the proposed amendments is as follows and the terms of substance are summarized in the following section of this notice.

TEXT OF PROPOSED RULE CHANGE

(deletions [bracketed], additions *italicized*)

Article II, Section 2 is amended to read as follows:

Transactions in Exchange Securities.

The Board shall have the power to require, *to the extent not inconsistent with the Securities Exchange Act of 1934, as amended,* that transactions in which members participate, in securities admitted to dealings upon the Exchange shall be made or executed upon the Exchange.

Members, member firms, member corporations and approved persons. The Board shall have general supervision over members, member firms and member corporations, and shall have general supervision over approved persons in connection with their conduct of the business of member corporations. The board may examine into and regulate the conduct and financial condition of members, member firms, member corporations and approved persons. It shall have supervision over and may adopt such rules as it may deem necessary or proper with respect to the formation of member firms and member corporations, the continuance thereof, the finances and capital requirements thereof, the types, terms, conditions and issuance of securities by member firms and member corporations and trading in such securities, the interest of members and other persons in member firms and member corporations, the partners, officers, directors, stockholders and employees of members, member firms and member corporations, the offices of members, member firms and member corporations, and their association with or domination by or over any corporations, firms or persons engaged in the securities business. The Board, *to the extent not inconsistent with the Securities Exchange Act of 1934, as amended,* shall have supervision over all matters relating to the collection, dissemination and use of quotations and of reports of prices on the Exchange and may grant to the Chairman, or to such officer or officers of the Exchange as he may designate, the authority to approve or disapprove any application for ticker or quotation service to any non-member[,]. [or for telephone or telegraphic wire, wireless or other connection between any office of any member or member firm or member corporation and the office of any corporation, firm or individual, whether or not a member of the Exchange, and to require at any time the discontinuance of any such service or connection.] The Board may grant to the Chairman, or such officer or officers of the Exchange as he may designate, the authority to approve or disapprove of any connection or means of communication with the Floor and to require at any time the discontinuance of any such connection or means of communication [.] *if such connection or means of communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, the Exchange Constitution or its Rules, or just and equitable principles of trade.* The Board shall establish standards and requirements for the registration of regular members as specialists or odd-lot dealers in securities dealt in on the Exchange, and may grant to a committee or committees, the authority to (i) approve the registration of regular members as specialists or odd-lot dealers, (ii) revoke or suspend any such registration at any time, (iii) allocate to a registered specialist or odd-lot dealer any security dealt in on the Exchange, and (iv) revoke any such allocation, temporarily or permanently, at any time.

AMEX'S STATEMENT OF BASIS AND PURPOSE

In December 1976, the Commission notified the Exchange by letter pursuant to section 31(b) of the 1975 Securities Acts Amendments that certain of its Constitutional and rule provisions appeared not to comply with the amended Exchange Act. The proposed amendments to Article II, Section 2 of the Exchange Constitution outlined below are designed to bring this provision into compliance with the Act.

(a) *Article II, Section 2—Transactions in Exchange Securities.* Article II, Section 2 authorizes the Board to require that member transactions in Exchange-listed securities be executed on the Exchange. The Exchange proposes to amend this provision to provide that the authority in question can be exercised only "to the extent not inconsistent with the Securities Exchange Act of 1934, as amended".

(b) *Article II, Section 2—Members, member firms, member corporations and approved persons.* Article II, Section 2 also authorizes the Board (1) to supervise all matters relating to the collection, dissemination, and use of quotation and last sale information (including approval of non-member applications for quotation and last sale services) and (2) to approve and discontinue all communication devices connecting members' offices and the Floor and/or members' and non-members' offices.

The Exchange believes that the Board's power to supervise the use of quotation and last-sale information may properly be retained. However, since under the amended Exchange Act the SEC has jurisdiction over the distribution of such information, it would appear to be appropriate to amend the Constitution to permit exercise of the Board's authority only "to the extent not inconsistent with the Securities Exchange Act of 1934 as amended".

While physical limitations of Exchange floor facilities and the need to regulate potential abuses make it reasonable for the Exchange to retain in Article II, Section 2 the authority to regulate wire communications to the Floor, the development and adoption of reasonable standards for discontinuing such services, aimed at preventing fraud and manipulation, are appropriate. The proposed amendment to Article II, Section 2 would authorize the Exchange to discontinue a Floor wire "if such connection or means of communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, the Exchange Constitution or its Rules, or just and equitable principles of trade". However, a different approach is appropriate for systems connecting members' and non-members' offices. The Exchange proposes to delete this portion of Article II, Section 2.

The Exchange believes the basis under the Act for the proposed amendments to Article II, Section 2 of the Exchange's Constitution is as follows:

(a) *Article II, Section 2—Transactions in Exchange Securities.* The amendment, which would permit exercise of the Board's authority to prohibit off-board trading only "to the extent not inconsistent with the Securities Exchange Act of 1934, as amended", is proposed to enable the Exchange to comply with the amended Exchange Act and rules thereunder, and is consistent with Section 6(b)(1) of the Act.

(b) *Article II, Section 2—Members, member firms, member corporations and approved persons.* The amendment, permitting exercise of the Board's authority over quotation and last-sale information only "to the extent not inconsistent with the Securities Exchange Act of 1934, as amended", is proposed to enable the Exchange to comply with the amended Exchange Act and rules thereunder, and is consistent with section 6(b)(1) of the Act.

The proposed amendment, which would provide reasonable standards for discontinuing wire communications between a member's office and the Floor, is consistent with section 6(b)(7) of the Act relating to limitations on access to Exchange services. The proposed amendment, removing the power to approve and disapprove wire communications between members and non-members, is consistent with section 6(b)(7) of the Act in that it eliminates an Exchange provision not related to the purposes of the Act or the administration of the Exchange.

Amex states no comments were solicited or received with respect to the proposed Constitutional amendment.

The Exchange has determined that no burden on competition will be imposed by the proposed Constitutional amendment.

On or before August 10, 1977 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 30, 1977.

[FR Doc.77-19635 Filed 7-8-77;8:45 am]

[Release No. 34-13706; File No. SR DTC 76-8]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission Amendment No. 2 to a proposed rule change (SR-DTC-76-8) as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves implementation of the Participant Terminal System (PTS) of The Depository Trust Company (DTC). The PTS is an automated communications link between DTC and its Participants. The proposed rule change also establishes charges and fees associated with the PTS.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

In 1972 a committee of the Banking and Securities Industry Committee recommended the step-by-step development of a communications network linking the members of the financial community. The purpose of PTS is to implement that recommendation by developing an automated communications link between DTC and its Participants to replace gradually, for Participants utilizing the PTS, the present system in which thousands of written instructions are prepared by Participants and carried by runners to and from DTC each day. The purpose of the additions to the Fee Schedule for Major Services is to allocate fairly the fees imposed on Participants utilizing the PTS.

The proposed rule change will facilitate the prompt and accurate clearance and settlement of securities transactions for which DTC is responsible by implementing an automated communications link between DTC and its Participants and will equitably allocate fees among DTC's Participants.

The PTS was developed in close coordination with DTC's Participants. Comments regarding the PTS were solicited from Participants by numerous conferences and DTC Newsletter articles. Numerous written comments were received, the majority of which either were technical in nature or expressed enthusiasm for the PTS concept and a desire to participate in the PTS. In conferences with Participants, no objections to the new fees were raised, although one Participant stated line charges should be the same for all Participants, and not based on line costs between geographically distant points.

DTC believes that no burden will be placed on competition by the proposed rule change.

On or before August 10, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 30, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77 19636 Filed 7-8-77;8:45 am]

[Rel. No. 9831, 812-4138]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Filing of Application

JUNE 29, 1977.

Notice is hereby given that Massachusetts Life Inurance Company ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund"), 1295 State Street, Springfield, Massachusetts 01111, a non-diversified, cloed-end management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter referred to collectively as "Applicants"), filed an application on May 23, 1977, and an amendment thereto on June 17, 1977, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission (1) permitting the Insurance Company and the Fund each to purchase $6,000,000 in principal amount, at 100% of the principal amount thereof, of a new issue of 9¾% 15-Year Convertible Subordinated Notes ("Convertible Notes") of Massey-Ferguson (Delaware), Inc., a Delaware corporation ("Massey-Ferguson"), and (2) permitting the Insurance Company to purchase $10,000,000 in principal amount, at 100% of the principal amount thereof, of a new issue of 9% 20-Year Senior Notes ("Non-Convertible Notes") of Massey-Ferguson (hereinafter referred to collectively with the Convertible Notes as "Notes"), or, in the event that such an order does not issue prior to the closing of the purchase by the Insurance Company of the Notes, for an order pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the proposed sale by the Insurance Company of $6,000,000 in principal amount of the Convertible Notes to the Fund at a price equal to the cost paid by the Insurance Company plus any accrued interest. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

BACKGROUND

According to the application, the Insurance Company, which is the investment adviser to the Fund, has approved the purchase at direct placement at 100% of the principal amount thereof, from Massey-Ferguson, $10,000,000 in principal amount of Non-Convertible

Notes and $12,000,000 in principal amount of Convertible Notes; the proposed purchase is part of a proposed issue of $30,000,000 in principal amount of Convertible Notes and $12,000,000 in principal amount of Non-Convertible Notes of Massey Ltd. Applicants also state that the Fund owns no securities of Massey-Ferguson, Massey Ltd. or, to its knowledge, any affiliated person of Massey-Ferguson, Massey Ltd. or any of their subsidiaries.

Applicants state that the Insurance Company has agreed to purchase for its general account the $10,000,000 in principal amount of Non-Convertible Notes and the $12,000,000 in

than that of other participants. Accordingly, Applicants have requested an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the Insurance Company to purchase the Convertible Notes and the Non-Convertible Notes and the Fund to purchase the Convertible Notes. Applicants state that the Insurance Company has agreed to purchase the Notes so that, in Applicant's opinion, such a sale to the Fund at

MSE'S STATEMENT OF THE TERMS OF

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Notes and $12,000,000 in principal amount of Convertible Notes; the proposed purchase is part of a proposed issue by Massey-Ferguson of $150,000,000 in principal amount of Non-Convertible Notes and $150,000,000 in principal amount of Convertible Notes. The application states that the purchasers of such notes other than the Insurance Company and the Fund are presently expected to include several of the largest domestic life insurance companies. The application states further that Massey-Ferguson is a wholly-owned subsidiary of Massey-Ferguson, Ltd. ("Massey Ltd."), a Canadian corporation, and operates primarily for the purpose of raising capital for Massey Ltd. in the United States. According to Applicants, Massey Ltd. is a major manufacturer of farm equipment and also manufactures industrial and construction equipment and diesel engines. Applicants represent that the Notes will be unconditionally guaranteed by Massey Ltd., and that the proceeds from the sale of the Notes will be applied to working capital and the retirement of existing debt of Massey Ltd. Applicants represent further that the purchasers of the Notes (including Applicants) are relying primarily on the credit of Massey Ltd. for payment of the Notes. According to the application, holders of the Convertible Notes are to be permitted at any time to convert all or any portion of the Convertible Notes into shares of common stock of Massey Ltd. at a conversion price of $45 per share during the first five years after the issuance of the Notes and $55 per share thereafter; on May 13, 1977, the closing New York Stock Exchange price for the common stock of Massey Ltd. was $21⅛. The application also states that Massey Ltd. has agreed to register, at its expense, up to two public offerings of the common stock underlying the Convertible Notes at the request of holders of 20% or more of the outstanding Convertible Notes and that Massey Ltd. has agreed to include at the request of any holder of the Convertible Notes the common stock underlying the Convertible Notes held by such holder in any other registration of Massey Ltd. common stock.

Applicants represent that the Insurance Company presently holds $970,000 in principal amount of 5¼% Notes due 1982 and $3,200,000 in principal amount of 5⅞% Subordinated Notes due 1984 of Massey-Ferguson, and that required prepayments on these securities total $430,000 annually. According to the application, no part of the proceeds from the sale of the Notes will be used for the payment of principal or interest on those securities. Applicants represent that neither Massey-Ferguson nor Massey Ltd. is an affiliated person, as defined in Section 2(a)(3) of the Act, of the Insurance Company or of the Fund. Applicants state that neither the Insurance Company, nor, to their knowledge, any affiliated person of the Insurance Company, owns any other securities of Massey-Ferguson, Massey Ltd., or any affiliated persons of Massey-Ferguson or Massey Ltd. Applicants also state that the Fund owns no securities of Massey-Ferguson, Massey Ltd. or, to its knowledge, any affiliated person of Massey-Ferguson or Massey Ltd.

THE PROPOSED TRANSACTION

The Insurance Company proposes (1) to recommend for purchase, by the Fund, one-half ($6,000,000 in principal amount at 100% of the prinripal amount thereof) of the $12,000,000 in principal amount of the Convertible Notes; (2) to purchase, for the Insurance Company, one-half ($6,000,000 in principal amount at 100% of the principal amount thereof) of the $12,000,000 in principal amount of the Convertible Notes; and (3) to purchase, for the Insurance Company, $10,000,000 in principal amount, at 100% of the principal amount thereof, of the Non-Convertible Notes. Applicants represent that in the judgment of the Insurance Company, the Convertible Notes would be an attractive investment for the Fund. Applicants represent further that (1) Massey Ltd. has shown consistent growth in both sales and earnings; (2) as of May 18, 1977, the interest rates on the Notes are commensurate with prevailing market rates of interest for companies like Massey Ltd.; (3) the interest rate is attractive in light of the current yield on the Fund's portfolio; and (4) the convertibility of the Convertible Notes further enhances their value to the Fund.

Applicants state, however, that the Insurance Company does not consider it advisable or consistent with the investment objectives and policies of the Fund for the Fund to purchase any part of the Non-Convertible Notes. According to Applicants, the purchase by the Fund of one-half of the principal amount of both the Convertible and Non-Convertible Notes would involve an investment by the Fund of $11,000,000 in the Notes, which would constitute, after such investment, approximately 11% of the value of the Fund's portfolio and by far the largest investment of the Fund in a single issue. Applicants represent that it would be inappropriate at this time for the Fund to invest such a large proportion of its portfolio in such a manner; the proposed purchase of Convertible Notes by the Fund alone would constitute one of its largest investments in a single issue. Applicants state, by contrast, that the proposed investment of $16,000,000 in the Notes by the Insurance Company constitutes considerably less than 1% of the value of the Insurance Company's bond portfolio. Applicants represent further that, although the Convertible Notes are subordinated to the Non-Convertible Notes, the higher rate of interest on and the conversion feature of the Convertible Notes make them a more attractive investment for the Fund than the Non-Convertible Notes.

Applicants state that if a favorable Commission order is received prior to the issuance of the Notes, the Fund will purchase directly from the issuer at closing; the Insurance Company is prepared to purchase for its general account the $10,000,000 in principal amount of Non-Convertible Notes and the $12,000,000 in principal amount of Convertible Notes at the closing and promptly sell one-half of the principal amount of Convertible Notes to the Fund at the price paid by the Insurance Company plus accrued interest if the Commission order is received after such closing but not later than three months thereafter, and upon receipt from the Fund of appropriate investment representations and an undertaking to be bound by the terms and conditions subject to which the Insurance Company holds such securities. The application states that the Insurance Company's obligations thus to sell to the Fund will be reflected in the investment representations made to Massey-Ferguson and in the provisions applicable to its right to transfer part of the Notes. Applicants represent that the Insurance Company is prepared to purchase for its general account both the Non-Convertible Notes and all $12,000,000 in principal amount of the Convertible Notes, if no Commission order is received prior to, or within three months after, the issuance of the Notes.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690) ("Order"), the Insurance Company is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time as the Fund. The Order is subject to several conditions, one being that neither the Insurance Company nor the Fund has any prior interest in, or subsequently acquires any further interest in, an issuer or in any affiliated person of an issuer other than interests in all respects identical. Applicants assert that since the Insurance Company presently owns securities of Massey-Ferguson while the Fund does not, and because the Insurance Company proposes to purchase the Non-Convertible Notes, the proposed transaction is not permitted by the provisions of the Order.

Section 2(a)(3) of the Act includes, within the definition of an affiliated person of an investment company, any investment adviser thereof; thus, the Insurance Company, the Fund's investment adviser, is an affiliated person of the Fund. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous

than that of other participants. Accordingly, Applicants have requested an order, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting the acquisition by the Insurance Company of $10,000,000 in principal amount of Non-Convertible Notes at 100% of the principal amount thereof and $6,000,000 in principal amount of Convertible Notes at 100% of the principal amount thereof, and by the Fund of $6,000,000 in principal amount of Convertible Notes at 100% of the principal amount thereof. Applicants submit (1) that disadvantage to the Fund will result if the Fund is not permitted to acquire a portion of the Convertible Notes; (2) that the interest of the Insurance Company in certain outstanding securities of Massey-Ferguson and in its purchase of the new Notes has had no effect on the decision of the Insurance Company to recommend the purchase of the Convertible Notes by the Fund; (3) that it is appropriate for the Fund to purchase only the Convertible Notes because a purchase of one-half of both Convertible and Non-Convertible Notes would constitute an investment of an unreasonably large portion of the Fund's portfolio in such issues; (4) that of the two issues, the Convertible Notes are a more attractive investment to the Fund; and (5) that the Fund's purchase of only the Non-Convertible Notes would be inconsistent with the investment policy of the Fund to purchase primarily securities having equity features. Applicants therefore submit that, in their view, the participation of the Fund in the purchase of the Convertible Notes will be on a basis no different from and no less advantageous than that of the Insurance Company, and is consistent with the provisions, policies and purposes of the Act.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to sell to such registered investment company any security or other property. Pursuant to Section 17(b) of the Act, the Commission, upon application, shall grant an exemption from such prohibition if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants seek an exemption pursuant to section 17(b) of the Act to permit the sale by the Insurance Company to the Fund of $6,000,000 in principal amount of Convertible Notes at the price paid by the Insurance Company therefor plus any accured interest, in the event that the requested order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder is not granted before the issuance of the Notes. Applicants represent that such transfer will be made by the Insurance Company only if a Commission order is received within three months of the acquisition of the Notes by the Insurance Company so that, in Applicant's opinion, such a sale to the Fund at the Insurance Company's cost plus accured interest can be regarded as made at a fair price. Applicants represent that the Fund will not be obligated to purchase the Notes from the Insurance Company unless contemporaneously a majority of the "non-interested" directors of the Fund approve such purchase. Applicants submit that, for the reasons set forth above, the terms of such proposed sale by the Insurance Company to the Fund (1) are reasonable and fair and do not involve overreaching on the part of either the Insurance Company or the Fund; (2) are consistent with the policy of the Fund; and (3) are consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 21, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 77-19634 Filed 7-8-77;8:45 am]

[Release No. 34-13699;
File No. SR-MSE-77-27]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(Additions *italicized*)

Article XIV, New Rule 15 of the Midwest Stock Exchange Rules—Expenditure Limits.

Expenditure Limits

Rule 15. Any project, non-budgeted operational activity, capital expenditure, or lease commitment in excess of an amount as established by resolution of the Board of Governors, and any new service which is planned or expected to gencrate gross annual revenue in excess of an amount established by the Board of Governors, shall be approved by the Board prior to implementation.

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change limits expenditures made by management by requiring Board approval in accordance with those expenditures in excess of an amount to be established by the Board of Governors.

The proposed rule change represents a fair representation of its membership in the administration of its affairs by establishing controls on company expenditures by requiring Board approval.

MSE states that comments have neither been solicited nor received.

The Midwest Stock Exchange believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77-19643 Filed 7-8-77;8:45 am]

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[Release No. 34-13702; File No. SR-MSE-77-19]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 22, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change (deletions [bracketed], additions italicized)

ARTICLE III

Committee on Specialist Assignment and Evaluation

Rule 4. There shall be a Committee on Specialist Assignment and Evaluation which shall have not less than five members in addition to the ex-officio members. The majority of the members of this Committee other than ex-officio members shall not be affiliated with broker/dealers and no member of the Committee may be affiliated with a specialist unit. The Chairman of this Committee shall *not be affiliated with a broker/dealer* (be a Public Governor of the Board). The Committee shall have the responsibility for appointing specialist, cospecialists and odd-lot dealers, evaluating and monitoring their performance, and conducting deregistration proceedings in accordance with the provisions of Article XXIV. It shall consult and coordinate with the Floor Procedure Committee where appropriate to ensure that the expertise available through the Floor Procedure Committee is utilized in connection with performance of these responsibilities.

MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate wording which requires the Chairman of the Committee on Specialist Assignment and Evaluation to be a public governor of the Exchange. New wording prohibts any affiliation with a broker/dealer by the Chairman of the Committee.

Prior to the active inception of the Committee on Specialist Assignment and Evaluation, it was anticipated that its Chairman would be a public governor of the Exchange. It was later determined that the public governor requirement was no longer necessary since the Chairman would still be prohibited from having any affiliation with a broker/dealer.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated, believes that no burdens have been placed on competition.

On or before August 15, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77-19642 Filed 7-8-77;8:45 am]

[Release No. 34-13707; File No. SR-MSE-77-28]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF THE MIDWEST STOCK EXCHANGE'S ("MSE") PROPOSED RULE CHANGE

Rule 13 of Article XXXIV is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

REGISTRATION AND APPLICATION

Rule 13. A member may be registered, upon application and subject to such requirements of training, experience, and competence as the Exchange may impose, as a registered market maker. [No member may be registered as a market maker on the equity floor if such member holds either a principal or supplemental appointment on the options floor of the Exchange: *Provided, however,* That this shall not prevent one member representing a member organization from holding market maker appointments in overlying options while another member representing the same member organization is registered as a market maker in the securities underlying such options or in other securities.]

MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this proposal is to allow options-only members to be registered as market makers in the stocks underlying options traded on the Exchange and to allow members who are both options and equity members to hold appointments as market makers in both stocks and options, thus giving the market makers greater flexibility and increasing the trading opportunities available to them.

Market makers must effect their transactions in securities listed on the Exchange so that they constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market.

The increased flexibility gained by access to both trading floors and the additional trading opportunities available will improve their ability to provide deeper, more liquid markets and thus increase their ability to meet their obligations.

Further, the ability of the market makers to compete will be favorably impacted by this proosal in accordance with the mandate of the Act.

Comments have neither been solicited nor received.

The MSE believes that no burdens will be placed on competition if the proposed rule change is approved by the Commission.

On or before August 15, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 30, 1977.

[FR Doc.77-19641 Filed 7-8-77;8:45 am]

[Release No. 34-13700; File No. SR-MSE-77-26]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

(additions *italicized*, deletions [bracketed]

Revision of Article IV, Rule 2 of the Midwest Stock Exchange Rules—Finance Committee.

FINANCE COMMITTEE

Rule 2. There shall be a Finance Committee which shall have five members, in addition to the ex-officio members[.] *, all of whom shall be Governors.* [The Chairman shall be a member of the Executive Committee, and at least two other members of the Committee shall be Governors. It shall have authority to cause moneys of the Exchange to be deposited in one or more banks and shall carry out the investment policy of the Exchange as determined by the Board of Governors. It shall review and submit to the Board of Governors a report of receipts and disbursements for each fiscal year with a statement of the funds and the securities held by the Exchange. Prior to the commencement of each fiscal year it shall submit to the Board an estimate of receipts and expenditures for the ensuing year and recommend the amount of dues and other charges for the ensuing year so as to operate the Exchange on a balanced budget. To assist in maintaining a balanced budget, the Finance Committee shall be consulted on any contemplated expenditure by the Exchange amounting to more than $2,000 which is not provided for in the budget. In its investment activities, the Committee shall act on the recommendations of professional investment counsel employed by the Exchange to recommend securities to be bought and sold in the Exchange's investment account. At intervals of six months, or more often if it so decides, the Committee shall review the Exchange's investment account and render a detailed report of its review to the Executive Committee.] *The Committee shall review all annual Profit Plans and Budgets for the Exchange and its subsidiaries prior to submission to the Board and make such recommendation to the Board with respect thereto as it may deem appropriate. It shall review from time to time the financial condition of the Exchange and its subsidiaries, and make such recommendations to the management or to the Board with respect thereto as it may deem appropriate. It shall formulate an investment policy and submit same to the Board for approval, and shall review the performance of all Exchange investments on a quarterly basis.*

MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of th proposed rule change is a redefinition of the Finance Committee functions allowing the Committee more latitude in its review of financial plans in budgets for the Exchange and its subsidiaries.

The proposed rule change represents a fair representation of its membership in the administration of its affairs by delegating financial responsibility to a specified standing committee.

MSE states that comments have neither been solicited nor received.

The Midwest Stock Exchange believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room., 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77-19640 Filed 7-8-77;8:45 am]

[Release No. 34-13701; File No. SR-MSE-77-25]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article IV. New Rule 8 of the Midwest Stock Exchange Rules—Audit Committee.

(Additions italicized)

Audit Committee

Rule 8. *There shall be an Audit Committee which shall have not less than three members, in addition to the ex-officio members, all of whom shall be Governors. The Committee shall have the responsibility to annually review with the independent auditors, the scope of their examination and the cost thereof.*

It shall periodically review with the independent auditors and the internal auditor, the Exchange's internal controls and the adequacy of the internal audit program. It shall review the annual "management letter" and other reports submitted by the independent auditors, and take such action with respect thereto as it may deem appropriate. The Committee shall also annually recommend to the Board of Governors independent public acountants for appointments as auditors of the books, records and accounts of the Exchange and its subsidiaries.

[Present Rule 8 will be re-numbered as "Rule 9".]

MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is the creation of an Audit Committee. This Committee shall have the responsibility to review the Exchange's internal controls and the adequacy of the internal audit program. Previously, such a review was done by the full Board.

The proposed rule change represents a fair representation of its membership in the administration of its affairs by delegating Audit Committee responsibility to a specified standing committee.

MSE states that comments have neither been solicited nor received.

The Midwest Stock Exchange believes that no burdens will be placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such

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rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 1, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 29, 1977.

[FR Doc.77-19639 Filed 7-8-77;8:45 am]

[Rel. No. 13709; File No. SR-OCC-77-1]

OPTIONS CLEARING CORP.

Rule Change

JUNE 30, 1977.

Order approving rule change submitted by the options clearing corporation to permit an exercise notice to be filed in respect of an opening purchase transaction on the date when the transaction is executed.

On April 20, 1977, The Options Clearing Corporation ("OCC"), 6150 Sears Tower, Chicago, Illinois 60606, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to permit a clearing member to file an exercise notice respecting an opening purchase transaction on the date of such transaction.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 23899, May 11, 1977), and the public was invited to submit comments until June 1, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13503, May 3, 1977. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-77-1 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19632 Filed 7-8-77;8:45 am]

[Rel. No. 13694, SR-PSE-77-12]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

JUNE 29, 1977.

On May 6, 1977, the Pacific Stock Exchange Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to permit a smaller trading differential on local PSE stocks (which are stocks not traded on either the New York or American Stock Exchange) which trade between $1 and $5.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13541 (May 13, 1977)) and by publication in the FEDERAL REGISTER (42 FR 27358 (May 27, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on May 6, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19633 Filed 7-8-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 30/03-5130]

FIRST COLONIAL INVESTMENT CORP.

Issuance of a License To Operate as a Small Business Investment Company

On May 18, 1977, a notice was published in the FEDERAL REGISTER (42 FR 25571), stating that First Colonial Investment Corporation, located at Pembroke Four, Virginia Beach, Virginia 23463, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1977) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on June 2, 1977, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 03/03-5130 to First Colonial Investment Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: July 1, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-19645 Filed 7-8-77;8:45 am]

[Proposed Licene No. 02/02-0331]

FIRST WOMAN'S SMALL BUSINESS INVESTMENT CORP.

Application for a License to Operate as a Small Business Investment Company

An Application for a license to operate as a Small Business Investment Company under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by First Woman's Small Business Investment Corp. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102.

The applicant, with its place of business at 885 Second Avenue, New York, New York 10017, will begin operations with $500,000 of paid-in capital and surplus. Its common stock will be owned by a limited partnership, First Women's Funding Company (FWF Co.), the general partner of which is a corporation, First Woman's Funding Corporation (FWF Corp.), owned by Dr. Sandra M. Brown and Peter E. Senne. FWF Corp. will manage the business and affairs of the applicant.

The officers and directors of the applicant and FWF Corp. will be as follows:

Dr. Sandra M. Brown, President, Director. 245 East 40th Street, New York, New York 10016.

Peter E. Senne, Vice President, Director, 3 Harbor Road, Cold Springs Harbor, New York 11724.

Wendy Schantzer, Secretary, Treasurer, Director, 619 Third Avenue, New York, New York 10028.

Other Associate:

Susan F. Stein, Beneficial owner of more than 10 percent of FWF Co. (100 percent owner of applicant), 241 Central Park West, New York, New York 10024.

The applicant will sublease 55 percent of its leased space to another company affiliated with Dr. Brown.

Limited Partnerships shares in the Applicant will be solely owned by Peter E. Senne at the formation of the company. However, to raise additional capital, forty limited partnership interests may be offered to persons or entities including Mr. Senne's partnership interest. FWF Corp. will own 15 percent of partnership capital.

The limited partnership's (FWF Co.) sole purpose will be that of owning the shares of the applicant. However, the General Partner (FWF Corp.) may invest in other enterprises or engage in consulting services relating to investments.

The applicant indicated that it would establish a broad financing policy. It would welcome requests for financial assistance from female-owned enterprises, however, it will solicit clients and consider their financial requests on the basis of credit and other relevant qualifications, regardless of the sex or marital status of their principals. It will conduct its operations primarily in the New York metropolitan area.

The officers and directors of the applicant will render management consulting services to clients and other small business concerns.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA rules and regulations.

Any person may, on or before [15 days from the date of this Notice] submit to SBA written comments on the proposed License. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 1, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-19646 Filed 7-8-77;8:45 am]

[License No. 07/07-0077]

KANSAS VENTURE CAPITAL, INC.

Issuance of License To Operate as a Small Business Investment Company

On January 10, 1977, a notice was published in the FEDERAL REGISTER (42 FR 2124) stating that Kansas Venture Capital, Inc., 1030 First National Bank Tower, One Townsite Plaza, Topeka, Kansas 66603, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business January 25, 1977, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 07/07-0077 to Kansas Venture Capital, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program 59.011, Small Business Investment Companies)

Dated: July 1, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-19644 Filed 7-8-77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. INDUSTRIAL ELECTRONIC ENGINEERS, INC.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Central District of California, Los Angeles, California, in Civil Action No. 73-1427-WPG, *United States of America* v. *Industrial Electronic Engineers, Incorporated.*

The complaint in this case alleges that the defendant violated section 2 of the Sherman Act by monopolizing the manufacture and sale of rear projection readout devices. The proposed consent judgment orders the defendant to grant unrestricted royalty-free licenses under certain of its patents together with the know-how therefor; enjoins the defendant for five years from acquiring any stock, assets or other interest in anyone engaged in the manufacture or assembly of rear projection readouts; and prohibits defendant from engaging in a propaganda compaign to discredit and disparage competitors.

Public comment is invited on or before August 29, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Dwight B. Moore, Chief, Los Angeles Field Office, Antitrust Division, United States Department of Justice, 312 North Spring Street, Los Angeles, California 90012.

Dated: June 29, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. *Industrial Electronic Engineers, Incorporated,* Defendant.

Civil Action No. 73-1427-WPG.

STIPULATION

Filed: June 29, 1977.

Raymond P. Hernacki, Antitrust Division, Department of Justice, 1444 United States Courthouse, 312 North Spring Street, Los Angeles, California 90012, Telephone: 213-688-2502. Attorney for Plaintiff.

It is stipulated by and between the undersigned parties, by their respective attorneys that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, Pub. L. 93-528, and without further notice to either party or other proceedings: *Provided* That plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this or any other proceeding.

Dated: June 29, 1977.

John H. Shenefield, *Acting Assistant Attorney General, Antitrust Division;* William E. Swope, Dwight B. Moore, *Attorneys, Department of Justice;* Charles F. B. McAleer, Robert J. Ludwig, Raymond P. Hernacki, *Attorneys, Department of Justice.*

For the Defendant: Robert G. Lane, *Attorney for Industrial Electronic Engineer Inc.*

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. *Industrial Electronic Engineers Incorporated* Defendant.

Civil No. 73-1472-WPG
Filed: June 29, 1977.
Entered:

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on June 27, 1973 and plaintiff and the defendant, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon the consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter herein and of the parties hereto. The Complaint states a claim against the defendant upon which relief may be granted under section 2 of the Act of Congress, of July 2, 1890, as amended (15 U.S.C. 2), commonly known as the Sherman Act.

II

The provisions of this Final Judgment applicable to Industrial Electronic Engineers, Inc. (referred to hereinafter as "IEE") shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

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III

As used in this Final Judgment:

(A) "Rear projection readout" means any display device capable of selectively projecting from a film or other image-forming element a wide variety of numbers, letters, symbols or pictures in one or more colors from the rear of the device onto a miniature front viewing screen.

(B) "IEE cost" means all expenses incurred by IEE, under generally accepted accounting principles, consistently applied, as determined by a generally recognized national certified public accounting firm, in the production and sale of any rear projection readout, but shall not include any research and development expense or any initial tooling and other start up expenses incurred by IEE in connection with such rear projection readouts.

(C) "IEE know-how" means (1) a list disclosing the name and last known address of each person in the United States to whom rear projection readouts were sold by IEE between January 1, 1973 and the date of entry of this Final Judgment, and (2) written or microfilmed information, owned or controlled by IEE on the date of entry of this Final Judgment, disclosing designs for, or methods or techniques of, manufacturing and/or assembling rear projection readouts, including, but not limited to, all: drawings, blueprints, specifications, information on microfilm quality, workmanship standards, quality assurance standards, production process control travelers, quality control inspection instructions, general inspection instructions, and copies thereof.

(D) "Person" means any individual, corporation, association, partnership or other legal entity.

IV

IEE is hereby enjoined and restrained from:

(A) Selling or offering to sell rear projection readouts at prices below IEE cost except where such sales or offers (1) are incidental to a legitimate close-out or discontinuance by IEE of such rear projection readouts, and such rear projection readouts were previously offered for sale by IEE in a standardized form to two or more customers, or (2) are made to meet the equally low price offered by a competitor. This Section IV(A) shall not preclude IEE from giving, without charge, a small quantity of any model of rear projection readouts, not to exceed five (5) in number for each such model, as advertising or promotional samples.

(B) Acquiring or receiving, for a period of five (5) years immediately following the date of entry of this Final Judgment, any stocks, bonds, notes, capital assets, or other interest in any person engaged in the manufacture or assembly of rear projection readouts, except IEE may acquire notes or security interests in connection with sales of IEE products or services made in the ordinary course of business.

(C) Acquiring or receiving, for a period of ten (10) years immediately following the date of entry of this Final Judgment, exclusive control of any patents, trademarks, designs, inventions, improvements, or know-how covering the manufacture, production, or assembly of rear projection readouts, except from a person that conceived or developed said patents, trademarks, designs, inventions, improvements, or know-how in the course of such person's services for IEE as an employee or agent.

(D) Monopolizing (as used in Section 2 of the Sherman Act) the rear projection readout market in the United States.

V

(A) Within ninety (90) days following the date of entry of this Final Judgment, IEE is ordered and directed to establish and to distribute to all IEE personnel a written policy, approved by the plaintiff, prohibiting any officer, director, employee or agent of IEE from authorizing, making, publishing or acquiescing in any statement, known to be false or believed to be false by such officer, director, employee or agent of IEE, to discredit or disparage any person engaged in the manufacture or sale of rear projection readouts. Such policy shall provide that violation thereof by any IEE personnel will be cause for immediate dismissal.

(B) For a period of five (5) years immediately following the date of entry of this Final Judgment, IEE (1) shall annually distribute, within the thirty (30) days immediately preceding the anniversary of the date of entry of this Final Judgment, a copy of such policy to all IEE sales personnel and (2) shall distribute a copy of said policy to each new officer, director, employee or agent at the time of his employment.

VI

(A) IEE is ordered and directed to grant to each person in the United States making written request therefor, an irrevocable, royalty-free, non-exclusive, and unrestricted license to make, have made, use, sell or lease the subject matter claimed therein under any or all of the following United States patents, and any reissues thereof, and on any patents issued from any division or continuation thereof, and all other United States patents issued to IEE or under which IEE has the right to grant licenses or sublicenses, on or before the date of entry of this Final Judgment, and disclosing and claiming rear projection readouts or disclosing and claiming components or subassemblies for such rear projection readouts or disclosing and claiming methods of, or equipment for, making such rear projection readouts or such components or subassemblies.

No.	Date issued	Inventor(s)
3,041,600	June 26, 1962	Donald G. Gumperts and John E. Hendricks.
3,201,784	Aug. 17, 1965	John E. Hendricks and David M. Piatt.
3,244,071	Apr. 5, 1966	Donald G. Gumperts.
3,332,318	July 25, 1967	Guy O. Gessel.
3,761,169	Sept. 25, 1973	Robert W. Farnden, Roger Silverstone, and John E. Hendricks.

(B) Except as otherwise provided in this Final Judgment or as implied by law, nothing herein shall require IEE to grant the right to sublicense to any person obtaining a license pursuant to the provisions of this Section VI.

(C) IEE is enjoined and restrained from bringing or prosecuting any action against any person licensed under this Section VI on the ground that any rear projection readouts made, made for, used, sold or leased by such person infringed on any patents listed in Section VI(A) of this Final Judgment.

(D) IEE is ordered and directed for a period of five (5) years from the entry of this Final Judgment, upon written request, to furnish IEE know-how used or useful to practice the subject matter claimed under all patents licensed pursuant to this Section VI (except that IEE shall not be required to furnish any know-how specifically directed to and developed in connection with any invention or improvement covered by any rear projection readout patent issued to IEE after the date of entry of this Final Judgment), at a price not to exceed the actual cost to IEE of assembling and reproducing such know-how. Such know-how shall be provided pursuant to this subsection VI (D) for each rear projection readout as a unit and for the separate components of (1) the casing for the rear projection readout and all parts within the casing; (2) each bezel of standardized form; and (3) the lamp terminal assembly and each terminal assembly forming a part thereof. Know-how shall also be provided by IEE for all switches and connector assemblies for IEE's model designated "Series 405." IEE shall not be obligated to provide know-how for (1) decoders for converting information in one code into information in another code; (2) drivers for electrically energizing the light sources; (3) power supplies for supplying electrical energy to the various electrical components including the light sources and the decoders and drivers; (4) parts, sub-assemblies, assemblies and accessories which are not supplied by IEE; and (5) parts, sub-assemblies, assemblies and accessories which are not listed above.

(E) IEE shall not sell, transfer, assign or otherwise dispose of any of the patents or know-how referred to in this Section VI unless the purchaser, transferee or assignee agrees in writing, prior to the consummation of such sale, transferral, assignment or other disposition, to be bound by the provisions of this Section VI.

(F) The provisions of this Section VI shall not be contrued as requiring IEE to provide any IEE know-how hereunder to any person owned or controlled, directly or indirectly, by any person whose principal place of business or permanent residence is not within the United States, and shall not be construed to prohibit IEE from requiring any person receiving IEE know-how hereunder to agree in writing not to disclose any IEE know-how to any person owned or controlled, directly or indirectly, by any person whose principal place of business or permanent residence is not within the United States.

VII

Nothing in this Final Judgment shall be construed to grant to any person any right in IEE trademarks, trade names, copyrights, or model designations, or to confer any rights to any person that unlawfully passes off any product as a product of IEE.

VIII

For a period of five (5) years from the date of entry of this Final Judgement, IEE is ordered to annually provide the plaintiff, within thirty (30) days prior to each anniversary date of the entry of this Final Judgment, a report setting forth the steps IEE has taken to comply with Sections V and VI of this Final Judgment.

IX

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to IEE made to its principal office, be permitted subject to any legally recognized privilege:

(1) Access during the office hours of IEE to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of IEE relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of IEE and without restraint or interference from it, to interview officers, directors, agents or employees of IEE who may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, IEE shall submit such reports in writing to the plaintiff with respect to matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, and for the violation of any of the provisions contained herein.

XI

Entry of this Final Judgment is in the public interest.

Dated: _____

_____
United States District Judge.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. *Industrial Electronic Engineers, Inc.*, Defendant.

Civil No. 73-1472-WPG.

Filed: June 29, 1977.

PROPOSED CONSENT JUDGMENT: COMPETITIVE IMPACT STATEMENT

Raymond P. Hernacki, Antitrust Division, Department of Justice, 1444 United States Courthouse, 312 North Spring Street, Los Angeles, California 90012, Telephone: (213) 688-2502, Attorney for Plaintiff.

This Competitive Impact Statement is filed pursuant to section 2(b) of the "Antitrust Procedures and Penalties Act" (15 U.S.C. 16 (b)-(h)), and relates to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and purpose of the proceeding.* This is a civil antitrust action filed by the United States of America under Section 4 of the Sherman Act (15 U.S.C. 4) alleging that Industrial Electronic Engineers (IEE) violated section 2 of the Sherman Act (15 U.S.C. 2), by monopolizing the manufacture and sale of rear projection readouts.

Entry by the Court of the proposed consent judgment will terminate this action, however the Court will retain jurisdiction for any further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions thereof.

II. *Background and description of the practices involved in the alleged violation.* A rear projection readout (RPRO) is a display device capable of projecting from a film or other image-forming element a wide variety of numbers, letters, symbols or pictures in one or more colors, from the rear of the device onto a miniature front viewing screen.

Rear projection readout devices are found on computers, calculators, stock quotation machines, instrument panels, airport message boards, aircraft and flight support equipment such as a radar, etc. They provide a visual cue to any operator or monitor of equipment reflecting the status of the equipment or of the events being operated or monitored. RPRO devices surpass other types of readouts because the characters are projected from film, thus anything that is photographically reproducible can be displayed via RPRO devices.

IEE was the initial producer of RPRO devices in this country in 1958, and claims to be the world's largest manufacturer of such devices. The complaint in this case alleges that IEE has monopolized interstate trade and commerce in rear projection readouts since 1965, and has maintained its monopoly position at least in part by:

(a) Eliminating actual or potential competition through the acquisition of patents, designs, or assets of competitors or potential competitors;

(b) Duplicating a competitor's product and selling it at extremely low or below cost prices only to those who were considering purchasing said product from such competitor, and then refusing to promote the sale of that product to the industry generally;

(c) Threatening to file or filing patent infringement suits for the purpose of imposing financial burdens upon competitors and injuring their business reputation; and

(d) Employing a propaganda campaign to discredit and injure competitors.

The complaint further alleges that the effect of defendant's conduct has been to enable it to maintain a market share of at least eighty-five per cent of all RPRO devices sold in the United States since 1965; has diminished the competitive viability of the other RPRO producers; other potential manufacturers and sellers of RPRO devices have been discouraged from entering the market; and that IEE's activities have deprived RPRO customers of the opportunity of purchasing in an open and competitive market.

III. *Explanation of the proposed consent judgment.* The United States and the defendant have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. Under the provisions of section 2(e) of the Act, entry of the proposed consent judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent jugment enjoins IEE from selling RPROs below cost except in those few instances where the sale was made to meet the equally low price of a competitor, or where such sale is incidental to a legitimate close-out of a product previously offered for sale by IEE as a standard product to at least two or more customers. IEE is also prohibited for a period of five years from acquiring or receiving stock or assets of any person engaged in the manufacture of RPRO devices. The Judgment further prohibits IEE, for ten years, from acquiring the exclusive control of any patents, trademarks, designs or know-how covering the manufacture or assembly of RPRO devices, except in the case where the inventor or developer is an employee or agent of IEE. IEE is ordered to establish and distribute to all IEE personnel a written policy prohibiting such personnel, under penalty of immediate dismissal, from the making or authorizing of any statement, known or believed to be false, discrediting or disparaging any person engaged in the manufacture or sale of RPRO devices.

IEE is required to grant irrevocable royalty-free, unrestricted licenses to make, have made, use or sell the subject matter of IEE's RPRO patents, and is enjoined from bringing any patent infringement action against any such licensee on the ground that any RPROs made, made for, used or sold by said person infringed IEE's patents.

For a period of five years, IEE must furnish know-how used or useful to practice the subject matter claimed under IEE's RPRO patents at a price not exceeding IEE's cost of assembling and reproducing such know-how. However, the proposed judgment does not require that IEE furnish know-how specifically directed to and developed in connection with an RPRO invention or improvement covered by any patent issued to IEE after the date of entry of the proposed consent judgment. IEE is not required to provide know-how to any person owned or controlled by another person whose principal place of business or permanent residence is not within the United States, and IEE may require any person receiving its know-how pursuant to the Judgment to agree not to disclose such know-how to any person whose principal place of business or permanent residence is outside of the United States.

By its terms the proposed consent judgment applies to the defendant IEE and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons who act in concert with any of them, and who shall have received actual notice of the judgment by personal service or otherwise.

IV. *The effect of the proposed consent judgment.* The objective of the proposed consent judgment is to prevent the recurrence of the alleged illegal practices charged in the complaint, and to take affirmative steps to foster potential and existing competition which may have been foreclosed. By prohibiting IEE from selling below its cost, the use of a major device allegedly employed by IEE in the past to prevent the growth of competition is halted, and by eliminating the threat of patent infringement suits, another major impediment to new competition is removed. The availability of IEE's know-how plus the unrestricted royalty-free licenses it is required to grant, should encourage competitors to enter into the market and to conduct advanced research. By prohibiting IEE from acquiring either the RPRO devices, patents, trademarks or business of competitors, the elimination of established competitors should be prevented.

V. *Remedies available to potential private litigants.* Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this consent judgment has no prima facie effect in any subsequent lawsuits which may be brought against this defendant.

VI. *Alternative remedies considered.* This case does not involve any issues of fact or law which might make litigation a more desirable alternative than entry of this proposed consent decree.

The United States considers that the language of the proposed consent judgment contains substantially all the basic relief needed to dissipate the effects of IEE's alleged monopolistic activities, and provides all the relief which was requested in the complaint. Inasmuch as IEE has only one plant, divestiture of plant or equipment by IEE was not deemed necessary. Important technology and know-how in the manufacture and sale of

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rear projection readouts will now be readily available to competition, and the removal of the heretofore barriers to entry should attract potential new entrants. The United States does not believe that any relief obtained after a trial—should the United States prevail—would be of any greater competitive significance than that which has been obtained in the proposed consent judgment.

VII. *Procedures available for modification of the proposed judgment.* The proposed consent judgment is subject to a stipulation by and between the United States and IEE which provides that the United States may withdraw its consent to the proposed judgment at any time prior to its entry by the Court. By its terms, the proposed consent judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the court for such other orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment on the judgment may, for a 60-day period, submit written comments to Dwight B. Moore, Chief, Los Angeles Office, Antitrust Division, 1444 United States Courthouse, 312 North Spring Street, Los Angeles, California 9012, who will file with the court and publish in the FEDERAL REGISTER such comments and the Department's response thereto. The Department will evaluate any and all such comments and determine whether there is reason for withdrawal of its consent to the proposed judgment.

VIII. *Other materials.* No materials and documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment, and consequently, none are filed herewith.

Dated: June 29, 1977.

RAYMOND P. HERNACKI,
Attorney, Department of Justice.

[FR Doc.77-19560 Filed 7-8-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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United States Parole Commission	8

1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 AM July 12, 1977.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public: Chicago Board of Trade Application for Designation as a Contract Market in Commercial Paper Loans. Portions closed to the public: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-840-77 Filed 7-7-77;11:46 am]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m. July 15, 1977.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-841-77 Filed 7-7-77;11:46 am]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: Follows 9:30 a.m., Open Meeting, Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Draft Decision in the Apple Valley, California revocation proceeding involving BHA Enterprises, licensee of KAVR and KAVR-FM (Docket No. 19844).

Hearing—2—Appeal from a ruling of the Presiding Judge in the Otsego and Plainwell, Michigan FM broadcast proceeding (Docket Nos. 20864 and 20865).

Hearing—3—Draft Decision in the license renewal proceeding involving Lefiore Broadcasting Company, Inc. (WSWG-AM) and Dixie Broadcasting Company, Inc. (WSWG-FM), Greenwood, Mississippi (Docket Nos. 20025 and 20026).

Hearing—4—(1) Certification to the Commission by the Administrative Law Judge of the question of consolidation of related proceedings and (2) motions to consolidate the proceedings filed by two Bureaus in the Far Rockaway and Rockaway Park, New York, proceedings concerning suspension of amateur and commercial operator licenses, revocation of amateur station licenses, and applications for amateur station and amateur and commercial operator licenses (Docket Nos. 21102, 21103, 21120, 21121, 21125, 21128, 21129 and 21130).

Hearing—5—Certification to the Commission by the Administrative Law Judge of the question of the propriety of the Chief Safety and Special Radio Services Bureau's ordering the consolidation of two Los Angeles, California, proceedings concerning the revocation of a Citizens license and grant of Amateur license applications in Docket Nos. 21090 and 21131.

Hearing—6—Petition for reconsideration of the designation order in the Washington Metropolitan Area common carrier complaint and forfeiture proceeding (Docket No. 21138).

General—1—Committee for Open Media v. FCC, No. 77-1135 (D.C. Circuit).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number (202) 632-7260.

Issued: July 5, 1977.

[S-835-77 Filed 7-6-77;2:07 pm]

4

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Application for review of dismissal of application for a public coast station by Delta Valley Radiotelephone Co.

Safety and Special Radio Services—1—Amendment of Parts 2 and 97 of the rules to make available to the Amateur Service the call sign block AA1AA through AA0ZZ for assignment to Amateur Extra Class licensees in call sign regions where there are insufficient 1X2 call signs.

Safety and Special Radio Services—2—Amendment of Part 83 of the rules regarding the installation of VHF transmitting apparatus and the performance of transmitter measurements (Docket No. 21028).

Safety and Special Radio Services—3—Amendment of Parts 81 and 83 of the rules relating to marine utility stations and ship stations (Docket Nos. 20638 and 20880).

Safety and Special Radio Services—4—Application for review filed by Police Amateur Radio Team of Westford, Massachusetts of Bureau's action denying request for assignment of call sign W1WPD.

Common Carrier—1—Applications by American Satellite Corporation to: (1) establish and operate satellite channels of communication between Moffett Naval Air Station, California and Barbers Point, Hawaii; (2) construct and operate a transmit/receive earth station at Barbers Point, Hawaii; and (3) modify existing license for Moffett Naval Air Station earth terminal to add frequencies.

Common Carrier—2—Applications by: (1) American Satellite Corp. to establish and operate a 1.544 Mbps satellite channel of communication between Stockton, California and Wahiawa, Hawaii; and (2) Western Union International, Inc., to construct a satellite earth terminal at Wahiawa, and establish Stockton, California and Wahiawa as points of communication.

Common Carrier—3—Commission participation in "regulatory experiments" in conjunction with the Experimental Technology Incentives Program (ETIP) of the National Bureau of Standards, Department of Commerce.

Common Carrier—4—Petition for reconsideration of deferred filing schedule in Docket No. 18128, and request for waiver to defer filing date of Private Line Telegraph—Other filings.

Common Carrier—5—Reconsideration of Commission decision pursuant to U.S. Court of Appeals remand in the matter of: Pacific Telatronics, Inc., concerning revision of Tariff F.C.C. No. 4 (57 F.C.C. 2d 315).

Common Carrier—6—Petition for deferral of review of the Commission's April 7, 1977 Public Notice, Tariff Revisions in Light of Decision in Docket No. 19609, the ATE Case, FCC 77-263, filed by American Television and Communications Corporation.

Common Carrier—7—Applications by RCA American Communications, Inc. for a satellite earth station at Barking Sands, Kauai, Hawaii, a connecting microwave link to Kokee Park, Kauai, Hawaii, and Section 214 authority to provide a data service between Greenbelt, Maryland and Kokee Park.

Common Carrier—8—Petitions for reconsideration and clarification of the Memorandum Opinion, Order and Authorization

5

AGENCY HOLDING THE MEETING:

TIME AND DATE: July 13, 1977, 2:00 p.m.

Arizona.

P-27.—Project No. 5, The Montana Power Company.

CP75-83-3, Western LNG Terminal Company, et al.

G-27.—Docket No. CP77-286, Transcon

POWER AGENDA, 765OTH MEETING, JULY 13, 1977, REGULAR MEETING, PART II

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Common Carrier—8—Petitions for reconsideration and clarification of the Memorandum Opinion, Order and Authorization (Activation Order) authorizing activation of circuits in the Hawaii-3/Transpac-2 Cable System, filed by the American Telephone and Telegraph Company, ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc.

Common Carrier—9—Western Union Infomaster 300 tariff filing.

Cable Television—1—Petition for Waiver of Section 76.501 of the Commission's Rules jointly filed by Cox Broadcasting Corp., Cox Cable Communications Corp. and Georgia Cablevision Corp.; application for transfer of control of Cable Television Relay Station WAV-640, Georgia Cablevision Corporation, Sweat Mountain, Georgia, to Cox Cable Communications, Inc.; and opposition to petition for waiver and petition to deny transfer jointly filed by NAACP, the ACLU of Georgia and various individual citizen representatives of Atlanta, Georgia.

Cable Television—2—Remand from U.S. Court of Appeals (D.C. Circuit) with respect to Vanhu, Inc., Seattle, Washington, and United Community Antenna Systems, Inc., d/b as Master Cable TV Systems, Seattle, Washington; and petition by KIRO, Inc., for ruling consistent with court mandate and motion for oral argument.

Cable Television—3—Petition for stay and reopening of initial decision filed by Citizens for Cable Awareness in Pennsylvania/Legislative Committee of the Philadelphia Community Cable Coalition, directed against the First Report and Order in Docket No. 20561 (cable television definition proceeding).

Cable Television—4—Petitions for reconsideration, filed jointly by Citizens for Cable Awareness in Pennsylvania and the Legislative Committee of the Philadelphia Community Cable Coalition, of the Bureau's decision released March 11, 1977, No. 79165, relating to applications of Warner Cable of Altoona (Altoona, Pennsylvania).

Cable Television—5—Request for waiver, filed by Wometco Enterprises, Inc., proposed assignee of Station WBTB-TV (Ind., Channel 68) Newark, New Jersey.

Renewal—1—Applications for renewal of licenses for Stations KOLO-AM-TV, KORK-AM-FM, KGNS-TV, KFSA and KBRS, filed by corporations owned and controlled by Don W. Reynolds.

Aural—1—Application of Kingston Broadcasting Company for a new standard broadcast station at Kingston, Tennessee (BP-20056).

Broadcast—1—Reconsideration of amendment of multiple and cross-ownership rules to permit institutional investors to own 5% in corporate broadcast licensees, CATV systems or daily newspapers without attribution of ownership, Docket No. 20520.

Broadcast—2—Discussion of licensing standards for FM noncommercial educational stations.

Complaints and Compliance—1—Request by noncommercial educational FM Station KRNB-FM, Neah Bay, Washington, for waiver of Section 73.503 of the Rules to permit broadcast of "classified" announcements.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number (202) 632-7260.

Issued: July 5, 1977.

[S-836-77 Filed 7-6-77;2:07 pm]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., July 11, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED:

Application for Permission to Organize a new Federal Association—Idelio Valdes, et al., Hialeah, Florida.

Branch Office Application—First Federal Savings and Loan Association of Minneapolis, Minneapolis, Minnesota.

Application for Loan Agency—Home Federal Savings and Loan Association of San Diego, San Diego, California.

Application for Limited Facility Branch Office—Civic Federal Savings and Loan Association, San Francisco, California.

Supplemental Report on the Proposal to Amend § 555.4 (Loans on the Security of Real Estate and Savings Accounts).

Service Corporation Application—Western Federal Savings and Loan Association, Denver, Colorado.

No. 46, July 6, 1977.

[S-837 Filed 7-6-77;2:35 pm]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 128, page 34404, Tuesday, July 5, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 A.M., July 6, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open portion of the meeting:

Application for Acceleration of the Effective Date of Registration Statement—American Savings and Loan Association, Beverly Hills, California.

Branch Office Application—Home Federal Savings and Loan Association, Marion, Ohio.

No. 45, July 6, 1977.

[S-838-77 Filed 7-6-77;2:35 pm]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: July 13, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda.)

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

JULY 6, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 8552B:

This is a list of the matters to be considered by the Commission. It does not include a listing of all persons relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA, 7650TH MEETING, JULY 13, 1977, REGULAR MEETING, PART I

P-1.—Docket No. ER77-480, Montaup Electric Company.

P-2.—Docket No. ER77-460, Public Service Company of New Mexico.

P-3.—Docket No. ER77-402, Philadelphia Electric Company.

P-4.—Docket Nos. ER77-411 and ER77-416, Illinois Power Company.

P-5.—Docket No. ER76-556, Boston Edison Company.

P-6.—Docket No. ER77-450, Southern Indiana Gas & Electric Company.

P-7.—Docket No. ER77-453, Union Electric Company.

P-8.—Docket No. ER77-464, Public Service Company of New Mexico.

P-9.—Docket No. ER77-468, Metropolitan Edison Company.

P-10.—Docket No. ER77-473, Superior Water, Light and Power Company.

P-11.—Docket No. ER77-346, Indiana & Michigan Electric Company.

P-12.—Docket No. ER77-483, Virginia Electric and Power Company.

P-13.—Docket No. E-9596, Wisconsin Electric Power Company, Wisconsin Michigan Electric Company.

P-14.—Docket No. ER77-377, Connecticut Valley Electric Company.

P-15.—Docket No. ER76-543, Southwestern Public Service Company.

P-16.—Docket No. ER77-487, Toledo Edison Company.

P-17.—Docket No. ER77-485, Carolina Power and Light Company.

P-18.—Docket No. ER77-488, El Paso Electric Company.

P-19.—Docket No. ER77-482, Michigan Power Company.

P-20.—Docket No. ER77-52, Consolidated Edison Company.

P-21.—Docket No. E-7743, Connecticut Light and Power Company.

P-22.—Docket Nos. E-9420 and E-9421, Yankee Atomic Electric Company and Public Service Company of New Hampshire.

P-23.—Docket No. E-8615, Louisiana Power and Light Company.

P-24.—Docket No. ER76-709, Cincinnati Gas and Electric Company.

P-25.—Project No. 2146, Alabama Power Company.

P-26.—Project No. 796, City of Phoenix, Arizona.

P-27.—Project No. 5, The Montana Power Company.

P-28.—Project No. 2545, The Washington Water Power Company.

P-29.—Project No. 2413, Georgia Power Company.

P-30.—Project No. 201, Alaska City of Petersburg.

P-31.—Project No. 2545, Washington The Washington Water Power Company.

P-32.—Project No. 848, Wells Rural Electric Company.

P-33.—Project No. 405, The Susquehanna Power Company, Philadelphia Electric Power Company.

P-34.—Docket No. E-9104, Nevada Power Company.

MISCELLANEOUS AGENDA, 7650TH MEETING, JULY 13, 1977, REGULAR MEETING, PART I

M-1.—Docket No. RM77-, filing of rate schedules.

M-2.—Docket No. RM77-18, change in procedure concerning applications under Part I of the Federal Power Act.

GAS AGENDA, 7650TH MEETING—JULY 13, 1977, REGULAR MEETING, PART I

G-1.—Docket No. RP76-159, Columbia Gas Transmission Corporation.

G-2.—Docket Nos. RP73-107 and RP74-90, Consolidated Gas Supply Corporation.

G-3.—Docket Nos. RP74-20, RP74-83, United Gas Pipe Line Company.

G-4.—Docket No. RP74-25, Texas Gas Transmission Corporation.

G-5.—Docket No. RP75-74, Transwestern Pipeline Company.

G-6.—Docket No. RP77-18, El Paso Natural Gas Company.

G-7.—Docket No. RP77-5, Kansas-Nebraska Natural Gas Company, Inc.

G-8.—Docket No. RP76-31, Louisiana-Nevada Transit Company.

G-9.—Docket Nos. RP71-130, RP72-58, RP75-111, Texas Eastern Transmission Corporation.

G-10.—Docket No. RP77-52, Northern Natural Gas Company.

G-11.—Docket No. RP76-86, General Motors Corporation v. Natural Gas Pipeline Company of America.

G-12.—Docket No. RP73-43 (PGA77-2), Mid Louisiana Gas Company; Docket No. CI77-273, Gulf Oil Corporation; Docket No. CP77-352, Grand Bay Company.

G-13.—Docket Nos. RI76-35 and CI76-804, Continental Oil Company; Docket Nos. RI76-51 and CI76-805, Cities Service Oil Company; Docket Nos. RI76-42 and CI76-802, Getty Oil Company.

G-14.—Docket No. RI77-59, Martin Exploration Company.

G-15.—Docket No. RI76-153, Joseph P. Mueller.

G-16.—Docket No. RI77-23, Michel T. Halbounty, et al.

G-17.—Docket No. RI77-65, Atlantic Richfield Company.

G-18.—Shell Oil Company, FPC Gas Rate Schedule No. 10.

G-19.—Docket No. CI77-93, Monsanto Company, et al.

G-20.—Docket No. CI77-298, Tenneco Inc., AMOCO Production Company, et al.

G-21.—Docket No. CI77- , Gulf Oil Corporation.

G-22.—Docket No. CI75-420, Chevron U.S.A. Inc.

G-23.—Docket No. CI76-806, Pennzoil Offshore Gas Operators, Inc.

G-24.—Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.

G-25.—Docket No. CP77-206, Texas Eastern Transmission Corporation.

G-26.—Docket Nos. CP74-160, CP74-207, Pacific Indonesia LNG Company; Docket No. CP75-83-3, Western LNG Terminal Company, et al.

G-27.—Docket No. CP77-286, Transcontinental Gas Pipe Line Corporation; Docket No. CP77-316, United Gas Pipe Line Company.

G-28.—Docket Nos. CP70-196 and CP74-227, Distrigas Corporation; Docket No. CP73-135 and CP74-137, Distrigas of Massachusetts Corporation.

G-29.—Docket Nos. CP74-289, CP73-334, CP75-360, El Paso Natural Gas Company.

G-30.—Docket No. CP77-140, Delhi Gas Pipeline Corporation; Docket No. CP77-307, Northern Natural Gas Company; Docket No. CP77-328, Natural Gas Pipeline Company of America.

G-31.—Docket No. CP71-68, Columbia LNG Corporation; Docket No. CP71-153, Consolidated System LNG Company; Docket No. CP71-151, Southern Energy Company.

G-32.—Docket No. CP77-263, Northwest Pipeline Corporation.

G-33.—Docket No. CP77-267, Mid Louisiana Gas Company and Transcontinental Gas Pipe Line Corporation.

G-34.—Docket No. CP77-321, Southern Natural Gas Company; Docket No. CP77-344, Transcontinental Gas Pipe Line Corporation.

G-35.—Smyrna, Tennessee; Utica, Mississippi.

G-36.—Docket No. CP77-403, Transcontinental Gas Pipe Line Corporation.

G-37.—Docket No. CP77-417, Trancontinental Gas Pipe Line Corporation.

G-38.—(A) Docket No. CP66-235, Columbia Gas Transmission Corporation Successor to Atlantic Seaboard Corporation. (B) Docket No. CP77-341, Columbia Gas Transmission Corporation. (C) Docket No. CP77-339, Columbia Gas Transmission Corporation.

G-39.—Docket No. CP71-32, Natural Gas Pipeline Company of America.

G-40.—Docket No. CP77-357, Stingray Pipeline Company.

G-41.—Docket No. CP77-326, Columbia Gulf Transmission Company; Docket No. CP77-348, Columbia Gulf Transmission Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company, A Division of Tenneco, Inc.; Docket No. CP77-365, Sea Robin Pipeline Company, Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company.

G-42.—Docket No. CP74-296, National Fuel Gas Supply Corporation.

G-43.—Docket No. CP75-559, Columbia Gulf Transmission Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company.

G-44.—Docket No. CP77-361, Sea Robin Pipeline Company.

G-45.—Docket No. CP77-351, United Gas Pipeline Company.

G-46.—Docket No. CP64-89, Cities Service Gas Company.

G-47.—Docket No. CP77-385, Northern Natural Gas Company.

G-48.—Docket No. CP77-354, Columbia Gas Transmission Corporation.

G-49.—Docket No. CP73-95, Columbia Gas Transmission Corporation.

G-50.—Docket No. CP77-336, Consolidated Gas Supply Corporation.

G-51.—Docket No. CP77-398, Columbia Gas Transmission Corporation.

G-52.—Docket No. CP77-333, Texas Gas Transmission Corporation.

G-53.—Docket No. RP77-43, City of Tallahassee, Florida Complainants vs. Florida Gas Transmission Company Respondent.

G-54.—Docket Nos. CP77-369 and CP77-370, Transcontinental Gas Pipe Line Corporation.

G-55.—Morganza, Louisiana, Starks Water and Gas Company.

G-56.—Docket No. RI73-60, Mitchell Energy Corporation.

POWER AGENDA, 7650TH MEETING, JULY 13, 1977, REGULAR MEETING, PART II

CP-1.—Docket Nos. ER77-227, ER77-228, ER77-229 and ER77-395, Arizona Public Service Company.

CP-2.—Docket No. ER77-401, Otter Tail Power Company.

CP-3.—Docket No. ER77-463, Central Telephone & Utilities Corporation, Western Division.

CP-4.—Docket No. ER77-452, Monongahela Power Company.

CP-5.—Docket Nos. ER77-433 and ER77-436, Niagara Mohawk Power Corporation.

CP-6.—Docket No. ER77-276, Niagara Mohawk Power Corporation.

CP-7.—Project No. 2775, Brown Company.

CP-8.—Project No. 2626, Alabama Power Company.

CP-9.—Project No. 2146, Alabama Power Company.

CP-10.—Project No. 199, South Carolina Public Service Authority.

CP-11.—State Director, Bureau of Land Management, Washington (OR-17402, (Wash.).)

CP-12.—State Director, Bureau of Land Management, Idaho (I-12853).

CP-13.—State Director, Bureau of Land Management, Utah (U-34239, U-34644).

CP-14.—State Director, Bureau of Land Management, Idaho (I-12528).

CP-15.—Docket No. E-9584, City of Santa Barbara, California.

MISCELLANEOUS AGENDA, 7650TH MEETING, JULY 13, 1977, REGULAR MEETING, PART II

CM-1.—Pennsylvania Power Company.

CM-2.—Missouri Utilities Company.

CM-3.—California Pacific Utilities Company.

CM-4.—Florida Public Utilities Company.

CM-5.—The Blackstone Valley Electric Company.

CM-6.—The Dayton Power and Light Company.

CM-7.—Ohio Edison Company.

CM-8.—Minnesota Power and Light Company.

GAS AGENDA, 7650TH MEETING, JULY 13, 1977, REGULAR MEETING, PART II

CG-1.—Docket No. RP72-155 and RP76-59, El Paso Natural Gas Company.

CG-2.—Docket No. RP72-122, Colorado Interstate Gas Company.

CG-3.—Docket No. RP77-103, Algonquin Gas Transmission Company.

CG-4.—Docket No. CP74-33, Transcontinental Gas Pipe Line Corporation.

CG-5.—Docket No. RP72-157, Consolidated Gas Supply Corporation.

CG-6.—Docket No. RP72-157, Consolidated Gas Supply Corporation.

CG-7.—Docket No. RP72-142, Cities Service Gas Company.

CG-8.—Docket No. CP77-356, Panhandle Eastern Pipe Line Company.

CG-9.—Docket No. CP77-224, Panhandle Eastern Pipe Line Company.

CG-10.—Docket No. CP76-519, Rocky Mountain Natural Gas Company, Inc.; Docket No. CP77-72, Colorado Interstate Gas Company; Mountain Fuel Resources, Inc., Mountain Fuel Supply Company.

CG-11.—Docket No. CP77-350, Mississippi River Transmission Corporation.

CG-12.—Docket No. CP77-373, Michigan Wisconsin Pipe Line Company.

CG-13.—Docket No. CP77-380, Northwest Pipeline Corporation.

CG-14.—Docket No. CP73-237, Colorado Interstate Gas Company.

CG-15.—Dockets Nos. RP76-52 and RP74-103 (Volumetric Limitations), Northern Natural Gas Company.

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CG–16.—Docket No. RP74–100 (PGA77–5 and PGA77–5A). National Fuel Gas Supply Corporation.

KENNETH F. PLUMB,
Secretary.

[S–839–77 Filed 7–7–77;11:46 am]

AGENCY HOLDING THE MEETING: United States Parole Commission—National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, July 12, 1977; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street, NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10) and 28 C.F.R. 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 15 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSONS FOR MORE INFORMATION:

Lee H. Chait, Analyst, NAB, 202–724–3094.

[S–843–77 Filed 7–7–77;3:13 pm]

federal register

MONDAY, JULY 11, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

FLOOD ELEVATION DETERMINATIONS

Proposed Rulemaking

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2853]

CITY OF CLARKSBURG, W. VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Clarksburg, West Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The perod for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Clarksburg, West Virginia. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor S. James Schaffer, Jr., City Hall, Clarksburg, West Virginia 26301.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Clarksburg, West Virginia in according with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork River	Route 50	942
	Route 19	942
	Abandoned B. & O. tracks.	948
	B. & O. tracks	949
	Routes 19 and 20	951
	Sycamore St	957
	4th St	959
	Pike St	953
	Haymond St	958
	East Main St	961
	Approach to Route 50	963

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-19132 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2857]

TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Whitehall, Lehigh County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Building Lobby, 3219 McArthur Road, Whitehall, Pennsylvania. Any person having knowledge, information, or wishing to make comment on these proposed elevations should immediately notify Mr. Edward J. Galgon, Township Executive of Whitehall, 3219 McArthur Road, Whitehall, Pennsylvania 18052.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Whitehall, Lehigh County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lehigh River	Downstream corporate limits.	264
	Lehigh Valley Throughway.	268
	Bridge St	271
	Abandoned railroad bridge.	275
	Pine St	276
	Confluence with tributary.	277
	Confluence with Coplay Creek.	277
	Lehigh St	284
	Dam just upstream of Lehigh St.	286
	Next upstream corporate limits.	287
	do	290
	Northampton Dam	296
	Main St	300
	Confluence with Spring Creek.	303
	Upstream corporate limits.	302
Jordan Creek	Downstream corporate limits.	260
	8th St	264
	MacArthur Rd. (State Route 145).	268
	Lehigh Valley Throughway.	275
	Mickley Rd	286
	Next upstream corporate limits.	288
	Upstream corporate limits.	330

Source of flooding	Location	Elevation in feet above mean sea level
Coplay Creek	Mouth at Lehigh River.	280
	Con Rail	281
	Ironton RR	283
	Abandoned railroad bridge.	283
	Con Rail	284
	Lehigh St	285
	Ironton RR	286
	do	306
	Confluence with tributary.	308
	Center St	313
	Columbia St	322
	MacArthur Rd. (State Route 145).	325
	Ironton RR	334
	Upstream limit of detailed study.	336

(National Flood Insurance Act of 1068 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).))

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-19133 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2858]

BOROUGH OF SELLERSVILLE, BUCKS COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Sellersville, Bucks County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, 140 East Church Street, Sellersville, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Richard Coll, Borough Manager of Sellersville, 140 East Church Street, Sellersville, Pennsylvania 18960.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Sellersville, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch, Perkiomen Creek	Downstream corporate limits.	302
	Main Street Bridge	306
	Upstream corporate limits.	308

(National Flood Insurance Act of 1968 (Title XIIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-19128 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2854]

TOWNSHIP OF STONY CREEK, CAMBRIA COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Stony Creek, Cambria County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Municipal Building, 1610 Bedford Street, Johnstown, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Ms. June Rose, Secretary of the Board of Commissioners, Township Municipal Building, 1610 Bedford Street, Johnstown, Pennsylvania 15902.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Stony Creek, Cambria County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

mediately notify Mr. Cal Hugar, President of the Borough Council of Driftwood, Box 235, Driftwood, Pennsylvania

Source of flooding	Location	Elevation in feet above

FOR FURTHER INFORMATION CONTACT:

ACTION: Proposed rule.

SUMMARY: Technical information or

Source of flooding	Location	Elevation in feet,

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Source of flooding	Location	Elevation in feet above mean sea level
Stony Creek	Downstream corporate limits.	1,195
	Approximately 3,250 ft above downstream corporate limits.	1,200
	At Federal Pl. (extended).	1,205
	At Riverside St. (extended).	1,210
	2,375 ft downstream of Conveyor Bridge.	1,215
	980 ft downstream of Conveyor Bridge.	1,230
	At Conveyor Bridge.	1,235
	980 ft upstream of Conveyor Bridge.	1,250
	1,500 ft downstream of upstream corporate limits.	1,235
	At upstream corporate limits.	1,240

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19129 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2855]

BOROUGH OF DRIFTWOOD, CAMERON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Driftwood, Cameron County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Building, Driftwood, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Cal Hugar, President of the Borough Council of Driftwood, Box 235, Driftwood, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Driftwood, Cameron County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sinnemahoning Creek.	Downstream corporate limits.	809
	Confluence with Bennetts Branch and Driftwood Branch.	810
Driftwood Branch, Sinnemahoning Creek.	Confluence with Bennetts Branch and Sinnemahoning Creek.	810
	100 ft upstream of Route 555 Bridge.	814
	At Clinton St. (extended).	817
	750 ft downstream Con Rail Bridge.	820
	180 ft downstream Con Rail Bridge.	821
	35 ft upstream Con-Rail Bridge.	822
	290 ft upstream Con Rail Bridge.	825
	1,225 ft upstream Con Rail Bridge.	826
	1,980 ft upstream Con Rail Bridge.	827
Bennetts Branch, Sinnemahoning Creek.	Confluence with Driftwood Branch and Sinnemahoning Creek.	810
	30 ft downstream Castle garden Rd.	811
	30 ft upstream Castle Garden Rd.	814
	50 ft downstream confluence with Boyer Run.	815
Boyer Run	160 ft downstream Con Rail Bridge.	815
	35 ft downstream Con Rail Bridge.	818
	Upstream side of Con Rail Bridge.	821
	25 ft downstream Route 555 Bridge.	835
	25 ft upstream Route 555 Bridge.	840
	220 ft upstream Route 555 Bridge.	844
	725 ft upstream Route 555 Bridge.	867

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19130 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2856]

TOWNSHIP OF CENTER, INDIANA COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Center, Indiana County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Municipal Building, R.D. 2, Homer City, Center, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Albert Sandy, Secretary of the Board of Supervisors of Center, Box C, Luzerne Mines, Pennsylvania 15754.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Center, Indiana County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Two Lick Creek	Township Route 680	981
	State Route 86	1,011
	At Yellow Creek	1,013
	Main St.	1,015
	Old U.S. Route 119	1,024
	Railroad Bridge (downstream).	1,027
	Route 119	1,030
Yellow Creek	Corporate limits	1,021
	Legislative Route 32134.	1,030

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19131 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2859]

COUNTY OF POLK, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the County of Polk, Oregon.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Polk County Courthouse, Room 201, Dallas, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Ms. Allene Kettleson, Polk County Courthouse, Room 201, Dallas, Oregon 97338.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Polk, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	County Rd. 682	230
	County Rd. 687	248
South Yamhill River	County Rd. 681	231
	SR 18 and 22 east of Valley Junction.	294
	SR 18 and 22 west of Fort Hill.	[illegible]
	County Rd. 674	270
	Dallas Coast Highway.	243
Rickreall Creek	Fir Villa Rd.	295
	Bowersville Rd.	225
	Pacific Highway West.	300
	Greenwood Rd.	168
	Route 51	[illegible]
Willamette River	Power line crossing near Lincoln Parks.	[illegible]
	Power line crossing 0.5 miles west of Winona.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19135 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2860]

BOROUGH OF MANVILLE, NEW JERSEY

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Manville, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Hall, 101 South Main Street, Manville, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Albert R. Palfy, Borough Hall, 101 South Main Street, Manville, New Jersey 08835.

FOR FURTHER INFORMATION CONTACT:

ACTION: Proposed rule.

SUMMARY: Technical information or

gives notice of the proposed determinations of base flood elevations (100-year

of being already in effect in order to

U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Admin-

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FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Manville, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Raritan River	North Main St.	45
	Lehigh Valley RR.	42
Millstone River	Wilhousky St.	41
Royce Brook	South Main St.	41

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19127 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2861]

BOROUGH OF LODI, NEW JERSEY

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Lodi, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Hall Annex, 59 Main Street, Lodi, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Chris M. Paci, Borough Hall Annex, 59 Main Street, Lodi, New Jersey 07644.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) listed below for selected locations in the Township of Downe, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Landing Road, Newport, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Talbert Blizzard, Landing Road, Newport, New Jersey 08345.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Downe, New Jersey in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saddle River	Terrace Ave.	23.0
	Route 46	32.0
	Interstate 80	39.8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19126 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2862]

Proposed Flood Elevation Determinations

TOWNSHIP OF DOWNE, NEW JERSEY

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Downe, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Springfield, Nebraska.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Allen Kreifeld, City Hall, Springfield, Nebraska 68059.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the City of Springfield, Nebraska, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Springfield Creek	County Road Bridge (south of Main St.).	1,042
	Main Street Bridge	1,051
	County Road Bridge (north of Main St.).	1,058

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19124 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2865]

CITY OF FERRYSBURG, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Ferrysburg, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Ferrysburg, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Jack Olthoff, City Hall, Ferryburg, Michigan 49409.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the City of Ferrysburg, Michigan in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent

in their flood plain management requirements. The community may at any time enact stricter requirements on its own,

Village Hall, Village of Grand Beach, Box 175, New Buffalo, Michigan 49117.

ACTION: Proposed rule.

SUMMARY: Technical information or

Elevation in feet, national geodetic vertical datum

Matthews, City Hall, Newburyport, Massachusetts 01950.

ACTION: Proposed rule.

in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Route 31	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19122 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2866]

VILLAGE OF GRAND BEACH, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Grand Beach, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, Village of Grand Beach, New Buffalo, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Ms. Louise Krejcki, Village Hall, Village of Grand Beach, Box 175, New Buffalo, Michigan 49117.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Grand Beach, Michigan in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taylor Creek	Crescent Rd.	595
	Station Rd.	607

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19123 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2867]

TOWN OF CANTON, MASSACHUSETTS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Canton, Massachusetts.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Memorial Hall, Canton, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Daniel J. Flood, Board of Selectmen, Memorial Hall, Canton, Mass., 02021.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Canton, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neponset River	Access road	45
	Route 128 North	45
	Route 128 South	45
	Green Lodge Street Bridge.	47
	Railroad Bridge	48
	Dedham Street Bridge.	48
	Route 95 South	48
	Route 95 North	48
	Neponset Street Bridge.	48
	Route 95 North	48
	Route 95 South	48
Canton River	Neponset St.	58
	Revere Ct.	89

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19120 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2868]

CITY OF NEWBURYPORT, MASSACHUSETTS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Newburyport, Massachusetts.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Newburyport, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bryon J. Matthews, City Hall, Newburyport, Massachusetts 01950.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Newburyport, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Route 95	11
	Route 1	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19121 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2869]

STEPHENSON COUNTY, ILLINOIS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the County of Stephenson, Illinois.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Courthouse, 15 North Galena Avenue, Freeport, Illinois.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Dean Amendt, County Courthouse, 15 North Galena Avenue, Freeport, Illinois 61032.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Stephenson, Illinois in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents. The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum

Street, Southwest, Washington, DC 20410.

[24 CFR Part 1917]

[Docket No. FI-2871]

ond layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

(800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

[24 CFR Part 1917]

[Docket No. FI-2873]

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peatonica River	Farwell Bridge	748
	Chicago & North Western R.R.	755
	Chicago, Milwaukee, St. Paul & Pacific RR.	760
	Illinois Central Gulf R.R.	767
	North Damascus Rd.	772
	West McConnell Rd.	779
	West Winslow Rd.	785

(National Flood Insurance Act of 1968 Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19119 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2870]

CITY OF LAFAYETTE, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Lafayette, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Lafayette, Georgia 30728.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Grady MacCalmon, City Hall, P.O. Box 89, Lafayette, Georgia, 30728.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Lafayette, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Creek	Warthen St.	780
	Villanow St.	784
Chattooga Creek tributary.	Broomton Rd.[1]	770
	Central of Georgia RR.[2]	775
	Barwick-Lafayette Airport.[1]	780
Spring Creek	Probasco St.[2]	840
	do[1]	844
	Villanow St.[2]	786
	do[1]	787
	McLemore St.[2]	778
	do[1]	781
Spring Creek tributary No. 1.	West Main St.	823
	Magnolia St.[2]	798
	do[1]	799
	Central of Georgia RR.[2]	778
	do[1]	779
Spring Creek tributary No. 2.	2nd St.	778
	1st St.[2]	798
Town Creek tributary No. 1.	Foster Mill Rd.	811
Town Creek tributary No. 2.	Rhyne Rd.[2]	815
	do[1]	811
	Broken Earth Dam.	798
	Wasthen St.	798

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19117 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2871]

CITY OF ACWORTH, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administrations, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Acworth, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 4375 Senator Russell Square, Acworth, Georgia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor W. L. Summey, City Hall, 4375 Senator Russell Square, Acworth, Georgia 30101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Acworth, Georgia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tanyard Creek	Acworth Dr.	863
	Cherokee St.	869
	Cowan Rd.	889
Butler Creek	Nance Rd.	861
Proctor Creek	Highway 293	861

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19116 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2872]

CITY OF ALPHARETTA, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Alpharetta, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 12 South Main Street, Alpharetta, Georgia 30201.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Randall Moore, City Hall, 12 South Main Street, Alpharetta, Georgia 30201.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Alpharetta, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Creek	Haynes Bridge Rd.	970
	Kimball Bridge Rd.	977
	State Bridge Rd.	984
	Webb Bridge Rd.	988
	Shirley Bridge Rd.	994
Foe Killer Creek	Rocky Mi l Way Rd.	967
	Rucker Rd.	1,032
	Mid Broadwell Rd.	1,055
	Mayfield Rd.	1,070
Camp Creek	Union Hill Rd.	932
Caney Creek	Shirley Bridge extension.	1,007
Tributary 2	Rock Mill Rd.	[illegible]
	State Route 400 (Turner McDonald Parkway).	990
	Michael Dr. extension	1,024
Tributary 4	Rock Mill Rd.	990
Tributary 5	State Bridge Rd.	995
	State Route 400 (Turner McDonald Parkway).	1,005
	Webb Bridge Rd.	1,010
	Union Hill Rd.	1,052
Tributary 6	Webb Bridge Rd.	1,019

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19115 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2873]

CITY OF MARIETTA, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Marietta, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 36 Atlanta Street, Marietta, Georgia 30060.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Dana Eastham, City Hall, 36 Atlanta Street, Marietta, Georgia 30060.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Marietta, Georgia in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128; and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new

buildings and their contents and for the second layer of insurance on existing buildings and contents.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

These elevations together with the flood plain management measures re-

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buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slope Branch	Apache St	1,065
	Fairground St	1,039
	Driveway Bridge	1,022
Elizabeth Branch	Interstate 76 [1]	1,055
	Interstate 75 [1]	1,050
	Overbrook Circle	1,032
	Allgood Rd	1,015
Slope Creek	U.S. Highway 41	1,019
	Interstate 75	1,012
	Barnes Mill Rd	987
	Roswell Rd	973
Hope Creek	Loop 120	975
	Interstate 75	963
Rottenwood Creek	Barclay Circle	1,007
	U.S. Hithway 41	955
	Franklin Rd	944
	Delk Rd	924
Olley Creek	Bellemeade Rd	987
	Cunningham Rd	977
West Side Branch	Polk St	1,053
	Whitlock Ave	1,037
Ward Creek	Maxwell Ave	1,041
	Kilpatrick Ave	1,009
Noes Creek	Kennesaw Ave	1,079
	Burnt Hickory Rd	1,007

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19118 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2874]

CITY OF DANIA, FLORIDA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Dania, Florida.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 100 West Beach Boulevard, Dania, Florida 33004.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Bertino, City Hall, 100 West Beach Boulevard, Dania, Florida 33004.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Dania, Florida in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	6th Ave. NE. and 2d Pl. NE.	8
	5th Ave. NE. and 2d St. NE.	8
	Dania Beach Blvd. and 2d Ave. SE.	8
	2d Ave. SE. and 2d St. SE.	8
	2d Ave. SE. and 7th St. SE.	8
	2d Ave. SE. and 15th St. SE.	8
	3d Ave. SE. and 4th Pl. SE.	8
Rainfall runoff	Dania Beach Blvd. and 8th Ave. NW.	7
	10th St. NW. and 6th Ave. NW.	7
	10th St. NW. and 9th Ave. SW.	7
	14th Ave. NW. and 8th St. NW.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19114 Filed 7-8-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2875]

CITY OF COMMERCE CITY, COLORADO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Commerce City, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 5291 East 60th Avenue, Commerce City, Colorado 80022.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Allen Williams, City Hall, 5291 East 60th Avenue, Commerce City, Colorado 80022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Commerce City, Colorado in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek	Brighton Blvd	5,147
	Chicago Burl & Quincy RR	5,150
	Union Pacific RR	5,150
	do	5,151
	Chicago Burl & Quincy RR	5,157
	Vasquez Blvd. (U.S. 6 and 85)	5,162
	Dahlia St	5,199
	49th Dr	5,214
	49th Ave	5,222
	Quebec St	5,230
South Platte River	I-270	5,115
	Northwestern Terminal RR	5,126
	York St	5,128
	Franklin St	5,137

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19134 Filed 7-8-77;8:45 am]

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federal register

MONDAY, JULY 11, 1977
PART III

ENVIRONMENTAL PROTECTION AGENCY

DRINKING WATER AND HEALTH

Recommendations of the National Academy of Sciences

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 756-4]

DRINKING WATER AND HEALTH

Recommendations of the National Academy of Sciences

This publication of the recommendations of the National Academy of Sciences (NAS) is made according to the requirements of the Safe Drinking Water Act (Pub. L. 93-523).

The present publication consists essentially of the summary of the NAS report which was delivered to Congress on May 26, 1977. The full report was delivered on June 20, 1977.

The Safe Drinking Water Act (Pub. L. 93-523) was enacted on December 16, 1974, giving the Administrator of the Environmental Protection Agency (EPA) the power to control the quality of the drinking water in public water systems through regulation and other means. The Act called for a three-stage mechanism for the establishment of comprehensive regulations for drinking water quality:

1. Promulgation of National Interim Primary Drinking Water Regulations.

2. A study to be conducted by the National Academy of Sciences, within 2 years of enactment, on the human health effects of exposure to contaminants in drinking water.

3. Promulgation of Revised National Primary Drinking Water Regulations based upon the NAS report.

National Interim Primary Drinking Water Regulations, pursuant to section 1412(a) of the Act, were promulgated on December 24, 1975, and July 9, 1976, to become effective on June 24, 1977. These were based on the Public Health Service Drinking Water Standards of 1962, as revised by the EPA Advisory Committee on the Revision and Application of the Drinking Water Standards, and contain maximum contaminant levels and monitoring requirements for microbiological contaminants, 10 inorganic chemicals, 6 organic chemicals, radionuclides and tuebidity.

Section 1412(b)(1)(A) of the Act States:

Within 10 days of the date the report of the study conducted pursuant to subsection (e) is submitted to Congress, the Administrator shall publish in the FEDERAL REGISTER, and provide opportunity for comment on, the—

(i) Proposals in the report for recommended maximum contaminant levels for national primary drinking water regulations, and

(ii) List in the report of contaminants the levels of which cannot be determined but which may have an adverse effect on the health of persons.

In essence, the report of the National Academy of Sciences study should provide health goals for contaminants in drinking water, i.e., levels at which there are no known adverse health effects. The Administrator must then, using the information supplied by the National Academy of Sciences, develop maximum contaminant levels (MCL's) for National Primary Drinking Water Regulations or treatment requirements. In doing so, the Administrator may modify the recommendations of the Academy by incorporating safety factors, by taking economics into account, or for other reasons. The basis for the Administrator's actions will be adequately explained in drinking water regulations subsequently published.

Based on the completed National Academy of Sciences Report and the findings of the Administrator, EPA will publish:

(1) Recommended Maximum Contaminant Levels (health goals) for substances in drinking water which may have adverse effects on humans. These recommended levels will be selected so that no known or anticipated adverse effects would occur, allowing an adequate margin of safety. A list of contaminants which may have adverse effects, but which cannot be accurately measured in water, will also be published.

(2) Revised National Primary Drinking Water Regulations. These will specify MCL's or require the use of treatment techniques. MCL's will be as close to the recommended levels for each contaminant as is feasible. Required treatment techniques for those substances which cannot be measured will reduce their concentrations to a level as close to the recommended level as is feasible. Feasibility is defined in the Act as use of the best technology, treatment techniques and other means which the Administrator finds are generally available (taking costs into consideration).

The recommendations of the National Academy of Sciences follow. The report is prefaced with an explanation of the Academy's interpretation of their responsibilities under the Safe Drinking Water Act, and an outline of the type of recommendations the Academy was able to furnish. The report, entitled "Drinking Water and Health," is a summary of the full report of the Academy's study of contaminants in drinking water. Copies of this summary report are available from the Criteria and Standards Division, Office of Water Supply (WH-550), Environmental Protection Agency, Washington, D.C. 20460. The Academy has scheduled a public meeting July 7, 1977 at 9:00 AM at 2101 Constitution Avenue NW, Washington, D.C. 20418, to discuss the content of the full report.

Copies of the prepublication draft of the full report are available for inspection at the Academy and EPA Headquarters. Telephone 202-755-5643 for additional information.

The public is invited to comment in writing on the Academy's recommendations. All communications should be sent to Dr. Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Water Supply (WH-550), Environmental Protection Agency, Washington, D.C. 20460. Comments should be received by August 31, 1977, but comments received after that date will be considered as time permits.

Dated: June 30, 1977.

BARBARA BLUM,
Acting Administrator.

THE NATIONAL ACADEMY OF SCIENCES STUDY

LEGISLATION AND TERMS OF REFERENCE OF THE STUDY

The Safe Drinking Water Act of 1974 and the NAS study (Pub. L. 93-523)

PURPOSE OF LEGISLATION

The purpose of the legislation is to assure that the public is provided with an adequate quantity of safe drinking water. It is to assure that water supply systems serving the public meet minimum national standards for protection of public health.

Until passage of the Act, the Federal Government was authorized to prescribe drinking water standards only for water supplies used by interstate carriers, and they were enforceable only with respect to contaminants capable of causing communicable diseases. Pub. L. 93-523 authorized the Environmental Protection Agency to establish Federal standards for protection from all harmful contaminants and established a joint Federal-State system for assuring compliance with these standards and for protecting underground sources of drinking water.

ABRIDGED SUMMARY OF THE LEGISLATION

a. Required the Administrator of EPA to prescribe national drinking water regulations for contaminants which may adversely affect health.

b. *Provided*, That such regulations apply to public water systems and protect health to the maximum extent feasible.

c. *Provided*, That interim primary regulations be prescribed initially and that, after a study by the National Academy of Sciences, health goals were to be established and revised primary regulations promulgated. That portion of the Act pertaining to the NAS study and the scope of work is detailed below.

d. Provided for a number of other requirements and administrative authorizations not directly related to the NAS study.

NEED FOR LEGISLATION

Congressional hearings, EPA studies, and evidence from a number of sources established that legislative authority prior to passage of the Act was inadequate to assure that water supplied to the public was safe to drink.

This conclusion was based on evidence that waterborne disease outbreaks still occur in this country. Examples include an epidemic at Riverside, California in 1965 that affected 18,000 people, an outbreak of gastroenteritis in Angola, New York in 1968 affecting 30 percent of the population and an epidemic of giardiasis in Rome, New York in 1974 affecting almost 5,000 people. According to a 1970 EPA survey of 969 drinking water supply systems, approximately 8 million people in this country are served water that is potentially dangerous in that it failed to meet the mandatory standards set by the Federal Government with respect to interstate carrier systems. The deficiencies in the majority of cases were in smaller systems.

Until passage of the Act there was no provision in Federal law to protect the public from chemical poisoning and none to protect those not traveling on interstate conveyances from being supplied with drinking water which may cause communicable or noncommunicable illness.

Several extensive surveys have shown serious deficiencies in the number of water samples examined and in the bacteriological and chemical quality of drinking water. Many systems had physical deficiencies including poorly protected groundwater sources, inadequate disinfection and clarification capacity. In addition, plant operators were inadequately trained. Plants were not being inspected by State or local authorities. In one survey, 50 percent of plant officials did not remember when, if ever, they had been surveyed by a State or local health department.

House of Representatives Report No. 93-1185 and Senate Report No. 93-231 and Pub. L. 93-523 are the sources of information for the foregoing.

Pub. L. 93-523 (section 1412(e)) mandated the NAS study as follows:

1. The Administrator shall enter into appropriate arrangements with the National Academy of Sciences (or with another independent scientific organization if appropriate arrangements cannot be made with such Academy) to conduct a study to determine:

A. The maximum contaminant levels which should be recommended in order to protect the health of persons from any known or anticipated adverse effects, and

B. The existence of any contaminants the levels of which in drinking water cannot be determined but which may have an adverse effect on the health of persons.

2. The result of the study shall be reported to Congress no later than 2 years after the date of enactment of this title. The report shall contain:

A. A summary and evaluation of relevant publications and unpublished studies;

B. A statement of methodologies and assumptions for estimating the levels at which adverse health effects may occur;

C. A statement of methodologies and assumptions for estimating the margin of safety which should be incorporated in the national primary drinking water regulations;

D. Proposals for recommended maximum contaminant levels for national primary drinking water regulations;

E. A list of contaminants the level of which in drinking water cannot be determined but which may have an adverse effect on the health of persons; and

F. Recommended studies and test protocols for future research on the health effects of drinking water contaminants, including a list of the major research priorities and estimated costs necessary to conduct such priority research.

3. In developing its proopsals for recommended maximum contaminants levels, the National Academy of Sciences shall evaluate and explain the impact of the following considerations:

A. The existence of groups or individuals in the population which are more susceptible to adverse effects than the normal healthy adult.

B. The exposure to contaminants in other media than drinking water (including exposures in food, in the ambient air, and in occupational settings) and the resulting body burden of contaminants.

C. Synergistic effects resulting from exposure to or interaction by two or more contaminants.

D. The contaminant exposure and body burden levels which alter physiological function or structure in a manner reasonably suspected of increasing the risk of illness.

4. In making the study under this subsection, the National Academy of Sciences (or other organization) shall collect and correlate:

A. Morbidity and mortality data and

B. Monitored data on the quality of drinking water. Any conclusions based on such correlation shall be included in the report of the study.

5. Neither the report of the study under this subsection nor any draft of such report shall be submitted to the Office of Management and Budget or to any other Federal agency (other than the Environmental Protection Agency) prior to its submission to Congress.

6. Of the funds authorized to be appropriated to the Administrator by this title, such amounts as may be required shall be available to carry out the study and take the report.

SCOPE OF WORK

The Academy will undertake to complete the study and report described in section 1412(e) of the Public Health Service Act, as amended by the Safe Drinking Water Act, with the following understanding: The Academy considers that the intent of Congress in using the phrase "maximum contaminant levels which should be recommended * * * in order to protect the health of persons from any known or anticipated adverse effects" is to provide for recommendations that are consistent with the best scientific knowledge. It is the Academy's judgment that from a scientific point of view, the absolute guarantee of safety implied by this language cannot be made for most or all of the contaminants to be studied. The Academy report will explain and discuss this point. Accordingly, with respect to recommended levels, taking only health effects into account, the Academy's report will provide the following:

(1) Where there are sufficient data from which a human dose-response relationship can be projected with some degree of precision, a projection will be made. The projection will be explained and its qualifications will be made explicit.

(2) For contaminants for which the data are of sufficient quantity and quality, the Academy will exercise its scientific judgement and identify and propose contaminant levels for which it anticipates the risk of adverse health effects to be specifiable and very small. The risks at the proposed levels will be described, with an explanation as to why no "safe" level has been identified.

(3) For contaminants for which the evidence provides no scientific basis or methodology for recommending levels, the Academy will describe the available data, and its significance in terms of known or anticipated adverse health effects.

Thus further definition of the scope of work was developed jointly between NAS and EPA.

SUMMARY REPORT: DRINKING WATER AND HEALTH

INTRODUCTION

The high quality of drinking water in the United States is recognized throughout the world, and popularly endorsed by the freedom with which water is consumed. Nevertheless, mounting concern over the spread of environmental pollution and the application of increasingly sensitive methods of analysis have led to new legislation that seeks to ensure that the quality of drinking water poses no threat to public health.

The Safe Drinking Water Act of 1974 (Pub. L. 93-523) requires the Administrator of the Environmental Protection Agency (EPA) to promulgate national standards for the purity of drinking water and regulations for enforcing them. The Act also directs the Administrator to arrange with the National Academy of Sciences, or other appropriate organization, to study the adverse effects on health attributable to contaminants in drinking water. This report summarizes the result of that study. A précis of the legislation and its background, the objectives of the study, and the names of those who contributed to it are given in the Appendixes.

The primary purpose of the study has been to assess the significance of the adverse effects that the constituents of drinking water may have on public health. The economic or technological feasibility of controlling the concentration of these constituents is outside the scope of the study. The health effects associated with some methods of disinfection have received attention, but the relative effectiveness and potential hazards associated with the various methods of water disinfection have not been evaluated.

Application of analytical methods of great sensitivity has, in recent years, expanded our knowledge of the occurrence and diversity of impurities in drinking water. However, information about the results of chronic ingestion, at low dose rates, of most of these substances is acquired slowly because the bioassays that are usually required may take two or more years to complete. Although new approaches to the problem of estimating chronic adverse health effects may, in the future, ease this difficulty, the current knowledge on which this study is based is insufficient to assess all the contaminants of drinking water. The results reported here must therefore be considered as the first contribution of an effort that should be continued.

GENERAL CONSIDERATIONS

Besides the known constituents of water, we have considered also some that it would be plausible to expect to be present, even though they have not yet been identified. (Certain pesticides used in large quantities fall into this category.)

In our review of water constituents, we have attempted to take into account not only their identities, concentrations, and toxicities, but also have considered other questions, such as:

1. What reason is there for concern about the material? What risks are associated with its presence in water?

2. How does the material get into water?

3. What sources are there other than water?

4. What contaminants need to be controlled?

5. Are there special places or persons at higher than average risk?

6. Are there essential health requirements for this material? (See particularly the discussion of inorganic solutes.)

7. In view of the data at hand, can one say that this is a material that causes temporary ill effects? permanent ill effects? reversible effects?

8. In view of these effects—and their reversibility (or lack of it)—is it possible to set "no-observed-adverse-health-effects" levels?

9. For materials with special health benefits, what concentrations will maximize these benefits, while keeping the health risk, associated with them at an acceptably low level?

10. What additional information is required to resolve the outstanding problems?

Many of the constituents of drinking water occur naturally, and enter water from the rocks and the soil and the air. Some are the natural waste products of men or animals. Others are artificial or synthetic materials, made and used for special purposes, that inadvertently find their way into water. Yet others occur naturally, but have become more widely distributed in populated areas as a result of industrial and agricultural activity.

WATER CONSUMPTION

In this study, the average amount of water consumed per person is assumed to be two liters per day. This is also the amount used by the EPA to calculate the current interim standards. Daily consumption of water is a function of temperature, humidity, physical activity, and other factors that vary widely. Although average water consumption per capita may be estimated from the literature on human physiology and nutrition to be

about 1.6 liters/day, the larger volume of 2 liters/day was adopted as representing the intake of the majority of water consumers.

Various measures used in assessing acute toxicity—such as LD_{16}, LD_{50}, and maximal tolerated dose—are generally found to be

alone or in combination, are responsible for the greatly increased incidence of lung cancer among smokers. With the possible exception of arsenic and benzene, all known car-

example, an incidence as low as 0.01 percent would represent 20,000 people in a population of 200 million and would be considered unacceptably high, even if benefits were

Experiments should be conducted over as much as possible of the lifetime of the experimental animal. The highest dose should

man was expressed as the probability that cancer would be produced by continued daily ingestion, over a 70 y lifetime, of 1 liter of

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about 1.6 liters/day, the larger volume of 2 liters day was adopted as representing the intake of the majority of water consumers. We estimate that most of those who consume volumes larger than 2 liters/day still are afforded adequate protection because the margin of safety estimated for the contaminants is sufficient to offset the increased water consumption. Nevertheless, consideration should be given to establishing some standards on a regional or occupational basis to take extremes of water consumption into account.

SPECIAL CASES

Groups of people who may be more susceptible than average for the whole population are considered in connection with the particular contaminants to which they are sensitive.

This report is concerned only with water that is used for drinking. Although all contaminants may cause problems when present in water used in health care facilities, the health hazards associated with such diverse uses of water as in humidifiers, kidney dialysis units, laundries, heating and cooling equipment, or many special uses that require further treatment of tap water, have not been considered.

FINDINGS OF THE STUDY

SAFETY AND EXTRAPOLATION

The hazards of ingesting chemical pollutants in drinking water can be assessed in two general ways: With epidemiological studies and with laboratory studies of toxicity. The aim of both types is to provide information on the risk to man.

Most of the current knowledge of toxicity is based on observations of the effects on man and animals of doses and dose rates that are much larger than those that correspond to the usual concentrations of harmful materials in drinking water. There is, consequently, great uncertainty in estimating the magnitude of the risk to health that ingestion of contaminants in water may produce. An additional problem is presented by the combined effects of two or more contaminants.

The theoretical and experimental bases for extrapolating estimations of risk to low levels of dose have been reviewed. Some principles are proposed to guide the conduct of this and similar studies.

Large populations are exposed repeatedly, over long periods of time, to minute amounts of potentially toxic contaminants in drinking water. Delayed, essentially irreversible, effects can occur. Methods and criteria of classical conventional toxicology do not always provide reliable means for assessing long-term toxic effects such as carcinogenesis. Extrapolation from animal data to man is uncertain; hence, novel considerations have to be applied to assess risk.

The insidious effects of chronic exposure to low doses of toxic agents are difficult to recognize, because there are few, if any, early warning signs and, when signs are ultimately observed, they often imply irreversible effects. For example, cancer induction in experimental animals, even with the most potent carcinogenic chemicals, requires at least several months and in many instances a whole lifetime. There are at present no easy, straightforward methods for extrapolating even chronic exposure experimental data to calculate risks to large human populations. Teratogenic effects are easier to establish by animal experimentation, but there are similar uncertainties in extrapolating to human populations. Mutagenic effects are difficult to assess experimentally in mammals, and such effects are particularly insidious, in that they appear only in later generations.

Various measures used in assessing acute toxicity—such as LD_{10}, LD_{50}, and maximal tolerated dose—are generally found to be quantitatively similar in most animals. On the basis of dose per unit of body surface, toxic effects in man are in the same range as those in experimental animals, such as mouse, rat, hamster, dog, and monkey. On a body-weight basis, man is generally more vulnerable than the experimental animal, probably by a factor of 6–12. Comparative studies have shown generally that the absorption, metabolism, and excretion of various drugs are slower, dose for dose, in man; that there is greater retention of such drugs; and that higher concentrations occur in body fluids and tissues in man than in small mammals. With an awareness of these quantitative differences, appropriate safety factors can be applied to calculate relatively safe therapeutic dosages for man. These methods and principles of classical toxicology are useful for assessing toxic effects that are reversible and that are not progressive. They are much less useful in dealing with all of the problems of chronic irreversible toxicity or the effects of long-term exposure. This subject has not been considered widely in the past.

From the review of available information, two major questions emerge: "What types of experimental assay procedures are required for a valid assessment of chronic toxicity of chemicals in experimental animals?" "How can such data be extrapolated to estimate risks in humans?" In dealing with these questions, our recommendations are restricted to a specific risk—namely, cancer—with the understanding that the same considerations will apply, at least partially, to the problems of mutagenesis and teratogenesis. Furthermore, we consider only carcinogens whose mechanisms involve somatic mutations.

Some principles that underlie efforts to assess the irreversible effects of long-continued exposure to carcinogenic substances at low dose rates are outlined below.

PRINCIPLE 1

Effects in animals, properly qualified, are applicable to man. This premise underlies all of experimental biology and medicine: But, because it is continually questioned with regard to human cancer, it is desirable to point out that cancer in men and animals is strikingly similar. Virtually every form of human cancer has an experimental counterpart; and every form of multicellular organism is subject to cancer, including insects, fish, and plants. Although there are differences in susceptibility between different animal species, between different strains of the same species, and between individuals of the same strain, carcinogenic chemicals will affect most test species; also large bodies of experimental data indicate that many chemicals that are carcinogenic to animals are likely to be carcinogenic to man, and vice versa.

Evidence that circumstances leading to cancer induction in humans are also applicable to experimental animals stems from the very first observation of chemical carcinogenesis—the appearance of cancer of the scrotum in chimney sweeps, observed by the British surgeon, Percival Pott, in 1775. It was not until modern times that a substance implicated in human cancer was found to be carcinogenic in animals: When Japanese scientists found in 1915 that extracts from coal tar chuse cancer when applied to the skin of experimental animals. Many pure carcinogenic chemicals have since been isolated from a wide variety of "tars" derived from incomplete combustion of organic matter, such as coal, wood, and tobacco. There is little doubt that these and other chemicals, alone or in combination, are responsible for the greatly increased incidence of lung cancer among smokers. With the possible exception of arsenic and benzene, all known carcinogens in man are also carcinogenic in some species, although not in all that have been tested. However, all carcinogens in animals are not known to cause cancer in humans.

PRINCIPLE 2

Methods do not now exist to establish a threshold for long-term effects of toxic agents. With respect to carcinogenesis, it seems plausible at first thought, and it has often been argued, that a threshold must exist, below which even the most toxic substance would be harmless. Unfortunately, a threshold cannot be established experimentally that can be applied to a total population. A time-honored practice of classical toxicology is to establish maximal tolerated (no-effect) doses in humans on the basis of finding a no-observed-adverse-effect dose in chronic experiments in animals and to divide this dose by a "safety factor" of, say, 100, to designate a "safe" dose in humans. There is no scientific basis for such estimations of safe doses in connection with carcinogenic effects. For example, even if *no* tumors are obtained in an assay of 100 animals, this means only that at a 95 percent confidence level the true incidence of cancer in this group of animals is less than 3 percent. Even if we were to use 1,000 animals for assay, and no tumors appeared, we could only be 95 percent sure that the true incidence was less than 0.3 percent. Obviously, 0.3 percent is a very high risk for a large human population.

In fact, there are no valid reasons to assume that false-negative results of carcinogenicity tests are much less frequent than false-positive ones. To dismiss all compounds that did not induce tumors in one or two mouse and rat experiments as noncarcinogenic is wrong. Labeling as "carcinogens" all substances that gave rise to increased incidence of tumors is justified only if there is also evidence of a causal relationship. The "relative risk" of compounds that are not found to induce tumors in animal experiments must also be considered. But this requires evaluation of data other than those collected in chronic toxicity studies on rodents.

Experimental bioassays in which even relatively large numbers of animals are used are likely to detect only strong carcinogens. Even when negative results are obtained in such bioassays, it is not certain that the agent tested is unequivocally safe for man. Therefore, we must accept and use possibly fallible measures of estimating hazard to man. This reasoning leads us to the statement of Principles 3 and 4.

PRINCIPLE 3

The exposure of experimental animals to toxic agents in high doses is a necessary and valid method of discovering possible carcinogenic hazards in man. The most commonly expressed objection to regulatory decisions based on carcinogenesis observed in animal experiments is that the high dosages to which animals are exposed have no relevance in assessment of human risks. It is therefore important to clarify this crucial issue.

Practical considerations in the design of experimental model systems require that the number of animals used in experiments on long-term exposure to toxic materials will always be small compared with the size of the human populations similarly at risk. To obtain statistically valid results from such small groups of animals requires the use of relatively large doses so that the effect will occur frequently enough to be detected. For

example, an incidence as low as 0.01 percent would represent 20,000 people in a population of 200 million and would be considered unacceptably high, even if benefits were sizable. To detect such a low incidence in experimental animals directly would require hundreds of thousands of animals. For this reason, we have no choice but to give large doses to relatively small experimental groups and then to use biologically reasonable models in extrapolating the results to estimate risk at low doses. Several methods for making such calculations have been considered and used, but we think that the best method available to us today is to assume that there is no threshold and that a direct proportionality exists between the size of the dose and the incidence of tumors. However, it is important to recognize that such a calculation may give either too small or too large an estimate of risk. The actual risk to humans might be even greater over a human lifetime, because it is about 35 times that of a mouse; and there is evidence that the risk of cancer increases rapidly with the length of exposure. Moreover, experimental assays are conducted under controlled dietary and environmental conditions with genetically homogeneous animals, whereas humans live under diverse conditions, are genetically heterogeneous, and are likely to include subpopulations of unusual susceptibility.

It should be emphasized that these general considerations give only a minimal estimate of human risk; moreover, they do not take into consideration differences in susceptibility between species. For example, beta-naphthylamine is well established as a human carcinogen on the basis of epidemiological studies of occupationally exposed workers, whereas experiments have not shown it to be carcinogenic, for example, in the hamster, which is relatively resistant.

Not all substances that cause a given incidence of cancer in experimental animals are equally carcinogenic for man. This means that results of studies of chronic toxicity, which are imperfect assay systems for carcinogenicity testing, should not be used as the sole criteria in the assessment of risk.

PRINCIPLE 4

Material should be assessed in terms of human risk, rather than as "safe" or "unsafe." The limitations of the current experimental techniques do not allow us to establish safe doses, but with the help of statistical methods we may be able to estimate an upper limit of the risk to human populations. To calculate such a risk, we need data to estimate population exposure: a valid, accurate, precise, and reproducible assay procedure in animals; and appropriate statistical methods. Several general guidelines may be presented. First, no rigid, generally applicable procedure can be recommended for testing all toxic agents. Substances differ too much in their overall effects, and it will ultimately have to be left to the well-informed judgment of expert investigators to design appropriate assays. If substances that affect large populations are found to be carcinogenic, experiments of much wider scope may have to be conducted, to obtain more detailed information on their possible effects in humans. As a pragmatic guideline, it would be desirable to test a compound for carcinogenicity in at least two species, such as the mouse and the rat, and the strains of animals used should have a rather low incidence of spontaneous tumors under the conditions of the test. It is important to include "positive" controls, with known carcinogens, under the same conditions used for the test animals. This has been a point of considerable controversy.

Experiments should be conducted over as much as possible of the lifetime of the experimental animal. The highest dose should be the maximum that is tolerated without shortening the lifespan through causes other than cancer. Every animal, whether it dies during the exposure period or is sacrificed at the end of the experiment, should be examined grossly and microscopically, and all toxic effects (not only cancer) should be noted.

Risk constitutes but half the essential comparison that should be made in the assessments of human hazard; the other half is benefit to the exposed population of the agent whose hazard has been identified. Decisions cannot involve merely the risk. But the acceptability of risk should depend on the specific benefits derived, the nature of the population exposed, and the availability of practical alternatives.

It is not possible to guarantee a risk-free society; nor is a risk-free society necessarily the most desirable society. It is often necessary to accept the risks of chemicals—such as drugs and pesticides—when the benefits warrant their use. Risks imposed on persons who gain no benefits are generally not acceptable. Personal choice and personal values enter into the risk-benefit comparison. For major benefits—for example, in the treatment of otherwise incurable or incapacitating diseases—much higher risks are allowable than otherwise. An important principle in risk-benefit assessment is that each person must be allowed the widest possible choice, supported by full information on risks, as well as benefits, so that intelligent choices may be made.

The benefit portion of the equation should be well defined by knowledgeable experts and based on data at least as good as the risk data. It is important, therefore, that the benefit-risk comparisons be established with the active cooperation of those who are qualified to assess the usefulness of a substance and the consequences to those in need of it, as well as to the population at large.

Finally, mankind is already exposed to many carcinogens whose presence in the environment cannot easily be controlled. In view of the nature of cancer, the long latent period of its development, and the irreversibility of chemical carcinogenesis, it would be highly improper to expose the general population to an increased risk if the benefits were small or questionable, or were restricted to limited segments of the population.

ESTIMATION OF RISK

Chronic low-dose-rate toxicity was assessed quantitatively by different procedures, the method chosen depending on the character of the experimental evidence and whether the substance in question was judged to be carcinogenic or not.

Assessments of the toxicity of noncarcinogenic substances are described in the sections on Inorganic Solutes and Organic Solutes. These are expressed as estimates of maximal "no-observed-adverse-effect" concentrations in water, and are based on the assumption that, for these noncarcinogenic materials, there are threshold doses below which no adverse effects on health are likely to occur.

Risks of exposure to radionuclides and carcinogenic organic compounds were estimated by methods that involve an assumption that there are no thresholds in the dose-response relationships. In the case of radionuclides, the estimates were based, in large measure, on the report of the Advisory Committee on the Biological Effects of Ionizing Radiation (National Academy of Sciences-National Research Council, 1972); the method used for organic compounds is described below.

In the case of organic compounds that were identified as carcinogens, the risk to man was expressed as the probability that cancer would be produced by continued daily ingestion, over a 70 y lifetime, of 1 liter of water containing a standard quantity (1 μg/liter) of the substance in question. Estimates expressed in this form may then be used to calculate risk due to the concentrations actually found in drinking water.

To make such estimates from the results of animal feeding studies two steps are necessary. The first involves conversion of the standard human dose to the physiologically equivalent dose in the animal, and this was performed on the basis of relative surface area. The second step requires use of a risk model relating dose to effect. The model used for this purpose is

$$P(d) = 1 - e^{-(\lambda_0 + \lambda_1 d + \lambda_2 d^2 + \ldots \lambda_n d^n)}$$

where P(d) is the lifetime probability that dose d(total daily intake) will produce cancer,

K = the number of events in the carcinogenic process

and λ_0, λ_1, λ_2—etc., are nonnegative parameters. At low doses, the higher order terms in d^2, d^3, etc. may be neglected and

$$P(d) \simeq 1 - e^{-(\lambda_0 + \lambda_1 d)} \sim \lambda_0 + \lambda_1 d$$

λ_0 representing the background rate. When two or more sets of results of lifetime animal feeding studies were available, experimental values of P(d), the fraction of test animals developing cancer, and d, the total daily dose, were fitted to the equation to determine how many of the terms λ_0, $\lambda_1 d$, $\lambda_2 d^2$, etc. were necessary to give the best fit. Corresponding values of λ_0, λ_1, or λ_0, λ_1 and λ_2, etc. were used to calculate P(d) for the low dose of interest, namely the animal dose that was physiologically equivalent to the standard dose for man. If the animal experiments involved only one dose level, the λ, d term, alone, was used in the calculation. Upper confidence limits on the estimated low-dose risk were also calculated by use of maximum-likelihood theory, and these values were tabulated.

Since the animal data were obtained from lifetime feeding studies, the risk estimate calculated from them for the low doses that were estimated to be physiologically equivalent to the human dose, were taken to represent the lifetime risks for man. The background rate, obtained from the cancer incidence in the control groups of experimental animals and represented by the parameter λ_0, was excluded from the tabulated values of P(d), which therefore represent the incremental risks due to ingestion of the compounds in water.

RECOMMENDATIONS FOR RESEARCH

A research program should include the following:

1. Studies of the physiological and biochemical mechanisms by which the toxic substances in water produce their effects.

2. Development of rapid, inexpensive, and precise tests to identify substances that may produce important toxic effects at low doses and dose rates.

3. Epidemiological studies of chronic disease.

4. Research on statistical methods and analytical models for describing and estimating the effects of long exposure to low doses of toxic substances. Studies should not be limited to carcinogenesis and should consider, also, differences between species, and particularly sensitive subgroups in the population.

MICROBIOLOGY OF DRINKING WATER

Outbreaks of waterborne disease are reported to the National Center for Disease Control (CDC) of the United States Public

Health Service by state health departments. In addition, EPA obtains information about outbreaks from state water supply agencies. Data on waterborne outbreaks have limita-

proper water treatment, and integrity of the distribution system. Application of the present coliform standards appears adequate to protect public health when raw water is

nation in distribution systems, and from inadequately treated surface waters.

The cysts of both of these parasites are more resistant to chlorine than are bacteria,

is pertinent to the development of cancer in the digestive tract in humans.

Epidemiological studies of cancer death rates in Duluth, Minnesota, where the water

CONCLUSIONS AND RECOMMENDATIONS

Certain mineral fibers found in water are suspected of being harmful upon ingestion.

to be completely eliminated from water supplies.

Trace metals, usually in the form of ions,

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Health Service by state health departments. In addition, EPA obtains information about outbreaks from state water supply agencies. Data on waterborne outbreaks have limitations and must be interpreted with caution. They represent only a small part of a larger public health problem. The number and kind of reported outbreaks may depend upon the interest or capabilities of a particular state health department or individual. They do not provide the true number of outbreaks, cases or causes of disease associated with drinking water.

No law or regulation requires state authorities to report all cases of gastroenteritis to CDC, and, in fact, many small outbreaks are not reported to state departments of health. Moreover, etiologic agents are seldom identified, even in the cases that are reported. There are reasons to believe that most outbreaks of waterborne disease are of microbiological origin. Yet the accuracy of epidemiological studies is limited by underreporting and diagnostic uncertainties.

The microbiological contaminants selected for consideration are those for which there is epidemiological or clinical evidence of transmission by drinking water. These include a variety of bacteria, viruses, and protozoa. Methods of detecting these contaminants in drinking water are reviewed, together with the determination of permissible levels. Because current drinking water standards place major emphasis on detection of microbiological contaminants, considerable attention is devoted to the validity and health significance of microbiological standards.

Effective water treatment systems in the United States have had a major impact on the reduction of waterborne infectious diseases during this century. However, waterborne disease outbreaks continue to occur. In 1975, 24 outbreaks involving 10,879 cases were reported to the CDC, but no deaths. Acute gastrointestinal illness accounted for about 90 percent of the cases.

In 1971–1974, deficiencies in treatment, such as inadequate or interrupted chlorination, and contamination of ground water, were responsible for a majority (65 percent) of the waterborne disease outbreaks. In 1975 treatment deficiencies were responsible for most outbreaks. However, deficiencies in the distribution systems were responsible for [illegible] cases.

Control of waterborne epidemics depends largely upon the control of infectious enteric diseases. Much of the success in this regard can be attributed directly to the use of chlorine as a disinfectant. The use of chlorine in water treatment may result in the formation of compounds that are known carcinogens for animals and suspected carcinogens for humans, but the benefits gained are very great.

Several substitutes for chlorine have been suggested (e.g., ozone, chlorine dioxide, bromine and iodine) but much more research is required before any of them can be recommended as a sole substitute for chlorine in water treatment. Questions concerning disinfection effectiveness, toxicity of by-products, and residual in the distribution system must be answered for proposed substitutes as well as for chlorine. It may be possible to reduce the concentrations of undesirable organic by-products of chlorination, without compromising disinfection, by changing the sequence or rate of chlorine addition in relation to other steps in water treatment. Use of other oxidising agents before chlorination may also help to modify organic matter before significant amounts of chlorinated derivatives can be formed.

BACTERIA

Bacteriological testing and observance of bacteriological standards are adjuncts to, not substitutes for, good-quality raw water, proper water treatment, and integrity of the distribution system. Application of the present coliform standards appears adequate to protect public health when raw water is obtained from a protected source, is appropriately treated, and is distributed in a contamination-free system.

Current coliform standards are not satisfactory for water reclaimed directly from wastewater. Meeting current coliform standards for water reclaimed directly from waste water, or for water containing several percent of fresh sewage effluent, is insufficient to protect public health. For such raw water supplies, new microbiological standards should be developed and applied as supplementary to coliform standards.

The standard plate count is not a substitute for total coliform measurements of the sanitary quality of potable water. It is, however, a valuable procedure for assessing the bacterial quality of drinking water. Ideally, standard plate counts (SPC) should be performed on samples taken throughout the systems. The SPC has major health significance for surface-water systems that do not use sedimentation-fluocculation-filtration and chlorination, and for those ground-water systems and do not include chlorination.

A research program is needed to increase the value of the relatively simple bacteriological tests in controlling the sanitary quality of drinking water. The program should include:

1. Epidemiological studies of water quality and health, with application of more sensitive methods for detecting pathogens in drinking water and better reporting of outbreaks of waterborne disease.

2. Development of membrane-filtration methods to allow testing of larger samples and to reduce interference by overgrowth and disinfectants.

3. Improvement of procedures for making total-plate-counts and study of the utility of such tests for assessing the health hazards of drinking water.

4. Research on more rapid and sensitive methods for detecting pathogens and the use of such methods for monitoring the quality of water.

VIRUSES

The bacteriological monitoring methods currently prescribed (coliform count, standard plate count) ar the best biological indicators now available for routine use in determining the probable levels of virus in drinking water. The strictest current standards of water treatment, diligently applied, can provide a high degree of assurance that viruses injurious to human health are not likely to be present in finished drinking water.

Because knowledge of the scale of potential viral contamination is scanty, and because there is no rigorous basis for establishing a harmless level of viral concentration in water, research on the problems of viral contamination should be strongly supported. In particular, the following subjects deserve special attention:

1. Methods for testing drinking water for viral contamination.

2. Methods for recovery, isolation, and enumeration of viruses (especially hepatitis A).

3. Specific etiology of viral gastroenteritis.

4. Methods for evaluating and improving effectiveness of present water treatment to remove or inactivate viruses.

5. Determination of the amounts of enteric viruses that must be ingested to produce infection and disease.

PARASITES

The most important waterborne parasitic diseases in the United States are amoebiasis and giardiasis. Known outbreaks of these diseases have resulted from sewage contamination in distribution systems, and from inadequately treated surface waters.

The cysts of both of these parasites are more resistant to chlorine than are bacteria, but flocculation and filtration can remove them. Nevertheless, knowledge of the vulnerability of these organisms to disinfection is incomplete, and, in particular, the conditions necessary for destruction of giardia cysts require further study. The same considerations apply to a few other parasitic protozoa that, although rare, have been identified in public water systems.

Metazoan parasites (helminths, nematodes) that can be present in raw water will be controlled in public water supplies by well-regulated flocculation, filtration, and disinfection.

TESTING

A deficiency of customary biological methods for evaluating the bacteriological quality of water is that results from tests are not known until after the water sampled has already entered the distribution system, and been used. Sudden invasions of contamination are unlikely to be detected promptly enough to prevent exposure, and may overwhelm the corrective treatments. Therefore, control of microbiological quality can be more readily achieved if the raw water supply is of high and relatively invariant quality.

Nevertheless, it is essential that present methods of microbiological testing be continued to validate the effectiveness of disinfection and for detecting defects within the system.

SOLID PARTICLES IN SUSPENSION

Materials suspended in drinking water include inorganic and organic solids as finely divided particles of sizes ranging from colloidal dimensions to more than 100 micrometers. Such particles may also have other substances and micro-organisms attached to them.

Small particles of some materials, such as the asbestos minerals, may have the potential to affect human health directly when they are ingested, and there is widespread concern over the biological effects of such substances.

Many kinds of particles, though apparently harmless in themselves, may indirectly affect the quality of water by acting as vehicles for concentration, transport, and release of other pollutants.

Water treatment can often be effective in removing most of the suspended particles but conventional methods of detecting the presence of particulate material by measurement of turbidity have serious deficiencies.

DIRECT EFFECTS ON HEALTH

Particles of asbestos and other fibrous minerals occur in raw water, usually in a range of sizes from fractions of a micrometer to a few micrometers. Generally there are fewer than 10 million fibers per liter, but waters are found with from less than 10,000 to more than 100 million fibers per liter. Some of the highest counts have been found near some cities. Fibers in drinking water are typically less than 1 micrometer long and fibers longer than 2 micrometers are uncommon. Identification and counting of fibers is difficult and time-consuming, usually requiring the transmission electron microscope. The reported counts are highly variable, often differing from one count to the next by a factor of 10 or more.

Epidemiological studies of workers exposed to asbestos by inhalation have shown an increase in death rates from gastrointestinal cancer. With respiratory exposure it is likely that more fibers are swallowed than remain in the lungs. The workers studied were exposed to asbestos with a large range of fiber lengths. It is not clear whether fiber length

is pertinent to the development of cancer in the digestive tract in humans.

Epidemiological studies of cancer death rates in Duluth, Minnesota, where the water supply has been contaminated with mineral fiber, have so far not revealed any increase of gastrointestinal cancer with time, in comparison with death rates in other areas. Contamination of the Duluth drinking water began less than twenty years ago however, and since many cancers have long latency periods, these negative epidemiological findings do not exclude the possibility that an increase may appear within the next five to fifteen years.

Animal deposition model studies have shown that fiber length and diameter affect the carcinogenic response seen, the long thin fibers appearing to be the active ones. However, the relevance of these experimental models to the human experience is not clear. While some animal studies have shown penetration of the gastrointestinal epithelium, others have not.

It is not known whether other inorganic particulates that occur in water produce any direct effects on human health.

INDIRECT EFFECTS ON HEALTH

The concentration of inorganic, organic, and biological pollutants is usually much higher in the suspended solids and sediments of streams and lakes than in water. Clay, organic, and chiefly responsible for such concentrations. Clay and organic particulates have large surface areas and strongly adsorb ions, polar and nonpolar molecules, and biological agents. Occurrence of these materials in water is a consequence of natural events, as well as human activity, and is common in many waters that people drink. Although many of the clay or natural organic particulates, in themselves, may not have deleterious effects when ingested by humans, they may exert important health effects through adsorption, transport, and release of inorganic and organic toxicants, bacteria, and viruses. The clay or organic complex with a pollutant may be mobilized by erosion from the land, or complexes may form when eroded particulate matter enters a stream containing pollutants. The atmosphere is also an important pathway. In the adsorbed state, organic and inorganic toxicants may be less active; however, the possibility exists that the toxicants may be released from the particulate matter in the alimentary tract and then exert toxic effects. It is not clear how complexes of particulate matter with viruses and bacteria behave in the gut. It is known, however, that some enzymes retain their activity when adsorbed on clay, and that viral-clay particulates are infectious in tissue culture and in animal hosts.

TURBIDITY AS AN INDICATOR

A high turbidity measurement is an indication that a water may produce an adverse health effect; however, a low turbidity measurement does not guarantee that a water is potable. Turbidity measurements do not indicate the type, number, or mass of particles in a water supply. Where particulates in water are suspected of being harmful, the particulate content should be identified and counted by more specific techniques. Such techniques may include biological, organic, inorganic, and fibrous-particulate surveys.

Turbidity measurements are valuable for process control in water-treatment plants. However, the results obtained with present instruments, procedures, and units of measurement are not well correlated with particle concentrations and size distributions. The test itself must be standardized and refined to facilitate its use for this and other purposes.

CONCLUSIONS AND RECOMMENDATIONS

Certain mineral fibers found in water are suspected of being harmful upon ingestion. The available data with respect to asbestos orally ingested through drinking water do not suggest an immediate hazard to public health. They do suggest that additional research, both experimental (using animals) and epidemiological, is required to determine the degree of hazard. Until new results become available, contamination of drinking water by mineral fibers should be kept to a minimum through the use of effective coagulation and filtration processes and other appropriate measures.

Because particulates are vehicles for concentration, transport, and release of pollutants, they may have indirect effects on health. Coagulation and filtration are effective methods of reducing particulate concentrations. Measurement of particulate content by turbidimetry is imprecise and cannot be relied upon as a sole indicator of the safety of an uncharacterized drinking-water source.

RECOMMENDATIONS FOR FUTURE RESEARCH

1. A survey of suspended particulate matter in raw and treated drinking-water supplies in several "typical" communities is urgently needed as background information. This must be coupled with analysis of accompanying organic and inorganic material and microorganisms, as well as characterization of the particulates with respect to size, shape, composition, and adsorbed constituents.

2. Ingestion studies should be carried out with fibers of various types and sizes distributions in validated animal model systems.

3. Epidemiological studies of time trends in death rates should be conducted in areas that have high concentrations of mineral fibers in drinking water.

4. Electron microscopy procedures for detecting and counting asbestos fibers should be scrutinized with respect to their specificity, precision and accuracy.

5. Information is required on the effects of inorganic, organic and biological toxicants adsorbed on clay and organic particulates.

6. Development of improved and standardized methods for determining particle concentrations and size distributions by optical techniques, such as light scattering and absorption, should be supported.

INORGANIC SOLUTES

The Interim Primary Drinking Water Regulations list maximum allowable concentrations for six metallic elements—barium, cadmium, chromium, lead, mercury, and silver. Ten additional metals were reviewed in this study—beryllium, cobalt, copper, magnesium, manganese, molybdenum, nickel, tin, vanadium, and zinc. Sodium, which is also a metal, was considered separately, because the problems its poses are quite distinct from those associated with the other metallic substances.

Eight of these metals are known to be essential to human nutrition: chromium, cobalt, copper, magnesium, manganese, molybdenum, tin and zinc. Nickel and vanadium probably are essential also, and it is possible that barium can be beneficial under certain conditions. The metals, beryllium, cadmium, lead, mercury and silver are believed not to be essential to humans.

Elements that are beneficial in small quantities often exhibit toxic properties when ingested in excessive amounts or concentrations. In assessment of the adverse health effects of such materials it is important not to overlook deficiency problems that might be encountered if the substances were to be completely eliminated from water supplies.

Trace metals, usually in the form of ions, occur in water both as a result of natural processes and as a consequence of man's activities. Ground waters, because of long contact with rocks and mineralized soils, usually contain greater concentrations of trace metals than surface waters. There is considerable temporal and spatial variation in concentrations of trace metals in surface waters. Generally, the trace metal concentrations of rivers tend to increase from source to mouth, and to vary inversely with discharge.

Of the 16 metals studied, the relative contribution of man's activities to the concentrations found in water supplies can be rated roughly as follows: Very great—cadmium, chromium, copper, mercury, lead and zinc; high—silver, barium, molybdenum, tin; moderate—beryllium, cobalt, maganese, nickel and vanadium; low—magnesium.

Other important sources of trace metals in drinking water are chemicals used in water-treatment processes and pickup of metallic ions during storage and distribution. Although a large fraction of the United States population continues to receive water from ground sources or from impounded upland sources without treatment other than disinfection, most large surface supplies are subjected to treatment that includes coagulation, sedimentation, filtration, and disinfection. Should trace metals occur in the raw water supply, these normal water-treatment processes have either no effect or an uncertain one on the usual low-level concentrations of these metals. Moreover, probable trace metal impurities in the technical-grade chemicals used to treat water may introduce additional amounts.

A wide variety of materials including several metals, alloys, cements, plastics, and organic compounds are used in the pumps, pipes fittings, and reservoirs of distribution and plumbing systems. Reactions, particularly of soft, low-pH waters, with materials of distribution system often have produced much greater concentrations of iron, copper, zinc, lead and cadium at the tap than those at the treatment plant.

Adverse health effects associated with trace metals depend upon the total intake from all sources—food, air and water. As a general rule concentrations of trace metals in foodstuffs greatly exceed those found in drinking waters. Because the diet of most of the United States population is increasingly varied and comes from diverse geographical sources as a result of modern food-distribution practices that counterbalance local excesses or deficiencies, the dietary intake of trace metals exhibits relatively small variation throughout the United States. This factor is helpful in evaluation of maximum no-observed-adverse-health-effect concentrations for drinking water.

Airborne exposure to trace metals other than lead is largely occupational, occurring through the inhalation of industrial dusts or fumes. At present there is more general exposure to lead from motor-exhaust fumes although evidence for acute and chronic health effects is derived from occupational exposures. Because the data relate primarily to healthy adults, caution must be observed in extrapolating these data to the general public.

All the trace metals studied are known to exhibit toxic effects at some level of intake. Many of these effects are observed, however, only at concentrations greater than the maxima that have been found in drinking water. To include such materials in primary drinking-water standards, with the accompanying requirement for mandatory surveillance, does not confer any health benefit. Augmenta-

tion of the natural concentrations of these trace elements to values of concern can be avoided most readily by preventing discharge

cadmium enters water from the discharge of plating wastes and by corrosion of plumbing.

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sium intake from 3.6–4.2 mg/kg of body

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tion of the natural concentrations of these trace elements to values of concern can be avoided most readily by preventing discharge of the contaminants into water sources.

In addition to the trace metals mentioned above, the effects on health of several other inorganic constituents of drinking water were also studied. These include sodium, arsenic, selenium, fluoride, nitrate and sulfate. The relationship between water hardness and health was also considered. The findings on these topics are summarized individually below.

Barium. It is rare to find barium in drinking water at a concentration in excess of 1 mg/liter because of the low solubility of barium sulfate. Natural and treated waters usually contain sufficient sulfate so that more than 1–1.5 mg/liter of barium cannot be maintained in solution.

Acid-soluble barium salts are very toxic, whereas insoluble compounds are benign. There has been no determination of the chronic effects of low levels of barium ingested over a long period of time.

The Interim Primary Standard of 1 mg/liter for barium has been based on extrapolation from effects of industrial exposure to dusts of soluble barium salts. Insufficient data are available to estimate maximum no-observed-adverse-health effect concentrations on the basis of water intake. The limit of 4 mg/liter of the U.S.S.R. is based on organoleptic factors. International and European Standards of the World Health Organization (WHO) do not list barium.

It is recommended that animal studies involving long-term low-level ingestion of barium salts in water be carried out to determine possible health effects.

Beryllium. Because the oxide and hydroxide are relatively insoluble at the usual range of pH, beryllium is unlikely to occur in drinking water at more than trace concentrations. The sulfate and chloride are very soluble, but they hydrolyze quickly to the insoluble hydroxide.

Beryllium produces acute or chronic toxicity in animals when ingested continuously as beryllium sulfate in food in amounts greater than 10–20 mg/kg/day, or in water at concentrations greater than 5 mg/liter. Soluble beryllium has been shown to be transported in the bloodstream to bone, and to be able to induce bone cancer in animals, but the data are insufficient to allow estimation of risk.

Prolonged inhalation of dusts containing beryllium is known to produce pulmonary sarcoidosis. However, increased incidence of lung cancer has not been found among workers exposed to dusts containing beryllium.

No maximal allowable concentration for beryllium has been listed in the Interim Primary Drinking Water Regulations, nor has the WHO recommended a maximum limit. The U.S.S.R., however, has set a limit of 0.2 μg/liter. Until now the maximum concentration of beryllium found in U.S. surface waters has been 1.2 μg/liter and in finished U.S. drinking waters has been 0.17 μg/liter. Only 1.7 percent of drinking water supplies examined have been found to contain beryllium.

Additional studies of the frequency of occurrence and concentrations of beryllium in natural waters are needed to determine the extent to which it presents a hazard to health.

Cadmium. Cadmium is not known to be an essential or beneficial element. It has been found in 2–3 percent of U.S. surface waters, generally in concentrations not exceeding a few micrograms per liter because solubilities of cadmium carbonate and hydroxide are low at pH greater than 6. Only 0.1 percent of the supplies in the Community Water Supply Survey showed cadmium in excess of 10 μg/liter. In addition to its geological sources, cadmium enters water from the discharge of plating wastes and by corrosion of plumbing.

Food is the primary source of cadmium intake. Total daily intake from air, water, food and tobacco ranges from 40 μg/day for the rural nonsmoker on a low cadmium diet to 190 μg/day for the urban smoker on a high cadmium diet. Drinking water contributes only a small fraction (<5 percent) to this total intake.

Chronic ingestion of cadmium at levels greater than 100 μg/day, in combination with several other necessary predisposing factors, was found to be responsible for the onset of "Itai-Itai" disease in Japan. Dietary intake of amounts in excess of a milligram per day is needed for appearance of acute toxicity. Major toxic effects are on the kidney; data indicate that the toxicity of cadmium is related to the zinc:cadmium ratio within the organs. Both zinc and calcium may protect against cadmium toxicity. Persons deficient in these elements, and especially lactose-intolerant persons, who are also likely to be calcium-deficient, may constitute a high-risk group relative to cadmium. Some animal studies have shown carcinogenic and teratogenic effects, but dose-response relationships are unknown. Cadmium has also been implicated as a factor in hypertension.

Insufficient data are available for establishment of a maximum no-observed-adverse-health-effect value. It may be noted, however, that consumption of two liters/day of water containing 10 μg/liter of cadmium would contribute only about 20 percent of the normal total daily adult intake. Both the WHO and the U.S.S.R. have set the maximum allowable limit for cadmium at 10 μg/liter.

Chromium. Microgram amounts of chromium, derived primarily from food, are essential for maintenance of normal glucose metabolism. But chromium (VI) is known to be toxic, principally on the basis of information from respiratory occupational exposures. Increase risk of lung cancer among those occupationally exposed to chromium (VI) has been established.

Although inhaled hexavalent chromium may cause cancer of the respiratory tract, a working group of the International Agency for Research on Cancer concluded "there is no evidence that nonoccupational exposure to chromium constitutes a cancer hazard."

Concentrations of chromium found in natural waters are limited by the low solubility of chromium (III) oxides. A study of more than 1,500 surface waters showed a maximum chromium content of 0.11 mg/liter, with a mean of 0.01 mg/liter.

Little information is available about the average total daily intake of chromium in the United States, although it appears to be in the range of 60–280 μg/day. It has been suggested that diets containing mostly processed foods may be chromium-deficient. Tissue chromium in U.S. adults has been shown to decline with age.

In addition to the beneficial effect of chromium on glucose metabolism, some animal studies indicate that chromium deficiency may induce atherosclerosis.

Toxicity of chromium depends on the valence. No toxic effects were observed in rats when drinking water contained 25 mg/liter of trivalent chromium for a year or 5 μg/liter for life. Acutely toxic doses of trivalent chromium fall in the range of grams per kilogram of body weight. Hexavalent chromium was also tolerated at the 25 mg/liter level for a year by rats. Dogs showed no effects with 11 mg/liter over a 4-year period. Higher doses are toxic, however, producing erosion of the gastrointestinal tract and kidney lesions.

The maximum limit of the Interim Primary Drinking Water Regulations, 0.05 mg/liter, is only one-hundredth of the maximum no-observed-adverse-health effect concentration. The European Standards of the WHO and Japanese Standards give the same limit as acceptable, but set it in terms of hexavalent chromium only. The U.S.S.R. has limits of 0.1 mg/liter chromium (VI) and 0.5 mg/liter total chromium, based on organoleptic factors.

More information is needed on the carcinogenic potential of ingested chromium (VI) and chromium (III). If it becomes clear that highly toxic or carcinogenic effects occur only with chromium (VI), and a suitably sensitive analytical technique is available, then the standard might be set for chromium (VI) alone. In view of the trend in the United States toward dietary chromium deficiency, and the suggestion that chromium protects against atherosclerosis, it seems advisable to determine whether concentrations greater than that prescribed by the current drinking-water regulations are without adverse health effects, as some animal experiments suggest.

Cobalt. Cobalt is an essential element as a component of vitamin B_{12}. Excessive intake of cobalt may be toxic, however, as shown by the association of congestive heart failure with the consumption of beer containing about 1.5 mg/liter of cobalt.

Cobalt has been observed in natural waters only in trace amounts. Most waters contain no detectable cobalt, and values greater than 10 μg/liter are rare. The maximum concentration recorded in several extensive studies was 99 μg/liter.

The major source of cobalt is food; concentration in green leafy vegetables may be as greater as 0.5 mg/kg dry weight. Normally, less than 1 percent of total intake of cobalt is derived from aqueous sources.

Acute toxic effects in animals have been observed only at daily doses greater than several mg/kg of body weight. Chronic cobalt toxicity has been observed in children taking cobalt preparations to correct anemia at daily doses of 1–6 mg/kg body weight.

The Interim Primary Drinking Water Regulations do not list cobalt, nor has the WHO recommended a limit in its International or European standards. The U.S.S.R. has set a limit of 1 percent mg/liter.

Because the maximum no-observed-adverse-health-effect concentration is more than an order of magnitude greater than that found in any natural water or drinking water supply, there appears to be no reason at present to regulate the concentration of cobalt in drinking water.

Copper. Copper is an essential element for both plants and animals; it is a component of several enzymes that perform important biological functions.

Copper is a minor constituent of natural waters. In a survey of 1,600 surface waters of the United States, the concentrations were 1–280 μg/liter. Corrosion of copper piping may increase concentrations in drinking waters to several mg/liter. Copper may also be released into water in industrial discharges, and has been used for algal control in reservoirs at a few tenths milligram/liter.

Average total intake of copper is about 2.5 mg/day, so that when water contains more than 1 mg/liter of copper, the intake from water may equal or exceed that from food.

The general health hazard from copper intake at a few milligrams/liter appears to be small, but a few people are adversely affected by ingestion of even trace amounts of copper. This disorder of copper metabolism, called Wilson's disease, can be arrested by the use of chelating agents. Individuals with deficiency of glucose-6-phosphate dehydrogenase may be sensitive to copper.

The USPHS Drinking Water Standards (1962) recommended a limit for copper of 1 mg/liter based on organoleptic rather than health effects. Because no general adverse

health effects have been observed at the organoleptic limit and because the few individuals with metabolic deficiency are at the mercy of total copper intake rather than copper in water, there is no hygienic reason to impose a limit lower than the presently accepted secondary standard.

Lead. No beneficial effects of lead on human or animal development have yet been found. Although acute lead poisoning is rare, chronic lead toxicity is severe and occurs even with low daily intake (<1 mg) because of its accumulation in bone and tissue.

The natural lead content of surface waters is generally small. In a survey of nearly 1,600 raw surface waters 20 percent were found to contain detectable concentrations of lead and these had a mean value of 0.023 mg/liter. The lead concentration in municipal supplies at the tap may be much greater, however, for soft, low-pH (aggressive) waters dissolve lead from service connections, lead-lined household piping or soldered joints. Lead concentrations in excess of the interim level of 0.05 mg/liter were found in 1.4 percent of the water systems examined in the Community Water Supply Survey. The maximum value was 0.64 mg/liter.

The mean concentration of lead in U.S. drinking waters has been estimated to be 0.013 mg/liter. Consumption of 2 liters/day per capita gives a mean daily intake of 26 μg.

Lead intake from food varies greatly; mean daily values are estimated to be 100–300 μg per capita for adults. Average intake in water is considerably less than that from food, but when the concentration in water is close to or exceeds the interim level of 0.05 mg/liter, intake in water approaches that from food.

Absorption of lead from dietary sources, either food or water, is estimated to be about 10 percent for adults. Daily lead absorption from food is, then, 10–30 μg, while absorption from water ranges from an average of 3–10 μg or more, when water containing 0.05 mg/liter or greater is ingested at 2 liters/day.

The daily intake from air also ranges widely, and is greatest among city dwellers. For a daily inspiration volume of 20 m^3 for adults and a lead concentration of 3 $\mu g/m^3$ in urban air, the per capita daily intake is 60 μg. Absorption from air is about 40 percent, however, so that the daily quantity absorbed is 24 μg, a value comparable with the dietary absorption.

The sum of the estimated absorptions from the various routes, 50–60 μg/day, is already at the maximum no-observed-adverse-health-effect value of 50–60 μg/day.

Children, and especially inner-city urban children, are a special risk group with regard to lead toxicity. A primary reason is that absorption of lead from food and water is 40–50 percent for 2–3 year old children, rather than the 5–10 percent characteristic of adults. Also, water intake per kilogram of body weight is considerably greater for young children than for adults. Moreover, lead concentrations in urban air increase with proximity to the ground, so that urban children tend to have increased intake from this source. Young children also have the added risk of ingestion of flaking lead-based paints especially in depressed, older, urban areas.

Dietary lead intake for a 2-year old child (12 kg) has been estimated to be 100 μg/day (8.3 μg/kg/day); with water at the present 0.05 mg/liter limit and a consumption of 1.4 liter/day, and with air intake about 18 μg/day, the estimated total intake for a 2-year old would be close to 190 μg/day, not including other possible sources.

Major chronic adverse effects of lead are produced in the hematopoietic system, central and peripheral nervous systems, and kidneys. Disturbance in heme synthesis is considered to be the most sensitive effect. There is a detectable increase in red-cell protoporphyrin in women and children with blood lead concentrations greater than about 25–30 μg/dl (micrograms per deciliter). For men occupationally exposed, the maximum no-observed-adverse-health effect level appears to be somewhat greater at 50–60 μg/dl.

Results of studies in the Boston area indicate that increased blood levels of lead occur in children when the water supply contains 0.05–0.1 mg/liter of lead. Thus, the interim limit of 0.05 mg/liter may not provide a margin to safeguard the high-risk population in urban areas. The WHO recommendation of 5 μg of lead per kg/day as a safe total daily intake cannot be met for a 12 kg child when the water supply contains as much as 0.05 mg/liter. It is concluded that the no-observed-adverse-health-effect level cannot be set with assurance at any value greater than 0.025 mg/liter.

Manganese. Manganese resembles iron in its chemical behavior and occurrence in natural waters, but is found less frequently and usually at lower concentrations than iron. Manganese, like iron, is an essential trace nutrient for plants and animals. It is not known whether human manganese deficiency occurs in the United States. The solubility of the several oxidation states of manganese (II, III, and IV) depends upon pH, dissolved oxygen, and the presence of complexing agents. Occasionally, deep lakes or impounding reservoirs that contain organic sediments under anerobic reducing conditions can distribute several mg/liter of Mn^{+2} throughout the water body during "turnover" mixing. Normally, however, the concentration of manganese in natural surface waters is less than 20 μg/liter.

Manganese can be absorbed by inhalation, ingestion, and through the skin; the consequences of this have been recently reviewed in depth by the National Academy of Sciences. It has been known that the occupational inhalation of manganese dusts results in a disease of the central nervous system resembling Parkinsonism, and a form of pneumonia.

Ingestion of manganese in moderate excess of the normal dietary level of 3–7 mg/day is not considered harmful. A reported outbreak of manganism in Japan was attributed to drinking well water containing about 14 mg/liter of manganese.

The maximum concentration of manganese found in the 1975 Survey of Interstate Water Supply Systems was 0.4 mg/liter except for samples from two Alaskan airports which showed 1 and 1.1 mg/liter. A total of 669 supplies were examined. Similarly, the maximum concentration found in the 1969 Community Water Supply Survey was 1.3 mg/liter from 969 supplies. Both these maximum concentrations are an order of magnitude less than minimum concentrations at which adverse health effects are observed. Moreover, even with manganese at 0.4 mg/liter the intake of manganese from water would be only about 15 percent of the normal total dietary intake of manganese.

Because concentrations of manganese found in water supplies are much less than those at which adverse health effects have been observed and because the regulation of manganese for esthetic and economic reasons is also far more stringent than would be required for reasons of health, there seems little need to establish a maximum no-observed-adverse-health-effect value.

Magnesium. Magnesium is an essential element in human, animal, and plant nutrition. It is geologically ubiquitous and its salts are widely used industrially. The average U.S. adult ingests between 240–480 mg/day of magnesium. Magnesium intake from 3.6–4.2 mg/kg of body weight is believed to be adequate to maintain magnesium balance, which is closely regulated by normal kidneys. The median concentration of magnesium in the water of the 100 largest U.S. cities was reported at 6.26 mg/liter with a maxium of 120 mg/liter. It can be greater, especially in arid western states.

An excess of magnesium in the diet is seldom harmful, for it is generally excreted promptly in feces. High concentrations of magnesium sulfate in drinking water have a cathartic effect on new users, but a tolerance is soon acquired. Excessive magnesium in body tissues and extracellular fluids occurs only as a result of severe kidney malfunction. Magnesium deficiency in humans may occur in alcoholics, persons performing hard labor in hot climates (because magnesium is excreted in perspiration), those with certain endrocrine disturbances, and patients using potent diuretics. Such deficiencies can best be overcome by oral administration of magnesium compounds.

The National Interim Primary Drinking Water Regulations contain no limit for magnesium, nor did the 1962 USPHS Drinking Water Standards. The U.S.S.R. has set no limit, but the WHO has recommended a maximum of 150 mg/liter. In view of the fact that concentrations of magnesium in drinking water less than those that imparf astringent taste pose no health problem and are more likely to be beneficial, no limitation for reasons of health appears needed.

Mercury. Mercury is a comparatively rare element. Its inorganic compounds are relatively insoluble and can exist in solution only in extremely small concentrations under natural conditions. Recent measurements show that only 4 percent of water supplies contain mercury at concentrations greater than about 1 μg/liter and only one of these exceeded the current standard of 2 μg/liter. Concentrations in these supplies range from 0.1–10 μg/liter. Industrial use of mercury has resulted in increased environmental contamination. The health effects of populations occupationally exposed to mercury and mercury compounds have long been recognized, but contamination of the general environment is of recent origin.

Inorganic mercury in bottom sediments can be transformed biochemically to injurious methylmercury or other organic mercurial compounds. The organic form readily enters the food chain with concentration factors as great as 3000 in fish.

Several investigators have estimated the blood levels of mercury at which identifiable symptoms of mercury intoxication occur. These levels may be obtained with a steady mercury intake of from 4–14 μg/kg/day. This would be 240–840 μg/day for adults and 80–280 μg/day for children.

It is estimated that the normal diet contributes about 10 μg/day of mercury. With daily intake of 10 μg from food and 4 μg from water it appears that there is considerable margin of safety. However, those individuals regularly consuming fish from contaminated areas may exceed the normal intake by a factor of three or more and thus constitute a high-risk population.

There is no indication that concentrations of mercury in drinking water or air have contributed in any significant way to methylmercury intoxication of the general popula-

On the assumption of 50% absorption of silver, consumption of 2 liters/day of water containing 0.005 mg/liter of silver would result in an accumulation of 1 g of silver

is distributed throughout the snow belt of the northern U.S. and is most heavily concentrated in metropolitan areas.

A survey of 2,100 supplies serving

In many diets allowance is made for water to contain 100 mg/liter of sodium.

It appears that at least 40 percent of the population would benefit if total sodium ion

mining overall effects on humans exposed to mixtures of these environmental contaminants. Arsenic has been found to protect

water; concentrations less than 1 m
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There is no indication that concentrations of mercury in drinking water or air have contributed in any significant way to methylmercury intoxication of the general population. The interim level limits the daily intake to 3–4 μg/day. Nearly all public water supplies in the United States contain less than 1 μg liter of mercury. The WHO has set no limit and the U.S.S.R. has a maximum permissible concentration of 5 μg/liter.

Molybdenum. Soluble molybdate ions are present in trace concentrations in many surface waters, primarily as a result of discharge of industrial wastes but also as a product of natural weathering of molybdenum-bearing soils. Both suspended insoluble molybdenum disulfide and soluble molybdates are present in streams draining areas where molybdenum ore is mined and and processed, especially in Colorado and New Mexico.

Typical diets contain on the order of 100–1,000 μg/kg, whereas typical surface waters (except those draining mining areas) contain less than 100 μg/liter, with median values about 10 μg/liter. Hence, in most locations, water is a minor factor in the total molybdenum intake. However, some finished waters are reported to contain as much as 1.0 mg/liter, and so may provide as much as 2,000 μg day of molybdenum. More information is needed about adverse health effects of molybdenum at these levels to deal properly with such supplies.

Molybdenum poisoning has rarely been observed in humans. Although it has been implicated for gout in Armenia and for a bone-crippling disease in India, more information is needed to establish cause-and-effect relationships.

Molybdenosis in livestock is a significant toxicological problem in many areas of the world., Consumption of molybdenum-rich forage by cattle and sheep causes severe diarrhea (scouring), which sometimes results in death. It can be prevented or alleviated by the administration of copper.

The U.S.S.R. has established a limit for molybdenum of 0.5 mg/liter in open waters, but the WHO has not promulgated a limit.

Nickel. Nickel may occur in water from trace concentrations of a few micrograms/liter to a maximum of 100 μg/liter. At these levels the daily intake of nickel from water ranges from less than 10 μg/day to a maximum of 200 μg/day, as compared to a normal food intake of 300–600 μg/day. Available information indicates that nickel does not pose a toxicity problem because absorption from food or water is low. The principal reason for considering nickel stems from epidemiological evidence that occupational exposure to nickel compounds through the respiratory tract increases the risk of lung cancer and nasal-cavity cancer. There is difficulty in separating the effect of nickel from the effects of simultaneous inhalation of other carcinogens including arsenic, chromium and cobalt.

Because of the generally low concentration of nickel in drinking water and its reported low oral toxicity, there is no present need to set primary health effect limits for nickel in water. WHO and the U.S.S.R. have set no standards for nickel in drinking water.

Silver. Trace amounts of silver are found in some natural waters and in a few community water supplies. It has not been detected at levels exceeding the interim standard of 50 μg/liter. Colloidal silver consumed in large doses—several hundred mg/kg of body weight can cause anemia and possibly death. The main chronic effect in man is "argyria". Argyria is a cosmetic defect once caused through medical or occupational exposure to silver preparations. Dosages of from 1–5 g of silver are sufficient to produce this syndrome.

On the assumption of 50% absorption of silver, consumption of 2 liters/day of water containing 0.005 mg/liter of silver would result in an accumulation of 1 g of silver over 55 years.

Silver ion has not been detected in water supplies in concentrations greater than half the no-observed-adverse-health-effect level.

Tin. There is some indication that tin may be a beneficial micronutrient, although it has not been conclusively demonstrated that tin is an essential trace element in human nutrition. Inorganic tin is relatively nontoxic, but organotin compounds can be toxic at high concentrations. Indeed, they are used as fungicides, insecticides, and anthelmintics.

Tin has seldom been determined in natural or municipally treated water. The few available data generally show concentrations of the order of 1–2 μg liter. In contrast, tin is present in most natural foods, and especially in canned products, to the extent that the normal human ingestion varies from 1.0–30 mg day which is three or more orders of magnitude higher than the probable amount in a liter of tap water.

EPA has not set a limit for tin in its National Interim Primary Drinking Water Regulations. In view of the foregoing considerations, no regulation seems necessary.

Vanadium. Vanadium is a trace metal which has been introduced into the environment in large quantities. Fresh surface waters show concentrations in the 2–300 μg liter range, but with low frequency of detection. The data are limited on concentrations in finished drinking waters, but vanadium concentrations up to 19 μg liter have been reported.

Occupational exposure to pentoxides and trioxides of vanadium leads to ear, nose and throat irritation and generally impaired health. The consequences of exposure to vanadium in air, water and food have been reviewed recently. There is no evidence of chronic oral toxicity.

Vanadium is considered a beneficial nutrient at μg liter levels, and has been suggested as protective against atherosclerosis.

Zinc. Concentrations of zinc in surface water are correlated with man's activities and with urban and industrial runoff. The solubility of zinc depends upon the pH of the water. Concentrations ranging from 2–1200 μg/liter were detected in 77% of 1577 surface water samples and 3–2000 μg/liter in 360 drinking waters.

Zinc is relatively nontoxic and is an essential trace element. Recommended minimum intake levels are 15 mg/day for adults and 10 mg/day for children over one year of age. A wide margin of safety exists between normal intake from the diet and doses likely to cause oral toxicity. Concentrations of 30 mg/liter or more impart a strong astringent taste and a milky appearance to water. Some acute adverse effects have been reported from consumption of water containing zinc at 40–50 mg/liter. There are no known chronic adverse effects of low-level zinc intake in diet, but human zinc deficiency has been identified.

The proposed EPA secondary maximum contaminant level is 5 mg/liter.

Sodium. Sodium ion is an ubiquitous constituent of natural waters. It is derived geologically from the leaching of surface and underground deposits of salts such as sodium chloride, from the decomposition of sodium aluminum silicates and similar minerals, from the incorporation of evaporated ocean spray particles into rainfall and from the intrusion of sea water into fresh water aquifers. Sodium chloride used as a deicing agent on roads enters water supplies in runoff from roads and storage depots. This added sodium chloride amounting to 9 million tons in 1970, is distributed throughout the snow belt of the northern U.S. and is most heavily concentrated in metropolitan areas.

A survey of 2,100 supplies, covering approximately 50% of the population of the U.S., was carried out in 1963–1966. The concentrations of sodium ion found ranged from 0.44 to 1,900 mg/liter. About 42% of the supplies had sodium ion concentrations in excess of 20 mg/liter and nearly 5% had concentrations greater than 250 mg/liter.

Few studies of habitual sodium ion intake by healthy adults in the U.S. have been reported. Such data as have been reported are based on measurement of sodium excretion in 12- or 24-hour urine collections. Wide variations occur among individuals and in the same individual from day to day. One study reported a mean 24-hour excretion of 4,100 mg, with a range from 1,600 to 9,600 mg, in 71 working adult males in New York. Another study reported a mean sodium excretion near 2,800 mg/24 hours in 171 black women ranging in age from 35 to 44 years. Infants have been estimated to excrete 69–92 mg/kg/day.

Sodium chloride is added to many foods during processing. Additional sodium chloride is often added during cooking, and again at the table. None of this is essential, for habitual intake of sodium bears no relationship to physiological need. Healthy individuals have been shown to maintain sodium balance on an intake of less than 2,000 mg/24 hours while sweating 9 liters/day. A variety of pre-industrial societies, in widely divergent habitats (for example, tropical jungle, desert, arctic) subsist for generations on sodium intake less than 1,000 mg/day and show no evidence of sodium deprivation. Requirements for sodium in growing infants and children are estimated at less than 200 mg/day.

It thus appears that habitual intake of sodium in adults in the United States often exceeds body need by tenfold or more. Evidence that this excessive intake may have harmful consequences is summarized in the detailed report.

Specification of a "no-observed-adverse-health-effect" level in water for a substance such as sodium, for which the effect is associated with total dietary intake and for which usual food intake is already greater than a desirable level, is impossible.

Since adult fluid intake averages 1.5–3 liters/day, sodium intake from drinking water represents less than 10 percent of the habitual total intake of 3000–4000 mg so long as the sodium content of the water does not exceed 200 mg/liter. Adverse health effects may be anticipated with sodium concentrations in water greater than 20 mg/liter only for that special risk group restricted to total sodium intake of 500 mg/day, because it is not feasible to reduce intake from food below 440 mg/day. For this group, whose diets must be medically supervised, knowledge of the sodium ion concentration of the drinking water permits prescription of bottled water low in sodium when necessary.

Reduction in hypertension for a small segment of the U.S. population who are on severely restricted diets requires a total intake of sodium less than 500 mg/day. These persons need water containing less than 20 mg/liter sodium ion.

A larger proportion of the population, about 3 percent, is on sodium-restricted diets that require sodium intake of less than 2000 mg/day. The fraction that can be allocated to water varies, depending on medical judgment in individual instances. Knowledge of the sodium ion content of the water supply and maintenance of it at the lowest practicable concentration is clearly helpful in arranging diets with suitable sodium intake.

In many diets allowance is made for water to contain 100 mg/liter of sodium.

It appears that at least 40 percent of the population would benefit if total sodium ion intake were maintained at less than 2,000 mg/day: *Provided*, That sodium ion concentration in the water supply were less than 100 mg/liter, the contribution of water to the desired total intake of sodium would be 10 percent or less at a daily consumption of two liters.

Arsenic. Arsenic is not known to be essential to humans, nor are there known beneficial effects from its ingestion in any form, even though a number of arsenic compounds, principally organic, have been used medicinally for treatment of a number of diseases. Minimization of intake is, therefore, desirable.

Trace concentrations of arsenic are rather widely distributed in natural waters of the United States. Surface water surveys have indicated that 20 to 25 percent contain arsenic in excess of the detection limit of 10 μg/liter, and that concentrations as great as 1,000 μg/liter occur. Concentrations as great as 1,400 μg/liter have been reported for ground waters. Enhanced values for arsenic content have been encountered in the vicinity of smelters, and in connection with dumping or spills of arsenical pesticides.

Other sources of human intake of arsenic include residues of arsenical insecticides on fruits and vegetables, naturally occurring arsenic in food products such as shellfish, residual dietary organic arsenicals in pork and poultry, and inhalation of dusts containing arsenic from occupational or environmental contamination. The median total intake of arsenic from all sources in the United States has been estimated to be 137–330 μg/day.

The toxicity of arsenic depends greatly on chemical form, route of exposure, and the rate and duration of exposure. Arsines and trivalent inorganic arsenic (arsenite), are the most toxic forms. The lethal oral dose of sodium arsenite lies in the range of 1–25 mg/kg; arsenic trioxide is one-third to one-tenth as toxic, and pentavalent arsenic and organic arsenicals are less than one-tenth as toxic.

Chronic or sub-acute toxicity of arsenic has been observed with ingestion of a few milligrams per day for two weeks or longer. Initial symptoms are skin erythrema, edema and pigmentation, gastrointestinal and neurological disturbances. Similar symptoms have been observed in several populations that use water containing 100–1,000 μg/liter of arsenic. Other conditions attributed to excessive human intake of arsenic include neuropathy, increased heart attacks, and vascular injury leading to gangrene and "Blackfoot." Industrial exposures, by inhalation or skin contact, sufficient to cause serious effects on health, have been reported in the United States and several other countries.

Human exposure to inorganic arsenic compounds has been linked to development of cancer of the skin, respiratory system, and gastrointestinal tract. However, animal studies have not shown arsenic compounds to be carcinogenic even when administered at the maximally tolerated dosages for long periods of time. This absence of positive results from controlled animal studies makes it impossible to estimate quantitatively a risk of cancer from intake of arsenic in any form or concentration.

Arsenic compounds are fetotoxic in animals at high doses, and teratogenic at lower doses. They have also been found to be mutagenic and are associated with chromosomal aberration in man.

There is speculation that interactions between arsenic and heavy metals or between arsenic and irritating substances, such as sulfur dioxide, may be important in determining overall effects on humans exposed to mixtures of these environmental contaminants. Arsenic has been found to protect against selenium poisoning in some circumstances, but under other conditions selenium and arsenic appear to be additive in toxicity.

The maximum no-observed-adverse-effect-level for arsenic in water is less than 100 μg/liter. The current mandatory U.S. drinking water limit of 50 μg/liter provides only a meager margin of safety. Intake from 2 liters/day of water containing 20 μg/liter is slightly greater than 10 percent of the median total intake of arsenic. The present WHO limit is 50 μg/liter, as it is in the U.S.S.R.

A research program should include:

1. Improvement of analytical techniques and methodology for better adaptability to water and foods. (Definition of chemical form is required.)

2. Epidemiological and analytical studies of the distribution of the various forms of arsenic in water at low concentrations, and relationship to disease patterns.

3. Development of a suitable animal model for long-term studies of arsenic toxicity at low levels.

4. Intensive studies on the metabolism of arsenic in mammalian systems.

5. Studies on the itneraction of arsenic with other trace elements in the environment, such as Se, Cu, Zn.

Selenium. Either a deficiency or an excess of selenium can result in adverse responses. Selenium is an essential nutrient, part of the enzyme glutathione peroxidase, and may have a role in other biologically active compounds. It is a detoxifying agent for heavy metals, especially cadmium, and in some circumstances acts antagonistically to arsenic On the other hand chronic exposure to excess selenium results in dermatitis, central nervous system and gastrointestinal disturbances. Large doses cause acute toxicity or death.

Most natural waters contain only minute concentrations of selenium, less than 10 μg/liter, but in regions with seleniferous soils concentrations in water may reach several hundred micrograms per liter, particularly for well water. One surface water receiving irrigation drainage from seleniferous soils has been found to contain 2000 μg/liter.

Most selenium intake normally is from food. Concentrations in foodstuffs vary widely, depending on the type and the selenium content of the soil in which the crop was grown. Cereals, meats, and seafoods are likely to be major contributors, with average concentrations of a few tenths of a mg/kg. Minimum nutritional requirements for selenium have been estimated to be 1 mg/month.

Industrial exposure to selenium may occur in copper refining, in the mining and milling of lead, zinc, phosphate, or uranium, in the manufacture of glass, ceramics, electronic devices and pigments, and as a result of coal or oil combustion. Atmospheric pollution and general respiratory intake may also occur in the neighborhood of these industries.

Both inorganic and organic forms of selenium are readily absorbed from the gastrointestinal tract of animals. Selenite and selenate are distributed largely to the liver, kidneys, muscle mass, gastrointestinal tract, and blood. The principal route of excertion of selenium is in the urine, mainly as trimethyl selenonium ion.

Most indications of the health effects of selenium are derived from animal studies; the number of reports of industrial or accidental exposures to toxic levels is limited. The severity of response depends on the chemical form of selenium, hydrogen selenide being most toxic. Symptoms of selenium toxicity in animals include gastroenteritis, myocardial damage, hydrothorax, pulmonary edema, and renal and liver damage.

Sodium selenite is toxic to rats at concentrations of 6 to 9 mg/liter in drinking water; concentrations less than 1 mg/liter are without observed toxic effect.

Cited evidence for carcinogenic effects of selenium is tenbous because of poor experimental design or protocol, and has not been confirmed in properly conducted studies. Epidemiological and demographic studies tend to suggest a protective effect of selenium against certain types of cancers as do statistical data comparing sheep on selenium-supplemented diets with those on normal diets. Tehre are no reports of mutagenicity of selenium.

Although the WHO limit on selenium, like the EPA-proposed maximum contaminant level, is 10 μg/liter and the U.S.S.R. limit is 1 μg/liter as SeO_3, most evidence indicates that there is greater overall potential for selenium deficiency than for selenium toxicity at current levels of selenium intake. The maximum no-observed-adverse-health-effect level for selenium in water is at least 100 μg/liter and apears to be as great as 500 μg/liter. A concentration of 20 μg/liter just barely provides a minimum nutritional amount of selenium with a consumption of 2 liters/day.

A research program should include

1. Development of more rapid, accurate and reproducible analytical methods of provide qualitative and quantitative assays of chemical forms, oxidation state, and solubility of water.

2. Improved systems for monitoring selenium in the environment (water, air, food)

3. Molecular transformations of selenium compounds in mammalian systems.

4. Interactions between selenium, mercury, cadmium, arsenic, and other trace elements and heavy metals in the biosphere and in animal organisms.

5. Determination of natural and industrial emissions and cycling of selenium in the environment.

6. Effects on animal systems of long-term low levels of selenium, alone and in combination with other trace elements.

7. Baseline data on selenium levels in humans in health and disease.

8. Effects of deficiency or excess of selenium on the development of animal tumors

9. Studies of the variation in human nutritional requirements for selenium

Fluoride. Fluoride is found widely in water supplies, but the concentration is usually not great enough to be undesirable. The maximum concentration found for the 969 supplies studied in the 1969 Community Water Supply Survey was 4.4 mg/liter. Most supplies that were not intentionally fluoridated had fluoride concentrations less than 0.3 mg/liter.

A more extensive survey by the Dental Health Division of the U.S. Public Health Service showed that more than 2,600 communities with a population of 8 million people have water supplies with more than 0.7 mg/liter of naturally occurring fluoride. Most of these communities are in Arizona, Colorado, Illinois, Iowa, New Mexico, Ohio, Oklahoma, South Dakota, and Texas. Of these, 524 communities representing 1 million people had supplies with fluoride concentrations greater than 2 mg/liter.

Small amounts of fluoride, on the order of 1 mg/liter, depending on the environmental temperature, in ingested water and beverages, are generally conceded to have a beneficial effect on the rate of occurrence of dental caries, particularly among children.

Two forms of chronic toxic effects are recognised generally as being caused by excess in intake of fluoride over long periods of time. These are mottling of tooth enamel or dental fluorosis, and skeletal fluorosis. In both cases, it is necessary to consider the severity since the very mild forms are considered beneficial by some. The most sensitive of these effects is the mottling of tooth

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enamel, which, depending on the temperature, may occur to an objectionable degree with fluoride concentrations in drinking water of only 1.5–2 mg/liter. These observations were made a number of years ago and there have been no recent studies to determine if these levels still cause mottling. Apparently there has been little systematic investigation of the degree to which consumers of drinking water with several mg/liter of fluoride regard the resultant mottling as an adverse health effect.

Skeletal fluorosis has been observed with use of water containing more than 3 mg/liter. It now appears that some probability of objectionable dental mottling exists with and increased bone density long-term consumption of water containing fluoride in excess fo 1 mg/liter in patients with longstanding renal disease and polydipsia. Increased bone density, however, has often been regarded as a beneficial rather than an adverse effect. This therefore makes the implications of such changes unclear. Intake of fluoride for long periods in amounts greater than 20–40 mg/day may result in crippling skeletal fluorosis.

Other reported adverse health effects of intake of milligram per liter levels of fluoride in drinking water, including mongolism, cancer mortality, mutagenic or birth effects and sensitivity have either been unconfirmed or found lacking in substance. There is also no evidence that there is any difference between the effects of naturally occurring or intentionally added fluoride.

Epidemiological studies where the water is naturally high in fluoride have shown no adverse effects other than dental mottling except in rare cases. Controlled studies with fluoridation at the 1 mg/liter level have reported no instances of adverse effects. Available evidence does not suggest that fluoridation has increased or decreased cancer mortality rates.

Additional studies of mottling and skeletal fluorosis need to be done in communities with several mg/liter fluoride in their water supplies to ascertain whether the no-adverse-health effect level for fluoride is greater or less than 1 mg/liter. In addition sociological studies are needed to ascertain the extent to which dental mottling is regarded as an adverse effect.

Nitrate. All sources of combined nitrogen must be regarded as potential sources of nitrate, for there is a tendency for all nitrogenous materials in natural waters to be converted into nitrate. Major point sources of combined nitrogen in water are municipal and industrial wastewaters, refuse dumps, animal feed lots and septic tanks. Diffuse sources include runoff or leachate from manured or fertilized agricultural lands, urban drainage and biochemical nitrogen fixation. Small amounts of combined nitrogen occur in rainfall from solution of atmospheric ammonia and oxides of nitrogen.

In the Community Water Supply survey of the Bureau of Water Hygiene in 1969, the range of nitrate concentrations found was 0–127 mg/liter. Nineteen systems, about 3 percent of those examined for nitrate, had concentrations in excess of the recommended limit of 45 mg/liter.

Ordinarily, the major human intake of nitrate is from food rather than from water. The mean food intake in the United States has been estimated to be nearly 100 mg/day, most of it coming from vegetables such as spinach, lettuce, and root vegetables, which may contain several thousand mg/kg of [illegible].

Nitrate is secreted in the saliva, the mean value being about 40 mg/day, of which about 10 mg/day is reduced to nitrite and found in that form. These quantities, although internally derived, also represent inputs to the gastric system.

Two health hazards are related to the consumption of water containing large concentrations of nitrate (or nitrite): induction of methemoglobinemia, particularly in infants, and possible formation of nitrosamines, some of which may be carcinogenic.

Acute toxicity of nitrate occurs as a result of reduction to nitrite, a process that can occur under specific conditions in the stomach, as well as in the saliva. Nitrite acts in the blood to oxidize hemoglobin to methemoglobin, which does not perform as an oxygen carrier. Consequently, anoxia and death may ensue.

Health adults are reported to be able to consume large quantities of nitrate in drinking water with relatively few effects, if any. Acute nitrate toxicity is almost always seen in infants rather than adults. This increased susceptibility of infants has been attributed to high intake per unit weight, to the presence of nitrate-reducing bacteria in the upper gastrointestinal tract, to the condition of the mucosa, and to greater ease of oxidation of fetal hemoglobin.

Assessment of maximum nitrate levels in water exhibiting no adverse health effects has been based principally on a study of known cases of methemoglobinemia. No cases of methemoglobinemia were found in the original studies in which the water contained less than 10 mg/liter nitrate as nitrogen. Later, a small fraction of total cases was found in which the nitrate concentration of the drinking water was somewhat less than 10 mg/liter as nitrogen. Only one case in the United States has been associated with a public water supply regardless of nitrate content.

Studies supplementary to the previous ones, in which levels of methemoglobin in the blood of infants were related to concentrations of nitrate in the water being fed, showed elevation of methemoglobin levels in infants supplied with water containing nitrate as nitrogen only slightly in excess of 10 mg/liter.

It can be concluded that, from the viewpoint of induction of methemoglobinemia, the maximum concentration of nitrate in water exhibiting no significant adverse health effects is close to the interim standard of 10 mg/liter as nitrogen. However, there appears to be little margin of safety for some infants with the standard at this concentration.

The other health hazard proposed for nitrate in water, that it may act as a procarcinogen, is more speculative. A series of reactions is involved by which it is proposed that nitrate in water may be converted to N-nitroso compounds that may be carinogenic. The steps in the reaction sequence are:

1. Reduction of nitrate to nitrite.
2. Reaction of nitrite with secondary amines or amides in food or water to form N-nitroso compounds.
3. Carcinogenic reaction of N-nitroso compounds.

Reaction of nitrites and secondary amines or amides to form N-nitroso compounds occurs readily in acidic solution, and particularly at the normal pH of 1–5 that is characteristic of gastric contents after a meal.

However, the relation of nitrate concentrations in water supplies to the presence of nitrite in the digestive tract is much more problematic. The major source of nitrite to the stomach, at least for healthy individuals, is the saliva, normally containing 6–15 mg/liter of nitrite. Little reduction of nitrate to nitrite occurs in the human stomach unless the gastric pH is greater than 4.6. Thus the pH for formation of nitrite is quite different from that required for ready formation of N-nitroso compounds, pH 3.5 or less.

Epidemiologically, correlations have been shown between incidence of gastric cancer and concentration of nitrate in the drinking water. An unusually high incidence of stomach cancer in certain mountainous areas of Columbia is associated with high concentration of nitrate in the drinking water. The findings, however, are preliminary and only suggestive. They provide no firm evidence of a causal link between incidence of cancer and high intake of nitrate. They do indicate a need for caution in assessing lack of adverse health effects even at 10 mg/liter nitrate as nitrogen and a need for continued intensive study on the metabolism and effects of nitrate in man.

In conclusion, available evidence on the occurrence of methemoglobinemia in infants tends to confirm a value near 10 mg/liter nitrate as a nitrogen as maximum no-observed-adverse-health-effect level, but there is little margin of safety in this value. There is little scientific basis to support conclusion on the hazard of any concentration of nitrate in water with regard to carcinogenic potential.

Sulfate. No adverse health effects have been noted for concentrations of sulfate in drinking water less than about 500 mg/liter. Diarrhea is the only physiological effect observed at concentrations greater than 1,000 mg/liter.

The taste threshold for sulfate in water lies between 300 and 400 mg/liter for most persons, but some are able to detect as little as 200 mg/liter.

Water hardness and health. A large body of scientific information indicates that certain inorganic or mineral constituents of drinking water are correlated with increased morbidity and mortality rates. These constituents are not usually considered to be "contaminants" since they are often associated with the level of "hardness" of drinking water, and occur naturally or are picked up from water treatment or distribution systems. Hardness is due primarily to the presence of ions of calcium and magnesium and is expressed as the equivalent quantity of calcium carbonate ($CaCO_3$). Water containing less than 75 mg/liter $CaCO_3$ equivalent is generally considered to be soft, and above 75 mg/liter as hard.

The literature suggests that in the United States and other developed nations, the incidence of many chronic diseases, but particularly cardiovascular diseases (heart disease, hypertension, and stroke), is associated with various water characteristics related to hardness. Most of these reports indicate an inverse correlation between the incidence of cardiovascular disease and the amount of hardness. A few reports also indicate a similar inverse correlation between the hardness of water and the risk of several non-cardiovascular causes of death as well.

Several hypotheses have been proposed to account for the correlations; these mostly involve either a protective action attributed to some elements found in hard water or harmful effects attributed to certain metals often found in soft water.

The hypothetically protective agents include calcium, magnesium, vanadium, lithium, chromium, and manganese. The suspected harmful agents include cadmium, lead, copper, and zinc, all of which tend to be found in higher concentrations in soft water as a result of its relative corrosiveness. However, there is disagreement over the magnitude, or even the existence, of a "water factor" in the risk of cardiovascular disease; the identity of the specific casual factors; the mode of action; and the specific pathological effects. The wide spectrum of alleged associated effects, the lack of consistency in

theorized or reported etiologic factors, the very small quantities of the suspected elements in water in comparison with other sources, and the discrepancies between studies, raise serious questions as to whether drinking water serves as a vehicle of casual agents, is an indicator of something broader within the environment, or represents some unexplained spurious associations. Despite these uncertainties, the evidence is sufficiently compelling to treat the "hard water hypothesis" as plausible, particularly when the number of potentially preventable deaths from cardiovascular diseases is considered. In the United States, cardiovascular diseases account for more than one-half of about two million deaths that occur each year. On the assumption that water factors are casually implicated, it is estimated that optimal conditioning of drinking water could reduce this annual cardiovascular disease mortality rate in the United States by as much as 15 percent.

In view of this potential health significance, it is essential to ascertain whether water factors are casually linked to the induction of cardiovascular or other diseases and, if so, to identify the specific factors that are involved. Much more definitive information is needed in order to identify what kinds of remedial water treatment, if any, can be considered.

ORGANIC SOLUTES

The organic compounds that have been identified in drinking water make up a small fraction of the total organic matter present. About 90 percent of the volatile organic compounds have been identified and quantified, but these represent no more than 10 percent by weight of the total organic material. Only 5–10 percent of the non-volatile organic compounds, that comprise the remaining 90 percent of the total organic material, has been identified. (In this context, volatile signifies that the compound is detectable by gas chromatography.)

The compounds selected for review in this study included 74 non-pesticides of the approximately 309 volatile organic compounds so far identified in drinking water, and 55 pesticides. Some of the pesticides studied have not yet been detected in drinking water, but were included because they are or have been used in large quantities. A compound was selected for consideration if any of the following criteria applied:

1. Experimental evidence of toxicity in man or animals, including carcinogenicity, mutagenicity, teratogenicity.
2. Identified in drinking water at relatively high concentration.
3. Molecular structure closely related to that of another compound of known toxicity.
4. Pesticide in heavy use; potential contaminant of drinking water supplies.
5. Listed in the Safe Drinking Water Act or National Interim Primary Drinking Water Regulations.

Toxicological information about the compounds of interest was variable in quality and quantity and, in some instances, inadequate for a proper assessment of toxicity. In evaluating the potential effects on health of these organic compounds the principal concern was to assess their carcinogenicity. At the concentrations found in drinking water, none of the compounds would be expected to produce acute toxicity, but the effects of long continued ingestion of the carcinogens might well become a serious public health problem.

The risk associated with ingestion of compounds that were identified as carcinogenic (to man or animals, confirmed or suspected) were calculated, to the extent that data were available, by the method described in the section on Safety and Extrapolation. The results of these assessments are given in Table 1.

Chronic toxicity of the compounds that were judged not be carcinogenic was assessed by calculating, from such experimental results as were available, Acceptable Daily Intakes (ADI). These values are given in Table 2, together with estimates of maximal no-observed-adverse-health-effect concentrations in water that were derived from them. Compounds that could not be assessed for lack of experimental evidence are listed in Tables 3 and 4.

The ADI [1] represents an empirically derived value that reflects a particular combination of both knowledge and uncertainty concerning the relative safety of a chemical. When there is more confidence about data derived from animal experiments or observations on humans the uncertainty factor is smaller than when little is known about the potential toxicity of a chemical. These numbers are not meant to represent a guaranteed safety level, but rather to indicate a level at which exposure to the single chemical in question is not anticipated to produce an observable toxic response in man. The ADI values do not consider interactions (e.g. synergism, antagonism) among the many possible contaminants. Furthermore the ADI values do not represent safe levels in drinking water, because they do not take into account what fraction of the potential contaminant intake may come from water.

Suggested no-observed-adverse-health-effects concentrations in water have been calculated under two different assumptions: (1) That 20 percent of total intake of a material is from water and 80 percent from other sources, and (2) that 1 percent of total intake is from water and 99 percent from other sources (See Table 2). Similar calculations can be made for other materials discussed in this report using such data as may be available with regard to concentration of the contaminant in food or other sources.

Because the experimental data on the effects of many substances are inconsistent, "no-observed-adverse health effect" levels cannot be firmly specified for all organic contaminants. Most of the materials considered have not been studied sufficiently to firmly establish their carcinogenic potential with certainty. The risk assessments do not take into account interactions such as additive toxicity, synergism, and antagonism. What ultimately may be most important is the interaction of these compounds with each other and with other material in contributing to the total body burden resulting from multiple sources of contaminant exposure. For these reasons the ADI is intended to be used only as a guide for assessment of toxicity from chronic exposure. Furthermore, an ADI is not meant to provide a basis for the continuing discharge of a compound into the environment.

In the present limited state of our knowledge concerning structure-activity relationships for carcinogenic and other toxic effects, one cannot consistently and accurately extrapolate these properties from one compound to another. Nevertheless, in certain instances (for example, the substitution of bromine for chlorine in a halogenated methane) it is presumed that the relationship is sufficiently strong to justify the suspicion that the related compounds may be similarly toxic.

[1] The Committee considered several alternative terms, other than ADI, but concluded that the introduction of a substitute for ADI might well lead to confusion. The term "Acceptable Daily Intake" is used throughout the discussion because of its adoption by international organizations.

The potential for existing concentrations of organic pesticides and other organic contaminants in drinking water to adversely affect health, cannot be answered with certainty at this time. The key issue is whether or not certain organic chemicals found in very low concentrations can cause or increase the rate of cancer development in man. Even though several of these chemicals have demonstrated carcinogenicity in laboratory animals, the extrapolation of such results to man remains difficult for a number of reasons.

Because of bioassays that have been used to establish carcinogenicity of certain organic chemicals are conducted at doses which are hundreds to thousands of times greater than the levels at which these chemicals occur in water, the risks at these low levels must be obtained by extrapolation from higher doses. There is no hard evidence that low level oral exposure to any of these chemicals produces cancer. An argument has been made that the dose levels used to establish carcinogenicity are so high that they overwhelm normal detoxification or repair mechanisms or both, and produce cancer by some mechanism that does not operate under low dose conditions. Experimental animals subjected to such high doses could be considered a population different from those exposed to lower doses that do not produce pathological alterations and changes in pharmacokinetic parameters, or biochemistry.

Extrapolating from laboratory animals to man would be more meaningful if comparative metabolic information between the different species were available. Some species do not metabolize a parent compound to its activated form so that use of these species in toxicological bioassays is inappropriate if the compound undergoes activation in man. The converse situation also is true. Difference may also occur with respect to other parameters such as rates of biotransformation, absorption, excretion, and biological half life.

Risk assessments based on extrapolations which fail to consider species differences with respect to sensitivity, tissue susceptibility, kinetics, pathology or biotransformation pathways may be inappropriate. This kind of information is not presently available.

In light of such uncertainties, a cautious approach must be adopted when dealing with potentially harmful chemicals. Even more uncertainty exists when one considers the possibility that some of these chemicals may also be mutagenic or teratogenic. The methodologies used to establish these effects are even less applicable to man than cancer bioassays.

For many of the organic compounds identified in drinking water, virtually no toxicity data are available. Ideally, all of these agents (as well as any new ones) should be subjected to an extensive battery of toxicity tests including chronic bioassay. In practice there is a need to determine those agents for which the generation of data is most pressing. Several criteria are important for the development of an order of priority for testing.

The main factors identified in the assignment of priorities are:

1. The relative concentrations of the compounds and the number of people likely to be exposed as well as the identity of defined subpopulations exposed,
2. The number of water systems in which they occur,
3. Positive responses to in vitro mutagenic screening systems,
4. Positive responses to in vitro carcinogen pre-screens (mammalian cell transformations),
5. Similarity of chemical structure of the test compound to those of other compounds

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having defined toxic properties (i.e. structure-activity relationships) and

6. Relationship of dose from water to total body burden.

A number of assays using bacteria and yeast have shown promise in yielding high correlations between mutagenic activity and known carcinogenic activity for certain classes of materials. These may prove to be useful in establishing a first level screen for potential carcinogens.

CONCLUSIONS

Carcinogenicity. Table 1 lists the organic contaminants for which positive data on carcinogenesis exist. For these compounds, where adequate (lifetime) feeding studies were available, a statistical extrapolation of risk was performed. The method is described in the section on Safety and Extrapolation. The numbers in Table 1 are upper 95 percent confidence estimates of cancer risk to man from a lifetime of exposure to a particular compound. These estimates have been corrected for interspecific differences (that is, between the experimental animal and man on the basis of relative surface area.

Bacterial Mutagenicity. In addition to examining data from animal feeding studies for the identification of suspect carcinogens, data for mutagenesis in bacteria, or other test systems were also examined. Available data are summarized as follows: (1) Benzo(a)pyrene, chlorodibromomethane, Captan, and Folpet have been found to be mutagenic; (2) Bromoform and vinyl chloride, weakly mutagenic; (3) Carbon tetrachloride, bromobenzene, nicotine, DDE, dieldrin, carbaryl and trifluraline, non-mutagenic.

Teratogenicity. Data on teratogenic potential exist for 24 of the compounds under study. Hexachlorophene, nicotine, the phthalate esters, 2,4-D, 2,4,5-T, and Folpet have been shown to be teratogens, while benzene, benzo(a)pyrene, carbon tetrachloride, PCB's, Captan, Carbaryl, Chlordan, DDT, Kepone, Malathion, Methylparathion, Mirex, Paraquat, and Parathion have been reported to be non-teratogenic. Nowhere is the paucity of toxicologic data more evident than in the data on teratogenesis.

Non-Carcinogenic Toxicity. For 45 compounds there were sufficient data to calculate ADI's. These are summarized in Table 2. Occasionally the ADI was calculated from partial lifetime exposure studies when no other data were available. Toxicity was measured by various responses.

The health effects of many compounds of interest could not be assessed because toxicological information about them was inadequate or unavailable. These compounds are listed in Tables 3 and 4, together with their reported occurrence in drinking water in the United States.

TABLE 1.—*Categories of known or suspected organic chemical carcinogens found in drinking water*

Compound	Highest observed concentrations in finished water (microgram per liter)	Upper 95 pct confidence estimate of lifetime cancer risk per (microgram per liter)[1]
Human carcinogen: vinyl chloride	10	5.1×10^{-7}
Suspected human carcinogens:		
Benzene	10	(4)
Benzo(a)pyrene	(2)	(4)
Animal carcinogens:		
Dieldrin	8	2.6×10^{-4}
Kepone	(2)	4.4×10^{-4}
Heptachlor	(2)	4.8×10^{-6}
Chlordane	.1	1.8×10^{-6}
DDT	(2)	1.2×10^{-6}
Lindane (γ-BHC)	.01	9.3×10^{-6}
α-BHC	(2)	6.5×10^{-6}
β-BHC	(2)	4.2×10^{-6}
PCB (Aroclor 1260)	3	3.1×10^{-6}
ETU	(3)	2.2×10^{-6}
Chloroform	366	3.7×10^{-7}
Carbontetrachloride	5	1.5×10^{-7}
PCNB	(3)	1.4×10^{-7}
Trichloroethylene	.5	1.3×10^{-7}
Diphenylhydrazine	1	(4)
Aldrin	(3)	(4)
Suspected animal carcinogens:		
Bis(2-chloroethyl)-ether	.42	1.2×10^{-6}
Endrin	.08	(4)
Heptachlor epoxide	(2)	(4)

[1] See text for details.
[2] Detected but not quantified.
[3] Not detected.
[4] Insufficient data to permit a statistical extrapolation of risk.

TABLE 2.—*Organic pesticides and other organic contaminants in drinking water, concentration, toxicity, ADI and suggested no adverse effect levels*

Compound	Maximum observed concentrations in water (microgram per liter)	Maximum dose producing no observed adverse effect (milligram per kilogram per day)	Uncertainty factor[1]	ADI[2] (milligram per kilogram per day)	Suggested no adverse effect level from water, microgram per liter assumptions[3]: 1	2
2,4-D	0.04	12.5	1,000	0.0125	87.5	4.4
2,4,5-T		10.0	100	.1	700	35
TCDD		10^{-5}	100	10^{-}[illegible]	7×10^{-4}	3.5×10^{-5}
2,4,5-TP	(4)	.75	1,000	.00075	5.25	.26
MCPA		1.25	1,000	.00125	8.75	.44
Amiben		250	1,000	.25	1750	87.5
Dicamba		1.25	1,000	.001125	8.75	.44
Alachlor	2.9	100	1,000	.1	700	35
Butachlor	.06	10	1,000	.01	70	3.5
Propachlor		100	1,000	.1	700	35
Propanil		20	1,000	.02	140	7
Aldicarb		.1	100	.001	7	.35
Bromacil		12.5	1,000	.0125	87.5	4.4
Paraquat		8.5	1,000	.0085	59.5	[illegible]
Trifluralin (also for Nitralin and Benefin)	(4)	10	100	.1	700	35
Methoxychlor		10	100	.1	700	35
Toxaphen		1.25	1,000	.00125	8.75	.44
Azinphosmethyl		.125	10	.0125	87.5	4.4
Diazinon		.02	10	.002	14	.7
Phorate (also for Disulfoton)		.01	100	.0001	.7	.035
Carbaryl		8.2	100	.082	574	28.7
Ziram (and ferbam)		12.5	1,000	.0125	87.5	
Captan		50	1,000	.05	350	17.5
Folpet		[illegible]	1,000	.16	1,120	[illegible]
HCB	6	1	1,000	.001	7	.35
PDB	1	[illegible]	1,000	.0134	[illegible]	4.7
Parathion (and methyl parathion)		.043	10	.0043	30	1.5
Malathion		.2	10	.02	140	7
Maneb (and zineb)		5	1,000	.005	35	1.75
Thiram		5	1,000	.005	35	1.75
Atrazine	5.0	21.5	1,000	.0215	150	7.5
Propazine	(4)	46.4	1,000	.0464	325	16
Simazine	(5)	215	1,000	.215	1505	75.25
Di-n-butyl phthalate	5	110	1,000	.11	770	38.5
Di (2-ethyl hexyl) phthalate	30	60	100	.6	4,200	210
Hexachlorophene	.01	1	1,000	.001	7	.35
Methyl methacrylate	1	100	1,000	.1	700	35
Pentachlorophenal	1.4	.3	1,000	.003	21	1.05
Styrene	1	133	1,000	.133	931	46.5

[1] Uncertainty factor—the factor of 10 was used where good chronic human exposure data was available and supported by chronic oral toxicity data in other species, the factor of 100 was used where good chronic oral toxicity data were available in some animal species, and the factor of 1,000 was used with limited chronic toxicity data or when the only data available were from inhalation studies.
[2] Acceptable daily intake (ADI)—maximum dose producing no observed adverse effect divided by the uncertainty factor.
[3] Assumptions: Average weight of human adult = 70 kg. Average daily intake of water for man = 2 liters.
1. 20 pct of total ADI assigned to water, 80 pct from other sources.
2. 1 pct of total ADI assigned to water, 99 pct from other sources.
[4] Detected but not quantified.
[5] Detected.

TABLE 3.—*Organic pesticides and other organic contaminants found in drinking water, with insufficient data on chronic toxicity*

Compound	Highest concentration in finished water (microgram per liter)
Acetaldehyde	0.1
Acrolein	
Bromobenzene	(1)
Bromoform	(1)
Carbon disulfide	(1)
Chloral	5.0
Chlorobenzene	5.6
Cyanogen chloride	.1
1,2-Dichloroethane	21.0
2,4-Dichlorophenol	36.0
2,4-Dimethylphenol	(1)
e-Caprolactam	(1)
Hexachloroethane	4.4
O-Methoxyphenol	(1)
Methyl chloride	(1)
Methylene chloride	7.0
Phenylacetic acid	4.0
Phthalic anhydride	(1)
Propylbenzene	<5.0
t-Butyl alcohol	.01
Tetrachloroethane	4.0
Tetrachloroethylene	<5.0
Toluene	11.0
Trichlorobenzene	1.0
1,1,2-Trichloroethane	(1)
Nicotine	3.0
Methomyl	
Cyanazine	(1)
xylene	<5.0

[1] Detected but not quantified.

TABLE 4.—*Organic contaminants found in drinking water; information on chronic toxicity lacking*

Compound	Highest concentration in finished water (microgram per liter)	Highest concentration in raw water (microgram per liter)
1,2-Bis (chloroethoxy) ethane	0.03	
Bis(2-chloroisopropyl) ether	1.58	
Bromochlorobenzenes	(1)	
Bromodichloromethane	116	11
Butyl bromide	(1)	
Chloroethyl methyl ether	(1)	
Chlorodibromomethane	100	1.4
Chlorohydroxybenzophenone	(1)	
Chloromethyl ethyl ether	(1)	
Chloropropene	(1)	
Crotonaldehyde	5.0	
Dibromobenzene	(1)	
Dibromodichloroethane	0.63	
1,3-Dichlorobenzene	<3.0	
Dichlorodifluoroethane	(1)	
Dichloroiodomethane	0.5	
1,1-Dichloro-2-hexano	1.0	
1,2-Dichloropropane	<1.0	
1,3-Dichloropropene	<1.0	
1,2-Dimethoxybenzene	(1)	
4,6-Dinitro-2-aminophenol	(1)	
Dioctyladipate	20.0	
Hexachloro-1,3-butadiene	0.07	
Isodecane	5.0	
Metachloronitrobenzene	(1)	
Methylstearate	(1)	
Nonane	4.0	
Octyl chloride	(1)	
Pentachlorophenyl methyl ether	0.1	
1,1,3,3-Tetrachloroacetone	1.0	1.0
2,4,6-Trichlorophenol	(1)	
Trimethylbenzene	0.1	

[1] Detected.

RESEARCH RECOMMENDATIONS

1. Because great uncertainty exists in connection with extrapolation of data from the present cancer bioassays, better premises and methodologies are needed to establish the extent to which humans are at risk from the low level exposures to organic substances in water. There is a need to know the extent to which low level exposure to a presumed carcinogen does in fact increase the probability of cancer during the lifetime of an individual.

It is recommended that work be done to better characterize current animal models and also develop new ones. Studies on the comparative metabolism between laboratory animals and man are urgently needed. It is necessary to know, for example, if a laboratory animal metabolizes a test compound in the same manner and rate as man. Better mutagenicity bioassays using mammalian cells should be developed. More work is needed in the area of interactions and synergism which these assay systems could more easily accommodate.

2. Organic material in water is thought by many to be responsible for contributing the initial reactants for many potentially harmful contaminants. To this end total organic carbon (TOC) in drinking water supplies must be better characterized and more extensively determined. Because some halogenated compounds are formed by chlorination of naturally occurring organic substances research on methods for destruction or removal of organic precursors of halogenated compounds prior to chlorination would lead to reduction in chlorinated products and their accompanying health hazards.

3. Epidemiologic studies to obtain quantitative measures of association between the frequency of malignant disease in humans and exposure to specific organic compounds found in drinking water are needed. In particular, ways are needed to develop useful epidemiologic data from examination of small populations of individuals occupationally exposed to drinking water contaminants. A major effort now needs to be directed at determining the health status of workers in industries where there is occupational exposure to compounds identified as animal carcinogens.

More accurate record keeping, a national death index, and more reliable analytical methods to monitor environmental exposure are needed.

4. There is a need for more and better toxicological data, on compounds which could not be evaluated at this time, especially creosote, methyl parathion, and acrolein all of which are high use pesticides. Data are needed in the area of low level, chronic (life time) exposures. Studies should include exposure to formulated products (i.e. mixtures) as well as pure compound.

5. There should be a periodic re-evaluation by newer, more sensitive and more predictive methodologies of these pesticides used in large volume.

DEFINITIONS

The Safe Drinking Water Committee adopted the following working definitions prior to its review of the scientific literature of organic contaminants:

Carcinogen. The term carginogen is used in its broad sense, because in most of the current human epidemiologic approaches and certain animal bioassays it is not possible to differentiate clearly between initi-

ating agents, promoting agents, and certain modifying factors. Any factor or combination of factors which increases the risk of

nant neoplasms (or a combination of benign and malignant neoplasms) in the treated groups as compared to control groups main-

and review and evaluation of sufficient data to warrant a conclusion that the conditions of proposed use will provide an intake so low

tion of the total bone dose. This is particularly true for the two isotopes of radium because they emit high-linear-energy-trans-

would expect the 0.24 mrem soft-tissue dose, or gonad dose, to lead to 0.0098 additional cases of genetic disease per million live births

between 0.16 and 0.43 per year. Since not all the 120,000 people drink water containing 25 pCi/liter of radium-226, the latter num-

ating agents, promoting agents, and certain modifying factors. Any factor or combination of factors which increases the risk of cancer in humans is of concern regardless of its mechanism of action. The criteria listed here apply only to chemical agents.

A malignant neoplasm is composed of a population of cells displaying progressive growth and varying degrees of autonomy and cellular atypia. It displays, or it has the capacity for, invasion of normal tissues, metastases, and causing death to the host. Benign neoplasms are a less autonomous population of cells and exhibit little or no cellular atypia or invasion of normal tissues and do not metastasize. In particular cases, however, benign neoplasms may endanger the life of the host by a variety of mechanisms, including hemorrhage, encroachment on a vital organ, or unregulated hormone production. The cytologic and histologic criteria utilized in determining whether a lesion is benign or malignant differ depending upon the tissue in which the neoplasm arises. Evaluation of whether a specific lesion is benign or malignant should therefore, follow standard criteria used by experimental oncologists and pathologists with the emphasis on correlation of the histopathologic pattern with the biologic behavior of the lesion or type of lesion. In equivocal cases, the diagnosis of a specific lesion may require a panel of experts; recognizing that they may not always agree.

Depending upon the particular case, benign neoplasms may represent a stage in the evolution of a malignant neoplasm and in other cases they may be "end points" which do not readily undergo transition to malignant neoplasms.

A. CRITERIA IN HUMAN STUDIES

An agent—which may comprise a combination of chemicals—is carcinogenic in man if it increases the incidence of malignant neoplasms (or a combination of benign and malignant neoplasms) in humans to levels that are significantly higher than those in a comparable group not exposed (or exposed at a lower dose) to the same agent. If all of the induced neoplasms are benign, rather than malignant, then, for the reasons given elsewhere in this document, the agent must be considered a possible carcinogen and it should, therefore, be very carefully evaluated as a health hazard.

Types of evidence suggesting that an agent is carcinogenic in humans include: Neoplastic response directly related to exposure (both duration and dose); incidence and mortality differences related to occupational exposure; incidence and mortality differences between geographic regions related to different exposures rather than genetic differences and/or altered incidence in migrant populations; time trends in incidence or mortality related to either the introduction or removal of a specific agent from the environment; case control studies; and the results of retrospective-prospective and prospective studies of the consequences of human exposure. Clinical case reports may also provide early warning of a potential carcinogen. Negative epidemiologic data may not establish the safety of suspected materials. Negative data on a given agent obtained from extensive epidemiologic studies of sufficient duration are useful for indicating upper limits for the rate at which a specific type of exposure to that agent could affect the incidence and/or mortality of specific human [illegible].

B. CRITERIA IN EXPERIMENTAL ANIMAL STUDIES

The carcinogenicity of a substance is established when the administration to groups of animals in adequately designed and conducted experiments results in increases in the incidence of one or more types of malignant neoplasms (or a combination of benign and malignant neoplasms) in the treated groups as compared to control groups maintained under identical conditions but not given the test compound. The increased incidence of neoplasms in one or more of the experimental groups should be evaluated statistically for significance, and the only major experimental variable between the control and the experimental group should be the absence or presence of the single test agent. Such increases may be regarded with greater confidence if positive results are observed in more than one group of animals or in different laboratories. The demonstration that the occurrence of neoplasms follows a dose-dependent relationship provides additional evidence of a positive result.

The occurrence of benign neoplasms raises the strong possibility that the agent in question is also carcinogenic since compounds that induce benign neoplasms frequently induce malignant neoplasms. In addition, benign neoplasms may be an early stage in a multi-step carcinogenic process and they may progress to malignant neoplasms; also, benign neoplasms may be an early stage in the health and life of the host. For these reasons, if a substance is found to induce benign neoplasms in experimental animals it should be considered a potential human health hazard which requires further evaluation. In experiments where the increased incidence of malignant neoplasms in the treated group is of questionable significance, a parallel increase in incidence of benign tumors in the same tissue adds weight to the evidence for carcinogenicity of the test substance (from General Criteria for Assessing the Evidence for Carcinogenicity of Chemical Substances. Report of the Subcommittee on Environmental Carcinogenesis NCI, 1976).

Mutagen. A chemical that is capable of producing a heritable change in genetic material. These changes may be either point mutations or chromosomal mutations and can occur in either somatic or germ cells.

Teratogen. An agent which acts during pregnancy to produce a physical or functional defect in the developing offspring.

Organoleptic test. The use of odor and taste thresholds to establish permissible levels of exposure to chemicals.

Adverse Response. "With increasing dosage in the continuum of the dose-response relationship, the region is generally entered where the effects are clearly adverse. Thus, adverse effects may be defined as changes that:

1. Occur with intermittent or continued exposure and that result in impairment of functional capacity (as determined by anatomical, physiological, and biochemical, or behavioral parameters) or in a decrement of the ability to compensate for additional stress;

2. Are irreversible during exposure or following cessation of exposure if such changes cause detectable decrements in the ability organism to maintain homeostasis; and

3. Enhance the susceptibility of the organisms to the deleterious effects of other environmental influences."

(From the NAS publication, Principles for Evaluating Chemicals in the Environment, 1975)

Toxicity. The intrinsic quality of a chemical to produce an adverse effect. The term includes capacity to induce teratogenic, mutagenic, and carcinogenic effects.

Safety. "Safety is the practical certainty that injury will not result from the substance when used in the quantity and in the manner proposed for its use."

(From Evaluating the Safety of Food Chemicals, NAS, 1970)

Evaluation of Safety. "An estimation of the potential of the substance to cause injury and review and evaluation of sufficient data to warrant a conclusion that the conditions of proposed use will provide an intake so low in relation to the toxic dose that there is a practical certainty no harm can result." (from FDA Papers, November, 1971)

For the purpose of this study the proposed use was limited only to exposure from drinking water.

Safety Factor or Uncertainty Factor. A number that reflects the degree or amount of uncertainty which must be considered when experimental data in animals are extrapolated to man. When the quality and quantity of data are high the uncertainty factor is low and when data are inadequate or equivocal, the uncertainty factor must be larger.

The following general guidelines have been adopted in establishing the uncertainty factors.

1. Valid experimental results from studies on prolonged ingestion by man, with no indication of carcinogenicity. Uncertainty Factor=10

2. Experimental results of studies of human ingestion not available or scanty (e.g., acute exposure only). Valid results of long-term feeding studies on experimental animals or in the absence of human studies, valid animal studies on one or more species. No indication of carcinogenicity. Uncertainty Factor=100

3. No long-term or acute human data. Scanty results on experimental animals. No indication of carcinogenicity. Uncertainty Factor=1,000

These uncertainty factors are used in every case as a divisor of the highest reported long-term dose that is observed not to produce any adverse effect.

CARCINOGENS: CATEGORIES IN TABLE 1.

Human Carcinogen—Based on strong epidemiological evidence and toxicological studies in animals.

Suspected Human Carcinogens—Based on limited epidemiological evidence in man and equivocal toxicological studies in animals.

Animal Carcinogens—Based on toxicological studies in at least one species of animal.

Suspected Animal Carcinogens—Based on equivocal toxicological studies in animals or on a structural similarity to a known carcinogen.

RADIOACTIVITY IN DRINKING WATER

Everyone is exposed to some natural radiation that comes from both cosmic rays and terrestrial sources. Although there are large geographic variations in the amount of natural background radiation, the average background dose in the United States is about 100 mrem/year. A small proportion of this unavoidable background radiation comes from drinking water that contains radionuclides.

By far the largest contribution to the radioactivity in drinking water comes from potassium-40, which is present as a constant percentage of total potassium. Only a small percentage of the total potassium-40 body burden, however, comes from drinking water. The total body dose from other possible radioactive contaminants of water constitutes a small percentage of the background radiation to which the population is exposed. Although the amounts of individual radioactive contaminants fluctuate from place to place, calculations made for a hypothetical water supply that might be typical for the United States have shown that a total soft-tissue dose of only 0.24 mrem/year would be contributed by all the radionuclides found in the water. Even with rather wide fluctuations in the concentrations, the total contribution of the radionuclides will remain very small.

However, bone-seeking radionuclides—such as strontium-90, radium-226, and radium-228—account for a somewhat larger proportion of the total bone dose. This is particularly true for the two isotopes of radium because they emit high-linear-energy-transfer (LET) radiation, and because certain restricted localities have been found to have rather high concentrations of radium in drinking water. Nevertheless, in the hypothetcal typical water supply, less than 10 percent of the annual background dose comes from such radiation. It has also been estimated that the total population exposed to levels of radium greater than 3 pCi/liter is about a million people. About 120,000 people are exposed to radium at levels greater than 9 pCi/liter.

Risk estimates were made of three kinds of adverse health effects that radiation could produce: developmental and teratogenic effects, genetic effects, and somatic (chiefly carcinogenic) effects.

DEVELOPMENTAL AND TERATOGENIC EFFECTS

The developing fetus is exposed to radiation from radionuclides in drinking water for nine months. Thus, the total dose accumulated by the fetus will be very small. Furthermore, although the fetus is sensitive to the effects of radiation in some stages of development, these periods are sharply limited and extremely short. For this reason, too, the total dose administered that could have possible developmental and teratogenic effects would be extremely small. Current concentrations of radionuclides in drinking water lead to doses of about one five-thousandth of the lowest dose at which a developmental effect has been found in animals. Therefore, the developmental and teratogenic effects of radionuclides would not be measurable.

GENETIC EFFECTS

It has been estimated that there are about 94,400 genetic diseases per million live births in the United States. The maximum permissible dose of man-made radiation for the general population (170 mrem/year) has been estimated to increase this number in the first generation by 170–215, with an unlikely upper limit of 4,250. On the basis of a 30-year generation and 3.6 million live births per year in the United States, we would expect the 0.24 mrem soft-tissue dose, or gonad dose, to lead to 0.0098 additional cases of genetic disease per million live births per year or 0.035 additional cases of genetic disease in the United States per year. Even at the unlikely extreme upper limit of possible genetic effects of radiation of around 4,000 extra cases in the first generation, there would still be less than one additional case in the $94{,}400 \times 3.6 = 340{,}000$ live births with genetic defects. The wide fluctuation in bone dose caused by fluctuations in the radium concentration of drinking water would not have any sensible effect on the genetically significant dose, because radium is predominantly a bone-seeker and will deliver very little radiation to the gonads.

SOMATIC AND CARCINOGENIC EFFECTS

The natural background of radiation can be estimated to cause 4.5 to 45 cases of cancer per million people, depending on the risk model used. The amount of whole-body radiation from radionucfides in typical drinking water contributes less than 1 percent of this amount, and thus, for cancers other than those in bone, may cause a negligible increase in the total. Radium, however, can contribute somewhat less than 7 percent of the total bone dose received from background radiation in areas of "normal" radium concentration. The average carcinogenic risk associated with skeletal irradiation by radium in a population with a typical distribution of ages, is estimated to approximate 0.2 fatal cases of bone cancer per million persons per year per rem. Therefore, over a period from 10 to 40 years after the beginning of skeletal irradiation, the average risk attributable to natural background radiation is estimated to range from 0.6 per million persons per year, under typical conditions, to as much as 4.2 per million per year, in regions where 25 pCi/liter of radium-226 are found in the drinking water. It has been noted that in the United States 120,000 people are estimated to drink water containing between 9 and 25 pCi/liter of radium-226 and only a small number lie near the upper end of this range. The number of excess cancers in this group would therefore lie between 0.16 and 0.43 per year. Since not all the 120,000 people drink water containing 25 pCi/liter of radium-226, the latter number is inordinately high.

CONCLUSIONS

The radiation associated with most water supplies is such a small proportion of the normal background to which all human beings are exposed, that it is difficult, if not impossible, to measure any adverse health effects with certainty. In a few water supplies, however, radium can reach concentrations that pose a higher risk of bone cancer for the people exposed.

FUTURE NEEDS

The precision of estimation of the health risks associated with radioactivity in drinking water could be enhanced if several water systems were analyzed to determine the complete distributions of beta and alpha radiation that constitute the gross counting measurements.

Because the precise ratio of radium-228 to radium-226 in water has not been measured extensively, an attempt should be made to determine the ratio in several ground and surface waters whose content of radium-226 is known. The waters to be analyzed should range from about 0.1 to 50 pCi/liter. The percentage of the daughter radionuclides present should be determined.

Because radon is a noble gas that is quickly released from water, it is possible that, in some areas of high radon content, water vapor containing radon might constitute an inhalation hazard when such water is used, for example, in humidifiers or for showers. A determination should be made whether or not radon emanations from water do indeed constitute an inhalation hazard.

The models used in this report do not take into account the possibility that the finely divided solid particles that occur in water may alter the uptake of radionuclides. The effects of the solids in drinking water on the metabolism and uptake of radionuclides merit investigation.

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PART IV

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MONDAY, JULY 11, 1977
PART IV

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS, COLREGS DEMARCATION LINES

Establishment

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Implementation and Interpretation

BOUNDARY LINES, DOMESTIC AND FOREIGN VOYAGES BY SEA

Republication

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-118a]

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

PART 82—COLREGS DEMARCATION LINES

Establishment of Demarcation Lines

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: These amendments set out the regulations establishing the demarcation lines between Inland Rules Waters and COLREGS Waters. These amendments are necessary because when the International Regulations for Preventing Collisions at Sea 1972 (COLREGS 72) come in to force on July 15, 1977, it will no longer be legally possible for the United States to require vessels to comply with the Navigation Rules for Harbors, Rivers, and Inland Waters upon the high seas or the territorial seas outside of rivers, harbors, and inland waterways. The existing boundary lines will be transferred to Title 46 of the Code of Federal Regulations and will continue to be used to ascertain the applicability of statutes relating to vessel inspection and manning requirements. The demarcation lines published in this document will delineate the outer limits of harbors, river mouths and inland waterways the purpose of the applicability of COLREGS 72.

EFFECTIVE DATE: This amendment is effective at 1200 hours, Zone Time on July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: This amendment is concerned with a foreign affairs function of the United States. Further, the 72 COLREGS become effective on July 15, 1977, repealing existing international rules of the road. Unless this amendment takes effect at that time, there will be a conflict between the Inland Rules and 72 COLREGS which presents a potential hazard to the safety of life and property at sea. Therefore, notice and public procedure hereon are contrary to the public interest and good cause exists for making the amendment effective in fewer than 30 days after publication in the FEDERAL REGISTER. Though opportunity to comment has not been provided for this rulemaking, persons wishing to comment on individual changes may do so by making written submissions to the Executive Secretary of the Marine Safety Council at the address listed above. Based upon comments received, minor adjustments to the demarcation lines may be made as appropriate.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Commander J. E. Margeson, Jr., Project Manager, Office of Marine Environment and Systems, and Captain C. R. Hallberg, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF REGULATIONS

When the International Regulations for Preventing Collisions at Sea 1972 (COLREGS 1972) come into force on July 15, 1977, it will no longer be legally possible for the United States to require vessels to comply with the Navigation Rules for Harbors, Rivers and Inland Water (Inland Rules) upon the high seas or the territorial seas outside of rivers, harbors, and inland waterways.

Statutory authority, 33 U.S.C. 151, has heretofore been used to delineate the boundary line between the waters upon which the Inland Rules applied (Inland Rules Waters) and the waters upon which the International Regulations for Preventing Collisions applied (COLREGS Waters). The Congress has also employed 33 U.S.C. 151 to ascertain the application of a number of domestic statutes, relating to vessel inspection and manning requirements, which have nothing whatsoever to do with either the COLREGS or the Inland Rules, even though it is clear that coincidence of this boundary line for the purposes of vessel inspection and manning requirements and for the purposes of Navigation Rules is not necessarily appropriate.

The early efforts to establish International Rules for Preventing Collisions at Sea culminated in the Washington Conference of 1889, when a comprehensive set of rules was elaborated (COLREGS 1889). It is important to understand that COLREGS 1889 was not accorded the status of a treaty. Rather it was in the nature of model legislation which each nation was expected to put into force by enacting domestic law. In the United States, this was accomplished by the Act of August 19, 1890. Since COLREGS 1889 applied not only to the high seas but to internal waters capable of being navigated by seagoing vessels, except where local rules were in force, it was necessary to provide for delineating those areas where COLREGS 1889 would apply and those areas where local rules would apply. The local rules were restated subsequently in one statute, the Act of June 7, 1897 (Inland Rule) for most waters of the United States. (The establishment of the rules for the Great Lakes and for the so-called Western Rivers is not pertinent to this regulatory change.)

The Act of February 19, 1895, authorized the Secretary of the Treasury (now the Commandant by amendments and delegations) to designate and define the lines dividing the high seas from rivers, harbors and inland waters, 33 U.S.C. 151 (Boundary Line).

Because both COLREGS 1889 and the Inland Rules were in fact domestic legislation, the particular location of the Boundary Line was considered a domestic matter. Boundary Lines were delineated from time to time and in certain cases these lines extended beyond the limits of the territorial sea of the United States. As a matter of international law, the high seas are defined as all parts of the sea that are not included in the territorial sea or in the internal waters of a nation. This definition was codified in the Convention on the High Seas, Geneva 1958, a treaty which is in force and to which the United States is party. The United States has never diverged from the position taken by Thomas Jefferson that the breadth of the territorial sea is one marine league (three nautical miles). The result of establishing the Boundary Line beyond the limits of the territorial sea was to create an anomalous situation. Areas which were clearly part of the high seas were nevertheless delineated as part of the inland waters of the United States for the purposes, not only of statutes having only domestic application, but for the navigation rules as well. It should be noted that the term "inland waters" as well as the term "navigable waters of the United States" which are frequently and incorrectly used interchangeably), are legal concepts peculiar to the United States and have no counterpart in international law. However even in their broadest understanding, the terms only include the internal waters and the territorial sea.

Over a long period of years, the following statutes have been enacted, all of which employ the Boundary Line statute, 33 U.S.C. 151, to establish applicability. None of these statutes relate to navigation rules but deal instead with vessel inspection, equipment, and manning standards.

The Vessel Bridge-to-Bridge Communications Act, 33 U.S.C. 1201 et seq. requires the carriage of radiotelephones on board certain vessels inside the Boundary Line. (The requirement is further conditioned upon the vessels being upon the navigable waters of the United States.)

The Officers Competency Certificates Convention Geneva, 1936, is in force and the United States is party thereto. Article 1 extends the Convention to all vessels registered in a nation party to the Convention and engaged in maritime navigation. The domestic legislation on the topic, 46 U.S.C. 224a, limits the application of the Convention, for the United States, to vessels navigating on the high seas pursuant to the understanding filed by the United States at the time of ratification ("That the United States Government understands and construes the words 'maritime navigation' appearing in this convention to mean navigation on the high seas only,") and then defines the high seas with reference to the Boundary Line.

For the purpose of manning certification, crew quarters inspection, and continuous discharge books, seagoing barges are defined by 46 U.S.C. 672c in reference to the Boundary Line. (It should be noted that for inspection purposes, the Seagoing Barge Act, 46 U.S.C. 395, makes no reference to the Boundary Line). This is a matter of domestic legislation.

The Coastwise Loadline Act, 46 U.S.C. 88, applies to merchant vessels 150 gross tons and over engaged in coastwise voyages by sea, passing outside the Boundary Line. Since the international convention concerning loadlines (implemented by 46 U.S.C. 86 et seq.) applies only to inter-national voyages, the imposition of loadlines on vessels in the coastwise trade is entirely a matter for domestic legislation.

46 U.S.C. 367 relating to sea-going vessels of 300 gross tons and over propelled by internal combustion engines, defines sea-going with reference to the Boundary Line.

NOTE.—Amendments in 1968, 1973, and 1974, do not repeal this reference but by error the U.S. Code has omitted the statutory reference.

Since the United States' obligations under the Safety of Life at Sea Convention, 1960, have reference to vessels engaged in international voyages, the nonapplication of 46 U.S.C. 367 to motor ships operating solely on the high seas shoreward of the Boundary Line is entirely a matter for domestic legislation.

The final statute, 46 U.S.C. 672-1, employing the Boundary Lines is an exemption from certain manning requirements (under 46 U.S.C. 672) for sailing vessels under 500 tons not carrying passengers for hire while operating shoreward of the Boundary Line. Again this is a statute of domestic application.

The Coast Guard has concluded that by virtue of the enactment of the foregoing statutes, a principal legislative purpose of 33 U.S.C. 151 has become that of establishing a Boundary Line for certain vessel inspection, equipment and manning purposes. Moreover, the original purpose of providing a Boundary Line between the application of two separate domestic statutes relating to navigation rules will necessarily terminate when the domestic statute implementing COLREGS 1960 is superceded. Accordingly, the Coast Guard has also concluded that upon the effective date of COLREGS 1972, there will be no authority under 33 U.S.C. 151 to delineate Boundary Lines for the purposes of the application of COLREGS 1972 and the Inland Rules. However the authority under 33 U.S.C. 151 to establish an administrative boundary line for the purposes of the statutes relating to vessel inspection, equipment and manning discussed above remains unaltered. Accordingly it is no longer appropriate to publish the Boundary Line in Part 82 of Title 33 of the Code of Federal Regulations since that Part deals with navigation rules. The Boundary Line will be republished, without substantive change, in Title 46 of the Code of Federal Regulations to reflect the purpose of delineating the application of certain vessel inspection, equipment and manning statutes. The republication of the regulations appears at page 35793 of this issue of the FEDERAL REGISTER.

The International Rules for Preventing Collisions at Sea, subsequent to COLREGS 1889, were revised in 1948 and 1960. The legal status of these revisions remained the same as the original formulation. They were not submitted to the Senate for advice and consent. They were put into force by domestic legislation. COLREGS 1960, the current navigation rules, was put into force for United States vessels by the Act of September 24, 1963, 33 U.S.C. 1051 et seq.

Dissatisfaction was expressed within the maritime community with the cumbersome and expensive mechanism for updating the COLREGS which required the calling of a special international conference and obtaining what amounted to a consensus of maritime states before a new instrument could become effective. Accordingly, the maritime nations concluded that a new approach, creating a basic instrument susceptible of amendment by a rapid procedure, was needed. The preparatory work conducted by the Intergovernmental Maritime Consultative Organization (IMCO) led to the conclusion that the status of the COLREGS would have to be changed to that of a multilateral treaty, or convention, in order that a rapid amendment procedure could be instituted. Therefore at the London Conference on Revision of the International Regulations for Preventing Collisions at Sea, 1972, the new instrument, COLREGS 1972 was developed as and given the status of a treaty. Pursuant to this change in status, in the United States COLREGS 1972 was submitted to the Senate for advice and consent, which was duly given. Subsequently on November 23, 1976, the United States deposited its instrument of acceptance with the Secretary of IMCO. In further conformity with treaty practice, the United States, on March 30, 1977, gave notice to the Secretary General of IMCO that, pursuant to Article III of COLREGS 1972, the application of the treaty was extended to the U.S. territories and possessions.

The convention, COLREGS 1972, comes into force on July 15, 1977. By virtue of the second clause of Article VI of the Constitution, on that date COLREGS 1972 becomes the law of the land and thereupon the statutory provisions for COLREGS 1960, 33 U.S.C. 1051 et seq. will be repealed and superseded.

Rule 1a of COLREGS 1972 provides that the rules shall be applicable to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels. Rule 1b further provides that nothing in the rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbors, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. (The rule further provides that such special rules shall conform as closely as possible to the International Rules. It is clear that the authority in Rule 1b for the operation of special rules (i.e., the Inland Rules) is not applicable to the high seas. Because the high seas are defined by treaty, the United States can no longer prescribe the application of the Inland Rules to an area of the high seas.

The Inland Rules remain as the special rules applicable to harbors, rivers, lakes and inland waterways connected with the high seas and navigable by seagoing vessels. It is obvious that new lines of demarcation must be drawn in order that the mariner will know precisely when he is operating on COLREGS Waters and when he is operating on Inland Rules Waters. 14 U.S.C. 2 provides that the "Coast Guard * * * shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States * * *." Section 4 of Executive Order 11964, published in the January 19, 1977 FEDERAL REGISTER (42 FR 4327) authorizes the Secretary of the Department in which the Coast Guard is operating to promulgate such rules and regulations that are necessary to implement the provisions of COLREGS 1972 and to publish implementing regulations and interpretive rulings in the FEDERAL REGISTER. Part 82 of Title 33 of the Code of Federal Regulations will be retitled COLREGS Demarcation Lines and the regulations and interpretive rulings with regard to the demarcation lines between Inland Rules Waters and COLREGS Waters will be published in that Part. By virtue of the limitations imposed by COLREGS 1972 these lines are necessarily restricted to delineating the outer limits of harbors, river mouths and inland waterways. COLREGS 1972 does not contemplate that substantial areas of the territorial sea shall be Inland Rules Waters. Consequently the mariner should recall that there are areas principally in the Gulf of Mexico and along the eastern seaboard of the United States encompassing both portions of the high seas and of the territorial waters of the United States where the Inland Rules have been in force under previous law. However as of July 15, 1977, COLREGS 1972 will be applicable to most of these areas. Mariners must disregard the Boundary Lines drawn pursuant to 33 U.S.C. 151 shown on current charts. In due course, charts will be printed with the new COLREGS Demarcation Lines. The old Boundary Line, under 33 U.S.C. 151, will no longer be printed on navigational charts as it will have no navigational significance.

In delineating the COLREGS demarcation lines, certain principles were followed. The lines were drawn to conform with Rule 1(b) of COLREGS 72. The lines are defined, whenever possible by physical objects readily discernible to the mariner by eye, rather than by instrument.

It was found neither desirable nor practicable to have a general rule for delimintations. Irregular shorelines preclude a clear interpretation of any general rule. The availability of fixed aids, jetties, or other prominent objects often proved more desirable than natural objects. Objects near shore that described the shortest feasible lines as perpendicular as possible to vessel traffic flow were utilized. These objects listed in priority were: Fixed lighted aids to navigation, other charted visible lights, fixed un-

lighted aids to navigation, prominent points on land, lines of objects in range, buoys marking the end of a submerged

Sec.
82.510 Chesapeake Bay Entrance, VA.
82.515 Cape Henry, VA to Cape Hatteras, NC
Sec.
82.1230 Pillar Point Harbor, CA.
82.1250 San Francisco Harbor, CA

necting and tributary waters as described in Part 90 of this Chapter, or the Western Rivers as described in Part 95

§ 82.130 Boston Harbor Entrance.

(c) A line drawn from Plum Island Harbor East Dolphin Light and Plum

lighted aids to navigation, prominent points on land, lines of objects in range, buoys marking the end of a submerged jetty, and tangents or extensions of the high water shoreline. At times it was necessary to describe a line from a single object. When this was the case, the following methods were used to describe the line: lines were extended through objects to the shoreline, lines were described on cardinal headings from objects, lines were drawn from objects to the closest points on the shoreline, or lines of bearing were described from objects. When necessary to avoid ambiguity, the latitude and/or longitude were included. Local situations were always given consideration.

The lines were drawn in an attempt to limit the situations in which vessels operating under different Rules would converge. The intention is to avoid the crossing situation in favor of the meeting situation.

This rule also contains the COLREGS demarcation line for Prince William Sound Alaska. This line was published as a notice of proposed rulemaking in Coast Guard docket (CGD 76-049) in the January 31, 1977, issue of the FEDERAL REGISTER (42 FR 5705). Interested persons were given until March 17, 1977, to submit comments. No comments were received.

Accordingly, Title 33 of the Code of Federal Regulations is amended as follows:

§ 26.02 [Amended]

1. In § 26.02 of Part 26, by deleting the definition of "Navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended".

2. By revising Part 82 to read as follows:

GENERAL

Sec.
82.01 General basic and purpose of demarcation lines.

ATLANTIC COAST

FIRST DISTRICT

82.105 Calais, ME to Cape Small, ME.
82.110 Casco Bay, ME.
82.115 Portland Head, ME to Cape Ann, MA.
82.120 Cape Ann, MA to Marblehead Neck, MA.
82.125 Marblehead Neck, MA to Winthrop Head, MA.
82.130 Boston Harbor Entrance.
82.135 Point Allerton, MA to Race Point, MA.
82.140 Race Point, MA to Marthas Vineyard, MA.
82.145 Marthas Vineyard, MA to Watch Hill, RI.
82.150 Block Island, RI.

THIRD DISTRICT

82.305 Watch Hill, RI to Montauk Point, NY.
82.310 Montauk Point, NY to Atlantic Beach, NY.
82.315 New York Harbor.
82.320 Sandy Hook, NJ to Cape May, NJ.
82.325 Delaware Bay.

FIFTH DISTRICT

82.505 Cape Henlopen, DL to Cape Charles, VA.
82.510 Chesapeake Bay Entrance, VA.
82.515 Cape Henry, VA to Cape Hatteras, NC.
82.520 Cape Hatteras, NC to Cape Lookout, NC.
82.525 Cape Lookout, NC to Cape Fear, NC.
82.530 Cape Fear, NC to New River Inlet, NC.

SEVENTH DISTRICT

82.703 Little River Inlet, SC to Cape Romain, SC.
82.707 Cape Romain, SC to Sullivans Island, SC.
82.710 Charleston Harbor, SC.
82.712 Morris Island, SC to Hilton Head Island, SC.
82.715 Savannah River.
82.717 Tybee Island, GA to St. Simons Island, GA.
82.720 St. Simons Island, GA to Amelia Island, FL.
82.723 Amelia Island, FL to Cape Canaveral, FL.
82.727 Cape Canaveral, FL to Miami Beach, FL.
82.730 Miami Harbor, FL.
82.735 Miami, FL to Long Key, FL.

PUERTO RICO AND VIRGIN ISLANDS

SEVENTH DISTRICT

82.738 Puerto Rico and Virgin Islands.

GULF COAST

SEVENTH DISTRICT

82.740 Long Key, FL to Cape Sable, FL.
82.745 Cape Sable, FL to Cape Romano, FL.
82.748 Cape Romano, FL to Sanibel Island, FL.
82.750 Sanibel Island, FL to St. Petersburg, FL.
82.753 St. Petersburg, FL to the Anclote, FL.
82.755 Anclote, FL to the Suncoast Keys, FL.
82.757 Suncoast Keys, FL to Horseshoe Point, FL.
82.760 Horseshoe Point, FL to Rock Island, FL.

EIGHTH DISTRICT

82.805 Rock Island, FL to Cape San Blas, FL.
82.810 Cape San Blas, FL to Perdido Bay, FL.
82.815 Mobile Bay, AL to the Chandeleur Islands, LA.
82.820 Mississippi River.
82.825 Mississippi Passes, LA.
82.830 Mississippi Passes, LA to Point Au Fer, LA.
82.835 Point Au Fer, LA to Calcasieu Pass, LA.
82.840 Sabine Pass, TX to Galveston, TX.
82.845 Galveston, TX to Freeport, TX.
82.850 Brazos River, TX to the Rio Grande, TX.

PACIFIC COAST

ELEVENTH DISTRICT

82.1105 Santa Catalina Island, CA.
82.1110 San Diego Harbor, CA.
82.1115 Mission Bay, CA.
82.1120 Oceanside Harbor, CA.
82.1125 Dana Point Harbor, CA.
82.1130 Newport Bay, CA.
82.1135 San Pedro Bay—Anaheim Bay, CA.
82.1140 Redondo Harbor, CA.
82.1145 Marina Del Rey, CA.
82.1150 Port Hueneme, CA.
82.1155 Channel Islands Harbor, CA.
82.1160 Ventura Marina, CA.
82.1165 Santa Barbara Harbor, CA.

TWELFTH DISTRICT

82.1205 San Luis Obispo Bay, CA.
82.1210 Estero—Morro Bay, CA.
82.1215 Monterey Harbor, CA.
82.1220 Moss Landing Harbor, CA.
82.1225 Santa Cruz Harbor, CA.
82.1230 Pillar Point Harbor, CA.
82.1250 San Francisco Harbor, CA.
82.1255 Bodega and Tomales Bay, CA.
82.1260 Albion River, CA.
82.1265 Noyo River, CA.
82.1270 Arcato—Humboldt Bay, CA.
82.1275 Crescent City Harbor, CA.

THIRTEENTH DISTRICT

82.1305 Chetco River, OR.
82.1310 Rogue River, OR.
82.1315 Coquille River, OR.
82.1320 Coos Bay, OR.
82.1325 Umpqua River, OR.
82.1330 Siuslaw River, OR.
82.1335 Alsea Bay, OR.
82.1340 Yaquina Bay, OR.
82.1345 Depoe Bay, OR.
82.1350 Netarts Bay, OR.
82.1360 Nehalem River, OR.
82.1365 Columbia River Entrance, OR, WA
82.1370 Willapa Bay, WA.
82.1375 Grays Harbor, WA.
82.1380 Quillayute River, WA.
82.1385 Strait of Juan de Fuca.
82.1390 Haro Strait and Strait of Georgia

PACIFIC ISLANDS

FOURTEENTH DISTRICT

82.1410 Hawaiian Island Exemption from General Rule.
82.1420 Mamala Bay, Oahu, HI.
82.1430 Kaneohe Bay, Oahu, HI.
82.1440 Port Allen, Kauai, HI.
82.1450 Nawiliwili Harbor, Kauai, HI.
82.1460 Kahului Harbor, Maui, HI.
82.1470 Kawaihae Harbor, Hawaii, HI.
82.1480 Hilo Harbor, Hawaii, HI.
82.1490 Apra Harbor, U.S. Territory of Guam.
82.1495 U.S. Pacific Island Possessions.

ALASKA

SEVENTEENTH DISTRICT

82.1705 Canadian (BC) and United States (AK) borders to Cape Muzon, AK.
82.1710 Cape Muzon, AK to Cape Bartolome, AK.
82.1715 Cape Bartolome, AK to Cape Ulitka, AK.
82.1720 Cape Ulitka, AK to Cape Ommaney, AK.
82.1725 Cape Ommaney, AK to Cape Edgecumbe, AK.
82.1730 Cape Edgecumbe, AK to Cape Spencer, AK.
82.1735 Cape Spencer, AK to Point Whitshed, AK.
82.1740 Prince William Sound, AK.
82.1750 Alaska West and North of Prince William Sound.

AUTHORITY: (Rule 1, International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964; 14 U.S.C. 2; 49 CFR 1.46(b)).

GENERAL

§ 82.01 General basis and purpose of demarcation lines.

(a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners must comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners must comply with the Navigation Rules for Harbors, Rivers, and Inland Waters (Inland Rules).

(b) The waters inside of the lines are Inland Rules Waters. The waters outside the lines are COLREGS Waters.

(c) The regulations in this part do not apply to the Great Lakes or their connecting and tributary waters as described in Part 90 of this Chapter, or the Western Rivers as described in Part 95 of this Chapter.

ATLANTIC COAST

FIRST DISTRICT

§ 82.105 Calais, ME to Cape Small, ME.

The 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine from International Bridge at Calais, ME to the southwesternmost extremity of Bald Head at Cape Small.

§ 82.110 Casco Bay, ME.

(a) A line drawn from the southwesternmost extremity of Bald Head at Cape Small to the southeasternmost extremity of Ragged Island; thence to the southern tangent of Jaquish Island thence to Little Mark Island Monument Light; thence to the northernmost extremity of Jewell Island.

(b) A line drawn from the tower on Jewell Island charted in approximate position latitude 43°40.6' N. longitude 70°05.9' W. to the northeasternmost extremity of Outer Green Island.

(c) A line drawn from the southwesternmost extremity of Outer Green Island to Ram Island Ledge Light; thence to Portland Head Light.

§ 82.115 Portland Head, ME to Cape Ann, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine, New Hampshire, and Massachusetts from Portland Head to Halibut Point at Cape Ann.

(b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0' N. longitude 70°41.2' W. to Whaleback Light; thence to Jaffrey Point Light; thence to the northeasternmost extremity of Frost Point.

(c) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

§ 82.120 Cape Ann, MA to Marblehead Neck, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast of Massachusetts from Halibut Point at Cape Ann to Marblehead Neck.

(b) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charter in approximate position latitude 42°35.1' N. longitude 70°41.6' W.

(c) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

§ 82.125 Marblehead Neck, MA to Winthrop Head, MA.

The 72 COLREGS shall apply on the bays, harbors and inlets on the east coast of Massachusetts from Marblehead Neck to Winthrop Head.

§ 82.130 Boston Harbor Entrance.

A line drawn from the standpipe on Winthrop Head charted in approximate position latitude 42°22.1' N. longitude 70°58.1' W. to Great Faun Bar Daybeacon; thence to Boston Light; thence to the tower on Point Allerton charted in approximate position latitude 42°18.4' N. longitude 70°53.1' W.

§ 82.135 Point Allerton, MA to Race Point, MA.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast to Massachusetts from Point Allerton to Race Point on Cape Cod.

(b) A line drawn from Cape Cod Canal Breakwater Light south to the shoreline.

§ 82.140 Race Point, MA to Martha's Vineyard, MA.

(a) The 72 COLREGS apply to the harbors, bays and inlets along the coast of Cape Cod from Race Point to the southernmost extremity of Nauset Beach.

(b) A line drawn from the southernmost extremity of Nauset Beach to the northernmost extremity of Monomoy Island.

(c) A line drawn from the abandoned lighthouse tower on the southern end of Monomoy Island to Nantucket (Great Point Light).

(d) A line drawn from the westernmost extremity of Nantucket Island to the southernmost tangent of Wasque Point on Marthas Vineyard.

§ 82.145 Marthas Vineyard, MA to Watch Hill, RI.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the south coast of Massachusetts and Rhode Island from Marthas Vineyard to Watch Hill.

(b) A line drawn from Gay Head Light to the southwestern tangent of Cuttyhunk Island; thence to the tower on Gooseberry Neck charted in approximate position latitude 41°29.1' N. longitude 71°02.3' W.

(c) A line drawn from Sakonnet Breakwater Light to the silo on Sacnuest Point charted in approximate position latitude 41°28.5' N. longitude 71°09.8' W.

(d) An east-west line drawn through Beavertail Light between Brenton Point and the Boston Neck shoreline.

§ 82.150 Block Island, RI.

The 72 COLREGS shall apply on the harbors of Block Island.

THIRD DISTRICT

§ 82.305 Watch Hill, RI to Montauk Point, NY.

(a) A line drawn from Watch Hill Light to East Point on Fishers Island.

(b) A line drawn from Race Point to Race Rock Light; thence to Little Gull Island Light thence to East Point on Plum Island.

(c) A line drawn from Plum Island Harbor East Dolphin Light and Plum Island Harbor West Dolphin Light.

(d) A line drawn from Plum Island Light to Orient Point Light; thence to Orient Point.

(e) A line drawn from the light house ruins at the southwestern end of Long Beach Point to Cornelius Point.

(f) A line drawn from Coecles Harbor Entrance Light to Sungic Point.

(g) A line drawn from Nichols Point to Cedar Island Light.

(h) A line drawn from Three Mile Harbor West Breakwater Light to Three Mile Harbor East Breakwater Light.

(i) A line drawn from Montauk West Jetty Light to Montauk East Jetty Light.

§ 82.310 Montauk Point, NY to Atlantic Beach, NY.

(a) A line drawn from Shinnecock Inlet East Breakwater Light to Shinnecock Inlet West Breakwater Light.

(b) A line drawn from Moriches Inlet East Breakwater Light to Moriches Inlet West Breakwater Light.

(c) A line drawn from Fire Island Inlet Breakwater Light 348° true to the southernmost extremity of the spit of land at the western end of Oak Beach.

(d) A line drawn from Jones Inlet Light 142° true across the southwest tangent of the island on the north side of Jones Inlet to the shoreline.

§ 82.315 New York Harbor.

A line drawn from East Rockaway Inlet Breakwater Light to Sandy Hook Light.

§ 82.320 Sandy Hook, NJ to Cape May, NJ.

(a) A line drawn from Shark River Inlet North Breakwater Light to Shark River Inlet South Breakwater Light.

(b) A line drawn from Manasquan Inlet North Breakwater Light to Manasquan Inlet South Breakwater Light.

(c) A line drawn from Barnegat Inlet North Breakwater Light to Barnegat Inlet South Breakwater Light continues along the lines formed by the submerged Barnegat Inlet Breakwaters to the shoreline.

(d) A line drawn from the seaward tangent of Long Beach Island to the seaward tangent to Pullen Island across Beach Haven and Little Egg Inlets.

(e) A line drawn from the seaward tangent of Pullen Island to the seaward tangent of Brigantine Island across Brigantine Inlet.

(f) A line drawn from the seaward extremity of Absecon Inlet North Jetty to Atlantic City Light.

(g) A line drawn from the southernmost point of Longport at latitude 39°18.2' N. longitude 74°32.2' W. to the northeasternmost point of Ocean City at latitude 39°17.6' N. longitude 74°33.1' W. across Great Egg Harbor Inlet.

(h) A line drawn parallel with the general trend of highwater shoreline across Corson Inlet.

(i) A line formed by the centerline of the Townsend Inlet Highway Bridge.

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(j) A line formed by the shoreline of Seven Mile Beach and Hereford Inlet Light.

(k) A line drawn from Cape May Inlet East Jetty Light to Cape May Inlet West Jetty Light.

§ 82.325 Delaware Bay.

A line drawn from Cape May Light to Harbor of Refuge Light; thence to the northernmost extremity of Cape Henlopen.

FIFTH DISTRICT

§ 82.505 Cape Henlopen, DL to Cape Charles, VA.

(a) A line drawn from Indian River Inlet North Jetty Light to Indian River Inlet South Jetty Light.

(b) A line drawn from Ocean City Inlet Light 6 234° true across Ocean City Inlet to the submerged south breakwater.

(C) A line drawn from Assateague Beach Tower Light to the tower charted at latitude 37°52.6′ N. longitude 75°-26.7′ W.

(d) A line formed by the range of Wachapreague Inlet Light 3 and Parramore Beach Lookout Tower drawn across Wachapreague Inlet.

(e) A line drawn from the lookout tower charted on the northern end of Hog Island to the seaward tangent of Parramore Beach.

(f) A line drawn 207° true from the lookout tower charted on the southern end of Hog Island across Great Machipongo Inlet.

(g) A line formed by the range of the two cupolas charted on the southern end of Cobb Island drawn across Sand Shoal Inlet.

(h) Except as provided elsewhere in this section from Cape Henlopen to Cape Charles, lines drawn parallel with the general trend of the highwater shoreline across the entrances to small bays and inlets.

§ 82.510 Chesapeake Bay Entrance, VA.

A line drawn from Cape Charles Light to Cape Henry Light.

§ 82.515 Cape Henry, VA to Cape Hatteras, NC.

(a) A line drawn from Rudee Inlet Jetty Light 2 to Rudee Inlet Jetty Light 1.

(b) A line formed by the centerline of the highway bridge across Oregon Inlet.

§ 82.520 Cape Hatteras, NC to Cape Lookout, NC.

(a) A line drawn from Hatteras Inlet Light 255° true to the eastern end of Ocracoke Island.

(b) A line drawn from the westernmost extremity of Ocracoke Island at latitude 35°04.0′ N. longitude 76°00.2′ W. to the northeastern extremity of Portsmouth Island at lattitude 35°03.7′ N. longitude 76°02.3′ W.

(c) A line drawn across Drum Inlet parallel with the general trend of the highwater shoreline.

§ 82.525 Cape Lookout, NC to Cape Fear, NC.

(a) A line drawn from Cape Lookout Light to the seaward tangent of the southeastern end of Shackleford Banks.

(b) A line drawn from Morehead City Channel Range Front Light to the seaward extremity of the Beaufort Inlet west jetty.

(c) A line drawn from the southernmost extremity of Bogue Banks at latitude 34°38.7′ N. longitude 77°06.0′ W. across Bogue Inlet to the northernmost extremity of Bear Beach at latitude 34°38.5′ N. longitude 77°07.1′ W.

(d) A line drawn from the tower charted in approximate position latitude 34°31.5′ N. longitude 77°20.8′ W. to the seaward tangent of the shoreline on the northeast side of New River Inlet.

(e) A line drawn across New Topsail Inlet between the closest extremities of the shore on either side of the inlet from latitude 34°20.8′ N. longitude 77°39.2′ W. to latitude 34°20.6′ N. longitude 77°39.6′ W.

(f) A line drawn from the seaward extremity of the jetty on the northeast side of Masonboro Inlet west to the shoreline approximately 0.6 mile southwest of the inlet.

(g) Except as provided elsewhere in this section from Cape Lookout to Cape Fear, lines drawn parallel with the general trend of the highwater shoreline across the entrance of small bays and inlets.

§ 82.530 Cape Fear, NC to Little River Inlet, NC.

(a) A line drawn from the abandoned lighthouse charted in approximate position latitude 33°52.4′ N. longitude 78°00.1′ W. across the Cape Fear River Entrance to Oak Island Light.

(b) Except as provided elsewhere in this section from Cape Fear to Little River Inlet, lines drawn parallel with the general trend of the highwater shoreline across the entrance to small inlets.

SEVENTH DISTRICT

§ 82.703 Little River Inlet, SC to Cape Romain, SC.

(a) A line drawn from the westernmost extremity of the sand spit on Bird Island to the easternmost extremity of Watts Island across Little River Inlet.

(b) Lines drawn parallel with the general trend of the highwater shoreline across Hog Inlet, Murrels Inlet, Midway Inlet, Pawleys Inlet, and North Inlet.

(c) A line drawn from the charted position of Winyah Bay North Jetty End Buoy 2N south to the Winyah Bay South Jetty.

(d) A line drawn from Santee Point to the seaward tangent of Cedar Island.

(e) A line drawn from Cedar Island Point west to Murphy Island.

(f) A north-south line (longitude 79° 20.3′ W.) drawn from Murphy Island to the northernmost extremity of Cape Island Point.

§ 82.707 Cape Romain, SC to Sullivans Island, SC.

(a) A line drawn from the western extremity of Cape Romain 292° true to Racoon Key on the west side of Racoon Creek.

(b) A line drawn from the westernmost extremity of Sandy Point across Bull Bay to the northernmost extremity of Northeast Point.

(c) A line drawn from the southernmost extremity of Bull Island to the easternmost extremity of Capers Island.

(d) A line formed by the overhead power cable from Capers Island to Dewees Island.

(e) A line formed by the overhead power cable from Dewees Island to Isle of Palms.

(f) A line formed by the centerline of the highway bridge between Isle of Palms and Sullivans Island over Breach Inlet.

§ 82.710 Charleston Harbor, SC.

(a) A line formed by the submerged north jetty from the shore to the west end of the north jetty.

(b) A line drawn from across the seaward extremity of the Charleston Harbor Jetties.

(c) A line drawn from the west end of the South Jetty across the South Entrance to Charleston Harbor to shore on a line formed by the submerged south jetty.

§ 82.712 Morris Island, SC to Hilton Head Island, SC.

(a) A line drawn from the Folly Island Loran Tower charted in approximate position latitude 32°41.0′ W. longitude 79°53.2′ W. to the abandoned lighthouse tower on the northside of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(b) A straight line drawn from the seaward tangent of Folly Island through Folly River Daybeacon 10 across Stono River to the shoreline of Sandy Point.

(c) A line drawn from the southernmost extremity of Seabrook Island 257° true across the North Edisto River Entrance to the shore of Botany Bay Island.

(d) A line drawn from the microwave antenna tower on Edisto Beach charted in approximate position latitude 32°29.3′ N. longitude 80°19.2′ W. across St. Helena Sound to the abandoned lighthouse tower on Hunting Island.

(e) A line formed by the centerline of the highway bridge between Hunting Island and Fripp Island.

(f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Rear Range Light; thence 245° true to the easternmost extremity of Hilton Head at latitude 32°13.2′ N. longitude 80°40.1′ W.

§ 82.715 Savannah River.

A line drawn from the southernmost tank on Hilton Head Island charted in approximate position latitude 32°06.7′ N. longitude 80°49.3′ W. to Bloody Point Range Rear Light; thence to Tybee (Range Rear) Light.

§ 82.717 Tybee Island, GA to St. Simons Island, GA.

(a) A line drawn from the southernmost extremity of Savannah Beach on Tybee Island 255° true across Tybee Inlet to the shore of Little Tybee Island south of the entrance to Buck Hammock Creek.

(b) A straight line drawn from the northeasternmost extremity of Wassaw Island 031° true through Tybee River Daybeacon 1 to the shore of Little Tybee Island.

(c) A line drawn approximately parallel with the general trend of the highwater shorelines from the seaward tangent of Wassau Island to the seaward tangent of Bradley Point on Ossabaw Island.

(d) A north-south line (longitude 81°8.4′ W.) drawn from the southernmost extremity of Ossabaw Island to St. Catherine Island.

(e) A north-south line (longitude) 81°10.6′ W.) drawn from the southernmost extremity of St. Catherines Island to Northeast Point on Blackbeard Island.

(f) A line following the general trend of the seaward highwater shoreline across Cabretta Inlet.

(g) A north-south line (longitude 81°16.9′ W.) drawn from the southwesternmost point on Sapelo Island to Wolf Island.

(h) A north-south line (longitude 81°17.1′ W.) drawn from the southeasternmost point of Wolf Island to the northeasternmost point on Little St. Simons Island.

(i) A line drawn from the northeastern extremity of Sea Island 045° true to Little St. Simons Island.

(j) An east-west line from the southernmost extremity of Sea Island across Goulds Inlet to St. Simons Island.

§ 82.720 St. Simons Island, GA to Amelia Island, FL.

(a) A line drawn from St. Simons Light to the northernmost tank on Jekyll Island charted in approximate position latitude 31°05.9′ N. longitude 81°24.5′ W.

(b) A line drawn from the southernmost tank on Jekyll Island charted in approximate position latitude 31°01.6′ N. longitude 81°25.2′ W. to coordinate latitude 30°59.4′ N. longitude 81°23.7′ W. (0.5 nautical mile east of the charted position of St. Andrew Sound Lighted Buoy 32); thence to the abandoned lighthouse tower on the north end of Little Cumberland Island charted in approximate position latitude 30°58.5′ N. longitude 81°24.8′ W.

(c) A line drawn across the seaward extremity of the St. Marys River Entrance Jetties.

§ 82.723 Amelia Island, FL to Cape Canaveral, FL.

(a) A line drawn from the southernmost extremity of Amelia Island to the northeasternmost extremity of Little Talbot Island.

(b) A line formed by the centerline of the highway bridge from Little Talbot Island to Fort George Island.

(c) A line drawn across the seaward extremity of the St. Johns River Entrance Jetties.

(d) A line drawn across the seaward extremity of the St. Augustine Inlet Jetties.

(e) A line formed by the centerline of the highway bridge over Matanzas Inlet.

(f) A line drawn across the seaward extremity of the Ponce de Leon Inlet Jetties.

§ 82.727 Cape Canaveral, FL to Miami Beach, FL.

(a) A line drawn across the seaward extremity of the Port Canaveral Entrance Channel Jetties.

(b) A line drawn across the seaward extremity of the Sebastian Inlet Jetties.

(c) A line drawn across the seaward extremity of the Fort Pierce Inlet Jetties.

(d) A north-south line (longitude 80°09.8′ W.) drawn across St. Lucie Inlet through St. Lucie Inlet Entrance Range Front Daybeacon.

(e) A line drawn from the seaward extremity of Jupiter Inlet North Jetty to the northeast extremity of the concrete apron on the south side of Jupiter Inlet.

(f) A line drawn across the seaward extremity of the Lake Worth Inlet Jetties.

(g) A line drawn across the seaward extremity of the South Lake Worth Inlet Jetties.

(h) A line drawn from Boca Raton Inlet North Jetty Light 2 to Boca Raton Inlet South Jetty Light 1.

(i) A line drawn from Hillsboro Inlet Light to Hillsboro Inlet Entrance Light 2; thence to Hillsboro Inlet Entrance Light 1; thence west to the shoreline.

(j) A line drawn across the seaward extremity of the Port Everglades Entrance Jetties.

(k) A line formed by the centerline of the highway bridge over Bakers Haulover Inlet.

§ 82.730 Miami Harbor, FL.

A line drawn across the seaward extremity of the Miami Harbor Government Cut Jetties.

§ 82.735 Miami, FL to Long Key, FL.

(a) A line drawn from the southernmost extremity of Fisher Island 211° true to the point latitude 25°45.1′ N. longitude 80°08.6′ W. on Virginia Key.

(b) A line formed by the centerline of the highway bridge between Virginia Key and Key Biscayne.

(c) A line drawn from the abandoned lighthouse tower on Cape Florida to Biscayne Channel Light 8; thence to the northernmost extremity on Soldier Key.

(d) A line drawn from the southernmost extremity on Soldier Key to the northernmost extremity of the Ragged Keys.

(e) A line drawn from the Ragged Keys to the southernmost extremity of Angelfish Key following the general trend of the seaward shoreline.

(f) A line drawn on the centerline of the Overseas Highway (U.S. 1) and bridges from latitude 25°19.3′ N. longitude 80°16.0′ W. at Little Angelfish Creek to the radar dome charted on Long Key at approximate position latitude 24°49.3′ W. longitude 80°49.2′ W.

PUERTO RICO AND VIRGIN ISLANDS

SEVENTH DISTRICT

§ 82.738 Puerto Rico and Virgin Islands.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on all other bays, harbors and lagoons of Puerto Rico and the U.S. Virgin Islands.

(b) A line drawn from Puerto San Juan Light to Cabras Light across the entrance of San Juan Harbor.

GULF COAST

SEVENTH DISTRICT

§ 82.740 Long Key, FL to Cape Sable, FL.

A line drawn from the radar dome charted on Long Key at approximate position latitude 24°49.3′ N. longitude 80°49.2′ W. to Long Key Light 1; thence to Arsenic Bank Light 1; thence to Arsenic Bank Light 2; thence to Sprigger Bank Light 5; thence to Schooner Bank Light 6; thence to Oxfoot Bank Light 10; thence to East Cape Light 2; thence through East Cape Daybeacon 1A to the shoreline at East Cape.

§ 82.745 Cape Sable, FL to Cape Romano, FL.

(a) A line drawn following the general trend of the mainland, highwater shoreline from Cape Sable at East Cape to Little Shark River Light 1; thence to westernmost extremity of Shark Point; thence following the general trend of the mainland, highwater shoreline crossing the entrances of Harney River, Broad Creek, Broad River, Rodgers River First Bay, Chatham River, Huston River, to the shoreline at coordinate latitude 25°41.8′ N. longitude 18°17.9′ W.

(b) The 72 COLREGS shall apply to the waters surrounding the Ten Thousand Islands and the bays, creeks, inlets, and rivers between Chatham Bend and Marco Island except inside lines specifically described in this part.

(c) A north-south line drawn at longitude 81°20.2′ W. across the entrance to Lopez River.

(d) A line drawn across the entrance to Turner River parallel to the general trend of the shoreline.

(e) A line formed by the centerline of Highway 92 Bridge at Goodland.

§ 82.748 Cape Romano, FL to Sanibel Island, FL.

(a) Lines drawn across Big Marco Pass parallel to the general trend of the seaward, highwater shoreline.

(b) A line drawn through Capri Pass Daybeacons 2A and 3 across Capri Pass.

(c) Lines drawn across Hurricane and Little Marco Passes parallel to the general trend of the seaward, highwater shoreline.

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(d) A straight line drawn from Gordon Pass Light 4 through Daybeacon 5 to the shore.

(e) A line drawn across the seaward extremity of Doctors Pass Jetties.

(f) Lines drawn across Wiggins, Big Hickory, New, and Big Carlos Passes parallel to the general trend of the seaward, highwater shoreline.

(g) A straight line drawn from Sanibel Island Light through Matanzas Pass Channel Light 2 to the shore of Estero Island.

§ 82.750 Sanibel Island, FL to St. Petersburg, FL.

(a) Lines drawn across Redfish and Captiva Passes parallel to the general trend of the seaward, highwater shorelines.

(b) A line drawn from La Costa Test Pile North Light to Port Boca Grande Light.

(c) Lines drawn across Gasparilla and Stump Passes parallel to the general trend of the seaward, highwater shorelines.

(d) A line across the seaward extremity of Venice Inlet Jetties.

(e) A line drawn across Midnight Pass parallel to the general trend of the seaward, highwater shoreline.

(f) A line drawn from Big Sarasota Pass Light 14 to the southernmost extremity of Lido Key.

(g) A line drawn through Sarasota Bay Channel Light 7A across New Pass parallel to the seaward, highwater shoreline of Longboat Key.

(h) A line drawn across Longboat Pass parallel to the seaward, highwater shoreline.

(i) A line drawn from the northwesternmost extremity of Bean Point to the southeasternmost extremity of Egmont Key.

(j) A straight line drawn from Egmont Key Light through Egmont Channel Range Rear Light to the shoreline on Mullet Key.

(k) A line drawn from the northernmost extremity of Mullet Key across Bunces Pass and South Channel to Pass-a-Grille Light 8; thence to Pass-a-Grille Daybeacon 9; thence to the southwesternmost extremity of Long Key.

§ 82.753 St. Petersburg, FL to the Anclote, FL.

(a) A line drawn across Blind Pass parallel with the general trend of the seaward, highwater shoreline.

(b) Lines formed by the centerline of the highway bridges over Johns and Clearwater Passes.

(c) A line drawn across Dunedin and Hurricane Passes parallel with the general trend of the seaward, highwater shoreline.

(d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 7; thence to Anclote Keys Light; thence a straight line through Anclote River Cut B Range Rear Light to the shoreline.

§ 82.755 Anclote, FL to the Suncoast Keys, FL.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Anclote to the Suncoast Keys.

(b) A north-south line drawn at longitude 82°38.3′ W. across the Chassahowitzka River Entrance.

§ 82.757 Suncoast Keys, FL to Horseshoe Point, FL.

(a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, and marinas from the Suncoast Keys to Horseshoe Point.

(b) A line formed by the centerline of Highway 44 Bridge over the Salt River.

(c) A north-south line drawn through Crystal River Entrance Daybeacon 25 across the river entrance.

(d) A north-south line drawn through the Cross Florida Barge Canal Daybeacon 38 across the canal.

(e) A north-south line drawn through Withlacoochee River Daybeacon 40 across the river.

(f) A line drawn from the westernmost extremity of South Point north to the shoreline across the Waccasassa River Entrance.

(g) A line drawn from position latitude 29°16.6′ N. longitude 83°06.7′ W. 300° true to the shoreline of Hog Island.

(h) A north-south line drawn through Suwannee River West Pass Daybeacons 27 and 28 across the Suwannee River.

§ 82.760 Horseshoe Point, FL to Rock Islands, FL.

(a) Except inside lines specifically described provided in this section, the 72 COLREGS shall apply on the bays, bayous, creeks, marinas, and rivers from Horseshoe Point to the Rock Islands.

(b) A north-south line drawn through Steinhatchee River Light 21.

(c) A line drawn from Fenholloway River Approach Light FR east across the entrance to Fenholloway River.

EIGHTH DISTRICT

§ 82.805 Rock Island, FL to Cape San Blas, FL.

(a) A south-north line drawn from the Econfina River Light to the opposite shore.

(b) A line drawn from Gamble Point Light to the southernmost extremity of Cabell Point.

(c) A line drawn from St. Marks (Range Rear) Light to St. Marks Channel Light 11; thence to the southernmost extremity of live Oak Point; thence through Shell Point Light to the southernmost extremity of Ochlockonee Point; thence to Bald Point.

(d) A line drawn from the south shore of Southwest Cape at longitude 84°22.7′ W. to Dog Island Reef East Light 1; thence to Turkey Point Light 2; thence to the easternmost extremity of Dog Island.

(e) A line drawn from the westernmost extremity of Dog Island to the easternmost extremity of St. George Island.

(f) A line drawn across the seaward extremity of the St. George Island Channel Jetties.

(g) A line drawn from the northwesternmost extremity of Sand Island to West Pass Light 7.

(h) A line drawn from the westernmost extremity of St. Vincent Island to the southeast, highwater shoreline of Indian Peninsula at longitude 85°13.5′ W.

§ 82.810 Cape San Blas, FL to Perdido Bay, FL.

(a) A line drawn from St. Joseph Range A Rear Light through St. Joseph Range B Front Light to St. Joseph Point.

(b) A line drawn across the mouth of Salt Creek as an extension of the general trend of the shoreline.

(c) A line drawn from the northernmost extremity of Crooked Island 000° T. to the mainland.

(d) A line drawn from the easternmost extremity of Shell Island 120° true to the shoreline across the east entrance to St. Andrews Bay.

(e) A line drawn between the seaward end of the St. Andrews Bay Entrance Jetties.

(f) A line drawn between the seaward end of the Choctawhatchee Bay Entrance Jetties.

(g) A west-east line drawn from Fort McGee Leading Light across the Pensacola Bay Entrance.

(h) A line drawn between the seaward end of the Perdido Pass Jetties.

§ 82.815 Mobile Bay, AL to the Chandeleur Islands, LA.

(a) A line drawn across the inlets to Little Lagoon as an extension of the general trend of the shoreline.

(b) A line drawn from Mobile Point Light to Dauphin Island Spit Light to the eastern corner of Fort Gaines at Pelican Point.

(c) A line drawn from the westernmost extremity of Dauphin Island to the easternmost extremity of Petit Bois Island.

(d) A line drawn from Horn Island Pass Entrance Range Front Light on Petit Bois Island to the easternmost extremity of Horn Island.

(e) An east-west line (latitude 30°14.7′ N.) drawn between the westernmost extremity of Horn Island to the easternmost extremity of Ship Island.

(f) A curved line drawn following the general trend of the seaward, highwater shoreline of Ship Island.

(g) A line drawn from Ship Island Light; thence to Chandeleur Light; thence in a curved line following the general trend of the seaward, highwater shorelines of the Chandeleur Islands to the island at coordinate latitude 29°31.1′ N. longitude 89°05.7′ W.; thence to Brenton Island Light located at latitude 29°29.1′ N. longitude 89°09.7′ W.

§ 82.820 Mississippi River.

The Pilot Rules for Western Rivers are to be followed in the Mississippi River and its tributaries above the Huey P. Long Bridge.

§ 82.825 Mississippi Passes, LA.

(a) A line drawn from Breton Island Light to coordinate latitude 29°21.5′ N. longitude 89°11.7′ W.

(b) A line drawn from coordinate latitude 29°21.5′ N. longitude 89°11.7′ W. following the general trend of the seaward, highwater shoreline in a southeasterly direction to coordinate latitude 29°12.4′ N. longitude 89°06.0′ W.; thence following the general trend of the seaward, highwater shoreline in a northeasterly direction to coordinate latitude 29°13.0′ N. longitude 89°01.3′ W. located on the northwest bank of North Pass.

(c) A line drawn from coordinate latitude 29°13.0′ N. longitude 89°01.3′ W. to coordinate latitude 29°12.7′ N. longitude 89°0.9′ W.; thence coordinate latitude 29°10.6′ N. longitude 88°59.8′ W.; thence coordinate latitude 29°03.5′ N. longitude 89°03.7′ W., thence Mississippi River South Pass East Jetty Light 4.

(d) A line drawn from Mississippi River South Pass East Jetty Light 4 to Mississippi River South Pass West Jetty Light; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to coordinate latitude 29°03.4′ N. longitude 89°13.0′ W.; thence west to coordinate latitude 29°03.5′ N., longitude 89°15.5′ W., thence following the general trend of the seaward, highwater shoreline in a southwesterly direction to Mississippi River Southwest Pass Entrance Light.

(e) A line drawn from Mississippi River Southwest Pass Entrance Light; thence to the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5′ N. longitude 89°26.1′ W.

§ 82.830 Mississippi Passes, LA to Point Au Fer, LA.

(a) A line drawn from the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5′ N. longitude 89°26.1′ W.; thence following the general trend of the seaward, highwater jetty and shoreline in a north, northeasterly direction to Old Tower latitude 28°58.8′ N. longitude 89°23.3′ W.; thence to West Bay Light; thence to coordinate latitude 29°05.2′ N. longitude 89°24.3′ W.; thence a curved line following the general trend of the highwater shoreline to Point Aur Fer Island except as otherwise described in this section.

(b) A line drawn across the seaward extremity of the Empire Waterway (Bayou Fontanelle) entrance jetties.

(c) A line drawn from Barataria Bay Light to the Grand Isle Fishing Jetty Light.

(d) A line drawn between the seaward extremity of the Belle Pass Jetties.

(e) A line drawn from the westernmost extremity of the Timbolier Island to the easternmost extremity of Isles Dernieres.

(f) A south-north line drawn from Caillou Bay Light 13 across Caillou Boca.

(g) A line drawn 107° true from Caillou Bay Boat Landing Light across the entrances to Grand Bayou du Large and Bayou Grand Caillou.

(h) A line drawn on an axis of 103° true through Taylors Bayou Light across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

§ 82.835 Point Au Fer, LA to Calcasieu Pass, LA.

(a) A line drawn from Point Au Fer to Atchafalaya Channel Light 32; thence Point Au Fer Reef Light; Atchafalaya Bay Pipeline Light D latitude 29°25.0′ N. longitude 91°31.7′ W.; thence Atchafalaya Bay Light 1 latitude 29°25.3′ N. longitude 91°35.8′ W.; thence South Point.

(b) Lines following the general trend of the highwater shoreline drawn across the bayou canal inlet from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.

(c) A line drawn on an axis of 130° T. through Vermillion Bay Light 2 across Southwest Pass.

(d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.

(e) A line drawn from Mermentau River Channel Light 4 to Mermentau River Channel Light 5.

(f) A line drawn from the radio tower charted in approximate positon latitude 29°45.7′ N. longitude 93°06.3′ W. 160° true across Mermentau Pass.

(g) A line drawn across the seaward extremity of the Calcasieu Pass Jetties.

§ 82.840 Sabine Pass, TX to Galveston, TX.

(a) A line drawn from the Sabine Pass East Jetty Light to the seaward end of the Sabine Pass West Jetty.

(b) Lines drawn across the small boat passes through the Sabine Pass East and West Jetties.

(c) A line formed by the centerline of the highway bridge over Rollover Pass at Gilchrist.

§ 82.845 Galveston, TX to Freeport, TX.

(a) A line drawn from Galveston North Jetty Light to Galveston South Jetty Light.

(b) A line formed by the centerline of the highway bridge over San Luis Pass.

(c) Lines formed by the centerlines of the highway bridges over the inlets to Christmas Bay (Cedar Cut) and Drum Bay.

(d) A line drawn from the seaward extremity of the Freeport North Jetty to Freeport Entrance Light 6; thence Freeport Entrance Light 7; thence the seaward extremity of Freeport South Jetty.

§ 82.850 Brazos River, TX to the Rio Grande, TX.

(a) Except as otherwise described in this section lines drawn continuing the general trend of the seaward, highwater shorelines across the inlets to Brazos River Diversion Channel, San Bernard River, Cedar Lakes, Brown Cedar Cut, Colorado River, Matagorda Bay Cedar Bayou, Corpus Christi Bay, and Laguna Madre.

(b) A line drawn across the seaward extremity of Matagorda Ship Channel North Jetties.

(c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Daybeacon 2; thence to Matagorda Light.

(d) A line drawn across the seaward extremity of the Aransas Pass Jetties.

(e) A line drawn across the seaward extremity of the Port Mansfield Entrance Jetties.

(f) A line drawn across the seaward extremity of the Brazos Santiago Pass Jetties.

PACIFIC COAST

ELEVENTH DISTRICT

§ 82.1105 Santa Catalina Island, CA.

The 72 COLREGS shall apply to the harbors on Santa Catalina Island.

§ 82.1110 San Diego Harbor, CA.

A line drawn from Zunica Jetty Light "V" to Zunica Jetty Light "Z"; thence to Point Loma Light.

§ 82.1115 Mission Bay, CA.

A line drawn drawn from Mission Bay South Jetty Light 2 to Mission Bay North Jetty Light 1.

§ 82.1120 Oceanside Harbor, CA.

A line drawn from Oceanside South Jetty Light 4 to Oceanside Breakwater Light 3.

§ 82.1125 Dana Point Harbor, CA.

A line drawn from Dana Point Jetty Light 6 to Dana Point Breakwater Light 5.

§ 82.1130 Newport Bay, CA.

A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

§ 82.1135 San Pedro Bay—Anaheim Bay, CA.

(a) A line drawn from Anaheim Bay East Jetty Light 6 to Anaheim Bay West Jetty Light 5; thence to Long Beach Breakwater East End Light.

(b) A line drawn from Long Beach Channel Entrance Light 2 to Long Beach Light.

(c) A line drawn from Los Angeles Main Entrance Channel Light 2 to Los Angeles Light.

§ 82.1140 Redondo Harbor, CA.

A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

§ 82.1145 Marina Del Rey, CA.

(a) A line drawn from Marina Del Ray Breakwater South Light 1 to Marina Del Rey Light 4.

(b) A line drawn from Marina Del Rey Breakwater North Light 2 to Marina Del Rey Light 3.

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(c) A line drawn from Marina Del Rey Light 4 to the seaward extremity of the Ballona Creek South Jetty.

§ 82.1150 Port Hueneme, CA.

A line drawn from Port Hueneme East Jetty Light 4 to Port Hueneme West Jetty Light 3.

§ 82.1155 Channel Islands Harbor, CA.

(a) A line drawn from Channel Islands Harbor South Jetty Light 2 to Channel Islands Harbor Breakwater South Light 1.

(b) A line drawn from Channel Islands Harbor Breakwater North Light to Channel Islands Harbor North Jetty Light 5.

§ 82.1160 Ventura Marina, CA.

A line drawn from Ventura Marina South Jetty Light 2 to Ventura Marina Breakwater South Light 1; thence to Ventura Marina North Jetty Light 3.

§ 82.1165 Santa Barbara Harbor, CA.

A line drawn from Santa Barbara Harbor Light 4 to Santa Barbara Harbor Breakwater Light.

TWELFTH DISTRICT

§ 82.1205 San Luis Obispo Bay, CA.

A line drawn from the southernmost extremity of Fossil Point to the seaward extremity of Whaler Island Breakwater.

§ 82.1210 Estero-Morro Bay, CA.

A line drawn from the seaward extremity of the Morro Bay East Breakwater to the Morro Bay West Breakwater Light.

§ 82.1215 Monterey Harbor, CA.

A line drawn from Monterey Harbor Light 6 to the northern extremity of Monterey Municipal Wharf 2.

§ 82.1220 Moss Landing Harbor, CA.

A line drawn from the seaward extremity of the pier located 0.3 mile south of Moss Landing Harbor Entrance to the seaward extremity of the Moss Landing Harbor North Breakwater.

§ 82.1225 Santa Cruz Harbor, CA.

A line drawn from the seaward extremity of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater Light; thence to Santa Cruz Light.

§ 82.1230 Pillar Point Harbor, CA.

A line drawn from Pillar Point Harbor Light 6 to Pillar Point Harbor Light 5.

§ 82.1250 San Francisco Harbor, CA.

A straight line drawn from Point Bonita Light through Mile Rocks Light to the shore.

§ 82.1255 Bodega and Tomales Bay, CA.

(a) An east-west line drawn through Tomales Bay Daybeacon 3 from Sand Point to Avalis Beach.

(b) A line drawn from the seaward extremity of Bodega Harbor North Breakwater to Bodega Harbor Entrance Light 1.

§ 82.1260 Albion River, CA.

A line drawn on an axis of 030° true through Albion River Light 1 across Albion Cove.

§ 82.1265 Noyo River, CA.

A line drawn from Noyo River Entrance Daybeacon 4 to Noyo River Entrance Light 5.

§ 82.1270 Arcata-Humboldt Bay, CA.

A line drawn from Humboldt Bay Entrance Light 4 to Humboldt Bay Entrance Light 3.

§ 82.1275 Crescent City Harbor, CA.

A line drawn from Crescent City Outer Breakwater Light to the southeasternmost extremity of Whaler Island.

THIRTEENTH DISTRICT

§ 82.1305 Chetco River, OR.

A line drawn from the seaward extremity of the Chetco Rive South Jetty to Chetco River Entrance Light 5.

§ 82.1310 Rogue River, OR.

A line drawn from the seaward extremity of the Rogue River Entrance South Jetty to Rogue River North Jetty Light 3.

§ 82.1315 Coquille River, OR.

A line drawn across the seaward extremity of the Coquille River Entrance Jetties.

§ 82.1320 Coos Bay, OR.

A line drawn across the seaward extremity of the Coos Bay Entrance Jetties.

§ 82.1325 Umpqua River, OR.

A line drawn across the seaward extremity of the Umpqua River Entrance Jetties.

§ 82.1330 Siuslaw River, OR.

A line drawn from the seaward extremity of the Siuslaw River Entrance South Jetty to Siuslaw River Light 9.

§ 82.1335 Alsea Bay, OR.

A line drawn from the seaward shoreline on the north of the Alsea Bay Entrance 165° true across the channel entrance.

§ 82.1340 Yaquina Bay, OR.

A line drawn from the seaward extremity of Yaquina Bay Entrance South Jetty to Yaquina Bay North Jetty Light 5.

§ 82.1345 Depoe Bay, OR.

A line drawn across the Depoe Bay Channel entrance parallel with the general trend of the highwater shoreline.

§ 82.1350 Netarts Bay, OR.

A line drawn from the northernmost extremity of the shore on the south side of Netarts Bay north to the opposite shoreline.

§ 82.1355 Tillamook Bay, OR.

A north-south line drawn from the lookout tower charted on the north side of the entrance to Tillamook Bay south to the Tillamook Bay South Jetty.

§ 82.1360 Nehalem River, OR.

A line drawn approximately parallel with the general trend of the highwater shoreline across the Nehalem River Entrance.

§ 82.1365 Columbia River Entrance, OR/WA.

A line drawn from the seaward extremity of the Columbia River North Jetty (above water) 155° true to the seaward extremity of the Columbia River South Jetty (above water).

§ 82.1370 Willapa Bay, WA.

A line drawn from Willapa Bay Light 171° true to the westernmost tripod charted 1.6 miles south of Leadbetter Point.

§ 82.1375 Grays Harbor, WA.

A line drawn from across the seaward extremity (above water) of the Grays Harbor Entrance Jetties.

§ 82.1380 Quillayute River, WA.

A line drawn from the seaward extremity of the Quillayute River Entrance East Jetty to the overhead power cable tower charted on James Island; thence a straight line through Quillayute River Entrance Light 3 to the shoreline.

§ 82.1385 Strait of Juan de Fuca.

(a) The 72 COLREGS shall apply on Neah Bay and the waters inside Ediz Hook (Port) Angeles Harbor).

(b) A line drawn from New Dungeness Light through Puget Sound Traffic Lane Entrance Lighted Buoy S to Rosario Strait Traffic Lane Entrance Lighted Horn Buoy R; through Hein Bank Lighted Bell Buoy to Cattle Point Light.

§ 82.1390 Haro Strait and Strait of Georgia.

(a) The 72 COLREGS shall apply on the bays of the southwest coast of San Juan Island from Cattle Point Light to Lime Kiln Light.

(b) A line drawn from Lime Kiln Light to Kellett Bluff Light; thence to Turn Point Light; thence to Skipjack Island Light; thence to Sucia Island Daybeacon 1.

(c) A line drawn from the shoreline of Sucia Island at latitude 48°46.1′ N. longitude 122°53.5′ W. through Clements Reef Buoy 2 to Alden Bank Lighted Gong Buoy A; thence to the westernmost tip of Birch Point at latitude 48°56.6′ N. longitude 122°49.2′ W.

(d) The 72 COLREGS shall apply in Semiamoo Bay and Drayton Harbor.

PACIFIC ISLANDS

FOURTEENTH DISTRICT

§ 82.1410 Hawaiian Island Exemption from General Rule.

Except as provided elsewhere in this part for Mamala Bay and Kaneohe Bay on Oahu; Port Allen and Nawiliwili Bay on Kauai; Kahului Harbor on Maui; and Kawaihae and Hilo Harbors on Hawaii, the 72 COLREGS shall apply on all other bays, harbors, and lagoons of the Hawaiian Island (including Midway).

§ 82.1420 Mamala Bay, Oahu, HI.

A line drawn from Barbers Point Light to Diamond Head Light.

§ 82.1430 Kaneohe Bay, Oahu, HI.

A straight line drawn from Pyramid Rock Light across Kaneohe Bay through the center of Mokolii Island to the shoreline.

§ 82.1440 Port Allen, Kauai, HI.

A line drawn from Hanapep Light to Hanapepe Bay Breakwater Light.

§ 82.1450 Nawiliwili Harbor, Kauai, HI.

A line drawn from Nawiliwili Harbor Breakwater Light to Kukii Point Light.

§ 82.1460 Kahului Harbor, Maui, HI.

A line drawn from Kahului Harbor Entrance East Breakwater Light to Kahului Harbor Entrance West Breakwater Light.

§ 82.1470 Kawaihae Harbor, Hawaii, HI.

A light drawn from Kawaihae Light to the seaward extremity of the Kawaihae South Breakwater.

§ 82.1480 Hilo Harbor, Hawaii, HI.

A line drawn from the seaward extremity of the Hilo Breakwater 265° true (as an extension of the seaward side of the breakwater) to the shoreline 0.2 nautical mile north of Alealea Point.

§ 82.1490 Apra Harbor, U.S. Territory of Guam.

A line drawn from the westernmost extremity of Orote Island to the westernmost extremity of Glass Breakwater.

§ 82.1495 U.S. Pacific Island Possessions.

The 72 COLREGS shall apply on the bays, harbors, lagoons, and waters surrounding the U.S. Pacific Island Possessions of American Soma, Baker, Canton, Howland, Jarvis, Johnson, Palmyra, Swains and Wake Island. (The Trust Territory of the Pacific Islands is not a U.S. possession, and therefore PART 82 does not apply thereto.)

ALASKA

SEVENTEENTH DISTRICT

§ 82.1705 Canadian (BC) and United States (AK) borders to Cape Muzon, AK.

(a) A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island 040° true to the mainland.

(b) A line drawn from the southernmost extremity of Sitklan Island to the southernmost extremity of Garnet Point, Kanagunut Island.

(c) A line drawn from the westernmost extremity of Tingbeg Island to the southwesternmost extremity of Tongass Island.

(d) A line drawn from the northern shoreline of Tongass Island at longitude 130°44.6′ W. to Tongass Reef Daybeacon; thence to Boat Rock Light; thence to the shoreline.

(e) A line drawn from Tree Point Light to Barren Island Light; thence to Cape Chacon Light; thence to Cape Muzon Light.

§ 82.1710 Cape Muzon, AK to Cape Bartolome, AK.

(a) The 72 COLREGS shall apply on the harbors, and bays of the west coast of Dall Island from Cape Muzon to Cape Lookout.

(b) A line drawn from the westernmost extremity of Cape Lookout to Diver Islands Light; thence to the southernmost extremity of Cape Felix; thence to Cape Bartolome Light.

§ 82.1715 Cape Bartolome, AK to Cape Ulitka, AK.

A line drawn from the westernmost exteremity of Outer Point on Baker Island to the southernmost extremity of St. Nicholas Point on Noyes Island.

§ 82.1720 Cape Ulitka, AK to Cape Ommaney, AK.

(a) A line drawn from Cape Ulitka Light to the southwesternmost extremity of St. Joseph Island.

(b) A line drawn from south-north like (longitude 133°42.8′ W.) from the northernmost extremity of St. Joseph Island to the southernmost extremity of the Wood Islands.

(c) A line drawn from the northwesternmost extremity of Wood Island to Cape Lynch Light; thence to the southwesternmost extremity of Boot Point on Warren Island.

(d) A line drawn from the northwesternmost extremity of Point Borlase on Warren Island to the northeastern extremity of the Spanish Islands.

(e) A line drawn from Spanish Islands Light to Cape Decision Light; thence through Cape Ommaney Light to the shoreline.

(f) The 72 COLREGS shall apply on the bays and harbors of Coronation Island.

§ 82.1725 Cape Ommaney, AK to Cape Edgecumbe, AK.

(a) The 72 COLREGS shall apply on the bays, inlets, and harbors of the west coast of Barauof Island from Cape Ommaney to Cape Burunof.

(b) A line drawn from the westernmost extremity of Cape Burunof to Kulichkof Rock; thence to Vitskari Island Light; thence to the southeasternmost extremity of Shoals Point on Kruzof Island.

§ 82.1730 Cape Edgecumbe, AK, to Cape Spencer, AK.

(a) The 72 COLREGS shall apply on the bays and harbors of the south and west coasts of Kruzof Island from Shoals Point to Cape Georgiana.

(b) A line drawn from the northwesternmost extremity of Cape Georgiana on Kruzof Island to Klokachef Island Light.

(c) A line drawn from the northernmost extremity of Fortuna Point on Klokachef Island 055° true to the shoreline of Khaz Peninsula.

(d) The 72 COLREGS shall apply on the bays, inlets and harbors of the west coast of Chichogof Island from Fortuna Strait to Esther Island.

(e) A line drawn from Lisianski Strait Entrance Light to the southernmost extremity of Point Theodore on Yakobi Island.

(f) The 72 COLREGS shall apply on the bays and harbors of the west coast of Yakobi Island from Point Theodore to Soapstone Point.

(g) A line drawn from Lisianski Inlet Light to Cape Spencer Light; thence to the southernmost extremity of Cape Spencer.

§ 82.1735 Cape Spencer, AK to Point Whitshed, AK.

The 72 COLREGS shall apply on the bays and harbors from Cape Spencer to Point Whitshed on the coast of Alaska Mainland.

§ 82.1740 Prince William Sound, AK.

(a) Hawkins Island Cutoff: A line drawn from Point Whitshed on the Alaska Mainland at position 60°26.7′ N 145°52.7′ W. west-south-westerly to Point Bentinck aero-beacon on Hinchinbrook Island.

(b) Hinchinbrook Entrance: A line drawn from Cape Hinchinbrook Light northerly to Schooner Rock Light.

(c) Montague Strait: A line drawn from a point on the western end of Montague Island at position 59°50.2′ N. 147°54.4′ W. northwesterly to Point Elrington Light on Elrington Island thence due west to the Alaska Mainland at Cape Puget.

§ 82.1750 Alaska west and north of Prince William Sound.

The 72 COLREGS shall apply on the sounds, bays, inlets, and harbors of Alaska west of Cape Puget, Kodiak Island, Aleutian Islands, and the west and north coasts of Alaska.

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964; (14 U.S.C. 2); 49 CFR 1.46(b))

Dated: June 30. 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-19342 Filed 7-8-77;8:45 am]

[CGD 76-123]

INTERNATIONAL REGULATIONS FOR

nected in a composite unit. The concept of "composite unit" is new to the rules

4. By grouping § 87.5 through § 87.17 under a center-head that reads as fol-

[CGD 77-125]

DRAFTING INFORMATION

8117, Department of Transportation.

[CGD 76-133]

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Implementation and Interpretation

ACTION: Final rule.

AGENCY: Coast Guard, DOT.

SUMMARY: The amendments in this document implement and interpret the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). The new international regulations will go into effect as law on and after July 15, 1977. The amendments in this document are needed by the public, and especially by mariners, to comply with the 72 COLREGS.

EFFECTIVE DATE: These amendments become effective on July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTAL INFORMATION: Certain regulations in Title 33, Code of Federal Regulations, concern the international "rules of the road" currently in effect. The current rules are the International Regulations for Preventing Collisions at Sea, 1960 (60 COLREGS) (16 UST 794, TIAS 5813), which are codified in 33 U.S.C. 1051-1094. The 60 COLREGS are being replaced by th e72 COLREGS.

The 72 COLREGS were recently adopted by an international convention and the United States deposited its Instrument of Acceptance on November 23, 1976. As proclaimed by the President on January 19, 1977, the convention will enter into force, as law, in the United States on and after July 15, 1977. As of that date, the 72 COLREGS apply to U.S. vessels on the high seas and to all vessels within the territorial sea of the United States to seaward of the Line of Demarcation, described in 33 CFR 82. As directed by Executive Order 11964 of January 19, 1977, the 72 COLREGS have been published in the March 31, 1977, issue of the FEDERAL REGISTER (42 FR 17112).

While most of the 72 COLREGS are simply revisions to the wording of the 60 COLREGS, there are several requirements in the 72 COLREGS that reflect changes in marine transportation technology that have occurred since the development of the 60 COLREGS. The interpretative rule in this document reflects a practice that has evolved since 1960. It interprets a provision that must be sufficiently explained so that the provision can be uniformly applied to all vessels.

Rule 24(b) addresses the lighting requirements for a pushing vessel and a vessel being pushed ahead rigidly connected in a composite unit. The concept of "composite unit" is new to the rules. The Coast Guard interprets this term to require those vessels to be connected rigidly by mechanical means other than lines or hawsers, wire or chain.

Section 3 of the Executive Order 11964 states that the Secretary of the Department in which the Coast Guard is operating is authorized to exempt, in accord with Rule 38 of the 72 COLREGS, any vessel or class of vessels, the keel of which is laid, or which is at a corresponding state of construction before July 15, 1977, from full compliance with the International Regulations provided that such vessel or class of vessels complies with the requirements of the 60 COLREGS. The Secretary of the Navy has been granted this authority to exempt vessels of the Navy. Notice of any exemptions granted is required to be published in the FEDERAL REGISTER. In order that the mariner not have to file for these exemptions for each vessel and in keeping with the Administration's policy of reducing the amount of governmental red tape, the Coast Guard has given the broadest interpretation to its authority, especially since it contains the phrase "class of vessel." Accordingly, Rule 38 is considered to extend to each vessel under the 72 COLREGS, except for vessels of the Navy, that has its keel laid or is at a corresponding stage of construction before July 12, 1977, and that complies with the requirements of the 60 COLREGS.

This document also contains editorial corrections to Subchapter DD necessitated by the amendments contained in this document.

Since these amendments are either editorial in nature, are interpretative rules, or concern a foreign affairs function of the United States, they are excepted from the rulemaking requirements in 5 U.S.C. 553 and may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting these regulations are: Mr. Williams, and Mr. Stanley M. Colby, Project Office of Marine Environment and Systems, and Mr. Stanley M. Colby, Project Counsel, Office of the Chief Counsel.

Accordingly, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

PART 85—INTERPRETIVE RULINGS—INTERNATIONAL RULES [RESERVED]

1. Part 85 is revoked and reserved.

PART 87—72 COLREGS: IMPLEMENTING RULES

2. By revising the heading of Part 87 to read as set forth above.

§ 87.1 [Amended]

3. By striking the word "part" in the introductory language of § 87.1 and inserting the word "subchapter" in place thereof.

4. By grouping § 87.5 through § 87.17 under a center-head that reads as follows:

ALTERNATIVE COMPLIANCE

* * * * *

4. By adding § 87.20 under a centerhead to read as follows:

EXEMPTIONS

§ 87.20 Lights and sound signal appliances.

Each vessel under the 72 COLREGS, except the vessels of the Navy, is exempt from the requirements of the 72 COLREGS to the limitation for the period of time stated in Rule 38 (a), (b), (c), (d), (e), (f), and (g) if—

(a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and

(b) She meets the International Regulations for Preventing Collisions at Sea, 1960 (77 Stat. 194, 33 U.S.C. 1051-1094).

NOTE.—Appendix A of this subchapter contains the 72 COLREGS.

PART 88—72 COLREGS: INTERPRETATIVE RULES

5. By adding Part 88 to read as follows:

Sec.
88.1 Purpose.
88.3 Pushing vessel and vessel being pushed: Composite unit.

AUTHORITY: Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964; 49 CFR 1.46(b).

§ 88.1 Purpose.

This part contains the interpretative rules concerning the 72 COLREGS that are adopted by the Coast Guard for the guidance of the public.

§ 88.3 Pushing vessel and vessel being pushed: Composite unit.

Rule 24(b) of the 72 COLREGS states that when a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit, they are regarded as a power-driven vessel and must exhibit the lights under Rule 23. A "composite unit" is interpreted to be a pushing vessel that is rigidly connected by mechanical means to a vessel being pushed so they react to sea and swell as one vessel. "Mechanical means" does not include the following:

(a) Lines.
(b) Hawsers.
(c) Wires.
(d) Chains.

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b).)

Dated: June 30, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-19345 Filed 7-8-77;8:45 am]

[CGD 77-125]

PART 96—INTERPRETIVE RULINGS

Lights on Seagoing Steam Vessels Underway on Western Rivers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment interprets Rule 5 of the Rules of the Road for Western Rivers to provide that a *seagoing* steam vessel underway must carry lights as required by Rule 23 of the International Regulations for Preventing Collisions at Sea, 1972. The 1972 international rules were recently adopted and will go into effect as law in the United States on and after July 15, 1977. The effect of this amendment will be to require *seagoing* steam vessels when underway on the Western Rivers to use the navigation lights required by the 1972 international rules rather than lights required by previous international rules.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202 426-1477).

SUPPLEMENTARY INFORMATION: Rule 5 of the Rules of the Road for Western Rivers requires a *seagoing* steam vessel underway to carry lights as required by Article 2 of the International Rules, as amended. When Rule 5 was enacted into law, Article 2 of the international rules was contained in the International Rules for Navigation at Sea, 1890. The most recent revision to Article 2 is contained in Rule 23 in the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). Accordingly, Rule 5 as interpreted in this rule making requires a *seagoing* steam vessel underway on the Western Rivers to carry lights as required by Rule 23 of the 72 COLREGS.

The 72 COLREGS were recently adopted by international convention. The United States deposited its Instrument of Acceptance on November 23, 1976; and as proclaimed by the President on January 19, 1977, the convention will enter into force as law in the United States on and after July 15, 1977. The 72 COLREGS replace the International Rules For Preventing Collisions at Sea, 1960, which are codified in 33 U.S.C. 1051-1094. In accordance with Executive Order 11964 of January 19, 1977, the 72 COLREGS have been published in the FEDERAL REGISTER. (See the FEDERAL REGISTER of March 31, 1977, beginning at page 17112.)

The effective date of the amendment in this document is July 15, 1977, in order to coincide with the effective date of the 72 COLREGS.

Since this amendment is an interpretive rule, it is excepted from the rule making requirements in 5 U.S.C. 553 and may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this regulation are: William McGovern, Project Manager, Office of Marine Environment and Systems, and William R. Register, Project Counsel, Office of the Chief Counsel.

Accordingly, Part 96 of Title 33, Code of Federal Regulations, is amended by adding a new § 96.05-10 to read as follows:

§ 96.05-10 Lights on seagoing steam vessels underway.

Rule 5 of the Rules of the Road for Western Rivers (Rule Numbered 5 of Section 4233 of the Revised Statutes, as amended by the Act of May 21, 1948, 62 Stat. 250) requires a seagoing steam vessel underway to carry lights as required by Article 2 of the International Rules, as amended. The most recent revision to Article 2 is contained in Rule 23 of the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS). Accordingly, Rule 5 as interpreted requires that a seagoing steam vessel underway carry lights as required by Rule 23 of the 72 COLREGS.

(5 U.S.C. 552, 14 U.S.C. 633, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)).)

Dated: June 30, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.77-19346 Filed 7-8-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-118b]

PART 7—BOUNDARY LINES

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

Republication of Boundary Lines

AGENCY: Coast Guard. DOT.

ACTION: Final Rule.

SUMMARY: These amendments establish a new part to publish the boundary lines that are used to ascertain the applicability of statutes relating to vessel inspection, equipment, and manning requirements. These boundary lines are transferred from an existing part to a new part because when the International Regulations for Preventing Collisions at Sea 1972 (COLREGS 72) come in to force on July 15, 1977, it will no longer be legally possible for the United States to use the existing boundary lines which in some cases would require vessels to comply with the Navigation Rules for Harbors, Rivers, and Inland Waters upon the high seas.

EFFECTIVE DATE: This amendment is effective at 1200 hours, Zone Time on July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation. Nassif Building, 400 Seventh Street. SW., Washington. D.C. 20590 (202 426-1477).

SUPPLEMENTARY INFORMATION: Since this amendment is concerned with a foreign affairs function of the United States and agency procedure, it is excepted from the rulemaking requirements under 5 U.S.C. 553 and may be made effective less than thirty days after publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Captain C. R. Hallberg and Lieutenant E. J. Gill, Jr., Project Attorneys, Office of the Chief Counsel.

DISCUSSION OF REGULATIONS

The Coast Guard will study the placement of the boundary lines set out in this document. Consideration will be given to moving the lines to reflect the limited purpose of the lines—delineating the application of certain vessel inspection. equipment and manning statutes. Upon completion of the study, notice will be issued in the FEDERAL REGISTER providing an opportunity to comment on relocation of these boundary lines.

Editorial changes are made to the boundary lines in order to clarify some existing discrepancies.

A fuller discussion of these amendments appears at page 35782 of this issue of the FEDERAL REGISTER.

Accordingly, Title 46 of the Code of Federal Regulations is amended as follows:

1. By adding a new Part 7 to read as follows:

GENERAL

Sec.
7.1 General purpose of boundary lines

ATLANTIC COAST

7.5 All harbors on the coast of Maine, New Hampshire, and Massachusetts between West Quoddy Head, Maine, and Cape Ann Light, Mass.
7.10 Massachusetts Bay.
7.15 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and easterly entrance to Long Island Sound
7.20 New York Harbor.
7.25 Delaware Bay and tributaries.
7.30 Chesapeake Bay and tributaries.
7.35 Charleston Harbor.
7.40 Savannah Harbor.
7.45 St. Simons Sound, St. Andrew Sound, and Cumberland Sound.
7.50 St. Johns River, Fla.
7.55 Florida Reefs and Keys from Miami to Marquesas Keys.

GULF COAST

7.60 Florida Keys from Marquesas to Cape Sable.
7.65 San Carlos Bay and tributaries.
7.70 Charlotte Harbor, Fla., and tributaries.
7.80 Tampa Bay and tributaries.
7.89 Apalachee Bay, Fla.
7.95 Mobile Bay, Ala., to Mississippi Passes, La.
7.100 Mississippi River.
7.103 Mississippi Passes, La., to Sabine Pass, Tex.
7.106 Sabine Pass, Tex., to Galveston, Tex.

Sec.
7.111 Galveston, Tex., to Brazos River, Tex.

Island, to the southernmost point of

§ 7.50 St. Johns River, Fla.

River and its tributaries above the Huey

§ 7.129 Arcata—Humboldt Bay.

§ 7.151 Marina del Rey.

Sec
7.111 Galveston, Tex., to Brazos River, Tex.
7.116 Brazos River, Tex., to Rio Grande, Tex.

PACIFIC COAST

7.120 Strait of Juan de Fuca, Haro Strait, and Strait of Georgia.
7.122 Grays Harbor, Wash.
7.125 Columbia River Entrance.
7.127 Crescent City Harbor.
7.129 Arcata—Humboldt Bay.
7.131 Bodega and Tomales Bays.
7.133 San Francisco Harbor.
7.135 Santa Cruz Harbor.
7.137 Moss Landing Harbor.
7.139 Monterey Harbor.
7.141 Estero-Morro Bay.
7.143 San Luis Obispo Bay.
7.144 Ventura Marina.
7.145 San Pedro Bay.
7.147 Santa Barbara Harbor.
7.149 Port Hueneme.
7.151 Marina del Rey.
7.153 Redondo Harbor.
7.155 Newport Bay.
7.157 San Diego Harbor.
7.159 Isthmus Cove (Santa Catalina Island).
7.161 Avalon Bay (Santa Catalina Island).

HAWAII

7.175 Mamala Bay.

PUERTO RICO AND VIRGIN ISLANDS

7.200 Bahia de San Juan.
7.205 Puerto Arecibo.
7.210 Bahia de Mayaguez.
7.215 Bahia de Guanica.
7.220 Bahia de Guayanilla -Bahia de Tallaboa.
7.225 Bahia de Ponce.
7.230 Bahia de Jobos.
7.235 St. Thomas Harbor, St. Thomas.
7.240 Christiansted Harbor, Island of St. Croix, Virgin Islands.
7.245 Sonda de Vieques.

ALASKA

7.275 Bays, sounds, straits and inlets on the coast of southeastern Alaska between Cape Spencer Light and Sitkian Island.

AUTHORITY: Sec. 2, 28 Stat. 672 as amended (33 U.S.C. 151); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

GENERAL

§ 7.1 General purpose of boundary lines.

The lines in this part delineate the application of certain domestic statutes relating to vessel inspection, equipment, and manning requirements.

ATLANTIC COAST

§ 7.5 All harbors on the coast of Maine, New Hampshire, and Massachusetts between West Quoddy Head, Maine, and Cape Ann Light, Mass.

A line drawn from Sail Rock Lighted Whistle Buoy 1 to the southeasternmost extremity of Long Point, Maine, to the southeasternmost extremity of Western Head; thence to the southeasternmost extremity of Old Man; thence to the southernmost extremity of Double Shot Islands; thence to Libby Island Light; thence to Moose Peak Light; thence to the eastern extremity of Little Pond Head. A line drawn from the southern extremity of Pond Point, Great Wass Island, to the southernmost point of Crumple Island; thence to Petit Manan Light; thence to Mount Desert Light; thence to Matinicus Rock Light; thence to Monhegan Island Light; thence to Seguin Light; thence to Portland Lighted Horn Buoy A; thence to Boon Island Light; thence to Cape Ann Lighted Whistle Buoy 2.

§ 7.10 Massachusetts Bay.

A line drawn from Cape Ann Lighted Whistle Buoy 2 to Boston Lighted Horn Buoy B; thence to Cape Cod Light.

§ 7.15 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and easterly entrance to Long Island Sound.

(a) A line drawn from Chatham Light to Pollock Rip Lighted Horn Buoy "PR"; thence to Great Round Shoal Channel Entrance Lighted Whistle Buoy "GRS"; thence to Sankaty Head Light.

(b) A line drawn from the westernmost extremity of Smith Point, Esther Island, to No Mans Land Lighted Whistle Buoy 2; thence to Gay Head Light; thence to Block Island Southeast Light; thence to Montauk Point Light on the easterly end of Long Island, N.Y.

§ 7.20 New York Harbor.

A line drawn from East Rockaway Inlet Breakwater Light to Ambrose Light; thence to Highlands Light (north tower).

§ 7.25 Delaware Bay and tributaries.

A line drawn from Cape May Inlet East Jetty Light to Cape May Harbor Inlet Lighted Bell Buoy 2CM; thence to South Shoal Lighted Bell Buoy 4; thence to the northernmost extremity of Cape Henlopen.

§ 7.30 Chesapeake Bay and tributaries.

A line drawn from Cape Henry Light to Cape Henry Buoy 1; thence to Chesapeake Bay Entrance Lighted Bell Buoy CBC; thence to North Chesapeake Entrance Lighted Gong Buoy NCD; thence to Cape Charles Light.

§ 7.35 Charleston Harbor.

A line drawn from Charleston Light on Sullivans Island to Charleston Lighted Whistle Buoy 2C; thence to Folly Island loran tower.

§ 7.40 Savannah Harbor.

A line drawn from the southwesternmost extremity of Braddock Point to Tybee Lighted Whistle Buoy T; thence to the southernmost point of Savannah Beach, bearing approximately 278° true.

§ 7.45 St. Simons Sound, St. Andrew Sound, and Cumberland Sound.

A line drawn from the tower located 1,700 yards, bearing 068° true from St. Simons Light to St. Simons Lighted Whistle Buoy St. S; thence to St. Andrew Sound Outer Entrance Buoy; thence to St. Marys Entrance Lighted Whistle Buoy STM; thence to Amelia Island Light.

§ 7.50 St. Johns River, Fla.

A line drawn from the east end of the north jetty to the east end of the south jetty.

§ 7.55 Florida Reefs and Keys from Miami to Marquesas Keys.

A line drawn from the east end of the north jetty at the entrance to Miami Harbor, to Miami Lighted Whistle Buoy M; thence to Fowey Rocks Light; thence to Pacific Reef Light; thence to Carysfort Reef Light; thence to Molasses Reef Light; thence to Alligator Reef Light; thence to Tennessee Reef Light; thence to Sombrero Key Light; thence to American Shoal Light; thence to Key West Entrance Lighted Whistle Buoy; thence to Sand Key Light; thence to Cosgrove Shoal Light; thence to the westernmost extremity of Marquesas Keys.

GULF COAST

§ 7.60 Florida Keys from Marquesas to Cape Sable.

A line drawn from the northwesternmost extremity of Marquesas Keys to Northwest Channel Entrance Lighted Bell Buoy 1; thence to the southernmost extremity of East Cape, Cape Sable.

§ 7.65 San Carlos Bay and tributaries.

A line drawn from the northwesternmost point of Estero Island to San Carlos Bay Light 2; thence to San Carlos Bay Light 1; thence to Sanibel Island Light.

§ 7.70 Charlotte Harbor, Fla., and tributaries.

Eastward of Charlotte Harbor Entrance Lighted Bell Buoy off Boca Grande.

§ 7.80 Tampa Bay and tributaries.

A line drawn from the southernmost extremity of Long Key, Fla., to Tampa Bay Lighted Whistle Buoy; thence to Southwest Channel Entrance Lighted Bell Buoy 1; thence to the shore on the northwest side of Anna Maria Key, bearing 109° true.

§ 7.89 Apalachee Bay, Fla.

Those waters lying north of a line drawn from Lighthouse Point on St. James Island to Gamble Point on the east side of the entrance to the Aucilla River, Fla.

§ 7.95 Mobile Bay, Ala., to Mississippi Passes, La.

Starting from a point which is located 1 mile, 90° true, from Mobile Point Light, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Light; thence to Chandeleur Light; thence in a curved line following the general trend of the seaward, highwater shorelines of the Chandeleur Islands to the southwesternmost extremity of Errol Shoal (23°35.8′ N. latitude, 89°00.8′ W. longitude); thence to a point 5.1 miles 107° true, from Pass at Loutre Abandoned Lighthouse.

§ 7.100 Mississippi River.

The Pilot Rules for Western Rivers are to be followed in the Mississippi River and its tributaries above the Huey P. Long Bridge.

§ 7.103 Mississippi Passes, La., to Sabine Pass, Tex.

A line drawn from a point 5.1 miles, 107° true, from Pass a Loutre Abandoned Lighthouse to South Pass Lighted Whistle Buoy 2; thence to southwest Pass Entrance Midchannel Lighted Whistle Buoy; thence to Ship Shoal Daybeacon; thence to Calcasieu Channel Lighted Buoy 20; thence to Sabine Bank Channel Lighted Bell Buoy 12.

§ 7.106 Sabine Pass, Tex., to Galveston, Tex.

A line drawn from Sabine Bank Channel Lighted Bell Buoy 12 to Galveston Bay Entrance Channel Lighted Whistle Buoy 1.

§ 7.111 Galveston, Tex., to Brazos River, Tex.

A line drawn from Galveston Bay Entrance Channel Lighted Whistle Buoy 1 to Freeport Entrance Lighted Whistle Buoy 1.

§ 7.116 Brazos River, Tex., to the Rio Grande, Tex.

A line drawn from Freeport Entrance Lighted Whistle Buoy 1 to a point 4,350 yards, 118° true, from Matagorda Light; thence to Aransas Pass Lighted Whistle Buoy AP; thence to a position 10.5 miles, 90° true, from the north end of Lopeno Island (27°00.1′ N. latitude, 97°15.5′ W. longitude); thence to Brazos Santiago Entrance Lighted Whistle Buoy 1.

PACIFIC COAST

§ 7.120 Strait of Juan de Fuca, Haro Strait, and Strait of Georgia.

(a) A line drawn from the northernmost point of Angeles Point to Hein Bank Lighted Bell Buoy; thence to Salmon Bank Lighted Gong Buoy 3; thence to Cattle Point Light on San Juan Island.

(b) A line drawn from Lime Kiln Light to Kellett Bluff Light on Henry Island; thence to Turn Point Light on Stuart Island; thence to Skipjack Island Light; thence to Clements Reef Buoy 2; thence to Alden Bank Lighted Gong Buoy A; thence due north to a point on the United States-Canada boundary at latitude 49°00′08″ N., longtitude 122°52′32″ W.

§ 7.122 Grays Harbor, Wash.

A line drawn from Grays Harbor Bar Range Rear Light to Grays Harbor Entrance Lighted Whistle Buoy 3; thence to Grays Harbor Entrance Lighted Whistle Buoy 2; thence to Grays Harbor Light.

§ 7.125 Columbia River Entrance.

A line drawn from the west end of the north jetty (above water) to Columbia River South Jetty Bell Buoy 2SJ.

§ 7.127 Crescent City Harbor.

A line drawn from Crescent City Outer Breakwater to the highest point in the center of Whaler Island.

§ 7.129 Arcata—Humboldt Bay.

A line drawn from the outer end of Humboldt Bay North Jetty to the outer end of Humboldt Bay South Jetty.

§ 7.131 Bodega and Tomales Bays.

A line drawn from the northwestern tip of Tomales Point to Tomales Point Lighted Horn Buoy 2; thence to Bodega Harbor Approach Lighted Gong Buoy BA; thence to the southrnmost extremity of Bodega Head.

§ 7.133 San Francisco Harbor.

A straight line from Point Bonita Light drawn through Mile Rocks Light to the shore.

§ 7.135 Santa Cruz Harbor.

A line drawn from Santa Cruz Light to the southernmost projection of Soquel Point.

§ 7.137 Moss Landing Harbor.

A line drawn from the west end of Moss Landing Harbor North Breakwater to the west end of the pier located 0.3 mile to the south of Moss Landing Harbor North Breakwater.

§ 7.139 Monterey Harbor.

A line drawn from Monterey Harbor Breakwater Light to Monterey Harbor Anchorage Buoy B; thence to Monterey Harbor Anchorage Buoy A; thence to the north end of Monterey Municipal Wharf 2.

§ 7.141 Estero-Morro Bay.

A line drawn from the outer end of Morro Bay Entrance East Breakwater to Morro Bay Entrance Lighted Bell Buoy 1; thence to Morro Bay West Breakwater Light.

§ 7.143 San Luis Obispo Bay.

A light drawn from the outer end of Whaler Island Breakwater to the southernmost tip of Fossil Point.

§ 7.144 Ventura Marina.

(a) A line drawn from the south end of the detached breakwater to Ventura Marina Light 4.

(b) A line drawn 080° true from the north end of the detached breakwater to shore.

§ 7.145 San Pedro Bay.

A line drawn from Los Angeles Light to Los Angeles Main Channel Entrance Light 2; a line drawn from Long Beach Light to Long Beach Channel Entrance Light 2; a line drawn from Long Beach Breakwater East End Light to Anaheim Bay West Jetty Light 5; thence to Anaheim Bay East Jetty Light 6.

§ 7.147 Santa Barbara Harbor.

A line drawn from Stearns Wharf Light 4 to Santa Barbara Harbor Lighted Bell Buoy 1, thence to Santa Barbara Harbor Breakwater Light.

§ 7.149 Port Hueneme.

A line drawn from Port Hueneme West Jetty Light 1 to the southwest end of Port Hueneme East Jetty.

§ 7.151 Marina del Rey.

A line from Marina del Rey Detached Breakwater Light 1 to shore, in the direction 060° true; a line from Marina del Rey Detached Breakwater North Light 2 to shore, in the direction 060° true.

§ 7.153 Redondo Harbor.

A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

§ 7.155 Newport Bay.

A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

§ 7.157 San Diego Harbor.

A line drawn from the southerly tower of the Coronado Hotel to San Diego Channel Lighted Bell Buoy 5; thence to Point Loma Light.

§ 7.159 Isthmus Cove (Santa Catalina Island).

A line drawn from the northernmost point of Lion Head to the north tangent of Bird Rock Island; thence to the northernmost point of Blue Cavern Point.

§ 7.161 Avalon Bay (Santa Catalina Island).

A line drawn from White Rock to the northernmost point of Abalone Point.

HAWAII

§ 7.175 Mamala Bay.

A line drawn from Barbers Point Light to Diamond Head Light.

PUERTO RICO AND VIRGIN ISLANDS

§ 7.200 Bahia de San Juan.

A line drawn from the northwesternmost extremity of Punta del Morro to Puerto San Juan Lighted Buoy 1; thence to Puerto San Juan Lighted Buoy 2; thence to the northernmost extremity of Isla de Cabras.

§ 7.205 Puerto Arecibo.

A line drawn from the westernmost extremity of the breakwater through Puerto Arecibo Buoy 1; thence through Puerto Arecibo Buoy 2; thence to shore in line with the Church tower in Arecibo.

§ 7.210 Bahia de Mayaguez.

A line drawn from the southernmost extremity of Punta Algarrobo to Bahia de Mayaguez Entrance Lighted Buoy 3; thence to Bahia de Mayaguez Entrance Lighted Buoy 4; thence to the northwesternmost extremity of Punta Guanajibo.

§ 7.215 Bahia de Guanica.

A line drawn from the easternmost extremity of Punta Brea through Bahia de Guanica Lighted Buoy 6; thence to the westernmost extremity of Punta Jacinto.

§ 7.220 Bahia de Guayanilla-Bahia de Tallaboa.

A line drawn from the southernmost tip of Punta Ventana to Bahia de Guayanilla Entrance Lighted Buoy 1; thence to

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Bahia de Tallaboa Lighted Buoy 1; thence 050° true through the southeastern tip of Cayo Parguera to the shoreline.

§ 7.225 Bahia de Ponce.

A line drawn from the southeasternmost extremity of Punta Cuchara through Bahia de Ponce Lighted Buoy 1; thence to Bahia de Ponce Lighted Buoy 2; thence to the southwesternmost extremity of Punta Cabullon.

§ 7.230 Bahia de Jobos.

A line drawn from Punta Arenas through Bahia de Jobos Light; thence to Bahia de Jobos entrance Lighted Buoy 2; thence to the southernmost extremity of Cayo Morrillo; thence to the southernmost extremity of Cayos de Pajaros.

§ 7.235 St. Thomas Harbor, St. Thomas.

A line drawn from the southernmost extremity of Red Point through West Gregerie Channel Buoy 1; thence to West Gregerie Channel Lighted Buoy 2; thence to the southernmost extremity of Flamingo Point; thence to St. Thomas Harbor Entrance Lighted Buoy 2; thence to the Green Cay.

§ 7.240 Christiansted Harbor, Island of St. Croix, Virgin Islands.

A line drawn from Shoy Point to Christiansted Harbor Channel Lighted Buoy 1; thence to stack at Little Princess northwestward of leper settlement.

§ 7.245 Sonda de Vieques.

A line drawn from the easternmost extremity of Punta Yeguas, Puerto Rico, to a point 1 mile due south of Puerto Ferro Light; thence eastward in a straight line to a point 1 mile southeast of Punta Este Light, Isla de Vieques; thence in a straight line to the easternmost extremity of Punta del Este, Isla Culebrita. A line from the northernmost extremity of Cayo Norte to Piedra Stevens Lighted Buoy 1; thence to Las Cucarachas Light; thence to Cabo San Juan Light.

ALASKA

§ 7.275 Bays, sounds, straits and inlets on the coast of southeastern Alaska between Cape Spencer Light and Sitklan Island.

A line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgecumbe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is 1 mile, 180° true, from Cape Chacon Light; thence to Barren Island Light; thence to Lord Rock Light; thence to the southernmost extremity of Garnet Point, Kanagunut Island, thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 040° true, to where it intersects the mainland.

§ 42.03–1 [Amended]

2. In the note after § 42.03–1(b), by striking the words "33 CFR Part 82" and inserting the words "46 CFR Part 7" in place thereof.

(Sec. 2, 28 Stat. 672 as amended (33 U.S.C. 151); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

Dated: June 30, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard.
Acting Commandant.

[FR Doc.77-19343 Filed 7-8-77;8:45 am]

[CGD 77-126]

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

AGENCY: Coast Guard, DOT.

ACTION: Final Rules.

SUMMARY: The amendments in this document update existing references in Coast Guard regulations to the international rules for preventing collisions at sea. New international rules were recently adopted and will go into effect as law in the United States on and after July 15, 1977. The amendments also interpret Section 3 of the Motor Boat Act of April 25, 1940, to require motorboats underway in waters subject to the Act to carry either the navigation lights prescribed by Section 3 or the lights required by the new international rules. The effect of this action will be to require motorboats that elect to carry navigation lights required by the international rules when underway in waters subject to the Motor Boat Act to meet the requirements of the new rules on and after July 15, 1977.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (C–CMC/81), 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: Certain Coast Guard regulations in Title 46 contain references to the international "rules of the road" currently in effect. The current rules are The International Rules For Preventing Collisions at Sea, 1960, which are codified at 33 U.S.C. 1051–1094. The 1960 rules replaced the International Regulations For Preventing Collisions at Sea, 1948, and in turn are being replaced as of July 15, 1977, by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS). Accordingly, the updated references in the amendments to §§ 25.05–1, 96.20–1, and 195.20–1 are to the 72 COLREGS.

The 72 COLREGS were recently adopted by international convention. The United States deposited its Instrument of Acceptance on November 23, 1976; and as proclaimed by the President on January 19, 1977, the convention will enter into force as law in the United States on and after July 15, 1977. In accordance with Executive Order 11964 of January 19, 1977, the 72 COLREGS have been published in the FEDERAL REGISTER (See the FEDERAL REGISTER of March 31, 1977, beginning at page 17112).

Section 3 of the Motor Boat Act of April 25, 1940 (Motorboat Act) requires in part that motorboats, when underway in waters subject to the Act, carry either the navigation lights prescribed by the Motorboat Act or the navigation lights required by the International Regulations For Preventing Collisions at Sea, 1948, as amended. (The waters subject to the Motorboat Act are the waters governed by the Inland, Great Lakes, and Western Rivers Rules of the Road.) The current regulations in §§ 25.05–10 and 96.20–10 that implement Section 3 do not specify the applicable amendments. The most recent revisions to the 1948 international rules are the 72 COLREGS. Accordingly, the Coast Guard interprets Section 3 of the Motorboat Act to require motorboats when underway in waters subject to the Inland, Great Lakes, or Western Rivers Rules of the Road to carry the navigation lights prescribed by the Motorboat Act or, in lieu of those lights, the navigation lights prescribed by the 72 COLREGS. The amendments to §§ 25.05–10 and 96.20–10 reflect this interpretation.

The 72 COLREGS contain several technical requirements for lights that were not contained in previous international rules. Rule 38 of the 72 COLREGS provides for exempting vessels or classes of vessels from compliance with specific technical requirements for time periods prescribed in that rule. Because of these exemptions, which are published elsewhere in this issue of the FEDERAL REGISTER, the regulations in this document should not have immediate impact on motorboats that carry navigation lights required by the current international rules of the road.

In addition to the amendments discussed above, the final rules contain minor editorial revisions that make no substantive changes to the existing regulations.

The effective date of the amendments in this document is July 15, 1977, in order to coincide with the effective date of the 72 COLREGS.

Since these amendments are editorial changes and interpretive rules, they are excepted from the rulemaking requirements in 5 U.S.C. 553 and may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting these regulations are: William McGovern, Project Manager, Office of Marine Environment and Systems, and William R. Register, Project Counsel, Office of the Chief Counsel.

Accordingly, Title 46, Code of Federal Regulations, is amended as follows:

PART 25—REQUIREMENTS

1. Section 25.05–1 of Part 25 is revised to read as follows:

§ 25.05–1 Vessels operating on waters governed by the 72 COLREGS.

Each vessel, including a motorboat, operating on waters governed by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) must be equipped with navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by those international rules.

2. The following authority citation is added to the end of § 25.05–1:

(Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b).)

3. Section 25.05–10(b) of Part 25 is revised to read as follows:

§ 25.05–10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

* * * * *

(b) Each motorboat operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road must be equipped with the following:

(1) The navigation lights required by Section 3 of the Motor Boat Act of April 25, 1940, as amended (46 U.S.C. 526b) or, in lieu thereof, the lights required by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS).

* * * * *

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

4. Section 96.20–1 of Part 96 is revised to read as follows:

§ 96.20–1 Vessels operating on waters governed by the 72 COLREGS.

Each vessel, including a motorboat, operating on waters governed by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS) must be equipped with navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by those international rules.

5. The following authority citation is added to the end of § 96.20–1:

(Convention on the International Regulations For Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b)).

6. Section 96.20–10(b) of Part 96 is revised to read as follows:

§ 96.20–10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

* * * * *

(b) Each motorboat operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road must be equipped with the following:

(1) The navigation lights required by Section 3 of the Motor Boat Act of April 25, 1940, as amended (46 U.S.C. 526b) or, in lieu thereof, the lights required by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS).

* * * * *

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

7. Section 195.20–1 of Part 195 is revised to read as follows:

§ 195.20–1 Vessels operating on waters governed by the 72 COLREGS.

Each vessel, including a motorboat, operating on waters governed by the International Regulations For Preventing Collisions at Sea, 1972 (72 COLREGS) must be equipped with navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by those international rules.

8. The following authority citation is added to the end of § 195.20–1:

(Convention on the International Regulations For Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b).)

(46 U.S.C. 375, 416, and 526p; 49 U.S.C. 1655(b); Convention on the International Regulations for Preventing Collisions at Sea, 1972 (as rectified); E.O. 11964 (42 FR 4327); 49 CFR 1.46(b).)

Dated: June 30, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.77-19344 Filed 7-6-77; 8:45 am]

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federal register

MONDAY, JULY 11, 1977
PART V

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

INTERIM CHARTER

Request for Comments on Interim Charter and on Criteria for Permit Application Evaluation

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ENDANGERED SPECIES SCIENTIFIC AUTHORITY

INTERIM CHARTER

Requests for Comments on Interim Charter and on Criteria for Permit Application Evaluation

Notice is hereby given of the Interim Charter of the Endangered Species Scientific Authority (ESSA). Comment is solicited on all aspects of the Interim Charter and on species-by-species criteria for permit application evaluation, as well as on biological and trade information in support of such criteria.

The ESSA was established on April 13, 1976, by Executive Order 11911, 41 FR 15683 (1976). It is composed of the following representatives of six Federal agencies and the Smithsonian Institution:

Member and Department or Agency

Mr. John Spinks, Chairman, Department of the Interior
Dr. Robert L. Williamson, Department of Agriculture
Dr. R. V. Miller, Department of Commerce
Dr. Joe R. Held, Department of Health, Education, and Welfare
Mr. William Sievers, National Science Foundation
Dr. Lee M. Talbot, Council on Environmental Quality
Dr. David Challinor, Smithsonian Institution.

The ESSA was created to insure the scientific soundness of governmental decisions concerning trade in endangered species of animals and plants. Its primary responsibility is as the United States Scientific Authority for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention), TIAS 8249 (1973), which became effective July 1, 1975. Department of the Interior regulations were promulgated to implement the Convention on Febraury 22, 1977, 42 FR 10462–10488, and became generaly effective May 23, 1977.

The preamble to the Convention regulations describes the Convention and its history as well as the regulations. In brief, the Convention protects three categories of species. First are those species of animals and plants that are threatened with extinction and which are or may be affected by trade. These species are listed in "Appendix I" of the Convention, and trade in them may only be authorized in exceptional circumstances. Second are those species not necessarily now threatened with extinction but which may become so unless trade in them is subject to strict regulation. These species are listed in "Appendix II" of the Convention, along with any othre species whose similarity to truly threatened or potentially threatened species requires that they be regulated because of the risk of confusion. Third are those species that any Party to the Convention conserves within its jurisdiction and has identified as needing the cooperation of other parties to control trade. These species are listed in "Appendix III" of the Convention.

The Convention and its implementing regulations control trade in those species listed in the Appendices, and a complete list of these species may be found in the February 22, 1977 Convention regulations 42 FR 10469–10488. Except for several important exceptions spelled out in the Convention and regulations, permits required for trade in Appendix I and II species may not be issued by the Federal Wildlife Permit Office until it has determined that certain requirements have been met and, in addition, the ESSA has advised it of certain findings: (1) Export permits may not be issued for Appendix I or II specimens unless the ESSA finds that the export will not be detrimental to the survival of the species; (2) Permits may not be issued to introduce from the sea Appendix I or II specimens unless the ESSA finds such action will not be detrimental to the survival of the species, and, for Appendix I, that the recipient is suitably equipped to house and care for living specimens; (3) Permits may not be issued to import Appendix I specimens from other countries, unless the ESSA finds that the import will be for purposes which are not detrimental to the species involved and that the recipient of a living specimen is suitably equipped to house and care for it.

The Interim Charter published with this notice states in very general terms the factors that may be considered by the ESSA to make these findings, and the ESSA would appreciate comments on these factors as well as on every other provision of the Interim Charter. However, the ESSA also intends to establish particular criteria for each listed species as to what trade activity will not be detrimental to survival and, for Appendix I, as to what constitutes suitable housing and care. Although recognizing the difficulty of such an endeavor, and the probable need for frequent amendment of such criteria, the ESSA believes that such criteria are essential if the permit applicant and the general public are to understand how applications are evaluated, and are to know how they may correct deficiences in that process. To the extent possible, the ESSA will develop such criteria concurrently with evaluating permit applications, seeking to establish eventually refined and biologically sound criteria from which findings on individual applications follow with the greatest possible certainty.

Establishment of truely sound criteria for findings on permit applications will require more information on many Convention species than is currently available. Therefore, the ESSA requests not only recommended criteria for its findings on permit applications, but also biological and trade information in support of those recommendations, as well as any other information on the species that may be relevant to the responsibilities of the ESSA.

Although comments on species will be considered in any form, review will be facilitated if comments approximate the following form, in whole or in part:

1. The common and scientific name of the Appendix I or II species concerned.
2. Summary of life history in the wild, with trends and references, including:
   (a) Distribution and abundance.
   (b) Reproductive rate.
   (c) Death rate.
   (d) Age at first reproduction.
   (e) Number of offspring produced.
   (f) Social behavior relevant to endangerment.
   (g) Habitat and particular ecological requirements, including as appropriate: space, food, water, light, minerals, cover or shelter, and sites for breeding, reproduction, and rearing of offspring.
3. Causes of endangerment other than trade, including:
   (a) Habitat destruction or modification.
   (b) Taking not involving trade.
   (c) Pollution.
   (d) Competition, predation, or disease.
   (e) Other natural or man-made factors.
4. Trade status with trends and references, including purposes of trade and number of individuals, both for the U.S. and worldwide, with discussion including reference to regulatory mechanisms.
5. Housing and care requirements, with any references, including a life history analysis for captivity.
6. Individuals or organizations with expertise on the species.
7. If the species occurs in the wild within the jurisdiction of the United States or occurs on the seas, recommended criteria and supporting grounds for determining whether export or introduction from the sea will not be detrimental to the survival of the species, including:
   (a) The allowable volume of export, or introduction from the sea, stated as a rate and for different populations and for different purposes, if such exist. For some species the rate might be expressed as number of specimens per year per State. Those commenting should distinguish purposes that tend to reduce demand on wild populations (e.g. development of captive self-sustaining populations) from those purposes that may leave demand unchanged or may increase demand.
   (b) Any conditions that should be attached to permit issuance, for example conditions concerning method, time, or place of taking, if considered necessary for a finding of no detriment to survival.
8. If the species is on Appendix I, recommended criteria and supporting grounds for determining whether importation from other countries will be for purposes not detrimental to the survival of the species, including:
   (a) A statement of the allowable volume of import, stated as a rate and for different populations, different countries and different purposes, if considered necessary and appropriate as a check on the finding of no detriment to survival that is required of exporting countries.
   (b) A statement distinguishing purposes of import that may be detrimental to the survival of the species from those purposes that will not be detrimental.
   (c) Any conditions of permit issuance that will ensure an appropriate purposes.
9. If the species is on Appendix I, recommended criteria and supporting grounds for determining if recipients are suitably equipped to house and care for living specimens imported from other countries or introduced from the sea. Criteria for particular species should, if possible, follow the format of Article IV D. of the Interim Charter, but should add or delete categories as appropriate for particular species. Comments should be as specific as possible as to what is, suitable, and should be closely tailored to the particular requirements of the specimens in question. Comment should also include any conditions of permit issuance that will help to ensure that housing and care is suitable.

Comments on the Interim Charter should be made within 60 days of the date this notice is published, so that a Final Charter may be agreed upon without excessive delay. Information on Convention species and recommended criteria for findings on permit applications will be considered on a continuing basis. The ESSA stresses that the value of comment on particular species turns heavily on supporting documentation and specificity. Whereas one small bit of well documented information may be decisive in deliberations of the ESSA, broad but unsubstantiated generalizations are unlikely to be so. The ESSA understands that preparation of such comments is time consuming, and emphasizes that any information on Convention species will be appreciated and will enhance the ESSA's ability to make sound findings.

All comments should be submitted to the Office of the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240. The ESSA will attempt to acknowledge all comments, but may be unable to respond substantively. However, all comments on the Interim Charter will be considered in development of a Final Charter, and all submittals on particular species will be considered in developing criteria to evaluate permit applications.

Dated: July 6, 1976.

WILLIAM Y. BROWN,
Executive Secretary.

The text of the Interim Charter is as follows:

UNITED STATES ENDANGERED SPECIES SCIENTIFIC AUTHORITY

INTERIM CHARTER

I. Majority voting.
II. Agency representatives and alternates.
III. Meetings.
IV. Convention permits and certificates.
V. Amendments to convention appendices.
VI. Amendments to convention text and regulations.
VII. International and interstate shipment of fauna and flora.
VIII. Confiscated specimens.
IX. Outside opinions.
X. Authority and duties of the chairperson.
XI. Authority and duties of the executive secretary.

I. MAJORITY VOTING

The Endangered Species Scientific Authority (ESSA) shall agree to any action, including amendment of this Charter, by majority vote of a quorum consisting of at least five of the seven members or their alternates.

II. AGENCY REPRESENTATIVES AND ALTERNATES

Each Federal agency represented on the ESSA and the Smithsonian Institution shall provide the Executive Secretary with the name, position, address, and phone number of its representative, and of an alternate.

III. MEETINGS

The ESSA shall meet the first Tuesday of each month unless otherwise agreed.

IV. CONVENTION PERMITS AND CERTIFICATES

A. Appendix I

1. Exportation of specimens. The ESSA shall advise the Management Authority whether the export of any Appendix I specimen will not be detrimental to the survival of that species.

2. Importation of specimens. (a) The ESSA shall advise the Management Authority whether the import of any Appendix I specimen will be for purposes that are not detrimental to the survival of that species.

(b) The ESSA shall advise the Management Authority whether it is satisfied that the proposed recipient of any living Appendix I specimen is suitably equipped to house and care for the specimen

3. Introduction of specimens from the sea. (a) The ESSA shall advise the Management Authority whether the introduction from the sea of any Appendix I specimen will not be detrimental to the survival of that species.

b) The ESSA shall advise the Management Authority whether it is satisfied that the proposed recipient of any living Appendix I specimen is suitably equipped to house and care for the specimen

B. Appendix II

1. Exportation of specimens. (a) The ESSA shall advise the Management Authority whether the export of any Appendix II specimen will not be detrimental to the survival of that species.

(b) The ESSA shall monitor both the export permits granted by the United States for specimens of species included in Appendix II and the actual exports of such specimens. Whenever the ESSA determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the ESSA shall advise the Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

2. Introduction of specimens from the sea. The ESSA shall advise the Management Authority whether introduction from the sea of any Appendix II specimen will not be detrimental to the survival of that species. Such advisement may, when appropriate, apply to total number of specimens to be introduced over periods not exceeding one year.

C. Actions not detrimental to the survival of a species

In determining whether an export, purpose of import, or introduction from the sea will not be detrimental to the survival of a species, the ESSA may consider the following factors, among others:

1. Whether similar export, import, or introduction from the sea has occurred in the past, and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.

2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export, import, or introduction from the sea will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

3. Whether such export, import, or introduction from the sea is expected to increase, decrease, or remain constant in frequency

D. Suitable housing and care

In determining whether the proposed recipient of a living Appendix I specimen is suitably equipped to house and care for it, the ESSA may, as appropriate, consider the following factors among others:

1. Housing. (a) Whether facilities are of a structure and state of repair adequate to contain and unlikely to injure the specimen.

(b) Whether facilities provide space essential to health and well-being.

(c) Whether facilities are served by an adequate power source.

(d) Whether facilities are properly ventilated and lighted and whether the temperature may be kept within the normal range of the specimen's requirements.

(e) Whether adequate facilities are available for the disposal of water and for cleaning.

(f) Whether food and other materials used in the care of the specimen will be stored and maintained in facilities that keep the food in a wholesome condition.

2. Care. (a) Whether ventilation, lighting, and temperature will be adequately monitored and controlled

(b) Whether water, food, and other nutritional requirements will be supplied that are adequate in kind amount, quality and availability.

(c) Whether waste will be removed expeditiously, and a high level of sanitation maintained generally.

(d) Whether persons caring for the specimens have experience with the same or similar species.

(e) Whether the specimens will be sheltered from circumstances adverse to their well-being, and will be properly cared for if ill or injured.

V. AMENDMENTS TO CONVENTION APPENDICES

The ESSA shall review the species of the world on a continuing basis to determine whether they should be aded to or deleted from the Convention Appendices, and shall advise the Management Authority of any recommended amendments.

A. Appendices I and II

Additions and deletions with respect to Appendices I and II will be recomended consistent with criteria established by the Parties to the Convention.

B. Appendix III

Additions to Appendix III will be recommended if a species on none of the Appendices is subject to protective regulation within the jurisdiction of the United States and is found in need of the cooperation of other Convention parties in the control of trade. Deletion will be recommended if a species is found to no longer meet the criteria above.

VI. AMENDMENTS TO CONVENTION TEXT AND REGULATIONS

As necessary and appropriate, the ESSA shall advise the Management Authority of any amendments to the Convention text or implementing regulations that, in its opinion, will further the purposes of the Convention.

VII. INTERNATIONAL AND INTERSTATE SHIPMENT OF FAUNA AND FLORA

The ESSA shall advise the Secretary of the Interior in developing and implementing a system to standardize and simplify the requirements, procedures, and other activities

related to the issuance of permits for the in-

nity, and others as appropriate. Such coordi-

XI. AUTHORITY AND DUTIES OF THE EXECUTIVE

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related to the issuance of permits for the international and interstate shipment of fauna and flora, including, as appropriate, the parts or products of such fauna and flora.

VIII. CONFISCATED SPECIMENS

As necessary and appropriate, the ESSA shall advise the Management Authority on the proper disposition of specimens confiscated because of trade in violation of the Convention.

IX. OUTSIDE OPINIONS

In the discharge of its responsibilities the ESSA shall, to the extent practicable, ascertain the views of, and utilize the expertise of, the governmental and non-governmental scientific communities, State agencies responsible for the conservation of wild fauna and flora, humane groups, zoological and botanical institutions, recreational and commercial interests, the conservation community, and others as appropriate. Such coordination shall include but not be limited to:

A. Outside review of the ESSA Charter.

B. Outside comment on implementation of the Charter, including criteria for ESSA findings upon permit applications.

C. Outside review of ESSA recommendations on amendments to the Convention Appendices and Text.

X. AUTHORITY AND DUTIES OF THE CHAIRPERSON

The Chairperson of the ESSA shall:

A. Convene and preside at all meetings of the ESSA.

B. Represent the ESSA at plenary meetings of the Convention.

C. Act on behalf of the ESSA pursuant to any authority it may grant.

D. Supervise the activities of the Executive Secretary.

XI. AUTHORITY AND DUTIES OF THE EXECUTIVE SECRETARY

The Executive Secretary of the ESSA shall:

A. Arrange for and organize the meetings of the ESSA.

B. Ensure that all available relevant information required for action under Articles IV through VIII of this Charter is put before the ESSA in a timely fashion.

C. Ensure that the outside opinion provisions of Article IX are pursued vigorously, including personal representation of the ESSA before interested organizations and publication of notices in the FEDERAL REGISTER.

D. Maintain the records of the ESSA.

E. Act on behalf of the ESSA pursuant to any authority it may grant.

F. Arrange the administrative support for the ESSA.

G. Supervise the staff of the ESSA.

[FR Doc.77-19655 Filed 7-8-77;8:45 am]

federal register

MONDAY, JULY 11, 1977

PART VI

ENVIRONMENTAL PROTECTION AGENCY

NEW WHEEL AND CRAWLER TRACTORS

Noise Emission Standards for Construction Equipment

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ENVIRONMENTAL PROTECTION AGENCY

FOR FURTHER INFORMATION CONTACT:

Such elements include the list of persons subject to the regulation, sanctions, en-

its purchasing to products whose noise emissions are significantly below those

TABLE 1.—*Proposed regulatory noise emission standards*

ucts subject to the standard that manufacturers will be able to meet by the

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 204]

[FRL 701-8]

NOISE EMISSION STANDARDS FOR CONSTRUCTION EQUIPMENT

New Wheel and Crawler Tractors

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes noise emission standards for wheel and crawler type tractors manufactured primarily for construction applications. This action is being taken under the authority of the Noise Control Act of 1972. Compliance with the proposed standards should, on the average, reduce noise from wheel and crawler tractors by 5 dBA. In terms of reduced impact on the Nation's population, the 5 dBA reduction, when considered in combination with existing Federal standards for new portable air compressors and medium and heavy trucks, should result in a reduction of approximately 37 percent in the severity and extensiveness of construction site noise impact by the year 1991. This represents an increase of approximately 10 percent in additional benefits over those anticipated to accrue from the existing Federal noise regulations of portabe air compressors and medium and heavy trucks used at construction sites.

DATES: The official docket (Docket Number ONAC 77-2) for the proposed Wheel and Crawler Tractor noise emission regulation will remain open for the submittal of comments until 4:30 p.m. September 30, 1977. At that time, all materials submitted for the record, including transcripts of all public hearings, will become part of the official record. Public hearings will be held on August 30, 1977, commencing at 9:00 a.m. in the Benjamin Franklin Hotel, 9th and Chestnut Streets, Philadelphia, Pennsylvania 19105, and on September 1, 1977, commencing at 9:00 a.m., in the Ambassador Hotel, 3400 Wilshire Blvd., Los Angeles, California 90010.

ADDRESS: Persons wishing to submit comments should write to the following address:

Director, Standards and Regulations Division (AW-471), Office of Noise Abatement and Control, Attn: Wheel and Crawler Tractor Docket Number 77-2, U.S. Environmental Protection Agency, Washington, D.C. 20460.

All comments received, which are not identified as company proprietary in nature, will be open for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Ellen Robinson, Public Information Specialist, U.S. Environmental Protection Agency, Office of Public Affairs (A-107), 401 M Street S.W., Washington, D.C. 20460, 202-755-0704.

SUPPLEMENTARY INFORMATION: See following text.

1.0 Introduction

Through the Noise Control Act of 1972, Pub. L. 92-574, 86 Stat. 1234 et seq., Congress established a national policy "to promote an environment for all Americans free from noise that jeopardizes their health and welfare." In pursuit of that policy, Congress stated, in section 2 of the Act, "that, while primary responsibility of control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which requires national uniformity of treatment."

As part of this Federal action, section 5(b)(1) of the Act requires the Administrator, after consultation with appropriate Federal agencies, to publish a report or series of reports "identifying products (or classes of products) which in his judgment are major sources of noise." The Administrator published in the FEDERAL REGISTER (40 FR 23105, May 28, 1975) a report which identified "wheel and track loaders and wheel and track dozers" as major sources of noise.

Section 6(a) of the Act requires the Administrator to publish proposed regulations for each product which is identified or which is part of a product class identified as a major source of noise, where in his judgment noise standards are feasible. Such regulations are to include standards that set limits on the noise emission from new products which are requisite for the protection of public health and welfare with an adequate margin of safety, taking into account the magnitude and conditions of use of such products (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best technology available and the cost of compliance.

Section 6(d)(1) of the Act specifies that the manufacturer of each new product shall warrant to the ultimate purchaser and each subsequent purchaser that the product is designed, built and equipped so as to conform at the time of sale to the regulation.

Under section 6(e)(1), no State and political subdivision thereof may adopt or enforce any law or regulation which sets a limit on noise emissions from new products regulated by EPA, unless such law is identical to the applicable EPA regulation. The requirement to be "identical" applies to the standard and those elements of the measurement methodology which define the standard; these must be identical to those in the EPA regulation. However, other elements of the State and local law need not be identical. Such elements include the list of persons subject to the regulation, sanctions, enforcement procedures and correlatable or equivalent "short test" used for enforcement purposes.

Section 6(e)(2) of the Act specifies that nothing in section 6 shall preclude or deny the right of any State or political subdivision thereof to establish and enforce controls on environmental noise and sources thereof through the licensing, regulation, or restriction of the use, operation, or movement of any product or combination of products. Such controls which are reserved to State and local authority under this section include, but are not limited to, the following:

(1) Controls on the time of day during which products may be operated.

(2) Controls on the places or zones in which products may be used.

(3) Controls on the noise emission level of products during use and operation that are enforceable against the consumer.

(4) Controls on the number of products which may be operated at the same time.

(5) Controls on noise emission levels from the properties on which products are used.

(6) Controls on the licensing of products.

(7) Controls on the manner of operation of products.

State and local time-of-sale noise emission regulations applicable to products which are not covered by Federal regulation are in no way preempted by these regulations.

Section 10 of the Act establishes prohibited acts in relation to products for which section 6 regulations are applicable. Distribution in commerce of any new product manufactured after the effective date of regulations under section 6 is prohibited unless it is in conformity with such regulations. Removal or rendering inoperative of any device or element of design incorporated into any product in compliance with section 6 regulations other than for purposes of maintenance, repair, or replacement, prior to its sale or delivery to the ultimate purchaser or while it is in use is prohibited. The use of a product which has been tampered with is also prohibited.

Section 11 of the Act specifies enforcement penalties for violation of any prohibited act under section 10. Such penalties for first violations include a fine of not more than $25,000 per day of violation, or imprisonment for not more than one year or both for knowing or willful violations. The penalties double for subsequent violation.

Section 13 of the Act provides the authority for the Administrator to require a manufacturer to establish and maintain records, make such reports, and provide such information as is necessary for him to determine compliance.

Section 15 of the Noise Control Act establishes a process by which the Federal Government will give preference in its purchasing to products whose noise emissions are significantly below those required by the Federal noise emission standards promulgated pursuant to Section 6 of the Act. Accordingly, the EPA has published procedures for Certification of Low-Noise-Emission Products (LNEP) (40 CFR Part 203).

For wheel and crawler tractors the specific noise emission level criteria required for LNEP determination are contained in § 204.102(d) of the proposed regulation.

Section 16(d) grants the Administrator the authority to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents to assist him in obtaining information to carry out the purposes of the Act.

TABLE 1.—*Proposed regulatory noise emission standards*

Machine type	Horsepower	Not to exceed A-weighted Sound pressure level (dBA)	Effective date
Crawler tractor	20 to 199	77	Mar. 1, 1981
		74	Mar. 1, 1984
Do	200 to 440	85	Mar. 1, 1981
		80	Mar. 1, 1984
Wheel loader	20 to 249	79	Mar. 1, 1981
		75	Mar. 1, 1984
Do	250 to 500	83	Mar. 1, 1981
		80	Mar. 1, 1984
Wheel tractor	20+	74	Mar. 1, 1981

EPA is unaware at this time of any manufacturer who would be unable to comply with the proposed standards by the specified effective dates. The Agency solicits submittal of such data or information during the public comment period that substantiates or refutes this view.

The proposed regulation incorporates an enforcement program which includes production verification, selective enforcement auditing procedures, warranty, maintenance, compliance labeling, and anti-tampering provisions.

3.0 Background Information

3.1 *General.* The proposed regulation is the third in a series of regulations affecting construction site equipment noise. In arriving at the proposed regulation, the Agency carried out detailed investigations of wheel and crawler tractor design, manufacturing and assembly processes; available noise control technology; noise measurement methodologies; costs attendant to noise control methods; the cost to test machines for compliance; the cost of recordkeeping; possible economic impacts; and the potential environmental and health and welfare benefits associated with the application of various noise control measures. The information summarized briefly herein is presented in detail in the "Environmental Impact Statement, Economic Impact Statement and Background Document for Noise Emission Standards for Wheel and Crawler Tractors" referred to hereafter as the "Background Document."

To meet the requirements of the Act, to consider "the best available technology, taking into account the cost of compliance," the Agency constructed definitions of the terms "best available technology" and "cost of compliance." In doing so, the Agency carefully considered the strict language of the Act, its legislative history, and other relevant data. Based thereon, the following definitions have been established by the Administrator for the purposes of this regulation.

3.1.1 "Best available technology". EPA considers the level "achievable through the application of the best available technology" to be the lowest noise level which can be reliably predicted based on engineering analysis of products subject to the standard that manufacturers will be able to meet by the effective date, through application of currently known noise attenuation techniques and materials. In order to assess what can be achieved, EPA has (1) identified the sources of tractor noise and the levels to which each of these sources can be reduced, using currently known techniques; (2) determined the level of overall tractor noise that will result; (3) assured that all such techniques may be applied to the general tractor population; (4) assured that all such techniques are adaptable to production line assembly; and (5) assured that sufficient time is allowed for the design and application of this technology by the effective dates of the standards.

3.1.2 "Cost of compliance" is defined as the cost of identifying what action must be taken to meet the specified noise emission level, the cost of taking that action, any additional cost of operation and maintenance caused by that action, and costs of noise testing and record keeping required by the regulation.

3.1.3 To determine what constitutes the best available technology and the cost of compliance, the Agency amassed information from a range of sources including: (1) Studies performed by Agency personnel; (2) studies performed under contract to the Agency; (3) submissions by other Federal agencies; (4) submissions by industry; and (5) data in the available literature.

Representatives of the Agency carried out extensive interviews with key members of firms in the construction tractor industry to gain first-hand knowledge of the industry and its products and to obtain and verify technological and financial information. Similar interviews were conducted with key persons in construction, mining, forestry and agricultural trade associations.

3.2 *Product Definition.* Early in the study of wheel and track loaders and wheel and track dozers, it became clear that industry terminology identifies the "dozer" as an attachment mounted on a self-propelled tractor and a "loader as a complete self-propelled machine with a bucket and attendant lifting apparatus. Accordingly, the Agency has adopted the general term "wheel and crawler tractors" to define the products addressed by this proposed regulation which are primarily used in construction activities to perform loading or dozing operations.

The Agency recognizes that there exist a multiplicity of different types of equipment that meet the above product definition. It has also been determined that some types of this equipment, by reasons such as negligible noise impact on people due to limited use in urban area construction might not be candidates for regulation at this time. Accordingly, the Agency established the following procedure for determining the candidacy of a

given wheel or crawler tractor for regulation:

(1) Determine those machines which

81.5 dBA, (4) wheel loaders with engine power between 250 and 500 horsepower—84.0 dBA, and (5) wheel tractors with

approve applications for the use of test procedures which differ from those contained in the regulation so long as the

lower horsepower (less than 250 horsepower), are used in heavily populated urban areas while the larger machines

regulated machines for regulated machines during the time frames for these proposed regulations and to dis-

2. The low maintenance normally required on wheel and crawler tractors

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given wheel or crawler tractor for regulation:

(1) Determine those machines which perform dozing and/or loading operations;

(2) Determine those machines used primarily for construction related activities;

(3) Determine those machines which are used primarily in other industries and are unlikely to be substituted for construction related machinery.

The Agency determined that regulation of the following machine types is requisite to protect the public health or welfare pursuant to the 5(b)(1) identification:

1. *Crawler tractor.* Tractor which moves on tracks with or without dozer blades, loader buckets or other attachments.

2. *Wheel loader.* Tractor with articulated steering and integral bucket attachment.

3. *Wheel tractor.* Tractor with rigid frame which may have an integral or non-integral loader bucket or other non-integral attachments.

Details regarding the identification of these machines as candidates for regulation, their design features and functional characteristics are contained in the "Background Document".

Machines excluded from this regulation because they have minimal impact on public health and welfare or are not primarily used for loading and dozing operations in construction activity or are the object of further study include:

1. Wheel loaders with integral backhoe.

2. Wheel tractors with integral dozer blade linkage.

3. Skid steer loaders.

4. Wheel and crawler tractors with attachments—other than bucket or blade apparatus—integral to the machine frame.

5. Machines manufactured primarily for agricultural, mining, or logging operations.

6. Trenching equipment—self-propelled machines used exclusively to produce a continuous trench by means of a digging chain or similar device.

3.3 *Technology.* Noise level data for wheel and crawler tractors were collected by EPA from three sources: (1) Submittals from manufacturers, (2) field measurements at a construction site, and (3) an EPA sponsored testing program with the U.S. Army Mobility Equipment Research and Development Command (MERDC), Fort Belvoir, Virginia.

Several manufacturers supplied data on nearly 200 machines, encompassing more than 100 different models. The median noise levels, based on the arithmetic average of the high idle levels measured at orthogonal positions 50 feet (approximately 15 meters) from the sides of the machines, were found to be: (1) Crawler tractors with engine power between 20 and 199 horsepower—80 dBA, (2) crawler tractors with engine power between 200 and 450 horsepower—84 dBA, (3) wheel loaders with engine power between 20 and 249 horsepower—81.5 dBA, (4) wheel loaders with engine power between 250 and 500 horsepower—84.0 dBA, and (5) wheel tractors with engine power 20.0 horsepower or greater—77.0 dBA. The data shows high correlation between noise level and horsepower; that is, the more powerful the machine the greater its noise output.

Diagnostic investigations show that tractor noise consists of the superposition of noise radiated by the (1) engine cooling fan, (2) engine casing, (3) engine exhaust, (4) engine air intake, (5) transmission system, (6) hydraulic system, and (7) track (for crawler vehicles). Of these sources, noise radiated by the cooling fan, engine casing and engine exhaust are the most dominant and therefore require first attention in schemes to quiet the wheel and/or crawler tractor.

Some machine design changes may be necessary to control the fan and/or engine noise. Improved fan shrouds, increased radiator-to-fan and fan-to-engine clearances, and the use of an airfoil type fan configuration, may reduce fan noise by as much as 8 to 10 dBA. Engine casing noise might be reduced by 5 to 6 dBA through the application of acoustically absorbent material to the interior surfaces of the engine compartment. Substantial reductions of engine exhaust noise can be accomplished by the use of improved mufflers; current estimates indicate reductions of between 7 and 10 dBA. When these potential component noise reductions are translated into an overall reduced wheel or crawler tractor noise level, it is estimated that an average reduction of 5 dBA for all types of tractors can be achieved by application of best available technology.

3.4 *Measurement Methodology.* The Agency's noise program endeavors to utilize such measurement standards, particularly those of voluntary standard setting organizations, as may have been developed, validated and in common use today. The Agency recognizes that such voluntary standards have normally been developed for non-regulatory purposes. Consequently, certain modifications of the existing measurement standards are often necessary to meet the Agency's regulatory requirements. In the instant case of wheel and crawler tractors, the Agency has adopted as its measurement methodology, a modification of the Society of Automotive Engineers (SAE) J88a method currently employed by many tractor manufacturers. EPA's modification eliminates both component cycling tests and pass-by tests, thereby permitting smaller test sites and significant reductions in the time required to assess a machine's noise characteristics. In modifying the SAE procedure, the Agency has endeavored to arrive at a simple, low cost test method that will provide the accurate data requisite to product verification at a manufacturer's plant as well as compliance in the field.

The Agency, however, fully recognizes that situations may arise or exist where other measurement methodologies are more appropriate to employ and may approve applications for the use of test procedures which differ from those contained in the regulation so long as the alternate procedures have been demonstrated to correlate with the prescribed procedure.

EPA analysis of data supplied by manufacturers as well as data obtained from tests at construction sites and at Fort Belvoir, Virginia, shows that wheel and crawler tractor noise is not highly directive in the horizontal plane. The noise levels measured in a vertically overhead position were found to average 3.7dBA below those measured in the horizontal plane. It was further determined that the arithmetic average, rather than an energy or logarithmic average, of the four horizontal machine noise levels is most representative of the noise level produced by the machine during a normal operational duty cycle. Inclusion of noise levels measured overhead would reduce the overall arithmetic average noise level of each machine.

Since it is currently general industry practice to direct the exhaust of wheel and crawler tractors vertically upward for both safety and operational purposes, the Agency concluded that the overhead noise levels measured were representative of exhaust noise and no immediate benefits would be gained by manufacturers through the redirection of exhaust. Furthermore, the Agency concluded that the redirection of other machine noise emissions to a vertically upward direction would require major machine redesign. The economics of instituting these major alterations are currently considered a deterrent to such action. Consequently, in the interest of minimizing test time, complexity and cost, the Agency is not proposing an overhead noise level measurement at this time.

These test data also established that reductions in the stationary high idle noise level resulted in a corresponding decrease in moving-mode machine noise levels as determined from SAE J88a test analyses. Hence the proposed standards are based on "stationary mode" noise emission levels.

An important element to the continued effectiveness of these proposed noise emission standards is the "in-use" enforcement by State and local officials. Commensurate with this requirement is an in-situ field test method that is correlatable or equivalent to the EPA standard test procedure. The Agency believes the the proposed standard measurement method for manufacturer compliance testing is equally suitable for in-use testing of wheel and crawler tractors. Comments relating to in-use test procedures are particularly solicited by the Agency.

4.0 Rationale for Standard Selection

In arriving at the proposed standards, the Agency constructed a classification scheme that allows differentiation in the usage of the many different machines that meet the "wheel and crawler tractor" definition vis-a-vis population distribution around construction sites. The Agency's studies show that machines of lower horsepower (less than 250 horsepower), are used in heavily populated urban areas while the larger machines, because of their size, are not normally used in these area of high population. Furthermore, machines in excess of 500 horespower are of such size as to essentially preclude their transport to and use in areas where significant population impact would result. Thus, by using narrow horespower ranges for classification purposes, the Agency was able to clarify relationships among machine usage, population impact, noise levels, production costs, and quieting technologies.

Studies were conducted to determine the specific contributions of wheel and crawler tractors to (1) the total construction site noise signature; (2) the four categories of construction (residential, commercial, industrial, public works); and (3) the five phases of construction (clearing, excavating, erection, finishing, clean-up).

The Agency then examined the health and welfare benefits that would accrue if wheel and crawler tractor noise levels were reduced to three selected study levels corresponding to (1) the approximate current average sound levels for each class of machine, (2) the levels achieveable with "off the shelf" noise abatement procedures, and (3) the levels that the Agency believes attainable through the application of "best available technology."

In its determination of the population impacted by noise, the Agency has adopted a noise impact method which accounts for varying degrees of personal impact. The benefits attendant to the study levels were assessed in terms of both extensiveness (i.e., the number of people impacted) and the intensiveness (severity) of construction site noise impact. Analyses were also performed to determine the total potential benefits from the regulation of wheel and crawler tractor noise in combination with portable air compressors and medium and heavy trucks, equipment which is already subject to Federal noise emission standards.

Estimates of the costs to quiet this equipment were developed on an engineering cost basis, assuming that incremental reductions from present day average noise levels could be applied to each class of equipment.

The Agency also examined the potential economic impact that may result from imposition of the various levels of noise reduction technology in different time frames. The Agency concluded that an incremental, rather than single step reduction in the noise levels of this equipment, would yield substantial near term benefits and minimum industry dislocations. The selection of lead times for both large and small equipments was based on the possibility of manufacturer changes in horsepower ratings for those equipments around the category breakpoints of 200 and 250 horsepower. Consideration was also given to possible economic impacts on the smaller manufacturers. Thus, to minimize market impacts from possible substitution of unregulated machines for regulated machines during the time frames for these proposed regulations, and to discourage shifting horsepower ratings, the Agency concluded that identical effective dates for all regulated equipments were appropriate.

The Agency believes that the attainment of the estimated health and welfare benefits from reduction in the noise levels of wheel and crawler tractors is dependent on the continued compliance of these products with the Federal not-to-exceed noise emission standard, during actual use. Accordingly, the Agency's implementation of an Acoustical Assurance Period (AAP), as defined in section 2, requires that a product be built so that if it is properly used and maintained it will not exceed the noise level of the standard. This places a burden on several parties. First, it requires the manufacturer to build the product so that it is capable of performing at or below the requisite noise level over the prescribed AAP, and second it depends on the owner/user to maintain and use the product in a manner that will not cause the product's noise level to exceed the standard. (The responsibility of the owner/user is, to the extent covered, discussed in other portions of this preamble; see discussion of anti-tampering infra.)

The Agency considers the concept of an Acoustical Assurance Period necessary beause if the product is not built such that it is even minimally capable of meeting the standard while in use over this initial period when properly used and maintained, the standard itself becomes a nullity and the anticipated health and welfare benefits become illusory.

The Agency considers the concept reasonable because in the information which is available to it, it finds that the noise levels of wheel and crawler tractors do not increase appreciably over the initial 5-years or 9000 operating hours when the product is properly used and maintained. Furthermore, it finds that the capability of designing these products to assure minimal degradation in the noise control features is within the technological capability of the manufacturer and was considered within the technology, maintenance and cost assessments attendant to the standards proposed in this regulation.

In making the determination that the Acoustical Assurance Period for wheel and crawler tractors should be 5-years, or 9000 operating hours, EPA took into account the magnitude and conditions of use of these products, the best maintenance attendant to noise control, and the cost of compliance. Among specific factors considered were:

1. The likelihood that acoustical degradation of noise control features and the resultant increase in noise level above the standard, would not occur during the Acoustical Assurance Period if the manufacturer used proper design and fabrication, quality materials and workmanship;

2. The low maintenance normally required on wheel and crawler tractors during their early years of use;

3. The relative usage cycles of these products during their early years of use.

It is important to understand what AAP means to the manufacturer. The manufacturer will be held responsible for producing a product that is capable of meeting the standard. He can design and build the product at the level of the standard assuming no degradation of noise control features in time, or build it with noise levels somewhat below the standard to account for some degradation with time. But in neither event can the product exceed the standard during the Acoustical Assurance Period.

EPA is also proposing a procedure whereby the manufacturer may account for sound level degradation in his compliance testing and verification program by applying a Sound Level Degradation Factor (SLDF) to the noise emission standard. This may result in a manufacturer-specific production test level which is lower than that specified by the standard. For example, if a manufacturer estimates that the noise level of his product may increase 3 dBA during the AAP the SLDF would be 3dBA. Then, for production verification, the manufacturer would have to test his product at a level which is 3 dBA lower than that specified by the standard. If a product is not expected to degrade during the AAP, the SLDF will be zero. It is EPA's evaluation that in most cases tht SLDF would be near or equal to zero.

Manufacturers would be subject to federal enforcement actions consistent with section 11 of the Noise Control Act if the noise emission level during the AAP exceeds the noise emission standard. It should be clearly understood that this concept does not impose any additional burden on the manufacturer for proper maintenance and use. That is, if the product is not properly maintained and used the manufacturer is relieved of subsequent resulting liability. The responsibility of properly maintaining and using the product rests with the owner/user.

EPA invites comments on the approach it has taken to attain the health and welfare benefits requisite to this regulatory action. EPA also solicits comments on the length of the AAP together with the rationale and data to support the position taken.

5.0 Estimated Impact of Proposed Regulations

5.1 *Health and Welfare.* It is estimated that in excess of 30 million persons are exposed yearly to construction related noise that jeopardizes their health or welfare. Compliance with the proposed standards for wheel and crawler tractors, in combination with existing noise standards for new portable air compressors and medium and heavy trucks, will result in benefits to the population exposed of an approximate 37 percent reduction in the severity and extensiveness of construction site noise im-

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pact by the year 1991; this assumes 100 percent turnover of regulated equipment.

5.2 *Cost and Economic Impact.* Estimates of the costs to quiet wheel and crawler tractors may be expressed in terms of increased list price. The Agency's studies indicate that average list price increases will range from 2.3 to 7.2 percent, dependent on machine type and size, resulting in an average list price increase of 4.6 percent for all regulated machines. There are indications that several small firms in the industry, by virtue of their small market share and other operational difficulties, could incur higher manufacturing costs which may result in slightly higher list price increases. The Agency will continue to study these potential impacts because it is desirable to achieve the public health and welfare goals of the Act with minimal disruptive impacts from EPA noise regulation. Because there appears to be significant price elasticity of demand for this equipment, it is estimated that demand could possibly decrease by 3–5 percent, but manufacturer total revenue should remain essentially unchanged.

However, the Agency has noted that the wholesale price of the equipment subject to these proposed standards has increased over 50 percent during the period 1967 to 1974, due in part to general inflation, but more importantly, to increase in unit size and productivity. Unit shipments attendant to these increases declined less than 5 percent.

The increase in annualized costs to users (including increased capital cost, operation and maintenance) through the year 2000 is estimated to be about $228 million or an increase of approximately 3.4 percent. Compared to the estimated $189 billion annual construction receipts for the year 1976, the estimated increase in annualized user cost represents a possible increase in construction costs of approximately 0.12 percent.

Other aspects of potential economic impact due to promulgation of this proposed regulation are:

1. *Impacts on manufacturers.* In order to highlight firms that may be subject to strong economic pressure and possible discontinuance of wheel and/or crawler tractor operations because of the regulation, a capital availability impact model was developed. Seven small and medium firms were singled out by the model as unlikely to obtain sufficient capital to finance noise abatement.

These firms were then contacted individually to determine if any specific factors could mitigate the impact of the regulation. One firm's machines can already comply with the March 1, 1981, standards and the firm expects to achieve the March 1, 1984, standards at costs much lower than the generalized list model predicts. This firm does not anticipate difficulty in compliance. Another firm stated that it does not expect difficulty in obtaining the capital required for abatement. The three remaining firms are presently suffering from undercapitalization and expect that they will have difficulty in the finance of abatement actions.

2. *Impacts on suppliers.* Some component suppliers may increase their sales depending on their ability to reduce the noise emissions of their product and thereby contribute to the reduction in overall machine noises. Furthermore, those suppliers specializing in the manufacture of sound damping and sound absorbent materials and other products required for abatement would be expected to experience increased sales.

3. *Impacts on exports.* Because the technology studied is essentially modular, machines for export can generally be produced without noise abatement equipment; therefore, since equipment destined solely for export is not required to meet the proposed standards, the impact on exports should be minimal.

4. *Impacts on imports.* The proposed regulation will apply to all imported machines. The percentage (approximately 2 percent of total dollar consumption) of wheel and crawler tractors imported is very small. Thus, the proposed regulation should have little to no effect on the U.S. balance of payments. There would not appear to be any adverse competitive impacts on foreign manufacturers in the U.S. markets.

5. *Employment impacts.* The Agency's studies indicate that the proposed regulation would have a negligible overall effect on employment. The existing research and development staffs of major firms and independent suppliers of these services can readily handle the industry's R&D requirements for noise abatement. There may, in fact, be a modest increase in manufacturing labor to design, build, and install the requisite abatement equipment. Should there be decreases in demand for regulated equipment, this potential increase may be offset by a corresponding decline in regular production manufacturing personnel. This latter point is highly uncertain and EPA solicits specific data or information that would indicate whether this proposed regulation would result in decreased sales of regulated equipment.

6. *Effects on gross national product.* The proposed regulation is not expected to directly affect the Gross National Product (GNP). Since the Agency's best estimate of the price elasticity of demand for impacted equipment is −1, it is expected that marginal price increases of equipment would likely be offset by equal percentage decreases in demand, the net result being an unchanged GNP as expressed in current dollars.

The GNP could suffer a slight setback indirectly through declining construction demand if contractors raise prices to offset the added costs of regulated equipment. However, the relatively small impact (less than 0.12 percent), of this proposed regulation on total construction receipts (reference year 1976) leads the Agency to conclude that the effects will not be apparent.

7. *Anticipated government enforcement costs.* It is currently estimated that the annual costs to the Agency for enforcement testing of wheel and crawler tractors will amount to $133,000 commencing in 1980.

6.0 Enforcement

6.1 *General.* The EPA enforcement strategy will place a major share of the responsibility on the manufacturers for pre-sale testing to determine the compliance of wheel and crawler tractors with these regulations and noise emission standards. This approach leaves the manufacturer in control of many aspects of the compliance program and imposes a minimal burden on his business. The effectiveness of this strategy necessitates monitoring by EPA personnel of the tests conducted and actions taken by the manufacturer in compliance with this regulation.

The enforcement strategy proposed in this regulation consists of three parts: (1) Production Verification, (2) Selective Enforcement Auditing, and (3) In-Use Compliance.

6.2 *Production verification (PV).* PV is the testing by a manufacturer of early production models of a category or configuration of the product, and submitting a report of the results to the EPA. This process, using the proposed methodology, gives the EPA some assurance that the manufacturer has the requisite noise control technology in hand and the capability to apply it to the production process. Models selected for testing must have been assembled using the manufacturer's normal assembly method and must be units assembled for sale.

PV does not involve any formal EPA approval or issuance of certificates subsequent to manufacturer testing. The proposed regulation would require that prior to the distribution in commerce of any regulated product, that product must undergo production verification. Section 204.105–2(a) would allow a conditional and temporary waiver of this requirement under special circumstances. Responsibility for testing rests with the manufacturer. However, the Administrator reserves the right to be present to monitor any test (including simultaneous testing with his equipment) or to require that a manufacturer ship products for testing to the EPA's Noise Enforcement Facility in Sandusky, Ohio or to any other site the Administrator may find appropriate.

The basic production unit selected for testing purposes is a product configuration, which is a set of machines grouped together on the basis of parameters proposed in § 204.105–3. The manufacturer would be required to verify production products of each configuration. The regulation allows manufacturers to group configurations into categories based on the parameters proposed in § 204.105–2 and to verify by category. This is done by selecting the configuration in each category that has the highest level of noise emissions at the end of its defined Acoustical Assurance Period (based on tests or on engineering judgment). If when tested in accordance with the test procedure, that configuration does not exceed a noise level defined by the new product standard minus that configuration's expected noise degradation over its Acoustical Assurance Period, then all

configurations in that same category are considered production verified.

The Administrator also reserves the right to test products at a manufacturer's test facility using either his own equipment or the manufacturer's equipment. This will provide the Administrator with an opportunity to determine that the manufacturer's test facility and test equipment meet the specifications proposed in § 204.104. If it is determined that the facility or equipment do not meet these specifications, he may disqualify them from further use for testing under this subpart.

Under § 204.106(a)(1), the Administrator may require that a manufacturer submit to him any product tested or scheduled to be tested pursuant to this regulation or untested products at such time and place as he may designate. If a manufacturer proposes to add a new configuration to his product line or change or deviate from an existing configuration with respect to any of the parameters which define a configuration, the manufacturer must verify the new configuration either by testing a product and submitting data or by filing a report which demonstrates verification on the basis of previously submitted data. A manufacturer may production verify a configuration at any time during the model year or in advance of the model year if he desires.

Production verification is an annual requirement. However, the Administrator, upon request by a manufacturer, may permit the use of data from previous production verification reports for specific configurations or categories.

Production verification performed on the early production models demonstrates that the models conform to the applicable noise emission standard and limits the possibility that non-conforming products are distributed in commerce. Because the possibility still exists that subsequently produced machines may not conform, selective enforcement auditing (SEA) testing is incorporated in these proposed regulations.

6.3 *Selective enforcement auditing.* Selective enforcement auditing (SEA) is the testing of a statistical sample of assembly line (production) products from a specified product configuration or category to determine whether these products comply with the applicable noise emission standards.

SEA testing is initiated when a test request is issued to the manufacturer by the Assistant Administrator for Enforcement or his designated representative. The test request will require the manufacturer to test a batch of products of a specified category or configuration produced at a specified plant. An alternative category or configuration may be designated in the event that products of the first category or configuration are not available for testing.

The SEA plan employs a technique known as inspection by attributes. The basic criterion for acceptance or rejection of a batch is the number of sample products in the batch which meet the standard rather than the average noise level of the products tested.

A sequential batch sampling inspection plan will be used for SEA testing. Sequential sampling differs from single sampling in that small test samples are drawn from consecutive batches and tested sequentially until a statistically significant conclusion can be drawn rather than one large sample being drawn and tested all at once. It offers the advantage of keeping the number of products tested to a minimum when the majority of products are meeting the standards.

A batch will be defined as the number of products produced during a time period specified in the test request. This will allow the Administrator to select batch sizes small enough to keep the number of products to be tested at a minimum and still to draw statistically valid conclusions about the noise emission performance of all products in that category or configuration.

The sampling plans proposed in this regulation are arranged according to the size of the batch from which a sample is to be drawn. Each plan specifies the sample size and the acceptance and rejection number for the established acceptance quality level (AQL). This AQL is the maximum percentage of products exceeding the applicable noise emission standard that for purposes of sampling inspection can be considered satisfactory. An AQL of 10 percent was chosen for wheel and crawler tractors to take into account some test variability. The number of failing products in a sample is compared to the acceptance and rejection numbers for the appropriate sampling plan. If the number of failures is less than or equal to the acceptance number, then there is a high probability that the percentage of non-compling products in the batch is less than the AQL and the batch is accepted. If the number of failing products is greater than or equal to the rejection number, then there is a high probability that the percentage of non-complying products in the batch is greater than the AQL and the batch fails.

Since the sampling strategy involves a multiple sampling plan, in some instances the number of failures in a test sample may not allow acceptance or rejection of a batch so that continued testing may be required unti la decision can be made to either accept or reject a batch.

When a batch sequence is tested and accepted in response to a test request, the testing is terminated. When a batch sequence is tested and rejected, the manufacturer must cease introducing these products into commerce. If the manufacturer desires to continue production and introduction into commerce of the failed configuration (category) he may do so provided under proposed § 204.107–8, he tests all of the products in that category or configuration produced at that plant. He may then distribute the individual products that pass the test.

Regardless of whether a batch is accepted or rejected, failed products would have to be repaired or adjsuted and pass a retest before they can be distributed in commerce. The manufacturer can request a hearing on the issue of noncompliance of the rejected category or configuration.

Since the number of machines tested in response to a test order may vary considerably, a fixed time limit cannot be placed on completing all testing. The proposed approach is to establish a limit on test time per product. It is estimated that manufacturers can test a minimum of two (2) products per day. However, manufacturers are requested to present any data or information that may effect a revision of this estimate.

6.4 *Administrative orders.* Section 11(d)(1) of the Act provides that: "Whenever any person is in violation of section 10(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare."

This provision grants the Administrator discretionary authority to issue remedial orders to supplement the criminal penalties of section 11(a). The proposed regulation provides for such orders in these circumstances: (1) Recall for failure of product to comply with the regulation; (2) cease to distribute products not properly production verified; and (3) cease to distribute products for failure to test.

In addition, 40 CFR 205.4(f) provides for cease to distribute orders for substantial infractions of the regulation requiring entry to manufacturers' facilities and reasonable assistance. These provisions do not limit the Administrator's authority to issue orders, but give notice of cases where such orders would in his judgment be appropriate. In all such cases notice and opportunity for a hearing will be given.

6.5 *Compliance labeling.* The regulation requires that subject wheel and crawler tractors be labeled to provide notice that the product complies with the noise emission standard. The label shall contain a notice of tampering prohibitions. The label also contains the effective date of the standard to which the product complies. The EPA is considering requiring that the actual not-to-exceed level of the standard be stated on the label. This would be intended to aid State and local officials in field testing and enforcement of complimentary in-use standards. Specific comments on the advantages and disadvantages of including the level of the standard on the compliance label are solicited from all concerned parties. A coded rather than actual date of manufacture has been required so as to avoid disruption of marketing and distribution patterns.

6.6 *In-use compliance.* In-use compliance provisions are included in §§ 204.108–1, 204.108–2, and 204.108–3 to ensure that wheel and crawler tractor noise levels are reasonably maintained for the life of the product provided that the machines are properly maintained, used, and repaired. These provisions include a requirement that the manufacturers provide a time of sale warranty to purchasers, assist the Administrator

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in defining those acts that constitute tampering, and finally provide purchasers with instructions specifying the maintenance use and repair required to minimize or negate degradation during product use.

6.7 *Acoustical assurance period compliance.* EPA does not specify what testing or analysis a manufacturer must conduct to determine that his products will meet the Acoustical Assurance Period requirement. However, under § 204.-108-4, the manufacturer is required to make a determination regarding the expected noise level increase if any and to maintain records of the test data and/or other information upon which the determination was based. This determination may be based on information such as tests of critical noise producing or abatement components, rates of noise control deterioration, engineering judgments based on previous experience, and physical durability characteristics of the product or product components.

The mechanism used in these regulations to express the amount of expected noise level degradation, if any, is the sound level degradation factor (SLDF). The SLDF is the degradation (increase in A-weighted sound pressure level) which the manufacturer expects will occur on a configuration during the period of time specified as the AAP. The manufacturer must determine an SLDF for each of his product configurations.

To ensure that the products will meet the noise standards throughout the AAP, proposed § 204.102(c)(2) requires the product to emit a time of sale noise level less than or equal to the new product noise emission standard minus the SLDF. In no case shall this noise level exceed the federal noise standard; i.e., a negative SLDF may not be used. Production verification and selective enforcement audit testing both embody this principle.

If the product's noise level does not deteriorate during the AAP when properly used and maintained, the SLDF is 0. If a manufacturer determines that product configuration becomes quieter during the AAP, the configuration must still meet the standard at the time of sale and an SLDF of 0 must be used for that configuration.

It may be that most of the data required to determine an SLDF will already be in the hands of the manufacturer since this information is typically used for general product development work. In any event, EPA is not now requiring long term durability tests to be run as a matter of course.

6.7 *Applicability of previously promulgated regulations.* Manufacturers who will be subject to the proposed regulation must also comply with the general provisions of 40 CFR Part 204 Subpart A. These include the requirements for inspection and monitoring of manufacturer's actions taken in compliance with the proposed regulation and the requirements for requesting and granting exemptions from this proposed regulation. Comments are invited on this point.

A more detailed description of the enforcement regulation may be found in the Background Document.

7.0 Future Intent

The Agency is pursuing a strategy through which major contributors to overall construction site noise will be identified and subsequently regulated. This coordinated approach is necessary because at most sites, a number of different construction equipments are generally operated at the same time and the quieting of only one device may not in itself be sufficient to adequately reduce site noise to a level the Agency believes requisite to protect the public health and welfare.

The Agency intends to continue its investigations pursuant to noise regulatory actions for other construction equipment products. Consequently, the levels specified for the standards in this proposed rulemaking are consistent with the Agency's overall objective to quiet all major noise producing products in order to ultimately reduce the total noise emitted from all construction sites.

8.0 Public Comment

The Agency is committed by statute and policy to public participation in the decision making process for its environmental regulations. That policy encourages and solicits communications and comments to the public docket on all aspects of the proposed regulation, including EPA's determination that wheel and crawler tractors (wheel and track loaders and wheeel and track dozers) are a major source of noise, 40 FR 23107 (May 28, 1975). These contributions are desired from as many diverse views as possible. When received, such information is fully analyzed and where so indicated necessary changes in proposed rules will be made and explained in the final regulation.

All interested parties are invited to attend public hearings concerning the proposed wheel and crawler tractor noise emission regulation. Hearings will be held on August 30, 1977, commencing at 9 a.m., in the Benjamin Franklin Hotel, 9th and Chestnut Streets, Philadelphia, Pennsylvania 19105, and on September 1, 1977, commencing at 9 a.m., in the Ambassador Hotel, 3400 Wilshire Blvd., Los Angeles, California 90010. Persons wishing to present their views at either public hearing should notify the Director, Standards and Regulations Division, no later than July 29, 1977, of their intention to make a statement so that presentations may be scheduled.

It is requested that presentations be limited to 20 minutes to enable all prescheduled persons an opportunity to speak and permit a question and answer period following each presentation. Persons who have not given notice of their intent to speak will be heard following the scheduled statements. It is requested that speakers submit, if practicable, five (5) copies of their statement prior to the hearing date to the Director, Standards and Regulations Division.

9.0 Background Document

The document entitled "Environmental Impact Statement, Economic Impact Statement and Background Document for Noise Emission Standards for Wheel and Crawler Tractors" may be obtained from:

U.S. Environmental Protection Agency, EPA Public Information Center (PM-215), Room 2104D, Waterside Mall, Washington, D.C. 20460.

(Secs. 6, 10, 11, 13, and 15 of the Noise Control Act, Pub. L. 92-574, 86 Stat. 1237, 1242, 1244, and 1245 (42 U.S.C. 4905, 4909, 4910, 4912, and 4914).)

Dated: June 23, 1977.

Barbara Blum,
Acting Administrator.

40 CFR Chapter I is amended by adding Subpart C, reading as follows:

Subpart C—Wheel and Crawler Tractors

Sec.

204.100 Applicability.
204.101 Definitions.
204.102 Noise emission standards.
204.103 Maintenance of records: submittal of information.
204.104 Test procedures.
204.105 Production verification.
204.105-1 General requirements.
204.105-2 Production verification: compliance with standards.
204.105-3 Configuration identification.
204.105-4 Production verification report: required data.
204.105-5 Test sample selection.
204.105-6 Test preparation.
204.105-7 Testing.
204.105-8 Labeling-compliance.
204.105-9 Addition of, changes to, and deviation from a product configuration during the year.
204.105-10 Production verification based on data from previous year.
204.105-11 Cessation of distribution.
204.106 Testing by the Administrator.
204.107 Selective enforcement auditing requirements.
204.107-1 Test request.
204.107-2 Test product selection.
204.107-3 Test product preparation.
204.107-4 Test procedures.
204.107-5 Reporting of test results.
204.107-6 Acceptance and rejection of batches.
204.107-7 Acceptance and rejection of batch sequence.
204.107-8 Continued testing.
204.107-9 Prohibition of distribution in commerce; manufacturer's remedy.
204.108 In-use requirements.
204.108-1 Warranty.
204.108-2 Tampering.
204.108-3 Instructions for maintenance, use, and repair.
204.108-4 Sound level degradation factor and retention of durability data.
204.109 Recall of non-complying machines.

Authority: Sec. 6 of the Noise Control Act (42 U.S.C. 4905) and additional authority as noted below.

Subpart C—Wheel and Crawler Tractors

§ 204.100 Applicability.

(a) This regulation and the provisions of this subpart shall apply to the following machine types and horsepower ratings used primarily in construction and entered into commerce after the effective dates specified in § 204.102:

(1) Wheel loaders with engines of not less than 20 or greater than 500 horsepower.

(2) Crawler tractors with engines of not less than 20 or greater than 450 horsepower.

(3) Wheel tractors with engines of 20 horsepower or above.

(b) Machines excluded from this regulation include:

(1) Wheel loaders with integral backhoes.

(2) Wheeled tractors with integral dozer blade linkage.

(3) Skid steer loaders.

(4) Wheel and crawler tractors with attachments—other than bucket or blade attachment—integral to the machine frame.

(5) Machines manufactured primarily for agricultural, mining, or logging operations.

(6) Trenching equipment—self-propelled machines used exclusively to produce a continuous trench by means of a digging chain or similar device.

§ 204.101 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in other subparts of this part.

(a) "Machines" means any wheel loader, crawler tractor, or wheel tractor.

(b) "Wheel loader" (also known as front end loader) means a tractor with articulated steering which moves on wheels and is designed to operate with an integral bucket attachment. Also included are the engine, transmission, drive train, bucket control system, and all cooling, lubricating, regulating, starting, fuel systems, and all other equipment necessary to constitute a complete self-contained unit.

(c) "Crawler tractor" (also known as track laying or tracked tractor) means a tractor which moves on tracks and which may or may not have an integral blade or bucket attachment used for dozing or loading operations. Also included are the engine, transmission, drive train, blade control system and all cooling, lubricating, regulating, starting, and fuel systems, and all other equipment necessary to constitute a complete self-contained unit.

(d) "Wheel tractor" (also known as utility or industrial tractor) means a tractor with rigid frame which moves on wheels and which may have as an integral component a loader bucket attachment or which can be fitted with other non-integral attachments. Also included are the engine, transmission, drive train, attachment control system, and all cooling lubricating, regulating, starting, and fuel systems, and other equipment necessary to constitute a self-contained unit.

(e) "Major machine component" means the primary device(s) and/or other attachments to the machine to perform the construction operations for which it is sold.

(f) "Simulated major machine component" means a representative version of the major machine component which is not attached to the machine. It shall be located at the same geometric position from the machine surface as the major machine component in a neutral position. The simulated machine component represents the major machine component in geometry and acoustic characteristics at the time of the noise emission test.

(g) "Horsepower" means net flywheel horsepower.

(h) "Model year" means the manufacturer's annual production period which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(i) "Machine configuration" means the basic classification unit of a manufacturer's product line and is comprised of all produce designs, models or series which are identical in all material aspects with respect to the parameters listed in § 204.105-3.

(j) "Category" means a group of machine configurations which are identical in all material aspects with respect to the parameters listed in paragraph (c)(1)(i) of § 204.105-2.

(k) "Production verification product" means any product selected for testing, tested, or verified pursuant to the production verification requirements of this subpart.

(l) "Noise emission test" means a test conducted pursuant to the measurement methodology specified in § 204.104.

(m) "Inspection criteria" means the rejection or acceptance numbers associated with a particular sampling plan.

(n) "Acceptable Quality Level (AQL)" means the maximum percentage of failing products that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(o) "Batch" means the collection of machines of the same category or configuration, as designated by the Administrator in a test request, from which a batch sample is to be drawn and inspected to determine conformance with the acceptability criteria.

(p) "Batch sample" means the collection of machines of the same category or configuration which is drawn from a batch from which test samples are drawn.

(q) "Batch sample size" means the number of products of the same category or configuration in a batch sample.

(r) "Test sample" means the collection of machines from the same category or configuration which is drawn from the batch sample and which will receive noise emission tests.

(s) "Batch size" means the number, as designated by the Administrator in test request, of products of the same category or configuration in a batch.

(t) "Test sample size" means the number of products of the category or configuration in a test sample.

(u) "Acceptance of a batch sequence" means that the number of rejected batches in the sequence is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(v) "Rejection of a batch sequence" means that the number of rejected batches in a sequence is equal to or greater than the rejection number as determined by the appropriate sampling plan.

(w) "Acceptance of a batch" means that the number of non-complying machines in the batch sample is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(x) "Rejection of a batch" means the number of non-complying products in the batch sample is equal to or greater than the rejection number as determined by the appropriate sampling plan.

(y) "Shift" means the regular production work period for one group of workers.

(z) "Failing product" means that the noise emissions of the product when measured in accordance with the applicable procedures, as delineated in this subpart, exceed the applicable standard.

(aa) "Acceptance of a product" means that the noise emissions of the product when measured in accordance with the applicable procedure, as delineated in this subpart, conform to the applicable standard.

(bb) "Test machine" means a machine in the test sample or a production verification machine.

(cc) "Tampering" means those acts prohibited by section 10(a)(2) of the Act.

(dd) "Exhaust System" meas the system comprised of components which provide for enclosed flow of exhaust gas from engine exhaust port to the atmosphere.

(ee) "Low Noise Emission Product" means any product which emits noise in amounts significantly below the levels specified in noise emission standards under the applicable regulations.

(ff) "Noise Control System" includes any part, component or system the primary purpose of which is to control or cause the reduction of noise emitted from a product.

(gg) "Sound Level Degradation Factor (SLDF)" means the increase in A-weighted sound level which the product configuration is projected to undergo during the Acoustical Assurance Period when properly maintained and used.

(hh) "Warranty" means the warranty required by section 6(d)(1) of the Act.

§ 204.102 Noise emission standards.

(a) Wheel and crawler tractors manufactured after the following effective dates shall be designed, built and equipped so that they will not produce A-weighted sound pressure levels in excess of the levels indicated below:

Machine type	Horsepower	Level (dBA)	Effective date
Crawler tractors	20 to 199	77	Mar. 1, 1981
Do	200 to 450	74	Mar. 1, 1979
		83	Mar. 1, 1981
		80	Mar. 1, 1984
Wheel loaders	20 to 249	79	Mar. 1, 1981
		78	Mar. 1, 1984
Do	250 to 500	84	Mar. 1, 1979
		80	Mar. 1, 1984
Wheel tractors	20+	74	Mar. 1, 1981

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(b) The standards set forth in paragraph (a) of this section refer to the sound emission levels as determined in accordance with the procedures prescribed in § 204.104.

(c) In-Use Standard. (1) Following the effective date of the standard, wheel and crawler tractors manufactured to meet the appropriate standard listed in § 204.102(a) shall continue to meet the standard for an Acoustical Assurance Period (AAP) of 5 years or 9,000 operating hours after sale to the ultimate purchaser, provided that the product is properly maintained and used in accordance with manufacturers' recommendation and provided that there has been no tampering with noise control components.

(2) At the time of product verification (PV) testing in § 204.105 and selective enforcement auditing (SEA) testing in § 204.107, new wheel and crawler tractors must comply with the standards set forth in paragraph (a) of this section minus the sound level degradation factor (SLDF) developed in accordance with § 204.108–4.

(d) Low Noise Emission Product. For the purpose of Low-Noise-Emission Product (LNEP) Certification pursuant to 40 CFR Part 203, wheel and crawler tractors subject to this subpart which are procured after the dates listed below, shall not emit A-weighted sound pressure levels in excess of the levels indicated when such levels are determined in accordance with the procedures prescribed in § 204.104. LNEP products must meet all requirements of paragraph (c) (1) and (2) of this section.

Machine type	Horsepower	Level (dBA	Implement date
Crawler tractors	200 to 300	75	Mar. 1, 1980
Do	300 to 400	77	Mar. 1, 1983
Do	400 to 500	78	Mar. 1, 1980
Wheel loaders	200 to 240	74	Mar. 1, 1980
Do	240 to 300	75	Mar. 1, 1983
Do	300 to 400	76	Mar. 1, 1980
Wheel tractors	200+	77	Mar. 1, 1980

(Secs. 10, 15 of the Noise Control Act (42 U.S.C. 4909, 4914).)

§ 204.103 Maintenance of records; submittal of information.

(a) Except as otherwise provided, the manufacturer of any new product subject to any of the standards or procedures prescribed in this subpact shall establish, maintain and retain the following adequately organized and indexed records:

(1) "General records." (i) Identification and description of category and configuration parameters of all products comprising the manufacturer's product line for which testing is required under this subpart and the identification and description of all devices incorporated into the product for the purpose of noise control and attenuation.

(ii) A description of all procedures other than those contained in this regulation used to perform noise tests on any test machine.

(iii) A record of the calibration of the acoustical instrumentation as required by § 204.104.

(iv) A record of the date of manufacture of products subject to this part, keyed to the serial number or other coded identification contained on the label affixed to each product pursuant to § 204.105–8(a).

(2) Individual records for test products: (i) A complete record of all noise emission tests performed for PV and SEA (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof.

(ii) A record and description of all repairs, maintenance and other servicing performed on PV and SEA test products, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service.

(3) A properly filed production verification report following the format prescribed by the Administrator in § 204.105–4 fulfills the requirements of (a)(1)(i), (ii), (iii), (iv) and (a)(2)(i) and (ii) of this paragraph.

(4) All records required to be maintained under this part shall be retained by the manufacturer for a period of three (3) years from the production verification date. Records may be retained as hard copy or alternatively reduced to microfilm, punch cars, etc., depending on the record retention procedures of the manufacturer; however, if an alternate method is to be used, all required information shall be retained relative to the alternative method.

(b) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to new machine production:

(1) Number of products, by category or configuration, scheduled for production for the time period designated in the request.

(2) Number of products, by category or configuration, produced during the time period designated in the request.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.104 Test procedures.

(a) "General." The test site, measurement equipment, conditions for testing and measurement procedures in this section shall be employed to demonstrate compliance with the standards set forth in § 204.102.

(b) "Test Site Description." (1) The location employed for measuring noise during noise compliance testing shall consist of an open site above a hard reflecting plane. The reflecting plane shall consist of a surface of smooth concrete or smooth sealed asphalt and shall extend one (1) meter beyond each microphone location. No acoustically reflecting surface such as a building, sign board, hillside, etc. shall be located within thirty (30) meters of any microphone location.

(2) The reflecting plane described above shall be flat within ±0.05 meters.

(c) "Measurement equipment." The measurement equipment used for noise standard compliance testing shall consist of the following or its equivalent:

(1) Sound level meter and microphone system conforming to the Type I requirements of American National Standards Institute (ANSI) S1.4. 1971. "Specification for Sound Level Meters."

(2) A windscreen, to be employed when the wind speed exceeds 11km/hr, which does not affect the A-weighted sound levels in excess of ±0.5 dB.

(3) A sound level calibrator accurate to within ±0.5 dB shall be used to calibrate the acoustic measurement system consisting of, but not limited to, a microphone and sound level meter.

(4) An anemometer or other device accurate to within ±10 percent shall be used to measure wind velocity.

(5) A tachometer or other indicator accurate to within ±2 percent shall be used to measure machine engine speed.

(6) A barometer accurate to within ±5 percent shall be used to measure atmospheric pressure.

(7) A thermometer accurate to within ±1 degree shall be used to measure ambient temperature.

(d) "Measurement equipment calibrations." All measurement equipment shall be calibrated annually using the methodology prescribed by the manufacturer of the equipment.

(e) "Test conditions." Noise standard compliance testing shall be carried out under the following conditions:

(1) Zero rain or other precipitation;

(2) Wind speed less than 19 km/hr;

(3) No observer shall be located within 2 meters in any direction of any microphone location, nor shall any person be located between the test machine and microphone(s);

(4) The reflecting plane, described in (b) above, shall be free of flowing or standing water, snow or other covering or any extraneous material such as gravel;

(5) Sound levels produced by the test machine shall be at least 10 dB greater than the test site background sound level.

(f) "Test machine." The test machine must be operated with all component drive systems in the neutral position. The machine shall be operated in accordance with the manufacturer's specified temperature, oil pressure and other performance standards that are representative of continuous service. The machine shall be operated at maximum rated or governed rpm (high-idle) as specified by the manufacturer. All cooling air vents in the engine enclosure and other service doors and/or inspection panels, normally open during machine operation, shall be fully open during all sound level measurements. Service doors and/or inspection panels, normally closed during machine operation, shall be closed during all sound level measurements. The test machine shall be configured with either the major machine component or a simulated major machine component located in the lowered (at rest) position with the bottom edge of the component resting on the reflecting plane described in (b) above. Antivibration material may be installed between the major machine component and the reflecting plane to prevent spurious vibration generated noise levels.

(g) "Microphone locations." Four microphone locations should be employed to acquire machine sound levels at the right, left, front and back of the test machine. Each microphone shall be located on axis 15±0.1 meters from the test machine at a height of 1.2±0.1 meters above the reflecting plane. The right, left, front and back refer to the respective sides of an imaginary box that would just fit over the test machine, minus its major machine component discussed in (f) above.

(h) "Data required." The following data shall be acquired during noise emission standard compliance testing:

(1) The A-weighted ambient sound level, at each microphone location, prior to operation of the test unit.

(2) A-weighted sound levels with the indicating meters set for slow response shall be measured at each microphone location as defined in paragraph (g) during test machine operation as described in paragraph (f).

(3) All other non-acoustical data to complete Table IV of Appendix I.

(i) "Calculation of average sound level." The average A-weighted sound level shall be calculated by the following method:

$$\bar{L} = \frac{1}{N}\sum_{i=1}^{N} L_i$$

where:

$\bar{L}$=Average A-weighted sound level, in decibels.
L_i=A-weighted sound level, in decibels.
i=1, 2, 3, 4, an index denoting microphone location.
N=Number of measuring positions.

(j) The Administrator may approve applications from manufacturers for the use of test procedures which differ from those contained in this subpart so long as the alternate procedures have been demonstrated to correlate with the prescribed procedure. To be acceptable, alternate testing procedures shall be such that the test results obtained will identify all those test units which would not comply with the noise emission limit prescribed in § 204.102 when tested in accordance with the procedures contained in § 204.104 (a)–(h). Tests conducted by manufacturers under approved alternate procedures may be accepted by the Administrator for all purposes, including, but not limited to, production verification testing and selective enforcement audit testing.

(k) "Presentation of information". All information required by this section may be recorded using the format recommended on the Noise Data Sheet shown in Appendix I, Table IV.

§ 204.105 Product verification.

§ 204.105–1 General requirements.

(a) Every new product manufactured for distribution in commerce in the United States which is subject to the standards prescribed in this subpart and not exempted in accordance with Subpart A, § 204.5:

(1) Shall be verified in accordance with production verification procedures described in this subpart;

(2) Shall be represented in a Production Verification Report, as required by § 204.105–4 of this subpart.

(3) Shall be labeled in accordance with the requirements of § 204.105–8 of this subpart; and

(4) Shall conform to the applicable noise emission standards established in § 204.102 of this subpart.

(b) The requirements of paragraph (a) of this section apply to new products at the time they first conform to the definition of products in these regulations. The responsibility for complying with the requirement of paragraph (a) of this section rests with the manufacturer of the new product at the time the product first conforms to the definition of wheel loader, crawler, tractor, or wheel tractor in these regulations.

(c) Subsequent manufacturers of a new product, which conforms to the definition of products in these regulations when received by them from a prior manufacturer, need not fulfill the requirements of paragraph (a) (1), (2) or (3) of this section where such requirements have already been complied with by a prior manufacturer provided that such subsequent manufacturing does not constitute tampering as defined pursuant to § 204.108–2.

(Secs. 10, 13 of the Noise Control Act (42 U.S.C. 4909, 4912).)

§ 204.105–2 Production verification: compliance with standards.

(a) (1) Prior to distribution in commerce of products of a specific configuration, the manufacturer of such products shall verify such configuration in accordance with the requirements of this subpart: Except, that production verification of a configuration is automatically and conditionally waived by the Administrator without request by a manufacturer for a period of 45 consecutive days from the date of distribution in commerce by a manufacturer of the first product of that configuration in order to enable a manufacturer to distribute products in commerce pending compliance thus avoiding disruption of the manufacturing process: *Provided*, That a manufacturer conducts the necessary tests required in paragraphs (b) and/or (c) of this section as soon as weather conditions at a manufacturer's test facility permit after distribution in commerce of the first product of a configuration and that such conditions are documented by the manufacturer and provided to the Administrator on request. Failure to test on such first day will result in automatic and retroactive recession of the waiver and will render the manufacturer liable for illegal distribution of products in commerce.

(2) At the completion of any 45 day period the conditional waiver granted under paragraph (a)(1) of this section is rescinded for that configuration unless the manufacturer has complied with the requirements of paragraph (b) and or (c) of this section as appropriate: Except, that upon application by a manufacturer and a showing that the weather conditions at the manufacturer's test facility or other conditions beyond the control of the manufacturer made it impossible to conduct the required testing and that documentation of such conditions are submitted by the manufacturer, the Administrator, at his option, may extend, for a period not to exceed 45 days, conditional production verification for a configuration to enable the manufacturer to comply with the requirements of paragraph (b) and/or (c) of this section or he may require pursuant to § 204.107 that the manufacturer ship the test machine to the EPA test facility for testing by the Administrator.

(b) Production verification requirements with regard to each machine configuration consist of:

(1) Testing in accordance with § 204.105–7 of a machine selected in accordance with § 204.105–5.

(2) Compliance of the test machine with the applicable standard specified in § 204.102 when tested in accordance with § 204.104.

(3) Submission of a production verification report pursuant to § 204.105–4.

(c) (1) In lieu of testing products of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

(i) Grouping configurations into a category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):

(A) Engine Type
Gasoline
Diesel
Other
(B) Engine Manufacturer
(C) Engine Horsepower
(D) Engine Configuration (e.g., L-6, V-8, etc.

(ii) (A) Identifying the configuration within each category which emits the highest sound level in dBA at the end of its defined AAP based on best technical judgment emission test data, or both.

(B) If two or more configurations would emit the same sound level described in (ii) (A) above, then identifying the configuration that emits the highest sound level when distributed into commerce.

(iii) Testing in accordance with § 204.104 of a product selected in accordance with § 204.105 which must be a product of the configuration which is identified pursuant to subparagraph (ii) of this paragraph as having the highest A-weighted sound pressure level (estimated or actual) within the category at the end of the specified AAP.

(iv) Compliance of the test machine with the applicable standard when tested in accordance with § 204.104; and

(v) Submission of a production verification report pursuant to § 204.105–4.

(2) Where the requirements of paragraph (c)(1) of this section are com-

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plied with, all those configurations con-

plied with, all those configurations contained within a category are considered represented by the tested machine and are considered to be production verified.

(3) (i) Where the manufacturer tests a product configuration which has not been identified as having the highest sound pressure level of a category, at the end of its acoustical assurance period but all other requirements of paragraph (c) (1) of this section are complied with, all those configurations contained within that category which are determined to have a sound pressure level at the end of the AAP no greater than the tested product are considered to be represented by the tested product and are considered to be production verified; however, a manufacturer must product verify according to the requirements of (b) (1) and/or (c) (1) of this section any configurations in the subject category which have a higher A-weighted sound pressure level at the end of the AAP than the product configuration tested.

(ii) Where more than one configuration would emit the highest sound level after the AAP and the manufacturer tests a configuration among them which has been determined as not having the highest sound level of a category at the time of sale, but all other requirements of paragraph (c) (1) of this section are complied with, all those configurations contained within that category which are determined to have sound pressure levels, at the time of sale, no greater than the tested product configuration are considered to be production verified; however, a manufacturer must production verify according to the requirements of (b) (1) and/or (c) (1) of this section any configurations in the subject category which have a higher sound pressure level at the time of sale than the product configuration tested.

(d) A manufacturer may elect to production-verify using representative testing, pursuant to paragraph (c) of this section, all or part of his product line.

(e) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any product determined not in compliance with applicable standards:

(1) Delete that configuration from the production-verification report. Configurations so deleted may be included in a later report under § 204.105–4. However, in the case of representative testing a new test product from another configuration must be selected and production verified according to the requirements of paragraph (c) of this section, in order to production verify the category represented by the noncompliant machine.

(2) Modify the test product and demonstrate by testing that it meets applicable standards. All modifications and test results shall be reported in the production-verification report. The manufacturer shall modify all production products of the same configuration in the same manner as the test machine before distribution into commerce.

(f) Upon request by the Director, Noise Enforcement Division, the manufacturer shall notify said Director of any production-verification testing scheduled by the manufacturer pursuant to this section so that EPA Enforcement Officers may be present to observe and monitor such testing or conduct the testing in lieu of the manufacturer.

(Sec. 13 of the Noise Control Act (42 U.S.C 4912).)

§ 204.105–3 Configuration identification.

A separate product configuration shall be determined by each combination of the following parameters:

(a) Category parameters listed in § 204.105–2 and

(b) Exhaust System Configuration: (1) Single vertical; (2) Dual vertical; (3) Single horizontal; (4) Dual horizontal; (5) Exhaust pipe dimensions; (6) Manufacturer.

(c) Air Induction System: (1) Natural; (2) Turbocharged; (3) Air intake system design specifications and manufacturer.

(d) Cooling System: (1) Fan: (A) Diameter, (B) Maximum rpm; (2) Coolant Capacity; (3) Fan Shroud Design.

(e) Engine Displacement.

(f) Product Attachment Design Specifications: (1) Blade; (2) Bucket; (3) Backhoe; (4) Winch; (5) Ripper; (6) Other.

(g) Special Application Enclosures: (1) Undercarriage guards: (A) Crankcase, (B) Transmission; (2) Radiator protective cover; (3) Radiator cold weather screen; (4) Engine enclosure; (5) Operator cockpit; (A) Rollover protection, (B) Complete cab enclosure; (6) Track guide cover; (7) Tire splash cover; (8) Other enclosures affecting noise signatures.

(h) Power to Ground Transfer: (1) Wheel specifications; (2) Track specifications.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–4 Production verification report: required data.

(a) Prior to distribution in commerce of any product to which this regulation applies, the manufacturer shall submit a production verification report to the Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460, unless product verification is waived in accordance with § 204.105–2(a) (1) and (2). A manufacturer may choose to submit separate production verification reports for different parts of his product line.

(b) The report shall be signed by an authorized representative of the manufacturer and shall include the following:

(1) The name, location and description of the manufacturer's noise emission test facilities which meet the specification of 204.104 and have been utilized to conduct testing pursuant to this subpart C: Except, that a test facility that has been described in a previous submission under this subpart need not again be described but must be identified as such.

(2) A description of normal predelivery maintenance procedures.

(3) Description of all product configurations, as determined in accordance with § 204.105–3, to be distributed in commerce by the manufacturer, including the sound level degradation factor for each configuration and a list identifying or defining any device or element of design (including its location and method of operation) incorporated into products for the purpose of noise control and any device that affects noise emission from the product and does not operate during the normal operating modes of the product. The manufacturer may satisfy the product configuration description requirements of this paragraph by submitting as part of the production-verification report a copy of his technical sales data literature that describes his product line including options: Provided, that this literature is supplemented with any additional information to fulfill the requirements of this section. If a manufacturer elects to production-verify pursuant to § 204.105–2(c) the configuration within each category, which is estimated to have the highest A-weighted sound level at the end of the specified AAP shall be identified. The manufacturer may estimate the average sound level based on his best technical judgment and/or data. The criteria used to estimate each sound level must be stated with the estimates.

(4) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 204.104 for all official tests conducted in accordance with § 204.105–7 including, for each invalid test, the reasons for invalidation.

(ii) A completed description of any preparation, maintenance or testing which was performed on the test product and which will not be performed on all other production products.

(iii) The reason for replacement where a replacement machine was necessary, and test results, if any, for replaced machines.

(5) A completed description of the sound data acquisition system if other than those specified in § 204.104.

(6) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. All testing for which data is reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 204 et. seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is, to the best of _____ (company name) knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

_____ (Authorized representative)

(c) Where a manufacturer elects to submit separate production-verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted: Except, that information necessary to update or make current previously submitted information must be submitted.

(d) Any change with respect to information reported pursuant to this subpart shall be reported as soon as the information becomes available.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–5 Test sample selection.

Test products of a configuration for which production-verification testing is required by § 204.105–2 shall be a product of the subject configuration which has been assembled using the manufacturer's normal production processes and which will be sold or offered for sale in commerce.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–6 Test preparation.

(a) Prior to the official test, the test product selected in accordance with § 204.105–5 shall not be prepared, tested, modified, adjusted, or maintained in any manner unless such adjustments, preparation, modification and/or tests are part of the manufacturer's prescribed manufacturing and inspection procedures, and are documented in the manufacturer's internal machine assembly and inspection procedures or unless such adjustments and/or tests are required or permitted under this subpart or are approved in advance by the Administrator. The manufacturer may perform adjustments, preparation, modification and/or tests normally performed at the port-of-entry by the manufacturer to prepare the machine for delivery to a dealer or customer: *Provided*, That such adjustments, preparation, modification or tests are documented in the production verification report.

(b) Equipment or fixtures necessary to conduct the test may be installed on the product: *Provided*, That such equipment or fixtures shall have no effect on the noise emissions of the machine as determined by measurement methodology.

(c) In the event of product malfunction (i.e., failure to start), the manufacturer may perform the maintenance that is necessary to enable the product to operate in a normal manner: *Provided*, That such maintenance is documented and reported in the final report prepared and submitted in accordance with this subpart.

(d) No quality control, quality assurance testing, assembly or selection procedures shall be used on the test product or any portion thereof, including parts and subassemblies, that will not be used during the production and assembly of all other products of the category which will be distributed in commerce, unless such procedures are required or permitted under this subpart or are approved in advance by the Administrator.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–7 Testing.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 204.104 of this subpart for each machine selected for verification testing.

(b) No maintenance will be performed on test machines except as provided for by § 204.105–6.

(c) In the event a product is unable to complete the noise test, the manufacturer may replace the product. Any replacement product will be a production product of the same configuration as the replaced product and will be subject to all the provisions of these regulations. Any replacement shall be reported in the production verification report including the reason for the replacement.

(d) In the event a product fails to comply with the standards of this subpart when tested in accordance with the procedures specified in paragraph (a) of this section, the manufacturer may proceed in accordance with § 204.105–2 (c) of this subpart.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–8 Labeling: compliance.

(a) (1) The manufacturer of any product subject to the standards prescribed in § 204.102 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all such machines to be distributed in commerce.

(2) A plastic or metal label shall be welded, riveted or otherwise permanently attached to a readily visible position.

(3) The label shall be affixed by the product manufacturer, who has verified such product, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any piece of equipment which is easily detached from such product.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Product Noise Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Date of manufacture, which may consist of a serial number or code in those instances where records specified in section 204.103(a)(1)(iv) are maintained.

(iv) The statement:

This product, when new, is warranted not to exceed the applicable standard effective on (month/year) when tested as prescribed by USEPA. Tampering with any product noise control device or element of design (see owner's manual) or use of this product after such tampering is prohibited by Federal law.

(b) Any product manufactured solely for use outside the United States shall be clearly labeled "For Export Only".

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–9 Addition of, changes to and deviation from a product configuration during the year.

(a) Any change to a configuration with respect to any of the parameters stated in § 204.105–3 shall constitute the addition of a new and separate configuration or category to the manufacturer's product line.

(b) (1) When a manufacturer introduces a new category or configuration to his product line, he shall proceed in accordance with § 204.105–2.

(2) If the configuration to be added can be grouped within a verified category and the new configuration is estimated to have a lower sound pressure level than a previously verified configuration within the same category, the configuration shall be considered verified: Provided, that the manufacturer submits a report pursunat to section 204.105–4 with respect to such configuration.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–10 Production verification based on data from previous year.

Production verification of each configuration will be required at the beginning of each model year except that in certain instances, the Administrator, upon request by the manufacturer, may permit the use of production-verification data for a specific configuration from previous production-verification reports. Considerations relevant to his decision may include, but are not limited to:

(a) The level of the standard in effect for the model year in question;

(b) Performance based on production-verification data for previous years;

(c) Performance based on data obtained from selective enforcement testing during previous model years;

(d) The number and type of noise emission design changes incorporated in the new models that effect the noise emission level of that model.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 204.105–11 Cessation of distribution.

(a) If a category or configuration is found to be in nonconformity with these regulations by reason of failure to be properly production-verified, as required by § 204.105–2, the Administrator may issue an order to the manufacturer to cease to distribute in commerce products of that category or configuration: *Provided, however*, That such an order shall not be issued if the manufacturer has made a good faith attempt to properly production-verify the category configuration. The burden of establishing such good faith shall rest with the manufacturer.

(b) Any such order shall be issued after notice and opportunity for a hearing.

(Sec. 11, of the Noise Control Act (42 U.S.C. 4910).)

§ 204.106 Testing by the Administrator.

(a) (1) For the purpose of conducting production verification testing in lieu of the manufacturer or conducting selective enforcement auditing, the Administrator may require that any product tested or scheduled to be tested pursuant to these regulations or any untested products be submitted to him, at such place and time as he may designate.

(2) The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment of the type required by these regulations shall be made available by the manufacturer for test operations. The administrator

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may conduct such tests with his own equipment, which shall equal or exceed the performance specifications of the instrumentation or equipment specified in these regulations.

(b) (1) If, based on tests conducted by the EPA, or other relevant information, the Administrator determines that the test facility does not meet the requirements of §204.104 (b) and (c), (including any alternate procedures that may be approved under § 204.104(j)), he will notify the manufacturer in writing of his determination and the reasons therefore.

(2) After any notification issued under paragraphs (b)(1) has taken effect, no data thereafter derived from such test facility will be acceptable for purposes of this subpart and the Administrator may issue an order to the manufacturer, with respect to the product category or configuration in question, to cease to distribute in commerce products of such category or configuration: Except that any such order shall be issued only after notice and opportunity for a hearing. Such notification may be included in any notification under paragraph (b)(1) of this section. A manufacturer may request that the Administrator grant a hearing; such request shall be made not later than 15 days, or other such period as may be allowed by the Administrator, subsequent to notification of the Administrator's intent to issue an order to cease to distribute.

(3) The manufacturer may request in writing that the Administrator reconsider the determination in (b)(1) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reasons for disqualification.

(4) The Administrator will notify the manufacturer of his determination with regard to the requalification of the test facility within 10 days of the manufacturer's request for reconsideration pursuant to paragraph (b)(3) of this section.

(c) (1) Whenever the Administrator conducts a test on a test product, the results of that test shall constitute the official test data for that product.

(2) The Administrator may accept the manufacturer's test data in lieu of his data upon a showing by the manufacturer that the data, acquired under paragraph (a) are erroneous and that the manufacturer's data are correct.

(Secs. 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912).)

§ 204.107 Selective enforcement auditing requirements.

§ 204.107–1 Test request.

(a) The Administrator will request all testing under this subpart by means of a test request addressed to the manufacturer.

(b) The test requests will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will specify the product category or configuration selected for testing, the batch size, the manufacturer's plant or storage facility from which the products shall be selected, and the time at which a product shall be selected. The test request will also provide for situations in which the selected configuration or category is unavailable for testing. The test request may include an alternative category or configuration selected for testing in the event that products of the first specified category or configuration are not available for testing because the products are not being manufactured at the specified plant, are not being manufactured during the specified time, or are not being stored at the specified plant or storage facility.

(d) Any manufacturer shall, upon receipt of the test request:

(1) If he produces less than 4 of the specified category or configuration of product per given period of time specified in the test request, test every product produced in two consecutive batches in accordance with these regulations and the conditions specified in the test request.

(i) If one or more of the products fails to meet the standard, the batch is rejected.

(ii) If one batch is rejected, the batch sequence is rejected.

(2) If he produces 4 or more of the specified category or configuration of product per given period of time as specified in the test request, selected and test a batch sample of machines from consecutively produced batches of the machine category or configuration specified in the test request in accordance with these regulations and the conditions specified in the test request.

(e) (1) Any testing conducted by the manufacturer pursuant to a test request shall be initiated within such period as is specified with the test request: Except, that such initiation may be delayed for increments of 24 hours or one business day where ambient test site weather conditions in any 24 hour period do not permit testing: *Provided*, That ambient test site weather conditions for that period are recorded.

(2) The manufacturer shall complete noise emission testing on a minimum of two products per day unless otherwise provided for by the Administrator or unless ambient test site conditions only permit the testing of a lesser number: *Provided*, That ambient test site weather conditions for that period are recorded.

(3) The manufacturer shall be allowed 24 hours to ship products from a batch sample from the assembly plant to the testing facility if the facility is not located at the plant or in the close proximity to the plant: Except, that the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) The Administrator may issue an order to the manufacturer to cease to distribute into commerce products of a specified category or configuration being manufactured at a particular facility if:

(1) The manufacturer refuses to comply with the provisions of a test request issued by the Administrator pursuant to this section; or

(2) The manufacturer refuses to comply with any of the requirements of this section.

(g) A cease-to-distribute order shall not be issued under paragraph (f) of this section if such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with the provisions of a test request or any other requirements of this section. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure, or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(h) Any such order shall be issued only after a notice and opportunity for a hearing.

(Sec. 6, 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912).)

§ 204.107–2 Test product selection.

(a) Products comprising the batch sample which are required to be tested pursuant to a test request in accordnace with this subpart will be selected in the manner specified in the test request from a batch of products of the category or configuration specified in the test request. If the test request specifies that products comprising the batch sample must be selected randomly, the random selection will be achieved by sequentially numbering all of the products in the batch and then using a table of random numbers to select the number of products as specified in (c) of this section based on the batch size designated by the Administrator in the test request. An alternative random selection plan may be used by a manufacturer, provided that such a plan is approved by the Administrator. If the test request does not specify that test products must be randomly selected, the manufacturer shall select test products consecutively. The provisions of § 204.105–7 (b)(c) shall also pertain to this section.

(b) The Acceptable Quality Level is 10 percent. The appropriate sampling plans associated with the designated AQL are contained in Appendix I, Table II.

(c) The appropriate batch sample size will be determined by reference to Appendix I, Tables I and II. A code letter is obtained from Table I based on the batch size designated by the Administrator in a test request. The batch sample size will be equal to the maximum cumulative sample size for the appropriate code letter obtained from Table I plus an additional 10 percent rounded off to the next highest number.

(d) The products comprising the test sample will be selected randomly, the batch sample using the same random selection plan as in paragraph (a) of this section. Test sample size will be determined by using Table II.

(e) The test products of the category or configuration selected for testing shall have been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process.

(f) Unless otherwise indicated in the test request, the manufacturer will select the batch sample from the production batch, next scheduled after receipt of the test request, of the category or configuration specified in the test request.

(g) Unless otherwise indicated in the test request, the manufacturer shall select the product designated in the test request for testing.

(h) At their discretion, EPA Enforcement Officers, rather than the manufacturer, may select the products designated in the test request.

(i) The manufacturer will keep on hand all products in the batch sample until such time as the batch is accepted or rejected in accordance with § 2041.–07–6: Except, that products actually tested and found to be in conformance with these regulations need not be kept.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912).)

§ 204.107–3 Test product preparation.

(a) Prior to the official test, the test product selected in accordance with section 204.107–2, will be prepared in accordance with section 204.105–6.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.107–4 Test procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 204.104 for each product selected for testing pursuant to this subpart.

(b) No maintenance will be performed on test products except as provided by § 204.107–3. In the event a product is unable to complete the emission test, the manufacturer may replace the product. Any replacement product will be a production product of the same configuration as the replaced product. It will be randomly selected from the batch sample and will be subject to all the provisions of these regulations.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.107–5 Reporting of test results.

(a) (1) The manufacturer shall submit a copy of the test report for all testing conducted pursuant to § 204.107 at the conclusion of each twenty-four period during which testing is done.

(2) For each test conducted the manufacturer will provide the following information:

(i) Configuration and category identification where applicable

(ii) Sound Level Degradation Factor

(iii) Type, year, make, assembly date, and model of product

(iv) Product serial number

(v) Test results by serial numbers.

(3) The first test report for each batch sample will contain a listing of all serial numbers in that batch.

(b) In the case where an EPA Enforcement Officer is present during testing by this subpart, the written reports requested in paragraph (a) of this section may be given directly to the Enforcement Officer.

(c) Within five days after completion of testing of all products in a batch sample, the manufacturer shall submit to the Administrator a final report which will include the information required by the test request in the format stipulated in the test request in addition to the following:

(1) The name, location and description of the manufacturer's noise emission test facilities which meet the specifications of § 204.104 and were utilized to conduct testing reported pursuant to this section: Except, that a test facility that has been described in a previous submission under this subpart need not again be described but must be identified as such.

(2) A description of the random product selection method used, and the name of the person in charge of the random number selection, if the product test request specifies a random number product selection.

(3) The following information for each test conducted;

(i) The completed data sheet required by section 204.104 for all noise emission tests including, for each invalid test, the reason for invalidation.

(ii) A complete description of any modification, repair, preparation, maintenance, and/or testing which was performed on all other production products.

(iii) The test results for any replaced product.

(4) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. All testing for which data is reported herein was conducted in strict conformance with applicable regulations under 40 CFR Part 204, et seq. All the data reported herein are a true and accurate representation of such testing. All other information reported herein is to the best of (----------)

Company name

knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

(authorized representative)

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.107–6 Acceptance and rejection of batches.

(a) A failing product is one whose measured sound level is in excess of the sound level equal to the applicable noise emission standard set forth in § 204.102 minus the SLDF as determined in § 204.–108–4 for the category or configuration being tested.

(b) A batch from which a batch sample is selected will be accepted or rejected based upon the number of failing products in the batch sample. A sufficient number of test samples will be drawn from the batch sample until the cumulative number of failing products is less than or equal to the acceptance number, or greater than or equal to the rejection number appropriate for the cumulative number of machines tested. The acceptance and rejection number listed in Appendix I, Table II at appropriate code letter obtained according to § 204.107–2 will be used in determining whether the acceptance or rejection of a batch has occurred.

(c) Acceptance or rejection of a batch takes place when a decision that a product is a failing machine is made on the last product required to make a decision under paragraph (b) of this section.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.107–7 Acceptance and rejection of batch sequence.

(a) The manufacturer will continue to inspect consecutive batches until the batch sequence is accepted or rejected. The batch sequence will be accepted or rejected based on the number of rejected batches. A sufficient number of consecutive batches will be inspected until the cumulative number of rejected batches is less than or equal to the sequence acceptance number, or greater than or equal to the sequence rejection number appropriate for the number of batches inspected. The acceptance and rejection numbers listed in Appendix I, Table III at the appropriate code letter obtained according to § 204.107–2 will be used in determining whether the acceptance or rejection of a batch sequence has occurred.

(b) Acceptance or rejection of a batch sequence takes place when the decision is made on the last product required to make a decision under paragraph (a) of this section.

(c) If the batch sequence is accepted, the manufacturer will not be required to perform any additional testing on machines from subsequent batches pursuant to the initiating test request.

(d) The Administrator may terminate testing earlier than required in paragraph (b) based request by the manufacturer accompanied by voluntary cessation of distribution in commerce, from all plants of products of the configuration in question: *Provided*, That once production is reinitiated the manufacturer must take the action described in § 204.107–9 (a)(1) and (a)(2) prior to distribution in commerce of any product from any plant of the product category or configuration in question.

(Sec. 13 of the Noise control Act. (42 U.S.C. 2912))

§ 204.107–8 Continued testing.

(a) If a batch sequence is rejected in accordance with paragraph (b) of § 204.107–7, the Administrator may require continued 100 percent testing of

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products of that category or configuration produced at that plant.

(b) The Administrator will notify the manufacturer in writing of his intent to require any 100 percent testing of products pursuant to paragraph (a) of this section.

(c) Any tested product which demonstrates conformance with the applicable standard may be distributed into commerce.

(d) Any knowing distribution into commerce of a product which does not comply with the applicable standards is a prohibited act.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.107–9 Prohibition of distribution in commerce; manufacturer's remedy.

(a) The Administrator will permit the cessation of continuous testing under § 204.107–8 once the manufacturer has taken the following actions:

(1) Submits a written report to the Administrator which identifies the reason for the noncompliance of the products, describes the problem, and describes the proposed quality control and/or quality assurance remedies to be taken by the manufacturer to correct the problem or follows the requirements for an engineering change pursuant to § 204.105–9; and

(2) Demonstrates that the specified product category or configuration has passed a retest conducted in accordance with § 204.107 and the conditions specified in the initial test request.

(b) Any product failing the prescribed noise emission tests conducted pursuant to this Subpart C may not be distributed in commerce until necessary adjustments or repairs have been made and the product passes a retest.

(c) No products of a rejected batch which are still in the hands of the manufacturer may be distributed in commerce unless the manufacturer has demonstrated to the satisfaction of the Administrator that such products do in fact conform to the regulation: Except, that any machine that has been tested and does, in fact, conform with this regulation may be distributed in commerce.

(Secs. 11, 13 of the Noise Control Act, (42 U.S.C. 4910))

§ 204.108 In-use requirements.

§ 204.108–1 Warranty.

(a) The manufacturer of a product who is required to production verify under this part shall include in the owner's manual or any other information supplied to the ultimate purchaser, the following statement:

Noise Emissions Warranty

The manufacturer warrants to the first person who purchases this product for purposes other than resale and each subsequent purchaser that this product was designed, built and equipped to conform at the time of sale to such first purchaser with all applicable U.S. EPA noise control regulations.

This warranty is not limited to any particular part, component, or system of the product. Defects in the design, assembly, or in any part, component, or system of the product which, at the time of sale to such first purchaser, cause noise emission levels to exceed Federal standards are covered by this warranty for the life of the product.

(b) Not later than the date of submission of the production-verification report required by § 204.105–4, the manufacturer shall submit to the Administrator two (2) copies of the written noise emission warranty required by paragraph (a) of this section and two (2) copies of all other information provided to the ultimate purchaser which could reasonably be construed as impacting on the warranty.

(c) Not later than ten (10) days after dissemination, the manufacturer shall submit two (2) representative copies of all information of a general nature, or modifications thereto, which is provided to dealers, zone representatives, or other agents of the manufacturer regarding the administration and application of the noise emission warranty. Information regarding noise emission warranty claims which is provided to a dealer or representative in response to a particular warranty claim or dealer inquiry is not considered to be information of a general nature, if such information does not receive broad dissemination to dealers.

(d) All information required to be forwarded to the Administrator pursuant to this section shall be addressed to: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.108–2 Tampering.

(a) For each model year and for each configuration of products covered by this part, the manufacturer shall submit to the Administrator a list of those acts which, in the manufacturer's estimation, might be done to the product in use, on more than an occasional basis, and result in an increase in noise emission levels above the standards prescribed in section 204.102. The manufacturer should indicate, wherever possible, the amount of increase in noise emission level.

(b) The above information shall be submitted to the Administrator within adequate time prior to the introduction into commerce of each configuration to allow for the development and printing of tampering lists, as provided in paragraphs (c) and (d) of this section.

(c) On the basis of the above information, the Administrator will develop a list of acts which, in the Administrator's judgment, constitute the removal or the rendering inoperative, totally or partially, other than for purposes of maintenance, repair, or replacement, of noise control devices or elements of design of the product. This list shall be provided to the manufacturer by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted by the manufacturer, and shall be included in the statement to the ultimate purchaser, as required by paragraph (d)(2) of this section. If the list is not provided by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted, the manufacturer shall include only the statement in paragraph (d)(1) of this section, until such time as the list has been provided and the owner's manual is reprinted for other purposes.

(d) The manufacturer shall include in the owner's manual the following information:

(1) The statement:

TAMPERING WITH NOISE CONTROL SYSTEM PROHIBITED

Federal law prohibits the following acts or the causing thereof:

(1) The removal or rendering inoperative, by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any new product for the purpose of noise control, prior to its sale or delivery to the ultimate purchaser or while it is in use, or (2) the use of the product after such device or element of design has been removed or rendered inoperative by any person.

(ii) The statement:

Among those acts included in the prohibition against tampering are the acts listed below.

Immediately following this statement, the manufacturer shall include the list developed by the Administrator under paragraph (c) of this section.

(e) Any act included in the list prepared pursuant to paragraph (c) of this section is presumed to constitute tampering; however, in any case in which a prescribed act has been committed and it can be shown that such act resulted in no increase in the A-weighted sound level of the product or that the product still meets the noise emission standard of section 204.102, such act will not constitute tampering.

(f) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on machines subject to this part.

(g) All information required by this section to be furnished to the Administrator shall be sent to the following address: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Secs. 10, 13, of the Noise Control Act (42 U.S.C. 4909, 4912).

§ 204.108–3 Inspections for maintenance, use, and repair.

(a) (1) The manufacturer shall provide to the ultimate purchaser of each product covered by this subpart written instructions for the proper maintenance, use, and repair of the product in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the product.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission levels is eliminated or minimized during the life of the product. Manufacturers shall prepare the instructions with this purpose in mind. The instructions shall be clear and, to the extent practicable, written in non-technical language.

(3) The instructions shall not be used to secure an unfair competitive advantage. They shall not restrict replacement equipment to original manufacturer equipment or service to dealer service, unless such manufacturer makes public the performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book which shall contain a schedule for the performance of all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where and when.

(c) Not later than the date of submission of the production verification report required by § 204.105–4, the manufacturer shall submit to the Administrator two (2) copies of the maintenance instructions (including the record book) required by paragraphs (a) and (b) of this section.

(d) The Administrator will require modifications to the instructions if they are not sufficient to fulfill the requirements of paragraph (a) of this section.

(e) Information required to be submitted to the Administrator pursuant to this section, shall be sent to the following address: Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 204.108–4 Sound level degradation factor (SLDF) and retention of durability data.

(a) Each manufacturer responsible for compliance with the standards specified in § 204.102 shall develop a Sound Level Degradation Factor for each of his product configurations utilizing the records compiled under subsection (b). The SLDF is defined as the increase in A-weighted sound level, which the product configuration is projected to undergo during the specified AAP when the product is properly used and maintained.

(b)(1) The manufacturer shall establish and maintain records which demonstrate the increase in noise level which will occur for each product configuration during the specified AAP.

(2) The records may include, but need not be limited to, the following:

(i) Durability data and actual noise testing on critical noise producing or attenuating components.

(ii) Sound level deterioration curves on the entire product.

(iii) Data from products in actual use.

(c) The SLDF is to be used in all Production Verification testing and Selective Enforcement Audit testing to determine compliance.

(d) If the manufacturer determines the product's sound level will not increase during the AAP when properly used and maintained, the SLDF is 0.

(e) If a manufacturer determines that a product's sound level does not increase, but rather decreases with use, yielding a negative SLDF, he shall use zero as the SLDF in all testing under this regulation, but shall determine and record the actual SLDF.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912))

§ 204.109 Recall of non-complying machines.

(a) Pursuant to section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any products distributed in commerce which are not in compliance with this subpart.

(b) A recall order issued pursuant to this section shall be based upon a determination by the Administrator that products of a specified category or configuration have been distributed in commerce which do not conform to the regulation. Such determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information including test data.

(c) For the purpose of this section, noise emissions may be measured by any test prescribed in § 204.104 for testing prior to sale or any other test which has been demonstrated to correlate with the prescribed test procedure.

(d) Any such order to recall shall be used after notification and opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of noncomplying products under this section shall be borne by the manufacturer.

(f) This section shall not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Sec. 11 of the Noise Control Act, (42 U.S.C. 4910))

APPENDIX I

TABLE I—SAMPLE SIZE CODE LETTERS

Batch size:	Code letter
4 to 8	A
9 to 15	B
16 to 25	C
26 and larger	D

TABLE II.—*Sampling for plans for inspecting batches*

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria: Acceptance number	Batch inspection criteria: Rejection number
A	1st	4	4	0	1
B	1st	3	3	0	1
C	1st	3	3	0	2
	2d	3	6	1	2
D	1st	3	3	(1)	
	2d	4	7	(1)	
	3d	4	8	0	2
	4th	4	8	0	3
	5th	4	10	1	3
	6th	4	12	1	3
	7th	2	14	2	3

[1] Batch acceptance not permitted at this sample size.

TABLE III.—*Batch sequence plans*

Sample size code letter	Number batches	Cumulative number batches	Sequence inspection criteria: Acceptance number	Sequence inspection criteria: Rejection number
A	2	2	1	(1)
	2	4	2	3
	2	6	3	5
B	2	8	4	6
	2	2	0	(1)
	2	4	1	4
	2	6	2	5
	2	8	3	5
	2	10	4	6
C	2	2	5	6
	2	4	(2)	2
	2	6	0	2
	2	8	0	3
	2	10	1	3
D	2	12	2	4
	2	2	0	3
	2	4	1	3
	2	6	2	4
	2	8	3	4

[1] Batch sequence rejection not permitted for this number of batches.
[2] Batch sequence acceptance not permitted for this number of batches.

TABLE IV

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TABLE IV
WHEEL AND CRAWLER TRACTOR NOISE EMISSION TEST DATA SHEET

Test No. _____

I. Machine Characteristics

Manufacturer: _____ Model No. _____ Serial No. _____
Engine Manufacturer: _____ Model No. _____ Serial No. _____
Rated H.P. _____ RPM; Maximum Governed Engine Speed at No. Load ____

Attached Simulated Major Component: Dozer Blade, Loader Bucket (Strike out inappropriate items)

Component Description: Dozer Blade; height ____ m, width _____ m:
Loader Basket; Capacity _____ m^3

II. Test Conditions

Manufacturer's Test Site Identification and Location: _____
Measurement Surface Composition: _____
Ambient Sound Levels (a) Beginning of Test; _____ dBA
(b) End of Test; _____ dBA

III. Instrumentation

Microphone Manufacturer: _____ Model No. ____ Serial No. ____
Sound Level Meter Manufacturer: _____ Model No. ____ Serial No. ____
Acoustical Calibrator Manufacturer: ____ Model No. ____ Serial No. ____
Other: _____ Model No. ____ Serial No. ____

IV. Sound Level Data (dB Reference 2 x 10^{-5} pascals)

A-Weighted Sound Levels (dBA)

Stationary Machine Test	Machine	Reference Surface				Calculated Average Level	Average Plus SLDF	Notes
	Front	L.H. Side	Rear	R.H. Side				
High Idle No Load								
Test Engine Speed								
SLDF								

V. Test Personnel and Witnesses

Tested by: _____ Date: _____
Reported by: _____ Date: _____
Checked by: _____ Date: _____

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federal register

MONDAY, JULY 11, 1977
PART VII

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF COMMERCE

Economic Development Administration

ROUND II OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Amendment of Regulations

V42I132 JUL 1177 UMI

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 317—ROUND II OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Amendment of Regulations

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: On Friday, May 27, 1977, EDA published in the FEDERAL REGISTER regulations for round II of the Local Public Works program. These amendments respond to comments received on the May 27th publication and correct and clarify various provisions of those regulations. Each change is explained in the Supplementary Information section of this document.

EFFECTIVE DATE: July 11, 1977. Comments by: August 10, 1977.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

James F. Marten, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230. (202–377–5441)

SUPPLEMENTARY INFORMATION: The following is a brief explanation of each of the amendments to 13 CFR Part 317. These numbers correspond to the numbers of the amendments.

1. This change corrects an error made in the publication process. It deletes a paragraph not contained in the orginal Part 317 as submitted to the FEDERAL REGISTER.

2. This change amends the table of contents to include two new sections added by these amendments.

3. This amendment deletes Indian tribes from the definition of the term "general purpose unit of local government" in § 317.2. The effect of this change is to make the general procedure regarding endorsement of projects inapplicable for Indian tribes.

4. This change corrects an error made in the publication process. The correct citation in subparagraph (A) is (b)(1)(i), not (b)(i) as was printed.

5. Section 317.15(e) is clarified by adding a new sentence which informs applicants that projects which have dollar amounts exceeding the appropriate planning targets are not irrevocably ineligible. Such projects may be approved if the applicant provides the funding for those costs which exceed the amount of the planning target.

6. Section 317.31(a) is amended to delete its reference to § 317.53(c)(2). The reference is no longer appropriate because of changes made to the cited paragraph.

7. Section 317.35(n) is revised to follow more closely the language of section 107 of Pub. L. 94–369, as amended by Pub. L. 95–28.

8. Section 317.42(c) is amended by the addition of new language which more fully explains the procedures used to determine planning targets for Indian tribes.

9. Section 317.50(a)(4) is clarified by the addition of two new paragraphs. The first describes the procedure for the reallocation of applicant planning target funds which fall below the 75,000 dollar minimum in those cases where no county government exists. The second paragraph explains EDA's procedure for reallocating county government planning target funds which fall below the 75,000 dollar minimum planning target level.

10. Section 317.51 is amended in three places. The first change clarifies the types of ineligible primary cities which can participate in the pocket of poverty planning target. New language in § 317.51(a)(1) precludes the participation of a primary city which did not receive a planning target because it received excessive funding during round I.

The second change implements a policy decision to allow the Assistant Secretary to waive the 8.5 percent unemployment rate requirement for a pocket of poverty area if no applications, or an insufficient number of applications meeting this criterion have been submitted from a particular State. This authority is found in new paragraph (a)(2)(i).

The third change amends subsection (c) by making the administrative reallocation of planning target funds permissive rather than mandatory.

11. This change corrects an error made in the publication process. The word "stablished" in the second sentence of § 317.52(a) is corrected to read "established".

12. Section 317.53 is amended in several places. Paragraphs (a), (b) and (c) are amended by changing a reference in each of them. Paragraph (c)(1) is revised to clarify the method used to determine sub-State applicant planning targets. Paragraph (c)(2) introduces a refinement in the procedures for distributing surplus funds in balance of county and county without primary city areas. Paragraph (d) is deleted and existing paragraph (e) is renumbered as paragraph (d). This paragraph is also revised by making the administrative reallocation of planning target funds permissive rather than mandatory.

13. This change adds a new § 317.54 which discusses the procedures to be followed in allocating surplus funds.

14. This change adds a new § 317.55 which contains the procedures for school district participation in applicant planning targets.

15. Section 317.61 is amended in two places. § 317.61(a), which discusses funding Indian tribe applications, is changed to conform it to the previously discussed change to § 317.42(c).

Section 317.61(b), which describes project funding from the procedural error set-aside, is amended by the addition of a new paragraph. This new language limits the dollar amount of funding for projects under this authority to the amount specified in the project's original application.

16. Section 317.62(b) is amended to state more accurately the requirements which must be met before a State government can locate a project in an ineligible area.

17. Section 317.63 is revised to reflect the previously discussed changes regarding sub-State applicant planning targets and school district participation.

18. Section 317.64 is amended by deleting the phrase "in any geographic region of a State receiving the minimum statutory allocation".

19. Section 317.71(d)(2) is corrected by changing the word "application" in the second line of that paragraph to "applicant" and changing the word "he" in the third line to "it".

20. Section 317.80(a) is corrected by changing the word "even" in the first line of that subsection to "event".

Because these amendments relate to an EDA grant program, they are exempted from the procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, in the spirit of public policy set forth in that Act, interested persons may submit written suggestions regarding these amendments to the Assistant Secretary for Economic Development at the above address.

Consideration has been given as to whether matters set forth in these amendments constitute a major proposal with an inflationary impact within the meaning of OMB Circular A–107 and the interpretative guidelines issued by the Department of Commerce. A determination has been made that these amendments do not constitute a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Accordingly, 13 CFR Part 317 is amended as follows:

1. By correcting the preamble section of the regulations. The second column of page 27432 is corrected by deleting the following paragraph:

To increase the program's efficiency decision-making in the establishing priorities and the selection of projects.

2. By amending the table of contents by adding the following new material immediately after "317.53 Sub-State applicant planning targets.":

Sec.
317.54 Reallocation of funds.
317.55 School district participation in planning targets.

3. By revising the definition of the term "general purpose unit of local government" in § 317.2 to read as follows:

§ 317.2 Definitions.

* * * * * * *

"General purpose unit of local government" means any city, county, town, parish, or any other "unit of general local government" as included within the definition of that term by section 104 of the Intergovernmental Corporation Act of 1968. (42 U.S.C. 4201 et seq.)

* * * * * * *

4. By correcting § 317.13(b)(1)(i)(A) to read as follows:

§ 317.13 Types of grants.

* * * * * * *

(b) * * *
(1) * * *
(i) * * *

(A) For the funding of revived applications during round II, the Assistant Secretary may waive the requirement of paragraph (b)(1)(i) where:

* * * * * * *

5. By adding the following new sentence to § 317.15(e) to read as follows:

§ 317.15 Ineligible projects.

* * * * * * *

(e) * * *. Such projects are ineligible unless the applicant funds those costs which exceed the amount of the planning target.

6. By amending § 317.31(a) to read as follows:

§ 317.31 New applications.

(a) New applications shall be received where necessary to use a State's allocation or an applicant's planning target or an Indian tribe set-aside.

* * * * * * *

7. By revising § 317.35(n) to read as follows:

§ 317.35 Certifications.

* * * * * * *

(n) It contains certification that special consideration, consistent with existing applicable collective bargaining agreements and practices, shall be given to the employment on the project of qualified disabled veterans, as defined in 38 U.S.C. 2011(1), and to qualified Vietnam-era veterans, as defined in 38 U.S.C. 2011(2)(A).

8. By adding new paragraphs (3) and (4) and (5) to § 317.42(c) to read as follows:

§ 317.42 Indian tribe set-aside.

* * * * * * *

(c) * * *

(3) Indian tribe planning targets will reflect the total six (6) billion dollar Local Public Works program authorization. Projects which were selected for funding during round I of the program will be deducted from the applicant's planning target.

(4) These planning targets will be ranked nationally and projects will be selected from high ranking targets until the amount of the set-aside is expended.

(5) Certain eligible Indian tribe applicants will not receive planning targets due to the procedure described in paragraphs (c)(3) and (c)(4) of this section which will result in insufficient funds.

* * * * * * *

9. By adding the following new paragraphs (A) and (ii) to § 317.50(a)(4):

§ 317.50 General considerations.

(a) * * *
(4) * * *
(i) * * *

(A) If no county government exists, the funds will be administratively reapportioned.

(ii) County government planning target funds below the 75,000 dollar minimum will be administratively reapportioned by the Assistant Secretary.

* * * * * * *

10. By revising § 317.51(a)(1), adding a new paragraph (i) to paragraph (a)(2) and amending paragraph (c) to read as follows:

§ 317.51 State planning target.

* * * * * * *

(a) * * *

(1) Projects to be funded from this deduction must be located in a city which did not receive a planning target, except that a primary city which did not receive a planning target because its round I approvals exceeded its projected planning target is not eligible to submit pocket of poverty applications.

(2) * * *

(i) In any State receiving a planning target under paragraph (a) of this section, the Assistant Secretary may waive the 8.5 percent unemployment rate requirement if he determines that an insufficient number of applications meeting this criterion have been submitted.

* * * * * * *

(c) In the event applications have not been filed to exhaust the planning targets established under this section by September 1, 1977, such planning targets may be administratively reapportioned within the State by the Assistant Secretary.

11. By correcting § 317.52(a) to read as follows:

§ 317.52 Sub-State area planning targets.

* * * * * * *

(a) EDA has established planning targets for eligible sub-State areas, subject to the provisions of § 317.50(a), based on the sub-State 65/35 formula, which is the relative need of an area as determined by its number of unemployed persons compared to the number of unemployed persons in all eligible areas of the State and its unemployment rate compared to the lower of 6.5 percent or the State unemployment rate. Planning targets have been established in this manner for the following types of areas:

(i) Primary city;

(ii) Balance of county;

(iii) County with no primary cities.

* * * * * * *

12. By revising § 317.53 to read as follows:

§ 317.53 Sub-State applicant planning targets.

EDA has divided the sub-State area planning targets into sub-State applicant planning targets. Subject to the provisions of § 317.50. EDA has established these applicant planning targets for the following types of applicants.

(a) *County government.* This planning target will be determined for each State based on the relative activity of county governments as determined by the dollar value of county government applications filed with EDA during round I compared to the total dollar value of applications filed by all applicants, with the exception of Indian tribes, in that State during round I. Subject to the provisions regarding school district participation as set forth in § 317.55, this planning target shall be available for funding projects of the county government.

(b) *Primary city government.* Subject to the provisions of § 317.55 regarding school district participation and subject to any incorporated areas in the city which will share in the planning target, this planning target shall be available for funding projects of the city government.

(c) *Non-primary cities/townships located in balance of county and county without primary city areas.* The funds allocated to balance of county and county without primary city areas have been further distributed to non-primary cities and townships within these areas as applicant planning targets.

(1) These applicant planning targets are based on the unemployment data of the non-primary city or township calculated by EDA according to the census share method and according to the sub-State 65/35 formula. Where unemployment data is unavailable, the planning target funds will be administratively reapportioned.

(2) Normally, EDA has established these planning targets for non-primary city/township applicants which submitted applications in round I and which meet the requirements of § 317.50(a)(4). When an area's planning target funds exceed applications on file by 25 percent or 200,000 dollars, whichever is greater, the surplus funds will be reallocated as set forth in § 317.54.

(3) Subject to the provisions of § 317.55 regarding school district participation, these applicant planning targets shall be available for projects of the non-primary city or township.

(d) In the event applications have not been filed to exhaust the planning targets established under this section by September 1, 1977, such planning target funds may be administratively reapportioned by the Assistant Secretary.

13. By adding a new § 317.54 to read as follows:

§ 317.54 Reallocation of funds.

Surplus funds described at § 317.53(c)(2) will be reallocated as follows:

(a) If the amount of the surplus is sufficient, all pending applications in the balance of county or county without primary city area will be funded.

(1) After all pending applications have been funded, any further surplus will be reallocated to the county government.

(b) If the amount of the surplus is not sufficient to approve all pending applications, non-primary city/township

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applicants with applications will be ranked in order in accordance with the 65/35 formula as set forth in § 317.52(a) and funded until the surplus is expended.

(1) Any surplus remaining after the last project is approved will be allocated to the next ranking applicant with a project.

(2) In the event two or more projects rank equally, the surplus will be divided equally among them.

(c) If there are no pending applications in the balance of county or county without primary city area, the surplus will be administratively reallocated to the county government.

14. By adding a new § 317.55 to read as follows:

§ 317.55 School district participation in planning targets.

(a) Subject to the provisions of this section, school districts may share in the planning targets of:

(1) Primary cities or non-primary cities/townships; and

(2) County governments.

(b) In order to participate in these planning targets, the school district must have authority under local law to file an application.

(c) For a school district to share in the planning target of a primary city or non-primary city/township, the school district project must principally serve the residents of the primary city or non-primary city/township, e.g., at least 50 percent of the students served by a school project must be residents of that primary city or non-primary city/township.

(1) A school district project may be eligible to share in the planning target of more than one non-primary city/township if it principally serves those applicants.

(d) For a school district to share in the planning target of a county government, the school district must:

(1) Serve the entire county; or

(2) In the event the school district is located in a county with primarily unincorporated land area, the school district must, in order to share in the planning target of that county, meet the following requirements:

(i) The school district demonstrates that more than 50 percent of the area of the county is unincorporated;

(ii) The school district serves at least 40 percent of the population of the unincorporated area; and

(iii) The school district's project principally serves the residents of the unincorporated area, e.g., at least 50 percent of the students served by a school project must be residents of the unincorporated area.

(e) School districts will share in the planning targets listed in paragraph (a) of this section by jointly prioritizing their projects with the projects of those applicants whose planning targets they are sharing and by submitting a unified list of priority projects as required by § 317.37.

(f) Should the school district and the applicant whose planning target it shares fail to come to agreement with respect to prioritizing their projects, EDA will select projects according to factors which include, but are not limited to:

(i) Job creating potential;

(ii) Time necessary to complete the project;

(iii) Energy conservation;

(iv) Long term economic benefits; and

(v) Critical local needs.

15. By amending § 317.61(a) and adding a new paragraph (b)(5) to read as follows:

§ 317.61 Projects selected from national set-asides.

(a) *Indian set-aside.* Subject to the provisions of § 317.42(c), each Indian reservation or tribal land has a planning target.

* * * * * * *

(b) * * *

(5) Projects eligible for funding under this sub-section will not be funded in an amount greater than that specified in the original application.

16. By revising § 317.62(b) to read as follows:

§ 317.62 Projects selected from State-wide planning targets.

* * * * * * *

(b) *State government planning target.* The Governor shall submit a priority ranking of State government projects up to the amount of the State government planning target, provided such projects are located in or primarily serve areas with unemployment rates equaling or exceeding the State's average unemployment rate or 6.5 percent, whichever is lower.

* * * * * * *

17. By revising § 317.63 to read as follows:

§ 317.63 Projects selected from sub-State applicant planning targets.

Subject to the provisions of §§ 317.50, 317.53 and 317.55, EDA will select projects in accordance with the sub-State applicant's unified priority list of projects up to the amount of the applicant's planning target.

(1) If an applicant has already exceeded its planning target in round I, it will receive no further projects. Similarly, once an applicant has reached its planning target with a round II project, no further projects will be selected.

18. By revising § 317.64 to read as follows:

§ 317.64 Undue concentration.

The Assistant Secretary reserves the right to vary the selection procedure as necessary to avoid undue concentration of funds and as necessary to comply with the objectives of the Act.

19. By correcting § 317.71(d)(2) to read as follows:

§ 317.71 Compliance with other Federal requirements.

* * * * * * *

(d) * * *

(2) Upon submission of an application to EDA, the applicant must certify that it has submitted the full application to the appropriate clearinghouse.

* * * * * * *

20. By correcting § 317.80(a) to read as follows:

§ 317.80 Grants for non-profit entities.

* * * * * * *

(a) In the event that EDA has obligated all funds appropriated under this Act prior to or on September 30, 1977, this section will not take effect.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Pub. L. 94-369, 90 Stat. 999 (42 U.S.C. 6701); Pub. L. 95-28, 91 Stat. 116; Department of Commerce Organization Order 10-4 (September 30, 1975) as amended, 40 FR 56702 as amended at 40 FR 58878 and 41 FR 35548).)

Dated: July 6, 1977.

ROBERT T. HALL,
Assistant Secretary
for Economic Development.

[FR Doc.77-19720 Filed 7-8-77;8:45 am]

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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that the following positions are excepted under Schedule C because they are confidential in nature: One Secretary (Steno) to the Executive Officer and one Secretary (Steno) to the Executive Assistant for Programs.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3359 (u) and (v) are added as set out below:

§ 213.3359 ACTION.

• • • • •

(u) One Secretary (Steno) to the Executive Officer.

(v) One Secretary (Steno) to the Executive Assistant for Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19931 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that four additional positions of Private Secretary to the Secretary are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFOMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(a)(1) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*

(1) One Special Assistant, one Personal Assistant, one Assistant, and six Private Secretaries to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19932 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C two positions of Staff Assistant to the Director, Defense Civil Preparedness Agency because of the confidential nature of the positions.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(e)(5) is added as set out below:

§ 213.3306 Department of Defense.

• • • • • •

(e) *Defense Civil Preparedness Agency.* • • •

(5) Two Staff Assistants to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 77–19933 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Administrator because the position is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(a)(3) is amended as set out below:

§ 213.3388 Federal Energy Administration.

(a) *Office of the Administrator.* • • •

(3) Two Staff Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19934 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant (Secretary) to the Assistant Administrator for Strategic Petroleum Reserve because the position is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(m)(3) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • •

(m) *Office of the Assistant Administrator for Strategic Petroleum Reserve.* • • •

(3) One Confidential Assistant (Secretary) to the Assistant Administrator for Strategic Petroleum Reserve.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19935 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C the following positions because they

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are confidential in nature: One position of Confidential Secretary to the Assistant Secretary for Legislation, one position of Confidential Secretary to the Inspector General, and one position of Confidential Secretary to the Deputy Inspector General.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3316(f)(14) and paragraph (t) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(14) One Confidential Secretary to the Assistant Secretary.

* * * * *

(t) *Office of the Inspector General.*

(1) One Confidential Secretary to the Inspector General.

(2) One Confidential Secretary to the Deputy Inspector General.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19936 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Private Secretary to the Deputy Under Secretary for Field Operations and one position of Secretary to the Assistant Secretary for Administration because they are confidential in nature. This amendment also changes the title of an existing Schedule C position from Executive Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity to Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity because it more appropriately reflects the duties and responsibilities of the position.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a)(59), (66) and (f)(3) are amended and (f)(6) is revoked as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(59) One Staff Assistant and one Private Secretary to the Deputy Under Secretary for Field Operations.

* * * * *

(66) One Secretary and one Special Assistant to the Assistant Secretary for Administration.

* * * * *

(f) *Office of the Assistant Secretary for Fair Housing and Equal Opportunity.* * * *

(3) Four Special Assistants to the Assistant Secretary.

* * * * *

(6) (Revoked)

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19937 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one additional position of Confidential Assistant to the Under Secretary is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3312(a)(8) is amended as set out below:

§ 213.3312 Department of Interior.

(a) *Office of the Secretary* * * *

(8) Two Confidential Assistants to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19938 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant to the Commissioner, Immigration and Naturalization Service because of the confidential nature of the position.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3310(j)(2) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(j) *Immigration and Naturalization Service.* * * *

(2) One Confidential Assistant to the Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19939 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Special Assistant to the Wage and Hour Administrator is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(58) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(58) One Special Assistant to the Wage and Hour Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19940 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Secretary (Steno) to the Administrator for Pension and Welfare Benefits to Private Secretary to the Administrator for Pension and Welfare Benefit Programs. This change in title is appropriate to more accurately reflect the duties of the position as well as to reflect the current title of the superior.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(42) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(42) One Private Secretary to the Administrator for Pension and Welfare Benefit Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19941 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C two positions of Special Assistant and one position of Staff Assistant to the Secretary (Economic Policy Group) because of the confidential nature of the positions.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3305(a) (71) and (72) are added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(71) Two Special Assistants to the Secretary (Economic Policy Group).

(72) One Staff Assistant to the Secretary (Economic Policy Group).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19942 Filed 7–11–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Confidential Assistant to the Deputy Assistant Secretary for Health, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3316(h)(12) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health.* * * *

(12) One Confidential Assistant to the Deputy Assistant Secretary for Health.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–20029 Filed 7–11–77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amendment No. 116]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

APPENDIX A—48 STATES AND DISTRICT OF COLUMBIA

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable monthly income standards for the one- and two-person households in the 48 States and the District of Columbia, effective July 1, 1977. These revisions are necessary to increase such income eligibility standards in line with the recently issued 1977 Secretary's income poverty guidelines.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–8325).

SUPPLEMENTARY INFORMATION: On May 3 (42 FR 22356–57), the Department published a final rule revising the Maximum Eligibility Standards and Basis of Coupon Issuance for the 48 States and the District of Columbia, effective July 1, 1977 (Appendix A—FSP Notice No. 1977–1.2). A correction thereto was published in the FEDERAL REGISTER of June 3, 1977 (42 FR 28516).

Currently the Food Stamp Program Regulations provide that the national income standards of eligibility shall be the higher of poverty guidelines issued by the Secretary of Agriculture on the basis of data reported by the Census Bureau or the level at which the total coupon allotment equals 30 percent of income.

The Secretary's poverty guidelines used for the Food Stamp Program are the same as those for the Child Nutrition Program which, by law, are based on changes in the Consumer Price Index for the 12-month period ending in April.

APPENDIX A [AMENDED]

Therefore, in line with the recently issued 1977 Secretary's guidelines (42 FR 29030), the maximum allowable income standards are increased for the one-person household from $245 to $262 and for the two-person household from $322 to $344. The following table should be substituted for the table now appearing in FR Doc. 77–15838 at page 22357 in the FEDERAL REGISTER of May 3, 1977.

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
1	[1] $262
2	[2] 344
3	447
4	567
5	673
6	807
7	893
8	1,020
Each additional member	+127

[1] 1977 USDA poverty guidelines.

Also, the table shown on page 22357 headed "Monthly Coupon Allotments and Purchase Requirements" is amended for the one-person household at the level of income of $250 to $269.99 by inserting a purchase requirement of $42; and for the two-person household at the income level of $330 to $359.99, by inserting a purchase requirement of $74.

In view of the need for placing this notice into effect on July 1, 1977, and the mandatory nature of the subject matter, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: July 7, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77–19928 Filed 7–11–77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE, (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Peach Comodity Committee Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $842,071 and a rate of assessment of $0.065 per lug of peaches for the functioning of the Peach Commodity Committee for teh 1977–78 fiscal year. The committee is established under a

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Federal marketing order program regulating the handling of fresh pears, plums, and peaches grown in California. The regulation will enable the committee to collect assessments from first handlers on all assessable peaches handled and to use the resulting funds for its expenses.

DATES: Effective for fiscal period March 1, 1977, through February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: On June 15, 1977, notice of rulemaking was published in the FEDERAL REGISTER (42 FR 30513) regarding proposed expenses and the related rate of assessment for the fiscal period beginning March 1, 1977, and ending February 28, 1978, and the carryover of unexpended 1976–77 assessment income pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The notice invited interested persons to submit written data, views, or arguments through June 30, 1977. No such material was submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matter presented, including the proposals set forth in the notice which were submitted by the Peach Commodity Committee (established pursuant to said marketing agreement and order), it is found and determined that:

§ 917.219 Peach Commodity Committee expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1977, through February 28, 1978, will amount to $842,071.

(b) *Rate of assessment.* The rate of assessment for the fiscal period payable by each handler in accordance with § 917.37 is established at six and five-tenths cents ($0.065) per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1977, shall be carried over as a reserve in accordance with the applicable provisions of § 917.38.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture."

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of California peaches are underway; (2) the provisions of the amended marketing agreement and this part require that the rate of assessment shall apply to all fresh assessable peaches handled from the beginning of the fiscal period; and (3) the fiscal period began March 1, 1977, and the rate of assessment as fixed will automatically apply to all peaches beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 6, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–19927 Filed 7–11–77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1202—SAFETY STANDARD FOR MATCHBOOKS

Clarification to Final Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Clarification to final standard.

SUMMARY: On May 4, 1977, the Commission published a final safety standard for matchbooks. In this publication the Commission is clarifying the required striking force to be used in the test procedures that are contained in the standard. This clarification is necessary because there was a discrepancy between the preamble and the text of the final standard.

DATES: The clarification is immediately applicable and it becomes effective with the final standard on May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Estes, Bureau of Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6518).

SUPPLEMENTARY INFORMATION: The Commission published in the FEDERAL REGISTER on May 4, 1977, a final safety standard for matchbooks (42 FR 22656–70). Since that time a number of matchbook manufacturers have raised questions concerning the procedures used to test for performance defects, that are set forth in § 1202.6 of that standard. The Commission believes that a clarification would be helpful to an understanding of these test procedures.

Section 1202.6(d)(2) of the standard provides test procedures to determine if matchbooks meet the performance requirements of § 1202.5 of the standard. Section 1202.6(d)(2)(i)(A) of the standard provides the procedure for striking a bookmatch.

A question was raised concerning the force exerted on a matchbook during the striking motion, as required by § 1202.6 (d)(2)(i)(A) of the standard. The test procedure described in § 1202.6(d)(2)(i)(A) of the standard is accurate as issued in final form on May 4, 1977 (42 FR 22669):

> Press the matchhead against the strip 6.4 mm (¼ in) from the top of the friction pad with an initial force of 4.5–0+.04 N (1.0–0+.1 lbf). Strike the match with a rapid downward motion. The contact between the matchhead and the friction should be maintained for at least a distance of 1.3 cm (0.5 in), but should not exceed 3.8 cm (1.5 in) during the striking motion (see Figure 2). The striking force must not exceed 6.7 N (1.5 lbf) during the striking motion. The striking stroke should be terminated within 7.6 cm (3 in) after leaving the bottom edge of the friction.

The discussion of the test procedure in the preamble to the final standard (42 FR 22664) was misleading and is the subject of this clarification. Contrary to a statement in the preamble, it is not necessary that a force of 1.0–1.5 lbf be maintained during the striking motion.

The Commission will test for compliance according to the procedures contained in the text of the final standard as quoted above. The initial striking force will be 1.0–1.1 lbf and the maximum force will not exceed 1.5 lbf while striking.

The discrepancy between the standard and preamble came about as the result of late comments which indicated that maintaining a force of 1.0–1.5 lbf throughout the strike was not representative of the manner in which matches are normally struck and could increase the probability of matchhead fragmentation.

The Commission concurred with this comment and as a result the standard was changed to require an initial force of 1.0–1.1 lbf with an upper limit during the striking motion of 1.5 lbf. This change was not reflected in the preamble discussion of test procedures, which primarily addressed the upper force limit and not the striking procedures.

Dated: July 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–19908 Filed 7–11–77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33–5842]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Rescission of Rule Requiring Summaries of Registration Statements

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of rule.

SUMMARY: The Commission is rescinding a rule which required corporations to submit with an initial filing of a registration statement a brief descriptive summary of the registration statement for the Commission's use. The summary, which was used to prepare notices of filing of registration statements included in the SEC News Digest, is no longer being required because the Commission believes that the Commission staff can write the necessary shorter News Digest notices.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda Griggs, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–755–1750).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it has rescinded Rule 458 (17 CFR 230.458) promulgated under the Securities Act of 1933 (the "Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)). Rule 458 (Brief Descriptive Summary of Registration Statement) required corporations to furnish to the Commission a summary of the offering as a part of the materials accompanying the initial filing of a registration statement on forms other than Form S–8 (17 CFR 239.16b) or Form S–12 (17 CFR 239.19) under the Act. The rule calls for the inclusion of certain specified information in the summary.

The staff of the Commission has used the Rule 458 summaries in the preparation of the notices of filing of registration statements included in the SEC News Digest. The Commission has rescinded the rule because it believes that the notices should be shortened and that the staff can write notices containing the appropriate amount of information. Henceforth, the notices in the News Digest will include the following information: (1) The file number; (2) the form on which the registration statement is filed, (3) the name, address, and phone number of the issuer of the security, (4) the title and the number or face amount of the securities being offered, (5) the name of the managing underwriters, if any; and (6) whether the offering is a rights offering.[1]

§ 230.458, Brief descriptive summary of registration statement, is hereby rescinded.

This action is taken pursuant to section 19(a) of the Securities Act of 1933. The Commission finds that this action relaxes a burden upon registrants and that publication for comment pursuant to the Administrative Procedure Act of 1946 (5 U.S.C. 553) is not necessary.

This action is effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77–19913 Filed 7–11–77;8:45 am]

[1] The availability of this information on the cover page of a prospectus makes it readily accessible to the editors of the News Digest.

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—FEES AND FUNDS

[Departmental Reg. 108.741]

PART 21—FEES FOR SERVICES IN THE UNITED STATES

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Consular Services—Change in Fees

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule combines the two schedule of fees charged for consular services performed in the United States and its Foreign Service posts into one schedule of fees. This action will enable the Department to carry out consular services and ensure that its fees are consistent with U.S. foreign policy interests and with the user charge principle as prescribed by the Congress and applied by the President.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Hugh Adamson, 202–632–9010.

SUPPLEMENTARY INFORMATION: On May 26, 1977 there was published in the FEDERAL REGISTER (42 FR 26994) a notice of proposed rulemaking inviting interested persons to submit comments concerning the proposed combination and revision of fees for consular services. No comments were received; therefore, except for a change in the effective date (§ 22.8), and minor printing errors, this regulation is adopted as set forth below. Parts 21 and 22 of Title 22 of the Code of Federal Regulations will read as set forth below.

Dated: June 29, 1977.

For the Secretary of State.

RICHARD M. MOOSE,
Deputy Under Secretary for Management.

1. Part 21 is vacated and reserved as follows:

PART 21—[RESERVED]

2. Part 22 now reads as set forth below:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Sec.

22.1 Schedule of fees.
22.2 Requests for services in the United States.
22.3 Remittances in the United States.
22.4 Request for services, Foreign Service.
22.5 Remittances to Foreign Service Posts.
22.6 Refund of fees.
22.7 Collection and return of fees.
22.8 Effective date.

AUTHORITY: Secs., 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1201), E.O. 10718, 22 FR 4632; 3 CFR, 1954–1958 Comp. page 382.

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§ 22.1 Schedule of fees.

Item No.	PASSPORT AND CITIZENSHIP SERVICES	Fee
1	Execution of application for passports (22 U.S.C. 214)	$13.00
2	Examination of passport application executed before a foreign official	3.00
3	Issuance of passport (22 U.S.C. 214)	10.00
	(Item No. 4 vacant.)	
5	Issuance of card of identity and registration	5.00
6	Execution of application for or issuance of passport:	
	(a) To officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U.S.C. 214)	No fee
	(b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214)	No fee
	(c) To widows, children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214)	No fee
	(d) To employees of the American National Red Cross proceeding abroad as a member of the Armed Forces of the United States (10 U.S.C. 2602(c))	No fee
	(e) To Peace Corps volunteers and volunteer leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(a))	No fee
7	Amendment of passport:	
	(a) To show current or new information, including changes in members of family	No fee
	(b) To correct administrative error	No fee
	(c) To extend time limitation	No fee
8	Verification of passport	No fee
9	Execution of application for registration	No fee
10	Execution of affidavit in regard to American birth in connection with application for passport or citizenship determination	No fee
11	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12	For delivery to the applicant of a certified copy of an executed form:	
	(a) Of repatriation of a native-born American woman whose marital status with an alien terminated prior to Jan. 13, 1941	3.00
	(b) Of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U.S.C. 1435)	3.00
	(c) Of repatriation under the act of July 20, 1954 (8 U.S.C. 1438 supp.) of a person who while a citizen of the United States lost his citizenship by voting in Japan between Sept. 2, 1945, and Apr. 27, 1952, inclusive	3.00
13	Documents relating to births, marriages or deaths of American citizens abroad where reported to a Foreign Service post:	
	(a) Registration of birth of American citizen, including furnishing 1 Certification of Birth and 1 copy of form FS-240 "Report of Birth Abroad of a Citizen of the United States of America"	6.00
	(b) "Certificate of Witness to Marriage" in quadruplicate	45.00
	(c) Authentication of original documents of marriage, per copy. Certified copies of the above documents may be obtained from the Passport Office, Department of State, Washington, D.C. 20524, per copy	3.00
	(d) "Report of Death of an American Citizen" and sending 1 copy each to legal representative and to closest known relative or relatives. Additional certified copies may be obtained from the Office of Special Consular Services, Department of State, Washington, D.C. 20520, per copy	No fee 3.00
14	Documents from passport files and related records (except as specified in item 13):	
	(a) For file search	6.00
	(b) For duplicating by photocopy or other such means each copy of each page	.15
	(c) For certifying of a true copy for each copy of each page	1.00
	(d) For certifying by letter under official seal a statement or extract from passport files or a statement that no record of a passport file can be located (plus $6 search charge 14a)	1.00
■	Any service described in item 14 when:	
	(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States	No fee
	(b) Performed in response to a subpena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpena is issued in his behalf.)	No fee
	(c) Performed in providing to a party in interest, a copy of the transcript of a hearing held before a panel, board, or other authority of the Department	No fee
16	Granting an exception under 22 CFR 53.2(h) of travel control regulations	25.00
17	For any passport service furnished in the United States upon request during non-regular duty hours. (This fee is in addition to any statutory fees or communication costs.)	10.00
18	Instant photo service, where offered by a Foreign Service post, for each pair of identical photographs	3.00
	(Item No. 19 vacant.)	

VISA SERVICES FOR ALIENS

20	Furnishing and verification of application for immigrant visa, including duplicate copy	5.00
21	Issuance of each immigrant visa	20.00
22	Furnishing and verification of application and issuance of nonimmigrant visa. Fees prescribed in appendix C, Visa Handbook of Department of State, as amended from time to time.)	Recip.

Item No.	VISA SERVICES FOR ALIENS—(Continued)	Fee
23	Furnishing and verification of application and issuance of nonimmigrant visa to:	
	(a) An alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of sec. 11 of the agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
	(b) An official representative of a foreign government, or an international or regional organization of which the United States is a member	No fee
	(c) An alien participating in a U.S. Government program	No fee
24	Visa or supplemental visa of alien crew list up to 40 crew members	10.00
	41 to 100 crew members	25.00
	101 to 200 crew members	45.00
	Over 200 crew members	60.00
25	Revalidation or transfer of a nonimmigrant visa	Recip.
	(Item Nos. 26 through 29 vacant.)	

SERVICES RELATING TO VESSELS AND SEAMEN

30	Noting marine protest, when required by a master of a foreign or an undocumented vessel	7.00
31	Extending marine protest, when required by master of a foreign or an undocumented vessel	10.00
32	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel	6.00
33	Shipment or discharge of seaman on undocumented vessel, each seaman	14.00
34	Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registry or certificate of American ownership, and investigation	10.00
35	Issuance of provisional certificate of registry or certificate of American ownership	8.00
36	Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U.S.C. 1186)	No fee
	(The consular officer should charge under item 93 for time spent away from the consular office or after duty hours for item No. 30 through 36.)	
	(Item Nos. 37 through 44 vacant).	

NOTARIAL SERVICES AND AUTHENTICATION

45	Administering an oath and certificate thereof	3.00
46	Taking the acknowledgment of the execution of a document, and certificate thereof	3.00
47	Certifying under official seal that a copy or extract made from an official or a private document is a true copy. For certifying each copy of each page	1.00
48	Certifying to official character of a foreign notary or other official (i.e. authenticating a document)	3.00
49	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder	3.00
50	Administering an oath and certificate thereof for petition for immediate relative, nonimmigrant fiance(e), temporary worker nonimmigrant intracompany transferee, or preference immigrant status	3.00
51	Administering oaths or taking acknowledgments, or authenticating the signatures of officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U.S.C. 627)	10.00
52	For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	3.00
53	Authenticating a Federal, State or territorial seal, or certifying to the official status of an officer of the U.S. Department of State, or of a foreign diplomatic or consular officer accredited to or recognized by the U.S. Government, on any document submitted to the Department for that purpose	3.00
	(Item number 54 vacant.)	
55	Noting of a negotiable instrument for want of acceptance or payment, certifying to protest, and giving notice to issuer and endorsers when requested to do so. (In addition to this fee the consular officer should charge under item 93 for time spent away from the consular office or after duty hours in presentment of the instrument for acceptance or payment.)	8.00
	(Item Nos. 56 and 57 vacant.)	
58	Services under the heading, "Notarial Services and Authentications", when rendered:	
	(a) In connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government	No fee
	(b) In connection with the execution of forms or documents required by or to be presented to the States and their subdivisions, the District of Columbia, or any of the territories or possessions of the United States	No fee
	(c) In connection with the assignment and transfer of U.S. bonds or other Federal financial obligations or the execution of powers of attorney therefor to collect interest thereon	No fee
	(d) To claimants and beneficiaries and their witnesses, in connection with Federal, State, and municipal allotment, pension, retirement, insurance, medical compensation, or like benefits	No fee
	(e) In the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof	No fee
	(f) To American citizens, while outside the United States, in preparation of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction	No fee
	(g) For official noncommercial use by a foreign government or by an international agency of which the Government of the United States is a member	No fee
	(h) To an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy	No fee
	(i) To U.S. Government personnel and Peace Corps volunteers or their dependents officially stationed or traveling in a foreign country	No fee
59	Affidavit on preparation and packing of remains	No fee
60	Consular mortuary certificate	No fee
	(Items 61 through 64 vacant.)	
65	In taking depositions or executing commissions to take testimony:	
	(a) For the services of a diplomatic or consular officer. (for each hour or fraction thereof.)	37.00
	(b) For the services, if required, of a staff member of the Foreign Service as interpreter, stenographer, or typist. (For each hour or fraction thereof:)	11.00
	(c) If services of (a) or (b) above are required to be performed away from office or afterduty hours, the charge shall be as follows for each hour or fraction thereof for:	
	(1) American employee	61.00
	(2) Foreign Service local employee	22.00
	(Transportation and incidental expenses as defined in item 93 shall be collected if applicable to services performed under (a), (b), or (c) above.)	
66	Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U.S.C. 3496	No fee
67	Providing seal and certificate for return of letters rogatory executed by foreign officials	12.00
	(Item Nos. 68 and 69 vacant.)	

DECEDENTS AND DECEDENTS' ESTATES

70	Taking into possession under 22 U.S.C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of inventory value or fraction thereof	$5.00
71	Service as described under item 70 above when performed in the case of a deceased officer or employee of the United States	No fee

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Item No.	DECEDENTS AND DECEDENTS' ESTATES—(Continued)	Fee
72	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee
	Arrangements for shipping or other disposition of remains	No fee
	(Item No. 74 vacant.)	
	COPYING, RECORDING AND PROCTORING	
	For typing a copy of a document or extract of a document. (For each 200 words or part thereof)	2.00
	For photocopying or otherwise duplicating a document. (For each copy of each page) (This fee does not apply to such customary activities as issuance of copies of records; (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the posts's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	.15
	(Item No. 77 vacant.)	
78	Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal, for each hour or fraction thereof, unless the cost thereof is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State Government	17.00
	(Item Nos. 79 through 81 vacant.)	
	OTHER SPECIAL CONSULAR SERVICES	
82	Preparing and sending interested party messages for the primary benefit of nongovernment individuals, organizations or groups: (a) From Department of State to Foreign Service post	15.00
	(b) From a Foreign Service post to the Department of State	15.00
	Translating of documents to assist nongovernment individuals, organizations, or groups. (For each quarter hour or fraction thereof of staff employee time.)	3.00
	U.S. Selective Service Registration in a foreign country	No fee
85	Distribution of U.S. Treasury checks to Federal beneficiaries	No fee
86	Searching for and forwarding a document requested from a Foreign Service post by a nongovernment individual, organization, or group (for each document)	6.00
	(Item Nos. 87 through 90 vacant)	
	Collection of fees by a Foreign Service post for: Services performed by Department of State offices within the United States under this schedule of fees; services performed under sec. 6.14 of title 22, Code of Federal Regulations (Freedom of Information services)	No fee
	EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS	
92	Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
	SERVICE RENDERED AWAY FROM OFFICE OR AFTER DUTY HOURS IN A FOREIGN COUNTRY	
98	Except for instances of common disaster (i.e. ship wrecks, air crashes, etc.) or evacuations, a surcharge for services when rendered elsewhere than at a Foreign Service post or after duty hours at the request of the parties, shall be added to the regular fee for each quarter hour or fraction thereof for: (1) American employee	6.00
	(2) Foreign Service local employee	3.00
	(In addition to the surcharge prescribed above, transportation and other incidental costs actually and necessarily incurred by officers or staff employees of the Foreign Service shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.)	

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject or his/her authorized agent for services involving U.S. passport applications and related records, including consular birth and marriage records, shall be addressed to Passport Office, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (long form) or Certification of Birth (short form) is desired. Requests for certified copies of Report of Death of an American citizen shall be addressed to Office of Special Consular Services, Department of State, Washington, D.C. 20520. Advance remittance of the exact fee is required for each service.

(b) *Authentication services.* Requests for authentication services including documents presented to the Department of State for authentication, accompanied by remittance of the exact total fee chargeable, shall be addressed to the Authentication Officer, Department of State, Washington, D.C. 20520.

§ 22.3 Remittances in the United States.

(a) *Remittances in the United States.* Remittances shall be in the form either of (1) check or bank draft drawn on a bank in the United States, (2) money order, postal, international or bank, or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(b) *Exact payment of fees.* Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record or as to the number of sheets to be copied precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

§ 22.4 Requests for services, Foreign Service.

Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this schedule, in coin of the United States or at its representative value in exchange (22 U.S.C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this schedule shall be charged or collected for the official services to American vessels and seamen (22 U.S.C. 1186). The term "American vessels" is defined to exclude, for the purposes of this schedule, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a U.S. Government department or agency and engaged exclusively in official business on a non-commercial basis. This schedule of fees shall be kept posted in a conspicuous place in each Foregin Service office, subject to the examination of all persons interested therein (22 U.S.C. 1197).

§ 22.5 Remittances to Foreign Service posts.

Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the "American Embassy (name of city)" (or American Legation, American Consulate General, or American Consulate, as the case may be). This will permit encashment of negotiable instruments for deposit in the Treasury, when not negotiated locally, see § 23.2 of this chapter.

(a) *Time at which fees become payable.* Fees are due and payable prior to issuance or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

(b) *Receipts for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Schedule of Fees for Consular Services-Department of State and Foreign Service (§ 22.1), shall give receipts for fees collected for the official services rendered, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts, see § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen), (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic consular post) finds upon review of the facts that the collection was erroneous under applicable law and regulation is made by the Department of State with a view to payment of the refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of his/her office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99, 1942 Edition, as amended by sec. 1131 (26) of the Foreign Service Act of 1946, 60 Stat. 1037, and as modified by 22 U.S.C. 812 of the 1952 Edition). For receipt, registry, and numbering provisions, see § 22.5(c).

§ 22.8 Effective date.

The charges hereby established will become effective on September 1, 1977 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

[FR Doc.77-19907 Filed 7-11-77;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XV—FEDERAL RESERVE SYSTEM

[R-0106]

PART 1505—LOAN GUARANTEES FOR DEFENSE PRODUCTION (REG. V)

Change of Guaranteeing Agency

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Regulation V is being amended to reflect that the name of the Defense Supply Agency has been changed to the Defense Logistics Agency.

EFFECTIVE DATE: This amendment becomes effective June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph C. Maurer, Credit Specialist, Division of Federal Reserve Bank Operations, Board of Governors of the Federal Reserve System, Washington, DC 20551, 202-452-3174.

SUPPLEMENTARY INFORMATION: Effective January 1, 1977, the name of the Defense Supply Agency was changed to the Defense Logistics Agency. The purpose of this amendment is to reflect this name change by substituting the renamed agency in the list of Federal departments and agencies authorized to guarantee V-Loans. This action is taken pursuant to the Board's authority under Defense Production Act of 1950 and Executive Order No. 10480 of August 14, 1953, as amended.

The change made by this amendment is a technical one designed to conform Regulation V to directives issued by the Department of Defense. Therefore, the Board for good cause finds that the procedures prescribed by the provisions of section 553 of Title 5, United States Code, relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose.

Section 1 [Amended]

Effective immediately, section 1 of Regulation V (Loan Guarantees for Defense Production) of the Board of Governors is amended by deleting "the Defense Supply Agency" and substituting the phrase "the Defense Logistics Agency."

By order of the Board of Governors, June 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-19926 Filed 7-11-77;8:45 am]

Title 34—Government Management

CHAPTER II—GENERAL SERVICES ADMINISTRATION

SUBCHAPTER E—MANAGEMENT SYSTEMS

PART 271—CENTRAL SUPPORT SERVICES

Centralized Services in Federal Buildings

CROSS REFERENCE: For a document which deletes and reserves the provisions of 34 CFR Part 271, see FR Doc. 77-19882 appearing under Title 41 in the Rules and Regulations section of this issue.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Haverhill Paperboard Corporation, Haverhill, Massachusetts is approved to burn 1.4 percent sulfur content residual fuel oil in accordance with the recently revised Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," for the Merrimack Valley Air Pollution Control District. Haverhill Paperboard Corporation was required to continue burning 1.0 percent sulfur content fuel until further information showed that they could burn a specified higher sulfur content fuel without causing violations of the National Ambient Air Quality Standards for sulfur dioxide.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Air Branch, Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for attainment of National Ambient Air Quality Standards (NAAQS).

On December 30, 1976 (41 FR 56804) the Administrator approved a revision to Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," of the State Implementation Plan (SIP) which permits fossil fuel utilization facilities in the Merrimack Valley Air Pollution Control District (MVAPCD) to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight) until May 1, 1978. The MVAPCD is the same geographic area as the Massachusetts portion of the Merrimack Valley—Southern New Hampshire Interstate Air Quality Control Region (AQCR). Use of the higher sulfur content fuel by fossil fuel utilization facilities of over 100 million Btu/hr energy input capacity is contingent upon application for and receipt of written approval from the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department). Excluded from this revision are

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the City of Lawrence, and the Towns of Andover, Methuen, and North Andover. Sources in these areas remain subject to the previously approved requirements of Regulation 5.1, which stipulate that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight).

Haverhill Paperboard Corporation, Haverhill, Massachusetts was not approved to implement the provisions of the revision because violations of the NAAQS for SO_2 are predicted if the plant were to burn 2.2 percent sulfur content fuel oil. However, on December 30, 1976 the Massachusetts Department submitted additional conditions and technical information, and an EPA review of these data shows that the plant could burn fossil fuel having a sulfur content not in excess of 0.75 pounds per million Btu heat release potential (approximately equivalent to 1.4 percent sulfur content residual fuel oil by weight) without violating the NAAQS for SO_2. On April 13, 1977 (42 FR 19359) the Regional Administrator published a Notice of Proposed Rulemaking indicating that he was considering approval of Haverhill Paperboard Corporation to burn 1.4 percent sulfur content fuel oil. Haverhill Paperboard Corporation is required to apply for and receive written approval from the Massachusetts Department before burning the specified higher sulfur content fuel, and will be required to conform to all other provisions of the revised Regulation 5.1.

No comments were received during the 30-day comment period.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. § 1857c-5(a).)

Dated: July 5, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

SUBPART W—MASSACHUSETTS

1. Section 52.1120(c), paragraph (8) is revised to read as follows:

§ 52.1120 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(8) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Merrimack Valley Air Pollution Control District, submitted on January 28, 1976, and additional technical information pertinent to the Haverhill Paperboard Corporation, Haverhill, Massachusetts, submitted on December 30, 1976, by the Secretary of Environmental Affairs.

2. In § 52.1126, paragraph (e) is revised to read as follows:

§ 52.1126 Control strategy: Sulfur oxides.

* * * * *

(e) Massachusetts Regulation 5.1 for the Merrimack Valley Air Pollution Control District, excluding the City of Lawrence and the Towns of Andover, Methuen, and North Andover, submitted on January 28, 1976, is approved except as to the following source which is limited to burning fossil fuel having a sulfur content not in excess of 0.75 lb. per million Btu heat release potential (approximately equivalent to 1.4 percent sulfur content residual fuel oil by weight):

Haverhill Paperboard Corporation, Haverhill, Massachusetts.

[FR Doc.77-19980 Filed 7-11-77;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Pretreatment Standards For Existing Sources; Interim Final Regulations

AGENCY: Environmental Protection Agency.

ACTION: Interim final regulation.

SUMMARY: These regulations limit the concentrations of certain pollutants which may be discharged into publicly owned treatment works by electroplating operations. The purpose is to regulate those pollutants which interfere with, pass through, or are otherwise incompatible with the operation of treatment works. The Federal Water Pollution Control Act requires these regulations to be issued. The effect of these regulations will be to require pretreatment of waste water by operations which do electroplating and which discharge waste water into publicly owned treatment works.

EFFECTIVE DATE: July 12, 1977.

ADDRESS: Send comments to: Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552) Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. (202) 426-2560.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 28, 1974, EPA promulgated a regulation adding Part 413 to Title 40 of the Code of Federal Regulations (39 FR 11510). That regulation (the "Phase I regulation") with subsequent amendments (the "Phase II regulation") (40 FR 18130, April 24, 1975) established effluent limitations guidelines for existing sources in five subcategories and standards of performance and pretreatment standards for new sources in one subcategory. Proposed revisions and additions setting forth effluent limitations guidelines based on "best available technology economically achievable" (BAT), pretreatment standards for new and existing sources, and standards of performance for new sources were also published for five subcategories (39 FR 11515, March 28, 1974 and 40 FR 18140, April 24, 1975). The history of rulemaking for the category by the Agency prior to December 1976 is described in greater detail in 41 FR 53018 (December 3, 1976).

On December 3, 1976, the Agency suspended the promulgated effluent limitations guidelines based on "best practicable control technology currently available" (BPT). The effluent limitations guidelines based on "best available technology economically achievable (BAT), new source performance standards, and pretreatment standards for Subpart A of the Electroplating Point Source Category (41 FR 53081) were revoked. The Agency also withdrew its notices of proposed rulemaking for the category (41 FR 53070). The Agency took this action for the purpose of reevaluating the appropriateness of limitations and standards earlier established in light of new data and further analysis.

The pretreatment standards for existing sources which were originally proposed were based on the data and analysis relied upon in promulgating the BPT regulations. The effort to conduct new data gathering and analyses as a basis for reevaluation of the BPT regulations was thus expected to encompass the proposed pretreatment regulations as well. The interim final regulations set forth below take into account the additional study which has been conducted over the past several months.

Pretreatment standards are established for pollutants discharged into publicly owned treatment works (POTW) from existing sources which fall within the following subcategories of the Electroplating Point Source Category: Electroplating of Common Metals Subcategory (Subpart A); Electroplating of Precious Metals Subcategory (Subpart B); Anodizing Subcategory (Subpart D); Coatings Subcategory (Subpart E); Chemical Etching and Milling Subcategory (Subpart F); Electroless Plating (Subpart G) and Printed Circuit Boards (Subpart H). Subparts G and H are new subcategories which are established by this regulation. The content of the standards is discussed in detail below under Summary of Standards.

LEGAL AUTHORITY

These regulations are promulgated pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act), which requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works (POTW).

SUMMARY OF STANDARDS

These regulations establish two sets of pretreatment requirements for the

subcategories mentioned. The first set, the "prohibited discharge" standards, are designed to prevent inhibition of, or interference with, publicly owned treatment works, by prohibiting the discharge of pollutants of a nature or in a quantity that would endanger the mechanical or hydraulic integrity of the works. Except for minor changes, these prohibited discharge standards are identical to the prohibitions contained in the general pretreatment regulation now found at 40 CFR 128.131.

The second set of standards, known as "categorical" pretreatment standards, contain specific numerical limitations based on an evaluation of available technologies in a particular industrial subcategory. The specific numerical limitations are arrived at separately for each subcategory, and are imposed on pollutants which may interfere with, pass through, or otherwise be incompatible with publicly owned treatment works. For plants with an average daily flow of 40,000 gallons or more, the present regulations specifically limit the concentrations of total cyanide, amenable cyanide, hexavalent chromium, and the pH range for wastes discharged into a POTW. For plants with an average daily process waste water flow of less than 40,000 gallons, limitations on only amenable cyanide are imposed at this time, due to preliminary indications that these plants might experience relatively severe economic problems if more stringent standards were established. Requiring treatment of cyanide is the logical first step, since destruction of cyanide is a prerequisite for any subsequent removal of metals.

However, the Agency in the near future will issue in proposed or interim form additional limitations for some or all portions of the industry, based on further analysis. First, the Agency will issue limitations on total cyanide, hexavalent chromium, and pH for some or all of the plants which will be subject only to limitations on amenable cyanide under the regulations which are currently being promulgated. Secondly, the Agency will issue limitations on metals for certain portions of the industry. As discussed below, the reasons for the Agency's decision to issue regulations in stages are closely related to the ongoing effort to develop an accurate economic picture of this industry. Decisions regarding the appropriate stringency and scope of the additional standards will depend upon the outcome of current efforts to characterize the most vulnerable parts of the industry and to determine the possible economic impacts of various levels of regulations.

Because the present interim final regulations provide for up to three years for compliance (see Compliance Date, below), the issuance of regulations in two stages should not materially affect the process of planning for and installing the necessary treatment technology. The time necessary for compliance will again be considered when new regulations are promulgated and when existing regulations are finalized.

The Agency is also in the process of formulating new BPT regulations as well as standards of performance and pretreatment standards for new sources. The Agency expects to issue these regulations in the near future.

For the purpose of clarity, the subcategories affected by the present regulations are exempted from 40 CFR Part 128. The provisions of the present regulation overlap considerably with the language of 40 CFR Part 128. 40 CFR Part 128 was proposed on July 19, 1973 (38 FR 19236), and published in final form in November 1973 (38 FR 30982). It limits the discharge of pollutants which pass through or interfere with the operation of publicly owned treatment works, but it does not set numerical limitations or explicitly list particular pollutants to be regulated. The provisions of 40 CFR Part 128 have sometimes been a source of confusion in the past. New general pretreatment regulations have been proposed (42 FR 6476, February 2, 1977) which will revoke and replace 40 CFR Part 128 upon promulgation. Therefore, the general pretreatment requirements set forth in 40 CFR Part 128 are superseded with respect to the subcategories governed by the present regulations. All pretreatment requirements currently applicable to the subcategories listed are included in the regulations set forth below. When the new general pretreatment regulations are promulgated, these standards will be reviewed for consistency with the new general policies.

TECHNICAL BASIS FOR STANDARDS

The technical analysis upon which these regulations are based included an identification of the principal waste water pollutants generated by this industry, a consideration of the extent to which these pollutants interfere with or pass through POTW, and a study of the various pretreatment technologies which are available for controlling the discharge of such pollutants. Information gathered in an ongoing technical study of direct and indirect dischargers for this industry was used as the primary basis for assessing available pretreatment technologies. Additionally, data gathered earlier in support of the direct discharge limitations under sections 301 and 304 as well as data submitted by the industry were used. Appendix A summarizes these data and the analysis used in developing these limitations. The details of these studies are set forth in the "Pretreatment Report Supplementing the Interim Final Development Documents for the Electroplating Point Source Category", the "Development Document for Interim Final Effluent Limitations Guidelines for the Common and Precious Metals, and Metal Finishing Segments of the Electroplating Point Source Category", and the "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium and Zinc Segment of the Electroplating Point Source Category". The Agency also relied upon a report entitled "A Survey of Three Exemplary Electroplating Waste Treatment Systems".

ECONOMIC IMPACT ANALYSIS

In establishing the present regulations, the Agency has studied and taken into account the potential economic impact on the industry of implementing the standards. The analyses which have been undertaken are described in Appendix A. The details of the economic studies are set forth in a report entitled "Preliminary Economic Analysis of Interim Final Pretreatment Standards for the Electroplating Point Source Category, May, 1977."

Total investment costs for the metal finishing job shops to comply with the standards are estimated to be 38 million dollars. Annualized compliance costs are estimated to be 15 million dollars per year including both capital charges and operating and maintenance costs. It is estimated that 235 metal finishing job shops representing 5,900 jobs may close as a result of the standards. This represents eight percent of the firms and nine percent of the employment in the job shop sector of the industry.

Executive Orders 11821 and 11949, and OMB Circular A-107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. It is hereby certified that the inflationary impact of these standards has been evaluated in the economic impact analysis.

FUTURE REGULATIONS

The present standards represent a minimal level of control which leaves unregulated many harmful pollutants which pass through or interfere with the operation of a POTW or have deleterious effects on the sludge resulting from the operation of such treatment works. The Agency is considering establishing regulations in addition to those which are now being promulgated. In particular, the Agency has considered the need for limitations on metals, as well as limitations on pH, total cyanide, and hexavalent chromium for those plants which are currently subject only to limitations on amendable cyanide. The harmfulness of such pollutants is known, as is the technology for controlling these discharges. However, the preliminary results of an economic analysis indicate that the closure rates for implementation of the full range of limitations by all plants may be high. Consequently, limitations on the full set of parameters are not being promulgated at this time. The Agency, however, will issue further limitations for some or all portions of the industry in the near future, after additional economic analysis has been completed.

Particular attention is being devoted to the representativeness of the data base, the accuracy of the financial information, the feasibility of alternative sources of capital, and the appropriateness of the compliance cost estimates. The Agency hopes to have a more accurate

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economic picture of the industry soon, following further evaluation of the data base, review of the costs which were used, and "reality testing" of the economic model by comparing results with the actual experience of municipalities which have enforced regulations similar to those under consideration. In addition, the Agency is currently studying the industry in an effort to more precisely characterize the most vulnerable portions of the industry and to define those groups of plants which are responsible for the most significant environmental harm. Specific factors under consideration include process mix, flow, sales, number of metal finishing employees, total number of employees, and location. Identifiable differences between captive and job shops will also be considered. The Agency will be looking for factors which might provide the basis for formulating a spectrum of standards for different groups of plants, or for establishing variances or exemptions to a central set of standards.

Comments from the public are particularly solicited. The Agency will issue additional limitations in approximately two months from the date of this promulgation.

Availability of Documents

The EPA technical and economic reports mentioned above are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460, at all EPA Regional Offices and at State Water Pollution Control Offices.

Copies of the supplemental EPA reports described are being sent to persons or institutions affected by the regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). A limited number of additional copies are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim form, revised copies of the technical documentation will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

Public Participation

Numerous agencies and groups have participated at various stages in the development of pretreatment regulations for existing sources in this industry. Comments were solicited when proposed pretreatment standards were issued on March 28, 1974 (Phase I) and on April 24, 1975 (Phase II). Many agencies and groups were also consulted in the course of developing the proposed regulations. Similar opportunities for public participation were also provided in the related development of Phase I and Phase II regulations based upon best practicable control technology currently available. Furthermore, a public hearing on pretreatment standards for the electroplating industry was held on June 10, 1974. On December 3, 1976, the Agency announced that the regulations which had been previously proposed or promulgated would be reevaluated. Since that time the Agency has reconsidered the formulation of pretreatment standards and other regulations in light of all comments which have been received. The Agency has also continued to consult with, and receive comments from, interested agencies and groups. Furthermore, at the request of the National Association of Metal Finishers, the Agency has released split samples for duplicate analysis as well as additional data on the electroplating plants that were selected for sampling and study as a basis for reevaluating the regulations. A summary of public participation in this rulemaking, public comments, and the Agency's response to major issues which have been raised is contained in Appendix B of this preamble.

Effective Date

The Agency is subject to an order of the United States District Court for the District of Columbia entered in "Natural Resources Defense Council (NRDC) v EPA," 8 E.R.C. 2120 (D.D.C. 1976) which requires the promulgation of pretreatment standards for this industry category no later than May 15, 1977. The court order which was entered by the United States Court for the District of Columbia on June 8, 1976, following a consent agreement among the parties to four lawsuits, placed EPA on rigid timetables for the preparation and publication of water pollution regulations for 21 broad industry categories and 65 families of water pollutants.

It has not been practical to develop and republish regulations for this category in a second proposed form and to provide a 30–day comment period within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations prior to promulgation would be impractical and contrary to the public interest. The effective date shall therefore be the date of publication of these regulations.

Compliance Date

Section 301 of the Act anticipates that pretreatment standards for existing sources would be established and compliance would be required before July 1, 1977, while section 307(b) specifies "a time for compliance not to exceed three years from the date of promulgation" of the standard. In view of this conflict of statutory language and the fact that the pretreatment standards are only now being promulgated, the Agency believes that the compliance deadline as set forth in section 307(b) should apply. The time for compliance with the categorical pretreatment standards will be not later than three years from the effective date. However, a Regional Administrator or local or state authority should establish a more expeditious compliance date on an individual basis where it is appropriate. Compliance with the prohibited discharge standards is required immediately upon the effective date of these regulations since these standards are essentially the same as 40 CFR 128.131 and since the deadline for compliance with 40 CFR 128.131 has passed.

Opportunity for Public Comment

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmenal Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data suggest amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing pretreatment standards, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act. The Agency particularly solicits comments on other technologies for treating metal finishing effluents. All comments received on or before September 12, 1977, will be considered.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460. A copy of the technical studies and economic studies referred to above, and certain supplementary materials will be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

An opportunity for public hearing will be provided shortly after the close of the comment period. The place and time will be announced in a later notice.

Small Business Administration Loans

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concern in effecting additions to or alteration in equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH–586, 401 M St. SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 413 is hereby amended as set forth below.

Dated: June 30, 1977.

BARBARA BLUM,
Acting Administrator.

Appendix A—Technical Summary and Basis for Regulations

This Appendix summarizes the basis for interim final pretreatment standards for existing sources in the electroplating point source category.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner: The point source category was first studied for the purpose of determining whether separate standards are appropriate for different segments within the category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The compatibility of each raw waste characteristic with municipal treatment works was then considered. Waste water constituents posing pass-through or interference problems for POTW were identified.

The control and treatment technologies existing within each segment were identified. This included identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exist or are capable of being designed for each segment. It also included identification of the effluent level resulting from the application of each of the technologies in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology reflected the application of appropriate pretreatment technologies. In identifying such technologies, various factors were considered. These included the total cost of application of technology, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) *Summary of technical analyses*—(i) *Categorization.* Previous regulations for the electroplating point source category were subcategorized on the basis of process considerations. Electroplating was separated from metal finishing processes because electroplating always requires the action of an electrical current to deposit a metallic coating on the basis material acting as an electrode. Metal finishing processes may or may not require a current and may or may not deposit a metallic coat on the basis material. The processes of anodizing, coatings, chemical etching and milling are sufficiently different so as to warrant separate subcategories. Anodizing, usually performed on aluminium, converts the surface of the object to the metal oxide The object serves as the anode. Coatings refer principally to chromating, phosphating, and immersion plating. Each of these processes applies a thin protective coat on the treated object. An electrical current may or may not be applied. Chemical etching and milling involve the dissolution of the basis material.

In restudying the industry for the purpose of establishing pretreatment regulations, it was decided that printed circuit board manufacturing and electroless plating also warrant separate subcategorization because of the unique mixture of electrolytic and electroless plating operations found in these processes. Additionally, these processes produce pollutants which may render normal waste treatment techniques ineffective if proper safeguards are ignored.

Finally, the foregoing subcategorization is consistent with the existing structure of the industry, each subcategory tending to be oriented toward individual markets which do not overlap significantly.

(ii) *Origins and characteristics of waste water pollutants.* Waste water from this industry comes from the pretreatment and post treatment operations as well as the actual metal finishing and electroplating steps. The known significant pollutants and pollutant properties from these operations include pH, total suspended solids, oil and grease, cyanide, chromium, copper, nickel, zinc, cadmium, lead, tin, iron, aluminum, fluoride, phosphorus, silver, palladium, and various precious metals and organic compounds. The present study indicates that many of these pollutants may occur together and that their individual concentrations may exceed 100 mg/l.

Waste water results from the following operations in this industry: (1) Rinsing to remove films of processing solution from the surface of work pieces at the site of each operation, (2) rinsing away spills, (3) washing the air that passes through ventilation ducts so as to remove spray from the air before it is exhausted, (4) dumps of spent solutions, (5) washing of equipment, and (6) cooling water used in heat exchangers to cool solutions in metal finishing processes. Approximately 90 percent of the water consumed is in rinsing. That used as cooling water is usually recycled for rinsing. Operating solutions to be dumped are slowly trickled into the rinse waters prior to treatment

Many of the pollutants which are generated pose significant interference or pass through problems at POTW. The problems posed by the parameters affected by the present regulations are as follows:

(a) *Cyanide.* Cyanides are widely used in the electroplating industry and are among the most toxic of pollutants commonly discharged in industrial waste waters. Cyanide may exist as free cyanide as hydrocyanic acid, or in a complex, bound in varying degree to metals which are also present in wastes from this industry.

Of these three forms, hydrogen cyanide (HCN) is probably the most acutely lethal compound. HCN dissociates in water to hydrogen ions and cyanide ions in a pH dependent reaction. The cyanide ion is less acutely lethal than HCN. The relationship of pH to HCN shows that as the pH is lowered to below 7 there is less than 1 percent of the cyanide molecules in the form of the CN ion and the rest is present as HCN. When the pH is increased to 8, 9, and 10, the percentage of cyanide present as CN ions is 6.7, 42, and 87 percent, respectively. The toxicity of cyanides is increased by increases in temperature and reductions in oxygen tensions. A temperature rise of 10°C produces a two to threefold increase in the rate of the lethal action of cyanide.

In the body, the CN ion, except for a small portion exhaled, is rapidly changed into a relatively non-toxic complex (thiocyanate) in the liver and eliminated in the urine. The safe ingested limit of cyanide has been estimated at amounts less than 18 mg/day, part of which comes from normal environmental and industrial exposure. The average fatal dose of HCN by ingestion by man is 50 to 60 mg. The U.S. Public Health Service recommended limit for drinking water was 0.1 mg/l, with a mandatory maximum of 0.2 mg/l; however, the National Interim Primary Drinking Water Regulations do not limit cyanide.

Cyanides are more toxic to fish than to lower aquatic organisms such as midge larval, crustaceans, and mussels. Toxicity to fish is a function of chemical form and concentration, and is influenced by the rate of metabolism (temperature), the level of dissolved oxygen, and pH. In the laboratory free cyanide concentrations ranging from 0.05 to 0.15 mg/l have been proven to be fatal to sensitive fish species including trout, blue gills, and fathead minnows. Levels above 0.2 mg/l are rapidly fatal for many species. Long term sublethal concentrations of cyanide as low as 0.01 mg/l have been shown to affect the ability of fish to function normally, e.g., reproduce, grow, move freely.

Cyanide forms complexes with metal ions present in waste water. All these complexes exist in equilibrium with HCN. Therefore, the concentration of free cyanide present is dependent on the pH of the waste and the relative strength of the metal-cyanide complex. The cyanide complexes of zinc, cadmium, and copper may dissociate to release free cyanide. Also, where these complexes occur together, synergistic effects have been demonstrated. Zinc, copper, and cadmium cyanide are more toxic than an equal concentration of sodium cyanide.

Iron cyanides are tightly bound complexes and are not extremely toxic. However, iron cyanide readily dissociates when exposed to sunlight. This poses problems for cyanide discharges into a POTW. Ferric chloride is commonly added in a POTW as part of the treatment system. Cyanide in the waste water will readily complex with the iron, remain dissolved, pass through the POTW, and subsequently photodecompose, releasing cyanide to the ambient waters.

A second pass-through problem related to cyanide is caused by chlorination of waste waters by the POTW for the purpose of disinfection. Chlorination has been found to convert residual cyanide into highly toxic cyanogen chloride, which is subsequently released to the environment.

Finally, cyanide can also interfere with the operation of a POTW. Threshold inhibiting concentrations for POTW range from 0.1–5.0 mg/l. Inhibition of activated sludge units has been reported between 0.5–5.0 mg/l. Slug discharges of cyanide have caused complete failure of some POTW.

At lower concentrations, cyanide is partially biodegradeable. However, POTW treatment efficiency is highly variable, with some plants reporting less than 30 percent removal.

(b) *Hexavalent chromium.* Chromium exists in two states, Cr,III and Cr,VI, and it is the latter form that is more toxic. Hexavalent chromium is an irritant, and corrosive, and may be absorbed by inhalation, ingestion, and through the skin. It causes skin ulcers, is a skin sensitizer, can have corrosive effects on the intestinal tract and cause inflammation of the kidneys.

For fish, the range of 96-hour *LC50* values is 10–300 mg/l, including 17.6 mg/l for fathead minnows and 118 mg/l for bluegill. Alevin and juvenile chinook salmon, and

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rainbow trout are more sensitive to chromium than adults. Concentrations of 0.01–0.20 mg/l Cr,VI increase alevin mortality and retard growth temporarily. Chromium stress during maturation and spawning is suspected of causing susceptibility to infections. Freshwater zooplankton studies have shown the water flea to be the most sensitive invertebrate to Cr,VI, with a 48-hour LC50 of 0.022 m/l. It appears that adult fish are relatively tolerant of Cr,VI, but that both freshwater and marine invertebrates are quite sensitive. A Cr,VI level of 0.001–0.002 mg/l is a safe level for invertebrates and fish. The National Interim Primary Drinking Water Regulations limit chromium in drinking water to not more than 0.05 mg/l.

Cr,VI is toxic to activated sludge. Threshold inhibitory concentrations range from 1–10 mg/l. Inhibition of activated sludge units has been reported between 5–10 mg/l. In many large cities industrial sources are responsible for 72–100 percent of influent chromium concentrations. Current local sewer ordinance limitations range from 0.05–10 mg/l.

Chromium is moderately removed by POTW. There is a great deal of variability among POTW; the average is around 50 percent removal, but for some systems it is as low as 14 percent.

The chromium which does not pass through a POTW is deposited in the POTW sludge. Concentrations of chromium in sludge varied in one study from 20–10,000 mg/kg, with over half of the measurements less than 100 mg/kg. Sludge in Buffalo, New York had concentrations of 2540 mg/kg before implementation of pretreatment standards, and 1040 mg/kg after the regulations were put into effect. The chromium content in municipal sludge can limit the use of the sludge as a soil conditioner. Chromium is mobile in soil, and may readily leach from land fill, or filter into a water supply. This is a significant problem since a large portion of the Nation's water supply comes from underground sources. One Canadian study compared levels of chromium in soil, and vegetation before and after application of sludge, and found that the concentrations in the soil and the plants increased 50 percent after the sludge use. In some agricultural crops chromium can cause reduced growth or death of the crop. Adverse effects of low concentrations of chromium on corn, tobacco and sugar beets have been documented.

(c) *pH.* Extremes of pH or rapid pH changes can exert stress conditions or kill biological life outright. At a pH greater than 10, disruption of a biological treatment system is likely. At a low pH, corrosion of sewer pipes may be caused. Furthermore, at a pH below 7.5, only small amounts of metals are converted to hydroxide form. Since soluble metals tend to pass through POTW untreated, whereas metal hydroxides will tend to be removed in primary clarifiers, pH levels have an important indirect effect on the significance of metal pass-through problems.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for this industry to determine the best practicable pretreatment technologies. This study showed that although there are differences between subcategories in the types and quantities of wastes generated, the same general treatment technologies are available to this entire industrial segment.

Electroplating wastes are typically treated by a number of sequential control techniques. General practice includes segregation and individual treatment of the wastes containing cyanide and chrome followed by the removal of metals by pH adjustment and clarification or filtration in a common treatment system. As discussed elsewhere in the preamble, this regulation does not require removal of the metals. Therefore, the present pretreatment limitations for this industry are based on the following control techniques: The reduction of hexavalent chromium to Trivalent chromium, (2) oxidation of cyanides, and (3) pH adjustment to the range of 7.5 to 10. The use of the technologies discussed below formed the basis of the pretreatment standards which are being established. However, this does not preclude the use of other waste water treatment techniques which provide equivalent or better levels of treatment. Alternate treatment technologies are discussed in the development document.

(a) *Chrome reduction.* Reduction of hexavalent chrome to trivalent chrome is widely practiced within the industry and is typically done using sulfur dioxide at a pH of approximately 2.

Seventy-three plants sampled by the Agency had operating chrome reduction facilities. The number of data points from each plant varied from one to one hundred and thirty-three. The data from each plant were averaged into a single number so that all plants were considered equally. Approximately 60 percent of these plants already meet the limitations specified by this regulation.

(b) *Cyanide destruction.* Cyanide must be treated before treatment for metals removal may take place. If this is not done soluble metal cyanide complexes rather than insoluble metal hydroxides will be formed.

Cyanide destruction is generally done in a two-stage oxidation treatment system using chorine or hypochlorite. The first stage of the reaction oxidizes cyanide to cyanate, and the second, cyanate to nitrogen and carbon dioxide. The amenable cyanide limitations set by this regulation may be achieved by a single stage treatment system that completes the first step in this reaction.

The total cyanide limitation set by this regulation is based on two stage treatment and careful separation of iron, nickel, and certain other metal bearing wastes from the cyanide wastes in order to avoid formation of metal cyanide complexes that are untreatable by established waste treatment technologies. This latter segregation practice is standard good housekeeping procedure and is well established within the industry.

Eighty-five plants sampled during this study had cyanide oxidation facilities. The data from each plant were treated in the same manner as the data on chrome reduction. The limitations set by this regulation based on cyanide oxidation are currently achieved by approximately 60 percent of the data base.

(c) *pH adjustment.* pH control is an established and readily available control technique which was practiced by all of the plants sampled in this study. Typically, the pH is adjusted by adding an acid, such as hydrochloric or sulfuric, or base (lime or caustic) to the waste stream in an agitated tank. pH control is achieved by mixing sufficient amounts of acid or base to the waste to maintain the pH in the desired range.

(iv) *Cost estimates for control of waste water pollutants.* Cost information was obtained from industry, from engineering firms, equipment suppliers, government sources, and available literature whenever possible. Costs based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies were also used.

The foregoing cost information was used to develop and verify a costing program which was then used to cost treatment plants for electroplating establishments of various sizes and compositions. Eighty-one model plants were used to characterize the treatment costs associated with this industry. These models and a summary of the costing methodology are available for public inspection at the EPA Public Information Reference Unit, Room 2922, (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

(v) *Energy requirements and nonwater quality environment impacts.* The energy costs related to the implementation of these regulations are generally limited to electricity required for liquid transfer pumps and agitator motors.

The major nonwater quality consideration which may be associated with these pretreatment standards is the generation and release to the POTW of metal bearing solid wastes. Use of pH adjustment without metals removal by the industrial user generally result in incidental removal of some fraction of the metals at the POTW. Contamination of the sludge from the POTW with these wastes can limit the sludge disposal alternatives available to the POTW, increase the cost of adequate sludge disposal facilities and prevent the use of the sludge for beneficial purposes such as agriculture. For these reasons, as discussed elsewhere in the preamble, the Agency is currently considering additional limitations which would require removal of these wastes by the industrial user.

Under the present regulations, sludge disposal by the industrial user should not pose a problem.

No significant increase in noise, radiation, air pollution or thermal pollution will result from the implementation of these pretreatment standards.

(3) Economic summary. This section summarizes the economic and inflationary impacts of the pretreatment standards for the Electroplating Point Source Category. Executive Orders 11821 and 11949, and OMB Circular A-107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statment certifying that the inflationary impact of the proposal has been evaluated. The inflationary impact of these standards has been evaluated in an economic impact analysis, the results of which are summarized below.

The standards directly affect two kinds of firms: (1) independent establishments performing processes covered by these standards as their primary line of business, and (2) captive establishments performing regulated processes as part of the manufacture of some other product.

The standards are expected to have adverse economic impacts on some independent operations. Although captive establishments were not analyzed in great detail, it is anticipated that the impact on them will be less than on independent operations. The adverse impacts on independent shops are primarily due to capital availability problems that the captives are expected to have to a much lesser degree. In addition, the compliance cost a captive tends to be a much small fraction of production cost since it is being spread over more production operations. The specifics of the following discussion refer only to metal finishing job shops.

Total investment costs for the metal finishing job shops to comply with the standards are estimated to be 38 million dollars. This estimate allows for the fact that some jobs have treatment facilities already in place. Annualized compliance costs are estimated to be 15 million dollars per year. This includes both capital charges and operations and maintenance costs.

An estimated 235 job shops representing 5,900 jobs may close as a result of the pretreatment standards. This represents eight percent of the job shops and nine percent of the workers in the job shop sector of the industry.

Prices are expected to rise to account for increased compliance costs. The price of the regulated metal finishing services is expected to rise by an average of between 1.2 and 4.2 percent. Profitability and owners' compensation are expected to drop slightly in the short run for those firms that remain open, but are expected to return to their original levels within a few years of compliance as the industry adjusts to the new abatement requirements.

Appendix B.—Summary of Public Participation

The following are the principal agencies and groups consulted in the development of regulations: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Interior; (4) Department of Commerce; (5) Department of Defense; (6) Department of the Treasury; (7) Water Resources Council; (8) Atomic Energy Commission; (9) Office of Management and Budget; (10) National Association of Metal Finishers; (11) Metal Finishers Suppliers Association; (12) American Electroplating Society; (13) Institute of Printed Circuits; (14) Alberts Plating Works, Inc.; (15) American Hot Dip Galvanizers; (16) American Society of Mechanical Engineers; (17) Hudson River Sloop Restoration, Inc.; (18) The Conservation Foundation; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) The American Society of Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; (24) American Institute of Chemical Engineers; (25) New England Interstate Water Pollution Control Commission.

The following responded with comments following publication of the Phase I and Phase II regulations: California State Water Resources Control Board; Delaware River Basin Commission; State of New York Department of Environmental Conservation; Commonwealth of Kentucky Department of Natural Resources and Environmental Protection; State of Ohio Environmental Protection Agency; The Commonwealth of Massachusetts Water Resources Commission; State of Michigan Department of Natural Resources; State of Georgia Department of Natural Resources; City of Philadelphia; Colorado Department of Public Health; Municipality of Metropolitan Seattle; Dallas Water Utilities; State of Connecticut Department of Environmental Protection; Department of Commerce; Department of Defense; Department of Health, Education and Welfare; United States Department of the Interior; API Industries; State of Nebraska; State of Wisconsin; State of Virginia; State of North Carolina; State of Illinois; State of Indiana; Izaak Walton League of America; Environmental Resources Defense Council; General Electric; Ford Motor Company; Hewlett Packard; R. O. Hull and Company; MacDermid, Inc.; Institute of Printed Circuits; Kalamus and Associates, Inc.; Berlinger Plating, Inc.; Chromium Inc.; Honeywell; Aico Cad-Nickel Plating Corporation; Frank G. Pallard and Associates; Tri-Country Hard Chrome, Inc.; National Association of Metal Finishers; Bell and Howell; Western Electric; Digital Equipment Corporation; The Plate-All Metal Company; American Electroplaters' Society, Inc.; Metal Finishing Suppliers Association, Inc.; Barnard and Maybeck; Hay Company; Harshaw Chemical Company; Alcoa Company; Frederich Gumm Chemical Company; Scientific Control Laboratories; Milwaukee Plating Company; Raytheon Company; GTE Sylvania; Eastman Kodak Company; Chrome-Rite Company; Graham Plating; Welch Allyn; Bendix Corporation; Gould Corporation; H.I.G., Incorporated; Luster-On Products, Inc.; The Ansul Company; Olin Brass; Photo Chemical Machining Institute; Whirlpool Corporation; Reynolds Metals Company; Monet-Monocraft; American Iron and Steel Institute; Optic—Gage, Inc.; Sperry Univac; Teledyne CAE; Andes, Inc.; Baker Brothers; Rockwell International; Industrial Filter and Pump Manufacturing Company; Rogers Corporation; Control Data Corporation; NRC Corporation; Litton Industry; C. E. Mange Development Laboratory; Platers Supply Company; Sybron Corporation; Van DerHorst Corporation of America; Pratt and Whitney Division of United Aircraft; Columbus Industrial Association; Keeler Brass Company; Lancy Laboratories; Masters-Electroplating Association; Association of Home Appliance Manufacturers; Oxy Metal Finishing Corporation; E. I. DuPont de Nemours, Inc.; Electronic Industries Association; TRW, Inc.; Burndy Corporation; Jamestown Electroplating Works, Inc.; Douglas and Lomason Company; Revere Copper and Brass, Inc.; Sargent and Company; AMP, Inc.; Products Finishing; Wald Manufacturing Company; United States Water Resources Council; S. K. Williams Company; Manufacturing Jewelers and Silversmith of America, Inc.; True Temper Corporation; Texas Instruments, Inc.; Caterpillar Tractor Company; BASF Wyandotte Corporation; Lea—Ronal, Inc.; Automatic Plating Corporation; American Institute of Chemical Engineers; Aircraft Radio and Control.

The major issues raised by commenters during the development of these regulations and the subsequent resolution of these issues are as follows:

1. Numerous commenters questioned the need for pretreatment except in cases where the POTW fails to meet its permit limits.

By requiring pretreatment only when POTW permit conditions are violated, the Agency would be ignoring serious pollutant problems. Incompatible toxic pollutants introduced into a POTW by an industrial user may pass through the POTW substantially untreated into the receiving water without causing the POTW to violate its BOD, TSS, or pH permit limitations. Pass-through of toxic pollutants can result in accumulations in receiving water sediments with subsequent damage to benthic biota, bioaccumulations of toxic pollutants to unacceptable levels in fish, and other water quality problems.

The Agency believes that the requirements for industrial users of POTW established pursuant to section 307 (b) and (c) of the Act and the standards for POTW pursuant to sections 301 and 304 are separate requirements designed to be achieved concurrently. The pollutant parameters governed by the present standards pass through or interfere with the operation of POTW. These standards, accordingly, apply whether or not a particular POTW is already in compliance with secondary treatment standards or other limitations established in its permit. Conversely, a POTW must comply with applicable standards and limitations even though industries discharging to it have not met pretreatment standards.

2. Many commenters stated that the pretreatment limitations should be expressed in terms of concentration rather than as mass limitations.

The limitations specified in this regulation are expressed in terms of concentration although optional mass-based limitations may be developed later which will allow local enforcement authorities to choose between the two. The Agency has decided to use concentration limits in this regulation because of the ease of enforcing such limits and because of the need to implement the pretreatment program as quickly as possible. However, dilution may be a problem in some instances. Where dilution is encountered and is of concern, local authorities should consider the need for prohibitions on dilution, inspection of pretreatment and industrial facilities and enforcement of mass limitations.

3. Numerical limitations different than those established by this regulation were proposed by some commenters. The comments focused on the technical feasibility of attaining certain limitations by means of given treatment technologies. The comments also focused on the economic impact of establishing various levels of standards.

The standards set forth in these regulations are based on a careful assessment by the Agency of data concerning the levels of control which can be attained by use of available treatment technologies. Data supplied by the commenters as well as data collected by the Agency was used in developing the standards. Furthermore, the Agency has given careful attention to the possible economic impact of establishing various standards. As discussed elsewhere in the preamble, the decision to develop regulations in two stages is closely related to the Agency's efforts to fully consider the economic situation of different segments of the industry in establishing pretreatment standards. The formulation of the present standards is described in more detail in Appendix A.

Part 413, Chapter I, Subchapter N, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—Electroplating Point Source Category

Subpart A, § 413.11 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.11 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart A is amended by adding § 413.14 as follows:

§ 413.14 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the electroplating of common metals subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroplating of common metals subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

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(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5 unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	[illegible]

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart B—Electroplating of Precious Metals Subcategory

Subpart B, § 413.21 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.21 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart B is amended by adding § 413.24 as follows:

§ 413.24 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the electroplating of precious metals subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroplating of precious metals subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	[illegible]

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart D—Anodizing Subcategory

Subpart D, § 413.41 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.41 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amendable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart D is amended by adding section 413.44 as follows:

§ 413.44 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the anodizing subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the anodizing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	[illegible]

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart E—Coatings Subcategory

Subpart E, § 413.51 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.51 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart E is amended by adding § 413.54 as follows:

§ 413.54 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the coatings subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the coatings subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	[illegible]
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart F—Chemical Etching and Milling Subcategory

Subpart F, § 413.61 is amended by revising paragraph (d) and adding paragraphs (e), (f), and (g) as follows:

§ 413.61 Specialized definitions.

* * * * *

(d) The term "CN,A" shall mean cyanide amenable to chlorination.

(e) The term "CN,T" shall mean cyanide, total.

(f) The term "Cr,VI" shall mean hexavalent chromium.

(g) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

Subpart F is amended by adding § 413.64 as follows:

§ 413.64 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the chemical etching and milling subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the chemical etching and milling subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this chapter, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

40 CFR Part 413 is amended by adding a new Subpart G as follows:

Subpart G—Electroless Plating

Sec.

413.70 Applicability; description of the electroless plating subcategory.

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413.71 Specialized definitions.
413.72–413.73 [Reserved]
413.74 Pretreatment standards for existing sources.

AUTHORITY: Sec. 307(b), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500 (the Act).

Subpart G—Electroless Plating

§ 413.70 Applicability; description of the electroless plating subcategory.

The provisions of this subpart are applicable to discharges resulting from the electroless plating of a metallic layer on a metallic or nonmetallic substrate.

§ 413.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "electroless plating" shall mean the deposition of conductive material from an autocatalytic plating solution without application of electrical current.

(c) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(d) The term "operation" shall mean any step in the electroless plate process which is followed by a rinse and in which a metal is deposited on a basis material.

(e) The term "CN,A" shall mean cyanide amenable to chlorination.

(f) The term "CN,T" shall mean cyanide, total.

(g) the term "Cr, VI" shall mean hexavalent chromium.

(h) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

§ 413.72 [Reserved]

§ 413.73 [Reserved]

§ 413.74 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the electroless plating, subcategory, the provisions of part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the electroless plating subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

Subpart H—Printed Circuit Board

Sec.
413.80 Applicability; description of the printed circuit board subcategory.
413.81 Specialized definitions.
413.82–413.83 [Reserved].
413.84 Pretreatment standards for existing sources.

AUTHORITY.—Sec. 307(b), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92–500 (the Act).

§ 413.80 Applicability; description of the printed circuit board subcategory.

The provisions of this subpart are applicable to the manufacture of printed circuit boards including all manufacturing operations required or used to convert an insulating substrate to a finished printed circuit board. The provisions set forth in other subparts of this category are not applicable to the manufacture of printed circuit boards.

§ 413.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "printed circuit board" shall mean any insulating carrier which has circuitry adhered thereto or encapsulated therein primarily for the purpose of interconnecting electric and electronic components.

(c) The term "sq m" ("sq ft") shall mean the area of the printed circuit board immersed in an aqueous process bath.

(d) The term "operation" shall mean any step in the printed circuit board manufacturing process wherein the board is immersed in an aqueous process bath which is followed by a rinse.

(e) The term "CN,A" shall mean cyanide amenable to chlorination.

(f) The term "CN,T" shall mean cyanide, total.

(g) The term "Cr, VI" shall mean hexavalent chromium.

(h) The term "electroplating process waste water" shall mean process waste water generated in operations which are subject to regulations for the electroplating point source category.

§ 413.82 [Reserved]

§ 413.83 [Reserved]

§ 413.84 Pretreatment standards for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the printed circuit board subcategory, the provisions of Part 128 of this chapter shall not apply. The pretreatment standards for an existing source within the printed circuit board subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 40,000 gallons per day of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08

(2) For plants discharging 40,000 gallons per day or more of electroplating process waste water the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard: Maximum for any 1 day	Pretreatment standard: Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
CN, A	0.20	0.08
CN, T	0.64	0.24
Cr, VI	0.25	0.09
pH	Within the range 7.5 to 10.0.	

[FR Doc.77–19823 Filed 7–11–77;8:45 am]

[FRL 755–2]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Final Rule Making

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These regulations limit the discharge of pollutants into navigable waters from existing crushed stone, construction sand and gravel, industrial sand, phosphate rock and mining operations. The Federal Water Pollution Control Act requires these regulations to be issued. These limitations will be incorporated in National Pollutant Discharge Elimination System (NPDES) permits issued by the Federal EPA or by States with approved programs. The effect of these regulations will be to require treatment of waste water discharged from the above types of operations in the mineral mining industry.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202–426–2560.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 16, 1975 (40 FR 48652), and June 10, 1976 (41 FR 23552), EPA promulgated interim final effluent limitations based on the application of "best practicable control technology currently available" (BPT) for 40 CFR Part 436—Mineral Mining and Processing Point Source Category. On June 10, 1976, the Agency also proposed effluent limitations based on the application of "best available technology economically achievable" (BAT) and standards of performance and pretreatment standards for new sources (41 FR 23561). The final regulations set forth below amend the June 10, 1976 interim final regulations, and will be applicable to existing point sources for the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), and the phosphate rock subcategory (Subpart R).

The Agency is not promulgating pretreatment standards for existing sources or finalizing the pretreatment standards for new sources which were proposed in the June 10, 1976 interim final regulations because there are no known situations in which such standards would be applicable. Should information become available which indicates there is a need for such standards, then regulations will be issued. The regulations based upon best available technology economically achievable (BAT) and new source performance standards (NSPS) which were proposed on June 10, 1976 are also not being promulgated at this time because the Agency is currently reviewing the regulatory approach which should be taken in all mining categories with respect to BAT effluent limitations and new source performance standards.

LEGAL AUTHORITY

These regulations are promulgated pursuant to sections 301(b) and 304(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 (b), 1314(b); 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Section 301(b)(1) requires the attainment of effluent limitations based on the application of "best practicable control technology currently available" (BPT) by July 1, 1977. Section 304(b)(1) provides for the promulgation of such effluent limitations and specifies the factors to be taken into account in assessing BPT in compliance with section 301(b)(1).

SUMMARY AND BASIS OF REGULATIONS

Effluent limitations are established in these regulations for total suspended solids (TSS) and pH. The regulations govern discharges of process generated waste water pollutants and discharges of mine dewatering pollutants by existing sources in all four subcategories listed above.

The best practicable control technology currently available for controlling the discharge of process generated waste water pollutants includes recycle of waste water for use in processing. In addition, excess process water and mine water can be treated prior to discharge by settling and, if necessary, occasional use of flocculation. Available technologies are discussed in detail in Appendix A. As in all other mining categories, the limitations for these four subcategories are applied on a concentration basis (mg/l) rather than a mass basis (lbs/ton of product) (except for industrial sand operations using hydrogen flotation), because no correlation between water usage and production can be established. The method of analyses for all parameters shall conform to the methods specified in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," 40 CFR Part 136, published in 41 FR 52780 (December 1, 1976).

Additional waste water pollutants which may be present in some instances are asbestos fibers, radium 226, and phosphates. Control of total suspended solids will have the effect of controlling these pollutants to some extent. Existing treatment systems are not generally designed to specifically remove these pollutants, and additional treatment of these pollutants will not be practicable for most operations. Consequently, specific limitations for these pollutants are not established at this time. The permit issuing authority could, however, impose specific limitations on such pollutants on a case-by-case basis, if practicable technology were nevertheless shown to be available in the particular instance. Furthermore, the permit must, of course, include any additional limitations on such pollutants which are necessary to meet applicable water quality standards.

A report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" was issued at the time that the interim final BPT regulations for the four subcategories listed above were published on June 10, 1976. A supplementary report on the possible economic effects of the regulations was also issued at that time. Comments on both reports were solicited by the Agency.

After the interim regulations were issued, the Agency collected and analyzed additional data on the four subcategories which are subject to these final regulations. A report entitled "Development Document for Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category" details the analyses undertaken in support of the final regulation set forth here. A supplementary analysis on the possible economic effects of the final regulations has also been prepared. Copies of both reports are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C., at all EPA regional offices, and at State

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water pollution control offices. Copies of both documents are being sent to persons or institutions affected by the final regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). Further copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Va. 22151.

The technical and economic analyses undertaken in support of these regulations are discussed in detail in Appendix A to this preamble. Significant changes which have been made in the interim final regulations are discussed below under Summary of Major Changes.

Summary of Public Participation

At the time that interim final regulations were issued, public comment on the regulations was solicited. In addition, a public meeting was held in Washington, D.C. on December 2, 1976, to enable further public participation. As a result of comments received following publication of the interim final regulations and further consideration by the Agency, the limitations originally established have been reevaluated. A summary of public participation in this rulemaking, public comments, and the Agency's consideration and response is contained in Appendix B of this preamble.

Summary of Major Changes

As a result of the comments and information which were received following promulgation of the interim final regulations, and as a result of additional study by the Agency, a number of changes are being made in the interim final regulations.

The interim final regulations required no discharge of process generated waste water pollutants by operations in the crushed stone subcategory, the construction sand and gravel subcategory, and the industrial sand subcategory. This limitation was imposed on the grounds that large numbers of operations currently recycle all water used in processing and have no continuous discharge of process generated waste water pollutants. However, it is apparent that a number of the facilities which currently recycle experience occasional discharges due to natural occurrences, such as rainfall or seepage. Consequently, the regulations have been changed to allow a limited discharge of process generated waste water pollutants from operations which recycle water for processing, although systems which do not recycle process water will remain subject to a no discharge requirement. These limitations continue to be based on the Agency's view that the best practicable control technology currently available for these industries includes recycling of process water.

The interim final regulations would have required the crushed stone industry to treat mine water and process water in separate treatment systems in order to discharge mine water. Under the new regulations for the crushed stone, industrial sand, and construction sand and gravel subcategories, a facility which recycles process water may discharge from a treatment system in which process water and mine water are commingled. Facilities which do not recycle process water may not discharge from such a combined treatment system, since all discharges from the system are subject to the limitations on process generated waste water pollutants.

The limitations on total suspended solids (TSS) in both mine dewatering and process water discharges have also been changed for the crushed stone, construction sand and gravel, and industrial sand subcategories. The limitations for these subcategories now include an average limitation for thirty consecutive days of 25 mg/l for TSS. The daily maximum limitation has been increased from 30 mg/l to 45 mg/l. These changes were made because additional data collected since the promulgation of the interim final regulations indicated that the day-to-day variations in discharges from individual operations were greater than initially found, and because the additional information collected provided the broader data base necessary for formulating a monthly average limitation.

The mine dewatering definition for these three subcategories has also been changed to indicate that only water which has collected or been impounded in the mine and is removed through the efforts of the mine operator will be subject to the limitations on mine dewatering discharges. This change clarifies the Agency's intentions regarding discharges of storm water runoff. Discharges due to storm water runoff are subject to the limitations imposed in these regulations for process water or mine water pollutants only if the runoff enters the treatment systems for process water or mine water. Storm water which does not enter a treatment system is not covered by this regulation. Storm water can be kept out of treatment systems by use of berms or storm water diversion ditching.

The process water limitations for the phosphate rock subcategory have also been changed. The interim final regulations imposed a no discharge requirement on process generated waste water pollutants in ore transport water, pump seal water, air scrubber water and ore wash water. These types of water can be recycled. Pollutants in waste water from the flotation processes of this industry, by contrast, were not subject to a no discharge requirement because recycling waste water in the flotation circuit causes loss in recovery. The regulations further provided for monitoring of discharges when the various waste water streams were commingled. The Agency concluded that these regulations, while reasonable, created excessively complex enforcement problems. Waste water streams are often combined within the plant and cannot be separated without expensive rearrangement of existing piping. Enforcement under the interim final regulations would be difficult even if extensive site visits were carried out unless the waste streams were separated. Consequently, a single set of limitations has been imposed in the final regulation for all waste streams. The effect of this change is not expected to be significant, since most of the facilities covered are already recycling process water to the extent possible.

The TSS limitations for the phosphate rock subcategory have been reevaluated in the light of comments and additional data received, but they have not been changed. Several commenters suggested that the limitations should be more stringent. It was suggested that data submitted with the comments support more stringent limitations. In the Agency's judgment, more stringent limitations are not warranted. First, the commenters excluded from the data base certain plants with high TSS values in their discharges. The high TSS values were said to be due to algae growth resulting from high phosphorus levels in the plants' intake water. The contamination of the intake water was said to be caused by upstream fertilizer-chemical plants. The Agency does not agree that the high TSS levels found should be excluded from the data base on the grounds suggested. Many plants experience high rates of algae growth in their settling ponds either because of the nature of the intake water, or for other reasons, such as the presence of nitrogen in the waste water (ammonia is used as a processing reagent), the warm temperatures in southern regions, or the shallowness of the pond. The age of the pond also appears to be an important factor. While new treatment ponds in this industry experience relatively low algae growth, they gradually become eutrophic, and the TSS levels in the discharges increase. Volatile suspended solids then comprise the majority of the TSS discharged, as many of the samples which were taken indicate. Consequently, the Agency feels that the operations excluded by the commenters from the data base should be considered in assessing BPT and in effluent limitations that can be attained by using such technology.

Secondly, the Agency believes that more stringent limitations would force many of the plants in this industry to use groundwater rather than surface water for processing in order to prevent algae growth in the treatment system that is caused by upstream contamination of intake water. The commenters have failed to address the serious groundwater depletion problems in the part of Florida where most of the mines are located, and which would be seriously aggravated if more stringent limitations on TSS were imposed on the industry. At the present time, therefore, the Agency does not believe that the costs to this industry of converting to alternative water sources would be justified, particularly in the light of the environmental harm that would be caused by further depletion of groundwater. However, the Agency also believes that the quality of river water used for processing will improve as upstream chemical plants achieve effluent limitations imposed in their permits. Limitations for phosphate rock operations may therefore need to be reevaluated at a later date under section 301(d) of the Act if TSS discharges are reduced as a result of cleaner intake water.

Economic Analyses

The capital cost for industry to comply with these regulations is estimated to be approximately $25 million. The annualized cost of complying (which includes amortization, operating and maintenance expense) is approximately $10.4 million. No significant economic impacts on the phosphate and industrial sand categories are anticipated. Of the crushed stone industry's 4800 plants, approximately 78 will switch from selling wet processed to dry processed stone, and perhaps 35 small operations in metropolitan areas may close, with an associated loss of 60 jobs. Depending upon local market conditions, prices could remain stable or increase by up to eight percent. For sand and gravel, perhaps 26 out of 5150 operations may close, with an attendant loss of up to 86 jobs. Prices may increase about $0.04 per ton (2.5%) in large markets and by up to 10 percent in small metropolitan or rural markets. In both the crushed stone and sand and gravel categories, it is expected that more closures would occur in large metropolitan areas and therefore not have significant community effects.

The costs and resultant economic impacts of the regulations are more fully discussed in Appendix A to this preamble and are substantially detailed in the economic analysis document. The Environmental Protection Agency has determined that this regulation does not require preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107. However, the economic analysis prepared in support of this regulation fulfills the requirements of these Executive Orders and Circular A-107.

Small Business Administration Loans

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St. SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 436 is hereby amended as set forth below.

Dated: June 27, 1977.

Barbara Blum,
Acting Administrator.

Appendix A—Technical Summary and Basis for Regulations

This Appendix summarizes the basis of final effluent limitations guidelines for existing sources to be achieved by the application of the best practicable control technology currently available.

(1) *General methodology.* The effluent limitations guidelines set forth herein were developed in the following manner: The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, were identified. The energy requirements of each control and treatment technology were determined, as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of the technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA NPDES permit applications, EPA NPDES permits, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D) and the phosphate rock subcategory (Subpart R) of the mineral mining and processing point source category.

(i) *Categorization.* For the purpose of studying waste treatment and establishing effluent limitations guidelines and standards of performance, the mineral mining and processing category was divided into subcategories. These subcategories consist of specific mineral types or classes of minerals. In addition, within each subcategory a determination was made whether subparts required different effluent limitations based on type of ore, method of ore transport, type of processing, use of wet air emissions control devices, type of product, and ground water intrusion and runoff into the mine and process waste water impoundments.

For the four commodities affected by the present regulations, crushed stone, construction sand and gravel, industrial sand, and phosphate rock, the processing techniques were sufficiently different to form four separate subcategories. Within each subcategory consideration was given to each of the types of discharges given in the following list.

Crushed stone: dry processing discharges, wet processing discharges, flotation processing discharges, mine dewatering discharges, area runoff (point source) discharges.

Construction sand and gravel: dry processing discharges; wet processing discharges; dredging with land processing, dredging water discharges, other process water discharges; mine dewatering discharges; area runoff (point source) discharges.

Industrial sand: dry processing discharges; wet processing discharges; acid and alkali flotation discharges, acid leaching discharges, hydrofluoric acid (HF) flotation discharges; other process water discharges; mine dewatering discharges; area runoff (point source) discharges.

Phosphate rock: flotation processing discharges, other processing discharges, mine dewatering discharges, area runoff (point source) discharges

Upon completion of the technical and economic analysis, it was concluded that several types of process waste water discharges within three subcategories should be governed by a single set of limitations in light of the feasibility of achieving the same levels of pollutants in the discharges. Hence, discharges from dry, wet, and flotation processing of construction sand and gravel are subject to the same set of limitations. Discharges from dry and wet processing of construction sand and gravel are similarly subject to the same set of limitations. Discharges from dry, wet, and acid and alkali flotation processing of industrial sand are also subject to the same limitations. However, it was concluded that discharges from acid leaching and HF flotation in the industrial sand subcategory should be considered separately due to differences in the nature of the discharge. Separate limitations on process generated waste water pollutants are established for operations using HF flotation, but no national limitations are established at this time for operations using acid leaching, due to lack of adequate data.

Dredge water discharges from land-based construction sand and gravel process plants are not regulated at this time. Dredging and on-board processing in navigable waters are regulated by the Corps of Engineers pursuant to section 404 of the Act and are not subject to these regulations. Point source discharges of area runoff are likewise not covered in this regulation unless the runoff enters process or mine dewatering waste water impoundments.

(ii) *Waste characteristics.* The known significant pollutants and pollutant properties in the four subcategories covered include pH and total suspended solids. Fluoride is present in the process waste waters of operations in the industrial sand subcategory which use HF flotation. In isolated cases asbestos-form pollutants have been found in the crushed stone industry. Fluoride, phosphate and radium 226 exist in the waste waters from the phosphate rock subcategory.

(iii) *Origin of waste water pollutants.* The sources of mine dewatering pollutants include surface runoff of rain water into the mine and mine water treatment systems, ground water seepage and infiltration into the mine. The quantity of mine water discharged is either unrelated or only indirectly related to the mine production rate. As in

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is that treatment systems be designed, con- have to absorb control costs may close. These Building Stone Institute; (42) The Fertil-

other mining categories, therefore, effluent limitations are expressed in terms of concentration rather than units of production.

Process generated waste water includes ore transport water, ore and product wash water, dust suppression water, classification water, heavy media separation water, flotation water, solution water, air emissions control equipment water, and floor and equipment wash down water. Where production could be related to process water flow, the effluent limitations are tied to the units of production. In cases where uncontrolled volumes of water, such as mine dewatering, are normally mixed with process water or in cases where process water flow cannot be related to the rate of production, the effluent limitations for process waste water are expressed in terms of concentration.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available. The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

(1) *Treatment for the crushed stone subcategory.* Dry processing plants will usually have no discharge of process generated waste water, although water may be used, such as for dust suppression. Water at wet processing plants is used to wash the stone and control dust. The waste water, if clarified in a settling pond, is usually of sufficient quality that it can be recirculated directly to the process, and no discharge will be necessary unless water from other sources enters the treatment system. Similarly, at facilities that use flotation, for instance, to obtain calcite, the waste flotation water can be used to wash the stone. Excess waste water from the treatment impoundment may result from precipitation or from surface runoff or because the mine water and process water are combined for treatment in one common treatment system. Waste water from these processes of the crushed stone industry in excess of that amount of water which is recycled for process water purposes may be treated and discharged. Treatment for this excess waste water consists of settling in one or more settling ponds, and possible use of flocculants. A series of ponds is recommended in order to improve the settling efficiency and allow for dredging of the primary pond without having to discontinue recycle. The use of flocculants in the secondary ponds is sometimes practiced. For land-based processors, particularly small plants, treatment other than single settling ponds followed by recycle may not be an economically viable technology. The limitations, therefore, are based on this technology. (Level C in the Development Document.)

Due to the nature of the hard rock mined in crushed stone quarries, water that collects on the quarry floor is quite clear. This water can originate from direct rainfall or ground water seepage into the quarry. It is poor practice to allow surface runoff to enter the quarry, and diversion ditches or berms can prevent this. Quarry water is collected in a low spot or sump, which is rarely designed to efficiently remove suspended solids. From this sump quarry water is pumped to the surface and discharged. This water is typically of excellent purity unless poor practices are followed, such as positioning the pump near the sump influent, or allowing mine vehicles to drive through flooded areas.

Based on the available data on quarries, the Agency has established TSS limitations of 45 mg/l daily maximum and 25 mg/l monthly average. In instances where the mine water quality does not already meet these limitations, better water handling practices can be instituted. The sump can be enlarged to provide adequate settling time. The sump pump can be positioned opposite the sump influent. Pumping may be temporarily stopped to allow the water to clear. In some cases a settling pond at ground level can be built to provide additional settling time. The intermittent use of flocculants is a possible alternative. Treatment of mine water in a common treatment system with process water is another means of treatment. Recycle of process water from a combined treatment system must be practiced in order to discharge from this combined treatment system. The process water discharge limitations would then apply to the waste water discharged.

(2) *Treatment for the construction sand and gravel subcategory.* Water at wet processing plants is used for ore washing, dust suppression, heavy media separation and classification. As in the crushed stone subcategory, process waste water can be recycled after clarification in settling ponds. Waste water in excess of that amount of water which is recycled for process water purposes may be treated and discharged.

For dredging operations in navigable waters, slurry water pumped ashore is not regulated at this time. Few facilities operate in this mode. Land-based processing facilities that do not slurry-transport from the dredge can recycle process waste water as do other land-based non-dredge operations.

The discussion of methods for controlling the discharge of process generated waste water pollutants set forth above in reference to the crushed stone subcategory also applies to the construction sand and gravel subcategory. The limitations on mine dewatering can be met by the use of well designed and operated settling ponds. Intermittent use of flocculants may be necessary in a few cases. If recycle of process waste water is practiced, mine water may be combined with process water in a common treatment system. The subsequent discharge would be subject to the limitations on process generated waste water pollutants.

(3) *Treatment for the industrial sand subcategory.* This subcategory resembles the construction sand and gravel subcategory except that additional beneficiation is done. The same technologies for recycling and settling are used in this subcategory as in the construction sand and gravel subcategory, and the same discussion applies here. Certain operations require fresh water make-up, but the excess is usually lost through evaporation, product drying and sludge disposal. Excess water that cannot be recycled may be treated and discharged. Treatment of this waste water would usually consist of settling in ponds and possible use of flocculants. Clarifiers are used at some locations to increase settling efficiency and to minimize the treatment area. However, this latter technology is not economically feasible for many plants. Therefore the limitations are based on the technology of settling and recycle (Level B in the Development Document).

Sludge disposal can present problems if a watershed is dammed and an excess of runoff enters the sludge pond. This runoff can be diverted around the impoundment and the supernatant pond water returned to the process water system.

There is one plant that uses hydrofluoric acid in the flotation circuit. At the present time this facility is able to recycle about 90 percent of its process waste water. Total recycle is claimed to hinder the HF flotation of feldspar. The daily maximum for total suspended solids was based on data supplied by the plant.

Limited data were available for the acid leaching process; therefore, this process will not be nationally regulated at this time.

Industrial sand mines are identical to sand and gravel mines and the same reasoning for the mine dewatering limitations applies.

(4) *Treatment for the phosphate rock subcategory.* Control of discharges of process generated waste water pollutants and mine dewatering pollutants can be achieved through settling in ponds. Recycling of water for processing is also possible. While facilities that practice flotation with amines, fatty acids and other reagents can practice only partial recycle because concentrations of impurities which interfere with processing build up in a total recirculation system, facilities that do not use flotation to process the ore, and non-flotation unit operations within flotation plants, are able to use recycled waste water without using fresh make up water.

The present regulations limit TSS and pH. Radium 226, phosphate, and fluoride are also present in the waste water, but existing treatment systems are generally not designed to specifically remove these pollutants, and additional treatment of these pollutants to concentrations below present levels is not judged to be practicable for most operations. However, control of total suspended solids does effect control of radium 226 and phosphates. For the reasons set forth under Summary of Major Changes, the present regulations do not specifically reflect the ability of most operations to achieve partial or total recycle of process water. However, most operations are already recycling process water to the extent possible, particularly since recycling helps to minimize the ground water depletion problems in parts of Florida where many of the operations are located.

A statistical analysis of the long term effluent data from several facilities shows that a total suspended solids concentration of 30 mg/l can be met as a maximum monthly average and 60 mg/l as a daily maximum. As noted in the Development Document, several plants are meeting these limitations. Those plants that do not achieve the standards all of the time can upgrade their treatment systems by various methods. A number of poor practices were observed during the study of this subcategory. Some plants are continuing to use their ponds beyond their efficient life. These operations should construct new treatment ponds. One plant was observed to be fertilizing the inner pond walls and excessive aquatic growth apparently resulted which increased the total suspended solids level. Such fertilization should be stopped. Earthen ditches are frequently used to convey the pond overflow to the discharge point, and excessive flow rates through these ditches were observed to result in erosion to the walls. Larger channels with well compacted walls or concrete or pipe conveyances would minimize this problem. The use of wooden boards in overflow towers can result in significant leaks between the boards from sub-surface levels of water in the impoundments which have higher levels of suspended solids.

(5) *Overflow exemption.* In all four subcategories, an allowance has been made for the type of unregulated discharge from treatment facilities which would be caused by abnormal precipitation events. The best practicable control technology currently available

is that treatment systems be designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event. If treatment systems are properly designed, constructed, and maintained to handle the larger amounts of water entering the system during such an event, then any overflow which occurs is exempt from the applicable limitations.

(v) *Cost estimates for control of waste water pollutants.* The costs estimated to result from the promulgated regulations are listed below.

Subcategory	Capital costs	Annual costs
Crushed stone	$13,531,000	$6,941,000
Construction sand and gravel	7,460,000	2,283,000
Industrial sand	644,000	169,000
Phosphate rock	3,340,000	1,656,000
Total	24,975,000	10,449,000

(vi) *Energy requirements and nonwater quality environmental impacts.* The additional energy requirements are estimated as follows:

	Million kilowatt per year hours
Mineral:	
Crushed stone	140
Construction sand and gravel	22.7
Industrial sand	8
Phosphate rock	42.3
Total	213.0

These figures are overstated since the savings in not pumping as much fresh water as make-up were not subtracted.

The regulations will increase the amount of solid wastes. However, most of the solid wastes in these four subcategories are inert solids. No significant sludge disposal problems are anticipated.

(vii) *Economic impact analysis.* The impact of these regulations on phosphate mining and processing are not expected to be significant. Prices may increase about $0.11 per ton, or less than 1 percent over mid-1974 levels of $12.10 per ton. No plants are expected to close, and the effects on the balance of trade will be minimal.

Depending upon local market conditions, prices for crushed stone could increase up to eight percent. However, only about 18 percent of production would be subject to price increases. Approximately 78 out of the 4800 crushed stone facilities will switch from producing both wet and dry processed stone to only dry process production. A maximum of 35 small facilities accounting for 0.1 percent of the national production and located in metropolitan market areas may close, with an associated loss of 60 jobs. Because these closures are expected to occur in scattered metropolitan areas, no community impacts are anticipated.

The economic analysis of the sand and gravel industry indicated that the only technology which is economically viable is a settling pond with recycle. More extensive treatment, which involves additional ponds or flocculation, may be feasible for some plants but is considered to be economically impractical in general. In particular, plants which have no treatment at present and are in a large metropolitan market will be unable to install treatment in addition to settling and recycle. Therefore, the BPT limitations are based on a technology of settling and recycle. The price of sand and gravel may increase from between $0.04 to $0.20 per ton in small cities or rural areas. Up to 26 plants in major metropolitan areas which have to absorb control costs may close. These plants represent a total of 0.3 percent of the present national production and are a very small proportion of the 5,150 operations in the industry. The closures could result in the loss of work for up to 86 persons, but are not expected to affect local economies.

The price of industrial sand is expected to increase less than 1 percent over present levels of about $5 to $7 per ton. Settling with recycle is the technology on which the best practicable technology guidelines are based. Based upon this technology, no closures are predicted, and local economies, employment, industry growth and the balance of trade will not be significantly affected. Although mechanical thickening is judged to be a technically possible alternative, it is one which will not be economically feasible for most plants and so is not a technology upon which these regulations are based.

Appendix B—Summary of Public Participation

Prior to this publication, many agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the mineral mining and processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. A revised copy of the above report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Industry Point Source Category" (June 1976) was also distributed for comments. The Interim Final regulations were published in the FEDERAL REGISTER on June 10, 1976. In addition to the comments received on the above documents, a public comment meeting was held on December 2, 1976, in Washington, D.C. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Ohio River Valley Sanitation Commission; (4) the Delaware River Basin Commission; (5) the New England Interstate Water Pollution Control Commission; (6) U.S. Department of Commerce; (7) U.S. Department of the Interior; (8) U.S. Department of Defense; (9) U.S. Department of Agriculture; (10) U.S. Department of Transportation; (11) U.S. Department of Health, Education and Welfare; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Treasury; (14) Tennessee Valley Authority; (15) Council of Environmental Quality; (16) National Commission on Water Quality; (17) Federal Power Commission; (18) Federal Energy Administration; (19) Office of Management and Budget; (20) Internal Revenue Service; (21) Nuclear Regulatory Commission; (22) The American Society of Mechanical Engineers; (23) the Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defense Fund, Inc.; (26) Natural Resources Defense Council, Inc.; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; (29) National Wildlife Federation; (30) Gypsum Association; (31) Indiana Limestone Institute of America; (32) Marble Institute of America; (33) National Crushed Stone Association; (34) National Industrial Sand Association; (35) National Limestone Institute; (36) National Sand and Gravel Association; (37) American Mining Congress; (38) Asbestos Information Association of North America; (39) Barre Granite Association; (40) Brick Institute of America; (41) Building Stone Institute; (42) The Fertilizer Institute; (43) Florida Limerock Institute; (44) Florida Phosphate Council; (45) North Carolina Minerals Association; (46) North Carolina Sand, Gravel and Crushed Stone Association; (47) Portland Cement Association; (48) The Refractories Institute; (49) Salt Institute; (50) Sorptive Minerals Institute; (51) National Clay Pipe Institute; (52) National Lime Association; (53) Environmental Protection Service, Canada; (54) Manufacturing Chemists Association; and Georgia Association of Mineral Producing Industries.

The following responded with comments on the interim final regulations: Aggregates and Concrete Association of Northern California, Inc.; Aggregates Producers Association of South Carolina, Inc.; Agrico Chemical Company; Angelo Tomasso, Inc.; Arkhola Sand and Gravel Company; Becker Phosphate Corporation; Buffalo Slag Company, Inc.; Bethlehem Steel Corporation; Central Silica Company; C. F. Mining Corporation; Connecticut Crushed Stone Association; Dixie Sand and Gravel Company; Evansville Materials, Inc.; Favlor-Middlecreek, Inc.; The Fertilizer Institute; Florida Department of Environmental Regulation; Florida Phosphate Council; Gardinier, Inc.; Georgia Crushed Stone Association; Georgia Marble Company; Grove Stone and Sand; Harry T. Campbell Sons' Company; Hempt Brothers, Inc.; Ideal Basic Industries; Illinois Association of Aggregate Producers; Indiana Mineral Aggregates Association, Inc.; Iowa Limestone Producers Association, Inc.; J. R. Simplot Company; Kentucky Crushed Stone Association, Inc.; Lehigh Portland Cement Company; Martin Marietta Cement; Massachusetts Crushed Stone Association; Maryland Aggregate Association, Inc.; Material Service Corporation; Missouri Limestone Producers Association; Monsanto Industrial Chemicals Company; Mulzer Crushed Stone Company; National Crushed Stone Association; National Industrial Sand Association; National Limestone Institute, Inc; National Sand and Gravel Association; North Carolina Aggregate Association; Ohio Aggregates Association; Oregon Concrete and Aggregate Producers; Owens-Illinois Inc.; Pennsylvania Stone Producers Association; Phillips Petroleum Company; Portland Cement Association; Sarsaota County, Florida; Swift Agriculture Chemical Company; Tennessee Crushed Stone Association; United States Steel Corporation; U.S. Department of Health, Education, and Welfare; U.S. Department of the Interior; U.S. Energy Research and Development Administration; Wisconsin Department of Natural Resources; W. R. Grace and Company. The more significant issues raised are discussed below:

1. Several commenters in the crushed stone industry questioned the requirement of no discharge of process generated waste water pollutants because this requirement effectively precludes the discharge of mine dewatering waste water which is combined in a common treatment system with process water. One commenter stated that the cost for separating rather than combining the two waste water sources would be substantial.

As explained under Summary of Major Changes, the regulation now allows a treated discharge of process generated waste water pollutants provided waste water is recycled from the treatment system for use as process water. Since a discharge from a combined treatment system is subject to the process water limitations, discharge of commingled waste water from a combined treatment system is not precluded as long as recycling of waste water for processing is practiced. Where recycle from process treatment systems is not practiced, a no discharge limitation would apply to process waste water and

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menter stated that the alternative of switch-

for treating any excess water would not be

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other waste waters that are combined with process water.

2. Several commenters within the crushed stone industry questioned the limitations for mine dewatering. Some commenters suggested a limitation for TSS of 30 mg/l as a monthly average and 60 mg/l as a daily maximum. Several commenters stated that upset conditions may occur due to surface runoff or because solids of softer rocks and clay which may be mined have poor settling characteristics. Several commenters felt that the beneficial effect of limestone solids were not taken into consideration when the Agency determined the TSS limitation.

As indicated under Summary of Major Changes, the Agency has revised the daily maximum and established a monthly average based on consideration of comments and additional data.

Upset conditions can usually be avoided by better water management practices. Methods for preventing upset conditions include repositioning the sump pump opposite the influent, allowing an adequate time for the waste water to settle without being churned up by mining equipment, and other water management practices. Providing additional impoundment capacity to provide a longer retention time for settling and intermittent use of flocculants may be necessary for some operations in order to avoid upset conditions.

The addition of limestone in the ionized form of dissolved calcium carbonate may have a beneficial effect by neutralizing streams polluted by acid mine drainage. However, hardness caused by dissolved calcium carbonate and suspended solids may also have a harmful effect on receiving waters. Under the provisions of the Act, limestone solids are considered pollutants and are subject to regulation. The limitations are based on an assessment of available treatment technology, not on an evaluation of the water quality of individual receiving

3. Several commenters stated that the costs of treating mine dewatering were not included in evaluating the economic impact on the crushed stone industry.

Costs for mine dewatering have been included in the development document and economic analysis. In most cases these costs are small (e.g. $.009 per metric ton) compared to treatment costs for process water (e.g. $.021 per ton) from wet process plants. Adequate treatment usually can be achieved in the mine at the sump. In many cases, the mine water may also be treated with process water in a common treatment system. However, the mine dewatering treatment cost may be significant if flocculants are required. Some small operators in metropolitan markets who would need flocculants and cannot pass on costs may be forced to close.

4. Many commenters questioned the no discharge requirement for process generated waste water pollutants in the crushed stone industry, the sand and gravel industry and the industrial sand industry. Several commenters suggested allowing a discharge of process water pollutants similar to the mine dewatering limitations. One commenter noted that some metal mining industry categories are allowed a discharge and requested that similar regulations be established for this industry. One commenter stated that the no discharge requirement was unreasonable for plants using mine dewatering waste water as make-up process water.

Several commenters said that the cost of achieving no discharge had not been adequately considered. One commenter stated that the cost for retrofitting an older plant with total recycle technology would result in a substantial cost to the plant, and might result in closure of the plant. One commenter stated that the alternative of switching to a dry process to avoid a discharge was not feasible due to specifications for finished products and because of added costs for air pollution control. Several commenters stated that the requirement of zero discharge would limit resource development and preclude the operation of plants where land is not available to construct settling ponds. One commenter said that mechanical clarification treatment systems, which require less land area, are costly and do not produce a water that can be continuously recycled because of a buildup of fines and dissolved solids in the recycled water.

The available data show that large numbers of plants are currently practicing recycle of waste water for use as process water. As explained in the Summary of Major Changes, however, the Agency has concluded that the "no discharge" requirement should be revised to reflect the need for occasional discharges when the recycling of process water is practiced. As indicated, the revised regulation continues to reflect the judgment that BPT for the three subcategories includes recycling of process water as a means of limiting the discharge of pollutants. In addition, the process water discharge limitations are based on adequate settling to reduce total suspended solids and the possible occasional use of flocculation.

The economic impact analysis examined the economic feasibility for plants to install recycling equipment. In general the analysis indicates it is economically feasible. However, plants without a settling pond which are located in competitive metropolitan areas may not be able to pass on the costs of recycling process water. It is anticipated that under final BPT guidelines approximately 7% processors representing about 0.8 percent of industry production (and a small proportion of the metropolitan market) will switch to selling only dry processed stone. The ability of firms to specialize in only dry processed stone is illustrated by the many crushed stone operations producing no wet processed stone.

It is not anticipated that these guidelines will prevent the sale of wet processed stone in an area. If a wet processor cannot raise his prices then he must be in a market where others are supplying wet processed stone. On the other hand, if he is the only supplier, then he should have a sufficiently strong market position to raise his price to cover the cost of compliance and he should be able to continue to supply wet processed stone.

The Agency does not believe that these guideline limitations will inhibit resource development. It is anticipated that operations will incorporate the additional area needed for settling ponds into future siting specifications. The guidelines are not expected to affect industry growth.

The guidelines for construction aggregates are based upon settling as a treatment technology. Should an operator wish to use a mechanical clarifier to comply with the limitations, he would be allowed a discharge from a recycling system to eliminate a build up of fines or dissolved solids. However, no such problems with recycling were observed during this study.

5. One commenter stated that treatment costs were not considered for waste water from wet dust suppression systems, but treatment was required since this waste water was included in the definition of process water.

Although waste water from these dust suppression systems is defined as process water, very little waste water results from these air pollution control units. When operated properly, the fine mist of water usually adheres and is dissolved into the material. The cost for treating any excess water would not be considered significant compared to the total treatment cost for process water.

6. Several commenters concerned with the crushed stone industry felt that the regulations should not require impoundment and treatment of storm water runoff and stated that to construct a treatment system to treat the amount of waste water from a 10-year 24-hour storm would be excessive. One commenter stated that ground water intrusion from such a storm was not considered and would have a greater effect on the treatment system than the surface runoff.

These regulations do not require impoundment of storm water runoff. Furthermore, treatment of storm water runoff is not required unless the water enters the treatment system for mine water or process water. Methods to prevent this from occurring include water management practices such as diversion ditches. However, if storm water runoff or water from some other source (for instance, mine water intrusion) enters the mine dewatering or process water treatment system, causing it to overflow, then the overflow must meet the mine dewatering or process water limitations unless the facility falls within the exemption set forth in the 10-year 24-hour storm event provision. That provision states that any overflow from facilities governed by this subpart shall not be subject to the limitations if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

In establishing effluent limitations and guidelines for point sources whose flow volumes may be dependent upon precipitation events, a determination was made as to when treatment facilities would be overwhelmed by extraordinary volumes. The 10-year 24-hour precipitation event and the flow resulting from such an event was selected as it represents a volume which can be used for national guidelines providing maximum protection to the environment without creating undue financial hardship on individual industries by requiring total containment or treatment regardless of volumes encountered.

7. One commenter requested that net limitations be considered rather than gross limitations.

The present regulations limit the gross discharge of pollutants. The Agency has promulgated regulations (40 CFR 125.28) concerning the net or gross application of effluent standards. Prior to the time of permit issuance an affected plant can petition for a net limitation if the applicant demonstrates that specified pollutants which are present in the applicant's intake water will not be removed by waste water treatment systems designed to reduce process waste water pollutants and other added pollutants to the levels required by the applicable limitations or standards. In light of these provisions for adjustment of effluent limitations, the gross limitations established in the present regulations are appropriate, as indicated in "Applachian Power v. Train," 9 E.R.C. 1033, 1053-4 (4th Cir. 1976).

8. Several commenters requested an exemption from the pH limitations, where acceptable to receiving waters, when the waste water exceeds pH 9.

The data available to the Agency do not indicate there is a problem in meeting the pH limitation. Furthermore, background water is generally not of this nature.

9. One commenter stated that the limitations for the crushed stone industry do not reflect the localized nature of the industry, which is predominately composed of small quarries.

The Agency realized that much of the industry was composed of small producers, and

during the study an attempt was made to obtain data and information on as many small and large operations as possible. Small producers, (less than 25,000 tons/year) were found to have small shallow quarries which are mined only a small percentage of the year, usually by a portable operation. These shallow quarries may not require dewatering and the portable process plants may not use process water. Those process plants using water typically construct a temporary settling pond and recycle waste water to the process plant. For this reason, the small quarries are expected to have less significant treatment costs than those associated with large deep quarries.

10. One commenter stated that the costs of constructing settling ponds for treating granite fines are much greater than for treating limestone fines, but that the higher costs of constructing larger treatment facilities were not taken into account in establishing limitations for the crushed stone industry.

Data were collected on both carbonate and noncarbonate (granite) quarries. The settling rates for granite and limestone fines were found to be somewhat different, necessitating slightly larger settling ponds for granite fines than for limestone fines. In developing the costs of the treatment facilities, the possible need for a slightly larger pond was taken into consideration by "overdesigning" the treatment system on which the cost figures for the industry were based.

11. Two commenters stated that the acid leaching process in the industrial sand industry was not studied during the development of the regulation.

The acid leaching process as part of the industrial sand industry was not initially included in the study to develop regulations. Information and some data have now been made available to the Agency on three plants which use this process. However, more data would be necessary before a national regulation could be developed. Therefore national limitations for operations using this process will not be established at this time.

12. One commenter stated that the definition of "process water" might be read to include water that has been used in dredging operations to pump dredged material directly to onshore classification processes. The commenter felt that regulation of such dischargers was not intended, and requested clarification of the process water definition.

Waste water (hydraulic water) from operations which use a hydraulic dredge to pump dredged material directly to onshore processing facilities is not included in the definition of process water and will not be nationally regulated at this time. Water which is used in the processing of the material will be subject to the limitations established for this industry. The regulatory language concerning this matter has been clarified.

13. One commenter stated that the definition of process waste water should be amended to exclude non-contact cooling water.

Non-contact cooling water is not included in the process water definition and will not be nationally regulated.

14. One commenter requested that the regulations provide for a blowdown where problems occur due to a buildup of fines or dissolved solids.

A blowdown of dissolved solids because of a build up of these solids in the process water will be allowed provided recycle of waste water to the process is practiced and this discharge is treated to the specified limitations. The difficulty in recycling said to be caused by dissolved solids build up was not found to be a problem in this study.

15. Two commenters requested that the ore slurry transport water used by the phosphate mining operations located in the West be excluded from the no discharge requirement for process water. They stated that recycling entails high energy costs in mountainous areas.

The no discharge requirement for slurry transport water has been amended in this regulation to allow a treated discharge subject to the specified limitations.

16. Several commenters requested clarification of language in the regulation for the phosphate mining industry concerning the waste water pollutants that were required to meet a no discharge limitation. Clarification of the statement allowing discharge of combined waste waters was also requested. Two commenters stated that detrimental effects on scrubber efficiency may occur if scrubber waste water is recycled in order to meet a no discharge requirement. One commenter stated that plant hydraulic water could not be used as pump seal water in remote transport line pumping locations.

The Agency has decided to amend the no discharge requirement imposed on certain phosphate industry discharges by the interim final regulations for the reasons set forth under Summary of Major Changes. The regulations have been amended to allow a discharge of waste waters from all sources within specified limitations. In most cases the companies are already practicing recycle of waste water to the extent possible in order to prevent depletion of ground water supplies.

17. Two commenters requested that more stringent TSS limitations be considered for the phosphate mining industry, and that specific limitations be imposed on radium 226, phosphorus and fluoride.

The Agency believes that the current TSS limitations are supported by the available data, for the reasons set forth under Summary of Major Changes. Practicable technology is not currently available within the phosphate industry to treat waste water specifically for radium 226, phosphorus or fluoride. However, radium 226 is removed by the settled slime and is controlled by the limitations on TSS. Phosphorus and fluoride appear to result from upstream contamination of intake water by chemical plants. The levels of these pollutants in the intake water will therefore be affected by regulations applicable to the upstream plants.

Subpart B—Crushed Stone Subcategory

Sec.
436.20 Applicability; description of the crushed stone subcategory.
436.21 Specialized definitions.
436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Construction Sand and Gravel Subcategory

436.30 Applicability; description of the construction sand and gravel subcategory.
436.31 Specialized definitions.
436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Industrial Sand Subcategory

436.40 Applicability; description of the industrial sand subcategory.
436.41 Specialized definitions.
436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart R—Phosphate Rock Subcategory

Sec.
436.180 Applicability; description of the phosphate rock subcategory.
436.181 Specialized definitions.
436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Sec. 301(b), 304 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq., Pub. L. 92-500) (the Act).

Subpart B—Crushed Stone Subcategory

§ 436.20 Applicability; description of the crushed stone subcategory.

The provisions of this subpart are applicable to the mining or quarrying and the processing of crushed and broken stone and riprap. This subpart includes all types of rock and stone. Rock and stone that is crushed or broken prior to the extraction of a mineral are elsewhere covered. The processing of calcite, however, in conjunction with the processing of crushed and broken limestone or dolomite is included in this subpart.

§ 436.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of crushed and broken stone from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for treatment of such waste water.

§ 436.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either moreor less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided for in paragraph (a)(1) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart C—Construction Sand and Gravel Subcategory

§ 436.30 Applicability; description of the construction sand and gravel subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for construction or fill uses, except that on-board processing of dredged sand and gravel which is subject to the provisions of 33 CFR Part 230 and Part 230 of this chapter will not be governed by the provisions of this subpart.

§ 436.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of waste without being used for other purposes or combined with other waste water.

§ 436.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protetcion Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water pollutants from facilities that recycle waste water for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided for in paragraph (a)(1) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Mine dewatering discharges shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart D—Industrial Sand Subcategory

§ 436.40 Applicability; description of the industrial sand subcategory.

The provisions of this subpart are applicable to the mining and the processing of sand and gravel for uses other than construction and fill. These uses include, but are not limited to, glassmaking, molding, abrasives, filtration, refractories, and refractory bonding.

§ 436.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probably re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land actively mined for the production of sand and gravel from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater.

§ 436.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart with the exception of operations using acid leaching, after application of the best practicable control technology currently available:

(1) With the exception of operation using HF flotation, discharges of process waste water pollutants from facilities that recycle waste water, for use in processing shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
TSS	45 mg/l	25 mg/l.
pH	Within the range 6.0 to 9.0.	

(2) Except as provided in paragraphs (a) (1) and (3) of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(3) Process generated waste water from facilities employing HF flotation shall not exceed the following limitations:

[Metric units kg/kkg of total product]
[English units lb/1,000 lb of total product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	0.046	0.023
Total fluoride	.006	.003
pH	Within the range 6.0 to 9.0.	

(4) Mine dewatering discharges shall not exceed the following limitations:

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	45 mg/l	25 mg/l
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

(c) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range 5.0 to 9.0 be permitted.

Subpart R—Phosphate Rock Subcategory

§ 436.180 Applicability; description of the phosphate rock subcategory.

The provisions of this subpart are applicable to the mining and the processing of phosphate bearing rock, ore or earth for the phosphate content.

§ 436.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine dewatering" shall mean any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for the treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated waste water.

(c) The term "10-year 24 hour precipitation event" shall mean the maximum 24 hour precipitation event with a probable re-occurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "mine" shall mean an area of land, surface or underground, actively used for or resulting from the extraction of a mineral from natural deposits.

(e) The term "process generated waste water" shall mean any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for settling or treatment of such waste water.

§ 436.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Discharges of process generated waste water and mine dewatering discharges, shall not exceed the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	60 mg/l	30 mg/l
pH	Within the range 6.0 to 9.0.	

(b) Any overflow from facilities governed by this subpart shall not be subject to the limitations of paragraph (a) of this section if the facilities are designed, constructed and maintained to contain or treat the volume of waste water which would result from a 10-year 24-hour precipitation event.

[FR Doc.77-19845 Filed 7-11-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER A—GENERAL

[FPMR Amdt. A-27]

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

GSA Policy Concerning Centralized Services in Federal Buildings

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This change removes references to outdated regulations. A recent reorganization in GSA resulted in a consolidation of functions and eliminated the need for certain regulations.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703-557-1914).

SUPPLEMENTARY INFORMATION: Federal Management Circular (FMC) 73-4, December 4, 1973, provides policy guidance for the executive branch concerning the establishment and management of central supporting services in Federal office buildings. That circular is codified in the Code of Federal Regulations (34 CFR Part 271). Since March 1965 the Federal Property Management Regulations have also provided policy guidance pertaining to this subject area. As a means to eliminate this duplication in the Code of Federal Regulations and to enable agencies to more readily react to GSA policy pronouncements affecting the applicable separate functional areas (e.g., transportation services, printing and duplicating services, health units, etc.), certain overlapping GSA regulations are being canceled. These cancellations will have no effect on existing GSA regulations appearing in the FPMR governing the particular area(s) of agency concern. Accordingly, 34 CFR Part 271 is hereby vacated and reserved.

Subpart 101-5.1—General

1. Section 101-5.100 is revised as follows:

§ 101-5.100 Scope of subpart.

This subpart states general policies, guidelines, and procedures for establishing centralized services in multioccupant Federal buildings.

2. Section 101-5.104-7 is revised as follows:

§ 101-5.104-7 Administrator's determination.

(a) The Administrator of General Services will determine, on the basis of the feasibility study, whether provision of a centralized service meets the criteria for increased economy, efficiency, and service, with due regard to the program and internal administrative requirements of the agencies to be served. The Director of the Office of Management and Budget and the head of each agency affected will be advised of the Administrator's determination and of the reasons therefor. Each determination to provide a centralized service shall include a formal report containing an explanation of the advantages to be gained, a comparison of estimated annual costs between the proposed centralized operation and separate agency operations, and a statement of the date the centralized facility will be fully operational.

(b) While a formal appeals procedure is not prescribed, any agency desiring to explain its inability to participate in the use of a centralized service may do so through a letter to the Director of the Office of Management and Budget, with a copy to the Administrator of General Services.

Subpart 101-5.2—Centralized Field Duplicating Services

Section 101-5.203-5 is revised as follows:

§ 101-5.203-5 Uniform space allowances.

The space requirements for printing, duplicating, and related equipment under individual agency use as compared with use in a centralized facility will be based upon uniform space allowances applied equally under both conditions.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 29, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-19882 Filed 7-11-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Correction

In FR Doc. 77-18449 appearing at page 33005 in the issue of Tuesday, June 28, 1977 on page 33011, first column, the first paragraph designated (p) should be removed and paragraph (q) which immediately follows should be transferred to the second column under paragraph designated (p)(3).

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36141]

ANNUAL, SPECIAL OR PERIODIC REPORTS, REPORTS OF MOTOR CARRIERS, REPORTS OF WATER CARRIERS, AND REPORTS OF FREIGHT FORWARDERS

Corporate Disclosure Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has adopted Corporate Disclosure Regulations requiring carriers with annual gross carrier operating revenues of $20 million or more to file corporate ownership disclosure information. The annual reporting requirements include information concerning corporate structure, affiliations of officers and directors, and holders of the carriers' debts. A proposed section concerning voting stock ownership disclosures was not adopted due to substantial questions concerning its feasibility and usefulness.

EFFECTIVE DATE: Year ended December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No.: 202-275-7565.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 3, 1974, an Interagency Steering Committee on Uniform Corporate Reporting was established to develop Model Corporate Disclosure Regulations dealing with corporate structure, voting stock ownership, affiliations of officers and directors, and debtholdings. Released in January 1975, the model reporting requirements represented a consensus of the committee members and incorporated information from extensive hearings and studies conducted by Senator Lee Metcalf, Chairman, Subcommittee on Reports, Accounting and Management.

Senator Metcalf recommended in a January 24, 1975, letter to certain agency heads that Federal regulatory agencies adopt these model regulations. This Commission responded by publishing a Notice of Proposed Rulemaking on April 1, 1975, containing regulations basically identical to the model regulations.

Many of the 76 respondents to our April 1, 1975, notice requested clarification of the proposed regulations. Accordingly, we held an informal conference in January 1976. A substantial majority of those commenting on the regulations questioned the Commission's authority to adopt them. The Commission stated that sections 12(1), 20(1), 20(5), 204(a)(7) and 220(d) of the Interstate Commerce Act, as amended, not only give the Commission the authority but the obligation to concern ourselves with the activities of the persons controlling, controlled by, and sharing control with carriers.

Some respondents stated that it was not feasible for a carrier to obtain the beneficial holders of voting stock. The Commission also concluded that adoption of the section dealing with voting stock ownership disclosure was inadvisable due to questions concerning the feasability of obtaining the desired information. Consequently, the Commission questioned the usefulness of the information on beneficial owners that would be reported. Accordingly, the Commission delayed adoption of this section pending further study.

The Annual Reports referred to in Parts 1241, 1249, 1250, and 1251 of Title 49 of the Code of Federal Regulations are amended to include the following material:

(No. 36141)

CORPORATE DISCLOSURE REGULATIONS

DEFINITIONS

Annual reporting. The term "annual reporting" means as of December 31 of each calendar year, or accounting year of thirteen 4-week periods (as defined in sections 1240.4, 1240.5, and 1249.3 of Title 49 CFR).

Control. The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management on policies of a person, natural or artificial. Sources of power may include, but are not limited to equity security ownership; debtholdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

Financing lease. The term "financing lease" shall refer to any lease which during the noncancelable lease period, either (1) covers 75 percent or more of the economic life of the property or (2) has terms which assure the lessor of a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

Parent of respondent. "Parent of respond-

B. For each of the officials named under

ACTION: Final rulemaking.

ceived. Additionally, the Director notes

EFFECTIVE DATE: July 12, 1977.

corresponding months of its most recently completed fiscal year, and (2) the

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Parent of respondent. "Parent of respondent" shall refer to every firm, holding company or other person or combination of persons who ultimately control the respondent, as well as any intermediary controlling entity.

Respondent. "Respondent" shall refer to all carriers required to file corporate ownership disclosure: Class I Railroads; Electric Railways; Express Companies; Pipeline Companies: Refrigerator Car Lines; Class I Carriers of Property; Motor Carrier Holding Companies; Class I Carriers of Passengers; Class A Inland and Coastal Waterways; Maritime Carriers; Class A Freight Forwarders; and all companies considered to be carriers pursuant to an order entered under section 5(3) of the Interstate Commerce Act; except that those carriers having gross carrier operating revenues (including interstate and intrastate) of less than $20 million from carrier operations for their most recent accounting year shall not be considered "respondents."

Joint venture. The term "joint venture" refers to a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

ANNUAL REPORTING REQUIREMENTS

I. Corporate Structure.—A. For each respondent, parent of respondent, subsidiary, or organization controlled by the respondent, joint venture involved in by the respondent, and subsidiary of an organization controlled by joint ventures involved in by the respondent, the following information shall be submitted by respondent:

1. Name and address.

2. Basis of control. Indicate the method by which control is exercised. Examples may include, but are not limited to: equity security ownership; debtholdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

3. Principal business activities. List and describe by four-digit SIC code and short title each industry in which the organization's activities generated 10 percent of its gross revenues or $5 million (during the reporting year). For digit industry SIC codes and short titles are listed in the most recent "Standard Industrial Classification Manual" as published by the Executive Office of the President, Office of Management and Budget. Four-digit SIC codes and short titles should be listed in order of significance relative to the total activities of respondent, based upon the percentage of gross revenues generated within each four-digit industry.

4. Copy of the latest balance sheet and income statement and consolidated balance sheet and income statement, if available.

B. Each respondent shall file a copy of any chart or other graphic material showing the relationship of the respondent to its parents, subsidiaries and other hand referred to in subparagraph A.

C. In addition to subparagraph A above, list every corporation, partnership or other business organization in which the respondent owns more than 5 percent of the outstanding voting securities or other ownership interests and indicate the percentage so [illegible].

II. Affiliations of Officers and Directors.—A. The name and address of each of the company's principal officers and each director, trustee, partner or person exercising similar functions, of the respondent and parent together with his title and position with the respondent and with any parent, holding company, person, or combination of persons, controlling the respondent, and with any subsidiary of the respondent and any other company, firm, or organization which the respondent controls.

B. For each of the officials named under subparagraph A above, list his principal occupation or business affiliation if other than listed in subparagraph A, and all affiliations with any other business or financial organizations, firm or partnership. For purposes of this part, the official will be considered to have an affiliation with any business or financial organization, firm or partnership in which he is an officer, director, trustee, partner, or a person exercising similar functions.

C. A list of each contract, agreement, or other business transaction exceeding an aggregate amount of $50,000, in any 1 year entered into between the respondent and any business or financial organizations, firm or partnership named in subparagraph B above, identifying the parties, amounts, dates and product or service involved.

D. A list of each contract, agreement or other business arrangement in excess of $600 entered into during the reporting period (other than compensation related to position with respondents) between the respondent and each officer and director service involved. In addition, provide the same information with respect to professional services for each firm, partnership, or organization with which the officer or director is affiliated.

III. Debtholdings.—A. A description of each long-term debt (debt due after 1 year) of the respondent, including the name and address of the creditor, the character of the debt, the nature of the security, if any, the date of origin, the date of maturity, the total amount of the debt, the rate of interest, the total amount of interest to be paid, and a copy of any and all restrictive covenants attached to the indebtedness. (Where such indebtedess is widely held, such as bonds and debentures, provide the nature of the trustee in place of the creditor.) With respect to each holder of more than 5 percent of each issue reported, provide the name, address, and type of holder—bank, broker, holding company, individual, or other specified category and amount of debt held.

B. A description of each short-term debt of the respondent (under 1 year) outstanding at yearend, excluding accounts payable, including the name and address of the creditor, nature and character of the liability, period of the debt, rate of interest, total amount of is widely held, such as bonds and debentures, such short-term debt, nature of the security and a copy of any and all restrictive covenants attached to the indebtedness. (Where such indebtedness is widely held, provide the name of the trustee in place of the creditor.)

C. A description of each financing lease arrangement, equipment trust, conditional sales contract, and other major liabilities with respect to the capital assets of the respondent and involving aggregate payments in excess of one million dollars and a copy of any and all restrictive convenants attached to the indebtedness

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19878 Filed 7-11-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 251—FINANCIAL AID PROGRAM PROCEDURES FISHERY FOR SURF CLAMS

Subpart B—Conditional Fisheries

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking.

SUMMARY: This document incorporates in Subpart B of Part 251 a new section to adopt the "fishery for surf clams" as a Conditional Fishery so that application of National Marine Fisheries Service (NMFS) financial assistance in that fishery will be limited to that which does not significantly increase harvesting capacity. It has been determined that there exists sufficient fleet capacity to harvest surf clams. The intended effect of this action is that NMFS financial assistance activities will be consistent with the wise use of the surf clam resource and with its development, advancement, management and protection.

DATES: Effective (on date of publication in the FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 8389) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in Subpart B of Part 251 a new section to adopt the "fishery for surf clams" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fishery will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration may be afforded to participants or potential participants in these programs.

In response to the notice, no objections to the adoption of the fishery for surf clams as a Conditional Fishery were received. Additionally, the Director notes that adoption of the proposed amendment would be consistent with the Mid-Atlantic Fishery Management Council's proposed management plan which recommends that surf clam harvesting be reduced.

After due consideration, the Director concludes that the proposal to amend Part 251 of this Chapter, Subpart B—Conditional Fisheries, to add a new § 251.25 is hereby adopted as set forth below.

Subpart B—Conditional Fisheries

§ 251.25 Fishery for surf clams.

By order of the Administrator, National Oceanic and Atmospheric Administration.

WILMOT N. HESS,
Acting Associate Administrator.

[FR Doc.77-19866 Filed 7-11-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 16]

PART 121—SMALL BUSINESS SIZE STANDARDS

Special Procedure for Determining Size Status of Loan Applicant That Has Suffered an Economic Disaster Caused by Requirements Imposed on it by Federal Law, Regulation, or Order; TRIS

AGENCY: Small Business Administration.

ACTION. Final rule.

SUMMARY: This rule provides a special procedure to determine the size status of SBA loan applicants which have suffered a substantial injury or disaster caused by a Federal law, regulation, or order. This action is in response to the severe financial difficulties in the apparel industry caused by the recent Government ban of the flame retardant chemical TRIS in children's sleepwear, and the requirement that the manufacturers make refunds on their sales of TRIS-treated sleepwear. By using a firm's current fiscal quarter receipts or employment rather than the past fiscal year's to determine its small business size status, this procedure may qualify some applicants for financial assistance which might not otherwise have qualified.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: It has come to the attention of the Small Business Administration that there are a number of concerns which, under our currently effective definitions, do not qualify as small business concerns based on their annual receipts for their most recently completed fiscal year or their average employment for the preceding 12 months, but which have suffered sudden and significant business losses due to requirements imposed on them by a Federal Law, regulation, or order, of the type which makes them eligible for section 7(b)(5) assistance, and consequently have, practically speaking, become small businesses.

In 1974 we adopted a special procedure for determining the size status of concerns which had suffered a significant loss of business due to the energy crisis and we consider that a similar rule is needed at this time for the economic disasters described above.

Since this rule is designed to assist concerns that have undergone economic disasters, it has been determined that the public notice procedure would be impracticable and contrary to the public interest and that good cause exists for making it effective immediately.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is amended by:

1. Revising the proviso clause in the first sentence of § 121.3-2(b) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * * *

(b) "Annual receipts" means * * * *Provided, however,* If, for the purpose of receiving financial assistance under a Small Business Administration program, it is determined that (1) the applicant has completed at least 3 months of its current fiscal year, (2) its gross income (less returns and allowances, sales of fixed assets, and interaffiliate transactions) for the completed months of its current fiscal year are at least 25 percent lower than its receipts during the corresponding months of its most recently completed fiscal year, and (3) the reduction in receipts was primarily due to the shortage of energy or materials, or a substantial economic injury which makes it eligible for section 7(b)(5) assistance, its "annual receipts" for size determination purposes shall be computed by reducing its annual receipts for its most recently completed fiscal year by the determined percentile.

* * * * * *

2. Deleting the second sentence and revising the first sentence of § 121.3-2(t) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * * *

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months: *Provided, however,* If, for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year (or its annual receipts for the preceding 3 complete months are at least 25 percent less than its annual receipts for the corresponding months of the preceding calendar year) and that such reduction in employment (or receipts) was primarily due to the shortage of energy or materials, or to a substantial economic injury which makes it eligible for section 7(b)(5) assistance, its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding 12 months by the determined percentile. * * *

* * * * * *

Dated: July 8, 1977.

(Catalog of Federal Domestic Assistance Program No. 59.002.)

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-20127 Filed 7-11-77;10:25 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 53]

CARCASS BEEF

Standards for Grades

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Extension of time for filing comments.

SUMMARY: The period for filing comments on the proposed rule to provide definitions of certain terms—carcass, side, quarter, wholesale cut, primal cut, and subprimal cut—which are used in the official United States Standards for Grades of Carcass Beef published in the FEDERAL REGISTER, June 8, 1977 (42 FR 29313), is being extended from July 8, 1977, to August 8, 1977, in response to written and verbal requests for an extension of the comment period.

DATE: Comments, in duplicate, must be received by the Hearing Clerk on or before August 8, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

C. E. Murphey (202–447–3997).

Dated: July 6, 1977.

IRVING W. THOMAS,
Acting Deputy Administrator, Commodity Services.

[FR Doc.77–19929 Filed 7–11–77;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 100]

[Notice 1977–38]

FEDERAL CANDIDATES; SPONSORSHIP AND FINANCING OF PUBLIC DEBATES

Request for Comments

AGENCY: Federal Election Commission.

ACTION: Proposed regulations.

SUMMARY: This notice contains a request for public comments on proposed regulation of the sponsorship and financing of public debates between or among federal candidates. This action is taken to implement the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 et seq.

DATES: Close of comment period is September 30, 1977.

ADDRESS: Send comments to Federal Election Committee, Office of General Counsel, 1325 K Street NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT:

Joan M. Bernott (202–523–4053 or 202–523–4143).

SUPPLEMENTARY INFORMATION: The Commission requests public comment to assist it in formulating regulations governing the sponsorship and financing of public debates between or among candidates. Pertinent existing regulations appear at Title 11 of the Code of Federal Regulations, § 100.4 (Contributions: "made for the purpose of influencing" a Federal election) and sections 114 and 115 (Corporate and Labor Organization Activity; Federal Contractors; disbursements made "in connection with" a Federal election). See also 2 U.S.C. Sections 441 (a), (b), and (c), and 431; and 26 U.S.C. sections 9003 (b) (2) and 0912(b).

The period for receipt of written comments will close September 30, 1977. Submissions should be made to the Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, and will be made available to the public in the Office of Public Records. Hearings will begin on September 12, 1977. Applications for a place on the hearing agenda should be made in writing to Commission Chairman Thomas E. Harris by August 31, 1977.

The Commission is concerned with resolution of many practical problems that underlie Question 1 posed below. Public response must be precise and admit of application to a wide range of situations involving debates by candidates in each of six distinct election categories. If the submittor feels there are circumstances in which disbursements made to finance a debate are not "for the purpose of influencing" or "in connection with" a Federal election, the Commission requests that the submittor further consider, in detail, what factors are relevant in determining those circumstances. For example, is exclusion or inclusion of particular candidates significant to the debate's influence on or connection with the election? If there are circumstances in which the debate neither influences nor is in connection with the election, do such circumstances exist in a Presidential general election debate in which one participant qualifies on the ballot in more states than the other participant (or one of the others)? Do they exist where one participant has qualified for general election Federal funds pursuant to 26 U.S.C. Chapter 95 and the other has not? Do such circumstances exist in a Presidential primary debate which includes all candidates qualified to appear on the election ballot but excludes an independent or self-proclaimed candidate who does not? Or which includes all candidates who qualify for matching funds pursuant to 26 U.S.C. Chapter 96 but excludes those who do not? What about congressional primary and general elections? Do such circumstances exist in a House general election debate where major party nominees participate but minor party, new party or independent candidates, qualified to appear on the ballot, do not?

More generally, is the nature (nonprofit, educational, long standing, etc.) of the sponsoring organization or interest relevant to the debate's influence on or connection with the election? If so, how? Is control over the subject matter or format of the debate significant? If so, how? Who should have such control? What additional factors have significance?

The Commission asks that public submissions reflect consideration of the foregoing problem areas and respond specifically to the Questions set out below. Submissions that include proposed regulation language are particularly helpful. The Commission is also interested in contributions of factual material which the submittor feels is relevant, as well as comments in response to the submissions of others.

1. As regards debates between or among all candidates (major party, minor party and independent) in each of the following: (a) Presidential primary elections; (b) Presidential general elections; (c) Senate primary elections; (d) Senate general elections; (e) House primary elections; (f) House general elections:

A. Do debates influence an election within the meaning of the Act?

(i) Under what circumstances or conditions are contributions to finance a debate not "made for the purpose of influencing" the election?

(ii) Under what circumstances or conditions is sponsorship or administrative management of the debate not a contribution "made for the purpose of influencing" the election?

B. Are debates "in connection with" an election, within the meaning of the Act?

(i) Under what circumstances or conditions are a corporation's disbursements of its general treasury funds made to finance the debate not a contribution or expenditure "in connection with" the election?

(ii) Under what circumstances or conditions are a labor union's disbursements of its general treasury funds made to finance the debate not a contribution or expenditure "in connection with" the election?

(iii) Under what circumstances or conditions are a Federal contractor's disbursements of its general treasury funds made to finance the debate not a contribution or expenditure "in connection with" the election?

2. Who sponsors and/or contributes to the financing of candidate debates?

3. What purposes are served by candidate debates?

4. What effects, particularly partisan effects, do candidate debates have on the ensuing election?

5. What effects do corporate, labor union and/or Federal contractor sponsorship and contributions to the financing of candidate debates have on the debates? On the ensuing election?

Dated: July 6, 1977.

JOAN D. AIKENS,
Vice Chairman for the Federal Election Commission.

[FR Doc.77–19981 Filed 7–11–77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

[EDR–302A; Docket 29587; Dated: July 5, 1977]

FREE AND REDUCED-RATE TRANSPORTATION

Termination of Rulemaking Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of termination of rulemaking proceeding.

SUMMARY: This notice states that the Board has determined not to adopt a previously proposed rule which would have authorized carriers to provide free transportation to Federal Aviation Administration engineering flight test pilots and aeronautical procedures specialists.

DATES: Effective: July 5, 1977. Adopted: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202–673–5436).

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR–302, July 29, 1976[1] the Board announced that it had under consideration a proposed amendment to § 223.23 of its Economic Regulations (14 CFR 223.23) which would authorize air carriers to provide free transportation to engineering flight test pilots and aeronautical procedures specialists of the Federal Aviation Administration. The authorization was proposed pursuant to an informal request from the FAA which had stated that the free transportation would allow these employees to become familiar with aircraft operating techniques and procedures.

[1] 41 FR 32612.

Comments have been received from the Air Transportation Association (ATA) on behalf of its member carriers, from the Department of Transportation (DOT)[2] and from the following individuals: Larry B. Andriesin, James B. Ashley, Wayne J. Barbini, Frank J. Hoerman, George Lyddane, Paul W. Martin, Donald R. Marshall, George F. Muleahy, Darrell M. Reduson, Lester M. Starbuck, Robert M. Susi, Ernest A. Weil.

Briefly, ATA takes the position that the proposed rule should not be adopted because it is subject to abuse, and that unnecessary personnel in the cockpit can be a safety hazard. The individuals, all of whom are either FAA engineering flight test pilots or flight test engineers, support the proposed rule but also seek approval for free transportation of flight test engineers, who, they assert, have responsibilities similar to those of engineering flight test pilots.[3] DOT seeks inclusion of engineering flight test pilots and aeronautical procedures specialists under § 233.22 rather than § 223.23. In the alternative, it requests that the Board withdraw the proposed amendment to § 223.23. After due consideration of all the comments, we have determined not to adopt our proposal in EDR–302 and to terminate this proceeding.

Our regulations presently provide for free transportation of three groups of Federal Aviation Administration employees. Under section 223.22, safety inspectors may demand free transportation from any air carrier, in order to carry out their duty to inspect "during flight * * * aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency."[4] The language of this section is mandatory on air carriers, and no limitations are placed on the timing or frequency of the free transportation. Safety inspectors require this broad grant of authority, however, because inspection during revenue flight is an integral element of the performance of their duties. Observation of aircraft operation is not merely a useful adjunct to a safety inspector's job; the inspector must have access to the aircraft in order to perform the necessary inspections.

The other two categories of FAA personnel authorized for free transportation, traffic controllers and aircraft communicators, are covered by the terms of § 223.23.[5] This section provides a more limited grant of access to aircraft than § 223.22. Under § 223.23, the authorization to carriers to provide free transportation is permissive, and each individual is ordinarily restricted to one round trip per carrier in any given calendar year.[6] The section is designed to accommodate the needs of those employees whose duties do not require the unrestricted right to free transportation granted to safety inspectors.[7] Traffic controllers and aircraft communicators are authorized free transportation so that they may learn about inflight problems and procedures, and thereby improve their job performance. Periodic access to aircraft provides them an opportunity to obtain valuable data and a useful perspective on their jobs. But in contrast to safety inspectors, the flights are not an essential element of the duties of these employees.

Nothing thus far presented has indicated to us that the provisions of § 223.23 would be insufficient to meet the requirements of engineering flight test pilots and aeronautical procedures specialists. In terms of both the frequency with which they need free transportation and the purpose it serves in their duties, the position of these persons seems closer to that of traffic controllers and aircraft communicators than to that of safety inspectors. Thus, DOT states that aeronautical procedures specialists will gain "perspective to better accomplish their jobs" by transportation on the carrier flight deck, and that it would "provide an opportunity to observe their work product being used by the air carrier flight crew."[8] As for engineering flight test pilots, DOT states that inflight observation would "greatly enhance" their job performance."[9]

We would be prepared to finalize the rule as proposed. However, in view of the opposition of DOT to the inclusion of these employees under section 223.23, we will not do so. Rather, the Board will adopt DOT's alternative prayer, and terminate the proceeding.

(Section 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–19916 Filed 7–11–77;8:45 am]

[2] The DOT comment was accompanied by a motion for leave to file late, which we will grant.

[3] Since we have determined not to adopt any part of our proposed rule, the comments of these FAA employees are mooted. Nevertheless, we would point out that we believe that the initial request for job-related free air transportation should come from the agency involved, rather than the individuals who will obtain the benefit of the free transportation.

[4] 14 CFR 223.22.

[5] Section 223.23 also provides for free transportation of aviation weather forecasters of the National Weather Service.

[6] We note that § 223.23 does not impose any limit on the total amount of free transportation available to authorized persons. When the proper performance of the employee's official duties requires more than one round-trip on the same carrier during the calendar year, the individual merely needs to obtain certification of this fact from his agency.

[7] The purpose of § 223.23 is illustrated by the preamble to ER–314 (25 FR 9941) which made aviation weather forecasters eligible for free transportation. We stated that forecasters, like FAA traffic control and communications personnel, had official duties which "relate exclusively to the safety of aircraft in flight" and could only perform them "efficiently and properly if given an opportunity to study actual flight conditions and gain a better understanding of the problems faced by flight crews whose operations are dependent on their ground based facilities and services."

[8] DOT comments, p. 4.

[9] Id, p. 5.

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FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 762 3094]

S. S. KRESGE COMPANY

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent order, among other things, requires a Troy, Mich., general merchandise retailer, to cease authorizing or instituting credit collection suits in counties other than where a defendant resides or signed the relevant contract. Further, where such suits have already been initiated, the firm is required to terminate them, vacate any rendered judgments, and give notice to concerned parties that such action has been taken.

DATE: Comments must be received on or before September 9, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, 1339 Federal Office Building, 1240 East Ninth Street, Cleveland, OH, 44199, 216–522–4207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of S. S. Kresge Company, a corporation; file No. 762 3094; Agreement Containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of S. S. Kresge Company, a corporation, hereinafter sometimes referred to as proposed respondent, and of certain acts and practices of other parties, in connection with the collection of retail credit accounts, and in appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between S. S. Kresge Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent S. S. Kresge Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Michigan, with its office and principal place of business located at 3100 West Big Beaver, in the City of Troy, State of Michigan 48084.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondent waives: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the said copy of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

I

It is ordered, That proposed respondent, S. S. Kresge Company, a corporation, and its successors; assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of retail credit accounts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from authorizing the institution of or instituting retail collection suits other than in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the retail credit contract sued upon. Institution of suit in the county appearing from proposed respondent's business records to be defendant's last known address shall be compliance, unless proposed respondent otherwise knows of a more current address. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions quasi in rem or involving real property or fixtures attached to real property, that suit be instituted in a particular county. The term "county" includes any equivalent political subdivision known by some other term.

II

It is Further Ordered, That as to any retail credit collection suit instituted in the name of proposed respondent by collection agencies or other parties subsequent to the date of this order, outside the county where the defendant resides or signed the contract sued upon and which is not required by rule of law to be instituted in some other county, such suit shall be terminated and any default judgment entered thereunder vacated forthwith after proposed respondent learns of such suit or judgment. In all such cases, clear notice shall be provided to the defendants to these actions, to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C Section 603) which proposed respondent knows or has reason to know recorded the suit or judgment in its files, and to any other person or organization upon request of the defendant.

III

It is Further Ordered, That proposed respondent shall forthwith deliver a copy of this order to each of its subsidiaries and operating divisions dealing with consumer credit and to each agency with whom proposed respondent currently places its retail credit accounts for collection, and to any other agency prior to referral of proposed respondent's retail credit accounts for collection. Proposed respondent shall obtain and preserve for two (2) years after it terminates its business relationship with any agency with regard to the collection of retail credit accounts, a signed and dated statement from each agency acknowledging receipt of the order and willingness to comply with it.

IV

It is further ordered, That proposed respondent notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation, including the creation or dissolution of subsidiaries, which may affect compliance obligations arising out of the order.

It is further ordered, That proposed respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by proposed respondent setting forth in detail the manner and form of its compliance with this order.

S. S. KRESGE COMPANY

[File No. 762 3094]

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from S. S. Kresge Company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested parties and the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it will withdraw from the agreement or make final the agreement's proposed order.

S. S. Kresge Company is a Michigan Corporation which engages in mass retail merchandising. Its subsidiary, K-Mart Enterprises, Inc., has in the past instituted a program of granting credit to consumers through the use of credit cards. The complaint alleges that Kresge, in attempting to collect allegedly delinquent retail credit accounts, placed some of these accounts with debt collection agencies. These agencies, through their attorneys, sued consumers in counties other than where the consumer lived or signed the purchase contract. As a result, the cost and inconvenience to consumers of defending the suits effectively deprived some of them of the opportunity to defend themselves.

The consent order in this matter prohibits Kresge from instituting or authorizing the institution of retail credit collection suits in counties other than where the defendant resides or signed the purchase contract. The consent order also requires Kresge to give notice to the consumer, credit reporting agencies, and other parties if suits in these distant counties occur in the future. In addition, the order requires the respondent to obtain a statement from any collection agent that it is willing to comply with the terms of this order. Finally, the order requires Kresge to file a report with the Commission setting forth the manner and form in which it has complied with the order.

The order is designed to prevent Kresge's retail credit customers from being sued in a county far from their home or where they purchased goods. Thus, the order will help insure that consumers have a practical opportunity to defend themselves.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way its terms.

CAROL M. THOMAS,
Secretary.

[FR Doc.77–19946 Filed 7–11–77;8:45 am]

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 77–15204: page 27258, right hand column, tenth line from the bottom, after the word "year," insert the following, "prior to the calendar year."

CAROL M. THOMAS,
Secretary.

[FR Doc.77–19900 Filed 7–11–77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

FIRE ISLAND NATIONAL SEASHORE, NEW YORK

Vehicle Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below include a description of the off-road routes which would be available for the use of motor vehicles on Federally owned lands within Fire Island National Seashore and a revision of the existing regulations which control the operation of vehicles on off-road routes. General regulations of the National Park Service limit the use of motor vehicles to established public roads, but allow for off-road use in designated locations under certain circumstances. A description of Fire Island's off-road routes is being included in this proposal as a means of providing for public comment on the designation of these routes, as well as on the regulations controlling vehicle use. These vehicle use regulations are necessary to preserve the natural resources of the Seashore to ensure safety for its visitors, and to minimize conflicts with other land uses. Experience has shown that the existing regulations should be adjusted to provide for the imposition of additional restrictions which will keep vehicular travel at a level low enought to meet these requirements. The proposed revision incorporates, in the regulations, a number of guidelines and standards which are intended to provide the degree of control deemed to be necessary to accomplish National Park Service responsibilities for management of the Seashore.

DATES: Written comments, suggestions, or objections regarding this proposal will be accepted until August 11, 1977.

ADDRESSES: Comments should be directed to: Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772.

FOR FURTHER INFORMATION CONTACT:

Richard W. Marks, Superintendent, Fire Island National Seashore, Telephone: 516–289–4810.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Fire Island National Seashore is a roadless area which, nevertheless has a potential for a large volume of vehicular traffic. A number of communities are located within the boundaries of the Seashore, particularly in the westernmost section. These communities contain the full-time homes of a number of people, as well as part-time, vacation, or rental homes which serve a much greater number of people. These homes and the land on which they are built are privately owned and most are likely to remain so, despite their location within the Seashore. The presence of these communities creates a need for access to them not only for residents but in order to provide services necessary to the operation and maintenance of the homes in the communities. In addition, many visitors to the Seashore seek to use motor vehicles as a means of access to the beaches for fishing or hunting.

The language of Pub. L. 88–587, which authorized the establishment of Fire Island National Seashore, makes it clear that protection of the Seashore's natural resources was to be a primary objective in its management. Research at Fire Island and in other seashore areas with similar characteristics has shown that there can be adverse resource impacts associated with the use of motor vehicles on beaches, dunes, and associated lands. These impacts include both damage to animal and plant communities and increased beach erosion. Additional impacts, not directly related to natural resources, result from the use of vehicles on public beaches, including adverse effects on the safety of beach users and on the esthetic atmosphere of beaches which are largely free of mechanical intrusions

The needs and interests for vehicular travel on land owned or controlled by the United States within the Seashore, coupled with the potential impacts of this travel, indicate a need to restrict the use of vehicles to a greater degree. For a number of years, control has been provided by the regulations now contained in paragraph (a) of § 7.20, 36 CFR, coupled with guidelines established by the Seashore administration. The degree of control afforded by these regulations and guidelines, however, has not been adequate to prevent recent large increases in volume and frequency of vehicular travel on Seashore lands. The purpose of this proposed amendment is to clearly state the restrictions which will be applied to vehicle use and to establish standards for the issuance of vehicle permits and for travel under these permits. It will also describe the off-road routes on which this travel may take place. These regulations are necessary so that vehicular travel on Seashore lands may be limited to a level of environmental impact which is acceptable under the Seashore's authorizing legislation and E.O. 11644, as amended by E.O. 11989 (42 FR 26959, May 25, 1977).

AREAS AFFECTED

These regulations are intended to apply to a variety of lands on Fire Island. These lands include properties within the boundary of the Seashore for which

[16 CFR Part 13]

[File No. 751 0011]

UNION CARBIDE CORP.

Consent Agreement With Analysis To Aid Public Comment; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 77–15204, Appearing in the FEDERAL REGISTER issue of Friday, May 27, 1977; *In the Matter of Union Carbide Corp.*, Consent Agreement with Analysis to Aid Public Comment.

FOR FURTHER INFORMATION CONTACT:

Gordon Youngwood, Attorney, Bureau of Competition, Federal Trade Commission, 2120 L Street NW., Washington, D.C. 20580 (202–254–6975).

the United States holds fee simple title

TRAVEL REGULATIONS

It is intended that these regulations

tation on all summer days, there will be imately September 15 and that they will

(v) "Motor vehicle" means a device

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the United States holds fee simple title or some other interest and for which the National Park Service has land management responsibility. Included in this coverage are those state-owned lands below the mean high water line on the southerly (Atlantic Ocean) shore of the island, for which the State of New York has authorized use and occupation by the United States by means of an indenture dated May 6, 1968. Another category of lands to which these regulations would apply is the 90 acre tract, commonly known as the "Lighthouse Tract," which is situated between two units of the Robert Moses State Park and is west of the westernmost boundary of the Seashore. The U.S. Coast Guard has, through a license valid until 1979, assigned to the National Park Service responsibility for management of this Federally-owned land, which has significant historical and natural resource values and may someday be included within the Seashore. The definition of "Seashore lands" supplied in paragraph (a) (1) (ii) of the regulations includes all of the lands described above. The regulations would not be applicable to travel on privately-owned lands or to lands within Smith Point County Park; vehicle travel on such lands is controlled by the regulations of several local jurisdictions.

Designation of Routes

Off-road travel by motor vehicles within areas of the National Park System is controlled by the provisions of Executive Order 11644, issued February 9, 1972, as amended by E.O. 11989 (May 25, 1977), and a general National Park Service regulation (36 CFR 4.19), which implements the Executive Order. Under this regulation, extensively revised in 1974, off-road travel is prohibited except on routes or areas designated for this use in recreational areas, such as national seashores. At Fire Island, routes for off-road travel were designated a number of years ago but have not yet been redesignated through the procedures outlined in the revised regulation (36 CFR 4.19, April 1, 1974). These procedures include publication of a notice in the Federal Register, with a period of at least 30 days to be provided for the public to comment on the designation described in the notice.

A review of routes for off-road travel on Fire Island was conducted as a portion of the assessment of alternatives for dealing with vehicular travel in the Seashore. On the basis of this, it was determined that the routes which had previously been designated should be proposed for continued designation. These routes are described in subparagraph (2) of the proposed regulation.

Designation of these routes would not mean that unlimited motor vehicle use could take place on them. Their use would be subject to the restrictions set forth in the remainder of these regulations. These restrictions are intended to greatly reduce the potential for adverse impact which could come from the off-road travel.

Travel Regulations

In reviewing the nature of the motor vehicle issue at Fire Island, it has been determined that the most effective, feasible, and equitable method of controlling vehicular use is to impose two levels of control. The first level deals with restricting the availability of permits to those who have demonstrated needs for access to the island which cannot be answered by alternative transportation, as defined in the regulations. Permits will be issued for vehicular travel only under the circumstances specified in subparagraphs (5), (6), and (7) of the regulations. These restrictions are designed to protect Seashore resources and visitor use of Seashore lands from the effects of large numbers of vehicles which might seek to engage in non-essential travel on these lands in the absence of limitations.

It was recognized that allowing unlimited travel by the vehicles which qualify for permits would not provide adequate protection for Seashore lands. Therefore, controls have also been placed on the travel which is authorized for vehicles with permits. These controls, as set out in subparagraph (10), permit a level of travel which is intended to meet only essential needs and not that which is merely convenient for those who wish to travel to or from the island. The principal key to the application of these controls is the schedule of alternative transportation services. The spirit and intent of these regulations is that, under circumstances where alternative transportation is available, travel by motor vehicles will not be permitted.

A limit of one round trip per vehicle per day, to be performed only during specified times, is being proposed for those situations where vehicular travel will be permitted. The one round trip limit is intended to reduce the overall number of miles driven on Seashore lands, thereby reducing resource impact resulting from this travel. Furthermore, time limitations will eliminate vehicle use on the beaches at all times when they are being heavily used by people, thereby reducing conflicts and safety hazards associated with simultaneous use of lands by both pedestrians and vehicles. When travel is permitted, both halves of a round trip may be performed during either the early or late portions of the day. Alternatively, one half of a round trip may take place during the early part of a day and the other half during the late part of the same day. Also, a vehicle may leave the island on one day and return on another day during the authorized hours, or vice versa. The regulations do provide for possible exceptions to these restrictions, but these exceptions will be granted only under very limited circumstances and not on a routine basis. Enforcement of the limits on number of trips and times of travel, as well as other restrictions contained in these regulations, will be performed by National Park Service personnel located at entrance points at both the eastern and western ends of the Seashore.

It is intended that these regulations will form the basis for restricting vehicular travel to the maximum extent feasible, taking into account legitimate and essential needs of persons who demonstrate a necessity for such travel, when and where alternative transportation is not available. This action is not intended to take from any property owner any existing rights of vehicular access which may have been established by reservation, grant, prescription, or implication in accordance with state law. The regulations will serve only to control the manner in which such rights may be exercised. It should be pointed out that the issuance of National Park Service motor vehicle permits in the past, or the possession of a permit from a local jurisdiction, does not in itself establish a right of vehicular access. Due to the history of Fire Island and its roadless character, it is likely that few, if any, persons hold such access rights.

For those circumstances where vehicular travel will not be permitted, the primary means of access to Fire Island will remain watercraft. Historically, this has been the method by which most island visitors and residents have reached the area. It is only in recent years that bridges have made Fire Island readily accessible to motor vehicles, and it is an important objective in the management of the Seashore to maintain, to the degree possible, its character as an area largely free of motor vehicles. The island is served by a number of licensed or franchised passenger ferries, whose schedules vary with seasonal demands for travel to the island. It is these ferries which now provide, in most circumstances, a reasonable transportation alternative to the use of vehicles.

Other waterborne means of transportation, including water taxis and private boats, are also available for travel to and from the island, although such equipment is not included in the regulations' definition of "alternative transportation." In the development of this definition, which is of great importance in determining if vehicular travel will be permitted, primary attention was given to describing the characteristics necessary to make reliance on waterborne transportation reasonable. The requirement for service before 9:00 a.m. and after 5:00 p.m. is included to cover situations where persons must remain on either the island or the mainland for most of the day. The requirement for additional service if the early and late trips are more than 8 hours apart is to insure that persons whose needs require less than all-day stays do not have to wait an unreasonable period of time for return transportation. Further standards in the definition deal with locations of transportation terminals and with the suitability of the transportation service to carry persons or objects. It should be emphasized that subparagraph (10) of the regulations provides that motor vehicle travel is generally permitted only when alternative transportation is not available. Since most locations on the island are served by alternative transportation on all summer days, there will be few situations in which vehicle travel will be permitted during the summer period. Even in these rare instances, travel will not be indiscriminant but will be subject to the one round trip per day limitation and will be permitted only before 9:00 a.m. or after 6:00 p.m. During spring and fall weekends, when alternative transportation is also widely available, these same limitations will apply.

Impact Analysis

An assessment of the management alternatives for controlling vehicular use within Fire Island National Seashore has been prepared by the National Park Service, and a review of the alternatives has been performed, whereupon it has been determined that preparation of an environmental impact statement is not warranted. This assessment is available for public review at the Seashore headquarters office, or interested parties may request copies of it from the Superintendent.

At the present time, a general management plan covering all aspects of the management of Fire Island National Seashore is being prepared. Elements of this master plan have received preliminary public review and the entire plan will be the subject of an environmental impact statement. Originally, the National Park Service had intended to hold in abeyance the revision of vehicle regulations until completion of the general management plan. However, given the unanticipated delay in completing the plan and the necessity to take action now to limit vehicle use, this subject is being dealt with in advance of final action on the general management plan. The regulations proposed herein are consistent with the plan in its present form, but will not preclude the consideration of other proposals for controlling vehicles on Fire Island. If public comment or other processes result in changes in the plan, placing these regulations in conflict with it, the regulations will be modified accordingly.

Public Participation

It is the policy of the Department of the Interior, to the extent possible, to permit public participation in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections on this proposal. All such comments received will be reviewed to determine whether changes should be made in these regulations. Comments should be directed to the Superintendent, as specified in the ADDRESSES section of this notice.

In addition it is expected that public meetings to discuss these regulations will be held in the Fire Island vicinity during the public comment period. A schedule of these meetings will be announced by the Superintendent through local news media.

Implementation Date

It is anticipated that the revised regulations will become effective on approximately September 15 and that they will serve as a basis for issuance of permits after that date. At the present time, motor vehicle permits for Fire Island have been reissued or extended and will be valid through September 15, 1977. This date is approximately the end of the summer season on the island. These permits are subject to restrictions similar to those incorporated in the regulations now being proposed.

Authority

The promulgation of these amendatory regulations is proposed under the authority of section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); section 2(b), Pub. L. 91-383, 84 Stat. 826 (16 U.S.C. 1c); section 7, Pub. L. 88-587, 78 Stat. 931 (16 U.S.C. 459e-6); Paragraph (b) of the Act of August 7, 1946, 60 Stat. 885 (16 U.S.C. 17j-2(b)); E.O. 11644 (37 FR 2877), as amended; 245 DM-1 (42 FR 12931); National Park Service Order No. 77 (38 FR 7478); and Regional Director, North Atlantic Region, Order No. 2 (42 FR 27387).

Drafting Information

The following persons participated in the writing of the regulation: Richard W. Marks, Fire Island National Seashore; Carl Christensen, Division of Ranger Activities and Protection; and Sharon Allender, Office of the Solicitor.

Note.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Richard W. Marks,
Superintendent,
Fire Island National Seashore.

In consideration of the foregoing, it is proposed that paragraph (a) of § 7.20 of Title 36, Code of Federal Regulations, be revised to read as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*— (1) *Definitions.* The following definitions shall apply to all provisions of this paragraph.

(i) "Act" means the Act of September 11, 1964 (Pub. L. 88-587, 78 Stat. 928, 16 U.S.C. 459e et seq.), or as the same may be amended or supplemented, which authorizes the establishment of the Seashore.

(ii) "Seashore lands" means any lands or interests in lands owned or hereafter acquired by the United States within the authorized boundaries of the Seashore. It shall also mean any lands or interests in lands owned by the United States which are on the island, outside the authorized boundaries of the Seashore, and managed for recreational purposes by the National Park Service pursuant to an agreement with another Federal agency.

(iii) "Island" means the entirety of Fire Island, New York, without regard for property ownership, jurisdiction, or the boundaries of Fire Island National Seashore.

(iv) "Mainland" means the land of Long Island, New York.

(v) "Motor vehicle" means a device which is self-propelled by internal combustion or electrical energy and in, upon, or by which any person or material is or may be transported on land.

(vi) "Dune crossing" means an access route over a primary dune which has been designated and appropriately posted.

(vii) "Public utility vehicle" means any motor vehicle operated and owned or leased by a public utility or public service company franchised or licensed to supply, on the island, electricity, water, or telephone service, while that vehicle is in use for supplying such service.

(viii) "Residents" means those persons who live continuously for at least nine months in permanent dwellings located on the island and demonstrate their intent to make such dwellings their fixed and permanent homes.

(ix) "Service vehicle" means any motor vehicle, other than a public utility vehicle, whose use on the island is essential to the continued use of residences on the island. This may include vehicles used for the following purposes, while in use for such purposes:

(A) Transporting heating fuel and bottled gas.

(B) Construction, repair, or maintenance of structures and plumbing or heating facilities.

(C) Sanitation or refuse removal.

(D) Community services.

(E) Transporting materials to individuals and to retail business establishments on the island.

(x) "Official vehicle" means any motor vehicle operated and owned or leased by a Federal, state, or local governmental agency, except for law enforcement vehicles and fire fighting apparatus, while that vehicle is being used to transact the official business of that agency.

(2) *Routes for motor vehicle travel.* No motor vehicle may be operated on Seashore lands except on routes designated for that purpose and subject to the limitation of this paragraph (a). The following are the routes for off-road motor vehicle travel on Seashore lands, which shall be designated on a map available at the office of the Superintendent or by the posting of signs where appropriate:

(i) The Atlantic Ocean beach on the south shore of Fire Island, within the Seashore boundaries, from the mean high water mark to the water's edge.

(ii) A 0.5 mile route in the interior of the island, crossing the "Lighthouse Tract" from the easterly end of the paved road in the Robert Moses State Park to the eastern boundary of the Tract.

(iii) A 300 foot interior route from the eastern boundary of the detached eastern section of Robert Moses State Park to the western boundary of the community of Lighthouse Shores, across the land commonly referred to as the "Greenburg Tract."

(iv) An interior route which extends the length of the island, commonly referred to as the "Burma Road", for limited travel by public utility vehicles.

(v) Posted dune crossings from the

when there is no alternative transporta-

and any similar limitations imposed by

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(v) Posted dune crossings from the beach to the "Burma Road" or to pathways within the island communities.

(3) *Alternate means of transportation.* In providing for access to the island, the Superintendent shall require maximum possible reliance on those means of transportation which are other than private motor vehicles and which have the minimum feasible impact on Seashore lands. As used in this paragraph (a), the term "alternative transportation" shall mean a waterborne conveyance that is licensed for hire and that provides a reasonable means of transportation between the mainland and the island. Such alternative transportation shall be deemed to exist for each particular factual situation in which:

(i) The schedule of the transportation service in question permits departure from an island terminal before 9 a.m. and departure from a mainland terminal after 5 p.m. on the same day; and

(ii) When the interval between the earliest and latest service provided by the transportation service in question on any day exceeds 8 hours, such service provides at least one round trip between the mainland and the island during that interval; and

(iii) The island transportation terminal in question is no more than one mile by planked or surfaced pathway from the point of origin or destination on the island or from a point on the island to which access by motor vehicle is permitted; and

(iv) The mode of transportation in question is adequate to carry the person or object to be transported.

(4) *Permit required.* No motor vehicle, other than a piece of firefighting apparatus or a motor vehicle operated and owned or leased by a duly constituted law enforcement agency having jurisdiction within the Seashore, shall be operated on Seashore lands without a valid permit issued by the Superintendent.

(5) *Permit eligibility.* Any person, firm, partnership, corporation, organization, or agency falling within the categories listed below may apply to the Superintendent for a permit, using a form to be supplied for that purpose. The following will be eligible to submit permit applications:

(i) Persons who are year-round residents.

(ii) Persons who are less than year-round residents and who can demonstrate that access by motor vehicle is essential to their occupancy because of an ambulatory or other severe handicap, a serious health consideration, or lack of alternative transportation.

(iii) Those persons, firms, partnerships, corporations, organizations, or agencies which provide services essential to the occupancy of residences on the island.

(iv) Those persons who require access by motor vehicle to Seashore lands for fishing or hunting, provided such access is compatible with conservation and preservation of Seashore resources.

(v) Those owners of estates in real property located on the island who require access to that property on days when there is no alternative transportation.

(6) *Standards for issuance of permits.* Permits will not be issued for the convenience of travel on Seashore lands. The Superintendent shall approve an application for a motor vehicle permit with appropriate limitations and restrictions or deny the application, in accordance with the provisions of this paragraph (a). Permits will be issued only for those motor vehicles whose travel on Seashore lands is deemed by the Superintendent to be essential to the management or recreational use of island resources, or to the occupancy of residences or the ownership of real property on the island. In making this determination, the Superintendent shall consider the purposes of the Act in providing for the conservation and preservation of the natural resources of the Seashore and for the enjoyment of these resources by the public; the scope and purpose of such travel; the availability of alternative transportation on the day or days when the applicant for a permit requests to travel on Seashore lands; the existence of other permits issued to the applicant; and, in the case of public utility, service, and official vehicles, the feasibility of basing such vehicles and related equipment on the island rather than the mainland.

(7) *Vehicle restrictions.* Any motor vehicle whose owner or operator has been found to qualify for a permit, according to the standards set forth in subparagraphs (5) and (6) of this paragraph, must, prior to the issuance of such permit:

(i) Have a valid permit or other authorization for operation on the island issued by the local government agency or agencies within whose jurisdiction the travel is to be performed, if such permission or authorization is required by such agency or agencies.

(ii) Be capable of four-wheel drive operation.

(iii) Have a rated capacity not in excess of one ton, unless the use of a larger vehicle will result in a reduction of overall motor vehicle travel.

(iv) Meet the requirements of §§ 4.12, 4.19(e), 4.20, and 4.21 of this chapter and conform to all applicable state laws regarding licensing, registration, inspection, insurance, and required equipment.

(8) *Limitations on number's of permits.* The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands and/or to limit the number of permits issued for each category of eligible applicants listed in subparagraph (5) of this paragraph, as necessary for resource protection, public safety, or visitor enjoyment. In establishing such limits, the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, esthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, management capabilities, and any similar limitations imposed by local governmental agencies of competent jurisdiction. Before making a final decision to adopt any limitation authorized by this subparagraph, notice of such intention shall be made through posting or news releases, and publication in the "Federal Register," and the public shall be provided a period of 30 days in which to comment upon the proposed limitation.

(9) *Permit limitations.* (i) No permit issued under these regulations shall be valid for more than one year. The Superintendent may issue permits for lesser periods, as appropriate for the travel required or the time of year at which a permit is issued.

(ii) Permits for public utility, service, and official vehicles shall specify the number of vehicles and identify each vehicle whose use is authorized thereby. Permits for other motor vehicles will apply only to the single, specific vehicle for which issued.

(iii) Permits are not transferable to another motor vehicle or to a new owner or lessee of the vehicle for which issued.

(iv) Permits may specify a single or multiple uses or purposes for which travel on Seashore lands is permitted. The limitations and restrictions on authorized travel set forth in subparagraph (10) of this paragraph shall apply, however, depending upon the specific use or purpose for which a permitted motor vehicle is being utilized at the time of travel.

(v) Permits may contain such other limitations or conditions as the Superintendent deems necessary for resource protection, public safety, or vistor enjoyment. Limitations may include, but will not be limited to, restrictions on locations where vehicle travel is authorized and times, dates, or frequency of travel, in accordance with the provisions of this paragraph (a).

(10) *Authorized travel.* (i) Except as specifically provided elsewhere in this subparagraph (10), travel across Seashore lands by motor vehicles with valid permits will be authorized only on those days in which the island location, which is the point of origin or destination of travel or is another point to which access by motor vehicle is permitted, is not served by alternative transportation. When alternative transportation services satisfy the definition of alternative transportation in subparagraph (3) of this paragraph, the schedule of transportation services available for the island community or communities named in the permit application shall determine the days when travel is not authorized for the motor vehicle to which that permit applies.

(ii) On any day on which travel by motor vehicle is authorized due to a lack of alternative transportation, travel shall be limited to not more than one round trip per vehicle per day between the mainland and the island, and may be performed at any time except the following periods:

(A) From 9:00 a.m. to 6:00 p.m. on all Saturdays, Sundays, and national holidays from May 1 through June 13 and from September 15 through October 31.

(B) From 9:00 a.m. to 6:00 p.m. on all days from June 14 through September 14.

(iii) The Superintendent may, for situations where the restrictions in subdivision (ii) of this subparagraph would create a severe hardship, authorize additional trips or travel at other hours.

(iv) In the case of public utility, service, and official vehicles for which permits have been issued, the Superintendent may authorize travel on Seashore lands at any time that he determines travel by such vehicle is essential, notwithstanding the above limitations and restrictions on authorized travel.

(v) Authorization for travel pursuant to subdivision (iii) and (iv) of this subparagraph shall be made only by the terms and conditions of the permit, for recurring travel, or by written permission from the superintendent, for single occasions.

(vi) In an emergency involving the protection of life or a threatened substantial loss of property, travel by a motor vehicle which is under permit is authorized at any time.

(vii) The Superintendent may suspend any travel by motor vehicle otherwise permitted under this paragraph (a) when in his judgment such travel is inconsistent with the purpose of the Act or when such factors as weather, tides, or other physical conditions render travel hazardous or would endanger Seashore resources. Such suspension of travel shall be announced by the posting of appropriate signs or verbal order of the Superintendent.

(viii) In accordance with the procedures set forth in § 2.6(b) of this chapter, the Superintendent may establish a limit on the number of motor vehicles permitted on any portion of, or the entirety of, the Seashore lands at any one time when such limits are required in the interests of public safety, protection of the resources of the area, or coordination with other visitor uses.

(11) *Rules of travel.* (i) When two motor vehicles approach from opposite directions in the same track on Seashore lands, both operators shall reduce speed and the operator with the water to his left shall yield the right of way by turning out of the track of the right.

(ii) No motor vehicle shall be operated on any portion of a dune on Seashore lands except at dune crossings.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed in excess of 20 miles per hour.

(iv) The speed of any motor vehicle being operated on Seashore lands shall be reduced to five miles per hour upon approaching or passing within 100 feet of any person not in a motor vehicle, or when passing through or over any dune crossings.

(12) *Violations.* (i) Failure to comply with the conditions of any permit issued pursuant to this paragraph will constitute a violation of these regulations.

(ii) In addition to any penalty required by § 1.3(a) of this chapter for a violation of regulations in this paragraph, the Superintendent may also suspend or revoke the permit of a motor vehicle involved in such a violation.

(13) *Severability.* The invalidation of any provision of this paragraph (a) by any court of competent jurisdiction shall not invalidate any other provision hereof.

[FR Doc.77-19865 Filed 7-11-77;8:45 am]

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LEASING

Environmental Studies

AGENCY: Bureau of Land Management.

ACTION: Proposed rule.

SUMMARY: These proposed regulations will govern the timing and the type of environmental studies to be undertaken by the BLM as needed for the assessment and management of environmental impacts on the marine and coastal environmental impacts on the marine and coastal environments of the Outer Continental Shelf resulting from oil and gas leasing.

DATE: Comments are due on or before August 11, 1977.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert Bruce, Division of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C. 20240 (202–343–8735) or Frank Monastero, Division of Minerals Environmental Assessment (730), Bureau of Land Management, Washington, D.C. 20240 (202–343–7744).

SUPPLEMENTARY INFORMATION: Under the authority of section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) these regulations are being issued to establish guidelines and procedures for the use of environmental studies in the leasing of oil and gas on the Outer Continental Shelf. These regulations formalize a program that the Bureau of Land Management has conducted for a number of years. Since 1972 the BLM has engaged in environmental studies planning with the first contract data for the OCS program being formalized in 1973.

Section 3301.1(a) authorizes the utilization of NOAA for conduct of studies to the extent practicable. This is already being accomplished under the existing program. The NOAA utilization is further regulated by provisions of the Economy Act, 31 U.S.C. 686, and OMB Circular A-76.

The principal author of this proposed rulemaking is Chris Oynes, Division of Minerals Resources, Bureau of Land Management, assisted by members of the Bureau's OCS Task Force.

It is hereby determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment. No detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act is required.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 11821 and OMB Circular A–107.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

It is proposed to amend Chapter II of Title 43 of the Code of Federal Regulations by adding a new § 3301.7 to subpart 3301 as follows:

§ 3301.7 Environmental studies.

(a) The Director shall conduct a study of any area or region included in any lease sale in order to establish information needed for assessment and management of impacts on the human, marine and coastal environments of the Outer Continental Shelf and the nearshore area which may be affected by oil and gas development in such area or region. Such study shall be planned and carried out in cooperation with the affected coastal States and interested parties. To the maximum extent practicable, the Director shall enter into appropriate agreements with the National Oceanic and Atmospheric Administration for the performance of the studies required or authorized by this regulation. Cooperative agreements with affected States may be entered into for the purpose of carrying out the studies authorized in this section.

(b) Any study of an area or region shall be designed to (1) develop information on the status of the environment, (2) to predict impacts, to the extent practicable, on the marine biota resulting from chronic low level pollution or large spills associated with Outer Continental Shelf production and resulting from the introduction of drill cuttings and drilling muds in the area, and from the transportation systems serving the offshore production area, and (3) to predict the impacts, to the extent practicable, of offshore development on the affected Outer Continental Shelf and nearshore areas.

(c) Data collection or other study program activity in connection with the study required by paragraph (a) of this section shall be commenced no later than 6 months after the effective date of this regulation with respect to all sales held either before or to be held within one year of its effective date. For all subsequent sales, the data collection or other study program activity shall be commenced no later than 6 months prior to

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a lease sale. The Director may utilize information collected in any study prior to the effective date of this section in conducting any such study.

(d) The Director shall, after being notified of the submission of any development and production plan in an area or region under study, complete the study provided for in this section prior to the date for final approval of any development and production plan for any lease area. Failure to complete any such study in a lease area shall not alone be a basis for precluding the approval of a development and production plan by the Secretary. *Provided, however,* That studies which are designed to be completed before development and production activities and which would affect the Secretary's decision are completed.

(e) After the leasing and developing of any area or region, the Director shall conduct such additional studies to establish additional information as he deems necessary and shall continue to monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of previously conducted studies. This will be done to identify any significant changes in the quality and productivity of such environments, to establish trends in the areas studied, and to design experiments identifying the causes of such changes.

Dated: July 7, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-19902 Filed 7-11-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 545]

[Docket No. 71-75]

RULES GOVERNING THE FILING OF AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS" SUBJECT TO THE SHIPPING ACT, 1916

Withdrawal of Proposed Rule

AGENCY: Federal Maritime Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice withdraws a proposed rule providing guidelines relating to the filing of certain types of agreements for scrutiny pursuant to section 15 of the Shipping Act, 1916. The Commission has determined that various issues raised in the course of the proceeding require further analysis requiring the withdrawal of the proposed rule at this time. The effect of this action is to permit the currently effective guidelines of 46 CFR 530.5 to remain in effect.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202-523-5725).

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a notice of proposed rulemaking published August 13, 1971 (36 FR 15128) with the intention of establishing rules governing the filing of agreements covering the lease, license, assignment or use of marine terminal property or facilities or other agreements of a similar nature between common carriers by water and/or "other persons" subject to the Shipping Act, 1916. Upon the request of various interested parties and good cause appearing, the proceeding was postponed until further notice on October 14, 1971 (36 FR 19982).

A number of parties had filed comments in response to our notice of proposed rulemaking. Many of these comments reflected concern and confusion over the rules proposed in this proceeding as they relate to agreements involving stevedores and stevedoring contracts.

Considering the time lapse since the institution of this proceeding and the technological changes which have occurred in the operation of terminals, the Commission has decided to withdraw the proposed rule, discontinue the present proceeding, and to review the entire matter of terminal agreements in order to determine what further action should be taken.

Therefore, *It is ordered,* That this proceeding be, and hereby is, discontinued.

And it is further ordered, That the rule proposed on August 13, 1971 and published on that date in the FEDERAL REGISTER (36 FR 15127) be, and hereby is withdrawn.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19924 Filed 7-11-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:00 p.m., July 25, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street, NW, Washington, DC 20006.

The Committee will meet to consider for the fourth time, a study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart, as well as tentative recommendations stemming from the study.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JULY 6, 1977.

[FR Doc.77-19875 Filed 7-11-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

CHOCOLATE, LITTLE CHOCOLATE AND LYNN BAYOU WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chocolate, Little Chocolate and Lynn Bayou Watershed project, Calhoun County, Texas.

The environmental assessment of this Federal action indicates that the project will not create significant adverse, local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include Drainage Main and Laterals Nos. I, I-B, I-C, I-D, I-E, I-F, I-F1, I-F1a, I-J, I-K and I-L, Chocolate Bayou Watershed.

The environmental assessment file is available for inspection during regular working hours at the following location:

USDA, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501.

Requests for the negative declaration should be sent to:

P.O. Box 648, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until July 27, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

Dated: June 30, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-19856 Filed 7-11-77;8:45 am]

SPILLMAN CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spillman Creek Watershed project, Lincoln, Mitchell, Osborne, and Russell Counties, Kansas.

The environmental assessment of this Federal action indicates that this project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by 14 floodwater retarding dams.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken

Dated: June 30, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-19857 Filed 7-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30635]

ARIZONA SERVICE INVESTIGATION

Postponement of Prehearing Conference

Prehearing conference in the above-captioned proceeding, now assigned to be held on July 13, 1977 (42 FR 30663), is postponed to August 3, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., July 5, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-19709 Filed 7-7-77;8:45 am]

[Docket No. 29123; Agreement C.A.B. 26700 R-1 through R-3; Order 77-6-134]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority June 27, 1977.

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An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase first-class, economy-class and creative fares between Cairo and Tabuk, Saudi Arabia by approximately 27 percent, to reflect the increased cost of service in this market. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the agreement which governs noncombinable fares and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26700:			
R-1	052	TC2 1st-Class Fares (Amending)	2 (within mid-east).
R-2	062	TC2 Economy-Class Fares (Amending)	2.

2. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26700:			
R-3	072b	TC2 Creative Fares Except Europe (Amending)	2 (within M. East).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 26700 described in finding paragraph 1 above and which have indirect application in air transportation as defined by the Act, are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26700 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19710 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreements C.A.B. 26650, 26670R-1 through R-3; Order 77-6-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Traffic Conference held in Vancouver in May 1977.

The agreements, proposed for effect July 1, 1977, would increase general cargo rate add-on levels used to construct through rates between South/South West Africa interior points and United States/Canada points over North and Midatlantic routes to reflect recent increases in South/South West Africa domestic rates; would amend currency surcharges applicable to Midatlantic cargo transportation commencing in Gibraltar/Ireland/Seychelles/Sierre Leone/United Kingdom to relate local currency rates more closely to recent fluctuations in the values of the currencies involved; and would revise the Midatlantic specific commodity rate structure with respect to the Nice-Bogota and Paris-Caracas markets.

We will approve those portions of the agreements which involve rates to/from United States points and thus have direct application in air transportation as defined by the Act. Jurisdiction will be disclaimed with respect to the remaining portion, which governs rates that are not combinable with rates to/from U.S. points, and thus has no application within the meaning of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26650	544a	North Atlantic General Cargo Rates (Amending)	1/2.
26670:			
R-1	022k	Special Rules for Sales of Cargo Air Transportation (Amending)	1/2 (mid-Atlantic).
R-2	551b	General Cargo Rates (Amending)	Do.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26670: R-3	590	Specific Commodity Rates Board (Amending)	1/2 (mid-Atlantic).

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 26650 and 26670 set forth in finding paragraph 1 above are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26670 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order wil be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19711 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreements C.A.B. 26681-26689 R1 through R-9; Order 77-6-143]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Traffic Conference held in Vancouver in May 1977.

The agreements contain revisions to the specific commodity rate and general cargo rate structures in many world markets. With respect to air transportation as defined by the Act, general cargo rate add-on levels used to construct through rates between South/South West Africa interior points and TC3 (Asia/Pacific, Including U.S. territories) would be increased to reflect recent increases in South/South West Africa domestic rates, and currency surcharges applicable to cargo transportation from Gibraltar/Ireland/Seychelles/Sierre Leone/United Kingdom to TC3 would be amended in order to relate local currency rates more closely to recent fluctuations in the values of the currencies involved.

In addition, general cargo rate add-ons and currency surcharges in various foreign markets would be amended. Insofar as these actions affect rates which are combinable with rates to/from U.S. points, they have indirect application in air transportation as defined by the Act.

We will approve the above portions of the agreements. Jurisdiction will be disclaimed with respect to the remaining portions of the agreements, which involve noncombinable specific commodity rates in foreign markets and thus have no application within the meaning of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26684:			
R-1	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending)	2/3; 1/2/3.
R-2	555	JT23 and JT123 General Cargo Rates (Amending)	2/3; 1/2/3.

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26685: R-1	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
26686:			
R-1	022m	TC2 Special Rules for Sale of Cargo Air Transportation (Amending)	2.
R-2	552	TC2 General Cargo Rates (Amending)	2.

2. It is not found that the following resolution affects air transportation within

[Order 77-7-4; Docket 27918]

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3. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26681:			
R-1	590 (I)	Specific Commodity Rates Board (Amending)	1/2 (South Atlantic).
R-2	590 (II)	do	Do.
26682:			
R-1	590 (III)	do	Do.
R-2	590 (IV)	do	Do.
26683:			
R-1	590 (VI)	do	2/3; 1/2/3.
R-2	590 (VII)	do	2/3; 1/2/3.
R-3	590 (VIII)	do	2/3; 1/2/3.
26684:			
R-3	590 (I)	do	2/3; 1/2/3.
R-4	590 (II)	do	2/3; 1/2/3.
R-5	590 (III)	do	2/3; 1/2/3.
26684			
R-6	590 (IV)	do	2/3; 1/2/3.
R-7	590 (V)	do	2/3; 1/2/3.
26685: R-2	590 (III)	do	1/2 (South Atlantic).
26686			
R-3	590 (VI)	do	2.
R-4	590 (VII)	do	2.
R-5	590 (VIII)	do	2.
R-6	590 (IX)	do	2.
R-7	590 (X)	do	2.
R-8	590 (XI)	do	2.
R-9	590 (XII)	do	2.
26687:			
R-1	590(I)	do	2.
R-2	590(II)	do	2.
R-3	590(III)	do	2.
R-4	590(IV)	do	2.
26688	590(V)	do	2.
26689	590	do	2.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 26684, 26685 and 26686 set forth in finding paragraphs 1 and 2 above are approved; and

2. Jurisdiction is disclaimed with respect to those portions of Agreements C.A.B. 26681, 26682, 26683, 26684, 26685, 26686, 26687, 26688 and 26689 set forth in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19712 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreement C.A.B. 26652, R-1 through R-3; Order 77-6-144]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Bulk Unitization Charges and Specific Commodity Rates

Issued under delegated authority June 28, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the Composite Cargo Traffic Conference held in Vancouver in May 1977, has been assigned the above C.A.B. agreement number.

The agreement would establish bulk unitization charges for Type 8 and Type 9 Unit Load Devices (ULD's) for Bermuda-Hartford cargo transportation at the Bermuda-Boston/New York/Philadelphia levels, and reduce the charges for ULD recontouring and unloading in Venezuela by 40 and 60 percent, respectively, effectively equalizing the charges of these operations. The agreement would also extend, from July 31, 1978 to September 30, 1978, the expiration date of the specific commodity rate of Item 3991 (metals) from Santiago to Montevideo.

We will approve those portions of the agreement dealing with bulk unitization charges insofar as they affect cargo transportation to/from United States points and thus have direct application in air transportation. Jurisdiction will be disclaimed on the portion dealing with a noncombinable specific commodity rate in a foreign market.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB.	IATA No.	Title	Application
26652:			
R-1	531(I)	Charges for Bulk Unitization—TC1 (Amending)	1 (Western Hemisphere).
R-2	531(II)	do	Do.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26652: R-3	590	Specific Commodity Rates Board (Amending)	1 (Western Hemisphere).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 26652 set forth in finding paragraph 1 above are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 26652 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19713 Filed 7-11-77;8:45 am]

[Docket No. 27573; Agreement C.A.B. 26716 R-1 and R-2; Order 77-6-157]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 30, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement extends one specific commodity rate under an existing commodity description and adds one new rate with a new specific commodity description as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in IATA letters dated May 12 and May 20, 1977.

Agreement CAB	Specific commodity item No.	Description and rate [1]
26716:		
R-1	1101	Air conditioners and parts thereof, [2] 265 ¢/kg, [3] minimum weight 500 kgs. From New York to Dubai.
R-2	0056	Chocolate manufactures, 121 ¢/kg, minimum weight 500 kgs. Honolulu to Tokyo, 12½ ¢/kg, minimum weight 500 kgs. Honolulu to Osaka

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] New description.
[3] Expires Mar. 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval is subject to the conditions ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26716 is approved: *Provided,* That (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-19714 Filed 7-11-77;8:45 am]

[Order 77-7-4; Docket 27918]

NORTH ATLANTIC FARES INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of July, 1977.

This order is a procedural order concerned with the North Atlantic Fares Investigation instituted in Order 75-6-42. The purpose of this order is to establish the next procedural step in this investigation and to dispose of a motion filed by Pan American for the issuance of an advance notice of proposed rulemaking in the proceeding. Another procedural order (Order 77-7-5) is being issued simultaneously to launch the Part Charter rulemaking phase of this investigation instituted in Order 76-12-18.

By Order 76-10-12, the Board set forth the procedures for the North Atlantic Fares Investigation and requested the production of additional data to supplement the recurrent reports filed pursuant to its earlier orders. The continuing analysis of the Bureau of Economics of the data submitted in response to these orders will result in a series of studies regarding aspects of the North Atlantic fare structure of specific importance in reaching decisions. Volume I of these studies depicting various cost input data has already been circulated to the carriers and other interested persons for comment and we have also placed a copy of this volume in the Board's Public Reference Room (Room 710, Universal Building) for inspection by the general public. Other parts of the Bureau's fare structure analysis will be published as they are completed. Although these studies do not reflect the position of the Board, they should be helpful, along with submissions of the carriers and other interested persons, in developing a reasonable record for decision in this proceeding.

As this investigation marks the first evidentiary analysis of the North Atlantic fare structure by the Board, the question is raised at this time as to whether the data submissions and other information relative to this structure are sufficient to warrant the development of definitive policies. In this connection, Pan American has filed a motion requesting the Board to issue an advance notice of proposed rulemaking in which the views of interested persons would be solicited on issues that Pan American considers to be threshold issues in this proceeding. While the institution of advance proposed rulemaking procedures does not appeal to us at this time, the Board does agree with Pan American that some further preliminary comment is desirable in the interest of building an adequate basis for decision. The struc-

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ture of highly differentiated air fares that exists in North Atlantic markets has received attention in numerous rate orders of the Board concerned with IATA fare agreements. However, the aspects that distinguish this structure from other fare structures, along with load factor, elasticity, and other factors affecting North Atlantic fares, have never been explored in the broader context of an investigation, thus suggesting that additional input on these and other key issues should be received before any firm policy decisions are made, even tentatively. If not in the letter, therefore, in the spirit, we will adopt Pan American's suggestion to receive preliminary views and comments on matters which lie at the core of the economic issues involved in this case.

To implement this determination, the U.S.-flag carrier participants in this investigation are requested by July 27, 1977, to file comments addressed to the specific questions regarding North Atlantic fares set forth in the Appendix. The questions contained in this Appendix incorporate many of the issues contained in Pan American's pleading as well as other issues developed by the staff. This list of questions is intentionally general to give the carriers maximum latitude to debate all pricing concepts and theories regarding North Atlantic fares and to make suggestions for improvements in the existing fare structure, either generally or specifically. Foreign air carriers providing North Atlantic service as well as other persons should also be interested in these questions, and are urged to file comments. After the Board has evaluated these preliminary views and the recurrent data being filed in this docket, we intend to issue a notice of proposed rulemaking in which various policies for North Atlantic fares will be proposed.

Although we are in general agreement with Pan American's request for preliminary comments, we are not persuaded to grant its request that this investigation consider the issue of joint-fare divisions. As noted in Order 76-10-12, not only would the issue of divisions require voluminous additional data submissions but it would also further delay evaluation of the cost structure which should receive the highest priority. There is nothing in Pan American's pleading to demonstrate that the benefits to be gained from the investigation of divisions would outweigh the complexity and delay that would result from the consideration of this issue at this time. Accordingly, this aspect of Pan American's motion will be denied.

Three other matters warrant discussion. The first two matters concern data submissions. The North Atlantic Fares Investigation as well as the Part Charter Phase of this investigation are being processed by rulemaking. In order to avoid any possible confusion between these two proceedings, documents relating to the overall North Atlantic rulemaking and to the Part Charter Phase shall be physically separated by the Dockets Section and incorporated into separate docket files. The Part Charter Phase shall be designated Docket 27918-1 (Part Charter) and all comments, data or other documents pertaining to this phase shall be so labeled. Documents pertaining to the overall rulemaking proceeding shall be labeled "North Atlantic Fares Investigation" and filed in Docket 27918.

Although these rulemakings will proceed under separate docket files, the commonality of various issues and data to both dockets cannot be overlooked. In order that evidence requests are not needlessly duplicative but sufficient for the development of a record in each proceeding, a consolidated submission of evidence pertaining to both proceedings shall be required. The composite information request circulated today specifies the format in which these data shall be submitted. The responses to this request shall be consolidated into one submission by the carrier and filed in the overall rulemaking Docket 27918. Also, we intend in each proceeding to avail ourselves of evidence presented in the other proceedings so that evidence bearing on issues common to both proceedings will be available for consideration and decision in either docket.

The international service-segment data reported to the Board by the carriers contain traffic and other statistics by transatlantic city-paid market and we intend to utilize these data in connection with our analysis of North Atlantic costs. These data are normally confidential for a specified period after their receipt unless required for use in a proceeding or for other reasons not pertinent here are made available (14 CFR Part 241 (section 19-6(a)). Accordingly, in the interests of the full and complete resolution of the factual and policy issues in this case the Board finds that international service-segment data submitted by the carriers to the Board for transatlantic air markets are material and relevant to the issues in this proceeding. In order to avoid the release of confidential information about a carrier's operations in a particular market, the 1976 service-segment data will only be made available to the Bureau of Economics for the preparation of exhibits that consolidate the data for all markets.

It has also come to our attention that various items of data reported pursuant to our earlier orders in this proceeding do not specifically require a breakout of component items required by the Board to analyze the cost structure. The first item is commission override expense. This expense is an additional commission expense of the carrier particularly on group-fare tickets. In order that the impact of this expense may reasonably be analyzed, a breakout between normal commission expense and commission override expense will be required by fare category. Schedule C of the consolidated evidence request, referenced above, specifies the format in which these data shall be submitted. The second item is Fifth Freedom traffic. This traffic, because it consists of passengers traveling wholly between European points, is outside the scope of this investigation and should not be considered. Its yield per mile is also higher than that for most other traffic so that its inclusion in the fare base creates the risk that North Atlantic fares could be cross-subsidized by traffic traveling in a different entity. In order that this traffic can be separately identified, a breakout of Fifth Freedom traffic will be required on the appropriate fare usage report. Although these additional data on commission override expense and Fifth Freedom traffic, along with other basic Form 41 data, will be reported quarterly, only one report will be required for the 12-month retrospective period ended September 30, 1976. This report will be due July 27, 1977.

Finally, The National Air Carrier Association (NACA), The Flying Tiger Line Inc., several passenger indirect air carriers and various civic groups have shown an interest in this proceeding by filing petitions to intervene as parties. As requests for intervention are not required to attain party status in this proceeding, these petitions are unnecessary, and therefore they shall be dismissed. The persons filing these petitions will have full opportunity to participate in this proceeding by filing comments, views and data on the proposed rule, as well as by answering the questions mentioned above. In addition, the names of these persons have been placed on the mailing list in the Board's Docket Section to receive copies of all further orders, notices, or rules issued in this proceeding.

Accordingly, *it is ordered*, That:

1. The petition of Pan American World Airways, Inc. for the issuance of an advance notice of proposed rulemaking, to the extent that it is not granted herein, be and it hereby is denied;

2. Ordering paragraph 4 of Order 75-6-42 is hereby amended by revising subparagraph (2), thereof, such paragraph, as amended to read as follows:

4a. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc. shall supply in this Docket the following information:

(1) A quarterly report showing the profit and loss, and investment data for scheduled North Atlantic service outlined in Appendix B of this order; and

(2) A quarterly report showing, by month, the fare usage data (i.e., passengers enplaned, revenue passenger-miles, and passenger revenue for each fare category in the North Atlantic structure) specified on page four of this order. Such data should include a separate breakout for Fifth Freedom traffic.

These data shall be submitted 20 days after the date for filing Form 41 reports covering the same time period.

3. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., shall address the questions specified in the Appendix to this order and supply the information contained in Schedule C of the consolidated evidence published this date and the Fifth Freedom traffic data specified above, 20 copies of such views and 6 copies of such data to be submitted to the Board's Docket Section as follows:

(1) The responses to the questions in the Appendix to this order shall be provided by July 27, 1977; (2) the data requested in Schedule C of the consolidated evidence request and the Fifth Freedom traffic data in the carriers fare usage report shall be accumulated on a quarterly basis and submitted simultaneously with the other Form 41 submissions reported pursuant to Order 75-6-42, *Provided, however*, That a separate report of these data shall be completed for the 12-months period ended June 30, 1976, and submitted by July 27, 1977, along with the information in (1) above;

4. Any air carrier in addition to the air carriers listed above and any governmental body, civic group or trade association that desires to submit comments or data with respect to the matters contained in the Appendix may do so by filing 20 copies of such views or data with the Board's Docket Section, Room 714, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 by the same date and in the same manner prescribed above for the U.S.-flag air carriers. Individual members of the general public who desire to file comments may do so by filing 1 copy of such comments with the Docket Section;

5. The petitions for leave to intervene in this docket filed by the Department of Transportation; Department of Justice, The Flying Tiger Line Inc.; the Airline Charter Tour Operators Association; Spantax, S.A.; The Davis Agency, Inc.; The City of Philadelphia and the Greater Philadelphia Chamber of Commerce; the Washington Parties, consisting of King County, the City of Seattle and the Seattle Chamber of Commerce, the City of Tacoma, and the Tacoma Chamber of Commerce, the State of Washington Utilities and Transportation Commission, the Port of Seattle Commission, and the Puget Sound Traffic Association; and the Norfolk Port and Industrial Authority be and they hereby are dismissed; and

This order with the Appendix shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

National, Pan American, and TWA are requested to address the following questions with respect to North Atlantic fares and to submit any other views and comments they consider pertinent.

1. Should standards or policies be developed to determine the reasonable level of expenses, revenues, and profit required by the carriers serving the North Atlantic market under honest, economical, and efficient managament to provide adequate and efficient service?

a. What methods should be used to make allocations between:

(i) Transport and nontransport operations?

(ii) Transportation operations within the North Atlantic and transportation operations outside the North Atlantic?

(iii) Scheduled and nonscheduled operations?

(iv) Scheduled all-cargo and scheduled combination, or mixed service?

(v) Passenger and other traffic on combination aircraft?

(vi) Economy class and other classes of passenger traffic?

2. What are the carriers and the costs to be considered in determining the revenue need for scheduled North Atlantic passenger services?

3. What is the reasonable volume of service required for the transportation of passengers in scheduled service by all carriers serving the North Atlantic market?

4. What is the reasonable rate of return on investment for scheduled North Atlantic passenger services?

5. What is the proper investment base for North Atlantic service?

6. Should fares for basic passenger services reflect a reasonable relationship between capacity and demand?

a. Can and should load-factor standards be adopted? If so, what should the standard numerical load factor be?

b. Is a high full-fare load-factor service (i.e., load factors in the range of 60 to 65 percent) compatible with the demand and seasonal characteristics of the North Atlantic markets?

7. What factors should be considered in determining whether load-factor standards should be established—i.e., should load factor standards:

a. Be related to or reflect seating capacity?

b. Be related to or reflect total revenue per flight?

c. Be related to or reflect market density?

d. Be related to or reflect the scheduling characteristics of the market, e.g., turnaround versus multisegment service; multiple time zone changes; long flight times?

e. Be related to or reflect the impact on capacity of policies of foreign governments?

f. Be related to or reflect the impact on capacity and scheduling of increased fuel prices?

g. Be related to or reflect peak and off-peak demand periods and/or directions?

h. Vary by class of service and/or by fare type?

i. Be related to or reflect the presence or absence of some form of capacity control?

j. Reflect discount traffic?

8. Should aircraft seating-configuration standards be adopted? If so, what are the appropriate standards for seats abreast and seat pitch?

9. What effect would load-factor standards have on scheduling? Service levels? New equipment acquisitions?

10. In the event any policy concerning fare formulae is adopted, should it be directed toward a maximum or minimum fare or a range between a maximum and minimum fare?

11. Should a rate formula consist of separate elements such as:

a. A terminal charge?

b. Line-haul charge?

c. Other?

12. If a separate terminal charge is developed should it be:

a. Uniform?

b. Variable? If so, on what basis or bases?

c. Other?

13. If line-haul charges are developed should they be constant or tapered and should they be based on:

a. Mileages?

b. Block hours?

c. Airborne hours?

d. Others?

14. Should a policy of free enroute stopovers be adopted? If so, should stopovers be limited in any way? On what basis should stopover charges be assessed?

15. What are the returns to scale for North Atlantic scheduled passenger service (i.e., what is the impact on costs of volume)? Are there economies of scale? Are there diseconomies of scale? Are costs constant?

a. In the event that there are economies of scale, should below fully allocated cost pricing be allowed?

b. In the event there are diseconomies of scale should certain fares bear more than the fully allocated costs of the service?

c. In the event that costs are constant, should all fares cover the fully allocated costs of the service?

16. Can and should capacity controls be established for fares offered at below the fully allocated costs of the service?

17. What is the elasticity of demand in these markets? How does elasticity vary by type of traffic; by time of week, month, or year; or for fare decreases vs. fare increases?

18. What is the appropriate pricing structure for fares offered at levels below the fully allocated costs of the service? Specifically,

a. What is the appropriate regulatory approach to North Atlantic discount fares?

b. What is the appropriate standard of reasonableness for evaluating the lawfulness of discount fares? Should the standard of reasonableness for discount fares vary by fare category? Direction? Market? Time of Year? Should the Board require economic justification for discount fares? If so, what type of justification should be required?

c. Should discount fares reflect the policy considerations of foreign governments?

d. Are capacity levels affected by discount fares?

e. Do certain types of discount fares have a greater effect on capacity levels than other types of discount fares?

f. Should normal fares be caculated as if discount fares are not part of the fare structure, i.e., without the effects of the discounts?

19. Can and should fare policies be established designed to shift traffic from peak to off-peak periods? If so, what type or magnitude of price differential would be required to increase off-peak demand?

[FR Doc.77-19715 Filed 7-11-77;8:45 am]

[Order 77-7-5; Docket 27918-1]

NORTH ATLANTIC FARES INVESTIGATION—PART CHARTER PHASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1977.

This order delineates the scope of the Part Charter phase of the North Atlantic Fares Investigation instituted in Order 76-12-18.

By Order 76-12-18, dated December 3, 1976, the Board instituted a separate rulemaking phase of the North Atlantic Fares Investigation to explore the general issues relating to the "part-charter" concept and to other types of low-fare fill-up programs that have been advocated in recent years. As the Board presently has before it no specific part charter or fill-up proposals other than the tariff under investigation in Docket 29773,[1] it is clear that some further input from the carriers and the public will be necessary before any reasonable evaluation of these issues can be made. Accordingly, we are herein requesting the U.S. North Atlantic flag carriers, competing carriers, and other interested per-

[1] Pan American and TWA charter transfer tariff proposals.

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sons, to submit detailed part charter and/or fill-up proposals for our consideration. These proposals need not be limited to fares involving transfer of charter passengers like those under investigation in Docket 29773, and the carriers are free to propose any type of discount fare they believe would perform a fill-up function in international scheduled service, including those existing categories of fares justified on the basis that they would tend to fill residual seats.

Although the term "part charter" has been used in a number of contexts in recent years, it lacks any universally recognized definition. Rather that arbitrarily limit the types of fare proposals that will be considered "part charter" for purposes of this investigation, we have decided to give interested persons complete freedom to submit their concept of such low-fare proposals that they would like the Board to evaluate. Any restrictions or limitations on the utilization of these proposals should also be set forth including, in particular, provisions designed to control the scheduled aircraft capacity provided for the carriage of traffic moving on these low fares. Question 3 in the Appendix should be helpful in this regard. The proposals should be accompanied by detailed economic justification of the specific services to be offered including all pertinent conditions of carriage.

In order to establish a solid information base for evaluating these proposals, we will require all U.S. flag carriers operating scheduled service in the North Atlantic to provide data which will be helpful to the Board in the development of policies for part charter/fill-up programs. The consolidated evidence request bring published in both the North Atlantic and Part Charter rulemakings specifies the data to be supplied by the carriers and the format in which these data are to be submitted.[2] As noted in Order 77-7-4, issued contemporaneously, each carrier to which these reporting requirements apply will be submitting its response as a consolidated submission in Docket 27918, but the information contained in these responses will be used in this docket as well as in Docket 27918 for consideration and decision of issues common to both proceedings. Since the information requested is with certain exceptions similar to that required by the administrative law judge in *North A lantic Charter Transfer Rules*, Docket 29773, the burden on carriers that are also participating in that proceeding should be minimal. Other interested persons, particularly foreign air carriers and air carriers whose authority would not permit the use of a part charter/fill-up option are encouraged to participate in this proceeding and to file such information and views as might be helpful to the Board in its consideration of part charters.

[2] The Prehearing Conference Submissions of the parties to Docket 29773 have been helpful to the Board in developing these requests.

Accordingly, pursuant to the Federal Aviation Act of 1958; as amended, and particularly sections 204(a) and 1002 thereof,

It is ordered, That: 1. National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., shall address the questions specified in the Appendix to this order and supply in Docket 27918 the information requested in Paragraphs A and B and Schedules A and B of the consolidated evidence request published this date, 20 copies of such views and 6 copies of such data to be submitted to the Board's Docket Section by July 27, 1977;

2. Any air carrier in addition to the air carriers listed above and any governmental body, civic group or trade association which desires to file comments or data on the matters contained in the Appendix may do so by filing 20 copies of such views or data with the Board's Docket Section, Room 714, 1825 Connecticut Avenue NW., Washington, D.C., by the same date and in the same manner prescribed above for the U.S.-flag air carriers. Individual members of the general public who desire to file comments may do so by filing 1 copy of such comments with the Board's Docket Section; and

This order with the Appendix will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

1. What is the appropriate definition of "part charter" services?
2. What amendments, if any, to the Board's regulations would be required to permit part charter or fill-up operations?
3. Should the sale of part charter or fill-up fares be subject to the Board's charter regulations?
4. What conditions or limitations should be put on part charter or fill-up tariffs? For example:
   a. Should the proposed services be limited to off-peak time periods?
   b. Should it be space-available or standby services?
   c. Should it be limited to certain markets or to a certain number of flights in each market?
   d. Should there be maximum or minimum group-size restrictions?
   e. Should it be limited to substitution for previously arranged charter flights?
   f. Should there be limitations on the amount of scheduled capacity that may be utilized by part charter or fill-up passengers? [1]
   g. Should part charter or fill-up fares be allowed only for a short period of time, such as 18 months?
5. What size of aircraft is amenable to part charter or fill-up operations?
6. Would the proposed service inconvenience normal scheduled traffic? If not, how would inconvenience be avoided?
7. Would part charter or fill-up service be cross-subsidized by normal scheduled traffic? If not, how would cross-subsidization be avoided?
8. What would be the competitive impact on supplemental carriers and other carriers that could not offer the service?
9. Should the supplemental carriers be allowed offsetting expansion of their operating authority or relaxation of charter restrictions?
10. How would part charter or fill-up fares be constructed?
11. Should part charter or fill-up passengers be given services different from those provided to normal scheduled passengers?
12. How would diversion of regularly scheduled traffic to those services be avoided?
13. Should these fares be limited to a certain type of international traffic, such as a third, fourth, fifth, or sixth freedom traffic?
14. Would the proposed services require standby charter-configured aircraft?
15. Should part charter or fill-up passengers be charged for cancellations?
16. Would the proposed fares dilute overall carrier revenues? Would such dilution be offset by decreased costs?
17. Would part-charter or fill-up service cause an increase in scheduled capacity?
18. What effect, if any, would part charter or fill-up service have on foreign policy considerations?
19. Should Board approval of this service be conditioned on reciprocity by foreign governments?
20. Should approval of a part charter or fill-up fare be conditioned on removal of other discount fares or simplification of the international fare structure?

[1] All Members concurred.

[1] We invite foreign-flag carriers that currently have in effect capacity control procedures to submit a description of those procedures and an evaluation of their effectiveness.

[FR Doc.77-19716 Filed 7-11-77;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Discontinuance of Missouri Health and Medical Organization

AGENCY: Civil Service Commission.

ACTION: Notice of discontinuance of Missouri Health and Medical Organization under the Federal Employees Health Benefits Program.

EFFECTIVE DATE: July 1, 1977.

SUMMARY: Pursuant to the authority contained in § 8902 of title 5, Chapter 89 of the United States Code and § 890.301 (k) of 5 CFR Part 890, The U.S. Civil Service Commission hereby announces that the Missouri Health and Medical Organization of Sikeston, Missouri, is discontinuing its participation in the Federal Employees Health Benefits Program effective July 1, 1977. Each Federal employee or annuitant enrolled in the Missouri Health and Medical Organization must change to another health plan offered in their area under the Federal Employees Health Benefits Program immediately. The effective date of the change will be the first day of the first pay period beginning on or after July 1, 1977. Federal employees and annuitants must submit a completed Form 2809 to their personnel offices to effect this change in health plans.

FOR FURTHER INFORMATION CONTACT:

Marie B. Henderson, Comprehensive Health Plans Office, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

NOTICE TO PAYROLL OFFICES HAVING ENROLLEES IN MISSOURI HEALTH AND MEDICAL ORGANIZATION

SUBJECT: DISCONTINUANCE OF MISSOURI HEALTH AND MEDICAL ORGANIZATION UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

The Missouri Health and Medical Organization is discontinuing its participation in the Federal Employees Health Benefits Program effective July 1, 1977. Employees who are enrolled in the Plan must immediately change to another health plan offered in their area. A SF 2809 is required for each enrollee in codes 291 or 292 showing the termination of enrollment in Missouri Health and Medical Organization and enrollment in another health plan. The effective date of the change will be the first day of the first pay period beginning on or after July 1, 1977.

THOMAS A. TINSLEY,
Director, Bureau of Retirement, Insurance, and Occupational Health.

[FR Doc.77-20015 Filed 7-11-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, August 11, 1977, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production and technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of array processors report prepared by the Hardware Subcommittee.
(4) Review of Licensing Procedures Subcommittee recommendations for the clarification and simplification of the Export Administration Regulations.
(5) Report on the work programs of the Subcommittees:
   a. Technology Transfer;
   b. Foreign Availability;
   c. Licensing Procedures; and
   d. Hardware.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with th U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: July 7, 1977.

RAUER H. MEYER,
Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-19880 Filed 7-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D. C.20230, on or before August 2, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00261. Applicant: U.S. Environmental Protection Agency, National Enforcement Investigations Center, Bldg. 53, Box 25227, Denver Federal Center, Denver, Colorado 80225. Article: Ten (10) Thermoelectric Generators. Manufacturer: Global Thermoelectric Power Systems Ltd., Canada. Intended use of article: The article is intended to be used to provide electric power for operation of scientific equipment needed to monitor air and water quality for long periods at locations where this was formerly impossible or impractical. Application received by Commissioner of Customs: June 8, 1977.

Docket number: 77-00262. Applicant: Sandia Laboratories, Kirtland A.F.B. East, Albuquerque, New Mexico 87115. Article: Gage Measuring Instrument. Manufacturer: Societe Genevoise D' instruments De Physique, Switzerland. Intended use of article: The article is a replacement instrument to be used to permit direct dimensional readout and printout of gages being calibrated in

either customary or metric mode. The

(Catalog of Federal Domestic Assistance

is intended to be used, which was being

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either customary or metric mode. The primary field in which the article will be used in energy and defense related physical measurements. Application received by Commissioner of Customs: June 8, 1977.

Docket Number: 77–00263. Applicant: U.S. Department of Commerce/NOAA/NOS. National Geodetic Survey, 6001 Executive Boulevard, Rockville, Maryland 20852. Article: (4) Four each Signal Mast 27.5m, Red-Yellow, including guying equipment and accessories. Manufacturer: Geo-Center ab, Sweden. Intended use of article: The article is intended to be used with elevation reflectors and/or target lights above obstructions for a clear line-of-sight to measure geodetic distances and/or observe horizontal and vertical angles. Application received by Commissioner of Customs: June 14, 1977.

Docket Number: 77–00264. Applicant: University of Rochester 250 East River Road, Rochester, New York 14623. Article: Photochron II Image Converter Streak Camera tube with S–20 photocathode and U-V window for operation at 250nm wavelengths. Manufacturer: Instrument Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in building a fast streak camera needed for the study of the feasibility of heating targets with a pulsed high power to produce thermonuclear reactions. Application received by Commissioner of Customs: June 13, 1977.

Docket Number: 77–00265. Applicant: Oakland University, Rochester, Michigan 48063. Article: Ramanor HG-2S Double 1 meter Monochromator and accessories. Manufacturer: Jobin-Yvon Optical Systems, France. Intended use of article: The article is intended to be used for research application for identification of molecules present in systems under investigation, determination of concentrations of certain species, and structural studies of either isolated molecules or molecules in vitro. Specific research projects include:

A. Study of tightly bound cluster hydrates.
B. Study of chemical models for nitrate reductase.
C. Study of the preresonance raman intensity enhancement of vibronically active models.
D. Molecular structural studies of ring compounds.
E. Raman spectroscopic studies of evolutionarily related oligomeric enzymes.
F. Isomerism of ternary complexes of copper (II) and Nickel (II)

The article will also be used for educational purposes which will concentrate on identification of reaction products although some applications to structural studies will be considered to compliment infrared studies of inorganic and simple organic molecules and thermal analysis of polymers. Application received by Commissioner of Customs: June 13, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–19665 Filed 7–11–77;8:45 am]

MILWAUKEE CHILDREN'S HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00150. Applicant: Milwaukee Children's Hospital, 1700 West Wisconsin Avenue, Milwaukee, Wisconsin 53233. Article: Electron Microscope, Model JEM–100S and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, viruses and cellular inclusions associated with childhood diseases. Experiments will be conducted involving obtaining material from a variety of childhood diseases and correlating the ultrastructural appearance of the tissue with aspects of the disease and with that seen under experimental conditions such as tissue culture and animal models. The article will also be used to instruct residents, staff and medical students in the ultrastructure of childhood diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 16, 1976).

Reasons: The foreign article provides distortion free micrographs over a magnification range of 100 to 200,000X without a pole-piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that distortion free micrographs in the magnification range described above is pertinent to the applicant's purposes. HEW also advises that it knows of no domestic instrument which provided the pertinent feature at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–19664 Filed 7–11–77;8:45 am]

SANDIA LABORATORIES, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 1, 1977.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00250. Applicant: Sandia Laboratories, Kirtland A.F.B. East, Albuquerque, New Mexico 87115. Article: Ultra Fast Streak and Framing Image Converter Camera and accessories. Manufacturer: John Hadland, United Kingdom. Intended use of article: The article is intended to be used for a large variety of applications associated with the electron-beam fusion program at Sandia Laboratories. These experiments will include:

(1) Cathode Turn-on: To observe the electron emission as a function of time (nanosecond or picosecond time frames) by viewing the visible and UV radiation associated with the cathode plasma in order to optimize cathodes in terms of uniformity of electron emission and time of turn-on as a function of voltage, cathode material, cathode geometry and diode geometry.

(2) Anode Plasma: To observe the electron pinch phase on anode or target as a function of time, to observe the total amount, uniformity and crude spectrum (utilizing narrow band filters) to estimate the temperature of the anode plasma (target plasma).

(3) X-ray Physics: Utilizing a plastic scintillator on the anode or behind a pinhole, to view the x-ray radiation associated with the electron beam deposition in order to measure the size and uniformity of the electron beam on a picosecond or nanosecond time frame.

(4) Detector: To utilize the camera as a detector behind a high resolution (VUV, UV or visible) spectrograph or x-ray crystal spectrograph plus scintillator. This would determine the spectrum as a function of space and time (framing mode) in order to determine anode or target plasma densities and temperatures.

(5) To utilize camera with picosecond laser diagnostics such as laser holography.

Application received by Commissioner of Customs: June 15; 1977.

Docket number: 77–00266. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron, Varian type VRT–2124B. Manufacturer: Varian Assoicates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation. Application received by Commissioner of Customs: June 15, 1977.

Docket number: 77–00267. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron Model VRT–2123B and Matching Heat Sink VAT–2002B14. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Application received by commissioner of Customs: June 15, 1977.

Docket number: 77–00268. Applicant: University of Illinois Medical Center-College of Medicine, 1853 W. Polk Street, Chicago, Ill. 60612. Article: Nuclear Magnetic Resonance Spectrometer, Model CXP–180. Manufacturer: Bruker Physik A. G., West Germany. Intended use of article: The article is intended to be used for nmr studies of living tissues, muscles, synaptosomes, red blood cells, hormones, drugs, enzymes, proteins and other biomolecules. Experiments to be conducted will include multi-nuclear high field, high rf power and high resolution nmr studies of the chemical shift tensor components, multipulse high resolution studies of solids T_1, T_2, $T_{1\rho}$ and T_{1D} nuclear relaxations studies, microscopy *in vivo*. The objectives of these investigations are the development and application of novel medical diagnostic techniques for studies of malignant tumors and for biomedical research of muscle function and disease, understanding structure function relationship of hormones, neurotransmitters, synaptosomes enzymes, drugs and membrane tissues, and development of novel nmr techniques for studies of physiological processes. The article will also be used to expose and teach bio-medical students modern techniques required in studies of molecular structure dynamics and in microscopy *in vivo* in the following courses:

BC–413 Physical Biochemistry.
MC–452 Spectroscopy in Medicinal Chemistry.
PP–415 Structure Elucidation of Natural Products.
PY–431 Molecular Biophysics.
PY–432 Nuclear Magnetic Resonance in Biophysics.
PY–433 Continuation of PY–432.

Application received by Commissioner of Customs: June 15, 1977.

Docket number: 77–00270. Applicant: University of Alabama Hospitals and Clinics Dept. of Path. Division of Surgical Path., 619 South 19th Street, Birmingham, Alabama 35233. Article: Electron Microscope, Model EM 201 and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of all endocrine gland tumors; such as all breast cancers, adrenal tumors, parathyroid gland, pituitary tumors, and thyroid tumors and tumors of the liver which are studied on a more selective basis. In addition, the article will be use for post-graduate training for physicians. Application received by Commissioner of Customs: June 15, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–19666 Filed 7–11–77;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77–00057. Applicant: University of Utah, College of Pharmacy, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MAT 731 and accessories. Manufacturer: Varian MAT West Germany. Intended use of article: The article is intended to be used in research dealing with the structure elucidation of nucleotides and nucleosides of natural origin, development of mass spectrometric techniques for analysis of nucleotides and studies of the applications of field desorption mass spectrometry to involatile molecules of natural origin. The principal method used will be photographic recording of complete high resolution mass spectra from microgram-level samples which have been introduced into the mass spectrometer by gas chromatograph or by thermal or field desorption methods. Of particular interest are naturally modified nucleosides from transfer ribonucleic acid which are of high molecular weight (>500).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 21, 1976).

Reasons: The foreign article provides a resolution of 80,000 50 percent line width (approximately 40,000 10% valley) with photoplate detection and a field desorption ion source. The Department of Health, Education, and Welfare (HEW) in its memorandum dated March 21, 1977 and the National Bureau of Standards (NBS) in its memorandum dated May 27, 1977 advise that the combined features of the article described above are pertinent to the applicant's intended use. HEW and NBS further advise that they know of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–19667 Filed 7–11–77;8:45 am]

YALE UNIVERSITY SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77–00167. Applicant: Yale University School of Medicine, Section of Cell Biology, 333 Cedar St., New Haven, Conn. 06510. Article: Scanning Electron Microscope, Model JFSM–30. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is in-

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tended to be used for studies of cells and subcellular components; blood vessels. Structural details on membrane surfaces will be investigated to detect surface molecules either directly or after appropriate tagging. The article will be used only by graduate students in training for research or in actual research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign was ordered (September 30, 1974).

Reasons: This application is a resubmission of Docket Number 75-00165-33-46070 which was denied without prejudice to resubmission on December 13, 1976 for informational deficiencies. The foreign article provides a guaranteed resolution of 30 Angstroms in the secondary electron mode. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1977 that the feature described above is pertinent to the applicant's intended use. HEW also advises that domestic instruments could not provide the pertinent resolution at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-19668 Filed 7-11-77;8:45 am]

Economic Development Administration

LOU RAN HANDBAGS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Lou Ran Handbags, Inc., 162 Madison Avenue, New York, New York 10016, a producer of handbags and purses, was accepted for filing on July 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19896 Filed 7-11-77;8:45 am]

RELIABLE MACHINE WORKS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Reliable Machine Works, Inc., 238 Eagle Street, Brooklyn, New York 11222, a producer of metal household furniture, was accepted for filing on July 5, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-19897 Filed 7-11-77;8:45 am]

National Oceanic and Atmospheric Administration

JOHNS HOPKINS UNIVERSITY

Modification of Permits

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permits issued to Dr. G. Carleton Ray and Dr. Douglas Wartzok, Department of Pathobiology, The Johns Hopkins University, Baltimore, Maryland 21205, Mr. William A. Watkins and Mr. William E. Schevill, Woods Hole Massachusetts 02543, and the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, are modified in the following manner:

The requirement of the Permits that each cetacean marking activity be subject to prior review, consultation and approval is changed so that the Director may, at his discretion, determine whether outside consultation is merited. Additionally, the authorized activities are to be suspended if two animals die or are seriously injured during the research, rather than one animal, as the Permits initially required.

This modification is effective on July 12, 1977.

The Permits, as modified, and documentation pertaining to the modifications, are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington, D.C. 98109; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street Gloucester, Massachusetts 01930.

Dated: June 27, 1977.

[FR Doc.77-19893 Filed 7-11-77;8:45 am]

SEA LIFE, INC.

Issuance of Permit To Take Marine Mammals and Endangered Species

On December 23, 1976, notice was published in the FEDERAL REGISTER (41 FR 55927) that an application had been filed with the National Marine Fisheries Service by Dr. Edward S. Shallenberger, c/o Sea Life, Inc., Makepuu Point, Waimanalo, Hawaii 96795, for a Permit to take by potential harassment an unspecified number of cetacean species, including humpback and sperm whales listed as endagered, in Hawaiian waters for the purpose of scientific research.

Notice is hereby given that on June 30, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit to Dr. Edward S. Shallenberger, for the above taking, subject to certain conditions thereto.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357) November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 30, 1977.

[FR Doc.77-19890 Filed 7-11-77;8:45 am]

UNIVERSITY OF WASHINGTON

Receipt of Applications for Scientific/Research Permit

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Dr. Albert W. Erickson, Wildlife Research Professor, College of Fisheries, University of Washington, Seattle, Washington 98195 requests a permit to conduct scientific research with the following marine mammals:

To take/year by tagging:	
crabeater seals (*Lobodon carcinophagus*)	1,000
Weddell seals (*Leptonychotes weddelli*)	500
leopard seals (*Hydrurga leptonyx*)	200
Ross seals (*Ommatophoca rossii*)	100
southern fur seals (*Arctocephalus gazella*)	150
southern elephant seals (*Mirounga leonina*)	50
To take/year by killing:	
crabeater seals (*Lobodon carcinophagus*)	500
Weddell seals (*Leptonychotes weddelli*)	100
leopard seals (*Hydrurga leptonyx*)	100
Ross seals (*Ommatophoca rossii*)	50
southern fur seals (*Arctocephalus gazella*)	25
southern elephant seals (*Mirounga leonina*)	25

The animals are to be taken from the Antarctic Continent and adjacent waters over a period of five years.

Two of the species, southern fur seals and southern elephant seals are listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (50 CFR Part 23). The Applicant has been informed of the requirements of the Convention.

The capture by tagging will be accomplished either by the bag capture technique or by anesthetization with syringe guns. Information collected will include determinations of sex, age, and measurements of size and weight.

The capture by killing will be accomplished by either a gun or drug overdose. Specimens are required for studies of the sex and age composition and the breeding biology and food habits of the seals.

The purpose of the research is to provide additional information on existing stocks needed to conduct the more responsive management program required by the Antarctic Treaty, of which the United States is a signatory nation.

Documents submitted in connection with this application are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee on Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions that may be contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: July 1, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-19892 Filed 7-11-77;8:45 am]

UNIVERSITY OF WASHINGTON

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to Albert W. Erickson, College of Fisheries, University of Washington, Seattle, Washington 98195, on June 13, 1975, is modified in the following manner: The period of validity, during which the authorized marine mammals may be taken, is extended from June 1, 1977, to June 1, 1979.

This modification is effective on July 12, 1977.

The permit, as modified, and documentation pertaining to the modification is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. and;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98709.

Dated: July 1, 1977.

[FR Doc.77-19891 Filed 7-11-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

GOVERNMENT OF PAKISTAN

Additional Officials Authorized To Issue Visas and Certifications for Exempt Textile Products Exported to the United States

JULY 7, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Additions to list of officials of the Government of Pakistan authorized to issue export visas and certifications for exempt cotton textile products exported to the United States.

SUMMARY: This action adds the names of Mohammad Akhtar Alam and Riaz Ahmad to the previously published lists of officials of the Government of Pakistan who are authorized to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan and exported to the United States. Complete lists of officials currently so authorized are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On July 7, 1972 a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (37 FR 13365), which establishes an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States. One of the requirements is that the visas accompanying such shipments must be signed by an official authorized by the Government of Pakistan to issue visas.

On May 30, 1973 and January 18, 1974, letters were published in the FEDERAL REGISTER (38 FR 14184 and 39 FR 2293) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, announcing establishment of an administrative mechanism to certify for exemption from the levels of restraint of the bilateral cotton textile agreement between the Governments of the United States and Pakistan certain handloomed and folklore products of the cottage industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile products must be accompanied by a signed certification.

The Government of Pakistan has requested that the names of Riaz Ahmad and Mohammad Akhtar Alam be added to the lists of officials authorized to is-

sue export visas and certifications for ex-

10:45 a.m. Review of the Investiga- with the Federal Advisory Committee cent stated that the losses caused by

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sue export visas and certifications for exempt textile products exported to the United States. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make this change.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements, Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 7, 1977.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Pakistan for which the Government of Pakistan had not issued an export visa. It further amends, but does not cancel, the directives of May 16, 1973 and January 15, 1974 which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of designated handloomed and folklore products of the cottage industry of Pakistan. It also amends, but does not cancel, the directives of March 3, October 7, and November 19, 1976, which named Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Arrangement Regarding International Trade in Textiles, pursuant to the Bilateral Cotton Textile Agreement of May 6, 1976 between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the aforesaid directives are further amended to include the names of Riaz Ahmad and Mohammad Akhtar Alam who are authorized to issue export visas and certifications for exempt cotton textile products, produced or manufactured in Pakistan. Complete lists of officials currently so authorized are enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Riaz Ahmad	Sajjad Hussain Naqvi
Ejaz Ahmad	Tariq Iqbal Puri
Shabbir Ahmad	Abdul Ghaffar Qureshi
Mohammad Akhtar Alam	Mujib-ur-Rehman
S. M. Anwar	Asif Ali Shaikh
S. A. Aziz	Niamat Shah
S. Asif Ali Bokhari	I. H. Siddiqi
Moinul Hasan	M. Adil Siddiqui
Pir Mohammad Khan	S. A. Zaidi
Ghulam Mustafa	

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Riaz Ahmad	Mohammad Younus Khan
Shabbir Ahmad	Taj Mohammad Khan
Mohammad Akhtar Alam	Abdul Malik
Mohmood Alam	Mohammad Mohsin
Mian Mahmud Ali	Khalid Mahmood Mughal
Mohammad Aslam	Ghalib Mustafa
S. A. Aziz	M. Z. I. Naz
S. Asif Ali Bokhari	Abdul Qayyum
Israr-Ul-Haque	Allah Rakha
Moinul Hasan	Niamat Shah
S. M. Z. Hasan	Asif Ali Shaikh
Mohammad Ishaq	I. H. Siddiqi
Abdul Wahab Khan	M. Adil Siddiqui
M. Salim Kahn	
M. Zafar Umar Khan	

[FR Doc. 77-20032 Filed 7-11-77, 10:00 am]

CONSUMER PRODUCT SAFETY COMMISSION

CHEMICAL MONOGRAPH REFERRAL CENTER (CHEMRiC)

Existence of a Monograph Information System Operated by the Consumer Product Safety Commission

Since July of 1975, a referral center, known as the Chemical Monograph Referral Center (CHEMRiC), established by the Consumer Product Safety Commission, has existed to promote the sharing of information on monographs (criteria documents) addressing the toxicity of chemicals (See 41 FR 6121, February 11, 1976). A monograph is a comprehensive, but not necessarily exhaustive, summary and analysis of the literature on a chemical or group of related chemicals, with emphasis on toxicity studies. Substantial annotated bibliographies are also reportable to CHEMRiC. The purpose of the Center is to further the coordination of monograph projects within the Commission, and within the federal and non-federal health community, leading to better quality monographs and avoidance of duplication of effort. CHEMRiC welcomes participation by organizations and individuals engaged in or concerned with the production of such monographs. This service is currently without charge to participants.

The Center is an approved activity of the Department of Health, Education, and Welfare's Coordinating Committee on Toxicology and Related Programs, Toxicology Information Subcommittee, and is operated by the Consumer Product Safety Commission, Directorate of Engineering and Science, Division of Safety Packaging and Scientific Coordination.

The Center accepts and stores notices of planned, in-progress, and recently completed monographs, and in return searches and reports on these notices on request. Searchable fields include chemical identity, monograph title, keyterms, sponsoring organization, performing organization, and report number.

CHEMRiC does not maintain a library of monographs, nor does it provide publication or evaluation services; its function is to direct an enquirer to the organization sponsoring or producing a monograph.

For more information, write Chemical Monograph Referral Center, Consumer Product Safety Commission, Westwood Towers Building, Room 700, 5401 Westbard Avenue, Bethesda, Maryland 20207.

Dated: July 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-19899 Filed 7-11-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY GEOPRESSURE SUBCOMMITTEE

Meeting

JULY 7, 1977.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act), the Geopressure Subcommittee of the Advisory Committee on Geothermal Energy will hold its second meeting on Wednesday, July 27, 1977, from 10:00 a.m. to 3 p.m., in Room 317, Federal Building, 705 Jefferson Street, Lafayette, Louisiana. This meeting will be open to the public. The purpose of this meeting is: To review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to geothermal geopressure problems in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

10:00 a.m. Introductory Remarks—Mr. R. C. Repper, Chairman.

10:15 a.m. Aim and Results of the Geothermal-Geopressure Investigation in Southern Louisiana—Professor Murray Hawkins.

10:45 a.m. Review of the Investigation and Definition of Parameters Associated with Testing the Geothermal-Geopressure Well in the Tigre Lagoon Field—Dean O. Carroll Karkalits and Dr. Bill Osborne.

11:15 a.m. Discussion and Review of Potential of Geothermal Resource Utilization in Food and Kindred Products Industries in the State of Louisiana—T. Schnadelback.

11:45 a.m. Legal Problems Associated with Geothermal Research and Development in the State of Louisiana—Thomas Harrell.

12:15 p.m. Lunch.

12:45 p.m. Coordination of Energy Programs Advanced Studies, and Research. Discuss Research Operations, Analysis of the Geothermal-Geopressure Resource, and Present Preliminary Planning Scenarios in the State of Louisiana—Dr. B. Wilkins, Jr.

1:15 p.m. Present Status of Geopressure Activities—J. K. Westhusing.

2:00 p.m. Subcommittee Discussions and Recommendations.

3:00 p.m. Adjourn.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than July 22, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on July 25, 1977 to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on 202-376-4904 between 8:30 a.m. and 5 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-20022 Filed 7-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 760-1]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference Method Determination

Notice is hereby given that on June 14, 1977, the Environmental Protection Agency received an application from Columbia Scientific Industries, Austin, Texas, to determine if its Model 1600 Oxides of Nitrogen analyzer should be designated by the Administrator of the EPA as a reference method for the chemiluminescence measurement of nitrogen dioxide under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

STEPHEN J. GAGE,
Acting Assistant Administrator for Research and Development.

JULY 5, 1977.

[FR Doc.77-19841 Filed 7-11-77;8:45 am]

[(FRL 760-4); OPP-180126]

MISSOURI DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches

The Environmental Protection Agency (EPA) has granted a specific exemption to the Missouri Department of Agriculture (hereafter referred to as the "Applicant") to use no more than 9,912 pounds of Terramycin to control bacterial spot on 1,000 acres of peaches in Missouri. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *Xanthomonas* pruni; this plant pathogen infects leaves, twigs, and fruit. The Applicant stated that the losses caused by bacterial spot disease are normally between 5-10% from fruit loss and between 10-30% from defoliation on susceptible varieties in Missouri; losses may be 2-3 times greater during wet weather conditions which are much more favorable for development of the disease. Foliar lesions were observed in some orchards on March 31, 1977, indicating that the inoculum was present and active much earlier than usual this year. In addition, the severe winter of 1976-77 has reduced the Missouri peach crop by approximately 50%, and additional crop loss from bacterial spot would be economically unfeasible to growers. Bacterial spot caused by *Xanthomonas pruni* occurs wherever peaches are grown in Missouri; however, it is more prevalent in 750 acres of southeastern Missouri in Dunklin, Stoddard, and Cape Girardeau counties because of more favorable weather conditions for disease development.

The Applicant stated that the currently registered fungicides—copper hydroxide, dodine, and basic zinc sulfate—are ineffective for adequate control of bacterial spot. Zinc sulfate, for instance, has been used commercially for more than 30 years, but has provided poor protection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for the control of other diseases such as brown rot, scab, and powdery mildew.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 11.33 ounces of formulation/100 gallons of spray per acre by ground air-blast sprayers. There will be a maximum of 7 sprays per orchard. Applications will be made by approximately 50 growers. An Extension Fruit Pathologist at the University of Missouri (Columbia, Mo.), stated that all applications of Terramycin will be made on his recommendation, based on orchard disease and weather conditions. Growers will be informed of the program, and will be advised of proper dosages and application techniques.

Under normal growing conditions, monetary loss from damaged fruit would be approximately $305,250 according to the Applicant. However, since there has already been a 50% crop reduction from winter damage, a loss of approximately $153,125 is anticipated from bacterial spot disease damage to peach fruit if oxytetracycline is not made available for control. Losses from defoliation cannot be estimated at this time.

EPA has determined that, under heavy inoculum pressure, Terramycin (the calcium complex of oxytetracycline) would be needed to prevent large scale losses of peaches infected with bacterial spot. Tolerances for oxytetracycline hydrochloride were previously established at 0.35 ppm on pears; currently, a tolerance of 0.1 ppm in or on pears for the calcium complex of oxytetracycline has been proposed; tolerances for peaches are pending. The use of this

pesticide for this exemption is not expected to have any adverse effects to

adequate to protect the public health. The Food and Drug Administration of

other information relevant to the presumption against registration and con-

date is eight weeks from the existing (July 1, 1977) date. The comment period

water and based upon the Report the action steps which should be developed

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pesticide for this exemption is not expected to have any adverse effects to either man or the environment. Therefore, a residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of bacterial spot on peaches has or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in Missouri; (c) there are not alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application rate shall be 11.33 ounces of formulation/100 gallons of water;

3. A maximum of 7 sprays per orchard shall be applied;

4. A maximum of 1,000 acres in Missouri shall be treated, of which approximately 750 acres will be located in Dunklin, Stoddard, and Cape Girardeau counties;

5. Application shall be by air-blast sprayers (ground application) at 100–200 gallons of spray per acre depending on tree size;

6. A maximum of 9.912 pounds of Terramycin product shall be applied;

7. The duration of the application period shall be from mid-April until July 31, 1977;

8. Application shall be made by growers;

9. Dr. Paul Steiner, Extension Fruit Pathologist, University of Missouri, Columbia, Mo., shall make recommendations on all Terramycin applications; they shall be based on his personal observations of orchard disease and weather conditions. A newsletter shall be distributed to growers in affected areas, informing them about the Terramycin program for peaches. Subsequently, all interested growers shall be requested to attend a meeting at which they will be apprised of proper dosages and application techniques;

10. Workers shall not be allowed to enter peach orchards after Terramycin application until foliage is dry;

11. The Applicant shall inform Niagara (a subsidiary of FMC), sole distributor of this material, that records of the sale shall be kept and made available. These records shall include the name and address of the purchaser, and the quantity of material purchased;

12. A residual level of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. There shall be a preharvest interval of not less than 21 days;

14. All label precautions must be followed;

15. A final report shall be submitted to EPA by the end of 1977, summarizing the results of this program; and

16. The Applicant shall inform EPA immediately of any adverse effects resulting from this program and shall be responsible for the performance of all provisions of this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).)

Dated: July 6, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–19839 Filed 7–11–77;8:45 am]

[(FRL 760–3); OPP–30000/15A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Diallate; Extension of Period for Submission of Rebuttal Evidence and Comments

On May 24, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient diallate. This notice was published in the FEDERAL REGISTER on May 31, 1977 (42 FR 27669). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to collect, review, collate and assemble necessary data and other information in order to adequately rebut and respond to this notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until September 9, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP–30000/15A". Comments and information received on or before September 9, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after September 9, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: July 5, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–19838 Filed 7–11–77;8:45 am]

[FRL 759–8]

PROPOSED TECHNICAL GUIDANCE MANUAL FOR EVALUATING COOLING WATER INTAKE STRUCTURES AND THERMAL DISCHARGES

Extension of Comment Period

This notice extends the period for comments to the notice, published April 28, 1977 (42 FR 21642), announcing the availability and requesting comments on proposed technical guidance manuals for use in satisfying the requirements of Section 316 of the Federal Water Pollution Control Act (86 Stat. 816, et seq.; 33 U.S.C. 1251 et seq.) (hereinafter referred to as the "Act").

Requests for extending the comment period have been received from several interested persons and groups, including the Edison Electric Institute, the Utility Water Act Group, the Tennessee Valley Authority, and individual citizens.

In view of the complexity of the subject matters offered for comment, as well as their potential impact on the electric power generating industry, the United States Environmental Protection Agency has decided that extension of the comment period would encourage examination of the manuals and related decision-making issues to greater depth, in turn resulting in comments more useful to the Agency, and that a reasonable extension of the comment closing

date is eight weeks from the existing (July 1, 1977) date. The comment period is hereby extended, and all comments received on or before August 31, 1977, will be considered.

Dated: July 5, 1977.

JEFFREY G. MILLER,
Acting Assistant Administrator for Enforcement.

[FR Doc.77–19846 Filed 7–11–77;8:45 am]

[FRL 760–2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Open Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Environmental Protection Agency's Science Advisory Board will be held on August 4 and 5, 1977, beginning at 9:00 a.m., in Room 1101, U.S. Environmental Protection Agency, Waterside Mall West Tower, 401 M Street, S.W., Washington, D.C.

This is a regular scheduled meeting of the Committee. The agenda will include: A discussion of Committee activities relative to the Toxic Substances Control Act, a progress report on work to assess the effectiveness of EPA's extramural research, a progress report from the Study Group on Encapsulated Pesticides, consideration of action on a request to review studies on the criteria for setting emission standards for benzene and coke ovens under sec. 112 of the Clean Air Act, and a request to review the Los Angeles Catalyst Project. In addition the Committee will be briefed on selected Agency activities.

The meeting is open to the public. Any member of the public wishing to attend or submit a paper should contact Dr. Richard Dowd, Executive Secretary of the Executive Committee, (202) 755–0263, by COB July 29, 1977.

RICHARD M. DOWD,
Staff Director, Science Advisory Board.

JULY 6, 1977.

[FR Doc.77–19842 Filed 7–11–77;8:45 am]

[FRL 760–5]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Public Law 92–423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Public Law 93–523, the "Safe Drinking Water Act," will be held at 9 a.m. on July 27, in Conference Room 2117, Mall Area, Waterside Mall, and at 8:30 a.m., July 28, 1977, in Conference Room 2117, Mall Area, Waterside Mall, 401 M. Street SW., Washington, D.C. 20460.

The purpose of this meeting will be to discuss the National Academy of Sciences' Report concerning the health aspects of constituents found in drinking water and based upon the Report the action steps which should be developed. In addition, the rationale for standard setting; EPA's planned compliance program for the Safe Drinking Water Act; and alternative processes for the disinfection of drinking water will be discussed.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH–550), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The telephone number is: Area Code 202–426–8877.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

JULY 7, 1977.

[FR Doc.77–19966 Filed 7–11–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[(TIAS–2594); Supplement No. 5]

CANADA-U.S.A. TELEVISION AGREEMENT OF 1952

Amendment of Table A

JUNE 30, 1977.

TABLE OF CANADIAN TELEVISION CHANNEL ASSIGNMENTS AND ALLOCATIONS WITHIN 250 MILES OF THE CANADA-U.S.A. BORDER, DATED JUNE 24, 1977, AS REVISED TO APRIL 12, 1977

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. Television Agreement has been amended as set forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20036, telephone (202) 452–1422.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

TV ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,CHAN JUN 24, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU

of the Office of Energy Policy and Planning, which is responsible for receiving

TUESDAY, AUGUST 9

9 a.m., Federal Home Loan Bank Board Build-

maintenance of freight rates on cargo from ports in Australia, and inland

V 42 133 JUL 12 77 UMI

TV ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,CHAN JUN 24, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
•••NOTICE••• UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION •••NOTICE•••

CBUT19	CO LIC	PORT HARDY	BC	50-42-37.0	06 Z .065(KW)	343(FT)	
		ZONE 2	•USA BORDER••	127-26-25.0	DA HOR		770622
CBUT13	CO LIC	MOSS CAMP	BC	50-10-10.0	12 Z .1411(KW)	1297(FT)	
		ZONE 2	••USA BORDER••	126-34-08.0	DA HOR		770622

[FR Doc.77-19930 Filed 7-11-77;8:45 am]

[Docket No. 21283; File Nos. BRCT-112; BRCT-459; BRCT-366; BRCT-458; FCC 77-409]

GRAYSON ENTERPRISES, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 9, 1977.

Released: July 7, 1977.

1. The Commission has before it for consideration: (a) the captioned applications; (b) a Petition to Deny the broadcast license renewal applications of Stations KMOM–TV and KWAB–TV dated June 6, 1974, filed by Midland Telecasting Company (hereinafter "Midland") and subsequent responsive pleadings filed by the applicants and by Midland[1]; and (c) its inquiries into the operation by Grayson Enterprises, Inc., of Stations KLBK–TV, Lubbock, Texas, KMOM–TV, Monahans, Texas, and KWAB–TV, Big Spring, Texas, and its inquiry into the operation by Texas Key Broadcasters, Inc., a wholly-owned subsidiary of Grayson Enterprises, Inc., of Station KTXS–TV, Sweetwater, Texas. The matters raised in the Petition to Deny and responsive pleadings were inquired into during the Commission's field investigation of the above stations.

2. Information before the Commission raises serious questions as to whether the captioned applicants possess the qualifications to be or to remain licensees of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. By letter dated June 9, 1975, the licensee, by its counsel, purported to waive, with respect to violations of Section 73.1205 of the Commission's Rules, the one year statute of limitations specified in Section 503(b)(3) of the Communications Act of 1934, as amended, for the imposition of monetary forfeitures. However, the Commission has held that the forfeiture sanction may not be imposed in instances in which the notice provisions of Sections 503(b) (2) and (3) have not been met, and that since "forfeiture law is involved provisions must be strictly construed and procedures provided by such law scrupulously observed." Palmetto Broadcasting Co., 33 FCC 265, 308 (1961). See also Belk Broadcasting Co. of Florida, Inc., 29 FCC 2d 150 (1971), Star Stations of Indiana, Inc., 28 FCC 2d 691 (1971). In view of the foregoing, an alternative forfeiture sanction has not been included in this order.

4. Accordingly, *It is ordered*, That the Petition to Deny is granted to the extent indicated herein and is denied in all other respects, and the captioned applications are designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether Grayson Enterprises, Inc., through its subsidiary, Texas Key Broadcasters, Inc., changed the location of Station KTXS–TV's main studio from Sweetwater, Texas, to Abilene, Texas, without the prior approval of the Commission as required by Section 308 of the Communications Act of 1934, as amended, and Section 73.613 (b) of the Commission's Rules, and, if so, whether such violation was willful or repeated;

(b) To determine whether Grayson Enterprises, Inc. and/or its management officials lacked candor with or made written misrepresentations to the Commission regarding the location of KTXS–TV's main studio;

(c) To determine whether, and if so, the extent to which, the applicants engaged in fraudulent billing practices in violation of Section 73.1205 of the Commission's Rules;

(d) To determine whether Grayson Enterprises, Inc. and/or its management officials falsified and/or fabricated, or directed their subordinate employees to falsify and/or fabricate KMOM–TV program logs;

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicants possess the requisite qualifications to be or to remain licensees of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience, and necessity.

5. *It is further ordered*, That in view of the Petition to Deny filed by Midland, Midland Telecasting Company, Midland, Texas, IS MADE A PARTY to this proceeding.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants and the Party named in paragraph 5, above, within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d).

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) through (d), and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees of the Commission and that a grant of their applications would serve the public interest, convenience, and necessity.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein and the Party Respondent, pursuant to Section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein, pursuant to Section 311 (a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Grayson Enterprises, Inc., licensee of KLBK–TV, Lubbock, Texas, KMOM–TV, Monahans, Texas, KWAB–TV, Big Spring, Texas; to Texas Key Broadcasters, Inc. licensee of KTXS–TV, Sweetwater, Texas; and to Midland Telecasting Company, Midland, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-19889 Filed 7-11-77;8:45 am]

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[1] Also before the Commission are the following related pleadings and documents: The Opposition of Grayson Enterprises to Petition to Deny, filed September 30, 1974; Midland's Reply to the Opposition, apparently first received by the Commission's Mail Branch on November 4, 1974, but misplaced and not formally filed, a copy of which was provided by Petitioner and received September 15, 1975; Grayson's Comments on the Reply, filed April 28, 1975; Grayson's "Supplement to Opposition to Petition to Deny," also filed April 28, 1975; a letter dated June 9, 1975, in which Grayson, by its counsel, purported to waive with respect to violations of Section 73.1205 of the Commission's Rules, the one year limitation provided in Section 503(b)(3) of the Communications Act for assessment of forfeitures; and Petitioner's "Reply on Comments of Grayson Enterprises, Inc. to Petition to Deny," filed June 24, 1975.

FEDERAL ENERGY ADMINISTRATION

ALASKA NATURAL GAS TRANSPORTATION SYSTEMS

Request for Comments

Notice is hereby given that the President, through the Office of Energy Policy and Planning, seeks the comments of persons interested in the selection of a natural gas delivery system pursuant to the Alaska Natural Gas Transportation Act of 1976 (Pub. L. 94–596).

This notice is published by the Federal Energy Administration (FEA) on behalf of the Office of Energy Policy and Planning, which is responsible for receiving and conveying such comments to the President.

On or before July 1, 1977, Federal agencies, States, and interested parties submitted to the President comments on the Federal Power Commission's (FPC) May 1, 1977 Recommendation to the President with respect to Alaska Natural Gas Transportation Systems. Those comments may contain information and opinions which have not been publicly available prior to this time. The purpose of this notice is to afford any interested person an opportunity to respond to such information and opinions. Any person may submit, on or before July 25, 1977, written comments addressing the information and views contained in the comments delivered on or before July 1, 1977. Such comments should be sent to:

Alaska Natural Gas Transportation Project, Federal Energy Administration, Executive Communications, Room 3317, Box NF, Washington, D.C. 20461.

No material submitted in response to this notice can be returned.

Any information or data considered by the person furnishing it to be confidential must be so identified and be submitted in writing, one copy only. The Federal Government reserves the right to determine the confidential status of the information or data and treat it according to its determination.

Issued in Washington, D.C. July 6, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19840 Filed 7-11-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

JULY 5, 1977.

Pursuant to Section 10(a) of Public Law 92–463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, August 8, 9, and 10, 1977. The meeting will commence at 9 a.m. on August 8 and 9, and 7:30 a.m. on August 10. The locations of the meetings are listed below.

MONDAY, AUGUST 8

9:30 a.m., Conference Level, Hyatt Regency Washington: Collateral on Advances—Modify Loans to Affiliated Persons—IRA and Keogh Terms and Insurance—Administration of Liquidity Regs—Views on Bond Coverage.

2 p.m., Federal Home Loan Bank Board Building: Review of Merger Criteria—Federal Home Loan Bank Staff Evaluation of Regulations—Interest and Earnings Information by Financial Institutions—Expand 90%–95% Loan Regulations—Real Property Transactions with Affiliated Persons—Reserves Against Loan Sales—IRA and Keogh Terms and Insurance—Modify Loans to Affiliated Persons.

TUESDAY, AUGUST 9

9 a.m., Federal Home Loan Bank Board Building: Continued discussion of Monday afternoon topics.

2 p.m., Conference Level, Hyatt Regency Washington: General Discussion.

WEDNESDAY, AUGUST 10

7:30 a.m., Conference Level, Hyatt Regency Washington: General Discussion.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

GARTH MARSTON,
Chairman.

[FR Doc.77-19717 Filed 7-11-77;8:45 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA-PACIFIC COAST RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10012–2 is an application on behalf of the member lines of the Australia-Pacific Coast Rate Agreement (No. 10012) to extend the terms and conditions of the presently approved agreement for an unlimited period beyond the present expiration date of September 9, 1977. Agreement No. 10012 covers an arrangement for the establishment and maintenance of freight rates on cargo from ports in Australia, and inland points via such ports, to ports on the Pacific Coast of the United States and inland points via such ports.

By Order of the Federal Maritime Commission.

Dated: July 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19921 Filed 7-11-77;8:45 am]

[Docket No. 77–31]

CHEVRON CHEMICAL INTERNATIONAL, INC. V. BARBER BLUE SEA LINE

Filing of Complaint

Notice is hereby given that a complaint filed by Chevron Chemical International, Inc. against Barber Blue Sea Line was served July 7, 1977. Complaint alleges that it has been subjected to payment of rates for transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 7, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19917 Filed 7-11-77;8:45 am]

DELTA STEAMSHIP LINES, INC. AND JOHN A. MERRITT & CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puesto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the

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commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinfater) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Durel Landry, Jr., Vice President—Traffic, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, Louisiana 70150.

Agreement No. 10302, between the above-named parties, is an agency agreement whereby Delta Steamship Lines appoints John A. Merritt & Company as its husbanding agent at the port of Pensacola, Florida on the terms, conditions and to the extent set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: July 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19922 Filed 7-11-77;8:45 am]

MASSACHUSETTS PORT AUTHORITY ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John W. Arata, Maritime Attorney, Massport, 99 High Street, Boston, Massachusetts 02110.

Agreement No. T-3482, between Massachusetts Port Authority (MPA) and Mitsui O.S.K. Lines, Ltd.; Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), is a terminal services agreement whereby MPA will provide terminal and stevedoring services at the Moran Container Facility in Charlestown, Massachusetts. Services provided by MPA will include container terminal stevedoring, stripping and stuffing services and terminal documentation. As compensation for services, the Lines will pay charges set forth in a schedule of rates listed in the agreement. The Lines agree to engage MPA as their sole and exclusive stevedore in the Port of Boston area for the performance of any and all services set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: July 6, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19923 Filed 7-11-77;8:45 am]

MASSACHUSETTS PORT AUTHORITY AND ZIM CONTAINER SERVICE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 1, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John W. Arata, Maritime Attorney, Massport, 99 High Street, Boston, Massachusetts 02110.

Agreement No. T-3481, betweent Massachusetts Port Authority (MPA) and Zim Container Service (Zim), is a terminal services agreement whereby MPA will provide terminal and stevedoring services at the Moran Container Facility in Charlestown, Massachusetts. Services provided by MPA will include container terminal stevedoring, stripping and stuffing services and terminal documentation. As compensation for services, Zim will pay charges set forth in a schedule of rates listed in the agreement. Zim agrees to engage MPA as its sole and exclusive stevedore in the container terminal area for the performance of any and all services set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: July 6, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19920 Filed 7-11-77;8:45 am]

[Docket No. 77-30]

PUERTO RICO MARITIME SHIPPING AUTHORITY

General Increase in Rates; Order of Investigation

Effective June 19, 1977, Puerto Rico Maritime Shipping Authority (PRMSA) increased its ocean freight rates between the U.S. Atlantic and Gulf Coasts and Puerto Rico by 10.4 percent. The increase was filed with the Commission on May 17 and 18, 1977, and was accompanied by supporting financial data pursuant to Amendment 1 to General Order 11 (46 CFR 512.3(d)(1)).

Protests and inquiries have been received concerning the lawfulness of the PRMSA proposal from the Cigar Association of America, Inc.; Hanes Corporation; International Platex, Inc.; Puerto Rico Manufacturers Association; Ralston Purina Company; Starkist Foods, Inc. and Sun Harbor Caribe, Inc. Generally, the protestants allege that the increase will have serious detrimental effects upon their ability to do business in Puerto Rico, or take the position that the Commission should carefully examine PRMSA's increase to insure that it is the minimum amount necesary to insure adequate transportation service.

We have permitted the subject rate increase to go into effect without suspension because it is our opinion that there is no financial justification for the suspension of the proposed increases, based upon the data submitted. However, the Commission has not reached a final decision concerning the reasonableness of the 15 percent increase which is presently the subject of Docket No. 75-38.

Accordingly, the Commission is of the opinion that PRMSA's proposed tariff revisions listed in Appendix A should be made the subject of a public hearing.

Now, therefore, *it is ordered*, That pursuant to the authority of Sections 18 (a) and 22 of the Shipping Act, 1916, as amended, and Section 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warfant;

It is further ordered, That as part of this investigation, a determination shall be made as to whether PRMSA's proposed increase in rates is unjust, unreasonable or otherwise unlawful under Section 18(a) of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933:

It is further ordered, That this investigation determine whether the gross revenue to be derived from the proposed rate changes is just and reasonable. Evidence as to the effect of the proposed changes on the movement of any particular commodity or commodities will be considered relevant to this basic issue and may be used to determine what overall revenue will, in fact, be derived. However, the question of reasonableness of any particular commodity rate is not an issue for determination in this proceeding. A particular rate will be affected by an order that may result from this proceeding only insofar as a finding is made regarding the reasonableness of the overall rate level of which the particular rate is a part;

It is further ordered, That shippers or other persons complaining about the level of any particular commodity rate may file a complaint pursuant to Section 22 of the Shipping Act, 1916 (46 USC 821) and litigate the issue of reasonableness of such rate with respect to cost of service, value of service and any other applicable ratemaking factors. They may also petition for leave to intervene in this proceeding provided that they will not broaden the issue described above and that they meet the other tests prescribed by Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);[1]

It is further ordered, That any changes or amendments to PRMSA's tariffs as may be filed during the pendency of this investigation will be included in this investigation subject to the foregoing unless, as a result of such changes or amendments, more than 50 percent of PRMSA's tariff items are increased or decreased by 3 percent or more, or PRMSA's gross revenue will increase or decrease by 3 percent or more;

It is further ordered, That during the pendency of this investigation PRMSA will serve the presiding officer and all parties of record with notice of any tariff changes affecting any of the ten leading commodities as reported pursuant to 46 CFR 512.25 at the same time such changes are filed with the Commission;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date to be determined by the Presiding Administrative Law Judge, but in any event, the hearing date shall not be set until this Commission issues a final decision on the issues in Docket No. 75-38.

The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That (1) a copy of this Order be forthwith served upon the respondent and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER, and (2) the respondent and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.27) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

PUERTO RICO MARITIME SHIPPING AUTHORITY

Tariff FMC-F No. 1—Supplement No. 10, Effective June 19, 1977.

Tariff FMC-F No. 2—7th Revised Page 25, 5th Revised Page 25A, 2nd Revised Page 25B, 2nd Revised Page 25C, 6th Revised Page 26, 4th Revised Page 26A, 4th Revised Page 27, 8th Revised Page 28, 3rd Revised Page 28A, 4th Revised Page 28B, 2nd Revised Page 28C, 4th Revised Page 28D, 4th Revised Page 29, 7th Revised Page 30, 5th Revised Page 30A, 5th Revised Page 30B, 8th Revised Page 31, 2nd Revised Page 31A, 7th Revised Page 32, 3rd Revised Page 32A, 2nd Revised Page 32B, 5th Revised Page 33, Effective June 19, 1977.

5th Revised Page 27, 9th Revised Page 28, 9th Revised Page 31, Effective July 3, 1977.

[FR Doc.77-19919 Filed 7-11-77;8:45 am]

[1] The provisions of Rule 41 of the Commission's Rules of Practice and Procedure (46 CFR 502.41) naming such persons "complainants" and automatic parties without a showing of compliance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) are hereby waived to insure that the proceeding will be properly confined to the issue described above. (Rule 10 of the Commission's Rules of Pracitce and Procedure, 46 CFR 502.10.)

[No. 77-29]

STOCKTON ELEVATORS V. STOCKTON PORT DISTRICT

Filing of Complaint

Notice is hereby given that a complaint filed by Stockton Elevators against Stockton Port District was served July 6, 1977. The complaint alleges that respondent has violated sections 15, 16, and 17 of the Shipping Act, 1916, in connection with levying of a franchise fee on all commodities handled over the wharf of Stockton Elevators.

Hearing in this matter, if any is held, shall commence on or before January 6, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements,, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-19918 Filed 7-11-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-115 and Docket Nos. RP73-109 and RP74-95]

NORTHWEST PIPELINE CORP.

Order Approving Pipeline Rate Settlement With Modification

JULY 5, 1977.

On April 6, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed stipulation and agreement which would terminate the proceedings in Docket No. RP76-115 and would resolve the controversy concerning the rate treatment for Northwest Pipeline Corporation's (Northwest) own production from wells commenced after January 1, 1973, on San Juan leases acquired prior to October 8, 1969 (hereinafter new production). The new production issue was reserved for hearing in Docket Nos. RP73-109 and RP74-95. For the reasons stated below, the Commission shall approve the proposed agreement with modification.

Northwest filed a general rate increase application on July 1, 1976, which was designated as Docket No. RP76-115. By order dated July 30, 1976, the Commission accepted Northwest's application for filing and suspended its operation until January 1, 1977. Staff served its top sheets on December 1, 1976, and a prehearing conference was held on December 16, 1976. Settlement discussions held among the parties to the proceeding, including the Commission staff resulted in the settlement now before the Commission. Notice of the proposed settlement was issued on April 21, 1977 with comments due on or before May 3, 1977. Comments were field by Northwest and Cascade Natural Gas Corporation; both urged approval of the proposed agreement. The staff submitted oral comments in support of the settlement at the conference held on pril 4, 1977, at which time the settlement agreement was introduced in the record for purposes of certification thereof to the Commission.

The jurisdictional cost of service agreed to by the parties is $574,569,258 as shown in Appendix A. The settlement rate of return is 9.81 percent with a return on common equity of 13.50 percent, as shown on Appendix B. Because the

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settlement cost of service is slightly higher than the filed rates in the Docket No. RP76–115, the parties agree that no rate reductions or refunds will result from the proposed agreement, and that Northwest's filed rates should be approved.

The proposed agreement contains a provision under which Northwest agrees to relinquish its claim for cost of service rate treatment for its new production in Docket Nos. RP73–109, RP74–95 and RP77–115. In choosing to follow the national rate treatment, Northwest's cost of service in Docket No. RP76–115 was increased by approximately $12.5 million. Although relinquishing its claim for cost of service treatment in these dockets, Northwest stated that "it is in no way precluded from taking the position in any future rate proceeding that it is entitled to cost of service treatment" for its new production. The Commission finds that national rate treatment for Northwest's new production is reasonable and should be approved in accordance with the term of the settlement. While Northwest shall not be precluded from claiming cost of service treatment for its new production in future cases, nevertheless the Commission hereby places Northwest on notice that it will have a heavy burden of proof to justify a change from national rate treatment for such production. Once a pipeline chooses to follow one rate treatment for its own production, as Northwest did here, to its own advantage, the Commission believes that such rate treatment should be followed consistently in succeeding cases, absent changed circumstances of a compelling nature which would require a different result.

The settlement agreement provides for possible future refund of costs associated with Mountain Fuel Resources' (Mountain Fuel) Clay Basin storage project. The agreement includes an allowance of $5,190,600 representing estimated payments by Northwest to Mountain Fuel for Clay Basin storage service. Should Northwest pay less than this allowance to Mountain Fuel during calendar year 1977 for storage service, it will refund the jurisdictional portion of the difference to its jurisdictional customers. Likewise, if Mountain Fuel is required to refund any portion of its storage service charges to Northwest, Northwest will flow through the jurisdictional portion of the refunds to its jurisdictional customers. The refunds to Northwest's jurisdictional customers in either case shall be made by crediting the refund to Northwest's unrecovered purchased gas cost account.

A second contingent refund relates to Northwest's rate base. For purposes of the settlement agreement, a reference rate base of $333,949,549 excluding advance payments has been utilized. Northwest shall determine at the close of calendar year 1977 the average rate base for the year based on the average of the monthly balances shown in its books and records. Should the average rate base for 1977 be less than the referenced rate base, the difference will be multiplied by 14.34% [1] and the jurisdictional portion refunded to jurisdictional customers. The agreement provides for a procedure by which staff may review and, if necessary, challenge Northwest's rate base determination. Refunds, if any, will be passed on to the jurisdictional customers by crediting the unrecovered purchased gas cost account. In addition, should the actual rate base be less than the referenced rate base, Northwest shall calculate the unit amount and reduce its rate accordingly.

Northwest agrees under the proposed settlement to relinquish its claims to recover special overrriding royalty costs for its new production for the period from June 21, 1974 until the rates in Docket No. RP76–115 are superseded. For Northwest's production on wells drilled before January 1, 1973, on leases acquired after October 7, 1969, the proposed agreement states that:

> Northwest has and shall continue to have the right to file appropriate current and surcharge rate adjustments to recover any additional payments which Northwest is required to make to special overriding royalty interest owners.

The Commission's review of the proposed language indicates that it does not provide the necessary safeguards to assure that Northwest's costs and revenues match. The Commission's order of July 30, 1976, in Docket No. RP76–115 rejected a tariff sheet reflecting a potential special overriding royalty cost increase without prejudice to Northwest refiling a tariff sheet reflecting a current surcharge for any special overriding royalty cost increases during the period in which the Docket No. RP76–115 rates are effective. The above-quoted language does not connect the adjustments to any particular rate level. Because of this, such increases could be passed on to Northwest's customers without Commission review of the justness and reasonableness of the underlying rate level. Accordingly, the Commission shall modify the agreement by providing a means for obtaining necessary data to determine the reasonableness of any increase for special overriding royalty costs filed by Northwest and for taking such action as may be appropriate in light of the filing, as hereinafter ordered. The Commission believes such action is in the public interest and follows the spirit of the agreement which states that Northwest's right to file and collect increased rates for special overriding royalty costs "does not resolve the question whether such rate adjustments may be just and reasonable."

The settlement agreement contains an advance payments tracking provision, and provides for revised tariff provisions which permit the current collection, through a surcharge, of demand charge credits and the collection of carrying charges on unrecovered purchased gas costs. Under the agreement, Northwest cannot file a general rate increase which will become effective prior to January 1, 1978.

The Commission's review of the proposed settlement agreement indicates that approval, with the modification ordered, would be in the public interest. The settlement cost of service represents a reasonable determination of the costs incurred by Northwest, and in those cases where possible refunds can be anticipated, provides a reasonable means of audit, review and refund which will protect all parties.

The Commission orders: (A) The proposed settlement agreement, certified to the Commission on April 6, 1977, and incorporated herein by reference, is hereby approved, subject to modification below.

(B) Nothing contained herein shall be deemed to relieve Northwest of the Commission's filing requirements in Part 154.63 of its regulations should the Commission determine such data is necessary in judging the propriety of a tariff filing relating to special overriding royalty costs. Further, nothing contained herein shall be construed as limiting the Commission's rights under the Natural Gas Act to reject or otherwise dispose of any tariff filing made by Northwest to collect the potential overriding royalty costs.

(C) The hearing on pipeline production issues previously ordered in Docket Nos. RP73–109 and RP74–95 is hereby canceled and the proceedings terminated.

(D) Northwest shall file within 30 days of the issuance of this order revised tariff sheets in accordance with the terms of the settlement and of this order. Upon compliance with the terms of this order, the proceeding in Docket No. RP76–115 shall be terminated.

(E) The Secrtary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] This is the factor for the settlement rate of return of 9.81% and the related income tax of 4.53%.

APPENDIX A.—*Northwest Pipeline Corp., Docket No. RP76–115, Settlement Cost of Service*

[Docket Nos. RP76–115, RP73–109, and RP74–95]

Line No.	Description (a)	Amount (b)
1	Operation and maintenance expenses	[1] $527,255,852
2	Depreciation, depletion and amortization	20,798,854
3	Taxes, other than income	7,055,549
4	State income taxes	987,999
5	Federal income taxes	16,829,617
6	Other income deductions—donations	34,309
7	Return at 9.81 pct	33,607,410
8	Total cost of service before revenue credits	606,569,490
9	Deduct other operating revenues	(24,668,277)
10	Total cost of service	581,901,213
11	Jurisdictional cost of service	574,569,288
12	Jurisdictional revenue at filed rates	574,261,892
13	Jurisdictional revenue excess or (deficiency)	(301,396)

[1] Includes $20,170,126 for company-owned production from wells commenced on and after Jan. 1, 1973 (12,863,000,000 ft³ at 14.75/mft³), priced at the national rates prescribed in FPC opinion No. 770–A) and $158,508,355 for purchased gas costs (369,522,000,000 ft³ priced at an average purchased gas cost of $1.2369).

APPENDIX B.—*Northwest Pipeline Corp., Docket No. RP76–115, Settlement Rate of Return*

[Docket Nos. RP76–115, RP73–109 and RP74–95]

[In percent]

Line No.	Description (a)	Capitalization ratio (b)	Cost of capital (c)	Rate of return (d)
1	Long term debt	62.48	7.65	4.90
2	Preferred stock	5.30	10.53	.56
3	Common equity	32.22	13.50	4.35
4	Total	100.00		9.81

[FR Doc.77–19689 Filed 7–11–77;8:45 am]

[Docket No. RP77–41]

SOUTHERN NATURAL GAS CO.

Order Granting Petition for Emergency Relief

JULY 5, 1977.

On March 7, 1977, Southern Natural Gas Company (Scuthern) filed a petition for emergency relief in the captioned docket. The petition seeks authorization to recover the costs of an emergency gas storage service rendered by Northern Illinois Gas Company (NI Gas) to assist Southern in meeting Priority I requirements from January 18th through March 19th of this year. For the reasons set out below, the Commission grants the petition and allows Southern to recover, through the PGA provision of its tariff, the costs associated with the emergency service totaling about $1.8 million.

To meet threatened curtailments of Priority 1 customers, Southern arranged, pursuant to 18 CFR 2.68, an emergency storage service from NI Gas whereby NI Gas agreed to provide up to 1,000,000 Mcf of gas during a 60-day period at rates of up to 150,000 Mcf per day. In return, Southern agreed to replace the gas withdrawn from NI Gas's storage facilities on a three-to-one basis. Southern took approximately 800,000 Mcf of gas from January 18 through March 19, 1977. The payback obligation, then, is about 2.4 million Mcf. Southern's petition seeks to recoup the costs of the payback as well as the transportation costs incurred in the transaction.

The total cost of the emergency service is $2,322,863 or $2.9029 per Mcf.[1] This cost is comprised of the cost of gas and the cost of transportation and is calculated as follows: The cost of the 800,000 Mcf withdrawn from NI Gas's storage and delivered to Southern is said to equal the cost of payback volumes. The source of payback volumes is assumed to be Southern's system supply. Since Southern's average cost of gas is 66.74 cents per Mcf, the cost of paying back 2.4 million Mcf is $1,601,760. Total transportation charges are $721,103. This figure represents total transportation charges for deliveries of emergency gas and redeliveries of payback volumes plus the cost to Southern of supplying gas retained by one pipeline for compression fuel and line loss. Charges by the four pipelines involved in the transportation are detailed in the Appendix.

Of the $2.9029 per Mcf total cost, $2.24 per Mcf, or the cost of the emergency supplies in excess of Southern's base rate for gas of 66.74 cents (already recovered), will be recouped through the PGA rate increment authorized herein.

Southern submits that the transaction with NI Gas was necessary to maintain service to high priority customers; that without the emergency gas supply obtained from NI Gas a major disaster would have occurred on Southern's system; that the price paid for the emergency service was prudent under the circumstances; and that, therefore Southern should be authorized to recover all costs associated with the transaction. Southern cites in the telegraphic order, issued January 18, 1977, which suggested that Southern encourage distributors to switch to alternate fuel supplies, such as propane, and which authorized Southern to pay the costs of alternate fuels in return for the gas made available by substitution. Southern argues that total cost of the NI GAS transaction was substantially lower than the costs of obtaining alternate fuels. For example, Southern claims that to replenish gas withdrawn from storage NI Gas required increased supplies of SNG. SNG, at that time, would have cost Southern $4.00 per Mcf including transportation.

Based upon a review of Southern's petition, and the Commission's general knowledge and understanding of the circumstances faced by Southern in the first few months of 1977, the Commission finds that the emergency transaction entered into between NI Gas and Southern was in the public interest and that Southern's agreement to pay back on a 3:1 basis was not unreasonable given the existing circumstances. Southern shall therefore be authorized to recoup the costs of its gas acquisition as described above.

The Commission notes that the relief requested is designed to make Southern whole; that is, to allow recovery of all costs associated with the NI Gas transaction—no more or no less. In allowing this type of cost recovery, there are two factors which must be evaluated to assure that the pipeline is not allowed to recover more than the actual costs incurred in the transaction. First, the pipeline's underlying rates and cost of service must be evaluated to determine whether a double recovery of transportation charges paid to others will occur. To the extent that a pipeline's underlying rates embody transportation charges paid to others, there is the possibility that by including similar transportation charges in PGA rates, the pipeline will recover transportation costs twice. This consideration is not of major concern here since "transportation charges paid to others" represents an insignificant portion of Southern's overall cost of service and because it is apparent that Southern's need for emergency gas supplies was not causally related to a reduction in gas volumes transported by others. In other words, Southern, by incurring emergency transportation costs did not save other transportation costs; the costs allowed to be recovered herein are in addition to and do not replace costs which otherwise would have been incurred.

Second, the pipeline's actual sales volumes must be compared with the sales volumes projected in that pipeline's most recent rate case. When emergency supplies allow a pipeline to sell greater volumes of gas than anticipated, and when, as here, that pipeline is allocating costs on the United Method, there is an imminent danger that revenues will be produced which will yield an unreasonably high rate of return. This "windfall" will occur since a significant portion of fixed costs are recovered through the commodity portion of the pipeline's underlying rates. This concern is not controlling in our present determination because Southern's previous settlement agreement includes a provision for an adjustment of rates and appropriate refunds if annual sales for the 12 months ending September 30, 1977, exceed estimated test year sales.

Public notice of Southern's petition, issued on April 7, 1977, provided for comments to be filed on or before April 22, 1977. NI Gas filed a petition to intervene stating that it had an interest in the proceeding which was not adequately represented by any existing party. NI Gas has no comments on the substance of the petition and does not request a hearing. NI Gas' petition to intervene shall be granted.

[1] All figures are approximate. Dollar estimates are based on 800,000 Mcf initial take which is rounded from the 789,000 Mcf.

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The Commission orders: (A) Southern is authorized to track in its PGA rates the costs of the emergency storage service rendered by NI Gas, as more fully described herein.

(B) NI Gas is permitted to intervene subject to the rules and regulations of the Commission; *Provide, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Transportation charges for the transactions are as follows (all figures are approximate)*

Description	Rate	Volume	Amount
NI Gas to Southern:			
Natural Gas Pipeline Co. of America	(1)		
Transcontinental Gas Pipe Line Corp.	$0.1960	800,000	$156,800
South Texas Gathering Co	(1)		
Southern to NI Gas:			
Transcontinental Gas Pipe Line Corp.	(1)		
Natural Gas Pipeline Co. of America	.2000	2,400,000	450,000
Natural (value of 5 pct gas retained as fuel gas)	.6674	125,316	84,303
United Gas Pipeline Co.	(1)		
Total transportation charges			721,103

[1] No charge.

[FR Doc.77-19687 Filed 7-11-77;8:45 am]

[Docket No. RI77-31]

THOMAS A. BARTOE

Order Granting Petition for Special Relief

JUNE 5, 1977.

On January 21, 1977, the Pennsylvania Oil and Gas Association filed a "Notice of Independent Producer Rate Change Filing" on behalf of one of its members, Mr. Thomas A. Bartoe (Bartoe). By this filing, Bartoe seeks an increase in rate from 29 cents per Mcf to a total rate of 68 cents per Mcf at 14.73 psia for sales of natural gas to Columbia Gas Transmission Corporation (Columbia) from the Cady No. 1 Well located in the Eau Claire Field, Venango Township, Butler County, Pennsylvania. Bartoe, a small producer, owns 100 percent of the working interest in the well. Bartoe submitted a letter dated February 11, 1977, wherein Columbia states that it is willing to amend its August 23, 1956, base contract with Bartoe to provide for a price found just and reasonable by the Commission.

Bartoe states that because of cavings and water, the Cady No. 1 Well must be bailed, cleaned out, and a packer set which will prevent further cavings or water from covering the gas producing sand. Bartoe estimates the cost to move a rig in, bail, clean out to bottom, run a packer on a string of two-inch tubing and connect up is $4,080. While not filed as such, we shall treat Bartoe's Notice of Rate Change as a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretations.

Notice of Bartoe's filing was issued on February 9, 1977, and was published in the FEDERAL REGISTER on February 16, 1977, at 42 FR 9431. No petitions to intervene or protest were filed.

Based on analysis of data submitted by Bartoe, Staff estimates that 37,836 Mcf of natural gas reserves at 14.73 psia remain to be produced over a period of twelve years, and concludes that the requested relief is warranted on a cost basis.[1] After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Bartoe special relief.

The Commission finds: The application for a rate increase filed by Bartoe meets the criteria set forth in section 2.76 of the Commission's Statement of General Policy and Interpretations.

The Commission orders: (A) Bartoe's application for a rate increase, herein treated as a petition for special relief, is hereby granted.

(B) Bartoe is authorized to collect a total rate of 68 cents per Mcf at 14.73 psia for sales of natural gas to Columbia from Bartoe's Cady No. 1 Well located in the Eau Claire Field, Venango Township, Butler County, Pennsylvania, effective on the date of issuance of this order or on the date of completion of the proposed work, as specified in the text of this order, whichever is later. This authorization is contingent upon Bartoe's filing within 30 days of the effective date provided herein a statement signed by Columbia that the proposed work has been performed to Columbia's satisfaction.

(C) Within 30 days of the date of issuance of this order, Bartoe shall submit a copy of an amendment to its base contract with Columbia giving Bartoe the contractual authority to collect the proposed rate.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Thomas A. Bartoe, Docket No. RI77-31, Cady No. 1 Well, Eau Claire Field, Butler County, Pennsylvania*

Line No.	Item	Amount
	Unit Cost of Gas	
1	Net working interest volumes:	
2	Gas—1,000 ft³ at 14.73/in² [1]	37,836
3	Liquids	0
4	Cost of production:	
5	Return on rate base [2]	$5,566
6	D.D. & A [3]	6,780
7	Production expense [4]	14,859
8	Regulatory expense [5]	38
9	Total cost of production	27.2
10	Unit cost of gas (cents per 1,000 ft³):	
11	Cost of production [6]	72.00
12	Production tax [7]	0
13	Total unit cost	72.00

[1] 37,836 times 1.00 net working interest.
[2] Line 19 of sheet 3 times 0.15 times 12 yr productive life.
[3] Line 6 of sheet 2.
[4] Based on estimated 1977 production expense of $1,016 escalated 5 pct per year for the first 5 years. Plus a lease rental payment of $50 per year.
[5] Line 2 times 0.1 cents per 1,000 ft³ per opinion No. 749.
[6] Line 9 divided by line 2.
[7] No production tax in Pennsylvania.

Line No.	Item	Amount
	Investment	
1	Investment	
2	Remaining net book value	$2,700
3	Install packer and drain off water	4,080
4	Total investment	6,780
5	Less salvage value	0
6	Depreciable investment	6,780
7	Depreciation per unit of production [8]	0.17919

[8] Line 6 divided by 37,836,000 ft³.

[1] See Appendix A attached hereto.

Average Annual Investment and Rate Base

Line No.	Year (a)	Annual N.W.I. production (1,000 ft³) (b)	Beginning of year investment (c)	Depreciation [1] (d)	End of year investment (e)	Average investment [2] (f)
1	Average investment:					
2	1977	4,410	$6,780	$796	$5,984	$6,382
3	1978	4,200	5,984	753	5,231	5,608
4	1979	3,990	5,231	699	4,532	4,882
5	1980	3,669	4,532	656	3,876	4,204
6	1981	3,360	3,876	602	3,274	3,575
7	1982	3,190	3,274	570	2,704	2,989
8	1983	2,940	2,704	527	2,177	2,441
9	1984	2,760	2,177	495	1,682	1,930
10	1985	2,580	1,682	462	1,220	1,451
11	1986	2,400	1,220	430	790	1,005
12	1987	2,280	790	408	382	586
13	1988	2,136	382	382	0	191
14	Total	37,836		6,780		35,244
15	Average annual investment [3]					2,937
16	Annual rate base:					
17	Average annual investment					2,937
18	Average annual working capital allowance [4]					155
19	Average annual rate base					3,092

[1] Col. (b) times line 7 of sheet 2.
[2] (Col. (c) plus col. (e)) divided by 2.
[3] Col. (f) of line 14 divided by 12 year productive life.
[4] 0.125 times line 7 of sheet 1 divided by 12 yr productive life.

[FR Doc.77-19688 Filed 7-11-77;8:45 am]

[Docket No. ER76-331]

WISCONSIN POWER & LIGHT CO.

Order Approving Settlement Agreement

JULY 1, 1977.

On April 6, 1977, Wisconsin Power & Light Company (WP&L), filed "Motion of Wisconsin Power and Light Company for Order Approving Settlement Agreement, Accepting Tariff Sheets For Filing, and Terminating Proceedings." Attached to the motion was a separate document entitled Settlement Agreement. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings in this docket were initiated on December 4, 1975, when WP&L tendered for filing proposed rate increases for thirty two municipal wholesale customers, two private utility wholesale customers, and five rural electric cooperative wholesale customers. By order issued December 31, 1975, the Commission rejected the filing for WP&L's six customers with fixed rate contracts.[1] In addition, the Commission accepted the filing for WP&L's other wholesale customers and suspended the effectiveness of the proposed rate schedules until March 4, 1976. The Commission granted intervention to the municipals' private and cooperative wholesale customers who protested the filing and petitioned to intervene.

Notice of the settlement was issued on April 26, 1977, with responses due on or before May 13, 1977. On April 14, 1977, both the Municipal and Cooperative wholesale customers filed comments indicating that the Settlement Agreement's proposed rates represent a reasonable resolution of the issues presented in this case.[2] The wholesale customers further assert that they consider WP&L's agreement to provide them with notification of changes in the estimated cost of nuclear fuel in the fuel adjustment clause as part of the consideration of the Settlement Agreement. In addition, appended to the wholesale customers' comments was a letter dated March 17, 1977 signed by the Controller, on behalf of WP&L, to the Intervenors stating that "WP&L agreed to notify the intervenors promptly of any changes in the estimates of nuclear fuel costs reflected in application of WP&L's fuel adjustment clause." The intervenors request that this letter be made a part of the record of this proceeding. Neither WP&L nor Staff has objected to the inclusion of this document into evidence. Indeed, Staff has tacitly supported it. On May 13, 1977, Staff filed its Comments endorsing the Settlement Agreement as filed, with the caveat mentioned by the wholesale customers in their Comments.

Under the proposed settlement, joined by all parties, the rate increase would be reduced by approximately $2,569,600 to a rate increase of $1,441,600 based on the same test year. Staff's informal Top Sheet presentation would justify an increase of $1,557,381. The Staff computes the settlement rates to produce an earned rate of return of 8.88% with 11.44% return on common equity from the wholesale service.

The Commission finds: (1) The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

(2) Good cause exists to waive Sections 35.3 and 35.13 of the Regulations.

(3) Good cause exists to make the letter dated March 17, 1977, signed by Albert W. Graham, Controller, on behalf of WP&L, to Intervenor's counsel a part of the record of this proceeding.

The Commission orders: (A) The Settlement Agreement tendered to the Commission on April 6, 1977, is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Waiver of Sections 35.3 and 35.13 of the Regulations is hereby granted and the tendered rate schedules are hereby accepted for filing to be effective March 4, 1976.[3]

(C) The Settlement Agreement is hereby approved; *provided, however*, that the settlement rates will not produce revenues in excess of Staff's recommended rate of return of 9.11%, including 12.00% on common equity.

(D) In accordance with the terms of the Settlement Agreement, WP&L is directed to refund within thirty days of the date of this order, all amounts collected in excess of the settlement rates with interest at 9% per annum. In addition, WP&L is directed to file a compliance report within fifteen days after refunds have been made, such report to show the monthly billing determinants and revenues under prior, current and settlement rates. The report should also show the monthly rate refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall be furnished to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or order which may have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against WP&L or any person or party.

(F) The letter dated March 17, 1977, signed by Albert R. Graham, Controller, on behalf of WP&L, to Intervenor's counsel is hereby made a part of the record in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Namely, Pioneer Power & Light Company, Cross Plains Electric Company, Stoughton, Columbus, Princeton and Shullsburg.

[2] Belmont, Black Barth, Boscobel, Brodhead, Cuba City, Footville, Hazel Green, Hustiford, Juneau, Lodi, Muscoda, New Glares, Pardeeville, Plymouth, Reedsburg, Sheboygon Falls, Sun Prairie, Waunakee, Waupun, Wisconsin Dells, Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rock County Electric Cooperative Asso., Waushara County Electric Cooperative, Inc.

[3] See Appendix for rate schedule designations.

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APPENDIX.—*Wisconsin Power & Light Co., Docket No. ER76-331*

Settlement rates

Customer	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Municipal customers—Rate W-3: [1]			
City of Evansville	11	29	10
Village of Oregon	12	31	11
Village of New Glarus	11	70	10
Village of Hustisford	10	71	9
City of Sun Prairie	10	73	9
City of Plymouth	9	75	8
Village of Muscoda	11	76	10
City of Boscobel	9	77	8
City of Cuba City	9	79	8
City of Waupun	9	82	8
City of Brodhead	9	83	8
Village of Sauk City	8	84	7
City of Juneau	8	86	7
City of Benton	8	88	7
City of Reedsburg	8	89	7
Village of Hazel Green	7	91	6
Village of Mount Horeb	8	92	7
Village of Black Earth	8	93	7
Village of Prairie Du Sac	8	95	7
City of Wisconsin Dells	8	96	7
City of Sheboygan Falls	7	98	6
City of Lodi	7	101	6
Village of Pardeeville	6	102	5
Village of Wonewoc	4	107	3
Village of Mazomanie	4	108	3
Village of Wannakee	4	109	3
Village of Belmont	4	110	3
Village of Footville	4	111	3
Cooperative customer—Rate W-2:			
Rock County Electric Cooperative Association	10	69	8
Columbus Rural Electric Cooperative	6	103	8
Wanshara County Electric Cooperative	8	105	8
Adams-Marquette Electric Cooperative	4	112	8
Central Wisconsin Electric Cooperative	4	113	8
Municipal customer—Rate W-3 [2]			
City of Stoughton [3]	2	115	1
Village of Black Earth	[4] 2	116	1

[1] Undated; filed Apr. 6, 1977; effective Mar. 4, 1976.
[2] Undated; filed Apr. 6, 1977; effective Feb. 13, 1977.
[3] Undated; filed Apr. 6, 1977; effective Mar. 4, 1976.
[4] Redesignation of supplement No. 8 to rate schedule FPC No. 93.

[FR Doc.77-19690 Filed 7-11-77;8:45 am]

FEDERAL RESERVE SYSTEM

EQUIMARK CORP.

Order Granting Determination Under Bank Holding Company Act

Funding Systems Corporation ("FSC"), Pittsburgh, Pennsylvania, has requested a determination, pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended ("Act") (12 U.S.C. 1841(g)(3)), that Equimark Corporation ("EC"), Pittsburgh, Pennsylvania, a bank holding company within the meaning of section 2(a) of the Act, as amended (12 U.S.C. 1841(a)) ("Act"), by virtue of its ownership of more than 25 per cent of the issued and outstanding voting shares of Equibank, N.A. ("Bank"), Pittsburgh, Pennsylvania, is not in fact capable of controlling G. Gray Garland or Floyd R. Ganassi, both of Pittsburgh, Pennsylvania, notwithstanding the fact that both are indebted to Bank. Pursuant to an agreement dated April 22, 1975, EC sold all of its interest in FSC., formerly a direct subsidiary of EC, to Messrs, Garland and Ganassi.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee. FSC has submitted to the Board evidence to support its contention that EC does not in fact control either Mr. Garland or Mr. Ganassi.

Notice of an opportunity for hearing with respect to FSC's request for a determination under section 2(g)(3) was published on April 8, 1977 [42 FR 18658 (1977)]. The time provided for requesting a hearing has expired. The only such request that has been received by the Board has been withdrawn.

It is hereby determined that EC is not in fact capable of controlling either Mr. Garland or Mr. Ganassi. This determination is based upon the evidence of record in this matter, including the following facts: Mr. Garland and Mr. Ganassi are both individuals of substantial means, and, but for a two-month period immediately prior to the FSC transaction, during which both served as officials of FSC, neither has ever served as an officer, director, or employee of EC or any of its subsidiaries. The indebtedness of both individuals and their related interests to EC and its subsidiaries arose in the normal course and independent conduct of the business of the individuals and their financial interests. No security interest was retained by EC in the shares of FSC transferred to Messrs. Garland and Ganassi, and although a subsidiary of EC has continued to make credit available to FSC following the transfer, it appears that such credit was extended in the ordinary course of that subsidiary's lending business. Debt owed by Messrs. Garland and Ganassi and their interests to subsidiaries of EC on April 22, 1975, have been partially but significantly repaid. Furthermore, the sale of shares of FSC to Messrs. Garland and Ganassi appears to have been the result of arms-length negotiations, and there is no evidence that the sale was motivated by an intent to evade the requirements of the Act. There are no interlocking officer or director relationships between EC or its subsidiaries and FSC. The board of directors of FSC has submitted a resolution disclaiming control over FSC by EC or its subsidiaries, and a similar resolution by the board of directors of EC was submitted disclaiming control over FSC.

This determination is based upon the representations made to the Board by FSC and EC. In the event the Board should hereafter determine that the facts material to this determination are otherwise than as represented, or that FSC or EC failed to disclose to the Board other material facts, this determination may be revoked, and any material change in the facts or circumstances relied upon by the Board in making this determination could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(1)), effective July 5, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19909 Filed 7-11-77;8:45 am]

NATIONAL DETROIT CORP.

Order Approving Acquisition of Grand Traverse Mortgage Company, Inc.

National Detroit Corporation, Detroit Michigan ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire substantially all of the assets of Grand Traverse Mortgage Company, Inc., Traverse City, Michigan ("Company"), a mortgage broker, through a subsidiary corporation, NBD Mortgage Corporation, Birmingham, Michigan ("NBD"). Although title to all of the stock of Company will remain in its current shareholders, the acquisition of its assets will render Company essentially a shell corporation and accordingly the proposed acquisition of Company's assets is treated herein as an acquisition of Company.

NBD is a mortgage banker that engages in the origination of mortgage loans for its own account and the account of others, and the servicing of such loans for permanent investors. NBD specializes in the origination and servicing of FHA, VA, and privately insured low down payment residential mortgage loans. Although Company currently acts only as a mortgage broker.[1] Applicant states that it will engage in the full range of mortgage banking activities presently performed by NBD upon consummation of the proposed transaction and will also emphasize FHA, VA, and privately insured low down payment residential mortgage loans. The origination and servicing of mortgage loans has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 F.R. 22402 (1977)). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of State Savings Bank, Frankfort, Michigan, Frankfort, Michigan, and Northwestern Savings and Loan Association, Traverse City, Michigan, ("Protestants"), in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

[1] Company itself does not make mortgage loans in its own name but rather operates as a middleman, on a fee basis, connecting borrowers and lenders.

Applicant, the largest banking organization in Michigan, controls six banks, with total deposits of approximately $5.1 billion, representing approximately 15.8 percent of the total deposits in commercial banks in the State.[2] Company has total tangible assets valued at approximately $15,000. Applicant proposes to acquire these assets, lease the premises currently utilized by Company, and employ Company's two officers.

Company's sole office is located in Traverse City. Its activities are limited to that of a mortgage broker as it does not have the capability of servicing a mortgage portfolio and does not have the capital to qualify as an FHA-Approved Mortgagee. Thus, Company must be regarded as a relatively insignificant competitor in the relevant geographic market.[3] Applicant has no subsidiaries located in this market and its closest office is approximately 130 air miles south of Traverse City. No existing competition would be eliminated by the proposed transaction, and in view of Company's size, the Board regards the acquisition of Company as a foothold entry by Applicant into this market.

Protestants contend, however, that Applicant's acquisition of Company will lead to unsound banking practices and decreased or unfair competition because the mortgage needs of the relevant market presently are overserviced and there is no need for additional competitors, particularly an additional competitor of Applicant's size. There is little demand for the low down payment mortgage loans Applicant proposes to emphasize, according to Protestants. Consequently, Protestants believe, Applicant will be required to offer conventional mortgages at lower interest rates than those presently charged by other lenders in the market even though the market's interest rate for such loans is already quite competitive. Applicant's prospects for success are thus marginal, Protestants state, and other financial intermediaries in the market could be endangered by Applicant's entry.

It appears that the needs of the market are not being adequately served with regard to FHA and VA residential mortgage loans.[4] Applicant proposes to use Company's presence in the market to originate and service these types of mortgages. NBD, which currently services a mortgage portfolio of approximately $1 billion, appears to have the financial and managerial resources and business relationships with other lenders to facilitate such an expansion of Company's services, particularly in view of the fact that NBD's mortgage activities are also concentrated in the areas of FHA, VA and privately insured low down payment residential mortgage loans.

The enhancement of Company's ability to provide those services and the addition of mortgage banking to Company's activities will be similar in effect to the creation of an additional competitor in the market in view of Company's small size. Although any such entry into a market involves some measure of risk, the Board is unable to conclude that any risks associated with this proposal, either for Applicant or Protestants, vary substantially from those normally associated with such transactions.

On balance, Applicant's acquisition of Company would not have significant adverse effects on either existing or potential competition. Indeed, it is expected that the proposed transaction will be procompetitive and that the additional services Applicant will provide to the market will represent a significant public benefit.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority hereby delegated.

By order of the Board of Governors,[5] effective July 5, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19910 Filed 7-11-77;8:45 am]

[2] Banking data are as of June 30, 1976.
[3] There is insufficient data to define a mortgage brokerage market in the Traverse City area for the type of loans currently brokered by Company. However, the origination of 1-4 family mortgage loans provides a reasonable approximation of this market. The relevant geographic market for such originations is approximated by Grand Traverse and Leelanau Counties, Michigan.
[4] The Veterans Administration offers direct loans in Grand Traverse and Leelanau Counties on the basis of its determination that they are areas in which private funds are not available for the making of VA loans.
[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

PLATTE VALLEY BANCORP.

Formation of Bank Holding Company

Platte Valley Bancorporation, Saratoga, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Saratoga Bancshares, Inc., and its sole banking subsidiary, Saratoga State Bank ("Bank"), both located in Saratoga, Wyoming. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Platte Valley Bancorporation, Saratoga, Wyoming, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the insurance agency activities engaged in by Saratoga Bancshares, Inc., at the location of Bank in Saratoga, Wyoming. Notice of the application was published on June 16, 1977, in The Saratoga Sun, a newspaper circulated in Saratoga, Wyoming.

Applicant states that it would engage in acting as agent for the sale of credit life and credit accident and health insurance related to extensions of credit by Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 3, 1977.

Board of Governors of the Federal Reserve System, July 6, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19911 Filed 7-11-77;8:45 am]

WINTERS NATIONAL CORP.

Order Approving Acquisition of Mead Financial Services, Inc.

Winters National Corporation, Dayton, Ohio, a bank holding company within the meaning of the Bank Holding Com-

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pany Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire indirectly through its wholly-owned subsidiary, Winters National Leasing Corp., all of the outstanding stock of Mead Financial Services, Inc., Dayton, Ohio ("MFS"), a company that engages in the activity of leasing personal property (primarily heavy logging equipment) on a full-payout basis. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 22936 (1977)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the eleventh largest banking organization in Ohio, controls two banks with aggregate deposits of $859.6 million representing 2.6 percent of the total deposits in commercial banks in the State.[1] Applicant has two nonbanking subsidiaries engaged in credit life and disability reinsurance activities and leasing activities, respectively.

MFS (total assets of $1.8 million as of December 31, 1976) is a wholly-owned subsidiary of the Mead Corporation, Dayton, Ohio, a multi-national manufacturer of paper and paper-related products. Since its inception in 1972, MFS has operated exclusively for the purpose of leasing logging equipment to the Mead Corporation on a full-payout basis. The Mead Corporation, in turn, subleases the equipment on a full-payout basis to independent logging contractors who supply the Mead Corporation's paper milling operations with logs in five States.

Although Applicant's subsidiaries engage in leasing activities already, it does not appear that any significant existing competition would be eliminated as a result of this acquisition because MFS's leasing activities are small in scale and limited in scope. MFS is not likely to develop into an active general competitor in the leasing industry, since it appears that if the Mead Corporation were to retain control of MFS, it would continue to limit MFS's operations and would not expend the resources necessary to develop an experienced leasing staff at MFS. Although Applicant possesses the legal authority and the financial capability to lease logging equipment, it is not likely to commence this type of leasing on a de novo basis because demand for this type of leasing appears limited. Thus, it appears that no significant competition presently exists or would develop between MFS and Applicant. Accordingly, the Board finds that Applicant's acquisition of MFS would not have any significant effect upon existing or future competition.

It appears that consummation of this proposal would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Applicant would operate MFS as a subsidiary of its existing leasing subsidiary and MFS would continue to service the Mead Corporation's requirements thereby insuring the continued availability of subleasing arrangements to Mead Corporation's logging contractors. As an affiliate of Applicant, MFS would be able to obtain lower cost capital and could enable the Mead Corporation to offer Mead Corporation's logging contractors a greater variety of subleasing terms and conditions. In the Board's judgment, any competition between Applicant and MFS that would be eliminated as a result of this proposal is outweighed, under the circumstances, by the public benefits that will result from MFS's affiliation with Applicant.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland, pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective July 6, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-19912 Filed 7-11-77;8:45 am]

[1] All banking data are as of December 31, 1976.

[2] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. G-31]

CONSERVATION OF MOTOR VEHICLE FUELS

Guidelines

1. Purpose. This regulation prescribes guidelines to be followed to conserve fuel in Government-owned or -operated motor vehicles.

2. Effective date. This regulation is effective July 12, 1977.

3. Expiration date. This regulation expires December 31, 1977, unless sooner revised or superseded.

4. Applicability. The provisions of this regulation apply to all executive agencies. Other Federal agencies are urged to establish similar guidelines to ensure that maximum benefits may be realized in conserving fuel in Government-owned or -operated motor vehicles.

5. Background. The President has recently presented a comprehensive energy conservation plan for nationwide action to substantially reduce consumption of petroleum products and other energy resources. It is essential that the executive branch of the Government take the initiative which will result in fuel conservation. While there are many measures which may be adopted to contribute to the President's program, it is pertinent to begin with specific steps that will result in motor vehicle fuel conservation. As additional fuel conservation measures are developed and proven effective; they will be appropriately implemented for motor vehicles of the Federal fleet.

6. General. In the interest of promoting increased efficiency and economy in the use of Government-owned or -operated motor vehicles and in furtherance of the President's announced energy conservation objectives, it is imperative that executive agencies establish stringent programs which will ensure achievement of the reduced motor vehicle fuel consumption objectives. Certain actions, such as those prescribed in paragraph 7, are necessary if the conservation goals are to be met.

7. Motor vehicle fuel conservation guidelines. Agency heads shall ensure that the following guidelines are adopted in connection with motor vehicle operation.

a. Do not idle engine for long periods of time. Limit idle time to no more than 1 minute when the vehicle is parked.

b. Reduce motor vehicle travel to the maximum extent practicable without jeopardizing essential business.

c. Use the smallest vehicle that is feasible for the job.

d. Maintain tire pressure to tire manufacturer's recommendations. Check pressure at least once each week.

8. Effect on other issuances, GSA Bulletin FPMR G-99, dated August 29, 1974, is canceled.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 29, 1977.

[FR Doc.77-19876 Filed 7-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Applications for the Special Projects Program

Under the authority of section 708(a)(2) of the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)), the Commissioner invites applications for Special Projects assistance from local educational agencies which adopted desegregation plans (or other plans described in section 706(a) of the statute) for initial implementation in the 1977-78 school year and which have not previously applied for ESAA assistance based on those plans.

The Commissioner has determined that projects to meet needs arising from the implementation of the plans described above will make substantial progress toward achieving the purposes of the statute.

Applications must be received by the U.S. Office of Education Application Control Center in Washington, D.C. on or before August 19, 1977.

A. APPLICATIONS SENT BY MAIL

Applications sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202; Attention: 13.532B.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent by registered or certified mail not later than August 15, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

Hand delivered applications must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, Room 2017, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. PROGRAM INFORMATION

It is anticipated that $14,000,000 will be awarded to support projects submitted in response to this notice.

E. PROJECT PERIODS

Grant awards made pursuant to this notice will be for projects beginning no earlier than October 1, 1977, and ending no later than June 30, 1978.

F. RESUBMITTED APPLICATIONS

As required by section 710(d)(2) of the Emergency School Aid Act (20 U.S.C. 1609(d)(2)), applications from local educational agencies which are not approvable in whole or in part will be returned to applicants for modification and resubmission, within a reasonable period of time, at the applicant's option.

G. APPLICABLE REGULATIONS

Grant awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and in particular 45 CFR 185.94 through 185.94-4, relating to Other Special Projects; and

(2) The Office of Education General Provisions regulations (45 CFR 100, 100a and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

(Catalog of Federal Domestic Assistance Number 13.532, Emergency School Aid-Special Projects.)

(20 U.S.C. 1601-1619.)

Dated: July 7, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-19885 Filed 7-11-77;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

AGENCY: National Advisory Council for Career Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: August 1-2, 1977. August 1—9 a.m.-4 p.m.; August 2—9 am.-3 p.m.

ADDRESS: Federal Office Building No. 6 (FOB No. 6)—Room 3000, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert D. Bhaerman, Office of Education, Office of Career Education, Room 3100—ROB No. 3, 7th and D Streets SW., Washington, D.C. 20202. (202-245-2547).

SUPPLEMENTARY INFORMATION: The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, Pub. L. 93-380 (88 Stat. 552, 553.). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curriculae and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on August 1 will begin at 9 a.m. and end at 4 p.m.; August 2 the meeting will begin at 9 a.m. and end at 3 p.m. The meeting will be held at the Office of Education, Federal Office Building No. 6 (FOB No. 6), located at 400 Maryland Avenue SW., Room 3000, Washington, D.C. 20202.

The proposed agenda includes:

(1) Panel Discussion on Career Education Related Activities From Other Agencies in USOE/DHEW: Community Education, Cooperative Education, Consumer Education.
(2) Presentation on the ERIC Clearinghouse for Career Education.
(3) Report on Supportive Activities and Public Information.
(4) Progress Reports and Discussion of Activities of NACCE Task Forces.
(5) Relationship of Research and Development in the NIE/OCE.
(6) Plans for Next Year's Activities.
(7) Legislative Subcommittee Report.
(8) Progress Report on Activities of the Chair—and other Business Matters.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Streets SW., Room 3100, ROB No. 3, Washington, D.C. 20202.

Signed at Washington, D.C., on July 7, 1977.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.77-19884 Filed 7-11-77;8:45 am]

Food and Drug Administration

[Docket No. 76N-0274; DESI 5798]

ABSORBABLE STARCH SPONGES

Opportunity for Hearing on Proposal To Withdraw Approval of a New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs, FDA, proposes to withdraw ap-

proval of the new drug application for absorbable starch sponges on the basis of new information before the Commissioner with respect to the drug evaluated together with evidence available to the Commissioner when the application was approved. This proposal is made because the Commissioner has concluded that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved. The Commissioner proposes to withdraw approval of the application unless, on or before September 12, 1977, the holder of the application requests a hearing, and (2) on or before September 12, 1977, the data, information, and analyses relied on to demonstrate the safety of the drug for use under the conditions of use upon the basis of which the application was approved are submitted.

[Docket No. 76N-0325; DESI 3265]

that notice. After the data submitted

ered by this notice should write to the Division of Drug Labeling Compliance

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proval of the new drug application for absorbable starch sponges on the basis of a lack of substantial evidence of effectiveness for all indications and offers an opportunity for hearing on the proposal.

DATES: Hearing requests on or before August 11, 1977. In support of any such request, all data and information relied upon to justify a hearing and any other comments from interested persons must be submitted on or before September 12, 1977.

ADDRESSES: Requests for hearing, supporting data and information, and other comments shall be submitted, with FDA Docket No. 76–0274 and DESI 5798 clearly indicated in the filings, to the FDA Hearing Clerk, Rm 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 5798) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 9338), the Food and Drug Administration (FDA) announced its conclusion that the drug products listed below are probably effective for use as hemostatic adjuncts and lacking substantial evidence of effectiveness for other labeled indications. No data have been submitted and the drugs are reclassified as lacking substantial evidence of effectiveness for all of their indications. This notice announces that conclusion and proposes to withdraw approval of the product.

NDA 8–655; Solusponge Strips and Cones containing absorbable starch sponge; formerly marketed by Panray Division, Ormont Drug and Chemical Co., Inc., 520 S. Dean St., Englewood, NJ 07631.

Other drugs included in the May 22, 1971 notice are not affected by this notice.

On the basis of all of the data and information available to him, the director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, (address given above).

These submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 26, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77–19619 Filed 7–11–77;8:45 am]

[Docket No. 76N–0325; DESI 3265]

CERTAIN ANTICHOLINERGIC DRUGS

Rescission of Parts of Followup Notice and Opportunity for Hearing Pertaining to Darbid Tablets and Cantil Tablets and Liquid

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice rescinds portions of a previous notice of opportunity for hearing for Darbid Tablets for the indication "as adjunctive therapy in the irritable bowel syndrome," and for Cantil Tablets and Liquid for that indication and, in addition, the indication "as an adjunct in the treatment of diarrheas." Data concerning the effectiveness of the products for those indications had been submitted and are now under review. The previous notice stated that no data had been submitted.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 3265) published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15468), the Director of the Bureau of Drugs offered an opportunity for hearing on indications reclassified as lacking substantial evidence of effectiveness for the following drugs:

NDA 10–744; Darbid Tablets containing isopropamide iodide; Smith Kline & French Laboratories, Division of Smith-Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

That part of NDA 10–679 pertaining to Cantil Tablets and Liquid containing mepenzolate bromide; Merrell-National Laboratories, Division Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215.

Other drugs included in that notice are not affected by this notice.

The notice stated that no data concerning effectiveness for the above drug products for their less-than-effective indications had been submitted pursuant to the initial DESI notice published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754). However, data had been submitted concerning those products and are under review. The data for Darbid concerns the indication "for use as adjunctive therapy in the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis, acute enterocolitis, and functional gastrointestinal disorders)." The data for Cantil concerns that indication and also the indication "for use as an adjunct in the treatment of diarrheas." Therefore, those portions of the March 22, 1977 notice dealing with NDA's 10–679 and 10–744 are hereby rescinded insofar as they concern the indications for which data were submitted. This rescission does not apply to the other less-than-effective indications referred to in that notice. After the data submitted have been reviewed, another notice will be published in the FEDERAL REGISTER announcing the Director's conclusions.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.32) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77–19620 Filed 7–11–77;8:45 am]

[Docket No. 76N–0157; DESI 4A]

HYDROXYAMPHETAMINE HYDROBROMIDE TABLETS

Withdrawal of Approval of Pertinent Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of part of a new drug application pertaining to hydroxyamphetamine hydrobromide tablets on the basis of lack of substantial evidence of effectiveness for its labeled indications. The drug has been used for postural hypotension and heartblock.

DATES: Effective July 22, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 4A and directed to: Division of Drug Labeling Compliance (HFD–310), Bureau of Drug, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs HFD–32, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3650)).

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of December 7, 1976 (41 FR 53542), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval of the following product.

That part of NDA 0–004 pertaining to Paredine Tablets containing hydroxyamphetamine hydrobromide; formerly marketed by Smith Kline and French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific drug product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82 (recodificaiton published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application No. 0–004 providing for the drug product named above, and all amendments and supplements applying thereto, is withdrawn, effective July 22, 1977.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: June 29, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77–19622 Filed 7–11–77;8:45 am]

[Docket No. 76N–0059; DESI 5798

OXIDIZED CELLULOSE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice (1) reclassified oxidized cellulose products as effective for use as hemostatic adjuncts and lacking substantial evidence of effectiveness for its other indications, (2) sets forth the conditions for marketing for the effective indication, and (3) offers an opportunity for a hearing concerning indications lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before August 11, 1977. Supplements to approved NDA's due on or before September 12, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 5798, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Admin-

istration, 5600 Fishers Lane, Rockville, MD 20857.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new

position), and 8 (methods, facilities, and controls) of new drug application form

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and

filed in quintuplicate with the Hearing Clerk (address given above). These sub-

ject to this notice (21 CFR 310.6). Any

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istration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug application (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Public Records and Document Center (HFC–18), Rm. 4–62.

Request for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301–443–3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 5798) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 93338), the Food and Drug Administration (FDA) announced its conclusion that the drugs listed below are probably effective for use as hemostatic adjuncts and possibly effective for their other labeled indications. In response to the notice, Johnson & Johnson submitted a number of reprints of journal articles and other information to support effectiveness of oxidized cellulose as a hemostatic adjunct. On the basis of evaluation of those data and reconsideration of the reports of the National Academy of Sciences-National Research Council, FDA concludes that the oxidized cellulose products are effective as hemostatic adjuncts. This notice sets forth the conditions for marketing the drugs for the indication now regarded as effective and offers an opportunity for a hearing concerning indications lacking substantial evidence of effectiveness. Other products included in the May 22, 1971 notice are composed of absorbable starch sponge and are not affected by this notice.

Accordingly, the previous notice is amended to read as follows insofar as it concerned the oxidized cellulose products.

1. NDA–798; Oxycel Cotton, Gauze, or Foley Cone, each containing oxidized cellulose; Parke, Davis, & Co., Joseph Campau Ave., at the River, Detroit, MI 48331.

2. NDA 12–159; Surgical Absorbable Hemostat, containing oxidized cellulose; Johnson & Johnson, 501 George St., New Brunswick, NJ 08903.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that: 1. The drugs are effective for use as hemostatic adjuncts.

2. The drugs lack substantial evidence of effectiveness for all their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in sterile dressing form suitable for topical of local administration in surgical procedures.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal Law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For surgical procedures to assist in the control of capillary, venous, and small arterial hemorrhage when ligation or other conventional methods of control are impractical or ineffective.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that, on or before September 12, 1977, the holder of the application submits (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current containing labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate with the Hearing Clerk (address given above). These submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 26, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19618 Filed 7-11-77;8:45 am]

[Docket No. 77N–0183, DESI 8867]

SYROSINGOPINE TABLETS

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for syrosingopine tablets on the basis of lack of substantial evidence of effectiveness. The drug has been used as a antihypertensive agent.

DATES: Effective July 22, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 8867 and directed to: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 8867; Docket No. FDC–D–256 (now Docket No. 77N–0183)) published in the FEDERAL REGISTER of May 23, 1974 (39 FR 18126), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval of the following drug product, based upon the lack of substantial evidence of effectiveness.

NDA 11–565; Singoserp Tablets containing syrosingopine; previously marketed by Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

All drug products that are identical, related, or similar to the drug named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance address given above.

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore pursuant to the foregoing finding, approval of new drug application No. 11–565, and all amendments and supplements applying thereto, is withdrawn effective July 22, 1977.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19623 Filed 7-11-77;8:45 am]

[Docket No. 77N–0027; DESI 12753]

THIETHYLPERAZINE MALEATE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing thiethylperazine maleate for the indication for which it continues to be regarded as effective and offers an opportunity for a hearing concerning the indication reclassified as lacking substantial evidence of effectiveness. The drug is used for the relief of nausea and vomiting.

DATES: Hearing requests due on or before August 11, 1977. Supplements to approved NDA's due on or before September 12, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 12753, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

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Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD–120), Rm. 10B–34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Documents Center (HFC–18), Rm. 4–62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 12753) published in the FEDERAL REGISTER of October 28, 1971 (36 FR 20708), the Food and Drug Administration announced its conclusions that the drug products described below are (1) effective for use as adjunctive treatment in the relief of nausea and vomiting, and (2) possibly effective for the treatment of vertigo. Data submitted in response to that notice were inadequate to provide substantial evidence of the drug's effectiveness for the possibly effective indication. That indication is now reclassified as lacking substantial evidence of effectiveness.

NDA 12753; Torecan Tablets; and

NDA 12754; Torecan Injection, both containing thiethylperazine maleate; Sandoz Pharmaceuticals, Division of Sandoz, Inc., P.O. Box 11, East Hanover, NJ 07935.

On September 14, 1972, Sandoz Pharmaceuticals submitted results of one clinical study by one investigator on thiethylperazine maleate tablets for the vertigo indication. The study was determined to be adequate and well controlled and to be supportive of effectiveness for that indication. In a letter of May 10, 1974, Sandoz Phamaceuticals was informed that a second study is required in order to determine whether the results of the first study are replicable. Protocols for an additional study were submitted but no data have been received, and the possibly effective indication is now reclassified to lacking substantial evidence of effectiveness.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indication in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indication classified as possibly effective in the October 28, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug products are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription".

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows: Adjunctive treatment for the relief of nausea and vomiting.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before September 12, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is aware of only one adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice. A second study should have been submitted to determine whether the results of the first are replicable.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 11, 1977, a written notice of appearance and request for hearing, and (2) on or before September 12, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 27, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-19621 Filed 7-11-77;8:45 am]

[Docket No. 77D–0154]

GUIDELINE FOR INSECT AND RODENT FILTH IN WHEAT

Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the availability of a revised administrative guideline for insect and rodent filth in wheat. The administrative guideline, developed by FDA's Bureau of Foods, is used as a basis for recommending regulatory action.

ADDRESS: Copies available from the office of Assistant Commissioner for Professional and Consumer Programs (HFG–1), 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW, Washington, DC 20204 (202–245–3092).

SUPPLEMENTARY INFORMATION: The previous guideline for insect and rodent filth in wheat was established in 1956. Since that time, warehouse facilities have been improved and advances have been made in techniques for rodent and insect control. These advances permit revision of the guideline to reduce the amount of filth in food without unduly disrupting the nation's food supply. As relevant technology changes, this guideline will be updated to reflect current policy as it relates to wheat.

The guideline for insect-damaged wheat is changed from "1% by weight of insect damaged kernels" to "32 or more insect damaged kernels per 100 g." The Food and Drug Administration estimates that the new guideline may increase the proportion of lots of wheat rejected for insect damage from 1.6 percent under the former guideline to 2.3 percent under the revised guideline. For contamination of wheat by rodent filth, the guideline is changed from "1 rodent excreta pellet per pint" to "9 mg or more of rodent excreta pellets and/or fragments of rodent excreta pellets per kg," the equivalent of approximately 0.4 mouse excreta pellets per pint. The new guideline may increase the proportion of lots of wheat rejected for contamination by rodent filth from 0.8 percent under the former guideline to 3.5 percent under the new guideline. In many cases, wheat that has been rejected due to contamination by insect or rodent filth may be used as animal feed or may be reconditioned.

Copies of this revised guideline are available for public examination in the office of the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Written requests for single copies may be made to the office of the Assistant Commissioner for Professional and Consumer Programs (HFG–1), 5600 Fishers Lane, Rockville, MD 20857.

Dated: June 30, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance

[FR Doc.77-19544 Filed 7-11-77;8:45 am]

[Docket No. 76P–0238]

TOMATO JUICE DEVIATING FROM IDENTITY STANDARD

Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces that a temporary permit has been issued to Keystone Foods, Inc., to market test tomato juice from concentrate.

EFFECTIVE DATE: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than October 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF–402), 200 C St. SW., Washington, DC 20204 (202–245–1231).

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) (formerly 21 CFR 10.5 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Keystone Foods, Inc., 63 Wall St., North East, PA 16428. This permit covers interstate marketing tests of tomato juice that deviates from the standard of identity prescribed in § 156.145 (21 CFR 156.145) (formerly 21 CFR 53.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). This permit provides for the temporary marketing of 50,000 cases of twelve 46-ounce cans, 25,000 cases of

twelve 32-ounce cans, and 10,000 cases of forty-eight 5½-ounce cans in the

observed in five of the high-dose male rats. None were observed in other treat-

state material fact required to be stated therein or necessary to make the state-

Sales Registration showing that the Statement of Record and Property Re-

Room 400, Theater Bldg., Shasta Community College, 1065 N. Old Oregon Trail.

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twelve 32-ounce cans, and 10,000 cases of forty-eight 5½-ounce cans in the States of Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

The test product will be manufactured in the Keystone Foods, Inc., plant located in North East Pennsylvania. The product to be temporarily marketed has been prepared from concentrated tomato liquid complying with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)) (formerly 21 CFR 53.30(a)(1) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), water, and salt. The finished product will be equivalent to a single-strength tomato juice normally found in the marketplace.

The principal display panel of the labels will declare the product name as "Tomato Juice From Concentrate". Each of the ingredients used will be declared on the label as required by the applicable sections of Part 101 (formerly 21 CFR Part 1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). The tomato ingredient complying with the requirements of § 155.191(a)(1) will be declared as "tomato concentrate".

Dated: June 30, 1977.

JOSEPH P. HILO,
Associate Commissioner for Compliance.

[FR Doc.77-19543 Filed 7-11-77;8:45 am]

National Institutes of Health

REPORT ON CARCINOGENESIS BIOASSAY OF PROFLAVINE

Availability

Proflavine has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of the carcinogenicity of proflavin monohydrochloride hemihydrate was conducted using Fischer 344/CR rats and B6C3F1 mice. The compound was administered in the diet at concentrations of 300 and 600 ppm to groups of 50 rats for 109 weeks and at concentrations of 200 and 400 ppm to groups of 50 mice for 104 weeks. The animals were subjected to necropsy and histopathologic evaluation as they died or at the end of their periods of treatment.

Average weights attained by high-dose groups were consistently lower than those of control groups; weights of low-dose groups showed essentially no differences from those of the controls. Survival rates of the treated rats and mice did not differ from those of the controls except for a lower rate among the female mice.

Five malignant neoplasms of the intestinal tract consisting of three leiomyosarcomas of the small intestine, a sarcoma near the colon area, and an adenocarcinoma of the small intestine were observed in five of the high-dose male rats. None were observed in other treatment or control groups. If these five intestinal neoplasms are considered together, they are significant at the P=0.026 level using the Fischer exact test. A positive dose-related trend (P=0.034) was also present for the three leiomyosarcomas.

The observed incidence of hepatocellular carcinoma in female mice was 4/50 (8 percent) in the control group, 20/49 (41 percent) in the low-dose group, and 22/50 (44 percent) in the high-dose group. The test for dose-related trend showed a level of significance of P<0.001. In male mice, the observed incidence of hepatocellular carcinoma was 20/49 (41 percent) in the control group 28/49 (57 percent) in the low-dose group, and 30/50 (60 percent) in the high-dose group. The dose-related trend was significant at P=0.057, and the high dose was significant at P=0.044.

The unusually high incidence of hepatocellular carcinomas and hemangiosarcomas in control male mice and the unusually high incidence of malignant lymphomas in all groups of female mice in conjunction with the fact that a positive-control carcinogen was tested in the same room with these animals raise a question of the validity of these bioassay results.

Dated: June 22, 1977.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

[FR Doc.77-19267 Filed 7-11-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-77-778]

HARBOR VIEW

Hearing

In the matter of: Harbor View, River Bend Associates and Wallace Tanner, Vice President, Respondent; OILSR No. 0-00146-02-24, Docket No. 77-71-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b).

Notice is hereby given that: 1. Harbor View, River Bend Associates and Wallace Tanner, Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing dated June 6, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Harbor View located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material fact required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 17, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street, SW., Washington, D.C. on September 7, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearings: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before August 2, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant at 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 29, 1977.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc.77-19722 Filed 7-11-77;8:45 am]

[Docket No. N-77-777]

RIVER BEND

Hearing

In the matter of: River Bend, Steiger and Rathke Development Co., Inc. and Wallace Tanner, Vice President, Respondent; OILSR No. 0-00169-02-28, Docket No. 77-79-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b)

Notice is hereby given that: 1. River Bend, Steiger and Rathke Development Co., Inc. and Wallace Tanner, Vice President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing dated June 6, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for River Bend, located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material fact required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 17, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street, SW., Washington, D.C. on September 7, 1977 at 2:00 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before August 2, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: June 29, 1977.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-19722 Filed 7-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

LASSEN VOLCANIC NATIONAL PARK

Draft General Management Plan; Intent

Notice is hereby given that the National Park Service will hold a series of six public meetings in California the first week of August 1977 to receive comments on the draft General Management Plan and Environmental Statement for Lassen Volcanic National Park, California. The meeting dates, locations and times are as follows:

August 1, 1977, Chico, Calif., 7:30 p.m., Art Center, Silver Dollar Fairground.
August 2, 1977, Susanville, Calif., 7:30 p.m., Student Center, Lassen High School.
August 3, 1977, Mineral, Calif., 7:30 p.m., Auditorium, Elementary School.
August 4, 1977, Redding, Calif., 7:30 p.m., Room 400, Theater Bldg., Shasta Community College, 1065 N. Old Oregon Trail.
August 5, 1977, Red Bluff, Calif., 7:30 p.m., Auditorium, Tehama County Fairgrounds.
August 6, 1977, San Francisco, Calif., 2 p.m., Headquarters, Golden Gate National Recreation Area, Bldg. 201, Fort Mason.

One hour prior to the beginning of each meeting National Park Service officials will be at the meeting locations to answer questions or explain details of the plan.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and local government agencies, individuals and organizations on the draft General Management Plan and its Environmental Statement.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public in formulating the General Management Plan for Lassen Volcanic National Park.

The record will remain open until September 6, 1977, during which time written comments will be reviewed and considered.

Anyone wanting copies of the draft General Management Plan, draft Environmental Statement and a planning supplement, additional information on the public meetings, or on the National Park Service planning process, or those wishing to submit comments on the documents may write to the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96093.

Dated: June 21, 1977.

HOWARD H. CHAPMAN,
Regional Director, Western Region, National Park Service.

[FR Doc.77-19868 Filed 7-11-77;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 1, 1977. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 22, 1977.

ROBERT B. RETTIG,
Acting Keeper of the National Register.

ARIZONA

Yavapai County

Camp Verde, *Fort Verde Historic District*, (boundary change).

ARKANSAS

Ashley County

Hamburg, *Watson House*, 300 N. Cherry St.

Clark County

Arkadelphia, *Flanagin Law Office*, 320 Clay St.

Clay County

Piggott, *Pfeifer Barn*, 10th and Cherry Sts.

Hot Spring County

Saginaw vicinity, *Morrison Plantation Smokehouse*, SR 1.

Social Hill, *Adkins, Homer, House.*

Jackson County

Jacksonport vicinity, *Hickory Grove Church and School*, SR 1.

Newport, *Empie-Van Dyke House*, 403 Laurel St.

Jefferson County

Pine Bluff, *Trulock-Gould-Mullis House*, 704 W. Barraque St.

Lee County

Marianna, *McClintock House*, 82 W. Main St.

Pulaski County

Little Rock *Ish House*, 1600 Scott St.
Little Rock, *Little Rock High School*, 14th and Park Sts.
Little Rock, *Riverfront Commercial Historic District*, roughly bounded by Arkansas River on N, US 30 on E, AR 10 on S, and Main St. on the W.
North Little Rock, *Old Central Fire Station*, 506 Main St.

Saline County

Benton, *Walton, Dr. James Wyatt, House*, 301 W. Sevier St.

Van Buren County

Fairfield Bay, *Lynn Creek Shelter.*

Washington County

Fayetteville, *Heerwagen House*, 338 Washington Ave. N.
Springdale, *Shiloh Historic District*, Roughly bounded by Shiloh, Rhodes, Emma, and Commerce Sts.

CALIFORNIA

Mariposa County

Wawona, *Hodgdon Homestead Cabin*, Pioneer Yosemite History Center, Yosemite National Park.

San Bernardino County

Needles vicinity, *Topock Maze Archeological Site*, 13 mi. SE of Needles in Havasu National Wildlife Refuge.

ILLINOIS

Cook County

River Forest, *River Forest Historic District*, Most of the Village of River Forest between Harlem, Chicago Ave., Lake St. and the Des Plaines River, with 2 extensions N of Chicago St. and S of Lake St.

Winnebago County

Rockton, *Rockton Historic District*, Much of the Village of Rockton between River, Warren, Cherry (Ferry) and West Sts.

INDIANA

Hancock County

Greenfield, *Riley, James Whitcomb, Birthplace*, 250 W. Main St.

Vanderburgh County

Clay County

be available for public inspection 30 days

Area Oil Shale Office, Mesa Federal Savings &

Petitioners meeting these eligibility

dress shown below, not later than July 22,

V42I133 JUL 1277 UMI V

Vanderburgh County

Evansville, *Carpenter, Willard, House*, 406 Carpenter St.

Wayne County

Hagerstown, *Hagerstown I.O.O.F. Hall*, Main and Perry Sts.

KENTUCKY

Jefferson County

Anchorage, *Citizens National Life Insurance Building*, 100 Park Rd.

Louisville, *Churchill Downs*, 700 Central Ave.

MARYLAND

Baltimore (independent city)

Belvedere Hotel, 1 E. Chase St.

Caroline County

Federalsburg, *Exeter*, N of Federalsburg on MD 630.

Fredcrick County

Point of Rocks vicinity, *St. Paul's Episcopal Church*, Ballenger Creek Rd., W of MD 464.

Washington County

Hagerstown, *16-22 East Lee Street*.

MISSISSIPPI

Panola County

Como vicinity, *Fredonia Church*, 6 mi. E of Como on Old Union Rd.

NEBRASKA

Douglas County

Omaha, *Webster Telephone Exchange Building*, 2213 Lake St.

NEW JERSEY

Somerset County

Nishanic, *Neshanic Mills*, Main Rd. and Mill Lane.

Sussex County

Stillwater vicinity, *Harmony Hill United Methodist Church*, N of Stillwater on Fairview Lake Rd.

RHODE ISLAND

Providence County

Central Falls, *Holy Trinity Church*, 134 Fuller Ave.

Providence, *North Burial Ground*, Between Branch Ave. and N. Main St.

Providence, *Pine Street Historic District*, Pine, Friendship, and adjacent cross sts.

Scituate, *Arnold, Dexter, Farmstead*, SR 1 (Chopmist Hill Rd.).

Washington County

Narragansett, *Narragansett Baptist Church*, S. Ferry Rd.

Westerly, *Main Street Historic District*, 113-123, 118-132 Main St.; 8, 7-13 School St., 10 14, 3-11 Maple St.

SOUTH DAKOTA

Brookings County

Volga, *Henry-Martinson House*, 405 Kasan Ave.

Volga, *Sundet, Jokum Olson, Log Cabin*, Volga City Park.

Brown County

Aberdeen vicinity, *Wylie Park Pavilion*, N of Aberdeen in Wylie Park.

Butte County

Belle Fourche, *Scotney, John Aaron, House*, 830 9th St.

Clay County

Alsen vicinity, *Anderson Homestead*

Edmunds County

Ipswich, *Ipswich Baptist Church*, Corner of Main St. and 3rd Ave.

Perkins County

Bison, *Carr, Anna, Homestead*.

Spink County

Ashton vicinity, *Norwood, James, Round Barn*, SE of Ashton on Snake Creek.

VERMONT

Addison County

Monkton, *Monkton Town Hall*, Monkton Ridge Rd.

Chittenden County

Burlington, *Old Ohavi Zedek Synagogue*, Archibald St., corner of Hyde St.

WISCONSIN

Dane County

Madison, *Lamp, Robert M., House*, 22 N. Butler St.

[FR Doc.77 19656 Filed 7-11-77;8:45 am]

Office of the Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on August 2, 1977, at the Denver Airport Hilton Inn, I-70 at the Peoria Street Exit in Denver, Colorado. The meeting will begin at 9 a.m. on Tuesday, August 2, in Conference Rooms A, B, and C and conclude at 5 p.m. that afternoon.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to review the Revised Detailed Development Plan for Colorado Lease Tract C-a, discuss the addendum to the C-a Lessee's Social and Economic Impact Statement, to receive reports from Interior officials and to consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit 100 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the panel or file written statements. Requests should be made to Mr. Henry O. Ash, Acting Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone No. 303-234-3275.

Further information concerning this meeting may also be obtained from Mr. Ash's office. Minutes of the meeting will be available for public inspection 30 days after the meeting at the panel office.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JULY 7, 1977.

[FR Doc.77-19905 Filed 7-11-77;8:45 am]

OIL SHALE LEASE REVISED DETAILED DEVELOPMENT PLAN

Public Hearing

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the Revised Detailed Development Plan submitted May 25, 1977, for Oil Shale Tract C-a, Serial No. Colorado 20046.

Prior to commencing any operations under the Revised Detailed Development Plan on the leased lands, the lessees must obtain the approval of the Area Oil Shale Supervisor.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tract C-a Revised Detailed Development Plan on the following dates and at the following locations:

JULY 26, 1977

U.S. Post Office, Room 269, Auditorium, 1823 Stout Street, Denver, Colorado 80225.

JULY 28, 1977

Library, McLaughlin Building, Colorado Northwestern Community College, Rangely, Colorado 81648.

Hearings at both locations will begin in the afternoon at 1 p.m., and continue until all present are heard, or 5 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7 p.m. and continue until all present are heard or 10 p.m., whichever comes first.

Interested individuals, representatives of organiaztions and public officials wishing to appear at the hearings should contact the Office of the Area Oil Shale Supervisor, U.S. Geological Survey, 131 North 6th St., Grand Junction, Colorado, no later than July 22, 1977. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Area Oil Shale Supervisor, 131 North 6th St., Grand Junction, Colorado 81501, on or before August 8, 1977.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearings officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tract C-a Revised Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

Area Oil Shale Office, Mesa Federal Savings & Loan Bldg., Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Central Region, Villa Italia, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Bldg. 67, Denver Federal Center, Denver, Colorado
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Montrose Regional Library, Montrose, Colorado
Delta Library, Delta, Colorado
Library, Department of the Interior, Main Interior Bldg., Washington, D.C.
Rangely Public Library, Rangely, Colorado
Meeker Public Library, Meeker, Colorado
Moffat County Library, Craig, Colorado
Garfield County Library, New Castle, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Glenwood Springs Public Library, Glenwood Springs, Colorado
Uintah County Public Library, Vernal, Utah
Rifle Public Library, Rifle, Colorado
Denver Public Library, Conservation Library, Denver, Colorado
Bureau of Land Management, 455 Emerson Dr., Craig, Colorado
Bureau of Land Management, Colorado State Office, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado
Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Ave., Cheyenne, Wyoming
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado

GUY R. MARTIN,
Assistant Secretary of the Interior.

JULY 7, 1977.

[FR Doc.77-19906 Filed 7-11-77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Converse Rubber Co. (company).	Charlotte, N.C.	June 22, 1977	May 23, 1977	TA-W-2,165	The shipping of ... wear to the ...
Do.	Contoocook, N.H.	do.	do.	TA-W-2,166	Do.
Do.	Elk Grove	do.	do.	TA-W-2,167	Do.
Do.	Reno, Nev.	do.	do.	TA-W-2,168	Do.
General Electric Co. (workers).	Portsmouth, Va.	June 23, 1977	June 14, 1977	TA-W-2,169	Color and mono TV receiver.
Julius Goldstein Shoe Manufacturers, Inc. (workers).	Lynn, Mass.	June 22, 1977	do.	TA-W-2,170	Men's slippers.
U.S. Steel Corp. American Bridge Plant (United Steel Workers of America).	Commerce, Calif.	June 23, 1977	May 15, 1977	TA-W-2,171	Carbon steel, ... various diameters ... galvanized plates

[FR Doc.77-19704 Filed 7-11-76;8:45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

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Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Campo Slacks, Inc. (ACTWU).	Houtsdale, Pa.....	June 27, 1977	June 21, 1977	TA-W-2,182	Men's, boys', and ladies' slacks.
General Foods, Inc. (Amalgamated Food & Allied Workers Union).	Hoboken, N.J.....	June 24, 1977	June 17, 1977	TA-W-2,183	Instant, regular ground, freezed-dried, and decaffeinated coffee.
Long Branch Manufacturing Co. (workers).	Long Branch, N.J.	June 28, 1977	June 23, 1977	TA-W-2,184	Girls' and children's coats.
Reidbord Bros. Co. (workers).	Elkins, W. Va	do	do	TA-W-2,185	Men's work shirts and trousers.

[FR Doc.77 19705 Filed 7-11 77-8 45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 22, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advent Corp. (workers).	Cambridge, Mass..	June 23, 1977	June 9, 1977	TA-W-2,172	TV's and stereo's.
Cone Mills Corp. (Machine Printers & Engravers Association).	Greensboro, N.C..	June 24, 1977	June 22, 1977	TA-W-2,173	Textile printing of cloth.
Genesco, Inc. (workers).	Cowan, Tenn.	do	June 15, 1977	TA-W-2,174	Ladies' dress and casual shoes.
Ladish Co. (International Association of Machinists & Aerospace Workers).	Cudahy, Wis	do	June 21, 1977	TA-W-2,175	Pipe fittings, flanges, seamless pipes and ring rolls.
Normel Knitwear, Inc. (company)	New York, N.Y.	do	do	TA-W-2,176	Ladies' knitted sweaters.
P. & L. Sportswear (workers).	Boston, Mass.	do	June 21, 1977	TA-W-2,177	Ladies' garments.
Do	Brighton, Mass.	do	do	TA-W-2,178	Ladies' garments.
Rockwell International (United Steelworkers of America).	Hopedale, Mass.	do	May 23, 1977	TA-W-2,179	Textile machinery.
True Temper Corp. (United Steelworkers of America).	Dunkirk, N.Y.	do	May 6, 1977	TA-W-2,180	Hand shovels and spades.
TRW/IRC (I.U.E.)	Philadelphia, Pa. plants.	June 22, 1977	June 20, 1977	TA-W-2,181	Electronic components.

[FR Doc.77-19706 Filed 7-11-77;8:45 am]

CAST-IRON COOKWARE

Adjustment Assistance; Industry Study Report

On May 24, 1977, the International Trade Commission determined that increased imports of cast-iron cookware are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 28009).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on cast-iron cookware. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received one petition for certification of eligibility for adjustment assistance from workers engaged in the manufacture of cast-iron cookware. The Department is investigating this case and has not made a final determination.

2. The questionnaire survey of producers conducted by the Department of Labor has revealed that only one establishment engaged in the manufacture of cast-iron cookware has experienced substantial unemployment. Other firms in the industry, while reducing the number of workers engaged directly in the manufacture of cast-iron cookware, have maintained a constant or increasing overall employment level. Continued absorption of workers producing cast-iron cookware into other lines of production will decrease the potential for layoffs in the future. The Department estimates that approximately 25 workers laid off from plants producing cast-iron cookware during the past year may be eligible for adjustment assistance.

3. The unemployment rate in the county where the bulk of the unemployed workers are located was 7.0 percent, somewhat below the national average in February 1977. This factor and the urban nature of the impacted area make the prospects for reemployment fair.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the program claims of the displaced workers. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (phone 202–523–7665).

Signed at Washington, D.C., this 7th day of July 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary, International Affairs.

[FR Doc.77 19965 Filed 7-11-77;8:45 am]

[TA-W-2077]

MARYLAND MONOTYPE, LTD., WOODLAWN, MARYLAND

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2077: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 18, 1977 in response to a worker petition received on May 18, 1977 which was filed on behalf of workers and former workers producing type galleys for printing presses at Maryland Monotype, Ltd., Woodlawn, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 27691). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Maryland Monotype, Limited, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied a negative determination must be made.

Maryland Monotype, Ltd., was a wholly owned subsidiary of Jewelcor, Inc. The company printed mathematical and scientific books and journals. Maryland Monotype bid on printing work for other companies. They produced a "galley" of type and contracted the press work. A galley contains the type that is placed in a printing press. The company closed on January 28, 1977.

Maryland Monotype, Ltd. does not produce an article within the meaning of section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in "Pan American World Airways, Incorporated" (TA-W-153, 40 FR 54639). Maryland Monotype, Ltd., performed a service, printing for mathematical and scientific journals and books.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Maryland Monotype, Limited, Woodlawn, Maryland are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-19960 Filed 7-11-77;8:45 am]

[TA-W-1687]

OHIO FERRO ALLOYS CORP., POWHATAN POINT, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1687: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 24, 1977, in response to a worker petition received on February 8, 1977, which was filed by The United Steel Workers of America on behalf of former workers producing silicon metal at the Powhatan Point, Ohio, plant of Ohio Ferro Alloys Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13092). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ohio Ferro Alloys Corporation, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard as to whether any of the other criteria have been met, criterion (2) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment of production workers declined 4.2 percent in 1975 compared to 1974 and increased 8.2 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant sales of silicon metal, in net tons, increased 13.3 percent in quantity and 13.2 percent in value in 1976 compared to 1975.

Plant production of silicon metal, in net tons, increased 13.1 percent in quantity and 20.2 percent in value in 1976 compared to 1975.

INCREASED IMPORTS

Imports of silicon metal increased from 15,300 short tons in 1972, to 23,836 short tons in 1973; declined each year to 6,802 short tons in 1975 and increased to 9,526 short tons in 1976.

CONTRIBUTED IMPORTANTLY

A sample representative of the plant's customers, accounting for over 58 percent of plant's sales of silicon metal in 1976, indicated that only one small customer increased purchases of imported silicon metal while decreasing purchases from the Powhatan Point plant.

CONCLUSION

After careful review of the facts obtained in the investigation it is concluded that sales or production of silicon metal at the Powhatan Point, Ohio, plant of Ohio Ferro Alloys Corporation have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19961 Filed 7-11-77;8:45 am]

[TA-W-1601]

cent during this period, while sales of hydraulic shear machines declined 77.1

worker petition received on that date

to 4.5 percent and 4.3 percent, respective-

firm have become totally or partially sepa-

[TA-W-1704]

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[TA-W-1601]

PENSTEEL KMW, INC., BATAVIA, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1601: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 31, 1977, in response to a worker petition received on January 10, 1977, which was filed by workers formerly producing hydraulic shear machines and hydraulic cylinders at Pensteel KMW, Incorporated, Batavia, New York.

The notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8023). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Pensteel KMW, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated:

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales and production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that, with respect to hydraulic cylinders, criteria (3) and (4) have not been met, and, with respect to hydraulic shear machines, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 13 percent in 1976 compared to 1975. Employment of production workers at the Batavia plant ceased during December 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of all products declined 24.8 percent in 1976 compared to 1975. Sales of hydraulic cylinders declined 4.9 percent during this period, while sales of hydraulic shear machines declined 77.1 percent.

Production at the Batavia plant ceased during December 1976.

INCREASED IMPORTS

Imports of hydraulic shear machines increased in every year from 1972 to 1976. Imports increased from $1.8 million in 1972 to $3.7 million in 1975 and $5 million in 1976. Imports increased relative to domestic production from 6.7 percent in 1972 to 10.7 percent in 1974. The ratio of imports to domestic production then declined to 7.7 percent in 1975 and increased again in 1976 to 10.6 percent.

Imports of hydraulic cylinders amounted to less than one percent of domestic production in 1976.

CONTRIBUTED IMPORTANTLY

Pensteel KMW was incorporated in 1973 with two Canadian companies as owners. The owners intended Pensteel KMW to be primarily a marketing arm for one of the parent companies.

When this marketing program did not succeed, Pensteel KMW began in late 1973 to manufacture hydraulic cylinders and hydraulic shear machines. From 1974 through 1976, over 95 percent of Pensteel KMW's sales of hydraulic cylinders were to Canadian firms, and thus Pensteel KMW's sales of hydraulic cylinders were not affected by imports.

Distributors for Pensteel KMW hydraulic shears did not purchase similar machines from foreign manufacturers. Distributors stated that Pensteel KMW's competition came from other domestic firms.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hydraulic shear machines and hydraulic cylinders produced at Pensteel KMW, Batavia, New York did not contribute importantly to the total or partial separations of workers of that plant.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-19962 Filed 7-11-77;8:45 am]

[TA-W-1676]

SPORN DRESS CO., FREEHOLD, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1676: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 17, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing misses' dresses at the Sporn Dress Company, Freehold, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13613). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Sporn Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Sporn Dress Company remained constant in 1975 compared to 1974 and increased 5 percent in 1976 compared to 1975. Employment declined 5 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Sporn Dress Company declined 17 percent in 1975 compared to 1974 and increased 17 percent in 1976 compared to 1975. Production decreased 63 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses decreased from 963 thousand dozen in 1972 to 596 thousand dozen in 1973. Imports increased annually to 659 thousand dozen in 1976.

Imports of women's and misses' dresses decreased relative to domestic production and consumption from 4.7 percent and 4.5 percent, respectively, in 1972 to 3.2 percent and 3.1 percent, respectively, in 1973. Imports relative to domestic production and consumption increased to 4.5 percent and 4.3 percent, respectively, in 1975 and remained constant in 1976.

CONTRIBUTED IMPORTANTLY

The Sporn Dress Company produces on a contract basis exclusively for one manufacturer. Reduced purchases from the Sporn Dress Company resulted from the manufacturer's decision to shift to other domestic contractors in order to change its mix of product line. The manufacturer does not import any finished products nor does it contract work with foreign firms.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with misses' dresses produced at the Sporn Dress Company, Freehold, New Jersey, did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-19963 Filed 7-11-77;8:45 am]

[TA-W-1922]

TONY P. FASHIONS, INC., MOHAWK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1922: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1977, in response to a work petition received on March 28, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers producing ladies' dresses at the Mohawk, New York, plant of Tony P. Fashions, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1977 (42 FR 19182). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Tony P. Fashions, Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2) and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers were hired by Tony P. Fashions in December 1975. Employment ceased on May 22, 1976 when the plant was shut down and all workers were laid off.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Tony P. Fashions was a contractor. Production commenced the second week in December 1975 and ceased on May 22, 1976 when the plant was permanently closed.

INCREASED IMPORTS

Imports of women's and misses' dresses decreased from 963 thousand dozen in 1972 to 596 thousand dozen in 1973 and then increased steadily to 659 thousand dozen in 1976.

CONTRIBUTED IMPORTANTLY

The sole manufacturer that Tony P. Fashions contracted with does not purchase imported dresses or use foreign contractors. This manufacturer switched from Tony P. Fashions to other domestic contractors only after Tony P. Fashions shut down. The manufacturer has increased purchases from other domestic sources during the last two years; furthermore, its sales of dresses such as those produced at Tony P. Fashions have increased.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with dresses produced at the Mohawk, New York, plant of Tony P. Fashions, Inc., did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19964 Filed 7-11-77;8:45 am]

[TA-W-1704]

BECKLEY MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1704: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 3, 1977 which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing tuner modules, intermediate frequency transformers and custom magnetic devices at the Beckley, West Virginia, plant of Beckley Manufacturing Company.

The Notice of Investigaiton was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Beckley Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria were met for the Beckley plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total production employment at Beckley declined 13 percent from 1974 to 1975.

Workers were engaged in the production of tuner modules from June 1975 through June 1976. Employment of tuner module production workers declined 43 percent in the first six months

of 1976 compared to the last six months

Beginning in January 1977, production

The investigation was initiated on

INCREASED IMPORTS

termination and issue a certification of

CONTRIBUTED IMPORTANTLY

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of 1976 compared to the last six months of 1975. Tuner module production employment was terminated in June 1976.

Employment of IF transformer production workers increased 48 percent from 1975 to 1976. Employment declined 20 percent in the fourth quarter of 1976 and 27 percent in the first quarter of 1977, when compared to the same quarters of the previous year.

Employment of custom magnetic device production workers increased 6 percent from 1975 to 1976. Employment declined 12 percent in the fourth quarter of 1976 and 32 percent in the first quarter of 1977 when compared to the same quarters of the previous year.

All production employment was terminated in April 1977 when the plant closed.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of tuner modules declined 19 percent in quantity from 1975 to 1976. Production of tuner modules at the Beckley plant began in June 1975 and was discontinued in June 1976. Tuner modules represented 3 percent of total production in 1975 and 2 percent in 1976.

Sales of IF transformers increased 14 percent in quantity from 1975 to 1976. Sales declined 24 percent in quantity in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production of IF transformers declined 12 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production of IF transformers was discontinued in April 1977.

IF transformers represented 88 percent of total production in 1975 and 92 percent in 1976.

Sales of custom magnetic devices declined 19 percent in quantity from 1975 to 1976. Production of custom magnetic devices declined 9 percent from 1975 to 1976. Production of custom magnetic devices ceased in April 1977 when the plant closed.

Custom magnetic devices represented 9 percent of total production in 1975, and 6 percent in 1976.

INCREASED IMPORTS

Imports of certain electronic inductors (a basket category including tuner modules, transformers, and other inductors for use in radio assemblies and data processing equipment) increased in absolute terms in each year from 1972 through 1975. Imports increased 37 percent from 1975 to 1976, and increased 56 percent in the first quarter of 1977 compared to the like quarter of 1976. The ratio of imports to domestic production increased from 7.1 percent in 1975 to 9.3 percent in 1976 and to 11.1 percent in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

In June 1976, production of tuner modules was discontinued at Beckley Manufacturing Company and was transferred to General Instrument Corporation (the parent company) facilities in Juarez, Mexico. All employment related to the production of tuner modules at Beckley was terminated.

Beginning in January 1977, production of intermediate frequency transformers was phased out at Beckley. In April 1977, production of IF transformers ceased at Beckley and was transferred to General Instrument facilities in Juarez, Mexico, and Taiwan.

Sales and production of custom magnetic devices declined throughout 1975 and 1976. Beckley produced CM devices for one major customer. This customer purchases imported custom magnetic devices and reduced purchases from Beckley in 1975 and 1976.

Tuner modules and intermediate frequency transformers together, represented nearly 95 percent of production at Beckley in both 1975 and 1976. Therefore, when production of these products was transferred from Beckley, production of custom magnetic devices was also discontinued at the plant. CM device production was not transferred to other parent company facilities. General Instrument will not remain in the custom magnetic device market.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tuner modules, intermediate frequency transformers and custom magnetic devices produced at Beckley Manufacturing, Beckley, West Virginia, contributed importantly to the total or partial separation of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of tuner modules at Beckley Manufacturing Company, Beckley, West Virginia, and the Chickopee, Massachusetts, sales office who became totally or partially separated from employment on or after February 22, 1976, and all workers engaged in employment related to the production of intermediate frequency transformers and custom magnet devices at Beckley Manufacturing Company, Beckley, West Virginia, and the Chickopee, Massachusetts, sales office who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19947 Filed 7-11-77;8:45 am]

[TA-W-1708]

BRIDGEPORT BRASS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1708: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 1, 1977, which was filed by the Brass Workers Local Union No. 24411 of the AFL-CIO on behalf of workers and former workers producing copper and brass pipe and tubing at the Bridgeport Brass Company, Bridgeport, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bridgeport Brass Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Annual average employment of hourly production workers at the Bridgeport, Connecticut tube mill of the Bridgeport Brass Company decreased 20.9 percent from 1974 to 1975 and then increased 17.6 percent from 1975 to 1976. Hourly employment began to decline in January 1977, falling 19.8 percent from January to March 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of copper and brass pipe and tubing at the Bridgeport, Connecticut, tube mill of the Bridgeport Brass Company decreased 25.7 percent in quantity from 1974 to 1975, increased 20.8 percent from 1975 to 1976, and then declined 9.6 percent in the first two months of 1977 compared to the same period in 1976.

Production decreased 30.9 percent in quantity from 1974 to 1975, increased 20.3 percent from 1975 to 1976, and then declined 10.6 percent in the first two months of 1977 compared to same period in 1976.

INCREASED IMPORTS

Imports of copper and brass pipe and tubing decreased from 105 million pounds in 1972 to 56 million pounds in 1975. Imports then increased to 81 million pounds in 1976. The ratio of imports to domestic production of copper and brass pipe and tubing decreased from 11.6 percent in 1972 to 9.3 percent in 1974 and then increased to 9.9 percent in 1975 and to 12 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Bridgeport Brass Company's tube mill in Bridgeport, Connecticut, do not purchase any imported copper and brass pipe and tubing. Customers that decreased purchases from the Bridgeport tube mill did so because Bridgeport Brass stopped producing copper water tubing and because of general economic conditions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper and brass pipe and tubing produced at the Bridgeport, Connecticut tube mill of the Bridgeport Brass Company did not contribute importantly to the total or partial separation of workers producing such articles at that plant.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19949 Filed 7-11-77;8:45 am]

[TA-W-1643]

BORDER FISHERIES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In according with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1643: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Border Fisheries, Incorporated, in Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13082). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Border Fisheries, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (3) has been met, criteria (1), (2), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew of three to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on average crew earnings per boat and average number of shrimp fishing trips per boat.

Average crew earnings per boat increased 52.5 percent in 1975 compared to 1974 and increased 7.6 percent in 1976 compared to 1975. Average number of trips per boat increased 11.5 percent in 1975 compared to 1974 and increased 3.4 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The average shrimp catch per boat in terms of quantity at Border Fisheries, Inc. increased 16.7 percent in 1975 compared to 1974 and then declined 27 percent in 1976 compared to 1975. Average catch per boat in terms of value increased 54.9 percent in 1975 compared to 1974 and increased 8.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to domestic consumption declined from 57 percent in 1975 to 56.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers who regularly submit bids on the Port Isabel-Brownsville shrimp market revealed that customers who increased their purchases of imported shrimp did so because Border Fisheries and other domestic suppliers were unable to meet their requirements. Further evidence that the demand for Gulf shrimp exceeded supply in 1976 is supplied by the fact that the average price for shrimp increased in 1976 compared to 1975.

The decline in the quantity of shrimp caught by Border Fisheries in 1976 was due to several factors, including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the imposition of a 200 mile fishing restriction by the Mexican government which prevented domestic shrimpers from fishing off Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp produced by Border Fisheries, Inc., Port Isabel, Texas, have not contributed importantly to the total or partial separations of the workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19948 Filed 7-11-77;8:45 am]

[TA-W-1633]

CONGRESS TEXTILE PRINTERS

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1633: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on February 7, 1977 which was filed by the Textile Printing Colorist Guild on behalf of workers and former workers printing fabric at the Hawthorne, New Jersey plant of Congress Textile Printers.

The Department's investigation revealed that Congress includes two divisions: Capital Printers, a commission printing operation and Dandy Flocks, a commission flock printing operation.

The notice of investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12494). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Congress Textile Printers, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (3) has been met, criteria (1), (2), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers at the plant has remained constant over the 1974–1976 period as the plant has operated at full capacity during this period. Employment declined 2.5 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975 and declined 5.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 2.5 percent in quantity in the fourth quarter of 1976 compared to the fourth quarter of 1975 and declined 5.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of printed fabric increased 15.2 percent in 1975 compared to 1974 and increased 3.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 3.1 percent in 1975 to 3.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers who decreased purchases from Congress Textile Printers did so because they were unable to meet their requirements. Further evidence that the demand for printed fabric exceeded supply in 1976 is supplied by the fact that the average price for printed fabric increased in 1976 compared to 1975.

The decline in the quantity of printed fabric produced by Congress Textile Printers in 1976 was due to several factors, including the inability of the plant to meet the demand for printed fabric because of the lack of skilled workers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed fabric must be considered in determining import injury to workers producing

ance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Manufacturing Company contributed importantly to the total or partial

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principally from officials of Congress Textile Printers, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all of the above criteria were met for Congress Textile Printers and the Capital Printers division of Congress. Without regard to any of the other criteria, criterion three (3) was not met for the Dandy Flocks division of Congress Textile Printers.

SIGNIFICANT PARTIAL OR TOTAL SEPARATIONS

The average number of production workers at Congress Textile Printers and the Capital Printers division declined 48 percent from 1974 to 1975 and declined 3 percent from 1975 to 1976.

The average number of production workers in the Dandy Flocks division declined 26 percent from 1974 to 1975 and declined 50 percent from 1975 to 1976.

The average number of salaried workers at Congress Textile Printers declined 23 percent from 1974 to 1975 and declined 20 percent from 1975 to 1976.

SALES, PRODUCTION, OR BOTH, DECREASED ABSOLUTELY

The quantity of sales of printed fabric by Congress Textile Printers and the Capital Printers division declined 61 percent from 1974 to 1975 and declined 2 percent from 1975 to 1976.

The quantity of sales of flocked fabric by the Dandy Flocks division declined 35 percent from 1974 to 1975 and declined 50 percent from 1975 to 1976.

INCREASED IMPORTS

The petition alleges that increased imports of apparel adversely affected production and employment of Congress Textile Printers. Converters, who are customers of Congress stated that imports of apparel have been a factor in reduced business with Congress.

Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Imports of cotton broadwoven printcloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratio of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined .8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

Imports of flocked cotton fabric increased absolutely and relative to domestic production from 1972 to 1973. Imports declined absolutely from 1973 to 1974, increased from 1974 to 1975, and then declined 36 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 0.1 percent for each in 1974 to 0.12 percent for each in 1975.

Imports of flocked man-made fabric declined absolutely and relative to domestic production from 1972 to 1973. Imports increased absolutely from 1973 to 1974, declined from 1974 to 1975 and declined 94 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained unchanged at 0.06 percent for each in both 1974 and 1975.

CONTRIBUTED IMPORTANTLY

Customers of Congress Textile Printers are converters who buy greige goods and commission Congress to finish and print the fabric in accordance with apparel manufacturers' specifications. During the course of the investigation it was established that converters may or may not purchase imports of printed fabric. In general, the converters maintained that printing orders with Congress and Capital were reduced because the converters were experiencing declining sales.

The Department's survey of apparel manufacturers, who are customers of the converters, revealed that manufacturers are importing printed or finished fabric for use in the production of men's and women's wearing apparel. The converters reported a growing trend towards manufacturers bypassing converters and purchasing finished fabric offshore or purchasing the imported finished fabric domestically, through foreign trading companies.

Sales by Dandy Flocks declined in 1975 and 1976 because total consumption of cotton and man-made fabrics used as foundations for flocking declined. This decline was due to decreased demand by the housing, automotive, apparel, and shoe industries, the primary users of coated, including flocked, fabrics.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports or directly competitive with printed fabric produced at Congress Textile Printers and the Capital Printers division of Congress; Hawthorne, New Jersey contributed importantly to the total or partial separation of the workers of those divisions. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the printing of fabric at Congress Textile Printers and the Capital Printers division of Congress, Hawthorne, New Jersey, and the Senate Sales office New York, New York who became totally or partially separated from employment on or after January 24, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that imports of articles like or directly competitive with flocked fabric produced in the Dandy Flocks division of Congress Textile Printers, Hawthorne, New Jersey have not increased as required for certification under Section 222 of the Trade Act of 1974. Therefore, workers employed by Dandy Flocks are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19950 Filed 7-11-77;8:45 am]

[TA-W-1584]

DAVE GOLDBERG MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(b) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1584: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 18, 1977 in response to a worker petition received on January 18, 1977 which was filed on behalf of workers and former workers producing quilted nylon and polyester coats at the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company.

The notice of investigation was published in the FEDERAL REGISTER on February 15, 1977 (42 FR 9239). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Dave Goldberg Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Chicago Midwest Credit Management Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employement at the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company peaked in September 1975 and then declined thereafter. All employment at the Antioch plant was terminated the week ending January 3, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in 1974 dollars by the Dave Goldberg Manufacturing Company increased 3.3 percent in 1975 compared to 1974 and then declined 84.5 percent in the first three qaurters of 1976 compared to the first three quarters of 1975.

INCREASED IMPORTS

Imports of men's, boys', women's and girls' nylon and polyester fiber-filled non-knit coats and jackets increased absolutely and relatively in 1973 compared to 1972 and then declined absolutely and relatively in 1974 compared to 1973. Imports decreased absolutely and relatively in 1975 compared to 1974 and then increased 18.3 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 132.8 percent in 1975 to 145.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers representing approximately eighty percent of Goldberg's total sales indicated that they had increased their purchases of imported nylon and polyester coats while decreasing their purchases from the Dave Goldberg Manufacturing Company. Price was cited as the most important factor in these customers' decisions to purchase imported rather than domestic nylon and polyester coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with quilted nylon and polyester coats produced by the Antioch, Illinois plant of the Dave Goldberg Manufacturing Company contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Dave Goldberg Manufacturing Company located in Antioch, Illinois who became totally or partially separated from employment on or after December 22, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19951 Filed 7-11-77;8:45 am]

[TA-W-1947]

EARTH SHOE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1947: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on March 31, 1977, by workers and former workers producing casual footwear at the Middleboro, Massachusetts, plant of the Earth Shoe Corporation. The petition was expanded to include those workers at the Summerset, Massachusetts, warehouse of Earth Shoe and the parent corporation of Earth Shoe, Kalso Systemet, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on May 4, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Earth Shoe Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Earth Shoe Corporation declined by 10.2 percent in 1976 compared to 1975. Employment declined by 76.6 percent in the first four months of 1977 compared to the same period in 1976. The plant was shut down and all production employees were laid off between February 10, 1977, and April 9, 1977.

All salaried workers of Kalso Systemet, Inc., were laid off in January, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of casual footwear by the Earth Shoe Corporation in value on a fiscal year basis (September 1–August 31) declined in 1976 by 2.7 percent compared to the like period in fiscal year 1975. Sales declined in the first half of fiscal year 1977 by 44.6 percent compared to the first half of fiscal year 1976.

Production of casual footwear by the Earth Shoe Corporation declined in quantity by 24.4 percent in 1976 compared to 1975. Production declined by 75.3 percent in the first four months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of men's, youths' and boys' dress and casual footwear increased from 65.5 million pairs in 1972 to 68.2 million pairs in 1973. Imports declined to 52.1 million pairs in 1974 and then increased to 58.9 million pairs in 1975. Imports increased by 33.1 percent in 1976 to 78.4 million pairs compared to the 58.9 million pairs imported in 1975.

The ratio of imports to domestic production was recorded at 57.2 percent in 1972 and increased to 61.2 percent in 1973. The ratio fell to 51.7 percent in 1974, increased to 61.1 percent in 1975 and increased to 76.6 percent in 1976.

Imports of women's and misses' nonrubber footwear, except athletic increased from 204.2 million pairs in 1972 to 218.4 million pairs in 1973. Imports in 1974 were recorded at 187.6 million pairs and increased to 190.7 million pairs in 1975. Imports increased by 2.5 percent in 1976 to 195.5 million pairs compared to the 190.7 million pairs imported in 1975.

The ratio of imports to domestic production was recorded at 93.5 percent in 1972 and increased to 111.0 percent in 1973. The ratio fell to 102.6 percent in 1974, increased to 114.1 percent in 1975 and declined to 106.3 percent in 1976.

CONTRIBUTED

Earth Shoes were marketed through company-owned and privately owned franchise stores. These stores sold only domestically made original "Earth" shoes prior to 1976. Beginning in 1976,

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retail stores that had exclusively marketed only "Earth" shoes decreased their volume of purchases from Earth Shoe, Inc., and began selling imported casual footwear. Imported casual footwear sold in these stores generally were lower-priced than the Earth shoe.

The popularity of the Earth shoes generated numerous imitations of the original design made by Earth Shoes, Inc. Many of these imitations were produced abroad and sold in the U.S. for prices substantially below that of the Earth Shoe, Inc., produced shoe.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with casual footwear produced at the Middleboro, Massachusetts, plant of Earth Shoe Corporation contributed importantly to the total or partial separation of the workers of that plant, including the warehouse in Summerset, Massachusetts, and the parent corporation, Kalso Systemet, Inc., New York, N.Y. In accordance with the provisions of the Act, I make the following certification:

All workers at the Middleboro, Massachusetts, plant and the Summerset, Massachusetts, warehouse of Earth Shoe Corporation and the New York, N.Y., offices of Kalso Systemet, Inc., who became totally or partially separated from employment on or after April 24, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19952 Filed 7-11-77;8:45 am]

[TA-W-1720]

GOODIMADE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1720: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 28, 1977, in response to a worker petition received on that date which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing womens and girl's sportswear at the Goodimade Manufacturing Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Goodimade Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Goodimade Manufacturing Company declined 3 percent in 1975 compared to 1974 and increased 2 percent in 1976 compared to 1975. Employment declined 13 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by the Goodimade Manufacturing Company declined in value by 10 percent in 1975 compared to 1974 and declined 3 percent in 1976 compared to 1975. During the first quarter of 1977 total sales declined 1 percent compared to the first quarter of 1976.

Total production by the Goodimade Manufacturing Company declined in quantity by 18 percent in 1975 compared to 1974 and 17 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's blouses and shirts increased relative to domestic production and consumption from 56 percent and 35.9 percent, respectively, in 1974 to 70.4 percent and 41.3 percent, respectively, in 1975. In 1976 imports as a percentage of production and consumption increased to 76 percent and 43.2 percent, respectively. Imports of women's, misses' and children's blouses and shirts increased from 20.5 thousand dozen in 1974 to 26.1 thousand dozen in 1975 and 30.3 thousand dozen in 1976. Imports decreased from 9.7 thousand dozen in the first quarter of 1976 to 8.3 thousand dozen in the first quarter of 1977.

Imports of women's, misses' and children's slacks and shorts increased relative to domestic production and consumption from 30.3 percent and 23.2 percent respectively in 1974 to 33 percent and 24.6 percent, respectively, in 1975. In 1976 imports as a percentage of production and consumption increased to 39 percent and 28 percent, respectively. Imports of women's, misses' and children's slacks and shorts increased from 8.9 thousand dozen in 1974 to 10 thousand dozen in 1975 and 11 thousand dozen in 1976. Imports decreased from 3.5 thousand dozen in the first quarter of 1976 to 3.4 thousand dozen in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Customers of Goodimade Manufacturing Company indicated that they increased purchases of imports and decreased purchases from Goodimade.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and girl's sportswear produced by the Goodimade Manufacturing Company, Philadelphia, Pennsylvania, contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Goodimade Manufacturing Company, Philadelphia, Pennsylvania, who became totally or partially separated from employment on or after February 24, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19953 Filed 7-11-77;9:45 am]

[TA-W-1952]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1952: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Lihue, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important that any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with those produced by the firm or subdivision contributed importantly to the total or partial separation of the workers of that plant, including the warehouse in Summerset, Massachusetts, and the parent corporation, Kalso Systemet, Inc., New York, N.Y. In accordance with the provisions of the Act, I make the following certification:

All workers at the Middleboro, Massachusetts, plant and the Summerset, Massachusetts, warehouse of Earth Shoe Corporation and the New York, N.Y., offices of Kalso Systemet, Inc., who became totally or partially separated from employment on or after April 24, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19954 Filed 7-11-77;8:45 am]

[TA-W-1950]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1950: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Waipahu, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19954 Filed 7-11-77;8:45 am]

[TA-W-1950]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1950: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Waipahu, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19955 Filed 7-11-77;8:45 am]

[TA-W-1723]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1723: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on March 1, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Aiea, Hawaii. During the

course of the investigation the petition

justment assistance as prescribed in Sec-

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course of the investigation the petition was expended to cover a substation at Kailue, Hawaii and the Washington, D.C., office.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contracts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19956 Filed 7-11-77;8:45 am]

[TA-W-1951]

HAWAIIAN SUGAR PLANTERS ASSOCIATION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1951: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on April 4, 1977, which was filed on behalf of workers and former workers engaged in research and administrative operations for Hawaii's sugar industry at the Hawaiian Sugar Planters Association, Hilo, Hawaii.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hawaiian Sugar Planters Association, C. Brewer and Company, Ltd., the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, the State of Hawaii Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Hawaiian Sugar Planters Association, founded in 1895, is a non-profit agricultural organization which provides research and administrative services to the Hawaiian sugar industry. The HSPA is funded and directed by the five major sugar companies of Hawaii. Each company is assessed for HSPA operations on a prorated basis according to company production and the price of sugar.

The HSPA operates a central experiment station in Aiea, Hawaii; four substations in Waipahu, Hilo, Lihue, and Kailua; and an office in Washington, D.C., which represents the Hawaiian sugar industry in government relationships, in contacts with the mainland domestic sugar industry, and acts as a general representative of the sugar industry.

The Hawaiian Sugar Planters Association does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The HSPA performs a service, providing research and administrative operations for Hawaii's sugar industry.

Because the HSPA is funded by all Hawaiian sugar companies, it is not a subdivision of any one firm. Under 29 CFR § 90.2, the term "appropriate subdivision" does not include an association such as the HSPA which performs services for a number of firms.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by the Hawaiian Sugar Planters Association are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19957 Filed 7-11-77;8:45 am]

[TA-W-1644]

LLOYD GUILLOT CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1644: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977, in response to a worker petition received on February 10, 1977, which was filed by workers and former workers engaged in shrimp fishing at the Lloyd Guillot Company, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13089). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Lloyd Guillot Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Evidence developed in the Department's investigation revealed that criteria (1), (2), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data in the shrimp fishing industry have been expressed in terms of number of fishing trips or landings and gross crew earnings since trawler compliments usually remain constant with a minimum of three crewmen per trawler due to insurance requirements. Gross crew earnings are determined as a percentage of the sales value of the catch.

The number of trips increased 5.2 percent from 1974 to 1975 and decreased 10 percent from 1975 to 1976. Gross crew earnings increased 70.8 percent from 1974 to 1975 and increased 4.3 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of shrimp, in terms of quantity, increased 14.3 percent in 1975 compared to 1974 and decreased 10.1 percent in 1976 compared to 1975. However, sales, in terms of value, increased 47.8 percent in 1975 compared to 1974 and increased 31.4 percent in 1976 compared to 1975 due to sharp increases in the price of fresh shrimp.

INCREASED IMPORTS

Imports of shrimp decreased 9.3 percent from 1972 to 1973, increased 15.9 percent from 1973 to 1974, decreased 13.6 percent from 1974 to 1975 and increased 17.2 percent from 1975 to 1976. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

The decline in the quantity of shrimp caught by Lloyd Guillot was due to several factors including adverse weather conditions occurring during the height of the shrimp season in November and December 1976 which kept the trawler in port, the lack of shrimp available in the usual fishing grounds, and because the 200 mile fishing restriction imposed by the Mexican government prevented domestic shrimpers from fishing off the Mexican coastal waters. Lloyd Guillot's only customer buys all the shrimp that Lloyd Guillot is able to supply. This customer purchases imported shrimp when Lloyd Guillot and other domestic suppliers are unable to supply all the quantity and types of shrimp to meet the customer's requirements.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the shrimp produced by Lloyd Guillot, Port Isabel, Texas, have not contributed importantly to the total or partial separations of workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19958 Filed 7-11-77;8:45 am]

[TA-W-1655]

LUCHADOR, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1655: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 16, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers who are engaged in shrimp fishing at Luchador, Incorporated, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13089). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Luchador, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2), and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on the number of shrimp fishing trips and gross crew earnings.

The number of shrimp fishing trips taken by the M V *Luchador*, the only boat owned by Luchador, Inc., increased 3.7 percent in 1976 compared to 1975. Gross crew earnings on the M V *Luchador* declined 2.3 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The amount of shrimp caught by the M/V *Luchador* declined 18.2 percent in 1976 compared to 1975. Sales in terms of value declined 5.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

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CONTRIBUTED IMPORTANTLY

The decline in the quantity of shrimp caught by Luchador in 1976 was due to several factors including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the 200 mile fishing zone imposed b ythe Mexican government which prevented domestic shrimpers from fishing in Mexican coastal waters.

Luchador's only customer buys all the shrimp that Luchador is able to supply. This customer purchases imported shrimp when Luchador and other domestic suppliers are unable to meet its requirement.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp produced by Luchador, Incroporated, Port Isabel, Texas, have not contributed importantly to the total or partial separations of workers of that firm, or to the decline in sales or production, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-19959 Filed 7-11-77;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE ON SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Pursuant to the notice published in the FEDERAL REGISTER on May 26, 1977, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on July 28, 29, and 30, 1977, at the University Towers Hotel, Seattle, Washington.

The Commission and Committee will meet together in public session from 11:00 a.m. to 3:00 p.m. on July 28, and from 9:00 a.m. to 6:00 p.m. on July 29, to discuss and consider the status of activities and problems affecting marine mammals, including matters relating to:

(1) Federally-funded marine mammal research activities and long-range plans;
(2) The marine mammal permit application system;
(3) The taking of porpoises incidental to commercial yellowfin tuna fishing;
(4) Marine mammal harassment;
(5) Results of the June 1977 meeting of the International Whaling Commission; and
(6) Such other matters as may appropriately come before the meeting.

These sessions will be open to the public, and seating will be available to accommodate those who are interested.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held as follows:

July 28, from 9:00 a.m. to 11:00 a.m., and July 29, from 9:00 a.m. to 5:00 p.m.

These sessions are concerned with matters listed in 5 U.S.C. Sec. 552b(c)(2), (3), (4), (6), and (9)(B), and therefore will not be open to the public.

JOHN R. TWISS,
Executive Director,
Marine Mammal Commission.

JULY 6, 1977.

[FR Doc.77-19888 Filed 7-11-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-46)]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the "Final Environmental Impact Statement, modification of 40 x 80-foot Subsonic Wind Tunnel, Amendment No. 1, Ames Research Center, Moffett Field, California.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of November 10, 1976.

Copies of the draft and final statement have been furnished to the council on Environmental Quality, the Departments of Health, Education, and Welfare, Housing and Urban Development, Interior, Navy, and Transportation, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-313), Bay St. Louis, MS 39520

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337

Done at Washington, D.C., this 5th day of July 1977.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.77-19886 Filed 7-11-77; 8:45 am]

[Notice (77-47)]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the National Aeronautics and Space Administration (NASA) Ames Research Center, Moffett Field, California.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of July 16, 1976.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, the Departments of Health, Education, and Welfare, Housing and Urban Development, Interior, Navy, and Transportation, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffet Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-313), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C., this 5th day of July 1977.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.77-19887 Filed 7-11-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE STRUCTURE

Notice is hereby given, pursuant to P.L. 92-463, that the Committee Structure of the National Advisory Council on the Education of Disadvantaged Children for FY 1978 shall be as follows:

COMMITTEE ON SUCCESSFUL PROGRAMS/PARENT INVOLVEMENT

The Committee will develop procedures for reviewing criteria and identifying effective compensatory education programs; and, to assess the effective parental participation in local ESEA Title I programs.

Members:
Mrs. Carol Schwartz, Chairman
Mrs. Sarah Greene
Mrs. Rosella Lipson
Dr. George Willeford
Mr. Marvin Pomerantz
Dr. John Calhoun

COMMITTEE ON INDIAN EDUCATION/MIGRANT EDUCATION

The Committee will review and comment on the administrative structure of programs impacting on education of Indian children and review ESEA, Title I Migrant programs.

Members:
Dr. Ben Reifel, Chairman
Dr. Wilbur Lewis
Mrs. Mary Anne Clugston
Mrs. Dorothy Fleegler
Mrs. Barbara Kilberg
State Senator John Leopold

AD HOC COMMITTEE (BARRERA)

The Committee is to monitor developments and Council activities related to the Missouri Title I nonpublic school bypass.

Members:
Dr. Wilbur Lewis, Chairman
Mrs. Sarah Greene
Mr. J. Alan Davitt
Mrs. Barbara Kilberg

MANDATED STUDIES COMMITTEE

The Committee is to monitor and advise the NIE national evaluation of compensatory education as required by P.L. 93-380.

Members:
Mrs. Dorothy Fleegler, Chairman
Mr. J. Alan Davitt
Mrs. Rosella Lipson

COMMITTEE ON LEGISLATIVE TESTIMONY

The Committee is to provide ongoing Council advice on pending legislation, i.e., ESEA testimonies and other statements for congressional records.

Members:
Mr. M. Alan Woods, Chairman
Mr. J. Alan Davitt
State Senator John Leopold.

THE EXECUTIVE COMMITTEE

The Committee is composed of the Chairmen of all committees and performs interim assignments as delegated by the Chairman of the NACEDC.

All the above committees are scheduled to hold sessions on July 14, 1977, at the Parker House Hotel, Brandeis Room, Boston, Mass. from 7:00 p.m. to 9:00 p.m.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

All committee meetings will be announced in the FEDERAL REGISTER and will be open to the public unless otherwise indicated. Records will be kept of all meetings and will be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on July 6, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-19861 Filed 7-11-77;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy (NCMP) will sponsor a working conference on the manpower services delivery system. The conference will be held on July 28 and 29, 1977, in the Diplomat Room of the International Inn, located at 10 Thomas Circle NW., Washington, D.C. The conference will begin at 1:30 p.m. and adjourn at 5:00 p.m. on July 28, resuming on July 29 at 9:00 a.m. and ending at about 4:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The Act charges the Commission with the board responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the nation's manpower policies and programs.

The manpower agenda items to be covered during the conference include:

The desirability of extending the principles of decentralization and decategorization beyond CETA to other manpower programs, specifically the Employment Service and the Work Incentive Program.

A delineation of manpower functions to be performed at state and local levels.

Financing the manpower services system.

Relationship of education and welfare systems to the manpower system.

Criteria for evaluating manpower performance.

The conference's objective is to develop information to guide the Commission's assessment of the several manpower programs and the question of whether such programs represent a consistent, integrated, and coordinated approach to meeting the Nation's manpower goals and needs.

Members of the general public and other interested individuals may attend this NCMP working conference; space, however, will be limited. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Commission no later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements at the conference to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: The applicant; the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations will be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public in-

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pection at the Commission's headquarters located at 1522 K Street, NW., Suite 300, Washington, D.C., five working days after the meeting.

Signed at Washington, D.C. this fifth day of July 1977.

ELI GINZBERG,
Chairman, National Commission for Manpower Policy.

[FR Doc.77-19718 Filed 7-11-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

RESEARCH GRANTS PANEL

Meeting

JULY 6, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on July 18, 1977.

The purpose of the meeting is to review Research applications in the field of Publications submited to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordon, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-19724 Filed 7-11-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE FOR CITIZENS SUBCOMMITTEE TO DRAFT REPORT

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee to Draft Report of the Advisory Committee for Science for Citizens.

DATE AND TIME: August 4 and 5, 1977—9:00 a.m.-5:00 p.m. each day.

PLACE: Room 680, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550.

CONTACT PERSON: Ms. Rachelle Hollander, Acting Program Manager, Science for Citizens Program, Office of Science and Society, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 282-7770.

TYPE OF MEETING: Open.

PURPOSE OF SUBCOMMITTEE: To draft report to Congress regarding Science for Citizens Program.

AGENDA: The subcommittee will draft report.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Room 248, Washington, D.C. 20550.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JULY 7, 1977.

[FR Doc.77-19864 Filed 7-11-77;8:45 am]

SUBPANEL ON SCIENCE EDUCATION PROGRAMS EVALUATION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subpanel on Science Education Programs Evaluation Advisory Panel for Science Education projects.

DATES AND TIMES: July 28-29, 1977—8:30 a.m. to 5 p.m. each day.

PLACE: Holiday Inn: 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W-660, National Science Foundation, Washington, D.C. 20550. Tel: (202) 282-7947.

PURPOSE OF SUBPANEL: To provide advice and recommendations concerning evaluation of six Science Education programs: CAUSE, BIAS, URP, LOCI, ISEP, and Women in Science Career Facilitation Programs.

AGENDA: To review and evaluate specific education proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JULY 7, 1977.

[FR Doc.77-19863 Filed 7-11-77;8:45 am]

WORKSHOP ON PROBLEMS OF CONTINUING EDUCATION IN SCIENCE AND ENGINEERING

Meeting

A workshop devoted to discussion of the problems of continuing education in science and engineering will be held at the National Science Foundation, Room 540, at 1800 G Street, N.W., Washington, D.C. on Friday and Saturday, August 5 and 6, 1977. The Friday session will run from 9:00 to 5:00 and the Saturday session from 9:00 to 3:00. The workship, involving a small group of invited participants, is part of the Foundation's consideration of current and possible future activities in continuing education in science and engineering. There will be discussion of problems facing colleges, universities, and the industrial sector.

While this meeting is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (Pub. L. 92-463) the conference is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation.

Because of space limitations, those who wish to attend should make prior arrangements with the Chairman, Dr. Alphonse Buccino, (202) 282-7947, or by letter to him at the Office of Program Integration, National Science Foundation, Washington, D.C. 20550.

JEROME DAEN,
Director, Division of Science Education, Development and Research.

[FR Doc.77-19862 Filed 7-11-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 1, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Action Volunteer Application (short form), A-727 Revise, single time, persons applying for special volunteer programs, Warren Topelius, 395-5872.

OFFICE OF MANAGEMENT AND BUDGET

A-95 Survey: Governors/Legislators, single time, Governors, State legislators, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, National Study of the Incidence and Severity of Child Abuse and Neglect—Pretest, single time, professionals having contact with children, Larry Haber, 395-5631.

DEPARTMENT OF THE TREASURY

Departmental and other, questionnaire: One Cent Coin National Personal Interview Survey, single time, sample of the U.S. adult population, Maria Gonzalez, 395-5122.

DEPARTMENT OF TRANSPORTATION

St. Lawrence Seaway Development Corporation, Island Transportation Study Questionnaire, single time, residents of U.S. islands in St. Lawrence River, Strasser, A., 395-5867.

Federal Railroad Administration: Terminal Grain Elevator Operators Questionnaire, single time, terminal grain elevator operators, Strasser, A., 395-5867.

Contry Grain Elevator Operators Questionnaire, single time, country elevator operator, Strasser, A., 395-5867.

Farmers' Questionnaire, single time, farmers in study area, Strasser, A., 395-5867.

National Highway Traffic Safety Administration, Preliminary Plan: Accident Causation and Accident, Avoidance Driver Interview Form, on occasion, drivers of motor vehicles, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Cotton and Raw Linters in Public Storage and at Compresses, M22N, monthly, cotton and linter warehouses, Gaylord Worden, 395-4730.

Economic Development Administration, Quarterly Financial Report: Title III Technical Assistance Grants, ED-325, quarterly, nonprofit/nongovernment grantees, Warren Topelius, Lowry, R. L., 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Request for Termination of Hospital and/or Supplementary Medical Insurance, SSA-1763, on occasion, voluntarily enrolled supplementary medical insurance and health insurance who wish termination, Tracey Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Bird Strike/Incident Report, FAA 3830, on occasion, pilots, airlines, etc., Strasser, A., 395-5867.

EXTENSIONS

ENVIRONMENT PROTECTION AGENCY

Notice of Research Project, EPA5760-1, annually, applicants for research grants, Marsha Traynham, 395-4529.

FOOD AND NUTRITION SERVICE

Proceduro for Conducting and Reporting Statewide Quality Control Accountability Reviews—Food Stamp Program, annually, Marsha Traynham, 395-529.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Application and Special Permit for Immediate Delivery of Imported Merchandise, CF 3461, on occasion, importers, Tracey Cole, 395-5870.

Application for Exportation of Articles Under Special Bond of 3495, on occasion, customhouse brokers and exporters, Tracy Cole, 395-5870.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration, False Proceed Signal Report, 6180-14, monthly, railroads, Warren Topelius, 395-5872.

Federal Aviation Administration, Airport Pavement Design, FAA5100-1, on occasion, airport sponsors engineers, Tracey Cole, 395-5870.

Federal Railroad Administration, Signal Systems Annual Report, FRA618047, annually, railroads, Warren Topelius, 395-5872.

Federal Highway Administration, Drivers Daily Log, MCS-59, on occasion, drivers of interstate motor carriers of property and persons, Warren Topelius, 395-5872.

National Institutes of Health, Statement of Appointment of Trainee, NIH2004, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-20021 Filed 7-11-77;8:45 am]

POSTAL SERVICE

BOARD OF GOVERNORS

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 6.2 and 7.5(b) (as amended, 42 FR 12862, 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a special meeting at 10:00 A.M. on Monday, July 11, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the question of whether it should authorize the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in postal rates and fees.

The Board will also review a report on the Public Affairs and Communications Programs of the Postal Service, which will be presented by Mr. Byrne, Assistant Postmaster General, Public and Employee Communications Department. This latter item was on the agenda for the July 6 meeting but was not presented at that time.

Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

By a recorded vote at its meeting on July 6, 1977, the members of the Board determined that the business of the Board requires the special meeting which is scheduled for July 11 to be called with less than a week's notice.

LOUIS A. COX,
Secretary.

[FR Doc.77-19844 Filed 7-11-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 13715; SR-Amex-77-7]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JULY 5, 1977.

On May 2, 1977, the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006, ("Amex") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder copies of a proposed rule change which amends Section 411 of the Amex *Company Guide* to clarify the scope of permissible communications between specialists and listed company officials.

Notice of the proposed rule change together with the terms of substance of

the proposed rule change was given by publication of a Commission Release

ment on Form S-5 was declared effective on June 15, 1977; however, the Fund has

The Fund's Trustees have contracted for investment management services

company of the other, (B) by former em-

Secretary, Securities and Exchange Com-

Sales charge

the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13516 (May 6, 1977)) and by publication in the FEDERAL REGISTER (42 FR 24778 (May 16, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on May 2, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19858 Filed 7-11-77;8:45 am]

[Rel. No. 9839; 813-44]

ELFUN TAX-EXEMPT INCOME FUND INCOME FUND

Filing of Application for an Order of Exemption

JULY 5, 1977.

Notice is hereby given that Elfun Tax Exempt Income Fund ("Fund"), 112 Prospect Street, Stamford, Connecticut 06904, which is registered under the Investment Company Act of 1940, as amended ("Act"), as a diversified, open-end management investment company, filed an application on April 15, 1977, and an amendment thereto on May 18, 1977, pursuant to Section 6(b) of the Act for an order of the Commission exempting the Fund from the following sections of the Act and the Rules and Regulations promulgated thereunder: 8(b), 10(a), 13(a)(4) to the extent required to permit the Fund to be terminated without a vote of the Fund's Unitholders, 15(a) to the extent required to allow the investment advisory agreement between the Fund and General Electric Investment Corporation ("GEIC") described below to go into effect without being approved by persons holding a majority of the Fund's outstanding Units, 15(c), 16(a), 22(f), 30(d) to the extent required to permit the Fund to send a report to its Unitholders describing operations of the Fund only once a year, and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund is a common law trust created pursuant to an agreement among the Fund's Trustees dated March 14, 1977. It filed with the Commission a notification of registration on Form N-8A on March 15, 1977, and a registration statement on Form S-5 under the Securities Act of 1933, as amended, on the same date. The registration statement on Form S-5 was declared effective on June 15, 1977; however, the Fund has not commenced distribution of Units of beneficial interest as of yet.

The Fund's investment objective is to seek as high a level of current interest income exempt from Federal income taxes as is available from investing in Municipal Bonds and is consistent with prudent investment management. It is the Fund's fundamental policy that at least 80% of its total assets will be invested in Municipal Bonds unless (1) market conditions call for a defensive posture in taxable obligations, or (ii) during the period between the commitment to purchase Municipal Bonds and the settlement date for such purchases. The Fund's investment restrictions include a prohibition against borrowing money or property except as a temporary measure and in no event will such borrowings exceed 5% of the Fund's total assets. Its fundamental policies and investment restrictions are not changeable without the approval of holders of at least a majority of the Fund's outstanding Units.

The Fund does not issue shares of stock. Ownership is denominated by Units which are evidenced by certificates or shown as Bookunits in statements of Account. All Units are of one class and are equal to each other without preference or priority of one over the other. Unitholders have no voting rights except with respect to matters affecting the Unitholders' rights of redemption or other substantial rights, and with respect to changes in the Fund's fundamental policies. They are not entitled to elect members of the Fund's Board of Trustees. Each Unit entitles the holder thereof to one vote. There are no preemptive, subscription or conversion rights.

Fund Units are offered for sale only to regular and senior members of the Elfun Society ("Elfun") and to General Electric Company ("General Electric") and its affiliated companies. The Fund continuously offers its Units at net asset value without a sales charge per Unit, determined as of the next closing of the New York Stock Exchange after a subscription is received by the Unitholder Servicing Agent (Elfun Tax-Exempt Income Fund Unitholders Records Operation, General Electric Company). A redemption fee not to exceed 1% may be prescribed. The minimum initial investment is $1,000 and the minimum payroll deduction is $50 per month. Regular members of Elfun are selected from the higher level exempt-salaried employees of General Electric and its affiliated companies. Senior members are former regular members who have retired from those companies. As of December 31, 1976, there were approximately 18,800 regular members and 3,400 senior members of Elfun. Purchases of Fund Units may also be made by the spouse and adult children of eligible living Elfun members or by the unremarried surviving spouse of a former Elfun member.

The Fund's Trustees have contracted for investment management services with GEIC, a wholly-owned subsidiary of General Electric which is registered with the Securities and Exchange Commission as an Investment Adviser under the Investment Advisers Act of 1940. Subject to general guidance and review by the Fund's Board of Trustees, GEIC will develop an investment program, determine what securities should be bought and sold, and execute portfolio transactions for the Fund. GEIC is reimbursed the reasonable costs it incurs in providing investment management services to the Fund, but such reimbursement does not include any element of profit for GEIC.

GEIC is subject to removal by the Fund's Trustees at any time, without penalty, on sixty days written notice. The contract for investment management provides that the appointment of the investment manager is subject to annual review by the Fund's Trustees. The Fund's Trustees have employed The Bank of New York to act as the Fund's custodian, Accounting Services and Unitholder Services are furnished to the Fund by General Electric at reasonable costs without profit to General Electric.

The Fund's three Trustees are all officers or employees of General Electric who have been assigned to the operations of GEIC. They do not receive any compensation from the Fund for serving as Trustee, although the Fund is required to reimburse GEIC for the portion of the remuneration such persons receive from General Electric which is allocable to the time they spend on Fund matters in their capacity as GEIC employees. The amount of services performed by the Trustees to the Fund will not in any way affect the size of their salaries or other remuneration from General Electric. The application states that the Trustees, GEIC and General Electric all have a very strong interest in assuring that the Fund is well managed, and while General Electric does not sponsor the Fund, the Fund is being established to offer an additional investing opportunity to certain General Electric employees, former employees, and their immediate relatives. Thus, the application contends that the success of the Fund will have a strong bearing on General Electric employee morale and satisfactory employee relations, matters in which General Electric is vitally involved.

The application contends that the Fund meets the definition of an "employees' securities company" contained in Section 2(a)(13) of the Act and should, as such, be exempted by the Commission pursuant to Section 6(b) of the Act. Section 2(a)(13 of the Act provides that "Employees' securities company means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employees, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of the Act and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security." Pursuant to the provisions of Rule 6b-1 under the Act upon filing its application, the Fund became exempt from the above specified sections of the Act and the Rules and Regulations promulgated thereunder pending final determination of this application by the Commission.

In support of the requested exemptions, the application states that the safeguards for employee interests inherent in the Fund and the above described contractual arrangements of which the Fund is to be a party are more than adequate; that the Fund has no conflict of interest with the employee-investors; and that it has every incentive to see to it that the interests of the employees are protected. The application declares that the Fund believes that the exemptions it has requested from the above specific provisions of the Act and the Rules and Regulations promulgated thereunder, are consistent with the protection of investors. The application in this regard points out that Elfun Trusts and other employee securities companies associated with General Electric in the past have received orders of the Commission pursuant to Section 6(b) exempting them from the same provisions of the Act and the Rules and Regulations promulgated thereunder of which the Fund is requesting exemption.

Notice is further given that any interested person may, not later than August 1, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19859 Filed 7-11-77;8:45 am]

[Rel. No. 9838; 812-4098]

DELAWARE FUND, INC., ET AL.

Application To Permit an Offer of Exchange and To Provide an Exemption

JULY 1, 1977.

Notice is hereby given that Delaware Fund, Inc., Decatur Income Fund, Inc., Delta Trend Fund, Inc. (collectively "Funds"), Delchester Bond Fund, Inc. ("Bond Fund") and DMC Tax-Free Income Trust-Pennsylvania ("DMC Trust"), each of which is registered as an open-end diversified management investment company under the Investment Company Act of 1940 (the "Act") and Delaware Management Company, Inc., Seven Penn Center Plaza, Philadelphia, Pennsylvania 19103, ("Management") (collectively referred to with the Funds, Bond Fund and DMC Trust as "Applicants"), filed an application on March 1, 1977 and an amendment thereto on April 28, 1977, for an order, pursuant to Section 11(a) of the Act, to permit the Funds to offer to exchange their shares for shares of DMC Trust on a basis other than their relative net asset value per share at the time of the exchange, and, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rules 22d-1 and 22d-2 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized gelow.

Applicants state that Management, as principal underwriter for the Funds, Bond Fund, and DMC Trust, maintains a continuous offering of the shares thereof at their respective net asset values plus a sales charge. At present, the applicable sales charge for the Funds varies with the quantity purchased in the transaction as follows:

Size of transaction at offering price:	Sales charge as percentage of offering price
Less than $10,000	8.5
$10,000 but under $25,000	8.0
$25,000 but under $50,000	6.5
$50,000 but under $100,000	4.5
$100,000 but under $250,000	3.5
$250,000 but under $500,000	2.5
$500,000 but under $1,000,000	2.0
$1,000,000 and over	1.0

The sales charges for DMC Trust and Bond Fund are as follows:

Size of transaction at offering price:	Sales charge as percentage of offering price
Less than $100,000	4.5
$100,000 but under $250,000	3.5
$250,000 but under $500,000	2.5
$500,000 but under $1,000,000	2.0
$1,000,000 and over	1.0

Applicants propose to offer shares of each of the Funds to shareholders of DMC Trust on the basis of their relative net asset values at the time of exchange plus the applicable sales load described in the prospectus of the Fund being acquired, less the sales charge paid on such DMC Trust shares at the time that they were originally acquired. Exchanges between DMC Trust and Bond Fund will be made at net asset value. Applicants assert that an investor acquiring shares of one of the Funds through an exchange of shares of DMC Trust purchased at the reduced sales charges would, therefore, pay approximately the same overall sales charge that he would have paid had he purchased the same number of shares of one of the Funds directly.

Applicants further state that purchases of shares of the Funds by investors who have redeemed DMC Trust shares within the previous 30 days, pursuant to their one-time reinvestment privilege, will also include sales charges equal to the difference between the sales charges that were paid on the DMC Trust shares that were redeemed and the applicable sales charges on the shares of the Fund being acquired with the proceeds of such redemptions. Such reinvestment privilege, described in the current prospectus for DMC Trust, permits the reinvestment of such proceeds in DMC Trust or Bond Fund at no additional sales charge, and in any of the Funds with only the adjustment to equalize the sales charges described above.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter thereof to make or cause to be made an offer to the shareholders of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof

shall sell any redeemable security issued by such company to any person except

municipation should be addressed: Secretary, Securities and Exchange Commis-

sion another indenture under which other securities of the issuer are out-

ture. A copy of the New Indenture was filed as Exhibit B to the Applicant's Ap-

presently outstanding in the principal amount of $96,633,000.00, 9¼ percent

tificates issued under the 1970 Indenture

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shall sell any redeemable security issued by such company to any person except at a current offering price described in the company's prospectus. Rule 22d–1 provides an exemption from Section 22 (d) to the extent necessary to permit the sale of redeemable securities of a registered investment company at prices which reflect reductions in or elimination of the sales load under certain stated circumstances. Rule 22d–2 provides, subject to certain conditions, for a further exemption from the provisions of Section 22(d) to the extent necessary to permit, without sales charge, reinvestment in shares of such a company of the proceeds of a redemption of the same company's shares where the reinvestment takes place within 30 days of the redemption, or the purchase with such proceeds of shares of another investment company which offers to exchange its shares for shares of the company whose shares had been redeemed without any sales charge.

Applicants state that the purpose of the proposed exchange offers is to permit a shareholder of DMC Trust who changes his investment objective to change his investment to a different investment company without paying the full sales charge otherwise applicable. Applicants further state that the exchange offers to shareholders of DMC Trust cannot fairly be made at the relative net asset value of the Fund to be acquired because the shareholder of DMC Trust may have paid a substantially smaller sales load on his investment than similarly situated investors of the Fund to be acquired. Applicants assert that if shares of the Funds could be acquired by a shareholder of DMC Trust at net asset value in an exchange, the purpose and spirit of Section 22(d) of the Act might be violated since an investor thereby would be able to purchase shares of one of the Funds at a sales charge other than that described in a Fund's Prospectus merely by purchasing shares of DMC Trust and subsequently exchanging those shares at net asset value for shares of one of the Funds.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 26, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 77 19360 Filed 7-11-77;8:45 am]

[Administrative Proceeding File No. 3-5240]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

JULY 6, 1977.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Company under certain existing indentures involving American Airlines, Inc. ("American") hereinafter described and under an Indenture of Mortgage and Deed of Trust dated as of May 20, 1977 (the "New Indenture") of American not to be qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the New Indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under such qualified indenture and such other indenture are not so likely to involve a material conflict of interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges the following:

(1) As an inducement to the lenders which hold certain outstanding unsecured promissory notes of American hereinafter described to enter into amendments of such notes requested by American, American agreed to enter into an indenture (which is the New Indenture) granting a mortgage on certain aircraft and engines owned by American as security for such notes. The New Indenture secures the notes issued under the following loan agreements:

(a) Loan Agreement dated November 1, 1955 with an institutional investor, as amended, relating to American's 4 percent Promissory Notes due November 1, 1996 (upon which, effective September 1, 1964, interest became payable at the rate of 4¼ percent) issued in the original principal amount of $75,000,000, of which $50,000,000 remain outstanding;

(b) Loan Agreements dated September 1, 1956 with institutional investors, as amended, relating to American's 4¼ percent Promissory Notes due November 1, 1996 (upon a portion of which, effective May 1, 1966, interest became payable at the rate of 4.55 percent) issued in the original principal amount of $60,000,000, of which $40,000,000 remain outstanding;

(c) Loan Agreements dated June 18, 1959 with institutional investors, as amended, relating to American's 5 percent Promissory Notes due November 1, 1996 issued in the original principal amount of $30,000,000, of which $20,000,000 remain outstanding;

(d) Loan Agreements dated December 30, 1960 with institutional investors, as amended, relating to American's 5¾ percent Promissory Notes due November 1, 1996 issued in the original amount of $60,000,000, of which $40,000,000 remain outstanding;

(e) a Loan Agreement dated August 9, 1961 with an institutional investor, as amended, relating to American's 5¾ percent Promissory Notes due November 1, 1996 issued in the original principal amount of $25,000,000, of which $16,666,667 remain outstanding; and

(f) Loan Agreements dated December 10, 1965 with institutional investors, as amended, relating to American's 5½ percent Promissory Notes due January 1, 1991 issued in the original principal amount of $110,000,000, of which $77,000,000 remain outstanding.

Copies of each of such Loan Agreements and such notes were filed as Exhibit A to the Applicant's Application, dated June 6, 1977, under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The collateral under the New Indenture presently consists of three Boeing Model 747–123 Aircraft and 19 McDonnell Douglas Model DC–10 Aircraft. Under certain circumstances additional aircraft and/or engines must be subjected to the lien of the New Indenture, all as provided in the New Indenture. A copy of the New Indenture was filed as Exhibit B to the Applicant's Application, dated June 6, 1977, under Section 310(b)(1)(ii) of the Act, and is incorporated herein by reference.

(2) Applicant has appointed Bankers Trust Company, a New York corporation, to act as trustee under the New Indenture.

(3) Bankers Trust Company presently is acting as trustee under the following indentures of American: (a) a trust agreement dated as of October 20, 1967 ("1967 Indenture"), (b) a trust agreement dated as of September 15, 1969 ("1969 Indenture"), (c) a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture"), (d) a trust agreement dated as of November 15, 1971 ("1971 Indenture"), (e) a trust indenture and mortgage dated as of April 1, 1975 ("1975 Indenture"), (f) a trust indenture and mortgage dated as of April 1, 1976 ("First 1976 Indenture"), (g) a trust indenture and mortgage dated as of May 1, 1976 (the "Second 1976 Indenture"), and (h) an equipment trust agreement dated as of March 1, 1977, as amended by an amendment thereto dated as of May 13, 1977 and supplemented by a first supplemental equipment trust agreement dated as of May 15, 1977 ("1977 Indenture"), relating to the financing of twenty-seven Boeing Model 727–223 aircraft, two Boeing Model 727–223 aircraft, seven Boeing Model 747–123 aircraft, two McDonnell Douglas Model DC–10 aircraft, six Boeing Model 727–223 aircraft, five Boeing Model 727–223 aircraft, three Boeing Model 727–223 aircraft and twelve Boeing Model 727–223 aircraft, respectively, leased or conditionally sold to American. 6½ percent Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03, of which $74,461,846.12 remain outstanding; final payment is due on January 1, 1987. 9½ percent Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40, of which $6,155,742.00 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture and remain outstanding in the following respective principal amounts: $47,850,000.00 original principal amount of 11 percent Series A, due December 1, 1988, presently outstanding in the principal amount of $39,439,000.00; $31,800,000.00 original principal amount of 10⅞ percent Series B, due December 1, 1988, presently outstanding in the principal amount of $26,147,000.00; $15,564,000.00 original principal amount of 9½ percent Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,000.00 original principal amount of 9½ percent Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000.00 original principal amount of 10 percent Series C, due June 1, 1989, presently outstanding in the principal amount of $26,633,000.00. 9¼ percent Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67, of which $17,796,339.27 remain outstanding. 11⅝ percent Equipment Trust Loan Certificates were issued under the 1975 Indenture in the original principal amount of $32,031,409.80, of which $29,549,799.17 remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,039,261.05, of which $12,977,262.00 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the First 1976 Indenture in the original principal amount of $14,778,166.51, all of which remain outstanding. 11 percent Short Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,392,164.42, of which $7,922,561.22 remain outstanding, and 9⅛ percent Long Term Equipment Trust Loan Certificates were issued under the Second 1976 Indenture in the original principal amount of $8,833,855.48, all of which remain outstanding. Interim Equipment Trust Certificates were issued under the 1977 Indenture in the original principal amount of $25,934,625.20, none of which is presently outstanding, 8¼ percent Equipment Trust Certificates, due August 1, 1982, were issued under the 1977 Indenture in the original principal amount of $12,256,862.55, all of which remain outstanding; and 8.95 percent Equipment Trust Certificates, due August 1, 1992, were issued under the 1977 Indenture in the original principal amount of $25,000,229.11, all of which remain outstanding; in addition, the 1977 Indenture contemplates the issuance of additional 8¼ percent Equipment Trust Certificates, due August 1, 1982, in an aggregate principal amount of up to $19,609,804.51, and additional 8.95 percent Equipment Trust Certificates, due August 1, 1992, in an aggregate principay amount of up to $39,997,968.77.

Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1967 Indenture were filed as Exhibit 2 to American's Application dated March 3, 1970 under Section 310(b)(1)(ii) of the Act in connection with American's Registration Statement on Form S–7 under the Securities Act of 1933 (No. 2–37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to American's Registration Statements under the Securities Act of 1933 (Nos. 2–37401, 2–38352 and 2–39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to American's Application dated March 25, 1975 under Section 310(b)(1)(ii) and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1975 Indenture were filed as Exhibit A to American's Application dated April 2, 1976 under Section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the First 1976 Indenture were filed as Exhibit A to American's Application dated June 8, 1976 under Section 310(b)(1)(ii) of the Act and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the Second 1976 Indenture were filed as Exhibit A to the Applicant's Application dated March 2, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. Copies of the equipment trust agreement dated as of March 1, 1977 relating to the interim certificates issued under the 1977 Indenture were filed as an exhibit to an amendment to American's Application dated March 2, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference; copies of the amendment thereto dated as of May 15, 1977 and of the first supplemental equipment trust agreement and other documents (combined as a single document) setting forth the other terms and provisions governing the certificates issued and which may be issued under the 1977 Indenture were filed as Exhibit C to the Applicant's Application dated June 6, 1977 under Section 310(b)(1)(ii) of the Act, and are incorporated herein by reference. The 1970 Indenture is qualified under the Act and the Commission has determined in response to applications of American that the trusteeships of Bankers Trust Company under the other indentures of American referred to above are not so likely to involve a material conflict of interest as to make it necessary to disqualify Bankers Trust Company from acting as trustee under such indentures.

(4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture, the 1971 Indenture, the 1975 Indenture, the First 1976 Indenture (which in the case of the Long Term Certificates are also secured by the letter of credit referred to in the First 1976 Indenture), the Second 1976 Indenture

pursuant to Section 8(f) of the Act for an order of the Commission declaring

The proposed rule change relates to DTC's carrying out the purposes of sec-

change Commission a proposed rule change as follows:

rules, there appears to be little burden created solely by advising customers that in-

ties which are traded on the basis of dollar price or securities sold at par in

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ter of credit referred to in the First 1976 Indenture), the Second 1976 Indenture (which in the case of the Long Term Long Certificates are also secured by the purchase obligation of C.I.T. Corporation referred to in American's Application dated June 8, 1976 under Section 310(b)(1)(ii) of the Act) and the 1977 Indenture and the indebtedness secured by the New Indenture are secured by separate lots of identified Aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

(5) American is not in default under any of its equipment obligations or promissory notes.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may seem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19883 Filed 7-11-77;8:45 am]

[Rel. No. 9843, 811-908]

MIDWEST SECURITIES INVESTMENT, INC.

Notice of Filing of Application

JULY 6, 1977.

Midwest Securities Investment, Inc. ("Fund" or "Applicant"), 702 Harries Building, Dayton, Ohio 45402, registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified management investment company, filed an application on January 24, 1977 pursuant to Section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company.

On June 6, 1977, a notice was issued (Investment Company Act Release No. 9805) of the filing of the application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

The matter has been considered, and it is found that Applicant has ceased to be an investment company. Accordingly,

It is ordered, pursuant to section 8(f) of the Act, that the registration of Midwest Securities Investment, Inc. under the Act shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-19914 Filed 7-11-77;8:45 am]

[Release No. 34-13716, File No. SR-DTC-77-5]

DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended, by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change permits Participants of The Depository Trust Company (DTC) to exercise conversion options on certain securities deposited with DTC which are subject to such options. Under the proposed procedures, Participants will be able to take advantage of conversion options without withdrawing the certificates evidencing such securities from DTC.

The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-77-5.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to permit DTC's Participants to take advantage of conversion options through DTC. Conversion options are available to holders of certain debt securities and preferred stocks. The DTC conversion procedure enables Participants to exercise conversion options on certain qualified debt securities and preferred stocks without withdrawing the securities from DTC.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 (the Act) by encouraging immobilization of certificates evidencing securities subject to conversion options.

Comments regarding the proposed conversion procedures were solicited from DTC Participants by articles in DTC's newsletters of March 1977, April 1977 and May 1977. Draft procedures for the proposed service, similar to the procedures set forth in Exhibit 2 to the filing, were sent to Participants who asked to review draft procedures. A written comments in response to the Newsletter articles was received from Lewco Securities Corp. and is attached as Exhibit 3 to the filing.

DTC believes that no burden will be placed on competition by the proposed rule change.

On or before August 16, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission. Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77-19915 Filed 7-11-77;8:45 am]

[Release No. 34-13718; File No. SR-MSRB-76-9]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 29, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board (the "Board") is filing amendments to the Board's proposed rule G-15[1] as set forth below (hereinafter referred to as the "proposed amendments").

The proposed amendments would require municipal securities professionals to include the time of execution of municipal securities transactions on customer confirmations, or a statement on such confirmations that the information is available upon written request of the customer. Municipal securities professionals would be required to furnish the requested information within specified time periods. The proposed amendments would also provide for a delayed effective date and make minor technical language changes.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed amendments is to require municipal securities professionals to include on customer confirmations the time of execution of municipal securities transactions or a statement on such confirmations that the time of execution will be furnished upon written request of the customer. Municipal securities professionals would be required to furnish such information within five business days after receipt of a request, except in the case of transactions executed more than 30 calandar days preceding the date of receipt of a request, in which instance the information would have to be sent within 15 business days.

In submitting proposed rule G-15 to the Securities and Exchange Commission (the "Commission"), the Board noted that the rule would not require disclosure of time of execution and recommended that the Commission make a corresponding modification in Commission rule 15c1-4 relating to customer confirmations. Subsequently, the Commission proposed rule 10b-10 to replace rule 15c1-4. In doing so, the Commission called particular attention to the fact that the proposed rule would require time of execution to be disclosed. (See Securities Exchange Act Release No. 12806 (Sept. 16, 1976) at 14.) Thereafter, in adopting rule 10b-10, the Commission concluded that, with respect to debt securities,

the time of a transaction may on occasion be of sufficient materiality to warrant its disclosure upon request and, since the time of a transaction is required to be maintained under Commission and MSRB recordkeeping rules, there appears to be little burden created solely by advising customers that information on time is available on request. Securities Exchange Act Release No. 13508 (May 5, 1977) at 20.

The proposed amendments reflect further Board consideration of the requirement to disclose time of execution. The Board has concluded that there may be situations in which time of execution of a municipal transaction is relevant to a customer, especially in those circumstances in which market prices change significantly in the course of a day. The Board also believes that only a minimal burden to municipal securities professionals will result from requiring such professionals to furnish time of execution to customers upon request, given the fact that the time of execution must be maintained as part of the Board's recordkeeping requirements.

The proposed amendments would delay the rule's effective date until 90 days following Commission approval. This period is intended to provide municipal securities brokers and municipal securities dealers time to make procedural and programming adjustments to comply with the rule's requirements.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 2, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

Rule G-15. Customer Confirmations.[2]

(a) At or before the completion of a transaction in municipal securities with or for the account of a customer, each broker, dealer or municipal securities dealer shall give or send to the customer a written confirmation of the transaction containing the following information:

(i) Through (v) No change.

(vi) Trade date *and time of execution, or a statement that the time of execution will be furnished upon written request of the customer;*

(vii) No change.

(viii) Yield to maturity and resulting dollar price, except in the case of securities which are traded on the basis of dollar price or securities sold at par, in which event only dollar price need be shown (in cases in which securities are priced to call, this must be stated, *and* [;] where a transaction is effected on a yield basis, the calculation of dollar price shall be to the lower of price to call or price to maturity);

(b) No change.

(c) No change.

(d) No change.

(e) *The information concerning time of execution referred to in paragraph (a)(vi) of this rule shall be given or sent to the customer within five business days following the date of receipt of a request for such information; provided, however, that in the case of information relating to a transaction executed more than 30 calendar days prior to the date of receipt of a request, the information shall be given or sent to the customer within 15 business days following the date of receipt of the request. For purposes of this rule, the time of execution of a transaction shall be the time of execution reflected in the record of the broker, dealer or municipal securities dealer pursuant to rule G-8 of the Board or rule 17a-3 of the Commission.*

(f) [(e)] For purposes of this rule, the term "customer" shall mean any person other than a broker, dealer or municipal securities dealer acting in its capacity as such.

(g) *The requirements of this rule shall become effective on ---------- 1977 (90 days following the date of approval of the rule by the Commission).*[3]

[FR Doc.77-19903 Filed 7-11-77;8:45 am]

[Release No. 34-13721; File No. SR-PSD-77-2]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29,16 (June 4, 1975), notice is hereby given that on June 21, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change seeks to revise the current stock loan fees to Pacific Securities Depository Trust Company participants. The proposed rule change eliminates the fifty cent transaction charge applicable to stock loan movements while concurrently increasing the value portion of the stock loan charge from five cents per thousand dollars of loan value per day to eight cents per thousand dollars of loan value per day. Additionally, the procedure of remitting the cash value of stock loans

[1] Proposed rule G-15 was filed with the Securities and Exchange Commission on August 9, 1976. (See File No. SR-MSRB-76-9). Rule G-15 is not yet in effect.

[2] *Italics* indicate new language; [brackets] indicate deletions.

[3] Parentheses indicate explanatory material. Such material will be deleted when the specific date described is determined.

to participants on the day following the

1977. Eligible persons, firms and organi-

or other locally announced locations

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to participants on the day following the stock loan has been modified such that the funds will be remitted to participants on the same day the stock loan is generated.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to simplify the method of charging participants for stock loan activity to one type of fee. Because elimination of the transaction charge reduces the revenue stream to PSD, the value charge has been increased to offset this reduction and provide additional revenues for operations.

The proposed rule change relates to the equitable allocation of dues, fees and other charges among participants.

Comments on the proposed rule change have not been solicited, and none have been received.

The proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-named self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 2, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77-19904 Filed 7-11-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1345]

WISCONSIN

Declaration of Disaster Loan Area

Fond du Lac, Dodge, and Waukesha Counties and adjacent counties within the State of Wisconsin constitute a disaster area as a result of damage caused by high winds and tornadoes which occurred on May 31, 1977 through June 5, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 6, 1977, and for economic injury until the close of business on April 5, 1978, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 5, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-19879 Filed 7-11-77;8:45 am]

INVESTMENT COMPANIES

License Surrenders

Notice is hereby given that the corporations listed below which have been in the process of surrender for diverse periods of time since 1976, have surrendered their licenses to operate as small business investment companies under the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.):

Name		Licensed	
[illegible] Equity Funds, Inc	Beverly Hills, Calif	May 21, 1964	09-01-0081
Fresno Small Business Investment Co	Fresno, Calif	Nov. 13, 1961	09/12 0035
New Frontier Investment Co	Enid, Okla	June 8, 1962	06/10-0085
[illegible] Enterprise Capital Corp	Lexington, Ky	Oct. 23, 1961	02/4- 0[illegible]

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the licenses is accepted herewith and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 6, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment

[FR Doc.77-19945 Filed 7-11-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CANNED TOMATOES AND CANNED TOMATO CONCENTRATES FROM ITALY

Final Countervailing Duty Determination

AGENCY: United States Customs Service, Treasury Department.

ACTION: Final Negative Determination.

SUMMARY: This notice is to advise the public that it has been determined that the Government of Italy has not given benefits which are considered to be bounties or grants upon the manufacture production or exportation of canned tomatoes and canned tomato concentrates within the meaning of the U.S. countervailing duty law.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. (202 566-5492).

SUPPLEMENTARY INFORMATION: On January 14, 1977, a notice of "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 3044-45). The notice stated that, on the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it had been preliminarily determined that the provisions of the Italian law which are the subject of the allegations did not constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The notice stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in written form and received not later than February 14, 1977. After consideration of all information received, some of which was submitted subsequent to the preliminary determination, it has been determined, contrary to the preliminary determination, that the provisions of the Italian law which is the subject of the allegations and which basically provided for payments for stockpiling and price support were utilized by the tomato processing industry. However, such payments were small in size. The authority for the administration of this program expired on November 20, 1975.

The law establishing the program also provided for the disbursement of all funds appropriated but not spent on the 1975 crop. These residual funds were to be used for future general qualitative improvements and protection of production for Italian tomato growers. However, no payments have been made since this provision became effective at the end of the 1975 crop.

Accordingly, it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of canned tomatoes and canned tomato concentrates imported directly from Italy.

This notice is published pursuant to section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 13, May 17, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

PETER O. SUCHMAN,
Deputy to the General Counsel, Tariff Affairs.

JULY 5, 1977.

[FR Doc.77-19894 Filed 7-11-77;8:45 am]

NON-RUBBER FOOTWEAR FROM ARGENTINA

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: This notice is to inform the public that it has been determined preliminarily that a bounty or grant is being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of non-rubber footwear from Argentina. A final determination will be made no later than February 11, 1978. Interested persons are invited to submit written comments on this preliminary determination on or before August 11, 1977.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On February 11, 1977, a notice of "Receipt of Information and Reinstitution of Countervailing Duty Investigation" was published in the FEDERAL REGISTER.

The notice stated that information was received which tends to indicate that bounties or grants are being paid or bestowed, directly or indirectly, by the Government of Argentina upon the manufacture, production or exportation of dutiable non-rubber footwear from Argentina within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by Argentine manufacturers/exporters of non-rubber footwear which may constitute bounties or grants within the meaning of the Act.

The benefits include the payment of a rebate upon exportation of the non-rubber footwear. A part of the rebate consists of a return of indirect taxes paid during various stages of production. These indirect taxes are of a kind that are directly related to the product and their rebate is regarded as permissible under the statute.

The remainder of the rebate, however, appears to be a return of taxes which are not directly related to the manufacture or production of the product under consideration. Consequently, this portion of the rebate appears not to be justified under the statute, and its payment appears to constitue a bounty or grant within the meaning of the Act.

A final decision in this case is required on or before February 11, 1978. Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than August 11, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved:

PETER O. SUCHMAN,
Deputy to the General Counsel (Tariff Affairs).

JULY 6, 1977.

[FR Doc.77-19895 Filed 7-11-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

The Committee will meet Thursday, July 14, 1977, at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place, Washington, D.C. The purpose of this meeting will be to discuss Phase II methodologies. Dr. James Brydon, Director, Environmental Impact Control Directorate, Ottawa, Ontario, Canada, and several of his colleagues, have been invited to exchange views with the ITC on the U.S. and Canadian ranked toxic chemical lists. The TSCA/ITC will finalize its interim report. The public is invited.

There will not be a meeting July 21, 1977.

On Thursday, July 28, 1977, the TSCA/ITC will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place NW. Speakers have been invited to discuss animal toxicity testing and ecological testing capabilities. Meeting open to the public. Contact Phyllis Tucker, 202-382-2027 for additional information.

Dated: July 11, 1977.

WARREN R. MUIR,
Chairman, TSCA Interagency Testing Committee.

[FR Doc.77-20204 Filed 7-11-77;10:43 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 432]

ASSIGNMENT OF HEARINGS

JULY 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponments of hearings in which they are interested.

MC-C-9297, Henry Edwards, d.b.a. Henry Edwards Trucking Company -v- Paschall Truck Lines, Inc. now assigned September 8, 1977 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 140845 (Sub-4), Hoke Bus Lines, Inc., now assigned August 1, 1977 at Columbus, Ohio is cancelled and reassigned October 17, 1977 (1 week) at Lima, Ohio, in a hearing room to be later designated.

MC 28060 Sub 34, Willers, Inc., d.b.a. Willers Truck Service now assigned July 11, 1977 at Omaha, Nebraska, is postponed to a date to be hereafter fixed.

MC 82079 Sub No. 47, Kellier Transfer Line, Inc., now being assigned October 4, 1977 (3 days) for hearing in Lansing, Michigan, in a hearing room to be later designated.

MC 29886 (Sub-No. 335), Dallas & Mavis Forwarding Co., Inc., MC 83539 (Sub-No. 450), C & H Transportation Co., Inc., MC 95876 (Sub-No. 196), Anderson Trucking Service, Inc., MC 111-545 (Sub-No. 231), Home Transportation Co., Inc., MC 113855 (Sub-No. 368), International Transport, Inc., and MC 124947 (Sub-No. 51), Machinery Transports, Inc. now assigned August 1, 1977, at Chicago, Ill. will be held in Courtroom 1903, Everett McKinley Dirksen Building, 219 South Dearborn Street instead of Room 348, 230 South Dearborn Street.

MC 127187 (Sub-No. 22), Floyd Duenow, Inc., now being assigned September 13, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 133689 (Sub-No. 90), Overland Express, Inc., now being assigned September 14, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 140829 (Sub-No. 32), Cargo Contract Carrier Corp., now being assigned September 15, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 103066 Sub 54, Stone Trucking Company now assigned September 12, 1977 (1 week) at Columbus, Ohio is cancelled and reassigned October 17, 1977 (1 week) at Lima, Ohio, in a hearing room to be later designated.

MC 98864 (Sub-No. 3), Edward Sitar Truck- [illegible]

I.C.C. No. 5242. Rates are published to

MC 103066 Sub 54, Stone Trucking Company now being assigned October 14, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 844, Pre-Fab Transit Co. now being assigned October 12, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 30844 (Sub-No. 577), Kroblin Refrigerated Xpress, Inc., MC 117815 (Sub-No. 261), Pulley Freight Lines, Inc., and MC 118202 (Sub-No. 68), Schultz Transit, Inc., now being assigned September 16, 1977 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 124813 (Sub-No. 162), Umthun Trucking Co., now being assigned September 19, 1977 (1 week), at St. Paul, Minn., in a hearing room to be later designated.

MC 52566 Sub 5, New England-New York Transport, Inc. now being assigned October 26, 1977 (3 days) at Hartford, Connecticut, in a hearing room to be later designated.

MC 143142, Garfield and Sargent, Inc. now being assigned October 31, 1977 (1 week) at Boston, Massachusetts, in a hearing room to be later designated.

AB-18 (Sub-21), Chesapeake and Ohio Railway Company Abandonment of Carferry Service Across Lake Michigan Between Ludington, Michigan and Kewaunee, Milwaukee and Manitowoc, Wisconsin and AB-31 Sub-5), Grand Truck Western Railroad Company & The Grand Truck Milwaukee Carferry Company Abandonment of its Lake Michigan Carferry Operation, from Eastern Port of Muskegon to Western Port of Milwaukee in Muskegon County, Michigan and Michigan, Wisconsin, now being assigned pre-hearing conference August 4, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub 770), National Trailer Convoy, Inc., now being assigned October 13, 1977 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC 110525 (Sub 1186), Chemical Leaman Tank Lines, Inc. now being assigned July 29, 1977 (1 day) at Louisville, Kentucky and will be held in Room 273, Federal Building, Federal Plaza.

MC 125777 (Sub-No. 185), Jack Gray Transport, Inc., now being assigned October 5, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 142974 (Sub-No. 1), Sure Transport, Inc., now being assigned October 4, 1977, for prehearing conference at Interstate Commerce Commission in Washington, D.C.

MC 109397 (Sub-No. 354), Tri-State Motor Transit Co., now being assigned October 6 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 106644 (Sub-No. 232), Superior Trucking Co., Inc., now being assigned October 12, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 113678 (Sub 654), Curtis, Inc., now being assigned October 13, 1977 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 5470 (Sub 121), Tajon, Inc., now being assigned October 11, 1977, (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 119726 (Sub 80), N.A.B. Trucking Co., Inc., now being assigned October 12, 1977 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 98864 (Sub-No. 3), Edward Sitar Trucking Co., Inc., now assigned September 7, 1977, at Chicago, Ill. is postponed to October 26, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19816 Filed 7-11-77;8:45 am]

[Notice No. 433 [1]]

ASSIGNMENT OF HEARINGS

JULY 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 108341 (Sub-No. 57), Moss Trucking Company, Inc., now being assigned September 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19817 Filed 7-11-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 27, 1977.

FSA No. 43393—*Paraxylene from points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-693), for interested rail carriers. Rates on paraxylene, in tank-car loads, as described in the application, from Baytown and Houston, Texas, to Eastman, South Carolina and Kingsport, Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 20 to Southwestern Freight Bureau, Agent, tariff 11-H, I.C.C. No. 5242. Rates are published to become effective on August 3, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19818 Filed 7-11-77;8:45 am]

[Notice No. 191]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before August 11, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77169, filed June 29, 1977. Transferee: ARTHUR T. MULVIHILL doing business as BLOOMINGTON CARTAGE AND DELIVERY SERVICE, 1154 Orchard Place, St. Paul, Minn. 55108. Transferor: Freddie Ahrenstorff, doing business as Ahrenstorff Transfer, Lake Park, Iowa. Applicants' representative: James R. Bettenburg, Attorney-at-Law, 2395 University Ave., St. Paul, Minn. 55114. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC-20729, issued February 19, 1962, as follows: General commodities, with the usual exceptions, between points in Jackson County, Minn., and points in Nobles County, Minn., on and east of Minnesota Highway 60, on the one hand, and, on the other, points in Dickinson County, Minn., and points in Osceola Couty, Iowa, on and east of U.S. Highway 59. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77184, filed June 22, 1977. Transferee: FRANCIS L. HOFFMAN doing business as BUD HOFFMAN MOVERS, 93 Vernon Ave., Yonkers, N.Y. Transferor: L. LARSEN, INC., 93 Vernon Ave., Yonkers, N.Y. Applicants' representative: Sidney J. Leshin, Attorney at Law, 575 Madison Ave., New York, N.Y. 10022. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-91484, issued October 17, 1949, as follows: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in New York, New Jersey, and Connecticut. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77187, filed June 21, 1977. Transferee: MCE TRANSPORTATION CO., INC., 1640 Penfield Rd., Rochester, N.Y. 14625. Transferor: Sterritt Trucking, Inc., P.O. Box 367, West Coxsackie, N.Y. 12192. Applicants' representative: S. Michael Richards, Raymond A. Richards, 44 North Ave. (P.O. Box 225), Webster, N.Y. 14580. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-134653 Sub-2, issued January 19, 1972, as follows: *Pre-cast, pre-stressed structural concrete products*, from Pittsfield, Mass., to points in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Unistress Corporation, of Pittsfield, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporory authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19814 Filed 7-11-77;8:45 am]

[No. 36609]

PRODUCERS GRAIN CROP

Petition for Investigation—Revenue Divisions for Grain Moving to Corpus Christi

JUNE 29, 1977.

Producers Grain Corporation (petitioner), a cooperative engaged in the marketing of agricultural commodities, has petitioned the Commission for an investigation upon the Commission's own initiative into the division of revenues among rail common carriers serving Corpus Christi, Texas. The request for investigation is supported by the Nueces County Navigation District No. 1 (a political subdivision operating the Port of Corpus Christi and by the Transportation Services Branch of USDA's Agricultural Marketing Service. The Atchison, Topeka & Santa Fe Railway Company opposes the requested investigation.

Petitioner's interest extends to corn, wheat, grain sorghums, and soybeans moving to Texas ports for export. The principle carriers participating in this export traffic are The Atchison, Topeka & Santa Fe Railway Company, the Chicago, Rock Island and Pacific Railroad Company, the St. Louis-San Francisco Railway Company, the Missouri Pacific Railroad Company, and the Southern Pacific Transportation Company. Certain of these carriers have recently established rate reductions on grain traffic moving to Texas ports other than Corpus Christi. However, according to petitioner, the inability of the carriers to agree upon just, reasonable, and equitable divisions of revenues has precluded the extension of comparable reductions for export traffic moving to Corpus Christi. The maintenance of rate levels higher for Corpus Christi than for competing Texas ports is alleged to be contrary to the Interstate Commerce Act as well as the Commission's orders in No. 31098, *Nueces County Nav. District No. 1* v. *Abilene & S. Ry. Co.*, 291 I.C.C. 459 (1954), and No. 33447, *Nueces County Nav. Dist. No. 1* v. *Atchison, T. & S. F. Ry. Co.*, 315 I.C.C. 155 (1961). Petitioner requests that the Commission institute an investigation under Sections 15(3) and 15(6) of the Act.

In opposing the institution of the investigation, The Atchison, Topeka & Santa Fe Railway Company states that petitioner's request for an investigation on the Commission's own initiative constitutes a collateral attack upon the decisions in Investigation and Suspension Docket No. 9052, Wheat, New Mexico and Texas to Texas Ports, Investigation and Suspension Docket No. 9132, Wheat, Kansas and Oklahoma to the Texas Gulf Ports, and related cases. Additionally, this carrier suggests that petitioner does not have a valid interest in the division of revenues for traffic moving to its Corpus Christi facilities and that petitioner's request is without legal foundation.

Interested parties are invited to comment upon the issues raised by the request for an investigation. An original and six copies of any comments should be addressed to the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and should refer to the No. 36609 proceeding. Comments may be filed by August 2, 1977. A copy of this Notice shall be served upon the rail common carriers named above.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19815 Filed 7-11-77;8:45 am]

[Notice No. 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 5, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One Copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13134 (Sub-No. 47TA), filed June 20, 1977. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio State Route No. 93 North, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk). From the plantsite and warehouse facilities of Certain-Teed Corporation located in Erie County, Ohio to points in Kentucky, West Virginia and points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper David H. Silvernail, Manager Truck Transportation, S.M.G. Transportation

[1] This notice corrects Docket Number.

Department, Certain-Teed Corporation, P.O. Box 860, Valley Forge, Pa. 19482 (215) 341-7000. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk). From the plantsite and warehouse facilities of Certain-Teed Corporation located in Erie County, Ohio to points in Kentucky, West Virginia and points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper David H. Silvernail, Manager Truck Transportation, S.M.G. Transportation Department, Certain-Teed Corporation, P.O. Box 860, Valley Forge, Pa. 19482 (215) 341-7000. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk). From the plantsite and warehouse facilities of Certain-Teed Corporation located in Erie County, Ohio to points in Kentucky, West Virginia and points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper David H. Silvernail, Manager Truck Transportation, S.M.G. Transportation

trict Supervisor Joe Green, Rm. 240, Old 1100 National City Bank Building, Cleve-

No. MC 128633 (Sub-No. 15TA), filed

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Department, Certain-Teed Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 51146 (Sub-No. 502TA), filed June 17, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film, plastic sheeting*, and cloth in mechanically refrigerated vehicles, from Plainfield, Conn., and Holyoke and Lowell, Mass., to Appleton and Beaver Dam, Wis., restricted to traffic originating at the above origins and destined to the facilities of Ray-O-Vac, a division of ESB, Inc. in Appleton and Beaver Dam, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ray-O-Vac Division, ESB Inc., 101 E. Washington, Avenue, Madison, Wis. 53703. (Earl L. Stevens). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 504TA), filed June 22, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Malt beverages and related advertising materials*, and returned empty malt beverage containers between South Volney, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York (Interstate), and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miller Brewing Company, 4000 West State Street, Milwaukee, Wis. 53208. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 55896 (Sub-No. 53TA), filed June 16, 1977. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the plant site and warehouse facilities of the Certain-Teed Corporation located in Erie County, Ohio to points in Indiana, Kentucky, New York, Pennsylvania, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain-Teed Corporation, Manager Truck Transportation, David Silvernail, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 59247 (Sub-No. 10TA), filed June 27, 1977. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, P.O. Box 169, Linden, N.J. 07036. Applicant's representative: William Biederman, Southgate Tower, 371 7th Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, aluminum, and the return of packing materials and refused or rejected shipments* from the plant site and warehouse of Reynolds Aluminum Co., at or near Woodbridge and Carteret, N.J., to the plant site of Millers Brewery at or near South Volney, N.Y., for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 83539 (Sub-No. 460TA), filed June 27, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products*, in bags (except commodities in bulk, in tank vehicles), for 180 days. Supporting shipper: Industrial Mineral Ventures, Inc., 5920 McIntyre Street, Golden, Colo. 80401. Send protests to: Transportation Assistant, Opal M. Jones, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 108393 (Sub-No. 117TA) (correction), filed April 6, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas applicances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from Newark, Ohio, to Evansville, Ind., under a continuing contract or contracts with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604. The purpose of this republication is to add the rest of the territorial description and to add the supporting shipper and send protests to, which was previously omitted.

No. MC 111274 (Sub-No. 27TA), filed June 8, 1977. Applicant: SCHMIDGALL TRANSFER, INC., Box 356, R.R. No. 2, Morton, Ill. 61550. Applicant's representative: Frederick C. Schmidgall (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and fencing materials, farm buildings, materials and components of farm buildings*, between Morton, Illinois on the one hand, and, all points in Mississippi on the other, under a continuing contract or contracts with Morton Buildings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Buildings, Inc., Lyle Malinowski, Plant Manager, 252 W. Adams, Morton, Ill. 61550. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 113106 (Sub-No. 47TA), filed June 27, 1977. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Carteret and Jersey City, N.J., to Philadelphia, Pa., Sandtown, Marydell and Wilmington, Del., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. George Eline, General Traffic Manager, Metro Containers, Kraft Incorporated, 1099 Wall Street West, Lyndhurst, N.J. 07071. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 118159 (Sub-No. 215TA), filed June 16, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Colo., to points in Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York and Pennsylvania, for 180 days. Supporting shipper: Sterling Colorado Beef Co., 1500 Right of Way, Sterling, Colo. 80751. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 119726 (Sub-No. 99TA), filed June 23, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, from Des Moines, Iowa to Tipton, Rushville, Mt. Vernon, Flora, and Worthington, Ind.; and Lauringberg, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Great Plains Bag Corporation, 2201 Bell Avenue, Des Moines, Iowa. Send protests to: William S. Ennis, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119793 (Sub-No. 151), filed June 24, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th St., Joplin, Mo. 64801. Applicant's representative: Harry Ross, 58 South Main, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and roofing supplies* (except liquid in bulk in tank vehicles), from Little Rock, Ark., to Missouri, Kansas, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Corporation—Roofing Division, P.O. Box 1300, Little Rock, Ark. 72203. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124887 (Sub-No. 36TA), filed June 20, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board*, from the facilities of the Flintkote Co. at Savannah, Ga., to points in Alabama, Tennessee, North Carolina, South Carolina, Florida, Virginia, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Co., 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124939 (Sub-No. 13TA), filed June 17, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound St., Post Office Box 23394, Columbus, Ohio 43223. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Columbus, Ohio, to the stores of The Great Atlantic & Pacific Tea Company, Inc., located at or near Barboursville, Pineville, Middlesboro, Harlan, Cumberland, Whitesburg, Neon, Hazard, Winchester, Irvine, Richmond, Danville, Somerset, Shelbyville, Frankfort, Versaille, and Lexington, Ky., under a continuing contract or contracts, with The Great Atlantic & Pacific Tea Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, N.J. 07645. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125770 (Sub-No. 11TA), filed June 23, 1977. Applicant: SPIEGEL TRUCKING, INC., 1000 South 4th Street, Harrison, N.J. 07029. Applicant's representative: Joel J. Nagel, 19 Back Drive, Edison, N.J. 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty seavans, chassis, and trailers*, between the seaports of the City of New York; Port Newark, N.J.; Philadelphia, Pa.; Baltimore, Md.; Norfolk, Va., and Boston, Mass., under a continuing contract, or contracts, with Container Transport International, Inc., for 180 days. Supporting shipper: Container Transport International, Inc., 1 Western Union International Plaza, New York, N.Y. 10004. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 126904 (Sub-No. 22TA), filed June 7, 1977. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.F.D. No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter, empty malt beverage containers, and pallets*, between Detroit, Mich., and Milwaukee, Wis., on the one hand, and, on the other, points in St. Clair, Monroe, Randolph, Madison, Marion, and Perry Counties, Ill., and between Milwaukee, Wis., and Madison County, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Chuck Lefholz, General Manager, Vesci, Inc., R.F.D. No. 1, Box 578, Granite City, Ill. 62040; Bill Haynes, President, Haynes Distributing Co., No. 35 Conalco, Jackson, Tenn. 38301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 128633 (Sub-No. 15TA), filed June 20, 1977. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main Street (P.O. Box Z), Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Infant food formula* (liquid and powder, in cans and bottles) *and related products* from Mason, Mich. to Secaucus, N.J.; Baltimore, Md.; Malverne, Pa.; Andover, Mass.; Memphis, Tenn., and Atlanta, Ga., under a continuing contract or contracts with Wyeth Laboratories, for 180 days. Supporting shipper: Wyeth Laboratories, P.O. Box 861, Paoli, Pa. 19301. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 129124 (Sub-No. 14TA), filed June 22, 1977. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, Pa. 16881. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in the counties of Clearfield and Jefferson, Pa., to points in the state of Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Thomas Bros. Coal Co., Inc., Grampian, Pa. 16838; McDonald Coal Co., Inc., Grampian, Pa. 16838; Hepburnia Coal Co., Grampian, Pa. 16838. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 129290 (Sub-No. 3TA), filed June 27, 1977. Applicant: MACKINAW CO., 1500 Pine Street, Essexville, Mich. 48732. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. at Essexville, Mich., to the port of entry on the United States-Canada boundary at or near Sault Sainte Marie, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lake Ontario Cement, Ltd., Toronto, Ontario, Canada M5B 1J6. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134467 (Sub-No. 20TA), filed June 20, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery*

mixes and frosting mixes (not frozen), *edible flour N.O.I., and bakery products including jellies, fillings and donut sugar*, from the facilities of Interstate Brands Corporation at or near Columbia, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interstate Brands Corporation, 1000 Main Street, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135797 (Sub-No. 2TA), filed June 27, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Interstate Brands Corporation at or near Columbia, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interstate Brands Corporation, 1000 Main Street, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136605 (Sub-No. 1TA), filed June 27, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 S. High St., Oklahoma City, Okla. 73109. Applicant's representative: Jack L. Shultz, P.O. Box 1240, Arcadia, Calif. 91006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Interstate Brands Corporation at or near Columbia, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interstate Brands Corporation, 1000 Main Street, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136786 (Sub-No. 2TA), filed June 27, 1977. Applicant: ROBERTSON BROS. TRUCKING CO., INC., 4100 W. Mitchell St., Milwaukee, Wis. 53215. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Interstate Brands Corporation at or near Columbia, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Interstate Brands Corporation, 1000 Main Street, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 143320 (Sub-No. 1TA), filed June 6, 1977. Applicant: RICHARD P. MILLER, doing business as Potatoland Trucking, P.O. Box 1, Center, Colo. 81125. Applicant's representative: Richard P. Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes*, from points in Colorado, to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potatoland, Inc., P.O. Box 1, Center, Colo. 81125. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143313TA, filed June 17, 1977. Applicant: SAVICK TRUCKING SERVICE, INC., 2118 Pennsylvania Ave., Weirton, W. Va. 26062. Applicant's representative: Jack H. Blanshan, 205 North Michigan Avenue, Suite 2900, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Weirton Steel Division of National Steel Corporation at or near Weirton, W. Va., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weirton Steel Division of National Steel Corporation, Weirton, W. Va. 26062. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 143418 (Sub-No. 1TA), filed June 23, 1977. Applicant: JIM ALLGOOD TRUCKING, INC., Route 1, Box 1, Hillsboro, Ga. 31038. Applicant's representative: Jim Allgood (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Florida, Georgia, Alabama, South Carolina, and North Carolina, to points in Florida, Georgia, Alabama, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jim Allgood Trucking, Inc., Route 1, Box 1, Hillsboro, Ga. 31038. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

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mixes and frosting mixes (not frozen), *edible flour N.O.I., and bakery products including jellies, fillings and donut sugar toppings* (not frozen), *and donut equipment* (except commodities in bulk), from the plantsite and storage facilities of Dawn Donut Co., Inc., at or near Jackson, Mich., to points in Arkansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Dawn Donut Co., Inc., 2031 Micor Drive, Jackson, Mich. 49203. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136006 (Sub-No. 6TA), filed June 17, 1977. Applicant: WALLKILL AIR FREIGHT CORP., R.D. No. 3, Box 5, Wallkill, N.Y. 12589. Applicant's representative: (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air between Newark Airport, N.J., on the one hand, and, on the other, points in Ulster, Orange, Dutchess, and Sullivan Counties, N.Y. for 180 days. Supporting shipper: There are 51 statements of support attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Building, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 136285 (Sub-No. 25TA), filed June 23, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 413 Gordon Ave., Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Savannah, Ga., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Camp Corp., 1600 Valley Rd., Wayne, N.J. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 136605 (Sub-No. 28TA), filed June 23, 1977. Applicant: DAVIS BROS. DIST., INC. 2024 Trade Street P.O. Box 8058 Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Natural building stone* from Sanders County, Mont., to King County, Wash., for 180 days. Supporting shipper: Thomas E. Weadock, President, Basin Enterprises, Box 57, Oakley, Idaho 83346. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 136711 (Sub-No. 30TA) (partial correction), filed June 3, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 S. High St., Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112.

NOTE.—The purpose of this partial correction is to show Docket No., file date, and name of carrier, which was previously omitted before.

No. MC 138000 (Sub-No. 30TA), filed June 17, 1977. Applicant: ARTHUR H. FULTON, Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered clay* (except in bulk), from Whitlock, Tenn., and its commercial zone to Chelsea, Mich., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: LRI Industries, Inc., 11770 Dexter Road, Chelsea, Mich. 48118. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 139170 (Sub-No. 6TA), filed June 9, 1977. Applicant: FRANK W. MADDEN CO., 1288 E. Archwood Avenue, Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 W. Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components and accessory parts*, from points in Portage County, Ohio, to Keyser, W. Va.; Pittsburgh, Bedford, Windber, Gallitzen, New Brighton, Kane, Oil City, Grove City, DuBois and Wilmerding, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spancrete NE, Inc., P.O. Box 236, Aurora, Ohio 44202. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 141813 (Sub-No. 3TA), filed June 23, 1977. Applicant: MILTON G. JANSSEN, doing business as Janssen Transportation, Route 2, Box 433, Delta, Colo. 81416. Applicant's representative: Milton G. Janssen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* mined in Garfield County, Colo., to rail sidings in Meso County, Colo. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Black Hawk Coal Co., Box 1555, Grand Junction, Colo. 81501. Send protest to: Herbert C. Ruoff, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 142096 (Sub-No. 3TA), filed June 27, 1977. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 W. Mitchell St., Milwuakee, Wis. 53215. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (non-alcoholic), in containers, from Watertown, Wis., to Galesburg, Peoria, Rockford, Rock Island, and Sterling, Ill.; Cedar Rapids, Clinton, Davenport, Decorah, Dubque, and Muscatine, Iowa; Escanaba, Houghton, Iron Mountain, Marquette, Newberry, and Sault Ste. Marie, Mich., and Mankato and Rochester, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wis-Pack, Inc., Watertown, Wis. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, Wis. 53202.

No. MC 143197 (Sub-No. 1TA), filed June 23, 1977. Applicant: BONDED MAIL DELIVERY SERVICE, INC., 2040 Prospect Avenue, Erie, Pa. 16510. Applicant's representative: Robert B. McCullough, 416 Marine Bank Building, Erie, Pa. 16501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment parts* used in jet aircraft in packages not exceeding 60 pounds in weight, between the General Electric Plant, Erie County, Pa., and points in the states of New York, Ohio, and Michigan, under a continuing contract or contracts with General Electric Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 2901 E. Lake Road, Erie, Pa. 16531. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 143236 (Sub-No. 2TA), filed June 23, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and commodities* sold in toy stores, between Moonachie Piscataway, Passaic, Elizabeth, Bayonne, and Paterson, N.J.; Bayshore, Mt. Vernon, Mellville, Ellenville, and New York, N.Y.; East Meadow and Salem, Mass.; West Haven, Bridgeport, Enfield, Conn., on the one hand, and, on the other, the warehouse facilities of Toys R US located at or near Bensenville, Ill.; Melvindale, Mich.; Houston, Tex.; San Jose and Compton, Calif. Restricted to the transportation of shipments originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper: Toys R US, 299 Market Street, Saddle Brook, N.J. 07662. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143320 (Sub-No. 1TA), filed June 6, 1977. Applicant: RICHARD P. MILLER, doing business as Potawatomi Trails, 51585 Winding Waters Lane, Elkhart, Ind. 46514. Applicant's representative: Richard P. Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, hinges, knobs, pulls, bolts, and hardware*. From the plantsite of GM Distributors, Inc., GM Industrial Corp., at or near Elkhart, Ind., to Woodland and Anaheim, Calif., Denver, Colo., and Newton, Kans., under a continuing contract or contracts with GM Distributors, Inc., GM Industrial Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G.M. Distributors, Inc., G.M. Industrial Corp., 55356 C.R. 15 South, Elkhart, Ind. 46514. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143321 (Sub-No. 1TA), filed June 9, 1977. Applicant: JADAN, INC., P.O. Box 3070, South Bend, Ind. 46619. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Inc. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and bathtubs, shower stalls, and related fixtures*, from Nappanee, Ind., to points in California, Colorado, Idaho, Nevada, Oregon, Washington, and Utah. Restricted to a contract or continuing contracts with Vitreous Steel Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vitreous Steel Products Co., P.O. Box 150, Nappanee, Ind. 46550. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143356R (Sub-No. TA), filed June 22, 1977. Applicant: MIRACLE MOTOR SERVICE LTD., 1825 N. California, Chicago, Ill. 60647. Applicant's representative: Michael Parisi, 5915½ Irving Park Road, Chicago, Ill. 60634. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, Chicago, Ill., to points in states of Wisconsin and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corporation, Donald R. Roarty, Manager-Traffic, 3250 W. Big Beaver Rd., Troy, Mich. 48084. Send protests to: Transportation Assistant Patricia A. Roscoe, Inter-State Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 143313TA, filed June 17, 1977. Applicant: SAVICK TRUCKING SERVICE, INC., 9116 Pawnee Road, Homerville, Ohio 44235. Applicant's representative: Edwin F. Savick (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal and poultry*, in bag, in bulk, or bag, bulk combined, and animal health aids and sanitation products. From the plant site of Allied Mills, Inc., located in Fort Wayne, Ind., to all points in the state of Ohio, under a continuing contract or contracts with Allied Mills, Inc., for 180 days. Supporting shipper: Allied Mills, Inc., P.O. Box 599, Worthington Station, Columbus, Ohio 43085. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143415TA, filed June 22, 1977. Applicant: WHOLESALE DELIVERY SERVICE (1972) LTD, 2830 Norland Avenue, Burnaby, British Columbia V5B 3A6. Applicant's representative: Martin Fallick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, Between the International Boundary of the U.S. and Canada, located near Blaine, Wash., and 5 miles beyond the city limits of Blaine, Wash., and/or including the city limits of Blaine itself; and points within the greater Vancouver, B.C. area, for 180 days. Supporting shippers: Pac-Can Exports, Inc., 2nd & "C" St., P.O. Box 1236, Blaine, Wash. 98230. First Washington Net Factory, Fourth Street, P.O. Box 310, Blaine, Wash. 98230. Associated Freight Forwarders, 1100 Yew Avenue, Blaine, Wash. 98230. Exports, Inc., 810 Peace Portal Drive, Blaine, Wash. 98230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 143416TA, filed June 20, 1977. Applicant: ALLTRANS EXPRESS, INC., 1096 29th Avenue S.E., Minneapolis, Minn. 55414. Applicant's representative: James F. Finley, 301 Midwest Federal Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and related materials, supplies, and parts of such commodities* when their transportation is incidental thereto from points in the Minneapolis/St. Paul, Minnesota Commercial Zone to points in Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clecon, Incorporated, 601 Taft Street N.E., Minneapolis, Minn. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 143418 (Sub-No. 1TA), filed June 23, 1977. Applicant: JIM ALLGOOD TRUCKING, 1301 West Clinton, Tulare, Calif. 93274. Applicant's representative: Lucy Kennard Bell, 707 Wilshire Blvd., Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Coal*, in bulk, from the Coastal States Energy Company coal unloading station located at or near Nipton, Calif., to the Mojave Power Station located at or near Davis Dam, Nev., under a continuing contract, or contracts, with Coastal States Energy Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coastal States Energy Company, 5 Greenway Plaza East, Houston, Tex. 77046. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143420TA, filed June 24, 1977. Applicant: HANDEY TRANSIT, INC., P.O. Box 127, Highway 45, Elcho, Wis. 54428. Applicant's representative: Colin Handeyside (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet parts and pallet related goods*, from Elcho, Wis., to points in Northern Illinois and Chicago and from Elcho, Wis., to Minneapolis and St. Paul, Minn., under a continuing contract or contracts with Northern Lakes Pallet, Inc., for 180 days. Supporting shipper: Northern Lakes Pallet, Inc., P.O. Box 206, Elcho, Wis. 54428, (Robert J. Seetan). Send protests to Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 143421TA, filed June 23, 1977. Applicant: GRAVEL TRUCKERS, INC., P.O. Box 5602, Macon, Ga. 31208. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore* in bulk, from Barbour and Henry Counties, Ala., to the plantsite of Mullite Company of America at or near Andersonville, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mullite Company of America, Mulcoa Division, P.O. Box 37, Andersonville, Ga. 31711. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 143422TA filed June 22, 1977. Applicant: HAMM'S TRANSFER &

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STORAGE CO., INC., 893 Hub Drive, Panama City, Fla. 32401. Applicant's

[Notice No. 192]

STORAGE CO., INC., 893 Hub Drive, Panama City, Fla. 32401. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Astron Forwarding Co., 1660 Factor Ave., San Leandro, Calif. 94577. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19044 Filed 7-11-77;8:45 am]

[Notice No. 192]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application

JULY 12, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77193. By application filed June 30, 1977, SAV-ON TRANSPORTATION, INC., 148 Frontage Road, Manchester, N.H. 03101, seeks temporary authority to transfer the operating rights of D & G Transporation, Inc., 20 Cameron Street, Clinton, MA 01510, under section 210a (b). The transfer to Sav-on Transportation, Inc., of the operating rights of D & G Transportation, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-19043 Filed 7-11-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., July 7, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Docket 30240, Petition of Aviation Consumer Action Project for Rulemaking to Amend Part 241 to require the airlines to report and to classify as non-operating expenses all expenditures for lobbying and institutional advertising.

2. Docket 30704, Application of Trans World Airlines, Inc., for approval under Section 412 of the Federal Aviation Act of 1958 of an agreement between it and British Airways dated March 31, 1977, regarding new contract cargo rates, bulk specific commodity rates and container specific commodities rates, in U.K.-U.S. directional markets.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202-673-5068).

SUPPLEMENTARY INFORMATION: At the July 5, 1977, Board meeting, the time allotted for the meeting did not permit discussion of all items on the agenda. In order not to delay consideration of the remainder of the items, the following Members voted that agency business required that the Board meet on them at the earliest possible time and that no earlier announcement of the meeting was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

[S-848-77 Filed 7-7-77;3:13 pm]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., July 14, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Port of Portland will make a presentation to the Board regarding their operations and will present slides showing Portland International Airport and their two general aviation airports.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, Secretary (202-673-5068).

[S-849-77 Filed 7-7-77;3:13 pm]

3

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

DELETION OF ITEMS FROM JULY 5, 1977, MEETING AGENDA

REVISED AGENDA

TIME AND DATE: 10 a.m., July 5, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted By Notation.[1]

2. Discussion of Regulatory Reform legislation currently before Congress.

3. Docket 27891, EDR-301, Advance Notice of Proposed Rulemaking to amend Part 234 to establish mandatory on-time arrival standards for certificated route air carriers (petition for rulemaking instituted by Aviation Consumer Action Project).

4. Docket 23315, *Delta-Northeast Merger Case* (petition of Juanita Wells to compel arbitration of labor dispute) and Docket 22690, *Caribbean-Atlantic Airlines, Inc., Eastern Airlines, Inc., Acquisition Case* (petition of Jose Dones to compel arbitration of labor dispute).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202-673-5068).

SUPPLEMENTARY INFORMATION: At the July 5, 1977, Board meeting, the time allotted for the meeting did not permit discussion of all items on the agenda. Accordingly, the following members voted that agency business required that Items 5 and 6, Docket 30240 Petition of Aviation Consumer Action Project and Docket 30704, Application of Trans World Airlines, Inc., be deleted from the agenda and no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

[S-850-77 Filed 7-7-77;3:13 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

4

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2 p.m., Wednesday, July 13, 1977.

PLACE: Room 856, 1919 M Street NW Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted:

Agenda, Item No., and Subject

Broadcast—2—Discussion of licensing standards for FM noncommercial educational stations.

Consideration of the above matter is now scheduled for July 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 7, 1977.

[S-845-77 Filed 7-7-77;3:13 pm]

5

AGENCY HOLDING THE MEETING: Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETINGS: 9:30 a.m. (Open), follows the Open Meeting (Closed), Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open and Closed Commission Meetings.

CHANGES IN THE MEETINGS: These meetings have now been rescheduled for Wednesday, July 13, 1977. The open meeting will commence at 2 p.m., and will be followed by the closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Case No. 43,113-NR—United States National Bank, San Diego, California.
Case No. 43,114—Farmers Bank of the State of Delaware, Dover, Delaware.

Centinel Bank of Taos, Taos, New Mexico, on North Pueblo Road (Highway 3), Taos, Taos County, New Mexico.

Alan R. Miller, Executive Secretary (202-389-4446).

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National

10

AGENCY: Federal Election Commission.

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Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 7, 1977.

[S-846-77 Filed 7-7-77;3:13 pm]

6

AGENCY HOLDING THE MEETING: Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Tuesday, July 12, 1977.

PLACE: Room 856, 1919 M Strect NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item was inadvertently listed and should be deleted:

Agenda and Item No., Subject

Safety and Special Radio Services—2—Amendment of Part 83 of the rules regarding the installation of VHF transmitting apparatus and the performance of transmitter measurements (Docket No. 21028).

Action on the above item has been completed by the Commission on July 1, 1977, via the Notation Action procedure.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 6, 1977.

[S-847-77 Filed 7-7-77; 3:13 pm]

7

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2 p.m., July 14, 1977.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATIONS OR REQUESTS PURSUANT TO SECTION 19 OF THE FEDERAL DEPOSIT INSURANCE ACT FOR THE CORPORATION'S CONSENT TO SERVICE OF PERSONS CONVICTED OF OFFENSES INVOLVING DISHONESTY OR A BREACH OF TRUST AS DIRECTORS, OFFICERS, OR EMPLOYEES OF INSURED BANKS

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 352b(c)(6)).

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 43,105-1—Franklin National Bank, New York, New York.

Case No. 43,109-SR—American Bank & Trust Company, New York, New York.

Case No. 43,113-NR—United States National Bank, San Diego, California.

Case No. 43,114—Farmers Bank of the State of Delaware, Dover, Delaware.

Case No. 43,113-NR—United States National Bank, San Diego, California.

Case No. 43,116-L—The Morrice State Bank, Morrice, Michigan.

Case No. 43,118-L—Franklin National Bank, New York, New York.

Case No. 43,119-SR—American Bank & Trust Company, New York, New York.

Case No. 43,122-L—Franklin National Bank, New York, New York.

Case No. 43-123 L—International City Bank and Trust Company, New Orleans, Louisiana.

Case No. 43,124-L—Franklin National Bank, New York, New York.

Case No. 43,126-L—First State Bank of Northern California, San Leandro, California.

Case No. 43,130 L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

PERSONNEL ACTIONS REGARDING APPOINTMENTS, PROMOTIONS, ADMINISTRATIVE PAY INCREASES, REASSIGNMENTS, RETIREMENTS, SEPARATIONS, REMOVALS, ETC.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S 853 77 Filed 7-7-77;4:46 pm]

8

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2:15 p.m., July 14, 1977.

PLACE: Room 635, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATION FOR FEDERAL DEPOSIT INSURANCE

Southwestern State Bank, to be located at 500 Ninth Street, Alamogordo, Otero County, New Mexico.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE

Walnutport State Bank, Walnutport, Northampton County, Pennsylvania, from Main Street to the intersection of Main Street and Pennsylvania Route 145, within Walnutport, Northampton County, Pennsylvania.

APPLICATION FOR CONSENT TO ESTABLISH BRANCHES

Southern Bank of Lee County, Smiths, Lee County, Alabama, at 1001 University Drive, Auburn, Lee County, Alabama.

Montana Bank of Belgrade, Belgrade, Gallatin County, Montana, at 98 N. Broadway, Belgrade, Gallatin County, Montana.

Centinel Bank of Taos, Taos, New Mexico, on North Pueblo Road (Highway 3), Taos, Taos County, New Mexico.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE AND TO ESTABLISH ONE BRANCH

Kennedy Bank and Trust Company, Bethesda, Montgomery County, Maryland, to move its main office from 6400 Goldsboro Road to 6410 Rockledge Drive, within Bethesda, Montgomery County, Maryland, and to retain the present main offices as a branch.

APPLICATION FOR CONSENT TO MERGE AND ESTABLISH BRANCHES

Elkton Banking and Trust Company of Maryland, Elkton, Maryland, an insured State nonmember bank, for consent to merge with The Citizens National Bank of Harve de Grace, Havre de Grace, Maryland, under the charter of Elkton Banking and Trust Company of Maryland and with the title "County Banking and Trust Company," and to establish the two offices of The Ctiizens National Bank of Havre de Grace as branches.

Anchor Savings Bank, New York (P.O. Brooklyn), New York, an insured mutual savings bank, for consent to merge with North New York Savings Bank, White Plains, New York, an insured mutual savings bank, under the charter and title of Anchor Savings Bank, and to establish the five offices of North New York Savings Bank as branches of the resultant bank.

APPLICANT FOR FINANCIAL ASSISTANCE UNDER SECTION 13(c) OF THE FEDERAL DEPOSIT INSURANCE ACT

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

RECOMMENDTIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 43,110-SR—American Bank & Trust Company, New York, New York.

Case No. 43,121-L—Tri-City Bank, Warren, Michigan.

Case No. 43,127-L—Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.

Case No. 43,132-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

RECOMMENDATIONS WITH RESPECT TO THE INITIATION OF CEASE-AND-DESIST PROCEEDINGS OR TERMINATION-OF-INSURANCE PROCEEDINGS AGAINST CERTAIN INSURED BANKS

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-854-77 Filed 7-7-77;4:47 pm]

9

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2:30 p.m., July 14, 1977.

PLACE: Board Room, Sixth Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

DISPOSITION OF MINUTES OF PREVIOUS MEETINGS

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

The Savigns Bank of Tolland, Tolland, Tolland County, Connecticut, at the intersection of Routes 31 and 44A, Coventry, Tolland County, Connecticut.

The Long Island Savings Bank, Long Island City, Queens County, New York, at 839-104 New York Avenue (Big H Shopping Center (Unincorporated Area)), Town of Huntington, Suffolk County, New York.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE AND TO ESTABLISH ONE BRANCH

The Equitable Trust Company, Baltimore (Independent City), Maryland to move its main office from the Munsey Building at Calvert and Fayette Streets to 100 S. Charles Street, within Baltimore (Independent City), Maryland, and to retain the present main office as a branch.

APPLICATION FOR CONSENT TO ESTABLISH FIVE REMOTE SERVICE FACILITIES (ELECTRONIC BRANCHES)

Buffalo Savings Bank, Buffalo, Erie County, New York, in Bells Supermarkets at 2222 Seneca Street, Buffalo, Erie County, New York; 3049 Bailey Avenue, Buffalo, Erie County, New York; Central Park Plaza, Buffalo, Erie County, New York; 2160 Genesee Street, Buffalo, Erie County, New York; and 2330 Niagara Falls Boulevard, Tonawanda, Erie County, New York.

RECOMMENDATION REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Memorandum re: Centennial Bank, Philadelphia, Pennsylvania.

RECOMMENDATIONS WITH RESPECT TO PAYMENT FOR LEGAL SERVICES RENDERED AND EXPENSES INCURRED IN CONNECTION WITH RECEIVERSHIP AND LIQUIDATION ACTIVITIES

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

White and Steele, Denver, Colorado, in connection with the liquidation of Bank of Woodmoor, Monument, Colorado.

Beggs & Lane, Pensacola, Florida, in connection with the liquidation of International City Bank & Trust Company, New Orleans, Louisiana.

Lemle, Kelleher, Kohlmeyer & Matthews, New Orleans, Louisiana, in connection with the liquidation of International City Bank & Trust Co., New Orleans, Louisiana.

Daner, Freeman, McKenzie & Matthews, Mount Clemens, Michigan, in connection with the liquidation of Tri-City Bank, Warren, Michigan.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Baker & Botts, Houston, Texas, in connection with the receivership of Sharpstown State Bank, Houston, Texas.

Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of Algoma Bank, Algoma, Wisconsin.

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Co., N.A., Milwaukee, Wisconsin.

RECOMMENDATIONS WITH RESPECT TO THE IMPOSITION OF FINES FOR THE UNTIMELY FILING OF REPORTS OF CONDITION, SEPTEMBER 30, 1976

REPORTS OF COMMITTEES AND OFFICERS

Minutes of the actions approved by the Committee on Liquidation, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding the transmittal of "no significant effect" competitive factor reports.

Report of the Division of Liquidation with respect to the status of the Hamilton National Bank of Chattanooga, Chattanooga, Tennessee, from April 16, 1977 through June 16, 1977.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-855-77 Filed 7-7-77;4:47 pm]

10

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, July 14, 1977 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.

II. Correction and approval of minutes—June 30, 1977.

III. Advisory opinion—A. AO 1977-25.

IV. Appropriations and budget (budget status report).

V. Pending legislation.

VI. Liaison with other Federal agencies.

VII. Report on requirements of 2 U.S.C. 439.

VIII. Litigation.

IX. Agency job classification actions.

X. Personnel policy—Memorandum number 1389.

XI. Review of 1977 management plan.

XII. Routine administrative matters.

PORTIONS TO BE CLOSED TO THE PUBLIC: Executive session. A. Compliance: B. Audits No. 2, No. 4, and No. 6; C. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Telephone: 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-842-77 Filed 7-7-77;2:27 pm]

11

AGENCY HOLDING THE MEFTING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., July 13, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Dockets 236-A and 236-B, *Gila River Pima-Maricopa Indian Community*. Dockets 357-A, *Pueblo of Taos*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, Tel. 202-653-6184.

[S-856-77; Filed 7-8-77;10:01 am]

12

AGENCY HOLDING MEETING: United States Parole Commission—National Appeals Board (the three Commissioners so designated pursuant to 18 U.S.C. 4204(a)(5)).

TIME AND DATE: Tuesday, July 5, 1977; 4:00 p.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

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STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10), 552b(c)(6), and 552b(c)(7)(A) and (c).

MATTERS TO BE CONSIDERED: By unanimous vote on July 5, 1977 the National Appeals Board determined pursuant to 5 U.S.C. 552b(c)(1) and § 16.204(b) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. On July 1 the Commission was advised of the immediate need to modify a parolee's parole condition and July 5, 1977 was the only date the National Appeals Board Members would be available to effectuate timely modification.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, NAB, 202-724-3094.

[S-844-77: Filed 7-7-77,3:13 pm]

13

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed July 8, 1977).

PREVIOUS ANNOUNCED TIME AND DATE: July 12, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Open meeting.

SUBJECT: Consideration by the Commission of a recommendation that it issue for public comment (1) a revised version of proposed Rule 206(4)-4 under the Investment Advisers Act of 1940, which would require investment advisers to deliver to their clients and prospective clients certain information about the adviser, (2) a revised and expanded Form ADV, the investment adviser registration form, and (3) a proposed form to be filed annually by investment advisers disclosing whether the adviser is still in business.

CHANGES IN THE MEETING: The above-captioned meeting will be held on Wednesday, July 13, 1977 at 2:30 p.m.

Chairman Williams, Commissioners Loomis and Pollack have voted to approve the above change and have determined that no earlier notice was possible.

JULY 6, 1977.

[S-851-77 Filed 7-7-77;3:13 pm]

14

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 7, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTERS TO BE CONSIDERED: Discussion of confidential material. Institution of administrative proceeding.

Chairman Williams and Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JULY 7, 1977.

[S-852-77 Filed 7-7-77;3:13 pm]

15

AGENCY HOLDING THE MEETING: Tennessee Valey Authority.

TIME AND DATE: 10:30 a.m., Thursday, July 14, 1977.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—PERSONNEL ACTIONS

1. Change of status—John G. Holmes, Jr., from Assistant to the Manager of Power to Assistant Manager of Power Operations, Chattanooga, Tennessee.
2. Change of status—James P. Darling from Chief, Power Supply Planning Branch, to Assistant Director, Division of Power Resource Planning, Chattanooga, Tennessee.
3. Change of status—Lawrence L. Calvert, Washington Representative, Office of the General Manager, Washington, D.C.
4. Resolution relating to authorization to approve temporary appointments to positions of assistant division director.
5. Resolution relating to TVA Retirement System coverage of employees granted leave without pay for Peace Corps training and volunteer service.

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

1. Renewal of consulting contract with Jones and Stokes Associates, Inc., Sacramento, California—Division of Forestry, Fisheries, and Wildlife Development.
2. Renewal of consulting contract with Dr. Edward C. Raney, Ithaca, New York—Division of Forestry, Fisheries, and Wildlife Development.
3. Renewal of consulting contract with Richard H. Stroud, Washington, D.C.—Division of Forestry, Fisheries, and Wildlife Development.
4. Renewal of consulting contract with John M. Kellberg, Knoxville, Tennessee—Office of Engineering Design and Construction.
5. Renewal of consulting contract with Dr. Ralph B. Peck, Albuquerque, New Mexico—Office of Engineering Design and Construction.
6. Renewal of consulting contract with Francis B. Slichter, Annadale, Virginia—Office of Engineering Design and Construction.
7. Renewal of consulting contract with Dr. Roy W. Carlson, Berkeley, California—Office of Engineering Design and Construction.
8. Renewal of consulting contract with James Chemical Engineering, Greenwich, Connecticut—Office of Agricultural and Chemical Development.
9. Resolution relating to exception to TVA policy relating to age limitation on personal service contractors—William E. Simkin.

C—PURCHASE AWARDS

1. Req. No. 821173—Air handling units for Hartsville and proposed Phipps Bend Nuclear Plants.
2. Req. No. 548779—Crawler cranes for construction pool equipment.
3. Resolution relating to rejection of bids in response to Invitation No. 61-821141 for control rod driving piping systems for Hartsville and proposed Phipps Bend Nuclear Plants.
4. Resolution relating to rejection of bids and award in response to Invitation No. 73-821397 for structural steel for reactor building for Hartsville and proposed Phipps Bend Nuclear Plants.
5. Req. No. 547341—Indefinite quantity term contract for terminals, insulated and uninsulated, tools, and accessories for Bellefonte, Sequoyah, and Watts Bar Nuclear Plants and Raccoon Mountain Project.
6. Req. No. 821923—25-ton auxiliary overhead cranes for Hartsville and proposed Phipps Bend Nuclear Plants.
7. Req. No. 547238—Indefinite quantity term contract for terminals, connectors, lugs, tools, and accessories for Bellefonte, Sequoyah, and Watts Bar Nuclear Plants, and Raccoon Mountain Project.
8. Req. No. 821668—Nonseismic pipe supports for Hartsville and proposed Phipps Bend Nuclear Plants.
9. Req. No. 821338—Condensate demineralizer waste evaporators for Sequoyah and Watts Bar Nuclear Plants.
10. Req. No. 546889—Indefinite quantity term contract for ready-mixed concrete for Cedar Creek Dam.
11. Req. No. 822043—Structural steel containmet vessels for reactor building for proposed Yellow Creek Nuclear Plant, units 1 and 2.
12. Req. No. 141976—Baseline and in-service inspection of reactor vessels for Hartsville Nuclear Plant.
13. Req. No. 543374—Indefinite quantity term contract for high temperature insulation for any TVA project or warehouse.
14. Req. No. 537182—Indefinite quantity term contract for lumber for Hartsville Nuclear Plant.
15. Req. No. 820192—Controls and metering for Hartsville and proposed Phipps Bend Nuclear Plants.
16. Req. No. 107890—Galvanized structural tower steel for various transmission lines.
17. Req. No. 237710—Supplemental material for Browns Ferry Nuclear Plant.
18. Req. No. 44—Barging services for Shawnee Steam Plant.
19. Sales Invitation No. 3603—Sale of construction equipment.
20. Sales Invitation No. 3625—Sale of construction equipment.

D—PROJECT AUTHORIZATION

1. No. 3244—Freeze protection at Cumberland Steam Plant.

2. No. 3239—Replace boiler components for unit 1 at Gallatin Steam Plant.
3. No. 3247—TVA Widows Creek unit 8 wet limestone scrubber research project.
4. No. 3241—Wet-process phosphoric acid pilot plant processes.

E—FERTILIZER ITEMS

None.

F—POWER ITEMS

1. Letter agreement with the city of Memphis, Tennessee, Memphis Light, Gas and Water Division, for utility relocations—Allen Steam Plant.
2. Resolution relating to change of funding authorization for Contract TV-37304A with American Nuclear Corporation.
3. Option, exploration, lease and purchase agreement among TVA, Ronald Anger as administrator for the estate of Robert G. Rees, and others in connection with uranium properties in Grand County, Utah.
4. Resolution relating to agreement of purchase and settlement among TVA, Arch Coal Company, Eads Coal Company and Arkel Land Company.
5. Resolution relating to exercise of option to purchase Ewing-Northern Coal Association coal rights.
6. Lease and amendatory agreement with Greenville, Tennessee, covering arrangements for 161-kV delivery at TVA's Tusculum 161-kV Substation.
7. Lease and amendatory agreement with Sevierville, Tennessee, covering arrangements for 161-kV delivery at TVA's Pigeon Forge 161-kV Substation.
8. New power contract with Department of the Army, Fort Campbell, Kentucky.
9. New power contract with Alcorn County Electric Power Association.
10. Lease agreement with city of Murfreesboro, Tennessee, for a section of TVA's Murfreesboro-Lebanon 46-kV transmission line—Rutherford County Tennessee.
11. Bill of sale and quitclaim deed to the city of Lewisburg, Tennessee—section of TVA's Lewisburg-Structure 34 (Deenergized) 46-kV Line.
12. Ratification of power rate adjustment approved by Board on May 26, 1977.
13. Experimental residential electric rate schedule for demonstration time-of-day rate test—Knoxville, Tennessee.

G—REAL PROPERTY TRANSACTIONS

1. Resolution relating to abandonment of flowage easement rights affecting 1.6 acres of Boone Reservoir land in Washington County, Tennessee—tract BR-134F.
2. Resolution relating to filling of land purchased by Consolidated Aluminum Company on Kentucky Reservoir—tract XGIR-851.
3. Sale at public auction of permanent industrial easement affecting approximately 67 acres of land in Anderson County, Tennessee (tract XMHR-411E)—Melton Hill Reservoir.
4. Filing of condemnation suits.

H—UNCLASSIFIED

1. Supplemental Memorandum of Agreement between the U.S. Department of Labor and TVA—participation in the Federal Interagency Construction Task Force.
2. Resolution relating to recommendations resulting from Twenty-Sixth Annual Salary negotiations—1977.
3. Resolution relating to proposed salary adjustment for positions of secretaries to members of the Board of Directors.
4. Resolutions relating to proposed salary adjustments for management and physician schedules.
5. Resolution relating to settlement agreement with General Electric Company in connection with contract disputes.
6. Resolution relating to settlement agreement with Farrell Mining Company.
7. Resolution relating to dismissal of civil action against A&T Coal Company, Inc.
8. Amendment to Memorandum of Understanding between the National Institute for Occupational Safety and Health and TVA.
9. Supplemental agreement among TVA, Tennessee Department of Education, and local school systems in the Hartsville Nuclear Plants Project area.

DATED: July 14, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to request for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-343-4537.

[S-857-77 Filed 7-8-77;10:01 am]

15

AGENCY HOLDING MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., July 19, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Continuation of discussion of Recommendations of the Task Force of Merit Staffing Review Recommendations.
(2) Experiments in delegating to agencies administration of examinations and maintenance of registers.
(3) Code of Conduct for Commissioners.
(4) Procedure for handling Noncareer executive appointments.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners (202-632-5556).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S-865-77 Filed 7-11-77;11:00 am]

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federal register

TUESDAY, JULY 12, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL DIRECT STUDENT LOAN PROGRAM; COLLEGE WORK-STUDY PROGRAM; SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM; AND BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Definition of Independent Student

V 42 133 JUL 12 77 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

for the National Direct Loan and the Supplemental Educational Opportunity

cumvented by those parents who choose not to claim a student as a tax exemp-

as well as the base year and year of application. It was determined, however, that

SUMMARY OF COMMENTS RECEIVED

the determination of dependency status

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176, and 190]

NATIONAL DIRECT STUDENT LOAN PROGRAM, COLLEGE WORK-STUDY PROGRAM, SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM, AND BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Definition of Independent Student

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following amendments to the regulations defining the independent student under the Basic Educational Opportunity Grant Program, the Supplemental Educational Opportunity Grant Program, the College Work-Study Program, and the National Direct Student Loan Program. The proposed regulation sets forth a revised definition of independent student in order to improve equity in the classification of students as dependent or independent for purposes of participation in the Federal student financial aid programs.

DATES: Comments must be received on or before August 26, 1977. Hearings will be held on August 8, 1977 in Washington, D.C. commencing at 10:00 a.m.

ADDRESSES: The hearing will be held at Regional Office Building No. 3 Auditorium, 7th and D Streets SW., Washington, D.C. 20202. Written comments should be sent to Mr. Peter K. U. Voight, Director Division of Basic and State Student Grants, ROB-3, Room 4717, 400 Maryland Avenue SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ernst Becker, (202) 245-1744.

SUPPLEMENTARY INFORMATION: These regulations are expected to be in effect during the 1978-79 academic year (20 U.S.C. 1070a, 1070b-1070b-3, 1087aa-ff, 42 U.S.C. 2751-2756).

These amendments are being submitted for public comment. Since the definition of the independent student under the Basic Educational Opportunity Grant Program is embodied in the regulations covering the basis for determining the expected family contribution for dependent and independent students, these amendments will also be submitted for review by both Houses of Congress as required by statute. The regulations to which these amendments are proposed were previously published on June 11, 1976 (41 FR 23874) for the Basic Educational Opportunity Grant Program, November 24, 1976 (41 FR 51957) for the National Direct Loan and the Supplemental Educational Opportunity Grant Program, and September 1, 1976 (41 FR 36884) for the College Work-Study Program.

EXPLANATION OF NEED FOR REGULATIONS

The basic premise for all need-based financial aid programs is that the primary responsibility for financing a student's education rests with the student and his family. The Federal aid is intended to meet those educational costs which remain after the student's resources and an expected contribution from his or her parents have been taken into account. At the same time, there is a category of students who are financially independent of their parents and, as such, cannot expect their parents to bear the cost of their education. The problem of defining an independent student in a manner which will be acceptable and which can be easily administered is an extremely complex issue. Historically, it has been a highly controversial subject in the administration of financial aid.

There is general consensus among financial administrators that any definition of an independent student should meet certain basic requirements:

(a) It should maintain the concept that the primary responsibility for meeting the cost of postsecondary education rests with the student and his family.

(b) It should be based on objective and verifiable criteria, and require the least possible amount of personal information from the student and his family.

(c) It should prevent inequities in the classification of applicants to the fullest possible extent;

(d) It should be readily understood by students and their parents.

During recent years, the definition which is most widely used in awarding Federal, State, and institutional aid defines a student as independent if the student:

1. Has not and will not be claimed as an exemption for Federal Income Tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; or

2. Has not and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; or

3. Has not or will not live for more than two consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

However, program experience has indicated a number of concerns and weaknesses with the present definition. Specifically, there has been increasing concern that the present definition does not support the concept of the parents' responsibility for the post-secondary education of their children. The intent of the present definition may be readily circumvented by those parents who choose not to claim a student as a tax exemption during the base year in order to qualify the student as an "independent" applicant. In addition, the present formula has also been criticized as being arbitrary and unfair to some students. Furthermore, it is difficult to verify the accuracy of most of the information provided in the application form under the present definition.

In view of the serious implications for the future impact on need-based programs, and in particular the Basic Grant Program, it is essential that serious consideration be given to changing the present definition of the independent student. This issue is further underscored by the fact that between 30 and 40 percent of all eligible applicants under the Basic Grant Program are expected to file as independent students during the current and subsequent academic years, and similar trends are evident for the campus-based programs. At the same time, it should be noted that the primary concerns regarding the definition of independent student revolve around questions of improved equity, rather than developing a definition with the purpose of reducing the proportionate share of applicants filing as independent students.

For these reasons, a number of amendments to the current definition are proposed. Specifically, these amendments to the Basic Grant and campus-based student aid programs provide for an extension of the residence limitation from two weeks to six weeks. The six-week period is proposed as a reasonable period of time in which a student can be expected to visit his or her parents without classifying the student as dependent, as frequently would be the case under the present two-week rule. On the other hand, residence with parents which extends for more than six weeks would be considered as an indication of parental support to the student.

In addition, the Federal tax exemption criteria has been extended to apply for two calendar years prior to the academic year for which aid is requested, rather than the one calendar year required under current regulations. This provision is proposed to strengthen the concept of parental responsibility to provide support for the postsecondary education of their children and to reduce the possibility of deliberate evasion of the intended purpose of the definition.

Under the proposed revision of the definition, the criteria concerning the amount of actual financial assistance received from the parents by the student has remained unchanged.

However, it shoud be further noted that the criteria concerning the residence limitation and parental financial assistance will continue to apply for the base year and the subsequent calendar years under the proposed definition, whereas the tax exemption cirteria has been extended to include the year prior to the base year. Consideration has been given to the extension of all of the criteria to cover the year prior to the base year

as well as the base year and year of application. It was determined, however, that the extension to the year prior to the base year of the residence limitation and the parental contribution criteria would have created serious inequities for many applicants and, therefore, would not improve the effectiveness of the definition of independent student. However, because it is generally agreed that the tax exemption criteria is a strong and definitive indicator of financial dependence, the expansion of this criteria is considered to be fair and equitable. For this reason, it was determined that the tax exemption criteria would be extended an additional year in the proposed revision of the definition of independent student.

Under the National Direct Student Loan Program, all veterans will continue to be treated as independent students regardless of their financial relationship to their parents. This special criterion for veterans in determining eligibility for a National Direct Student Loan was enacted in the Education Amendments of 1972, and appears in § 144.2(dd) of the NDSL Interim Regulations published in the FEDERAL REGISTER on November 24, 1976.

It should further be noted that an accurate determination as to whether a student is actually independent of parental financial support essentially requires a detailed review of the financial relationships between the student and his parents. Such an approach could be considered an unnecessary intrusion into the personal and private family relationships by public agencies which would be regarded as unacceptable by many applicants. At the same time, any definition of the independent student which is based on more objective criteria invariably raises questions of equity and fairness regardless of the definition of dependence/independence that may be developed. This issue is of some concern with respect to the Basic Grant Program which is a formula-based program designed to treat all applicants in a standard and consistent manner with a minimum of discretionary intervention.

However, accommodation of potential inequities under the Basic Grant Program is possible by applying discretionary judgments under the campus-based programs for those students for whom parental resources were included in the determination of Basic Grant eligibility, but who in the judgment of the financial aid officer cannot be expected to receive financial support from their parents. In these situations, the expected parental contribution may be waived at the discretion of the financial aid officer in determining eligibility for aid under the campus-based programs. Regulatory authority permitting such discretionary judgments on the part of the financial aid officer is already contained in the regulations governing the campus-based programs. Accommodation of potential inequities through the exercise of professional judgment by the financial aid officer serves to maintain the legislative intent of the individual programs.

SUMMARY OF COMMENTS RECEIVED

The Commissioner published in the FEDERAL REGISTER, Vol. 41, No. 230, Monday, November 29, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 52410). On page 52413, comments were invited concerning the revision of the independent student definition and the possible criteria for determining student dependency. Five public conferences were held at various locations between December 13-17, 1976, at which the Office of Education received comments on this and other issues presented on the Notice. In addition, forty-three written comments were also received through December 30, 1976, concerning the independent student definition.

The possible factors to consider in defining a financially independent student were presented as follows:

1. *Tax Exemption.* Should being claimed as a tax exemption for Federal income tax purposes be used as an indication of dependency?

2. *Marital Status or Dependents.* Should consideration be given to those students who are married or have dependents for whom they provide at least one-half support?

3. *Age.* Should age be a factor in determining dependency, and, if so, what age limit should be established?

4. *Residence.* Is residence at a parent's home an indication of dependency? If so, what limit on the length of residence should be established?

5. *Employment.* When determining a student's independent status, should prior employment history or other visible means of support be required?

6. *Actual Financial Contributions by Parents.* What amount of financial support should disqualify a student from being considered independent?

The following is a summary of the comments received pertaining to these proposed criteria.

The comments received were almost unanimous in their opinion that being claimed as an exemption for Federal Income Tax purposes by someone other than a spouse is an indication of dependency. This criterion is generally agreed to be an objective and readily verifiable determinant of financial dependence. It is also considered to be the strongest indication of a student's financial dependence upon his or her parents. For these reasons, the Federal tax exemption criterion has been retained in the present definition, but has been extended to apply for two calendar years prior to the academic year for which aid is requested, rather than the one calendar year as presently required. This extension is intended to strengthen the tax exemption criterion in order to improve the effectiveness of the definition.

Comments were divided on whether the applicant's marital status or having dependents of his own should be considered in determining dependency. Several commenters felt that the presence of either of these conditions constitutes independence and should be considered in the determination of dependency status. However, many of the comments stated that marriage or having dependents does not necessarily indicate an applicant's independence from parental support. As a number of commenters noted, the fact that a student has recently married and left his or her parent's household should not entitle the student to special consideration as an independent student for purposes of receiving Federal financial aid. The married student or the student with dependents should be required to fulfill the same criteria as all other applicants in determining the financial relationship with his or her parents. Some students may be receiving parental support regardless of their marital status or whether they may have dependents of their own. Therefore, marital status or having dependents cannot be considered a reliable measure of financial independence. For this reason, the regulations were not amended to include these two factors as criteria in determining independent student status.

The majority of commenters felt that age should not be a factor in determining dependency. The age of the applicant does not necessarily preclude dependence or independence from parental support. In addition, several responses questioned the possible legal issues concerning the discriminatory effects of this condition. Establishment of an objective and equitable age level that would be consistent in treatment for the majority of students would be difficult, if not impossible. For these reasons, the definition was not amended to include age as a factor in determining dependence.

Responses were generally mixed concerning whether residency at the home of the parents is an indicator of dependency. Several of the commenters expressed the opinion that living at home does not always mean that a student is financially dependent upon his parents, especially in cases where the student pays room and board to his parents. In contrast, many commenters supported the inclusion of this factor on the basis that extended residence at the home of the parent did, in fact, constitute dependency. In the past, it has been program experience that students who live at home, even if they pay for room and board, are generally subsidized to a significant degree by their parents. Lack of monetary contribution by the parents does not necessarily mean that there is no support. Therefore, it was felt that some limitation on the period of residence with the parents should be retained in the definition. However, many of the commenters in favor of this criterion felt that the present requirement that applicants residing with their parents for two consecutive weeks or more should be considered dependent is too restrictive and that a longer period of residency would be necessary to indicate financial dependence. Therefore, the present definition has been amended to expand the limitation on the period of residency from two weeks to six weeks.

The majority of commenters indicated that an applicant's prior employment

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history or verifiable documentation of ... 1. Part 144 of Title 45 of the Code of ... (3) Has not lived or will not live for

§ 190.32 Special definitions. ... (b) In § 190.42, paragraph (a) is ... (2) Notwithstanding subparagraph (1)

V

history or verifiable documentation of other means of support should be required for students who wish to be considered independent. However, the regulation was not changed to include this provision. Specifically, in order to make a determination of a student's ability to support himself, the present application form would need to be considerably expanded in order to collect information on all resources available to the student. This would include information on taxable income such as income from employment as well as non-taxable income such as unemployment benefits, welfare benefits, Social Security and Veterans benefits, student financial aid awards, loans, gifts, support in kind, etc. Collection of such data for purposes of establishing the dependency status of an applicant would be cumbersome both from the standpoint of the applicant who must provide this information and for administrative considerations. Further, given the formula nature of the Basic Grant Program, a minimum living alowance standard would need to be established on the basis of which a student would be determined to be self-supporting. Since such a standard could not accommodate unique circumstances of individual applicants, certain inequities in the treatment of applicants would not be alleviated by this approach. In addition, a primary objective of the independent student definition is to determine whether there exists a parental responsibility to provide for the postsecondary education of a child. Evidence of self-support and the degree of that self-support does not necessarily preclude the financial responsibility of the parents.

Finally, most comments agreed that the actual financial contribution by parents should be included as a factor in determining dependency. Although there were a variety of suggested levels of parental support which should be used to determine dependency, most commenters indicated that the current 600 level of actual parental contribution was an objective and equitable amount. Therefore, the definition was not changed with respect to actual contribution by parents.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.418 Supplemental Educational Opportunity Grant Program; No. 13.463 Higher Education Work-Study (College Work-Study Program); No. 13.471 (National Direct Student Loan Program; No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: May 4, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 30, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welare.

1. Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

Section 144.2(dd) is amended to read as follows:

§ 144.2 Definitions.

(dd) "Self-supporting or Independent Student" means a student who is either (1) a veteran as defined in § 144.2(hh) or (2) a student who:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(ii) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(iii) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent of that parent has died prior to the student's submission of an application for a loan, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

• • • • • •

2. Part 175 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 175—COLLEGE WORK-STUDY PROGRAM

Section 175.2(w) is amended to read as follows:

§ 175.2 Definitions.

• • • • • •

(w) "Self-supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for employment under the College Work-Study Program, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

• • • • •

3. Part 176 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Section 176.2 (s) is amended to read as follows:

§ 176.2 Definitions.

• • • • • •

(s) "Self-Supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for a grant, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

• • • • • •

4. Part 190 of Title 45 of the Code of Federal Regulations is amended to read as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

(a) In § 190.32, subparagraph (n)(2) is amended to read as follows:

§ 190.32 Special definitions.

• • • • • •

(n)(1) • • •

(2) Notwithstanding the provisions of paragraph (n)(1) of this section, the student's mother or father will be considered the student's parent (i) If, for the calendar year(s) for which aid is received or either or both of the two calendar years prior to the school year for which aid is requested, either claimed or will claim the student as an exemption for Federal income tax purposes, or (ii) if either contributed or will contribute more than $600 to the student in any calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested, or (iii) if the student has lived or will live for more than six weeks in their home during any calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested.

• • • • • •

(b) In § 190.42, paragraph (a) is amended to read as follows:

§ 190.42 Special definitions.

• • • • • •

(a)(1) A student qualifies as an independent student if the student:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by any other person except his or her spouse for any calendar year(s) in which aid is received or either or both of the two calendar years prior to the academic year for which aid is requested;

(ii) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested; and

(iii) Has not lived or will not live for more than six weeks in the home of a parent during any calendar year(s) in which aid is received or the calendar year prior to the academic year for which aid is requested.

(2) Notwithstanding subparagraph (1) of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for a grant, and if no person, other than the student's spouse, provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested.

(3) Notwithstanding subparagraph (1) of this paragraph, a student qualifies as an independent student if, (i) the student's parent is not his mother or father but is the person, other than the student's spouse, who provided more than one-half of his support in the base year [190.32(n)], and (ii) that parent does not or will not provide one-half support during the first calendar year for which aid is requested.

• • • • • •

[FR Doc.77-19363 Filed 7-11-77;8:45 am]

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federal register

TUESDAY, JULY 12, 1977
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Family Contribution Schedules are the formulas used in determining student eligibility on the basis of financial need for the Basic Educational Opportunity Grant Program. The legislation governing the program requires that these schedules be submitted annually for public comment and for review by both Houses of Congress. The amendments to the Family Contribution Schedules included in this notice of proposed rulemaking are intended to address concerns which have been identified regarding various aspects of the formulas.

DATES: Comments must be received on or before August 26, 1977.

ADDRESSES: Comments should be addressed to: Mr. Peter K. U. Voigt, Director, Division of Basic and State Student Grants, U.S. Office of Education, Room 4717, ROB-3, 7th & D Streets, S.W., Washington, D.C. 20202. Comments received will be available for inspection at the above address between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Ernst Becker, 202–245–1744.

SUPPLEMENTARY INFORMATION: The family size offsets included in the Family Contribution Schedules are intended to provide for basic family subsistence expenses which must be met before any contribution toward a student's educational costs can be expected. In order to establish a standard for determining the amount of these subsistence expenses, the Basic Grant Program adopted, during its initial year of operation, the "Weighted Average Thresholds at Low Income Level" published by the Bureau of the Census. These expenses are based on the food costs of families of given sizes, and make certain assumptions about additional expenses of shelter and other family needs. These base line data have been updated annually to accommodate the increases in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

In determining the expected family contribution for the Basic Grant Program, applicants report actual financial data for a base year which is the calendar year prior to the academic year for which the grant is requested. Thus, data included in the 1978–79 application will reflect actual financial circumstances in calendar year 1977. To derive the family size offsets for the 1977 base year, those used for 1976 will be adjusted to correspond to the actual increase in the Consumer Price Index published by the Bureau of Labor Statistics at the end of the year. Since this notice of proposed rulemaking is published well before the conclusion of the year, the amounts in the 1978–79 Family Contribution Schedule are estimated by increasing those used for 1977–78 by six percent. When the final regulation is published, these estimated amounts will be replaced by family size offsets based on the actual Consumer Price Index statistics for 1977 as published by the Department of Labor.

A number of additional changes have been proposed for the 1978–79 Family Contribution Schedules with the intention of improving the equity of the program. They are listed here in the order in which they appear in the regulation.

1. The Office of Education is participating in the continuing efforts of the Committee on Forms Development, established by the National Task Force on Student Aid Problems, to develop common data elements for the Basic Grant application and the applications of the major need analysis services and various State scholarship commissions. To further this goal, the Commissioner is proposing to revise the criteria for determining which parent's annual adjusted family income shall be considered in computing Basic Grant eligibility for a student whose parents are divorced or separated. The current Basic Grant regulation requires income information from the parent who most recently provided the greater portion of the student's support. The proposed revision, which would provide consistency with the procedures of the major need analysis services, would require income information from the parent who has custody of the student or, in cases in which the term "custody" is no longer applicable, the parent with whom the student resided for the greater portion of the twelve-month period preceding the date of the application. If the applicant resided with neither parent during that period, the income of the parent who is providing the greater portion of the applicant's support shall be considered.

Additionally, efforts are being made by the Basic Grant Program and the major need analysis services to establish a consistent method for treating the income and assets of a step parent. Under current Basic Grant procedures, the step parent's financial information is reported only when the applicant has resided with the step parent and parent during the base year or the calendar year following the base year. However, no specific length of residency is stated. Under the proposed revision, the test would be made more specific by requiring that financial information from the step parent if the applicant lived in the step parent's home for more than six weeks during the base year or the calendar year following the base year. Additionally, the revision would also require that the step parent's financial information be included if he or she had contributed more than $600 per year to the applicant's support during the base year or the calendar year following the base year.

2. The Supplemental Form is intended to allow an applicant to use estimated income data in filing a Basic Grant application when a major change has taken place in the financial strength of the family. The conditions under which the form may be filed has been limited to only those cases which are most likely to result in drastic changes in family income. One of these conditions is the loss of employment by a parent of a dependent student or by an independent student or spouse. Program experience has indicated that the expiration of unemployment benefits has for many applicants constituted a change in financial circumstances equally as serious as the previous loss of employment. To permit this loss to be reflected in Basic Grant eligibility computations, the Commissioner is proposing to amend the regulations to include the loss of unemployment benefits as a permissible condition for filing a Supplemental Form.

3. In completing a Basic Grant application, the applicant or the applicant's parents must provide a listing of asset amounts, including cash on hand in savings accounts, checking accounts, and trusts, and the current market value of securities, real estate, home, and other property. Corrections in reported asset amounts are permitted only if an arithmetical error has occurred or if the information submitted was inaccurate for the date on which the application was submitted. With several million applications being processed annually it would not be possible to permit corrections to be made after an application has been submitted to reflect later fluctuations in the family's asset position.

If a student's family should suffer a loss of assets because of a natural disaster after the Basic Grant application has been submitted, the financial aid officer at the student's institution may take this loss into account in determining eligibility for aid under the three campus-based programs (National Direct Student Loans, College Work-Study, and Supplemental Educational Opportunity Grants). If that loss of assets has been of such magnitude that the family can no longer be expected to contribute the amount which had originally been expected, the financial aid officer has the discretion under the regulations governing each of the three campus-based programs to reduce the expected family contribution to a level which reflects the family's current financial circumstances and to increase the awards from the three campus-based programs accordingly.

Generally, this flexibility provided to the financial aid officer in awarding aid from the campus-based programs should be sufficient to compensate for a family's loss of assets resulting from a natural disaster. However, if the disaster is of such magnitude that the President declares the area in which it occurs to be a national disaster area, the institution's funds for the campus-based programs may be taxed to such an extent that the additional student need could not be met. To remedy this problem, the Commissioner is proposing to amend the regulations to provide that a revision is previously reported asset amounts may be submitted if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of in Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.539, Basic Educational Opportunity Grant Program)

Dated: June 22, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 30, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations would be amended as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. In § 190.32a, paragraphs (c), (e) and (f) would be amended to read as follows:

§ 190.32a Annual adjusted family income.

* * * * * * *

(c) For a student whose parents are divorced or separated, only the income as described in paragraph (a) of this section of the parent who has custody of the applicant shall be considered in determining the annual adjusted family income. If custody was not awarded, if neither parent now has custody, or if the parents have equal custody, only the income of the parent with whom the applicant resided for the greater portion of the twelve-month period preceding the date of the application shall be considered. If the applicant did not reside with either parent during the twelve-month period preceding the date of application, the income of the parent who is providing the greater portion of the student's support shall be considered.

* * * * * * *

(e) If a parent whose income is taken into account under paragraph (c) of this section has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than $600 per year from that parent's spouse in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

(f) If a parent whose income is taken into account under paragraph (a) of this section was a widow or widower and that parent has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student:

(1) Has received or will receive financial assistance of more than $600 per year from that parent's spouse in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, or

(2) Has lived or will live for more than 6 weeks in the home of that parent's spouse during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

2. In § 190.33, subparagraph (c)(1) would be amended to read as follows:

§ 190.33 The expected family contribution for dependent students from dependent students from effective income.

* * * * * * *

(c) * * *

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student, the student's parents and the student's parent's dependents. If the parents are divorced or separated, family members include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents. If the parents are divorced and the parent whose income is taken into account for the purpose of computing the annual adjusted family income has remarried, or if the parent was a widow or widower who has remarried, family members shall also include any dependents of that spouse if the new spouse's income is taken into account in determining the annual adjusted family income.

Family size offsets

Family members:	Amount
2	$4,100
3	4,900
4	6,250
5	7,350
6	8,350
7	9,300
8	10,200
9	11,200
10	12,150
11	13,050
12	14,000

* * * * * * *

3. In § 190.39, subparagraph (a)(5) and paragraph (c) are added to read as follows:

§ 190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

(a) * * *

(5) A parent whose income was included in the calculation of expected family contribution as determined in § 190.33 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

* * * * * * *

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's family has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

* * * * * * *

4. In § 190.43, subparagraph (c)(1) is amended to read as follows:

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

* * * * * * *

(c) * * *

(1) Family size offset. A family size offset is the amount specified in the following table. Family members include the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

Family size offsets

Family members:	Amount
2	$4,100
3	4,900
4	6,250
5	7,350
6	8,350
7	9,300
8	10,200
9	11,200
10	12,150
11	13,050
12	14,000

An offset of $1,100 shall be made for the single independent student.

* * * * * * *

5. In § 190.48, subparagraph (a)(6) and paragraph (c) would be added to read as follows:

§ 190.48 Extraordinary circumstances affecting the expected family contribution determination for independent students.

(a) * * *

* * * * * * *

(6) An applicant or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has experienced a loss of unemployment benefits in the base year or the tax year subsequent to the base year.

(c) An applicant may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the applicant or the applicant's spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area which has been declared a national disaster area by the President of the United States.

[FR Doc.77-19362 Filed 7-11-77;8:45 am]

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Title 3—The President

PROCLAMATION 4512

United States Space Observance

By the President of the United States of America

A Proclamation

Our human race has always felt an urge to explore and understand the world around us. This drive lay behind the theories of Ptolemy and Copernicus, the discoveries of Aristotle and Newton, the journeys of Columbus and Magellan.

In our time, this spirit has led to the exploration of space. From single missions, designed to send satellites into orbit and land men on the Moon, the United States space program has grown into a much broader range of endeavors. Its purpose is not simply to study space, but to understand its relevance to life on earth. Satellites now orbiting the earth have helped us to forecast weather patterns accurately, discover mineral deposits, detect sources of pollution and establish a global communications network. International projects such as Apollo-Soyuz have helped bring the people of the world closer together through coordinated research and the cooperative use of land and sea resources.

To encourage the American people to reflect upon the purposes, goals and achievements of America's space program, the Senate (July 11, 1975) and the House of Representatives (September 30, 1976) have requested the President to issue a proclamation designating the period of July 16 through July 24 as "United States Space Observance" and calling for its appropriate observance (S. Con. Res. 47).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the period of July 16 through July 24, 1977, as United States Space Observance.

I urge the communications media, educators, the aerospace industry, scientific and public-service organizations and the American people to join with the Administrator of the National Aeronautics and Space Administration during this period in commemorating the achievements of the United States space program which demonstrate that advanced technology devoted to peaceful purposes can lead the way to a better life for people of all nations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc.77-20257 Filed 7-11-77;4:07 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13719; File No. S7–581]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Requirements for Dissemination of Proxy Information to Beneficial Owners by Issuers and Intermediary Broker-Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission today adopted rules intended to facilitate the transmission of proxy materials from publicly-held companies to beneficial shareowners through intermediaries who hold stock in street or nominee name. These rule changes were recommended by the Commission's recent Street Name Study.

EFFECTIVE DATE: The rule changes are effective August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Millstone, Senior Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. 202–755–8777.

SUPPLEMENTARY INFORMATION: In August 1975, the Securities and Exchange Commission proposed Rule 14b–1 and amendments to Rule 14a–3(d) under the Securities Exchange Act of 1934 in order to facilitate the transmission of proxy materials from issuing companies through intermediary recordholders to the beneficial owners. An issuer currently is required to inquire of certain intermediary-recordholders prior to any meeting with respect to which the issuer intends to solicit proxies whether the recordholders represent other persons who are the beneficial owners of the securities, and, if so, to forward to such intermediaries sufficient sets of materials for distribution to each beneficial owner. The proposed amendments to Rule 14a–3(a) would impose on issuers the obligation to make inquiry at least 10 days before the record date for the meeting and to forward materials in a timely manner. Proposed Rule 14b–1 would impose on broker-dealer recordholders the obligation to forward proxy materials in a timely manner to the beneficial owners or, in the alternative, to provide issuers with the names and other data about the beneficial owners. If a broker chooses the alternative, a proposed proviso to Rule 14a–3(d) would require issuers to communicate with the beneficial owners directly. The Commission has adopted the proposed rule and amendments in part. In a separate release (Securities Exchange Act Release No. 13720, July 5, 1977, published in this issue), the Commission has also proposed a new amendment to Rule 14a–3(d) which modifies the extent of the issuers' obligation to make inquiry.

Background

In 1974, the Commission adopted Rule 14a–3(d) under the Securities Exchange Act of 1934 (the "Act") requiring that, if an issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies are held of record by certain intermediaries, the issuer must inquire of such intermediaries whether other persons are the beneficial owners of the securities and, if so, must supply the intermediaries with sufficient quantities of proxy materials to be forwarded to such beneficial owners.[1] Some of the comment letters that were received when the rule was proposed in 1974 requested that the Commission take suitable action to require recordholder-intermediaries to forward promptly to the beneficial owners the materials received from issuers. In late 1974, the Commission heard comments during its beneficial ownership hearings [2] which also indicated that some improvements could be effected in the distribution process. Based on the record of those hearings, the comments on Rule 14a–3(d) and its own experience, the Commission, in August 1975, proposed Rule 14b–1 and amendments to Rule 14a–3(d).[3]

Proposed Rule 14b–1 would require a registered broker-dealer (1) to respond promptly, by means of a search card or otherwise, to inquiries made by issuers in accordance with Rule 14a–3(d) with respect to how many of the broker's customers are beneficial owners of the issuer's securities which are held of record by the broker or its nominee and (2) upon receipt of a sufficient number of proxy statements and annual reports to security holders and assurances that its reasonable expenses will be paid by the issuer, to forward the materials in a timely manner to its customers. As an alternative to complying with the foregoing obligations, the proposed rule would permit a registered broker-dealer to furnish to the issuer a list of its customers who are beneficial owners of the issuer's securities held of record by the broker or its nominee, provided that the broker also furnishes authorization to vote such securities in accordance with instructions of the customer.

As noted, Rule 14a–3(d) currently requires that an issuer make inquiry of intermediaries. The proposed amendments would require the issuer to make its inquiry at least 10 days prior to its record date and to supply requested materials in a timely manner. If, however, a broker, pursuant to Rule 14b–1(b), provides the issuer with an appropriate list of the names, addresses and holdings of its customers and authorization to vote the securities in accordance with the instructions of the customers, a proposed proviso to Rule 14a–3(d) would require the issuer to comply with the proxy rules with respect to such customers; that is, the issuer would have to forward proxy materials and annual reports directly to the broker's customers.

One hundred eighteen comment letters were received on the proposals. Issuers, including two investment companies, accounted for 89 letters. In addition, the Street Name Study [4] examined the proposals as well as several other suggested methods for improving issuer-shareowner communications. The Study recommended that the Commission adopt Paragraph (a) of proposed Rule 14b–1, which would require brokers to respond to issuers' inquiries, and the amendments to Rule 14a–3(d), which would require issuers to make their inquiries at

[1] Securities Exchange Act Release No. 11079 (October 31, 1974), 39 FR 40766. The intermediaries are brokers, dealers, banks and voting trustees. Those entities frequently hold securities registered in their name or the name of their nominee for the accounts of other persons who are the beneficial owners of the securities.

[2] Public Fact-finding Investigation In the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons, File No. 4–175.

[3] Securities Exchange Act Release No. 11617 (August 25, 1975), 40 FR 42219. In addition to the amendments to the body of Rule 14a–3(d), the Commission proposed technical amendments to Notes 1 and 3 to the rule.

[4] In December 1976, the Commission forwarded to Congress the Final Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other Than the Name of the Beneficial Owner of Such securities, 94th Cong., 2d Sess. (Committee Print 1976), commonly called the Street Name Study. That Study was conducted pursuant to Section 12(m) of the Act, which authorized and directed the Commission to make a study and investigation of the practice of recording the ownership of securities in other than the name of the beneficial owner—"street" or "nominee" name registration—to determine the effect of the practice on the Act and whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while retaining the benefits of the practice.

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least 10 days before the record date and to supply requested materials in a timely manner. If, however, a broker, pursuant to Rule 14b–1(b), provides the issuer with an appropriate list of the names, addresses and holdings of its customers and authorization to vote the securities in accordance with the instructions of the customers, a proposed proviso to Rule 14a–3(d) would require the issuer to comply with the proxy rules with respect to such customers; that is, the issuer would have to forward proxy materials and annual reports directly to the broker's customers.

least 10 days before the record dates and to forward materials in a timely manner; the Study also recommended that the Commission withdraw proposed Paragraph (b) of Rule 14b–1 and the related proviso to Rule 14a–3(d), which would have permitted brokers at their option to forward to issuers the names of beneficial owners and would have required issuers to communicate directly with such beneficial owners.[5] The principal reason for the Study's recommendations was the finding that the rules as proposed, as well as certain suggested modifications of those rules, would create substantial operational and recordkeeping problems for many issuers and were not feasible "absent the development of a compatible industry-wide computer system for the transmission of [beneficial owners'] names and the development of a standard format [for the lists of names]."[6]

Based on the findings of the Study and its own review of the comment letters discussed below, the Commission has determined to follow the recommendations of the Study. The Commission has also proposed a further amendment to Rule 14a–3(d) (Securities Exchange Act Release No. 13720, July 5, 1977).

I. AMENDMENT TO RULE 14a–3(d): OBLIGATION OF ISSUERS TO MAKE INQUIRY OF INTERMEDIARIES AT LEAST 10 DAYS BEFORE THE RECORD DATE REGARDING THE NUMBER OF BENEFICIAL OWNERS.

The commentors who directed remarks to this provision generally agreed that this amendment is appropriate and would improve the communications cycle by providing intermediaries with additional time in which to transmit proxy materials to their customers. One commentor pointed out, however, that the rules of the national securities exchanges permit issuers to give less than 10 days' advance notice of record dates in extraordinary circumstances. The letter also pointed out that Rule 10b–17 under the Act recognizes that 10 days' notice may not be practicable in all cases. Accordingly, Rule 14a–3(d) has been modified to permit an issuer to make its inquiry less than 10 days before the record date to the extent that the rules of the national securities exchange on which the security is listed so permit for good cause shown. The amendment is intended to permit the exchanges to adopt specific rules, if desired, governing deferred or late inquiries, rather than placing artificial reliance on existing exchange rules relating to "short" record date notices, which were adopted for a different purpose.

The Commission has determined to keep the 10-day period for all other situations in view of the Street Name Study's finding that the search card procedure is critical in assuring that subsequent steps in the proxy transmittal process are carried out efficiently and in a timely manner.

[5] Final Report 44.
[6] Final Report 41.

Several other commentors suggested that there is a need to develop standard forms and procedures for the proxy transmittal process. This observation was also made by the Study and, in accordance with the Study's recommendation, the Commission will urge the industry to establish a committee to seek ways to develop and implement uniform forms and procedures throughout the securities industry on a voluntary basis.[7]

Finally, several commentors suggested the need to clarify an issuer's continuing obligation to make inquiry of those persons who become recordholders during the period between the issuer's initial inquiry and the record date. They pointed out that, as proposed, the rule would appear to require the issuer to make an inquiry of all persons who are intermediaries at a time 10 or more days before the record date, but would not require any inquiry of intermediaries who first become recordholders after the initial inquiry but before the record date. In view of the Commission's belief that timely notification of all intermediaries is essential to the proper functioning of the proxy transmittal process, the Commission has today released for public comment a proposal to amend Rule 14a–3(d) in order to make clear that the issuer is obligated to make inquiry of all intermediaries who become recordholders on or before the issuer's record date for the meeting (Securities Exchange Act Release No. 13720, July 5, 1977).

II. PARAGRAPH (a) OF RULE 14b–1: OBLIGATION OF BROKERS (1) TO RESPOND PROMPTLY TO AN ISSUER'S INQUIRY, AND (2) UPON RECEIPT OF MATERIALS AND ASSURANCE OF REPAYMENT OF EXPENSES TO FORWARD MATERIALS IN A TIMELY MANNER

The commentors generally supported the imposition of these obligations on brokers. Several commentors suggested, however, that the use of the words "in a timely manner" might imply a responsibility on the broker to forward materials to the beneficial owner prior to the meeting date even when the issuer failed to forward the materials to the broker sufficiently in advance of the meeting date. The Commission has substituted the word "promptly," which is intended to reflect the obligation of brokers to forward the materials as soon as they are received and has made a conforming change in Note 3 to Rule 14a–3(d). The Commission reminds broker-dealers that late receipt of the materials does not relieve the broker-dealer of its obligation to make every effort to forward those materials to its customers in time for them to exercise their right to vote. In addition, the Commission reminds brokers-dealers that where clearing arrangements are employed, both parties to the arrangement, subject to self-regulatory oversight, should take appropriate steps, by contract or otherwise, to assure compliance with the provisions of Rule 14b–1 with respect to the customers of the introducing broker.

Many other commentors made suggestions for minor clarifications of Paragraph (a) of Rule 14b–1. The Commission believes that all procedural rules and interpretations implementing the broad mandate of Rule 14b–1, including the setting of "reasonable expenses," should continue to be administered and enforced by the various self-regulatory regulations.

The Commission takes note of the comments which expressed concern that the present rules do not deal with the obligation of intermediaries to forward materials other than proxy materials issued by management. The Commission refers interested persons to Securities Exchange Act Release No. 13482 (April 28, 1977) and suggests that the proposed hearings on shareholder democracy may be an appropriate forum for in-depth consideration of problems relating to shareholders' proposals and other nonmanagement communications.[8]

Several issuers were concerned that the proposals failed to deal with the practice by certain persons of billing issuers for materials forwarded to persons other than beneficial owners. The Commission refers interested persons to Securities Exchange Act Release No. 13455 (April 21, 1977) and reiterates its strong disapproval of the practice described therein.[9]

Finally, the Commission recognizes that the imposition of obligations on brokerage firms alone will not assure that all beneficial owners receive issuers' proxy communications in a timely manner, since other recordholders such as banks and trust companies would not be subject to such obligations. Accordingly, the Commission will transmit a copy of Rule 14b–1 and the related provisions to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation with the suggestion that they consider the adoption of comparable regulations for persons subject to their jurisdiction.

III. PROPOSED PARAGRAPH (b) OF RULE 14b–1 AND THE RELATED PROVISIO TO RULE 14a–3(d): OPTION OF THE BROKER IN LIEU OF COMPLYING WITH PARAGRAPH (a) OF RULE 14b–1, TO SUBMIT A LIST OF ITS CUSTOMERS WHO ARE THE BENEFICIAL OWNERS OF THE ISSUER'S SECURITIES HELD IN STREET NAME AND ISSUER'S RESULTING OBLIGATION TO TRANSIT MATERIALS DIRECTLY TO SUCH OWNERS

Support for the disclosure alternative came primarily from a number of small and medium-sized issuers who indicated that receiving and assimilating lists from brokers would not create undue difficulty and who further stated that the opportunity to communicate directly with their beneficial shareowners was strongly desired. One large issuer also indicated that it could accommodate brokers' customers lists without significant disruption. Virtually all other large issuers commenting, however, opposed proposed Rule 14b–1(b), as did all of the transfer agents and agent associations commenting.

The principal problems anticipated by issuers and transfer agents were:

(a) Difficulty in preparing for the Annual distribution of proxies because of the uncertainty as to how many brokers would choose to furnish customers lists in lieu of forwarding proxy materials:

(b) (i) Manual processing to assimilate broker lists due to the incompatibility of list formats with computerized company records; or

(ii) Development and implementation of new computer programs to assimilate raw data from brokers' lists (an item of time and expense that would be recurrent due to the constant turnover of beneficial owners);

(c) A greatly increased volume of proxies to be mailed,

(d) Manual processing and tabulation of proxies returned by street name shareowners in order to balance the votes received against appropriate recordholder accounts;

(e) Increased seasonal personnel and budgetary requirements; and

(f) Disruption in the timely transmittal of proxies with resultant delay in receipt of materials by beneficial owners.

In addition to those concerns of issuers and transfer agents, several other commentors indicated that disclosure of beneficial owners' names by brokers might violate the privacy of those beneficial owners.

Because of the great concern of many small and medium-sized issuers with disclosure of the names of their beneficial owners and because of their expressed desire to communicate directly with their beneficial owners, the Street Name Study explored in depth whether the problems associated with the proposed Rule 14b–1, as well as several alternative approaches involving disclosure, could be overcome.

The Study found, and the comment letters confirm, that it would be extremely burdensome for large issuers and transfer agents to accept from intermediaries the names of potentially thousands of beneficial owners, absent the development of a standard format for the submission of names and compatible computer software. Typical of the comments of large issuers was the following:

> Should the Commission promulgate a rule which would require the issuer to assume the burden of direct communication with beneficial owners, we would be constrained to administer at least 10,500 additional mailings on an individual basis without the benefit of a computer listing. The cost of such a burden in terms of additional staff, time limitations and the orderly administration of our stock transfer office would far eclipse the amount for which we would otherwise expend [sic] to reimburse brokers for their having communicated directly with their customers.[10]

[10] Another issuer estimated that it would receive an additional 20,000 names from brokers for each annual meeting and recited the problems that would be created:

> This raw data [names received from brokers] could not be added to the master list of records as it would create confusion with the current list * * *. Thus a new computer program would have to be created, tested, and put to use.

* * * * *

> For each beneficial owner, a minimum of five items of information must be encoded. For 20,000 names, 100,000 items must be encoded. Thereafter the encoded material must be keypunched, transferred to the new computer tape and then balanced to correct [illegible].

In addition, most broker-dealers advised the Commission that they would not utilize the optional procedure; only one commenting broker-dealer indicated that it would forward customers' names. In view of the administrative, financial and operational problems for issuers and transfer agents which would result from adoption of Rule 14b–1(b) and the related proviso to Rule 14a–3(d), and the lack of support from the brokerage community, the Commission has determined to withdraw these proposals. Nevertheless, the Commission remains receptive to suggestions from concerned issuers about ways to overcome the problems associated with direct communications.

IV. TECHNICAL CHANGES TO NOTES 1 AND 3 TO RULE 14a–3(d).

Finally, the Commission has adopted, essentially as proposed, the two technical amendments to the notes to Rule 14a–3(d). The first reflects changes effected by Securities Acts Amendments of 1975, and the second reflects the adoption in part of proposed Rule 14b–1.

The amendment to Note 1 as originally proposed made reference to four specified entities. Since publication of the proposal, the Commission, pursuant to Section 17A of the Act, has registered 12 clearing agencies. Accordingly, the reference in Note 1 has been changed to a general reference to any clearing agency registered pursuant to Section 17A of the Act. The 12 clearing agencies and their nominees, where applicable, are: Boston Stock Exchange Clearing Corporation, Bradford Securities Processing Services, Inc., The Depository Trust Company (Cede & Co.), Midwest Clearing Corporation, Midwest Securities Trust Company (Kray & Co.), National Securities Clearing Corporation, New England Securities Depository Trust Company (Nest & Co.), Options Clearing Corporation, Pacific Clearing Corporation, Pacific Securities Depository Trust Company (Pacific & Co.), Stock Clearing Corporation of Philadelphia (Philadep & Co.), and TAD Depository Corporation (TAD & Co.).

V. TEXT OF THE RULES

Accordingly, 17 CFR Part 240 is amended as follows:

1. By revising paragraph (d) of § 240.14a–3 to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder at least 10 days prior to the record date for the meeting of security holders (or at such later time as the rules of a national securities exchange on which the class of securities in question is listed may permit for good cause shown) whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to beneficial owners. The issuer shall supply such record holder in a timely manner with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

NOTE 1.—If the issuer's list of security holders indicates that some of its securities are registered in the name of a clearing agency registered pursuant to Section 17A of the Act, an issuer shall make appropriate inquiry of the agency and thereafter of the participants in such agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

* * * * *

NOTE 3.—The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to § 240.14b–1 and applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials promptly to beneficial owners for whom such broker-dealers hold securities.

2. By adding § 240.14b–1 to read as follows:

§ 240.14b–1 Obligation of registered brokers in connection with the prompt forwarding of certain communications to beneficial owners.

A broker registered under Section 15 of the Act shall:

(a) respond to an inquiry made in accordance with § 240.14a–3(d) by or on behalf of an issuer whose management is soliciting proxies, consents or authorization by promptly indicating, by means of a search card or otherwise, the approximate number of its customers who are beneficial owners of the issuer's securities that are held of record by the broker or its nominees; and

(b) upon receipt of the proxy, other proxy soliciting material, and/or annual reports to security holders and of assurances that its reasonable expenses shall be paid by the issuer, forward such materials promptly to such customers.

[7] Final Report 45. As noted in the Study, if the self-regulatory approach proves unsuccessful, the Commission will consider alternate methods including, if necessary, exercising its rulemaking power.

[8] 42 FR 23901 (1977).
[9] 12 SEC Docket 41 (1977).

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VI. STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to Section 23(a) of the Act (15 U.S.C. 78w(a)), the Commission has considered the effect that adoption of the amendments to Rule 14a–3(d) and new Rule 14b–1 would have on competition and has concluded that, to the extent the requirements impose a burden on competition, such burden is necessary and appropriate in furtherance of the purpose of the securities laws. The Commission hereby adopts the amendments to Rule 14a–3(d) and Rule 14b–1, pursuant to Sections 14(a), 14(b), and 23(a) of the Act (15 U.S.C. 78n(a), 78n (b), and 78w(a)).

VII. EFFECTIVE DATE

The rules are effective as of August 15, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77–19996 Filed 7–12–77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7498]

PART 301—PROCEDURE AND ADMINISTRATION

Unpaid Taxes Shown on Amended Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the treatment of unpaid taxes shown on amended returns. These regulations provide necessary guidance to the general public and affect all taxpayers who do not pay the amount of tax shown on an amended return.

DATE: The regulations apply to all amended returns of tax to which the Internal Revenue Code of 1954 applies.

FOR FURTHER INFORMATION CONTACT:

Robert A. Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 18, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 301) under sections 6211 and 6653 of the Internal Revenue Code of 1954, 41 FR 49178. There was no request for a public hearing. Thus, a public hearing was not held. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury decision.

UNPAID TAXES SHOWN ON AN AMENDED RETURN

Where a taxpayer shows on an amended return additional taxes and the taxpayer does not pay that amount, the unpaid taxes will not be treated as a deficiency. Thus, the Internal Revenue Service may assess the amount of unpaid taxes shown on an amended return without having to send the taxpayer a notice of deficiency.

DRAFTING INFORMATION

The principal author of this regulation was Robert A. Katcher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations. Accordingly, 26 CFR Part 301 is amended by adopting, without change, the regulations proposed in the notice of proposed rule making published in the FEDERAL REGISTER on November 8, 1976 (41 FR 49178).

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: July 1, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

Paragraph 1. Paragraph (a) of § 301.6211–1 is amended by deleting the last sentence thereof and by inserting immediately before the end thereof the following:

§ 301.6211–1 Deficiency defined.

(a) * * * Any amount shown as additional tax on an "amended return", so-called (other than amounts of additional tax which such return clearly indicates the taxpayer is protesting rather than admitting) filed after the due date of the return, shall be treated as an amount shown by the taxpayer "upon his return" for purposes of computing the amount of a deficiency.

* * * * *

PAR. 2. Paragraph (c)(1) of § 301.6653–1 is amended to read as follows:

§ 301.6653–1 Failure to pay tax.

* * * * *

(c) *Definition of underpayment.*—(1) *Income, estate, and gift taxes.* In the case of income, estate, and gift taxes, an underpayment for purposes of section 6653 and this section is:

(i) The total amount of all deficiencies as defined in section 6211, if a return was filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return, or

(ii) The amount of the tax imposed by subtitle A or B, as the case may be, if a return was not filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return.

However, for purposes of paragraph (c)(1)(i) of this section, any amount of additional tax shown on an amended return, so-called, filed after the due date of the return is a deficiency.

* * * * *

[FR Doc.77–20023 Filed 7–12–77;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 2—CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND MATERIAL

Revised Delegation of Authority

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: Treasury Department Order No. 160, Revised, is published in its entirety. This revised order primarily provides certain changes in the list of officials who have been delegated authority to originally classify national security information or material. A review has been conducted of all previous original classification authorities with the purpose of reducing the previous authorities to the minimum number absolutely required for efficient administration. This amendment reflects the results of this review.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Dennis E. Southern, Assistant Director (Physical Security), Office of Administrative Programs, Department of the Treasury, Washington, D.C. 20220 (202–376–0763).

Appendix A, Part 2, is revised to read as follows:

APPENDIX A—DEPARTMENT OF THE TREASURY, TREASURY DEPARTMENT ORDER NO. 160, REVISED, DELEGATION OF AUTHORITY CONCERNING IMPLEMENTATION OF EXECUTIVE ORDER NO. 11652, AS AMENDED, AND THE NATIONAL SECURITY DIRECTIVE OF MAY 17, 1972, AS AMENDED

By virtue of the authority delegated to me as Secretary of the Treasury by Executive Order No. 11652, March 8, 1972, 37 FR 5209, as amended by Executive Order No. 11714, April 24, 1973, 38 FR 10245 and Executive Order No. 11862, June 11, 1975, 40 FR 25197, and the National Security Council Directive of May 17, 1972, at 37 FR 10053, May 19, 1972, as amended by the Directive of July 30, 1976, at 41 FR 32693, August 5, 1976, and by the Directive of October 7, 1976 at 41 FR 45533, October 15, 1976 (hereinafter referred to as the Executive Order and Directive), it is hereby ordered as follows:

SEC. 1. *Compliance responsibility.* The Assistant Secretary (Administration) is delegated the authority to insure effective compliance with the implementation of the Executive Order and Directive and the Department of the Treasury regulations published thereunder in Part 2 of Title 31 of the Code of Federal Regulations, 38 FR 19321. The Assistant Secretary (Administration) is specifically delegated the authority to assign personnel to assist the Archivist of the United States in the exercise of his responsibility to review systematically for declassification all Department of the Treasury material classified before June 1, 1972, and more than thirty years old, and to perform other functions specified in Part II D of the Directive.

SEC. 2. *Authority to Classify.*—(a) *Top Secret.* The authority to originally classify national security information or material as Top Secret, Secret or Confidential within the Department of the Treasury is hereby delegated to the Deputy Secretary, the Under Secretary (Monetary Affairs), the Under Secretary, the Chief Deputy to the Under Secretary (Enforcement and Operations), the General Counsel, the Assistant Secretary (International Affairs), the Fiscal Assistant Secretary, the Assistant Secretary (Administration), the Assistant Secretary (Legislative Affairs), the two Executive Assistants to the Secretary, the Executive Assistant to the Deputy Secretary, the Executive Secretary, and the Special Assistant to the Secretary (National Security).

(b) *Secret.* The authority to originally classify national security information or material as Secret or Confidential within the Department of the Treasury is hereby delegated to the Commissioner, Internal Revenue Service; the Assistant Secretary (Tax Policy); the Director, Bureau of Alcohol, Tobacco and Firearms; the Commissioner, U.S. Customs Service; the Director, Bureau of Engraving and Printing; and the Director, U.S. Secret Service.

(c) *Confidential.* The authority to originally classify national security information or material as Confidential within the Department of the Treasury is hereby delegated to the Assistant Secretary (Domestic Finance); the Assistant Secretary (Economic Policy); the Assistant Secretary (Public Affairs); the Comptroller of the Currency; the Commissioner, Bureau of Government Financial Operations; the Commissioner, Bureau of the Public Debt; the Director, Bureau of the Mint; and the Director, Federal Law Enforcement Training Center. Officials possessing original Top Secret or Secret classification authority are hereby delegated the authority to designate in writing by title of position other officials who may exercise original Confidential classification authority within the Department of the Treasury.

SEC. 3. *Authority to downgrade and declassify.* The authority to downgrade and declassify national security information or material within the Department of the Treasury shall be exercised by the following officials:

(a) The official authorizing the original classification, a successor in that capacity, or a supervisory official of either.

(b) An official authorized in (a) above may authorize, in writing, an official with an appropriate security clearance to downgrade or declassify national security information or material.

SEC. 4. *Departmental Committee on National Security Information.* There is hereby established a Departmental Committee on National Security Information which shall be composed of the Assistant Secretary (Administration), as chairman, and the General Counsel and the Special Assistant to the Secretary (National Security), as members. The functions of the Departmental Committee shall include the following:

(a) Review of and action upon applications and appeals regarding requests for declassification, as provided in the Treasury regulations, 31 CFR Part 2, implementing the Executive Order and Directive.

(b) Action upon complaints in the administration of the Executive Order and Directive and the Treasury regulations thereunder.

(c) Establish the policy of the Department with respect to the enforcement of the Executive Order and Directive and the Treasury regulations thereunder.

SEC. 5. *Data Index System.* The Assistant Secretary (Administration) is delegated the authority to establish a Data Index System in accordance with Part VII of the Directive. The Office of Administrative Programs, Assistant Director (Physical Security), shall maintain the Departmental Data Index System control file for all national security information or material originally classified within the Department of the Treasury.

SEC. 6. *Training, orientation and inspection.* The Office of Administrative Programs, Assistant Director (Physical Security) is hereby delegated, subject to the direction of the Assistant Secretary (Administration), the functions of establishing, coordinating and maintaining active training, orientation and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and Directive are effectively administered throughout the Department of the Treasury.

SEC. 7. *Supersession.* This Treasury Department Order supersedes Treasury Department Order No. 160, Revised, dated July 9, 1973, at 38 FR at 19331, July 19, 1973.

This order is effective July 7, 1977.

Dated: July 7, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77–20073 Filed 7–12–77;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 727—LEGAL ASSISTANCE

Miscellaneous Amendments

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: These regulations are being amended for the following reasons: to reflect the applicability of the Privacy Act of 1974 to legal assistance files; to reflect a previous name change of Navy Law Centers to Naval Legal Service Offices; and to authorize a legal assistance letterhead for use by Legal Assistance Officers. These amendments are needed to update Part 727 and to incorporate the changes previously made to the underlying regulation, Chapter XIX of the Manual of the Judge Advocate General.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Jesse J. Graham II, Regulations Branch Attorney (Code 133.2), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370. Telephone number 202–694–5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. 301, 10 U.S.C. 5031 and 5148, and 32 CFR 700.206 and 700.1202, the Judge Advocate General of the Navy amends 32 CFR Part 727. Part 727 is a codification of Chapter XIX of the Manual of the Judge Advocate General. These amendments reflect largely nonsubstantive changes to the underlying regulations adopted by the Secretary of the Navy. They relate to internal naval management and rules of organization and practice. It has been determined that invitation for public comment on these amendments prior to adoption would be impracticable and is not required under the rule-making provisions in Parts 296 and 701 of 32 CFR. Part 727 of 32 CFR is therefore amended as follows:

1. Section 727.8 is revised as follows:

§ 727.8 Confidential and privileged character of service provided.

All information and files pertaining to the persons served will be treated as confidential and privileged in the legal sense as outlined in Canon 4 of the Code of Professional Responsibility, as opposed to confidential in the military sense of security information. These privileged matters may not be disclosed to anyone by personnel rendering the service, except upon the specific permission of the person concerned, and disclosure thereof may not be lawfully ordered by superior military authority. This restriction does not prohibit providing the nonprivileged statistical data required by § 727.13 of this part. Protection of the confidences of a legal assistance client is essential to the proper functioning of the legal assistance program in order to assure all military personnel, regardless of grade, rank, or position, that they may disclose frankly and completely all material facts of their problem to those rendering the service without fear that their confidence will be abused or used against them in any way. While case files are not subject to the control of the Department of the Navy and therefore do not constitute a "system of records" within the meaning of the Privacy Act of 1974 (5 U.S.C. 552a), no information which identifies an individual legal assistance client by name or any other particular, such as social security number, shall be extracted from the case files and incorporated into any file or index system aside from or in addition to the information contained on the legal assistance form (NAVJAG 5801/9) or locally used equivalent. Strict adherence to the foregoing will ensure compliance with the Privacy Act. Administrative and clerical personnel assigned to legal assistance offices shall maintain the confidential nature of matters handled.

2. Section 727.11 is revised as follows:

§ 727.11 Supervision.

The Judge Advocate General will exercise supervision over all legal assistance activities in the Department of the Navy. Subject to the supervision of the Judge Advocate General, officers in charge of Naval Legal Service Offices and all Marine Corps commanders exercising general court-martial authority, acting through their judge advocates, shall ex-

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ercise supervision over all legal assistance activities within their respective areas of responsibility and shall ensure that legal assistance services are made available to all eligible personnel within their areas. The Judge Advocate General will collaborate with the American Bar Association, the Federal Bar Association, and other civilian bar organizations as he may deem necessary or advisable in the accomplishment of the objectives and purposes of the legal assistance program.

3. Section 727.12 is revised as follows:

§ 727.12 Communications.

(a) Legal assistance officers are authorized to communicate directly with the Judge Advocate General, with each other, and with other appropriate organizations and persons concerning legal assistance matters.

(b) The use of a legal assistance office letterhead within the Department of the Navy is authorized as an exception to the standard letterhead requirements contained in Department of Defense Instruction 5330.2 of July 12, 1968. A sample of the letterhead to be used is:

Legal Assistance Office, Building 200, Washington Navy Yard, Washington, D.C. 20374. Tel: 202-433-4331.

Naval Legal Service Offices and other commands having authorized legal assistance officers are authorized to print and use letterheads without seal or official command designation in those matters in which the correspondence pertains solely to legal assistance matters. Legal assistance officers are directed to ensure that their correspondence does not imply United States Navy or command sponsorship or approval of the substance of the correspondence. Such correspondence is considered a private matter arising from the attorney-client relationship as indicated in § 727.8.

(5 U.S.C. 301, 10 U.S.C. 5031 and 5148, and 32 CFR 700.206 and 700.1202.)

Dated: July 8, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-20006 Filed 7-12-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PROHIBITIONS

Consolidation of Rules

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: In the last several months, the Department of Agriculture has been consolidating all of its rules on acts prohibited in the National Forest System into one CFR part. This amendment is intended to complete this consolidation. It removes prohibitions from other CFR parts, reorganizes the text and clarifies what actions are prohibited.

EFFECTIVE DATE: Wednesday, July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Evans, Law Enforcement Specialist, Fiscal and Accounting Management, P.O. Box 2417, Washington, D.C. 20013 (202-447-7850).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 14, 1977, a final rule was published at 42 FR 2956, establishing 36 CFR Part 261, Prohibitions. The purpose of this document was to combine all regulations on prohibited acts in the National Forest System into one CFR part, to establish a uniform system for adopting and posting rules, and to clarify relevant delegations of authority. The amendment now being promulgated completes the consolidation begun in January.

COMMENTS

On May 25, 1977, a proposed rule was published in the FEDERAL REGISTER (42 FR 26662). The public was given until June 24 to comment. Written comments were received from one individual and two organizations. The comments suggested the need for clarification of prohibitions on use of aircraft in case of emergencies in National Forest Wilderness Areas and on the use of motorized vehicles in National Forest Primitive Areas. Section 261.1 is amended to consider the concerns expressed in these comments. Two additional comments were received from organizations suggesting that § 261.13(h) was overly restrictive. Changes were made to accommodate these concerns.

In connection with this rulemaking, the Forest Service found it necessary to revise the definition of unauthorized livestock in § 261.2(r) to make it clear that unauthorized livestock does not include livestock using the National Forest System for noncommercial recreation and other occasional use. Other nonsubstantive changes have been made, mainly to improve the organizaiton of the material. A number of reference changes have also been made. Public comment on these changes was deemed unnecessary.

PROVISIONS PROPOSED, BUT NOT ADOPTED

The proposed rule included text changes for 36 CFR 231 and 293.16. These changes have not been included in the final rule being published below.

The wild free-roaching horse and burro regulations—previously in 36 CFR 231.11—were amended by another regulation published in the FEDERAL REGISTER on June 17 (42 FR 30836). This document redesignated these regulations as part 222, amended them to authorize use of helicopters, and modified § 222.36, Arrests, slightly.

The proposal to amend 36 CFR 293.16, Special provisions governing the Boundary Waters Canoe Area, Superior National Forest is not being acted on now because the entire section needs to be reviewed in light of a revised management plan for the area. A separate proposed rule will be issued on the Boundary Waters Canoe Area.

NOTE.—The Department of Agriculture has determined that the publication of this rule is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

It has further been determined that an economic impact statement is not required.

In light of the foregoing, 36 CFR Chapter II is amended as follows:

PART 223—SALE AND DISPOSAL OF TIMBER

§ 223.1 [Amended]

1. Section 223.1 is amended by amending paragraph (e)(3) to correct the reference to "§ 261.70" to "§ 261.50".

PART 261—PROHIBITIONS

Authority: 30 Stat. 35, as amended, (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended, (7 U.S.C. 1011(f)); 82 Stat. 916 (16 U.S.C. 1281(d)); 82 Stat. 922 (16 U.S.C. 1246(1)), unless otherwise noted.

Subpart A—General Prohibitions

2. Section 261.1 is revised to read:

§ 261.1 Scope.

(a) The prohibitions in this Part apply, except as otherwise provided, when:

(1) An act or omission occurs in the National Forest System or on a Forest development road or trail.

(2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.

(3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a Forest development road or trail.

(b) Nothing in this Part shall preclude actions in Wilderness or Primitive Areas as authorized in Part 293 or in the Forest Service Manual.

3. Section 261.1a is added as follows:

§ 261.1a Permits.

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue permits to persons authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this Chapter or in the Forest Service Manual. The issuing officer may authorize in the permit an act or omission which would otherwise be a violation of a Subpart A or Subpart C regulation or a Subpart B order. The issuing officer may include in any permit such conditions as he considers necessary for the protection and administration of the National Forest System, or for the promotion of public health, safety, or welfare.

4. Section 261.2 is amended by revising paragraph (r) and adding a new paragraph (s):

§ 261.2 Definitions.

* * * * * *

(r) "Unauthorized livestock" means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro by § 222.20(b)(10), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit; provided, that noncommercial pack and saddle stock used by recreationists, travelers, other Forest visitors for occasional trips, as well as livestock to be trailed over an established driveway when there is no overnight stop on Forest Service administered land do not fall under this definition.

(s) "Wild free-roaming horses and burros" mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

5. Section 261.6 is amended by amending paragraphs (f) and (g) to read as follows:

§ 261.6 Timber and other forest products.

The following are prohibited:

* * * * * *

(f) Selling or exchanging any timber or other forest product obtained under free use pursuant to paragraph (e), (f), or (g) of § 223.1.

(g) Violating any timber export or substitution restriction in § 223.10.

6. By revising § 261.7 to read:

§ 261.7 Livestock.

The following are prohibited: (a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.

(b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a forest officer.

(c) Failing to reclose any gate or other entry.

(d) Molesting, injuring, removing, or releasing any livestock impounded under § 262.2 while in the custody of the Forest Service or its authorized agents.

7. By amending § 261.10, adding paragraph (k) as follows:

§ 261.10 Occupancy and use.

* * * * * *

(k) Violating any term or condition of a permit.

8. By amending § 261.13 to add the following new paragraphs (h) and (i):

§ 261.13 Use of vehicles off roads.

* * * * * *

(h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.

(i) In violation of State law established for vehicles used off roads.

9. By amending § 261.16 as follows:

§ 261.16 National Forest Wilderness.

The following are prohibited in a National Forest Wilderness:

(a) * * *

(b) * * *

(c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter.

10. By revising §261.19 to read as follows:

§ 261.19 National Forest Primitive Areas.

The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:

(a) Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.

(b) Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters.

11. By adding a new § 261.21, consisting in part of provisions previously in § 261.7(e):

§ 261.21 Wild free-roaming horses and burros.

The following are prohibited:

(a) Willfully removing of, or attempting to remove, a wild free-roaming horse or burro from the National Forest System.

(b) Converting a wild free-roaming horse or burro to private use, without a permit.

(c) Maliciously causing the death or harassment of any wild free-roaming horse or burro.

(d) Processing or allowing to be processed the remains of a wild free-roaming horse or burro into commercial product.

(e) Selling, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to Section 4 of the Wild Free-Roaming Horses and Burros Act.

(85 Stat. 649, as amended, 16 U.S.C. 1331-1340.)

12. Section 261.50 is amended by amending paragraph (e)(1), by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f).

§ 261.50 Orders.

* * * * * *

(e) * * *

(1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.

* * * * * *

(f) Any person wishing to use a Forest development road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restriction which may be applicable thereto.

13. By revising § 261.52, paragraph (d), (h), and (j) to read as follows:

§ 261.52 Fire.

* * * * * *

(d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

* * * * * *

(h) Operating an internal combustion engine.

* * * * * *

(j) Operating or using any internal or external combustion engine on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester, maintained in effective working order, meeting either (i) Department of Agriculture, Forest Service Standard 5100-1a; or (ii) appropriate Society of Automotive Engineers (SAE) recommended practice J335 and J350.

* * * * * *

14. By adding paragraphs (w), (x), and (y) to § 261.58 as follows:

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:

* * * * * *

(w) Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.

(x) Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.

(y) Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter.

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

§ 291.9 [Amended]

15. By deleting the last sentence each of paragraphs (a), (b), and (c) of § 291.9.

PART 293—WILDERNESS—PRIMITIVE AREAS

16. By adding alpha numeration to the existing paragraph of § 293.3 and adding a new paragraph (b) to § 293.3 to read as follows:

§ 293.3 Control of uses.

(a) * * *

(b) For all prohibitions in National Forest Wildernesses, see Part 261 of this chapter.

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§ 293.9 [Reserved]

17. By revoking and reserving § 293.9, Poisons and Herbicides. This section is covered in Part 261.

§ 293.15 [Amended]

18. By revoking and reserving paragraph (b) of § 293.15, Gathering information about resources other than minerals.

19. By adding paragraph (c) to § 293.17 as follows:

§ 293.17 National Forest primitive areas.

* * * * *

(c) All prohibitions for those areas of National Forest classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964, are in Part 261.

Dated: July 8, 1977.

JAMES NIELSON,
Deputy Assistant Secretary for Conservation, Research, and Education.

[FR Doc.77-20147 Filed 7-12-77;8:45 am]

Title 40—Protection of the Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1516—PRIVACY ACT IMPLEMENTATION

Procedures for Gaining Access to Information Under the Privacy Act of 1974

AGENCY: The Council on Environmental Quality.

ACTION: Correction to Final Regulations.

SUMMARY: These materials will correct certain errors and add an omitted section to the Council's final regulations for implementing the requirements of the Privacy Act of 1974 which were published on pp. 32537–32538 of the FEDERAL REGISTER of June 27, 1977.

EFFECTIVE DATE: July 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Ballard Jamieson, Jr., Privacy Act Liaison, The Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. (202–382–6867.)

Signed this 7th day of July 1977, by

NICHOLAS C. YOST,
Acting General Counsel.

Accordingly, Part 1516 of Title 40 of the CFR is revised and amended as follows:

§ 1516.3 [Amended]

1. The heading for § 1516.3 appearing in the text which now reads "Procedures" for requests for access to individual records in a record system" is amended to read "Procedures for requests pertaining to individual records in a record system."

§ 1516.5 [Redesignated as § 1516.6]

2. Section 1516.5, "access to requested information to the individual" is amended to become § 1516.6 "Request for correction or amendment to the record." The text for this section remains the same.

3. A new § 1516.5 is added to Part 1516 as follows:

§ 1516.5 Disclosure of requested information to the individual.

Upon verification of identity, the Council shall disclose to the individual the information contained in the record which pertains to that individual.

(a) The individual may be accompanied for this purpose by a person of his choosing.

(b) Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available.

(5 U.S.C. 552a; Pub. L. 93-579.)

[FR Doc.77-20017 Filed 7-12-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20509]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

Providing for use of frequencies 530, 1606, and 1612 kHz by stations in Local Government Radio Services for transmission of certain kinds of information to traveling public; Correction

AGENCY: Federal Communications Commission.

ACTION: Revision of effective date.

SUMMARY: The FCC on June 10, 1977, adopted a Report and Order in Docket 20509 which amends Parts 2 and 89 of its rules establishing a new class of radio station called "Travelers Information Station."

Since these amended rules require applicants to submit information heretofore not requested, pursuant to established procedures, approval by the Government Accounting Office is required.

Accordingly, to allow for GAO clearance, the effective date of these rules is amended to August 31, 1977.

EFFECTIVE DATE: August 31, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James McNally, Industrial and Public Safety Rules Division, Safety and Special Bureau, FCC, Washington, D.C. 20554 (202–632–6497); Melvin Murray, Spectrum Allocations Division, Office of Chief Engineer, FCC, Washington, D.C. 20554 (202–632–6350).

SUPPLEMENTARY INFORMATION:

Released: July 5, 1977.

In the matter of Amendment of Parts 2 and 89 of the rules to provide for the use of frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Services for the transmission of certain kinds of information to the traveling public, Docket No. 20509.

1. In the Report and Order in Docket 20509, FCC 77–414, released June 20, 1977, 42 FR 31594, the effective date specified in paragraph 47 is amended to read August 31, 1977. This amendment is made to permit GAO clearance of new reporting requirements.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20018 Filed 7-12-77;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the moving expense schedules for displaced persons.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Murnane, Relocation Assistance Division, Office of Right-of-Way (202–426–0118); or Reid Alsop, Attorney, Office of the Chief Counsel (202–426–0800), Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours Monday to Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, 41 CFR Part 101–6, provide in § 101–6.105–1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

49 CFR 25.153 of the regulations of the Office of the Secretary, implementing the Uniform Act, directs the Federal Highway Administration to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on January 3, 1977, (42 FR 12), to reflect changes in the moving expense schedules of the following States:

TABLE I—*Personalty—Colorado and Minnesota*

TABLE II—*Mobile Homes—Colorado*

Issued on: July 1, 1977.

KARL S. BOWERS,
Acting Federal Highway Administrator.

Appendix A — Title 49--Transportation

Table I--Personalty [3]

State	Occupant provides furniture: Number of rooms of furniture 1	2	3	4	5	6	7	8	9	10	Occupant does not provide furniture: First room	Each additional room
Alabama	60	95	130	165	200	235	270	300	.....		20	15
Alaska	75	150	200	250	275	300	.....				15	15
Arizona	50	100	150	200	250	300	.....				25	15
Arkansas	70	110	150	190	230	270	300	.....			40	20
California	75	100	150	200	250	300	.....				25	15
Colorado	120	180	240	300	.....						30	20
Connecticut	50	90	140	170	230	260	300	.....			15	15
Delaware	60	100	140	180	220	260	300	.....			25	15
District of Columbia	100	135	170	210	250	290	300	.....			35	15
Florida	60	90	120	150	180	210	240	270	300	....	20	10
Georgia	55	95	130	170	200	260	300	.....			30	10
Guam	48	85	120	168	205	240	300	.....			10	10
Hawaii	65	100	135	175	215	255	295	300	.....		45	30
Idaho	60	100	140	180	220	260	300	.....			20	10
Illinois	50	100	150	200	250	300	.....				25	15
Indiana	50	90	125	160	195	230	265	300	.....		25	15
Iowa	55	105	150	190	225	255	280	300	.....		25	10
Kansas	60	120	180	240	300	.....					30	10
Kentucky	50	90	130	170	210	250	290	300	.....		20	15
Louisiana	50	85	120	155	190	225	260	300	.....		40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300	.....			20	10
Massachusetts	60	130	150	190	225	250	275	300	.....		25	15
Michigan	65	130	180	240	300	.....					50	10
Minnesota	75	125	175	225	250	275	300	.....			30	15
Mississippi	75	100	160	210	260	300	.....				40	20
Missouri	50	100	150	200	250	300	.....				25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300	.....				30	10
Nevada	50	100	150	200	250	300	.....				25	15
New Hampshire	50	100	125	150	175	200	225	250	275	300	25	15
New Jersey	80	140	195	245	300	.....					25	15
New Mexico [1]	105	155	205	255	300	.....					(See end of table)	
New York	75	110	150	190	225	250	275	300	.....		25	15
North Carolina	60	95	130	165	200	235	270	300	.....		25	20
North Dakota	60	100	125	150	175	200	225	250	275	300	25	10
Ohio	50	100	150	200	250	300	.....				30	10
Oklahoma	50	85	120	155	190	225	260	300	.....		40	15
Oregon	60	100	140	180	220	260	300	.....			15	15
Pennsylvania	60	105	150	195	240	285	300	.....			20	20
Puerto Rico	75	105	135	165	195	225	250	275	300	....	25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300	.....		15	10
South Dakota	75	130	175	210	240	290	300	.....			40	10
Tennessee	75	100	150	200	250	300	.....				25	15
Texas	50	85	120	150	185	220	260	300	.....		25	15
Utah	75	100	130	155	180	210	240	270	300	....	25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	80	120	160	200	240	280	300	.....		30	10
Virgin Islands	105	150	195	240	275	300	.....				35	35
Washington [2]	70	120	150	180	210	240	270	300	.....		20	10
West Virginia [3]	60	100	140	180	220	260	300	.....			25	10
Wisconsin	50	90	130	170	210	240	270	300	.....		25	15
Wyoming	50	85	120	150	185	225	265	300	.....		30	15

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

First Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	9 Rooms	10 Rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300

[2] For mobile homes (whether or not occupant provides furniture):

First room	Each additional room
$50	$25

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

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State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Alabama			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			280
			800 (74.4)				300
Alaska	All trailers						300
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
California[1]					0 (0)	8 (2.4)	(see 1-end of table)
Colorado[2]					8 (2.4)		(see 2-end of table)
Connecticut[3]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	850 (79.1)			250
			850 (79.1)				300
Georgia			0 (0)	400 (37.2)			95
			400 (37.2)	500 (46.5)			125
			500 (46.5)	600 (55.8)			185
			600 (55.8)	850 (79.1)			245
			850 (79.1)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300

See footnotes at end of table.

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7	180
					12 (3.7)		230
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky[4]					0 (0)	8 (2.4)	240
					8 (2.4)	10 (3)	285
					10 (3)	12 (3.7)	300
Louisiana					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	175
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	280
					12 (3.7)		300
Minnesota[4]	0 (0)	10 (16)			0 (0)	10 (3)	125
					10 (3)	12 (3.7)	135
					12 (3.7)	14 (4.3)	150
					14 (4.3)		175
	10 (16)	25 (40.2)			0 (0)	10 (3)	130
					10 (3)	12 (3.7)	140
					12 (3.7)	14 (4.3)	155
					14 (4.3)		185
	25 (40.2)	50 (80.5)			0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		200

See footnotes at end of table.

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Mississippi			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Missouri			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Montana			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Nebraska			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Nevada			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Hampshire			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New York			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
North Carolina			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
North Dakota			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Ohio			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Oklahoma			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Pennsylvania			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Puerto Rico			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Rhode Island			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
South Carolina			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
South Dakota			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Tennessee			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Texas			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Utah			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Vermont			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300

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State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Mississippi			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana[4]					0 (0)	10 (3)	135
					10 (3)	12 (3.7)	150
					12 (3.7)	14 (4.3)	175
					14 (4.3)		225
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			180
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
New Hampshire[5]					0 (0)	8 (2.4)	135
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	210
					12 (3.7)		260
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico[4,6]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	141
					8.5 (2.6)	10.5 (3.2)	181
					10.5 (3.2)	12.5 (3.8)	191
					12.5 (3.8)		231
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	161
					8.5 (2.6)	10.5 (3.2)	191
					10.5 (3.2)	12.5 (3.7)	206
					12.5 (3.7)		246
New York			0 (0)	300 (27.9)			100
			300 (27.9)	500 (46.5)			150
			500 (46.5)	700 (65.1)			200
			700 (65.1)	800 (74.4)			250
			800 (74.4)				300
North Carolina[4,7]					0 (0)	10 (3)	105
					10 (3)	12 (3.7)	140
					12 (3.7)		200
North Dakota			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300

See footnotes at end of table.

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Ohio[4]	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			220
			1,120 (104.2)				255
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			165
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	175
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			225
			500 (46.5)	800 (74.4)			275
			800 (74.4)				300
Rhode Island					0 (0)	8 (2.4)	225
					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300
South Carolina[4]					0 (0)	10 (3)	140
					10 (3)	12 (3.7)	150
South Dakota					0 (0)	10 (3)	230
					10 (3)	12 (3.7)	270
					12 (3.7)		300
Tennessee[4]					0 (0)	10 (3)	100
					10 (3)		150
Texas					0 (0)	8.5 (2.6)	165
					8.5 (2.6)	10.5 (3.2)	210
					10.5 (3.2)	12.5 (3.8)	255
					12.5 (3.8)	14.5 (4.4)	300
Utah[4]	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25 (40.2)			0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225

See footnotes at end of table.

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Subtitle A--Office of the Secretary of Transportation App. A

Table II--Mobile Homes

8

State	Miles (Kilometres) More than	But not more than	Area--Square Feet (Square Metres) More than	But not more than	Width--Feet (Metres) More than	But not more than	Allowance Dollars
Utah--Continued	25 (40.2)	50 (80.5)	.....		0 (0)	8 (2.4)	150
	.....		.....		8 (2.4)	10 (3)	160
	.....		.....		10 (3)	12 (3.7)	190
	.....		.....		12 (3.7)	.....	250
Vermont[5]	.....		.....		0 (0)	8 (2.4)	155
	.....		.....		8 (2.4)	10 (3)	185
	.....		.....		10 (3)	12 (3.7)	215
	.....		.....		12 (3.7)	.....	250
Virginia	.....		0 (0)	200 (18.6)	.....		150
	.....		200 (18.6)	400 (37.2)	.....		200
	.....		400 (37.2)	600 (55.8)	.....		250
	.....		600 (55.8)	800 (74.4)	.....		300
Washington[8]	.....		0 (0)	200 (18.6)	.....		100
	.....		200 (18.6)	400 (37.2)	.....		150
	.....		400 (37.2)	600 (55.8)	.....		200
	.....		600 (55.8)	800 (74.4)	.....		250
	.....		800 (74.4)	.....	.....		300
West Virginia	.....		0 (0)	300 (27.9)	.....		100
	.....		300 (27.9)	450 (41.9)	.....		150
	.....		450 (41.9)	550 (51.2)	.....		225
	.....		550 (51.2)	.....	.....		300
Wisconsin	.....		.....		0 (0)	8 (2.4)	150
	.....		.....		8 (2.4)	10 (3)	200
	.....		.....		10 (3)	12 (3.7)	250
	.....		.....		12 (3.7)	.....	300
Wyoming[4]	.....		.....		0 (0)	8.5 (2.6)	135
	.....		.....		8.5 (2.6)	10.5 (3.2)	165
	.....		.....		10.5 (3.2)	12.5 (3.8)	185
	.....		.....		12.5 (3.8)	.....	220

[1]Width to 8' (2.4 m) Length 40' (12.2 m).....$200
Length 40' (12.2 m).....$300
Width over 8' (2.4 m) Length 40' (12.2 m).....$300
Length 40'+ (12.2 m).....$300

[2]Under 8' (2.4 m) x 40' (12.2 m) - Unskirted $150
Over 8' (2.4 m) x 40' (12.2 m) - $300

[3]Plus $50 for expandable trailer.

[4]$300 for double trailer.

[5]$50 for extras.

[6]Escort fee included.

[7]Personalty Only
Width---------Under 10 feet (3 m) 10 feet (3 m) 12 feet (3.7 m) and over Doubles
$40 $50 $70 $100

[8]Personalty Only
First room.....$50
Each additional room.....$25

[FR Doc.77-19551 Filed 7-12-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 34695 (Sub-No. 1)]

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

PART 1249—REPORTS OF MOTOR CARRIERS

Filing of Special Reports by Class I Railroads and Class I Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Final order revoking two rules.

SUMMARY: The Interstate Commerce Commission has revoked the rules requiring Class I railroads and Class I motor carriers to file with the Commission a duplicate copy of any statement to the Securities and Exchange Commission (SEC), concerning beneficial ownership (Form 3) or change in beneficial ownership (Form 4). The Commission determined that the objectives of this duplicate filing can be accomplished by other means less burdensome to carriers. This order will ease reporting requirements by reducing paper work performed by Class I railroads and Class I motor carriers.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No. 202-275-7448.

SUPPLEMENTARY INFORMATION: Class I railroads and Class I motor carriers are currently required to file with the Commission a duplicate copy of any statement to the Securities and Exchange Commission (SEC) concerning beneficial ownership (Form 3) or change in beneficial ownership (Form 4) of equity securities of any other carrier subject to economic regulation under the Interstate Commerce Act.

Form 3 reports are filed with SEC within 10 days after acquiring ownership; Form 4, by the 10th day of the month following acquisition or sale. The purpose of having duplicate forms filed with this Commission was to give us more timely information to (1) minimize unauthorized inter-carrier control by particular companies, and (2) keep abreast of consolidation trends in the carrier industry.

Our review of this filing requirement has indicated that this information did not prove to be as useful as anticipated. We have determined that the objectives of the duplicate filing can be served by other means, such as, our regularly scheduled field audits, information available in annual reports filed with us by these carriers, and a review of the SEC report entitled "Official Summary of Security Transactions and Holdings," published every four weeks which contains information reported on Forms 3 and 4. This will enable us to monitor such transactions without burdening carriers with the additional reporting requirement.

Because deletion of these rules represents an easing of our reporting requirements, rulemaking under Section 553 of the Administrative Procedures Act (5 U.S.C. 553) is not necessary.

Issued at Washington, D.C., June 9, 1977.

H. G. Homme, Jr.
Acting Secreary.

Parts 1241 and 1249 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations are amended as follows:

§ 1241.10 [Revoked]

Section 1241.10 *Class I Railroads* is revoked.

§ 1249.70 [Revoked]

Section 1249.7 *Class I Motor Carriers* is revoked.

[FR Doc.77-20159 Filed 7-12-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE ANIMALS

APPENDIX—TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS; EXPEDITED PROCEDURES FOR CONSIDERATION OF PROPOSED QUOTAS AND AMENDED REGULATIONS

AGENCY: National Marine Fisheries Service, Commerce Department.

ACTION: Expedited Procedures for Consideration of Proposed Amended Regulations.

SUMMARY: This notice establishes expedited procedures to amend quotas and regulations dealing with the taking of marine mammals incidental to yellowfin tuna purse seine fishing. These procedural regulations are similar to those established last year to determine quotas and regulations. The changes in procedures are necessary to allow the regulatory process required by the Marine Mammal Protection Act to be completed by January 1, 1978.

EFFECTIVE DATE: July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Eric Erdheim, Staff Attorney, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. (202-634-7486).

SUPPLEMENTARY INFORMATION: On March 1, 1977, the National Marine Fisheries Service published its final decision and regulations governing the issuance of a general permit for 1977 to allow the taking of marine mammals incidental to yellowfin tuna purse seine fishing in the eastern tropical Pacific Ocean. The decision and regulations were adopted on the record after opportunity for a formal agency hearing before an administrative law judge as required by section 103(d) of the MMPA.

The National Marine Fisheries Service will soon publish proposed amendments to these quotas and regulations as authorized under section 103(e) of the MMPA. For the proposed modifications NMFS has elected to utilize a rulemaking on the record after opportunity for a formal hearing conducted in accordance with 5 U.S.C. 556-557.

The National Marine Fisheries Service (NMFS) has adopted permanent regulations governing practice and procedure in formal hearings held under section 103(d) of the MMPA which concern among other matters, the taking of marine mammals incidental to commercial fishing operations 50 CFR 216.70-216.90. But NMFS would be unable to complete the administrative process and issue a general permit and certificates for 1978 if found to be authorized under the MMPA, prior to January 1, 1978 if it followed the permanent practice and procedure regulations. Therefore, NMFS is issuing these expedited procedures to govern the upcoming hearing.

These expedited procedures are similar to the expedited procedures used for last year's hearing. However, unlike the regulatory procedures adopted for last year's hearing, testimony of expert witnesses will be required to be prepared and distributed prior to the hearing. Other changes from last year's regulations are the allowance of fifteen (15) days for the filing of briefs, two five (5) day periods for the filing of comments on the Recommended Decision and the holding of oral argument following the submission of all briefs. Finally, because of the ex parte communication provisions of the Government in the Sunshine Act, of 1976, the provisions in last year's regulations allowing a special consultation period for the Marine Mammal Commission have been deleted. The Commission will be expected to participate in the same manner prescribed for other parties once a proposal is made.

In the 1976, expedited hearing procedures were utilized during the administrative process used to develop quotas and regulations for the incidental take of marine mammals in commercial yellowfin tuna purse seine fishing operations. This experience indicates that up to six months may be needed from the date of publication of proposed regulations and quotas until the issuance, if found to be authorized, of a general permit and certificates of inclusion to allow for such an incidental take. Without the immediate adoption of expedited hearing procedures similar to those used last year, National Marine Fisheries Service (NMFS) cannot be assured that it will be able to issue a general permit and certificates of inclusion for 1978 before January 1, 1978. Failure to issue a general permit and certificates by January 1, 1978, if warranted, will prejudice the potential holders of such documents. Under the Marine Mammal Protection Act

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(Pub. L. 92-522, 1972) (MMPA), marine mammals cannot be taken without a permit. Without such a permit, yellowfin tuna, purse seine fishing operations will be impaired. Moreover, such failure will prevent NMFS from carrying out its responsibilities under the MMPA. For these reasons, it is hereby for good cause found that the advance notice, public procedures, and delayed effectiveness provision of 5 U.S.C. 553 are impracticable and contrary to the public interest. These regulations are, therefore, effective immediately.

APPENDIX [AMENDED]

Accordingly, 50 CFR Part 216, Appendix, is revised as follows:

1. Basis and purpose. (a) Sections 101(a)(2) and 103(e) of the Marine Mammal Protection Act, 16 U.S.C. 1317(a)(2) and 1373(e), and these regulations authorize the Director, National Marine Fisheries Service, to amend regulations governing the taking of marine mammals incidental to commercial fishing operations. In amending regulations, the Act refers the Director to Section 103(e) (16 U.S.C. 1373(e)).

(b) The purpose of these regulations is to establish rules of practice and procedure for proceedings commenced under Section 103(e) on or about August 1, 1977 concerning the amendment of regulations and quotas on the taking of marine mammals incidental to commercial fishing operations.

2. Definitions. Definitions shall be the same as in 50 CFR 216.3 except as follows:

(a) "Party" means for purposes of these regulations:

(1) The Director or his representative;

(2) The Marine Mammal Commission or its representative;

(3) A person who has, pursuant to paragraph 5, notified the Director by the final date specified in the notice of hearing of his or her intent to participate in the hearing.

(b) (1) "Witness" means, for the purposes of these regulations, any expert or other person who delivers testimonial evidence, or who identifies real or documentary evidence under paragraphs 11 (d) and (e). A person may be both a party and a witness.

(2) "Expert" means one possessing knowledge not acquired by ordinary persons, with reference to a particular subject.

(c) "Director" means, for the purposes of these regulations, the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

3. Scope of regulations. These procedural regulations govern the practice and procedure in hearings described in paragraph 1 (b). These hearings will be governed by the provisions of 5 U.S.C. 556 and 557 of the Administrative Procedure Act. They shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to amending the regulations governing the taking of marine mammals incidental to commercial fishing operations pursuant to Section 103(e) of the Act, with full protection for the rights of all persons affected thereby.

4. Notice of hearing. (a) A notice of hearing on any proposed regulations on the taking of marine mammals incidental to commercial fishing operations shall be published in the FEDERAL REGISTER.

(b) The notice shall state:

(1) The Director's intention to amend regulations on the taking of marine mammals incidental to commercial fishing operations under Section 103(e) of the Act;

(2) The nature of the hearing;

(3) The place and date of the hearing. The date shall not be less than thirty (30) days after publication of notice of the hearing;

(4) The legal authority under which the hearing will be held;

(5) The proposed regulations;

(6) A summary of the statements and studies described in section 103(d)-(1)-(4) of the Act. The notice shall indicate that these statements and studies have been published in full and made available to the public, and shall set forth the ways in which individual persons may have copies of these statements and studies placed at their disposal;

(7) Issues of fact which may be involved in the hearing, together with the express statement that the hearing will not necessarily be limited to these issues and that evidence relevant to other issues may be submitted at the hearing, subject to rulings of the presiding officer on the materiality of such issues;

(8) The date of publication of any draft Environmental Impact Statement, and the place(s) where the draft and comments thereon may be viewed and copied;

(9) Any written advice received from the Marine Mammal Commission;

(10) The place(s) where records and documents submitted prior to the hearing will be kept for public inspection;

(11) A list of employees of the United States who will or may reasonably be expected to be involved in the decisional process on the regulations, including the Director and Deputy Director, to whom and by whom ex parte communications relevant to the merits of the proceeding by or to parties to the proceeding are prohibited under the provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94-409;

(12) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to paragraph 5;

(13) The docket number assigned to the case which shall be used in all subsequent proceedings;

(14) The name of the presiding officer;

(15) The final date for submission of direct expert testimony.

5. Notification by interested persons. Any person desiring to participate as a party shall notify the Director by certified mail on or before the date specified in the notice. Persons who fail to notify the Director shall be deemed to have waived their right to participate as parties in any part of the proceeding.

6. Presiding officer.—(a) Upon publication of the notice of hearing pursuant to paragraph 4, the Director shall appoint a presiding officer pursuant to 5 U.S.C. section 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Adjourn the hearing, but not to change the time and place of the hearing specified in the notice of hearing without the consent of all parties;

(2) Rule upon motions, requests, and admissibility of real, documentary, and testimonial evidence;

(3) Administer oaths and affirmations, question witnesses, and direct witnesses to testify;

(4) Modify or waive any rule with consent of all parties;

(5) Receive written arguments, comments, and briefs and hear oral argument;

(6) Render a recommended decision and certify the record of the proceeding to the Director;

(7) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the power and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer as ordered by the Director.

(d) The presiding officer may upon his own motion withdraw as presiding officer in a proceeding if he deems himself to be disqualified.

(e) A presiding officer may be requested to withdraw at any time by a party prior to the recommended decision. Upon the filing in good faith of a timely and sufficient affidavit alleging the presiding officer's personal bias, malice, conflict of interest of other basis which might result in prejudice to a party, the hearing shall recess. The Director shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate.

7. Submission of evidence before the start of the hearing. (a) All direct testimony of experts, including accompanying exhibits, must be submitted to the presiding officer and all parties in writing no later than the date specified in the notice of the hearing (section 4). Such testimony need not be in affidavit form. Direct testimony by other witnesses and real and documentary evidence is encouraged, but is not required to be submitted before the start of the hearing.

(b) The direct testimony submitted shall contain:

(1) A concise statement of the witness' interest in the proceeding and his position regarding the issues presented. If the direct testimony is presented by a witness who is not a party, the witness shall state his relationship to the party;

(2) Facts that are relevant and material.

(c) Seven copies of all direct expert testimony must be submitted to the National Marine Fisheries at the address listed in Section 8.

(d) No objections or motions concerning the relevance of evidence submitted prior to the hearing or the materiality of the issue to which it relates shall be entertained by the presiding officer before such evidence is introduced into the record at the hearing.

8. Mailing address.—Unless otherwise specified in the notice of hearing, all evidence shall be addressed to the Presiding officer, c/o Director, National Marine Fisheries Service, Washington, D.C. 20235. Each item of real and documentary evidence and all written direct testimony shall be clearly marked with the docket number of the proceedings.

9. Inspection and copying of evidence and other documents forming part of the record of the hearing.—Any evidence submitted by the parties at any point in a proceeding under these regulations may be inspected and, to the extent feasible, copied at such times and places as the presiding officer may designate. Other documents forming part of the record of the proceeding shall be made available for inspection and copying on the same basis. Any such documents not in the custody of the presiding officer may be inspected and copied in Room 408, National Marine Fisheries Service, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

10. Ex parte communications.—The provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94-409, shall be adhered to in any proceeding conducted under these regulations.

11. Conduct of the hearing.—(a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer, with the consent of all parties, changes the time or place. If a change occurs, the presiding officer shall publish the change in the FEDERAL REGISTER and shall expeditiously notify all parties by telephone or by mail: But if the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) At the commencement of the hearing, the presiding officer shall introduce into the record:

(1) The notice of hearing and the proposed regulations as published in the FEDERAL REGISTER;

(2) All subsequent notices pertaining to the proceeding published in the FEDERAL REGISTER;

(3) The draft Environmental Impact Statement, the comments thereon, and agency responses to the comments. If additional comments and agency responses are made at any later point in the proceeding, they shall be introduced into the record after notice to all parties by the presiding officer until he certifies the record to the Director, and thereafter by the Director;

(4) A list of all parties;

(c) Each party shall have the opportunity to introduce evidence into the record at the hearing in the order determined by the presiding officer, but the Director shall introduce his evidence before any other party.

(d) (1) Testimonial evidence of experts shall be presented through their written statements after such experts are placed under oath. Such direct testimony shall not be read into evidence but shall become a part of the record subject to exclusion of irrelevant and immaterial parts thereof. The presiding officer in his discretion, may allow a limited period for oral statements on direct evidence to explains parts of an expert's written statement or to discuss matters not mentioned in such statement.

(2) Testimonial evidence of lay witnesses may be presented either by written or oral statements. The presiding officer may, in his discretion, limit the length of such testimony.

(3) The presiding officer may directly examine a witness under oath, and may propound to the witness questions submitted by parties other than the party that called the witness which he determines to be suitable for direct examination.

(e) Real and documentary evidence shall be admitted into the record only if the party introducing it or another person called by the party as a witness identifies such evidence, the issue to which it relates, the introducing party's position regarding that issue, and the manner in which the evidence supports that position. This identification shall be made under oath, and shall be required whether or not such real or documentary evidence was submitted to the presiding officer prior to the hearing under paragraph 7.

(f) Any witness by whom a party introduces testimonial evidence or identifies real or documentary evidence shall:

(1) State his or her name, address, and occupation;

(2) State qualifications for delivering or identifying such evidence. If an expert, the witness shall briefly state the scientific or technical training by which he or she qualifies as an expert;

(3) Submit to appropriate cross-examination in accordance with subparagraph (g).

(g) Each party shall have the opportunity, in the order determined by the presiding officer, to cross-examine any witness by whom another party has introduced testimonial evidence; and to cross-examine any other party, as well as any identifying witness, about real and documentary evidence which such other party has introduced. Such cross-examination may be conducted by a party either in person or by an authorized counsel or representative. Cross-examiners shall be assumed to be familiar with all testimony previously delivered by the witness at the hearing. The Presiding Officer may:

(1) Require the cross-examiner to outline the intended scope of the cross-examination;

(2) Limit the number of times any party or parties may cross-examine a party or other witness on the same matter;

(3) Exclude cross-examination questions that are irrelevant, concern immaterial issues, or are unduly repetitious.

(h) Scientific, technical, or commercial publications may only be used for impeaching witnesses under cross-examination unless previously introduced as evidence in accordance with these regulations.

(i) The first time counsel conducts the direct or cross-examination of a party or other witness, such counsel shall state for the record his or her authority to act as counsel and the party granting that authority. A party shall be assumed to have waived the right to introduce evidence if such party fails to produce a witness to present or identify such evidence under oath. Any party or party's counsel who fails to appear at the hearing to cross-examine a witness shall be assumed to have waived the right to cross-examine that witness.

(j) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(k) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The ruling of the presiding officer on any objection shall be part of the record and shall be subject to review at the same time and in the same manner as the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(l) All motions and requests shall be addressed to, and ruled on by, the presiding officer if made before his certification of the record, and by the Director if made thereafter.

12. Admissible evidence; official notice.—(a) Any evidence introduced by a party in accordance with these regulations shall be admitted into the record unless the presiding officer determines that such evidence is irrelevant to any material issue in the proceeding, or that it is unduly repetitious.

(b) Official notice may be taken of such matters as are judicially noticed by the courts of the United States.

13. Oral and written arguments.—(a) For a period of fifteen (15) days after the close of presentation of evidence, any party may file with the presiding officer any written comments on the proposed regulations, including proposed finding and conclusions and written arguments or briefs which are based on the record and which cite, if practicable, the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by the presiding officer, that party shall state its arguments thereon as part of the brief. Immediately thereafter, each party shall be allowed five (5) days to file with the presiding officer reply briefs.

(b) The presiding officer shall provide for oral argument immediately following the period allowed for briefs. Such argument may be limited by the presiding officer to the extent necesary for the expeditious disposition of the proceeding. The presiding officer shall close the hearing immediately after the last oral argument.

(c) Oral or written arguments shall be limited to issues arising from evidence in the record.

14. Recommended decision; certification of the record.—(a) Within twenty-four (24) days after the close of the hearing, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A description of the history of the proceedings;

(2) Findings on the issues of fact with reasons therefore; and

(3) Rulings on issues of law with the reasons therefore.

Copies of the recommended decision shall be sent to all parties after the close of the hearing.

(b) The presiding officer shall also transmit to the Director the entire record of the proceeding, accompanied by the presiding officer's certificate stating that, to the best of his knowledge and belief, the record is a complete and accurate compilation of all the evidence and other documents in the proceeding, except in such particulars as are specified.

(c) The recommended decision may be reviewed and copied in Room 408, National Marine Fisheries Service Page Building No. 2, 3300 Whitehaven Street NW., Washington, D.C. 20235.

(d) Following submission of the recommended decision and the hearing record, each party shall be allowed five (5) days to file exceptions to the recommended decision with the Director. Thereafter, each party will have five days to file reply exceptions with the Director.

15. Director's decision. (a) Following the period allowed for exceptions, the Director shall make a final decision on the proposed regulations. The Director's decision may affirm, modify, or set aside in whole or in part the recommended findings, conclusions, and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director's decision shall include:

(1) A description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefore; and

(3) Rulings on issues of law, with the reasons therefore.

(c) The Director's decision, together with the final adopted regulations, shall be published in the FEDERAL REGISTER.

16. Effective date. These regulations become effective on July 12, 1977 and shall terminate on the date of publication in the FEDERAL REGISTER of the NMFS Director's final decision.

(Sec. 101(a)(2) and 103(e) of the Marine Mammal Protection Act, 16 U.S.C. 1317(a)(2) and 1373(e).)

Dated: July 7, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-20030 Filed 7-12-77;8:45 am]

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CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Foreign Fishing Regulations

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Final regulations.

SUMMARY: The foreign fishing regulations under the Fishery Conservation and Management Act of 1976, are amended concerning the taking and retention by foreign fishing vessels of allocated species which may be caught incidental to a directed fishery.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235 (202–634–7454).

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service has been advised that the incidental catch provision in paragraph (g) of §§ 611.50 through 611.53 is inconsistent with paragraph (f) of § 611.20 that cautions foreign nations not to exceed their allocation, and is also inconsistent with Section V of the respective Preliminary Management Plans relating to Hake, Squid, Atlantic Mackeral and Atlantic Herring. An incidental catch provision was permitted recognizing that other allocated species are taken in trawl nets while fishing in a directed fishery. However, an incidental catch of an allocated species in a directed fishery must be counted as part of the total allocation for that incidentially-caught allocated species.

For example, if a nation has an allocation of 1,000 tons of a given species, it may take all of this quantity in a directed fishery, or it may reserve part of this quantity as an incidental catch in another directed fishery. Which method a nation uses depends on its fishing strategy. However, in no case may a nation exceed its total allocation for a species whether taken incidentally or in a directed fishery. Thus, if the nation caught 900 tons of a species in its directed fishery, it could take the remaining 100 tons as an incidental catch in another directed fishery. But, when a total quantity of 1,000 tons of that species is taken, all taking of that species by that nation must cease. Then the species shall be considered as a prohibited species. The incidental catch of an allocated species is not in addition to the allocation, but part of the total allocation for that species.

When the allocation of a species has been taken, counting both the directed fishery and incidental catch, the taking and retention of such species shall cease. This change in the regulation does not reduce or alter the species allocations provided to a foreign nation, but rather clarifies the intent of the regulations to a foreign nation to carefully manage its fishing vessels in taking the allocation.

The Secretary finds the formal notice of proposed rulemaking is impractical, unnecessary and contrary to the public interest because this amendment serves to clarify an inconsistency between Subpart B and Subpart C of the regulations and between Subpart B and Section V of the respective Preliminary Management Plans for Hake, Squid, Atlantic Mackerel and Atlantic Herring. Failure to clarify the inconsistency could result in quotas for the species under regulation being exceeded which would be contrary to the public interest in maintaining sound conservation of these species of fish. Immediate guidance is therefore required to be given to persons subject to these regulations.

Paragraph (g) in §§ 611.50, 611.51, 611.52, and 611.53 is revised to read as follows:

* * * * *

§§ 611.50, 611.51, 611.52 and 611.53 [Amended]

(g) *Incidental catch.* The taking of any species for which the foreign nation has an allocation is permitted as an incidental catch in any directed fishery. The total quantity taken of an allocated species, however, both as incidental catch and in a directed fishery, shall not exceed the allocation of that species provided to that foreign nation by § 611.20. When the quantity allocated has been reached, counting both the incidental catch and directed fishery catch that species becomes a prohibited species.

Issued on July 11, 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–20229 Filed 7–12–77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 732–77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 45—STANDARDS OF CONDUCT

Abolishing Office of Watergate Special Prosecution Force

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order formally abolishes the Office of Watergate Special Prosecution Force inasmuch as that Office has completed its work.

EFFECTIVE DATE: Close of business June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Acting Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, D.C. 20530 (202–739–2041.)

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

Subpart A—Organizational Structure of the Department of Justice

§ 0.1 [Amended]

1. Section 0.1 of Subpart A of Part 0 is amended by deleting "Office of Watergate Special Prosecution Force."

Subpart G–1—Office of Watergate Special Prosecution Force

§§ 0.37 and 0.38 [Revoked]

2. Subpart G–1 of Part 0 is revoked.

§ 45.735–22 [Amended]

3. Section 45.735–22(c)(2) is amended by deleting subdivision(viii).

Dated: July 1, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77–20068 Filed 7–12–77;8:45 am]

[Order No. 733–77]

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Interpretative Guidelines; Corrections and Amendments

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice's Interpretative Guidelines on Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, were published on July 20, 1976, 41 F 29998. Since that time one error has been discovered in the text and several changes have been made in the Appendix.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFOMATION CONTACT:

David H. Hunter, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202–739–3829).

By virtue of the authority vested in me by 5 U.S.C. 301, 28 U.S.C. 509, 510, and Pub. L. 94–73, Part 55 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The second sentence of paragraph (a) of § 55.18 is revised to read as follows:

§ 55.18 Provision of minority language materials and assistance.

(a) * * * For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing (in English and in the applicable minority language) and by other publicity regarding the availability of such materials, may be sufficient. * * *

2. The Appendix to Part 55 lists all jurisdictions covered under the minority language provisions of the Voting Rights Act, sections 4(f)(4) and 203(c). Since that Appendix was prepared, new determinations have been made by the Attorney General and the Director of the Census, or by the Director of the Census, corrections in determinations have been made by the Director of the Census, and certain jurisdictions have been removed from the coverage of section 4(f)(4) by the procedures established in section 4(a) of the Act. See 41 FR 8817 (March 1, 1976), 41 FR 32622 (Aug. 4, 1976), 41 FR 34329 (Aug. 13, 1976), and *Curry, McKinley, and Otero Counties, New Mexico* v. *United States*, D.D.C. July 30, 1976. The updated Appendix is included as an Appendix to this notice. The changes that have been made are as follows:

Alaska: Add Election District 13, sec. 203(c), Alaskan Natives.

Florida: Add Collier County, sec. 4(f)(4), Spanish heritage. Add Hendry County, sec. 4(f)(4), Spanish heritage.

Maine: Delete Perrytown (Washington County), sec. 203(c), American Indian. Add Passamaquoddy Pleasant Point Indian Reservation (Washington County), sec. 203(c), American Indian.

Michigan: Add Clyde Township (Allegan County), sec. 4(f)(4), Spanish heritage. Add Buena Vista Township (Saginaw County), sec. 4(f)(4), Spanish heritage.

Minnesota: Delete Mahnomen County, sec. 203(c), American Indian.

New Mexico: Delete Curry County, sec. 4(f)(4), Spanish heritage. Delete McKinley County, sec. 4(f)(4), American Indian, Spanish heritage. Delete Otero County, sec. 4(f)(4), Spanish heritage.

Washington: Delete Ferry County, sec. 203(c), American Indian.

Dated: July 1, 1977.

GRIFFIN B. BELL,
Attorney General.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act amendments of 1975.*

[Applicable language minority groups)]

Jurisdiction	Coverage under sec 4(f)(4)	Coverage under sec 203(c)
Alaska	Alaskan Natives [1].	Alaskan Natives.
Election District 1		Do.
Election District 2		Do.
Election District 3		Do.
Election District 4		Do.
Election District 5		Do.
Election District 13		Do.
Election District 14		Do.
Election District 15		Do.
Election District 16		Do.
Election District 17		Do.
Election District 18		Do.
Election District 19		Do.
Election District 21		Do.
Election District 22		Do.
Arizona	Spanish heritage [1].	
Apache County	American Indian.	Spanish heritage, American Indian.
Cochise County		Spanish heritage.
Coconino County	American Indian.	American Indian, Spanish heritage.
Gila County		Do.
Graham County		Do.
Greenlee County		Spanish heritage.
Maricopa County		Do.
Mohave County		Do.
Navajo County	American Indian.	American Indian, Spanish heritage.
Pima County		Spanish heritage.
Pinal County	American Indian.	American Indian, Spanish heritage.
Santa Cruz County		Spanish heritage.
Yavapai County		Do.
Yuma County		Do.
California:		
Alameda County		Do.
Amador County		Do.
Colusa County		Do.
Contra Costa County		Do.
Fresno County		Do.
Imperial County		Do.
Inyo County		American Indian.
Kern County		Spanish heritage.
Kings County	Spanish heritage.	Do.
Lassen County		Do.
Los Angeles County		Do.
Madera County		Do.
Merced County	Spanish heritage.	Do.
Monterey County		Do.
Napa County		Do.
Orange County		Do.
Placer County		Do.
Riverside County		Do.
Sacramento County		Do.
San Benito County		Do.
San Bernardino County		Do.
San Diego County		Do.
San Francisco County		Spanish heritage, Chinese American.
San Joaquin County		Spanish heritage.
San Luis Obispo County		Do.
San Mateo County		Do.
Santa Barbara County		Do.
Santa Clara County		Do.
Santa Cruz County		Do.
Sierra County		Do.
Solano County		Do.
Sonoma County		Do.
Stanislaus County		Do.
Sutter County		Do.
Tulare County		Do.
Tuolumne County		Do.
Ventura County		Do.
Yolo County		Do.
Yuba County	Spanish heritage.	Do.
Colorado:		
Adams County		Do.
Alamosa County		Do.
Archuleta County		Do.
Bent County		Do.
Boulder County		Do.
Chaffee County		Do.
Clear Creek County		Do.
Conejos County		Do.
Costilla County		Do.
Crowley County		Do.
Delta County		Do.
Denver County		Do.
Eagle County		Do.
El Paso County	Spanish heritage.	Do.
Fremont County		Do.
Huerfano County		Do.
Jackson County		Do.
Lake County		Do.
La Plata County		Do.
Las Animas County		Do.
Mesa County		Do.
Moffat County		Do.

[1] Statewide coverage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Montezuma County		Spanish heritage, American Indian.
Montrose County		Spanish heritage.
Morgan County		Do.
Otero County		Do.
Prowers County		Do.
Pueblo County		Do.
Rio Grande County		Do.
Saguache County		Do.
San Juan County		Do.
San Miguel County		Do.
Sedgwick County		Do.
Weld County		Do.
Connecticut: Bridgeport Town (Fairfield County).		Do.
Florida:		
Collier County	Spanish heritage.	Do.
Dade County		Do.
Glades County		American Indian.
Hardee County	Spanish heritage.	Spanish heritage.
Hendry County	do	Do.
Hillsborough County	do	Do.
Monroe County	do	Do.
Hawaii:		
Hawaii County		Filipino American, Japanese American.
Honolulu County		Chinese American, Filipino American.
Kauai County		Filipino American, Japanese American.
Maui County		Do.
Idaho:		
Bingham County		American Indian.
Cassia County		Spanish heritage.
Kansas:		
Finney County		Do.
Grant County		Do.
Wichita County		Do.
Louisiana: St. Bernard Parish		Do.
Maine: Passamaquoddy Pleasant Point Indian Reservation (Washington County)		American Indian.
Michigan:		
Clyde Township (Allegan County)		Spanish heritage.
Orangeville Township (Barry County)		Do.
Sugar Island Township (Chippewa County).		American Indian.
Imlay Township (Lapeer County).		Spanish heritage.
Adrian City (Lenawee County).		Do.
Madison Township (Lenawee County).		Do.
Grant Township (Newaygo County).		Do.
Buena Vista Township (Saginaw County).	Spanish heritage.	Do.
Saginaw City (Saginaw County).		Do.
Minnesota:		
Beltrami County		American Indian.
Cass County		Do.
Mississippi: Neshoba County.		Do.
Montana:		
Blaine County		Do.
Glacier County		Do.
Hill County		Do.
Lake County		Do.
Roosevelt County		Do.
Rosebud County		Do.
Valley County		Do.

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[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Nebraska:		
Scotts Bluff County		Spanish heritage.
Thurston County		American Indian.
Nevada		
Elko County		Spanish heritage, American Indian.
Mineral County		American Indian.
Nye County		Spanish heritage.
White Pine County		Do
New Mexico:		
Bernalillo County		Do.
Catron County		Do.
Chaves County		Do.
Colfax County		Do.
Curry County		Do.
De Baca County		Do.
Dona Ana County		Do.
Eddy County		Do.
Grant County		Do.
Guadalupe County		Do.
Harding County		Do
Hidalgo County		Do.
Lea County		Do.
Lincoln County		Do.
Los Alamos County.		Do.
Luna County		Do.
McKinley County		American Indian, Spanish heritage.
Mora County		Spanish heritage.
Otero County		Do.
Quay County		Do.
Rio Arriba County		American Indian, Spanish heritage.
Roosevelt County		Spanish heritage.
Sandoval County		American Indian, Spanish heritage.
San Juan County		Do.
San Miguel County		Spanish heritage.
Santa Fe County		Do.
Sierra County		Do.
Socorro County		Do.
Taos County		American Indian, Spanish heritage.
Torrance County		Spanish heritage.
Union County		Do.
Valencia County		American Indian, Spanish heritage.
New York		
Bronx County	Spanish heritage.	Spanish heritage.
Kings County	do	Do.
New York County		Do.
North Carolina:		
Hoke County		American Indian.
Jackson County	American Indian.	Do.
Robeson County		Do.
Swain County		Do.
North Dakota:		
Benson County		Do.
Dunn County		Do.
McKenzie County		Do.
Mountrail County		Do.
Rolette County		Do.
Oklahoma:		
Adair County		Do.
Blaine County		Do.
Caddo County		Do.
Cherokee County		Do.
Choctaw County	American Indian.	Do.
Coal County		Do.
Craig County		Do.
Delaware County		Do.
Harmon County		Spanish heritage.
Hughes County		American Indian.
Johnston County		Do.
Latimer County		Do.
McCurtain County	American Indian.	Do.
McIntosh County		Do.
Mayes County		Do.
Okfuskee County		Do.
Okmulgee County		Do.
Osage County		Do.
Ottawa County		Do.
Pawnee County		Do.
Pushmataha County.		Do.
Rogers County		Do.
Seminole County		Do.
Sequoyah County		Do.
Tillman County		Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Oregon:		
Jefferson County		American Indian.
Malheur County		Spanish heritage.
South Dakota:		
Bennett County		American Indian.
Charles Mix County.		Do.
Corson County		Do.
Lyman County		Do.
Mellette County		Do.
Shannon County	American Indian.	Do.
Washabaugh County.		Do.
Todd County	American Indian.	
Texas	Spanish heritage.[1]	
Andrews County		Spanish heritage.
Aransas County		Do.
Atascosa County		Do.
Bailey County		Do.
Bandera County		Do.
Bastrop County		Do.
Bee County		Do.
Bell County		Do.
Bexar County		Do.
Blanco County		Do.
Borden County		Do.
Brazoria County		Do.
Brazos County		Do.
Brewster County		Do.
Briscoe County		Do.
Brooks County		Do.
Burleson County		Do.
Burnet County		Do.
Caldwell County		Do.
Calhoun County		Do.
Cameron County		Do.
Castro County		Do.
Cochran County		Do.
Coke County		Do.
Colorado County		Do.
Comal County		Do.
Concho County		Do.
Coryell County		Do.
Cottle County		Do.
Crane County		Do.
Crockett County		Do.
Crosby County		Do.
Culberson County		Do.
Dallam County		Do.
Dawson County		Do.
Deaf Smith County.		Do.
De Witt County		Do.
Dickens County		Do.
Dimmit County		Do.
Duval County		Do.
Ector County		Do.
Edwards County		Do.
Ellis County		Do.
El Paso County		Do.
Falls County		Do.
Fisher County		Do.
Floyd County		Do.
Foard County		Do.
Fort Bend County		Do.
Frio County		Do.
Gaines County		Do.
Galveston County		Do.
Garza County		Do.
Gillespie County		Do.
Glasscock County		Do.
Goliad County		Do.
Gonzales County		Do.
Grimes County		Do.
Guadalupe County		Do.
Hale County		Do.
Hall County		Do.
Hansford County		Do.
Harris County		Do.
Haskell County		Do.
Hays County		Do.
Hidalgo County		Do.
Hockley County		Do.
Howard County		Do.
Hudspeth County		Do.
Jackson County		Do.
Jeff Davis County		Do.
Jim Hogg County		Do.
Jim Wells County		Do.
Jones County		Do.
Karnes County		Do.
Kendall County		Do.
Kenedy County		Do.
Kerr County		Do.
Kimble County		Do.
Kinney County		Do.
Kleberg County		Do.
Knox County		Do.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Lamb County		Do.
Lampasas County		Do.
La Salle County		Do
Live Oak County		Do.
Lubbock County		Do.
Lynn County		Do.
McCulloch County		Do.
McLennan County		Do.
McMullen County		Do.
Madison County		Do.
Martin County		Do.
Mason County		Do.
Matagorda County		Do.
Maverick County		Do.
Medina County		Do.
Menard County		Do.
Midland County		Do.
Milam County		Do.
Mitchell County		Do.
Moore County		Do.
Nolan County		Do.
Nueces County		Do.
Parmer County		Do.
Pecos County		Do.
Potter County		Do.
Presidio County		Do.
Reagan County		Do.
Real County		Do.
Reeves County		Do.
Refugio County		Do.
Robertson County		Do.
Runnels County		Do.
San Patricio County		Do.
San Saba County		Do.
Schleicher County		Do.
Scurry County		Do
Sherman County		Do.
Starr County		Do.
Sterling County		Do.
Sutton County		Do.
Swisher County		Do.
Taylor County		Do.
Terrell County		Do.
Terry County		Do.
Throckmorton County		Do.
Tom Green County		Do.
Travis County		Do.
Upton County		Do.
Uvalde County		Do.
Val Verde County		Do.
Victoria County		Do.
Ward County		Do.
Webb County		Do.
Wharton County		Do.
Willacy County		Do.
Williamson County		Do.
Wilson County		Do.
Winkler County		Do.
Yoakum County		Do.
Zapata County		Do.
Zavala County		Do.
Utah:		
Carbon County		Spanish heritage.
San Juan County		American Indian.
Tooele County		Spanish heritage.
Uintah County		American Indian.
Virginia: Charles City County		Do.
Washington:		
Adams County		Spanish heritage.
Columbia County		Do.
Grant County		Spanish heritage.
Okanogan County		American Indian.
Yakima County		Spanish heritage.
Wisconsin:		
Nashville Town (Forest County).		American Indian.
Bovina Town (Outagamie County).		Spanish heritage.
Oneida Town (Outagamie County).		American Indian.
Hayward City (Sawyer County).		Do.
Wyoming:		
Carbon County		Spanish heritage.
Fremont County		American Indian.
Laramie County		Spanish heritage.
Sweetwater County		Do.
Washakie County		Do.

[FR Doc.77-20077 Filed 7-12-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Pear Regulation 7]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Minimum Grade, Size and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade, size and container requirements for fresh shipments of California Bartlett, Max-Red Bartlett and Red Bartlett variety pears during the period July 14 through August 31, 1977. These requirements are needed to provide for orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545.)

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Fresh shipments of California Bartlett pears from the 1977 crop have been estimated at 4,210 carlots by the Pear Commodity Committee, as compared with 4,159 carlots last year and 3,819 carlots in 1975. Shipments of pears from the production area are expected to begin on or about July 12, 1977. The grade and size requirements provided herein are designed to prevent the handling, on and after July 14, 1977, of any pears which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop while improving returns to producers pursuant to the declared policy of the act. The container requirements, included herein, are necessary to assure that containers are properly marketed as to variety and the fruit contained therein is protected during transit.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must beocme effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1977. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 30, 1977, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Therefore, a new § 917.445 is added which reads as follows:

§ 917.415 Pear Regulation 7.

(a) During the period July 14, 1977, through August 31, 1977, no handler shall ship:

(1) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears which do not grade at least U.S. Combination with not less than 85 percent, by count, of the pears grading at least U.S. No. 1;

(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 150: *Provided*, That a handler may ship, during any day from any shipping point, a quantity of such pears which are smaller than the size known commercially as size 150 if (i) such smaller pears are not smaller than the size known commercially as size 165, and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 5.263 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 150;

(3) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety; and

(4) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears in volume fill cartons (not packed in rows and not wrap packed) unless (i) such cartons are well filled with pears fairly uniform in size; (ii) such pears are packed fairly tight; (iii) there is an approved top pad in each carton that will cover the fruit with no more than ¼ inch between the pad and any side or end of the carton; and (iv) the top of the carton shall be securely fastened to the bottom: *Provided*, That 10 percent of the cartons in any lot may fail to meet the requirements of this paragraph.

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 150" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 150 pears and that a 12-pound random sample, representative of the size of the pears in the box or container, contains not more than 39 pears.

(3) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and that a 12-pound random sample, representative of the size of the pears in the box or container, contains not more than 43 pears.

(4) "Standard pear box" means the container so designated in Section 1380.9 of the Regulations of the California Department of Food and Agriculture.

(5) "U.S. No. 1", "U.S. Combination" and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (Summer and Fall) 7 CFR 51.1260–51.1280.

(6) "Approved top pad" shall mean a pad of wood-type excelsior construction, fairly uniform in thickness, weighing at least 160 pounds per 1,000 square feet (e.g., an 11 inch by 17 inch pad will weigh at least 21 pounds per 100 pads) or an equivalent made of material other than wood excelsior approved by the committee.

(c) Pear Regulation 6 is hereby ter-

parties. Comments received from all

gross price per pound, the requirement

V 42 134 JUL 13 77 UMI V

(c) Pear Regulation 6 is hereby terminated as of the effective date hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 11, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20259 Filed 7-12-77;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1205—COTTON RESEARCH AND PROMOTION

Supplemental Assessment on Upland Cotton Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Cotton Board Rules and Regulations to provide (1) the method by which a supplemental assessment of four tenths of one percent of the value of cotton will be levied on upland cotton and (2) procedures necessary to implement the supplemental assessment. The assessment is used to finance cotton research and promotion programs. The present assessment does not provide enough funds for this purpose.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Alvin Deck, Marketing Programs Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-2072).

SUPPLEMENTARY INFORMATION: The amendment to the Cotton Research and Promotion Order (7 CFR Part 1205) published in the FEDERAL REGISTER on January 26, 1977 (42 FR 4812), provides that the Secretary of Agriculture shall prescribe by regulation whether the supplemental assessment rate of four-tenths of one percent of the value of cotton shall be levied on (1) the current value of cotton, or (2) an average value determined from current and/or historical cotton prices and converted to a fixed amount for each bale of cotton.

On June 8, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 29313), which presented proposals on (1) the method of levying the supplemental assessment and (2) the changes in Cotton Board Rules and Regulations necessary to implement the supplemental assessment. An explanation of these proposals is contained in the notice.

Interested persons were given until June 23, 1977, to submit comments on the proposals. Written submissions were received by the Hearing Clerk from 74 parties. Comments received from all sources have been reviewed and considered.

METHOD OF LEVYING SUPPLEMENTAL ASSESSMENT

The proposed regulation provided that the supplemental assessment of four-tenths of one percent be levied on (1) the current value of cotton multiplied by the number of pounds of lint cotton, or (2) the current value of cotton converted to a fixed amount per bale using an assessment chart to calculate the assessment per bale.

A number of collecting handlers and organizations representing collecting handlers submitted comments opposing this optional method for levying the supplemental assessment. In lieu of this optional method, they recommended that a fixed amount be levied on each bale of cotton based on a historical average of prices received by farmers.

After consideration of these comments and recommendations, it is concluded that a fixed rate per bale based on a historical average of prices is not appropriate because (1) the assessment would not be based on current price levels but on a calculated historical price which might not relate closely to current price levels, and (2) the assessment would not be based on the quality of cotton and producers of lower quality cotton who normally receive less for their cotton would be paying at the same fixed rate as producers with higher quality cotton.

Furthermore, it is determined that the proposal in the June 8, 1977 notice provides an assessment chart that will provide a simple and orderly procedure for most collecting handlers while the provision for assessing four-tenths of one percent of the gross sales price will be helpful to collecting handlers with computerized accounting systems.

Therefore, the proposed amendment to § 1205.510 is adopted without change.

CHANGES NECESSARY IN RULES AND REGULATIONS TO IMPLEMENT THE SUPPLEMENTAL ASSESSMENT

1. Opposition was received to only one of the numerous proposed changes necessary to implement the supplemental assessment. Sixty-nine of the 74 comments received opposed the requirement of the gross price per pound entry on the collecting handler report. The Cotton Board is opposed to this requirement because the Board feels it is not needed for the collection and verification of remittance of the supplemental assessment. Collecting handlers are also opposed to this requirement because of the additional paperwork and expense that will be placed on them as a result of the additional reporting.

Therefore, in consideration of the Cotton Board's confidence and assurance that the supplemental assessment can be collected and adequately verified without benefit of the gross price per pound entry on the collecting handler report, and the additional time and expense involved in preparing the collecting handler report to include the gross price per pound, the requirement for showing the gross sales price per pound on the collecting handler report is not adopted.

The Executive Committee of the Cotton Board has reviewed the proposed amendment of the Rules and Regulations and recommends approval with the above change. This official position was ratified by a majority of the Cotton Board members in a mail ballot.

2. Other editorial and administrative changes are made for clarification and correctness.

After consideration of the Cotton Board's recommendation and all relevant matters presented, including that in the notice and comments received, the amendments to 7 CFR Part 1205, Cotton Board Rules and Regulations are approved as set forth below.

The amended regulations will not create any undue hardships or impose any requirements or obligations on collecting handlers or others that cannot be complied with by the effective date specified herein. The supplemental assessment is urgently needed to expand existing research and promotion projects and initiate new projects. Since ginning of the 1977 crop has already started in the earliest producing regions, it is imperative to have this assessment effective as soon as possible. Therefore, good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Dated: July 8, 1977, to become effective July 15, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

Subpart—Cotton Board Rules and Regulations

* * * * *

DEFINITIONS

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1205.525 Entry of gin code number.

REPORTS AND RECORDS

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1205.531 Records.
1205.532 Retention period for reports and records.
1205.533 Availability of reports and records.

CONFIDENTIAL INFORMATION

1205.540 Confidential books, records, and reports.

AUTHORITY: Sec. 7, 80 Stat. 281, 7 U.S.C. 2106; Cotton Research and Promotion Order, 7 CFR 1205.327.

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) "Cotton Board" means the administrative body established pursuant to the Cotton Research and Promotion Order.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Current value of Cotton" means the gross price per pound of lint cotton received by the producer as shown on the producers' settlement document before weight penalties, buyer's commission or brokerage fees, marketing fees, the $1 per bale cotton research and promotion assessment, picking charges, ginning charges, warehouse receiving charges, warehouse storage charges, transportation charges or any other deductions are made.

(e) "Form A" means Cotton Producer's Note, Form CCC Cotton A.

(f) "Gin code number" means the identification number assigned to each cotton gin by the Cotton Division Agricultural Marketing Service, U.S. Department of Agriculture.

(g) "Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(h) "Handler" means any person who handles cotton, including CCC.

(i) "Marketing" means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(j) "Marketing year" means a consecutive 12-month period ending on July 31.

(k) "Person" means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(l) "Producer" means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(m) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

GENERAL

§ 1205.505 Communication.

All reports, requests, and applications for refunds and communications in connection with the cotton research and promotion order shall be addressed as follows: Cotton Board, Post Office Box 2121, Memphis, Tenn. 38159.

ASSESSMENTS

§ 1205.510 Levy of assessments.

(a) An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of upland cotton that is produced from cotton harvested and ginned on and after June 10, 1967 except cotton consumed by any governmental agency from its own production. Such assessment shall be payable and collected only once on each bale.

(b) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided in paragraph (a) of this section, is hereby levied on each bale of upland cotton harvested and ginned on and after July 15, 1977 except cotton consumed by any governmental agency from its own production. The supplemental assessment shall be levied at the rate of four-tenths of one percent of (1) the current value of cotton multiplied by the number of pounds of lint cotton or (2) the current value of cotton converted to a fixed amount per bale as reflected in the following assessment chart:

ASSESSMENT CHART [1]

Current value cents per pound:	*Supplemental assessment dollars per bale*
.00 to 9.99	.10
10.00 to 19.99	.30
20.00 to 29.99	.50
30.00 to 39.99	.70
40.00 to 49.99	.90
50.00 to 59.99	1.10
60.00 to 69.99	1.30
70.00 to 79.99	1.50
80.00 to 89.99	1.70
90.00 to 99.99	1.90
100.00 to 109.99	2.10
110.00 to 119.99	2.30

[1] Assessment is calculated on 4/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb bale, and converted to a fixed amount per bale.

(c) Each marketing year the collecting handler must select one of the two options of collecting the supplemental assessment as provided in paragraph (b) of this section. The handler shall notify the Cotton Board as to the method selected at the time he files his first handler report each marketing year.

§ 1205.511 Payment and collection.

(a) The $1 per bale assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.512.

(b) The supplemental assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.513.

(c) If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessments which are equivalent to his proportionate share of the proceeds.

(d) Failure of the handler to collect the assessments on each bale shall not relieve the handler of his obligation to remit the assessments to the Cotton Board as required in §§ 1205.512, 1205.513 and 1205.514.

§ 1205.512 Collecting handlers and time of collection of $1 per bale assessment.

Collecting handlers and the time of collecting the $1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the assessment. When a bale is ginned that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the assessment and shall give each producer a receipt indicating the producer's pro-

portionate share of the assessment payment.

handler shall give the producer a receipt each time a supplemental assessment is

assessment at the time of consumption

§ 1205.515 Receipts for payment of as-

the assessment payment on cotton, joint

Cotton Board in lieu of an end-of-season

portionate share of the assessment payment.

(e) Any person who purchases cotton from a producer whereby the producer agrees to deliver a certain quantity of cotton but retains the right to establish the price at some future date shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time final settlement is made on the cotton. The handler shall give the producer a receipt indicating payment of the $1 per bale assessment.

(f) Any person who consumes domestically or exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(g) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d) or (e) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(h) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.513 Collecting handlers and time of collection of the supplemental assessment.

Collecting handlers and the time of collecting the supplemental assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the supplemental assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the supplemental assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. Supplemental assessments due on any subsequent cash advances, payments, or credits to the producer's account shall be collected by the handler at the time final settlement is made on the cotton. The handler shall give the producer a receipt each time a supplemental assessment is collected.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the supplemental assessment when it makes disbursement based on the Form A loan value of cotton. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the supplemental assessment and shall constitute the producer's receipt for payment of the supplemental assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(d) Any person who (1) purchases a producer's equity in cotton tendered to CCC for Form A loan or (2) purchases cotton that a producer has redeemed from the Form A loan, shall be the collecting handler for that portion of the total supplemental assessment not collected under paragraph (c) of this section. The handler shall give the producer a receipt indicating payment of that portion of the supplemental assessment.

(e) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the supplemental assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the supplemental assessment. When a bale is ginned and baled that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the supplemental assessment and shall give each producer a receipt indicating the producer's proportionate share of the supplemental assessment payment.

(f) Any person who purchases cotton from a producer whereby the producer agrees to deliver a certain quantity of cotton but retains the right to establish the price at some future date shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time final settlement is made on the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(g) Any person who consumes domestically cotton of his own production shall be the collecting handler for such cotton. The handler shall pay the supplemental assessment at the time of consumption on the basis of a market value determined in consultation with the Cotton Board.

(h) Any person who exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the supplemental assessment on the basis of the current value of cotton as reflected on the export settlement document.

(i) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d), (e), or (f) of this section shall be the collecting handler for such cotton. Such handler shall collect the supplemental assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(j) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.514 Remittance to Cotton Board.

Each collecting handler shall transmit assessments and reports on assessments to the Cotton Board as follows:

(a) *Reporting periods.* Each calendar month shall be a reporting period and the period shall end at the close of business on the last day of the month.

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which he is required to collect the assessments during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

(1) Date of report.

(2) Reporting period covered by report.

(3) Gin code number.

(4) Name and address of handler.

(5) Listing of all producers from whom the handler was required to collect the assessments, their addresses, and total number of bales, and total assessments collected and remitted for each producer.

(6) Date of last report remitting assessments to the Cotton Board.

(c) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (b) of this section. All remittances sent to the Cotton Board by collecting handlers shall be by check, draft, or money order payable to the order of the "Cotton Board." All remittances shall be received subject to collection and payment at par.

§ 1205.515 Receipts for payment of assessments.

Each collecting handler who is required by §§ 1205.512 and 1205.513 to give the producer a receipt showing payment of cotton research and promotion assessments shall provide the producer with an invoice or settlement sheet for the cotton. Such document shall serve as a receipt and shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

(e) Gross price per pound received by the producer.

(f) Total assessments paid by the producer.

(g) Date on which assessments were paid by the producer.

REFUNDS

§ 1205.520 Procedure for obtaining refund.

Each cotton producer against whose cotton any assessments are made and collected pursuant to this subpart may obtain a refund of such assessment only by following the procedures prescribed in this section.

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or his properly witnessed mark.

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessments were paid on the cotton by such producer. The refund application shall show (1) producer's name and address; (2) collecting handler's name and address; (3) gin code number; (4) number of bales on which refund is requested; (5) total amount to be refunded; (6) date or inclusive dates on which assessments were paid; and (7) the producer's signature or properly witnessed mark. Where more than one producer shared in the assessment payment on cotton, joint or separate refund application forms may be filed. In any such case the refund application shall show the names, addresses and proportionate shares of all such producers. The refund application form shall bear the signature or properly witnessed mark of each producer seeking a refund.

(c) *Proof of payment of assessments.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall be returned to the producer with his refund by the Cotton Board.

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

For each bale of cotton ginned on or after June 10, 1967, the warehouse that first receives the bale for storage after ginning shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

REPORTS AND RECORDS

§ 1205.530 Gin reports and reporting schedule.

(a) *Gin reports.* Each year each cotton gin in the United States shall submit reports to the Cotton Board on forms or certificates made available or approved by the Cotton Board as follows:

(1) *End-of-season report.* Except as provided in subparagraph (2) of this paragraph, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses, and the number of bales ginned for each such producer during its ginning season.

(2) *Certificate in lieu of end-of-season report.* If a gin is the collecting handler on every bale ginned at such gin and collecting handler reports and remittances of assessments have been made in accordance with § 1205.514, a certification to that effect may be made to the Cotton Board in lieu of an end-of-season report.

(b) *Reporting schedule.* The schedule for submitting gin reports is as follows:

(1) Each gin that completes ginning operations prior to January 16 shall make a report to the Cotton Board within 10 days after completion of ginning.

(2) Each gin that operates on or after January 16 will make a report to the Cotton Board not later than January 25 covering bales ginned through January 15.

(3) Each gin that operates after January 15 shall make a supplemental report to the Cotton Board within 10 days after the close of ginning operations covering bales ginned after January 15.

§ 1205.531 Records.

Each handler required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

§ 1205.532 Retention period for reports and records.

Each handler required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Cotton Board; and (b) such books and records as are necessary to verify such reports.

§ 1205.533 Availability of reports and records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1205.336.[1]

[FR Doc.77-20158 Filed 7-11-77;9:46 am]

The regional hearings originally sched-

There are no changes in dates, or in

III. Processing an Application for use of

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
[7 CFR Part 948]
IRISH POTATOES GROWN IN COLORADO—AREA NO. 2
Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $20,500 and a rate of assessment of $0.00328 per hundredweight of potatoes for the functioning of the Colorado Area No. 2 Potato Committee. This regulation would enable the committee to collect assessments from first handlers on all assessable potatoes handled and use the resulting funds for its expenses.

DATE: Comments due July 28, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202–447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Area No. 2 Committee, established under the order, is responsible for its local administration in Area No. 2, consisting of certain counties in Southern Colorado.

The proposals are as follows:

§ 948.278 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the Area No. 2 Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $20,500.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.00328 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 8, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–20148 Filed 7–12–77;4:45 am]

[7 CFR Part 958]
ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON
Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $269,531 and a rate of assessment of five and one-quarter cents per hundredweight of assessable onions for the functioning of the Idaho-Eastern Oregon Onion Committee. The regulation would enable the committee to collect assessments from first handlers on all assessable onions and to use the resulting funds for its expenses.

DATES: Comments due July 28, 1977.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: 202–447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 130 and Order No. 958, both as amended, regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

The proposals are as follows:

§ 958.221 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to $269,531.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0525 per hundredweight or equivalent quantity of assessable onions handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 958.44.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 7, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–20026 Filed 7–12–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION
[10 CFR Part 212]
SELLERS OF NATURAL GAS LIQUIDS AND NATURAL GAS LIQUID PRODUCTS
Mandatory Petroleum Price Regulations To Provide for Recovery of Increased Processing and Marketing Costs; Receipt of Comments and Testimony Upon Other Outstanding Issues

AGENCY: Federal Energy Administration.

ACTION: Notice of extension of date for receipt of written comments; cancellation of Denver and Dallas regional hearings:

SUMMARY: The Federal Energy Administration ("FEA") hereby extends the date for receipt of written comments in the above-styled rulemaking proceeding pertaining to Subpart K of the Mandatory Petroleum Price Regulations. The due date for receipt of written comments, originally 4:30 p.m., e.d.t., Friday, July 15, 1977, is changed to 4:30 p.m., e.d.t., Monday, August 1, 1977.

The regional hearings originally scheduled in connection with this rulemaking proceeding for Dallas, Texas, and Denver, Colorado, are hereby cancelled.

All other dates, hearing locations and addresses for receipt of written comments and questions, remain unchanged. The National (Washington, D.C.) Hearing remain scheduled for Wednesday and Thursday, July 20 and 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Cliff G. Russell (Office of General Counsel), Federal Energy Adminstration, 12th & Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, (202–566–9567).

SUPPLEMENTARY INFORMATION:

I. EXTENSION OF DATE FOR RECEIPT OF WRITTEN COMMENTS

On June 3, 1977, the FEA issued a Notice of Proposed Rulemaking and Public Hearing, proposing certain amendments to Subpart K of the Mandatory Petroleum Price Regulations (10 CFR 212.161 et seq.) and identifying and seeking comments upon other issues pertaining to Subpart K (42 FR 29490, June 9, 1977).

The Notice is lengthy, and the proposed amendments and other issues upon which comments are requested are varied and complex. In view of this length and complexity, it was the FEA's purpose to provide ample time for commenters to review the Notice and formulate comments, in order to maximize the quality and utility to FEA of such comments. Although the six-week period between the date of issuance of the Notice (June 3, 1977) and the original due date for receipt of written comments (July 15, 1977) is substantial, the FEA is aware that affected members of the industry and public may not have received copies of the proposal until a week or more after its issuance, due to the time lag inherent in the necessity to print, publish and distribute the Notice.

The FEA has received several requests to extend the date for receipt of written comments. In view of the above considerations, it has determined to extend the date for receipt of written comments to Monday, August 1, 1977.

II. CANCELLATION OF REGIONAL HEARINGS

As of Tuesday, July 5, 1977, there were no outstanding requests to present oral statements at the Denver, Colorado, Regional Hearing originally scheduled for July 14, 1977, and only one such request to present an oral statement at the Dallas, Texas, Regional Hearing originally scheduled for July 11, 1977. The FEA has been advised that those who have previously expressed an interest in appearing at such regional hearings will make arrangements to present their views either at the National Hearing in Washington, D.C., or in the form of written comments. In view of the foregoing, the FEA has determined that the regional hearings originally scheduled for Dallas and Denver should be cancelled.

There are no changes in dates, or in hearing locations or addresses for the submission of written comments and questions, other than those noticed herein. The National (Washington, D.C.) Hearing remains scheduled for Wednesday and Thursday, July 20 and 21, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

JULY 6, 1977.

[FR Doc.77–20031 Filed 7–12–77;8:45 am]

[10 CFR Part 216]
MATERIALS ALLOCATION AND PRIORITY PERFORMANCE UNDER CONTRACTS OR ORDERS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

AGENCY: Federal Energy Administration (FEA).

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The proposed regulations provide a procedure for implementing FEA functions with regard to the allocation of, or the priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies. Written comments will be received and a public hearing will be held with respect to the proposed regulations.

DATES: Comments by August 23, 1977, 4:30 p.m. Requests to speak by August 16, 1977, 4:30 p.m. Submission of questions by August 23, 1977, 4:30 p.m.

ADDRESSES: Any written communications in connection with these regulations should be addressed to: Executive Communications, Federal Energy Administration, Room 3309, Federal Building, Box NG, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and marked "Priority and Allocation Regulations."

ADDRESS AND TIME FOR HEARING: August 26, 1977 at 9:30 a.m. in Room 3000A, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert M. Grubenmann, Financial Planning and Material Allocation, Energy Resource Development, Federal Energy Administration, Room 3516, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202–566–7575).

Charles F. Dewey, Office of the General Counsel, Federal Energy Administration, Room 5116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202–566–9380).

SUPPLEMENTARY INFORMATION:

I. Background.
II. Purpose and Description of the Regulations.
III. Processing an Application for use of DPA section 101(c) Authority.
IV. Comments Requested.
V. Comment Procedures.
A. Written Comments.
B. Public Hearing.
1. Request procedure.
2. Conduct of the hearing.
IV. Miscellaneous.

I. BACKGROUND

The regulations are the result of section 104 of the Energy Policy and Conservation Act (EPCA). This section added a new subsection (c) to section 101 of the Defense Production Act of 1950, as amended, (DPA), 50 U.S.C. App. 2071(c). DPA section 101(c)(1) authorizes the President to require the allocation of, or the priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies. This authority may be used only if the President finds, as stated in DPA section 101(c)(3), that:

(A) Such supplies are scarce, critical, and essential to maintain or further (i) exploration, production, refining, transportation, or (ii) the conservation of energy supplies, or (iii) for the construction and maintenance of energy facilities; and

(B) Maintenance or furtherance of exploration, production, refining, transportation or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

Section 7 of Executive Order 11912 of April 13, 1976, designates and empowers the Administrator of General Services to perform the functions vested in the President by DPA section 101(c), with a requirement for a redelegation of such functions by the Administrator of General Services to the Secretary of Commerce. The Secretary of Commerce is responsible for the administration of priorities and allocation of materials and equipment authority by the issuance of appropriate rules and orders pursuant to DPA section 101(c)(1) if the specified statutory findings of DPA section 101(c)(3) have been made. With respect to these statutory findings, the Secretary of Commerce has, as required by the Executive Order, redelegated to the Administrator of the FEA the function of determining which supplies of materials and equipment are critical and essential to maintain or further exploration, production, refining, transportation or conservation of energy supplies or for the construction and maintenance of energy facilities. The Secretary of Commerce retains the function of determining whether the supplies of materials and equipment are scarce and whether the purposes specified in DPA section 101(c)(3) cannot reasonably be accomplished without exercising the authority contained in DPA section 101(c)(1). The Administrator of General Services provides for the overall coordination and direction of DPA section 101(c) functions.

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II. PURPOSE AND DESCRIPTION OF THE REGULATIONS

The purpose of the regulations is to describe how FEA will discharge the functions delegated to it pursuant to DPA section 101(c). They describe the procedures FEA will follow in considering requests that the findings delegated to it be made. Where affirmative findings are made FEA will report them to the Department of Commerce for further action. Where negative findings are made, FEA will notify the applicant, with suitable explanation. If the Department of Commerce, following receipt of the affirmative FEA findings, finds that the described supplies of materials and equipment are scarce and that the purposes described in DPA section 101(c)(3) cannot reasonably be accomplished without exercising the authority contained in DPA section 101(c)(1), implementing rules or orders effecting the appropriate priority or allocation action will be issued. FEA will perform such duties related to its role as a "claimant agency" as the Department of Commerce shall direct in consultation with FEA.

III. PROCESSING AN APPLICATION FOR USE OF DPA SECTION 101(C) AUTHORITY

The regulations provide that persons who consider work they are performing an appropriate situation for use of the authority contained in DPA section 101 (c) may submit an application to FEA. Part 216.3(a) describes the minimum contents of such an application. FEA will examine this application and make two determinations.

First, FEA will decide whether or not the program or project on which the applicant is working (and in connection with which the request for assistance is submitted) maximizes domestic energy supplies and is therefore an appropriate situation for considering the use of DPA section 101(c) authority. If a positive determination is made, the program or project will be designated an "eligible energy program or project." In making this determination FEA will consider the impact of such program or project on the national energy situation. This consideration will include the quantity of energy involved, the benefits of timely completion of the program or project, the socioeconomic impact of the program or project, the need for the end product for which the materials and equipment are allegedly required, established national energy policies and such other factors as FEA deems appropriate. Once FEA has determined that a particular program or project is an "eligible energy program or project" this determination will be deemed made with regard to subsequent aplications involving the same program or project unless and until FEA announces otherwise.

Second, FEA will decide whether or not the supplies of materials and equipment for which assistance is requested are critical and essential to the "eligible energy program or project." In making this finding the FEA will consider the availability and utility of substitute materials or equipment, the impact of the availability of the specified materials or equipment on the timely fulfillment or completion of the program or project and such other factors as FEA deems appropriate. If FEA finds that the supplies of materials and equipment are critical and essential, it will designate the applicant an "energy contractor," and so inform the Department of Commerce.

If the Department of Commerce then finds (1) that the specific supplies of materials and equipment for which priorities allocation authority has been requested are scarce and (2) that the approved energy program or project cannot reasonably be accomplished without exercising the authority specified in DPA section 101(c)(1), FEA will, on behalf of the Department of Commerce, authorize the applicant to place "rated orders" or "authorized controlled material orders" as defined in and pursuant to the provisions of Defense Materials System Regulation 1 and Defense Priorities System Regulation 1, as promulgated by the Department of Commerce.

If FEA determines that it is unable to conclude that the materials and equipment described in the application are critical and essential to an eligible energy program or project, the applicant will be so informed and may petition for reconsideration.

IV. COMMENTS REQUESTED

Persons interested in the procedures to be followed by FEA in discharging the DPA section 101(c) functions delegated to it are invited to submit data, views, or arguments with respect to the proposed regulations.

V. COMMENT PROCEDURES

A. *Written Comments.* Written comments should be submitted to the address specified in the Address section of this preamble and identified on the outside of the envelope with the designation "Priority and Allocation Regulations." Fifteen copies should be submitted. All comments received by August 23, 1977, before 4:30 p.m., and all relevant information, will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat such information or data according to its determination.

B. *Public Hearings.* 1. Request Procedure: The time and place for the hearing are indicated in the "Address and Time for Hearing" section of this preamble. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearing.

Any person who has an interest in the proposed regulations issued today, or who is a representative of a group or class of persons with such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be delivered to the FEA at the address stated in the Addresses section of this Preamble, and must be received before 4:30 p.m., on August 16, 1977. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except for holidays. The person making the request should be prepared to describe the interest concerned; to state, if appropriate, why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through August 25, 1977.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., August 18, 1977 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., August 25, 1977.

2. Conduct of the Hearing: The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., August 23, 1977. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available

for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearings. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

VI. MISCELLANEOUS

In providing for implementation of DPA section 101(c) authority, the involved Federal agencies have worked to avoid duplication of existing procedures implementing DPA section 101(a) authority. Part 216 does not create a separate priorities and allocation system. It is designed to supplement the current DPA materials and equipment allocation and priorities system operated by the Department of Commerce by providing the energy related information and evaluation necessary for the implementation of DPA section 101(c). Regulations concerning performance by the Department of Commerce of functions pursuant to the Defense Production Act of 1950, as amended, may be found in Volume 32A of the Code of Federal Regulations. They are identified as Defense Materials System (DMS) Reg. 1 and Defense Priorities System (DPS) Reg. 1.

NOTE.—The proposed regulations have been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and have been determined not to be of a nature that requires an evaluation of their inflationary impact pursuant to Executive Order 11821. The proposal has also been reviewed in accordance with 10 CFR Part 208 and the National Environmental Policy Act of 1969 and has been determined not to be of a nature that requires the preparation of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969. Also, as required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, by establishing Part 216 as set forth below.

Issued in Washington, D.C., July 7, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

PART 216—MATERIALS ALLOCATION AND PRIORITY PERFORMANCE UNDER CONTRACTS OR ORDERS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Sec.

216.1 Introduction.
216.2 Definitions.
216.3 Requests for assistance.
216.4 Evaluation by FEA of applications.
216.5 Notification of findings.
216.6 Petition for reconsideration.
216.7 Claimant agency functions.
216.8 Conflict in priority orders.
216.9 Communications.
216.10 Violations.

AUTHORITY: Sec. 104, Energy Policy and Conservation Act (EPCA), sec. 101, Defense Production Act of 1950, as amended (DPA), (50 U.S.C. App. 2071(c)); Sec. 7, E.O. 11912, April 13, 1976; Defense Mobilization Order No. 13, September 22, 1976, 41 FR 43720; Dept. of Commerce, Bureau of Domestic Commerce, Delegation No. 4, 41 FR 52331.

§ 216.1 Introduction.

(a) This part describes and establishes the procedures to be used by the Federal Energy Administration ("FEA") in considering and making certain findings required by section 101(c) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2061 et seq. ("DPA"). Section 101(c) authorizes the allocation of, or priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if the findings described in section 101(c)(3) are made. Among these findings are that such supplies of materials and equipment are critical and essential to maintain or further exploration, production, refining, transportation or the conservation of energy supplies or for the construction and maintenance of energy facilities. The function of determining if such supplies are critical and essential has been delegated to the Administrator of the FEA pursuant to Executive Order 11912 of April 13, 1976, Defense Mobilization Order ("DMO") No. 13 dated September 22, 1976, 41 FR 43720, and Department of Commerce, Bureau of Domestic Commerce, Delegation No. 4, effective date December 1, 1976, 41 FR 52331.

(b) The purpose of these regulations is to establish the procedures and some of the criteria to be used by the FEA in deciding whether programs or projects maximize domestic energy supplies and whether or not supplies of material and equipment are critical and essential, as contemplated by DPA section 101(c)(3). The critical and essential finding will be made only for supplies of materials and equipment related to those programs or projects determined by FEA to maximize domestic energy supplies. Use of section 101(c) authority is discretionary, and these regulations do not require or imply that the findings, on which the exercise of such authority is conditioned, will be made in any particular case.

(c) If the FEA determines that a program or project maximizes domestic energy supplies and finds that supplies of materials and equipment are critical and essential to maintain or further the exploration, production, refining, transportation or conservation of energy supplies or for the construction and maintenance of energy facilities, such determination and finding will be communicated to the Department of Commerce. If not, the person requesting such determination and finding will be so informed. If the determination and finding described above are made, the Department of Commerce, pursuant to DPA section 101(c), Executive Order 11912 and DMO No. 13, will find whether or not (1) the supplies of materials and equipment in question are scarce and (2) maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot be reasonably accomplished without exercising the authority specified in section 101(c). If these additional two findings are made, the Department of Commerce will notify the FEA, and the FEA will inform the applicant that it has been granted the right to use priority ratings established by the Department of Commerce.

§ 216.2 Definitions.

As used in these regulations: (a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Applicant" means a person requesting priorities or allocation assistance in connection with an energy program or project.

(c) "Application" means the written request of an applicant for assistance.

(d) "Assistance" means use of the discretionary authority vested in the President by DPA section 101(c) to implement priorities and allocation support.

(e) "BDC" means the Bureau of Domestic Commerce within the Domestic and International Business Administration of the United States Department of Commerce.

(f) "Eligible energy program or project" means a designated activity which maximizes domestic energy supplies by furthering the domestic exploration, production, refining, transportation or conservation of energy supplies or construction and maintenance of energy facilities within the meaning of DPA section 101 (c), as determined by the FEA.

(g) "Energy contractor" means a person using materials or equipment determined by the FEA to be critical and essential to the furtherance or completion of an eligible energy program or project.

(h) "FEA" means the Federal Energy Administration, acting through the Administrator or the delegate of the Administrator.

(i) "FPA" means the Federal Prepardness Agency of the General Services Administration.

(j) "Materials and equipment" means any raw, inprocess, or manufactured commodity, equipment, component, accessory, part, assembly or product of any

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kind, but excludes those listed in Schedule II to Defense Priorities System Reg. 1.

(k) "Person" means an individual, corporation, partnership, association, or any other organized group of persons (or legal successor or representative thereof), and includes the United States or any other government and any political subdivisions (or any agency) thereof.

§ 216.3 Requests for assistance.

(a) Persons who believe that they may qualify as energy contractors, by virtue of performing work associated with a program or project which may qualify as an eligible energy program or project, and wishing to receive assistance as authorized by DPA section 101(c), may submit an application to the FEA requesting the FEA to find whether or not specific supplies of materials or equipment identified in the application are critical and essential for a purpose identified in section 101(c). Such application shall contain the following information:

(1) The name and address of the applicant and that of a duly authorized representative thereof.

(2) A description of the energy program or project for which assistance is requested and an assessment of its impact on the maximization of domestic energy supplies.

(3) The amount of energy to be produced by the program or project which is directly affected by the supplies of the materials or equipment in question.

(4) A statement explaining why the materials or equipment for which assistance is requested are critical and essential to the construction or operation of the energy project or program.

(5) A detailed description of the specific supplies of materials and equipment in connection with which assistance is requested, including: components, performance data (capacity, life duration, etc.), standards, acceptable tolerances in dimensions and specifications, current inventory, present and expected rates of use, anticipated deliveries and substitution possibilities (feasibility of using other materials or equipment).

(6) A detailed description of the sources of supply, including: name of the regular supplying company or companies, other companies capable of supplying the materials and equipment, location of supplying plants or plants capable of supplying the needed materials and equipment, comparative price quotation of possible suppliers for identical or substitutable materials and equipment and possible foreign sources of supply.

(7) A detailed description of the delivery situation, including: normal delivery times, promised delivery time without priorities assistance, and delivery time required for expeditious fulfillment or completion of the program or project.

(8) Evidence of the applicant's unsuccessful efforts to obtain on a timely basis the materials and equipment in question through normal business channels from current or other known suppliers.

(9) A detailed estimate of the delay in fulfilling or completing the energy program or project which will be caused by inability to obtain the specified materials and equipment in the usual course of business.

(10) Any known conflicts with rating or allocation orders already issued pursuant to the DPA for supplies of the described materials and equipment.

(b) The FEA, in consultation with the BDC, may prescribe standard forms of application for use by all persons seeking assistance.

(c) In addition to the information described above, the FEA may from time to time request whatever additional information it reasonably believes is relevant to the discharge of its functions pursuant to DPA section 101(c).

§ 216.4 Evaluation by FEA of applications.

(a) Based on the information provided by the applicant and other available information, FEA will assess the application and determine (1) Whether or not the energy program or project in connection with which the application is made maximizes domestic energy supplies and should be designated an eligible energy program or project, and (2) Whether the described supplies of materials and equipment are critical and essential to the eligible energy program or project.

(b) In determining whether the program or project referred to in the application should be designated an eligible energy program or project, the FEA will consider all factors which it considers relevant including, but not limited to, the following: (1) Quantity of energy involved,

(2) Benefits of timely energy program furtherance of project completion,

(3) Socioeconomic impact,

(4) The need for the end product for which the materials and equipment are allegedly required, and

(5) Established national energy policies.

(c) In determining whether the supplies of materials or equipment described in the application are critical and essential to an eligible energy program or project, the FEA will consider all factors which it considers relevant including, but not limited to, the following:

(1) Availability and utility of substitute materials or equipment, and

(2) Impact of the availability of the specific supplies of materials and equipment on the furtherance or timely completion of the approved energy program or project.

(d) Increased costs which may be associated with obtaining materials or equipment without assistance shall not be considered a valid reason for finding the materials and equipment to be critical and essential.

(e) After the FEA has determined a program or project to be an eligible energy program or project, this determination shall be deemed made with regard to subsequent applications involving the same program or project unless and until FEA announces otherwise..

§ 216.5 Notification of findings.

(a) The FEA will notify the BDC if it determines that supplies of materials and equipment, for which an applicant requested assistance, are critical and essential to an eligible energy program or project, together with whatever information or comments FEA believes appropriate. If FEA determines at any time that findings previously made are no longer valid, it will communicate this conclusion immediately to the BDC and to the applicant.

(b) If BDC notifies FEA that BDC has found supplies of materials and equipment, for which the applicant requested assistance, are scarce and that the related approved energy program or project cannot reasonably be accomplished without exercising the authority specified in DPA section 101(c)(1), the FEA will notify the applicant that the applicant is authorized to place rated orders and/or authorized controlled material orders for specific supplies of materials and equipment pursuant to the provisions of Defense Materials System Regulation 1 and Defense Procurement System Regulation 1, as promulgated by the Department of Commerce.

§ 216.6 Petition for reconsideration.

If the FEA, after evaluating an application in accordance with § 216.4 hereof, concludes that it is unable to notify the BDC that the supplies of materials and equipment described in the application are critical and essential to an eligible energy program or project, it will so notify the applicant within a reasonable period of time, and the applicant may petition the FEA for reconsideration of this conclusion. Such a petition is deemed accepted when received by the FEA at the address stated in § 216.9 hereof. The FEA will consider the petition for reconsideration and either grant or deny the relief requested therein. Written notice of the decision and the reasons therefor will be provided to the applicant. There has not been an exhaustion of administrative remedies until a petition for reconsideration has been submitted and the review procedure completed by grant or denial of the relief requested. The denial of relief requested in a petition for reconsideration is a final administrative decision. There is no other administrative appeal or review under this Part 216.

§ 216.7 Claimant agency functions.

FEA shall perform such functions related to implementation of DPA section 101(c) authority as the BDC may from time to time specify in consultation with FEA. In performing such functions FEA will be acting as the delegate of the BDC, and such functions shall be based on authority derived from the BDC. Rules, regulations and delegations promulgated by the BDC in consultation with FEA will govern FEA's performance of such functions. The FEA may in turn redelegate such functions to other government agencies with the approval of BDC and coordination with FPA.

§ 216.8 Conflict in priority orders.

If it appears that the use of assistance pursuant to DPA section 101(c) creates or threatens to create a conflict with priorities and allocation support provided in connection with the national defense pursuant to DPA section 101(a), FEA will work with the BDC and other claimant agencies affected by such conflict in an attempt to reschedule deliveries or otherwise accommodate such competing demands. If acceptable solutions can not be agreed upon by the claimant agencies the FPA will resolve such conflicts.

§ 216.9 Communications.

All written communications concerning this part shall be addressed to:

Federal Energy Administration, Financial Planning and Materials Allocation, Energy Resource Development, Room 3516, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461.

§ 216.10 Violations.

(a) Any person who willfully violates any provision of these regulations, or who willfully furnishes false information or conceals any material fact in the course of operation under these regulations, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of these regulations may subject any person committing or participating in such violation to administrative action to suspend such person's privilege of receiving priority deliveries of materials or equipment under DPA section 101(c). In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions thereof.

[FR Doc.77-20002 Filed 7-12-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505]

[No. 77-423]

FSLIC-INSURED SAVINGS AND LOAN INSTITUTIONS

Price List for Public Copies of Listed Data

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: This proposal would establish a price list for copies of financial data of FSLIC-insured savings and loan institutions. Such data, available to the public under the Freedom of Information Act, are priced according to the Board's estimated costs of reproduction, including equipment and manpower expenses. The Board requests that public comments be limited to the reasonableness of the proposed prices; justification for raising or lowering any price should be included in any comment letter suggesting such action.

DATE: Comments must be received on or before July 29, 1977.

ADDRESS: Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Telephone number: Area code 202-376-3556.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to propose amendments to § 505.4(e) (12 CFR 505.4(e)) of its general rules and regulations for the purpose of establishing a uniform price list for preparing public copies of the following financial data submitted to the Board by FSLIC-insured savings and loan institutions: Balance Sheets, Income and Expense Statements, and Total Deposit Balances.

Accordingly, the Board hereby proposes to amend § 505.4(e) by re-numbering present subparagraph (3) as subparagraph (4), and adding new subparagraph (3) to read as follows:

§ 505.4 Access to records.

* * * * * *

(e) *Fees for providing copies of records.* * * *

(3) The following charges, descriptions and procedures apply to requests for printed copy and magnetic tapes of insured institutions' financial data, as listed.

(i) *Description and Charges.*—(a) *Balance sheets and income and expense statements* (June 30 and December 31, or other semiannual fiscal period). These data cover the preceding six-month period and are available approximately three months after the period covered. Data are available for individual institutions in printed copy (3 pp. per institution), or for all insured institutions on magnetic tape. Printed copy may be requested for an individual institution, or for each individual institution in a county or state.

PRINTED COPY	
CURRENT	
1–5 institutions	$6.00
Per institution for each additional institution up to 25	2.00
Per institution thereafter	.25
PREVIOUS	
1–5 Institutions	9.00
Per institution for each additional institution up to 25	2.00
Per institution thereafter	.25
MAGNETIC TAPES	
Format No. 1 (Board's internal format containing 4,046 characters per record, one record per block, 800 BPI, even parity, 7 track, no label or tape mark; data recorded in Sixbit imbedded Comp.)	50.00
Format No. 2 (Universal EBCDIC containing 4,046 characters per record, 3 records per block, 800 BPI, odd parity, 9 track, no label or tape mark; data recorded in EBCDIC)	150.00

(b) *Total deposit balances per office* (September 30 or March 31). These data, reported to the Board each March 31 and September 30, are available approximately three months after the period covered. Data for a specified period are available for individual offices in printed copy or for all insured institutions on magnetic tape. Information may be requested for all offices of an individual institution or all offices of all insured institutions in a specified county or state.

PRINTED COPY	
MOST RECENT REPORT	
1–5 pages	$3.00
Per page (6–25 pp.)	1.00
Per page (over 25 pp.)	.10
PREVIOUS REPORTS	
1–5 institutions	4.00
Per institution up to 25 institutions	2.00
Per institution thereafter	.25
MAGNETIC TAPES	
Format No. 1 (Board's internal format, containing 217 characters per record, one record per block, 800 BPI, even parity, 7 track, no label or tape mark at beginning of file; data recorded in ASCII.)	50.00
Format No. 2 (Universal EBCDIC, containing 217 characters per record, three records per block, 800 BPI, odd parity, 9 track, no label or tape mark; data recorded in EBCDIC	150.00

(ii) *Procedure.* Address all requests to: Federal Home Loan Bank Board, Industry Data Division, Information Disclosure Section, 320 First Street NW., Washington, D.C. 20552. Include requester's name, address, and telephone number. If requesting data on an individual institution, provide accurate and complete institution name and home office address and dates of data requested. For geographical requests, specify county and/or state in which the institutions or offices are located. Requesters will be billed for copies. No advance payment will be accepted.

* * * * * *

(Pub. L. 93-502 (5 U.S.C. 552); secs. 11, 17, 47 Stat. 733, 736, as amended; secs. 5, 402, 48 Stat. 132, 1256, as amended (12 U.S.C. 1431, 1437, 1464, 1725). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-20164 Filed 7-12-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1145]

EXTREMELY FLAMMABLE CONTACT ADHESIVES

Regulation of Certain Extremely Flammable Contact Adhesives Under the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

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ACTION: Proposed rule.

SUMMARY: The Commission proposes to regulate certain extremely flammable contact adhesives under the Consumer Product Safety Act (CPSA) instead of the Federal Hazardous Substances Act (FHSA), to address the risk of burns from explosive vapor ignition and flashback fire. According to the CPSA, the Commission may not regulate under the CPSA a risk of injury that could be eliminated or reduced to a sufficient extent under the FHSA, unless the Commission finds by rule that it is in the public interest to do so. The Commission has preliminarily found that it is in the public interest to regulate these products under the CPSA.

DATE: Comments concerning this proposal must be received by August 12, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Irvin Weiss, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6453).

SUPPLEMENTARY INFORMATION: The purpose of this notice is to propose a rule under section 30(d) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2079(d), to regulate certain extremely flammable contact adhesives under the CPSA. Although the risk of injury of burns from explosive vapor ignition and flashback fire associated with these products could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1274, the Commission has preliminarily determined that it is in the public interest to regulate these products under the CPSA.

The Commission believes that it is in the public interest to regulate extremely flammable contact adhesives under hte CPSA rather than the FHSA, since the rulemaking proceedings appropriate to regulate this product under the FHSA are likely to be lengthy and resource consuming.

The Commission also believes it is in the public interest to regulate this product under the CPSA since it may be more difficult for interested persons to participate in rulemaking proceedings under the FHSA than the CPSA because the proceedings under the FHSA are likely to be more complex and formal.

In order to ban hazardous household substances under section 2(q)(1)(B) of the FHSA, the Commission must follow the provisions of secton 701(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 371(e). Section 701(e) of the FFDCA provides for a two stage rulemaking. After proposing a regulation, analyzing comments, and issuing a final regulation, adversely affected persons may submit objections to the rule and request a public hearing on the objections. If the objections are legally valid, those parts of the regulation objected to are stayed and a hearing is held to receive evidence that is relevant and material to the issues raised by the objections.

After completion of the hearing, the Commission may issue a final regulation. However, this regulation must be based only on substantial evidence of record obtained at the hearing, and must set forth detailed findings of fact on which the order is based. The Commission's past experience with formal rulemaking under section 701(e) has been that these proceedings are lengthy, resource consuming, and often inefficient in eliciting information on which the Commission may make a decision.

In contrast, section 9(a)(2) of the CPSA requires bans to be issued in accordance with the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). Although the CPSA requires the Commission to provide an opportunity for oral presentation of comments before issuing a ban the oral presentation required by section 9(a)(2) is informal and nonadversarial. A ban under section 8 of the CPSA, while providing an adequate opportunity for public participation, is less likely to involve extensive delay, since the Commission is not required to utilize formal rulemaking. In addition, since the proceedings under section 8 of the CPSA are less complex and formal than those under the FHSA, the Commission is more likely to obtain participation from interested persons, including consumers, if the rulemaking is conducted under the FHSA.

The Commission has also preliminarily determined that it is in the public interest to regulate extremely flammable contact adhesives under the CPSA rather than the FHSA, since the CPSA, unlike the FHSA, provides that persons who knowingly violate the Act are subject to civil penalties. The civil penalty provision may provide additional incentive for compliance under the CPSA.

However, if the Commission does decide to regulate extremely flammable contact adhesives under section 8 of the CPSA, the Commission recognizes that automatic repurchase of banned hazardous products would not be available, as it is in the case of a ban under the FHSA. Under section 15 of the FHSA, 15 U.S.C. 1274, and the accompanying regulations at 16 CFR 1500.202 and .203, hazardous substances that have been banned must be repurchased by the manufacturers, distributors, or retailers of the hazardous substance, regardless of whether the substance was banned at the time of its sale. In contrast, a ban under section 8 of the CPSA that bans products distributed in commerce on the effective date of the ban would not provide for repurchase of the banned hazardous products distributed in commerce.

Elsewhere in this FEDERAL REGISTER the Commission has proposed a ban of certain extremely flammable contact adhesives under section 8 of the CPSA.

PROPOSAL

The Commission therefore proposes below to regulate certain extremely flammable contact adhesives under the CPSA instead of the FHSA.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (sec. 30(d), 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d)), the Commission proposes that Title 16, Chapter II, Subchapter B, Part 1145 be amended by adding the following new section 1145.3:

§ 1145.3 Extremely flammable contact adhesives; risk of burns from explosive vapor ignition and flashback fire.

The Commission finds that it is in the public interest to regulate the risk of burns from explosive vapor ignition and flashback fire associated with certain extremely flammable contact adhesives under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act because of the desirability of avoiding possibly lengthy, resource consuming, and inefficient rulemaking proceedings under the Federal Hazardous Substances Act and because of the availability of civil penalties under the CPSA.

The Commission also believes that the complexity and formality of the rulemaking proceedings under the FHSA, in contrast to rulemaking proceedings under the CPSA, may make it difficult for interested persons to participate.

Interested persons are invited to submit, on or before August 12, 1977, written comments regarding this proposal. Written comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: July 8, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–20071 Filed 7–12–77;8:45 am]

[16 CFR Part 1302]

EXTREMELY FLAMMABLE CONTACT ADHESIVES

Proposed Rule Under the Consumer Product Safety Act to Declare Certain Extremely Flammable Contact Adhesives as Banned Hazardous Products; Notice of Oral Presentation

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to classify as banned hazardous products "extremely flammable" contact adhesives and similar consumer products in containers of more than one-half pint. The Commission believes this action will reduce the risk of burn injuries associated with these products. In proposing this ban, the Commission grants, in part, a petition (HP 76–9) requesting a ban of all household contact cements and adhesives containing highly flammable and toxic vapor-generating organic solvents. The Commission specifically seeks public comment on whether the ban should also include "flammable" contact adhesives, with a flash point between 20 and 80 degrees Fahrenheit.

DATES: Comments concerning this proposal must be received by September 12, 1977. Interested persons may present their views to the Commission orally on August 29, 1977.

The proposed effective date is 30 days after publication in the FEDERAL REGISTER of any final regulation. As of the effective date of any final regulation the subject contract adhesives would be banned hazardous products, including those that are distributed in commerce on the effective date of the regulation.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third floor, Washington, D.C. 20207. The opportunity for oral presentation of comments will be held on August 29, 1977 at 10 a.m. at the Consumer Product Safety Commission, 3rd Floor Hearing Room, 1111 18th Street NW., Washington, D.C. 20207. Persons wishing to attend or participate in this presentation should contact Richard Danca of the Office of the Secretary, 202–634–7700, by August 22, 1977, to make appropriate arrangements.

FOR FURTHER INFORMATION CONTACT:

Irvin Weiss, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6453).

SUPPLEMENTARY INFORMATION: The purpose of this notice is to propose a rule classifying as banned hazardous products under section 8 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2057 extremely flammable contact adhesives in containers of more than one-half pint (including similar liquid or semiliquid products in containers of more than one-half pint) having a flash point at or below 20 degrees Fahrenheit. The rule covers only such products that are produced or distributed for sale to a consumer, or produced or distributed for the personal use, consumption, or enjoyment of a consumer.

For the purposes of this document the Commission has defined "extremely flammable" as that term is defined in section 2(1) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(1). That Act defines as extremely flammable a substance that has a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester.

The Commission defines "flammable" in this document as it does under the FHSA. Section 2(1) of the FHSA also states that the term "flammable" shall apply to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester. The Commission's regulations, at 16 CFR 1500.43, prescribe a test procedure for the determination of the flash points of volatile flammable materials by the Tagliabue Open-cup apparatus.

Based on information gathered by the Commission staff and information contained in a petition (HP 76–9) filed by Barbara Peters on March 12, 1976, the Commission has preliminarily determined that extremely flammable contact adhesives and similar products in containers of more than one-half pint are being and will be distributed in commerce and present an unreasonable risk of injury of burns from explosive vapor ignition and flashback fire. The Commission has also preliminarily determined that no feasible standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with the product. Therefore, the Commission proposes a ban, under section 8 of the CPSA, of extremely flammable contact adhesives in containers of more than one-half pint having a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue open-cup tester, that are consumer products.

A. RISK OF INJURY PRESENTED BY EXTREMELY FLAMMABLE CONTACT ADHESIVES

(1) *Degree of the risk of injury presented by extremely flammable contact adhesives.* In October 1976, the Commission's staff prepared a hazard analysis concerning contact adhesive fires. According to the hazard analysis, three factors that measure burn severity are percent of body burned, days hospitalized, and whether clothing ignition occurs. Injury data sources summarized in the hazard analysis reveal that contact adhesive fires often result in a high percent of body burned, result in many days hospitalized, and usually involve clothing ignition burns. For example, 35 of the Commission's in-depth investigation reports between November 1967 and July 1976 indicate that over two-thirds (32) of the 48 injured victims were hospitalized from their burns, that over half (19) of the 32 hospitalized victims sustained burns to 30 percent or more of their body area, and that five of the victims died from their burns. Clothing ignited on over half (28) of the victims who sustained burn injuries. All except one of the victims whose clothing ignited were hospitalized (21) or died from their burns (5). The in-depth investigations summarized in the hazard analysis reveal that of the 14 victims who were treated and released, all sustained burns to their hands and arms.

The American Burn Association (ABA) participated in a special survey with the Commission to obtain an estimate of the incidence and severity of burns associated with the use of contact adhesive cements. In January 1976, the President of the ABA sent a letter to the 1,300 ABA members asking the members to record any thermal injuries or deaths that have occurred between January 1975 and March 1976 associated with contact adhesives. In November 1976, the Chairman of the ABA Committee on Burn Prevention submitted a statement to the Commission estimating that between 45 and 125 contact adhesive related injuries are treated annually in hospital emergency rooms. Although ABA members reported an annual rate of 20 severe burn injuries for the January 1975 to March 1976 period, the actual rate of severe burn injuries may be higher, since only approximately 400 hospitals, less than 10 percent of the country's short term hospitals, are represented in ABA membership. The results of the ABA survey, as reported by the ABA Chairman, showed that the injuries treated by members resulted in an average hospitalization of 42 days, almost double the length of stay for all burn victims in special facilities for burns. According to the ABA Chairman, when a burn victim experiences such a lengthy stay, it is an indication of very severe injury and predicts a lengthy period of recuperation and potentially permanent physical and psychological consequences.

The hazard analysis prepared by the Commission's staff also contains a summary of the results of the ABA survey. According to the Commission's staff, the ABA survey revealed 33 incidents with sufficient details for analysis. Nine of the victims died from their burns and 21 were hospitalized. The average body area burned was 40 percent. In addition, the victims' clothing ignited on all except three of the 33 victims.

The hazard analysis also contains a summary of contact adhesive related fires in the National Fire Protection Association's (NFPA) Fire Incident Data Organization (FIDO), a computerized file of fire experience that includes data collected from 1971 to 1975. The NFPA files contained reports of 38 fires from 1971 to 1975, seven of which occurred in residences. These seven fires resulted in injuries to fifteen persons and deaths to three persons.

In addition to the above injury information, the hazard analysis also indicates that the Commission has received three death certificates specifying the involvement of an adhesive.

According to the hazard analysis, after cases from the various data sources were verified as being mutually exclusive, at least 130 persons have been injured in contact adhesive fires since 1970. Fifteen of these persons subsequently died from the injuries they sustained in these accidents.

Technical analysis of extremely flammable contact adhesives by the Commission's staff indicates that the degree of the hazard associated with these products is such that as little as one pint of extremely flammable contact adhesive

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may produce a substantial explosion hazard.

(2) *Nature of the risk of injury presented by extremely flammable contact adhesives.* Technical analysis of these substances by the Commission's staff indicates that extremely flammable contact adhesives have a low flash point (20° F or below), a rapid evaporation rate (as a result of a high percentage of solvents, 70–90 percent by weight, a low percentage of solids, 10–30 percent by weight), and a low wet-viscosity (300–6,000 centipoise when measured by an RVF Brookfield viscometer).

Flash point, viscosity, low solid to high solvent ratio, evaporation rate, size of application area, and rate of application are factors which determine the potential for creating an ignitable vapor situation. The rapid rate of evaporation of extremely volatile, low flash point solvents from extremely flammable contact adhesives is capable of creating a highly explosive atmosphere. The flammable nature of these contact adhesives is such that the vaporized solvents from these products can be ignited by a sparking electric motor or an overlooked pilot light in an area remote from the site of use. Analysis of actual injury reports by the Commission's staff reveals that extremely flammable contact adhesives have, in fact, been ignited by many ignition sources, including oven and stove pilot lights, water heater and furnace pilot lights, electric space heaters (without any visible flame), sparks from a refrigerator motor and a wall receptacle, and friction. Analysis of available injury reports has shown that these ignition sources are frequently located in areas of the house remote from the room in which the contact adhesive is being used.

The possibility of ignition from a source in another room or another part of the house may well be overlooked by the public, in spite of warnings on the label of the product. Ignition of the vapors may result in a sudden, flash back fire from the source of vapor ignition to the container of adhesive, with little or no warning to the consumer and with the potential for serious or fatal injury to the user or bystanders. The injury information available to the Commission shows that the vast majority of accidents occur while the product is being used for its intended purpose. The potential for serious injury, therefore, appears to be present during normal use of the product.

(3) *Adequacy of cautionary labeling under the FHSA.* At the present time, extremely flammable contact adhesives distributed in containers of more than one-half pint intended or suitable for household use, must as a minimum bear the following cautionary labeling for the hazard caused by the extreme flammability of the mixture:

DANGER
EXTREMELY FLAMMABLE

VAPORS MAY CAUSE FLASH FIRE
VAPORS MAY IGNITE EXPLOSIVELY

Prevent buildup of vapors—open all windows and doors—use only with cross-ventilation.

Keep away from heat, sparks, and open flames.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of reach of children.

This cautionary labeling is presently required as a result of a labeling regulation, issued under the FHSA and found at 16 CFR 1500.133. However, an analysis prepared by the Commission staff of the available injury data indicates that in spite of the cautionary labeling, accidents have continued to occur, inflicting serious injuries in much the same manner as those accidents that occurred prior to the issuance of the 1970 labeling regulation. The in-depth investigation reports indicate that flammability warning labels were present on the contact adhesive in 31 of the total 35 cases (it is unknown whether flammability labeling was present in the other four cases). However, when the in-depth cases were analyzed by the Commission staff to determine if the user either read, comprehended, or observed the cautionary label, only eight of the 36 adult users stated that they had actually read the contact adhesive label.

Although in the injury reports available to the Commission, many persons stated that they thought they had taken the necessary precautions, the in-depth investigations indicate that most of the victims were unaware of the dangers of extremely flammable contact adhesives, in spite of the cautionary labeling. Although many users reported that they had previously used contact adhesives (the in-depth injury investigation reports showed that many of the injured were in the building construction trade) and stated that they were aware the contact adhesives were flammable, the users apparently underestimated the hazards associated with the product, in spite of existing cautionary labeling.

Based on currently available injury information, it may reasonably be concluded that the present labeling requirements recommend protective measures that are unlikely to be followed in practice. For example, on the day of the accident, the user may take some precautions, yet may overlook an unsuspected ignition source with disastrous consequences. Or, as another example, the currently required labeling directs the user to open all windows and doors to prevent buildup of vapors. However, in winter time, or in cold areas of the country, consumers may be less likely to follow this recommendation, or may follow the recommendation but use a space heater, presenting an ignition source.

The cautionary labeling presently required could be revised to include more explicit and graphic warnings. However, as a result of the degree and nature of the risk of injury presented by the product, this labeling would also provide inadequate protection to the public. The degree and nature of the risk of injury is such that a bystander or visitor could present an ignition source resulting in an accident. (In one in-depth investigation, a co-worker standing nearby struck a match to light a cigarette, causing the contact adhesive vapors to ignite.) Since the bystander or visitor would not normally have an opportunity to read the warning label on the product, additional labeling would not benefit these potential victims.

Having considered available information concerning the degree of the risk of injury associated with the product, including the frequency and severity of injuries, and the nature of the risk of injury associated with the product, the Commission has preliminarily determined that certain extremely flammable contact adhesives present an unreasonable risk of injury from sudden vapor explosion and flash back fire.

B. Feasibility of a Standard Under the CPSA

The Commission finds preliminarily that there is no known technology that, when applied to contact adhesives, as defined in this proposal, would adequately protect the public. Although a standard under the CPSA may require a product to bear warnings or instructions, the Commission, at section A(3) of this notice, has discussed why present cautionary labeling is inadequate and has discussed why modification of the present cautionary labeling or additional cautionary labeling would not adequately protect the public.

For these reasons, the Commission preliminarily determines that there is no feasible consumer product safety standard under the CPSA that would adequately protect the consumer from the unreasonable risk of injury associated with contact adhesives within the scope of this proposed ban.

C. Scope of the Proposed Ban

The proposed ban would apply only to extremely flammable contact adhesives and similar liquid or semiliquid products that:

1. Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue Open-Cup test method prescribed at 16 CFR 1500.43;.
2. Are intended to be applied to surfaces to be bonded toegther and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated surfaces are joined under low or moderate pressure;
3. Are composed of a high percentage (70–90 percent by weight) of solvents and a low percentage of solids (10–30 percent by weight);
4. Are products that are free-flowing, having a wet viscosity within the range of 300–6,000 centipoise when measured by an RVF Brookfield viscometer;
5. Are packaged in containers of more than one-half pint; and
6. Are consumer products.

The proposed ban would not include contact adhesives that are labeled as, marketed, and sold solely for industry use.

D. Size of Container of Contact Adhesive Covered by the Proposed Ban

The proposed ban would apply to extremely flammable contact adhesives and other similar liquid or semiliquid products that are packaged in containers of more than one-half pint. The Commission is proposing a ban of items in this size since data and technical calculations available to the Commission reveal that the volume of extremely flammable solvents from package sizes larger than one-half pint are sufficient to reach explosive atmospheric concentrations. These calculations also indicate that, during use of the product, the lower explosive limit of solvents released from containers of one-half pint or less of contact adhesive would not be reached.

It is possible that if a consumer purchased several small containers of contact adhesive (one-half pint and under) and opened them simultaneously, a flashback explosion and fire could result. However, the Commission believes that it is more likely that a consumer would not open the containers simultaneously, and thus the vapors would not reach explosive levels.

In addition, if a small container of contact adhesive (one-half pint and under) were opened and placed very near a pilot light, vapor ignition and flashback fire would probably occur. However, the Commission believes that the chance of a person being caught between the ignition source and the container during any flashback fire would be slight under these circumstances, since the container and ignition source would be in relatively close proximity.

In the injury data available to the Commission where the size of the container of contact adhesive was stated, the one gallon size container of adhesive was most frequently reported. Although the Commission has received an accident report involving approximately one-half pint of contact adhesive, this is the smallest quantity of contact adhesive reported to be involved in an accident.

Since containers involved in contact adhesive related burn injuries, where reported, were one quart or larger with only one exception, a ban of extremely flammable contact adhesives in containers larger than one-half pint should adequately protect the public. If the proposed ban is adopted, contact adhesives that are packaged in containers of one-half pint or less and that are household hazardous substances as a result of their flammability or combustibility would still be required to comply with the present cautionary labeling requirements under section 2(p) of the FHSA, and the Commission regulations under that section.

E. Possible Extension of Ban to Include Flammable Contact Adhesives

The ban proposed in this notice extends only to extremely flammable contact adhesives and similar products packaged in containers of more than one half pint and having a flash point at or below 20 degrees Fahrenheit. Several manufacturers of contact adhesives have recommended that the Commission also ban "flammable" contact adhesives (contact adhesives having a flash point above 20 degrees Fahrenheit to and including 80 degrees Fahrenheit, as defined in section 2 of the FHSA, 15 U.S.C. 1261.) These manufacturers have stated that the hazard associated with at least certain flammable contact adhesives would be similar to the hazard associated with extremely flammable contact adhesives.

According to one company, formulated products with flash points in the lower range of the flammability classification would still be fast-drying and would rapidly evolve flammable vapors when being applied. In a letter to the Commission, this company also stated that since virtually all use of these products occurs indoors at temperatures from 60–80 degrees Fahrenheit, flammable or explosive conditions would be created in the presence of an ignition source.

In a meeting with two of the Commissioners, and in a written submission, another company also indicated that certain flammable contact adhesives would present a flammability hazard similar to the hazard associated with extremely flammable contact adhesives. According to this company, the risk potential at the end of the drying period in a relatively closed room would be the same for extremely flammable and flammable contact adhesives, since at the end of the drying period the same amount of solvent would evaporate into the room regardless of the flash point of the adhesive. Therefore, the presence of an ignition source in either case at the end of the drying period could result in ignition. According to this company, only the length of time required for the vapor concentration to initially reach the hazardous range (the lower explosive limit) would differ for extremely flammable and flammable contact adhesives. This company stated that where the vapor concentration exceeds the lower explosive limit for the solvents involved, the hazard would be exactly the same. The company concluded that there is virtually no difference in risk between the two products.

The written submissions of these manufacturers and a copy of a summary of a meeting with representatives of one of these manufacturers are available in the Commission's Office of the Secretary, with the other materials relating to this proposal. (See letter dated January 26, 1977 from Roberts Consolidated Industries, Inc.; April 1, 1977 written submission by Columbia Cement Company, Inc.; log of April 1, 1977 meeting with Columbia Cement Company, Inc.; and log of May 10, 1977 meeting with Borden, Inc.)

The Commission is especially interested in receiving comments from interested persons concerning the need to extend the ban proposed here to include all flammable contact adhesives or certain flammable contact adhesives having a specified flash point between 20 degrees Fahrenheit and 80 degrees Fahrenheit. Anyone addressing this issue should provide as much information as possible about hazards associated with flammable contact adhesives they believe should be banned. In addition, commentors who believe that only flammable contact adhesives with certain flash points should be banned, should provide all available information on the reasons for this belief.

If, after considering any comments received on this matter, the Commission finds that flammable contact adhesives that are being (or will be) distributed in commerce present an unreasonable risk of injury and that no feasible consumer product safety standard would adequately protect the public from the unreasonable risk of injury associated with these products, the Commission may ban these products. Such a ban could be effective immediately and could preclude further distribution in commerce or sale of contact adhesives in the flammable range. In addition, the Commission could, if it determined that the hazard warranted it, institute proceedings under sections 12 or 15 of the Consumer Product Safety Act to recall flammable contact adhesives.

F. Anticipated Effective Date

The Commission proposes the effective date of the regulation banning certain contact adhesives be on the 30th day following issuance of any regulation. As of this date all contact adhesives, as defined in the proposal, would be banned hazardous products under section 8 of the CPSA, including contact adhesives covered by the regulation that are distributed in commerce on the effective date. (Section 3(a)(11) of the CPSA (15 U.S.C. 2052(a)(11)) provides that the term "distribute in commerce" means to sell in commerce, to introduce or deliver for introduction in commerce, or to hold for sale or distribution after introduction into commerce.) Therefore, as of the effective date, the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of products covered by this regulation would be prohibited acts under section 19(a)(2) of the CPSA. If this proposal is adopted, extremely flammable contact adhesives covered by this regulation that are distributed in commerce on or after the effective date of the regulation would be banned, even if these products were manufactured before the effective date of the regulation. In addition, unlike the automatic repurchase provisions under secton 15 of the FHSA (15 U.S.C. 1274) and the accompanying regulations at 16 CFR 1500.202 and .203, Section 8 of the CPSA does not provide for repurchase of banned hazardous products.

G. Economic Considerations

Section 9(c)(1) of the CPSA (15 U.S.C. 2058(c)(1)) requires the Commission, prior to issuing a rule declaring a product a banned hazardous product to consider and make certain findings for inclusion in the rule. The following findings are among those to be considered:

(1) The approximate number of consumer

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(1) The approximate number of consumer products, or types or classes thereof, subject to the ban;

(2) The need of the public for the consumer product subject to the ban and the probable effect of the ban on the utility, cost, or availability of the product to meet that need; and

(3) Any means of achieving the objective of the ban while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

In order to assist the Commission in making these findings, the Commission solicits, either by written comment or through oral presentation, data, views, and arguments concerning these findings.

Based on a preliminary survey of the contact adhesive industry and information provided by industry representatives, the Commission has obtained the following information concerning the industry and the impact of a ban of certain extremely flamable contact adhesives. The statistics and estimates included here are based on information available in the fall of 1976. Although the Commission is not legally required to make findings at the proposal stage and is not required to publish this information in the FEDERAL REGISTER, the Commission believes that the publication of its preliminary economic information and analysis should encourage and assist in the preparation of comments on these issues.

Although there is uncertainty as to the number of manufacturers, the volume of sales, and the patterns of distribution, the Commission staff has obtained estimates that over four million gallons of extremely flammable contact adhesives go into the consumer market annually. The Commission staff has also obtained preliminary estimates that contact adhesives remain in the distribution channel for about six months, and that about 70 percent of extremely flammable contact adhesives are packaged in containers of ½ pint or larger. According to preliminary estimates, approximately 20–50 companies actually manufacture extremely flammable contact adhesives, sixteen of these manufacturers are known to supply the consumer market. If the number of companies that repackage or relabel contact adhesives is included, then the number of companies that sell extremely flammable contact adhesives intended for the consumer market range from 100–200. Four companies are believed to have approximately 30 percent of the total market. The largest companies represent an estimated fifty percent of the extremely flammable adhesives market.

The Commission staff received estimates in the fall of 1976 that approximately eighty percent of all contact adhesives are extremely flammable. Approximately ten percent of non-flammable contact adhesives have chlorinated solvents. Contact adhesives with water based solvents represent roughly ten percent of the market.

The following four types of contact adhesives have been mentioned as possible alternatives to the flammable type:

(a) reformulated petroleum solvent-based;
(b) chlorinated solvent-based;
(c) neoprene latex-based (water);
(d) other latex based systems (water).

Conversion to alternative formulations will vary in length of time, depending on the technical expertise, economic and marketing considerations and financial capabilities of individual manufacturers. Investment requirements for conversion to other types of adhesives will also vary substantially among producers.

According to information from a chemical company that is the principal producer of 1,1,1, trichloroethene, capacity for this chemical compound appears to be sufficient to supply the needed quantity if the flammable type of contact adhesives were banned in the U.S. consumer market. However, for neoprene latex based contact adhesives, additional time may be required for producers to supply neoprene in latex form rather than in dry form.

At this time the Commission staff has not estimated whether and at what cost these formulations would provide adequate alternatives sufficient to accommodate the need of the entire consumer market. The alternative products are higher priced—currently between 50 percent and 75 percent above the price for the flammable type—and may give inferior performance as well. The chlorinated-based contact adhesives are the most expensive, but may be the closest in performance to the flammable type. The water-based adhesives may present performance problems, e.g., additional drying time, peeling, less bonding strength, poor metal bonding, although their cost to the consumers might be comparable to that for the flammable type. Per unit, the water-based contact adhesives sell for about 60 percent more than the flammable type, but cover up to twice the area. Some industry sources maintain, however, that this difference in coverage is largely theoretical and that in practice there is much waste when using the water-based type.

Banning highly flammable contact adhesives in the near future may force substitution at a time when not all producers have developed formulas for the alternatives or put them into production. Thus, a ban may cause differential impacts among producers, and probably also among distributors and retailers. Some sources suggest that it is the smaller companies which are probably the furthest from developing substitutes.

Information received by the Commission staff indicate that not all companies have developed nonflammable contact adhesives to substitute for the flammable solvent based contact adhesives. Therefore, costs of reformulating for individual companies will vary depending on how close a company is to finding and marketing a substitute. Obviously, some companies will have no costs in reformulating because they already have a water based product on the market. For other companies which need extensive research to develop a formula, the cost may be considerable and time would be needed.

One source estimated that the cost of converting could extend to $100,000 with estimates for the smallest research related costs, not changes in equipment or changes in the manufacturing process.

Several of the smallest companies primarily package contact cement in small containers and rely entirely on the consumer market. Although many of these companies only repackage or relabel, it is possible that some of them actually manufacture contact adhesives. To the extent, however, that repackagers and relabelers are involved with the marketing of adhesives in container sizes of one-half pint or smaller they will not be significantly affected since the proposed ban will not cover these container sizes. Large manufacturers of adhesives have diversified production lines and depend primarily on the industrial market for contact adhesives, thus, the economic impact on them from the proposed ban is not expected to be serious.

Several manufacturers have indicated that they have already discontinued the distribution of extremely flammable contact adhesives to the consumer market. On the other hand, some companies have informed the Commission staff of their need to have a complete line of adhesives. For this reason, these companies market extremely flammable adhesives even though they may represent only a small percentage of sales. However, the need for a complete line may not be as great for sales to non-industrial markets. Thus, a ban of extremely flammable contact adhesives produced or distributed for sale to, or use by, consumers should not affect the ability of a company to supply a complete line to industrial accounts.

H. POTENTIAL ENVIRONMENTAL IMPACT

Based on its environmental assessment, the Commission believes that the proposed ban will not significantly affect the environment and that no environmental impact statement is necessary.

Borden, Inc. recently raised a question concerning the carcinogenicity of chlorinated compounds that might be used in the manufacture of substitute contact adhesive products. Such compounds are now in limited use and the effect of the ban might be to increase their use in the manufacture of contact adhesives. Information presently available to the Commission indicates that reformulated contact adhesives will use 1,1,1-trichloroethane. 1,1,1-trichloroethane mixtures or water as solvents. The National Cancer Institute recently reported the results of a test of 1,1,1-trichloroethane for cancer-causing activity with rats and mice. NCI concluded that these studies did not show 1,1,1-trichloroethane to be carcinogenic. However, the Commission is seeking information and comment on this aspect as well as any other environmental effects of the proposed ban. Such comment could include information as to whether other chlorinated compounds are or will

be used in manufacturing reformulated contact adhesives

The environmental assessment is available for review in the Office of the Secretary of the Commission.

I. COMMISSION ACTION CONCERNING PETITION (HP 76–9)

On March 12, 1976 the Commission received a petition (HP 76–9) from Barbara Peters requesting the Commission to take regulatory action under the Consumer Product Safety Act (CPSA) concerning all contact cements or adhesives containing highly flammable and toxic vapor-generating organic solvents such as toluol and acetone. The petition requested that these substances be banned under sections 8 and 9 of the CPSA, and that action be taken under section 12 of the CPSA to have a federal district court declare these substances to be "imminently hazaradous consumer products."

The Commission originally treated this petition as a request for the Commission to initiate regulatory action under the FHSA, since section 30(d) of the CPSA, as amended, provides that the Commission must act under the FHSA if a risk of injury could be eliminated or reduced to a sufficient extent under that Act, unless the Commission by rule finds that it is in the public interest to take regulatory action under the CPSA. However, elsewhere in the FEDERAL REGISTER today, the Commission has proposed a rule to regulate extremely flammable contact adhesives under the CPSA based on a determination that it is in the public interest to take regulatory action under the CPSA. This petition has been considered as a request for the Commission to initiate a proceeding to ban, under section 8 of the CPSA, all contact cements or adhesives containing highly flammable and toxic vapor generating organic solvents such as toluol and acetone. Although the petition requested the Commission to initiate the imminent hazard remedy under section 12 of the CPSA, this remedy cannot be the subject of a petition to initiate rulemaking. In deciding to publish this notice, the Commission has granted, in part, the petition.

However, after having examined available injury data and technical analyses of contact adhesives, the Commission has determined that presently available information is insufficient to support the conclusion that all contact adhesives containing organic solvents such as toluol and acetone present unreasonable risks of injury and should be banned as a result of their flammability or toxicity.

For contact adhesives that present a flammability hazard and are packaged in containers one-half pint and smaller in size bearing the cautionary labeling required by the FHSA, the Commission is unable to find that these products present an unreasonable risk of injury at this time. As described more fully in Section D of this preamble and based on technical calculations and analysis of the product by the Commission's staff, the Commission believes that during the use of contact adhesives in sizes one-half pint and smaller, the lower explosive limit of solvents released from these products would not be reached. The Commission believes the product would not present a hazard of explosive vapor ignition and flashback fire when packaged in a container of this size. If the proposed ban were to become effective, contact adhesives packaged in containers one-half pint or less that are hazardous substances as a result of their flammability or combustibility would still be required to comply with the cautionary labeling requirements specified in section 2(p) of the FHSA and the accompanying regulations.

The Commission has also determined that insufficient information is presently available to propose a ban of all contact adhesives containing organic solvents such as toluol and acetone as a result of their toxicity. At the present time contact adhesives and other household substances that contain 10 percent or more by weight of toluene (also known as toluol) or petroleum distillates must comply with the cautionary labeling requirement specified in 16 CFR 1500.14(b)(3). Presently available information does not indicate that this labeling would not adequately protect the public from the hazards of chemical pneumonitis, pneumonia, and pulmonary edema from the aspiration of toluol or petroleum distillates that may be containd in contact adhesives. Presently available information also does not indicate that this labeling would not adequately protect the public from the hazard of systemic injury caused by inhalation of the vapor of toluol that may be contained in contact adhesives. Based on presently available information, the Commission believes that the cautionary labeling currently required adequately addresses the toxicity of contact adhesives containing toluol and petroleum distillates, and that there is insufficient information to indicate that these substances present an unreasonable risk of injury as a result of their toxicity.

Technical information available to the Commission indicates that acetone has a very low level of toxicity. Since the degree of exposure to acetone contained in flammable contact adhesives would be well below the threshold limit value at which hazardous effects might occur and since exposure is normally infrequent and of brief duration, the Commission does not believe that there is sufficient information to indicate that contact adhesives containing acetone present an unreasonable risk of injury from toxicity.

J. CONCLUSION AND PROPOSAL

On the basis of the information referred to above, the Commission has preliminarily determined that extremely flammable contact adhesives in containers of more than one-half pint (and similar liquid or semiliquid products in containers of more than one-half pint having a flash point at or below 20 degrees Fahrenheit) are being and will be distributed in commerce and present an unreasonable risk of injury to consumers as a result of the potential for sudden vapor explosion and flashback fire. The Commission has also preliminarily determined that no feasible standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with the product. The Commission therefore proposes to declare that extremely flammable contact adhesives and similar liquid or semiliquid products, as defined in this proposal, are banned hazardous products.

Accordingly, pursuant to provisions of the CPSA (secs. 8 and 9), 86 Stat. 1215–17, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058), and under authority vested in the Commission by the CPSA (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a), the Commission proposes to amend 16 CFR Part 1500 by deleting sec. 1500.133 and proposes that Title 16, Chapter II, Code of Federal Regulations, be amended by adding to Subchapter B the following new Part 1302:

PART 1302—BANNED HAZARDOUS CONTACT ADHESIVES

Sec.
1302.1 Scope and application.
1302.2 Purpose.
1302.3 Definitions.
1302.4 Banning criteria.
1302.5 Effective date.

AUTHORITY: Secs. 8, 9, 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058.

§ 1302.1 Scope and application.

(a) In this Part 1302 the Consumer Product Safety Commission (Commission) declares extremely flammable contact adhesives and similar liquid or semiliquid consumer products to be banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those extremely flammable contact adhesives and similar liquid or semiliquid consumer products, as defined in § 1302.3(b), which are in commerce or are being distributed in commerce on or after the effective date of this regulation, and which are consumer products (as defined in section 3(a) of the Act (15 U.S.C. 2052) customarily produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

(b) Contact adhesives that are labeled as, marketed, and sold solely for industrial use are not within the scope of this ban. However, merely labeling a contact adhesive for industrial or professional use only would not exclude such products from this ban. In addition, packaging a contact adhesive in a large size container would not in itself exclude the product from this ban. If the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to or use by consumers, or if the manufacturer, distributor, or retailer fosters or facili-

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tates the product's sale to, or use by, consumers the product would be considered a consumer product within the scope of this ban. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, generally would be included within the scope of this ban. The Commission has found that the contact adhesives covered by this ban are being, or will be distributed in commerce; and present an unreasonable risk of injury; and that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products.

§ 1302.2 Purpose.

The purpose of this rule is to ban extremely flammable contact adhesives which have been found to present an unreasonable risk of injury of burns resulting from explosive vapor ignition and flashback fire.

§ 1302.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1302.

(b) The term extremely flammable contact adhesive and similar liquid or semiliquid consumer products means consumer products that have each of the following product characteristics:

(i) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue Open-Cup test method prescribed by 16 CFR 1500.43; and

(ii) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated surfaces are joined under low or moderate pressure; and

(iii) Are composed of a high percentage (70–90 percent by weight) of solvents and a low percentage of solids (10–30 percent by weight); and

(iv) Are substances that are free-flowing, having a wet viscosity within the range of 300–6,000 centipoise when measured by an RVF Brookfield viscometer; and

(v) Are packaged in containers of more than one-half pint.

§ 1302.4 Banning criteria.

Any extremely flammable contact adhesive and similar liquid or semiliquid consumer product as defined in section 1302.3(b) that is produced or distributed, for sale to, or for the personal use, consumption, or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise and which is in commerce or being distributed in commerce on or after the effective date of this ban is a banned hazardous product.

§ 1302.5 Effective date.

The effective date of this ban shall be 30 days after publication of this Part 1302 in the FEDERAL REGISTER.

Written comments. Interested persons are invited to submit, on or before September 12, 1977, written comments regarding this proposal. Late received comments will be considered, if practicable. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

Oral presentations. Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments in addition to the opportunity to make written comment on any aspect of the proposed ban. The proceeding for the oral presentation will be held August 29, 1977, at 10:00 a.m. at the Commission's hearing room at 1111 18th Street NW., Washington, D.C. The procedural regulations for oral presentation, 16 CFR Part 1109, promulgated October 14, 1975 (40 FR 49122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, (202) 634–7770 no later than close of business August 22, 1977 for scheduling purposes. A summary or outline of each oral presentation and an estimate of the length of time it will require should be filed with the Office of the Secretary at least two business days prior to the oral presentation.

Section 9(c) of the CPSA (15 U.S.C. 2058(c)) requires the Commission, prior to promulgating a consumer product safety rule, to consider and make certain findings for inclusion in that rule. In order to aid the Commission in making these findings, the Commission is particularly interested in soliciting, either by written comment or through oral presentation, additional data, views and arguments as to the following:

1. The degree and nature of the risk or injury the rule is designed to eliminate or reduce;

2. The approximate number of consumer products, or types or classes thereof, subject to the rule;

3. The need of the public for the consumer product subject to such rule and the probable effect of such rule upon the utility, cost, or availability of such products to meet that need;

4. Any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;

5. The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule;

6. Whether the rule is in the public interest;

7. The feasibility of a consumer product safety standard under the CPSA to adequately protect the public from the unreasonable risk of injury associated with those extremely flammable contact adhesives which are the subject of this proposed ban;

8. The potential environmental effects of the rule; and

9. Any adverse effects that this proposed ban will have on elderly and handicapped persons.

Comments should include, to the extent possible, supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act (5 U.S.C. 552), the Commission's regulations under that Act (16 CFR 1015, 42 FR 10490 (February 22, 1977)), and the provisions of section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(2)). The particular portions of the material submitted for which confidentiality is claimed should be identified.

In making its final decision on the rule proposed herein, the record shall consist of all information available to the Commission, whether obtained during the course of this proceeding or outside of this proceeding.

Dated: July 8, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-20072 Filed 7-12-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13720; File No. S7-581]

DISSEMINATION OF PROXY INFORMATION TO BENEFICIAL OWNERS BY ISSUERS THROUGH INTERMEDIARY RECORDHOLDERS

Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission today proposed a rule amendment intended to facilitate the transmission of proxy material from publicly-held companies to beneficial shareowners through intermediaries who hold securities in street or nominee name. The proposal is intended to remove an ambiguity from the rule.

DATES: Comments on or before August 15, 1977.

ADDRESSES: Written comments submitted in triplicate should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7–581.

FOR FURTHER INFORMATION CONTACT:

Robert J. Millstone, Senior Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–755–8777).

SUPPLEMENTARY INFORMATION: In Securities Exchange Act Release No. 13719, July 5, 1977, in this issue, the Commission adopted amendments to Rule 14a–3(d) and new Rule 14b–1 under the Act. As amended, Rule 14a–3(d) provides that an issuer must inquire of certain intermediary recordholders at least 10 days before the record date for any meeting with respect to which the issuer intends to solicit proxies whether the recordholders represent other persons who are the beneficial owners of the securities, and if so, to forward in a timely manner to such intermediaries sufficient sets of material for distribution to each beneficial owner.[1]

The proposed amendments to Rule 14a–3(d) would clarify the obligation of issuers to make inquiry of intermediary recordholders who first become recordholders after the issuer's initial inquiry but on or before the record date.

PROPOSED AMENDMENT TO RULE 14a–3(d)

In Securities Exchange Act Release No. 13719, July 5, 1977 in this issue, the under the Securities Exchange Act of 1934 (the "Act") to modify an issuer's obligation under Rule 14a–3(d) to make inquiry of certain intermediary recordholders to determine whether such intermediaries represent other persons who are the beneficial owners of the securities. Specifically, the amendments require an issuer to make its inquiry at least 10 days before the record date for a meeting with regard to which the issuer intends to solicit proxies and to forward requested material in a timely manner. Several commentors suggested a need to clarify the issuer's continuing obligation to make inquiry of those persons who become recordholders during the period between the issuer's initial inquiry and the record date. They pointed out that, as amended, the rule would appear to require the issuer to make an inquiry of all persons who are intermediary recordholders at a time 10 or more days before the record date but would not require any inquiry of intermediaries who first become recordholders after the initial inquiry but by the record date.

In view of the Commission's belief that timely notification of all intermediaries is essential to the proper functioning of the proxy transmittal process, the Commission proposes to amend Rule 14a–3(d) in order to make clear that the issuer is obligated to make inquiry of all intermediaries who become recordholders on or before the issuer's record date for the meeting.

TEXT OF PROPOSED AMENDMENT

ATTENTION

The text of the following proposed amendment uses ►◄ arrows to indicate additions.

Accordingly, 17 CFR Part 240 is proposed to be amended by revising the first sentence of paragraph (d) of § 240.14a–3 to read as follows:

[1] Rule 14b–1 imposes on broker-dealer recordholders the obligation to respond to the issuer's inquiry and to forward the proxy materials promptly to the beneficial owners.

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder at least 10 days prior to the record date for the meeting of security holders (or at such later time as the rules of a national securities exchange on which the class of securities in question is listed may permit for good cause shown), ►and shall inquire of any such person who becomes a record holder after such initial inquiry but on or before the record date for the meeting of security holders,◄ whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to beneficial owners. * * *

* * * * *

STATUTORY BASIS

The Commission proposes to amend Rule 14a–3(d) pursuant to Sections 14(a) and 23(a) of the Act (15 U.S.C. 78n(a), 78w(a)).

REQUEST FOR COMMENT

Interested persons are invited to submit comments concerning the proposed amendment to Rule 14a–3(d) on or before August 15, 1977. Persons desiring to make a written submission should file three copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Reference should be made to File No. S7–581. Copies of written comments will be available for public inspection in the Commission's Public Reference Room, 1100 L Street, Washington, D.C. 20006.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 5, 1977.

[FR Doc.77–19997 Filed 7–12–77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

COMPLIMENTARY SAMPLING OF CONTROLLED SUBSTANCES

Statement of Policy and Withdrawal of Proposed Regulations

AGENCY: Drug Enforcement Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice announces the present policy of the Drug Enforcement Administration to encourage drug manufacturers of controlled substances who promote such products through the distribution of samples to doctors by detailmen to substitute other, safer promotional methods designed to reduce diversion. As a result of the adoption of this policy, the Drug Enforcement Administration hereby withdraws its proposed rule (41 FR 32756, August 5, 1976) which would have absolutely prohibited drug manufacturers and distributors from providing complimentary samples of controlled substances in schedules II through V to their customers.

FOR FURTHER INFORMATION CONTACT:

Richard Ira Lebovitz, Attorney, Office of Chief Counsel, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537 (202–382–3411).

SUPPLEMENTARY INFORMATION: On May 19, 1976, the American College of Neuropsychopharmacology (ACNP) petitioned the Administrator of the Drug Enforcement Administration to initiate proceedings for the amendment of 21 CR 1301.74(d). That section essentially permits non-practitioner registrants to distribute complimentary samples of controlled substances in schedules II through V, with certain restrictions. The ACNP petition is a proposal to amend 21 CFR 1301.74(d) so that such registrants are absolutely prohibited from distributing controlled substances in schedules II through V as complimentary samples to their current or potential customers.

On July 29, 1976, the Administrator of DEA issued a notice of proposed rulemaking in respect of the ACNP petition (41 FR 32756, August 5, 1976). In his attempt to determine whether the regulation proposed by the ACNP is necessary and appropriate, the Administrator in the Notice stated that DEA was reassessing its position on sampling and its efforts would be aided by receiving from all interested persons information concerning what the position of various State authorities is on samplying, how much of legitimate drugs are used for samplying, how samples are used by doctors, and, most importantly, how much sampling results in diversion. Six specific questions designed to guide responses to the proposal to provide such information were listed in the August 5, 1976, Notice.

Seventy comments were received by DEA in response to the Notice, and they included submissions by drug manufacturers, present and former drug detailmen, State boards of pharmacy and other State licensing authorities, pharmaceutical associations, medical associations, and individual pharmacists. In addition, the comments of the National Institute on Drug Abuse were requested and received.

DISCUSSION OF COMMENTS RECEIVED

With three exceptions, all drug manufacturers commented that they were

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against a ban on sampling such as that proposed by the ACNP petition, listing among their reasons that sampling provides one method for testing the merit and usefulness of their products, and that samplying, as a long established procedure recognized and in fact currently permitted and regulated by DEA, should not be banned unless substantial evidence of diversion compels that result.

In contrast, the majority of pharmacists, their professional associations and State boards of pharmacy commented in support of the ACNP petition to ban sampling, stating that the true clinical value of a drug cannot adequately be determined from the practice of doctors dispensing samples of drugs to ther patients in lieu of writing a prescription. In support of this, they argued that industry knowledge of the clinical efficacy of a drug does and should continue to come from well-controlled studies in conformance with established testing protocol and reporting requirements regulated and monitored by the FDA. Further, they alleged, without providing a significant statistical or factual basis, that there is a potential for diversion inherent in drug sampling and that diversion and abuse occurs widespread. Finally, from these commenters there emerged the recommendation that if sampling were to continue, that it be in the form of complimentary prescriptions or some similar method designed to permit a patient to obtain the medication his doctor wants without cost and to eliminate the sample package as the method for providing that service.

Many other thoughtful comments and observations were set forth in the responses submitted. However, those comments and observations, while generally enlightening, were determined by DEA to be neither essential nor material in assisting the agency in its tasks of resolving whether substantial evidence of diversion of controlled substances samples exists so as to require the Administrator to issue the regulation proposed by the ACNP petition.

In resolving this issue, the Administrator takes special note that the ACNP petition itself states that "[p]etitioner maintains neither that diversion of samples of controlled substances is occurring in fact, nor that physicians receiving such samples are utilizing them for other than legitimate medical purposes." Rather, the petition urges a ban on controlled substances samples because it alleges there exists in them a potential for diversion from established distribution channels.

Responsive to this basis for the petition is the viewpoint of the National Institute for Drug Abuse which was requested and received by DEA. After reviewing all the comments on sampling which DEA had received, Dr. Robert E. Willette, Chief, Research Technology Branch, Division of Research, provided the observations of NIDA which state:

After reviewing the several responses for and against the subject Notice, I am led to agree with the position that the petition should be denied. It would appear that in order to support the porhibition that a substantial potential for diversion or evidence of diversion must exist. ACNP does not present such evidence.

Much of the criticism addressed in favor of the petition was more directed at abuses in general of the sampling process, an area out of DEA's jurisdiction, rather than any specific problem with controlled drugs, in fact, both sides acknowledged that the present written request system and accountability of sample distribution for Schedule II drugs appears to offer adequate safeguards against diversion. If diversion of Schedule III–V drugs is evidenced, similar controls could be imposed.

In addition, the Office of Compliance and Regulatory Affairs of the Drug Enforcement Administration has conducted a field survey in DEA's own attempt to refine the pattern of diversion of drug samples. The results of that survey show that there have been isolated instances of diversion of controlled substances samples, mostly involving detailmen, and that it is not widespread nor is it a major area of diversion.

As a result of the DEA study, and of its review of the NIDA comment and all comments submitted in response to the proposal, and of other information available concerning the drug industry practice of sampling, the Administrator of the Drug Enforcement Administration hereby finds that:

(1) There have been specific instances of diversion of samples of controlled substances;

(2) Such instances are not widespread—they are limited and have been largely attributed to drug detailmen;

(3) There presently is not significant evidence of diversion of controlled substances samples;

(4) Instances of diversion of such samples can be further reduced if drug manufacturers eliminate their present practice of having detailmen supply samples to doctors and instead themselves distribute the samples to the doctors directly, or provide doctors with complimentary prescriptions for such drugs rather than samples of them.

DEA's Policy

Therefore, the Administrator of the Drug Enforcement Administration concludes that significant diversion has not been demonstrated which would compel promulgation of the rule proposed by the ACNP petition to prohibit nonpractitioner registrants from distributing controlled substances in schedules II–V as complimentary samples.

Accordingly, the Administrator, under the authority vested in him, declines to adopt, and hereby withdraws, the proposed § 1301.74(d) of Title 21, Code of Federal Regulations, originally published in the FEDERAL REGISTER (41 FR 32756) on August 5, 1976.

In furtherance of DEA's mission to prevent diversion of all controlled substances, the Administrator announces that it is the policy of DEA to encourage drug manufacturers not to distribute controlled substance samples through detailmen and to substitute other, safer methods of promoting their products. These methods could include sending samples to physicians directly and not through detailmen, and to institute complimentary prescriptions.

If DEA determines in the future that the pattern of diversion of controlled substances samples, by detailmen or otherwise, requires further regulation than that presently required, it will at that time take appropriate action.

Dated: July 7, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-20163 Filed 7-12-77;8:45 am]

NATIONAL MEDIATION BOARD

[29 CFR Part 1208]

FREEDOM OF INFORMATION

Fee Schedules and Procedures for Search and Duplication of Records

AGENCY: National Mediation Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed text provides reference to the Chairman, National Mediation Board, for purposes of perfecting appeal of a denied Freedom of Information Act request. An editorial change is further proposed to reflect the Board's current mailing address. The proposed text provides amended fee schedules and procedures for the search and duplication of National Mediation Board and National Railroad Adjustment Board records which are available to the public. In essence, the Board has determined that the direct cost of staff searches has increased to $1.80 per quarter-hour for clerical searches and $4.10 per quarter-hour for non-clerical searches. These costs are reflected in the subject proposals, as well as a duplication charge of fifteen cents per copy. No fee shall be charged for producing records pursuant to this part where the total direct cost to the agency is less than $5.00, or under other specified circumstances.

DATES: It is proposed to make these amendments effective August 29, 1977. Consideration will be given to all written comments received on or before August 29, 1977.

ADDRESS: Written comments should be addressed to Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, DC 20572.

FOR FURTHER INFORMATION CONTACT:

Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Telephone: 202–523–5920.

SUPPLEMENTARY INFORMATION: These proposed regulations are issued pursuant to the authority of 5 U.S.C. 552 (a)(4)(A) and 44 Stat. 577, as amended (45 U.S.C. 151 et seq.)

By direction of the National Mediation Board.

Dated: July 8, 1977.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

It is proposed that 29 CFR 1208.2 and 29 CFR 1208.6 be amended to reach as follows:

§ 1208.2 Production or disclosure of material or information.

(a) *Requests for identifiable records and copies.* (1) All requests for National Mediation Board records shall be filed in writing by mailing the request or delivering it to the Executive Secretary, National Mediation Board, Washington, D.C. 20572, except that requests for records of the National Railroad Adjustment Board shall be in writing and addressed to the Administrative Officer, National Railroad Adjustment Board, 220 South State Street, Chicago, Illinois 60604.

(2) The request shall reasonably described the records being sought in a manner which permits identification and location of the records.

(i) If the description is insufficient to locate the records, the National Mediation Board will so notify the person making the request and indicate the additional information needed to identify the records requested.

(ii) Every reasonable effort shall be made by the Board to assist in the identification and location of the records sought.

(3) Upon receipt of a request for records the Executive Secretary shall maintain records in reference thereto which shall include the date and time received, the name and address of the requester, the nature of the records requested, the action taken, the date the determination letter is sent to the requester, appeals and action thereon, the date any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request and the payment requested and received.

(4) All time limitations established pursuant to this section with respect to processing initial requests and appeals shall commence at the time a written request for records is received at the Board's offices in Washington, D.C., except for requests directed to the National Railroad Adjustment Board pursuant to § 1208.2(a)(1) in which case the time limit shall commence when the request is received at the NRAB's office in Chicago.

(i) An oral request for records shall not begin any time requirement.

(b) *Processing the Initial Request.* (1) Time limitations. Within 10 working days (excepting Saturdays, Sundays, and working holidays) after a request for records is received, the Executive Secretary shall determine and inform the requester by letter whether or the extent to which the request will be complied with, unless an extension is taken under paragraph (b)(3) of this section.

(2) Such reply letter shall include:

(i) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld.

(ii) The name or names and positions of the person or persons, other than the Executive Secretary, responsible for the denial.

(iii) A statement that the denial may be appealed within thirty days by writing to the Chairman, National Mediation Board, Washington, D.C. 20572, and that judicial review will thereafter be available in the district in which the requester resides, or has his principal place of business, or the district in which the agency records are situated, or the District of Columbia.

(3) Extension of time. In unusual circumstances as specified in this paragraph, the Executive Secretary may extend the time for initial determination on requests up to a total of ten days (excluding Saurdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragaraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) Treatment of delay as a denial. If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal, in accordance with § 1208.2c. When no determination can be dispatched within the applicable time limit, the responsible official shall nevertheless continue to process the request; on expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Chairman of the Board in accordance with § 1208.2(c) and he may ask the requester to forego appeal until a determination is made.

(c) *Appeals to the Chairman of the Board.* (1) When a request for records has been denied in whole or in part by the Executive Secretary or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Chairman of the Board. Appeals to the Chairman shall be in writing, addressed to the Chairman, National Mediation Board, Washington, D.C. 20572.

(2) The Chairman of the Board will act upon the appeal within twenty working days (excluding Saturdays, Sundays and legal public holidays) of its receipt unless an extension is made under paragraph (c)(3) of this section.

(3) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any extension granted at the initial request level pursuant to § 1208.2(b)(3). Such extension shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) Treatment of delay as a denial. If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Board records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(d) *Indexes of Certain Records.* (1) The National Mediation Board at its office in Washington, D.C. will maintain, make available for public inspection and

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copying, and publish quarterly (unless the Board determines by order published in the FEDERAL REGISTER that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

(i) A copy of such index shall be available at cost from the National Mediation Board, Washington, D.C. 20572.

(2) The National Railroad Adjustment Board at its offices in Chicago, Illinois will maintain, make available for public inspection and copying, and publish quarterly (unless the Board determines by order published in the FEDERAL REGISTER that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

§ 1208.6 Fees—duplication costs and search.

(a)(1) Unless waived in accordance with the provisions of § 1208.62, the following fees shall be imposed for the reproduction of any record disclosed pursuant to this Part.

(i) *Copying of records.* Fifteen cents per copy of each page.

(ii) *Copying of microfilm.* Fifty cents per microfilm frame.

(iii) *Clerical searches.* $1.80 for each one quarter hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(iv) *Non-clerical searches.* $4.10 for each one quarter hour spent by professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

(v) *Certification or authentication of records.* $1.00 per certification or authentication.

(vi) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(2)(i) No charge shall be assessed for time spent in resolving legal or policy questions relating to the documents or in examining records for the purpose of deleting nondisclosable portions thereof.

(ii) No charge shall be assessed for time spent in monitoring an individual who examines documents at the Board's offices.

(3) Payment shall be made by check or money order payable to "United States Treasury."

(b)(1) No fee shall be charged for disclosure of records pursuant to this part where:

(i) The cost of providing the records is less than $5.00.

(ii) The records are requested by a congressional committee or subcommittee, a Federal court, a Federal department or agency, or the General Accounting Office.

(2)(i) The Executive Secretary may waive payment of fees, in whole or in part, when he determines that the person making the request is indigent.

(ii) A person seeking such a determination shall petition the Executive Secretary in writing stating the reasons therefore.

(iii) Determinations made pursuant to this provision will be made within the discretion of the agency.

(3)(i) The Executive Secretary may reduce or waive payment of fees in whole or in part when he determines that such reduction or waiver is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(ii) Determinations pursuant to this provision shall be made within the discretion of the agency.

(4) No fee shall be charged if a record requested is not found or for any record that is determined to be totally exempt from disclosure.

[FR Doc.77-20157 Filed 7-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-1]

[FRL 709-3]

CONFLICTS OF INTEREST

Prevention

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule prohibits, for a period of one year after EPA employment, the award of noncompetitive contracts to business concerns employing certain former employees of the Agency, unless a waiver is granted by the Deputy Administrator. It also provides that competitively awarded contracts shall be in full compliance with statutes and regulations regarding the activities of former Government employees, and that these awards are not suspect of improper influence or favoritism.

DATE: Comments must be received by August 12, 1977.

ADDRESSES: Comments should be submitted to: Director, Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Frank Boyer, Contracts Policy and Review Branch, Contracts Management Division (PM-214), Environmental Protection Agency, Washington, D.C. 20460 (202-755-0900).

SUPPLEMENTARY INFORMATION: This proposed regulation was previously published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26169) as a proposed rule and comments were solicited. However, the regulation was made effective July 17, 1974. No comments were received as a result of the original publication. Because the regulation has been significantly revised since that time, it is considered appropriate to republish it and again afford interested parties an opportunity to comment prior to its adoption as a final regulation. Pending the adoption of a final regulation, the regulation published on July 17, 1974, shall remain in effect. In addition it is proposed to revise and redesignate the material presently appearing in 41 CFR 15-1.5301 as 41 CFR 15-1.5401 in order to group related subjects in the same subpart.

Dated: July 5, 1977.

DOUGLAS M. COSTLE,
Administrator

PART 15-1—GENERAL

§ 51-1.5301 [Deleted]

1. Section 15-15301 is deleted in its entirety.

2. As proposed, the new Subpart 15-1.54 would read as follows:

Subpart 15-1.54—Conflicts of Interest

Sec.

15-1.5400 Scope of subpart.
15-1.5401 Organizational.
15-1.5402 Former EPA employees.
15-1.5402-1 Definitions.
15-1.5402-2 Limitations on award of noncompetitive negotiated contracts.
15-1.5402-3 Treatment of competitive contracts.
15-1.5402-4 Waivers.
15-1.5402-5 Solicitation provision.
15-1.5402-6 Subcontracts.
15-1.5402-7 Unsolicited proposals.

AUTHORITY: Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c)

Subpart 15-1.54—Conflicts of Interest

§ 15-1.5400 Scope of subpart.

This subpart prescribes procedures for identifying and dealing with actual or apparent conflicts of interest involving (a) Contractor performance, and (b) The award of contracts to organizations employing former Environmental Protection Agency employees. This subpart is not applicable to agreements with other agencies of the Federal Government, or to contracts with State or local governments as defined in § 1-1.5402-1.

§ 15-1.5401 Organizational.

(a) It is EPA policy to avoid situations in the procurement process where, by virtue of work or services performed for EPA, or as the result of data acquired from EPA or from industry, a particular company:

(1) Is given an unfair competitive advantage over other companies in respect to future EPA business;

(2) Is placed in a position to affect Government actions under circumstances in which there is danger that the company's judgment may be biased; or

(3) Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

(b) Conflicts of this type occur most frequently in circumstances where contractors provide services involving either (1) the preparation of specifications or statements of work which are to be incorporated into a solicitation for bids or proposals or subsequent procurement actions, or (2) access to the proprietary data of other companies. In these circumstances, the following clause shall be included in both the solicitation and the resulting contract:

LIMITATION ON FUTURE CONTRACTING

(a) It is agreed by the parties to this contract that the Contractor will be restricted in its future contracting with EPA in the manner described below. Except as specifically provided in this clause, the Contractor shall be free to compete for EPA contracts on an equal basis with other companies.

(b) If the Contractor, under the terms of this contract, or through the performance of tasks pursuant to this contract, is required to develop specifications or statements of work and such specifications or statements of work are incorporated into a solicitation, the Contractor shall be ineligible to perform the work described in that solicitation as a prime or first tier subcontractor under an ensuing EPA contract. Such restriction shall remain in effect for three years following the date of the initial solicitation. It is further agreed that EPA will not unilaterally require the Contractor to prepare specifications or statements of work under this contract.

(c) To the extent that the work under this contract requires access to proprietary or confidential business or financial data of other companies, and as long as such data remain proprietary or confidential, the Contractor shall protect such data from unauthorized use and disclosure and agrees not to use them to compete with such companies.

(d) The restrictions of paragraph (b) above may be waived if it is determined that such restrictions would be detrimental to the EPA program.

The waiver provision in paragraph (d) of the clause may be exercised by the contracting officer only after receiving written approval from the Director, Contracts Management Division, EPA. Unless the circumstances of paragraph (b) or (c) of the clause are present, the fact that a contractor will perform research and development work under a support service contract is not reason for inclusion of the clause: *Provided*, That if the circumstances of paragraph (b) or (c) of the clause are introduced by a task order which is to be issued under a contract whose general scope would not have otherwise required the clause, the clause shall be incorporated in the basic contract prior to issuance of the task order.

(c) In those cases where the contracting officer determines that a potential organizational conflict of interest exists which is not covered by the clause set out in paragraph (b) of this section, he shall prepare a written analysis of the facts of the case clearly indicating the area of concern and the nature of the potential conflict. The written analysis shall be forwarded to the Director, Contracts Management Division, who after obtaining the advice of counsel, shall prepare an appropriate clause for use in the solicitation and/or the contract, or take other appropriate action.

§ 15-1.5402 Former EPA employees.

The purpose of this section is to insure that no negotiated contract is awarded to any organization that employes a former regular or special employee in circumstances which constitute an actual or apparent conflict of interest and to further insure that contract awards are not based on improper influence or favoritism.

§ 15-1.5402-1 Definitions.

For the purposes of this section, the following definitions are applicable:

(a) *Local government.* The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, and other regional or interstate governmental entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(b) *State.* "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education or hospitals.

(c) *Regular employee.* A "regular employee" is one who served in a capacity exceeding 130 days during any period of 365 consecutive days, including regular officers of the Public Health Service Commissioned Corps and Reserve Officers of the Corps while on active duty.

(d) *Special government employee.* A "special government employee" is an employee appointed to serve for not more than 130 days during any period of 365 consecutive days, either on a full time or intermittent basis, and who was so employed for more than 60 days during that 365 days.

§ 15-1.5402-2 Limitations on award of noncompetitive negotiated contracts.

(a) No contract shall be awarded without competition if the prospective contractor employs in the capacity of officer, director, other senior management employee, or proposes to employ as project officer or a major consultant on the contract, a former EPA regular employee or a former EPA special employee, or if a former EPA employee, his spouse, or minor child holds a controlling interest in the prospective contractor, provided that either of the following conditions exists:

(1) The former EPA employee is involved in developing or negotiating the proposal for the prospective contractor, or

(2) The former EPA employee will be involved, directly or indirectly, in the management, administration, or performance of any contract resulting from the proposal.

(b) The prohibition of paragraph (a) of this section shall cease one year after termination of the former employee's EPA employment.

§ 15-1.5402-3 Treatment of competitive contracts.

(a) The prohibition set forth in § 15-1.5402-2 shall not apply with respect to situations where there is adequate competition. However, the award of such contracts shall be consistent with the requirements of 18 U.S.C. 207; former EPA employees shall not exert improper influence over the award; and the award shall not be based on favoritism arising out of the employee's former employment with EPA.

(b) In those cases where the disclosure required pursuant to § 15-1.5402-5 is in the affirmative, no contract shall be awarded without the prior written approval of the Deputy Assistant Administrator for Administration, who shall determine whether award would be consistent with the standards set forth in paragraph (a) of this section.

(c) The provisions of paragraph (b) of this section shall cease to be applicable one year after the termination of the former employee's EPA employment.

§ 15-1.5402-4 Waivers.

The provisions of this section may be waived only upon written determination by the Deputy Administrator that the award would not be likely to involve a violation of 18 U.S.C. 207 or EPA regulations respecting conflicts of interest (40 CFR Part 3), and that the best interests of the Government would be served by award of the contract in view of the outstanding scientific, technological, or other qualifications of the former EPA employee who would participate in the performance of the contract.

§ 15-1.5402-5 Solicitation provision.

The following provision shall be included in all EPA solicitations (requests for proposals and invitations for bids) where the resulting contract is expected to exceed $10,000. Where the offeror or bidder fails to execute the certification, the omission shall be considered a minor informality and the offeror or bidder shall be permitted to satisfy the requirement prior to award.

CONFLICT OF INTEREST CERTIFICATION

The offeror or bidder hereby certifies that:

(a) He/she ☐ is, ☐ is not, a former EPA regular or special employee whose employment terminated within one year prior to the submission of this bid or proposal.

(b) The offeror ☐ does, ☐ does not, employ a former EPA regular or special employee, whose EPA employment terminated within one year prior to submission of this bid or proposal, and who will be involved directly or indirectly in the management, administration, or performance of any contract resulting from this bid or proposal.

(c) The offeror ☐ will, ☐ will not, employ as a consultant on any contract resulting from this bid or proposal a former regular or special EPA employee whose EPA employment terminated within one year prior to submission of this bid or proposal.

(d) A former EPA employee whose EPA employment terminated within one year prior to submission of this bid or proposal or such employee's spouse or minor child ☐ does, ☐ does not, hold a controlling interest in the offeror firm.

§ 15-1.5402-6 Subcontracts.

bobcat to learn whether the species, or

Management Act of 1976. Since the Act

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§ 15–1.5402–6 Subcontracts.

The provisions of this section do not apply to subcontracts unless the effect of such subcontracts would be to circumvent the restrictions imposed herein.

§ 15–1.5402–7 Unsolicited proposals.

Each individual or organization submitting an unsolicited proposal shall be required to execute the certification required by § 15–1.5402–5 as a condition precedent to the evaluation of the unsolicited proposal.

[FR Doc.77–20024 Filed 7–12–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1207]

[No. 36556]

CLASS I AND CLASS II MOTOR CARRIERS OF PROPERTY

Revision to Annual Reports and Uniform System of Accounts; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and order; Correction. The Notice of Proposed Rulemaking and Order, approved by the Commission June 14, 1977, and published in the FEDERAL REGISTER June 28, 1977, page 32814, should have included the following notation: By the Commission (Commissioners Brown, Hardin, and Christian not participating).

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, Chief, Section of Reports, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No. 202–275–7331.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–20145 Filed 7–12–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Bobcat and Lynx; Review of Status

AGENCY: United States Fish and Wildlife Service, Interior.

ACTION: Review of the status of the bobcat and lynx.

SUMMARY: On January 20, 1977, the Defenders of Wildlife (1244 Nineteenth Street, NW., Washington, D.C. 20036), petitioned the Department of the Interior to add the bobcat (*Lynx rufus*) to the U.S. List of Endangered and Threatened Wildlife, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). As required by section 4(c)(2) of the Act, notice is hereby given of the Department's determination that substantial evidence has been presented by the petition, and that such evidence warrants a review of the status of the bobcat to learn whether the species, or certain populations thereof, should be proposed for listing as Endangered or Threatened.

The Department also has received substantial information suggesting that a closely related species, the lynx (*Lynx canadensis*), also may have undergone a considerable decline in numbers and distribution, especially in that part of its original range within the 48 conterminous States of the United States. The Department, therefore, will conduct a review of the status of the lynx simultaneous with that of the bobcat.

DATES: Information regarding the status of the bobcat and lynx should be submitted within 120 days to the Director, U.S. Fish and Wildlife Service.

ADDRESSES: Information should be submitted to the Director (FWS/OES), Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202–343–4646.

SUPPLEMENTARY INFORMATION: The Department is seeking the views of the Governors of all States of the United States, except Hawaii, and of the Governments of Canada and Mexico. All other interested parties are hereby invited to submit any factual information which is pertinent to this review. This information, together with that provided with the petition of the Defenders of Wildlife, and that obtained from other sources, will be reviewed to determine whether the bobcat and lynx, or any populations thereof, should be listed as Endangered or Threatened.

This notice of review was prepared by Ronald M. Nowak, Office of Endangered Species.

Dated: July 5, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc.77–19989 Filed 7–12–77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FISHERY CONSERVATION AND MANAGEMENT

Procedures for Modifying Foreign Fishing Permits

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Proposed Rule.

SUMMARY: New procedures are proposed which would provide for the modification of existing foreign permits issued under the Fishery Conservation and Management Act of 1976. Since the Act does not spell out procedures for modification of a permit which has already been issued it is necessary to prescribe procedures to be followed in effecting modification. In addition, it is proposed that several corrective amendments be made to the current regulations applicable to foreign permits.

DATE: Comments must be received on or before August 15, 1977.

ADDRESS: Comments should be sent to Director, National Marine Fisheries Service (Attn: F35), Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Perry Allen, Permit Coordinator, Enforcement Division, F35, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Telephone 202–634–7265.

SUPPLEMENTARY INFORMATION: Section 204 of the Act provides procedures for issuing permits to foreign fishing vessels. The permits (1) enable foreign vessels to engage in fishing activities within the U.S. fishery conservation zone; and (2) set conditions and restrictions on such fishing activities. However, the Act does not spell out procedures for permit modifications during the life of a permit which has already been issued. It is thus necessary to prescribe, under section 305(g) of the Act, procedures to be followed in effecting modifications.

Under these proposed procedural regulations an existing foreign fishing permit could be modified in three different situations: (1) To conform with an amendment to the Foreign Fishing Regulations which implement a fishery management plan (FMP), or preliminary fishery management plan (PMP), or amendment to an FMP or PMP; (2) for purposes of "conservation and management" as defined in the Act; and (3) in response to a request for modification by the foreign nation submitting the original permit application.

In the first type of situation, a special provision for written comments or a hearing is considered unnecessary because there will be ample opportunity for comment, oral and written, during the public participation phase leading up to an amendment of an FMP or PMP and the Foreign Fishing Regulations. So that permits will be uniform for each particular fishery, and for ease in administration and enforcement, each permit issued is subject to the restrictions contained in the Foreign Fishing Regulations. For the restrictive provisions of the Foreign Fishing Regulations to be amended, there will at a minimum be an opportunity for public comment between the time the proposed amendments are published in the FEDERAL REGISTER and the date the final amendments are promulgated. In addition, the permit holder and other members of the public will have had an opportunity to comment during the evaluation of the environmental impact statement and preparation of the plan or amendment to the plan.

In the second type of situation, however, the permit modification may be made on an individual basis, without a change to the FMP, PMP, or implementing regulations. For example, certain fisheries are regulated only by PMP's, which cannot legally provide authority for directly regulating U.S. fishermen. In such a case, the availability of foreign vessels to process U.S. caught fish may induce U.S. fishermen to intensify their fishing efforts, resulting in a total catch exceeding the optimum yield established for a particular fishery by the applicable PMP. In this example, to prevent damage to the resource, it may therefore be necessary to attach conditions to the existing permits of foreign processing vessels which would limit the quantity of U.S. caught fish they may process.

Such conditions related to "fishery conservation and management" are authorized under section 204(b)(7)(D) of the Act. In fairness to the owner or operator of any vessel affected by such a proposed modification, procedures are proposed which would provide the permit holder with an opportunity for written comment and a hearing, prior to any final decision to modify a permit in this manner. Because of the indirect effects which proposed individual foreign permit modifications may have on the American fishing industry, the proposed procedures would also permit written public comment and public participation in hearings held by the Director at the request of the permit holder.

In the third type of situation, the proposed procedure would enable the Director to make immediate minor modifications to an existing permit of any foreign vessel, such as a change in the vessel's ownership, radio call sign, or homeport. Such changes would be in response to a request by the appropriate foreign nation. However, a requested change which in the Director's opinion could significantly affect fishery resources would be treated as an application for an entirely new permit and the procedures of Section 204 of the Act would apply.

As indicated above, a few corrections are also being proposed to the current Foreign Fishing Regulations, which were originally published at 42 FR 8813–45, on Friday, February 11, 1977. The most significant of these proposed amendments is the one which would request that an application for a permit be submitted to the Secretary of State at least 150 days prior to the date on which the foreign vessel is to begin fishing, rather than 120 days in advance as presently required. The agency has found, through actual experience, that the additional 30 days is desirable to allow adequate time to review and process permit applications.

Finally, we propose to condense §§ 611.3 (f), (g) and (h) of the existing regulations because they essentially duplicate 50 CFR 621.52 and 621.53, Interim Regulations on Civil Procedures, 42 FR 12026–32.

Accordingly, it is proposed to amend 50 CFR 611.3 as follows:

§ 611.3 [Amended]

1. By substituting, in § 611.3(c), the word "Director" for "Secretary."

2. By amending § 611.3(d) to read:

(d) To allow time for processing, the foreign country should submit a permit application to the Secretary of State at least 150 days prior to the date on which the foreign vessel intends to commence fishing under the desired permit.

3. By amending § 611.3(f) to read:

(f) If a foreign fishing vessel with a permit issued under this section has been used in the commission of any act prohibited by § 611.7, the Director may take such action as is appropriate and authorized by Subpart D, Part 621 of these regulations.

4. By deleting §§ 611.3 (g) and (h) of the existing regulations and substituting a new § 611.3(g) as follows:

(g) Permits issued under this section may be modified by the Director under the following conditions:

(1) The Director may modify any permit by amendment of the Foreign Fishing Regulations (Part 611 of 50 CFR) since such regulations are a part of each permit. Such a modification will be effective no sooner than ten days after publication of the final amended regulation in the FEDERAL REGISTER. Notice of the modification will be sent by the Director to (i) the Secretary of State for transmittal to each foreign nation concerned and (ii) the agent of the operator of each foreign fishing vessel involved.

(2) The Director may modify any permit for purposes of "conservation and management," as defined in section 3(2) of the Act, with respect to the fishery resources covered by the permit. Except as provided in paragraph (g)(2)(v) of this section, such modification will not take effect until the following requirements have been met:

(i) The Director shall give the agent of the operator of the foreign fishing vessel involved written notice regarding any such proposed modification, by registered mail, return receipt requested. Such notice shall specify the nature of the proposed modification along with a summary of the reasons underlying the proposal. The notice also shall advise the operator of the vessel involved: (A) That he may, within 30 days after receipt of the notice, submit written comments on the proposed modification; and (B) that he is entitled to an informal hearing on the proposed modification if his written request for such a hearing is received by the Director within 15 days after receipt of the notice.

(ii) Upon sending notice of the proposed modification to the agent of the operator of the vessel involved the Director shall publish a notice of the proposed modification in the FEDERAL REGISTER, providing for a 30 day public comment period. The Director shall also notify each appropriate Regional Fishery Management Council, the Secretary of State, and the Secretary of Transportation, asking for their written comments within 30 days of receipt of such notice.

(iii) The Director shall determine the time and place for any hearing requested, pursuant to subdivision (i) of this paragraph, by the operator of the vessel involved. Not less than 15 days prior to the date of the hearing, written notice thereof shall be: (A) Published in the FEDERAL REGISTER; and (B) given to the agent of the operator of the vessel involved, by registered mail, return receipt requested. The Director may, in his discretion, allow participation at the hearing by interested members of the public. The permit holder and others participating may submit all relevant material, data, views, comment, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(iv) The Director shall make a final decision regarding the proposed modification as soon as practicable after the close of the 30-day comment period and the hearing, if any. Notice of the modification will be published in the FEDERAL REGISTER and will be sent by the Director to the Secretary of State for transmittal to the foreign nation which submitted the original permit application, the agent of the operator of the foreign fishing vessel involved, each appropriate Regional Fishery Management Council, the Secretary of State, the Secretary of Transportation, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committees on Commerce and Foreign Relations of the Senate.

(v) Pending the Director's final decision on a proposed permit modification, the Director may, on an interim basis, make the proposed modification effective immediately or otherwise earlier than 30 days after the date of the notice of proposed modification if he finds, and summarizes such finding and the reasons therefor in the notice, that substantial harm to a fishery resource of the United States may result from a later effective date. The Director shall expedite the hearing process whenever a modification has been implemented on an interim basis.

(3) The foreign nation which submitted the original permit application may request a modification of any permit applicable to a vessel of that foreign nation, stating in writing the reasons for each requested change. The Director may make technical modifications or corrections requested by the foreign nation such as change in ownership of a vessel, homeport, or radio call sign, which will be effective immediately.

(4) When a foreign nation requests a permit change which in the opinion of the Director could significantly affect the status of any fishery resources, such a request will be treated as an application for a new permit and procedures for issuance of the permit will be in accordance with section 204 of the Act.

(5) Upon deciding to modify a permit under subparagraphs (2) or (3) of this paragraph, the Director shall promptly transmit a revised permit to the Secretary of State for transmittal to the foreign nation involved.

Dated: July 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–20078 Filed 7–12–77;8:45 am]

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It is ordered That: 1. An investigation

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-78]

PANHANDLE EASTERN PIPE LINE CO.

Supplemental Emergency Order

By order issued March 25, 1977, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), Panhandle Eastern Pipe Line Company (Panhandle) was authorized to purchase 2,000 Mcfd of emergency natural gas from Champlin Exploration Inc. (Champlin), at the Sherill Well, Woods County, Oklahoma. Panhandle was authorized to purchase these volumes as agent for its customer, Kokomo Gas and Fuel Company (Kokomo), through July 31, 1977. On July 5, 1977, Panhandle requested that its March 6, 1977 authorization be modified so that it may purchase and deliver 120,000 Mcf of the remaining available gas under the original arrangement from Champlin through July 31, 1977, at $2.25 per MMBtu, as agent for its customer Missouri Power and Light Company. Kokomo has advised Panhandle that it no longer desires to obtain all of the natural gas provided by the original authorization and has agreed to execute the instruments necessary to implement this arrangement.

Pursuant to section 6(a) and 6(c)(1) of the Act, I authorize Champlin, Panhandle, Kokomo and Missouri Power and Light to implement this arrangement which modifies the previous authorization granted on March 25, 1977. Since the parties have agreed upon the transportation charges, which are the same as the original arrangement, I find no basis on which to fix other charges. Approval of this arrangemnt is conditioned upon the submission of a sworn statement by Missouri Power and Light that the subject purchase complies with Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Panhandle, Champlin, Kokomo and Missouri Power and Light. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JULY 8, 1977.

[FR Doc.77-20093 Filed 7-12-77;8:45 am]

[Docket No. E77-122]

UNITED GAS PIPE LINE CO.

Emergency Order

On June 15, 1977, United Gas Pipe Line Company (United) filed pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)) a petition requesting (1) a finding that Mountain Fuel Supply Company (Mountain Fuel) is a "local distribution company" for purposes of section 6(a)(2) of the Act; (2) authorization for United to purchase up to 3 Bcf of natural gas from Mountain Fuel during the period ending July 31, 1977; and (3) approval of transportation of said gas by Colorado Interstate Gas Company (Colorado Interstate), Panhandle Eastern Pipeline Company (Panhandle) and Trunkline Gas Company (Trunkline). For the reasons set forth below, I deny this request.

After careful consideration of the petition, it is my determination that Mountain Fuel does not qualify as a "local distribution company" under section 6(a)(2) of the Act. Therefore, Mountain Fuel is not eligible to sell natural gas to United under section 6(a)(2) of the Act. With the denial of the purchase, there is no reason to consider United's request for transportation.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977) and shall be served upon United, Mountain Fuel, Colorado Interstate, Panhandle and Trunkline. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JULY 6, 1977.

[FR Doc.77-20092 Filed 7-12-77;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

PROPOSED ADJUSTMENT IN FEDERAL PAY FOR FISCAL 1978

Public Discussions

The Advisory Committee on Federal Pay announces public discussions of the proposed adjustment in Federal pay for Fiscal 1978, to be held on Wednesday and Thursday, July 27 and 28, in Room 10103, New Executive Office Building, 726 Jackson Place. The starting time will be announced in a subsequent issue of the FEDERAL REGISTER.

At these meetings the Committee will discuss with the President's Agent its proposals for the October increase, as well as obtain the views of any organizations representing Federal employees or any interested government officials regarding the Pay Agent's proposals. Organizations representing Federal employees or interested government officials wishing to discuss the report with the Committee orally or in writing should notify the Committee by Monday, July 25, either by writing or calling the Committee (Area Code 202-653-6193). Written comments on the report should reach the Committee at its offices—Suite 205, 1730 K Street, N.W., Washington, D.C. 20006—by Tuesday, July 26. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act) is charged with assisting the President in carrying out the policies of Section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the government of the United States and such experts as the Committee may consult.

JEROME M. ROSOW,
Chairman, Advisory Committee on Federal Pay.

[FR Doc.77-19982 Filed 7-12-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A489]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Robeson County, North Carolina, as a result of excessive rainfall May 19 through May 24, 1977, and hail, rain, and a windstorm June 6, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Hunt, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than August 29, 1977, for physical losses and March 30, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 6th day of July 1977.

DENTON E. SPRAGUE,
Acting Administrator, Farmers Home Administration.

[FR Doc.77-20136 Filed 7-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 77-7-10; Docket No. 30332; Agreement C.A.B. 26715]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority July 6, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted at the Composite Cargo Traffic Conference held in Vancouver in May 1977, has been assigned the above C.A.B. agreement number.

The agreement consists of special provisions for the institution of a freight-all-kinds rate structure between Ireland and the United Kingdom in lieu of the conventional general cargo rate and specific commodity rate structures for a one year period beginning September 1, 1977. The agreement has indirect application in air transportation insofar as the rates so established are combinable with general cargo rates to/from United States points, and it will be approved.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 275/004j, incorporated in Agreement C.A.B. 26715 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, *It is ordered* that: Agreement C.A.B. 26715 is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20123 Filed 7-12-77;8:45 am]

[Order No. 77-7-15; Docket No. 31093]

BEN-LEE MOTOR SERVICE CO.; MITCHELL AIR DISPATCH

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July, 1977.

By tariff revisions[1] issued June 10 and marked to become effective July 10, 1977, Ben-Lee Motor Service Co., d/b/a Mitchell Air Dispatch (Ben-Lee), an air freight forwarder, proposes to increase charges for excess declared value from 15 cents to 25 cents per $100 value declared in excess of 50 cents per pound or $50 per shipment, whichever is greater. The forwarder has submitted no justification in support of the proposal.

Most major forwarders currently have in effect an excess-value charge of 15 cents per $100 on their domestic traffic. The Board has suspended, pending investigation, a number of previous proposals to increase excess-valuation charges above this level where no showing has been made that existing excess-value revenues do not cover the amount of claim expense stemming from the declarations of excess value.[2] Furthermore, the Board, after hearing in Imperial Air Freight Service, Inc., Increased Excess Value Charges, Docket 23538, found a proposed increase in the excess-valuation charge from 15 to 25 cents per $100 unlawful, on the same grounds, and ordered it canceled (Order 72-4-141, April 26, 1972). As noted above, Ben-Lee has not submitted any data on the relationship between its excess-value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that the proposed charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That: 1. An investigation be instituted to determine whether the provisions in Rule No. 80(b) on 1st Revised Page 5 of C.A.B. No. 1 issued by Ben-Lee Motor Service Co. d/b/a Mitchell Air Dispatch, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 80(b) on 1st Revised Page 5 of C.A.B. No. 1 issued by Ben-Lee Motor Service Co. d/b/a Mitchell Air Dispatch, is suspended and its use deferred to and including October 7, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. This proceeding be designated Docket 31093 and be assigned for hearing before an administrative law judge of the Board at a time and place to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Ben-Lee Motor Service Co., d/b/a Mitchell Air Dispatch, which is hereby made a party to Docket 31093.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

All Members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20124 Filed 7-12-77;8:45 am]

[Order No. 77-7-17; Docket No. 31096]

HUGHES AIR CORP.; HUGHES AIRWEST

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July, 1977.

By tariff revisions[1] marked to become effective July 8, 1977, Hughes Air Corp., d/b/a Hughes Airwest (Airwest) proposes to establish round-trip excursion fares in the Yuma-Los Angeles and Yuma-Phoenix markets. The fares offer a 30-percent reduction from present regular standard fares, and the only restriction is a three-day maximum-stay requirement. The fares are marked to expire on November 21, 1978.

Airwest alleges that it intends to use the proposed excusion fares to determine if, through price experimentation, passenger traffic can be stimulated in these two markets, and that the fares will offer a cost-competitive alternative for the relatively high number of persons now traveling via surface modes. Based upon an estimated generation of 35 percent,

[1] Revisions to Mitchell Air Dispatch Tariff C.A.B. No. 1.

[2] E.g., Orders 73-3-89, 72-5-92, and prior orders cited therein.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 259.

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added cost per generated [illegible]

added cost per generated passenger of $7.20, and a total volume of 13,140 excursion-fare passengers. Airwest estimates a net positive profit-impact of $128,095 for the 18-month experimental period proposed.

The State of Arizona, Arizona Corporation Commission, and Arizona Department of Transportation (the Arizona Parties) have filed a complaint requesting suspension of the proposal. The thrust of the complaint is that Airwest's motive is to drive Cochise Airlines out of these markets. Airwest has answered denying the allegation of predation, and offering reasons for its decision to experiment in the two Yuma markets. The Arizona Parties have responded to Airwest's answer, again with the position that the proposal does not reflect an ordinary business judgment intended to stimulate traffic but rather is aimed at Cochise.[1]

Upon consideration of the proposal, the various submissions, and all relevant matters, the Board concludes that the proposed fare in the Yuma-Phoenix market may be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the complaint does not set forth sufficient facts to warrant investigation of the proposed Yuma-Los Angeles fare, and consequently the request for suspension of that fare will be denied and the complaint dismissed.

The Board strongly favors experimentation with discount fares. We believe the prosperity of this industry, and of the certificated carriers in particular, is going to depend heavily on an accentuated effort to probe the responsiveness of the market to low fares and, in so doing, to probe the opportunities of achieving economies of large traffic values.

While we are not completely satisfied with Airwest's economic justification of its discount proposal, so far as the Yuma-Los Angeles fare is concerned no one will be harmed but Airwest itself if its projections prove to be wrong. If it wants to experiment with a low fare in that market, we would certainly not stand in its way.

But the Yuma-Phoenix situation differs from Yuma-Los Angeles in one critical respect. From the record before us, it appears that Yuma-Phoenix is one of only two profitable routes on the system of Cochise Airlines, an exempt commuter carrier. Airwest's proposed fares for this market, it appears, would therefore strike at the very heart of the Cochise operations. Moreover, in March of 1976, Cochise filed an application with the C.A.B., which has been set for hearing, to become a regional certificated carrier. A portion of the application seeks to supplant Airwest at seven Arizona points, one of which is Yuma.

These are the pertinent facts: Cochise offers two daily nonstop roundtrip flights between these two points, at a rate of $76 (with tax); Airwest offers four nonstop round-trips at a rate of $84 (with tax). The latter rate reflects Airwest's general policy, which is to set its standard-class fares at 130 percent of the normal coach-fare formula, as permitted by Phase 9 of the DPFI.

In October of 1976, Airwest first discussed with Yuma officials the proposal that is now before us. It entails a 30-percent discount—from $84 to $59 for the round-trip—for passengers willing to accept a three-day maximum stay restriction. Observe that this involves a reduction not merely to the DPFI standard, as Airwest alleges, but to nine percent below it.

We are not interested in reaching conclusions about Airwest's conscious motives. The objective fact, however, is that Airwest's proposed discounted fare plan zeroes in on one of the two markets on which Cochise's survival depends. The proposed rate reduction by Airwest is clearly discriminatory and selective, in the classic geographic sense; it proposes this particular discount in only two markets in its entire system, one of which is the backbone of Cochise's system. Under Airwest's plan the fare will be reduced in the Yuma-Phoenix market not just from $84 to Cochise's $76, but $17 below that, to $59.

We understand and genuinely sympathize with the Yuma Chamber of Commerce's support for this proposal; and, under ordinary circumstances, for reasons already set forth, we would not wish to block it. But we do not see how the Board can permit that kind of experimentation when it is so obviously predatory in its effect—regardless of what the motives may be.

We wish to make it clear that we do not treat the objections of the other Arizona parties to this fare proposal as determinative of the public or consumer interest in this proceeding.

In terms of the economic assessments that the Board typically makes of discount fares such as these, the fact that they are so specifically aimed at the heart of the Cochise system casts very serious doubt on the validity of Airwests incremental cost/incremental revenue calculations; that is to say, it suggests that Airwest's economic projections are heavily influenced by the prospect that much of the additional traffic it expects to generate will represent mere diversion from this smaller competitor.

We believe in competition. We do not believe in protecting smaller competitors who do not deserve economically to survive against price competition. But we do believe also that the preservation of genuine price competition requires that we be alert to prevent the kind of discriminatory sharpshooting that it seems to us the present proposal exemplifies. If larger carriers are free to engage in such highly selective price competition, imminently threatening the very existence of smaller entrants and potential entrants—observe that Cochise was offering a lower-fare alternative to Airwest in this market—competition itself cannot survive. These smaller competitors deserve an opportunity to compete on the basis of their relative efficiency in serving particular markets, and not to be subjected to the threat of extinction by the carriers serving a much wider market territory, holding their fares elsewhere at 130 percent of the normal DPFI coach-fare level, but choosing to reduce their fares in the particular markets in which they meet this competition to 91 percent of that level.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That: 1. An investigation is instituted to determine whether the SE10 class fare between Phoenix and Yuma on 33rd Revised Page 422 of Airline Tariff Publishing Company, Agent, C.A.B. No. 259 and rules, regulations, or practices affecting such fare, is or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fare, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the fare in paragraph 1 above is suspended and its use deferred to and including October 5, 1977, unless otherwise ordered by the Board, and that no changes be made during the period of suspension except by order or special permission of the Board;

3. The motions of the State of Arizona, Arizona Corporation Commission, Arizona Department of Transportation, and Hughes Air Corp. d/b/a Hughes Airwest for leave to file otherwise unauthorized documents in Docket 30929 are granted;

4. Except to the extent granted herein the complaint in Docket 30929 is dismissed;

5. The proceeding ordered in paragraph 1 be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be filed with the aforesaid tariff and served upon the State of Arizona, Arizona Corporation Commission, Arizona Department of Transportation, Hughes Air Corp. d/b/a Hughes Airwest, and the Yuma County Chamber of Commerce which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20125 Filed 7-12-77;8:45 am]

[1] The complaint and answer were late filed, and the Procedural Regulations do not provide for responses to answers. However, all three documents were accompanied by appropriate motions for leave to file otherwise unauthorized documents which the Board will grant. In addition, the Yuma County Chamber of Commerce responded in support of Airwest's proposal. Although not accompanied by a motion to file an unauthorized document, the Board has considered that response in reaching its decision.

[Docket No. 31030; Order No. 77-6-109]

VARIOUS CARRIERS

Proposed Domestic Passenger Fare Increase; Order of Investigation and Suspension; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1977.

In FR Doc. 77-18512 published in the issue of June 29, 1977 (41 FR 33047) refer to Appendix B on page 33049 and make the following changes:

PAGE 2

On first line delete 27th Revised Pages 113 and 114.

Change the ninth line to read: 30th, 31st, 32nd, and 33rd Revised Pages 129 and 130.

Change the thirty-second and thirty-third lines to read: 32nd, 33rd, 34th, and 35th Revised Pages 185 and 186; 32nd 33rd, and 34th Revised Pages 187 and 188.

PAGE 3

Add: 35th Revised Page 380.

Change the seventh line to read: 17th Revised Pages 391 and 392.

PAGE 4

Change the twelfth and thirteenth lines to read: 13th and 14th Revised Pages 561 and 562; 14th and 15th Revised Pages 563 and 564.

Change the seventh line from bottom of the page to read: 30th and 31st Revised Pages 629.

Add: 30th, 31st, and 32nd Revised Page 630.

By the Civil Aeronautics Board.

Dated: July 7, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-20126 Filed 7-12-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the Current Population Reports, Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special-censuses conducted since June 30, 1976, for which tabulations were completed between June 1, 1977, and June 30, 1977.

Dated: July 6, 1977.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Barling City	Sebastian	Mar. 8,1977	3,145
Diaz City	Jackson	Apr. 27,1977	1,028
Dyer Town	Crawford	Apr. 18,1977	697
Valley Springs Town	Boone	Apr. 21,1977	216
Illinois:			
Flossmoor Village, annexations only	Cook	Apr. 2,1977	33
Red Bud City	Randolph	Apr. 11,1977	2,743
Iowa: Glenwood City	Mills	Apr. 4,1977	5,602
Kentucky: Oak Grove City	Christian	do	2,578
Michigan: Comstock Township	Kalamazoo	Mar. 28,1977	10,615
New York:			
Gates Town	Monroe	Apr. 11,1977	29,876
Pompey Town	Onondaga	Mar. 17,1977	4,570
Vestal Town	Broome	Apr. 7,1977	27,425
North Dakota: Beulah City	Mercer	Mar. 23,1977	1,611
Pennsylvania:			
Cranberry Township	Butler	Apr. 11,1977	9,585
Windsor Township	York	Apr. 19,1977	8,138
Texas: Sutton County		Jan. 6,1977	4,736
Wisconsin: Waukesha Town	Waukesha	Mar. 1,1977	6,283

[FR Doc.77-19881 Filed 7-12-77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 734,158: Barrier System for Dual-Pulse Rocket Motor. Filed November 5, 1976.

Patent application 740,517: Deformable Plug for an Aircraft Engine Exhaust Nozzle. Filed November 10, 1976.

Patent application 743,361: Balanced AC Correlation System. Filed November 19, 1976.

Patent application 743,386: Low Offset Field Effect Transistor Correlator Circuit. Filed November 19, 1976.

Patent application 744,497: Liquid Metal Heat Exchanger. Filed November 24, 1976.

Patent application 748,581: Pressure Actuated Collapsible Curtain Liners. Filed December 8, 1976.

Patent application 748,583: Acceleration of Ions in the Virtual Cathode of an Intense Relativistic Electron Beam. Filed December 8, 1976.

Patent Application 751,239: Method for Sealing Integral Fuel Tanks. Filed December 16, 1976.

Patent 3,998,050: Reverse Flow Aft Inlet Ramjet System. Filed March 11, 1975, patented December 21, 1976; not available NTIS.

Patent 3,998,386: Oscillating Liquid Nozzle. Filed February 23, 1976, patented December 21, 1976; not available NTIS.

Patent 3,999,281: Method for Fabricating a Gridded Schottky Barrier Field Effect Transistor. Filed January 16, 1976, patented December 28, 1976; not available NTIS.

Patent 4,000,024: Burning Rate Modifiers for Solid Propellants. Filed October 17, 1975, patented December 28, 1976; not available NTIS.

Patent 4,000,366: Adaptive Gray Scale Control Circuit for Television Video Signals. Filed March 25, 1975, patented December 28, 1976; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, 400 7th Street SW., Washington, DC 20590.

Patent application 765,929: Derailment Warning Indicator. Filed February 7, 1977.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 629,245: Coating Method for Graphite. Filed November 6, 1975.

V 42 134 JUL 13 77 UMI

Patent 3,953,556: Method of Preparing Uranium Nitride or Uranium Carbonitride Bodies. Filed May 17, 1974, patented April 27, 1976; not available NTIS.

Patent 3,955,753: Gas Centrifuge with Driving Motor. Filed April 13, 1961, patented May 11, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20014.

Patent application 703,244: Test for Occult Blood. Filed July 7, 1976.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 729,751: DC to DC Converter Regulator. Filed October 5, 1976.

Patent application 733,500: Adsorbent for Polynuclear Aromatic Compounds. Filed October 18, 1976.

Patent application 741,075: Destratification Device. Filed November 11, 1976.

Patent 3,985,555: Decomposition of Chalcopyrite. Filed January 23, 1975, patented October 12, 1976; not available NTIS.

Patent 3,985,556: Reduction of Laterite Ores. Filed March 22, 1976, patented October 12, 1976; not available NTIS.

Patent 3,985,855: Recovering Copper Values from Oxidized Ores. Filed May 9, 1975, patented October 12, 1976; not available NTIS.

Patent 3,986,401: Composite Sampling Method and System. Filed October 14, 1975, patented October 19, 1976; not available NTIS.

Patent 3,987,667: Self-Contained Instrument for Measuring Subterranean Tunnel Wall Deflection. Filed June 9, 1975, patented October 26, 1976; not available NTIS.

Patent 3,988,240: Alternating Field Magnetic Separator. Filed April 5, 1973, patented October 26, 1976; not available NTIS.

Patent 3,993,455: Removal of Mineral Matter Including Pyrite from Coal. Filed June 25, 1973, patented November 23, 1976; not available NTIS.

Patent 3,996,332: Synthesis of Rutile from Titaniferous Slags. Filed December 2, 1975, patented December 7, 1976; not available NTIS.

Patent 3,997,332: Steelmaking by the Electroslag Process Using Prereduced Iron or Pellets. Filed January 8, 1976, patented December 14, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 17.

Patent application 736,299: Means for Cooling Exhaust Nozzle Sidewalls. Filed October 28, 1976.

Patent application 738,989: Optical Systems Utilizing Three-Wave Heterodyne Detectors. Filed November 4, 1976.

Patent 3,906,496: Signal Processor System. Filed January 10, 1974, patented September 16, 1975; not available NTIS.

Patent 3,929,508: Reserve Battery. Filed March 15, 1974, patented December 30, 1975; not available NTIS.

Patent 3,944,117: Rollonet Assembly. Filed April 18, 1975, patented March 16, 1976; not available NTIS.

Patent 3,965,417: Coherent Component Magnitude Detector. Filed June 26, 1975, patented June 22, 1976; not available NTIS.

Patent 3,981,449: Exhaust Cooling System. Filed January 29, 1968, patented September 21, 1976; not available NTIS.

Patent 3,983,892: Explosive Valve. Filed December 1974, patented October 5, 1976; not available NTI.

Patent 3,986,910: Composite Propellants Containing Pressure Increasing Additives. Filed April 12, 1974, patented October 19, 1976; not available NTIS.

Patent 3,990,034: Towable VLF Sonar Projector. Filed April 23, 1975, patented November 2, 1976; not available NTIS.

Patent 3,992,123: Pipe End Machining Apparatus. Filed October 1, 1975, patented November 16, 1976; not available NTIS.

Patent 3,996,422: Multiple Channel Decommutator Accumulator. Filed October 22, 1975, patented December 7, 1976; not available NTIS.

Patent 4,000,025: Incorporating Ballistic Modifiers in Slurry Cast Double Base Containing Compositions. Filed May 28, 1974, patented December 28, 1976; not available NTIS.

Patent 4,005,424: Simulator for Doppler Radar Returns from Precipitation. Filed October 24, 1975, patented January 24, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 753,964: Intumescent-Ablator Coatings Using Endothermic Fillers. Filed December 23, 1976.

Patent application 755,323: System for the Measurement of Ultra-Low Stray Light Levels. Filed December 29, 1976.

Patent 3,995,324: Actuator Device for Artificial Leg. Patented December 7, 1976; not available NTIS.

Patent 3,995,522: Precision Alinement Apparatus for Cutting a Workpiece. Patented December 7, 1976; not available NTIS.

Patent 3,995,621: Liquid Cooled Brassiere and Method of Diagnosing Malignant Tumors Therewith. Patented December 7, 1976; not available NTIS.

Patent 3,995,960: Method and Apparatus for Background Signal Reduction in Opto-Acoustic Absorption Measurement. Patented December 7, 1976; not available NTIS.

Patent 3,996,067: Silicon Nitride Coated Plastic Covered Solar Cell. Patented December 7, 1976; not available NTIS.

Patent 3,996,070: Thermocouple Installation. Patented December 7, 1976; not available NTIS.

Patent 3,996,455: Two-Dimensional Radiant Energy Array Computers and Computing Devices. Patented December 7, 1976; not available NTIS.

Patent 3,996,462: Solid-State Current Transformer. Patented December 7, 1976; not available NTIS.

Patent 3,996,464: Mass Spectrometer with Magnetic Pole Pieces Providing the Magnetic Fields for Both the Magnetic Sector and an Ion-Type Vacuum Pump. Patented December 7, 1976; not available NTIS.

Patent 3,996,468: Electron Microscope Aperture System. Patented December 7, 1976; not available NTIS.

Patent 3,996,471: Method and System for in Vivo Measurement of Bone Tissue Using a Two Level Energy Source. Patented December 7, 1976; not available NTIS.

Patent 3,996,506: Inrush Current Limiter. Patented December 7, 1976; not available NTIS.

Patent 3,996,532: Phase Modulating with Odd and Even Finite Power Series of a Modulating Signal. Patented December 7, 1976; not available NTIS.

Patent 3,997,848: Linear Phase Demodulator Including a Phase Locked Loop with Auxiliary Feedback Loop. Patented December 14, 1976; not available NTIS.

[FR Doc.77-19277 Filed 7-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 678,506: Stabilized Cavity-Dumped Nd:YAG Laser. Filed April 19, 1976.

Patent application 70,316: Protection Jacket of Chronically Instrumented Dogs. Filed July 19, 1976.

Patent application 737,115: Majority Decoding Apparatus for Geometric Codes. Filed October 29, 1976.

Patent application 737,119: Radial Optical Encoder Apparatus for Staff Angle Measurement. Filed October 29, 1976.

Patent application 738,496: Remotely Actuated Two Stage Structural Latch. Filed October 29, 1976.

Patent application 738,915: Wall and Nozzle Assembly for Colloidal Core Reactor. Filed November 4, 1976.

Patent application 738,916: Epitaxial Layer Diode in Aluminum Nitrice on Sapphire. Filed November 4, 1976.

Patent application 738,917: Automatic Reseau Measurement System. Filed November 4, 1976.

Patent application 740,516: Resistance Bridge Transducer Conditioning Circuit. Filed November 10, 1976.

Patent application 740,530: Spring Type Dogging Device. Filed November 10, 1976.

Patent application 740,584: Low Offset AC Correlator. Filed November 10, 1976.

Patent application 744,471: Low Inductance Heater Configuration for Solid State Devices and Microcircuit Substrates. Filed November 24, 1976.

Patent application 744,498: Electronically Scanned Microstrip Antenna Array. Filed November 24, 1976.

Patent application 744,499: High-power, Short-Pulse Array. Filed November 24, 1976.

Patent application 748,578: Alumium Arsenide Eutectic Gallium Arsenide Solar Cell. Filed December 8, 1976.

Patent application 748,579: Adaptive Skid Detector Threshold Apparatus. Filed December 8, 1976.

Patent application 748,584: Ion Implanted Eutectic Gallium Arenide Solar Cell. Filed December 8, 1976.

Patent application 753,959: A Subhuman Primate Restraint System. Filed December 23, 1976.

Patent application 753,960: Fuze for Explosive Magnetohydrodynamic Generator. Filed December 23, 1976.

Patent application 754,068: Mode Shift and Redundant Control. Filed December 23, 1976.

Patent application 756,942: Gas Bearing Suspended Rotating Laser Window Unit. Filed January 5, 1977.

Patent application 761,507: Method and Apparatus for Improving the Slowly Moving Target Detection Capability of an AMTI Synthetic Aperture Radar. Filed January 21, 1977.

Patent application 765,027: Ball Bearing Electrically-Conductive Pulleys. Filed February 2, 1977.

Patent application 765,028: Controlled Depth of Burial Penetrator. Filed February 2, 1977:

Patent application 767,254: Multilevel Sidelobe Canceller. Filed February 10, 1977.

Patent application 768,812: Two-Bit A/D Conversion Apparatus. Filed February 15, 1977.

Patent application 769,374: Pilot Chute Crown Line Attachment System. Filed February 16, 1977.

Patent 3,999,433: Mechanically Tuned Buffer Rod for Ultrasonic Temperature Sensor. Filed October 23, 1974, patented December 28, 1976; not available NTIS.

Patent 3,999,482: High Explosive Launcher System. Filed July 9, 1975, patented December 28, 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreement and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,993,794: Method for Texturizing Proteins. Filed January 15, 1976, patented November 23, 1976; not available NTIS.

Patent 3,998,620: Method for Controlled Release of Fluoroketones. Filed April 19, 1970, patented December 21, 1976; not available NTIS.

Patent 4,002,774: Method for Removing Seeds from Papayas. Filed August 20, 1975, patented January 11, 1977; not available NTIS.

Patent 4,007,006: Modification of Wool. Filed September 4, 1975, patented February 8, 1977; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent application 765,876: Locomotive Track Curvature Indicator. Filed February 7, 1977.

Patent 3,969,725: Distance Measuring Equipment. Filed June 12, 1974, patented July 13, 1976; not available NTIS.

Patent 3,969,730: Cross Slot Omnidirectional Antenna. Filed February 12, 1975, patented July 13, 1976; not available NTIS.

Patent 4,006,078: Preparation of Soluble Edible Protein from Leafy Green Crops. Filed April 11, 1975, patented February 1, 1977; not available NTIS.

Patent 4,006,932: Inflatable Drag Reducer for Land Vehicles. Filed July 21, 1975, patented February 8, 1977; not available NTIS.

Patent 4,010,357: Analog Visibility Computer. Filed December 8, 1975, patented March 1, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 642,439: Method and Apparatus for Monitoring Two-Phase Flow. Patented December 19, 1975.

Patent 3,951,739: Positioning and Locking Device for Fuel Pin to Grid Attachment. Filed July 15, 1974, patented April 20, 1976; not available NTIS.

Patent 3,956,063: Emergency Core Cooling System for a Fast Reactor. Filed May 24, 1973, patented May 11, 1976; not available NTIS.

Patent 3,957,575: Mechanical Design of a Light Water Breeder Reactor. Filed April 16, 1974, patented May 18, 1976; not available NTIS.

Patent 3,960,655: Nuclear Reactor for Breeding U exp 233. Filed July 9, 1974, patented June 1, 1976; not available NTIS.

Patent 3,960,994: Preparation of High Temperature Gas-Cooled Reactor Fuel Element. Filed November 26, 1974, patented June 1, 1976; not available NTIS.

Patent 3,964,964: Identification of Failed Fuel Element. Filed October 15, 1974, patented June 22, 1976; not available NTIS.

Patent 3,964,968: Molten Core Retention Assembly. Filed August 25, 1975, patented June 22, 1976; not available NTIS.

Patent 3,964,969: Internal Core Tightener. Filed June 20, 1974, patented June 22, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 614,996: Universal Modular Controller. Filed September 19, 1975.

Patent application 635,472: Chemical Encapsulation and Distribution. Filed November 26, 1975.

Patent application 680,003: An Improved Electron Beam Tube. Filed April 23, 1976.

Patent application 686,768: Device for stimulation of geothermal wells. Filed May 17, 1976.

Patent application 704,906: Digital Amp-Hour Monitor. Filed July 13, 1976.

Patent application 714,436: Diver's Pulse Stretch Sonar. Filed August 13, 1976.

Patent application 720,915: Signal Processing Devices Using Residue Class Arithmetic. Filed September 7, 1976.

Patent application 724,448: Reticle-Lens System and Method. Filed September 20, 1976.

Patent application 725,606: Pyrotechnic Smoke Composition. Filed September 22, 1976.

Patent application 737,877: Recursive Filter Mean-Level Detector. Filed November 1, 1976.

Patent application 742,400: Variables Load Energy Absorber. Filed November 16, 1976.

Patent application 744,051: Canted Rotary Seal. Filed November 22, 1976.

Patent application 763,209: Pressure-Balanced Underwater Structural Release System. Filed January 27, 1977.

Patent 3,904,871: Target Locating Circuit Using a Lateral Photoelectric Diode. Filed July 5, 1974, patented September 9, 1975; not available NTIS.

Patent 3,913,060: Thermooptic Sonar System. Filed March 4, 1974, patented October 14, 1975; not available NTIS.

Patent 3,915,219: Metal Forming Apparatus for Producing Metal Ribbon Fibers. Filed May 1, 1974, patented October 28, 1975; not available NTIS.

Patent 3,922,034: Armored Headrest. Filed April 9, 1975, patented November 25, 1975; not available NTIS.

Patent 3,934,234: Photodichroic Readout Device Using Circularly Polarized Light. Filed July 5, 1974, patented January 20, 1976; not available NTIS.

Patent 3,970,869: Low Power Driver. Filed March 3, 1975, patented July 20, 1976; not available NTIS.

Patent 3,979,089: Vertical Sensing and Control System. Filed September 22, 1975, patented September 7, 1976; not available NTIS.

Patent 3,981,239: Fluidic Link Master/Slave Fuze System. Filed September 4, 1975, patented September 21, 1976; not available NTIS.

Patent 3,987,280: Digital-to-Bandpass Converter. Filed May 21, 1975, patented October 19, 1976; not available NTIS.

Patent 3,987,292: Discrete Fourier Transform via Cross Correlation Charge Transfer Device. Filed June 2, 1975, patented October 19, 1976, not available NTIS.

Patent 3,990,035: Housing Configuration for High Resolution Sonar. Filed September 5, 1975, patented November 2, 1976; not available NTIS.

Patent 3,990,401: Marine Mammal Vacuum Recovery System. Filed March 31, 1975, patented November 9, 1976; not available NTIS.

Patent 3,991,486: Aircraft Landing Signal Officer Trainer. Filed November 7, 1975, patented November 16, 1976; not available NTIS.

Patent 3,992,573: Stereoscopic Viewer Power Supply. Filed November 19, 1975, patented November 16, 1976; not available NTIS.

Patent 3,999,174: Discontinuous Chromium Film for Memory Element. Filed September 19, 1975, patented December 21, 1976; not available NTIS.

Patent 4,000,471: TWT Grid Circuit Utilizing Feedback. Filed October 14, 1975, patented December 28, 1976; not available NTIS.

Patent 4,000,525: Ceramic Prosthetic Implant Suitable for a Knee Joint Plateau. Filed August 21, 1975, patented January 4, 1977; not available NTIS.

Patent 4,001,861: Double-Layer, Polysilicon, Two-Phase, Charge Coupled Device. Filed October 12, 1973, patented January 4, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 742,035: Aircraft Design Concept. Filed November 15, 1976.

[FR Doc.77-19278 Filed 7-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number.

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Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF JACP, Washington, D.C. 20314.

Patent application 734,842: Laser Capable of Producing a Frequency Standard. Filed November 5, 1976.

Patent application 736,287: Reactive Plasticizer for Thermoplastic Polysulfone Resins. Filed October 28, 1976.

Patent application 737,116: 1,3-Bis(Fluorodinitroethoxy) - 2,2 - Bis(Difluoramino) Propane and a Method for Its Preparation. Filed October 29, 1976.

Patent application 748,582: Fluorine Containing Polyethers. Filed December 8, 1976.

Patent application 751,238: A Balanced Input Zero Differential Detector. Filed December 16, 1976.

Patent application 751,240: Electromagnetic Ultrasound Transducer. Filed December 16, 1976.

Patent 3,968,748: Target Discriminating Bomblet. Filed January 15, 1973, patented July 13, 1976; not available NTIS.

Patent 3,998,088: Testing Apparatus for Incremental Shaft Encoder. Filed November 12, 1975, patented December 21, 1976; not available NTIS.

Patent 3,998,393: Supersonic Diffuser. Filed January 20, 1976, patented December 21, 1976; not available NTIS.

Patent 3,999,865: Method and Apparatus for Determining the Mechanism Responsible for Laser-Induced Damage. Filed December 9, 1974, patented December 28, 1976; not available NTIS.

Patent 4,000,477: Recirculation or Stirred Reactor Flow Laser. Filed February 13, 1974, patented December 28, 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 587,922: Method of Reducing Bitterness in Citrus Juices. Filed June 18, 1975.

Patent application 744,582: Process for Preparing Space-Dyed Yarn. Filed November 23, 1976.

Patent application 750,324: Preparation of Snack Fruits and Berries. Filed December 13, 1976.

Patent application 754,920: Preparation of Legume Chips. Filed December 23, 1976.

Patent application 758,897: Immobilization of Enzymes on Keratin. Filed January 13, 1977.

Patent application 758,987: Method of Reducing Bitterness and Off After-Taste. Filed January 13, 1977.

Patent application 762,899: Process for Preparing Quick-Cooking Rice Products. Filed January 26, 1977.

Patent 4,001,092: Method of Making Nnongelling Aqueous Cationic Dialdehyde Starch Compositions. Filed August 13, 1975, patented January 4, 1977; not available NTIS.

Patent 4,003,135: Specimen Holder and Technique Employed to Effect a Continuous Maximum Concentration Gradient in Critical Point Drying. Filed June 13, 1975, patented January 18, 1977; not available NTIS.

Patent 4,005,040: Foamed and Solid Rubber-Starch Graft Copolymer Compositions and Method of Preparation. Filed November 10, 1975, patented January 25, 1977; not available NTIS.

Patent 4,005,556: Lightweight Truss-Framed House. Filed September 19, 1975, patented February 1, 1977; not available NTIS.

Patent 4,009,324: Photodegradable Polyolefin Composition Containing an N-Halo Lactom. Filed April 2, 1976, patented February 22, 1977; not available NTIS.

Patent 4,011,726: Delta Culvert. Filed November 5, 1975, patented March 15, 1977; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent 4,000,564: Programmable Anthropomorphic Articulation. Filed January 7, 1976, patented January 4, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 629,950: Method for Sizing Hollow Microspheres. Filed October 29, 1975.

Patent application 627,639: Multiple Shell Fusion Targets. Filed October 31, 1975.

Patent 3,953,617: Method of Producing Encapsulated Thermonuclear Fuel Particles. Filed January 28, 1974, patented April 27, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda Md. 20014.

Patent 3,990,434: Reversible Intravasal Occlusive Device. Filed February 18, 1975, patented November 9, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va 22217.

Patent application 677,585: A Method of Focusing a Radar Antenna. Filed April 16, 1976.

Patent application 683,590: Multimodal High Pressure Waveguide Window. Filed May 5, 1976.

Patent application 700655: A Target or Torpedo Launch System. Filed June 28, 1976.

Patent application 724,128: A System for Testing Proximity Fuzes. Filed September 17, 1976.

Patent application 727,559: RF GTWT Saturating Circuit. Filed September 28, 1976.

Patent application 729,523: Narrow Angle, Narrow Bandwidth Optical Receiver System. Filed October 4, 1976.

Patent application 743,372: Dual-Frequency, Remote, Ocean Wave Spectrometer. Filed November 19, 1976.

Patent application 743,374: Stepped Dual-Frequency, Ocean-Wave, Spectrometer. Filed November 19, 1976.

Patent application 744,476: Unstable Resonator Laser System. Filed November 24, 1976.

Patent 3,891,960: Doppler Sonar System. Filed February 24, 1970, patented June 24, 1975; not available NTIS.

Patent 3,901,075: Acoustic Velocimeter for Ocean Bottom Coring Apparatus. Filed January 10, 1974, patented August 26, 1975; not available NTIS.

Patent 3,933,042: Water Level Gauge. Filed April 5, 1974, patented January 20, 1976; not available NTIS.

Patent 3,962,485: Method for Forming Uniform Stress-Free Thin Films. Filed October 20, 1975, patented June 8, 1976; not available NTIS.

Patent 3,976,369: Alpha Meter Attachment for Underwater Optical Systems. Filed February 27, 1975, patented August 24, 1976; not available NTIS.

Patent 3,978,334: Precision Laser Beam Deflection Detector. Filed September 1975, patented August 31, 1796; not available NTIS.

Patent 3,978,813: Propeller-Driven Hydrophone Array Tensioning Device. Filed January 9, 1976, patented September 7, 1976; not available NTIS.

Patent 3,981,258: Waterski Sailboat. Filed July 15, 1975, patented September 21, 1976; not available NTIS.

Patent 3,982,222: Deep Hydrophone String. Filed October 22, 1965, patented September 21, 1976; not available NTIS.

Patent 3,985,080: Two Selector Gate for Active-Passive Radio Proximity Fuzes. Filed October 30, 1967, patented October 12, 1976; not available NTIS.

Patent 3,986,115: Transient Direction Detector. Filed January 20, 1975, patented October 12, 1976; not available NTIS.

Patent 3,986,159: Air Dropped Sonobuoy. Filed September 2, 1975, patented October 12, 1976; not available NTIS.

Patent 3,987,708: Depth Insensitive Accumulator for Undersea Hydraulic Systems. Filed March 10, 1975, patented October 26, 1976; not available NTIS.

Patent 3,990,123: Inflatable Sonar Array. Filed September 22, 1975, patented November 9, 1976; not available NTIS.

Patent 3,990,386: Paired Multi-Strength Member Towcable and Associated Sequential Load Distribution System. Filed May 23, 1975, patented November 9, 1976; not available NTIS.

Patent 3,992,628: Countermeasure System for Laser Radiation. Filed July 17, 1972, patented November 16, 1976; not available NTIS.

Patent 3,996,794: Differential Depth Indicator. Filed October 17, 1966, patented December 14, 1976; not available NTIS.

Patent 4,000,022: Fast-Burning Compositions of Fluorinated Polymers and Metal Powders. Filed October 17, 1974, patented December 28, 1976; not available NTIS.

Patent 4,001,291: 2,2,2-Fluorodinitroethanol and Method of Preparation. Filed March 11, 1976, patented January 4, 1977; not available NTIS.

Patent 4,003,083: Digital Data Recording and Decoding. Filed April 15, 1975, patented January 11, 1977; not available NTIS.

Patent 4,003,291: Missile Launching Mine. Filed May 20, 1964, patented January 18, 1977; not available NTIS.

Patent 4,003,641: Low Distortion High Energy Laser Mirror. Filed July 25, 1975, patented January 18, 1977; not available NTIS.

Patent 4,003,876: Super Cooled M-Phenylene Diamine as a Curing Agent for Epoxy Resins. Filed July 25, 1975, patented January 18, 1977; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546.

Patent application 715,485: Fiber Optic Multiplex Optical Transmission System. Filed August 18, 1976.

Patent Application 746,269: Encapsulated Solar Cell Modules. Filed November 30, 1976.

Patent application 746,580: Magnetic Heat Pumping. Filed November 30, 1976.

Patent application 747,675: Actuator Mechanism. Filed December 6, 1976.

Patent application 750,792: Positive Isolation Disconnect. Filed December 15, 1976.

Patent application 753,977: Illumination Control Apparatus for Compensating Solar Light. Filed December 23, 1976.

Patent application 754,066: A CW Ultrasonic Bolt Tensioning Monitor. Filed December 23, 1976.

Patent application 758,721: A Miniature Implantable Ultrasonic Echosonometer. Filed January 12, 1977.

[FR Doc.77-19279 Filed 7-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must included the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF|JACP, Washington, D.C. 20314.

Patent application 753,966: Shearing Interferometer. Filed December 23, 1976.

Patent application 756,941: Finned Surface Cooled Nozzle. Filed January 5, 1977.

Patent application 758,878: Ejector Ramjet with Turbojet Fuel Rich Gas Generator. Filed January 12, 1977.

Patent application 761,508: Duel Manifold High Performance Throttleable Injector. Filed January 21, 1977.

Patent application 762,364: High Energy Laser Pointing and Tracking System. Filed January 25, 1977.

Patent 4,000,697: Mechanical Retention System for Use with Caseless Ammunition. Filed August 10, 1972, patented January 4, 1977; not available NTIS.

Patent 4,000,776: Heat Pipe System. Filed December 3, 1974, patented January 4, 1977; not available NTIS.

Patent 4,000,855: Bellcrank Assembly, Nozzle Actuator. Filed April 14, 1975, patented January 4, 1977, Not available NTIS.

Patent 4,001,135: Fluorine Generating Solid Formulation for Use in Chemical Lasers. Filed July 1, 1975, patented January 4, 1977; not available NTIS.

Patent 4,001,136: Fluorine Generating Formulation for Use in Chemical Lasers. Filed July 1, 1975, patented January 4, 1977; not available NTIS.

Patent 4,001,821: High Power Microwave Radar Pulse Shaping System. Filed June 16, 1975, patented January 4, 1977; not available NTIS.

Patent 4,003,658: Triangular Interferometric Light-Source Tracker. Filed July 26, 1974, patented January 18, 1977; not available NTIS.

Patent 4,004,465: Optical Window Protective Shutter Mechanism. Filed January 20, 1976, patented January 25, 1977; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 695,617: Removal of Heavy Ions from Aqueous Solutions with Insoluble Crosslinked-Starch-Xanthates. Filed January 14, 1976.

Patent application 750,340: Regeneration of Spent Activated Carbon. Filed December 13, 1976.

Patent application 768,916: Preparation of 1-alpha- and 1-beta-D-Glucose Esters by Stereoselective Acylation of Metalated 2,3,4,6-Tetra-O-Benzyl-D-Glucopyranose. Filed February 15, 1977.

Patent application 768,917: Process for Improving Baking Properties of Unbleached Cake Flour. Filed February 15, 1977.

Patent application 775,227: Preparation of Protein Isolates from Safflower Seeds. Filed March 7, 1977.

Patent 4,009,325: Photodegradable Polyolefin Composition Containing an N-Halo Urethane. Filed April 2, 1976, patented February 22, 1977; not available NTIS.

Patent 4,011,752: Adaptive Speed and Direction Analyzer. Filed February 6, 1976, patented March 15, 1977; not available NTIS.

Patent 4,012,529: Control of Marine Borer Attack on Wood. Filed March 15, 1976, patented March 15, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 632,619: Method for Preparing Spherical Theromplastic Particles of Uniform Size. Filed November 17, 1975.

Patent 3,952,246: Plasma Digital Density Determining Device. Filed May 29, 1975, patented April 20, 1976; not available NTIS.

Patent 3,958,079: Real Time, TV-Based, Point-Image Quantizer and Sorter. Filed April 25, 1975, patented May 18, 1976; not available NTIS.

Patent 3,959,710: Method for Exciting Inductive-Resistive Loads with High and Controllable Direct Current. Filed December 31, 1974, patented May 25, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 530,882: All-Sky Camera Apparatus for Time-Resolved Lightning Photography. Filed December 9, 1974.

Patent application 706,657: A temperature Compensated, High Resolution Pressure Transducer Based on Capacitance Change Principles. Filed July 19, 1976.

Patent application 715,776: Method and Apparatus for Measuring High Energy Laser Beam Power. Filed August 19, 1976.

Patent application 727,916: Specification Navy Case Number 59,807. Filed September 29, 1976.

Patent application 731,285: Optical Notch Filter. Filed October 12, 1976.

Patent application 742,815: Laser Total Reflectometer. Filed November 18, 1976.

Patent application 758,105: Turbine Blade Cooling System. Filed January 10, 1977.

Patent application 758,108: Efficient Apparatus for Projecting Acoustic Waves. Filed January 10, 1977.

Patent application 759,935: Hygrometer. Filed January 17, 1977.

Patent application 759,953: Two-Position Nozzle. Filed January 14, 1977.

Patent application 764,124: Deployable Rotor. Filed January 27, 1977.

Patent application 764,485: Deployable Rotor. Filed January 27, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2. Washington, D.C. 20546.

Patent application 709,849: Magnetic Electrical Connectors for Biomedical Percutaneous Implants. Filed July 30, 1976.

Patent application 710,032: Rotational Joint for the Prosthetic Leg. Filed July 30, 1976.

Patent application 712,981: Multistation Refrigeration System. Filed September 8, 1976.

Patent application 723,264: Composite Sandwich Lattice Structure. Filed September 14, 1976.

Patent application 734,901: Polyimide Adhesives. Filed October 22, 1976.

Patent application 744,575: Method for Producing Thin Surface Barrier Diode. Filed November 24, 1976.

Patent application 750,796: Dual Frequency Circularly Polarized Microwave Integrated Antenna. Filed December 15, 1976.

Patent application 753,965: Spacesuit Mobility Joints. Filed December 23, 1976.

Patent application 753,971: Apparatus and Method for Jet Noise Suppression. Filed December 23, 1976.

Patent application 759,965: EKG and Ultrasonoscope Display. Filed January 17, 1977.

Patent application 760,809: Sprayable Low Density Ablator. Filed January 19, 1977.

[FR Doc.77-19280 Filed 7-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent) Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an inter-

ference before the Patent and Trade-

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ferentce before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,293,158: Anodic Spark Reaction Processes and Articles: Filed September 17, 1963, patented December 20, 1966; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314

Patent application 718,270: Double Plug Shuttle Valve. Filed August 27, 1976.
Patent application 750,945: Ethynyl-Substituted Aromatic Anhydrides. Filed December 15, 1976.
Patent application 753,967: Dispersive Electromagnetic Surface Acoustic Wave Transducer. Filed December 23, 1976.
Patent application 755,296: A Reusable Silver/Silver Chloride ECG Recording Electrode. Filed December 29, 1976.
Patent application 755,297: Silver Base Brazing Alloy. Filed December 29, 1976.
Patent application 756,028: Shock Attenuating Washer. Filed December 29, 1976.
Patent application 756,041: Aluminum Base Brazing Alloy. Filed December 29, 1976.
Patent application 756,940: Staked Bearing Cutter. Filed January 5, 1977.
Patent application 762,078: Acetylene-Substituted Aromatic Benzils and Acetylene-Terminated Quinoxaline Compositions. Filed January 24, 1977.
Patent application 765,026: Differential Tri-Phase Shift Keyed Modulation. Filed February 2, 1977.
Patent application 765,719: Deployable Ground Plane Antenna. Filed February 4, 1977.
Patent application 767,199: Hearing Air Amplifier Apparatus. Filed February 9, 1977.
Patent 4,001,034: High Temperature Coatings Based on Poly (Zinc Phosphinates). Filed October 31, 1975, patented January 4, 1977; not available NTIS.
Patent 4,001,268: Substituted Phenyl-Benzimidazo Compounds. Filed July 18, 1975, patented January 4, 1977; not available NTIS.
Patent 4,001,475: Ablative Surface Insulator. Filed May 9, 1974, patented January 4, 1977; not available NTIS.
Patent 4,001,681: Vector Voltmeter. Filed January 28, 1976, patented January 4, 1977; not available NTIS.
Patent 4,001,767: Low Diffraction Loss-Low Spurious Response LiTaO3 Substrate for Surface Acoustic Wave Devices. Filed November 18, 1975, patented January 4, 1977; not available NTIS.
Patent 4,001,829: High Average Power Millimeter Duplexer. Filed August 18, 1975, patented January 4, 1977; not available NTIS.
Patent 4,002,679: Preparation of Polybenzimidazoles. Filed March 27, 1975, patented January 11, 1977; not available NTIS.
Patent 4,004,342: Fabrication of Ion Implanted P-N Junction Devices. Filed February 23, 1976, patented January 25, 1977; not available NTIS.
Patent 4,004,667: Overload Clutch with Zero Parasitic Torque. Filed September 24, 1974, patented January 25, 1977; not available NTIS.
Patent 4,005,142: Fluorocarbon Ether Bis(O-Aminophenol) Compounds. Filed September 4, 1975, patented January 25, 1977; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,952,246: Plasma Digital Density Determining Device. Filed May 29, 1975, patented April 20, 1976; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent application 732,676: Automatic Face Transfer Linear Cutting Rotary Head Continuous Mining Machine. Filed October 15, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 638,885: Test Connector. Filed December 8, 1975.
Patent application 653,491: Platform Loading System. Filed January 29, 1976.
Patent application 674,254: Meltable Bifunctional Quinoxaline Monomer and Preparation of a Polymer Therefrom. Filed April 6, 1976.
Patent application 688,210: A Capacitive-Type Displacement and Pressure Sensitive Transducer. Filed May 20, 1976.
Patent application 712,417: Polymeric-Coated HMX Crystals for Use with Propellant Materials. Filed August 6, 1976.
Patent application 716,481: Reinforced Filament-Wound Cut-Port Pressure Vessel and Method of Making Same. Filed August 20, 1976.
Patent application 723,001: A Sliding-Tone Command Receiver System. Filed September 13, 1976.
Patent application 723,696: Coating Composition and Method for Improving Propellant Tear Strength. Filed September 16, 1976.
Patent application 741,261: An Automatic Thresholding and Reference Circuit. Filed November 12, 1976.
Patent application 741,904: Short Pulse Solid State-Magnetic Modulator for Magnetron Transmitter. Filed November 15, 1976.
Patent application 745,931: Multi Element Tubular Reference Electrode (M.E.T.R.E.). Filed November 29, 1976.
Patent application 752,571: Method for Fabricating Ferroelectric Ultrasonic Transducers. Filed December 20, 1976.
Patent application 752,641: Apparatus for Performing a Discrete Cosine Transform of an Input Signal. Filed December 20, 1976.
Patent application 753,140: Motion Compensating Liquid Holding Tank. Filed December 20, 1976.
Patent application 757,819: Inductive Communication System. Filed January 10, 1977.
Patent application 762,707: Ion-Implanted Barriers for Reducing Alkali Ion Drift in Thin film Insulators. Filed January 26, 1977.
Patent application 764,135: Technique for Evaporation Suppression. Filed January 31, 1977.
Patent application 764,482: Method of Making Tuned Resonance Passive Electronic Filters. Filed January 31, 1977.
Patent application 767,424: Growth of Epitaxial Layers from a Liquid Phase. Filed February 10, 1977.
Patent application 770,330: Digital Bypassable Register Interface. Filed February 22, 1977.
Patent application 770,863: Optical Switch. Filed February 22, 1977.

[FR Doc.77-19281 Filed 7-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,573,755: Electrical Tablet for Graphic Input System. Filed February 16, 1968, patented April 6, 1971; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 754,067: Coal Catalyst. Filed December 23, 1976.
Patent application 758,879: Fusible Heat Sink for a Cryogenic Refrigerator. Filed January 12, 1977.
Patent application 765,711: Constant Impedance, Constant Phase PIN Diode Attenuator. Filed February 4, 1977.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 588,456: Vacuum Cleaner for Radioactively Contaminated Particles. Filed May 20, 1976.
Patent application 667,914: Pressure Control and Fluid Venting System for a Pressurized Container. Filed March 18, 1976.
Patent application 680,551: Data Processing System. Filed April 27, 1976.
Patent Application 687,977: A Multi-Access Memory Module for Data Processing Systems. Filed May 20, 1976.

Patent application 740,908: Double-Action Turbogenerator. Filed November 11, 1976.
Patent Application 743,428: A Thin Foil Pulse Transformer Coil for Reducing Distributed and Leakage Inductance. Filed November 18, 1976.
Patent application 745,736: Mini-Boat. Filed November 29, 1976.
Patent application 747,833: Portable Recompression Chamber with Air Scrubber. Filed December 6, 1976.
Patent application 753,026: Controllable Gas Generator. Filed December 22, 1976.
Patent application 768,657: Variable Power Attenuator for Light Beams. Filed February 14, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 668,771: Magnetometer. Filed March 19, 1976.
Patent application 740,153: Electroexplosive Device. Filed November 8, 1976.
Patent application 742,034: Overload Protection System for Power Inverter. Filed November 15, 1976.
Patent application 744,477: Swept Group Delay Measurement. Filed November 24, 1976.
Patent application 744,577: Surface Roughness Measuring System. Filed November 24, 1976.
Patent application 760,810: Process for Preparing Higher Oxides of the Alkali and Alkaline Earth Metals. Filed January 19, 1977.
Patent application 764,253: Method of Electrically Pre-Stressing Insulation to Provide Directional Increase in DC Potential Breakdown. Filed January 31, 1977.
Patent application 764,329: Aspirin/Metiamide Composition. Filed January 31, 1977.
Patent application 768,795: Traveling Wave Tube Circuit. Filed February 15, 1977.
Patent 3,999,886: Hingeless Helicopter Rotor with Improved Stability. Patented December 28, 1976; not available NTIS.
Patent 4,000,682: Solid Propellant Rocket Motor and Method of Making Same. Patented January 4, 1977; not available NTIS.
Patent 4,001,552: Method and Apparatus for Measuring Web Material Wound on a Reel. Patented January 4, 1977; not available NTIS.
Patent 4,001,602: Electronic Analog Divider. Patented January 4, 1977; not available NTIS.
Patent 4,003,004: Frequency Modulated Oscillator. Patented January 11, 1977; not available NTIS.
Patent 4,003,084: Method of and Means for Testing a Tape Record/Playback System. Patented January 11, 1977; not available NTIS.
Patent 4,005,574: Reverse Pitch Fan with Divided Splitter. Patented February 1, 1977; not available NTIS.

[FR Doc.77-19282 Filed 7-12-77;8:45 am]

Domestic and International Business Administration

EXPORT ADMINISTRATION REGULATIONS

Amendments to Export Administration Regulations Regarding Foreign Boycotts

On June 22, 1977, the President signed into law the Export Administration Amendments of 1977 (Pub. L. 95-52). Title II (entitled "Foreign Boycotts") of this new law strengthens the anti-boycott provisions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401, et seq.), and will require major revisions to the Restrictive Trade Practices or Boycotts part of the Export Administration Regulations, issued by the Department of Commerce (Part 369, Title 15, Code of Federal Regulations).

In general, Title II prohibits United States persons from complying with most foreign boycott requirements, including the furnishing of most boycott-related information. Substantial increased penalties are authorized for violations of the law. Title II also requires reports to this Department on foreign boycott requests, and requires the issuance of rules and regulations to implement these and other provisions of the law. Since the Secretary of Commerce has been delegated by Executive Order the responsibility for issuing these regulations, this Notice establishes the procedures the Department will follow in developing and promulgating the proposed and final new boycott regulations.

The promulgation of these boycott regulations is exempt from Administrative Procedure Act rulemaking procedures. However, because of the importance and complexity of the issues, the Department is inviting public participation in their development. All persons who desire to comment are encouraged to do so at the earliest possible time so as to permit the fullest consideration of their views. Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format. The Department expects to publish the proposed regulations in the FEDERAL REGISTER shortly before the expiration of the statutory 90-day period following the date of enactment of Public Law 95-52 (i.e., shortly before September 21, 1977), and expects to allow 60 days thereafter for submission of comments on the proposed regulations. The Department expects to publish final regulations in the FEDERAL REGISTER, after taking into consideration the comments received, shortly before the expiration of the statutory 120-day period following the date of publication of the proposed regulations in the FEDERAL REGISTER.

Written public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations. Likewise, comments received after the close of the comment period will not be accepted or considered.

All public comments to be considered in the development of these boycott regulations will be a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

Written comments concerning the proposed regulations should be addressed to:

U.S. Department of Commerce, P.O. Box 320, Benjamin Franklin Station, Washington, D.C. 20044.

Oral communications should be directed to:

Stanley J. Marcuss, Deputy Assistant Secretary For Trade Regulation, 202-377-5491 or Kent N. Knowles, Acting Assistant General Counsel for Domestic and International Business 202-377-5301.

The public record concerning these boycott regulations will be maintained in the Domestic and International Business Administration, Freedom of Information Records Inspection Facility, Room 3012 Main Building, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information regarding the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the Domestic and International Business Administration Freedom of Information Officer, at the the Export Administration Act of 1969, as amended by Public Law 95-52, is attached to this notice.

Dated: July 8, 1977.

C. L. HASLAM,
General Counsel.

PROVISIONS OF THE EXPORT ADMINISTRATION ACT OF 1969, AS AMENDED[1] RELATING TO FOREIGN BOYCOTTS AN ACT TO PROVIDE FOR CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Export Administration Act of 1969."

* * * * *

DECLARATION OF POLICY

Sec. 3. The Congress makes the following declarations:

* * * * *

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States *or against any United States person, (B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, sup-*

[1] Portions of the Act appearing in italic letters indicate the amendments made by Public Law 95-52, "Export Administration Amendments of 1977." One foreign boycott-related provision of Public Law 95-52 does not amend the Act. It appears in italics separately at the end of this appendix.

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plies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person, (C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

* * * * * *

AUTHORITY

Sec. 4. (a) (1) * * *

* * * * * *

(b) (1) To effectuate the policies set forth in section 3 of this Act, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, these rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. * * *

* * * * * *

FOREIGN BOYCOTTS

Sec. 4A. (a) (1) For the purpsoe of implementing the policies set forth in section 3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized Under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for

(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal cource of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country realting to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, tradenamed, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to a written contract or other agreement entered into on or before May 16, 1977. Such grace period shall end on December 31, 1978, except that the Secretary of Commerce may extend the grace period for not to exceed 1 additional year in any case in which the Secretary finds that good faith efforts are being made to renegotiate the contract or agreement in order to eliminate the provisions which are inconsistent with the rules and regulations issued pursuant to paragraph (1).

(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) (1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section (3)(5) of this Act.

* * * * * *

VIOLATIONS

Sec. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than $25,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both.

* * * * * *

(c) (1) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(2) (A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. *In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.*

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the U.S. Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) limits

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

Sec. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

(c) *Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act,* no department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest. *Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b), shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest.*

* * * * * *

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Sec. 8. *Except as provided in section 6(c)(2), the* functions exercised under this Act are excluded from the operation of sections 551, 553–559, and 701–706, of title 5 U.S. Code.

* * * * * *

DEFINITIONS

Sec. 11. As used in this Act: (1) the term "person" includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

(2) the term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

* * * * * *

TERMINATION DATE

Sec. 15. The authority granted by this Act terminates on *September 30, 1979,* or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate.

The following boycott-related provision of Public Law 95–52 is not an amendment to the Export Administration Act of 1969, as amended:

PREEMPTION

Sec. 205. The amendments made by this title[1] and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and of the territories or possessions of the United States, or of any governmental subdivision thereof, were law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

[FR Doc.77-21022 Filed 7-8-77;4:10 pm]

DEPARTMENT OF DEFENSE

Defense Logistics Agency

PRIVACY ACT OF 1974

Systems of Records

Correction

In FR Doc. 77–19235 appearing at page 34906 in the issue for Thursday, July 7, 1977, in the table on page 34906 the thirteenth entry under "New identification," now reading "160.50DLA–T," should read "S160.50DLA–T."

ENVIRONMENTAL PROTECTION AGENCY

[FRL 759-7]

CALIFORNIA STATE STANDARDS

Section 209(a)[1] of the Clean Air Act, as amended, 42 U.S.C. 1857f–6a(a), provides: "No State or any political subdivision thereof shall adopt or attempt to

[1] Title II of Public Law 95–52.

enforce any standard relating to the control of emissions from new motor vehicles

(i) Amendments to sections 2100 et seq.

year passengers, light duty trucks

identified in these spots as the public affairs

vania Avenue NW., Washington, D.C.

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enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * (or) * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency (EPA), after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act.

By letter dated June 9, 1977, and May 27, 1977, and by a telegram dated June 30, 1977, the California Air Resources Board (CARB) notified the EPA that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of EPA require a waiver of Federal preemption, and that a public hearing be held to consider these items.

The EPA has determined that the following items are within the scope of waiver requests currently under consideration, and/or within the scope of waivers currently in effect, and therefore do not require further opportunity for a public hearing:

(i) Vehicle selection amendments to the California assembly line test procedures applicable to 1978 model year medium duty vehicles, adopted January 25, 1977,[1] and

(ii) Amendments to the new motor vehicle inspection procedures for 1977 and subsequent model year motor vehicles (except motorcycles) set forth in section 2101(d) of Title 13 of the California Administrative Code, adopted on June 30, 1977.[2]

The following items require a waiver before they can be effectuated by California:

(i) Amendments to sections 2100 et seq. of Title 13 of the California Administrative Code, pertaining to compliance testing and inspection of 1978 and subsequent model year motorcycles adopted on June 30, 1977.

(ii) Restrictions on allowable maintenance applicable to 1980 and subsequent model year gasoline-powered passenger cars and 1981 and subsequent model year gasoline-powered light duty trucks and medium duty vehicles adopted May 26, 1977.

(iii) Amendments to the California exhaust emission standards and test procedures for 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles, pertaining to high altitude test requirements adopted on June 8, 1977, and

(iv) Amendments to the California exhaust emission standards and test procedures for 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles, pertaining to the 1982 and subsequent model year standards and test procedures adopted on June 22, 1977.

Therefore, I hereby give notice that:

(i) California has submitted a request for a waiver from the prohibitions of section 209(a) for a series of actions that have been taken by the CARB, and

(ii) A public hearing on these matters will be convened at the U.S. Environmental Protection Agency Regional Office (Region IX), Conference Room A, Second Floor, 100 California Street, San Francisco, California on August 3–4, 1977, commencing at 10 a.m. Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, is designated as the Presiding Officer for this hearing.

The agenda for the public hearing will be as follows:

Wednesday (August 3, 1977)—Compliance testing and inspection of 1978 and subsequent model year motorcycles under section 2100 et seq. of Title 13 of the California Administrative Code; restrictions on allowable maintenance for 1980 and subsequent model year gasoline-powered passenger cars and 1981 and subsequent model year gasoline-powered light duty trucks and medium duty vehicles; high altitude test requirements for 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles.

Thursday (August 4, 1977)—California exhaust emission standards and test procedures for 1982 and subsequent model year passenger cars, light duty trucks and medium duty vehicles.

Any person desiring to make a statement at the hearing or to submit material for the hearing record should file a notice of such intention along with ten copies of his or her proposed statement (and other relevant material) by August 1, 1977, with the Director, Mobile Source Enforcement Division (EN–340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In addition, if feasible, twenty-five copies of such statement or material for the hearing record should be submitted to the Presiding Officer at the time of the public hearing.

The pertinent California standards and test procedures can be found in:

(i) Sections 2101(b), 2101(c) and 2101(d), Title 13, California Administrative Code and "California New Motorcycle Compliance Test Procedures," adopted on June 30, 1977.

(ii) Section 1960(c), Title 13, California Administrative Code, adopted on May 26, 1977.

(iii) Sections 1960(a) and 1960(b), Title 13, California Administrative Code and "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light Duty Trucks, and Medium Duty Vehicles," adopted on November 23, 1976 and last amended on June 22, 1977.

A copy of the above-described material is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95812.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) Whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards;

(ii) Whether compelling and extraordinary conditions continue to exist in California; and

(iii) Whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the hearing record.

A verbatim record of the proceeding will be made, and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not presented at the public hearing may also be considered. This information will be available for public inspection prior to the Administrator's determination on this matter.

Dated: July 6, 1977.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement (EN–329).

[FR Doc.77-19848 Filed 7-12-77;8:45 am]

[1] A waiver request pertaining to California assembly line test procedures for 1978 medium duty vehicles was the subject of a public hearing held on May 16, 1977. This minor administrative change to the aforementioned procedures falls within the scope of that waiver request.

[2] A waiver request pertaining to inspection procedures for 1977 and subsequent model year motor vehicles except 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks, was the subject of a public hearing held on May 16, 1977. The amendments adopted on June 30, 1977, applicable to these classes of motor vehicles, clarify the inspection procedures being considered under the aforementioned waiver request and, being of a minor administrative nature, fall within the scope of this request. Similarly, the amendments as they pertain to 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks clarify inspection procedures which are the subject of a prior waiver. See 42 FR 19372 (April 13, 1977); Letter from Stanley W. Legro, Assistant Administrator for Enforcement, U.S. Environmental Protection Agency, to William H. Lewis, Jr., Executive Officer of the CARB (April 8, 1977). Thus, since the amendments are of a minor administrative nature, they fall within the scope of this prior waiver.

identified in these spots as the public affairs director of the corporation but not explicitly as a candidate? Requested by Leo Berman, a 1978 candidate for Congress, Fort Worth, Texas.

Dated: July 7, 1977.

THOMAS E. HARRIS,
Chairman for the Federal Election Commission.

[FR Doc.77-19984 Filed 7-12-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

DISTRICT OF COLUMBIA

State Energy Conservation Plans; Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the District of Columbia, of its State Energy Conservation Plan. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321 et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of this plan, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for this plan.

Single copies of the environmental assessment of the State Plan for the District of Columbia are available upon request from the FEA National Energy Information Center, Room 1416, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plans are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box NS, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—District of Columbia Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by 4:30 p.m., e.d.s.t., July 25, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., July 7, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-20020 Filed 7-12-77;8:45 am]

KENNECOTT COPPER CORP.

Issuance of Prohibition Order to Certain Major Fuel-Burning Installation Under Energy Supply and Environmental Coordination Act

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued a Prohibition Order, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (15 U.S.C. 791 et seq.), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 305, to the following major fuel burning installation (MFBI):

OCU Docket No.	Owner	Installation	Unit No	Location
279	Kennecott Copper Corp.	Utah Copper Division	1, 2, 3, and 4.	Salt Lake City, Utah

By Notice of Intention published in the FEDERAL REGISTER on May 13, 1977 (42 FR 24502), FEA gave notice of its intention to issue a Prohibition Order to the above-listed installation burning natural gas or petroleum products as its primary energy source.

Written comments were requested on the proposed order, and a public hearing was held in Salt Lake City, Utah, on May 24, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Prohibition Order. The order will prohibit the above-listed installation from burning natural gas or petroleum products as its primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the

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FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the in-

voked effective July 6, 1977, without

In addition to other areas of inquiry

4. Has the approval of Agreement No. ... term of the agreement through Septem... fore an Administrative Law Judge of the

FEA in accordance with Section 119(d)(1)(B) of the Clear Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements without a compliance date extension under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.37(b), and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

The above-listed installation has been served a Prohibition Order by registered mail. In addition, a copy of the Prohibition Order will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C. A copy will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–9732).

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20130 Filed 7-12-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1613]

ABACO INTERNATIONAL SHIPPERS DIVISION OF INTERNATIONAL REPRESENTATIVES CORP.

Order of Revocation

On July 6, 1977, Abaco International Shippers Division of International Representatives Corporation, 2674 North Halsted Street, Chicago, IL 60614, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1613 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1613 issued to Abaco International Shippers Division of International Representatives Corporation be and is hereby revoked effective July 6, 1977, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Abaco International Shippers Division of International Representatives Corporation.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-20132 Filed 7-12-77;8:45 am]

[Docket No. 77-33, Agreement No. 10004-3]

COMPANIA PERUANA DE VAPORES AND LYKES BROS. STEAMSHIP CO., INC.

Modification of Pooling, Sailing and Equal Access Agreement—United States Gulf Ports to Ports in Peru; Extension of Interim Approval; Order of Investigation and Hearing

Agreement No. 10044–3, between Compania Peruana de Vapores and Lykes Bros. Steamship Co., Inc., has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916. Notice of filing was published in the FEDERAL REGISTER on February 25, 1977.

The agreement modifies the basic agreement between the parties. The basic agreement provides for the maintenance of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement in the trade from United States Gulf ports to ports in Peru.

Agreement No. 10044–3 amends the basic pooling agreement by (1) reducing the number of minimum sailings required by each party from 13 to 12 per pool period, and (2) extending the term of the agreement through September 30, 1978.

As a pooling, sailing and equal access agreement, Agreement No. 10044–3 represents the ultimate in anticompetitive arrangements. There is no competition as to price or quality of service and the volume of supply is fixed by setting the number of sailings. The illegality of such activities under the Sherman Act is well established.

Any agreement which is in violation of the Sherman Act, is contrary to the public interest under section 15 of the Shipping Act, 1916, unless evidence is adduced that the agreement is required by a serious transportation need, necessary to secure important public benefits or in furtherance of a valid regulatory purpose of the Shipping Act. *Federal Maritime Commission* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968); Canadian-American Working Arrangement, "Order Denying Petition for Reconsideration" ------ F.M.C. ------, Docket No. 75–56 (Feb. 26, 1976). No such justification has been presented by the parties to support the approval of Agreement No. 10044–3. Therefore, the Commission is setting this Agreement down for investigation and hearing consistent with provisions of section 15 of the Act.

In addition to other areas of inquiry, the proceeding should include an examination of whether the equal access provision of Agreement No. 10044–3 is in furtherance of discriminatory anticompetitive laws of the Government of Peru and therefore contrary to the public interest. Another matter of inquiry is whether the equal access provision has had or will have the effect of driving competitors from the trade or precluding the entrance of new competitors into the trade.

Because the interim approval accorded Agreement No. 10044–3 will expire on June 29, 1977, and to give the parties sufficient time to reorder their affairs, we are extending our interim approval for an additional 90 days.

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 10044–3 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or is in violation of the Shipping Act, 1916, and therefore, whether it should be approved, disapproved or modified;

It is further ordered, That Compania de Vapores and Lykes Bros. Steamship Co., Inc. are hereby made Respondents in this proceeding.

It is further ordered, That in accordance with the rules of practice and procedure of this Commission (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, no later than January 8, 1978.

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That the parties address themselves to issues specifically enumerated below in addition to any other relevant issues:

1. What are the exact provisions of cargo preference laws of Peru (including any implementing decrees etc.)?
2. What effect have the cargo preference laws of Peru had on past and present third flag carriers in the trade?
3. What effect have the cargo preference laws of Peru had on past and present United States flag carriers in the trade?
4. Has the approval of Agreement No. 1004 exacerbated any competitive disadvantages faced by third flag carriers in the trade as a result of the cargo preference laws of Peru?
5. Whether the equal access provision of Agreement No. 10044–3 is contrary to the public interest in that it is in furtherance of discriminatory and anticompetitive laws of the Government of Peru which exceed justifiable limits in restricting transportation in the commerce of the United States?

It is further ordered, That the first ordering paragraph of the Commission's Order of March 28, granting interim approval to Agreement No. 10044–3, be amended by deleting "June 29, 1977" and substituting therefore "September 27, 1977."

It is further ordered, That (1) a copy of this order be forthwith served upon the Respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the Respondents, and Hearing Counsel be duly served with notice of the time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20133 Filed 7-12-77;8:45 am]

[Docket No. 77–34; Agreement No. 10041–4]

COMPANIA PERUANA DE VAPORES AND PRUDENTIAL LINES, INC.

Modification of a Pooling, Sailing and Equal Access Agreement—United States Atlantic Ports to Ports in Peru; Extension of Interim Approval; Order of Investigation and Hearing

Agreement No. 10041–4, between Compania Peruana de Vapores and Prudential Lines, Inc., has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916. Notice of filing was published in the FEDERAL REGISTER on March 9, 1977.

The agreement modifies the basic agreement between the parties. The basic agreement provides for the mainteance of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement in the trades from the United States Atlantic Coast ports of New York, Philadelphia and Baltimore to the Peruvian ports of Callao and Ilo.

Agreement No. 10041–4 amends the basic pooling agreement by extending the term of the agreement through September 30, 1978.

As a pooling, sailing and equal access agreement, Agreement No. 10041–4 represents the ultimate in anticompetitive arrangements. There is no competition as to price or quality of service and the volume of supply is fixed by setting the number of sailings. The illegality of such activities under the Sherman Act is well established.

Any agreement which is in violation of the Sherman Act, is contrary to the public interest under section 15 of the Shipping Act, 1916, unless it can be shown to be required by a serious transportation need, necessary to secure important public benefits or in furtherance of a valid regulatory purpose of the Shipping Act. *Federal Maritime Commission* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968); Canadian-American Working Arrangement, "Order Denying Petition for Reconsideration" ------ F.M.C. ------, Docket No. 75–56 (Feb. 26, 1976). No such justification has been presented by the parties to support the approval of Agreement No. 10041–4. Therefore, the Commission is setting this Agreement down for investigation and hearing consistent with provisions of section 15 of the Act.

In addition to other areas of inquiry, the proceeding should include an examination of whether the equal access provision of Agreement No. 10041–4 is in furtherance of discriminatory anticompetitive laws of the Government of Peru and therefore contrary to the public interest. Another matter of inquiry is whether the equal access provision has had or will have the effect of driving competitors from the trade or precluding the entrance of new competitors into the trade.

Because the interim approval accorded Agreement No. 10041–4 will expire on June 29, 1977, and to give the parties sufficient time to reorder their affairs, we are extending our interim approval for an additional 90 days.

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 10041–4 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or is in violation of the Shipping Act, 1916, and therefore, whether it should be approved, disapproved or modified.

It is further ordered, That Compania de Vapores and Prudential Lines, Inc. are hereby made Respondents in this proceeding.

It is further ordered, That in accordance with the rules of practice and procedure of this Commission (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but no later than January 8, 1978.

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That the parties address themselves to issues specifically enumerated below in addition to any other relevant issues.

1. What are the exact provisions of cargo preference laws of Peru (including any implementing decrees etc.)?
2. What effect have the cargo preference laws of Peru had on past and present third flag carriers in the trade?
3. What effect have the cargo preference laws of Peru had on past and present United States flag carriers in the trade?
4. Has the approval of Agreement No. 10041 exacerbated any competitive disadvantages faced by third flag carriers in the trade as a result of the cargo preference laws of Peru?
5. Whether the equal access provision of Agreement No. 10041–4 is contrary to the public interest in that it is in furtherance of discriminatory and anticompetitive laws of the Government of Peru which exceed justifiable limits in restricting transportation in the commerce of the United States?

It is further ordered, That the ordering paragraph of the Commission's Order of March 28, granting interim approval to Agreement No. 10041–4(A), be amended by deleting "June 29, 1977" and substituting therefor "September 27, 1977."

It is further ordered, That (1) copy of this order be forthwith served upon the Respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the Respondents, and Hearing Counsel be duly served with notice of the time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's rule of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20134 Filed 7-12-77;8:45 am]

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DELTA STEAMSHIP LINES, INC. AND RAMSEY, SCARLETT & CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Durel Landry, Jr., Vice President—Traffic, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, Louisiana 70150.

Agreement No. 10303, between the above-named parties, is an agency agreement whereby Delta appoints Ramsey, Scarlett & Co. to act as its husbanding agent at the port of Baton Rouge, Louisiana on the terms and conditions and to the extent set forth in the agreement.

Dated: July 8, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20203 Filed 7-12-77;8:45 am]

KAVOUNIDES SHIPPING CO.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-169 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,167.

Kavounides Shipping Co. S.A., Trading as K-Lines Hellenic Cruises, Olympic Tower, 645 Fifth Avenue, New York, N.Y. 10022.

Whereas, Kavounides Shipping Co. S.A. Trading as K-Lines Hellenic Cruises cancelled planned operations of the passenger vessel *Atlantis* to and from United States ports; and

Whereas, Certificate (Performance) No. P-169 has been returned to the Commission and Certificate (Casualty) No. C-1,167 has been retained by the Commission for revocation.

It is ordered, That Certificate (Performance) No. P-169 and Certificate (Casualty) No. C-1,167 issued to Kavounides Shipping Co. S.A. Trading as K-Lines Hellenic Cruises covering the *Atlantis*, be and are hereby revoked effective July 6, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission July 6, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20146 Filed 7-12-77;8:45 am]

[Docket No. 77-32]

PUBLICATION OF INACTIVE TARIFFS BY NON-VESSEL OPERATING COMMON CARRIERS IN THE U.S. DOMESTIC OFFSHORE COMMERCE

Order To Show Cause

The files of the Federal Maritime Commission contain domestic offshore general commodity rates filed by the following non-vessel operating common carriers (NVOCCs) including their last known addresses:

Ponce De Leon Shipping Co., Inc., 350 Brook Avenue, Bronx, New York 10454.
REA Express, Inc., 219 E. 42nd Street, New York, New York 10017.
Rico Shipping Co., 1917 Third Avenue, New York, New York 10029.
Unidos Moving Express Co., 4242 W. Armitage Avenue, Chicago, Illinois 60639.

These tariffs are listed in Appendix A.

These NVOCCs have failed to comply with the provisions of §§ 512.22(a) and 512.22(b) of the Commission's General Order 11, Amendment 2. (46 CFR 512.-22.) These provisions provide for the submission of annual financial and operating data of all NVOCCs with general commodity tariffs in the domestic offshore trades of the United States. Authority for these regulations is provided by Section 21 of the Shipping Act, 1916, as amended (46 U.S.C. 820), which reads as follows:

That the board may require any common carrier by water, or other person subject to this Act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this Act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of $100 for each day of such default.

Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than $1,000, or imprisonment for not more than one year, or to both such fine and imprisonment.

Several letters have been mailed and numerous telephone calls have been made to the NVOCCs under reference. The Commission's staff has not been able to obtain the required financial and operating data from the subject NVOCCs, either because they refused to respond to the Commission's requests, or probably, because of the termination of business activity. The annual financial and operating data have increased the information available to the Commission regarding the NVOCCs and enabled the Commission to more adequately discharge its regulatory duties concerning rates charged by NVOCCs. Also, the establishment of a periodic requirement has enabled the Commission to keep abreast of the status of NVOCC tariffs on file. It is the opinion of the Commission that the failure of the NVOCCs named herein to file financial and operating data is evidence of their inactivity.

Where an NVOCC is not actively engaged in service, the existence of its tariff on file with the Commission holding itself out to provide service to the shipping public amounts to a false representation, contrary to the letter and spirit of section 18, Shipping Act, 1916 (46 U.S.C. 817) and section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844). "Inter-coastal Schedules of Hammond Shipping Co., Ltd.," 1 U.S.S.B. 606 (1936); "Sugar From Virgin Islands to the United States," 1 U.S.M.C. 695, 700 (1938). The shipping public is misled by a meaningless offer of service, and, therefore, the maintenance by NVOCCs of tariffs indicating services they do not perform cannot be justified, and they should be cancelled. "Ghezzi Trucking Co.," 13 FMC 253, 255 (1970); "Embargo on Cargo, North Atlantic and Gulf Ports," 2 U.S.M.C. 464, 465 (1940); "Sugar From Virgin Islands to United States, supra; Intercoastal Charters," 2 U.S.M.C. 154 (1939); "Intercoastal Schedules of Hammond Shipping Co., Ltd.," supra; See also, "Commonwealth of Pa. v. Federal Maritime Comm.," 392 F. Supp. 795, 802 (1975).

In view of the applicable law, the Commission is of the opinion that the tariffs presently on file on behalf of the above named NVOCCs should be cancelled, unless they can show cause why their tariffs should not be cancelled.

Now, therefore, it is ordered, That pursuant to sections 22 and 18 of the Shipping Act, 1916, the NVOCCs named in this Order be named respondents in this proceeding, and that they be ordered to show cause why their tariffs indicating rates for the common carriage of goods

in the domestic offshore commerce of the United States should not be cancelled as being inactive.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies thereto, and oral argument, if requested and/or deemed necessary by the Commission. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the Issues in this proceeding and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before August 8, 1977. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties of record no later than the close of business on August 8, 1977. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business on August 29, 1977. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of this Order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission's rules of practice and procedure (46 CFR 502.72) no later than the close of business on July 25, 1977.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

JOSEPH POLKING,
Acting Secretary.

Ponce De Leon Shipping Co., Inc., 350 Brook Avenue, Bronx, New York 10454:
FMC-F No. 2—Between points in New York City and places in Puerto Rico.
REA Express, Inc., 219 E. 42nd Street, New York, New York 10017:
FMC-F 2—Between Oakland, San Francisco, California; Express Offices in the State of Hawaii, Express Offices in the Continental United States or Canada (Routed via Oakland or San Francisco, California) and Express Offices in the State of Hawaii.
FMC 32—(Railway Express Agency Incorporated, series) Between Seattle, Washington; Prince Rupert, Vancouver, B.C.; Express Stations in Alaska; Express Stations in the United States or Canada (Routed via Seattle, Washington, or Vancouver, B.C.) and Express Stations in Alaska.
FMC 20—(Railway Express Agency Incorporated, series) Official Express Classification 36—Containing Ratings, Rules and Regulations applying on Express Traffic covered by Tariffs issued subject thereto.
Rico Shipping Co., 199/Third Avenue, New York, New York 10029:
FMC-F No. 1—Between New York, New York and San Juan, Puerto Rico.
Unidos Moving Express Co., 4242 W. Armitage Avenue, Chicago, Illinois 60639:
FMC-F No. 3—Between New York, New York and Points and Places in Puerto Rico.

[FR Doc.77-20135 Filed 7-12-77;8:45 am]

UNITED BRANDS CO. AND MARYLAND PORT ADMINISTRATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Gary E. Koecheler, Director of Transportation, Maryland Port Administration, The World Trade Center Baltimore, Baltimore, Maryland 21202.

Agreement No. T-2439-2, between United Brands Company (United) and Maryland Port Administration (MPA), modifies the original agreement which provides for the 10-year lease to United of the "Fruit Pier" located at the Locus Point Marine Terminal at Baltimore Harbor. The purpose of the modification is to increase the land area facilities by one acre and make related changes to the text of the agreement. As compensation, United will pay MPA $500.00 per month for the additional land, subject to adjustment. Notice of Agreement No. T-2439-2, originally published October 14, 1976, and later withdrawn, has been refiled for approval.

Dated: July 8, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20131 Filed 7-12-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-467]

ARIZONA PUBLIC SERVICE CO.

Filing Agreement

JULY 6, 1977.

Take notice that on June 23, 1977, Arizona Public Service Company (APS) tendered for filing a new agreement with Public Service Company of Agua Prieta, Inc., Mexico. APS indicates that said agreement cancels an old agreement and provides for an increase in power to be exported to Mexico from 5,000 Kw to 5,500 Kw.

According to APS this agreement provides for no increase in rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20101 Filed 7-12-77;8:45 am]

[Docket No. CP77-460]

CITIES SERVICE GAS CO.

Application

JULY 6, 1977.

Take notice that on June 22, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-460 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of pipeline, measuring, regulating and appurtenant facilities and the sale of natural gas for resale in and about Orlando, Oklahoma, presently being served by Applicant where the distribution system has been acquired by a new owner, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the town of Orlando has succeeded to the ownership of the distribution facilities formerly owner and operated by the Orlando Gas Company in and about the town of Orlando, in Logan County, Oklahoma. The sale of gas by Applicant for resale in and about Orlando first commenced in 1938 and was certificated in Docket No. G-298 (4 FPC 471), it is said. It is indicated that sales are currently being made under Applicant's FPC Gas Rate Schedules F-1, C-1, and I-1.

Applicant states that a contract dated September 27, 1976, has been executed

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with the Town of Orlando covering this sale at the same terms and conditions as the sale to the Orlando Gas Company.

It is stated that Orlando is a small community, population 202, located on Applicant's Oklahoma City 20-inch transmission line, and that the original cost of facilities installed by Applicant was $1,065. It is further stated that as of December 31, 1976, 85 customers were being served through these facilities and the annual sales volumes for the twelve months ended December 31, 1976, were 20.655 Mcf at 14.65 psia.

Applicant states that no new facilities are proposed to be constructed or installed and no new sales are proposed to be made through existing facilities and their continued operation would not materially affect Applicant's overall system, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervent is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20097 Filed 7-12-77;8:45 am]

[Docket No. CP77-461]

CITIES SERVICE GAS CO.

Application

JULY 6, 1977.

Take notice that on June 22, 1977, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-461 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain facilities either in place or by reclaiming them and for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities which it proposes to abandon in place or by reclaiming them are inadequate and obsolete in view of operational requirements and would be replaced, where necessary, by new facilities needed to meet efficiently and economically changing operating conditions on portions of its pipeline system.

Specifically, Applicant proposes to:

(1) Abandon in place approximately 0.81 mile of 2-inch transmission pipeline in the Lorraine Field Pipeline in Ellsworth County, Kansas.

Applicant states that this segment is deteriorated to the extent that it can no longer be economically operated or maintained, and that since service is no longer required on this segment, no replacement is required.

(2) Abandon and reclaim approximately 0.50 mile of 7-inch pipeline and appurtenant facilities in the Chase Fuel System and replace by constructing approximately 0.50 mile of 3-inch pipeline in Rice County, Kansas;

(3) Abandon and reclaim approximately 1.50 miles of 8-inch and 0.47 mile of 6-inch pipeline and appurtenant facilities in the Iola 8-inch pipeline and replace by constructing approximately 0.26 mile of 8-inch and 1.71 miles of 6-inch pipeline in Allen County, Kansas;

(4) Abandon in place approximately 0.80 mile of 6-inch pipeline and appurtenant facilities in the Rural Chanute Pipeline and replace by constructing approximately 0.80 mile of 2-inch pipeline in Allen County, Kansas;

(5) Abandon in place approximately 0.81 mile of 8-inch pipeline and appurtenant facilities in the Ottawa 8-inch pipeline and replace by constructing 0.53 mile of 2-inch pipeline in Franklin County, Kansas.

It is indicated that Items 2 through 4 can be abandoned and replaced with smaller pipelines without losing required capacity.

(6) Abandon and reclaim measuring, regulating and appurtenant facilities and approximately 0.02 mile of 2-inch pipeline in the Springfield 2-inch pipeline in Greene County, Missouri.

Due to a change in the service requirements at this location and rearrangement of some of its facilities by the City Utilities of Springfield, Missouri, these regulating and measuring facilities are no longer required, it is said.

(7) Abandon in place and reclaim approximately 1.01 miles of 8-inch pipeline and appurtenant facilities in the Valley Falls 8-inch pipeline and approximately 1.06 miles of 2-inch pipeline in the Grantville 2-inch pipeline and replace by constructing approximately 1.20 miles of 3-inch pipeline and appurtenant facilities in Jefferson County, Kansas.

Applicant indicates that the proposed abandonments and replacements would improve Applicant's ability to provide service to its customers. Applicant further indicates that the total estimated cost of all the proposed facilities to be constructed is $167,320, which would be paid from treasury cash, and that the total reclaim cost for the proposed abandonments is $12,000. The estimated salvage value is $12,210, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1977, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20104 Filed 7-12-77;8:45 am]

[Docket No. CP77-465]

COLUMBIA GAS TRANSMISSION CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

JULY 6, 1977.

Take notice that on June 24, 1977, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and National Fuel Gas Supply Corporation (National Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, (Applicants) filed in Docket No. CP77-465 a joint application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new point of interconnection for the exchange of natural gas in interstate commerce, and authorizing Columbia to lease and operate measuring facilities and limited term authority to transport the natural gas so exchanged for UGI Corporation (UGI), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization for a new point of interconnection for the exchange of natural gas pursuant to a letter agreement dated May 10, 1977, between UGI and Applicants. Columbia would deliver a portion of UGI's rate schedule CDS entitlement to National Supply during the 1977 injection period at a rate to be mutually agreed upon by the dispatchers of UGI, and Applicants. The total volume to be delivered to National Supply would not exceed 2,000,000 Mcf, it is said. Applicants states that in order to make such deliveries for injection and subsequent withdrawal, they request a new point of interconnection located near Emporium in Cameron County, Pennsylvania. Applicants indicate that they would be required to construct and operate mainline tap facilities on each of their respective transmission pipelines at an estimated total cost of $14,427, which cost would be financed by Applicants from internally generated funds. It is stated that the interconnecting measuring facilities would be owned by UGI.

Columbia requests authorization to transport to UGI on a best efforts basis up to 25,000 Mcf of natural gas per day delivered to it by National Supply at the new point of interconnection during the period from October 1, 1977, through April 30, 1978. Applicant states that it would make a charge of 22.21 cents per Mcf for the transportation of such withdrawal volumes and would retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by National Supply for UGI's account, which percentage is currently 3.1 percent. It is stated that Columbia's transportation charge reflects its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas.

Columbia further requests authorization to lease and operate measuring facilities to be used in the exchange of gas. It is indicated that UGI would provide the required measurement facilities, and the UGI has requested that Columbia construct the facilities on its behalf and upon completion such facilities would be leased by UGI to Columbia. It is stated that Columbia would operate and maintain the facilities pursuant to the letter agreement dated June 10, 1977 beween Applicants. Applicants state that the interconnection proposed herein and measuring facilities to be provided by UGI would be utilized for the proposed service, and in addition may be used initially for the exchange of gas volumes for the long-term storage service proposed by National Gas Storage Corporation (National Storage) pending before the Commission in Docket No. CP76-492.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB.
Secretary.

[FR Doc 77-20105 Filed 7-12-77;8:45 am]

[Docket No. ER77-377]

CONNECTICUT VALLEY ELECTRIC CO., INC.

Tariff Change

JULY 6, 1977.

Take notice that Connecticut Valley Electric Company, Inc. (Conn), on June 20, 1977, tendered for filing proposed changes in its FPC Transmission Service Agreement with the New Hampshire Electric Cooperative, Inc. Conn indicates that the proposed changes would increase revenues from jurisdictional sales and service by $2,214 based on the 12 month period ending May, 1977.

Conn indicates that the filing is made to comply with the provisions of Transmission Agreement (FPC No. 8) which requires that charges shall be modified annually to incorporate the applicable cost data contained in the Company's current FPC Form No. 1.

Conn requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1977.

Copies of the filing were served upon the New Hampshire Electric Cooperative, Inc., and the New Hampshire Public Utilities Commission, according to Conn.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB.
Secretary.

[FR Doc.77-20042 Filed 7-12-77;8:45 am]

[Docket No ER77-477]

EDISON SAULT ELECTRIC CO.

Proposed Electric Service Contract

JULY 6, 1977.

Take notice that Edison Sault Electric Company (Edison), on June 24, 1977, tendered for filing a contract for Electric Service between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated February 1, 1977, in which Edison agrees to supply Cloverland firm wholesale power in addition to power delivered to Cloverland pursuant to certain contracts, dated January 2, 1952 and January 27, 1964, as supplemented. Edison indicates that the purpose of said contract is to meet Cloverland's system demands, but initially Edison does not intend to supply power in excess of 3,000 kilowatts, being the capacity herein specifically reserved by the Edison for Cloverland.

According to Edison copies of the filing were served upon Cloverland and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commis-

sion and are available for public inspection.

determining the appropriate action to be taken but will not serve to make the pro-

application should on or before August 15, 1977, ...

Settlement discussions were held by the parties including the Staff and a set-

(E) The Georgia Power Company shall file a compliance report within 6...

parties to the proceeding. Any person wishing to become a party must file a

sion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-20102 Filed 7-12-77;8:45 am]

[Docket No. CP77-454]

FLORIDA GAS TRANSMISSION CO.

Application

JULY 6, 1977.

Take notice that on June 20, 1977, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP77-454 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon direct sale service to Meyer Goldman as trustee of the 21 P-G Trusts created March 31, 1961 by A. N. Pritzker (Meyer Goldman) and the removal of the facilities necessary to said service, and pursuant § 157.7 (e) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.7 (e)) for permission and approval to abandon, during the twelve-month period commencing July 1, 1977, direct sales service to certain other unknown direct sale customers and to remove the facilities necessary to the rendition of said service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has not delivered natural gas to Meyer Goldman for use in its operations since August 1971, and that there may be other direct sales customers attached to its system who no longer require natural gas in their operations.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-20039 Filed 7-12-77;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Application for Approval of Revised Exhibits J and M

JULY 6, 1977.

Public notice is hereby given that an application for approval of revised Exhibits J and M was filed on June 1, 1972, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for the Wallace Dam Project, FPC No. 2413, located on the Oconee and Apalachee Rivers in Green, Hancock, Morgan, Oglethorpe, and Putnam Counties, Georgia.

Article 45 of the license for the Wallace Dam Project, issued August 6, 1969, required Georgia Power Company (Licensee) to submit, for Commission approval, revised Exhibits J and M in order to describe and show the location of those project transmission facilities necessary for connecting the project's 230-kV substation to the Licensee's interconnected transmission system.

According to the Licensee's application, the proposed transmission line would be located near the Town of Eatonton in Putnam and Hancock Counties, Georgia, and would be centered on a 125-foot wide right-of-way, except where it parallels an existing transmission line in which case only an additional 75 feet of right-of-way would be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20038 Filed 7-12-77;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Order Accepting Proposed Settlement Agreement

JULY 6, 1977.

On March 18, 1977, the Presiding Administrative Law Judge in these proceedings certified to the Commission the proposed settlement agreement together with the record. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

On March 1, 1976, the Georgia Power Company (Georgia Power) tendered for filing in Docket No. ER76-536 proposed changes in its tariff for full requirements wholesale service which were designated to increase revenues from jurisdictional full requirements customers by $25,937,448 based upon the twelve-month period ending on December 31, 1976. The filing contained a proposed F.P.C. Rate Schedule WR-9 which would replace F.P.C. Rate Schedule WP-8.

Petitions For Intervention were filed by the Board of Water, Light, and Sinking Fund Commissioners of the City of Dalton, Georgia (Dalton), the Electric Cities of Georgia, a section of the Georgia Municipal Association, Inc. (Association), and the Cities of Acworth, Georgia, et. al.[1] (Cities).

In our order of March 29, 1976, in this docket we accepted the proposed rates for filing, deferred their use until May 1, 1976, and granted the petitions to intervene.

[1] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Calhoun, Camilla, Carterville, College Park, Commerce, Covington, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, La Fayette, La Grange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newman, Norcross, Palmetto, Quitman, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, and Whigham, Georgia.

Settlement discussions were held by the parties including the Staff and a settlement was reached. Subsequently, on March 15, 1977, Georgia Power submitted a proposed Settlement Agreement accompanied by a motion to approve the Agreement and to certify the record to us. The Presiding Administrative Law Judge then certified the proposed Agreement. Public notice of the Agreement and its certification was issued by the Commission Secretary on March 29, 1977. All comments were due on or before April 29, 1977. On April 28, 1977, Staff filed comments indicating that the rates proposed in the Agreement were acceptable. No other responses were received pursuant to this notice. On March 21, 1977, Counsel for Georgia Power filed a certification to the effect that all Intervenors and the Company had executed multiple originals of the Settlement in resolution of this proceeding.

Under the terms of the Settlement Agreement, Georgia Power will file a revised tariff containing rates which would have produced on an annualized basis an increase in revenues of $15,000,000 for the test period based upon the Period II data as originally filed on March 1, 1976. Georgia Power will refund to the Cities and to Dalton, with simple interest at 9% per annum, the difference between the amounts actually collected after the suspension period, and the amounts which would have been collected if the revised rates had been in effect.

The Settlement Agreement also provides that revised tariff sheets will be filed which shall contain Exhibit B attached to the Settlement Agreement. Exhibit B is an acceptable fuel cost adjustment provision which shall be applied prospectively from the effective date of this order.

Upon review of the entire record in this proceeding, the Commission finds that the proposed Settlement Agreement represents a reasonable resolution of all of the issues in this proceeding. Accordingly, the proposed Settlement Agreement shall be incorporated herein by reference and shall be approved and adopted. By the same token, Georgia Power's Motion to Approve the Settlement Agreement should be granted.

The Commission orders: (A) The Settlement Agreement filed by the Georgia Power Company on March 15, 1977, is incorporated herein by reference and is approved and adopted.

(B) The Motion to Approve the Settlement Agreement identified in (A) above is granted.

(C) In accordance with the terms of the Settlement Agreement, the Georgia Power Company shall refund within sixty days of the effective date of this order, all amounts collected in excess of the settlement rates in this docket proceeding with interest at 9% per annum.

(D) The Georgia Power Company shall file within thirty days of the effective date of this order revised tariff sheets to conform with the Settlement Agreement in this docket. The revised tariff sheet shall include the fuel costs adjustment as specified in Exhibit B of the Settlement Agreement.

(E) The Georgia Power Company shall file a compliance report within fifteen days after refunds have been made. Such report shall show monthly billing determinants and revenues under prior, present, and settlement revenues. The report shall also show the monthly settlement rate increase, the rate refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(F) Georgia Power Company shall file a compliance report to show charges under the fuel adjustment clause from May 1, 1976. The report shall show monthly billing determinants and revenues under prior, present and settlement rates.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, its Staff or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against the Georgia Power Company or any person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-28040 Filed 7-12-77;8:45 am]

[Docket No. ER77-460]

GULF STATES UTILITIES CO.

Filing of Agreement

JULY 5, 1977.

Take notice that on June 20, 1977, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and the Town of New Roads, Louisiana. The agreement provides for Gulf States to furnish firm power service and emergency service to New Roads at Gulf States' standard rates for such service.

Gulf States requests that the agreement be permitted to become effective as of June 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Gulf States indicates that a copy of the filing was served upon the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-20036 Filed 7-12-77;8:45 am]

[Docket No. ES77-43]

IOWA PUBLIC SERVICE

Application

JULY 6, 1977.

Take notice that on June 24, 1977, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of 25 principal amount of First Mortgage Bonds. Applicant proposes to sell the New Bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's regulations. The interest rate and the price to be paid for the New Bonds will be determined by the successful bidder.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in north western, north central, and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the net proceeds from the sale of the securities (1) to pay at maturity on September 1, 1977 $3,500,000 principal amount of First Mortgage Bonds, (2) to meet expenditures for the construction program and (3) to pay off short-term loans, if any, incurred prior to the sale of the New Bonds to secure funds for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20043 Filed 7-12-77;8:45 am]

[Docket No. ER77-475]

KANSAS CITY POWER & LIGHT CO.

Filing of Change in Rate Schedule

JULY 6, 1977.

Take notice that on June 27, 1977, Kansas City Power & Light Company

("KCPL") tendered for filing a Municipal Participation Agreement dated Sep-

Company (Pioneer), and that such facil-

the Commission will be considered by it

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("KCPL") tendered for filing a Municipal Participation Agreement dated September 15, 1975, between KCPL and the City of Marshall, Missouri. KCPL requests an effective date of July 27, 1977. According to KCPL the Agreement terminates the Municipal Interconnection Contract, dated October 3, 1962, KCPL Rate Schedule FPC No. 43, and provides for rates and charges for certain wholesale service by KCPL to the City of Marshall.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20103 Filed 7-12-77;8:45 am]

[Docket No. CP73-30]

LONE STAR GAS CO., A DIVISION OF ENSERCH CORP.

Application to Vacate Partially

JULY 6, 1977.

Take notice that on June 1, 1977,[1] Lone Star Gas Company, a Division of Enserch Corporation, 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP73-30 an application pursuant to Section 7(c) of the Natural Gas Act for permission and approval to vacate partially the previously granted abandonment authorization issued in said docket on November 2, 1973 (50 FPC citation 457) so as to authorize the retention of the certification of Line E5-B in the Aylesworth Southwest Field, Bryan County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the original application filed in the instant docket on July 31, 1972, proposed the abandonment of several pipelines and appurtenant facilities located in the Aylesworth Southeast Field by sale to Pioneer Gas Products Company ("Pioneer"), and that such facilities included:

(1) Approximately 3.56 miles of 6-inch Line E5A-B from approximate Station 0+00 to Station 187+77 (End).

(2) Approximately 0.17 mile of 3-inch and 4-inch Line GN-25-T between Stations 0+00 at Line E5A-B and 9+09 at the Jake L. Hamon et al., Mary Haynie No. 1 Well.

(3) Approximately 0.08 mile of 3-inch Line GN-74T between Stations 0+00 at Line E5A-B and 4+10 (End) at the connection of the Roy A. Godfrey, State of Oklahoma Unit No. 2 Well.

All such facilities have been abandoned by sale to Pioneer, it is said.

Applicant states that is was also proposed to abandon by removal and salvage a 10-inch pipeline approximately 3.74 miles in length designated Line E5A-B between Stations 322+84 at Line E5-A and 520+19, but that this line has not been abandoned due to the necessity of continuing to supply natural gas to approximately eight residential customers nearby. Applicant further states that such service has been previously documented in Applicant's Answer to Complaint filed on February 24, 1975 in the same docket and incorporated herein for all purposes. Applicant stated in said Answer's conclusion that Line E5A-B would not be abandoned until and unless the Commission should grant authorization to install a proposed plastic pipe which would be used for servicing the complaining customers therein, it is said.

Applicant now request that Line E5A-B remain available for use in interstate commerce as contemplated in Docket No. G-342 and continue within the jurisdiction of the Commission, it is said. Applicant proposes to use said facility for the purpose of receiving new sources of supplies in the vicinity of Line E5A-B, and transporting same into its interstate system, as well as continuing to supply the residential customers presently being served. Applicant states that such supplies would be purchased from Pioneer, and that a portion of the subject gas is currently being purchased on an emergency basis by Applicant from Pioneer at the outlet of Pioneer's Madill Gas Plant in Marshall, Oklahoma, pursuant to the Emergency Natural Gas Act of 1977. It is stated that the gas purchase contract dated February 24, 1977 between Applicant and Pioneer contemplates the continuation of such emergency purchase at the Madill Plant and the purchase of additional gas at approximate Station 520+19 on Line E5A-B. Applicant states that it would continue to supply natural gas to residential customers presently being served from Line E5A-B.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20100 Filed 7-12-77;8:45 am]

[Docket No. ER77-468]

METROPOLITAN EDISON CO.

Proposed Change in Rates

JULY 6, 1977.

Take notice that on June 23, 1977, Metropolitan Edison Company ("Met-Ed") tendered for filing a notice of its intention to activate provisions for recovery of gross receipts taxes in its rate schedule for supplemental service to Allegheny Electric Cooperative, Inc. Met-Ed states that the tax is being imposed pursuant to a resettlement dated February 10, 1977 signed by the Secretary of Revenue of the State of Pennsylvania and approved by its Auditor General.

The proposed effective date is July 23, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20104 Filed 7-12-77;8:45 am]

[Docket Nos. RP73-102, and RP73-14 (PGA75-1)]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Modifying Initial Decision on Issues of Advance Payments, Rate Treatment for Pipeline Production, and Rate Design

JULY 6, 1977.

I. BACKGROUND

This proceeding arose from three proposed rate increases filed by Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) on April 30, 1973, July 8, 1974, and September 13, 1974. From these filings there remain three issues which are now before us for decision, namely rate design, rate treatment for pipeline production, and inclusion of advance payments in rate base.

All but two issues arising from the April 30, 1973, filing were resolved by our order of June 26, 1974, in Docket No. RP73-102, wherein we, inter alia, accepted a Settlement Agreement of the parties thereto. The issues remanded for hearing were: (1) whether the rates of Michigan Wisconsin should continue to reflect the unmodified *Seaboard*[1] formula of cost classification and rate design in light of our opinion in *United Gas Pipe Line Company* (Opinion No. 671) 50 FPC 1348 (1973); and (2) whether gas produced from Michigan Wisconsin's Gas Exploration and Development Expenditure Program, conducted in the Hugoton-Anadarko and Rocky Mountain Areas, should be accorded cost of service or area rate treatment for leases acquired after October 7, 1969.

The July 8, 1974, filing revised Michigan Wisconsin's tariff to reflect inclusion in rate base of advance payments to Atlantic Richfield Company (Arco), proposed to be effective as of February 1, 1974, and to Bridger Petroleum Corporation (Bridger), Continental Oil Company (Conoco), and Arco, proposed to be effective on May 1, 1974. In our order of August 12, 1974, in Docket No. RP73-102, we permitted the rate increases related to these advances to become effective on the dates proposed. Such increases, however, were ordered to be collected subject to refund, and a hearing was ordered because of our finding that said advances "may not be reasonable and appropriate for rate base treatment in that they may be in excess of the cost of exploration, development, and production incurred by the producers within a reasonable time from the date such amounts are included in rate base." (52 FPC at 343).

Michigan Wisconsin's September 13, 1974 filing, designated Docket Nos. RP73-102 and RP73-14 (PGA75-1), sought, among other things, to include additional advance payments to Ladd Petroleum Corporation (Ladd) and American Natural Gas Production Company (American Production) in rate base as of November 1, 1974. By order issued October 31, 1974, we permitted inclusion in rate base of those advances, subject to refund, and set for hearing the propriety of the proposed rate treatment.

By notice issued January 10, 1975, we consolidated for purposes of hearing and decision proceedings in Docket No. RP73-102 with those in Docket Nos. RP73-102 and RP73-14 (PGA75-1). Hearing in the consolidated proceedings was held before Administrative Law Judge Walter T. Southworth on January 28, 1975, at which time witnesses for Michigan Wisconsin, various intervenors, and the Commission Staff adopted prepared direct testimony and were cross-examined.

On March 31, 1975, the Initial Decision of Judge Southworth was issued. For the reasons stated therein, he found: (1) that Michigan Wisconsin's rates should continue to reflect the *Seaboard* method of cost classification and rate design; (2) that an adequate showing of "special circumstances" was made by Michigan Wisconsin to permit cost of service treatment for gas produced as a result of exploration and development activities in the Hugoton-Anadarko and Rocky Mountain Areas, and (3) that the entire amount of advances at issue herein to Arco, Bridger, Conoco, American Production, and Ladd were reasonable and appropriate for inclusion in Michigan Wisconsin's rate base as of the dates proposed by the pipeline company.

Only the Commission Staff takes exception to the findings and conclusions of the Presiding Judge,[2] and Staff accepts only to the finding that the entire amount of advances to Arco and Conoco was reasonable and appropriate for inclusion in rate base on the dates proposed by Michigan Wisconsin. In this regard, Staff urges that we limit rate base treatment to those portions of the Arco and Conoco advances expended by the producers within thirty days of the proposed rate base treatment. Michigan Wisconsin, in its Brief Opposing Exceptions filed May 20, 1975, contends that Staff's exception should be denied and urges us to affirm in all respects the findings and conclusions of the Initial Decision.

II. ADVANCE PAYMENTS

As noted in part "I" hereof, our August 12, 1974, order set for hearing the reasonableness and appropriateness of Michigan Wisconsin's advance payments (1) to Arco, proposed to be included in rate base as of February 1, 1974, and (2) to Bridger, Conoco, and Arco, proposed, for rate base inclusion as of May 1, 1974. Our October 31, 1974, order set for hearing additional advance payments to Ladd and American Production, which Michigan Wisconsin was permitted to include in rate base, subject to refund, as of November 1, 1974.

At hearing, only Staff objected to inclusion of certain advance payments in rate base. Staff's opposition was limited to the $12,067,875 advance to Arco and the $1,084,983 advance to Conoco. Staff argued that only those amounts spent by the producer within 30 days of the proposed rate base inclusion should receive rate base treatment. In this regard, Staff noted that as of March 1, 1974, Arco had spent only $347,000 of the $12,067,875 advanced, and that Arco had spent only $2,179,500 of the total amount as of June 1, 1974.[3] With respect to the Conoco advance, $1,036,000 had been spent by the producer as of June 1, 1974.[4]

The Presiding Judge found and concluded, as did all parties, that the entire amounts advanced to Bridger, Ladd and American Production were reasonable and appropriate for inclusion in rate base as of the dates proposed by Michigan Wisconsin. We affirm that finding.

After discussing the Commission's advance payment orders applicable to the Arco and Conoco advances,[5] the terms of the agreements, and the factual circumstances surrounding execution of the agreements, the Presiding Judge concluded that Michigan Wisconsin's advances to Arco and Conoco were "reasonable and appropriate" as required by the applicable orders. Specifically, the Judge found that the entire $12,067,875 advanced to Arco in January 1974 would be spent, based on then-available estimates, by the end of 1975 or early 1976. As to the Conoco advance, he found that 96 percent of the $1,084,983 included in rate base as of May 1, 1974, was expended by August 1, 1974. Characterizing Staff's 30-day proposal as a "hand-to-mouth approach" (Decision at 31), he rejected that proposal as a "• • • retroactive application of an inflexible rule which is not suggested in the orders under which Michigan Wisconsin made the advances at issue." (Decision at 26. "If the Commission had intended to fix a particular number of days, such as 30 days," said the Judge, "it could easily have said so" (Decision at 27). The Judge also relied upon the Commission's opinion in *Columbia Gas Transmission Corporation*[6] wherein, he asserts "• • • the timing of the advance in relation to the inclusion thereof in rate base was given little, if any, consideration; in fact, the connection between the amount of the advance and the amount of expenditures was subordinated to the 'particular circumstances that confronted Columbia in 1972,' including the showing that Columbia advanced the funds • • • 'in a good faith effort to increase its system supply'" (Decision at 28). The *Columbia* opinion, he said, disposes of any question concerning retroactive application of the "line of credit" theory which the Commission enunciated in *Northern Natural*.[7]

With respect to the circumstances surrounding execution of the Arco and Conoco contracts, the Presiding Judge

[1] The *Seaboard* formula takes its name from *Atlantic Seaboard Corporation, et al.* (Opinion No. 225) 11 FPC 43 (1952).

[2] Staff's Brief on Exceptions was filed on April 30, 1975.

[3] The $12,067,875 advance to Arco is proposed for inclusion in Michigan Wisconsin's rate base as of February 1, 1974, and again as of May 1, 1974. For this reason, the amount expended by Arco as of March 1, 1974, and June 1, 1974, is pertinent to Staff's proposed "30-day rule."

[4] See Exhibit No. 63.

[5] Advances made pursuant to the Arco agreement, dated December 27, 1973, are subject to the provisions of Order No. 465, 48 FPC 1550 (1972). Advances to Conoco were made according to a contract dated March 15, 1974, and are, therefore, subject to Order No. 499, 50 FPC 2111 (1973), reh. denied 51 FPC 818 (1974).

[6] (Opinion No. 722), ---- FPC ------ (Docket Nos. RP71-18, et al., issued March 7, 1975).

[7] The "line of credit" theory referred to by the Judge was actually set forth in *Natural Gas Pipeline Company of America*, 52 FPC 652, 655 (1974).

found that such contracts were arrived at reasonable under the circumstances of a showing that the Arco advance, which

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found that such contracts were arrived at "through arm's length negotiations" and represented what Michigan Wisconsin believed to be the "minimum terms necessary to secure a call on new gas * * *" He further found that the lump sum advances made by Michigan Wisconsin were necessary to induce the producers "to assume certain risks and to give up certain options" by entering into the contracts. (Decision at 30).

In its brief on exceptions, Staff strongly opposes the Presiding Judge's conclusions with respect to the Arco and Conoco advances. The 30-day proposal is not an inflexible arbitrary rule applied retroactively, says Staff. Rather, Staff asserts, such proposal is an application of the "reasonable and appropriate" test established in Order No. 465 and 499 to the particular facts of the instant proceeding. Referring to the Arco advance, Staff says that "* * * two years between the time of a multimillion dollar advance to the time that advance is completely spent by the producers is not what was intended by this Commission as being reasonable and appropriate for passing carrying charges on to natural gas customers."[8] In response to the Presiding Judge's characterization of its approach as "hand-to-mouth", Staff counters with the argument that its proposal still permits the producer to acquire interest-free loans to pay all his bills. The only difference, says Staff, is that its proposal permits advances as the producer receives his bills rather than far in advance of the producer's needs for funds.

Staff also contends that the *Columbia* case cited by the Presiding Judge is distinguishable from the instant case. According to Staff, the Commission did not review the timing of advances in *Columbia* because of the lack of record data concerning costs of development and production and when those costs were incurred. The record in the instant case, says Staff, contains the pertinent data, so a timing evaluation can and should be made. Staff argues further that, even if Michigan Wisconsin's advances do represent the minimum terms obtainable from the producers, the analysis must continue to determine whether such terms are reasonable and appropriate for pipeline ratemaking purposes. Advances made 2 years prior to the producer's need are clearly outside the Commission's standards, Staff concludes.

In its brief opposing exceptions, Michigan Wisconsin initially urges Commission affirmance of all aspects of the Initial Decision. On the issue of the propriety of rate base treatment of the Arco and Conoco advances, Michigan Wisconsin contends that the Presiding Judge properly found that such advances were not in excess of costs to be incurred by the producers within a reasonable time from inclusion of the advances in rate base. Under the standards established by Order Nos. 465 and 499, says Michigan Wisconsin, "* * * the question is simply one of determining what time period is reasonable under the circumstances of a particular advance payment agreement." (Michigan Wisconsin brief at 5). Neither of those orders suggested that advances had to be spent within any specific period of time to qualify for rate base treatment, the Company asserts.

With regard to Staff's exceptions to the Initial Decision, Michigan Wisconsin first argues that Staff is in error in asserting that such Decision gives little consideration to the timing of advances. On the contrary, counters Michigan Wisconsin, the timing issue is addressed throughout the Decision. The Presiding Judge, it asserts, found that the "reasonable and appropriate" standard encompasses a "meaningful time requirement" which was fully satisfied in this instance. Michigan Wisconsin characterizes as "mere sophistry" the Staff argument that Staff's 30-day rule is a flexible application of the "reasonable and appropriate" standard set forth in the applicable Commission orders. Says Michigan Wisconsin: "Regardless of the lip service that Staff pays to a flexible standard, the fact remains that it continues to urge a rigid adherence to its thirty-day standard * * *" (Michigan Wisconsin brief at 7). Michigan Wisconsin's final contention is that Staff has failed to establish "an adequate evidentiary basis" for its proposed 30-day rule since the only evidence in support of such a limitation is the Staff witness' statement that, based on his experience with a major producer, he understands that producers normally have 30 days to pay for contract work and materials. (Tr. 504).

We reverse the initial decision to the extent that it would permit inclusion in Michigan Wisconsin's rate base of the entire $12,067,875 advance payment made to Arco and the entire $1,084,983 advance payment made to Conoco. We shall discuss each advance separately as each relates to a different advance payment rulemaking order.

The advance payment to Arco is governed by Order No. 465, the timing standard for which the Commission has recently given definitive guidance.[9] The Commission therein held that the "reasonable and appropriate" standard, expressly stated in and predating Order No. 465, encompasses, upon an adequate evidentiary showing, a standard of reasonableness in the timing between when the pipeline makes the advance to the producer and when the producer expends the advance on gas exploration and development. In that case the Commission found unrebutted evidence that Tennessee's advance payments made but not expended within thirty days after the adjusted test year were unreasonable and inappropriate, thus requiring exclusion from rate base. A review of the instant record reveals a very similar situation which requires the same result as in Opinion No. 769–A, *supra* note 9.

As in Opinion No. 769–A, the Commission Staff herein presented evidence showing that the Arco advance, which was front-end in nature, was in large part unreasonable because under the Michigan Wisconsin-Arco agreement Arco did not anticipate completely expending this initial $12,067,875 until late 1975 or early 1976. (Tr. 503–504). Staff witness Benna testified in support of a thirty day timing lag, based upon the common business practice of producers being allowed thirty days from billing for contract work and materials in which to pay. (Tr. 504–505). Staff emphasized that it did not view such front-end advances to be per se unreasonable but instead looked at each front-end advance individually to see if the total costs to the consumer will be higher or lower than an installment type advance. (Tr. 508). Witness Benna concluded, however, that the Arco advance would cost Michigan Wisconsin's customers 30 percent more than would an installment type advance ($7.7 million versus $5.9 million). (Tr. 508–509). Staff then quantified the amount of the $12,067,875 Arco advance which should be included in rate base: Under the settlement advance payment tracker advance payments were to be included as of February 1, 1974, and May 1, 1974, and Staff recommended including in rate base only $347,400 as of the first date (this figure is what Arco would spend by March 1, 1974) and $2,179,500 as of the second date (this figure is what Arco would spend by June 1, 1974) (Exhibit No. 63).

It is clear from the evidence synopsized above that, as in Opinion No. 769–A, "Staff raised serious questions as to the reasonableness of (Michigan Wisconsin) advancing large sums to producers which did not plan to use them for a period of months or years." Supra note 9, slip op. at 5. A review of Michigan Wisconsin's rebuttal evidence thereto demonstrates that it did not dispel such serious questions. Its witness Withrow made the following points to support the front end advances: Michigan Wisconsin found no timing standard expressed in any of the advance payment rulemaking orders; front end advances were standard because of the producers' bargaining advantage over the pipelines; the Commission intended the advance payment program to be an incentive, which is exactly what a front-end advance is; and while he conceded that front end advances would theoretically cost more than installment advances, he asserted that without front end advances there would not be producers' contracts in the first place (Tr. 288–290). During cross-examination witness Withrow stressed that Michigan Wisconsin agreed to the front end nature of the Arco advance because of the producer's insistence (Tr. 297) and that the producer gave up a number of opportunities by committing reserves under an advance payment contract, which allegedly makes the front end aspect of the Arco advance just consideration (Tr. 307–310).

Michigan Wisconsin has added nothing to Tennessee's attempted rebuttal of Staff's thirty day rule, which the Commission in Opinion No. 769–A has already found to be inadequate. Accordingly, we feel justified in applying that standard to this case and exclude from rate base all of the Arco advance except for $347,400 as of February 1, 1974, and $2,179,500 as of May 1, 1974.

The advance payment to Conoco is governed by Order No. 499, in which the Commission expressly stated that advances would have to be spent on gas exploration, development and production "within a reasonable time from the date such amounts advanced are included in the pipeline's rate base."[10] The Commission has therefore adopted similar Staff presentations concerning front end advance payments made under Order No. 499.[11]

The previously discussed Staff testimony concerning front end advance payments likewise related to the $1,084,983 Conoco advance. In addition witness Benna noted that the entire advance would not be completely expended by Conoco until the first half of 1975 (Tr. 505). Staff recommended rate base inclusion as of May 1, 1974, of $1,036,000, which represents the amount expended by Conoco by June 1, 1974 (Exhibit No. 63).

Michigan Wisconsin presented no other evidence which could be seen as rebutting Staff's case for exclusion of advances not expended by the recipient producer within thirty days of the tracker date."

In adopting Staff's recommendations for both the Arco and Conoco advance payments, we emphasize that the thirty day rule is not a per se criterion but instead is what this specific record demonstrated to be "reasonable and appropriate" (Order No. 465) and "within a reasonable time" (Order No. 499). Moreover, unlike the situation in Opinion No. 801, supra note 12, there has been no showing of a positive or net benefit to the consumer which would permit inclusion of unexpended front end advances, even though Staff witness Benna testified that he looked for such benefit in evaluating each advance payment agreement. (Tr. 508).

III. Gas Exploration and Development Costs

In mid-1970, Michigan Wisconsin began a gas exploration and development (E&D) program in an attempt to augment its pipeline gas supply. This program is presently being carried out in the Hugoton-Anadarko Basin and Rocky Mountain Areas. The Settlement Agreement upon which we acted in our June 26, 1974 order in this proceeding provided (Article IX) for the inclusion in cost-of-service of $1,523,782 to cover Michigan Wisconsin's E&D efforts in those Areas.[12] The June 26 order remanded for hearing the issue of whether "special circumstances" exist which warrant cost of service treatment for gas produced in the subject Areas by Michigan Wisconsin on leases acquired after October 7, 1969.

At the hearing, Michigan Wisconsin attempted to adduce evidence of "special circumstances" to justify cost-of-service treatment. As set forth in the Initial Decision (at 16–17), such evidence included a showing of the following:

1. Michigan Wisconsin, unlike an independent producer, is restricted in its field of exploration and development because only prospects in areas from which gas could economically be delivered to its own pipeline facilities can be explored and developed. Thus, Michigan Wisconsin is not in a position to seek gas wherever it is most likely to find and produce it at the lowest well-head cost.

2. Because Michigan Wisconsin is engaged in competition for leases with producers who are able to sell in the intrastate market, it is often forced to pay higher lease bonus payments and royalties to compensate for higher intrastate gas prices.

3. The greater drilling depths in the deep basin area of the Hugoton-Anadarko Basin, wherein a portion of Michigan Wisconsin's efforts are centered, impose increased drilling costs and risks.

The record also disclosed that the $1,523,782 included in Michigan Wisconsin's cost-of-service does not fully cover the actual costs incurred as a result of E&D efforts. For example, for the 12 months ended October 31, 1974, Michigan Wisconsin showed a cost of service of $2,688,175.[13] Even if federal and state income taxes are eliminated from that amount, as Staff argues, Michigan Wisconsin's cost of service would be $1,992,925 for the same period.

Staff initially takes the position that Michigan Wisconsin has made a sufficient showing of "special circumstances" to warrant cost-of-service treatment for its post-10/7/69 production. However, Staff believes that, because Michigan Wisconsin's E&D program is still relatively new, it would be premature to grant blanket cost-of-service treatment at this time. Accordingly, Staff proposes that Michigan Wisconsin be permitted to include in its cost of service the settlement amount of $1,523,782 per year for the three-year period November 1, 1973, through October 31, 1976. Beginning November 1, 1976, Michigan Wisconsin must price its production at the applicable area or national rate, without prejudice to the pipeline's presentation in a future rate case of evidence supporting cost-of-service treatment for such production. Staff submits that its proposal is analogous to other proceedings wherein we permitted in cost of service a given amount to encourage gas exploration and development by the pipeline.[14] In this regard, Staff notes that inclusion of the $1.5 million amount in cost of service will cost Michigan Wisconsin's customers only .18¢ per Mcf while providing an E&D fund of between $11.4 and $17 million. Michigan Wisconsin states that Staff's proposal is acceptable to it.

The Presiding Judge found that Michigan Wisconsin had made a sufficient showing of "special circumstances" to "permit deviation from the applicable area or national rates for gas produced by Michigan Wisconsin as a result of its exploration and development activities * * *" and adopted Staff's proposal, as set forth above. (Initial Decision at 18).

Based upon the record before us, we still have some doubt that Michigan Wisconsin has made a showing of "special circumstances" sufficient to warrant cost-of-service treatment for its own gas production. However, as noted above, the settlement amount ($1,523,782) does not represent such treatment, since Michigan Wisconsin's actual costs appear to have exceeded that amount by a substantial margin. Moreover, the inclusion of such amount will terminate on October 31, 1976, after which time Michigan Wisconsin must price its gas at the applicable area or national rate or again come forward with more evidence (and up-to-date data) of "special circumstances". We also note that our recent opinions in Kansas-Nebraska,[15] issued after the hearing on this issue in the instant proceeding, provide clearer and more definite guidelines than theretofore existed for the type of evidence needed to support a finding of "special circumstances." For all these reasons, we find that Staff's proposal represents a reasonable and appropriate resolution of this issue in the present context. Accordingly, that proposal shall be adopted, as hereinafter ordered.

Should Michigan Wisconsin attempt to make a showing of "special circumstances" in future rate proceedings, we advise it and all parties to submit evidence of the type discussed in Kansas-Nebraska, supra. In this regard, we wish to emphasize, in light of the record compiled in the instant proceeding, that meeting the "special circumstances" burden requires more than (1) a showing of unit costs higher than the area or national rate[16], and (2) intimations that the pipeline will discontinue its E&D program without cost-of-service treatment.[17]

IV. Rate Design

As noted above, our June 26, 1974, order in Docket No. RP73–102 (51 FPC 2408) remanded for hearing the question of whether Michigan Wisconsin's rates should continue to reflect the unmodified Seaboard formula of cost classification and rate design in light of our

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[8] Staff briefed on exceptions at 3.

[9] *Tennessee Gas Pipeline Company (A Division of Tenneco, Inc.)*, Opinion No. 769–A, Docket No. RP73–113, issued May 31, 1977.

[10] 50 FPC 2111, 2115 (1973).

[11] *Transcontinental Gas Pipeline Corporation*, Opinion No. 801, Docket Nos. RP74–48 and RP75–3, issued May 31, 1977.

[12] In Opinion Nos. 769–A and 801 the Commission adopted the timing standard of thirty days after the end of the adjusted test period. Since the instant case arises out of a settlement agreement tracker for advance payments, the test period timing threshold is not applicable.

[13] Any gas produced as a result of these efforts will be taken into Michigan Wisconsin's system at no additional cost.

[14] The gas actually produced would have generated only $360,192 at then, applicable rates, according to the Presiding Judge. See Initial Decision at 16.

[15] For this proposition, Staff cites our August 26, 1974 order in *El Paso Natural Gas Company*, Docket Nos. RP69–6, et al., 52 FPC 406.

[16] *Kansas-Nebraska Natural Gas Company* (Opinion No. 731), ____ FPC ____ (Docket No. RP72–32, issued May 15, 1975, mimeo at 9–10); Opinion No. 731–A, ____ FPC ____ (issued September 3, 1976, mimeo at 4–6); aff'd., Nos. 75–1669 and 75–1752 (10th Cir. ____, 1976).

[17] *Id.*, Opinion No. 731, mimeo at 7.

[18] *Id.*, mimeo at 9–10.

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opinion in United Gas Pipe Line Company (Opinion No. 671), 50 FPC 1348 (1973).[10] We recognized in the June 26 order that the conditions under which Michigan Wisconsin was then operating differed substantially from conditions on the United system. However, we also recognized that Michigan Wisconsin's customers make significant interruptible industrial sales, and we indicated our concern that the settlement rate design (Seaboard) would encourage the continued use of natural gas for interruptible industrial purposes to the future detriment of Michigan Wisconsin and its customers (51 FPC at 2412). Finally, we stated that while not wishing to prejudge or confine the cost classification and rate design issue, the resolution of such issue might turn on the question * * * whether, during a period of general natural gas shortage, promotional rate structures should be permitted to remain in effect simply because the particular system is not currently experiencing curtailment". (51 FPC at 2413). Accordingly, we indicated our desire that that question be developed at hearing together with such questions as the actual effect of a rate design change upon storage operations on the Michigan Wisconsin system.

At the hearing and in briefs to the Presiding Judge, all parties including the Commission Staff supported a continued use of the unmodified Seaboard method of cost classification and rate design on the Michigan Wisconsin System. Michigan Consolidated Gas Company (Michigan Consolidated), an intervenor likewise supported the Seaboard formula; however, it presented a third proposal, consisting of a two-part rate for sales volumes and a separate rate for storage service, which it prefers to the United formula in the event Seaboard is rejected.

The Presiding Judge rejected the Commission's previous suggestions that the United formula might be more appropriate for the Michigan Wisconsin system, and concluded that the Seaboard formula should be retained. Both Michigan Wisconsin and Michigan Consolidated,[11] he said, had "demonstrated" that the shift of additional fixed costs to commodity would "penalize" their storage operations, discourage further development thereof, "and thereby reduce the winter peak supply of firm gas otherwise available". (Decision at 9). Moreover, said the Presiding Judge, the shift to United would encourage Mich-Wisc to sell its summer "valley" gas for interruptible industrial purposes rather than incur the cost of storing the gas in order to make it available for firm peak season sales to residential and commercial customers. A further basis for the Presiding Judge's decision on this issue was his finding that the declining utilization of facilities that was found to exist on the United Gas Pipe Line system when the United formula was adopted was not present on the Michigan Wisconsin system.

The Presiding Judge also found no evidence that a shift from Seaboard to United would bring about any reduction in the industrial use of natural gas, a result which was, according to the Judge's reading of the United opinion, a "desired objective" of the Commission when it promulgated the United formula. The Judge then referred to the Commission's notice of proposed rulemaking in Docket No. RM75-19 (End Use Rate Schedules): "Thus it appears that the Commission has determined, in the light of experience and changing conditions, that the United modification of the Seaboard formula does not, under ordinary circumstances at least, accomplish the desired objective of reducing industrial consumption of natural gas". (Decision at 8-9).

With respect to Michigan Consolidated's "second choice" proposal of a separate storage rate in the event the Commission adopts the United formula, the Judge dismissed such proposal without discussing its merits in light of his finding that the Seaboard formula should be retained.

After a careful review of the record of this proceeding and the Presiding Judge's decision thereon, we are in disagreement with the Judge's conclusions on the rate design issue. To begin with, we must reject the Judge's conclusion that the shift of additional fixed costs to commodity will "penalize" the storage operaitons of Michigan Wisconsin and its customers. Availability of storage, of course, permits a customer to improve its load factor, thereby lowering its unit cost of gas. Thus, the Seaboard formula, by offering a discount to high-volume purchasers, encouraged the building of storage.[12] Although the record before us does not quantify this discount for past periods during which Michigan Wisconsin's rates were designed according to the Seaboard formula, we believe that such discount has, over the years, substantially if not completely offset the costs incurred in storage development. Moreover, as the Consolidated court found in affirming the United methodology, "* * * customers whose storage permits them to take at high load-factors still receive a significant price discount under the United formula." Id., at 1186. Under these circumstances, the argument that United penalizes storage operations is not persuasive.

We likewise are not persuaded that a shift to the United formula will discourage further development of storage. Even assuming arguendo that United will increase the cost of additional storage, a more significant question is whether Michigan Wisconsin can obtain additional gas supply to warrant the construction of additional storage. If such supply exists, then those customers desiring additional peak-period gas will be required to balance such desire against the cost to be incurred in additional storage development. Based on the record before us, we cannot say that a move from Seaboard to United will inhibit the development of additional storage facilities.

We also question the Presiding Judge's finding that adoption of the United formula would encourage Michigan Wisconsin "* * * to sell its summer valley gas for interruptible industrial purposes, rather than incur the transmission and capacity costs of storing the gas to make it available for firm peak season sales to residential and commercial customers". (Decision at 11.) By definition, "firm sales" are those volumes which Michigan Wisconsin has committed itself through contract to deliver to its customers on certain days. Given the present gas supply situation, the firm contract demands of Michigan Wisconsin's customers require that Michigan Wisconsin inject off-peak gas into storage in order to be able to meet such contract demands. For this reason, we must reject the suggestion that the United rate design will result in the sale of off-peak gas for industrial purposes and thereby decrease the supply available for peak residential and commercial use.

The Presiding Judge also found that the declining utilization of facilities that existed on the United Gas Pipe Line system when the United formula was adopted was not present on the Michigan Wisconsin system. Although Michigan Wisconsin was not curtailing its customers during the period of time covered by the record now before us, the Company's demand-supply situation has changed since that time. Michigan Wisconsin's responses to the Commission's Form No. 16, of which we take official notice, indicate that the Company projected curtailment of 60,114,000 Mcf of firm requirements for the year September, 1975, through August, 1976, including firm curtailment of 17 million Mcf for the November, 1975 through March, 1976 heating season.[13] Thus, one of the bases of the United formula, underutilization of the pipeline on an annual basis, is now present in the instant case. As we stated recently in another proceeding, the curtailed operation of a pipeline system, apart from other considerations, supports the United formula

[10] In *United*, the Commission abandoned the Seaboard 50/50 classification of fixed costs between the demand and commodity components of two-part rates in favor of assigning 75 percent of fixed costs to commodity and the remaining 25 percent of such costs to demand.

[11] Michigan Consolidated Gas Company is Michigan Wisconsin's largest customer. During the test period in the instant proceeding, Michigan Consolidated purchased 36 percent of Michigan Wisconsin's total sales volume.

[12] *Consolidated Gas Supply Corp., et al. v. F.P.C.*, 520 F. 2d 1176, 1187 (D.C. Cir. 1975).

[13] Source: "Requirements and Curtailments of Interstate Pipeline Companies Based on Form 16 Reports Required to be Filed on September 30, 1975", Staff Report of the Bureau of Natural Gas, November, 1975.

since that formula gives more recognition to annual use of the pipeline facilities.

As to the Presiding Judge's finding that a shift from Seaboard will not discourage industrial sales on Michigan Wisconsin's system, we recognize, as we did in United, that a shift to the United method will not be decisive in discouraging such sales by Michigan Wisconsin or its customers, particularly as the record shows that it would not increase commodity costs up to the costs of competitive fuels. Nevertheless, the shift in costs should help narrow the gap between the price of industrial gas sold on the Michigan Wisconsin system and the price of alternative fuels, and should, therefore, have the effect of diminishing the Seaboard rate design's undesirable promotion of the use of natural gas in a time of restricted gas supplies.

Based upon the foregoing discussion, and in light of the critical national shortage of natural gas, we must reject the Seaboard formula and its promotional aspect in particular in favor of the United formula. However, we shall not apply such formula back to the date the suspended rates became effective. By order of June 26, 1974, setting this matter for hearing, we ordered that "any rate design so determined [in this proceeding] will be applied to any rate change proposals filed by Mich-Wisc during the pendency of the instant rate design proceeding and such application shall be from the time such proposed rates are permitted to take effect". Two rate change proposals have been filed during this period, Docket Nos. RP75-76 and RP76-100. While Mich-Wisc was on notice that the United rate design could be applied to both of these proceedings, we feel at this juncture that it is appropriate to require Mich-Wisc to amend its tariff to reflect the United rate design only in the top case, RP76-100. To the extent that Michigan Wisconsin does not reflect a United rate design in that and any subsequent dockets, it is hereby placed on notice that it shall be subject to such undercollections as may occur if, after decision in that case, we find a cost classification and rate design appropriate that is different from that in Atlantic Seaboard Corporation, 11 FPC 43 (1952). However, such undercollections shall not exceed those that would be computed if 75 percent of fixed costs were classified to commodity under the principles and methodology of United Gas Pipe Line Company, 50 FPC 1348, 1360 (1973).

The Commission further finds: (1) Applicant, Michigan Wisconsin Pipe Line Company, is a "natural gas company" subject to the provisions of the Natural Gas Act, and the sales of natural gas subject to the order which follows as a part of this decision are sales of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission.

(2) Those portions of Applicant's rates, which were not part of the settlement accepted by the Commission on June 26, 1974, and which have been in effect in these dockets subject to refund, have not been shown to be just and reasonable or otherwise lawful under the provisions of the Natural Gas Act in the respects noted above, and Applicant should be required to file revised tariff sheets encompassing just and reasonable rates as necessary to conform to this order.

(3) Applicant should be required to refund to its jurisdictional customers any amounts reflecting the difference between its proposed rates and the rates required to be filed by this order, specifically relating to advance payments.

(4) The initial decision issued in this reserved issues proceeding on March 31, 1975, should be affirmed in part and reversed in part as hereinafter detailed.

The Commission orders: (A) The increased rates referred to in Paragraph (2) above are disallowed to the extent that they do not conform to this order.

(B) Within 60 days of the issuance of this order Applicant shall file any necessary amendments to its cost of service, rate design and tariff sheets for the period from November 1, 1973, to November 1, 1975, relating to advance payments, subject to the approval of the Commission.

(C) Within thirty days of the Commission's approval of its substitute tariff sheets in accordance with Paragraph (B) above, Applicant shall refund to its customers for the period of November 1, 1973, to November 1, 1975, all amounts, relating to advance payments collected in excess of those which have been payable under the rates and charges approved in accordance with Paragraph (B) above, together with interest at the rate of seven percent per annum from the date of payment to Applicant to the date of refund for the period from November 1, 1973, to October 10, 1974, and with interest at the rate of nine percent per annum for the period from October 10, 1974, to November 1, 1975.

(D) Within 30 days after making the refunds required by paragraph (C) above, Applicant shall file with the Commission in writing and under oath a report as to the amount of any refunds made and its method of computing the same, together with releases from its jurisdictional customers.

(E) Exceptions not granted are denied.

By the Commission.[14]

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20035 Filed 7-12-77;8:45 am]

[14] Transcontinental Gas Pipe Line Corporation, Opinion No. 801, Docket Nos. RP74-48 and RP75-3, issued May 31, 1977; Texas Gas Transmission Corporation, Opinion No. 792, Docket No. RP75-19, issued April 11, 1977.

[15] Commissioner Holloman, dissenting, filed a separate statement which is filed as part of the original document.

[Docket No. RI75-109]

MURPHY OIL CORP.

Order Modifying Initial Decision

JULY 6, 1977.

Murphy Oil Corporation (Murphy) is a lessee under oil and gas leases covering lands in the Basin Dakota Field, San Juan County, New Mexico. In 1959, Murphy entered into a farm-out agreement with Southwest Production Company (Southwest) under which Southwest would operate the leases and Murphy would retain certain rights. Under this agreement Murphy had an overriding royalty with an option to convert it into a working interest within 90 days after being notified of the recovery by the operator of all of his costs.

On May 9, 1960, Southwest entered into an agreement with El Paso Natural Gas Company for the sale to the latter of gas attributable to Southwest's interest in gas produced from the leased acreage. Murphy was not a party to this agreement because at that time it had no working interest. Southwest received a certificate of public convenience and necessity from the Commission authorizing this sale in Docket No. CI60-686. Northwest Pipeline Corporation (Northwest), has succeeded El Paso as the purchaser of this gas.

In 1971, after payout occurred Murphy elected to convert its overriding royalty to a working interest. Murphy executed a "Limited Ratification" of the sales agreement between Southwest and Northwest. This ratification was limited to the term of one year commencing March 1, 1971. On September 1, 1971, Murphy applied for a certificate authorizing its sale to Northwest, as initial service, under its limited ratification. This certificate was issued in Docket No. CI72-135. Under this certificate Murphy succeeded to Southwest's interest.

On April 1, 1972, Murphy and Northwest entered into an agreement for the sale and purchase of the gas attributable to Murphy's working interest for a period of 20 years. The sale was to be at a price of 22.5 cents per Mcf with provision for escalations at the rate of .5 cent per Mcf per year. The contract provided for a higher price if one was prescribed by the Commission. Murphy filed for a rate increase to the contract level, this filing was accepted by the Commission and suspended for five months to January 17, 1973.

On January 10, 1975, Murphy filed a notice of proposed rate increase to 41.-071 cents per Mcf to be effective as of June 21, 1974. This rate was based on the 35-cent base rate authorized for the Rocky Mountain Area by Section 154.-109b(d) of the Commission's Regulations, added by Paragraph (E) of Opinion No. 699-H.[1] The Commission

[1] 25 FPC 1370 (1961).

[2] Opinion No. 699-H, Just and Reasonable National Rates for Sales of Natural Gas, 52 FPC 1604, 1658 (1974).

ordered a hearing to determine whether the rates set in Opinion No. 699-H or Opinion No. 658 are controlling.[1]

initial decision was filed by Murphy. Murphy contends that the Commission is stopped from revoking its 1971 hold-

no indication in Southwest's original certificate application that it was dedi-

is entitled under its contract to collect those rates for the periods indicated. Murphy shall refund, with interest, all

transmitted a data request to Northern seeking additional information. North-

chases far in excess of the rates paid by Northern to these producers. North-ern argues that this fact alone should be

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ordered a hearing to determine whether the rates set in Opinion No. 699–H or Opinion No. 658 are controlling.[4]

A prehearing conference was held on May 6, 1975. At the conference it was determined that there were no issues of fact. Three exhibits and one item by reference were received in evidence and a briefing schedule was set. Murphy and Northwest filed briefs supporting the proposed rate, the Commission staff was the only party in opposition to these rates.

On May 5, 1976, Presiding Administrative Law Judge Israel Convisser issued his initial decision in this proceeding. The decision concludes that Murphy is bound by the rates specified in the Southwest-Northwest agreement of May 9, 1960. The decision notes that the briefs filed in this case were based on the theory that the Commission's Opinion in Perry R. Bass was controlling.[5] Since the filing of the briefs before the Administrative Law Judge, Bass has been expressly overruled.[6] The Judge noted that the overruling of Bass might warrant calling for new briefs however, he decided that it would be more expeditious and useful to permit the parties to express their views directly to the Commission without further delay.

The initial decision holds that the Commission's decision in Phillips controls this proceeding. The Administrative Law Judge states that in his opinion Bass was wrongly decided. The Judge points out that the Bass decision overlooked the Commission's right and duty, when appropriate, to override contractual arrangements and failed to focus on the status and obligation of the farm-out operator. Viewing the transaction at its inception, the decision points out that there was a commitment and consequently a dedication to interstate commerce of all of the gas. Murphy's inchoate right to a portion of the gas did not affect the totality of the dedication. The decision points out that whatever the rights of the parties may be among themselves, there was no request for a qualified certificate and the original dedication must be held to have been unqualified and total. The decision rejects Murphy's contention that the Commission's issuance of a certificate in Docket No. CI72–135, permitting Murphy to sell its gas under the one-year ratification of the 1960 contract, constituted recognition of that request as one for initial service. Recognizing that this decision is inconsistent with the Commission's holding in that proceeding, the Judge points out that that proceeding took place long before Opinion No. 737–A and No. 750 were issued.

The only brief on exceptions to the initial decision was filed by Murphy. Murphy contends that the Commission is stopped from revoking its 1971 holding that Murphy was initiating new service. Murphy contends that the Commission's decision in Docket No. CI72–135 is res judicata as to the question of whether Murphy commenced initial service. Murphy contends that there are no changed circumstances that would permit the Commission to reopen the earlier proceeding and change its results. Murphy has relied on the F.P.C.'s rulings and has accordingly incurred a substantial refund liability should those rulings be changed.

Murphy contends that its sale to Northwest clearly qualifies for the rate permitted in accordance with Opinion No. 699–H. Murphy points out that the 1960 contract clearly does not cover gas attributable to Murphy's working interest. In 1960, Southwest had no right to sell Murphy's gas. To distinguish Phillips, Murphy contends that its interest was never dedicated to interstate commerce. Because Southwest did not have authority to dedicate Murphy's interest Murphy contends that it can not be covered by the 1960 dedication. Murphy points out that even if the rationale of the Phillips decision applies the Southwest-Northwest contract expired as to Murphy's interest, when Murphy converted its overriding royalty into a working interest. Murphy distinguishes the termination of the contract term from the abandonment of sales in interstate commerce. Accordingly, Murphy feels that this gas is entitled to the rates prescribed in Opinion No. 699–H.

The Commission staff filed a brief opposing exceptions. Staff points out that the facts in this proceeding are virtually indistinguishable from the facts in the Phillips case and therefore, Opinion No. 750 must be deemed controlling. Staff concedes that after conversion of its royalty into a working interest Murphy could sell the gas. However, in order for this gas to qualify as new gas under Opinion No. 699–H the Southwest-Northwest contract must have terminated by its own terms. Staff points out that Murphy is in error in assuming that acceptance of its rate filing in 1971 constitutes approval of those rates as being just and reasonable. Staff points out that Murphy's gas reserves were dedicated by a 1960 contract. Accordingly, the just and reasonable rate for the sale of this gas is the rate set by Opinion No. 658.

By notice issued October 22, 1976, the Commission indicated its intent to hold this proceeding in abeyance pending court review of Phillips. That review has now been completed and the Commission has been affirmed.[6]

The initial decision correctly concludes that this proceeding must be governed by our opinion in Phillips. When the certificate was issued to Southwest in 1960, Murphy's rights were inchoate. There is no indication in Southwest's original certificate application that it was dedicating anything but 100 percent of the reserves. Were we to agree with Murphy's contention we would be led to a situation where 100 percent of the gas would be dedicated for a period of time, then when the overriding royalty was converted into a working interest only part of the gas would be dedicated.

The certificate issued to Murphy in Docket No. CI72–135 does not bar our decision here. By accepting that certificate Murphy merely succeeded to Southwest's interest in the dedicated acreage. Murphy obtained no rights other than those Southwest already possessed under its existing certificate. Murphy's certificate did not reflect any change in the price of the gas, it merely changed the identity of the vendor.

Murphy is incorrect in its assumption that the issuance of a certificate in Docket No. CI72–135 constitutes res judicata regarding the questions presented here. In issuing the certificate of public convenience and necessity in 1971, the Commission specifically stated:

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by Section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

That statement in the order should have put Murphy on notice that by issuing a certificate of public convenience and necessity the Commission would not be estopped from instituting a rate investigation in the future.

The Administrative Law Judge concluded that Murphy is bound by the rates set out in the 1960 El Paso-Southwest contract. Although the 1960 contract did not contain a clause permitting a rate increase to the area or national rate, the current contract does contain such a clause. Accordingly, we find that the just and reasonable rate for this sale is the rate set out in Opinion No. 658 for the period June 22, 1974, to January 1, 1976. Effective January 1, 1976, the just and reasonable rate is the rate set by Opinion No. 749,[7] and Murphy is entitled under its contract to collect those rates for the periods indicated. Murphy shall refund, with interest, all amounts collected is this proceeding, in excess of such just and reasonable rates.

The Commission finds: (1) The initial decision of May 5, 1976, should be modified as noted above.

(2) Murphy Oil Corporation should be required to refund all monies received over and above the appropriate just and reasonable rates.

The Commission orders: (A) The initial decision of May 5, 1976, is modified as indicated herein.

(B) Murphy Oil Corporation on or before September 15, 1977, shall (1) file three copies of a final refund report covering all amounts in excess of the appropriate just and reasonable rate together with interest thereon at the rate of 7 percent per annum for the period prior to October 10, 1974, and at the rate of 9 percent per annum for the period after October 10, 1974, (2) disburse the refunds to Northwest, and (3) file a copy of a release from the purchaser with respect to such refunds, all subject to the approval of the Commission.

(C) On or before November 1, 1977, Northwest shall file with the Commission three copies of a plan regarding the disposition of the refunds received from Murphy Oil.

(D) Northwest shall hold the refunds until further notification by the Commission's Secretary as to their distribution.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–20033 Filed 7–12–77;8:45 am]

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[4] Opinion No. 658, Area Rates for the Rocky Mountain Area, 49 FPC 924 (1973).

[5] *El Paso Natural Gas Company* v. *Perry R. Bass*, Opinion No. 683, 48 FPC 1269 (1972).

[6] El Paso Natural Gas Company, Opinion No. 737–A, Docket No. CP75–309, September 3, 1976; Phillips Petroleum Company, Opinion No. 750, Docket No. CI76–68, January 28, 1977.

[6] *Phillips Petroleum Company* v. *FPC*, No. 76–1216, Tenth Circuit, May 17, 1977.

[7] Just and Reasonable National Rates for Sales of Natural Gas From Wells Commenced Prior to January 1, 1973, Opinion No. 749, December 31, 1975.

[Docket No. RP71–107 (PGA 76–1)]

NORTHERN NATURAL GAS CO.

Order Excluding Certain Emergency Purchases From Proposed Purchased Gas Adjustment Increase

JULY 6, 1977.

On October 24, 1975, Northern Natural Gas Company (Northern) tendered for filing a proposed purchased gas cost adjustment rate increase. By order of December 24, 1975, the Commission suspended the proposed rate increase for one day and set for hearing the question of the propriety of including certain sixty-day emergency purchases which were at a rate in excess of the rate levels prescribed in Opinion No. 699–H. On February 27, 1976, the Commission issued an order establishing a procedure by which the Commission could determine whether the prices paid by Northern for these sixty-day emergency purchases were prices a reasonably prudent pipeline purchaser would pay for the gas under the same or similar circumstances.

In response to the Commission's order Northern submitted certain information. On April 8, 1976, the Commission Staff transmitted a data request to Northern seeking additional information. Northern refused to provide the requested information. On May 7, 1976, the Staff filed a motion to compel production of the requested information. According to Staff, while this motion was pending Commission action, Northern submitted to the Staff certain of the information requested. On February 14, 1977, Staff filed a Motion Requesting Leave to Withdraw its Prior Motion and Requesting that Dates Be Established for the Submission of Comments Concerning the Reasonableness of the Emergency Purchases. By Secretary's notice of March 10, 1977, the Commission permitted Staff to withdraw its motion and set March 18 for the filing of the initial comments and April 18 as the date for filing reply comments.

In its comments Staff notes that Northern is seeking to include in its Purchased Gas Adjustment (PGA) increase $60,000 paid to onshore producers in excess of the applicable nationwide rate. Staff does not question the reasonableness of the prices paid by Northern, rather, Staff argues that any price in excess of the nationwide rate was not required to attract these supplies to the interstate market. Staff points out that Opinion No. 699–B, reinstating emergency sales noted that the purpose of this procedure was to obtain gas supplies which might otherwise not be available to the interstate market.

In its comments Staff alleges that prices in excess of the nationwide rate were not necessary to attract these particular supplies of gas to the interstate market. Staff alleges that all the gas at issue in this proceeding was previously dedicated to the interstate market. Staff notes that the sales from Amarada Hess Corporation to Northern, at a price of 60 cents per Mcf, were from wells which had been reclassified. Prior to the reclassification this gas had been sold as casinghead gas in interstate commerce to Warren Petroleum Company and Skelly Oil Company. Upon reclassification the Commission granted abandonment to Amerada Hess on the express condition that the gas continue to be sold in interstate commerce to Northern. *Amerada Hess Corporation*, Docket No. G–6318, et al., issued December 14, 1976. Northern's purchase from McCulloch Oil Corporation at 70 cents per Mcf, was from acreage on which Northern held a firm option for the purchase of the gas. Northerns purchase from Anadarko Production Company at 85 cents per Mcf was from a lease on which an agreement existed between Northern and Anadarko for Northern to purchase Anadarko's proportionate share of the gas produced. All of these statements were noted in Staff's initial comments filed on March 13, 1977. Neither in its comments nor reply comments did Northern attempt to rebut these allegations by Staff.

In support of its filing, Northern argues that, since the time of these purchases, the Commission has established just and reasonable rates for gas from wells commenced during the period of these purchases far in excess of the rates paid by Northern to these producers. Northern argues that this fact alone should be dispositive of the issues of the prudency of Northern's emergency purchases.

In reinstating the emergency sales procedure in Opinion No. 699–B the Commission stated that this procedure would be available to, "enable the interstate pipeline companies to negotiate for additional supplies of gas * * * which, for various reasons, might not otherwise be available to the interstate market for a long-term dedication at the national rate established in Opinion No. 699." The purpose of reintroducing the emergency sales procedure was to attract gas to the interstate market. In Opinion No. 699–B the Commission stated that it would allow rates for such sales, "as may be necessary to attract supplies of gas to the interstate market from the intrastate market."

It appears from the comments filed by the Commission Staff that a rate in excess of the nationwide rate was not necessary to attract this particular supply of natural gas to the interstate market. Northern has not attempted to rebut, in any manner, the statements contained within Staff's comments.

Northern argues that Staff's opposition is based on a nonexistent burden of proof. Northern argues that Opinion No. 699–B provided that the Commission will permit a pipeline to pass along, in its purchased gas costs, a rate for emergency purchases which a reasonably prudent pipeline purchaser would pay under the same or similar circumstances. One of the circumstances that is to be considered in determining whether the rate is prudent is whether or not the rate is necessary to attract the particular supply of gas to the interstate market. As noted above, one of the primary purposes of the emergency purchase provisions of the Commission's regulations is to attract gas to the interstate market that would not otherwise be available to it. Northern has failed to show that a reasonably prudent pipeline would have paid these costs, in excess of the nationwide rate, to attract this gas to the interstate market. Northen's argument that the rates set out in Opinion Nos. 770 and 770–A justify the rates it paid for these purchases must be rejected. The rates set forth in those opinions would not be applicable to the sales at issue in this proceeding and cannot govern them.

The Commission finds: Northern's proposed Purchase Gas Adjustment rate increase attributable to these sixty-day emergency purchases must be rejected.

The Commission orders: (A) The Purchased Gas Adjustment rate increase filing of October 24, 1975, is hereby modified to reflect the exclusion of the costs at issue in this proceeding.

(B) Within thirty days after the date of this order Northern shall file substitute tariff sheets reflecting changes in its Purchase Gas Adjustments consistent with this order.

(C) Within thirty days of the Commission's approval of applicant's substitute tariff sheets, applicant shall refund

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to its customers all amounts, if any, collected in excess of those which would have been payable under the rates and charges approved in this proceeding. Applicant shall file a report of all refunds made pursuant to this order and shall file a copy of the refund report with the appropriate state commissions.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20039 Filed 7-12-77;8:45 am]

[Docket No. ER77-464]

PUBLIC SERVICE CO. OF NEW MEXICO

Proposed Change in Rate Schedule

JULY 6, 1977.

Take notice that Public Service Company of New Mexico (PNM), on June 20, 1977, tendered for filing proposed changes in its FPC PNM Rate Schedules No. 31, 32 and 34, which provide time-of-day (TOD) rates to three wholesale customers, namely, Plains Electric Generation and Transmission Cooperative, Inc., Community Public Service Company, and U.S. Energy Research and Development Administration. PNM states that the proposed changes would increase revenues from the sales and services under the revised rates by $5,053,644 on the basis of PNM's sales during Period II.

PNM further states that estimates of its rate of return on its FPC Rate Schedules Nos. 31, 32, and 34 under Period II would be 3.665 percent. PNM indicates that this rate of return is not adequate to compensate the Company for increased costs, including increased operating and maintenance expenses, capital costs and return on equity to permit the Company to raise the necessary capital to continue the growth required to maintain adequate service to its customers. PNM proposes an effective date of August 1, 1977.

According to PNM copies of the filing were served upon the public utility's jurisdictional customers being served under these rate schedules and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20044 Filed 7-12-77;8:45 am]

[Project No. 2333]

RUMFORD FALLS POWER

Application for Change in Land Rights

JULY 6, 1977.

Public notice is hereby given that an application for change in land rights was filed on May 17, 1977, under the Federal Power Act, 16 U.S.C. §§ 791–825r, by Rumford Falls Power Company (Applicant) (Correspondence to: Richard E. Whiting, Esq., James H. Kendall, Esq., Whiting & Kendall, 44 Lowell Street, Rumford, Maine 04276) at Project No. 2333, known as the Rumford Falls Project. Project No. 2333 is located in the Town of Rumford, Oxford County, Maine, on the Androscoggin River, a navigable water way of the United States.

Applicant seeks Commission approval to grant an easement over two parcels of project lands to the Rumford-Mexico Sewage District for the installation and operation of municipal sewer pipelines. The sewer lines are a part of a proposed treatment facility which would provide primary and secondary sewage treatment for Rumford and Mexico, Maine, and the surrounding area.

Parcel No. 1, located upstream from the project's middle dam and adjacent to the intersection of Bridge Street and Prospect Avenue in Rumford, Maine, would consist of a 274-foot long and 20-foot wide area where an interceptor sewer would be installed.

Parcel No. 2 would consist of a 735-foot long and 20-foot wide area where a sewer line would be installed which would cross the Androscoggin River on the river bottom downstream from the Middle dam and adjacent to the intersection of Congress and Lowell Streets in Rumford.

The twinpipe siphon sewer line would consist of one 8-inch pipe and one 10-inch pipe buried side by side. Siphon sections above elevation 436 feet would be buried a minimum of four feet and sections below elevation 463 would be encased in concrete.

Applicant has requested the use of the shortened procedures set forth in Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR § 1.32 (b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20037 Filed 7-12-77;8:45 am]

[Docket No. RI77-102]

SUERTE OIL CO. (OPERATOR), ET AL.

Petition for Special Relief and Petition for Waiver of Section 157.40(c)

JULY 6, 1977.

Take notice that on June 8, 1977, Suerte Oil Company (Operator), et al. (Petitioner), P.O. Box 755, Hays, Kansas 67601, filed in Docket No. RI77-102 a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner seeks to collect a rate of 60.58 cents per Mcf for the sale of natural gas to Kansas-Nebraska Natural Gas Company from the F. E. Good No. 1 Well located in Hamilton County, Kansas. Petitioner indicates that the proposed rate increase is necessary in order for Petitioner to install, operate, and maintain a pumping unit on the well to prevent gas waste and to increase the potential for recovering gas reserves, and to rework the well to repair a casing leak.

Petitioner also requests a waiver of Section 157.40(C) of the Commission's Regulations (18 CFR § 157.40(c)) in order to amend Petitioner's small producer certificate to cover sales of natural gas previously covered under Atlantic Richfield Company's FPC Gas Rate Schedule No. 551.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20098 Filed 7-12-77;8:45 am]

[Docket No. ER76-20]

SUPERIOR WATER LIGHT & POWER CO.

Order Approving Settlement

JULY 6, 1977.

On February 18, 1977, the Superior Water, Light & Power Company of Superior, Wisconsin (Superior), submitted for filing a proposed Settlement Agreement in the above designated docket. Presiding Administrative Law Judge George P. Lewnes certified the proposed settlement to the Commission on February 25, 1977.

Docket No. ER76-20 was initiated on July 23, 1975, when Superior tendered for filing a proposed increase in rates to its only jurisdictional customer, Dahlberg Light and Power Company (Dahlberg). The proposed rates provided for an increase of $81,818 (10.4 percent) based upon twelve months ending March 31, 1975. Notice of Superior's filing was issued on July 31, 1975, with petitions to intervene or protest due on or before August 12, 1975. In response to that notice the Public Service Commission of Wisconsin (Intervenor) filed an out of time petition to intervene on August 28, 1075. By order issued September 16, 1975, the Commission granted late intervention to the Public Service Commission of Wisconsin. Dahlberg did not petition to intervene.

By order issued August 21, 1975, the Commission accepted the proposed rate change for filing, suspended the rates for five months until January 22, 1976, consolidated this filing with its parent company's filing in Docket No. E-9502, directed Superior to file substitute sheets reflecting revised rates from its supplier MP&L as a result of the Commission's Order of July 18, 1975, in Docket No. E-9502, and set the matter for hearing. On September 22, 1975, Superior complied by filing revised rate W-4 substitute sheets to its case-in-chief.

Staff served its testimony and exhibits on February 23, 1976. A hearing of the consolidated proceedings was held on June 2, 1976.

An Initial Decision for Minnesota Power & Light, Docket No. E-9502 et al. was issued on February 25, 1977, and Briefs on Exceptions and Opposing Exceptions have since been filed. Docket No. ER76-20 was separated from Minnesota for purposes of the decision and briefing in order for the parties to continue discussion on possible settlement.

As a result of various conferences and discussions in the instant docket, an agreement was filed on February 18, 1977. The Settlement Agreement was certified by the ALJ on February 25, 1977. Notice of the settlement agreement was issued on March 7, 1977, with comments due on or before April 11, 1977. Staff filed its comments supporting the settlement on April 5, 1977.

The settlement provides for an increase in Superior's rates for service to a wholesale customer, Dahlberg Light and Power Company, of $19,845, plus an increase in the cost of power purchased by Superior from Minnesota Power & Light Company (MP&L) under the rates finally approved by this Commission in Docket No. E-9502. It also provides that Superior shall refund to Dahlberg all amounts collected, subject to refund in this docket in excess of the amounts determined as the approved rates in Docket No. E-9502.

The proposed settlement further provides that in the event the Commission, upon final order in the proceeding in Docket No. E-8494, reduces the ratchet on demand contained in MP&L's proposed Rate Schedule No. 90, Superior will reduce the ratchet on demand contained in its proposed Rate Schedule W-4 (revised), Resale Service—Municipalities and Private Utilities, by an equal percentage.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the Settlement Agreement represents a reasonable resolution of the issues in the proceeding in the public interest, and that accordingly the settlement should be conditionally approved, effective January 22, 1976, pending Commission decision on exceptions in E-9502. Additionally, the settlement requests deferral of compliance filings until after decision in the Docket No. E-9502 proceeding. For the purposes of computing settlement revenues authorized in Docket No. ER76-20 a 0.01 percent decrease in the rate of return on common equity is determined to require a $56 decrease in test period revenues. We believe that adherence to those settlement requests is in the public interest.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement certified to the Commission by the Presiding Administrative Law Judge in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) Within 30 days from the date of the Commission's final order in Docket No. E-9502, Superior shall file with the Commission revised tariff sheets in conformance with the Settlement Agreement.

(C) The Superior Water, Light and Power Company shall defer the filing of a compliance report until the final order is issued by this Commission in Docket No. E-9502. When that order is issued, the compliance report shall be filed 15 days thereafter. Such report shall show monthly billing determinants and revenues under prior, present and settlement revenues. The report shall also show the monthly settlement rate increase, the rate of refund, and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(D) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Superior or any person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20041 Filed 7-12-77;8:45 am]

[Docket No. ER77-473]

SUPERIOR WATER, LIGHT & POWER CO.

Proposed Changes in Rates and Charges

JULY 6, 1977.

Take notice that Superior Water, Light and Power Company (SWL&P), on June 27, 1977, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 12. SWL&P indicates that the proposed changes would increase revenues from jurisdictional sales and service.

SWL&P indicates that the proposed rate changes and rate charges are designed to increase the revenue from Dahlberg Light & Power Company (Dahlberg). SWL&P's only jurisdictional customer, sufficiently to recover the proportionate share of the increase in the cost of purchased power from SWL&P's supplier and to raise the rate of return on the investment necessary to serve Dahlberg to an acceptable level.

According to SWL&P, copies of the filing were served upon Dahlberg and Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20095 Filed 7-12-77;8:45 am]

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[Docket No. ER77-476]

VIRGINIA ELECTRIC & POWER CO.

Tendered Revised Contract Supplement

JULY 6, 1977.

Take notice that on June 24, 1977, Virginia Electric and Power Company (VEPCO) tendered for filing revised supplements to the contract between VEPCO and Roahoke Electric Membership Corporation. VEPCO states that the revised contract supplements correct certain items to reflect changes made in the past at delivery points as set forth below:

Delivery point	Present FPC No.	Present FPC No.	Item corrected
Anlander	92-2	92-22	3, 4, 5 (2), (3), 8, and 9.
Conway	92-4	92-23	3, 4, 5(2), (3), 8, and 9.
Eason's Crossroads	92-11	92-24	3, 4, 5(2), (3), and 8.
Gum Fork	92-6	92-25	3, 4, 5(2), 8, and 9.
Halifax	92-7	92-26	3, 4, 5(3), 8, and 9.
Jackson	92-9	92-27	3, 4, 5(2), (3), 8, and 9.
Merry Hill	92-8	92-28	3, 4, 5(2), (3), 8, and 9.
Rodnco	92-12	92-29	3, 4, 5(2), (3), 7, and 8.
Windsor	92-5	92-30	3, 4, 8, and 9.
Woodville	92-3	92-31	3, 4, 5(2), (3), 8, and 9.

VEPCO states that the revised contract supplements are intended to supersede the listed FPC Rate Schedules and requests waiver of the Commission's notice requirements to allow the revised supplements to become effective on June 24, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20094 Filed 7-12-77;8:45 am]

[Docket No. ER77-474]

WISCONSIN PUBLIC SERVICE CORP.

Tariff Change

JULY 6, 1977.

Take notice that Wisconsin Public Service Corporation (Wisconsin) on June 27, 1977, tendered for filing a new Agreement with Consolidated Water Power Company (Con Wa), of Wisconsin Rapids, Wisconsin, to replace in its entirety the Interconnection and Emergency Energy Agreement with Con Wa dated February 22, 1973, and the amendments and the supplements thereto, which are presently on file as Wisconsin's FPC Electric Tariff No. 31, and which provide for interchange of Off-Peak and Emergency Energy, Authorized Dump Hydro Energy, and Stabilizing Energy.

According to Wisconsin change in revenue as a result of this new Agreement is unknown as the quantities of energy to be exchanged are indeterminate.

Wisconsin requests a waiver of the Commission's notice requirements so as to allow an effective date of July 1, 1977, for this filing.

Wisconsin indicates that the rates for the services covered by the current agreement are not being increased, and the new Agreement merely adds new services, rates, and rules.

According to Wisconsin copies of the filing were served upon Con Wa and the Public Service Commission of Wisconsin.

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20096 Filed 7-12-77;8:45 am]

[Docket Nos. RP73-107, RP74-90, RP75-91]

CONSOLIDATED GAS SUPPLY CORP.

Pipeline Rates; Order Approving Settlement Agreement Subject to Conditions and Prescribing Reasonable Rate of Return

JULY 5, 1977.

On August 10, 1976, Administrative Law Judge Stephen L. Grossman certified to the Commission a settlement agreement in resolution of all cost of service issues raised in these consolidated proceedings, with the exception of rate of return, which the parties are contesting in comments to the Commission. Judge Grossman also certified portions of the record pertinent to the cost of service issues. On December 10, 1976, Judge Grossman rendered his Initial Decision determining the issues cost allocation, cost classification, and rate design issues in these proceedings. The Commission will approve the settlement agreement and establish a fair rate of return in this order and will issue a separate opinion and order in consideration of the cost allocation, classification and rate design issues. Controversies concerning depreciation and pipeline production have been severed from these proceedings and will be considered at a later date.

PROCEDURAL BACKGROUND

On May 15, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing with the Commission proposed tariff sheets reflecting increased rates and charges in Docket No. RP73-107. By order issued on June 29, 1973, the Commission accepted the tariff sheets for filing, suspended the effective date of the proposed rates until December 1, 1973, and granted intervention to several interested parties.

On May 16, 1974, Consolidated filed proposed tariff sheets for additional rate increases in Docket No. RP74-90. The Commission on June 24, 1974, accepted the tariff sheets for filing, suspended their effectiveness until December 1, 1974, and on September 13, 1974, consolidated Docket No. RP74-90 with Docket No. RP73-107. In the interim the Commission issued Opinion No. 703,[1] determining just and reasonable rates in Consolidated's earlier filing, Docket No. RP71-77. Consolidated thereupon filed in these consolidated proceedings substitute tariff sheets complying with the Commission's decision in Opinion No. 703. The Commission accepted the substitute tariff sheets for filing to become effective on December 1, 1974.

Consolidated filed tariff sheets seeking an additional rate increase in Docket No. RP75-91 on April 16, 1975. On May 19, 1975, the Commission issued an order accepting the proposed tariff sheets and suspending their effectiveness until November 1, 1975. These proceedings were consolidated with the proceedings in Docket Nos. RP73-107 and RP74-90 by a Commission order issued on August 25, 1975.

UNCONTESTED SETTLEMENT AGREEMENT

During a joint settlement conference held on August 6, 1976, in Docket No. RP75-91, the presiding Administrative Law Judge admitted into evidence Exhibit No. 36, which is a settlement agreement concerning cost of service issues in Docket Nos. RP73-107, RP74-90 and RP75-91. The company also filed a motion for approval of the agreement. Upon certification of the stipulation and the record to the Commission, Consolidated, Public Service Company of the State of New York (PSNY), New York State Electric and Gas Corporation (NYE&G), Rochester Gas and Electric Corporation (RG&E) and Staff filed initial comments. Both Consolidated and Staff filed reply comments.

The settlement agreement is based upon Staff's adjusted cost of service. Cost of service data was filed in four statements appended to the settlement agreement: Statement A sets forth the Staff's cost of service for the twelve month locked-in period ending November 30, 1974; Statement B shows Staff's cost of service for the twelve month period ended October 31, 1974; Statement C consists of Staff's cost of service for the twelve months ended September 30, 1975. Statement D shows the controverted capitalization ratios, rates of return on common equity, and overall rates of return for the three locked-in periods covered by Docket No. RP73-107, Docket No. RP74-90, and Docket No. RP75-91.

Article I of the stipulation provides that Consolidated will make the appropriate rate reductions and issue refunds only upon the parties' settlement of or the Commission's decision with respect to the issue of cost allocation and rate design. Consolidated also reserved its right to offer additional testimony on the depreciation issue remaining in Docket No. RP75-91.

Under Section 1 of Article II Consolidated may increase or decrease its rates to track changes in rate base caused by net changes in the amount of outstanding advance payments. The changes are to be determined "by multiplying 17.73 percent times the difference between (a) the amount of outstanding advance payments and (b) the amount $14,658,415 included in the rate base used in determining the cost of service underlying Statement C, or this base amount adjusted to reflect piror changes under this Article." Consolidated agreed to calculate any changes in rates on a volumetric basis. The company is required under this settlement agreement to submit in its tracking filings an affidavit explaining the basis of the change and describing any new agreements proposed to be tracked.

Section 2 of Article II allows Consolidated to track changes in its cost of service for the cost of gas transported by others. The amount to be tracked shall be calculated as the amount by which annual transportation costs differ from the base amount of $14,524,656 (see Statement C). Changes in rates are to be calculated on a volumetric basis. The agreement also provides that Account No. 191, Unrecovered Purchased Gas Costs, shall be credited with refunds, including interest, applicable to rate schedules used in computing the base amount. The Commission will require those refunds to include interest at an annual rate of 9 percent.

In Article III, the parties reserve their rights to contest matters not provided for in the stipulation.

The Commission hereby accepts and approves the uncontested aspects of the settlement agreement, as they are in compliance with the Commission's rules and regulations.

[1] Consolidated Gas Supply Corporation, Docket No. RP71-77, Opinion No. 703 issued on August 28, 1974.

CONTESTED PORTIONS OF SETTLEMENT AGREEMENT

1. COAL GASIFICATION

Rochester Gas and Electric Corporation (RG&E) objects to the exclusion from the settlement cost of service of Consolidated's investment in coal reserves for future coal gasification plants. A full requirements customer of Consolidated, RG&E regards these expenses as reasonable and necessary to assure RG&E and other customers that their future demands will be met. RG&E proposes that the following amounts be included in Consolidated's cost of service for coal gasification expenses:

RP73-107	$595,700
RP74-90	$507,300
RP75-91	$875,500

RG&E further objects on the basis that, if these expenses are directly excluded from the cost of service, Consolidated's customers will be forced to bear these expenses indirectly, by providing Consolidated's investors with a higher return on common equity to compensate them for the risks created by dwindling gas supplies. In essence, RG&E's complaint is that "by paying for the coal gasification project indirectly rather than directly, the customers of Consolidated lose the protection of this Commission, * * * (which should) have jurisdiction over to whom the output of the project is sold and at what rates it is sold."[2]

RG&E correctly notes that the Natural Gas Act does not give the Commission the jurisdiction over gasified coal. RG&E therefore suggests that Consolidated could "contractually give the Commission practical jurisdiction,"[3] and claims that Consolidated expressed a willingness to agree to appropriate terms and conditions regarding this matter.[4]

In reply to RG&E's comments, Staff argued that consumers should bear only those costs related to natural gas which they are receiving or have a reasonable expectation of receiving. Because Consolidated's ratepayers are not receiving any gas produced by coal gasification, and because they do not expect to receive any such gas in the near future, Staff reasons that the consumers should not bear costs of coal gasification until it is a reality.

In rebuttal to RG&E's reliance upon the settlement approved in "Texas Gas Transmission Company," supra, in support of its suggestion that Consolidated "contractually give the Commission practical jurisdiction" over this matter. Staff adequately distinguished the "Texas Gas" settlement from the present case:

> First, the Texas Gas provision on inclusion of coal reserves in rate base was dependent upon the outcome of litigation concerning the properiety of such inclusion. In the context of the instant case, this question comes before the Commission as a settlement proposal which does not offer the full hearing of litigation. Second, the instant proposal contains no language similar to that in the Texas Gas Agreement that Consolidated would agree to place any gas which may result in its jurisdictional flow of gas. (Staff Reply Comments at p. 3.)

The Commission pronounced its policy on the inclusion of expenses for coal reserves for gasification in "Michigan Wisconsin Pipe Line Company:"[5]

> Our lack of jurisdiction over coal gasification facilities does not, standing alone, prevent this Commission from approving expenditures to such projects if the Commission believes such expenditures will yield substantial benefits to the consumer within a reasonable period of time.[6]

There is no evidence on the record demonstrating that the expenes for coal reserves will yield benefits for RG&E or other customers. There is no certainty that Consolidated will ever actually mine the coal or gasify it. The Commission finds that, in the interests of the consumers, expenses for the company's coal reserves should not be included in Consolidated's cost of service.

2. SAVINGS ON REACQUIRED DEBT IN LONG TERM DEBT

None of the parties dispute the capital structure in Docket Nos. RP73-107 and RP74-90, as of December 31, 1974, as adjusted:

	Amount[1]	Ratio	Cost	Return components
		Percent	Percent	Percent
Long-term debt	575,384	44.22	6.35	2.81
Preferred stock	80,000	3.84	10.96	.42
Common equity	675,694	51.94		
Total	1,304,078	100.00		

[1] In thousands of dollars.

Consolidated's settlement proposal indicates the settlement cost of long term debt to be 6.35 percent, which includes savings from reacquired debt. Nonetheless, Consolidated attached to its initial comments on the settlement agreement excerpts from its initial brief in these proceedings, in which Consolidated argued that these savings should be excluded from long term debt. Staff voiced its understanding that the parties agreed to a 6.35 percent cost of long term debt. In rebuttal to Consolidated's position, Staff appended to its comments excerpts from its briefs filed in these proceedings on the subject.

In keeping with the Commission's policy on reacquired debt as set forth in

[2] RG&E comments on Settlement Proposal, at 2-3.

[3] Ibid., citing Texas Gas Transmission Corporation, Docket No. RP76-17, Stipulation and Agreement filed on July 23, 1976.

[4] Tr. 1087.

[5] 51 FPC 2408, 210 (1974); See also Michigan Wisconsin Pipe Line Company, 52 FPC 342 (1974); Michigan Wisconsin Pipe Line Company, 52 FPC 928 (1974); Southern Natural Gas Company, Docket No. RP74-93, Order Denying Petition for Declaratory Order, issue on September 4, 1974, an Order Denying Applications for Rehearing and Reconsideration, issued on October 30, 1974.

Opinion No. 563,[1] the Commission finds

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Opinion No. 583,[6] the Commission finds that all discounts and savings associated with the reacquisition of debt should be amortized over the remaining life of the old debt, and the amortized amount then be included as a credit to the embedded cost of debt. This policy insures that the consumer who pays the carrying charges for long term debt will benefit from the savings realized from reacquisition. We find that a 6.35 percent cost of long term debt in Docket No. RP73–107 and Docket No. RP74–90 is equitable.

3. RATE OF RETURN

Consolidated, the Public Service Commission of the State of New York (PSNY), and the Commission Staff contest the level of return on common equity and overall rate of return in Docket No. RP73–107, Docket No. RP74–90, and Docket No. RP75–91. Consolidated proposes a 12.0 percent rate of return on common equity, with a 9.46 percent overall return, for the period covered by Docket No. RP73–107, and proposes a 12.25 percent return on common equity and 9.59 percent overall return in Docket No. RP74–90. PSNY supports Consolidated's proposal in Docket No. RP73–107, but recommends these same levels of return be maintained in Docket No. RP74–90. Staff advocates a return on common equity of 11.63 percent, with an overall return of 9.27 percent in both Docket No. RP73–107 and Docket No. RP74–90. In Docket No. RP75–91, Consolidated requests an overall return of 10.50 percent with a 13.58 percent return on common equity. PSNY recommends an overall return ranging from 9.81 percent to 9.83 percent with a return on common equity between 12.25 percent and 12.30 percent. Staff recommends an overall return ranging from 9.48 percent to 9.67 percent, with a return on common equity of 11.63 percent to 12.00 percent.

Consolidated is a wholly-owned subsidiary of the Consolidated Natural Gas Company (Consolidated Natural). All of its financing is obtained through the parent company. All parties agree that as a result of this relationship the proper capital structure to use for determining the overall rate of return is that of Consolidated Natural. It is further agreed that the cost of money to Consolidated Natural is representative of the cost of money to Consolidated. Accordingly, the costs of debt and preferred stock are that of the consolidated parent and analysis of return on common equity is based on financial and market indicators of Consolidated Natural.[7]

(a) *Docket No. RP73–107 and Docket No. RP74–90.* Consolidated considered five criteria in establishing its proposed rates of return for the locked-in periods covered by Docket No. RP73–107 and Docket No. RP74–90: Current market conditions, the yield and growth rate available to its investors, the company's earnings on book value as compared with other investment opportunities, its market to book ratio, and Consolidated's future needs for additional capital.[8]

Consolidated testified that the increasing shortage of gas supplies has made it necessary for gas supply corporations to invest in programs designed to develop additional sources of natural gas.[9] Consolidated Natural has invested considerable sums of capital in these programs, and testified that its capital expenditures for the five year period from 1973 to 1977 would amount to $920,000,000, or about $184,000,000 annually.[10]

The Commission Staff noted that between 1969 and 1973 the utility industry has made greater demands for capital under less than favorable conditions, and agrees that over the period from 1973 to 1978 the industry would far exceed those high demands.[11] The Staff confirmed Consolidated's testimony as to the decreasing reserve to production ratio caused by severe curtailments of natural gas for the pipeline industry as a whole.[12] Staff did however place Consolidated into proper perspective operationally.

Consolidated Gas Supply is the Consolidated Natural Gas Company's interstate transporter and seller of gas to Consolidated's distribution subsidiaries, located primarily in the states of Pennsylvania, Ohio, West Virginia, and New York. As of 1973, the system acquired natural gas through its own production in Louisiana and Appalachia (12 percent), from the Southwest through purchases from five interstate pipeline companies (75 percent), and from Appalachian area producers (13 percent).

Consolidated's gas supply posture would appear to be somewhat better than the interstate transmission industry, as a whole. According to 1974 data filed with the FPC, Consolidated's Reserve/Life Index stood at 17.2, and its Reserve/Production Ratio was about 19.1. Curtailments by Consolidated during the first quarter of calendar year 1975 amounted to 10,192,000 Mcf, or approximately 1.5 percent of industry-wide curtailments represented by some 22 pipeline companies. Based on Form 16 filing, Consolidated projects a deficiency of 43,756,000 Mcf, or 5.8 percent firm requirements which is well below total industry projected deficiency of 15.8 percent for the period, September 1974–August 1975. Moreover, Consolidated could well improve its supply posture through supplemental gas projects such as SNG and imported LNG, as well as additional reserves from Canada and the Texas-Louisiana coastal area.

On the other hand, the four interstate pipeline companies that supply Consolidated Gas Supply with the vast majority of its gas are faced with curtailments that eventually could place Consolidated in a relatively vulnerable position. For example, the four companies, Texas Eastern, Tennessee Gas, Transcontinental, and Texas Gas, had curtailments during the first quarter of 1975 of 148,657,000 Mcf, or over 22 percent of the total curtailments of the 22 major pipeline companies.[13]

Consolidated's Exhibits Nos. 18 and 22 provide an overview of the rapid growth of the economy and the rate of inflation experienced by this nation historically. Consolidated emphasized the prevailing high interest levels and the general increase on cost of debt capital for utilities at the time these filings were made.[14] The Commission Staff agreed that inflation has had a tremendous effect upon the cost of capital goods, which added pressure to the capital markets. Staff stated that the high interest rates during the period 1969 through most of 1974 were principally a function of increasing inflationary expectations by investors and that the "inflationary rate has been reduced substantially from the 12 percent yearly rate of 1974 to around 7 percent." Staff also cited projections of further declines. Referring to Opinion No. 703 which emphasized trends in interest rates, Staff stated that "the trend • • • during the period 1965–1971, or even through the time Opinion 703 was drafted in 1974, should [not] be considered as irreversible as the Opinion implies." Staff's disagreement was with the permanence and degree of long-term interest rate increases suggested by the Opinion. Staff, however, agreed that the trends in long term interest rate has been upward and that it should and was considered in Staff's recommended rate of return on equity. On cross-examination this point was clarified when Staff stated its belief that interest rates would decline during the first half of 1976.[15]

Consolidated testified that the company realized "substantially less return on its average common equity than any of [Moody's] Gas and Electric industry groups."[16] Consolidated attributes the depressed market value of it's stock to its low equity returns through 1972.[17] Staff employed the comparable earnings approach to demonstrate what returns would be on the best alternative investments as compared to those of Consolidated. Staff's Exhibit No. 43 also shows that Consolidated has been experiencing lower returns on common equity than other utility groups. Staff however finds this to be largely the result of its substantially higher common equity ratio. The Staff's exhibits show that high business risk industrials use a capital structure containing significantly more common equity and fewer senior debt obligations than regulated utilities. Staff testified that Consolidated's stronger equity ratio was a positive factor, since its after tax coverages have consistently exceeded those of other utility groups. This financial stability has resulted in Consolidated's Aa bond rating by Moody's, whereas most pipeline bonds are much lower. Staff stated that these three indicators reveal that Consolidated's financial risk is relatively lower than that of comparable groups.[18]

While Consolidated agrees that its high bond rating is a result of its high equity ratio, the company argues that its equity ratio has no direct relationship to the allowance of return on common equity:

> At best the equity ratio of Consolidated is a modest plus factor in a comparison of risk, but a plus factor which is more than offset by the Company's relatively poor return on equity as shown on Table 29; the tendency of its equity to sell at market prices below book value compared to the premium sales price of comparable companies as shown on Table 22; and the relatively high yield plus growth cost evidence reflected in a comparison of Table 27 with Tables 15, 17, 19, 21, and 23 (of Exhibit Nos. 18 and 22). • • • [T]here is on balance no reason why the equity allowance for Consolidated should not be directly comparable with various other gas utility groups • • • There is therefore no basis whatsoever for an arbitrary reduction in the equity allowance based upon a 52 percent equity ratio. To treat Consolidated's equity on this basis would merely perpetuate its poor earnings record, drive its equity-market value further below the book value and make it impossible for the Company to finance through the sale of equity securities at a reasonable cost and without dilution of the investment of the existing stockholders.[19]

Consolidated's earnings-price ratio has climbed from 8.4 in 1968 to 11.2 in 1972. With an allowance of 10 percent for issuance costs, the average earnings-price ratio for the 12 months ending April, 1973 was 12.04, having fluctuated between 10.98 and 13.30. Consolidated argues that "in no event can the cost of equity capital (and thus the required return on equity) to Consolidated be less than 12 percent and that it is, in fact, some higher" for Docket No. RP73–107.[20] Using the same reasoning, Consolidated concluded from Exhibit 22, showing a 13.7 percent earnings price ratio for the 12 month period ending March, 1974, that 12.5–13.0 percent return on equity was necessary in Docket No. RP74–90.[21] Consolidated's settlement proposal requests a return on common equity of 12.0 percent with an overall return of 9.46 percent in Docket No. RP73–107 and a return on common equity of 12.25 percent with an overall return of 9.59 percent in Docket No. RP74–90.

Staff's Exhibit No. 43 shows that in comparing the price-earnings multiples (P/E) (which is the reciprocal of the earnings-price ratio) of Consolidated and other companies, Consolidated was in a more favorable position than industrials and utilities. The trend for P/E for most industrials and utilities fluctuated, while that of Consolidated was considereably more stable. While the P/E levels for industrial was fairly stable for four consecutive years, they dropped sharply by about 4.5 in 1973. A slighter decline was experienced by utilities in 1973, with the exception that Consolidated showed a gain which placed it above the P/E of Class A and B pipelines and close to that of Moody's utilities.

In addition to considering comparable earnings of other investment opportunities, Consolidated calculated its proposed return on common equity on the basis of dividend yield plus anticipated growth.[22] Consolidated determined that the "sum of the dividend yield of 6.97 percent, and the rate of earnings growth of 6.21 percent of the period of 1962–1972 together with the 10 percent cost factor gives an indicated cost of equity capital for Consolidated Natural Gas Company of 14.6 percent".[23] While Consolidated does not find its dividend yield study to be conclusive, the company employed its study to provide that the return on equity for Consolidated Natural Gas Company should be in the 12 percent to 13 percent range for the period covered by Docket No. RP73–107.[24] For Docket No. RP74–90, Consolidated calculated that the "sum of the dividend yield of 8.33 percent and the rate of earnings growth of 5.10 percent for the period 1963–1973 together with the 10 percent cost factor gives an indicated cost of equity capital to Consolidated Natural Gas Company of 14.9 percent."[25] As Consolidated did not place much credence in these statistics, neither will the Commission.

Consolidated argues that its proposed returns on common equity are in line with recent Commission precedent. The company compared its proposed return on common equity of 12.0 percent in Docket No. RP73–107 to that of the 13.69 percent allowed to Tennessee Gas Pipeline Company in Docket No. RP73–113.[26] Consolidated also compared its request for a 12.25 percent return on common equity in Docket No. RP74–90 with the 13.50 percent allowance on common equity allotted to Natural Gas Pipeline Company of America in Docket No. RP74–96.[27] As pointed out by PSNY, however, the ratio of common equity in all three Consolidated dockets at issue here stands, in excess of 50 percent. A key factor in supporting the equity return levels in the "Natural" and "Tennessee" cases, however, was the lower equity ratios for those companies. Natural's equity ratio was 36.38 percent in Docket No. RP74–96, and Tennessee's equity ratio in Docket No. RP73–113 was 37.09 percent. If Consolidated's equity ratio were also around 37 percent, the return on equity would be actually 14.48 percent based on the 9.59 percent claimed in Docket No. RP74–90, and using 58 percent debt and 5 percent preferred and the costs as indicated in Consolidated's capital structure on page 7, supra.

The Commission does not find Consolidated's low returns on common equity to be cause for great concern in consideration of the company's high percentage of equity in its capital structures. The Aa rating of its bonds and its high after tax coverages indicate financial strength based upon the company's low proportion of debt. It stands to reason that the lower the degree of leverage, or amount of debt, the smaller the financial risk faced by investors, and the lower the return on common equity required by the company to compete for investor's funds. While we agree with Consolidated that "there is no basis for an arbitrary reduction in the equity allowance based upon a 52 percent equity ratio," the Commission finds that the equity ratio is a major factor to be considered in these proceedings. Upon review of the record for Docket No. RP73–107, the Commission finds that a return on common equity of 11.75 percent resulting in an overall rate of return of 9.33 percent is both just and reasonable, falling within the zone of reasonableness for the period covered by these two dockets. The Commission notes that while this rate is only slightly above that granted in the preceding docket and recommended for both Docket Nos. RP73–107 and RP74–90, by Staff, it is fully supported by the record evidence.

While the record shows that Consolidated fared as poorly as other utilities experiencing declining market-to-book and price-earnings ratios, the market in general showed some improvement during the locked-in period covered by Docket No. RP74–90:

> While we would not be justified solely using hindsight to evaluate the evidentiary presentations, we cannot ignore the market improvement that occurred after Natural filed its case. • • • We also note for illustrative purposes in this context that the Federal Reserve discount rate, which was 8 percent from April to December 1974, declined to 6¼ percent by March 1975. Similarly, the bank prime rate declined from as high as 12 percent in July 1974 to 7½ percent by the end of March 1975.[28]

Staff in fact testified that at the time of hearings in Docket No. RP74–90, long term interest rates has returned to approximately the level existing in 1970, after reading unprecedented highs, during the interim.[29] We therefore find that the rate of return allowed in Docket No. RP73–107 should be maintained in Docket No. RP74–90.

(b) *Docket No. RP75–91.* The most recent of the three consolidated proceed-

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[6] Manufacturers Light and Heat Company, et al., 44 FPC 314 (1970). See also, Consolidated Gas Supply Company, Docket No. 71–77, Opinion No. 703 issued on August 26, 1976, at 12–13; Kansas-Nebraska Natural Gas Company, Docket No. RP72–82, Opinion No. 781 issued on May 18, 1976, at 24–25.

[7] Tr. 55, 196.

[8] Tr. 62 and 92.

[9] Tr. 82; See also, Tennessee Gas Pipeline Company, Docket No. RP73–113, Opinion No. 769 issued on July 9, 1976, at 11.

[10] Tr. 83–84, 98, 123–125, and 141–142.

[11] Tr. 194.

[12] Tr. 95. Consolidated's curtailments in 1973 amounted to only 1.5 percent of the total curtailment.

[13] Tr. 195–196.

[14] Tr. 67–69 and 93; Exhibit No. 18, Tables 11 and 12; Exhibit Nos 22, Table

[15] Tr. 192–193, 197–199, 203–205.

[16] Tr. 74 and 95; Exhibit No. 18, Tables 28 and 29; Exhibit No. 22, Table 28.

[17] Tr. 75; Table 31 of Exhibit No. 18 shows that in 1972 Consolidated's stock sold at 9.2 percent less than its book, as compared to an average market price of 18.7 percent above book value for Moody's 10 Integrated Natural Gas Companies. Staff noted that Consolidated's market to book ratio had improved by the time its testimony was written (Tr. 199).

[18] Tr. 196–197.

[19] Tr. 78–79; Exhibit No. 18, Tables 27 and 28.

[20] Tr. 78–81.

[21] Tr. 97–99.

[22] Tr. 69–74 and 94–95.

[23] Tr. 73.

[24] Tr. 74.

[25] Tr. 95.

[26] Opinion No. 769, issued on July 9, 1976.

[27] Opinion No. 762, issued on May 21, 1976.

[28] Opinion No. 762, at 16–17.

[29] Tr. 198.

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ings, Docket No. RP75–91, covers a locked-in period extending from November 1, 1975 to April 30, 1977. During a joint settlement conference held on August 6, 1976, the presiding Administrative Law Judge received into evidence testimony and exhibits prepared by Consolidated and the Staff on cost of service issues, including rate of return, in Docket No. RP75–91. None of the witnesses for the company or the staff were cross-examined on their testimony. The settlement agreement concerning all cost of service issues in the three consolidated dockets was also received in evidence on August 6, 1976.[20]

In proposing a rate of return on common equity and overall rate of return in Docket No. RP75–91, Consolidated used the same five criteria employed in Docket No. RP73–107 and Docket No. RP74–90. Consolidated's Exhibit No. 2 shows the inflationary trends in the nation's economy and higher costs of capital. Consolidated witness N. K. Davis testified that the parent company must now engage in costly and risky projects to ease the burdens created by the shortages of natural gas supplies. He anticipated that for the five year period from 1975 to 1979 Consolidated Natural's capital expenditures would total $970,000,000, or an average of $194,000,000 per annum. In comparing these projected figures with the expenditures for the five year period ending in 1974, which amounted to $611,700,000 or $122,300,000 annually, Mr. Davis concluded that Consolidated's future capital requirements will exceed previously experienced capital needs by about 59 percent.[21] Consolidated plans to finance part of its capital requirements through the issuance of common stock by Consolidated Natural. However, the company postponed plans to issue common stock in 1973 and 1974 due to unfavorable market conditions.[22] The company seeks a return on equity of 13.58 percent in Docket No. RP75–91 to attract additional capital.

Staff agrees with Consolidated that higher money rates created by inflation and increased operating costs unfortunately came at a time when greater amounts for capital were needed to develop additional natural gas supplies.[23] Staff does point out, however, that the current rate of inflation has been declining substantially: the 12 percent yearly rate for 1974 dropped to 7 percent for the last quarter of 1975, and the rate was projected to decline further to 5–6 percent for 1976 when Staff's testimony was filed.[24] As Staff noted in Docket Nos. RP73–107 and RP74–90, Consolidated's gas supply situation is better than that of the industry as a whole: the company projected a deficiency of 7.15 percent of its firm requirements, well below the 22 percent deficiency projected for the total industry for the period September 1975 through August 1976. Staff did however note with concern that Consolidated's four suppliers projected curtailments during the twelve months ending August 1976, which amounts to 26 percent of the total projected curtailments for major pipelines.[25]

The company again voiced its concern as to the substantially lower returns on its average common equity. Consolidated testified that its returns compared unfavorably to the returns of other gas transmission companies and integrated companies in Docket Nos. RP73–107 and RP74–90.[26] The company's Exhibit No. 2 in Docket No. RP75–91 shows that its return dropped from 10.21 percent in 1972 to 8.77 percent in 1973, and compares unfavorably to the 12.07 percent return experienced by Moody's 10 Integrated Gas Companies and the 14.15 percent return experienced by Moody's 10 Natural Gas Transmission Companies in 1973. Staff's exhibit shows Consolidated's partial recovery: its return reached 9.3 percent in 1974.[27] Staff again attributed these low returns to Consolidated's low financial risk as indicated by its higher common equity ratio, its rising after-tax interest coverage (from 2.5 in 1973 to 2.7 in 1974), and its AA bond rating by Moody's.[28] Consolidated again testified that its high equity ratio is responsible for its high bond ratings, but argued that this ratio should not be taken into consideration for purposes of determining a fair return on common equity.[29]

In Docket No. RP75–91, Consolidated introduced evidence showing that the following earnings-price ratios:

	Consolidated	Moody's 30 natural gas companies	Moody's 10 integrated gas companies
	Percent	*Percent*	*Percent*
12 mo ending June 30, 1971	11.40	8.46	9.80
12 mo ending Dec. 31, 1974	14.74	16.8	14.44

Consolidated concluded directly from these figures that a 13.58 percent (or 14.0 percent, as originally proposed) return on common equity is justifiable.[30]

Both Staff's and Consolidated's exhibits show declining market-to-book ratios for industrials and utilities alike, including Consolidated.[31] Staff agreed that the company's price-earnings and market-to-book ratios indicate that "the market generally has not looked upon the Consolidated Natural Gas Company as favorably as the utility groups."[32]

Staff pointed out that the trend indicated by Consolidated's declining price-earnings and market-to-book ratios is mitigated by similar declining trends for all compared groups. Staff emphasized that Consolidated did not experience the sharp declines in these ratios which other groups experienced. The drop in price-earnings multiples for the industrials was more significant than that experienced by Consolidated, and the decline in the company's market-to-book ratio was less pronounced than that of the major A&B pipelines. Staff further contends that Consolidated's high equity ratio offsets the effects of its declining market-to-book ratio:

> Consolidated Natural has traditionally had a higher equity component than other utilities, giving it less leverage than is possible with a lower equity ratio. The lower leverage means a lower possibility of high returns on equity and thus the investor is unwilling to pay a high market price for Consolidated Natural's stock even though the book value coverage of the stock is high.[33]

Staff also found Consolidated's after-tax interest coverage has been consistently higher than that of each of the compared utility groups from 1970 to 1974.[34] The company's low leverage and strong after-tax interest coverage account for its Aa bond rating by Moody's.

As in Docket No. RP73–107 and Docket No. RP–74–90, Consolidated supported its proposed rate of return upon the dividend yield plus anticipated growth formula. Consolidated calculated that the "sum of the dividend yield of 8.81 percent and the rate of earnings growth of 4.58 percent for the period 1964–1974 together with the 10 percent cost factor gives an indicated cost of equity capital to Consolidated Natural Gas Company of 14.9 percent."[35] In its initial comments to the settlement agreement Consolidated introduced statistical studies in support of the "conventional dividend yield plus dividend growth rate" method of determining a fair rate of return.[36] Consolidated concludes that it requires a minimum rate of return of 15.34 percent to maintain its historical 61.4 percent pay-out ratio, which is the ratio of dividends paid to the earnings realized.[37]

In a thorough analysis of this extra-record data, Staff discusses the deficiencies and inconsistencies found in Consolidated's study. The Commission finds it unnecessary to reiterate Staff's cogent criticism of this data in view of the fact that Consolidated's data are beyond the

[20] Exhibit No. 36 in Docket No. RP75–91.
[21] Exhibit No. 30, Prepared Testimony of N. K. Davis, at p. 23.
[22] Ibid., p. 24.
[23] Exhibit No. 31, Prepared Testimony of Jack M. Adelman, at p. 7.
[24] Ibid., at p. 13.
[25] Ibid., at p. 10–11.
[26] See footnotes 16 and 17, and corresponding text.
[27] Exhibit No. 32, p. 2.
[28] Exhibit No. 31, Prepared Testimony of Jack M. Adelman, at p. 10–11 and Exhibit No. 32, p. 6.
[29] Exhibit No. 30, Testimony of N. D. Davis, at p. 21. This statement is identical to that quoted above on p. 11–12.
[30] Exhibit 30, Testimony of N. K. Davis, at p. 15–16. In its reply commments on the settlement agreement, Consolidated contends that the return on equity cannot be less than the earnings-price ratio.
[31] Exhibit No. 2, Tables 31 and 32; Exhibit No. 32, p. 5.
[32] Exhibit No. 31, Testimony of Jack M. Adelman, at p. 14; Exhibit No. 32, at p. 4–5.
[33] Staff's initial comments on proposed settlement agreement, at p. 12.
[34] Exhibit No. 32, p. 6.
[35] Exhibit No. 30, Testimony of N. K. Davis, pp. 12–16; Exhibit No. 2, Table 27.
[36] Initial comments of Consolidated Gas Supply Company, Appendix B.
[37] Ibid. at 10.

record. The Commission has consistently disallowed the last-minute introduction of debatable testimony or exhibits,[38] and will do so here.

The Commission does not dispute the fact that inflationary trends in the nation's economy have boosted the cost of capital. The threat of curtailment has increased risks for the company as well as its investors. The natural gas industry as a whole has suffered on the stock market: Declining market-to-book and price-earnings ratios are being experienced on an industry-wide basis. While Consolidated exhibits the same characteristics as the utilities market in general, its ratios have not declined as significantly as other utility groups. Furthermore, the company has maintained its Aa bond ratings and high after-tax interest coverage.

The Commission has moved away from the use of the earnings-price ratio as a strict guideline in determining a fair rate of return. As pointed out by Consolidated in its reply comments, the earnings-price ratio has been used in calculating a fair rate of return.[39] The Commission's policy in this matter has evolved to include several methodologies in arriving at a decision, including the comparable earnings and the discounted cash flow methods.[40] These methods offer a broader spectrum of market conditions as they relate to regulated and unregulated industries and to the applicant in particular.

In consideration of Staff's comparable earnings approach as well as Consolidated's dividend yield plus growth method, and in light of the extensive record and comments presented in Docket No. RP75–91, the Commission finds Staff's recommendation of rate of return on common equity in the range of 11.63 percent (allowed Consolidated in Docket No. RP71–77) to 12 percent (allowed in Docket No. RP73–107 and RP74–90), as well as the 12.25 percent to 12.3 percent range recommended by PSNY, to be unreasonably low. Consolidated's proposed 13.58 percent return on equity, founded principally upon its price-earnings ratio and its dividend yield method, based primarily upon extra-record evidence, is on the high side of the zone of reasonableness. The Commission finds a rate of return on common equity in the range of 12 percent to 12.50 percent to be reasonable. The Commission accordingly establishes 12.30 percent as a fair return on equity, with a 9.83 percent overall rate of return in Docket No. RP75–91.[41]

[41] See the following table:

	Capitalization ratio	Annual cost	Weighted cost
	Percent	*Percent*	*Percent*
Long-term debt	44.43	6.84	3.06
Preferred stock	3.52	10.96	.39
Common equity	52.06	12.30	6.40
Total	100.00		9.83

[38] Pennsylvania Electric Company, Docket No: E–8446, Opinion No. 739–A, issued on October 5, 1976.
[39] Natural Gas Pipeline Company of America, 40 FPC 81 (1968).
[40] See, for example, Docket No. 762 and Opinion No. 769, supra.

4. REFUND LIABILITY

RG&E, PSNY, and NYE&G rightfully contend that by establishing the cost of service levels in these proceedings and thereby determining the company's refund liability in this order, the Commission will be unable to rectify any inequities it may find in Consolidated's cost allocation and rate design. As stated by NYE&G,

> [s]hould the Commission decide, when the issues are presented to it, to change the allocation of costs and the rate design structure of Consolidated, acceptance of this settlement proposal would effectively preclude it from going beyond the refund level provided therein. Consolidated would not be able to retroactively collect revenues from customers which the Commission might decide had paid too little. The only alternative would be for Consolidated to absorb the underpayments, but this would be precluded since Consolidated's refund liability would be circumscribed. * * * [T]he refund limitations set forth in the settlement proposal, at least in the last docket where Consolidated was fully apprised of the continuing opposition to its allocation and design theories, would be unfair to customers otherwise entitled to refunds.[42]

In support of NYE&G's argument, PSNY pointed out that Consolidated's exposure to refund liability would be greater than that set forth in the settlement agreement if the Commission later decides to decrease costs allocated to some zones by an amount greater than the "excess revenues" indicated in the settlement agreement, and increase costs allocated to others. In that event, the Commission would be unauthorized undef the Natural Gas Act to order a retroactive increase in the rates for customers in zones to which the Commission has allocated greater costs.

RG&E suggests that, in its order approving the settlement agreement, the Commission should refuse to determine the question as to whether Consolidated will have refund liability in excess of that resulting from this cost of service settlement. RG&E recommends that the Commission should withhold its decision as to Consolidated's refund liability until the final resolution of the cost allocation and rate design issues.

The Commission hereby adopts RG&E's recommendations. Although the Commission has held that changes in zone cost allocation should be prospective only,[43] the Commission finds a ruling on this matter to be premature and irrelevant to the settlement of cost of service issues.

The Commission further finds. (1) The Applicant, Consolidated Gas Supply Corporation, is a "natural gas company" subject to the provisions of the Natural Gas Act, and the sales of natural gas subject to the order which follows as a part of this decision are sales of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission.

(2) It is necessary and proper in the administration of the Natural Gas Act to accept the proposed Stipulation and Agreement tendered in these proceedings subject to the conditions hereinabove described.

(3) Applicant's rates, which have been in effect in this docket subject to refund, have not been shown to be just and reasonable or otherwise lawful under the provision of the Natural Gas Act in the respects noted above, and Applicant should therefore be required to file tariff sheets reflecting just and reasonable rates as necessary to conform to this order.

The Commission orders: (A) The Stipulation and Agreement certified to the Commission in this proceeding is hereby accepted subject to the conditions as hereinabove described.

(B) Within sixty (60) days of the issuance of this order, Consolidated shall file with the Commission any necessary revisions to its cost of service and tariff sheets in conformance with the terms of the settlement agreement approved herein and reflecting the conditions described in the body of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[42] NYE&G Initial Comments, at 3–4.
[43] Texas Eastern Transmission Corporation, Docket No. 74–41, Order issued on January 26, 1976; Cities Service Gas Company, Docket No. RP74–4, Order Granting Relief Sought and Denied by Prior Commission Order, issued on February 2, 1976.

[FR Doc.77-19685 Filed 7-12-77;8:45 am]

[Docket No. RI77-44]

NADEL AND GUSSMAN

Order Granting Petition for Special Relief

JULY 5, 1977.

On March 18, 1977, Nadel and Gussman filed in Docket No. RI77–44 a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76) with respect to a sale of natural gas to Northern Natural Gas Company (Northern) from the Kearns No. 1 Well, Edwards County, Kansas.

Nadel and Gussman was issued a small producer certificate on June 10, 1974, in Docket No. CS74–344. Pursuant to a gas sales agreement dated March 14, 1966, Nadel and Gussman is currently collecting a base rate of 34.9 cents per Mcf for the sale to Northern. Nadel and Gussman states that increasing amounts of salt water in the well will necessitate the replacement of a salt water pumping unit, tubing string and sucker rods. In order to enable Nadel and Gussman to replace this equipment and to recover the remaining gas reserves, Nadel and Gussman and Northern entered into an amendment to their gas sales agreement on March 24, 1977, whereby Northern agreed to pay Nadel and Gussman a base rate of 79 cents per Mcf for gas produced from the well.[1]

[1] Nadel and Gussman request authorization to collect a total rate of 83.82 cents per Mcf, comprised of a base rate of 79 cents per Mcf and contractually-authorized tax and Btu adjustments of 4.82 cents per Mcf.

Notice of Nadel and Gussman's peti-

DEPARTMENT OF HEALTH

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Notice of Nadel and Gussman's petition for special relief was issued on April 6, 1977, and appeared in the FEDERAL REGISTER on April 12, 1977, at 42 FR 19227. No protests or petitions to intervene have been filed.

Based on its analysis of data submitted by Nadel and Gussman, Staff estimates that 107,633 Mcf remain to be produced over a period of approximately four and one-half years, and concludes that the requested special relief is warranted.[1] After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant special relief to Nadel and Gussman.

The Commission orders: (A) The petition for special relief of Nadel and Gussman is hereby granted.

(B) Nadel and Gussman is authorized to collect a total rate of 83.82 cents per Mcf at 14.65 psia for gas sold to Northern from the Kearns No. 1 Well located in Edwards County, Kansas, effective on the date of issuance of this order or on the date that the pumping unit, tubing string, and sucker rods are installed, whichever is later. This authorization is contingent upon Nadel and Gussman's filing within 30 days of such effective date a statement, signed by Northern, that the installation of the pumping unit, tubing string, and sucker rods has been performed to Northern's satisfaction.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Unit cost of gas*

NADEL AND GUSSMAN

[Docket No. RI77-44]

KEARNS WELL NO. 1, S/2 SEC. 13-25S-16W, EDWARDS COUNTY, KANSAS

Line No.	Item (a)	Amount (b)
1	Net working interest volumes:	
2	Gas—1,000 ft³ at 14.65 lb/in ² [1]	86,004
3	Liquids—barrels	0
4	Cost of production:	
5	Return on rate base at 15 pct [2]	$7,347
6	DDaA [3]	20,178
7	Production expense [4]	51,642
8	Regulatory expense [5]	93
9	Total cost of production	99,130
10	Unit cost of gas (cent/1,000 ft³):	
11	Cost of production [6]	86.84
12	Production tax [7]	.00
13	Total unit cost	86.90

[1] 107,633 1,000 ft³ minus 15,400 1,000 ft³ compressor fuel times 0.798,281,207 net working interest.
[2] Line 11 of schedule 3 times 0.15 times 4.8833 year production life.
[3] From line 7 of schedule 2.
[4] Based on 1975 and 1976 average well production expense of 4,109/yr escalated 5 pct/yr plus $10,083 in estimated compressor maintenance
[5] Line 2 times 0.1 cent/1,000 ft³ per opinion No 749.
[6] Line 9 divided by line 2.
[7] Kansas State production tax.
[8] See Appendix A attached below.

Investment and allocation of costs

Line No.	Item	Amount
1	Investment:	
2	Remaining net book value Jan. 1, 1977	$4,387
3	New pump	5,500
4	Tubing and sucker rods	12,040
5	Total investment	21,927
6	Less salvage value [1]	1,754
7	Depreciable investment	20,173
8	Depreciation per unit of production [2]	0.2625224

[1] 10 pct of the total of lines 3 and 4.
[2] Line 7 divided by 68,094 1,000 ft.[3]

Average investment and annual rate base

Line No.	Year (a)	Annual N.W.I. production 1,000 ft³ [1] (b)	Beginning of year investment (c)	Depreciation [2] (d)	End of year investment (e)	Average investment [3] (f)
1	1977	20,003	$21,927	$1,943	$15,984	$18,956
2	1978	16,705	15,984	4,975	11,009	13,496
3	1979	13,978	11,009	4,140	6,869	8,939
4	1980	11,003	6,869	3,439	3,430	5,150
5	1981	5,054	3,430	1,767	1,754	2,592
6	Totals	68,094		20,173		49,133
7	Average annual investment [3]					9,827
8	Annual rate base:					
9	Average annual investment					9,827
10	Average annual working capital allowance [4]					860
11	Total annual rate base					10,687

[1] Col. (b) times line 8 of schedule 2.
[2] Col. (c) plus col (e) divided by 2.
[3] Col. (f) of line 6 divided by 5.
[4] 0.125 times line 7 of schedule 1 divided by 4.8833 yr productive life.

[FR Doc.77-19686 Filed 7-12-77;8:45 am]

FEDERAL RESERVE SYSTEM

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Main Street National Bank of Dallas, Dallas, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Texas, controls 33 banks with aggregate deposits of approximately $4.1 billion, representing 7.7 percent of total commercial bank deposits in Texas.[1] Acquisition of Bank (25 million in deposits) would increase Applicant's share of commercial bank deposits in the State by less than 0.1 per cent, and would have no appreciable effect upon the concentration of banking resources in Texas.

Bank is the 46th largest of 110 banking organizations in the Dallas banking market, which is the relevant banking market,[2] and controls approximately 0.3 percent of the total commercial bank deposits in the market. Applicant currently is the fifth largest banking organization in the market, controlling eight existing banking subsidiaries in the market with aggregate deposits of $285 million, representing 2.9 percent of market deposits. The acquisition of Bank would increase Applicant's market share to approximately 3.1 percent, leaving its market position well below that of the four larger banking organizations in the market, which holds approximately 66.7 percent of market deposits. Accordingly, consummation of the proposal is viewed as not substantially affecting concentration in the Dallas banking market.

While consummation of the proposal would appear to eliminate some existing competition inasmuch as Applicant and Bank operate in the same market, the amount being eliminated is not significant in light of the relative size of Applicant's existing subsidiary banks in the market and their distance from Bank. Moreover, the market would remain attractive to de novo entry even after acquisition of Bank, and numerous banks would remain in the market as potential entry points for expanding bank holding companies. Accordingly, on the basis of the record, it is concluded that consummation of the proposed transaction would have only a slightly adverse effect on competition in the Dallas banking market.

Considerations relating to the financial and managerial resources and future prospects of Bank, Applicant, and its subsidiaries are regarded as generally satisfactory and consistent with approval, particularly in light of Bank's retention of $240,000 of interim capital. Applicant will provide Bank with a capability to expand its real estate lending and data processing services and to provide specialized services to small businesses, trust services and investment services. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and have been determined to be sufficient to outweigh any slightly adverse competitive effect that might result from consummation of the proposal. It has therefore been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, acting pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective July 6, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-20048 Filed 7-12-77;8:45 am]

[1] All banking data are as of December 31, 1976, and reflect bank holding company formations and acquisitions approved through June 21, 1977.

[2] The relevant banking market is approximated by the Dallas RMA, which includes Dallas County and portions of six adjacent counties.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL DIABETES ADVISORY BOARD AND ITS SUBCOMMITTEES

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Diabetes Advisory Board and its subcommittees, National Institute of Arthritis, Metabolism, and Digestive Diseases, on July 14–15, 1977, Conference Room 4137, HEW North Building, and Rooms 8A24, 9A51, and 10A24, Building 31, National Institutes of Health, which was published in the FEDERAL REGISTER, May 27, 1977, 42 FR 27305.

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 77-20218 Filed 7-12-77;8:45 am]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Availability of 1976 Annual Report

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Notice of Annual Report.

SUMMARY: This notice announces the availability of the 1976 Annual Report of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of the availability of this report is required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The report includes a summary of the Committee's activities during closed sessions of its meetings. Requests for the report may be directed to the Division of Eligibility and Agency Evaluation at the address listed below.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202 (202–245–9873).

SUPPLEMENTARY INFORMATION: The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is directed to:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;

2. Review all current and future policies relating to the repsonsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request.

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions.

15. Not later than March 31 of each year, make an annual report of its activities, findings and recommendations.

Signed at Washington, D.C., on June 30, 1977.

JOHN R. PROFFITT,
Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc.77-19994 Filed 7-12-77;8:45 am]

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Public Health Service

INDIAN HEALTH CARE IMPROVEMENT ACT

Delegations of Authority

Notice is hereby given that effective June 20, 1977, the following delegations of authority were made under Pub. L. 94–437, the Indian Health Care Improvement Act:

1. Delegation by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health of the authorities vested in the Secretary under:

(a) Title I of Pub. L. 94–437 (25 U.S.C. 1611 et seq) for an Indian Health Manpower Program, including the authorities under section 225(1) of the Public Health Service Act (42 U.S.C. 234(1)) as amended by section 104 of Title I, but excluding the authority to promulgate regulations;

(b) Title II of Pub. L. 94–437 (25 U.S.C. 1621 et seq) for a Health Services Program for Indians, excluding the authority to promulgate regulations;

(c) Title III of Pub. L. 94–437 (25 U.S.C. 1631 et seq) for a Health Facilities Program for Indians, excluding the authority to promulgate regulations;

(d) Section 1880(c) of the Social Security Act (42 U.S.C. 1395qq), as amended by section 401(b) of Pub. L. 94–437, and authority under section 402(c) of Pub. L. 94–437 to administer the special funds prescribed therein;

(e) Title V of Pub. L. 94–437 (25 U.S.C. 1651 et seq) for a Health Services Program for Urban Indians, excluding the authority to promulgate regulations and the authority under Section 507 to submit to the Congress an assessment and recommendations;

(f) Title VI of Pub. L. 94–437 (25 U.S.C. 1661) for a feasibility study regarding the establishment of an American School of Medicine and the development of a report based on the study, excluding the authority to submit a report to the Congress;

(g) Sections 701 (25 U.S.C. 1671) and 703 (25 U.S.C. 1673) of Pub. L. 94–437 for the development of the reports and plan required to be submitted to the Congress; and

(h) Section 704 of Pub. L. 94–437 (25 U.S.C. 1674) to enter into leases with Indian tribes.

In accordance with the requirements of Pub. L. 94–437, these authorities shall be redelegated through the Administrator, Health Services Administration, to the Director, Indian Health Service. Otherwise, these authorities may be redelegated as appropriate.

2. Delegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, of all the authorities under Pub. L. 94–437 which were delegated to the Assistant Secretary for Health by the Secretary of Health, Education, and Welfare, excluding the authorities regarding Indian Health Scholarships under section 225 (1)(2)(A) and 225(1)(2)(B)(ii) of the Public Health Service Act, as added to the Public Health Service Act by Section 104 of Pub. L. 94–437.

In accordance with the requirements of Pub. L. 94–437, these authorities shall be redelegated to the Director, Indian Health Service. Otherwise, these authorities may be redelegated as appropriate.

Dated: July 6, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77–20079 Filed 7–12–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N–77–779]

MOBILE HOME ADVISORY COUNCIL

Request for Nominations

AGENCY: Department of Housing and Urban Development.

ACTION: Request for Nominations.

SUMMARY: This notice gives the public an opportunity to nominate persons for appointments to the National Mobile Home Advisory Council. The Council, consisting of representatives from consumer, government and industry organizations or agencies, is consulted to the extent feasible before the Department establishes, amends or revokes mobile home construction and safety standards.

DATE: Nominations are to be received on or before August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, Washington, D.C. 20410 (202—755–7970).

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 605 of the National Mobile Home Construction and Safety Standards Act of 1974, Title VI of Public Law 93–383 (The Act), notice is hereby given that members of the public wishing to nominate persons for appointment to the National Mobile Home Advisory Council should submit such nominations in writing to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection (Attention: Mobile Home Standards Division), Department of Housing and Urban Development, 451 Seventh Street SW., Room 4100, Washington, D.C. 20410.

In addition, the 24-member Council provides the Department with an opportunity to obtain balanced views on mobile home standards issues. The Act stipulates that one-third of the membership of the Council must represent each of the following categories: (a) Consumer organizations, community organizations, and recognized consumer leaders; (b) the mobile home industry and related groups including one representative of small business; and (c) government agencies including Federal, State and local governments.

Section 6(a) of the National Mobile Home Advisory Council Charter stipulates that the Council members shall be appointed by the Secretary to serve two-year terms. In accordance with the Charter, one-half will expire on August 21, 1977, and the other half will expire on August 21, 1978.

Nominations are hereby solicited to fill the positions which will become open when one-half of the terms expire on August 21, 1977; the terms to which nominees will be appointed will expire on August 21, 1979. The Secretary will appoint a total of 12 new members to the Council, selecting four members from each of the three segments which make up the Council. Nominations may be made for represenatives of consumer, industry and Government organizations or agencies.

In submitting nominations, include the following information:

1. Name of nominee.
2. Home address and telephone number of nominee.
3. Business address and telephone number of nominee.
4. Sector (i.e., consumer, industry or Government) that nominee represents.
5. Pertinent experience and/or background of nominee that is believed to qualify the nominee as an appropriate member of the Council.
6. Name of group or person(s) making nomination.
7. The following data should be furnished for those nominated as official representatives of organized consumer or industrial groups or associations.
   (a) Name and address of organization.
   (b) Number of official members in organization.
   (c) Nominee's position in organization.
8. The name of the Government agency, its location, and the nominee's position or title should be provided for those nominated to represent Government agencies.
9. Any other pertinent comments or remarks.

The following terms expire on August 21, 1977:

COMMUNITY AND CONSUMER REPRESENTATIVES

John L. Adams, Consultant, Florida Coalition of Mobile Home Owners, Ft. Lauderdale, Florida.
Herbert F. Hugo,[1] President, Golden State Mobile Home Owners League, Napa, California.
Peter B. Maier, Center for Study of Responsive Law, Housing Research Group, Washington, D.C.
Charles Mann, State President, Federation of Mobile Home Owners of Florida, St. Petersburg, Florida.

[1] As a result of the resignation of two members of the Council and the deaths of two others, these persons were appointed July 13, 1976, to complete the unexpired terms. By virtue of the fact that their terms were so short and to provide continuity to the membership of the Council, these persons will be considered for appointment to the Council for one full term.

GOVERNMENT REPRESENTATIVES

William E. Dell,[1] Chief, Factory-Built Housing, Mobile Home and Recreational Vehicle Section, Department of Labor and Industries, Seattle, Washington (resigned April 12, 1977).
Lee Melancon, Coordinator of Research and Planning, State of Louisiana, Baton Rouge, Louisiana.
Betty Niven, Chairperson, Oregon State Housing Council, Eugene Joint Housing Committee, Eugene, Oregon.
Marion B. Robinson,[1] Division of Inspection Services, Columbia, South Carolina.

INDUSTRY REPRESENTATIVES

Donald A. Barrow, Vice President of Product Development, Skyline Corporation, Elkhart, Indiana.
James Printy, Manager, Product Engineering, The Coleman Company, Incorporated, Wichita, Kansas.
Daniel P. Riedel, President, Vindale Corporation, Brookville, Ohio.
William Novak,[1] Chairman of the Board, Gallatin Homes Corporation, Billings, Montana.

The following terms expire on August 21, 1978:

COMMUNITY AND CONSUMER REPRESENTATIVES

Jane Conrad, American Mobile Home Association, Brighton, Colorado.
Margery Moore, Counselor, Orleans County Council of Social Agencies, Newport, Vermont.
Robert Myers, President, Michigan Mobile Homeowners Association, Ypsilanti, Michigan.
William R. Palmer, Editor, Mobile Home Owners Association of New Jersey, Incorporated, Monmouth Junction, New Jersey.

GOVERNMENT REPRESENTATIVES

Richard Bullock, Chief, Manufactured Housing Section, Wisconsin Department of Industry, Labor and Human Relations, Madison, Wisconsin.
Fred H. Jolly, Director, Division of Housing and Environmental Health, State Department of Health, Lincoln, Nebraska.
Kenneth E. Meiser, Assistant Deputy Public Advocate, Division of Public Interest Advocacy, New Jersey Department of Public Advocate, Trenton, New Jersey.
C. Sutton Mullen, Administrator, Industrialized Building Law, State Corporation Commission, Richmond, Virginia.

INDUSTRY REPRESENTATIVES

Charles T. Ashford, Vice President, Products, Conchemco, Lenexa, Kansas.
Philip J. Braff, President, Sahara Mobile Homes, Gates Mills, Ohio.
Daniel Siegel, Siegel Mobile Home Group, Siegel Financial Services, Salt Lake City, Utah.
William Stewart, California Mobile Home Dealers Association, Santa Ana, California.

The Department forwarded to the Office of Management and Budget a recommendation that the Council should be allowed to continue in 1977. If a final decision is made to terminate the Council, then this request for nominations will be withdrawn through a notice in the FEDERAL REGISTER. A final decision is expected to be made shortly.

The nominees selected by the Secretary are expected to be announced by publication in the FEDERAL REGISTER.

See footnote 1, p. 36038.

Issued at Washington, D.C., July 6, 1977.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc.77–20215 Filed 7–12–77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77–4]

ARMAND LOZANO, M.D.

Hearing

Notice is hereby given that on January 21, 1977, the Drug Enforcement Administration, Department of Justice, issued to Armand Lozano, M.D., Franklin, Massachusetts, an Order to Show Cause as to why the Drug Enforcement Administration registration AL4254607 issued to Respondent pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, July 26, 1977, in the U.S. Tax Court Courtroom, 13th Floor, U.S. Custom House, 2 India Street, Boston, Massachusetts.

Dated: July 7, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77–20162 Filed 7–12–77;8:45 am]

[Docket No. 77–14]

BLUE HILL DRUG CO., DAVID BROTHERS PROP.

Hearing

Notice is hereby given that on March 28, 1977, the Drug Enforcement Administration, Department of Justice, issued to Blue Hill Drug Company, David Brothers Prop., Mattapan, Massachusetts, an Order to Show Cause as to why the Drug Enforcement Administration registration AB1949809 issued to Respondent pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 1:00 p.m. on Thursday, July 28, 1977, or as soon thereafter as this matter may be reached, in the U.S. Tax Court Courtroom, 13th Floor, U.S. Custom House, 2 India Street, Boston, Massachusetts.

Dated: July 7, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77–20161 Filed 7–12–77;8:45 am]

[Docket No. 76–45]

LINCOLN ERAMO, M.D.

Hearing

Notice is hereby given that on December 9, 1976, the Drug Enforcement Administration, Department of Justice, issued to Lincoln Eramo, M.D., Pittsfield, Massachusetts, an Order to Show Cause as to why the Drug Enforcement Administration registration AE1218436 issued to Respondent pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 1:00 p.m. on Wednesday, July 27, 1977, or as soon thereafter as this matter may be reached, in the U.S. Tax Court Courtroom, 13th Floor, U.S. Custom House, 2 India Street, Boston, Massachusetts.

Dated: July 7, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77–20160 Filed 7–12–77;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

COMMITTEE MEETING

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE: Meeting: July 29, 1977, from 10:30 a.m. to 3 p.m.

ADDRESS: The O'Hare Hilton, O'Hare Airport, Chicago, Illinois 60666.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004, Telephone 202–376–8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters

arising in the administration of Part A

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arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Executive Committee will be open to the public beginning at 10:30 a.m. and ending at 3 p.m. on July 29, 1977. This meeting will be held at the O'Hare Hilton, O'Hare International Airport, Chicago, Illinois.

The proposed agenda includes a discussion of:

(1) Program priorities and activities for the year
(2) Council organization and committee structure
(3) Budget for Fiscal Year 1978
(4) Staff functions and responsibilities
(5) Meeting schedule and locations

All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

Dated: July 6, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-19993 Filed 7-12-77;8:45 am]

NATIONAL MEDIATION BOARD

FREEDOM OF INFORMATION

Determination and Order Regarding Publication of Index

AGENCY: National Mediation Board.

ACTION: Notice of Order.

SUMMARY: The Board hereby publishes its determination and order pursuant to 5 U.S.C. section 552(a)(2)(C), a provision of the Freedom of Information Act, that publication of an index of all matters issued, adopted or promulgated by the National Mediation Board or the National Railroad Adjustment Board after July 4, 1967, which are required to be indexed by 5 U.S.C. section 552(a)(2), would be impracticable and unnecessary.

This determination and order is based on the exceptionally voluminous nature of the indexes of such materials and the availability of copies thereof on request at a price not to exceed the direct cost of duplication.

FOR FURTHER INFORMATION CONTACT:

Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board. Telephone 202-523-5920.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 552(a)(2)(C), and 29 CFR 1208.2, the National Mediation Board hereby determines by Order that publication of indexes providing identifying information for the public as to any matter required by 5 U.S.C. 552(a)(2) to be made available or published by the National Mediation Board or the National Railroad Adjustment Board would be unnecessary and impracticable.

As provided in 29 CFR 1208.2(d), such indexes are available for public inspection and copies thereof will be furnished at a price not to exceed the direct cost of duplication.

Dated: July 6, 1977.

By order of the National Mediation Board.

ROWLAND K. QUINN, JR.,
Executive Secretary.

[FR Doc.77-20003 Filed 7-12-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

NATIONAL TRANSPORTATION ISSUES

Hearing

Conflicting views on national transportation issues will be aired at public hearings scheduled by the National Transportation Policy Study Commission for August 8, 1977, in Los Angeles, California.

The hearings, part of a nationwide series planned by the Commission, are intended to help determine the needs of our Nation's communities, the transportation industry, shippers, the traveling public and the American taxpayer.

The Commission, composed of 19 members, including twelve Members of Congress and seven public representatives, was created by Congress to examine, evaluate and analyze our Nation's transportation needs and resources through the year 2000. The Commission's final report and policy recommendations are due on December 31, 1978.

The Commission plans to organize testimony of witnesses to insure that it hears from all of the various interests with a stake in transportation, such as labor, management, shippers, consumers, state governments, and environmentalists.

The hearings will be held in the Los Angeles County Board of Supervisors Hearing Room (Room 383), Hall of Administration, 500 West Temple Street, Los Angeles, California.

Those interested in testifying personally or in submitting written statements should contact, no later than 6:00 p.m., July 29, 1977: Mr. Richard Kowalewski, NTPSC, 1750 K Street, NW, Suite 800, Washington, D.C. 20006, telephone number 202-254-7453.

Dated: July 8, 1977.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc.77-20027 Filed 7-12-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

Region II Workshops in New York, New York

The Office of the Federal Register will hold five separate workshops on "The Federal Register—What It Is and How To Use It" in New York, New York, as part of the General Services Administration's Consumer Representation Plan. Workshop dates: Monday, August 15, through Friday, August 19, at 9:30 a.m. Reservations are required for each session. Location: Conference Room 305 of the Federal Building at 26 Federal Plaza, New York, New York. For reservations, call Dorothy H. Gemmallo, 212-264-3514.

AGENDA

The content of each workshop session will be identical. Each workshop will last for approximately 2½ hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.
2. The difference between legislation and regulations.
3. The relationship of the FEDERAL REGISTER and the CODE OF FEDERAL REGULATIONS.
4. Import elements of a typical FEDERAL REGISTER document.
5. An introduction to the finding aids of the Office of the Federal Register.

The Office of the Federal Register does not interpret specific agency regulations and the workshops will not provide a forum for the discussion of substantive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use FEDERAL REGISTER publications to keep track and to gain an understanding of the Federal regulations.

Dated: July 12, 1977.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.77-20291 Filed 7-12-77;9:31 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. 301-12]

THROWN SILK

Solicitation of Public Views on Proposed Action

Pursuant to section 301(e)(1) of the Trade Act of 1974, regulations of the Office of the Special Representative for Trade Negotiations (STR) (Title 15 CFR 2006.5) and Executive Order No. 11846, the Section 301 Committee is by this notice requesting the submission of views from interested persons on proposed action in the form of quotas and/or increased duties against imports of silk mufflers, scarves, shawls, veils and handkerchiefs from Japan.

This proposed action is a result of the action by the Government of Japan in denying entry into Japan of thrown silk yarn from the United States, thereby maintaining an unjustifiable import restriction which impairs the value of trade commitments made to the United States and burdens and discriminates against U.S. Commerce.

Pursuant to section 301(d) a petition was filed with the STR on February 14, 1977 alleging discriminatory restrictions and practices against U.S. exports of thrown silk by the Government of Japan (see FR Notice of March 1, 1977 p. 11935). A hearing on the alleged practice was held on March 29, 1977, where interested parties presented views on the alleged restrictions and practices.

Before and since the petition under section 301 was filed, the Government of the U.S. has been attempting to obtain the elimination of restrictions by Japan against U.S. exports of thrown silk yarns. Since mid 1976, the U.S. has been holding discussions with the Government of Japan with respect to the restrictions on thrown silk yarn exported from the U.S. During this period imports from countries such as the People's Republic of China, Korea, and the Republic of China have continued to enter Japan under quotas negotiated with those countries. Additional amounts have been licensed for import from other suppliers who did not have a quota arrangement with Japan. But exports from the U.S. continue to be denied entry into Japan.

Under section 301(a) of the Trade Act, the President shall take all appropriate and feasible steps to obtain the elimination of unjustified restrictions against U.S. commerce. These steps include the imposition of import restrictions on the products of the country restricting U.S. trade.

It is proposed that the U.S., pursuant to section 301(a) of the Trade Act, impose import restrictions in the form of quotas and/or increased duties on imports from Japan of silk mufflers, scarves, shawls, veils and handkerchiefs, provided for in items 372.1025, 372.1055, 372.5000, 372.5500, 372.6020, 372.6040, 372.6520, 372.6540, 370.1900, 370.8420, and 370.8440 of the Tariff Schedules of the United States Annotated (TSUSA). Imports into the U.S. in 1976 of the above articles from Japan totaled $12.261 million.

Interested persons are invited to submit views on the proposed action to the Office of the Special Representative for Trade Negotiations, Section 301 Committee Chairman, Room 715, 1800 G St., N.W., Washington, D.C. 20506. Written briefs must be submitted in twenty (20) copies. For complete information on submission of views, interested parties are referred to the regulations of the Office of the Special Representative for Trade Negotiations, Title 15 CFR part 2006. To be considered by the Section 301 Committee views of interested parties must be received in the Office of the STR by August 15, 1977.

MORTON POMERANE,
Section 301 Chairman.

[FR Doc.77-20019 Filed 7-12-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 04/04-5179]

WILTAR INVESTMENTS CORP., INC.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Wiltar Investments Corporation, Inc. (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1977).

The officers and directors are as follows:

William E. Tart, President, Director, Sole Stockholder, 2211 Mirror Lake Drive, Fayetteville, North Carolina 28302.
Ruth H. Tart, Vice President, 2211 Mirror Lake Drive, Fayetteville, North Carolina 28302.
Richard M. Wiggins, Secretary/Treasurer, Director, 1212 Longleaf Drive, Fayetteville, North Carolina.

The applicant will maintain an office at 222 Maiden Lane, Fayetteville, North Carolina 28302, and will begin operations with paid-in capital and paid-in surplus derived from the sale of 1,000 shares of common stock at $500 per share to William E. Tart. Mr. Tart is President and a major stockholder in Tart's TV, Furniture and Appliance Co., Inc.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owner and manager and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA rules and regulations.

Any person may, not later than July 28, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fayetteville, North Carolina.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: July 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-20128 Filed 7-12-77;8:45 am]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 551]

INSPECTOR GENERAL, FOREIGN ASSISTANCE

Delegation of Authority No. 139

By virtue of the authority vested in me by section 621(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381(a)), and section 4 of the Act of May 26, 1949 (22 U.S.C. 2658), I hereby designate and empower the Inspector General of the Foreign Service, Department of State, during the present vacancy in the Office of the Inspector General, Foreign Assistance, Department of State, to perform any and all of the functions conferred upon the said Inspector General, Foreign Assistance by section 624(d) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384(d)), or otherwise, except for the issuance of those rules and regulations and other actions required by law to be approved by higher authority. This delegation is effective June 18, 1977.

This delegation of authority shall expire upon the filling of the vacancy in the Office of Inspector General, Foreign Assistance or upon termination of that office in accordance with legislation.

Dated: June 20, 1977.

CYRUS R. VANCE,
Secretary of State.

[FR Doc.77-19992 Filed 7-12-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 77-173]

CHISELS, PUNCHES, HAMMERS AND SLEDGES (WITH OR WITHOUT HANDLES), VISES, C-CLAMPS, AND BATTERY SERVICE TOOLS FROM JAPAN

Antidumping Duties

AGENCY: U.S. Treasury Department.

ACTION: Determination on American manufacturers' petition; notice of desire to contest.

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SUMMARY: This notice is to advise the public that the Customs Service has denied an American manufacturers' petition, requesting that antidumping duties be assessed with regard to chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan, and has received notification of the manufacturers' desire to contest such decision.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Lublinski, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION: On March 15, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of certain American manufacturers and wholesalers of chisels, punches, hammers and sledges, vises, c-clamps and battery service tools, among other things, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of the above-mentioned hand tools from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.).

In addition, the petition asserted that the term "battery service tools" should include battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals), as well as battery terminal lifters. An amendment of the determination of sales at less than fair value, made with regard to the importation of chisels, punches, hammers and sledges (with or without handles), vises, c-clamps, and battery service tools from Japan and published in the FEDERAL REGISTER on October 21, 1975 (40 FR 49111), excluded from the scope thereof all battery service tools other than battery terminal lifters.

A "Notice of petition filed by American manufacturer, producer or wholesaler" was published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17556) with respect to the above-mentioned entries from Japan, and interested persons were afforded an opportunity to make written submissions. By letter dated May 18, 1977, the petitioner was notified that:

The scope of the class or kind of foreign merchandise determined to be sold in the United States at less than fair value is to be specified, as set forth in section 201(a) of the Antidumping Act of 1921, as amended (19 U.S.C. 160(a)), by the Secretary of the Treasury. Pursuant to a delegation of authority in such matters, the Assistant Secretary of the Treasury made a determination of sales at less than fair value in the above mattter, and specified the merchandise affected thereby. Subsequent to that determination, the Assistant Secretary was persuaded that it was inappropriate to include within such determination all battery service tools, as originally stated.

Having proceeded within his statutory authority to determine that which had been sold at less than fair value, the Assistant Secretary was obligated to modify such determination once he was persuaded that it was in error. It is our opinion that his decision to amend the determination of sales at less than fair value in this case was therefore correct, and the scope of the term "battery service tools" should not be expanded to include that which was properly excluded. The International Trade Commission, upon the advice of the Assistant Secretary of the Treasury, amended the scope of its investigation to correspond to the modified determination. It is our opinion that, this action having been taken by the Assistant Secretary, the International Trade Commission acted properly by eliminating from the class or kind of merchandise under investigation all battery service tools other than battery terminal lifters.

As for the negative injury determination reached by the International Trade Commission, it must be emphasized that the Customs Service is foreclosed from investigating allegations as to injury or examining any conclusions of the International Trade Commission made within the scope of its statutory authority under section 201 of the Antidumping Act of 1921, as amended (19 U.S.C. 160). Therefore, it is our opinion that the negative determination of injury, having been made, must be considered valid in the absence of a decision of the Customs Court to the contrary, and is binding upon us. Accordingly, the decision not to assess antidumping duties was correct and your petition must be denied.

Notification was received by the Customs Service on May 31, 1977, of the American manufacturers' desire to contest in the United States Customs Court the failure of the Service to assess antidumping duties.

In accordance with the provisions of section 516(c) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24), notice is hereby given that the Commissioner of Customs has decided that the antidumping duties should not be assessed and that a domestic producer has given notice, as contemplated by section 516, that it desires to contest such decision.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 7, 1977.

PETER O. SUCHMAN,
Deputy to the General Counsel for Tariff Affairs.

[FR Doc.77-20045 Filed 7-12-77;8:45 am]

[T.D. 77-172]

TANTALUM ELECTROLYTIC FIXED CAPACITORS

Antidumping Duties

AGENCY: U.S. Treasury Department.

ACTION: Determination of American manufacturer's petition; notice of desire to contest.

SUMMARY: This notice is to advise the public that the Customs Service has denied an American manufacturer's petition, requesting that antidumping duties be assessed with regard to tantalum electrolytic fixed capacitors from Japan, and has received notification of that manufacturer's desire to contest such decision.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Craig Walker, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION: On February 3, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended, by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of Sprague Electric Company, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of tantalum electrolytic fixed capacitors from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.)

A "Notice of Petition Filed by American Manufacturer, Producer or Wholesaler" was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15485) with respect to such entries from Japan, and interested persons were afforded an opportunity to make written submissions. By letter dated April 5, 1977, the petitioner was notified that:

The Customs Service is foreclosed from investigating allegations as to injury or examining any conclusions of the International Trade Commission made within the scope of its statutory authority under section 201 of the Antidumping Act of 1921, as amended (19 U.S.C. 160). It is our opinion that the negative determination of injury, having been made, must be considered valid in the absence of a decision of the Customs Court to the contrary, and therefore is binding upon us. Accordingly, the decision not to assess antidumping duties was correct and your petition must be denied.

Notification was received by the Customs Service on April 11, 1977, of Sprague Electric Company's desire to contest in the United States Customs Court the failure of the Service to assess antidumping duties.

In accordance with the provisions of section 516(c) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24), notice is hereby given that the Commissioner of Customs has decided that the antidumping duties should not be assessed and that a domestic producer has given notice, as contemplated by section

516, that it desires to contest such decision.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 7, 1977.

PETER O. SUCHMAN,
Deputy to the General Counsel for Tariff Affairs.

[FR Doc.77-20046 Filed 7-12-77;8:45 am]

[T.D. 77-171]

WRENCHES, PLIERS, SCREWDRIVERS, AND METAL-CUTTING SNIPS AND SHEARS FROM JAPAN

Antidumping Duties

AGENCY: U.S. Treasury Department.

ACTION: Determination on American manufacturers' petition; notice of desire to contest.

SUMMARY: This notice is to advise the public that the Customs Service has denied an American manufacturers' petition, requesting that antidumping duties be assessed with regard to wrenches, pliers, screwdrivers, and metal-cutting snips and shears from Japan, and has received notification of the manufacturers' desire to contest such decision.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Lublinski, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION: On March 15, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(a)), from counsel acting on behalf of certain American manufacturers and wholesalers of wrenches, pliers, screwdrivers and metal-cutting snips and shears (including bolt cutters), among other things, asserting that a finding of dumping be issued and antidumping duties be assessed on those entries of the above-mentioned hand tools from Japan where it has been determined that sales were being made at prices less than the foreign market (or constructed) value, within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.).

A "Notice of petition filed by American manufacturer, producer or wholesaler" was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18172) with respect to such entries from Japan, and interested persons were afforded an opportunity to make written submissions. By letter dated May 18, 1977, the petitioner was notified that:

The Customs Service is foreclosed from investigating allegations as to injury or examining any conclusions of the International Trade Commission made within the scope of its statutory authority under section 201 of the Antidumping Act of 1921, as amended (19 U.S.C. 160). It is our opinion that the negative determination of injury, having been made, must be considered valid in the absence of a decision of the Customs Court to the contrary, and therefore is binding upon us. Accordingly, the decision not to assess antidumping duties was correct and your petiton must be denied.

Notification was received by the Custom Service on May 31, 1977, of the American manufacturers' desire to contest in the United States Customs Court the failure of the Service to assess antidumping duties.

In accordance with the provisions of section 516(c) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24) notice is hereby given that the Commissioner of Customs has decided that the antidumping duties should not be assessed and that a domestic producer has given notice, as contemplated by section 516, that it desires to contest such decision.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 7, 1977.

PETER O. SUCHMAN,
Deputy to the General Counsel for Tariff Affairs.

[FR Doc.77-20047 Filed 7-12-77;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 208 (Rev. 4)]

ASSISTANT SECRETARY (ADMINISTRATION)

Designation to Act as "Head of the Agency" for Procurement Matters

Pursuant to the authority vested in me as Secretary of the Treasury by Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, 393), as amended (41 U.S.C., Chap. 4), particularly 41 U.S.C. 252, and by Reorganization Plan No. 26 of 1950, it is hereby ordered as follows:

1. The Assistant Secretary (Administration) is hereby designated to act as the Head of the Agency with respect to procurement. The Assistant Secretary (Administration) shall:

(a) Prescribe and publish the Treasury Procurement Regulations and other directives pertaining to procurement including, but not limited to, those incorporated in 41 CFR Chapter 10.

(b) Delegate to appropriate officials within the Office of the Secretary and bureaus of the Department authority to appoint Contracting Officers for the United States of America.

(c) Make all determinations and findings required by statute or regulation to be made by the Head of the Agency.

2. The authority delegated herein shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, as amended; the Federal Procurement Regulations, 41 CFR, Chap. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR, Chap. 101; as well as other relevant statutes.

3. Treasury Department Order No. 208 (Revision 3), dated May 7, 1975, is rescinded.

Dated: June 29, 1977.

W. MICHAEL BLUMENTHAL,
Secretary.

[FR Doc.77 20076 Filed 7-12-77;8:45 a.m.]

[Treasury Dept. Order No. 208–1]

DIRECTOR, OFFICE OF ADMINISTRATIVE PROGRAMS, OFFICE OF THE SECRETARY OF THE TREASURY, ET AL.

Delegation of Procurement Authority

Pursuant to the authority vested in me as Assistant Secretary (Administration) by Treasury Department Order No. 208, Revision 4, it is hereby ordered as follows:

1. The authority to prescribe and publish Treasury Procurement Regulations is hereby delegated to the Director, Office of Administrative Programs, Office of the Secretary, without the power of further redelegation.

2. (a) The following officials of the Department of the Treasury are hereby delegated the authority to procure property and services consistent with Title III of the Federal Property and Administrative Services Act of 1949 (Act), as amended (41 U.S.C. 251–260), except as precluded by section 307 (41 U.S.C. 257) of the Act:

Director, Office of Administrative Programs, Office of the Secretary of the Treasury
Director, Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Director, Federal Law Enforcement Training Center
Commissioner of Customs
Director, Bureau of Engraving and Printing
Commissioner, Bureau of Government Financial Operations
Commissioner of Internal Revenue
Director of the Mint
Commissioner of the Public Debt
National Director, U.S. Savings Bonds Division
Director, U.S. Secret Service

(b) Each of the officials named in (a) is deemed "chief officer responsible for procurement" within the meaning of 41 U.S.C. 257(b).

3. The authority delegated includes but is not limited to taking the following actions:

(a) To enter into and take all necessary actions with respect to purchases, contracts, leases, and other contractual procurement transactions;

(b) To make determinations and decisions with respect to procurement matters, except those determinations and decisions required by law or regulation to be made by other authority; and

(c) To designate persons qualified in procurement matters as Contracting Officers and representatives thereof and to signify such designation of qualified persons by issuance of Treasury Department Form 70–06.1 "Certificate of Appointment" in accordance with requirements and procedures established in Section 1.404 of the "Treasury Procurement Regulations".

4. The authority delegated herein shall

MC 134592 (Sub-9), Herb Moore and Hazel

Providence and Worcester Company.

Rates are published to become effec- in Kentucky and points in Tennessee

4. The authority delegated herein shall be exercised in accordance with the applicable limitations and requirements of the Act; the Federal Procurement Regulations, 41 CFR, Chap. 1; the applicable portions of the Federal Property Management Regulations, 41 CFR, Chap. 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Procurement Regulations and the Federal Property Management Regulations, including but not limited to 41 CFR, Chap. 10 and Treasury Directives Manual Chapter 70–06, "Treasury Procurement Regulations".

5. To the extent permitted by the Act and this delegation, the authority herein delegated to the above-named officials may be redelegated by them by letter or bureau order to any subordinate officer or employee who has been duly designated to act as a Contracting Officer for the United States.

Dated: June 29, 1977.

WILLIAM J. BECKHAM, Jr.,
Assistant Secretary (Administration).

[FR Doc.77–20075 Filed 7–12–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 434]

ASSIGNMENT OF HEARINGS

JULY 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 26739 Sub-No. 94 Crouch Freight Systems, Inc., MC 26739 Sub-No. 95 Crouch Freight Systems, Inc., and MC 26739 Sub-No. 96 Crouch Freight Systems, Inc., now being assigned October 12, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 141804 Sub 31, Western Express now assigned July 13, 1977 at Los Angeles, California and will be held in Room 422, Courthouse Building, 312 North Spring Street.

MC 142497 Sub 1, Atlantic Charter Bus Service, Inc., now assigned August 2, 1977 at Norfolk, Virginia and will be held in Room 421, U.S. Post Office and Courthouse, 600 Grandy Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–20151 Filed 7–12–77;8:45 am]

[Notice No. 435]

ASSIGNMENT OF HEARINGS

JULY 8, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 42866 Sub-No. 16 National Van Lines, Inc., now being assigned October 12, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 128273 Sub-No. 252 Midwestern Distribution, Inc. now being assigned October 19, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 123872 Sub-No. 67 W&L Motor Lines, Inc., now being assigned October 19, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 3854 Sub-No. 34 Burton Lines, Inc., now being assigned October 4, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 119668 Sub-No. 7 Forrest Ratliff & Auburn Ratliff, DBA Ratliff Trucking Service, now being assigned October 19, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

MC 42866 (Sub-No. 18), National Van Lines, Inc., now being assigned October 26, 1977 for hearing at Interstate Commerce Commission in Washington, D.C.

No. MC 119988 (Sub-No. 103), Great Western Trucking Co., Inc., now assigned July 18, 1977, at Seattle, Wash., will be held in Room 514, Federal Office Building, 915 2nd Avenue, instead of Room 1844.

No. MC 136595 (Sub-No. 6), Eastside Enterprises, Inc., d.b.a. Eastside Mobile Home Transportation, Inc., now assigned July 20, 1977, at Seattle, Wash., will be held in Room 514, 915 2nd Avenue, instead of Room 1844.

MC 140487 (Sub-No. 1), Yellowstone Trucking, Inc., now assigned July 13, 1967, at Seattle, Wash., will be held in Room 514, Federal Office Building, 915 2nd Avenue, instead of Room 1844.

MC 142698, B. A. Strickland, now assigned July 11, 1977, at Seattle, Wash., will be held in Room 514, Federal Office Building, 915 2nd Avenue, instead of Room 1844.

MC 138274 (Sub-No. 24), Shippers Best Express, Inc., now assigned July 14, 1977, at Seattle, Wash., will be held in Room 514, 915 2nd Avenue, instead of Room 1844.

MC 16682 (Sub–88), Mural Transport, Inc., now assigned July 18, 1977, at San Francisco, California, will be held in the Coast Guard Hearing Room, Room No. 314, 1 Embarcadero Center.

MC 124211 (Sub–280), Hilt Truck Line, Inc., now assigned July 20, 1977, at San Francisco, California, will be held in the Coast Guard Hearing Room, Room No. 314, 1 Embarcadero Center.

MC 134592 (Sub-9), Herb Moore and Hazel Moore, d.b.a. H & H Trucking Co., now assigned July 25, 1977, at San Francisco, California, will be held in the Federal Trade Commission, Hearing Room 12138, 12th Floor, 450 Golden Gate Avenue.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–20152 Filed 7–12–77;8:45 am]

[30th revised exemption No. 90 of Rule 19]

CAMINO, PLACERVILLE & LAKE TAHOE RAILROAD CO., ET AL.

Exemptions

To all railroads:

Exemption under provision of Rule 19 of the mandatory car service rules ordered in Ex Parte No. 241.

It appearing that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Camino, Placerville & Lake Tahoe Railroad company.[1]
Reporting Marks: CPLT.
The Clarendon and Pittsford Railroad Company.
Reporting Marks: CLP.

* * * * *

Greenville and Northern Railway Company.
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Company.
Reporting Marks: GJ.
Lake Erie, Franklin & Clarion Railroad Company.
Reporting Marks: LEF.
Louisville and Wadley Railway Company.
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company.
Reporting Marks: LNAC.
McCloud River Railroad Company.
Reporting Marks: MR.
Missouri-Kansas-Texas Railroad Company.
Reporting Marks: BKTY-MKT.
Ogdensburg Bridge and Port Authority.
Reporting Marks: NSL.
Pearl River Valley Railroad Company.
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company.
Reporting Marks: P&LE.

See footnote at end of document.

Providence and Worcester Company.
Reporting Marks: PW.
Raritan River Rail Road Company.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting Marks: SJL.
Sierra Railroad Company.
Reporting Marks: SERA.
Terminal Railway, Alabama State Docks.[1]
Reporting Marks: TASD.
Tidewater Southern Railway Company.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company.
Reporting Marks: TPW.
Vermont Railway, Inc.
Reporting Marks: VTR.
WCTU Railway Company.
Reporting Marks: WCTR.
Yreka Western Railroad Company.
Reporting Marks: YW.

NOTE.—Delete: Green Mountain Railroad Corporation.

Effective July 1, 1977, and continuing in effect until further order to this Commission.

Issued at Washington, D.C., June 28, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77–20155 Filed 7–12–77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 8, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43394—*Hominy Feed from and to Points in Southwestern, WTL and Southern Territories.* Filed by Southwestern Freight Bureau, Agent (No. B–694), for interested rail carriers.

Rates on hominy feed, in carloads, as described in the application, from and to points in southwestern, western trunkline and southern territories.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 60 to Southwestern Freight Bureau, Agent, tariff 225–N, I.C.C. No. 5212.

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[1] Addition: Camino, Placerville & Lake Tahoe Railroad Company; Terminal Railway, Alabama State Docks.

Rates are published to become effective on August 7, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–20156 Filed 7–12–77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

JULY 8, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 83539 (Sub-No. 459G), filed May 31, 1977. Applicant: C & H Transportation Co., Inc., 1936–2010 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: I. (A) Commodities the transportation of which because of size or weight requires the use of special equipment; (B) self-propelled articles, each weighting 15,000 pounds or more (except in driveaway service); and, (C) related machinery, parts, materials, and supplies moving in mixed loads, respectively, with the commodities described in (A) and (B) above:

(1)(a) Between points in Indiana, on the one hand, and, on the other, points in Colorado, except that no service shall be performed in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Kentucky and New Mexico or Texas.

(1)(b) Between points in Indiana, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(1)(c) Between points in Indiana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky, Tennessee within 50 miles of Nashville, Tenn., and North Carolina or Georgia.

(1)(d) Between points in Indiana, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2)(a) Between points in Kentucky, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2)(b) Between points in Kentucky, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2)(c) Between points in Kentucky, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2)(d) Between points in Kentucky, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2)(e) Between points in Kentucky, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3)(a) Between points in Michigan, on the one hand, and, on the other, points in Arkansas, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana or Kentucky.

(3)(b) Between points in Michigan, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of any of the commodities described in (A) above in connection with main or truck pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana.

(3)(c) Between points in Michigan, on the one hand, and, on the other, points in Missouri, except that no service shall be perfomed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

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(3) (d) Between points in Michigan, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (e) Between points in Michigan, on the one hand, and, on the other, points in Oklahoma, except that no service shall be performed in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana.

(3) (f) Between points in Michigan, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate a gateway at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (a) Between points in Ohio, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (b) Between points in Ohio, on the one hand, and, on the other, points in Arkansas, except that no service shall be performed in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana or Kentucky.

(4) (c) Between points in Ohio, on the one hand, and, on the other, points in Colorado, except that no service shall be performed in the stringing or picking up of pipe in connection with oil and gas pipelines or in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana, Illinois, Missouri and Wichita, Kansas.

(4) (d) Between points in Ohio, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (e) Between points in Ohio, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (f) Between points in Ohio, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana or Kentucky.

(4) (g) Between points in Ohio, on the one hand, and, on the other, points in Iowa, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(4) (h) Between points in Ohio, on the one hand, and, on the other, points in Kansas, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana, Illinois and Missouri.

(4) (i) Between points in Ohio, on the one hand, and, on the other, points in Louisiana, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above. The purpose of this filing is to eliminate gateways at points in Kentucky and Arkansas or Mississippi.

(4) (j) Between points in Ohio, on the one hand, and, on the other, points in Mississippi, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Kentucky.

(4) (k) Between points in Ohio, on the one hand, and, on the other, points in Missouri, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(4) (l) Between points in Ohio, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (m) Between points in Ohio, on the one hand, and, on the other, points in Oklahoma, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Kentucky.

(4) (n) Between points in Ohio, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (o) Between points in Ohio, on the one hand, and, on the other, points in Texas, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above. The purpose of this filing is to eliminate a gateway at points in Kentucky or Indiana.

(5) (a) Between points in Pennsylvania, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (b) Between points in Pennsylvania, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (c) Between points in Pennsylvania, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (d) Between points in Pennsylvania, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (e) Between points in Pennsylvania, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(6) (a) Between points in Virginia, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(6) (b) Between points in Virginia, on the one hand, and, on the other, points in Colorado, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana, Illinois, Missouri and Wichita, Kansas.

(6) (c) Between points in Virginia, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(6) (d) Between points in Virginia, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(6) (e) Between points in Virginia, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate a gateway at points in Indiana or Kentucky.

(6) (f) Between points in Virginia, on the one hand, and, on the other, points in Iowa, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and Illinois.

(6) (g) Between points in Virginia, on the one hand, and, on the other, points in Missouri, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and Illinois.

(6) (h) Between points in Virginia, on the one hand, and, on the other, points in Montana, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(6) (i) Between points in Virginia, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(6) (j) Between points in Virginia, on the one hand, and, on the other, points in South Dakota, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(6) (k) Between points in Virginia, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky, at points in Tennessee within 50 miles of Nashville, Tenn.

(6) (l) Between points in Virginia, on the one hand, and, on the other, points in Wyoming, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(7) (a) Between points in West Virginia, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (b) Between points in West Virginia, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (c) Between points in West Virginia, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (d) Between points in West Virginia, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and Illinois.

(7) (e) Between points in West Virginia, on the one hand, and, on the other, points in Iowa, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of the commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and Illinois.

(7) (f) Between points in West Virginia, on the one hand, and, on the other, points in Missouri, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of commodities described in (A) above in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and Illinois.

(7) (g) Between points in West Virginia, on the one hand, and, on the other, points in Montana, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(7) (h) Between points in West Virginia, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (i) Between points in West Virginia, on the one hand, and, on the other, points in North Dakota, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(7) (j) Between points in West Virginia, on the one hand, and, on the other, points in South Dakota, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

(7) (k) Between points in West Virginia, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (l) Between points in West Virginia, on the one hand, and, on the other, points in Wyoming, except that carrier shall not engage in the stringing or picking up of pipe along pipelines. The purpose of this filing is to eliminate a gateway at points in Ohio.

II. Commodities the transportation of which because of size or weight requires the use of special equipment, and related machinery, parts, materials, and supplies moving in connection therewith:

(1) (a) Between points in Indiana, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(1) (b) Between points in Indiana, on the one hand, and, on the other, points in Idaho, except that carrier shall not engage in the stringing or picking up of pipeline along pipelines. The purpose of this filing is to eliminate gateways at points in Michigan or Ohio and Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

(1) (c) Between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway of points in Pennsylvania.

(1) (d) Between points in Indiana, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a Philadaelphia, Pennsylvania gateway.

(1) (e) Between points in Indiana, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate a gateway of points in Pennsylvania.

(1) (f) Between points in Indiana, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway of points in Pennsylvania.

(1) (g) Between points in Indiana, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a Philadelphia, Pennsylvania gateway.

(1) (h) Between points in Indiana, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(2) (a) Between points in Kentucky, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a Philadelphia, Pennsylvania gateway.

(2) (b) Between points in Kentucky, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway of points in Pennsylvania.

(2) (c) Between points in Kentucky, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(2) (d) Between points in Kentucky, on the one hand, and, on the other, points in Missouri, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(2) (e) Between points in Kentucky, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(2) (f) Between points in Kentucky, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(2) (g) Between points in Kentucky, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(2) (h) Between points in Kentucky, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of points in Kentucky; Tennessee within 50 miles of Nashville, Tenn., and North Carolina or Georgia.

(2) (i) Between points in Kentucky, on

to eliminate a gateway of Philadelphia,

in Massachusetts. The purpose of this

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(2) (i) Between points in Kentucky, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(3) (a) Between points in Michigan, on the one hand, and, on the other, points in Connecticut The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(3) (b) Between points in Michigan, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(3) (c) Between points in Michigan, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway of points in Pennsylvania.

(3) (d) Between points in Michigan, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(3) (e) Between points in Michigan, on the one hand, and, on the other, points in Minnesota, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(3) (f) Between points in Michigan, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(3) (g) Between points in Michigan, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(3) (h) Between points in Michigan, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pennsylvania.

(3) (i) Between points in Michigan, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(3) (j) Between points in Michigan, on the one hand, and, on the other, points in Wisconsin, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(3) (k) Between points in Michigan, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(4) (a) Between points in Ohio, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(4) (b) Between points in Ohio, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway of Philadelphia, Pennsylvania.

(4) (c) Between points in Ohio, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(4) (d) Between points in Ohio, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(4) (e) Between points in Ohio, on the one hand, and, on the other, points in Minnesota, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(4) (f) Between points in Ohio, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(4) (g) Between points in Ohio, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(4) (h) Between points in Ohio, on the one hand, and on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(4) (i) Between points in Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(4) (j) Between points in Ohio, on the one hand, and, on the other, points in Wisconsin, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(4) (k) Between points in Ohio, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(5) (a) Between points in Pennsylvania, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(5) (b) Between points in Pennsylvania, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(5) (c) Between points in Pennsylvania, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(5) (d) Between points in Pennsylvania, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(5) (e) Between points in Pennsylvania, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(5) (f) Between points in Pennsylvania, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(6) (a) Between points in Virginia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(6) (b) Between points in Virginia, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(6) (c) Between points in Virginia, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(6) (d) Between points in Virginia, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(6) (e) Between points in Virginia, on the one hand, and, on the other, points in Minnesota, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(6) (f) Between points in Virginia, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(6) (g) Between points in Virginia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(6) (h) Between points in Virginia, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina.

(6) (i) Between points in Virginia, on the one hand, and, on the other, points in Wisconsin, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate

gateways at points in Indiana and Illinois.

(6) (j) Between points in Virginia, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(7) (a) Between points in West Virginia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(7) (b) Between points in West Virginia, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(7) (c) Between points in West Virginia, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(7) (d) Between points in West Virginia, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(7) (e) Between points in West Virginia, on the one hand, and, on the other, points in Minnesota, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(7) (f) Between points in West Virginia, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(7) (g) Between points in West Virginia, on the one hand, an, on the other, points in New York. The purpose of this filing is to eliminate a gateway at points in Pennsylvania.

(7) (h) Between points in West Virginia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

(7) (i) Between points in West Virginia, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(7) (j) Between points in West Virginia, on the one hand, and, on the other, points in Wisconsin, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Indiana and Illinois.

(7) (k) Between points in West Virginia, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate a gateway at Philadelphia, Pennsylvania.

III. Such self-propelled articles, each weighing 15,000 pounds or more, which may be included in heavy machinery, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Indiana, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate gateways at points in Michigan and Montana on and west of a line extending north and south through Dupuyer and Butte, Montana.

IV. Commodities the transportation of which because of size or weight requires the use of special equipment, and related machinery, parts, materials, and supplies moving in connection therewith.

(1) (a) Between points in Connecticut, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(1) (b) Between points in Connecticut, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(1) (c) Between points in Connecticut, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(1) (d) Between points in Connecticut, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(1) (e) Between points in Connecticut, on the one hand and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(1) (f) Between points in Connecticut, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (a) Between points in Delaware, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (b) Between points in Delaware, on the one hand, and, on the other, points in Colorado, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (c) Between points in Delaware, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (d) Between points in Delaware, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gate ays at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (e) Between points in Delaware, on the one hand, and, on the other, points in Mississippi, except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky.

(2) (f) Between points in Delaware, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(2) (g) Between points in Delaware, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(2) (h) Between points in Delaware, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (a) Between the District of Columbia, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (b) Between the District of Columbia, on the one hand, and, on the other, points in Arkansas, except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky.

(3) (c) Between the District of Columbia, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (d) Between the District of Columbia, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Ken-

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tucky and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (e) Between the District of Columbia, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky.

(3) (f) Between the District of Columbia, on the one hand, and, on the other, points in Iowa, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Indiana and Illinois.

(3) (g) Between the District of Columbia, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of Philadelphia, Pennsylvania points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (h) Between the District of Columbia, on the one hand, and, on the other, points in Mississippi, except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky.

(3) (i) Between the District of Columbia, on the one hand, and, on the other, points in Missouri, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Indiana and Illinois.

(3) (j) Between the District of Columbia, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(3) (k) Between the District of Columbia, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(3) (l) Between the District of Columbia, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (a) Between points in Maryland, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (b) Between points in Maryland, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (c) Between points in Maryland, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (d) Between points in Maryland, on the one hand, and, on the other, points in Georgia. hTe purpose of this shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Indiana, and Illinois.

(4) (e) Between points in Maryland, on the one hand, and, on the other, points in Mississippi except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Pennsylvania and Indiana or Kentucky.

(4) (f) Between points in Maryland, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(4) (g) Between points in Maryland, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(4) (h) Between points in Maryland, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(4) (i) Between points in Maryland, on the one hand, and, on the other, points in Wisconsin, except that no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines or in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Indiana and Illinois.

(5) (a) Between points in Massachusetts, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (b) Between points in Massachusetts, on the one hand, and, on the other points in Florida. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (c) Between points in Massachusetts, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (d) Between points in Massachusetts, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(5) (e) Between points in Massachusetts, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky, Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(5) (f) Between points in Massachusetts, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky, and Tennessee within 50 miles of Nashville, Tenn.

(6) (a) Between points in New Jersey and New York, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennesee.

(6) (b) Between points in New Jersey and New York, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(6) (c) Between points in New Jersey and New York, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(6) (d) Between points in New Jersey and New York, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(6) (e) Between points in New Jersey and New York, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Pennsylvania, Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(6) (f) Between points in New Jersey and New York, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate

gateways at points in Pennsylvania, Kentucky and points in Tennessee within 50 miles of Nashville, Tennessee.

(7) (a) Between points in Rhode Island, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (b) Between points in Rhode Island, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tenn.

(7) (c) Between points in Rhode Island, on the one hand, and, on the other, points in Georgia. The purpose of this application is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(7) (d) Between points in Rhode Island, on the one hand, and, on the other, points in Illinois, except that no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Indiana.

(7) (e) Between points in Rhode Island, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(7) (f) Between points in Rhode Island, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(7) (g) Between points in Rhode Island, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and points in Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

V. (A) Commodities the transportation of which because of size or weight requires the use of special equipment; (B) self-propelled articles, each weighing 15,000 pounds or more (except in driveaway service); and (C) related machinery, parts, materials and supplies, moving in mixed loads respectively, with the commodities described in (A) and (B) above.

(1) Between points in Illinois, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Indiana, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

(2) (a) Between points in Iowa, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Illinois, Indiana, Kentucky and points in Tennessee within 50 miles of Nashville, Tennessee.

(2) (b) Between points in Iowa, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Illinois, Indiana, Kentucky and points in Tennessee within 50 miles of Nashville, Tennessee.

(2) (c) Between points in Iowa, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate gateways at points in Illinois, Indiana, Kentucky, and points in Tennessee within 50 miles of Nashville, Tennessee.

VI. Commodities the transportation of which because of size or weight requires the use of special equipment, and related machinery, parts, materials and supplies moving in connection therewith.

(1) Between points in Oregon, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in California, Indiana, Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(2) (a) Between points in Wisconsin, on the one hand, and, on the other, points in North Carolina. The purpose for this filing is to eliminate gateways at points in Illinois, Indiana, Kentucky and points in Tennessee within 50 miles of Nashville, Tennessee.

(2) (b) Between points in Wisconsin, on the one hand, and, on the other, points in Tennessee. The purpose of the filing is to eliminate gateways at points in Illinois, Indiana, Kentucky and points in Tennessee within 50 miles of Nashville, Tennessee.

VII. Machinery the transportation of which because of size or weight requires the use of special equipment, and related machinery, parts, materials and supplies moving in connection therewith.

(1) (a) Between points in New Hampshire, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and Worcester, Massachusetts.

(1) (b) Between points in New Hampshire, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and Worcester, Massachusetts.

(1) (c) Between points in New Hampshire, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and Worcester, Massachusetts.

(1) (d) Between points in New Hampshire, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate gateways at points in Indiana or Kentucky and at Philadelphia, Pennsylvania, and Worcester, Massachusetts.

(1) (e) Between points in New Hampshire, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate gateways at Philadelphia, Pennsylvania, and Worcester, Massachusetts.

(2) (a) Between points in Vermont, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, Philadelphia, Pennsylvania, and points in Indiana, Illinois, Missouri and Wichita, Kansas.

(2) (b) Between points in Vermont, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, Philadelphia, Pennsylvania, and points in Indiana.

(2) (c) Between points in Vermont, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

(2) (d) Between points in Vermont, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

(2) (e) Between points in Vermont, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

(2) (f) Between points in Vermont, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

(2) (g) Between points in Vermont, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

(2) (h) Between points in Vermont, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, Philadelphia, Pennsylvania, points in Kentucky; Tennessee within 50 miles of Nashville, Tennessee, and North Carolina or Georgia.

(2) (i) Between points in Vermont, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate gateways at Worcester, Massachusetts, and Philadelphia, Pennsylvania.

VIII. Heavy machinery, and related machinery parts, materials and supplies moving in connection therewith.

(1) (a) Between points in Kentucky, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate gateways at points in Virginia within 100 miles of Johnson City, Tennessee and at Johnson City, Tennessee.

(1) (b) Between points in Kentucky, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate gateways at points in Virginia within 100 miles of Johnson City, Tennessee, and at Johnson City, Tennessee.

(1) (c) Between points in Kentucky, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate gateways at points in Vir-

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ginia within 100 miles of Johnson City, Tennessee and at Johnson City, Tennessee.

(1) (d) Between points in Kentucky, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate gateways at points in Virginia.

(1) (e) Between points in Kentucky, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate gateways at points in Virginia within 100 miles of Johnson City, Tennessee.

Restriction: The operations authorized in I through VIII above are restricted against the transportation of aircraft, missiles and parts thereof originating at or destined to points in South Carolina.

NOTE.—Applicant states that the purpose of this application is to eliminate gateways presented by Certificate No. MC 83539 (Sub-No. 323) which was pending before the Commission on and prior to November 23, 1973. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1872 (Sub-No. E3), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles, each weighing 15,000 pounds or more* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveway service) and *related machinery, tools, parts* and *supplies moving in connection therewith*. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers. (1) between points in New Mexico, on the one hand, and, on the other, points in Washington (Utah)*; (2) between points in New Mexico, on the one hand, and, on the other, points in Oregon (Utah)*; (3) between points in Arizona, on the one hand, and, on the other, points in Oregon, on, north and east of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California state line (Utah)*; (4) between points in Arizona, on, north, and east of a line beginning at the Arizona-California state line and extending along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction unmarked highway near Dome, Ariz., thence along unmarked highway to junction Interstate Highway 8 at Ligurta, Ariz., thence along Interstate Highway 8 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico international boundary, on the one hand, and, on the other, points in Oregon (Utah)*; (5) between points in Colorado on the one hand, and, on the other, points in Oregon (Utah)*; (6) between points in Idaho on and east of a line beginning at the Idaho-Montana state line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah state line, on the one hand, and, on the other, points in Oregon on and west of a line beginning at the Oregon-Washington state line and extending along Interstate Highway 5 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California state line (Utah or Montana)*;

(7) between points in Nevada on and east of a line beginning at the Nevada-California state line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction Nevada Highway 38, thence along Nevada Highway 38 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Nevada-Utah state line, on the one hand, and, on the other, points in Oregon, on, north and east of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California state line (Utah)*; (8) between points in Nevada on and east of a line beginning at the Nevada-Idaho state line and extending along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 38, thence along Nevada Highway 38 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California state line, on the one hand, and, on the other, points in Oregon on and west of a line beginning at the Washington-Oregon state line and extending along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 230, thence along Oregon Highway 230 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-California state line (Utah)*; (9) between points in Wyoming, on the one hand, and, on the other, points in Oregon (Utah)*; (10) between points in Arizona, on the one hand, and, on the other, points in Washington (Utah)*; (11) between points in Colorado, on the one hand, and on the other, points in Washington (Utah)*;

(12) Between points in Idaho on and east of a line beginning at the Idaho-Montana state line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26, to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada state line, on the one hand, and, on the other, points in Washington on, west, and north of a line beginning at the Washington-Oregon state line and extending along Washington Highway 433 to junction Washington Highway 4, thence along Washington Highway 4 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 405, thence along Interstate Highway 405 to junction Washington Highway 522, thence along Washington Highway 522 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered highway (3 miles east of Leavenworth, Wash.), thence along unnumbered highway to Entiat, Wash., thence along U.S. Highway 97 to junction Washington Highway 17, thence along Washington Highway 17 to junction Washington Highway 174, thence along Washington Highway 174 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Washington-Idaho state line (Utah or Montana)*; (13) between points in Idaho on and east of a line beginning at the Idaho-Montana state line and extending along U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah state line, on the one hand, and, on the other, points in Washington (Utah or Montana)*; (14) between points in Nevada on, south, and east of a line beginning at the Nevada-Utah state line and extending along U.S. Highway 40 to

junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to the Nevada-California state line, on the one hand, and, on the other, points in Washington on, north and east of a line beginning at the Strait of Juan De Fuca at Port Angeles, Wash., and etxending along U.S. Highway 101 to junction Washington Highway 104, thence along Washington Highway 104 to junction Washington Highway 3, thence along Washington Highway 3 to junction Washington Highway 16, thence along Washington Highway 16 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 124, thence along Washington Highway 124 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho state line (Utah)*; (15) between points in Wyoming, on the one hand, and, on the other, points in Washington (Utah or Montana*). The purpose of this application is to eliminate the gateways indicated by astericks above.

No. MC 1872 (Sub-No. E4), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles, each weighing 15,000 pounds or more* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service) and *related machinery, tools, parts*, and *supplies moving in connection therewith*; Restriction: The operations authorized herein are restricted to commodities which are transported on trailers; (1) between points in Oregon, on the one hand, and, on the other, points in Iowa (Utah or Montana and Colorado or Wyoming)*; (2) between points in Oregon, on the one hand, and, on the other, points in Missouri (Utah or Montana and Colorado or Wyoming)*; (3) between points in Oregon, on the one hand, and, on the other, points in Kansas (Utah or Montana and Colorado or Wyoming)*; (4) between points in Oregon, on the one hand, and, on the other, points in Nebraska (Utah or Montana and Colorado or Wyoming)*; (5) between points in Oregon, on the one hand, and, on the other, points in South Dakota (Utah or Montana and Colorado or Wyoming)*; (6) between points in Washington, on the one hand, and, on the other, points in Iowa (Montana and Wyoming)*; (7) between points in Washington, on the one hand, and, on the other, points in Missouri (Utah or Montana and Colorado or Wyoming)*; (8) between points in Washington, on the one hand, and, on the other, points in Kansas (Utah or Montana and Colorado or Wyoming)*; (9) between points in Washington, on the one hand, and, on the other, points in Nebraska (Utah or Montana and Colorado or Wyoming)*; (10) between points in Washington, on the one hand, and, on the other, points in South Dakota (Utah or Montana and Colorado or Wyoming)*. The purpose of this filing is to eliminate the gateway indicated by an asterisk above.

No. MC 1872 (Sub-No. E17), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colorado 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, which are contractors' equipment and supplies*, (1) between points in Arizona, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, and South Dakota (Colorado or Wyoming)*; (2) between points in Idaho, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, and South Dakota (Wyoming or Colorado)*; (3) between points in Montana, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska (Wyoming or Colorado)*, and those points in South Dakota on and south of a line beginning at the South Dakota-Wyoming state line and extending along U.S. Highway 212 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Minnesota state line (Wyoming)*; (4) between points in Montana on and west of a line beginning at the United States-Canada international boundary and exteding along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming state line, on the one hand, and, on the other, points in South Dakota on, south, and east of a line beginning at the South Dakota-North Dakota state line and extending along South Dakota Highway 63 to Junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming state lines (Wyoming)*; (5) between points in New Mexico, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, and south Dakota (Colorado or Wyoming)*; (6) between points in Nevada, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska and South Dakota (Colorado or Wyoming)*; (7) between points in Utah, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, and South Dakota (Colorado or Wyoming)*. The purpose of this filing is to eliminate the gateways indicated by an asterisk above.

No. MC 2607 (Sub-No. E4), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and points in Clark County, Ill.

No. MC 2607 (Sub-No. E5), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Texas. The purpose fo this filing is to eliminate the gateways of Philadelphia, Pa. and Clark, Shelby and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E6), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover. Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hosuchold goods*, as defined by the Commission. between points in Delaware, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky state line and extending along Kentucky Highway 69 to Hartford, Ky., thence along U.S. Highway 231 to Beaver, Ky., thence along U.S. Highway 62 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Kentucky state line. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Camden, N.J. and points in Clark County, Ill.

No. MC 2607 (Sub-No. E7), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover. Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New Castle County, Del., on the one hand, and, on the other, points in Fayette, Shelby, Tipton, Haywood, Lauderdale, Dyer, and Obion Counties, Tenn. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E49), filed

Highway 125 to Interstate Highway 8[illegible], thence along U.S. Highway 51 to the

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No. MC 2607 (Sub-No. E49), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia on and east of a line beginning at the North Carolina-Virginia state line, thence along Virginia Highway 35 to junction Interstate Highway 95, thence along Interstate Highway 95 to to Fredericksburg, Va., thence along U.S. Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia state line, on the one hand, and, on the other, points in Kansas, on, north and west of a line beginning at Kansas City, Mo., thence along Interstate Highway 35 to junction U.S. Highways 50 and 59, thence along U.S. Highway 50 to junction Interstate Highway 35 near Emporia, thence along Interstate Highway 35 to the Oklahoma-Kansas state line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Coles and Cumberland, Counties, Ill.

No. MC 2607 (Sub-No. E51), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence on Interstate Highway 83 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark County, Ill.

No. MC 2607 (Sub-No. E52), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E53), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence on Pennsylvania Highway 41 to junction Pennsylvania Highway 10, thence on Pennsylvania Highway 10 to junction U.S. Highway 422, thence on Pennsylvania Highway 422 to junction U.S. Highway 222, thence on U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence on U.S. Highway 22 to junction Pennsylvania Highway 33, thence on Pennsylvania Highway 33 to junction U.S. Highway 209, thence on U.S. Highway 209 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E54), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence along Pennsylvania Highway 41 to junction Pennsylvania Highway 841, thence along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 23, thence on Pennsylvania Highway 23 to junction Pennsylvania Highway 100, thence on Pennsylvania Highway 100 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence on U.S. Highway 22 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 209, thence on U.S. Highway 209 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at South Fulton, Tenn., thence along U.S. Highway 51 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E55), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 81, thence on Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E56), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania state line, thence along U.S. Highway 222 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 22, thence on U.S. Highway 22 to the junction Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania state line, on the one hand, and, on the other points in Illinois. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E57), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania state line, thence along Pennsylvania Highway 10 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 22, thence along Pennsylvania Highway 22 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 209, thence along U.S. Highway 209 to Matamoras, Pa., on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E58), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on, east and south of a line beginning at the Delaware-Pennsylvania state line, thence on U.S. Highway 202 to New Hope, Pa., on the one hand, and, on the other, points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin state line, thence on Interstate Highway 90 to junction U.S. Highway 51 to Hurley, Wis. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E59), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania state line and extending along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania State Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E60), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania state line, thence along Pennsylvania Highway 41 to junction Pennsylvania Highway 841, thence along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 22, thence along U.S. Highway 22 to the New Jersey-Pennsylvania state line, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E61), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence on U.S. Highway 202 to junction Pennsylvania Highway 100, thence on Pennsylvania Highway 100 to junction Pennsylvania Highway 29, thence on Pennsylvania Highway 29 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along Pennsylvania Highway 33 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Matamoras, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E62), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E63), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E64), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, at Lawrenceville, Pa., on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E65), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at Chester, Pa., thence along Pennsylvania Highway 320 to Interstate Highway 76, thence along Interstate Highway 76 north to junction Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Harford, Baltimore, Howard, Montgomery, Ann Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, Md. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E68), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence along Pennsylvania Highway 41 to junction Pennsylvania Highway 841, thence along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania

Highway 33, thence along Pennsylvania

Counties, Md. The purpose of this filing

Highway 125 to Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E53), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence on Pennsylvania Highway 41 to junction Pennsylvania Highway 10, thence on Pennsylvania Highway 10 to junction U.S. Highway 422, thence on Pennsylvania Highway 422 to junction U.S. Highway 222, thence on U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence on U.S. Highway 22 to junction Pennsylvania Highway 33, thence on Pennsylvania Highway 33 to junction U.S. Highway 209, thence on U.S. Highway 209 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 2607 (Sub-No. E54), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence along

No. MC 2607 (Sub-No. E52), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to Pennsylvania Highway 125, thence along Pennsylvania

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Highway 33, thence along Pennsylvania Highway 33 to junction U.S. Highway 209, thence along U.S. Highway 209 to Matamoras, Pa., at the New York-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmansville, Ky., thence along Kentucky Highway 107 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E69), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence north along Interstate Highway 81 to Frackville, Pa., thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to Millville, Pa., thence along U.S. Highway 220 to Williamsport, Pa., thence along U.S. Highway 220 to Williamsport, Pa., thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E70), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 202 to Doylestown, Pa., thence along Pennsylvania Highway 611 north to junction U.S. Highway 209, thence along U.S. Highway 209 to Marshalls Creek, Pa., thence along Pennsylvania Highway 402 to junction U.S. Highway 6, thence along U.S. Highway 6 to Honesdale, Pa., thence along Pennsylvania Highway 191 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Allegheny, Washington, and Frederick Counties, Md. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E71), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Wisconsin on and west of a line beginning at Ashland, Wis., thence along Wisconsin Highway 13 to Fifield, Wis., thence along Wisconsin Highway 70 to Radisson, Wis., thence along Wisconsin Highway 40 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 124, thence along Wisconsin Highway 124 to junction U.S. Highway 53, thence along U.S. Highway 53 to LaCrosse, Wis., thence along U.S. Highway 61 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points in New Jersey within 20 miles of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E72), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmansville, Ky., thence along junction U.S. Alternate Highway 41, thence along U.S. Highway Alternate 41 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points in New Jersey within 20 miles of Camden, N.J., and points in Clark County, Ill.

No. MC 2607 (Sub-No. E74), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along U.S. Highway 431 to Central City, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 171, thence along Kentucky Highway 171 to Kirkmansville, Ky., thence along junction U.S. Alternate Highway 41, thence along U.S. Highway Alternate 41 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points in New Jersey within 20 miles of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E75), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Ohio on, west and south of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 30 to Canton, Ohio, thence along Interstate Highway 77 to Barberton, Ohio, thence along Interstate Highway 76 west to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 13, thence along Ohio Highway 13 to Huron, Ohio. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., and points in New Jersey within 20 miles of Camden, N.J.

No. MC 2607 (Sub-No. E76), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 45E to junction U.S. Highway 79 at Milan, Tenn., thence along U.S. Highway 79 to Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Kent County, Md., points in New Jersey within 20 miles of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E77), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Vermont, on the one hand, and, on the other, points in Pennsylvania on, south and west of a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 202 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 422 at Edensburg, Pa., thence along U.S. Highway

422 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 2607 (Sub-No. E78), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Virginia Highway 32 to junction U.S. Highway 17, thence along U.S. Highway 17 to Yorktown, Va., on the one hand, and, on the other, points in Iowa on, south and west of a line beginning at the Illinois-Iowa State line, thence along Interstate Highway 80 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Camden, N.J., and points in Macon County, Ill.

No. MC 2607 (Sub-No. E79), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Alexandria, Va., and points within 20 miles in Virginia and points in Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Virginia Highway 32 to junction U.S. Highway 17, thence along U.S. Highway 17 to Yorktown, Va., on the one hand, and, on the other, points in Missouri on, west and north of a line beginning at the Illinois-Missouri State line at St. Louis, Mo., thence along U.S. Highway 66 to Springfield, Mo., thence along U.S. Highway 65 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Coles, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E80), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Virginia Highway 32 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 522, thence along U.S. Highway 522 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 77 to Waco, Tex., thence along U.S. Highway 81 to Laredo, Tex. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Clark, Coles, and Cumberland Counties, Ill.

No. MC 2607 (Sub-No. E82), filed June 4, 1974. Applicant: BERRY VAN LINES, 747 N. Dupont Hwy., Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alexandria, Va., and points within 20 miles thereof in Virginia, on the one hand, and, on the other, points in Iowa on, west and south of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to Ottumwa, Iowa, thence along U.S. Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Camden, N.J. and points in Macon County, Ill.

No. MC 8973 (Sub-No. E143), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Morris County, New Jersey to points in that portion of Virginia on and south of a line beginning at junction of U.S. Highway 250 and the Virginia-West Virginia State line extending along U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 229, thence along Virginia Highway 229 to junction U.S. Highway 211, thence along U.S. Highway 221 to junction Virginia Highway 123, thence along Virginia Highway 123 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcoa Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E144), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Passaic County, N.J. to points in Maine, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcoa Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E145), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Morris County, New Jersey, to points in that portion of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line extending along New Jersey secondary Highway 546 to junction New Jersey Highway 31, thence along New Jersey Highway 31 to junction New Jersey Secondary Highway Spur 518, thence along New Jersey Secondary Highway Spur 518 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Secondary Highway 533, thence along New Jersey Secondary Highway 533 to junction New Jersey Secondary Highway 514, thence along New Jersey Secondary Highway 514 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction unnumbered highway to Rahway, thence along the unnumbered

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highway to Carberet, thence along the unnumbered highway to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of the warehouse of plant facilities of Alcoa Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E146), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Passaic County, N.J., to points in that part of New York on and west of a line beginning at Lake Ontario extending along New York Highway 78 to junction New York Highway 16, thence along New York Highway 39, thence along New York Highway 39 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 304, thence along New York Highway 304 to the New York-Pennsylvania State line, and points in that part of Richmond County, N.Y., on and south of a line beginning at Arthur Kill extending along Arthur Kill Road to junction Winchester Ave., thence along Winchester Ave. to junction Oceanic Ave., thence along Oceanic Ave. to Raritan Bay. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcoa Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E147), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Passaic County, N.J. to points in that portion of New Hampshire on and east of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 18 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction Interstate Highway 93, thence along Interstate Highway 3 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcoa Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E148), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Passaic County, N.J. to points in that portion of Vermont east of a line beginning at the United States-Canada International Boundary line extending along Vermont Highway 114, thence along Vermont Highway 114 to junction Vermont Highway 105, thence along Vermont Highway 105, to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corp. at Woodbridge, N.J.

No. MC 8973 (Sub-No. E149), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Passaic County, N.J. to points in that portion of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line extending along Massachusetts Highway 38, thence along Massachusetts Highway 38 to junction Massachusetts Highway 3A, thence along Massachusetts Highway 3A to junction U.S. Highway 3, thence along U.S. Highway 3 to Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 225, thence along Massachusetts Highway 225 to junction Massachusetts Highway 2, then along Massachusetts Highway 2 to junction Massachusetts Highway 60, thence along Massachusetts Highway 60 to junction Massachusetts Highway 38, thence along Massachusetts Highway 38 to Massachusetts Highway 138, thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E150), Filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Passaic County, N.J. to points in that portion of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along Pennsylvania Highway 446 to junction Pennsylvania Highway 46, thence along Pennsylvania Highway 46 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to junction unnumbered highway to Coburn, thence along unnumbered highway to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 103, thence along Pennsylvania Highway 103 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 340, thence along Pennsylvania Highway 340 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 363, thence along Pennsylvania Highway 363 to junction Pennsylvania Highway 63, thence along Pennsylvania Highway 63 to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Pennsylvania Highway 263, thence along Pennsylvania Highway 263 to junction Pennsylvania Highway 332, thence along Pennsylvania Highway 332 to junction Pennsylvania Highway 532, thence along Pennsylvania Highway 532 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E152), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Ohio. The purpose of this filing is to eliminate the gateway facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E153), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in that portion of New Jersey on and east of a line beginning at the New Jersey-New York State line extending along Main St. in Sewaren to junction New Jersey Highway 35, thence along New Jersey Highway 35 to junction U.S. Highways 1 and 9, thence along U.S. Highways 1 and 9 to Avenel Ave., thence along Avenel Ave. to junction Rahway Ave., thence along Rahway Ave. to junction Homestead Ave., thence along Homestead Ave. to junction Blair Rd., thence along Blair Rd. to junction Roosevelt Ave., thence along Roosevelt Ave. to junction Interstate Highway 95, thence along Interstate Highway 95 to the Middlesex-Hudson Counties boundary line, thence along the Middlesex-Hudson Counties boundary line to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation of Woodbridge, N.J.

No. MC 8973 (Sub-No. E154), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in that portion of New York on, west, and north of a line beginning at the Pennsylvania-New York State line extending along New York Highway 328 to junction New York Highway 14, thence along New York Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, and that portion of New York on and east of a line beginning at New Dorp Beach Staten Island, extending along New Dorp Lane to junction Richmond Road, thence along Richmond Road to junction Interstate Highway 278, thence along Interstate Highway 278 to junction Fort Hamilton Parkway, thence along Fort Hamilton Parkway to junction Linden Boulevard and New York Highway 27, thence along New York Highway 27 to junction Van Wyck Expressway, thence along Van Wyck Expressway to junction New York Highway 25, thence along New York Highway 25 to junction New York Secondary Highway 7, thence along New York Secondary Highway 7 to junction New York Highway 25A, thence along New York Highway 25A to junction Hempstead Harbor, thence along Hempstead Harbor to Long Island Sound. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E155), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in that portion of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction unnumbered highway at Kylertown, thence along unnumbered highway through Karthaus and Pottersdale to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction unnumbered highway at Westport, thence along unnumbered highway to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to the Pennsylvania-New York State line. Purpose: The warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N. J.

No. MC 8973 (Sub-No. E156), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in that portion of Maryland on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 522 to the Maryland-West Virginia State line, and points in that portion of Maryland on and south of a line beginning at the Potomac River and extending along Maryland Highway 227 to junction Maryland Highway 210, thence along Maryland Highway 210 to junction Maryland Highway 373 thence along Maryland Highway 373 to junction Maryland Highway 381, thence along Maryland Highway 381 to junction Maryland Highway 231, thence along Maryland Highway 231 to junction east bank of the Patuxent River, thence along the Patuxent River to Lower Marlboro, thence along Maryland Highway 262 to junction Maryland Highway 4, thence along Maryland Highway 4 to junction Maryland Highway 263, thence along Maryland Highway 263 to the Chesapeake Bay, thence along the Chesapeake Bay to the Maryland-Virginia State line, thence along the State line to the Chesapeake Bay, thence along Maryland Highway 363 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Maryland Highway 365, thence along Maryland Highway 365 to Chincoteague Bay to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateway of Alcan Aluminum Corporation at Woodbridge, N.J.

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No. MC 8973 (Sub-No. E157), filed De-

and, (2) points in that part of New Jer-

Old Field, thence south along Old Field

No. MC 8973 (Sub-No. E157), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic articles, hardware, and building materials, equipment, and supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in that portion of Virginia on and south of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 522 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Virginia Highway 236, thence along Virginia Highway 236 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of The Warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E158), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley,, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Union County, New Jersey to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E159), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Union County, N.Y., to (1) points in that part of New Jersey beginning at the New York-New Jersey State line at Port Reading, thence west along unnumbered Highway to Woodbridge, thence east along unnumbered Highway to the New York-New Jersey State line and, (2) points in that part of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending east along the Gloucester County-Camden County line to junction U.S. Highway 130, thence east along U.S. Highway 130 to unnumbered Highway, thence along unnumbered Highway to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 530, thence east along New Jersey Highway 530 to junction unnumbered Highway at Pemberton, thence north along unnumbered Highway through Wrightstown to Sykesville, thence northeast along New Jersey Highway 537, to junction U.S. Highway 9, thence north along U.S. Highway 9 to junction unnumbered Highway at Gordons Corners, thence north along unnumbered Highway to junction New Jersey Highway 520, thence along New Jersey Highway 520 to junction unnumbered Highway east of Holmdel, thence north along unnumbered Highway to junction New Jersey Highway 35, thence north along New Jersey Highway 35 to junction unnumbered Highway, thence north along unnumbered Highway to Keansburg and continuing to the shore of the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E160), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Union County, N.J., to points in that part of New York, on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 28A, thence along New York Highway 28A to junction New York Highway 213, thence along New York Highway 213, to junction New York Highway 32, thence along New York Highway 32 to junction New York Highway 299, thence along New York Highway 299 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 55, thence east along New York Highway 55, to junction unnumbered Highway near Pawling, thence east along unnumbered Highway to the New York-Connecticut State line; (2) points in the part of Suffolk County, N.Y., on and east of a line beginning on the northern shore of Long Island near Old Field, thence south along Old Field Road to junction unnumbered Highway, thence south on unnumbered Highway to junction New York Highway 25A, thence along New York Highway 25A to junction New York Highway 97, thence along New York Highway 97 to junction New York Highway 27A, thence west along New York Highway 27A to a creek just east of Sayville, thence south along creek to Great South Bay, thence south along the Passenger ferry route and across Fire Island to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E161), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Union County, N.J., to points in that part of Connecticut on, north, and east of a line beginning at the New York-Connecticut State line extending along Connecticut Highway 39, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to the shore of Long Island Sound. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E162), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Union County, N.J., to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line extending along Pennsylvania Highway 92 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 924, thence along Pennsylvania Highway 924 to junction Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E178), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, *plastic hose in mixed loads with plastic pellets*, in bulk, and *materials, equipment* and *supplies used in the manufacture* and *sale of plastic articles* (except liquid commodities in bulk, in tank vehicles) except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Essex County, N.J., on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania state line and extending along Pennsylvania Highway 187, thence along Pennsylvania Highway 187 to junction U.S. Highway 6, thence south along U.S. Highway 6 to junction unnumbered road at Wyalusing, thence south along the road to Pennsylvania Highway 87, to junction U.S. Highway 220, thence west along U.S. Highway 220 to junction U.S. Highway 15, thence south along U.S. Highway 15 to the Lycoming County-Union County boundary line, thence west along the line to the Clinton-Union County line, thence south along the Union County line to Pennsylvania Highway 45, thence east along Pennsylvania Highway 45 to junction Pennsylvania Highway 235, thence south along Pennsylvania Highway 235 to junction Pennsylvania Highway 35, thence south along Pennsylvania Highway 35 to junction U.S. Highway 22; thence east along U.S. Highway 22 to Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to Pennsylvania Highway 233, thence south along Pennsylvania Highway 233 to an unnumbered road just west of Laurel, thence east along the road to Pennsylvania Highway 34, thence south along Pennsylvania Highway 34 to Pennsylvania Highway 234, thence east along Pennsylvania Highway 234 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction Interstate Highway 83, thence south along Interstate Highway 83 to the Pennsylvania-Maryland state line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E230), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Indiana to points in New York on and east of a line beginning at the Pennsylvania-New York state line extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 23B, thence along New York Highway 23B to junction New York Highway 23, to the Massachusetts state line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E231), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Kentucky to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E232), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Kentucky to points in New Jersey on and east of a line beginning on the Pennsylvania-New Jersey state line, extending along U.S. Highway 206 to junction New Jersey Highway 517, thence along New Jersey Highway 517 to junction New Jersey Highway 523, thence along New Jersey Highway 523 to the Pennsylvania state line, south along the state line to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 38, thence along New Jersey Highway 38 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway 563 spur, thence along New Jersey Highway spur 563 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to Great Egg Harbor to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E233), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Kentucky to points in that part of New York on and east of a line beginning at the U.S.-Canada Boundary and extending along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 55, thence along New York Highway 55 to the Pennsylvania state line, including New York, N.Y. and Long Island, N.Y. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E234), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Maryland to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E235), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Maryland, to points in that part of Connecticut on and east of a line beginning at the New York-Connecticut state line and extending along U.S. Highway 44 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Connecticut Highway 63, thence along Connecticut Highway 63 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction Connecticut Highway 17, thence along Connecticut Highway 17 to junction Connecticut Highway

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77, thence along Connecticut Highway 77 to junction Connecticut Highway 146, thence along Connecticut Highway 146 to Builford, thence west on Connecticut Highway 146 to unmarked road to Sachern Head, thence to Long Island Sound. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E236), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Massachusetts to points in Delaware. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E237), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Massachusetts to points in that part of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania state line and extending along New Jersey Highway 57 to junction New Jersey Highway 517, thence along New Jersey Highway 517 to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction New Jersey Highway 510, thence along New Jersey Highway 510 to the Essex-Hudson County line, thence east and south along the county line to the New York line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E238), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Massachusetts to points in that part of Ohio on and west of a line beginning at Lake Erie at Cleveland, and extending along U.S. Highway 422 to junction Ohio Highway 82, thence along Ohio Highway 82 to the Pennsylvania state line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E239), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in New York on, north and east of a line beginning at Lake Ontario at Sackets Harbor, extending along New York Highway 3 to junction New York Highway 12, thence along New York Highway 12 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 17, thence south to the New Jersey state line to the Richmond-Kings County line, thence along the County line to Lower New York Bay, to points in Maryland. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E240), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware* used in the manufacture and sale of plastic articles, from points in Michigan to points in that part of New Jersey on and east of a line beginning at the New York-New Jersey state line and extending along New Jersey Highway 284, thence along New Jersey Highway 284 to junction New Jersey Secondary Highway 565, thence along New Jersey Secondary Highway 565 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction Secondary Highway 517, thence along New Jersey Highway 517 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Secondary Highway 513, thence along New Jersey Secondary Highway 513 to the Pennsylvania state line, thence along the state line to junction New Jersey Secondary Highway 541, thence along New Jersey Secondary Highway 541 to junction Interstate Highway 295, thence along Interstate Highway 295 to junction New Jersey Highway 73, thence along New Jersey Highway 73 to junction Atlantic City Expressway, thence along Atlantic City Expressway to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Secondary 555, thence along New Jersey Secondary 555 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to unnumbered road at Delmont, thence south along this road to Moores Beach and the Delaware Bay. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E241), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Michigan to points in that part of New York on, south and east of a line beginning on the New Jersey-New York state line and extending along New York Highway 94 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to the Massachusetts state line, including New York, N.Y. and Long Island, N.Y. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E242), filed December 17, 1976. Applicant METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in manufacture and sale of plastic articles*, from points in that part of New York on and south and east of a line beginning at the New York-New Jersey state line and extending along New York Highway 17 to junction Interstate Highway 87, thence along New York Highway 87 to junction New York Highway 199, to the Connecticut state line, to points in Ohio. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E243), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Hardware used in the manufacture and sale of Plastic articles*, from points in New York on, north and east of a line beginning at Lake Ontario at Sackets Harbor, extending along New York Highway 3 to junction New York Highway 12, thence along New York Highway 12 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 17, thence south to the New Jersey state line to the Richmond-Kings County line, thence along the County line to Lower New York Bay, to points in Maryland. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E244), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in New York on and east of a line beginning at the U.S.-Canada Boundary line and extending along Interstate Highway 87 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to

the New Jersey state line, thence along this line to the Richmond-Kings County line, thence south to Lower New York Bay, to points in Maryland. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E245), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 2001. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Ohio to points in Massachusetts on and east of a line beginning at the Connecticut-Massachusetts state line at Clayton, along unmarked road through Southfield, to junction Massachusetts Highway 57, thence along Massachusetts Highway 57 to junction Massachusetts Highway 147, thence along Massachusetts Highway 147 to junction Interstate Highway 291, thence along Interstate Highway 291, to junction Intersate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to junction Massachusetts Highway 31, thence to the New Hampshire state line. The purpose of this filing is to elminiate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E246), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Ohio to points in New Jersey on and south of a line beginning at the New York-New Jersey state line extending along New Jersey Highway 511 to junction New Jersey Highway 513, thence along New Jersey Highway 513 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 547, thence along New Jersey Highway 547 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to unmarked road to Tom's River, N.J., along Tom's River to Barnegat Bay, thence along the Intracoastal Waterway to Barnegat Inlet, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E247), filed December 17, 1976.. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of* plastic articles, from points in Ohio to points in New York on and south of a line beginning at the NewYork-New Jersey state line and extending along New York Highway 17 to junction U.S. Highway 6, to the Connecticut state line, including New York, N.Y. and Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E248), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Rhode Island to points in Delaware and Ohio, The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E249), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Rhode Island to points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania state line and extending along Interstate Highway 80 at Columbia to junction U.S. Highway 46 just west of Netcong, thence along U.S. Highway 46 to junction Interstate Highway 80 east of Netcong, to junction U.S. Highway 46 to junction New Jersey Highway 506, thence along New Jersey Highway 506 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction U.S. Highway 1 and 9, thence along U.S. Highway 1 and 9 to unnumbered road to the Holland Tunnel, thence to the New York state line. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E250), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Rhode Island to points in (1) New York on and south of a line beginning at Lake Erie at Silver Creek and extending along New York Highway 428 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 353, thence along New York Highway 353 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 417, thence along New York Highway 417 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Waverly, N.Y., and (2) points in Richmond County, N.Y. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. 1251), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in West Virginia to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E252), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of pastic articles*, from points in West Virginia to points in New York on and east of a line beginning at the U.S.-Canada Boundary, extending along Interstate Highway 87 to junction New York Highway 3, thence along New York Highway 3 to Tupper Lake, thence north on New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction Interstate Highway 787, thence along Interstate Highway 787 to junction New York Highway 43, thence along New York Highway 43 to junction New York Highway 22, thence along New York Highway 22 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New Jersey State line, including New York, N.Y. and Suffolk and Nassau Counties, N.Y. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 8973 (Sub-No. E253), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C.

20001. Authority sought to operate as a

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20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware used in the manufacture and sale of plastic articles*, from points in Ohio to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Woodbridge and Ridgefield, N.J.

No. MC 61825 (Sub-No. E957), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron* and *steel articles as are used as construction materials*, (A) between points in Ashland, Columbiana, Crawford, Erie, Fostoria, Huron, Lorain, Medina, Richland, Stark, Summit, and Wayne Counties, Ohio within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 220 to junction U.S. Highway 22, to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line; (B) between points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction U.S. Highway 22, to junction U.S. Highway 219 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Ashland, Columbiana, Drawford, Erie, Fostoria, Huron, Lorain, Medina, Richland, Stark, Summit and Wayne Counties, Ohio, within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E958), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron* and *steel articles as are used as Construction materials*, (A) between points in Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand, and, on, the other, points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey state line and extending along U.S. Highway 22 to junction U.S. Highway 11, to the Pennsylvania-Maryland state line; (B) between points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey state line and extending along U.S. Highway 22 to junction U.S. Highway 11, to the Pennsylvania-Maryland state line, on the one hand, and, on the other, points in Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio, within 125 miles of Wellsburg, V. Va. The purpose of this filing is to eliminate the gateway of Coketown, Broake County, W. Va.

No. MC 61825 (Sub-No. E959), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron* and *steel articles as are used as Construction materials*, (A) between points in Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Erie, Fostoria, Geauga, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, Wayne, Counties, Ohio, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in West Virginia except the Counties of Brooke, Hancock, Marshall, Ohio and Wetzel; (B) between points in West Virginia except points in Brooke, Hancock, Marshall, Ohio and Wetzel Counties, on the one hand, and, on the other, points in Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Erie, Fostoria, Geauga, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E960), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron* and *steel articles as are used as Construction materials*, (A) between points in Belmont, Guernsey, and Harrison Counties, Ohio, on the one hand, and, on the other, points in West Virginia except points in Brooke, Cabell, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Jackson, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Roan, Tyler, Wetzel, Wirt, and Wood Counties; (B) between points in West Virginia except points in Brooke, Cabell, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Jackson, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wetzel, Wirt, and Wood Countes, on the one hand, and, on the other, points in Belmont, Guernsey, and Harrison Counties, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 125777 (Sub-No. E28), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicle, from Oregon, Ill., to points in Washington, Montana, Idaho, Wyoming, Louisiana, North Carolina, South Carolina, Georgia, Florida, Arizona, Nevada, California, Oregon, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Iowa, Nebraska, Pennsylvania, New York, Maine, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateways of Michigan City, Ind., Bridgmen, Mich., and Troy Grove, Ill.

No. MC 125777 (Sub-No. E95), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer*, in bulk, in dump vehicles, from Chicago Heights, Ill., to points in Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Kentucky, (except points on and east of Interstate Highway 75), and Ohio (except points in Cuyahoga, Geuga, Lorain, and Portage Counties and except those points on and north of U.S. Highway 30). The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of International Minerals and Chemical Corporation at or near Clinton, Iowa.

No. MC 125777 (Sub-No. E97), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from Knoxville, Tenn., to points in Colorado, North Dakota, Minnesota, Utah, Arizona, Nebraska, Washington, Oregon, California, Idaho, Montana, Wyoming, South Dakota, Kansas (except points on an east of Interstate Highway 35), and Nevada. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

By the Commission.

H. GORDON HOMME,
Acting Secretary.

[FR Doc.77-20154 Filed 7-12-77;8:45 am]

[Notice No. 193]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 13, 1977.

Application filed for temporary authority under Section 210a.(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77197. By application filed July 1, 1977, BRANTLEY BROS. MOVING & STORAGE CO., INC., 17 Frelinghuysen Avenue, Newark, NJ 07114, seeks temporary authority to transfer the operating rights of UNIVERSAL STORAGE WAREHOUSE AND UNIVERSAL VAN-PAC, INC., Internal Revenue Service, successor-in-interest, by Neil A. Kleinberg, assignee for the benefit of creditors, 225 Millburn Avenue, Millburn, NJ 07041, under section 210a(b). The transfer to BRANTLEY BROS. MOVING & STORAGE CO., INC., of the operating rights of UNIVERSAL STORAGE WAREHOUSE AND UNIVERSAL VAN-PAC, INC., Internal Revenue Service, successor-in-interest, by Neil A. Kleinberg, assignee for the benefit of creditors, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20153 Filed 7-12-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., July 12, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Briefing by the Board's Bureau of International Affairs on U.S.–U.K. talks recently held in London.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, (202–673–5068).

SUPPLEMENTAL INFORMATION: Ambassador Boyd is scheduled to brief the Board regarding the U.S.–U.K. talks on July 14, 1977. In order for the Board to have the benefit of its staff's views before Ambassador Boyd's briefing, the following Members have voted that agency business requires that the Board meet on less than seven days' notice.

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

Additionally, the following Members have voted that the meeting will be closed to public observation under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B):

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

EXPLANATION OF THE CLOSING

This meeting will concern the U.S.–U.K. bilateral discussions recently held in London. The principles and main provisions of a new air services bilateral were agreed to in London. Detailed drafting remains to be done. It is anticipated that the new agreement will be signed in Bermuda this month. Public disclosure of the opinions, evaluations and strategies of the U.S. participants in the U.S.–U.K. talks could seriously compromise the ability of the U.S. delegation to successfully conclude the agreement in the best interests of the United States. Accordingly, the Board finds that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting will be closed to public observation.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

ASSISTANTS TO BOARD MEMBERS

Mr. Dennis A. Rapp
Mr. John R. Hancock
Mr. Robert E. Cohn
Mr. Elias C. Rodriquez
Mr. Frederic D. Houghteling
Mr. John T. Golden
Mr. James L. Casey

OFFICE OF THE GENERAL COUNSEL

Mr. James C. Schultz
Mr. Peter B. Schwarzkopf
Ms. Carol Light

BUREAU OF INTERNATIONAL AFFAIRS

Mr. Rosario J. Scibilia
Ms. Mary Irene Pett

BUREAU OF OPERATING RIGHTS

Ms. Barbara Clark

OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor
Ms. Deborah A. Lee

OTHER

Ms. Rose Basiliko

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

Dated: July 7, 1977.

JAMES C. SCHULTZ,
General Counsel.

[S–860–77 Filed 7–8–77;4:52 pm]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 3:30 p.m., July 14, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Briefing by Ambassador Boyd on U.S.-U.K. talks recently held in London.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202–673–5068).

SUPPLEMENTARY INFORMATION: The following Members have voted that the meeting will be closed to public observation under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B):

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

EXPLANATION OF THE CLOSING

This meeting will concern the U.S.-U.K. bilateral discussions recently held in London. The principles and main provisions of a new air services bilateral were agreed to in London. Detailed drafting remains to be done. It is anticipated that the new agreement will be signed in Bermuda this month. Public disclosure of the opinions, evaluations and strategies of the U.S. participants in the U.S.-U.K. talks could seriously compromise the ability of the U.S. delegation to successfully conclude the agreement in the best interests of the United States. Accordingly, the Board finds that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting will be closed to public observation.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West

ASSISTANTS TO BOARD MEMBERS

Mr. Dennis A. Rapp
Mr. Robert E. Cohn
Mr. John R. Hancock
Mr. Elias C. Rodriquez
Mr. Frederic D. Houghteling
Mr. John T. Golden
Mr. James L. Casey

OFFICE OF THE GENERAL COUNSEL

Mr. James C. Schultz
Mr. Peter B. Schwarzkopf
Ms. Carol Light

BUREAU OF INTERNATIONAL AFFAIRS

Mr. Rosario J. Scibilia
Ms. Mary Irene Pett

BUREAU OF OPERATING RIGHTS

Ms. Barbara Clark

OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor
Ms. Deborah A. Lee

OTHER

Ambassador Alan S. Boyd, Department of State

Dr. W. Stephen Piper, Assistant to Ambassador Alan S. Boyd
Ms. Rose Basiliko, Alderson Reporting Company

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

Dated: July 7, 1977.

JAMES C. SCHULTZ,
General Counsel.

[S–861–77 Filed 7–8–77;4:52 pm]

3

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: August 1, 1977, 9:30 a.m.

PLACE: 825 North Capitol Street, Conference Room 5200.

STATUS: Open.

MATTERS TO BE CONSIDERED: Conservation-Technical Advisory Task Force —Efficiency in Use of Gas.

CONTACT PERSON FOR MORE INFORMATION:

Thomas Jennings, GPAC, Telephone 202–275–4400.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B.

JULY 7, 1977.

[S–862–77 Filed 7–11;9:18 am]

4

AGENCY HOLDING THE MEETING: Interstate Commerce Commission—Division 3.

TIME AND DATE: 9:30 a.m., Monday, July 11, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Short notice of opening meeting—Division 3 has voted unanimously to hold an open meeting, on short notice to consider the following.

MATTER TO BE CONSIDERED: Meeting of Division 3 with Office of Proceedings Staff.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, Telephone 202–275–7535.

JULY 8, 1977.

[S–859–77 Filed 7–8–77;4:52 pm]

5

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 10 a.m., July 20, 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

(1) Union participation on promotion panels.
(2) Recovery of annuity overpayments by partial withholding.
(3) Redesign of the health insurance computer system.
(4) Approval of purchase of hanging tape file library.

Portions closed to the public:

(5) Appeal to the Board of denial of annuity application, Raymond R. Bachand.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board. Telephone No. 312–387–4920.

[S–858–77 Filed 7–8–77;4:52 pm]

6

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 35271, July 8, 1977.

PREVIOUS ANNOUNCED TIME AND DATE: July 12, 1977, 10 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTER TO BE CONSIDERED: Disclosure matter arising from or bearing enforcement implications.

CHANGES IN THE MEETING: The above-captioned item is rescheduled to occur on Thursday, July 14, 1977 at 10 a.m. Chairman Williams, Commissioners Loomis, Pollack, and Evans have voted to approve the above change and have determined that no earlier notice thereof was possible.

JULY 8, 1977.

[S–863–77 Filed 7–11–77;9:18 am]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: July 11, 1977, 9 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTER TO BE DISCUSSED: Amicus participation.

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to close the meeting and determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JULY 8, 1977.

[S–864–77 Filed 7–11–77;9:18 am]

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federal register

WEDNESDAY, JULY 13, 1977
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Grants to State Educational Agencies

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DE-

HEARINGS

1. *Program purpose.* The purpose of

reports by State educational agencies

population to be served, with opportuni-

(f) Several commenters requested in-

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Interim Final Regulations

AGENCY: Office of Education, HEW.

ACTION: Interim final regulations.

SUMMARY: This document is an interim final regulation expanding the regulations which implement section 122 of Title I of the Elementary and Secondary Education Act of 1965. Section 122 provides for grants to State educational agencies to meet the special educational needs of migratory children. In addition to generally amending and expanding the present regulations, these interim final regulations reflect and implement relevant amendments made to Title I by the Education Amendments of 1974. Publication is required by section 431 of the General Education Provisions Act. These interim final regulations also reflect the study required by section 503 of the Education Amendments of 1972 (see paragraph 2 under Supplementary Information).

EFFECTIVE DATES: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)) these interim regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of transmission subject to the provisions therein concerning Congressional action and adjournment.

DATES: (See Item 7 under Supplementary Information.) Comments must be received on or before August 29, 1977.

HEARINGS

Pharr, Texas, August 16, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Tifton, Georgia, August 18, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Geneseo, New York, August 22, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

Lansing, Michigan, August 24, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

San Jose, California, August 26, 1977, 9:00 a.m. to 12 Noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 10:00 p.m.

ADDRESSES: Written suggestions, objections, or other statements should be sent to the U.S. Office of Education, Room 4012, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: Chairman, Office of Education Task Force on Section 503. (Comments and suggestions submitted in writing will be available for review at the above address between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week).

HEARINGS

Pharr, Texas, San Juan Alamo High School Auditorium, 1229 South I Road;

Tifton, Georgia, Rural Development Center Auditorium, U.S. Highway 41 North;

Geneseo, New York, Holcomb Learning Center, Campus of State University College;

Lansing, Michigan, Eastern High School Auditorium, 220 North Pennsylvania Street;

San Jose, California, Santa Clara County Schools Office, Room G, 100 Skyport Drive;

FOR FURTHER INFORMATION CONTACT:

Dallas, Texas: Mr. Jerry Brader, 214 655-3671; *Atlanta, Georgia:* Dr. John Robinson, 401 881-3076; *New York, New York:* Barbara Brandon, 212 264-4370; *Chicago, Illinois:* Dr. Morris Osburn, 312 353-2259; *San Francisco, California:* Ms. Janice Williams, 415 556-3929; and *Washington, D.C.:* Mr. Vidal A. Rivera, Jr., 202/245-2427.

SUPPLEMENTARY INFORMATION: In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and under the authority of Title I, section 122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2) as enacted by Pub. L. 93-380, a notice of proposed rulemaking was published in the FEDERAL REGISTER on July 8, 1975, (40 FR 28622) setting forth in proposed 45 CFR Part 116d the requirements for participation by State educational agencies in programs for financial assistance provided by Title I of the Elementary and Secondary Education Act, section 122. Section 122 is administered at the Federal level by the Office of Education which issues regulations governing grants made by the Commissioner of Education under that program.

At present there are no guidelines related to Part 116d. Should guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in these interim regulations.

The interim final regulations set forth below provide definitions of migratory agricultural workers, migratory fishermen, of agricultural activities and fishing activities and of formerly and currently migratory children. The regulations also set forth the managerial responsibilities of State educational agencies, the bases for determining the amount to be made available for grants, the requirements for the submission of applications by State educational agencies, and the criteria for the Commissioner's approval of those applications.

These interim regulations will become final in the same manner and have the same legal effect as any other final regulations. (See paragraph above captioned "Effective date.") However, after the public has been given additional opportunity to comment on these interim regulations, the Commissioner plans to publish final regulations which will reflect whatever changes are considered necessary as a result of comments which have been received.

1. *Program purpose.* The purpose of section 122 of the Elementary and Secondary Education Act, and of this interim regulation, which implements section 122, is to enable the grantees (State educational agencies) to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and enable the grantees to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of the children. An eligible State educational agency may conduct its State program either directly or through a local educational agency or agencies.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning this study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters so published. The interim regulations below reflect the results of this study as it pertains to the program under Title I, section 122 of the Elementary and Secondary Education Act. All preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 116 will be superseded when this interim regulation becomes effective.

3. *Amendments made by Pub. L. 93-380.* The interim regulation set forth below reflects and implements amendments made to Title I of the Elementary and Secondary Education Act by Pub. L. 93-380, the Education Amendments of 1974. In particular, the interim regulation makes conforming changes in or additions to the current regulation, relating to eligibility of migratory children of migratory fishermen, the General Education Provisions Act requirements for a general application and an annual program plan, the counting of formerly migratory children for funding purposes, and the use of migrant student record transfer system.

4. *Effect of Part 116.* A new Part 116, published as a final regulation in the FEDERAL REGISTER at 41 FR 42893 (September 28, 1976), sets forth general requirements applicable to all programs funded under Title I of the Act, including grants for programs for migratory children. The significant provisions in the new Part 116 which apply to programs under Part 116d are required submissions by States to the Commissioner and criteria for approval of submissions (§ 116.3), State administration and technical assistance (§ 116.4), review and complaint procedures (§ 116.6),

reports by State educational agencies (§ 116.7), the prohibition against consideration of Title I funds in determining State aid (§ 116.18), withholding of funds by the Commissioner for nonconformity (§ 116.20), planning grants (§ 116.30), use of program funds for construction and equipment (§ 116.32), reimbursement for expenses incurred by parent council members and volunteers (§ 116.33), education aides (§ 116.34), staffing for programs and projects (§ 116.35); preservice and inservice training (§ 116.36), the prohibition against supplanting (§ 116.40), the relation of Title I projects to other programs (§ 116.41), administrative control of Title I property (§ 116.42), measurement of educational achievement and evaluation of programs (§ 116.43), dissemination and utilization of results of educational research and demonstration (§ 116.44), public information (§ 116.45), and reports by applicant agencies (§ 116.46).

5. *Effect of Office of Education General Provisions Regulations.* Assistance provided under this part is also subject to applicable provisions contained in the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100–100c, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. 45 CFR Parts 100–100c relate to fiscal, administrative and property management, monitoring and reporting of program performance, accountability for Federal funds, and other matters. It should be noted that the program for migratory children under this part is considered to be a State administered program which may involve financial assistance to local educational agencies as subgrantees; therefore, unless otherwise specified, the provisions of Part 100b of 45 CFR, rather than Part 100a, apply.

6. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

7. *Opportunity for public comment.* Nearly all of the comments on the Notice of Proposed Rulemaking were received at a briefing meeting for State administrators of Title I programs for migratory children. No comments were received at the public hearing on August 27, 1975, and written comments were received from school officials and interested persons in only six States. The Office of Education, therefore, wishes to provide interested persons, particularly from the population to be served, with opportunities to submit comments for the Office to consider for possible revisions of these interim regulations.

8. *Public comment and changes in the interim regulation.* A number of comments submitted to the Office of Education in response to the notice of proposed rulemaking resulted in changes to the interim regulation. These changes are discussed below.

(a) The definition of "agricultural activity" has been modified so as not to be limited to activities carried out on farms and ranches.

(b) Several commenters noted inconsistencies between the definitions of "migratory agricultural worker," "currently migratory child," and "migratory fisherman" with respect to their obtaining employment in States comprising a single school district. The definitions have been revised to refer to moving from one school administrative area to another in those cases where the State comprises a single school district.

(c) One commenter recommended elimination of the definitional requirement that a "currently migratory child" be one who has moved with a parent or guardian who is a migratory agricultural worker or a migratory fisherman. An appropriate change was made in the definition. It is not necessary that a currently migratory child migrate with his parent or guardian: *Provided, That:* The child himself is migratory as defined; and that the parent or guardian is migratory as defined.

(d) The definition of "fishing activity" has been modified to specifically include individuals who are engaged in catching or processing fish for personal subsistence.

(e) Several commenters recommended that the term "guardian" as used in the definition of "currently migratory child" be interpreted to include "crew leaders" who assume responsibility for children for the purpose of transporting them to agricultural work sites or processing plants, arranging for their employment at those sites and supervising them while they are there. The interim regulation adds a definition of "guardian" which is not considered to cover these "crew leaders." "Crew leaders" having custody of children for the primary purpose of supervising their employment are not considered persons standing in the place of a parent. Furthermore, to include individuals other than those included in the definition of "guardian" could result in counting and serving children not considered to be within the class of children which Congress intended to be covered for example, children of non-farm families who join "crew leaders" for summer agricultural employment could be counted. However, the fact that a child is accompanied by a crew leader and not by a parent or guardian will not disqualify him if it is shown that the child's parent, or guardian, as defined, is a migratory agricultural worker or migratory fisherman. See discussion in paragraph (c).

(f) Several commenters requested interpretations of that part of the definition of "formerly migratory child" concerning his residing "• • • in an area served by an agency carrying out a program or project under this part." The quoted phrase is taken from the statute. Language interpreting this phrase has been added to the definition.

(g) Section 116d.6. *Participation of operating agencies.* One commenter suggested that in view of uncertainties as to the migratory children who will actually be present in the State when a program is implemented for them, the State application present data by "grade group" rather than by grade level. This suggestion was adopted, and the interim regulation modified accordingly.

(h) Section 116d.31, now headed *Use of funds and information in State application.* A commenter recommended that the section be revised to make it clear that the needs assessment should cover all eligible children expected to reside in the State during the fiscal year in which the program described by the application is to be conducted. This suggestion was adopted. In addition, the interim regulation deletes language in the proposed rule which appeared to require that a State educational agency provide services to preschool children. Also with respect to § 116d.31, one commenter stated that the required description of inservice training should be based on the experience of the preceding year, but that the applicant be permitted to provide inservice training according to "current need," as assessed after the hiring of personnel. Language has been inserted to indicate that the description should be an estimate of needs for inservice training for the fiscal year in which the project is to be conducted, and that these estimates should be based on all relevant information, including but not limited to the prior year's experience. The State educational agency may then provide for inservice training according to current need, subject to the requirements for amendment of applications in § 116d.8.

(i) Section 116d.10. *Allocation of funds to administrative and program functions.* Several formal and informal comments on the notice of proposed rulemaking were directed to § 116d.33 of the notice of proposed rulemaking, now § 116d.10. In general, that section was not considered to be sufficiently explicit for the purposes of distinguishing between services to be charged to a State's Title I administrative funds and those to be charged to funds provided under the State educational agency's application for a grant for programs for migratory children. The section was revised to provide clearer guidance on this matter, although the basic criteria for determining what activities are to be charged to administrative funds and what are to be charged to program funds have been retained. Funds are provided under section 143(b) of Title I for a State educational agency's use in administering all programs under that Title, including programs for migratory children. For States other than the outlying areas, this

amount is not to be less than $150,000, or

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amount is not to be less than $150,000, or, if higher, one percent of the amount allocated for the fiscal year for grants to agencies in that State. Section 143(b) does not specify what portion of this "set-aside" for State administration is to be used for each of the various Title I programs. Since the State educational agencies both administer and carry out the program for migratory children, it is necessary that for this program a standard be established for State educational agency use of the limited amount of administrative funds. Section 116d.10 is based on the principle that only the same type of State administrative services which the State educational agency performs in connection with other Title I programs should be paid from State administrative funds. These administrative services are generally limited to the preparation of applications and reports required to be submitted by the State educational agency to the Commissioner, the approval and supervision of subgrantee activities, and technical assistance to subgrantees. Functions similar to those performed by local educational agencies under Part 116a, or by State agencies under Parts 116b and 116c, must be charged to program funds notwithstanding that they may be administrative in nature, or that they are performed by both the local educational agencies and the State educational agency in the other Title I programs referred to above.

A commentor stated that the implementation of an evaluation and the preparation of the evaluation report were inseparable activities pertaining to instruction and should be charged to program funds rather than administrative funds. The interim regulation has been modified to provide that implementation of an evaluation and compilation of notes and preliminary reports for internal State educational agency use may be charged to programs funds, but that the design and preparation of the final State evalution report must be charged to administrative funds.

9. *Response to other comments.* A number of comments were considered which did not result in changes to the interim regulation. The Office of Education believes that several of these changes suggested by these commenters are beyond its authority under the Act, or relate to matters already covered by the interim regulation. Some of the comments requested interpretations of provisions in the notice of proposed rulemaking. The major comments which did not result in changes are summarized and discussed in greater detail below, with interpretations where appropriate.

(a) Several commenters questioned whether persons crossing an international boundary could be considered as having moved from one school district to another within the definitions of "currently migratory child" and "migratory agricultural worker." A related question was whether children must be United States citizens in order to be counted or served as migratory children. The Office of Education interprets crossing an international boundary as moving from one school district to another as that term is used in the definitions. Citizenship is not an eligibility requirement.

(b) Two commenters recommended that the definition of "currently migratory child," "migratory agricultural worker," and "migratory fisherman," be revised to provide that moving from one attendance area to another should qualify a child or worker as migrant. In this connection, it was pointed out that children may move from palce to place within very large school districts. This suggestion was not adopted because the pertinent legislative history indicates that Congress generally intended the program to serve children migrating from school district to school district. Senate Rept. No. 93–1026, 93rd Cong. 2d Sess. 142–143. The definitions do cover children crossing school administrative areas in States comprising a single school district. This is because the enabling legislation directs the Commissioner to determine grants for all States where migratory children reside and to make grants to the State educational agencies of any such States which meet the eligibility requirements stated in § 116d.39 of this interim regulation; this would include States comprising a single school district.

(c) A commenter questioned whether a child or worker who during the year resides in two or more school districts, but works in only one district, could be considered migratory. Also, with respect to employment, commenters asked whether individuals seeking to be self-employed as agricultural workers or fishermen are within the definition of "currently migratory child," "migratory agricultural worker," and "migratory fisherman." The Office of Education considers a person to be migratory if that person moved from one school district to another in order to secure agricultural or fishing employment, regardless of whether employment is actually secured. Individuals seeking to be self-employed are considered as seeking employment.

(d) Several commenters questioned whether the definition of "migratory fishermen" applies to those fishermen who move from a school district to international waters and return to the same school district. The Office of Education interprets the law as not covering these fishermen. The legislative history of Pub. L. 93–380 indicates that only those fishermen migrating from one school district into a different school district were to be considered migratory fishermen. Sen. Rep. 93–1026, 93rd Cong. 2nd Sess. 142–143.

(e) Several commenters recommended deletion of the requirements in §§ 116d.2 and 116d.35 that a child cannot be considered to be a formerly migratory child without the concurrence of his parents. No change has been made in the interim regulation, because the requirement for parental concurrence is statutory.

(f) One commenter recommended deletion of the requirement in § 116d.5 directing a State educational agency to identify to the Commissioner the local educational agencies which will operate the State program as subgrantees. This suggestion was rejected because it is considered important that the Commissioner know, at the time the State application is reviewed, what agencies will carry out the State program. If the information is not known at the time of the State application, the State educational agency may later identify the operating agencies in an amendment to the State application as provided in § 116d.8.

(g) A commenter questioned why, under § 116d.6, State educational agencies are required to submit more information than they are required to submit with respect to Title I program for grants to local educational agencies. The commenter also questioned whether this requirement (which will require some States and local educational agencies to change their accounting system) is inconsistent with 45 CFR 100b.274. The Office of Education has made no change in the interim regulation. More information is required of a State educational agency with respect to the migrant program because the State educational agency operates the migrant program rather than merely administering it as it does the Title I program for grants to local educational agencies. The interim regulation is consistent with 45 CFR 100b.274, which provides that "subject to the provisions and limitations" of applicable Federal statutes and limitations, State rules shall apply.

(h) A commenter recommended that the words "imprudent, wasteful, extravagant or otherwise" be deleted from § 116d.11(a) (§ 116d.34(a) of the proposed rule), dealing with State educational agency management of operating agencies. No change was made in the interim regulation because the emphasis and specificity supplied by the words is considered important.

(i) A commenter suggested that the last sentence of § 116d.21 be revised to restrict the Commissioner to the use of the migrant student record transfer system in determining amounts available for grants under this section. Another commenter recommended that there be some restriction in this section on the amount reallocated to a State, pointing out that under the Title I program for grants to local educational agencies no grantee may receive more than a prescribed formula amount. The Office of Education interprets the enabling statute to authorize the use of the migrant student record transfer system and another system concurrently, if it would produce the most complete and accurate information. (It is expected however, that, except in unusual circumstances involving a particular State or outlying area, the migrant student record transfer system will be the sole source of data for determining the amounts available in accordance with the statutory formula). With respect to the second comment, unlike the Title I statute governing local educational agency programs, the statute governing the migrant program contains

a special reallocation provision authorizing the formula amount of any State to be reduced or raised under specified conditions.

(j) *Excess funds.* A commenter requested clarification as to when, and on what criteria, will the existence of excess funds in a State be determined under § 116d.22. In addition one commenter recommended that § 116d.22(b) be revised to make it clear that the Commissioner could not reallocate funds which the State educational agency had already allocated to local educational agencies or previously encumbered for other program purposes. The existence of excess funds within the meaning of § 116d.22 may be determined when the State educational agency's application is submitted or at any time during the fiscal year for which the funds were appropriated to be used. It is anticipated that information received subsequent to the application would, in most cases, be contained in a report required to be submitted by the State educational agency to the Commissioner (on a case-by-case-basis) as authorized by 20 U.S.C. 1232c(b)(1)(A)(III) and 45 CFR Part 116, § 116.3(a). The Commissioner, however, is authorized to obtain information from reliable outside sources. Determination of excess funds will be determined on a case-by-case-basis, according to the need of the recipient. The Commissioner would not reallocate funds which had been actually obligated at the State or local level. The reallocation provisions in § 116d.22 are written assuming that the State educational agency and its operating agencies will not intentionally reserve funds for subgrantees in excess of their actual need. However, language has been added to § 116d.6 to make it clear that no operating agency may obligate program funds prior to the effective date of the approved State application or the date its application is submitted to the State educational agency in substantially approvable form, whichever is later.

(k) *Interstate coordination.* A commenter recommended that §§ 116d.31(b)(7) (116d.31(h) of the proposed rule) and § 116d.39(a), both containing requirements concerning interstate coordination, be deleted. This suggestion was rejected because these requirements are considered essential to the implementation of the statutory requirement that States coordinate their programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to the school records of children.

(l) *Formerly migratory children.* With reference to § 116d.35 titled "Inclusion of formerly migratory children," a commenter suggested revision to preclude projects developed solely for formerly migratory children. Another commenter recommended a provision that no monies be made available for programs serving formerly migratory children unless needed services are provided for both school age and preschool currently migratory children. No change was made in either provision. The Office of Education interprets the enabling statute to authorize projects developed solely for migratory children subject to the conditions set forth in § 116d.35. Since preschool children do not generate funds, programs for formerly migratory children who are of school age are considered to take priority over programs established for any preschool children, whether currently or formerly migratory.

(m) *Parental involvement.* A commenter criticized §116d.37, concerning parental involvement, as being "weak" and permitting the applicant to avoid providing for meaningful parent participation. Another commenter recommended that § 116.40 of the notice of proposed rulemaking published March 11, 1975 for 45 CFR Part 116, containing general requirements for Title I programs, be revised to allow compensation for loss of wages for parent council members who attend statewide council meetings. Another commenter was of the opinion that per diem payments for parent council members "above and beyond allowable expenses" should not be allowed. No change has been made in either Part 116 or 116d with respect to these matters. A stricter Federal requirement for parental participation would be impracticable to implement in some States since the Title I migrant program is a State, not a local program, and that the majority of the parents are migratory. In recognition of this fact, the enabling statute does not require parental involvement in the migrant program as it does for the Title I, program for grants to local educational agencies. A State educational agency may, of course, have any program for parental involvement which is consistent with Federal law and regulations.

The general standards for allowable costs as set forth in Appendix B, which applies to the Title I migrant program through Part 100b of this chapter (See 45 CFR 100b.81) are that the costs "be necessary and reasonable" to the proper administration of the grant program. It is recognized that, in some cases, it may be necessary for the State educational agency to establish a uniform allowance for parent advisory council members in order to secure the necessary parent participation. This matter ultimately would have to be judged on a case-by-case basis.

(n) *Supporting services.* One commenter recommended that paragraph (a) of § 116.38 be revised to provide that health, welfare, and other supporting services may be coordinated under this part for eligible children who are not participating in an instructional program. This suggestion was rejected because the enabling statute establishes the migrant program as an "educational" program, which the Office of Education interprets to mean a program for instruction. For this reason, support services are authorized only to the extent that they enable eligible children to participate in an instructional program.

(o) *Program description.* A commenter recommended revision of § 116d.39(b), providing that the Commissioner may approve a State application only if the State program described in that application shows promise of meeting the needs of the children to be served, particularly with respect to their basic skills. The recommendation was that the phrase "basic skills" be amplified by adding the parenthetical phrase "(readiness, developmental and remedial)." This suggestion was rejected because the Office of Education lacks the authority to require all of these concepts to be implemented in every State program. The applicant may, of course, apply them as need warrants.

10. *Other changes in Part 116d.* (a) A number of typographical and technical corrections and clarification have been made and certain sections have been reorganized or renumbered.

(b) A new definition of "day care services" has been added to the definition section.

(c) Section 116d.3(a)(4) requires a State educational agency applying to the Commissioner for a grant to request specifically the approval to use funds "carried over" from the previous fiscal year.

(d) The provisions of § 116d.3, paragraphs (c) and (d) of the proposed rule, and § 116d.4 of the proposed rule have been deleted because they are covered by 45 CFR Part 116, § 116.3.

(e) Section 116d.6 adds language requiring the State educational agency to submit to the Commissioner substantive amendments to project applications from operating agencies, and establishing a time limit for the Commissioner's review of these project applications and amendments.

(f) Section 116d.8 adds language regarding application for use of "carryover" funds and adds a provision requiring amendments to State applications to be signed by the Chief Executive Officer of the State educational agency or his designee.

(g) A new § 116d.12 headed *Child eligibility and evidence of child eligibility,* has been added to Subpart C. This section requires a State educational agency or its operating agency to obtain documentary evidence of a child's status as a migratory child of a migratory agricultural worker or migratory fisherman as a condition of counting him for funding purposes or serving him under this program.

(h) The second sentence of the introduction to § 116d.31 of the proposed rule, giving examples of some special educational needs of migratory children, has been deleted, because it is not appropriate for a regulation.

(i) Section 116d.31 has been revised to require the State educational agency to describe the basis for its estimates of the number of migrant children expected to be residing in the State and to be served there.

(j) A new § 116d.31a has been added, which defines what type of preschool program may be funded under this part. This definition is intended to emphasize the distinction between a preschool educational program and day care services eligible for funding under § 116d.38.

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NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: April 6, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: June 15, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

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Appendix—Section 122 Programs for Migratory Children.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability.

(a) These regulations govern programs and projects for which funds are provided to State educational agencies under section 122 of Title I of the Elementary and Secondary Education Act of 1965 to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(b) Except as otherwise provided, assistance under this Part is subject to applicable provisions contained in Part 116 (general requirements relating to Title I of the Act) and Part 100b of this chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 241c-2.)

§ 116d.2 Definitions.

"Agricultural activity" means:

(a) Any activity related to crop production (including preparing soil and storing, curing, canning or freezing of crops);

(b) Any activity related to the production and processing of milk, poultry, and livestock (for human consumption); and

(c) Any operation involved in forest nurseries and fish farms. The term does not include cutting, transporting, and sawing of timber.

(20 U.S.C. 241c-2.)

"Currently migratory child" means a child (a) Whose parent or guardian is a migratory agricultural worker or migratory fisherman; and (b) who has within the past twelve months moved from one school district into another (or, in a State comprising a single school district has moved from one school administrative area into another) in order to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

(20 U.S.C. 241c-2.)

"Day care services" means services:

(a) Provided outside the home and during the day for the purpose of custodial care of children and infants; and

(b) Which satisfy applicable State law standards governing the provision of these services.

"Fishing activity" means any activity directly related to the catching and processing of fish and shellfish either for initial distribution through commercial market channels or as a primary means of personal subsistence.

(20 U.S.C. 241c-2.)

"Formerly migratory child" means a child defined by section 122(a)(3) of the Act. That section provides that: "With the concurrence of his parents, a migratory child of a migratory agricultural worker or migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this part." The term "area" in the preceding sentence means the legally prescribed geographic area over which a local educational agency or combination of such agencies exercises administrative control or direction. Any child is considered to reside within the "area served" referred to in the statutory language of section 122(a)(3) quoted in this definition, if that child:

(a) Otherwise satisfies the definition of section 122(a)(3), and

(b) Resides in an "area" as defined in the preceding sentence within which any currently or formerly migratory children are being served by a project, as defined in this section.

(20 U.S.C. 241c-2(a)(3).)

"Guardian" means:

(a) A person who has been appointed the legal guardian of a migratory child through formal proceedings in accordance with State law;

(b) A person who the State agency finds would be appointed to be the legal guardian of a migratory child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in place of a parent to the child.

(20 U.S.C. 241c-2.)

"Migratory agricultural worker" means a person who has within the past twelve months, moved from one school district to another (or, in a State that comprises a single school district, from one school administrative area to another) in order to enable the person to obtain temporary or seasonal employment in an agricultural activity.

(20 U.S.C. 241c-2.)

"Migratory fisherman" means a person who has within the past twelve months, moved from one school district to another (or, in a State that comprises a single school district, from one school administrative area to another) in order to enable the person to obtain temporary or seasonal employment in a fishing activity as defined in this section.

(20 U.S.C. 241c-2; Sen. Rept. No. 93-1026, pp. 142-143 (1974).)

"Project" means an activity or set of activities:

(a) Which consists of instructional services, or supporting services provided under § 116d.38, or both;

(b) Which is provided under this part to migratory children in a particular area within a State by a State educational agency, either directly or through a local educational agency; and

(c) Which is designed to meet the purposes of the applicable State program as defined in this section.

(20 U.S.C. 241c-2.)

"State program" means the overall plan for services, activities, personnel and materials set forth in a State application for a grant under this part to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen.

(20 U.S.C. 241c-2.)

Subpart B—Managerial Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) *General.* A State educational agency which desires to receive assistance under this part shall submit to the Commissioner an application which:

(1) Is in the form prescribed by § 100a.43 of this chapter (standard application form for Federal assistance (non-construction programs));

(2) Is signed by the chief executive officer of the State educational agency or the designated representative of that officer;

(3) Contains the assurances and other information required in this part and in Part 116 of this chapter; and

(4) Requests approval to use, during the fiscal year covered by the application, any funds under this part which were made available to the State educational agency for the preceding fiscal year but were not obligated by that agency.

(b) *Receipt of application.* The Commissioner may decline to consider an application under this part if it is received after the date established by the Commissioner for receipt of applications.

(c) *Annual program plan.* An application submitted under paragraph (a) of this section constitutes (for the purposes of this part) the annual program plan required by section 434(b) of the General Education Provisions Act, and must conform to the requirements of that section.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.5 Designation of operating agencies.

The State educational agency in its application under § 116d.3 shall identify the agency or agencies it has designated to operate the proposed educational program for migratory children of migratory agricultural workers and migratory fishermen. If all or part of the State program is operated directly by the State educational agency, that agency shall identify in its application the personnel and other resources in that agency, (including any resources to be made available to that agency by service contract) that will be made available to conduct the program. If all or part of the State program is operated through a local educational agency or agencies as subgrantee(s), the State educational agency shall identify in its application the local educational agency or agencies.

(20 U.S.C. 241c-2(a)(1), 1232c(b).)

§ 116d.6 Participation of operating agencies.

(a) If all or part of the State program is operated through one or more local educational agencies ("operating agencies"), the State educational agency shall require each of these operating agencies to submit to the State educational agency an application (in the form prescribed by § 100a.43 of this chapter) which sets forth:

(1) The project to be carried out;

(2) The relationship between the project and the State program;

(3) The objectives to be achieved for each grade group;

(4) The estimated number of children to be served;

(5) The services to be provided to achieve the objectives;

(6) The types and number of staff to be employed; and

(7) An appropriate budget.

(b) The State educational agency shall review an operating agency's application for conformity with the State program set forth in the State application as approved by the Commissioner. Within ten days after the State educational agency has approved an application by an operating agency, the State educational agency shall send the Commissioner a copy of the approved application and any substantive amendments thereto. Within 30 days after receiving a copy of the approved application or any substantive amendments, the Commissioner shall review the application or amendment to determine whether it conforms to the State program as set forth in the State application approved by the Commissioner.

(c) Each operating agency shall maintain records of all financial transactions pertaining to the project for the time period prescribed by § 100b.477 of this chapter. Each operating agency shall provide timely financial reports (including the financial status report prescribed by § 100b.403 of this chapter, and the performance report prescribed by § 100b.432 of this chapter) to the State educational agency.

(d) An operating agency may not obligate funds under this part (within the meaning of § 100b.55(c) of this chapter) before:

(1) The effective date of the approved application from the State educational agency to the Commissioner, or

(2) The date the operating agency's application is submitted to the State educational agency in substantially approvable form, whichever occurs later.

(20 U.S.C. 241c-2(a), 1232c(b).)

§ 116d.7 Supervision of programs and projects.

Each State educational agency shall describe in its application the procedures and resources which that agency proposes to use to ensure that the proposed projects are carried out in accordance with the State application as approved by the Commissioner.

(20 U.S.C. 241c-2(a)(1)(A), 1232c(b).)

§ 116d.8 Amendments to applications.

A State educational agency shall submit to the Commissioner an amendment to its application (including an application to use funds made available for the previous fiscal year but not obligated in that year) which is signed by the chief executive officer of that agency or his designee under the following circumstances:

(a) When the agency makes a material change in the administration of its approved State program or in the organization, policies, or operations affecting that program;

(b) If information becomes available which is required by subpart D of this part and which was not previously furnished in the application;

(c) If changes are made in the appropriation or other laws governing the approved State program and the Commissioner indicates to the State educational agency that an amendment to the State application is required by such changes.

(20 U.S.C. 241c-2(a)(1), 1232c(b).)

§ 116d.9 Title and control of property.

(a) Subject to paragraph (b) of this section, a State educational agency shall maintain title to, and administrative control over, property acquired with funds under this part.

(b) If, as a matter of State law, a State agency other than the State educational agency is required to exercise functions described in paragraph (a) of this section, then the State educational agency shall arrange for the exercise of those functions by that agency and that agency shall be responsible under this part for the exercise of those functions. However, the State educational agency shall retain the right to use the property and to move or otherwise dispose of it in a manner best designed to carry out the purposes of this part.

(20 U.S.C. 241c(a)(3), 241c-2(a)(1)(C), 1232c(b).)

§ 116d.10 Allocation of funds to administrative and program functions.

(a) *Administrative functions.* The State educational agency shall use funds provided under section 143(d) of Title I of the Act only to perform administrative functions under this part which are the same as or similar to those carried out by the State educational agency with respect to programs and projects under parts 116a, 116b, and 116c of this chapter. These functions include:

(1) Preparation of the State educational agency's application to the Commissioner;

(2) Design and publication of application, evaluation and financial report forms and transmittal of these forms with appropriate instructions to operating agencies;

(3) Reviewing applications and reports from those agencies;

(4) Fiscal control and fund accounting;

(5) The design and preparation of State evaluation and financial reports to be submitted to the Commissioner;

(6) Technical assistance for operating agencies in the development of their applications and the monitoring of their projects for compliance with the State application; and

(7) Dissemination of information.

(b) *Program functions.* The State educational agency shall use funds provided under section 143(a) of Title I of the Act for use under this part only to perform functions which are unique to the program under this part or are the same of similar to services provided by local educational agencies in that State under part 116a of this chapter, and which are not listed under paragraph (a) of this section. These functions include:

(1) State-wide recruitment and identification of migrant children;

(2) State and local interagency coordination and interstate activities;

(3) Implementation of the migrant student record transfer system;

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(4) Processing reports submitted by operating agencies under § 116d.6;

(5) Inservice training programs for instructional and support personnel;

(6) Maintaining inventories of property acquired with funds provided under this part;

(7) Negotiating and awarding contracts;

(9) Evaluations and compilation of notes and preliminary reports for internal State educational agency use with respect to evaluations.

(20 U.S.C. 241g, 1232c(b).)

§ 116d.11 Funding of subgrantee projects; requirements for adjustment of funds not needed by subgrantee.

(a) Each State educational agency receiving a grant under this part shall issue appropriate rules to avoid imprudent, wasteful, extravagant or otherwise expenditures of funds by subgrantees which would defeat the intent of the Act to meet the special educational needs of migratory children.

(b) In keeping with the proper and efficient administration of the State program for migratory children, the State educational agency shall include in the rules described in paragraph (a) of this section provision for appropriate adjustment (based on periodic reports on the implementation of the projects) of expenditures actually incurred, so as to avoid the allocation or disbursement of funds to the subgrantee in excess of actual need. Following these adjustments the State educational agency may increase the funding of the projects conducted by other subgrantees in the State who demonstrate need for these funds. The subgrantee shall reflect any such adjustment under this paragraph by appropriate amendment to its project application and in its final fiscal report.

(20 U.S.C. 241c 2, 1232c-b).)

§ 116d.12 Child eligibility and evidence of child eligibility.

A child may not be counted pursuant to § 116d.21, and may not be served by funds made available under this part, unless the State educational agency or a designated operating agency has first obtained documentary evidence sufficient to demonstrate that the child is a currently or formerly migratory child as defined in § 116d.2.

(20 U.S.C. 241c-2, 1232c(a), 1232c(b).)

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amount available for grants.

(a) Except as provided in sections 124 and 125 of Title I of the Act, as amended, the Commissioner determines the total amount of a grant which may be made available for use in any State for any fiscal year under this part for programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers and migratory fishermen under section 122(b) of Title I of the Act, as amended and for Puerto Rico, under section 122(b) of Title I and section 843(d) of Pub. L. 93-380 (section 122 of Title I and section 843(d) are set forth in the appendix).

(b) For the purpose of this section, the Commissioner determines the number of migratory children in a State, including currently and formerly migratory children, as defined in this part, on the basis of statistics made available by the migrant student record transfer system or such other system as the Commissioner may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c 2(b).)

§ 116d.22 Entitlement.

(a) *Entitlement based on estimated cost of program.* The State educational agency of a State for which a total amount has been determined under § 116d.21 is entitled to receive a grant in the amount determined by the Commissioner to be needed to carry out a State program approved by the Commissioner under § 116d.39. Except as provided by paragraph (d) of this section this amount may not exceed the total amount determined under § 116d.21.

(b) *Informational basis for determining amount of entitlement.* The Commissioner determines the amount of the grant which a State educational agency is entitled to receive under this section on the basis of the best information available to him at the time he approves the application, including information on the number of children to be served and the nature and scope of the program. The Commissioner will redetermine this amount at any time during the fiscal year if the best information available demonstrates a basis for this redetermination.

(c) *Consideration of costs of past and future activities and amount of available funds.* The information on which the Commissioner determines the amount a State educational agency shall receive under this section includes:

(1) The total amount available to the State agency for its grant under § 116d.21;

(2) The estimated cost of program activities completed to date under preceding grant awards and the number of children who have been or are being served;

(3) The estimated cost of other activities to be initiated before the end of the current grant period (pursuant to the preceding grant award) and the estimated number of children to be served;

(4) In the case of requests for increases over the amount previously determined by the Commissioner under this section, the estimated cost of providing, if needed, special educational services that could be initiated before the end of the current grant period and the number of children who could be served thereby if additional funds were made available; and

(5) The unused amount from the State educational agency's grant pursuant to the preceding grant award.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

(d) *Reallocation of excess funds.* If the Commissioner determines that the amount available for grants for a State as determined in accordance with § 116d.21 exceeds the amount determined to be needed under this section the Commissioner shall, to the extent necessary, allocate this excess to other State educational agencies whose total amount available for grants under § 116d.21 would otherwise be insufficient to serve eligible children in that State.

(20 U.S.C. 241c-2(b); Sen. Rep No 634, 91st Cong., 2nd Sess. 12-13 (1970).)

§ 116d.23 Payments.

The Commissioner shall make all payments of funds under this part in accordance with the requirements in Subpart E of Part 100b of this chapter. The amount of the payments to a State educational agency under this part may not exceed the amount of the grant to which that agency is entitled as determined by the Commissioner in accordance with § 116d.22 nor the amount obligated in accordance with § 100b.55(c) of this chapter during the period covered by the application.

(20 U.S.C. 241c-2, 1232d.)

§ 116d.24 Special arrangements by the Commissioner to conduct migrant programs.

If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration or, that it would add substantially to the welfare or educational attainment of such children, the Commissioner may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States and, for this purpose, the Commissioner may use all of part of the total of grants available for any such State under this section.

(20 U.S.C. 241c-2(a)(2).)

Subpart D—Program Requirements

§ 116d.31 Use of funds and information in State application.

(a) *Use of funds.* A State educational agency shall use funds provided under section 143(a) of the Act for use under this part only to perform the functions referred to in § 116d.10(b), and to carry out a program for instruction, and (subject to § 116d.38) for supporting services.

(b) *Information in application.* The State educational agency shall in its application to the Commissioner describe the proposed State program and shall specify the following:

(1) The areas within the State in which currently migratory children are expected to reside, and formerly migratory children are residing, and the approximate dates of the arrival in, and departure from, those areas of the currently migratory children;

(2) A statement showing the estimated number of currently and formerly migratory children expected to reside or

residing in the State and the number of these children in each category (currently or formerly migratory) to be served, and the sources and methods used to calculate these estimates;

(3) A summary of the information (including information from other State educational agencies and the migrant student record transfer system) concerning the special educational needs of the migratory children expected to reside in the State in or during the periods covered by the application. The State educational agency shall include in this summary all available information with respect to educational performance and cultural and linguistic background which is relevant to assessing the educational needs of the children;

(4) A statement of the objectives (including performance criteria) of the program, a description of each service to be provided, the estimated number of children by age and anticipated grade placement (including eligible children enrolled or to be enrolled in private schools), a description of any inservice training estimated to be required (including the type of training, frequency and number and type of staff members who will participate in that training), the type and number of staff which it is estimated will be employed, and the facilities and materials to be used. The estimates required by this paragraph shall be based on all relevant information, including, but not limited to, the prior year's experience;

(5) A statement of the procedures and instruments by which the effectiveness of the program will be evaluated in accordance with § 116.43 of this chapter;

(6) A description of the agency's program for involving parents and appropriate representatives of migratory children in accordance with the requirements of § 116d.37;

(7) A description of the types of information (in addition to the migrant student record transfer system) which the State educational agency will communicate to State educational agencies in other States about the migratory children to be served and the agency's plan for insuring as much continuity as possible in the education of these children;

(8) A designation of the State educational agency activities proposed to be charged to administrative funds pursuant to § 116d.10(a); and

(9) A description of the State educational agency's plan for meeting the requirements of § 116.45 of this chapter pertaining to dissemination of public information.

(20 U.S.C. 241c-2(a), 1232c(b).)

§ 116d.31a Programs of instruction for preschool migratory children.

For the purpose of § 116d.31(a), a program of instruction designed to meet the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen means a program:

(a) Limited to children who are under the age at which public elementary education is provided in accordance with State law;

(b) Comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not merely for custodial purposes; and

(c) Conducted by or under the direct supervision of a person qualified under State law to conduct the activities referred to in paragraph (b) of this section.

(20 U.S.C. 241c-(a)(1)(D).)

§ 116d.32 State budgets.

A State educational agency shall include in its application a budget in a form prescribed by the Commissioner showing:

(a) The estimated costs for each service and the total costs of all services as described in the application;

(b) The estimated amount of unobligated funds which are available from the preceding fiscal year's appropriation; and

(c) The amount applied for from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b).)

§ 116d.35 Inclusion of formerly migratory children.

Formerly migratory children may participate in projects which include currently migratory children, or may participate in projects developed solely for the formerly migratory children, under the following conditions:

(a) Their participation will not prevent the participation of currently migratory children nor dilute the effectiveness of programs for those children;

(b) There is on file current valid documentation of each formerly migratory child's eligibility status; and

(c) There is on file the signature of the parent or guardian indicating consent to each formerly migratory child's participation. This signature must be obtained annually and be dated not earlier than 12 months prior to the beginning of the child's participation.

(20 U.S.C. 241c-2(a)(3).)

§ 116d.36 Comparable access of migratory children to State and locally funded educational facilities and services.

(a) *Assurances by State educational agency.* Each State educational agency applying for a grant under this part shall include in its application an assurance that, during the time migratory children reside in the State, the State educational agency will not conduct a program for migratory children under this part through a local educational agency which does not provide for access by migratory children to State and locally funded educational facilities and services comparable to those ordinarily provided to non-migrant children who reside in the attendance area in which the migratory children are served. The preceding sentence does not apply in the case of a project initiated at a time during which State and locally-funded educational facilities and services are not ordinarily available to non-migratory children; however, this exception does not limit or modify the requirements contained in § 116.40 of this chapter relating to supplanting of State and local funds, and services which by law the applicant is required to provide to migratory children. Nothing in this section limits or modifies the requirement of § 116a.26 of this chapter, paragraphs (g) and (h) of this section, pertaining to maintenance of comparability in school attendance areas where projects funded under Part 116a of this chapter are being conducted, and which serve migratory children.

(b) *Comparable access defined.* The requirements of paragraph (a) of this section are satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition and transportation services on the same basis as provided by the local educational agency to non-migratory children residing in the attendance area where migratory children are being served.

(2 U.S.C. 241c-2(a)(1)(C), 241e(a)(3)(C).)

§ 116d.37 Parental involvement.

Each State educational agency applying for a grant under this part shall demonstrate in its application that:

(a) The State educational agency has, (to the extent feasible considering the parents' time of residence in the State) consulted with the parents of children to be served or who are being served, and considered the views of these parents with respect to the planning of the State program; and

(b) One or more advisory councils will be established in the State composed of parents of children to be served or who are being served and of other persons knowledgeable of the needs of migratory children, and that such council(s) will be consulted and their views considered concerning the operation and evaluation of the present State program and local projects and the planning of future programs and projects.

(20 U.S.C. 241c-2(a)(1)(C), 241e(a)(8), 1231d.)

§ 116d.38 Supporting services.

(a) *General.* A State educational agency of its designated operating agency may provide health, welfare and other supporting services under this part, but only to the extent necessary to enable eligible school age and preschool children to participate effectively in instructional services.

(b) *Day care services.* Day care services for infants and very young children may not be provided under this part except as a support service to eligible preschool and older children, and then only on specific approval by the Commissioner. A State educational agency requesting funds under this part for day care services shall include this request in its application to the Commissioner or in an amendment to that application, and shall accompany its request with sufficient information to enable the Commis-

sioner to determine that the day care projects which are of sufficient size, scope, and quality to give reasonable promise of meeting the needs of migratory children, and are coordinated with similar programs and projects in the State.

(20 U.S.C. 241c-2(a)(1)(C), 241e(a)(3)(C).)

§ 116d.39 Approval of State programs.

(a) *Approval of application.* The Commissioner approves the application of a State educational agency for a grant under this part if he finds that the application meets the requirements of this part and that the proposed program is feasible and will be carried out in a manner consistent with the purposes of this part.

(b) *Disapproval of application.* The Commissioner disapproves the application of a State educational agency for a grant under this part if he finds that the application does not meet the requirements of this part or that the proposed program is not feasible or will not be carried out in a manner consistent with the purposes of this part.

(c) *Notice and hearing before disapproval.* The Commissioner does not disapprove the application of a State educational agency for a grant under this part without first affording that agency reasonable notice and opportunity for a hearing.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

§ 116d.40 Withholding.

(a) *Withholding payments.* The Commissioner withholds payments to a State educational agency under this part if he finds that:

(1) The program is not being carried out substantially in accordance with the application approved by the Commissioner under § 116d.39 or with the requirements of this part; or

(2) The State educational agency has failed to comply substantially with any provision of this part.

(b) *Notice and hearing before withholding.* The Commissioner does not withhold payments to a State educational agency under this part without first affording that agency reasonable notice and opportunity for a hearing.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

§ 116d.41 Judicial review.

(a) *Petition for review.* If any State educational agency is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under § 116d.39 or with his final action under § 116d.40, that agency may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which that State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner then files in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) *Review of Commissioner's action.* The findings of fact by the Commissioner, if supported by substantial evidence, are conclusive, but the court, for good cause shown, may remand the case to the Commissioner to hear additional evidence if application was made to the Commissioner for the hearing before action was taken by the Commissioner under § 116d.39 or § 116d.40. The Commissioner may modify his findings of fact or make new findings by reason of the additional evidence so heard and shall file with the court the record of the further proceedings. The court may affirm or set aside the Commissioner's final action or any part of that action. If the court affirms part of the action it may direct the Commissioner to take action with respect to matters as to which his action is set aside. The judgment of the court is subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

§ 116d.42 Enforcement.

(a) *Enforcement by Commissioner.* The Commissioner may enforce the rights of a State educational agency against any other State agency which has failed to comply with the requirements of section 122(b) of Title I of the Act, as amended, or of section 843(d) of Pub. L. 93-380 (section 122 of Title I and section 843(d) are set forth in the appendix), by withholding payments under this part to that other State agency.

(b) *Enforcement by State educational agency.* A State educational agency may enforce its rights against any other State agency which has failed to comply with the requirements of section 122(b) of Title I of the Act, as amended, or of section 843(d) of Pub. L. 93-380 (section 122 of Title I and section 843(d) are set forth in the appendix), by withholding payments under this part to that other State agency.

(20 U.S.C. 241c-2(a)(1), 241c-2(b).)

be served in such other States. The total amount made available by the migrant student record transfer system for the fiscal year ending June 30, 1976, shall not

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sioner to determine that the day care described in the request is:

(1) Not available from other public or private agencies;

(2) Essential to enable preschool and school age migratory children to participate in the instructional program under this part; and

(3) Not extravagent in view of the cost, the number of children who would receive day care, the number of eligible children involved, and the effect the availability of such services would have on the attendance and participation of such eligible preschool and school age migratory children in instructional services provided under this part.

(c) *Day care services; required information.* A State educational agency requesting funds under this part for day care services shall support its request with information as to the estimated costs, a description of the specific services, and the pertinent conditions indicating a need for the services, including the estimated number of children requiring the service, the public and private agencies contacted to provide the services and their written responses, and a detailed account of the effect that the absence of the services has had on the attendance and participation of children in previous programs and would be expected to have on the attendance and participation of children in the program covered by the application. The State educational agency also shall provide information as to the estimated number of eligible preschool and school age children whose attendance and participation would be improved by the availability of such services and the extent of the improvement.

(20 U.S.C. 241c-2(a)(1)(A), (D).)

§ 116d.39 Criteria for the approval of State applications.

The Commissioner shall approve a State application only if he determines that it contains the information required by § 116d.31, and complies with all other requirements in this part and applicable requirements of Parts 100b and 116 of this chapter, and if he determines that:

(a) Payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of these children;

(b) Services to be provided show reasonable promise of meeting the special educational needs of migratory children of migratory agricultural workers and migratory fishermen as demonstrated by the needs assessment required by § 116d.31(b)(3) particulary with respect to improvements in the educational performance of children in the basic programs of instruction; and that payments under this part will be used for programs and projects which are of sufficient size, scope and quality to give reasonable promise of substantial progress towards meeting such needs;

(c) Provision will be made for programs of instruction to meet the preschool eductional needs of migratory children of migratory agricultural workers and migratory fishermen if (considering the amount of funds available) this provision will not detract from the operation of programs and projects for children of school age;

(d) The State Program has been planned and will be operated in coordination with programs administered under Part B of Title III of the Economic Opportunity Act of 1964;

(e) In the planning of the State program described in the application, the State educational agency has consulted with other agencies, including the State educational agencies which have provided services for such children and are knowledgeable of their needs; and

(f) The State educational agency's plan for insuring continuity in the education of migratory children includes appropriate procedures for coordinating programs and projects with similar programs and projects in other States and for the agency's full participation in and full utilization of the migrant student record transfer system established by the Commissioner.

(20 U.S.C. 241c-2.)

§ 116d.40 Cooperative programs.

Two or more State educational agencies may submit to the Commissioner a joint application for a program or project involving children to be served by all of those particular agencies. By an appropriate interagency agreement, one such agency with the approval of the Commissioner may administer such a program or project.

(20 U.S.C. 1232c(b)(1).)

§ 116d.41 Commissioner's disapproval of State application: notice and hearing.

The Commissioner may not finally disapprove an application of a State educational agency under this part except after reasonable notice and opportunity for a hearing to that agency.

(20 U.S.C. 241c-2(a)(1).)

APPENDIX.—SECTION 122 PROGRAMS FOR MIGRATORY CHILDREN

SEC. 122(a)(1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination:

(A) That payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

(B) That in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964;

(C) That such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (3) through (12) of section 141(a); and

(D) That, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

SECTION 843(d) OF PUB. L. 93-380

Notwithstanding any provision of part A of title I of the Elementary and Secondary Education Act of 1965 (section 241c et seq. of this title), the amount which the Commonwealth of Puerto Rico is eligible to receive under subpart 1 of such part A (this section) or under sections 121, 122, or 123 (sections 241c-1, 241c-2, or 241c-3 of this title) for the fiscal year ending June 30, 1975, shall not exceed 50 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart (this section) or section (section 241c-1, 241c-2, or 241c-3 of this title) but for this subsection, and for the fiscal years ending June 30, 1976, September 30, 1977, and September 30, 1978, such amount shall not exceed 75 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart or section but for this subsection.

[FR Doc.77-19384 Filed 7-12-77;8:45 am]

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WEDNESDAY, JULY 13, 1977

federal register

WEDNESDAY, JULY 13, 1977
PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Base Flood Elevation Determinations for Various Communities

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DEPARTMENT OF HOUSING AND ... appropriate flood ... ADDRESSES: ...

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3093]

CITY OF PRATTVILLE, ALABAMA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Prattville, Alabama. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Prattville, Alabama. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor C. M. Gray, City Hall, P.O. Box 277, Prattville, Alabama 36067.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Prattville, Alabama in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measure required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek tributary 2.	U.S. Highway 31	357
Pine Creek tributary 1.	U.S. Highway 31	356
	Holly Lane	3[illegible]
Pine Creek	Alabama Highway 14	347
	Grahmhaven Dam	3[illegible]
	Cobb's Ford Rd	341
	U.S. Highway 31	338
	Doster Rd	321
	U.S. Highway 82 bypass.	321
	U.S. Highway 31 and 82.	309
Autauga Creek tributary 2.	Gulf, Mobile, Ohio and Illinois Central RR.	205
	do	1[illegible]
Autauga Creek tributary 1.	Lower Kinston Rd	190
Autauga Creek	U.S. Highway 82 Business.	196
	Dam	194
	Gulf, Mobile, Ohio and Illinois Central RR.	175
	Bridge St	175
	Alabama Highway 14	174
	U.S. Highway 82 bypass.	161
	County Rd. 4	149

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19564 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3097]

CITY OF BISBEE, COCHISE COUNTY, ARIZONA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Bisbee, Cochise County, Arizona. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review on the Bulletin Board in front of Bisbee Municipal Building, 118 Arizona Street, Bisbee, Arizona. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Charles E. Eads, Mayor of Bisbee, Bisbee Municipal Building, 118 Arizona Street, Bisbee, Arizona 85603.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872; Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Bisbee, Cochise County, Arizona in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mule Gulch (Lowell Circle).	Downstream corporate limits.	5,016
	U.S. Highway No. 80.	5,019
	Douglas Rd	5,038
	Southern Pacific RR	5,067
Mule Gulch	Downstream corporate limits.	5,302
	U.S. Highway No. 80.	5,309
	Corporate limits	5,310
	Confluence with Brewery Gulch.	5,311
	Inlet to 10 ft x 12 ft concrete box culvert.	5,340
	Main St	5,374
	Outlet 660 ft concrete crete box culvert.	5,381
	Clawson Ave	5,398
	Inlet 660 ft concrete box culvert.	5,405
	Confluence of Quarry Canyon.	5,416

Source of flooding	Location	Elevation in feet above mean sea level
	Confluence of Stream M.	5,439
	Garden Ave	5,440
	do	5,463
	Gladys Ave	5,495
	Moon Ave	5,524
	Star Ave	5,532
	Main St	5,540
	Gentry Ave	5,556
	Main St	5,572
	Canyon Store	5,585
	Confluence of Wood Canyon and Morales Creek.	5,587
Morales Creek	Confluence with Mule Gulch.	5,587
	Wood Canyon Rd	5,591
	Main St	5,596
	U.S. Highway No. 80.	5,633
	West Blvd	5,678
	Corporate limits	5,692
Wood Canyon	Confluence with Mule Gulch.	5,587
	Corporate limits	5,640
Brewery Gulch	Church St	5,311
	Walsh Ave	5,333
	Youngblood Hill Ave.	5,352
	Corporate limits	5,499
Stream E-1	Confluence with stream F-1.	4,964
	State Highway No. 92.	4,997
	Cochise Lane	5,018
	Corporate limits	5,469
Stream F-1	Corporate limits	4,877
	Hereford Rd	4,907
	Santa Cruz Dr	4,950
	Confluence of stream E-1.	4,964
	State Highway No. 92.	5,016
	Corporate limits	5,045
Stream G-1	Corporate limits	4,916
	Via Alegre	4,939
	Santa Cruz Dr	4,944
	Graham Dr	4,957
	Ft. Huachuca Lane	4,970
	State Highway No. 92.	4,977
	Cochise Lane	5,016
	Corporate limits	5,050
Stream X	Corporate limits	4,962
	Confluence of stream Y.	4,962
	B Ave	4,972
	Center Ave	4,991
	Corporate limits	5,068
	do	5,070
	Oaklande St	5,080
	Hillside St	5,084
	State Highway No. 92.	5,103
	Czar Ave	5,114
	Neptune Ave	5,139
	Atlanta Ave	5,151
	Corporate limits	5,172

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19565 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3062]

CITY OF WEST HELENA, ARKANSAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of West Helena, Arkansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Clerk's Office, Municipal Building, West Helena, Arkansas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Jesse E. Porter, 98 Plaza, West Helena, Arkansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of West Helena, Arkansas in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Caney Creek	Downstream corporate limits.	209
	Upstream of Highway 242.	233
	Upstream of Highway 49B.	252
	Upstream corporate limits	260
Caney Creek lateral A.	Upstream of Highway 242.	234
Caney Creek lateral B.	Upstream of Springdale Rd.	264
	Downstream of Springdale Rd.	261
Caney Creek lateral C.	Corporate limits	211
Caney Creek lateral D.	Corporate limits	210
	Upstream of Ashlier St.	233
Crooked Creek	Corporate limits	244
	Upstream of Kentucky St.	248
	Upstream of Anderson Ave.	255
	Upstream of 6th St	260
	Downstream of 9th St.	272
Crooked Creek lateral A.	Downstream of Highway 242.	277
Crooked Creek lateral B.	Corporate limits	238
Crooked Creek lateral C.	Corporate limits	236
	Upstream of Highway 49B.	242
	Downstream of Plaza Ave.	255

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19566 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3085]

TOWN OF WESTON, CONNECTICUT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Weston, Connecticut.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

The elevations together with the flood plain management measures required by

remain qualified for participation in the National Flood Insurance Program

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation

tions are the minimum that are required. They should not be construed to mean

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ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Weston, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. F. Donald McCormick, Town Hall, P.O. Box 100F, Weston, Connecticut 06883.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the town of Weston, Connecticut, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saugatuck River	River Rd.	70
	Cartbridge Rd.[1]	96
	do.[2]	101
	Davis Hill Rd.	120
	Valley Forge Rd.[1]	170
	do.[2]	174
Jennings Brook	Davis Hill Rd.[1]	167
	Deep Wood Rd.	226
Beaver Brook	Slumber Lane	76
	Goodhill Rd.	92
	Steep Hill Rd.	270
Kettle Creek	Goodhill Rd.[1]	63
	do.[2]	65
	River Rd.[1]	81
	Weston Rd.[1]	132
	do.[2]	138
Aspetuck River	Sawmill Rd.	149
	11 O'Clock Lane	175
	Redding Rd.	220
West Branch Saugatuck River	Georgetown Rd.	202
	Godfrey Bridge	233
Tributary A	Newton Turnpike[1]	220
	do.[2]	222
	Lord's Highway[2]	247
	Tobacco Rd.[1]	257

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19567 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3096]

VILLAGE OF PALM SPRINGS, FLORIDA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Palm Springs, Florida.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, 226 Cypress Lane, Palm Springs, Florida.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor William Gilpin, Village Hall, 226 Cypress Lane, Palm Springs, Florida 33461.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Palm Springs, Florida in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding (rainfall runoff)	Corner of Bonnie Blvd. and Davis Rd.	13
	Corner of Pinehurst Rd. and Davis Rd.	13
	Corner of Longfellow Dr. and Heathorne Dr.	13
	Corner of Greenbrier Dr. and Longfellow Dr.	13
	Corner of Heathorne Dr. and Emerson Circle.	13
	Corner of Riverdale Rd. and Davis Rd.	13
	Corner of Heathorne Dr. and 10th Ave.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19568 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3104]

VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Bradley, Kankakee County, Illinois.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby of the Village Hall, 147 South Michigan, Bradley, Illinois.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Glenn Mulligan, Village President, Village Hall, 147 South Michigan, Bradley, Illinois 60915.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Bradley, Kankakee County, Illinois in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Soldier Creek	Confluence of North Branch Soldier Creek.	624
	Conrail	625
	Kinzie Ave	627
North Branch Soldier Creek.	Erie St	629
	Illinois Central RR	653
	North St	654
	Pfitzer Dr	661

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19569 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3103]

CITY OF KEOKUK, LEE COUNTY, IOWA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Keokuk, Lee County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, Municipal Building, 415 Blondeau Street, Keokuk, Iowa.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable C. S. Epers, Mayor of Keokuk, 415 Blondeau Street, Keokuk, Iowa 52632.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Keokuk, Lee County, Iowa in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Confluence of Des Moines River.	[illegible]
	U.S. Highway 136 and 218.	[illegible]
	Northern corporate limits.	[illegible]
Des Moines River	Western corporate limits.	[illegible]
Soap Creek	5th St	[illegible]
	10th St	[illegible]
	Des Moines Ave	[illegible]
	Johnson Street Rd.	[illegible]
	Cramer Lane	[illegible]
	Carbide Ave	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19570 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3076]

CITY OF FRANKLIN, LOUISIANA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Franklin, Louisiana.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

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ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Franklin, Louisiana.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor J. M. Fernandez, City Hall, P.O. Box 567, Franklin, Louisiana 70538.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Franklin, Louisiana in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Teche	Willow St.	7
	Sterling Bridge	7
Overland hurri-	Morris St. west of South Pacific R.R.	9
	Pine St. west of South Pacific R.R.	[illegible]
	U.S. Highway 60 northwest of South Pacific R.R. branch.	[illegible]
	Barrow St. north of South Pacific R.R. branch.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19571 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3100]

TOWN OF JONESVILLE, LOUISIANA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Jonesville, Louisiana.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Jonesville, Louisiana. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor G. D. Babin, Town Hall, P.O. Box 428, Jonesville, Louisiana 71343.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Jonesville, Louisiana in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pumping Plant Canal.	10th St.[1]	[illegible]
	do.[2]	[illegible]
	Willow St.[1]	[illegible]
	do.[2]	[illegible]
	U.S. 84	[illegible]
Little River Canal.	1st St.[1]	[illegible]
	do.[2]	[illegible]

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19572 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3066]

TOWN OF BRADLEY, PENOBSCOT COUNTY, MAINE

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Bradley, Penobscot County, Maine. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Office on Main Street in Bradley, Maine. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Michael Knowles, Town Manager, Town Office, Maine Street, Bradley, Maine 04411.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Bradley, Penobscot County, Maine in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Penobscot River	Upstream corporate limits.	90
	Old Town-Orono town line.	73
	Confluence with Blacksman Stream.	65
	Downstream corporate limits.	51
Otter Stream	Upstream corporate limits.	87
	Bullen St.	84
	Confluence with Penobscot River.	82
Great Works Stream.	Power line crossing	108
	Cram St.	94
	Confluence with Boynton Brook.	85
	Confluence with Penobscot River.	82
Boynton Brook	Limit of detailed study 3,670 ft upstream of mouth.	107
	1,060 ft above mouth	86
	1,060 ft upstream of confluence of Great Works Stream.	84
	Confluence with Great Works Stream.	81

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19573 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3065]

TOWN OF MILFORD, PENOBSCOT COUNTY, MAINE

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Milford, Penobscot County, Maine.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Milford Municipal Building, Davenport Street, Milford, Maine 04461. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Ms. Doris Comstock, Town Clerk, Milford Municipal Building, Davenport Street, Milford, Maine 04461.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Milford, Penobscot County, Maine in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements: The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Penobscot River	Downstream corporate limits.	96
	Route 2 Bridge	97
	Confluence with Deadwater.	111
	Divergence of Stipp-water River.	117
	Confluence with Sunkhaze Stream.	121
	Confluence of Castigan Crook.	123
	Upstream corporate limits	124
Otter Stream	Downstream corporate limits.	87
	End of Bullen Rd.	90
	County Road Bridge	108
	Call Road (extended)	109
	Centerline of power line crossing.	112
Otter Chain Stream.	Confluence with Otter Stream.	109
	2nd County Road Bridge.	109
	Centerline of power line crossing.	109
	3rd County Road Bridge.	110
Costigan Brook	Confluence with Penobscot River.	123
	Main Central RR.	123
	Upstream corporate limits.	163

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

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U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77 19574 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3073]

OWN OF VEAZIE, PENOBSCOT COUNTY, MAINE

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Veazie, Penobscot County, Maine.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board at the Town Hall, Bangor, Maine.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. James Finkle, Town Manager of Veazie, MRB274A, Bangor, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Veazie, Penobscot County, Maine in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Penobscot River	Confluence with Eaton Brook.	31
	Below Veazie Dam.	34
	Above Veazie Dam.	43
	Northeast corporate limits.	46
[illegible] Stream	Main St.	51
	Maine Central RR.	67
	State 84	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77 19575 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3082]

TOWNSHIP OF CEDARVILLE, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Cedarville, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Hall, Cedarville, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Albert Lindberg, Township Hall, Box 367, Cedarville, Michigan 49719.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Cedarville, Michigan in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 110-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Bay	Cedar River Rd. (County Road 352) (extended) 600 ft from intersection with State Highway M-35.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–19576 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3071]

CITY OF GRAND HAVEN, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Grand Haven, Michigan.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 519 Washington Street, Grand Haven, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Walhout, City Hall, 519 Washington Street, Grand Haven, Michigan 49417.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Grand Haven, Michigan in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Channel	U.S. Highway 31	584
	3rd St.	584
Grand River	C&O RR.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19577 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3084]

TOWNSHIP OF PENTWATER, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Pentwater, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Hall, 324 South Hancock Street, Pentwater, Michigan 49449.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Wallace Flynn, P.O. Box 23, Pentwater, Michigan 49449.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Pentwater, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pentwater Lake	County Road B–15	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19578 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3072]

TOWNSHIP OF SPRING LAKE, MICHIGAN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Spring Lake, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being

already in effect in order to qualify or re-

flood elevations are available for review

[24 CFR Part 1917]

tions will also be used to calculate

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already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Hall, 106 South Buchanan Street, Spring Lake, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Trimble, Township Hall, 106 South Buchanan Street, Spring Lake, Michigan 49456.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood of Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Spring Lake, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Confluence with Lloyd Bayou.	585
	Confluence with Pottawattomie Bayou.	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77-19579 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3080]

TOWN OF SIDON, MISSISSIPPI

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Sidon, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Sidon, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Joe W. Alford, Sidon, Mississippi.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Sidon, Mississippi, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Old Yazoo River bendway (Yazoo River backwater).	South St. (extended)	126
	Front St. (extended)	126
Ponding area	Southeast corporate limits.	126

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 31, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19580 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3102]

BOROUGH OF HOPEWELL, MERCER COUNTY, NEW JERSEY

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Hopewell, Mercer County, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Clerk's Office, 19 North Greenwood Avenue, Hopewell, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor William H. Walker, Municipal Building, 4–6 Columbia Avenue, Hopewell, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough or Hopewell, Mercer County, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Beden Brook	400 ft south of East Prospect St.	167
	100 ft south of Columbia Ave.	172
	Columbia Ave	174
	100 ft south of West Broad St.	177

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19581 Filed 7-12-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3083]

TOWNSHIP OF MARLBORO, NEW JERSEY

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Marlboro, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community:

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, Marlboro, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Arthur Goldweit, Municipal Building, Drawer D, Marlboro, New Jersey 07746.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Marlboro, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep Run	Texas Rd	67
	Tennent Rd	78
	Crine Rd	86
Tributary B	Tennent Rd	83
	Central Railroad of New Jersey.	115
Tributary C	Harbor Rd	88
	Central Railroad of New Jersey.	113
Barclay Brook	Riley Rd	81
Milford Brook	Robertsville Rd	118
	Route 18 (Old Bridge Rd.)	111
South Branch Tepehemus Brook.	Silvers Rd	113
Matawan Creek	Wilson Ave	41
	Greenwood Rd	52
Gravelly Brook	Lloyd Rd	76
Willow Brook	Pleasant Valley Rd	80
	Schanea Rd	109
Tributary F	Igoe Rd	91
	do	111
Big Brook	Boundary Rd	89
	Central Railroad of New Jersey.	95
	Route 79	99
Tributary H	Vanderburg Rd	[illegible]
Tributary K	School Rd. East	1[illegible]
	do	1[illegible]
Tributary L	do	1[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19582 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3098]

VILLAGE OF PANAMA, CHAUTAUQUA COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Panama, Chautauqua County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be

FOR FURTHER INFORMATION CON-

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DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community:

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Panama Post Office, East Main Street, Panama, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Jarvis Ireland, Mayor of Panama, P.O. Box 17, Panama, New York 14767.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Panama, Chautauqua County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Broken-straw Creek.	Downstream corporate limits.	1,509
	South Broadway St...	1,541
	Pond Rd (extended)...	1,609
	Top of Weir at Pond...	1,649

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc 77-19583 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3079]

CITY OF NORTH WILKESBORO, NORTH CAROLINA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of North Wilkesboro, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, North Wilkesboro, North Carolina.

Any person having knowledge, information, or wishng to make a comment on these proposed elevations should immediately notify Mayor George C. Wieball, City Hall, P.O. Box 218, North Wilkesboro, North Carolina 28659.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of North Wilkesboro, North Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary M-1	North Carolina Route 18.	106
Reddies River	Upstream side of dam.	980
	Downstream side of dam.	979
	U.S. Highway 421-A...	976
Tributary Y-3	C St	991
	B St	980
Tributary Y-2	B St	970
Tributary Y-1	River Rd	965
Yadkin River	U.S. Highway 421-A..	969
	U.S. Highway 421	966

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-19584 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3087]

CITY OF KENT, PORTAGE COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Kent, Portage County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board, Kent City, 319 South Water Street, Kent, Ohio.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. David E. Firestone, City Manager of Kent, Kent City Hall, 319 South Water Street, Kent, Ohio 44240.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Kent, Portage County, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entites. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cuyahoga River....	Upstream corporate limits.	1,040
	Corporate limits.....	1,040
	Standing Rock Ave. (extended).	1,039
	Crain St.....	1,037
	Main St.....	1,034
	S.R. 59.....	1,018
	Norfolk & Western R.R.	1,017
	Hughey Dr. (extended).	1,016
	Middlebury Rd.....	1,016
Fish Creek.....	McKinney Dr. (extended).	1,031
	Fairchild Dr.....	1,030
	Downstream Norfolk & Western R.R.	1,029
	Admore Dr. (extended).	1,028
	Spaulding Dr.....	1,027
	Corporate limits.....	1,025
Plum Creek	Upstream corporate limits.	1,029
	S.R. 261.....	1,028
	Magadore Rd.....	1,027
	B. & O. RR.....	1,017

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19585 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3101]

CITY OF SHEFFIELD LAKE, CORAIN COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Sheffield Lake, Corain County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 609 Harris Road, Sheffield Lake, Ohio.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Donald L. Smith, Mayor of Sheffield Lake, 609 Harris Road, Sheffield Lake, Ohio 44054.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Sheffield Lake, Lorain County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be constructed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Erie.....	Flood zones along Lake Erie are limited to a very narrow band extending upward from the lake shore to elevation 590.5 ft. This represents the still water elevation plus wave action.	590.5
Day ditch.....	Lake Rd.....	585.0
	Tennison Ave.....	587.0
	Ivanhoe Ave.....	596.0
	Rowelyn Ave.....	600.0
	Ferndale Ave.....	605.0
	Belle Ave.....	606.0
	Brockly Ave.....	606.0
	Knickerbocker Rd.....	606.0
	Holl Ave.....	607.0
	Corporate limits (downstream).	612.0
Schumaker ditch...	Lake Rd.....	595.0
	Hawthorne Ave.....	595.0
	Bicycle path.....	603.0
	Corporate limits (downstream).	606.0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

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trator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19586 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3075]

CURRY COUNTY, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Curry County, Oregon.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Curry County Courthouse, Gold Beach, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Bernard Mather, County Clerk, Curry County Courthouse, Gold Beach, Oregon 97444.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Curry County, Oregon, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rogue River	U.S. Highway 101 bridge.	14
	Confluence with Edison Creek.	58
	Confluence with Jim Hunt Creek.	76
	Confluence with Kimball Creek.	84

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19587 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3081]

CITY OF SEASIDE, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Seaside, Oregon.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 851 Broadway, Seaside, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Joyce C. Williams, City Hall, 851 Broadway, Seaside, Oregon 97138.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Seaside, Oregon, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Necanicum River	Avenue U	10
	Avenue G	12
	Broadway St	11
	12th Ave	11
Neawanna Creek	Broadway St	12
	12th Ave	12
	U.S. Highway 101	11
Circle Creek	Rippet Rd. (downstream side).	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19588 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3095]

CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Connellsville, Fayette County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Arch Street, Connellsville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable John T. Shaw, Mayor of Connellsville, P.O. Box 698, Connellsville, Pennsylvania 15425.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Connellsville, Fayette County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Youghiogheny River	Northwest corporate limits.	878
	U.S. Route 119	879
	ConRail bridge	880
	Confluence with Connell Run.	883
Mounts Creek	Northwest corporate limits.	877
	Norfolk and Western Railroad Bridge.	879
	4th St.	879
	Broad Ford Rd.	886
Connell Run	B&O Railroad culvert.	883
	South Arch St.	885
	South Pittsburgh St.	893
	Wills Ave.	916
	South alley	947
	Hill St.	973
	Perry St.	998
	Locust St.	1,031
Trump Run	B&O Railroad culvert.	891
	Arch St.	897
	Davidson Ave. (extended).	908
	Austin Ave. (extended).	927
	South Pittsburgh St.	933

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968, effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19589 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3078]

BOROUGH OF LANSDALE, MONTGOMERY COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Lansdale, Montgomery County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 421 West Main Street, Lansdale, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Richard Bitner, 421 West Main Street, Lansdale, Pennsylvania 19446.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Lansdale, Montgomery County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Branch of Neshaminy Creek.	Downstream corporate limits.	301
	Downstream end of R.R. embankment and sewage treatment plant levee.	302
	Con Rail tracks downstream.	311
	Con Rail tracks upstream.	312
	West 8th St.	314
	Franconia Ave.	321
	West 5th St.	322

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Source of flooding	Location	Elevation in feet above mean sea level
Wissahickon Creek	Downstream corporate limits.	348
	Hancock St.	353
	East Main St. downstream.	367
	East Main St. upstream.	369
	1st dam upstream of East Main St.	370
	2d dam upstream of East Main St.	373
	100 ft downstream of Knapp Rd.	379

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19590 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3074]

TOWNSHIP OF LOWER MORELAND, MONTGOMERY COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Lower Moreland, Montgomery County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Building, 640 Red Line Road, Huntingdon Valley, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Peter Terpeluk, Township Manager, Township Building, 640 Red Line Road, Huntingdon Valley, Pennsylvania 19006.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Lower Moreland, Montgomery Co., Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Huntingdon Valley Creek	Pennsylvania Route 232 (upstream).	118
	Red Lion Rd. (upstream).	121
	Philmont Ave. (upstream).	124
	Tomlinson Rd. (upstream).	139
	Philmont Dr. (upstream).	168
	Byberry Rd. (upstream).	211
	Warfield Lane (downstream).	264
Penn Pack Creek	Downstream corporate limits.	115
	Old Welsh Rd. (upstream).	118
	Fetters Mill Rd. (downstream).	128
	Upstream corporate limits.	139

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19591 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3094]

BOROUGH OF NEWTON-HAMILTON, MIFFLIN COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Newton-Hamilton, Mifflin County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named commmunity.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Newton-Hamilton Borough Office, Kinsloe Street, Newton, Hamilton. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Elizabeth B. Miller, Village Secretary, P.O. Box 63, Newton-Hamilton, Pennsylvania 17075.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Newton-Hamilton, Mifflin County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River	Northeast corporate limit.	534
	Southeast corporate limit.	535
	Bridge St.	535

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19592 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3114]

CITY OF READING, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Reading, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Eighth and Washington Streets, Reading, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Joseph P. Kuzminski, Eighth and Washington Streets, City Hall, Reading, Pennsylvania 19601.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Reading, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schuylkill River	U.S. 422	200
	Bingaman St.	207
	Penn St.	209
	Schuylkill St.	215
	Warren St. bypass.	229
Angelica Creek	Morgantown Rd.	210
	Morgantown Rd dam.	220
Wyomissing Creek	West Shore bypass.	206
	Museum Rd.	211
Tulpehocken Creek	Reading Belt R.R.	215
	Warren St. (Route 422).	215

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19593 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3077]

TOWNSHIP OF SHENANGO, LAWRENCE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Shenango, Lawrence County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Building, 900 Allegheny Avenue, New Castle, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Herbert F. Bintrim, Chairman of the Board of Supervisors of Shenango Township, 900 Allegheny Avenue, New Castle, Pennsylvania 16101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Shenango, Lawrence County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet above mean sea level
Big Run	Willowbrook Rd.	997
	Butler Ave.	992
	East Washington St.	984
	Pennsylvania Ave.	872
	Greenhouse Rd.	856
	Township Line Bridge and corporate limits.	822
Big Run	Old Pittsburgh Rd.	1,032
Tributary No. 1	Savannah Rd.	1,011
Big Run	Hoover Rd.	1,032
Tributary No. 2	U.S. Route 422 bypass.	1,027
	Willowbrook Rd.	1,005
McKee Run	Foot bridge	1,073
	Old Pittsburgh Rd.	1,060
	Private driveway	942
	Savannah Rd.	898
	Union Valley Rd.	853
	Confluence with tributary No. 1.	858
	Downstream corporate limits.	[illegible]
Snake Run	1,935 ft above corporate limits.	968
	Downstream corporate limits.	909

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19594 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3064]

CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Titusville, Crawford County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall in Titusville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor J. E. Fleming, Jr., City Hall, Titusville, Pennsylvania 16534.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Titusville, Crawford County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.S. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Oil Creek	Pine Creek	1,171
	Brown Street Bridge	1,182
	Smock Boulevard Bridge.	1,190
	Central Avenue Bridge.	1,201
Church Run	Central Avenue Bridge.	1,190
	Drake Road Bridge	1,196
	Martin and Walnut St. culvert.	1,201
	Franklin Road Bridge.	1,211
	Church Run Road Bridge.	1,226
	Corporate limits	1,235
Hammond Run	Bloss Street Bridge	1,195
	Barber Street Bridge	1,210
	Fleming Road Bridge.	1,220
Trout Run	Bloss Street Bridge	1,193
	South Barber Street Bridge.	1,213
	Corporate limits	1,241
Pine Creek	Corporate limits	1,176

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19595 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3105]

TOWNSHIP OF TORBETT, JUNIATA COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Turbett, Juniata County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Ms. Kepner's House, R.D. 1, Port Royal, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Ms. Jean Kepner, Secretary of the Board of Turbett, R.D. 1, Port Royal, Pennsylvania 17082.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Torbett, Juniata County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tuscarora Creek	Con Rail	448
	Route 75	448
	I.R 31003	447
Juniata River	Northeast corporate limits.	427
	I.R 31006 (extended)	431

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19596 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3086]

CITY OF FREDERICK, BROWN COUNTY, SOUTH DAKOTA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Frederick, Brown County, South Dakota. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Community Center, Frederick, South Dakota.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Glen M. Bain, Frederick, South Dakota 57441.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Frederick, Brown County, South Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maple River	3d Ave. (extended	1,367
	Main St.	1,369
	Brown County Route 5.	1,370

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19597 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3069]

CITY OF LAVERNIA, WILSON COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of LaVernia, Wilson County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Box 225, LaVernia, Texas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Ewald Koepp, Jr., Box 225, LaVernia, Texas 78121.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of La Veania, Wilson County, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed eleva-

tions will also be used to calculate the

mediately notify the Honorable Arnaldo

ACTION: Proposed rule.

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tions will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cibolo Creek	Confluence with Dry Hollow Creek.	477
	Downstream corporate limits.	479
Dry Hollow Creek	Upstream corporate limits.	481
	Dry Hollow Rd	480
South Creek	Upstream corporate limits.	489
	U.S. Highway 87	477
	Downstream corporate limits.	475

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19598 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3092]

CITY OF MISSION, HIDALGO COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Mission, Hidalgo County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the Main Entrance Lobby of City Hall, 900 Doherty Avenue, Mission, Texas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Arnaldo Ramirez, Mayor of Mission, City Hall, 900 Doherty Avenue, Mission, Texas 78572.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Mission, Hidalgo County, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ponding Area	Between the main canal, West 1st St. and Nicholson Ave.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19599 Filed 7-1277; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3091]

WILSON COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Wilson County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the County Clerk's Office, Floresville, Texas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Judge Gresham L. Aiken, Floresville, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Wilson, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year Flood Elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Dry Hollow Creek	County Rd. A	489
	Downstream of County Rd. C.	494
Culebra Creek	Confluence with Dry Hollow Creek.	493
	Downstream of FM 1346.	499
Tributary No. 2 Dry Hollow Creek).	County Rd. B	496
Tributary No. 3 Dry Hollow Creek).	3500 ft upstream from Dry Hollow Creek.	497
Tributary No. 4 Dry Hollow Creek).	600 ft upstream from Dry Hollow Creek.	505

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 17, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19600 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3067]

TOWN OF SALTVILLE, SMYTH AND WASHINGTON COUNTIES, VIRGINIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Saltville, Smyth and Washington Counties, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall on the bulletin board, Town Hall Square, Saltville, Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Frank E. Lewis, Mayor of Saltville, Town Hall Square, Saltville, Virginia 24370.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Saltville, Smyth and Washington Cos., Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork Holston River.	Smyth/Washington County boundary.	1,676
	Confluence with Allison Creek.	1,696
	Government Plant Rd.	1,711
	Upstream corporate limits.	1,726
McHenry Creek	Confluence with North Fork, Holston River.	1,668
	Corporate limits within 1 mi of confluence with North Fork, Holston River.	1,786
	State Route 91	1,858
	Smyth/Washington County boundary.	1,909
Allison Creek	Confluence with North Fork, Holston River.	1,696
	Allison Gap Rd.	1,744
	Upstream corporate limits.	1,766
Cedar Branch	Downstream corporate limits.	1,745
	Upstream corporate limits.	1,842

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19601 Filed 7-12-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3090]

CITY OF OCEAN SHORES, GRAYS HARBOR COUNTY, WASHINGTON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Ocean Shores, Grays Harbor County, Washington. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Point Brown Avenue, Ocean Shores, Washington.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Bill McDeavitt, City Manager of Ocean Shores, P.O. Box 909, Ocean Shores, Washington 98569.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Ocean Shores, Grays Harbor County, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat., which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

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These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pacific Ocean	North corporate limit.	23
	Chance A La Mer (extended).	23
	Ocean Lake Way (extended).	23
	Taurus St. (extended).	22
	Butter Clam St. (extended).	22
	Decatur St. (extended).	22
	Sportmens Way (extended).	22
	South corporate limit.	22
North Bay	North corporate limit.	14
	Albatross St	14
	River View St. (extended).	14
Grays Harbor	Tonquin St	15
Duck Lake	Chance A La Mer	13.5
	Albatross St	13.5
	Overlake Dr	13.5
	Dover Ct. (extended).	13.5
	Mount Olympus Ave.	13.5
Grand Canal	Albatross St. (extended).	13.5
	Ocean Lake Way	13.5
	Cakesosta St. (extended).	13.5
Lake Minard	Razor Clam St	13.5
	Tonquin St	13.5

NOTE.—Elevation given in feet above mean sea level is per Ruskin, Fisher & Associates Datum (RFAD) which is 2021 ft below national geodetic and vertical datum of 1929.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19602 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3089]

CITY OF OMAK, OKANOGAN COUNTY, WASHINGTON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Omak, Okanogan County, Washington. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the County Clerk's Office, 2 North Ash Street, Omak, Washington.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Clarence Nash, Mayor of Omak, P.O. Box 72, Omak, Washington 98841.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Omak, Okanogan County, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Okanogan River	Central Ave	840
	State Route 97	842

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19603 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3063]

TOWN OF RIVERSIDE, OKANOGAN COUNTY, WASHINGTON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Riverside, Okanogan County, Washington.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bulletin Board in the Riverside Town Hall, Riverside, Washington.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Lorenzo Bettyloun, Mayor of Riverside, Riverside Town Hall, Riverside, Washington 98849.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Riverside, Okanogan County, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Okanogan River	North corporate limits.	[illegible]
	Tunk Valley Rd	859
	South corporate limits.	[illegible]
Johnson Creek	Main Street Bridge	870
	State Street Bridge	884
	Highway 97	928

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19604 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3068]

TOWN OF HARTFORD, WEST VIRGINIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Hartford, West Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Hartford, West Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Charles Black, Town Hall, Hartford, West Virginia 25247.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washinton, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Hartford, West Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Entire corporate boundary.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19605 Filed 7–12–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3099]

TOWN OF MASON, WEST VIRGINIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Mason, West Virginia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Mason, West Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Fred Taylor, Box 438, Mason, West Virginia 25260.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Mason, West Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Uub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in

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their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River.....	Pomroy Mason Highway Bridge.	57

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19606 Filed 7-12-77;8:45 am]

federal register

WEDNESDAY, JULY 13, 1977

PART IV

FEDERAL TRADE COMMISSION

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MAGNUSON-MOSS WARRANTY ACT

Interpretations and Explanatory Statement

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE

Twenty-five comments were received by the Commission during the comment

whether a product is a "consumer prod-uct" under the Act. The

terms of sale remain subject to section 5 of the Federal Trade Commission Act, 15 U.S.C.

ignations permitted under the Act, unless a specific exception is created by rule.

ranty claim is made whether the con-

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER G—RULES, REGULATIONS, STATEMENTS AND INTERPRETATIONS UNDER MAGNUSON-MOSS WARRANTY ACT

PART 700—INTERPRETATIONS OF MAGNUSON-MOSS WARRANTY ACT

Adoption of Interpretations and Explanatory Statement

AGENCY: Federal Trade Commission.

ACTION: Final interpretations.

SUMMARY: These are interpretations of several provisions of the Magnuson-Moss Warranty Act. They represent the Commission's views on various aspects of the Act. The continued questions and requests for advisory opinions directed to the Commission make appropriate the issuance of the Interpretations at this time.

The Interpretations apply to consumer products distributed in commerce and sold with a written warranty. They are intended to clarify the requirements of the Act for consumers, manufacturers, importers, distributors, and retailers. They are not, however, substantive rules, and do not have the force or effect of statutory provisions; like industry guides they are advisory in nature. Failure to comply with them, however, may result in corrective action by the Commission under the applicable statutory provisions.

The explanatory statement which precedes the Interpretations details the changes made by the Commission from the "Proposed Interpretations" published in the FEDERAL REGISTER of August 16, 1976, 41 F.R. 34654.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan Rubin, Attorney, Division of Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. (202–724–1100.)

SUPPLEMENTARY INFORMATION: From the time the Magnuson-Moss Warranty Act, Pub. L. 93–637, 15 U.S.C. 2301, was signed into law in January of 1975, many questions concerning the Act have been directed to the Commission. The Commission has determined that guidance should be provided in order that compliance with the terms of the Act be facilitated. For these same reasons the Commission published, on June 18, 1975, a policy statement in the FEDERAL REGISTER to provide interim guidance during the initial implementation of the statute.

As questions and requests for advisory opinions continue to be directed to the Commission, further guidance of a more permanent nature is appropriate. Therefore, the Commission, on August 16, 1976, proposed interpretations of the Magnuson-Moss Warranty Act to assist warrantors and suppliers of consumer products to comply with the Act, and called for comment on them.

Twenty-five comments were received by the Commission during the comment period. Some of the comments addressed only one proposed interpretation while others addressed several of them. In response to these comments the Commission has made several revisions in the "Proposed Interpretations" and now issues these final Interpretations of the Magnuson-Moss Warranty Act. The explanatory statement discusses these revisions and the reasons they were made.

The final Interpretations in many instances parallel the views the Commission expressed in its June 18, 1975, interim policy statement (40 FR 25721). In some instances the explanations in the earlier policy statement have been paraphrased or altered in these interpretations. The fact that some items from the earlier statement are omitted from these interpretations does not mean that the Commission no longer holds those views.

These interpretations apply to consumer products distributed in commerce and sold with a written warranty. They are intended to clarify the requirements of the Act for consumers, manufacturers, importers, distributors, and retailers. They are not, however, substantive rules, and do not have the force or effect of statutory provisions; like industry guides they are advisory in nature. Failure to comply with them, however, may result in corrective action by the Commission under the applicable statutory provisions.

EXPLANATION OF CHANGES FROM PROPOSED INTERPRETATIONS

After careful consideration of the comments submitted, the Commission has revised some of the proposed interpretations. The provisions set forth below are as they appear in the final interpretations. The text below each provision explains where and why the change(s) from the proposed version have been made.

PRODUCTS COVERED

Section 700.1(a) The Act applies to written warranties on tangible personal property which is normally used for personal, family, or household purposes. This definition includes property which is intended to be attached to or installed in any real property without regard to whether it is so attached or installed. This means that a product is a "consumer product" if the use of that type of product for such purposes is not uncommon. The percentage of sales, or the use to which a product is put by an individual buyer is not determinative. For example, products such as automobiles and typewriters which are used for both personal and commercial purposes come within the definition of consumer product. Where it is unclear whether a particular product is covered under the definition of consumer product, any ambiguity will be resolved in favor of coverage.

In adopting this final interpretation, the Commission has made two revisions from the proposed subsection. Additional text is added after the first sentence to eliminate the continued misunderstanding—evidenced by two of the comments—of the standard for determining whether a product is a "consumer product" under the Act. These comments indicated confusion as to whether a product used for both commercial and personal purposes, such as a passenger car used by a sales representative to make business calls, is covered by the Act. The additional text sets out the correct determining standard; namely, that it is the normal use of the category of products (e.g., sedans), not the use to which an individual product (e.g., a particular sales representative's sedan) is normally placed. Additionally, subsections (a) and (b) have been consolidated to improve the readability of the final interpretation.

Section 700.1(j) The Act covers written warranties on consumer products "distributed in commerce" as that term is defined in section 101(3). Thus, by its terms the Act arguably applies to products exported to foreign jurisdictions. However, the public interest would not be served by the use of Commission resources to enforce the Act with respect to such products. Moreover, the legislative intent to apply the requirements of the Act to such products is not sufficiently clear to justify such an extraordinary result. The Commission does not contemplate the enforcement of the Act with respect to consumer products exported to foreign jurisdictions. Products exported for sale at military post exchanges remain subject to the same enforcement standards as products sold within the United States, its territories, and possessions.

The proposed interpretation stated that the Commission does not contemplate enforcement of the Act for products "manufactured solely for export." Two comments note that this language in the proposed interpretation appears to make the manufacturer's intent to export the determining standard rather than the actual export of the product. Another comment noted that the word "solely" in the proposed interpretation could be read as subjecting a manufacturer to Commission enforcement unless all units of a single product are exported. The Commission did not intend either of these readings. Therefore, the Commission has substituted the word "exported" for the phrase "manufactured solely for export" in the final interpretation.

WRITTEN WARRANTY

Section 700.3(b) Certain terms, or conditions, of sale of a consumer product may not be "written warranties" as that term is defined in section 101(6), and should not be offered or described in a manner that may deceive consumers as to their enforceability under the Act. For example, a seller of consumer products may give consumers an unconditional right to revoke acceptance of goods within a certain number of days after delivery without regard to defects or failure to meet a specified level of performance. Or a seller may permit consumers to return products for any reason for credit toward purchase of another item. Such terms of sale taken alone are not written warranties under the Act. Therefore, suppliers should avoid any characterization of such terms of sale as warranties. The use of such terms as "free trial period" and "trade-in credit policy" in this regard would be appropriate. Furthermore, such terms of sale should be stated separately from any written warranty. Of course, the offering and performance of such

terms of sale remain subject to section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

The Commission has made some minor changes in these subsections. First, a textual change is made to make it clear that this subsection refers to unconditional rights of revocation of the consumer, and not to rights which may depend on the existence of some defect or other circumstances. Second, the first sentence of proposed subsection (c) which read "Such terms of sale should not be described as written warranties, as this may deceive consumers, leading them to believe that such terms may be enforced as warranties under the Act" has been deleted as it merely restates the first sentence of proposed subsection (b), yet adds nothing to the meaning of the interpretation. Finally, the two subsections have been consolidated into one to improve the readability of the interpretation.

PARTIES "ACTUALLY MAKING" A WRITTEN WARRANTY

Section 700.4 Section 110(f) of the Act provides that only the supplier "actually making" a written warranty is liable for purposes of FTC and private enforcement of the Act. A supplier who does no more than distribute or sell a consumer product covered by a written warranty offered by another person or business and which identifies that person or business as the warrantor is not liable for failure of the written warranty to comply with the Act or rules thereunder. However, other actions and written and oral representations of such a supplier in connection with the offer or sale of a warranted product may obligate that supplier under the Act. If under state law the supplier is deemed to have "adopted" the written affirmation of fact, promise, or undertaking, the supplier is also obligated under the Act. Suppliers are advised to consult state law to determine those actions and representations which may make them co-warrantors, and therefore obligated under the warranty of the other person or business.

The Commission has made two textual changes in this subsection. First, the next to last sentence of the paragraph has been added to clarify when a supplier may become obligated under the warranty of another person or business—i.e., when the supplier "adopts" the warranty. Second, the Commission has added the phrase "of the other person or business" to the end of the subsection to clarify to which written warranty the Commission is referring in the interpreation. These changes do not alter the meaning of the interpretation from the proposed version.

DESIGNATION OF WARRANTIES

Section 700.6(a) Section 103 of the Act provides that written warranties on consumer products manufactured after July 4, 1975, and actually costing the consumer more than $10 excluding tax, must be designated either "Full (statement of duration) Warranty" or "Limited Warranty." Warrantors may include a statement of duration in a limited warranty designation. The designation should appear clearly and conspicuously as a caption, or prominent title, clearly separated from the text of the warranty. The full (statement of duration) warranty and limited warranty are the exclusive designations permitted under the Act, unless a specific exception is created by rule.

The Commission has inserted an additional sentence after the first sentence in this subsection. The added text provides that "Warrantors may include a statement of duration in a limited warranty designation." This is a reiteration of the Commission's previously adopted interpretation set out in Part 3 of the Commission's "Implementation and Enforcement Policy," 40 FR 25721 (June 18, 1975). The added language indicates that the Commission has not changed its position on the question of duration statements in limited warranty designations.

Section 700.6(b) Section 104(b)(4) states that "the duties under subsection (a) (of section 104) extend from the warrantor to each person who is a consumer with respect to the consumer product." Section 101(3) defines a consumer as "a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty (or service contract) applicable to the product * * *." Therefore, a full warranty may not expressly restrict the warranty rights of a transferee during its stated duration. However, where the duration of a full warranty is defined solely in terms of first purchaser ownership there can be no violation of section 104(b)(4), since the duration of the warranty expires, by definition, at the time of transfer. No rights of a subsequent transferee are cut off as there is no transfer of ownership "during the duration of (any) warranty." Thus, these provisions do not preclude the offering of a full warranty with its duration determined exclusively by the period during which the first purchaser owns the product, or uses it in conjunction with another product. For example, an automotive battery or muffler warranty may be designated as "full warranty for as long as you own your car." Because this type of warranty leads the consumer to believe that proof of purchase is not needed so long as he or she owns the product, a duty to furnish documentary proof may not be reasonably imposed on the consumer under this type of warranty. The burden is on the warrantor to prove that a particular claimant under this type of warranty is not the original purchaser or owner of the product. Warrantors or their designated agents may, however, ask consumers to state or affirm that they are the first purchaser of the product.

The Commission has made three changes in this interpretation. First, proposed subsections (b) and (c) have been consolidated into one to improve the readability of the interpretation. Second, the Commission has inserted two additional sentences between the third and fourth sentences of proposed interpretation § 700.6(b). These sentences are intended to clarify the rationale underlying the Commission's interpretation. Finally, the Commission has substituted the word "documentary" for the word "such" in the last sentence of the proposed interpretation and has added an additional sentence at the end of the interpretation. The purpose of these two changes is to make clear that the Commission does not intend this interpretation to prohibit a warrantor or seller from simply inquiring at the time a warranty claim is made whether the consumer was the first purchaser of the warranted product. The Commission intends this interpretation to only prohibit the warrantor from requiring written proof, such as sales slips, titles, etc. from the consumer as a condition of the warranty's validity.

USE OF WARRANTY REGISTRATION CARDS

Section 700.7(a) Under section 104(b)(1) of the Act, a warrantor offering a full warranty may not impose on consumers any duty other than notification of a defect as a condition of securing remedy of the defect or malfunction, unless such additional duty can be demonstrated by the warrantor to be reasonable. Warrantors have in the past stipulated the return of a "warranty registration" or similar card. By "warranty registration card" the Commission means a card which must be returned by the consumer shortly after purchase of the product and which is stipulated or implied in the warranty to be a condition precedent to warranty coverage and performance.

The Commission has added additional text to the end of the proposed interpretation to clarify the definition of "warranty registration card" as that term is used in the interpretation. The Commission has added this text to distinguish between the more common warranty registration card (as defined) and other types of cards or evidence of purchase or warranty coverage, return of which may be a stipulated condition for warranty coverage. The Commission intends only the former type of card to be covered by this interpretation.

Section 700.7(b) A requirement that the consumer return a warranty registration card or a similar notice as a condition of performance under a full warranty is an unreasonable duty. Thus, a provision such as "This warranty is void unless the warranty registration card is returned to the warrantor" is not permissible in a full warranty, nor is it permissible to imply such a condition in a full warranty.

The Commission has deleted the parenthetical phrase "other than a notice of a defect" from the proposed interpretation. The proposed interpretation could be read as Commission approval of a requirement in a full warranty that notification of a defect be in writing. This reading is not intended by the Commission since such a requirement may be an unreasonable duty under section 104(b)(1) of the Act.

Section 700.7(c) This does not prohibit the use of such registration cards where a warrantor suggests use of the card as one possible means of proof of the date the product was purchased. For example, it is permissible to provide in a full warranty that the consumer may fill out and return a card to place on file proof of the date the product was purchased. Any such suggestion to the consumer must include notice that failure to return the card will not affect rights under the warranty, so long as the consumer can show in a reasonable manner the date the product was purchased. Nor does this interpretation prohibit a seller from obtaining from purchasers at the time of sale information requested by the warrantor.

The Commission has added a sentence at the end of this subsection. This sentence was added to make clear that the

interpretation above does not prohibit warrantors from employing registration

realities. The Commission has decided to delete the proposed interpretation from

lar coverage of consumer products, the written warranty and the service contract

Sec.

dropped ceilings, siding, roofing, storm

changes remain subject to the

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interpretation above does not prohibit warrantors from employing registration systems which do not impose on consumers a duty to return a warranty registration card shortly after purchase. This sentence was also added to expressly permit sellers to gather information at the point of sale for their warranty records, or for product safety recall or other purposes.

DUTY TO INSTALL UNDER A FULL WARRANTY

Section 700.9 Under section 104(a)(1) of the Act, the remedy under a full warranty must be provided to the consumer without charge. If the warranted product has utility only when installed, a full warranty must provide such installation without charge regardless of whether or not the consumer originally paid for installation by the warrantor or his agent. However, this does not preclude the warrantor from imposing on the consumer a duty to remove, return, or reinstall where such duty can be demonstrated by the warrantor to meet the standard of reasonableness under section 104(b)(1).

One comment noted that the proposed interpretation did not indicate, as the Commission had previously done in its advisory opinion to Armstrong Cork Co. of December 1, 1975, that the duty to reinstall under a warranty applies "regardless of whether or not the consumer originally paid for installation by the warrantor or his agent." This raises the question whether this omission indicates a partial retraction by the Commission of its advisory opinion in *Armstrong Cork*. The interpretation was intended by the Commission as a restatement of the previous advisory opinion; thus the addition of the phrase at the end of the second sentence in the final interpretation is made to eliminate any possible misinterpretation.

SECTION 102(C)

Section 700.10(a) Section 102(c) prohibits tying arrangements that condition coverage under a written warranty on the consumer's use of an article or service identified by brand, trade, or corporate name unless that article or service is provided without charge to the consumer.

There are two comments in this interpretation. Each mistakenly stated that the Commission has misstated the law by omitting the provision that allows "tie-ins" if the tied article or service is provided without charge to the consumer. The proposed interpretation did not omit this as it stated that section 102(c) prohibits tying arrangements where consumers must purchase the tied article or service. This rephrasing was done to shorten the proposed interpretation and to improve its readability. However, it appears that this rephrasing has caused some confusion. Therefore, the Commission has revised the wording of the interpretation to track more closely the language of the statute so as to avoid undue confusion.

Section 700.10(d). (This section has been deleted.)

There were many comments critical of the proposed interpretation. The commentators argued that the Commission's position was neither justified under the statute nor reflective of marketplace realities. The Commission has decided to delete the proposed interpretation from the final "Interpretations."

The Commission is persuaded that the proposed interpretation does not reflect the Congressional purpose or intent behind section 102(c). Section 102(c) prohibits tying arrangements in warranties that effectively restrict the consumer's ability to choose among competing brands of products or services that can be used in conjunction with the warranted product. The proposed interpretation was premised on the existence of a class of consumers whose choice would be restricted under such warranty provisions, i.e., those consumers who would elect to have the product installed by another commercial installer but for the fact that the warranty on the product conditions the remedy of reinstallation on the consumer's use of the warrantor's installation service. This premise, however, does not reflect marketplace realities.

It appears that there are only two groups of buyers of products carrying such warranties. (The products subject to these warranty terms are almost exclusively automotive replacement parts.) One group, the "do-it-yourselfers," buy the product at a lower price and install it themselves. The second group is composed of consumers who buy the product knowing that the seller will also install it for them at an additional charge. Under the Commission's proposed interpretation neither of these two groups would be aided. If the warrantor agrees to provide free re-installation regardless of whether the warrantor did the original installation, the costs of re-installation for consumers who originally purchased the product uninstalled will be reflected in a higher purchase price for the product. This would result in the "do-it-yourselfer" group paying for a re-installation warranty, when his or her original reason for purchasing the product was to save the cost of installation. The warrantor's other alternative is to not provide reinstallation for anybody, resulting in a potential loss of warranty coverage for consumers who purchase the product installed. Thus, the proposed interpretation might result in harm to consumers without fulfilling the intent of the statutory provision on which it is based.

The deletion of this interpretation does not change the Commission's interpretation that under a full warranty, the warrantor must undertake to reinstall any product without charge as part of the remedy under section 104(a)(1). An exception is permitted where the warrantor can demonstrate that it is reasonable under section 104(b)(1) to impose the duty of reinstallation on the consumer, see the Commission's advisory opinion to Armstrong Cork Co. of December 1, 1975, and § 700.9 of these "Interpretations."

WRITTEN WARRANTY, SERVICE CONTRACT, AND INSURANCE DISTINGUISHED FOR PURPOSES OF COMPLIANCE UNDER THE ACT

Section 700.11(a) The Act recognizes two types of agreements which may provide similar coverage of consumer products, the written warranty, and the service contract. In addition, other agreements may meet the statutory definition of either "written warranty" or "service contract", but are sold and regulated under state law as contracts of insurance. One example is the automobile breakdown insurance policies sold in many jurisdictions and regulated by the state as a form of casualty insurance. The McCarran-Ferguson Act, 15 U.S.C. 1011 et seq. precludes jurisdiction under federal law over "the business of insurance" to the extent an agreement is regulated by state law as insurance. Thus, such agreements are subject to the Magnuson-Moss Warranty Act only to the extent they are not regulated in a particular state as the business of insurance.

There were no comments submitted on this interpretation. However, the Commission added on its own initiative, additional text at the end of the third sentence of the proposed interpretation to clarify that an agreement is only insurance, and not subject to the Commission's jurisdiction, if it is regulated as such by state law. This additional phrase reinforces the point that the party offering the contract cannot employ the name or title of "breakdown insurance" to escape jurisdiction of the Act via the provisions of the McCarran-Ferguson Act; rather the distinction rests on the active regulation by a state of a particular undertaking as the business of insurance.

Section 700.11(b) "Written warranty" and "service contract" are defined in sections 101(6) and 101(8) of the Act, respectively. A written warranty must be "part of the basis of the bargain." This means that it must be conveyed at the time of sale of the consumer product and the consumer must not give any consideration beyond the purchase price of the consumer product in order to benefit from the agreement. It is not a requirement of the Act than an agreement obligate a supplier of the consumer product to be a written warranty, but merely that it be part of the basis of the bargain between a supplier and a consumer. This contemplates written warranties by third-party non-suppliers.

One comment suggested that the word "price" be inserted after the word "purchase" in the second sentence to clarify the interpretation. The Commission has adopted this suggestion to avoid any misunderstanding.

Accordingly, the Commission hereby amends Title 16 of the Code of Federal Regulations (CFR), Chapter I, Subchapter G, Rules, Regulations, Statements, and Interpretations under the Magnuson-Moss Warranty Act, by adding a new Part 700, reading as follows:

Sec.
700.1 Products covered.
700.2 Date of manufacture.
700.3 Written warranty.
700.4 Parties "actually making" a written warranty.
700.5 Expressions of general policy.
700.6 Designation of warranties.
700.7 Use of Warranty Registration Cards.
700.8 Warrantor's decision as final.
700.9 Duty to install under a full warranty.
700.10 Section 102(c).
700.11 Written warranty, service contract, and insurance distinguished for purposes of compliance under the Act.

Sec.
700.12 Effective date of 16 CFR, Parts 701 and 702.

AUTHORITY: Magnuson-Moss Warranty Act, Pub. L. 93-637, 15 U.S.C. 2301.

§ 700.1 Products covered.

(a) The Act applies to written warranties on tangible personal property which is normally used for personal, family, or household purposes. This definition includes property which is intended to be attached to or installed in any real property without regard to whether it is so attached or installed. This means that a product is a "consumer product" if the use of that type of product is not uncommon. The percentage of sales or the use to which a product is put by any individual buyer is not determinative. For example, products such as automobiles and typewriters which are used for both personal and commercial purposes come within the definition of consumer product. Where it is unclear whether a particular product is covered under the definition of consumer product, any ambiguity will be resolved in favor of coverage.

(b) Agricultural products such as farm machinery, structures and implements used in the business or occupation of farming are not covered by the Act where their personal, family, or household use is uncommon. However, those agricultural products normally used for personal or household gardening (for example, to produce goods for personal consumption, and not for resale) are consumer products under the Act.

(c) The definition of "Consumer product" limits the applicability of the Act to personal property, "including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed." This provision brings under the Act separate items of equipment attached to real property, such as air conditioners, furnaces, and water heaters.

(d) The coverage of separate items of equipment attached to real property includes, but is not limited to, appliances and other thermal, mechanical, and electrical equipment. (It does not extend to the wiring, plumbing, ducts, and other items which are integral component parts of the structure.) State law would classify many such products as fixtures to, and therefore a part of, realty. The statutory definition is designed to bring such products under the Act regardless of whether they may be considered fixtures under state law.

(e) The coverage of building materials which are not separate items of equipment is based on the nature of the purchase transaction. An analysis of the transaction will determine whether the goods are real or personal property. The numerous products which go into the construction of a consumer dwelling are all consumer products when sold "over the counter," as by hardware and building supply retailers. This is also true where a consumer contracts for the purchase of such materials in connection with the improvement, repair, or modification of a home (for example, paneling, dropped ceilings, siding, roofing, storm windows, remodeling). However, where such products are at the time of sale integrated into the structure of a dwelling they are not consumer products as they cannot be practically distinguished from realty. Thus, for example, the beams, wallboard, wiring, plumbing, windows, roofing, and other structural components of a dwelling are not consumer products when they are sold as part of real estate covered by a written warranty.

(f) In the case where a consumer contracts with a builder to construct a home, a substantial addition to a home, or other realty (such as a garage or an in-ground swimming pool) the building materials to be used are not consumer products. Although the materials are separately identifiable at the time the contract is made, it is the intention of the parties to contract for the construction of realty which will intergrate the component materials. Of course, as noted above, any separate items of equipment to be attached to such realty are consumer products under the Act.

(g) Certain provisions of the Act apply only to products actually costing the consumer more than a specified amount. Section 103 applies to consumer products actually costing the consumer more than $10, excluding tax. The $10 minimum will be interpreted to include multiple-packaged items which may individually sell for less than $10, but which have been packaged in a manner that does not permit breaking the package to purchase an item or items at a price less than $10. Thus, a written warranty on a dozen items packaged and priced for sale at $12 must be designated, even though identical items may be offered in smaller quantities at under $10. This interpretation applies in the same manner to the minimum dollar limits in section 102 and rules promulgated under that section.

(h) Warranties on replacement parts and components used to repair consumer products are covered; warranties on services are not covered. Therefore, warranties which apply solely to a repairer's workmanship in performing repairs are not subject to the Act. Where a written agreement warrants both the parts provided to effect a repair and the workmanship in making that repair, the warranty must comply with the Act and the rules thereunder.

(i) The Act covers written warranties on consumer products "distributed in commerce" as that term is defined in section 101(3). Thus, by its terms the Act arguably applies to products exported to foreign jurisdictions. However, the public interest would not be served by the use of Commission resources to enforce the Act with respect to such products. Moreover, the legislative intent to apply the requirements of the Act to such products is not sufficiently clear to justify such an extraordinary result. The Commission does not contemplate the enforcement of the Act with respect to consumer products exported to foreign jurisdictions. Products exported for sale at military post exchanges remain subject to the same enforcement standards as products sold within the United States, its territories and possessions.

§ 700.2 Date of manufacture.

Section 112 of the Act provides that the Act shall apply only to those consumer products manufactured after July 4, 1975. When a consumer purchases repair of a consumer product the date of manufacture of any replacement parts used in the measuring date for determining coverage under the Act. The date of manufacture of the consumer product being repaired is in this instance not relevant. Where a consumer purchases or obtains on an exchange basis a rebuilt consumer product, the date that the rebuilding process is completed determines the Act's applicability.

§ 700.3 Written warranty.

(a) The Act imposes specific duties and liabilities on suppliers who offer written warranties on consumer products. Certain representations, such as energy efficiency ratings for electrical appliances, care labeling of wearing apparel, and other product information disclosures may be express warranties under the Uniform Commercial Code. However, these disclosures alone are not written warranties under this Act. Section 101(6) provides that a written affirmation of fact or a written promise of a specified level of performance must relate to a specified period of time in order to be considered a "written warranty."[1] A product information disclosure without a specified time period to which the disclosure relates is therefore not a written warranty. In addition, section 111(d) exempts from the Act (except section 102(c)) any written warranty the making or content of which is required by federal law. The Commission encourages the disclosure of product information which is not deceptive and which may benefit consumers, and will not construe the Act to impede information disclosure in product advertising or labeling.

(b) Certain terms, or conditions, of sale of a consumer product may not be "written warranties" as that term is defined in Section 101(6), and should not be offered or described in a manner that may deceive consumers as to their enforceability under the Act. For example, a seller of consumer products may give consumers an unconditional right to revoke acceptance of goods within a certain number of days after delivery without regard to defects or failure to meet a specified level of performance. Or a seller may permit consumers to return products for any reason for credit toward purchase of another item. Such terms of sale taken alone are not written warranties under the Act. Therefore, suppliers should avoid any characterization of such terms of sale as warranties. The use of such terms as "free trial period"

[1] A "written warranty" is also created by a written affirmation of fact or a written promise that the product is defect free, or by a written undertaking of remedial action within the meaning of § 101(6)(B).

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and "trade-in credit policy" in this regard would be appropriate. Furthermore, such terms of sale should be stated separately from any written warranty. Of course, the offering and performance of such terms of sale remain subject to section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

(c) The Magnuson-Moss Warranty Act generally applies to written warranties covering consumer products. Many consumer products are covered by warranties which are neither intended for, nor enforceable by, consumers. A common example is a warranty given by a component supplier to a manufacturer of consumer products. (The manufacturer may, in turn, warrant these components to consumers.) The component supplier's warranty is generally given solely to the product manufacturer, and is neither intended to be conveyed to the consumer nor brought to the consumer's attention in connection with the sale. Such warranties are not subject to the Act, since a written warranty under section 101(6) of the Act must become "part of the basis of the bargain between a supplier and a buyer for purposes other than resale." However, the Act applies to a component supplier's warranty in writing which is given to the consumer. An example is a supplier's written warranty to the consumer covering a refrigerator that is sold installed in a boat or recreational vehicle. The supplier of the refrigerator relies on the boat or vehicle assembler to convey the written agreement to the consumer. In this case, the supplier's written warranty is to a consumer, and is covered by the Act.

§ 700.4 Parties "actually making" a written warranty.

Section 110(f) of the Act provides that only the supplier "actually making" a written warranty is liable for purposes of FTC and private enforcement of the Act. A supplier who does no more than distribute or sell a consumer product covered by a written warranty offered by another person or business and which identifies that person or business as the warrantor is not liable for failure of the written warranty to comply with the Act or rules thereunder. However, other actions and written and oral representations of such a supplier in connection with the offer or sale of a warranted product may obligate that supplier under the Act. If under state law the supplier is deemed to have "adopted" the written affirmation of fact, promise, or undertaking, the supplier is also obligated under the Act. Suppliers are advised to consult state law to determine those actions and representations which may make them co-warrantors, and therefore obligated under the warranty of the other person or business.

§ 700.5 Expressions of general policy.

(a) Under section 103(b), statements or representations of general policy concerning customer satisfaction which are not subject to any specific limitation need not be designated as full or limited warranties, and are exempt from the requirements of sections 102, 103, and 104 of the Act and rules thereunder. However, such statements remain subject to the enforcement provisions of section 110 of the Act, and to section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

(b) The section 103(b) exemption applies only to general policies, not to those which are limited to specific consumer products manufactured or sold by the supplier offering such a policy. In addition, to qualify for an exemption under section 103(b) such policies may not be subject to any specific limitations. For example, policies which have an express limitation of duration or a limitation of the amount to be refunded are not exempted. This does not preclude the imposition of reasonable limitations based on the circumstances in each instance a consumer seeks to invoke such an agreement. For instance, a warrantor may refuse to honor such an expression of policy where a consumer has used a product for 10 years without previously expressing any dissatisfaction with the product. Such a refusal would not be a specific limitation under this provision.

§ 700.6 Designation of warranties.

(a) Section 103 of the Act provides that written warranties on consumer products manufactured after July 4, 1975, and actually costing the consumer more than $10, excluding tax, must be designated either "Full (statement of duration) Warranty" or "Limited Warranty". Warrantors may include a statement of duration in a limited warranty designation. The designation or designations should appear clearly and conspicuously as a caption, or prominent title, clearly separated from the text of the warranty. The full (statement of duration) warranty and limited warranty are the exclusive designations permitted under the Act, unless a specific exception is created by rule.

(b) Section 104(b)(4) states that "the duties under subsection (a) (of section 104) extend from the warrantor to each person who is a consumer with respect to the consumer product." Section 101(3) defines a consumer as "a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty (or service contract) applicable to the product * * *." Therefore, a full warranty may not expressly restrict the warranty rights of a transferee during its stated duration. However, where the duration of a full warranty is defined solely in terms of first purchaser ownership there can be no violation of section 104(b)(4), since the duration of the warranty expires, by definition, at the time of transfer. No rights of a subsequent transferee are cut off as there is no transfer of ownership "during the duration of (any) warranty." Thus, these provisions do not preclude the offering of a full warranty with its duration determined exclusively by the period during which the first purchaser owns the product, or uses it in conjunction with another product. For example, an automotive battery or muffler warranty may be designated as "full warranty for as long as you own your car." Because this type of warranty leads the consumer to believe that proof of purchase is not needed so long as he or she owns the product a duty to furnish documentary proof may not be reasonably imposed on the consumer under this type of warranty. The burden is on the warrantor to prove that a particular claimant under this type of warranty is not the original purchaser or owner of the product. Warrantors or their designated agents may, however, ask consumers to state or affirm that they are the first purchaser of the product.

§ 700.7 Use of warranty registration cards.

(a) Under section 104(b)(1) of the Act a warrantor offering a full warranty may not impose on consumers any duty other than notification of a defect as a condition of securing remedy of the defect or malfunction, unless such additional duty can be demonstrated by the warrantor to be reasonable. Warrantors have in the past stipulated the return of a "warranty registration" or similar card. By "warranty registration card" the Commission means a card which must be returned by the consumer shortly after purchase of the product and which is stipulated or implied in the warranty to be a condition precedent to warranty coverage and performance.

(b) A requirement that the consumer return a warranty registration card or a similar notice as a condition of performance under a full warranty is an unreasonable duty. Thus, a provision such as, "This warranty is void unless the warranty registration card is returned to the warrantor" is not permissible in a full warranty, nor is it permissible to imply such a condition in a full warranty.

(c) This does not prohibit the use of such registration cards where a warrantor suggests use of the card as one possible means of proof of the date the product was purchased. For example, it is permissible to provide in a full warranty that a consumer may fill out and return a card to place on file proof of the date the product was purchased. Any such suggestion to the consumer must include notice that failure to return the card will not affect rights under the warranty, so long as the consumer can show in a reasonable manner the date the product was purchased. Nor does this interpretation prohibit a seller from obtaining from purchasers at the time of sale information requested by the warrantor.

§ 700.8 Warrantor's decision as final.

A warrantor shall not indicate in any written warranty or service contract either directly or indirectly that the decision of the warrantor, service contractor, or any designated third party is final or binding in any dispute concerning the warranty or service contract. Nor shall a warrantor or service contractor state that it alone shall determine what is a defect under the agreement. Such statements are deceptive since section 110(d) of the Act gives state and federal courts jurisdiction over suits for breach of warranty and service contract.

§ 700.9 Duty to install under a full warranty.

Under section 104(a)(1) of the Act, the remedy under a full warranty must be provided to the consumer without charge. If the warranted product has utility only when installed, a full warranty must provide such installation without charge regardless of whether or not the consumer originally paid for installation by the warrantor or his agent. However, this does not preclude the warrantor from imposing on the consumer a duty to remove, return, or reinstall where such duty can be demonstrated by the warrantor to meet the standard of reasonablencss under section 104(b)(1).

§ 700.10 Section 102(c).

(a) Section 102(c) prohibits tying arrangements that condition coverage under a written warranty on the consumer's use of an article or service identified by brand, trade, or corporate name unless that article or service is provided without charge to the consumer.

(b) Under a limited warranty that provides only for replacement of defective parts and no portion of labor charges, section 102(c) prohibits a condition that the consumer use only service (labor) identified by the warrantor to install the replacement parts. A warrantor or his designated representative may not provide parts under the warranty in a manner which impedes or precludes the choice by the consumer of the person or business to perform necessary labor to install such parts.

(c) No warrantor may condition the continued validity of a warranty on the use of only authorized repair service and/or authorized replacement parts for non-warranty service and maintenance. For example, provisions such as, "This warranty is void if service is performed by anyone other than an authorized 'ABC' dealer and all replacement parts must be genuine 'ABC' parts," and the like, are prohibited where the service or parts are not covered by the warranty. These provisions violate the Act in two ways. First, they violate the section 102(c) ban against tying arrangements. Second, such provisions are deceptive under section 110 of the Act, because a warrantor cannot, as a matter of law, avoid liability under a written warranty where a defect is unrelated to the use by a consumer of "unauthorized" articles or service. This does not preclude a warrantor from expressly excluding liability for defects or damage caused by such "unauthorized" articles or service; nor does it preclude the warrantor from denying liability where the warrantor can demonstrate that the defect or damage was so caused.

§ 700.11 Written warranty, service contract, and insurance distinguished for purposes of compliance under the Act.

(a) The Act recognizes two types of agreements which may provide similar coverage of consumer products, the written warranty, and the service contract. In addition, other agreements may meet the statutory definitions of either "written warranty" or "service contract," but are sold and regulated under state law as contracts of insurance. One example is the automobile breakdown insurance policies sold in many jurisdictions and regulated by the state as a form of casualty insurance. The McCarran-Ferguson Act, 15 U.S.C. 1011 et seq., precludes jurisdiction under federal law over "the business of insurance" to the extent an agreement is regulated by state law as insurance. Thus, such agreements are subject to the Magnuson-Moss Warranty Act only to the extent they are not regulated in a particular state as the business of insurance.

(b) "Written warranty" and "service contract" are defined in sections 101(6) and 101(8) of the Act, respectively. A written warranty must be "part of the basis of the bargain." This means that it must be conveyed at the time of sale of the consumer product and the consumer must not give any consideration beyond the purchase price of the consumer product in order to benefit from the agreement. It is not a requirement of the Act that an agreement obligate a supplier of the consumer product to a written warranty, but merely that it be part of the basis of the bargain between a supplier and a consumer. This contemplates written warranties by third-party non-suppliers.

(c) A service contract under the Act must meet the definitions of section 101(8). An agreement which would meet the definition of written warranty in section 101(6) (A) or (B) but for its failure to satisfy the basis of the bargain test is a service contract. For example, an agreement which calls for some consideration in addition to the purchase price of the consumer product, or which is entered into at some date after the purchase of the consumer product to which it applies, is a service contract. An agreement which relates only to the performance of maintenance and/or inspection services and which is not an undertaking, promise, or affirmation with respect to a specified level of performance, or that the product is free of defects in materials or workmanship, is a service contract. An agreement to perform periodic cleaning and inspection of a product over a specified period of time, even when offered at the time of sale and without charge to the consumer, is an example of such a service contract.

§ 700.12 Effective date of 16 CFR. Parts 701 and 702.

The Statement of Basis and Purpose of the final rules promulgated on December 31, 1975, provides that Parts 701 and 702 will become effective one year after the date of promulgation, December 31, 1976. The Commission intends this to mean that these rules apply only to written warranties on products manufactured after December 31, 1976.

By direction of the Commission dated June 8, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-19901 Filed 7-12-77;8:45 am]

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federal register

WEDNESDAY, JULY 13, 1977

PART V

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

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PATENTS, DATA, COPYRIGHTS AND RELATED MATTERS

Final Regulations

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Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PATENTS, DATA AND COPYRIGHTS

Final Regulations

AGENCY: Energy Research and Development Administration.

ACTION: Final regulations.

SUMMARY: The Energy Research and Development Administration (ERDA) finalizes its regulations on Patents, Data, and Copyrights and related matters. These regulations revise those inherited from the Atomic Energy Commission (AEC) and the temporary regulations issued early in the period of transition from AEC to ERDA. Consequently, there is now provided for ERDA a unified body of final regulations for Patents, Data, and Copyrights.

DATE: Effective date, July 13, 1977.

ADDRESS: Albert Sopp (Office of the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545).

FOR FURTHER INFORMATION CONTACT:

Albert Sopp, 301–353–4970.

SUPPLEMENTARY INFORMATION: These regulations revise the following issuances which are hereby revoked: ERDA Temporary Regulation No. 9 (Immediate Action Directive 9100–1) published on April 15, 1975 (40 FR 16848); ERDA Procurement Regulations, Part 9–9, published on October 7, 1975 (40 FR 46802); and proposed regulations for Patents, Data and Copyrights published for permissive use and public comment on October 15, 1975 (40 FR 48363). Other sections of Chapter 9 as identified below are hereby amended or revised as indicated to conform with these regulations. When ERDA was formed on January 19, 1975, only the patent, data and copyright regulations applicable to the Atomic Act were available. In April 1975, ERDA issued Temporary Regulation No. 9 providing interim guidance to ERDA's contracting officers concerning ERDA's two statutory provisions, the Atomic Energy Act of 1954, as amended, and the Federal Nonnuclear Energy Act of 1974. After the ERDA Procurement Regulations were published on October 7, 1975, ERDA published proposed regulations governing patent, data, and copyright matters on October 15, 1975, for public comment and permissive use. The proposed regulations sought to harmonize the patent and data policies controlling invention and data rights in ERDA contracts involving either nuclear or nonnuclear activities. Comments received from the public on the proposed regulations were summarized in ERDA's Report to the President and Congress of the United States, ERDA 76–16 published January 1976 (For sale by the U.S. Government Printing Office, Washington, D.C. 20402. Price, $4).

Based on the comments received and ERDA's operating experience under the proposed regulations for the past 18 months, the proposed regulations for Patents, Data and Copyrights have been revised to form the final regulations set forth below.

Because the Patent, Data and Copyright Regulations of Part 9–9 set forth below impact on and are referred to in other parts of Chapter 9, amendments have been made to the affected sections of those other parts and are included herein following the text of revised Part 9–9. In addition, §§ 9–3.150 to 9–3.150–5 entitled "Treatment of Proposal Information" set forth in the ERDA Procurement Regulations published on October 7, 1975 have been revised and, as now finalized, incorporate material concerning proposal information formerly appearing in § 9–9.202–3(d) of the proposed regulation on "Patents, Data and Copyrights" published on October 15, 1975. With this revision the provisions concerning treatment of proposal information appear in one place, § 9–3.150 et seq., in Chapter 9.

A considerable number of changes of a significant nature which have been incorporated in the Patent, Data and Copyright regulations are the result of the many constructive suggestions received from interested members of the public. In several situations ERDA's operating experience over the past 18 months has confirmed the appropriateness of these suggestions, while in other instances agency experience gained through negotiation of contract patent and data clauses has shown some suggestions as not being feasible, suitable, or acceptable. Among policy and procedural changes have been the establishment in § 9–9.109–6(h) of new policy and procedures for granting patent waivers to nonprofit educational institutions on the basis of their technology transfer programs and capabilities similar to the guidelines prepared for the Federal Procurement Regulations, and the identification of small business as a typical waiver situation.

The following table sets forth other revisions and amendments to the patent and data clauses of ERDA PR, Part 9–9 Patents, Data and Copyrights, published on October 15, 1975. For the most part the changes are technical and procedural and are the combined result of public suggestions and agency experience. The portion of Part 9–9 covering policy and procedures has been revised, amplified or clarified as appropriate to explain and provide instructions and guidelines for the clause changes which are briefly described below.

§ 9–9.103–1, 2. Provides that the Authorization and Consent clauses in contracts for research, development or demonstration, or for supply, are flowed down to subcontractors.

§ 9–9.107–5(a). Patent Rights (long form) clause has been amended to clarify contracting officer's status as focal point for contractor except in situations peculiar solely to processing of patent matters.

Subparagraph (b)(2). Simplifies time period calculation for requesting "greater rights".

Paragraph (c). Conforms contractor sublicensing rights with FPR.

Paragraph (i). Limits application of withholding of payment provisions to prime contractors.

Subparagraph (k)(4). Broadens conditions not requiring contractor licensing of background patents.

Paragraph (m). Adds provision placing specific limits on patent rights obtained by Government in conformance with FPR.

§ 9–9.107–5(e). Provides an optional subparagraph (c)(1) for Patent Rights clause in which the license right reserved to contractor upon request is not necessarily royalty free where contractor has access to Restricted Data.

§ 9–9.107–5(g) (1), (2). Provides optional paragraphs for use in Patent Rights (long form) clause permitting contractors having revocable or irrevocable licenses to grant sublicenses beyond sublicensing obligations existing at time of contracting.

§ 9–9.107–5(h). Provides paragraph for use in Patent Rights (long form) clause in contracts for operation of Government owned facilities requiring grant to Government of paid-up license in inventions integrated into facility.

§ 9–9.107–6. Permits use of Patent Rights (short form) clause for certain consultant contracts.

§ 9–9.107–6(g). Provides paragraph in Patent Rights (short form) clause enabling streamlined publication review for patent clearance.

§ 9–9.202–3(c). Provides new Additional Technical Data Requirements clause in which Government has the right to order contract data "first produced or specifically used in the performance of the contract" unless data specifically used are proprietary.

§ 9–9.202–3(e)(2). Revises Rights in Technical Data (long form) clause; incorporates new definition of "proprietary data" and new term "contract data" (replacing 'subject data').

Subparagraph (b)(2)(ii). Provides in Rights in Technical Data (long form) clause that contractor has right to privately use contract data if data requirements of contract are met and has obligation to treat data received from external sources in accordance with restrictions thereon.

Paragraph (d). Establishes new provision in Rights in Technical Data (long form) clause obligating contractor to acquire data and rights therein from subcontractor to meet data requirements of prime contract.

§ 9–9.202–3(e)(3). Modifies paragraph in Rights in Technical Data (long form) clause to permit data to be excluded from delivery as limited rights data; provides uniform restrictive legend with optional subparagraphs to cover different needs for data.

§ 9–9.202–3(e)(4). Modifies paragraph in Rights in Technical Data (long form) clause to permit data to be excluded from

contractors licensing obligations regarding contract data.

§ 9–9.202–3(f). Establishes new Rights in Data—Special Works clause for books, motion pictures, etc., to be produced under contract and provides for Government ownership of such works.

§ 9–9.202–3(g). New Rights in Technical Data (short form) clause is provided for use in contracts generally parallel with use of Patent Rights (short form) clause unless proprietary data is involved.

§ 9–9.202–4 (a), (b), (c). A basic Rights in Technical Data (facility) clause is provided for use in operating contracts and subcontracts for special production plants, facilities, or equipment therefor. Clause provides Government ownership in technical data first produced under contract and unlimited rights and facilities license in Government for technical data specifically used unless proprietary. Clause obligates operating contractor to employ rights in technical data (long form) clause in subcontracts in accordance with policy and procedures of this subpart.

Although these regulations are effective July 13, 1977, the submission of comments and suggestions from interested persons to Mr. Albert Sopp at the above address is encouraged.

(Section 105 of the Energy Reorganization Act of 1974 (Pub. L. 93–438).)

Dated: June 28, 1977.

ROBERT W. FRI,
Acting Administrator.

1. Revisions or amendments to Parts of Chapter 9 are to be made as set forth below:

PART 9–1—GENERAL

§ 9–1.109–2 [Amended]

2. In § 9–1.109–2(b), second line, after "Headquarters,", insert

"or the Assistant General Counsel for Patents, as appropriate,";

3. In § 9–1.5408, redesignate paragraphs (a) and (b)(1) as paragraph (a), redesignate paragraphs (b) (2), (3), (4) and (c) as (b), (c), (d) and (e) respectively, and revise the heading for § 9–1.5408 and new paragraph (a) as follows:

§ 9–1.5408 Protection and private use of information and data by contractors.

(a) The contractor's obligations for protection of information and data received from ERDA and other contractors or subcontractors, and for the contractor's private use of contract data first produced in the performance of the contract, are set forth in subparagraph (b)(2) of each Rights in Technical Data clause in subpart 9–9.2. This subparagraph provides that the contractor may, subject to patent, security or other provisions of the contract, use for its private purposes contract data it first produces in the performance of the contract provided that the contractor has met its data requirements (e.g., delivery of data in the form of progress or status reports specified to be delivered) as of the date of the private use of such data. It is not necessary that a "Final Report" be submitted in order to privately use data if all required progress and interim reports and other technical data then due have been delivered. Paragraph (b)(2) further provides that technical or other data received by the contractor in the performance of the contract must be held in confidence by the contractor in accordance with restrictions accompanying the data.

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PART 9–3—PROCUREMENT BY NEGOTIATION

4. Revise §§ 9–3.150, 9–3.150–1, 9–3.150–2, 9–3.150–3, 9–3.150–4, 9–3.151, 9–3.151–1, 9–3.151–2, 9–3.151–3, 9–3.152 to read as follows:

§ 9–3.150 Proposal information.

§ 9–3.150–1 General.

It is the policy of ERDA to use information contained in proposals only for evaluation purposes except to the extent such information is generally available to the public, is already the property of the Government or the Government already has unrestricted use rights, or is or has been made available to the Government from any source, including the proposer or offeror, without restriction. The term proposals as used in this section includes responses to Program Opportunity Notices (PONs), Program Research and Development Announcements (PRDAs), and solicitations of a similar nature in addition to Requests For Proposals (RFPs). As a practical matter, ERDA cannot assume any responsibility for disclosure or use of any such information unless it is identified by the proposer or offeror in accordance with this section. Unless a solicitation specifies otherwise, ERDA will not refuse to consider a solicited proposal or an unsolicited proposal merely because the proposal is restrictively marked. (See also Subparts 9–4.51, 9–4.52, 9–4.57, 9–4.58 and 10 CFR Part 709.)

§ 9–3.150–2 Treatment of proposal information.

(a) A proposal may include technical data and other data, including trade secrets and/or privileged or confidential commercial or financial information, which the proposer does not want disclosed to the public or used by the Government for any purpose other than proposal evaluation. To protect such data the proposer should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the proposal with the following notice.

NOTICE

The data contained in pages ____ of this proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential commercial or financial information, and such data shall be used or disclosed only for evaluation purposes, provided that if a contract is awarded to this proposer as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose the data herein to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the proposer.

References to the above notice on the cover sheet should be placed on each page to which the notice applies. Data, or abstracts of data, marked with this notice will be retained in confidence and used by ERDA or its designated representative(s), including Government contractors and consultants, as set forth in § 9–3.150–4 below, solely for the purpose of evaluating the proposal. The data so marked will not otherwise be disclosed or used without the proposer's prior written permission except to the extent provided in any resulting contract, or to the extend required by law. Proposers should be aware of the provisions of § 9–3.150–4 below if they desire to modify the above notice or otherwise seek to limit the evaluation to the Government only. The restriction contained in the notice does not limit the Government's right to use or disclose any data contained in the proposal if it is obtainable from any source, including the proposer, without restriction. Although it is ERDA's policy to treat all proposals as confidential, the Government assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose. See FPR 1–3.103(b) regarding disclosure to other offerors.

(b) Should a contract be awarded based on a proposal, it is ERDA policy, in consideration of the award, to obtain unlimited rights for the Government in the technical data contained in the proposal unless the prospective contractor marks those portions of the technical information which he asserts as "proprietary data", or specifies those portions of such technical data which are not directly related to or will not be utilized in the work to be funded under the contract. "Proprietary data" is defined in § 9–9.201(b) of these Regulations as technical data which embody a trade secret developed at private expense, such as design procedures or techniques, chemical composition of materials or manufacturing methods, processes or treatments, including minor modifications thereof, provided that such data: (1) Are not generally known or available from other sources without obligation concerning their confidentiality, (2) have not been made available by the owner to others without obligation concerning their confidentiality, and (3) are not already available to the Government without obligation concerning their confidentiality. A proposer who receives a contract award shall mark the data identified as proprietary by specifying the appropriate proposal page numbers to be inserted in the "Rights to Proposal Data" clause of paragraph (c) of this section, which clause shall be included in the contract. Subject to the concurrence of the contracting officer, information unrelated to the contract may be deleted from the proposal by the contractor. The responsibility, however, of identifying technical data as proprietary

or deleting it as unrelated rests with the

consideration expressly indicates that

mission of such list does not constitute

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or deleting it as unrelated rests with the prospective contractor.

(c) Pursuant to paragraph (b) of this section, the following clause shall be included in any contract based on a proposal. This clause is intended to apply only to technical data and not to other data such as priviliged or confidential commercial or financial information.

RIGHTS TO PROPOSAL DATA

Except for technical data contained on pages ____ of the contractors' proposal dated _____ which are asserted by the contractor as being proprietary data, it is agreed that as a condition of the award of this contract, and notwithstanding the provisions of any notice appearing on the proposal, the Government shall have the right to use, duplicate, and disclose and have others do so for any purpose whatsoever, the technical data contained in the proposal upon which this contract is based.

§ 9–3.150–3 Handling notice.

In order that proposals may be handled in confidence consistent with the policies set forth in this section, the following notice shall be affixed to a cover sheet attached to each proposal upon receipt by ERDA. Use of the following notice neither alters any obligation of the Government, nor diminishes any rights in the Government to use or disclose data or information.

NOTICE FOR HANDLING PROPOSALS

This proposal shall be used or duplicated only for ERDA evaluation purposes, and this notice shall be affixed to any reproduction or abstract thereof. Disclosure of this proposal outside the Government for ERDA evaluation purposes shall not be made unless the provisions of § 9–3.150–4 are followed. The restrictions contained in this notice do not apply to any data or commercial or financial information contained in this proposal if it is already generally available to the public, is already available to the Government on an unrestricted basis or is the property of the Government, or is or becomes available from any source, including the proposer, without restriction.

§ 9–3.150–4 Disclosure outside Government.

(a) *Policy.* It is the policy of ERDA to have proposals evaluated by the most competent persons available in Government. In addition, ERDA frequently meets its evaluation needs by having proposals reviewed by evaluators outside the Government, such as, by consultants, grantees, contractors, and contractor organizations operating or managing Government-owned facilities. Such latter outside evaluations may be made provided the requirements in (b) and (c) of this section are met. A decision to employ outside evaluation shall take into consideration ERDA requirements for avoidance of organizational conflicts of interest set forth in Subpart 9–1.54 and the competitive relationship, if any, between the proposer and the prospective outside evaluator.

(b) *Approval.* Decisions in ERDA Headquarters to evaluate proposals outside the Government shall be made by the responsible program division director, and in ERDA field offices by the field office manager. If the proposal under consideration expressly indicates that only Government evaluation is authorized and evaluation outside the Government is nevertheless desired, the proposer should be advised that ERDA may be unable to give full consideration to the proposal unless the proposer consents in writing to having the proposal evaluated outside the Government.

(c) *Agreement with evaluator.* Where it is determined to evaluate a proposal outside the Government, such as, by consultants, grantees and contractors including those who operate or manage government owned facilities, the following agreement or an equivalent arrangement for the treatment of the proposal shall be obtained from the outside evaluator before ERDA furnishes a copy of the proposal to such person. In addition care should be taken that the notice required by § 9–3.150–3 is affixed to a cover sheet attached to the proposal before it is disclosed to the evaluator.

CONDITIONS FOR EVALUATING PROPOSALS

Whenever ERDA furnishes a proposal for evaluation, the recipient agrees to use the information contained in the proposal only for ERDA evaluation purposes and to treat the information obtained in confidence. This requirement does not apply to information obtainable from any source, including the proposer, without restriction. Any notice of restriction placed on the proposal by either ERDA or the originator of the proposal shall be conspicuously affixed to any reproduction or abstract thereof and its provisions strictly complied with. Upon completion of the evaluation, the recipient shall return all copies of the proposal and abstracts, if any, to the ERDA office which initially furnished the proposal for evaluation. Unless authorized by the ERDA initiating office, the recipient shall not contact the originator of the proposal concerning any aspect of its contents.

§ 9–3.151 Identification of proprietary data in proposals.

§ 9–3.151–1 Solicited proposals (including PONs and PRDAs).

Even though the statement of work contained in a solicitation sets forth the known requirements for technical data, i.e., technical data which will be specified to be delivered, there is no assurance that the contractor will deliver all of this data because paragraph (e) of the Rights in Technical Data (long form) clause of § 9–9.202–3(e)(2) of these regulations permits the contractor to withhold proprietary data from delivery. In order to ascertain the technical data each proposer intends to actually withhold as proprietary data, and as an aid in determining whether to include the provision for limited rights in proprietary data set forth in optional paragraph (g) of the Rights in Technical Data (long form) clause, the provision set forth in § 9–3.151–2 below shall be included in the solicitation. This provision explains that solicitations will include ERDA's known requirements for technical data, and that the proposer must submit a list identifying to the best of its knowledge which of this data will be withheld pursuant to paragraph (e) of the Rights in Technical Data (long form) clause of § 9–9.202–3(e)(2), or state that no technical data will be withheld. The submission of such list does not constitute a stipulation or determination by the Government that the data identified therein are in fact proprietary. In addition, the provision to be included in the solicitation refers to the Additional Technical Data Requirements clause, § 9–9.202–3(c) of these regulations, as being included in the proposed contract where, due to programmatic considerations, it is contemplated that all of the requirements for technical data will not be known at the time of contracting. When a proposer specifically identifies the proprietary data to be withheld, the contracting officer shall, as advised by the appropriate program manager, determine whether: (a) The Government needs limited rights in the proprietary data, in which case the optional paragraph (g) will be included in the Rights in Technical Data (long form) clause, (b) The Government needs the right to require contractor licensing of proprietary data to the Government and responsible third parties, in which case optional paragraph (h) will be included in the Rights in Technical Data (long form) clause, and (c) The Government needs un-limited rights in the proprietary data, in which case negotiations may be held to purchase or obtain a suitable license in the proprietary data.

§ 9–3.151–2 Solicitations.

The following provision shall normally be included in solicitations which may result in contracts calling for research, development or demonstration work or contracts for supplies in which delivery of required technical data are contemplated.

The section of this solicitation which describes the work to be performed also sets forth ERDA's known requirements for technical data. The Additional Technical Data Requirements clause if included in this solicitation, provides the Government with the option to order additional technical data, the requirements for which are not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which may be required. This limitation is found in paragraph (e) of the Rights in Technical Data clause which provides that the contractor may withhold delivery of proprietary data.

Accordingly, it is necessary that your proposal state that the work to be performed and the known requirements for technical data as set forth in the solicitation have been reviewed, and either state that to the best of your knowledge, no data will be withheld, or submit a list identifying the proprietary data which to the best of your knowledge will likely be used in the contract performance and will be withheld.

§ 9–3.151–3 Unsolicited proposals.

The contracting officer shall during contract negotiations identify technical data which will be required to be furnished under the contract. In such instance the proposer shall be required as part of the negotiation record to submit a list identifying to the best of his knowledge which of this data will be withheld as proprietary under paragraph (e) of the Rights in Technical Data (long form) clause, or state that no technical data will be withheld. The con-

tracting officer shall then make the determinations, in the same manner as set forth in § 9–3.151–1 above for solicited proposals, pertaining to the proprietary data identified to be withheld.

§ 9–3.152 Required notice of right to request patent waiver.

As set forth in § 9–9.107–4(a)(6) of these regulations, offerors and prospective contractors are to be provided with notice of and the right to request, in advance of or within 30 days after the effective date of contracting, a waiver of all or any part of the rights of the United States with respect to subject inventions. In no event will the fact that an offeror has requested such a waiver be a consideration in the evaluation of his offer or the determination of his acceptability. Accordingly, the following notice will be given to all prospective contractors and will be inserted in all solicitations which may result in contracts calling for research, development or demonstration work:

Offerors and prospective contractors in accordance with applicable statutes and ERDA Regulations (41 CFR 9–9.109–6) have the right to request in advance of or within 30 days after the effective date of contracting a waiver of all or any part of the rights of the United States in subject inventions —;

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 9–4.5110–1 [Amended]

5. In § 9–4.5110–1, last line, delete portion in parenthesis;

§ 9–4.5110–2 [Amended]

§ 9–4.5110–2, revise paragraph (b) by changing the last sentence and parenthetical statement as follows:

The contractor or principal investigator may publish contract data if approved by ERDA in accordance with the provisions of the Patent Rights clause, § 9–9.107–5(a) (long form) or § 9–9.107–6 (short form). —;

§ 9–4.5112–8 [Reserved]

6. In § 9–4.5112–8, delete in entirety and change to—(Reserved)—.

§ 9–4.5603 [Amended]

§ 9–4.5603(c) is revised as follows:

(c) The level at which a participant cost shares is a factor considered pursuant to grant of waiver of patent rights under § 9–9.109–6. —;

PART 9–7—CONTRACT CLAUSES

§ 9–7.5006–7 [Amended]

7. Section 9–7.5006–7 is revised as follows:

See paragraph (c) of the following clauses: § 9–9.202–3(e)(2), Rights in technical data (long form); § 9–9.202–3(g)(2), Rights in technical data (short form), and § 9–9.202–4(c)(2), Rights in technical data (facility). —;

8. Section 9–7.5006–8 is revised as follows:

§ 9–7.5006–8 Copyright (Special works).

See § 9–9.202–3(f)(2) which provides for ownership by Government of data first produced or composed in the performance of the contract. —;

§ 9–7.5006–10 [Amended]

9. Section 9–7.5006–10(d)(7) is revised as follows:

(7) Royalty payments and patent costs:

(i) Royalties and other costs for use of patents in accordance with FPR 1–15.205–36.

(ii) Patent costs in accordance with FPR 1–15.205–26 —;

§ 9–7.5006–12 [Amended]

10. In § 9–7.5006–12(d)(7) is revised as follows:

(7) Royalty payments and patent costs:

(i) Royalties and other costs for use of patents in accordance with FPR 1–15.205–36.

(ii) Patent costs in accordance with the FPR 1–15.205–26 —;

11. In § 9–7.5006–13 is revised as follows:

§ 9–7.5006–13 Rights in technical data.

(a) Clauses affecting the Government's acquisition and rights in technical data are set forth in Subpart 9–9.2 and are to be used as indicated in the following situations.

(1) For contracts with commercial organizations, see § 9–9.202–3(c) and § 9–9.202–3(e)(2);

(2) For contracts with nonprofit or education institutions or consultants, where no proprietary data is involved, see § 9–9.202–3(g)(2);

(3) For facilities contracts, see § 9–9.202–4(c)(2);

(4) For contracts calling for production of books, motion picture or television recordings or scripts, and the like, see § 9–9.202–3(f)(2).

12. Revise § 9–7.5006–16 to 9–7.5006–22 inclusive as follows:

§ 9–7.5006–16 Authorization and consent.

See § 9–9.102–1 (supply or service contracts) and § 9–9.102–2 (research, development or demonstration contracts).

§ 9–7.5006–17 Patent indemnification.

See § 9–9.103–1 (formally advertised contracts) and § 9–9.103–3 (negotiated contracts).

§ 9–7.5006–18 Notice and assistance.

See § 9–9.104.

§ 9–7.5006–19 Classified inventions.

See § 9–9.106.

§ 9–7.5006–20 Patent Rights (long form) clause.

See § 9–9.107–5(a).

§ 9–7.5006–21 Patent Rights (short form) clause.

See § 9–9.107–6.

§ 9–7.5006–22 Patents—reporting of royalties.

See § 9–9.110 —;

13. In § 9–7.5006–59, revise the text appearing under the heading "Private use of contract information and data" as follows:

§ 9–7.5006–59 Private use of contract information and data.

Use of contract information or data by the contractor for private purposes is governed by subparagraph (b)(2) of each Rights in Technical Data clause in Subpart 9–9.2 —;

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

§ 9–59.004 [Amended]

14. In § 9–59.004, revise the item appearing in the 20th line under the subheading "Subject" as follows:

Patents, Data and Copyrights —;

§ 9–59.004 [Amended]

15. In § 9–59.004, revise the item appearing in the 20th line under the subheading "Reference" as follows:

Parts 9–9 —;

16. In the Appendix to 41 CFR Chapter 9, in Temporary Regulation No. 16, published in March, 1976 (41 FR 10606), in § 9–4.5804–4(b), change the reference to "§ 9–3.150–4" to "§ 9–3.150–3".

NOTE.—Revision of Part 9–16, "Procurement Forms" to the extent necessary to be compatible with revised Part 9–9, "Patents, Data and Copyrights" is still under consideration for revision at a later date. Accordingly, in the event of any conflict found to exist between Part 9–16 and revised Part 9–9, the provisions of Part 9–9 shall govern.

17. ERDA Temporary Regulation No. 9 in the Appendix to 41 CFR Chapter 9 is revoked.

18. Part 9–9 in 41 CFR Chapter 9 is revised to read as follows:

Part 9–9 Patents, Data, and Copyrights

Sec.

9–9.000 Scope of part.

Subpart 9–9.1—Patents

9–9.100 Scope of subpart.
9–9.101 [Reserved]
9–9.102 Authorization and consent.
9–9.102–1 Authorization and consent for supplies or services.
9–9.102–2 Authorization and consent in contracts for research and development or demonstration.
9–9.103 Patent indemnification of Government by contractor.
9–9.103–1 Patent indemnification in formally advertised contracts-commercial status predetermined.
9–9.103–2 [Reserved]
9–9.103–3 Patent indemnification in negotiated contracts.
9–9.103–4 Waiver of indemnity by the Government.
9–9.104 Notice and assistance.
9–9.105 [Reserved]
9–9.106 Classified inventions.
9–9.107 Patent rights under contracts for research development and demonstration and under special contracts.
9–9.107–1 General.

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9 9.107 2 [Reserved]
9 9.107 ▮ Policy.
9 9.107-4 Procedures.
9 9.107-▮ Clause for contracts (long form).
9 9.107-▮ Clause for contracts (short form).
9 9.107-7 Foreign contracts.
9 9.108 [Reserved]
9 9.109 Administration of patent clauses.
9 9.109 1 Patent rights follow-up.
9 9.109 2 Follow-up by contractor.
9 9.109 ▮ Follow-up by Government.
9 9.109 4 Remedies.
9 9.109 5 Conveyance of invention rights acquired by the Government.
9 9.109 6 Waivers.
9 9.110 Reporting of royalties.

Subpart 9–9.2—Technical Data and Copyrights

9 9.200 Scope of subpart.
9 9.201 Definitions.
9 9.202 Acquisition and use of technical data.
9 9.202 1 General.
9 9.202 ▮ Policy.
9 9.202 3 Procedures.
9 9.202 ▮ Procedures (Government-owned, contractor operated facilities).
9 9.202 ▮ Negotiations and deviations.

AUTHORITY: Sec. 105 of the Energy Reorganization Act of 1974 (Pub. L. 93–438).

§ 9–9.000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of supplies and services.

Subpart 9–9.1—Patents

§ 9–9.100 Scope of subpart.

(a) This subpart sets forth policies, procedures, and contract clauses with respect to inventions made, conceived, or utilized in the course of or under any contracts, grants, agreements, understandings, or other arrangements entered into with or for the benefit of ERDA. ERDA's primary mission requires the use of its procurement process to insure the conduct of research, development and demonstration leading to the ultimate commercial utilization of all efficient sources of energy. Accordingly, ERDA's mission is not oriented toward reprocurement for Government use, except where procurements are involved with special classified programs or the construction or improvement of Government-owned facilities. To accomplish its mission, ERDA must work in cooperation with industry in the development of new energy sources and in achieving the ultimate goal of widespread commercial use. To this end, Congress has provided ERDA with an array of incentives to secure the adoption of the new technology developed for ERDA. An important incentive in commercializing technology is that provided by the patent system. As set forth in these Regulations, patent incentives, including ERDA's authority to waive the Government's patent rights to the extent provided for by statute, will be utilized in appropriate situations at the time of contracting to encourage industrial participation, foster commercial utilization and competition and make the benefits of ERDA's activities widely available to the public. In addition to considering the waiver of patent rights at the time of contracting, ERDA will also consider the incentive of a waiver of patent rights upon the reporting of an identified invention when requested by the contractor or the employee-inventor with the permission of the contractor. These requests can be made whether or not a waiver request was made at the time of contracting. Waivers for identified inventions will be provided where it is determined that the patent waiver will be a real incentive to achieving the development and ultimate commercial utilization of inventions. Where a waiver of the Government patent rights is granted, either at the time of contracting or upon request or after an invention is made, certain safeguards will be required by ERDA to protect the public interest.

(b) Another major ERDA mission is to manage the nation's uranium enrichment and other classified programs where R&D procurements are directed toward processes and equipment not available to the public. To accomplish ERDA's programs for bringing private industry into these and other special programs to the maximum extent permitted by national security and policy considerations, it is desirable that the technology developed in these programs be made available on a selected basis for use in the particular fields of interest and under controlled conditions by properly cleared industrial and scientific research institutions. To insure such availability and control, the grant of waivers in these programs may necessarily be more limited than in other ERDA programs.

§ 9–9.101 [Reserved]

§ 9–9.102 Authorization and consent.

(a) Under 28 U.S.C. 1498, any suit for unauthorized use of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (at any tier) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given in the prime contract and shall apply to all subcontracts thereunder as provided below. The liability of the Government for damages in such suit against it may, however, ultimately be borne by a contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract or subcontract, and an authorization and consent clause does not detract from any patent indemnification commitment by a contractor or a subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract or subcontract.

(b) In certain contracting situations, such as those involving demonstration projects, consideration should be given to the impact of third party-owned patents covering technology that may be incorporated in the project which may ulimately affect widespread commercial use of the project results. In such situations, patent counsel should be consulted to determine what modifications, if any, should be made to the utilization of the Authorization and Consent and Patent Indemnity provisions or what other action might be deemed appropriate.

(c) An Authorization and Consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions or Puerto Rico.

§ 9–9.102–1 Authorization and consent in contracts for supplies or services.

The following contract clause shall be included in all contracts for supplies or services except when prohibited by § 9–9.102(c) or in contracts for research, development, or demonstration work and in subcontracts thereunder in which the clause in § 9–9.102–2 is required.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract) of any invention described in and covered by a patent of the United States (a) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract or (b) utilized in the machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (i) specifications or written provisions now or hereafter forming a part of this contract, or (ii) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including all lower-tier subcontracts), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 9–9.102–2 Authorization and consent in contracts for research, development or demonstration.

Greater latitude in the use of patented inventions may be necessary in a contract for research, development, or demonstration work than in a contract for supplies. Unless prohibited by § 9–9.102(c), the following clause shall be included in all contracts calling for research, development, or demonstration work and shall be included in contracts calling for both supplies and research, development, or demonstration work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and research, development, or demonstration work, the Authorization and Consent clause in § 9–9.102–1 shall be used. If the following clause is included in a contract, the clause in § 9–9.102–1 shall not be included.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including all lower-tier subcontracts).

§ 9–9.103 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies, including standard parts and components which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government shall be included in such contracts as well as in subcontracts, as appropriate, in accordance with the instructions set forth below. However, a Patent Indemnity clause normally shall not be used in contracts or subcontracts:

(a) When the Authorization and Consent clause in § 9–9.102–2 applicable to research, development, or demonstration contracts is authorized, except that in contracts calling also for supplies of the kind described above, or for supplying standard parts or components, the Patent Indemnity clause in § 9–9.103–3(b) may be used with respect to such supplies; in subcontracts thereunder, the Patent Indemnity clause of § 9–9.103–1 or 9–9.103–3 (b) shall be used as appropriate.

(b) When the contract is for supplies which clearly are not, or have not been, sold or offered for sale to the public in the commercial open market;

(c) When both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions or Puerto Rico, in which case the instructions of § 9–9.103–1 or § 9–9.103–3 are applicable; or

(d) When the contract is for an amount of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted where it is a part of a standard form being used for such contracts, since it is self-deleting).

§ 9–9.103–1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Except as prohibited by § 9–9.103, the following clause is appropriate in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market:

PATENT INDEMNITY

If the amount of this contract is in excess of $100,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except U.S. letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (a) An infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (b) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (c) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9–9.103–2 [Reserved]

§ 9–9.103–3 Patent indemnification in negotiated contracts.

The fact that a contract is negotiated does not preclude inclusion of a Patent Indemnity clause in such a contract, and such clause may be included in negotiated construction contracts and in contracts for supplies when such supplies normally are or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto, or in contracts for supplying standard parts or components.

(a) Subject to the foregoing and to the prohibitions in § 9–9.103, the clause in § 9–9.103–1 is approved for use in negotiated contracts for construction work or supplies.

(b) Except as prohibited by § 9–9.103, the following clause is appropriate in research, development, or demonstration contracts when it has been determined by ERDA in any particular contracting situation that the contract will require standard supplies sold or offered for sale to the public on the commercial open market or utilize the contractor's practices or methods which normally are or have been used in providing goods and services on the commercial open market.

PATENT INDEMNITY

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of U.S. Letters Patent (except U.S. Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) resulting from the Contractor's: (a) Furnishing or supplying standard parts or components which have been sold or offered for sale to the public on the commercial open market; or (b) utilizing its normal practices or methods which normally are or have been used in providing goods and services in the commercial open market, in the performance of the contract; or (c) utilizing any parts, components, practices, or methods to the extent to which the Contractor has secured indemnification from liability. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction or to an infringement resulting from addition to or change in such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor.

§ 9–9.103–4 Waiver of indemnity by the Government.

If it is desired to exempt one or more specified United States patents from the Patent Indemnity clause in § 9–9.103–1 and § 9–9.103–3(b), concurrence for such exemption shall be obtained from the patent counsel assisting the procuring activity, and the following clause shall be included in the contract, in addition to the Patent Indemnity clause.

WAIVER OF INDEMNITY

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 9–9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the following clause shall be included in all contracts in excess of $10,000 for supplies, services, construction, research, development, or demonstration work. However, the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

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(b) Of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted when it is part of a standard form being used for such contracts since it is self-deleting).

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

The Provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the government when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) This clause shall be included in all subcontracts.

§ 9–9.105 [Reserved]

§ 9–9.106 Classified inventions.

Unauthorized disclosure of classified subject matter, whether in a patent application or resulting from the issuance of a patent, may be a violation of not only the Atomic Energy Act of 1954, as amended, and other laws relating to espionage and national security, but also provisions pertaining to disclosure of information incorporated in the contract. Accordingly, the following clause shall be included in every contract which covers or is likely to cover classified subject matter.

CLASSIFIED INVENTIONS

(a) The Contractor shall not file or cause to be filed on any invention or discovery conceived or first actually reduced to practice in the course of or under this contract in any country other than the United States, an application or registration for a patent without first obtaining written approval of the Contracting Officer.

(b) When filing a patent application in the United States on an invention or discovery conceived or first actually reduced to practice in the course of or under this contract the subject matter of which is classified for reasons of security, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter. When transmitting the patent application to the United States Patent and Trademark Office, the Contractor shall by separate letter identify by agency and number the contract or contracts which require security classification markings to be placed on the application.

(c) The substance of this clause shall be included in subcontracts which cover or are likely to cover classified subject matter.

§ 9–9.107 Patent rights under contracts for research, development and demonstration and under special contracts.

§ 9–9.107–1 General.

This section sets forth the policies, procedures, and practices of ERDA in connection with inventions, patents, and related matters based upon the Atomic Energy Act of 1954, as amended (42 USC 2182), and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 USC 5908); and, to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 R.R. 16887–16892). Section 152 of the Atomic Energy Act provides that the title to inventions useful in the nuclear energy field made or conceived in the course of or under a contract, subcontract, or arrangement entered into for the benefit of the Commission (now ERDA) shall be vested in the Government. Government rights in such an invention may be waived consistent with the policy of Section 152. In a similar manner, Section 9 of the Federal Nonnuclear Energy Research and Development Act provides that title to inventions made or conceived in the course of or under ERDA contracts other than in the nuclear energy field shall vest in the Government and that all or part of the rights of the Government in such inventions may be waived if it is determined, in conformity with the provisions of Section 9, that the interests of the United States and the general public will best be served by such waiver.

§ 9–9.107–2 [Reserved]

§ 9–9.107–3 Policy.

(a) Whenever any invention is made or conceived in the course of or under any contract of ERDA, title to such invention shall vest in the United States unless the Administrator or his designee waives all or any part of the rights of the United States. While waivers are to be granted only in conformity with the specific minimum considerations and under the carefully delineated conditions set forth in § 9–9.109–6, it is recognized that waivers comprise a necessary part of the commercialization incentives available to ERDA. It is intended, therefore, that waivers will be provided in appropriate situations to encourage industrial participation and foster rapid commercial utilization in the overall best interest of the United States and the general public. With regard to any waivers granted under this Part 9–9, ERDA shall maintain a publicly available, periodically updated record of such waiver determinations.

(b) In contracts having as a purpose the conduct of research, development or demonstration work and in other special contracts, the Government shall normally acquire title in and to any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, allowing the contractor to retain a nonexclusive, revocable, paid-up license in the invention and the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor's nonexclusive license retained in the invention may be revoked or modified by ERDA only to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for and the grant of an exclusive license in the invention.

(c) In contracts having as a purpose the conduct of research, development or demonstration work and in other special contracts the Government may have to acquire the right to require licensing of background patent rights by the contractor to insure reasonable public availability and accessibility necessary to practice the subject of the contract in the fields of technology specifically contemplated in the contract effort. The need for background patent rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and scope of the contract effort, and the cost to the Government of obtaining such rights. Accordingly, the background patent rights provision which will be appropriate for many contract situations is included in the Patent Rights clause.

(d) Nothing in this Part 9–9 shall be deemed to convey to any individual, corporation or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

§ 9–9.107–4 Procedures.

(a) *Selection of Patent Rights clause.*—(1) Whenever a contract, subcontract or other arrangement has as a purpose the conduct of research, development or demonstration work, the operation of a Government-owned research or production facility, the furnishing of architect-engineer, design or other special services, or the coordination and direction of the work of others, the contracting officer shall include in the proposed contract either the Patent Rights clause of § 9–9.107–5(a), or the clause of § 9–9.107–6. The clause set forth in § 9–9.107–6 may be used only in contracts calling for basic or applied research work with non-profit or educational institutions or in certain consultant contracts as set forth in paragraph (a)(5) of this section.

(2) The Patent Rights clauses of § 9–9.107–5(a) and § 9–9.107–6 provide that the Government shall acquire title to each invention made (i.e., conceived or first actually reduced to practice) in the course of or under the contract. However, the contractor shall retain in such invention a nonexclusive, revocable license, and subject to ERDA security requirements and regulations, may file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor or the inventor may also retain greater rights than these after an invention has been identified and reported to ERDA if the Administrator or his designee determines that the interests of the United States and the general public will best be served by a waiver of such rights, utilizing the considerations set forth in § 9–9.109–6.

(3) The Patent Rights clauses shall normally include the provisions set forth in paragraph (f) of the clause in § 9–9.107–5(a) and paragraph (f) of the clause in § 9–9.107–6. If the contracting officer determines that the work to be performed under the contract would not be useful in the production or utilization of special nuclear material or atomic energy, paragraphs (l) or (f) may be omitted.

(4) The primary missions of ERDA may require that certain rights in the contractor's privately developed background patents be acquired for the Government's future production, research, development and demonstration projects. Similar rights may also be required to enable private parties to utilize a subject of the contract in the fields of technology specifically contemplated in the contract effort. To this end, subject to specified exceptions and negotiations, the Patent Rights clause in contracts over $250,000 shall normally include provisions obtaining rights of the type specified in § 9–9.107–5 to such background patents. It is recognized that the precise rights to be acquired will depend upon the facts of each situation and are a matter for determination by ERDA and for negotiation with the contractor. General guidelines for use by contracting officers and contract negotiators are provided in § 9–9.107–5(b).

(5) The short form Patent Rights clause in § 9–9.107–6 may be used in contracts calling for basic or applied research where the contractor is a nonprofit or educational institution, and in special situations such as consultant contracts. However, this clause will not be used in contracts calling for the operation of Government-owned facilities, contracts in which an advance waiver or greater rights has been granted, in certain consultant contracts as explained in § 9–9.107–6, or in other special contracts.

(6) Solicitations and proposed contracts shall provide offerors and prospective contractors with notice of and the right to request, in advance of or within 30 days after the effective date of contracting, a waiver of all or any part of the rights of the United States with respect to subject inventions. In no event will the fact that an offeror has requested such a waiver be a consideration in the evaluation of his offer or the determination of his acceptability. If an advance waiver is granted, the Patent Rights clause of § 9–9.107–5(a) shall be utilized and appropriately modified in accordance with the terms of such waiver. To provide adequate notice to prospective contractors or offerors, the following provision will be inserted in all solicitations which may result in contracts calling for research, development or demonstration:

Offerors and prospective contractors in accordance with applicable statutes and ERDA Regulations (41 CFR 9–9.109–6) have the right to request in advance of or within 30 days after the effective date of contracting a waiver of all or any part of the rights of the United States in subject inventions.

(7) Under its Access Permit Program, ERDA may make Restricted Data applicable to civil uses of atomic energy available to persons requiring such data for use in their business, trade or profession. Under such programs, the special terms and conditions of the type set forth in 10 CFR 725.23 (b) and (d) should be used instead of the provisions set forth in this Part.

(b) *License for the Government, States and domestic municipal governments.* When a waiver is granted or foreign rights are retained by either the contractor or the inventor, the Government shall retain for the United States, States, and domestic municipal governments at least a paid-up, nonexclusive, irrevocable license in all applicable inventions unless the Administrator or his designee determines that it would not be in the public interest to acquire such rights for the States and domestic municipal governments. Requests by contractors for such determinations, together with a justification therefor, shall be submitted to the contracting officer. The contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations, to the Assistant General Counsel for Patents to serve as a basis for a determination by the Administrator or his designee.

(c) *Right to sublicense foreign Governments.* The Patent Rights clause does not provide the Government with the right to grant sublicenses to a foreign government pursuant to any treaty or agreement in subject inventions to which the contractor has been granted greater or foreign rights. The Administrator or his designee may determine at the time of contracting that it would be in the national interest to acquire this right, or he may reserve the right to make this determination after the invention is identified. When such a determination is made or such right is reserved, the Patent Rights clause should be amended as set forth in § 9–9.107–5(d).

(d) *License rights (upon request) to the contractor.* Paragraph (c) of the Patent Rights (long form) clause of § 9–9.107–5(a) specifies the license rights retained by the contractor in inventions made in the course of or under the contract. In appropriate circumstances, such as in contracts for the operation of Government-owned facilities or special long term, cost reimbursement Government-funded research, development or demonstration work, this provision shall be modified to provide a revocable, nonexclusive, royalty-free license in inventions only upon request by the contractor for reservation of such license. In such situations, the paragraph set forth in § 9–9.107–5(e) shall be substituted for paragraph (c)(1) of the Patent Rights (long form) clause. However, in programs of the type discussed in § 9–9.107–4(a)(7), or in certain contracts or subcontracts involving access to Restricted Data, royalty free licenses shall not necessarily be granted with respect to inventions or discoveries resulting from the contractor's or subcontractor's access to Restricted Data.

(e) *License rights to contractor (irrevocable).* Paragraph (c)(1) of the Patent Rights (long form) clause specifies that the license rights retained by the contractor in such inventions are revocable. In special circumstances the license may be irrevocable, in which case the paragraph (c)(1) set forth in § 9–9.107–5(f) shall be substituted for paragraphs (c)(1), (c)(2) and (c)(3) of the Patents Rights (long form) clause. Since granting irrevocable licenses may interfere with ERDA's licensing program which is intended to promote the commercial utilization of inventions resulting from its research, development, or demonstration programs, contractors desiring irrevocable licenses shall submit a written request with a justification to the contracting officer. The contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations to the Assistant General Counsel for Patents to serve as a basis for approval by the Administrator or his designee.

(f) *Contractor sublicensing.* The right of a contractor having a license as set forth in paragraphs (d) and (e) of this section to grant a revocable license to one or more sublicensees may be considered appropriate by the Administrator or his designee in certain circumstances, such as, for example, where the contractor is cost sharing; where the contractor's control or involvement in the technology which is the subject of the contract is substantial; where the reservation of licensing rights in the contractor would best promote commercialization or utilization of the technology, or where substantial segments of the user population already have licenses or would otherwise be licensed. In such situations, the paragraph in § 9–9.107–5(g)(1) may be substituted for paragraph (c)(1) of § 9–9.107–5(a), or the paragraphs in § 9–9.107–5(g)(2) may be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of § 9–9.107–5(a), as appropriate.

(g) *Facilities license.* Whenever a contract has as a purpose the design, construction or operation of a Government-owned research, development, demonstration, or production facility, it is necessary that the Government be accorded certain rights with respect to further use of the facility by or on behalf of the Government upon termination of the contract, including the right to make, use, transfer, or otherwise dispose of all articles, materials, products, or processes embodying inventions or discoveries used or embodied in the facility regardless of whether or not conceived or actually reduced to practice under or in the course of such a contract. Accordingly, the paragraph of § 9–9.107–5(h) shall be used in all such contracts in addition to the provisions of the "long form" Patent Rights clause.

(h) *Subcontracts.* (1) The policy expressed in § 9–9.107–3 is applicable to prime contracts and to subcontracts regardless of tier. The Patent Rights clause of § 9–9.107–5(a) or § 9–9.107–6 shall be included in all subcontracts having as a purpose the conduct of research, development, or demonstration

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work. However, the Patent Rights clause contained in the prime contract is not to be deemed automatically appropriate for subcontracts. For example, it would not be appropriate to the extent that waivers have been granted the prime contractor at the time of contracting. A separate waiver, if any, must be obtained by subcontractors. Further, the withholding of payment provision of the prime contract will not normally be included in a subcontract except upon request of the contracting officer and except for subcontracts awarded by contractors who operate Government-owned facilities and for other special contracting situations in which cases the withholding of payment provision may be flowed down to the first tier subcontractor only. Whenever either the prime contractor or a proposed subcontractor considers the inclusion of the Patent Rights clause of § 9–9.107–5(a) or § 9–9.107–6 to be inappropriate, or the subcontractor refuses to accept such a clause in its subcontract, the matter shall be referred prior to award of the subcontract to the contracting officer for resolution in accordance with § 9–9.107–4(k). Upon such referral, the same considerations and procedures followed in selecting the appropriate Patent Rights clause included in the prime contract shall be used in selecting the subcontract clause.

(2) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts, and a waiver granted to a prime contractor is not normally applicable to inventions of subcontractors. However, in appropriate circumstances the prime contractor's waiver may be made applicable to the inventions of any or all subcontractors, such as, for example, where there are pre-existing special research and development arrangements between the prime contractor and subcontractor, or where the prime contractor and subcontractor are partners in a cooperative effort. In addition, in such circumstances the prime contractor may be permitted to acquire nonexclusive licenses in the subcontractor's inventions when a waiver for subcontractor inventions is not applicable.

(i) *Record of decisions.* Patent Counsel assisting the procuring activity shall record the basis for the following actions: (1) Waivers at the time of contracting; (2) Waivers granted on identified inventions; (3) Determinations that no license need be obtained for States or domestic municipal governments; (4) Determinations that the right to sublicense foreign governments should be obtained; and (5) The grant of irrevocable licenses.

(j) *Publication of invention disclosures.* The Patent Rights clauses specify that the Government may duplicate and disclose invention disclosures reported under the contract, although it is not ERDA's practice to publish invention disclosures. Since public disclosure before the filing of a U.S. patent application may create a bar to filing certain foreign applications, the clauses also require that patent approval for release or publication of information relating to the contract work be secured from patent counsel prior to any such release or publication. When the contractor has requested or obtained a waiver, or has advised of its interest in obtaining certain filing rights, provision is made for ERDA to use its best efforts to withhold release or publication of such information for a specified time period in accordance with paragraph (d)(1) of the clause in § 9–9.107–5(a) to permit the timely filing of a U.S. patent application by the contractor.

(k) *Negotiations and deviations.* Contracting officers shall contact the field patent counsel assisting their activity or the Assistant General Counsel for Patents, for assistance to the contracting officer in selecting, negotiating or approving appropriate patent, copyright and data clauses. It should be noted that such clauses may be involved in and affected by the negotiations for a patent waiver. In the case of field activities, patent counsel will coordinate such review and assistance with the Chief Counsel in accordance with established local procedures. Any intended departures or deviations from the policy, procedures, or the clauses specified in this Part 9–9 which shall constitute a deviation from these regulations or from the Federal Procurement Regulations shall be referred by the Contracting Officer to the Assistant General Counsel for Patents for review and concurrence prior to obtaining approval in accordance with § 9–1.109–2. A deviation amounting to a class deviation to the FPR or the ERDA–PR shall be forwarded through the Assistant General Counsel for Patents to the Director of Procurement as provided in § 9–1.109–2(b).

§ 9–9.107–5 Clause for contracts (long form).

(a) *Patent rights clause.* When the contracting officer has determined that a contract falls within § 9–9.107–4(a)(1) except where the clause of § 9–9.107–6 is applicable, the following clause shall be included in the contract.

PATENT RIGHTS

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, grant, agreement, understanding, or other arrangement, which includes research, development, or demonstration work, and includes any assignment or substitution of parties.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the Executive Branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(6) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Allocation of principal rights.*—(1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (b)(2) and (c) of this clause.

(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor may request greater rights than the nonexclusive license and the foreign patent rights provided in paragraph (c) of this clause on identified inventions in accordance with 41 CFR 9–9.109–6. Such requests must be submitted to Patent Counsel (with notification by Patent Counsel to the Contracting Officer) at the time of the first disclosure pursuant to paragraph (e)(2) of this clause, or not later than 9 months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by Patent Counsel (with notification by Patent Counsel to the Contracting Officer) for good cause shown in writing by the Contractor.

(c) *Minimum rights to the contractor.*—(1) *Contractor license.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) *Revocation limitations.* The Contractor's nonexclusive license retained pursuant to paragraph (c)(1) of this clause and sublicenses granted thereunder may be revoked or modified by ERDA, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention under ERDA's published licensing regulations (10 CFR 781), and only to the extent an exclusive license is actually granted. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(3) *Revocation procedures.* Before modification or revocation of the license or sublicense, pursuant to paragraph (c)(2) of this clause, ERDA shall furnish the Contractor a written notice of its intention to modify or revoke the license and any sublicense thereunder, and the Contractor shall be allowed 30 days, or such longer period as may be authorized by the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) for good cause shown in writing by

the Contractor, after such notice to show cause why the license or any sublicense should not be modified or revoked. The Contractor shall have the right to appeal, in accordance with 10 CFR 781, any decision concerning the modification or revocation of his license or any sublicense.

(4) *Foreign patent rights.* Upon written request to Patent Counsel (with notification by Patent Counsel to the Contracting Officer), in accordance with paragraph (e)(2)(i) of this clause, and subject to ERDA security regulations and requirements, there shall be reserved to the Contractor, or the employee-inventor with authorization of the Contractor, the patent rights to a Subject Invention in any foreign country where the Government has elected not to secure such rights provided:

(i) The recipient of such rights, when specifically requested by ERDA and three years after issuance of a foreign patent disclosing said Subject Invention, shall furnish ERDA a report setting forth:

(A) The commercial use that is being made, or is intended to be made, of said invention, and

(B) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing.

(ii) The Government shall retain at least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(iii) Subject to the rights granted in (c)(1), (2) and (3) of this clause, the Administrator or his designee shall have the right to terminate the foreign patent rights granted in this paragraph (c)(4) in whole or in part unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee that effective steps necessary to accomplish substantial utilization of the invention have been taken or within a reasonable time will be taken.

(iv) Subject to the rights granted in (c)(1), (2), and (3) of this clause, the Administrator or his designee shall have the right, commencing four years after foreign patent rights are accorded under this paragraph (c)(4), to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances and in appropriate circumstances to terminate said foreign patent rights in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(A) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of such rights, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator or his designee may require, that such foreign patent rights have tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(B) Unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee at such hearing that the recipient has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(d) *Filing of patent applications.* (1) With respect to each Subject Invention in which the Contractor or the inventor requests foreign patent rights in accordance with paragraph (c)(4) of this clause, a request may also be made for the right to file and prosecute the U.S. application on behalf of the U.S. Government. If such request is granted, the Contractor or inventor shall file a domestic patent application on the invention within 6 months after the request for foreign patent rights is granted, or such longer period of time as may be approved by the Patent Counsel for good cause shown in writing by the requester. With respect to the invention, the requester shall promptly notify the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) of any decision not to file an application.

(2) For each Subject Invention on which a domestic patent application is filed by the Contractor or inventor, the Contractor or inventor shall:

(i) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to the Patent Counsel a copy of the application as filed including the filing date and serial number;

(ii) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Patent Counsel a duly executed and approved Assignment to the Government, on a form specified by the Government;

(iii) Provide the Patent Counsel with the original patent grant promptly after a patent is issued on the application; and

(iv) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Patent Counsel of any decision not to continue prosecution of the application.

(3) With respect to each Subject Invention in which the Contractor or inventor has requested foreign patent rights, the Contractor or inventor shall file a patent application on the invention in each foreign country in which such request is granted in accordance with applicable statutes and regulations and within one of the following periods:

(i) Eight months from the date of filing a corresponding United States application, or if such an application is not filed, six months from the date the request was granted;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file the foreign patent application where such filing has been prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Patent Counsel for good cause shown in writing by the Contractor or inventor.

(4) Subject to the license specified in paragraphs (c)(1), (2) and (3) of this clause, the Contractor or inventor agrees to convey to the Government, upon request, the entire right, title, and interest in any foreign country in which the Contractor or inventor fails to have a patent application filed in accordance with paragraph (d)(3) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent the Contractor or inventor shall, not less than 60 days before the expiration period for any action required by any Patent Office, notify the Patent Counsel of such failure or decision, and deliver to the Patent Counsel the executed instruments necessary for the conveyance specified in this paragraph.

(e) *Invention identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the inventions are followed. Upon requests, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) on an ERDA-approved form:

(i) A written report containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention. The report should also include any request for foreign patent rights under paragraph (c)(4) of this clause and any request to file a domestic patent application under (d)(1) of this clause. However, such requests shall be made within the period set forth in paragraph (b)(2) of this clause. When an invention is reported under this paragraph (e)(2)(i), it shall be presumed to have been made in the manner specified in Section 9(a) (1) and (2) of 42 U.S.C. 5908 unless the Contractor contends it was not so made in accordance with paragraph (g)(2)(ii) of this clause.

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions and subcontracts awarded containing a Patent Rights clause for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (e) have been followed throughout the reporting period;

(B) All Subject Inventions have been disclosed or that there are no such inventions;

(C) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded; and

(iii) A final report on an ERDA-approved form within three months after completion of the contract work listing all Subject Inventions and all subcontracts awarded containing a Patent Rights clause and certifying that:

(A) All Subject Inventions have been disclosed or that there were no such inventions; and

(B) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause. If the Contractor is to file a foreign patent application on a Subject Invention, the Government agrees, upon written request, to use its best efforts to withhold publication of such invention disclosures until the expiration of the time period specified in paragraph (d)(1)

of this clause, but in no event shall the Government or its employees be liable for

(1) Establish the procedures of paragraph (e)(1) of this clause; or

(3) Except as may be otherwise provided

faction of the Administrator or his designee

fore, it is ERDA's policy to obtain limited

normally be deleted for contracts under

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of this clause, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Publication.* It is recognized that during the course of the work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments conceived or first actually reduced to practice in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of ERDA or the Contractor, patent approval for release or publication shall be secured from Patent Counsel prior to any such release or publication.

(g) *Forfeiture of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government, at the request of the Administrator or his designee, all rights in any Subject Invention which the contractor fails to report to Patent Counsel (with notification by Patent Counsel to the Contracting Officer) within 6 months after the time the Contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(iii) of this paragraph (g), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was either conceived nor first actually reduced to practice in the course of or under the contract and delivers the same to Patent Counsel (with notification by Patent Counsel to the Contracting Officer); or

(ii) Contending that the invention is not a Subject Invention the Contractor nevertheless discloses the invention and all facts pertinent to this contention to the Patent Counsel (with notification by Patent Counsel to the Contracting Officer); or

(iii) Establishes that the failure to disclose did not result from the Contractor's fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Administrator or his designee to be forfeited (such determination to be a final decision under the Disputes Clause of this contract), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (g) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(h) *Examination of records relating to inventions.* (1) The Contracting Officer or his authorized representative, until the expiration of 3 years after final payment under this contract, shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative reasonably deem pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer or his authorized representative shall have the right to examine all books (including laboratory notebooks), records and documents of the Contractor relating to the conception of first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Inventions, if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer notifies the Contractor of such a deficiency.

(i) *Withholding of payment (Not applicable to subcontracts).* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $50,000 or 5 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion the Contractor fails to:

(i) Establish, maintain and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e)(1) of this clause; or

(ii) Disclose any Subject Invention pursuant to paragraph (e)(2)(i) of this clause; or

(iii) Deliver the interim reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (j)(5) of this clause; or

(v) Convey to the Government in an ERDA approved form the title and/or rights of the Government in each Subject Invention as required by this clause.

(2) The reserve or balance shall be withheld until the Contracting Officer has determined that the Contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(3) Final payment under this contract shall not be made by the Contracting Officer before the Contractor delivers to Patent Counsel all disclosures of Subject Inventions and other information required by (e)(2)(i) of this clause, the final report required by (e)(2)(iii) of this clause, and Patent Counsel has issued a patent clearance certification to the Contracting Officer.

(4) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization, the maximum amount that may be withheld under this paragraph shall not exceed $50,000 or 1 percent of the amount of this contract, whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(j) *Subcontracts.* (1) For the purpose of this paragraph the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 9-9.107-5(a) or 41 CFR 9-9.107-6, as appropriate, modified to identify the parties in any subcontract hereunder having as a purpose the conduct of research, development, or demonstration work. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with ERDA's patent policies, the Contractor:

(i) Shall promptly submit written notice to the Contracting Officer setting forth reasons for the Subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) Except as may be otherwise provided in this clause, the Contractor shall not, in any subcontract or by using a subcontract as consideration therefor, acquire any rights in its Subcontractor's Subject Invention for the Contractor's own use (as distinguished from such rights as may be required solely to fulfill the Contractor's contract obligations to the Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to ERDA, under the provisions of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to ERDA.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of the Contracting Officer the Contractor shall furnish him a copy of the subcontract.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which it acquires knowledge in the performance of this contract and shall notify the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the Subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government regarding Subject Inventions.

(k) *Background Patents.* (1) "Background Patent" means a domestic patent covering an invention or discovery which is not a Subject Invention and which is owned or controlled by the Contractor at any time through the completion of this contract:

(i) Which the Contractor, but not the Government, has the right to license to others without obligation to pay royalties thereon, and

(ii) Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under this contract.

(2) The Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive, license under any Background Patent for purposes of practicing a subject of this contract by or for the Government in research, development, and demonstration work only.

(3) The Contractor also agrees that upon written application by the ERDA, it will grant to responsible parties for purposes of practicing a subject of this contract, nonexclusive licenses under any Background Patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive or partially exclusive rights are necessary to achieve expeditious commercial development or utilization, then a request may be made to ERDA for ERDA approval of such licensing by the Contractor.

(4) Notwithstanding the foregoing paragraph (k)(3), the Contractor shall not be obligated to license any Background Patent if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(i) a competitive alternative to the subject matter covered by said Background Patent is commercially available or readily introduciable from one or more other souces; or

(ii) the Contractor or its licensees are supplying the subject matter covered by said Background Patent in sufficient quantity and at reasonable prices to satisfy market needs, or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the subject matter.

(l) *Atomic energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (l)(1) of this clause from all persons who perform any part of the work under this contract, except nontechnical personnel, such as clerical employees and manual laborers.

(m) *Limitation of rights.* Nothing contained in this patent rights clause shall be deemed to give the Government any rights with respect to any invention other than a subject invention except as set forth in the Patent Rights clause of this contract with respect to Background Patents and the Facilities License.

(b) *Licenses in contractor Background Patents.* (1) It will normally be the case that a contractor qualified to perform work under an ERDA contract will have developed a degree of expertise in the general field of activity to which the contract relates. Accordingly, it will not be unusual for a prospective contractor to have an established patent position relating to the general fields of work to be performed under an ERDA contract and to have ongoing research and development programs in that general field which could result in patentable inventions. Since the contractor is obligated to apply its best efforts to accomplishing the objectives of the contract work, it is to be expected that inventions owned or controlled by the contractor at any time during the contract period may be utilized in connection with the work performed under the contract. If such inventions are or become the subject of a patent, such patented inventions may control a subject of the contract.

(2) It is usually the case that at the time an ERDA contract is negotiated, such inventions, if any, of the contractor are not known to the Government and may not be known to the contractor either. Use by the contractor of such inventions in connection with the contract work does not necessarily result in a need for rights in those inventions by the Government or others. However, failure of ERDA to obtain limited rights on behalf of the Government and/or third parties in a narrow class of those inventions, defined as "Background Patents", could frustrate the objectives of ERDA to promptly make the benefits of its programs widely available to the public and to promote the commercial utilization of the technology developed or demonstrated under ERDA programs. Therefore, it is ERDA's policy to obtain limited license rights in Background Patents on a basis that is reasonable under the circumstances of the particular contract and takes into account the relative equities of the contractor, the Government and the general public.

(3) Paragraph (k) of the Patent Rights clause of § 9-9.107-5(a) sets out the background patent provisions that will be appropriate for many ERDA contracting situations by balancing the needs of ERDA programs with the equities of the contractor. This clause obtains a paid-up, nonexclusive license for the Government for research, development and demonstration work only and thus includes any use of the background patents under ERDA programs where research, development or demonstration work is being conducted. The clause also requires the contractor to license responsible parties on reasonable terms at the request of ERDA in the field of technology specifically contemplated in the contract effort. The background provisions, however, are only applicable insofar as infringement of the patents cannot reasonably be avoided in order to utilize the results of the contract work for these purposes. Additionally, the clause is not effective if the contractor can demonstrate to the satisfaction of the Administrator or his designee that commercial alternatives are available or readily introduceable from one or more sources, or that the contractor or its licensees are supplying the market in sufficient quantities and at reasonable prices or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the market. In determining whether to request such licensing, ERDA will recognize the need, where appropriate, to limit licensing to preserve the commercialization incentives provided by the patent, and also to meet the needs of the public for early availability of the technology.

(4) Subparagraph (k)(1) defines those inventions which will fall within the definition of what constitutes a background patent, while subparagraphs (k)(2) and (k)(3) define the scope or field of use of any license granted. Although ERDA as stated in subparagraph (3) of this paragraph (b) controls the requesting of licenses to responsible parties, the final resolution of questions regarding the scope of such licenses, the terms thereof including reasonable royalties are then left to the negotiation of the parties with final resolution of the issues being made by a court of competent jurisdiction if necessary. In subparagraph (k)(4), the decision not to apply the licensing requirement of subparagraph (k)(3), however, is subject to the final decision of the Administrator or his designee. The final authority of ERDA in these decisions is required because the determinations are dependent in substantial part on the requirements of ERDA's specific mission.

(5) Balancing of the respective equities in particular contracting situations, however, may require that paragraph (k) be modified. Paragraph (k) should normally be deleted for contracts under $250,000 and may not be appropriate in certain types of study contracts, planning contracts, contracts with educational institutions, and contracts for specialized equipment for in-house use by ERDA or not intended for further procurement by the Government or for use by the public. Except for the deletion of paragraph (k) in contracts under $250,000 as permitted in this paragraph (5), deletions or modifications of paragraph (k) set forth in this section are to be made with the advice of patent counsel.

(6) On the other hand, there will be situations where the equities between the Government and the contractor, or anticipated Government needs, would require that rights be obtained for either the Government or for the public greater than those set forth in paragraph (k). For example, where (i) The contribution of the Government towards the development and/or commercialization of the Background Patent is substantially greater than that of the contractor, (ii) It is expected that the Government may be involved in special long-term projects, or (iii) The Government may require substantial production, procurement or utilization for purposes outside of research, development, and demonstration, it may be necessary to obtain greater rights. In such situations, consideration should be given to extending the Government's rights beyond research, development, and demonstration work, or to adjust royalties that may be due by the Government to reflect the Government's contribution. Such adjustment could take the form of credit to be given the Government based upon its contribution through the contract, or a royalty based upon the relative contributions of the contractor and the Government. Consideration could also be given to utilizing the relative contributions in determining reasonable royalties to be charged to others.

(7) Similarly, it may be necessary to obtain greater rights for the public in the contractor's background patents where, for example, the contractor's background patents cover the basic technology intended to be developed under the contract effort, rather than components or products or processes which are ancillary thereto. In such cases, subparagraph (4) of paragraph (k) should be deleted or modified as to the contract as a whole or a portion thereof. Deletion or modification of subparagraph (4) might also be appropriate where the future market for the subject of the contract will be very large and there are presently only a few suppliers available.

(8) It may also be appropriate to modify the rights acquired by paragraph (k) where the contractor's background patent rights were of primary importance in granting the contractor a waiver. For example, if the contractor was permitted to retain exclusive rights to Subject Inventions based upon the consideration that both foreground and background inventions would be licensed at reasonable royalties, then paragraph (k) should be

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modified. The modification may be made applicable to the fields of technology, inventions, or other aspects of the contract. Concomitant with such modification, the licensing obligations for subject inventions should also be modified to be compatible therewith. In such cases, the definition of "Background Patent" should be broadened to include all patents useful in the practice of a subject of the contract, and subparagraph (k)(4) should be deleted or appropriately modified.

(9) The application of paragraph (k) is limited to the practice of any specific process, method, or machine, manufacture or composition of matter which is a subject of the research, development or demonstration work performed under the contract, otherwise referred to as "a subject of this contract" in subparagraphs (2) and (3). The expression "a subject of this contract" is intended to limit the licensing required in paragraph (k) to the fields of technology specifically contemplated in the contract effort. During negotiations, when the subject matter of the contract is known, a more specific statement of the fields of technology intended to be covered may be substituted for the expression "subject of this contract". For example, the application of paragraph (k) may be limited to the generation of electric power utilizing coal derived fuels, to high temperature gas cooled reactors, or other specified fields of technology of interest to ERDA programs.

(10) The considerations and statements in the foregoing subparagraphs (1)–(9) of this paragraph also apply to the negotiation, application and inclusion of background patent rights provisions in subcontracts.

(c) *License for the States and domestic municipal governments.* When the Administrator or his designee determines at the time of contracting that it would not be in the public interest to acquire a paid-up license in subject inventions for States and domestic municipal governments, paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) shall be replaced with the following paragraph (c)(4)(ii):

(ii) The Government shall retain at least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency).

(d) *Right to sublicense foreign governments.* (1) When the Administrator or his designee determines at the time of contracting that it would be in the national interest to acquire the right to sublicense foreign governments pursuant to any treaty or agreement, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments.

(2) When the Administrator or his designee wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any treaty or agreement until after the invention has been identified, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments if the Administrator or his designee determines after the invention has been identified that it would be in the national interest to acquire this right.

(e) *License rights (upon request) to contractor (revocable).* When the Administrator or his designee determines that the contractor may, subject to the provisions of § 9–9.107–4(a)(7) involving access to Restricted Data, reserve a revocable, nonexclusive, paid-up license in Subject Inventions, only upon a request by the contractor for the retention of such a license, paragraph (c)(1) of the clause in § 9–9.107–5(a) shall be replaced with the following paragraph (c)(1):

(c)(1) The Contractor may reserve upon request a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(f) *License rights to contractor (irrevocable).* When the Administrator or his designee determines that the contractor may reserve an irrevocable, nonexclusive, paid-up license in the inventions resulting from the contract, paragraph (c)(1) of the Patent Rights clause of § 9–9.107–5(a) shall be replaced with the following paragraph (c)(1), and paragraphs (c)(2) and (c)(3) of § 9–9.107–5(a) and references thereto shall be cancelled:

(c)(1) The Contractor reserves an irrevocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The License shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(g) *Contractor sublicenses (revocable).* (1) When the Administrator or his designee determines at the time of contracting that, as indicated in § 9–9.107–4(f), it would be in the interests of the Government to permit a contractor having the right to retain a revocable nonexclusive license in a subject invention to have the further right to grant to one or more sublicensees a revocable license of the same scope, the following paragraph may be substituted for paragraph (c)(1) of the Patent Rights clause in § 9–9.107–5(a):

(c)(1) The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses of the same scope. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) Where the Contractor has been granted the right to retain a nonexclusive, irrevocable license in a subject invention, and it is determined as in (g)(1) of this section to leave in the contractor the right to grant one or more revocable sublicenses thereunder, the following three paragraphs will be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of the Patent Rights clause in § 9–9.107–5(a):

(c)(1) *Contractor license.* The Contractor reserves an irrevocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses which are revocable under the same terms and conditions as set forth in paragraphs (c)(2) and (3) of this clause. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(c)(2) *Revocation limitations.* Any sublicense granted by the Contractor may be revoked or modified by ERDA, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention under ERDA's published licensing regulations (10 CFR 781), and only to the extent an exclusive license is actually granted. This sublicense shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(c)(3) *Revocation procedures.* Before modification or revocation of any sublicense pursuant to paragraph (c)(2) of this clause, ERDA shall furnish the Contractor and the sublicensee written notice of its intention to modify or revoke the sublicense, and the Contractor and the sublicensee shall be allowed 30 days, or such longer period as may be allowed by the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) for good cause shown in writing by the Contractor or the sublicensee, after such notice to show cause why the sublicense should not be modified or revoked. The Contractor or the sublicensee shall have the right to appeal in accordance with 10 CFR 781, any decision concerning the modification or revocation of the sublicense.

(h) *Facilities license.* The following paragraph will be included as paragraph (n) of the Patent Rights (long form) clause in each contract having as a purpose the design, construction, or operation of a Government-owned research, development, demonstration or production facility. The scope of the license in the following paragraph may, in appropriate situations, be expanded to cover similar facilities.

(n) *Facilities license.* In addition to the rights of the parties with respect to inventions or discoveries conceived or first actually reduced to practice in the course of or under this contract, the Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive paid-up license in and to any inventions or discoveries regardless of when conceived or actually reduced to practice or acquired by the Contractor, which are owned or controlled by the Contractor at any time through completion of this contract and which are incorporated or embodied in the construction of the facility or which are utilized in the operation of the facility or which cover articles, materials, or products manufactured at the facility (1) to practice or to have practiced by or for the Government at the facility, and (2) to transfer such license with the transfer of that facility. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the enforceability, validity or scope of, or title to, any rights or patents herein licensed.

§ 9–9.107–6 Clause for contracts (short form).

The following clause may be used instead of the clause of § 9–9.107–5(a) in contracts for basic or applied research where the contractor is a nonprofit or educational institution and in special situations including consultant contracts. This clause shall not be used in long term consultancy arrangements for work in ERDA programs covered by ERDA Manual Chapter 7604. In such instances the clauses in ERDAM 7604 shall be used. Also this clause is not to be used in contracts calling for the operation of Government-owned facilities, or contracts in which an advance waiver has been granted, or other special contracts such as those for the conduct of major long-term continuing programs or basic agreements providing for the assignments of new tasks from time to time by mutual agreement.

PATENT RIGHTS (SHORT FORM)

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented, under the Patent Laws of the United States of America or any foreign country.

(2) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Patent Counsel (with notification by Patent Counsel to the Contracting Officer):

(i) A written report containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention;

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions for that period and certifying that all Subject Inventions have been disclosed or that there were no such inventions; and

(iii) A final report on an ERDA-approved form within 3 months after completion of the contract work listing all Subject Inventions and certifying that all Subject Inventions have been disclosed or that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to the contract.

(c) *Allocation of principal rights.*—(1) *Assignment to the Government.*

The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (c)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may request greater rights than the nonexclusive license and the foreign patent rights provided in paragraph (d) of this clause on identified inventions in accordance with the procedure and criteria of 41 CFR 9–9.109–6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause or not later than 9 months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 9–9.109–6(e).

(d) *Minimum rights to the contractor.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. Revocation shall be in accordance with the procedure of paragraphs (c)(2) and (3) of the clause in 41 CFR 9–9.107–5(a). The Contractor also has the right to request foreign rights in accordance with the procedures of paragraph (c)(4) of the clause in 41 CFR 9–9.107–5(a).

(e) *Employee and subcontractor agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of the Patent Rights clause from all persons who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 9–9.107–5(a) or 41 CFR 9–9.107–6, as appropriate, modified to identify the parties in any subcontract hereunder having as a purpose the conduct of research, development or demonstration work; and

(3) Promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the subcontractor, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon the request of the Contracting Officer the Contractor shall furnish a copy of the subcontract to such requester.

(f) *Atomic energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (f)(1) of this clause from all persons who perform any part of the work under this contract, except nontechnical personnel such as clerical employees and manual laborers.

(g) *Publication.* In order that information concerning scientific or technical developments conceived or first actually reduced to practice in the course of or under the contract is not prematurely published so as to adversely affect patent interest of ERDA, the Contractor agrees to submit to the Patent Counsel for patent review a copy of each paper 60 days prior to its intended publication date. The Contractor may publish such information after expiration of a 60-day period following such submission or prior thereto if specifically approved by Patent Counsel, unless the Contractor is informed that in order to protect patentable subject matter, publication must be further delayed.

§ 9–9.107–7 Foreign contracts.

The clauses authorized for contracts in § 9–9.107–5(a) and § 9–9.107–6 may be modified by the contracting officer in consultation with patent counsel to meet the requirements peculiar to foreign procurement.

§ 9–9.108 [Reserved]

§ 9–9.109 Administration of patent clauses.

§ 9–9.109–1 Patent Rights follow-up.

It is important that the Government and the contractor know and exercise their rights in inventions conceived or first actually reduced to practice in the course of or under Government contracts in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts having Patent Rights clauses should be so administered that:

(a) Inventions are identified, disclosed, and reported as required by the contract clauses;

(b) The rights of the Government in such inventions are established;

(c) When appropriate, patent applications are timely filed and prosecuted by the contractor, the inventor, or by the Government as appropriate;

(d) The filing of patent applications is documented by formal instruments such

and procedural rights required by section 152 of the Atomic Energy Act of

patent and copyright infringement; the

ministrator or his designee shall have

tract has been developed at the contrac-

the case of requests for an advance

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(d) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(e) Expeditious commercial utilization of such inventions is achieved.

§ 9–9.109–2 Follow-up by contractor.

(a) The Patent Rights clause requires contractors to establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. When it is determined after the award of a contract that the contractor or subcontractor may not have a clear understanding of the rights and obligations of the parties under a Patent Rights clause, a post-award orientation conference or letter should be used by ERDA to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertaining their effectiveness for identifying and disclosing inventions.

(b) A qualified representative of the contractor shall furnish to the patent counsel (with notification by patent counsel to the contracting officer) interim reports upon request, and, upon completion of the contract work, a final report setting forth:

(1) A list of all subject inventions made during the reporting period;

(2) A certification that all subject inventions have been disclosed or that there were no such inventions, and that the contractor's procedures for identifying and disclosing inventions have been followed throughout the period;

(3) A list of all subcontracts entered into during the reporting period which contain a Patent Rights clause, together with copies of such subcontracts (if not earlier furnished to ERDA), or a statement that there were no such subcontracts.

(c) Ordinarily, inventions and discoveries will be reported on Form ERDA 213 (copies of which shall be made available by patent counsel) or on such other form that has been approved by patent counsel. Reporting of inventions promptly and before the completion of the work under the respective contracts will aid patent clearance. Submission of annual interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance.

§ 9–9.109–3 Follow-up by Government.

(a) With respect to each contract, subcontract, or other agreement under their jurisdictions, the heads of procuring activities are responsible:

(1) For assuring compliance with the provisions of this Part 9–9 in executing or approving any contracts, subcontracts, other agreements, understandings, or other arrangements, or any supplements thereto. The patent counsel assisting their activity should be consulted to ensure that only authorized departure is made from the requirements set forth in these regulations and that all substantive and procedural rights required by section 152 of the Atomic Energy Act of 1954, as amended, or section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, are obtained;

(2) For transmitting the information requested on the Patent Information Sheet, Form ERDA 242, to the Assistant General Counsel for Patents;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or other agreements containing patent provisions in favor of the Government. (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the patent counsel assisting the procuring activity.);

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Assistant General Counsel for Patents for each contract, subcontract, or other agreement containing patent provisions giving rise to rights in the Government; and

(5) For withholding payments due to contractors in accordance with paragraph (i) of the Patent Rights clause of § 9–9.107–5(a) until, in the case of interim reports, a determination has been made in consultation with patent counsel that existing deficiencies have been corrected or that delivery of all reports, disclosures, and other information have been made, or, in the case of final reports, receipt of written patent clearance certification from the Assistant General Counsel for Patents.

(b) The Assistant General Counsel for Patents, upon receipt of the Patent Information Sheet, Form ERDA 242, will assign the patent responsibility and notify the person who transmits the Information Sheet of the patent counsel assigned to conduct the patent surveillance of the reported contract, subcontract, or other agreement. Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Assistant General Counsel for Patents when there has been to his best knowledge and belief compliance with the patent provisions.

(c) The patent counsel assigned to assist the procuring activity will assist contracting officers in selecting and negotiating patent provisions, and in the case of field activities, will coordinate such assistance with the Chief Counsel in accordance with established local procedures. Patent counsel will generally submit Patent Information sheets and otherwise assist heads of procuring activities, contractors, contracting officers, subcontractors and vendors in: Reporting of inventions and discoveries; reviewing and providing patent clearance prior to publication or release of reports and proposed technical articles and prior to public release or disclosure of information regarding scientific and technical developments made in the course of or under the contract; handling claims for patent and copyright infringement; the preparation of certificates to initiate patent clearance; and the handling of other patent matters.

(d) *Patent application filing and determination of rights to inventions and discoveries.* The Assistant General Counsel for Patents or his designee shall:

(1) Make the determination specified in Section 9, (a) (1) and (2) of 42 U.S.C. 5908 concerning inventors;

(2) Determine whether and where patent protection will be obtained on inventions;

(3) Represent ERDA before domestic and foreign patent offices;

(4) Accept assignments and instruments confirmatory of the Government's rights to inventions; and

(5) Represent ERDA in patent matters not specifically reserved to the Administrator or his designee under these Regulations.

§ 9–9.109–4 Remedies

If a contractor operating under a Patent Rights clause fails to establish, maintain, or follow effective procedures for identifying and disclosing inventions as required by the Patent Rights clause or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination books, records, and documents relating to inventions in the same field of technology as the contract to enable an agency determination of whether there are such inventions, and may invoke the withholding of payments provision. Further, the contracting officer may invoke the withholding of payments provision if a contractor fails to disclose an invention deemed by ERDA to be a subject invention.

§ 9–9.109–5 Conveyance of invention rights acquired by the Government.

Whenever the Government acquires the entire right, title, and interest in an invention pursuant to a contract or by operation of law, assignments shall be obtained from the inventor to the Government with the consent of the contractor, to perfect or confirm the Government's rights. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

§ 9–9.109–6 Waivers.

(a) *General.* The Administrator or his designee may waive all or any part of the rights of the United States (other than certain rights prescribed in paragraph (i) of this section) with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of ERDA, if it is determined that the interests of the United States and the general public as set forth in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2182), and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), will best be served by such waivers. In making such determinations, the Administrator or his designee shall have the following objectives:

(1) Making the benefits of the energy research, development, and demonstration program widely available to the public in the shortest practicable time;

(2) Promoting the commercial utilization of such inventions;

(3) Encouraging participation by private persons in ERDA's energy research, development, and demonstration program; and

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

If it is not possible to attain each of these objectives immediately and simultaneously for any one waiver determination, the Administrator or his designee will seek to reconcile these objectives in light of the overall purposes of the patent policy sections of the Atomic Energy Act of 1954, as amended, and of the Federal Nonnuclear Energy Research and Development Act of 1974. Over time, however, the application of this waiver policy is expected to attain each of these objectives. In addition to the patent policies provided by legislation, and where not inconsistent therewith, the waiver determinations will also be guided by the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892).

(b) *Advance waiver.* In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) The extent to which the work to be performed under the contract is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(5) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(6) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(7) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(8) The extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(9) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(10) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(11) The likely effect of the waiver on competition and market concentration;

(12) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program approved by the Administrator or his designee as being consistent with the applicable policies of this section; and

(13) The small business status of the contractor.

(c) *Waiver of identified inventions.* In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of the invention;

(2) The extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention;

(3) The extent to which the invention is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the Government has contributed to the field of technology of the invention;

(5) The purpose and nature of the invention, including the anticipated use thereof;

(6) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(7) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(8) The extent to which Government intends to further develop the invention to the point of commercial utilization;

(9) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(10) The likely effect of the waiver on competition and market concentration;

(11) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program approved by the Administrator or his designee as being consistent with the applicable policies of this section; and

(12) The small business status of the contractor.

(d) *Procedures.* (1) All waiver determinations shall be initiated by a written request. Such requests may be submitted by existing or potential contractors in the case of requests for an advance waiver and by contractors or employee-inventors in the case of requests for waiver for identified inventions. A request for an advance waiver may also be made for an identified invention which has already been conceived and which reasonably may be first actually reduced to practice in the course of or under an ERDA contract. Such waiver requests must include a copy of the patent or patent application covering the identified invention.

(2) A request for an advance waiver shall be submitted to the contracting officer or to contractors for their subcontractors at anytime prior to execution of the contract or within thirty (30) days thereafter, but should normally be submitted as part of the contract proposal. Advance waivers may also be requested where the purpose or scope of work of an existing contract is to be substantially altered. When advance waivers are granted, the rights set forth in paragraphs (b), (c) and (d) of the clause of § 9–9.107–5(a) should be modified to conform to the waiver granted.

(3) A request for waiver (other than advance waivers) for an identified invention shall be submitted to the patent counsel (with notification by patent counsel to the contracting officer) at the time the invention is reported to ERDA, or not later than nine (9) months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the patent counsel (with notification by patent counsel to the contracting officer) for good cause shown in writing by the contractor or inventor.

(4) All requests for waiver received by ERDA or its contractors will be forwarded promptly to the patent counsel assisting the procuring activity, together with any reference or supporting documents provided by the requestor and any documents or comments provided by the staff of the activity. If the request for waiver appears to contain insufficient information, the patent counsel may seek additional information from the requestor to supplement the request and may also seek additional information from other sources. The patent counsel will thoroughly analyze the request in view of each of the objectives and considerations set forth in this § 9–9.109–6 and shall also consider the overall rights obtained by the Government in the patent, copyright, and data clauses of the contract. Where it appears that a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth in this § 9–9.109–6, the patent counsel should attempt to negotiate a compromise acceptable to both the requestor and ERDA.

(5) The patent counsel will prepare and recommend a Statement of Considerations setting forth the rationale for either accepting or rejecting the waiver request. While the Statement need not make specific findings as to each and every consideration of paragraph (b) or (c) of this section, it will cover those

that raise significant issues and those that are decisive, and it will explain the

lieu of previous patent provisions. Whenever a requested determination has been

formation is needed to make the waiver

actually reduced to practice prior to the

(A) Number of inventions reported to

(4) In considering approval of tech-

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that raise significant issues and those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various considerations in (b) or (c) of this section to a particular case could cause conflicting results, and in those instances the differences will be reconciled giving due regard to the overall policies set forth in this § 9–9.109–6. Field patent counsel will coordinate actions on advance waivers with the Chief Counsel of the field office concerned as required by local procedures.

(6) The Statement shall be forwarded to the Assistant General Counsel for Patents to serve as a recommended basis for the waiver determination. The Assistant General Counsel for Patents will also obtain comments from the appropriate ERDA program division to assist the Administrator or his designee in the waiver determination. In situations where time does not permit a delay in contract negotiations for the preparation and mailing of a full written Statement, field patent counsel may submit a recommendation on the waiver verbally to the Assistant General Counsel for Patents and request a verbal determination from the Administrator or his designee. Such action shall be promptly confirmed in writing.

(7) In making waiver determinations, the Administrator or his designee shall objectively review all requests for waiver in view of the objectives and considerations set forth in this § 9–9.109–6. If this determination and the rationale therefor is not accurately reflected in the recommended Statement of Considerations, a new Statement shall be prepared.

(8) Where the request for advance waiver has not been approved prior to the effective date of the contract and the terms and conditions of the waiver have thus not been made a part of the contract, the contracting officer shall promptly notify the requestor by letter of the determination of the Administrator or his designee, and the basis therefor. If the advance waiver is approved, the letter shall state the scope, terms, and conditions of such waiver. Where the terms and conditions of an approved advance waiver have not been made a part of the contract, the letter shall inform the requestor that the advance waiver shall be effective (i) As of the effective date of the contract for an advance waiver of inventions identified, i.e., conceived prior to the effective date of the contract, or (ii) As of the date the invention is reported with an election by the contractor to retain rights therein, i.e., for an invention conceived or first actually reduced to practice after the effective date of the contract; provided a copy of the letter is signed and returned to the contracting officer by the requestor acknowledging the acceptance of the scope, terms, and conditions of the advance waiver. After the acceptance by the contractor of an advance waiver, the contracting officer shall cause a unilateral no-cost modification to be made to the contract incorporating the terms and conditions of the waiver in lieu of previous patent provisions. Whenever a requested determination has been denied, the requestor may, within thirty (30) days, request reconsideration. Such a request shall include any additional facts and rationale not previously submitted which support the request. Requests for reconsideration shall be submitted and processed in accordance with the procedures set forth in paragraph (d) of this section.

(e) *Content of waiver requests.* (1) All requests for waiver shall include the following information:

(i) The requestor's identification, business address, and, if represented by counsel, the counsel's name and address;

(ii) An identification of the pertinent contract or proposed contract and a copy of the contract statement of work or a non-proprietary statement which fully describes the proposed work to be performed;

(iii) The nature and extent of waiver requested;

(iv) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in paragraph (b) or (c) of this section, as applicable, and a statement applying such facts and considerations to the policies set forth in paragraph (a) of this section. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible; and

(v) The signature of the requestor or his authorized representative with the following statement:

> The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Administrator or his designee rely on them in reaching the waiver determination.

(2) Requests for waiver for identified inventions shall, in addition to items (1)(i)–(v) above, include:

(i) The full names of all inventors;

(ii) A statement of whether a patent application has been filed on the invention, together with a copy of such application if filed, or, if not filed, a complete description of the invention;

(iii) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 U.S.C. 102 or a statement that no such bar is known to exist; and

(iv) Where the requestor is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(3) Subject to ERDA regulations, requirements, and restrictions on the treatment of proprietary and classified information, all material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not contain information or data that the requestor is not willing to have made public. If proprietary or classified information is needed to make the waiver determination, such information shall not be submitted unless specifically requested by the patent counsel:

(f) *Record of waiver determinations.* The Assistant General Counsel for Patents shall maintain and periodically update a publicly available record of waiver determinations.

(g) *Waiver situations and types of waivers.* (1) The various factual situations which are appropriate for waivers cannot be categorized precisely inasmuch as the appropriateness of a waiver will depend upon the manner in which the considerations set forth in paragraph (b) or paragraph (c) of this section relate to the facts and circumstances surrounding the particular contracting situation or the particular invention in order to best achieve the objectives set forth in paragraph (a) of this section. However, some examples where waivers might be appropriate are the following:

(i) Cost sharing contracts;

(ii) Situations in which ERDA is providing increased funding to a specific ongoing privately sponsored research development, or demonstration project;

(iii) Situations involving the private use of Government facilities and the contractor is funding all or a part of such costs;

(iv) Situations in which the equities of the contractor are so substantial in relation of that of the Government that the waiver is necessary to obtain the participation of the contractor; and

(v) Situations involving contracts with small businesses concerning their privately developed technology.

(2) As stated in paragraph (a) of this section, waivers may be granted as to all or any part of the rights of the United States to an invention except for certain rights set forth in paragraph (i) in this section. Accordingly, the waiver of all patent rights that are inherent to an invention, rather than part of the rights, will not necessarily be appropriate. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to the considerations set forth in paragraph (b) or (c) in order to best achieve the objectives set forth in paragraph (a) of this section. For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort. Waivers may also be limited to particular geographical locations, may be made effective only for a specified duration of time, or may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort.

(3) In advance waivers of identified inventions, the invention will be deemed to be a subject invention and the waiver will be considered as being effective as of the effective date of the contract. This will be true regardless of whether the identified invention had been first

actually reduced to practice prior to the time of contracting or would be reduced to practice under the contract. A purpose of such waivers is to clarify and definitize the rights of the parties to such inventions when the facts surrounding the first actual reduction to practice prior to or during the contract are or will be difficult to establish.

(h) *Waivers to educational institutions.* (1) Except to the extent that a nonprofit educational institution may be engaged as a contractor operating a Government-owned facility or undertaking other special contracts, the following considerations apply to the granting of advance and identified waivers to educational institutions having an approved technology transfer program and capability. To obtain approval of its technology transfer program, educational institutions shall forward their requests to ERDA as provided in paragraph (2) below.

(2) A nonprofit educational institution desiring to obtain approval of its technology transfer program and capability shall provide the agency with the following information:

(i) General information concerning the institution, including:

(A) A copy of its Articles of Incorporation;

(B) A statement of the institution's purpose and aims; and

(C) A statement indicating the source of the institution's funds;

(ii) A copy of the institution's established patent policy, together with the date and manner of its adoption;

(iii) The name, title, address, and telephone number of the officer responsible for administration of patent and invention matters and a description of staffing in this area, including all offices which contribute to the institution's patent management capabilities;

(iv) A description of the institution's procedures for identifying and reporting inventions and a description of the procedures for evaluation of such inventions for inclusion in the institution's promotional program;

(v) A copy of the agreement signed by employees engaged in research and development, indicating their obligation in regard to inventions conceived or first actually reduced to practice in the course of their assigned duties;

(vi) A copy of the invention report form or outline utilized for preparation of invention reports;

(vii) A statement of whether the institution has an agreement with any patent management organizations or consultants and a copy of any such agreements;

(viii) A description of the plans and intentions of the institution to bring to the marketplace inventions to which it retains title including a description of the efforts typically undertaken by the institution to license its inventions;

(ix) A description of the institution's past patent application and patent licensing activities, including the following:

(A) Number of inventions reported to the institution during each of the past ten (10) years;

(B) Number of patent applications filed during each of the past ten (10) years;

(C) Number of patents obtained during each of the past ten (10) years;

(D) Number of exclusive licenses issued during each of the past ten (10) years;

(E) Number of nonexclusive licenses, other than those to sponsoring Government agencies, issued during each of the past ten (10) years;

(F) Gross royalty income during each of the past ten (10) years; and

(G) A general description of royalties charged, including minimum and maximum royalty rates;

(x) A list of subsidiary or affiliate institutions which would be covered by an agreement signed by the institution;

(xi) If the institution is a subsidiary or affiliate organization, the name of the other related organization and a description of the relationship;

(xii) The amount of Government support for research and development activities currently being administered by the institution, giving Government agency and breakdown;

(xiii) A statement of the institution's policies with respect to the sharing of royalties with employees; and

(xiv) A description of the uses made of any net income generated by the institution's patent management program.

(3) Before an institution's technology transfer program and capabilities are approved, the institution shall have a technology transfer program which, as a minimum shall include the five (5) criteria listed below. In addition to these criteria, consideration will be given to whether or not other Government agencies have approved an Institutional Patent Agreement with the requesting institution. The five criteria are:

(i) An established patent policy which is consistent with the four policy objectives in § 9–9.109–6(a) and is administered on a continuous basis by an officer or organization responsible to the institution;

(ii) Agreements with employees requiring them to assign to the institution or its designee or the Government any invention conceived or first actually reduced to practice by them in the course of or under Government contracts and awards or assurance that such agreements are obtained prior to the assignment of personnel to Government-supported research and development projects;

(iii) Procedures for insuring that inventions are promptly identified and timely disclosed to the officer or organization administering the patent policy of the institution;

(iv) Procedures for insuring that inventions disclosed to the institution are evaluated for inclusion in the institution's promotional program; and

(v) An active and effective promotional program for the licensing and marketing of inventions.

(4) In considering approval of technology transfer programs and capabilities in connection with requests for advance waivers, such approval shall be considered in lieu of commercial, manufacturing, and marketing capabilities which normally reside in industry. Such approval shall not be considered sufficient in and of itself as justifying the granting of an advance waiver to an institution. Approval of the grant of advance waiver must be viewed in light of the considerations of § 9–9.109–6(b) above and the four objectives set forth in § 9–9.109–6(a) above.

(5) In requests for identified waivers, however, the fact that an institution with an approved technology transfer program and capabilities has identified an invention and has expressed a desire to commercialize it through a request for a waiver therefor shall normally be presumed to have met the criteria of § 9–9.109–6(c) unless it is indicated that under one or more of the criteria the presumption is inapplicable.

(i) *Terms and conditions of waivers.* Each waiver shall contain, as a minimum, provisions covering each of the following:

(1) Advance waivers shall apply only to inventions reported in accordance with paragraph (e)(2)(i) of the clause of § 9–9.107–5(a) and with which is included an election as to whether the contractor will retain the rights waived in the invention, and specifying those countries in which rights will be retained.

(2) Subject to the rights granted in paragraphs (c) (1), (2) and (3) of the Patent Rights clause of § 9–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the contractor or inventor as appropriate:

(i) Does not elect, in accordance with (i)(1) of this section to retain such rights; or

(ii) Fails to have a United States patent application filed on the invention in accordance with paragraph (i)(5) of this section, or decides not to continue prosecution of such application; or

(iii) At any time, no longer desires to retain title.

(3) Subject to the rights granted in paragraph (c) (1), (2) and (3) of the Patent Rights clause of § 9–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire rights, title and interest in any Subject Invention in any foreign country if the contractor or inventor, as appropriate:

(i) Does not elect, in accordance with paragraph (i)(1) of this section, to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (i)(6) of this section, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the contractor or inventor shall notify the patent counsel not less than 60 days before the expiration period for any

action required by the foreign patent office.

granting the Government a power of attorney.

(i) To the extent that the invention is required for public use by Governmental

such proposed termination and the reasons therefor. The contractor will be given a period of thirty (30) days after the giving of such notice to show cause why the proposed termination should not be made.

bers involved or such other information as

(d) "Unlimited Rights" means rights

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action required by the foreign patent office.

(4) Conveyances requested pursuant to paragraph (i) (2) or (3) of this section shall be made by delivering to the patent counsel duly executed instruments and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention to enable the Government to apply for and prosecute patent applications covering the invention in this or the foreign country, respectively, or otherwise establish its ownership of the invention.

(5) (i) With respect to each invention in which the contractor has an advance waiver and elects to retain domestic rights pursuant to paragraph (i) (1) of this section, the contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e) (2) (i) of the clause of § 9–9.107–5(a) or such longer period as may be approved by the patent counsel for good cause shown in writing by the contractor or inventor. For identified inventions waived to the contractor or inventor, the contractor or inventor shall have a domestic patent application filed within 6 months after the waiver has become effective. With respect to such inventions, the contractor or inventor shall promptly notify the patent counsel of any decision not to file an application.

(ii) For each subject invention on which a patent application is filed by the contractor or inventor, the contractor or inventor shall:

(A) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to patent counsel a copy of the application as filed including the filing date and serial number;

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention, "The Government has rights in this invention pursuant to Contract No. ——— (or Grant No. ———) awarded by the U.S. Energy Research and Development Administration.";

(C) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the patent counsel a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled, and provide ERDA an irrevocable power to inspect and make copies of the patent application filed;

(D) Provide the patent counsel with a copy of the patent within 2 months after a patent is issued on the application; and

(E) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the patent counsel of any decision not to continue prosecution of the application and deliver to the patent counsel executed instruments granting the Government a power of attorney.

(iii) For each invention in which the contractor initially elects pursuant to (i) (1) of this section not to retain the rights waived, the contractor shall inform the patent counsel promptly in writing of the date and identity of any on sale, public use, or public disclosure of the invention which may constitute a statutory bar under 35 U.S.C. 102 which was authorized by or known to the contractor, or any contemplated action of this nature.

(6) (i) With respect to each Invention in which the contractor elects pursuant to (i) (1) of this section to retain the rights waived in a foreign country, or in which the contractor or inventor has obtained a waiver of foreign rights on an identified invention, the contractor or inventor shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(A) Eight (8) months from the date of a corresponding United States application filed by the contractor or inventor, or if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (e) (2) (i) of the clause of § 9–9.107–5(a);

(B) Six (6) months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where such filing has been prohibited by security reasons; or

(C) Such longer period as may be approved by the patent counsel.

(ii) The contractor or inventor shall notify the patent counsel promptly of each foreign application filed and upon written request shall furnish an English version of the application without additional compensation.

(7) The contractor or inventor shall, three years after a waiver is effective as to an invention, and at three-year intervals thereafter, and when specifically requested by the patent counsel, furnish patent counsel a report setting forth:

(i) The commercial use that is being made, or is intended to be made, of said invention, and

(ii) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing;

(8) The Government's retention of at least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(9) The right in the Administrator or his designee to require the granting of a nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances:

(i) To the extent that the invention is required for public use by Governmental regulations;

(ii) As may be necessary to fulfill health, safety or energy needs; or

(iii) For such other purposes as may be stipulated in the applicable agreement.

(10) The right of the Administrator or his designee to terminate such waiver in whole or in part unless the recipient of such waiver demonstrates to the satisfaction of the Administrator or his designee that effective steps have been taken, or within a reasonable time thereafter are expected to be taken, necessary to accomplish substantial utilization of the invention.

(11) The right in the Administrator or his designee commencing four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(i) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of the waiver or other interested person has had the opportunity to provide such relevant and material information as the Administrator or his designee may require, that such waiver has tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) Unless the recipient of the waiver demonstrates to the satisfaction of the Administrator or his designee at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(j) *Terminations.* (1) Any waiver may be terminated at the discretion of the Administrator or his designee, in whole or in part, if the request for waiver is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon in reaching the waiver determination.

(2) Any waiver, as applied to particular inventions, may be terminated at the discretion of the Administrator or his designee, in whole or in part, if the requirements set forth in paragraph (i) of this section (Terms and conditions of waivers) have not been fulfilled, and such failure is determined by the Administrator or his designee to be material and detrimental to the interests of the United States and the general public.

(3) Prior to terminating a waiver under paragraph (j) (1) or (j) (2) of this section, the recipient of the waiver will be given written notice of the intention to terminate the waiver, the extent of such proposed termination and the reason therefor, and a period of 30 days, or such longer period as the Administrator or his designee shall determine for good cause shown in writing, to show cause why the waiver should not be so terminated.

(4) All terminations of waivers shall be subject to the rights granted in paragraph (c) (1) of the clause of § 9–9.107–5(f), and termination shall normally be partial in nature, requiring the waiver recipient to grant nonexclusive or partially exclusive licenses to responsible applicants upon terms reasonable under the circumstances.

(k) *Effective date.* Waivers shall be effective on the following dates:

(1) For advance waivers of identified inventions, i.e., inventions conceived prior to the effective date of the contract, on the effective date of the contract even though the advance waiver may have been requested after that date;

(2) For identified inventions under advance waivers, i.e., inventions conceived or first actually reduced to practice after the effective date of the contract, on the date the invention is reported with the election to retain rights as to that invention; and

(3) For waivers of identified inventions (other than under an advance waiver), on the date of the letter notifying the requestor that the waiver has been granted.

§ 9–9.110 Reporting of royalties.

In order that ERDA may be informed regarding royalty payments to be made by a contractor in connection with any procurement, construction, or operation where the amount of the royalty payment is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) Obtain from the offeror information concerning any royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, or (b) Obtain from the offeror a certificate that the contract price includes no amount representing the payment of any royalty by the offeror directly to others in connection with the performance of the contract, or (c) Insert in the contract the clause set forth below:

REPORTING OF ROYALTIES

If this contract is in the amount which exceeds $10,000 and if any royalty payments are directly involved in the contract or are reflected in the contract price to the Government, the contractor agrees to report in writing to the Patent Counsel (with notification by Patent Counsel to the Contracting Officer) during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit the identification of the patents or other basis on which the royalties are to be paid. The approval of ERDA of any individual payments or royalties shall not stop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

Subpart 9–9.2—Technical Data and Copyrights

§ 9–9.200 Scope of subpart.

This subpart sets forth ERDA's policy, procedures, and contract clauses with respect to the acquisition and use of technical data and copyrights in contracts or subcontracts entered into, with or for the benefit of the Government.

§ 9–9.201 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below:

(a) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification and related information. Technical data as used in this subpart does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) "Proprietary Data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

(1) Are not generally known or available from other sources without obligation concerning their confidentiality,

(2) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(3) Are not already available to the Government without obligation concerning their confidentiality.

(c) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the Additional Technical Data Requirements clause of the contract, if any, or technical data actually delivered in connection with the contract.

(d) "Unlimited Rights" means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

§ 9–9.202 Acquisition and use of technical data.

§ 9–9.202–1 General.

(a) The provisions herein pertain to research, development, demonstration and supply contracts, and contracts for the operation, design or construction of Government-owned facilities which are covered by § 9–9.202–4. Under ERDA's broad charter to perform research, development and demonstration work in both nuclear and nonnuclear fields, and to meet the objectives stated in § 9–9.202–2 below, ERDA has extensive needs for technical data. The satisfaction of these needs and the achievement of ERDA's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, its contractors, and the general public.

(b) It is important to keep a clear distinction between contract requirements for the delivery of technical data on the one hand, and rights in technical data on the other. The legal rights which the Government acquires in technical data in ERDA contracts (other than "facilities" contracts) are set forth in the Rights in Technical Data (long form) clause of § 9–9.202–3(e)(2). However, this clause does not obtain for the Government the delivery of any data whatsoever. Rather, known requirements for the technical data to be delivered by the contractor shall be set forth as part of the contract (e.g. in the Statement of Work). An Additional Technical Data Requirements clause is included in this Subpart to enable the contracting officer to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which a contractor may be required to deliver under either the contract Statement of Work or the Additional Technical Data Requirements clause. This limitation is found in the withholding provision of paragraph (e) of the Rights in Technical Data (long form) clause of § 9–9.202–3(e) which provides that the contractor need not furnish "proprietary data". It is specifically intended that the contractor may withhold "proprietary data" even though a requirement for technical data specified in the Statement of Work or called for pursuant to the Additional Technical Data Requirements clause would seemingly require the furnishing of proprietary data. This withholding of proprietary data is the primary means by which the contractor may protect its proprietary position.

(c) There are, however, two situations where the Government, or its representative, may need to have limited access to a contractor's proprietary data. First, paragraph (f) of the Rights in Technical Data (long form) clause gives the contracting officer's representatives the lim-

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lted right to inspect at the contractor's facility the contractor's proprietary data which was withheld from delivery under paragraph (e) of the clause for the purpose of verifying that such data were properly withheld or to evaluate work performance. In carrying out the inspection, normally the conrtacting officer's representative is an ERDA employee although he may be an employee of an ERDA contractor acting under an agreement to treat in confidence the proprietary data to be inspected. However, where the contractor whose data are to be inspected demonstrates that there would be a possible conflict of interest if the inspection were made by such a contractor employee, the contracting officer's representative may be limited to an ERDA employee. Paragraph (f) has a built-in exclusion from these inspection rights for "specific items of proprietary data" when they are so specified in the contract schedule. Such exclusions limit even ERDA's minimum rights of evaluating contract work performance and verifying that technical data withheld by the contract or is proprietary in fact. Such exclusions should be sparingly used, and only in situations where program personnel stipulate to the fact that ERDA has no need for access to the specified items to be excluded from paragraph (f), i.e., that the nondisclosure and nonaccessibility will not adversely affect the ERDA program involved. It should also be noted that paragraph (f) permits exclusion of "specific items" of proprietary data and, accordingly, should not be used to exclude classes of technical data or all technical data pertaining to specific items orp rocesses or classes of items or processes. The second situation, where the Government may have limited access to a contractor's proprietary data, is provided in optional paragraph (g) of the Rights in Technical Data (long form) clause. When used, optional paragraph (g) provides the Government the right to require the contractor to furnish with limited rights the proprietary data previously withheld under paragraph (e). In this situation, the limited rights in proprietary data and the Government's obligation for limited use and disclosure of such data as set forth in the Rights in Technical Data (long form) clause provides the means by which the contractor protects its proprietary position. Paragraph (g) will be used only where it is determined by ERDA that for programmatic reasons there is a need for the delivery of proprietary data to the Government. Where proprietary data is to be delivered under paragraph (g) and subparagraph (a) or (b) of the Limited Rights Legend is to be applied to the data, the contractor may, if he can show the possibility of a conflict of interest regarding disclosure of such data to other contractors, limit or modify subparagraphs (a) or (b) as set forth in § 9–9.202(e)(3), to exclude or include certain contractors.

(d) The contractor licensing provisions of optional paragraph (h) of the Rights in Technical Data (long form) clause enable ERDA to require limited licenses in proprietary contract data to be granted to the Government and responsible parties in certain circumstances. Such a license may parallel or supplement the license obtained in background patents under the provisions of paragraph (k) of the Patent Rights clause of Subpart 9–9.1. Paragraph (h) is normally to be included in contracts for research, development or demonstration where it is deemed by ERDA that the limited license afforded therein is necessary to ensure widespread commercial use or practical utilization of a subject of the contract. As explained in § 9–9.202–3(e)(4), paragraph (h) provides that upon request by ERDA, the contractor will grant to the Government and responsible third parties a license in proprietary data only where such data in the form of results obtained by its use, i.e., essential equipment, articles, products and the like which were the subject of the contract, are not otherwise available or cannot be made available in a reasonable time as set forth in paragraph (h).

(e) It is the responsibility of prime contractors and higher-tier subcontractors, in meeting their obligations with respect to contract data, to obtain from their subcontractors the rights in, access to, and delivery of such data on behalf of the Government. Accordingly, subject to the policy set forth in these regulations, and subject to the approval of the contracting officer where required, selection of appropriate technical data provisions for subcontracts is the responsibility of the prime contractor or higher-tier subcontractor. In many but not all instances, inclusion in a subcontract of the Rights in Technical Data (long form) clause of § 9–9.202–3(e)(2) will suffice to obtain for the benefit of the Government the rights in and, if appropriate, access to technical data. Access by ERDA to technical data, i.e., the inspection rights afforded in paragraph (f) of the Rights in Technical Data (long form) clause, § 9–9.202–3(e)(2), normally should be obtained only in first tier subcontracts having as a purpose the conduct of research, development or demonstration work or the furnishing of supplies for which there are substantial technical data requirements as reflected in the prime contract. If a subcontractor refuses to accept technical data provisions affording rights in and access to technical data on behalf of the Government, the contractor shall so inform the contracting officer in writing and not proceed with the subcontract without written authorization of the contracting officer. In prime contracts (or higher-tier subcontracts) which contain the Additional Technical Data Requirements clause, it is the further responsibility of the contractor (or higher-tier subcontractor) to determine whether inclusion of such clause in a subcontract is required to satisfy technical data requirements of the prime contract (or higher tier subcontract). As is the case for ERDA in its determination of technical data requirements, the Additional Technical Data Requirements clause should not be used at any subcontracting tier where the technical data requirements are fully known, and normally the clause will be used only in subcontracts having as a purpose the conduct of research, development or demonstration. Prime contractors and higher tier subcontractors shall not use their power to award subcontracts as economic leverage to inequitably acquire rights in the subcontractor's proprietary data for their private use, and they shall not acquire rights on behalf of the Government to proprietary data for standard commercial items unless required by the prime contract.

(f) Related to the acquisition and use of technical data are the contractor's rights in contract data as well as technical data furnished to the contractor by ERDA or its contractors. These rights are set forth in paragraph (b)(2) of each Rights in Technical Data clause of this Subpart and provide that the contractor may, subject to patent, security and other provisions of the contract, use for its private purposes contract data it first produces in the performance of the contract provided that the contractor has met its data requirements (e.g., delivery of data in the form of progress or status reports specified to be delivered) as of the date of the private use of such data. It is not necessary that a "Final Report" be submitted in order to privately use data if all required progress and interim reports and other technical data then due have been delivered. Paragraph (b)(2) further provides that technical or other data received by the contractor in the performance of the contract must be held in confidence by the contractor in accordance with restrictions accompanying the data.

(g) An additional clause in this Subpart includes that of paragraph 9–9.202–3(f)(2) entitled Rights in Data—Special Works which is to be used in place of or in addition to the Rights in Technical Data clause in contracts where a purpose of the contract is the production of copyrightable material, a substantial portion of which is to be first produced in the performance of the contract, such as motion pictures, television recordings, books, histories, etc. Where, during contract negotiations, it may be determined to purchase, i.e., "specifically acquire," unlimited rights in technical data, or to lease or obtain a license therein, or to obtain rights in existing data, an appropriate clause therefor should be obtained from patent counsel. In situations where technical data including computer software are to be leased or licensed, the terms of any agreement restricting the Government's rights will be included in the contract as either a special provision or an agreement annexed thereto. Another clause, the Rights in Technical Data (short form) clause of § 9–9.202–3(g)(2), is provided for use in research contracts with educational institutions and consultants. Such contracts may, for example, include those for conducting symposia, training or education, or other contracts not involving possible use of proprietary data.

§ 9–9.202–2 Policy.

The technical data policy is directed toward achieving the following objectives:

(a) Making the benefits of the energy research, development and demonstration programs of ERDA widely available to the public in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under ERDA programs;

(c) Encouraging participation by private persons in ERDA energy research, development and demonstration programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

§ 9–9.202–3 Procedures (Supply, Research, Development or Demonstration Contracts).

(a) *Known requirements for technical data.* Technical data requirements are determined in relation to the intended use of that data, which in turn depends upon the intended use of the contract end item. In many contracts for research, the end item may often be a technical report or series of such reports, while in contracts beyond research the subject of the contract may be a feasibility model, an engineering or advance development model, or a prototype. The extent to which required technical data may be needed often depends on the level of maturity of design and perfection of the end item, and, for a demonstration plant or prototype may include data pertaining to performance, operational, and environmental testing, repair, maintenance, operation, quality assurance, detailed design, logistics, training, etc. Known technical data requirements shall be programmatically ascertained prior to contracting and shall be included in requests for proposals or disclosed during contract negotiations for incorporation as data requirements in the contract Statement of Work.

(b) *Additional requirements for technical data.* In contracts for research, development or demonstration it is not normally possible or appropriate for the Government to ascertain all actual needs for technical data in advance of contracting. Accordingly, the Additional Technical Data Requirements clause in (c) below shall normally be used in such contracts (and, if appropriate, in subcontracts) to enable the ordering of technical data as the actual need and requirement therefor became known during the course of the contract. If all technical data requirements are known in advance of contracting and are set forth in the contract Statement of Work, this clause need not be used. The Additional Technical Data Requirements clause should not normally be used in supply contracts because the required technical data therefor are ordinarily known in advance and thus are specified in the contract Statement of Work or Specification.

(c) *Additional technical data requirements clause.*

ADDITIONAL TECHNICAL DATA REQUIREMENTS

(a) In addition to the technical data specified elsewhere in this contract to be delivered, the Contracting Officer may at any time during the contract performance or within one year after final payment call for the Contractor to deliver any technical data first produced or specifically used in the performance of this contract except technical data pertaining to items of standard commercial design.

(b) The provisions of the "Rights in Technical Data" clause included in this contract are applicable to all technical data called for under this "Additional Technical Data Requirements" clause. Accordingly, nothing contained in this clause shall require the Contractor to actually deliver any technical data, the delivery of which is excused by paragraph (e) of the "Rights in Technical Data" clause.

(c) When technical data are to be delivered under this clause, the Contractor will be compensated for appropriate costs for converting such data into the prescribed form, for reproduction, and for delivery.

(d) *Proposals.* The policy and procedures for treatment of proposal information solicited and unsolicited proposals are contained in § 9–3.150 of these Regulations in which it is provided that proposals may be marked with the Notice set forth in § 9–3.150–2(a). It is ERDA policy, in consideration of the contract award, to obtain unlimited rights in the technical data contained in the proposal unless the prospective contractor marks those portions of the technical information which he asserts as being proprietary data. If a contract is to be awarded based on a proposal even though it is marked with the Notice in § 9–3.150–2(a), the prospective contractor is obliged under § 9–3.150–2(b) to identify the portions thereof which contain proprietary data, and the contract in such instance shall contain the Rights to Proposal Data clause set forth in § 9–3.150–2(c) identifying data asserted to be proprietary data by page number. Under § 9–3.150–2(b) and § 9–3.151–1 which set forth procedures for identifying proprietary data, it is provided that, subject to the concurrence of the contracting officer, the proposer may delete proposal information unrelated to the contract, identify the proprietary data in his proposal or state that there is no proprietary data in the proposal. Data identified as proprietary does not constitute a stipulation by the Government that it is in fact proprietary data.

(e) *Rights in technical data.* (1) The Rights in Technical Data (long form) clause set forth in paragraph (2) below will be used in all contracts having as a purpose the conduct of research, development or demonstration or in contracts for supplies, or in any other contract where technical data are expected to be first produced under the contract, where technical data are specified to be delivered in the contract or where the contract contains the Additional Data Requirements clause. Accordingly, all such contracts will contain the Rights in Technical Data (long form) clause of paragraph (2) below except as noted in § 9–9.202–4 and § 9–9.202–3 (f) and (g) and except contracts for standard commercial "off-the-shelf" supplies where technical data such as operating or repair manuals are routinely furnished with the supplies.

(2) *Rights in technical data clause.*

RIGHTS IN TECHNICAL DATA—LONG FORM

(a) *Definitions.* (1) "Technical Data" means recorded information regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, or demonstration, or engineering work, or be usable or used to define a design or process, or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality,

(ii) Have not been made available by the owner to others without obligation concerning its confidentiality, and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the "Additional Technical Data Requirements" clause of the contract, if any, or technical data actually delivered in connection with the contract.

(4) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in contract data except as otherwise provided below with respect to proprietary data.

(ii) The right to remove, cancel, correct or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if in response to a written inquiry by ERDA concerning the propriety of the markings, the Contractor fails to respond thereto within 60 days or fails to substantiate the propriety of the markings. In either case ERDA will notify the Contractor of the action taken.

(iii) No rights under this contract in any technical data which are not contract data.

(2) The Contractor shall have:

(i) The right to withhold proprietary data in accordance with the provisions of this clause,

(ii) the right to use for its private purposes, subject to patent, security or other provisions of this contract, contract data it

first produces in the performance of this con-

subject to the "inspection rights" prov-

(g) *Limited rights in proprietary data.* Ex-

nology specifically contemplated in the contractor or others. Such contracts in-

(g) *Rights in technical data clause.*

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first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business or financial data in the form of recorded information from ERDA or an ERDA contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this "Rights in Technical Data" clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor shall not, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright in any contract data first produced in the performance of the contract. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf a royalty-free, non-exclusive, irrevocable, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If such royalty-free license is unavailable and the Contractor nevertheless determines that such copyrighted material must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall request the written authorization of the Contracting Officer to include such copyrighted material in the technical data without a license.

(d) *Subcontracting.* It is the responsibility of the Contractor to obtain from its subcontractors technical data and rights therein, on behalf of the Government, necessary to fulfill the Contractor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(1) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(2) Not proceed with the subcontract without the written authorization of the Contracting Officer.

(e) *Withholding of proprietary data.* Notwithstanding the inclusion of the "Additional Technical Data Requirements" clause in this contract or any provision of this contract specifying the delivery of technical data, the Contractor may withhold proprietary data from delivery, provided that the Contractor furnishes in lieu of any such proprietary data so withheld technical data disclosing the source, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("Form, Fit and Function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.) or a general description of such proprietary data where "Form, Fit and Function" data are not applicable. The Government shall acquire no rights to any proprietary data so withheld except that such data shall be subject to the "Inspection rights" provisions of paragraph (f), and, if included, the "Limited rights in proprietary data" provisions of paragraph (g) and the "Contractor licensing" provisions of paragraph (h).

(f) *Inspection rights.* Except as may be otherwise specified in this contract for specific items of proprietary data which are not subject to this paragraph, the Contracting Officer's representatives, at all reasonable times up to three (3) years after final payment under this contract, may inspect at the Contractor's facility any proprietary data withheld under paragraph (e) and not furnished under paragraph (g) for the purposes of verifying that such data properly fell within the withholding provision of paragraph (e), or for evaluating work performance.

(3) *Optional clause—limited rights in proprietary data.* In research, development or demonstration contracts and supply contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data (long form) clause shall be supplemented by the additional paragraph (g) set forth below. It should be noted that this paragraph does not entitle the contractor to place a Limited Rights Legend on any technical data furnished to the Government under paragraph (g) below unless the contracting officer requests in writing delivery of identified technical data previously withheld under paragraph (e) of the Rights in Technical Data clause. Paragraph (g) provides that proprietary data may be specified in the contract as being excluded from the delivery requirements of paragraph (g). Alternatively, the Limited Rights Legend specified in paragraph (g) may be made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b) and (c) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall be used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deleted. When there is a programmatic requirement that proprietary data be disclosed to other ERDA contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors or evaluators, exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b) may unless otherwise applicable, be deleted. In the event it is determined that all of the subparagraphs (a), (b) and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(g) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor shall, upon written request from the Contracting Officer at any time prior to three (3) years after final payment under this contract, promptly deliver to the Government any "proprietary data" withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause of this contract. The following legend and no other is authorized to be affixed on any "proprietary data" delivered pursuant to this provision, provided the "proprietary data" meets the conditions for initial withholding under paragraph (e) of the "Rights in Technical Data" clause. The Government will thereafter treat the "proprietary data" in accordance with such legend.

LIMITED RIGHTS LEGEND

This "proprietary data," furnished under Contract No. ------- with the United States Energy Research and Development Administration (and purchase order No. ------- if applicable) may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

This legend shall be marked on any reproduction of this data in whole or in part.

(4) *Optional clause—contractor licensing.* In many contracting situations the achievement of ERDA's objectives would be frustrated if the Government at the time of contracting did not obtain on behalf of responsible third parties and itself limited license rights in and to proprietary contract data. Where for example, the contractor is required to license background patents, consideration should be given to securing co-extensive license rights to the Government and responsible third parties at reasonable royalties, and under appropriate restrictions, for contract data which are proprietary data in order to practice the technology which is a subject of the contract. When such a license right is deemed necessary, the Rights in Technical Data (long form) clause should be supplemented by the addition of paragraph (h) below. Paragraph (h) will normally be sufficient to cover proprietary contract data for items and processes that were used in the contract and are necessary in order to insure widespread commercial use of a subject of the contract. The expression "subject of the contract" is intended to limit the licensing required in clause (h) below to the fields of technology specifically contemplated in the contract effort and may be replaced by a more specific statement of the fields of technology intended to be covered in the manner described in § 9–9.107–5(b)(9) of Subpart 9–9.1 of these Regulations pertaining to "Background Patents." Where, however, proprietary contract data cover the main purpose or basic technology of the research, development or demonstration effort of the contract, rather than subcomponents, products or processes which are ancillary to the contract effort, the limitations set forth in subparagraphs (1)–(4) of paragraph (h) should be modified or deleted. Paragraph (h) further provides that technical data may be specified in the contract as being excluded from or not subject to the licensing requirements thereof. This exclusion can be implemented by limiting the applicability of the provisions of paragraph (h) to only those classes or categories of proprietary data determined as being essential for licensing. Although contractor licensing may be required under paragraph (h), the final resolution of questions regarding the scope of such licenses, the terms thereof including provisions for confidentiality and reasonable royalties, is then left to the negotiation of the parties with resolution of the issues being made, if necessary, by a court of competent jurisdiction.

(h) *Contractor licensing.* Except as may be otherwise specified in this contract as technical data not subject to this paragraph, the Contractor agrees that upon written application by ERDA, it will grant to the Government and responsible third parties, for purposes of practicing a subject of this contract, a nonexclusive license in any contract data which are proprietary data on terms and conditions reasonable under the circumstances including appropriate provisions for confidentiality; provided, however, the Contractor shall not be obligated to license any data if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(1) Such data are not essential to the manufacture or practice of hardware designed or fabricated, or processes developed, under this contract;

(2) Such data, in the form of results obtained by their use, have a commercially competitive alternative available or readily introduceable from one or more other sources;

(3) Such data, in the form of results obtained by their use, are being supplied by the Contractor or its licensees in sufficient quantity and at reasonable prices to satisfy market needs, or the Contractor or its licensees have taken effective steps or within a reasonable time are expected to take effective steps to so supply such data in the form of results obtained by its use; or

(4) Such data, in the form of results obtained by their use, can be furnished by another firm skilled in the art of manufacturing items or performing processes of the same general type and character necessary to achieve the contract results.

(i) *Rights in data—special works.* (1) The clause set forth in paragraph (2) below shall be used in all contracts where the principal purpose or a task of the contract is the production of copyrightable works, even though such works may incorporate uncopyrighted material or material previously copyrighted by the contractor or others. Such contracts include those:

(i) Primarily for production of motion picture or television recordings or scripts, musical compositions or arrangements, sound tracks or recordings, translations, adaptations, and the like;

(ii) For books, compilations, surveys, histories, or technology information pamphlets;

(iii) For works pertaining to management studies, support services, training, career guidance, or similar functions of ERDA; and

(iv) For works pertaining to guidance or instruction of ERDA officials or employees in the discharge of official duties.

The clause in paragraph (2) below should be modified with the assistance of patent counsel where the contract calls for the editing, translation, addition, or other modification of the subject matter of an existing work.

(2) *Rights in data—special works clause.*

RIGHTS IN DATA—SPECIAL WORKS

(a) The term "Data" as used herein means recorded information regardless of form or characteristic, such as writings, sound recordings, pictorial reproductions, drawings, or other graphic representations, and works of similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term includes data such as management studies and data produced under support services contracts but does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All data first produced or composed in the course of or under this contract shall be the sole property of the Government. Except with the prior written permission of the Contracting Officer, the Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such data. The Contractor shall not publish or reproduce such data in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Contracting Officer until such time as the Government may have released such data to the public.

(c) The Contractor hereby grants to or will obtain for the Government a royalty-free, nonexclusive and irrevocable license throughout the world (1) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all data which are not first produced or composed in the performance of this contract but which are incorporated in the work furnished under this contract; and (2) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, (1) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the public translation, reproduction, delivery, performance, use, or disposition of any data furnished under this contract; or (2) based upon any libelous, defamatory, or other unlawful matter contained in such data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be constructed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(g) *Rights in technical data clause (short form).* (1) The clause set forth in paragraph (2) below may be used in contracts for basic research including grants, Special Support Research Agreements with educational institutions, contracts with consultants, contracts for symposia or for the conduct of training and educational programs, and in other contracts of a similar nature. This clause shall not be used in any contract where proprietary information of the contractor may be utilized in the performance of work under the contract, and in such instances the Additional Technical Data Requirements clause of § 9–9.202–3(c) and the Rights in Technical Data (long form) clause of § 9.202–3(e)(2) shall be used. The short form clause of this section shall not be used in situations involving long-term consultancy arrangements for work in ERDA programs covered by ERDA Manual Chapter 7604. In such instances the clauses in ERDAM 7604 shall be used.

(2) *Rights in technical data clause—short form.*

RIGHTS IN TECHNICAL DATA—SHORT FORM

(a) *Definitions.* The definitions of terms set forth in 41 CFR 9–9.201 apply to the extent these terms are used herein.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in technical data first produced or specifically used in the performance of this contract;

(ii) The right of the Contracting Officer or his representatives to inspect at all reasonable times up to three (3) years after final payment under this contract all technical data first produced or specifically used in the contract (for which inspection the Contractor or its subcontractor shall afford proper facilities to ERDA);

(iii) The right to have any technical data first produced or specifically used in the performance of this contract delivered to the Government as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract.

(2) The Contractor shall have:

The right to use for its private purposes, subject to patent, security or other provisions of this contract, technical data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business or financial data in the form of recorded information from ERDA or an ERDA contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(c) *Copyrighted material.* (1) The Contractor agrees to, and does hereby grant to the Government, and to its officers, agents, servants and employees acting within the scope of their duties:

(i) A royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of and to authorize others so to do, all copyrightable material first produced or composed in the performance of this contract by the Contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and

(ii) a license as aforesaid under any and all copyrighted or copyrightable works not

(2) Rights in technical data clause—facility.

(v) The right to remove, cancel, correct or ignore any marking not authorized by the

information which may expedite disposition of the matter; and

from subparagraphs (a) or (b). If the data is required solely for emergency re-

disclosure or use may be made solely for the following purposes:

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(ii) a license as aforesaid under any and all copyrighted or copyrightable works not first produced or composed by the Contractor in the performance of this contract but which are incorporated in the material furnished under the contract, provided that such license shall be only to the extent the Contractor now has, or prior to completion or final settlement of the contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The Contractor agrees that it will not knowingly include any material copyrighted by others in any written or copyrightable material furnished or delivered under this contract without a license as provided for in subparagraph (1)(ii) hereof, or without the consent of the copyright owner, unless it obtains specific written approval of the Contracting Officer for the inclusion of such copyrighted material.

§ 9–9.202–4 Procedures (government-owned, contractor-operated facilities).

(a) *General.* It is essential that ERDA maintain continuity in its programs which are implemented by contracts for the operation of Government-owned, contractor-operated facilities. Contract data first produced or specifically used in the performance of such contracts must be considered as integral to and remaining with the facility or plant after termination of such contracts and thus available to ERDA and its future contractors for the continued use of the facilities or plant. However, it is recognized that these contracts by their nature cannot always be subject to one set of prescribed contract provisions which will always apply. Accordingly, the Rights in Technical Data—Facility clause set forth in paragraph (c)(2) below is to be used as a basic or minimal clause which may be modified or expanded with the concurrence of patent counsel to meet particular contract situations.

(b) *Subcontracting.* Unless otherwise directed by the contracting officer, the contractor shall follow the policy and procedures of § 9–9.202–1, 2, and 3 above and shall employ the provisions of the Additional Technical Data Requirements clause of § 9–9.202–3(c) and the Rights in Technical Data clause of § 9–9.202–3(e)(2) where appropriate except in subcontracts for the design of special production plants or facilities or specially designed equipment for such facilities or plants in which instances contractors shall include the provisions of the Rights in Technical Data clause of § 9–9.202–4.

(c) *Rights in technical data clause—facility.* (1) Whenever a contract has as a purpose the operation of a Government-owned contractor-operated research or production facility, the clause set forth in (2) of this paragraph shall normally be included in the contract. Inasmuch as this clause secures to the Government ownership, access to, and, if requested, delivery of all technical data first produced in the performance of the contract and access to and delivery of technical data which are specifically used in the performance of the contract, there is no need to include the Additional Technical Data Requirements clause of § 9–9.202–3(c).

(2) Rights in technical data clause—facility.

RIGHTS IN TECHNICAL DATA—FACILITY

(a) *Definitions.* (1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, or demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support maintain, or operate materiel. That data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification and related information. Technical data as used herein does not include financial reports, cost analyses and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality;

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality; and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rigths.* (1) The Government shall have:

(i) Ownership in all technical data first produced in the performance of the contract.

(ii) The right to inspect technical data first produced or specifically used in the performance of the contract at all reasonable times (for which inspection the proper facilities shall be afforded ERDA by the Contractor and its subcontractors).

(iii) The right to have all technical data first produced or specifically used in the performance of the contract delivered to the Government or otherwise disposed of by the Contractor, either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract, provided, that nothing contained in this paragraph shall require the Contractor to actually deliver any technical data the delivery of which is excused by this Rights in Technical Data clause.

(iv) Unlimited rights in technical data specifically used in the performance of this contract except technical data pertaining to items of standard commercial design; the Contractor agrees to leave a copy of such technical data at the facility or plant to which such data relate, and to make available for access or to deliver to the Government such data upon request by the Contracting Officer; provided, that if such data are proprietary, the rights of the Government in such data shall be governed solely by the provisions of paragraph (e) hereof—"Limited Rights in Proprietary Data,"

(v) The right to remove, cancel, correct or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder if, in response to a written inquiry by ERDA concerning the propriety of the markings, the Contractor fails to respond thereto within 60 days or fails to substantiate the propriety of the markings. In either case ERDA will notify the Contractor of the action taken.

(2) The Contractor shall have:

(i) The right to withhold its proprietary data, subject to the provisions of this clause;

(ii) The right to use for its private purposes, subject to patent, security or other provisions of this contract, technical data it first produces in the performance of this contract, provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business or financial data in the form of recorded information from ERDA or an ERDA contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor shall not, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright in any technical data first produced in the performance of this contract. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf a royalty-free, nonexclusive, irrevocable, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If the Contractor believes that such copyrighted material for which the license cannot be obtained must be incuded in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall obtain the written authorization of the Contracting Officer to include such material in the technical data prior to its delivery.

(d) *Subcontracting.* (1) Unless otherwise directed by the Contracting Officer, the Contractor agrees to use in subcontracts having as a purpose the conduct of research, development or demonstration or in subcontracts for supplies, the contract clause provisions in 41 CFR 9–9.202–3(c) and 41 CFR 9–9.202–3(e)(2) in accordance with the policy and procedures at 41 CFR 9–9.202–1, 2, and 3.

(2) It is the responsibility of the Contractor to obtain from its subcontractors rights, on behalf of the Government, in technical data necessary to fulfill the Contractor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government rights in technical data as set forth above, the Contractor shall:

(i) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent

information which may expedite disposition of the matter; and

(ii) Not proceed with the subcontract without the written authorization of the Contracting Officer.

(d) *Optional clause—limited rights in proprietary data.* In contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data clause of this section shall be supplemented by the additional paragraph (e) set forth below. Paragraph (e) provides that technical data may be specified in the contract as being excluded from the delivery requirements thereof. Alternatively, paragraph (e) may be limited or made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b), and (c) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall be used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deteled. When there is a programmatic requirement that proprietary data be disclosed to other ERDA contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors, or evaluators, exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b), may unless otherwise applicable, be deleted. In the event that it is determined that all of the subparagraphs (a), (b), and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(e) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive paid-up license and right to use by or for the Government any proprietary data of the Contractor specifically used in the performance of this contract; provided, however, that to the extent that any proprietary data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government or a representative of the Government, such data shall not be used within or outside the Government except as provided in the "Limited Rights Legend" set forth below. All such proprietary data shall be marked with the following "Limited Rights Legend":

LIMITED RIGHTS LEGEND

This "proprietary data," furnished under Contract No. _____ with the United States Energy Research and Development Administration (and purchase order No. _____ if applicable) may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This proprietary data may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

This legend shall be marked on any reproduction of this data in whole or in part

§ 9–9.202–5 Negotiations and deviations.

Contracting officers shall contact the field patent counsel assisting the activity, or the Assistant General Counsel for Patents, for assistance to the contracting officer in selecting, negotiating, or approving appropriate data and copyright clauses in accordance with the procedures as set forth in § 9–9.107–4(k). In particular, advice of patent counsel should be obtained regarding the appropriateness or modification of optional paragraphs (g) and (h) of the Rights in Technical Data (long form) clause, the exclusion of specific items of proprietary data from paragraph (f) in said clause, and the exclusion of the Additional Technical Data Requirements clause of § 9–9.202–3(c).

[FR Doc.77-19987 Filed 7-12-77;8:45 am]

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federal register

WEDNESDAY, JULY 13, 1977
PART VI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Planning and Evaluation

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TELECOMMUNICATIONS DEMONSTRATION GRANTS

Final Regulations

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Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH

programming and programming clearinghouse services are ineligible for subquency emissions meant for reception by the general public with a

7. *Matching requirements.*—Several

§ 63.1 Purpose and scope.

each of these criteria have been or will

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 63—GRANT PROGRAMS ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Telecommunications Demonstration Grants

AGENCY: Department of Health, Education, and Welfare, (HEW).

ACTION: Final regulations.

SUMMARY: This regulation governs the award of grants for demonstrations to promote the development of nonbroadcast telecommunications facilities and services for the transmission, distribufion, and delivery of health, education, and public or social service information. The purpose of the regulation is to implement the Telecommunications Demonstration Grant Program authorized by the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976.

EFFECTIVE DATE: August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Howard H. Hupe, Director, Office of Telecommunications Policy, Department of Health, Education, and Welfare, Room 403-E, HEW South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201. Telephone: 202-245-1891.

SUPPLEMENTARY INFORMATION: The final regulations, which revised Part 63 of Title 45 of the Code of Federal Regulations, established criteria for distribution of grants for telecommunications demonstrations under Section 392A of the Communications Act of 1934, as amended by section 8 of the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976 (Pub. L. 94-309, 47 U.S.C. 392a). Proposed regulations were published on January 24, 1977 (42 FR 4135) for review by the public and subsequent revision, as necessary, according to comments received.

A summary of the comments received in response to the proposed regulations, and resultant actions taken with respect to the regulations, are included in the following preamble.

1. *Programming.*—Several individuals and organizations commented that programming distribution services of various kinds, should be eligible for assistance under the Demonstration Program. One respondent suggested that the regulations be changed so as to permit eligibility for information distribution projects from organizations whose capabilities did not necessarily include telecommunications facilities. The same letter requested clarification of the term, "development of programming materials and content."

While it is recognized that availability of programming is critical to utilization of telecommunications systems, programming and programming clearinghouse services are ineligible for support for several reasons:

(a) Programs with specific constituencies are more appropriate locations for determining the need for, and supporting the development of, programming materials because they are intimately familiar with the needs of their respective constituent groups and consequently, in a better position to determine the applicability of programming materials to those needs.

(b) Several sources of programming support are available. As a specific example, the Office of Education supports programming under the Emergency School Aid and Special Projects Acts. In addition, various other agencies sponsor programming under discretionary authorities which provide for dissemination of information to the public.

For these reasons, programming will continue to be excluded from this Program. In support of this policy, one comment noted that the exclusion was a particularly wise decision.

2. *Eligible equipment.*—Several inquiries were made regarding purchase of equipment for: a) training television and radio personnel, b) furnishing homes with radio subcarrier terminals, c) furnishing schools with videocassette recorders, and d) equipping production studios. These requests are generally examples of serious operational needs for large blocks of equipment to supplement existing systems. However, in isolation, they do not constitute a full demonstration and thus, would not qualify for support. In addition, because these kinds of equiument are generally recognized as effective, such demonstrations would not necessarily represent an innovative method of utilizing equipment, as required by the regulations.

Some very worthwhile projects, such as those requesting training equipment, are basically intended for purposes other than those authorized by the legislation for this Program and should, more appropriately, apply for support from other programs. For example, projects that are basically intended for training purposes might more appropriately apply for support from adult and vocational education programs.

3. *Eligible systems.*—Questions were raised as to the eligibility of specialized systems such as the Instructional Television Fixed Service (ITFS), a pending fixed radio service for community education, slow-scan television, mini-microwave, mini-TV broadcast, and community rebroadcast systems. One respondent requested a clarification of the term "non-broadcast telecommunications facilities," for purposes of determining whether a specific system was eligible for a grant. Attention is directed to § 63.23 (d) and (e) of the regulations. The intent of the definition is to broadly incorporate a wide variety of telecommunications systems or equipment which falls outside the Federal Communications Commission (FCC) definition of broadcasting (roughly stated: radio frequency emissions meant for reception by the general public with commonly available equipment), and therefore are considered non-broadcast. Non-broadcast equipment is specified by the authorizing legislation and is not subject to change by regulation. In some cases, however, it is conceivable that equipment normally associated with broadcasting could be used in a non-broadcast application and would thus qualify for support as part of a demonstration project. It is important that the definition remain flexible in order to stimulate development of innovative projects. Therefore, no change in this section is planned at this time.

With regard to systems which have actions pending before the FCC (such as the fixed radio service mentioned above), it should be noted that all appropriate and necessary coordination with the FCC must have taken place before grant funds may be expended or obligated.

4. *Size of grants.*—Many respondents asked if a specific number of grants would be made, or if there would be limits to the size of grants. One suggested that as much as two-thirds of the first year budget be allocated to a major project and that the remainder be apportioned over a limited number of smaller projects. Efforts will be made to distribute grants among a variety of projects dealing with a variety of technologies and a variety of applications. In addition, it should be noted that competition is expected to be strong for the amount of funds available, as approximately 500 organizations and individuals have indicated preliminary interest in the Program. Proposals will be reviewed by a panel which will include persons from the health, education, social services, and telecommunications fields and recommendations on number and size of grants will be made by them based on the proposals before them. No further limitations on the size of grants is planned at this time.

5. *Research and development.*—Several respondents inquired about grants for feasibility studies or equipment development. Such projects could be considered for funding only within the context of system demonstrations but would not be eligible in isolation. No change is planned for including this kind of project at this time.

6. *Profit-making institutions.*—Two inquiries were made as to whether profit-making institutions were eligible for grants. Attention is directed to the authorizing legislation, Pub. L. 94-309, which indicates that the Secretary may award grants or contracts to "public and private non-profit agencies, organizations, and institutions." This stipulation is repeated in the first paragraph of the FEDERAL REGISTER notice of January 24, 1977. In addition, Department policy requires "that grants be awarded only to non-profit organizations and institutions, governments and their agencies and individuals." Profit-making institutions could, however, participate in the program as suppliers or contractors to non-profit grantees.

7. *Matching requirements.*—Several respondents were concerned about matching funds. Matching funds are not specifically required, but there must be evidence of "significant local commitment" to a proposed project to help ensure that demonstrations meet local needs and hold promise for continued support. One form of commitment could be local contributions in any form.

8. *Closing date.*—There were many comments, both formal and informal, regarding the length of time allowed for response to the Solicitation for Grant Applications. Suggestions were that a 30, 60, or 90-day time period be established, depending upon the perceived needs of prospective applicants. Small organizations, with limited experience in grants processing, favored a longer time period; while projects that could benefit from immediate support favored a short period. In order to accommodate most interests in a fair manner, a 45-day period will be set for submission of proposals.

9. *Eligibility criteria.*—One comment suggested that the criteria for evaluation of projects were quite general and that persons in fields related to specific applications could be helpful in assisting with the evaluation process. The criteria were designed intentionally to serve only as general guidelines for proposals, in order to encourage creativity and to stimulate planning for innovative projects. However, the comment makes a valid point and assistance will be sought, by the review panel, from persons qualified to assess specific applications.

10. *Editorial changes.*—One respondent suggested clarification of the section related to FCC coordination. As a result, some language has been changed to clarify items (1), (4), and (5) under § 63.23 (d).

A suggestion was made that changing the word "structures" to "buildings" in § 63.23(a) would clarify the intent of the Program. While the suggestion has merit, the regulations must conform to current legislative language. However, interested parties are encouraged to submit such recommendations at legislative hearings related to renewal of the Act.

Dated: April 27, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

Approved: July 5, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Therefore, 45 CFR Part 63 is amended as follows:

1. By amending § 63.1 as follows:

a. By revising the second sentence of paragraph (a);

b. By revising the heading of paragraph (c); and

c. By adding a new paragraph (c)(2).

§ 63.1 Purpose and scope.

(a) * * * Such grants include those under section 232 of the Community Services Act (42 U.S.C. 2835), section 1110 of the Social Security Act (42 U.S.C. 1310), section 392A of the Communications Act of 1934, and such other authority as may be delegated to the Assistant Secretary for policy research activities. * * *

* * * * *

(c) *Objectives*—(1) *Policy Research.* * * *

(2) *Telecommunications Demonstrations.* The overall objective of the Telecommunications Demonstration Program is to promote the development of nonbroadcast telecommunications facilities and services for the transmission, distribution, and delivery of health, education, and social service information.

§ 63.2 [Amended]

2. By adding after the words "Projects Eligible" in paragraph (b) of § 63.2 a new subparagraph heading as follows:

(b) * * * (1) *Policy Research.* * * *

3. By adding to paragraph (b) § 63.2 a new paragraph to read as follows:

(b) * * *

(2) *Telecommunications Demonstrations.* Any projects which meet the special criteria in § 63.6(c) shall be eligible for a telecommunications demonstration grant.

§ 63.6 [Amended]

4. By revising the last sentence of paragraph (a) of § 63.6 to read as follows:

(a) * * * Such supplements may modify the criteria in paragraphs (b) and (c) of this section to provide greater specificity or otherwise improve their applicability to a given announcement or solicitation.

* * * * *

7. By revising the heading of paragraph (b) of § 63.6 to read as follows:

* * * * *

(b) *Criteria for Evaluation of Policy Research Projects.* * * *

8. By adding after the end of paragraphs (b)(8) of § 63.6 the word "and"; deleting the word "and" from the end of paragraph (b)(9) and inserting in lieu thereof a period; and by redesignating paragraph (b)(10) as paragraph (d) and inserting as a heading thereof (d) *Applicants Performance on Prior Award.*

9. By inserting, after paragraph (b) of § 63.6 a new paragraph (c) to read as follows:

(c) *Criteria for Evaluation of Telecommunications Demonstrations Projects.* Review of applications for Telecommunications Demonstrations grants will take into account such factors as are listed in paragraphs (c)(1) through (10) of this section. Each applicant must include in the application, prior to final evaluation by the Assistant Secretary, documentation indicating specifically and separately how and to what extent each of these criteria have been or will be met:

(1) That the project for which application is made demonstrates innovative methods or techniques of utilizing nonbroadcast telecommunications equipment or facilities to satisfy the purpose of this authority;

(2) That the project will have original research value which will demonstrate to other potential users that such methods or techniques are feasible and cost-effective;

(3) That the services to be provided are responsive to local needs as identified and assessed by the applicant;

(4) That the applicant has assessed existing telecommunications facilities (if any) in the proposed service area and explored their use of interconnection in conjunction with the project;

(5) That there is significant local commitment (e.g., evidence of support, participation, and contribution by local institutions and agencies) to the proposed project, indicating that it fulfills local needs, and gives some promise that operational systems will result from successful demonstrations and will be supported by service recipients or providers;

(6) That demonstrations and related activities assisted under this section will remain under the administration and control of the applicant;

(7) That the applicant has the managerial and technical capability to carry out the project for which the application is made;

(8) That the facilities and equipment acquired or developed pursuant to the applications will be used substantially for the transmission, distribution, and delivery of health, education, or social service information, and that use of such facilities and equipment may be shared among these and additional public or other services;

(9) That the provision has been made to submit a summary and factual evaluation of the results of the demonstration at least annually for each year in which funds are received, in the form of a report suitable for dissemination to groups representative of national health, education, and social service telecommunications interests; and,

(10) That the project has potential for stimulating cooperation and sharing among institutions and agencies, both within and across disciplines.

§ 63.16 [Amended]

10. By adding at the end of § 63.16 the following: ", except as specified in § 63.23 of this subpart."

11. By adding a new section at the end of subpart B to read as follows:

§ 63.23 Telecommunications Demonstration Grants.

The provisions of this section apply only to grants awarded under authority of 392A of the Communications Act of 1934.

(a) Funds provided under the Telecommunications Demonstrations Program shall be available to support the

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planning, development, and acquisition or leasing of facilities and equipment necessary to the demonstration. However, funds shall not be available for the construction, remodeling, or repair of structures to house facilities or equipment acquired or developed with such funds, except that such funds may be used for minor remodeling which is necessary for and incident to the installation of such facilities or equipment.

(b) Funds shall not be available for the development of programming materials or content.

(c) The funding of any demonstration under this authority shall continue for not more than three years from the date of the original grant or contract.

(1) Applications for assistance under the Act may project goals and activities over a period of up to three years. Approval of a multi-year project is intended to offer the project a reasonable degree of stability over time and to facilitate additional long range planning.

(2) Applications proposing a multi-year project must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(3) Subject to the availability of funds, an application for assistance to continue a project during the project period will be reviewed on a non-competitive basis to determine—

(i) If the award recipient has complied with the award terms and conditions, the Act, and applicable regulations;

(ii) The effectiveness of the project to date in terms of progress toward its goals, or the constructive changes proposed as a result of the ongoing evaluation of the project; and,

(iii) If continuation of the project would be in the best interests of the Government.

(d) The use of equipment in demonstration projects shall be subject to the rules and regulations of the Federal Communications Commission (FCC), and grant funds may not be expended or obligated for purchase, lease, or use of such equipment prior to appropriate and necessary coordination by the grantee with the Commission. In particular:

(1) For any project requiring a new or modification of an existing authorization(s) from the FCC, application(s) to the FCC for such authorization(s) must have been tendered for filing prior to the closing date established by any solicitation for grant applications offered under the Telecommunications Demonstration Program.

(2) If the project is to be associated with an existing telecommunications activity requiring an FCC authorization, such operating authority for that activity must be current and valid.

(3) For any project requiring a new or modification of an existing authorization(s) from the FCC, the applicant must file with the Secretary of Health, Education, and Welfare a copy of each FCC application and any amendments thereto.

(4) For any project requiring a new or modification of an existing authorization(s) from the FCC, the applicant must tender for filing with the FCC a copy of the application to the Secretary for a telecommunications demonstration grant.

(5) If the applicant fails to file required applications by the closing date established by the solicitation for grant applications, or if the FCC returns as substantially incomplete or deficient, dismisses, or denies an application required for the project, or any part thereof, or for the operation of any facility with which the project is associated, the Secretary may return the application for Federal assistance.

(e) For the purposes of this program, the term 'non-broadcast telecommunications facilities' includes but is not limited to, cable television systems, communications satellite systems and related terminal equipment, and other methods of transmitting, emitting, or receiving images and sounds or intelligence by means of wire, radio, optical, electromagnetic, and other means (including non-broadcast utilization of telecommunications equipment normally associated with broadcasting use).

(f) Each applicant shall provide such information as the Assistant Secretary deems necessary to make a Federal assessment of the impact of the project on the quality of the human environment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (including the National Historical Preservation Act and other environmental acts). (42 U.S.C. 4332(2)(C)).

[FR Doc.77-20150 Filed 7-12-77;8:45 am]

federal register

WEDNESDAY, JULY 13, 1977

PART VII

INTERSTATE COMMERCE COMMISSION

■

ABANDONMENT OF RAILROAD SERVICES

System Diagram Maps of Various Railroad Companies

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INTERSTATE COMMERCE COMMISSION

[AB 196 (SDM)]

[AB 77 (SDM)]

INTERSTATE COMMERCE COMMISSION

[AB 196 (SDM)]

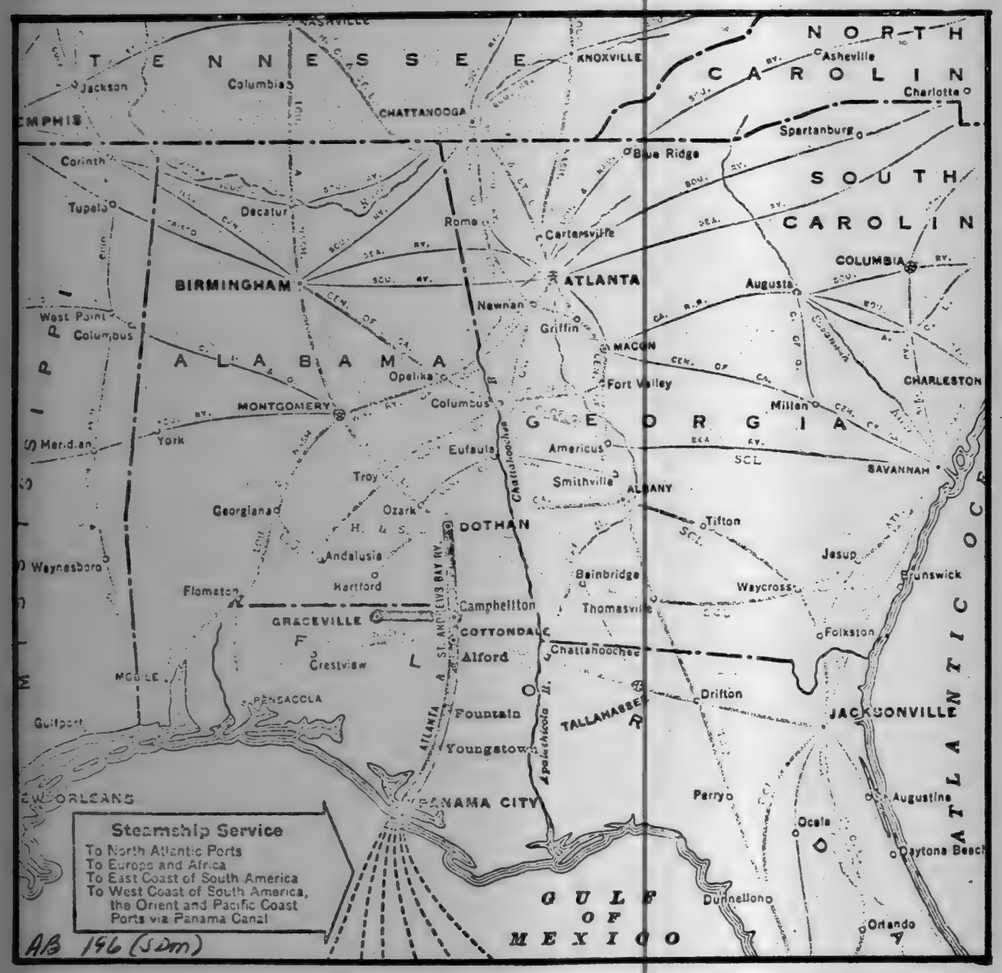
ATLANTA & SAINT ANDREWS BAY RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Atlanta & Saint Andrews Bay Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 196 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commisison or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 196 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.



[FR Doc.77-19820 Filed 7-12-77;8:45 am]

[AB 77 (SDM)]

BANGOR & AROOSTOOK RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22 that the Bangor and Aroostook Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 77 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 20, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 77 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

DESCRIPTION OF LINES, ALL WITHIN THE STATE OF MAINE, IN CATEGORIES NO. 1 THROUGH

Presque Isle (Mile 210.46) and 13.27 miles of the Fort Fairfield "F" Branch between

Carrier anticipates will be the subject of an abandonment or discontinuance

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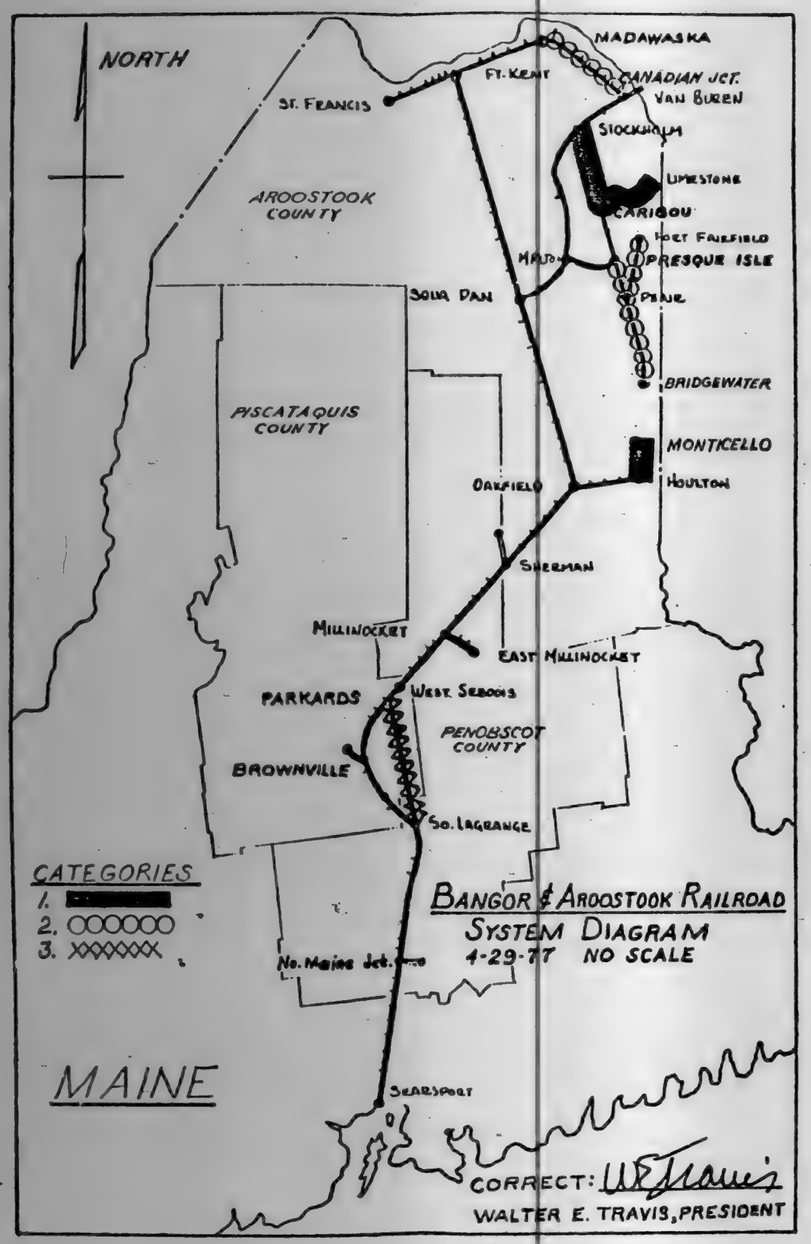


DESCRIPTION OF LINES, ALL WITHIN THE STATE OF MAINE, IN CATEGORIES No. 1 THROUGH No. 3

SYSTEM DIAGRAM MAP

No. 1 Category

(A) 13.67 miles of branch line between Caribou (Mile 227.93) and Stockholm (Mile 241.60) in Aroostook County.

(B) 14.62 miles of the Limestone "L" Branch between Caribou (Mile L–1.05) and Limestone (Mile L–15.67) in Aroostook County.

(C) 10.76 miles of branch line between Houlton (Mile 167.95) and Monticello (Mile 178.71) in Aroostook County. Station at Houlton Mile 166.03.

No. 2 Category

(A) 16.45 miles of branch line between Bridgewater (Mile 188.83) and Phair (Mile 205.28) in Aroostook County.

(B) 18.45 miles of track, 5.18 miles of branch line between Phair (Mile 205.28) and Presque Isle (Mile 210.46) and 13.27 miles of the Fort Fairfield "F" Branch between Phair (Mile F–0.00) and Fort Fairfield (Mile F–13.27) in Aroostook County. Station at Presque Isle Mile 211.64.

(C) 20.16 miles of the Van Buren "V" Branch between Canadian Junction (Mile V–2.47) and Madawaska (Mile V–22.63) in Aroostook County. Station at Madawaska Mile V–25.05.

No. 3 Catgory

(A) 27.96 miles of the Medford Cut-off "M" between South Lagange (Mile M–0.00) and Packard (Mile M–27.96) in Penobscot and Piscataquis Counties.

[49 CFR Part 1121]

BANGOR & AROOSTOOK RAILROAD CO.–AB 77

CATEGORIES OF TRACK SHOWN ON SYSTEM DIAGRAM MAP

Section 1121.20(b).

(1) All lines or portions of lines which the Carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the three year period following the date upon which the diagram, or any amended diagram, is filed with the Commission.

(2) All lines or portions of lines potentially subject to abandonment which the Carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

(3) All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission.

[FR Doc.77–19819 Filed 7–12–77;8:45 am]

[AB 195 (SDM)]

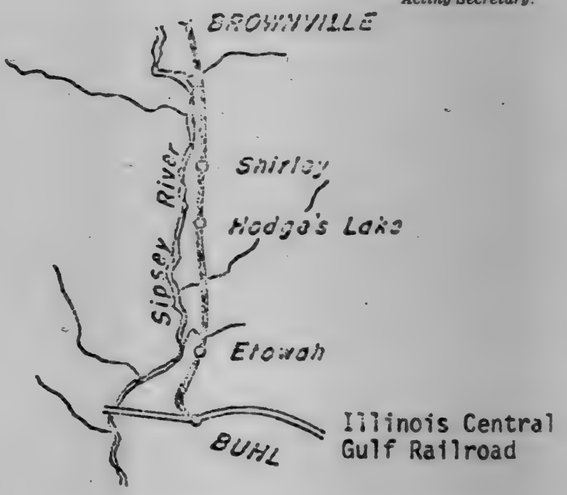
MOBILE & GULF RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Mobile & Gulf Railroad Company, has filed with the Commission its color-coded system diagram map in Docket No. AB 195 (SDM). The maps reproduced here in black and white are reasonable reproductions of that map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map also may be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 195 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.



[FR Doc.77–19821 Filed 7–12–77;8:45 am]

[AB 139 (SDM)]

PROVIDENCE & WORCESTER RAILROAD CO.

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[AB 139 (SDM)]

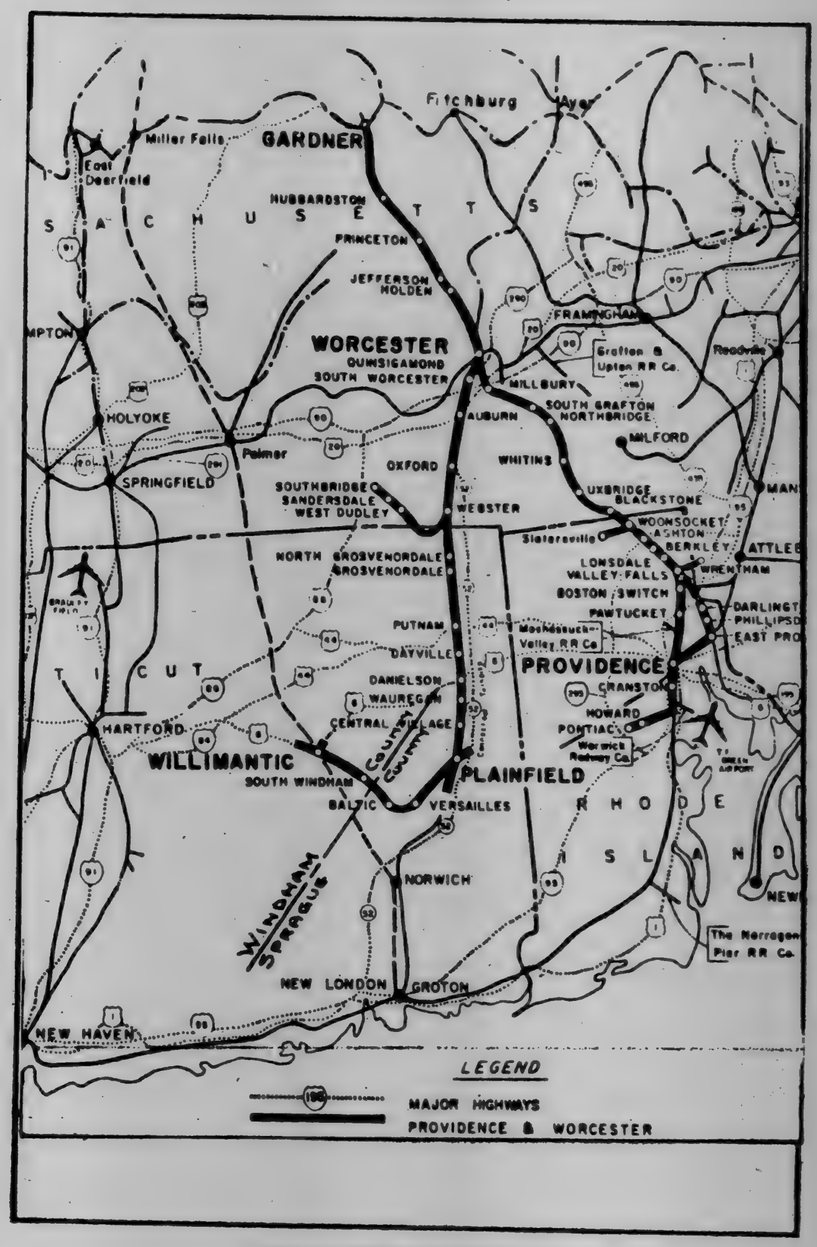
PROVIDENCE & WORCESTER RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Providence and Worcester Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 139 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 139 (SDM).

H. G. Homme, Jr.,
Acting Secretary.



[FR Doc.77-19822 Filed 7-12-77;8:45 am]

WEDNESDAY, JULY 13, 1977
PART VII

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federal register

WEDNESDAY, JULY 13, 1977
PART VIII

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Reports

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OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $850,000 appropriated for the National Transportation Safety Board. In addition, I am reporting three new deferrals of budget authority totalling $170.1 million and revisions to two deferrals previously transmitted that contain increases totalling $22.2 million.

The details of the proposed rescission and the deferrals are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE,
July 7, 1977.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1977
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items	850	170,100
Changes to amounts previously submitted	—	22,180
Effect of the thirteenth special message	850	192,280
Previous special messages	1,166,590	7,249,312
Total amount proposed in special messages	1,167,440 (in 15 rescission proposals)	7,441,592 (in 61 deferrals)

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission # / Deferral #	Item	Budget Authority
	Other Independent Agencies:	
R77-15	National Transportation Safety Board Salaries and expenses	850
	Funds Appropriated to the President:	
D77-37A	International Security Assistance Military assistance	79,000
	Department of State:	
D77-59	Administration of Foreign Affairs Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	18,000
	Department of the Treasury:	
D77-60	Office of the Secretary Antirecession financial assistance fund	150,000
D77-28A	State and local government fiscal assistance trust fund	97,680
	Department of Transportation:	
D77-61	Federal Aviation Administration Construction, Metropolitan Washington Airports	2,100
	Subtotal, deferrals	346,780
	Total, rescission and deferrals	347,630

NOTE: All amounts listed represent budget authority except for $134,807,092 consisting of two general revenue sharing deferrals of outlays only (D77-26 and D77-27A). Reports for D77-26 and D77-27A are included in the special messages of October 1, 1976, and December 3, 1976, respectively.

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Reclassification Proposal No: R77-15

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Transportation Safety Board	New budget authority (P.L. 94-387) $ 14,000,000
Bureau	Other budgetary resources -0-
Appropriation title & symbol: Salaries and Expenses 9570310	Total budgetary resources 13,800,000
	Amount proposed for rescission $ 850,000
OMB identification code: 95-0310-0-1-407	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The Department of Transportation and Related Agencies Appropriation Act, 1977, provided funds to the National Transportation Safety Board for an increase of 71 end-of-year permanent positions over the actual FY 1976 level. Delays in filling the additional positions have resulted in the accumulation of $850,000 that cannot be obligated by the end of this fiscal year when the availability of the funds ceases. Therefore, $850,000 has been placed in reserve and is proposed for rescission in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This rescission request is prompted by delays that have already occurred in filling additional permanent positions. Therefore, the rescission proposal will have no programmatic impact.

Outlay Effect:

There is no outlay effect of this proposal since the funds cannot be used.

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and expenses

Of the funds appropriated under this head in the Department of Transportation and Related Agencies Appropriation Act, 1977, $850,000 are rescinded.

D77-37A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D77-37 transmitted to the Congress on December 3, 1976, and printed as House Document 95-4 and Senate Document 95-14.

This revision reflects an increase in the amount deferred for the Military assistance account within International Security Assistance. The $73 million originally deferred has been increased by $6 million bringing the total now deferred to $79 million. The $6 million increase consists of funds originally programmed for Ethiopia. However, military assistance to Ethiopia has been suspended because of the recent expulsion from that country of several official American personnel. The $6 million will be deferred pending foreign policy developments that may make it appropriate to resume military aid.

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Deferral No: D77-37A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President	New budget authority (P.L. 94-441, P.L. 95-26): $264,550,000 *
Bureau: International Security Assistance	Other budgetary resources: 62,500,398 *
Appropriation title & symbol: Military Assistance, 1977 1171080	Total budgetary resources: 327,140,398 *
	Amount to be deferred: Part of year: $ 70,000,000 *
	Entire year:
OMB identification code: 11-1080-0-1-052	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [■] Yes [ ] No	[ ] Other
Type of account or fund: [X] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[ ] No-year	[ ] Other

*JUSTIFICATION:

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military assistance "...to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace..." The Foreign Assistance and Related Programs Appropriation Act, 1977 (Public Law 94-441) appropriated $247,300,000 for fiscal year 1977 for this purpose. In addition, the Supplemental Appropriations Act, 1977 (Public Law 95-26) appropriated $17,250,000.

In 1974 the Congress enacted Section 620(x) of the Foreign Assistance Act of 1961, as amended, which suspends all military assistance to the Government of Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus..." In 1976, legislation was proposed that would have the effect of removing the restrictions on military assistance to Turkey contained in Section 620(x), but the legislation was not enacted. The amount planned for Turkey in this account in fiscal year 1977, $73 million, has been deferred pending a Presidential certification regarding Cyprus or enactment of legislation by the 95th Congress which removes the Presidential certification requirements. Additionally, $6 million programmed for Ethiopia is being deferred due to the current suspension of military deliveries to that country. Military aid was suspended when several official American personnel were expelled from that country. The $6 million will be deferred pending foreign policy developments that may make it appropriate to resume military aid to Ethiopia.

ESTIMATED EFFECT:

This deferral will have no programmatic or budgetary impact.

OUTLAY EFFECT:

There is no outlay effect resulting from this deferral.

Deferral No: D77-59

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. 94-362 and 95-26): $ 30,235,000
Bureau:	Other budgetary resources: 11,443,357
Appropriation title & symbol: Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program) 19x0538	Total budgetary resources: 41,678,357
	Amount to be deferred: Part of year: $
	Entire year: 18,000,000
OMB identification code: 19-0538-0-1-152	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	Type of budget authority: [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-year	[ ] Other

JUSTIFICATION: The Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-301), empowers the Secretary of State to acquire buildings, residences, and grounds by purchase, construction, long-term lease, or exchange in foreign countries for use by the U.S. Government and its employees and to operate and maintain such facilities.

The Supplemental Appropriations Act, 1977, (P.L. 95-26) appropriated $24.7 million to this account for the purpose of acquiring three sites, developing plans and specifications, and constructing three apartment buildings for State and Agency for International Development personnel in Cairo, Egypt. The objective of this project is to stabilize housing costs in an area characterized by spiraling rental costs in a severely competitive real estate market.

Because of the time required to survey, to complete the necessary legal and administrative details associated with acquiring land in Cairo, and to design the necessary buildings, the Department will be unable in fiscal year 1977 to obligate the major portion of the supplemental funds made available for this project. It is currently estimated that, of the $24.7 million supplemental appropriation, $6.7 million will be obligated in 1977 for site acquisition and architectural and engineering costs. The remaining $18 million that is intended for construction costs of the three buildings will be obligated in 1978, and is reserved under authority of the Antideficiency Act (31 U.S.C. 665).

ESTIMATED EFFECTS: The deferral of these funds will have no effect on the Department's overseas building program.

OUTLAY EFFECTS: There is no outlay effect of this deferral.

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Deferral No: D77-6

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 94-447, 95-29): $1,570,000,000
Bureau: Office of the Secretary	Other budgetary resources: 330,500,000
Appropriation title & symbol	Total budgetary resources: 1,900,500,000
Antirecession Financial Assistance Fund 1/ 207/80108	Amount to be deferred: Part of year: $ ____ Entire year: 150,000,000
OMB identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1978 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

The Economic Stimulus Appropriations Act, 1977, (P.L. 95-29), provided $632.5 million in supplemental funding for the Antirecession financial assistance program. The purpose for that appropriation was to accelerate funding for the program in the last quarter of fiscal year 1977. Based on current projections, the appropriation is $150 million in excess of the funds required to accelerate the program for the last quarter.

In addition, legislation (P.L. 95-30) has been enacted which entitles U.S. territories to receive one percent of the total quarterly allocation for the fourth quarter of fiscal year 1977. However, no additional funds have been appropriated to fulfill this requirement. A reprogramming of $4-5 million from the deferred funds may be accomplished to finance the allocations to the territories.

Estimated Effects:

This action will not impact the implementation of Antirecession financial assistance program. The $150 million deferral will be reserved for the remainder of fiscal year 1977 (possibly, less $4-5 million that may be reprogrammed), and made available to meet program requirements in fiscal year 1978.

1/ This account is the subject of another deferral, D77-57.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1978 budget:

1. Budget outlay estimate for FY 1977	$ 2,170.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for FY 1977:

3. Without deferral	1,882.5
4. With deferral	1,732.5
5. Current outlay savings (line 3 - line 4)	+150.0
Outlay savings for FY 1978	-150.0
Outlay savings for FY 1979	-0-

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral No. D77-28 transmitted to the Congress on October 1, 1976, and printed as House Document No. 94-650.

This report for the State and local government fiscal assistance trust fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $81.5 million to $97.7 million. This increase of $16.2 million is the net effect of releases made through the course of the year and the addition of $25.0 million derived from additional budgetary resources appropriated in P.L. 95-29.

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Deferral No: D77-2[illegible]

D77-[illegible]A

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DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512 & 95-29): $6,[illegible]5[illegible],78[illegible],0[illegible]
Bureau: Office of the Secretary	Other budgetary resources: 8[illegible],953,00[illegible]
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 1/ 20X8111	Total budgetary resources: 6,[illegible]3[illegible],73[illegible],[illegible]05
	Amount to be deferred: Part of year: $ 1,009,000
	Entire year: [illegible]4,680,[illegible]0[illegible]
OMB identification code: 20-8111-0-7-851	* Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[X] Other P.L. 92-512 & P.L. 94-488, section 6.
* Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

*Justification:

The Secretary of the Treasury must hold a portion of this account in reserve to meet valid claims from State and local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 39,000 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation an amount equal to one-half of one percent of the amounts appropriated for each entitlement period through FY 1975. In addition, one-half of one percent of the $4,991 million appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (P.L. 95-29) is now being withheld from obligation.

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. After adjusting for such releases from the reserve, the amount now deferred is $97.7 million. The unobligated amount retained in the Trust Fund will be further reduced whenever the Secretary determines that a lesser amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution.

Estimated Effect:

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

*Revised from previous report.

1/ This account is the subject of two other deferrals, D77-26 and D77-27A.

*Outlay Effect (estimated in millions of dollars):

Comparison with President's 1977 Budget:

1. Budget outlay estimate for FY 1977	$6,776.[illegible]
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for FY 1977:

3. Without deferral	6,8[illegible]3.0
4. With deferral	6,748.3
5. Current outlay savings (line 3 - line 4)	+94.7
Outlay savings for FY 1978	-94.7
Outlay savings for FY 1979	-0-

* Revised from previous report.

Deferral No: D77-61

D77-61

2

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 94-387): $ 5,000,000
Bureau: Federal Aviation Administration	Other budgetary resources: 12,935,944
Appropriation title & symbol: Construction, Metropolitan Washington Airports 69X1333 695/71333 696/81333 697/91333	Total budgetary resources: 17,935,944
	Amount to be deferred: Part of year: $ _____
	Entire year: 2,100,000
OMB identification code: 69-1333-0-1-405	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual 695/71333 Sept. 30, 1977 1/; 696/81333 Sept. 30, 1978; [X] Multiple-year 697/91333 Sept. 30, 1979 (expiration date); [X] No-year 69X1333	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Justification:

This appropriation finances construction of major improvements and expansion of facilities at Washington National and Dulles International Airports. Projects are undertaken to insure capability of these airports to adequately, safely, and efficiently meet air travel needs of the public and to promote development of aviation. Because of the time required for the selection of engineering consultant firms and negotiation of construction contracts, it is not possible to finalize all contracts during FY 1977. This deferral of $2.1 million is being reported because the construction contract for the pedestrian connection to the METRO station at Washington National Airport will not be awarded during fiscal 1977. Selection of a consultant engineering firm to design the connection is in process and a design contract is expected to be awarded by June 1977. The earliest time the construction contract can be expected to be awarded is the second quarter of FY 1978. This deferral action is consistent with the Congressional intent to provide multi-year funding for total costs of these projects and is taken under provisions of the Antideficiency Act (31 USC 665).

Estimated Effects:

The amount deferred could not be economically used, if made available, in fiscal year 1977 because of the planned multi-year design and construction cycle. The construction contract for the pedestrian connection to the METRO station will be deferred through FY 1977 to FY 1978. None of the deferred funds, however, will lapse.

1/ None of these funds are deferred.

Outlay Effect:

There is no outlay effect of this deferral.

[FR Doc.77-20217 Filed 7-11-77;11:48 am]

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

JULY 1977.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of July 1, 1977, of the 14 rescissions and 58 deferrals contained in the first 12 special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, December 3, 1976, January 7, and 17, March 9, and 24, April 4, and 28, and May 18, 1977.

RESCISSIONS (TABLE A AND ATTACHMENT A)

One rescission totaling $126.2 million in FY 1977 budget authority is presently before the Congress. Table A summarizes the status of rescissions proposed as of July 1, 1977. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of July 1, 1977, $4,276.4 million in 1977 budget authority was being deferred from obligation and another $38.0 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of existing deferrals. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Monday, September 27, 1976 (Vol. 41, No. 188, Part III)
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV)
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII)
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II)
Thursday, January 13, 1977 (Vol. 42, No. 9, Part X)
Monday, January 24, 1977 (Vol. 42, No. 15, Part VIII)
Wednesday, March 16, 1977 (Vol. 42, No. 51, Part IV)
Wednesday, March 30, 1977 (Vol. 42, No. 61, Part VI)
Friday, April 8, 1977 (Vol. 42, No. 68, Part VI)
Wednesday, May 4, 1977 (Vol. 42, No. 86, Part VI)
Monday, May 23, 1977 (Vol. 42, No. 99, Part IX)

BERT LANDE,
Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Proposed rescissions	1,261.6
Withdrawn (R77-4A, Special Message No. 4, R77-13A, Special Message No. 8)	-95.0
Accepted by the Congress (R77-3, R77-5, R77-8, R77-9, R77-10, R77-11)	-711.6
Rejected by the Congress	-60.4
Adjustments	-268.4 1/
Pending before the Congress	126.2

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (In millions of dollars)
Proposed deferrals	7,249.3
Routine Executive releases (-2,449.7M) and adjustments (-459.6M) 2/ through July 1, 1977	-2,909.3
Overturned by the Congress	-25.6
Currently before the Congress	4,314.4 3/

1/ This amount is the difference between $721.0 million in Navy shipbuilding and conversion funds originally proposed for rescission and $452.6 million rescinded. When the rescission was proposed, these funds were already obligated for supply contracts. In testimony before the House Appropriations Committee, the Secretary of Defense concurred in the opinion that these contracts should not be terminated.

2/ An amount equal to $1,652.7 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "Adjustments" entry above because superseded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

3/ Includes $38.0 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

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ATTACHMENT A

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of July 1, 1977

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Foreign military credit sales	R77-5	[41,500] 1/	01-17-77	41,500 2/	03-25-77		
Department of Commerce							
U.S. Travel Service							
Salaries and expenses	R77-6	[525]	01-17-77			525	03-15-77
National Oceanic and Atmospheric Administration:							
Operations, research, and facilities	R77-7	[1,500]	01-17-77			1,500	03-15-77
Department of Defense-Military							
Retired pay, Defense	R77-8	[143,600]	01-17-77	143,600 2/	03-25-77		
Shipbuilding and conversion, Navy	R77-9	[721,000] 3/	01-17-77	452,600 2/	03-25-77		
Shipbuilding and conversion, Navy	R77-16	126,212	05-18-77				
Other procurement, Air Force	R77-10	[14,350]	01-17-77	14,350 2/	03-25-77		
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	[6,600]	09-22-76			6,600	03-02-77
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	[47,500]	09-22-76	47,500 4/	03-10-77		

A-2

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of State							
Contributions for international peacekeeping activities	R77-11	[12,000]	01-17-77	12,000 2/	04-25-77		
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	[35,000]	09-22-76				
	R77-4A	0	11-05-76			35,000 5/	10-01-76
Coast Guard:							
Retired pay	R77-12	[6,803]	01-17-77			6,803	03-15-77
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	[45,000] 6/	07-29-76			45,000 6/	10-01-76
Small Business Administration:							
Business loan and investment fund	R77-13	[60,000]	01-17-77				
	R77-13A	0	03-09-77			60,000 7/	10-01-76 7/
TOTAL:		126,212		711,550		155,428	

1/ This amount was included in a deferral (D77-38) that was transmitted to the Congress on 12-03-76.
2/ P.L. 95-15.
3/ Of the $721,000,000 proposed for rescission, $452,600,000 was rescinded because the difference, totaling $268,400,000, was previously obligated. The $452,600,000 was assumed to be included in a deferral (D77-34) transmitted to the Congress on 11-05-76.
4/ P.L. 95-10.
5/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
6/ These funds were not withheld during the 45-day Congressional consideration period.
7/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on March 9, 1977. These funds were not withheld during the 45-day Congressional consideration period.

ATTACHMENT B

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Emergency Refugee and Migration Assistance Fund	D77-1		8,840	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				
				01-10-77	-1,000				
				01-31-77	-2,100				
				05-25-77				+3,660	5,000
International Security Assistance									
Military assistance, 1977	D77-37		73,000	12-03-76					73,000
Foreign military credit sales	D77-38		740,000	12-03-76				-41,500 1/	
				01-10-77	-23,027				
				01-25-77	-565,533				
				05-06-77	-27,500				
				05-20-77				+12,258	74,098
TOTAL:			821,840		-643,960			-25,582	152,098

1/ This amount was proposed for rescission (R77-5). The proposal was accepted by the Congress in P.L. 95-15.

B-2

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Foreign Agricultural Service									
Salaries and expenses: (Special foreign currency program)	D77-2	[1,610]		10-01-76					
				01-17-77				-1,610 1/	
	D77-2A		1,743	01-17-77					1,743
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses	D77-3		2,919	10-01-76					
				12-30-76	-2,629				
				03-25-77	-64				
				05-19-77	-140				66
Forest Service									
Expenses, brush disposal	D77-4		22,321	10-01-76					22,321
Licensee programs	D77-5	[146]		10-01-76					
				01-17-77				-146 1/	
	D77-5A		239	01-17-77					239
TOTAL:		1,756	27,222		-2,853			-1,756	24,369

1/ Subsequently incorporated in a supplementary report.

B-3

B-5

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B-3

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
General Administration									
Special foreign currency program	D77-45		654	01-17-77					654
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	D77-46	[7,500]		01-17-77					
				03-28-77	-1,200				
				04-28-77				-6,300 1/	
	D77-46A		6,300	04-28-77					6,300
Promote and develop fishery products and research pertaining to American fisheries	D77-6	[1,771]		10-01-76					
				01-07-77				-1,771 1/	
	D77-6A		1,772	01-07-77					
				03-08-77	-600				1,172
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					
				05-06-77	-58				1
Fisherman's guaranty fund	D77-9	[356]		10-01-76					
				01-07-77				-356 1/	
	D77-9A		544	01-07-77					544

B-4

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Maritime Administration									
Ship construction	D77-47	[200,900]		01-17-77					
				04-04-77				-200,900 1/	
	D77-47A		200,900	04-04-77					
				05-16-77	-102,900				98,000
TOTAL:		210,527	216,028		-104,758			-209,327	112,470

1/ Subsequently incorporated in a supplementary report.

B-5

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Shipbuilding and conversion, Navy	D77-34		929,250	11-05-76					
				01-17-77				-452,600 1/	476,650
Military construction, all services	D77-10	[76,483]		10-01-76					
				12-03-76				-76,483 2/	
	D77-10A	[335,883]		12-03-76					
				01-17-77				-335,883 2/	
	D77-10B	[387,652]		01-17-77					
				03-09-77				-387,652 2/	
	D77-10C		424,240	03-09-77					
				03-25-77	-12,960				
				03-28-77	-16,527				
				03-30-77	-34,011				
				04-12-77	-8,210				
				04-14-77	-5,425				
				05-23-77	-24,253				
				06-08-77	-29,931				290,923
TOTAL:		800,018	1,353,490		-133,317			-1,252,618	767,573

1/ This amount was included in a rescission proposal (R77-9). The proposal was accepted by the Congress in P.L. 95-15.
2/ Subsequently incorporated in a supplementary report.

B-6

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Corps of Engineers-Civil									
Construction, general	D77-53	[7,760]		03-24-77					
				03-14-77	-5,095				
	D77-53A		2,665	05-18-77				-2,665 1/	
				05-18-77					2,665
Panama Canal									
Canal Zone Government: Capital outlay	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	D77-12	[363]		10-01-76					
				03-09-77				-363 1/	
	D77-12A		515	03-09-77					515
TOTAL:		8,123	3,326		-5,095			-3,028	3,326

1/ Subsequently incorporated in a supplementary report.

B-7

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Health Services Administration									
Health maintenance organizations	D77-13	[40,000]		10-01-76					
				01-17-77				-40,000 1/	
	D77-13A		40,000	01-17-77					
				03-28-77	-40,000				
	D77-13B		40,000	03-28-77					40,000
Health Resources Administration									
Health professions graduate student loan insurance fund	D77-14		1,000	10-01-76					1,000
Health Services Administration									
Health maintenance organizations	D77-15	[40,000]		10-01-76					
				01-17-77				-40,000 1/	
	D77-15A		40,000	01-17-77					
				03-28-77	-40,000				
	D77-15B		40,000	03-28-77					40,000
Social Security Administration									
Limitation on administrative expenses	D77-16		1,000,000	10-01-76					1,000,000
TOTAL:		80,000	1,081,000		-80,000			-80,000	1,081,000

1/ Subsequently incorporated in a supplementary report.

B-8

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Housing and Urban Development

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Community Development Grants	D77-17		1,000,000	10-01-76					1,000,000
Low rent public housing loans	D77-18		1,000,000	10-01-76					1,000,000
Low rent public housing annual contributions	D77-19		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-20		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-21		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-22		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-23		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-24		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-25		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-26		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-27		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-28		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-29		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-30		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-31		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-32		1,000,000	10-01-76					1,000,000
Section 8 housing assistance payments	D77-33		1,000,000	10-01-76					1,000,000
TOTAL:			16,000,000						16,000,000

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B-7

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign currency program)	D77-13	[1,113]		10-01-76 01-07-77				-1,113 1/	
	D77-13A		2,113	01-07-77					2,113
Office of Education									
Higher education	D77-14	[31,702]		10-01-76 11-05-76				-31,702 1/	
	D77-14A		303,862	11-05-76 02-28-77	-23,082				280,780
Social Security Administration									
Limitation on construction	D-77-15	[17,272]		10-01-76 11-05-76				-17,272 1/	
	D77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University	D77-35		500	11-05-76					500
TOTAL:		50,087	325,148		-23,082			-50,087	302,066

1/ Subsequently incorporated in a supplementary report.

B-8

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16	[5,426]		10-01-76 05-18-77				-5,426 1/	
	D77-16A		7,615	05-18-77					7,615
Bureau of Reclamation									
Colorado River Basin Project	D77-54		4,790	03-24-77 03-15-77	-4,790				0
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76 10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL:		5,426	49,205		-8,035			-5,426	41,170

1/ Subsequently incorporated in a supplementary report.

B-9

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Federal Prison System									
Buildings and facilities	D77-21		1,900	10-01-76				-1,900 1/	0
TOTAL:			1,900					-1,900	0

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

B-10

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Employment and Training Administration									
Advances to the unemployment trust fund and other funds	D77-39		2,919,000	12-03-76 12-28-76	-1,119,000				1,800,000
TOTAL:			2,919,000		-1,119,000				1,800,000

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B-11

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad.....	D77-22		14,225	10-01-76					14,225
TOTAL:			14,225						14,225

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Coast Guard									
Acquisition, construction and improvements..	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
CIVIL supersonic aircraft development termination.	D77-24	[464]		10-01-76 01-17-77				-464 1/	
	D77-24A		8,080	01-17-77					8,080
Facilities and equipment (Airport and airway trust fund).....	D77-25	[276,101]		10-01-76 01-17-77				-276,101 1/	
	D77-25A	[287,095]		01-17-77 03-09-77				-287,095 1/	
	D77-25B		278,095	03-09-77					278,095
Federal Highway Administration									
Trust fund share of other highway programs.....	D77-48		31,250	01-17-77					31,250
TOTAL:		563,660	340,006					-563,660	340,006

1/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Office of the Secretary									
Antirecession financial assistance fund.....	D77-57		8,030	04-28-77					
				05-01-77	-934				
				05-31-77				+559	
				06-30-77				+2a8	5,731
State and local government fiscal assistance trust fund.....	D77-26		113,732 1/	10-01-76					
				11-01-76	-2a,433 1/				
				01-31-77	-2a,433 1/				
				05-01-77	-2a,433 1/				2a,433 1/
State and local government fiscal assistance trust fund.....	D77-27	[10,000] 1/		10-01-76					
				12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76					
				12-31-76	-16,a93 1/				
				01-31-77	-1,590 1/				
				05-01-77				+12,a6a 1/	
				06-01-77	-5,835 1/				9,a17 1/
State and local government fiscal assistance trust fund.....	D77-2a		a1,500	10-01-76					
				11-01-76	-226				
				12-01-76	-1a6				
				72-31-76	-7,aa8				
				03-01-77	-317				
				04-01-77	-4				
				05-01-77				+a,2a8	
				07-01-77	-3a4				a0,763
Loans to the District of Columbia for capital outlay.....	D77-3a		51,002	11-05-76					51,002
TOTAL:		10,000	13a,532aA 134,aa70		-9,963aA -109,6170			+a,907aA +2,aa00	137,496aA 3a,0500

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Energy Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB Agency	House	Senate	Adjustments	Amount Deferred as of 07-01-77
Operating expenses (Energy extension service).....	D77-49		7,500	01-17-77 02-22-77				-7,500 1/	0
Operating expenses (Magnetic fusion energy).....	D77-50		12,000	01-17-77		-12,000 2/			0
Operating expenses (Program support-community operations).....	D77-51		5,400	01-17-77		-5,400 3/			0
Operating expenses (Biomedical and environmental research).....	D77-52		a,200	01-17-77		-a,200 4/			0
Operating expenses.....	D77-55		a0,500	04-04-77 06-29-77	-24,710				55,790
Operating expenses (Clinch River Breeder Reactor Plant project).....	D77-58		31,800	05-18-77					31,800
Plant and capital equipment.....	D77-56		46,660	04-04-77					a6,660
TOTAL:			192,060		-24,710	-25,600		-7,500	134,250

1/ This adjustment reflects the impact of P.L. 95-3 which makes the source of ERDA's funding their regular 1977 appropriations, rather than the continuing resolution (P.L. 94-473), without need for enactment of authorizing legislation.
2/ Impoundment resolution H. Res. 305 passed the House on March 3, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 306 passed the House on March 3, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 307 passed the House on March 3, 1977, rejecting this deferral.

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Bare Silver Dollar Program	D77-29	(1,709)		10-01-76 01-07-77				-1,709 1/	
	D77-29A		1,797	01-07-77					1,797
TOTAL:		1,709	1,797					-1,709	1,797

1/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Action Operating expenses, international and domestic programs	D77-40		550	12-03-76 12-31-76 06-03-77	-15 -360				175
Foreign Claims Settlement Commission Payment of Vietnam prisoner of war claims.	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration Commemorative activities fund	D77-31	(1,346)		10-01-76 01-07-77				-1,346 1/	
	D77-31A		198	01-07-77					198
Interstate Commerce Commission Payment for directed rail service	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year Salaries and expenses	D77-33		680	10-01-76					680
U.S. Information Agency Salaries and expenses (special foreign currency program)	D77-41		2,437	01-07-77					2,437
Special international exhibitions	D77-42		1,716	01-07-77					1,716

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STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 07-01-77
Special international exhibitions (special foreign currency program)	D77-43		112	01-07-77					112
U.S. Railway Association Payments for the purchase of Conrail securities	D77-44		600,700	01-07-77 01-27-77 06-27-77	-162,000 -101,000				415,700
TOTAL:		1,346	710,926		-265,375			-1,346	445,551
TOTAL, ALL DEFERRALS:		1,642,652BA 10,0000	7,114,505BA 134,8070		-2,340,128BA -109,6170	-25,600BA		-2,115,032BA +2,8600	4,276,397BA 38,0500

1/ Subsequently incoporated in a supplementary report.

[FR Doc.77-20216 Filed 7-11-77;11:45 am]

WEDNESDAY, JULY 13, 1977
PART IX

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federal register

WEDNESDAY, JULY 13, 1977
PART IX

FEDERAL ENERGY ADMINISTRATION

■

MIDDLE DISTILLATE PRICES

Analysis of Post-Exemption Monitoring System

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

POST-EXEMPTION MONITORING OF MIDDLE DISTILLATE PRICES

Analysis; June 1976 to April 1977

AGENCY: Federal Energy Administration.

ACTION: Notice of Analysis of the Middle Distillate Post-Exemption Monitoring System June 1976 to April 1977.

SUMMARY: Analyses of the middle distillate post-exemption monitoring system have been prepared by the Federal Energy Administration ("FEA") Office of Energy Information and Analysis. They are published in conjunction with the Further Notice of Proposed Rulemaking and Public Hearing for Middle Distillate Prices, issued May 26, 1977 (42 FR 27937, June 1, 1977). The latest comprehensive data reported to the FEA indicate that the prior announcement by FEA that trigger prices had been exceeded has been substantially revised. Survey prices were below index values during April for the Nation as a whole and for all regions except the North Central. January and March monthly survey prices in the North Central region still exceeded the monthly index prices.

FOR FURTHER INFORMATION CONTACT:

William C. Gillespie (Price Analysis Division), Federal Building, 12th and Pennsylvania Avenue NW., Room 4430, Washington, D.C. 20461, 202–566–9307. Laura Kuitunen and Dennis M. Moore (Office of General Counsel), Federal Building, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202–566–9567 or 566–2085.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Index Prices.
III. Purpose of Hearings.
IV. North Central Region Monitoring System Analysis, June 1976 to January 1977.
V. National Analysis of the Middle Distillate Post-Exemption Monitoring System, June 1976 to April 1977.

I. Background

On June 15, 1976 FEA issued and submitted to the Congress two separate amendments which provided for the exemption of middle distillates from allocation and price controls. The first amendment related to the exemption of No. 2 heating oil and No. 2–D diesel fuel and the second amendment provided for the exemption of No. 1 heating oil, No. 1–D diesel fuel, and kerosene. Since neither of these amendments was disapproved by either house of Congress pursuant to the review procedures set forth in section 551 of the Energy Policy and Conservation Act, the amendments became effective July 1, 1976.

In its discussions with members of Congress regarding these amendments, and in response to concerns expressed by these members, FEA committed to take certain actions following the effectiveness of the exemption to assure that no unwarranted price increases would occur once controls were removed. FEA's commitment to Congress began September 1, 1976 and terminated March 31, 1977, but the weekly monitoring and price index system was voluntarily extended through April 30, 1977. Since that time, the monthly monitoring and price index system has ben extended indefinitely.

Although the Congressional commitment for monitoring and taking corrective action in response to levels of survey prices has expired, FEA intends to focus continuing attention on this problem and study the desirability of taking further actions with regard to the middle distillate price monitoring system.

The procedure adopted by FEA for monitoring prices of middle distillates is as follows: actual prices are compared to prices projected to remain in effect if controls had continued ("index" or "trigger" prices), nationally and regionally, plus two cents.

FEA computes two separate national index prices based on actual average June 1976 prices for No. 2 heating oil and No. 2–D diesel fuel, adjusted to take into account (1) seasonal price variations of No. 2 heating oil during 1960–1967, (2) actual increases/decreases in the price of imported and domestically produced crude oil, (3) actual increases/decreases in the prices of imported middle distillates (weighted by their monthly relative volumes in 1972, the last normal import year before the embargo), (4) increases in non-product costs of refiners, as defined and limited under FEA cost pass-through regulations, and estimated increases in operating costs of resellers and retailers, and (5) the two cents/gallon flexibility factor.

Only prices for No. 2 heating oil and No. 2–D diesel fuel are included in computing the two indices. However, prices for No. 1–D diesel fuel, kerosene, and other middle distillates not included in the index are periodically monitored by FEA using sales price data reported to FEA by refiners and large resellers. If price increases for such products not in the index differ significantly from price increases for products in the index, FEA investigates and takes appropriate action.

A system of regional index prices has also been adopted to protect against unduly disproportionate price increases in one or more regions, even though actual average national prices have not exceeded the national index prices.

Regional index prices are computed and monitored on essentially the same basis as the national index prices, except that the June 1976 price basis and some of the adjustment factors are related to the region concerned rather than to the nation. Regional index prices appropriately differ from the national index prices due to variances among the regions in June 1976 average middle distillate prices, differences in percentages of sales by non-refiners, and differences in the adjustment for imports.

II. Index Prices

In a Notice of Proposed Rulemaking issued on March 28, 1977 FEA stated that final monthly data for January and preliminary weekly survey data for March indicated that the index prices for middle distillates were exceeded by survey prices in the North Central region. (42 FR 16807, March 30, 1977) FEA, therefore, held hearings in Chicago on this subject on April 4 and April 12, 1977.

On May 26, 1977, FEA announced it would take no action with respect to the past heating season but issued a Further Notice of Proposed Rulemaking and Public Hearing on the post-exemption monitoring of middle distillate prices to consider further action, if appropriate, with respect to middle distillates over the next heating season. (42 FR 27937, June 1, 1977.)

The Further Notice of Proposed Rulemaking stated that preliminary survey prices had exceeded preliminary index values for the weeks ending April 9, 16, and 23, for the nation as a whole, for the Southern region and for the North Central region. The latest comprehensive data reported to the FEA, however, indicate that the previous statistics have been substantially revised. (See Table I.) January and March monthly survey prices in the North Central region only exceeded the monthly index prices. The results of the FEA survey of average heating oil prices for the weeks ending April 9 through April 30, 1977 indicate that final weekly survey prices are below final weekly index values for the nation as a whole and for all regions except the North Central.

FEA uses residential heating oil prices collected by telephone to make preliminary calculations for weekly heating oil survey prices, in the absence of weekly price figures on different categories of sales (industrial, institutional/utility and other sales). Preliminary weekly survey price estimates are based upon the weekly telephone survey of prices charged to residential users and upon the two month old monthly printed survey of sales volumes to all end users of middle distillate products.

FEA preliminary weekly index estimates are based (for example) upon two month old crude oil cost data. Both preliminary weekly survey prices and index values are updated to reflect more current data when that data becomes available.

As soon as the latest monthly actual data from all end users are available, weekly price figures are replaced by the final monthly price. The final monthly index values represent crude oil cost changes with a one-month lag and are calculated when that data become available.

The updated weekly survey prices and index values for April are based on

March's monthly survey prices, sales volumes and estimated March crude oil costs (based on February's actual crude oil costs). These final weekly statistics revealed that the preliminary weekly statistics issued by FEA for April, which were based on February's monthly survey data, which estimated crude oil costs for February (from January costs) and which showed that the survey prices in the South region, North Central region, and the nation as a whole exceeded index values, did not accurately reflect the middle distillate prices during April.

These recalculations of weekly April survey prices resulted in declines in the weekly survey prices for April 30 from the preliminary weekly prices previously reported for April 30 in FEA's May 13 press release as follows: South, 0.4 cents per gallon; North Central and U.S., 0.3 cent; the Northeast, 0.2 cent; and no change in the West. The downward revision in the survey price occurred primarily because significant shifts in relative volumes of the different categories of sales (residential, industrial, utility and other bulk sales) caused shifts in the computation of weekly survey prices when March data was substituted for the previously used February data.

Furthermore, recalculations of April weekly index values, again using estimated March crude oil costs (based on actual February crude oil costs), resulted in April index values which increased by 0.4 to 0.5 cent per gallon, nationally and in each region, from the previously reported values. Thus, national and regional (except the North Central region) heating oil prices to all ultimate consumers, when computed with updated statistics, no longer exceed the FEA index level.

Additional analysis of middle distillate pricing data is already underdway. FEA has begun gathering supplementary data to ascertain the relationship between the cost increases attributable to No. 2 heating oil incurred by sellers and the prices charged to consumers for that product. FEA will also collect data on an expanded basis to verify the validity of the survey group which is currently used as the basis for ascertaining average middle distillate prices.

The following table displays the results of the latest survey price/index price computations:

MIDDLE DISTILLATES POST-EXEMPTION MONITORING REPORT

April 30, 1977

Table I
Heating Oil Survey Price/Index Price
(Figures in cents per gallon)

Date	Northeast	South	North Central	West	U.S.
Jun 76	38.2/40.2	34.3/36.3	35.0/37.0	38.2/40.2	36.6/38.6
Jul 76	38.1/39.6	34.1/35.9	35.2/36.6	38.1/39.8	36.5/38.1
Aug 76	38.6/40.7	34.4/36.7	35.4/37.3	38.7/40.5	36.9/38.9
Sep 76	39.1/41.0	34.7/37.0	35.7/37.7	39.5/40.9	37.3/39.3
Oct 76	39.6/41.5	35.0/36.9	36.0/37.6	39.6/41.0	37.7/39.4
Nov 76	40.7/42.0	36.3/37.9	37.1/38.6	39.7/41.8	38.7/40.2
Dec 76	41.9/42.9	37.3/38.8	38.6/39.5	39.4/42.8	39.8/41.1
Jan 77	43.2/43.5	38.6/39.3	40.4/40.0	40.2/43.3	41.2/41.7
Feb 77	44.2/45.2	39.7/40.7	41.1/41.4	40.9/44.7	42.1/43.2
Mar 77	44.5/45.4	40.1/40.8	41.7/41.5	41.5/44.8	42.5/43.4
Apr 9	44.5/45.2	40.2/40.6	41.7/41.3	41.6/44.6	42.6/43.2
Apr 16	44.5/45.2	40.2/40.6	41.8/41.3	41.7/44.6	42.6/43.2
Apr 23	44.5/45.2	40.4/40.6	41.8/41.3	41.7/44.6	42.6/43.2
Apr 30	44.5/45.2	40.4/40.6	41.8/41.3	41.7/44.6	42.6/43.2

Table I shows the results of the FEA's system for post-exemption monitoring of middle distillate prices. The "index price" (right of the slash) is FEA's best estimate of what average prices would have been under controls plus a two cents per gallon flexibility factor to account for statistical error and factors not otherwise included in the index equation that could have affected prices under controls. The "survey price" (left of the slash) for heating oil is a four-week moving average price for all sales to ultimate consumers calculated from an FEA survey of refiners and heating oil marketers. Weekly estimates of survey prices are revised each month when the monthly survey statistics become available. The weekly index values are revised to the monthly index values as soon as the actual costs data used in the calculation of the monthly index value become available to the FEA. A detailed explanation of the monitoring system is provided in the September 21, 1976, Federal Register notice, in which it was indicated that FEA might subsequently shift to a one-month lag for including crude oil prices in the index. The method of calculating crude costs in the index was changed from a two-month lag to a one-month lag on February 5, 1977. For further details, see February 16, 1977, Federal Register.

Source: FEA

III. Purpose of Hearings

The national and regional hearings announced in the May 26, 1977 Further No-

increase are summarized in Table 2 and are as follows:

1. Nonresidential prices increased from

wholesale price for retailers, increased by 0.8 cent less than the amount necessary to exceed the index value.

margins from June 1976 to January 1977 by 0.6 cent per gallon; resellers/retailers

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III. Purpose of Hearings

The national and regional hearings announced in the May 26, 1977 Further Notice of Proposed Rulemaking and Public Hearings (42 FR 27937, June 1, 1977) will still take place. The purpose of the proposed rulemaking and public hearings is to provide an additional opportunity for receipt of comments and testimony on the manner in which the FEA middle distillate price monitoring system operated during the past heating season and on what action, if any, ought to be taken by FEA with respect to possible further monitoring of or re-imposition of controls on middle distillates through the next heating season. This purpose remains unchanged in spite of the latest data on survey prices reported in section V below, as the Analysis of the Middle Distillate Post-Exemption Monitoring System June 1976 to April 1977.

IV. North Central Region Monitoring System Analysis, June 1976 to January 1977

INTRODUCTION

This report has been prepared to provide an analysis and facts related to the Federal Energy Administration's (FEA) distillate monitoring system in the North Central region. The need for this information arose as a result of the exceeding of the index of the No. 2 heating oil monitoring system during January and March in the North Central Region and identified by the FEA on March 28. The purpose of the report is to provide relevant facts needed by the Government, industry, and the public in recommending courses of remedial action to the FEA. The major portion of data provided herein are derived from FEA's post-exemption monitoring system established immediately after the decontrol of middle distillates in June 1976. Some historical pricing data are provided which were derived from a survey of heating oil distributors implemented by the Cost of Living Council in late 1973. Information documenting how the system operates may be found in 41 FR 41155, September 21, 1976 and 42 FR 9415, February 16, 1977. This report is limited to the factors related to the monthly index value and survey price for January in the North Central region.

WHY MONTHLY SURVEY PRICE INCREASED OVER WEEKLY SURVEY PRICE

When the FEA computed its January monthly index value on March 23 from statistics reported to the FEA on its No. 2 Heating Oil Supply/Price Monitoring Report, the index value in the North Central region was exceeded in January by 0.4 cent per gallon (Table 1) and for all weeks in March. The recalculation of the index value on March 23 to replace the weekly index values for January with a monthly index value indicated that the monthly survey price for the month of January was 0.6 cent of a penny higher than the survey value for January 28, the last weekly survey price computed for January. The factors that accounted for this 0.6 cent per gallon increase are summarized in Table 2 and are as follows:

1. Nonresidential prices increased from December to January by 0.5 cent per gallon more than residential prices collected on FEA's weekly survey, yielding a net increase of 0.2 cent per gallon on the survey price. For the weekly survey price computation, nonresidential prices are estimated by assuming they increased the same as residential prices from the latest monthly value. By this procedure the FEA underestimated the weekly index value.

2. Residential prices collected on FEA's monthly survey were 0.3 cent of a penny higher than those collected on FEA's weekly survey for the week of January 28. The net impact on the survey price of this factor was 0.2 cent per gallon.

3. A change in the business practices for one company in the survey caused a 0.1 cent increase in the survey price. A lower-priced company had a shift in its reported sales volume from one category to another and as a result of the weighting scheme used in the suvey caused an 0.1 cent increase in the survey price.

4. A shift in sales volumes fom lower-priced companies to higher-priced companies and rounding accounted for about 0.1 cent per gallon.

These factors only explain why the weekly survey did not indicate that the index value had been exceeded for the month of January, and except for the change in the business practices, are unrelated to the fact that the monthly index value was exceeded for the month of January.

COMPUTATION OF JANUARY INDEX VALUE

The index value for the North Central region for January 1977 was 40.0 cents per gallon, which was 5.0 cents per gallon above the June survey price for the North Central region. This means that an increase in the survey value from June to January of greater than 5.0 cents per gallon would have caused the survey value to exceed the index value. Of the 5.0 cents per gallon total, 2.0 cents was accounted for by the flexibility factor, 1.5 cents by the increase in crude costs, 0.3 cent by the increase in refiners' nonproduct costs, and an estimated .06 cent increase in costs for nonrefiners, and a 1.1 cent per gallon increase due to the adjustment for seasonality (See Table 3).

PRICE INCREASES BY TYPE OF SELLER

Retailers, resellers/retailers, and refiners as groups increased residential prices between June 1976 and January 1977 by more than the amount necessary to exceed the index value (Table 4). Refiners and resellers/retailers increased prices for nonresidential use by more than the amount necessary to exceed index value. The data reported to the FEA indicate that retailers increased nonresidential prices by less than the index value; however, the volume of sales by retailers to nonresidential users was too small to establish a clear indication of price increases. Rack prices to resellers, which would be representative of the wholesale price for retailers, increased by 0.8 cent less than the amount necessary to exceed the index value.

PRICE INCREASES BY CATEGORY OF SALE

Prices to all types of ultimate consumers except the industrial category rose by amounts greater than that needed to exceed the index value (Table 5). The industrial category increased by the same amount as the index value, 5.0 cents per gallon. Increases in price for the four categories of sales reported to the FEA were as follows:

Residential—5.5 cents per gallon;
Industrial—5.0 cents per gallon;
Institutional/Utility—5.5 cents per gallon;
Other—5.7 cents per gallon.

Prices for sales to nonultimate consumers (i.e., resellers) for both rack and delivered types of sales increased by 4.2 cents per gallon, which was 0.8 cent per gallon less than the increase in the index value. These types of sales are not included in the index and survey values, but do represent costs of purchases to firms that sell to ultimate consumers.

RELATIVE IMPORTANCE OF TYPES OF SALES IN SURVEY

In computing the survey value, the FEA averages together prices reported by all the companies within a particular category of sales and stratum based on the volume of sales reported by the individual companies, which vary from month to month. The overall average price for sales to ultimate consumers is computed by averaging together the average prices for the categories of sales using fixed percentage factors. The fixed percentages are shown in Table 6 and can be used to assess the impact of price increases for particular categories on the survey price. For example, increases in residential prices accounted for 56.1 percent of the increase in the survey price, industrial prices accounted for 27.7 percent, and so forth.

RESIDENTIAL AND RACK INCREASES BY STATE

The FEA survey was designed to be statistically valid for regional average prices. Pricing data are collected by state, however, and indicate that not all states within the region experienced increases in residential prices greater than the increase in the index value. Only Indiana, Michigan, Minnesota, Missouri, and Nebraska had residential price increases greater than the increase in the index value (Table 7). Rack prices increased by less than the index value in all states in the region. The FEA has not conducted a state analysis for nonresidential sales.

MARGINS FOR TYPES OF SELLERS

The margins for residential sales by all types of sellers, computed as the difference between average residential and rack prices, increased between June 1976 and January 1977 (Table 8). Resellers/retailers had the highest increase (1.5 cents per gallon), refiners had the second highest increase (1.2 cents per gallon), and retailers had the smallest increase (0.8 cent per gallon). For sales to nonresidential users, refiners increased

margins from June 1976 to January 1977 by 0.6 cent per gallon; resellers/retailers increased their margin by 0.8 cent per gallon; retailers, which accounted for only a small portion of nonresidential sales, did not increase their nonresidential margins.

AVERAGE MARGIN FOR RESIDENTIAL SALES OVER TIME

The difference between residential and rack prices, which is taken as a measure of the average margin for residential sales by all sellers, increased by 1.3 cents per gallon from 7.1 cents per gallon in June 1976 to 8.4 cents in January 1977 (Table 9).

The residential margins in January 1977 were greater than they were during any month between January 1974 and July 1976 (Table 10). The 1.3 cents per gallon increase was less than the 1.6 cents per gallon increase for the same period in the immediately prior year (June 1975 to January 1976).

RESIDENTIAL MARGINS BY STATE

Increases in residential margins varied by state. Significant increases in the residential margin occurred in Indiana (3.5 cents per gallon), Michigan (2.2 cents per gallon), Minnesota (1.0 cent per gallon), Missouri (1.0 cent per gallon), Nebraska (2.9 cents per gallon), and Wisconsin (0.9 cent per gallon) (Table 11). Margins for the other states remained relatively constant.

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Table 1: North Central Regional Heating Oil Survey Price and Index Price

Cents per gallon

	Survey Price	Index Price
June 76	35.0	37.0
July 76	35.2	36.6
August 76	35.4	37.3
September 76	35.7	37.7
October 76	36.0	37.6
November 76	37.1	38.6
December 76	38.6	39.5
January 77	40.4	40.0

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 2: FACTORS ACCOUNTING FOR INCREASE IN JANUARY MONTHLY SURVEY VALUE OVER JANUARY 28 WEEKLY SURVEY VALUE

(cents per gallon)

	Value in Weekly Survey	Value in Monthly Survey	Increase	Impact on Survey[1]
1. Residential Prices	42.6	42.9	0.3	0.2
2. Nonresidential Prices	36.5	37.0	0.5	0.2
3. Change In Business Practice				0.1
4. Shift In Weights And Rounding				0.1
				0.6

[1] Impact measured by multiplying increase by weight in survey

Source: FEA

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Table 3: MONTHLY COST COMPONENTS OF HEATING OIL INDEX PRICE FOR NORTH CENTRAL REGION

(cents per gallon)

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	35.0	0.0	0.0	0.0	0.0	0.0	2.000	37.0
July 1976	35.0	-0.183	-0.140	0.025	-0.139	0.0	2.000	36.6
Aug 1976	35.0	0.232	0.219	0.047	-0.142	0.0	2.000	37.3
Sept 1976	35.0	0.426	0.278	0.030	-0.036	0.0	2.000	37.7
Oct 1976	35.0	0.160	0.109	0.034	0.318	0.0	2.000	37.6
Nov 1976	35.0	0.787	0.193	0.057	0.540	0.0	2.000	38.6
Dec 1976	35.0	1.167	0.188	0.059	1.056	0.0	2.000	39.5
Jan 1977	35.0	1.457	0.311	0.059	1.141	0.0	2.000	40.0

Source: FEA

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Table 4: PRICES FOR RESIDENTIAL AND NONRESIDENTIAL SALES BY TYPE OF SELLER IN THE NORTH CENTRAL REGION

(cents per gallon)

	June 1976	January 1977	Increase
Residential			
Retailers	38.5	43.6	5.1
Resellers/Retailers	37.6	43.3	5.7
Refiners	36.8	42.3	5.5
Nonresidential			
Retailers	35.0	38.8	3.8*
Resellers/Retailers	33.2	38.8	5.6
Refiners	31.4	36.2	4.8
Back for Resale	30.3	34.5	4.2
Increase to equal index			5.0

*Represents low volume of sales.

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

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Table 5: PRICE INCREASES BY CATEGORY FROM JUNE 1976 TO JANUARY 1977 IN THE NORTH CENTRAL REGION

(cents per gallon)

	June 1976	January 1977	Increase
Sales to Ultimate Consumers			
Residential	37.4	42.9	5.5
Industrial	32.4	37.4	5.0
Institutional/Utility	30.4	35.9	5.5
Other	32.4	38.1	5.7
Sales to Nonultimate Consumers			
Rack	30.3	34.5	4.2
Delivered	31.0	35.2	4.2
Increase to Exceed Index			5.0

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

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Table 6: FIXED PERCENTAGES OF HEATING OIL SALES BY CATEGORY USED IN THE NORTH CENTRAL REGION SURVEY

Stratum	Residential	Industrial	Institutional Utility	Other	Stratum Total
1	34.4%	20.5%	11.7%	2.7%	69.3%
2	11.8	6.8	.3	.1	19.0
3	9.9	.4	.3	1.1	11.7
Category Total	56.1%	27.7%	12.3%	3.9%	100.0%

Source: FEA

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Table 8: MARGINS FOR RESIDENTIAL AND NONRESIDENTIAL SALES BY TYPE OF SELLER IN THE NORTH CENTRAL REGION

(cents per gallon)

	June 1976	January 1977	Increase
Residential			
Retailers	8.2	9.0	0.8
Resellers/Retailers	7.3	8.8	1.5
Refiners	6.5	7.7	1.2
Nonresidential			
Retailers	4.7	4.7	0.0
Resellers/Retailers	2.9	3.7	0.8
Refiners	1.1	1.7	0.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

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Table 7: Residential and Rack Prices and Changes Between June 1976 and January 1977

(Figures in cents per gallon)

	Residential			Rack Prices		
State	June 1976	January 1977	Change	June 1976	January 1977	Change
Illinois	37.5	41.8	4.3	30.0	34.3	4.3
Indiana	36.6	43.9	7.3	30.2	34.0	3.8
Iowa	36.4	41.0	4.6	29.4	34.1	4.7
Kansas	35.3	37.8	2.5	29.5	33.8	4.3
Michigan	37.1	43.2	6.1	30.6	34.5	3.9
Minnesota	38.0	43.6	5.6	30.3	34.9	4.6
Missouri	37.2	42.9	5.7	29.3	34.0	4.7
Nebraska	34.4	41.1	6.7	30.3	33.9	3.6
North Dakota	37.2	41.8	4.6	30.9	35.2	4.3
Ohio	38.6	43.4	4.8	31.1	35.7	4.6
South Dakota	37.5	41.0	3.5	30.8	34.5	3.7
Wisconsin	38.1	43.0	4.9	30.8	34.8	4.0
North Central	37.4	42.9	5.5	30.3	34.5	4.2
Increase in Price Needed to Equal North Central Index January 1977			5.0			5.0

Source: FEA P112. Survey is statistically valid only for regional average prices.

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V. NATIONAL ANALYSIS OF THE MIDDLE DISTILLATE POST-EXEMPTION MONITORING SYSTEM, JUNE 1976 TO APRIL 1977

INTRODUCTION

2-NE through Tables 2-U(S). Taking into account the two-cent flexibility factor, this means that survey prices could have increased by 6.5 cents in the North Leve increased on a regional basis as follows:

Price increases for sales to nonultimate consumers (i.e., resellers) for both rack and delivered types of sales increased on a regional basis as follows:

compared by region to increases in crude and nonproduct costs:

Table 8: DIFFERENCE BETWEEN HEATING OIL AVERAGE RACK PRICES AND AVERAGE RESIDENTIAL PRICES

(cents per gallon)

	Rack	Residential	Difference
Jun 76	30.3	37.4	7.1
Jul 76	30.6	37.6	7.0
Aug 76	30.8	37.8	7.0
Sept 76	31.3	38.1	6.8
Oct 76	31.4	38.5	7.1
Nov 76	32.1	39.8	7.7
Dec 76	33.3	41.3	8.0
Jan 77	34.5	42.9	8.4

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

Table 10: HEATING OIL COSTS, PRICES AND MARGINS FOR NORTH CENTRAL REGION OVER TIME

(cents per gallon)

	Purchase Price	Residential Price	Margin
Jan 74	23.9	30.8	6.9
Feb 74	25.6	31.9	6.3
Mar 74	26.3	34.4	8.1
Apr 74	25.6	31.8	6.2
May 74	26.6	33.4	6.8
Jun 74	28.2	34.3	6.1
Jul 74	28.0	34.7	6.7
Aug 74	28.2	35.2	7.0
Sep 74	28.1	35.4	7.3
Oct 74	27.6	33.6	6.0
Nov 74	27.7	36.0	8.3
Dec 74	27.1	33.9	6.8
Jan 75	27.4	33.6	6.2
Feb 75	27.3	33.4	6.1
Mar 75	28.1	34.3	6.2
Apr 75	28.9	33.9	5.0
May 75	29.7	35.3	5.6
Jun 75	30.6	35.9	5.3
Jul 75	31.5	36.6	5.1
Aug 75	30.7	36.3	5.6
Sep 75	30.6	36.7	6.1
Oct 75	31.5	37.7	6.2
Nov 75	32.1	38.0	5.9
Dec 75	31.7	38.3	6.6

Source: Monthly Energy Review, FEA

	Rack Price	Residential Price	Margin
Jan 76	31.2	38.1	6.9
Feb 76	30.5	37.2	6.7
Mar 76	29.1	37.0	7.9
Apr 76	29.5	37.1	7.6
May 76	30.1	37.4	7.3
Jun 76	30.3	37.4	7.1
Jul 76	30.6	37.6	7.0
Aug 76	30.8	37.8	7.0
Sep 76	31.3	38.1	6.8
Oct 76	31.4	38.5	7.1
Nov 76	32.1	39.8	7.7
Dec 76	33.3	41.3	8.0
Jan 77	34.5	42.9	8.4

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

Table 11: DIFFERENCE BETWEEN RACK AND RESIDENTIAL PRICES BY STATE

(cents per gallon)

State	June 1976	January 1977
Illinois	7.5	7.5
Indiana	6.4	9.9
Iowa	7.0	6.9
Kansas	5.8	4.0
Michigan	6.5	8.7
Minnesota	7.7	8.7
Missouri	7.9	8.9
Nebraska	4.1	7.2
North Dakota	6.3	6.6
Ohio	7.5	7.7
South Dakota	6.7	6.5
Wisconsin	7.3	8.2
North Central	7.1	8.4

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

V. National Analysis of the Middle Distillate Post-Exemption Monitoring System, June 1976 to April 1977

INTRODUCTION

This report has been prepared to provide facts and analysis related to the Federal Energy Administration's (FEA) Distillate Monitoring System for all regions and the Nation over the period June 1976 through April 1977. Its purpose is to provide pertinent facts essential for the Government, industry, and the public in recommending courses of remedial action to the FEA in public hearings which will be held in July. The major portion of data provided herein are derived from FEA's Post-Exemption Monitoring System established immediately after the decontrol of middle distillates in June 1976. Some historical pricing data are provided which were derived from a survey of heating oil distributors implemented by the Cost of Living Council in late 1973. Information documenting how the system operates may be found in 41 FR 41155, September 21, 1976 and 42 FR 9415, February 16, 1977.

SURVEY PRICES AND INDEX VALUES

Final statistics for March from FEA's monthly survey of heating oil prices indicated that through the month of March survey prices exceeded index values only in the North Central region (Table 1–NE through Tables 1–US). Survey prices exceeded index values in the North Central region for January and March. This revises previous information (reported in FEA's May 13th press release) that the index had been exceeded at the national level, and for the South and North Central regions.

The updated weekly survey prices and index values for April, which are based on March's monthly survey prices and February's actual crude costs, indicated that survey prices exceeded index values during April only in the North Central region. Preliminary statistics issued by the FEA, based on February's monthly survey data and estimated crude costs for February, had indicated that survey prices exceeded index values in the South region and the U.S., in addition to the North Central region. In the South region, the survey price was revised downward by 0.4 cent per gallon from those reported in FEA's May 13th press release because the monthly sales volumes applied to weekly residential prices changed significantly from February to March. For the same reason the U.S. weekly survey price was revised downward by 0.3 cent. Index values were revised upward by 0.4 and 0.5 cent per gallon in the South and U.S., respectively, due to the replacing of estimated crude costs with actual crude costs during February.

INCREASE IN INDEX VALUES

Index values increased from June 1976 through March 1977 by 4.5 cents per gallon in the North Central region; 5.2 cents in the Northeast region; 4.5 cents in the South region; 4.6 cents in the West region; and 4.8 cents for the U.S. (Table 2–NE through Tables 2–U.S.). Taking into account the two-cent flexibility factor, this means that survey prices could have increased by 6.5 cents in the North Central region, 7.2 cents in the Northeast region; and so on, for survey prices to have equalled index values in March 1977.

The individual costs components included in the index value computation increased as follows: (1) Refiners' crude and operating costs rose an average of 3.5 cents per gallon for all regions; (2) the FEA's estimate of the increase in nonrefiners' operating costs was 0.2 cent per gallon in the Northeast region and less than this amount in the other regions. These estimates were based on the increase in the Bureau of Labor Statistics' survey of wages for truckers and warehouseman, not actual costs collected directly from heating oil distributors; (3) normal seasonal price movements accounted for roughly a penny in March, varying slightly by region, and (4) increases in the prices of foreign heating imported into the U.S. accounted for an increase of 0.5 cent per gallon in the Northeast region, 0.2 cent nationwide and were zero in the other regions.

PRICE INCREASE TO ULTIMATE CONSUMERS BY REFINERS AND RETAILERS

In all regions, except the West, refiners increased prices to residential users more than retailers increased prices to residential users from June 1976 through March 1977. Price increases from June through March by refiners and retailers to residential users were as follows:

	Residential				
	Northeast	South	North central	West	United States
Refiners	6.5	7.5	7.2	3.7	[illegible]
Retailers	6.2	6.4	6.5	3.8	[illegible]

However, average prices charged by refiners to residential users were less than those charged by retailers (Table 3–NE through Table 3–U.S.).

PRICE INCREASES BY CATEGORY OF SALE

Prices to all types of consumers in all regions rose by less than amounts needed to exceed index values, except for prices to residential, institutional/utility, and the "other" category of customers in the North Central region, residential prices in the South, and the "other" category of customers in the West region. Increases in price for the four categories of sales by region and the amounts needed to equal index values were as follows:

	Northeast	South	North central	West	United States
Residential	6.3	7.0	6.9	4.2	6.5
Industrial	6.4	5.8	6.3	0.5	[illegible]
Institutional/utility	5.5	4.3	6.7	2.1	[illegible]
Other	5.4	5.2	6.7	8.0	[illegible]
Needed to equal index	7.2	6.5	6.5	6.6	[illegible]

Price increases for sales to nonultimate consumers (i.e., resellers) for both rack and delivered types of sales increased on a regional basis as follows:

	Northeast	South	North central	West	United States
Rack	5.6	5.1	5.5	3.3	5.4
Delivered	5.6	5.0	5.8	2.8	5.3

These types of sales are not included in the index and survey values, but they represent costs of purchases to firms that sell to ultimate consumers. In all regions except the West, these wholesale prices rose by more than the increases in the index values, but by less than amounts needed to exceed index values after taking into account the flexibility factor.

RELATIVE IMPORTANCE OF TYPES OF SALES IN SURVEY

In computing the survey values, the FEA averages together the prices reported by all the companies within a particular category of sales and stratum based on the volume of sales reported by the individual companies, which vary from month to month. The overall average price for sales to ultimate consumers is computed by averaging together the average prices for the categories of sales using fixed-percentage factors. The fixed percentages for all regions are shown in Table 5–NE through Tables 5–U.S. and can be used to assess the impact of price increases for particular categories on the survey price. For example, in the North Central region increases in residential prices accounted for 56.1 percent of the increase in the survey price in that region, industrial prices accounted for 27.7 percent, and so forth.

RETAILER MARGINS

Increases in retailer margins from June 1976 through March 1977 by regions were as follows: Northeast, 1.5 cents per gallon; South, 2.0; North Central, 0.8; West 0.9; and U.S., 0.9. However, increases in retailer margins by region from March 1976 through March 1977 were all less than a penny except for the West and were as follows: Northeast, 0.2 cent per gallon; South 0.7; North Central, 0.2; West 1.4; and U.S., 0.3 (see table 6 for summary and Table 7–NE through Tables 7–U.S. for historical details.)

REFINER MARGINS

Since the FEA does not have separate statistics on the costs of refiners for refining and marketing heating oil, the FEA cannot compute a refiners' margin for heating oil. However, the FEA does collect statistics on the increases of refiners' nonproduct costs which can be used along with increases in refiners' product costs to evaluate the average increase in refiners' heating oil margin. In the following table, average increases in refiners' sales to residential users, all other consumers, and rack customers are

compared by region to increases in crude and nonproduct costs:

	Northeast	South	North central	West	United States
Residential	6.5	7.5	7.2	3.7	6.9
Other ultimate sales	5.9	6.2	5.8	4.8	6.6
Rack sales	5.6	5.1	5.5	3.3	5.4
Crude and nonproduct	3.5	3.5	3.5	3.5	3.5

For all these types of sales, refiners increased prices by more than their increases in crude and nonproduct costs.

REFINERS AND RETAILERS RESIDENTIAL MARGINS

In all regions refiners' margins for sales to residential customers were lower than those for retailers (Table 8–NE through Tables 8–U.S.). Refiners' residential margins are measured as the difference between their residential selling prices and rack prices.

RESIDENTIAL AND RACK INCREASES BY STATE

The FEA's survey was designed to be statistically valid for regional average prices, not for state averages. Pricing data are collected by state, however. Information on a state basis is presented in Tables 9 through 11 and will not be covered in detail here. These data, in general, indicate that within certain regions there were significant differences in price movements.

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Table 1-NE. Northeast Regional Heating Oil Survey Price and Index Price Cents per gallon

	Survey Price	Index Price
June 76	38.2	40.2
July 76	38.1	39.6
August 76	38.6	40.7
September 76	39.1	41.0
October 76	39.6	41.5
November 76	40.7	42.0
December 76	41.9	42.9
January 77	43.2	43.5
February 77	44.2	45.2
March 77	44.5	45.4
April 9, 1977	44.5	45.2
April 16, 1977	44.5	45.2
April 23, 1977	44.5	45.2
April 30, 1977	44.5	45.2

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 1-S. South Regional Heating Oil Survey Price and Index Price Cents per gallon

	Survey Price	Index Price
June 76	34.3	36.3
July 76	34.1	35.9
August 76	34.4	36.7
September 76	34.7	37.0
October 76	35.0	36.9
November 76	36.3	37.9
December 76	37.3	38.8
January 77	38.6	39.3
February 77	39.7	40.7
March 77	40.1	40.8
April 9, 1977	40.2	40.6
April 16, 1977	40.2	40.6
April 23, 1977	40.4	40.6
April 30, 1977	40.4	40.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 1-NC. North Central Regional Heating Oil Survey Price and Index Price Cents per gallon

	Survey Price	Index Price
June 76	35.0	37.0
July 76	35.2	36.6
August 76	35.4	37.3
September 76	35.7	37.7
October 76	36.0	37.6
November 76	37.1	38.6
December 76	38.6	39.5
January 77	40.4*	40.0*
February 77	41.1	41.4
March 77	41.7*	41.5*
April 9, 1977	41.7*	41.3*
April 16, 1977	41.8*	41.3*
April 23, 1977	41.8*	41.3*
April 30, 1977	41.8*	41.3*

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

* Survey Price exceeded the index price.

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Table 1-W. West Regional Heating Oil Survey Price and Index Price Cents per gallon

	Survey Price	Index Price
June 76	38.2	40.2
July 76	38.1	39.8
August 76	38.7	40.5
September 76	39.5	40.9
October 76	39.6	41.0
November 76	39.7	41.8
December 76	39.4	42.8
January 77	40.2	43.3
February 77	40.9	44.7
March 77	41.5	44.8
April 9, 1977	41.6	44.6
April 16, 1977	41.7	44.6
April 23, 1977	41.7	44.6
April 30, 1977	41.7	44.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 1-US. National Average Heating Oil Survey Price and Index Price
Cents per gallon

	Survey Price	Index Price
June 76	36.6	38.6
July 76	36.5	38.1
August 76	36.9	38.9
September 76	37.3	39.3
October 76	37.7	39.4
November 76	38.7	40.2
December 76	39.8	41.1
January 77	41.2	41.7
February 77	42.1	43.2
March 77	42.5	43.4
April 9, 1977	42.6	43.2
April 16, 1977	42.6	43.2
April 23, 1977	42.6	43.2
April 30, 1977	42.6	43.2

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 2-NE. Northeast Regional Monthly Cost Components of Heating Oil Index Price
Cents per gallon

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	38.2	0.0	0.0	0.0	0.0	0.0	2.0	40.2
July 1976	38.2	-0.183	-0.140	0.075	-0.152	-0.210	2.0	39.6
Aug 1976	38.2	0.232	0.219	0.142	-0.155	0.0	2.0	40.7
Sept 1976	38.2	0.426	0.278	0.090	-0.039	0.008	2.0	41.0
Oct 1976	38.2	0.160	0.109	0.105	0.347	0.525	2.0	41.5
Nov 1976	38.2	0.787	0.193	0.172	0.591	0.008	2.0	42.0
Dec 1976	38.2	1.167	0.188	0.180	1.153	0.005	2.0	42.9
Jan 1977	38.2	1.457	0.311	0.180	1.245	0.123	2.0	43.5
Feb 1977	38.2	2.476	0.660	0.135	1.328	0.377	2.0	45.2
Mar 1977	38.2	2.815	0.689	0.165	1.089	0.466	2.0	45.4

Source: FEA Middle Distillates Post-Exemption Monitoring System.

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Table 2-S. South Regional Monthly Cost Components of Heating Oil Index Price
Cents per gallon

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	34.3	0.000	0.000	0.000	0.0	0.000	2.0	36.3
July 1976	34.3	-0.183	-0.140	0.021	-0.136	0.000	2.0	35.9
Aug 1976	34.3	0.232	0.219	0.040	-0.139	0.000	2.0	36.7
Sept 1976	34.3	0.426	0.278	0.026	-0.035	0.000	2.0	37.0
Oct 1976	34.3	0.160	0.109	0.030	0.311	0.004	2.0	36.9
Nov 1976	34.3	0.787	0.193	0.049	0.530	0.000	2.0	37.9
Dec 1976	34.3	1.167	0.188	0.051	1.036	0.001	2.0	38.8
Jan 1977	34.3	1.457	0.311	0.051	1.120	0.007	2.0	39.3
Feb 1977	34.3	2.476	0.660	0.038	1.199	0.022	2.0	40.7
Mar 1977	34.3	2.815	0.689	0.047	0.984	0.000	2.0	40.8

Source: FEA Middle Distillates Post-Exemption Monitoring System.

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Table 2-NC. North Central Regional Monthly Cost Components of Heating Oil Index Price
Cents per gallon

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	35.0	0.000	0.000	0.000	0.0	0.0	2.0	37.0
July 1976	35.0	-0.183	-0.140	0.025	-0.139	0.0	2.0	36.6
Aug 1976	35.0	0.232	0.219	0.047	-0.142	0.0	2.0	37.3
Sept 1976	35.0	0.426	0.278	0.030	-0.036	0.0	2.0	37.7
Oct 1976	35.0	0.160	0.109	0.034	0.318	0.0	2.0	37.6
Nov 1976	35.0	0.787	0.193	0.057	0.540	0.0	2.0	38.6
Dec 1976	35.0	1.167	0.188	0.059	1.056	0.0	2.0	39.5
Jan 1977	35.0	1.457	0.311	0.059	1.141	0.0	2.0	40.0
Feb 1977	35.0	2.476	0.660	0.044	1.221	0.0	2.0	41.4
Mar 1977	35.0	2.815	0.689	0.054	1.002	0.0	2.0	41.5

Source: FEA Middle Distillates Post-Exemption Monitoring System.

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Table 2-W. West Regional Monthly Cost Components of Heating Oil Index Price.
Cents per gallon

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	38.2	0.000	0.000	0.000	0.0	0.000	2.0	40.2
July 1976	38.2	-0.183	-0.140	0.018	-0.152	0.000	2.0	39.8
Aug 1976	38.2	0.232	0.219	0.034	-0.155	0.000	2.0	40.5
Sept 1976	38.2	0.426	0.278	0.021	-0.039	0.004	2.0	40.9
Oct 1976	38.2	0.160	0.109	0.025	0.347	0.135	2.0	41.0
Nov 1976	38.2	0.787	0.193	0.041	0.588	0.004	2.0	41.8
Dec 1976	38.2	1.167	0.188	0.043	1.149	0.000	2.0	42.8
Jan 1977	38.2	1.457	0.311	0.043	1.241	0.000	2.0	43.3
Feb 1977	38.2	2.476	0.660	0.032	1.324	0.000	2.0	44.7
Mar 1977	38.2	2.815	0.689	0.039	1.086	0.000	2.0	44.8

Source: FEA Middle Distillates Post-Exemption Monitoring System.

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Table 2-US. National Cost Components of Heating Oil Price Index
Cents per gallon

Month	Price	Change In Crude Costs	Change In Refiners Nonproduct Costs	Change In Nonrefiners Margin	Seasonal Adjustment	Import Adjustment	Flexibility Factor	Index Price
June 1976	36.6	0.000	0.000	0.000	0.0	0.000	2.0	38.6
July 1976	36.6	-0.183	-0.140	0.041	-0.145	0.054	2.0	38.1
Aug 1976	36.6	0.232	0.219	0.079	-0.148	0.000	2.0	38.9
Sept 1976	36.6	0.426	0.278	0.050	-0.037	0.003	2.0	39.3
Oct 1976	36.6	0.160	0.109	0.058	0.332	0.169	2.0	39.4
Nov 1976	36.6	0.787	0.193	0.095	0.565	0.003	2.0	40.2
Dec 1976	36.6	1.167	0.188	0.099	1.102	0.003	2.0	41.1
Jan 1977	36.6	1.457	0.311	0.099	1.111	0.049	2.0	41.7
Feb 1977	36.6	2.476	0.660	0.075	1.273	0.148	2.0	43.2
Mar 1977	36.6	2.815	0.689	0.091	1.044	0.171	2.0	43.4

Source: FEA Middle Distillates Post-Exemption Monitoring System.

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Table 3-S. South: Heating Oil Prices for Refiners and Retailers by Types of Customers
Cents per gallon

	ULTIMATE SALES			
	Residential		Other Than Residential	
	Refiners	Retailers	Refiners	Retailers
Jun 76	36.2	39.6	31.7	36.9
Jul 76	35.3	39.6	31.9	35.8
Aug 76	37.0	39.6	31.7	34.1
Sept 76	37.4	39.9	31.8	35.4
Oct 76	38.8	40.5	32.1	37.0
Nov 76	40.4	42.1	33.7	37.4
Dec 76	41.1	43.4	34.4	36.5
Jan 77	42.1	44.8	35.4	40.2
Feb 77	43.0	46.3	36.4	41.3
Mar 77	43.7	46.0	36.9	42.4

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 3-NE. Northeast: Heating Oil Prices for Refiners and Retailers by Types of Customers
Cents per gallon

	ULTIMATE SALES			
	Residential		Other Than Residential	
	Refiners	Retailers	Refiners	Retailers
Jun 76	39.1	40.6	32.1	34.8
Jul 76	38.5	40.5	31.9	33.2
Aug 76	40.0	40.9	32.6	35.9
Sept 76	40.4	41.3	31.9	36.5
Oct 76	41.0	41.9	33.4	36.7
Nov 76	41.2	42.9	34.5	37.8
Dec 76	43.4	44.7	34.9	37.7
Jan 77	44.2	45.4	37.4	40.8
Feb 77	44.8	46.4	38.3	41.8
Mar 77	45.6	46.8	38.0	42.1

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 3-NC. North Central: Heating Oil Prices for Refiners and Retailers by Types of Customers
Cents per gallon

	ULTIMATE SALES			
	Residential		Other Than Residential	
	Refiners	Retailers	Refiners	Retailers
Jun 76	36.8	38.1	31.4	33.7
Jul 76	36.8	38.4	31.3	34.0
Aug 76	37.3	38.6	31.7	34.8
Sept 76	37.4	39.1	32.2	34.5
Oct 76	37.7	39.6	32.3	35.3
Nov 76	39.6	40.3	33.2	34.4
Dec 76	40.7	41.9	34.8	36.4
Jan 77	42.3	43.5	36.2	38.5
Feb 77	42.9	44.4	36.8	39.7
Mar 77	44.0	44.6	37.2	39.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 3-W. West: Heating Oil Prices for Refiners and Retailers by Types of Customers
Cents per gallon

	ULTIMATE SALES			
	Residential		Other Than Residential	
	Refiners	Retailers	Refiners	Retailers
Jun 76	40.1	43.2	33.2	46.2
Jul 76	39.9	47.5	34.2	43.4
Aug 76	40.4	46.6	34.2	44.5
Sept 76	40.8	47.0	36.8	45.7
Oct 76	41.7	46.1	35.4	45.0
Nov 76	42.1	44.9	34.8	45.3
Dec 76	42.1	44.9	35.9	44.9
Jan 77	43.1	45.4	36.1	46.2
Feb 77	44.0	46.3	36.4	46.6
Mar 77	43.8	47.0	38.0	46.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 3-US. National Average: Heating Oil Prices for Refiners and Retailers by Types of Customers
Cents per gallon

	ULTIMATE SALES			
	Residential		Other Than Residential	
	Refiners	Retailers	Refiners	Retailers
Jun 76	37.9	40.4	31.7	36.0
Jul 76	37.4	40.3	31.8	35.0
Aug 76	38.6	40.7	31.9	35.8
Sept 76	39.0	41.3	32.1	36.5
Oct 76	39.7	41.7	32.5	37.0
Nov 76	41.2	42.5	33.7	37.0
Dec 76	42.3	43.7	34.7	37.2
Jan 77	44.0	45.1	36.1	40.5
Feb 77	44.0	46.1	36.9	41.3
Mar 77	44.8	46.5	37.3	41.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 4-A. Heating Oil Prices to Ultimate Consumers

Use	Report Date	Region				
		Northeast	South	North Central	West	United States
		(cents per gallon)				
Residential	June 76	40.3	38.3	37.4	41.5	39.3
	July 76	40.1	38.0	37.6	42.0	39.3
	Aug. 76	40.7	38.7	37.8	42.2	39.8
	Sept. 76	41.2	39.0	38.1	42.5	40.2
	Oct. 76	41.6	39.9	38.5	43.5	40.7
	Nov. 76	42.7	41.6	39.8	44.0	41.9
	Dec. 76	43.9	42.5	41.3	43.8	43.0
	Jan. 77	45.2	43.8	42.9	44.6	44.4
	Feb. 77	46.1	45.1	43.7	45.4	45.3
	Mar. 77	46.6	45.3	44.3	45.7	45.8
Industrial	June 76	34.0	32.1	32.4	37.9	33.7
	July 76	34.0	32.2	32.7	36.4	33.6
	Aug. 76	34.5	32.5	32.7	37.1	33.8
	Sept. 76	35.1	32.6	33.2	38.1	34.4
	Oct. 76	35.6	32.8	33.2	37.8	34.6
	Nov. 76	36.8	34.2	34.0	36.4	35.4
	Dec. 76	38.1	35.5	35.6	35.9	36.5
	Jan. 77	39.7	36.5	37.4	36.8	38.0
	Feb. 77	40.2	37.6	38.2	38.4	38.7
	Mar. 77	40.4	37.9	38.7	38.4	39.1
Institutional/ Utility	June 76	32.0	32.2	30.4	36.1	32.4
	July 76	31.6	32.2	30.5	35.8	32.2
	Aug. 76	32.3	31.6	30.9	36.8	32.4
	Sept. 76	32.0	31.8	31.2	37.8	32.6
	Oct. 76	33.1	32.0	31.2	37.7	32.9
	Nov. 76	34.4	33.1	32.2	36.7	33.7
	Dec. 76	35.2	33.7	34.1	36.8	34.5
	Jan. 77	36.7	35.2	35.9	37.1	35.9
	Feb. 77	40.2	35.8	36.3	38.6	37.1
	Mar. 77	37.5	36.5	37.1	38.2	37.1
Other Heating Uses	June 76	34.5	33.5	32.4	34.4	33.6
	July 76	36.3	32.1	32.8	37.4	33.5
	Aug. 76	34.2	32.8	33.0	38.9	34.0
	Sept. 76	35.0	34.1	33.5	39.6	35.0
	Oct. 76	35.3	33.3	34.2	39.3	34.7
	Nov. 76	34.4	34.1	35.0	39.9	35.2
	Dec. 76	37.0	35.1	36.3	40.3	36.4
	Jan. 77	37.8	37.0	38.1	40.8	37.9
	Feb. 77	39.5	38.5	38.6	41.5	39.1
	Mar. 77	39.9	38.7	39.1	42.4	39.6

Source: The data in Table 4-A are derived from a survey sample of approximately 600 refiners and distributors who sell heating oil to ultimate consumers; Form FEA-P112-M-1.

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Table 4-B. Heating Oil Prices to Others Than Ultimate Consumers

Use	Report Date	Region: Northeast	Southern	North Central	West	United States
		(cents per gallon)				
Bank	June 76	31.1	30.6	30.3	31.2	30.8
	July 76	31.7	30.8	30.6	31.4	31.1
	Aug. 76	32.9	31.3	30.8	31.5	31.5
	Sept. 76	32.2	31.1	31.3	33.0	31.7
	Oct. 76	32.6	31.6	31.4	32.4	32.1
	Nov. 76	33.2	32.2	32.1	32.6	32.7
	Dec. 76	34.3	33.3	33.3	32.9	33.8
	Jan. 77	35.4	34.6	34.5	33.5	35.0
	Feb. 77	36.2	35.3	35.3	33.8	35.8
	Mar. 77	36.7	35.7	35.8	34.5	36.2
Delivered	June 76	31.7	31.4	31.0	32.2	31.4
	July 76	31.6	30.2	31.5	32.3	31.0
	Aug. 76	32.7	31.4	31.8	32.3	31.8
	Sept. 76	32.9	31.5	32.3	31.9	32.1
	Oct. 76	33.2	32.1	32.4	32.2	32.5
	Nov. 76	33.6	33.2	33.2	33.2	33.3
	Dec. 76	34.7	33.4	34.1	33.4	34.1
	Jan. 77	35.5	34.7	35.2	33.7	35.1
	Feb. 77	36.9	36.0	36.2	34.4	36.2
	Mar. 77	37.3	36.4	36.8	35.0	36.7

Source: The data in Table 4-B are derived from a survey sample of approximately 600 refiners and distributors who sell heating oil to ultimate consumers; Form FEA-P112-M-1.

Table 5-S: South Regional Fixed Percentages of Heating Oil Sales by Category Cents per gallon

	STRATUM 1	2	3	Total
Residential	16.1	8.6	7.2	31.9
Industrial	27.3	1.0	1.4	29.7
Institutional/Utility	23.1	0.6	0.2	23.9
Other	12.6	1.3	0.6	14.5
Total	79.1	11.5	9.4	100.0

Source: FEA Middle Distillates Post-Exemption Monitoring System.

Table 5-NC: North Central Regional Fixed Percentages of Heating Oil Sales by Category Cents per gallon

	STRATUM 1	2	3	Total
Residential	34.4	11.8	9.9	56.1
Industrial	20.5	6.8	0.4	27.7
Institutional/Utility	11.7	0.3	0.3	12.3
Other	2.7	0.1	1.1	3.9
Total	69.3	19.0	11.7	100.0

Source: FEA Middle Distillates Post-Exemption Monitoring System.

Table 5-NE: Northeast Regional Fixed Percentages of Heating Oil Sales by Category Cents per gallon

	STRATUM 1	2	3	Total
Residential	32.8	20.4	15.3	68.5
Industrial	17.0	4.7	1.7	23.4
Institutional/Utility	5.9	0.3	0.1	6.3
Other	1.1	0.6	0.1	1.8
Total	56.8	26.0	17.2	100.0

Source: FEA Middle Distillates Post-Exemption Monitoring System.

Table 5-W: West Regional Fixed Percentages of Heating Oil Sales by Category
Cents per gallon

	STRATUM			
	1	2	3	Total
Residential	20.3	3.6	3.5	27.4
Industrial	28.4	5.9	6.0	40.3
Institutional/Utility	14.5	3.5	4.6	22.6
Other	7.6	0.3	1.8	9.7
Total	70.8	13.3	15.9	100.0

Source: FEA Middle Distillates Post-Exemption Monitoring System.

Table 5-US: National Fixed Percentages of Heating Oil Sales by Category
Cents per gallon

	STRATUM			
	1	2	3	Total
Residential	28.3	14.0	11.0	53.3
Industrial	21.3	4.6	1.7	27.6
Institutional/Utility	11.9	0.7	0.6	13.2
Other	4.7	0.6	0.6	5.9
Total	66.2	19.9	13.9	100.0

Source: FEA Middle Distillates Post-Exemption Monitoring System.

Table 6: Retailer Margin
January 1976 to March 1977

	Northeast	South	North Central	West	United States
Jan 76	9.3	7.9	6.9	9.3	8.8
Feb 76	9.1	8.2	6.7	9.4	8.8
Mar 76	9.5	8.3	7.3	9.7	9.2
Apr 76	9.5	7.9	7.1	9.9	9.1
May 76	9.2	7.1	6.7	9.8	8.6
June 76	8.2	7.0	6.7	10.2	8.6
July 76	8.4	7.1	6.5	11.3	8.0
Aug 76	8.8	7.6	6.3	12.8	8.5
Sept 76	8.9	7.3	6.5	12.6	8.7
Oct 76	9.0	7.6	6.8	11.6	8.6
Nov 76	9.4	8.7	6.8	11.3	9.1
Dec 76	9.6	8.7	7.5	10.5	9.2
Jan 77	9.7	8.7	7.8	10.3	9.3
Feb 77	9.6	9.5	7.8	10.7	9.4
Mar 77	9.7	9.0	7.5	11.1	9.5

Table 7-NE: Northeast Regional Heating Oil Costs, Prices and Margins for Nonrefiners to Residential Consumers
Cents per gallon

	Purchase Price	Residential Price	Residential Margin
Jan 74	22.9	31.8	8.9
Feb 74	25.2	33.7	8.5
Mar 74	25.0	32.8	7.8
Apr 74	25.9	34.6	8.7
May 74	26.7	35.2	8.5
Jun 74	27.6	36.1	8.5
Jul 74	28.2	35.4	7.2
Aug 74	28.2	36.2	8.0
Sept 74	29.1	36.9	7.8
Oct 74	29.7	36.3	6.6
Nov 74	29.8	38.9	9.1
Dec 74	29.4	38.5	9.1
Jan 75	30.0	39.6	9.6
Feb 75	29.5	38.8	9.3
Mar 75	29.4	37.9	8.5
Apr 75	29.5	37.1	7.6
May 75	30.3	37.3	7.0
Jun 75	30.3	37.7	7.4
Jul 75	30.4	37.4	7.0
Aug 75	31.2	38.5	7.3
Sept 75	31.2	39.1	7.9
Oct 75	32.0	40.1	8.1
Nov 75	32.1	40.3	8.2
Dec 75	32.8	41.1	8.3
Jan 76	31.8	41.1	9.3
Feb 76	32.0	41.1	9.1
Mar 76	31.6	41.1	9.5
Apr 76	31.3	40.8	9.5
May 76	31.2	40.4	9.2
Jun 76	32.4	40.6	8.2
Jul 76	32.1	40.5	8.4
Aug 76	32.1	40.9	8.8
Sept 76	32.4	41.3	8.9
Oct 76	32.9	41.9	9.0
Nov 76	33.5	42.9	9.4
Dec 76	35.1	44.7	9.6
Jan 77	35.7	45.4	9.7
Feb 77	36.8	46.4	9.6
Mar 77	37.1	46.8	9.7

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 7-S: South Regional Heating Oil Costs, Prices and Margins for Nonrefiners to Residential Consumers
Cents per gallon

	Purchase Price	Residential Price	Residential Margin
Jan 74	23.4	30.3	6.9
Feb 74	25.3	32.4	7.1
Mar 74	25.2	32.3	7.1
Apr 74	26.2	33.1	6.9
May 74	27.5	35.3	7.8
Jun 74	26.6	33.5	6.9
Jul 74	26.8	32.9	6.1
Aug 74	28.6	35.8	7.2
Sept 74	28.4	34.9	6.5
Oct 74	28.6	35.5	6.9
Nov 74	29.0	36.4	7.4
Dec 74	28.6	35.8	7.2
Jan 75	28.7	35.6	6.9
Feb 75	28.7	35.8	7.1
Mar 75	28.0	34.8	6.8
Apr 75	28.8	35.3	6.5
May 75	29.4	35.6	6.2
Jun 75	30.6	36.4	5.8
Jul 75	29.4	35.8	6.4
Aug 75	30.4	36.8	6.4
Sept 75	30.3	36.7	6.4
Oct 75	31.2	37.5	6.3
Nov 75	32.0	38.7	6.7
Dec 75	30.6	35.6	6.0
Jan 76	32.2	40.1	7.9
Feb 76	31.9	40.1	8.2
Mar 76	31.5	39.8	8.3
Apr 76	31.6	39.5	7.9
May 76	31.5	38.6	7.1
Jun 76	32.6	39.6	7.0
Jul 76	32.5	39.6	7.1
Aug 76	32.0	39.6	7.6
Sept 76	32.6	39.9	7.3
Oct 76	32.9	40.5	7.6
Nov 76	33.4	42.1	8.7
Dec 76	34.7	43.4	8.7
Jan 77	36.1	44.8	8.7
Feb 77	36.8	46.3	9.5
Mar 77	37.0	46.0	9.0

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 7-NC: North Central Regional Heating Oil Costs, Prices and Margins for Nonrefiners to Residential Consumers
Cents per gallon

	Purchase Price	Residential Price	Residential Margin
Jan 74	23.9	30.8	6.9
Feb 74	25.6	31.9	6.3
Mar 74	26.3	34.4	8.1
Apr 74	25.6	31.8	6.2
May 74	26.6	33.4	6.8
Jun 74	28.2	34.3	6.1
Jul 74	28.0	34.7	6.7
Aug 74	28.2	35.2	7.0
Sept 74	28.1	35.4	7.3
Oct 74	27.6	33.6	6.0
Nov 74	27.7	36.0	8.3
Dec 74	27.1	33.9	6.8
Jan 75	27.4	33.6	6.2
Feb 75	27.3	33.4	6.1
Mar 75	28.1	34.3	6.2
Apr 75	28.9	33.9	5.0
May 75	29.7	35.2	5.6
Jun 75	30.6	35.9	5.3
Jul 75	31.5	36.6	5.1
Aug 75	30.7	36.3	5.6
Sept 75	30.6	36.7	6.1
Oct 75	31.5	37.7	6.2
Nov 75	32.1	38.0	5.9
Dec 75	31.7	38.3	6.6
Jan 76	32.0	38.9	6.9
Feb 76	31.9	38.6	6.7
Mar 76	30.7	38.0	7.3
Apr 76	30.7	37.8	7.1
May 76	31.1	37.8	6.7
Jun 76	31.4	38.1	6.7
Jul 76	31.9	38.4	6.5
Aug 76	32.3	38.6	6.3
Sept 76	32.6	39.1	6.5
Oct 76	32.8	39.6	6.8
Nov 76	33.5	40.3	6.8
Dec 76	34.4	41.9	7.5
Jan 77	35.7	43.5	7.8
Feb 77	36.6	44.4	7.8
Mar 77	37.1	44.6	7.5

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 7-W: West Regional Heating Oil Costs, Prices and Margins for Nonrefiners to Residential Consumers
Cents per gallon

	Purchase Price	Residential Price	Residential Margin
Jan 74	22.8	30.5	7.7
Feb 74	27.5	35.0	7.5
Mar 74	NA	NA	NA
Apr 74	26.4	33.4	7.0
May 74	26.7	36.3	9.6
Jun 74	27.7	37.5	9.8
Jul 74	28.7	36.2	7.5
Aug 74	28.2	35.9	7.7
Sept 74	29.1	33.7	4.6
Oct 74	29.6	35.9	6.3
Nov 74	28.9	36.9	8.0
Dec 74	28.2	34.9	6.7
Jan 75	29.1	37.8	8.7
Feb 75	29.0	37.2	8.2
Mar 75	27.6	36.8	9.2
Apr 75	28.8	37.9	9.1
May 75	29.8	37.4	7.6
Jun 75	30.4	37.6	7.2
Jul 75	30.4	38.8	8.4
Aug 75	32.2	40.3	8.1
Sept 75	31.7	39.5	7.8
Oct 75	33.5	40.0	6.5
Nov 75	33.2	40.8	7.6
Dec 75	33.4	42.9	9.5
Jan 76	32.9	42.2	9.3
Feb 76	33.1	42.5	9.4
Mar 76	32.6	42.3	9.7
Apr 76	32.1	42.0	9.9
May 76	32.7	42.5	9.8
Jun 76	33.0	43.2	10.2
Jul 76	36.2	47.5	11.3
Aug 76	33.8	46.6	12.8
Sept 76	34.4	47.0	12.6
Oct 76	34.5	46.1	11.6
Nov 76	33.6	44.9	11.3
Dec 76	34.4	44.9	10.5
Jan 77	35.0	45.3	10.3
Feb 77	35.6	46.3	10.7
Mar 77	35.9	47.0	11.1

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 7-US: National Average Heating Oil Costs, Prices and Margins for Nonrefiners to Residential Consumers
Cents per gallon

	Purchase Price	Residential Price	Residential Margin
Jan 74	23.4	31.1	7.7
Feb 74	25.4	32.8	7.4
Mar 74	25.9	33.8	7.9
Apr 74	25.9	34.0	8.1
May 74	26.8	35.1	8.3
Jun 74	27.5	35.3	7.8
Jul 74	28.1	35.2	7.1
Aug 74	28.1	35.8	7.7
Sept 74	28.7	36.3	7.6
Oct 74	28.9	35.6	6.7
Nov 74	29.1	37.9	8.8
Dec 74	28.5	36.9	8.4
Jan 75	29.1	37.4	8.3
Feb 75	28.7	37.0	8.3
Mar 75	28.4	36.6	8.2
Apr 75	29.3	36.1	6.8
May 75	30.0	36.7	6.7
Jun 75	30.3	37.1	6.8
Jul 75	30.6	37.2	6.6
Aug 75	31.2	38.0	6.8
Sept 75	31.0	38.0	7.4
Oct 75	31.8	39.3	7.5
Nov 75	32.1	39.4	7.3
Dec 75	32.4	40.1	7.7
Jan 76	32.0	40.8	8.8
Feb 76	32.0	40.8	8.8
Mar 76	31.5	40.7	9.2
Apr 76	31.3	40.4	9.1
May 76	31.4	40.6	8.6
Jun 76	31.8	40.4	8.6
Jul 76	32.3	40.3	8.0
Aug 76	32.2	40.7	8.5
Sept 76	32.6	41.3	8.7
Oct 76	33.1	41.7	8.6
Nov 76	33.4	42.5	9.1
Dec 76	34.5	43.7	9.2
Jan 77	35.8	45.1	9.3
Feb 77	36.7	46.1	9.4
Mar 77	37.0	46.5	9.5

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

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Table 8-NE: Northeast: Heating Oil Margins for Refiners and Retailers by Residential sales and Other Than Residential Sales
Cents per gallon

	Residential Margins		Other Than Residential Margins	
	Refiners	Retailers	Refiners	Retailers
June 76	8.0	8.2	1.0	2.4
July 76	7.2	8.4	0.3	3.1
Aug 76	8.2	8.8	0.8	3.8
Sept 76	8.3	8.9	-0.2	4.1
Oct 76	8.4	9.0	0.8	3.8
Nov 76	9.0	9.4	1.4	4.3
Dec 76	9.2	9.6	0.7	2.6
June 77	9.0	9.7	2.0	5.1
Feb 77	8.9	9.6	2.4	5.0
Mar 77	9.0	9.7	1.4	5.0

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA P112-M-1)

Table 8-S: South: Heating Oil Margins for Refiners and Retailers by Residential sales and Other Than Residential Sales
Cents per gallon

	Residential Margins		Other Than Residential Margins	
	Refiners	Retailers	Refiners	Retailers
June 76	5.7	7.0	1.2	4.3
July 76	4.6	7.1	1.2	3.3
Aug 76	5.8	7.6	0.5	2.1
Sept 76	6.3	7.3	0.7	2.8
Oct 76	7.3	7.6	0.6	4.1
Nov 76	8.2	8.7	1.5	4.0
Dec 76	7.5	8.7	0.8	1.8
June 77	7.6	8.7	0.9	4.1
Feb 77	7.8	9.5	1.2	4.5
Mar 77	8.1	9.0	1.3	5.3

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA P112-M-1)

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Table 8-NC: North Central: Heating Oil Margins for Refiners and Retailers by Residential sales and Other Than Residential Sales
Cents per gallon

	Residential Margins		Other Than Residential Margins	
	Refiners	Retailers	Refiners	Retailers
June 76	6.6	6.7	1.2	2.3
July 76	6.2	6.5	0.7	2.1
Aug 76	6.5	6.3	0.9	3.7
Sept 76	6.1	6.5	0.9	1.9
Oct 76	6.3	6.8	0.9	2.5
Nov 76	7.5	6.8	1.1	0.9
Dec 76	7.5	7.5	1.6	2.0
June 77	7.8	7.8	1.7	2.8
Feb 77	7.7	7.8	1.6	3.1
Mar 77	8.3	7.5	1.5	2.5

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA P112-M-1)

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Table 8-W: West: Heating Oil Margins for Refiners and Retailers by Residential sales and Other Than Residential Sales
Cents per gallon

	Residential Margins		Other Than Residential Margins	
	Refiners	Retailers	Refiners	Retailers
June 76	8.9	10.2	2.0	13.2
July 76	8.5	11.3	2.8	7.2
Aug 76	8.9	12.8	2.7	10.7
Sept 76	8.8	12.6	4.8	11.3
Oct 76	9.4	11.6	3.1	10.5
Nov 76	9.5	11.3	3.2	11.7
Dec 76	9.2	10.5	3.0	10.5
June 77	7.5	10.3	2.5	11.1
Feb 77	10.2	10.7	2.6	11.0
Mar 77	9.2	11.1	3.4	10.7

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA P112-M-1)

Table 8-US: National Average: Heating Oil Margins for Refiners and Retailers by Residential sales and Other Than Residential Sales
Cents per gallon

	Residential Margins		Other Than Residential Margins	
	Refiners	Retailers	Refiners	Retailers
June 76	7.2	8.6	1.0	4.2
July 76	6.4	8.0	0.8	2.7
Aug 76	7.3	8.5	0.6	3.6
Sept 76	7.4	8.7	0.5	3.9
Oct 76	7.8	8.6	0.5	3.9
Nov 76	8.6	9.1	1.1	3.6
Dec 76	8.5	9.2	0.9	2.7
June 77	9.2	9.3	1.3	4.7
Feb 77	8.5	9.4	1.4	4.6
Mar 77	8.7	9.5	1.2	4.6

Source: No. 1 Heating Oil Supply/Price Monitoring Report (Form FEA P112-M-1)

Table 9-NE. Northeast Regional Heating Oil Residential and Rack Prices and Changes Between June 1976 and March 1977
cents per gallon

	Residential Prices			Rack Prices		
State	June 1976	March 1977	Change	June 1976	March 1977	Change
Connecticut	41.1	47.4	6.3	31.1	36.8	5.7
Maine	41.2	47.3	6.1	31.4	36.8	5.4
Massachusetts	40.8	46.5	5.7	30.9	36.6	5.7
New Hampshire	41.4	47.4	6.0	31.3	36.5	5.2
New Jersey	39.9	46.4	6.5	30.8	36.4	5.6
New York	40.8	46.9	6.1	31.0	36.7	5.7
Pennsylvania	39.1	45.4	6.3	31.6	36.8	5.2
Rhode Island	41.4	47.9	6.5	31.0	36.7	5.7
Vermont	41.4	48.1	6.7	32.3	37.7	5.4
Northeast	40.3	46.6	6.3	31.1	36.7	5.6
Increase in price Needed to Equal Northeast Index March 1977			7.2			7.2

Source: FEA P112. Survey is statistically valid only for regional average prices.

Table 9-S. South Regional Heating Oil Residential and Rack Prices and Changes Between June 1976 and March 1977
cents per gallon

	Residential Prices			Rack Prices		
State	June 1976	March 1977	Change	June 1976	March 1977	Change
Alabama	–	–	–	29.6	35.7	6.1
Arkansas	–	–	–	29.1	34.2	5.1
Delaware	38.6	46.6	8.0	31.3	36.3	5.0
District of Columbia	39.8	46.8	7.0	31.5	37.3	5.8
Florida	41.8	44.1	2.3	30.6	35.8	5.2
Georgia	35.6	42.6	7.0	30.7	35.8	5.1
Kentucky	37.9	44.4	6.5	30.9	36.0	5.1
Louisiana	–	–	–	29.0	33.9	4.9
Maryland	38.2	45.5	7.3	31.0	36.3	5.3
Mississippi	–	–	–	29.0	34.1	5.1
North Carolina	38.2	43.8	5.6	30.9	36.1	5.2
Oklahoma	–	–	–	31.4	34.7	3.3
South Carolina	38.2	44.0	5.8	31.0	36.4	5.4
Tennessee	37.9	42.9	5.0	31.1	35.6	4.5
Texas	–	–	–	29.6	34.3	4.7
Virginia	39.6	46.1	6.5	31.2	36.2	5.0
West Virginia	40.4	45.9	5.4	31.1	37.0	5.9
South	38.3	45.3	7.0	30.6	35.7	5.1
Increase in price Needed to Equal South Index March 1977			6.5			6.5

Source: FEA P112. Survey is statistically valid only for regional average prices.

Table 9-NC. North Central Regional Heating Oil Residential and Rack Prices and Changes Between June 1976 and March 1977
Cents per gallon

	Residential Prices			Rack Prices		
State	June 1976	March 1977	Change	June 1976	March 1977	Change
Illinois	37.5	44.1	6.6	30.0	35.6	5.6
Indiana	36.6	45.4	8.8	30.2	35.2	5.0
Iowa	36.4	42.9	6.5	29.4	35.2	5.8
Kansas	35.3	42.2	6.9	29.5	34.9	5.4
Michigan	37.1	44.8	7.7	30.6	36.0	5.4
Minnesota	38.0	45.2	7.2	30.3	35.9	5.6
Missouri	37.2	44.3	7.1	29.3	35.1	5.8
Nebraska	34.4	42.4	8.0	30.3	35.0	4.7
North Dakota	37.2	43.4	6.2	30.9	36.3	5.4
Ohio	38.6	43.7	5.1	31.1	36.7	5.6
South Dakota	37.5	42.6	5.1	30.8	35.4	4.6
Wisconsin	38.1	44.5	6.4	30.8	36.5	5.7
North Central	37.4	44.3	6.9	30.3	35.8	5.5
Increase in Price Needed to Equal North Central Index, March 1977			6.5			6.5

Source: FEA P112. Survey is statistically valid only for regional average prices.

Table W-W. West Regional Heating Oil Residential and Rack Prices and Changes Between June 1976 and March 1977
cents per gallon

State	Residential Prices June 1976	Residential Prices March 1977	Residential Prices Change	Rack Prices June 1976	Rack Prices March 1977	Rack Prices Change
Alaska	48.6	53.1	4.5	34.0	39.2	5.2
Arizona	1	-	-	30.7	33.1	2.4
California	39.9	41.9	2.0	29.8	36.4	6.6
Colorado	-	-	-	30.3	32.8	2.5
Hawaii	-	-	-	33.8	37.4	3.6
Idaho	40.2	44.4	4.2	31.6	35.1	3.5
Montana	-	-	-	31.3	35.0	3.7
Nevada	41.4	45.0	3.6	30.7	34.8	4.1
New Mexico	-	-	-	29.2	33.7	4.5
Oregon	40.1	44.4	4.3	31.4	34.3	2.9
Utah	-	-	-	30.7	34.1	3.4
Washington	41.1	44.9	3.8	30.8	34.0	3.2
Wyoming	-	-	-	31.2	33.0	1.8
West	41.5	45.7	4.2	31.2	34.5	3.3
Increase in Price Needed to Equal West Index, March 1977			6.6			6.8

Source: FEA P112. Survey is statistically valid only for regional average prices.

Table W-NE. National Average and Regional Heating Oil Residential and Rack Prices and Changes Between June 1976 and March 1977
cents per gallon

State	Residential Prices June 1976	Residential Prices March 1977	Residential Prices Change	Rack Prices June 1976	Rack Prices March 1977	Rack Prices Change
Northeast	40.3	46.6	6.3	31.1	36.7	5.6
South	38.3	45.1	6.8	30.6	35.7	5.1
North Central	37.4	44.3	6.9	30.3	33.8	3.5
West	41.5	45.7	4.2	31.2	34.5	3.3
United States	39.3	45.8	6.5	30.8	36.2	5.4
Increase in Price Needed to Equal National Index, March 1977			6.8			6.8

Source: FEA P112. Survey is statistically valid only for regional average prices.

Table 10-NE. Northeast Regional Difference Between Heating Oil Average Rack Prices and Average Residential Prices
cents per gallon

Month		Rack	Residential	Difference
Jun	76	31.1	40.3	9.2
Jul	76	31.7	40.1	8.4
Aug	76	31.9	40.7	8.8
Sept	76	32.2	41.2	9.0
Oct	76	32.6	41.6	9.0
Nov	76	33.2	42.7	9.5
Dec	76	34.3	43.9	9.6
Jan	77	35.4	45.2	9.8
Feb	77	36.2	46.1	9.9
Mar	77	36.7	46.6	9.9

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1).

Table 10-S. South Regional Difference Between Heating Oil Average Rack Prices and Average Residential Prices
cents per gallon

Month		Rack	Residential	Difference
Jun	76	30.6	38.3	7.7
Jul	76	30.8	38.0	7.2
Aug	76	31.3	38.7	7.4
Sept	76	31.1	39.0	7.9
Oct	76	31.6	39.9	8.3
Nov	76	32.2	41.6	9.4
Dec	76	33.3	42.5	9.2
Jan	77	34.6	43.8	9.2
Feb	77	35.3	45.1	9.8
Mar	77	35.7	45.3	9.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table IO-NC. North Central Regional Difference Between Heating Oil Average Rack Prices and Average Residential Prices cents per gallon

Month	Rack	Residential	Difference
Jun 76	30.3	37.4	7.1
Jul 76	30.6	37.6	7.0
Aug 76	30.9	37.8	6.9
Sept 76	31.3	38.1	6.8
Oct 76	31.4	38.5	7.1
Nov 76	32.1	39.8	7.7
Dec 76	33.3	41.3	8.0
Jan 77	34.5	42.9	8.4
Feb 77	35.3	43.7	8.4
Mar 77	35.8	44.3	8.5

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table IO-W. West Regional Difference Between Heating Oil Average Rack Prices and Average Residential Prices cents per gallon

Month	Rack	Residential	Difference
Jun 76	31.2	41.5	10.3
Jul 76	31.4	42.0	10.6
Aug 76	31.5	42.2	10.7
Sept 76	32.0	42.5	10.5
Oct 76	32.4	43.5	11.1
Nov 76	32.8	44.0	11.2
Dec 76	32.9	43.8	10.9
Jan 77	33.5	44.6	11.1
Feb 77	33.8	45.4	11.6
Mar 77	34.5	45.7	11.2

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 10-US. National Regional Difference Between Heating Oil Average Rack Prices and Average Residential Prices cents per gallon

Month	Rack	Residential	Difference
Jun 76	30.8	39.3	8.5
Jul 76	31.1	39.3	8.2
Aug 76	31.5	39.8	8.3
Sept 76	31.7	40.2	8.5
Oct 76	32.1	40.7	8.6
Nov 76	32.7	41.9	9.2
Dec 76	33.8	43.0	9.2
Jan 77	35.0	44.4	9.4
Feb 77	35.8	45.3	9.5
Mar 77	36.2	45.8	9.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1)

Table 11-NE. Northeast Regional Difference Between Rack and Residential Prices by State cents per gallon

State	June 1976	March 1977
Connecticut	10.0	10.6
Maine	9.8	10.5
Massachusetts	9.9	9.9
New Hampshire	10.1	10.9
New Jersey	9.1	10.0
New York	9.8	10.2
Pennsylvania	7.5	8.6
Rhode Island	10.4	11.2
Vermont	9.1	10.4
Northeast	9.2	9.9

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

Table 11-S. South Regional Difference Between Rack and Residential Prices by State cents per gallon

State	June 1976	March 1977
Alabama	-	-
Arkansas	-	-
Delaware	7.3	10.3
District of Columbia	8.3	9.5
Florida	11.2	8.3
Georgia	4.9	6.8
Kentucky	7.0	8.4
Louisiana	-	-
Maryland	7.2	9.2
Mississippi	-	-
North Carolina	7.3	7.7
Oklahoma	-	-
South Carolina	7.2	7.6
Tennessee	6.8	7.3
Texas	-	-
Virginia	8.4	9.9
West Virginia	9.3	8.9
South	7.7	9.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

Table 11-NC. North Central Regional Difference Between Rack and Residential Prices by State cents per gallon

State	June 1976	March 1977
Illinois	7.5	8.5
Indiana	6.4	10.2
Iowa	7.0	7.7
Kansas	5.8	7.3
Michigan	6.5	8.8
Minnesota	7.7	9.3
Missouri	7.9	9.2
Nebraska	4.1	7.4
North Dakota	6.3	7.1
Ohio	7.5	7.0
South Dakota	6.7	7.2
Wisconsin	7.3	8.0
North Central	7.1	8.5

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

Table 11-W. West Regional Difference Between Rack and Residential Prices by State cents per gallon

State	June 1976	March 1977
Alaska	14.6	13.9
Arizona	-	-
California	10.1	5.5
Colorado	-	-
Hawaii	-	-
Idaho	8.6	9.3
Montana	-	-
Nevada	10.7	10.2
New Mexico	-	-
Oregon	8.7	10.1
Utah	-	-
Washington	10.3	10.9
Wyoming	-	-
West	10.3	11.2

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

Table 11-US. National Regional Difference Between Rack and Residential Prices by State cents per gallon

State	June 1976	March 1977
Northeast	9.2	9.9
South	7.7	9.4
North Central	7.1	8.5
West	10.3	11.2
United States	8.5	9.6

Source: No. 2 Heating Oil Supply/Price Monitoring Report (Form FEA-P112-M-1). Survey is statistically valid only for regional average prices.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., July 1, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-19532 Filed 7-12-77;8:45 am]

WEDNESDAY, JULY 13, 1977

federal register

WEDNESDAY, JULY 13, 1977

PART X

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

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DEPARTMENT OF STATE

DEPARTMENT OF STATE

[Public Notice 554]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Governments of Spain and Poland and are published herewith.

Dated: July 7, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

MINISTERIO DE COMERCIO
SUBSECRETARIA DE LA MARINA MERCANTE
DIRECCION GENERAL DE PESCA MARITIMA
-SPAIN-

ASUNTO: APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FCZ OF THE UNITED STATES OF AMERICA.- Squid (Illex)

This format includes applications for new 12 (Twelve) Spanish fishing vessels permits, corresponding to the period from November 1th to December 31th, 1977, for the Squid (Illex) fishery, and are requested as complement of the first allocation -incomplete catches-, and also as complement of the reallocation that we expect to be confirmed early next June, and are in addition to the applications submited in February, 22th, 1977.

Madrid, May, 20th, 1977

THE AUTHORIZED OFFICIAL,

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF FISHERY RESOURCES

DATE May, 20th, 1977 APPLICATION NO. _____ for use of Issuing Officer

In accordance with the provision of Section 204 of the Fishery Conservation and Management Act of 1976, (16 U.S.C. 1801-1882), and the governing international fisheries Agreement entered into with the Government of the United States of America, which entered into force on February, 1977 (date), the government (or competent authority) of SPAIN

hereby submits this application for permits for fishing vessels under its jurisdiction to fish within the fishery conservation zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States.

The following information is submitted in support of this application (Use additional sheets as required).

A completed Fishing Vessel Identification Form for each permit that is requested; and a compilation of data contained in questions 5 and 20 in the attached Fishing Vessel Identification Form.

Submitted May, 20th, 1977 (Date) _____ (Signature of Authorized Official)

-Bilateral Agreements Adm. (Title)

..... See attached she

	OCEAN AREA	NAME OF VESSEL	TYPE OF VESSEL	PERIOD (Quarter)	SPECIES	ESTIMATED CATCH (mt)	GEAR TO BE USED
1	ICNAF 5 - 6	VILACHAN	STERN TRAWLER	1/11-31/12/77	Lolirc	143	O.T.B.
2	ICNAF 5 - 6	PEÑALBA	STERN TRAWLER	1/11-31/12/77	Lolirc	175	O.T.B.
3	ICNAF 5 - 6	FLIPPER	STERN TRAWLER	1/11-31/12/77	Lolirc	153	O.T.B
4	ICNAF 5 - 6	PUERTO ARGUDITE	STERN TRAWLER	1/11-31/12/77	Lolirc	107	O.T.B
5	ICNAF 5 - 6	ITXAS TXORI	STERN TRAWLER	1/11-31/12/77	Lolirc	133	O.T.B
6	ICNAF 5 - 6	PEVESASA II	STERN TRAWLER	1/11-31/12/77	Lolirc	200	O.T.B
7	ICNAF 5 - 6	VILIRASA II	STERN TRAWLER	1/11-31/12/77	Lolirc	114	O.T.B
8	ICNAF 5 - 6	MAPOSA VI	STERN TRAWLER	1/11-31/12/77	Lolirc	193	O.T.B
9	ICNAF 5 - 6	PORTUMAR	STERN TRAWLER	1/11-31/12/77	Lolirc	133	O.T.B
10	ICNAF 5 - 6	COSTA DE TRANOVA	STERN TRAWLER	1/11-31/12/77	Lolirc	114	O.T.B
11	ICNAF 5 - 6	MARIDIA	STERN TRAWLER	1/11-31/12/77	Lolirc	133	O.T.B
12	ICNAF 5 - 6	JUANCHO	STERN TRAWLER	1/11-31/12/77	Lolirc	154	O.T.B.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ),

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0078

State: SPAIN

1. Name of Vessel: VILACHAN
2. Vessel Nat. Hull No.: VI-8 — Registration No.: 9272
3. Name and Address of Owner: Name: CANDIDO PENA FREIRE; Address: El Con - Moaña (PONTEVEDRA); Cable Address: It has not
   Name and Address of Charter: CANDIDO PENA FREIRE; El Con Moaña (Pontevedra)
4. Homeport and State of Registry: Las Palmas
5. Type of Vessel: (I.T.U.N.) STERN TRAWLER
6. Tonnage (Gross): 239.74 (Net): 150
7. Length: 33.72 M. B. Breadth: 8.02 M. D. Draft: 3.85
8. Horsepower: 800 shp. 11. Maximum Speed: 12 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.972
14. Number and Nationality of Personnel: 17 Spanish
    Officers: 2 Crew: 13 Other (Specify): 2
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraph
    Other
    International Radio Call Sign: EA.P.S
    Radio Frequencies Monitored: 2182 cw, 16 VHF
    Other Working Frequencies: 2 MHz A3, Ch. 18
    Schedule: H24

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 280 m³; Fish Meal; Other
    18. Cargo Space Number / Name: Freezer; Dry Hold 220 m³; Tanks; Other
19. Processing Equipment (Indicate daily capacity, MT): 12 tons. for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY
    25 Broadway - New York N.Y. 10.004 TF 212 425 - 5656
    Cable Address - INAGEMA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0079

State: SPAIN

1. Name of Vessel: PEÑALBA
2. Vessel Nat. Hull No.: VI-5 — Registration No.: 1718
3. Name and Address of Owner: Name: MANUEL GESTOSO; Address: Tomás A. Alonso, 294, VIGO; Cable Address: It has not
   Name and Address of Charter: MANUEL GESTOSO SCT'S; Tomás A. Alonso, 294, VIGO
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.H) SIDE TRAWLER
6. Tonnage (Gross): 480 (Net): 190
7. Length: 44.26 M. B. Breadth: 8.37 M. D. Draft: 4.42
8. Horsepower: 1060 shp. 11. Maximum Speed: 10 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.966
14. Number and Nationality of Personnel: 21 Spanish
    Officers: 2 Crew: 2 Other (Specify): 17
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraph
    Other
    International Radio Call Sign: E.B.K.M
    Radio Frequencies Monitored: 2182 - MHz
    Other Working Frequencies: 2191 kHz
    Schedule: H24

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (1), Fathometer (1), Other
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 430 m³; Fish Meal; Other
    18. Cargo Space Number / Name: Freezer; Dry Hold 420 m³; Tanks; Other
19. Processing Equipment (Indicate daily capacity, MT): 15 tons.for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY
    25 Broadway - New York N.Y. 10.004 TF 212 425 - 5656
    Cable Address - INAGEMA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0080

State: SPAIN

1. Name of Vessel: PLAYA
2. Vessel Nat. Hull No.: VI-5 — Registration No.: 816
3. Name and Address of Owner: Name: P. ESPANAO, S.A.; Address: Orillamar, 303; VIGO; Cable Address: It has not
   Name and Address of Charter: PESCAMAR, S.A.; Orillamar, 303; VIGO
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.H.) STERN TRAWLER
6. Tonnage (Gross): 426.11 (Net): 145
7. Length: 35.5 M. B. Breadth: 9.3 M. D. Draft: 4.75
8. Horsepower: 1.100 shp. 11. Maximum Speed: 11 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.969
14. Number and Nationality of Personnel: 20 Spanish
    Officers: 2 Crew: 2 Other (Specify): 16
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraph
    Other
    International Radio Call Sign
    Radio Frequencies Monitored
    Other Working Frequencies: 2191 - 2054 kHz
    Schedule: H24

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca (1), Navsat ( ), Radar (1), Fathometer (2), Other
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 150 m³; Fish Meal; Other
    18. Cargo Space Number / Name: Freezer; Dry Hold 350 m³; Tanks; Other
19. Processing Equipment (Indicate daily capacity, MT): 12 tons. for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
TF 212 425 - 5656
Cable Address - INAGEMA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0081

State:

1. Name of Vessel: PULPITO DE ARMEIRO
2. Vessel Nat. Hull No.: VI-6 — Registration No.: 8
3. Name and Address of Owner: Name and Address: P. PESCADO S.A. - PESCAMAR, S.A.; Address: Pesquera E/S MARIA-; Cable Address: It has not
4. Homeport and State of Registry:
5. Type of Vessel:
6. Tonnage (Gross): 295
7. Length: 35.9 M. B. Breadth: 8.0
8. Horsepower: 700
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.964
14. Number and Nationality of Personnel: 17
    Officers: 2 Crew: 2
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraph
    International Radio Call Sign: EA.M.
    Radio Frequencies Monitored: 21
    Other Working Frequencies:
    Schedule:

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (1), Fathometer (1),
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 303 m³; Fish Meal; Other
    18. Cargo Space Number / Name:
19. Processing Equipment (Indicate daily capacity, MT): 7 Tns for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Cable Address - INAGEMA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0082

State: SPAIN

1. Name of Vessel: PEÑA BLANCA
2. Vessel Nat. Hull No.: VI-7 — Registration No.: 1.719
3. Name and Address of Owner: Name: MANUEL GESTOSO; Address: Tomás A. Alonso, 294, VIGO; Cable Address: It has not
   Name and Address of Charter: MANUEL GESTOSO SCT'S; Tomás A. Alonso, 294, VIGO
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.H) SIDE TRAWLER
6. Tonnage (Gross): 480 (Net): 190
7. Length: 44.26 M. B. Breadth: 8.37 M. D. Draft: 4.42
8. Horsepower: 1060 shp. 11. Maximum Speed: 10 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.966
14. Number and Nationality of Personnel: 21 Spanish
    Officers: 2 Crew: 2 Other (Specify): 17
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraph
    Other
    International Radio Call Sign: E.B.K.M
    Radio Frequencies Monitored: 2182 - MHz
    Other Working Frequencies: 2191 kHz
    Schedule: H24

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (1), Fathometer (1), Other
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 430 m³; Fish Meal; Other
    18. Cargo Space Number / Name: Freezer; Dry Hold 420 m³; Tanks; Other
19. Processing Equipment (Indicate daily capacity, MT): 15 tons.for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY
    25 Broadway - New York N.Y. 10.004 TF 212 425 - 5656
    Cable Address - INAGEMA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (1), Fathometer (1),
17. Cargo Capacity (MT): Salted Fish; Fresh Fish; Frozen Fish 303 m³; Fish Meal; Other
    18. Cargo Space Number / Name:
19. Processing Equipment (Indicate daily capacity, MT):
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 31.12.77	Loligo		Otter trawl

D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Cable Address - INAGEMA
Telex - ITT 420211 New York

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0082

State: SPAIN

1. Name of Vessel: ITXAS TXORI
2. Vessel No.: Hull No. BI-4-132 — Registration No. 132
3. Name and Address of Owner: Name: ONDARRUTARRA, S.A. — Address: Apartado 19 — ONDARROA (Vizcaya) — Cable Address: It has not
   Name and Address of Charte: ONDARRUTARRA, S.A — Apartado, 19 — ONDARROA (VIZCAYA)
4. Homeport and State of Registry: Ondarroa
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross): 324.07 (Net): 100
7. Length: 33.8 M. 8. Breadth: 7.87 M. 9. Draft: 3.85
10. Horsepower: 1.200 shp. 11. Maximum Speed: 11 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.974
14. Number and Nationality of Personnel: 20 Spanish — Officers 2, Crew 3, Other (Specify) 15
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraph; Other
    International Radio Call Sign: E.G.I.C.
    Radio Frequencies Monitored: 2182 kcs
    Other Working Frequencies: 2191 - Apendice 18
    Schedule: Hx
16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Havsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT) — 18. Cargo Space Number / Name
    Salted Fish: — Freezer:
    Fresh Fish: — Dry Hold: 235 m³
    Frozen Fish: 225 m³ — Tanks:
    Fish Meal: — Other:
    Other:
19. Processing Equipment (Indicate daily capacity,MT): 15 tons. for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 / 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway - New York N.Y. 10.004 - Tf. 252-212-425-5686
    Cable Address - IMAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0083

State: SPAIN

1. Name of Vessel: PEVEGASA II
2. Vessel No.: Hull No. VI-6 — Registration No. 9292
3. Name and Address of Owner: Name: PEVEGA, S.A. — Address: Alfredo L. Jones, 5 — LAS PALMAS G. CANARIA — Cable Address: It has not
   Name and Address of Charte: PEVEGA, S.A. — Alfredo, L. Jones, 5 — LAS PALMAS G. CANARIA
4. Homeport and State of Registry: Las Palmas
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross): 314.12 (Net): [illegible]
7. Length: 38.30 M. 8. Breadth: 8.52 M. 9. Draft: 3.10
10. Horsepower: [illegible] shp. 11. Maximum Speed: 12 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.974
14. Number and Nationality of Personnel: 18 Spanish — Officers 2, Crew 3, Other (Specify) 13
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraph; Other
    International Radio Call Sign: E.G.I.C.
    Radio Frequencies Monitored: 2182 cas VHF
    Other Working Frequencies: 2191 - Apendice 18
    Schedule: Hx
16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca (X), Havsat ( ), Radar (2), Fathometer (2), Other
17. Cargo Capacity (MT) — 18. Cargo Space Number / Name
    Salted Fish: — Freezer:
    Fresh Fish: — Dry Hold: 390 m³
    Frozen Fish: 390 m³ — Tanks:
    Fish Meal: — Other:
    Other:
19. Processing Equipment (Indicate daily capacity,MT): 12 tons. for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	1.11.77 / 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D.Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway - New York N.Y. 10.004
    Tf. 252-212-425- 5686
    Cable Address - IMAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0081

State: SPAIN

1. Name of Vessel: VIEIRASA II
2. Vessel No.: Hull No. VI-5 — Registration No. 8386
3. Name and Address of Owner: Name: S.A. EDUARDO VIEIRA — Address: Avda.Orillamar, 1 — VIGO — Cable Address: It has not
   Name and Address of Charte: S.A EDUARDO VIEIRA — Avda. Orillamar, 1 — VIGO
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross): 249,19 (Net): [illegible]
7. Length: 35.59 M. 8. Breadth: 6.81 M. 9. Draft: 4
10. Horsepower: 750 shp. 11. Maximum Speed: 10 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.962
14. Number and Nationality of Personnel: 19 Spanish — Officers 2, Crew 2, Other (Specify) 15
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraph; Other
    International Radio Call Sign: E.G.Y.N
    Radio Frequencies Monitored: 2182 khz
    Other Working Frequencies: 2191 Apendice 18
    Schedule: Hx
16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Havsat ( ), Radar (1), Fathometer (1), Other
17. Cargo Capacity (MT) — 18. Cargo Space Number / Name
    Salted Fish: — Freezer:
    Fresh Fish: — Dry Hold:
    Frozen Fish: 280 m³ — Tanks:
    Fish Meal: — Other:
    Other:
19. Processing Equipment (Indicate daily capacity,MT): 6 tons. for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 & 6	1.11.77 / 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
    Tf. 252 212 425 - 5686
    Cable Address - IMAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: 0085

State: SPAIN

1. Name of Vessel: MAPOSA VI
2. Vessel No.: Hull No. MU - 3 — Registration No. 15
3. Name and Address of Owner: Name: MARITIMA POLUX, S.a — Address: Glorieta Norte, s/n — HUELVA — Cable Address: It has not
   Name and Address of Charte: MARITIMA POLUX, S.A — Glorieta Norte, s/n — HUELVA
4. Homeport and State of Registry: HUELVA
5. Type of Vessel: (O.T.B) SIDE TRAWLER
6. Tonnage (Gross): [illegible] (Net): 150
7. Length: 35,50 M. 8. Breadth: 9,32 M. 9. Draft: 6,30
10. Horsepower: 1.170 shp. 11. Maximum Speed: 11 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built: 1.975
14. Number and Nationality of Personnel: 19 spanish — Officers 2, Crew 3, Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice ( ), Telegraph; Other
    International Radio Call Sign: E.G.Y.N
    Radio Frequencies Monitored: 2.206
    Other Working Frequencies: 3.370 - 4.139.5 KHZ
    Schedule: Hx
16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Havsat ( ), Radar (X), Fathometer (X), Other
17. Cargo Capacity (MT) — 18. Cargo Space Number / Name
    Salted Fish: — Freezer:
    Fresh Fish: — Dry Hold: 430 m³
    Frozen Fish: 430 m³ — Tanks:
    Fish Meal: — Other:
    Other:
19. Processing Equipment (Indicate daily capacity,MT): 12 Tns for day
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 and 6	1.11.77 / 31.12.77	Loligo		Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY 25 Broadway New York N.Y. 10.004
    tf. 252 212 425 - 5686
    Cable Address - IMAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega (X), Decca (X), Havsat ( ), Radar (2), Fathometer (X),

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. 5086 For Use of Issuing Officer

State: SPAIN

1. Name of Vessel PORTAMEA
2. Vessel Nat. Hull No. CO-2 Registration No. 3633
3. Name and Address of Owner: Name PASCUAL ALAHAU NAVARRO; Address Muelle Linares Rivas, 6 LA CORUÑA; Cable Address It has not
   Name and Address of Charter: Pesquera Galica, S.A.; Muelle Linares Rivas, 6; LA CORUÑA
4. Homeport and State of Registry: La Coruña
5. Type of Vessel (O.T.M.) STERN TRAWLER
6. Tonnage (Gross) 282.25 (Net) 95
7. Length 39 M. 8. Breadth 8,70 M. 9. Draft 3,90
10. Horsepower 1.200 shp. 11. Maximum Speed 12 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.975
13. Number and Nationality of Personnel 22 Spanish; Officers 2 Crew 7 Other (Specify) 13
14. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraph Other
    International Radio Call Sign E.D.L.L.
    Radio Frequencies Monitored 2182 kHz 16 VHF 2101 - 2056 - Apend
15. Navigation Equipment: Loran C (X), Loran A ( ), Omega (X), Decca (X), Navsat ( ), Radar (2), Fathometer (X), Other
16. Cargo Capacity (MT): Salted Fish — Freezer; Fresh Fish — Dry Hold 286 m³; Frozen Fish 286 m³ — Tanks; Fish Meal — Other; Other
17. Cargo Space: Number — Name
18. Processing Equipment (Indicate daily capacity,MT): 8 tons for day
19. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 & 6	1.11.77 31.12.77	Loligo		Otter trawl

20. Name and Address of Agent appointed in the U.S. to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
    SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
    Tf. 252 212 425 - 5686
    Cable Address - INAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. 5087 For Use of Issuing Office

State: SPAIN

1. Name of Vessel COSTA DE TERRANOVA
2. Vessel Nat. Hull No. CC-1 Registration No. 144
3. Name and Address of Owner: Name JUSTO OJEDA PEREZ; Address Romualdo Alvargonzá-lez, 5 GIJON; Cable Address It has not
   Name and Address of Charter: JUSTO OJEDA PEREZ; Romualdo Alvargonzá-lez, 5 GIJON
4. Homeport and State of Registry: Gijón
5. Type of Vessel (O.T.M.) SIDE TRAWLER
6. Tonnage (Gross) 351 (Net) 110
7. Length 40 M. 8. Breadth 7,40 M. 9. Draft 4
10. Horsepower 800 shp. 11. Maximum Speed 13 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.962
13. Number and Nationality of Personnel 18 Spaniah; Officers 2 Crew 2 Other (Specify) 14
14. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraph Other
    International Radio Call Sign E.D.O.D
    Radio Frequencies Monitored 2182 kHz
    Other Working Frequencies
    Schedule — Hr
15. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other
16. Cargo Capacity (MT): Salted Fish — Freezer; Fresh Fish — Dry Hold 300 m³; Frozen Fish 300 m³ — Tanks; Fish Meal — Other; Other
17. Cargo Space: Number — Name
18. Processing Equipment (Indicate daily capacity,MT): 7 tons. for day
19. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 & 6	1.11.77 31.12.77	Loligo		Otter trawl

20. Name and Address of Agent appointed in the U.S. to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
    SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
    Tf. 252 212 425 - 5686
    Cable Address - INAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. 5085 For Use of Issuing Officer

State: SPAIN

1. Name of Vessel SANIDA
2. Vessel Nat. Hull No. CC-2 Registration No. 3634
3. Name and Address of Owner: Name PESQUERA GALAICA, S.A.; Address Muelle Linares Rivas, 6; LA CORUÑA; Cable Address It has not
   Name and Address of Charter: PESQUERA GALAICA, S.A.; Muelle Linares Rivas, 6; LA CORUÑA
4. Homeport and State of Registry: La Coruña
5. Type of Vessel (O.T.M.) SIDE TRAWLER
6. Tonnage (Gross) 282,25 (Net) 95
7. Length 39 M. 8. Breadth 8,70 M. 9. Draft 3,90
10. Horsepower 1.200 shp. 11. Maximum Speed 12 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.975
13. Number and Nationality of Personnel 22 Spanish
14. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraph Other
    International Radio Call Sign E.D.L.L.
    Radio Frequencies Monitored 2182 kHz 16
    Other Working Frequencies 2101-2056 Apend
    Schedule — Hr
15. Navigation Equipment: Loran C (X), Loran A ( ), Omega (X), Decca (X), Navsat ( ), Radar (2), Fathometer (X), Other
16. Cargo Capacity (MT): Salted Fish — Freezer; Fresh Fish — Dry Hold 286 m³; Frozen Fish 286 m³ — Tanks; Fish Meal — Other; Other
17. Cargo Space: Number — Name
18. Processing Equipment (Indicate daily capacity,MT): 8 tons. for day
19. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 & 6	1.11.77 31.12.77	Loligo		Otter trawl

20. Name and Address of Agent appointed in the U.S. to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
    SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
    Tf. 252 212 425 - 5686
    Cable Address - INAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. 5083 For Use of Issuing Officer

State: SPAIN

1. Name of Vessel MANGIO
2. Vessel Nat. Hull No. GI-4 Registration No. 1931
3. Name and Address of Owner: Name LUIS PAZOS CADIRO; Address Salvador Moreno, 33 PONTEVEDRA; Cable Address It has not
   Name and Address of Charter: LUIS PAZOS CADIRO; Salvador Moreno, 33 PONTEVEDRA
4. Homeport and State of Registry: Marín
5. Type of Vessel (O.T.M.) SIDE TRAWLER
6. Tonnage (Gross) 288,4 (Net) 95
7. Length 37,27 M. 8. Breadth 7,51 M. 9. Draft 3,90
10. Horsepower 1.600 shp. 11. Maximum Speed 10 nudos
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.974
13. Number and Nationality of Personnel 18 Spanish; Officers 2 Crew 3 Other (Specify) 13
14. Communications: VHF-FM (X), AM/SSB, Voice ( ), Telegraph Other
    International Radio Call Sign E.D.L.L.
    Radio Frequencies Monitored 2182 kHz canal 16
    Other Working Frequencies 2101 - Apendice 18
    Schedule — Hr
15. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca (X), Navsat ( ), Radar (2), Fathometer ( ), Other
16. Cargo Capacity (MT): Salted Fish — Freezer; Fresh Fish 3 — Dry Hold 250 m³; Frozen Fish 250 m — Tanks; Fish Meal — Other; Other
17. Cargo Space: Number — Name
18. Processing Equipment (Indicate daily capacity,MT): 7 tons. for day
19. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 & 6	1.11.77 31.12.77	Loligo		Otter trawl

20. Name and Address of Agent appointed in the U.S. to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
    SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
    Tf. 252 212 425 - 5686
    Cable Address - INAGENA
    Telex - ITT 420211 New York

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POLAND

m/s "SOUGUSTA"

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COMPAGNIE DE NAVIGATION FRUITIERE
POSTAL 60 RUE D'HAUTEVILLE
PARIS 75010
NAVIFRU

POLSKIE "TRANSOCEAN"
ul.Gdrowąża 7 POB 631
"TRANSOCEAN"
Szczecin

NANTES, FRANCE

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4198, 4201, 6282, 6302, 3377, 1256
12604,16254,16206

local time 08⁰⁰-12⁰⁰, 16⁰⁰-19⁰⁰, 20⁰⁰-21⁰⁰

PL-77-0036

GYRO COMPASS, DIRECTION FINDER

Freezer 4 I, II, III, IV

2400

600

Processing Equipment (Indicate daily capacity.)

Ocean Area	Period (1977-78)	Species Contemplated	Quantity (MT)
NE PACYFIC 1977 FROM 10.VII - TO 31.XII.1977			

AMERTOL INTERNATIONAL INC OFFICIAL REPRESENTATIVE TO U.S.A.
TRADE CENTER IRENEUSZ WRZOSNIEWSKI SUITE 2222 NEW YORK NY 10047

[FR Doc.77-19983 Filed 7-12-77;8:45 am]

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.J. Res. 539 ..... Pub. L. 95–46
To amend the statute of limitations provisions in section 2415 of title 28, United States Code, relating to claims by the United States on behalf of Indians. (July 11, 1977; 91 Stat. 268). Price $.35.

H.R. 6668 ..... Pub. L. 95–65
To amend the Age Discrimination Act of 1975 to extend the date upon which the United States Commission on Civil Rights is required to file its report under such Act, and for other purposes. (July 11, 1977; 91 Stat. 269). Price $.35.

S. 964 ..... Pub. L. 95–66
To provide that the salaries of certain positions and individuals which were increased as a result of the operation of the Federal Salary Act of 1967 shall not be increased by the first comparability pay adjustment occurring after the date of the enactment of this Act. (July 11, 1977; 91 Stat. 270). Price $.35.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 564]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 15–21, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges has improved somewhat.

Average f.o.b. price was $3.80 per carton on 509 cars for the week ended July 7, as compared with $3.87 per carton on 659 cars the previous week. Track and rolling supplies at 329 cars were down 11 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information becomes available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is inefficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on July 12, 1977.

§ 908.864 Valencia Orange Regulation 564.

(b) Order. (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 15, 1977, through July 21, 1977, are hereby fixed as follows:

(i) District 1: 240,000 cartons;
(ii) District 2: 360,000 cartons;
(ii) District 3: Unlimited

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 13, 1977.

FLOYD F. HEDLAND,
Acting Director, Fruit and Vegetable Division, Agriculture Marketing Service.

[FR Doc.77–20469 Filed 7–13–77;11:36 am]

[Plum Reg. 13, Amdt.1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues current minimum grade and size requirements for shipments of fresh California plums through May 31, 1978. The amendment takes into consideration the marketing situation facing the California plum industry, and is necessary to assure that shipments of plums will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATE: July 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: Notice was published in the June 15, 1977, issue of the FEDERAL REGISTER (42 FR 30514), that the Department was considering a proposal to amend § 917.444 Plum Regulation 13, effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), to continue that regulation through May 31, 1978. The regulation requires a minimum grade of U.S. No. 1 for all varieties of plums, except that for Tragedy and Kelsey varieties, an additional 10 percent tolerance is provided for defects not considered serious. Healed stem end cracks for 16 named varieties and gum spots on Kelsey variety are exempt from consideration as damage. Minimum size requirements for 44 varieties are specified in terms of maximum permissible number

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of plums in an eight-pound sample. The notice allowed interested persons 15 days to submit written data, views, or arguments for consideration relative to such proposed extension. No such material was submitted.

After consideration of all relevant matter presented, including the proposal set forth in the notice, the recommendations and information submitted by the Plum Commodity Committee, established under the amended marketing agreement and order, and other available information, it is found that the limitation of handling of plums, as provided, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such plums are currently in progress and this amendment should be applicable to all such plum shipments in order to effectuate the declared policy of the act; (2) this amendment is necessary to extend regulations currently in effect for the balance of the season; (3) notice of this proposed amendment allowing 15 days for public comment was published in the FEDERAL REGISTER; (4) compliance with this amendment will not require any such special preparation on the part of the persons subject thereto which cannot be completed by July 17, 1977; and (5) the regulation currently in effect was unanimously recommended by the Plum Commodity Committee during an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 917.444 Plum Regulation 13 (42 FR 26646) are amended to read as follows:

§ 917.444 Plum Regulation 13.

Order. (a) During the period July 17, 1977, through May 31, 1978, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) of this section, unless such plums grade at least U.S. No. 1.

(b) During the period July 17, 1977, through May 31, 1978, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Angeleno, Andys Pride, Bee Gee, Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums, unless such plums grade U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period July 17, 1977, through May 31, 1978, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A Variety:	Column B Plums-per-sample
Ace	65
Amazon	44
Andys Pride	69
Angeleno	67
Autumn Rosa	72
Beauty	91
Bee Gee	65
Burmosa	60
Casselman	61
Duarte	62
El Dorado	61
Elephant Heart	53
Empress	57
Friar	58
Frontier	64
Gar-Rosa	71
Grand Rosa	54
July Santa Rosa	60
Kelsey	42
Laroda	58
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	64
Linda Rosa	63
Mariposa	63
Midsummer	63
Nubiana	56
President	59
Queen Ann	50
Queen Rosa	63
Red Beaut	61
Red Rosa	54
Redroy	56
Rosa Grande	63
Roysum	60
Santa Rosa	64
Simka, Arrosa, New Yorker	48
Standard	53
Tragedy	114
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 11, 1977, to become effective July 17, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20261 Filed 7-13-77;8:45 am]

PART 921—PEACHES GROWN IN WASHINGTON

Expenses and Rate of Assessment for 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $11,049 and a rate of assessment of $0.70 per ton of peaches for the functioning of the Washington Fresh Peach Marketing Committee for the 1977–78 fiscal period. The committee administers locally a Federal marketing order program regulating the handling of peaches grown in Washington. The regulation will enable the committee to collect assessments from first handlers on all assessable peaches handled and to use the resulting funds for its expenses.

DATES: Effective for fiscal year April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: On June 23, 1977, notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 31797), regarding proposed expenses and the proposed rate of assessment, under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of peaches grown in the State of Washington. This notice allowed interested persons until July 7, 1977, during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals which were set forth in the notice, which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 921.216 Expenses, rate of assessment, and carryover of unexpended assessment funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the fiscal year April 1, 1977, through March 31, 1978, will amount to $11,049.

(b) *Rate of assessment.* The rate of assessment for the fiscal year April 1, 1977, through March 31, 1978, payable by each handler in accordance with § 921.41, is established at $0.70 per assessable ton of peaches.

(c) *Carryover of unexpended funds.* Unexpended assessment funds in excess

of expenses incurred during the fiscal year ended March 31, 1977, will be carried over as a reserve in accordance with § 921.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated production area are now being made; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable peaches handled during the fiscal year, and (3) the year began on April 1, 1977, and the rate of assessment will automatically apply to all peaches handled during the year.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 11, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20262 Filed 7-13-77;8:45 am]

[Peach Reg. 14]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: Peach Regulation 14 specifies the grade, size and pack requirements applicable to the handling of Washington peaches during the period July 15, 1977, through July 31, 1978. The following requirements are designed to provide consumers with acceptable quality peaches. Peaches are to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers may meet the requirements of the Washington Fancy grade. The minimum diameter is 2⅜ inches, except the minimum diameter for Elberta peaches in any container and peaches of any variety when packed in the standard peach box or approved experimental containers is 2¼ inches. All peaches are required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs are permitted for containers of a capacity equal to that of a Western lug box if they contain 26 pounds net weight or are well filled. A minimum quantity exemption is provided.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202)–447–3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Notice was published in the FEDERAL REGISTER issue of June 9, 1977, (42 FR 29489) that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing a regulation, pursuant to the applicable provisions of the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No comments were filed.

(2) This regulation is based upon appraisal of the current and prospective crop and market conditions. Washington's 1977 commercial peach crop is estimated at 12,850 tons, compared with commercial production in 1976 of 17,301 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after July 15, 1977 of low quality and small size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

(3) Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from such requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The grade, size, and pack requirements for peaches in the specified containers are designed to provide identifiable packs of peaches which meet trade preferences. For example, it has been found that peaches of the Washington Fancy Grade, packed in Western lug boxes or standard peach boxes, compete successfully in distant markets with peaches of similar grade in such containers from other production areas. Washington peaches, except Elberta varieties, packed in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because such peaches must compete with peaches that are produced in other areas and marketed in the standard peach box with a minimum diameter of 2¼ inches. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight or be "well filled" prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The provision that permits shipment of loose or jumble packs reflects the fact that the larger sizes of such peaches may not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

(4) After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (42 FR 29489), and no objection to this regulation or such effective date was received; and (2) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 921.314 Peach Regulation 14.

Order. (a) Peach Regulation 13 (41 FR 29897) is hereby terminated July 15, 1977.

(b) During the period July 15, 1977, through July 31, 1978, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (6) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box;

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container, shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual container shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale; and

amendment is necessary to clarify requirements of the regulations.

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1425.1 Applicability.

nate its approval to participate in a price

(i) The shipment consists of peaches sold for home use and not for resale; and

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches.

(e) The terms "Washington Extra Fancy Grade", "Washington Fancy Grade", and "Mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 8, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20284 Filed 7-13-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: This regulation establishes the eligibility requirements which a cooperative marketing association must meet to be eligible to participate in authorized price support programs. It sets forth necessary terms and conditions under which an approved cooperative can obtain price support on behalf of its producer-members for 1977 and subsequent crops of a commodity. This amendment is necessary to clarify requirements of the regulations.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins, (ASCS), 202–447–4634.

SUPPLEMENTARY INFORMATION: On April 12, 1977, the Commodity Credit Corporation published a proposed rule (42 FR 19149) revising the eligibility requirements which cooperative marketing associations must meet to be eligible to participate in authorized price support programs on behalf of their members. Interested persons were given thirty (30) days to submit comments concerning the proposed revision. Four comments were received. One respondent objected to the provisions pertaining to voting, the prohibition of proxy voting, the requirement that a cooperative shall be owned and controlled by its active members and the definition of an active member. These requirements are considered to be necessary to insure that a cooperative is actually owned and controlled by its active members and is operated for their benefit and no change has been made regarding these requirements.

Two respondents objected to the provisions of § 1425.14(b) requiring that proceeds from a pool on which price support is obtained shall be distributed only to members participating in such pool on the basis of the quality and quantity of the commodity delivered by each member which is included in the pool. The benefits of price support can only accrue to eligible producers who delivered the eligible commodity included in a pool on which price support is obtained; therefore, CCC must require that proceeds from a pool on which price support has been obtained are distributed only to members whose commodity is included in the pool.

The second sentence of § 1425.14(b) is revised by placing a period after settlement deleting that portion which provided for combining pool proceeds when the per unit proceeds of the ineligible pool exceeded the per unti proceeds of the eligible pool. The remainder of the sentence, which allowed pools to be combined for settlement purposes in order to eliminate inequities to eligible producers, has been deleted because of questions raised by the Internal Revenue Service.

Three respondents objected to the provisions of § 1425.17(b) requiring that each sale be allocated to an eligible pool, ineligible pool, or both eligible and ineligible pools and pool inventories adjusted accordingly. This objection is valid because it was the intent for pools to be adjusted when shipments were made and title transferred. It was not intended for pools to be adjusted when contracts for sales were negotiated. Therefore, necessary modifications have been made to reflect the intent of § 1425.17(b).

Accordingly, 7 CFR 1425.1–1425.21 are revised to read as follows:

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1425.1 Applicability.
1425.2 Administration.
1425.3 Application.
1425.4 Ownership and control.
1425.5 Charter or bylaw provisions.
1425.6 Financial condition.
1425.7 Operations.
1425.8 Conflict of interest.
1425.9 Uniform marketing agreement.
1425.10 Purchased and nonmember commodity.
1425.11 Member business.
1425.12 Vested authority.
1425.13 Eligible commodity and pooling.
1425.14 Distribution of proceeds.
1425.15 Member cooperatives.
1425.16 Nondiscrimination.
1425.17 Records maintained.
1425.18 Inspection and investigation.
1425.19 Determination of eligibility.
1425.20 Substantial compliance.
1425.21 Definitions.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 203, 301, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444(a), 1441, 1446d, 1447, 1421(a)).

§ 1425.1 Applicability.

This subpart and any amendments thereto set forth the terms and conditions which a cooperative marketing association (hereinafter called "cooperative") must meet to obtain price support on behalf of its members for 1977 and any succeeding crop of a commodity. A cooperative meeting such terms and conditions may obtain price support on any crop of a commodity for which a price support program is in effect if regulations issued with respect to such program incorporate the provisions of this subpart or permit a cooperative which meets the provisions of this subpart to participate in the price support program for a crop of such commodity.

§ 1425.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this Part, the term "CCC" means Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

(b) *Limitation of authority.* The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support on any authorized 1977 and succeeding crop of a commodity shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy

of the regulations appearing in this subpart may be obtained from the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Inquiries relating to such documents should also be addressed to the Director, Grains, Oilseeds and Cotton Division. The cooperative shall forward its application and required information to the Director, Grains, Oilseeds and Cotton Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	Date
Cotton	August 1.
Honey	July 1.
Rice	August 1.
Soybeans	September 1.

If price support program regulations for a commodity not listed herein require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations.

(b) *Information confidential.* Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative for initial approval for continued approval shall be kept confidential by the officers and employees of CCC and the Department of Agriculture except to the extent CCC determines such disclosure is necessary for the conduct of the price support program, and shall not be released where prohibited by law or regulation.

(c) *Approved cooperatives.* A cooperative shall be considered as an "approved cooperative" for the purposes of this paragraph (c), if:

(1) It is unconditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity; or

(2) It is conditionally approved to participate in a price support program with respect to the 1977 or any subsequent crop of a commodity and has satisfied the conditions of approval.

(d) *Term of approval.* A cooperative approved to participate in a 1977-crop price support program may participate in the price support program for such commodity until its approval is suspended by the Executive Vice President, CCC, or his designee, or terminated by the Executive Vice President, CCC.

(e) *Annual information.* Annually, an approved cooperative shall furnish, when requested by the Director, Grains, Oilseeds and Cotton Division:

(1) An audit report to include any accompanying notes, schedules or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members and member cooperatives and the total capital interest in the cooperative owned by inactive and nonmembers by each separate category.

(3) The names of any active producer members and member cooperatives who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof that was received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(6) The quantity of each commodity tendered to CCC for purchase.

(f) *Current information.* An approved cooperative shall furnish to the Director, Grains, Oilseeds and Cotton Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

(g) *Suspension.* A cooperative may be suspended by CCC from further participation in the price support program if it is determined that it has not operated in accordance with representations made in its application for approval, has not complied with the regulation, or has failed to bring into compliance deficiencies noted during an administrative review or an audit of its operations under a price support program. Such suspension may be lifted upon receipt of documents indicating that the cooperative complies with the provision of this subpart which served as the basis of the suspension.

(h) *Termination.* CCC shall have the right at any time, by giving the cooperative at least five days written notice, to terminate the right of the cooperative to tender commodities to CCC for loan and to mature all outstanding loans by making demand for payment by the date specified in such notice, which shall not be earlier than 10 days after such termination date. If the cooperative has loans outstanding, such loans shall be redeemed not later than such maturity date or title to the commodity shall, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value the commodity may have in excess of the amount of the loans, plus interest and charges.

(i) *Voluntary termination.* An approved cooperative may at any time, upon written notice to CCC, voluntarily terminate its approval to participate in a price support program: *Provided*, That the cooperative does not have any outstanding loans at the time of voluntary termination.

§ 1425.4 Ownership and control.

The cooperative shall be owned and controlled by its active producer members and any bona fide cooperative members (hereinafter called "member cooperative").

(a) *Ownership.* The cooperative must establish that its active producer members and its member cooperatives which are owned and controlled by their active producer members, own a capital interest in the cooperative (i.e., stock, revolving fund certificates, book credits, or other equity interest) constituting more than 50 percent of the capital of the cooperative. Ownership of a member cooperative by its active members shall also be determined in accordance with the provisions of this paragraph (a). In determining the requisite capital interest of active producer members and member cooperatives, the following shall be disregarded:

(1) The capital interest of any such member in excess of 10 percent of the capital of the cooperative; and

(2) The capital interest acquired by any such member as a result of a loan unless such member is obligated to repay the loan within a reasonable period of time.

(b) *Control.* The organization and operation of the cooperative shall be under the control of its active producer members and member cooperatives which are owned and controlled by their active producer members. A cooperative shall be considered so controlled if more than 50 percent of its membership consists of active producer members, or member cooperatives which are owned and controlled by their active producer members.

(1) A director shall be an active member, a representative of an active member serving in the capacity of a farm manager or its equivalent (including an officer of a corporation and a partner in partnership), or an officer or employee of a member cooperative which is owned and controlled by its active members.

(2) A director shall be nominated and elected by active members except when selected to fill the unexpired term of a director so elected.

(c) *Approved plan.* Notwithstanding the foregoing provisions of this section, a cooperative which presently has a plan approved by CCC for retiring equities owned by inactive members may continue operating under the approved plan even though active members do not control or own more than 50 percent of the capital interest of the cooperative. If an applicant cooperative or an approved cooperative is determined not to be under the control, or ownership, or both, of its active members, the cooperative may be approved to participate in the price support program if the cooperative submits, and the Executive Vice President, CCC, approves a plan for retiring the capital interest of its inactive members so that such ownership and

control will be invested to its active members within a reasonable period of time

(g) *Proxy or power of attorney.* Voting

amount computed as set forth above

cooperative, a statement to this effect cipal employee of the cooperative or with

§ 1425.10 Purchased and nonmember

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control will be invested to its active members within a reasonable period of time. Nevertheless, ownership and control of such a cooperative must be invested in its members and member cooperatives.

§ 1425.5 Charter and bylaw provisions.

The articles of incorporation or association, or the bylaws of the cooperative shall provide for each of the requirements of this section.

(a) *Annual meeting.* The cooperative shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members or their delegates to attend and participate.

(b) *Notice of meeting.* Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership.* The cooperative shall admit to membership every applicant who (1) applies for admission for the purpose of participating in the activities of the cooperative, and (2) is eligible for membership under the statute incorporating the cooperative, except that the cooperative may refuse admission to an applicant on its findings, based on reasonable grounds, that the applicant's admission would prejudice the interests or hinder or otherwise obstruct the purposes of the cooperative.

(d) *Nominations.* Nominations shall be made as follows:

(1) Nominations for election of delegates and directors shall be made by active members by secret balloting, nominating committee, petition of members, or from the floor; and

(2) Nominations for election of officers shall be made by elected directors by secret balloting, nominating committee, or from the floor.

If directors are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate directors from the floor at the membership meeting for the election of directors. If delegates are nominated by a nominating committee or by petition, members of the cooperative shall be permitted to nominate delegates from the floor at the membership meeting for the election of delegates. If officers of the cooperative are nominated by nominating committee, any member of the board of directors shall be permitted to make nominations from the floor at the meeting for election of officers.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by balloting when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the cooperative shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the cooperative.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted, except that voting by proxy or under power of attorney may be permitted in order to amend the articles of incorporation and bylaws of a cooperative if the cooperative seeking to hold such vote establishes to the satisfaction of the Executive Vice President, CCC that the law of the State in which the cooperative is incorporated does not permit members to vote by mail on this issue and does permit voting by proxy or power of attorney.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit, by a certified public accountant, of the books and accounts of the cooperative.

§ 1425.6 Financial condition.

(a) *Financial ability.* A cooperative shall be financially able to make advances to its members and to market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

(b) *Factors to consider.* The factors which will be considered in determining the financial condition of a cooperative include, but are not limited to, the following:

(1) The ability of the cooperative to meet its current obligations, including the expenses of marketing the commodity of its members.

(2) The ability of the cooperative to make advances to its members, either from its own funds or through arrangements with financial or other institutions;

(3) The ownership of an amount of net worth of the cooperative by its producer members and member cooperatives which is equal to the product of the amount per unit for a commodity (as shown below) multiplied by the total number of units of such commodity handled by the cooperative during the preceding marketing year, or, if the cooperative is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during such year: *Provided*, That if a cooperative has not been approved to participate in a price support program for each of the three crop years immediately preceding the crop year for which approval is being considered, the Executive Vice President, CCC, may establish the unit total of a commodity to be used in determining the adequacy of the cooperative's net worth owned by the cooperative's producer members and member cooperatives.

Commodity	Unit	Amount per unit
Cotton	Bale	$5.00
Honey	Hundredweight	1.00
Rice	do	.40
Soybeans	Bushels	.20

If the amount of the net worth of the cooperative which is owned by producer members and member cooperatives is less than, but at least 34 percent of the amount computed as set forth above, and the cooperative is considered to be otherwise financially sound, the Executive Vice President, CCC, may determine that the operation of the cooperative is on a financially sound basis if the board of directors of the cooperative agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the cooperative by producers until such time as the net worth owned by producer members and member cooperatives is at least equal to the amount per unit provided for above, and the cooperative also agrees to deduct the full amount of the estimated expenses of handling the commodity received by the cooperative.

Commodity	Unit	Amount per unit
Cotton	Bale	$1.50
Honey	Hundredweight	.50
Rice	do	.20
Soybeans	Bushel	.15

The failure to carry out such an agreement shall be grounds for terminating a cooperative's approval; and

(4) Any pledge of assets as security, or, the deposit or setting aside of funds or other assets to secure or guarantee any indebtedness of the cooperative, or setting aside or deposit of funds in a restricted account to guarantee the performance of an obligation of the cooperative which is not reflected in the liability, of the cooperative, in the financial statement. If any assets or funds have been so pledged, set aside, or deposited, and the amount of such indebtedness or guarantee is not shown in the financial statement as a liability, the amount of networth to be used in making the determination of financial responsibility will be reduced by the value or amount of such assets or funds.

(5) The quantity of the commodity for which approval is sought which was handled by the cooperative during the preceding marketing year, or if the cooperative is new, the estimated quantity it will handle during the first marketing year of operation.

(c) *Information required.* The cooperative shall submit with its application the following information:

(1) A current financial statement prepared by a certified public accountant from the books of original entry and certified by the certified public accountant as fairly representing the financial condition of the cooperative;

(2) A statement showing the capital interest in the cooperative (stock, revolving fund certificates, book credits, or other equity interest) owned by its active producer members and its member cooperatives;

(3) A list of names of its producer members and member cooperatives which own in excess of 10 percent of the capital of the cooperative and the amount of the capital interest which each such producer member and member cooperative owns. If no such producer member or member cooperative owns in excess of 10 percent of the capital of the

cooperative, a statement to this effect must be submitted; and

(4) A list of producer members or member cooperatives, who, to the knowledge of the cooperative, acquired a capital interest in the cooperative as a result of a loan which the producer member or member cooperative is not obligated to repay, and a copy of the note or other evidence of indebtedness securing such loan. If none of the capital interest of the cooperative was acquired as a result of such a loan, a statement to this effect must be submitted.

§ 1425.7 Operations.

A cooperative shall establish to the satisfaction of the Executive Vice President, CCC, that, with respect to the commodity for which approval is required, it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members, except that a cooperative need not be staffed to perform such marketing services if:

(a) *Agreement.* The cooperative enters into an agreement with another cooperative marketing association to market the commodity;

(b) *Legal.* Such agreement is permitted by law;

(c) *Authorized.* The charter and bylaws of the cooperative acquiring the marketing service and the marketing agreement with its member contain necessary authority to enter into the agreement;

(d) *Member.* The cooperative acquiring the marketing service is a member of the cooperative marketing association which will provide the marketing service;

(e) *Approved.* The cooperative marketing association to provide the marketing service has been approved under this subpart to obtain price support for such commodity; and

(f) *Best interest.* It is established to the satisfaction of the Executive Vice President, CCC, that such agreement is in the best interest of the members of the cooperative acquiring the marketing service.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The cooperative shall not be eligible for price support unless it establishes to the satisfaction of CCC that its transactions, if any, which are of a kind described in this section have not operated and will not operate to the detriment of members of the cooperative.

(b) *Cooperative transactions.* The cooperative shall submit with its application a detailed report concerning all of its transactions with the following persons during the year preceding the date of its application, or the date such information is required to be submitted under § 1425.3(a), as applicable, except for those transactions which do not differ from transactions entered into by the cooperative with its general membership:

(1) With any director, officer, or principal employee of the cooperative or with any of his close relatives;

(2) With any partnership from which any person described in paragraph (b)(1) of this section is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any person described in paragraph (b)(1) of this section owns stock;

(4) With any business entity from which any person described in paragraph (b)(1) of this section receives fees for transacting business with or on behalf of the cooperative; or

(5) With any business entity in which an agent, director, officer, or employee of the cooperative was an agent, director, officer, or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, insurance, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The cooperative shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application, or the date such information is required to be submitted under § 1425.3(a), as applicable, and the end of the next marketing year for the commodity. If any such transaction is contemplated, the cooperative shall submit a detailed explanation of such contemplated transaction(s) and a statement of the reasons therefor.

(d) *Directors, officers, and employees.* The cooperative shall furnish information annually showing the interest or connection of its directors, officers, and principal employees and their close relatives with persons who engage in business relating to a commodity for which the cooperative is approved to obtain price support.

§ 1425.9 Uniform marketing agreement.

Any quantity of a commodity on which price support is obtained and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the cooperative by its members pursuant to a uniform marketing agreement between the cooperative and each of its members who delivered such commodity to the cooperative. A cooperative may provide alternative methods of marketing in addition to any set forth in its marketing agreement if the terms and conditions thereof are reasonable and information concerning such methods of marketing and how to exercise available options are made available to all active members. Such information may be published in the cooperative's membership publication or included in other written notices mailed to all active members of the cooperative.

§ 1425.10 Purchased and nonmember commodity.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14 and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered to the cooperative for marketing must be produced by its members or by members of its member cooperatives. However, the Executive Vice President, CCC, may, for a period of two years or such lesser period of time as he determines appropriate, authorize a cooperative applying for initial approval to acquire or receive for marketing from its members a smaller quantity of such crop than 80 percent, if that quantity has a value greater than the value of the quantity acquired or received from nonmembers for marketing and if the cooperative establishes that to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchases of commodities by a cooperative from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The cooperative shall have authority to obtain a loan on the security of the commodity delivered to it by its members, to give a lien on such commodity, and to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

(a) *Commingled commodity.* The cooperative may obtain price support on a quantity of commodity stored commingled in approved warehouses not to exceed the smaller of (1) the quantity of commodity eligible for price support received from eligible members, or (2) the quantity of such commodity remaining undisposed of in the pool eligible for price support: *Provided*, That the cooperative at all times shall have a quantity of such commodity in inventory of each class and grade at least equal to the quantity of that commodity of each class and grade under loan.

(b) *Identity preserved.* The cooperative may obtain price support only on the eligible commodity received from eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase, when such commodity is stored identity preserved in approved warehouses.

(c) *Pools.* The cooperative may establish separate pools as needed for quantities of a commodity acquired from members. If the cooperative obtains price support from CCC on any quantity of commodity included in a pool, all of the

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commodity included in such pool must be eligible for price support, except that a part of a pooled commodity may be ineligible for price support because of grade or quality, or, in the case of cotton, bale weight or being repacked.

(d) *Commodity requirements.* Whether pooled or not, the commodity offered for price support must:

(1) Have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(2) Meet the eligibility requirements for making price support available to the cooperative under applicable price support program regulations; and

(3) Have been delivered to the cooperative for marketing for the benefit of producer members or by member cooperatives in behalf of their producer members.

(e) *Allocation of costs and expenses.* If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices.

(f) *Assessing losses.* Any losses incurred by the cooperative in marketing a commodity on which price support is not obtained from CCC shall not be assessed against the proceeds of marketing of a commodity on which support was obtained.

(g) *Exception.* CCC may approve an exception to the foregoing requirements upon written request by a cooperative if the Executive Vice President, CCC, or his designee determines that the approval of such request will result in equitable treatment of members and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

(a) *Loan advances.* If price support is obtained from CCC on any part of the commodity in a pool, the loan proceeds shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for loan.

(b) *Pool distribution.* If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool. Proceeds from an eligible pool, on which price support has been obtained, shall not be combined with proceeds from ineligible pools for distribution and final settlement. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. The method of distribution shall be as provided in the marketing agreement with members or in the bylaws.

(c) *Unclaimed funds.* A cooperative which has attempted to distribute a part of its capital interest (as defined in § 1425.4(a)) in accordance with its articles of incorporation and bylaws to producer members discribed in paragraph (b) of this section and has given notice of such distribution both by publication and personal letter addressed to such members, may provide for reallocation of such undistributed capital interest, to the extent permitted by the law of the State applicable to such distribution, to its members and patrons on an equitable basis if:

(1) The period of limitation for the payment of debts has run commencing on the date the capital interest was declared to be payable by the cooperative;

(2) The cooperative, prior to the lapse of such period of limitation, has given the affected member a 30-day notice of the expiration of such period of the amount payable to him by certified mail, return receipts requested, at the member's last known address as reflected on the books of the cooperative; and

(3) No claim for payment of such capital interest is made within the period of limitations described above.

§ 1425.15 Member cooperatives.

(a) *Obtains price support.* If a cooperative obtains price support from CCC on any quantity of a commodity delivered by a member cooperative or if the cooperative obtains price support from CCC on any quantity of the commodity included in the same pool with the production delivered by such member cooperative, the cooperative and such member cooperative must meet the requirements of paragraphs (a) (1), (2) and (3) of this section.

(1) The commodity delivered by the member cooperative must have been produced by its members; and the member cooperative must have authority to deliver such commodity to the cooperative for marketing. Also, each such member cooperative must have authority to sell the commodity produced and delivered to such member cooperative by its members, obtain a loan on the security thereof, and give a lien thereon.

(2) In its charter, bylaws, marketing agreement, or by other legal means, the cooperative must require each such member cooperative to meet the requirements of this subpart.

(3) The cooperative must determine that each such member cooperative is eligible for price support under this subpart and must so certify to CCC.

(b) *Comply with State law.* The cooperative shall determine and certify to CCC that its member cooperatives which are not subject to paragraph (a) of this section comply with the producer ownership, membership meeting and voting requirements of applicable State law.

(c) *Exception.* Notwithstanding the foregoing provisions of this section, an approved cooperative is required to meet only the provisions contained in the first sentence of paragraph (a)(1) of this section with respect to a member cooperative for whom it markets the production of its producer members under § 1425.7.

§ 1425.16 Nondiscrimination.

The cooperative shall not, on the ground of race, color, sex, or national origin, deny any producer the benefits of, exclude any producer from participation in, or otherwise subject any producer to discrimination with respect to any benefits resulting from its approval to obtain price support and shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this title (29 FR 16274 and 38 FR 17925), and any amendments thereto. The cooperative agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The cooperative shall submit a certification with its application that the above cited regulations have been read and understood and that the cooperative shall abide by them.

§ 1425.17 Records maintained.

(a) *Acquisitions.* An approved cooperative, and its member cooperatives, described in paragraph (a) of § 1425.15, if any, shall maintain a record which shows the quantity of commodity which is received from each of its members and nonmembers, the date received, the eligibility status for price support of each such quantity, the quality factors specified in the applicable regulations for the commodity (including class, grade and quality where applicable), and the quantity to which each applicable quality factor applies.

(b) *Dispositions.* The cooperative shall maintain a record which shows each quantity of commodity disposed of, the date sold, the date delivered, and the price received. The commodity shall be allocated to an eligible pool, an ineligible pool, or both eligible and ineligible pools, and the pool inventories shall be adjusted accordingly when delivery under the sales contract is made. The commodity may be allocated to eligible or ineligible pools or a combination of eligible and ineligible pools in such manner until the entire inventory in a particular pool is depleted.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers, and records of the approved cooperative, and its member cooperatives, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year in which price support for a crop was available.

(b) *Investigation.* CCC shall have the right at any time after an application is received, to examine all books, documents, papers, and records of the cooperative and its member cooperatives and to make such investigations as are deemed necessary to determine whether the cooperative and its member cooperatives, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation or association, bylaws, agreements with producers, representations made by the cooperative in its application for approval, and, where applicable, its agreements with CCC.

§ 1425.19 Determination of eligibility.

The determination under this subpart of a cooperative marketing association's eligibility to obtain price support shall be made by the Executive Vice President, CCC, or his designee.

§ 1425.20 Substantial compliance.

(a) *Conditional approval.* Notwithstanding the foregoing provisions of this part, if the Executive Vice President, CCC, or his designee, determines that a cooperative has not met all of the eligibility requirements of this subpart but has substantially complied with such requirements, or has met substantially all such requirements, he may approve the cooperative for participation in the price support program if the cooperative agrees in writing to meet all of the eligibility requirements of this subpart prior to the beginning of the marketing year for which approval is then being sought. Board resolutions agreeing to comply with provisions of this subpart may be accepted by the Executive Vice President, CCC, as substantial compliance with such provisions for purposes of this section. Any approved cooperative which, without fault or negligence, fails to comply with requirements of this subpart which can be met for the current marketing year only by calling a special membership meeting may continue to be approved for participation in the price support program for the current marketing year, if it agrees to undertake to have its members at its next regular membership meeting take the action necessary to comply with such program requirements.

(b) *Interim approval.* For 1977 crop participation, the Executive Vice President, CCC, or his designee, may grant an interim approval to a cooperative making initial application. An interim approval may be granted when time required for processing applications will delay a cooperative obtaining approval in time to provide for maximum utilization of the price support program. An interim approval may be granted only if the directors of the applicant cooperative furnish a resolution agreeing to comply with all requirements of the regulations when notified of any deficiencies. A cooperative's interim approval shall be terminated if it fails to take action necessary to fully comply when notified of deficiencies. Time allowed for correction shall not exceed 60 days from date of notification unless the cooperative establishes to the satisfaction of the Executive Vice President, CCC, or his designee, that additional time is needed. In the event an interim approval is terminated and the cooperative has loans outstanding, CCC shall have the right to mature such loans not earlier than 10 days from the date of notice of termination. If the cooperative has loans outstanding, such loans shall be redeemed not later than such maturity date or title to the commodity shall, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value the commodity may have in excess of the amount of the loans, plus interest and charges.

§ 1425.21 Definitions.

(a) *Person.* As used in this subpart the term "person" shall have the meaning of such terms as defined in the regulations pertaining to Reconstitution of Farms and Allotments, Part 719 of this title and any amendments thereto.

(b) *Active member.* The term "active member" shall mean a member of a cooperative who has utilized the services offered by a cooperative for marketing his commodity or purchasing production supplies for his farming operation in one of the three preceding crop years or such shorter period as may be provided in the cooperative's articles of incorporation or bylaws.

NOTE.—The Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on July 6, 1977.

KEISTER N. ADAMS,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-20228 Filed 7-13-77;8 45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

Petitions for Review of Director's Denial of Enforcement Requests

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: This amendment to the Commission's rules of practice provides procedures under which the Commission may, on its own motion, review a Director's decision denying a request to institute enforcement proceedings in order to determine whether the Director has abused his discretion. The amendment also makes clear that the Commission will not entertain petitions for Commission review of a Director's denial of enforcement requests. Prior to this amendment, the Commission's rules contained no provisions respecting review of such denials although the Commission has on several occasions conducted such reviews. The amendment sets out procedures which will give the Commission an opportunity to determine whether or not to institute a review of a Director's decision on its own motion.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Martin G. Malsch, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301–492–7203.

SUPPLEMENTARY INFORMATION: Under 10 CFR 2.206 of the Commission's rules of practice, any person may request that the Directors of the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, or Inspection and Enforcement institute a proceeding to modify, suspend, or revoke a license or take other enforcement action. When such requests are received, the affected licensee or permittee is notified, and a notice of receipt of the request is published in the FEDERAL REGISTER. This process is followed except for those occasional requests that so obviously lack merit that a more abbreviated procedure may appropriately be followed.

If the request is granted and the licensee or permittee protests, the resulting contested proceeding will be heard by an Atomic Safety and Licensing Board or Administrative Law Judge and will eventually be subject to Atomic Safety and Licensing Appeal Board and Commission review. If, on the other hand, the request is denied, the requester is always provided by the Office Director with a written detailed statement explaining the reasons for denial. The Commission's rules make no provision for review of Director's decisions. However, in three instances the Commission has in fact reviewed denials of enforcement requests. "Licensees Authorized to Possess or Transport Strategic Quantities of Special Nuclear Materials," 5 NRC 16 (1977), "Consolidated Edison Company of New York, Inc. (Indian Point, Units 1, 2 and 3)," 2 NRC 173 (1975), "Consumers Power Company (Midland Plant, Units 1 and 2)," 6 AEC 1082 (1973). Requests for Commission review of the Director's denial of enforcement action regarding the Bailly plant are presently before the Commission.

The Commission has decided that further petitions seeking Commission review of Director's denials under 10 CFR 2.206 will not be entertained. The Commission will continue to receive copies of Director's decisions under 10 CFR 2.206 and retains the power to review Director's denials sua sponte, in whole or part. The amendment to 10 CFR 2.206 set forth below is intended to codify this Commission decision. Under the amendment, any sua sponte review by the Commission would be conducted within 20 days of the Director's denial, unless the time is extended by the Commission. This sua sponte review power does not limit in any way either the Commission's supervisory power over delegated Staff authority under 10 CFR 2.206, or the Commission's power to consult with the Staff on a formal or informal basis regarding initiation of proceedings under 10 CFR 2.206.

Because this amendment relates solely to matters of agency procedure, notice of proposed rulemaking and public procedure thereon are not required by sec-

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tion 553 of Title 5 of the United States Code.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification.

1. Section 2.206 of 10 CFR Part 2 is amended by adding a new paragraph (c) to read as follows

§ 2.206 Requests for action under this subpart.

* * * * *

(c) (1) Director's decisions under this section will be filed with the Office of the Secretary. Within twenty (20) days after the date of a Director's decision under this section that no proceeding will be instituted or other action taken in whole or in part, the Commission may on its own motion review that decision, in whole or in part, to determine if the Director has abused his discretion. This review power does not limit in any way either the Commission's supervisory power over delegated Staff actions or the Commission's power to consult with the Staff on a formal or informal basis regarding institution of proceedings under this section.

(2) No petition or other request for Commission review of a Director's decision under this section will be entertained by the Commission.

Effective date This amendment becomes effective on August 15, 1977.

(Secs. 161, 186, Pub L. 83-703, 68 Stat. 948, 955, as amended (42 U.S.C. 2201, 2236); secs. 201, as amended, 206, Pub L. 93-438, 88 Stat. 1242, 1246, Pub L 94-79, 89 Stat. 413 (42 U.S.C 5841, 5846))

Dated at Washington, D.C., this 7th day of July 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-20001 Filed 7-13-77;8:45 am]

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Specific Licenses to Individual Physicians and Institutions

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require most medical institutions to be licensed for the use of radioactive material in the institution, rather than the individual physician using the radioactive material. Problems of administering multiple licenses at the same institution created the need for the rule change. The intended effect of the action is to require medical institutions to be responsible for the protection of all staff, patients, and members of the public who may come within range of radiation from its activities.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-6910.

SUPPLEMENTAL INFORMATION: On March 3, 1977, the Nuclear Regulatory Commission (NRC) published a proposed rule (42 FR 12185) to amend its regulations in § 35.12 to limit the granting of individual physician licenses to a physician or group of physicians in private practice in an office outside of an institution. The effect of this rule change is to require medical institutions, now operating nuclear medicine programs under individual physician licenses, to be licensed as institutions under § 35.11 at the time of expiration of the individual physician licenses obtained under § 35.12.

Under current NRC regulations, the NRC issues licenses for human use of radioactive (byproduct) material (1) to medical institutions, (2) to physicians for practice in offices outside of medical institutions and (3) to some physicians for practice within medical institutions. The current regulations are not clear as to when it is appropriate for a physician practicing at an institution to hold the license and when the institution should hold it. As a consequence, the physician alone holds the license in some cases (260), the hospital in other cases (1450), and both the hospital and the physician in still others (90). Regulatory enforcement problems might arise when both the hospital and the individual physician practicing therein hold a license or when several physicians practicing in a hospital hold individual licenses. For regulatory purposes, if workers or visitors are overexposed to radiation, it may be difficult to pin-point primary responsibility for the improper practices. Is the licensed hospital or the licensed physician responsible? If two physicians hold licenses, is one physician responsible or are both physicians responsible? This failure to establish clear lines of responsibility may result in the omission of necessary safety procedures or the assertion of conflicting procedures—either condition may generate avoidable radiological hazards.

This rule change is based on the concept that when radioactive material is used on the premises of a medical institution, the institution and not the authorized physicians should hold the NRC license. In the NRC institutional license the individual physicians are designated by name as the authorized users of byproduct material in the institution. This rule change will not affect medical institutions (or physicians designated as individual users in medical institutions) that already hold an NRC license. Neither would the proposed change affect physicians who hold NRC licenses for practice in their offices outside of medical institutions.

The rule change will have a minimal effect on physicians who hold individual NRC licenses that currently authorize practice in an institution. In order for such a physician to continue to practice nuclear medicine in a medical institution he will have to be named on the institution's license by the time his individual physician license expires. At the expiration of the individual physician license, the Commission will not renew authorization for practice within a medical institution. Medical institutions that already hold an institution license are encouraged to add the names of individual physicians to their institution license immediately, rather than wait until the physician's individual license expires. The proposed rule change, in effect, provides that institutional licenses and individual physician licenses are mutually exclusive.

Seven of the 15 letters received in response to the proposed rule were favorable. Seven letters objected to the proposed rule in whole or in part and one letter discussed a point that was beyond the scope of the proposed rule but will be considered by the NRC for rule making action in the future.

DISCUSSION OF MAJOR COMMENTS

INDIVIDUAL VS. INSTITUTIONAL RESPONSIBILITY

One commenter stated that greater accountability is provided by individual licensures since the licensee is responsible and must provide adequate safety regulations under existing hospital rules and regulations. He further stated that the accountability is diluted with a committee on safety composed of a number of members meeting at irregular intervals in a monitoring group and continued administration is better provided by individual licensing within the bylaws, rules, and regulations of the hospital.

Under NRC regulations, both for medical institution licenses and individual physician licenses, the day-to-day responsibility for the proper use of radioactive materials rests with the physician supervising the radioisotope procedures. Under an NRC institutional license, the licensee must appoint a medical isotopes committee. The individual physician license does not require appointment of a medical isotopes committee either for practice in a private office or in an institution. Institutional responsibility is as clearly focused under the institution license as the individual physician responsibility under the physician license. The medical isotopes committee assists the physicians and the institutions management in structuring and administering a safe and effective nuclear medicine program. This assistance helps to assure that NRC regulations will be observed but does not transfer ultimate responsibility for compliance with the regulations from the institution to the medical isotopes committee.

MORE COMMENTS ON MEDICAL ISOTOPES COMMITTEE

Two comments were received concerning the effect on smaller- or intermediate-size institutions of requiring a medical isotopes committee under the institutional NRC license. One comment suggested that committees from large institutions could act as the committee for smaller institutions or function as an active consultant to the local committee. The other comment suggested that the medical isotopes committees in small hospitals would function as a committee in name only, thereby jeopardizing the hospital's position in the event an inspection is made.

The Commission is aware of the apparent burden on smaller institutions of the following wording in § 35.11(b) regarding the appointment of a medical isotopes committee: "Membership of the committee should include physicians expert in internal medicine, hemotology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against ionizing radiations;" (emphasis added). The use of "should" in the regulation connotes a strong recommendation. However, in the case of smaller- or intermediate-size institutions with limited nuclear medicine programs the membership of such a committee might properly be composed of a physician trained in nuclear medicine, a person trained in radiation safety and a representative of the institution's management.

The Commission does not accept the suggestion that medical isotopes committees may function in name only in small hospitals. All NRC institutional licensees are expected to have functioning medical isotopes committees.

The Commission is considering alternatives to the present medical isotopes committee such as a radiation safety committee with a simplified, contemporary membership scheme that would be responsible for coordinating the use of byproduct material and monitoring the institution's radiation safety program. The Commission is not presently inclined to accept the suggested alternative of committees from larger institutions acting for smaller institutions. Although voluntary joint medical isotopes committees have worked well in metropolitan areas, the Commission feels that such a requirement might jeopardize the autonomy of the smaller institutions.

CALIBRATION SOURCES

One commenter suggested that calibration sources be added to the list of permissible uses of byproduct material in § 35.12(b)(1). This comment is helpful. A new § 35.12(b)(2)(iv) has been added to include the calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation in the list of permissible uses of byproduct material under the exception for individually licensed physicians practicing in small hospitals.

THE EXCEPTION

There were three adverse comments concerning the proposed exception for small hospitals in § 35.12(b) that would allow individually licensed physicians to use byproduct material in institutions not licensed by NRC, provided they bring the radioactive material with them and remove it when they depart. The institution would not be allowed to receive, possess or store byproduct material other than the amount of material remaining in the patient. One commenter asked if the proposed exception included the licensing of mobile nuclear medicine laboratories and suggested that it should not. The same commenter suggested that the exposure to the physician during transport and the increased potential for mishap make the receipt and storage of material on the premises of an institution preferable to transportation by the physician. Another commenter suggested that under the wording of the proposed exception, the physician would be required to take the patient with him when he departs, or at least collect and remove the patient's contaminated excreta, rather than permitting the patient to use the sanitary facilities available in the hospital.

The exception to authorize individually NRC licensed physicians to bring nuclear medicine services to institutions and clinics is intended, where appropriate, to include the services provided by mobile nuclear medicine laboratories.

For license approval § 30.33(a)(2) requires that the applicant's proposed equipment and facilities be adequate to protect health and minimize danger to life and property. The authorization for private practice in an institution will be granted only if the physician demonstrates in his license application that he will take adequate measures to provide both for his own safety and the safety of the public while he is using radioactive materials within the institution and while he is transporting radioactive materials to and from the institution. For transporting radioactive materials these measures will include adequate shielding and provisions to prevent spills such as the use of absorbent material and vials with septum seals for injectables.

The language of the proposed rule does not prohibit the common practice of allowing the patient to excrete radioactive material into the sanitary sewer system of a hospital. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are exempt from the § 20.303 limitations on discharge of NRC licensed material into a sanitary sewerage system. It is not necessary to change the wording of § 35.12(b)(2) to permit a practice that is not prohibited by the rule.

Under this exception, the NRC will hold the physician responsible for all activities conducted under his license both inside and outside the institution.

INSTITUTIONAL AUTHORITY

Five commenters objected to the proposal for NRC to license institutions rather than the physicians practicing therein, because this action would be an unwelcomed intrusion of the institutions' management into the practice of medicine. According to one commenter, "The shift of de facto clinical authority from physician and medical staff to institutional administration as proposed * * * is detrimental to progress and service in nuclear medicine. The proposed change will encourage and stimulate institutional chauvinism and inhibit interinstitutional cooperation and sharing of services." In strongly protesting the rule change, another commenter stated that there is ample justification for retention of the present system in order to allow flexibility and avoid a monopoly of nuclear medicine practice created by the internal politics in small hospitals. Another commenter expressed the belief that clarifying language is necessary to insure that the internal policies of institutions do not necessarily exclude qualified physicians from practicing nuclear medicine. Still another commenter stated, "Requiring of licensing of users under an institution is comparable to licensing physicians under an institution (hospital) to practice medicine instead of providing state licensure. This is an unnecessary encroachment on the practice of medicine." Finally, one commenter stated the concern that a physician licensed in one hospital might be prevented from practicing or consulting in another, perhaps less experienced, hospital.

The NRC license is not a license to practice medicine. The physician must be licensed by the State to practice medicine, prior to receiving an NRC license. The NRS license has quite a different purpose—assuring the safe handling and use of radioisotopes. To the extent that it affects the practice of medicine, it does so no more than is necessary to protect radiological health and safety.

Contrary to the suggestion contained in the comments, the Commission believes that the use of institutional licenses should promote flexibility and institutional cooperation. Under the NRC institution license, the individual physicians practicing nuclear medicine in the institution are named in the license application. The addition of another physician to an institutional license would ordinarily be routine. Morover a standard license condition of the institutional license is that a physician may use radioactive material under the supervision of a physician named in the institution's license. This license condition is primarily intended to permit the training of physicians under an institution license but certainly would cover a visiting physician not named in the institution's license as well. In the absence of an institutional license, a physician seeking to use licensed materials at a new location must apply for an entirely new individual license or an amendment to his existing license; in either case this is likely to require a thorough NRC review of the proposed program, equipment, and facilities at the new location.

In the final analysis, it is important to the Commission from a regulatory standpoint that the institution control and be responsible for who uses licensed material within the institution. The NRC is not and cannot be a guarantor against arbitrary staff practices within a medical institution.

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COMMENT BEYOND SCOPE

One commenter suggested that the proposed § 35.12(a)(4) be expanded to include certification by the American Osteopathic Board of Nuclear Medicine or the American Osteopathic College of Radiology with proficiency in Nuclear Medicine, as being satisfactory to complete the NRC training requirements. This suggestion is beyond the scope of the notice of proposed rulemaking. The NRC staff is currently studying the possibility of routinely accepting certification by certain medical boards as satisfactory evidence of adequate training for the human use of byproduct material.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

Section 35.12 is revised to read as follows:

§ 35.12 Specific licenses to individual physicians for human use of byproduct material.

(a) An application by an individual physician or groups of physicians for a specific license for human use of byproduct material will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(2) The application is for use in the applicant's practice in an office(s) outside a medical institution;

(3) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(4) The applicant has extensive experience in the proposed use, the handling and administration of radioisotopes, and where applicable, the clinical management of radioactive patients. (The physician(s) shall furnish suitable evidence of such experience with the application. A statement from the medical isotope committee in the institution where the applicant acquired experience, indicating its amount and nature, may be submitted as evidence of such experience.)

(b) The Commission will not approve an application by an individual physician or group of physicians for a specific license to receive, possess or use byproduct material on the premises of a medical institution unless:

(1) The use of byproduct material is limited to:

(i) The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(ii) The performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(iii) The performance of in vitro diagnostic studies; or

(iv) The calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation, and diagnostic instrumentation;

(2) The physician brings the byproduct material with him and removes the byproduct material when he departs. (The institution cannot receive, possess or store byproduct material other than the amount of material remaining in the patient); and

(3) The medical institution does not hold a byproduct material license under § 35.11.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C 2201); sec 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 7th day of July 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-20004 Filed 7-13-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14682; Amdt. No. 11-14]

PART 11—GENERAL RULEMAKING PROCEDURES

Procedural Requirements for Petitions for Exemptions

Correction

In FR Doc. 77-19285 appearing at page 34864 in the issue for Thursday, July 7, 1977 in § 11.25(b)(1) on page 34865, in the first line the word "petitioner" should have read "petition".

[Docket No. 77-NW-15-AD; Amdt. 39-2967]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: In March 1976, an airplane suffered a mild decompression due to a 75-inch crack in a fuselage lap joint. Amendment 39-2538 AD 76-05-05 was issued requiring inspection and repair of certain fuselage skin lap joints. Amendment 39-2698 further amended the AD to provide repetitive inspection intervals. The AD is now being amended to provide terminating action.

DATES: Effective July 21, 1977.

ADDRESSES: FAA Northwest Region, Engineering and Manufacturing Branch, 9010 E. Marginal Way South, Seattle, Washington 98108.

Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The manufacturer has revised Boeing Service Bulletin No. 53A-2131 to provide rework procedures which, when accomplished, constitute terminating action under the provisions of this AD.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 76-05-05 as follows:

Add the following paragraph:

F. Rework in accordance with Boeing Service Bulletin No. 53A-2131, Revision 2 or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action under the provisions of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 21, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(a)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Washington on July 1, 1977.

J. H. TANNER,
Acting Director,
Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc.77-19849 Filed 7-13-77;8:45 am]

[Docket No. 15708; Amdt. 39-2967]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection and rework, as necessary, of the passenger oxygen ducts on certain British Aircraft Corporation BAC 1-11 200 and 400 series airplanes. This AD is based on reports of chafing of the ducts which could result in oxygen leaks.

DATES: Effective August 15, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone (703) 979-1400.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certication Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one time inspection and rework, as necessary, of passenger oxygen system ring main ducts on certain British Aircraft Corporation BAC 1-11 airplanes was published in the FEDERAL REGISTER at 41 FR 20174. The proposal was prompted by reports of chafing of the ducts, where attached to main hatrack diaphragms, which in one case resulted in an oxygen leak.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. J. F. Karnowski, Europe, Africa, and Middle East Region. E. S. Newberger, Flight Standards Service, and J. Jeffrey, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

BRITISH AIRCRAFT CORPORATION: Applies to Model BAC 1-11, 200 and 400 series airplanes, certificated in all categories.

Compliance is required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible leaks in the ring main ducts of the passenger oxygen system, accomplish the following:

(a) Gain access to and conduct a one-time inspection of the passenger oxygen ring main ducts in accordance with paragraph 2.1.1. of the "Accomplishment Instructions" of British Aircraft Corporation Alert Service Bulletin 35-A-PM 5124, Issue No. 1, dated February 12, 1973, or an FAA-approved equivalent.

(b) If during the inspection required by paragraph (a) of this AD, chafing of any of the oxygen ducts is found or the clearance with adjacent structure is less than 0.050 inches, comply with the applicable provisions specified in paragraph 2.1.2, 2.1.3, 2.1.4, or 2.1.5 of BAC Alert Service Bulletin 35-A-PM 5124, dated February 12, 1973, or an FAA-approved equivalent.

(c) If, as a result of any of the actions required by paragraph (b) of this AD, the use of the passenger oxygen system is restricted, install an FAA-approved placard in full view of the pilot which defines the restriction and states that flight operations must be limited to those allowed by the applicable operating rules for the particular airplane.

This amendment becomes effective August 15, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-19851 Filed 7-13-77;8:45 am]

[Docket No. 17014; Amdt. 39-2968]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model F.260 and F.260B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires inspection, repair, and modification of the areas surrounding the airplane control surfaces hinge attach holes affecting the aft wing spar, horizontal stabilizer (empennage) aft spar, wing flaps, ailerons, rudder, and elevator on SIAI Marchetti Model F.260 and F.260B series airplanes. The AD is needed because of a condition of fatigue cracking, which could result in structural failure and loss of airplane control.

DATES: Effective July 28, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: SIAI Marchetti, Varese, Italy, 2108 Sesto Calende.

A copy of each applicable service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Robert A. Gambrill, Jr., Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that due to the design of the control surface hinge attachments, fatigue cracking is likely to occur, and if undetected could result in structural failure and loss of airplane control. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection, repair, and modification of areas surrounding the airplane control surface attach holes on certain SIAI Marchetti Model F.260 and F.260B series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are R. A. Gambrill, Europe, Africa, and Middle East Region, F. H. Kelley and H. Hellebrand, Flight Standards Service, and J. Jeffrey, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

SIAI MARCHETTI. Applies to F.260 and F.260B airplanes, Serial Numbers 101 thru 125, 2-26 thru 2-61, 3-76, 3-77, 3-78, 3-80, 3-84, 502, 10-09, and 20-01 certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent structural failure and possible loss of airplane control due to fatigue cracks surrounding the control surface hinge bracket attachment holes, accomplish the following:

(a) Comply with paragraph (c) of this AD in accordance with the following schedule:

(1) For airplanes with 1000 or less hours time in service on the effective date of this AD, within the next 25 hours time in service unless accomplished within the past 475 hours time in service, and thereafter in accordance with subparagraph (3) of this paragraph.

(2) For airplanes with more than 1000 hours time in service on the effective date of this AD, within the next 10 hours time in service, unless accomplished within the past 190 hours time in service, and thereafter in accordance with subparagraph (3) of this paragraph.

(3) Continue to comply with paragraph (c) of this AD at intervals not to exceed 500

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hours time in service until reaching 1000 hours total time in service and thereafter at intervals not to exceed 200 hours time in service.

(b) The inspections required by paragraph (c) of this AD may be terminated—

(1) With respect to individual affected areas upon compliance with paragraph (d) of this AD; or

(2) Upon accomplishment of paragraph (e) of this AD.

(c) Inspect the areas surrounding the control surfaces hinge bracket attachment holes for cracks using dye penetrant in accordance with—

(1) SIAI Marchetti Mandatory Service Bulletins listed in paragraph (f) of this AD;

(2) SIAI Marchetti Mandatory Service Bulletin S.B. No. 260B16 dated April 2, 1976; or

(3) An FAA-approved equivalent of bulletins specified in paragraph (c)(1) and (c)(2) of this AD.

(d) If a crack is found during the inspection required by paragraph (c) of this AD, before further flight, modify and repair the affected area in accordance with the appropriate SIAI Marchetti Mandatory Service Bulletin listed in paragraph (f) of this AD, or an FAA-approved equivalent.

(e) For areas where no cracks are found as a result of any inspection required by this AD, within the next 1,000 hours time in service after the effective date of this AD, perform the modifications and repairs specified in the SIAI Marchetti Mandatory Service Bulletins listed in paragraph (f) of this (AD), or FAA-approved equivalents.

(f) The applicable areas and Service Bulletins are as follows:

AFFECTED AREA AND APPLICABLE SERVICE BULLETIN

(1) Wing Rear Spar in the Flaps and Aileron Hinge Bracket Area—S.B. 260B21 dated September 24, 1976.

(2) Flaps Hinge Bracket Attachment Area—S.B. 260B22 dated September 24, 1976.

(3) Ailerons Hinge Bracket Attachment Area—S.B. 260B23 dated September 24, 1976.

(4) Horizontal Stabilizer (Empennage) Rear Spar Hinge Bracket Attachment Area—S.B. 260B24 dated September 24, 1976.

(5) Rudder Spar Upper Hinge Bracket Attachment Area—S.B. 260B25 dated September 24, 1976.

(6) Elevator Outboard Hinge Bracket Attachment Area—S.B. 260B26 dated September 24, 1976.

(7) Horizontal Stabilizer Outboard Hinge Bracket Attachment Area—S.B. 260B27 dated September 24, 1976.

This amendment becomes effective July 28, 1977.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-19852 Filed 7-13-77;8:45 am]

[Docket No. 17012; Amdt. 39-2966]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier GmbH Model Do 27 and Do 28 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires repetitive inspections and replacement, as necessary, of certain fuel and oil hoses on Dornier Model Do 27 and Do 28 airplanes to prevent possible fuel starvation or sudden stoppage of the engine because of defects in the hoses.

DATES: Effective July 28, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable Dornier service bulletin may be obtained from Dornier GmbH, Sales and Service Department, 8 Munchen 60, POB 325, West Germany.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Tel: 513.38.30.

SUPPLEMENTARY INFORMATION: There have been reports of defective oil and fuel hoses being installed on Dornier Model Do 27 and Do 28 airplanes. These hoses could cause fuel starvation or sudden stoppage of the engine because of internal restrictions. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued which requires repetitive inspections and replacement of fuel and oil hoses, as necessary, on Model Do 27 and Do 28 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are R. J. Huhn, Europe, Africa, and Middle East Region, J. F. Zahringer, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

DORNIER GmbH. Applies to Model Do 27Q-6, Do 28A1, Do 28B1, Do 28D, and Do 28D-1 airplanes certificated in all categories.

Compliance is required as indicated.

To detect defective fuel and oil hoses and to prevent possible engine failure or sudden seizure of an engine, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, and, thereafter, at intervals not to exceed 25 hours time in service from the last inspection, visually inspect all fuel and oil hoses, manufactured to specification LN 9226 in the first quarter of 1970 and thereafter, for defects in accordance with paragraph 1 of Dornier Service Bulletin No. 1059-0000, dated September 25, 1975, or an FAA-approved equivalent. If the specification of a particular hose or its date of manufacture is unknown, the inspections required by this paragraph must be accomplished for that hose.

(b) If a defective hose is found during an inspection required by paragraph (a) of this AD, before further flight, replace the defective hose with a serviceable part of the same part number, or an FAA-approved equivalent, and, thereafter, continue to inspect the hose in accordance with paragraph (a) of this AD, at intervals not to exceed 25 hours time in service.

This amendment becomes effective July 28, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-19854 Filed 7-13-77;8:45 am]

[Docket No. 77-EA-16; Amdt. 39-2965]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule (AD) requires the inspection and repair if necessary of the right wing and alteration of the inboard right front wing spar on certain Piper PA-31 type airplanes. The need for the rule arises from the discovering of cracks found in the inboard end of the right front wing spar.

DATE: Effective date: July 19, 1977. Initial compliance is required before further flight with the required alteration to be performed within 50 hours in service.

ADDRESS: Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

John Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. Telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: As a result of reports of cracks in the bend radius of channel P/N 40358-5 in the inboard end of the right front wing spar, an air mail emergency AD was sent on or about February 25, 1977, to all known owners and operators of the affected PA-31 type airplanes. The deficiency was discovered during the subassembly of the front wing spars at the manufacturer's facility. An investigation determined that other stored parts were similarly affected and thus the deficiency could exist in similar type design airplanes which have been released by the manufacturer. In view of the effect on air safety, notice and public procedure hereon are impractical and good cause exists for making the rule (AD) effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are John Maher, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective July 19, 1977, as follows:

PIPER. Applies to Piper Models PA-31 and PA-31-325, Serial Nos. 31-7612064 through 31-7612110, 31-7712001 through 31-7712012, 31-7712014, 31-7712015, 31-7712017, 31-7712018, 31-7712020 through 31-7712023 and 31-7712025 through 31-7712027; PA-31-350 Serial Nos. 31-7652104 through 31-7652120, 31-7652122, 31-7652124, 31-7652125, 31-7652127, 31-7652129, 31-7652130, 31-7652132 through 31-7652135, 31-7652137, 31-7652139, 31-7652141, 31-7652142, 31-7652145, 31-7652147, 31-7652148, 31-7652150, 31-7652151, 31-7652153, 31-7652154, 31-7652156, 31-7652157, 31-7652159, 31-7652162 through 31-7652177, 31-7752001, 31-7752002, 31-7752004, through 31-7752006, 31-7752008, 31-7752009, 31-7752011, 31-7752012, 31-7752015, 31-7752019 through 31-7752022, 31-7752027 through 31-7752036, 31-7752038, 31-7752040, 31-7752042, and 31-7752047 through 31-7752049, certificated in all categories.

To prevent possible hazards associated with a defective channel, part number 40358-5, installed in the right wing front spar accomplish the following:

(a) Before further flight, inspect the right wing lower surface from the front spar fuselage attachment diagonally aft to the area of the wheel well for indications of lower wing skin deformation and loose or missing rivets.

(b) Should any of the above-described conditions exist, the aircraft shall not be flown until the damage is assessed and repairs are effected.

(c) If there is no visible damage, (1) on model PA-31-350 install in full view of the pilot a placard that reduces the maximum landing weight to 6650 lb. and visually check area described in paragraph (a) above after each 20 landings; (2) on models PA-31 and PA-31-325, visually check area described in paragraph (a) above after each 20 landings. If there is evidence of damage from the visual check, comply with paragraph (b).

(d) Within the next 50 hours in service after the effective date of this AD unless previously accomplished, alter the inboard end of the right front wing spar in accordance with Piper Kit No. 761 137, Right Wing Front Spar Reinforcement.

(e) Upon incorporating paragraph (d) or equivalent alteration the weight restriction and visual check requirement in paragraph (c) may be dispensed with.

(f) Repairs and equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(g) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance time specified in paragraph (d).

Piper Service Bulletin 554 dated March 7, 1977, pertains to this subject.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on July 5, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-20016 Filed 7-13-77;8:45 am]

[Docket No. 15695; Amdt. 39-2972]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model HS-748, Series 2A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections, replacement of parts, as necessary, and reinforcement of the outer and center aileron hinge structures, reinforcement of the aileron spars at the outboard aileron hinges, and reinforcement of the wing tips on the rear diaphragm of Hawker Siddeley Aviation, Ltd. (Hawker Siddeley), Model HS-748, Series 2A airplanes. There have been reports of cracks in the aileron outer hinge brackets and one failure of an aileron outer hinge rib which could result in loss of control of the airplane. This amendment is directed at the prevention of such a loss of control.

DATES: Effective August 15, 1977. Compliance schedule: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL109 TL, Attn.: Technical Manuals Distribution Center.

A copy of each of the service bulletins is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections, replacement of parts, as necessary, and reinforcement of the outer and center aileron hinge structures, reinforcement of the aileron spars at the outboard aileron hinges, and reinforcement of the wing tips on the rear diaphragm of Hawker Siddeley Model HS-748, Series 2A airplanes was published in the FEDERAL REGISTER at 41 FR 18682. The proposal was issued as a result of reports of cracks occurring in the aileron outer hinge brackets and a report of a failure of an aileron outer hinge rib that could have resulted in loss of control of the airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment and no objections were received. Accordingly, the proposal is adopted without change.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, N. S. Dobi, Flight Standards Service, and S. L. Hauselt, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model HS-748, Series 2A airplanes, certificated in all categories.

Compliance is required as indicated.

To prevent a possible loss of aileron control, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service from the last inspection, visually inspect the aileron hinge structures of the right and left wings in the areas of the outer and center hinges for damage, in accordance with the instructions set forth in Part 2A of the section entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/26, dated October 15, 1973, or an FAA-approved equivalent.

(b) If, as a result of an inspection required by paragraph (a) of this AD, damage, in the form of cracks, loose rivets, or corroded sup-

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port bearings or pivot bolts is found in any of the areas specified in paragraph (a) of this AD, before further flight, perform an internal inspection of the aileron hinge ribs where they attach to the rear spar of the wing in accordance with the instructions set forth in Part 2B of the section entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/25, dated October 15, 1973, or an FAA-approved equivalent.

(c) If, as a result of an inspection required by either paragraph (a) or (b) of this AD, damage, in the form of cracks, loose rivets, or corroded support bearings or pivot bolts is found, before further flight, replace or repair the damaged, loose, or corroded parts in accordance with Part 2C of the section entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/25, dated October 15, 1973, or an FAA-approved equivalent, and continue to inspect in the areas specified and at the intervals established in paragraphs (a) and (b) of this AD, as required.

(d) Within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, install strengthened gusset plates to reinforce the outer and center aileron hinge ribs at both the right and left wings, in accordance with Modification 4873 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/26, dated January 2, 1974, or an FAA-approved equivalent.

(e) Within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, install reinforcing straps at the top and bottom surfaces of the aileron spar area of both the right and left wings at the outboard aileron hinge positions, in accordance with Modification 4874 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/27, dated January 2, 1974, or an FAA-approved equivalent.

(f) Within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, install the reinforcing plates on the right and left wing tips on the rear diaphragm in accordance with Modification 4875 as described in Part 2, entitled "Accomplishment Instructions" of Hawker Siddeley Service Bulletin No. 57/26, dated January 2, 1974, or an FAA-approved equivalent.

(g) Upon accomplishment of the modifications specified in paragraphs (d), (e), and (f) of this AD, the inspections required by paragraphs (a) and (b) of this AD, may be terminated.

This amendment becomes effective August 15, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 6, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-20209 Filed 7-13-77;8:45 am]

[Docket No. 17027; Amdt. 39-2970]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO-105A and BO-105C Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspection for skin cracks in the tail boom in the vicinity of the three tail-rotor bearing brackets and rectification, as necessary, on certain Messerschmitt-Bolkow-Blohm (MBB) Model BO-105A and BO-105C helicopters. Cracks in the tail boom have occurred in the past and could result in a loss of rigidity of the tail-rotor bearing supports and a loss of control of the helicopter. This AD is directed at preventing such a loss of control.

DATES: Effective July 28, 1977. Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Messerschmitt-Bolkow-Blohm GmbH, Helicopter Division, 8000 Munchen-Ottobrunn, Federal Republic of Germany or Boeing Vertol Company, Mail Stop P31-69, P.O. Box 16858, Philadelphia, Pennsylvania 19142, Telephone 215-522-2755.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION:

There have been reports of tail boom skin cracks in the vicinity of the three tail-rotor bearing brackets, P/N 105-30251, on certain Messerschmitt-Bolkow-Blosm (MBB) Model BO-105A and BO-105C helicopters. This could result in a loss of rigidity of the tail-rotor bearing supports and a loss of control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires repetitive inspection for skin cracks in the tail boom and rectification as necessary, on certain Model BO-105A and BO-105C helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. N. S. Dobi, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to Model BO-105A and BO-105C Helicopters, certificated in all categories, except those incorporating tail-rotor shaft bearing bracket, P/N 105-30251.40.

Compliance is required as indicated.

To prevent possible failure of the tail-rotor drive system, accomplish the following:

(a) Within the next 5 hours time in service after the effective date of this AD, remove the tail-rotor shaft fairings and visually inspect the tail boom skin for cracks in the vicinity of the three bearing brackets, P/N 105-30251 .17, .18, and .19.

(b) If no crack is found during the inspection required by paragraph (a) of this AD, repeat the inspection at intervals not to exceed 50 hours time in service since the last inspection.

(c) If during any inspection required by this AD, one or more skin cracks at any of three bearing brackets are found, comply with paragraphs (1) or (2) of this paragraph, as appropriate:

(1) If not more than one crack is found at any bracket and no crack is found to exceed 10 mm (0.4 in.) in length, stop-drill the cracks with a 4 mm diameter drill, and repeat the insnections specified in paragraph (a) of this AD at intervals not to exceed 10 hours time in service since the last inspection. If during any inspection required by this AD, any crack is found to have propagated beyond the stop-drill hole or to exceed 10 mm (0.4 in.) in length, comply with paragraph (2) of this paragraph, prior to further flight, except as provided in paragraph (d) of this AD.

(2) If more than one crack is found at any bracket, prior to further flight, accomplish Subparagraph 2B2 of MBB Alert Service Bulletin No. 15, dated November 12, 1976, or an FAA-approved equivalent, and repeat the inoections specified in paragraph (a) of this AD at intervals not to exceed 10 hours time in service since the last inspection.

(d) The helicopter may be flown under the provisions of FAR 21.197 and 21.199 to a base where the repair can be performed, subject to the following conditions:

(1) Not more than one crack may exist at any bracket.

(2) The crack length at any one bracket may not exceed 50 mm (2 in.).

(3) Cracks may not exist on more than two brackets

This amendment becomes effective July 28, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107

Issued in Washington, D.C., on July 7, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-20200 Filed 7-13-77;8:45 am]

[Airspace Docket No. 77-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Federal Airway V-172 from Wolbach, Nebr., direct to Columbus, Nebr., direct to Neola, Iowa. This action is necessary to facilitate air traffic control service in the vicinity of the Columbus, Nebr., VOR.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 17, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign Federal Airway V-172 between Wolbach, Nebr., and Neola, Iowa (42 FR 14884). Interested persons were invited to participate in this rule making procedure by submitting written comments on the proposal to the FAA. No objections were registered in the comments received. This amendment is that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) realigns V-172 from Wolbach, Nebr., direct to Columbus, Nebr., direct to Neola, Iowa. The Columbus, Nebr., VOR is being relocated and federal airways V-71 and V-220 will automatically move slightly without redesignation. However, to facilitate air traffic control service in the vicinity of the VOR, it is necessary to realign V-172 via the Columbus VOR.

DRAFTING INFORMATION

The principal authors of this document are John Watterson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, October 6, 1977, as follows: In § 71.123: V-172 "Neola, Iowa," is deleted and "Columbus, Nebr.; Neola, Iowa;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-20201 Filed 7-13-77;8:45 am]

[Airspace Docket No. 77-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Correction of Federal Register Document

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction.

SUMMARY: This correction rectifies an omission made from Federal Register Document 77-15968 which changed the name of Los Banos, Calif., VORTAC to Panoche, Calif., VORTAC.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: Federal Register Document 77-15968 was published in the FEDERAL REGISTER on June 9, 1977, (42 FR 29475) with an effective date of August 11, 1977, and changes the name of Los Banos VORTAC to Panoche VORTAC. It was intended also to reflect this name change in § 71.203, Domestic Low Altitude Reporting Points, but this action was inadvertently omitted. Action is taken herein to correct this omission.

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 77-15968 is amended by adding the following before the penultimate paragraph.

Subpart I of Part 71 is amended as follows: In § 71.203 "Los Banos, Calif." is deleted and "Panoche, Calif." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Issued in Washington, D.C., on July 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-20208 Filed 7-13-77;8:45 am]

[Airspace Docket No. 77-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of a Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments will subdivide Restricted Area R-6302A, B and C into R-6302A, B, C, D and E to allow more efficient utilization of the restricted airspace. These actions will also provide a better means for Fort Hood, Tex., to return any unused portions to Houston Center for normal air traffic use.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-8530.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 10, 1977, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to internally subdivide and realign the boundaries of Restricted Area R-6302, Fort Hood, Tex. (42 FR 13305). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. Two public comments were received with no objections. Sections 71.151 and 73.63 were republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 345 and 696 respectively).

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs) will subdivide Restricted Area R-6302A, B and C into R-6302A, B, C, D and E. These actions are designed to improve the restricted airspace configuration in the vicinity of Fort Hood, Tex., thereby allowing more efficient air traffic routings to aircraft transiting this area.

DRAFTING INFORMATION

The principal authors of this document are Mr. David F. Solomon, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

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ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts D and B of Parts 71 and 73 (respectively) of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (42 FR 345 and 696) are amended, effective 0901 GMT, October 6, 1977, as follows:

Part 71—

1. By amending § 71.151 (42 FR 345) to add the following restricted areas:

R-6302D Fort Hood, Tex.
R-6302E Fort Hood, Tex.

Part 73—

2. § 73.63 (42 FR 696) is revised to read as follows:

R-6302A FORT HOOD, TEX.

Boundaries. Beginning at Lat. 31°10'00"N., Long. 97°35'40"W.; to Lat. 31°10'00"N., Long. 97°41'00" W.; to Lat. 31°11'00"N., Long. 97°-43'00"W.; to Lat. 31°10'00"N., Long. 97°-45'00"W.; to Lat. 31°09'00"N., Long. 97°45'-00"W.; to Lat. 31°10'00"N., Long. 97°48'00" W.; to Lat. 31°15'00"N., Long. 97°51'00"W.; to Lat. 31°19'00"N., Long. 97°51'00"W.; to Lat. 31°24'00"N., Long. 97°48'00"W.; to Lat. 31°23'00"N., Long. 97°43'00"W.; to Lat. 31°-21'00"N., Long. 97°41'00"W.; to Lat. 31°20'-00"N., Long. 97°41'00"W.; to Lat. 31°14'00" N., Long. 97°33'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

R-6302B FORT HOOD, TEX.

Boundaries. Beginning at Lat. 31°10'00"N., Long. 97°41'00"W.; to Lat. 31°09'30"N., Long. 97°43'00"W.; to Lat. 31°09'00"N., Long. 97°-43'30"W.; to Lat. 31°09'00"N., Long. 97°45'-00"W.; to Lat. 31°10'00"N., Long. 97°45'00" W.; to Lat. 31°11'00"N., Long. 97°43'00W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

R-6302C FORT HOOD, TEX.

Boundaries. Beginning at Lat. 31°09'00"N., Long. 97°45'00"W.; to Lat. 31°09'00"N., Long. 97°52'00"W.; to Lat. 31°09'00"N., Long. 97°-55'00"W.; to Lat. 31°16'00"N., Long. 97°54'-00"W.; to Lat. 31°19'00"N., Long. 97°51'00" W.; to Lat. 31°15'00"N., Long. 97°51'00"W.; to Lat. 31°10'00"N., Long. 97°48'00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

R-6302D FORT HOOD, TEX.

Boundaries. Beginning at Lat. 31°08'00"N., Long. 97°37'00"W.; to Lat. 31°08'00"N., Long. 97°39'00"W.; to Lat. 31°10'00"N., Long. 97°-41'00"W.; to Lat. 31°10'00"N., Long. 97°35'-40"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

R-6302E FORT HOOD, TEX.

Boundaries. Beginning at Lat. 31°14'00"N., Long. 97°33'00"W.; to Lat. 31°06'00"N., Long. 97°33'00"W.; to Lat. 31°08'00"N., Long. 97°-39'00"W.; to Lat. 31°08'00"N., Long. 97°37'-00"W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commanding Officer, Fort Hood, Tex.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-19855 Filed 7-13-77;8:45 am]

[Airspace Docket No. 77-NE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revision of Brunswick, Maine, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the description of the Brunswick, Maine, Naval Air Station control zone as a result of the decommissioning of the NAS Brunswick UHF Non-directional radio beacon at Brunswick, Maine. This rule reduces the size of the control zone, thus returning airspace to uncontrolled status.[1]

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the description of the Brunswick, Maine, NAS control zone. This action is being taken as a result of the decommissioning of the NAS Brunswick UHF Non-directional radio beacon at Brunswick, Maine in 1973. Coincident with the decommissioning, the military UHF-DF approach procedure utilizing the NDB, was discontinued. As there is no longer a need to provide controlled airspace for aircraft executing this procedure, the controlled airspace formerly designated for the procedure is being returned to uncontrolled status by revising the control zone description. Aeronautical maps and charts will be adjusted to reflect the description of the control zone as revised herein.

[1]Map filed as part of the original document.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 1, 1977, as follows:

SECTION 71.171

BRUNSWICK, MAINE, CONTROL ZONE

1. By deleting the description of the Brunswick, Maine, control zone and inserting the following in lieu thereof:

Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N; longitude 69°56'20" W); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the Navy Brunswick TACAN 008 radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding that airspace within a 1-mile radius of the Topsham Airport, Topsham, Maine (latitude 43°56'55" N; longitude 69°59'50" W).

(Secs. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on June 30, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-19990 Filed 7-13-77;8:45 am]

[Docket No. 17017; Amdt. No. 1081]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Receipt Changes and Additions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, S.W., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPS). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAP, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective August 25, 1977*

Donalsonville, GA—Donalsonville Muni., VOR DME-A, Original
Lewiston, ID—Lewiston-Nez Perce, VOR Rwy 8, Amdt. 4
Lewiston, ID—Lewiston-Nez Perce County, VOR Rwy 26, Amdt. 11
Hays, KS—Hays Muni., VOR Rwy 16, Original
Hays, KS—Hays Muni., VOR Rwy 34, Amdt. 2
Salina, KS—Salina Muni., VOR Rwy 17 (TAC), Amdt. 10
Houma, LA—Houma-Terrebonne, VOR/DME Rwy 30, Amdt. 7
Northampton, MA—LaFleur, VOR-A, Amdt. 4
Jackson, MS—Hawkins Field, VOR-A, Amdt. 14
Tupelo, MS—C. D. Lemons Municipal, VOR Rwy 4, Amdt. 5
Tullahoma, TN—William Northern Field, VOR/DME Rwy 14, Amdt. 1

* * * *Effective July 28, 1977*

Galesburg, IL—Galesburg Municipal, VOR Rwy 2, Amdt. 8
Galesburg, IL—Galesburg Municipal, VOR Rwy 20, Amdt. 9

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective August 25, 1977*

Salina, KS—Salina Muni., LOC BC Rwy 17, Original

* * * *Effective July 28, 1977*

Galesburg, IL—Galesburg Municipal, LOC Rwy 2, Amdt. 1, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective August 25, 1977*

Corning, IA—Corning Muni., NDB Rwy 17, Amdt. 2
Salina, KS—Salina Muni., NDB Rwy 35, Amdt. 9
Houma, LA—Houma-Terrebonne, NDB Rwy 17, Amdt. 4
Lansing, MI—Capital City, NDB Rwy 27, Amdt. 15
Jackson, MS—Hawkins Field, NDB-B, Amdt. 12

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective August 25, 1977*

Lewiston, ID—Lewiston-Nez Perce County, ILS Rwy 26, Amdt. 4
Salina, KS—Salina Muni., ILS Rwy 35, Amdt. 11
Covington, KY—Greater Cincinnati, ILS Rwy 27L, Amdt. 3
Lansing, MI—Capital City, ILS Rwy 27, Amdt. 16

* * * *Effective August 11, 1977*

Denver, CO—Stapleton Int'l, ILS Rwy 35L, Amdt. 20
Denver, CO—Stapleton Int'l, ILS Rwy 35R, Amdt. 2

* * * *Effective July 28, 1977*

Galesburg, IL—Galesburg Municipal, ILS Rwy 2, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 25, 1977*

Lansing, MI—Capital City, RADAR-1, Amdt. 8

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 25, 1977*

Hays, KS—Hays Muni., RNAV Rwy 16, Amdt. 1
Salina, KS—Salina Muni., RNAV Rwy 17, Amdt. 4

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended

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by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on July 8, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-20202 Filed 7-13-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13727]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission today announced the amendment of its regulations governing delegation of authority with respect to the Securities Exchange Act of 1934 to delegate to Director of the Division of Market Regulation the authority, pursuant to newly adopted Rule 19h-1 under that Act, to approve admission to, or continuance in, membership, participation or association with a member of a self-regulatory organization of persons who are subject to statutory disqualifications.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Martin Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1360.

SUPPLEMENTARY INFORMATION: Before the Securities Acts Amendments of 1975, the Securities Exchange Act had provided in section 15A(b) (3), (4) and (5) (15 U.S.C. 78o-3(b) (3), (4) and (5)) that a registered securities association (the National Association of Securities and Dealers, Inc. (the "NASD") is the only association so registered) had to deny a person membership or association with a member if the broker-dealer or associated person was under specified disqualifications unless the Commission directed otherwise. Section 240.15Ab-1 (17 CFR 240.15Ab-1) established the procedures for Commission approval of reentry notwithstanding the disqualification. After determining that it wished to ameliorate its burden in reviewing NASD re-entry and continuance matters, the Commission adopted the present rule (17 CFR 200.30-3(a) (4) delegating authority to the Director of the Division of Market Regulation "to approve applications for admission to, or continuation of membership in national securities associations of brokers or dealers who would otherwise be disqualified from membership where such associations have recommended approval of the applications."

However, the 1975 Amendments expanded the jurisdiction of the Commission to permit it to deny disqualified persons admission to, or continuance in, membership or participation in, or association with, brokers or dealers in national securities exchanges (section 6(c) (2) of the Act) and (except for associated persons) registered clearing agencies (section 17A(b) (4) (A) of the Act).[1] Since the Commission expects some increase in the number of such matters coming before it, the present delegation of authority to the Director is amended to include such applications from all self-regulatory organizations pursuant to § 240.19h-1 (17 CFR 240.19h-1) which has been adopted today to replace § 240.-15Ab-1 and 15Ag-1 (17 240.15Ab-1 and 15Ag-1) (which have been rescinded). Accordingly, 17 CFR Part 200 is amended by revising § 200.30-3(a)(4) to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(4) Pursuant to Rule 19h-1 (§ 240.-19h-1 of this chapter), to grant applications with respect to membership in association with a member of, or participation in, a self-regulatory organization and for other relief as to persons who are subject to an applicable disqualification where such relationships or other relief have been approved or recommended by a self-regulatory organization.

* * * * *

The Commission finds that the foregoing action relates solely to agency management and personnel, and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 1001 et seq.) are not necessary. This action, taken pursuant to Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-2), becomes effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77-20194 Filed 7-13-77;8:45 am]

Title 23—Highway

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Revision of Supplement B

AGENCIES: National Highway Traffic Safety Administration, Federal Highway Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice extends the due date for submission of State Comprehensive Plans covering highway safety activities for a multi-year period and exempts States participating in a pilot program from the requirement that they submit Comprenhensive Plans.

EFFECTIVE DATE: Immediately.

ADDRESS: Administrator, National Highway Traffic Safety Administration (NHTSA), 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

George Jones, Office of State Program Assistance, Traffic Safety Programs, NHTSA, Washington, D.C. 20590, 202-426-1770.

SUPPLEMENTARY INFORMATION: Each State carrying out a highway safety program pursuant to 23 U.S.C. 402 has been required by the National Highway Traffic Safety Administration and the Federal Highway Administration to submit a Comprehensive Plan covering existing and proposed State highway safety activities for a multi-year period. For those States not scheduled to participate in a Highway Safety Plan pilot program, this notice extends the due date for submission of the next Comprehensive Plan from December 15, 1976, to March 15, 1978. The approval of a State's Annual Work Program for Fiscal Year 1978 would serve to extend approval of the State's present Comprehensive Plan through Fiscal Year 1978.

A second revision concerns those States that are scheduled to participate in a Highway Safety Plan pilot program. NHTSA and FHWA hereby exempt the States that implement the pilot program from the requirement that they submit a Comprehensive Plan during the period that the State participates in the program.

In consideration of the foregoing, Supplement B (Volume 102-Comprehensive Plan and Annual Work Program) to 23 CFR Part 1204 is amended as follows:

1. Paragraph 4 of Chapter II, Comprehensive Plan, is amended by the addition of subparagraphs (1) and (2) to paragraphs 4.a., as follows:

* * * * *

(1) For those States not scheduled to participate in a Highway Safety Plan pilot program during Fiscal Year 1978, the due date for submission of a State's next CP is March 15, 1978. The approval of a State's Annual Work Program for Fiscal Year 1978 will serve to extend approval of the State's FY 1974-1977 Comprehensive Plan through Fiscal Year 1978.

(2) A State that participates in the pilot program of the new Highway Safety Plan is exempt during the period of its participation from the requirement to submit a Comprehensive Plan beginning with Fiscal Year 1978.

* * * * *

(Pub. L. 89-564, 80 Stat. 731, (23 U.S.C. 401 et seq.), delegations at 49 CFR 1.48, 49 CFR 1.50.)

Issued on: May 18, 1977.

Effective date: Immediately.

JOAN B. CLAYBROOK,
National Highway Traffic Safety Administrator.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-19998 Filed 7-13-77;8:45 am]

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Revision of Supplement C (Volume 103—Annual Work Program)

AGENCIES: National Highway Traffic Safety Administration, Federal Highway Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice extends the policies and procedures for submission by the States of their highway safety Annual Work Programs and exempts those States participating in a pilot program from the requirement that they submit a Fiscal Year 1978 Annual Work Program.

EFFECTIVE DATE: Immediately.

ADDRESS: Administrator, National Highway Traffic Safety Administration (NHTSA), 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

George Jones, Office of State Program Assistance, Traffic Safety Programs, NHTSA, Washington, D.C. 20590 (202-426-1770).

SUPPLEMENTARY INFORMATION: Each State carrying out a highway safety program has been required to submit an Annual Work Program consisting of the State's plan for achieving its objectives for the year of the program. This notice extends through fiscal year 1978 the policies and procedures for submission of annual work programs set out in Supplement C.

A second revision concerns those States that are scheduled to participate in a Highway Safety Plan optional program. NHTSA and FHWA hereby exempt the States that implement the optional program from the requirement that they submit a Fiscal Year 1978 Annual Work Program.

In consideration of the foregoing, Supplement C (Volume 103—Annual Work Program) to 23 CFR Part 1204 is amended as follows:

1. Paragraph 7 (added to Supplement C by the FEDERAL REGISTER notice at 41 FR 23948) of Chapter III, *Annual Work Program Submission and Approval*, is amended as follows:

* * * * *

7. A State that participates in the optional program of the new Highway Safety Plan is hereby exempt during the period of its participation from the requirement to submit a Fiscal Year 1978 Annual Work Program.

* * * * *

(Pub. L. 89-564, 80 Stat. 731, (23 U.S.C. 401 et seq.), delegations at 49 CFR 1.48, 49 CFR 1.50.)

Issued on: May 18, 1977.

Effective date: Immediately.

WILLIAM M. COX,
Federal Highway Administrator.

JOAN B. CLAYBROOK,
National Highway Traffic Safety Administrator.

[FR Doc.77-19999 Filed 7-13-77;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER B—NAVIGATION

PART 707—DISTINCTIVE LIGHTS AUTHORIZED FOR SUBMARINES

Authorized Submarine Identification Light

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This amendment reflects that after July 15, 1977, a distinctive light for identification of submarines consisting of an amber rotating light producing 90 flashes per minute will no longer be authorized. The only authorized submarine identification light will be an intermittent flashing amber beacon with a sequence of operation of one flash per second for three (3) seconds followed by a three (3) second off-period. The light will be located on the submarine where it can best be seen, as near as practicable, all around the horizon. It will not be located less than two (2) feet above or below the masthead light. This amendment is made necessary by Rule 1(c) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) which allows the use of additional station or signal lights for ships of war: *Provided*. That they cannot be mistaken for any light authorized elsewhere under the rules. The intended effect of this amendment is to ensure that U.S. Navy submarines do not use an identification light which might be confused with another light authorized by the 72 COLREGS.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant M. D. Seiders, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C. 20370 (202-694-5188).

SUPPLEMENTARY INFORMATION: 33 U.S.C. 182 and Executive Order 11964 of January 19, 1977 provide that the requirements of the 72 COLREGS, the Inland Rules, the Great Lakes Rules, and the Western River Rules shall not interfere with the operation of any special rules made by the Secretary of the Navy with respect to additional station and signal lights for ships of war. Rule 1(c) of the 72 COLREGS (Senate Executive W. 93d Cong., 1st Sess.) provides that any such special signal lights may not be displayed unless they cannot be mistaken for any light authorized elsewhere in the 72 COLREGS. A study indicates that the characteristics of the submarine identification light, authorized by the Secretary of the Navy on July 30, 1963, are of sufficient similarity to those of the light authorized for use by an air-cushion vehicle operating in the non-displacement mode, to necessitate a change in the characteristics of the submarine identification light.

Section 707.1 currently authorizes U.S. submarines to display either a steadily flashing amber rotating light producing 90 flashes per minute or an intermittent flashing amber beacon with a sequence of operation of one flash per second for three (3) seconds followed by a three (3) second off-period. Since the steadily flashing light can be confused with the light authorized for use by air-cushion vehicles, its use is no longer authorized.

Since this amendment pertains to a military and foreign-affairs function of the United States, the rulemaking requirements of 5 U.S.C. 553 do not apply. Accordingly, 32 CFR Part 707 is amended as follows:

1. Paragraph (c) of § 707.1 is revised to provide as follows:

§ 707.1 Display of distinctive lights by submarines.

* * * * *

(c) U.S. submarines may therefore display an intermittent flashing amber beacon with a sequence of operation of one flash per second for three (3) seconds followed by a three (3) second off-period. The light will be located where it can best be seen, as near as practicable, all around the horizon. It shall not be located less than two (2) feet above or below the masthead lights.

Dated: July 8, 1977.

W. GRAHAM CLAYTOR, JR.,
Secretary of the Navy.

[FR Doc.77-20247 Filed 7-13-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-023]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Designation of Boundaries for the Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Area

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments create a new marine inspection zone and captain of the port area whose offices are located in Valdez, Alaska. These amendments also revise the descriptions of the Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Area.

[1] The Securities Acts Amendments of 1975 also changed the form of Commission action in some situations from approval to a veto power and added to the list of disqualifications.

V 42 I 135 JUL 14 77 UMI

Due to the opening of the trans-Alaska pipeline in the near future, the Coast Guard anticipates a marked increase in vessel traffic in Prince William Sound. Because of this anticipated heavy traffic, the Coast Guard feels it would be more beneficial for all concerned if the marine inspection office and the captain of the port office, both located in Valdez, had responsibility for Prince William Sound.

EFFECTIVE DATE: These amendments are effective on July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553 (b) (3) (A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(b) (3).

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF REGULATION

Prince William Sound previously was part of the Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Area. Prince William Sound will be the responsibility of the newly formed Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Area whose offices are located in Valdez, Alaska.

The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Area retain responsibility for the part of the State of Alaska not covered by § 3.85-10: Southeast Alaska Marine Inspection Zone and Captain of the Port; and § 3.85-20: Prince William Sound Marine Inspection Zone and Captain of the Port.

In accordance with the foregoing, Part 3 of Chapter I, Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 3.85-15 to read as follows:

§ 3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port.

(a) The Western Alaska Marine Inspection Office and the Western Alaska Captain of the Port Office are located in Anchorage, Alaska.

(b) The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Area comprise the State of Alaska, except that section of Alaska covered in § 3.85-20(b), that is west of the following described boundary line: A line which starts at 60°01.3' N. latitude, 142° W. longitude; thence northeasterly to the international boundary between the United States and Canada at 60°18.7' N. latitude; thence northerly along the international boundary to the sea at 60°38.8' N. latitude, 141° W. longitude.

2. Section 3.85-20 is added to read as follows:

§ 3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port.

(a) The Prince William Sound Marine Inspection Office and the Prince William Sound Captain of the Port Office are located in Valdez, Alaska.

(b) The Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Area comprise the State of Alaska that falls within the following boundary line: A line which starts at Cape Puget; thence northerly to 61°30' N. latitude, 148°26' W. longitude; thence easterly to 61°30' N. latitude, 145°30' W. longitude; thence southerly to the sea at 145°30' W. longitude; thence westerly along the coastline to Pt. Whitshed; thence southwesterly along the line of demarcation for Prince William Sound to Cape Puget.

(63 Stat. 545 (14 U.S.C. 633), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46(b).)

E. L. PERRY,
Vice Admiral, United States Coast Guard, Acting Commandant.

[FR Doc.77-20268 Filed 7-13-77;8:45 am]

[CGD 77-98]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safety Standards for Electrical and Gasoline Fuel Systems

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises certain requirements in the regulations for conductor support and termination, properties of plastics used to encase fuel tanks, fire testing of carburetors, fuel pumps and fuel filters, and pressure testing fuel systems. Application of certain of the present requirements to boats and engines manufactured in the recreational boating industry has been determined to be unnecessary or too broadly applicable. The amended regulations will provide for a more practical application of minimum safety standards to recreational boating without adversely affecting boating safety.

EFFECTIVE DATE: This amendment is effective on August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202 426-1477).

SUPPLEMENTARY INFORMATION: In that the material contained in this amendment relieves certain requirements for persons subject to a previously issued final rule, no further notice of proposed rulemaking is required by the provisions of the Administrative Procedures Act (5 U.S.C. 553).

DRAFTING INFORMATION

The principal persons involved in drafting this rule are Lieutenant J. W. McBride, Project Manager, Office of Boating Safety, and Lieutenant G. S. Karavitis, Project Attorney, Office of Boating Safety.

DISCUSSION OF PROPOSED AMENDMENT

Subsequent to the publication of the final rule for 33 CFR Part 183, Suparts I and J, in the FEDERAL REGISTER on January 31, 1977, the Coast Guard participated in seminars that included discussions of the safety standards for electrical and gasoline fuel systems. The seminars provided the Coast Guard with information concerning unreasonable application of specific requirements in the standards. This information has been considered with respect to the purpose of these standards. The specific amendments which follow were developed from that information.

Section 183.445(a) requires each conductor or group of conductors to be supported by clamps, straps, or ducts at intervals of not more than 18 inches. This requirement was intended to protect the conductors from physical damage which might result if they were permitted to be stretched out over greater distances without support. The conductors supplying power to an engine cranking motor from a storage battery are usually a No. 4 AWG conductor or larger. Stranded copper conductors of this size have a tensile strength of several hundred pounds. They are heavily insulated and not easily damaged.

In many cases, the overall length of a conductor supplying power to an engine cranking motor is 24 inches or less when measured along the conductor from the cranking motor terminal to the battery terminal. In this case, the conductor would need to be made much longer in order to comply with the requirement for support every 18 inches because it would be necessary to reroute the conductor from the battery terminal down to a part of the boat structure where it would be clamped before it was allowed to be connected to the engine cranking motor. This additional length would serve no other purpose and would unnecessarily increase the cost of the boat to the consumer.

In many cases a clamp on a conductor leading from a battery terminal within 18 inches of that terminal would restrict the movement of the battery in such a way that it would be difficult to remove or replace the battery without first removing the clamp holding the conductor.

There is a strong probability that the boat owner or mechanic would not replace that clamp after the battery had been re-installed.

For the above reasons, § 183.445(a) is being amended to except the first 38 inches of conductor from the battery from the requirements for clamping or support. The remainder of a conductor which is longer than 36 inches will be required to be supported by a rigid duct or conduit or be clamped every 18 inches (i.e., 36 inches, 54 inches, 72 inches, etc.). Conductors shorter than 36 inches will be permitted to be connected directly between the battery terminal and the terminal of the engine cranking motor without additional support from clamps, straps, ducts or conduits.

Sections 183.450 (a), (b), and (c) each have a statement that the requirement is applicable only to those items which are outside of a junction box or enclosure. It was intended for this same applicability to be included in §§ 183.450(d) and 183.450(e). This amendment adds the words "outside a junction box or enclosure" to each of these two paragraphs to indicate the limits of their applicability.

Section 183.450(e) requires a 10 minute tensile force pull test for connections. During the early stages of development of this regulation the intent was to require the test duration to be one minute as in § 183.450(c). During subsequent development of this regulation 10 minutes was inadvertently substituted. Accordingly, to properly reflect the initial intent of this regulation, § 183.450(e) is amended by substituting the words "one minute" for the words "10 minutes".

Sections 183.516 (b) and (c) were intended to apply only to metallic fuel tanks as evidenced by the wording of the proposed rule. In drafting the final rule this distinction was inadvertently omitted. Therefore, this amendment adds the word "metallic" before the words "fuel tanks" in §§ 183.516 (b) and (c).

In the section title of § 183.520 and in the text of the regulation, the word "vent" was inadvertently omitted. The proper wording of the title is used in the listing of sections at the beginning of the regulation. The word "vent" is inserted in this amendment.

A test criteria for determining if fuel pumps and fuel filters and strainers pass the fire test has been added to §§ 183.524 and 183.534. A small amount of leakage, which will not add a substantial quantity of fuel to a fire, is allowed as long as the leak from the fuel pump, filter or strainer, and fuel line does not exceed five ounces of fuel in 2½ minutes. The leak is measured from the components as they are installed in the boat.

Section 183.526(a) has been deleted. Testing by actually burning the entire engine has shown that fuel in a carburetor vents off and burns during the test. There is no practical way to prevent this. For this reason it is not necessary to specify a fire test for carburetors. Accordingly, the word "carburetor" is deleted from § 183.590(a)(2).

Table 7 of § 183.532 has been modified by deleting the special category for hose diameters which are between $^{9}/_{16}$ inches and $^{13}/_{16}$ inches. The category which was $^{7}/_{16}$ inches to $^{9}/_{16}$ inches has been changed to $^{7}/_{16}$ inches to $^{13}/_{16}$ inches. This modification was made because hose clamps which are $^{3}/_{8}$ inches wide are not readily available.

Section 183.582(a) requires a pressure test of the entire fuel system from the fill and vent fitting on the boat to the fuel line connection at the carburetor. The purpose of this test is to detect any leaks in the system after it has been installed.

Since most boat builders purchase marine engines with the carburetor, fuel pump and fuel filter already installed, it is necessary for the boat builder to disconnect the fuel line at the inlet to the carburetor in order to perform the test required by § 183.582. The fuel line on most marine engines is rigid metallic tubing which must be flexed or bent in order to remove it from the carburetor inlet connection. For this reason it is possible that the connection at the carburetor inlet may leak after the boat builder has re-installed the fuel line upon completion of the static pressure test required by this section. Since most engine builders perform an operational test on the completed engine it is unlikely that this connection or any other connection between the carburetor and the inlet on the engine would have been leaking prior to being disassembled by the boat builder.

For the above reasons, this amendment modifies § 183.582(a) by substituting the words "engine fuel inlet" for the word "carburetor." This will have the effect of limiting the static pressure test for the fuel system on a completed boat to that portion of a fuel system which was installed by the boat builder.

In consideration of the foregoing, Part 183 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 183.445(a) to read as follows:

§ 183.445 Conductors: Support and protection.

(a) Except for the first 36 inches of a conductor leading from a battery terminal, each conductor or group of conductors must be supported by clamps, or straps not more than 18 inches apart, unless the conductor or group of conductors is enclosed in a rigid duct or conduit. The clamps, straps, ducts, and conduits must be designed to prevent chafing or damage to the conductor insulation.

* * * * *

2. By revising § 183.450 (d) and (e) to read as follows:

§ 183.450 Conductors: termination.

* * * * *

(d) A soldered connection that is outside a junction box or enclosure must not be the sole means of connection between two or more conductors or between a conductor and a connector, except a conductor may be soldered to a connector that joins the conductor to a battery terminal or stud, if the length of the soldered joint is at least 1.5 times the diameter of the stranded portion of the battery conductor.

(e) Each connection that is outside of a junction box or enclosure and that is used to join conductors to each other or that is used to join a conductor to a connector must not break when subjected for one minute to a tensile force shown in Table 6 for the smallest conductor size in the connection.

* * * * *

§ 183.516 [Amended]

3. Section 183.516 is amended by adding the word "metallic" before the words "fuel tanks" in the second line of paragraph (b) and in the second line of paragraph (c).

§ 183.520 [Amended]

4. Section 183.520 is amended by adding the word "vent" before the word "systems" in the section title.

5. By revising § 183.524(c) to read as follows:

§ 183.524 Fuel pumps.

* * * * *

(c) If tested under § 183.590, each fuel pump, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes, inclusive of leaks from fuel line, fuel filter and strainer.

§ 183.526 [Amended]

6. By deleting §183.526(a).

§ 183.532 [Amended]

7. By revising Table 7 of § 183.532 to read as follows:

* * * * *

TABLE 7

Outside hose diameter (inches):	*Minimum nominal clamp band width (inches)*
Less than 7/16	1/4
7/16 to 13/16	5/16
Greater than 13/16	1/2

8. By revising § 183.534 to read as follows:

§ 183.534 Fuel filters and strainers.

If tested under § 183.590, each fuel filter and strainer, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes inclusive of leaks from the fuel pump and fuel line.

§ 183.582 [Amended]

9. In § 183.582(a) by striking the word "carburetor" in the third line and inserting the words "engine fuel inlet" in place thereof.

10. By revising § 183.590(a)(2) to read as follows:

§ 183.590 Fire test.

(a) * * *

(2) Fuel filters, strainers and pumps are tested in a fire chamber or as installed on the engine in the boat.

* * * * *

(46 U.S.C. 1454; 49 CFR 1.46(n)(1).)

Dated: July 11, 1977.

JOHN M. GRETHER,
Director, Office of Boating Safety.

[FR Doc.77-20267 Filed 7-13-77;8:45 am]

PART 1—ORGANIZATION AND DELEGATIONS

Miscellaneous Amendments

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulations to reflect the transfer of the Office of Pipeline Safety from the Federal Power Commission to the Department of Transportation, and to reflect the transfer of the Office of Pipeline Safety Operations from the Federal Railroad Administration to the Materials Transportation Bureau.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Strahan, Office of the General Counsel, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION: The Office of Pipeline Safety was transferred from the Federal Power Commission to the Department of Transportation by the Department of Transportation Act, Pub. L. 89-670, 80 Stat. 931, 49 U.S.C. 1655(e)(1). The Office of Pipeline Safety Operations was transferred from the Federal Railroad Administration to the Materials Transportation Bureau by Order No. 1, 41 FR 56406, December 28, 1976. This rule amends the Department's regulations to reflect these transfers.

Since this rule relates to agency organization, it is exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A) and since it is not substantive, it may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(b)(3).

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. By revising § 1.4(a)(2) to read as follows:

§ 1.4 Organization.

(a) * * *

(2) The Materials Transportation Bureau, headed by a Director, which includes the Office of Pipeline Safety Operations.

* * * * *

2. By revising § 1.53(a)(1) to read as follows:

§ 1.53 Delegations to Director, Materials Transportation Bureau.

(a) * * *

(1) Carry out the functions vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) and the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001 et seq.).

* * * * *

(49 U.S.C. 1655(e)(1).)

Dated: July 11, 1977.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.77-20266 Filed 7-13-77;8:45 am]

Subpart 101-30.3—Cataloging Items of Supply

§ 101-30.401-1 Publications providing

(a) (1) through (5), agencies may sub-

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(46 U.S.C. 1454; 49 CFR 1.46(n)(1).)

Dated: July 11, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.77-20258 Filed 7-13-77;8:45 am]

[CGD 76-103]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Put-In-Bay, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the anchorage regulations by establishing a special anchorage area at Put-In-Bay, Ohio. The high density of boats customarily anchoring in a random manner in this area, often blocking access to shore areas and otherwise interfering with normal navigation, warrants establishment of a defined anchorage area. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

EFFECTIVE DATE: This amendment is effective on August 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: On December 13, 1976 there was published a proposed rule (41 FR 54200) to amend the anchorage area in Put-In-Bay, Ohio. Interested persons were given until January 13, 1977 to submit comments.

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule are: LCDR H. E. Snow, Project Manager, Office of Marine Environment and Systems and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

Sixteen comments agreed with the proposal. One commenter opposed the proposal because unlighted vessels anchored at night in the area would be a hazard to navigation and the subarea where mooring buoys are allowed is more sheltered than the subarea where anchoring vessels must use their own gear. Ample area has been provided on all sides of the anchorage for maneuvering vessels and vessels using their own anchoring gear may anchor in both subareas. The placement of mooring buoys must be authorized by the Army Corps of Engineers. Two commenters suggested that the distance from Gibraltar Island to the northern boundary of the anchorage be increased to allow more maneuvering room for transiting vessels. The proposed rule has been revised by moving the northern boundary southward 50 feet.

In consideration of the foregoing, Part 110 Title 33 of the Code of Federal Regulations is amended by adding a new § 110.84a to read as follows:

§ 110.84a Put-In-Bay, Ohio.

The area in Put-In-Bay, Ohio commencing at a point 283° true 450 feet from Put-In-Bay Dock Light; thence 008°, 850 feet; thence 254°, 900 feet; thence 193°, 400 feet; thence 126°, 420 feet; thence 085°, 500 feet to the point of origin. The area is further divided into two areas. Area I lies east of and Area II lies west of the line commencing at the southwest corner adjacent to Put-In-Bay Buoy 4 running 013° to the mid-point of the northern boundary.

NOTE.—Area I is for boats anchoring using their own anchoring gear excluding mooring buoys; Area II is for boats using their own anchoring gear and boats moored to authorized mooring buoys. Authorization for placement of mooring buoys in Area II is required from the District Engineer, U.S. Army Corps of Engineers, Box 1027, Detroit, Michigan.

(Sec. 1, 30 Stat. 98; as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended and OMB Circular A-107.

Dated: July 11, 1977.

O. W. SILER,
Admiral, U.S. Coast
Guard Commandant.

[FR Doc.77-20260 Filed 7-13-77;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—NATIONAL FOREST SYSTEM PROHIBITIONS

Permits for Chattooga River; Correction

AGENCY: Forest Service, Department of Agriculture.

ACTION: Further correction.

SUMMARY: This document supplements the correction which appeared on page 30503 of the FEDERAL REGISTER of Wednesday, June 15, 1977, (FR Doc. 77-17022).

EFFECTIVE DATE: July 14, 1977.

ADDRESS: Send comments to: USDA, Forest Service, Law Enforcement Unit, 1720 Peachtree Road NW., Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT:

Forest Supervisor John Orr, Francis Marion & Sumter National Forests, 1801 Assembly Street, Second Floor, Columbia, South Carolina 29201, 803-765-5222.

On page 30503 the ADDRESS should have been as shown above. The concurrence of the Chief of the Forest Service in the Interim Regulations and notice of proposed rulemaking which appeared on pages 27244 and 27245 of the FEDERAL REGISTER of Friday, May 27 (FR Doc. 77-14148), as well as in the above corrections, is noted.

Dated: June 7, 1977.

LAWRENCE M. WHITFIELD,
Regional Forester, Region 8,
Southern Region, Forest
Service, United States De-
partment of Agriculture.

[FR Doc.77-20289 Filed 7-13-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-208]

PART 101-30—FEDERAL CATALOG SYSTEM

Reassignment of Suoply Support Responsibility

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation reflects current GSA policy concerning the Federal Catalog System with emphasis on logistics reassignment for certain items from GSA to the Defense Logistics Agency (DLA). Changes incorporated in this directive are the result of items scheduled to be transferred to DLA in July 1977. This amendment takes the necessary action to amend the FPMR accordingly.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

The table of contents for Part 101-30 is amended by revising or adding the following:

Sec.

101-30.401	Data available from the Federal Catalog System.
101-30.401-1	Publications providing Federal catalog data.
101-30.401-2	Automated catalog data output.
101-30.401-3	[Reserved]

Subpart 101-30.2—Cataloging Handbooks and Manuals

Section 101-30.201(a) is revised as follows:

§ 101-30.201 General.

(a) This subpart describes the catalog handbooks and manuals prepared by the Defense Logistics Agency, Department of Defense, in coordination with GSA.

Subpart 101-30.3—Cataloging Items of Supply

1. Section 101-30.300 is revised as follows:

§ 101-30.300 Scope of subpart.

This subpart prescribes the types of items to be cataloged, the types of items to be excluded from the Federal Catalog System, the responsibilities for catalog data preparation and transmission to the Defense Logistics Services Center (DLSC), and the application of item entry control procedures upon request for cataloging action.

2. Section 101-30.302(e) is revised as follows:

§ 101-30.302 Types of items excluded from cataloging.

* * * * *

(e) Printed forms.

3. Section 101-30.303 is revised as follows:

§ 101-30.303 Responsibility.

Each agency shall ensure that each of its items to be cataloged is included and maintained in the Federal Catalog System.

(a) Agencies with cataloging and data preparation and transmission capabilities, when authorized by GSA, shall submit data direct to the Defense Logistics Services Center (DLSC) in conformance with procedures set forth in the Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39-M).

(b) Agencies not having the capabilities cited in paragraph (a) of this section shall prepare GSA Form 1303, Request for Federal Cataloging/Supply Support Action (or EAM card formatted actions as described in GSA instructions), and submit it to the General Services Administration (FFL), Washington, DC 20406 (or to the appropriate DLA supply center for maintenance actions as described in § 101-30.503) for the performance of all cataloging functions and/or the preparation and transmission of data to DLSC.

(c) GSA will confer with civil agencies periodically to review and devise methods of submission according to their needs and capabilities.

Subpart 101-30.4—Use of the Federal Catalog System

Sections 101-30.400, 101-30.401, 101-30.401-1 and 101-30.401-2 are revised and § 101-30.401-3 is reserved as follows:

§ 101-30.400 Scope of subpart.

This subpart prescribes the policies and procedures governing dissemination of Federal catalog data and the conversion to and utilization of the Federal Catalog System by Federal agencies.

§ 101-30.401 Data available from the Federal Catalog System.

Federal Catalog System data are available in publications of general interest to Government supply activities and in the form of automated output tailored to meet individual agency needs.

§ 101-30.401-1 Publications providing Federal catalog data.

(a) Federal Catalog System publications contain selected data from the Defense Logistics Services Center (DLSC) files chosen, assembled, and formatted to meet recognized needs for information in support of assigned missions, functions, and related responsibilities. Most publications are produced in microfiche form; however, some are produced in hard copy form. The following publications are available:

(1) *Master cross-reference list.* A microfiche publication which contains a master list of national stock numbers (NSN's) cross-referenced to and from manufacturers' part numbers, specifications, or reference drawings. This publication is used to cross-relate reference numbers and stock numbers or to ascertain the manufacturer of an item when the reference number or the NSN is known.

(2) *Identification list (IL).* A microfiche publication arranged by Federal supply class and containing descriptions of items in the DLSC file. The principal uses of the IL are to obtain or verify an NSN when only the characteristics of the item are known or descriptive data when the NSN is known, and to determine interchangeable or substitutable items.

(3) *Management data list.* A microfiche publication tailored to the military services which contains supply management data for use in procurement, requisitioning, storing, and issuing operations within the Army, Navy, Air Force, and Marine Corps.

(4) *Federal item logistics data records (FILDR).* A microfiche publication containing complete identification data in tabular format for all descriptive-type item identifications. The data are arranged in NSN sequence within Federal supply class. An FILDR is known in hard copy form as a DD-146 card which is furnished as an output to authorized receivers of Federal catalog data who cannot use other available output media.

(5) *Catalog management data.* A microfiche publication which is a consolidated listing of NSN's and related supply management data of each integrated manager and military service. These data include Government source of supply, unit of issue, unit price, etc.

(6) *Defense Logistics Agency (DLA) Federal Supply Catalog for Civil Agencies.* This publication (available in hard copy only) includes NSN's for which DLA is the single source of supply for civil agencies. These NSN's may not necessarily have a DOD user recorded. The publication contains descriptive and management data for items not usually listed in the GSA catalog but which might be required by civil agencies.

(b) Agencies may obtain without charge copies of the DLA Federal Supply Catalog for Civil Agencies, described in paragraph (a)(6) of this section by contacting the Defense Logistics Services Center, DLSC-TP, Federal Center, Battle Creek, MI 49016. To obtain copies of the publications described in paragraphs (a)(1) through (5), agencies may submit a request in writing to the same address shown above, except that the applicable mail distribution code is DLSC-AP. Information concerning the charges for the latter publications is available from DLSC-AP.

§ 101-30.401-2 Automated catalog data output.

As a result of participation in the Federal catalog system, activities may receive data directly from DLSC tailored to their individual needs in support of their own supply management data system. The two basic categories of file maintenance are:

(a) *Simplified file maintenance (SFM).* Subscribers to this category of file maintenance are provided replacement files (magnetic tape) semiannually containing selected technical and supply mangement data for those items on which they are a registered user. The subscriber will also receive a monthly maintenance update and cumulative monthly basic records from DLSC which may be used to maintain the semiannual basic file. Recipients of this form of file maintenance have latitude in selecting those items which meet the needs of their supply system from the categories of data available from the Federal Catalog System.

(b) *Regular file maintenance (RFM).* This form of file maintenance provides activities with data on a daily basis as transactions affect items upon which they are a registered user. It is used primarily by those activities which consider it essential to maintain file compatability with the DLSC file at all times.

§ 101-30.401-3 [Reserved]

Subpart 101-30.5—Maintenance of the Federal Catalog System

1. Section 101-30.503 is amended as follows:

§ 101-30.503 Maintenance actions required.

* * * * *

(a) As new items meeting criteria for national stock number assignment are added to their supply systems, agencies shall submit data to GSA or, when a direct submitter of catalog data is involved, to DLSC in accordance with § 101-30.303.

(b) Agencies shall originate maintenance actions when it is determined that revision to item identification or management data is warranted. These actions include: Deletion as a user, recommendation for Federal supply classification (FSC) change, change to physical characteristics and/or reference (specification or manufacturer) data, and any other change required to ensure that the recorded data are maintained on a current basis.

(c) Agencies authorized to submit catalogue data direct to DLSC as provided in § 101-30.303(a) shall comply with item maintenance and data collaboration procedures as set forth in the Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39M).

(d) All civil agencies not authorized to submit catalog data to DLSC shall use

GSA Form 1303, Request for Federal

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GSA Form 1303, Request for Federal Cataloging Supply Support Action, to request maintenance action. Proposed maintenance requests shall be submitted to GSA for collaboration and submission to DLSC, except that civil agencies receiving supply support from DLA supply centers, as expressed in the DLSC user record by major organizational entity (MOE) rule, should submit proposed maintenance requests to the appropriate DLA supply center for collaboration and submission to DLSC. When GSA receives maintenance requests for these items, they will be referred to the appropriate DLA supply center.

2. Section 101–30.504 is revised as follows:

§ 101–30.504 Cataloging data from Defense Logistics Services Center (DLSC).

Upon receipt of cataloging data from civil agencies, DLSC will process the data and provide for their inclusion in the Federal Catalog System. Notification to the submitting and originating agencies of the action taken by DLSC will be as required in the Federal Catalog System Policy Manual (DOD 4130.2–M) and will be accomplished by means of electric accounting machine cards, magnetic tape, or wire transmission, according to the capabilities of those agencies. DLSC will send this information to the agencies that are designated by GSA as direct data receivers. Otherwise, DLSC will transmit the information to the submitting agency to be forwarded to the originating agency, when required.

Subpart 101–30.6—GSA Section of the Federal Supply Catalog

Section 101–30.603 is amended as follows:

§ 101–30.603 GSA Supply Catalog.

* * * * *

(b) Changes to the GSA Supply Catalog are effected by cumulative publications which notify agencies of additions, deletions, transfer of items to DLA, price changes, and other pertinent changes occurring between the annual publication of the GSA Supply Catalog.

(c) Special notices will be issued on a nonscheduled basis to advise agencies of program changes; general information; or additions, deletions, transfers of items to DLA supply centers, and other pertinent changes to the GSA Supply Catalog.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486 (c)))

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 5, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77–20198 Filed 7–13–77;8:45 am]

RULES AND REGULATIONS

SUBCHAPTER C—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G–42]

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Change in Regulations Pertaining to Motor Vehicle Management

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation updates GSA policy pertaining to motor vehicle management to add the definition of the term "acquired" as established by Pub. L. 94–163 and conform other sections of the regulations to that definition, and to provide essential cross-references to certain sections of Subpart 101–38.13 in order to emphasize the relationships existing between the applicable regulations.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703–557–1914).

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

The table of contents for Part 101–38 is amended by adding the following new entry:

Sec.
101–38.001–18 Acquired.

Subpart 101–38.0—Definition of Terms

Section 101–38.001 is amended by revising § 101–38.001–1 and by adding new § 101–38.001–18 as follows:

§ 101–38.001 Definitions.

* * * * *

§ 101–38.001–1 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) gained and held or (b) rented or leased from private or commercial sources for a period of 60 continuous days or more by a Federal agency or the District of Columbia. This definition shall not be construed as the authority for the use of motor vehicles under (b) for a period of less than 60 continuous days in any manner other than for official purposes.

* * * * *

§ 101–38.001–18 Acquired.

"Acquired" means purchased or leased for a period of 60 continuous days or more but does not include passenger automobiles obtained on assignment from the Interagency Motor Pool System.

Subpart 101–38.9—Motor Vehicle Replacement Standards

1. Section 101–38.901 is revised as follows:

§ 101–38.901 Applicability.

The motor vehicle replacement standards prescribed in this subpart shall be applied by any executive agency, except the Department of Defense, desiring to replace motor vehicles. The standards prescribed are minimum standards. Executive agencies shall retain motor vehicles which are in usable and workable condition even though the standard permits replacement: *Provided*, That the vehicle can be used or operated an additional period without excessive maintenance cost or substantial reduction in trade-in value. Further, with respect to the class of vehicle to be acquired and related fuel efficiency, the provisions of §§ 101–38.1304 and 101–38.1305 shall apply.

2. Section 101–38.907 is amended as follows:

§ 101–38.907 Fleets.

When an agency holds eight or more vehicles in any one the following classes, not more than 25 percent of the vehicles in that class may be replaced in any one fiscal year; when the total number of vehicles in any one class is less than eight, not more than two vehicles in that class may be replaced in any one fiscal year: *Provided*, That all vehicles to be replaced shall meet the age or mileage replacement standards set forth in this subpart.

* * * * *

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101–39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

Section 101–39.601(a) is amended as follows:

§ 101–39.601 General requirements.

(a) *Leasing of motor vehicles.* Pursuant to the provisions of § 101–38.1304(d), all new requirements for leased motor vehicles exceeding the maximum order limitation of Federal Supply Schedule Industrial Group 751—Motor Vehicle Rental Without Driver, shall be submitted to the General Services Administration for appropriate action as specified in this § 101–39.601. The request shall include full justification of the need for the leased vehicles and a certification that other means of transportation are not available or are not suitable. Further, the type of vehicle requested shall be limited to class IA, IB, or II passenger vehicles or equivalent (see §§ 101–26.501 and 101–38.1303) unless the agency head or his designee has certified that the larger vehicles are essential to the agency's mission. The anticipated duration of the lease also shall be included in the request.

* * * * *

(3) Leasing of medium and heavy trucks for periods of less than 60 continuous days and all charter services are exempted from the provisions of this § 101–39.601.

* * * * *

Subpart 101–39.9—Use and Rotation of Vehicles

Section 101–39.901 is revised as follows:

§ 101–39.901 General.

The objective of each motor pool system is to provide efficient and economical motor vehicle and related services to participating agencies. To attain this objective, usage goals and rotation policy for motor pool vehicles assigned to an agency or activity on a continuing basis are prescribed in this subpart. (See also § 101–38.1304(b).)

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 5, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77–20210 Filed 7–13–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20364; RM–2336]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Tawas City, Mich.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns a second Class A FM channel to Tawas City, Michigan, and denies proposals to assign Class C FM channels to Tawas City and Oscoda, Michigan, because proponents failed to justify departure from the Commission's policy of assigning Class A rather than Class C channels to communities of this size. The Oscoda proposal would have caused intermixture, and its benefits were uncertain because it failed to show that the assumed facilities would be utilized. The Tawas City proposal was denied for the same reasons, but the proposal for the Class A assignment to Tawas City was found acceptable.

EFFECTIVE DATE: August 10, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER (PROCEEDING TERMINATED)

Adopted: June 24, 1977.

Released: July 1, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Tawas City, Oscoda, Michigan), Docket No. 20364, RM–2336.

1. The Commission now considers the Notice (40 FR 8964; published March 4, 1975) and Further Notice (40 FR 59452; published December 24, 1975) of Proposed Rule Making with the pleadings received in response in this case. The Notice proposed the assignment of FM Channel 280A to Tawas City, Michigan (pop. 1,666),[1] as that community's second FM assignment, at the request of petitioner Carroll Enterprises, Inc. ("Carroll"), licensee of daytime-only AM Station WIOS, Tawas City-East Tawas, Michigan. The Further Notice joined the proposal of Lawrence Norman DeBeau ("DeBeau"), licensee of WDBI–FM (Channel 269A), the FM station in Tawas City, to assign Channel 223 to nearby Oscoda, Michigan (pop. 2,170), instead, as that community's first assignment.

2. DeBeau's proposal would enable him to apply for the new Class C FM channel at Oscoda and leave the Class A channel, on which he now operates, free for Carroll to seek through application. This would also obviate the need for the second assignment to Tawas City and leave Channel 280A free for assignment elsewhere. In support of his proposal, DeBeau argued that having a Class C FM station would aid him in competing with an AM–FM combination at Tawas City.

3. In the Further Notice, the Commission said it would consider a Class C assignment at Oscoda, together with the Tawas City proposal, and sought comments on the availability of alternative channels for communities which would be precluded and a showing of new service that would be provided by a Channel 223 assignment at Oscoda. DeBeau shows that an Oscoda assignment would preclude future assignments on Channels 221A, 223, and 224A. The six Michigan communities within the precluded area (Alpena, Cheboygan, Gaylord, Mackinaw City, Rogers City, and St. Ignace) all have at least one FM assignment presently. Alpena has two FM stations, and Rogers City, Gaylord, and Mackinaw City have unoccupied and unapplied for assignments.

4. DeBeau was also asked to show a line-of-sight transmission path to Oscoda from the proposed transmitter site which was located 32 kilometers (20 miles) from Oscoda, and 48 kilometers (30 miles) from Tawas City. DeBeau claims that there would be line-of-sight transmission and city grade coverage could be provided to both cities by an antenna structure 300 meters (1,050 feet) above ground, 366 meters (1,200 feet) HAAT. Carroll objects that such an installation is impractical, asserting that it would cost over $300,000. Carroll also notes that such an assignment would intermix a Class C and a Class A FM station in the neighboring towns of Tawas City and Oscoda.

[1] Population figures are taken from the 1970 U.S. Census. See also 41 FR 18431, May 4, 1976.

5. In the event that DeBeau's proposal were adopted, to avoid any intermixture problem, Carroll counterproposed the substitution of Channel 231 for Channel 269A at Tawas City. This would require the substitution of Channel 276A for the channels assigned to Mackinaw City and Alpena. It also conflicted with another proposal[2] before the Commission to assign Channel 275 at St. Ignace as a substitute for Channel 272A there (RM–2711).

6. DeBeau's reply opposes the Carroll argument regarding intermixture, stating that Oscoda and Tawas City are distinct and separate communities and that a station licensed to Oscoda would serve that community and not Tawas City. DeBeau also argues that examination of the financial considerations of the proposal should await the application stage and that rule making proceedings should deal only with the legal and technical feasibilities. This it says, is appropriate since it is impossible to determine until that time the identities of the final permittee or its authorized transmitter location and costs.

7. DeBeau's showing (at 100 kW and 366 meters (1,200 feet) HAAT) asserts a first nighttime aural and first FM service to 17,245 persons, a second nighttime aural and FM service to 15,530 persons, but no first or second daytime aural service. Carroll states that the Class C counterproposal would provide the same first and second service as the DeBeau proposal.

CONCLUSION

8. While the Commission agrees that public benefit can be found in the proposal to provide a first nighttime service, we have not been shown that such service is realistically probable in this instance. DeBeau did not commit himself to constructing proposed facilities with 100 kW power and antenna structure 320 meters (1,050 feet) above ground upon which such assertion of first service rested. When challenged by Carroll, DeBeau avoided direct reply by stating that these considerations should be addressed at the application stage. DeBeau does not adequately address the question or offer assurance it would construct a tower over 305 meters (1,000 feet) or whether funding of such a construction, at an estimated cost of $300,000, is available. Lacking this assurance, it is not realistic to expect construction of such a tower for FM use by a station serving such a small market, and without it the assertion that a station with such facilities could render service of a particular sort is not a matter on which we can rely.

[2] Mighty-Mac Broadcasting Company, licensee of AM broadcast Station WIDG, St. Ignace, Michigan, has proposed the substitution of Channel 275 for Channel 272A. Mighty-Mac claims that a first FM and first nighttime service could be offered to most of the communities in Mackinac County. Consolidation with this proceeding, requested by Mighty-Mac and opposed by Carroll, is unnecessary in light of our action herein.

9. Regarding the market intermixture

ADDRESS: Federal Communications

decided to proceed with the assignment

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9. Regarding the market intermixture issue, DeBeau originally claimed that it sought the Class C assignment at Oscoda to serve both communities, and to enable it to compete with a potential AM–FM combination at Tawas City. DeBeau now attempts to argue that Oscoda and Tawas City are distinct and separate markets and that intermixture would not result. However, it was DeBeau that first linked them through a proposal that was designed to render principal city coverage to Tawas City.

10. In view of the foregoing, we find that the showings of special circumstances are insufficient to warrant an exception to the Commission's policy of assigning Class A rather than Class C channels to small communities, and the DeBeau proposal will be denied. The same considerations apply to the Carroll Class C counterproposal. However, sufficient need has been shown for a second Class A assignment at Tawas City. Carroll has reaffirmed its intent to apply for a construction permit and to build a station on that channel if so authorized by the Commission. Alternative channels are available for precluded communities.

11. *Accordingly, it is ordered*, That effective August 10, 1977, the FM Table of Assignments contained in § 73.202(b) of the Commission's rules and regulations, is amended insofar as the community named below is concerned, to read as follows:

City	Channel No.
Tawas City, Mich	269A, 280A

12. Authority for the action taken herein is found in sections 4(i), 303 (g) and (r), 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20191 Filed 7-13-77;8:45 am]

[Docket No. 20810; RM-2580]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Pinckneyville, Illinois; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action deletes a 1974 channel assignment to Pinckneyville, Illinois, after notice to the petitioner, Coalbelt Broadcasters, that it must show a suitable transmitter site was reasonably available at the time of assignment. Coalbelt now asserts that a nonshort-spaced site is not available and failed to show that one existed at the time of assignment, which could meet the Commission's requirements. The Commission concluded that the assignment was erroneously made and should be deleted.

EFFECTIVE DATE: August 15, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION

REPORT AND ORDER
(PROCEEDING TERMINATED)

Adopted: June 29, 1977.

Released: July 7, 1977.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Pinckneyville, Illinois), Docket No. 20810, RM–2580.

1. This action is based upon the responses to the Commission's notice of Proposed Rule Making, 41 FR 21364 (published May 25, 1976), which proposed the deletion of FM Channel 280A from Pinckneyville, Illinois, because of short-spacing resulting from an alleged assignment error. Du Quoin Broadcasting Company ("Du Quoin"), licensee of AM and FM stations at the neighboring community of Du Quoin, Illinois, alleges that the Commission erroneously granted the assignment on a defective showing by Coalbelt Broadcasters ("Coalbelt") of an available transmitter site which would comply with the Commission's separation and city coverage requirements. Coalbelt was the original petitioner for the Pinckneyville assignment, Johnstown, Ohio, et al., Docket 19963, 47 F.C.C. 2d 887 (1974) and is now an applicant for a construction permit on the channel.[1]

2. Because the transmitter would have to be located at least 13 kilometers (8 miles) southeast of Pinckneyville to meet spacing requirements, the Commission asked for a showing in the original assignment proceeding of the availability of such a transmitter site. See Notice of Proposed Rule Making, Docket 19963, 39 FR 9987, at n. 2 (published March 15, 1974). Coalbelt submitted a "reference site" located in Section 21, Township 6S, Range 2W of Perry County. Du Quoin objected that this property was unsuitable because it was in an area being strip mined, and it asserted that the United Electric Coal Company (now Freeman Coal Company) which owned the land had a policy against selling or leasing it.[2]

3. The Commission, based on what it then understood to be a reasonable assurance of site availability from Coalbelt, decided to proceed with the assignment and to resolve the question of actual site availability in the application proceeding. Therefore, Coalbelt filed its application along with a waiver request stating that it could not obtain the property at its "reference site" because the coal company would not sell or lease the land. This was the first time Coalbelt acknowledged that the "reference site" "was used only to determine minimum mileage separations," and that it was not to be held to actual use of that site.

4. These facts led us to decide to reexamine the situation, for we would not have made this assignment without reasonable assurance of availability of a site which would comply with our spacing and coverage requirements. Coalbelt opposed reexamination, but none of the cases cited in support of this position can be considered to be on point as in each there appeared to be a suitable site area. Hence, it was proper to proceed with the assignment. In our view, the best course to follow was one which would allow Coalbelt to demonstrate that the assignment was properly made by establishing that a specific transmitter site meeting the spacing and coverage requirements was available at the time of the assignment.

5. Coalbelt's response to the *Notice* includes a letter from Santo Cicardi stating that his property in Section 30, Township 6 South, Range 2 West, Perry County, has been available for Coalbelt's transmitter site. Coalbelt states that this site would comply with Commission requirements but is now no longer available because of the new airport plans. The Commission's engineering study, however, indicates that all of Section 30 is short-spaced to KMOX–FM, St. Louis, Missouri.

6. Coalbelt also submits a letter from John Barber, stating that he was willing, prior to the assignment, to lease land in Section 29, Township 6 South, Range 2 West, Perry County, for Coalbelt's tower. Although this property would meet minimum separation requirements, our engineering study shows that it is not acceptable because it is too remote from Pinckneyville to provide the required minimum field intensity to the whole community.

7. Coalbelt attempts to show that a transmitter site was available from the coal company, by attaching deeds of sale from the coal company to private parties. The deeds refer to property in Sections 7, 9, 10, 13, 14, 24, 26, 34 and 35, none of which meet the Commission's requirements for a transmitter site. A. H. Davis, Vice President of Land and Environmental Controls at the coal company, states by letter that because of continuing operations there, the company is not actively seeking to dispose of its land holdings in Perry County. Davis says that inquiries would be accepted, and that the proposal for a transmitter site (in Section 21 or 22) would be considered on its merits, but would have to be subject to noninterference with continuing mining operations in the area. Dunn, a principal of Coalbelt, in an affidavit also states that

[1] BPH–9320. Coalbelt's application requests a waiver of the Commission's minimum distance separation rule (§ 73.207), arguing that the original reference site is unobtainable and that a new airport plan makes all other non-short-spaced sites unusable. See also 41 FR 33280, August 9, 1976.

[2] Although it was not a central matter, there had been a dispute about the accuracy and import of a letter from the coal company's local attorney. These issues aside, the letter was sufficient to raise a question about the sites which did in fact turn out to be unavailable.

informal discussions with the coal company indicated to him that land would be made available for a transmitter site, but Dunn's affidavit fails to identify a specific site. Moreover, Coalbelt has already confirmed the fact that the coal company has refused to sell or lease property at the "reference site." No showing has been made of a specific suitable site that would have been available.

8. Coalbelt claims that other sites are now unavailable because of plans for a new airport at Pinckneyville. However, such sites are not specified, and Dunn, a principal of Coalbelt, has been a member of the Airport Committee of the Pinckneyville Chamber of Commerce for some time before the channel was assigned. Moreover, plans for the airport were in front page stories of the local Pinckneyville newspaper before the channel assignment. Coalbelt's first mention of this fact came in supplemental comments, after the point was raised by Du Quoin, where it said that the final location of the new airport was unknown until plans were filed with the Illinois Department of Transportation, 35 days after the channel assignment. Even so, had the Commission been informed by Coalbelt of the pending airport proposal, additional assurance regarding aviation considerations would have been required before making the assignment. Thus, matters which were crucial to our consideration were not disclosed in the fashion necessary for our deliberations.

9. In making assignments, we require a reasonable assurance that a site meeting the applicable Commission requirements would be available. Ordinarily, there is no need to specify a particular site, it is only necessary to show that a suitable site area exists. However, in some instances, clarification may be necessary and an additional showing may be required before we can make the assignment. This was true here because of a concern about being able to find a site that met the spacing requirements and which would provide the requisite city coverage. In the usual case or even one where additional assurance was required, it sometimes happens that a site thought to be available turns out not to be. As a result, the applicant for use of the channel may be forced to specify another site, even one not meeting spacing requirements. This does not cast doubt on the underlying assignment if there has been a reasonable basis for believing a site was available. However, if this were not the case, the assignment rested on a false premise and should be deleted.

10. Based on the record we are unable to conclude that Coalbelt has made the showing required of it in the *Second Notice*, namely that there was reason to believe that a transmitter site was available at the time of the assignment which would meet the spacing and coverage requirements. Such reasonable availability is the premise on which any assignment must result, and without it we must conclude that this assignment was erroneously made. In fact, not only is it now clear that there were questions existing at the time, but it is also clear that the Commission was not given the information necessary to make a decision. Had it been, the assignment would not have been made. Therefore, it is our conclusion that Du Quoin's petition for deletion of Channel 280A at Pinckneyville should be granted.

11. Authority for the action taken herein is found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

12. *Accordingly, it is ordered*, That effective August 15, 1977, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended, as it pertains to the community listed below:

City	Channel No.
Pinckneyville, Ill	

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 47 Stat., as amended 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20192 Filed 7-13-77;8:45 am]

[Docket No. 20615; RM–2534]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Zanesville, Ohio; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action assigns a Class A FM station as a second FM assignment to Zanesville, Ohio, in preference to a first FM assignment to Nelsonville, Ohio. Although the Commission ordinarily gives greater priority to first assignments, it accorded a higher priority to a second assignment for Zanesville because of its vastly greater size and particularly great need for diversity since all the stations licensed to Zanesville are under common ownership. The Commission observed that it is not always possible to assign a channel to a community as small as Nelsonville, especially when it is in the shadow of much larger Athens, Ohio, whose stations provide service to Nelsonville.

EFFECTIVE DATE: August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Jonathan David, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER
(PROCEEDING TERMINATED)

Adopted: June 29, 1977.

Released: July 7, 1977.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Zanesville, Ohio), Docket No. 20615, RM–2534.

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding (40 FR 48944) issued in response to the petition for rule making filed by Vichroski, Eddy, Taggart and Thedwall (petitioners), who urged the assignment of FM Channel 224A to Zanesville, Ohio. In a counterproposal timely filed by Joanne Link Sotres ("Sotres"), we were asked to assign the channel to Nelsonville, Ohio, instead. In addition to the filings from the petitioners and from Sotres, we received comments opposing a Zanesville assignment from Southeastern Ohio Broadcasting System, Inc., licensee of Stations WHIZ, WHIZ–FM and WHIZ–TV, at Zanesville, Ohio. Finally, untimely pleadings were received from Maumee Valley Broadcasting Association, which did not seek to explain or justify this lateness. Without such justification, there is no basis for considering them, and as a result, they will be dismissed.

2. Zanesville, Ohio, has a population of 33,045[1] and Muskingum County, in which it is located, a population of 77,286. It has one AM, one FM and one television station, all licensed to the same entity.[2] Zanesville functions as the retail trading center for Muskingum County and the area surrounding it. Nelsonville has a population of 4,812 and is located in Athens County (population 55,747) approximately 16 kilometers (10 miles) from the larger community of Athens, Ohio (population 23,310) which is the commercial focus for its county. Nelsonville does not now have its own broadcast station. An AM station was authorized (BP–17531) and the call letters WNAL were assigned, but the station was never built. Athens has a Class IV AM station (which does not provide coverage of Nelsonville) and an educational FM station operated in conjunction with this AM station, which does cover Nelsonville. However, the parties take differing views of the importance of this fact, since it operates as an educational station. Also, another AM station at Athens covers Nelsonville daytime and a commercial FM station there covers Nelsonville, day and night.

3. As we requested in the Notice, petitioners' comments responded to the question of possible preclusion resulting from the proposed Zanesville assignment and identified certain alternate channels said to be available for assignment in this area at Crooksville, Ohio, and at New Concord, Ohio. This material and our own examination of the situation establishes that in terms of preclusion, neither the original proposal nor the counterproposal pose problems. Also, each party has stated its intention to seek authority for the operation of a station on Channel 224A if the channel were assigned at Zanesville or Nelsonville as requested. In effect, then, there are no obstacles to making the assignment

[1] Population data are from the 1970 U.S. Census.

[2] In fact, until recently, the stations were also under common ownership with the community's only daily newspaper.

at either community, and the matter

current channel is a Class B. Ordinarily of these amendments by a notice of pro-

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at either community, and the matter resolves itself into making a choice between them.

4. In its comments opposing the proposal set forth in the Notice, Southeastern contended, inter alia, that Zanesville was already adequately served by the existing broadcast facilities and by the 30 distant FM signals imported by the local CATV system.[2] Further, Southeastern contended that under the Commission's "population criteria," Zanesville was entitled to only one FM facility.[4] Finally, Southeastern urged that the channel could be put to better use elsewhere. That is the very question we have to resolve.

5. Sotres urged that Channel 224A be assigned to Nelsonville to bring it a first fulltime aural service. Sotres argued that this channel represented the last opportunity for Nelsonville to acquire its own local fulltime radio service. Sotres also provided an engineering report in which it asserted that the operation of a station on Channel 224A at Nelsonville would provide a first FM service to 4,160 persons in an area of approximately 122 square kilometers (47 square miles) and a second FM service to 42,247 persons in an area of approximately 697 square kilometers (269 square miles). The report also alleged that the assignment of Channel 224A to Zanesville would yield no first FM service, but it acknowledged that a Zanesville station would provide a second FM service to 1,164 persons in an area of approximately 163 square kilometers (63 square miles).

6. In arguing in favor of assigning the channel to Zanesville, petitioners contend that in this particular instance an exception must be made to the Commission's usual policy of not including noncommercial educational facilities when calculating the extent of aural services available to a community.[5] The petitioner argues that the nature of the service provided by WOUB–FM[6] in Athens is such that it must be considered a "competitive voice" and thus a service to be counted in determining the extent of coverage to otherwise unserved areas. Petitioner states that WOUB–FM serves the entire area which Sotres argues would receive a first FM service, thus removing that premise for assigning the channel to Nelsonville. On behalf of Zanesville's need, petitioners discuss various aspects of its economy and assert that an additional radio station would serve an important purpose, particularly in terms of providing the first broadcast outlet under separate control from the AM, FM and TV stations under common ownership there. Petitioners contend that this would bring increased program diversity and would greatly enhance advertising competition.

7. In analyzing these proposals, we are confronted here with an instance in which both the original proposal and the subsequent counterproposal adequately establish reasons why the assignment could be made to either community. We have explored various alternatives in an effort to satisfy the obvious need for service in both communities, but this has been to no avail. When this case is reduced to the essential question of deciding between Zanesville or Nelsonville as the city of assignment for Channel 224A, we are convinced, after weighing each of the proposals against our FM channel assignment priorities and other applicable standards, that the assignment should be made at Zanesville.

8. We do so for several reasons. Although Zanesville has an existing FM channel assignment and Nelsonville does not, there is no local broadcast competition in Zanesville as all the broadcast stations are under common ownership. In fact, in a study commissioned by the National Association of Broadcasters, and submitted to the Commission by the NAB in the Multiple Ownership proceeding in Docket No. 18110, it was found that of all the markets studied, Zanesville was the newspaper/broadcast market with the least diversity of available media services. Although it is true that the newspaper and the stations are no longer under common control, the lack of local broadcast competition remains as true today as it was then. This fact requires consideration here, especially because Zanesville, although of some size itself, is somewhat removed from other markets which would contribute diversity and competition. It is clear, then, that a strong case can be made for the proposition that Zanesville is in need of another broadcast facility in order to increase the diversity of available service. Moreover, contrary to Southeastern's claim, such a second channel is clearly warranted under our population criteria.

9. At first blush it seems that even a stronger case could be made for assigning the channel to Nelsonville, but there are several reasons for believing that the need there is not so great as might at first appear. Among other things, recognition needs to be given to its proximity to Athens and to the service Nelsonville and the surrounding area receive from there. Not only does Nelsonville receive service from Athens, but we note that Athens is the focus for area economic and other activity. In a number of instances like this it has not been possible to assign a channel to a small town such as Nelsonville even though it would appear to be the appropriate result under a literal reading of our assignment priorities. However, the need for us to do more than blindly follow these priorities is particularly great when this small town is in close proximity to a larger city. This holds true even if it is clear that the service genuinely is intended for the smaller town. On this basis we are unable to conclude that use of the priorities necessitates making the assignment to Nelsonville, and thus we turn to the other arguments advanced on behalf of Nelsonville.

10. The principal one of these arguments is that a Nelsonville assignment would provide significant first and second FM and aural service. If true, such service could be an important, perhaps decisive, a factor to consider. In response to this assertion petitioners advanced the contention that the service of educational Station WOUB–FM, Athens, should be considered in evaluating the Nelsonville proposal. However, a staff engineering analysis reveals that even if the WOUB–FM service is not considered, the arguments advanced on behalf of the Sotres counterproposal for Nelsonville do not reflect the extent of first and second service it assertedly would provide. First of all, the entire area which Sotres said would receive a first aural service already receives aural service day and night from Station WLW in Cincinnati. Thus, at best, the Nelsonville proposal would offer a second aural service. Even this is in part speculative, as a significant portion of this area could be expected to receive service from a newly assigned FM channel at McConnelsville, Ohio.[7] What this means is that there is no first aural service a Nelsonville station could provide and only some limited second aural service. However, the fact that part of this second aural service might also be first FM service is not of great significance now that AM and FM are treated as joint components of a single aural service.

11. With this corrected data in mind, we are unable to conclude that there are extraordinary circumstances arguing in favor of a Nelsonville assignment. Although in the most simplistic sense a first local FM service would ordinarily be accorded a higher priority than a second, this cannot obscure the other pertinent facts about the vast difference in size of the communities, of Zanesville's great need for diversity, or of Nelsonville's location in the shadow of Athens. We agree that much can be said for Nelsonville, but even so, the case is clear. The painful fact is that not every town of 3 or 4 thousand population can have its own station. Any attempt to do so could only cause serious imbalances in the pattern of assignments. See Anamosa, Iowa (60 F.C.C. 2d 1041), where we pointed out that a literal reading of our priorities would mean the equivalent of a first channel for a town no matter what its size before a second channel could be provided for a city, even one as large as New York City.

12. One remaining point requires consideration before the channel can be assigned to Zanesville. The channel proposed for Zanesville is a Class A and the current channel is a Class B. Ordinarily we do not intermix classes of channels, but exceptions have been made where no Class B channel is available and petitioner is willing to operate a Class A station in competition with the existing Class B operation. In view of the petitioners' willingness to do so, arguments about any concern alleged by others on this score are singularly unpersuasive.

13. Canadian concurrence in the assignment of Channel 224A to Zanesville, which is located less than 402 kilometers (250 miles) from the U.S.-Canadian border, has been obtained.

14. *Accordingly, it is ordered*, That effective August 15, 1977, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended for the designated community as follows:

City	*Channel No.*
Zanesville, Ohio	224A, 273

15. *It is further ordered*, That the counterproposal filed by Joanne Link Sotres seeking the assignment of Channel 224A to Nelsonville, Ohio, is denied.

16. *It is further ordered*, That the pleadings filed in an untimely manner by Maumee Valley Broadcasting Association are dismissed.

17. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20193 Filed 7-13-77;8:45 am]

[2] The fact that FM radio signals may be carried on local cable systems is not dispositive of the question of the need for FM channel assignments primarily since the Commission is concerned with the provision of transmission service to communities.

[4] In point of fact, however, under applicable population criteria, Zanesville warrants one or two FM assignments.

[5] See Fifth Report and Order in Docket No. 19161, 41 FR 39137, FCC 76-620, 60 F.C.C. 2d 1041.

[6] Station WOUB–FM is located at Athens, Ohio, and licensed to Ohio University.

[7] The exact amount of this area which it would cover cannot be known until we receive the application proposing use of this channel.

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-119; Amdt. Nos. 171-37, 173-106, 178-42]

POLYETHYLENE DRUM PACKAGING

Specification 35

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: These amendments provide a specification for non-reusable molded, open-head polyethylene drums and authorize the use of this packaging with certain dry and paste materials. This kind of drum has proved safe in use under exemptions and is suitable for general use. Today's publication makes a specification for it generally available.

DATES: These amendments are effective on September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Interested persons were afforded the opportunity to participate in the making of these amendments by a notice of proposed rulemaking, Docket No. HM-119, Notice 74-10, published in the FEDERAL REGISTER (39 FR 27693) on July 31, 1974.

Two commenters suggested that the proposals in § 173.217 be extended to include liquid material meeting the corrosive material definition. This has not been done because such action is beyond the scope of the notice of proposed rulemaking, involving hazards outside the consideration of what was proposed there.

Several commenters expressed concern relative to the proposed polyethylene material specifications. The comments pertained to the property of melt index and the specification of a value of 6.0 maximum for that property. The commenters contended that melt index (which is a melt flow property measured under low shear conditions) is not an appropriate property, by itself, to insure the toughness of polyethylene and that the measure of safety of the drums will be provided by the performance tests in § 178.16–13. These commenters further observed that the significance of melt index to the strength of molded polyethylene varies depending on the scale on which it is determined and that molecular weight distribution (i.e., whether broad or narrow) of the polyethylene, with respect to melt index, is also a factor. The Bureau agrees and has withdrawn its proposal for a melt index specification.

The specifications for density range and percent elongation have been changed. The values now specified (0.941 to 0.965 and 75% minimum, respectively) more adequately apply to the grade of polyethylene that is used in the injection molding of these drums.

Although it was not specifically proposed, the Bureau believes that a better means to identify the polyethylene used in the molding of the drum is necessary. For this reason, the Bureau is requiring drum manufacturers to have, and retain, certain data relating to the material properties of the molding resin, at the start of production. The data, which may be obtained from the material supplier or determined by the drum manufacturer, must include values for density, melt index, molecular weight, molecular weight distribution, izod impact, tensile impact, environmental stress crack resistance, brittleness temperature, and flexural modulus. The data must indicate the method used to obtain the numerical values and include all parameters (e.g., method of preparing these specimens; number of specimens tested; speed of testing; type of test specimens and dimensions; etc.) relative to test conditions. (ASTM methods may be used where applicable.) It is further required that these material properties data, for each lot of molding resin processed into drums, be recorded and retained—along with a 100-gram sample of the resin and at least three drums molded from the resin—for at least one year by each molder at each producing plant.

Several commenters objected to the requirement for ultraviolet (UV) light protection being mandatory and contended that the drums are nonreusable, have a short life and are seldom stored outdoors or subjected to prolonged exposure to direct sunlight. The Bureau agrees and has made inclusion of UV light protection in the polyethylene an optional provision.

Two commenters, responding to the proposal on the rated (marked) capacity of the drum, suggested use of the specification of minimum-maximum volume percentages, as prescribed in other DOT specifications. The Bureau agrees and has incorporated this change into the amendment.

Other commenters responding to the drum closure proposal in § 178.16–10(a) suggested the type of steel head to be used and further recommended that the use of gaskets not be mandatory. The Bureau believes the comments have merit and has included alternate specifications for a steel head and a provision that gaskets are required only when necessary to meet performance tests.

Several commenters recommended changes in the procedure for the drop test prescribed in § 178.16–13(a)(1), in order to clarify the requirement for conditioning the drums and contents to 0° F., and to delete the requirement for the drums to be rolled following the drop tests. The Bureau agrees and has clarified the wording in the specification. The purpose of temperature conditioning is to ensure that drum and contents are at or below 0° F. at the commencement of testing. A choice as to means of achieving this result is up to the tester. In addition, the Bureau has omitted the requirement of rolling the drums following drop tests, as this technique is only meaningful when applied to test containers filled with water.

Numerous commenters responded to proposed § 178.16–13(a)(2), regarding the vibration test, and recommended its exclusion from the proposed specification. The Bureau believes that the vibration test is an important aspect of the specification, and the requirement has been retained. However, the test procedure has been rewritten for clarification. Also, criteria for acceptance, rejection, and penalty have been included in the procedure so that it agrees with the drop test in these respects.

Several commenters responded to proposed § 178.16–13 (a)(3) and either (1) objected to the requirement for a static compression test at 130°F., or (2) suggested changes to the testing procedure. The Bureau does not agree to the deletion from the specification of a static compression test that is performed on stacked, fully loaded drums which are at or above a temperature of 130°F. at the start of the test. Changes in the test procedure, in keeping with the comments received, have been made and, as in the other performance tests, acceptance/rejection/penalty criteria are included.

Many commenters in responding to proposed § 178.16–16(a) pointed out that

for an injection molding process the drop testing of one container for each lot of

(16) Specification 35 (§ 178.16 of this subchapter) non-reusable, removable

MATERIAL PROPERTY
Density

each drum size and design. If any change is made to drum design, size, material

to the top rim of the top drum without buckling of side walls or leakage. Total

(c) A packaging may not be marked with the specification identification

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for an injection molding process the drop testing of one container for each lot of 1,000 produced per machine is excessive. The Bureau agrees that the reproducibility of design in items produced by the injection molding process, when compared to the blow molding process, has a far greater continuity and repeatability. Therefore, the Bureau has accepted the suggestion that the specification be changed to decrease the test requirement to one container for every 10,000 drums molded by each machine. Also, an alternative is provided which requires that drop tests be conducted once every 24 hours of uninterrupted production from each machine; or at the resumption of production from a machine after shut down for more than one hour.

One commenter requested a change in the proposed marking requirement (§ 178.16–19(a)), i.e., allowing characters ¼-inch in height in place of ½-inch. The Bureau agrees this comment has merit and has modified the proposal accordingly.

For clarity or for editorial reasons, a number of other changes which did not appear in the 1974 notice have been incorporated into the specification. Those changes include the addition of ASTM references in § 171.7, authorization of increased net weight in § 173.245(b)(6), a single Table of Sections entry for § 178.16, specification of lug placement for steel top heads, and clarification of drum orientation during drop tests.

Primary drafters of this document are Mario E. Gigliotti and Douglas A. Crockett.

In consideration of the foregoing, 49 CFR Parts 171, 173 and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(5) is amended by adding subdivisions (vi) and (vii) to read as follows:

§ 171.7 Matter incorporated by reference.

† • • • • •

(d) • • •

(5) • • •

(vi) ASTM D–638[1] is titled, "Test for Tensile Strength of Plastics", 1976 edition.

(vii) ASTM D–1505[1] is titled, "Test for Density of Plastics by the Density Gradient Technique", 1968 edition.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.154 paragraph (a)(16) is added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) • • •

(16) Specification 35 (§ 178.16 of this subchapter) non-reusable, removable head polyethylene drum for use without overpack and not over seven gallons capacity. Authorized only for dry or paste material that will maintain its form to a minimum temperature of 130° F.

3. In § 173.217 the Heading is revised and paragraph (a)(7) is added to read as follows:

§ 173.217 Calcium hypochlorite mixture, dry; lithium hypochlorite mixture, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; trichloro-s-triazinetrione, dry.

(a) • • •

(7) Specification 35 (§ 178.16 of this subchapter) non-reusable, removable head polyethylene drum for use without overpack and not over seven gallons capacity.

• • • • • •

4. In § 173.245b paragraph (a)(6) is revised to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) • • •

(6) Plastic drum or pail not exceeding 95 pounds net weight and not over seven gallons capacity.

• • • • • •

PART 178—SHIPPING CONTAINER SPECIFICATIONS

5. A new § 178.16 is added to read as follows:

§ 178.16 Specification 35; non-reusable molded polyethylene drum for use without overpack; removable head required.

§ 178.16–1 Compliance.

(a) Required in all details.

(b) Except as otherwise provided within this section, each drum must comply with the requirements of § 173.24 of this subchapter.

§ 178.16–4 Material.

(a) Drums must be made of a prime, injection-molding grade of high density polyethylene having the following properties, as determined by the American Society for Testing and Materials (ASTM) methods designated and by tests performed on resin with additives included:

Property	Specification	ASTM method
Density range	0.941 to 0.965	D–1505–68
Tensile strength	3,000 lb/in², minimum	D– 638–76
Percent elongation	75 pct minimum	D– 638–76

Drums molded of such resin must comply with the performance testing requirements prescribed in § 178.16–13. The drum manufacturer shall retain data relating to the following material properties of each "as-received" lot of molding resin at the start of production:

Material Property
Density
Melt Index
Molecular Weight
Molecular Wt. Distribution
Izod Impact (Foot-lbs. per inch of notch)
Tensile Impact (Foot-lbs. per square inch)
Environmental Stress Crack Resistance
Brittleness Temperature
Flexural Modulus

The data must indicate the method used to obtain the numerical values and include all parameters (e.g., method of preparing test specimens; number of specimens tested; speed of testing; type of test specimens and dimensions, etc.) relative to test conditions. (ASTM methods may be cited where applicable.) Data on the above material properties shall be recorded and retained for each lot (i.e., quantity of material bearing the same manufacturer's lot identification number) of molding resin processed into drums. Records of the data, as well as a 100-gram sample of the resin, its lot identification number, and at least three drums molded from the resin, shall be retained for at least one year by each molder at each producing plant.

(b) Ultraviolet light protection may be provided by impregnation of polyethylene with carbon black or other equally efficient pigments or inhibitors. If used, these additives must be compatible with lading.

(c) Other materials may be added provided they do not adversely affect the physical properties specified in paragraph (a) of this section or the performance specified in § 178.16–13 and are compatible with the lading.

(d) Steel used in top head of drum must be low carbon of standard commercial quality.

§ 178.16–7 Construction and capacity.

(a) Rated capacity: not to exceed 7 gallons. Minimum actual capacity shall not be less than rated capacity plus 4 percent. Maximum actual capacity shall not be greater than rated capacity plus 10 percent.

(b) Minimum thickness of drum measured at any point may not be less than 0.065-inch. If top head is constructed of steel, a minimum of 26-gauge steel must be used.

(c) The gross weight of each drum, when filled, may not exceed the maximum allowable gross weight indicated by the marking on the drum (see § 178.16–19).

§ 178.16–10 Closure.

(a) Top head must be of the full removable type, and must be made of steel, polyethylene, or combination thereof. Steel top head must have no less than 16 lugs spaced no more than ¼-inch apart, or be attached to body by tin plate ring seal. Gaskets required when necessary to meet the performance tests prescribed in § 178.16–13.

(b) Openings in body of drum are not authorized.

§ 178.16–13 Design qualification tests.

(a) The following tests must be performed at the start of production on each drum size and design. If any change is made to drum design, size, material used, or process, tests in this section must be repeated. Product leakage in any of the required tests will constitute a failure. No single drum will be expected to withstand more than one of the following tests:

(1) *Drop test.* Sample drums of each size and design, selected at random, must be filled to marked gross weight at normal outage with dry powder material and then topped with a minimum of one inch of sodium bicarbonate and closed as for use. Each test drum and contents must be conditioned to be at a temperature of 0° F. or below at the start of each drop test and must be observed immediately following each drop test for any evidence of leakage.

(i) Test drums must be dropped from a height of four feet onto solid concrete under the following conditions of orientation:

(A) Three drums must be dropped flat on bottom.

(B) Three drums must be dropped diagonally on top chime or edge.

(C) Three drums, oriented to impact on bail ear, must be dropped flat on side.

(ii) In event of failure, the individual orientation drop test causing the failure must be repeated with six additional drums. Failure of any of the six additional drums disqualifies that size or design from this specification until design qualification tests have been successfully repeated.

(2) *Vibration test.* Sample drums, three of each size and design, selected at random, must be filled and closed as for use as required in § 178.16–13(a)(1). The three fully loaded test drums must be placed on a platform that has a vertical double-amplitude (peak-to-peak displacement) of one inch. The drums should be constrained horizontally to prevent them from falling off the platform, but otherwise left free to move vertically, bounce and rotate. The test must be performed for one hour at a frequency that causes the drum to be raised from the vibrating platform to such a degree that a piece of material of approximately ⅛-inch thickness (such as steel strapping or paperboard) can be passed between the bottom of any drum and the platform. Immediately following the period of vibration, each drum must be removed from the platform, turned on its side and observed for any evidence of leakage. If failure (leakage) occurs, the vibration test must be repeated on three additional drums without any leakage of contents. Failure of any one of the three additional drums disqualifies that size or design from this specification until design qualification tests have been successfully repeated.

(3) *Static compression test.* Two drums must be filled and closed as for use as required in § 178.16–13(a)(1) and conditioned so that drums and contents are at a temperature of 130° F. or higher at the start of each compression test. The two drums, stacked two high, must withstand a static compression test of 600 pounds applied evenly for 48 hours

[1] American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

to the top rim of the top drum without buckling of side walls or leakage. Total top to bottom deflection of both drums may not exceed one inch. At the conclusion of the 48-hour test period, each drum must be turned on its side and observed for any evidence of leakage. If leakage occurs, or deflection exceeds the limits established above, the drum size or design is disqualified from this specification until design qualification tests have been successfully repeated.

(4) *Reports and records.* The manufacturer shall prepare a report on the tests prescribed in paragraphs (a)(1), (a)(2), and (a)(3) of this section and shall retain the report on the results of these tests for at least two years from date of tests. A copy of these reports must be retained by the manufacturer at each producing plant.

§ 178.16–16 Periodic testing.

(a) At least one sample of each size and design of drum must be drop tested at each production plant from every 10,000 drums produced by each molding machine. As an alternative, the drop tests may be conducted once every 24 hours of uninterrupted production from each machine or at the resumption of production from a machine after shut down for one hour or more. No one drum will be expected to withstand more than one drop. Product leakage from drum in any of the following tests will constitute a failure. Tests must be as follows:

(1) One drum, filled and closed as for use as provided in § 178.16–13(a)(1), must be dropped onto solid concrete from a height of four feet diagonally on its top chime or edge.

(2) One drum, filled and closed as for use as provided in § 178.16–13(a)(1), must be dropped onto solid concrete from a height of four feet flat on its side. The drum must be oriented to impact on bail ear.

(b) Failure of drum when tested as described above disqualifies that size or design from this specification until design qualification tests (§ 178.16–13) have been repeated successfully.

§ 178.16–19 Markings.

(a) The markings required by this section must be legible, in characters at least ¼-inch in height, and embossed on the bottom of each drum. The marking requirements of § 173.24 of this subchapter, with the exception of paragraph (c)(1)(ii), are applicable.

(b) The markings must be as follows:

(1) DOT–35–*; star to be replaced by maximum allowable gross weight in pounds (for example, DOT–35–50).

(2) "NRC" located near the DOT mark to indicate "non-reusable container."

(3) Month and year of manufacture, for example, DOT–35–20–2/74, to indicate the drum specification, maximum allowable gross weight, and that the drum was manufactured in February 1974.

(4) Registration number (M * * *) of the manufacturer.

(c) A packaging may not be marked with the specification identification "DOT–35" unless:

(1) It was manufactured in compliance with the requirements of this section, and

(2) Its manufacturer has a registration number (M * * *) from the Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(49 U.S.C 1803, 1804, 1808 (49 CFR 1.53 (e)).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Washington, D.C., on June 29, 1977.

ALAN A. BUTCHMAN,
Acting Director, Materials Transportation Bureau.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register, July 6, 1977, and a copy of the incorporated material filed in the Office of the Federal Register Library.

[FR Doc.77–19719 Filed 7–13–77;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR–3, Notice 9]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

Correction

In FR Doc. 77–18562, appearing on page 33037 in the issue of Wednesday, June 29, 1977, the sixth line under the heading "For Further Information Contact" in column two should read, "Principal attorney: Anne-Marie Hy-."

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77–02]

PART 601—ORGANIZATION, FUNCTION, AND PROCEDURES

Authority of Deputy Administrator; Line of Succession

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this document is to issue a clarifying amendment to that portion of the Code of Federal Regulations which describes the organization, function, and procedures of the Urban Mass Transportation Administration (UMTA). The amendment makes clear that the Deputy Administrator is authorized, at the direction of the Administrator, to take action for and on behalf of the Administrator at any time. The amendment also describes the sequence in which UMTA officials assume

and perform the duties of the Administrator when he or she is absent or dis-

(e) Associate Administrator for Transportation Planning

merce Commission, Washington, D.C.,

sion with authority to issue orders au-

agreement, and upon the American Short

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and perform the duties of the Administrator when he or she is absent or disabled (line of succession). This amendment is necessary because the former regulation implied that the Deputy Administrator could act for the Administrator only when he or she was absent or disabled. Permitting the Deputy Administrator to act for the Administrator at any time if so directed will permit UMTA to carry out its mission more efficiently. Also, a recent Departmental Order (DOT Order 1910.2B, November 10, 1976) made several changes in the sequence in which UMTA officials assume and perform the duties of the Administrator when he or she is absent or disabled. This amendment makes the Code of Federal Regulations consistent with that Departmental Order.

Finally, this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

EFFECTIVE DATE: This amendment is effective upon issuance.

FOR FURTHER INFORMATION CONTACT:

Joseph Marshall, Acting Director, Office of Public Affairs, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590, 202-426-4043.

DRAFTING INFORMATION: The principal persons involved in drafting this amendment are Diane Pisano, Executive Secretariat, UMTA, and Robert W. Batchelder, Attorney-Advisor, UMTA.

Accordingly, and under the authority of 49 CFR § 1.51, 49 CFR PART 601 is amended by revising § 601.4 to read as set forth below.

Issued in Washington, D.C. on July 6, 1977.

CHARLES F. BINGMAN,
Acting Urban Mass Transportation Administrator.

49 CFR 601.4 is revised to read as follows:

§ 601.4 Responsibilities of the Administrator.

The Administrator is responsible for the planning, direction and control of the activities of UMTA, and has authority to approve urban mass transportation grants, loans, and contracts. At the direction of the Administrator, the Deputy Administrator is authorized to act for and on behalf of the Administrator. In the event of the absence or disability of the Administrator, the following officials shall, in the order named, assume and perform the duties of the Administrator:

(a) Deputy Administrator.

(b) Associate Administrator for Transportation Management and Demonstration.

(c) Associate Administrator for Policy and Program Development.

(d) Associate Administrator for Transit Assistance.

(e) Associate Administrator for Transportation Planning.

(f) Associate Administrator for Technology Development and Deployment.

(g) Chief Counsel.

(h) Associate Administrator for Administration.

[FR Doc.77-20267 Filed 7-13-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1253]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

AGENCY: Interstate Commerce Commission.

ACTION: Appointment of Embargo Agents (Revised Service Order No. 1253).

SUMMARY: Revised Service Order No. 1253 appoints Joel E. Burns and Robert S. Turkington as agents of the Commission with authority to issue embargoes against railroad freight traffic movements when car accumulations, congestion, or other interference of a temporary nature require such action.

DATES: Effective 11:59 p.m., July 11, 1977; Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below:

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 23rd day of June 1977.

It appearing, That the matter of car service (Section 1, Paragraphs 10-17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is unable to control freight traffic movements, because car accumulations, threatened congestions, or other interferences of a temporary nature compel restrictions against car movements, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1253 Appointment of embargo agents.

(a) Joel E. Burns, Director, and Robert S. Turkington, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions, or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the Agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with Rule 16 of the "Code of Car Hire Rules and Interpretations—Freight" of the Association of American Railroads and of Circular CSD-87, Sixth Revision, both published in the official Railway Equipment Register, ICC-RER No. 403 issued by W. J. Trezise, or successive issues or re-issues thereof.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Rules, Regulations, and Practices Suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 11:59 p.m., July 11, 1977.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Christian.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20269 Filed 7-13-77;8:45 am]

[Revised Service Order No. 1252]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

AGENCY: Interstate Commerce Commission.

ACTION: Appointment of Rerouting Agents (Revised Service Order No. 1252).

SUMMARY: Revised Service Order No. 1252 appoints Joel E. Burns and Robert S. Turkington as agents of the Commission with authority to issue orders authorizing railroads to reroute traffic whenever a railroad is unable to operate over its normal routes.

DATES: Effective 11:59 p.m., July 11, 1977.

Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423 Telephone (202) 275-7840.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C. on the 23rd day of June 1977.

It appearing, That the matter of car service (Section 1, Paragraphs 10-17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is, for any reason, unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1034.1252 Rerouting of traffic—appointment of agents.

(a) Joel E. Burns, Director, and Robert S. Turkington, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., July 11, 1977.

(d) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4) and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Christian.

H. G. HOMME Jr.,
Acting Secretary.

[FR Doc.77-20270 Filed 7-13-77;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 331]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Expeditious Procedures for Permitting Publication of Separate Rates for Distinct Rail Services; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: In the FEDERAL REGISTER notice in the above-entitled proceeding (42 FR 9024), on February 14, 1977, a clerical error was made in line 9 of § 1109.15(i). It is hereby corrected as set forth under "Supplementary Information".

FOR FURTHER INFORMATION CONTACT:

Deputy Director or Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: Line 9 of § 1109.15(i) (49 CFR 1109.15 (i)) is corrected by inserting the word "derived" in place of the "denied".

Issued at Washington, D.C., July 11, 1977.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc.77-20271 Filed 7-13-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Crab Orchard National Wildlife Refuge, Illinois, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to white-tailed deer hunting of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

EFFECTIVE DATES:

AREAS I AND III

October 1, 1977 thru November 13, 1977—Bow.
November 18, 1977 thru November 20, 1977—Shotgun.
November 21, 1977 thru December 4, 1977—Bow.
December 9, 1977 thru December 11, 1977—Shotgun.
December 12, 1977 thru December 31, 1977—Bow.

AREA II

November 18, 1977 thru November 20, 1977—Shotgun.
December 9, 1977 thru December 11, 1977—Shotgun.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, Post Office Box J, Carterville, Illinois 62918, telephone number 618-997-3344.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

White-tailed deer hunting is permitted on the Crab Orchard National Wildlife Refuge, Illinois, only on the areas designated by signs as being open to hunting. These areas comprising 21,000 acres as Area II and 23,000 acres as Areas I and III are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, Federal Building, Fort Snelling, Twin Cities, MN 55111. White-tailed deer hunting shall be in accordance with all applicable State of Illinois regulations subject to the following conditions:

AREA II

1. Hunting is prohibited within 100 yards of roads open to public travel, buildings, and areas posted as "closed."

2. Hunters must be checked in at the refuge fire station during the three day period before entry into the refuge.

3. Hunters must wear the provided arm band between the elbow and shoulder of one arm while hunting.

4. Hunters will be permitted use of the area between 5:30 a.m. and 5:00 p.m. during their assigned three day season. Hunting hours are 6:30 a.m. to 4:00 p.m.

5. Each hunter must possess a special permit, issued by the Illinois Department of Conservation, showing the three day season he/she is to hunt.

6. Upon checking into the fire station, each hunter will be issued a numbered tag. Immediately upon reducing a deer to possession, the metal tag must be securely affixed to the deer's hind leg, between the leg bone and tendon. The deer will not be transported without the tag being securely fastened to the leg.

7. All deer taken must be checked in at the refuge check station before being transported outside refuge boundaries.

AREAS I AND III

1. Hunting is not permitted from any permanent tree stand that is nailed, wired, or otherwise affixed so as to damage the tree.

2. Temporary tree stands must be removed at the end of each days hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comment at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not

EFFECTIVE DATES: September 2, 1977,

Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225,

proposed rules

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NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

WAYNE D. ADAMS,
Project Manager.

JULY 7, 1977.

[FR Doc.77-20266 Filed 7-13-77;8:45 am]

PART 32—HUNTING

Opening of the J. Clark Salyer National Wildlife Refuge, North Dakota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

EFFECTIVE DATES: September 2, 1977, through November 6, 1977; November 21, 1977, through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, Telephone No. 701-768-3223.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Hunting of deer with bow and arrow is permitted on the J. Clark Salyer National Wildlife Refuge, North Dakota, from 12:00 noon to sunset September 2, 1977, and from sunrise to sunset September 3, 1977 through November 6, 1977, and November 21, 1977, through December 31, 1977, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Hunting is by foot only. Vehicles are to remain on established refuge roads only.
2. All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: June 30, 1977.

JON M. MALCOLM,
Refuge Manager.

[FR Doc.77-20265 Filed 7-13-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

FRESH APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through July 31, 1978, current minimum grade, maturity, and size requirements applicable to fresh shipments of Washington apricots. The proposed amendment would be consistent with the quality and size composition of the estimated crop of Washington apricots. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: Comments must be received on or before July 27, 1977.

ADDRESSES: Send comments to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 202-447-3545.

SUPPLEMENTARY INFORMATION: The proposed amendment was submitted by the Washington Apricot Marketing Committee, established pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922) which regulates the handling of apricots grown in Washington. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice invites written comment relative to a proposed amendment that would continue Apricot Regulation 17 (§ 922.317; 42 FR 30492) through July 31, 1978. Said regulation will expire on August 15, 1977, unless amended. The regulation prescribes that shipments of Washington apricots grade Washington No. 1, be reasonably uniform in color and measure at least 1⅝ inches in diameter, except Blenheim, Blenril, and Tilton varieties, in unlidded containers, may have minimum diameter of 1¼ inches. In addition, the Moorpark variety in open containers is to be generally well matured. The proposal is designed to continue to provide markets with an ample supply of desirable maturity, quality, and size apricots consistent with the available supply in the interest of producers and consumers.

The provisions of § 922.317 (Apricot Regulation 17; 42 FR 30492) are hereby proposed to be amended to read as follows:

§ 922.317 Apricot Regulation 17.

(a) During the period August 16, 1977, through July 31, 1978, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provisions of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, not weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially effect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 of the U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in the Western States.

Dated: July 8, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20282 Filed 7-13-77;8:45 am]

[7 CFR Part 929]

CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN STATE OF NEW YORK

Proposed Increase in Expenses for 1976-77 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment on a proposal to increase from $64,908.03 to $70,908.03 expenses reasonable and likely to be incurred during the 1976-77 fiscal period by the Cranberry Marketing Committee. The committee is established under a Federal marketing order regulating the handling of cranberries. Expenses of the committee will be higher than initially estimated primarily to cover the cost of additional meetings.

DATE: Comments must be received on or before August 1, 1977.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: The proposal under consideration was submitted by the Cranberry Marketing

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Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 917). This marketing agreement and order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Under the proposal, the provisions of paragraph (a) of § 929.217, Expenses and rate of assessment (41 FR 47457) are revised to read as follows:

§ 929.217 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1976, through August 31, 1977, will amount to $70,908.03.

Dated: July 8, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20283 Filed 7-13-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Removal or Defacing of Rarioactive Materials Labels on Empty Containers

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations establishing standards for protection against radiation hazards arising out of NRC licensed activities to require the removal, defacing or otherwise rendering unidentifiable radioactive materials labels on empty containers prior to disposal.

DATES: Comments must be received by August 29, 1977.

ADDRESSES: Comments must be sent to The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Dr. Lewis Battist, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–6900.

SUPPLEMENTARY INFORMATION: The Department of Military Affairs, Alaska Disaster Office, by letter dated January 26, 1977, requested that the Commission amend its regulations, specifically 10 CFR Part 20, to require licensees to obliterate, mutilate or otherwise render unidentifiable radioactive symbols or labels from empty radioactive material containers prior to disposal, and if such action is not feasible to attach a placard or label bearing the word "empty".

Notice of the petition for rulemaking (Docket Number PRM–20–8) was published in the FEDERAL REGISTER on February 22, 1977 (42 FR 10377; FR Doc. 77–5354, filed February 18, 1977). Public comments were solicited by April 25, 1977.

Containers bearing radioactive material labels are sometimes found in inappropriate locations (e.g., garbage dumps). Notification of such finds are made to State or Federal regulatory agencies responsible for radiation safety. An investigation is made for each reported incident by the responsible agency requiring the expenditure of many manhours. The majority of these containers are empty, uncontaminated, do not contain any radioactive material and therefore do not present any hazard to the public.

The requirement to destroy or deface the radioactive material label on empty containers prior to disposal will reduce the number of required investigations and thereby save many manhours.

Pursuant to the Atomic Energy Act of 1954, as amended, The Energy Reorganization Act of 1974, as amended and Sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 20 is published for public comment.

All interested persons who desire to submit written comments or suggestions for considerations in connection with the proposed amendment should send them by August 29, 1977 to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Paragraph (f) of § 20.203 is amended by adding a new subparagraph (4) to read as follows:

§ 20.203 Caution signs, labels, signals, and controls.

* * * * *

(f) Containers * * *

* * * * *

(4) Each licensee shall, prior to disposal of an empty uncontaminated container to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive material.

(Sec. 161 Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 7th day of July, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-20000 Filed 7-13-77;8:45 am]

[10 CFR Part 35]

HUMAN USES OF BYPRODUCT MATERIAL

Human Uses of Teletherapy Units; Extension of Time to Comment

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Extension of comment period on proposed rule.

SUMMARY: This notice extends the comment period on a proposed rule "Human Uses of Teletherapy Units," that was published in the FEDERAL REGISTER (42 FR 25743) on May 19, 1977.

DATE: Comments must be received by July 29, 1977.

ADDRESS: Written comments or suggestions for consideration in connection with the proposed amendment should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia C. Vacca, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–427–4232).

SUPPLEMENTARY INFORMATION: On May 19, 1977, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 25743) a notice proposing amendment of the Commission's regulations "Human Uses of Byproduct Material", 10 CFR Part 35 by adding a new § 35.13(b).

Interested persons were invited to submit written comments or suggestions on the proposed amendment by July 5, 1977. In view of several formal and informal requests to extend the comment period, including a request from the American Board of Health Physics, the U.S. Nuclear Regulatory Commission has extended the comment period to July 29, 1977.

Dated at Washington, D.C., this 8th day of July 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary for the Commission.

[FR Doc.77-20320 Filed 7-13-77;8:45 am]

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Maintaining Integrity of Structures, Systems, and Components Important to Safety During Construction at Multi-Unit Sites

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations to require that, for multi-unit sites, applicants for construction permits and operating licenses take proper precautions to assure the integrity of structures, systems, and components important to the safety of the operating unit during all construction activities. The amendments are being considered in response to a petition for rulemaking filed by the Business and Professional People for the Public Interest. The effect of the amendments will be to formalize and clarify specific requirements as they apply to multi-unit sites and to codify existing licensing practice. The proposed rule would apply to applications received 6 months after the effective date of the rule.

DATES: Comment period expires August 29, 1977.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Morton R. Fleishman, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301–443–5420.

SUPPLEMENTARY INFORMATION: By mailgram dated March 24, 1975, the Business and Professional People for the Public Interest (BPI), David Dinsmore Comey, Director of Environmental Research, requested that the Nuclear Regulatory Commission (NCR) amend its regulation, 10 CFR Part 50, to require licensees to shut down operating units of nuclear power units at multi-unit facilities during periods when work on a unit under construction could compromise the integrity of the engineered safety features of an operating unit or units. As a basis for the petition, the petitioners referred to the fire which occurred on March 22, 1975, in the electrical cabling at TVA's Browns Ferry Nuclear Station.

A notice of the filing of a petition for rule making was published in the FEDERAL REGISTER on May 9, 1975. Three sets of comments were received regarding the petition. All recommended denial of the petition on the general basis that the existing regulations provided the Commission with measures to deal with such situations as the petitioners had stated.

The Commission has reviewed the applicable portions of the regulations as well as the manner in which the NRC staff conducts its licensing reviews and has concluded that, while the present regulations and staff procedures during licensing reviews do provide a basis for effective action to be taken relative to safety at multi-unit sites, the importance of the safety issues raised warrants amending the regulations to add specific requirements in this area. The purpose of the amendments is to formalize and clarify the specific requirements as they apply to multi-unit sites and to explicitly state where and how the information developed should be presented. Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, adoption of the following amendments to 10 CFR 50.34 are contemplated.

All interested persons who desire to submit written comments or suggestions concerning the proposed rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, on or before August 29, 1977. Copies of comments received on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Section 50.34 of 10 CFR Part 50 is amended by adding a new subparagraph (11) to paragraph (a) and a new subparagraph (6) (vii) to paragraph (b) to read as follows:

§ 50.34 Contents of applications: Technical information.

(a) * * *

(11) On or after (6 months after effective date of rule) applicants who apply for construction permits for nuclear power plants to be built on multi-unit sites shall identify potential hazards to the structures, systems and components important to safety of operating nuclear facilities from construction activities. A discussion shall also be included of any managerial and administrative controls that will be used during construction to assure the safety of the operating unit.

(b) * * *

(6) * * *

(vii) On or after (6 months after effective date of rule) applicants who apply for operating licenses for nuclear power plants to be operated on multi-unit sites shall include an evaluation of the potential hazards to the structures, systems and components important to safety of operating units resulting from construction activities, as well as a description of the managerial and administrative controls to be used to provide assurance that the limiting conditions for operation are not exceeded as a result of construction activities at the multi-unit sites.

(Sec. 161b, Pub. L. 83–703, 68 Stat. 948; Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841).)

Dated at Washington, D.C., this 6th day of July, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-20005 Filed 7-13-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77–NE–12]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to establish a 700-foot transition area at Belfast, Maine. This transition area will provide controlled airspace for aircraft executing a new (NDB Rwy–15) standard instrument approach procedure to the Belfast Municipal Airport, Belfast, Maine.[1]

DATES: Comments must be received on or before July 26, 1977.

ADDRESSES: Send comments in triplicate to FAA Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 77–NE–12, 12 New England Executive Park, Burlington, Massachusetts 01803.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE–536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone 617–273–7285.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 77–NE–12, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before July 26, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

[1] Map filed as part of the original document.

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AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amending Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot transition area to serve the Belfast Municipal Airport, Belfast, Maine. This transition area will provide controlled airspace for aircraft executing a new standard instrument approach procedure to the Belfast Municipal Airport, Belfast, Maine. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

1. In § 71.181 (42 FR 440) the following transition area is added:

SECTION 71.181

BELFAST, MAINE, 700-FOOT TRANSITION AREA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°24'34" N., 69°00'45" W., of Belfast Municipal Airport; within 3.5 miles each side of the 126° bearing and the 306° bearing from the Belfast, Maine, NDB, 44°24'40" N., 69°00'41" W., extending from the 6-mile radius area to 18 miles northwest of the NDB; excluding that portion which coincides with the Pittsfield, Maine, 700-foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on June 24, 1977.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.77-19991 Filed 7-13-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-15]

GOTHENBURG, NEBR.

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Gothenburg, Nebraska, to provide protection for aircraft executing a new instrument approach procedure to the Gothenburg Municipal Airport which is based on a non-directional radio beacon (NDB) navigational aid installed on the airport.

DATES: Comments must be received on or before August 21, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816-374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 21, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR § 71.181) by designating a 700-foot transition area at Gothenburg, Nebraska. To enhance airport usage by providing instrument approach capability to the Gothenburg Municipal Airport, the City of Gothenburg, Nebraska, has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. Section 71.181, pertaining to transition areas was republished in the FEDERAL REGISTER on January 3, 1977 (49 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

GOTHENBURG, NEBR.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Gothenburg Airport (latitude 40°55' 45" N., longitude 100°09'00" W.) within 3 miles each side of the Gothenburg NDB 136° true bearing, extending from the 5 mile radius to 8 miles southeast of the NDB.

DRAFTING INFORMATION

The principal authors of this document are Gary W. Tucker, Air Traffic Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

(Section 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and (14 CFR 11.65).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on July 6, 1977.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.77-20205 Filed 7-13-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-11]

ALTERATION OF FEDERAL AIRWAY AND REPORTING POINT

Withdrawal of NPRM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rule making.

SUMMARY: The notice of proposed rule making concerning the relocation of the Riverhead, N.Y., VORTAC to Calverton, N.Y., included the proposed realignment of V-34, V-91, V-16 and V-46 airways. New equipment for the Calverton installation will not be available in the near future; therefore, this notice is withdrawn.

DATES: Effective on July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: On March 24, 1977, the FAA published for comment a proposal to alter several airways caused by the relocation of the Riverhead, N.Y., VORTAC to Calverton, N.Y., and to redesignate the reporting point (42 FR 15915). Subsequent to the publication of the proposal, it was determined that new electronic equipment would be required for the Calverton installation and that it could not be made available until late in 1978. Additional time is then necessary for site preparation and for assembling, ground checking, and flight checking the new equipment. For these reasons, this notice is withdrawn. The withdrawal of this notice, however, does not preclude the future issuance of a similar notice by the FAA.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

WITHDRAWAL OF THE PROPOSAL

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-EA-11, notice of proposed rule making, (42 FR 15915), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 7, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-20206 Filed 7-13-77;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 77-RM-5]

JET ROUTE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign high altitude jet route (J-13) in part from Cheyenne, Wyo., to Billings, Mont., via Casper, Wyo. Presently, jet aircraft departing Denver and proceeding J-13 northwestbound are requesting radar vectors or direct routing to Billings, Mont. Accordingly, adoption of this proposal should result in fuel/time savings, reduced controller workload and jet route definition for this route segment.[1]

DATES: Comments must be received on or before August 24, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 77-RM-5, FAA, 10455 East 25th Avenue, Aurora, Colo. 80010. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8530.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before August 24, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

[1] Map filed as part of the original document.

THE PROPOSAL

The FAA is considering an amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign high altitude jet route (J-13) in part from Cheyenne, Wyo., to Billings, Mont., via Casper, Wyo. The FAA believes that this action will enhance the en route procedures in this area resulting in fuel and time savings to the users.

DRAFTING INFORMATION

The principal authors of this document are Mr. David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) as follows:

In Jet Route No. 13 "Crazy Woman" will be deleted and "Casper" substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-20207 Filed 7-13-77;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 77-WA-12]

JET ROUTE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign and extend the U.S. portion of High Level Airway (HL) and Jet Route (J) 564.[1] HL/J-564 would be extended from Beauce, Quebec, Canada, to Presque Isle, Maine, and it would be realigned from Presque Isle, Maine, over the Charlo, New Brunswick, Canada, non-directional radio beacon (NDB) to Port Menier, Quebec, Canada, NDB. This action is necessary to conform to changes being made in the high level altitude structure by Transport Canada in support of North American Routes. The FAA believes that this action will reduce the current en route distance of that

[1] Map filed as part of the original document.

route segment and will provide a more Canada, and it would be realigned from DATES: Comments must be received on

route segment and will provide a more efficient use of the navigable airspace.

DATES: Comments must be received on or before August 15, 1977.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 77-WA-12, FAA, 12 New England Executive Park, Burlington, Mass. 01803.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before August 15, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign and extend the U.S. portion of HL/J-564. J-564 would be extended from Presque Isle, Maine, to Beauce, Quebec, Canada, and it would be realigned from Presque Isle over the Charlo, New Brunswick, Canada NDB (Lat. 48°00'32" N., Long. 66°26'15" W.) to Port Menier, Quebec, Canada NDB. This action is necessary to conform the U.S. portion of the jet route/high level altitude structure to changes being made by Transport Canada within Canadian airspace. The FAA believes that this action will reduce the current enroute distance over that route segment and provide a more efficient use of the navigable airspace. Subpart B of Part 75 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 707).

DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) as follows:

In Jet Route No. 564 the description is deleted and "From Beauce, Quebec, Canada, via Presque Isle, Maine; Charlo, New Brunswick, NDB to Port Menier, Quebec, Canada, excluding the airspace within Canada." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-19850 Filed 7-13-77;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 77-WE-6]

JET ROUTE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Jet Route No. 1, south of Mission Bay, Calif., to a radial that will overlie the Tijuana, Mexico, VOR rather than the Tijuana NDB.[1] This will permit the United States Jet Route to line up with the Mexican Jet Route near the border. The Mexican Jet Route was formerly predicated on the Tijuana NDB.

[1] Map filed as part of the original document.

DATES: Comments must be received on or before August 12, 1977.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 77-WE-6, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before August 12, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would realign the United States segment of Jet Route No. 1, to go from Mission Bay, Calif., to the Tijuana, Mexico, (TIJ) VOR. This route is presently designated to the Tijuana NDB. Jet routes south of Tijuana have been relocated to the VOR; therefore, the Jet route to the north should also be realigned to the VOR so that it will connect properly.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) as follows:

In Jet Route No. 1 "the Tijuana, Mexico, NDB," is deleted and "the Tijuana, Mexico, VOR," is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 5, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-19853 Filed 7-13-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

NEW AND REVISED HEALTH AND SAFETY STANDARDS

Objections Filed and Hearing Requested

AGENCY: Mining Enforcement and Safety Administration (MESA), Department of the Interior.

ACTION: Notice of objections filed and hearings requested.

SUMMARY: This is a notice specifying proposed mandatory health and safety standards applicable to mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721 et seq.) and for which timely objections have been filed and hearings requested.

The Secretary of the Interior will issue another notice in the FEDERAL REGISTER at a later date that will advise interested persons and organizations of the time and place at which a formi public hearing will be held for the purpose of receiving evidence relevant and material to the objections filed.

FOR FURTHER INFORMATION CONTACT:

Arthur P. Nelson, Assistant Administrator, Metal and Nonmetal Mine Health and Safety Mining Enforcement and Safety Administration, Department of the Interior, Room 718, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703-235-8480).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Under the rulemaking authority of section 6 of the Act (30 U.S.C. 725), the Secretary of the Interior published a notice of proposed rulemaking to amend Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations in Part II of the FEDERAL REGISTER on Friday, January 28, 1977 (42 FR 5546-5565); republication of page 5560 on February 8, 1977 (42 FR 7968); correction notices published on March 2, 1977 (42 FR 12063), and March 4, 1977 (42 FR 12442-12443).

The notice proposed revising certain existing mandatory standards, adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and adding new mandatory standards, all relating to mining activities and hazards in the general areas of ground control, fire prevention and control, ventilation and radiation, loading and hauling and dumping, man hoisting, travelways and escapeways, electricity, personal protection, and gassy mines.

STATUTORY PROVISION

Section 6(d)(1) of the Act directs the Secretary to publish in the FEDERAL REGISTER, as soon as practicable after the period for filing such objections has expired, a notice specifying the proposed mandatory standards to which objections have been filed and hearings requested.

PROPOSED STANDARDS SUBJECT TO HEARING

Notice is hereby given that written objections stating the grounds for objections and requesting a public hearing were timely filed with the Administrator, Mining Enforcement and Safety Administration on those proposed mandatory health and safety standards of Parts 55, 56, and 57, Title 30, Code of Federal Regulations listed below. The text of these standards appears in the notice of proposed rulemaking published in the FEDERAL REGISTER on January 28, 1976, and, as appropriate, corrected by notices published on February 8, 1977, March 2, 1977, and March 4, 1977. Copies of the objections which have been filed may be examined or obtained by contacting the Assistant Administrator, Metal and Nonmetal Mine Health and Safety.

The proposed standards are:

GROUND CONTROL

57.3-34 Ground control plan specifications.
55.3-52, 56.3-52, and 57.3-52 Prompt installation of rock bolts.
55.3-58, 56.3-58, and 57.3-58 Alignment compesation in rock bolting.

FIRE PREVENTION

57.4-66 Automatically-actuated fire-suppression systems on conveyor belt drives.
57.4-87 Fire-suppression systems on attended internal-combustion engine-driven equipment.
57.4-88 Fire-suppression systems on attended electrical-powered equipment using non-fire-resistant hydraulic fluid.

VENTILATION

57.5-18E Mechanical ventilation equipment
57.5-35B Booster fan installation and inspection.

RADIATION

57.5-43 Radon daughter concentrations in excess of 0.3-WL sampling.

ELECTRICITY

55.12-1, 56.12-1, and 57.12-1 Fuses and circuit breakers.
55.12-3, 56.12-3, and 57.12-3 Trailing-cable overload and short-circuit protection.

PERSONAL PROTECTION

55.15-14, 56.15-14, and 57.15-14 Quick-drenching facilities.

MAN HOISTING

55.19-7, 56.19-7, and 57.19-7 Prevention of overtravel and overspeed.
55.19-12, 56.19-12, and 57.19-12 Checking size and pitch of grooved drums.
55.19-15, 56.19-15, and 57.19-15 Strength of conveyance connections.
55.19-16, 56.19-16, and 57.19-16 Cage and skip requirements.
55.19-36, 56.19-36, and 57.19-36 Headframe, sheave, and conveyance clearance.
55.19-37, 56.19-37, and 57.19-37 Hoist fleet angles.
55.19-39, 56.19-39, and 57.19-39 Minimum diameters of drum and sheaves.
55.19-67, 56.19-67, and 57.19-67 Authorized person in charge of man trips.
55.19-72, 56.19-72, and 57.19-72 Men riding combination cages and skips.
55.19-74, 56.19-74, and 57.19-74 Prohibition on men riding shaft conveyances.
55.19-81, 56.19-81, and 57.19-81 Releasing conveyances when not in use.
55.19-91, 56.19-91, and 57.19-91 Signaling instructions.
55.19-93, 56.19-93, and 57.19-93 Standard hoisting signal code.
55.19-124, 56.19-124, and 57.19-124 Rope cut-off at conveyance.
55.19-125, 56.19-125, and 57.19-125 Rope cut-off at drum.
55.19-126, 56.19-126, and 57.19-126 Rope calipering.
55.19-130, 56.19-130, and 57.19-130 Shaft test of conveyance.
55.19-131, 56.19-131, and 57.19-131 Inspection of conveyance connections.
55.19-132, 56.19-132, and 57.19-132 Safety catch inspection and tests.

GASSY MINES

57.21-50 Tubing and brattice maintenance.
57.21-65 Mine examinations.
57.21-78 Permissible equipment.

Dated: July 7, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77-20430 Filed 7-13-77;8:45 am]

Geological Survey

[30 CFR Part 250]

OUTER CONTINENTAL SHELF OIL AND GAS OPERATIONS

Suspension Procedures

AGENCY: Geological Survey, U.S. Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The proposal details the procedures to be followed when Outer

Continental Shelf (OCS) oil and gas operations are suspended because of the

This proposal supplements the existing emergency suspension provision in this

1. In Section 250.12, paragraph (c) is

quired by the Secretary. In establishing

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sions for compliance with emission

Continental Shelf (OCS) oil and gas operations are suspended because of the threat of significant irreparable damage to life, property, or natural resources. The procedures include the possibility that the emergency suspension might be terminated in the event that operations cannot be conducted without the threat of significant irreparable damage and the lease term allowed to run without further operations permitted.

DATES: Comments on this proposal must be received on or before August 15, 1977. This proposal would apply, if adopted, to all OCS oil and gas leases issued subsequent to its promulgation.

ADDRESSES: Comment should be mailed to: Acting Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Lawrence G. McBride, Office of the Solicitor, Division of Energy and Resources, Department of the Interior, Washington, D.C. 20240, 202–343–4803.

SUPPLEMENTARY INFORMATION: This proposal would augment the Department's existing authority to order emergency suspensions of operations on leases where operations would, in the Supervisor's opinion, cause or threaten significant irreperable damage to marine life, property, the leased deposits, or the environment.

This proposed rulemaking would authorize the Secretary, after certain emergency suspensions of lease operations, to require studies to determine the mitigating measures that could alleviate or prevent the damage or threat of damage, and it authorizes the Secretary to require the lessee to take appropriate mitigating measures when they are available. If the lessee fails to take these measures, or if the Secretary determines that no such measures exist that would adequately mitigate the damage or threat of damage, the Secretary would be authorized to terminate the suspension. Under current regulations, the lease term is extended by the length of time a suspension is in effect. If a suspension were terminated under the proposed rules, the lease term would begin to run again. The Department selects the tracts offered in an OCS sale on the expectation that an acceptable exploration and development plan can be designed for each leased tract and that the risk of significant irreparable environmental damage can be avoided or mitigated to an acceptable level. This proposal is designed to allow the Department to take necessary action on those tracts on which, subsequent to lease issuance, or subsequent to approval of operating plans, a hazard or threat of serious damage is discovered or on which a known hazard, the magnitude or probability of which was presumed acceptable, is found to be present as a significantly more serious and thus unacceptable threat of damage.

This proposal supplements the existing emergency suspension provision in three particulars: (1) It specifies the manner in which threats of significant irreparable damage will be studied; (2) it expressly treats the procedure for establishing necessary mitigating measures; and (3) it redefines the property rights granted with the lease to provide that, as a last resort, if adequate mitigating measures cannot be designed, the Secretary may, under stated limitations, terminate an emergency suspension and allow the lease term to run without renewal of operations on the lease.

The OCS Lands Act authorizes cancellation or forfeiture of a lease only when the lessee violates the terms of the Act, regulations, or lease (43 U.S.C. 1334(b)). The lessee who does not resume operations after a suspension without prior approval is not subject to cancellation action. This regulation, however, would establish that under certain circumstances the Secretary may terminate a suspension, and the lessee may be precluded from operating even though the lease term continues to run. This might happen either because the lessee will not undertake the mitigating measures established by the Secretary for the resumption of operations or because adequate measures cannot be established; that is, any operations would pose an unacceptable threat of significant irreparable damage.

This proposal is consistent with the decision in *Union Oil Corp.* v. *Morton*, 512 F.2d 743, 748–49 (9th Cir. 1975). *Union Oil* held that lease terms or regulations in effect at the time of lease issuance define the property rights of the lessee while regulations promulgated subsequent to lease issuance, as exercises of the Secretary's "police power" on the OCS, cannot be applied to existing leases to preclude development without constituting a taking of property rights.

The regulations proposed here are of the former class and define the property rights granted these lessees in advance of lease issuance. In particular, they notify potential lessees that the right to develop or continue operation will not be granted if, after following the procedures established here, the Secretary concludes that development or further operation threatens significant irreparable damage.

Accordingly, the following amendments to 30 CFR Part 250 are hereby proposed.

AUTHOR

Lawrence G. McBride, Office of the Solicitor, Division of Energy and Resources, Department of the Interior, Washington, D.C. 20240, 202–343–4803.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 8, 1977.

CECIL D. ANDRUS,
Secretary.

1. In Section 250.12, paragraph (c) is amended as follows:

§ 250.12 Regulation of operations.

* * * * *

(c) *Emergency suspensions.* (1) The Supervisor is authorized either in writing or orally with written confirmation, to suspend any operation, including production, which in his judgment threatens immediate, serious, or significant irreparable harm or damage to life, including aquatic life, to property, to the leased deposits, to other valuable mineral deposits, or to the environment. Such emergency suspensions shall continue until, in his judgment, the threat or danger has terminated, unless the provisions of subparagraph (2) of this paragraph apply.

(2) (i) When the Supervisor orders a suspension of operations, including production, because of the threat of significant irreparable damage to life, including aquatic life, to property, to the leased deposits, to other valuable mineral deposits, or to the environment, from a hazard not known to the Secretary or not fully anticipated by him as to nature and degree when the lease was issued, or to the Supervisor when an operating plan was approved, the Supervisor may direct the lessee to conduct site specific studies, to include block-wide studies if necessary, approved by the Supervisor, on the cause and effects of, and potential mitigating measures for, the hazard generating the suspension. Prior to approval of a study program, notwithstanding the provisions of paragraph (a) of this section, the Supervisor shall consult with interested Departments and Agencies including, but not limited to, the Fish and Wildlife Service, Bureau of Land Management, Coast Guard, Department of Defense, Environmental Protection Agency, and with affected State and local governments. All results of such studies will be furnished to the Supervisor by the lessee. The Supervisor shall make such results available to interested Departments and Agencies and to the public.

(ii) On the basis of the study results and other information available to the Supervisor, the Supervisor will submit a report with recommendations to the Secretary on the extent of the damage or threat thereof, and on the mitigating measures, if any, that may successfully deal with such damage or threat thereof. On the basis of the Supervisor's report and recommendations, and such other advice and information as he deems relevant, the Secretary will require the lessee to take such appropriate mitigating measures as will adequately mitigate the damage or potential damage of continued operations as a condition for the resumption of exploration, development, or production activity on the lease. The lessee will submit, where deemed appropriate by the Secretary, new or amended exploration, development, or production plans, in accordance with § 250.34, which incorporate the mitigating measure required by the Secretary. In establishing appropraite mitigating measures which must be taken prior to the resumption of operations, the Secretary will balance the costs of mitigation and the reduction in damage to aquatic life, to property, to the leased deposits, to other valuable mineral deposits and to the environment.

(iii) If the lessee indicates that he cannot or will not comply with the conditions established by the Secretary for ending the suspension of operations on the lease, or if the Secretary determines that appropriate mitigating measures will not provide adequate protection from significant irreparable damage to aquatic life, property, the leased deposits, other valuable mineral deposits, or to the environment, the Secretary may terminate the suspension of operations, *provided:*

(A) That the lessee shall have a reasonable length of time to comply with the conditions established by the Secretary for the resumption or approval of operations on the lease, not to exceed the remaining portion of the original lease term, to be determined by the Secretary in the exercise of his discretion;

(B) That "adequate protection" will be judged by weighing the value of the loss of the deposit against the remaining damage to the resources from the hazard after appropriate mitigating measure have been imposed;

(C) That termination of a suspension will not be ordered without notice to the affected lessee and an opportunity for a hearing, including the opportunity for the lessee to submit his own proposed mitigation measures; and

(D) That such a termination causes the lease term to run but does not imply approval of resumption of operations.

(E) That termination shall not preclude consideration of a new or amended exploration or development plan.

2. Section 250.30 is revised to read as follows:

§ 250.30 Lease terms, regulations, waste, damage, and safety.

(a) The lessee shall comply with the terms of applicable laws and regulations, the lease terms, OCS Orders and other written orders and rules of the Supervisor, and with oral orders of the Supervisor. All such oral orders shall be effective when issued and are to be confirmed in writing as provided in § 250.11.

(b) The lessee shall conduct operations on the lease in a manner which does not, in the opinion of the Supervisor, threaten significant irreparable harm or damage to life, including aquatic life, to property, to the lease deposits, to other valuable mineral deposits, or to the environment.

[FR Doc.77-20189 Filed 7-13-77; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 761–6]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve a revision to the North Dakota State Imolementation Plan submitted by the Governor of North Dakota on May 26, 1977. The revision requires the continuous emission monitoring of certain sources as required by EPA regulations. The continuous monitoring will assist the State in enforcing emission limitations.

DATES: Comments must be received on or before August 15, 1977.

ADDRESSES: The proposed North Dakota revision is available for public inspection at the Office of the North Dakota Department of Health, Division of Environmental Engineering, Missouri Office Building, 1200 Missouri Avenue, Bismarck, North Dakota 58505. Copies of the proposed revisions and an evaluation of the revisions are available at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado, 80295

Environmental Protection Agency Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on the proposed revision. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80295. All comments will be available for public inspection during business hours at the Denver office noted above.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295 (303–837–3711).

SUPPLEMENTARY INFORMATION: On October 6, 1975 (40 FR 46247), EPA required that States include legally enforceable procedures for certain existing sources to continuously monitor emissions for compliance with emission standards. The proposed revision would require continuous opacity monitoring by the following sources in North Dakota: the American Crystal Sugar Beet processing plant at Drayton, the Minnkota Power Cooperative Milton R. Young Unit No. 1 at Center, the United Power Association plant at Stanton, the Basin Electric Power Cooperative Leland Olds and W. J. Neal plants at Stanton and Velva, the Montana-Dakota Utilities R. M. Heskett plant at Mandan, and the Amoco Oil Company refinery at Mandan.

Requirements for public hearings and plan revisions (40 CFR 51.4 and 51.6) have been met by the State's proposed revision.

The Administrator hereby issues this notice setting forth as proposed rulemaking, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the North Dakota revision submitted on May 26, 1977.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c–5); Sec. 301 as amended (42 U.S.C. 1857g).)

Dated: June 23, 1977.

JOHN GREEN,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart JJ—North Dakota

1. In § 52.1820, paragraph c(8) is added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) * * *

(8) Requirements for continuous opacity monitoring by 7 sources submitted on May 26, 1977 by the Governor.

[FR Doc.77-20170 Filed 7-13-77; 8:45 am]

[40 CFR Part 52]

[FRL 760–8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS; AIR POLLUTION CONTROL

State of Arizona, Coconino, Mohave, Yuma, and Pinal-Gila Counties Rules and Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Through this notice EPA proposes to approve, with exceptions, revisions to the Arizona State Implementation Plan (SIP). These revisions include County regulations for permits, ambient air quality standards, particulate emissions from stationary sources,

sulfur compound emissions, organic compound emissions from stationary

DISCUSSION OF ACTION

EPA, pursuant to its authority in 40

because the methods of analysis listed may vary appreciably in the amounts of

DEPARTMENT OF THE INTERIOR

from Primary Copper Smelters (Mohave

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sulfur compound emissions, organic compound emissions from stationary sources, carbon monoxide emissions from stationary sources, nitrogen oxide emission, open burning, definitions, and miscellaneous (general) regulations. The revisions were submitted to EPA on July 1, 1975 for Coconino, Mohave, Yuma and Pinal-Gila Counties.

DATES: Comments by: August 15, 1977.

ADDRESSES: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, Arizona-Nevada-Pacific Islands Section (A–4), EPA Region IX, 100 California Street, San Francisco CA 94111.

Availability of documents: Copies of State revisions, the EPA Evaluation Report, and this FEDERAL REGISTER notice are available for public inspection during normal business hours at the EPA Region IX Library at the above address, and at the following locations:

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

Arizona Department of Health Services, Bureau of Air Pollution Control, 1740 West Adams Street, Phoenix AZ 85007.

Coconino County Department of Public Health, 2500 North Fort Valley Road, Flagstaff AZ 86001.

Mohave County Health Department, 305 West Beale, Kingman AZ 86401.

Pinal-Gila Counties Air Quality Control District, P.O. Box 1076, Florence AZ 85232.

Yuma County Health Department, 201 Second Avenue, Yuma AZ 85364.

FOR FURTHER INFORMATION CONTACT:

Erik Hauge, 4–15–556–7595.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 28, 1972, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the State of Arizona submitted to EPA an implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). On May 31, 1972 (37 FR 10842), the Administrator approved the plan with specific exceptions. Since then, the State of Arizona has submitted to EPA numerous proposed revisions to the SIP correcting deficiencies originally identified by EPA and including new and amended regulations adopted by the State and local governments. EPA has reviewed or is in the process of reviewing, these revisions.

On July 1, 1975, Arizona submitted to EPA as proposed revisions to the SIP, the rules and regulations for air pollution control adopted by Coconino, Mohave, Yuma and Pinal-Gila Counties. The intent of this notice is to propose EPA's actions and solicit public comments on this submittal.

DISCUSSION OF ACTION

EPA, pursuant to its authority in 40 CFR 51.4(e) to approve different State procedures designed to assure adequate public notice and participation in hearings, has determined that, although less than 30 days public notice was sometimes given in advance of the hearings held by the State on the adoption of these amendments to the SIP, public participation measures were adequate for the adoption of these regulations.

The Coconino, Mohave, Yuma and Pinal-Gila County regulations were adopted pursuant to the authority granted to the counties by ARS sections 36–773 and 36–779. This fulfills the requirement of 40 CFR 51.11(f), that the State may authorize a local agency to carry out a plan, or portion thereof, within such local agency's jurisdiction: *Provided*, That the local agency has the legal authority to carry out such plan, or portion thereof; *And provided*, That such authorization shall not relieve the State of responsibility under the Clean Air Act for carrying out such plan or portion thereof.

EPA has reviewed the Arizona SIP submittal for its consistency with the other requirements of 40 CFR Part 51 and the Clean Air Act. EPA proposes to approve the submittal with the following exceptions:

1. Regulation 12–3–2. *Emission Standards*, (Coconino County), should be disapproved because it makes all emission limitations potentially unenforceable. The regulation should also be disapproved is it allows violations of ambient air quality standards to occur within the boundaries of an operation. Wherever the public has access, either inside or outside the boundaries of an operation, the areas must be protected pursuant to the provisions of the Clean Air Act.

2. Regulation 12–3–4. *Production of Records, Confidentiality* (Coconino County), should be disapproved because it does not provide for public access to emission data as required by the Clean Air Act, Section 114(c).

3. Regulation 12–4–1. *Shade, Density or Opacity of Emissions* (Coconino County), should be disapproved because it sets a limitation on visible emissions of No. 2 on the Ringelmann Chart or 40 percent opacity. EPA has determined that Ringelmann No. 1 or 20 percent opacity is the appropriate visible emission limitations except for brief periods of soot-blowing and start-up conditions.

4. Section 2, Regulation 1, *Shade, Density, or Opacity of Emissions* (Mohave County), should be disapproved because it sets a limitation on visible emissions of No. 2 on the Ringelmann Chart or 40 percent opacity. EPA has determined that Ringelmann No. 1 or 20 percent opacity is the appropriate visible emission limitation except for brief periods of soot-blowing and start-up conditions.

5. Section 3, Regulation 2(c), *Particulate Matter From Other Sources* (Mohave County), should be disapproved because the methods of analysis listed may vary appreciably in the amounts of particulate emissions measured depending on the method used, therefore making the regulation unenforceable.

6. Section 3, Regulation 4, *Ground Level Concentrations* (Mohave County), should be disapproved as it allows violations of ambient air quality standards to occur within the boundaries of an operation. Wherever the public has access, either inside or outside the boundaries of an operation, the areas must be protected pursuant to the provisions of the Clean Air Act.

7. Section 3, Regulation 5, *Exceptions* (Mohave County), should be disapproved because it makes all emission limitations set forth in the regulations potentially unenforceable.

8. Regulation 8–1–1.3, *Air Pollution Prohibited* (Yuma County), should be disapproved as it may allow violations of ambient air quality standards to occur within the boundaries of an operation. Wherever the public has access, either inside or outside the boundaries of an operation, the areas must be protected pursuant to the provisions of the Clean Air Act.

9. Regulation 8–1–1.6, *Exceptions* (Yuma County), should be disapproved because it makes all emission limitations set forth in the regulations potentially unenforceable.

10. Regulation 8–1–3.1, *Visible Emissions: General* (Yuma County), should be disapproved because it permits visible emissions greater than 20 percent in the Equivalent Opacity Scale under certain conditions other than short periods of soot-blowing and start-up conditions.

11. Regulation 8–1–3.3(C), *Incineration* (Yuma County), and

12. Regulation 8–1–3.5(F), *Fuel Burning Equipment* (Yuma County), and

13. Regulation 8–1–3.6(B), *Process Industries* (Yuma County), should be disapproved because the methods of analysis listed may vary appreciably in the amounts of particulate emissions measured, depending on the method used, therefore making the regulations unenforceable.

14. Regulation 8–1–4.2, *Fuel Burning Installations* (Yuma County), should be disapproved because no demonstration was made to show that the use of high sulfur oil would not interfere with attainment or maintenance of the National Ambient Air Quality Standards.

15. Regulation 8–1–7.1, *Fuel Burning Equipment* (Yuma County), should be disapproved because it contains two different emission limitations for solid fossil fuel, and none for liquid fossil fuel, in violation of 40 CFR 60.44, the new source performance standards for nitrogen oxides emissions from fossil fuel fired steam generators.

16. Regulation 7–1–1.3(C), *Air Pollution Prohibited*, (Pinal-Gila Counties), should be disapproved because it allows violations of ambient air quality standards to occur within the boundaries of an operation. Wherever the public has access, either inside or outside the boundaries of an operation, the areas must be protected pursuant to the provisions of the Clean Air Act.

17. Regulation 7–1–2.8, *Exceptions* (Pinal-Gila Counties) should be disapproved because it is too broad and makes all of the emission limitations set forth in the regulation potentially unenforceable.

18. Regulation 7–1–5.1(D), *Confidentiality of Records*, (Pinal-Gila Counties) should be disapproved because it does not provide for public access to emission data as required by Section 114(c) of the Clean Air Act.

19. Regulation 7–3–1.1, *Visible Emissions: General* (Pinal-Gila Counties), should be disapproved because it sets a limitation on visible emissions of No. 2 on the Ringelmann Chart or 40 percent opacity. EPA has determined that that Ringelmann No. 1 or 20 percent opacity is the appropriate visible emission limitation except for brief periods of soot-blowing and start-up conditions.

20. Regulation 7–3–1.4(C), *Incineration* (Pinal-Gila Counties), and

21. Regulation 7–3–1.7(F), *Fuel Burning Equipment* (Pinal-Gila Counties), should be disapproved because the methods of analysis listed may vary appreciably in the amounts of particulate emissions measured depending on the method used, therefore making the regulations unenforceable.

22. Regulation 12–3–1, *Ambient Air Quality Standards* (Coconino County), and

23. Section 6, Regulation, 4 *Anti-Degradation* (Mohave County), and

24. Regulation 8–1–2.8, *Anti-Degradation* (Yuma County), and

25. Regulation 7–2–1.8, *Anti-Degradation* (Pinal-Gila Counties), should be approved. However, the State plan should be disapproved in part because the State has failed to submit specific regulations to prevent air quality degradation in accordance with the intent of Section 101 (b) (1) of the Clean Air Act. Substitute rules have been promulgated in 40 CFR 52.144 for the State of Arizona.

26. Regulation 12–3–3, *Reporting of Emissions* (Coconino County), and

27. Regulation 12–3–5, *Monitoring Devices* (Coconino County), and

28. Regulation 8–1–1.4, *Recordkeeping and Reporting* (Yuma County), and

29. Regulation 7–1–2.6, *Recordkeeping and Reporting* (Pinal-Gila Counties), and

30. Regulation 7–1–5.1 (A, B & C), *Classification and Reporting: Production of Records* (Pinal-Gila Counties), should be approved. However, the State plan should be disapproved in part because as of the most recent plan revision submitted (February 1977) the State has failed to include regulations to satisfy the EPA continuous monitoring requirements, 40 CFR 51.19(e) (October 6, 1975).

31. Regulation 12–2–1, *Installation Permits* (Coconino County); Regulation 12–2–3, *Permit Applications* (Coconino County); Regulation 12–2–6, *Denial of Permits* (Coconino County); Regulation 12–7–4, *Conditional Permits* (Coconino County); Section 3, Regulation 4, *Sulfur from Primary Copper Smelters* (Mohave County); Regulation 8–1–4.1, *Copper Smelter* (Yuma County); Regulation 7–1–2.1, *Permits: Exceptions: Applications: Fees* (Pinal-Gila Counties); Regulation 7–1–2.3, *Grant or Denial of Applications* (Pinal-Gila Counties); Regulation 7–1–3.1, *Conditional Permit: Standards* (Pinal-Gila Counties); Regulation 7–1–3.2, *Petition for Conditional Permit* (Pinal-Gila Counties); Regulation 7–1–3.3, *Terms of Conditional Permit* (Pinal-Gila Counties); Regulation 7–1–3.4, *Suspension and Revocation of Conditional Permit* (Pinal-Gila Counties); and Regulation 7–3–2.1, *Copper Smelters* (Pinal-Gila Counties), will be addressed in separate FEDERAL REGISTER actions.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 1857c–5 and 1857g(a), respectively).)

Dated: July 1, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.71–20174 Filed 7–13–77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[41 CFR Part 5B–2]

PROCUREMENT BY FORMAL ADVERTISING

Solicitation of Bids; Elimination of the Requirement for Bidders To Include a Listing of Subcontractors as Part of Their Bids; Extension of Comment Period

AGENCY: General Services Administration.

ACTION: Extension of Comment Period.

SUMMARY: This notice extends the period for comments on the proposed rule published June 1, 1977 (42 FR 27966), regarding deletion of the listing of subcontractors requirement. GSA has decided that a reasonable extension of the comment closing of two months from the existing (July 1, 1977) date is necessary. This notice is intended to inform the public of the extended comment period.

DATES: Comments must be received on or before September 1, 1977.

ADDRESSES: Comments should be addressed to the General Services Administration (PCC), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. T. L. Dunn, Director, Contract Systems Division, Office of Construction Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202–566–1860.

SUPPLEMENTARY INFORMATION: The authority for the Commissioner, Public Buildings Service, to issue these regulations is contained in section 205 (c), 63 Stat. 390; 40 U.S.C. 486(c).

Dated: July 1, 1977.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[FR Doc.77–20214 Filed 7–13–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF OIL AND GAS LEASES

Suspensions and the Five-Year Term

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposal clarifies the manner in which the term of an OCS oil and gas lease runs when the lease is subject to a suspension ordered under 30 CFR 250.12.

DATE: Comments are due on or before August 15, 1977.

ADDRESSES: Comments should be mailed to:

Director (210), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Lawrence G. McBride, Office of the Solicitor, Division of Energy Resources, Department of the Interior, Washington, D.C. 20240, 202–343–4803.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Lawrence G. McBride, Office of the Solicitor, Department of the Interior.

This proposal will apply, if adopted, to all OCS oil and gas leases issued subsequent to its promulgation.

By a notice published today in conjunction with this notice, the Department proposes to amend Geological Survey's OCS oil and gas lease operating regulations to provide the procedures to be followed in the case of some emergency suspensions. This proposal amends the lease term regulation and the regulation providing for lease extension in the case of suspension to incorporate the manner in which the lease term is affected by the proposed 30 CFR 250.12 (c) (2) emergency suspension provision.

The rationale and workings of the new emergency suspension provision are set out in the accompanying notice. These proposed amendments assure that a lease is extended by the period of time such a suspension is in effect, and that the lease term begins to run again when a suspension is terminated, with or without a resumption of operations.

This proposal, in conjunction with the amendments proposed to 30 CFR Part 250 today, establishes the manner in which the five-year term of an Outer Continental Shelf (OCS) oil and gas lease runs when an emergency suspension of operations is ordered. This proposal, in conjunction with the proposed 30 CFR 250.12(c), defines the property rights granted with OCS leases issued subsequent to its promulgation in the case of an emergency suspension of operations. It provides the manner in which hazard causing an emergency suspension will be studied and mitigating measures established, and it provides that if mitigating measures cannot provide ade-

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quate protection from significant irreparable damage, the Secretary may terminate an emergency suspension without authorizing operations.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 11821 and OMB Circular A-107.

It is hereby determined that publication of this proposed rulemaking is not a major Federal action significantly effecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c) is required.

Under the authority of the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. 1331 et seq.), it is proposed to amend Subparts 3302 and 3305a of Part 3300, Group 3300, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below.

1. Subpart 3302 is amended to read as follows:

Subpart 3302—Issuance of Leases

* * * * * *

§ 3302.2 Term.

(a) All oil and gas leases shall be issued for a term of 5 years and so long thereafter as oil or gas may be produced from the leasehold in paying quantities, or drilling or well reworking operations, as approved by the Secretary under § 3305a.1 are conducted thereon. The term of an oil and gas lease is subject to the conditions in 30 CFR 250.12 (c) and (d)(1) for suspensions, including emergency suspensions and the termination thereof, and the conditions in 43 CFR 3305a.4.

* * * * * *

2. Subpart 3305a is amended to read as follows:

Subpart 3305a—Extension of Leases

* * * * * *

§ 3305a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12(c) or (d)(1), the regional oil and gas supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12 (c) or (d)(1) the supervisor orders or approves the suspension of either operations or production, or both, with respect to any lease extended beyond its primary term, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

CECIL D. ANDRUS,
Secretary of the Interior.

JULY 8, 1977.

[FR Doc.77-20190 Filed 7-13-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

[45 CFR Part 614]

GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

AGENCY: National Science Board.

ACTION: Proposed amendment to the regulations.

SUMMARY: The National Science Board is proposing an amendment to its regulations under the Government in the Sunshine Act. When a formal request is made to inspect or copy the transcript or recording of a session of the Board closed under that Act, the Agency must determine which portions of the transcript or recording will be released and which, if any, will be withheld under the Sunshine Act exemptions. The regulations now provide a special procedure for making such a determination. The proposed amendment would eliminate the special procedure and instead apply the same procedures already employed when requests for other documents are received under the Freedom of Information Act. As required by the Sunshine Act, however, the exemptions of that Act, not the exemptions of the Freedom of Information Act, will continue to be applied in determining which portions of a closed session transcript may be withheld.

DATE: Comments must be received on or before August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Snider, Assistant to the General Counsel, National Science Foundation, Washington, D.C. 20550 (202-634-4269).

Accordingly, the National Science Board proposes to amend 45 CFR 614.4 to read as follows:

§ 614.4 Opening of transcript or recording.

(a) Except as otherwise provided in this section, the transcript or electronic recording of every portion of every meeting closed to the public will promptly be made available on request to any member of the public in an easily accessible place.

(b) Informal requests to inspect or copy the transcript or electronic recording of a closed session may be made to the staff of the National Science Board and will be handled informally and expeditiously. Written requests to inspect or copy such a transcript or recording that cite the Freedom of Information Act or the Sunshine Act will be treated as formal requests made under the Freedom of Information Act. They will be handled under the Foundation's Freedom of Information procedures described in 45 CFR Part 612. The exemptions of these Sunshine Act regulations, 45 CFR Part 614.2, will govern, however, in determining what portions of the transcript or recording may be withheld.

(c) A request to inspect or copy a transcript or electronic recording should specify the date of the meeting and the agenda item or items to which the request pertains. It should contain a promise to pay the costs of any duplication requested.

(d) No search or transcription fees will be charged. Duplication fees may be charged as provided in 45 CFR 612.6.

NORMAN HACKERMAN,
Chairman,
National Science Board.

JULY 6, 1977.

[FR Doc.77-20211 Filed 7-13-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

PROPOSED LAND MANAGEMENT PLAN ELK RIVER PLANNING UNIT;

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Proposed Land Management Plan for the Elk River Planning Unit, Forest Service Report Number USDA-FS-R1(05)-FES-ADM-R1-76-21.

The environmental statement concerns a proposed Land Management Plan for the Elk River Planning Unit, Palouse Ranger District, St. Joe National Forest.

This final environmental statement was transmitted to CEQ on July 8, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59807.
USDA Forest Service, Clearwater National Forest, Route No. 4, Ahsahka Road, Orofino, ID 83544.

A limited number of single copies are available upon request to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Route 4, Ahsahka Road, Orofino, ID 83544.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

JULY 8, 1977.

[FR Doc.77-20235 Filed 7-13-77;8:45 am]

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 8 a.m. on August 29, 1977 through the afternoon of August 30, 1977, at Stouffers Denver Inn, Suite 911, 3203 Quebec Street, Denver, Colorado.

The purpose of this meeting will be to continue reviewing present planning processes and planning alternatives.

The meeting will be open to the public. Persons who wish to attend should notify Charles R. Hartgraves, Forest Service, area code 202-447-5933. Written statements may be filed with the Committee before or after the meeting.

Dated: July 8, 1977.

J. W. DEINEMA,
Deputy Chief.

[FR Doc.77-20251 Filed 7-13-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 77-7-24; Docket No. 31043]

AMERICAN AIRLINES, INC., EASTERN AIR LINES, INC.

Proposed U.S. Mainland-Puerto Rico/Virgin Islands Fare Increase; Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of July, 1977.

By tariff revisions[1] marked to become effective July 11 and July 25, 1977, Eastern Air Lines, Inc. (Eastern) and American Airlines Inc., (American), respectively, propose to increase promotional fares in the U.S. Mainland-Puerto Rico/Virgin Islands market by three percent. In justification, the carriers assert that they are simply adjusting their discount fares consistently with the increase in normal fares permitted to take effect by Order 77-5-63, May 13, 1977.

The Commonwealth of Puerto Rico has filed a complaint against Eastern's proposal, specifically against the timing of the increase. The complainant expresses concern over the impact on travel agents who have already invested substantial promotional funds on the basis of existing fare levels, and states that approval of the request will seriously jeopardize the success of Puerto Rico's summer tourist season.

In answer, Eastern states that the complaint, centers primarily on the timing of the proposal rather than the reasonableness of the increases *per se*. Eastern points out that this objection has effectively been satisfied by postponement of the travel-effective date to October 15. Eastern further cites the fact that the Board's present methodology "normalizes" discount-fare revenues, and has no impact on the calculation of return on investment.

Upon consideration of the filings, the complaint, and answer, and all other relevant matters, the Board concludes that the complaint does not set forth sufficient facts to warrant investigation, and consequently the request for suspension will be denied and the complaint dismissed.

[1] Revisions to American Airlines, Inc. Tariff No. 244 and Eastern Air Lines, Inc., Tariff No. 448.

As Eastern observes, the essential objection posed by the complaint has been resolved by postponement of the travel-effective date until after the summer season. Moreover, the Board recently determined that a three-percent increase in normal fares was necessary to offset cost inflation, and we see no basis to preclude a similar increase in discount fares since inflation equally affects the carriers' cost of carrying discount-fare passengers.[2]

[2] In fact, it should be noted that, in Order 77-5-63, the Board specifically questioned the logic of not increasing discount fares at the time normal fares are increased due to a revenue deficiency.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a), 403, 404, and 1002 thereof, *it is ordered*, That: 1. The complaint in Docket 31043 is dismissed;

2. A copy of this order be served upon American Airlines, Inc., Eastern Airlines, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All Members concurred.

[FR Doc.77-20256 Filed 7-13-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on August 2, 1977, at 1:30 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

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A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: July 12, 1977.

ARTHUR GAREL,
Director, Office of Textiles.

[FR Doc.77–20344 Filed 7–13–77;8:45 am]

Economic Development Administration

LATIN WATCH CASE CO., INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Latin Watch Case Company, Inc., 10–10 44th Avenue, Long Island City, New York 11101, a producer of watch cases, was accepted for filing on July 6, 1977, pursuant to Section 251 of the trade Act of 1974 (Pub. L. 93–618 and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77–20236 Filed 7–13–77;8:45 am]

National Oceanic and Atmospheric Administration

GENERAL PERMIT

Receipt of Application

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

V.E.B. Fischkombinat, Rostock, German Democratic Republic, has applied for a general permit, Category 1, "Towed or Dragged Gear."

Copies of the application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Interested parties may submit written views on this application on or before August 15, 1977, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: July 8, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–20287 Filed 7–13–77;8:45 am]

PUBLIC DISPLAY PERMIT

Receipt of Application

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mr. John H. Slater, 3054 Gordon Drive, Naples, Florida 33950, requests to take two (2) bottlenosed dolphins (*Tursiops trancatus*); two (2) harbor seals (*Phoca vitulina*); and two (2) California sea lions (*Zalophus californianus*) for public display.

The dolphins will be captured by a professional collector off the coasts of Florida with a seine net. The sea lions will either be captured by a professional collector on or near Santa Cruz or San Niguel Islands off Santa Barbara, California with a hoop net on land or with a modified gill net in the water, or taken from beached/stranded animals available at various authorized holding facilities. The harbor seals will be obtained from the New England Aquarium. The animals will be shipped to the Applicant's facilities by private truck and commercial aircraft.

At the Applicant's facility the animals will be held in a pool 95 feet by 40 feet, with depths ranging from 5 feet to 7½ feet deep, additionally, rocky out-crops and a holding pool are provided for the animals.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 15, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: July 11, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–20288 Filed 7–13–77;8:45 am]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND ITS ADVISORY PANEL

Meetings Cancelled

Notice is hereby given of a cancellation of the meeting of the North Pacific Fishery Management Council's Scientific and Statistical Committee and its Advisory Panel scheduled for July 27, 1977, from 8:30 a.m. to 5 p.m., in the Post Office Mall Building, Suite 32, located at 333 West 4th Street, Anchorage, Alaska. The notice of these meetings was published in the FEDERAL REGISTER on May 27, 1977, Volume 42, Number 103.

Also, notice is hereby given of a cancellation of the meeting of the North Pacific Fishery Management Council and its Advisory Panel scheduled for July 28–29, 1977, from 8:30 a.m. to 4:30 p.m., in the Hill Building in Rooms 808 and 809, located at 632 6th Avenue, Anchorage, Alaska. The notice of these meetings was published in the FEDERAL REGISTER on July 6, 1977, Volume 42 Number 129.

Dated: July 11, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–20230 Filed 7–13–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 737–2]

IMPORTATION OF PRODUCTS UNDER THE NOISE CONTROL ACT

Intent To Develop Rulemaking

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to develop rulemaking.

SUMMARY: The Administrator will be consulting with the Secretary of the Treasury so that the Customs Service may develop regulations to prevent the importation of non-complying products regulated under the Noise Control Act. To complement the Customs Service regulations, EPA will be developing regulations to carry out its enforcement responsibilities.

FOR FURTHER INFORMATION CONTACT:

U.S. Environmental Protection Agency, Noise Enforcement Division, EN–387, Washington, D.C. 20460. Attn: Richard G. Kozlowski, Director, Telephone: 202–557–7470.

SUPPLEMENTAL INFORMATION: The Noise Control Act of 1972, Pub. Law 92–574 (the "Act") mandates that the Administrator develop regulations to control the sound level of identified major sources of noise (section 6) and develop regulations for the labeling of other new products (section 8). The first of the regulations under section 6 will take effect on January 1, 1978, with standards set for medium and heavy duty trucks (April 13, 1976, 41 CFR 15538) and for portable air compressors of a rated capacity of less than or equal to 250 cfm (January 14, 1976, 41 FR 2162). A second standard for air compressors of a rated capacity of greater than 250 cfm will take effect on July 1, 1978 (January 14, 1976, 41 FR 2162). Other products which may be regulated under section 6 have been identified by the Agency. These include: Buses, Truck Transport Refrigeration Units, Truck Mounted Solid Waste Compactors, Motorcycles, and Wheel and Crawler Tractors all identified on May 28, 1975 (40 FR 23105); Lawnmowers, identified on January 12, 1977 (42 FR 2525); and Paving Breakers and Rock Drills, identified February 3, 1977 (42 FR 6722). Other products will be identified in the future. Section 8 regulations for the purpose of informational labeling are expected in the near future.

Section 9 of the Act provides that the Secretary of the Treasury shall, in consultation with the Administrator of EPA, issue regulations to carry out the provisions of the Act with respect to new products imported or offered for importation. Under section 10(a)(5), the importation into the United States by any person of any new product in violation of a section 9 regulation is prohibited and subject to EPA enforcement action under section 11.

In order to implement EPA's section 11 enforcement responsibilities, the Administrator intends to propose enforcement regulations to complement the importation regulations which the Customs Service will develop under section 9. The purpose of this notice is to advise Federal, State and local government agencies, original manufacturers and importers for resale of new products identified for regulation or possible regulation under the Noise Control Act, consumer and public interest groups, and other interested persons that the Agency intends to propose these complementary regulations. Richard G. Kozlowski, Director, Noise Enforcement Division, EN–387, U.S. Environmental Protection Agency, Washington, D.C. 20460, has been designated to collect and develop any relevant information and data.

Dated: June 29, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77–20167 Filed 7–13–77;8:45 am]

[PP 2G1249/T117; FRL 761–3]

PESTICIDE PROGRAMS

Renewal of Temporary Tolerances; Thiophanate-methyl)

On May 6, 1976, the Environmental Protection Agency (EPA) announced (41 FR 18707) a renewal of temporary tolerances for combined residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phanylene) bis (iminocarbonoethioyl)]bis [carbamate]) and its metabolite methyl 2-benzimidazolecarbamate (calculated as the parent compound) in or raw agricultural commodities as follows:

15 parts per million (ppm) resulting from preharvest and/or postharvest application in or on apricots, cherries, nectarines, peaches, and plums (fresh prunes);

7 ppm in or on apples (intended for the fresh-fruit market only);

5 ppm resulting from preharvest application in or on strawberries.

These tolerances were established (40 FR 17314) in response to a pesticide petition (PP 2G1249) submitted by Pennwalt Corp., P.O. Box 1297, Tacoma, WA 98401. This renewal expired April 29, 1977.

Pennwalt Corp. requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the use permit.

2. Pennwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expires May 11, 1978. Residues not in excess 15 ppm in or on apricots, cherries, nectarines, peaches, and plums (fresh prunes); 7 ppm in or on apples; and 5 ppm in or on strawberries after this expiration date will not be considered actionable if the pesticide is legally applied during the terms of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the expirmental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Section, Registration Division (WH–567), Office of Pesticide Programs, Room 315, East Tower, 401 M St. SW., Washington, D.C. 20460 (202/755–4851).

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: July 6, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77–20168 Filed 7–13–77;8:45 am]

[FRL 761–4; PP6G1769 T121]

PESTICIDE PROGRAMS

Extension and Establishment of Temporary Tolerances; 3-Phenoxyphenyl (±) cis-trans-3-(2,2-dichloroethenyl)-2,2 - dimethylcyclopropanecarboxylate

On October 19, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 46020) that in response to a pesticide petition (PP 6G1769) submitted to the Agency by FMC Corp., 100 Niagara St., Middleport, N.Y. 14105, a temporary tolerance was established for residues of the insecticide 3-phenoxyphenyl methyl (±) *cis-trans*-3-(2,2-dichloroethenyl) - 2,2 - dimethylcyclopropanecarboxylate in or on the raw agricultural commodity cottonseed at 0.2

part per million (ppm). This temporary tolerance expired June 3, 1977.

[FRL 760–6; OPP–42048]

in conjunction with maintenance of the

All applicants for certification as pri-

tificate issued will limit the use of re-

gories of certification within a five-year

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part per million (ppm). This temporary tolerance expired June 3, 1977.

FMC Corp. requested that the tolerance be increased from 0.2 ppm to 0.5 ppm and extended for one year. The firm also requested that temporary tolerances be established for residues of the subject pesticide in the meat, fat, and meat byproducts of cattle, horses, and sheep at 0.25 ppm and milk at 0.06 ppm. The one-year extension of the increased tolerance and establishment of the new temporary tolerances is to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension and establishment of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been extended on cottonseed at 0.5 ppm and established in the meat, fat, and meat byproducts of cattle, horses, and sheep at 0.25 ppm and milk at 0.06 ppm on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. FMC Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 24, 1978. Residues not in excess of 0.5 ppm remaining in or on cottonseed; 0.25 ppm in the meat, fat, and meat byproducts of cattle, horses, and sheep; and 0.06 ppm in milk after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registration Section, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW, Washington DC 20460 (202-755-4851).

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: July 6, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-20169 Filed 7-13-77;8:45 am]

[FRL 760-6; OPP-42048]

CONNECTICUT

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Ella Grasso, Governor of the State of Connecticut, submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region I, to grant approval of this plan on a contingency basis pending the enactment of statutory changes and the adoption of additional regulations, both of which are needed to implement applicator certification under the FIFRA, as amended. The statutory changes proposed, Appendix N of the Plan, have been acted upon by the Connecticut legislature. EPA must review the newly enacted legislation and Connecticut must revise and update existing regulations to meet FIFRA requirements before plan approval can be granted.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations) may be examined during normal business hours at the following locations:

State of Connecticut, Department of Environmental Protection, Pesticide Compliance, 122 Washington Street, Hartford, Connecticut 06115.
Room 2113, JFK Federal Building, Government Center, Boston, Massachusetts 02203.
Room 401, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.
Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, (202) 755-4854

SUMMARY OF CONNECTICUT STATE PLAN

The Connecticut Department of Environmental Protection (CDEP) has been designated the State Lead Agency for the administration of the Pesticide Applicator Certification program including enforcement activities, and the Office of Pesticide Compliance of the CDEP will be responsible for implementation of the plan. Other responsibilities of this agency include coordination of training and certification activities, licensing of pesticide dealers, issuance of special permits for use of pesticides further restricted by the State and the coordination of field, laboratory and office activities relating to pesticides regulation.

Two cooperating agencies designated in the plan are the Connecticut Extension Service (CES) of the University of Connecticut and the Connecticut Tree Protection Examining Board (CTPEB).

The CES and CDEP will be jointly responsible for the organization and operation of specific portions of the pesticide applicator training program offered prior to certification and for training offered in conjunction with maintenance of the State Plan. The CTPEB administers examinations required for certification of "custom tree workers" (arborists).

Legal authority for the regulation of pesticides and their use in Connecticut is contained in the following statutes and regulations: The Connecticut Pesticide Control Act, Conn. Gen. Stat. Ann., Secs. 22a-46 et seq. (1975); The Connecticut Custom Tree Work Law, Conn. Gen. Stat. Ann., Secs. 23-61(a)-(f) (1975); and Public Health Code, Secs. 19-13-E9, 19-300(B)-2, 19-300p, 22-9-50(1)-(9), 23-619-(1)-(8). The plan indicates that the State Lead Agency and cooperating agencies have qualified personnel and funds necessary to carry out the proposed certification program. The funding for support of the lead agency in the amount of $57,986 was appropriated for the fiscal year through June 30, 1977. Additional funding is to be requested to more adequately carry out enforcement aspects of the program outlined. Connecticut estimates 2,011 commercial applicators and 2,000 private applicators will need to be certified to use restricted use pesticides. A certificate for private class and the supervisory level commercial class applicators certificate, indicating category/subcategories authorized will be issued. The certificate issued will also indicate any appropriate restriction placed on the applicator and will be used to identify a certified applicator to pesticide dealers and authorize purchase of restricted use pesticides. The Connecticut Plan indicates the State will promulgate any additional rules and regulations, as required for implementation of legislation enacted to meet requirements of 40 CFR 171.

The Connecticut Department of Environmental Protection agrees to furnish the Administrator a detailed annual report by August 1 of each year and will provide other reports as requested in conformity to 40 CFR 171.7(d).

Connecticut intends to adopt all ten categories of commercial applicators as listed in 40 CFR 171.3 and, in addition, requests permission to add an eleventh category to be designated Aerial Pest Control Connecticut feels the addition of a category for aerial pest control is necessary after careful consideration of potential large-scale economic, environmental and health related problems that might result from misuse or other calamity situations resulting from aerial application of restricted use pesticides.

Subcategories of commercial applicators proposed in the State Plan are as follows:

3. Ornamental and Turf Pest Control
a. Custom Tree (Arborist)
b. Custom Grounds
c. Greenskeepers (Golf Course Superintendents)
7. Industrial, Institutional, Structural and Health Related Pest Control
a. General Pest
b. Termite and Wood Destroying Organisms
c. Fumigation
d. Rodent and Bird
e. Mosquito and Biting Flies

All applicants for certification as private or commercial class applicators will be required to pass a written examination based upon standards outlined in 40 CFR Part 171. Aerial applicators desiring certification and supervisors of operational level aerial applicators must be determined to be competent to meet specific standards described for in the category Aerial Pest Control and for each category of intended operation.

Private applicators will be given a written examination consisting of 90 questions that cover general standards, label information, State and Federal laws, and a knowledge of pests and pesticide use practices applicable to a specialized commodity area. An applicant must correctly answer 75 percent of the questions to become certified. Applicants for certification as commercial applicators (supervisory level) will be given written examinations for the general standards requirement containing 40 or more questions and also category or subcategory specific examination(s) containing 10 or more additional questions. Applicants for certification as commercial applicators must answer 75 percent of the examination questions correctly and pass an oral examination to meet certification requirements. In 1975, CDEP began a reexamination for the relicensing of commercial applicators and examination for the initial licensing of private applicators as required by the Connecticut legislation as amended to meet Federal requirements. In recognition of this earlier affort, Connecticut has requested that applicators who have been determined to be competent to meet State licensing requirements since 1975 be considered by EPA to have demonstrated competency to meet the certification standards of 40 CFR Part 171. In making this request, CDEP has invited EPA officials to make an onsite inspection and to review any examinations held on file by CTPEB and CDEP. EPA agrees affirmatively to consider this request and will accept the CDEP invitation to conduct an onsite review of past examinations to assure these meet requirements of 40 CFR Part 171.

Core level training conducted is offered at designated locations prior to examination of applicants preparing to qualify as private or commercial class applicators. In addition to general pesticide use information, training will also be offered in commodity areas or category and subcategory specific areas to meet specific use area needs.

Connecticut requires that private applicators must be able to read the label and answers questions concerning information contained in the label on a case-by-case basis as provided in 40 CFR 171.5 (b). A Lead Agency representative will individually examine applicants orally who have difficulty comprehending written examinations to determine competency to meet standards of 40 CFR 171.5 and 171.6. Examination records of applicants determined by oral examination to be competent as private applicators will be placed on file in the DEP and the certificate issued will limit the use of restricted use pesticides to those products, sites of application and use patterns for which competency was determined.

A copy or a representative sample of the private applicator and commercial applicator-general standards examinations have been submitted with the plan for review. Some of the specific standards examinations to be used for commercial applicators have not been submitted but will be submitted to EPA for review before the plan is approved. To preserve the confidentiality of the examination, the State of Connecticut has requested they not be made available for public inspection. EPA agrees with this request and has removed the examinations from public inspection copies of the plan.

Regulations provide for assessment of fees for administration of examinations and issuance of applicator certification. The fee for the initial examination is $5.00 and $10.00 for private and commercial class applicators, respectively. Fees for issuance of certificates to private and commercial applicators, valid for 5 years from issuance, are $5.00 and $20.00, respectively.

The Connecticut State Plan indicates that within sixty (60) days of the approval of the Government Agency Plan (GAP) by EPA, Connecticut will submit a statement in accordance with 40 CFR 171.7(e)(4)(i). Until the GAP is formalized, Federal employees may take the same examination required of a commercial applicator for certification. Connecticut has no Indian Governing Body subject to jurisdiction of the United States.

Connecticut DEP has authority to consider reciprocity with other States and copies of such agreements will be furnished EPA. No recognized formal agreement on reciprocity with other States involving pesticide applicator certification is indicated in the plan.

Other regulatory authorities useful to implementation of the plan include further restriction or limitation on pesticide uses, requirement for licensing of dealers distributing restricted use pesticides, licensing of nonsupervisory commercial applicators, monitoring, inspection, and sampling as well as the regulation of storage and disposal.

Maintenance of the State Plan will be carried out in two general areas. CDEP inspections will conduct spot checks of dealers, applicators and field operation to determine compliance with certification and pesticide use requirements. Additional regulations pertaining to enforcement activities are yet to be promulgated.

To assure maintenance of a high level of competency among certified commercial and private applicators, additional training, approved by CDEP will be offered on a timely basis. After an applicator has been certified for five years, the requirements for recertification may be met by one of two options. Attendance and active participation in a Lead Agency approved training program special to the applicant's class and categories of certification within a five-year period or successful passage of an examination is required for certification.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Connecticut to the Chief, Pesticides Branch, Region I, Environmental Protection Agency, Room 2113, JFK Federal Building, Boston, Massachusetts 02203. The comments must be received on or before August 15, 1977, and should bear the identifying notation (OPP-42048). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: June 17, 1977.

ROBERT C. THOMPSON,
Acting Regional Administrator,
Region I.

[FR Doc.77-20175 Filed 7-13-77;8:45 am]

[FRL 761-7]

PREVENTION OF SIGNIFICANT DETERIORATION

Delegation of Authority to the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Informational Notice.

SUMMARY: Section 301 in conjunction with Sections 101 and 110 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Air Quality Deterioration (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. The Tennessee Division of Air Polution Control submitted to the EPA Regional Office a request for relinquishment of responsibility to implement the administrative and technical portions of PSD. After a thorough review of the request and information submitted, the Regional Administrator has determined that delegation is appropriate for the source categories and conditions set forth in the letter below.

EFFECTIVE DATE: March 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Helms, Chief Air Programs Branch, EPA—Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30308

SUPPLEMENTARY INFORMATION: During discussions held in the spring of 1975 with regard to the fiscal 1976 program plan, EPA furnished to the State of Tennessee information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for PSD. On March 22, 1976, and June 30, 1976, Mr. Harold Hodges, Director, Tennessee Division of Air Pollution Control, submitted to the EPA Regional Office a request for relinquishment of responsibility to implement the administrative and technical

portions of PSD. After a thorough review of the request and information submitted, the Regional Administrator has determined that delegation is appropriate for the source categories and conditions set forth in the letter below.

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close of business one business day pre-

21633-CD-F-(2)-77 Radiotelephone Communications of Puerto Rico Inc. (KWA311),

21640-CD-P-77 David R. Williams d.b.a. Industrial Communications (KWH302), C.P.

portions of PSD. After a thorough review of the request and information submitted, the Regional Administrator has determined that for the source categories set forth in the following official letter to the Director of the Tennessee Division of Air Pollution Control, delegation is appropriate subject to the conditions set forth therein:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Atlanta, Ga., March 30, 1977.

Mr. HAROLD E. HODGES, P.E.,
Director, Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tenn.

Dear Mr. HODGES: This is in response to your letters of March 22, 1976, and June 30, 1976, requesting responsibility for implementation of the technical and administrative portions of the Prevention of Significant Air Quality Deterioration (PSD) program.

We have reviewed the procedures for new source review of the State of Tennessee and have determined that they provide an adequate and effective procedure for the implementation of the technical and administrative portions of the PSD program by the State of Tennessee. Therefore, pursuant to 40 CFR 52.01 and 52.21 (1976), we hereby relinquish our primary responsibility for the technical and administrative portions of the Federal PSD program, as described in 40 CFR 52.21 (d) and (e) to the State of Tennessee as follows:

A. Responsibility for all sources located in the State of Tennessee subject to review for the prevention of significant air quality deterioration promulgated in 40 CFR 52.21 (d) and (e) of the date of this letter. The categories of new sources covered by the delegation are: fossil-fuel steam electric plants of more than 1000 million Btu per hour heat input; coal cleaning plans; kraft pulp mills; portland cement plants; primary zinc smelters; iron and steel mills; primary aluminum ore reduction plans; primary copper smelters; municipal incinerators capable of charging more than 250 tons of refuse per 24-hour day; sulfuric acid plants; petroleum refineries; lime plants; phosphate rock processing plants; by-product coke oven batteries; sulfur recovery plants; carbon black plants (furnace process); primary lead smelters; fuel conversion plants; and ferroalloy production facilities.

B. EPA does not relinquish its responsibility under 40 CFR 52.21(e)(v) to take final action on an application, nor does EPA relinquish its responsibility to take enforcement action under 40 CFR 52.21(e)(vi)(2).

C. This relinquishment is based upon the following conditions:

1. Quarterly reports containing pertinent information relating to the status of sources subject to 40 CFR 52.21 (or other reports as required by the Regional Administrator) will be submitted to EPA by the State of Tennessee as part of the existing quarterly reports normally submitted to EPA through program plan reporting.

2. Upon approval of the Regional Administrator of Region IV, the Director of the Division of Air Pollution Control may delegate his responsibility to implement the technical and administrative portions of PSD to local air pollution control authorities in the State when such authorities have demonstrated to the State's and EPA's satisfaction that they have equivalent or more stringent programs in force.

3. Acceptance of this responsibility of presently promulgated PSD regulations does not commit the State of Tennessee to request or accept responsibility for other existing or future standards and requirements.

4. This technical and administrative responsibility relinquished to the State of Tennessee does not include the responsibility to implement PSD for sources owned or operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR 52.21.

5. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR 52.01 and 52.21), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to implement a Federal regulation that is more stringent than the applicable State regulation, the pertinent portion of the responsibility may be revoked.

6. If the Regional Administrator determines that the State procedure for implementing the technical and administrative portions of PSD is inadequate, or is not being effectively carried out, this responsibility may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Division of Air Pollution Control.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

a. Each agency is informed of the current compliance status of subject sources in the State of Tennessee;

b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR 52.01 and 52.21 (including unique questions of applicability of the standards, and all Best Available Control Technology (BACT) determinations for emission points not covered by Federal New Source Performance Standards (40 CFR Part 60)).

c. PSD reviews (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this relinquishment of responsibility shall be completed by EPA

A notice announcing this action will be published in the *Federal Register* in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to PSD by sources located in the State of Tennessee should be submitted to the Tennessee Division of Air Pollution Control, 256 Capitol Hill Building, Nashville, Tennessee 37219. Any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to the State agency.

Since this action is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,

JOHN A. LITTLE,
Acting Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Director of the Tennessee Division of Air Pollution Control on March 20, 1977, that authority to implement the administrative and technical portions of the PSD regulations were relinquished to the State of Tennessee.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV Office, 345 Courtland Street, NE., Atlanta, Georgia 30308.

Effective immediately, all reports required pursuant to PSD regulations should not be submitted to the EPA Region IV Office, but instead should be submitted to the State agency at the following address:

Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219

Application for PSD review in process at the time of this delegation shall be processed through to completion by the EPA Region IV Office.

This Notice is issued under the authority of Sections 101, 110, and 301 of the Clean Air Act, as amended, 42 U.S.C., 1857, 1857c-5, and 1857g.

Dated: July 5, 1977.

JOHN A. LITTLE,
Acting Regional Administrator.

[FR Doc.77-20299 Filed 7-13-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 865]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JULY 5, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21621-CD-MP-77 Area-Wide Paging System, Inc. (KWU446), Modification of CP to relocate facilities operating on 158.70 MHz to be located at Terminal Tower Building, Cleveland, Ohio.

21622-CD-P-(6)-77 Radio Telephone Service, Inc. (KIY761), C.P. to change antenna system, relocate facilities operating on 152.09, 152.15, and 152.21 MHz and for additional facilities to operate on 152.18, 454.250, and 454.325 MHz to be located at WKYT-TV tower on north side of U.S. 60, 2.8 miles East of New Circle Road, Lexington, Kentucky, Loc. No. 1.

21623-CD-P-77 Harry L. Parker, d.b.a. Parker Electronics (KUC855), C.P. to replace transmitter and relocate facilities operating on 158.70 MHz to be located at 619 Front Street, Georgetown, South Caroline.

21624-CD-MP-77 Phone Depots, Inc., d.b.a. Mobilfone Radio System KAD509), C.P. for additional facilities to operate on 152.24 MHz at a new site described as Loc. No. 5: North Tower, World Trade Center, New York, New York.

21625-CD-P-77 Metrotec, Inc. (KTS283), C.P. for additional facilities to operate on 35.22 MHz to be located at a new site described as Loc. No. 7: East Gate Shopping Center, Mayfield Heights, Ohio.

21626-CD-P-77 Business Communications, Inc., d.b.a. New Orleans Mobilfone (KLF617), C.P. for additional facilities to operate on 35.58 MHz at 700 Poydras Street, New Orleans, Louisiana.

21627-CD-P-77 Radio Enterprises of Ohio, Inc. (KUS280), C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. No. 7: East Gate Shopping Center, Mayfield Heights, Ohio.

21628-CD-P-77 Two-Way Radio of Carolina, Inc. (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located on Morganton Road, Southern Pines, North Carolina.

21629-CD-P-(2)-77 Empire Paging Corporation (KRS674), C.P. for additional facilities to operate on 454.150 MHz to be located at two new sites described as Loc. No. 15: 5 miles NW. of Manahawkin, Stafford Township, New Jersey; and Loc. No. 16: 40 Hillcrest Avenue, Hawthorne, New Jersey.

21630-CD-MP-77 Radiopaging, Inc. (KIE-367), Modification of CP to relocate facilities operating on 43.58 MHz at Loc. No. 2 to be located at 15780 West Dixie Highway, North Miami Beach, Florida.

21631-CD-P-77 Continental Telephone Company of Illinois (new), C.P. for a new 1-way station to operate on 43.58 MHz to be located at 527 North 6th Street, Rochelle, Illinois.

21632-CD-P-77 Continental Telephone Company of Illinois (new), C.P. for a new 1-way station to operate on 43.58 MHz to be located at 0.9 mil east of Mercer County Courthouse, Aledo, Illinois.

21633-CD-P-(2)-77 Radiotelephone Communicators of Puerto Rico, Inc. (WWA811), C.P. for additional facilities to operate on 2122 MHz, repeater to be located at Cerro de Punta, Puerto Rico; and for control facilities to operate on 2172 MHz to be located at 47-H No. 13 Street, Punto de Oro, Ponce, Puerto Rico.

21634-CD-P-77 Radiotelephone Communicators of Puerto Rico, Inc. (KQZ767), C.P. for additional facilities to operate on 2172 MHz, control to be located at 47-H Number 13 Street, Punto de Oro, Ponce, Puerto Rico.

21635-CD-MP-(2)-77 D. L. D'Auteuil, d.b.a. Ozark Mobile Phone Company (KLF535), C.P. to replace transmitter operating on 454.175 and 454.225 MHz, located 2.5 miles NW. of Searcy, Arkansas.

21636-CD-MP-(2)-77 D. L. D'Auteuil, d.b.a. Ozark Mobile Phone Company (KWU241), C.P. to replace transmitter operating on 454.075 and 454.125 MHz located at Ruddell Hill, 1.5 mile West of Batesville, Arkansas.

21637-CD-MP-(2)-77 D. L. D'Auteuil, d.b.a. Ozark Mobile Phone Company (KWU249), C.P. to replace transmitter operating on 454.050 and 454.250 MHz located at Island Town, 1 mile south of Newport, Arkansas.

21638-CD-P-77 Tel-Illinois, Inc. (KUC903), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. Number 2: 3 miles north of Centralia city center, Centralia, Illinois.

21639-CD-P-77 Lebanon Mobile Phone, Inc. (KWT966), C.P. for additional facilities to operate on 454.325 MHz located at 2000' SE. of Big Hill near Lebanon, Tennessee.

21640-CD-R-77 Pacific Northwest Bell Telephone Company (KF2010) (developmental), Renewal of license expiring July 14, 1977. Term: July 14, 1977 to July 14, 1978.

21641-CD-MP-77 New Jersey Bell Telephone Company (KAA891), C.P. to replace transmitter operating on 158.10 MHz located at 75 Passaic Street, Rochelle Park, New Jersey.

21642-CD-MP-77 Tel-Illinois, Inc. (KUC987), C.P. to change antenna system and relocate facilities operating on 158.70 MHz to be located on WRKX(FM) tower, 1.8 miles north of Ottawa city center, Ottawa, Illinois.

21643-CD-AL-77 LTS Communications, Inc. Consent to Assignment of License from LTS Communications, Inc., assignor to Radio Contact Corporation, assignee. Station: KUS341, Dillon, Colorado.

21644-CD-P-(2)-77 Nashville Mobilphone, Inc. (new), C.P. for a new station to operate on 454.050 and 454.100 MHz to be located 1.45 miles NNW of Dickson, Tennessee.

21645-CD-P-77 Nashville Mobilphone, Inc. (KUS364), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. No. 2: 1.45 miles NNW of Dickson, Tennessee.

21646-CD-MP-(2)-77 Mt. Vernon Telephone Company (KUC854), C.P. to change antenna system operating on 158.10 MHz at Loc. No. 2: Hwy. 106, 1.5 miles E. of Ft. Atkinson, Wisconsin.

21647-CD-P-(2)-77 Empire Mobilcomm Systems, Inc. (new), C.P. for a new 1-way station to operate on 152.24 MHz, base to be located 3.6 miles NW of Hood River, Oregon, Loc. No. 1; and 72.10 MHz, control, to be located at 1209 State Street, Hood River, Oregon, Loc. No. 2.

21648-CD-P-(3)-77 Empire Mobilcomm Systems, Inc. (new). C.P. for a new station to operate on 152.06 MHz, base and 75.94 MHz, repeater at Loc. No. 1: 3.6 miles NW of Hood River, Washington; and 72.14 MHz, control at Loc. No. 2: 1209 State Street, Hood River, Oregon.

21649-CD-P-77 David R. Williams d.b.a. Industrial Communications (KWH302), C.P. for additional facilities to operate on 43.58 MHz to be located at Medical Plaza North Tower, Salt Lake City, Utah.

21650-CD-P-77 Tel-Illinois, Inc. (KUC986), C.P. to change antenna system operating on 152.24 MHz located 2 miles north of Centralia city center, Centralia, Illinois.

21651-CD-AL-77 Office Service Bureau, Inc. Consent to Assignment of License from Office Service Bureau, Inc., assignor to Answer Iowa, Inc., assignee. Station: KRS 690, Sheboygan, Wisconsin.

21652-CD-P-77 Radio Paging, Inc. (KKI 445). C.P. to change antenna system operating on 35.58 MHz and relocate facilities to be located off Stafford Road, .7 mile North of Alt. Rt. 90, Stafford, Texas, Loc. No. 3.

21653-CD-MP-(2)-77 Industrial Communications Systems, Inc. (KWU533), C.P. for additional facilities to operate on 2118.0 MHz, repeater at Loc. No. 1: 1.5 mile NW of Running Springs, California; and 2168.0 MHz, control at a new site Loc. No. 2 Santiago Peak Radio Site, Santa Ana, California.

21654-CD-P-77 Tri-County Telephone Company, Inc. (KWT873) C.P. for additional facilities to operate on 152.84 MHz to be located at a new site described as Loc. No 2: on U.S. 231 approximately 3.5 miles S of Linden, Indiana.

INFORMATIVE:

An increasing number of applications for new or modified Common Carrier Radio Station Construction Permits under Part 21 (FCC Form 401) are being received without completion of Item 26(a), to include radials in the direction of each co-channel station within 75 miles. By not providing such data, excessive additional FCC engineering effort is required, which in turn can lead to delays in processing of applications. In addition, since such applications are defective under Section 21.20 of the Rules, applications not including radials in the direction of each co-channel station within 75 miles are subject to being returned as defective to the applicant.

RURAL RADIO SERVICE:

60341-CR-P-77 The Mountain States Telephone and Telegraph Company (WBK267) C.P. for additional facilities to operate on 158.04 MHz located at F. Emerson Padelford, 27019 N. 151st Avenue near Peoria Arizona.

60342-CR-P-77 RCA Alaska Communications, Inc. (WOG40). C.P. to change antenna system and relocate facilities operating on 157.80 and 157.86 MHz to be located approximately 135 miles Northwest of Nome, Diomede (Ignaluk) Alaska.

60343-CR-P/L-77 General Telephone Company of the Southwest (KLH27). C.P. to change classification of station from temporary-fixed to permanent fixed to operate on frequencies 157.77, 157.86, and 158.07 MHz to be located SW ¼ of Sec. 21, R36E, T18S; 13.4 miles WNW of Hobbs, New Mexico.

63044-CR-P/L-77 Hawaiian Telephone Company (KZI58). C.P. to replace transmitter operating on 157.92 MHz and for additional facilities to operate on 157.86 MHz located at any temporary fixed location within the territory of the grantee.

CORRECTION:

60435-CR-P-77 Silver Beehive Telephone Company (new). Correct file number should read 60335-CR-P-77 instead of 60335-CD-R-77 as shown on PN #864 dated June 27, 1977. All other particulars remain as reported on PN #863 dated June 20, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE: 2911-CR-P-77 The Offshore Telephone Co...

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POINT TO POINT MICROWAVE RADIO SERVICE:

3905–CF–P–77 Pilot Butte Transmission Co., Inc. (KPK–28), 6.0 mi. NE. of Evanston, WY., Medicine Butte, WY. Lat. 41°21'00" N., Long. 110°54'26" W. To change frequencies to the following: 5974.85H, 6034.15H, 6093.46H and 6152.76H toward White Mtn., WY (KPK–29) on azimuth 78°46'; to change 5974.85H, 6004.5V, 6034.15H, 6063.81V, 6093.46H and 6152.76H and to add 5945.2V toward Kemmerer, WY on azimuth 31°17'; to change 5974.85H, 6004.5V, 6034.15H, 6063.81V, 6093.46H, 6123.11V and 6152.76H and to add 5945.2V toward Evanston, WY on azimuth 207°48'. (All via power split).

3906–CF–P–77 Pilot Butte Transmission Co., Inc. (KPK–29), 5 mi. West of Rock Springs, WY Lat. 41°34'43" N., Long. 109°19'12" W. To change frequencies to the following: 6360.32V, 6241.72V, 6301.02V and to add 6182.41V toward Medicine Butte, WY. on azimuth 259°49'; and change to 6212.06V, 6241.72H, 6271.39V, 6301.02H, 6330.67V, 6389.98V and to add 6182.41H, 6360.32H toward Little America, WY on azimuth 265°26'; and change to 6212.06V, 6241.72H, 6271.39V, 6201.02H, 6330.67V, 6360.32H, 6389.98V and to add 6182.41H toward Rock Springs, WY on azimuth 81°59'; and change to 6212.06V, 6241.72H, 6271.39V, 6301.02H, 6330.67V, 6389.98V and to add 6182.41H, 6360.32H toward Green River, WY on azimuth 232°47'. (All via power split).

3907–CF–P–77 Pilot Butte Transmission Co., Inc. (WCF–955) 151. E. Flaming Gorge Way Green River, WY. Lat: 41°31'43" N., Long. 109°27'54" W. To change frequency to 6108.3H and to add 6167.6H toward White Mtn, WY. on azimuth 189°39' and toward passive reflector at Green River on azimuth 52°43'.

3933–CF–P–77 General Telephone Company of Indiana, Inc. (WAU 476), Temporary fixed Developmental within the territory of the grantee. Application for radio station license Renewal.

3943–CF–P–77 Eastern Microwave, Inc. (new), Waltham Street, atop Zion Hill, Woburn, Massachusetts (Lst. 42°27'20" N., Long. 71°10'50" W.): Construction permit for new station, 10855.0H MHz toward Boston PB, Massachusetts, on azimuth 146.1°.

3990–CF–P–77 American Microwave & Communications, Inc. (KQL 45), Bates, 5.5 miles ENE. of Iron River, Michigan (Lat. 46°05'59" W., Long. 88°32'28" W.): Construction permit to correct transmitstation coordinates to that above and to add 6160.2V MHz toward Gaastra, Michigan via power split, on azimuth 228.0°.

3991–CF–P–77 Grayson Enterprises, Inc. (KLV 73), 317 E. Third Street, Amarillo, Texas (Lat. 35°12'38" N., Long. 101°49'57" W.): Construction permit to change transmit station location and to change frequency to 6303.0H MHz toward Canyon, Texas, on azimuth 202.6°.

3018–CF–P–77 Western Tele-Communications, Inc. (KPS 68), XL Heights, 3 miles East of Butte, Montana (Lat. 46°00'27" N., Long. 112°26'30" W.): Construction permit to change receive station location and antenna structure, 5960.0H, 5939.7V, 6019.3H, 6059.0V, 6078.6H and 6108.3V MHz toward Anaconda, Montana, via power split, on azimuth 289.2°.

3023–CF–P–77 American Television Relay (KKT 84), Sandia Crest, 8.1 miles SE. of Bernalillo, New Mexico (Lat. 35°12'44'N., Long. 106°26'50" W.): Construction permit to replace transmitter and to add 5960.0H 6019.3H, 6078.6H, and 6167.6V MHz toward Socorro, New Mexico, via power split, on azimuth 198.4°.

2911–CF–P–77 The Offshore Telephone Company (WAS414), EI68A Block 69 Eugene Island Area, Gulf of Mexico. Lat. 29°10'27" N., Long. 91°22'01" W. C.P. increase antenna structure height and to add new point of communication on frequency 1229.85V MHz toward SMI 268A on azimuth 258.9°.

2912–CF–P–77 Same (WAU309), SMI 268A Block 268 South Marsh Inland Area, Gulf of Mexico. Lat. 29°06'57" N., Long. 91°52'17" W. C.P. to increase antenna structure height and add frequencies 2179.85V MHz toward EI 63A on azimuth 76.8°, 2161.65A MHz toward SMI 269B on azimuth 309.7°, 2160.15H MHz toward SMI281C on azimuth 183.5°, 2163.45H MHz toward SMI 268D on azimuth 171.7 and 2164.50H MHz toward SMI 281E on azimuth 181.4°.

2913–CF–P–77 Same (WAU310), SMI 269H Block 269 South Marsh Island Area, Gulf of Mexico. Lat. 29°07'52" N., Long. 91°53'32" W. C.P. to increase antenna structure height and add frequency 2111.65H MHz toward SMI 268A on azimuth 129.7°.

2914–CF–P–77 Same (WAU307) SMT 281C Block 281 South Marsh Island Area, Gulf of Mexico. Lat. 29°05'09" N., Long. 91°52'24" W. C.P. to add frequency 2110.15H MHz toward SMI 268A on azimuth 3.5°.

2915–CF–P–77 Same (new), SMI 268D Block 268 South Marsh Island, Gulf of Mexico. Lat. 29°06'03" N., Long. 91°52'07" W. C.P. for a new station on frequency 2113.45H MHz toward SMI 268A on azimuth 351.7°.

2916–CF–P–77 Same (new), SMI 281E Block 281 South Marsh Island Area, Gulf of Mexico. Lat. 29°03'57" N., Long. 91°52'21" W. C.P. for a new station on frequency 2114.50H MHz toward SMI 268A on azimuth 1.4°.

2948–CF–P–77 Big Bend Telephone Company, Inc. (new), Sheffid RPTR 7.6 miles SW. of Sheffield, Texas. Lat. 30°37'40" N., Long. 101°55'40" W. C.P. for a new station on frequency 2165.2V MHz toward Big CN RPTR on azimuth 227.8°.

2949–CF–P–77 Same (WBB270), Big CN RPTR 7 miles North of Sanderson, Texas. Lat. 30°14'28" N., Long. 102°25'04" W. C.P. to add new point of communication on frequency 2115.2V MHz toward Sheffid RPTR on azimuth 47.8°, replace transmitter on 2115.2V MHz toward Wolf Camp and replace transmitter and antenna on 2115.2H MHz toward Big CN PR.

2950–CF–P–77 Same (WBB269), Wolf Camp 10 miles NNE. of Marathon, Texas. Lat. 30°22'25" N., Long. 103°08'15" W. C.P. to replace transmitter on frequencies 2165.2H MHz toward Elephant Mt. and 2165.2V MHz toward Big CN RPTR.

2951–CF–P–77 Same (WBB259), Elephant Mt. 25 miles South of Alpine, Texas. Lat. 30°00'38" N., Long. 103°31'53" W. C.P. to replace transmitter on frequencies 2115.2V MHz toward Alpine PR and 2115.2H MHz toward Wolf Camp.

2959–CF–P–77 Big Bend Telephone Company (WBB258), Alpine CO, 808 North 5th Street, Alpine, Texas. Lat. 30°21'52" N., Long. 103°39'47" W. W. C.P. to replace transmitter on frequency 2165.2V MHz toward Alpine PR.

2958–CF–P–77 Hawaiian Telephone Company (KCG68), 1.5 miles South of Hana, Hawaii. C.P. to replace transmitter, change coordinates and change frequency 2112.0V MHz toward Huehue, Hawaii.

2960–CF–P–77 Same (KUS21), 2.5 miles of Huehue, Lat. 19°45'18" N., Long 155°-53'39" W. C.P. to replace transmitter and change frequency 2162.0V MHz toward Hana, Hawaii.

2963–CF–MP–77 United Telephone Company of the West (KAB87, 2802 Avenue D, Scottsbluff, Nebraska. Lat. 41°52'27" N., Long. 103°40'05" W. Mod. of C.P. to add frequency 11385.0V toward Morrill, Nebraska on azimuth 295.3°.

2964–CF–P–77 Same (KAB89), Center Ave. and Franklin Street, Morrill, Nebraska. 41°57'53" N., Long. 103°55'31" W. C.P. to add frequency 10975.0V MHz toward Scottsbluff on azimuth 115.2°.

2965–CF–P–77 United Telephone Company of Arkansas (new), Hiway 17 and Smith Street, Holly Grove, Arkansas, Lat. 34°35'45" N., Long. 91°12'02" W. C.P. for a new station on frequency 2124.8V MHz toward Clarendon on azimuth 316.0°.

2966–CF–P–77 Same (new), 216 Monroe Street. Lat. 34°41'31" N., Long. 91°18'46" W. C.P., for a new station on frequencies 4174.8V MHz toward Holly Grove on azimuth 136.0° and 2162.0H MHz toward Brinkley on azimuth 27.3°.

2967–CF–P–77 American Telephone and Telegraph Company (WKS20), Denver, Zuni 52nd Ave. and Zuni Street, Denver, Colorado. Lat. 39°47'31" N., Long. 105°-01'00" W. C.P. to add a new point of communication on frequencies 3770V, 3850V, 3930V, 4010V, 4090V, 4170V MHz toward Broomfield.

2968–CF–P–77 Same (KAC62), 1.0 miles West of Broomfield, Colorado. Lat. 39°-54'48" N., Long. 105°05'57" W. C.P. to add a new point of communication on frequencies 3730V, 3810V, 3890V, 3970V, 4050V, 4130V MHz toward Denver Zuni.

2969–CF–P–77 Same (KAC61), Buckhorn Mt. 8.0 miles West of Bellvue, Colorado. Lat. 40°37'04" N., Long. 105°19'42" W. C.P. to add frequency 3930V MHz toward Bromfield.

2970–CF–P–77 Same (KAB26), 6.5 miles East of Prospect Valley, Colorado. Lat. 40°-04'25" N., Long. 104°17'01" W. C.P. to decrease output power and frequencies 4090V, 4170V MHz toward Greeley R.

2971–CF–P–77 Same (KAM69), Greeley R 9.0 miles SE. of Greeley, Colorado. Lat. 40°-18'21" N., Long. 104°35'52" W. C.P. to decrease output power and add frequencies 4050H, 4130H MHz toward Buckhorn Mt.

2973–CF–P–77 Same (new), Cheyn Mtn. S. 3.1 miles South of Colorado Springs, Colorado. Lat. 38°44'90" N., Long. 104°50'59" W. C.P. for a new station on frequencies 4090.0H, 4170.0H MHz toward Beulah, Colorado on azimuth 185.7°.

3006–CF–P–77 The Pacific Telephone and Telegraph Company (KME45), 2.5 miles WNW. of Palomar Mtn., California. Lat. 33°20'04" N., Long. 116°55'07" W. C.P. to increase structure height, move and replace antenna on frequencies 5945.2V MHz toward MT. Lguna FA and 5945.2V MHz toward Ranger.

3008–CF–MP–77 RCA Alaska Communications, Inc. (WJM36), Duncan Cnl 2 miles SE. of Duncan Canal WACS Duncan Canal, Alaska. Lat. 56°45'20" N., Long. 133°10'21" W. Mod. of C.P. to add new point of communication on frequency 2166.50V MHz toward Level Island on azimuth 170.0°.

3009–CF–P–77 Same (new), Level Island 43 KM SW. of Wrangell, Alaska, Craig, Alaska. Lat. 56°28'05" N., Long. 133°04'52" W C.P. for a new station on frequency 2116.5V MHz toward Duncan Cnl on azimuth 350.1°.

3019–CF–P–77 The Bell Telephone Company of Pennsylvania (KIK88), 723 Linden Street, Allentown, Pennsylvania. Lat. 40°-36'13" N., Long. 75°28'26" W. C.P. to add frequencies 6004.5V, 6063.8V MHz toward Farm Flats.

3020–CF–P–77 Same (KIL21), Farm Flats 3.4 miles NE. of Jim Thorpe, Pennsylvania. Lat. 40°54'13" N., Long. 75°41'23" W. C.P. to add frequencies 6256.5H 6315.9H MHz toward Allentown and 6256.5H 6315.9H MHz toward Lookout Mtn.

3021–CF–P–77 Same (KIL37), Lookout Mtn. 4.7 miles SE. of Dupont, Pennsylvania, Lat. 41°15'45" N., Long. 75°42'26" W. C.P. to add frequencies 6004.5V, 6063.8V MHz toward Farm Flats and 5974.9H, 6123.1V MHz toward Scranton.

3022–CF–P–77 Same (KIL58), 121 Adams Ave. Scranton, Pennsylvania. Lat. 42°24'-23" N., Long. 75°39'49" W. C.P. to add frequencies 6226.9V, 6375.2H MHz toward Lookout Mtn.

3026–CF–P–77 The Bell Telephone Company of Nevada (KPZ52), Mt. Lewis 17 miles South of Battle Mountain, Nevada, Lat. 40°24'11" N., Long. 116°52'02" W. C.P. to replace transmitter on frequency 2128.4V MHz toward Battle Mtn.

3027–CF–P–77 Same (KPZ51), Reese Street, Battle Mountain, Nevada. Lat. 40°38'28" N., Long. 116°55'59" W. C.P. to replace transmitter on frequency 2178.4V MHz toward Mt. Lewis.

3047–CF–P–77 American Telephone and Telegraph Company (KIK38), 215 Church St., Nashville, Tennessee. Lat. 36°09'51" N.—Long. 86°46'38" W. C.P. to increase structure height and move antenna on frequency 3730.0V MHz toward Lavergne.

2999–CF–MP–77 MCI Telecommunications Corporation (WIU89), 2.8 miles NW of Perryman, MD. (Lat. 39°29'56" N.—Long. 76°14'33" W.) Modification of C.P. (2233–CF–P–77) to change 5945.2, 6004.5, 6123.1 and 6063.8 from H to V.

3000–CF–MP–77 Same (WIU90), 2.8 miles NE of North East, MD. (Lat. 39°37'13" N.—Long. 75°53'37" W.), Modification of C.P. (2234–CF–P–77), to change 6226.9, 6345.5, 6404.8 and 6286.2 from H to V.

CORRECTION

2900–CF–TC–77 Arving Telephone Company corrected file number. All other particular remain as reported on PN 864 dated 6–27–77.

2922–CF–TC–77 Rochester Telephone Corporation corrected file number and call sign to read KEE86 toward Portable, New York. All other particular remain as reported on PN 864 dated 6–27–77.

MCI Telecommunications Corporation (WOE 56) 1.5 miles E of Dearborn, Michigan. This entry appearing in Public Notice of June 27, 1977, is corrected to change file number from 2921 to 2923–CF–P–77. All other particulars remain the same.

[FR Doc.77–20182 Filed 7–13–77;8:45 am]

[Report No. 866]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JULY 11, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cutoff date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cutoff rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21676–CD–P–(2)–77 Mobilfone of Northeastern Pennsylvania, Inc. (New), C.P. for a new station to operate on 454.200 and 454.225 MHz to be located at Top of Penobscott Knob, Hanover Township, Wilkes-Barre, Pennsylvania.

21677–CD–P–(2)–77 David R. Williams, d/b/a Industrial Communications (New), C.P. for a new 1-way signaling station to operate on 152.24 MHz, Base at Loc. #1: Medicine Butte, 7 miles NNE of Evanston, Wyoming; and 2178.0 MHz, Control at Loc. #2: Marsh Peak, 23 miles NW of Vernal, Utah.

21678–CD–P–77 General Telephone Company of the Northwest, Inc. (New), C.P. for a new 1-way signaling station to operate on 152.84 MHz to be located at 426 Casino Road, Everett, Washington.

21679–CD–ML–77 Anser-Quik Enterprises, Inc. (KWU435), Mod of License to change frequency from 152.24 MHz to 158.70 MHz located at Sea Level Hospital, U.S. Route 70, Sea Level, North Carolina.

21680–CD–P–(3)–77 Vegas Instant Page (KWU408), C.P. for additional facilities to operate on 454.025, 454.050 and 454.125 MHz at a new Loc. #2: 1020 Industrial Road, Boulder City, Nevada.

21681–CD–P–77 James W. Corn d/b/a Omnicom (KOF914), C.P. for additional facilities to operate on 152.15 MHz at Loc. #1: 1314 North Russell Street. Missoula, Montana.

21682–CD–P–77 Grants Pass Answering Service (New), C.P. for a new station to operate on 454.200 MHz to be located at Baldy, 4.5 mi E. of Medford, Oregon.

21683–CD–P–77 James H. Cerqui d b a Central Answering and Paging (New), C.P. for a new 1-way signaling station to operate on 43.22 MHz to be located at Bolles Harbor, Monroe, Michigan.

21684–CD–P–77 Central Radio Dispatch, Inc. (KWT922), C.P. for additional facilities to operate on 454.150 MHz to be located at a new site described as Loc. #2: 2 miles S. of Highway 271 on Rt 323 Tyler, Texas.

21685–CD–P–77 Tel-Illinois, Inc. (New) C.P. for a new Developmental station to operate on 459.225 MHz, Control to be located at Existing WSIE(FM) Tower, Edwardsville, Illinois.

21688–CD–P–(2)–77 The Ohio Bell Telephone Company (KWU264), C.P. for additional facilities to operate on 158.10 MHz at a new Loc. #6: Crist Road, 2.5 miles SW of Springfield, Ohio; and same facilities at a new Loc. #7: 1.2 Miles S.E. of Blueball, Middletown, Ohio.

21689–CD–P–(2)–77 Lubbock Radio Paging Service, Inc. (KKE970), C.P. to replace transmitter operating on 152.03 and 152.15 MHz at Loc. #1: 7400 University Avenue, Lubbock, Texas.

21690–CD–P–77 Kenneth F. Fischer d b a Sierra Communications (KFL891), C.P. to replace transmitter operating on 152.03 MHz at Loc. #1: Black Peak, 10.5 miles NE of Silver City, New Mexico.

21691–CD–P–77 Continental Telephone Company of Illinois (New), C.P. for a new 1-way signaling station to operate on 43.58 MHz to be located at 108 North Exchange Street, Galva, Illinois.

21692–CD–P–77 Bulloch County Rural Telephone Cooperative Incorporated (New) C.P. for a new 1-way signaling station to operate on 152.51 MHz to be located N.W. corner of Depot and Lane, Brooklet, Georgia

CORRECTION

21646 CD–MP–(2)–77 Mt. Vernon Telephone Company (KUC854), Correct to add: change antenna system operating on 158.10 MHz at Loc. #3: Sunny Hill, 5 miles ESE of Baraboo, Wisconsin. All other particulars remain as reported on PN #865 dated July 5, 1977.

MAJOR AMENDMENT

22130–CD–MP–(3)–76 Message Center, Inc., Mt. Mansfield near Underhill, Vermont (KWT998), Amend at Loc. #2 to change the Repeater frequency to 454.050 MHz: and at Loc. #3 to change the Control frequency to 459.050 MHz.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex-Parte presentations by reasons of potential electrical interference.

158.70 MHz

Westside Communications of Tampa, Inc., Dover, Florida, 20893–CD–P–77.

Edward C. Smith d/b/a Answerite, Professional Telephone Service, Winter Haven, Florida, 21301–CD–P–77.

POINT TO POINT MICROWAVE RADIO SERVICE

3056–CF–P–77 Illinois Bell Telephone Company (KSO34), South 5th Street Springfield, Illinois Lat. 39°47'43" NoLng. 89°38'56" W. C.P. to add frequency 6241.7H MHz toward Lake Fork.

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3057-CF P-77 Same (KSO95), 2.1 miles ESE of Lake Fork, Illinois Lat. 39°57'44" N.—Long. 89°18'45"W. C.P. to add frequencies 5989.7H MHz toward Springfield and 5980.7V MHz toward Weldon.
3058-CF-P-77 Same (KXR47), 4 miles South of Weldon, Illinois Lat. 40°03'49"N.—Long. 88°44'46"W. C.P. to add frequencies 6241.7V MHz toward Lake Fork and 6241.7H MHz toward Champaign.
3059-CF-P-77 Same (KSO40), 201 South Neil Street Champaign, Illinois Lat. 40°06'54" N.—Long. 88°14'38" W. C.P. to add frequency 5989.7H MHz toward Weldon.
3071-CF-P-77 United Telephone Company of Missouri (New), ½ mile NE of town on Cemetray Rd. Mound City, Missouri Lat. 40°08'37" N.—Long. 95°13'14" W. C.P. for a new station on frequency 2121.6V MHz toward Forest City, Missouri.

[FR Doc.77-20181 Filed 7-13-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

(RTCM SC 69/) FCC WARC-79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

14th Meeting, 2025 M Street, NW., Washington, D.C., Room 8210, 9:30 a.m.-12:30 p.m., Thursday, July 28, 1977.

AGENDA

1. Call of the agenda.
2. Chairman's opening remarks.
3. Reports of the task forces.
4. Review work to be accomplished.
5. Further business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza SW., Washington, D.C. 20024.

EXECUTIVE COMMITTEE MEETING, THURSDAY, JULY 28, 1977

The next Executive Committee Meeting will be on Thursday, July 28, 1977 at 1:30 p.m. in Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to order; chairman's report.
2. Introduction of attendees; adoption of agenda.
3. Acceptance of minutes of executive committee meetings.
4. Committee reports.
5. Approval of special committee documents.
6. Report of constitution revision working group
7. Summary reports and announcements.
8. New business.
9. Establishment of next meeting date.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone 202-632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20183 Filed 7-13-77;8:45 am]

[Docket Nos. 21269, 21270; File No. BPH-9750, BPH-9881]

KXOJ, INC. AND SEMINOLE BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KXOJ, Incorporated, Seminole, Oklahoma, Req: 105.5 MHz, Channel No. 288; 3 kW (H&V); 295 feet (H&V), Docket No. 21269, File No. BPH-9750; and Ron and Karen Ricord (Joint Tenants), and Frank Lilly d/b/a, Seminole Broadcasting Co., Seminole, Oklahoma, Req: 105.5 MHz, Channel No. 288; 3 kW (H&V); 285 feet (H&V), Docket No. 21270, File No. BPH-9881. For Construction Permit.

Adopted: June 27, 1977.

Released: July 13, 1977.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration the above-captioned mutually exclusive applications of KXOJ, Inc. (hereinafter "KXOJ"), and Kon and Karen Ricord and Frank Lilly d/b/a Seminole Broadcasting Company (hereinafter "Seminole") for a construction permit for a new FM broadcast station at Seminole, Oklahoma.

2. As amended on March 14, 1977, Seminole's financial data reveals that $56,640 will be required to construct and operate the proposed station for one year, itemized as follows:

Down payment on equipment	$4,794.00
12 mo principal payment on equipment balance	5,434.00
12 mo interest payments on equipment balance	4,202.00
Land	600.00
Buildings	1,800.00
Miscellaneous	6,510.00
Working capital (1st year operating cost)	33,300.00
Total	56,640.00

Seminole plans to finance construction and operation of the proposed station with the following sources of funds:

Existing capital	$13,000.00
Advertising contracts	15,000.00
Bank letter of credit	5,000.00
Real estate asset	26,134.29
Personal loan (Juel Winfrey)	10,000.00
Total	69,134.29

However, the necessary funds do not appear to be available. With respect to Seminole's reliance upon $13,000 in existing capital, the applicant has submitted no partnership balance sheet and the individual balance sheets of its three general partners do not reveal liquid assets sufficient to support capital contributions of this size. In addition, Seminole has not established the availability of the $10,000 personal loan from Juel Winfrey. First, Mr. Winfrey has not submitted a balance sheet as required by Section III, page 3, paragraph 4(b) of the application (Form 301, 1976). Thus, we are unable to tell if Mr. Winfrey will be able to meet his loan commitment. Second, while the loan from Winfrey is to be personally guaranteed by Mr. Ron Ricord, Mr. Ricord has failed to submit his guarantee of the loan as required by Section III, page 3, paragraph 4(e) of the application. Thus, disregarding the claimed existing capital and the loan commitment, the applicant has shown only $46,134.29 in funds available to meet a $69,134.29 requirement. Accordingly, a financial issue will be specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to either of the applicants.

4. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. Accordingly, *it is ordered* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Seminole Broadcasting Co.:

(a) The source and availability of additional funds over and above the $46,-134.29 indicated; and,

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually, or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20184 Filed 7-13-77;8:45 am]

[Docket No. 21286; File No. BPH-9909, FCC 77-420]

TRI-PARISH BROADCASTING CO. INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Tri-Parish Broadcasting Co., Inc., Eunice, Louisiana, Requests: 105.5 MHz, Channel No. 288; 200 W (H&V); 105 feet (H&V), DOCKET NO. 21286, File No. BPH-9909, For Construction Permit.

Adopted: June 14, 1977.

Released: July 7, 1977.

The Commission has under consideration the above-captioned and described application.

Tri-Parish Broadcasting Co., Inc. (hereinafter "Tri-Parish"), seeks authorization for a new FM broadcast station to operate on channel No. 288 at Eunice, Louisiana. Tri-Parish, licensee of standard broadcast station KEUN, Eunice, Louisiana, is under common ownership with Ville Platte Broadcasting Company, Inc. (hereinafter "Ville Platte"), licensee of AM and FM sations KVPI, Ville Platte, Louisiana.[1]

[1] The common ownership is as follows: Vincent L. Riehl is president, director, and holder of 20 percent of the stock of Tri-Parish; he is also secretary-treasurer, director, and 15 percent stockholder of Ville Platte. Joseph A. Riehl, vice-president, director, and 10 percent stockholder of Tri-Parish, is also vice-president and director of Ville Platte, and owns 15 percent of its stock. Mrs. Jeanne B. De Clouet holds 20 percent of the stock of Ville Platte and 25 percent of the stock of Tri-Parish. Paul H. De Clouet, vice-president, director, and 25 percent shareholder of Tri-Parish, holds the same positions with Ville Platte, and owns 20 percent of its stock. Roland Fink, secretary-treasurer, director and 20 percent shareholder of Tri-Parish, is vice-president, director, and 15 percent owner of Ville Platte. In addition, Mrs. Jeanne De Clouet and Paul De Clouet each separately own 22.5 percent of the stock of standard broadcast station KFRA, Franklin, Louisiana.

[2] Section 73.240(a)(1) of the Rules prohibiting FM station where the grant will result to an applicant who owns or controls an existing FM station where the grant will result in an overlap of the predicted 1 mV/m contours of the existing and proposed stations.

mV/m overlap with the commonly owned FM station KVPI in Ville Platte. Since Section 73.240(a)(1) precludes grant of an FM license if it would result in such overlap,[2] Tri-Parish later amended its proposal to state that it would operate at a lesser power of 200 W with an antenna height of 105 feet. Operation with these facilities would not produce any 1 mV/m overlap with KVPI, but would reduce the predicted 1 mV/m coutour to a circular area of approximately 57 square miles containing a population of 14,000. Further, future expansion of the proposed station's facilities would be barred by Section 73.240(a)(1) since the 1 mV/m contours at the lower power would be virtually tangent.

3. In its application, Tri-Parish first proposed that the station would operate with an effective radiated power of 3 kW with the station's antenna side-mounted on KEUN's present AM tower at a height above average terrain of 135 feet. The predicted 1mV/m contour for that proposal enclosed a circular area of approximately 300 square miles containing a population of 25,359, but produced 1

4. In *Fidelity Broadcasting Co., Inc.* 4 FCC 2d 218, 219, 8 RR 2d 35, 36 (1966), the Commission stated the following:

[A] hearing is not required in every case where the operation of commonly owned stations with something less than the maximum permissible power and antenna height would be necessary to avoid prohibited overlap. If the proposal is otherwise in the public interest, it may be granted upon the basis of an application and supporting factual data which establish that no significant limitation upon future expansion will result by reason of duopoly considerations.

The dispositive question is, therefore, whether the fact of common ownership will restrict future expansion to such an extent that a public interest determination cannot be made without an evidentiary hearing. *Camel Company*, 14 FCC 2d 919, recon. den. 16 FCC 2d 871, 15 RR 2d 1025 (1969); *Liberty Television*, 18 FCC 2d 924, 16 RR 2d 1003, (Rev. Bd, 1969).

5. The Commission finds that in the present case a public interest determination cannot be made without an evidentiary hearing. First, Tri-Parish's sole purpose in amending its engineering proposal was to avoid 1 mV/m overlap with its commonly owned station. In the past, the Commission has held that manipulation of service areas for the purpose of permitting one to become a multiple owner frustrates the intent of the Rules. *MGM Broadcasting Corp.*, FCC 65-369, 5 RR 2d 141, 143 (1965). Moreover, as indicated in *Jones T. Sudbury*, 45 FCC 2081, 4 RR 2d 679 (1965), the necessity for a hearing to determine whether a proposal is in the public interest is almost always present where the manipulation of the service area for the purpose of becoming a multiple owner results as it does here in a less than maximum use of the facilities involved.[3] Further, as we have previously noted, future expansion of the proposed station's facilities would apear to be barred by duopoly considerations. Consequently, an evidentiary hearing is clearly warranted.

6. Except as indicated above, the applicant is qualified to construct and operate as proposed. However, because of the matter discussed herein, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must, therefore, be designated for hearing on the issues set forth below.

7. *It is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the extent to which duopoly considerations would preclude future expansion of the proposed new facility of Tri-Parish Broadcasting Co. Inc., and, in light of the evidence adduced pursuant to that determination, whether the proposal represents an efficient use of the channel within the meaning of Section 307(b) of the Communications Act of 1934 as amended.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to Section 1.221(c) of the Commission's Rules, in person, or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the pub-

[3] The maximum facilities authorized by the Commission for a class A FM station are 3 kw power and an antenna height of 300 feet.

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lication of such notice as required by Section 1.594(g) of the Rules.

five alternative plans for discussion at

(6) The Commission would then consider

1. On April 27, 1977, the Commission

FEDERAL ENERGY ADMINISTRATION

lication of such notice as required by Section 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20185 Filed 7-13-77;8:45 am]

[Docket No. 18875; FCC 77-460]

FUTURE LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS

Memorandum Opinion and Order Modifying Procedures [1]

Adopted: June 30, 1977.

Released: July 8, 1977.

By the Commission: Commissioner Hooks absent.

1. On November 19, 1976, we adopted a Further Statement of Policy and Guidelines in the above-captioned proceeding 62 FCC 2d 451, in which we announced the policies we propose to follow in the future licensing of transatlantic communications facilities.[2] In connection with that policy, we announced that we would develop a comprehensive facilities construction and use plan to meet demand through year-end 1985 and set forth the procedures we would follow in arriving at that plan. See 62 FCC 2d at 460–4 (Annex 1). Pursuant to those procedures, alternative proposed facilities plans were submitted for our consideration by the various United States International Service Carriers (USISC),[3] and the Communications Satellite Corporation (Comsat). After reviewing those proposed plans, we issued on June 7, 1977, a Memorandum Opinion and Order in this proceeding (June 7 Order), FCC 77-386, _____ FCC 2d _____, in which we noted that because the USISC and Comsat plans were based on different methodologies, relied on different data and were inadequately supported, it was impossible for the staff to make a meaningful direct comparison of the plans submitted. Consequently, the staff supplemented its analysis of the USISC and Comsat plans by developing a number of alternative plans of which it subjected five to substantial cost analysis. As we noted in our June 7 Order, the Commission's representatives submitted these five alternative plans for discussion at the consultative meeting in Rome, Italy, June 13–15, 1977, with CEPT[4] and Canadian representatives. As a result of that meeting, it appears that it would be appropriate once again to modify the procedures we will follow in adopting the Commission's final decision on an overall comprehensive plan and to set forth the timetable under which we will consider this matter.

2. At the outset, we reaffirm the commitment we made in our June 7 Order to adopt a final, comprehensive facilities plan on or about November 1, 1977. In view of the complexity of the issues, achievement of this goal by that date will be difficult. However, we believe it can be realized with the cooperation of all parties concerned. As we have noted, we shall issue a number of plans for public comment by the end of July. However, in view of the timetable for reaching a final decision, we believe it is appropriate for us to enable the parties to better focus their comments by indicating which of the several plans we prefer. In this way, the parties will have the benefits of our tentative views, without in any way being bound by them, and will be able to see the issues which particularly concern us. This, we believe, will permit the comments to address those concerns with greater specificity and enhance the expeditious resolution of this matter.

3. Therefore, to permit public participation in this process, we shall modify slightly the procedures previously adopted in this matter and shall adopt the following timetable:

(1) No later than July 31, 1977, we shall issue for public comment the five alternative plans including any proposed alternatives or modifications and will designate which of those is the Commission's tentative preferred plan.

(2) Comments on the alternative plans will be due no later than August 31, 1977.

(3) Following receipt of the comments, the Commission will analyze the plans in light of the comments received and begin to prepare its final plan.

(4) With the agreement of CEPT and Canadian officials, the Commission will also schedule a one-day meeting in Washington, D.C. for the purpose of further discussions with representatives from those nations having decisional responsibilities within their respective countries concerning international communications facilities. We anticipate that such a meeting will occur on September 19, 1977.

(5) Following such a meeting, we would allow 15 days for the filing of a final round of comments from interested persons—due October 5, 1977.

(6) The Commission would then consider the material before it and issue its final plan on November 1, 1977.

As is apparent, the above schedule is rigid. If we are to receive the public input we believe desirable, and still have time for a reasoned consideration of all the issues, it will be necessary to adhere to this schedule.

4. Accordingly, *It is ordered*, That the procedures for adoption of a comprehensive facilities construction and use plan set forth in Overseas Communications, 62 FCC 2d 451, 460–4 (1976), and modified by Overseas Communications, FCC 77-386, _____ FCC 2d _____, released June 7, 1977, are FURTHER MODIFIED to incorporate the views expressed herein and to adopt the timetable set forth at paragraph 3, above.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20233 Filed 7-13-77;8:45 am]

[1] See 41 FR 52715.

[2] In that document, we also reaffirmed the general guidelines for facilities planning which we had issued in Overseas Communications Statement of Policy and Guidelines, 30 FCC 2d (1971) and in Guidelines for TAT-6 Cable Utilization, FCC 76-161, released February 27, 1976. See also Overseas Communications (Notice of Inquiry), FCC 70-620, 35 FR 10166, Overseas Communications (Further Notice of Inquiry), 53 FCC 2d 121 (1975), Overseas Communications (Third Notice of Inquiry), FCC 75-1167, 40 FR 50129, released October 21, 1975.

[3] Those carriers are American Telephone and Telegraph Company, The French Telegraph Cable Company, ITT, World Communications Inc., RCA Global Communications, Inc., TRT Telecommunications Corp., and Western Union International, Inc.

[4] CEPT, the Conference Europeenne des Administrations des Postes et des Telecommunications, in an association of the communications entities of thirty European countries. In 1975, CEPT formed a subsidiary CEPT Lisiaon Committee for Transatlantic Telecommunications (CLTA) for the purpose of establishing an ongoing dialogue with the FCC and the Canada entity concerning issues of common concern in the development of communications facilities for the North Atlantic region.

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold its next meeting on July 29, 1977, in Washington, D.C. The meeting will be held in Conference Room 8210, Federal Communications Commission, 2025 M Street, N.W., at 9:00 A.M. The purpose of the meeting is to consider comments in Docket 20271, Fifth Notice of Inquiry for a General World Administrative Conference in 1979. The meeting is open to the public and will be conducted in accordance with the following agenda:

1. Call of the agenda.
2. Opening remarks of the Chairman.
3. Consideration of comments in Fifth Notice of Inquiry, Docket 20271.
4. Further Business.
5. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20231 Filed 7-13-77;8:45 am]

[Docket 20271]

INTERNATIONAL TELECOMMUNICATION UNION

International Radio Regulations

Adopted: July 7, 1977.

Released: July 8, 1977.

By the Chief Engineer:

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the international radio regulations. ORDER. (42 FR 26923)

1. On April 27, 1977, the Commission adopted the Fourth Notice of Inquiry in the above-styled proceeding (42 FR 26923, 5/25/77. The date for filing comments was established as July 11, 1977, and the reply comment date was July 26, 1977.

2. On June 30, 1977, a petition was filed on behalf of Satellite Business Systems (SBS) seeking to extend the comment deadline until July 25, 1977. No motion was made in respect to the reply comment date.

3. In seeking the extension of time for filing comments, SBS identified several circumstances which have severely diverted SBS resources to areas outside this Docket. In addition, SBS personnel who would be most directly involved with the preparation of comments on the Fourth Notice have also been involved in other preparations for the 1979 World Administrative Radio Conference. Areas in the Fourth Notice which could directly affect SBS, and upon which they indicate a desire to comment, include the exclusive use of small antenna earth stations in the 11.7–12.2 GHz band, digital systems criteria, uplink power limitations, G/T ratio, orthogonal polarization, and sidelobe antenna patterns. Each of these areas could have significant impact on the SBS system.

4. In consideration of the time constraints outlined by the International Telecommunication Convention in respect to proposals to be submitted prior to administrative radio conferences, lengthy delay cannot be countenanced if a successful, complete preparatory effort is to occur. However, considering further that the public considerations to date have been primarily related to the Table of Allocations, that the topics considered in the Fourth Notice have essentially been aired for the first time, and that thorough substantive comment is desired from all interested and affected parties, we believe that an extension of two weeks for comments and reply comments is justified. Therefore, we will extend the time for filing comments and reply comments to July 25, 1977, and August 9, 1977, respectively.

5. In providing for this extension, it should be noted that the filing date for comments to the Fifth Notice of Inquiry in this proceeding is on or before August 1, 1977. We shall be reluctant to further extend the comment deadline for the Fourth Notice, and any request for further extension need show extenuating circumstances before such a request can be given consideration.

Accordingly, *It is ordered*, That the subject petition, to the extent herein specified, is granted.

FEDERAL COMMUNICATIONS COMMISSION,
RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.77-20232 Filed 7-13-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Prohibition Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 305, to the following major fuel burning installations (MFBI's):

OCU Docket No.	Owner	Installations	Unit No.	Location
0400	Chesapeake Corp	West Point mill	6	West Point, Va
0589	Continental Forest Industries, a member of the Continental Group, Inc.	Hopewell mill	2 and 3	Hopewell, Va
1512	E. I. du Pont de Nemours & Co	Seaford plant	do	Seaford, Del.
1678	Allied Chemical Co.	Hopewell chemical plant	1	Hopewell, Va
1716	Union Carbide Corp	Institute plant	12	Institute, W. Va
2940	Avtex Fibers, Inc	Front Royal plant	1, 2, and 3	Front Royal, Va

By Notice of Intention published in the FEDERAL REGISTER on May 18, 1977 (42 FR 25622), FEA gave notice of its intention to issue Prohibition Orders to all of the above-listed installations burning natural gas or petroleum products as their primary energy source.

Written comments were requested on the proposed orders and public hearings were held in Philadelphia, Pennsylvania on June 3, 1977, and in Richmond, Virginia on June 9, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearings and any supplemental comments, were considered and evaluated before issuing any Prohibition Orders. These orders will prohibit the above-listed installation from burning natural gas or petroleum products as their primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements without a compliance date extension under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.37(b) and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations have been served Prohibition Orders by registered mail. In addition, copies of these Prohibition Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20129 Filed 7-13-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of a Prohibition Order to a Certain Major Fuel Burning Installation

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued a Prohibition Order, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 305, to the following major fuel burning installation (MFBI):

OCU Docket No.	Owner	Installations	Unit No.	Location

comments received which raised signifi- with a Notice of Effectiveness, as pro-

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OCU Docket No.	Owner	Installations	Unit No.	Location
0786	International Paper Co.	Pine Bluff plant	1 and 2	Pine Bluff, Ark.

By Notice of Intention published in the FEDERAL REGISTER on May 13, 1977, (42 FR 24494), FEA gave notice of its intention to issue a Prohibition Order to the above-listed installation burning natural gas or petroleum products as its primary energy source.

Written comments were requested on the proposed orders and a public hearing was held in Dallas, Texas on May 24, 1977 and in Oklahoma City, Oklahoma on May 26, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the hearings and any supplemental comments, were considered and evaluated before issuing any Prohibition Order. The order will prohibit the above-listed installation from burning natural gas or petroleum products as its primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements without a compliance date extension under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.37(b) and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

The above-listed installation has been served a Prohibition Order by registered mail. In addition, a copy of the Prohibition Order will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. A copy will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566-9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20137 Filed 7-13-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Prohibition Orders to Certain Powerplants

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued prohibition orders, pursuant to the authorities granted to it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), 15 U.S.C. 791 *et seq.*, and Chapter 10, Code of Federal Regulations (10 CFR), Parts 303 and 305 to the following powerplants:

Docket No.	Owner	Generating station	Unit No.	Location
OFU-075	New England Electric System/New England Power Co.	Brayton Point	1	Somerset, Mass
OFU-076			2	
OFU-077			3	
OFU-[illegible]	Northeast Utilities/Holyoke Water Co.	Mount Tom	1	Holyoke, Mass.
OFU-0[illegible]	Northeast Utilities/Hartford Electric Light Co.	Middletown	1	Middletown, Conn.
OFU-093			2	
OFU-094			3	
OFU-095	Northeast Utilities/Connecticut Light & Power Co.	Norwalk Harbor	1	Norwalk, Conn.
OFU-096			2	
OFU-103	City of Vineland Electric Utility	Howard M. Down	10	Vineland, N.J.
OFU-124	Long Island Lighting Co.	Port Jefferson	30	Port Jefferson, N.Y.
OFU-125			40	
OFU-139	Philadelphia Electric Co.	Cromby	2	Phoenixville, Pa.
OFU-154	Corn Belt Power Cooperative	Wisdom	1	Spencer, Iowa.
OFU-155	Independence Power & Light Department.	Blue Valley	1	Independence, Mo.
OFU-156	St. Joseph Light & Power Co.	Lake Rd.	5	St. Joseph, Mo.
OFU-157			6	
OFU-159	Fremont Department of Utilities	Lon D. Wright	7	Fremont, Nebr.

By Notices of Intention published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21950, 21981 and 21993), and May 2, 1977 (42 FR 22277), FEA gave notice of its intention to issue prohibition orders to all of the above-named powerplants. Written comments were requested on the proposed orders and public hearings were held to receive oral presentations of data, views and arguments. All comments received which raised significant issues regarding FEA's findings are addressed in the appropriate prohibition order.

These orders will prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source. These prohibition orders will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the powerplant is able to burn coal and to comply with all applicable air pollution-control requirements without a compliance date extension under Section 119(c) of such Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

All of the above-named powerplants have been served prohibition orders by registered mail. In addition, copies of these prohibition orders will be on display for any interested members of the public at FEA's Freedom of Information Reading Room located in Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 566-9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20138 Filed 7-13-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Construction Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Construction Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 et seq.), as amended by Pub. L. 94-163, and in accordance with 10 CFR, Parts 303 and 307, to the following major fuel burning installations (MFBI) in the early planning process:

OCU Docket No.	Owner	Installation	No. of Units	Location
1050-1-1	Boeing Co.	Boeing Vertol	1	Ridley Township, Pa.
0900-1-1	Supervisory committee [illegible] boiler plant.	Bellefield [illegible]	1	Pittsburgh, Pa.

By Notice of Intention published in the FEDERAL REGISTER on May 17, 1977, (42 FR 25446), FEA gave notice of its intention to issue Construction Orders to all of the above-listed installations in the early planning process. Written comments were requested on the proposed orders and a public hearing was held in Philadelphia, Pennsylvania on June 3, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Construction Orders. These orders will require the above-listed installations in the early planning process to be designed and constructed so as to be capable of using coal as their primary energy source. A Construction Order will not become effective, however, until FEA has considered the environmental impact of such order pursuant to 10 CFR 208.3(a)(4) and 307.7 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 307.5 of the FEA regulations implementing section 2 of ESECA. Section 307.7 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations in the early planning process have been served Construction Orders by registered mail. In addition, copies of these Construction Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566-9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20139 Filed 7-13-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

By Notice of Intention published in ing section 2 of ESECA. Section 307.7 re-

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ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Prohibition Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 et seq.), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 305, to the following major fuel burning installations (MFBI's):

OCU Docket No.	Owner	Installations	Unit No.	Location
0291	Continental Forest Industries, a member of the Continental Group, Inc.	Port Wentworth Mill	1, 2, and 3	Port Wentworth, Ga.
1286	Weyerhaeuser Co	Plymouth plant	2 and 3	Plymouth, N.C.
3066	Westvaco Corp	Charleston plant	5	Charleston, S.C.

By Notice of Intention published in the FEDERAL REGISTER on May 16, 1977 (42 FR 24900), FEA gave notice of its intention to issue Prohibiton Orders to all of the above-listed installations burning natural gas or petroleum products as their primary energy source.

Written comments were requested on the proposed orders and a public hearing was held in Atlanta, Georgia on May 26 and 27, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Prohibition Orders. These orders will prohibit the above-listed installations from burning natural gas or petroleum products as their primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such oNtice of Effectiveness.

All of the above-listed installations have been served Prohibition Orders by registered mail. In addition, copies of these Prohibition Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–20150 Filed 7–13–77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Construction Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Construction Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 307, to the following major fuel burning installations (MFBI) in the early planning process:

OCU Docket No.	Owner	Installations	No. of Units	Location
3990–1–1	International Paper Co.	Georgetown mill	1	Georgetown, S.C.
6650–5–1	Shell Oil Co.	Mobile chemical plant	2	Mobile, Ala.
6650–5–2				
1300–1–1	Goodyear Tire and Rubber Co.	Goodyear Gadsden plant	1	Gadsden, Ala.
4210–1–1	Kimberly-Clark Corp.	Memphis mill	1	Memphis, Tenn.
4920–1–2	Phillip Morris, Inc./Miller Brewing Co.	Eden plant	2	Eden, N.C.
[illegible]				

By Notice of Intention published in the FEDERAL REGISTER on May 16, 1977, (42 FR 24886), FEA gave notice of its intention to issue Construction Orders to all of the above-listed installations in the early planning process. Written comments were requested on the proposed orders and a public hearing was held in Atlanta, Georgia on May 26 and 27, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Construction Orders. These orders will require the above-listed installations in the early planning process to be designed and constructed so as to be capable of using coal as their primary energy source. A Construction Order will not become effective, however, until FEA has considered the environmental impact of such order pursuant to 10 CFR 208.3(a)(4) and 307.7 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 307.5 of the FEA regulations implementing section 2 of ESECA. Section 307.7 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations in the early planning process have been served Construction Orders by registered mail. In addition, copies of these Construction Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–20141 Filed 7–13–77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Construction Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Construction Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 307, to the following major fuel burning installations (MFBI) in the early planning process:

OCU Docket No.	Owner	Installations	No. of Units	Location
3990 1 1	Georgetown Corp. (GMAD)	Proposed truck assembly plant	2	Undesignated
3990 1 2				
3990 1 3				
6250 1 1	Republic Steel Corp	Lone plant	2	Grand River, Ohio
6250 1 2				
7100 5 2	U.S. Steel Corp	Minnesota Ore Operations (Mountain)	2	Mountain Iron, Minn.
7100 5 1				

By Notice of Intention published in the FEDERAL REGISTER on May 13, 1977, (42 FR 24458), FEA gave notice of its intention to issue Construction Orders to all of the above-listed installations in the early planning process. Written comments were requested on the proposed orders and a public hearing was held in Chicago, Illinois on May 23, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Construction Orders. These orders will require the above-listed installations in the early planning process to be designed and constructed so as to be capable of using coal as their primary energy source. A Construction Order will not become effective, however, until FEA has considered the environmental impact of such order pursuant to 10 CFR 208.3(a)(4) and 307.7 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 307.5 of the FEA regulations implementing section 2 of ESECA. Section 307.7 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations in the early planning process have been served Construction Orders by registered mail. In addition, copies of these Construction Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12 Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 566–9732.

Issued in Washington, D.C. July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–20142 Filed 7–13–77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Construction Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Construction Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 307, to the following major fuel burning installations (MFBI) in the early planning process:

OCU Docket No.	Owner	Installations	No. of Units	Location
3990–1–1	International Paper Co.	Georgetown mill	1	Georgetown, S.C.
6650–5–1	Shell Oil Co.	Mobile chemical plant	2	Mobile, Ala.
6650–5–2				
1300–1–1	Goodyear Tire and Rubber Co.	Goodyear Gadsden plant	1	Gadsden, Ala.
4210–1–1	Kimberly-Clark Corp.	Memphis mill	1	Memphis, Tenn.
4920–1–2	Phillip Morris, Inc./Miller Brewing Co.	Eden plant	2	Eden, N.C.
[illegible]				

testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Prohibition Orders. These orders will prohibit the above-listed installations from burning natural gas or petroleum products as their primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such oNtice of Effectiveness.

All of the above-listed installations have been served Prohibition Orders by registered mail. In addition, copies of these Prohibition Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–20150 Filed 7–13–77;8:45 am]

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ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Construction Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Construction Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 307, to the following major fuel burning installations (MFBI) in the early planning process:

OCU Docket No.	Owner	Installations	No. of Units	Location
3090-2-1	General Motors Corp./GMAD	Proposed passenger car assembly plant.	3	Oklahoma City, Okla.
3090-2-2				
3090-2-3				
7330-1-1	Texaco, Inc./Jefferson Chemical Co., Inc.	Neches plant	1	Port Neches, Tex.
8340-1-3	Exxon Corp./Exxon Chemical Co., U.S.A.	Baton Rouge chemical plant.	3	Baton Rouge, La.
8340-1-4				
8340-1-5				
6650-4-1	Shell Oil Co./Geismar Chemical Co.	Geismar plant	1	Geismar, La.
6650-6-1	Shell Oil Co.	Norco manufacturing complex.	3	Norco, La.
6650-6-2				

By Notice of Intention published in the FEDERAL REGISTER on May 13, 1977, (42 FR 24471), FEA gave notice of its intention to issue Construction Orders to all of the above-listed installations in the early planning process. Written comments were requested on the proposed orders and public hearings were held in Dallas, Texas on May 24, 1977, and in Oklahoma City, Oklahoma on May 26, 1977 to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Construction Orders. These orders will require the above-listed installations in the early planning process to be designed and constructed so as to be capable of using coal as their primary energy source. A Construction Order will not become effective, however, until FEA has considered the environmental impact of such order pursuant to 10 CFR 208.3(a)(4) and 307.7 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10 (b), 303.47(b) and 307.5 of the FEA regulations implementing section 2 of ESECA. Section 307.7 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations in the early planning process have been served Construction Orders by registered mail. In addition, copies of these Construction Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20143 Filed 7-13-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

The Federal Energy Administration (FEA) hereby gives notice that on June 30, 1977, it issued Prohibition Orders, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 305, to the following major fuel burning installations (MFBI's):

OCU Docket No.	Owner	Installations	Units No.	Location
0004	Brown Co., Specialty Papers Division	Parchment plant	9 and 10	Parchment, Mich.
1356	A. E. Staley Manufacturing Co.	Decatur plant	19 and 20	Decatur, Ill.
1853	Marathon Oil Co.	Robinson refinery	9 and 10	Robinson, Ill.

By Notice of Intention published in the FEDERAL REGISTER on May 13, 1977, (42 FR 24508), FEA gave notice of its intention to issue Prohibition Orders to all of the above-listed installations burning natural gas or petroleum products as their primary energy source.

Written comments were requested on the proposed orders and a public hearing was held in Chicago, Illinois on May 23, 1977, to receive oral presentations of data, views and arguments. Comments received by FEA during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before issuing any Prohibition Orders. These orders will prohibit the above-listed installations from burning natural gas or petroleum products as their primary energy source.

A Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies FEA in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the installation is able to burn coal and comply with all applicable air pollution control requirements without a compliance date extension under Section 119(c) of such Act or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the installation will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of making such order effective pursuant to 10 CFR 208.4(a)(4) and 305.9 and has served the affected MFBI with a Notice of Effectiveness, as provided in §§ 303.10 (b), 303.37(b) and 305.7 of the FEA regulations implementing Section 2 of ESECA. Section 305.9 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

All of the above-listed installations have been served Prohibition Orders by registered mail. In addition, copies of these Prohibition Orders will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. G. Randolph Comstock, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566–9732.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-20144 Filed 7-13-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-9068, E-9118, and E-9497]

OHIO EDISON CO.

Order Approving Settlement

JULY 6, 1977.

On May 3, 1977, Ohio Edison Company (Ohio Edison) tendered for filing to the Commission in these proceedings a proposed Settlement Agreement, including settlement rates and service contracts. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

On June 13, 1975, Ohio Edison tendered for filing in Docket No. E-9497 increased rates to twenty municipal wholesale customers (Cities) [1] based upon the Period II test period ending June 30, 1976. The proposed filing also revised Ohio Edison's fuel adjustment clause to conform to the requirements of Section 35.14 of the Commission's Regulations (18 CFR 35.14). On August 5, 1975, the Commission issued an order suspending the proposed rates until September 13, 1975, subject to refund.

Separate complaints had been initiated earlier against Ohio Edison's rates by the Cities of Cuyahoga Falls (E-9068) and Galion (E-9118). By order issued on September 3, 1975, these proceedings were consolidated with the proceeding in E-9497.

The parties filed direct and rebuttal testimony and a hearing was convened on June 29, 1976. Several settlement conferences subsequently culminated in the proposed filing on May 3, 1977.

Public notice of the proposed settlement was issued on May 9, 1977. Staff filed comments in support of the agreement. No other comments were received.

The proposed agreement provides for a revenue requirement of $20,133,594 for the same 12 months ending June 30, 1976; a refund by Ohio Edison of excess amounts collected from September 13, 1975 with interest at 9% per annum; and a moratorium on further rate increases which would become effective before November 16, 1977. Staff's analysis indicates that the settlement rates do not produce an earned return in excess of Staff's recommended rate of return of 9.31%, including 12.75% on common equity.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement filed with the Commission in these proceedings on May 3, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) The rate schedules and service agreements which accompanied the proposed Settlement Agreement are hereby approved and accepted for filing with designations, instrument dates and effective dates as shown in Attachment A hereto.

(C) Within 30 days from the date of this order, Ohio Edison shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 30 days after refunds have been made, Ohio Edison shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Ohio Edison or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Municipalities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth and Wellington, all located in Ohio.

ATTACHMENT A.—*Ohio Edison Co.; filed May 3, 1977, effective Sept. 13, 1975*

[Docket Nos. E-9068, E-9118 and E-9497]

Designation	Instrument date	Other party
(1) Rate schedule FPC No. 122 (supersedes FPC No. 98 as supplemented).	Apr. 27, 1977	City of Amherst.
(2) Supplement No. 1 to rate schedule FPC No. 122 (rate—transmission voltage).	.....	Do.
(3) Rate schedule FPC No. 123 (supersedes FPC No. 99 as supplemented).	Mar. 7, 1977	Village of Beach City.
(4) Supplement No. 1 to rate schedule FPC No. 123 (rate—primary voltage).	.....	Do.
(5) Rate schedule FPC No. 124 (supersedes FPC No. 100 as supplemented).	Mar. 7, 1977	Village of Brewster.
(6) Supplement No. 1 to rate schedule FPC No. 124 (rate—transmission voltage).	.....	Do.
(7) Rate schedule FPC No. 125 (supersedes FPC No. 101 as supplemented).	Mar. 11, 1977	Village of Columbiana.
(8) Supplement No. 1 to rate schedule FPC No. 125 (rate—transmission voltage).	.....	Do.
(9) Rate schedule FPC No. 126 (supersedes FPC No. 102 as supplemented).	Mar. 1, 1977	City of Cuyahoga Falls.
(10) Supplement No. 1 to rate schedule FPC No. 126 (rate—transmission voltage).	.....	Do.

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Designation	Instrument date	Other party
(11) Rate schedule FPC No. 127 (supersedes FPC No. 103 as supplemented).	Mar. 2, 1977	City of Galion.
(12) Supplement No. 1 to rate schedule FPC No. 127 (rate—transmission voltage).		Do.
(13) Rate schedule FPC No. 128 (supersedes FPC No. 104 as supplemented).	Mar. 1, 1977	Village of Grafton.
(14) supplemented No. 1 to rate schedule FPC No. 128 (rate—transmission voltage).		Do.
(15) Rate schedule FPC No. 129 (supersedes FPC No. 105 as supplemented).	Mar. 7, 1977	City of Hubbard
(16) Supplement No. 1 to rate schedule FPC No. 129 (rate—transmission voltage).		Do.
(17) Rate schedule FPC No. 130 (supersedes FPC No. 110 as supplemented).	Mar. 10, 1977	Village of Mor[illegible]a Ile
(18) Supplement No. 1 to rate schedule FPC No. 130 (rate—transmission voltage).		Do.
(19) Rate schedule FPC No. 131 (supersedes FPC No. 106 as supplemented).	Mar. 7, 1977	Village of Hudson.
(20) Supplement No. 1 to rate schedule FPC No. 131 (rate—transmission voltage).		
(21) Rate schedule FPC No. 132 (supersedes FPC No. 107 as supplemented).	Feb. 28, 1977	Village of Lodi.
(22) Supplement No. 1 to rate schedule FPC No. 132 (rate—transmission voltage).		Do.
(23) Rate schedule FPC No. 133 (supersedes FPC No. 108 as supplemented).	Mar. 2, 1977	Village of Lucas
(24) Supplement No. 1 to rate schedule FPC No. 133 (rate—primary voltage).		Do.
(25) Rate schedule FPC No. 134 (supersedes FPC No. 109 as supplemented).	Mar. 8, 1977	Village of Milan.
(26) Supplement No. 1 to rate schedule FPC No. 134 (rate—transmission voltage).		Do.
(27) Rate schedule FPC No. 135 (supersedes FPC No. 113 as supplemented).	Feb. 24, 1977	Village of Prospect.
(28) Supplement No. 1 to rate schedule FPC No. 135 (rate—transmission voltage).		Do.
(29) Rate schedule FPC No. 136 (supersedes FPC No. 114 as supplemented).	Mar. 2, 1977	Village of Seville.
(30) Supplement No. 1 to rate schedule FPC No. 136 (rate—transmission voltage).		Do.
(31) Rate schedule FPC No. 137 (supersedes FPC No. 115 as supplemented).	Mar. 1, 1977	Village of South Vienna
(32) Supplement No. 1 to rate schedule FPC No. 137 (rate—primary voltage).		Do.
(33) Rate schedule FPC No. 138 (supersedes FPC No. 116 as supplemented).	Feb. 24, 1977	City of Wadsworth.
(34) Supplement No. 1 to rate schedule FPC No. 138 (rate—transmission voltage).		Do.
(35) Rate schedule FPC No. 139 (supersedes FPC No. 117 as supplemented).	Mar. 7, 1977	City of Wellington.
(36) Supplement No. 1 to rate schedule FPC No. 139 (rate—transmission voltage).		Do.
(37) Rate schedule FPC No. 140 (supersedes FPC No. 112 as supplemented).	Mar. 8, 1977	City of Oberlin.
(38) Supplement No. 1 to rate schedule FPC No. 140 (letter agreement).	Mar. 4, 1976	Do.
(39) Supplement No. 2 to rate schedule FPC No. 140 (rate—transmission voltage).		Do.
(40) Rate schedule FPC No. 141 (supersedes FPC No. 111 as supplemented).	Mar. 9, 1977	City of Niles
(41) Supplement No. 1 to rate schedule FPC No. 141 (letter agreement).	July 13, 1976	Do.
(42) Supplement No. 2 to rate schedule FPC No. 141 (rate—transmission voltage).		Do.

[FR Doc.77-20049 Filed 7-13-77;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less director's qualifying shares) of Texas State Bank, Abilene, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted on behalf of the Independent Bankers Association of Texas, Inc., and three Texas banks: Abilene National Bank, Bank of Commerce, and The First State Bank, all of Abilene, Texas (hereinafter collectively referred to as "Protestants"), in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Texas, controls 24 banks with aggregate deposits of approximately $3.9 billion, which represents 7.5 percent of the total commercial bank deposits in Texas.[1] Since Bank is a proposed new bank, its acquisition would neither immediately increase Applicant's share of commercial bank deposits nor alter its rank in the State.

Bank is to be located in the growing southern portion of the city of Abilene, Texas, and will compete in the Abilene banking market (the relevant banking market).[2] Applicant operates one subsidiary bank in the relevant market. The Citizens National Bank in Abilene ("Citizens Bank"), and is thereby the third largest of fourteen commercial banking organizations located in the market with 23 per cent of market deposits.[3] Since Bank is a proposed new bank, its acquisition by Applicant would not eliminate any existing or potential competition. In addition, there is no evidence that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. On the basis of the above and other facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory and consistent with approval of the application. Similarly, the financial and managerial resources and future prospects of Bank as a subsidiary of Applicant are satisfactory and consistent with approval of the application. Accordingly, considerations relating to the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since affiliation of Bank with Applicant will enable Bank to provide a full range of banking services to its customers.

In its review of the subject application, the Board has given careful consideration to the comments submitted on behalf of Protestants. In addition to requesting a formal hearing on the application, which request is denied by the Board,[4] Protestants contend that Bank's proposed affiliation with Applicant would offend Texas law prohibiting branch banking (TEX. CONST. Art. XVI § 16). The Board has stated that a State's restrictive branch banking laws are not automatically applicable to bank holding company operations. In a given case the Board examines the facts to determine whether a particular acquisition by a bank holding company would constitute an illegal branch under State law. If the Board determines that a violation of State law would result, it is required to disapprove the transaction. *Whitney National Bank* v. *Bank of New Orleans*, 323 F. 2d 290 (D.C. Cir. 1963), *rev'd on other grounds*, 379 U.S. 411 (1965); *Gravois Bank* v. *Board of Governors*, 478 F. 2d 546 (8th Cir. 1973).

The Board notes that the Banking Commissioner of the State of Texas has granted preliminary approval for the charter of Bank, following a hearing, apparently concluding that Bank would not be an illegal branch under applicable Texas law. Furthermore, the facts of record in this case indicate Bank will be a separate corporation, with its own capital stock and a loan limit based upon such capital stock; Bank's operations will be conducted primarily by its own officers; Bank's board of directors will be generally separate from the boards of Applicant and of Citizens Bank and will exercise independent judgment with respect to the management of Bank; Bank's officers and employees will not directly perform any services for customers of Citizens Bank other than those services that would be provided for customers of other area banks, such as check cashing, and the same is true of Citizens Bank's officers and employees with regard to customers of Bank; Bank's customers will be able to deposit and withdraw their funds only with respect to their accounts in Bank and will not be able to effect a deposit or withdrawal from Bank at Citizens Bank; and the same is true of Citizens Bank's customers who will likewise not be able to effect a deposit or withdrawal from Citizens Bank at Bank; Bank and Citizens Bank will be advertised as being members of the same bank holding company system but they will not be identified as united institutions; Bank will maintain its own books of account, use its own stationery and issue its own distinctive checks and forms; and Bank's name will be different from the name of Citizens Bank. Applicant further represents that it will purchase Bank's shares through use of its own capital resources.

In order to prevail on the branching issue, "It must be shown that in substance a bank is doing business through the instrumentality of the affiliate institution which constitutes the alleged branch, or vice versa, in the same way as if the institutions were one." *Independent Bankers Association of Georgia* v. *Board of Governors of the Federal Reserve System*, 516 F. 2d 1206 (D.C. Cir. 1975). In view of the foregoig, and having considered the comments of the Protestants and all the other facts of record, the Board concludes that Bank will not be operated in a unitary fashion with Applicant's banking subsidiary and thus this proposal will not contravene Texas' branch banking law.

Protestants contend that approval of this application would also have such adverse competitive consequences as to merit denial of the application.[5] One of the arguments advanced by Protestants is that the Abilene banking market is not particularly attractive for *de novo* entry because little growth in the area can be expected. Consequently, Protestants assert it is doubtful Bank can become a viable independent banking institution. The Board has reviewed the facts of record and finds that the market can reasonably be expected to support an additional banking alternative. This is especially so in light of the fact that Bank is to be located in the expanding southern portion of Abilene which is currently served by a single bank. While the decision to establish a new bank almost always involves some measure of risk, the Board is unable to conclude that Applicant's proposal involves more than the usual entrepreneurial risks inherent in such a proposal.

Protestants also assert that any substantial growth by Bank would be at the expense of the area's existing banks. Applicant has defined a service area for Bank that overlaps the service area of a neighboring bank that has sustained an annual deposit growth rate of approximately 20 percent over the past five years. Moreover, it appears that the economy of the Abilene area is experiencing steady growth and the bulk of Abilene's growth in population and new housing is occurring in that portion of Abilene where Bank is to be located. The continued growth in the economy of Abilene should insure that Bank can experience adequate growth without endangering the viability of the other banks in the market.

Protestants also assert that the acquisition of Bank will enable Applicant to become the dominant banking organization in the market. However, while Applicant controls 23 percent of the deposits third largest of fourteen banking organizations in the market (with two out of sixteen banking offices in the Abilene SMSA[6]) and has experienced a steadily declining market share in recent years. Moreover, the first and second ranked banking organizations in the market control 30.5 and 24.4 percent, respectively, of the market's deposits. In addition, the largest banking organization in the market controls both the largest and fourth largest banks therein. Based upon the record in this matter, it is the Board's view that the acquisition of Bank will not enable Applicant to become the dominant banking organization in the market.

In view of the foregoing discussion and having considered the facts of record and all the comments of Protestants in light of the statutory factors the Board must consider under § 3(c) of the Act, it is the Board's judgment that consummation of the subject proposal would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Texas State Bank, Abilene, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[7] effective July 7, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-20052 Filed 7-13-77;8:45 am]

JACKSON HOLE BANKING CORP.

Formation of Bank Holding Co.

Jackson Hole Banking Corporation, Jackson, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Jackson State Bank, Jackson, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 5, 1977.

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[1] All banking data are as of December 31, 1976, and reflect bank holding company formations and acquisitions approved through April 30, 1977.

[2] The Abilene banking market is approximated by the Abilene SMSA, which is comprised of Callahan, Jones, and Taylor Counties.

[3] In addition to its main office, Citizens Bank operates a "facility" at Dyess Air Force Base, which is within the Abilene market. This facility can only receive demand and savings deposits. It has no loan-making authority.

[4] Under § 3(b) of the Act, the Board is required to hold a hearing when the primary supervisor of the bank to be acquired recommends disapproval of the application (12 U.S.C. § 1842(b)). In this case, after a hearing on Bank's charter application in which three of the Protestants participated, the Banking Commissioner of the State of Texas issued preliminary charter approval to Bank on December 11, 1975, and he has not subsequently recommended that the subject application be denied. Thus, there is no statutory requirement that the Board hold a hearing. During the processing of the subject application Protestants were given several opportunities to submit their views in writing. Additionally, in response to a request by the Protestants, an informal hearing was held at the Federal Reserve Bank of Dallas at which representatives of Applicant and the four Protestants were present and were provided an opportunity to express their views. In view of the Board's conclusion that the record in this case is sufficiently complete to render a decision, Protestants' request for a formal hearing is denied.

[5] Protestants also claim that the prohibitions against director interlocks of section 8 of the Clayton Act (15 U.S.C. § 19) and section 212.1 of the Board's Regulation L (12 CFR § 212.1) would be violated as a result of Applicant's acquisition of Bank since a director of Citizens, a subsidiary of Applicant, would also be a director of Bank. The Board has examined Protestants' contention and is of the view that the existence of a common director at Bank and Citizens Bank is clearly permissible on the basis of section 212.2(d)(4) of Regulation L since both banks are subsidiaries of the same parent holding company.

[6] For purposes of this analysis, Applicant's Dyess Air Force Base facility is counted as a banking office. The facts of record show that at the same time Applicant's *de novo* charter for Bank was approved by the State Banking Commission, the Commission also approved another charter for the northeast section of the city of Abilene. Thus, upon the opening of Bank and the other newly approved bank in Abilene, Applicant would control only 3 out of the 17 banking offices in the Abilene market.

[7] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

Board of Governors of the Federal Reserve System, July 8, 1977.

company through the acquisitions of Hanover Bank (deposits of $2.5 million)

Order or (b) later than three months

sponse. The FCC receives approximately 20,000 applications annually.

11 Application of CAS 405, Accounting for Unallowable Costs to Directly Asso-

be reflected in the negotiated price. When this condition occurs procurement officials

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Board of Governors of the Federal Reserve System, July 8, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-20253 Filed 7-13-77;8:45 am]

UNITED BANK OF COLORADO

Acquisition of Bank

United Banks of Colorado, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of United Bank of Arvada National Association, Arvada, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 5, 1977.

Board of Governors of the Federal Reserve System, July 8, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-20254 Filed 7-13-77;8:45 am]

UNITED BANKS CORP.

Order Approving Formation of Bank Holding Co.

United Banks Corporation, Hanover, New Hampshire, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the successor by merger to Hanover Bank & Trust Company, Hanover, New Hampshire ("Hanover Bank") and 100 percent (less directors' qualifying shares) of Lebanon Bank & Trust Company, West Lebanon, New Hampshire ("Lebanon Bank"), a proposed new bank. The bank into which Hanover Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Hanover Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Hanover Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Boston has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through the acquisitions of Hanover Bank (deposits of $8.5 million)[1] and Lebanon Bank. Upon acquisition of Hanover Bank, Applicant would control the 54th largest commercial bank in New Hampshire, holding .50 percent of total deposits in commercial banks in the State. Hanover Bank is the fifth largest of eight banks in the Upper Connecticut River Valley banking market,[2] and controls 8.1 percent of the total commercial bank deposits therein. Since Lebanon Bank is a proposed new bank, its acquisition by Applicant would neither immediately increase Applicant's share of commercial bank deposits nor alter its rank in the State. Lebanon Bank is to be located also in the Upper Connecticut River Valley banking market. Applicant's acquisition of Lebanon Bank would not have any immediate effect upon Applicant's share of commercial bank deposits in the Upper Connecticut River Valley banking market. Consummation of the proposed acquisition would have no significant adverse effects upon either existing or potential competition and would, in fact, have the procompetitive effect of permitting Applicant entry into the City of Lebanon, the most populous municipality in the Upper Connecticut River Valley banking market[3] and a community closed to branching by Hanover Bank under State law. Accordingly, on the basis of the facts of record, this Reserve Bank finds that competitive considerations lend weight toward approval of the application.

The financial and managerial resources and future prospects of Applicant, Hanover Bank and Lebanon Bank are regarded as satisfactory and consistent with approval of the application. Applicant would not incur debt as the result of the instant proposal and Lebanon Bank would be capitalized through an offering of Applicant's stock. The addition of a new banking alternative to the City of Lebanon should provide greater banking convenience for the residents of the area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is this Reserve Bank's judgment that consummation of the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Lebanon Bank & Trust Company, West Lebanon, New Hampshire, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 5, 1977.

HERBERT F. WASS,
Secretary.

[FR Doc.77-20255 Filed 7-13-77;8:45 am]

[1] All banking data are as of December 31, 1976 unless otherwise noted.

[2] The Upper Connecticut River Valley market area consists of twelve towns in New Hampshire and Vermont (Canaan, Dorchester, Enfield, Hanover, Lebanon, Lyme, Orford, Plainfield in New Hampshire and Hartford, Hartland, Norwich and Thetford in Vermont). Market share data are as of June 30, 1976.

[3] Source of population data: 1970 U.S. Census.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 6, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited for all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 1, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff (202-275-3532).

FEDERAL COMMUNICATIONS SYSTEM

FCC requests clearance of a revision to FCC Form 405-A, Application for Renewal of Radio Station License and/or Notification of Change to License Information. FCC Form 405-A is presently used by licensees when applying for renewal of radio station licenses without major modification in the Aviation, Marine, Public Safety, Industrial, Land Transportation, and Disaster Services. Sections 81.37, 83.36(a), 87.33, 89.59(g), 93.56(f), and 99.11(d) of the Commission's Rules are applicable. The revised form will be used for five purposes: (1) Renewal of License, (2) Mailing Address Change Notification, (3) Licensee Name Change Notification (without change to corporate structure), (4) Vessel Name Change Notification (without change to vessel official number), and (5) Station Closure Notification. Respondent burden is estimated to average 30 minutes per response. The FCC receives approximately 20,000 applications annually.

JOHN M. LOVELADY,
Acting Assistant Director, Regulatory Reports Review.

[FR Doc.77-20248 Filed 7-13-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[GSA Bulletin FPR 25, Supplement 1]

FEDERAL PROCUREMENT

Cost Accounting Standards Administration—Interim Guidance

JUNE 22, 1977.

1. *Purpose.* This supplement adds additional interim guidance concerning the administration of Subpart 1-3.12, Cost Accounting Standards, of the Federal Procurement Regulations (FPR).

2. *Expiration date.* This bulletin contains items of a continuing nature and will remain in effect until canceled.

3. *Filing instructions.* Remove pages 1 and 2 of attachment A and insert new pages 1 and 2, and 19 through 45, which add new item numbers 13 through 21.

JAY H. BOLTON,
Acting Commissioner, Federal Supply Service.

GSA BULLETIN FPR 25, ATTACHMENT A

INTERIM GUIDANCE ON COST ACCOUNTING STANDARDS MATTERS

OCTOBER 29, 1976.

Item Number, Title, and Source

1 Guidance for the implementation of CAS 409, Depreciation of Tangible Capital Assets: DPC 75-4, October 3, 1975, Item XVI.
2 CAS-covered contracts versus uncovered contracts: DPC 75-6, January 19, 1976, Item VIII (DPC 76-1, August 30, 1976).
3 Increased costs paid under CAS-covered contracts: DPC 75-6, January 19, 1976, Item VIII (DPC 76-1, August 30, 1976).
4 Individual contract adjustments: DPC 75-6, January 19, 1976, Item VIII (DPC 76-1, August 30, 1976).
5 Noncompliance cases involving contractor proposals: DPC 76-1, August 30, 1976, Item X (revised from DPC 75-6, January 19, 1976).
6 Interim guidance for implementing CAS 412: W. G. 76-1, February 24, 1976.
7 Interim guidance for application of CAS to contract modifications and to orders placed under basic agreements: W. G. 76-2, February 24, 1976.
8 Interim policy for application of CAS to subcontracts: W. G. 76-3, March 11, 1976.
9 Interim guidance for determining increased costs to the Government for CAS-covered FFP contracts: W. G. 76-4, October 1, 1976.
10 Interim guidance on treatment of implementation costs related to changes in cost accounting practices: W. G. 76-5, October 1, 1976.
11 Interim guidance on application of CAS clause to changes in contractor's established practices when a disclosed statement has been submitted: W. G. 76-6, October 1, 1976.
12 Interim guidance on the significance of "effective" and "applicability" dates included in cost accounting standards: W.G. 76-7, October 1, 1976.
13 Application of CAS 405, Accounting for Unallowable Costs to Directly Associated Cost: DPC 76-6, January 31, 1977, Item XXXV (supersedes Item XV of DPC 74-3, November 29, 1974).
14 Interim guidance on use of the offset principle in contract price adjustments resulting from accounting changes: W.G. 76-8, December 17, 1976.
15 Interim guidance for measurement of cost impact on firm fixed-price contracts: W.G. 76-9, December 17, 1976.
16 Retroactive implementation of cost accounting standards when timely compliance is not feasible: W.G. 77-10, February 2, 1977.
17 Interim guidance for the implementation of CAS 410, Allocation of Business Unit General and Administrative Expenses to Final Cost Objectives: W.G. 77-11, February 2, 1977.
18 Interim guidance—Deliberate noncompliance and inadvertent noncompliance: W.G. 77-12, March 29, 1977.
19 Interim guidance on the applicability of CAS 405 to costs determined unallowable on the basis of allocability: W.G. 77-13, March 29, 1977.
20 Interim guidance on early implementation of new cost accounting standards issued by the CAS Board: W.G. 77-14, March 29, 1977.
21 Interim guidance on the influence of CAS regulations on contract terminations: W.G. 77-15, March 29, 1977.

As indicated earlier, the CASB sets the applicability date beyond the effective date in order to achieve a smooth implementation of the standard. However, special care is needed in considering contractors' proposals submitted for a contract to be awarded after a new standard's effective date but before the standard must be applied.

The proposed effort occurring after the effective date but before the applicability date should be priced using the contractor's old accounting practice. Effort projected to occur on or after the applicability date should be priced in compliance with the new standard.

The equitable adjustment for those CAS-covered contracts in existence when a standard becomes effective should cover the period from the date the standards become applicable through contract completion.

GUIDANCE

Procurement, administration, and audit personnel should carefully review the appropriate section of each newly promulgated standard to identify the effective date and the conditions governing the application of its provisions to actual practices.

A listing of all CAS-covered contracts and subcontracts in existence as of the standard's effective date should be obtained from the contractor. This listing, as confirmed with contract administration records, should represent those contracts eligible for equitable adjustments. ASPR 3-1213 (§ 1-3.1213) should be followed in administering any equitable adjustments caused by the new standard.

Proposals for contracts to be awarded after the effective date of a standard should be carefully reviewed to ascertain whether it reflects compliance with the standard. The proposal need only reflect compliance with the standard from the applicability date forward.

There will be instances where the impact of the standard cannot reasonably be predicted at the time the proposal is prepared or before the negotiations. Consequently, the effects of applying the standard cannot be reflected in the negotiated price. When this condition occurs procurement officials should make use of contract provisions protecting the Government's interest.

ITEM 13.—APPLICATION OF CAS 405, ACCOUNTING FOR UNALLOWABLE COSTS TO DIRECTLY ASSOCIATED COST: DPC 76-6, JANUARY 31, 1977. ITEM XXXV (SUPERSEDES ITEM XV OF DPC 74-3, NOVEMBER 29, 1974)

Recently it has come to our attention that DOD personnel may not be interpreting the provisions of CAS 405 in a uniform or consistent manner. The basic rule to be applied in determining directly associated costs is that directly associated costs are those which are generated solely as a result of the incurrence of another cost and which would not have been incurred but for the incurrence of the other cost. This is known as the "but for" rule.

In order to ensure that CAS 405 is interpreted in a manner which is uniform and consistent, the following policy will be applied in all contracts, whether or not these contracts are subject to the Cost Accounting Standards. This policy establishes the basis for determining whether cost is significant and should be identified to the unallowable activity or cost objective as a directly associated cost and subsequently disallowed. For these purposes, the amount, if any, to be identified to the unallowable activity or cost objective shall be determined on the basis of an official's or employee's time (actual or estimated workhours) directly attributable to the unallowable cost activity or cost objective. Appropriate charges for other costs shall also be included when such costs satisfy the "but for" rule.

There shall be a conclusive presumption that a portion of an official's or employee's salary is a directly associated cost and significant and thus unallowable if such official or employee devotes 30 percent or more of his time to the unallowable cost activity or objective. That amount shall then be identified to the unallowable cost activity or cost objective and disallowed therewith.

With respect to time of officials or employees attributable to unallowable cost activities or cost objectives, which time constitutes less than 30 percent of the total time associated with that official's or employee's total work time, the following critria will be normally utilized for the purpose of determining whether such time devoted to the unallowable cost activity or cost objective is significant:

a. *The absolute dollar amount involved.* The larger the amount, the more likely it is to be significant. If the amount of individual salary associated with the unallowable cost activity or cost objective is less than $5,000, then such amount will not be considered to have met this criterion. However, if the aggregate amount of salary associated with the unallowable cost activity or objective for two or more employees in the same expense or cost pool is $20,000 or more, then such aggregate amount shall be considered to have met this criterion. If the questioned salary costs fall below the applicable criterion above, such costs should not be questioned and b. and c. below do not apply.

b. *The relationship of total costs to questioned costs.* As applicable, compare the total salary cost pool with the questioned aggregate amount, or the total individual salary cost with the questioned amount of individual salary. The smaller the amount of questioned salary in relation to the total salary cost, the less likely it is to be significant.

c. *The relationship between the activity represented by the questioned salary cost and the expressly or mutually agreed to be unallowable cost activity or cost objective.*

The further removed from the unallowable cost activity or cost objective, the less likely

approaches may provide a better procedure

graph (a)(5) of the CAS clause provides for

date. Working Group (W.G.) guidance paper

a provision for a ceiling or target cost ad-

1. Current G&A allocation base will be

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The further removed from the unallowable cost activity or cost objective, the less likely it is to be significant.

NOTE.—The above criteria will be normally utilized for the purpose of determining whether associated costs other than salary are significant.

Decisions of significance or insignificance shall be based on an analysis of the above criteira. If upon application of the aforementioned criteria the associated cost is determined to be significant, then that amount shall be identified to the unallowable cost activity or cost objective as a directly associated cost and disallowed therewith.

The above stated policy supersedes Item XV of DPC 74-3, November 29, 1974, related to CAS 405, and the application of common percentage of cost, as in the past, shall not be used. This policy should be brought to the attention of all DOD personnel engaged in the placement, administration, and audit of contracts.

This policy is published for guidance pending the issuance of permanent coverage in ASPR (FPR).

ITEM 14.—INTERIM GUIDANCE ON USE OF THE OFFSET PRINCIPLE IN CONTRACT PRICE ADJUSTMENTS RESULTING FROM ACCOUNTING CHANGES: W.G. 76-8, DECEMBER 17, 1976

BACKGROUND

Paragraph (a)(4)(A) of the CAS clause (§ 1-3.1204-1) provides for equitable adjustments when accounting system changes result from the issuance of new Cost Accounting Standards. Paragraph (a)(4)(B) of the CAS clause provides that the Contractor will negotiate, with the Contracting Officer, the terms and conditions under which a change to either a disclosed or established cost accounting practice may be made. These changes are generally referred to as "voluntary" changes. The (a)(4)(B) clause goes on to forbid any agreement that will result in increased costs being paid by the United States.

The interpretative language found in 4 CFR 331.70(f) advocates the offsetting approach with regard to voluntary changes whereby price adjustments are foregone to the extent that increases under one or more CAS-covered contracts are equaled or exceeded by decreases on other CAS-covered contracts. However, CAS publications including the CAS Clause shed no light on how the offset technique may be related to mandatory changes, simultaneous accounting changes, multidivisional accounting changes, and changes affecting a diverse contractual mix.

DISCUSSION

While the CAS Board explicitly advocates the use of the offset technique to preclude contract price changes under voluntary type, i.e., (a)(4)(B) changes, the technique can be equally useful in connection with mandatory changes, i.e., (a)(4)(A) type, if used for the same general purpose of netting out contract price changes and thus reducing the number of individual contract price adjustments required.

No specific method for applying the offset concept has been established. It remains the responsibility of the Administrative Contracting Officer to address each specific situation in a way that best accomplishes the overall objective. One method that may simplify the computation in many instances, as well as avoid the pitfalls described in Item X of DPC 76-1 (Item 8 of this bulletin), would be to compute the impact of a change by types of contracts, e.g. firm fixed-price or cost type, and adjust as few contract prices as necessary within each group before merging the net impact from each contract group with that of other groups. Different approaches may provide a better procedure in other cases. For example, contracts may be grouped according to the relative materiality of the impact of the change (also see DPC 76-1). This type of segregation can be helpful in identifying contracts which can be eliminated from further consideration.

Another issue concerns the extent to which the offset principle can be used when several organizational segments of a company are affected by the same accounting change. As a general rule whenever costs are flowing either from a higher organizational level or between segments, the offset universe may cover all affected segments. For example, a change that affects the flow of costs from a home office to several segments could offset CAS-covered contracts within all affected segments. However, accounting changes that only affect the flow of costs within individual divisions should be treated as changes within each division.

The combining, for offset purposes, of several accounting changes within a segment as long as they have the same effective date should also serve to reduce the number of necessary contract price changes. Although individual treatment of voluntary changes could maximize the potential for downward price adjustments, the Government's interests are adequately protected if no overall price increase is paid by the United States.

In summary, for those aspects of offset situations where specific CAS Rules and Regulations do not exist, Contracting Officers are still charged with exercising their best judgment on each individual impact study in a way that protects the best interest of the Government and considers the equity, fairness, and materiality of the matter.

GUIDANCE

1. Contracts may be adjusted individually or cost increases and decreases may be offset to reduce the number of contract adjustments for both (a)(4)(A) and (a)(4)(B) changes.

2. Cost increases at one organizational segment of a company may be offset by decreases at another segment if the change causes costs to flow between the segments either directly or via a higher organizational level such as a home office.

3. Within a segment the effect of several changes may be combined in the offset consideration if the changes all take place at the same time.

4. When a mix of contract types is involved, grouping of contracts by type, by materiality of cost impact, or by other type segregation may often reduce the complexity of the problem and also reduce the number of price adjustments that must be made.

5. The Contracting Officer is responsible for assuring that the offset technique is applied judiciously so that the final cost to the Government or to individual departments or agencies is not materially different from that which would have resulted if the contract prices had actually been adjusted.

6. Offsets affecting incentive contracts should be carefully reviewed to avoid material impacts on the incentive provisions.

ITEM 15.—INTERIM GUIDANCE FOR MEASUREMENT OF COST IMPACT ON FIRM FIXED-PRICE CONTRACTS: W.G. 76-9, DECEMBER 17, 1976

BACKGROUND

Paragraph (a)(4)(A) of the CAS clause (§ 1-3.1204-1) provides for an equitable adjustment when accounting system changes result from the issuance of new cost accounting standards. Paragraph (a)(4)(B) of the CAS clause calls for negotiation of the terms and conditions under which a voluntary change to either a disclosed or established cost accounting practice will be made. Paragraph (a)(5) of the CAS clause provides for recovery with interest of any overpayments that have resulted from a contractor's failure to comply with either a Cost Accounting Standard or his disclosed practices. These paragraphs are silent as to the mechanics of the computation.

The interpretive language found in 4 CFR 331.70(b) describes the remedies to be applied where noncompliances occur in connection with (a)(5) type adjustments under firm fixed-price contracts. 4 CFR 331.70(b) explicitly requires the use of original cost estimates from the time of negotiation of the contract adjusted to what they would have been had the contractor proposed on the basis of the practices actually used.

ASPM No. 1 (9A6 and 9A7) (This is a reference to the ASPR Manual for Contract Pricing, Edition of September 15, 1975. The manual is reprinted as a separate volume of the Government Contracts Reports, published by the Commerce Clearing House, Inc. (CCH).) in addressing the general subject of the pricing of changes advocates the use of estimates to complete at the time the change is made rather than the original estimates.

DISCUSSION

Although there is a certain theoretical purity to the use of original cost estimates for adjusting fixed-price contracts for mandatory and voluntary changes, there are several serious impediments to that approach that are intrinsic to fixed-price contracting. While the parties to a fixed-price contract have agreed to a total price, there is often no agreement as to how much of the price represents cost and how much profit and seldom a meeting of the minds on the amount of any individual element of cost. This will be particularly so if the award was based on adequate price competition. Further, many fixed-price contracts will have undergone numerous price changes due to engineering modifications and other changes. In such cases, tracking of an individual cost element may prove virtually impossible. There is also the danger that the confusion resulting from the attempt to reconstruct the original data will provide an opportunity to reprice loss portions of contract performance that have elapsed prior to the point of the change.

The use of original cost estimates in cases involving noncompliances on firm fixed-price contracts may be more feasible where the noncompliant practice dates back to the beginning of the contract. However, there will still be occasions when tracking and cost identity problems will be almost insurmountable.

GUIDANCE

Cost adjustments under either mandatory, (a)(4)(A), or voluntary, (a)(4)(B), changes should generally be the net difference between the current estimated cost to complete using the old accounting methods and the same estimate reconstructed to reflect the new methods.

Adjustments relating to noncompliances, (a)(5), under firm fixed-price contracts must comply with the CAS Board's requirement to use original cost estimates reflecting the noncompliant and compliant treatments. Should this prove impracticable, the problem should be forwarded through appropriate channels to the CAS Working Group.

ITEM 16.—RETROACTIVE IMPLEMENTATION OF COST ACCOUNTING STANDARDS WHEN TIMELY COMPLIANCE IS NOT FEASIBLE: W.G. 77-10, FEBRUARY 2, 1977

BACKGROUND

There are two significant dates in the implementation of cost accounting standards, the "effective" date and the "applicability" date. Working Group (W.G.) guidance paper 76-7 (Item 12 of this bulletin), which provides discussion and guidance on these dates, states that the effective date "Designates the point in time when the pricing of all future CAS-covered procurement must reflect the requirements of the newly promulgated standard • • •"; and the applicability date "• • • marks the beginning of the period when the contractor must actually change the accounting and reporting systems to conform to the standard." The applicability date of most standards is the beginning of the contractor's next accounting period after receipt of a CAS-covered contract following the effective date of the standard.

DISCUSSION

There may be a few unusual situations when it is virtually impossible for a contractor to comply with a particular standard at its applicability date because the standard requires a major revision to a segment of the contractor's cost accounting system. In this instance, attempting to forecast the impact of the standard on a negotiated contract to be entered into after the effective date of the standard could be inequitable to either party. For example, CAS Standard 410 (Allocation of Business Unit G&A Expenses to Final Cost Objectives) was promulgated in final form on April 16, 1976, with an effective date of October 1, 1976, and an applicability date at the start of the next fiscal year beginning after January 1, 1977. Some contractors, for various reasons, have a fiscal year beginning on January 2 or 3, 1977. Therefore, the applicability date for those contractors was only about three months after the effective date (assuming that a CAS-covered contract was received in the interim period). There has been an indication that some of these contractors were unable to accomplish a major revision to their G&A expense pool and change to an appropriate cost input base in the time available. In the meantime, contract proposals received after October 1, 1976, have been required to be negotiated on a cost input basis and in these instances the accounting and reporting systems must be changed effective January 2 or 3, 1977, thereby creating a difficult condition.

GUIDANCE

In unusual situations where a contractor can demonstrate to the satisfaction of the ACO (CASB cognizant contracting officer) that it is virtually impossible for the contractor to comply with the effective or applicability dates of a standard, the following guidance should be followed:

1. The ACO shall establish a specific date for the contractor to make the necessary changes to his estimating, accounting, and reporting systems to be in compliance with the standard.

2. Negotiation of new firm fixed-price contracts after the effective date of the standard (but prior to the changes made in 1. above) should be conducted using the accounting practice employed by the contractor prior to the standard. The terms of these contracts should include a provision for price adjustment, retroactive to the applicability date, for any significant cost impact (increase or decrease) resulting from changing the accounting practice to comply with the standard.

3. After the effective date of the standard (but prior to the changes made in 1. above) negotiation of ceilings or target costs and fees or profit for new cost type or flexibly priced contracts should be conducted using the accounting practice employed by the contractor prior to the standard. The contract terms of these contracts should include a provision for a ceiling or target cost adjustment (and adjustment of fee or profit if appropriate) for any significant estimated cost impact resulting from changing the accounting practice to comply with the standard. In addition, after the necessary changes to the accounting system are made in accordance with 1. above, these changes must be made retroactive to the applicability date of the standard for costs allocated to these contracts.

4. When appropriate, changes in the contractor's Disclosure Statement to reflect the cost accounting practices required by the standard should also be accomplished by the date established in 1. above.

5. When the above procedures are followed there will be no noncompliance reporting, and equitable adjustments computed as of the applicability date of the standard are in order.

ITEM 17.—INTERIM GUIDANCE FOR THE IMPLEMENTATION OF CAS 410, ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES: W. G. 77-11, FEBRUARY 2, 1977

BACKGROUND

The standard provides criteria for allocating G&A to final cost objectives. It defines G&A expenses, provides guidelines for determining whether a particular expense should be included in the G&A expense pool, and establishes cost input as the acceptable base for allocating G&A expenses. Contractors currently using sales or cost of sales (output) as a base are permitted to select one of two alternative procedures for changing to cost input. One method allows the immediate changeover to cost input on the date the standard's provisions must be applied; the other allows a special transition which defers the complete changeover to cost input until all contracts received prior to the applicability date are completed. It is unmistakably clear, however, that the CAS Board's objective is to ultimately have all G&A, as defined in the standard, allocated to CAS-covered contracts on the basis of cost input.

DISCUSSION

The CAS Board established an effective date of October 1, 1976, for CAS 410. To allow contractors sufficient time to prepare for compliance, the application of the standard was deferred. The earliest date a contractor can be compelled to change his accounting practices to comply is the beginning of his first fiscal year following January 1, 1977. Consequently, a contractor using the calendar year as his normal accounting period initially would be required to comply January 1, 1978. However, if the contractor's fiscal year begins on July 1, the earliest required date for compliance would be July 1, 1977. Although not explicitly stated in the standard, it is important to know that a contractor must receive a CAS-covered contract on or after the standard's effective date before he has to apply the standard. In the examples cited above, neither contractor would be required to apply the standard on the specified dates if no new CAS-covered contract had been received since the standard became effective.

The effective date of the standard also has special significance regarding the pricing of new procurements and for adjusting existing contract prices. In this regard, only those CAS-covered contracts existing on the effective date will be eligible for an equitable price adjustment. Except where the special transition method is used, contracts with award dates following the effective date of the standard and having performance periods extending beyond the date the standard must be applied are to be estimated as follows:

1. Current G&A allocation base will be used to estimate, accumulate, and report on contracts between the award and applicability dates.

2. Cost input base will be used to estimate, accumulate, and report on the remaining contract effort (applicability date through contract completion).

Under the special transition method for changing from a cost of sales or sales base to a cost input base, permitted by appendix A of the standard, contractors will continue to use their current G&A allocation base to price contracts received up to the date CAS 410 must be followed. Contracts awarded on or before the applicability date will be priced using a cost input G&A base. This method effectively eliminates the need for an equitable price adjustment for this change since existing contracts priced on the basis of a sales or cost of sales G&A base will not be repriced to reflect the use of a cost input base. Instead, these contracts will remain on the sales or cost of sales base until completion.

Other changes required by the standard may require equitable adjustments whether the transition method is used or not: (1) When a contractor is required to change from one cost input base to another; e.g., total cost input to value added; and (2) where items do not satisfy the definition of G&A expense but have previously been classified as G&A must be reclassified in accordance with 410.40(d).

During the special extended transition period (begins when the standard is initially applied for accounting and reporting purposes and ends at the completion of the final contract priced on the basis of cost of sales or sales) two different bases are used to allocate a single pool of G&A expenses within an accounting period—cost of sales for the old contracts and cost input for contracts awarded on or after the date the standard is applicable.

The two bases used in a given accounting period during transition are not mutually exclusive but tend to overlap. That is, some of the same dollars may be included in both cost input and in cost of sales within the same accounting period. When this occurs, the possibility of allocating more G&A dollars to cost objectives than were expended during the accounting period is very real. The over-allocation of G&A will more than likely occur because the G&A rates will be applied to an aggregate of contract work that exceeds the amount included in the individual bases used to determine the rates. In order to prevent windfalls and to provide equity to both parties, the standard requires the establishment of an inventory suspense account which shall, when certain conditions are met, be amortized in accounting periods subsequent to the transition period. The amortization of the inventory suspense account shall be used to reduce the G&A expense pool of the qualifying cost accounting periods. Notwithstanding the inventory suspense account provision, questions have been raised regarding the allowability under ASPR XV, Part 2 (FPR Subpart 1-15.2), of any overallocated expenses.

The standard also defines G&A as those expenses incurred for the general management and administration of a business unit as a whole. They must be allocated to final cost objectives on a base that measures the total activity of the business unit. Similar significant expenses whose beneficial relationship to cost objectives can be measured best on a base different from total activity are to be excluded from the G&A expense pool. For the expenses remaining in the G&A expense pool, the standard prescribes the use of one of three cost input bases: (1) Total cost input, (2) value-added, and (3) single elements. Conditions relating to the appro-

priate use of the three bases are described

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priate use of the three bases are described in the standard.

Under the standard, contractors may elect to include independent research and development (IR&D) costs, bidding and proposal (B&P) costs, and selling costs, in the G&A expense pool. The contractors also have the option to account for these expenses individually or in the aggregate in separate pool(s) and allocate them to cost objectives on a base(s) other than cost input. Where the latter alternative is selected the standard requires that such expenses will be included in the G&A expense allocation base. If IR&D and B&P expenses are allocated on a base other than cost input, a question is raised as to whether the standard conflicts with ASPR 15-205.3 and 15-205.35, which provide that IR&D and B&P costs are not to be burdened with G&A. (Specific requirements regarding burdening do not appear in §§ 1-15.205-3 and 1-15.205-35.) Attachment A clarifies this issue and demonstrates that no conflict exists.

The standard covers the treatment of items produced for stock after the applicability date but does not provide guidance for the treatment of items held in inventory on the first date the contractor must apply the standard. If such inventories are substantial or a disproportionate amount of these items are included in certain contracts, an inequitable allocation of G&A could result. It would appear that equity would require the inclusion of the inventory items in the G&A base in some future cost accounting period.

GUIDANCE

Contractors whose existing practices require the allocation of G&A on either a sales or cost of sales basis may (1) use the optional transition method prescribed by appendix A, CAS 410, or (11) immediately change to a cost input base for all work to be performed after the applicability date and seek such equitable adjustment as may be appropriate under paragraph (a)(4)(A) of the CAS contract clause (§ 1-3.1204-1).

Procurement officials must exercise special care in reviewing contractor's proposals submitted during the period when this election should be made (effective date through applicability date) to assure that contractors do not unwittingly select the transition method. For example, during this period a contractor submits a proposal with a performance period extending beyond the applicability date. If the entire contract is priced using the contractor's current practice of allocating G&A on the basis of sales or cost of sales, this contractor has effectively selected, perhaps inadvertently, the special transition method. Therefore, contracting officers should advise contractors regarding the significance of the G&A allocation method used in preparing the estimate for the initial contract to which this standard applies. Requesting the contractor to submit a written confirmation of his election is an appropriate way to preclude any misunderstanding as to his intentions.

As noted in the discussion section, use of the two allocation bases during the transition will in all likelihood result in an overallocation of G&A. This condition will apply only to those contractors who elect the optional transition method rather than the equitable adjustment procedures. Any overallocated G&A resulting exclusively from the use of the transition method will not be questioned at this time. This interim position recognizes that the overallocated amount is inherent in the standard's requirements. This position also recognizes the CAS Board's contention that the establishment of an inventory suspense account actually prevents any overreimbursements. This aspect of the standard is under review, and the above position may be revised.

CAS 410 requires inclusion of IR&D/B&P costs in the G&A input base when IR&D B&P costs are accounted for in a separate pool and allocated on a base different from G&A. When distributing G&A expense to a contract, all properly allocable IR&D B&P costs, including those in excess of negotiated ceilings, should be included in the cost base used to compute the G&A expense for that contract. Although IR&D B&P costs over ceiling are themselves unallowable, they are still used as part of the total cost input base for computing G&A expense. As explained in attachment A, this procedure is simply a mechanism to allocate G&A expenses to final cost objectives.

The standard requires that items produced for stock be included in the input base at the time of production. Therefore, stock items which are in inventory when the standard become applicable will not be allocated their share of G&A. To remedy this situation items produced for stock and included in the inventory on the date the standard becomes applicable should be included in the G&A base in the period the items are assigned to final cost objectives.

ATTACHMENT A [TO ITEM 17 OF THIS BULLETIN]

THE EFFECTS OF CAS UPON THE ALLOCATION AND ALLOWABILITY OF G&A EXPENSES

CAS 410.50(f) states "Cost input shall include those expenses which by operation of this standard are excluded from the G&A expense pool and are not part of a combined pool of G&A expenses and other expenses allocated using the same allocation base."

The illustration contained in 410.60(c)(4) states "Business Unit C has accounted for and allocated IR&D/B&P costs in a cost pool separate and apart from the G&A expense pool. C may continue to account for these costs in a separate cost pool under the provision of this standard. If C is to use a total cost input base, these costs when accounted for and allocated in a cost pool separate and apart from the G&A expense pool will become part of the total cost input base used by C to allocate the G&A expense pool."

The above cited sections of CAS require that IR&D and B&P, or any other cost for that matter, which are distributed in a way that is different from the way in which G&A is distributed, must themselves become part of the total G&A input base. For example, an IR&D/B&P base that omits major subcontracts or service contracts that are included in the G&A base would be a different base. When that situation pertains the procedure to be followed is:

a. Distribute all IR&D/B&P to contracts including amounts of IR&D/B&P which are unallowable because they exceed a previously agreed ceiling limitation.

b. Distribute G&A expense to contracts on a cost input base which includes the IR&D/B&P in a, above.

At this point it would appear that the G&A expense which was drawn to a contract by the unallowable amounts distributed in a, above would also be unallowable. The language of ASPR 15-203(c) (FPR § 1-15.203(c)) supports this view in its statement that "* * * Once an appropriate base for the distribution of indirect costs has been accepted, such base shall not be fragmented by the removal of individual elements. Consequently, all items properly includable in an indirect cost base should bear a prorata share of indirect cost irrespective of their acceptance as Government contract costs."

Although the combination of the CAS required distribution and 15-203(c) (§ 1-15.203(c)) would seem to lead to the conclusion that the G&A expense attracted to contracts by unallowable IR&D/B&P dollars would, in itself, be unallowable, it must be recalled that prior to the issuance of CAS 410, ASPR 15-203(c) existed in combination with ASPR 15-205.35(b) (specific requirements regarding burdening do not appear in FPR § 1-15.205-35). That subparagraph defines the composition of IR&D costs to "* * * include not only all direct costs, but also all allocable indirect costs except that general and administrative costs shall not be considered allocable to IR&D." The combined effect of these two ASPR provisions was that no G&A expense was allocated to IR&D/B&P, and, therefore, it was not necessary to disallow G&A due to IR&D/B&P expense being disallowed. That intent was not changed by CAS 410 since the CAS Board indicates in its prefatory comment 3(b) to the standard that the G&A expense allocation is considered to be an allocation to a final cost objective; i.e., the contract, and that the IR&D/B&P included in the base dollars is only there as part of the allocation mechanism. It is not to be considered a final cost objective in and of itself. Therefore, the CAS standard does not mandate that the G&A expense attracted by dollars representing unallowable IR&D/B&P be disallowed. Allowing these G&A dollars is DOD's procedure. It accomplishes substantially the same result as presently contemplated by ASPR.

This concept raises a broader question as to whether G&A expense related to unallowable base cost of a type other than IR&D/B&P is also allowable under CAS 410. The answer to that resides in the next to last paragraph of prefactory comment no. 4 relative to CAS 405. That paragraph indicates the CAS Board's understanding that the allowance or disallowance of these costs is subject to the cognizant agency's cost principles.

The following model attempts to illustrate the effects of these factors:

a. Treatment prior to and under CAS 410.
b. An allocation base for IR&D/B&P that differs from the base for allocation of G&A.
c. Unallowable IR&D/B&P costs, and
d. Other unallowable costs.

The model is based on the following assumptions: 1. There are three contracts each incurring costs of:

	Dollar
Labor	200,000
Burden	400,000
Material	150,000
Total	750,000

2. There is a company-wide General & Administrative Expense Pool of $300,000.

3. There is a company-wide IR&D/B&P Pool with expenditures of $750,000. The pool is subject to a ceiling of $500,000.

4. $50,000 of unallowable material charges are properly allocable to Contract No. 1.

5. Contract No. 2 is a services contract and is not part of the contractor's IR&D/B&P Base.

Pre-CAS 410

	Total costs incurred	Contract No. 1		Contract No. 2		Contract No. 3	
		Allocated	Paid	Allocated	Paid	Allocated	Paid
Labor	$800,000	$200,000	$200,000	$200,000	$200,000	$200,000	$200,000
Burden	1,200,000	400,000	400,000	400,000	400,000	400,000	400,000
Material	450,000	150,000	100,000	150,000	150,000	150,000	150,000
Subtotal	2,250,000	750,000	700,000	750,000	750,000	750,000	750,000
IR&D	750,000	375,000	250,000	0	0	375,000	250,000
Subtotal	3,000,000	1,125,000	950,000	750,000	750,000	1,125,000	1,000,000
G&A	300,000	100,000	93,335	100,000	100,000	100,000	100,000
Total	3,300,000	1,225,000	1,043,335	850,000	850,000	1,225,000	1,100,000

G&A rate: $\frac{300,000}{2,250,000}$ = 13.33 pct

	Contract No. 1	Contract No. 2	Contract No. 3	Total
G&A paid computation: total labor material and burden incurred	$750,000	$750,000	$750,000	$2,250,000
Less unallowable material	50,000	0	0	50,000
G&A base	700,000	750,000	750,000	2,200,000
X rate 13.33 pct = G&A paid	93,335	100,000	100,000	293,335
G&A not paid computation: unallowable material	50,000			50,000
X G&A rate 13.33 pct	6,665			6,665

Pre-CAS 410

	Total costs	Contract No. 1		Contract No. 2		Contract No. 3	
		Allocated	Paid	Allocated	Paid	Allocated	Paid
Labor	$800,000	$200,000	$200,000	$200,000	$200,000	$200,000	$200,000
Burden	1,200,000	400,000	400,000	400,000	400,000	400,000	400,000
Material	450,000	150,000	100,000	150,000	150,000	150,000	150,000
Subtotal	2,250,000	750,000	700,000	750,000	750,000	750,000	700,000
IR & D	750,000	375,000	250,000	0	0	375,000	250,000
Subtotal	3,000,000	1,125,000	950,000	750,000	750,000	1,125,000	1,000,000
G & A	300,000	112,500	107,500	75,000	75,000	112,500	112,500
Total	3,300,000	1,237,500	1,057,500	825,000	825,000	1,237,500	1,112,500

G & A rate: $\frac{\$300,000}{\$3,000,000}$ = 10 pct

	Contract No. 1	Contract No. 2	Contract No. 3	Contract Total
G&A paid computation: labor, material and O/H incurred	$750,000	$750,000	$750,000	$2,250,000
Less: unallowable material	50,000	0	0	50,000
	700,000	750,000	750,000	2,200,000
Plus gross IR&D	375,000	N/A	375,000	750,000
	1,075,000	750,000	1,125,000	2,950,000
X 10 pct = G&A paid	107,500	75,000	112,500	295,000
G&A not paid: unallowable other than IR&D	50,000			50,000
X 10 pct G&A rate = G&A not paid	5,000			5,000

Analysis of pre and post 410 differences

	Contract No. 1	Contract No. 2	Contract No. 3	Total
Amount paid before 410	$1,043,335	$850,000	$1,100,000	$2,993,335
Amount paid under 410	1,057,500	825,000	1,112,500	2,995,000
Increase or (decrease)	14,165	(25,000)	12,500	1,665
Analysis of changes				
Due to inclusion of all IR&D in the G&A base	$12,500	($25,000)	$12,500	$0
Due to lower G&A rate on unallowables as a result of including all IR&D in the G&A base	1,665	0	0	1,665
Total increase or (decrease)	14,165	(25,000)	12,500	1,665

ITEM 18.—INTERIM GUIDANCE—DELIBERATE NONCOMPLIANCE AND INADVERTENT NON-

be in compliance. But, what if he loses? may be mutually agreed to by the ACO and

ITEM 20.—INTERIM GUIDANCE ON EARLY IM-

marily described in ASPR 15-205.42 (§ 1-15.- situations consistency is honored to the ex-

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ITEM 18.—INTERIM GUIDANCE—DELIBERATE NONCOMPLIANCE AND INADVERTENT NONCOMPLIANCE: W.G. 77-12, MARCH 29, 1977

References: W.G. 76-8 (Item 14 of this bulletin); ASPR 3-1212 (FPR § 1-3.1212); ASPR 3-1214 (FPR § 1-3.1214).

BACKGROUND

Paragraph (a)(5) of the CAS clause (§ 1-3.1204-1) requires an adjustment of contract price or of cost allowance if increased costs to the Government occur because the contractor fails to follow disclosed practices or cost accounting standards. Increased costs plus interest are to be recovered. Paragraph (g) of 4 CFR 331.70, Interpretation, provides, however, that if the failure to follow Standards or disclosed practices is inadvertent, it is only necessary to recover the difference between cost increases and cost decreases plus interest.

The significance of 4 CFR 331.70(g) is that deliberate noncompliances are treated differently from inadvertent noncompliances. Thus, when deliberate noncompliance takes place the contractor must repay excess costs plus interest on each CAS contract that which has experienced increased costs due to noncompliance, and there can be no offset against CAS contracts which may have experienced decreases as a result of deliberate noncompliance. On the other hand, if the noncompliance was inadvertent, the increased costs may be offset to the extent the noncompliance results in decreased costs on other CAS contracts. (See W.G. 76-8 for discussion of the use of offset in contract adjustment.)

DISCUSSION

Clearly, in a noncompliance situation it will be in the contractor's interest to label the noncompliance as inadvertent, because it will minimize his cost liability to the Government through use of offset. While it is not possible to anticipate the many kinds of case histories ACOs (CASB cognizant contracting officers) will be required to judge, some basic questions can be discussed.

For example, if a contractor noncomplies with a disclosed practice or Standard, can it be concluded that, because he had knowledge of the requirements of the Standard or the disclosed practice, he is precluded from using the excuse of inadvertence? The answer is no. He can claim inadvertence provided he demonstrates that the noncompliance resulted from failure of his employees to follow company policy and instructions. He should be required to demonstrate, however, that policy and instructions were made known to concerned employees and that there was a good faith effort on his part to implement those policies.

A situation might also arise when an ACO finds a noncompliance unknown to the contractor, brings it to the attention of the contractor, and convinces him that a noncompliance truly exists. In this example the noncompliance should also be considered inadvertent.

ACOs may encounter situations in which similar noncompliances, any one of which would not be considered deliberate in and of itself, occur frequently. A sufficiently repetitious pattern would support a conclusion that the violations were deliberate. The materiality of the total occurrences should also be considered.

Another situation arises when the contractor and ACO are not in agreement regarding the contractor's compliance with a Standard and the case goes to the Armed Services Board of Contract Appeals (ASBCA) (agency board of contract appeals). If the contractor appeals the ACO decision and ultimately wins, there is no problem because he will have been found to be in compliance. But, what if he loses? One solution would be to consider the noncompliance inadvertent on the basis that the contractor fully believed he was in compliance. It could be argued that this would encourage appeals to the ASBCA, whether they have merit or not, and a case might be made that contractors should bear the risk of such appeals because if they win they suffer no loss. If they lose, they accept the result of deliberately noncomplying. However, this approach may be overly harsh. On balance, it appears more reasonable to consider noncompliances to be inadvertent when appeals are taken, unless it is determined that the appeal is based on grounds that are clearly frivolous. Generally, the time and cost involved in taking appeals to the ASBCA is adequate protection from abusing this remedy just to avoid the effect of deliberate noncompliances. At the same time, it appears reasonable to assume that the CAS legislation and the CAS Board's rules are primarily intended to protect the Government, not penalize contractors by extracting from them costs that are otherwise reasonable and allowable.

A different example would be when a contractor is in noncompliance with disclosed practices because he has changed an accounting practice and failed to advise the ACO as required. If the contractor subsequently takes necessary action to establish the change in accordance with ASPR 3-1214 (§ 1-3.1214) and the contract clause in F-104.83(b) (§ 1-3.1204-2), what should the ACO do about the period preceding the contractor's notification and the ACO's determination as to adequacy and compliance? There is no doubt the contratcor deliberately intended to follow the new practice rather than that in his established disclosure statement. In this case, there appears to be no excuse for the contractor to go ahead with a change and not give notice to the ACO as required. Deliberate noncompliance seems to be the only reasonable determination that could be made for this period.

GUIDANCE

Contractors should be notified at the earliest practicable time whether noncompliances are considered to be deliberate or inadvertent.

Deliberate noncompliance should be determined when a contractor has not made a reasonable effort to acquaint responsible management and other affected personnel of the requirements of CAS and has not established appropriate policies for carrying out these requirements as established in pertinent contract and ASPR (FPR) provisions. When reasonable effort has been made by the contractor and noncompliance takes place, the ACO, generally, should determine the noncompliance to be inadvertent.

Inadvertent noncompliance should also be the finding when a previously unrecognized noncompliance comes to light and the contractor takes action to make the correction.

Repetitive noncompliances of like or similar character would constitute persuasive evidence in support of a determination that the noncompliance was deliberate.

Noncompliances which are formally appealed, and the appeal is subsequently denied by the Board of Contract Appeals, should be considered inadvertent except in cases where it is determined that the appeal is based on grounds which are clearly frivolous.

Voluntary changes in accounting practices should normally be considered deliberate noncompliances when they are implemented earlier than 60 days after the time the ACO has received notice as provided in ASPR 3-1214 (§ 1-3.1214). (A different time period may be mutually agreed to by the ACO and contractor.)

Following this time period they should be considered as voluntary changes, or if the ACO determines the changes to be noncompliant, they shall be considered as inadvertent noncompliances.

ITEM 19.—INTERIM GUIDANCE ON THE APPLICABILITY OF CAS 405 TO COSTS DETERMINED UNALLOWABLE ON THE BASIS OF ALLOCABILITY: W.G. 77-13, MARCH 29, 1977

BACKGROUND

CAS 405 provides that a contractor must identify unallowable costs. Specifically, paragraph 405.40(a) (of 4 CFR) provides that:

Costs expressly unallowable or mutually agreed to be unallowable, including costs mutually agreed to be unallowable directly associated costs, shall be identified and excluded from any billing, claim, or proposal applicable to a Government contract.

An unallowable cost is defined in paragraph 405.30(a)(4) as:

Any cost which, under the provisions of any pertinent law, regulation, or contract, cannot be included in prices, cost reimbursements, or settlements under a Government contract to which it is allocable.

It has been suggested that the last five words of paragraph 405.30(a)(4), "* * * to which it is allocable," can be interpreted to mean that CAS 405 does not apply to costs determined unallowable by the Government on the basis of allocability, and thus a contractor is not required to identify such unallowables.

DISCUSSION

It is the intent of the Cost Accounting Standards Board that CAS 405 apply to all costs determined unallowable, including those so determined on the basis of allocability. This intent is consistent with the Standard's purpose as stated in paragraph 405.20 of the Standard. Thus, the definition of an "unallowable cost" applies to any cost which a contractor assigns to Government contracts which is determined to be unallowable for whatever reason; i.e., law, regulation, contract terms, or allocability.

Going one step further, assume that a contractor proposes a cost on a contract and it is questioned solely on the basis of allocability. The contractor has two options: (1) He can agree with the Government that the cost is not properly allocable and therefore unallowable, or (2) he can claim that the cost is allocable and therefore allowable. In the first case the cost is unallowable by mutual agreement and in accordance with CAS 405.40(a) must be identified. In the second instance, if both parties hold their ground and the cost becomes the subject of a dispute, then in accordance with CAS 405.40(b) it becomes designated as unallowable and must be identified if used in computing any billing claim or proposal. In the second situation it would be inconsistent for the contractor to claim that the cost is allocable while simultaneously claiming that he does not have to identify it per CAS 405 because it is not allocable.

GUIDANCE

Contractors should be required to identify all unallowable claimed costs in accordance with CAS 405, including costs determined unallowable by the Government on the basis of allocability. If a contractor refuses to identify unallowable costs including those determined not allocable, the contractor is in noncompliance, and the procedures set forth in ASPR 3-1212 (§ 1-3.1212) should be followed.

ITEM 20.—INTERIM GUIDANCE ON EARLY IMPLEMENTATION OF NEW COST ACCOUNTING STANDARDS ISSUED BY THE CAS BOARD: W.G. 77-14, MARCH 29, 1977

BACKGROUND

Interim Guidance Paper W.G. 76-7 (Item 12 of this bulletin) provided guidance on the effective date and the applicability date of a new Standard. With regard to contractor's proposals, W.G. 76-7 stated that contract effort occurring after the effective date but before the applicability date should be priced using the contractor's old accounting practice. Effort projected to occur on or after the applicability date should be priced in compliance with the new Standard. Also, equitable adjustment for those CAS-covered contracts in existence when a Standard becomes effective should cover the period from the date the Standard becomes applicable through contract completion.

The purpose of this paper is to deal with situations when contractors wish to implement new Standards before they become applicable.

DISCUSSION

Generally, two opposing approaches have been proposed. First is the proposal that contractors should be allowed to implement a new Standard any time after its effective date and be entitled to an equitable adjustment even though the mandatory implementation (applicability) date has not passed. The opposite proposal is that early implementation of new Standards must be considered a voluntary change, and, therefore, the Government should not pay any increased costs resulting from the changed practice.

Neither of the two extreme positions is appropriate. In the first position, the Government does not incur an obligation to pay increased costs for effort prior to the applicability date; consequently, the contractor is not entitled to equitable adjustments (i.e., increased costs) for the period between the effective date and the applicability date. The second position prohibits the contractor from receiving an equitable adjustment for that period running from the applicability date of the Standard to completion of the contract, merely because he had implemented the change before the applicability date. This is inequitable and unnecessarily restrictive.

GUIDANCE

Unless precluded by contract provisions, a contractor may implement a new Cost Accounting Standard on or after its effective date but prior to its applicability date. In this instance the following guidance is applicable:

a. The change will be administered as a voluntary change prior to the applicability date. No increased costs to the Government incurred during this period will be allowed.

b. The contracting parties will be entitled to an equitable adjustment for those effects of the change which impact existing contracts on or after the applicability date.

In summary, contractors may implement new Standards early, but the Government will not pay increased costs that occur prior to the applicability date.

ITEM 21.—INTERIM GUIDANCE ON THE INFLUENCE OF CAS REGULATIONS ON CONTRACT TERMINATIONS: W.G. 77-15, MARCH 29, 1977

BACKGROUND

It is reasonable to expect with the passage of time that more and more contracts being terminated will be CAS-covered contracts. Questions have arisen as to whether there is a conflict between DOD's (FPR's) heretofore normal termination cost practices as primarily described in ASPR 15-205.42 (§ 1-15.205-42) and CAS Board Regulations, particularly Standards 401, 402, and 406.

DISCUSSION

CAS 401 generally requires that costs be accumulated and reported in the same way that they have been estimated. Since the cost estimates leading up to the signing of a contract are ordinarily predicated upon the contract being performed to completion, many of the costs contained in the termination claim are likely to be arranged in ways that are quite different from the cost presentation contained in the original estimate.

Under the requirements of CAB 402, "like costs" in "like circumstances" must be consistently classified as either direct only or indirect only. Under ASPR 15-205.42 (§ 1-15.205-42), termination claims will often include costs such as settlement expenses, unexpired lease costs, etc., as direct charges while those costs or functions would have been charged as indirect costs if the contract had run its course.

DOD's (FPR's) view is that normal termination procedures violate neither CAS 401 nor 402. The termination of a contract creates a situation that is totally unlike the completion of a contract. It is not reasonable or logical to extend the requirement for consistency with an estimate to an event which was never anticipated in the estimate. The consistency requirement would be violated, however, if a contractor had several similar terminations and handled them in dissimilar ways. It may be advisable for a contractor to document his termination accounting procedures as a part of his disclosed practices. The circumstances usually associated with a termination also mitigate the requirements of CAS 402 since the "like circumstances" referred to in the Standard are generally lacking.

Another concern has been expressed as to whether CAS 406 conflicts with the suggestion contained in ASPR 15-203(e)(1) (§ 1-15.203(e)(1)) that a period shorter than a year may be proper for indirect cost rate computations when contract performance involves only a minor portion of the year. CAS 406 requires that a contractor use his fiscal year as his cost accounting period. CAS 406 does, indeed, prohibit the use of a shorter accounting period for CAS-covered contracts. It has generally been DOD's (FPR's) policy to employ full year indirect cost rates or annualized representations of the same. That policy is now a requirement. This means that a contract terminated and settled early in an accounting year may use an estimate of overhead for the remainder of the year that together with the incurred historical costs represents a full fiscal year.

DOD (FPR) believes that contrary to the notion that Cost Accounting Standards conflict with and overrule our termination procedures, the Standards tend to support them. In CAS 410.50(j) for example, when a final cost objective benefits significantly more or less from G&A than the normal allocation would reflect, a special allocation to the particular final cost objective is advocated. Both the special pool and base are then to be excluded from the overall G&A rate computation. CAS 403 and 405 are also supportive of normal termination procedures in their advocacies of allocation methods reflecting causal and beneficial relationships and direct associations of costs.

GUIDANCE

Normal DOD (agency) termination costing procedures as detailed in ASPR 15-205.42 (§ 1-15.205-42) are still in effect. Termination Contracting Officers should assure themselves that within the context of termination situations consistency is honored to the extent that circumstances are similar. Overhead rates must represent a full accounting period.

[FR Doc.77-19877 Filed 7-13-77;8:45 am]

ADP PROCUREMENT CHANGES

Withdrawal of Proposed Change—Procurement of ADPE Within the Federal Government

In the FEDERAL REGISTER (41 FR 56395) of Tuesday, December 28, 1976, the General Services Administration (GSA) set forth for review and comment the substantive elements of planned program changes for the procurement of ADPE by the Federal Government. Numerous responses to this Notice were received from industry, trade associations, and Federal agencies. However, the view points expressed ranged from almost complete endorsement of the proposed changes to almost total rejection. Based on a careful evaluation of these conflicting views, it was determined that the proposed changes, as drafted, were not workable. Accordingly, the above referenced Notice is hereby withdrawn.

GSA is now proceeding to develop the details of an overall program in which the Automated Data and Telecommunications Service (ADTS) would procure all general purpose ADP equipment, software, supplies, support equipment (FSC Group 70), and related services, except where they desire to delegate on an item basis. The proper classification of items in FSC Groups 58, 66, 67, 70, and 74 will be reviewed; and misclassified or misassigned items will be reclassified. Concurrently, GSA/ADTS will be developing a plan to simplify ADP procurement procedures for low dollar value items.

W. E. BURTON,
Acting Commissioner, Automated Data and Telecommunications Service.

[FR Doc.77-20188 Filed 7-13-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEW MANAGEMENT AND BUDGET OFFICE

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (HEW), Office of the Secretary, is amended to give effect to the Secretary's decision of March 8, 1977, to establish the new post of Assistant Secretary for Management and Budget. The duties and responsibilities of the Assistant Secretary, Comptroller and certain of the duties and reponsibilities of the Assistant Secretary for Administration and Management henceforth will be performed by the Assistant Secretary for Management and Budget. Chapter AC, "Office of the Assistant Secretary, Comptroller" (39 FR 42403-5,

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dated December 5, 1974), as amended, and Chapter AM, "Office of the Assistant Secretary for Administration and Management" (40 FR 11623, dated March 12, 1975), as amended, are superseded by a revised Chapter AM which is redesignated "HEW Management and Budget Office." The new Chapter reads as follows:

AM.00 *Mission.* The mission of the HEW Management and Budget Office is to provide advice and guidance to the Secretary on administrative and financial management, excluding personnel management, and to provide for the direction and coordination of these activities throughout the Department on a day-to-day basis.

AM.10 *Organization.* The HEW Management and Budget Office, headed by the Assistant Secretary for Management and Budget, who reports to the Secretary, consists of the following organizations:

The Office of the Assistant Secretary for Management and Budget (AM)
Office of Facilities Engineering (AMF)
Office of Grants and Procurement (AMG)
Office of Management Analysis and Systems (AMM)
Office of Management Services (AMS)
Office of Budget (AML)
Office of Finance (AMN)
Division of OS Budget Services (AMK)

AM.20 *Functions.* A. The Assistant Secretary for Management and Budget (AM) is the principal adviser to the Secretary on all aspects of administrative and financial management, excluding personnel management. By delegation from the Secretary, the incumbent exercises the full Departmentwide authority of the Secretary in the assigned areas of responsibility. The Assistant Secretary is assisted by two Deputy Assistant Secretaries. The Deputy Assistant Secretary for Management serves as the principal adviser to the Assistant Secretary for Management and Budget on all aspects of administrative management, excluding personnel management and financial management, and exercises general oversight of the administrative management organizations and activities of the HEW Management and Budget Office.

The Deputy Assistant Secretary for Financial Management serves as the principal adviser to the Assistant Secretary for Management and Budget on all aspects of financial management, and exercises general oversight of the financial management organizations and activities of the HEW Management and Budget Office.

B. The Office of Facilities Engineering (AMF) provides architectural/engineering policy recommendations and services for both direct Federal and federally assisted construction activity; manages an integrated facilities engineering system for all HEW-owned or operated real property; makes available Federal surplus property to health, education, and civil defense donees; and provides Departmentwide safety management program leadership and services.

C. The Office of Grants and Procurement (AMG) provides staff support and technical assistance to the Office of the Secretary in the areas of the procurement, personal property, and grants programs of the Department; conducts evaluations of all Departmental procurement, personal property and grants activities and makes recommendations for improvement; and provides minority business assistance.

D. The Office of Management Analysis and Systems (AMM) through surveys, studies, and statistical and other systems ensures that the organization and the management policies, procedures, and systems of the Department result in the achievement of the Department's managerial goals; recommends policies and procedures to effect compliance with the National Environmental Policy Act of 1969; oversees international activities of the Department; and coordinates Department activities related to Fair Information Practice and Privacy rights of individuals.

E. The Office of Management Services (AMS) advises on and/or provides services relative to: personnel management services for OS Headquarters personnel; procurement services for OS Headquarters; equal employment opportunity in the Office of the Secretary; Departmentwide defense and emergency program coordination; automated data management and services; space and facilities management and provision at Department Headquarters of mail, messenger, labor, printing and other office services.

F. Office of Budget (AML) oversees preparation of the Departmental budget; estimates and forecasts resources required to support programs and activities of the Department; analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; appraises programs, activities, and operations in terms of the policies, goals, and objectives of the Department; operates the HEW integrated funding system; recommends and administers policies and procedures for allocation and control of employment ceilings.

G. The Office of Finance (AMN) maintains a Departmentwide system for developing financial operating plans and financial reporting and assists HEW components in the design, installation, and improvement of their accounting systems and operations; recommends and executes spending policies and procedures related to execution of the budget in coordination with the Office of Budget; provides accounting and related services and systems for Principal Operating Components and operational support for the regional Accounting System; and provides payment accounting and related support services for the HEW Federal Assistance System.

H. The Division of OS Budget Services (AMK) is responsible for the overall formulation, presentation, and execution of the Office of the Secretary budget. The Division is the focal point for all Office of the Secretary budget operations and provides assistance in the development of budget policy and the management of positions and financial resources for the Office of the Secretary.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistance Secretary for Management and Budget.

[FR Doc. 77-20081 Filed 7-12-77;8:45 am]

OFFICE OF FACILITIES ENGINEERING

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended by changes to Chapter AMF "Office of Facilities Engineering and Property Management" (40 FR 55881, December 2, 1975). The title of the office has been changed to "Office of Facilities Engineering (OFE) and the Metropolitan Engineering Staff" has been deleted from the statement since that staff is being transferred to a "Washington Facilities Division" separate from OFE. Otherwise, the revised statement is a consolidation and clarification of the one previously published. The revised statement reads as follows:

Sec. AMF.00 Mission. The mission of the Office of Facilities Engineering (OFE), to be performed for and in cooperation with the Principal Operating Components (POCs) of the Department and Office of the Secretary staff, is to provide architectural/engineering policy recommendations, direction, and services for both direct Federal and Federally assisted construction activity; to manage an integrated facilities engineering system for all DHEW owned or operated real property; to accomplish maximum utilization of all Federal surplus property; and to administer the Department's safety and occupational health program.

Sec. AMF.10 Organization. The Office of Facilities Engineering, (OFE), reports through the Deputy Assistant Secretary for Management, (DAS/M), to the Assistant Secretary for Management and Budget, (OASMB), and consists of:

Immediate Office.
Office of Planning and Development.
Office of Design and Construction.
Office of Real Property.
Office of Federally Assisted Construction.
Office of Safety and Occupational Health.
Office of Federal Property Assistance.

Sec. AMF.20 Functions.

A. The Immediate Office performs the following functions:

1. Administers, directs, and supervises all OFE activities and personnel resources.

2. Reviews Principal Operating Component (POC) and staff office architectural/engineering manpower and budgetary requirements for recommendations to ASMB and evaluation under the Department's manpower utilization program.

3. In conjunction with Department Principal Operating Components and staff offices, justifies the architectural/engineering and related technical aspects

of annual budgets submitted to OMB and Congress for the acquisition, construction, utilization, operation, and maintenance, repair and improvement, and disposal of Department facilities.

4. Recommends HEW–OFE policies and regulations affecting both HEW-wide and internal OFE/Regional Office of Facilities Engineering and Construction (ROFEC) operations, and coordinates with POCs, staff offices, and other Federal departments and agencies. Develops and supervises the OFE/ROFEC policy, procedure, and publication management system.

5. Serves as the principal OFE liaison with the Office of General Counsel and the Legislative Staff in conncetion with legislative and legal matters.

6. Designs, implements, and operates internal engineering management information and performance evaluation systems in coordination with OFE office heads. Advises on changes in procedures and priorities in all matters relating to internal OFE and HEW-wide facility engineering operations. Designs, implements, and operates the OFE manpower management, program control, and work planning systems.

7. Coordinates and manages ROFEC/OFE liaison, ROFEC conferences, and OFE technical inspections.

8. Provides technical guidance and support to the Washington Facilities Division of the Office of Management Services, for which OFE has Departmentwide responsibility.

B. Office of Planning and Development. The Office of Planning and Development performs the following functions:

1. Provides long-range facilities planning and associated technical consultant services to the POCs and program offices.

2. Develops and directs an HEW energy conservation program for facilities.

3. Consults with building industry groups and professional societies to develop and field test cost effective innovations for HEW facilities and programs.

4. Conducts special demonstration projects.

C. Office of Design and Construction. The Office of Design and Construction performs the following functions:

1. Serves as the focal point in OFE on all matters relating to the direct contracting process for architectural/engineering and construction services for HEW, including the development of procedures and regulations for OFE and other components of the Department.

2. Recommends policies, develops procedures, and coordinates the publication of regulations for HEW-wide use in contracting for direct Federal architectural/engineering and construction services with the Office of Grants and Procurement. Provides direction and guidance to the ROFECs on all contractual matters.

3. Performs as the Small Business Specialist and Protest Control Officer for OFE.

4. Prepares, issues, and reviews delegations of contracting officer authority for the procurement of architectural/engineering and construction services.

5. Determines most cost effective procedures and life cycle cost methods for providing architectural/engineering and design related construction services.

6. Coordinates the development of construction contract documents with contracting officers.

7. Provides architectural engineering services with respect to both direct Federal special purpose and Federally assisted construction activities.

8. Develops architectural/engineering design standards, criteria, and technical specifications for uniform application to the direct Federal special purpose construction activity.

9. Supervises architectural/engineering design functions for the Federal special purpose construction activity.

10. Provides technical surveillance of architectural/engineering services rendered by the POCs, staff offices, Regional Offices, and field installation staffs, as well as management evaluation of Regional Offices for Federal construction activity.

11. Provides technical assistance to other OFE offices and POCs on codes and standards, including architectural barriers to the handicapped and life safety code applications.

12. Provides assistance and coordination between GSA and HEW agencies in the construction of general purpose direct Federal projects.

13. Conducts preconstruction conferences relating to direct Federal construction in the Washington/Baltimore area; evaluates monthly payment requests from contractors; investigates and approves changes; evaluates periodic status reports; and makes final inspections.

D. Office of Real Property. The Office of Real Property performs the following functions:

1. Recommends policy and develops procedures for the acquisition of real property for HEW use by purchase, lease, permit, transfer, GSA space assignment, or other method.

2. Recommends policies and develops procedures and standards for management, maintenance, and operation of all real property or space occupied by HEW, including the following areas:

(a) space utilization, (b) energy conservation, (c) maintenance standards, (d) operations systems and requirements, (e) management practices and procedures, (f) administrative use, and (g) space allowance standards.

3. Recommends policies and develops procedures for the disposal of real property.

4. Develops planning procedures forecasting space needs for owned and GSA-assigned space, and develops criteria for HEW–owned installation work plans which forecast workload and identify space requirements for manpower.

5. Recommends policy and conducts review of annual Department budget estimates for GSA assigned space, reimbursables, and real property.

6. Ensures compliance with Department policy.

7. Acts as the HEW principal point of contact with GSA Headquarters on real property matters concerning policy, procedure, and problem resolution.

8. Provides technical assistance to POCs in all matters related to real property or space acquisition, management, and operations during occupancy.

9. Manages both the HEW-owned real property and GSA-assigned property inventory systems. From these reports and other sources, colects, analyzes, and publishes management data related to real property functions for all HEW components.

10. Serves as the OFE focal point for ADP operations and provides technical ADP support to systems users within HEW and GSA for the Facilities Management Information System (FMIS), Facilities Engineering Automated Management System (FEAMS), and Safety Information System.

11. Carries out a continuing program for evaluating ROFEC staff performance in supporting real property activities and recommends to the Director's office changes in regional staff required to assure adequate activity support.

E. Office of Federally Assisted Construction. The Office of Federally Assisted Construction performs the following functions:

1. Develops field operating procedures for the Regional Architectural/engineering staffs for Federally assisted construction.

2. Develops technical guides for use by project applicants, project architects and engineers, and construction contractors.

3. Develops uniform procedures for bidding and contracting for Federally assisted construction projects.

4. Provides technical services to POCs to assist in preparing regulations, policies, and procedures required for the administering of Federally assisted construction programs and, through consulting services, assists in the resolution of problems related thereto.

5. Provides staff direction to Regional architectural/engineering staffs for Davis-Bacon wage rate and labor standards activities, and coordinates the adjudication of contractors' violations with Regional Offices and the Department of Labor.

6. Directs the OFE nationwide natural disaster engineering activity to service the Office of Education and Department of Housing and Urban Development in connection with disaster relief programs.

7. Conducts management evaluation of Regional architectural/engineering staff performances for Federally assisted Construction activity.

8. Provides services to the Department's Office for Civil Rights to implement Federal equal employment opportunity requirements in Federally assisted construction contracts.

9. Manages a mechanized reporting system, and provides information on

program activity trends and projected impacts.

10. Develops annual representative cost data on Federally assisted health

7. Promotes the FPA program by maintaining liaison with various agencies of the Department and other Federal and

ices and its predecessor are as follows: the contract and grants function has been elevated to division status under

and assists in providing personal protection to the Secretary.

ASSISTANT SECRETARY FOR HEALTH, ET AL.

made under the Secretary's previous delegations may continue for not more

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program activity trends and projected impacts.

10. Develops annual representative cost data on Federally assisted health and education projects.

F. Office of Safety and Occupational Health. The Office of Safety and Occupational Health performs the following functions:

1. Recommends policy and develops procedures for establishing and administering a Safety and Occupational Health Program.

2. Evaluates the Department Safety and Occupational Health Program.

3. Administers a Safety Management Information System.

4. Develops safety and occupational health standards and acts on deviations from or waivers of applicable standards.

5. Coordinates and monitors safety education, training, and promotional activities throughout the Department.

6. Coordinates proposed legislation, standards, and regulations on safety and occupational health with the POCs, agencies and regions.

7. Represents the Department on the Federal Advisory Council on Occupational Safety and Health, and the National Fire Protection Association (NFPA).

8. Conducts HEW liaison, both internal and external, with activities relating to safety and occupational health, including research pertaining to loss control.

G. Office of Federal Property Assistance. The Office of Federal Property Assistance performs the following functions:

1. Administers the Federal Property Assistance (FPA) Program in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and program policies and procedures.

2. Recommends policies and procedures for implementation by Regional Offices and State Agencies in conducting the FPA Program in accordance with sections 203 (j) (k), and (n) of the Federal Property and Administrative Services Act of 1949, as amended.

3. Provides technical and program direction to the Regional Offices and State Agencies.

4. Screens, offers and makes determinations and allocations of Federal surplus personal property for educational, public health, and civil defense purposes as outlined in section 203(j) of the Act, and Federal Civil Defense Administration (Defense Civil Preparedness Agency (DCPA)) Delegation 5; screens, analyzes, and approves applications; secures assignments, makes transfers, and assures utilization of surplus real property for educational and public health purposes pursuant to section 203(k) of the Act.

5. Maintains a continual appraisal and analysis of program performance and an evaluation of program effectiveness.

6. Monitors State Agencies for compliance with Department policies and procedures, and ensures that recipients adhere to the terms and conditions contained in transfer documents.

7. Promotes the FPA program by maintaining liaison with various agencies of the Department and other Federal and State Agencies.

8. Serves as a representative of the President's Economic Adjustment Committee. Provides assistance to offset adverse economic impacts by conveying closed or curtailed military installations, or portion thereof, for educational and public health purposes.

9. Develops and implements a program for return of personal property from overseas operations of the United States for donation under the provisions of section 402(c) of the Act.

Sec. AFM.30 Delegations of Authority.

The Office of Facilities Engineering is delegated:

1. The authorities vested in the Secretary by law (or delegated to the Secretary from the Administrator of General Services) relating to real property management, engineering, and facility planning and construction, including Federal contracting officer responsibilities required in support of these authorities (exclusive of the financial management authority retained by the Assistant Secretary for Management and Budget).

2. All authorities with respect to direct Federal special purpose construction activities.

3. The authority to recommend such general policies and procedures as may be necessary to govern the functions, personnel, funds, and property in order to establish and administer the Office of Facilities Engineering.

4. Delegation from the Secretary of authorities vested in the Secretary by section 203(j), (k), and (n) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency) Delegation 5 to administer the Federal Property Assistance Program. The delegated authority may be redelegated.

5. Authority to recommend and interpret policies, procedures, and regulations for implementing the Uniform Relocation Act, Public Law 91–646.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20082 Filed 7-12-77;8:45 am]

OFFICE OF MANAGEMENT SERVICES

Statement of Organization, Functions and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare; Office of the Secretary is amended to add Chapter AMS, Office of Management Services, under the recently created HEW Management and Budget Office. This Chapter supersedes Chapter AMS, Office of Administration, 40 FR 11620, dated 3/12/75 as amended. The major changes between the Office of Management Services and its predecessor are as follows: the contract and grants function has been elevated to division status under the title, Division of Contract and Grant Operations; and all Department of Health, Education, and Welfare metropolitan engineering functions and related activities have been combined in the Washington Facilities Division. The new Chapter reads as follows:

SEC. AMS. 00 MISSION

The Office of Management Services is a component of the Office of the Assistant for Management and Budget and provides advice, guidance, management support with regard to personnel administration, automated data processing, contract and grant operations, equal employment opportunity, and facilities management to Office of the Secretary components; and Department-wide leadership in the areas of administrative services and emergency coordination.

SEC. AMS. 10 ORGANIZATION

The Office of Management Services, under a Director who reports through the Deputy Assistant Secretary for Management to the Assistant Secretary for Management and Budget, consists of the following components:

Office of the Director (AMS).
Division of OS Personnel (AMS 3).
Washington Facilities Division (AMS 9).
Division of Contract and Grant Operations (AMS A).
OS Office of Equal Employment Opportunity (AMS 5).
Division of Administrative Services (AMS 1).
Data Management Center (AMS 4).
Division of Emergency Coordination (AMS 2).

SEC. AMS 20 FUNCTIONS

A. *Office of the Director.* Provides leadership, policy, guidance and supervision, as well as coordinating long- and short-range planning, to constituent units.

B. *Division of OS Personnel.* Assists and advises in the formulation and development of personnel policies and implements established policy for the Office of the Secretary. The division provides services for OS in the areas of recruitment and placement, position management and classification, employee relations, employee development, labor-management relations and other personnel services.

C. *Washington Facilities Division.* Provides engineering and architectural services in support of the maintenance and operations of all HEW facilities in the Washington, D.C. area. These services involve planning and administering the HEW facilities management program in the Washington, D.C. area. The Division provides Department-wide leadership and guidance in the development and operation of an internal physical security program and monitors results, and assists in providing personal protection to the Secretary.

D. *Division of Contract and Grant Operations.* Plans, directs and carries out the centralized contracting, purchasing, and grant program for the Office of the Secretary, and (in the case of certain consolidated and centralized commodities and services) for components of the Department located in Washington, D.C., including the Office of Human Development, the Office of Education, the Food and Drug Administration, the National Institute for Education, and the National Center for Educational Statistics.

E. *OS Office of Equal Employment Opportunity.*[1] Carries out equal employment opportunity activities within the OS, particularly as they relate to minority groups and women, which require the establishment and maintenance of a positive program for nondiscrimination in employment based on race, color, religion, sex, national origin, and age. The functions of the Office also include program efforts which focus on the Federal Women's Program and the Spanish-Speaking Program.

F. *Division of Administrative Services.* Provides centralized common and general administrative services and staff support to the Office of the Secretary and Departmental principal operating components at headquarters. These services include HEW Postal Services, Printing and Visual Systems, Materiel Operations, Staff Audio and Visual Presentation Support, Paperwork and Documentation Systems, and the HEW Library. Serves as the focal point for guiding and assisting HEW Regional Administrative Services activities.

G. *The Data Management Center.* Serves as a computer service organization which provides computer time and related services to the Office of the Secretary and, as resources permit, to other Department of Health, Education, and Welfare organizations. Designs and operates a departmentwide Administrative Data Communications Utility. Responds for the Office of the Secretary to the Office of Management and Budget and General Services Administration reporting requirements related to computers and telecommunications.

H. *Division of Emergency Coordination.*[2] Develops and maintains an HEW-wide condition of operational readiness to survive and cope with the impact of any major disaster or national emergency. Serves as the HEW focal point for all HEW emergency planning, preparedness, and operations activities. The Division Director is designated as the HEW Emergency Coordinator.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20088 Filed 7-12-77;8:45 am]

[1] Legal authorities for the Equal Employment Opportunity Program are Executive Order 11478, P.L. 92-261 (42 USC 2000 e16) and P.L. 93-259.

[2] Legal authority for the Emergency Coordination Program is Executive Order 11490.

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Delegation of Authority

Notice is hereby given that the following delegation and redelegations have been made under the Public Health Service (PHS) Act, as amended by Public Law (P.L.) 94-484, the Health Professions Educational Assistant Act of 1976:

1. Delegation from the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, with authority to redelegate, the following authorities vested in the Secretary under the PHS Act, as amended by P.L. 94-484, excluding the authority to issue regulations, the authority to establish advisory committees and councils the authority to select members to advisory councils, and the authority to submit reports to Congress or to a Congressional committee:

(a) Section 329, Title III, PHS Act (42 USC 254b), as amended by P.L. 94-484, providing for assignment of medical and other health personnel to critical need areas;

(b) Subpart II, Part C, Title III, PHS Act (42 USC 254d-254k), as amended by P.L. 94-484, providing for a National Health Service Corps program;

(c) Title VII, PHS Act (42 USC 292 et seq), as amended by P.L. 94-484, providing for health research and teaching facilities and training of professional health personnel. This does not include the authority under Subpart I, Part C of Title VII pertaining to the Federal program of insured loans to graduate students in health professions schools, nor the authority under Parts E and F of Title VII;

(d) Section 830, Title VIII, PHS Act (42 USC 297), as amended by P.L. 94-484, providing for grants and contracts for traineeships for advanced training of professional nurses;

(e) Section 702 (42 USC 295h-4) of Title VII of P.L. 94-484, providing for studies and statistical reports on allied health personnel;

(f) Section 802 (42 USC 295g-1) of Title VIII of P.L. 94-484, providing for transitional provisions and a report on area health education centers;

(g) Section 903 (42 USC 292h) of Title IX of P.L. 94-484, providing for a study relating to chiropractic health professions;

(h) Section 904 (42 USC 292h) of Title IX of P.L. 94-484, providing for studies in bilingual and bicultural awareness;

(i) Section 906 (8 USC 1182) of Title IX of P.L. 94-484, providing for the development of data to make determinations for labor certification of foreign medical students; and

(j) Section 212(a)(32) and 212(j) (8 USC 1182(a)), Immigration and Nationality Act, as amended by P.L. 94-484, providing for limitation on immigration of foreign medical graduates.

Previous delegations made by the Secretary of the above cited authorities are hereby superseded. Redelegations made under the Secretary's previous delegations may continue for not more than 90 days from the date of signature of this document, but only to the extent that they are consistent with this delegation.

2. Redelegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, the following authorities delegated to the Assistant Secretary for Health under:

(a) Section 329 of the PHS Act (42 USC 254b), providing for assignment of medical and other health personnel to critical need areas, excluding the authority under Section 329(b)(1)(A);

(b) Subpart II, Part C, Title III, PHS Act (42 USC 254d-254k), providing for a National Health Service Corps program, excluding the authority under Sections 332(a)-332(g);

(c) Section 753 of the PHS Act (42 USC 294v), to enter into agreements to release an individual from the National Health Service Corps to enter into private practice; and

(d) Section 755 of the PHS Act (42 USC 294x), to grant former National Health Service Corps members assistance to enter into private practice.

3. Redelegation by the Assistant Secretary for Health to the Administrator, Health Resources Administration, with authority to redelegate, the following authorities delegated to the Assistant Secretary for Health under:

(a) Section 329(b)(1)(A) of the PHS Act (42 USC 254b), providing for the designation of critical health manpower shortage areas;

(b) Section 332 of the PHS Act (42 USC 254e), providing for the designation of health manpower shortage areas, excluding the authority under Section 332(h);

(c) Title VII of the PHS Act (42 USC 292 et seq), providing for the designation of health manpower shortage areas, excluding the authority under Section 332(h);

(c) Title VII of the PHS Act (42 USC 292 et seq), providing for health research and teaching facilities and training of professional health personnel. This does not include the authority under Subpart I, Part C of Title VII pertaining to the Federal program of insured loans to graduate students in health professions schools, the authority under Parts E and F of Title VII, nor the authority under Sections 753 and 755 of the PHS Act;

(d) Section 830 of the PHS Act (42 USC 297), providing for grants and contracts for traineeships for advanced training of professional nurses;

(e) Section 702 (42 USC 295h-4) of Title VII of P.L. 94-484, providing for studies and statistical reports on allied health personnel;

(f) Section 802 (42 USC 295g-1) of Title VIII of P.L. 94-484, providing for transitional provisions and a report on area health education centers;

(g) Section 903 (42 USC 292h) of Title IX of P.L. 94-484, providing for a study relating to chiropractic health professions;

(h) Section 904 (42 USC 292h) of Title IX of P.L. 94-484, providing for studies in bilingual and bicultural awareness;

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(i) Section 904 (42 USC 1182) of Title IX of P.L. 94-484, providing for development of data to make determinations for labor certification of foreign medical students; and

(j) Sections 212(a)(32) and 212(j)(8 USC 1182(a)), Immigration and Nationality Act, as amended by P.L. 94-484, providing for limitation on immigration of foreign medical graduates.

Previous delegations made by the Assistant Secretary for Health of the above cited authorities are hereby superseded. Redelegations made under the previous delegations by the Assistant Secretary for Health may continue for not more than 90 days from the date of signature of this document, but only to the extent that they are consistent with this delegation.

The above delegation and redelegations were effective on June 20, 1977.

Dated: July 6, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20089 Filed 7-12-77; 8:45 am]

OFFICE OF GRANTS AND PROCUREMENT

Statement of Organization, Functions, and Delegations of Authority

Under the Reorganization Order published in 42 FR 13262-13263 dated March 9, 1977, the Office of Grants and Procurement Management is redesignated the Office of Grants and Procurement under the Office of the Assistant Secretary for Management and Budget, and a new function of financial management standards and procedures is added to the office.

Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to modify Chapter AMG, Office of Grants and Procurements Management (38 FR 16110 dated 6/22/73, as amended by 39 FR 3707-3708 dated 1/29/74 and 39 FR 29610 dated 8/16/74), by revising Sections AMG.00 and AMG/.10 in their entirety; Section AMG.20A, by adding new paragraphs 13 and 14; and by adding a new Subparagraph I, under Section AMG.20. In addition, Chapter ACM, Division of Financial Management Standards and Procedures (39 FR 42409 dated 12/5/74) of Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is superseded.

1. Section AMG.00 is revised to read as follows:

Section AMG.00 Mission. The Office of Grants and Procurements: (1) Recommends departmental policy in the areas of grants, procurement, and personal property; (2) Develops procedures for, supervises and evaluates the administration of the grants, procurement and personal property functions of the Principal Operating Components and the Office of the Secretary; (3) Provides staff support and technical assistance to the Office of the Secretary and to the Principal Operating Components in implementing departmental policies and in instituting necessary changes in grants, procurement, and personal property management; (4) Monitors the entire system to ensure effective implementation of departmental policy; (5) Recommends and monitors the implementation of departmental policies and procedures on reimbursement of costs incurred by HEW grantees and contractors; and (6) Manages the Department's Minority Business Assistance Program.

2. Section AMG.10 is revised to read as follows:

Section AMG.10 Organization. The Office of Grants and Procurement reports through the Deputy Assistant Secretary for Management to the Assistant Secretary for Management and Budget. The Office consists of the following:

Immediate Office (AMG).
Division of Grants Policy and Regulations Development (AMG1).
Division of Procurement Policy and Regulations Development (AMG5).
Division of Analysis, Review, and Compliance (AMG2).
Division of Grants, Procurement, Materiel Management Information and Reports (AMG3).
Division of Minority Business Assistance (AMG4).
Division of Materiel Policy and Regulations Development (AMG6).
Division of Financial Management Standards and Procedures (AMG7).

3. Section AMG.20 is reviewed by adding to AMG.20A paragraphs 13 and 14 as follows:

13. Recommends policies and procedures for determining and reimbursing the costs of grantee/contractor institutions applicable to HEW awards including such procedures as are necessary for indirect cost and similar cost negotiations.

14. Provides guidance to grantees and contractors on problems concerning cost allocations to HEW grants and contracts.

4. Section AMG.20 is revised by adding a new subparagraph I. as follows:

I. *Division of Financial Management Standards and Procedures.* 1. Recommends policies and procedures for determining and reimbursing the costs of grantee/contractor institutions who are recipients of HEW awards, including such procedures as are necessary for indirect cost and similar cost negotiations. Performs such functions for other Federal agencies as delegated by the General Services Administration or the Office of Management and Budget.

2. Exercises surveillance over and provides training and assistance to the Regional Offices and Principal Operating Components in implementing policies and procedures formulated by the Division; assures compliance with and uniform interpretation of these policies and procedures.

3. Provides guidance to grantees and contractors on problems concerning cost allocations for HEW grants and contracts.

4. Conducts and participates in studies and projects relating primarily to questions on indirect costs (such as the development of program cost-finding systems and financial management problems of grantee/contractor institutions).

5. Reviews proposed legislation and program regulations to assure compliance with Departmental financial policies.

6. Provides recommendations to the Office of Management and Budget, General Services Administration, Cost Accounting Standards Board, and other Federal agencies on the development of Government-wide financial management policies related to the administration of grant/contract programs; serves as liaison with these agencies in this area.

7. Recommends policies and procedures to assure that grantee/ contrractors have the financial management capability necessary to administer HEW awards; develops guidelines to help grantees/contractors strengthen their financial management capabilities.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20083 Filed 7-12-77;8:45 am]

OFFICE OF MANAGEMENT ANALYSIS AND SYSTEMS

Statement of Organization, Functions and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended to supersede Chapter AMM (40 F.R. 11624, 11625, dated 3/12/75) with a new Chapter AMM. The Office of Management Planning and Technology is redesignated the Office of Management Analysis and Systems, and the functional statements are revised to reflect the transfer to it of the systems analysis function from the Data Management Center and transfer from it of the manpower utilization functions to the Office of Budget. The revised statement reads as follows:

AMM.00 MISSION.

A. Under the supervision of the Deputy Assistant Secretary for Management, the Office of Management Analysis and Systems advises the Secretary and the Assistant Secretary for Management and Budget on management issues which affect the attainment of the Department's goals and objectives.

B. The Office of Management Analysis and Systems: (1) Recommends management policies; (2) implements approved policies and asses their effectiveness; (3) establishes management control mechanisms and administers the management-by-objectives process; (4) analyzes organizational structures and management procedures and recommends improvements; (5) applies management science and systems analysis techniques and, (6) controls the development of information systems and implements the Department's policies on the collection, storage, and dissemination of information.

In carrying out its responsibilities, the office is the Department's functional manager for guiding, monitoring and evaluating the Department's procedures and operating practices in these areas.

AMM.10 *Organization.* The Office of Management Analysis and Systems reports to the Assistant Secretary for Management and Budget through the Deputy Assistant Secretary for Management. The office consists of the following elements:

Immediate Office.
Fair Information Practice Staff.
Management Control Staff.
Office of Computer and Information Systems.
Office of Management Planning.
Office of Environmental Affairs.
Office of International Affairs Management.

AMM.20 FUNCTIONS

A. *Immediate Office.* (1) Sets objectives for, directs and coordinates the activities of the Office of Management Analysis and Systems. (2) Through the use of ad hoc teams, draws together the necessary expertise to solve management problems.

B. *Fair Information Practice Staff.* (1) Recommends Departmental policy regarding fair information practices, regulations, legislation and implementation plans. (2) Ensures that Department positions on proposed legislation and regulations conform to fair information practices. (3) Provides advice and technical assistance concerning fair information practice to all principal operating components and OS offices. (4) Administers the Family Educational Rights and Privacy Act of 1974. (5) Ensures the Department's compliance with the Privacy Act of 1974. (6) Implements the Department's effort to reduce the burden of public use reports required by HEW.

C. *Management Control Staff.* (1) Provides the Secretary and other key officials with advice and assistance in the installation and operation of management systems for achieving end results from the Department's programs. (2) Administers HEW's management-by-objectives process (the Operational Planning System) and provides the the Secretary with periodic assessments of the Department's progress in meeting its major objectives. (3) Reviews and evaluates proposed program implementation plans and monitors the execution of the plans. (4) Provides management advise on regulations, project proposals, and decisions submitted for the Secretary's approval. (5) Advises the Secretary and other principal officials on problems of the principal operating components and their impact on policy decisions, legislation, budget forward planning and evaluation.

D. *Office of Computer and Information Systems.* (1) Recommends and monitors policies for the development and operation of information systems throughout the Department. (2) Plans, implements, coordinates and evaluates systems activities throughout HEW. (3) Develops management control processes for information systems that (a) assure accountability for the results of systems efforts, (b) establish responsibilities of program and staff managers, (c) encourage the effective and efficient use of information systems. (4) Develops and establishes a Departmental long-range planning process which relates automatic data processing and telecommunications resources requirements to programmatic and administrative needs. (5) Enforces automatic data processing and telecommunication policies throughout the Department. (6) Develops and issues instructions for the procurement of automatic data processing and telecommunications equipment, systems, and services. (7) Evaluates Departmental computer centers and initiates actions to improve their performance, cost effectiveness, reliability and efficiency. (8) Recommends policies, standards and processes to achieve an acceptable level of security of records and equipment in automatic data processing systems. (9) Provides advice, applications analysis, design, programming, and system maintenance services for staff elements of the Office of the Secretary. (10) Applies quantitative analysis to management problems.

E. *Office of Management Planning.* (1) Serves as the principal element of the Office of Management Analysis and Systems with respect to: organizational planning (internal reorganization studies, review and approval of organization proposals, documentation of the entire HEW organization); and business administration techniques. (2) Conducts studies and participates in Departmental task forces to identify management problems and solutions, assure efficient use of resources, and enhance the effectiveness of Departmental programs. (3) Develops and administers a system for approval and documentation of functional assignments and delegations of authority. (4) Develops, recommends, and evaluates Departmental policies, standards, systems procedures and program plans regarding directives, records, reports and other internal paperwork management programs. (5) Works closely with the Office of Computer and Information Systems staff on Department and principal operating component problems and programs involving records, systems, file equipment and supplies, word processing, records, forms, directives, correspondence, and staff manual distribution systems. (6) Manages the HEW directives system. (7) Recommends and promulgates plans, policies, and procedures in the management of the Department-wide printing and publications management program. (8) Provides staff and technical assistance and policy recommendations in the analysis, design, development and operation of media management information systems within the Office of the Secretary; coordinates and assists in the establishment or promulgation of such systems. (9) Manages the HEW suggestion program. (10) Analyzes legislation proposed by the Congress and other Executive Branch agencies to identify potential impacts on administration and management of the Department. (11) Reviews major management consulting contract proposals to determine whether outside assistance is actually necessary or the work can be effectively performed within the Department, or by other Federal agencies. (12) Analyzes, evaluates and recommends action on Freedom of Information Act appeals for records denied by the Office of the Secretary. Advises Office of the Secretary and regional personnel on Freedom of Information appeals.

F. *Office of International Affairs.* (1) Serves as the primary source of advice and counsel to the Secretary and the Assistant Secretary for Management and Budget for policy development and management aspects of the Department's international affairs and commitments. Maintains an overview of the international activities of the various principal operating components of the Department to ensure that these activities conform with overall Department policy. Represents the Department in discussions of international policies and activities with representatives of executive departments and agencies, international organizations, and the private sector. Coordinates the nomination of Departmental personnel and public members to serve on official U.S. delegations or as participants in international conferences. (2) As Special Assistant to the Secretary, the Director of the Office informs and advises the Secretary on international developments of concern to the Department, provides general staff support as required, and represents the Secretary in international matters. (3) Chairs and provides administrative and clerical support to the Exchange Visitor Waiver Review Board. Assists the Board in giving particular attention to the relationship of the Department's waiver policies to the international mobility of manpower and its implications for the migration of talent from the developing countries.

G. *Office of Environmental Affairs.* (1) Advises the Secretary and components of the Department on environmental compliance matters and recommends departmental policy, procedures, and criteria for implementation of the National Environmental Policy Act of 1969 and related environmental acts, Executive Orders, and regulations. (2) Monitors compliance and approves the issuance of draft and final environmental impact statements, program environmental instructions, and the issuance of official HEW comments with respect to impact statements submitted for review by other departments. (3) Develops and implements environmental compliance training program. (4) Provides technical assistance to State and local agencies. (5) Maintains liaison with the Council on Environmental Quality, the Advisory Council on Historic Preservation, and the Environmental Protection Agency.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20084 Filed 7-12-77;8:45 am]

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OFFICE OF BUDGET

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority, Office of the Secretary, is amended to establish the Office of Budget (AML) within the HEW Management and Budget Office. The Office of Budget is under the supervision of the Deputy Assistant Secretary for Financial Management. The chapter, "Office of Budget" (AML) supersedes Chapter ACE, "Deputy Assistant Secretary, Budget," (39 FR 42405, dated December 5, 1974). New chapters AML1, Division of Health Budget Analysis; AML2, Division of Education Budget Analysis; AML3, Division of Welfare Budget Analysis; and AML4, Division of Budget Review supersede chapters ACE1, 2, 3, and 4 with similar titles (39 FR 42405–42406, dated December 5, 1974). The chapters now read as follows:

OFFICE OF BUDGET (AML)

Section AML.00 *Mission*. The Office of Budget provides advice and support to the Deputy Assistant Secretary for Financial Management on matters pertaining to (1) formulation, analysis, and presentation of budgets; (2) staff resource allocations and analyses; and (3) reprogrammings (transfers of funds from one program area to another).

AML.10 *Organization*. The Office of Budget reports to the Assistant Secretary for Management and Budget through the Deputy Assistant Secretary for Financial Management and includes the following:

Immediate Office
Division of Health Budget Analysis (AML1)
Division of Education Budget Analysis (AML2)
Division of Welfare Budget Analysis (AML3)
Division of Budget Review (AML4)
Division of Staff Resource Analysis (AML5)

AML.20 *Functions*. The Office of Budget: (A) Recommends and issues Departmentwide budgetary policies. (B) Evaluates budgetary proposals and formulates alternative budgetary strategies. Coordinates the development of the annual budget and other budgetary and financial documents. (C) Presents the HEW budget and other appropriations matters to the Office of Management and Budget, Committees of Congress, and other interested parties. (D) Participates in the Department's planning and evaluation process, particularly in the establishment of long-range staffing and funding requirements, and the identification and resolution of policy issues which cut across POC and OS staff office lines. Comments on draft legislation, regulations, and reorganization proposals. (E) Encourages sound budgetary practices throughout the Department by providing technical guidance and training for POC budget staffs. (F) Administers a Departmentwide system of employment ceilings. Promulgates standards of adequacy for staff resource management systems and determines whether systems operated by the programs of the Department meet those standards. Provides technical assistance to agencies to help them maximize the utilization of authorized manpower. (G) Reviews and approves requests for reprogrammings, transfer of funds, and other mechanisms relating to the funding of approved programs. (H) Conducts special studies and analyses of budgetary processes. (I) Coordinates the development of policies and procedures for joint funding for integrated social research and services projects.

CHAPTER AML1—DIVISION OF HEALTH BUDGET ANALYSIS

CHAPTER AML2—DIVISION OF EDUCATION BUDGET ANALYSIS

CHAPTER AML3—DIVISION OF WELFARE BUDGET ANALYSIS

AML1, 2, 3–00 *Mission*. The Divisions of Budget Analysis direct and coordinate development and preparation of budgets and forecasts of resources required to support Departmental operations and activities. The Divisions assist top management of the Department in evaluating and acting upon program and budget proposals. Division staff members assist the Secretary in presenting and justifying budgets submitted to OMB and to the Congressional Committees on Appropriations.

AML1, 2, 3.10 *Organization*. The Divisions are headed by Directors who report to the Office of Budget. The Directors are assisted by a staff of budget analysts and supporting personnel who are responsible for specific programs of the Department.

AML1, 2, 3.20 *Functions*. The Divisions provide staff assistance to the Secretary and heads of Principal Operating Components in the budgetary management of the Department. The Divisions: (1) Coordinate the preparation of budget estimates and forecasts of resources required to support programs and activities of the Department; work with the Office of the Assistant Secretary for Planning and Evaluation to prepare long-range resource estimates; prepare recommendations for the Office of Budget on draft regulations, proposed legislation, and reorganization proposals. (2) Assist the heads of principal operating components, the Under Secretary and the Secretary in evaluating programs and budgetary proposals by identifying issues, developing alternative proposals, developing reliable cost projections for legislative and planning proposals, and ensuring that proposals are consistent with approved plans and policies. (3) Review reprogramming requests and recommend appropriate action to the Office of Budget and Deputy Assistant Secretary for Financial Management. (4) Provide guidance in budget formulation for OS staff offices and Principal Operating Components (POCs). (5) Prepare special analyses as necessary in the process of preparing and presenting the budget. (6) Keep OS staff offices and POCs informed on budget developments in their program areas.

CHAPTER AML4—DIVISION OF BUDGET REVIEW

AML4.00 *Mission*. The Division of Budget Review analyzes the Departmental budget process and coordinates the formulation and presentation of the HEW budget. The Division develops guidelines for funding under Continuing Resolutions; establishes reprogramming procedures, coordinates the review of proposals and participates in the development of joint funding policies.

AML4.10 *Organization*. The Division is headed by a Director who reports to the Office of Budget.

AML4.20 *Functions*. The Division of Budget Review manages and coordinates the Department's budget process. In so doing, the Division performs the following functions: (1) Develops and issues Departmentwide budget formulation procedures and provides technical guidance and training to POC budget staffs. (2) Develops guidelines and procedures for preparing the annual budget and supplemental requests and related documents, and oversees the preparation of these documents. (3) Identifies special program needs under funding authorized by Continuing Resolution; interprets provisions of the Continuing Resolution. (4) Reviews and recommends actions on reprogramming requests, consults the Division of Budget Analysis for the given program area, and recommends whether Congressional approval should be sought. (5) Participates in developing procedures to identify, review, and approve applications for jointly funded projects. (6) Reviews and recommends actions for special unbudgeted initiatives and identifies funding sources. (7) Reviews proposals for transfer of positions and dollars between appropriations in support of functional transfers; coordinates the prepartion of documentation necessary to accomplish these transfers.

CHAPTER AML5—DIVISION OF STAFF RESOURCE ANALYSIS

AML5.00 *Mission*. Develops standards for staff resource planning and management systems, ensures that operating systems meet minimum standards, and monitors Departmental employment ceilings.

AML5.10 *Organization*. The Division is headed by a Director who reports to the Office of Budget.

AML5.20 *Functions*. (1) Develops and promulgates criteria for effective staff resource planning and management. (2) Certifies that operating staff resource systems in the POCs and Secretary's staff offices meet criteria of adequacy. (3) Provides technical assistance to the Principal Operating Components and OS staff offices to improve staff resource management systems. (4) Supports the budget analysis divisions by reviewing staffing requests from the Principal Operating Components, and participates in the development of recommendations for the Secretary. (5) Assists in the development of training courses and materials for staff resource analysts. (6) Administers Department-wide ceilings on end-of-year employment. (7) Monitors actual employment against approved ceilings and authorized positions; identifies trends and emerging problems. (8) Operates the staff resource management system for the Office of Budget.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20085 Filed 7-12-77;8:45 am]

OFFICE OF FINANCE

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority, Office of the Secretary, is amended to reflect the establishment of the Office of Finance (AMN) within the HEW Management and Budget Office. The new chapter AMN "Office of Finance" supersedes Chapter ACF, "Deputy Assistant Secretary, Finance" (30 FR 42406, dated December 5, 1974). New Section AMN1, "Division of Accounting Operations" supersedes ACF1 (39 FR 42407, dated December 5, 1974). New Section AMN2, "Division of Accounting Systems and Procedures" supersedes Section ACF2 (39 FR 42407, dated December 5, 1974). Section AMN3, "Division of Financial Planning and Analysis" supersedes Section ACF3 (39 FR 42408, dated December 5, 1974). Section AMN4, "Division of Financial Operations and Fiscal Procedures" supersedes ACF4 (39 FR 42408, dated December 5, 1974). The revised Chapter reads as follows:

OFFICE OF FINANCE (AMN)

AMN.00 *Mission*. The Office of Finance provides guidance on budget execution, accounting systems, financing, and financial and cost reporting. Serves as advisor to the Deputy Assistant Secretary for Financial Management in these areas.

AMN.10 *Organization*. The Office of Finance reports to the Assistant Secretary for Management and Budget through the Deputy Assistant Secretary for Financial Management; the organization includes:

1. Immediate Office.
2. Division of Accounting Operations (AMN1).
3. Division of Accounting Systems and Procedures (AMN2).
4. Division of Financial Planning and Analysis (AMN3).
5. Division of Financial Operations and Fiscal Procedures (AMN4).

AMN.20 *Functions*. The Office of Finance:

A. Develops and executes, in coordination with the Office of Budget, spending policies and procedures for continuing resolutions and appropriations, and makes specific studies and appraisals of financial aspects of program operations in areas identified by the Secretary.

B. Establishes and maintains a Departmental system of financial operating plans.

C. Develops and manages a Departmentwide system for estimating and controlling outlays. Assists the Office of Budget in presentation of budget outlay estimates to the Office of Management and Budget and the Congress.

D. Recommends and issues Departmentwide policies and procedures relating to fiscal, cost, travel, and accounting activities; approves agency accounting manuals and systems and provides liaison with the General Accounting Office in these areas.

E. Recommends and executes policies and procedures relating to the expenditure and collection of funds administered by the Department.

F. Establishes uniform standards, policies, classifications, and terminologies to be used throughout the Department in budget execution, and financial and cost reporting.

G. Develops and maintains financial management data collection and reporting systems on programs, activities, and operations of the Department.

H. In its areas of responsibility, represents the Department in its relationships with the Office of Management and Budget, Treasury Department, General Accounting Office, General Services Administration, and other Federal agencies. Oversees Departmental implementation of central agency directives relating to budget execution, fiscal policy and accounting.

I. Operates and maintains the Departmental grants payment system.

J. Provides fiscal, accounting, and financial reporting services for the Office of the Secretary, and upon request, for the Principal Operating Components. Provides systems and operational support for the Regional Accounting System.

AMN.30 *Delegation of authority*. A. Except as specifically delegated or assigned to other officials of the Department, the Office of Finance is authorized to perform all functions of the Deputy Assistant Secretary for Financial Management in the area of financial reporting and accounting. These functions shall include, but not be restricted to, the authority to:

1. Approve the issuance of Department manuals relating to accounting, fiscal, travel, and financial reporting.

2. Designate cashiers and certifying officers in the Department and revoke such designations; certify such officers and employees to the disbursing office of the Treasury Department and revoke such designations; and resolve by appropriate administrative action cash and fund loss irregularities amounting to less than $150.

3. Approve appropriation transfer authorizations involving intra- and interdepartmental transfers of funds.

4. Approve apportionment requests to the Office of Management and Budget.

B. In exercising the authority described in this Section, the Office of Finance may:

1. Redelegate any portion thereof;
2. Authorize further redelegations;
3. Supersede or modify in whole or in part any directives (orders, instructions, delegations, etc.) heretofore issued.

DIVISION OF ACCOUNTING OPERATIONS (AMN1)

AMN1.00 *Mission*. The Division of Accounting Operations provides accounting, financial, reporting, and fiscal services for the Office of the Secretary and the Office of Human Development.

AMN1.10 *Organization*. The Division of Accounting Operations is composed of a staff of accountants and supporting personnel under the direction of the Director, Division of Accounting Operations, who reports to the Office of Finance.

AMN1.20 *Functions*. A. The Division of Accounting Operations:

1. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Department Accounting Manual.

2. Maintains official records and accounts for the Office of the Secretary and Office of Human Development.

3. Maintains appropriation and obligation records and accounts for the Office of the Secretary and Office of Human Development.

4. Establishes and maintains financial controls over cash accounts receivable, property and other assets.

5. Develops reporting systems and prepares financial and cost reports covering activities of the Office of the Secretary and Office of Human Development.

6. Examines and pays vendor invoices, transportation and other bills.

7. Examines and pays travel vouchers for employees in the Office of the Secretary and Office of Human Development.

8. Provides cashier services to the Office of the Secretary and Office of Human Development.

9. Provides billing activities for the Department Working Capital Fund.

10. Provides accounting and reporting activities for the Department's Centralized Payroll.

DIVISION OF ACCOUNTING SYSTEMS AND PROCEDURES (AMN2)

AMN2.00 *Mission*. The Division of Accounting Systems and Procedures performs staff word for the Department in the development of accounting policy, systems, and procedures. It monitors agency systems to ensure conformance with Departmental policy.

AMN2.10 *Organization*. The Division of Accounting Systems and Procedures consists of a staff of systems and operating accountants and supporting staff and is headed by a Director who reports to the Office of Finance.

AMN2.20 *Functions*. The Division of Accounting Systems and Procedures provides Departmentwide guidance on accounting policy, systems, and procedures as well as policy relative to grantee and contractor accounting requirements and reporting. The Division performs the following functions:

A. Develops fiscal and accounting policy and procedures for Departmentwide application; promulgates these standards, classifications and procedures which will (1) distribute and apply resources consistent with Departmental objectives, (2) provide for the accurate recording of financial transactions, and (3) provide for the timely and accurate reporting of financial information.

B. Develops and maintains a Departmental system of financial operating plans.

C. Develops and manages a Departmentwide system for estimating and controlling outlays. Assists the Office of Budget in presentation of budget outlay estimates to the Office of Management and Budget and the Congress.

D. Recommends and issues Departmentwide policies and procedures relating to fiscal, cost, travel, and accounting activities; approves agency accounting manuals and systems and provides liaison with the General Accounting Office in these areas.

E. Recommends and executes policies and procedures relating to the expenditure and collection of funds administered by the Department.

F. Establishes uniform standards, policies, classifications, and terminologies to be used throughout the Department in budget execution, and financial and cost reporting.

G. Develops and maintains financial management data collection and reporting systems on programs, activities, and operations of the Department.

H. In its areas of responsibility, represents the Department in its relationships with the Office of Management and Budget, Treasury Department, General Accounting Office, General Services Administration, and other Federal agencies. Oversees Departmental implementation of central agency directives relating to budget execution, fiscal policy and accounting.

I. Operates and maintains the Departmental grants payment system.

J. Provides fiscal, accounting, and financial reporting services for the Office of the Secretary, and upon request, for the Principal Operating Components. Provides systems and operational support for the Regional Accounting System.

AMN.30 *Delegation of authority*. A. Except as specifically delegated or assigned to other officials of the Department, the Office of Finance is authorized to perform all functions of the Deputy Assistant Secretary for Financial Management in the area of financial reporting and accounting. These functions shall include, but not be restricted to, the authority to:

1. Approve the issuance of Department manuals relating to accounting, fiscal, travel, and financial reporting.

2. Designate cashiers and certifying officers in the Department and revoke such designations; certify such officers and employees to the disbursing office of the Treasury Department and revoke such designations; and resolve by appropriate administrative action cash and fund loss irregularities amounting to less than $150.

3. Approve appropriation transfer authorizations involving intra- and interdepartmental transfers of funds.

4. Approve apportionment requests to the Office of Management and Budget.

B. In exercising the authority described in this Section, the Office of Finance may:

1. Redelegate any portion thereof;
2. Authorize further redelegations;
3. Supersede or modify in whole or in part any directives (orders, instructions, delegations, etc.) heretofore issued.

DIVISION OF ACCOUNTING OPERATIONS (AMN1)

AMN1.00 *Mission*. The Division of Accounting Operations provides accounting, financial, reporting, and fiscal services for the Office of the Secretary and the Office of Human Development.

AMN1.10 *Organization*. The Division of Accounting Operations is composed of a staff of accountants and supporting personnel under the direction of the Director, Division of Accounting Operations, who reports to the Office of Finance.

AMN1.20 *Functions*. A. The Division of Accounting Operations:

1. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Department Accounting Manual.

2. Maintains official records and accounts for the Office of the Secretary and Office of Human Development.

3. Maintains appropriation and obligation records and accounts for the Office of the Secretary and Office of Human Development.

4. Establishes and maintains financial controls over cash accounts receivable, property and other assets.

5. Develops reporting systems and prepares financial and cost reports covering activities of the Office of the Secretary and Office of Human Development.

6. Examines and pays vendor invoices, transportation and other bills.

7. Examines and pays travel vouchers for employees in the Office of the Secretary and Office of Human Development.

8. Provides cashier services to the Office of the Secretary and Office of Human Development.

9. Provides billing activities for the Department Working Capital Fund.

10. Provides accounting and reporting activities for the Department's Centralized Payroll.

DIVISION OF ACCOUNTING SYSTEMS AND PROCEDURES (AMN2)

AMN2.00 *Mission*. The Division of Accounting Systems and Procedures performs staff word for the Department in the development of accounting policy, systems, and procedures. It monitors agency systems to ensure conformance with Departmental policy.

AMN2.10 *Organization*. The Division of Accounting Systems and Procedures consists of a staff of systems and operating accountants and supporting staff and is headed by a Director who reports to the Office of Finance.

AMN2.20 *Functions*. The Division of Accounting Systems and Procedures provides Departmentwide guidance on accounting policy, systems, and procedures as well as policy relative to grantee and contractor accounting requirements and reporting. The Division performs the following functions:

execution of the Office of the Secretary, Office of Management and Budget

Authority for maintenance of the system:

V 42 135 JUL 14 77 UMI V

A. Develops fiscal and accounting policy and procedures for Departmentwide application; promulgates these procedures, as well as other Government-wide financial procedures through the Department staff manual system.

B. Conducts financial management studies and surveys and assists staff offices and principal operating components in the design, installation and improvement of their accounting systems and operations.

C. Provides advice and assistance to staff offices and principal operating components on accounting and related fiscal matters.

D. Serves as principal staff adviser to the Office of Finance on accounting and related fiscal matters.

E. Maintains liaison with the Office of Management and Budget, the General Accounting Office, and the Treasury Department and other agencies on matters involving accounting policy and procedures or grantee or contractor accounting or reporting.

F. Reviews and drafts Departmental reports on Congressional bills affecting financial management.

G. Maintains continual review of agency accounting systems to assure compliance with Department accounting systems concepts, and legal and General Accounting Office requirements.

H. Develops and issues policy concerning fiscal and other financial management matters involving the HEW Regional accounting operations.

I. Operates and maintains the Departmental grants payment system. Assures timely payments to grantees and contractors and prescribes requirements for grantee and contractor reporting of expenditures and accountability of Federal cash received.

J. Provides technical assistance for development of financial management information systems and other central systems.

DIVISION OF FINANCIAL PLANNING AND ANALYSIS (AMN3)

AMN3.00 *Mission.* The Division of Financial Planning and Analysis has Departmentwide responsibility for the recommending and execution of policies and procedures related to spending of appropriations, outlay estimating and control, and fiscal reporting to the Office of Management and Budget, the Department of the Treasury and the General Services Administration.

AMN3.10 *Organization.* The Division of Financial Planning and Analysis consists of a staff of budget analysts, systems and operating accountants, and supporting staff under the supervision of a Director responsible to the Office of Finance.

AMN3.20 *Functions.* The Division of Financial Planning and Analysis provides guidance in the areas of budget execution, financial operating plans, outlay estimating, expenditure control and fiscal reporting. Specifically, the Division:

A. Establishes and maintains a Departmentwide budget execution system. Develops and administers uniform standards, classifications and procedures which will (1) distribute and apply resources consistent with Department policy and with the budget as approved by the Congress and (2) assure adequate controls of such resources at the POC level.

B. Recommends and executes Departmentwide policies for efficient and effective allocation and expenditure of funds administered by the Department.

C. Develops and maintains a Departmental system of financial operating plans and identifies issues for attention of the Secretary.

D. Establishes and maintains a Departmentwide system of outlay estimates and projections in support of formulation and execution of the budget. Develops and maintains a Departmentwide system of controls over outlays to assure adherence to congressional and Presidential ceilings and reductions in outlays. In coordination with the Divisions of Budget Analysis, prepares reduction plans, as required, which minimize adverse impact on the Department's programs.

E. Assists the Division of Budget Review in development of policies for Departmental operations under continuing resolutions pending enactment of regular appropriations. In cooperation with the Divisions of Budget Analysis, develops and administers Departmental spending plans.

F. Reviews agency Treasury warrant requests and apportionment and reapportionment schedules and develops recommendations, in cooperation with the Divisions of Budget Analysis, to the Office of Finance and the Deputy Assistant Secretary for Financial Management, before their submission to the Department of the Treasury and the Office of Management and Budget.

G. Develops and maintains a system of fiscal reporting to meet requirements of the Office of Management and Budget, the Department of the Treasury and the General Services Administration.

H. Prepares periodic and special reports on the status of Departmental budget execution.

I. Develops and administers procedures for interagency and interdepartmental transfers of funds.

J. Responds to inquiries from the Congress, the Executive Branch, and the public for information on funds expended by the Department, the status of programs or projects and other financial matters related to budget execution.

K. Maintains and updates the Catalog of Federal Domestic Assistance as required by the Office of Management and Budget.

DIVISION OF FINANCIAL OPERATIONS AND FISCAL PROCEDURES (AMN4)

AMN4.00 *Mission.* The Division of Financial Operations and Fiscal Procedures operates and maintains the financial geographic reporting system, the Regional Accounting System, and the Central Registry System. It establishes fiscal policy and procedures on travel and voucher examination through the Department Staff Manual System.

AMN4.10 *Organization.* The Division of Financial Operations and Fiscal Procedures consists of a staff of systems and operating accountants and other specialists under the supervision of a Director responsible to the Office of Finance.

AMN4.20 *Functions.* The Division of Financial Operations and Fiscal Procedures performs the following functions:

1. Develops travel policies for Departmentwide application and promulgates these policies through the Department Staff Manual System.

2. Recommneds fiscal policies and procedures on voucher examination and related activities for Departmentwide application and promulgates these policies through the Department Staff Manual System.

3. Develops and maintains the geographic information reporting system to provide specialized, timely, accurate and meaningful financial Federal domestic assistance data to top-level management in the Department, the Congress, and the public.

4. Recommends policies and procedures for the Central Registry System which maintains an address file and related data for recipients of HEW assistance funds, and for use of these data in other systems of the Department.

5. Operates and maintains the automated Regional Accounting System. Assures proper exchanges of data with other financial systems and provides necessary technical assistance.

6. Represents HEW with the Office of Management and Budget, the General Accounting Office, the General Services Administration, the Department of Treasury and other Federal agencies on matters relating to travel, voucher examination, regional accounting and geographic financial reporting.

7. Reviews and drafts Department reports on Congressional bills affecting travel, voucher examination and geographic financial reporting.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20086 Filed 7-12-77;8:45 am]

DIVISION OF OS BUDGET SERVICES

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to reflect the organizational placement and functions of the Division of OS Budget Services in the recently created HEW Management and Budget Office. Chapter ACB1 "Divixsion of OS Budget Services" (39 FR 42405, dated 12/5/74) is superseded by Chapter AMK, which has the same organizational title and reads as follows:

DIVISION OF OS BUDGET SERVICES (AMK)

Section AMK.00 *Mission.* The Division of OS Budget Services is responsible for the formulation, presentation, and execution of the Office of the Secretary budget and fiscal matters for the various offices that comprise the Office of the Secretary.

Section AMK.10 *Organization.* The Director, Division of OS Budget Services reports through the Deputy Assistant Secretary for Financial Management to the Assistant Secretary for Management and Budget.

Section AMK.20 *Functions.* (A) The Director, Division of OS Budget Services serves as budget officer and financial management adviser for the Office of the Secretary; (B) In performance of its functions the Division:

1. Participates in planning, directing, and coordinating financial and budgetary programs of the Office of the Secretary.

2. Directs and provides technical guidance to administrative officers in preparing budgets. Coordinates preparation of the budget for presentation to top HEW management, the Office of Management and Budget, and the Congress.

3. Assists in the planning and the presentation of the budget to the Office of Management and Budget and the Congress and develops materials for key members of the Office of the Secretary who testify at hearings before these bodies.

4. Reviews the budget approved by Congress and recommends a financial plan for its execution. Makes allocations to constituent offices within the guidelines of the approved financial plan.

5. Maintains budgetary controls to ensure observance of established ceilings on both funds and personnel.

6. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations. Maintains and monitors subsidiary expenditure control for appropriations in the Office of the Secretary, including separate plans for each Regional Office.

7. Provides analysis and coordination of accounting reports within the Office of the Secretary.

8. Develops financial operating procedures and manuals. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-20087 Filed 7-12-77;8:45 am]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following notice of a system of records that the Department of Health, Education, and Welfare plans to establish is published as set forth below. A new system report was filed for this new system with the Director, Office of Management and Budget (OMB), the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on July 8, 1977. The new system is as follows: System No. 09-35-0042, entitled "Transfer of U.S. Students in Foreign Medical Schools to U.S. Schools—DHEW/HRA/BHM".

Consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before August 15, 1977. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526-E, South Portal Building, at the above address. The routine uses for the new system will be adopted as of the closing date of the comment period unless comment resulting in a contrary determination is received and a revised notice published. The Department requested a waiver of the 60-day advance notice requirement in the OMB Circular A-108. If this waiver is granted by OMB, the notice with the exception of the routine use disclosures will be put into effect on the publication date of this notice or the date of the waiver, whichever is later. The routine use disclosures will be effective on the date of their adoption if the waiver is granted or at the end of the 60-day advance notice period if the waiver is not granted.

Dated: July 8, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

09-35-0042

System name:

Transfer of U.S. Students in Foreign Medical Schools to U.S. Schools-DHEW/HRA BHM

Security class (If none, so state):

None.

System location:

1. International Programs Staff, Division of Medicine, Bureau of Health Manpower, Federal Center Building No. 2, 4th Floor, 3700 East-West Highway, Hyattsville, Md. 20782

2. Contractor location will be available upon request directed to the System Manager.

Categories of individuals covered by the system:

Citizens of the United States enrolled in foreign medical schools before October 12, 1976.

Categories of records in the system:

Applications from U.S. citizens enrolled in foreign medical schools who wish to be identified by the Secretary for transfer to U.S. medical schools, copies of birth certificates and naturalization papers.

Authority for maintenance of the system:

Section 771(b)(3) of the Public Health Service Act (42 U.S.C. 295f-1) as amended by The Health Professions Educational Assistance Act of 1976, Pub. L. 94-484.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Department contemplates that it will contract with a private organization for the purpose of "matching" eligible students with the medical schools to which they have applied. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to U.S. medical schools which apply for "capitation" grants under section 770 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual files and computer tape

Retrievability:

Data will be retrieved by student name or assigned ID number.

The records in this system will be used: (1) to identify citizens of the United States who are enrolled in foreign medical schools and are eligible to transfer to United States medical schools under the provisions of section 771 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976; (2) to "match" eligible students with those United States medical schools which apply for "capitation" grants under section 770 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.

Safeguards (Access Controls):

DEPARTMENT OF HOUSING AND

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Safeguards (Access Controls):

Manual files in this system of records will be stored in locking file units. Only authorized personnel will have access to application materials.

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal:

The records in this system will be held by the Health Resources Administration for three years, the full length of the enabling legislation. They will then be held at the Federal Records Center for three additional years before disposal.

System manager(s) and address (Include Zip Code):

Chief, International Programs Staff, Division of Medicine, Bureau of Health Manpower, Federal Center Building No. 2, 4th Floor, 3700 East-West Highway, Hyattsville, Maryland 20782.

Notification procedure:

Chief, International Programs Staff, Division of Medicine, Bureau of Health Manpower, Federal Center Building No. 2, 4th Floor, 3700 East-West Highway, Hyattsville, Maryland 20782.

Information needed consists of name of applicant. This notification procedure is in accordance with the Department Regulations, as published in the FEDERAL REGISTER of October 8, 1975, page 4710 (45 CFR, Part 5b.5).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Part 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Part 5b.7) FEDERAL REGISTER, October 8, 1976, page 47411.)

Record source categories:

The student applicants will provide most of the information in this system directly to the International Programs Staff. The remainder of the data will be provided by U.S. medical schools in those instances when student applicants are admitted directly to the schools without sending applications to the International Programs Staff. The schools will provide this data in order to receive credit toward receipt of "capitation" grants.

Systems exempted from certain provisions of the act (If none, so state):

None.

[FR Doc.77-20281 Filed 7-11-77;4:49 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-504]

DESIGNATION OF ADDITIONAL EMERGENCY DROUGHT IMPACT AREAS

Additional Designations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of additional designation of Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATED: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7845.

Acting upon the request of the respective Governors, the Interagency Drought Emergency Coordinating Committee designated the following as Emergency Drought Impact Areas:

ALABAMA

Autauga	Henry
Baldwin	Houston
Barbour	Lee
Bibb	Lowndes
Bullock	Macon
Butler	Marengo
Chambers	Mobile
Choctaw	Monroe
Clarke	Montgomery
Coffee	Perry
Conecuh	Pickens
Covington	Pike
Crenshaw	Randolph
Dallas	Russell
Dale	Shelby
Elmore	St. Clair
Escambia	Sumter
Fayette	Tuscaloosa
Geneva	Walker
Greene	Washington
Hale	Wilcox

FLORIDA

Alachua	Jefferson
Baker	Lafayette
Bay	Leon
Calhoun	Levy
Citrus	Liberty
Columbia	Madison
Dixie	Marion
Escambia	Okaloosa
Franklin	Santa Rosa
Gadsden	Sumter
Gilchrist	Suwannee
Gulf	Taylor
Hamilton	Wakulla
Holmes	Walton
Jackson	Washington

ILLINOIS

Hardin	Gallatin
Pope	Hamilton
Saline	

The designation of an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided. Under the authority granted to the Administrator as Secretary to the Committee by the Memorandum of Agreement (42 F.R. 21855, April 29, 1977), I have provided this designation for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-20286 Filed 7-13-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 30992]

NEW MEXICO

Application

JULY 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 10, NE¼SE¼;
Sec. 11, SE¼NW¼.

These pipelines will convey natural gas across 0.277 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20237 Filed 7-13-77;8:45 am]

[NM 30745]

NEW MEXICO

Application

JULY 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Cities Service Oil Company has applied for a right-of-way for nine 2 to 6-inch natural gas gathering system and liquids discharge pipelines and a processing plant site across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.,
Sec. 29, SW¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 34, SW¼SW¼.

T. 19 S., R. 27 E.,
Sec. 3, lots 3, 4, SW¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼.
T. 19 S., R. 28 E.,
Sec. 33, W½SW¼ and SE¼SW¼.
T. 20 S., R. 28 E.,
Sec. 3, SW¼SW¼;
Sec. 4, lots 2, 3, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 10, N½NW¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 11, N½S½ and SE¼SW¼;
Sec. 14, NW¼, N½SW¼, SE¼NW¼, and SW¼SE¼;
Sec. 15, E½NE¼ and SW¼NE¼;
Sec. 22, S½NE¼, E½SW¼, and NW¼SE¼;
Sec. 23, E½NW¼, SW¼NW¼, and NE¼SW¼.

The pipelines and plant site, to be used in connection with natural gas operations, will cross 13.186 miles and 8.26 acres of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20238 Filed 7-13-77;8:45 am]

(NM 30985, 30993, 30994, 30995, 30996, 30999, 31000, 31001, 31002, 31003 and 31013)

NEW MEXICO

Applications

JULY 6, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eleven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 20, NW¼NE¼.
T. 29 N., R. 6 W.,
Sec. 7, NW¼NW¼.
T. 29 N., R. 7 W.,
Sec. 12, NE¼NE¼.
T. 27 N., R. 8 W.,
Sec. 24, N½SE¼;
Sec. 27, W½NW¼, SE¼NW¼ and S½SW¼.
T. 31 N., R. 8 W.,
Sec. 28, NW¼SE¼;
Sec. 33, W½NW¼.
T. 25 N., R. 9 W.,
Sec. 27, lots 2 and 3.
T. 31 N., R. 10 W.,
Sec. 22, lot 3;
Sec. 28, lots 3 and 6
T. 26 N., R. 12 W.,
Sec. 17, ½NW¼;
Sec. 18, SE¼NE¼.

These pipelines will convey natural gas across 1.497 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20239 Filed 7-13-77;8:45 am]

[NM 31014, 31015, and 31016]

NEW MEXICO

Applications

JULY 7, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 21 E.,
Sec. 12, SW¼SE¼;
Sec. 13, N½NE¼;
Sec. 14, E½NE¼ and N½SE¼.
T. 21 S., R. 22 E.,
Sec. 26, N½SW¼ and SW¼SW¼;
Sec. 27, S½SE¼;
Sec. 33, E½NE¼ and SW¼NE¼;
Sec. 34, NW¼NE¼ and N½NW¼.

These pipelines will convey natural gas across 3.378 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20240 Filed 7-13-77;8:45 am]

[Wyoming 59863]

WYOMING

Application

JULY 6, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Montana-Dakota Utilities Company of Bismarck, North Dakota filed an application for a right-of-way to construct an 8 inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Secs. 5 and 6.
T. 39 N., R. 90 W.,
Secs. 30 and 31.
T. 39 N., R. 91 W.
Secs. 3, 10, 11, 13, 14 and 24
T. 40 N., R. 91 W.,
Sec. 34.

The pipeline will transport natural gas from the Madden Deep Unit Okie Well No. 1-9 in the NW¼ sec. 9, T. 38 N., R. 90 W., and the Madden Deep Unit Margaret Well No. 1-6 in lot 2, sec. 6, T. 38 N., R 90 W., to the applicant's existing main pipeline in the NW¼SW¼ sec. 34, T. 40 N., R. 91 W., in Fremont County, Wyoming.

The Purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20241 Filed 7-13-77;8:45 am]

Geological Survey

[Order Colorado No. 140]

COAL AND CLASSIFICATION

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 1 N., R. 101 W.,
Sec. 8, SE¼SE¼;
Sec. 9, SE¼SW¼.
T. 3 N., R. 98 W.,
Sec. 4, SE¼SW¼.
T. 3 N., R. 102 W.,
Sec. 21, NE¼SE¼;
Sec. 27, S½NE¼.
T. 3 N., R. 104 W.,
Sec. 14, W½SW¼;
Sec. 23, NE¼NW¼;
Sec. 26, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 35, NE¼NW¼.
T. 4 N., R. 98 W.,
Sec. 27, SW¼NW¼.
T. 5 N., R. 97 W.,
Sec. 20, NE¼NE¼.
T. 6 N., R. 98 W.,
Sec. 34, E½NE¼, W½NW¼.

RECLASSIFIED COAL LAND FROM NONCOAL LAND

Prior classification of the following subdivisions as noncoal is hereby revoked and the land is reclassified as coal land:

T. 1 N., R. 103 W.,
Sec. 3, NE¼SW¼, SW¼SE¼;
Sec. 10, lots 1, 2, and 6 to 10, inclusive, NW¼NE¼, SW¼NW¼;
Sec. 15, NW¼NW¼.

T. 2 N., R. 97 W.,
Sec. 2, lot 8;

Act of 1969, the Nevada State Office of

study to determine the possibilities for

1. Existing and reasonably foreseeable

ceived advice from the Department of

was made to determine whether an in-

V 42 135 JUL 14 77 UMI

T. 2 N., R. 97 W.,
Sec. 2, lot 8;
Sec. 3, lots 5 to 8, inclusive, S½E¼, N½SW¼, NW¼SE¼;
Sec. 4, lots 5 and 6, S½NE¼, SE¼NW¼, S½;
Sec. 5, SE¼SE¼.
T. 2 N., R. 100 W.,
Sec. 4;
Sec. 5, lots 5 to 8, inclusive, lots 14 to 18, inclusive, S½N½, NE¼SW¼, N½SE¼;
Sec. 6, lot 8;
Sec. 8, lot 1;
Sec. 9, lots 1 to 9, inclusive, S½NE¼, NE¼SE¼.
T. 2 N., R. 101 W.,
Sec. 15, lots 5 to 7, inclusive, SW¼SE¼.
T. 2 N., R. 104 W.,
Sec. 2, SW¼SW¼;
Sec. 3, lots 3 and 4;
Sec. 11, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 12, SW¼NE¼, N½NW¼.
T. 3 N., R. 97 W.,
Sec. 8, E½NE¼;
Sec. 9, S½NE¼, NW¼, S½;
Sec. 10, SW¼;
Sec. 15, SW¼NE¼, W½, W½SE¼;
Sec. 16, E½, E½NW¼;
Sec. 21, E½E½;
Sec. 22;
Sec. 23, SW¼NW¼, SW¼;
Sec. 26, W½E½, W½;
Sec. 27;
Sec. 28, E½E½;
Sec. 33, E½E½, SW¼SE¼;
Sec. 34;
Sec. 35, W½.
T. 3 N., R. 99 W.,
Sec. 31, lots 9 to 13, inclusive, lots 15 to 21, inclusive;
Sec. 32, lots 2 and 3, lots 12 and 13, lots 15 to 20, inclusive, lots 26 and 27, SW¼SE¼;
Sec. 33, lots 28, 29, and 31.
T. 3 N., R. 100 W.,
Sec. 27, NW¼SW¼, SW¼SE¼;
Sec. 30, lots 5 to 8, inclusive, NE¼NE¼, W½E½, E½W½;
Sec. 31, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 33, SW¼SW¼;
Sec. 35, NW¼NE¼.
T. 3 N., R. 101 W.,
Sec. 7, SE¼SE¼;
Sec. 14, S½S½;
Sec. 16, SW¼NW¼, NE¼SE¼;
Sec. 17, NW¼NE¼.

The area classified totals 11,639 acres (4,710 ha), more or less, of which 800 acres (324 ha) are coal land, and 10,839 acres (4,386 ha) which were formerly classified as noncoal are reclassified as coal land.

Dated: July 7, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-20242 Filed 8-13-77;8:45 am]

Office of the Secretary

[INT FES 77-25]

SIERRA PACIFIC POWER COMPANY 345 KV TRANSMISSION LINE, OREANA, NEVADA, TO HUNT, IDAHO

Availability of Final Environmental Statement

In accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, the Nevada State Office of the Bureau of Land Management has prepared a final environmental statement on a proposal 345 KV transmission line from Oreana, Nevada, to Hunt, Idaho.

The statement addresses itself to the environmental concerns associated with construction of a 345 KV transmission line 286 to 360 miles in length, depending on the route selected. The proposed action also involves construction of a substation, the upgrading of an existing substation, and construction of new access along the right-of-way, as required.

Limited copies of this final statement are available upon request from the Nevada State Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada, 89509. Copies may also be obtained by writing the Director (130), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

Copies of the final statement are available for inspection at the following BLM office locations:

Nevada State Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509.
Battle Mountain District Office, P.O. Box 195, Battle Mountain, Nevada 89820.
Carson City District Office, 801 North Plaza Street, Carson City, Nevada 89701.
Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301.
Winnemucca District Office, 705 East 4th Street Winnemucca, Nevada 89445.
Boise District Office, 230 Collins Road, Boise, Idaho 83702.
Shoshone District, 400 West F Street, Shoshone, Idaho 83352.
Elko District Office 2002 Idaho Street, Elko, Nevada 89801.
Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada 89102.
Idaho State Office, Room 398, Federal Bldg., 550 West Fort Street, Boise, Idaho 83724.
Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

In addition to the above locations, reading copies are available at public libraries in Battle Mountain, Carson City, Elko, Fallon, Las Vegas, Lovelock, Reno, and Winnemucca, Nevada; Boise, Burley, and Twin Falls, Idaho; the University of Nevada libraries in Reno and Las Vegas; and the Idaho State University Library in Pocatello.

Dated: July 8, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-20213 Filed 7-13-77;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

LAKE ERIE WATER LEVELS

Notice of Study

The International Joint Commission announces that, by similar letters of reference dated February 21, 1977, the Governments of the United States and Canada have requested the Commission, pursuant to Article IX of the Boundary Waters Treaty of 1909, to undertake a study to determine the possibilities for limited regulation of Lake Erie water levels.

The Reference requests that the Commission should examine into and report upon the effects of such limited regulation with respect to a number of interests and concerns as listed in the letter of Reference. In the event that the Commission should find that new or altered works or other measures examined would be economically and environmentally practicable, it shall estimate the costs of such works or measures and indicate how the various interests on either side of the boundary would be benefited or adversely affected thereby. The Commission is requested to submit its report to the Governments no later than March 1, 1979.

Persons or agencies interested in the subject matter of this Reference are invited to inform the Commission of the nature of their interest. At an appropriate time, the Commission will hold public hearings at which time there will be convenient opportunity for all interested to be heard.

Copies of the complete text of the Reference to the International Joint Commission and a background information document are available upon request to the Secretaries.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

JULY 11, 1977.

[FR Doc.77-20263 Filed 7-13-77;8:45 am]

GREAT LAKES DIVERSIONS AND CONSUMPTIVE USES

Public Notice

The International Joint Commission announces that, by similar letters of reference dated February 21, 1977, the Governments of the United States and Canada have requested the Commission, pursuant to Article IX of the Boundary Waters Treaty of 1909, to examine into and report upon the effects of existing and proposed diversions within, into or out of the Great Lakes Basin, and the effects of existing and reasonably foreseeable patterns of consumptive uses on Great Lakes water levels and flows.

The Governments are concerned about the increasing demand for water to meet the needs of domestic and municipal supply and sanitation, navigation, industry, power generation, irrigation and other such uses, which will have increasingly significant socio-economic and environmental impact on all interests in the Great Lakes Basin.

In light of these concerns, and with reference to specific criteria, the Commission is to examine into and report by March 1, 1979, upon the following matters which have, or may have, material effects on water levels and flows of the Basin, including the international and Canadian reaches of the St. Lawrence River:

1. Existing and reasonably foreseeable patterns of consumptive uses of Great Lake waters;

2. Existing diversions, including the Welland Canal and the New York State Barge Canal, and federally, state or provincially sponsored or approved proposed new or changed diversions, within, into or out of the Basin; and, in particular,

3. Existing diversions at Chicago and at Long Lac/Ogoki, and the proposed study and demonstration program authorized by United States P.L. 94-587 affecting the rate of diversion at Chicago.

Persons or agencies interested in the subject matter of this Reference are invited to inform the Commission of the nature of their interest. At an appropriate time, the Commission will hold public hearings at which time there will be convenient opportunity for all interested parties to be heard.

Copies of the complete text of the Reference to the International Joint Commission and a background information document are available upon request to the Secretaries.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission.

DAVID G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

JULY 11, 1977.

[FR Doc.77-20264 Filed 7-13-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-25; 332-85]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE; AND CONDITIONS OF COMPETITION IN U.S. MARKETS BETWEEN DOMESTIC AND FOREIGN LIVE CATTLE AND CATTLE MEAT FIT FOR HUMAN CONSUMPTION

Notice of Change in Location of Kansas City, Missouri Hearing

The location of the public hearing scheduled for Kansas City, Missouri on July 19, 1977, at 10 a.m., c.d.t., has been changed to the Regency Ballroom, Hilton Plaza Inn, One East 45th Street, Kansas City, Missouri, rather than in the location which was announced in the Commission's notices of June 3, 1977, and June 8, 1977, that were published in the FEDERAL REGISTER of June 13, 1977 (42 FR 30262).

Issued: July 8, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-20186 Filed 7-13-77;8:45 am]

[AA1921-166]

PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA

Determination

JULY 7, 1977.

On April 7, 1977, the United States International Trade Commission received advice from the Department of the Treasury that parts for self-propelled bituminous paving equipment from Canada, are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on April 19, 1977, the Commission instituted investigation No. AA1921-166 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notices of the institution of the investigation and of the public hearing held in connection therewith were published in the FEDERAL REGISTER on April 25, 1977, and April 29, 1977 (42 FR 21118 and 42 FR 21860). On May 4, 1977, a hearing was held in Chicago, Illinois, at which all persons who requested the opportunity were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, Commissioners George M. Moore and Catherine Bedell determined that an industry in the United States is being injured, or is likely to be injured, by reason of the importation of parts for self-propelled bituminous paving equipment from Canada that the Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Chairman Daniel Minchew and Commissioner Italo H. Ablondi, on the other hand, determined that an industry in the United States is not being injured, is not likely to be injured, and is not prevented from being established by reason of the importation of parts for self-propelled bituminous paving equipment from Canada that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1]

In view of the fact that the Commissioners of the Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative, the Commission is deemed to have made an affirmative determination by operation of law. (19 U.S.C. 160(a)).

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL

On April 19, 1977, the United States International Trade Commission instituted investigation No. AA1921-166 under section 201(a) of the Antidumping Act, 1921, as amended. This investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of parts for self-propelled bituminous paving equipment from Canada which the Department of the Treasury has determined are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the act. In order to find affirmatively, the Commission must find two conditions satisfied in this investigation. First, it must find that an industry in the United States is being or is likely to be injured or is prevented from being established.[2] Second, any injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which Treasury has determined is being, or is likely to be, sold at LTFV.

In our opinion an industry in the United States is being or is likely to be injured by reason of the importation into the United States of parts for self-propelled bituminous paving equipment (paver parts) from Canada which, according to the finding of the Department of the Treasury, are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Our reasons in support of this determination are set forth below.

THE U.S. INDUSTRY

In this determination we consider the relevant industry to consist of the facilities in the United States devoted to the production of parts for self-propelled bituminous paving equipment. Such parts are manufactured in the United States by three firms: Blaw-Knox Construction Equipment, Inc., Barber-Greene Co., and Iowa Manufacturing Co. Other than these three U.S. original-equipment manufacturers, each of which produces replacement parts only for its own pavers, the only source of replacement parts for pavers is Allatt, Ltd., of Downsview, Ontario, Canada. Allatt produces parts which are virtually identical to the paver parts produced by the U.S. industry.

LTFV SALES

Treasury examined sales of paver parts from Canada during January–September 1976. In that period one Canadian firm, Allatt, was found to have sold paver parts in the United States. Fair-value comparisons were made on 63 percent of the paver parts from Canada sold in the United States during the period of investigation, and 100 percent of the sales compared were found to be at LTFV prices. Margins, as calculated by the Department of the Treasury, ranged from 10 to 38 percent, with a weighted average margin of about 30 percent.

INJURY DUE TO LTFV SALES

Under the law, injury must have occurred "by reason of the importation of"

[1] Vice Chairman Joseph O. Parker did not participate in the decision.

[2] Prevention of establishment of an industry is not an issue in this investigation and will not be discussed further.

LTFV merchandise into the United States. However, it is not necessary that

selling contributed to reductions in U.S. producers' prices beginning in late 1975

meaning of the Antidumping Act, 1921,

during 1972-1976. This is compared to the roughly 8 percent average ratio

1120 Connecticut Avenue, N.W., Washington, D.C. The purpose of this meeting

28, 1977, I have determined that the meeting would fall within exemptions

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LTFV merchandise into the United States. However, it is not necessary that importation of LTFV merchandise be a principal cause, a major cause, or a substantial cause of injury to an industry. Even when several factors that may cause injury, other than LTFV sales, are present, all that is required for an affirmative determination is that the merchandise sold at LTFV contributed to more than an inconsequential injury to the domestic industry.[2] It is clear from the following evidence that more than inconsequential injury was suffered by the U.S. paver parts industry by reason of sales and increased penetration by Canadian paver parts in the United States at LTFV prices.

Imports of paver parts from Canada more than doubled in value between 1972 and 1976, rising at an average annual rate of almost 21 percent. Imports in January–March 1977 were 21 percent greater than those during January–March 1976. The ratio of imports of Canadian paver parts to U.S. consumption rose steadily from 1972 to 1976, and by January–March 1977 was double the ratio in 1972.

The sales impact of Canadian paver parts is directed principally to certain "high-wear" items, which require the most frequent replacement. Thus, the ratio of LTFV imports to U.S. consumption of such high-wear parts is substantially greater than the ratio of LTFV imports to total consumption of all paver parts.

Since Allatt is the only alternative source of replacement parts for U.S.-made pavers other than the domestic paver manufacturers, every LTFV sale of an Allatt paver part constitutes a sale lost by the U.S. industry. Such lost sales more than doubled in value during the period 1972–76.

Prices of paver parts have increased more slowly than have wholesale prices for most manufactured articles since mid-1974, especially in the second half of 1975 and throughout 1976. Prices received by all three domestic producers for their U.S.-made paver parts, which are identical to those Canadians parts that are sold, or are likely to be sold, at LTFV in the United States, have risen very little since late 1975. At least two U.S. producers have made substantial reductions in the prices of such items.

Imports of Canadian paver parts have been priced substantially lower than domestically produced paver parts for a number of years. During the period of Treasury's investigation, LTFV sales were, with few exceptions, 25 to 35 percent below U.S. producers' list prices to end users for identical parts. The price difference was approximately equal to the weighted average LTFV margin found to exist by Treasury. The underselling contributed to reductions in U.S. producers' prices beginning in late 1975 and continuing throughout the first 9 months of 1976; thus, the LFTV imports contributed to the price depression in the domestic market.

The impact of LTFV sales has also been reflected in the profit margins of the industry. The ratios of net operating profit to net sales in 1975 and 1976 were almost 5 percentage points less than the ratio achieved in 1974. Moreover, the return on capital investment in pavers and parts therefor, whether measured in terms of original cost or in terms of book value, fell by 57 percent from 1974 to 1976

LIKELIHOOD OF INJURY FROM LTFV SALES

Evidence developed during the course of this investigation shows that Allatt has the capacity to expand its sales in the U.S. market and will continue to make inroads into the U.S. market by LTFV pricing. Thus, the injury already suffered by the domestic industry, in all likelihod, will continue in the future.

CONCLUSION

The foregoing evidence supports our determination that an industry in the United States is being injured or is likely to be injured by reason of the importation of parts for self-propelled bituminous paving equipment from Canada found by Treasury to be, or likely to be sold at LTFV.

STATEMENT OF REASONS OF CHAIRMAN DANIEL MINCHEW[1]

On April 7, 1977, the United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)). Accordingly, on April 19, 1977, the Commission instituted investigation No. AA1921–166 under section 201(a) of said Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Before the Commission may find in the affirmative in these investigations, it is necessary that the following two conditions be met:

(1) An industry in the United States is being or is likely to be injured, or is prevented from being established,[3] and

(2) The requisite injury must be by reason of the importation into the United States of the merchandise which Treasury has determined is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

DETERMINATION

On the basis of information obtained in this investigation, I have determined that an industry in the United States is not being injured and is not likely to be injured, nor is it prevented from being established, by reason of the importation of parts for self-propelled bituminous paving equipment from Canada, which parts are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

THE U.S. INDUSTRY

Self-propelled bituminous paving equipment (pavers) and the parts for such equipment that were investigated by Treasury are manufactured in the United States by three firms: Blaw-Knox Construction Equipment, Inc., Barber-Greene Co., and Iowa Manufacturing Co. Paver parts are catalogued by the U.S. manufacturers, which together catalogue at least 20,000 separate and distinct parts for their machines. According to the U.S. manufacturers, it would be merely coincidental if certain parts for their machines were interchangeable with parts for machines of other manufacturers, since the pavers are built to different specifications. Other than the three U.S. original equipment manufacturers, each of whom produces replacement parts only for its own pavers, the only source of replacement parts for such machines is Allatt.

U.S. producers of pavers and paver parts generally sell their products through distributors or dealers, usually granting dealers a 25 percent discount from published list prices. The Canadian producer sells replacement parts for Blaw-Knox, Barber-Greene, and Iowa Manufacturing pavers only by direct sale to paver owners through commissioned salesmen that operate throughout the United States.

The U.S. industry most likely to be impacted by the LTFV imports in question consists of the domestic facilities devoted to the production of paver parts.

NO INJURY BY REASON OF LTFV IMPORTS

In this investigation, evidence of alleged injury to the domestic industry tended to focus on the period of January to September in 1976. Crucial to my determination in this case is the question of profits in the U.S. industry. While it is possible to conclude that some elements of injury may be present, the extreme profitability of the industry, under conditions of no competition except from the one foreign producer, makes it impossible for me to conclude that the industry is being injured.

In 1976, the year in which LTFV sales were found, net sales of paver parts, net operating profit, and the ratio of net operating profit to net sales all increased over their respective levels in 1975. The ratio of net operating profit on paver parts to net sales exceeded 30 percent, and in some cases 50 percent, in each year during 1972–1976. This is compared to the roughly 8 percent average ratio of net operating profit to net sales for all U.S. manufacturing corporations during the same period.

Given such conditions of high profitability, I do not conclude that the U.S. industry is being injured.

NO LIKELIHOOD OF INJURY BY REASON OF LTFV IMPORTS

As I believe the U.S. industry has not been injured by LTFV imports, I must also conclude that there is no likelihood of injury by reason of LTFV imports.

As was stated in the previous section, the trend of profitability in the industry is not downward, but has turned upward even during the period of LTFV sales. In addition, Allatt produces less than 10 percent of the number of various parts required for U.S.-made pavers. Allatt's share of the U.S. market for replacement parts will diminish as the paver parts subject to wear become more sophisticated with improved technology. There are increasing numbers of parts which Allatt cannot now supply, and as time passes indications are that the firm's coverage of parts will decline even further.

CONCLUSION

For the reasons stated above, I have concluded that an industry in the United States is not being injured and is not likely to be injured by reason of LTFV imports of parts for self-propelled bituminus paving equipment from Canada.

Issued: July 8, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-20187 Filed 7-13-77;8:45 am]

[1] Commissioner Italo H. Ablondi concurs in the result.

[2] See Melamine in Crystal Form From Japan: Determination * * * in Investigation No. AA1921-162 * * *, USITC Publication 796, 1976 (statement of reasons for affirmative determination of Vice Chairman Parker and Commissioners Moore and Bedell).

[3] Prevention of the establishment of an industry is not an issue in the instant investigation and will not be discussed further.

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

District of Columbia Panel

Chairman: Joseph Tydings. The second, third, and fourth scheduled meetings of the nominating panel for the District of Columbia Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) The second meeting will be held on Monday, August 1, 1977, at 12:30 p.m., 1120 Connecticut Avenue, N.W., Washington, D.C. The purpose of this meeting will be to discuss and evaluate pending applications. This meeting will be closed to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6).)

(2) The third meeting will be held on Wednesday, August 3, 1977, at 9:30 a.m., 1120 Connecticut Avenue, N.W., Washington, D.C. The purpose of this meeting will be to conduct interviews of applicants. This meeting will be closed to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6).)

(3) The fourth meeting will be held on Monday, August 8, 1977, at 9:30 a.m., 1120 Connecticut Avenue, N.W., Washington, D.C. The purpose of this meeting will be to determine the recommendations to be made to the President. This meeting will be closed to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6).)

JOSEPH A. SANCHES,
Advisory Committee,
Management Officer.

JULY 6, 1977.

[FR Doc.77-20211 Filed 7-13-77;8:45 am]

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Fourth Circuit Panel

Chairman: Wesley M. Walker. The first scheduled meeting of the nominating panel for the Fourth Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) The first meeting will be held on Wednesday, July 27, 1977, at 10 a.m., Courtroom of the United States District Court, Charles Raper Jones Federal Building, 401 West Trade Street, Charlotte, North Carolina. The purpose of this meeting will be to discuss procedures, criteria, and possible candidates. The afternoon session, which will involve the discussion of possible candidates, will be closed to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6).)

JOSEPH A. SANCHES,
Advisory Committee,
Management Officer.

JULY 11, 1977.

[FR Doc.77-20243 Filed 7-13-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

JUNE 23, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Independent Fellowships Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 9th, 1977.

The purpose of the meeting is to review Fellowships in the field of French Literature submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.77-20223 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

JUNE 23, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Independent Fellowships Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 10, 1977.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Music submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.77-20224 Filed 7-13-77;8:45 am]

The purpose of the meeting is to re-

Street, NW., Washington, D.C. 20506, or

this action was published in the FEDERAL

[Docket Nos. 50-269, 50-270 and 50-287]

[Docket No. 50-302]

For the Nuclear Regulatory Commis-

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The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Early European History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b (c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20225 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

JUNE 23, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended) notice is hereby given that a meeting of the Independent Fellowships Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 17, 1977.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Spanish Languages and Literatures submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–832–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20226 Filed 7-13-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-440 & 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO. ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Jerome E. Sharfman, Chairman, Richard S. Salzman, Dr. W. Reed Johnson

Dated: July 6, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-20008 Filed 7-13-77;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Provisional Operating License No. DPR–20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of the date of issuance.

This amendment permits the installation of new, higher capacity fuel storage racks in the Palisades Plant spent fuel pool which results in an increased storage capacity of from 276 to 798 fuel assemblies. This amendment also increases the amount of Uranium-235 that Consumers Power Company is allowed to receive, possess and use, to reflect the increased amount of Uranium-235 that will be stored in the Palisades spent fuel pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on December 13, 1976 (41 FR 54260). No request for a hearing or petition for leave to intervene was filed following the notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to this action.

For further details with respect to this action, see (1) the application for amendment dated November 16, 1976, as supplemented November 1, 1976, January 11 and February 8, 1977, (2) Amendment No. 29 to License No. DPR–20, (3) The Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of June 1977.

For the Nuclear Regulatory Commission.

T. V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-20009 Filed 7-13-77;8:45 am]

[Docket Nos. STN 50-488—50-493]

DUKE POWER CO. (PERKINS AND CHEROKEE NUCLEAR STATIONS, UNITS 1, 2 AND 3)

Order

It is ordered that the health and safety aspects of the application by Duke Power Company to build the proposed Cherokee and Perkins Nuclear Stations will be heard in a proceeding combining both Stations.

It is further ordered that the hearing will begin at 10 a.m. on July 18, 1977, in the Courtroom in the Cherokee County Courthouse in Gaffney, South Carolina, and will continue at that location until the close of the day on July 19, 1977; the combined hearing will reopen at 10 a.m. on July 20, 1977, in the Courtroom in the Davie County Courthouse in Mocksville, North Carolina.

Dated at Bethesda, Maryland, this 6th day of July, 1977.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-20010 Filed 7-13-77;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 42, 42 and 39 to Facility Operating License Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company for operation of the Oconee Nuclear Station, Unit Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.
enses

These amendments change the licenses to provide for standard provisions for special nuclear, source and byproduct materials.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 13, 1976, as supplemented April 29, 1977, (2) Amendment Nos. 42, 42 and 39 to License Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of June 1977.

For the Nuclear Regulatory Commission.

T. V. WAMBACH,
Acting Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.77-20011 Filed 7-13-77;8:45 am]

[Docket No. 50-302]

FLORIDA POWER CORP. ET AL. CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Syrma Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc. and the City of Tallahassee which revised Technical Specifications for operation of the Crystal River Unit 3 Nuclear Generating Plant located in Citrus County, Florida.

The Amendment permits revisions in the offsite organization for technical support and facility mnagement incurred by corporate level manageient changes and reflects revisions in management titles at the facility staff level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1977, (2) Amendment No. 5 to License No. DPR–72, and (3) the Commission's related Safety Evaluation Supporting Amendment No. 5 to License No. DPR–72. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, Crystal River, Florida 32629. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 5th day of July 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-20012 Filed 7-13-77;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR–59, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment revises the Average Power Range Monitor (APRM) setpoints and requirements for the temporary period of the current refueling outage at the FitzPartick Nuclear Power Plant. This revision deletes the APRM greater than 15 percent power trip in the refuel mode when the reactor is subcritical and the water temperature is less than 212°F if the Source Range Monitors (SRM's) are in protective function.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment sworn to June 27, 1977, (2) Amendment No. 24 to License No. DPR–59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

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Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-20013 Filed 7-13-77;8:45 am]

[Docket Nos. 50-354; 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO. AND ATLANTIC CITY ELECTRIC CO. (HOPE CREEK GENERATING STATION, UNITS 1 AND 2)

Order

JULY 6, 1977.

Pursuant to the agreement of counsel for all parties, the oral argument of the appeal in this matter, previously scheduled for August 1, 1977, is hereby rescheduled for July 13, 1977 at 10:00 a.m. in the Commission's public hearing room on the 5th floor of the East-West Towers building, 4350 East West Highway, Bethesda, Maryland.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-20014 Filed 7-13-77;8:45 am]

[Docket No. PRM-50-14]

PUBLIC INTEREST RESEARCH GROUP, ET AL.

Denial of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission has denied a petition for rulemaking submitted to the Commission by letter dated August 6, 1975, by the Public Interest Research Group, et al. A notice of filing of petition, Docket No. PRM-50-14, and request for comments was published in the FEDERAL REGISTER on September 23, 1975.

The petitioners requested that an amendment to Part 50 require licensees to (a) distribute instructions explaining what emergency safety steps the citizen should take in case of a nuclear incident to the public within a radius of at least 40 miles of the facility; (b) disseminate information explaining these plans through educational sources and the public media; (c) conduct an actual public evacuation drill in full conformity with these plans; and submit to the Commission a report demonstrating compliance with the amendment. The requirements requested were to be carried out annually. The petitioners also requested that the Commission issue a new section to Part 50 requiring (a) that the Commission not issue a construction permit or license or amended permit or amended license until the applicant has (1) distributed to the public within a 40-mile radius of the facility sections of its Preliminary Safety Analysis Report or Final Safety Analysis Report which discuss public evacuation plans, (2) disseminated information explaining these plans through educational sources and public media, and (3) submitted to the Commission a report demonstrating full compliance with the above requirements; and (b) that the Commission not issue a license or amended licenses until the applicant has (1) conducted an actual evacuation drill in conformity with the applicant's plans for coping with emergencies affecting the public, and (2) submitted to the Commission a report demonstrating full compliance with this requirement. This section would also require that where a hearing is held, the applicant must comply with these regulations at least 50 days prior to the hearing.

Also, the petitioners requested that the Commission amend Part 50 to require that Final Safety Analysis Reports must include detailed emergency plans and implementation procedures.

SUMMARY OF COMMENTS

As of January 6, 1976, the NRC received 114 written comments or suggestions relating to the petition for rulemaking filed by the Public Interest Research Group, et al. Copies of all the letters received concerning this petition are on file in the NRC Public Document Room. Thirty-eight letters were received from private citizens with an additional sixty-six signatures (in petition form) requesting that NRC revise its regulations in accordance with the PIRG petition for rulemaking. Ten letters were received which requested that NRC deny the petition; eight of these were from utilities and two from law firms representing nine utilities.

Because of the nature of the petition and the obvious role that local and State governments must play in the implementation of any emergency plan, the Commission in April 1976 requested comments from the governors of the various States and Puerto Rico. The respondents included most of the States and Puerto Rico. The question of whether State and local governments have the authority to compel citizens to evacuate in a practice drill was raised by several of the responding States. The need for emergency plans and testing of plans by critical personnel, but not actual participation of the public, was thoroughly recognized. In addition, it was pointed out by the States that there existed practical problems such as costs and liability primarily associated with evacuation drills. However, approximately 40 percent of the responding States did favor, in one form or other, the dissemination of emergency preparedness information.

COMMISSION ANALYSIS

The Commission has analyzed the petition, comments of petitioners, public comments received, and comments of the various States and Puerto Rico, as well as its licensing experience, current policies, the current experience with regard to emergency situations involving nuclear power plants, and other factors. The rationale for the conclusion reached by the Commission follows.

The criteria which the NRC has applied in evaluating the PIRG petition are: (a) Whether PIRG contentions are correct in that existing regulatory requirements in the emergency preparedness area are insufficient to protect the public health and safety, and (b) whether incorporating the elements of the PIRG petition for rulemaking would improve the protection of the public health and safety.

In evaluating criterion (a), the NRC recognizes that emergencies can arise in the operation of nuclear power plants, and has, therefore, taken steps to assure the establishment of an acceptable state of preparedness to cope with emergency situations.

In 1970, the Atomic Energy Commission codified its requirements for plans to cope with emergencies in 10 CFR Part 50. These requirements, represent current NRC policy with regard to emergency planning that must be undertaken prior to issuance of a nuclear power plant permit or license. Pursuant to § 50.34(a), at the construction permit phase, elements of preliminary planning are required as set forth in Appendix E (II) to Part 50, while at the operating license stage, pursuant to § 50.34(b), the elements of substantive planning are required as set forth also in Appendix E (III, IV) to Part 50.[1] It is important to note that while many of the planning elements identified in Appendix E are directed specifically to radiation emergencies, the scope of Appendix E has generally been understood as having applicability not only to situations which are, but also those which have the potential for becoming radiation emergencies, e.g., fires, floods, hurricanes and the like.

One of the elements of Appendix E (IV) identifies "* * * agreements reached with local, State, and Federal officials and agencies for the early warning of the public and for public evacuation or other protective measures should such * * * become necessary or desirable * * *." In the licensing process, the NRC requires that evidence of such agreements be submitted in conjunction with the proposed emergency plans. These understandings are further verified by NRC inspection personnel, by contacts with the agencies involved, prior to the actual issuance of a license and periodically thereafter. The nature of such agreements varies somewhat from case to case since the NRC has not established a particular format for them. Frequently they have taken the form of a letter agreement from an official of the agency which takes cognizance of that agency's responsibility to respond upon notification, by the facility operator, of a need or recommendation to take protective action on behalf of the public within the agency's jurisdiction. In some instances, more formal agreements exist which set forth commitments on the part of both the agency and the facility operator. Evidence of such agreements also may appear in the form of State and local radiological emergency response plans which take specific cognizance of emergencies which may arise at a particular facility. In these cases, the NRC examines the interface between facility plans and agency plans to assure adequate coordination.

In evaluating criterion (b) one must look at the merits of the individual elements of the petition for rulemaking. In doing this the Commission notes that EPA has analyzed the inherent dangers involved with public evacuation and has provided the following information. There are 2.4×10^{-6} deaths per person-mile and 9×10^{-7} injuries per person-mile for transportation by automobile. If an evacuation (actual or drill) required an evacuee to drive 20 miles, the risks would be approximately 5×10^{-7} of death and 2×10^{-5} of injury per evacuation. Thus there are potential costs in terms of deaths and injuries to the public associated with evacuation drills.

To put these costs in perspective the Commission compared them with risks estimated in the Reactor Safety Study. This Study (WASH-1400) estimated that the risk to an individual located about 10 miles from the reactor site as a result of a reactor accident is about $5X10^{-11}$ per reactor-year of early death and $2X10^{-9}$ per reactor-year of latent cancer death. Although the equivalent probabilities would be higher for individuals at the site boundary, there are few people so located and the stated numerical values are more representative for potential evacuees. Therefore, if one considers a 40-year period and assumes an evacuation drill each year, the mortality risk from the evacuations is about 200 times greater than the mortality risk from the potential reactor accident.

The petitioners also request that licensees and applicants distribute instructions explaining what emergency safety steps, including directions for public evacuation, the citizen should take in case of a nuclear incident to each household, place of business, public institution, and other establishment within at least a 40 mile radius of the facility.

Presently, NRC's regulations require nuclear facility licensees and license applicants to provide a copy of their emergency preparedness plan with the Final Safety Analysis Report (FSAR). A copy of the FSAR is kept in the NRC Public Document Room as well as in a location near the site of the nuclear power plant. Both copies are available for public inspection.

Based on experience working with States over the course of years, as well as our assessment of the comments received from the States, we believe that it is essential that the State emergency coordinator have substantial flexibility to deal with the complexity of planning for emergencies and to modify such plans from time to time as needs arise. A program for initial dissemination of such plans should be coupled with an adequate followup program to assure that modifications are provided to all persons possessing the initial plan, in order to avoid the simultaneous existence of differing versions of the same plan. Such widespread dissemination of all revisions to the plan to every household, and other establishments, within 40 miles of a facility would be very difficult.

In addition, the specific action to be taken in any instance must be evaluated and based upon the best information available at that time and such actions must be centrally coordinated to assure that they are not mutually counterproductive. For example, the egress patterns selected by the emergency coordinator could become congested if occupants that are not in the downwind sector evacuate and merge with the downwind sector evacuees. Wide dissemination of detailed complex plans could result in increased unnecessary casualties caused by misinterpretation of complex and variable conditions in terms of the nature of the release and effect of meteorological conditions. However, it appears that a number of States feel that a more limited distribution of general information to persons living close to the facility may be desirable.

For these reasons, the Commission does not consider that it is advisable to provide for mandatory widespread dissemination of emergency plans. Such information should, of course, be available to those members of the public who desire it. This is current Commission policy.

A third element that the petitioners request is that licensees and applicants disseminate information explaining emergency plans through educational sources and the public media, including both printed and electronic media.

The Commission considers that all emergency actions depend upon the nature of the nuclear accident and the resulting threat, the prevailing weather and environmental conditions, and the location of the individual relative to the power plant. In some circumstances, it would be best for the individual to remain in his home rather than to leave. Information explaining the emergency plan would be so general as to be subject to misinterpretation and would be of little help; or, if written to cover the wide range of possibilities, would be too complex for the public to understand or follow in an emergency. A simple instruction directing public evacuation by preset routes in the event of any threatening nuclear accident could be in error in particular circumstances.

Lastly, the petitioners also requested that NRC require licensees to submit for review the details of their Emergency Plans and the implementation procedures. The Commission has not found it necessary to have detailed implementation submitted for review along with the emergency plansp rovided in the FSAR. These details are kept onsite where various aspects, such as specific phone numbers and personnel assignments, etc., can be promptly modified to reflect minor day to day changes. This detail can be provided to the Commission if there should be some serious question as to whether the applicant can actually carry out the plans set forth in the FSAR.

The implementation procedures maintained onsite are reviewed customarily by the Office of Inspection & Enforcement to determine whether they are consistent with the plans set forth in the FSAR. Prior to issuing an operating license and annually thereafter for the life of the plant, the NRC inspection program looks into the adequacy of the details of the Emergency Plan and the implementing procedures. Assurance is provided through these inspections that the commitments made in the Emergency Plan are in fact met, and reasonable assurance is obtained that appropriate measures can and will be taken in the event of an emergency. The inspection program includes verification that implementing procedures have been developed, and representative procedures are reviewed by NRC personnel at this time. Furthermore, the NRC inspection program verifies by observation and review of records that the implementing procedures are tested and evaluated for adequacy when actually used.

The Commission also notes that the following actions have been taken to facilitate improvements in the overall area of emergency preparedness. The NRC participates with other Federal agencies in providing guidance and assistance in radiological emergency response planning to State and local agencies. As a part of its agency role in this interagency effort, the NRC has a review and concurrence function with respect to radiological response plans developed by State and local governments. NRC has issued a document titled "Guide and Checklist for Development and Evaluation of State and Local Government Radiological Emergency Plans in Support of Fixed Nuclear Facilities," NUREG-75/111, which serves the purpose of guidance to State and local planners. Likewise, NRC has issued Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants" which provides staff guidance in developing the emergency plans required as part of the Final Safety Analysis Report for nuclear power plants.

Under current practice applicants perform a test or drill before they are granted an operating license. If the drill reflects an unsatisfactory state of planning and preparedness, issuance of the operating license may be delayed. Likewise, each licensee is required to establish provisions for testing, by periodic drills, of radiation emergency plans to assure that employees of the licensee are familiar with their specific duties, and pro-

[1] The scope and extent of protective measures, e.g., evacuation of persons or instructions to take shelter on a timely basis, is explicitly identified in § 100.3(b) as one of the factors to be considered in determining the Low Population Zone for siting purposes in 10 CFR Part 100.

visions for participation in the drills by other persons whose assistance may be

an estimated 6,000 users of NARM at present. The use of accelerator-produced

Public Document Rooms. Copies of the

ment dated May 16, 1977, (2) Amendment No. 6 to License No. DPR-70 and

that it is necessary to conduct the above closed sessions to protect proprietary in-

(e) The use of still, motion picture, and television cameras, the physical in-

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visions for participation in the drills by other persons whose assistance may be needed in the event of a radiation emergency. In addition, the Federal Interagency Emergency Preparedness Program includes visits, at the invitation of a State, by a Federal Interagency Field Assistance Cadre headed by NRC personnel to observe State and local government field exercises and to provide comments to the State as a result of such observations.

In view of the above, it is concluded that the Commission's present regulations provide for adequate emergency planning and that the proposed rule would not further ensure the health and safety of the public, and in fact may increase the probability of injuries and loss of life, in addition to causing other inconveniences and costs not commensurate with the benefit. The Commission also believes that its ongoing efforts in the emergency preparedness area will provide a continuing level of emergency planning sufficient for the protection of the public health and safety.

The Nuclear Regulatory Commission, therefore, denies the petition for rulemaking.

Copies of the petition for rulemaking and the Commission's letter of denial are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 7th day of July 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of Transportation.

[FR Doc 77-20007 Filed 7-13-77;8:45 am]

NATURALLY OCCURRING AND ACCELERATOR-PRODUCED RADIOACTIVE MATERIALS

Task Force Report

A Nuclear Regulatory Commission Task Force has completed a review of the matter of regulation of naturally occurring and accelerator-produced radioactive materials. These materials are not presently regulated by NRC because they do not come within the scope of the definitions of nuclear materials in the Atomic Energy Act. The scope of the study, as prescribed for the Task Force, was limited to review of Federal and State regulation of naturally occurring and accelerator-produced radioactive materials. Sources of ionizing radiation involving radiation-producing equipment, such as X-ray machines, were not included in the study.

The conclusions and recommendations of the Task Force are as follows:

1. The regulation of naturally occurring and accelerator-produced radioactive material (NARM) is fragmented, nonuniform and incomplete at both the Federal and State level. Yet, these radioactive materials are widely used—excluding those who would be exempt from licensing, about 30% of all users of radioactive materials use NARM. There are an estimated 6,000 users of NARM at present. The use of accelerator-produced radioisotopes, particularly in medicine, is growing rapidly.

2. One NARM radioisotope—^{226}Ra—is one of the most hazardous of radioactive materials. ^{226}Ra is used by about ⅓ of all radioactive material users. Also, there are about 85,000 medical treatments using ^{226}Ra each year.

3. All of the 25 Agreement States and 5 non-Agreement States have licensing programs covering NARM users. The Agreement States' programs for regulating NARM are comparable to their programs for regulating byproduct, source and special nuclear materials under agreements with NRC. But there are 7 States who exercise no regulatory control over NARM users, and the remaining States have control programs which are variable in scope. There are no national, uniformly applied programs to regulate the design, fabrication and quality of sources and devices containing NARM or consumer products containing NARM which are distributed in interstate commerce.

4. Naturally occurring radioactive material (except source material) associated with the nuclear fuel cycle is only partially subject to NRC regulation, i.e., when it is associated with source or special nuclear material being used under an active NRC license.

5. Because of the fragmented and nonuniform controls over radium and other NARM, information on the impact of the use of NARM on public health and safety is fragmentary. Thus, it is difficult to know, in an overall sense, whether proper protection is being provided to workers and the public. A number of the incidents involving NARM and other data, however, which have come to the attention of public health authorities give definite indications of unnecessary and possibly excessive radiation exposure of workers and the public.

RECOMMENDATION

The Task Force recommends that the NRC seek legislative authority to regulate naturally occuring and accelerator-produced radio-active materials for the reason that these materials present significant radiation exposure potential and present controls are fragmentary and non-uniform at both the State and Federal level.

The Commission believes that opportunity for public comment should be afforded before the Commission reaches any decision on the Task Force recommendations. All interested persons who desire to submit written comments on the report and its recommendations should send them by to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Copies of the complete report are available for inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington. D.C. and at the Commission's local Public Document Rooms. Copies of the comments received in respone to this notice will be placed in the Commission's Public Document Room in Washington, as received. Single copies of the report may be obtained without charge, to the extent of supply, by writing to the Division of Document Control, U.S. Nuclear Regulatory Commission, Washington. D.C. 20555. Copies of the report NUREG-0301 will be available for sale at the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C. this 8th day of July 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-20180 Filed 7-13-77;8:45 am]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

The amendment consisted of changes to the Technical Specifications which authorized a one year waiver of the requirement for the facility's Maintenance Engineer to possess a minimum of one year nuclear power plant experience. The position will be occupied by an individual experienced in power plant maintenance. The amendment also corrected minor errors in previously issued amendments.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 16, 1977, (2) Amendment No. 6 to License No. DPR-70 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of July 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc.77-20179 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 1 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 1 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on July 30-31, 1977, at the Westbank Motel Coffee Shop, 475 River Parkway, Idaho Falls, ID 83401. The purpose of this meeting is to discuss safety research regarding thermal hydraulic aspects of light water reactors.

The agenda for subject meeting shall be as follows:

Saturday, July 30 and Sunday, July 31, 1977, 8:30 a.m. until conclusion of business each day.

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research regarding thermal hydraulic aspects of light water reactors.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 22, 1977 to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 28, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1919, Attn: Dr. Andrew L. Bates) between 8:15 and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Andrew L. Bates, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 8 and October 31, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-20351 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 2 OF THE REACTOR RESEARCH SUBCOMMITTEE

Meeting; Change of Date

The July 18, 1977 meeting of Working Group No. 2 of the Reactor Safety Research Subcommittee announced in the FEDERAL REGISTER, June 30, 1977, page 33388, has been rescheduled to be held August 9, 1977 in Room 1046, 1717 H St., NW., Washington, D.C. 20555.

The agenda on Tuesday, August 9, 1977, shall be the same as announced in the cited FEDERAL REGISTER notice.

Written comments postmarked no later than August 2, 1977, addressed to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be

received in time to be considered at this meeting.

A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 8, 1977 at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-20352 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 3 OF THE REACTOR RESEARCH SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 3 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on August 1-2, 1977, at the Westbank Motel Coffee Shop, 475 River Parkway, Idaho Falls, ID 83401. The purpose of this meeting is to discuss safety research regarding thermal hydraulic aspects of light water reactors.

The agenda for subject meeting shall be as follows:

Monday, August 1 and Tuesday, August 2, 1977, 8:30 a.m. until conclusion of business each day.

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research regarding thermal hydraulic aspects of light water reactors.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 25, 1977 to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 28, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1919, Attn: Dr. Andrew L. Bates) between 8:15 and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Andrew L. Bates, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 8 and October 31, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-20353 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 4 OF THE REACTOR RESEARCH SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 4 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on August 3-4, 1977, at the Westbank Motel Coffee Shop, 475 River Parkway, Idaho Falls, ID 83401. The purpose of this meeting is to discuss safety research regarding thermal hydraulic aspects of light water reactors.

The agenda for subject meeting shall be as follows:

Wednesday, August 3 and Thursday, August 4, 1977, 8:30 a.m. until conclusion of business each day.

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research regarding thermal hydraulic aspects of light water reactors.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 25, 1977 to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 28, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1919, Attn: Dr. Andrew L. Bates) between 8:15 and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Andrew L. Bates, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 8 and October 31, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-20354 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 5 OF THE REACTOR RESEARCH SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 5 of the ACRS Subcommittee on Reactor Safety Research will hold a meeting on August 3-4, 1977, at the Westbank Motel Coffee Shop, 475 River Parkway, Idaho Falls, ID 83401. The purpose of this meeting is to discuss safety research regarding thermal hydraulic aspects of light water reactors.

The agenda for subject meeting shall be as follows:

Wednesday, August 3 and Thursday, August 4, 1977, 8:30 a.m. until conclusion of business each day.

The Working Group may meet in open Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet in open session to hear presentations by and to hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in safety research regarding thermal hydraulic aspects of light water reactors.

At the conclusion of these sessions, the Working Group may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 25, 1977 to Dr. Andrew L. Bates, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 28, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1919, Attn: Dr. Andrew L. Bates) between 8:15 and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Andrew L. Bates, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 8 and October 31, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-20355 Filed 7-13-77;8:45 am]

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received in time to be considered at this meeting.

A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 16 and November 9, 1977, respectively, at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

All other matters pertaining to this meeting remain the same.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.

[FR Doc.77-20349 Filed 7-13-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PHYSICAL PROTECTION OF NUCLEAR FACILITIES

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Physical Protection of Nuclear Facilities will hold a meeting on July 29, 1977, in Room 1046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to review progress and needs related to design provisions for protection against sabotage and to other means of enhancing industrial security.

The agenda for subject meeting shall be as follows:

Friday, July 29, 1977, 8:30 a.m. until conclusion of business.

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff and their consultants pertinent to this view.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff matters involving classified or proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect classified or proprietary information (5 U.S.C. 552 b (c) (1) or (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statments regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 22, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 28, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley of the ACRS Office prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 5 and October 31, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc 77-20350 Filed 7-13-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR, 77-28]

SAFETY RECOMMENDATION RESPONSES AND RELATED CORRESPONDENCE

Availability and Receipt

Within the past week letters in response to National Transportation Safety Board recommendations have been received from the Federal Aviation Administration, the Federal Highway Administration, and the Federal Railroad Administration. Under consideration in these letters were the following recommendations:

Aviation: A-75-65.—Federal Aviation Administration's June 28 letter provides the Safety Board with a copy of an article on the safe piloting of high performance sailplanes. Publication of such an article had been proposed in FAA's initial response letter of October 9, 1975, as an alternate action on A-75-65. (See 40 FR 50575, October 30, 1975.) The recommendation asked FAA to require a logbook endorsement by a certificated flight instructor before a pilot's initial flight as pilot-in-command in a high performance sailplane. The article, "On Silent Wings," appeared in the September 1976 issue of *FAA General Aviation News*. FAA plans no further action at this time.

Aviation: A-77-3 and 4.—Federal Aviation Administration's letter of June 22 supplements FAA's response of March 18. (See 42 FR 17197, March 31, 1977.) FAA states that as a result of the fuel system studies of Piper Models PA-28-235, 32-260, and PA-32-300, Airworthiness Directive No. 77-12-01 was issued on June 3. Also, FAA indicates that studies of the fuel systems of Piper Models PA-24-400 and PA-30 are being conducted; completion is expected within the next six weeks.

Aviation: A-77-14 and 15.—Federal Aviation Administration's June 29 letter is in response to recommendations issued as a result of investigation of an in-flight breakup of a Piper 31 near Springdale, Arkansas, last February 22. (See 42 FR 20693, April 21, 1977.)

In answer to A-77-14, which recommended that FAA issue an Airworthiness Directive (AD) to all operators of aircraft having the Nayak wing luggage lockers installed under STC SA-986SW to require an immediate inspection of the elevator balance weights installation, FAA states that AD 77-12-02 was issued June 1. This requires inspection of the elevator balance weights for proper attachment, balance, and repairs as needed, according to FAA.

In answer to A-77-15, which asked FAA to review the design of the balance weight bolt retention installation and to insure its adequacy, FAA states, "Our review of the STC design does not indicate a need for corrective action."

Aviation: A-77-23.—This recommendation, issued May 11, asked the Federal Aviation Administration to issue an AD to require an immediate, one time magnetic particle inspection of all Bell main rotor hub trunnions P/N 206-011-113-1, in accordance with the Bell Helicopter published maintenance and overhaul procedures, to detect machining deficiencies, surface irregularities, and cracks. (See 42 FR 25789, May 19, 1977.)

In its June 29 response, FAA reports that notice of proposed rulemaking 77-SW24 specifying magnetic particle inspection was issued June 6 (42 FR 31171, June 20, 1977.) FAA notes that the closing date for comments is July 22. Adoption is expected by September 12. FAA stated, "On the basis of available information, justification for an immediate adoption of an airworthiness directive was lacking since the evidence of a pre-inspection crack in the failed spindle indicates an improper inspection."

The Safety Board in comments forwarded to FAA on July 6 concurred in the proposal to issue the AD, noting additionally that FAA's action is in response to recommendation A-77-23.

Highway: H-77-1.—Federal Highway Administration's June 27 letter provides a formal response to the recommendation which resulted from Safety Board investigation of a highway accident at Neola, Iowa, last August 6. (See 42 FR 10915, February 24, 1977.) H-77-1 asked that FHWA examine and report on the effectiveness of FHWA efforts to establish roadway maintenance programs that comply with Highway Safety Program Standard Number 12. The Board recommended that this report should, as a minimum, review: (1) The adequacy of information about post-crash corrective maintenance procedures and devices in FHWA maintenance policy; (2) the availability and implementation of training programs in, and up-to-date standards for, post-crash corrective maintenance; and (3) a sample of accidents to assess post-crash maintenance practices within each FHWA region.

In response, FHWA states that under the provisions of Highway Safety Program Standard 12, States are required to have a program to maintain roadways and roadsides consistent with construction design standards to provide safe and efficient movement of traffic. FHWA says that the term "maintenance" is defined and applies primarily to the preservation, repair, and minor restoration of highway facilities; FHWA's policies, procedures, and guidelines for implementing Standard 12 apply to activities carried out by the States within this definition.

FHWA encourages the upgrading of damaged installations at the time repair or replacement is made by maintenance forces if it can be done in a timely manner. The American Association of State Highway and Transportation Officials (AASHTO) publication "Highway Design and Operational Practices Related to Highway Safety" (Yellow Book), the FHWA publication "Handbook of Highway Safety Design and Operating Practices," and other guidelines and training efforts promote this concept, according to FHWA. In most States, the training of State maintenance personnel in current safety standards and practices is an ongoing activity. FHWA assists by disseminating information in publications such as those mentioned above.

Additional assistance is provided through training efforts; one, the National Highway Institute course on "Traffic Control for Street and Highway Construction and Maintenance Operations," is conducted at various locations nationwide about once a month. FHWA also cooperates with the AASHTO Operating Subcommittee on Maintenance and advises States on various training materials on maintenance activities which have been developed and are available for loan to other States. FHWA reports that it has recently contracted with the Highway Users Federation to update the Maintenance and Highway Safety Handbook for use by maintenance personnel.

Regarding post-crash corrective maintenance practices, FHWA is initiating a sample review program in FHWA Regions to obtain this information and will furnish the Safety Board with a further report on the results of the review. FHWA recognizes the need to emphasize improved State maintenance operations to achieve safer traffic operation. Among planned promotional activities on a national level are: (1) Development of a policy tatement promoting the use of Federal-aid highway funds for the additional costs required to upgrade highway facilities to current safety standards when the damage is repaired; (2) promotion of additional training courses for maintenance personnel in current safety standards and practices and, as an initial goal, promotion of this training by at least the supervisor of maintenance activities in each State highway agency district; and (3) issuance by January 1978 of an FHWA field personnel maintenance manual containing information on review and inspection of maintenance activities and stressing the safety aspects of highway facilities. FHWA says that its field personnel will be requested to review and report annually on State practices in the upgrading of damaged highway facilities as a part of regular maintenance reviews.

Railroad: R-76-15.—April 21 the Federal Railroad Administration responded to the Safety Board's request of last November 18 for reconsideration of the recommendation which asked FRA to insure that switches in signal territory are so protected that related signals governing train movements will display their most restrictive aspects if the switch points do not close properly. (See 42 FR 25790, May 19, 1977.)

In a followup letter dated June 24, FRA states that, due to an omission, part of its April 21 response was in error. Reference is to the next-to-last sentence, next-to-last paragraph. FRA states that the sentence correctly reads:

> If switch 1A had been operated by a Union Switch and Signal Company switch machine, equipped with a latchout device, the point detector rod would not have moved when the switch was run through.

BOARD CORRESPONDENCE RELATING TO SAFETY RECOMMENDATIONS

To assist in the evaluation of responses, the Safety Board has recently sought additional information from the addressees of these recommendations:

Aviation: A-71-18.—In its June 28 letter to the Federal Aviation Administration, the Board notes that on April 12, 1971, FAA was asked to institute regulatory action to prohibit servicing oxygen systems while passengers were on board (A-71-18), and on April 15, 1971, FAA responded stating that a study of the problem was in progress to include, not only oxygen servicing, but all other servicing functions which may have an adverse effect on safety.

The Board is aware that, toward implementation of the recommendation, FAA on June 10, 1974, issued NPRM 74-21, which was subsequently withdrawn, and that on November 26, 1976, FAA issued a Supplemental NPRM 74-21A. The Safety Board now wishes to know

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whether FAA has assessed the need for regulatory action.

Highway: H–71–21.—On July 5 the Safety Board forwarded identical letters to the National Safety Council, the American Automobile Association, the American Driver and Traffic Safety Education Association, and the American Association of Motor Vehicle Administrators. These were addressees of a recommendation which was issued following Board investigation of a highway accident which involved multiple-vehicle collisions and fires near Ventura, California, on August 18, 1971.

The recommendation requested that the addressees, either in concert or separately, undertake educational programs (or include in existing programs) to educate the driving public on the purposes and extent of sections 11–1001(a) and (b) of the Uniform Vehicle Code, with emphasis on the degree of disablement which justifies such stopping and drivers' responsibilities to alleviate the hazards arising from such stopping(s).

Having found no record of a response to this recommendation, the Safety Board on July 5 asked the addressees to inform them of any action taken or contemplated to be taken in implementing H–72–21. "The need for an informed public still exists," the Safety Board added.

BOARD COMMENTS ON PROPOSED RULEMAKING

The Safety Board has reviewed the Federal Railroad Administration's proposal to require the use of improved glazing material in the windows of locomotive cabs, railroad passenger and commuter cars, rapid transit cars, and cabooses. The proposal, Docket No. RSGM–1, Notice 1, was published March 10, 1977, at 42 FR 13309.

In its May 31 comments, the Board first expresses its belief that FRA has the responsibility under the Federal Railroad Safety Act of 1970 to promulgate regulations to require the use of improved glazing material in the windows of equipment used on the Nation's railroad systems. The Board believes that FRA should consider also the total design function of such glazing material and the way in which it is fastened into the locomotive, caboose, or passenger car. In special cases, the Board said, alternatives to improved glazing material might include additional protective devices, such as screening or bars.

The costs of glazing have not been studied, but the Board has discussed other aspects of glazing and window design in several accident reports and special studies. A list of these reports and studies is provided as Attachment 1 to the Board's May 31 letter. The Board notes that window design contributed to the severity of injuries in an accident involving a passenger car and a tank truck at a railroad-highway grade crossing in Everett, Massachusetts, December 28, 1966. The Board also pointed out that in other accidents, the severity of passenger injury was increased when passengers were ejected through windows.

A second attachment to the Board's comments to FRA provides the salient points of 14 recommendations relating to windows, crashworthiness, and emergency escape. These recommendations were issued in recent years to the Secretary, U.S. Department of Transportation; the Federal Railroad Administration; the Urban Mass Transportation Administration; the Association of American Railroads; and the National Railroad Passenger Corporation. The recommendations cited are Nos. 68–R–11, 70–R–10, 71–R–7, 72–1–5, 72–1–26, 72–1–27, 72–5–32, 72–5–34, R–73–31, R–74–21, R–75–3, R–75–4, R–76–21, and R–76–29.

With reference to controlling suspended objects from overhead structures, the Safety Board suggests that FRA might consider the installation of fencing or screening at overpasses, improved incident reporting systems, juvenile education, and law enforcement.

Additional controls for preventing ejection of passengers from rail equipment might include the use of seatbelts, smaller windows, installation of bars or other restraint devices, and improved window fasteners. The Board further stated that the problem might be avoided altogether in vehicles designed to accommodate visual surveillance with improved technology such as periscopes or mirrors. The use of these systems may be particularly appropriate on high-speed surface transportation vehicles. The use of thick windows may impair vision, the Board noted.

NOTE.—The above notice is comprised of summaries of letters made available to and by the Safety Board during the week preceding publication of the notice in the FEDERAL REGISTER. Copies of the full text of responses to recommendations and any Board correspondence may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer

JULY 11, 1977.

[FR Doc.77–20290 Filed 7–13–77;8:45 am]

PANAMA CANAL COMPANY—CANAL ZONE GOVERNMENT

PRIVACY ACT OF 1974

Modification to Systems of Records

The Panama Canal Company and the Canal Zone Government maintain a system of records called "Minority Group Designator (MGD) Records, PCC–CZG/PR–11." Notice of this system was most recently given in the FEDERAL REGISTER of September 21, 1976 (41 FR 41400).

In order to achieve compliance with minority group statistics guidelines of the Civil Service Commission, issued pursuant to 42 U.S.C. 200e–16, 5 CFR 713.302 and Executive Order 11478 of August 8, 1969, several modifications in this system of records are necessary. Among these changes are inclusion of information on non-U.S. citizen employees and placement of minority group information on computer in conjunction with the Payroll Program of the Automatic Data Processing and Retrieval Systems designated PCC–CZG/FVDP–1. This latter change will, of course, affect the manner in which information from the system is retrieved and the length of time information is retained.

Although it is not clear whether the planned changes make such action legally necessary, these agencies are in the process of seeking approval from the Office of Management and Budget and the Congress for a new system of records, to be called "Race and Ethnic Data, PCC–CZG/GVEO–1." This new system will encompass the information contained in system PCC–CZG/PR–11, as modified, and will be under the control of the agencies' Director of Equal Employment Opportunity for his use in compiling statistical employment information by race and national origin.

THOMAS M. CONSTANT,
Secretary, Panama Canal Company, Assistant to the Governor of the Canal Zone.

[FR Doc.77–20227 Filed 7–13–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20103; 70–6030]

AMERICAN ELECTRIC POWER CO., INC.

Proposal by Holding Company To Act as Surety for Subsidiary Company

JULY 8, 1977.

In the matter of American Electric Power Company, Inc., 2 Broadway, New York, New York 10004 (70–6030).

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to act as surety for Wheeling Electric Company ("Wheeling"), an electric utility subsidiary company of AEP, in connection with a Wheeling rate proceeding now pending before the Public Service Commission of West Virginia ("state commission"). On March 31, 1977, Wheeling filed with the state commission new increased rates for electric service in West Virginia. By order dated April 1, 1977, the state commission suspended the increased rates until August 28, 1977, pending its investigations of such increased rates. The new increased rates can be made effective on and after August 28, 1977, subject to the posting by Wheeling of an appropriate bond to assure the making of appropriate refunds to its customers in the event the state commission's final order in the proceeding should require refunds to be made. The state commission has indicated that it would permit AEP to become a surety for Wheeling in lieu of Wheeling's posting of such bond.

The purpose of the proposed transaction is to enable Wheeling, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the state commission's investigation, hearing and decision with respect thereto. It is expected that the amount of the bond for the new increased rates will not exceed $2,550,000, which is equal to the estimated additional annual revenue that the new increased rates will provide. In the event that the amount of the bond ordered by the state commission should exceed such amount, AEP will not execute the statutory bond until this Commission has issued a further order with respect thereto. It is desired to consumate the proposed transaction in order that Wheeling might save the cost of obtaining the statutory bond, which is estimated to cost at least $4,125 annually.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500, including legal fees. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 3, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–20172 Filed 7–13–77;8:45 am]

PRIVACY ACT OF 1974

Corrections and Changes to Systems of Records

Pursuant to the requirements of section 3(e)(4) and (11) of the Privacy Act of 1974 (5 U.S.C. 552a, 83 Stat. 1896), the Securities and Exchange Commission gave notice of the maintenance of its systems of records on August 27, 1975 (40 FR 39255), and it was republished on September 22, 1976 (41 FR 41550).

The changes listed below do not constitute changes in the Commission's systems of records but are being published to update notification and record access procedures, to make certain editorial corrections and to reflect redesignation of offices.

The notification procedure and the record access procedures in systems 1–46, and 53–99, are revised to read as follows:

Notification procedure:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street NW., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Record access procedures:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

In systems 17–19, "Safeguards" are revised to read as follows:

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are maintained in a building that has a 24-hour security guard.

In system 27, the system name and the system manager(s) and address are corrected to read as follows:

System name:

Division of Investment Management Correspondence and Memoranda Files—SEC.

System manager(s) and address:

Director, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

In systems 28 and 29, the system manager(s) and address is corrected to read as follows:

System manager(s) and address:

Director, Office of Administrative Services, 1100 L Street NW., Washington, D.C.

In system 37, the system manager(s) and address is corrected to read as follows:

System manager(s) and address:

Director, Office of Consumer Affairs, 1100 L Street NW., Washington, D.C.

In system 46, the system location and the system manager(s) and address are corrected to read as follows:

System location:

Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C.

System manager(s) and address:

Director, Office of Opinions and Review, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C.

In system 47, retention and disposal is corrected to read as follows:

Retention and disposal:

Records in categories (a)–(c) are kept 2 years from date of employee's appointment or job change and then discarded. Records in categories (d)–(e) are retained 2 years and then discarded. Records in category (f) are kept for 5 years and then discarded. When employee leaves the SEC, his/her conduct files are stored for 2 years by the Office of Reports and Information Services and then destroyed; the computer listing of his/her securities transactions is destroyed upon his/her separation from the SEC. The Rule 6 file, established when a former employee returns to practice before the SEC, is retained indefinitely.

In systems 47–51, the notification procedure and the record access procedures are corrected to read as follows:

Notification procedure:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the Office of Personnel, 500 North Capitol Street, Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Record access procedures:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the Office of Personnel or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

In system 52, the system name, authority for maintenance of the system, safeguards, system manager(s) and address are revised to read as follows:

System name:

Office of Public Affairs Records—SEC.

Authority for maintenance of the system:

Information is given voluntarily to the Office of Public Affairs.

System manager(s) and address:

STATEMENT OF TERMS OF SUBSTANCE OF THE

retain in Rule 222 the authority to regu-

No comments were solicited or received

(5) Transactions in securities issued

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Information is given voluntarily to the Office of Public Affairs.

Safeguards:

Office of Public Affairs is locked after working hours. The building where the records are maintained has a 24-hour security guard.

System manager(s) and address:

Director, Office of Public Affairs, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

In system 62, the system manager(s) and address is corrected to read as follows:

System manager(s) and address:

Regional Administrator, Securities and Exchange Commission, 1375 Peachtree Street NE., Atlanta, Georgia 30309.

In systems 65 and 66, the system location and the system manager(s) and address are corrected to read as follows:

System location:

Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1204, Chicago, Illinois 60604.

System manager(s) and address:

Regional Administrator, Securities and Exchange Commission, Everett McKinley Dirksen Bldg., Room 1204, Chicago, Illinois 60604.

In system 78, the system location and the system manager(s) and address are corrected to read as follows:

System location:

Fort Worth Regional Office, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102; Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 5615, Houston, Texas 77002.

System manager(s) and address:

1. For information maintained in the Fort Worth Regional Office: Regional Administrator, Securities and Exchange Commission, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102. 2. For information maintained in the Houston Branch Office: Assistant Regional Administrator, Securities and Exchange Commission, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 5615, Houston, Texas 77002.

In system 80, the system location and the system manager(s) and address are corrected to read as follows:

System location:

Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 5615, Houston, Texas 77002.

System manager(s) and address:

Assistant Regional Administrator, Securities and Exchange Commission, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 5615, Huston, Texas 77002.

In systems 81, 82, and 83, the system location and the system manager(s) and address are corrected to read as follows:

System location:

Los Angeles Regional Office, 10960 Wilshire Blvd., Suite 1710, Los Angeles, California 90024.

System manager(s) and address:

Regional Administrator, Securities and Exchange Commission, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, California 90024.

In system 95, the system name, the system location and the system manager(s) and address are revised to read as follows:

System name:

Los Angeles Regional Office Regulation A Files—SEC.

System location:

Los Angeles Regional Office, 10960 Wilshire Blvd., Suite 1710, Los Angeles, California 90024.

System managers(s) and address:

Regional Administrator, Securities and Exchange Commission, 10960 Wilshire Blvd., Suite 1710, Los Angeles, California 90024.

In system 96, the system location is corrected to read as follows:

System Location:

Seattle Regional Office, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

In system 97, retention and disposal is corrected to read as follows:

Retention and disposal:

These records are maintained until such time as the investigation and enforcement action, if any, has been concluded. Investigative transcripts, documents that were subpoenaed and other relevant documents are then sent to the Commission's Office of Reports and Information Services; other relevant investigatory materials are maintained in this Office indefinitely. Extraneous materials are discarded.

In Appendix A, Commission's Systems of Records, systems 27, 52 and 95 are corrected to read as follows:

(27) Division of Investment Management Correspondence and Memoranda Files.

(52) Office of Public Affairs Records.

(95) Los Angeles Regional Office Regulation A Files.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 7, 1977.

[FR Doc.77-20171 Filed 7-13-77;8:45 am]

[Release No. 34-13724; File No. SR-Amex-77-13]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 15, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. (the "Amex") proposes to amend certain of its rules to bring them into compliance with the Act. The text of the proposed rule changes is attached as Exhibit A and the terms of substance are summarized and the terms of substance are summarized in the following section of this

STATEMENT OF BASIS AND PURPOSE

In December 1976, the Commission notified the Exchange by letter pursuant to Section 31(b) of the 1975 Securities Acts Amendments that certain of its rules appeared not to comply with the amended Exchange Act. The proposed rule changes outlined below are designed to bring these rules into compliance with the Act.

(1) Amex Rule 6—Restricts members from executing transactions in listed bonds in the over-the-counter market, subject to certain broad exceptions. The Exchange proposes to amend Rule 6 to eliminate any restrictions on members executing agency orders off-board for customers with a third market-maker or non-member block positioner. This amendment will make Exchange restrictions on off-board bond trades comparable to restrictions on off-board trades in equities, which are covered by SEC Rule 19c-1. While the SEC rule does not apply to bonds, the Exchange believes that off-board trades which are permitted by the rule for stocks should also be permitted for bonds.

(2) Amex Rule 107—This rule is closely related to SEC Rule 10a-1, which prohibits any person from effecting a short sale at a price below the last sale ("minus tick") or below the price of the last sale at a different price ("zero minus tick"). Paragraph (e)(5) of the SEC rule specifically permits an exchange specialist to effect "equalizing" transactions, i.e., transactions for the purpose of "equalizing" the price of a security on one exchange with the current price of the security on another exchange which is the primary market for the security. Paragraph (e)(5), however, expressly permits an exchange to adopt a rule prohibiting its specialists from using this "equalizing" exemption. Amex Rule 107, while it does not prohibit specialists from effecting "equalizing" transactions, does require Exchange approval of each such transaction on a case-by-case basis. As Rule 107 may conflict with SEC Rule 10a-1(e)(5) in this respect, the Exchange proposes to delete it, thus allowing equalizing transactions to be effected without prior Exchange approval in the manner provided in the SEC rule.

(3) Amex Rules 222/500-505—Require Exchange approval of and give the Exchange authority to discontinue, all wire communications between a member's office and the Floor (Rule 222) and between a member's and a non-member's office (Rules 500-505). While physical limitations of Exchange floor facilities and the need to regulate potential abuses make it reasonable for the Exchange to

retain in Rule 222 the authority to regulate wire communications to the Floor, the development and adoption of reasonable standards for discontinuing such services, aimed at preventing fraud and manipulation, are appropriate. The proposed amendment to Rule 222 would authorize the Exchange to discontinue a Floor wire "if such connection or means of communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, the Exchange Constitution or its Rules, or just and equitable principles of trade". However, a different approach is appropriate for systems connecting members' and non-members' offices. The Exchange proposes to delete Rules 500-505.

(4) Amex Rule 340 (Commentary .02)—Descibes the information which a member organization is required to obtain from a prospective employee at the time of employment, and outlines a schedule for maintaining and retaining this information. The Exchange proposes to amend the Commentary to include a reference to the recordkeeping requirements of SEC Rule 17f-2 regarding the fingerprinting of certain employees after they have been employed by a firm.

The basis under the Act for the proposed rule changes is as follows:

(1) Amex Rule 6—The proposed amendment to Rule 6, which would eliminate any restrictions on members executing agency orders off-board for customers with a third marketmaker or non-member block positioner, is consistent with the goals set forth in Section 11A(a)(1)(C) regarding fair competition among brokers and dealers and the economically efficient execution of seeurities transactions.

(2) Amex Rule 107—The deletion of Rule 107, which would eliminate the requirement of Exchange approval of "equalizing" transactions on a case-by-case basis, is proposed to enable the Exchange to comply with the amended Exchange Act and Rule 10a-1 thereunder, consistent with Section 6(b)(1) of the Act.

(3) Amex Rules 222/500-505—The proposed amendment to Rule 222, which would provide reasonable standards for discontinuing wire communications between a member's office and the Floor, is consistent with Section 6(b)(7) of the Act relating to limitations on access to Exchange services. The proposed deletion of Rules 500-505, which would remove the power to approve and disapprove wire communications between members and non-members, is consistent with Section 6(b)(7) of the Act in that it eliminates Exchange rules not related to the purposes of the Act, or the administration of the Exchange.

(4) Amex Rule 340 (Commentary .02)—The amendment to .02 of the Commentary to Rule 340, which would add a reference to the recordkeeping requirements of the SEC fingerprinting rule, is proposed to enable the Exchange to comply with the amended Exchange Act and Rule 17a-3 thereunder, consistent with Section 6(b)(1) of the Act.

No comments were solicited or received with respect to the proposed changes.

The Exchange has determined that no burden on competition will be imposed by the proposed rule changes.

On or before August 18, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 4, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 6, 1977.

EXHIBIT A—AMERICAN STOCK EXCHANGE, INC.

NOTE.—Brackets [ ] indicate material to be deleted and *italics* indicate material to be added.

Proposed Rule Amendments

(1) *Rule 6* is amended to read as follows:

Execution of Transactions in Bonds on Exchange Required—Exceptions

Rule 6. (*a*) A member, member firm or member corporation shall execute on the Exchange all transactions [, whether acting as principal or as agent,] in bonds admitted to dealings on the Exchange, except that this requirement shall not apply to:

(1) Transactions where the member, member firm or member corporation after reviewing, with due diligence, the proposed purchase or sale in the light of the factors involved, including the market existing on the Exchange, the price and size, is satisfied that the transaction can be executed more advantageously off the Exchange; or

(2) Transactions made with prior permission of the Exchange; or

(3) Transactions otherwise exempted by the Rules of the Exchange; or

(4) Transactions effected on another securities exchange; or

(5) Transactions in securities issued or guaranteed by the United States Government or Agencies thereof.

(b) Paragraph (a) of this rule shall not be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member, member organization or affiliated person acting as agent to effect transactions over-the-counter with a third market maker or nonmember block positioner in any bond admitted to dealings on the Exchange.

(2) *Rule 107* is deleted in its entirety as follows:

[Authority to Approve Certain Short Sales

Rule 107. A Floor Official or an officer of the Exchange shall have authority to approve a transaction proposed by a member, member firm or member corporation in accordance with the requirements prescribed in Rule 10A-1(d)6 of the Securities and Exchange Commission relating to equalizing short sales.]

(3) *Rule 222* is amended to read as follows:

Revocation of Floor Wire Privilege

Rule 222. The privilege of a wire connection between a telephone booth of a Regular member on the Floor of the Exchange and such member's office or the office of another member shall not be enjoyed as a right of the member, but shall rest in the discretion of the Exchange. The Exchange [may, in its discretion, grant or withhold such privilege from a member, and, in its discretion without being obliged to assign any reason or cause for its action,] may disconnect or cause to be disconnected any apparatus or means for such communication or may deprive any member of the privilege of using any public telephone or means of communication installed in the Exchange for the use of members[,], *if such connection or means of communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, the Exchange Constitution or its Rules, or just and equitable principles of trade.* Every decision of the Exchange, whereby a member is deprived of any such privipege, shall be immediately posted on the bulletin board in the *Exchange and every member shall be* deemed to have notice thereof. No member shall, after, such notice shall have been posted, directly or indirectly furnish to the member named therein any facilities for communication between the office of the member so named and the Floor.

Rules 500, 501, 502, 503, 504 and 505 are deleted in their entirety as follows:

[Section 11. Wires and Others Means of Communication Approval of Wires Required

Rule 500. No member, member firm or member corporation shall establish or maintain a wire connection of any description whatsoever or permit wireless communication between his office and the office of any nonmember without the prior approval of the Exchange.

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This Rule shall be deemed to apply to the use of public telephone or telegraph services in such manner as to amount to a private connection.

Registration of Wires

Rule 501. Every means of communication approved pursuant to Rule 500 shall be registered with the Exchange together with the telegraphic, telephonic or wireless calls assigned thereto; the Exchange may make such regulations governing said registration as it shall deem necessary or desirable.

Discontinuance

Rule 502. Notice of the discontinuance of any such means of communication shall be promptly given to the Exchange; and the Exchange shall have power at any time in its discretion, to order any such means of communication discontinued.

Only Approved Systems Permitted

Rule 503. No member, member firm or member corporation shall establish or use any system or means of communication between his office and the office of a non-member except a wire or wireless system approved by the Exchange.

Registration of Operators

Rule 504. Every operator of a wire or wireless system approved pursuant to Rule 500 shall be registered with the Exchange and no such operator shall be employed without the prior approval of the Exchange.

Approval of Wireless System

Rule 505. The approval of the Exchange shall be requisite to the use of a wireless system between two or more offices of a members, member firm or member corporation and the Exchange may, at any time in its discretion, order such wireless system forthwith discontinued.]

(4) *Commentary .02 to Rule 340* is amended to read as follow:

.02 Investigations and Records.—Members and member organizations should make a thorough inquiry into the previous record and reputation of persons whom they contemplate employing. The background and reputation check should, whenever possible, include at least personal conversations with all employers during the previous three years and verification before or promptly after employment of business history for the previous ten years. Further inquiry should be made where appropriate in the light of background information developed, the position for which the person is being considered, or other circumstances. The verification and investigation should be done by a partner or [VOTING STOCKHOLDER] *PRINCIPAL EXECUTIVE OFFICER*,[1] or by an authorized person under their supervision.

Members and member organizations should obtain at the time of employment and maintain on a current basis during employment, and keep on file for a minimum period of three years after termination of employment, at least the following information concerning all personnel whether registered with the Exchange or not: (1) name; (2) home address; (3) social security number; (4) starting date of employment or other association with member organization; (5) date of birth; (6) title or position; (7) recent photograph; (8) signature; (9) the educational institutions attended and whether or not graduated therefrom; (10) a complete consecutive statement of all business connections for at least the preceding ten years, including reason for leaving each prior employment, and whether employment was part-time or full-time, with all time accounted for including periods of unemployment and residence while unemployed; (11) a record of any arrests, indictments or convictions for any felony or any misdemeanor except minor traffic offenses; (12) a record of any other name or names by which he has been known or which he has used; (13) a record of any previous or current surety bonds under which the applicant may have been covered (also whether such a bond has ever been denied, revoked, or surety paid because of applicant); (14) a record of any denial of membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including any finding that he was a cause of any disciplinary action or had violated any law; (15) a record of any denial, suspension, expulsion or revocation of membership or registration of any member, broker or dealer with which he was associated in any capacity where such action was taken; (16) a record of any permanent or temporary injunction entered against him or any member, broker or dealer with which he was associated in any capacity at the time such injunction was entered.

A questionnaire or application for employment containing the above information and executed by the prospective employee shall, when signed by an authorized representative of the member organization, constitute compliance with Rule 17a–3(a)(12) and 17a–4 under the Securities Exchange Act of 1934 as far as employee records are concerned.

If any employee is registered with the Exchange, a duplicate copy of the registration application form signed by an authorized person shall satisfy all the record-keeping requirements of this paragraph with respect to prior history of the employee.

Members and member organizations should, in addition, maintain on a current basis during employment and keep on file for a minimum period of three years after termination of employment, the records regarding the fingerprinting of certain employees required by Rule 17f–2 under the Securities Exchange Act of 1934.

[1] The language in CAPITAL LETTERS represents a proposed change contained in SR–Amex–77–5 (Membership Rule Changes) which is expected to be acted on by the Commission prior to approval of this filing.

[FR Doc.77–20173 Filed 7–13–77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM–7/90]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 9–10, 1977 in Conference Room B–841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., from 9:30 a.m. to 3:30 p.m each day

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to review the status of work under way in U.S. Study Group 1 in preparation for the international meeting in January, 1978.

Members of the general public may attend the meeting and joint in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: July 6, 1977.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.77–20246 Filed 7–13–77;8:45 am]

[PUBLIC NOTICE CM–7/89]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on August 4, 1977, at 9:30 a.m. in Room 8210, Federal Communications Commission Building, 2025 M Street, NW., Washington, D.C.

Study Group 8 studies matters relating to systems of radio-communications and radiodetermination for the mobile services. The main purpose of the meeting will be a review of the documents being prepared as proposed contributions to the international meeting of Study Group 8 in January 1978.

Members of the general public may attend the meeting and join in the discussions subject to instructions to the Chairman. Admittance of public members will be limited to the seating available.

Dated: July 6, 1977.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.77–20245 Filed 7–13–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77129]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Breakbulk/Container Facilities to be held on August 16, 1977, beginning at 9:30 a.m., Room 8334, Nassif Building, 400 7th St. SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

1. To discuss the drafting of proposed waterfront facility regulations under the authority of the Ports and Waterways Safety Act of 1972.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, LCDR E. H. Bonekemper, Commandant (G–WLE–1/73), U.S. Coast Guard, Washington, D.C. 20590, 202–426–1927. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on July 5, 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.77–20250 Filed 7–13–77;8:45 am]

[77–130]

GREAT LAKES REGISTERED PILOT TRAINING PROGRAM

Meeting

This is to give notice that there will be an open meeting to discuss the need for a training program for U.S. Great Lakes pilots registered under the provisions of the Great Lakes Pilotage Act of 1960. This meeting is in response to communications received regarding the establishment of a pilotage training program.

The meeting will be held on Tuesday, August 2, 1977, in Room 2069, Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199, beginning at 10 a.m.

Interested persons may obtain additional information by writing to Commandant (G–MVP–4), United States Coast Guard, 400 7th Street SW., Washington, D.C. 20590, or by calling 202–755–8683.

(Sec. 4 and sec. 5, 75 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a)).)

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

JULY 11, 1977.

[FR Doc.77–20249 Filed 7–13–77;8:45 am]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

List

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

DATES: Comments by July 31, 1977.

ADDRESSED TO:

Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	
3307-X	Ireco Chemicals, Salt Lake City, Utah.	
3307-X	R. L. Fortner, Inc., Denmark, Iowa.	
3941-X	Aerojet Solid Propulsion Co., Sacramento, Calif.	
3966-X	Allied Chemical Corp., Morristown, N.J.	
4719-X	do	
4763-X	do	
5128-X	Diamond Shamrock Corp., Cleveland, Ohio.	
6432-X	Mass Oxygen Equipment Co., Inc., Westborough, Mass.	
6498-X	Laxler U.S.A. Ltd., Riverside, Calif.	
6632-X	Bio-Lab, Inc., Decatur, Ga.	
6646-X	Air Products & Chemicals Inc., Allentown, Pa.	
6657-X	Chemetron Corp., Chicago, Ill.	
6668-X	Hedwin Corp., Baltimore, Md.	
6686-X	Southern Agricultural Chemicals, Inc., Kingstree, S.C.	
6681-X	Allied Chemical Corp., Morristown, N.J.	
7005-X	Dow Chemical Co., Midland, Mich.	
7254-X	Dow Chemical Co., Freeport, Tex.	
7413-X	Chilton Metal Products Division, Chilton, Wis.	
7428-X	United States Steel Corp., McKeesport, Pa.	
7470-X	Ozark-Mahoning Co., Tulsa, Okla.	
7628-X	Chemtech Industries, Inc., St. Louis, Mo.	
3051-P	Airosol Co., Inc., Neodesha, Kans.	
3714-P	Thompson-Hayward Chemical Co., Kansas City, Kans.	
4108-P	Purity Cylinder Gases, Inc., Grand Rapids, Mich.	
4453-P	Haynes Explosives Co., Lee's Summit, Mo.	
5248-P	Rockwell International Corp., Anaheim, Calif.	
5883-P	Phillips Petroleum Co., Bartlesville, Okla.	
6563-P	Vital Air Oxygen Co., Cleveland, Ohio.	
6606-P	Safety & Industrial Hygiene Lab., American Can Co., Union, N.J.	
7091-P	Champion Chemicals, Inc., Odessa, Tex.	
7269-P	United Technologies Corp., Sunnyvale, Calif.	
7470-P	Olin Corp., Stamford, Conn.	
7581-P	Orval-Maintention, Paris, France.	

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 7, 1977.

J. R. GROTHE,
Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77–20166 Filed 7–13–77;8:45 am]

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EXEMPTION APPLICATIONS
List

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by August 15, 1977.

ADDRESSED TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
7772-N	Fauvet-Girel, Paris, France.	49 CFR 173.119	To authorize shipment of methyl chloromethyl ether in non-DOT specification portable tanks. (Modes 1 and 3.)
7773-N	Valley Chemical Co., Greenville, Miss.	49 CFR 173.358, 173.359	To authorize shipment of certain organic phosphates, class B poisons, in MC-312 cargo tanks. (Mode 1.)
7774-N	Weatherford/DMC, Houston, Tex.	49 CFR 173.216	To authorize shipment of bromine trifluoride in non-DOT steel cylinders overpacked in non-DOT wooden boxes. (Mode 1.)
7775-N	Atlas Powder Co., Dallas, Tex.	49 CFR 176.410(c)	To authorize "roll-on, rolloff" rail car vessels for shipment of nitro-carbo-nitrate and ammonium nitrate with dynamite. (Mode 3.)
7777-N	Saunders Petroleum Co., Evans, Colo.	49 CFR 173.218	To authorize shipment of spent sulfuric acid in DOT 34 containers; non-DOT polyethylene containers overpacked in a DOT 12B box; a DOT 12H/2U package; and DOT 6D/28L or 37M/28L package. (Modes 1, 2, and 3.)
7778-N	Distilled Spirits Council of the U.S. Inc., Washington, D.C.	49 CFR 172.400	To authorize shipment of alcohol n.o.s. with a flash point no lower than 73° F in barrels without the flammable liquid label. (Modes 1 and 2.)
7779-N	Lonza Inc., Fair Lawn, N.J.	49 CFR 173.275	To authorize shipment of sodium azide in a DOT 21C fiber drum with a polyethylene bag liner. (Modes 1 and 2.)
7783-N	Safeway Stores Inc., Oakland, Calif.	49 CFR 173.260(e)(1).	To authorize shipment of palletized electric storage batteries, wet with other hazardous materials. (Mode 1.)
7784-N	Calgon Corp., Pittsburgh, Pa.	49 CFR 173.200, 173.391 (a)(2), 175.3.	To authorize shipment of a radioactive material without marking of shipping name on packages. (Modes 1, 2, 3, 4, and 5.)
7786-N	Damon Corp., Westwood, Calif.	49 CFR 172.202, 172.300, 172.400.	To authorize shipment of certain hazardous materials without listing them individually on shipping papers and without marking or labeling of outside shipping containers. (Mode 1.)
7787-N	Diamond Shamrock Corp., Morristown, N.J.	49 CFR 173.28(m)(2), (3), 173.204(a)(4).	To authorize shipment of sodium hydrosulfite in reused 37A drums. (Modes 1, 2, and 3.)
7788-N	Southern Chemicals Products Co., Macon, Ga.	49 CFR 173.245	To authorize shipment of corrosive liquids n.o.s. in non-DOT rotomolded polyethylene drums having 20- or 35-gal marked capacity. (Modes 1 and 2.)
7789-N	Dr. Joe Ralkowski, Bremerton, Wash.	49 CFR 173.100(a)(9)	To authorize attachment of class C explosives to the wings of an aircraft for aerobatic purposes (Mode 4.)
7790-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.369(a)(14)	To authorize shipment of carbolic acid (phenol) not liquid in MC-307 tank motor vehicles (Mode 1.)
7791-N	Puerto Rico Ports Authority, San Juan, P.R.	49 CFR 173.118a(b)(4), 173.119.	To authorize transportation by vessel of gasoline and fuel oil in non-DOT tank trucks. (Mode 3.)
7792-N	Dow Chemical U.S.A., Midland, Mich.	49 CFR 172.204(a)	To authorize return of tank cars containing residual amounts of hazardous materials without shipper certification. (Mode 2.)
7793-N	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	49 CFR 173.245	To authorize shipment of hexachlorocyclopentadiene in non-DOT portable tanks, type 12/1—IMCO type 1. (Modes 1 and 3.)
7794-N	Pyronetics Devices Inc., Cerritos, Calif.	49 CFR 173.306(f)	To authorize shipment of hydraulic accumulators designed and fabricated with a burst pressure of not less than 4 times its charge pressure. (Mode 1.)
7795-N	W. P. Butterfield (Engineers) Ltd., Shipley, West Yorkshire, England.	49 CFR 173.346	To authorize shipment of dinitrochlorobenzene in a non-DOT portable tank. (Modes 1, 2, and 3.)
7796-N	Dow Chemical Co., Midland, Mich.	49 CFR 173.337	To authorize shipment of 100 pct chloropicrin in a 31.9 in³ aerosol-type can overpacked in DOT 12B fiberboard boxes. (Modes 1, 2, and 3.)

Application No.	Applicant	Regulation(s) affected	Nature of application
7797-N	Food Materials Corp., Chicago, Ill.	49 CFR 172.100(g)(3), 175.3.	To authorize shipment of liquid flavoring extracts with a flash point above 73° F in 1-gal. and 55-gal. quantities on passenger and cargo carrying aircraft respectively. (Modes 4 and 5.)
7798-N	Ro-Go Chemical Co., Fresno, Calif.	49 CFR 173.248(a)(1)	To authorize shipment of spent sulfuric acid in 1-qt and 1-gal polythylene bottles overpacked in DOT 12B fiberboard boxes. (Modes 1.)
7799-N	Chilean Nitrate Sales Corp., New York, N.Y.	49 CFR 172.300, 172.400	To authorize shipment of certain nitrates in unmarked and unlabled bags. (Modes 1 and 2.)
7800-N	J. J. Mauget Co., Burbank, Calif.	49 CFR 172.400	To authorize shipment of limited quantities of organic phosphate compounds, liquid, class B poisons, without the poison label. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on July 7, 1977.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials Operations.

[FR Doc.77-20165 Filed 7-13-77;8:45 am]

National Highway Traffic Safety Administration

R. A. SHUMAN, D. H. BELSKY

Denials of Petitions for Hearings on Notification and Remedy of Defects

This notice sets forth the reasons for denial of two petitions for hearings on notification and remedy of safety-related defects in motor vehicles. It is published in accordance with 49 CFR 557.6(c) which requires the National Highway Traffic Safety Administration to issue a notice for publication in the FEDERAL REGISTER within 45 days of such a denial, giving the reasons for it.

Mr. R. A. Shuman. Pursuant to Section 156 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1416), Mr. R. A. Shuman of Conway, S.C., petitioned the NHTSA to hold a hearing on the question of whether Volvo of America, Inc., had reasonably met its obligation to remedy a safety-related defect as required by Section 154 of the Act. The basis for Mr. Shuman's petition was that Volvo of America refused to supply remedial parts to any facility other than an authorized Volvo dealer, and that there was no Volvo dealer within a reasonable distance from his residence. Accordingly he was unable to have his defective vehicle corrected.

In considering whether to hold a hearing an important factor is the ability of NHTSA to revolve the problem without one (§ 557.6(a)(4). After inquiry by NHTSA on behalf of Mr. Shuman, Volvo of America made arrangements with a repair facility in Mr. Shuman's town to remedy the defect. There were no complaints similar to that of Mr. Shuman warranting further investigation, and the petition was denied.

Dr. D. H. Belsky. A petition was received from Dr. D. H. Belsky of Stratford, New Jersey, alleging that Volvo of America had failed to remedy a safety-related defect existing in his car. He complained that each time he made an appointment for service the appointment was cancelled because of a lack of remedial parts. Upon inquiry by NHTSA Volvo of America acknowledged a parts distribution problem with the dealer in question and resolved it, and the defect in Dr. Belsky's car was corrected shortly thereafter. Since NHTSA was able to resolve the problem without a hearing, Dr. Belsky's petition was denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on July 6, 1977.

JAMES HOFFERBERTH,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-19847 Filed 7-13-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHAINS OR PARTS THEREOF, OF IRON OR STEEL FROM SPAIN

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Spain has given benefits which are considered to be bounties or grants under the countervailing duty statute on the manufacture or exportation of chains or parts thereof, of iron or steel. A final determination will be made by January 10, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William T. Trujillo, U.S. Customs Services, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, Washington, D.C. 20229, telephone 202-566-5492.

Assessment Division, Technical Branch,

SUPPLEMENTARY INFORMATION: On March 10, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 13379). The notice stated that a petition in proper form was received on January 10, 1977, alleging that payments or bestowals conferred by the Government of Spain upon the manufacture, production, exportation of chains or parts thereof, of iron or steel, constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) referred to in this notice as "the Act").

The chains and parts are provided for in the Tariff Schedules of the United States under item numbers 652.24, 652.27, 652.30, 652.33, and 652.35.

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that benefits have been paid or bestowed, directly or indirectly, under the Spanish Government Tax remission system known as the Desgravacion Fiscal.

Benefits derived from the Desgravacion Fiscal, in some instances, constitute bounties or grants within the meaning of the Act. Accordingly, it has been determined preliminarily that imports of chains and parts thereof, of iron or steel, from Spain benefit from payments of bounties or grants, directly or indirectly, within the meaning of the Act by reason of this program. A final decision in this case is required on or before January 10, 1978.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than August 15, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

WILLIAM A. MAGEE, JR.,
Acting Commissioner
of Customs.

Approved: July 8, 1977.

PETER O. SUCHMAN,
Deputy to the General Counsel for Tariff Affairs.

[FR Doc.77-20234 Filed 7-13-77;8:45 am]

INTERSTATE COMMERCE

FSA No. 43395—*Iron or steel articles*

[Notice No. 195]

REPUBLICATION

thority under MC 121626. Application has

It should be emphasized that the en-

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INTERSTATE COMMERCE COMMISSION

[Notice No. 436]

ASSIGNMENT OF HEARINGS

JULY 8, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142982, T. G. Swarb, d.b.a. Swarb Trucking Co., now being assigned October 26, 1977 (3 days), at Houston, Tex., in a hearing room to be later designated.

MC 129068 (Sub-No. 38), Griffin Transportation, Inc., now being assigned October 31, 1977 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 142463, Specialized Hauling, Inc., now assigned July 6, 1977, in Omaha, Nebraska, is cancelled and application dismissed. MC 2860 (Sub 151), National Freight, Inc., now assigned July 27, 1977, at Washington, D.C., is reassigned for pre-hearing conference in Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 139618 (Sub 4), Asbury Wright, d.b.a. Wright Trucking Company, now assigned August 1, 1977, at Atlanta, Georgia, is postponed indefinitely.

MC 115730 (Sub-No. 29), The Mickow Corp., now being assigned September 21, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 134096 (Sub-No. 7), Tropicana Transportation Corp., now being assigned September 19, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12974, Takin Bros. Freight Line, Inc.—Purchase (Portion)—Chi-Fil, Inc., now assigned September 19, 1977, at Chicago, Ill., is postponed to October 17, 1977 (1 week), at Chicago, Ill., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77 20277 Filed 7-13-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by July 29, 1977.

FSA No. 43395—*Iron or steel articles from points in Illinois.* Filed by Southwestern Freight Bureau, Agent (No. B-684), for interested rail carriers.

Rates on iron or steel billets (other than copper clad), plates or sheets, in carloads, as described in the application, from Chicago and Sterling, Illinois, to specified points in Texas.

Grounds for relief—Rate relationship and kindred article relief.

Tariff—Supplement 280 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098.

Rates are published to become effective on August 9, 1977.

FSA No. 43396—*Iron and steel articles, and wrought iron or steel oil country tubular goods to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-689), for interested rail carriers.

Rates on iron or steel articles; also wrought iron or steel oil country tubular goods, in carloads, as described in the application, from Chicago and Sterling, Illinois, to specified points in Texas.

Grounds for relief—Water and market competition, rate relationship, and kindred article relief.

Tariffs—Supplements 126 and 127 to Southwestern Freight Bureau, Agent, tariff 259-F, I.C.C. No. 5080, and supplement 280 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098.

Rates are published to become effective on August 11, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77 20276 Filed 7-13-77;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 28th day of June 1977.

It appearing, That a petition has been filed by Kreider Truck Service, Inc. (MC 114194 and numerous subs) and Behnken Truck Service, Inc. (MC 19945 and numerous subs) for waiver of paragraph (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners.

It further appearing, That petitioners are not under common control and do not maintain a jointly supervised program of inspection maintenance to equipment.

It is ordered, That waiver of paragraph (c) of § 1057.4 be, and it is, hereby denied.

By the Commission, Motor Carrier Leasing Board, Board Members Burns, Turkington, and Sibbald.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20280 Filed 7-13-77; 8:45 am]

[Notice No. 195]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1977.

Application filed for temporary authority under section 210a(b) in connecion with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77195. By application filed June 30, 1977, NOMAN PESTKA, an individual, 540 River Street, Ontonagon, MI 49953, seeks temporary authority to transfer the operating rights of John P. Fontana, an individual, d.b.a. J & J Transport, 100 Florida Street, Laurium, MI 49913, under section 210(b). The transfer of Norman Pestka, an individual, of the operating rights of John P. Fontana, an individual, d.b.a. J & J Transport, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77 20278 Filed 7-13-77;8:45 am]

[Notice No. 194]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by August 15, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

REPUBLICATION

No. MC-FC-77036, filed March 16, 1977. Transferee: EASTER ENTERPRISES, INC., doing business as ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Transferor: Ace Lines, Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of all of the operating rights held by transferor as set forth in Certificate No. MC 61231 and subs thereunder, issued on various dates between December 7, 1955 and May 4, 1977, as follows: General commodities and other specified commodities over specified regular routes and irregular routes from, to, and between points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, Transferee presently holds no authority from this Commission; application has not been filed for temporary authority under Section 210a(b). Replies will be due July 21, 1977.

No. MC-FC-77122, filed May 12, 1977. Transferee: CANGO HORSE TRANSPORT, INC., 1343 Caryl Drive, Bedford, Ohio 44146. Transferor: Shirley Ann Cango, doing business as Cango Horse Transportation, 1343 Caryl Drive, Bedford, Ohio 44146. Applicant's representative: James N. Harding, Attorney at Law, 200 Commercial Bldg., 653 Broadway, Bedford, Ohio 44146. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-51322 (Sub-No. 1), issued August 18, 1975, as follows: Horses other than ordinary and in the same vehicle such equipment and supplies incidental to the care, transportation, racing, and exhibition, of such horses, between points in Ohio, Illinois, Kentucky, and West Virginia and between points in Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan except ports of entry on the United States-Canada Boundary Line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77194, filed June 30, 1977. Transferee: BASIC MATERIALS TRANSPORT, INC., 7080 Florin-Perkins Rd., P.O. Box 28639, Sacramento, Calif. 95828. Transferor: J.D.S. Trucking, Inc., P.O. Box 786, Auburn, Calif. 95603. Applicants' representative: Harold Culy, P.O. Box 28639, Sacramento, Calif. 95828. Authority sought for purchase by transferee of the operating rights of transferor evidenced by Certificate of Registration No. MC 99946 (Sub-No. 1), issued July 7, 1967, as follows: General commodities, with specified exceptions, between points in California. Transferee presently holds no authority from this Commission, but is affiliated with Bayview Trucking, Inc., a carrier holding authority under MC 121626. Application has not been filed for temporary authority under section 210a(b) of the Act.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20279 Filed 7-13-77;8:45 am]

[AB 18 (Sub-No. 15)]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment Portion Armitage Branch Between Oldtown and Nelsonville, in Hocking and Athens Counties, Ohio

JUNE 30, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Chesapeake and Ohio Railway Company of a 10.95 mile portion of its Armitage Branch between Oldtown and Nelsonville, in Hocking and Athens Counties, Ohio, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment would not significantly affect ambient environmental conditions, public safety, current highway conditions, or threatened or endangered species. The diversion of rail traffic to motor carrier would add approximately 5 trucks to the area roadways each working day. This diversion would not significantly alter State-wide fuel consumption.

The C&O station in the Haydenville Historic Town may be adversely affected by the proposed action and conditions mitigating the impacts to this depot have been suggested in the TAS.

The abandonment might have an adverse effect upon rail-dependent shippers and upon the development of heavy industry in the affected area. However, the potential loss of jobs alleged would not be significant in terms of the area's economic base and the area would remain suitable for light industrial development. Consequently, any adverse socio-economic impact on the affected area from the proposed abandonment is not expected to be significant.

The right-of-way has been found suitable for continued public use and an appropriate condition has been suggested in the TAS.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20273 Filed 7-13-77;8:45 am]

[AB 43 (Sub-No. 25)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Elizabethtown and Hodgenville in Hardin and Larue Counties, Kentucky

JUNE 30, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Company of its line of railroad extending from a point near Elizabethtown to the end of the line at Hodgenville, for a total distance of 8.91 miles in Hardin and Larue Counties, Ky., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment and resultant diversion of inbound shipments of farm products to motor carrier transport would not result in appreciable increases in energy consumption or air pollution levels. Although there is a traffic congestion problem on Ky 61, onto which most of the traffic would be diverted, the additional truck operations of approximately two trucks per day would not measurably worsen the situation. Moreover, a new four lane highway planned for the region will alleviate much of the congestion problems.

The loss of right-of-way habitat to local upland game species could be significant, as alternative habitat in the two counties is limited. On a broader geographical scale, however, the seriousness of the impact would be mitigated by the relative abundance of the species and the greater availability of natural vegetation for the species' habitat. There are no known threatened or endangered species in the vicinity of the line.

The diversion of traffic to motor carriers could increase production costs for the small farmers in the area, although such increases taken alone would not be expected to inhibit further agricultural development in the area. Additionally, the growth of manufacturing and other

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industry in the area in recent years has not been attributable to the rail line. Furthermore, there are no plans for future industrial development which would be dependent upon rail service on the subject branch. A serious adverse impact on rural and community development would, therefore, not be anticipated as a result of the proposed action.

There have been no proposals identified for alternate public use of the right-of-way. According to State and local officials, the demand for the use of the property for farming and the lack of scenic vistas along the right-of-way preclude its suitability for use as a recreational trail.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20274 Filed 7-13-77;8:45 am]

[Finance Docket No. 28334]

OCTORARO RAILWAY, INC.

Operation Over Southeastern Pennsylvania Transportation Authority at Wawa, Delaware and Chester Counties, Pennsylvania, and Colora, Cecil County, Maryland

JUNE 30, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed operation by the Octoraro Railway, Inc. of a line of railroad between Wawa and Colora, in Delaware and Chester Counties, Pa., and Cecil County, Md., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic volumes projected for the line are fairly moderate. Some energy savings will occur as a result of diversion of motor carrier traffic to rail, but the magnitude of fuel conserved will not be significant.

Reinstitution of rail service over the line should have a positive impact on industrial development along the rail corridor, although no definitive plans for industrial development now exist.

The line traverses Concordville which is the site of the Concordville Historic District and the Nicholas Newlin Foundation properties, which are on the National Register of Historic Places. The proposed action should have only a slight effect on these properties due to the infrequency of train operations along the affected part of the line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20275 Filed 7-13-77;8:45 am]

[AB 12 (Sub-No. 52)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Kaplan and Eunice, in Acadia, St. Landry and Vermilion Parishes, Louisiana

JUNE 30, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company (SP) of its line of railroad extending between railroad milepost 31.00 at Kaplan and railroad milepost 80.56 at Eunice, a distance of 49.45 miles, all in Acadia, St. Landry and Vermilion Parishes, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the diversion of rail traffic to motor carriers (approximately 7 trucks per day) would result in only minor alterations in fuel consumption, air quality, and ambient noise levels in the affected area. The proposed action could limit future industrial development in the adjoining area along the right-of-way. However, the dependence of future development at these sites upon direct rail service is uncertain.

Given the transportation trends in the area and the availability of alternate rail service, the proposed action would not preclude the movement of grain or other industrial related commodities. Consequently, the proposed action should not have a serious adverse impact on rural or community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20272 Filed 7-13-77;8:45 am]

[Volume No. 25]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

JULY 8, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protests shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 119631 (Sub-Nos. 5, 7, 23, E-1, E-3, E-4, E-5, and E-6) M1 (Notice of filing of petition for interpretation and/or modification) filed April 18, 1977. Petitioner: DEIOMA TRUCKING CO., A Corporation, P.O. Box 915, Alliance, Ohio 44601. Petitioner's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Petitioner holds motor *common carrier* Certificates in No. MC 119631 (Sub-Nos. 5, 7, and 23), issued January 14, 1965, August 1, 1963 and March 31, 1977, respectively, and has filed letter notices in No. MC 119631 (Sub-Nos. E-1, E-3, E-4, E-5, and E-6); these notices were filed May 29, 1974, and published as follows: No. MC 119631 (Sub-No. E-1) originally published in the FEDERAL REGISTER issue of September 25, 1974 and republished as corrected in the FEDERAL REGISTER issue of January 28, 1976; No. MC 119631 (Sub-No. E-3) was published in the FEDERAL REGISTER issue of January 28, 1976; and No. MC 119631 (Sub-Nos. E-4, E-5, and E-6) were published in the FEDERAL REGISTER issue of September 25, 1974. The Certificate in No. MC 119631 (Sub-No. 5) authorizes transportation over irregular routes, of *refractories*, (1) between points in Ohio, on the one hand, and, on the other, points in Maryland, Michigan, New York, Pennsylvania, and W. Va., restricted against the transportation of lime, limestone, and lime and limestone products, and further restricted against the transportation of commodities in bulk; (2) between points in Goshen, Mill and Warwick Townships, Tuscarawas County and Palmyra Township, Portage County, Ohio, on the one hand, and, on the other, points in Delaware, New Jersey, Virginia, and the District of Columbia; (3) from points in Stark, Summits, and Tuscarawas Counties, Ohio, to points in Ind., restricted against the transportation of commodities in bulk; (4) from Lisbon and East Liverpool, Ohio, to points in Delaware, Indiana, New Jersey, Virginia, and the District of Columbia.

(5) From Windham and Portsmouth, Ohio, to points in Indiana; (6) from Lisbon and Wellsville, Ohio, and points within ten miles of Wellsville (except Port Homer, Ohio), to points in Illinois and Wisconsin; and (7) from points in Columbiana and Tuscarawas Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; the authority in No. MC 119631 (Sub-No. 7) authorizes transportation over irregular routes, of *bonding mortar, brick and tile, refractory products* and *refractory materials*, (1) from East Palestine and Alliance, Ohio and points within five miles of each, Haydenville, Ohio, points in Rose Township (Carroll County), Ohio, points in Osnaburg, Lake, and Sandy Townships (Stark County, Ohio), and points in Unity Townships (Columbiana County), Ohio, to points in Delaware, Indiana, Pennsylvania, Maryland, New York, New Jersey, and that part of West Virginia on and west of U.S. Highway 220 and on and north of U.S. Highway 50; (2) from West Bridgewater, Pa., Williamsport, Md., and points in Oakland County, Mich., to points in Ohio; (3) from Malvern, East Liverpool, and Lisbon, Ohio, to points in Indiana; (4) from Wickliffe, Ohio, to points in Michigan and Pennsylvania; (5) from Alliance, Ohio, to points in Michigan; (6) from Canton, Ohio, and points within 40 miles thereof, to points in Pennsylvania, that part of West Virginia on and north of U.S. Highway 50, and that part of New York on and west of U.S. Highway 15; (7) from Nelsonville, Ohio, to points in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, and West Virginia; (8) from Fredericksburg, Ohio, to points in Connecticut, Indiana, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(9) From points in Liberty Township (Seneca County), Ohio, to points in Connecticut, Delaware, Maryland, New Jersey, West Virginia, and points in those parts of New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending northward over U.S. Highway 219 to junction New York Highway 98, thence over New York Highway 98 to junction New York Highway 18, and thence north to Lake Ontario; the authority in No. MC 119631 (Sub-No. 23) authorizes transportation over irregular routes, of *refractories and refractory products*, from White Cloud, Mich., to the ports of entry located on the International Boundary line between the United States and Canada, located at Detroit, Port Huron, and Sault Ste. Marie, Mich. In the letter notices in No. MC 119631 (Sub-No. E-1), petitioner states it holds authority to transport (1) *refractories and clay products other than pottery*, from points in Pennsylvania within 30 miles of East Palestine, Ohio, to points in Pennsylvania, Maryland, New York, New Jersey, Delaware, points in West Virginia on and west of U.S. Highway 220 and on and north of U.S. Highway 50, and points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, and Rhode Island; and (2) *brick, tile and refractories*, from points in Lawrence County, Pa., to Washington, D.C. and points in Virginia; No. MC 119631 (Sub-No. E-3) authorizes the transportation of *brick and clay products and refractories*, from points in Ohio within 40 miles of Canton to points in Virginia and Washington, D.C.; No. MC 119-631 (Sub-No. E-4) authorizes the transportation of *clay products and refractories* from points in Michigan to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Massachusetts, Virginia, and Washington, D.C.; No. MC 119631 (Sub-No. E-5) authorizes the transportation of (1) *clay products and refractories* from points in Maryland, New York, Pennsylvania, and West Virginia to points in Illinois and Wisconsin; and (2) *clay products* (other than pottery) *and refractories* from points in Maryland, New York, Pennsylvania, and West Virginia to points in Michigan and Indiana; and No. MC 119631 (Sub-No. E-6) authorizes the transportation of *brick, clay products and refractories* from points in Ohio to points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, and Rhode Island; and (2) *brick refractories and clay products* (except pottery) from points in Ohio to points in New Jersey and Delaware.

By the instant petition, petitioner requests an interpretation that the above named certificates authorizing the transportation of "refractories" embraces graphite (carbon) electrodes, and in the event that "refractories" does not include graphite (carbon) electrodes, petitioner requests that the commodity description be modified to include these electrodes.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 109689 (Sub-No. 303), (Republication), filed October 6, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished this issue. Applicant: W. S. HATCH CO., 643 South 800 West, P.O. Box 1825, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. An order of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

the Commission, Review Board Number 3, ... biles (except travel trailers and campin... *their baggage and outdoor equipment*, in ...

amendments will not be accepted after the date of this publication except for ... tana, Nevada, New Mexico, Oregon, Utah, ...

No. MC 61825 (Sub-No. 66), filed May ...

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the Commission, Review Board Number 3, dated May 26, 1977, and served June 20, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *liquid air entraining agents and liquid water reducing compounds*, in bulk, in tank vehicles, from North Judson, Ind., and Cucamonga, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming; (2) *liquid unrefined polyglycol residual mixtures*, as grinding aids for cement manufacturers, in bulk, in tank vehicles, from Houston, Tex., and points in California to points in the destination states set forth in (1) above; and (3) *liquid washing compounds*, in bulk, in tank vehicles, from Waukegan, Ill., to Cucamonga, Calif., restricted in (1) and (2) above to the transportation of shipments originating at the facilities of Penn-Dixie Chemical Company at the above-named origin points, and restricted in (3) above to the transportation of shipments destined to the facilities of Penn-Dixie Chemical Company at Cucamonga, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the commodity authority in part (3) of applicant's grant of authority.

No. MC 116073 (Sub-No. 333), (republication), filed August 16, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Donald F. Cross, 918 16th St., NW., Suite 700, Washington, D.C. 20006. A report of the commission, Review Board Number 3, dated June 13, 1977, and served June 21, 1977, finds that the present and future convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) (a) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, and (b) *buildings*, complete or in sections mounted on wheeled undercarriages, from origins which are points of manufacture from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, to points in the United States (including Alaska but excluding Hawaii); and (2) (a) *trailers* designed to be drawn by passenger automobiles (except travel trailers and camping trailers) in secondary movements, and (b) *buildings*, complete or in sections, mounted on wheeled undercarriages, from origins other than points of manufacture, from points in Alabama, California, Florida, Georgia, Kansas, Indiana, Louisiana, Mississippi, North Carolina, Oregon, South Carolina, and Texas to points in the United States (including Alaska but excluding Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. The purpose of this republication is to indicate the deletion of the exception "modular units and prefabricated buildings".

No. MC 141379 (Sub-No. 3), (Corrected republication), filed June 25, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, republished in the FEDERAL REGISTER issue of June 16, 1977 and republished as corrected this issue. Applicant: CALVIN C. HARTSFIELD, doing business as, SOUTHSIDE AUTO PARTS AND SALVAGE, and doing business as, SOUTHSIDE AUTO SALES, Highway 25 South, P.O. Box 161 Route 1, Malden, Mo. 63863. Applicant's representative: Joseph E. Rebman, 314 North Broadway, Suite 1230, St. Louis, Mo. 63102. An Order of the Commission, Review Board Number 2, dated May 24, 1977, and served June 3, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, to transport (A) *wrecked, damaged, and used automobiles*, in truckaway service, (1) from points in Cook and Will Counties, Ill., and Wayne Counties, Mich., to points in Adams and Sangamon Counties, Ill., Howell County, Mo., Davidson County, Tenn., and Carraway, Ark.; and (2) between Kennett, Mo. and Sacramento, Calif.; and (B) *used automobiles*, in truckaway service, from Russellville and Little Rock, Ark., to Rockford, Ill., that applicant is fit, willing, and able properly to perform such service and to conform to the Commission's rules and regulations thereunder. The purpose of this republication correction is to indicate the correct territorial description in part (B) above.

No. MC 141573 (Republication), filed December 1, 1975, published in the FEDERAL REGISTER issue of January 15, 1976, and republished this issue. Applicant: EXPEDITIONS AMERICAS, LTD., 6005 Richmond Avenue, Clarendon Hills, Ill. 60514. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. An Order of the Commission, Review Board Number 2, dated March 1, 1977, and served April 4, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage, and outdoor equipment*, in round trip charter operations, in personally conducted all-expense camping tours, in vehicles limited to 14 passengers (not including driver and escort), beginning at New York, N.Y., Chicago, Ill., Denver Colo., and Los Angeles, Calif., and extending to points in the United States (including Alaska, but excluding Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of charter operations authority in lieu of special operations in applicant's grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening

amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing. Each applicant states that there will be no significant effect on the quality of the human environment resulting from approvel of its application.

No. MC 4405 (Sub-No. 559), filed June 6, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Building, Tulsa, Oklahoma 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Trailers, semi-trailers* and *trailer chassis* other than those designed to be drawn by passenger automobiles, in initial movements in truckaway and driveaway service from, Fond du Lac, Cottage Grove, and Milwaukee, Wisconsin, to points in the United States (except Alaska and Hawaii); and (2) *tractors* in secondary movements in driveaway service when drawing trailers, semi-trailers and trailer chassis in initial movements, from Fond du Lac, Cottage Grove, and Milwaukee, Wisconsin, to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisconsin, or Chicago, Illinois.

No. MC 19157 (Sub-No. 42), filed June 6, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, New York 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, commodities in bulk, those which because of size or weight require the use of special equipment, household goods as defined by the Commission, articles of unusual value and Classes A and B explosives) between Zion, Rhinehart and Searcy, Louisiana and the Yellow Creek Port Terminal and Industrial Area located in Tishomingo County, Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at either Albany, New York or Washington, D.C.

No. MC 52858 (Sub-No. 117), filed June 3, 1976. Applicant: CONVOY COMPANY, a corporation, 3900 N. W. Yeon, P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: William C. Parks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Motor homes*, in truckaway service and secondary movements, between points in California on the one hand and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at San Francisco, Calif. Common control may be involved.

No. MC 53965 (Sub-No. 133), filed June 2, 1977. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kansas 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities requiring special equipment), between Oklahoma City, Okla. and Amarillo, Tex.: From Oklahoma City, Okla. over Interstate Highway 40 to Amarillo, Tex. and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 59293 (Sub-No. 3), filed June 1, 1977. Applicant: FISCHKELTA TRUCKING, INC., 1145 Edgewater Ave., Ridgefield, N.J. 07657. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Paper, Paper Products, Materials, Equipment and Supplies used in the manufacture and sale of Paper and Paper Products (Except commodities in bulk), between the facilities of A. B. Massa Paper Corporation, Northvale, N.J., on the one hand, and, on the other, points in Maine, Vermont, Connecticut, New York, New Jersey, Delaware, Georgia, West Virginia, Indiana, Ohio, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, Maryland, North Carolina, Alabama, Illinois, Mississippi, California, Texas, Virginia, Kentucky, Tennessee, South Carolina, Florida, under continuing contract or contracts with A. B. Massa Paper Corporation, Northvale, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 60580 (Sub-No. 34), filed June 2, 1977. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada. Applicant's representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Schenley, Pa., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Newark, N.J., or Pittsburgh, Pa.

No. MC 61825 (Sub-No. 66), filed May 31, 1977. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, Virginia 24078. Applicant's representative: John D. Stone, Post Office Box 385, Collinsville, Virginia 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, Furniture Parts, and Pictures*, from the plantsite and shipping facilities of Marlock, Inc. near Maynardville, Tennessee, to points in Arizona, California, Idaho, Nevada, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washing-D.C. Common control may be involved.

No. MC 63417 (Sub-No. 101), filed June 6, 1977. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED P.O. Box 13447, Ronake, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Virginia 24034. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Materials and supplies useful in the manufacture of new furniture and furniture (except commodities in bulk and those which because of size and weight require special equipment); from (1) points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, to points in Pulaski County, Virginia and Goldsboro, N.C., (2) from points in North Carolina, to points in Pulaski County, Virginia, and (3) damaged, refused, rejected, or returned shipments on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Roanoke, Virginia, or Washington, D.C.

No. MC 64650 (Sub-No. 20) (Partial correction), filed May 13, 1977, published in the FEDERAL REGISTER issue of June 23, 1977, as No. MC 64650 (Sub-No. 120) and republished as corrected this issue. Applicant: W. T. COWAN, INC., 820 South Oldham Street, Baltimore, Md. 21224. Applicant's representative: W. F. Lamperelli, (same address as applicant).

NOTE.—The purpose of this partial correction is to indicate the correct docket number as No. MC 64650 (Sub-No. 20) in lieu of No. MC 64650 (Sub-No. 120) as previously published in error. The rest of the publication remains the same.

No. MC 98952 (Sub-No. 48), filed June 2, 1977. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and polyethylene resins*, in tank or hopper-type vehicles, in bulk, from Tuscola, Ill., to points in the United States on and east of U.S. Highway 85, including points in Utah. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 105636 (Sub-No. 37), filed June 6, 1977. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, New Jersey

and Confectionery in mechanically refrigerated equipment (except in bulk),

resentatives: Douglas C. Wynn, Wynn & Bogen, P.O. Box 1295, Greenville, MS. 38701. Authority sought to operate as a

(1) Glass containers, from Rosemount, Minnesota, to points in Iowa, Missouri, Upper Peninsula of Michigan, Wisconsin,

No. MC 113651 (Sub-No. 223, filed June 6, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O.

I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk)

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No. MC 105636 (Sub-No. 37), filed June 6, 1977. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, New Jersey 08360. Applicant's representative: Clarence William Vandegrift, 600 Fifth Avenue, New York, New York 10020. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of permitted Common Carrier Freight Forwarders operating pursuant to Part IV of the Interstate Commerce Act, (1) from Akron, Ohio, Baltimore, Maryland, Boston, Massachusetts, Cincinnati, Ohio, Cleveland, Ohio, Milford, Connecticut, Moonachie, New Jersey, New Haven, Connecticut, North Bergen, New Jersey, Philadelphia, Pennsylvania, and Syracuse, New York, to Amarillo, Dallas, Fort Worth, El Paso, Houston, Laredo, Lubbock, and San Antonio, Texas; and (2) from Dallas, Texas, to Akron, Ohio, Baltimore, Maryland, Boston, Massachusetts, Cincinnati, Ohio, Cleveland, Ohio, New Haven, Connecticut, North Bergen, New Jersey, Philadelphia, Pennsylvania, and Syracuse, New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 106497 (Sub-No. 144), filed June 6, 1977. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte I–44 east), Joplin, Missouri 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Missouri 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyor systems, heating equipment, and parts* for conveyor systems and heating equipment, from the facilities of Tennessee Tube Bending, Inc., located at points in Knox County, Tennessee, to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials and supplies* used in the manufacture or processing of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of Tennessee Tube Bending, Inc., located at points in Knox County, Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Memphis, Tennessee, or Birmingham, Alabama.

No. MC 106920 (Sub-No. 70), filed June 1, 1977. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate and foreign commerce, as a *common carrier* by motor vehicle over irregular routes, transporting: *Candy and Confectionery* in mechanically refrigerated equipment (except in bulk), from plantsites and storage facilities of E. J. Brach & Sons, located at Carol Stream, Ill. and points within the Chicago, Ill. Commercial Zone, to points in Ohio, Pennsylvania, New York, Maryland, West Virginia, Virginia, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire; restricted to traffic originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held in Washington, D.C.

No. MC 107064 (Sub-No. 120), filed June 6, 1977. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Texas 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Texas 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in Ector County, Texas, to points, in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Texas.

No. MC 108207 (Sub-No. 462), filed June 6, 1977. Applicant: FROZEN FOOD EXPRESS, INC., Post Office Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic or rubber sheet or sheeting, and solvents, in vehicles equipped with mechanical refrigeration, from Akron, Ohio, to Dallas and Amarillo, Texas, Tulsa, Oklahoma, Wichita, Kansas, and Los Angeles, California, restricted to traffic originating at the plantsite and storage facilities utilized by The B. F. Goodrich Company, located at Akron, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Texas.

No. MC 110525 (Sub-No. 1194), filed June 2, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *Liquid Wood Preservatives*, in bulk, in tank vehicles from Valparaiso, Ind., to points in Arkansas, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee,, West Virginia and Wisconsin and (2) *Arsenic Acid*, in bulk, in tank vehicles from Bryan and Bonham, Tex., to Valparaiso, Ind.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Chicago, Ill.

No. MC 111231 (Sub-No. 214), filed May 25, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR. 72764. Applicant's representatives: Douglas C. Wynn, Wynn & Bogen, P.O. Box 1295, Greenville, MS. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): (1) Between Homer, LA and Little Rock, AR: From Homer via Louisiana Highway 9 to its junction with U.S. Highway 167 at or near Junction City, LA/AR; thence via U.S. Highway 167 to its junction with U.S. Highway 65; thence via U.S. Highway 65 to Little Rock, and return over the same route; serving all intermediate routes. (2) Between Homer, LA and Memphis, TN, via U.S. Highway 79, serving all intermediate points. (3) Between Little Rock, AR and the Arkansas-Mississippi State Line at or near the Greenville, MS-Lake Village, AR Bridge on U.S. Highway 82: From Little Rock via U.S. Highway 65 to its intersection with U.S. Highway 82 at or near Lake Village, AR; thence via U.S. Highway 82 to the Arkansas-Mississippi State Line at or near the Greenville-Lake Village Bridge on U.S. Highway 82, and return over the same route; serving all intermediate points. (4) Between Texarkana, AR/TX (and points in its commercial zone) and Fort Smith, AR (and points in its commercial zone): From Texarkana via U.S. Highways 59/71 to intersection of U.S. Highways 59 and 71 at or near Acorn, AR; thence via U.S. Highway 71 to Fort Smith and return over the same route; serving all intermediate points. (5) Between Texarkana, AR and Dallas, TX via U.S. Highways 67 and I–30 serving no intermediate points. (6) Between Sheridan and Pine Bluff, AR via U.S. Highway 270 as an alternate route for operating convenience only serving no intermediate points. (7) Between Texarkana, AR and the Mississippi-Arkansas State Line: From the Arkansas-Texas State Line at Texarkana, AR, via U.S. Highway 67 to Prescott; thence via Arkansas Highway 24 to Camden; thence via U.S. Highway 79 to Fordyce; thence via Arkansas Highway 8 to Warren; thence via Arkansas Highway 4 to Arkansas City; thence due East to the Mississippi-Arkansas State Line; and return over the same route; serving all intermediate points. (8) Serving all points in the State of Arkansas located on and south of the route described in ¶ (7) above as off-route points in connection with Applicant's otherwise authorized regular route service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Little Rock, AR., Texarkana TX./AR., Memphis, TN. *and* Dallas, TX.

No. MC 111310 (Sub No. 24), filed June 2, 1977. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, WI 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) Glass containers, from Rosemount, Minnesota, to points in Iowa, Missouri, Upper Peninsula of Michigan, Wisconsin, Illinois and Indiana; and (2) Materials, equipment and supplies used or useful in the manufacture, sale or distribution of glass containers, from points in Iowa, Missouri, Upper Peninsula of Michigan, Wisconsin, Illinois, and Indiana, to Rosemount, Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, or Black River Falls, Wis.

No. MC 112713 (Sub-No. 201), filed June 6, 1977. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 7270, Shawnee Mission, Kansas 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment) between points on the Island of Oahu, Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Kansas City, Missouri or Washington, D.C.

No. MC 112801 (Sub-No. 193), filed June 3, 1977. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, vinegar stock concentrate, cider, cider stock, cider stock concentrate, fruit juice, fruit juice concentrate, fruit juice products, and by-products*, in bulk, from points in Michigan, to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requestes that it be held in Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 112989 (Sub-No. 50), filed June 2, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oregon 97405. Applicant's representative: John G. McLaughlin, Suite 1440, 200 Market Building, Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic pipe* and *fittings*, from the plantsite of Simpson Extruded Plastics Co., located at or near Springfield, Oregon, to points in Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Portland or Eugene, Oregon.

No. MC 113651 (Sub-No. 223, filed June 6, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Indiana 47305. Applicant's representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *bakery goods* (except commodities in bulk), from the plantsite and storage facilities of Pepperidge Farm, Inc., located at or near Downers Grove, Illinois to points in Florida, Georgia and South Carolina, restricted to traffic originating at the plantsite and storage facilities of Pepperidge, Farm, Inc. located at or near the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or Washington, D.C.

No. MC 113828 (Sub-No. 244), filed June 2, 1977. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, from Norfolk, Va., to points in Colorado, Iowa, New Hampshire, Vermont, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 114552 (Sub-No. 130), filed June 2, 1977. Applicant: Senn Trucking Company, a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, panelling, composition board and particle board*, (1) between points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas; and (2) from points in Arkansas, Louisiana, Oklahoma, and Texas to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant request it be held at either Columbia, S.C., Charlotte, N. C. or Atlanta, Ga.

No. MC 114632 (Sub-No. 111), filed June 3, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Robert Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Dodge City, Kans., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at Wichita, Kans.

No. MC 115311 (Sub-No. 224), filed June 1, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Georgia 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Georgia 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Lumber, flooring, particleboard and crossties*, from points in Alabama to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma and Texas, except Maine, Vermont and New Hampshire.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham or Montgomery, Ala.

No. MC 115331 (Sub-No. 423), filed June 2, 1977. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill. ,to points in Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115331 (Sub-No. 424), filed June 3, 1977. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk between the plant site of Arkansas Eastman Company, located at or near Magness, Ark., on the one hand, and, on the other hand points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115931 (Sub-No. 42), filed May 31, 1977. Applicant: BEE LINE TRANSPORTATION, INC., Box 3987, Missoula, Montana 59806. Applicant's representative: Gene P. Johnson, Box 2471, Fargo, North Dakota. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) Pre-cut log and wood

154, Willingboro, New Jersey 08046. Authority sought to operate as a *common*

No. MC 119741 (Sub-No. 73), filed June 2, 1977. Applicant: GREEN FIELD

No. MC 123233 (Sub-No. 74), filed June 2, 1977. Applicant: PROVOST CARTAGE INC., 1 Provost Square, Joliet, Illinois 60436. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Illinois 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Continental Steel Corporation, located at or near Kokomo, Indiana, to points in Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois.

No. MC 123255 (Sub-No. 9), filed June 2, 1977. Applicant: B & L MOTOR FREIGHT, INC., 1330 Seventh Avenue, P.O. Box 1191, Greeley, Colorado 80631. Applicant's representative: Duane W. Acklie, 521 South 14th, P.O. Box 2028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Continental Steel Corporation, located at or near Kokomo, Indiana, to points in Colorado, Kansas, Nebraska, Oklahoma, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois.

No. MC 123255 (Sub-No. 10), filed June 2, 1977. Applicant: B & L MOTOR FREIGHT, INC., 1330 Seventh Avenue, P.O. Box 1191, Greeley, Colorado 80631. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Continental Steel Corporation, located at or near Kokomo, Indiana, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois.

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sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Pre-cut log and wood homes and buildings, including doors, windows, and millwork*, knocked down or in sections, *materials, and supplies* used in the construction, installation and erection thereof; from the plantsite and storage facilities of Real Log Homes, Inc., located near Missoula, Mont. to points in that part of the United States in and west of Michigan, Indiana, Illinois, Missouri, Arkansas and Texas; (2) *materials and supplies* used in the construction, erection, installation and packaging of pre-cut log and wood homes and buildings from points in that part of the United States in and west of Michigan, Indiana, Illinois, Missouri, Arkansas and Texas to the plantsite and storage facilities of Real Log Homes, Inc., located near Missoula, Mont.; and (3) *windows, doors and millwork* between the plantsites and storage facilities of Real Log Homes, Inc. located at points in Montana, Wisconsin, Arkansas and California, restricted in (1), (2) and (3) above to traffic originating at or destined to the plantsites and storage facilities of Real Log Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests a hearing to be held with similar applications at either Missoula, Mont., or Spokane, Wash.

No. MC 116519 (Sub-No. 41), filed May 6, 1977. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames and fifth wheels) with or without attachments, (2) *Agricultural, industrial and construction machinery and equipment*, (3) *Equipment designed for use in conjunction with items described in (1) and* (2) above, (4) *Attachments for items described in* (3) *above;* and (5) *Parts of items described in (1); (2) and* (3) *above in mixed loads with such items*, from Bettendorf and Burlington, Iowa, Terre Haute, Ind., and Racine, Wis., to ports of entry on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont and Maine for destinations in the provinces of Ontario, Quebec, New Brunswick, Prince Edward Island, and Nova Scotia, restricted in (1) through (5) to foreign commerce, and further restricted in (1) through (5) to the transportation of traffic originating at the facilities of the J. I. Case Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No MC 117119 (Sub-No. 633), filed June 2, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: M. M. Geffon, P.O. Box 154, Willingboro, New Jersey 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Candy and Confectionery Products*, in vehicles equipped with mechanical refrigeration (except in bulk), from: West Reading, Pennsylvania to points in California, Colorado, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Harrisburg or Philadelphia, Pa.

No. MC 117416 (Sub-No. 57), filed June 6, 1977. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Canned and processed foodstuffs, other than in bulk or frozen, from Hoopeston and Princeville, Ill. to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 117565 (Sub-No. 97), filed June 2, 1977. Applicant: MOTOR SERVICE COMPANY INC., Route 4, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles; *buildings*, in sections; and *mobile homes*, in single and double wide units, between points in Alabama, Arizona, California, Colorado, Florida, Indiana, Georgia, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 135701 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Columbus, Ohio.

No. MC 118535 (Sub-No. 103), filed June 3, 1977. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicants representative: Jim Tiona, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and alfalfa pellets*, in bulk, from the plant site or storage facilities of Protein Processors, Inc., Division of Ralston Purina Company, located at or near Dundee, Kans., to points in Arkansas, Missouri and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119741 (Sub-No. 73), filed June 2, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3225 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Omaha, Nebr., and St. Paul, Minn., to Fort Dodge, Iowa; and (2) *empty malt beverage containers*, from Fort Dodge, Iowa, to Omaha, Nebr., and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 119789 (Sub-No. 352), filed June 2, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Cleaning Compounds, from Fort Bragg, Calif., to points in the United States east of U.S. Highway 85; and (2) Materials and supplies used in the production and sale of cleaning compounds, from points in the United States east of U.S. Highway 82, to Fort Bragg, California.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, California.

No. MC 123054 (Sub-No. 16), filed June 6, 1977. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, Pa. 16214. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor, and fibreboard boxes*, from the plantsites and shipping facilities of Glass Containers Corporation located in the Borough of Knox, Clarion County, Pa., the Borough of Marienville, Forest County, Pa., and the Borough of Parker, Armstrong County, Pa., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey and that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction with New York Highway 12, and thence along New York Highway 12 to Clayton, N.Y.; and (2) *Used wood pallets and shipping devices used in the transportation of glass containers and closures therefor, and fibreboard boxes, and damaged, returned or rejected glass containers and closures therefor, and fibreboard boxes*, from points in the above named destination states, to the plantsites and shipping facilities of Glass Containers Corporation located in the Borough of Knox, Clarion County, Pa., the Borough of Marienville, Forest County, Pa. and the Borough of Parker, Armstrong County, Pa., restricted to traffic originating at and destined to the above origins and destinations.

No. MC 123233 (Sub-No. 74), filed June 2, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou, Que., Canada H1J 1C4. Applicant's representative: J. P. Vermette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethylamine*, in bulk, in tank vehicles, from Grasselli, N.J., to the ports of entry on the International Boundary line between the United States and Canada, located at points in New York. Restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce in through local single-line service destined to points in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y., or Montpelier, Vt. Common control may be involved.

No. MC 123233 (Sub-No. 76), filed June 6, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou, Que. Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *corn syrup*, in bulk, in tank vehicles, from Chicago, Ill., and its commercial zone; Clinton, Ia; Detroit, Mich.; and Montezuma, N.Y., to the ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce in through local single-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Albany, N.Y., or Montpelier, Vt.

No. MC 123255 (Sub-No. 103), filed June 2, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting *canned or preserved vegetables* (except frozen), from Turkey, North Carolina, to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 384), filed June 6, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. MILLER, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Montmorillonite clay in bags*, from the facilities of Industrial Mineral Ventures, Inc., located at Imvite, Nye County, Nevada, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Denver, Colorado.

No. MC 124078 (Sub-No. 736), filed June 6, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mortar*, in bulk, from Knowles, Wisconsin, to Shippingport, Pennsylvania; and (2) *Cement*, from Buffington, Indiana, to points in Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 124821 (Sub-No. 24), filed June 2, 1977. Applicant: WILLIAM GILCHRIST, 105 N. Keyser Avenue, Old Forge, Pennsylvania 18518. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pennsylvania 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products:* Cellulose materials and products joined to or combined with paper, plastics, synthetics or cloth, sanitary paper and paper products, sanitary paper and paper products joined to or combined with paper, plastics, synthetics or cloth (except in bulk), from Ransom and Lafin, Pennsylvania, to Solon, Ohio; Fort Wayne, Indiana; and Grand Rapids, Livonia, and East Lansing, Michigan.

NOTE.—Common control may be involved. If hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125813 (Sub-No. 16), filed June 1, 1977. Applicant: CRESSLER TRUCKING, INC., 153 West Orange St., Shippensburg, Pa. 17257. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock crushers, rock crusher parts, and accessories and tools therefor, and patterns* from Carlisle, Pa., to points in Arizona, Colorado, New Mexico, Wyoming, California, Texas, Nevada, and Utah; and (2) *scrap steel, wooden patterns, and used, damaged, or defective rock crushers and parts thereof* from points in Arizona, Colorado, New Mexico, Wyoming, California, Texas, Nevada, and Utah to Carlisle, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Carlisle, Pa., or Washington, D.C.

No. MC 126118 (Sub-No. 43), filed June 6, 1977. Applicant: CRETE CARRIERS CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, floor wax, floor polishers, carpet washers, cleaning systems, vacuum cleaner bags*, and *related items* including advertising displays and promotional materials moving in mixed shipments (except in bulk): between French Lick, Indiana, on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minnesota, thence northward along the western boundaries of Itasca and Koochiching Counties, Minnesota, to the International boundary line between the United States and Canada, restricted to traffic originating at or destined to facilities utilized by the Earl Grissmer division of Liggett Group, Inc.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128375 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Lincoln, Nebr., or Indianapolis, Ind.

No. MC 126196 (Sub No. 12), filed June 2, 1977. Applicant: BLACHOWSKE TRUCK LINE, INC., R.R. 1, Fairmont, Minn. 56031. Applicant's representative: Gene P. Johnson, P.O. Box 2471, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Minnesota, to points in Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn.

No. MC 128527 (Sub-No. 70) (Republication), filed October 8, 1976, published in the FEDERAL REGISTER issue of November 11, 1976, and republished this issue. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, Idaho 83661. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by manufacturers, wholesalers, retailers, and suppliers of mobile homes, recreational vehicles, and campers; and (2) equipment and supplies, used in the conduct of such business: (a) Between points in California on and south of Interstate Highway 80, on the one hand, and, on the other, Aurora and Portland, Oregon, and Vancouver, Washington; (b) between points in California on and south of Interstate Highway 80, on the one hand, and, on the other, Washington, Canyon, Payette, and Ada Counties, Idaho; and (c) between points in Washington, Canyon, Payette, and Ada Counties, Idaho, on the one hand, and, on the other, Aurora and Portland, Oregon, and Vancouver,

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Washington. Restriction: Restricted to traffic originating at or destined to the plantsites or facilities of Elixir Industries, and, further restricted against the movement of mobile homes, recreational vehicles, campers, and self-propelled vehicles, and commodities requiring bulk tank vehicles.

NOTE.—The purpose of this republication is to indicate the correct highway in California to and from which applicant proposes to operate. Applicant request the continued hearing be held at Portland, Oreg.

No. MC 128685 (Sub-No. 26), filed June 6, 1977. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk in pneumatic tank trailers and *cement* in bags, from the plantsite and facilities of The South Dakota Cement Plant, located at or near Rapid City, S. Dak., to points in Wyoming.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at either Rapid City, S. Dak., or Casper, Wyo.

No. MC 133566 (Sub-No. 89), filed June 2, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind., 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, New York 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *candy or confectionery, cocoa, dry or cocoa paste, cocoa butter, malt, milk, sauce, toppings, and syrup*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Hershey Food Corporation, located at or near Derry Township, Pa., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Nebraska, Kentucky, Missouri, Kansas, Texas, Oklahoma, Mississippi, and Denver, Colorado, restricted to traffic originating at the above named plantsites and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either New York, N.Y., or Philadelphia, Pa.

No. MC 134959 (Sub-No. 10), filed June 3, 1977. Applicant: BEN-K TRUCKING, INC., 651 O Street, Greeley, Colo. 80631. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk in tank vehicles), from Greeley, Colo., to points in Arizona, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, restricted to transportation services performed under a continuing contract or contracts with American Commodity Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Greeley, Colo., or Marshall, Mo.

No. MC 135797 (Sub-No. 74), filed June 2, 1977. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 200, Lowell, Arkansas 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) Clay and clay products (except in bulk, in tank vehicles); and (b) animal and fish feed (except in bulk, in tank vehicles), from the plantsite of The Anschutz Corp., and warehouse facilities utilized by Sunshine Mills, Inc., located at or near Ochlocknee, Georgia, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; (2) equipment, materials and supplies, used in the manufacture, packaging, and distribution of the commodities named in (1) (a) and (b) above, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, to the plantsite of The Anschutz Corp. and the warehouse facilities utilized by Sunshine Mills, Inc., located at or near Ochlocknee, Georgia; (3) (a) clay and clay products (except in bulk, in tank vehicles); and (b) fish food (except in bulk, in tank vehicles), from Red Bay, Alabama, and Tupelo, Mississippi, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Masachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and (4) animal feed (except in bulk, in tank vehicles), from Red Bay, Alabama, and Tupelo, Mississippi, to points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Denver, Colorado, or Washington, D.C.

No. MC 138279 (Sub-No. 3), filed June 6, 1977. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, Tennessee 38301. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Aluminum and aluminum products, products containing aluminum, ceramic foam filters* and *equipment, materials* and *supplies* used in the production of the above commodities between Bensalem, Pa., Reed City, Mich., Gulfport, Miss., City of Industry, Calif., and points in St. Louis County, Mo., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Consolidated Aluminum Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 139468 (Sub-No. 22), filed June 1, 1977. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Texas 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Window and window frames, door and door frames*, from the plantsites and facilities of National Steel Products, Co., Inc., at or near Monroe and Shreveport, Louisiana, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin. (2) *Materials, supplies and equipment utilized in the manufacturing, processing and distributing of the commodities described in (1) above*, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin, to the plantsites and facilities of National Steel Products, Co., Inc., at or near Monroe and Shreveport, Louisiana. Restricted to: (a) Traffic either originating at or destined to the facilities of National Steel Products, Co., Inc., and, restricted to (b) traffic moving under a continuing contract or contracts with National Steel Products, Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Houston, Tex. or Denver, Colo.

No. MC 139495 (Sub-No. 240), filed June 1, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finishing knit cloth, garments, and sewing mill machinery and supplies* between the facilities of the William Carter Company at or near Harlingen, Tex., Centreville and Senatobia, Miss., and Barnesville and Griffin, Ga.

NOTE.—Applicant holds contract carrier authority in MC-133106 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140849 (Sub-No. 11), filed June 6, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South Poteau, Oklahoma 74953. Applicant's representative: Prentiss Shelley, P.O. Drawer G, Poteau, Oklahoma 74953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods, materials and supplies* used in the manufacture of clothing, from points in Arkansas, to Idabel, Pauls Valley, and Frederick, Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Oklahoma or Washington, D.C.

No. MC 140908 (Sub-No. 4) (Correction), filed February 6, 1977, published in the FEDERAL REGISTER issue of March 31, 1977, and republished this issue. Applicant: COMMERCIAL & PACKAGE DELIVERY SERVICE, INC., Route 6, Box 53-A, Wilmington, N.C. 28401. Applicant's representative: James E. Savitz, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), restricted to packages not to exceed 150 pounds, and lawn mowers, between points in North Carolina and South Carolina. The purpose of this republication is to clarify applicant's restriction.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 140967 (Sub-No. 3), filed June 2, 1977. Applicant: ARLEN LINDQUIST, doing business as Arlen E. Lindquist Trucking, 4399 Hodgson Road, St. Paul Min. 55112. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil*, from Roxana and Chicago, Ill.; Kansas City, Mo.; and Ponca City, Okla., to South Bend, Ind., and points in Iowa on and north of U.S. Highway 20, from the Nebraska-Iowa state to its junction with U.S. Highway 71, thence points on and west of U.S. Highway 71 to the Iowa-Minnesota state line, Blaine, Minn., and points in Minnesota on and west of Minnesota State Highway 15, from the Minnesota-Iowa state line to its junction with U.S. Highway 10, thence U.S. Highway 10 to its junction with Minnesota State Highway 371, thence Minnesota State Highway 371 to its junction with U.S. Highway 71, thence U.S. Highway 71 to the ports of entry on the international boundary line between the United States and Canada, located at International Falls, Minn., points in North Dakota and South Dakota; (2) *empty oil drums*, from the above described destination territory to Roxana and Chicago, Ill.; Kansas City, Mo.; and Ponca City, Okla., and (3) *tires and tubes*, from Memphis, Tenn., to South Bend, Ind., and points in Iowa on and north of U.S. Highway 20 from the Nebraska-Iowa stateline to its junction with U.S. Highway 71, thence points on and west of U.S. Highway 71 to the Iowa-Minnesota state line, Blaine, Minn., and points in Minnesota on and west of Minnesota state Highway 15 from the Minnesota-Iowa state line to its junction with U.S. Highway 10, thence U.S. highway 10 to its junction with Minnesota State Highway 371, thence Minnesota State Highway 371 to its junction with U.S. Highway 71, thence U.S. Highway 71 to the ports of entry on the international boundary line between the United States and Canada, located at International Falls, Minn., and points in North Dakota and South Dakota; and (4) *defective tires and tubes*, from the above described destination territory to Memphis, Tenn., under continuing contracts with Chamberlain Oil Co., Inc., and/or Quad State Distributing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 141164 (Sub. No. 2), filed June 1, 1977. Applicant: JOHN E. COX, 120 Lafayette Road, Portsmouth, N.H. 03801. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, in mixed loads with fresh fruits and vegetables, from Boston, Mass., to the ports of entry on the international boundary line between the United States and Canada located at or near Calais, Houlton, Bar Harbor, and Portland, Maine, restricted to shipments terminating at points in New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, Canada; and (2) *Bananas*, from Albany and New York City, N.Y., Philadelphia, Pa., Baltimore, Md., and Charleston, S.C., to the ports of entry on the international boundary line between the United States and Canada located at or near Calais, Houlton, Bar Harbor, and Portland, Maine, to points in Massachusetts; and (3) *Fish oil*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located at or near Calais, Houlton, Bar Harbor, and Portland, Maine, to points in Massachusetts; and (4) *Pickled herring, salted and smoked fish*, from the ports of entry on the international boundary line between the United States and Canada, located at or near Calais, Houlton, Bar Harbor, and Portland, Maine, to Gloucester and Boston, Mass., New York City, N.Y., and Jersey City, N.J.; and (5) *Single strength citrus juices*, in glass containers, when transported in mixed loads with vegetables and citrus fruits exempt from economic regulation under Section 203(b)(6) of the Act, from Orlando, Plymouth, and Lake Wales, Fla., to the ports of entry on the international boundary line between the United States and Canada, located at or near Calais, Houlton, Bar Harbor, and Portland, Maine; and (6) *Frozen citrus juices*, from Orlando, Lake Wales, Auburndale, and Plymouth, Fla., to the ports of entry on the international boundary line between the United States and Canada, located at or near Calais, Houlton, Bar Harbor, and Portland, Maine; (7) *Packaging materials, fishing gear, and other related equipment and supplies* used in the fish processing industry from Gloucester, Mass., to the ports of entry on the international boundary line between the United States and Canada located at or near Calais, Houlton, Bar Harbor, and Portland, Maine, restricted to shipments terminating in Newfoundland.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass.

No. MC 141396 (Sub-No. 2), filed June 6, 1977. Applicant: DELP, INC., 1300 Ingram Street, Springdale, Ark. 72764. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen potato products* in vehicles equipped with mechanical refrigeration, (1) from Clark, S. Dak., to Sioux Falls, S. Dak., and (2) from Sioux Falls, S. Dak., to points in Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 143031 (Sub-No. 2), filed May 12, 1977. Applicant: LLOYD PAUL MURPHY, JAMES EDWARD MURPHY, TIMOTHY PAUL MURPHY, and EDWARD STEWART MURPHY, doing business as MURPHY & SONS, Spring City, Tenn. 37381. Applicant's representative: Stan Guthrie, Suite 100 Maclellan Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *new furniture, furniture parts, crated and uncrated, and materials and supplies used in manufacturing new furniture* (except commodities in bulk), (1) from the plantsites and storage facilities of La-Z-Boy Chair Company located at or near Dayton, Tenn., to points in Alabama,

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Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, and Virginia; (2) from points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, and Virginia, to the plantsites and facilities of La-Z-Boy Chair Company located at or near Dayton, Tenn., and at or near Florence, S.C., under a continuing contract or contracts in (1) and (2) above with La-Z-Boy Chair Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn.

No. MC 143069 (Sub-No. 1), filed June 2, 1977. Applicant: T. M., INC., 1224 Peacock Avenue, Columbus, Ga. 31904. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Georgia 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Agriculture limestone*, in bulk, in dump vehicles, from points in Lee County, Ala., to points in Dougherty, Early, Macon, Randolph, Terrell, Sumter, Webster, Stewart, Marion, Schley, Lee, Calhoun, Quitman and Clay Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143147 (Sub-No. 1), filed May 31, 1977. Applicant: WALLACE I. HARRIS, Jr., doing business as W & R Trucking, RD. No. 1, Box 295, Millington, Md. 21651. Applicant's representative: Wallace I. Harris, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Kent County and Queen Anne's County, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, the District of Columbia, Ohio, Vermont, Rhode Island, Connecticut, Massachusetts, and Virginia (except points bounded by a line beginning at Bluefield, W. Va.-Va., and extending along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60 at Sprouses Corner, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to Bluefield (the point of beginning), including points on the indicated portions of the highways specified), and (2) *pallets, woodchips, sawdust, and piling*, from Kent County and Queen Anne's County, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, Ohio, Vermont, Rhode Island, Connecticut, Massachusetts, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chestertown or Centreville, Md.

No. MC 143155 (Sub-No. 1) (correction), filed April 26, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished as corrected this issue. Applicant: RICHARD B. ROSE, doing business as Richard's Hauling, 508 Clinton Avenue, Wyckoff, N.J. 07481. Applicant's representative: Ralph August, 222 Greenridge Road, Franklin Lakes, N.J. 07481. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics*, between August Fabrics, Inc., Fairview, N.J., and Gwinnett Schiffli Embroidery, Inc., Lawrenceville, Ga., under a continuing contract, or contracts, with August Fabrics, Inc.

NOTE.—The purpose of this republication is to correct applicant's commodity and territorial description. If a hearing is deemed necessary, the applicant requests that it be held at Newark, N.J.

No. MC 143179 (Sub-No. 1), filed May 31, 1977. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, Nebr. 68101. Applicant's representative: Marshall D. Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, (1) from Middleton, Wis., to points in Iowa (except Council Bluffs), Illinois, Minnesota, Michigan, Missouri, and Indiana; and (2) between Middleton, Wis., and Council Bluffs, Iowa, under a continuing contract, or contracts, with Future Foam, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 143329, filed June 2, 1977. Applicant: JIM S. PAPPAS d.b.a., Jim's Service, 8300 W. 102 Street, Overland Park, Kans. 66212. Applicant's representative: Arthur J. Cerra, 2100 Ten-Main Center, Kansas City, Mo. 64105. Authority is sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Magazines*, from Lawrence, Kans., to Fayetteville and Ft. Smith, Ark.; Jacksonville, Mattoon, Mt. Vernon, and Taylorville, Ill.; Bridgeton, Jefferson City, Springfield, and Washington, Mo.; and Oklahoma City and Tulsa, Okla., under a continuing contract with TV Guide, located at Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

PASSENGER

No. MC 1515 (Sub-No. 228) (partial correction), filed May 20, 1977, published in the FEDERAL REGISTER issue as No. MC 1515 (Sub-No. 282) and republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant).

NOTE.—The purpose of this partial correction is to indicate the correct docket number as No. MC 1515 (Sub-No. 228) in lieu of No. MC 1515 (Sub-No. 282) which was previously published in error. The rest of the republication remains the same.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.-240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13235. Authority sought for purchase by PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, TX 75146, of the operating rights of ECONO MOVERS, 5060 Shawline Drive, San Diego, CA 92111, and for acquisition by Carl Davidson, 3164 Springfield, Lancaster, TX 75146, R. L. Rork, 801 Cherry Hills, Lancaster, TX 75146, and Lyle K. McDermed, 1230 Forest Brook, DeSota, TX 75115, of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 55 Madison Ave., Morristown, NJ 07960. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, between points in the above-specified states, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Ohio, Michigan, Indiana, Illinois, West Virginia, North Carolina, and South Carolina, between points in Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire. Vendee is authorized to operate as a common carrier in Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 31462 (Sub-No. 24) is a directly related matter.

No. MC-F-13240. Authority sought for control and merger by MAGAZINE DISTRIBUTORS OF CALIFORNIA, INC., 501 N. Brookhourst, Suite 100, Anaheim, CA 92801, of (b) General Trucking Service, (bb) General Transportation Co., and (bbb) Pacific Coast Leasing, Inc., all of 1811 Sacramento Street, Los Angeles, CA 90021, and for acquisition by Leaseway Transportation Corp., 21111 Chagrin Boulevard, Cleveland, OH 44122, of control of General Trucking Service, General Transportation Co., and Pacific Coast Leasing, Inc., through the acquisition by Leaseway Transportation Corp. Applicants' attorneys: John Andrew Kundtz, 1100 National City Bank Building, Cleveland, OH 44114 and Roland Rice, Suite 501 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be controlled and merged: (b) Under a certificate of Registration in Docket No. MC 120706 (Sub-No. 1), covering the transportation of *printed matter*, viz.: books, magazines, and periodicals; newspaper or magazine display racks; and iron or steel wire, as a *common carrier*, in interstate commerce, within the state of California; (bb) General Transportation Co., and (bbb) Pacific Coast Leasing, Inc., hold no authority from this Commission. Magazine Distributors of California, Inc., holds no authority from this Commission. However it is controlled by Leaseway Transportation Corp., which in turn controls nine carriers with Interstate Commerce Commission authority. The nine carriers are as follows: 1. Nachor Motor Freight, Inc., a contract carrier authorized to operate in New York, Baltimore, Md., New Jersey, Delaware, Massachusetts, Ohio, under Docket No. MC 808 and Subs thereunder; 2. Gypsum Haulage, Inc., as a contract carrier in 24 states and the District of Columbia, under Docket No. MC 112113 and Subs thereunder; 3. Signal Delivery Service, Inc., as a contract carrier under Docket No. MC 108393; 4. Sugar Transport, Inc., as a contract carrier in Georgia and North Carolina to points in 15 states, under Docket No. MC 115924 and Subs thereunder. 5. Dedicated Freight System, Inc., as a contract carrier in Ohio Pennsylvania, and New York, under Docket No. MC 139583, Sub 1; 6. Pep Lines Trucking Co., as a common carrier in Michigan and the District of Columbia, under Docket No. MC 120184 and Subs thereunder. It also serves as a contract carrier under Permit No. MC 135280 and Subs thereunder; 7 Mitchel Transport, as a common carrier in 16 states to destinations in 36 states under Docket No. MC 124212 and Subs thereunder; 8. Refiners Transport & Terminal Corporation as a common carrier between origin points located principally in the midwestern portion of the United States with destination areas located in 35 states and the District of Columbia, under Docket No. MC 50069 and Subs thereunder; and 9. Max Binswanger Trucking as a common carrier in California, Nevada, Arizona, Colorado, and Utah, under Docket No. MC 116314 and Subs thereunder. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 143308 is a directly related matter.

No. MC-F-13255. Authority sought for purchase by TRIANGLE GRAVEL CO., INC., 4910 F Street, Monroe Industrial Park, Selman Field, Monroe, LA 71201, of the operating rights and property of Kelly Stoles, an individual d.b.a. Kelly Stokes Trucking Company, P.O. Box 481, Hampton, AR 71744, and for acquisition by Triangle Gravel Co., Inc., of 4910 F Street, Monroe Industrial Park, Selman Field, Monroe, LA 71201, of control of such rights through the purchase. Applicants' attorney: Carlos G. Sphat, P.O. Box 2997, Baton Rouge, LA 70821. Operating rights sought to be transferred: *Rock, dirt, sand, gravel, and clay*, in bulk, in dump vehicles, as a *common carrier* over irregular routes from points in Ouachita, Calhoun, and Bradley Counties, Ark., to points in Caddo, Bossier, Webster, Bienville, Clairborne, Lincoln, Jackson, Union, Ouachita, Morehouse, and Richland Parishes, La., with no transportation for compensation on return except as otherwise authorized. Triangle Gravel Co., Inc., holds no authority from this Commission, however, it is affiliated with Louisiana Midland Transport Co., Inc., MC 97825 (Sub-No. 3), which is authorized to operate as a common carrier in Louisiana, Alabama, Arkansas, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13267. Authority sought for purchase by WILLIAM CORBITT, INC., 129 Davidson Avenue, Somerset, N.J. 08873, of a portion of the operating rights of Wm. B. Duffy Carting Co., Inc. (Bankrupt), by Louis A. Ryen, trustee in bankruptcy, 228 S. Plymouth Ave., Rochester, N.Y. 14614, of control of such rights through the purchase. Applicants' representative: S. Michael Richards and Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Operating rights sought to be transferred: *Such commodities* which, because of weight or size, require the use of special equipment, as a *common carrier* over irregular routes between Rochester, N.Y., on the one hand, and, on the other, points in Ohio. Vendee is authorized to operate as a common carrier in Alabama, Ohio, Arkansas, Pennsylvania, Rhode Island, Connecticut, Delaware, the District of Columbia, Florida, Georgia, South Carolina, Illinois, Tennessee, Iowa, Kansas, Kentucky, Vermont, Louisiana, Maine, Maryland, Massachusetts, Michigan, Virginia, Mississippi, Missouri, Nebraska, West Virginia, New Hampshire, New Jersey, Indiana, New York, and North Carolina. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 2366 (Sub-No. 6) is a directly related matter.

No. MC-F-13269. Authority sought for purchase by D & N TRANSPORTATION COMPANY, INC., 28 Privilege Street, Woonsocket, R.I., 02895, of the operating rights of Hartman Transportation Co., Inc., 675 Canton Street, Norwood, Mass. 02062, and for acquisition by Jean P. Coderre, 256 Nursery Ave., Woonsocket, R.I., of control of such rights through the purchase. Applicants' attorney: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Operating rights sought to be transferred: Under a Certificate of registration in Docket No. MC 98490 (Sub-No. 1) covering the transportation of general commodities as a common carrier in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a common carrier in Rhode Island Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-34952 (Sub-No. 2) is a directly related matter.

No. MC-F-13270. Authority sought for purchase by WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, Va., 22939, of a portion of the operating rights of Hemingway Transport, Inc., 438 Dartmouth Street, New Bedford, Mass. 02740, and for acquisition by C. W. Wilson, Box L-98, Route 1, Lyndhurst, Va. 22952, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny Macdonald & McInerny, 1000 16th St. NW., Washington, D.C. 20036. Operating rights sought to be transferred: Part I, (A), General commodities, with exceptions as a common carrier over regular routes between Richmond, Va., and Weldon, N.C., serving Petersburg, Va., for purposes of joinder only; between Petersburg, Va., and Henderson, N.C., serving Petersburg, Va., for purposes of joinder only; between junction U.S. Highways 1 and 58 and Reidsville, N.C., serving junction U.S. Highways 1 and 58, South Boston and Danville, Va., for purposes of joinder only; serving all intermediate and off-route points in North Carolina over routes described in Part (A) above in connection with traffic moving from, to, or through Richmond or Bellbluff, Va.; serving the intermediate point of Bellbluff, Va., over routes described in Part (A) above in connection with traffic moving from, to, or through all points in North Carolina (including points authorized in the service paragraph next above) as described in Part (A) above. (B) general commodities, with exceptions as a common carrier over regular routes between Charlotte, N.C., and Alexandria, Va., serving Greensboro and High Point, N.C., for purposes of joinder only; between Greensboro, N.C., and Alexandria, Va., serving Greensboro, Durham, Oxford, and Henderson, N.C., for purposes of joinder only; between Danville, Va., and junction U.S. Highways 1 and 58; between Greensboro, N.C., and Winchester, Va., serving Greensboro, N.C., and junction U.S. Highway 220 and North Carolina Highway 68 for purposes of joinder only; between High Point, N.C., and junction U.S. Highway 220 and North Carolina Highway 68, serving High Point, N.C., and junction North Carolina Highway 68 and U.S. Highway 220 for purposes of joinder only; between junc-

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tion U.S. Highway 321 and 421 and Independence, Va., serving said junction for joinder only; between Greensboro, N.C., and junction U.S. Highways 21 and 421; serving Greensboro and junction U.S. Highways 21 and 421 for purposes of joinder only; serving all points in Virginia as intermediate and off-route points over routes described in Part (B) above, except those intermediate and off-route points in Norfolk, Nansemond, Princess Anne, Warwick, Elizabeth City, Northampton, and Accomac Counties, Va., as said counties existed on February 2, 1950, in connection traffic moving from, to, or through Clover, S.C., and points in North Carolina and South Carolina within 35 miles of Clover, S.C. Serving Clover, S.C., and all points in North Carolina and South Carolina within 35 miles of Clover as intermediate and off-route points over routes described in Part (B) above, in connection with traffic moving from, to, or through all points in Virginia (including the points authorized in the service paragraph next above) as described in Part (B) above, with restrictions.

(C) General commodities, with exceptions as a common carrier over regular routes between Asheville, N.C. and Statesville, N.C., between Salisbury, N.C., and Smithfield, N.C., between Statesville, N.C., and Winston-Salem, N.C.; between Raleigh, N.C. and Rocky Mount, N.C.; between Charlotte, N.C., and junction North Carolina Highway 55 and U.S. Highway 70; between Reidsville, N.C., and Sanford, N.C.; between Sanford, N.C., and Clinton, N.C.; between Wilson, N.C. and Washington, N.C.; between Rocky Mount, N.C., and Williamston, N.C.; between junction U.S. Highway 70 and unnumbered highway (approximately 11 miles northwest of Raleigh, N.C. Airport Road) and Nelson, N.C.; between Henderson, N.C., and Newton Grove, N.C.; between Welson, N.C.; and Wilmington, N.C.; between Wilson, N.C., and Morehead City, N.C.; between Greensboro, N.C., and Stoneville, N.C.; between Reidsville, N.C., and Stoneville, N.C.; between Reidsville, N.C., and Leaksville-Spray, N.C.; between Winston-Salem, N.C., and Lexington, N.C.; between Reidsville, N.C. and Charlotte, N.C.; between junction U.S. Highways 70 and 321 and Lincolnton, N.C.; between Weldon, N.C. and Raleigh, N.C.; between Raleigh, N.C. and Fayetteville, N.C.; between junction U.S. Highways 301 and 117 and Smithfield, N.C.; between Fayetteville, N.C. and Lumberton, N.C.; between Clinton, N.C. and Elizabethtown, N.C.; between Norlina, N.C. and Junction N.C. Highway 158 and N.C. Highway 39; between Edenton, N.C. and New Bern, N.C.; between Pittsboro, N.C. and Sanford, N.C.; between Sanford, N.C. and Laurinburg, N.C.; serving all points in North Carolina as intermediate and off-route points in connection with the routes described in Part (C), restricted to the transportation of traffic moving from, to or through Richmond or Bellbluff, Va.; between Columbia, S.C., and Lincolnton, N.C.; serving Clover, S.C. and all points in North Carolina and South Carolina within 35 miles of Clover as intermediate and off-route points in connection with traffic moving from, to or through all points in Virginia, except those intermediate and off-route points in Norfolk, Nansemond, Princess Anne, Warwick, Elizabeth City, Northampton and Accomack Counties, Va., as said counties existed on February 2, 1950; serving intermediate and off-route points in North Carolina more than 35 miles from Clover as intermediate and off-route points in connection with traffic moving from, to or through Richmond or Bellbluff, Va., and serving Columbia in connection with traffic moving from, to or through Richmond or Bellbluff, Va., with restrictions.

General commodities, with exceptions as a common carrier over irregular routes between Richmond, Va., on the one hand, and, on the other, Columbia, S.C. and points in North Carolina; between Bellbluff, Va., on the one hand, and, on the other, Columbia, S.C. and points in North Carolina; between Clover, S.C., and points in North Carolina and South Carolina within 35 miles of Clover, on the one hand, and, on the other, points in Virginia, except those in Norfolk, Nansemond, Princess Anne, Warwick, Elizabeth City, Northampton, and Accomac Counties, Va., with restrictions; Part II, (A), General commodities, with exceptions as a common carrier over regular routes serving Durham, N.C., as an off-route point in connection with carrier's regular route operations, authorized herein, between Danville, Va., and Greensboro, N.C., with service at the off-route point restricted to the transportation of shipments moving from, to, or through Danville, Va.; between Greensboro, N.C., and Charlotte, N.C., serving the intermediate points of High Point, Salisbury, Concord and Charlotte, N.C., with service at the intermediate points and at Charlotte, N.C., restricted to the transportation of shipments moving from, to, or through Danville, Va.; alternate routes for operating convenience only: General commodities, with exceptions as a common carrier between Winston-Salem, N.C., and Greensboro, N.C., serving no intermediate points, between Winston-Salem, N.C., and High Point, N.C., serving no intermediate points, between Winston-Salem, N.C., and junction U.S. Highway 52 and combined U.S. Highways 29 and 70, near Lexington, N.C., serving no intermediate points, and serving the junction of U.S. Highway 52 and combined U.S. Highways 29 and 70 for joinder purposes only; General commodities, with exceptions as a common carrier over regular routes between Lynchburg, Va., and Greensboro, N.C., serving all intermediate points in Virginia without restriction and those in North Carolina restricted to the transportation of shipments moving from, to or through Danville, Va., between Burlington, N.C., and Lynchburg, Va., serving all intermediate points in Virginia without restriction and those in North Carolina restricted to the transportation of shipments moving from, to or through Danville, Va.; General commodities, with exceptions as a common carrier over irregular routes between Roanoke, Va., on the one hand, and, on the other, points in * * * that part of North Carolina west of U.S. Highway 301 and north of a line extending from Wilson, N.C., along U.S. Highway 264 to Raleigh, thence along U.S. Highway 64 to Lexington, thence along U.S. Highway 29 to Charlotte, thence along U.S. Highway 74 to Asheville, thence along U.S. Highway 19A to Bryson City, thence along U.S. Highway 19 to junction U.S. Highway 441, and thence along U.S. Highway 441 to North Carolina-Tennessee State Line; * * * including points on the indicated portion of the highways specified; Canned goods, groceries, dried fruits, fresh fruits, hardware, paper bags, wrapping paper, and dried milk in barrels, boxes and cases, from Roanoke, Va., to points in * * * that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State Line, and extending along U.S. Highway 1 to Raleigh, N.C., thence along U.S. Highway 64 (formerly portion U.S. Highway 1), to junction unnumbered highway (formerly portion of U.S. Highway 1), thence along unnumbered highway through Apex, Bonzal, and Haywood, N.C., to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State Line, * * * with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in the District of Columbia, Maryland, Virginia, and North Carolina. Application has been filed for temporary authority under section 210(b).

No. MC–F–13271. Authority sought for purchase by REFRIGERATED FOODS, INC., 1420 33rd Street (P.O. Box 1018), Denver, Colo., 80201, of the operating rights of Fast Freightways, Inc., 168 Denargo Market, P.O. Box 2347, Denver, Colo., 80201, and for acquisition by Mel Smookler, and Ralph Lemberg, both of 1420 33rd Street, Denver, Colo., 80201, of control of such rights through the purchase. Applicant's attorney: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr., 68106. Operating rights sought to be transferred: Such merchandise as is dealt in by wholesale and retail food business houses, as a common carrier over irregular routes from Denver and La Junta, Colo., to points in Oklahoma and Kansas, with no transportation for compensation on return except as otherwise authorized, with restrictions; salt, from Hutchinson, Kansas, to Alma, Albion, Alliance, Arapahoe, Ashland, Ashton, Aurora, Bancroft, Battle, Creek, Beatrice, Belden, Bellwood, Blair, Bloomfield, Broken, Bow, Central City, Chadron, Chester, Columbus, Crete, Crawford, David City, Daykin, Eddyville, Eldorado, Elkhorn, Emerson, Exeter,

Fairbury, Fairmont, Franklin, Fremont, Grand Island, Greenwood, Gresham, Gretna, Genoa, Humphrey, Imperial, Irwin, Lexington, Lincoln, Lushton, Kearney, McCook, McCool Junction, Milford, Nebraska City, Neligh, Newman Grove, Norfolk, North Bend, North Platte, Ogallala, Omaha, O'Neill, Orchard, Osmond, Palisade, Red Cloud, Schuyler, Scottsbluff, Scribner, Shelby, South Sioux City, Silver Creek, Sidney, Stromsburg, Superior, Valentine, Waco, Wauneta, Wausa, West Point, and York, Nebr., and points in Colorado, with no transportation for compensation or return except as otherwise authorized. From Lyons and Kanopolis, Kans., to points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 85 to junction unnumbered highway (formerly portion U.S. Highway 85), thence along unnumbered highway through Walsenburg, Colo., to junction U.S. Highway 85, thence along U.S. Highway 85 to junction unnumbered highway (formerly portion U.S. Highway 85), thence along unnumbered highway through Aguilar, Colo., to junction U.S. Highway 85.

Thence along U.S. Highway 85 to the Colorado-New Mexico State line, with no transportation for compensation on return except as otherwise authorized; petroleum products, in containers, from Tulsa, Okla., to Sedalia, Aurora, and Longmont, Colo., with no transportation for compensation on return except as otherwise authorized. From Ponca City and Enid, Okla., to Liberal, Oakley, La Crosse, Garden City, Meade, Satanta, Hugoton, and Great Bend, Kans., and points in that part of Colorado on and south of a line beginning at junction U.S. Highways 36 and 85, and extending along U.S. Highway 36 to junction unnumbered highway (formerly portion U.S. Highway 36), thence along unnumbered Highway through Watkins, Bennett, Strasburg, and Lyers, Colo., to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, and on and east of a line beginning at junction U.S. Highways 36 and 85 and extending along U.S. Highway 85 to junction unnumbered highway (formerly portion U.S. Highway 85), thence along unnumbered highway through Walsenburg, Colo., to junction U.S. Highway 85, thence along U.S. Highway 85 to junction unnumbered highway (fomerly portion U.S. Highway 85), thence along unnumbered highway through Aguilar, Colo., to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line, with no transportation for compensation on return except as otherwise authorized, with restrictions; frozen fruits, frozen berries, and frozen vegetables, from Watsonville, Calif., and points in Oregon, to Hutchinson, Kans., with no transportation for compensation on return except as otherwise authorized; frozen juices, from Portland, Oreg., to Hutchinson, Kans., with no transportation for compensation on return except as otherwise authorized; frozen potato products, from Portland and Ontario, Oreg., to Hutchinson, Kans., with no transportation for compensation on return except as otherwise authorized; and MC 118207 Sub-No. 4, pending, crude rubber (except in bulk), as a common carrier over irregular routes from points in Louisiana and Texas, to points in California and Oregon. Restriction: Restricted to traffic destined to the plant-sites and storage facilities utilized by AMF Voit, Inc. located in California and Oregon. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13273. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, of a portion of the operating rights of Hemingway Transport, Inc., 438 Dartmouth Street, New Bedford, Mass. 02740, and for acquisition by Consolidated Freightways, Inc., 601 California Street, San Francisco, Calif. 94108, of control of such rights through the purchase. Applicants' attorneys: Eugene T. Liipfert, 1660 L Street, N.W., Washington, D.C., 20036, and David G. Macdonal, 1000 Sixteenth Street, N.W., Washington, D.C., 20036. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes, between Roanoke, Virginia, and Winston-Salem, North Carolina, over U.S. Highway 220 to Madison, North Carolina, thence over U.S. Highway 311 to Winston-Salem, North Carolina, serving no intermediate points. Vendee is authorized to operate as a common carrier in all the States in the United States except Hawaii, Maine, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13274. Authority sought for control and merger by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401, of the operating rights and properties of Reliable Truck Lines, Inc., 716 South 37th Street, Birmingham, Ala., 35222, and for acquisition by R. R. Smith, P.O. Box 1000, Staunton, Va., 24401, of control of such rights through the transaction. Applicants' attorney: David G. Macdonald, 1000 Sixteenth Street, N.W., Washington, D.C., 20036. Operating rights sought to be controlled and merged: General Commodities, with exceptions as a common carrier over regular routes between Nashville, Tenn., and Tuscumbia, Ala., serving the intermediate points of Florence and Sheffield, Ala., and serving Russellville, Ala., and points in Lauderdale and Colbert Counties, Ala., as off-route points; between Memphis, Tenn., and Florence, Ala., serving Tuscumbia and Sheffield, Ala., as intermediate points, and serving Listerhill, Muscle Shoals, Russellville, and Wilson Dam, Ala., as off-route points restricted against the transportation of traffic between Memphis and Nashville, Tenn.; between the Tennessee-Alabama State line and Tuscumbia, Ala., serving the intermediate points of Huntsville, Scottsboro, and Athens, and point of junction U.S. Highway 72 with the Lauderdale County, Ala., line; between Huntsville, Ala., and Decature, Ala., serving no intermediate points; between Memphis, Tenn., and Birmingham, Ala., serving no intermediate points on the routes specified or at points in Arkansas and Mississippi located in the Memphis, Tenn., commercial zone, as defined by the Commission; between Memphis, Tenn., and Birmingham, Ala., as an alternate route for operating convenience only in connection with the regular-route authorized; between Sheffield, Ala., and Chattanooga, Tenn., serving no intermediate points other than those located between Sheffield and Scottsboro, Ala., including Scottsboro; between Sheffield, Ala., and Huntsville, Ala., serving all intermediate points; between Huntsville, Ala., and Fayetteville, Tenn., serving no intermediate points, restricted against the transportation of traffic moving between Fayetteville and Nashville, Tenn.; between Nashville, Tenn., and Huntsville, Ala., serving no intermediate points; the operations authorized in Sub 10 are restricted against the transportation of traffic moving between Nashville and Chattanooga, Tenn.; between Birmingham, Ala., and Chattanooga, Tenn., serving the intermediate points of Gadsden and Attalla, Ala.; between Atlanta, Ga., and Tupelo, Miss., serving:

(a) As intermediate and off-route points, all points on and within a line beginning at Dallas, Ga., and the junction of Georgia Highway 92 Spur and U.S. Highway 278 and extending over Georgia Highway 92 Spur to junction Georgia Highway 92, thence over Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga., thence over Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga., thence, over Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga., thence over Georgia Highway 81 to junction Georgia Highway 29 near Loganville, Ga., thence over Georgia Highway 29 to junction Georgia Highway 120, thence over Georgia Highway 120 to Alpharetta, Ga., thence over an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Park, Ga., thence over Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga., thence over Georgia Highway 92 to the point of beginning, restricted against the transportation of shipments between Atlanta, on the one hand, and, on the other, points in the above-described area which either originated,

terminate or are interlined at Atlanta, (49 CFR 1100.247) and include a concise

and District of Columbia; (9) Between

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terminate or are interlined at Atlanta, (b) serving all intermediate points in Mississippi, (c) serving all points in the following Mississippi counties as off-route points: Chickasaw, Choctaw, Clay, Itawamba, Lowndes, Moxubee, Monroe, Oktibbeha, Pontotoc, Union, Webster, and Winston Counties, Miss., (d) serving the plantsite of Blue Bell, Inc., near Tupelo, Miss., (e) serving Guin, Ala., for purposes of joinder only, and (f) serving no other intermediate points on the above-described route, except as noted: between Guin, Ala., and Tupelo, Miss., serving all intermediate points in Miss., serving Guin, Ala., for purposes of joinder only, and serving no other intermediate points; between Birmingham, Ala., and Tupelo, Miss., serving all intermediate points in Miss., serving all points in Chickasaw, Choctaw, Clay, Itawamba, Lowndes, Moxubee, Monroe, Oktibbeha, Pontotoc, Union, Webster, and Winston Counties, Miss., as off-route points, and serving no intermediate points in Ala.; between Tuscumbia, Ala., and Tupelo, Miss., serving all intermediate points in Miss., and serving no other intermediate points; the authority granted in Sub 12 may not be joined with or tacked to any other authority held by the carrier for the purpose of performing a through service between the following points:

(a) Between Memphis, Tenn., and points in Memphis, Tenn., commercial zone, on the one hand, and on the other, points in Mississippi and Georgia, (b) between Nashville, Tenn., on the one hand, and, on the other, points in Georgia, (c) between points in Alabama and points in Georgia, and (d) between Atlanta, on the one hand, and, on the other, Birmingham, Ala., and points within its commercial zone. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDING

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2366 (Sub-No. 6), filed July 1, 1977. Applicant: WILLIAM CORBITT, INC., 129 Davidson Ave., Somerset, N.J. 08873. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular-routes, transporting: *Such commodities* which, because of weight or size require the use of special equipment, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the Dist. of Columbia.

NOTE.—The purpose of this application is to eliminate the Gateway of Rochester, N.Y. and is directly related to a Section 5(2) Finance Proceeding docketed at MC–F–13267. If the hearing is deemed necessary the applicant requests that it be held at New York City or Syracuse, N.Y. Notice of the related finance proceeding appears in a prior section of this FEDERAL REGISTER issue.

No. MC 31462 (Sub-No. 24), filed July 5, 1977. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, Texas 75146. Applicant's representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *Household Goods* as defined by the Commission, between points in: (1) Between points in Alabama, on the one hand, and, on the other, points in Delaware and Virginia; (2) Between points in Arizona, on the one hand, and, on the other, points in Delaware and Virginia; (3) Between points in Colorado, on the one hand, and, on the other, points in Delaware and Maryland; (4) Between points in Connecticut, on the one hand, and, on the other, points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia; (5) Between points in the District of Columbia, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont; (6) Between points in Florida, on the one hand, and, on the other, points in Connecticut, Delaware, and the District of Columbia; (7) Between points in Georgia, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, North Carolina, South Carolina, and Virginia; (8) Between points in Illinois, on the one hand, and, on the other, points in Connecticut, Delaware, and District of Columbia; (9) Between points in Indiana, on the one hand, and, on the other, points in Conecticut, Delaware, District of Columbia and Illinois; (10) Between points in Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, and Indiana; (11) Between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, and Indiana; (12) Between points in Maine, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and Virginia; (13) Between points in Maryland, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont; (14) Between points in Massachusetts, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia; (15) Between points in Michigan, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, and Ohio; (16) Between points in Minnesota, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, and Minnesota.

(17) Between points in Mississippi, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, North Carolina, South Carolina, and Virginia; (18) Between points in Missouri, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan; (19) Between points in Nebraska, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, and Michigan; (20) Between points in New Hampshire, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia; (21) Between points in New Jersey, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, New York, Vermont, Virginia, and West Virginia; (22) Between points in New York, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, Pennsylvania, Vermont, Virginia, and West Virginia; (23) Between points in North Carolina, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Pennsylvania, Vermont, Virginia, and West Virginia; (24) Between points in North Dakota, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, and

North Carolina; (25) Between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, and Vermont; (26) Between points in Oklahoma, on the one hand, and, on the other points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, and Ohio; (27) Between points in Pennsylvania, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, New Jersey, South Carolina, Vermont, Virginia, West Virginia; (28) Between points in South Carolina, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Vermont, Virginia, and West Virginia; (29) Between points in South Dakota, on the one hand, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and South Carolina; (30) Between the points in Tennessee, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and South Carolina; (31) Between the points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and South Carolina.

(32) Between points in Vermont, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, Virginia and West Virginia; (33) Between points in Virginia, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Maryland, Michigan, Ohio, and West Virginia; (34) Between points in West Virginia, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Michigan, and Ohio; (35) Between those points in Montana on and east of a line beginning at the International Boundary line between the United States and Canada, and extending along the western boundaries of Hill, Choutleau, Judith Basin, Wheatland, Golden Valley, and Stillwater Counties, Mont. to the intersection with Interstate Highway 90, thence along Interstate Highway 90 to intersection U.S. Highway 310, and thence along U.S. Highway 310 to the Montana-Wyoming State Boundary line, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, and the District of Columbia.

NOTE.—This application is directly related to a Purchase Application by Paramount Movers, Inc. of the operating authority of Econo Movers, Inc., by which Purchase Application Paramount is purchasing Certificate of Public Convenience and Necessity No. MC–119068 and various subs thereto. Basically, this is a gateway elimination application. If a hearing is deemed necessary, applicant requests that it be held in Dallas, Texas, however, modified procedure is requested. Although applicant states that this request for authority is basically a gateway elimination some portions of the request extend beyond a mere gateway elimination. Notice of the directly related finance proceeding in MC–F–13235 appears in a prior section of this FEDERAL REGISTER issue.

No. MC 121586 (Sub-No. 2), filed June 29, 1977. Applicant: KRUSE TRANSPORTATION COMPANY, INC., 723 South 12th Street, Omaha, Nebr. 68102. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of *General Commodities* (except those requiring special equipment), over irregular routes, (1) Between points in Cass, Sarpy, Saunders, Dodge, Washington, and Douglas Counties, Nebraska, on the one hand, and, on the other, Omaha, Nebraska; and From points in Cass, Sarpy, Saunders, Dodge, Washington, and Douglas Counties, Nebraska, to points in Nebraska on and east of U.S. Highway 183. (2) Between Omaha, Nebraska, on the one hand, and, on the other, points in Otoe, Lancaster, Seward, Cass, Sarpy, Saunders, Butler, Platte, Colfax, Dodge, Washington, Douglas, Cuming, and Burt Counties, Nebraska.

NOTE.—This is a matter directly related to a finance proceeding in MC–F–13153 which was noticed in the FEDERAL REGISTER issue of March 24, 1977. If a hearing is deemed necesary, applicant requests it be held at Phoenix, Ariz.

No. MC 143308, filed May 31, 1977. Applicant: MAGAZINE DISTRIBUTORS OF CALIFORNIA, INC., 501 N. Brookhurst, Suite 100, Anaheim, California 92801. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Printed matter, books, magazines, and periodicals; newspaper or magazine display racks; and iron or steel wire, (1) between points in Los Angeles, California, including that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the City of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U.S. Highway 66 to State Highway No. 19; southerly along State Highway No. 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to State Highway No. 26; westerly along State Highway No. 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning; (2) Between Los Angeles, California, on the one hand, and, on the other, Bakersfield, Fresno, Merced, Modesto, Oakland, Ontraio, Pomona, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Mateo, Santa Ana, Santa Barbara, Santa Maria, Stockton, Tulare, Ventura, Visalia, and Whittier, California. The purpose of this application is to seek a Certificate of Public Convenience and Necessity in lieu of Certificate of Registration MC 120706, Sub 1, held by General Trucking Service, which Certificate of Registration will be canceled upon the merger of General Trucking Service into Magazine Distributors of California, Inc., all pursuant to authority sought in the Section 5 Finance Application filed simultaneously herewith by Leaseway Transportation Corp. and Magazine Distributors of California, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C. This filing is directly related to an application docketed at MC–F–13240 which is noticed in a preceding section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules, Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 13027 (Deviation No. 1), SHORT WAY LINES, INC., 900 W. Central Ave., Toledo, Ohio 43610, filed June 14, 1977. Carrier's representative: Arthur

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Wagner, 600 Madison Ave., New York, N.Y. 10022. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 75 to new Interstate Highway 275, north of Monroe, Mich., thence over Interstate Highway 275 to junction Interstate Highway 94, thence over Interstate Highway 94 to turnoff for Willow Run Airport and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Toledo, Ohio over Interstate Highway 75 to Summit Street turnoff from Expressway, thence over connecting road to U.S. Highway 24A, thence over U.S. Highway 24A via Erie, Mich., to junction U.S. Highway 25, thence over U.S. Highway 25 via Monroe, Mich., to junction U.S. Highway 24, thence over U.S. Highway 24 and U.S. Highway 24 to Huron River Road in Flat Rock, Mich., thence over Huron River Road to Middlebelt Road, thence over Middlebelt Road to Wick Road (entrance road to Detroit Metropolitan Airport), thence over Wick Road and Airport property to Detroit Metropolitan Air Passenger Terminal or Terminals, thence exit from Airport property on Merriman Road to Detroit Industrial Expressway (Interstate Highway 94), thence over Interstate Highway 94 to turnoff for Willow Run Airport, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57092 filed February 17, 1977. Applicant: KEEP ON TRUCKING COMPANY, INC., 607 West B St., Wilmington, Calif. 90744. Applicant's representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway *common carrier*, as follows: Transportation of *General commodities* (except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) articles of extraordinary value; and (i) automobiles, trucks, busses, and trailer coaches and campers.) 1. Between all points and places in the Los Angeles Basin Territory, as described in Note A, on the one hand, and, on the other hand, all points and places in the San Francisco Territory, as described in Note B. 2. Between points in the San Francisco Territory and the Los Angeles Basin Territory, on the one hand, and, on the other hand, points on and within 15 miles of points on the following highways: (a) U.S. Highway 101 between Los Angeles and San Francisco; (b) Interstate Highway 5 and 580 between Los Angeles and Oakland; (c) State Highway 99 between Wheeler Ridge and Modesto; and (d) State Highway 132 between Modesto and Interstate Highway 580. 3. In performing the service, applicant may also make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of such service.

4. Service shall be limited to shipments having a minimum weight of 10,000 pounds or which shall be billed at charges no less than those applicable to shipments of at least 10,000 pounds. Note A. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Ave.; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Rd. (State Highway 38); westerly along Mill Creek Rd. to Bryant St.; southerly along Bryant St.; to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Rd.; westerly along Barton Rd.; to La Cadena Drive; southerly along La Cadena Drive to Iowa Ave.; southerly along Iowa Ave.; to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Rd.; easterly along Nuevo Rd. via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Rd.; southerly along Washington Rd. through and including the unincorporated community of Winchester to Benton Rd.; westerly along Benton Rd. to Winchester Rd. (State Highway 79) to Jefferson Ave.; southerly along Jefferson Ave.; to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line;

Southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Note B San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Rd.; southeasterly along the Southern Pacific Company right-of-way to Pollard Rd. including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Rd. to W. Parr Ave.; easterly along W. Parr Ave. to Capri Drive; southerly along Capri Drive to Division St.; easterly along Division St. to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Ave. (formerly San Jose-Los Gatos Rd.); northeasterly along South Bascom Ave. to Foxworthy Ave.; easterly along Foxworthy Ave. to Almaden Rd.; southerly along Almaden Rd. to Hillsdale Ave.; easterly along Hillsdale Ave. to State Highway 32; northwesterly along State Highway 82 to Tully Rd.; northeasterly along Tully Rd. and the prolongation thereof to White Rd.; northwesterly along White Rd. to McKee Rd.; southwesterly along McKee Rd. to Capitol Ave.; northwesterly along Capitol Ave. to State Highway 238 (Oakland Rd.); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Ave.; easterly along Seminary Ave. to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Ave.

Northerly along College Ave. to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Ave.; northerly along Euclid Ave. to Marin Ave.; westerly along Marin Ave. to Arlington Ave., northerly along Arlington Ave. to San Pablo Ave. (State Highway 123); northerly along San Pablo Ave. to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market St.; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Ave., San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 26, 949, M, Route No. 2078, filed June 16, 1977. Applicant: KEIM TRANSPORTATION, INC., 420 N. 6th, RFD 2, Box 10, Sabetha, Kans. 66534. Applicant's representative: Clyde N. Christey, Suite 514, Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Building materials*, between the plantsite and/or storage facility of Georgia-Pacific Corporation, Gypsum Division, located at or near Blue Rapids, Kans., on the one hand, and Kansas City, Kans., on the other. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for September 1, 1977, at Topeka, Kans., State Office Building, 4th floor, commencing at 10 a.m. on Thursday, September 1, 1977. Requests for procedural information should be addressed to the Kansas State Corporation Commission, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23790 (Sub-No. 3), filed June 22, 1977. Applicant: C AND P TRANSPORTATION INC., 47 N. Rockford Avenue, Tulsa, Okla. 74120. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate as a *common carrier*, by motor vericle, over regular routes, in the transportation of *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving points over the routes as follows: 1. Between Tulsa, Oklahoma and La Barge, Oklahoma, serving all intermediate points: From Tulsa via State Highway 33 to its junction with U.S. Highway 69, thence via U.S. Highway 69 to La Barge, and return via the same route. 2. Between Tulsa, Oklahoma and La Barge, Oklahoma, serving no intermediate points: From Tulsa via State Highway 51 to its junction with U.S. Highway 69, thence via U.S. Highway 69 to La Barge, and return via the same route. 3. Between Tulsa, Oklahoma and Pryor, Oklahoma, serving all intermediate points and the off-route points of Boatman, Oklahoma and the Mid-America Industrial District (near Pryor, Oklahoma): From Tulsa via State Highway 33 to its junction with U.S. Highway 69, thence via U.S. Highway 69, to Pryor and return via the same route.

4. Between Tusla, Oklahoma and the Oklahoma-Kansas State Boundary line serving the intermediate points of Ponca City and Newkirk, Oklahoma: From Tulsa via U.S. Highway 64 to its junction with the Cimarron Turnpike, thence via the Cimarron Turnpike, to its junction with U.S. Highway 177, thence via U.S. Highway 177 to its junction with U.S. Highway 77, thence via U.S. Highway 77 to the Oklahoma-Kansas State Boundary line, and return via the same route. 5. Between Tulsa, Oklahoma and the Oklahoma-Kansas State Boundary line, serving the intermediate points of Pawhuska, Burbank and Ponca City, Oklahoma and the off-route points of Tonkawa, Blackwell, and Braman, Oklahoma: From Tulsa via U.S. Highway 75, to its junction with State Highway 20, thence via State Highway 20 to its junction with State Highway 11, thence via State Highway 11 to its junction with U.S. Highway 60, thence via U.S. Highway 60 to its junction with Interstate Highway 35, thence via Interstate Highway 35 to the Oklahoma-Kansas State Boundary line, and return via the same route. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place set for September 13th and 14th, 1977, 9 a.m., 2nd floor, Jim Thorpe Office Bldg., Oklahoma City, Okla. 73105. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20149 Filed 7-13-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

[M–32]

JULY 8, 1977.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 15, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted by Notation.[1]

2. Docket 28915, Complaint of the City of Youngstown, Ohio regarding adequacy of service provided by Allegheny Airlines, Inc., Docket 28944, Application of Allegheny Airlines to delete Youngstown, Ohio and Docket 29085, Application of Allegheny Airlines for temporary suspension of service at Youngstown, Ohio.

3. Docket 30857, Application of Meridian Air Cargo, Inc. for an emergency exemption pursuant to Section 416(b) of the Federal Aviation Act to operate two CV–600 aircraft in scheduled all cargo service between Memphis and both Chicago and Detroit.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202–673–5068).

[S–872–77 Filed 7–11–77; 5:02 pm]

2

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: July 20, 1977, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111–18th St., NW., Washington, D.C.

STATUS: Open.

MATTER TO BE DISCUSSED:

9:30 A.M.—OPEN TO THE PUBLIC

1. *Repurchase under FHSA.* The Office of the General Counsel will brief the Commission on issues resulting from the hearing and subsequent written comments on the subject of the repurchase requirements under the Federal Hazardous Substances Act.

2. *Indemnification.* The Office of General Counsel, Office of Strategic Planning, and Office of Congressional Relations will brief the Commission on issues concerning indemnification of manufacturers whose products are declared banned hazardous substances under the Federal Hazardous Substances Act. The issue of indemnification relative to the Tris ban will be discussed.

2 P.M.—OPEN TO THE PUBLIC

American Textile Manufacturers Institute to discuss apparel-related burn injury data.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th St., NW., Suite 300, Washington, D.C. 20207 telephone 202–634–7700

[S–867–77 Filed 7–11–77; 2:31 pm]

3

CONSUMER PRODUCT SAFETY COMMISSION:

TIME AND DATE: July 21, 1977, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

9:30 A.M.—OPEN TO THE PUBLIC

1. *Asbestos.* The Commission will consider a draft banning rule for certain asbestos-containing product. Consideration will include disposal instructions for consumers who have fireplace ash containing asbestos in their home.

2. *Sharp Points Toy Regulation.* The Commission will consider a draft FEDERAL REGISTER document proposing a regulation establishing technical requirements for identifying sharp points on toys and other articles intended for use by children.

3. *Petition on Belt-driven Grinders, CP 77–2.* The Commission will consider this petition submitted by Wissota Manufacturing Co., to require a safety standard for belt-driven grinders.

4. *Petition on Hunting Arrowheads, HP 76–12.* The Commission will consider this petition submitted by Mr. William Cotter to require labeling and/or age limit sales restrictions for hunting arrowheads.

5. *Possible Substantial Product Hazard. Maple Wood Products, Co., Inc., ID 77–21, and Milton Bradley Co., ID 77–26.* In these two cases, involving wooden swing sets and educational playthings which were coated with paint containing excessive amounts of lead, the staff has recommended that the Commission close the cases under the Consumer Product Safety Act since the matters can be handled under the Federal Hazardous Substances Act.

6. *Possible Substantial Product Hazard: May Department Stores Co., ID 77–42.* In this case, involving possible defects in the May Company's Pegasus 10 speed bicycles, the staff has recommended that the Commission close this case under the Consumer Product Safety Act since the matter is subject to the Commission's bicycle safety regulation under the Federal Hazardous Substances Act.

7. *Petition for exemption from Childrens's Sleepwear Standards Laundering Requirement (FP 75–7).* The Man-Made Fiber Producers Association has requested an exemption from the production unit laundering requirements of the two children's sleepwear standards (Sizes 0–6X and 7–14) for flame resistant acetate in which flame retardants are incorporated into the fiber during production rather than topically applied. The petition asks that the exemption apply after the items have passed an initial fabric production test.

8. *Petition for exemption from the Standard for the Flammability of Mattresses (FP 76–3).* In this petition, Joe's Mattress and Upholstering Company requests that the Commission define a "one-of-a-kind" mattress in a manner that would exclude from testing under the mattress standard a variety of mattresses manufactured by the petitioner.

CONTACT PERSON FOR MORE INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street, NW., Suite 300, Washington, D.C. 20207, telephone (202–634–7700).

[S–868–77 Filed 7–11–77; 2:31 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue, NW., Washington, D.C. 20428) following the meeting.

4

FEDERAL MARITIME COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 35271, July 8, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: July 13, 1977—10:00 a.m.

CHANGES IN THE MEETING: Addition of the following items to the open session:

12. Agreement No. 10038–2, between Moore-McCormack Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration.

13. Agreement No. 10039–3, between Delta Steamship Lines, Inc. and Empresa Lineas Maritimas Argentinas; modification of a cargo revenue pooling, sailing and equal access to government-controlled cargo agreement—Petition for reconsideration.

[S–875–77 Filed 7–12–77; 9:39 am]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: July 20, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9214–21, modification of the North Atlantic Continental Freight Conference—Agreement to Allow Substituted Service of Specified Ports.

2. Agreement No. 9876–2, modification of the Associated Latin American Freight Conference Agreement to Allow it to Enter Other Agreements as a Single Party.

3. Agreement No. 50DR–3, petition of the Pacific Coast-Australasian Tariff Bureau to Change Application of Item 875—"Electrical Supplies" from a Tariff Rate to a Contract/Non-Contract Rate.

4. Docket No. 76–45: Eastern Cement Corporation v. Port of Palm Beach District, Possible Violation of Section 15, Shipping Act, 1916.

5. Docket No. 77–8, Hawaiian Marine Lines, Inc., Proportional Rates on Lumber Between Oregon and Hawaii. Cancellation of Rates Subject to Investigation.

Portions closed to the public: 1. Sea-Land Service, Inc., new provisions and rates for the movement of Government cargo between U.S. North and South Atlantic Ports and Ports in Puerto Rico.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202–523–5727).

[S–880–77 Filed 7–12–77; 11:42 am]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, July 19, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *Nonadjudicative matters.* (1) Approval of minutes of nonadjudicative matters considered at meeting of July 12, 1977.

(2) Consideration of proposed (nonpublic) Part II matter and accompanying investigational resolution.

Adjudicative matters under Part 3 of the rules of practice. The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information 202–523–3830; Recorded Message 202–523–3806.

[S–876–77 Filed 7–12–77; 11:03 am]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, July 20, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Consideration of Commission policy regarding the retention of rough notes of witness interviews.

(2) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message 202–523–3806.

[S–877–77 Filed 7–12–77; 11:03 am]

8

HARRY S TRUMAN SCHOLARSHIP FOUNDATION.

TIME AND DATE: 10 a.m., Monday, July 18, 1977.

PLACE: Board Room, 712 Jackson Place NW., Washington, D.C.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public: July 18, 1977, 10 a.m.—Discussion of definition of the Foundation's fiscal year. Discussion of the Foundation's budget and finances.

Portion closed to the public: July 18, 1977, 11 a.m.—Staffing and employment patterns.

Portions open to the public: July 18, 1977; immediately following closed meeting—Adoption of the Foundation's proposed budget for fiscal year 1978. Adoption of amendments to Foundation's program regulations.

CONTACT PERSON FOR MORE INFORMATION:

Dr. Ralph N. Malvik, Deputy Executive Secretary, Telephone 202–395–4831.

ROBERT E. CLEARY,
Executive Secretary.

[S–873–77 Filed 7–11–77; 5:02 pm]

9

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., July 20, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Docket 144, *Pillager Bands of Chippewa Indians in the State of Minnesota.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, Tel. 202–653–6184.

[S–869–77 Filed 7–11–77; 2:59 pm]

10

[USITC SE–77–44]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., July 21, 1977.

PLACE: Room 117.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Reorganization.
2. Agenda.
3. Watches report (see Commissioner Bedell's memorandum).
4. Petitions and complaints (if necessary): High carbon ferrochrome.
5. Fuel efficiency incentive tax proposal (Inv. 332–86)—consideration of the report (if necessary).
6. Discussion of the status of the Production Division.
7. Any items left over from previous agenda.

PORTION CLOSED TO THE PUBLIC:
1. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202–523–0161).

[S–874–77 Filed 7–11–77; 5:02 pm]

11

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, July 21, 1977 (NM–77–21).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

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STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed NTSB policy on participation in international aircraft investigations.

2. *Railroad accident report.* Collision of Norfolk and Western freight trains, New Haven, Indiana, October 19, 1976.

3. *Railroad accident report.* Rear end collision of two Greater Cleveland Regional Transit Authority trains, Cleveland, Ohio, August 18, 1976.

4. Recommendation to USCG re collision of SS *Marine Floridian* with the Benjamin Harris Bridge, Hopewell, Virginia, February 24, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202–755–4930).

[S–870–77 Filed 7–11–77;5:02 pm]

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: Immediately following open meeting, Thursday, July 21, 1977 (NM–77–22).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. *Order. Administrator* v. *Jones,* Dkt. SE–2710.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202–755–4930).

[S–871–77 Filed 7–11–77;5:02 pm]

13

NUCLEAR REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Not Published as of July 11,1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, July 14, 10 a.m.

CHANGES IN THE MEETING: The following listed briefings (public briefings) are cancelled and will be rescheduled at a later date:

1. Follow-on briefing on fiscal year 1979 zero-base budgeting.

2. Briefing on agency-wide objectives—NRC management and decision making.

3. Briefing on alternate means to address need for baseload facility.

Dated: July 11, 1977.

THOMAS R. COMBS,
Office of the Secretary.

[S–878–77 Filed 7–12–77;11:42 am]

14

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, July 19, 1977 at 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matter 1 is open to the public. Matters 2 and 3 are closed to the public. Status is not applicable to matters 4 and 5.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held July 12, 1977, and other Board meetings, if any.

2. Court of Claims cases: Instrument Systems Corp. and Harold Beck, SII to Dixie Bedding Co. v. the United States Court of Claims, Nos. 338–73 and 339–73, fiscal years ended July 31, 1967, and 1968.

3. Republic Corporation, fiscal year ended October 31, 1969.

4. Approval of agenda for meeting to be held August 2, 1977.

5. Approval of agenda for other meetings.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, 2000 M Street NW., Washington, D.C. 10446 (202–254–8277).

Dated: July 11, 1977.

GOODWIN CHASE,
Chairman.

[S–866–77 Filed 7–11–77;2:32 pm]

15

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 18, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, July 19, 1977 at 2 p.m. and on Thursday, July 21, 1977 at 10 a.m. Open meetings will be held on Wednesday, July 20, 1977 at 10 a.m. and at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 19, 1977 will be:

Formal orders of investigation.
Institution of administrative proceedings.
Referral of investigative files to Federal, State or Self regulatory authorities.
Affirmation of duty officer action regarding institution of formal order of investigation.
Amendment of formal order of investigation.
Request to purchase a copy of transcript.
Authorization of staff member to testify in civil action.
Affirmation of duty officer action regarding assertion of governmental privilege with respect to testimony by staff members.
Affirmation of duty officers' action with respect to subpoena.
Freedom of Information Act Appeals.
Consideration of the issuance of a report of investigation.

The subject matter of the open meeting at 10 a.m. will be:

1. Consideration of the issuance of a notice giving interested persons an opportunity to request a hearing on an application by the Liquidating Agent for Foundation Investment Corporation for an order exempting the corporation from certain registration, reporting, and proxy soliciting requirements.

2. Consideration of an application by Skyline Oil Company for an order exempting the company from certain reporting requirements.

3. Consideration of the adoption of proposed Schedule 14D–1 which relates to disclosure required by bidders in connection with certain tender offers and the amendment of current Rule 14d–1 to facilitate the change-over to the new schedule.

4. Consideration of the issuance of a notice giving interested persons an opportunity to request a hearing on applications of Hartford Variable Life Insurance Company ("HVA"), HVA–QP Variable Account, HVA–DC–VA Account I, HVA–DC–VA Account II, Hartford Fund, Inc., and Axe Securities Corporation. These applications relate to proposed agreements for maintenance and preservation of records and certain exemptive relief under the Investment Advisers Act.

5. Consideration of the proposed adoption of Form SECO–77 which establishes SECO assessments for fiscal year 1977.

6. Consideration of a Petition for Rulemaking requesting an amendment to Rule 15c3–2 under the Securities Exchange Act of 1934. The petition requests that the Commission require broker-dealers to submit to customers the proceeds of each transaction unless specifically authorized by the customer to retain such proceeds.

7. Consideration of a request by the Anti-Trust Division of the Department of Justice for tabular compilations of

information contained in broker-dealer reports of revenues and expenses.

The subject matter of the open meeting scheduled for Wednesday, July 20, 1977, at 2:30 p.m. will be:

1. Review of current activities of the National Association of Securities Dealers, Inc. including the Nasdaq System, Composite Quotation System, Nasdaq Options Program, allocation of functions among self-regulators, and related matters.

The subject matter of the closed meeting scheduled for Thursday, July 21, 1977 will be:

Institution of injunctive actions.
Institution of administrative proceedings.
Settlement of administrative proceedings.
Simultaneous institution and settlement of injunctive actions and/or administrative proceedings.
Referral of investigative files to Federal, State or Self regulatory authorities.
Application for re-entry into securities business.

FOR FURTHER INFORMATION CONTACT:

Willie M. Alexander at (202) 376–7474 or John P. Sweeney at (202) 376–8003.

JULY 12, 1977.

[S–879–77 Filed 7–12–77;3:15 pm]

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federal register

THURSDAY, JULY 14, 1977
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

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PROPOSED FLOOD ELEVATION DETERMINATIONS

Various Communities

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DEPARTMENT OF HOUSING AND

on its own, or pursuant to policies established by other Federal, State, or re-

at the City Hall, 206 North Washington Street, Marysville, Kansas.

[24 CFR Part 1917]

tities. These proposed elevations will also

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3127]

TOWN OF COLD SPRING, CATTARAUGUS COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Cold Spring, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Cold Spring Town Hall, Lebanon Road, Steamburg, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Juanita Brooks, Town Clerk of Cold Spring, P.O. Box 66, Steamburg, New York 14783.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Cold Spring, Cattaraugus County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Cold Spring Creek tributary.	300 ft upstream from Allegany Indian reservation.	1,338
	Downstream Arrance Rd.	1,390
	Upstream Arrance Rd.	1,392
	May Rd.	1,393
	Con Rail	1,396
	Lebanon Rd.	1,393
	Farm lane (990 ft U.S. Lebanon Rd.).	1,408
	Farm lane (2,050 ft U.S. Lebanon Rd.).	1,417

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19738 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3126]

CITY OF MARQUETTE, McPHERSON COUNTY, KANSAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Marquette, McPherson County, Kansas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 206 North Washington Street, Marquette, Kansas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable LaRue Olson, Mayor of Marquette, Box 401, Marquette, Kansas 67464.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Marquette, McPherson County, Kansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Smoky Hill River..	Downstream corporate limit.	1,376
	Washington St. (upstream).	1,377
	Upstream corporate limit.	1,378
Smoky Hill River tributary No. 1.	2d St.	1,378
	3d St.	1,382
	4th St. (extended).	1,386
	Upstream of 5th St. (extended).	1,389

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19739 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3125]

CITY OF AURORA, ARAPAHOE COUNTY, COLORADO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in The City of Aurora, Arapahoe County, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Engineering Department, City Hall, 1470 South Havana, Building 2, second floor, Aurora, Colorado.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Fred H. Hood, Mayor, City of Aurora, City Hall, 1470 South Havana, Aurora, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office or Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Aurora, Arapahoe County, Colorado in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek	At the downstream face of Peoria St.	5,310
	At the downstream face of I–225.	5,340
	At the downstream face of Sable Blvd.	5,351
	At the downstream face of Chambers Rd.	5,368
	At the downstream face of Colfax Ave.	5,426
	3,000 ft upstream from Colfax Ave.	5,436
	8,000 ft upstream from Colfax Ave.	5,457
	At the corporate limit.	5,488
Toll Gate Creek	At the confluence with Sand Creek.	5,319
	At the confluence with Sable ditch.	5,342
	At the downstream face of Potomac Street Bridge.	5,360
	At the downstream face of Colfax Avenue Bridge.	5,365
	At the downstream face of I–225.	5,380
	At the downstream face of 6th Ave.	5,400
	At the confluence with East and West Toll Gate Creeks.	5,408
West Toll Gate Creek.	At the confluence with East Toll Gate Creek.	5,408
	At the downstream face of Chambers Rd.	5,424
	At the East Branch Highline Canal.	5,440
	At the downstream face of drop structure.	5,455
	At the upstream face of drop structure.	5,460
	At the downstream face of drop structure.	5,466
	At the upstream face of drop structure.	5,478
	At the downstream face of East Mexico Ave.	5,498
	At the confluence with Cherry Creek.	5,508
	At the confluence with West Toll Gate Tributary.	5,522
	At the downstream face of Buckley Rd.	5,532
	At the downstream face of dirt road.	5,565
	3,600 ft upstream from dirt road.	5,572
	At the downstream face of East Hampden Ave.	5,606
	At the downstream face of East Quincy Ave.	5,653
East Toll Gate Creek.	1,600 ft upstream from confluence with West Toll Gate Creek.	5,410
	At the downstream face of Chambers Rd.	5,413
	At the downstream side of East Branch Highline Canal.	5,446
	At the upstream side of East Branch Highline Canal.	5,449
	1,200 ft upstream from East Branch Highline Canal.	5,460
	1,350 ft upstream from East Branch Highline Canal.	5,454
	6,350 ft upstream from East Branch Highline Canal.	5,471
	3,000 ft downstream from the east edge of sec. 16, T4S, R66W.	5,497
West Toll Gate tributary below Yale St.	At the upstream face of East Iliff St.	5,510
	100 ft upstream from Yale St.	5,571
	150 ft upstream from Hampton Ave.	5,647
	At the downstream face of dirt road.	5,657
	1,000 ft upstream from dirt road.	5,661
	At the downstream face of Quincy Ave.	5,704
Cherry Creek Spillway Drain.	500 ft upstream from confluence with West Toll Gate Creek.	5,510
	Downstream of drop structure.	5,531
	Upstream of drop structure.	5,536
	Downstream of drop structure.	5,540
	Upstream of drop structure.	5,545
	At the downstream face of Iliff Ave.	5,555
	Upstream of drop structure.	5,589
	Downstream of drop structure 60 ft from Yale Ave.	5,604
Unnamed creek	1,050 ft upstream from confluence with West Toll Gate Creek.	5,568
	2,500 ft upstream from confluence with West Toll Gate Creek.	5,578
Unnamed creek	At the downstream face of Flanders extension.	5,620
	At the downstream face of culvert.	5,628
Westerly Creek below Lowry Air Force Base.	At the corporate limits.	5,306
	700 ft downstream from East Montview Blvd.	5,306
	60 ft downstream from East Montview Blvd.	5,312
	At the downstream face of 17th Ave.	5,318
	At the downstream face of Alton St.	5,323
	380 ft downstream from Colfax Ave.	5,325
	At the downstream face of 14th Ave.	5,335
Westerly Creek above Lowry Air Force Base.	At the downstream face of Havana Street Bridge.	5,435
	540 ft upstream from Havana Street Bridge.	5,441
	1,350 ft upstream from Havana Street Bridge.	5,445
	260 ft downstream from pond A-B spillway.	5,460
	At the pond A-B spillway.	5,469
	280 ft downstream from Mississippi Ave.	5,469
Sable ditch	520 ft upsteam from I–225.	5,347
	60 ft downstream from Sable Blvd.	5,362
	At the downstream face of Eagle St.	5,376
	At the downstream face of Montview Blvd.	5,393
	420 ft upstream of Montview Blvd.	5,394
	At the downstream face of Chambers Rd.	5,404
	At the downstream face of Helena St.	5,409
	At the downstream face of 17th Ave.	5,413

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed creek	At the downstream face of Flanders extension.	5,620
	At the downstream face of culvert.	5,628
Westerly Creek below Lowry Air Force Base.	At the corporate limits.	5,306
	700 ft downstream from East Montview Blvd.	5,306
	60 ft downstream from East Montview Blvd.	5,312
	At the downstream face of 17th Ave.	5,318
	At the downstream face of Alton St.	5,323
	380 ft downstream from Colfax Ave.	5,325
	At the downstream face of 14th Ave.	5,335
Westerly Creek above Lowry Air Force Base.	At the downstream face of Havana Street Bridge.	5,435
	540 ft upstream from Havana Street Bridge.	5,441
	1,350 ft upstream from Havana Street Bridge.	5,445
	260 ft downstream from pond A-B spillway.	5,460
	At the pond A-B spillway.	5,469
	280 ft downstream from Mississippi Ave.	5,469
Sable ditch	520 ft upsteam from I–225.	5,347
	60 ft downstream from Sable Blvd.	5,362
	At the downstream face of Eagle St.	5,376
	At the downstream face of Montview Blvd.	5,393
	420 ft upstream of Montview Blvd.	5,394
	At the downstream face of Chambers Rd.	5,404
	At the downstream face of Helena St.	5,409
	At the downstream face of 17th Ave.	5,413

[24 CFR Part 1917]

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ACTION: Proposed rule.

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At the downstream face of Batavia Rd.	5,418
	At the downstream face of dirt road.	5,423
Granby ditch	At the downstream face of Billings St.	5,347
	At the downstream face of Evergreen St.	5,361
	At the downstream face of Colfax Ave.	5,387
	At the downstream face of 13th St.	5,407
	100 ft downstream from Highline Canal.	5,432
	From Highline Canal to 60 ft downstream from Laredo St.	5,415
Sable ditch over flow	At the confluence with Sand Creek.	5,311
	At the confluence with Sable ditch.	5,316

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19740 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3124]

Proposed Flood Elevation Determinations

CITY OF GROTON, BROWN COUNTY, SOUTH DAKOTA

AGENCY: Federal Insurance Administration, HUD

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood listed below for selected locations in the City of Groton, Brown County, South Dakota.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Auditor's Office, 209 North Main, Groton, South Dakota.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Edwin Nehls, 11 South Main, Groton, South Dakota 57445.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Groton, Brown County, South Dakota in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
West ditch	5th Ave.	1,302
	U.S. Highway 12	1,302
4th St. drainageway	6th St.	1,301
	U.S. Highway 12	1,301

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19741 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3123]

CITY OF PITTSFIELD, MASSACHUSETTS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for the City of Pittsfield, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River	Confluence with Sykes Brook.	969
	Holmes Rd.[1]	971
	Pomeroy Ave.[1]	972
	South St.[1]	974
Sackett Brook	Canoe Meadows Rd.	969
	New Lenox Rd.	984
Wampenum Brook	Mountain Dr.	1,034
	Penn Central RR.	972
	South St.	976
	South Mountain Rd., downstream cross ing.	1,016
	South Mountain Rd., upstream crossing.	1,043
East Branch	Pomeroy Ave.	974
	Dawes Ave.	980
	Elm St.	980
	Newell St.	981
	East St.	993
	Penn Central RR.	995
	Hubbard Ave.	1,007
	Government Dam	1,017
Brattle Brook	Grand Ave. (extension).	992
Unkamet Brook	Merrill Rd.	995
Barton Brook	Confluence with East Branch.	996
West Branch	Hubbard Ave.	1,011
	West Housatonic St. (Route 20).	977
	Penn Central RR	983
	West St.	995
	Columbus Ave.	997
	Wahconah St.	999
	Pontoosuc Ave.	1,004
	Commercial Rd.[1]	1,016
	Belair Dam[1]	1,037
	Tawonic Island Rd.	1,059
	Keeler Rd.	1,074
	Pontoosuc Lake Dam[1]	1,101
Onota Brook	Elmvale Pl.	1,003
	Pecks Rd (down stream crossing).	1,013
	Factory Rd.[1]	1,059
	Valentine Rd.[1]	1,068
	Onota Lake Dam[1]	1,081
Southwest Branch	Penn Central RR.[1]	984
	West Housatonic St., downstream crossing).	1,013
	Hungerford St.[1]	1,054
	Melbourne Rd.	1,101
	Cloverdale St.	1,110
	Richmond Pond Dam.	1,124
Wild Acres Brook	Confluence with Southwest Branch.	986
	Barker Rd.	1,061
Smith Brook	Penn Central RR.[1]	1,031
	Fort Hill Ave.	1,034
	West St.	1,067
Jacoby Creek	Hungerford St.	1,038
	Penn Central RR.[1]	1,071
Shaker Brook	Penn Central RR.	1,114
	Central Berkshire Blvd.	1,149
	West Housatonic St.	1,163

[1] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued:

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19742 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3140]

TOWN OF BLUEFIELD, TAZEWELL COUNTY, VIRGINIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Bluefield, Tazewell County, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, Bluefield, Virginia. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable James H. Jones, Mayor of Bluefield, Box 770, Bluefield, Virginia 24605.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Bluefield, Tazewell County, Virginia in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Bluestone River	Flinnstle Turnpike	2,343
	Hockman Pike	2,420
	Mountain View St. (extended).	2,412
	Riverview St. (extended).	2,406
	Montrose St.	2,382
	Highland Ave.	2,372
	Norfolk and Western RR.	2,364
Beaver Pond Creek	...do	2,374
	Tazewell Ave.	2,377
	Stockton St.	2,435
	College Ave. (Virginia Route 102)	2,393
Whitney Branch	College Ave.	2,377
	Ashton St.	2,389
	Virginia Ave.	2,384
	E) corporate limits.	2,421
Wrights Valley Creek	Norfolk and Western RR	2,387
	Corporate limits	2,[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19725 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3139]

CITY OF STOCKDALE, WILSON COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Stockdale, Wilson County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or

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[24 CFR Part 1917]

insurance premium rates for new build-

FOR FURTHER INFORMATION CON-

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remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Box 446, Stockdale, Texas. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Henry R. Detpman, Rt. 2, Stockdale, Texas 78160.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Stockdale, Wilson County, Texas in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stockdale Creek	Downstream corporate limits.	417
	U.S. Highway 87 (upstream span).	422
	Williams St.	423
	North 4th St.	426
	North 6th St.	428
	Confluence with south tributary Stockdale Creek.	429
	North 8th St.	[illegible]
	State Highway 123 (upstream side).	434
	Confluence with north branch Stockdale Creek.	[illegible]
	Upstream corporate limits.	445
South tributary Stockdale Creek.	Mouth at Stockdale Creek.	429
	Main St.	430
	Persons St.	433
	South 8th St. (upstream side).	435
	Magee St.—South 9th St. intersection.	437
	Sample St.	439
	State Highway 123.	441
	Upstream corporate limits.	459
North Branch Stockdale Creek.	Confluence with Stockdale Creek.	436
	Abandoned Southern Pacific R.R. (upstream side).	437
	Upstream corporate limits.	438

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD E. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77 19726 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3138]

CITY OF CORRY, ERIE COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Corry, Erie County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 100 South Center Street, Corry, Pennsylvania 16407. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Dr. Maryann Kibler, Mayor of Corry, City Hall, 100 South Center Street, Corry, Pennsylvania 16407.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Corry, Erie County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hare Creek	Downstream corporate limits.	1,391
	Shady Ave.	1,393
	Con Rail	1,395
	Scioto St.	1,397
	Meadow Lane (extended).	1,398
	Columbus Ave.	1,401
Russell Run	Confluence with Hare Creek.	1,396
	2,100 ft upstream from confluence.	1,400
	Columbus Ave.	1,420
Bear Creek	Wayne St.	1,402
	Wright St.	1,405
	Con Rail	1,412
	Mead Ave.	1,416

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19727 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3137]

BOROUGH OF PARRYVILLE, CARBON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Parryville, Carbon County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the first floor, Borough Hall, 213 Main Street, Parryville, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable James Bonser, Mayor of Parryville, Borough Hall, 213 Main Street, Parryville, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Palryville, Carbon County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Southeast corporate limits.	440
	Pennsylvania Turnpike (northeast extension).	442
	West corporate limits.	[illegible]
Pohopoco Creek	Main St.	430
	Pennsylvania Turnpike (northeast extension).	[illegible]
	Upstream corporate limits.	449

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77–19728 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3136]

CITY OF SUMTER, SUMTER COUNTY, S.C.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Sumter, Sumter County, South Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, in the Civic Center, Sumter City. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable W. M. Hodge, Mayor of Sumter, P.O. Box 1449, Sumter, South Carolina 29150.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Sumter, Sumter County, South Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turkey Creek	Fulton St.	137
	Boulevard St.	130
	Seaboard Coast Line R.R.	112
Green Swamp	McCrays Mill Rd.	135
	Oakland Ave.	138
	West Liberty St.	149
	Upstream Wise Dr.	153
Shot Pouch Creek	Haynsworth St.	147
	Picks St.	159
	Upstream corporate limit.	171
Powder Horn Canal.	Community St.	157
	Willis Ave.	165
Tributary S–1	Rast St.	162
Heathleywood Canal.	Paisley Park Rd.	155
	Alice Dr.	177
Mile Branch	Phifer St.	152
	Lafayette Blvd.	162

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19729 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

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Issued: May 3, 1977.

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[24 CFR Part 1917]

[Docket No. FI-3135]

TOWN OF WILMINGTON, WINDHAM COUNTY, VT.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Wilmington, Windham County, Vermont. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Manager's Office, corner of Route 100 and Route 9, Wilmington, Vermont. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Jean F. Canady, Chairman, Board of Selectmen, Town Office Building, corner of Route 100 and Route 9, Wilmington, Vermont.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Wilmington, Windham County, Vermont, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deerfield River	At Harriman Reservoir.	1,497
	At downstream face of Town Road 31 Bridge.	1,510
	1,320 ft upstream of Town Road 31.	1,524
North Branch Deerfield River	At Harriman Reservoir.	1,497
	3,500 ft downstream of State Route 9.	1,499
	At downstream face State Route 9 Bridge.	1,512
	At State Route 100.	1,535
	Higley Hill Rd.	1,557
	East Dover Rd.	1,575
	2,500 ft upstream from East Dover Road Bridge.	1,590
Binney Brook	At State Route 9	1,498
	1,000 ft upstream from State Route 9 Bridge.	1,505
	At breached Binney Brook Dam.	1,537
	50 ft downstream of East Brook Rd.	1,566
	At East Brook Rd	1,578
	1,350 upstream from East Brook Rd.	1,600
Beaver Brook	At Town Highway 33 1st crossing of State Route 9.	1,511
	At White Rd	1,533
	At crossing of State Route 9 East of State Route 8.	1,568
	450 ft downstream from 3rd State Route 9 crossing.	1,624
	35 ft downstream from road culvert west of Lake Raponda Rd.	1,767
	60 ft downstream from Lake Raponda Rd.	1,778
	5th crossing of State Route 9.	1,832
Cold Brook	80 ft upstream from State Route 100.	1,557
	At Wellham Rd.	1,643
	50 ft downstream from Brook pasture Rd.	1,672
	1,060 upstream from Brook Pasture Rd. at gravel pit.	1,681
	At downstream side of Handle Rd.	1,740
	750 downstream from Haystack Mountain Rd.	1,763
Bill Brook	230 ft upstream from North Branch Deerfield River.	1,567
	At downstream face of Town Highway 16 Bridge.	1,600
	At upstream face of Town Highway 16 Bridge.	1,609
	At downstream side of Highley Hill Rd.	1,641
Ellis Brook	At North Branch Deerfield River.	1,579
	At corporate limit	1,599

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's relegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77 19730 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3134]

CITY OF HAZLEHURST, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Hazlehurst, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Hazlehurst, Georgia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. C. Raymond Crosby, City Administrator, Hazlehurst, Georgia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Hazlehurst, Georgia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact a stricter requirement on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stream A	Northwest corporate limit.	210
	Downstream of West McDonald St.	251
Stream C	South corporate limits.	247
	Downstream of Broxton Rd.	251
Tributary C1	Upstream of Davis St.	250
	Upstream of Moore St.	254
Stream D	Northeast corporate limits.	200
	Upstream of North Gill St.	242
	Downstream of East 3d Ave.	253
Tributary D1	Downstream of Tallahassee St.	237
	Upstream of Pine St.	228
Tributary D1-1	Upstream of Williams St.	242
Tributary D2	Upstream of North Libby St.	248
Stream E	North corporate limits.	238
	Upstream of North Jean Ave.	242

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19731 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3133]

TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Palmyra, Wayne County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Palmyra Town Hall, 204 East Main Street, Palmyra, New York 14522.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Betty B. Stubbings, Town Clerk of Palmyra, 204 Easat Main Street, Palmyra, New York 14522.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the town of Palmyra, Wayne County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ganargua Creek	Corporate limits (downstream).	422
	Whitbeck Road Bridge.	423
	ConRail bridge	427
	Hogback Road Bridge	429
	Harrison's spillway	429
Red Creek West	Confluence with Ganargua Creek.	429
	State Route 21	429
	Garlock Dam	431
	ConRail bridge	433
	Maple Ave	436
	Corporate limits (upstream).	437
Red Creek East	North Creek Road Bridge.	422
	Lyon Road Bridge	422
	Corporate limits (upstream).	422

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19732 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3132]

TOWNSHIP OF WARMINSTER, BUCKS COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Warminster, Bucks County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board, Warminster Township Building, Henry and Gibson Avenue, Warminster, Pennsylvania 18974.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas P. Holter, Township Manager of Warminster, Warminster Township Building, Warminster, Pennsylvania 18974.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Warminster, Bucks County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance

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Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Neshaminy Creek.	Bristol Rd	193
	Valley Rd	201
Tributary A to Little Neshaminy Creek.	Valley Rd	270
	Kingsley Dr	273
	Acorn Dr	279
	Willow Dr	285
	Talley Ho Dr	292
	County Line Rd	292

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19733 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3131]

TOWNSHIP OF NORTHAMPTON, BUCKS COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Northampton, Bucks County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board, at the Township Building, 55 Township Road, Richboro Pennsylvania 18954.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Donald McKenna, Township Manager of Northampton Township Building, 55 Township Road, Richboro, Pennsylvania 18954.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Northampton, Bucks County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Neshaminy Creek	Downstream corporate limits	65
	Bridgetown pike	73
	Buck Rd	90
	Park Bridge Dam	101
	2d St. pike	128
	Reading RR	136
Tributary to Neshaminy Creek.	Stony Ford Rd	81
	Buck Rd	111
Little Neshaminy Creek.	Sacketts Ford Rd	136
	Grenoble Rd	163
	Upstream corporate limits.	167
Mill Creek	Bridgetown pike	65
	Dam	88
	Upstream corporate limits.	90
Pine run	Bridgetown pike	66
	Wooden Bridge Rd	106
	Dam	119
	Reading RR	150
Ironworks Creek	Chinquapin Rd	89
	Churchville Dam	135
	Elm Ave	138
	Lower Holland pike	176
	Willow Rd	178
	2d St. pike	216
	Almshouse Rd	280
Tributary to Ironworks Creek:	Brook Dr	143
	Aqua Dr	155
	Cameron Dr	159

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19734 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3130]

VILLAGES OF BOURBONNAIS, KANKAKEE COUNTY, ILLINOIS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Bourbonnais, Kankakee County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, P.O. Box 141, Bourbonnais, Illinois. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ernest Mooney, Village President of Bourbonnais, P.O. Box 141, Bourbonnais, Illinois 60914.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Asistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Bourbonnais, Kankakee County, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Bourbonnais Creek	Baisaillon Ave	644
	River St. culvert	647
	Main St. culvert	654
	Spencer Ct	666
	Greenwood Ave	667
North Branch Soldier Creek.	Tomogene Rd	669
	Armour Rd	676
Kankakee River	Corporate limits (southwest corner)	696

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19735 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3129]

BOROUGH OF WILLIAMSBURG, BLAIR COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Williamsburg, Blair County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Office, 305 East 2nd Street, Williamsburg, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor W. Jean Kefer, 530 West 2nd Street, Williamsburg, Pennsylvania 16693.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Williamsburg, Blair County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required. They should not be construed to regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Frankstown Branch, Juniata River.	Downstream corporate limits.	852
	High St	854
	Westrace Bridge	858
	Upstream corporate limits.	858

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19736 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3128]

TOWNSHIP OF NORTH COVENTRY, CHESTER COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in The Township of North Coventry, Chester County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at The Municipal Building, 873 South Hanover Street, Pottstown, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immedi-

ately notify Mr. Hugh L. Kelly, Chairman of the Board of Supervisors of North

Hagerstown, City Hall, Hagerstown,

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ately notify Mr. Hugh L. Kelly, Chairman of the Board of Supervisors of North Coventry, 873 South Hanover Street, Pottstown, Pennsylvania 19464.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of North Coventry Chester County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Route 422 (1st crossing).	140
	Kiem St.	141
	Hanover St. (upstream).	144
	Route 100.	145
	Abandoned Conrail bridge.	146
	Route 422 (3d crossing).	147
	Confluence with Laurel Creek.	148
	Upstream corporate limits.	151

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19737 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3143]

TOWNSHIP OF LINCOLN, MICH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Lincoln, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Lincoln Township Hall, Stevensville, Michigan 49127. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Trethway, Lincoln Township Hall, P.O. Drawer L., Stevensville, Michigan 49127.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Lincoln, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 930, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Goodrow drain	Pondersoa Dr.	626
	Echo Ridge Rd.	624
	John Beers Rd.	614
	Alpine Ridge Rd.	613
Glenlord Rd drain (north branch).	Washington Ave.	627
	Glenlord Rd.	626
Glenlord Rd drain (south branch).	Washington Ave.	626
	Cleveland Ave.	610
Parker Richardson drain.	John Beers Rd.	630
	Cleveland Ave.	629
	Marquette Woods Rd.	607
	Cleveland Ave.	603
	Marquette Woods Rd.	602
Hickory Creek	Stevensville-Baroda Rd.	608
	Roosevelt St.	601
	Marquette Woods Rd.	600
	I–94.	599
	Glenlord Rd.	597
	Maiden Lane.	594

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19769 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3142]

CITY OF HAGERSTOWN, WASHINGTON COUNTY, MD.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Hagerstown, Washington County, Maryland. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall in the Lobby, City Hall, Hagerstown, Maryland. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Varner Paddack, Mayor of Hagerstown, City Hall, Hagerstown, Maryland 21740.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Hagerstown, Washington County, Maryland, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Sat. 980, which added Secton 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premum rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Antietam Creek	Route 64.	484
	Upstream corporate limits.	481
	Mount Aetna Rd.	480
	Downstream corporate limits—Alternate Route 40.	478
Hamilton Run	Upstream corporate limits.	580
	Western Maryland RR.	563
	Northern Ave.	550
	Potomac Ave. and corporate limits.	536
	Corporate limits.	532
	East Magnolia Ave.	[illegible]
	Pang Born Blvd.	512
	Security Rd.	[illegible]
	Jefferson St.	498
	Tracy's Lane.	[illegible]
	B & O RR.	480

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19770 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3141]

TOWN OF CANANDIAGUA, ONTARIO COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations the the Town of Canandiagua, Ontario County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, in the Court Room, 2 North Main Street, Candaniagua, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Andy Harkness, Town Supervisor of Canandiagua, 2 North Main Street, Canandiagua, New York 14424.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Canandaiqua, Ontario County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Canandaigua	Sullivan Trail.	689
	County Rd No. 40.	690
	State Route 20 and 5.	691
Fedder Canal	Confluence Canandaigua outlet.	690
	Corporate limits.	690
Mud Creek	Downstream corporate limit.	677
	Upstream corporate limit.	703
Canadaigua Lake	Cribb Rd. (extended).	693
	Foster Rd. (extended).	695
	Barnes Rd. (extended).	692

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19771 Filed 7–13–77;8:45 am]

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THURSDAY, JULY 14, 1977
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

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NATIONAL FLOOD INSURANCE PROGRAM

Flood Elevation Determinations

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE AD-

Elevation Width from shoreline or bank of

These base flood elevations are the basis for the flood plain management measures that the community is required to establish and maintain under 1910.3 of the National Flood Insurance Program regulations.

Protection Act of 1973 (Pub. L. 93-234),

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2165]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Johnson City, Broome County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Johnson City, Broome County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Village of Johnson City, Broome County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Johnson City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An oportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Johnson City are available for review at the Municipal Building, Johnson City.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Susquehanna River	Corporate limits	837		2,980
	C.E.J. Memorial Bridge	837		150
	Ackley Ave	838		120
	Corporate limits	838		190

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19967 Filed 7-13-77;8:45 am]

[Docket No. FI-2607]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Okanogan, Okanogan County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Okanogan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of flood insurance rate map for the City of Okanogan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Okanogan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Okanogan are available for review at the public bulletin board at the entrance of the City Hall, Okanogan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Okanogan River	State Route 97	821
	Conconully St. (extended)	825
	Rose St. (extended)	828
	Oak St	830
	Maple St. (extended)	831
	June St. (extended)	832
	Greta St. (extended)	833
Salmon Creek	1st Ave	834
	2d Ave	840
	3d Ave	850
	4th Ave	857
	5th Ave	870
	Mill St	890

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19968 Filed 7-13-77;8:45 am]

[Docket No. FI-3070]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Wilkes-Barre, Luzerne County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Wilkes-Barre.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Wilkes-Barre.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Wilkes-Barre.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Wilkes-Barre are available for review at the main entrance of City Hall, North Washington and East Market Streets, Wilkes-Barre.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
			Left	Right
Susquehanna River	ConRail Bridge near Gordon Ave	546	210	(1)
	West Market Street Bridge	548	110	(1)
	North Street Bridge	549	200	(1)
	Corporate limits	551	370	(1)
Solomon Creek	Waller Street Bridge	540	730	1,760
	Barney Street Bridge	541	910	1,930
	Regent Street Bridge	542	710	1,830
	Franklin Street Bridge	543	680	2,500
	Strauss Lane Bridge	555	240	110
Mill Creek	Sidney Street Bridge	557	15	70
	Mill Street Bridge	568	20	50
	Mayock Street Bridge	567	25	(1)
	Corporate limits	598	50	(1)
Laurel Run	ConRail Bridge	560	10	35
	ConRail Bridge near Railroad St	568	10	30
	Mill Street Bridge	575	10	15
	Govier Street Bridge	580	20	10

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19969 Filed 7-13-77;8:45 am]

DEPARTMENT OF HOUSING AND

entities. These proposed elevations will

DATES: The period for comment will be

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3108]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Barton, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Barton, Vermont.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Barton, Vermont 05822.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. William Davies, Board of Selectmen, Town Clerk's Office, Barton, Vermont 05822.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Barton, Vermont in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Barton River	Town Route 50 Bridge.	887
	Town Route 63 Bridge.	876
	I-91 Bridge	865
	U.S. Route 5 Bridge	857
	Canadian Pacific RR. culvert.	844
	do	816
	U.S. Route 5 Bridge	805
	Private drive Bridge	782
	U.S. Route 5 Bridge	767
	Town Route 32 Bridge.	762
	Town Route 50 Bridge.	752
	Canadian Pacific RR. bridge.	747
	Town Route 27 Bridge.	747
	Town Route 62 Bridge.	710
Willoughby River	Town Route 8 Bridge.	1,092
Willoughby Brook	Town Route 57 Bridge.	1,137
	Town Route 7 Bridge.	956
	U.S. Route 5 Bridge	769
	Town Route 55 culvert.	734
Roaring Brook	Roaring Brook Road Bridge.	804
	I-91 Bridge	810

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Adminstrator.

[FR Doc.77-19970 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3112]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Upper Providence, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Upper Providence, Montgomery County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Office, 1301 Black Rock Road, Oaks, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Samuel J. Harris, Jr., Township Manager of Upper Providence, 1301 Black Rock Road, Oaks, Pennsylvania 19456.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Upper Providence, Montgomery County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	ConRail RR. Bridge	97.8
	Pennsylvania Route 29.	101.8
	Black Rock Rd.	106.3
	ConRail RR. Bridge	108.7
	Upstream corporate limit.	112.9
Perkiomen Creek	ConRail RR. Bridge	97.4
	Egypt Rd.	99.8
	Arcola Rd.	107.4
	Yerkes Rd.	114.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19971 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3111]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Upper Darby, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Upper Darby, Delaware County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, Long Lane and Garrett Road, Upper Darby, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Eugene Kane, Mayor of Upper Darby, Municipal Building, Long Lane and Garrett Road, Upper Darby, Pennsylvania 19082.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township or Upper Darby, Delaware County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Darby Creek	Providence Rd.	37
	Hilldale Rd.	47
	Bridge St.	81
	Septa Lines R.R.	96
	Palmer Mill Rd. (extended).	104
	Garrett Rd.	129
	Rosemont Ave.	132
	Septa Lines R.R.	148
	State Rd.	153
	Upstream corporate limits.	155
Cobbs Creek	Downstream corporate limits.	52
	Catharine Street Bridge.	55
	Marshall Rd.	63
	West Chester pike	70
	Chatham Rd. (extended).	83
Naylors Run	Confluence with Cobbs Creek.	55
	Church Lane	58
	ConRail	86
	Richfield Rd.	86
	Hampden Rd.	88
	Marshall Rd.	88
	Long Lane	94
	Marshall Rd.	100
	Bradford Rd.	113
	Beverly Blvd. (downstream).	115
	Beverly Blvd. (upstream).	116
	ConRail	116
	Garrett Rd.	122
	Lansdowne Ave.	171
	Bond Ave. (extended).	175

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19972 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3110]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Township of Leacock, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Leacock, Lancaster County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Leacock Township Municipal Building, Old Philadelphia Pike, Route 340, Leacock Township, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Charles Whiteman, Leacock Township Secretary, P.O. Box 121, Intercourse, Pennsylvania 17534.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Leacock, Lancaster County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128) and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any

time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sherman Creek	Upstream corporate limits.	1,000
	Kipp Street	1,000
	Downstream corporate limits.	1,000

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19973 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3109]

FOR FURTHER INFORMATION CONTACT:

also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the

time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Peqnea Creek	Route 30	348
	Old Laweock Rd.	350
	Con Rail Bridge	352
	West Pequea Lane	355
	Belmont Rd.	357

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD E. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19973 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3107]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Sherman, Chautauqua County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Sherman, Chautauqua County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Fire Hall, Park Street, Sherman, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Edward H. Sprickman, Mayor of Sherman, 116 Kipp Street, Sherman, New York 14781.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100–year flood) for the Village of Sherman, Chautauqua County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
French Creek	Downstream corporate limit.	1,525
	Hart St.	1,530
	Franklin St.	1,532
	Dam.	1,540
	Upstream corporate limits.	1,540
Tirbutary No. 1	Confluence with French Creek.	1,526
	Hart St.	1,535
	600 ft upstream from Hart St.	1,540
	980 ft upstream from Hart St.	1,550
	Osbourne St.	1,560
	3,650 ft upstream from Osbourne St.	1,570
	Upstream corporate limit.	1,582
Tirbutary No. 2	Confluence with French Creek.	1,528
	Private rd.	1,528
	Farm lane	1,532
	Main St.	1,536
	750 ft upstream from Main St.	1,548
	1,400 ft upstream of Main St.	1,560
	2,200 ft upstream of Main St.	1,572
	Corporate limit	1,576
	Corporate limit	1,567
	Kipp St.	1,588
	Upstream corporate limit	1,588

Source of flooding	Location	Elevation in feet above mean sea level
Tributary No. 3	Confluence with French Creek.	1,540
	Main St.	1,541
	Park St.	1,552
	550 ft upstream from Park St.	1,562
	1,100 ft upstream from Park St.	1,572
	1,700 ft upstream from Park St.	1,585
Tributary No. 4	Downstream corporate limit.	1,530
	Park St.	1,565
	900 ft upstream from Park St.	1,576
	Upstream corporate limits.	1,586

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19974 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3088]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Plattsburgh, Clinton County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Plattsburgh, Clinton County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, City Hall Place, Plattsburgh, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Ronald H. St. Pierre, Mayor of Plattsburgh, City Hall, City Hall Place, Plattsburgh, New York 12901.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood for the City of Plattsburgh, Clinton County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Champlain	Entire shoreline	102
Seomotion Creek	Entire stream in city	102
Saranac River	Delaware and Hudson RR. Bridge St.	102
	Broad St. (Kennedy Bridge).	106
	Saranac St.	109
	South Catherine St.	117
	Foot of Waterhouse St.	134
	Foot of Allen St.	132
	Foot of Prospect Lane.	148
	At USGS gage 04273500.	152
	Downstream of Imperial Mill Dam.	168
	Upstream of Imperial Mills Dam.	170
	Corporate limits (upstream).	189

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19975 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3109]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Geneva, Ontario County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Geneva, Ontario County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Mr. George Kryst's Office, Town Hall, 32 White Springs Road, Geneva, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas B. Higgins, Supervisor of the Town of Geneva, 32 White Springs Road, Geneva, New York 14456.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Geneva, Ontario County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), (42 U.S.C. 4001–4128) and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Seneca Lake	Northern corporate limits.	455
	Turk Rd. (extended).	451
	Billsboro Rd. (extended).	450
	Armstrong Rd. (extended).	452
	Reed Rd. (extended).	452
	Kashong Rd. (extended).	450
	Southern corporate limits.	448
Kashong Creek	Confluence with Seneca Lake.	448
	Con Rail	454
	Route 14	455
	Upstream corporate limits.	457

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19976 Filed 7-13-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3106]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Village of Alexandria Bay, Jefferson County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Alexandria Bay, Jefferson County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publition of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review

at the Alexandria Chamber of Commerce

[24 CFR Part 1917]

by other Federal, state or regional enti-

flood) for the town of Hayden, Colorado,

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at the Alexandria Chamber of Commerce Office, 1 Chamber of Commerce Place, Alexandria Bay, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Willard P. Beach, Mayor of Alexandria Bay, Alexandria Bay Municipal Building, Rock and Church Street, Alexandria Bay, New York, 13607.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Alexandria Bay, Jefferson County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) (42 U.S.C. 4001–4128) and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Lawrence River.	Mainland and island shoreline.	(1)

[1] Elevation varies from 248 to 252 along shoreline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19977 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3113]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, City of Davenport, Scott County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Davenport, Scott County, Iowa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review on the First Floor Bulletin Board in the City Hall of Davenport, Iowa.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Robert J. Daux, Mayor of Davenport, City Hall, Davenport, Iowa 52801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Davenport, Scott County, Iowa, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Interstate Route 280	565
	Centennial Bridge	567
	Eastern corporate limit.	570
Black Hawk Creek	West River Dr	566
	Concord St	568
	Homestead Ave	568
	Rockingham Rd	571
	Concord St	580
	Black Hawk St	586
	Fairmont St	596
	Wisconsin Ave. (extended).	629
	Utah Ave	665
	Telegraph Rd	669
Crow Creek	Eastern corporate limits.	676
	Utica Ridge Rd	685
	Interstate Route 80	696
	Northern corporate limits.	704
Duck Creek	Kimberly Rd	618
	Jersey Ridge Rd	622
	Eastern Ave	624
	Brady St	633
	Harrison St	634
	Marquette St	642
	Division St	645
	Rock Island RR	657
	Wisconsin Ave	665
	Utah Ave	672
Pheasant Creek	Confluence with Duck Creek.	619
	32d St	627
	Kimberly Rd	631
	46th St	646
	58d St	671
	Jersey Ridge Rd	689
	67th St	697
Goose Creek	Confluence with Duck Creek.	625
	33d St	630
	Kimberly Rd	633
	Eastern Ave	643
	Chicago, Milwaukee, St. Paul and Pacific R.R.	647
	53d St	664
	Brady St	671
	Division St	698
	Interstate Route 80	746
Silver Creek	Confluence with Duck Creek.	648
	Kimberly Rd	655
	49th St	669
	Downstream of Interstate Route 80.	703
West Fork Silver Creek.	Dittmar St	669
	Elsie St. (extended)	671
	Fairmont St	677
	Wyoming Ave	687
Tributary No. 1 to Duck Creek.	Confluence with Duck Creek.	663
	Rock Island R.R	678
	46th St	685

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 F.R. 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19978 Filed 7–13–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2876]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations, Town of Hayden, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Hayden, Colorado.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Hayden, Colorado 81639.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Sunberg, Town Hall, Box 343, Hayden, Colorado 81639.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the town of Hayden, Colorado, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek	Highway 40	6,334
	3d St	6,341
	County Rd. (south)	6,345

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19979 Filed 7–13–77;8:45 am]

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federal register

THURSDAY, JULY 14, 1977

PART IV

SECURITIES AND EXCHANGE COMMISSION

GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Provision for Notices by Self-Regulatory Organizations of Disciplinary Sanctions; Stays of Such Actions; Appeals; and Admissions to Membership or Association of Disqualified Persons

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Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

3. Rule 19d–3 prescribes the form and content of applications to the Commission for review of final disciplinary sanctions, denials of membership, particip-

Following publication of the rules for comment various interested self-regulatory organizations (SRO's) submitted written comments primarily addressed to

tion must file a notice in such form containing such information as is prescribed by rule as necessary or appropriate in

A statutory disqualification does not necessarily bar the person from membership or participation in an SRO. It per-

The third objective was to ensure that such reports and notices supply sufficient information regarding the background

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 13726—File No. S7–640]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Provision for Notices by Self-Regulatory Organizations of Disciplinary Sanctions; Stays of Such Actions; Appeals; and Admissions to Membership or Association of Disqualified Persons

ACTION: Final rules.

SUMMARY: These rules prescribe the form and content of notices to be filed with the Commission by self-regulatory organizations as required by the 1975 Amendments to the Securities Exchange Act concerning formal and summary action taken by those organizations to discipline their participants and their members, and members' officials and employees; procedures for stays of disciplinary sanctions or summary suspensions; appeals to the Commission from disciplinary sanctions imposed by self-regulatory organizations; and the admission to, or continuance in, membership or participation of persons who are, or members who are associated with, disqualified persons.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Moskowitz, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202–755–1360).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of Securities Exchange Act Rules 19d–1, 2, and 3, and 19h–1 (17 CFR 240.19d–1, 2, 3, and 19h–1), effective August 15, 1977 under Section 6, 11A, 15, 15A, 17, 17A, 19 and 23 of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94–29 (June 4, 1975)). These rules were proposed in Securities Exchange Act Release No. 12561 (June 21, 1976) and were published in 41 FR 27004 (June 30, 1976). The rules are adopted, with certain minor modifications, as proposed.

The substance of the Rules is as follows:

1. Rule 19d–1 prescribes the form and content of notices that self-regulatory organizations ("SRO's") for which the Commission is the appropriate regulatory agency must file with the Commission concerning all final disciplinary actions, denials of membership, participation or association with a member, or prohibitions or limitations of access to services, and summary suspensions or limitations of membership, participation or association, ordered by it as to any of its members, participants, persons associated with a member or any other person.

2. Rule 19d–2 prescribes the form and content of applications to the Commission for stays of final disciplinary sanctions and summary actions of SRO's.

3. Rule 19d–3 prescribes the form and content of applications to the Commission for review of final disciplinary sanctions, denials of membership, participation or association with a member or prohibitions or limitations of access to services imposed by SRO's.

4. Rule 19h–1 prescribes the form and content of notices by SRO's of proposed admissions to or continuances in membership, participation or association with a member of any person subject to a statutory disqualification and applications to the Commission for relief from a statutory disqualification.

References in the rules and in this release to self-regulatory organizations (SRO's) include all national securities exchanges, registered securities associations and, depending on the context, all registered clearing agencies or registered clearing agencies for which the Commission is the "appropriate regulatory agency."[1]

[1] As used in this Release, the term "bank clearing agency" means a clearing agency for which one of the Federal bank regulatory agencies (the Board of Governors of the Federal Reserve System (the "Board"), the Comptroller of the Currency (the "Comptroller"), and the Federal Deposit Insurance Corporation (the "FDIC")) is the appropriate regulatory agency. The term "non-bank clearing agency" means a clearing agency for which the Commission is the appropriate regulatory agency. See section 3(a)(34)(B) of the Act.

One of the Federal bank regulatory agencies is the appropriate regulatory agency for a participant in a bank clearing agency when the participant is a federally regulated bank, bank holding company, or bank holding company subsidiary (referred to in this release as a "bank participant"). The Commission is the appropriate regulatory agency for all other participants in a bank clearing agency and for all participants in a non-bank clearing agency. See section 3(a)(34)(C) of the Act.

In general, the Federal bank regulatory agencies have specific jurisdiction under the Act to adopt comparable rules relating to clearing agencies and their participants in situations where the Commission's rules would not be applicable. The Commission has consulted with these banking authorities in adopting the Commission rules. See section 17A(d)(3)(A)(i) of the Act.

The various relationships between the Commission (as the appropriate regulatory agency) and clearing agencies and their participants, as contemplated by the present rules, may be summarized as follows:

(1) Rule 19d–1 (notices of certain SRO adjudications) would be applicable only to non-bank clearing agencies in cases where the participant was either a bank or non-bank (see section 19(d)(1) of the Act);

(2) Rule 19d–2 (stays of certain adjudications) and 19d–3 (appeals) would be applicable to participants in bank and non-bank clearing agencies in cases where the Commission was the appropriate regulatory agency for the participant (see sections 17A(b)(5)(C) and 19(d)(2) of the Act);

(3) Rule 19h–1 (proposed admissions and continuances of disqualified persons) would be applicable to all clearing agencies (bank and non-bank) regardless of whether the participant was a bank or non-bank (see sections 17A(b)(4)(A) and 19(h)(2) of the Act).

The bank regulatory agencies published proposed rules as follows:

The Board (41 FR 26231 (June 25, 1976)); the Comptroller (41 FR 26223 (June 25, 1976)); and the FDIC (41 FR 28544 (July 12, 1976)). In each instance, these proposed rules relate only to those SRO's or SRO proceedings which fall within their respective jurisdictions.

In accordance with section 17A(d)(3)(A)(i) of the Act (15 U.S.C. 78q–1(d)(3)(A)(i)), the Commission consulted and requested the views of the Federal bank regulatory agencies at least 15 days prior to announcing the adoption of the Commission's revised rules. The FDIC and the Comptroller announced the adoption of rules for SRO proceedings which fall within their jurisdiction. See 42 FR 19325 (April 13, 1977) and 42 FR 26969 (May 26, 1977) respectively. The Commission has been advised by the Board that it anticipates that its rules relating to some of these matters will be adopted in the near future.

Following publication of the rules for comment various interested self-regulatory organizations (SRO's) submitted written comments primarily addressed to the following subjects:

(1) The reporting of lesser disciplinary sanctions;

(2) Applications to the Commission for stays of SRO final actions;

(3) Time for appeals;

(4) Inter-SRO coordination of Rule 19h–1 applications;

(5) Admissions to membership or association of persons disqualified by a prior adjudication of a willful law violation where the sanction is no longer in effect or of disqualified persons previously so admitted to another SRO; and

(6) The public availability of notices given by SRO's to the Commission of SRO actions.

These matters and the rules as adopted with minor modifications are discussed below.

Background—Effect of the 1975 Amendments

Before the Securities Acts Amendments of 1975 (the "1975 Amendments"),[2] oversight powers of the Commission as a regulatory agency under the Act respecting disciplinary sanctions imposed by an SRO were limited to review by the Commission of disciplinary and certain other adjudicatory actions taken by a registered securities association, i.e., the National Association of Securities Dealers, Inc. (the "NASD"). No provision was made for review of disciplinary actions taken by national securities exchanges. In addition, except as to the NASD, no provision was made for Commission review of summary suspensions or limitations of membership, participation or association, or of denials of membership or association with a member, or prohibitions or limitations of access to services imposed by an SRO.

The 1975 Amendments expanded direct oversight jurisdiction to cover disciplinary sanctions and denials of membership, participation or association imposed by an SRO (including clearing agencies which were, for the first time, required to register). The Act now provides that any SRO taking any such action must file a notice in such form containing such information as is prescribed by rule as necessary or appropriate in the public interest or for the protection of investors. Review of any action requiring the filing of a notice may be had either on the motion of the appropriate regulatory agency (the Commission, except with respect to bank participants in bank clearing agencies) or on application of any person aggrieved by such action. On the other hand, appeals taken to the Commission do not automatically stay any action, as previously was the case in appeals to the Commission from NASD action, although stays may be granted where appropriate.

[2] Pub. L. No. 94–29 (June 4, 1975).

Furthermore, the 1975 Amendments grant specific authority, under certain circumstances, to any SRO to take summary action against members, participants or associated persons where such persons or associates have been suspended or expelled from membership or participation or barred or suspended from association with a member by another SRO. Any SRO may also summarily suspend a member or participant where the SRO determines that the member or participant is in such financial or operational difficulty so as to endanger investors, creditors, members of or participants in the SRO, or the SRO, or, as to a participant in a clearing agency, is in default of any delivery of funds or securities.

Finally, the 1975 Amendments introduced the concept of a "statutory disqualification." A person is subject to a statutory disqualification if such person:

1. Has been and is expelled or suspended from membership or participation in, or barred or suspended from being associated with a member of, any SRO;

2. Is subject to an order of the Commission denying, suspending or revoking his registration as a broker, dealer or municipal securities dealer or barring his association with a broker, dealer or municipal securities dealer;

3. By his conduct while associated with a broker, dealer or municipal securities dealer has been found to be the cause of any effective suspension or expulsion; or has associated with him any person who is known, or in the exercise of reasonable care should be known, to be a disqualified person;

4. Has violated or participated in violating any provisions of the federal securities acts or the rules of the Municipal Securities Rulemaking Board;

5. Has been convicted within the past ten years of any felony or misdemeanor which involves certain crimes relating, generally, to securities transactions or business, perjury or the misappropriation of funds or securities;

6. Is enjoined from any action, conduct or practice in connection with the securities industry or the purchase or sale of any security; or

7. Has willfully made application or submitted a report containing a false or misleading statement with respect to any material fact or omitted to state any material fact which is required to be stated to an SRO.

A statutory disqualification does not necessarily bar the person from membership or participation in an SRO. It permits the SRO to deny or condition the membership or participation or association with a member of such a person, but the Act requires the SRO to take such action if the Commission so orders. An SRO proposing to admit to membership, participation or association a person subject to a statutory disqualification must give notice to the Commission 30 days prior to such action.

Discussion of the Rules

The notice provisions contained in Rule 19d–1 require certain notices by SRO's including national securities exchanges, registered securities associations, and registered (non-bank) clearing agencies. However, Rules 19d–2 and 3, relating to stays of final disciplinary sanctions and summary actions and review of final disciplinary sanctions, apply to any action taken by an exchange or association and to action taken by a clearing agency only to the extent that the Commission has review jurisdiction, that is, where the Commission is the "appropriate regulatory agency" for the person concerned. Thus, in cases where a bank is a participant in a registered bank clearing agency, a Federal bank regulatory agency rather than the Commission would be the appropriate regulatory agency to review the actions taken by such clearing agency.

Rule 19d–1

Rule 19d–1 provides for the content of notices relating to four general types of adjudicatory actions taken by an SRO,[3] as follows:

1. Notice of Final Disciplinary Action: Rule 19d–1(c) and (d);

2. Notice of Final Denial, Bar, Prohibition, Termination or Limitation Based on Qualification or Administrative Rules: Rule 19d–1(e) and (f);

3. Notice of Final Action Based on a Statutory Disqualification: Rule 19d–1(g) and (h); and

4. Notice of Summary Suspension of Membership, Participation, or Association or Summary Limitation or Prohibition of Access to Services: Rule 19d–1(i).

Rule 19d–1 is based in large part on the informal procedures the Commission has developed in its oversight of the NASD in the past and is adopted with several objectives in mind. The first was to obtain a report from the SRO's which would contain the organization's statements in compliance with sections 6(c) and (d), 15A(g) and (h) and 17A(b)(4) and (5) of the Act. These sections require that disciplinary sanctions, denials of membership, participation or association and similar adjudicatory findings include supporting statements of the SRO. The second objective was to satisfy, at the same time, the requirement of Section 19(d) that such actions be promptly reported to the Commission pursuant to Commission rule.

[3] The Rule coordinates such notices with Rule 19h–1 procedures for obtaining relief from statutory disqualifications.

The third objective was to ensure that such reports and notices supply sufficient information regarding the background, factual basis and issues involved in the proceeding to enable the Commission not merely to determine whether the case should be called up for review on the Commission's own motion (which it is empowered to do under section 19(d)(2)), but also to ascertain generally whether the SRO was adequately carrying out its responsibilities under the Act. For the latter purpose, the Commission may review the matter to determine, for example, in the case of a disciplinary action (paragraphs 19d–1(d)(2) through (5) of the rule) whether the sanctions are adequate or excessive;[4] whether the Act, Commission rules, and the SRO rules are being properly interpreted and implemented by the SRO; and whether further direct action, such as a Commission enforcement proceeding under sections 15(b) and 19(h), or the adoption of additional or modified rules by the SRO or the Commission, is in order.

The informal reports of disciplinary actions the Commission has been obtaining from the NASD have been developed over the years with these objectives in mind. These reports have been in the form of administrative decisions similar to Commission decisions in broker-dealer remedial proceedings under section 15 of the Act. Rule 19d–1 continues that practice on a formal basis and extends it to the exchanges and clearing agencies for which the Commission is the appropriate regulatory agency.

In addition, these formal, reasoned opinions have been obtained not only for NASD cases where findings of violations were made and sanctions imposed, but also for proceedings where charges were dismissed and no action taken. While Section 19(d)(1) of the Act appears to require the SRO to report only proceedings in which sanctions were imposed, Rule 19d–1 requires SRO's to file notices of both the imposition of sanctions as well as the dismissal of charges.[5] Reports of the latter cases have been demonstrably valuable to the Commission in overseeing NASD regulatory performance.[6]

[4] The Commission does not have jurisdiction to increase sanctions in the cases it reviews. It may only affirm or lessen the sanction. See section 19(e)(2) of the Act.

[5] Because of this difference between the statutory provisions and the scope of Commission oversight requirements, it has been necessary in Rule 19d–1 to include the concept of "disciplinary actions." Reports of dismissals are required pursuant to the Commission's power under Section 17(a) to require reports from SRO's (and others).

[6] Subparagraph (d)(2) of the Rule requires that the notice include a statement describing the origin of the action. The term "origin" includes such detection mechanisms as a regular or special inspection, public complaint, notice of termination of employment filed by a member, free-riding questionnaire, etc. Although this item is also not in response to a statutory requirment, it is included since, in the Commission's oversight of the various SRO's, such information, which the NASD has long included in its reports to the Commission, should provide useful insight into the adequacy of the SRO's surveillance and inspection programs.

For similar reasons, "disciplinary actions" include (for reporting purposes) other kinds of adjudicatory action which, is required containing just enough information so that if a Commission stay is sought, the Commission has sufficient

(2) in the exercise of the Commission's more general oversight responsibilities take other remedial action, e.g., initiate

tion, including a hearing, and exhausted his administrative remedies within the

requested by the applicant or the SRO which request may be granted or denied

SRO agrees with the terms and conditions of the notice filed by the first SRO.

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For similar reasons, "disciplinary actions" include (for reporting purposes) other kinds of adjudicatory action which, while not treated by the Act in precisely the same framework as disciplinary matters, are, as a practical matter, quite similar. Thus, for example, "denial" proceedings contemplated by sections 6(c)(3) and 15A(g)(3)[7] under which a member or associated person is excluded or restricted on the basis of a violation of just and equitable principles of trade and a finding of "reasonable likelihood" of repetition would be reported to the Commission under the rule in essentially the same format as disciplinary actions against members, associated persons of members, etc.[8]

The basic objectives of the reporting requirements for other categories of adjudicatory actions are essentially the same as those for disciplinary actions; but the formats for such reports, particularly as to their contents, are different in certain important respects, primarily because the proceedings themselves are quite different. For example, where a proceeding is based upon a previously adjudicated disqualification (such as a conviction or Commission order of revocation) and results in a denial of membership, participation, association or access, again based on Commission experience with such types of proceedings before the NASD, the SRO's report can be expected usually to reflect the results of a probationary type hearing. Therefore, the decisional report required for Commission review (Rule 19d-1(g) and (h)), both from the appellate and oversight viewpoints, generally should not look like a disciplinary decision. Nevertheless, in both types of situations the Commission's oversight objectives would best be served by a reasoned, written opinion as a basis for review, and Rule 19d-1 so provides.

Reports of denials based on a failure to meet minimum qualification standards (Rule 19d-1(e)), such as a failure to pass an examination, also introduce some special or unique needs in regard to reporting requirements. These actions are not "disciplinary" in the usual sense of that term and generally involve simple fact questions. Further, the SRO should normally have no discretion as to the action it will be required to take.[9] A separate type of report for such actions, which need not be in the form of a reasoned opinion, would therefore be sufficient.

Similarly, as to the fourth type of notice covered by Rule 19d-1, notice of summary suspensions (paragraph 19d-1(i) of the rule), a relatively brief report is required containing just enough information so that if a Commission stay is sought, the Commission has sufficient basic information to focus on the situation in an expeditious fashion.

In addition to the notices (or reports) required by Rule 19d-1, the Federal bank regulatory agencies may require similar reports of registered bank clearing agencies in some cases where the Commission has review authority.[10] Since under sections 17(c)(1) and 19(d)(1) of the Act copies of such reports will be furnished to the Commission, no substantial administrative problem should arise from that division of authority.[11]

SRO notices of final actions taken for minor rule infractions in disciplinary proceedings under proposed Rule 19d-1. Several SRO's have commented that the reporting of minor sanctions[12] in disciplinary actions based on violations of SRO rules is of limited value for the purposes of Commission review or oversight, would not "serve any significant regulatory purpose," and would entail excessive costs to the SRO in light of the usually de minimus nature of the violations and sanctions imposed.

First, the Act requires that SRO's give the Commission notice of all sanctions.[13] As to each such matter, certain minimum information is required by the Commission so it may be informed of the matter and (1) take appropriate action on review of the SRO action on its own motion (Section 19(d)(2) of the Act) or (2) in the exercise of the Commission's more general oversight responsibilities take other remedial action, e.g., initiate administrative or injunctive proceedings, refer the matter for criminal prosecution, institute rule-making proceedings, etc.

In addition, notices of disciplinary actions filed pursuant to Rule 19d-1, while normally subject to the rather complete reporting mechanism contemplated by subparagraphs (d) and (f), including the necessity for a reasoned opinion, need not include more detail than necessary. Thus, the introductory language of both (d) and (f) provides that the notice shall contain only so much of the specified information as "appropriate."[14] This affords considerable latitude for keeping the reporting burdens to a minimum. For instance, when minor matters are considered to result in sanctions (see footnote 13, supra) the report should ordinarily be relatively brief and provide the Commission only with sufficient information to identify the SRO rules and persons involved, a short fact statement, and the sanction.

Moreover, these minor disciplinary cases are almost always uncontested. In such instances, it would be "appropriate" that the notice contain only that information relating to the SRO action described in subparagraph (1) of Rule 19d-1(d) concerning the identity of the respondent and the charging party; in subparagraphs (3) and (4) concerning the specific violations charged; in subparagraph (5) concerning the sanction imposed; and in subparagraph (2) concerning the origin of the action (which may consist of one word ("inspection") or a phrase ("witnessed on floor")). It need not contain the "reasoned opinion" discussing the "issues" as set forth, for example, in subparagraph (4) which would be "inappropriate" in an uncontested case. On the other hand, if the matter were contested, then a more detailed notice would generally be "appropriate" and should include a more detailed fact statement, the answer of the respondent to the charges (subparagraph (3)) and the statement of the SRO "in support of the resolution of the principal issues" (subparagraph (4)). This information is needed for Commission review and oversight.

In addition, non-disciplinary matters would be reported to the Commission under Rule 19d-1(e) only where the SRO has taken a final action as to a failure to (1) pass a test, (2) comply with qualification standards, or (3) comply with administrative requirements "* * * not involving charges of violations which may lead to a disciplinary sanction * * *" The proviso to that subparagraph states that no disposition of such matters is considered "final" (and thus requiring a notice by the SRO to the Commission) if the person has not sought an adjudication, including a hearing, and exhausted his administrative remedies within the SRO. The rule therefore would, in light of past NASD experience, result only very rarely in notice filings of these matters by any SRO. On the other hand, the rule and the 1975 Amendments do require in such matters that the aggrieved person be afforded a hearing, if requested.[15]

Applications to the Commission for Stays of SRO Final Action. Proposed Rule 19d-1(d)(6) would have required that each SRO, in its notice of final disciplinary action, include a statement "concerning whether any stay of any sanction imposed should be granted * * *."[16] After considering the comments which were received, the Commission determined to delete that provision.[17]

RULES 19D-2 AND 19D-3

The provisions of Rule 19d-2 and 3, which set forth certain Commission review procedures and are not reporting rules as such, are specifically not applicable to actions over which the Commission does not have review jurisdiction. Thus, those rules apply in the case of a bank or non-bank clearing agency only where the disciplinary or denial action is taken against a participant or applicant for which the Commission is the appropriate regulatory agency.

Rule 19d-2 prescribes the contents of applications for stays of disciplinary sanctions and summary suspension imposed by an SRO. Persons desiring to stay SRO actions (including those of the NASD) are required to make application pursuant to this rule. The 1975 Amendments abrogated the automatic stay provisions for NASD disciplinary actions which section 15A(g) of the Act previously contained and sanctions may now become effective upon the date set by the SRO unless the Commission orders a stay.

Rule 19d-3 provides procedures for applications for review of all final disciplinary sanctions, membership denials, and similar actions of SRO's. The Secretary of the Commission will serve a copy of the application for review on the SRO which, within 10 days, must certify and file with the Commission one copy of the record and seven copies of an index of the record. The Secretary will then serve on the parties copies of the index and any papers subsequently filed. The applicant may file a brief within 20 days after receipt of the copy of the index and, within 20 days thereafter, the SRO shall file its brief. Oral argument may be requested by the applicant or the SRO which request may be granted or denied at the discretion of the Commission. These procedures are essentially the same as those found in present Rule 15Ag-1 (as to the NASD), which is rescinded.

Time for Appeals; Rule 19d-3. As proposed for adoption, Rule 19d-3(b) provided that an application for review of a final disciplinary sanction and other actions shall be filed within 30 days after notice was filed with the Commission "and received by the aggrieved person applying for review * * *." (See section 19(d)(2) of the Act.) However, one commentator noted that this provision could result in "the appeal period being openended in certain cases" where the aggrieved person has not timely received a copy of the notice, for whatever reason. Although the term "received by the aggrieved person" could be so interpreted, it is the language of the statute. Accordingly, all SRO's are advised to review their rules and membership/registration agreements (or participation agreements) to be sure that the problem is dealt with, e.g., by providing that a mailing to any participant, member or associated person directed to the latest address carried on the records of the SRO for such person constitutes proper service within the meaning of its rules.

RULE 19H-1

Rule 19d-1 excludes from its scope (in paragraph (a)) notice of an SRO action to condition or limit membership, participation or association with a member, or access to services based upon a statutory disqualification, as defined in Section 3(a)(39) of the Act, where the SRO and the parties involved have agreed on the conditions or limitations. Such notices shall be filed with, and reviewed by, the Commission under Rule 19h-1 since, as has been past practice with the NASD,[18] all of these actions will be reviewed by the Commission (for all SRO's) on the merits and not merely where an appeal is taken from the SRO action or the Commission calls up the matter. Thus, Rule 19h-1, which establishes that review mechanism, requires the immediate submission of the full record in the proceeding before the SRO and not simply an initial, summary report of action (or proposed action) as in other kinds of adjudications.

Paragraph (a) of Rule 19h-1 requires the filing of the notice and supporting record of the proposed admission or continuance, but paragraph (b) provides that after the first filing of such notice by any SRO, a second notice representing the same proposed employment need not be filed by another SRO if the second SRO agrees with the terms and conditions of the notice filed by the first SRO.

The problem of coordinating SRO notice filings involving admission to or continuance in membership or association of disqualified persons who are or propose to become members or associated with a member of more than one SRO was noted in the Commission Release proposing adoption of Rule 19h-1.[19] The rule would permit one SRO to concur in an application for continuance in membership or association of a disqualified person filed by another SRO, which concurrence would be noted in the application. (See Rule 19h-1(c)(6).) In other words, if a member of the NASD and the NYSE, for example, proposed association with a disqualified person, the NASD (assuming it proceeded first) would file notice with the Commission, noting the NYSE concurrence (if it concurred) in the application. Thus, the rule provides a mechanism for the interested self-regulatory organizations to consult with one another, so they would arrive, by mutual agreement, at an appropriate division of labor for assembling the record needed for ultimate Commission action. Still, if in the example the NYSE did not concur, a separate NYSE proceeding would be necessary and the member could appeal the exchange's denial of association to the Commission if it so desired.

Paragraph (d) provides generally that, at the time of the filing of a notice, an application may be made directly to the Commission for an order stating that the Commission will not proceed under section 15(b) or 19(h), notwithstanding the disqualification.[20]

The provisions of sections 6(c)(2), 15A(g)(2), and 17A(b)(4)(A) of the Act (which Rule 19h-1 would implement in part) specifically require that notice be given (at least 30 days in advance) to the Commission by SRO's respecting proposed admissions of disqualified persons; paragraph (a) of the Rule requires the filing of a notice not only where the SRO has determined to admit a disqualified person initially seeking entry or reentry, but also where the SRO proposes to continue a disqualified person in membership or association. In either type of situation, the Commission, depending

[7] There is no parallel provision in section 17A with respect to participation in a registered clearing agency.

[8] Similar considerations are applicable to denial proceedings based on unadjudicated "statutory disqualifications" of the kind prescribed in 3(a)(39)(D) and (E) (except that part of (E) relating to prior convictions).

[9] E.g., if an individual fails to pass an examination, he usually cannot be admitted to association with a member under any condition; if entry fees are not paid by the applicant, the application must be denied.

[10] Under section 19d(1), the appropriate Federal bank regulatory agencies are directed to prescribe the form of notice for disciplinary and denial actions of bank clearing agencies against nonbank participants, where the Commission has appellate jurisdiction.

[11] Section 17A(d)(3)(A)(i) requires that the Commission and the bank regulatory agencies consult with and request the views of the other agencies "at least fifteen days prior to the issuance for public comment of any proposed rule" or adoption of any rule relating to a bank clearing agency.

[12] For example, various SRO's postulated $25 fines for failure to wear a necktie or time stamp a ticket, or for bringing food on the floor; "fines" of less than $500 for failures to file timely financial information, to comply with instructions respecting exercise notices, or to pick up clearing agency reports; "fines" relating to "order and decorum"; and "fines" for late payments by a clearing corporation member.

[13] While some small dues, fees or charges (such as clearing agency error charges) intended at least in part to defray additional costs incurred by the SRO as a result of an act or failure to act to which the charges apply may also have some remedial impact, they would normally not be considered "sanctions." In general, such a fee or charge levied by an SRO (i) which is based solely on an administrative or procedural discrepancy (ii) as to which no discretion rests with the SRO concerning its application or amount and (iii) which is specifically provided for in the rules of the SRO and is fixed would not be considered a "sanction." Such levies would therefore normally be treated as non-disciplinary in character and would be reported to the Commission only if contested in an SRO administrative hearing (see paragraphs (e) and (f) of Rule 19d-1).

[14] Section 19(d)(1) of the Act provides that the Commission (as the appropriate regulatory agency) may require such information, by rule, as it "may prescribe as necessary or appropriate in furtherance of the purposes of this title."

[15] E.g., see sections 6(d)(2) and 15A(h)(2) of the Act. The appeal to the Commission from a "final disciplinary sanction" and from a denial, bar, prohibition or limitation of membership, association, participation or access to services is governed by Section 19(d) of the Act.

[16] See section 19(d)(2) and former section 15A(g) of the Act.

[17] Proposed subparagraph (7) has been renumbered (6). When a stay application is received the staff will, as appropriate, contact the concerned SRO expeditiously to determine its position on the application.

[18] Proposals by SRO's for admission or continuance in business of disqualified persons previously were submitted only by the NASD pursuant to current Rule 15Ab-1. Such actions may now be proposed by any SRO, including an exchange or clearing agency. Before the 1975 Amendments there were no specific statutory provisions relating to Commission oversight of the exchanges and clearing agencies in this area.

[19] SEA Rel. 12561 (June 21, 1976), 9 SEC Docket 935 at p. 939. Inter-SRO coordination, or allocation of regulatory responsibility, has also been the subject of Commission action in the adoption of Rule 17d-1, relating to the allocation of SRO responsibility for financial inspections of members of the Securities Investor Protection Corporation who are members of more than one SRO, and the adoption of Rule 17d-2, which would permit SRO's having common members to file a plan with the Commission allocating specified regulatory responsibilities for such common members (SEA Rel. 12352, 9 SEC Docket 450, April 20, 1976).

[20] Section 15(b) of the Act empowers the Commission to impose sanctions, including revocation of broker-dealer registration, on any person who has been found to have committed certain offenses, as set forth in paragraph (4) or (6) of that Section), which findings are included within those constituting a "statutory disqualification" (as defined in Section 3(a)(39)) from SRO membership, participation or association. In addition, Section 19(h) empowers the Commission to suspend or bar persons from SRO membership, participation or association based on similar types of findings.

partner or officer (or person occupying a similar status or performing similar functions) of such broker or dealer.[21]

Admission by an SRO of a disqualified person previously admitted by another SRO. Section 19(h) of the Act (sections 6(c)(2), 15A(g)(2), and 17A(b)(4)(A)) apparently come into effect if the person changes employment (or if, as a participant, the person seeks

require the self-regulatory organization to file with the appropriate regulatory agency for the self-regulatory organization, and with the appropriate agency for the member, participant, applicant or other person affected

uals involved in the matter. Bearing in mind the fact that SRO disciplinary actions are, as contemplated, generally instituted and adjudicated by lay persons

notice thereof shall be filed under Rule 19h-1 and not under this rule.

(b) The notice requirement of section 19(d)(1) of the Act, concerning an action

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person initially seeking entry or re-entry, but also where the SRO proposes to continue a disqualified person in membership or association. In either type of situation, the Commission, depending upon the nature of the disqualification, may have independent authority under section 15(b) or 19(h) effectively to prevent the admission or continuance and will need to have the information called for in the notice to determine if it wishes to exercise that power.

Paragraph (e) describes the contents of an application made pursuant to paragraph (d) and paragraph (f) is definitional.

Finally, paragraphs (g) and (h) set forth the procedures for Commission consideration of a paragraph (d) application.

"Secondary" associations. The Commission noted a problem under Rule 19h–1, as originally proposed, which could have arisen when an SRO member has (or proposes) an affiliation with a non-broker or dealer entity not in the securities business which entity in turn is disqualified or proposes association with it of a disqualified person. Under the 1975 Amendments such persons would be included within the statutory definition of the term "person associated with a member" since the definition (see Section 3(a)(21) of the Act) includes "any person directly or indirectly controlling, controlled by, or under common control with such members * * *."

Weighed against the burdens that could be imposed upon all concerned, particularly where the member is one affiliate in a large diversified corporate complex, there is little regulatory benefit to be derived from requiring SRO's to determine and notify the Commission of, for example, the employment of a disqualified person in non-securities affiliates where the individual is not in a control position vis a vis the member firm.

On the other hand, nonmember affiliates which are in the securities business are of significant regulatory concern in the context of the purposes of the reporting requirements of the Rule. However, those affiliates will, unless not registered with the Commission, generally fall under the immediate jurisdiction of another SRO (or the Commission if it is a "SECO" firm) which would be responsible for compliance with the Rule as to both the affiliate and its personnel.

Therefore, in order too minimize the burdens and avoid unnecessary duplication of effort, the Commission has determined to add the following sub-paragraph to Rule 19h–1(a):

With respect to a person associated with a member of a national securities exchange or registered securities association, notices need be filed with the Commission pursuant to this rule only if such person (1) controls such member or is a general partner or officer (or person occupying a similar status or performing similar functions) or an employee of such member, or (2) is a broker or dealer not registered with the Commission, or controls such (unregistered) broker or dealer or is a general partner or officer (or person occupying a similar status or performing similar functions) of such broker or dealer.[22]

Admission by an SRO of a disqualified person previously admitted to or continued in membership or association with a member of another SRO; and admission by an SRO of a person disqualified by a prior adjudication of a willful violation where the sanction is no longer in effect. A commentator on proposed Rule 19h–1 pointed to a potential problem in situations where an admission is proposed for a person who is subject to a statutory disqualification but who is already properly admitted to or continued as a member or person associated with a member[23] of another SRO. To illustrate, assume that an NASD member firm which employs a person who had been the subject of a statutory disqualification and was permitted to re-enter, by virtue of an NASD continuance proceeding before the 1975 Amendments or a Rule 19h–1 order (after adoption of that rule), now wishes to join another SRO (e.g., the Chicago Board Options Exchange ("CBOE")). The conditions of the prior association would have been determined in the course of the prior proceeding. Read literally, the provisions of Section 6(c)(2) or 15A(g)(2) of the Act (and proposed Rule 19h–1) might suggest that the firm cannot become a member of the other SRO (the CBOE) except upon notice by that other SRO to the Commission of the proposed admission. The necessity for such a further, largely duplicative, proceeding appears doubtful.[24]

In other situations, respondents in SRO or Commission proceedings frequently are sanctioned for a willful violation of one or more federal securities law provisions by a censure, fine, or temporary bar or suspension of association or membership. In such cases the respondent's continued or future membership or association is contemplated by the sanction, i.e., by virtue of its one time effect (e.g., a censure or fine) or expiration of terms (e.g., a suspension). Under the literal wording of the statute (see secs. 3(a)(39)(E) and 15(b)(4)), however, the finding of violation constitutes a separate "statutory disqualification" and the notice provisions of the Act (sections 6(c)(2), 15A(g)(2), and 17A(b)(4)(A)) apparently come into effect if the person changes employment (or if, as a participant, the person seeks entry to a clearing agency). Because of these circumstances and, since the sanction would have been the subject of a notice to the Commission under Rule 19d–1 (or, for actions prior to the 1975 Amendments, under previous informal procedures), the continuance or a subsequent re-entry of the violator should not require a separate notice or continuance or re-entry proceeding.[25]

Accordingly, to deal with the above two types of problems, proposed Rule 19h–1 has been revised by the addition of the following paragraph to paragraph (a) of the Rule, as adopted:

A notice need not be filed with the Commission pursuant to this rule if (1) the person subject to the statutory disqualification is then a participant in, a member of, or a person associated with a member of, another self-regulatory organization, and the proposed admission or continuance is on essentially the same terms and conditions as imposed in connection with such person's prior admission or continuance pursuant to an order of the Commission under subparagraph (d) of this rule or otherwise, or (2) the sole such disqualification consists of a finding by the Commission or a self-regulatory organization of a willful violation of the Act, the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or a rule or regulation under one or more of such Acts and the sanction for such violation is no longer in effect.

Public availability of non-adverse actions. Securities Exchange Act Release No. 12561, in which proposed Rule 19d–1 was published for public comment, contained a discussion of the interaction of the Freedom of Information Act ("FOIA") and new section 24 of the Act which provides that all reports filed with the Commission pursuant to the Act are "records" for the purposes of the FOIA and, consequently, publicly available on request (absent an exemption). Those provisions of new section 24 were derived verbatim from S. 249, and the report of the Senate Committee accompanying that bill, in commenting on the proposed procedural aspects of the various types of SRO adjudicatory proceedings, states: [26]

> The Committee * * * believes that full and adequate disclosure of quasi-adjudicatory action is a matter of sufficient importance not to be left to the "reconsideration" of the self-regulatory agencies [as recommended by a Commission-appointed advisory committee]. Accordingly, section 19(d) would require the self-regulatory organization to file with the appropriate regulatory agency for the self-regulatory organization, and with the appropriate agency for the member, participant, applicant or other person affected (if other than the organization), notice of all final quasi-adjudicatory actions affecting members and nonmembers. That agency would have the power to prescribe the information to be included in the notices, and *it would be required* to make all notices available for public inspection [Emphasis supplied.]

In the Release the Commission invited comment on the question of whether reports (or "notices") to the Commission where no sanction or other adverse action was taken by an SRO should be required or be made publicly available.

Comments received from the SRO's were uniformly opposed to making non-adverse reports publicly available, generally on the basis that such availability might unnecessarily damage the reputations of firms and associated persons concerned.[27]

In addition, commentators have pointed out that, since section 19(d)(1) of the Act requires reports of "final disciplinary sanctions," where an SRO has not imposed a disciplinary sanction that Section does not require that a non-adverse report be filed with the Commission. Indeed, one commentator has argued that the Commission does not have "jurisdictional authority" to require "notice in situations involving not guilty decisions and withdrawal of charges"[28] as Rule 19d–1(c) would require. However, these latter comments do not consider the authority given the Commission in Section 17(a) of the Act to require national securities exchanges, associations and registered clearing agencies to "furnish * * * such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest * * * or otherwise in furtherance of the purposes * * *" of the Act. Accordingly, the authority of the Commission to require non-adverse reports, which it believes should be asserted here, is contained in the Act.

After consideration of the comments and expressions of Congressional sentiment respecting greater accountability of public agencies [29] and quasi-public organizations,[30] the Commission has determined to require the filing and public availability of notices of non-adverse determinations but permit the SRO to delete identifying information such as the names of innocent firms or individuals involved in the matter. Bearing in mind the fact that SRO disciplinary actions are, as contemplated, generally instituted and adjudicated by lay persons (i.e., business men and women) who conduct their proceedings in a less formal manner than governmental bodies,[31] there may well be some unjustified damage to the business reputations of persons in the securities industry which can result from full disclosure of their identity when accused, but found innocent, of misconduct.

On the other hand, by providing for such notices of non-adverse determinations by SRO's to the Commission, even with identifying information deleted, the Commission would, for oversight purposes, be alerted promptly to the dismissal of charges. Of course, the Commission staff, in the course of its review of the notice, could request the production of such identifying information (if considered necessary).[32] Furthermore, disclosure of the substantive aspects of a non-adverse determination by an SRO may be valuable to the brokerage community and others in providing guidance as to how the SRO interprets and applies the securities laws, its own rules and those of the Commission.

For the above reasons, the Commission has revised Rule 19d–1(d)(1) to provide that all notices be publicly available but that as to non-adverse notices the names of respondents involved and other identifying information may, at the option of the SRO,[33] be deleted.

Revocation of present Rules 15Ab–1 and 15Ag–1 under the Act. Since the subject matter of present Rules 15Ab–1 and 15Ag–1 would now be encompassed by the new Rules adopted herein, present Sections 240.15Ab–1 and 15Ag–1 are hereby rescinded.

The texts of the rules adopted are as follows:

§ 210.19d–1 Notices by self-regulatory organizations of final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services, and summary suspensions.

(a) *General.* If any self-regulatory organization for which the Commission is the appropriate regulatory agency takes any action described in this rule to which the person affected thereby has consented and such action:

(1) Conditions or limits membership or participation in, association with a member of, or access to services offered by, such organization or a member thereof and

(2) Is based upon a statutory disqualification defined in Section 3(a)(39) of the Act,

notice thereof shall be filed under Rule 19h–1 and not under this rule.

(b) The notice requirement of section 19(d)(1) of the Act, concerning an action subject to such section taken by a self-regulatory organization for which the Commission is the appropriate regulatory agency, shall be satisfied by any notice with respect to such action (including a notice filed pursuant to this rule) which contains the information required in the statement supporting the organization's determination required by Section 6(d)(1) or (2), Section 15A(h)(1) or (2), or Section 17A(b)(5)(A) or (B) of the Act, as appropriate.

(c) *Notice of final disciplinary action.* Any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes any final disciplinary action with respect to any person shall promptly file a notice thereof with the Commission in accordance with paragraph (d) hereof. For the purposes of this rule, a "final disciplinary action" shall mean the imposition of any final disciplinary sanction pursuant to Section 6(b)(6), 15A(b)(7), or 17A(b)(3)(G) of the Act or other action of a self-regulatory organization which, after notice and opportunity for hearing, results in any final disposition of charges of: (1) One or more violations of:

(i) The rules of such organization;

(ii) The provisions of the Act or rules thereunder; or

(iii) In the case of a municipal securities broker or dealer, the rules of the Municipal Securities Rulemaking Board;

(2) Acts or practices constituting a statutory disqualification of a type defined in subparagraph (D) or (E) (except prior convictions) of Section 3(a)(39) of the Act; or

(3) In the case of a proceeding by a national securities exchange or registered securities association based on Sections 6(c)(3)(A)(ii), 6(c)(3)(B)(ii), 15A(g)(3)(A)(ii) or 15A(g)(3)(B)(ii) of the Act, acts or practices inconsistent with just and equitable principles of trade.

(d) *Contents of notice required by paragraph (c).* Any notice filed pursuant to paragraph (c) hereof shall consist of the following, as appropriate:

(1) The name of the respondent concerned together with his last known place of residence or business as reflected on the records of the self-regulatory organization and the name of the person, committee, or other organizational unit which brought the charges involved; except that, as to any respondent who has been found not to have violated a provision covered by a charge, identifying information with respect to such person may be deleted insofar as the notice reports the disposition of that charge, unless, prior to the filing of the notice, the respondent requests otherwise;

(2) A statement describing the investigative or other origin of the action;

(3) As charged in the proceeding, the specific provisions of the Act, the rules or regulations thereunder, the rules of the organization, and, in the case of a registered securities association, the rules of the Municipal Securities Rulemaking Board, and, in the event a violation of

[21] The term "control" is thereafter defined in subparagraph 19h–1(f)(2).

[22] For the purposes of abbreviating this discussion, "membership" and "association with a member" should be deemed to include "participation" and "access to services" so as to include all relationships and SRO actions described in Section 19(d)(1) of the Act.

[23] Of course, the second SRO may determine to deny, or further condition or limit the membership or association; and, if it does so, such action would be the subject of a reviewable notice to the Commission under Section 19(d)(1). In cases where the terms and conditions of employment of a disqualified person (other than the firm's SRO membership) are changed materially by the firm, or where the employer is changed, an application for modification of the prior clearance or for a new clearance must be first made to the SRO and, in most instances, approved by the Commission.

[24] However, as to those types of sanctions which are exclusionary (expulsions, permanent bars, etc.) there would be a need, despite a previous clearance, for a notice and Commission review to determine whether a new continuance or re-entry is appropriate.

[25] Securities Acts Amendments of 1975, "Report of the Senate Committee on Banking, Housing, and Urban Affairs to accompany S. 249," S. Rep. No. 94–75, 94th Cong., 1st Sess. (1975), at p. 26.

[26] Only one other comment was received and that was also opposed to the public availability of non-adverse determinations.

[27] This comment on "withdrawal of charges" may be an overstatement since such action probably would not be "final" and, hence, not reportable under the Rule. he usual sense of the term "withdrawal" suggests the charges were dropped before formal proceedings were held resulting in a "final action."

[28] See Freedom of Information Act, 5 U.S.C. 552(b), Pub. L. 89–554, Sept. 6, 1966; Government in the Sunshine Act, 5 U.S.C. 552b, Pub. L. 94–409, § 3(a), Sept. 13, 1976.

[29] See Section 24(a) of the 1975 Amendments and footnote 25, supra.

[30] See, "In the Matter of the NASD, Inc.," 17 SEC 459, 468–70 (1944).

[31] See Section 17(a)(1) of the Act.

[32] In some cases, a respondent (perhaps because of prior news stories of impending SRO action) may desire that the non-adverse notice be made publicly available with identifying information. Therefore, Rule 19d–1(d)(1) would also provide for such disclosure.

other statutes or rules constitutes a violation of any rule of the organization, such other statutes or rules; and a statement describing the answer of the respondent

(6) The nature of the action taken and the date upon which such action is to be made effective; and

(7) Such other matters in the

(h)(3) or 17A(b)(5)(C) of the Act, any person aggrieved thereby for which the Commission is the appropriate regula-

for his failure to adduce such evidence in such proceedings. Any request for leave to adduce additional evidence shall be

terms and conditions as imposed in connection with such person's prior admission or continuance pursuant to an order

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other statutes or rules constitutes a violation of any rule of the organization, such other statutes or rules; and a statement describing the answer of the respondent to the charges;

(4) A statement setting forth findings of fact with respect to any act or practice which such respondent was charged with having engaged in or omitted; the conclusion of the organization as to whether such respondent is deemed to have violated any provision covered by the charges; and a statement of the organization in support of the resolution of the principal issues raised in the proceedings;

(5) A statement describing any sanction imposed, the reasons therefor, and the date upon which such sanction has or will become effective, together with a finding if appropriate, as to whether such respondent was a cause of any sanction imposed upon any other person; and

(6) such other matters as the organization may deem relevant.

(e) *Notice of final denial, bar, prohibition, termination or limitation based on qualification or administrative rules.* Any final action of a self-regulatory organization for which the Commission is the appropriate regulatory agency that is taken with respect to any person constituting a denial, bar, prohibition, or limitation of membership, participation or association with a member, or of access to services offered by a self-regulatory organization or a member thereof, and which is based on an alleged failure of any person to:

(1) Pass any test or examination required by the rules of the Commission or such organization;

(2) Comply with other qualification standards established by rules of the Commission or such organization; or

(3) Comply with any administrative requirements of such organization (including failure to pay entry or other dues or fees or to file prescribed forms or reports) not involving charges of violations which may lead to a disciplinary sanction

shall not be considered a "disciplinary action" for purposes of paragraph (c) of this rule; but notice thereof shall be promptly filed with the Commission in accordance with paragraph (f) hereof, *provided, however*, That no disposition of a matter shall be considered "final" pursuant to this paragraph which results merely from a notice of such failure to the person affected, if such person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies within such organization with respect to such a matter.

(f) *Contents of notice required by paragraph (e).* Any notice filed pursuant to paragraph (e) hereof shall consist of the following, as appropriate:

(1) The name of each person concerned together with his last known place of residence or business as reflected on the records of the organization;

(2) The specific provisions of the Act, the rules or regulations thereunder, the rules of the organization, and, in the case of a registered securities association, the rules of the Municipal Securities Rulemaking Board, upon which the action of the organization was based, and a statement describing the answer of the person concerned;

(3) A statement setting forth findings of fact and conclusions as to each alleged failure of the person to pass any required examination, comply with other qualification standards, or comply with administrative obligations, and a statement of the organization in support of the resolution of the principal issues raised in the proceeding;

(4) The date upon which such action has or will become effective; and

(5) Such other matters as the organization may deem relevant.

(g) *Notice of final action based upon prior adjudicated statutory disqualifications.* Any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes any final action with respect to any person which:

(1) Denies or conditions membership or participation in, or association with a member of, such organization or prohibits or limits access to services offered by such organization or a member thereof; and

(2) Is based upon a statutory disqualification of a type defined in subparagraph (A), (B), or (C) of section 3(a)(39) of the Act or consisting of a prior conviction, as described in subparagraph (E) of said Section 3(a)(39), shall promptly file a notice of such action with the Commission in accordance with paragraph (h) hereof, *provided, however*, That no disposition of a matter shall be considered "final" pursuant to this paragraph where such person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies within such organization with respect to such a matter.

(h) *Contents of notice required by paragraph (g).* Any notice filed pursuant to paragraph (g) hereof shall consist of the following, as appropriate:

(1) The name of the person concerned together with his last known place of residence or business as reflected on the records of the organization;

(2) A statement setting forth the principal issues raised, the answer of any person concerned, and a statement of the organization in support of the resolution of the principal issues raised in the proceeding;

(3) Any description furnished by or on behalf of the person concerned of the activities engaged in by the person since the adjudication upon which the disqualification is based;

(4) Any description furnished by or on behalf of the person concerned of the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person;

(5) A copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such statutory disqualification;

(6) The nature of the action taken and the date upon which such action is to be made effective; and

(7) Such other matters as the organization deems relevant.

(i) *Notice of summary suspension of membership, participation, or association, or summary limitation or prohibition of access to services.* If any self-regulatory organization for which the Commission is the appropriate regulatory agency summarily suspends a member, participant, or person associated with a member, or summarily limits or prohibits any person with respect to access to or services offered by the organization or (in the case of a national securities exchange or a registered securities association) a member thereof pursuant to the provisions of section 6(d)(3), 15A(h)(3) or 17A(b)(5)(C) of the Act, such organization shall, within 24 hours of the effectiveness of such summary suspension, limitation or prohibition notify the Commission of such action, which notice shall contain at least the following information:

(1) The name of the person concerned together with his last known place of residence or business as reflected on the records of the organization;

(2) The date upon which such summary action has or will become effective;

(3) If such summary action is based upon the provisions of section 6(d)(3)(A), 15A(h)(3)(A), or 17A(b)(5)(C)(i) of the Act, a copy of the relevant order or decision of the self-regulatory organization;

(4) If such summary action is based upon the provisions of section 6(d)(3)(B) or (C), 15A(h)(3)(B) or (C), or 17A(b)(5)(C)(ii) or (iii) of the Act, a statement describing, as appropriate:

(i) The financial or operating difficulty of the member or participant upon which such organization determined the member or participant could not be permitted to continue to do business with safety to investors, creditors, other members or participants, or the organization;

(ii) The pertinent failure to meet qualification requirements or other prerequisites for access and the basis upon which such organization determined that the person concerned could not be permitted to have access with safety to investors, creditors, other members, or the organization; or

(iii) The default of any delivery of funds or securities to a clearing agency by a participant.

(5) The nature and effective date of the suspension, limitation or prohibition; and

(6) Such other matters as the organization deems relevant.

§ 240.19d–2 Applications for stays of disciplinary sanctions or summary suspensions by a self-regulatory organization.

If any self-regulatory organization imposes any final disciplinary sanction pursuant to section 6(b)(6), 15A(b)(7) or 17A(b)(3)(G) of the Act, or summarily suspends or limits or prohibits access pursuant to section 6(d)(3), 15A(h)(3) or 17A(b)(5)(C) of the Act, any person aggrieved thereby for which the Commission is the appropriate regulatory agency may file with the Commission, by telegram or otherwise, a request for a stay of imposition of such action. Such request shall be in writing and shall include a statement as to why such stay should be granted.

§ 240.19d–3 Applications for review of final disciplinary sanctions, denials of membership, participation or association, or prohibitions or limitations of access to services imposed by self regulatory organizations.

(a) Proceedings on an application to the Commission under section 19(d)(2) of the Act for review of any final disciplinary sanction, denial or conditioning of membership, association or participation, or prohibition or limitation with respect to access to services offered by a self-regulatory organization or a member thereof by any such organization shall be governed by this rule.

(b) An application for review pursuant to section 19(d)(2) of the Act shall be filed with the Commission within 30 days after notice thereof was filed pursuant to section 19(d)(1) of the Act and received by the aggrieved person applying for review, or within such longer period as the Commission may determine. The Secretary of the Commission shall serve a copy of the application on the self-regulatory organization, which shall, within ten days after receipt of the application, certify and file with the Commission one copy of the record upon which the action complained of was taken, together with seven copies of an index to such record. The Secretary shall serve upon the parties copies of such index and any papers subsequently filed.

(c) Within 20 days after receipt of a copy of the index, the applicant shall file a brief or other statement in support of his application which shall state the specific grounds on which the application is based, the particular findings of the organization to which objection is taken, and the relief sought. Any application not perfected by such timely brief or statement may be dismissed as abandoned.

(d) Within 20 days after receipt of the applicant's brief or statement, the organization may file an answer thereto, and within 10 days of receipt of any such answer the applicant may file a reply. Any such papers not filed within the time provided by paragraphs (b), (c) or (d) will not be received except upon special permission of the Commission.

(e) On its own motion, the Commission may direct that the record under review be supplemented with such additional evidence as it may deem relevant. Nevertheless, the self-regulatory organization and persons who may be aggrieved by its action shall be obliged to adduce all evidence that they deem relevant in the proceedings before the organization, and no such person shall be entitled to adduce additional evidence unless he shows to the satisfaction of the Commission that such additional evidence is material and that there were reasonable grounds for his failure to adduce such evidence in such proceedings. Any request for leave to adduce additional evidence shall be filed promptly so as not to delay the disposition of the proceeding.

(f) Oral argument before the Commission may be requested by the applicant or the organization as follows: (1) By the applicant with his brief or statement or within 10 days after receipt of the organization's answer, or (2) by the organization with its answer. The Commission, in its discretion, may grant or deny any request for oral argument and, where it deems it appropriate to do so, the Commission will consider an application on the basis of the papers filed by the parties, without oral argument.

(g) The Rules of Practice (17 CFR 201) shall apply to review proceedings under this rule to the extent that they are not inconsistent with this rule. Attention is directed particularly to Rule 22 of the Rules of Practice (17 CFR 201.22) relating to the form of papers and number of copies to be filed.

§ 240.19h–1 Notice by a self-regulatory organization of proposed admission to or continuance in membership or participation or association with a member or any person subject to a statutory disqualification, and applications to the Commission for relief therefrom.

(a) *Notice of admission or continuance notwithstanding a statutory disqualification.* (1) Any self-regulatory organization proposing, conditionally or unconditionally, to admit or continue any person in membership or participation or (in the case of a national securities exchange or registered securities association) association with a member, notwithstanding a statutory disqualification as to such person defined in section 3(a)(39) of the Act, shall file a notice with the Commission of such proposed admission or continuance. If such person has not consented to such proposal, notice of the organization's action shall be filed pursuant to Rule 19d–1 under the Act and not under this Rule.

(2) With respect to a person associated with a member of a national securities exchange or registered securities association, notices need be filed with the Commission pursuant to this rule only if such person (i) controls such member or is a general partner or officer (or person occupying a similar status or performing similar functions) or an employee of such member, or (ii) is a broker or dealer not registered with the Commission, or controls such (unregistered) broker or dealer or is a general partner or officer (or person occupying a similar status or performing similar functions) of such broker or dealer.

(3) A notice need not be filed with the Commission pursuant to this rule if (i) the person subject to the statutory disqualification is then a participant in, a member of, or a person associated with a member of, another self-regulatory organization, and the proposed admission or continuance is on essentially the same terms and conditions as imposed in connection with such person's prior admission or continuance pursuant to an order of the Commission under paragraph (d) of this section or otherwise, or (ii) the sole such disqualification consists of a finding by the Commission or a self-regulatory organization of a willful violation of the Act, the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or a rule or regulation under one or more of such Acts and the sanction for such violation is no longer in effect.

(4) The notice requirements of section 6(c)(2), 15A(g)(2), 17A(b)(A) or 19(d)(1) of the Act concerning an action of a self-regulatory organization subject to one (or more) of such section and this paragraph shall be satisfied by a notice with respect to such action filed in accordance with paragraph (c) of this rule.

(b) If a notice has been previously filed pursuant to this rule by a self-regulatory organization, any other such organization need not file a separate notice pursuant to this rule with respect to the same matter if such other organization agrees with the terms and conditions of the notice so filed.

(c) *Contents of notice of admission or continuance.* A notice filed with the Commmission pursuant to paragraph (a) hereof shall contain the following:

(1) The name of the person concerned together with his last known place of residence or business as reflected on the records of the organization;

(2) The basis for any such disqualification from membership, participation or association including (if based on a prior adjudication) a copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such disqualification;

(3) In the case of an admission, the date upon which it is proposed by the organization that such membership, participation or association shall become effective, which shall be not less than 30 days from the date upon which the Commission receives the notice;

(4) A description by or on behalf of the person concerned of the activities engaged in by the person since the disqualification arose, the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person;

(5) If a hearing on the matter has been held by the organization, a certified record of the hearing together with copies of any exhibits introduced therein;

(6) An identification of any other self-regulatory organization which has indicated its agreement with the terms and conditions of the proposed admission or continuance; and

(7) Such other matters as the organization or person deems relevant.

If the notice contains assertions of material facts not a matter of record before the self-regulatory organization, such facts shall be sworn to by affidavit. The notice may be accompanied by a brief.

(d) *Application to the Commission for relief from certain statutory disqualifications.* The filing of a notice pursuant to

son plans to engage and the manner and extent of supervision to be exercised over and by such person;

sumed to be a person who controls such company;

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(d) *Application to the Commission for relief from certain statutory disqualifications.* The filing of a notice pursuant to paragraph (a) of this section shall neither affect nor foreclose any action which the Commission may take with respect to such person pursuant to the provisions of section 15(b) or 19(h) of the Act or any rule thereunder. Accordingly, a notice filed pursuant to paragraph (a) hereof with respect to the membership, participation, or association of any person subject to an "applicable disqualification," as defined in paragraph (f) of this rule, may be accompanied by an application by or on behalf of the person concerned to the Commission for an order declaring, as applicable, that notwithstanding such disqualification, the Commission:

(1) Will not institute proceedings pursuant to section 15(b)(1)(B), 15(b)(4), 15(b)(6) or 19(h) (2) or (3) of the Act if such person seeks to obtain or continue registration as a broker or dealer or association with a broker or dealer so registered, or membership or participation in a self-regulatory organization;

(2) Will not direct otherwise, as provided in section 6(c)(2), 15A(g)(2) or 17A(b)(4)(A) of the Act; and

(3) Will deem such person qualified pursuant to Rules 15b8–2 under the Act.

The Commission may, in its discretion and subject to such terms and conditions as it deems necessary, issue such an order if it finds it appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

(e) *Contents of application to the Commission.* An application to the Commission pursuant to paragraph (d) of this rule shall consist of the following, as appropriate:

(1) The name of the person subject to the disqualification together with his last known place of residence or business as reflected on the records of the organization;

(2) A copy of the order or decision of the court, the Commission or the self-regulatory organization which adjudicated the matter giving rise to such "applicable disqualification";

(3) The nature of the relief sought and the reasons therefor;

(4) A description of the activities engaged in by the person since the disqualification arose;

(5) A description of the prospective business or employment in which the person plans to engage and the manner and extent of supervision to be exercised over and by such person;

(6) If a hearing on the matter has been held by the organization, a certified copy of the hearing record, together with copies of any exhibits introduced therein;

(7) And such other matters as the organization or person deems relevant.

If the application contains assertions of material facts not a matter of record before the organization, such facts shall be sworn to by affidavit. The application may be accompanied by a brief. If any information called for in this paragraph is already contained in an application filed with the Commission in accordance with paragraph (b) of Rule 15b8–2 under the Act concerning the same proposed employment, such information may be incorporated by reference in the application pursuant to this Rule.

(f) *Definitions.* For purposes of this rule:

(1) The term "applicable disqualification" shall mean:

(i) Any effective order of the Commission pursuant to section 15(b) (4) or (6) or 19(h) (2) or (3) of the Act—

(A) Revoking, suspending or placing limitations on the registration, activities, functions, or operations of a broker or dealer;

(B) Suspending, barring, or placing limitations on the association, activities, or functions of an associated person of a broker or dealer;

(C) Suspending or expelling any person from membership or participation in a self-regulatory organization; or

(D) Suspending or barring any person from being associated with a member of a national securities exchange or registered securities association; or

(ii) Any conviction or injunction of a type described in section 15(b)(4) (B) or (C) of the Act.

(2) The term "control" shall mean the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise: *provided, however,* That

(i) Any person who, directly or indirectly, (A) has the right to vote 10 percent or more of the voting securities, (B) is entitled to receive 10 percent or more of the net profits, or (C) is a director (or person occupying a similar status or performing similar functions) of a company shall be presumed to be a person who controls such company;

(ii) Any person not covered by paragraph (i) shall be presumed not to be a person who controls such company; and

(iii) Any presumption may be rebutted on an appropriate showing.

(g) Where it deems it appropriate to do so, the Commission may grant or deny an application filed pursuant to paragraph (d) of this section on the basis of the papers filed by the parties, without oral hearing. Any request for oral hearing or argument should be submitted with the application.

(h) The Rules of Practice (17 CFR 201) shall apply to proceedings under this rule to the extent that they are not inconsistent with this rule.

The Securities and Exchange Commission acting pursuant to the Act, and particularly sections 6, 11A, 15, 15A, 17, 17A, 19 and 23 hereby adopts § 240.19d–1, 2 and 3, and 19h–1 of Title 17 of the Code of Federal Regulations effective August 15, 1977. The revisions made in § 240.19d–1(d), 19h–1(a) and (f)(2) as originally proposed are either technical in nature or make the proposed requirements less restrictive; accordingly, the Commission finds, pursuant to the Administrative Procedure Act (5 U.S.C. 1001 et seq.), that further notice and public procedure are not necessary.

The Commission also finds that adoption of Rules 19d–1, 2 and 3, and 19h–1 should reduce burdens on competition by making uniform reporting obligations of all self-regulatory organizations for their adjudicatory and other specified actions, and procedures for applications for stays and appeals, relating to those actions.

Furthermore, to the extent that those requirements impose a burden on competition, such burdens are necessary and appropriate in furtherance of the purposes of the Act, particularly in view of the Congressional directive embodied in Section 19 of the Act that the Commission oversee self-regulatory organization performance and adopt regulations implementing the notice and review procedures therein contained.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77-20195 Filed 7-13-77;8:45 am]

federal register

THURSDAY, JULY 14, 1977

PART V

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Republication of List of Species

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION AND IMPORTANT OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Republication of the List of Species

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Republication.

SUMMARY: The Director, U.S. Fish and Wildlife Service, hereby issues a republication of the list of Endangered and Threatened Wildlife and Plants. An annual publication of this list is required under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

DATE: This list is inclusive of July 1, 1977.

ADDRESS: Comments concerning this republication should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Keith M. Schreiner, Associate Director of Federal Assistance, Department of the Interior, Washington, D.C. 20240 (202-343-4646).

SUPPLEMENTARY INFORMATION: The list incorporates species officially listed as Endangered or Threatened since the republication of the list in the FEDERAL REGISTER, October 27, 1976 (41 FR 47198). These new species are the Hawaiian monk seal, yellow-shouldered blackbird, Red Hills salamander, Southern sea otter, Marianas mallard, and St. Croix ground lizard. The list incorporates the captive populations of eleven Endangered foreign species, the modified status of the American alligators reclassified by rulemaking, FEDERAL REGISTER, January 10, 1977 (42 FR 2076), and the clerical modification that only the wild population of the African wild ass in Ethiopia, Somalia, and Sudan, is included in the list as noted in the FEDERAL REGISTER, April 25, 1977 (42 FR 15973). Errors detected in the FEDERAL REGISTER, October 27, 1976, list have also been corrected.

Dated: July 1, 1977.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

The table in 50 CFR 17.11 is revised to read as follows:

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
MAMMALS:							
Anoa	Anoa depressicornis	N/A	Indonesia	Entire	E	3	N/A
Anoa, mountain	Bubalus (Anoa) quarlesi	N/A	Indonesia	Entire	E	15	N/A
Anteater, scaly	Manis temmincki	N/A	Africa	Entire	E	15	N/A
Antelope, giant sable	Hippotragus niger variani	N/A	Angola	Entire	E	15	N/A
Antelope, Mongolian saiga	Saiga tatarica mongolica	N/A	Mongolia	Entire	E	15	N/A
Argali	Ovis ammon hodgsoni	N/A	China (Tibet)	Entire	E	15	N/A
Armadillo, giant	Priodontes giganteus (=maximus)	N/A	Venezuela, Guyana, Argentina	Entire	E	15	N/A
Armadillo, pink fairy	Chlamyphorus truncatus	N/A	Argentina	Entire	E	3	N/A
Ass, African wild	Equus asinus	Ethiopia, Somalia, & Sudan	Ethiopia, Somalia, & Sudan	Entire	E	3	N/A
Ass, Asian wild	Equus hemionus	N/A	Southwestern and Central Asia	Entire	E	3	N/A
Avahis	Avahi spp. (all species)	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Aye-Aye	Daubentonia madagascariensis	N/A	Malagasy Republic (Madagascar)	Entire	E	3	N/A
Babiroussa	Babyrousa babyrussa	N/A	Indonesia	Entire	E	15	N/A
Bandicoot, barred	Perameles bougainville	N/A	Australia	Entire	E	4	N/A
Bandicoot, desert	Perameles eremiana	N/A	Australia	Entire	E	6	N/A
Bandicoot, lesser rabbit	Macrotis leucura	N/A	Australia	Entire	E	4	N/A
Bandicoot, pig-footed	Chaeropus ecaudatus	N/A	Australia	Entire	E	4	N/A
Bandicoot, rabbit	Macrotis lagotis	N/A	Australia	Entire	E	4	N/A
Banteng	Bibos banteng	N/A	Southeast Asia	Entire	E	4	N/A
Bat, gray	Myotis grisescens	N/A	Central and Southeastern USA	Entire	E	13	N/A
Bat, Hawaiian hoary	Lasiurus cinereus semotus	N/A	USA (Hawaii)	Entire	E	2	N/A
Bat, Indiana	Myotis sodalis	N/A	Eastern and Midwestern USA	Entire	E	1	N/A
Bear, brown	Ursus arctos pruinosus	China (Tibet)	China (Tibet)	Entire	E	15	N/A
Bear, brown	Ursus arctos	Italy	Holarctic	Entire	E	15	N/A
Bear, brown or grizzly	Ursus arctos horribilis	USA (48 conterminous states)	Holarctic	Entire	T	9	17.40(b)
Bear, brown	Ursus arctos nelsoni	Mexico	Mexico	Entire	E	3	N/A
Beaver	Castor fiber birulai	N/A	Mongolia	Entire	E	15	N/A
Bison, wood	Bison bison athabascae	N/A	Canada	Entire	E	3	N/A
Bobcat	Felis (Lynx) rufus escuinapae	N/A	Central Mexico	Entire	E	15	N/A
Camel, Bactrian	Camelus bactrianus	N/A	Mongolia, China	Entire	E	15	N/A
Cat, Andean	Felis jacobita	N/A	Chile, Peru, Bolivia, Argentina	Entire	E	15	N/A
Cat, black-footed	Felis nigripes	N/A	Southern Africa	Entire	E	15	N/A
Cat, flat-headed	Felis planiceps	N/A	Malaysia	Entire	E	15	N/A
Cat, leopard	Felis bengalensis bengalensis	N/A	Eastern Asia	Entire	E	15	N/A
Cat, marbled	Felis marmorata	N/A	Nepal, Burma, Malaysia (Sumatra, Borneo)	Entire	E	15	N/A
Cat, Temminck's	Felis temmincki	N/A	China (Tibet) Malaysia, (Sumatra)	Entire	E	15	N/A
Cat, tiger	Felis tigrina	N/A	Costa Rica to Northern South America	Entire	E	4	N/A
Chamois, Apennin	Rupicapra rupicapra ornata	N/A	Italy	Entire	E	15	N/A
Cheetah	Acinonyx jubatus	N/A	Africa to India	Entire	E	3,5	N/A
Chimpanzee	Pan troglodytes	N/A	Western and Central Africa	Entire	T	16	17.40(c)
Chimpanzee, Pigmy	Pan paniscus	N/A	Zaire	Entire	T	16	17.40(c)
Chinchilla	Chinchilla brevicaudata boliviana	N/A	Bolivia	Entire	E	15	N/A
Colobus, black	Colobus satanas	N/A	Cameroon, Equatorial Guinea, Gabon, Congo, (Brazzaville)	Entire	E	16	N/A
Colobus, red	Colobus badius rufomitratus	N/A	Kenya	Entire	E	4	N/A
Colobus, Zanzibar red	Colobus badius kirkii	N/A	Tanzania	Entire	E	4	N/A
Cougar, eastern	Felis concolor cougar	N/A	USA (Eastern)	Entire	E	6	N/A
Deer, Bawean	Hyelaphus kuhli (Cervus kuhli)	N/A	Indonesia	Entire	E	3	N/A
Deer, Cedros Island mule	Odocoileus hemionus cedrosensis	N/A	Mexico (Cedros Island)	Entire	E	10	N/A
Deer, Columbian white-tailed	Odocoileus virginianus leucurus	N/A	USA (Oregon, Washington)	Entire	E	1	N/A
Deer, Eld's brow-antlered	Cervus eldi	N/A	India, Southeast Asia	Entire	E	4	N/A
Deer, hog	Axis (Hyelaphus) porcinus annamiticus	N/A	India, Thailand, Laos, Cambodia Vietnam	Entire	E	15	N/A
Deer, key	Odocoileus virginianus clavium	N/A	USA (Florida)	Entire	E	1	N/A
Deer, marsh	Blastocerus dichotomus	N/A	Argentina, Uruguay, Paraguay, Brazil	Entire	E	4	N/A
Deer, McNeill's	Cervus elaphus macneilli	N/A	China	Entire	E	4	N/A
Deer, musk	Moschus moschiferus moschiferus	N/A	Southcentral Asia	Entire	E	15	N/A
Deer, pampas	Ozotoceras bezoarcticus	N/A	Brazil, Paraguay, Uruguay, Argentina	Entire	E	15	N/A
Deer, Persian fallow	Dama dama mesopotamica	N/A	Iraq, Iran	Entire	E	3	N/A
Deer, Philippine	Axis (Hyelaphus) calamianensis	N/A	Philippines (Calamian Islands)	Entire	E	15	N/A
Deer, swamp	Cervus duvauceli	N/A	India, Nepal	Entire	E	4	N/A
Dibbler	Antechinus apicalis	N/A	Australia	Entire	E	4	N/A
Dog, Asiatic wild (Dhole)	Cuon alpinus	N/A	Soviet Union, India	Entire	E	4	N/A
Drill	Papio leucophaeus	N/A	Western Cameroon, eastern Nigeria	Entire	E	16	N/A
Dugong	Dugong dugon	N/A	East Africa to Ryukyu Islands, including USA (Trust Territories)	Entire	E	4	N/A
Elephant, Asian	Elephas maximus	N/A	India, Burma, Thailand, Cambodia, Laos, Malaysia, Sri Lanka, Vietnam	Entire	E	15	N/A
Ferret, black-footed	Mustela nigripes	N/A	USA (Western) Western Canada	Entire	E	1,3	N/A
Forester, Tasmanian (kangaroo)	Macropus giganteus tasmaniensis	N/A	Australia	Entire	E	6	N/A
Fox, Northern kit	Vulpes velox hebes	N/A	Canada	Entire	E	3	N/A
Fox, San Joaquin kit	Vulpes macrotis mutica	N/A	USA (California)	Entire	E	1	N/A
Gazelle, Clark's (Dibatag)	Ammodorcas clarki	N/A	Somalia, Ethiopia	Entire	E	3	N/A
Gazelle, Cuvier's	Gazella cuvieri	N/A	Morocco, Tunisia	Entire	E	4	N/A
Gazelle, Dorcas	Gazella dorcas dorcas	N/A	South Africa	Entire	E	15	N/A
Gazelle, Mhorr	Gazella dama mhorr	N/A	Morocco	Entire	E	4	N/A
Gazelle, Moroccan (Dorcas)	Gazella dorcas massaesyla	N/A	Morocco, Algeria	Entire	E	4	N/A
Gazelle, Rio de Oro Dama	Gazella dama lozanoi	N/A	Spanish Sahara	Entire	E	4	N/A
Gazelle, slender-horned (Rhim)	Gazella leptoceros	N/A	Sudan, Algeria, Egypt, Libya	Entire	E	4	N/A
Gelada	Theropithecus gelada	N/A	Northern Ethiopia	Entire	T	16	17.40(c)

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Gibbons,	Hylobates spp.	N/A	China and S.E. Asia	Entire	E	15	N/A
Goral	Nemorhaedus goral	N/A	East Asia	Entire	E	15	N/A
Gorilla	Gorilla gorilla	N/A	Central and Western Africa	Entire	E	4	N/A
Hare, hispid	Caprolagus hispidus	N/A	India, Nepal	Entire	E	15	N/A
Hartebeest, Swayne's	Alcelaphus buselaphus swaynei	N/A	Ethiopia	Entire	E	4	N/A
Hog, pygmy	Sus salvanius	N/A	India, Nepal, Bhutan, Sikkim	Entire	E	4	N/A
Horse, Przewalski's	Equus przewalskii	N/A	Mongolia	Entire	E	15	N/A
Huemul, North Andean	Hippocamelus antisiensis	N/A	Ecuador, Peru, Bolivia, Chile, Argentina	Entire	E	15	N/A
Huemul, South Andean	Hippocamelus bisulcus	N/A	Chile, Argentina	Entire	E	15	N/A
Hyaena, Barbary	Hyaena hyaena barbara	N/A	Morocco	Entire	E	4	N/A
Hyaena, brown	Hyaena brunnea	N/A	South Africa	Entire	E	4	N/A
Ibex, Pyrenean	Capra pyrenaica pyrenaica	N/A	Spain	Entire	E	3	N/A
Ibex, Walia	Capra walie	N/A	Ethiopia	Entire	E	3	N/A
Impala, black-faced	Aepyceros melampus petersi	N/A	Namibia, Angola	Entire	E	4	N/A
Indris	Indri spp. (all species)	N/A	Malagasy Republic (Madagascar), Comoro I. sd.	Entire	E	3,4	N/A
Jaguar	Panthera onca	N/A	Central and South America	Entire	E	5 4	N/A
Jaguar	Panthera onca	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Jaguarundi	Felis yagouaroundi cacomitli	N/A	Mexico	Entire	E	15	N/A
Jaguarundi	Felis yagouaroundi fossata	N/A	Mexico, Nicaragua	Entire	E	15	N/A
Jaguarundi	Felis yagouaroundi panamensis	N/A	Nicaragua, Costa Rica, Panama	Entire	E	15	N/A
Jaguarundi	Felis yagouaroundi tolteca	N/A	Mexico	Entire	E	15	N/A
Kangaroo, eastern gray (see also Forester, Tasmanian)	Macropus giganteus (all subspecies except tasmaniensis)	N/A	Australia	Entire	T	7	17.40(a)
Kangaroo, red	Megaleia rufa	N/A	Australia	Entire	T	7	17.40(a)
Kangaroo, western gray	Macropus fuliginosus	N/A	Australia	Entire	T	7	17.40(a)
Kouprey	Bos sauveli	N/A	Cambodia	Entire	E	3	N/A
Langur, capped	Presbytis pileatus	N/A	India, Burma,	Entire	E	[illegible]	N/A
Langur, entellus	Presbytis entellus		China (Tibet), India, Nepal, Sri Lanka, Pakistan, Kashmir, Sikkim, Bangladesh	Entire	E	15	N/A
Langur, Douc	Pygathrix nemaeus	N/A	Cambodia, Laos, Vietnam, China	Entire	E	4	N/A
Langur, golden	Presbytis geei	N/A	Assam, Bhutan	Entire	E	15	N/A
Langur, long-tailed	Presbytis potenziani	N/A	Mentawi Islands, Indonesia	Entire	T	16	17.40(c)
Langur, Pagi Island	Simias concolor	N/A	Indonesia	Entire	E	4	N/A
Langur, purple-faced	Presbytis senex	N/A	Sri Lanka (Ceylon)	Entire	T	16	17.40(c)
Lechwe	Kobus leche	N/A	Southern Africa	Entire	E	15	N/A

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Lemur	Allocebus spp.	N/A	Malagasy Republic (Madagascar)	Entire	E	15	N/A
Lemurs	Lemuridae; all members of the genera Lemur, Hapalemur, Lepilemur, Cheirogaleus, Microcebus, Phaner	N/A	Malagasy Republic (Madagascar) and Comoro Islands	Entire	E	3,4	N/A
Lemur, black	Lemur macaco	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Lemur, ring-tailed	Lemur catta	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Leopard	Panthera pardus	N/A	Africa and Asia	Entire	E	3,5	N/A
Leopard	Panthera pardus	In captivity in U.S.	N/A .	Entire	T(C/P)	22	N/A
Leopard, clouded	Neofelis nebulosa	N/A	Southeast Asia	Entire	E	15	N/A
Leopard, Formosan clouded	Neofelis nebulosa brachyurus	N/A	Taiwan	Entire	E	4	N/A
Leopard, snow	Panthera uncia	N/A	Central Asia	Entire	E	5	N/A
Linsang, spotted	Prionodon pardicolor	N/A	Nepal, Assam, Burma Cambodia, Laos, Vietnam	Entire	E	15	N/A
Lion, Asiatic	Panthera leo persica	N/A	India	Entire	E	3	N/A
Loris, lesser slow	Nycticebus pygmaeus	N/A	Philippines (Mindanao, Bohol, Leyte, Samar Islands)	Entire	T	16	17.40(c)
Lynx, Spanish	Felis lynx pardina (Felis pardina)	N/A	Spain	Entire	E	3	N/A
Macaque, Formosan rock	Macaca cyclopis	N/A	Taiwan	Entire	T	16	17.40(c)
Macaque, Japanese	Macaca fuscata	N/A	Japan (Shikoku, Kyushu and Honshu Islands)	Entire	T	16	17.40(c)
Macaque, lion-tailed	Macaca silenus	N/A	India	Entire	E	3	N/A
Macaque, stumptail	Macaca arctoides	N/A	Assam (India), to southern China and Malay Peninsula	Entire	T	16	17.40(c)
Macaque, Toque	Macaca sinica	N/A	Sri Lanka (Ceylon)	Entire	T	16	17.40(c)
Manatee, Amazonian	Trichechus inunguis	N/A	South America; Amazon River Basin	Entire	E	3	N/A
Manatee, West Indian (Florida)	Trichechus manatus	N/A	USA (Florida), Caribbean Ocean, South America	Entire	E	1,3	N/A
Mandrill	Papio sphinx	N/A	Central West Africa	Entire	E	16	N/A
Mangabey, Tana River	Cercocebus galeritus galeritus	N/A	Kenya	Entire	E	3	N/A
Mangabey, white-collared	Cercocebus torquatus	N/A	Senegal to Ghana; Nigeria to Gabon	Entire	E	[illegible]	N/A
Margay	Felis wiedii	N/A	Central and South America	Entire	E	5	N/A
Markhor, Chiltan	Capra falconeri chiltanensis	N/A	Pakistan	Entire	E	15	N/A
Markhor, Kabal	Capra falconeri megaceros	N/A	Afghanistan, Pakistan	Entire	E	15	N/A
Markhor, straight-horned	Capra falconeri jerdoni	N/A	Pakistan, Afghanistan border	Entire	E	15	N/A
Marmoset, cotton-top	Saguinus oedipus	N/A	Panama, Costa Rica, Colombia	Entire	E	16	N/A
Marmoset, Goeldi's	Callimico goeldii	N/A	Brazil, Colombia, Ecuador, Peru	Entire	E	4	N/A

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Marsupial, eastern jerboa	Antechinomys laniger	N/A	Australia	Entire	E	4	N/A
Marsupial-mouse, large desert	Sminthopsis psammophila	N/A	Australia	Entire	E	4	N/A
Marsupial-mouse, long-tailed	Sminthopsis longicaudata	N/A	Australia	Entire	E	4	N/A
Marten, Formosan yellow-throated	Martes flavigula chrysospila	N/A	Taiwan	Entire	E	4	N/A
Monkey, black howler	Alouatta pigra	N/A	Mexico, Guatemala, Belize	Entire	T	16	17.40(c)
Monkey, Diana	Cercopithecus diana	N/A	Coastal West Africa	Entire	E	16	N/A
Monkey, Francois' leaf	Presbytis francoisi	N/A	Kwangsi (Peoples's Republic of China), Indochina	Entire	E	16	N/A
Monkey, howler	Alouatta villosa (=palliata)	N/A	Mexico, Ecuador, Colombia	Entire	E	15	N/A
Monkey, L'hoest's	Cercopithecus lhoesti	N/A	Upper eastern Congo Basin, Cameroon,	Entire	E	16	N/A
Monkey, proboscis	Nasalis larvatus	N/A	Borneo	Entire	E	15	N/A
Monkey, red-backed squirrel	Saimiri oerstedii (Saimiri sciureus oerstedii)	N/A	Costa Rica, Panama	Entire	E	3	N/A
Monkey, red-bellied	Cercopithecus erythrogaster	N/A	Western Nigeria	Entire		16	N/A
Monkey, red-eared nose spotted	Cercopithecus erythrotis	N/A	Nigeria, Fernando Po	Entire	E	16	N/A
Monkey, spider	Ateles geoffroyi frontatus	N/A	Costa Rica, Nicaragua	Entire	E	3	N/A
Monkey, spider	Ateles geoffroyi panamensis	N/A	Costa Rica, Panama	Entire	E	3	N/A
Monkey, Tonkin snub-nosed	Rhinopithecus avunculus	N/A	Vietnam	Entire	T	16	17.40(c)
Monkey, woolly spider	Brachyteles arachnoides	N/A	Brazil	Entire	E	4	N/A
Monkey, yellow-tailed woolly	Lagothrix flavicauda	N/A	Andes of northern Peru	Entire	E	16	N/A
Mouse, Australian native	Zyzomys pedunculatus	N/A	Australia	Entire	E	15	N/A
Mouse, Australian natv.	Notomys aquilo	N/A	Australia	Entire	E	15	N/A
Mouse, Field's	Pseudomys fieldi	N/A	Australia	Entire	E	4	N/A
Mouse, Gould's	Pseudomys gouldii	N/A	Australia	Entire	E	6	N/A
Mouse, New Holland	Pseudomys novaehollandiae	N/A	Australia	Entire	E	4	N/A
Mouse, Salt Marsh Harvest	Reithrodontomys raviventris	N/A	USA (California)	Entire	E	2	N/A
Mouse, Shark Bay	Pseudomys praeconis	N/A	Australia	Entire	E	4	N/A
Mouse, Shortridge's	Pseudomys shortridgei	N/A	Australia	Entire	E	4	N/A
Mouse, Smoky	Pseudomys fumeus	N/A	Australia	Entire	E	4	N/A
Mouse, Western	Pseudomys occidentalis	N/A	Australia	Entire	E	4	N/A
Native-cat, Eastern	Dasyurus viverrinus	N/A	Australia	Entire	E	6	N/A
Numbat	Myrmecobius fasciatus	N/A	Australia	Entire	E	6	N/A
Ocelot	Felis pardalis	N/A	Central and South America	Entire	E	5	N/A
Orangutan	Pongo pygmaeus	N/A	Indonesia, Malaysia, Brunei	Entire	E	3	N/A
Oryx, Arabian	Oryx leucoryx	N/A	Arabian Peninsula	Entire	E	3	N/A
Otter, Cameroon clawless	Paraonyx microdon	N/A	Cameroon	Entire	E	4	N/A
Otter, giant	Pteronura brasiliensis	N/A	South America	Entire	E	3	N/A
Otter, La Plata	Lutra platensis	N/A	Uruguay, Argentina, Bolivia, Brazil	Entire	E	4	N/A

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Otter, long-tailed	Lutra longicaudis	N/A	South America	Entire	E	15	N/A
Otter, marine	Lutra felina	N/A	Peru, Chiloe Island, Straits of Magellan	Entire	E	15	N/A
Otter, Southern River	Lutra provocax	N/A	Chile, Argentina	Entire	E	15	N/A
Otter, Southern Sea	Enhydra lutris nereis	N/A	California	Entire	T	21	N/A
Panther, Florida	Felis concolor coryi	N/A	USA (Florida)	Entire	E	1	N/A
Planigale, little	Planigale subtilissima	N/A	Australia	Entire	E	4	N/A
Plaingale, Southern	Planigale tenuirostris	N/A	Australia	Entire	E	4	N/A
Porcupine, thin-spined	Chaetomys subspinosus	N/A	Brazil	Entire	E	3	N/A
Possum, mountain pygmy	Burramys parvus	N/A	Australia	Entire	E	4	N/A
Possum, scaly-tailed	Wyulda squamicaudata	N/A	Australia	Entire	E	4	N/A
Prairie Dog, Mexican	Cynomys mexicanus	N/A	Mexico	Entire	E	4	N/A
Prairie Dog, Utah	Cynomys parvidens	N/A	USA (Utah)	Entire	E	6	N/A
Pronghorn, peninsular	Antilocapra americana peninsularis	N/A	Mexico (Baja California)	Entire	E	10	N/A
Pronghorn, Sonoran	Antilocapra americana sonoriensis	N/A	USA (Arizona), Mexico	Entire	E	1,3	N/A
Pudu	Pudu pudu	N/A	Southern South America	Entire	E	15	N/A
Puma, Costa Rican	Felis concolor costaricensis	N/A	Nicaragua, Costa Rica, Panama	Entire	E	15	N/A
Quokka	Setonix brachyurus	N/A	Australia	Entire	E	6	N/A
Rabbit, volcano	Romerolagus diazi	N/A	Mexico	Entire	E	4	N/A
Rat, false water	Xeromys myoides	N/A	Australia	Entire	E	4	N/A
Rat, stick-nest	Leporillus conditor	N/A	Australia	Entire	E	6	N/A
Rat, Morro Bay kangaroo	Dipodomys heermanni morroensis	N/A	USA (California)	Entire	E	2	N/A
Rat, kangaroo, brush-tailed	Bettongia penicillata	N/A	Australia	Entire	E	4	N/A
Rat-kangaroo, Gaimard's	Bettongia gaimardi	N/A	Australia	Entire	E	6	N/A
Rat-kangaroo, Lesuer's	Bettongia lesueur	N/A	Australia	Entire	E	4	N/A
Rat-kangaroo, plain	Caloprymnus campestris	N/A	Australia	Entire	E	4	N/A
Rat-kangaroo, Queensland	Bettongia tropica	N/A	Australia	Entire	E	4	N/A
Rhinoceros, great Indian	Rhinoceros unicornis	N/A	India, Nepal	Entire	E	4	N/A
Rhinoceros, Javan	Rhinoceros sondaicus	N/A	Indonesia, Burma, Thailand	Entire	E	3	N/A
Rhinoceros, northern white	Ceratotherium simum cottoni	N/A	Zaire, Uganda, Sudan Central African Republic	Entire	E	4	N/A
Rhinoceros, Sumatran	Didermoceros sumatrensis	N/A	Bangladesh to Vietnam to Indonesia (Borneo)	Entire	E	3	N/A
Saki, white-nosed	Chiropotes albinasus	N/A	Brazil	Entire	E	4	N/A
Seal, Hawaiian Monk	Monachus schauinslandi	N/A	Hawaiian Archipelago	Entire	E	18	N/A
Seal, Mediterranean monk	Monachus monachus	N/A	Mediterranean, Northwest African Coast and Black Sea	Entire	E	3	N/A
Seledang (Gaur)	Bos gaurus	N/A	India, Southeast Asia, Bangladesh	Entire	E	4	N/A
Serow, Sumatran	Capricornis sumatraensis	N/A	Sumatra	Entire	E	15	N/A
Serval, Barbary	Felis serval constantina	N/A	Algeria	Entire	E	4	N/A
Shapo	Ovis vignei	N/A	Kashmir	Entire	E	15	N/A
Shou	Cervus elaphus wallichi	N/A	Tibet, Bhutan	Entire	E	4	N/A
Siamang	Symphalangus syndactylus	N/A	Thailand, Malaysia (Malay Peninsula, Sumatra)	Entire	E	15	N/A

SPECIES			RANGE				
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Sifakas	Propithecus spp. (all species)	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Sloth, Brazilian three-toed	Bradypus torquatus	N/A	Brazil	Entire	E	4	N/A
Solenodon, Cuban	Atopogale cubana	N/A	Cuba	Entire	E	4	N/A
Solenodon, Haitian	Solenodon paradoxus	N/A	Dominican Republic, Haiti	Entire	E	4	N/A
Squirrel, Delmarva Peninsula fox	Sciurus niger cinereus	N/A	USA (Maryland)	Entire	E	1	N/A
Stag, Barbary	Cervus elaphus barbarus	N/A	Tunisia, Algeria	Entire	E	3	N/A
Stag, Kashmir	Cervus elaphus hanglu	N/A	Kashmir	Entire	E	3	N/A
Tamaraw	Anoa mindorensis	N/A	Philippines	Entire	E	4	N/A
Tamarin, golden-rumped (golden-headed Tamarin; golden-lion Marmoset)	Leontideus spp. (all species)	N/A	Brazil	Entire	E	3	N/A
Tamarin, pied	Saguinus bicolor	N/A	Northern Brazil	Entire	E	16	N/A
Tamarin, white-footed	Saguinus leucopus	N/A	Northern Colombia	Entire	T	16	17.40(c)
Tapir, Asian	Tapirus indicus	N/A	Burma, Thailand, Cambodia, Laos, Vietnam, Malaysia (Sumatra)	Entire	E	15	N/A
Tapir, Brazilian	Tapirus terrestris	N/A	Venezuela, Argentina, Brazil, Colombia	Entire	E	4	N/A
Tapir, Central American	Tapirus bairdii	N/A	Southern Mexico to Colombia and ecuador	Entire	E	4	N/A
Tapir, mountain	Tapirus pinchaque	N/A	Colombia	Entire	E	4	N/A
Tarsier, Philippine	Tarsius syrichta	N/A	Philippines	Entire	T	16	17.40(c)
Tiger	Panthera tigris	N/A	Temperate and Tropical Asia	Entire	E	3,5	N/A
Tiger	Panthera tigris	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Tiger, Tasmanian (Thylacine)	Thylacinus cynocephalus	N/A	Australia	Entire	E	3	N/A
Uakari	Cacajao spp. (all species)	N/A	Peru, Colombia, Brazil, Venezuela, Ecuador	Entire	E	3	N/A
Urial	Ovis orientalis ophion	N/A	Cyprus	Entire	E	15	N/A
Vicuña	Vicugna vicugna	N/A	Peru, Bolivia, Argentina	Entire	E	3	N/A
Wallaby, banded hare	Lagostrophus fasciatus	N/A	Australia	Entire	E	4	N/A
Wallaby, brindled nail-tailed	Onychogalea frenata	N/A	Australia	Entire	E	4	N/A
Wallaby, crescent nail-tailed	Onychogalea lunata	N/A	Australia	Entire	E	4	N/A
Wallaby, Parma	Macropus parma	N/A	Australia	Entire	E	4	N/A
Wallaby, western hare	Lagorchestes hirsutus	N/A	Australia	Entire	E	4	N/A
Wallaby, yellow-footed rock	Petrogale xanthopus	N/A	Australia	Entire	E	6	N/A
Whale, blue	Balaenoptera musculus	N/A	Oceanic	Entire	E	4	N/A
Whale, bowhead	Balaena mysticetus	N/A	Oceanic	Entire	E	4	N/A
Whale, finback	Balaenoptera physalus	N/A	Oceanic	Entire	E	4	N/A
Whale, gray	Eschrichtius gibbosus	N/A	Oceanic	Entire	E	4	N/A
Whale, humpback	Megaptera novaeangliae	N/A	Oceanic	Entire	E	4	N/A
Whale, right	Eubalaena spp. (all species)	N/A	Oceanic	Entire	E	4	N/A
Whale, Sei	Balaenoptera borealis	N/A	Oceanic	Entire	E	4	N/A
Whale, sperm	Physeter catodon	N/A	Oceanic	Entire	E	4	N/A

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Wolf, eastern timber	Canis lupus lycaon	N/A	USA (Minnesota, Michigan)	Entire	E	1	N/A
Wolf, gray	Canis lupus monstrabilis	N/A	USA (Texas, New Mexico) Mexico	Entire	E	15	N/A
Wolf, maned	Chrysocyon brachyurus	N/A	Argentina, Bolivia, Brazil, Paraguay	Entire	E	4	N/A
Wolf, Mexican	Canis lupus baileyi	N/A	Mexico, USA (Arizona, New Mexico, Texas)	Entire	E	13	N/A
Wolf, Northern Rocky Mountain	Canis lupus irremotus	N/A	USA (Wyoming, Montana)	Entire	E	6	N/A
Wolf, red	Canis rufus	N/A	USA (Texas, Louisiana)	Entire	E	2	N/A
Wombat, Barnard's	Lasiorhinus barnardi	N/A	Australia	Entire	E	4	N/A
Wombat, Queensland hairy-nosed	Lasiorhinus gillespiei	N/A	Australia	Entire	E	6	N/A
Yak, wild	Bos grunniens mutus	N/A	China (Tibet) India	Entire	E	4	N/A
Zebra, mountain	Equus zebra zebra	N/A	Southern Africa	Entire	E	15	N/A

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BIRDS:							
Akepa, Hawaii (honeycreeper)	Loxops coccinea coccinea	N/A	USA (Hawaii)	Entire	E	2	N/A
Akepa, Maui (honeycreeper)	Loxops coccinea ochracea	N/A	USA (Hawaii)	Entire	E	2	N/A
Akialoa, Kauai (honeycreeper)	Hemignathus procerus	N/A	USA (Hawaii)	Entire	E	1	N/A
Akiapolaau (honeycreeper)	Hemignathus wilsoni	N/A	USA (Hawaii)	Entire	E	1	N/A
Albatross, short-tailed	Diomedea albatrus	N/A	North Pacific Ocean: Japan, Soviet Union, USA	Entire	E	3	N/A
Blackbird, Yellow shouldered	Agelaius xanthomus	N/A	Puerto Rico & Mona Island	Entire	E	17	N/A
Bobwhite, masked (quail)	Colinus virginianus ridgwayi	N/A	USA (Arizona, New Mexico), Northern Mexico	Entire	E	1,3	N/A
Booby, Abbott's	Sula abbotti	N/A	Indian Ocean: (Christman Isd.)	Entire	E	15	N/A
Bristlebird, western (flycatcher)	Dasyornis brachypterus longirostris	N/A	Australia	Entire	E	4	N/A
Bristlebird, western rufous (flycatcher)	Dasyornis broadbenti littoralis	N/A	Australia	Entire	E	15	N/A
Bulbul, Mauritius olivaceous	Hypsipetes borbonicus olivaceus	N/A	Mauritius	Entire	E	3	N/A
Bullfinch, Sao Miguel (finch)	Pyrrhula pyrrhula murina	N/A	Eastern Atlantic Ocean: Portugal	Entire	E	3	N/A
Bustard, great Indian	Choriotis nigriceps	N/A	India, Pakistan	Entire	E	3	N/A
Cahow (Bermuda Petrel)	Pterodroma cahow	N/A	Western Atlantic Ocean: Bermuda	Entire	E	4	N/A
Condor, Andean	Vultur gryphus	N/A	Colombia to Chile and Argentina	Entire	E	4	N/A
Condor, California	Gymnogyps californianus	N/A	USA (California)	Entire	E	1	N/A
Coot, Hawaiian	Fulica americana alai	N/A	USA (Hawaii)	Entire	E	2	N/A
Cotinga, banded	Cotinga maculata	N/A	Brazil	Entire	E	15	N/A
Cotinga, white-winged	Xipholena atropurpurea	N/A	Brazil	Entire	E	15	N/A
Crane, black-necked	Grus nigricollis	N/A	China (Tibet)	Entire	E	15	N/A
Crane, Cuba sandhill	Grus canadensis nesiotes	N/A	West Indies: Cuba Isle of Pines	Entire	E	15	N/A
Crane, hooded	Grus monacha	N/A	Japan, Soviet Union	Entire	E	4	N/A
Crane, Japanese	Grus japonensis	N/A	China, Japan, Korea, Soviet Union	Entire	E	4	N/A
Crane, Mississippi sandhill	Grus canadensis pulla	N/A	USA (Mississippi)	Entire	E	6	N/A
Crane, Siberian white	Grus leucogeranus	N/A	Soviet Union (Siberia) to India	Entire	E	4	N/A
Crane, white-naped	Grus vipio	N/A	Mongolia	Entire	E	15	N/A
Crane, whooping	Grus americana	N/A	Canada, USA	Entire	E	1,3	N/A
Creeper, Hawaii (honeycreeper)	Loxops maculata mana	N/A	USA (Hawaii)	Entire	E	10	N/A
Creeper, Molokai (Kakawahie) (honeycreeper)	Loxops maculata flammea	N/A	USA (Hawaii)	Entire	E	2	N/A

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Creeper, Oahu (Alauwahio) (honeycreeper)	Loxops maculata maculata	N/A	USA (Hawaii)	Entire	E	2	N/A
Crow, Hawaiian (Alala)	Corvus tropicus	N/A	USA (Hawaii)	Entire	E	1	N/A
Cuckoo-shrike, Mauritius	Coquus typicus	N/A	Mauritius	Entire	E	3	N/A
Cuckoo-shrike Reunion	Coquus newtoni	N/A	Indian Ocean: France (Reunion Isd.)	Entire	E	3	N/A
Curassow, red billed	Crax blumenbachii	N/A	Brazil	Entire	E	4	N/A
Curassow, Trinidad white-headed	Pipile pipile pipile	N/A	West Indies: Trinidad	Entire	E	3	N/A
Curlew, Eskimo	Numenius borealis	N/A	Canada to Argentina	Entire	E	1,3	N/A
Dove, cloven-feathered	Drepanoptila holosericea	N/A	Southwest Pacific Ocean: New Calendonia	Entire	E	4	N/A
Dove, Grenada	Leptotila wellsi	N/A	West Indies: Grenada	Entire	E	4	N/A
Dove, Palau ground	Gallicolumba canifrons	N/A	West Pacific Ocean: USA (Palau Islands)	Entire	E	4	N/A
Duck, Hawaiian (Koloa)	Anas wyvilliana	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Laysan	Anas laysanensis	N/A	USA Hawaii)	Entire	E	6	N/A
Duck, Mexican	Anas diazi	N/A	USA (Texas, Arizona), Mexico	Entire	E	1	N/A
Duck, pink-headed	Rhodonessa caryophyllacea	N/A	India	Entire	E	15	N/A
Duck, white-winged wood	Cairina scutulata	N/A	India, Burma, Thailand, Malaysia, Indonesia	Entire	E	3	N/A
Eagle, Greenland white-tailed	Haliaeetus albicilla groenlandicus	N/A	Greenland and adjacent Atlantic Islands	Entire	E	15	N/A
Eagle, harpy	Harpia harpyja	N/A	Mexico, Central America, Bolivia, Brazil, Argentina	Entire	E	15	N/A
Eagle, monkey-eating	Pithecophaga jefferyi	N/A	Philippines	Entire	E	3	N/A
Eagle, Southern bald	Haliaeetus leucocephalus leucocephalus	N/A	USA (South of 40th Parallel)	Entire	E	1	N/A
Eagle, Spanish imperial	Aquila heliaca adalberti	N/A	Spain, Morocco, Algeria	Entire	E	4	N/A
Egret, Chinese	Egretta eulophotes	N/A	China, Korea	Entire	E	4	N/A
Falcon, American peregrine	Falco peregrinus anatum	N/A	Canada, USA, Mexico	Entire	E	2,3	N/A
Falcon, Arctic peregrine	Falco peregrinus tundrius	N/A	Canada, USA, Greenland	Entire	E	2,4	N/A
Falcon, peregrine	Falco peregrinus peregrinus	N/A	Europe, Soviet Union	Entire	E	15	N/A

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Finches, Laysan and Nihoa (honeycreepers)	Psittirostra cantans	N/A	USA (Hawaii)	Entire	E	1	N/A
Flycatcher, Chatham Island robin	Petroica traversi ultima	N/A	New Zealand	Entire	E	4	N/A
Flycatcher, Euler's (tyrant)	Empidonax euleri johnstonei	N/A	West Indies: Grenada	Entire	E	3	N/A
Flycatcher, Grey-neck rock-fowl	Picathartes oreas	N/A	Cameroon	Entire	E	3	N/A
Flycatcher, Palau fantail	Rhipidura lepida	N/A	West Pacific Ocean: USA (Palau Islands)	Entire	E	4	N/A
Flycatcher, scarlet-breasted robin (tyrant)	Petroica multicolor multicolor	N/A	Australia (Norfolk Isd.)	Entire	E	3	N/A
Flycatcher, Seychelles black	Terpsiphone corvina	N/A	Indian Ocean: Seychelles	Entire	E	4	N/A
Flycatcher, Tahiti	Pomarea nigra nigra	N/A	South Pacific Ocean: Tahiti	Entire	E	3	N/A
Flycatcher white-necked rock fowl	Picathartes gymnocephalus	N/A	Africa: Togo to Sierra Leone	Entire	E	3	N/A
Fody, Seychelles (Weaver-finch)	Foudia sechellarum	N/A	Indian Ocean:	Entire	E	3	N/A
Frigatebird, Andrew's	Fregata andrewsi	N/A	East Indian Ocean	Entire	E	15	N/A
Gallinule, Hawaiian	Gallinula chloropus sandvicensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Goose, Aleutian Canada	Branta canadensis leucopareia	N/A	Western USA, Japan	Entire	E	1,4	N/A
Goose, Hawaiian (Nene)	Branta sandvicensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Goshawk, Christmas Island	Accipiter fasciatus natalis	N/A	Indian Ocean: Australia (Christmas Isd.)	Entire	E	3	N/A
Grackle, slender-billed	Cassidix palustris	N/A	Mexico	Entire	E	4	N/A
Grass-wren, Eyrean (flycatcher	Amytornis goyderi	N/A	Australia	Entire	E	4	N/A
Grebe, Atitlan	Podilymbus gigas	N/A	Guatemala	Entire	E	3	N/A
Greenshank, Nordmann's	Tringa guttifer	N/A	Bangladesh, Sakhalin Island, Japan, Korea, Thailand, Malaysia, Burma	Entire	E	15	N/A
Guan, horned	Oreophasis derbianus	N/A	Guatemala, Mexico	Entire	E	3	N/A
Gull, Audouin's	Larus audouinii	N/A	Mediterranean Sea and adjacent lands	Entire	E	3	N/A
Hawk, Asjouan	Accipiter francesii pusillus	N/A	Indian Ocean: Comoro Islands	Entire	E	3	N/A
Hawk, Galapagos	Buteo galapagoensis	N/A	Ecuador (Galapagos Islands)	Entire	E	3	N/A
Hawk, Hawaiian (Io)	Buteo solitarius	N/A	USA (Hawaii)	Entire	E	1	N/A
Hermit, hook-billed (hummingbird)	Rhopholma dohrnii	N/A	Brazil	Entire	E	15	N/A
Honeycreeper, crested (Akohekohe)	Palmeria dolei	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeyeater, helmeted	Meliphaga cassidix	N/A	Australia	Entire	E	4	N/A
Hornbill, helmeted	Rhinoplax vigil	N/A	Thailand, Malaysia	Entire	E	15	N/A
Ibis, Japanese crested	Nipponia nippon	N/A	China, Japan, Korea, Soviet Union	Entire	E	3	N/A
Kagu (rail) crested	Rhynochetos jubatus	N/A	Southwest Pacific Ocean: New Caledonia	Entire	E	3	N/A
Kakapo (owl parrot)	Strigops habroptilus	N/A	New Zealand	Entire	E	4	N/A
Kestrel, Mauritius	Falco punctatus	N/A	Mauritius	Entire	E	3	N/A
Kestrel, Seychelles	Falco araea	N/A	Indian Ocean: Seychelles Isds.	Entire	E	3	N/A
Kite, Cuba hook-billed	Chondrohierax wilsonii	N/A	Cuba	Entire	E	4	N/A
Kite, Grenada hook-billed	Chondrohierax uncinatus grenadensis	N/A	West Indies: Grenada	Entire	E	4	N/A
Kite, Florida Everglade (snail kite)	Rostrhamus sociabilis plumbeus	N/A	USA (Florida)	Entire	E	1	N/A
Kokako (Wattlebird)	Callaeas cinerea	N/A	New Zealand	Entire	E	3	N/A
Macaw, glaucous	Anodorhynchus glaucus	N/A	Paraguay, Uruguay, Brazil	Entire	E	15	N/A
Macaw, indigo	Anodorhynchus leari	N/A	Brazil	Entire	E	15	N/A
Macaw, little blue	Cyanopsitta spixii	N/A	Brazil	Entire	E	15	N/A
Magpie-robin, Seychelles (thrush)	Copsychus sechellarum	N/A	Indian Ocean: Seychelles Isds.	Entire	E	3	N/A
Malkoha, red-faced	Rhaenicophaeus pyrrhocephalus	N/A	Sri Lanka	Entire	E	3	N/A
Mallard, Marianas	Anas wyvilliana	N/A	Island of Guam, Marianas Islands, (Rota, Saipan, Tinian)	Entire	E	23	N/A
Megapode, La Perouse's	Megapodius laperouse	N/A	Western Pacific Ocean: USA (Palau Islands, Mariana Islands)	Entire	E	4	N/A
Megapode, Maleo	Macrocephalon maleo	N/A	Indonesia (Celebes)	Entire	E	4	N/A
Millerbird, Nihoa (warbler)	Acrocephalus kingi	N/A	USA (Hawaii)	Entire	E	1	N/A
Mitu	Mitu mitu mitu	N/A	Colombia, Brazil, Peru, Bolivia	Entire	E	15	N/A
Monarch, Tinian flycatcher	Monarcha takatsukasae	N/A	Western Pacific Ocean: USA (Mariana Islands)	Entire	E	3	N/A
Mukupuus, Kauai & Maui (honeycreeper)	Hemignathus lucidus	N/A	USA (Hawaii)	Entire	E	2	N/A
Oo, Kauai (Oo Aa) (honeyeater)	Moho braccatus	N/A	USA (Hawaii)	Entire	E	1	N/A
Ostrich, Arabian	Struthio camelus syriacus	N/A	Jordan, Saudi Arabia	Entire	E	3	N/A
Ostrich, West African	Struthio camelus spatzi	N/A	Spanish Sahara	Entire	E	4	N/A
Ou (honeycreeper)	Psittirostra psittacea	N/A	USA (Hawaii)	Entire	E	1	N/A
Owl, Anjouan scops	Otus rutilus capnodes	N/A	Indian Ocean: Comoro Islands	Entire	E	3	N/A
Owl, giant scops	Otus gurneyi	N/A	Islands of Marinduque and Minda	Entire	E	15	N/A
Owl, Palau	Otus podargina	N/A	Western Pacific Ocean: USA (Palau Islands)	Entire	E	4	N/A
Owl, Seychelles	Otus insularis	N/A	Indian Ocean: Seychelles Isds.	Entire	E	3	N/A
Owlet, Mrs. Morden's	Otus ireneae	N/A	Kenya	Entire	E	3	N/A
Palila (honey-creeper	Psittirostra bailleui	N/A	USA (Hawaii)	Entire	E	1	N/A
Parakeet, Forbes'	Cyanoramphus auriceps forbesi	N/A	New Zealand	Entire	E	15	N/A
Parakeet, golden	Aratinga guarouba	N/A	Brazil	Entire	E	4	N/A
Parakeet, golden-shouldered	Psephotus chrysopterygius	N/A	Australia	Entire	E	4	N/A
Parakeet, Mauritius ring-neck	Psittacula krameri echo	N/A	Mauritius	Entire	E	4	N/A
Parakeet, ochre-marked	Pyrrhura amanteta	N/A	Brazil	Entire	E	4	N/A
Parakeet, orange-bellied	Neophema chrysogaster	N/A	Australia	Entire	E	4	N/A
Parakeet, paradise	Psephotus pulcherrimus	N/A	Australia	Entire	E	4	N/A

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Parakeet, scarlet-chested	Neophema splendida	N/A	Australia	Entire	E	4	N/A
Parakeet, turquoise	Neophema pulchella	N/A	Australia	Entire	E	4	N/A
Parrot, Bahaman or Cuban	Amazona leucocephala	N/A	West Indies (Cuba, Bahamas, Cayman	Entire	E	15	N/A
Parrot, ground	Pezoporus wallicus	N/A	Australia	Entire	E	6	N/A
Parrot imperial	Amazona imperialis	N/A	West Indies: Dominica	Entire	E	4	N/A
Parrot, Australian night	Geopsittacus occidentalis	N/A	Australia	Entire	E	3	N/A
Parrot, Puerto Rican	Amazona vittata	N/A	USA (Puerto Rico)	Entire	E	1	N/A
Parrot, red-browed	Amazona rhodocorytha	N/A	Brazil	Entire	E	4	N/A
Parrot, red-capped	Pionopsitta pileata	N/A	Brazil	Entire	E	15	N/A
Parrot red-spectacled	Amazona pretrei pretrei	N/A	Brazil, Argentina	Entire	E	15	N/A
Parrot, St. Lucia	Amazona versicolor	N/A	West Indies: St. Lucia	Entire	E	4	N/A
Parrot, St. Vincent	Amazona guildingii	N/A	West Indies: St. Vincent	Entire	E	3	N/A
Parrot, thick-billed	Rhynchopsitta pachyrhyncha	N/A	Mexico, USA (Arizona, New Mexico)	Entire	E	3	N/A
Parrot, vinaceous-breasted	Amazona vinacea	N/A	Brazil	Entire	E	15	N/A
Parrotbill, Maui (honeycreeper)	Pseudonestor xanthophrys	N/A	USA (Hawaii)	Entire	E	1	N/A
Pelican, brown	Pelecanus occidentalis	N/A	USA, West Indies, Central and South America: Coastal	Entire	E	2,4	N/A
Penguin, Galapagos	Spheniscus mendiculus	N/A	Ecuador (Galapagos Islands)	Entire	E	2,4	N/A
Petrel, Hawaiian dark-rumped	Pterodroma phaeopygia sandwichensis	N/A	USA (Hawaii)	Entire	E	1	N/A
Pheasant, bar-tailed	Symaticus humiae	N/A	Burma, China	Entire	E	3	N/A
Pheasant, bartailed	Syrmaticus humiae	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Blyth's tragopan	Tragopan blythii	N/A	Burma, China, India	Entire	E	3	N/A
Pheasant, brown-eared	Crossoptilon mantchuricum	N/A	China	Entire	E	3	N/A
Pheasant, brown-eared	Crossoptilon mantchuricum	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Cabot's trepogan	Tragopan caboti	N/A	China	Entire	E	3	N/A
Pheasant, Chinese monal	Lophophorus lhuysii	N/A	China	Entire	E	3	N/A
Pheasant, Edward's	Lophura edwardsi	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Edward's	Lophura edwardsi	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Elliot's	Syrmaticus ellioti	N/A	China	Entire	E	15	N/A
Pheasant, imperial	Lophura imperialis	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Mikado	Symaticus mikado	N/A	Taiwan	Entire	E	4	N/A
Pheasant, Mikado	Syrmaticus mikado	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Palawan peacock	Polyplectron emphanum	In captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Palawan peacock	Polyplectron emphanum	N/A	Philippines	Entire	E	3	N/A
Pheasant, Salater's monal	Lophophorus sclateri	N/A	Burma, China, India	Entire	E	3	N/A
Pheasant, Swinhoe's	Lophura swinhoii	N/A	Taiwan	Entire	E	3	N/A
Pheasant, Swinhoe's	Lophura swinhoii	In captivity	N/A	Entire	T(C/P)	22	N/A
Pheasant, western tragopan	Tragopan melanocephalus	In U.S. N/A	India, Pakistan	Entire	E	3	N/A
Pheasant, white-eared	Crossoptilon crossoptilon	N/A	China (Tibet), India	Entire	E	4	N/A
Pigeon, Azores wood	Columba palumbus azorica	N/A	East Atlantic Ocean: Portugal (Azores)	Entire	E	3	N/A
Pigeon, Chatham Island	Hemiphaga novaeseelandiae chathamensis	N/A	New Zealand	Entire	E	4	N/A
Pigeon, Mindoro zone-tailed	Ducula mindorensis	N/A	Philippines	Entire	E	15	N/A
Pigeon, Puerto Rican plain	Columba inornata wetmorei	N/A	USA (Puerto Rico)	Entire	E	2	N/A
Piopio (Wattlebird)	Turnagra capensis	N/A	Indian Ocean: Reunion Island	Entire	E	3	N/A
Piping-guan, black-fronted	Pipile jacutinga	N/A	Argentina	Entire	E	15	N/A
Pitta, Koch's	Pitta kochi	N/A	Philippines	Entire	E	15	N/A
Plover, New Zealand Shore	Thinornis novaeseelandiae	N/A	New Zealand	Entire	E	4	N/A
Poo-uli	Melamprosops phaeosoma	N/A	USA (Hawaii)	Entire	E	10	N/A
Prairie chicken Attwater's greater	Tympanuchus cupido attwateri	N/A	USA (Texas)	Entire	E	1	N/A
Quail, Montezuma	Cyrtonyx montezumae merriami	N/A	Mexico	Entire	E	15	N/A
Quetzel, resplendent	Pharomachrus mocinno mocinno	N/A	Central America	Entire	E	15	N/A
Quetzel, resplendent	Pharomachrus mocinno costaricensis	N/A	Costa Rica	Entire	E	15	N/A
Rail, Aukland Island	Rallus pectoralis muelleri	N/A	New Zealand	Entire	E	3	N/A
Rail, California clapper	Rallus longirostris obsoletus	N/A	USA (California)	Entire	E	2	N/A
Rail, light-footed clapper	Rallus longirostris levipes	N/A	Mexico, USA	Entire	E	2	N/A
Rail, Lord Howe wood	Tricholimnas sylvestris	N/A	Lord Howe Island	Entire	E	15	N/A
Rail, Yuma clapper	Rallus longirostris yumanensis	N/A	Mexico, USA (Arizona, California)	Entire	E	1	N/A
Rhea, Darwin's	Pterocnemia pennata	N/A	Argentina, Bolivia, Peru, Uruguay	Entire	E	4	N/A
Roller, long-tailed ground	Uratelornis chimaera	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Scrub-bird, noisy	Atrichornis clamosus	N/A	Australia	Entire	E	3	N/A
Shama, Cebu black (thrush)	Copsychus niger cebuensis	N/A	Philippines	Entire	E	3	N/A
Shearwater, Newell's Manx	Puffinus puffinus newelli	N/A	USA (Hawaii)	Entire	T	10	N/A

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Silvereye, white-breasted	Zosterops albogularis	N/A	Indian Ocean: Norfolk Isd.	Entire	E	15	N/A
Siskin, red	Spinus cucullatus	N/A	South America	Entire	E	15	N/A
Sparrow, Cape Sable	Ammospiza maritima mirabilis	N/A	USA (Florida)	Entire	E	1	N/A
Sparrow, dusky seaside	Ammospiza maritima nigrescens	N/A	USA (Florida)	Entire	E	1	N/A
Sparrow, Santa Barbara song	Meolspiza melodia graminea	N/A	USA (California)	Entire	E	6	N/A
Starling, Ponape mountain	Aplonis pelzelni	N/A	Western Pacific Ocean: USA (Caroline Isds.)	Entire	E	4	N/A
Starling, Rothschild's (Myna)	Leucopsar rothschildi	N/A	Indonesia (Bali)	Entire	E	4	N/A
Stilt, Hawaiian	Himantopus himantopus knudseni	N/A	USA (Hawaii)	Entire	E	2	N/A
Stork, white oriental	Ciconia ciconia boyciana	N/A	China, Japan, Korea, Soviet Union	Entire	E	4	N/A
Teal, Campbell Island flightless	Anas aucklandica nesiotis	N/A	Campbell Island, New Zealand	Entire	E	15	N/A
Tern, California least	Sterna albifrons browni	N/A	Mexico, USA	Entire	E	2,4	N/A
Thrasher, white-breasted	Ramphocinclus brachyurus	N/A	West Indies: Martinique, St. Lucia	Entire	E	3	N/A
Thrush, large Kauai	Phaeornis obscurus myadestina	N/A	USA (Hawaii)	Entire	E	2	N/A
Thrush, Molokai (Olomau)	Phaeornis obscurus rutha	N/A	USA (Hawaii)	Entire	E	2	N/A
Thrush, small Kauai (Puaiohi)	Phaeornis palmeri	N/A	USA (Hawaii)	Entire	E	1	N/A
Tinamou, solitary	Tinamus solitarius	N/A	Brazil, Paraguay, Argentina	Entire	E	15	N/A
Trembler, Martinique brown (thrasher)	Cinclocerthia ruficauda gutturalis	N/A	West Indies: Martinique	Entire	E	3	N/A
Tsakhidi, Khar Turuut (gull)	Larus relictus	N/A	India, China	Entire	E	15	N/A
Wanderer, plain	Pedionomus torquatus	N/A	Australia	Entire	E	6	N/A
Warbler (wood), Bachman's	Vermivora bachmanii	N/A	Cuba, USA (Southeastern)	Entire	E	1,4	N/A
Warbler (wood), Barbados yellow	Dendroica petechia petechia	N/A	West Indies: Barbados	Entire	E	4	N/A
Warbler, (wood) Kirtland's	Dendroica kirtlandii	N/A	USA, West Indies: Bahama Isds.	Entire	E	1,4	N/A
Warbler, reed	Acrocephalus luscinia	N/A	Western Pacific Ocean: Mariana Islands	Entire	E	3	N/A
Warbler, Rodrigues	Bebrornis rodericanus	N/A	Mauritius (Rodrigues Isd.)	Entire	E	3	N/A
Warbler, Semper's	Dendroica [illegible]	N/A	West Indies: St. Lucia	Entire	E	1	N/A
Warbler, Seychelles	Bebiornis sechelliensis	N/A	Indian Ocean: Seychelles Isds.	Entire	E	3	N/A
Whipbird, Western (thrush)	Psophodes nigrogularis	N/A	Australia	Entire	E	4	N/A

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Whip-poor-will Puerto Rican	Caprimulgus noctitherus	N/A	USA (Puerto Rico)	Entire	E	6	N/A
White-eye, Ponape great	Rukia sanfordi	N/A	Western Pacific Ocean: USA (Caroline Isds.)	Entire	E	4	N/A
White-eye, Seychelles	Zosterops modestus	N/A	Indian Ocean: Seychelles	Entire	E	4	N/A
Woodpecker, Imperial	Campephilus imperialis	N/A	Mexico	Entire	E	3	N/A
Woodpecker, ivory-billed	Campephilus principalis	N/A	Cuba, USA (South-central and south-eastern	Entire	E	1,3	N/A
Woodpecker, red-cockaded	Dendrocopos borealis	N/A	USA (Southcentral and Southeastern)	Entire	E	2	N/A
Woodpecker, Tristram's	Dryocopus javensis richardsi	N/A	Korea	Entire	E	3	N/A
Wren, Guadeloupe house	Troglodytes aedon guadeloupensis	N/A	West Indies: Guadeloupe	Entire	E	3	N/A
Wren, New Zealand bush	Xenicus longipes	N/A	New Zealand	Entire	E	3	N/A
Wren, St. Lucia	Troglodytes mesoleucus	N/A	West Indies: St. Lucia	Entire	E	3	N/A

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REPTILES:							
Alligator, Am.	Alligator mississippiensis	Wherever found in the wild, except in those areas where it is listed as Threatened, as set forth below.	S.E. U.S.	Entire	E	11	N/A
Alligator, Am.	Alligator mississippiensis	In the wild in Florida and in certain areas of Georgia, Louisiana, (except in Cameron, Vermillion, and Calcasieu Parishes), S.C., and TX, as set forth in Sec. 17.42(e)(2)(iv).	U.S. (FL & certain areas of GA, LA.(except in Cameron, Vermillion, & Calcasieu Parishes), S.C., and TX.	Entire	T	20	17.42(e)
Alligator, Am.	Alligator mississippiensis	In the wild in Cameron, Vermillion, and Calcasieu Parishes in Louisiana.	U.S. (Cameron, Vermillion and Calcasieu Parishes in LA).	N/A	T(S/A)	11	17.42(e)
Alligator, Am.	Alligator mississippiensis	In captivity wherever found.	Worldwide	N/A	T(S/A)	11	N/A
Alligator, Chinese	Alligator sinensis	N/A	China	Entire	E	15	N/A
Boa, Jamaican	Epicrates subflavus	N/A	Jamaica	Entire	E	4	N/A
Boe, Puerto Rico	Epicrates inornatus	N/A	USA (Puerto Rico)	Entire	E	2	N/A
Caiman, Apaporis River	Caiman crocodilus apaporiensis	N/A	Columbia	Entire	E	15	N/A
Caiman, black	Melanosuchus niger	N/A	Amazon basin	Entire	E	15	N/A
Caiman, brood-snouted	Caiman latirostris	N/A	Brazil, Uruguay, Argentina, Paraguay	Entire	E	15	N/A
Crocodile, African dwarf	Osteolaemus tetraspis tetraspis	N/A	West Africa	Entire	E	15	N/A
Crocodile, African slender-snouted	Crocodylus cataphractus	N/A	Western and Central Africa	Entire	E	15	N/A
Crocodile, American	Crocodylus acutus	Florida	USA (South Florida and Florida keys), Central America, South American (coastal)	Entire	E	10	N/A
Crocodile, Ceylon mugger	Crocodylus palustris kimbula	N/A	Sri Lanka, Africa	Entire	E	15	N/A
Crocodile, Congo dwarf	Osteolaemus tetraspis osborni	N/A	Congo River drainage	Entire	E	15	N/A
Crocodile, Cuban	Crocodylus rhombifer	N/A	Cuba,	Entire	E	3	N/A
Crocodile, Morelet's	Crocodylus moreletii	N/A	Mexico, Belize, Guatemala	Entire	E	4	N/A
Crocodile, mugger	Crocodylus palustris palustris	N/A	India, Pakistan, Bangladesh, Iran	Entire	E	15	N/A
Crocodile, Nile	Crocodylus niloticus	N/A	Africa	Entire	E	4	N/A
Crocodile, Orinoco	Crocodylus intermedius	N/A	South America: Orinoco River Basin	Entire	E	4	N/A
Crocodile Philippine	Crocodylus novaeguineae mindorensis	N/A	Philippine Islands	Entire	E	15	N/A
Crocodile, Siamese	Crocodylus siamensis	N/A	Southeast Asia, Malay Peninsula	Entire	E	15	N/A
Gavial (Gharial)	Gavialis gangeticus	N/A	Pakistan, India, Burma, Bangladesh	Entire	E	4	N/A
Gecko, day	Phelsuma newtoni	N/A	Mauritius	Entire	E	4	N/A
Gecko, Round Island day	Phelsuma quentheri	N/A	Mauritius	Entire	E	4	N/A
Iguana, Anegada ground	Cyclura pinguis	N/A	West Indies: Virgin Islands (Anegada Island)	Entire	E	3	N/A
Iguana, Barrington land	Conolophus pallidus	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A

Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Lizard, blunt-nosed leopard	Crotaphytus silus	N/A	USA: California	Entire	E	1	N/A
Lizard, St. Croix Ground	Ameiva polops	N/A	Virgin Islands: Green Cay, Protestant Cay	Entire	E	24	N/A
Monitor, Bengal	Varanus bengalensis	N/A	Iran, Iraq, Afganistan, India, Sri Lanka, Burma, Thailand, Vietnam, Malaysia	Entire	E	15	N/A
Monitor, desert	Varanus griseus	N/A	North Africa to Near-east, Caspian Sea through Soviet Union to Pakistan, Northwest India	Entire	E	15	N/A
Monitor, Komodo Island	Varanus komodensis	N/A	Indonesia (Komodo, Rintja, Padar, and Western Flores Islands)	Entire	E	15	N/A
Monitor, yellow	Varanus flavescens	N/A	West Pakistan through India to Bangladesh	Entire	E	15	N/A
Python, Indian	Python molurus molurus	N/A	Sri Lanka and India	Entire	E	15	N/A
Snake, San Francisco garter	Thamnophis sirtalis tetrataenia	N/A	USA: California	Entire	E	1	N/A
Terrapin, river (Tuntong)	Batagur baska	N/A	Burma, India, Indonesia, Malaysia, Bangladesh	Entire	E	4	N/A
Tomistoma	Tomistoma schlegelii	N/A	Malaysia, Indonesia	Entire	E	15	N/A
Tortoise, angulated	Geochelone (=Testudo) yniphora	N/A	Malagasy Republic (Madagascar)	Entire	E	15	N/A
Tortoise, Galapagos	Geochelone (=Testudo) elephantopus	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Tortoise, Indian flap-shell	Lissemys punctata punctata	N/A	India, Pakistan, and Bangladesh	Entire	E	15	N/A
Tortoise Madagascar radiated	Geochelone (=Testudo) radiata	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Tortoise, short-necked or swamp	Pseudemydura umbrina	N/A	Australia	Entire	E	4	N/A
Tuatara	Sphenodon punctatus	N/A	New Zealand	Entire	E	4	N/A
Turtle, aquatic box	Terrapene coahuila	N/A	Mexico	Entire	E	6	N/A
Turtle, Atlantic Ridley sea	Lepidochelys kempii	N/A	Tropical and Temperate Seas	Entire	E	4	N/A
Turtle, black softshell	Trionyx nigricans	N/A	Bangladesh	Entire	E	15	N/A
Turtle, Burmese peacock	Remis emollata	N/A	Burma	Entire	E	15	N/A
Turtle, Cuatro Cienegas softshell	Trionyx ater	N/A	Mexico	Entire	E	15	N/A
Turtle, geometric	Geochelone (=Testudo) geometrica	N/A	Union of South Africa	Entire	E	15	N/A
Turtle, hawksbill sea	Eretmochelys imbricata	N/A	Tropical Seas	Entire	E	3	N/A
Turtle, Indian sawback	Kachuga tecta tecta	N/A	India	Entire	E	15	N/A
Turtle, Indian softshell	Trionyx gangeticus	N/A	Pakistan, India,	Entire	E	15	N/A
Turtle, leather back sea	Dermochelys coriacea	N/A	Tropical and Temperate Seas	Entire	E	3	N/A
Turtle, peacock softshell	Trionyx hurum	N/A	India and Bangladesh	Entire	E	15	N/A
Turtle, South American	Podocnemis expansa	N/A	South America: Orinoco and Amazon River basins	Entire	E	3	N/A

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SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Turtle, South American	Podocnemis unifilis	N/A	South America: Orinoco and Amazon River basins	Entire	E	4	N/A
Turtle, spotted pond	Geoclemys (=Hamonia) hamiltonii	N/A	Northern India, Pakistan	Entire	E	15	N/A
Turtle, three-keeled Asian	Geoemyda (=Nicoria) tricarinata	N/A	Central India to Bangladesh and Burma	Entire	E	15	N/A
Yacare (Caiman)	Caiman yacare	N/A	Bolivia, Argentina Peru, Brazil	Entire	E	3	N/A
AMPHIBIANS:							
Frog, Israel painted	Discoglossus nigriventer	N/A	Israel	Entire	E	4	N/A
Frog, Panamanian golden	Atelopus varius zeteki	N/A	Panama	Entire	E	15	N/A
Frog, Stephen Island	Leiopelma hamiltoni	N/A	New Zealand	Entire	E	4	N/A
Salamander, Chinese giant	Andrias (=Megalobatrachus) davidianus davidianus	N/A	Western China	Entire	E	15	N/A
Salamander, desert slender	Batrachoseps aridus	N/A	USA (California)	Entire	E	6	N/A
Salamander, Japanese giant	Andrias (=Megalobatrachus) davidianus japonicus	N/A	Japan	Entire	E	15	N/A
Salamander, Red Hills	Phaeognathus hubrichti	N/A	United States (Alabama)	Entire	T	19	N/A
Salamander, Santa Cruz long-toed	Ambystoma macrodactylum croceum	N/A	USA (California)	Entire	E	1	N/A
Salamander, Texas blind	Typhlomolge rathbuni	N/A	USA (Texas)	Entire	E	1	N/A
Toads, African viviparous	Nectophrynoides spp.	N/A	Tanzania, Guinea	Entire	E	15	N/A
Toads, Cameroon	Bufo superciliaris	N/A	Equatorial Africa	Entire	E	15	N/A
Toad, Houston	Bufo houstonensis	N/A	USA (Texas)	Entire	E	2	N/A
Toad, Monte Verde	Bufo peripatetes	N/A	Costa Rica	Entire	E	15	N/A
FISHES:							
Ala Balik	Salmo platycephalus	N/A	Turkey	Entire	E	3	N/A
Ayumodoki	Hymenophysa curta	N/A	Japan	Entire	E	3	N/A
Blindcat, Mexican	Prietella phreatophila	N/A	Mexico	Entire	E	3	N/A
Bonytail, Pahranagat	Gila robusta jordoni	N/A	USA (Nevada)	Entire	E	2	N/A
Bonytongue, Asian	Scleropages formosus	N/A	Thailand, Indonesia, Malaysia	Entire	E	15	N/A
Catfish	Pangasius sanitwongsei	N/A	Thailand	Entire	E	3	N/A
Catfish, giant	Pangasianodon gigas	N/A	Thailand	Entire	E	3	N/A
Chub, humpback	Gila cypha	N/A	USA (Arizona, Utah, Wyoming)	Entire	E	1	N/A
Chub, Mohave	Gila (=Siphateles) mohavensis	N/A	USA (California)	Entire	E	2	N/A
Cicek	Acanthobutilus wandlirschi	N/A	Turkey	Entire	E	3	N/A
Cisco, Longjaw	Coregonus alpenae	N/A	USA (Lakes Michigan, Huron, and Erie)	Entire	E	1	
Cui-ui	Chasmistes cujus	N/A	USA (Nevada)	Entire	E	1	N/A
Dace, Kendall Warm Springs	Rhinichthys osculus thermalis	N/A	USA (Wyoming)	Entire	E	2	N/A
Dace, Moapa	Moapa coriacea	N/A	USA (Nevada)	Entire	E	1	N/A
Darter, bayou	Etheostoma rubrum	N/A	USA (Mississippi)	Entire	T	10	17.44(b)
Darter, fountain	Etheostoma fontinole	N/A	USA (Texas)	Entire	E	2	N/A
Darter, Maryland	Etheostoma sellare	N/A	USA (Maryland)	Entire	E	1	N/A
Darter, Okaloosa	Etheostoma okaloosae	N/A	USA (Florida)	Entire	E	6	N/A
Darter, snail	Percina tanasi	N/A	USA (Tennessee)	Entire	E	12	N/A
Darter, watercress	Etheostoma nuchale	N/A	USA (Alabama)	Entire	E	2	N/A
Gambusia, Big Bend	Gambusia gaigei	N/A	USA (Texas)	Entire	E	1	N/A
Gambusia, Clear Creek	Gambusia heterochir	N/A	USA (Texas)	Entire	E	1	N/A
Gambusia, Pecos	Gambusia nobilis	N/A	USA (Texas)	Entire	E	2	N/A
Killifish, Pahrump	Empetrichthys latos	N/A	USA (Nevada)	Entire	E	1	N/A
Madtom, Scioto	Noturus trautmani	N/A	USA (Ohio)	Entire	E	10	N/A
Nekogigi	Coreobagrus ichikawai	N/A	Japan	Entire	E	3	N/A
Pike, blue	Stizostedion vitreum glaucum	N/A	USA (Lakes Erie and Ontario)	Entire	E	1	N/A
Pupfish, Comanche Springs	Cyprinodon elegans	N/A	USA (Texas)	Entire	E	1	N/A
Pupfish, Devil's Hole	Cyprinodon diabolis	N/A	USA (Nevada)	Entire	E	1	N/A
Pupfish, Owens River	Cyprinodon radiosus	N/A	USA (California)	Entire	E	1	N/A
Pupfish, Tecopa	Cyprinodon nevadensis calidae	N/A	USA (California)	Entire	E	2	N/A
Pupfish, Warm Springs	Cyprinodon nevadensis pectoralis	N/A	USA (Nevada)	Entire	E	2	N/A
Squawfish, Colorado River	Ptychocheilus lucius	N/A	USA (Arizona, California, Colorado, New Mexico, Utah, Wyoming)	Entire	E	1	N/A
Stickleback, unarmored three-spine	Gasterosteus aculeatus williamsoni	N/A	USA (California)	Entire	E	2	N/A
Sturgeon, shortnose	Acipenser brevirostrum	N/A	USA (Atlantic Coast of US and Canada)	Entire	E	1	N/A
Tango, Miyako	Tanakia tanago	N/A	Japan	Entire	E	3	N/A
Temolek, Ikan	Probarbus jullieni	N/A	Thailand, Cambodia, Laos, Vietnam, Malaysia	Entire	E	15	N/A
Topminnow, Gila	Poeciliopsis occidentalis	N/A	USA (Arizona), Mexico	Entire	E	1	N/A
Trout, Arizona	Salmo apache	N/A	USA (Arizona)	Entire	T	8	17.44(a)
Trout, Gila	Salmo gilae	N/A	USA (New Mexico)	Entire	E	1	N/A
Trout, greenback cutthroat	Salmo clarki stomias	N/A	USA (Colorado)	Entire	E	1	N/A
Trout, Lahontan cutthroat	Salmo clarki henshawi	N/A	USA (California, Nevada)	Entire	T	8	17.44(a)
Trout, Paiute cutthroat	Salmo clarki seleniris	N/A	USA (California)	Entire	T	8	17.44 (a)
Woundfin	Plagopterus argentissimus	N/A	USA (Arizona, Nevada Utah)	Entire	E	2	N/A
SNAILS:							
Snails, Manus Island tree	Papustyla pulcherrima	N/A	Admiralty Islands (Manus Isds.)	Entire	E	4	N/A
CLAMS:							
Mussel, Alabama lamp pearly	Lampsilis virescens	N/A	USA (Alabama)	Entire	E	15	N/A
Mussel, Appalachian monkeyface pearly	Quadrula sparsa	N/A	USA (Virginia, Tennessee)	Entire	E	15	N/A
Mussel, birdwing pearly	Conradilla caelata	N/A	USA (Virginia, Tennessee)	Entire	E	15	N/A
Mussel, Cumberland bean pearly	Villosa (=Micromya) trabilis	N/A	USA (Kentucky)	Entire	E	15	N/A
Mussel, Cumberland monkeyface pearly	Quadrula intermedia	N/A	USA (Virginia, Tennessee)	Entire	E	15	N/A
Mussel, Curtis' pearly	Epioblasma (=Dysnomia) florentina curtisi	N/A	USA (Missouri)	Entire	E	15	N/A
Mussel, Dromedary pearly	Dromus dromas	N/A	USA (Virginia, Tennessee)	Entire	E	15	N/A
Mussel, fat pocketbook pearly	Potamilus (=Proptera) capax	N/A	USA (Arkansas, Missouri)	Entire	E	15	N/A
Mussel, fine-rayed pigtoe pearly	Fusconaia cuneolus	N/A	USA (Alabama, Virginia, Tennessee)	Entire	E	15	N/A

SPECIES			RANGE				
Common name	Scientific name	Population	Known Distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Mussel, green-blossom pearly	Epioblasma (=Dysnomia) torulosa gubernaculum	N/A	USA (Virginia, Tennessee)	Entire	E	15	N/A
Mussel, Higgin's eye pearly	Lampsilis higginsi	N/A	USA (Minnesota, Wisconsin, Illinois, Missouri)	Entire	E	15	N/A
Mussel, Nicklin's pearly	Unio (possibly Megalonaias) nicklineana	N/A	Mexico	Entire	E	15	N/A
Mussel, pale lilliput pearly	Toxolasma (=Carunculina) cylindrella		USA (Alabama, Tennessee)	Entire	E	15	N/A
Mussel, pink mucket pearly	Lampsilis orbiculata orbiculata	N/A	USA (Alabama, West Virginia, Tennessee)	Entire	E	15	N/A
Mussel, rough pigtoe pearly	Pleurobema plenum	N/A	USA (Kentucky, Kentucky, Virginia, Tennessee)	Entire	E	15	N/A
Mussel, Sampson's pearly	Epioblasma (=Dysnomia) sampsoni	N/A	USA (Indiana, Illinois)	Entire	E	15	N/A
Mussel, shiny pigtoe pearly	Fusconaia edgariana	N/A	USA (Alabama, Virginia, Tennessee)	Entire	E	15	N/A
Mussel, Tampico pearly	Cyrtonaias tampicoensis tecomatensis	N/A	Mexico	Entire	E	15	N/A
Mussel, tuberculed-blossom pearly	Epioblasma (=Dysnomia) torulosa torulosa	N/A	USA (Kentucky, Illinois, Tennessee, West Virginia)	Entire	E	15	N/A
Mussel, turgid-blossom pearly	Epioblasma (=Dysnomia) turgidula	N/A	USA (Tennessee)	Entire	E	15	N/A
Mussel, white cat's	Epioblasma (=Dysnomia) sulcata delicata (including perobliqua)	N/A	USA (Ohio, Michigan, Indiana	Entire	E	15	N/A
Mussel, white warty-back pearly	Plethobasis cicatricosus	N/A	USA (Alabama, Tennessee)	Entire	E	15	N/A
Mussel, yellow-blossom pearly	Epioblasma (=Dysnomia) florentina florentina	N/A	USA (Tennessee)	Entire	E	15	N/A
Pimpleback, orange footed	Plethobasis cooperianus	N/A	USA (Alabama, Tennessee)	Entire	E	15	N/A
CRUSTACEANS: Reserved							
INSECTS:							
Butterfly, Bahama swallowtail	Papilio andraemon bonhotei USA		USA (Florida), Bahamas	Entire	T	13	17.47
Butterfly, El Segundo blue	Shijimiaeoides battoides allyni	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Lange's metalmark	Apodemia mormo langei	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Lotis blue	Lycaeides argyrognomon lotis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, mission blue	Icaricia icarioides missionensis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, San Bruno elfin	Callophrys mossii bayensis	N/A	USA (California)	Entire	E	14	N/A
Butterfly, Schaus swallowtail	Papilio aristodemus ponceanus	N/A	USA (Florida)	Entire	T	13	17.47
Butterfly, Smith's blue	Shijimiaeoides enmedes smithi	N/A	USA (California)	Entire	E	14	N/A
COMMON SPONGES AND OTHER FORMS: Reserved							

1—32 FR 4001; March 11, 1967
2—35 FR 16047; October 13, 1970
3—35 FR 8495; June 2, 1970
4—35 FR 18320; December 2, 1970
5—37 FR 6476; March 30, 1972
6—38 FR 14678; June 4, 1973
7—39 FR 44991; December 23,1974
8—40 FR 29864; July 16, 1975
9—40 FR 31736; July 28, 1975
10—40 FR 44151; September 25, 1975
11—40 FR 44418; September 26, 1975
12—40 FR 47506; October 9, 1975
13—41 FR 17740; April 28, 1976
14—41 FR 20044; June 1, 1976
15—41 FR 24064; June 14, 1976
16—41 FR 45993; October 19, 1976
17—41 FR 51021; November 19, 1976
18—41 FR 51612; November 23, 1976
19—41 FR 53034; December 3, 1976
20—42 FR 2976; January 10, 1977
21—42 FR 2968; January 14, 1977
22—42 FR 28056; June 1, 1977
23—42 FR 28137; June 2, 1977
24—42 FR 28545; June 3, 1977

[FR Doc.77-19985 Filed 7-13-77;8:45 am]

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PART VI

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE NAVY

■

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Certifications and Exemptions

V42135

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Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER B—NAVIGATION

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Certifications and Exemptions Issued by the Secretary of the Navy for Vessels of the Navy

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to warn mariners that, when U.S. naval vessels are met in international waters, some of their navigational lights and sound-signalling appliances may vary from the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). It lists the ships which do not comply fully with the International Regulations. This publication is required by Executive Order 11964 of January 19, 1977. The intended effect of this rule is to warn mariners on international waters.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant M. D. Seiders, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C. 20370 (202-694-5188).

SUPPLEMENTARY INFORMATION: This new Part 706 provides notice of certifications and exemptions granted by the Secretary of the Navy, for vessels of the Navy, pursuant to the proclamation of the President on January 19, 1977 (E.O. 11964). E.O. 11964 provides that the Secretary of the Navy is required to certify, in accordance with Rule 1(e) of the 72 COLREGS, each vessel of the Navy which cannot comply fully with the requirements of the 72 COLREGS, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, when, due to the special construction or purpose of such vessel, full compliance cannot be achieved without interference with the special function of that vessel.

E.O. 11964 further provides that the Secretary of the Navy is authorized to exempt, in accordance with Rule 38 of the 72 COLREGS, any vessel, or class of vessels, the keel of which is laid, or which is at a corresponding stage of construction, before July 15, 1977, from full compliance with the 72 COLREGS: *Provided*, That such vessel, or class of vessels, complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960. Since this information pertains to a military and foreign affairs function of the United States, it is not subject to the rule-making requirements of 5 U.S.C. 553. Accordingly, 32 CFR Part 706 is changed to read as follows:

Sec.

706.1 Purpose of regulations.
706.2 Certifications of the Secretary of the Navy under Executive Order 11964.
706.3 Exemptions by the Secretary of the Navy under Executive Order 11964.

AUTHORITY: Executive Order 11964.

§ 706.1 Purpose of regulations.

(a) All ships are warned that, when U.S. naval vessels are met in international waters, certain navigational lights and sound-signalling appliances of some naval vessels may vary from the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (Senate Executive W, 93d Cong., 1st Sess.), as to number position, range, or arc of visibility of lights, as well as to the disposition and characteristics of sound-signalling appliances. These differences are necessitated by reason of the special construction or purpose of the naval ships. An example is the aircraft carrier where the two masthead lights are, in most instances, on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead, and the sidelights are at the forward end of the axial flight deck. Certain other naval vessels cannot comply with the horizontal separation requirements for masthead lights, and the two masthead lights on even large naval vessels will thus appear to be crowded together when viewed from a distance. Naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

(b) Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored rotating beacons, different colored fixed and rotary wing aircraft landing signal lights, red aircraft warning lights, and red contour approach lights on replenishment-type ships. These lights may be shown in combination with the navigational lights.

(c) During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

(d) Executive Order 11964 of January 19, 1977, provides that the requirements of the International Regulations for Preventing Collisions at Sea, 1972, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, shall not apply to a vessel of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel to comply fully with the provisions without interfering with the special function of the vessel.

(e) Executive Order 11964 also provides that the Secretary of the Navy is authorized to exempt, in accordance with Rule 38 of the International Regulations for Preventing Collisions at Sea, 1972, any vessel, or class of vessels, the keel of which is laid, or which is at a corresponding stage of construction, before July 15, 1977, from full comoliance with the International Regulations, provided that such vessel, or class of vessels, complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960.

(f) This part consolidates and codifies certifications and exemptions granted by the Secretary of the Navy under Executive Order 11964. It has been determined that, because of their special construction or purpose, the vessels and classes of vessels listed in this part cannot comoly fully with all of the requirements of the International Regulations for Preventing Collisions at Sea, 1972.

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964.

The Secretary of the Navy hereby finds and certifies that each vessel listed in this section is a naval vessel of special construction or purpose, and that, with respect to the position of the navigational lights listed in this section, it is not possible to comply fully with the requirements of the provisions enumerated in the International Regulations for Preventing Collisions at Sea, 1972, without interfering with the special function of the vessel. The Secretary of the Navy further finds and certifies that the navigational lights in this section are in the closest possible compliance with the applicable provisions of the International Regulations for Preventing Collisions at Sea, 1972.

Table One

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I	Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
USS ALACRITY	AG-520	4.3	USS EXULTANT	MSO-441	3.2
USS ASSURANCE	AG-521	4.3	USS FEARLESS	MSO-442	3.2
USS PLAINVIEW	AGEH-1	4.3	USS FIDELITY	MSO-443	3.2
USS DOLPHIN	AGSS-555	0.8	USS FORTIFY	MSO-446	3.6
USS TANG	AGSS-563	3.4	USS ILLUSIVE	MSO-448	3.4
USS ANTELOPE	PG-86	2.3	USS IMPERVIOUS	MSO-449	3.8
USS READY	PG-87	2.3	USS IMPLICIT	MSO-455	3.7
USS TACOMA	PG-92	2.3	USS INFLICT	MSO-456	3.5
USS WELCH	PG-93	2.3	USS PLUCK	MSO-464	3.5
USS GRAND RAPIDS	PG-98	2.3	USS CONQUEST	MSO-488	3.4
USS DOUGLAS	PG-100	2.3	USS GALLANT	MSO-489	3.2
USS IWO JIMA	LPH-2	2.9	USS LEADER	MSO-490	3.3
USS OKINAWA	LPH-3	3.2	USS PLEDGE	MSO-492	3.4
USS GUADACANAL	LPH-7	3.0	USS ADROIT	MSO-509	3.5
USS GUAM	LPH-9	3.3	USS AFFRAY	MSO-511	3.5
USS TRIPOLI	LPH-10	3.3		NR-1	2.7
USS NEW ORLEANS	LPH-11	3.3	USS TANG	SS-563	3.35
USS INCHON	LPH-12	3.0	USS WAHOO	SS-565	3.35
USS CONSTANT	MSO-427	3.5	USS TROUT	SS-566	3.65
USS DASH	MSO-428	3.3	USS GUDGEON	SS-567	3.35
USS DETECTOR	MSO-429	3.5	USS SAILFISH	SS-572	3.96
USS DIRECT	MSO-430	3.2	USS DARTER	SS-576	0.61
USS DOMINANT	MSO-431	3.2	USS GRAYBACK	SS-574	4.27
USS ENGAGE	MSO-433	3.6	USS BONEFISH	SS-582	1.54
USS ENHANCE	MSO-437	3.5	USS NAUTILUS	SSN-571	3.05
USS ESTEEM	MSO-438	3.4	USS SEAWOLF	SSN-575	3.35
USS EXCEL	MSO-439	3.3	USS SKATE	SSN-578	1.22
USS EXPLOIT	MSO-440	3.3	USS SWORDFISH	SSN-579	0.61

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Table One

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I	Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
USS SARGO	SSN-583	0.61	USS ASPRO	SSN-648	2.40
USS SEADRAGON	SSN-584	0.61	USS SUNFISH	SSN-649	2.40
USS SKIPJACK	SSN-585	1.22	USS PARGO	SSN-650	2.40
USS SCAMP	SSN-588	1.52	USS QUEENFISH	SSN-651	1.52
USS SCULPIN	SSN-590	1.22	USS PUFFER	SSN-652	2.40
USS SHARK	SSN-591	1.30	USS RAY	SSN-653	1.52
USS SNOOK	SSN-592	1.22	USS SANDLANCE	SSN-660	2.40
USS PERMIT	SSN-594	2.74	USS LAPON	SSN-661	2.40
USS PLUNGER	SSN-595	2.74	USS GURNARD	SSN-662	1.52
USS BARB	SSN-596	2.70	USS HAMMERHEAD	SSN-663	2.40
USS TULLIBEE	SSN-597	0.90	USS SEA DEVIL	SSN-664	2.40
USS POLLACK	SSN-603	3.96	USS GUITARRO	SSN-665	2.40
USS HADDO	SSN-604	3.96	USS HAWKBILL	SSN-666	1.52
USS JACK	SSN-605	4.57	USS BERGALL	SSN-667	2.40
USS TINOSA	SSN-606	3.96	USS SPADEFISH	SSN-668	2.40
USS DACE	SSN-607	2.74	USS SEAHORSE	SSN-669	2.40
USS GUARDFISH	SSN-612	4.27	USS FINBACK	SSN-670	2.40
USS FLASHER	SSN-613	4.27	USS NARWHAL	SSN-671	2.74
USS GREENLING	SSN-614	4.27	USS PINTADO	SSN-672	1.52
USS GATO	SSN-615	4.20	USS FLYING FISH	SSN-673	2.40
USS HADDOCK	SSN-621	3.05	USS TREPANG	SSN-674	2.40
USS STURGEON	SSN-637	2.44	USS BLUEFISH	SSN-675	2.40
USS WHALE	SSN-638	2.44	USS BILLFISH	SSN-676	2.40
USS TAUTOG	SSN-639	2.44	USS DRUM	SSN-677	1.52
USS GRAYLING	SSN-646	2.44	USS ARCHERFISH	SSN-678	2.40
USS POGY	SSN-647	2.40	USS SILVERSIDES	SSN-679	2.40

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Table One

Table Three

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Table One

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
USS WILLIAM H BATES	SSN-680	2.40
USS BATFISH	SSN-681	2.40
USS TUNNY	SSN-682	2.40
USS PARCHE	SSN-683	2.40
USS CAVALLA	SSN-684	2.40
USS GLENARD P LIPSCOMB	SSN-685	3.20
USS MENDEL RIVERS	SSN-686	2.40
USS RICHARD B RUSSELL	SSN-687	2.40
USS LOS ANGELES	SSN-688	6.10
USS BATON ROUGE	SSN-689	6.10
USS PHILADELPHIA	SSN-690	6.10
USS GEORGE WASHINGTON	SSBN-598	4.11
USS PATRICK HENRY	SSBN-599	4.11
USS THEODORE ROOSEVELT	SSBN-600	4.11
USS ROBERT E LEE	SSBN-601	4.11
USS ABRAHAM LINCOLN	SSBN-602	4.11
USS ETHAN ALLEN	SSBN-608	3.73
USS SAM HOUSTON	SSBN-609	3.73
USS THOMAS A EDISON	SSBN-610	3.73
USS JOHN MARSHALL	SSBN-611	3.73
USS LAFAYETTE	SSBN-616	3.58
USS ALEXANDER HAMILTON	SSBN-617	3.58
USS THOMAS JEFFERSON	SSBN-618	3.73
USS ANDREW JACKSON	SSBN-619	3.58
USS JOHN ADAMS	SSBN-620	3.58
USS JAMES MONROE	SSBN-622	3.58
USS NATHAN HALE	SSBN-623	3.58
USS WOODROW WILSON	SSBN-624	3.58
USS HENRY CLAY	SSBN-625	3.58
USS DANIEL WEBSTER	SSBN-626	3.58
USS JAMES MADISON	SSBN-627	3.58
USS TECUMSEH	SSBN-628	3.58
USS DANIEL BOONE	SSBN-629	3.58
USS JOHN C CALHOUN	SSBN-630	3.58
USS ULYSSES S GRANT	SSBN-631	3.58
USS VON STEUBEN	SSBN-632	3.58
USS CASIMIR PULASKI	SSBN-633	3.58
USS STONEWALL JACKSON	SSBN-634	3.58
USS SAM RAYBURN	SSBN-635	3.58
USS NATHANAEL GREENE	SSBN-636	3.40
USS BENJAMIN FRANKLIN	SSBN-640	3.58
USS SIMON BOLIVAR	SSBN-641	3.60
USS KAMEHAMEHA	SSBN-642	3.58
USS GEORGE BANCROFT	SSBN-643	3.60
USS LEWIS & CLARK	SSBN-644	3.60
USS JAMES K POLK	SSBN-645	3.60
USS GEORGE C MARSHALL	SSBN-654	3.60
USS HENRY L STIMSON	SSBN-655	3.60
USS GEORGE WASHINGTON CARVER	SSBN-656	3.60
USS FRANCIS SCOTT KEY	SSBN-657	3.60
USS MARIANO G VALLEJO	SSBN-658	3.60
USS WILL ROGERS	SSBN-659	3.60

Table Two

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; §2(K), Annex I	Forward anchor light, number of; Rule 30 (a)(i)	AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a) (ii)	AFT anchor light number of; Rule 30 (a)(ii)	Side lights, distance below flight dk in meters; §2(g), Annex I	Side lights, distance forward of forward masthead light in meters; §3(b), Annex I	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I
USS LEXINGTON	CVT-16	12.2	1.5	2	8.2	2	0.8	113.4	13.7
USS MIDWAY	CV-41	19.0	0.3	2	6.4	2	0.6	117.0	15.8
USS CORAL SEA	CV-43	18.9	0.2	2	6.1	2	0.8	118.3	14.2
USS FORRESTAL	CV-59	26.2	0.6	2	6.7	2	1.2	128.0	22.2
USS SARATOGA	CV-60	26.4	0.9	2	7.6	2	0.9	132.3	22.3
USS RANGER	CV-61	25.9	0.6	2	7.3	2	0.8	132.9	24.5
USS INDEPENDENCE	CV-62	26.4	0.9	2	8.4	2	1.1	132.9	21.3
USS KITTY HAWK	CV-63	28.0	0.7	2	6.9	2	1.2	175.6	24.8
USS CONSTELLATION	CV-64	28.9	0.4	2	6.7	2	0.9	175.6	21.9
USS ENTERPRISE	CVN-65	23.6	0.6	2	5.9	2	0.9	178.0	23.6
USS AMERICA	CV-66	28.6	0.9	2	5.7	2	0.8	164.6	22.4
USS JOHN F KENNEDY	CV-67	28.6	1.3	2	6.4	2	0.9	160.9	22.9
USS NIMITZ	CVN-68	28.6	0.2	2	9.0	2	0.6	189.0	22.0
USS DWIGHT D EISENHOWER	CVN-69	28.6	0.2	2	9.0	2	0.6	189.0	22.0
USS TARAWA	LHA-1	10.0	---	1	---	1	2.4	71.0	----
USS SAIPAN	LHA-2	10.0	---	1	---	1	2.4	71.0	----
USS IWO JIMA	LPH-2	10.6	---	1	2.1	2	1.1	61.0	----
USS OKINAWA	LPH-3	10.6	---	1	2.2	2	1.3	61.0	----
USS GUADALCANAL	LPH-7	10.6	---	1	2.5	2	0.2	61.0	----
USS [redacted]	LPH-9	10.6	---	1	2.0	2	0.2	48.8	----
USS TRIPOLI	LPH-10	10.6	---	1	2.2	2	0.4	47.5	----
USS NEW ORLEANS	LPH-11	10.6	---	1	2.2	2	0.5	50.0	----
USS INCHON	LPH-12	10.6	---	1	2.2	2	0.4	47.5	----

Table Three

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; §2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; §2(K), Annex I
USS DOLPHIN	AGSS-555	227.5°	119°	191°	2.1	10.8	1.8	0.5 above
USS TANG	AGSS-563	232°	116°	252°	3.1	3.1	2.2	0.5 above
USS WAHOO	SS-565	232°	116°	252°	3.1	14.3	2.3	0.5 above
USS TROUT	SS-566	226°	116°	252°	2.9	13.7	1.9	1.5 below
USS GUDGEON	SS-567	232°	115°	252°	2.9	13.7	1.9	0.7 above
USS SAILFISH	SS-572	290°	114°	252°	2.4	10.7	2.0	0.8 above
USS SALMON	SS-573	228°	115°	252°	2.4	10.7	2.0	1.5 below
USS GREYBACK	SS-574	226°	115°	252°	3.1	9.8	4.0	2.1 above
USS DARTER	SS-576	226°	116°	252°	2.4	10.7	1.0	1.1 above
USS BARBEL	SS-580	230°	117°	252°	3.4	15.2	2.7	same height
USS BLUEBACK	SS-581	230°	117°	252°	3.4	15.2	2.7	same height
USS BONEFISH	SS-582	230°	117°	252°	3.4	15.2	2.7	same height
USS NAUTILUS	SSN-571	226°	113°	252°	3.1	16.7	1.8	1.5 below
USS SEAWOLF	SSN-575	226°	113°	252°	2.7	16.5	1.9	2.5 below
USS SKATE	SSN-578	230°	113°	252°	2.7	12.5	1.8	2.4 below
USS SWORDFISH	SSN-579	230°	113°	252°	2.7	12.5	1.8	2.4 below
USS SARGO	SSN-583	228°	113°	252°	2.7	12.5	1.8	2.3 below
USS SEADRAGON	SSN-584	228°	113°	252°	2.7	12.5	1.8	2.3 below
USS SKIPJACK	SSN-585	250°	113°	252°	4.0	33.5	2.1	0.4 below
USS SCAMP	SSN-588	232°	113°	252°	4.0	33.5	2.1	0.8 below
USS SCULPIN	SSN-590	230°	113°	252°	4.0	33.5	2.1	0.5 below
USS SHARK	SSN-591	228°	113°	252°	4.0	33.5	2.1	0.5 below
USS SNOOK	SSN-592	228°	113°	252°	4.0	33.5	2.1	1.3 below

Table Three

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; §2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; §2(K), Annex I
USS PERMIT	SSN-594	230°	116°	252°	4.1	37.8	3.1	1.9 below
USS PLUNGER	SSN-595	226°	114°	252°	4.1	37.8	3.1	1.7 below
USS BARB	SSN-596	238°	115°	252°	4.1	37.8	3.1	1.5 below
USS TULLIBEE	SSN-597	226°	113°	252°	2.9	32.0	2.7	2.3 below
USS POLLACK	SSN-603	228°	114°	252°	4.1	37.8	3.1	1.5 below
USS HADDO	SSN-604	226°	114°	252°	4.1	37.8	3.1	1.5 below
USS JACK	SSN-605	226°	113°	252°	4.1	37.8	3.1	1.5 below
USS TINOSA	SSN-606	228°	114°	252°	4.1	37.8	3.1	1.5 below
USS DACE	SSN-607	226°	114°	252°	4.1	37.8	3.1	1.5 below
USS GUARDFISH	SSN-612	240°	114°	252°	4.1	37.8	3.1	1.5 below
USS FLASHER	SSN-613	240°	114°	252°	4.1	37.8	3.1	1.5 below
USS GREENLING	SSN-614	236°	114°	252°	4.1	37.8	3.1	1.5 below
USS GATO	SSN-615	232°	114°	252°	4.1	37.8	3.1	1.5 below
USS HADDOCK	SSN-621	232°	114°	252°	4.1	37.8	3.1	1.5 below
USS STURGEON	SSN-637	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS WHALE	SSN-638	226°	113°	252°	3.8	5.2	3.4	1.4 below
USS TAUTOG	SSN-639	226°	113°	252°	3.8	5.2	3.4	1.4 below
USS GRAYLING	SSN-646	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS POGY	SSN-647	226°	114°	252°	3.8	5.2	3.4	1.4 below
USS ASPRO	SSN-648	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS SUNFISH	SSN-649	226°	114°	252°	3.8	5.2	3.4	1.4 below
USS PARGO	SSN-650	228°	114°	252°	3.8	5.2	3.4	1.4 below
USS QUEENFISH	SSN-651	226°	114°	252°	3.8	5.2	3.4	1.4 below

Table Three

Vessel	Number	Masthead	Side	Stern	Side

Table Three

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Table Three

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; §2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; §2(K), Annex I
USS PUFFER	SSN-652	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS RAY	SSN-653	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS SANDLANCE	SSN-660	226°	113°	252°	3.8	5.2	3.4	1.4 below
USS LAPON	SSN-661	228°	114°	252°	3.8	5.2	3.4	1.4 below
USS GURNARD	SSN-662	232°	116°	252°	3.8	5.2	3.4	1.4 below
USS HAMMERHEAD	SSN-663	228°	114°	252°	3.8	5.2	3.4	1.4 below
USS SEA DEVIL	SSN-664	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS GUITARRO	SSN-665	228°	114°	252°	3.8	5.2	3.4	1.4 below
USS HAWKBILL	SSN-666	232°	113°	252°	3.8	5.2	3.4	1.4 below
USS BERGALL	SSN-667	232°	114°	252°	3.8	5.2	3.4	1.4 below
USS SPADEFISH	SSN-668	234°	113°	252°	3.8	5.2	3.4	1.4 below
USS SEAHORSE	SSN-669	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS FINBACK	SSN-670	234°	114°	252°	3.8	5.2	3.4	1.4 below
USS NARWHAL	SSN-671	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS PINTADO	SSN-672	234°	120°	252°	3.8	5.2	2.0	1.4 below
USS FLYING FISH	SSN-673	232°	114°	252°	3.8	5.2	3.4	1.4 below
USS TREFANG	SSN-674	228°	113°	252°	3.8	5.2	3.4	1.4 below
USS BLUEFISH	SSN-675	234°	113°	252°	3.8	5.2	3.4	1.4 below
USS BILLFISH	SSN-676	234°	114°	252°	3.8	5.2	3.4	1.4 below
USS DRUM	SSN-677	234°	113°	252°	3.8	5.2	3.4	1.4 below
USS ARCHERFISH	SSN-678	232°	113°	252°	3.8	5.2	3.4	1.4 below
USS SILVERSIDES	SSN-679	228°	114°	252°	3.8	5.2	3.4	1.4 below
USS WILLIAM H BATES	SSN-680	232°	114°	252°	3.8	5.2	3.4	1.4 below
USS BATFISH	SSN-681	234°	115°	252°	3.8	5.2	3.4	1.4 below
USS TUNNY	SSN-682	234°	114°	252°	3.8	5.2	3.4	1.4 below
USS PARCHE	SSN-683	232°	114°	252°	3.8	5.2	3.4	1.4 below

Table Three

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; §2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; §2(K), Annex I
USS CAVALLA	SSN-684	234°	113°	252°	3.8	5.2	3.4	1.4 below
USS GLENARD P LIPSCOMB	SSN-685	244°	114°	252°	3.8	5.2	3.4	1.4 below
USS L MENDEL RIVERS	SSN-686	236°	113°	252°	3.8	5.2	3.4	1.4 below
USS RICHARD B RUSSELL	SSN-687	236°	114°	252°	3.8	5.2	3.4	1.3 below
USS LOS ANGELES	SSN-688	236°	115°	252°	4.2	6.1	2.0	1.6 below
USS BATON ROUGE	SSN-689	234°	115°	252°	4.2	6.1	2.0	1.6 below
USS PHILADELPHIA	SSN-690	238°	115°	252°	4.2	6.1	2.0	1.6 below
USS GEORGE WASHINGTON	SSBN-598	240°	118°	255°	3.8	46.0	2.1	0.6 below
USS PATRICK HENRY	SSBN-599	238°	118°	252°	3.8	46.0	2.1	0.4 below
USS THEODORE ROOSEVELT	SSBN-600	240°	115°	252°	3.8	46.0	2.1	1.2 below
USS ROBERT E LEE	SSBN-601	242°	113°	252°	3.8	46.0	2.1	0.5 below
USS ABRAHAM LINCOLN	SSBN-602	226°	114°	252°	3.8	39.3	2.1	same height
USS ETHAN ALLEN	SSBN-608	226°	120°	252°	3.8	7.6	2.1	1.4 above
USS SAM HOUSTON	SSBN-609	---	114°	252°	3.8	7.6	2.1	1.7 above
USS THOMAS A EDISON	SSBN-610	230°	115°	252°	3.8	7.6	2.1	1.2 above
USS JOHN MARSHALL	SSBN-611	228°	113°	252°	3.8	7.6	2.1	0.9 above
USS LAFAYETTE	SSBN-616	236°	113°	252°	3.8	7.3	2.0	1.2 above
USS ALEXANDER HAMILTON	SSBN-617	232°	114°	252°	3.8	7.3	2.0	1.1 above
USS THOMAS JEFFERSON	SSBN-618	230°	113°	252°	3.8	7.6	2.1	1.8 above
USS ANDREW JACKSON	SSBN-619	240°	113°	252°	3.8	7.3	2.0	1.8 above
USS JOHN ADAMS	SSBN-620	236°	115°	252°	3.8	7.3	2.0	1.0 above
USS JAMES MONROE	SSBN-622	230°	114°	252°	3.8	7.3	2.0	1.2 above
USS NATHAN HALE	SSBN-623	226°	115°	252°	3.8	7.3	2.0	1.3 above
USS WOODROW WILSON	SSBN-624	226°	115°	252°	3.8	7.3	2.0	1.0 above
USS HENRY CLAY	SSBN-625	236°	117°	252°	3.8	7.3	2.0	1.0 above
USS DANIEL WEBSTER	SSBN-626	236°	114°	252°	3.8	7.3	2.0	1.0 above

Table Three

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; §2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; §2(K), Annex I
USS JAMES MADISON	SSBN-627	232°	113°	252°	3.8	7.3	2.0	1.6 above
USS TECUMSEH	SSBN-628	236°	114°	252°	3.8	7.3	2.0	1.0 above
USS DANIEL BOONE	SSBN-629	232°	114°	252°	3.8	7.3	2.0	1.6 above
USS JOHN C CALHOUN	SSBN-630	226°	113°	252°	3.8	7.3	2.0	same height
USS ULYSSES S GRANT	SSBN-631	226°	113°	252°	3.8	7.3	2.0	1.6 above
USS VON STUEBEN	SSBN-632	230°	114°	252°	3.8	7.3	2.0	1.6 above
USS CASIMIR PULASKI	SSBN-633	228°	113°	252°	3.8	7.3	2.0	1.4 above
USS STONEWALL JACKSON	SSBN-634	236°	114°	252°	3.8	7.3	2.0	1.4 above
USS SAM RAYBURN	SSBN-635	232°	113°	252°	3.8	7.3	2.0	1.6 above
USS NATHANAEL GREENE	SSBN-636	232°	113°	252°	3.8	7.3	2.0	1.6 above
USS BENJAMIN FRANKLIN	SSBN-640	230°	114°	252°	3.8	7.6	2.1	0.9 below
USS SIMON BOLIVAR	SSBN-641	234°	115°	252°	3.8	7.6	2.1	0.8 below
USS KAMEHAMEHA	SSBN-642	236°	117°	252°	3.8	7.6	2.1	same height
USS GEORGE BANCROFT	SSBN-643	234°	114°	252°	3.8	7.6	2.1	0.9 below
USS LEWIS AND CLARK	SSBN-644	230°	113°	252°	3.8	7.6	2.1	0.6 below
USS JAMES K POLK	SSBN-645	230°	114°	252°	3.8	7.6	2.1	0.9 below
USS GEORGE C MARSHALL	SSBN-654	226°	113°	252°	3.8	7.6	2.1	0.5 below
USS HENRY L STIMSON	SSBN-655	230°	114°	252°	3.8	7.6	2.1	0.6 below
USS GEORGE WASHINGTON CARVER	SSBN-656	234°	114°	252°	3.8	7.6	2.1	0.6 below
USS FRANCIS SCOTT KEY	SSBN-657	226°	113°	252°	3.8	7.6	2.1	0.3 below
USS MARIANO G VALLEJO	SSBN-658	234°	116°	252°	3.8	7.6	2.1	1.1 below
USS WILL ROGERS	SSBN-659	226°	114°	252°	3.8	7.6	2.1	0.6 below
NR-1	NR-1	238.5°	114°	136.5°	1.5	4.1	2.1	---

Table Four

1. The masthead light(s) required by Rule 27(b)(iii) and the lights required by Rule 27(b)(i) for vessels restricted in their ability to maneuver will not be displayed simultaneously. Ships conducting flight operations also may not display the stern light required by Rule 27(b)(iii).

2. To provide all round visibility, the lights required by Rules 27(a) and (b) will consist of two lights, one light port and one light starboard on the mast at each location in the vertical array.

3. The second masthead light required by Rule 23(a)(ii) and the lights required by Rules 24 and 27 are not installed on submarines.

4. The lights required by Rule 27(b) are spaced 0.9 meters apart in lieu of the 2 meters specified in Annex I, section 2(i)(i) on the following ships:

USS ANTELOPE (PG 86)
USS READY (PG 87)

5. On MSO type ships the masthead lights will not always be above and clear of the minesweeping lights, as is required by Annex I, Section 2(f). The positions of the masthead lights with relation to the minesweeping lights are as follows:

Vessel	MSO Number	Relationship of forward masthead light to all minesweeping lights	Relationship of after masthead light to lower minesweeping lights	Relationship of after masthead light to upper minesweeping light
USS CONSTANT	427	below	above	below
USS DASH	428	below	above	below
USS DETECTOR	429	below	above	below
USS DIRECT	430	below	above	below
USS DOMINANT	431	below	above	below
USS ENGAGE	433	below	above	below
USS ENHANCE	437	below	above	below
USS ESTEEM	438	below	same as	Below
USS EXCEL	439	below	above	below
USS EXPLOIT	440	below	above	below
USS EXULTANT	441	below	above	below
USS FEARLESS	442	below	above	below

§ 706.3 Exemptions by the Secretary of the Navy under Executive Order

venting Collisions at Sea, 1972, the vessels and classes of vessels listed in this

of vessels listed have had their keels laid or are in corresponding stages of

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Vessel	MSO Number	Relationship of forward masthead light to all minesweeping lights	Relationship of after masthead light to lower minesweeping lights	Relationship of after masthead light to upper minesweeping light
USS FIDELITY	443	below	above	below
USS FORTIFY	446	below	above	below
USS ILLUSIVE	448	below	above	below
USS IMPERVIOUS	449	below	above	below
USS IMPLICIT	455	below	lower than	below
USS INFLICT	456	below	above	below
USS PLUCK	464	below	above	below
USS CONQUEST	488	below	lower than	below
USS GALLANT	489	below	lower than	below
USS LEADER	490	below	above	below
USS PLEDGE	492	below	lower than	below
USS ADROIT	509	below	lower than	below
USS AFFRAY	511	below	same as	below

6. The masthead light required by Rule 23(a)(i) is not located in the forepart of the vessel on the following ships:

USS HIGH POINT (PCH 1) - 0.6 meters aft of midships
USS PEGASUS (PHM 1) - 3.0 meters aft of amidships

7. The arc of visibility of the after masthead light required by Rule 23(a)(ii) and Annex I, section 2(f). may be obstructed from right ahead on certain naval ships as follows:

USS SHENANDOAH (AD 26)	1° 0'
USS BRYCE CANYON (AD 27)	1° 0'
USS WICHITA (AOR 1)	1° 13'
USS KANSAS CITY (AOR 3)	1° 13'
USS SAVANNAH (AOR 4)	1° 13'
USS WABASH (AOR 5)	1° 13'
USS KALAMAZOO (AOR 6)	1° 13'
USS FULTON (AS 11)	1° 0'
USS HUNLEY (AS 31)	2° 10'
USS HOLLAND (AS 32)	3° 46'

§ 706.3 Exemptions by the Secretary of the Navy under Executive Order 11964.

The Secretary of the Navy hereby exempts, in accordance with Rule 38 of the International Regulations for Preventing Collisions at Sea, 1972, the vessels and classes of vessels listed in this section, from full compliance with the Regulations, where an exemption is allowed by, and for the periods specified in, Rule 38. The Secretary of the Navy further finds that the vessels and classes of vessels listed have had their keels laid or are in corresponding stages of construction before July 15, 1977, and that such vessels and classes of vessels comply with the requirements of the International Regulations for Preventing Collisions at Sea, 1960.

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
USNS KINGSPORT (T-AC 164)	X	X	X				X
USNS WHEELING (T-AGM 8)	X	X	X				X
USNS ARNOLD (T-AGM 9)	X	X					X
USNS VANDENBURG (T-AGM 10)	X	X					X
USNS VANGUARD (T-AGM 19)	X	X					X
USNS REDSTONE (T-AGM 20)	X	X					X
USNS RANGE SENTINEL (T-AGM 22)	X	X	X				X
USNS LYNCH (T-AGOR 7)	X	X	X				X
USNS MIZAR (T-AGOR 11)	X	X	X				X
USNS DE STEIGUER (T-AGOR 12)	X	X	X				X
USNS BARTLETT (T-AGOR 13)	X	X	X				X
USNS HAYES (T-AGOR 16)	X	X	X				X
USNS BOWDITCH (T-AGS 21)	X	X	X				X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
USNS DUTTON (T-AGS 22)	X	X	X				X
USNS SILAS BENT (T-AGS 26)	X	X	X				X
USNS KANE (T-AGS 27)	X	X	X				X
USNS CHAUVENET (T-AGS 29)	X	X	X				X
USNS HARKNESS (T-AGS 32)	X	X	X				X
USNS WILKES (T-AGS 33)	X	X	X				X
USNS WYMAN (T-AGS 34)	X	X	X				X
USNS HESS (T-AGS 38)	X	X					X
USNS BROSTROM (T-AK 255)	X	X		X			X
USNS TOWLE (T-AK 240)	X	X	X				X
USNS MIRFAK (T-AK 271)	X	X	X				X
USNS BLAND (T-AK 277)	X	X	X				X

Table One

Table One

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Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
[redacted] (T-AK 279)	X	X	X				X
USNS [redacted] (T-AK 280)	X	X	X				X
[redacted] VICTORIA (T-AK 281)	X	X	X				X
USNS MARSHFIELD (T-AK 282)	X	X	X				X
[redacted] COMET (T-AKR 7)	X	X		X			X
[redacted] METEOR (T-AKR 9)	X	X		X			X
USNS UTE (T-ATF 76)	X	X	X				X
USNS LIPAN (T-ATF 85)	X	X	X				X
USNS ATAKAPA (T-ATF 149)	X	X	X				X
USNS [redacted] (T-ATF 158)	X	X	X				X
USNS [redacted] (T-AF 58)	X	X		X			X
USNS [redacted] (T-AO 57)	X	X		X			X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
[redacted] TALUGA (T-AO 62)	X	X		X			X
USNS MISPILLION (T-AO 105)	X	X		X			X
[redacted] NAVASOTA (T-AO 106)	X	X		X			X
[redacted] PASSUMPSIC (T-AO 107)	X	X		X			X
[redacted] PAWCATUCK (T-AO 108)	X	X		X			X
USNS [redacted] (T-AO 109)	X	X		X			X
[redacted] MISSISSINEWA (T-AO 144)	X	X		X			X
USNS [redacted] (T-AO 149)	X	X		X			X
USNS [redacted] (T-AO 151)	X	X		X			X
USNS [redacted] (T-AO 152)	X	X		X			X
USNS AMERICAN EXPLORER (T-AO 165)	X	X				X	X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
SEALIFT CLASS (T-AO 168-176)	X	X				X	X
USNS POTOMAC (T-AO 181)	X	X					X
COLUMBIA CLASS (T-AO 182-185)	X	X					X
USNS RINCON (T-AOG 77)	X	X	X				X
USNS NODAWAY (T-AOG 78)	X	X	X				X
USNS PETALUMA (T-AOG 79)	X	X	X				X
USNS NEPTUNE (T-ARC 2)	X	X	X				X
USNS AEOLUS (T-ARC 3)	X	X	X				X
USNS MYER (T-ARC 6)	X	X	X				X
CV-41 Class	X	X		X		X	
CV-59 Class	X	X		X		X	
CV-63 Class	X	X		X		X	
USS JOHN F KENNEDY (CV-67)	X	X		X		X	
USS ENTERPRISE (CVN-65)	X	X		X		X	

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
CVN-68 Class	X	X		X		X	
USS LEXINGTON (CVT-16)	X	X		X		X	
USS OKLAHOMA CITY (CG-5)	X	X		X		X	X
CG-10 Class	X	X		X		X	X
CG-16 Class	X	X		X		X	X
CG-26 Class	X	X		X		X	X
USS LONG BEACH (CGN-9)	X	X		X		X	X
USS BAINBRIDGE (CGN-25)	X	X		X		X	X
USS TRUXTUN (CGN-35)	X	X		X			
CGN-36 Class	X	X		X			X
CGN-38 Class	X	X		X			
DD-710 Class	X	X	X				
DD-931 Class	X	X	X				
DD-933 Class	X	X	X				
DD-945 Class	X	X	X				
DD-963 Class	X	X		X			X
DDG-2 Class	X	X	X				
DDG-31 Class	X	X	X				
DDG-35 Class	X	X		X		X	X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
[redacted] (T-AK 279)	X	X	X				X
USNS [redacted] (T-AK 280)	X	X	X				X
[redacted] VICTORIA (T-AK 281)	X	X	X				X
USNS MARSHFIELD (T-AK 282)	X	X	X				X
[redacted] COMET (T-AKR 7)	X	X		X			X
[redacted] METEOR (T-AKR 9)	X	X		X			X
USNS UTE (T-ATF 76)	X	X	X				X
USNS LIPAN (T-ATF 85)	X	X	X				X
USNS ATAKAPA (T-ATF 149)	X	X	X				X
USNS [redacted] (T-ATF 158)	X	X	X				X
USNS [redacted] (T-AF 58)	X	X		X			X
USNS [redacted] (T-AO 57)	X	X		X			X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
[redacted] TALUGA (T-AO 62)	X	X		X			X
USNS MISPILLION (T-AO 105)	X	X		X			X
[redacted] NAVASOTA (T-AO 106)	X	X		X			X
[redacted] PASSUMPSIC (T-AO 107)	X	X		X			X
[redacted] PAWCATUCK (T-AO 108)	X	X		X			X
USNS [redacted] (T-AO 109)	X	X		X			X
[redacted] MISSISSINEWA (T-AO 144)	X	X		X			X
USNS [redacted] (T-AO 149)	X	X		X			X
USNS [redacted] (T-AO 151)	X	X		X			X
USNS [redacted] (T-AO 152)	X	X		X			X
USNS AMERICAN EXPLORER (T-AO 165)	X	X				X	X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
SEALIFT CLASS (T-AO 168-176)	X	X				X	X
USNS POTOMAC (T-AO 181)	X	X					X
COLUMBIA CLASS (T-AO 182-185)	X	X					X
USNS RINCON (T-AOG 77)	X	X	X				X
USNS NODAWAY (T-AOG 78)	X	X	X				X
USNS PETALUMA (T-AOG 79)	X	X	X				X
USNS NEPTUNE (T-ARC 2)	X	X	X				X
USNS AEOLUS (T-ARC 3)	X	X	X				X
USNS MYER (T-ARC 6)	X	X	X				X
CV-41 Class	X	X		X		X	
CV-59 Class	X	X		X		X	
CV-63 Class	X	X		X		X	
USS JOHN F KENNEDY (CV-67)	X	X		X		X	
USS ENTERPRISE (CVN-65)	X	X		X		X	

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
CVN-68 Class	X	X		X		X	
USS LEXINGTON (CVT-16)	X	X		X		X	
USS OKLAHOMA CITY (CG-5)	X	X		X		X	X
CG-10 Class	X	X		X		X	X
CG-16 Class	X	X		X		X	X
CG-26 Class	X	X		X		X	X
USS LONG BEACH (CGN-9)	X	X		X		X	X
USS BAINBRIDGE (CGN-25)	X	X		X		X	X
USS TRUXTUN (CGN-35)	X	X		X			
CGN-36 Class	X	X		X			X
CGN-38 Class	X	X		X			
DD-710 Class	X	X	X				
DD-931 Class	X	X	X				
DD-933 Class	X	X	X				
DD-945 Class	X	X	X				
DD-963 Class	X	X		X			X
DDG-2 Class	X	X	X				
DDG-31 Class	X	X	X				
DDG-35 Class	X	X		X		X	X

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Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
DDG-37 Class	X	X		X		X	X
FF-1040 Class	X	X	X			X	
FF-1052 Class	X	X	X			X	
FFG-1 Class	X	X	X			X	
SSBN-598 Class	X	X	X			X	X
SSBN-608 Class	X	X	X			X	X
SSBN-616 Class	X	X	X			X	X
SSBN-627 Class	X	X	X			X	X
SSBN-640 Class	X	X	X			X	X
SS-563 Class	X	X	X			X	X
SS-572 Class	X	X	X			X	X
USS GRAYBACK (SS-574)	X	X	X				
SS-580 Class	X	X	X			X	X
USS NAUTILUS (SSN-571)	X	X	X			X	X
USS SEAWOLF (SSN-575)	X	X	X			X	X
SSN-578 Class	X	X	X			X	X
SSN-585 Class	X	X	X			X	X
SSN-594 Class	X	X	X			X	X
USS TULLIBEE (SSN-597)	X	X	X			X	X
SSN-637 Class	X	X	X			X	X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
USS NARWHAL (SSN-671)	X	X	X			X	X
USS CLEMARD P LIPSCOMB (SSN-685)	X	X	X			X	X
SSN-688 Class	X	X	X			X	X
LCC-19 Class	X	X		X		X	X
LHA-1 Class	X	X		X		X	
USS TULARE (LKA-112)	X	X		X			X
USS CHARLESTON (LKA-113)	X	X		X			X
USS PAUL REVERE (LPA-248)	X	X		X			X
USS FRANCIS MARION (LPA-249)	X	X		X			X
LPD-1 Class	X	X		X		X	
LPD-4 Class	X	X		X		X	X
LPH-2 Class	X	X		X		X	X
LSD-28 Class	X	X		X	X	X	
LSD-36 Class	X	X		X	X	X	X
LST-1179 Class	X	X		X		X	X
MSO-422 Class	X	X	X				X
MSO-428 Class	X	X	X				X
MSO-508 Class	X	X	X				X

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
PG-84 Class	X	X	X				X
PG-92 Class	X	X	X				X
AE-21 Class	X	X		X			X
AE-23 Class	X	X		X			X
AE-26 Class	X	X		X			X
AFS-1 Class	X	X		X			X
AO-51 Class	X	X		X	X		X
AO-143 Class	X	X		X	X		X
AOE-1 Class	X	X		X	X		
AOR-1 Class	X	X		X			X
AD-14 Class	X	X		X			X
AD-26 Class	X	X		X			X
AD-37 Class	X	X		X			X
USS COMPASS ISLAND (AG-153)	X	X		X			X
AG-520 Class	X	X	X				X
USS POINT LOMA (AGDS-2)	X	X		X	X		X
USS PLAINVIEW (AGEH-1)	X	X	X				X
USS LA SALLE (AGF-3)	X	X		X	X		
USS GLOVER (AGFF-1)	X	X	X				

Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
USS DOLPHIN (AGSS-555)	X	X	X			X	X
USS TANG (AGSS-563)	X	X	X			X	X
AR-5 Class	X	X		X			X
AR-28 Class	X	X		X			X
ARS-6 Class	X	X	X				X
ARS-38 Class	X	X	X				X
AS-11 Class	X	X		X			X
USS PROTEUS (AS-19)	X	X		X			X
AS-31 Class	X	X		X			X
AS-33 Class	X	X		X			X
AS-36 Class	X	X					X
ASR-7 Class	X	X	X				X
ASR-21 Class	X	X	X				X
ATF-81 Class	X	X	X				X
ATF-96 Class	X	X	X				X
ATF-148 Class	X	X	X				X
ATS-1 Class	X	X	X				X
USS NORTON SOUND (AVM-1)	X	X		X	X		X

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Table One

VESSEL OR CLASS	Lights with ranges in Rule 22, 4 years; Rule 38(a)	Lights with color specs in § 7, Annex I, 4 years; Rule 38(b)	Repositioning of masthead lights, vessels less than 150 meters, in § 3(a), Annex I, permanent; Rule 38(d)(i)	Repositioning of masthead lights, vessels greater than 150 meters, in § 3(a), Annex I, 9 years; Rule 38(d)(ii)	Repositioning of masthead lights, in § 2(b), Annex I, 9 years; Rule 38(e)	Repositioning of sidelights in § 2(g) and 3(b), Annex I, 9 years; Rule 38(f)	Sound Signal Appliances In Annex III, 9 years; Rule 38(g)
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LCU-1648 Class		X	X			X	X
YFU (Ex-LCU-1466 Class)		X	X			X	X
DD-825 Class	X	X	X				
DD-948 Class	X	X	X			X	
FF-1037 Class	X	X	X				

Effective date: The effective date of the revision contained in this rule will be July 15, 1977.

Dated: July 7, 1977.

W. GRAHAM CLAYTOR, JR.,
Secretary of the Navy.

[FR Doc.77-19995 Filed 7-13-77;8:45 am]

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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

NOTE: This document originally appeared at page 35625, in the Federal Register for Monday, July 11, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Confidential Secretary to the Assistant Secretary is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 11, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3316(r)(10) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(10) One Confidential Secretary to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–19869 Filed 7–8–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one Member of the Policy Planning Staff because of the confidential nature of the position.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3304(a)(30) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(30) Three Members of the Policy Planning Staff.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–20336 Filed 7–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one Private Secretary to the Director of Policy Review because of the confidential nature of the position.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(a)(87) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(87) One Private Secretary to the Director of Policy Review.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–20329 Filed 7–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant to the Deputy Commissioner, Immigration and Naturalization Service because the position is confidential in nature.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3310(j)(2) is added as set out below:

§ 213.3310 Department of Justice.

* * * * * *

(j) *Immigration and Naturalization Service.* * * *

(2) One Confidential Assistant to the Deputy Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–20335 Filed 7–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Special Assistant to the Commissioner, Immigration and Naturalization Service because of the confidential nature of the position.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3310(j)(4) is added as set out below:

§ 213.3310 Department of Justice.

* * * * * *

(j) *Immigration and Naturalization Service.* * * *

(4) One Special Assistant to the Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–20334 Filed 7–14–77;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This section is amended to show that one additional position of Confidential Assistant to the Administrator is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3337(a)(7) is amended as set out below:

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§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *
(7) Two Confidential Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20330 Filed 7-14-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) revokes the position of Staff Assistant to the Assistant Secretary for Legislative Affairs because a reorganization has rendered the position no longer necessary; and (2) excepts from the competitive service under Schedule C the following positions because they are confidential in nature: one position of Director, Office of Congressional Relations, Executive Assistant, Legislative Assistant, Special Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations, four Intergovernmental Relations Officers, one Assistant Intergovernmental Relations Officer, one Staff Assistant to the Deputy Assistant Secretary for Intergovernmental Relations.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3384(a)(60) is revoked and (m) (6) through (12) are added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *
(60) [Revoked]

* * * * * *

(m) *Office of Legislation and Intergovernmental Relations.* * * *
(6) Director, Office of Congressional Relations.
(7) One Executive Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
(8) One Legislative Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
(9) One Special Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
(10) Four Intergovernmental Relations Officers.
(11) One Assistant Intergovernmental Relations Officer.
(12) One Staff Assistant to the Deputy Assistant Secretary for Intergovernmental Relations.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20331 Filed 7-14-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) reflects the reorganization and change in title of the Office of Legislative Affairs to the Office of Legislation and Intergovernmental Relations in order to more accurately describe the functions of the office; (2) changes the title of Schedule C positions in the office and transfers them from their previous listing under the office of the Secretary to the new listing of Office of Legislation and Intergovernmental Relations due to the reorganization, expansion, and redesignation of the office; (3) excepts from the competitive service under Schedule C one position of Private Secretary to the Deputy Assistant Secretary for Intergovernmental Relations because it is confidential in nature.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3384(a) is amended and (m) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *
(10) [Revoked]

* * * * * *

(23) [Revoked]

* * * * * *

(26) [Revoked]
(27) [Revoked]

* * * * * *

(m) *Office of Legislation and Intergovernmental Relations.*
(1) One Private Secretary to the Assistant Secretary for Legislation and Intergovernmental Relations.
(2) One Private Secretary to the Deputy Assistant Secretary for Legislation.
(3) Three Senior Assistants for Congressional Relations.
(4) Nine Assistants for Congressional Relations.
(5) One Private Secretary to the Deputy Assistant Secretary for Intergovernmental Relations.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20333 Filed 7-14-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Addition of Spain to List of Countries in Which Applications for Conditional Entry May Be Processed

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service adds the country of Spain to the list of countries in which aliens may file applications for conditional entry under the Immigration and Nationality Act. Amendment of the list is necessary because the Government of Spain has recently agreed that applications for conditional entry may be processed in that country.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone (202–376–8373).

SUPPLEMENTARY INFORMATION:

Existing 8 CFR 235.9(a) contains a list of countries in which officers of the Immigration and Naturalization Service have been authorized to accept applications and examine the qualifications of applicants for conditional entry into the United States under section 203(a)(7) of the Immigration and Nationality Act, pursuant to agreements between the United States Government and the Governments of those countries. Recently, such an agreement was entered into between the United States Government and the Government of Spain. Accordingly, 8 CFR 235.9(a) will be revised to add that country to the list.

This amendment is being issued under the provisions of section 552 of Title 5 of the United States Code (80 Stat. 383) as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment contained in this order confers a benefit on the persons affected thereby.

In the light of the foregoing, Title 8 of Chapter I of the Code of Federal Regulations is hereby revised as set forth below.

In part 235, § 235.9(a) is revised as set forth below.

§ 235.9 Conditional entries.

(a) *Countries in which applications may be filed.* Pursuant to agreements entered into with the governments of the countries concerned, officers of the Service are authorized to accept applications and to examine the qualifications of applicants for conditional entry under section 203(a)(7) of the Act in Austria, Belgium, France, Germany, Greece, Hong Kong, Italy, Lebanon and Spain. Applications for conditional entry may be filed only by aliens who are physically present within one of the designated countries.

* * * * * *

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103))

Effective date: This amendment becomes effective on July 15, 1977.

Dated: July 7, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-20420 Filed 7-14-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 17]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurements for Refuse Collection With or Without Disposal

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a specific definition of small business for purpose of Government procurement for refuse collection with or without disposal. Confusion has existed among contracting officers and vendors as to the proper definition. Some procurement carried a size standard of $2 million, while others carried a size standard of $7 million. This new definition is specifically for refuse collection with or without disposal and is intended to eliminate the confusion.

EFFECTIVE DATE: September 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202–653–6373.

SUPPLEMENTARY INFORMATION: On November 15, 1976, the SBA Size Standards Division published in the FEDERAL REGISTER a proposal to adopt a $3.5 million average annual receipts standard for refuse collection with or without disposal. This proposal was prompted by comments from both contracting officers and vendors expressing confusion as to the proper standard to be used in the procurement of refuse collection.

Looking into the situation, we found that some contracting officers are classifying refuse collection as a "service not elsewhere defined," subject to a $2 million annual receipts standard; others are classifying it in SIC Industry No. 2412, *"Local Trucking Without Storage,"* subject to a $7 million size standard (because the Standard Industrial Classification Manual Lists "Collecting and Transporting Refuse, Without Disposal" in that industry); and others have classified it in SIC Industry No. 4953, "Refuse Systems," subject to a $2 million annual receipts standard (because the manual lists "Rubbish Collection and Disposal" in that industry). Our November 15, 1976, proposal was intended to clarify this situation.

Virtually all comments received agreed that a specific definition would best clarify the confusion that had existed. The majority of those commenting were of the opinion that $3.5 million was the proper limit. However, those concerns presently participating in procurements in which the size standard was $7 million expressed concern that the lower standard would have a severe economic effect on their business. Contracts of this nature are normally for 1 year, with the option to extend for an additional 1 or 2 years. Concerns working on the first year of such procurements felt that the option might not be extended if they became other than small business by reason of the change in the size standard. They alleged that this presents a devastating problem because their capital expenditures on equipment necessary to meet contractual obligations normally require a 3- to 5-year period to recapture the expenditure. It was argued that to prohibit them from bidding on future contracts, or the possibility of not having the option extended, might produce an adverse financial situation from which they might not be able to recover.

Considering the financial impact that this change may have on concerns that have been primarily engaged in performing refuse collection contracts subject to a $7 million size standard, we have determined that a provision should be made to allow these firms time to take necessary steps to ensure that they remain viable. Accordingly, 13 CFR Part 21 is amended by adding to § 121.3–8(e) new subparagraph (16) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * * *

(e) Services * * *

(16) Any concern bidding on a contract for refuse collection services, with or without disposal, is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $3.5 million. (Notwithstanding the above provision, for a period of 1 year from the effective date of this amendment, any concern which, for a period of 1 year prior to the effective date of this amendment was primarily engaged in performing small business set-aside contracts for refuse collection subject to a $7 million annual receipts size standard, is classified as small if its average annual receipts for its preceding 3 fiscal years did not exceed $7 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts for refuse collection subject to a $7 million size standard if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.)

* * * * * *

Dated: July 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-20404 Filed 7-14-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9027]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

National Meridian Services, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Modification of order to cease and desist.

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SUMMARY: This order modifies a previously issued order to cease and desist by deleting the requirement that a Woodbury, N.Y., marketer of a basement waterproofing and termite control process cease failing to disclose to customers that instruments of indebtedness may be negotiated with third parties without the customer being notified of such action.

DATES: Order modifying final order issued June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael J. Vitale, Regional Director, Washington, D.C. Regional Office, Room 600-C Gelman Building, 2120 L Street NW., Washington, D.C. 20580 (202-254-7701).

SUPPLEMENTARY INFORMATION: The text of the order, modified by this action appears in the proposed form of order published in the issue of FEDERAL REGISTER for Wednesday, February 9, 1977, at 42 FR 8218. The notice of final issuance of the order and the resultant codification of the prohibited trade practices, and affirmative corrective actions under 16 CFR Part 13, appears in the issue of FEDERAL REGISTER for Friday, April 22, 1977, at 42 FR 20816. No change in the codification resulted from the modification.

The modifying order, including the footnote thereto, is as follows:

Pursuant to § 3.72(b)(2) of the Commission's rules of practice, and after consideration of respondents' petition of March 30, 1977 to reopen and modify pargaraph IA22 of the Final Order to Cease and Desist dated March 28, 1977, and after further consideration of the response of the Bureau of Consumer Protection in support of such petition.[1]

It is ordered. That Paragraph IA22 be altered and modified to read as follows:

22. Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness executed by the purchaser, with such conspicuousness and clarity as is likely to be observed and read by such purchaser, the disclosures, if any, required by Federal law or the law of the state in which the instrument is executed.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-20327 Filed 7-14-77;8:45 am]

[1] The Commission hereby waives the 30-day limit under § 3.72(b)(2) and accepts the Bureau's answer to respondents' petition as being timely filed.

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER G—ORGANIZATION AND MISSION—GENERAL

PART 865—PERSONNEL REVIEW BOARDS

Air Force Discharge Review Board

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: These amendments further clarify the jurisdiction, authority and actions of the Air Force Discharge Review Board. Review by the Board of its procedures revealed a need for minor changes which are intended to result in clearer understanding by former Air Force members desiring amendment to their military records.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Colonel Lee, Principal Assistant for Discharge Review Matters, Office of the Secretary of the Air Force (Personnel Council), Commonwealth Building, 1300 Wilson Boulevard, Room 920, Arlington, Va. 22209, 202-694-5418.

SUPPLEMENTARY INFORMATION: On May 10, 1977, the Department of the Air Force, DOD, published a final rule (42 FR 23601) to revise 32 CFR 865, Subpart B, Air Force Discharge Review Board. Since that time, further review by the Board of its procedures has revealed a need for certain administrative changes, and deletion of reference to re-enlistment codes, as re-enlistment codes are considered personnel actions.

The legal authority for this part is sec. 8012, 70A Stat. 488, sec. 1553, 72 Stat. 1267, 10 U.S.C. 8012, 1553.

Accordingly, 32 CFR 865 is amended as follows:

§ 865.101 [Amended]

1. Section 865.101 is amended by deleting the last sentence.

§ 865.103 [Amended]

2. Section 865.103(b) is amended by deleting the word "However" following the first sentence.

§ 865.107 [Amended]

3. Section 865.107(d) is amended by changing the period at the end of the sentence to a comma and adding the following: "including those factors required by applicable service regulations to be considered for determination of the character of and reason for the discharge or dismissal certificate in question where such factor(s) is (are) a basis for denial of any of the relief requested by the applicants."

§ 865.109 [Amended]

4. Section 865.109 is amended by changing subparagraph (e) and adding a new (e)(3). The existing (e)(3) is redesignated (e)(4). The section will read as follows:

* * * * *

(e) All documents made available for public inspection and copying in accordance with (a) and (b) of this section shall be indexed in a usable and concise form so as to enable those who represent applicants before the Boards to isolate from all those decisions that are indexed those cases that may be similar to any applicant's case and that indicate the circumstances under and/or reasons for which the Board and/or Secretary have granted or denied relief.

* * * * *

(3) The indexes are available for public inspection and distribution by sale at the reading room.

(4) The index will be available for review at all regional locations where the Board meets to hear cases. Notice of hearings to applicants will include information as to where the index may be located for inspection and copying. Index will be permanently maintained only at the permanent Board location.

* * * * *

§ 865.112 [Amended]

5. Under "Reason for discharge" "2. General ineffectiveness," substitute the following for words in parentheses: "(Unsuitability, unfitness, general misconduct)."

6. Under "Evidence needed by the Board," "8." delete the words "Present status: Married with a family? Are you dating?"

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Directorate of Administration.

[FR Doc.77-20442 Filed 7-14-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77N-0162]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

EMERGENCY HEALTH FUNCTIONS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority. The Acting Assistant Secretary for Health, based on the latest amendments to Executive Order 11490, has issued revised delegations of authority to the Public Health Service Agency heads regarding emergency health functions. The Commissioner of Food and Drugs' delegated authority regarding emergency health functions is revised.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-4976).

SUPPLEMENTARY INFORMATION: By memorandum on April 28, 1977, the Acting Assistant Secretary for Health issued revised delegations of emergency health functions authority. Section 5.1 (21 CFR 5.1) is being amended accordingly.

Further redelegation of the authority delegated by this amendment is not authorized. Authority redelegated by this amendment to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended in § 5.1 by revising paragraph (a)(16) to read as follows:

§ 5.1 Delegations from the Secretary and Assistant Secretary.

(a) * * *

* * * * * * *

(16) Functions vested in the Secretary under section 1103 of Executive Order 11490, as amended by Executive Order 11921, which relate to emergency health functions as they pertain to the operations and functional responsibilities assigned to the agency. This authority shall be exercised in accordance with section 102 and pertinent sections of Part 30 of Executive Order 11490 and guidelines promulgated by the Federal Preparedness Agency of the General Services Administration; Office of the Secretary, HEW; and Office of the Assistant Secretary for Health.

* * * * *

Effective date: This regulation becomes effective July 15, 1977.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: July 5, 1977.

JOSEPH P. HILO,
Associate Commissioner for Compliance.

[FR Doc.77-20199 Filed 7-14-77;8:45 am]

[Docket No. 770-0153]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Chromium Oxide Greens and Chromium Hydroxide Green

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This domument "permanently" lists chromium oxide greens and chromium hydroxide green for use in externally applied drugs and cosmetics, including drugs and cosmetics intended for use in the area of the eye. The Cosmetic, Toiletry, and Fragrance Association filed a petition for such use. This rule will remove these color additives from the provisionally approved listing.

DATES: Effective date: August 15, 1977; objections by August 15, 1977.

ADDRESSES: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5740).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0079) for the "permanent" listing of chromium oxide greens and chromium hydroxide green as color additives for use in externally applied cosmetics, including those for use in the area of the eye, had been filed by the Cosmetic, Toiletry, and Fragrance Association, Inc., (1133 15th St. NW., Washington, D.C. 20005), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

A subsequent notice published in the FEDERAL REGISTER of June 17, 1977 (42 FR 30893) amended the filing of this petition to include the additional use of the color additives in externally applied drugs, including those intended for use in the area of the eye.

The Commissioner has evaluated the data in the petition and concludes that chromium oxide greens and chromium hydroxide green are safe under the conditions set forth below for use in coloring externally applied drugs and cosmetics, including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health. This order "permanently" lists chromium hydroxide green and chromium oxide greens for use in externally applied drugs and cosmetics, including those for use in the area of the eye, under new §§ 73.1326 and 73.1327 and 73.2326 and 73.2327 (21 CFR 73.1326 and 73.1327 and 73.2326 and 73.2327), respectively. The provisional listing of chromium oxide greens and chromium hydroxide green for use in cosmetics under § 81.1(g), which was extended to July 1, 1977 by regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992), will be deleted when this order becomes effective on August 15, 1977, unless this order is stayed by the timely filing of objections.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 21 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended:

a. By adding new § 73.1326 to Subpart B, to read as follows:

§ 73.1326 Chromium hydroxide green.

(a) *Identity.* (1) The color additive chromium hydroxide green is principally hydrated chromic sesquioxide ($Cr_2O_3 \cdot XH_2O$).

(2) Color additive mixtures for drug use made with chromium hydroxide green may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Chromium hydroxide green shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice.

Water soluble matter, not more than 2.5%.
Chromium in 2% NaOH extract, not more than 0.1% as Cr_2O_3 (based on sample weight).
Boron (as B_2O_3), not more than 5%.
Total volatile matter at 1000° C, not more than 20%.
Cr_2O_3, not less than 75%.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* Chromium hydroxide green may be safely used in amounts consistent with good manufacturing practice to color externally applied drugs, including those for use in the area of the eye.

(d) *Labeling requirements.* The label of the color additive and of any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

b. By adding new § 73.1327 to Subpart B, to read as follows:

§ 73.1327 Chromium oxide greens.

(a) *Identity.* (1) The color additive chromium oxide greens is principally chromic sesquioxide (Cr_2O_3).

(2) Color additive mixtures for drug use made with chromium oxide greens may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* The color additive chromium oxide greens shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Chromium in 2% NaOH extract, not more

(d) *Exemption from certificatio*

conform to the standard of identity

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Chromium in 2% NaOH extract, not more than 0.075% as Cr_2O_3 (based on sample weight).
Arsenic (as As), not more than 3 parts per million.
Lead (as Pb), not more than 20 parts per million.
Mercury (as Hg), not more than 1 part per million.
Cr_2O_3, not less than 95%.

(c) *Uses and restrictions.* Chromium oxide greens is safe for use in coloring externally applied drugs, including those intended for use in the area of eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

c. By adding new § 73.2326 to Subpart C, to read as follows:

§ 73.2326 Chromium hydroxide green.

(a) *Identity and specifications.* The color additive chromium hydroxide green shall conform in identity and specifications to the requirements of § 73.1326(a) (1) and (b).

(b) *Uses and restrictions.* Chromium hydroxide green is safe for use in coloring externally applied cosmetics, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

d. By adding new § 73.2327 to Subpart C, to read as follows:

§ 73.2327 Chromium oxide greens.

(a) *Identity and specifications.* The color additive chromium oxide greens shall conform in identity and specifications to the requirements of § 73.1327 (a) (1) and (b).

(b) *Uses and restrictions.* The color additive chromium oxide greens may be safely used in externally applied cosmetics, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any other information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. Part 81 is amended in § 81.1 *Provisional lists of color additives* in paragraph (g), by deleting the entries for "Chromium hydroxide green" and "Chromium oxide greens."

Any person who will be adversely affected by the foregoing order may at any time on or before August 14, 1977 file with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed discription and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the Hearing Clerk's office during working hours, 9 a.m. to 4 p.m., Monday through Friday.

Effective date. August 15, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); sec. 203, 21 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: July 1, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–20197 Filed 7–14–77;8:45 am]

[Docket No. 75N–0172]

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Peanut Spreads

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document establishes "peanut spread" (with a peanuts percentage label declaration) as the common or usual name for a category of spreadable peanut products that do not conform to the standard of identity for peanut butter. This regulation is based on a proposal issued to help the consumer make informed choices among the growing number of standard and nonstandard peanut products available on the market.

DATES: Voluntary compliance: July 15, 1977. Mandatory compliance for products initially introduced into interstate commerce: July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Howard Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. (201–245–3092).

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of November 3, 1975 (40 FR 51052), the Commissioner issued a proposal to establish a common or usual name regulation under 21 CFR Part 102 for spreadable peanut products that do not conform to the standard of identity for peanut butter (21 CFR 164.150, formerly 46.1 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). Twenty-seven comments were received—from consumers, consumer organizations, industry and industry associations. These comments and the Commissioner's responses follow:

1. Some comments objected to the proposal because it did not establish a minimum peanut content. These comments said that without a provision for minimum peanut content, products subject to this regulation could contain as little as 1 percent peanuts. They contended that products marketed under the term "peanut spread" should contain peanuts as the predominant ingredient. One comment suggested setting a minimum of 75 percent peanuts for products using the term "peanut spread." Another suggested a minimum requirement of 50 percent peanuts.

The Commissioner acknowledges that under the proposal, as under the final regulation, peanut spreads may contain any amount of peanuts less than that required for peanut butter. He concludes, however, that the declaration of the percentage of peanuts will provide adequate information to prevent consumer confusion and that no minimum percentage of peanuts for products using the name peanut spread is required to assure consumer protection. Furthermore, prescribing a minimum peanut content for "peanut spreads" would reduce the variety of formulations that could be marketed, and to that extent restrict informed consumer choice.

2. Comments from consumers generally favored the proposed requirement of a declaration of the percentage of peanuts as part of the common or usual name of spreadable peanut products, and several comments from industry also supported some type of percentage declaration requirement for the peanut ingredient of peanut spreads. Several comments from manufacturers or their representatives, however, objected to the proposed peanut percentage declaration requirement. One comment argued that there is no consumer need for a percentage declaration because the proposal defined the nutritional quality of the food and therefore protects the consumer from product debasement. Other comments argued that requiring a percentage declaration for peanuts places an undue importance on the absolute peanut content and that a percentage declaration is not a reliable indicator of the nutritional attributes of a peanut spread.

The Commissioner stated in the preamble to the proposal that a declaration of the percentage of peanuts present was necessary to adequately distinguish the product as one that contains fewer peanuts than peanut butter. In addition, the Commissioner concluded that the amount of peanuts in peanut spreads has a material bearing on price and consumer acceptance and therefore peanuts must be considered a characterizing ingredient of peanut spreads. The percentage declaration is also essential to enable consumers to differentiate among products containing significantly different amounts of peanuts. The rationale for percentage declaration of characterizing ingredients is further discussed in the preamble to 21 CFR 102.1, general principles for common or usual names for nonstandardized foods, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964).

The Commissioner advises that percentage labeling is not intended to be an indicator of the nutritional attributes of peanut spreads. Furthermore, under this regulation and under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) and § 101.3(e) in this chapter, all peanut spread products that are nutritionally inferior to peanut butter must be labeled as an imitation of peanut butter. The Commissioner therefore concludes that the fact that a percentage declaration of peanuts is required to appear on the label as part of the name will not be misleading as to the nutritional value of peanut spreads.

3. One comment objected to percentage declaration of peanuts on the grounds that peanuts are not the characterizing ingredient of peanut spreads. According to this comment, peanut oil should be declared as the characterizing ingredient because the oil fraction is the major source of flavor for a peanut spread.

The proposal identified flavor as only one of the factors influencing consumer acceptance. The proposal did not establish a common or usual name for "peanut-flavored spreads" but rather for "peanut-flavored spreads"—the proposal thus established the criteria necessary for a product to be represented in a nondeceptive manner as "peanut spread" as distinct from peanut butter. The fact that the flavor components of peanuts can be isolated in the oil fraction during processing is immaterial. Peanuts contain peanut oil and therefore peanut spreads made from peanuts will contain peanut oil whether or not peanut oil has been added as an ingredient. Furthermore, peanuts possess a number of attributes other than flavor that have a material bearing on the price and/or consumer acceptance of a product identified as "peanut spread."

The Commissioner therefore concludes that a requirement for the declaration of the percentage of peanuts is fully justified and in the interest of the consumer. Further, the Commissioner advises that, as he stated in the preamble to the proposal, some peanut spread products are formulated to contain additional flavoring agents. If the label, labeling, or advertising of the peanut spread product makes any direct or indirect representations with respect to such flavors, other than in the statement of ingredients, the product is subject to the requirements of 21 CFR 101.22(i), which governs the labeling of flavored products.

4. Manufacturer comments supporting the proposed requirement for percentage declaration did, however, object to the manner proposed for calculating the percentage of peanut ingredient. These comments argued that added peanut oil should be calculated as peanut ingredient in peanut spreads, provided the protein content of the product is maintained at the level required by the proposal. According to the comments, this manner of calculation was necessary to be consistent with the standard of identity for peanut butter which, they stated, permits added peanut oil to be included as peanut ingredient. Consumer comments specifically endorsed the provision that excludes added peanut oil from being calculated as peanuts.

Peanut butter is a food defined by a standard of identity under section 401 of the Federal Food, Drug, and Cosmetic Act. This standard of identity (21 CFR 164.150) permits the oil content of the peanut ingredient to be adjusted by either the addition or subtraction of peanut oil during processing to maintain the fat content of the finished product at a maximum of 55 percent.

The Commissioner believes that when the percentage of "peanuts" is declared on the label of any spreadable peanut product, consumers reasonably expect that this value represents the actual amount of peanuts in the product and not the amount of peanuts plus added peanut oil. Therefore, the provision requiring declaration of percentage of peanuts by weight relative to total formula weight is retained in the regulation.

5. One comment suggested that the percent of peanut ingredient be declared in 5 percent increments, not to exceed the amount actually present.

The Commissioner has considered incremental declaration of percentage in other common or usual name regulations and in some cases has adopted an incremental declaration method because of variations in manufacturing, the absence of precise analytical procedures, and a lack of demonstrated need for more specific information. The Commissioner finds that peanut spreads fit into this category. Analytically, it is difficult to determine the exact percentage of peanuts in a peanut spread that contains proteins other than peanut proteins unless the proportion or quantity of these other proteins has been identified. In addition, providing that the percentage declaration of peanuts may not exceed the actual amount present, will prevent inflated values to the same extent as if the actual value were required. Moreover, incremental declarations have the added consumer benefit of making value comparisons easier. The Commissioner has, therefore, amended the regulation to require the percentage of peanuts to be declared in 5 percent increments, not to exceed the actual amount present.

6. One comment recommended that labels for peanut spreads be required not only to declare the percentage of peanuts, but also to carry a statement expressing this kind of information: "Not the same as peanut butter (90 percent peanuts)." It was stated that without such information, consumers might erroneously assume that a declared peanut content of a peanut spread might be higher than that of peanut butter.

The Commissioner does not believe such a statement is necessary to facilitate value comparison, and he considers the labeling required in this regulation to provide the consumer with adequate information to make accurate product comparisons. However, since there is no prohibition against declaration of peanut content on peanut butter, a statement of the percentage of peanuts may be used by any peanut butter manufacturer who wishes to assure differentiation of his product.

7. One comment disagreed with the 20-gram serving size referred to in the proposal and recommended a serving size of from 1 ounce (28 grams) to 2 level tablespoons (32 grams).

Since the comment did not contain data to support the 28- to 32-gram serving size, the Commissioner is not persuaded to discard the 20-gram serving size, which is currently used in many nutrition references as the serving size for peanut butter.

8. Although one comment favored the proposed 5.46 nitrogen conversion factor as one that would prevent inflated protein values, several comments from manufacturers suggested that the protein content of peanut spreads be calculated using a nitrogen conversion factor of 6.25 on the basis that the proposal provides for additional proteins to be added to meet minimum protein requirements. These comments contended that the 5.46 factor is not appropriate for mixed proteins. These comments referred to the Peanut Butter Manufacturers and Nut Salters Association petition to amend 21 CFR 1.17(c)(4) (recodified as § 101.9(c)(4) in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), to specify 6.25 as the nitrogen conversion factor for all protein calculations.

The Commissioner advises that this

the values proposed would result in some

formulations and suggested that other

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The Commissioner advises that this petition (FDA Docket Number 75P–0275) is currently under review and that the issue of using 6.25 as the nitrogen conversion factor for all foods will be addressed in the Commissioner's response to this petition. The Commissioner agrees, however, that in the case of peanut spreads, it is not appropriate for the protein content of mixed protein products to be calculated based on a nitrogen conversion factor developed for a specific type of protein. The regulation, therefore, is modified so that the general nitrogen conversion factor of 6.25 may be used to calculate total protein in peanut spreads containing protein from more than one source.

9. Three industry comments suggested that the absolute amount of protein required to be present in peanut spreads be calculated using a sliding scale dependent upon the protein efficiency ratio (PER) or overall quality of the protein present in the product.

The Commissioner stated in the proposal that two values could be used to meet the minimum protein requirements depending upon whether the PER of the protein in the product was above or below the PER of casein. A value of 21.5 percent protein by weight is required if the PER of the protein is below that of casein, and 14.9 percent protein is required if the PER of the protein is equal to or greater than that of casein. These comments suggested that the protein content be allowed to vary between 14.9 percent and 21.5 percent depending upon the PER value of the protein. For example, incremental values could be established between 14.9 percent and 21.5 percent dependent upon whether the PER is 70, 80, 90, 100, or 110 percent of casein. Another suggestion was that the protein value be set by requiring that the percent of protein in the product multiplied by the PER of the total protein equal or exceed a set value such as 36.6 percent (i.e. $21.5 \times 1.7 = 36.6$ percent).

The Commissioner disagrees with these suggestions. Two values have been established for the U.S. RDA for protein. In the preamble to the nutrition labeling proposal published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125), the Commissioner noted that extensive subdivisions of protein types or qualities were not justified in view of the current state of scientific knowledge involving the protein quality of a food. The Commissioner also is of the opinion that requiring various protein levels dependent upon the PER of the protein would place an undue burden on manufacturers without providing any benefit to to consumers. Therefore, to maintain a consistent requirement, only the two levels of protein will be used in calculating protein requirements for peanut spreads. This will in no way prevent manufacturers from adding additional protein.

10. Several comments suggested that the levels of vitamins and minerals should be based on an average of the low values found in peanut butter—as the Commissioner proposed for protein levels. These comments argued that using the values proposed would result in some peanut butter being nutritionally inferior to peanut spreads. Since the standard of identity for peanut butter does not prescribe minimum nutrient levels, these comments argued that it is inconsistent and inequitable to require peanut spreads to contain nutrients at levels based on average values found in peanut butter. Another comment objected to the proposed protein requirement being based on the average of the low values found in peanut butter. This comment contended that only about 4 percent of all peanut butter products approach the minimum figure proposed for the protein requirement and that it does not seem reasonable to set a nutritional equivalence value at a level that is so uncharacteristic of peanut butter as a whole. This comment suggested that the required value for protein in peanut spreads be based on the average protein level found in peanut butter.

In the preamble to the proposal, the Commissioner stated that peanut spread products substitute for and resemble peanut butter. Peanut butter is a class of foods defined by a standard of identity under 21 CFR 164.150. The Commissioner acknowledges that this standard does not contain any minimum nutrient requirements. But in establishing nutritional equivalence, values must be selected that represent the entire class of foods rather than basing nutritional equivalence on the nutritional parameters of any one peanut butter product. It is not appropriate to require that the lowest value for each individual nutrient be selected. The Commissioner is aware that a peanut spread fortified to these average nutrient levels will be underfortified with respect to certain peanut butters and overfortified with respect to other peanut butters. He advises, however, that a rough balance in over- and underfortification is necessary to assure that the nutrient contribution from peanut spreads in wide usage is statistically equivalent to the contribution of peanut butter in the American diet. The use of the average of low values for protein and the other nutrients in peanut spreads would result in an overall nutrient contribution less than that of peanut butter.

The Commissioner concludes that the requirements for protein content of peanut spreads, as well as the requirements for vitamins and minerals, should be based on the average levels found in peanut butters rather than on the average of the low values. This results in consistency in the bases used for establishing the requirements for vitamins and minerals and for protein. The Commissioner is therefore amending the regulation to require the protein content of peanut spreads, based on the average found in peanut butter, to be at least 24 percent if the PER of the protein is less than that of casein and 16.6 percent if the PER of the protein is equal to or greater than casein.

11. One comment objected to the nutrients and the nutrient levels proposed for peanut spreads on the grounds that they do not allow sufficient latitude in formulations and suggested that other vitamins and minerals should be permitted and that levels of vitamins and minerals lost in processing should be permitted to be restored to values representative of the contribution made by the amount of raw peanuts in the products.

The Commissioner addressed this issue in the preamble to the proposed regulation; he stated that the proposed nutrient levels are minimum nutrient parameters that will provide nutritional equivalence to peanut butter. Concerning restoration of vitamins and minerals lost during processing, the Commissioner advises that the common or usual name to be established by this regulation is one for a product that substitutes for peanut butter. Since no provisions exist in the standard of identity of peanut butter for restoration of nutrients lost during processing, it follows that nutritional equivalence to peanut butter should be based on the nutrient content of peanut butter rather than of peanuts before processing.

12. In the preamble to the proposal the Commissioner stated that not enough data were available to establish a minimum level of vitamin E for peanut spreads. The proposal invited interested persons to submit pertinent studies and available data concerning the vitamin E content of peanut butters.

One comment was supplemented with the results of a study of nine brands of peanut butter that were analyzed for vitamin E content. Results of this study were consistent with published literature values and suggest that 10 IU/100 grams of peanut butter would approximate the average value of vitamin E in peanut butter. However, since the vitamin E content of peanut butters is subject to variation, the Commissioner believes that additional data on this subject are desirable before establishing a value for nutritional equivalence in peanut spreads.

Consequently, no peanut spread will be considered to be an imitation peanut butter solely because it contains less vitamin E than the standard food. When the Commissioner has sufficient data on the vitamin E content of peanut butters an appropriate amendment to this regulation can be proposed.

13. Several comments expressed a concern that the required vitamins and minerals must come from peanut sources and indicated confusion as to what kind of fortification was anticipated for peanut spreads.

The Commissioner advises that manufacturers may add protein, vitamins, and minerals to peanut spread products from any safe and suitable source to meet the minimum requirements of the regulation, provided such additions are made in accordance with all other applicable Federal regulations governing the addition of nutrients to food, and provided all labeling regulations are met, including nutrition labeling in accordance with 21 CFR 101.19 if nutrients are added, and flavor information in accordance with 21 CFR 101.22 if flavors are added.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a)), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a)) and under the authority delegated to the Commissioner (21 CFR 5.1), Part 102 is amended by adding new § 102.23 to read as follows:

§ 102.23 Peanut spreads.

(a) The common or usual name of a spreadable peanut product that does not conform to § 164.150 of this chapter, and more than 10 percent of which consists of nonpeanut ingredients, shall consist of the term "peanut spread" and a statement of the percentage by weight of peanuts in the product in the manner set forth in § 102.5(b), except that peanut percentages shall be based on the amount of peanuts used to make the finished food and shall be declared in 5-percent increments expressed as a multiple of 5, not to exceed the actual percentage of peanuts in the products.

(b) A spreadable peanut product that is nutritionally inferior to peanut butter shall be labeled as an imitation of peanut butter under § 101.3(e)(2) of this chapter; a spreadable peanut product shall be considered nutritionally equivalent to peanut butter if it meets all of the following conditions:

(1) *Protein.* (i) The protein content of the product is at least 24 percent by weight of the finished product, and the overall biological quality of the protein contained in the product is at least 68 percent that of casein; or

(ii) The protein content of the product is at least 16.6 percent by weight of the finished product, and the overall biological quality of the protein contained in the product is equal to or greater than that of casein.

(2) *Other nutrients.* The product contains the following levels of nutrients per 100 grams of product:

Nutrient:	*Amount (milligrams)*
Niacin	15.3
Vitamin B_6	0.33
Folic acid	0.08
Iron	2.0
Zinc	2.9
Magnesium	173.0
Copper	0.6

(c) Compliance with the requirements of paragraph (b) of this section shall be determined by methods described in the following references except that in determining protein quantity in products with mixed protein sources a nitrogen conversion factor of 6.25 may be used;

(1) Protein quantity: "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975 (AOAC),[1] section 27.007.

(2) Biological quality of protein: AOCA,[2] sections 43.183–43.187.

(3) Niacin: AOAC,[1] sections 43.044–43.046.

(4) Vitamin B_6: AOCA,[1] sections 43.159–43.164.

(5) Folic acid: U.S. Department of Agriculture Handbook No. 29, modified by use of ascorbate buffer as described by Ford and Scott, *Journal of Dairy Research*, 35:85–90, 1968.[2]

(6) Iron: AOAC,[1] sections 43.188–43.190.

(7) Zinc: AOAC,[1] sections 25.143–25.147.

(8) Copper: AOAC,[1] sections 25.035–25.040.

(9) Magnesium: AOAC,[1] sections 2.096–2.099.

Effective date: Compliance with this final regulation may begin immediately, and all products initially introduced into interstate commerce on or after July 1, 1979 shall comply.

(Secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a)))

Dated: July 6, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporations by reference approved by the Director of the office of the Federal Register on March 11, 1976, and May 23, 1977, respectively. Copies are on file at the Federal Register's library.

[FR Doc.77-20305 Filed 7-14-77;8:45 am]

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20014.

[2] Copies may be obtained from: National Center for Nutrient Analysis (HFF-264), Division of Nutrition, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204.

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

[T.D. ATF-44; Re. No. 306]

PART 8—PRACTICE BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Correction

In FR Doc. 77-18557, appearing at page 33026 in the issue of Wednesday, June 29, 1977, make the following changes:

1. On page 33027, second column, the table of contents entry for § 8.22 should read, "Application for enrollment."

2. On page 33028, third column, the second word in the eighth line of § 8.21 (a) should read, "satisfaction" and paragraph (b)(1) should read as follows:

(b) * * *

(1) Minimum criteria required of an enrolled practitioner will consist of: 5 years employment with the Treasury Department in a responsible position which would familiarize the person with applicable laws and regulations; or 5 years employment in a regulated industry in a responsible position which would familiarize the person with applicable laws and regulations; or possession of a law degree; or other significant experience such as the prior representation of persons before the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms.

3. On page 33029, first column, the next to last word in the seventh line of § 8.22(e) should read, "applicant".

4. On page 33031, first column, a comma should be inserted between the words "State" and "possession" in the fourth line of § 8.52(g).

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 761-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Source Review; Delegation of Authority to the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The amendment below institutes an address change for reports and applications required from operators of new sources. EPA has delegated to the State of Tennessee authority to review new and modified sources subject to 40 C.F.R. 52.21, Regulations for Prevention of Significant Deterioration.

EFFECTIVE DATE: March 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Helms, Chief, Air Programs Branch, EPA—Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3043.

SUPPLEMENTARY INFORMATION: A notice announcing the delegation of authority is published elsewhere in this issue of the FEDERAL REGISTER. The amendment provides that all reports, requests, applications, submittals, and communications previously required for the delegated reviews will now be sent instead to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on March 30, 1977, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

Accordingly, Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

Section 52.2233 is amended by adding a new paragraph (c) as follows:

§ 52.2233 Significant deterioration of

the United States for failure to comply

effect during (and applicable to) the

SUPPLEMENTARY INFORMATION:

(1) Meets all emission standards

sibility for establishing and publishing a

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§ 52.2233 Significant deterioration of air quality.

* * * * * *

(c)(1) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of Tennessee shall be submitted to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

* * * * * *

(Sections 101, 110, and 301 of the Clean Air Act (42 U.S.C. 1857, 1857c-5, and 1857g).)

Dated: July 5, 1977.

JOHN A. LITTLE,
Deputy Regional Administrator.

[FR Doc.77-20309 Filed 7-14-77;8:45 am]

[FRL 762-6]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Amendment of Cross-References to Emission Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This document amends Subparts P and S of 40 CFR Part 85 to more clearly specify that vehicles subject to importation restrictions (Subpart P) and vehicles subject to recall (Subpart S) continue to be subject to emission regulations in effect during (and applicable to) the model year of those vehicles. This action is necessary because the emission regulations for 1976 and earlier model year vehicles and engines (contained at 40 CFR Part 85) are being deleted from the annual compilation of the Code of Federal Regulations but continue to be applicable for certain purposes under Subparts P and S.

EFFECTIVE DATE: These amendments are effective July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas Preston, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 202-755-2755

SUPPLEMENTARY INFORMATION: The need for these amendments arises because EPA is deleting the 1976 and earlier model year emission regulations for new motor vehicles and new motor vehicle engines from 40 CFR Part 85. That deletion appears elsewhere in today's FEDERAL REGISTER. The primary use of the 1976 and earlier model year emission regulations was in the certification under the Clean Air Act of new motor vehicles and new motor vehicle engines during those model years. Since those model years are over, there is little point in retaining those regulations in the CFR. However, 1976 and earlier model year vehicles and engines may still be recalled or denied entry into the United States for failure to comply with applicable emission standards and regulations. Thus, Subpart P (involving importation restrictions) and Subpart S (involving the recall of non-complying vehicles) are being amended to clarify references to the deleted material.

The Agency finds good cause to omit as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of these amendments. These amendments merely clarify certain cross-references in Subparts P and S of Part 85 to material being deleted elsewhere in Part 85, and do not change the substance of the regulatory provisions of Subparts P and S. For the same reasons, the Agency finds good cause to make this action effective July 15, 1977.

The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: July 8, 1977.

NORMAN D. SHUTLER,
Acting Assistant Administrator for Enforcement.

40 CFR Part 85 is amended as follows:

1. By revising § 85.1504(a)(1) to read as follows:

§ 85.1504 Admission pending modification.

* * * * * *

(a) * * *

(1) A statement, accepable to the Administrator, that specifies the modifications which are necessary to render the vehicle or engine in conformity with a test vehicle or engine for which a certificate of conformity has been issued; or, if the vehicle or engine cannot be modified to bring it within a class of vehicles or engines represented by a test vehicle or engine for which a certificate of conformity has been issued, the request shall state that the importer or consignee will demonstrate that the vehicle or engine is in conformity with applicable emission standards by testing the vehicle or engine or causing it to be tested in accordance with test procedures prescribed under section 206 of the Act in effect during (and applicable to) the model year of such vehicle.

* * * * * *

(Sections 203, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-2, 1857g(a)).)

2. By revising the first sentence of § 85.1802(a) to read as follows:

§ 85.1802 Notice to manufacturer of nonconformity; submission of Remedial Plan.

(a) A manufacturer will be notified whenever the Administrator has determined that a substantial number of a class or category of vehicles or engines produced by that manufacturer, although properly maintained and used, do not conform to the regulations prescribed under section 202 of the Act in effect during (and applicable to) the model year of such vehicle. * * *

* * * * * *

(Sections 207(c), 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-5a(c), 1857g(a)))

3. By revising the first sentence of § 85.1803(a) to read as follows:

§ 85.1803 Remedial Plan.

(a) When any manufacturer is notified by the Administrator that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations (including emission standards) promulgated under section 202 of the Act and in effect during (and applicable to) the model year of such class or classes of vehicles or engines, the manufacturer shall submit a plan to the Administrator to remedy such nonconformity. * * *

* * * * * *

(Sections 207(c), 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-5a(c), 1857g(a)))

[FR Doc.77-20311 Filed 7-14-77;8:45 am]

[FRL 762-5]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Deletion of 1976 and Earlier Model Year Motor Vehicle Emission Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action deletes from the annual compilation of the Code of Federal Regulations (CFR) the motor vehicle emission regulations applicable to 1976 and earlier model year vehicles and engines. This action is being taken since the 1976 and earlier model year emission regulations are no longer being used for ongoing certification of new motor vehicles and new motor vehicle engines under the Clean Air Act, and thus there is little point that they be reprinted in the annual publication of Title 40 of the CFR. Although the provisions are being removed from the CFR, they are not being legally terminated. This action also clarifies or removes several cross-references to the deleted materials in Subpart Q of Part 85, dealing with the certification of low emission vehicles. Elsewhere in today's issue of the FEDERAL REGISTER, similar changes are being made in Subparts P and S of Part 85 to clarify references to the deleted materials.

EFFECTIVE DATE: These amendments are effective July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Finley, Regulatory Management Staff, Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 202-755-0596.

SUPPLEMENTARY INFORMATION: The principal application of the emission regulations now being deleted was in the certification of new motor vehicles and engines during the 1976 and earlier model years. Since those model years are over, there is little point in retaining these regulations in the annual compilation of the CFR. However, 1976 and earlier model year vehicles and engines continue to be subject to certain other regulations to which these emission regulations are relevant (e.g., Subparts P, Q, and S of Part 85, involving importation of vehicles, low emission vehicles, and recall of non-conforming vehicles). Accordingly, today's action simply deletes the emission regulations applicable to 1976 and earlier model year vehicles and engines from the CFR without legally terminating them.

The Agency finds good cause to omit as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of these amendments. These amendments merely delete material from the CFR that is no longer applicable to ongoing certification of new motor vehicles and new motor vehicle engines, and clarify or remove certain cross-references to the deleted material. No change is being made in the substance of any regulation. For the same reasons, the Agency finds good cause to make this action effective July 15, 1977.

The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: July 11, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

40 CFR Part 85 is amended as follows:

1. By deleting and reserving Subparts A, B, C, D, H, I, and J; and by deleting and reserving Appendices I through VI.

(Sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, and 1857g(a)))

2. By revising § 85.1601(a)(3) to read as follows:

§ 85.1601 Definitions.

(a) * * *

(3) "Light-duty vehicle" means both a passenger car or passenger car derivative capable of seating twelve passengers or less, and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a light-duty vehicle used by agencies of the Federal Government.

* * * * * *

(Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f-6e))

3. By revising § 85.1602, paragraph (a)(1), to read as follows:

§ 85.1602 Low emission vehicles.

(a) * * *

(1) Meets all emission standards under section 202 of the Act for light-duty vehicles in effect during (and applicable to) the model year of such vehicle, and

* * * * * *

(Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f-6e))

4. By revising § 85.1606 to read as follows:

§ 85.1606 Testing.

All procedures specified in 40 CFR Part 86 for obtaining a certificate of conformity under section 206 of the Act shall be applicable to low emission vehicles unless the Administrator determines that portions of the procedures are not relevant or practical as applied to the vehicle for which application is made.

(Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f-6e))

5. By revising § 85.1608(d) to read as follows:

§ 85.1608 Administrator's determination.

* * * * * *

Each determination under paragraph (a) of this section will serve as EPA certification of a vehicle under section 206 of the Act and will be made on the terms specified in 40 CFR Part 86 for certificates of conformity.

* * * * * *

(Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f-6e))

[FR Doc.77-20310 Filed 7-14-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PART 51-2—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Suitability of Commodities and Services

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: This rule describes under § 51-2.6 the criteria which the Committee has established for determining the suitability of commodities and services being considered for addition to the Procurement List. Section 51§2.7 contains information relative to the submission of requests to the Committee for reconsideration of its decisions.

EFFECTIVE DATE: July 15, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: Paragraph 47a of Title 41 United States Code gives to the Committee the responsibility for establishing and publishing a Procurement List of the commodities and services which the Committee determines are suitable for procurement by the Government from qualified nonprofit agencies for the blind or other severely handicapped. Section 51-2.6 below describes the procedures which the Committee follows in determining if a commodity or service is suitable for addition to the Procurement List. Section 51-2.7 explains the procedures by which an interested person may petition the Committee for amendment or repeal of a decision made by it.

These amendments consist of interpretive rules concerning the Committee's procedures and practices in fulfilling its responsibilities under 41 U.S.C. 46 to 48c. They are, therefore, exempted from the rulemaking procedures of 5 U.S.C. 553 and from the requirement for publication not less than 30 days before their effective date.

Accordingly, Part 51-2 of 41 CFR Chapter 51 is amended to add §§ 51-2.6 and 51-2.7 as follows:

§ 51-2.6 Suitability.

(a) The Committee has established the following criteria for determining if a commodity or service is suitable for addition to the Procurement List:

(1) A qualified workshop must be capable of producing the commodity or providing the service at a fair market price.

(2) The addition of the commodity or service to the Procurement List would not have a serious adverse impact on the current or most recent contractor for the commodity or service.

(b) To qualify to participate under the Act, a workshop must meet the requirements as a nonprofit agency serving the blind or other seperely handicapped set forth in Part 51-4 of this chapter. A workshop desiring to produce a commodity or provide a service under the Act must satisfy the Committee that it will have the capability to meet the Government's quality standards and delivery schedules by the time it assumes responsibility for supplying the Government under the Act, and that it can supply the commodity or service at a fair market price.

(c) At least 30 days prior to the Committee's consideration of the addition of a commodity or service to the Procurement List, the Committee publishes a notice in the FEDERAL REGISTER announcing the proposed addition and providing interested persons an opportunity to submit written data, views, or arguments on the proposed addition.

(d) In deciding whether or not a proposed addition to the Procurement List would have a serious adverse impact on the current or most recent contractor for the particular commodity or service, the Committee gives particular attention to:

(1) The possible impact on that contractor's sales, including any cumulative impact as the result of other recent Committee actions,

(2) Whether or not that contractor has been a continuous supplier to the

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Government of the specific commodity or service proposed for addition and is, therefore, more dependent on the income from such sales to the Government, and

(3) Any substantive comments received as the result of the notice in the FEDERAL REGISTER.

(e) The Committee considers the particular facts and circumstances in each case in determining if a commodity or service is suitable for addition to the Procurement List. When the Committee determines that a proposed addition to the Procurement List would have a serious adverse impact on a particular company, it takes this fact into consideration in deciding whether or not the Government's procurement of the commodity or service in question, or a portion thereof, should be added to the Procurement List.

§ 51–2.7 Reconsideration of Committee decision.

An interested person may request reconsideration of a Committee decision by submitting a request to the Committee in writing setting forth the facts which he or she considers would justify the Committee's modifying or reversing its decision.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77–20348 Filed 7–14–77;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–209]

PART 101–25—GENERAL

Office Furniture Use Standards

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains changed use standards for executive type wood office furniture and provides for a consolidated line of contemporary steel office furniture. Prior to this regulation, agencies were not allowed to furnish many high level offices with matching executive type wood furniture. This regulation has therefore been developed to allow heads of agencies sufficient flexibility to permit the assignment of this type of office furniture when they consider it to be appropriate. In addition, this amendment provides for a single line of contemporary steel office furniture which replaces the general office and middle management lines identified with the office excellence program.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703–557–1914).

The table of contents for Part 101–25 is amended to include the following revised entry:

Sec.
101–25.302–8 Contemporary steel office furniture.

Subpart 101–25.3—Use Standards

1. Section 101–25.302–1 is revised to read as follows:

§ 101–25.302–1 Executive type office furniture and furnishings.

(a) The use of executive type wood office furniture, whether new or rehabilitated, shall be limited to personnel in grade GS–15 and above (or the equivalent, including military rank) except as provided for in (b), below. Executive type wood office furniture consists of the unitized, traditional, and modern items of executive wood office furniture listed in the GSA Furniture Catalog and in Volume 3 of the GSA Supply Catalog. Furnishings matching executive type office furniture are subject to the same grade limitations as executive type office furniture except that carpeting may be supplied for use of other personnel when it is determined to be justified in accordance with the provisions of § 101–25.302–5.

(b) When it has been determined that personnel are entitled to executive type office furniture on the basis of the standards in (a), above, the agency head or designee of the agency head may permit similar or matching office furniture to be assigned to secretaries and staff assistants whose duties are in direct support of these personnel.

(c) When executive type office furniture is to be assigned on the basis of (a) or (b), above, procurement of new furniture may be made only if the required furniture cannot be obtained:

(1) From agency-owned unassigned inventory, furniture "pools," or stocks, or

(2) By reassigning furniture that is being used by persons not entitled to it, provided that substantial costs will not be incurred for packing, packaging, shipping, rehabilitating, and other related services.

2. Section 101–25.302–8 is revised to read as follows:

§ 101–25.302–8 Contemporary steel office furniture.

The contemporary concept of office design emphasizes open planning through the use of freestanding screens in lieu of fixed partitions, a less formalized alignment of furniture, and increased attention to coordinated color schemes. The furniture associated with this concept is of steel construction, and the related curvilinear and other movable partitions are made of noncombustible materials meeting the requirements established for movable partitions in § 101–20.109–9. These features contribute to overall fire safety. Personnel at all grade levels are authorized to use the furniture associated with this concept.

(a) The furniture that is available in connection with this concept and stocked by GSA includes desks, chairs, tables, credenzas, and bookcases and is available in two colors: black and parchment. The tops of the desks, tables, and other items are of walnut textured laminated plastic. The chairs are upholstered with matching or accenting color fabrics.

(b) The use of carpeting and draperies shall conform with the provisions of §§ 101–25.302–5 and 101–25.302–7.

(c) The procurement of filing cabinets shall conform with the provisions of §§ 101–25.302–2 and 101–26.308.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 5, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77–20308 Filed 7–14–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77–474]

PART 1—PRACTICE AND PROCEDURE
PART 87—AVIATION SERVICES

Permission for Avionics Manufacturers, Dealers and Distributors, To Execute FCC Form 453–B for Their Customers

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Amendment of the Commission's rules to allow an areonautical utility mobile station to utilize a frequency not shown on its station license in the band 121.600–121.925 MHz, for a temporary period until its license can be modified. This has been a routine condition of grant for aeronautical utility mobile stations. This rulemaking will incorporate this condition of grant into the Commission's rules.

EFFECTIVE DATE: July 18, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:

John Hays, Safety and Special Radio Services Bureau, 202–632–7197.

SUPPLEMENTARY INFORMATION:

Adopted: July 1, 1977.

Released: July 15, 1977.

In the matter of amendment of Parts 1 and 87 to permit avionics manufacturers, dealers and distributors, to execute FCC Form 453–B for their customers.

1. Under present Commission rules, the manufacturer, dealer or distributor of new aircraft may execute for a purchaser of aircraft with radio equipment aboard an FCC Form 453–B which grants the purchaser special temporary authority to operate the aircraft radio station for a period of 60 days while his new station license is being processed. In an increasing number of cases, the owner purchases the aircraft without the radio equipment aboard and later has it installed by an avionics manufacturer, dealer, or distributor. The present Commission rules, however, do not authorize avionics manufacturers, dealers or distributors to execute FCC Form 453–B for their customers and, consequently, the aircraft on which they install equipment must be grounded until the customer himself obtains special temporary authority to operate the aircraft radio station or receives his station license.

2. This distinction in the Commission rules between manufacturers, dealers and distributors of aircraft and avionics firms serves no useful purpose and, moreover, places the avionics firms at a disadvantage. The amendments to §§ 1.925 (c) and 87.29(c) set forth below should resolve this problem.

3. Because these amendments are intended to correct the agency procedures for obtaining special temporary authority to operate an aircraft radio station, do not impose any new restrictions and provide an immediate benefit to applicants for aircraft radio stations, the prior notice, procedure and effective date provisions of 5 U.S.C. 553, do not apply. Authority for these amendments appear in sections 4(i) and 303(r) of the Commission's rules.

4. In view of the above: *It is ordered*, That the rule amendments set forth below are adopted effective July 18, 1977.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

Parts 1 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 1—Practice and Procedures, § 1.925(c) is amended to read as follows:

§ 1.925 Application for special temporary authorization, temporary permit, or interim amateur permit.

* * * * * * *

(c) The radio station on a new aircraft with factory installed radio equipment or on an aircraft which has recently undergone the initial installation of radio equipment may be operated for a period of 60 days under special temporary authority evidenced by a copy of a certificate (FCC Form 453–B) executed by the aircraft manufacturer, dealer or distributor, in the case of new aircraft with factory installed radio equipment; or the avionics manufacturer, dealer or distributor who installs the equipment. The original of the certificate must be mailed to the Commission with an application for a new station license on FCC Form 404.

* * * * * * *

[1] Commissioner Hooks absent.

B. In Part 87—Aviation Services, § 87.29(c) is amended to read as follows:

§ 87.29(c) Application for aircraft radio station license.

* * * * * * *

(c) The radio station on a new aircraft with factory installed radio equipment or on an aircraft which has recently undergone the initial installation of radio equipment may be operated for a period of 60 days under special temporary authority evidenced by a copy of a certificate (FCC Form 453–B) executed by the aircraft manufacturer, dealer or distributor, in the case of new aircraft with factory installed radio equipment; or the avionics manufacturer, dealer or distributor who installs the equipment. The original of the certificate must be mailed to the Commission with an application for a new station license on FCC Form 404.

[FR Doc.77–20353 Filed 7–14–77;8:45 am]

[FCC 77–458]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Common Carrier Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: To correct an oversight in the present rules, the provision governing the content of petitions to deny applications filed pursuant to section 214 of the Communications Act (Common Carrier applications) is changed to conform to the provisions governing petitions to deny applications filed pursuant to section 319 of the Communications Act (Radio applications). The new rule provides that petitions to deny applications filed pursuant to section 214 of the Communications Act alleges facts sufficient to show that a grant of the application would be prima facie against the public interest, convenience, or necessity, as well as showing that petitioner is a party in interest.

EFFECTIVE DATE: July 18, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Veronica Ahern, International and Satellite Branch, Facilities Division, Common Carrier Bureau (202–632–7265).

SUPPLEMENTARY INFORMATION:

Adopted: June 30, 1977.

Released: July 11, 1977.

In the matter of amendment of Part 63 of the Commission's rules and regulations relating to applications under section 214 of the Communications Act of 1934, as amended.

1. The Commission has noted that § 63.52(c) of its Rules is ambiguous and finds it necessary to revise it in order to improve its clarity and remove the possibility of misinterpretation. The amended subparagraph is set forth in the attached appendix.

2. Specifically, § 63.52(c) addresses petitions to deny those applications filed by common carriers for authority pursuant to Section 214 of the Communications Act and responses to such petitions. We have always intended that all allegations of fact contained in such petitions and responses be supported by affidavit of a person with personal knowledge thereof. Furthermore, such facts in a petition to deny should be sufficient, not only to confer standing upon the petitioner, but also to show that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity.[1] The new language makes this requirement specific.

3. Authority for this change is contained in section 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 303(r). Because it reflects only a procedural change and since early implementation would simplify and expedite the processing of applications, compliance with the prior notice and effective date provision of 5 U.S.C. 533 is not required.

4. In view of the foregoing: *It is ordered*, effective July 18, 1977, That Part 63 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,[2]
VINCENT J. MULLINS,
Secretary.

Part 63 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. In § 63.52, paragraph (c) is revised to read as follows:

§ 63.52 Copies required; fees, and filing periods.

* * * * * * *

(c) Any interested party may file a petition to deny an application within the 30-day or other time period specified in paragraph (b) of this section. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such

[1] These requirements are parallel to those contained in Section 309(d)(1) of the Communications Act, 47 U.S.C. 309(d)(1), for radio applications.

[2] Commissioner Hooks absent.

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opposition (see § 1.45 of this chapter), and allegations of facts or denial thereof shall similarly be supported by affidavit. These responsive pleadings shall be served on the applicant or petitioners, as appropriate, and other parties to the proceeding.

[FR Doc.77-20354 Filed 7-14-77;8:45 am]

[Docket No. 20967; RM-2669]

PART 73—RADIO BROADCAST SERVICES

Noncommercial Educational FM Channel Assignments in Austin, Boerne, Brady, New Braunfels, Pearsall, San Antonio, and Seguin, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action upgrades the assignment of the noncommercial educational FM station at Austin, Texas, from Class A to Class C, as requested by the University of Texas. This required the substitution and deletion of channels in other communities in Texas to meet spacing requirements. The license of the educational FM station at San Antonio, and the construction permit of the FM educational station at College Station, Texas, are being modified to reflect the change in channels. Austin Community Radio has expressed an interest in applying for the new Class C Austin assignment, and the University of Texas has not opposed its right to apply. The channel will be assigned and applications for its use accepted.

EFFECTIVE DATE: August 1, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

(PROCEEDING TERMINATED)

Adopted: June 29, 1977.

Released: July 11, 1977.

In the matter of amendment of § 73.507 (a), Noncommercial Educational FM Channel Assignments Under the U.S.-Mexico FM Broadcast Agreement (Austin, Boerne, Brady, New Braunfels, San Antonio, Sequin, and Victoria, Texas), Docket No. 20967, RM–2669.[1]

1. The Commission has before it responses to the Notice of Proposed Rule Making and Order to Show Cause, 41 FR 47956, published November 1, 1976, and issued in this preceding at the request of the University of Texas ("UT"), licensee of KUT–FM (Channel 214A), Austin, Texas. UT seeks to upgrade its noncommercial educational FM facilities to Class C by substituting Channel 213 for Channel 214A at Austin. In order to satisfy the minimum mileage separation requirements, UT also proposed three other substitutions, three deletions, and one additional assignment in the Table of Noncommercial Educational Assignments contained in § 73.507(a) of our Rules:

City	Channel No. Present	Channel No. Proposed
Texas:		
Austin	204A, 206, 214A	204A, 206, 213
Boerne	210A	
Brady	213A	219A
New Braunfels	202A	
Pearsall	213A	
San Antonio	206, 212A, 218A	206, 211A, 218A
Seguin	215A	202A
Victoria	203A	203A, 214A

2. The Notice requested UT to address a number of issues in its comments. Specifically, the petitioner was asked to justify its claim of need for increased facilities; to comment on whether or not there was any interest in the noncommercial educational FM assignments proposed for deletion in three small communities; to identify alternative assignments for the precluded communities of Temple and Waco, Texas; to demonstrate that Texas A&M University would be willing to have its outstanding application for Channel 212 at College Station, Texas, amended as proposed, and to explain why a second assignment was proposed for Victoria when the first assignment is unused. An Order to Show Cause was directed to San Antonio Union Junior College District, licensee of KSYM–FM (Channel 212A), San Antonio, regarding the proposed change in its frequency to Channel 211A.

3. UT in its comments has responded to the Commission's request concerning the above issues. Regarding the three communities of Pearsall, Boerne and New Braunfels which would lose the noncommercial FM channels as a result of this proposal, petitioner submits a letter from the Boerne City Administrator stating that the city council has no objection to the deletion of Channel 210A from that community; a statement that no response from the Mayor of New Braunfels was received about the deletion of Channel 202A from that community; and a showing that Channel 215A could be substituted for the channel at Pearsall. No one from these communities has filed an opposition or comment to the action proposed in this proceeding. Petitioner correctly submits that Channel 203A is available for assignment to Temple and that Channel 201A could be assigned to Waco. It attaches a letter from Texas A&M University which agrees to the change in its construction permit from Channel 212 to Channel 215 at College Station, that construction permit was conditioned on the outcome of this proceeding. The San Antonio station, KSYM–FM, which also would have to change channels, has not objected to the Show Cause Order and UT has agreed to reimburse KSYM–FM for the costs of the modification. Finally UT addressed the issue of a second Victoria channel but asserted that it is collateral to this proceeding. We agree, and since there has been no expression of interest there, we shall not make a second assignment to Victoria.

4. Concerning the assertion of need for increased facilities, UT states that Austin had a 1970 population of 251,808, and is the state capital of Texas. There are three noncommercial educational FM stations located in Austin. The petitioner has requested the upgrade in facilities because it says it is not presently able to cover its entire community of license and claims that the result of the change would be a great increase in service to new persons.

5. We find that the University of Texas has adequately responded to the issues raised by our Notice, and that the technical aspects of the proposal are satisfactory. Austin Community Radio ("ACR"), permittee of Station KAZI (Channel 204A), Austin, supports the proposed changes in assignments, but it challenges modification of UT's license. It expresses an interest in applying for the new channel, and offers arguments directed to what it sees as the deficiencies in UT's operation and seeks an opportunity to show its own superiorities. However, these points are not germane to the rule making action to be taken, especially since they can be considered in connection with applications for use of the channel.

6. ACR has asserted a right to apply for use of the new channel, and UT has conceded ACR's right to apply. Therefore we do not need to reach the question of whether we could properly apply the Cheyenne policy[2] to educational authorizations. Under that policy, in the face of other interest we would not modify an existing Class A station's license to specify operation on a newly assigned Class B or C FM channel and thereby foreclose the filing of competing applications.

7. In view of the foregoing, we find that the proposal advanced by the University of Texas would serve the public interest. No interest has been expressed in the unused assignments proposed to be deleted at Boerne, New Braunfels and Pearsall. Another channel, subject to Mexican approval, appears to be available for assignment to Pearsall if interest were expressed there. Modifications at College Station and San Antonio have been accepted by the affected party. The assignments at Seguin and Brady proposed for substitution are unoccupied and unapplied for. Alternative assignments are available for precluded communities. Therefore, there is no obstacle to upgrading the assignment at Austin or to increasing the noncommercial educational service available to the area.

8. Since the existing Class A Channel 214 must be deleted from Austin to make the new assignment, we are making the following amendment to the Table of

[1] See also 41 FR 54778, December 15, 1977.

[2] Cheyenne, Wyoming, 62 F.C.C. 2d 68 (1976).

Assignments effective upon the license expiration date of Station KUT–FM, August 1, 1977. See *Mitchell, S. D.*, 62 F.C.C. 2d 70 (1976) and cases cited therein. UT (and any other interested party) should file for use of the new channel. UT may request authority to continue to use Channel 214A pending resolution of the use of Channel 213.

9. Accordingly, *it is ordered*, That effective August 1, 1977, § 73.507(a) of the Commission's rules and regulations, the Table of Noncommercial Educational Assignments, is amended as it pertains to the communities listed below:

City	*Channel No.*
Texas	
Austin	204A, 206, 213
Boerne	
Brady	219A
New Braunfels	
Pearsall	
San Antonio	206, 211A, 218A
Seguin	202A

10. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r), 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

11. *It is further ordered*, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the licensee of KSYM–FM, San Antonio, Texas, San Antonio Union Junior College District, shall amend its renewal application for the license period commencing August 1, 1977, to specify operation on Channel 211A in lieu of Channel 212A, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 211A, the licensee shall submit to the Commission the technical information normally required of an applicant:

(b) At least 10 days prior to commencing operation on Channel 211A, the licensee shall submit the measurement data required of an applicant for a broadcast station licensee; and

(c) The licensee shall not commence operation on Channel 211A without prior Commission authorization.

If Station KSYM–FM requests and is granted authorization to operate on Channel 211A prior to termination of its present license authorization, the Commission will view such request as a relinquishment of Channel 212A and a waiver of any rights it may have with regard to that channel.[3]

12. *It is further ordered*, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Texas A&M University for Station KAMU–FM at College Station, Texas, is modified effective August 1, 1977, to specify operation on Channel 215 in lieu of 212, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 215 the permittee of Station KAMU–FM shall submit to the Commission the technical information normally requested of an applicant;

(b) At least 10 days prior to commencing operation on Channel 215 the permittee of Station KAMU–FM shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The permittee of Station KAMU–FM shall not commence operation on Channel 215 without prior Commission authorization.

13. It is directed, That the Secretary of the Commission send a copy of this Report and Order by certified mail, return receipt requested, to San Antonio Union Junior College District, Station KSYM–FM, San Antonio, Texas, and Texas A&M University, Station KAMU–FM, College Station, Texas.[4]

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20355 Filed 7-14-77;8:45 am]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Watch Requirement Imposed on Limited Coast Stations

AGENCY: Federal Communications Commission.

ACTION: Editorial order.

SUMMARY: This action amends the rules to clarify the fact that limited coast stations at temporay fixed locations are not required to maintain an efficient watch on frequency 156.8 MHz.

EFFECTIVE DATE: July 22, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert De Young, Safety and Special Radio Services Bureau (202–632–7197).

SUPPLEMENTARY INFORMATION:

Adopted: July 5, 1977.

Released: July 8, 1977.

In the matter of editorial amendment of § 81.191 of the rules to clarify the watch requirement imposed on limited coast stations at a fixed location.

1. An ambiguity currently exists in the language of § 81.191(d)(1) of the rules which requires "each limited coast station at a fixed location" to maintain an efficient watch for reception of F3 emission on 156.8 MHz whenever the station is not being used for transmission. The ambiguity raises the question whether or not the required watch applies to both permanently fixed limited coast stations and limited coast stations at temporary fixed locations.

2. The purpose of this Order is to resolve the ambiguity by amending the rule to make clear that the watch applies only to stations at permanently fixed locations. Requiring the watch of limited coast stations at temporary locations would contribute minimally, if at all, to the maritime safety system.

3. Accordingly, *it is ordered*, That § 81.191(d)(1) is amended in accordance below, effective July 22, 1977.

4. Because this amendment is editorial, intended only to clarify the rule provision, the public notice and procedure provisions of 5 U.S.C. 553 do not apply. Authority to take this action is delegated to the Executive Director by § 0.231(d) of the rules.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

In § 81.191 paragraph (d)(1) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(d)(1) Each limited coast station at a permanently fixed location, licensed to transmit by telephony in the band 156–162 MHz, shall during its hours of service, maintain an efficient watch for reception of F3 emission on 156.800 MHz, whenever such station is not being used for transmission.

* * * * *

[FR Doc.77-20356 Filed 7-14-77;8:45 am]

[Docket No. 20547]

PART 91—INDUSTRIAL RADIO SERVICES

Modification of Type Acceptance Requirements for Transmitters in Industrial Radiolocation Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: An errata to correct the appendix in the Report and Order in Docket 20574 so as to specify the actual effective date. Published at 42 FR 30509, June 15, 1977.

[3] We have, in some cases, permitted a delay beyond the license expiration date, withholding action granting renewal of the license on the new channel until the changeover has taken place. Reimbursement is expected to be furnished to KSYM–FM before it changes frequency. Before its renewal application is granted, KSYM–FM would need to amend it to specify the new channel and in that connection would need to submit appropriate technical data for the new channel.

[4] By virtue of the fact that specific notice has been given to the affected parties in this rulemaking proceeding more than 30 days ago, good cause is found for proceeding under the exception of section 553(d)(3) of the Administrative Procedure Act. In any event, the rule change will have no practical effect on KSYM–FM until the end of its present license term. See preceding note.

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EFFECTIVE DATE: July 12, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Herb Zeiler, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau (202–632–6497).

Released: July 11, 1977.

In the matter of amendment of Parts 89, 91, and 93 of the Commission's rules to modify the type acceptance requirements for transmitters in the Industrial Radiolocation Service, Docket No. 20547, RM–1773.

In the Report and Order, FCC 77–358, adopted May 26, 1977, and released June 9, 1977, published at 42 FR 30509 on June 15, 1977, on page 30511, § 91.109 (d) and (e) are amended so as to specify the actual effective date.

§ 91.109 Acceptability of transmitters for licensing.

* * * * * *

(d) Radiolocation transmitters marketed prior to January 1, 1978, must meet the applicable technical standards in this part, pursuant to § 2.805 of Part 2 of this chapter.

(e) Radiolocation transmitters marketed after January 1, 1978, must comply with the requirement of paragraph (b) of this section.

* * * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–20357 Filed 7–14–77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 36458]

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

Modification of Tariff Index Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This document increases from two years to four years the time between mandatory reissuances of railroad freight tariff indexes. The change was prompted by the railroads' desire to save time and money. Increasing the time between reissuances without changing the allowable number of effective supplements will save money for the railroads without unduly increasing the burden on tariff index users.

EFFECTIVE DATE: August 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director Section of Rates, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 (202–275–7963 or 275–7656).

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a notice of proposed rulemaking and Order, published at 41 FR 53680, to consider amending 49 CFR 1300.11(d) (Rule 11 (d) of Supplement 8 to Tariff Circular 20). Specifically, the Commission considered increasing the time between mandatory reissuances of tariff indexes from two years to four years, and increasing the maximum number of effective supplements from five to ten. Five parties submitted statements. The Commission, Division 2, found that an increase in the time between reissuances was warranted, but that no increase should be allowed in the maximum number of effective supplements. The increased time between mandatory reissuances is the only substantive change in the rule.

Issued at Washington, D.C., July 12, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

49 CFR Part 1300 is amended by revising § 1300.11(d) to read as follows:

§ 1300.11 Index of tariffs.

* * * * * *

(d) The index must be kept current by supplements which need not be issued more frequently than quarterly. The index must be reissued every four years. Supplements must be numbered consecutively, must be constructed in accordance with specifications for the index itself and must show additions, changes and cancellations made in the index itself or in prior supplements, by reference to the page or index number of the entry changed or canceled. Supplements may be issued without regard to volume of supplemental matter permitted by § 1300.9(e), but not more than five supplements may be in effect at any time.

[FR Doc.77–20425 Filed 7–14–77;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

METAL AND NONMETAL MINING OTHER THAN COAL AND LIGNITE MINING

Health and Safety Standards; Corrections

AGENCY: Mining Enforcement and Safety Administration, Interior.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule that appeared at page 29418 in the FEDERAL REGISTER of Wednesday, June 8, 1977 (FR Doc. 77–16180).

FOR FURTHER INFORMATION CONTACT:

Arthur P. Nelson, Assistant Administrator, Metal and Nonmetal Mine Health and Safety, Mining Enforcement and Safety Administration, Department of the Interior, Room 718, Ballston Tower No. 3, 4015 Wilson Blvd., Arlington, Va. 22203 (703–235–8480).

SUPPLEMENTARY INFORMATION: In FR Doc. 77–16180 appearing on pages 29419, 29421, and 29425 in the FEDERAL REGISTER of Wednesday, June 8, 1977, make the following changes:

1. On page 29419 action No. D 7 for advisory standard 55.12–70 is deleted in the second column under the heading "§ 55.12 [Amended]."

2. On page 29421 action No. J 7 for advisory standard 56.12–70 is deleted in the first column under the heading "§ 56.12 [Amended]."

3. On page 29425 action No. T 17 for mandatory standard 57.21–58 lines 18 and 19 in the first column are corrected to read: "Advisory standard 57.21–58 is made mandatory and revised to read as follows:."

Dated: July 6, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77–20431 Filed 7–14–77;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)[1]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEAT, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations for providing meat grading and acceptance service are being changed to show that applicants for service may be required to provide metal cabinets or lockers for the secure storage of official meat grading equipment for Federal meat graders assigned to their plants. This in-plant storage will significantly reduce the grader travel time for transporting equipment from home to work and return which was recently determined to be compensable under the Fair Labor Standards Act and will help minimize increases in the fee rate to cover the added costs of this travel time.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

David K. Hallett, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–2210).

[1] Including matters within the responsibility of the Food Safety and Quality Service.

SUPPLEMENTARY INFORMATION: A meat grader presently transports a large amount of grading equipment between his/her home and worksite and carries it between his/her car and duty assignment at the beginning and end of each workday. Under recent interpretations of the Fair Labor Standards Act of 1974, the transport of such equipment is considered time worked, and has resulted in a substantial increase in grading costs. Therefore, to reduce the costs associated with transporting such equipment—and reducing costs which must be recovered in fees charged to applicants—a proposed amendment to the Meat Grading Regulations (7 CFR Part 53) was published for comment in the May 9, 1977, FEDERAL REGISTER (42 FR 23514). That proposal provided that, upon request, applicants for meat grading and acceptance services would be required to furnish metal cabinets or lockers for storage of official meat grading equipment. Comments on the proposal were received through May 30, 1977.

Out of several hundred applicants for the Federal meat grading and acceptance services which could be requested to provide the metal cabinets or lockers if the proposal should be adopted, only five comments were filed on the proposal. Of these, one favored its adoption. Three other coments—one from an officer of a major meatpacker association, one from a group of 15 meatpackers from this same locality, and a third from an employee union representing Federal meat graders—opposed the proposal's adoption. A fifth comment received was not relevant to the proposal. The opposing comments cited concern over the responsibility for security of the stored grading equipment. However, adequate procedures have been established to provide for safe and secure equipment storage. Graders will be responsible for taking all necessary precautions to insure that equipment is securely stored before leaving the plant. Additionally, the required design of storage cabinets and lockers combined with the use of special Government-owned locks will provide the necessary security for in-plant storage or other storage locations. Two other USDA programs—Meat and Poultry Inspection and Poultry Grading—have utilized in-plant storage of official stamps and other grade identification equipment as a regular part of their programs for several years with no major security problems. One of the opposing comments also questioned who would request lockers and cabinets and whether separate lockers and cabinets would be necessary for each grader. Because each grader is accountable for his/her own equipment, it will be necessary that a locker be provided for each grader working in a plant during a given time period. The decision as to which plants will be required to provide lockers or cabinets will be made by Meat Grading main station supervisors subject to review by the Washington Meat Grading officials.

Accordingly, Part 53 of the Meat Grading Regulations (7 CFR Part 53) is amended by adding the following new sentences to § 53.20.

§ 53.20 Custody of Identification Devices.

* * * Upon request, applicants shall provide a metal cabinet(s) or locker(s) for the secure storage of official meat grading equipment and identification devices for each Federal meat grader assigned to their establishment. Such cabinet(s) or locker(s) shall be capable of being locked with a special, Government-owned lock and shall be placed in an easily accessible and reasonably secure location within the applicant's establishment.

(Agricultural Marketing Act of 1946, Section 205(b), 60 Stat. 1087, 1090 (7 USC 1624))

Done at Washington, D.C. on this 11th day of July, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator, Commodity Operations.

[FR Doc.77–20414 Filed 7–14–77;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Third Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, for Fiscal Year 1977

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action reapportions nonfood assistance funds released by States among those States requesting additional funds. The purpose of this action is to effect maximum utilization of such funds.

EFFECTIVE DATE: July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

William G. Boling, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–8130.

V 42 136 JUL 15 77 UMI V

Pursuant to sections 5(b) and (e) of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 887, as amended, nonfood assistance funds available for the fiscal year ending September 30, 1977, are reapportioned among the States as follows:

Section 5(b)

STATE	TOTAL REAPPORTIONMENT	STATE AGENCY	WITHHELD FOR PRIVATE SCHOOLS
Connecticut	$ 2,028	$2,028	$
Maine	1,096	1,096	
New Hampshire	704	704	
Rhode Island	683	683	
Vermont	516	516	
	5,027	5,027	
Delaware	665	665	
District of Columbia	573	573	
Maryland	3,311	3,311	
New Jersey	4,809	4,809	
New York	13,672	13,672	

STATE	TOTAL REAPPORTIONMENT	STATE AGENCY	WITHHELD FOR PRIVATE SCHOOLS
Pennsylvania	10,593	10,593	
Puerto Rico	3,948	3,948	
Virginia	67		67
Virgin Islands	187	187	
West Virginia	2,036	2,036	
	39,861	39,794	67
Alabama	88		88
Georgia	7,838	7,838	
Kentucky	4,915	4,915	
South Carolina	4,236	4,236	
Tennessee	61		61
	17,138	16,989	149
Indiana	5,869	5,869	
Michigan	6,255	6,255	
Minnesota	5,037	5,037	
Ohio	9,814	9,231	583
	26,975	26,392	583
Arkansas	2,784	2,784	
Louisiana	6,476	6,476	
Oklahoma	3,111	3,111	
Texas	13,135	13,135	
	25,506	25,506	
Colorado	2,279	2,279	
Iowa	3,956	3,956	
Kansas	2,671	2,671	
Montana	732	732	
Nebraska	1,500	1,500	
North Dakota	733	733	
South Dakota	901	901	
Utah	1,762	1,762	
	14,534	14,534	
Arizona	2,041	2,041	
California	13,076	13,076	
Idaho	843	843	

STATE	TOTAL REAPPORTIONMENT	STATE AGENCY	WITHHELD FOR PRIVATE SCHOOLS
Oregon	2,067	2,067	
Washington	40		40
	18,067	18,027	40
TOTAL	$147,108	$146,269	$839

Section 5(e)

STATE	TOTAL REAPPORTIONMENT	STATE AGENCY	WITHHELD FOR PRIVATE SCHOOLS
Connecticut	21,289	21,289	
Maine	4,623	3,354	1,269
New Hampshire	5,077	5,007	
Vermont	1,903	1,903	
	32,892	31,623	1,269
Maryland	12,338	12,338	
New Jersey	89,737	89,737	
New York	59,440	59,440	
Pennsylvania	63,893	63,893	
West Virginia	2,277	2,277	
	227,685	227,685	
Kentucky	1,293	1,293	
	1,293	1,293	
Michigan	56,031	56,031	
	56,031	56,031	
Louisiana	8,925	8,925	
	8,925	8,925	
Colorado	3,667	3,667	
Iowa	2,702	2,702	
Montana	3,899	3,899	
Nebraska	4,044	4,044	
North Dakota	926	926	
South Dakota	1,164	1,164	
	16,402	16,402	

STATE	TOTAL REAPPORTIONMENT	STATE AGENCY	WITHHELD FOR PRIVATE SCHOOLS
Arizona	7,974	7,974	
California	137,003	137,003	
Idaho	2,043	2,043	
Oregon	5,514	5,514	
Trust Territory	757	757	
	153,291	153,291	
TOTAL	$496,519	$495,250	$1,269

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This reapportionment is made on the same basis as the initial apportionment on the number of schools without a food service. Data on schools without the facilities to prepare or receive hot meals will not be available until fiscal year 1978 for inclusion in the formula as mandated by Pub. L. 94–105.

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885–890, as amended (42 U.S.C. 1771, 1774, 1778–1785).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A 107.

Dated: July 1, 1977.

LEWIS B. STRAUS,
Administrator.

[FR Doc.77-20028 Filed 7-14-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 101]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 17–23, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is strong for size 140's and smaller and steady for size 115's and larger. Average f.o.b. price was $6.31 per carton the week ended July 9, 1977, compared to $6.33 per carton the previous week. Track and rolling supplies at 165 cars are down 75 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on July 12, 1977.

§ 910.401 Lemon Regulation 101.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 17, 1977, through July 23, 1977, is established at 290,000 cartons.

(2) As used in this section, "handled" and "carton (s)" have the same meanin gas when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 13, 1977.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-20595 Filed 7-14-77;11:25 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Peanut Farm Stored Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth (1) the final loan and purchase availability dates, (2) the maturity dates, (3) final loan and purchase rates, (4) location adjustments, and (5) final support levels for 1976 crop farm-stored peanuts. This rule is needed to complete the 1976 peanut price support programs. This rule will enable USDA to make final adjustments under the 1976 program.

EFFECTIVE DATE: July 15, 1977 (date of publication in the FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik (ASCS) (202) 447–9224
P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on March 29, 1977 (42 FR 16634) in which USDA set forth three alternatives for determining final support levels for 1976 crop peanuts without limiting consideration of other possibilities. In addition, the Department on April 19 announced in the FEDERAL REGISTER (42 FR 20302) that it intended to conduct a second public meeting on May 5, 1977, concerning the 1976 crop differentials and invited the public to furnish written and/or verbal comments. The peanut industry was asked to convene and work out a unified recommendation to be presented at the May 5 meeting (USDA 944–77 April 11). There were 15 written comments and seven verbal presentations, none of which represented a unified position by the peanut industry. The data presented represented a wide divergence of opinion on how differentials should be established.

One of the three alternatives proposed on March 29, 1976, as final differentials for 1976 crop peanuts, the adjusted interim differentials, represented a compromise to resolve differences in the different production areas. These have been selected as the final differentials for 1976 crop peanuts.

The regulations in 7 CFR, §§ 1421.291 through 1421.295 and the title of the subpart are revised to read as follows, effective for the 1976 crop of peanuts. The material previously appearing in this subpart remains in full force and effect as to prior crop years.

Subpart—1976 Crop Farm Stored Peanut Loan and Purchase Program

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.
1421.295 Eligible peanuts.

AUTHORITY.—Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C.714(b) and (c)); Secs. 101, 401, 403, and 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421, 1423, 1425).)

§ 1421.291 Purpose.

This supplement contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1976 and Subsequent Crops of Grains and Similarly Handled Commodities (39 FR 25949), as amended, and the provisions of the 1976 and Subsequent Crops Peanut Farm Stored Loan and Purchase Supplement, as amended (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, apply to farm-stored loans and purchases for the 1976 crop of peanuts.

§ 1421.292 Availability.

(a) *Farm stored loans.* Producers must request a loan on 1976-crop eligible peanuts on or before March 31, 1977.

(b) *Purchases.* Producers desiring to offer for purchase, eligible peanuts not under loan must execute and deliver to the appropriate county ASCS office, on or before April 30, 1977, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1976 crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm stored loans on farmers' stock peanuts will mature on April 30, 1977.

§ 1421.294 Loan and purchase rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia	413
Runner	417
Southeast Spanish	406
Southwest Spanish	404
Valencia (suitable for cleaning and roasting in southwest) [1]	413

[1] The price for all Valencia-type peanuts in the Southeast and Virginia-Carolina areas and for those Valencia-type peanuts in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish-type peanuts in the same area.

(b) *Location adjustment to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.12 of the 1976 crop peanut warehouse storage loan supplement, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

§ 1421.295 Eligible peanuts.

In addition to meeting the requirements of § 1421.282 of the continuing supplement, farmers' stock peanuts to be eligible for farm stored loan and purchase must be free of Aspergillus flavus mold as determined by a Federal State inspector.

Signed at Washington, D.C., on July 8, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-20315 Filed 7-14-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER K—PROPERTY MANAGEMENT

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart D—Purchasing of Services for Program Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to add additional examples of purchase order forms for services and supplies with regard to caretaker services, carpet cleaning and weatherization materials. The increased use of caretakers and carpet cleaning services plus the emphasis on energy conservation through weatherization establishes a need for exhibits covering these services. This amendment is intended to enable more complete and uniform services and supplies to be procured.

EFFECTIVE DATE: July 15, 1977. Comments must be received on or before August 16, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be made available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

R. M. Yates (202–447–3752)

SUPPLEMENTARY INFORMATION: Section 1955.154(a) of Subpart D of Part 1955 of Title 7, Code of Federal Regulations (41 FR 32720) is amended). This amendment involves matters relating to agency management and contracting. The amendment adds exhibits illustrating purchase order forms for obtaining certain services and does not alter existing procurement policy or procedure. It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments are not published for proposed rulemaking, however, since the purpose of the additions is to facilitate the repair of acquired property and any delay, therefore, would be contrary to public interest.

Section 1955.154 is amended by revising paragraph (a) to read as follows:

§ 1955.154 Preparation of solicitation.

(a) *Oral solicitations.* Prepare an original and three written copies of Form FmHA 120–10 (Items 1 through 7 specifications—See Exhibit A for typical specifications for repair services. See Exhibits B, C, D, H, I, I–1, I–2, J and K for examples of services and supplies. Exhibit E shows a request for contract action to be used when the estimated costs exceed $2,000.)

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 29, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

(EXAMPLE OF BLANKET PURCHASE AGREEMENT)

V 421136 JUL 15 77 UMI

USDA-FmHA
Form FmHA 120-10
(11-5-75)

(EXAMPLE OF BLANKET PURCHASE AGREEMENT)
(WEATHERIZATION SUPPLIES)

Exhibit I

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Street Address City, State, and Zip Code	Enter at Payment	Enter Date Issued
	4. ADVICE NUMBER	5. SOLICITATION NUMBER
	Enter at Payment	Enter Solicitation No.

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: Enter date response due

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within ___*___ calendar days after receipt of notice to proceed BLANKET PURCHASE AGREEMENT: From time to time during the __*__ calendar day period beginning with the date of acceptance of this purchase agreement (block 10), the Supplier will deliver f.o.b. ___(city)___ and __(state)__, the types of supplies listed on the attached specification pages for which a quotation is offered in such quantities, as may be ordered by the Government at the quoted unit prices. PAYMENT WILL BE MADE UPON EACH COMPLETED DELIVERY BY SUBMITTING COPY OF THIS DOCUMENT PROPERLY EXECUTED. TOTAL PAYMENTS UNDER THIS ORDER MAY NOT EXCEED $____	$

8a. This Section to be completed by Supplier – DATE SUBMITTED:	8b. $
8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print.))	9. PURCHASE ORDER (This section for Government only)
To be entered by Supplier	PURCHASE ORDER AMOUNT $____ ☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office. ☐ Notice to proceed will be issued by Separate Letter.
10. ACCEPTANCE OF ORDER (Contractor) The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed	By ____ (Contracting Officer) DATE
CONTRACTOR DATE	(Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE			
Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT				
I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.				13e. PAYMENT Partial No. ☐ Final ☐
12a. DATE	12b. SIGNATURE (Payee or his representative)		12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR		
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER		$
REMARKS				

*The number of calendar days may be either 30, 60, 90, 180, or 360 as appropriate for local price availability.

FmHA 120-10 (11-5-75)

USDA-FmHA
Form FmHA 120-11
(11-5-75)

(EXAMPLE OF BLANKET PURCHASE AGREEMENT)
(WEATHERIZATION SUPPLIES)

Exhibit I-1

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. ____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Street Address City, State and Zip Code	Leave Blank	Enter Date Issued
	4. ADVICE NUMBER	5. SOLICITATION NUMBER
	Leave Blank	Enter Solicitation Number

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE: Enter date response due

7. SPECIFICATION - Articles or Services	QUOTATION
INSULATION: Insulation, batt type or blanket type, with vapor barrier, glass fiber or mineral fiber.	Price Per Square Foot
R-11 Nominal 15-inch width with nailing flanges	$____
R-11 Nominal 23-inch width with nailing flanges	$____
R-13 Nominal 15-inch width with nailing flanges	$____
R-13 Nominal 23-inch width with nailing flanges	$____
R-19 Nominal 15-inch width with nailing flanges	$____
R-19 Nominal 23-inch width with nailing flanges	$____
R-22 Nominal 15-inch width with nailing flanges	$____
R-22 Nominal 23-inch width with nailing flanges	$____
Insulation, batt type or blanket type, without vapor barrier, glass fiber or mineral fiber.	
R-11 Nominal 15-inch width with nailing flanges	$____
R-11 Nominal 23-inch width with nailing flanges	$____
R-13 Nominal 15-inch width with nailing flanges	$____
R-13 Nominal 23-inch width with nailing flanges	$____
R-19 Nominal 15-inch width with nailing flanges	$____
R-19 Nominal 23-inch width with nailing flanges	$____
R-22 Nominal 15-inch width with nailing flanges	$____
R-22 Nominal 23-inch width with nailing flanges	$____
Insulation loose fill (blowing) rockwool, mineral fiber, cellulose fiber or equal.	Price Per Bag
Bagged quantity which provides R-10 for 100 sq. feet (approx. 4-3/8")	$____
Insulation, extruded polystryrene, molded polystyrene, expanded urethane or equal:	Price Per Square Foot
R-5 8", 12", or 24" widths	$____
R-7.5 8", 12", or 24" widths	$____
R-10 8", 12", or 24" widths	$____
During the period of this contract, it is estimated that insulation will be purchased to further insulate approximately ____ houses of about ____ square feet each.	
Since these are existing structures having some insulation, a specific amount of insulation required cannot be determined at this time. Virtually all the houses will require additional insulation above ceilings to bring the protection of that area up to R____. Exterior perimeter insulation, R____, will be applied to approximately ____ dwellings and under floor insulation to $____ will be placed in about ____ properties.	

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

☆ U. S. Government Printing Office: 1975 - 665-664/1796 Region No. 6

FmHA 120-11 (11-5-75)

V 42 136 JUL 15 77 UMI V

Form FmHA 120-11 (11-5-75) — (EXAMPLE OF BLANKET PURCHASE AGREEMENT) (WEATHERIZATION SUPPLIES) — Exhibit I-2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. ____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Street Address City, State, and Zip Code	Leave Blank	Enter Date Issued
	4. ADVICE NUMBER Leave Blank	5. SOLICITATION NUMBER Enter Solicitation Number

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE: Enter date response due

7. SPECIFICATION - Articles or Services	QUOTATION
STORM WINDOWS AND DOORS: Storm window single panel (glass) (unbreakable clear acrylic or plexiglass) aluminum frame with either anodized or baked enamel finish. For application as fixed sash to awning, casement, other ventilator opening type window or as fixed sash for picture window, up to and including 85 united inches.	Price for each Window up to and Including 85 United Inches $____
Price addition for larger size single pane storm window for sizes in excess of 85 united inches:	Price Addition for each United Inch Over 85 $____
Storm Window triple track (glass) (unbreakable clear acrylic or plexiglass), 2 panes and 1 screen, aluminum frame with either anodized or baked enamel finish. For application on double hung sash, up to and including 85 united inches:	Price for each window up to & including 85 united inches $____
Price addition for larger size triple track storm window for sizes in excess of 85 united inches	Price addition for each united inch over 85 $____
Storm door, self-storing (glass) (unbreakable clear acrylic or plexiglass), 2 panes and 1 screen, aluminum frame with either anodized or baked enamel finish: Approximate size 3'0" x 6'8" Approximate size 2'8" x 6'8"	Storm Door $____ $____
During the period of this contract, it is estimated that storm windows (and storm doors) will be purchased for approximately _____ dwellings. Generally, the average window count, including a picture window, is _____ for each dwelling. A 3'0" by 6'8" is the standard size of the front door and 2'8" by 6'8" is the standard size of the rear or side door.	
NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10. $____

☆ U. S. Government Printing Office: 1975—665-664/1796 Region No. 6

FmHA 120-11 (11-5-75)

USDA-FmHA
Form FmHA 120-10 (11-5-75) — (EXAMPLE OF CARETAKER SERVICES) — Exhibit J

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Your Street Address Town, State and Zip	654-32-1987	July 6, 1976
	4. ADVICE NUMBER	5. SOLICITATION NUMBER 09-30-6-1

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: July 9, 1976

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within N/A calandar days after receipt of notice to proceed At the dwelling known as the Smith house located at 123 Empty Lane, provide the following caretaker services: On Tuesday and Friday of each week, inspect the premises inside and outside, remove and dispose of all trash and debris. On Friday of each week, mow all grass to a height of 2 inches. On the 1st working day of each month, wash all window and door glass inside and outside. At each visit, inspect the premises for damage, vandalism or needed repairs. Report conditions that need attention by telephone to 123-4567 immediately. This contract may be terminated by either party furnishing seven (7) days written notice. Oral quotations to this solicitation are acceptable.	$ Price quotation for each month of service.
8a. This Section to be completed by Supplier — DATE SUBMITTED:	8b. $
8c. Name and Address of Supplier *(Street, City, State, Zip (Type or Print.))*	9. PURCHASE ORDER (This section for Government only) PURCHASE ORDER AMOUNT $ ____ ☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office. ☐ Notice to proceed will be issued by Separate Letter.
10. ACCEPTANCE OF ORDER (Contractor) The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed CONTRACTOR DATE	By ____ *(Contracting Officer)* DATE ____ *(Name and Title)*

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on *(Date)*	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.
I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT — Partial No. ☐ Final ☐

12a. DATE	12b. SIGNATURE *(Payee or his representative)*	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

FmHA 120-10 (11-5-75)

USDA-FmHA

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USDA-FmHA
Form FmHA 120-10
(11-5-75)

Exhibit K

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration	Multiple	
	4. ADVICE NUMBER: Multiple	5. SOLICITATION NUMBER

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time. DATE: .....

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within N/A calandar days after receipt of notice to proceed	$
At various addresses to be assigned from time to time within _____ County throughout the contract period, furnish all necessary labor, equipment, materials, supplies, and supervison and in accordance with the specifications, perform carpet and rug cleaning on the premises:	
(a) Carpet and rug cleaning in areas NOT requiring furniture removal or replacement. Price per square foot:	$_____
(b) Carpet and rug cleaning in areas including the removal and replacement of furniture Price per square foot:	$_____
(c) Carpet and rug cleaning - Stair treads Price per stair tread:	$_____
8a. This Section to be completed by Supplier - DATE SUBMITTED:	8b. $

8c. Name and Address of Supplier *(Street, City, State, Zip (Type or Print.))*

9. PURCHASE ORDER (This section for Government only)

PURCHASE ORDER AMOUNT $ _____

☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.

☐ Notice to proceed will be issued by Separate Letter.

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed

By _____ *(Contracting Officer)* *DATE*

CONTRACTOR *DATE* *(Name and Title)*

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on *(Date)*	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.

I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☐

12a. DATE	12b. SIGNATURE *(Payee or his representative)*	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

FmHA 120-10 (11-5-75)

USDA-FmHA
Form FmHA 120-11
(11-5-75)

Exhibit K
Page 2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. _____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER: Multiple	3. DATE OF SOLICITATION
Farmers Home Administration	4. ADVICE NUMBER: Multiple	5. SOLICITATION NUMBER

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time. DATE:

7. SPECIFICATION - Articles or Services	QUOTATION

SPECIFICATIONS FOR CARPET AND RUG CLEANING:

Cleaning on Premises

1. PREPARATION OF AREA TO BE CLEANED: When areas to be cleaned are covered with furniture, it is necessary for the contractor to move furniture and furnishings. It shall be done with extreme care and shall be replaced to make the area ready for use.

2. CLEANING: The contractor shall safely and thoroughly clean rugs and carpets by using a suitable commercial or industrial vacuum machine, with all attachments, whereby foreign matter is removed. Rugs or carpets shallbe cleaned with a Dry Cleaning Solvent or Powder or by the steam process or cleaned and shampooed with a completely synthetic detergent. The cleaning process shall remove all traces of visible dirt, grime and soiled spots from rugs or carpets leaving them free from residual matter. Stains shall be removed if it can be accomplished by an accepted cleaning method which will not damage the serviceability or mar the appearance of the rug or carpet. Cleaning and shampooing shall not cause more than five (5) percent shrinkage of the rug or carpet in either width or length and shall not adversely affect appearance or durability. The contractor is fully responsible for the correction of any damage or faulty workmanship caused by the contractor's method or workmen. When necessary, rug or carpet shall be brushed to restore flattened pile.

3. PROTECTION: Carpeting shall be carefully protected from soiling or damage on the project premises after cleaning. After cleaning is completed, a paper runner not less than 18" width shall be placed across each cleaned carpeted area to connect traffic ways. The contractor shall protect all carpeting or rugs by placing protective pads between the furniture and the cleaned carpeting.

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

☆ U.S. Government Printing Office: 1975—665-664/1796 Region No. 6

FmHA 120-11 (11-5-75)

[FR Doc.77-20317 Filed 7-14-77;8:45 am]

proposed rules

that the table in § 381.147(f)(3) be amended to include the scald agents.

The proposed amendment would

at all times while they are in such establishment, bear labels showing the

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Parts 318 and 381]

HOG SCALD AGENTS, POULTRY SCALD AGENTS, DENUDING AGENTS, AND COOLING AND RETORT WATER TREATMENT AGENTS

Proposed Rulemaking

AGENCY: Food Safety and Quality Service, Meat and Poultry Inspection, Agriculture.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to add substances for retorting, scalding, and denuding, and to substitute more acceptable names for some substances. The proposed rule would provide the industry with a larger selection of agents for hog scalding and for cooling and retort water treatment, and would update the chemical terminology now present in the Meat and Poultry Inspection Regulations. Further, the proposed amendment would reduce the probability of misuse of those scald water, cooling water, retort water, or tripe denuding preparations which contain chemicals that are specifically limited as to amounts permitted to be used, and would require the percentage of the chemicals present in such preparations to be stated on the label together with dilution directions to obtain the maximum allowable use concentration of the preparation.

DATE: Comments must be received on or before November 9, 1977.

ADDRESS: Any person wishing to submit written data, views, or arguments concerning the proposed rules may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All records of oral views and written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business. Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Mr. B. Larsen, Chief Staff Officer, Chemistry Staff, Scientific Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7623.

SUPPLEMENTARY INFORMATION: Under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), the Food Safety and Quality Service is considering amending §§ 318.1 and 318.7 of the Federal meat inspection regulations (9 CFR 318.1, 318.7) and §§ 381.145 and 381.147 of the poultry products inspection regulations (9 CFR 381.145, 381.147) to propose additional substances for retorting, scalding and denuding, and substituting more acceptable names for some substances.

Currently, of the silicates, only sodium metasilicate is included in the regulations as a permitted hog scald agent, tripe denuding agent, or cooling and retort water additive, thus excluding use of the ortho and sesqui forms of sodium silicate. Since the principal difference between the silicate forms is the ratio of sodium oxide to silicon dioxide, a difference which affects neither efficacy nor toxicity, there does not appear to be any reason to exclude the ortho and sesqui forms of sodium silicate. Because there is no apparent reason for the exclusions, and because there appears to be some economic advantage to the use of sodium orthosilicate, which has a higher alkalinity, the Department is proposing that § 318.7(c)(4) of the Federal meat inspection regulations be amended to allow the use of the ortho and sesqui forms of sodium silicate on the same basis as the meta form as hog scald agents, tripe denuding agents, and cooling and retort water additives.

This amendment proposes to add, to the part of the chart in § 318.7(c) of the Federal meat inspection regulations dealing with hog scald agents, the following agents:

1. Disodium-calcium ethylenediaminetetraacetate
2. Disodium phosphate
3. Ethylenediaminetetraacetic acid (sodium salts)
4. Propylene glycol
5. Soap (prepared by the reaction of calcium, potassium, or sodium with rosin or fatty acids of natural fats and oils)
6. Sodium acid pyrophosphate
7. Sodium pyrophosphate

It is also proposed to change the agent "Lime" to read "Lime (calcium oxide, calcium hydroxide)." All of these changes were previously adopted after rulemaking on October 28, 1966 (see 31 FR 13856). However, apparently because of a clerical error, these changes were never incorporated in any subsequent edition of the Code of Federal Regulations. Nevertheless, pursuant to the previous approval by the Department, these agents have been in continuous use since the effective date of the 1966 amendment, and the Meat and Poultry Inspection Program has no information which indicates that their usage should be discontinued. Accordingly, it appears that these agents should be specifically listed in the chart in § 318.7 of the regulations.

In order to provide a wider selection of hog scald agents to industry, it is also proposed that sodium gluconate, triethanolamine dodecylbenzene sulfonate, and sodium mono and dimethylnaphthalene sulfonate (molecular weight 245–260) be added to the list of approved hog scald agents in the chart in § 318.7(c)(4) on the same basis as the other agents listed.

In order to provide the industry with a larger selection of cooling and retort water treatment agents, it is proposed that alpha-Alkyl (C_{12}-C_{18})-omega-hydroxy-poly(oxyethylene) poly(oxypropylene) block polymer sodium-2-ethylhexyl sulfate, and aminotrismethylene phosphonic acid be added to the list, in § 318.7(c) of the Federal meat inspection regulations, of approved compounds as approved for the proposed use when used as directed.

Section 318.1 of the Federal meat inspection regulations and § 381.145 of the poultry products inspection regulations would be amended to reduce the probability of misuse of those scald water, cooling water, retort water, or tripe denuding preparations which contain chemicals that are specifically limited as to amounts permitted to be used, and to make adherence to the respective regulations easier at the point of use. For preparations containing any chemical with such specific use limitations, the percentage of the chemicals present in any such preparation entering an establishment would be required to be stated on the label together with the dilution directions to obtain the maximum allowable use concentration of the preparation.

For the reasons stated above, the Department proposes that the table in § 381.147(f)(3) of the poultry products inspection regulations be amended to allow the use of the sodium silicates (ortho, meta, and sesquil), alpha-Alkyl (C_{12}-C_{18})-omega-hydroxy-poly (oxyethylene) poly(oxypropylene) block polymer, sodium-2-ethylhexyl sulfate, and aminotrismethylene phosphonic acid as cooling and retort water agents.

The Department has not had a section in the table in § 381.147(f)(3) listing poultry scald agents approved for defeathering poultry carcasses. However, pursuant to § 381.147(f)(1) of the regulations, the Administrator has approved a number of substances in specific cases, and information available to the Meat and Poultry Inspection Program indicates that the use of such scald agents should be continued and permitted on a general basis. Accordingly, it is proposed

that the table in § 381.147(f)(3) be amended to include the scald agents.

The proposed amendment would change the listings in the chart in §§318.7(c) and 381.147(f) of the regulations, under "Cooling and retort water treatment agents," of "Disodium ethylenediaminetetraacetate" and "Ethylenediaminetatraacetic acid" to "Ethylenediaminetetraacetic acid (sodium salts)." This is merely a name change in keeping with modern chemical nomenclature.

Therefore, it is proposed that the Federal meat inspection regulations (9 CFR 301.1 *et seq.*) and the poultry products inspection regulations (9 CFR Part 381) be amended as follows:

1. Section 318.1(d) of the regulations (9 CFR 318.1(d)) would be amended to read:

§ 381.1 Products and other articles entering official establishments.

* * * * *

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall, at all times while they are in such establishment, bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any of the chemicals which are specifically limited by § 318.7(c)(4) as to amount permitted to be used, the labels on the containers must also show the percentage of each such chemical in the preparation and must provide dilution directions which prescribe the maximum allowable use concentration of the preparation.

* * * * *

§ 318.7 [Amended]

2. The chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)) would be amended by changing "Lime" to "Lime (calcium oxide, calcium hydroxide)" in the "Substance" column for the "Class of Substance" column "Hog scald agents".

3. The chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)) would be amended by integrating the following information by substance in alphabetical order under the indicated "Class of Substance":

Class of substance	Substance	Purpose	Product	Amount
Cooling and retort water treatment agents.	alpha-Alkyl(C_{12}–C_{18})-omega-hydroxy-poly (oxyethylene) poly (oxypropylene) block polymer.	To prevent staining on exterior of canned goods.	Various	0.01 pct.
	Aminotrismethylene phosphonic acid.	do	do	Sufficient for purpose.
	Ethylenediaminetetraacetic acid (sodium salts).	do	do	Do.
	Sodium-2-ethylhexyl sulfate	do	do	Do.
	Sodium silicates (ortho, meta, and sesqui).	do	do	Do.
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	do	do	do	Do.
Hog scald agents. Must be removed by subsequent cleaning operation.	Disodium-calcium ethylenediaminetetraacetate.	do	do	Do.
	Disodium phosphate	do	do	Do.
	Ethylenediaminetetraacetic acid (sodium salts).	do	do	Do.
	Propylene glycol	do	do	Do.
	Soap (prepared by the reaction of calcium, potassium, or sodium with rosin or fatty acids of natural fats and oils).	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium mono and dimethylnaphthalene sulfonate (molecular weight 245–260).	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium silicates (ortho, meta, and -sesqui).	do	do	Do.
	Triethanolamine dodecylbenzene sulfonate.	do	do	Do.

4. In the chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)), under the class of substance "Cooling and retort water treatment agents", the lines beginning with "Disodium ethylenediaminetetraacetate", "Ethylenediaminetetraacetic acid", and "Sodium metasilicate" would be deleted; under the class of substance "Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water", the line beginning with "Sodium metasilicate" would be deleted; and under the class of substance "Hog scald agents; must be removed by subsequent cleaning operations", the line beginning with "Sodium metasilicate" would be deleted.

5. Section 381.145 (9 CFR 381.145) would be amended by the addition of a new paragraph (d) to read:

§ 381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.

* * * * *

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, or in poultry scald water shall, at all times while they are in such establishment, bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any

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of the chemicals which are specifically limited by § 381.147(f)(3) as to amount permitted to be used, the labels on the containers must also show the percentage of each such chemical in the preparation and provide dilution directions which prescribe the maximum allowable use concentration of the preparation.

6. The table in § 381.147(f)(3) (9 CFR 381.147(f)(3)) would be amended by integrating the following information by substance in alphabetical order under the indicated "Class of Substance":

§ 381.146 Sampling at official establishments.

* * * * * * *

(f) * * *

(3) * * *

Class of substance	Substance	Purpose	Product	Amount
Cooling and retort water treatment agents.	alpha - Alkyl (C_{12}-C_{18}) - omega - hydroxy - poly (oxyethylene) ploy (oxypropylene) block polymer.	To prevent staining on exterior of canned goods.	Various	0.01 pct.
	Aminotrismethylene phosphonic acid.	do	do	Sufficient for purpose.
	Ethylenediaminetetraacetic acid (sodium salts).	do	do	Do.
	Sodium-2-ethylhexyl sulfate	do	do	Do.
	Sodium silicates (ortho, meta, and sesqui).	do	do	Do.
	Sodium tripolyphosphate	do	do	0.05 pct.
Poultry scald agents. Must be removed by subsequent cleaning operations.	Alpha - hydro - omega - hydroxy - poly (oxyethylene) poly (oxypropylene) (minimum 15 mol) poly (oxyethylene) block copolymer (poloxamer).	To remove feathers.	Poultry carcass	Not to exceed 0.05 pct by weight in scald water.
	Dimethylpolysiloxane (dimethylsilicone).	do	do	Sufficient for purpose.
	Dioctyl sodium sulfosuccinate	do	do	Do.
	Dipotassium phosphate	do	do	Do.
	Ethylenediaminetetraacetic acid (sodium salts).	do	do	Do.
	Lime (calcium hydroxide, calcium oxide).	do	do	Do.
	Polyoxyethylene (20) sorbitan monooleate.	do	do	Not to exceed 0.0175 pct in scald water.
	Potassium bicarbonate	do	do	Sufficient for purpose.
	Potassium carbonate	do	do	Do.
	Potassium hydroxide	do	do	Do.
	Propylene glycol	do	do	Do.
	Sodium acid phosphate	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
	Sodium bicarbonate	do	do	Do.
	Sodium carbonate	do	do	Do.
	Sodium dodecylbenzenesulfonate	do	do	Do.
	Sodium-2-ethylhexyl sulfate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	Sodium lauryl sulfare	do	do	Do.
	Sodium metaphosphate	do	do	Do.
	Sodium phosphate (mono-, di-, tribasic).	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium sesquicarbonate	do	do	Do.
	Sodium sulfate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Tetrasodium pyrophosphate	do	do	Do.

§ 381.147 [Amended]

7. In the table in § 381.147(f)(3) (9 CFR 381.147(f)(3)), under the class of substance "Cooling and retort water treatment agents", the lines beginning with "Disodium ethylenediaminetetraacetate", "Ethylenediaminetetraacetic acid", and "Sodium metasilicate" would be deleted.

NOTE: The Food safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on: July 6, 1977.

F. J. MULHERN,
Acting Administrator,
Food Safety and Quality Service.

[FR Doc.77-19867 Filed 7-14-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

PRODUCTION AND SALE OF "IMPUTED STRIPPER WELL CRUDE OIL" FROM UNITIZED PROPERTIES

Further Notice of Proposed Rulemaking and Public Hearing

AGENCY: Federal Energy Administration, (FEA).

ACTION: Further notice of proposed rulemaking and public hearing.

SUMMARY: The Federal Energy Administration ("FEA") hereby gives further notice of a proposed rulemaking and public hearing for the purpose of considering amendments to 10 CFR 212.75 (Determination of Upper Tier Crude Oil Produced from Unitized Properties.), which would alter the method for computing quantities of "imputed stripper well crude oil."

DATES: Comments by August 2, 1977; Requests to speak by July 26, 1977; Hearing date: August 5, 1977.

ADDRESSES: Comments and requests to speak to Executive Communications, Room 3317, Federal Energy Administration, Box NW, Washington, D.C. 20461; Hearing Location: Room 2105 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street, NW., Room 2214B, Washington, D.C. 20461. 202-254-5201.

Ed Vilade (Media Relations), 12th & Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Rendel Alldredge (Regulatory Programs), 2000 M Street, NW., Room 2304, Washington, D.C. 20461. 202-254-7886.

Everard A. Marseglia, Jr., or Dennis M. Moore (Office of General Counsel), 12th & Pennsylvania Avenue, NW., Room 5138, Washington, D.C. 20461. 202-566-9567 or 566-2085.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

II. PROPOSED AMENDMENTS

A. Alternative A, Strict Percentage Computation of Imputed Stripper Well Crude Oil.
B. Alternative B, Percentage Computation of Imputed Stripper Well Crude Oil above a Minimum Quantity.
C. Technical Conforming Amendments.
D. Applicability.

III. COMMENT PROCEDURES

A. Written Comments.
B. Public Hearings.

I. BACKGROUND

On January 19, 1977 the Federal Energy Administration ("FEA") issued a Notice of Proposed Rulemaking and Public Hearing (42 FR 4491, January 25, 1977) to consider a proposal to amend 10 CFR 212.75 so as to compute volumes of "imputed stripper well crude oil" produced and sold from unitized properties on a percentage basis rather than upon the basis of absolute volumes.

In response to the January 19 Notice, FEA received eighteen written comments and on February 11, 1977 a public hearing was held at which oral presentations were made by three persons. In this further notice of proposed rulemaking, FEA solicits additional comments on the issues raised in the January 19 Notice and proposes two specific alternative amendments to § 212.75 for consideration.

Section 212.75 currently provides that, with respect to any unitized property which is comprised of one or more previously-qualified stripper well properties and for which the producer has established a unit base production control level, the producer may sell each month a number of barrels of "imputed stripper well crude oil" produced and sold from the unitized property at prices which are exempt from the provisions of Subpart D. "Imputed stripper well crude oil" is currently defined as

> A number of barrels of crude oil equal to the total number of barrels of crude oil produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties that constitute the unitized property, divided by 12. * * *

This provision was adopted originally as part of the first stage of implementing regulations under the Energy Policy and Conservation Act ("EPCA", Pub. L. 94-163) and was designed to prevent disincentives to unitization that might be faced by producers of previously-qualified stripper well properties. This was accomplished by a provision which currently permits a fixed number of barrels of crude oil to be sold at exempt (originally upper tier) prices each month from the unitized property. Presently, this quantity of "imputed stripper well crude oil" is equal to the average monthly production of crude oil (during the 12-month period immediately preceding the estbalishment of a unit base production control level) from all participating stripper well properties.

Effective September 1, 1976, crude oil produced and sold from stripper well properties was exempted by the Energy Conservation and Production Act (Pub. L. 94-385) from the first sale price provisions of Subpart D. To implement this exemption, FEA amended the provisions of § 212.75 to provide that imputed stripper well crude oil volumes could also be sold each month at exempt prices (41 FR 48319, November 3, 1976). When § 212.75 was originally adopted on February 1, 1976, stripper well crude oil volumes were characterized as upper tier crude oil, because the Energy Policy and Conservation Act (Pub. L. 94-163) repealed the exemption from price controls previously applicable to stripper well lease production. Inasmuch as imputed stripper well crude volumes may now be sold at exempt prices, producers have argued that a distincentive, not present when imputed stripper well crude oil volumes were eligible to be sold at upper tier prices, has arisen by virtue of the difference between the upper tier price previously applicable to sales of imputed stripper well crude oil and the exempt prices which are presently applicable.

FEA has become aware that in some instances certain producers of stripper well properties might yet be discouraged from participating in a unitized property because the "imputed stripper well volumes" each month are presently based upon a fixed number of barrels rather than upon a certain percentage of total production and sale. Thus, a producer might be deterred from participating in a unitization agreement if his previously-qualified stripper well property was so strategically located in relation to the underlying reservoir that some increased production resulting from any enhanced recovery operation would accrue to the producer regardless of his decision to participate in the unitized property. Such a disincentive might be present because, without unitization, any actual increased production from the stripper well property would qualify as exempt.

Once a property has qualified as a stripper well property, all increased production from the property continues to be eligible for exempt treatment, regardless whether the average daily production rate later exceeds 10 barrels per well per day. On the other hand, if the stripper well property were to be incorporated into the unitized property, any actual increased production and sale attributable to the stripper well property could, under current regulations, qualify, at best, for treatment as upper tier crude oil.

The effect under current regulations could be that a producer of a previously-qualified stripper well property might elect not to participate in the unitized property when the number of barrels of expected increased production and sale (absent unitization) was estimated to yield greater revenues than the number of barrels of upper tier crude oil that would be attributed to that property under the unitization agreement. For example, where a previously-qualified stripper well property produced an average of 5 barrels of crude oil per day during the 12 months preceding the establishment of a unit BPCL and is unitized with a property averaging 20 barrels of crude oil per day, and where production and sale from the unitized property is increased to 100 barrels per day, only 5 barrels of crude oil per day would be treated as imputed stripper well crude oil under current regulations. The balance of any increased production and sale could qualify for treatment as new crude oil. However, where the producer of the stripper well property could have achieved increased production and sale without entering the unitized property, he would likely be discouraged from participating unles substantially more of the increased upper tier crude oil produced and sold from the unitized property were to be allocated to his property. Moreover, because current regulations provide for imputed stripper well crude oil to be determined as a fixed number of barrels of crude oil each month, even where all unit participants are previously-qualified stripper well properties, increased unit production can qualify only as upper tier crude oil until the unit has sustained a production level of 10 barrels or less per well per day.

The amendments proposed in this proceeding are designed to provide that, as productoin from the unitized property increases (or decreases), the number of barrels of imputed stripper well crude oil each month would be increased (or decreased) proportionately. Although FEA proposed a similar amendment in the January 19 Notice, consideration of the comments received thus far has led FEA to the conclusion that, before a final determination is reached on these issues, comments should be solicited on alternative proposals. Comments are also solicited on any other reasonable alternatives which will achieve the goals set forth above.

II. PROPOSED AMENDMENTS

A. *Alternative A, Strict Percentage Computation of Imputed Stripper Well Crude Oil.*—Under the first alternative, FEA proposes to amend the provisions of § 212.75 so as to provide that the number of barrels of imputed stripper well crude oil eligible to be sold from the unitized property each month at exempt prices would be based upon a strict percentage of all crude oil produced and sold from the unitized property that month. This percentage would be equal to the ratio (over the 12-month period immediately preceding the establishment of a unit BPCL) of the number of barrels of crude oil produced from all participating stripper well properties to the total number of barrels of crude oil produced and sold from all participating properties. Under this alternative, once a unit BPCL has been established, and where there was an increase in the production and sale of crude oil in any month from the unit as a whole, the monthly volume of imputed stripper well crude oil would increase proportionately. However, under this alternative, the monthly volume of imputed stripper well crude oil would decline in proportion to any decreases in production from the unit as a whole.

Thus, in any month, the amount of any imputed stripper well crude oil eligible to be sold from a unitized property at exempt prices would be equal to the total number of barrels of crude oil produced and sold from all properties comprising the unitized property in that month; multiplied by a fraction equal to the total production during the 12-month period immediately preceding the establishment of a unit base production control level from all previously qualified stripper well properties, divided by the total production and sale of crude oil during the same 12-month period from all properties that constitute the unitized property.

Some comments received in response to the January 19 Notice maintained that existing regulations provide ample incentive to unitize, and that there is no basis to assume such incentives are insufficient to induce the inclusion of stripper properties in unitized properties. However, FEA retains its concern that there may be instances—such as described above—in which certain producers of stripper well properties might be discouraged from participating in a unitized property. This view is supported by the vast majority of the comments received in response to the January 19 Notice.

B. *Alternative B, Percentage Computation of Imputed Stripper Well Crude*

Oil Above a Minimum Quantity.—Under this second alternative, FEA proposes to

of advantages enjoyed by other produc-

confidential status of the information

mine whether the question is relevant,

which production and sale of crude oil

and multiplied by the number of days

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Oil Above a Minimum Quantity.—Under the second alternative, FEA proposes to amend the provisions of § 212.75 so as to permit producers to use a percentage to compute the quantity of imputed stripper well crude oil eligible to be sold from the unitized property at exempt prices each month, but providing that the number of barrels of imputed stripper well crude each month would not be less than a specified minimum quantity. Such percentage would be determined in the same manner as that which is proposed as Alternative A. Thus, the percentage would be equal to the ratio (computed over the 12-month period immediately preceding the establishment of a unit BPCL) of the number of barrels of crude oil produced from all participating stripper well properties to the total number of barrels of crude oil produced and sold during the same period from all participating properties. In no case, however, would the number of barrels of imputed stripper well crude oil be less than that amount which is currently permitted under § 212.75.

Although this percentage computation would operate to increase the amount of imputed stripper well crude oil from a unitized property in direct proportion to any increases in total production and sale from the unitized property, the percentage calculation would not operate to decrease the amount of imputed stripper well crude oil where total production and sale from the unitized property fell below the levels experienced as of the date that a unit BPCL is established. Rather, where production and sale from the unitized property fell below the level experienced as of the date that a unit BPCL is established, the produce would be able to calculate a minimum quantity of imputed stripper well crude oil each month which would be equal to the average daily production of crude oil from all previously-qualified stripper well properties for the 12-month period immediately preceding the establishment of a unit BPCL for the unitized property, multiplied by the number of days on the particular month. This calculation would provide a "floor" or base quantity of imputed stripper well crude oil, which could always be sold from the unitized property at exempt prices, regardless whether production and sale of crude oil from the utilized property as a whole decreased to a level below that which was experienced at the time a unit BPCL was established.

As indicated above, FEA first proposed the adoption of a percentage computation with a "floor" in the January 19 Notice. The majority of comments received in response to the proposal were generally in agreement with the use of the percentage computation for determining quantities of imputed stripper well crude oil and urged the adoption of a "floor" or minimum quantity provision. However, other comments suggested that the practical effect of this proposal would be to give stripper well property producers discriminatory advantages in unit negotiations in excess of advantages enjoyed by other producers.

In view of the disagreement among the commenters regarding the effects of this proposal, FEA is now proposing for comment the "strict percentage" proposal outlined above, and comments are solicited on both proposals before FEA reaches a final determination with respect to this issue.

C. *Technical Conforming Amendments.*—Inasmuch as today's proposal to compute volumes of imputed stripper well crude oil on a percentage basis would result in a different calculation than is currently made under § 212.75, certain technical amendments are needed to conform other definitions in § 212.75 to the new calculation.

Comments are also solicited as to whether other conforming amendments would also be appropriate. For example, FEA is concerned that the adoption of a percentage calculation of imputed stripper well crude oil may necessitate amendments to the certification provisions of § 212.131 because of the possibility that imputed Stripper well crude oil volumes could vary from month to month, making one-time certification impossible.

D. *Applicability.*—Inasmuch as the purpose of the amendment proposed today is to remove additional regulatory disincentives to unitization by producers of stripper well properties, FEA proposes that the amendments be applicable only to unitized properties for which a unit BPCL is established after the effective date of these amendments. With respect to unitized properties for which a unit BPCL has already been established, volumes of imputed stripper well crude oil would continue to be determined each month pursuant to current regulations. However, comments are also solicited as to whether the amendments proposed today should also be made applicable to unitized properties for which a unit BPCL has previously been established, and the need, if any, for such treatment of existing unitized properties.

III. Comment Procedures

A. *Written Comments.*—Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Federal Energy Administration. Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Production and Sale of 'Imputed Stripper Well Crude Oil' from Unitized Properties". Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th & Pennsylvania Avenue NW. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public Hearing.*—1. *Request Procedure.*—The time and place for the hearing is indicated in the "Dates" section of this Notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the date of the hearing.

Any person who has an interest in the proposed amendments issued today or in the other issues discussed in this Notice, or who is a representative of a group or class of persons that has an interest in today's proposed amendments or in the other issues discussed in this Notice, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before Thursday, July 28, 1977. Any person selected to be heard must, if feasible, submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before Wednesday, August 3, 1977.

2. *Conduct of the Hearing.*—The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing, which will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings. Such questions must be submitted to the address indicated in the "Dates" section of this Notice for requests to speak, for the location concerned, before Tuesday, August 2, 1977. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearing. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

The FEA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-395; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 7, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.75 is revised to read as follows:

§ 212.75 Crude oil produced and sold from unitized properties.

(a) *Rule.* With respect to each unitized property, a producer shall, as of the effective date of unitization, establish a unit base production control level.

(b) *Definitions.* For purposes of this section—

"Current unit cumulative deficiency" means the total number of barrels by which production and sale of crude oil from the unitized property was less than the unit base production control level subsequent to the first month (following the establishment of a unit base production control level for that unitized property) in which any crude oil produced and sold from that unit was eligible to be classified as actual new crude oil (without regard to whether the amount of actual new crude oil was exceeded by the amount of imputed new crude oil), minus the total number of barrels of domestic crude oil produced and sold in each prior month from that unitized property (following the establishment of a unit base production control level for that unitized property) which was in excess of the unit base production control level for that month, but which was not eligible to be classified as actual new crude oil because of this requirement to reduce the amount of actual new crude oil in each month by the amount of the current unit cumulative deficiency.

"Significant alteration in producing patterns" means the occurrence of either (1) the application of extraneous energy sources by the injection of liquids or gases into the reservoir, or (2) the increase of production allowables for any property that constitutes the unitized property, whichever occurs first.

"Unitized property" means the right to produce crude oil that arises from a unitization agreement approved by the applicable governmental regulatory authority (or FEA).

With repsect to each unitized property for which a unit base production control level is established prior to August 1, 1977—

"Imputed stripper well crude oil" means, in a particular month, a number of barrels of crude oil equal to the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the date that a unit base production control level is established for the unitized property) that constitute the unitized property, divided by the number of days in that period, and multiplied by the number of days in the particular month.

"New crude oil" means, in a particular month, either (1) actual new crude oil, which is the total number of barrels of crude oil produced and sold in that month from all properties that constitute the unitized property, less (i) the unit base production control level, and less (ii) the current unit cumulative deficiency; or (2) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property divided by the number of days in that period, and multiplied by the number of days in the particular month; whichever number is greater.

"Old crude oil" means, in a particular month, the total number of barrels of crude oil produced and sold in that month from all properties that constitute the unitized property, less the total number of barrels of new crude oil produced and sold from the unitized property in that month, and less the total number of barrels of crude oil sold as imputed stripper well crude oil in that month pursuant to the provisions of paragraph (f) of this section.

"Unit base production control level" means, in a particular month, (1) the total number of barrels of old crude oil, as defined in § 212.72, produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property; plus (2) the total number of barrels of crude oil produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties that constitute the unitized property; divided by the number of days in that period, and multiplied by the number of days in the particular month.

With respect to each unitized property for which a unit base production control level is established on or after August 1, 1977—

"Imputed stripper well crude oil" means, in a particular month, a number of barrels of crude oil equal to the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, multiplied by the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the date that a unit base production control level is established for the unitized property) that constitute the unitized propery, divided by the total number of barrels of crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized propery.

[or]

["Imputed stripped well crude oil" means, in any month, either (1) a number of barrels of crude oil equal to the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, multiplied by the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized

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property from all stripper well properties (qualified as such as of the date that a unit base production control level is established for the unitized property) that constitute the unitized property, divided by the total number of barrels of crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property; or (2) a number of barrels of crude oil equal to the total number of barrels of crude oil (excluding condensate recovered in non-associated production) produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties (qualified as such as of the date that a unit base production control level is established for the unitized property) that constitute the unitized property, divided by the number of days in the 12-month period immediately preceding the establishment of a unit base production control level multiplied by the number of days in the particular month; whichever is greater.]

"New crude oil" means either (1) actual new crude oil, which is the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less (i) the unit base production control level, and less (ii) the total number of barrels of inputed stripper well crude oil, if any, for the particular month, and less (iii) the current unit cumulative deficiency; or (2) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by the number of days in the 12-month period immediately preceding the establishment of a unit base production control level, multiplied by the number of days in the particular month; whichever is greater.

"Old crude oil" means the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less the total number of barrels of new crude oil produced and sold from the unitized property in that month, and less the total number of barrels of imputed stripper well crude oil produced and sold from the unitized property in that month.

"Unit base production control level" means, (1) the total number of barrels of old crude oil, as defined in § 212.72, produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by the number of days in the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, multiplied by the number of days in the particular month.

(c) Notwithstanding the provisions of paragraph (a) of this section, a producer shall not be required to establish a unit base production control level for a particular unitized property, provided that the producer has (pursuant to the provisions of 10 CFR Part 205, Subpart G) certified to FEA its intention to continue to determine volumes of upper tier, lower tier, and stripper well property crude oil separately for all properties that constitute the unitized property, and provided further that the unitized property has not sustained a significant alteration in producing patterns.

(d) Except as provided in paragraphs (e) and (f) of this section with respect to new crude oil and imputed stripper well crude oil, no producer of crude oil from a unitized property may charge a price higher than the lower tier ceiling price (as set forth in § 212.73) for any first sale of domestic crude oil produced and sold from the unitized property.

(e) Notwithstanding the provisions of paragraph (d) of this section, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as set forth in § 212.74) in first sales of new crude oil produced and sold from the unitized property.

(f) Notwithstanding the provisions of paragraphs (d) and (e) of this section, the prices charged by a producer of crude oil from a unitized property in any month in first sales of imputed stripper well crude oil are exempt.

FEA ISSUES FURTHER PROPOSAL FOR STRIPPER WELL CRUDE OIL PRODUCTION

The Federal Energy Administration today proposed regulations designed to remove disincentives to the entry of stripper well properties into crude oil production "units."

FEA first proposed the regulatory change in January, 1977, and held a public hearing. Today's notice asks for further comment on issues raised at that hearing, and for comments on two alternative proposals.

The alternative proposals are designed to eliminate disincentives to participation in a unitized property by stripper well properties. Both alternatives provide that, as production from the unitized property increases, the number of barrels of imputed stripper well crude oil each month will be increased proportionately. Alternative #1 involves a strict percentage computation, which means that if production from the unit decreases, imputed stripper well crude oil volumes would decrease proportionately. Alternative #2 involves a percentage computation above a minimum quantity, so that the unit would always be assured of receiving exempt prices for at least the volumes of stripper well crude oil produced from the component properties at the time of unitization.

Stripper well crude oil, from properties that produced 10 barrels or less per day per well for any consecutive 12-month period after December 31, 1972, was freed from price controls by the Energy Conservation and Production Act last year. Stripper well producers can now charge the market price for their crude oil.

Unitized properties are those in which individual producers in a field combine their interests and, often using some enhanced recovery technique, seek to increase the total production of the unit above the level the individual properties would have attained.

Since stripper well crude oil production is exempt from price controls and since any increase in production due to participation in a unit would bring the producer at least the upper tier price under current regulations, the stripper well producer currently may face a disincentive to join the unit.

A public hearing on the proposals will be held August 5, 1977, starting at 9:30 a.m. in Room 2105, 2000 M Street, NW., Washington, D.C. Requests to speak should be submitted by July 26, 1977 and those selected to speak will be notified by July 28, 1977.

Written comments will be accepted until August 2, 1977, and should be addressed to Executive Communications, Box NW, Federal Energy Administration, 12th and Pennsylvania Avenues, NW., Washington, D.C. 20461. Fifteen copies should be submitted, bearing the designation "Production and Sale of 'Imputed Stripper Well Crude Oil' from Unitized Properties" on the outside envelope and on all documents.

FEA
Media Inquiries: (202) 566-9833
Press Room: 566-9948
Media Contact: Ed Vilade

[FR Doc.77-20434 Filed 7-13-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 8910]

STANDARD OIL CO. (OHIO)

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent order, among other things, requires a Cleveland, Ohio, manufacturer of petroleum and automotive products, to cease prohibiting its dealers from obtaining non-gasoline products from independent sources or requiring them to deal exclusively with Sohio for automotive accessories. The order requires the firm to offer its lessee dealers new agreements which comply with the terms of the order, or give notice that agreements will not be offered. Additionally, it provides that where Sohio seeks to cancel an agreement prior its expiration for "good cause", dealer may request that determination of good cause be submitted to arbitration.

DATES: Comments must be received on or before September 12, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Alan K. Palmer, Asst., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1341.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

CAROL M. THOMAS,
Secretary.

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

[Docket No. 8910]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between The Sandard Oil Company, an Ohio corporation, (hereinafter "Sohio"), Respondent in a proceeding initiated by the Federal Trade Commission, by its duly authorized officers and attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedure. This agreement supersedes the Agreement Containing Consent Order dated June 11, 1975, which was not accepted by the Commission. In accordance with this agreement, the parties hereby agree that:

1. Respondent Sohio is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located in Cleveland, Ohio.

2. Sohio has been served with a copy of the complaint issued by the Commission charging it with a violation of Section 5 of the Federal Trade Commission Act. Sohio filed an answer denying that it had violated the Act, and both sides filed trial briefs further explaining their respective positions. Subsequently, before the hearing, the parties entered into negotiations and requested the Commission to withdraw the matter from adjudication pursuant to Section 3.25 of the Commission's Rules.

3. Sohio admits all the jurisdictional facts set forth in the complaint issued by the Commission.

4. Sohio waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within sixty (60) days after the acceptance, comments or views submitted to the Commission disclose facts or considerations which indicate that the Order contained in the agreement is inappropriate, improper, or inadequate. The Commission may at any time pending final acceptance of this Order require hearings on the relief requirements provided by the Order.

6. This agreement is for settlement purposes only and does not constitute an admission by Sohio that the law has been violated.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25(d) of the Commission's Rules, the Commission may, without further notice to the Respondent, issue its decision containing the following Order in disposition of the proceedings and make information public in respect thereto. When entered, the Order shall have the same force and effect and shall be final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other Orders. The complaint may be used in construing the terms of the Order. No agreement, understanding, representation, or interpretation not contained herein or in the following Order may be used to vary or contradict the terms of the Order.

8. Respondent has read the complaint and Order contemplated hereby, and understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order, and that it may be liable for civil penalties in the amounts provided by law for each violation of the Order after it becomes final.

ORDER

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For purposes of this Order only, the following definition shall apply:

A. The term "Automotive Service Station" or "Station" means a retail service station having one, two or three service bays in operation, and engaged in the business of selling automotive gasoline, lubricants, tires, batteries, automotive accessories, and mechanical service to the motoring public.

B. The term "Dealer" means the operator of an Automotive Service Station on premises owned by Sohio or leased by Sohio from someone other than the Dealer. The term "Dealer" does not include employees of Sohio; jobbers or wholesale distributors of gasoline, lubricants, tires, batteries or automotive accessories; persons who own their Stations or lease Stations from jobbers or wholesale distributors or other third parties; aviation fixed base operators; truck stop operators; or marina operators.

C. The term "Dealership Agreement" means all agreements (including leases and operating agreements) between Sohio and a Dealer under which the Dealer operates an Automotive Service Station in the State of Ohio, or under which the Dealer operates an Automotive Service Station in any other state under the trade name "Boron" or under any successor trade name thereto.

D. The terms "TBA" refers to automotive tires and tubes, automotive batteries and automotive accessories, including, but not limited to, spark plugs, oil filters, fan belts, auto lamps, fuses, windshield wipers and blades, antifreeze preparations, waxes, polishes, automotive lubricants and other items used on or in the servicing or repairing of highway automotive vehicles.

E. The term "Effective Date of this Order" refers to the date of issuance of the Commission's Decision and Order with respect to this matter.

F. The term "Sohio" means respondent, The Standard Oil Company, an Ohio corporation, and its subsidiaries.

II

It is ordered, That Sohio, its successors or assigns to all or substantially all of its assets, and Sohio's officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device shall not insofar as its marketing activities are conducted in commerce or affect commerce, as "commerce" is defined in the Federal Trade Commission Act:

A. Enter into, renew or initiate an offer to enter into or renew a Dealership Agreement for a term of (a) less than five years if the Dealer has been a Dealer for at least the preceding three years, with the immediately preceding year being at the Station to which the Dealership Agreement relates or (b) less than three years, if the Dealer has been the Dealer at the Station to which the Dealership Agreement relates for at least the preceding year, or (c) less than one year in other cases, provided, however,

(1) That where any Station premises are held by Sohio as lessee and not as owner for a period less than that required by this Paragraph II A, the term offered to the Dealer need not exceed the term of such underlying lease, and

(2) That in any Dealership Agreement the Dealer shall have the option to cancel such Dealership Agreement upon 60 days written notice to Sohio;

B. Prohibit Dealers, through coercion or otherwise, from purchasing TBA products from non-Sohio sources, or require, by contract, agreement, understanding, course of dealing, or by any means whatsoever, that Dealers:

(1) Deal exclusively in TBA products manufactured, sold, distributed or sponsored by Sohio or maintain any specified minimum stock of such TBA products; provided, however, Sohio may require Dealers to maintain on the premises a representative amount of Sohio trademarked or trade named lubricants or motor oils, or

(2) Refrain from handling TBA products obtained from non-Sohio sources, or from placing such products in such locations and in such quantities as is customary in service stations operated by Sohio;

C. Prohibit the display on the pump island and on peripheral lamp posts, or elsewhere except in such locations as Sohio may reasonably specify shall not be used for this purpose, of signs showing the dealer's acceptance of non-Sohio credit cards.

III

It is further ordered, That: A. At any time within 180 days following the Effective date of this Order, a Dealer who is operating under a Dealership Agreement may in writing

be will be offered a new Dealership Agree-

Final Judgment in *United States* v. *Standard*

(4) The arbitrator shall have no authority

The relevant provisions of this Order which shall be enclosed in such letters to such

persons. Comments received during this period will become part of the public record.

pute to arbitration are narrowly drawn to protect legitimate interests of both the deale-

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he will be offered a new Dealership Agreement. Sohio shall give such notice in writing within 90 days of such request. Dealership Agreements consistent with the terms of this Order shall be offered to all such Dealers who have received notice of Sohio's intent to offer them new Dealership Agreements and to all such Dealers who have received no notice whose Dealership Agreements are in effect 180 days after the effective date of this Order. Such agreements shall be offered within 180 days following the effective date of this Order.

B. Not more than 120 days prior to the expiration of a Dealership Agreement, if the Dealer has not yet received notice from Sohio as to whether or not Sohio intends to offer the Dealer a new Dealership Agreement, the Dealer may request in writing such notice. If such request is made, within 60 days after receipt thereof, Sohio shall either notify the Dealer that a new Dealership Agreement will not be offered or offer to the Dealer a new Dealership Agreement consistent with the terms of this Order. The requesting Dealer shall be entitled to remain in the premises under the existing Dealership Agreement until the expiration thereof or 60 days following receipt of Sohio's response to his request, whichever is later.

IV

It is further ordered, That:

A. During the effective period of this Order, Sohio may revoke a notice of intent to offer a new Dealership Agreement or cancel a Dealership Agreement prior to the expiration thereof only upon not less than 60 days advance written notice and for good cause. Material non-compliance by the Dealer with the Dealership Agreement shall constitute "good cause" as used in this order. Notwithstanding the provisions of this paragraph, Sohio may cancel a Dealership Agreement without notice (except as provided in Subparagraphs (6), (7) and (8) herein), without any right of arbitration, and without any further showing of good cause, upon the occurrence of the following events:

(1) Death or legal incompetency of the Dealer;

(2) The institution of insolvency, bankruptcy, or receivership proceedings by or against the Dealer, the taking advantage by the Dealer of any law for the benefit of debtors, the filing of a tax lien, or the institution against the Dealer of lien proceedings which interfere with operation of the dealership;

(3) Vacancy, abandonment of the Station premises, or failure to open the Station for the sale of gasoline, for a continuous period of 120 hours;

(4) Condemnation or other taking for public purposes of the premises or a sufficient portion thereof to prevent use as an Automotive Service Station, including any voluntary conveyance or assignment in lieu of such condemnation or taking;

(5) Any involuntary destruction of the Station;

(6) A decision by Sohio to close or raze the Station, or sell its interest in the Station premises, provided that the Dealer is given not less than 90 days advance written notice of such decision;

(7) A decision by Sohio to change the use of the site in such a way that it will no longer be operated as an Automotive Service Station, provided that the Dealer is given not less than one year advance written notice of such decision;

(8) Not less than 30 days advance written notice by Sohio of its intention to cancel the Dealership Agreement in connection with divestiture made in compliance with the Final Judgment in *United States* v. *Standard Oil Co.*, No. C69-854 (N.D. Ohio);

(9) Conviction of the Dealer of a misdemeanor committed in the course of or related to the Dealer's use or occupancy of the Station, or conviction of any felony;

(10) Failure of the Dealer to keep in force the insurance coverage required in the Dealership Agreement; or

(11) Failure of the Dealer to pay any past due indebtedness to Sohio, after not less than 30 days written demand for payment has been made, to the extent that any such indebtedness exceeds any sum owing from Sohio to the Dealer.

B. Except as specified in Paragraph IV A of this Order upon receipt of the requisite notice of intent to cancel the Dealership Agreement, either party may elect to invoke arbitration pursuant to the Commercial Arbitration Rules and the Procedures of the American Arbitration Association (AAA) for the purpose of determining whether good cause exists or existed for the cancellation.

C. The arbitration pursuant to paragraph IV B of this Order shall be as follows:

(1) The party invoking arbitration shall give the other party written notice of its intent to invoke arbitration within 15 days from the receipt of the notice of intent to cancel the Dealership Agreement, setting forth the basis for such invocation and filing two copies of said notice with the Regional Office of AAA closest to the Dealer's residence. If such written notice of intention to arbitrate is not made within such 15-day period, arbitration shall be deemed to have been waived. If arbitration is invoked by either party, such arbitration shall be exclusive and in lieu of any other common law rights. The locale for arbitration shall be fixed by the AAA and shall be selected from the standby facilities maintained by the AAA for arbitration. It is understood and anticipated that such locale shall be the closest available to the Dealer's residence.

(2) The arbitrator shall be selected by the parties from the panel of arbitrators of the AAA, and shall be appointed within 30 days from receipt by AAA of the notice of intent to invoke arbitration. The arbitrator shall be empowered to determine whether good cause for cancellation exists or existed under the terms of the Dealership Agreement, to decide, in accordance with such determination, which party shall have possession of the premises, and to assess the costs of arbitration, excluding attorneys' fees (except as provided in Paragraph IV C(6)), on a just and equitable basis. The decision of the arbitrator shall be final and binding upon the parties, and judgment thereon may be entered in any court of competent jurisdiction. In the event of a default by either party in appearing before the arbitrator, pursuant to advance written notice, the arbitrator is authorized to render a decision upon the evidence of the party appearing. Within 45 days after his appointment, the arbitrator shall render a written decision on the evidence before him, which decision shall include the arbitrator's findings of fact.

(3) Subject to the provision of Paragraph IV A of this Order, the Dealer may elect to remain in possession of the Station premises pending the decision of the arbitrator, and for an additional fifteen days in the event the decision of the arbitrator is against the Dealer; *Provided, however*, That upon a showing by Sohio under a motion made at any time during the arbitration that the Dealer has discontinued or substantially curtailed normal operations or is disparaging Sohio, its products, or its trademarks, the arbitrator shall be empowered to order that Sohio may take immediate peaceable possession of the Station premises.

(4) The arbitrator shall have no authority except as explicitly set forth in this Paragraph IV C and shall have no power or jurisdiction to add to, subtract from, alter or modify any of the terms of a Dealership Agreement. If the arbitrator finds that good cause for cancellation does not or did not exist, the sole remedy he has jurisdiction and authority to award is a decision allowing the Dealer to continue as a Dealer under the terms and conditions of the existing Dealership Agreement. The arbitrator has no jurisdiction or authority to award monetary damages or other affirmative relief beyond deciding which party is entitled to possession of the Station.

(5) At any time during the arbitration proceedings, the arbitrator, upon motion by either party, shall be empowered to order the other party to post bond with a reputable bondsman or surety company or otherwise provide security to the arbitrator in an amount sufficient to cover any costs of arbitration to be borne by the parties as hereinafter provided and to cover any losses in rent, reimbursement for supplies or other damage to the leasehold during the period following the invoking of arbitration. The arbitrator shall not be empowered to make any award under the bond, but the party protected thereby may assert his rights under the bond in any court of competent jurisdiction.

(6) In all instances each party shall bear its own attorney's fees, except that if the arbitrator shall find that good cause for cancellation does not or did not exist, the arbitrator shall award Dealer a reasonable attorney's fee.

D. No Dealership Agreement shall require a Dealer to agree that any acts or omissions shall constitute material non-compliance with the Dealership Agreement.

It is further ordered, That the Dealer's right to elect arbitration for the purpose of determining whether good cause exists or existed for cancellation, including Dealer's time limitations, Dealer's remedies, AAA's headquarter's address and the Regional Office of AAA closest to the Dealer's residence as then known, shall be conspicuously noted in all Dealership Agreements, that express reference to the Dealer's right to elect arbitration shall appear on all notices of cancellation subject to the provisions of this Order, and that the Dealer's right to request notice of whether a new Dealership Agreement will be offered, as provided in Paragraph III B of this Order, including the actual earliest date such request may be made, shall be conspicuously noted in each Dealership Agreement.

VI

It is further ordered, That Sohio shall, within 30 days after the Effective Date of This Order, serve upon all Dealers having a Dealership Agreement a letter by certified mail, signed by a responsible official binding Sohio and on official Sohio stationery, which shall include the following statement in its first paragraph:

"Sohio and the Federal Trade Commission have agreed on a consent decree which provides, among other things, for longer term dealership agreements, cancellation of which would be subject to arbitration under certain circumstances. Sohio has also agreed that its dealers will not be required to deal exclusively in TBA products sold by Sohio, to maintain any specified minimum stock of such products, or to refrain from dealing in TBA products sold by others. The relevant provisions of the consent decree are enclosed."

The relevant provisions of this Order which shall be enclosed in such letters to such Dealers are Paragraphs I–IV hereof. The second paragraph of such letter shall contain the following statement:

"You have the right to request in writing notice from Sohio as to whether or not you will be offered a new dealership agreement in accordance with the consent decree, and Sohio must give such notice within 90 days after receipt of your request. All dealership agreements in effect as of (insert the 180th day after Effective Date of This Order) must be brought into conformity with the Order."

VII

It is further ordered, That Sohio shall forthwith distribute a copy of this Order to each of its marketing sales divisions and regions.

VIII

It is further ordered, That Sohio shall notify the Commission at least 30 days prior to any proposed change in corporate organization which may effect compliance obligations arising out of this Order, such as dissolution, assignment or sale resulting with the emergence of a successor corporation, or the creation of dissolution of subsidiaries.

IX

It is further ordered, That Sohio shall within 210 days after service upon it of this order, and thereafter annually at the anniversary date of the Order for a period of five years, file with the Commission a written report setting forth in detail the manner and form in which it has compiled and will comply with this Order.

/s/

It is further ordered, That unless altered, modified or set aside in accordance with §§ 3.71 and 3.72 of the Commission's rules or such similar rules as may be in effect from time to time, this Order shall remain in effect for 10 years after its Effective Date.

Signed this 5th day of November, 1976.

THE STANDARD OIL COMPANY

By

ALTON W. WHITEHOUSE, JR.,
President.

GEORGE J. DUNN,
Vice President and General Counsel,
Squire, Sanders & Dempsey.

JONATHAN E. GAINES,
FRANK LIPSON,
RICHARD L. WILLIAMS,
Counsel for Federal Trade Commission.

Approved:

ALAN K. PALMER,
Assistant Director,
Bureau of Competition.

OWEN M. JOHNSON, JR.,
Director,
Bureau of Competition.

RUFUS S. DAY, JR.,
DAVID A. NELSON,
Counsel for respondent
The Standard Oil Company, an Ohio Corporation.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Standard Oil Company (Ohio).

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint that led to the proposed consent order alleged that Sohio:

(1) Used short term lease-franchise agreements to coerce lessee dealers into carrying tires, batteries and accessories (TBA) sold by Sohio, carrying trading stamps and participating in company-sponsored promotions, and maintaining specified hours of operation and

(2) Made agreements with dealers in connection with the latters' participation in gasoline price wars, the effect of which was to interfere with retail prices.

The complaint also charged that dealer conformance with Sohio policies was induced by the consumer expectations generated by the existence of a large number of company operated stations offering consumers the products, promotions and prices which Sohio advocated.

The consent order materially alters the relationship between Sohio and its lessee dealers by giving the dealers greater security in their lease-franchise arrangement. Additional security should free dealers to make more independent business decisions regarding sources of supply for TBA and with respect to promotions and prices.

Paragraph IIA of the order requires Sohio to offer lessee dealers a five year lease-franchise agreement after they have been Sohio dealers for at least 3 years, with the preceding year at the same location, a three year agreement to dealers who have been Sohio dealers for at least a year, and a one year agreement in all other cases, if Sohio chooses to renew such agreements at all. According to Sohio, about 80% of its existing lessee dealers will be entitled to 5 year agreements. Paragraph IIIA of the order requires Sohio, within 180 days, either to offer each of its dealers a new dealership agreement complying with the order provisions or to give notice that no new agreement will be offered when the present one expires. Thereafter, pursuant to Paragraph IIIB of the order, a dealer may require Sohio to notify him if Sohio intends to not renew the lease at its expiration. If after such request Sohio fails to give notice, the agreement will renew automatically.

Under Paragraph IV, if Sohio seeks to cancel an agreement prior to its expiration it must establish the existence of good cause. It may do so either by showing the existence of one of 11 conditions described in Paragraph IVA, by showing material non-compliance with the dealership agreement, or by demonstrating other cause. In the latter two cases, however, the dealer may require Sohio to submit determination of good cause to arbitration. If good cause is based upon an alleged material non-compliance with the dealership agreement, the arbitrator will decide whether non-compliance with the provision in issue is material, and if so, whether the alleged non-compliance occurred and rises to the magnitude of materiality. If the arbitrator finds in favor of the dealer, he must award the dealer a reasonable attorney's fee, thereby assuring that high costs will not hinder a dealer from taking advantage of the arbitration mechanism. Sohio is precluded by Paragraph IVD from making any advance agreement with a lessee dealer as to what would constitute material non-compliance with the dealership agreement.

The eleven situations in which Sohio can show good cause without submitting a dispute to arbitration are narrowly drawn to protect legitimate interests of both the dealer and Sohio:

(1) Death or legal incompetency of the dealer;

(2) The institution of insolvency, bankruptcy, or receivership proceedings by or against the dealer, the taking advantage by the dealer of any law for the benefit of debtors, the filing of a tax lien, or the institution against the dealer of lien proceedings which interfere with operation of the dealership;

(3) Vacancy, abandonment of the station premises, or failure to open the station for the sale of gasoline, for a continuous period of 120 hours;

(4) Condemnation or other taking for public purposes of the premises or a sufficient portion thereof to prevent use as an automotive service station, including any voluntary conveyance or assignment in lieu of such condemnation or taking;

(5) Any involuntary destruction of the station;

(6) A decision by Sohio to close or raze the station, or sell its interest in the station premises, provided that the dealer is given not less than 90 days advance written notice of such decision;

(7) A decision by Sohio to change the use of the site in such a way that it will no longer be operated as an automotive service station, provided that the dealer is given not less than one year advance written notice of such decision;

(8) Not less than 30 days advance written notice by Sohio of its intention to cancel the dealership agreement in connection with divestiture made in compliance with the Final Judgment in *United States* v. *Standard Oil Co.*, No. C69–854 (N.D. Ohio);

(9) Conviction of the dealer of a misdemeanor committed in the course of or related to the dealer's use or occupancy of the station, or conviction of any felony;

(10) Failure of the dealer to keep in force the insurance coverage required in the dealership agreement; or

(11) Failure of the dealer to pay any past due indebtedness to Sohio, after not less than 30 days written demand for payment has been made, to the extent that any such indebtedness exceeds any sum owing from Sohio to the dealer.

Coercion respecting TBA is prohibited by Paragraph IIB and IIC of the order. Paragraph IIB prohibits Sohio from restricting lessee dealers in their choice of suppliers for TBA or non-gasoline products, from requiring lessee dealers to stock Sohio TBA, and from interfering with the placement of TBA products on the station site in such locations and quantities as is customary in stations operated by Sohio. Paragraph IIB will allow Sohio to require dealers to maintain on hand a representative amount of Sohio lubricants or motor oils, however. Paragraph IIC makes it clear that lessee dealers can use and advertise credit cards other than the Sohio credit card.

Paragraphs V and VI require Sohio to notify dealers of their rights under the order, and specifically the right to elect arbitration. Paragraph VII requires copies of the order to be distributed to Sohio personnel. Paragraph VIII requires Sohio to notify the Commission in advance of any proposed change in the corporate organization which might affect compliance obligations. Paragraph IX requires periodic compliance reports. Paragraph X provides that unless altered, modified, or set aside in accordance with the Commission's rules, the order will have a ten year duration.

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order will have a ten year duration.

The consent order in this matter is similar

drawn. The Veterans Administration is again proposing a change to § 21.4009 to

(g) *Administrative reviews.* A request for an administrative review will be for-

FOR FURTHER INFORMATION CONTACT:

for public disclosure of assay or other

sential law enforcement tools with which

order will have a ten year duration.

The consent order in this matter is similar to the Order issued by the Commission in *Phillips Petroleum Company*, Docket No. 8930, on December 27, 1974.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and order or to modify in any way their terms.

[FR Doc.77-20328 Filed 7-14-77;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATION BENEFITS

Overpayments; Waiver or Recovery

AGENCY: Veterans Administration (VA).

ACTION: Proposed rule.

SUMMARY: In order to provide for greater efficiency in handling school liability determinations within the Veterans Administration the Central Office Ad Hoc Board, which heretofore made certain of these determinations has been abolished and the functions reassigned to certain activities within Central Office. The regulation is amended to delete the reference to the Board and incorporate the new procedure, so that it will accord with actual present policy. The amendment also clarifies the application of prima facie liability in school liability cases to make known to interested persons that such determinations are made in cases of willful or negligent failure of a school to report in accordance with the law. The existing provision was ambiguous and has been misinterpreted as restricting such findings to cases where the school has made a false certification.

DATE: Comments must be received on or before August 15, 1977.

It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Benefits and Facilities, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On page 53824 of the FEDERAL REGISTER, December 9, 1976, there was published a notice of proposed regulatory development to amend § 21.4009 to correct the designation of the board charged with review in school liability cases. However, the board was abolished on February 8, 1977, and its function transferred to other elements within Central Office. The proposed change was therefore withdrawn. The Veterans Administration is again proposing a change to § 21.4009 to reassign review functions of that Board to certain activities within Central Office. Also it is proposed to amend a portion of the regulation which may be ambiguous as to determinations of prima facie evidence in cases of willful or negligent failure of the school to report.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until August 25, 1977.

Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Approved: July 11, 1977.

By the direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 21.4009, paragraphs (c), (d), (g), (h), and (i) are revised to read as follows:

§ 21.4009 Overpayments; waiver or recovery.

* * * * *

(c) *Evidence.* A determination will be made whether there is prima facie evidence that an overpayment is the result of a false certification or the willful or negligent failure of the school to report. When the decision is in the affirmative the school will be notified in writing of the Veterans Administration's intent to apply the liability provisions of paragraph (a) of this section. The notice will also state that unless a written request for a hearing is filed within 30 days of the receipt of such notice, a determination of liability will be made on the evidence of record. The case will then be referred to the field station Committee for the field station having jurisdiction where the school is located.

(d) *Field station committees.* The field station regional Committee having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) Liability of the school or liability of both the school and the veteran or eligible person.

* * * * *

(g) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office by the Director of the field station and will be addressed to the Area Field Director (047C5). The staff of the Office of the Controller will review the finance and committee actions of the field station and will refer the requests to the staff of the Director, Education and Rehabilitation Service (22) to review to determine that the field station actions as to school liability are in accordance with current adjudicative policies and procedures regarding payment of educational assistance allowances. The staff of the Office of the Controller will be responsible for communicating the determination which results from the Central Office review to the Director of the field station which submitted the case for review. This determination of Central Office will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station Committee in any case where the determination of Central Office reverses a finding made by the field station Committee that the school is liable.

(h) *Review and modification.* Central Office may review and modify its decision upon submission of new and material evidence. The field station Committee will forward such evidence with its recommendation.

(i) *Finality of decisions.* There is no right of appeal from the determination that a school is or is not liable for an overpayment to a veteran or eligible person.

[FR Doc.77-20422 Filed 7-14-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 761-2]

POLYCHLORINATED BIPHENYLS (PCBs)

Deadline for Reply Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Deadline of PCB reply comment period.

SUMMARY: Reply comments are being requested. This is being done in accordance with the proposed rules for Procedures for Rulemaking under Section 6 of the Toxic Substances Control Act (TSCA). Reply comments are based on the hearing record, materials that were not and could not reasonably have been available to the commenting party a sufficient time before the main comments were due, and other comments that may be submitted.

DATES: Comments must be postmarked no later than July 25, 1977.

ADDRESSES: Reply comment should be submitted to the Environmental Protection Agency's Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460, Attn: Joni T. Repasch.

FOR FURTHER INFORMATION CONTACT:

Joni T. Repasch, 202-426-9000.

SUPPLEMENTARY INFORMATION: The legislative part of the informal hearings on the proposed regulations (FEDERAL REGISTER, Vol. 42, No. 100—Tuesday, May 24, 1977, pages 26564-26577) were held June 24, 27, 28, and 29, 1977 at the Washington, D.C., headquarters of the Environmental Protection Agency. One request for cross-examination has been received by the Agency and is now under consideration. The proposed rules for Procedures for Rulemaking under Section 6 of the Toxic Substances Control Act (TSCA) were printed in FEDERAL REGISTER, Vol. 42, No. 77—Thursday, April 21, 1977, pages 20640-20643.

Dated: July 8, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-20405 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 20, 314, 431, 514, and 601]

[Docket No. 77N-0124]

DRUGS FOR HUMAN AND VETERINARY USE

Public Disclosure of Specifications

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document would amend regulations governing public disclosure of data and information on new drugs for human use, including biological products, and new animal drugs. The proposed amendments, based on a recent review of the public information status of drug specifications, would provide explicitly for the disclosure of specifications submitted to the agency by the manufacturer unless the specifications serve no regulatory or compliance purpose and are exempt as trade secrets and have not previously been publicly disclosed.

DATES: Comments by September 13, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Watson, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: Food and Drug Administration (FDA) public information regulations provide for public disclosure of assay or other analytical methods unless they serve no regulatory or compliance purpose and are shown to fall within the exemption for trade secrets established in § 20.61 (21 CFR 20.61, formerly 21 CFR 4.61 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)). Such methods are available in the following circumstances: (1) After an approval letter has been sent to an applicant for a pending new drug application (NDA) (21 CFR 314.14(e)) or a pending antibiotic file (21 CFR 431.71 (e)); (2) after an approval has been published in the FEDERAL REGISTER for a new animal drug application (NADA) (21 CFR 514.11(e)); and (3) after a license has been issued for a biological product (21 CFR 601.51(e)). The agency's policies regarding the public availability of drug specifications, however, have not been clearly established. Although drug specifications have been disclosed in some instances with assay methods, they have generally been considered, without close analysis, to be trade secrets exempt from public disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)) and the FDA public information regulations, § 20.61. The Commissioner of Food and Drugs has recently carefully reviewed the status of drug specifications under the FOIA and FDA public information regulations and has determined that drug specifications that serve a regulatory purpose (as most of them do) are not exempt from public disclosure as trade secrets. The Commissioner is therefore proposing to clarify the agency's policy regarding the disclosure of drug specifications by amending the public information regulations where necessary to provide explicitly for the disclosure of such specifications.

Specifications and analytical methods used to determine if specifications are met are primarily tools for product evaluation or regulation. Specifications and analytical methods are integrally related in concept and purpose. Analytical methods are tests which, among other things, identify and characterize a drug product and detect and/or measure all significant aspects that might alter or affect the identity, strength, quality, or purity of the product. Specifications state the characteristics that have been established for the identity, strength, quality, and purity of a drug product. Whether a drug product meets these specifications is determined by measuring these various characteristics according to the prescribed analytical method. For example, a specification may state that the finished dosage form of a drug should contain not less than 90 percent and not more than 110 percent of the labeled amount of the active ingredient. The corresponding analytical method will describe the test by which the amount of that active ingredient in the finished dosage form may be measured with sufficient specificity and accuracy to assure that the specification is met. Together, analytical methods and specifications constitute essential law enforcement tools with which FDA and State and local officials can determine whether marketed drug products possess, in fact, the identity, strength, quality, and purity they are purported, or required, to possess and, thus, whether they are in compliance with the law.

The FDA public information regulations do not specifically address the disclosure of certain kinds of specifications: (1) specifications developed by a manufacturer for the active ingredients or finished dosage form of a drug product that are submitted as part of an NDA or NADA, or (2) specifications, other than those that have been established by regulations pursuant to sections 506 and 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356 and 357) and the Public Health Service Act, submitted by a manufacturer in an application for certification of insulin or an antibiotic or in an application for a biological product license. The Commissioner has carefully reviewed the status of drug specifications under the FOIA and concludes that drug specifications, unless they serve no regulatory purpose and also fall within the exemption for trade secret information under § 20.61, should be disclosed to the public. There are several reasons for this conclusion.

First, specifications do not ordinarily provide a competitive advantage for one manufacturer over another, but are designed to enable the manufacturer and regulatory officials to assure the identity, strength, quality, and purity of marketed drugs. To the extent any competitive advantage derives from preventing the public disclosure of specifications, it is primarily the unintended byproduct of the present institutional and regulatory framework within which FDA operates, rather than of an independent commercial value inherent in the specifications themselves. The Commissioner does not believe that such benefits fall in the category of "trade secret" within the meaning of the FOIA (5 U.S.C. 552(b)(4)); 21 U.S.C. 331(j), and the FDA public information regulations (21 CFR 20.61).

Second, manufacturers voluntarily reveal drug specifications to the preparers of the official compendia, e.g., the United States Pharmacopeial Convention Inc., and to purchasers of their products, such as government agencies, who in turn make such specifications public. The fact that manufacturers already provide this information to certain members of the public without safeguards for its secrecy demonstrates that these manufacturers ordinarily do not consider drug specifications to be trade secrets.

Third, although some manufacturers refuse to disclose publicly the specifications for their products, the ease with which drug specifications can be accurately ascertained by competitors refutes the argument that prohibiting disclosure of drug specifications provides a competitive advantage to the manufacturer who knows the specifications. Because assay methods and other analytical methods are publicly available under the

FDA public information regulations, a competitor can determine the attendant specifications for a drug within a reason-

inactive ingredients quantitatively declared on a label).

(b) Identification.

§ 431.71 Confidentiality of data and information in an antibiotic drug file.

[21 CFR Part 137]

by Puerto Ricans, Hawaiians, and other certain population groups in the United

FDA public information regulations, a competitor can determine the attendant specifications for a drug within a reasonable range by analyzing several batches of the product.

The public availability of drug specifications will help to assure that all manufacturers of the same drug product meet the same standards of identity, strength, quality, purity and, where applicable, dissolution rate or other in vitro tests intended to assure bioequivalence. Furthermore, consumers and physicians will be able to select a particular brand of a drug product with confidence, knowing that the standards it is required to meet are comparable to those of other versions of the same drug product. Disclosure will permit the official compendia to maintain current standards applicable to the drug products of all manufacturers. Consistent compendial specifications and methods will contribute to improving the enforcement programs of Federal, State, and local regulatory agencies whose function is to assure full compliance with legal requirements for drug products.

The Commissioner recognizes that on rare occasions some drug specifications serve no regulatory or compliance purpose. Such specifications are proposed to be exempted from public disclosure if it is also shown that they constitute a trade secret or confidential commercial information under § 20.61, unless the specification has been previously made available to any member of the public within the meaning of § 20.81.

The Commissioner therefore proposes to revise the public information regulations to permit the disclosure, after approval of an application for marketing a drug, licensing of a human biological product, or certification of insulin or an antibiotic, of specifications for the active ingredients and final dosage form of a drug product unless the specifications serve no regulatory or compliance purpose and are shown to fall within the exemption established in § 20.61. Specifications that would be publicly disclosable in accordance with this revision include, but are not limited to, the following:

1. *Specifications for active ingredient.* (a) Definition (including potency limits).
(b) Description (appearance, color, odor, etc.).
(c) Solubility (in water, and in common organic solvents).
(d) Identification (chemical tests; infrared and ultraviolet spectrophotometic tests).
(e) Impurities and contaminants.
(f) Sterility or microbial limits.
(g) Specific rotation.
(h) Refractive index.
(i) Water content.
(j) Loss on drying.
(k) Loss or residue on ignition.
(l) Packaging and storage requirements and any precautions in handling.
(m) Other requirements (pH, melting or boiling range or temperature, specific gravity, viscosity, particle size, etc.).

2. *Specifications for finished dosage form (drug product).* (a) Definition (including potency limits for active ingredients and any inactive ingredients quantitatively declared on a label).
(b) Identification.
(c) Packaging and storage requirements.
(d) Other requirements, where appropriate.
(1) Tablets and capsules. (i) Content uniformity or weight variation.
(ii) Disintegration range; dissolution rate.
(iii) Particle size limit.
(2) Injections, sterile solids, ophthalmic solutions. (i) pH.
(ii) Pyrogen limits.
(iii) Completeness of solution.
(iv) Weight variation; fill requirements.
(v) Content uniformity.
(vi) Moisture content.
(vii) Particulate matter.
(viii) Sterility.
(3) Aerosols. (i) Delivery rate; (ii) Leak test; (iii) Pressure test.
(4) Others (elixirs, solutions, suspensions, lotions, ointments, suppositories).(i) Sterility or microbial limits; (ii) pH; (iii) Viscosity; (iv) Suspendability.

Accordingly, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat 1040 et seq. as amended (21 U.S.C. 321 et seq.)), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682 et seq. as amended (42 U.S.C. 201 et seq.)), and the Freedom of Information Act (Pub. L. 90–23, 81 Stat. 54–56 as amended by 88 Stat. 1561–1565 (5 U.S.C. 552)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 20, 314, 431, 514, and 601 are amended as follows:

PART 20—PUBLIC INFORMATION

1. In Part 20, by revising § 20.111(c)(5) to read as follows:

§ 20.111 Data and information submitted voluntarily to the Food and Drug Administration.

* * * * *

(c) * * *

(5) An assay method, other analytical method, or specification, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in § 20.61.

* * * * *

PART 314—NEW DRUG APPLICATIONS

2. In Part 314, by revising § 314.14(e)(6) to read as follows:

§ 314.14 Confidentiality of data and information in a new drug application (NDA) file.

* * * * *

(e) * * *

(6) An assay method, other analytical method, or specification, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in § 20.61 of this chapter.

* * * * *

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

3. In Part 431, by revising § 431.71(e)(5) to read as follows:

§ 431.71 Confidentiality of data and information in an antibiotic drug file.

* * * * *

(e) * * *

(5) An assay method, other analytical method, or specification, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in § 20.61 of this chapter.

* * * * *

PART 514—NEW ANIMAL DRUG APPLICATIONS

4. In Part 514, by revising § 514.11(e)(6) to read as follows:

§ 514.11 Confidentiality of data and information in a new animal drug application file.

* * * * *

(e) * * *

(6) An assay method, other analytical method, or specification, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in §20.61 of this chapter.

* * * * *

PART 601—LICENSING

5. In Part 601, by revising § 601.51(e)(5) to read as follows:

§ 601.51 Confidentiality of data and information in application for establishment and product licenses.

* * * * *

(e) * * *

(5) An assay method, other analytical method, or specification, unless it serves no regulatory or compliance purpose and is shown to fall within the exemption established in § 20.61 of this chapter.

* * * * *

Interested persons may, on or before September 13, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: July 7, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–20304 Filed 7–14–77;8:45 am]

[21 CFR Part 137]

[Docket No. 77N–0116]

ENRICHED RICE

Proposal to Revise Standard

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document would revise the standard of identity for enriched rice to ensure uniformity and maximum benefit to all groups of consumers of rice. The proposed rule would (1) provide for enrichment of coated rice, (2) provide for addition of riboflavin as an optional ingredient, (3) delete provision for adding vitamin D, (4) require label declaration of all optional ingredients, and (5) establish single-level requirements for quantities of added nutrients. This proposal is the result, in part, of various requests to include coated rice in the enriched rice standard.

DATES: Comments by September 13, 1977. Proposed effective date July 1, 1979.

ADDRESSES: Written comments to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Allan L. Forbes, Bureau of Foods (HFF–200), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–245–1561.

SUPPLEMENTARY INFORMATION: Since the early part of the century, the coating of rice with talc and glucose has been questioned as a fraudulent practice because of the potential for hiding defects in the grain. Some authorities, therefore, have claimed that coating constitutes an economic deception; others have claimed that it is wasteful because the coating is washed away before eating. But still others have claimed that consumers of coated rice (a large dietary item for many persons) not only prefer this food to uncoated rice but, in fact, would not accept uncoated rice as a replacement for this staple in their diet. Food Inspection Decision No. 67 (FID No. 67), issued April 15, 1907, ruled that the use of talc as a rice coating would be permitted under the Federal Food and Drugs Act of 1906 (34 Stat. 768). That ruling also provided that each package must be conspicuously labeled with instructions for proper washing, which, if followed, would remove coating materials before cooking; and no contrary ruling has been made under the present Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). This practice has become common and is now expected by many rice-eating consumers.

When the enriched rice standard became effective in 1958, the practice of coating short grain and medium grain rice had been common for over 50 years. Because the smooth, shiny talc and glucose-coated rice traditionally preferred by Puerto Ricans, Hawaiians, and other ethnic groups was an important and substantial item of their diet, very little support could be generated for prohibiting the coating of rice with talc and glucose. On the other hand, there existed resistance to the inclusion of coated rice in the standard, partially because this would have required conflicting instructions regarding washing, i.e., (1) enriched rice requiring label instructions not to rinse before or drain after cooking to avoid loss of nutrients and (2) coated rice requiring label instructions to wash in order to remove the coating before cooking, pursuant to FID No. 67. The outcome was to exclude coated rice from the enriched rice standard.

In November, 1961, the Cereals Committee of the Food and Nutrition Board, National Academy of Sciences–National Research Council, considered the issues of whether to recommend to FDA the establishment of an identity standard for unenriched rice that would not permit the coating of rice or to recommend amending the enriched rice standard to permit the enrichment of coated rice. By letter of December 5, 1961, resolutions adopted by the Food and Nutrition Board at its November 11, 1961 meeting were transmitted to the Commissioner of Food and Drugs. One of the resolutions recommended that the standard of identity for enriched rice be changed to permit the enrichment of any milled rice, including coated rice.

In the past few years, FDA has received several requests to permit either the marketing of a "fortified coated rice" or to amend the enriched rice standard to provide for the enrichment of coated rice. The principal requests came from the Bureau of Nutrition, New York State Department of Health and the Nutrition Branch, Hawaii Department of Health. Information from these sources and others was used as a basis for this proposal and is on file with the Hearing Clerk, Food and Drug Administration.

It is generally accepted that certain population groups throughout the world prefer rice with a lustrous, glossy sheen (R. E. Ferrel, et al., "New Rice Coating Materials," The Rice Journal, February, 1966). Major segments of the populations of Hawaii, Puerto Rico, and Guam traditionally demand this characteristic. Such a demand also exists among many Puerto Ricans in New York and among many Californians of oriental extraction. Significant portions of these people are in the low and medium income groups, which is the target population for programs that encourage the consumption of nutritious foods. The glossy sheen preferred by these population groups has always been provided by coating the rice with glucose sirup and talc. Efforts have been made to develop acceptable new rice-coating materials, but these have not yet been commercialized.

Positive evidence to support the generally accepted thesis that coated rice is preferred and, in fact, demanded by certain population groups in the United States is unavailable. Comments which either support or refute this presumed consumer preference are specifically invited in response to this proposal. The Commissioner would be especially interested to learn of the existence of reliable consumer preference surveys dealing with this subject.

Relatively large amounts of coated rice are distributed in the United States. Data compiled by the U.S. Department of Agriculture (USDA) indicate that nearly 300 million pounds of coated rice were distributed to the 48 conterminous States in 1972/73, representing nearly one-quarter of the rice distributed for direct food use in the States ("U.S. Rice Distribution Patterns, 1972/73," USDA, ERS–567, November, 1974). An additional 450 million pounds were distributed to the territories and the State of Hawaii that year; available evidence suggests that most of the rice consumed in these areas is coated. Thus, evidence suggests that about 700 million pounds, or more than one-third of the rice distributed in the United States and its territories for food use in 1972/73, were coated with talc and glucose.

Production and milling of rice in the United States are localized, occurring almost totally in the States of Mississippi, Missouri, Arkansas, Louisiana, Texas, and California. Enrichment and talc coating occur at rice mills; hence, large amounts of coated rice undoubtedly travel in interstate commerce. The currently effective standard of identity excludes coated rice from the definition of enriched rice. Thus, large amounts of rice distributed for direct food use in the United States are not enriched because the currently effective standard of identity does not permit the enrichment of coated rice moving in interstate commerce, although special exceptions to permit the addition of enrichment ingredients to coated rice have been granted to the territories of Pureto Rico and Guam.

Most unenriched coated rice that travels in interstate commerce is distributed to the States of New York and Hawaii. The remainder is primarily produced and consumed in California. A substantial portion of the rice sold at retail in New York for direct food use is medium and short grain rice that is coated with talc and glucose and necessarily unenriched. Furthermore, nearly all rice consumed in Hawaii is coated, thus necessarily unenriched.

In 1972, the States of New York and California enacted legislation prohibiting the retail sale of food in its unenriched form if there is a standard of identity for the enriched form of the same food. Currently, similar legislation is pending in the Hawaii State Legislature. These three States received over 30 percent of the total shipments of milled rice to the 50 States for direct food use in 1972/73. Other States have enacted legislation in recent years requiring enrichment of all cereal products for which Federal standards of identity for the enriched form exist. The

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currently effective standard of identity conflicts with the goals of the legislation enacted by the States of New York and California, and also with the legislation which is pending in the State of Hawaii. The States of New York and Hawaii have requested that appropriate action be taken to permit enrichment of coated rice by a process which renders nutrients rinse-resistant so that the provisions of their legislative actions may be implemented.

The Commissioner recognizes that conflict between State and Federal regulations must be avoided whenever possible. The primary purpose of recent State cereral enrichment regulations is to improve the nutritional health of the population. Federal regulations should not stand in the way of such an objective, and the Commissioner, therefore, considers the requests to be reasonable.

Addition of the nutrients specified in the proposed provision for enrichment of coated rice will not affect the taste, texture or appearance of the product. Thus, this provision should have no influence on rice consumption patterns. Those who prefer uncoated rice (enriched or unenriched) can be expected to continue current consumption patterns for this product and those who prefer coated rice can be expected to continue current consumption patterns for this product, whether it is enriched or unenriched.

The existing standard of identity recognizes the technical feasibility of adding nutrients to milled rice in a manner which will avoid washing away or draining off enrichment ingredients. This is known as the "premix method." By this method, enrichment ingredients are applied to rice with water-insoluble adhesives at 200 times the levels required for enriched rice. This "premix" of "super enriched" grains, when uniformly blended with either coated or uncoated milled rice at the rate of 0.5 percent or slightly higher, produces enriched rice which withstands washing or rinsing before cooking with minimal loss of nutrients. Such a process has been successfully used for many years. Washing milled rice, whether coated or uncoated, before cooking, is still a traditional habit of many Americans, especially those who consume large quantities of rice. Because of this habit, such consumers often ignore the "do not rinse" label required for rice enriched by the powder method and fail to receive the benefits of added nutrients. Use of a rinse-resistant premix, although slightly more expensive, is highly desirable in rice consumed by those who insist on washing rice before cooking.

In order to compensate for calculated losses of enriching ingredients expected from washing rice enriched by rinse-resistant processes, overages of added nutrients, within the limits of good manufacturing practice, will be permitted. The Commissioner believes that enriched milled rice should be available to every segment of the population and that it is more important to provide those ethnic groups, who prefer coated rice, with rinse-resistant enriched coated rice than to expend needed resources in efforts to persuade these groups to change their habit of consuming unenriched coated rice to that of consuming uncoated enriched rice. Accordingly, the Commissioner believes that it is reasonable to propose that the standard of identity for enriched rice under §137.350 (21 CFR 137.350, formerly 21 CFR 15.-525 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for enrichment of coated rice (milled rice coated with talc and glucose or other safe and suitable ingredients) if the required nutrients have been added so that such enriched rice will pass the rinse-resistance test prescribed by the standard.

It is also proposed that when enriched rice is coated with safe and suitable ingredients, an appropriate statement of that fact shall be included as part of the name. The proposed amendment, if adopted, permits the use of any safe and suitable coating materials, rather than restricting them to the traditional talc and glucose coating which, as pointed out in the Commissioner's proposal, "Proposal Regarding Regulation of Prior Sanctioned Food Ingredients," published in the FEDERAL REGISTER of August 12, 1972 (37 FR 16407), has a * * *

Prior sanction for use in coating polished rice. This use was first approved in a food inspection decision issued under the Federal Food and Drugs Act of 1906, and was subsequently recognized in the standard of identity for enriched rice. § 15.525. Talc has also been listed as GRAS in § 121.101(h) for use in paper and paperboard used in dry food packaging, in § 121.101(i) for use in cotton and cotton fabrics used in dry food packaging, in an FDA opinion letter for use in chewing gum base, and in an FDA opinion letter for use as an antisticking agent in forms used in molding various food shapes.

It is the Commissioner's opinion that this proposed action should not be delayed until an acceptable regulatory method for determining the presence of asbestos particles in talc can be developed that would enable promulgation of a final regulation for talc. (See the FEDERAL REGISTER of March 14, 1975 (40 FR 11865).) Permitting enrichment of all forms of milled rice consumed in the United States will not substantially increase the amount of talc-coated rice that is currently being consumed in this country, but it will improve the nutritional health of that portion of the population that eats only coated rice.

The issue of whether or not riboflavin should be a required ingredient of enriched rice has been controversial since 1955, when the desirability of establishing a standard of identity for enriched rice was first being discussed. The Commissioner of Food and Drugs issued a final regulation in the FEDERAL REGISTER of August 27, 1957 (22 FR 6887) establishing a standard of identity for enriched rice under § 15.525 (21 CFR 15.-525 was redesignated as 21 CFR 137.350 by recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). A correction was published on August 30, 1957 (22 FR 6993). Objections and requests for a hearing were received. A FEDERAL REGISTER notice correcting the wording of the definitions and standard of identity, staying effectiveness of the requirement as to riboflavin and confirming the effective date of the balance of the standard was published on February 25, 1958 (23 FR 1170). The standard became effective February 27, 1958, except for the provision requiring the addition of riboflavin, which was stayed pending a hearing. This provision was stayed because of objections that a yellow discoloration imparted to cooked rice by riboflavin would be unacceptable to consumers. The position of FDA was that the term "enriched" as used for other foods, had come to mean the addition of thiamine, niacin, riboflavin, and iron in certain quantities and that the failure to add riboflavin would likely be confusing and misleading in the case of a cereal such as rice labeled "enriched". The Commissioner has modified this position as evidenced by publication in the FEDERAL REGISTER of June 14, 1974, (39 FR 20900) of proposed definitions for the terms "enrichment" and "fortification" and his new position, although not yet finalized, is that rice to which thiamine, niacin, and iron is added would now appropriately be called "enriched" whether or not riboflavin is also added. Consequently, the controversy raised by the objector to the enriched rice standard is no longer a problem.

As mentioned earlier, the provision requiring addition of riboflavin was stayed pending a public hearing. Although a hearing has not been held, FDA has continued to monitor efforts of researchers attempting to develop a way to incorporate riboflavin into enriched rice so that its yellow color in enriched cooked rice would not impede consumer acceptance. This problem has not yet been fully resolved except for precooked forms of rice. Accordingly, until this problem is resolved, the Commissioner believes that the standard should be amended to provide for addition of riboflavin on an optional basis. If a final regulation is published ruling affirmatively on this proposal, the stay date will be terminated currently with the effective date of the regulation and any question of legal uncertainty regarding the addition of riboflavin to enriched rice will have been resolved.

The present standard for enriched rice provides a range for the quantities of added nutrients with both maximum and minimum levels specified. In order to ensure uniformity and maximum benefit to the consumer, the Commissioner now proposes that the present ranges be deleted and that single-level requirements, based on the maximum now permitted with provision for reasonable overage within the limits of good manufacturing practice, be substituted.

The need for vitamin D in human nutrition and the importance of maintaining a daily intake sufficient to protect infants and growing children from developing rickets are well established. The use of whole milk, evaporated milk, infant formula products, and dietary supplement preparations that contain added vitamin D to provide 400 International Units per day in normal usage is ample for this purpose. The addition of vitamin D to other foods may serve only to increase to excessive levels the intake of vitamin D by infants, children, pregnant women, and others. Rice is not a significant source of vitamin D, and the Commissioner is not aware that any commercial rice miller now adds vitamin D to enriched rice. The Commissioner concludes that avoiding excessive intakes of vitamin D is in the public interest. Accordingly, in the amendment proposed below, provisions for the addition of vitamin D are deleted from the standard for enriched rice.

The Commissioner can, under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), require label declaration of all optional ingredients. All ingredients from which food is fabricated, including the kind of milled rice, are optional. In accord with current policy, the Commissioner proposes, pursuant to § 101.6 (21 CFR 101.6, formerly 21 CFR 3.88 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), that the standard for enriched rice be revised to require that all optional ingredients be declared on the label.

The Commissioner proposes that all products initially introduced into interstate commerce on or after July 1, 1979, shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

The Commissioner has considered the environmental effects of the issuance of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 137 be amended by revising § 137.350 to read as follows:

§ 137.350 Enriched rice.

(a) The foods for which definitions and standards of identity are prescribed by this section are forms of enriched milled rice for which the following requirements apply:

(1) Each pound contains 4.0 milligrams of thiamine, 32 milligrams of niacin, and 26 milligrams of iron (Fe).

(2) Each pound may contain 2.4 milligrams of riboflavin, and/or 1,000 milligrams of calcium (Ca).

(3) Whenever calcium (Ca) is present from technological uses in a quantity of less than 1,000 milligrams per pound, no claim for calcium may be made on the label except as required by nutrition and ingredient labeling requirements of Part 101 of this chapter.

The vitamins referred to in paragraph (a) (1) and (2) of this section may be combined with other substances to render them insoluble in water, if the water-insoluble products are assimilable. The requirements of paragraph (a) (1) and (2) of this section will be deemed to have been met if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to ensure that the required levels of the vitamins and minerals are maintained throughout the expected shelf life of the food under customary conditions of distribution and storage. For rice enriched by rinse-resistant processes, additional overages, within the limits of good manufacturing practice, will be needed to compensate for calculated losses from washing. Quantitative vitamin content shall be calculated in terms of the following chemically identifiable reference forms:

Reference form

Vitamin	Name	Empirical formula	Molecular weight
Thiamine	Thiamine hydrochloride.	$C_{12}H_{17}ClN_4OS.HCl$	337.27
Do	Thiamine mononitrate.	$C_{12}H_{17}N_5O_4S$	327.36
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Niacin	$C_6H_5NO_2$	123.11
Do	Niacinamide	$C_6H_6N_2O$	122.13

Niacin equivalents as derived from tryptophan content shall not be used in determining total niacin content. Compliance with this standard of identity shall be determined as in § 101.9(e)(2) of this chapter.

(4) Coated rice (milled rice coated with safe and suitable substances) may be enriched if the coating can be readily removed by washing as prescribed in paragraph (d) of this section and if, after being washed as prescribed in paragraph (d) of this section, it contains the quantities of the enriching ingredients named in paragraph (a)(1) of this section, as required for enriched rice and, in the event optional ingredients prescribed in paragraph (a)(2) of this section are used, the washed rice also contains the quantity specified for the enriching ingredients used.

(5) Antioxidants may be added as optional ingredients.

(6) All ingredients from which the food is fabricated shall be safe and suitable.

(b) (1) Except as specified in paragraph (b) (2), (3), and (4) of this section, the label shall bear the statement "To retain vitamins do not rinse before or drain after cooking," immediately preceding or following the name of the food and in letters not less than one-fourth the size of the type used for printing the name of the food (but in no case less than one-sixteenth inch in height), and the label shall bear no directions calling for washing or draining.

(2) The requirements of paragraph (b)(1) of this section do not apply to enriched uncoated rice if, after being washed as prescribed in paragraph (d) of this section, it contains the quantities of the enriching ingredients named in paragraph (a)(1) of this section, as required for enriched rice, and, in the event optional ingredients prescribed in paragraph (a)(2) of this section are used, the washed rice also contains the quantity specified for the enriching ingredients used.

(3) The requirements of paragraph (b)(1) of this section do not apply to enriched coated rice as prescribed in paragraph (a)(4) of this section. Such rice shall be conspicuously and prominently labeled "Wash before using. Nutrients added in a form that withstands washing" immediately following the name of the food and in letters not less than one-fourth the size of the type used for printing the name of the food (but in no instance less than one-sixteenth inch in height).

(4) The requirements of paragraph (b)(1) of this section do not apply if the food is precooked and it is packaged in consumer packages that are conspicuously and prominently labled with directions for preparation which, if followed will avoid washing away or draining off enriching ingredients.

(c) (1) The name specified for each food for which a definition and standard of identity is prescribed by this section is the common name of the kind of milled rice to which the enriching substances are added, preceded by the word "enriched".

(2) For enriched coated rice, as provided for in paragraph (a)(4) of this section, the name of the food shall be accompanied by the statement "coated with _____", in letters not less than one-half the size of the largest letter in the name (but in no instance less than one-sixteenth inch in height). The blank is to be filled in, in descending order of predominance, with the common or usual name or names of the ingredients used to coat the rice.

(d) The washing method referred to in paragraphs (a)(4) and (b)(2) of this section is a follows: Transfer ½ pound of composite prepared as in § 101.9(e)(2) of this chapter to a 4-liter flask containing 2 liters of distilled water at room temperature (but not below 20° C). Stopper the flask and swirl it moderately for ½ minute so that the rice is in motion and in uniform suspension. Allow the rice to settle for ½ minute, then pour off 1,600 milliliters of the water, together with any floating and suspended matter, and discard. To the contents of the flask, add 1,600 milliliters of distilled water and 20 milliliters of 10 *N* hydrochloric acid. Agitate vigorously and wash down the sides of the flask with 150 milliliters of 0.1 *N* hydrochloric acid. To avoid excess foaming during the extraction, heat the mixture slowly to about 100° C, agitate gently if necessary, and maintain at this temperature until air is expelled. Again wash down the sides of

the flask with 150 milliliters of 0.1 *N* hydrochloric acid. Heat the mixture in an autoclave at 120° C for 30 minutes,

The Food and Drug Administration has determined that this document does not contain a major proposal requiring

phase 3, as defined in item 10 of Form FD-1571, in § 312.1(a)(2).

Testing protocols for the clinical in-

the studies and reporting the findings to FDA. A copy of the GAO report has been placed on file in the office of the Hearing Clerk, Food and Drug Administration

essary for completion of phases 1 and 2, the following information: (1) Known or proposed initiation dates; (2) the an-

§ 312.1 Conditions for exemption of new drugs for investigational use.

(a) * * *

the flask with 150 milliliters of 0.1 *N* hydrochloric acid. Heat the mixture in an autoclave at 120° C for 30 minutes, remove and cool to room temperature. Dilute the mixture with distilled water so that the total volume is 2,500 milliliters. Swirl the flask, and while the solids are in uniform suspension, pour off about 250 milliliters of the mixture for later determination of iron (and calcium, if this is to be determined). With filter paper that has been shown not to adsorb thiamine, riboflavin, or niacin, filter enough of the remaining mixture for determination of thiamine and niacin (and riboflavin, if this is to be determined). If a mixture is difficult to filter, centrifuging or filtering through fritted glass, or both, using a suitable analytical filter-aid, may be substituted for, or may precede, filtering through paper. Dilute an aliquot of filtrate with 0.1 *N* hydrochloric acid, so that each milliliter contains about 0.2 microgram of thiamine, and determine thiamine by the method entitled "Rapid Fluorometric Method—Official," beginning with section 43.034, p. 825 of the book, "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed., 1975.[1] With a suitable aliquot determine riboflavin, if the test is required, by the method entitled "Fluorometric Method—Official" in the same book, beginning with the third sentence of the second paragraph in section 43.041 (a), p. 826, "Adjust, with vigorous agitation * * *." Determine niacin in a 200-milliliter aliquot of the filtrate by the method entitled "Chemical Method—Official" in the same book, beginning in the second sentence of the first paragraph in section 43.045(b), p. 828, "Adjust to pH 4.5 * * *." Evaporate to dryness a 100-milliliter aliquot of the nonfiltered material withdrawn while agitating, and determine iron using the method entitled "Iron—Official," in the same books (secs. 14.011–14.013, p. 223) and, if required, determine calcium as directed by the method entitled "Calcium—Official" (sec. 14.014, p. 224).

(e) Each of the ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

Interested persons may, on or before September 13, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

[1] Available from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 6, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference approved by the Director of the Office of the FEDERAL REGISTER on March 11, 1976. Referenced material is on file in the FEDERAL REGISTER library.

[FR Doc.77–20212 Filed 7–14–77;8:45 am]

[21 CFR Part 312]

[Docket No. 77N–0059]

NEW DRUGS FOR INVESTIGATIONAL USE

Prompt Reporting of Animal Studies and Data

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The agency proposes amendments to assure prompt reporting of data from animal studies that follow initial submission of a "Notice of Claimed Investigational Exemption for a New Drug." Prompt reporting will lessen risks to human subjects who are exposed to investigational new drugs.

DATES: Comments by September 13, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Watson, Bureau of Drugs (HFD–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: A primary objective of the enactment of the Kefauver-Harris Amendments of 1962 (the Drug Amendments of 1962, 21 U.S.C. 355(i) and of the promulgation of the investigational new drug (IND) regulations under § 312.1 (21 CFR 312.1) was to reduce the risks in new drug development, while imposing only necessary restrictions on investigational drug research. The submission of a "Notice of Claimed Investigational Exemption for a New Drug," Form FD–1571, must include adequate information about all preclinical investigations, including studies made on laboratory animals, on the basis of which the sponsor has concluded that it is reasonably safe to begin using the drug for clinical investigations on human subjects. Additional animal studies may be required before completing phases 1 and 2 or before beginning phase 3, as defined in item 10 of Form FD–1571, in § 312.1(a)(2).

Testing protocols for the clinical investigation of a new drug product to produce the substantial scientific evidence of safety and effectiveness required for marketing approval are developed by the sponsor and submitted to FDA for review. The existing IND regulations (§ 312.1) do not require the sponsor to file a plan for completing ongoing animal studies and conducting future animal studies during the clinical investigation. The regulations do not assure that the sponsor will promptly report to FDA the data obtained from these animal studies. Section 312.1(a)(6) does, however, require that the sponsor promptly investigate and report to the FDA, and to all investigators, any findings associated with use of the drug that may suggest significant hazards, contraindications, side-effects, and precautions. If the finding is alarming, the sponsor must report this finding immediately and discontinue the clinical investigation until the finding is adequately evaluated and a decision reached that it is safe to proceed. In other cases where findings from animal studies do not suggest significant or alarming hazards, but are otherwise significant, § 312.1(a)(5) requires an accurate progress report of the findings to be submitted to FDA at reasonable intervals not exceeding 1 year.

There have been incidents of the sponsor's delaying analyses of important information from animal studies or withholding or delaying submission to FDA of reports of analyses of animal studies. In some cases, the information, if promptly reported, would have led to ending clinical trials much sooner, thus preventing exposure of subjects to unacceptable risks.

The General Accounting Office (GAO), in a 1973 report, "Supervision over Investigational Use of Selected Drugs," recommended that FDA: (1) institute a program to ensure IND sponsors' prompt performance and reporting of animal studies to FDA, and (2) emphasize to sponsors the need to proceed with clinical investigations in accordance with § 312.1. In this study, GAO found that information on apparently major drug-related adverse effects found in long-term animal tests of three drug products had not been reported promptly to FDA. Time lags between discovery of the effects and their reporting to FDA ranged from 40 days to 19 months. The GAO report suggested that FDA undertake a survey of industry practices to determine the need for specific additional guidelines or regulations regarding the sponsor's prompt performance and reporting of animal studies. The report further suggested that sponsors be required to provide FDA with a plan of proposed animal studies that would include detailed schedules of expected dates for completing various phases of the studies and reporting the findings to FDA. A copy of the GAO report has been placed on file in the office of the Hearing Clerk, Food and Drug Administration.

To obtain data to develop guidelines or regulations for the prompt performance and reporting of animal studies, FDA conducted a survey of the current practices of 13 pharmaceutical firms during the fiscal year 1974. From this survey, it was determined that most manufacturers of drug products are able to submit their plans for future animal studies at the time of filing of the original IND submission. Most firms believed that it would be impossible to provide an exact date for initiation of these studies because of uncertainties in the progress of the project as the drug product goes through phase 1 and 2 of the IND process. The firms consulted, however, did agree that plans could be made for future initiation, performance, and reporting of animal studies related to progress in IND phases. Several of the firms suggested that any new regulation should contain a provision whereby the animal study plans could be amended to reflect both the firm's and FDA's desires, as information becomes available, and to keep up with advances in the sciences of animal pharmacology and toxicology.

From this survey, FDA believes that for ongoing and proposed animal studies, IND sponsors can in their initial FD–1571 submission provide FDA with estimates of (1) expected initiation dates of proposed animal studies, (2) expected dates for interim and terminal animal sacrifices, (3) projected dates for completion of the histopathology after sacrifice, and (4) expected dates of delivery of final reports to FDA. Such information would provide FDA scientists with the status of ongoing studies, the sponsor's proposed plan for additional animal studies, and a control mechanism for assuring the prompt completion and reporting of animal studies by a sponsor.

The Commissioner has determined that regulations should be proposed that set forth procedures for assuring prompt reporting to FDA of ongoing and proposed animal studies and data derived from such studies. The Commissioner concludes, however, that these regulations should be specifically applicable to those types of studies from which important toxicity findings would be expected—studies usually categorized as "chronic toxicity studies." Animal studies categorized as "acute" and "subacute toxicity studies" are usually completed before submission of an IND, and data from such studies would be included as part of the initial IND submission. Therefore, the Commissioner proposes to amend the Form FD–1571 to require certain information from the sponsor regarding any ongoing or proposed animal studies of 6 months duration or longer; for inhalation studies the requirement would specify 3-months duration or longer. For such studies, the amendment would require each sponsor of an IND to include in its initial submission, or in an amendment to the IND when additional animal studies are necessary for completion of phases 1 and 2, the following information: (1) Known or proposed initiation dates; (2) the animal species and number of animals to be used in the study; (3) proposed interim and final sacrifice dates for the animals; (4) proposed date for completion of all gross examination for pathology; (5) proposed date for completion of histopathology of selected tissues; (6) proposed date for completion of all histopathology; (7) proposed date for completion of the final report on each study; (8) proposed date for submission of the final report on an animal study to FDA; and (9) identification of the person or research facility conducting each study if other than the sponsor. The amendment would further require the sponsor to analyze and report data and findings acquired during these studies promptly to FDA.

The Commissioner determines that the requirement for prompt reporting would be met if the gross pathology report is submitted to FDA within 30 days after final sacrifice of the animals in a study and the final report of the data and findings from an animal study is submitted within 30 days after the proposed submission date. An amendment to the IND notice stating the reason(s) for delay or anticipated delay in the submission of the gross pathology report or the final report or both and indicating new scheduled dates for their submission would be required if these reports are delayed more than 30 days beyond their scheduled submission to FDA. Delays in submission of either or both of the reports beyond the 30-day time limitation without amending the IND notice would be reason for considering termination of the IND notice pursuant to § 312.1(d). The Commissioner proposes to amend § 312.1(d) to include these additional reasons for termination of an IND notice. Although reporting of proposed dates for completion of various phases of onging or future animal studies of a shorter duration than specified above is not required, the Commissioner expects the data and findings from such studies to also be promptly reported to FDA. Submission to FDA of these data and findings within 30 days after completion of a study would be regarded as prompt reporting.

The Commissioner advises that, if these proposed regulations are adopted, compliance with these reporting requirements for chronic toxicity studies would fulfill the requirements of § 312.1(a)(5) and, except in the case of alarming findings, the requirements of § 312.1(a)(6) applicable to such studies.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 312 be amended in § 312.1 by revising items 6.a and 10.a in Form FD–1571 in paragraph (a)(2), and by revising paragraph (d)(11) and adding new paragraph (d)(12) and (13) to read as follows:

§ 312.1 **Conditions for exemption of new drugs for investigational use.**

(a) * * *

(2) * * *

FORM FD–1571

* * * * * * *

6. * * *

a. Adequate information about the preclinical investigations, including studies made laboratory animals, whether completed or ongoing, on the basis of which the sponsor has concluded that it is reasonably safe to initiate clinical investigations with the drug and adequate information on any proposed animal studies. For all ongoing and proposed animal studies of 6 months duration or longer, except in the case of inhalation studies those studies of 3 months duration or longer, such information shall include: known or proposed initiation date; the animal species and number of animals to be used in the study; proposed interim and final sacrifice dates for the animals; proposed date for completion of all gross examination for pathology; proposed date for completion of histopathology of selected tissues; proposed date for completion of all histopathology; proposed date for completion of the final report on each study; proposed date for submission of the final report to the Food and Drug Administration; and identification of the person or research facility conducting each study if other than the sponsor. The gross pathology report shall be submitted to the Food and Drug Administration within 30 days after final sacrifice of the animals in the study. The final report on each animal study shall be submitted to the Food and Drug Administration within 30 days of the proposed date. Any change in the proposed final sacrifice date for the animals that would delay submission of the gross pathology report and/or any change in the proposed submission date of the final report to the Food and Drug Administration shall be made by amending this notice, stating the reason for the delay or anticipated delay, and indicating new dates. For completed studies, such information should include identification of the person who conducted each investigation; identification and qualifications of the individuals who evaluated the results and concluded that it is reasonably safe to initiate clinical investigations with the drug and a statement of where the investigations were conducted and where the records are available for inspection; and enough details about the investigations to permit scientific review. The preclinical investigations shall not be considered adequate to justify clinical testing unless they give proper attention to the conditions of the proposed clinical testing. When this information, the outline of the plan of clinical pharmacology, or any progress report on the clinical pharmacology, indicates a need for full review of the preclinical data before a clinical trial is undertaken, the Department will notify the sponsor to submit the complete preclinical data and to withhold clinical trials until the review is completed and the sponsor notified. The Food and Drug Administration will be prepared to confer with the sponsor concering this action.

* * * * * * *

10. * * *

a. *Clinical pharmacology.*—This is ordinarily divided into two phases: Phase 1 starts when the new drug is first introduced into man—only animal and in vitro data are available—with the purpose of determining human toxicity, metabolism, absorption, elimination, and other pharmacological action, preferred route of administration, and safe dosage range; phase 2 covers the initial trials on a limited number of patients for specific disease control or prophylaxis pur-

V 42 136 JUL 15 77 UMI

poses. A general outline of these phases shall be submitted identifying the investigator or investigators, the hospitals or research facilities where the clinical pharmacology will be undertaken, any expert committees or panels to be utilized, the maximum number of subjects to be involved, and the estimated duration of these early phases of investigation. Modification of the experimental design on the basis of experience gained need be reported only in the progress reports on these early phases, or in the development of the plan for the clinical trial, phase 3. The first two phases may overlap and, when indicated, may require additional animal data before these phases can be completed or phase 3 can be undertaken. Such animal tests shall be designed to take into account the expected duration of administration of the drug to human beings, the age groups and physical status, as for example, infants, pregnant women, premenopausal women, of those human beings to whom the drug may be administered, unless this has already been done in the original animal studies. A timetable for conducting any additional animal studies of 6 months duration or longer, except in the case of inhalation studies those studies of 3 months duration or longer shall be submitted to the Food and Drug Administration. The timetable shall include: proposed initiation date of the study; animal species and number of animals to be used in the study; proposed interim and final sacrifice dates for the animals; proposed date for completion of all gross examination for pathology; proposed date for completion of histopathology of selected tissues; proposed date for completion of all histopathology; proposed date for completion of the final report on each study; proposed date for submission of the final report to the Food and Drug Administration; and identification of the person or research facility conducting each study if other than the sponsor. The gross pathology report shall be submitted to the Food and Drug Administration within 30 days after final sacrifice of the animals in a study. The final report from an animal study shall be submitted to the Food and Drug Administration within 30 days of the proposed date. If a drug is a radioactive drug, the clinical pharmacology phase must include studies which will obtain sufficient data for dosimetry calculations. These studies should evaluate the excretion, whole body retention, and organ distribution of the radioactive material.

• • • • • •

(d) • • •

(11) The sponsor fails promptly to investigate and inform the Food and Drug Administration and all investigators of newly found serious or potentially serious hazards, contraindications, side-effects, and precautions pertinent to the safety of the new drug; or

(12) The sponsor fails to submit the gross pathology report of each animal study to the Food and Drug Administration within 30 days after final sacrifice of the animals unless the "Notice of Claimed Investigational Exemption for a New Drug" has been amended to indicate a change in the date for final sacrifice of the animals from that proposed; or

(13) The sponsor fails to submit an accurate report of the data acquired from each animal study to the Food and Drug Administration within 30 days of the proposed submission date unless a change in the proposed submission date has been submitted to the Food and Drug Administration as an amendment to the "Notice of Claimed Investigational Exemption for a New Drug"; he shall notify the sponsor and invite his immediate correction or explanation. A conference will be arranged with the Bureau of Drugs if requested. If the Bureau of Drugs does not accept the explanation or the correction submitted by the sponsor, the sponsor shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Part 16 of this chapter on the question of whether his exemption should be terminated. Such hearing shall be requested within 10 days after receipt of notification that the explanation or correction is not acceptable. After evaluating all the available information including any explanation and or correction submitted by the sponsor, if the Commissioner determines that the exemption should be terminated he shall notify the sponsor of the termination of the exemption and the sponsor shall recall unused supplies of the drug. If at any time the Commissioner concludes that continuation of the investigation presents a danger to the public health, he shall terminate the exemption forthwith and notify the sponsor of the termination. The Commissioner will inform the sponsor that the exemption is subject to reinstatement on the basis of additional submissions that eliminate such danger and will afford the sponsor an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to Part 16 of this chapter on the question of whether the exemption should be reinstated. The sponsor shall recall the unused supplies of the drug upon notification of the termination.

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Interested persons may, on or before September 13, 1977 submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: July 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–20196 Filed 7–14–77;8:45 am]

[21 CFR Parts 431 and 514]

[Docket No. 77N–0117]

CERTIFICATION OF ANTIBIOTIC DRUGS

Revised Requirements for Submission of Requests for Batch Certification

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The agency is proposing to modify its requirements regarding the submission of analytical data on antibiotic drugs subject to batch certification. The proposed amendment would require a person who requests certification or check tests and assays to submit full reports of the test and assay results on each batch of antibiotic drugs for which certification is requested.

DATE: Comments by September 13, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William W. Wright, Bureau of Drugs (HFD–401), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–245–1135.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is responsible for certifying antibiotic drugs when he concludes that a batch conforms to applicable standards of identity, strength, quality, and purity. Sections 431.10(a) and 514.51(a) (21 CFR 431.10 (a) and 514.51(a)) specify the bases upon which the Commissioner is to decide whether or not to issue a certificate for a batch of antibiotic drugs for human or animal use.

These sections generally provide for two sources of information on which the Commissioner bases his decisions. The first source of information is the results of tests and assays submitted by the person who requests certification. These results, accompanied by the request for certification, have generally been, consistent with present requirements, represented by one value for each test or assay (e.g., for potency, mositure, or pH) or have been simply an indication of satisfactory compliance with tests not involving quantitation, such as test for safety, pyrogens, sterility, or identity. However, a single reported value may not reveal whether it is actually the result from several tests or a mean of a number of tests. Nor would it reveal how many tests were performed or whether they were performed properly. The second source of information is the results of tests and assays performed by the Food and Drug Administration (FDA). The results obtained by FDA laboratories, which are used in making a determination of compliance with the applicable standards of identity, strength, quality, and purity, frequently consist of a number of values obtained from testing or assaying different representative samples submitted with the application.

The Commissioner has found submissions containing only a single result for each test and assay to be of limited utility; i.e., they do not provide FDA with the best information for making a decision as to how much testing the agency should do or, ultimately, whether the batch meets the requirements. A single test or assay result also does not provide information on the range or variance that may be associated with either assay variability or product variation.

The proposal would no longer permit the submission of single values of test and assay results but would require persons requesting certification to submit all results obtained from their own testing. The submission of all such results of each test and assay would better permit the Commissioner to assess the quality of batches submitted for certification. It would also allow FDA to vary its own testing as the Commissioner would be better able to decide on the type and level of testing to be performed by FDA on samples submitted as part of the request for certification.

The Commissioner therefore proposes that the following changes in the procedures for requesting certification of batches of antibiotics be made:

1. Revise § 431.1(c)(4) (21 CFR 431.1 (c)(5)) to require submission of all test of each test and assay, other than in process tests, instead of the date of only the latest assay.

2. Revise § 431.(c)(5) (21 CFR 431.1 (c)(5)) to requre submission of all test and assay results obtained on the batch in question, other than results of in process tests, instead of requiring only the results of the latest tests and assays on the batch. This section also proposes that the individual results be listed according to type of tetst and that the list include the mean value and any result outside the specified limits. Since some tests do not involve quantitation, e.g., tests for pyrogens, sterility, or identity, cording to type of test and that the list and the results are thus either satisfactory or not, the section, as proposed, would require the reporting of the number of satisfactory and unsatisfactory determinations for each type of test. Further, since alternative assay methods are sometimes used, as provided for in § 436.2 (21 CFR 436.2), it is proposed that the request cite the specific method used for generating the results reported.

3. Regarding the antibiotic(s) used in the manufacture of the batch, revise § 431.1(c)(7) (21 CFR 431.1(c)(7)) to require submission of the same information called for under proposed § 431.1(c)(4) and (5).

4. Revise § 514.50(c)(4), (5), and (7) (21 CFR 514.50(c)(4), (5), (7)) to read substantially the same as § 431.1(c)(4), (5), and (7), respectively. This change would conform the requirements for the submission of results of tests and assays applicable to antibiotics for animal use to those applicable to antibiotics for human use.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512 (n), 59 Stat. 463, as amended, 82 Stat. 350–351 (21 U.S.C. 357, 360b(n))) and under the authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 431 and 514 be amended as follows:

1. In Part 431 by revising § 431.1(c) (4), (5), and (7) to read as follows:

§ 431.1 Requests for certification, check tests and assays, and working standards; information and samples required.

• • • • • •

(c) • • •

(4) The date of each test, other than an in process test, and assay made on the batch.

(5) The result of each test and assay made by or for him on the batch and each result from additional procedures performed on the bulk drug or finished drug product included in the approved Form 5 or 6. Such results shall include, by listing, each test and assay result obtained (other than a result of an in process test), including any result outside the specified limits; the mean value (except that for tests that do not involve quantitation, the total number of satisfactory determinations and unsatisfactory determinations, if any, shall be reported); and the specific method used.

• • • • • •

(7) Unless previously submitted, the result and date of each test and assay made by or for him on the antibiotic(s) used in the manufacture of the batch. Such results shall include, by listing, each test and assay result obtained (including any result outside the specified limits); the mean value (except that for tests that do not involve quantitation; the total number of satisfactory determinations and unsatisfactory determinations, if any, shall be reported); and the specific method used.

• • • • • •

2. In Part 514 by revising the section heading of § 514.50 and paragraph (c) (4), (5), and (7) to read as follows:

§ 514.50 Requests for certification, check tests and assays, and working standards; information and samples required.

• • • • • •

(c) • • •

(4) The date of each test, other than an in process test, and assay made on the batch.

(5) The result of each test and assay made by or for him on the batch and each result from additional procedures performed on the bulk drug or finished drug product included in the approved new animal drug application. Such results shall include, by listing, each test and assay result obtained (other than a result of an in process test), including any result outside the specified limits; the mean value (except that for those tests that do not involve quantitation, the total number of satisfactory determinations and unsatisfactory determinations, if any, shall be reported); and the specific method used.

• • • • • •

(7) Unless previously submitted, the result and date of each test and assay made by or for him on the antibiotic(s) used in the manufacture of the batch. Such results shall include, by listing, each test and assay result obtained (including any result outside the specified limits); the mean value (except that for those tests that do not involve quantitation; the total number of satisfactory determinations and unsatisfactory determinations, if any, shall be reported); and the specific method used.

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Interested persons may, on or before September 13, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 7, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–20306 Filed 7–14–77;8:45 am]

[21 CFR Part 820]

[Docket No. 75N–0140]

MEDICAL DEVICES

Public Hearing on Proposed Good Manufacturing Practice Regulations

Correction

In FR Doc. 77–18392, appearing on page 32805 in the issue of Tuesday, June 28, 1977, the last word in the fifth line of the second full paragraph in the second column should read, "aspect".

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21325; RM-2814]

FM BROADCAST STATION IN COKER, ALABAMA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken proposing assignment of Channel 269A to Coker, Alabama. Petitioner, James D. Freeman, Jr., states that the proposed channel would bring a first FM assignment to Coker. Because of a concern that the proposal is designed to serve nearby and larger Tuscaloosa rather than Coker, the Commission indicated that it would need a showing to reserve this concern.

DATES: Comments must be received on or before September 15, 1977, and reply comments must be received on or before October 5, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 1, 1977.

Released: July 11, 1977.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Coker, Alabama), Docket No. 21325, RM–2815.

1. The Commission has before it a petition[1] filed by James D. Freeman, Jr. ("petitioner"), requesting the assignment of Channel 269A to Coker, Alabama, as its first FM channel assignment. Chanel 269A could be assigned to Coker in conformity with the minimum distance separation requirements. An opposition to the petition was filed by Tuscaloosa Broadcasting Co. ("TBC"), licensee of Stations WTBC(AM) and WUAO(FM), Tuscaloosa, Alabama.[2]

2. Coker (estimated pop. 2,000), is an unincorporated community[3] located in west central Alabama, approximately 10 kilometers (6 miles) northwest of Tuscaloosa, Alabama (pop. 65,773). Coker has no local aural broadcast service, but it does receive service from three full-time and two daytime-only AM stations and two commercial FM stations (one Class C and one Class A) located in Tuscaloosa. It would eventually receive a third FM service (Class A) from another Tuscaloosa station.[4]

3. Petitioner states that, even though Coker does not have a municipal government, it has the attributes generally associated with a community, such as a fire department, post office, schools, churches, etc., and describes Coker as an active community with a number of social and civic organizations and service agencies.

4. In its opposition, TBC argues that Coker, rather than being located in an isolated area, is a fringe community of Tuscaloosa and is located within the Tuscaloosa Standard Metropolitan Statistical Area. It asserts that the Coker proposal is an attempt to locate on the fringe of populous Tuscaloosa for maximum economic benefit, and it contends that Coker itself receives sufficient radio service from Tuscaloosa, listing three full-time and two daytime-only AM stations, and two commercial FM stations. It asserts that the petition is defective for its failure to provide a proper preclusion study so that the Commission can evaluate the effect of the proposal on possible assignments to other areas, particularly areas without abundant local aural service.

5. In reply, petitioner states that TBC's principal thrust appears to be that a preclusion study is required for the Coker proposal. Petitioner disagrees, but in order to resolve any doubt, it commissioned a preclusion study which indicates that Channel 269A to Coker would create preclusion only on the proposed channel, affecting only two communities over 1,000 population, Reform (pop. 1,893) and Gordo (pop. 1,911). As to TBC's allegation regarding abundance of radio services, petitioner notes that the three FM channels, two of which are occupied and one in hearing, make up part of the alleged abundant radio services. However, it points out that, according to the Commission's population criteria, Tuscaloosa is entitled to between two and four FM channels. Petitioner argues that TBC has not shown that assignment of Channel 269A to Coker is inconsistent with the Commission's objectives for FM assignments or that Coker itself is not a community within the meaning of § 73.-210 of the Commission's rules. Petitioner attaches letters from B. B. Utley, rural mail carrier, and W. P. Sartain, Vice Chairman of the Coker Water and Fire Protection Authority in which they note the tremendous growth that has occurred in Coker over the last ten years and which are used to illustrate the allegedly poor broadcast coverage of activities in Coker by Tuscaloosa stations.

6. In a further opposition,[5] TBC contends that petitioner's preclusion study establishes that Channel 269A would be precluded from four communities. It notes that Gordo and Reform are located in the open area in which transmitter sites can be located, and that although Aliceville and Eutaw are located just outside this area, they could be served from transmitter sites located within the area. TBC submits demographic and economic information on these four communities and states that any one of these is more deserving and in greater need of a station than Coker. It asserts that the facts, presented by the petitioner, of Coker's growth and activity, are overrated and erroneous and are insufficient to justify use of an FM channel. TBC argues that the proposal would preclude use of an FM channel from far more significant communities which are without local service, and would be inconsistent with section 307(b) of the Communications Act of 1934, as amended, which requires that there be a fair, efficient and equitable distribution of radio services.

7. In response to TBC's further opposition, petitioner contends that TBC's inclusion of Aliceville and Eutaw as precluded communities is in error. It states that TBC failed to distinguish the needs of these communities from those of Coker. It asserts that no interest or demand has been shown for an assignment to these communities. Petitioner argues that TBC failed to discuss or contradict the attributes qualifying Coker as a community and failed to acknowledge the significance of letters submitted by individuals hwo are involved in activities which bring them in close contact with the overall needs and development of Coker.

8. In our view, there are a number of questions raised by the proposed assignment. Petitioner is thus requested to submit information supporting its contention that Coker is a community and has needs independent of Tuscaloosa. This information should include a description of community boundaries for determining the requisite city-grade coverage and additional economic, political and cultural data, and any other information which would support its contention about its status as a community. Further, parties are requested to address their comments to the question of whether the assignment of Channel 269A to Coker would be consistent with the mandate of section 307(b), taking into account the fact that no interest has been expressed, so far, for an assignment in the four communities located in, or near, the area precluded by the proposed Coker assignment. Parties should also indicate whether or not alternate channels are available for assignment to these communities.

9. Because of the proximity of Coker to Tuscaloosa, a question is also presented as to whether the proposed FM station is designed primarily to serve Coker rather than Tuscaloosa. A showing on this matter is required by petitioner before the channel could be assigned. For a discussion of this issue, see Berwick Broadcasting Co., 12 F.C.C. 2d 8 (1968), and P.A.L. Broadcasting Co., 40 F.C.C. 2d 556 (1973). Without assurance that the station would be designed to serve Coker rather than the nearby and much larger community of Tuscaloosa, it would not be possible to assign the channel as proposed.

10. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Coker or Tuscaloosa, Alabama:

City	Channel No. Present	Channel No. Proposed
Coker, Ala.		269A

11. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures used; and filing requirements are contained and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

12. Interested parties may file comments on or before September 15, 1977, and reply comments on or before October 5, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of Proposed Rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.-420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of proposed rulemaking*. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77–20352 Filed 7–14–77;8:45 am]

[1] Public Notice of the petition was given on January 18, 1977 (Rept. No. 1026).

[2] TBC states that New South Radio, Inc., licensee of Stations WACT and WACT–FM, Tuscaloosa, also support the opposing comments.

[3] According to the 1970 Census, the population of Coker Division, Tuscaloosa County, Alabama, was 3,757.

[4] Competing applications have been filed for this channel.

[5] On May 6, 1977, a Further Opposition to Petition for Rulemaking was filed by TBC requesting its acceptance. On May 23, 1977, a request for extension of time was filed by petitioner in which to reply to the Further Opposition. The request was granted stating that, if the Further Opposition were to be considered, fairness dictates giving petitioner an opportunity to respond, which it did. Since it is appropriate to consider the points raised, we are accepting both filings.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY GAME BIRD REGULATIONS

Environmental Assessment on Shooting Hours; Availability

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement of availability of environmental assessment on shooting hours; request for comments on regulations.

SUMMARY: The Service announces the availability for public comment of an assessment of the environmental impacts of daily shooting hours as prescribed in recent years under Federal hunting regulations for migratory game birds, especially waterfowl. There have been questions raised over shooting hours beginning one-half hour before sunrise and ending at sunset and the assessment will help determine shooting hours for the 1977–78 hunting season. These hours will set forth the times of the day when hunting may begin and when it must cease.

DATES: Comments on this environmental assessment will be accepted until July 25 for "early season" hunting regulations. Comments received after July 25, 1977, will be given consideration in connection with later rulemakings.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, Room 2249, U.S. Fish and Wildlife Service, Department of the Interior, C Street between 18th and 19th Streets, NW., Washinging, D.C. 20240 202–343–8827.

SUPPLEMENTARY INFORMATION: This assessment is being made available for public review and comment and may be viewed at or obtained by telephone or mail from the Office of Migratory Bird Management at the address stated above. The Director, U.S. Fish and Wildlife Service, is desirous or receiving comments on the contents of the assessment at any time. However, public comments must be received for the "early season" no later than July 25, 1977, because of the need to establish final rules in time to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms.

Dated: July 12, 1977.

HARVEY K. NELSON,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.77–20359 Filed 7–14–77;8:45 am]

[50 CFR Part 32]

HILLSIDE NATIONAL WILDLIFE REFUGE, MISS.

Proposed Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that it is proposed to add Hillside National Wildlife Refuge, Mississippi, to the lists of refuge areas open for the hunting of migratory game birds and big game. The Director has determined that a harvestable surplus of game exists, that there is public demand for additional recreational opportunity, and that this action is compatible with the major purposes for which this refuge was established. Hunting will provide for the harvest of a renewable resource and for additional public recreational opportunity.

DATES: Comments must be received on or before August 15, 1977.

ADDRESS: Comments may be addressed to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (202–343–4305).

SUPPLEMENTARY INFORMATION: Ralph H. Town is also the primary author of this proposed rule. Pursuant to

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the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared on this proposal, which is available for public inspection and copying at Room 2024, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, or by mail, addressing the Director at the address given above. On the basis of this assessment, the Director has determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

NOTE.—The U.S. Fish and Wildlife Service has also determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Accordingly, it is proposed to amend 50 CFR 32.11 and 32.31 as follows:

§ 32.11 List of open areas: migratory game birds.

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

§ 32.31 List of open areas: big game.

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

Dated: July 6, 1977.

KEITH M. SCHREINER,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77-20421 Filed 7-14-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR, TECHNICAL ASSISTANCE BUREAU

Delegation of Authority No. 123

Pursuant to the authority delegated to me as Assistant Administrator, Bureau for Technical Assistance, I hereby delegate to the Deputy Assistant Administrator, Bureau for Technical Assistance authority to act as my alter ego, to be responsible, under my direction and concurrently with me, for all aspects of the Bureau's activities.

In accordance with the foregoing, and to the extent consistent with law, the Deputy Assistant Administrator is authorized to represent me, and to exercise the authority of the Assistant Administrator, with respect to all functions now or hereafter conferred upon or held by the Assistant Administrator, Bureau for Technical Assistance, including those held under the Delegations of Authority 40, 86, and 100, as amended from time to time, and as may be delegated or assigned to the Assistant Administrator, Bureau for Technical Assistance, by or under any other AID delegation of authority, regulation, manual order, handbook provision, directive, notice or other document, by law or by any competent authority.

All of the authorities delegated herein may be performed by a person designated as Acting Deputy Assistant Administrator.

All previous delegations of authority to the Deputy Assistant Administrator, Bureal for Technical Assistance, are hereby revoked.

Actions previously taken by the official delegated the authority herein are hereby ratified and confirmed. This redelegation of authority shall be effective immediately.

Dated: July 7, 1977.

CURTIS FARRAR,
Assistant Administrator,
Bureau for Technical Assistance.

[FR Doc.77-20292 Filed 7-14-77;8:45 am]

HOUSING GUARANTY PROGRAM

Information for Investors and Borrowers

Pursuant to the authority contained in Part I, Chapter 2, Title III of the Foreign Assistance Act of 1961 as amended (Act), The Agency for International Development (AID) is authorized to guaranty repayment of loans made by eligible (United States) investors to foreign borrowers for financing housing and related shelter facilities in less developed friendly countries. Section 223(a) of the Act authorizes a fee to be charged for each guaranty issued.

Notice is hereby given that in issuing such guarantees AID charges the following fees:

(1) One-half of one percent (½%) per annum of the aggregate unpaid principal amount of the loan.

(2) One percent (1%) of the total amount of the loan.

PETER M. KIMM,
Director,
Office of Housing.

[FR Doc.77-20294 Filed 7-14-77;8:45 am]

[No. 165-11]

MISSION DIRECTOR, USAID/PERU

Amendment to Redelegation of Authority

Pursuant to the authority vested in me as Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby amend the redelegation of authority to the Mission Director, USAID/Peru dated February 3, 1977 (42 FR 10382, January 22, 1977) with regard to negotiation and execution of an amendment to Loan Agreement No. 527-W-057 (Rural Enterprises Development) by deleting the last line thereof and inserting the following in its place: "This redelegation shall be effective through July 27, 1977."

All other terms and conditions of the redelegation remain in full force and effect.

Dated: June 20, 1977.

DONOR M. LION,
Acting Assistant Administrator,
Bureau for Latin America.

WORLD NEIGHBORS

Termination of Registration

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that registration with the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development has been voluntarily terminated by the following agency:

World Neighbors, 5116 North Portland Avenue, Oklahoma City, Oklahoma 73112.

Dated: June 27, 1977.

SANDER M. LEVIN,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.77-20246 Filed 7-14-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 28]

FEDERAL PROCUREMENT

Importation of Southern Rhodesian Chromium

JULY 1, 1977.

1. *Purpose.* This bulletin calls to the attention of Federal agencies the prohibition against the importation of Southern Rhodesian chromium.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* The United Nations Participation Act of 1945 as amended (22 U.S.C. 287(c)), authorized the President of the United States to prohibit economic relations between any foreign country and the United States whenever called upon by the United Nations Security Council. On two occasions, the Security Council passed resolutions and the President issued Executive orders (E.O. Nos. 11322 and 11419) which prohibited the importation of Southern Rhodesian chromium. Subsequently, the prohibitions were negated by an amendment to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). The situation was reversed again on March 18, 1977, by Public Law 95-12 which reinstated the prohibition. However, the law also authorized the President to exempt any shipment of Southern Rhodesian chromium which was in transit on the date of enactment of the law. In order for any shipment of a steel mill product containing chromium in any form to be imported into the United States a certificate of origin is required stating that the product is not of Southern Rhodesian origin. Pursuant to the law and Executive Order 11978, March 18, 1977, the Secretary of the Treasury issued implementing regulations in 31 CFR Part 530 (42 FR 18073, April 5, 1977).

4. *Agency consideration.* Adoption by agencies of arrangements providing for compliance with the referenced prohibition would be appropriate and desirable.

JAY H. BOLTON,
Acting Commissioner,
Federal Supply Service.

[FR Doc.77-20298 Filed 7-14-77;8:45 am]

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OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–June 1977

AGENCY: Office of the Federal Register, NARS, GSA.

ACTION: Notice of availability of indexes.

SUMMARY: This notice contains information submitted by agencies to the Office of the Federal Register for the first six months of 1977 on indexes that the agencies are required to publish or make available under the Freedom of Information Act. This notice is compiled and published to notify the public of the availability of these indexes for sale or public inspection or both.

FOR FURTHER INFORMATION CONTACT:

Doris O'Keefe, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408 (202–523–5230).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first six months of 1977 in order to notify the public of the availability of these indexes for sale and/or public inspection.

JULY 15, 1977.

FRED J. EMERY,
Director, Office of the Federal Register.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative procedures that affect a member of the public.	Director, Data Systems Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013. No charge.	Director, Data Systems Division, ASCS USDA, P.O. Box 2415, Washington, D.C. 20013.
Do	do	Director, Prairie Village Commodity Office, USDA, ASCS, P.O. Box 8377, Shawnee Mission, Kans. 66208. No charge.	Director, Prairie Village Commodity Office, USDA, ASCS, P.O. Box 8377, Shawnee Mission, Kans. 66208.
Do	do	Chief, Data Systems Field Office, USDA, ASCS, P.O. Box 205, Kansas City, Mo. 64141. No charge.	Chief, Data Systems Field Office, USDA, ASCS, P.O. Box 205, Kansas City, Mo. 64141.
Do	Marketing quota, Review committee determinations: 1970 to date; listing by crop-year of all decisions made on marketing quota appeals.	Director, Data Systems Division, USDA, ASCS; P.O. Box 2415, Washington, D.C. 20013. No charge.	Director, Data Systems Division, USDA, ASCS, P.O. Box 2415, Washington, D.C. 20013.
Do	Board of contract appeals decisions; 1970 to date; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do	CCC Board dockets: 1969 to date; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Do	ASCS program appeals; 1970 to date; chronological listing of all appeals handled by ASCS program appeals staff.	do	Do.
Department of Agriculture, Rural Electrification Administration.	Index of current REA publications: Electric Program, as of Apr. 18, 1977, with supplement thereto updating the index to June 30, 1977. An alphabetic and numerical index of REA electric program bulletins, staff instructions, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250. No charge.	Director, Information Service Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250.
Do	Index of current REA publications: Telephone as of Mar. 25, 1977, with supplement thereto updating the index to June 30, 1977. An alphabetic and numerical index of REA telephone program bulletins, staff instructions, contract forms, specifications, sections of the Telephone Engineering and Construction and Telephone Operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0-9). Aug. 6, 1976. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock, $2.76 per copy; reproduced copies, $5.50 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do	Guide to indexes, catalogs, and lists of departmental publications (AFR 0-1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Numerical index of standard publications and recurring periodicals (AFR 0-2). Mar. 4, 1977. Lists regulations, manuals, and pamphlets together under each subject series: lists visual aids and recurring periodicals separately.	DADF at nearest Air Force Installation. Shelf stock, $2.75 per copy; reproduced copies $5.75; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Miscellaneous Air Force and other Government agency publications (AFR 0-16). Sept. 10, 1976. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.08 per copy; reproduced copies, $2.10 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Publications Numbering Systems (AFR 5-4). February 15, 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.45 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Disposition of Air Force documentation (AFM 12-50). Oct. 1, 1969. Pt. 2 consists of decision logic tables which provide for disposition of documentation created or accumulated by all Air Force activities. Attachment 2 is an index to the tables, arranged alphabetically by title of the record.	DADF at nearest Air Force installation. Shelf stock will not be used. Pt. 2 is voluminous, therefore, only tables pertaining to requested records will be reproduced. $2. for 1st 6 pages, plus $0.03 for each additional page. Checks payable to: AFO (name of base furnishing copies).	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Defense, Department of the Army, TAGCEN, Army Publications Directorate.	DA pamphlet 310-1: Index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications.) March 1977.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do	DA pamphlet 310-2: Index of blank forms, December 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-3: Index of doctrinal, training, and organizational publications (field manuals, reserve officer's training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables and trajectory charts, tables of distribution and allowances). Basic dated May 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-4: Index of technical manuals, technical bulletins, supply manuals (types 7, 8, and 9), supply bulletins, and lubrication orders. Basic dated November 1974, with change 3, October 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-6: Index of supply catalogs and supply manuals. Basic dated July 1976, with change 3, Mar. 31, 1977.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-7: Index of Equipment Modification Work Orders, June 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Department of Defense, Department of the Navy.	Directives Issuance System Consolidated Subject Index of Unclassified Instructions (NAVPUBNOTE 5215). Published quarterly. Lists instructions issued by Washington headquarters organizations to addressees outside their headquarters.	Commanding Officer, Naval Publications and Forms Center, Philadelphia, Pa. 19120. Price: $5 per issue. Make check payable to the Treasurer of the United States.	Navy Department Library, 2d floor of building 220 at the Washington Navy Yard, U.S. Naval Station, 9th and M Sts. NW., Washington, D.C. Also available at nearest Navy or Marine Corps activity.
Do	Marine Corps Directives System Quarterly Checklist of Directives (MARCORPS Bulletin 5215).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: minimum of $2 plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Headquarters Marine Corps, room 1135 of the Navy Arlington Annex (Federal Office Bldg. No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. Also at nearest Marine Corps activity.
Do	Indexes to Navy and Marine Corps directives issued by naval activities and of less than departmentwide or general applicability.	Local Navy and Marine activity. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced.	Local Navy and Marine Corps issuing activity.
Do	Marine Corps' Stock List (SL-1-3): Quarterly index of publications authorized and stocked by the U.S. Marine Corps (PASMC).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Headquarters, U.S. Marine Corps, Room 1135 of the Navy Arlington Annex (Federal Office Bldg., No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. 20380. Also at Marine Corps field activities and Navy Department Library (see above).
Do	Standard Subject Identification Codes (SECNAVINST 5210.11A). Lists standard subject (numerical) codes used for categorizing and identifying naval documents, including directives, blank forms, reports (control symbols), and other records and filing systems.	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at all naval shore activities.
Do	NAVFAC Documentation Index (NAVFAC P-349): A Keyword Out of Context (KWOC) index of unclassified instructions, publications, forms, and reports sponsored by the Naval Facilities Engineering Command (NAVFAC).	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: $5. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at Naval Facilities Engineering Command headquarters and field activities.
Do	Indexes to certain other technical publications and manuals of sponsoring system command or other headquarters organizations.	Director, Navy Publications and Printing Service Management Office, Washington Navy Yard, U.S. Naval Station, Washington, D.C. 20374. Price: $2 minimum plus $0.01 per page over 6 if printed stock is available and $0.05 per page when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Publications and Printing Service Management Office, building 157, Washington Navy Yard, 9th and M Sts. SE., Washington, D.C.
Do	Index to Navy Procurement Directives	Chief of Naval Material (MAT-05), Navy Department, Washington, D.C. 20360. Price: $2 minimum, plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and copies must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Navy procurement activities.
Defense Civil Preparedness Agency.	Publications catalog, MP-20: A listing of publications and other printed matter on the U.S. Civil Defense program available to the public. Contains a brief resume of each one and provides information on where to obtain.	U.S. Army Publications Center, Civil Preparedness Branch, 2800 Eastern Blvd. (Middle River), Baltimore, Md. 21220. No charge.	DCPA Headquarters, Room 1D511, Pentagon Bldg., Washington, D.C. 20301 or DCPA regional offices as shown at app. C, pt. 1513, ch. XVIII, title 32, CFR.
Do	DCPA manual 5450.2: Index of DCPA instructions and manuals, a listing, both numerical and subjective, of the Agency instructions announcing policy, outlining programs, and prescribing internal operating procedures.	do	Do.

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Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Defense Communications Agency.	1. DCA circulars and notices: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA circulars and notices. Those circulars, notices, and changes published during the period July 1–Dec. 31, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those publications which have been canceled or replaced since July 1, 1976, by a publication of a different number. Publications superseded by a revised issue bearing the same number are not included. Enclosure 2 is an alphabetical listing of current DCA circulars. Enclosure 3 is an alphabetical listing of current DCA Notices. 2. DCA instructions: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA instructions. Those instructions and changes published during the period Oct. 1, 1976—Mar. 31, 1977, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those instructions which have been canceled or replaced by an instruction of a different number since Oct. 1, 1976. Enclosure 2 is an alphabetical listing of current DCA instructions.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.
Defense Logistics Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Defense Nuclear Agency	Index to administrative publications, May 10, 1976, with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, R. & D., logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, Attention: PAO, Washington, D.C. 20305. $1 by xeroxing, $0.35 by printing run. Payable to Treasurer of the United States.	
Do	Government reports index: Biweekly, annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI) instructions, Nov. 10, 1976, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, Attention: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pages at $0.05 per page ($0.45). Checks payable to Treasurer of the United States.	
Defense Nuclear Agency, field command.	FCDNA instruction 5025.8J, Apr. 30, 1976 with changes. Description: Current index to field command instructions.	Field Command, Defense Nuclear Agency, Attention: Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Nuclear Agency, field command (FCDNA).	FCDNA instruction 5030.1D: Oct. 21, 1975. Description: Current index to FCDNA agreements, memoranda of understanding, and interservice agreements.	do	
Defense Nuclear Agency, field command, Johnston Atoll (FCJ).	FCJ instruction 5025.8D: Jan. 22, 1975 with changes. Description: Current index to FCJ instructions.	do	
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration.	Do.
Do	Bureau of Drugs staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Drugs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $21.50. Checks payable to Food and Drug Administration.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry. Over 3,000 pages.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. (Suggest before ordering to request transmittal checklist to ascertain programs needed.) Checks payable to Food and Drug Administration.	Do.
Do	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.

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Do	Field management directives: Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do	Do.
Do	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration.	Do.
Do	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.
Do	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18) 5600 Fishers Lane, Rockville, Md. 20852. $5.20. Payable to Food and Drug Administration.	Supervisor, Public Records and Documents Center (HFC-18) Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration.	Do.
Do	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration.	Do.
Do	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration.	Do.
Do	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration.	Do.
Do	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration.	Do.
Do	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $5.90. Payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act index; from July 4, 1967–July 31, 1976, includes items in the following categories: (1) administrative manuals and memorandum, (2) animal-resources and programs, (3) audio-visuals policy and criteria, (4) clinical center operations, (5) contracts policy and guides, (6) employee and committee member handbooks and manuals, (7) grants policy and guides, (8) library resources and guidelines, (9) minority programs, (10) patient policy, (11) research centers guides, (12) safety guides and permits, and (13) site visit formats.	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.

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Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration.	The ADAMHA Freedom of Information Act Index is comprised of various ADAMHA component program guidelines, announcements, handbook listings, policy supplements, instructions, and manual materials. The index is divided to reflect the various ADAMHA components, namely the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, the National Institute of Mental Health, including Saint Elizabeths Hospital and the Office of the Administrator.	Copies of the ADAMHA Freedom of Information Act index are maintained by the HEW, FOI Officer, Room 5360, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201. ADAMHA will also make copies available if requests are forwarded to: Director, OCPA, ADAMHA, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852. Fees are 10¢ per page with the charge being made if the total amount exceeds $5 and are payable to Treasurer of the United States.	Director, Office of Communications and Public Affairs, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Operations, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Operations, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated Apr. 27, 1976. Subject: Hot line, 633-3313. This is the written procedure for handling reports of damage to packages of infectious materials.	Center for Disease Control, Attention: Director, Office of Biosafety, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Biosafety, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Staff publications booklet: An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Final Report of the Drinking Water Disinfection ad hoc Advisory Committee, dated Mar 1, 1977 Recommendations to the Secretary, Health, Education, and Welfare, the Assistant Secretary for Health, and the Director, Center for Disease Control, on the merits of chlorine and ultraviolet light as a means of disinfecting water in program areas over which the CDC has jurisdiction or technical responsibility	do	Do
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Annual report to Congress regarding smoking and health	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga., 30333. No charge for 1 copy	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE. Atlanta, Ga. 30333.
Do	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974, on trade secret information.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852.
Do	"NIOSH Policy Letter", dated Nov. 5, 1973 regarding reimbursement to an employer for financial loss (production time pay) incurred as a result of a NIOSH research project.	do	Do
Do	The President's report on occupational safety and health, annual report for 1976. This report covers programs of the Department of Labor; Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	do	Do
Do	The Federal coal mine health program in 1975. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969.	do	Do.
Do	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public. HEW publication No. (NIOSH) 75-170.	do	Do.
Do	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	do	Do
Do	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Venereal disease review criteria, dated Dec. 10, 1971.	do	Do.
Do	Recommended treatment schedules for syphilis, dated 1976.	do	Do.
Do	Gonorrhea, CDC recommended treatment schedules, dated 1974.	do	Do.
Do	Commentary on national strategies to control gonorrhea, dated July 1975.	do	Do
Do	Summary Report on Influenza Virus Vaccine Use, dated Feb. 7, 1977.	do	Do.
Do	Summary Report of Conference on Influenza Vaccine Activity for 1972-75, dated Mar. 21 1977	do	Do
Do	Guidelines for assessing immunity levels, dated November 1973	do	Do

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Do	Immunization Against Disease, 1972 handbook.	do	Do.
Do	Public Health Service recommendations for Counting Reported Tuberculosis Cases, dated January 1977.	do	Do.
Do	Preventive therapy of tuberculosis infection, dated February 1975.	do	Do.
Do	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Recommendations for health department supervision of tuberculosis patients—MMWR, dated Feb. 23, 1974.	do	Do.
Do	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	do	Do.
Do	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	do	Do.
Do	Urban rat control project grants program guidelines for applicants, dated 1975	do	Do.
Do	Guidelines for grant applications, Childhood lead poisoning control, dated Mar. 14, 1974.	do	Do.
Do	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	do	Do.
Do	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance, Facilities Engineering and Construction Manual, ch. CDC: 3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance, Manual Guide—General Administration No. CDC-57, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	do	Do.
Do	Administrative issuance, Manual Guide—General Administration No. CDC-1, dated Sept. 30, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	do	Do.
Do	Administrative issuance, Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	do	Do.
Do	Administrative issuance, CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	do	Do.
Do	Administrative issuance, Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	do	Do.
Do	Administrative issuance, Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	do	Do.
Do	Administrative issuance, National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	do	Do.
Do	Administrative issuance, Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.	do	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. CDC General Memorandum No. 76-8, dated Sept. 22, 1976. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuances. CDC General Memorandum No. 74-1, dated Jan. 16, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during nonwork hours.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 72-3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	do	Do.
Do	Administrative issuance. Manual Guide—Personal Property Management No. CDC-2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production o exhibits by commercial contractors.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management Nf. CDC-19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC-2, dated Dec. 15, 1975. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC-3, dated June 18, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	do	Do.
Do	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7-2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	do	Do.
Do	Administrative issuances. Manual Guide—General Administration No. CDC-5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration. No. CDC-61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.	do	Do.
Do	Administrative issuances. Manual Guide—General Administration No. CDC-11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.	do	Do.
Do	Administrative issuance. Manual Guide—Travel CDC-10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and the conditions of the contracts.	do	Do.
Do	Administrative issuances. Manual Guide—Travel No. CDC-2 dated Jan. 14, 1974 and Correspondence Manual Chapter 10-40, dated Oct. 1, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Manual Guide—General Administration No. CDC-63, Privacy Act, dated Nov. 28, 1976. This issuance provides to CDC employees guidance on carrying out requirements of the act.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. CDC general memorandum No. 75-10, Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	do	Do.
Do	Administrative issuance. CDC general memorandum No. 75-2, civil defense, dated April 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandum; injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	do	Do.
Do	Administrative issuance. Manual guide general administration No. CDC 8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-2, commercial employment offices, dated Jan. 7, 1976. This issuance provides policy on using commercial employment offices for recruiting personnel.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 6, dated Apr 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration issuance No. 8, dated Oct. 30, 1975. This issuance provides procedures for maintenance of minutes of NIOSH meeting with representatives of nongovernmental groups.	do	Do.
Do	Recommendations of the Public Health Service Advisory Committee on Immunization Practices, such as: BCG vaccines, cholera vaccine, diphtheria and tetanus toxoids and pertussis vaccine, immune serum globulin for protection against viral hepatitis, perspectives on the control of viral hepatitis, type B, influenza vaccine, measles vaccine, meningococcal polysaccharide vaccines, mumps vaccine, plague vaccine, poliomyelitis vaccines, rabies, Rh immune globulin, Rocky Mountain spotted fever vaccine, rubella vaccine, smallpox vaccine, typhoid vaccine, typhus vaccine, yellow fever vaccine.	Center for Disease Control, Attention: Director, General Services Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, General Services Office 1600 Clifton Rd., NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90-23 (Freedom of Information). July 1, 1973, to Oct. 1, 1976. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-1620

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Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	HSA Freedom of Information Act (FOIA) index: March 1975 to June 30, 1977. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of June 30, 1977. The respective bureau level indexes are listed as follows:	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to DHEW/Public Health Service. Mail to HSA Collection Officer, DHEW/PHS/HSA, Room 16-36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md.
	OA—OFFICE OF THE ADMINISTRATOR		
	OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1979-83; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; HSA Circulars; OM OPS—policy decisions and opinion.		
	BMS—BUREAU OF MEDICAL SERVICES		
	Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; BMS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda. "Emergency Medical Service Systems Program Guidelines"; "HMO Policy Management Bulletin".		
	IHS—INDIAN HEALTH SERVICES		
	IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions.		
	BCHS—BUREAU OF COMMUNITY HEALTH SERVICES		
	BCHS administrative guide system; BCHS Operations Manual.		
	BQA—BUREAU OF QUALITY ASSURANCE		
	BQA transmittal system; BQA Procedures Manual; PSRO Program Manual; PSRO Financial Management and Accounting Systems Manual; PSRO Contracts Management Manual; PSRO Management Information System (PMIS) Federal Reports Manual (FRM) medicalcare evaluation studies; PMIS—FRM—cost reporting; PMIS—FRM—concurrent review reporting; PSRO Hospital Discharge Data Set (PHDDS) Training Manual.		
HEW/PHS/Office of Administrative Management.	Index to the PHS Manual for financial evaluation of Public Health Service awards, continuous from July 1, 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page, with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	A guide to institutional cost sharing agreements for research grants and contracts, supported by the Department of Health, Education, and Welfare, continuous from July 1974.	Copies may be obtained from Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. No charge.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS procurement regulations; policies and procedures which implement and supplement the DHEW procurement regulations and the Federal procurement regulations, continuous from May 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Copies available: ASC Forms and Publications Services Center, OAM/PHS, 12100 Parklawn Dr., Rockville, Md. 20857. Additional information: Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS grants policy statement; comprehensive policy document for use by PHS grantees, continuous from July 1974.	GPO, 90 cents, Superintendent of Documents (Stock No. 1720-00055).	Superintendent of Documents, GPO, Washington, D.C. 20407.
Do	Index to PHS supplements to HEW Grants Administration Staff Manual; supplementation and implementations to HEW manual; continuous from January 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, OAM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees are prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, PHS.	Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	Tables of contents to PHS supplementation of HEW staff manuals containing authorities, policies, and procedures in the following areas: Emergency, forms management, general administration, organization, ADP systems management, records management, safety management, security, facilities engineering and construction, and procurement.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees as described in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service, Office of the Assistant Secretary for Health.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS Commissioned Corps Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Chief, Employment Operations Branch, CPOD/OPM/OAM/PHS, Room 4A-18, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS supplementation of the Federal Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Director, Office of Personnel Management, OAM/PHS, Room 18A-55, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to Parklawn guidelines: a series of internal operating guides providing operating instructions and procedures of a continuing nature for occupants of the Parklawn Bldg., Rockville, Md., with regard to operations of the Administrative Services Center, Office of Administrative Management. Guidelines include such subjects as procedures for operation and use of official conference rooms; apportionment and assignment of parking spaces; official hours; and conservation of paper in copying, duplicating, and printing, Parklawn Bldg.	Executive Officer, Administrative Services Center, OAM/PHS, room 5-77, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Checks payable to Department of Health, Education, and Welfare, Public Health Service, Office of the Assistant Secretary for Health.	Executive Officer, Administrative Services Center, OAM/PHS, Room 5-77 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bonneville Power Administration.	BPA Manual Index dated Nov. 5, 1975, 33 pages. Policy, procedural, and directives material indexed by subject and BPA Manual chapter number.	The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting Bonneville Power Administration's Public Information Office, 1002 NE. Holladay St., Portland, Oreg. 97232, or the Washington, D.C. office, 5600 Interior Bldg., Washington, D.C. 20240.	Bonneville Power Administration Offices listed in previous column or BPA Area and District Offices at the following: 949 NE. 19th Ave., Portland, Oreg. 97208; 415 First Ave. N., Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 E. 7th St., Eugene, Oreg. 97401; Highway 2E, Box 758, Kalispell Mont. 59901; U.S. Federal Bldg., 301 Yakima St., Wenatchee, Wash. 98801; and 531 Lomax St., Idaho Falls, Idaho 83401.
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index Apr. 1, 1974: Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects. Guidelines—Task Force Report on Water Marketing Index.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. No charge	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. Phone 303 234-4961.
		Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240. No charge.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240.
Department of Labor, Bureau of International Labor Affairs.	Trade Adjustment Assistance: Cumulative Summary Apr. 3, 1975–May 31, 1977	Bureau of International Labor Affairs $.10 per page.	ILAB, New Department of Labor Building 200 Constitution Ave. NW., Washington D.C. 20210.
Department of Labor, Labor-Management Services Administration.	Reporting and disclosure	Labor-Management Services Administration $.10 per page.	LMSA, Information Officer, Room N5637, New Department of Labor Bldg.
Department of Labor, Wage and Hour Division.	Field Operation Handbook, volume III through June 1, 1977.	Wage and Hour $.10 per page	Office of the Administrator, Wage and Hour Division, Room S3502, New Department of Labor Bldg.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges- 1968–76; 1 page listing of opinions and final orders regarding regulation of toll bridges; issued by the Federal Highway Administrator, which identifies the case and the date issued.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do	Cease and desist and driver disqualification final orders by the Federal Highway Administrator; 1968–77; 7-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	do	Do.
Do	Cross reference index of current Federal Highway Administration directives as of June 30, 1977. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. Shelf stock, $11.94 per copy; reproduced copies, $10.15 per copy; shelf stock will be used while it lasts. Checks payable to: The Treasury of the United States.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590; Federal Highway Administration Regional Offices. (For location see 49 CFR pt. 7); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7.)
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF) has determined that publication in the FEDERAL REGISTER of the ATF Index of Materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the index is changing continually and that items listed are of interest to relatively few potential users. Copies of the index may, however, be obtained upon request to the Office of the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226 at a cost of $2. The index is entitled, "Index of Materials Required by the Freedom of Information Act, ATF P 1200.3." The index covers the period of July 1967–June 1977 and consists of Final Opinions and Orders Made in the Adjudication of Cases, Statements of Policy and Bureau Directives, and the latest listing of ATF publications.	Office of the Assistant to the Director (Disclosure), Room 2232, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. Price $2. Make check payable to the Bureau of Alcohol, Tobacco, and Firearms	Freedom of Information Act Reading Room, Room 1315, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave. NW Washington, D.C. 20226. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS North Atlantic Regional Office, 6 World Trade Center, Room 620, New York, N.Y. 10048 Mid-Atlantic Regional Office, Room 310, Penn Center Plaza, Philadelphia, Pa. 19103. Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340 Central Regional Office, Federal Office Bldg. Room 6510-A, 550 Main St., Cincinnati, Ohio 45202. Midwest Regional Office, 230 S. Dearborn St., 18th floor, Chicago, Ill. 60604. Southwest Regional Office, Main Tower, 1200 Main St., Room 355, Dallas, Tex. 75202 Western Regional Office, 525 Market St., 34th floor, San Francisco, Calif. 94105.
Department of the Treasury, Customs Service.	CSA (Customs Simplification Act) Index (revised) index to letters and letters relating to Customs Simplification Act, from 1956 forward.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $1.75. Checks payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
	Synopsis of Decisions on the Duty Assessment Process, 1972; administrative and court decisions and rulings concerning duty assessment process.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $3. Checks payable to: U.S. Customs Service.	Do.
	Customs Forms Catalog; Customs and other agency forms currently available from the Customs Service, July 1975.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Shelf stock, $2.50; reproduced copies $6.50. Shelf stock will be used while supply lasts. Checks payable to: U.S. Customs Service. Also, available at District Offices of the Customs Service.	Do.
	KWIC (Key Word in Context) Index, June 1976; current Customs Service circular letters.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: $1. Checks payable to: U.S. Customs Service.	Do.

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Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do	Legal Keyword Precedent Directory. The directory is a listing by selected keywords of all classification rulings issued since early 1975 that affect a substantial volume of imports or transactions or are otherwise of general interest or importance and of all published classification rulings issued since Aug. 31, 1963, including classification decisions of the Customs Courts, Treasury Decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The Legal Keyword Precedent Directory is maintained on microfiche and is continually updated.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Duplicate microfiche are available at a cost of $0.15 each and are available only in sets; a set presently contains 32 microfiche. Payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229 and at regional offices of the Customs Service.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967 to June 1977; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, $3.50, Treasury of the United States.	Treasury Department Library, Room 5010 Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451.
Civil Service Commission (CSC).	Index to Civil Service Commission information. Period covered: February 1975 to May 1977. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list. August 1971–June 1977.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention Freedom of Information Officer.
Consumer Product Safety Commission.	Index: Final Opinions a ments of Policy and In ministrative and Staff M tions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.
Council on Environmental Quality	*Memoranda to the heads of all Federal ... issued:*		
Do	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7065.
Do	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do	Do.
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 20, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1973.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 3, March 1974, p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 30, 1976	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do	(xvii) CEQ memo to heads of agencies on SCRAP decision Nov. 26, 1975.	do	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-7065; Do.
Do	(xviii) CEQ memo to heads of agencies on environmental impact statements Feb. 10, 1976.	do	Do.
Do	(xix) CEQ position paper "Pollution Control and Employment" February 1976.	do	Council on Environmental Quality, Attention: Dr. E. H. Clark, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-6163.
Do	(xx) CEQ memo to heads of agencies on prime agricultural lands Aug. 30, 1976.	do	Council on Environmental Quality, Attention: General Counsel, 722 Jackson Pl. NW., Washington, D.C. 20006 (202) 382-7065.

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Do	(xxi) CEQ memo to heads of agencies on NEPA Supreme Court decisions Sept. 16, 1976.	do	Do.
Do	(xxii) CEQ memo to heads of agencies on NEPA requirement to projects abroad.	do	Do.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7065.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1972 p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do	Do.
Do	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do	Do.
Do	(H) CEQ memo to heads of agencies on the Safe Drinking Water Act of 1974, Nov. 19, 1976.	Available from CEQ	Do.
Energy Research and Development Administration.	ERDA headquarters reports: Cumulative index issued monthly starting Jan. 1 1975. Includes report number, corporate author, and subject indexes. Includes reports prepared by individual headquarters authors, task forces and study groups, and environmental statements covering ERDA programs and facilities.	ERDA Library and Public Document Room, Washington, D.C. 20545. Copies made available at $0.08 per page. Payable to: Energy Research and Development Administration.	ERDA Library and Public Document Room, Room 1223, 20 Massachusetts Ave. NW., Washington, D.C. 20545.
Do	ERDA manual table of contents: Covers directives; procurement instructions and regulations; and property management regulations, instructions, and bulletins. A cumulative table of contents is issued semi-annually listing ERDA issuances and those AEC issuances still in effect.	do	Do.
ERDA, Office of the General Counsel.	ERDA waiver determinations. Lists of waiver requests on which a final determination was made during 1975 and 1976. Includes determination numbers of advance waivers and identified inventions, and names of firms or inventors.	do	Do.
ERDA, Board of Contract Appeals (BCA).	Decisions and orders for the periods Jan. 19, 1975 to December 1975 and December 1976, including indexes.	do	Do.
Do	Atomic Energy Commission Reports; Oct. 1956–Jan. 1975, Vols. 1–8: Contains the BCA decisions and orders and indexes.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.	Do.
Equal Employment Opportunity Commission.	Index to Commission Decisions Unpublished	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. Price: 25¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506.
Do	Index to Commission Decisions, Published		Librarian or district office addresses at 29 C.F.R. 1610.4.
Do	Index to Equal Employment Opportunity Commission Orders.	See above,. Price: 15¢; Payable to: U.S. Treasurer.	Do.
Do	Index to Compliance Manual (Table of Contents).	See above. Price: $3. Payable to: U.S. Treasurer.	Do.
Do	Index to General Counsel Manual (Table of Contents).	See above. Price: 45¢; Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St. NW, Washington, D.C. 20506.
Farm Credit Administration.	Index of FCA Information Materials; Jan. 1–Mar. 31, 1977; (1) Publications (those available in supply); (2) news releases—(single copies available free of charge) issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Information Division, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. No charge.	Mr. Roland W. Olson, Assistant Director of Information, Farm Credit Administration, Washington, D.C. 20578.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C Sts. NW.
Do	Microfilm copies of above index covering period July 4, 1967 to Dec. 31, 1976. Subsequent years to be microfilmed.	Order from Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Checks payable to Board of Governors of the Federal Reserve System. $13.25 a roll.	Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C St. NW., (202) 452-3684.
Do	Hard copy bound index for: 1967	do[1]	Do.
	1968–74	do[2]	Do.
	Copies for additional years in preparation.		
Do	Individual copy of the card index	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.
Do	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.2 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Do.

See footnotes at end of table.

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Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Federal Trade Commission (FTC).	Final orders and opinions (duplicated pages of Index): Bound volumes of decisions July 1967, to June 1976.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5–17 each.	Public Reference Branch, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do.	Advisory opinions (duplicated pages of Index): Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do.	Final orders and opinions: Supplemental index, July 1973 to June 1977	Public Reference Branch, FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do.	Enforcement statement, July 1967 to June 1977.	do	Do.
Do.	Trade regulation rules, July 1967 to June 1977.	do	Do.
Do.	Manuals—operating administrative	do	Do.
Do.	Freedom of Information Act, access requests and responses, March 1973–June 1977.	do	Do.
Do.	Closing letters, investigatory material, March 1974–June 1977.	do	Do.
Do.	Motions to quash, investigational subpoenas, June 1962–June 1977.	do	Do.
Do.	Motions to quash, 6(b) Orders and Orders requiring access, November 1975–June 1977.	do	Do.
Do.	Clearance requests, January 1969–June 1977	do	Do.
Do.	Commissioners' outside contacts, April 1974–June 1977.	do	Do.
Do.	Staff opinion letters, May 1962–June 1977	do	Do.
Do.	Freedom of Information Act operating guidelines, December 1976–June 1977.	do	Do.
Do.	Sunshine Act Binder Announcements, summaries, transcripts of meetings, March 1977–June 1977.	do	Do.
General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through June 30, 1977. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (AV), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do.	Brochure: Falcon Dam and powerplant	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do.	Water Bulletins: Containing data for 1 yr, covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: $3 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, Room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do.	Water Bulletins: Containing data for 1 yr covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1973.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: $2 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, a U.S Section, IBWC (same address as shown bove).
Marine Mammal Commission.	Marine Mammal Commission Recommendations; calendar years 1974–76; list of recommendations made to Federal departments and agencies pursuant to 16 U.S.C. sec. 1402(a), arranged in chronological order, and listing the agency addressed and the subject matter of the recommendation.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006; no charge.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Mar. 31, 1977. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 581, 1800 G St. NW., Washington, D.C. 20550; $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do.	Reviewer/panelist, alphabetical listing for the period of Oct. 1, 1975 to Sept. 30, 1976. Listing contains name, State, and institution of individuals who have reviewed proposals for the National Science Foundation for the period indicated above.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do.	Index of Office of the Director staff memoranda (O/D) in effect, as of Mar. 31, 1977. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do	Do.
Do.	Numerical index of NSF important notices in effect as of Mar. 31, 1977. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do	Do.
Do.	Reference file of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do	Do.
Do.	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do	Do.
Do.	Publications of the National Science Foundation. An index by topical classification, as of November 1976, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 76-43.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGPP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Science Foundation (NSF).	NSF guide to programs. A composite listing of summary information about NSF support programs, as of September 1976. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 76-33.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 038-000-00294-5. Unit price: $1.35.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGPP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 1, 1967 to June 30, 1977. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates. Safety enforcement decisions, May 18, 1967 to June 30, 1977. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.
	NTSB directives checklist as of Jan. 3, 1977. Numerical listing (by NTSB order No.) of staff operations directives.	do	Do.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to June 30, 1977. Keyword index of OMB bulletins.	Office of Management and Budget. No fee	Velma N. Baldwin, Assistant to the Director for Administration.
Do.	Office of Management and Budget circulars Index, 1948 to June 30, 1977. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do.	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1977. Arranged by keywords in the titles.	do	Do.
Do.	Rescinded Office of Management and Budget circulars, through June 30, 1977. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Do.	Listing of Federal management circulars transferred from General Services Administration. Arranged by number, subject, and date.	do	Do.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Mar. 31, 1977; interpretive letters addressing the provisions of title IV of the Employee Retirement Income Security Act—plan termination insurance program.	The Office of Communications, Pension Benefit Guaranty Corp., Room 7100, 2020 K St. N W., Washington, D.C. 20006; Charge $0.10 per page; Payable to The Pension Benefit Guaranty Corp.	The Office of Communications, Attention: Mr. William Fitzgerald, (202) 254-4817, 2020 K St. NW., Washington, D.C. 20006.
Postal Rate Commission	Postal Rate Commission Index, from 1971 to June 30, 1977; Opinions and Recommended Decisions, Advisory Opinions and Orders having a precedential value.	Information Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C. 20268.
Postal Service	USPS Public Index, July 4, 1967—June 30, 1977. List of USPS Directives and Publications; Index of Final Legal Opinions, Orders; Current Information Services Price List.	USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Section I—List of USPS Directives and Publications ..... $1 Section II—Index of Final Legal Opinions and Orders ..... $9 Complete Index ..... $10 Checks payable to U.S. Postal Service.	General Manager, Library Division, USPS Headquarters Library, 475 L'Efant Plaza West SW., Washington, D.C. 20260.

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Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Renegotiation Board	Index of documents, vols. 1, 2, and 3, 1967 to present: Agreements, modification agreements, clearances after assignment, clearances after reassignment, clearances without assignment, clearance agreements, letters not to proceed, final opinions, regional board opinions, orders, modification orders, special accounting agreements, interpretations, general orders, administrative orders that affect the public, memoranda of decision, statements of facts and reasons, summaries of facts and reasons, decisions on applications for stock item exemption, decisions on new durable productive equipment exemption, and decisions on applications for commercial exemption.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446. $0.15 per page.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446, Room 4310, Telephone: 254-7019.
Selective Service System	1. Index to Selective Service Regulations and Directives, 1948 to 1972. 2. Index to Selective Service Regulations and Registrants Processing Manual, 1972 to present. 3. General Index to Reconciliation Service Manual. 4. Registrant Information Bank Guide Index 1972 to present.	National Headquarters Selective Service System 600 E Street NW. Washington, D.C. 20435. Prices: (1) $2; (2) $2; (3) $.10; (4) $.10. Make checks payable to: Selective Service System.	Records Manager, National Headquarters, Selective Service System, 600 E Street NW. Washington, D.C. 20435, telephone 202-382-2504.
Tennessee Valley Authority	Index to general administrative releases; covers period through March 1977; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.
Veterans Administration	VA Index 1-03-1, Index to Veterans Administration Publications, Nov. 1, 1975, annual. Highly technical reference tool by basic classifications subject to current VA directives and annual listing (noncumulative) of rescinded VA directives. Primarily designed for internal use.	Not on sale.	Copies may be inspected or copied, and further information obtained at any Veterans Administration field office or Central Office. Not all listed material, however, is maintained at every field station. Visitors to Central Office (810 Vermont Ave. NW., Washington, D.C.) will be received by the Central Office Veterans Assistance Unit in Room 132. Visitors to any VA field station will be assisted and informed where the index may be inspected.
Do	Index and digest of decisions of the Veterans Administration Contract Appeals Board.	do	Inquiries should be directed to the Chairman; Contract Appeals Board (002C), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420, telephone 202-275-1750.

[1] $5. a copy.
[2] $10. a copy for each year.

[FR Doc.77-20503 Filed 7-14-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-463]

CENTRAL TELEPHONE & UTILITIES CORP.

Emergency Service

JULY 6, 1977.

Take notice that Central Telephone & Utilities Corporation (CTU) on June 20, 1977, tendered for filing proposed changes in its Federal Power Commission Electric Service Tariffs No. 59—City of Anthony, Kansas, No. 84—City of Attica, Kansas, No. 60—City of Beloit, Kansas, No. 57—City of Hoisington, Kansas, No. 58—City of Kingman, Kansas, No. 34—City of Pratt, Kansas, No. 41—City of Russell, Kansas, and No. 56—City of Washington, Kansas.

CTU states that the filing is Service Schedule B, Emergency Service, which provides for conditions and rates applicable to Emergency Service between CTU and eight generating Municipal Utilities in Kansas.

CTU proposes an effective date of June 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Such petitions or protests should be filed on or before July 13, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20505 Filed 7-14-77;8:45 am]

[Docket No. ER77-391]

GULF STATES UTILITIES CO.

Filing of Agreement

JULY 8, 1977.

Take notice that on June 20, 1977, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and the City of Rayne, Louisiana. Gulf States indicates that the agreement provides for Gulf States to furnish firm power service and emergency service to Rayne at Gulf States' standard rates for such service.

According to Gulf a copy of the filing was served upon the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20504 Filed 7-14-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the productions of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 11th day of July 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending July 8, 1977

Name of applicant	Location of enterprise	Principal product or activity
Rupeg Inc	Fairmont, W. Va	A retail grocery outlet.
Canyon Implements Inc	Mansfield, Pa	Sales and service of farm machinery.
The Cotton Exchange	Wilmington, N.C	Specialty theme shopping center and office facilities.
Creswell Grain Co., Inc	Creswell, N.C	Grain merchandising, storage, drying, and handling.
Dixie Portland Flour Mills, Inc. (tenant of Barnesville-Lamar County Industrial Development Authority).	Barnesville, Ga	Flour mill.
Realspan Industries, Inc	Hickory, N.C	Covering as spandex and rubber yarns with nylon and other synthetic yarns.
Decker-Holway Steel Co	Richburg, S.C	Warehouse and metal processing operation.
Georgia Farmers Auction Co., Inc.	Americus, Ga	Buying and selling new and used farm equipment.
Alloy Crafts Co	Delphi, Ind	Manufacture of alloy pressure vessels, cryogenic vessels, and cryogenic transport equipment.
Farmers Grain Co	Marietta, Minn	Buying and selling grain, seeds, feed, fertilizer, and chemicals.
Naples Terminal Co	Naples, Ill	Purchase, sale, and handling of grain and grain products; storage of fertilizer, feed ingredients, crushed rock, limestone, and salt.
Sam Consulting Co	Austin, Tex	Restaurant, service station, grocery store, and beauty shop.
Harpool Seed, Inc	Denton, Tex	Processing and distribution of seed and other agricultural products.
American Lighting Standards Corp.	Brenham, Tex	Manufacture of electric lighting poles and sign structures.
Socorro Livestock	Socorro, N. Mex	Livestock auction.
Mundo del Sol	Tulare, Calif	Fresh fruit packing facility.
Silverdale Hotel Associates	Silverdale, Wash	Hotel.

[FR Doc.77-20441 Filed 7-14-77;8:45 am]

Office of the Secretary

APPLIKAY TEXTILE PROCESS CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 29, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 29, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of July 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

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Appendix

Petitioner: (union/ workers or former workers of	Location	Date received	Date of petition	Petition No.	Articles produced
Applikay Textile Process Co. (ACTWU).	Passaic, N.J.	July 1, 1977	June 27, 1977	TA-W-2,186	Hand screen printing on fabrics.
Bouquet Screen Printing, Inc. (ACTWU).	do.	do.	do.	TA-W-2,187	Rotary screen printing on fabrics.
D&S Processing Co., Inc. (ACTWU).	Clifton, N.J.	do.	do.	TA-W-2,188	Textile printing on cloth.
Dana Corp., Spicer Transmission Division (UAW).	Toledo, Ohio.	June 28, 1977	June 24, 1977	TA-W-2,189	Truck transmissions and parts.
Holliston Mills (workers).	Lincoln, R.I.	July 1, 1977	June 27, 1977	TA-W-2,190	Cloth, paper, and coated plastic films book coverings.
Do.	Hyannis, Mass.	do.	do.	TA-W-2,191	Do.
Do.	Kingsport, Tenn.	do.	do.	TA-W-2,192	Do.
Markay Handbag, Inc. (the 4 joint boards).	Plainfield, N.J.	June 29, 1977	do.	TA-W-2,193	Vinyl and leather ladies' handbags.
Profile Photoengravers (ACTWU).	Passaic, N.J.	July 1, 1977	do.	TA-W-2,194	Textile printing on fabrics.
Tricolor Mills, Inc. (Undergarment & Negligee Workers Union).	New York, N.Y.	do.	do.	TA-W-2,195	Women's and children's tops.

[FR Doc.77-20406 Filed 7-14-77;8:45 am]

[TA-W-1656]

BENDIX HYDRAULICS DIVISION ST. JOSEPH, MICHIGAN

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1656: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977 in response to a worker petition received on that date which was filed by the United Automobile, Aerospace, Agricultural and Implement Workers of America (UAW) on behalf of workers and former workers producing rear wheel cylinders at the Bendix Hydraulics Division, St. Joseph, Michigan, of the Bendix Corporation, Southfield, Michigan.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13082). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bendix Hydraulics Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Workers engaged in the production of wheel cylinders at the Bendix Hydraulics Division are employed in the foundry, machining, or assembly departments. Employment of foundry workers increased 6 percent in 1976 from 1975 and increased 3 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of machining workers engaged in the production of wheel cylinders increased 13 percent in 1976 from 1975 and increased 45 percent during the first quarter of 1977 compared to the first quarter of 1976. Average weekly hours worked by machining employees increased 5 percent in 1976 from 1975 and increased 10 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of assembly workers engaged in the production of wheel cylinders increased 20 percent in 1976 from 1975 and increased 6 percent during the first quarter of 1977 compared to the first quarter of 1976. Average weekly hours worked by assembly employees remained the same in 1976 from 1975 and increased 5 percent during the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Net dollar sales of wheel cylinders by the Bendix Hydraulics Division increased 20 percent in 1976 from 1975 and increased 46 percent during the first quarter of 1977 compared to the first quarter of 1976. Production of wheel cylinders increased 28 percent in quantity in 1976 from 1975 and increased 17 percent in the first quarter of 1977 compared to the first quarter of 1976.

Compared to the same quarter of the previous year, sales and production of wheel cylinders at the Bendix Hydraulics Division increased during four of five quarters from the first quarter of 1976 through the first quarter of 1977.

INCREASED IMPORTS

Industry analysts indicate that imports of wheel cylinders and drum brake assemblies are negligible. The quantity of imports amounted to less than one half of one percent of total domestic production each year from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that approximately 97 percent of 1976 wheel cylinder sales by Bendix Hydraulics Division in St. Joseph, Michigan went to Bendix drum brake manufacturing facilities located in South Bend, Indiana and Windsor, Ontario. During 1976 the St. Joseph facility supplied more than 95 percent of all wheel cylinders used in drum brake assembly at Bendix Brake and Steering Division in South Bend and at Bendix Automotive of Canada, Ltd. Purchases by one major customer accounted for approximately 69 percent of brake drum sales by the South Bend and Windsor, Ontario facilities during the 1977 automobile model year.

During 1976 and 1977 the only quarter in which wheel cylinder sales, production, and employment declined at the St. Joseph facility was the fourth quarter of 1976. Wheel cylinder operations at the St. Joseph plant were adversely affected during the fourth quarter of 1976 by a strike which occurred at the manufacturing facilities of the major drum brake customer of Bendix. This strike began in mid-September and ended in late October 1976. Declines in production and employment at the St. Joseph facility subsequently occurred for a similar six week period from October through November 1976.

Bendix Automotive of Canada, Ltd. began placing orders for imported wheel cylinders late in 1976. The imported wheel cylinders are cast and partially machined in Japan and then sent to Bendix Hydraulics Division for completion of machining and assembling processes. The completed wheel cylinders are then shipped to Bendix Automotive of Canada, Ltd., in Windsor, Ontario.

Bendix Hydraulics Division has only marginal capacity to meet peak market demand for wheel cylinders. Bendix Automotive of Canada, Ltd. placed orders for imported wheel cylinders in order to develop an alternate machining source during periods of excess demand. Imported wheel cylinders were received by Bendix for the first time in January 1977.

Imports of wheel cylinders amounted to 5 percent of total units machined at Bendix Hydraulics Division during the first quarter of 1977. Sales, production, and employment related to the wheel cylinder product line at the St. Joseph facility increased during the first three months of importing by the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with wheel cylinders produced at the Bendix Hydraulics Division, St. Joseph, Michigan did not contribute importantly to a decline in sales or production or to the separation of workers at that firm.

Signed at Washington, D.C., this 5th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20407 Filed 7-14-77;8:45 am]

[TA-W-1664]

ELEGANTE FOUNDATIONS, INCORPORATED, NEW YORK, NEW YORK, HATO REY, PUERTO RICO

Notice of Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1664: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 17, 1977 in response to a worker's petition received on that date which was filed by the Corset and Brassiere Workers' Union on behalf of workers and former workers producing women's girdles at the New York City and Hato Rey, Puerto Rico plants of Elegante Foundations, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Elegante Foundations, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met in relation to women's girdles produced at the New York City plant. The investigation also revealed that, without regard to whether any of the other criteria have been met, criteria (1) and (2) were not met in relation to women's girdles produced at the Hato Rey, Puerto Rico plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the New York City plant decreased 9.1 percent in 1975 compared to 1974 and remained stable in 1976 compared to 1975. Employment decreased 9.1 percent in the July–December period of 1976 compared to the same period of 1975. Average weekly hours worked decreased 2.7 percent in 1976 compared to 1975.

Employment at the Hato Rey, Puerto Rico plant remained stable in 1976 compared to 1975. Employment remained stable in the July–December period of 1976 compared to the same period of 1975. Average weekly hours worked increased 9.2 percent in 1976 compared to 1975. All annual figures for 1975 are based on 39 weeks because of a shutdown.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 10.1 percent in value for 1975 compared to 1974 and increased 19.6 percent in 1976 compared to 1975. Sales decreased 11.2 percent in the July–December period of 1976 compared to the same period of 1975.

Production at the New York City plant increased in quantity 13.4 percent in 1975 compared to 1974 and decreased 2.9 percent in 1976 compared to 1975. Production decreased in quantity 17.1 percent in the July–December period of 1976 compared to the same period of 1975.

Production at the Hato Rey, Puerto Rico plant decreased in quantity 52.8 percent in 1975 compared to 1974 and increased 175.9 percent in 1976 compared to 1975. This fluctuation was due to a shutdown of operations at the Puerto Rican plant from December of 1974 through May of 1975.

INCREASED IMPORTS

Imports of corsets and girdles increased from 55,000 dozen in 1971 to 116,000 dozen in 1974. The 1975 figure was 137,000 dozen while the 1976 figure increased 69.0 percent to 231,000 dozen. The ratio of imports to domestic production increased for 1.0 percent in 1971 to 3.1 percent in 1975.

Imports of panty hose, a product directly competitive with girdles, have varied from 1972 through 1976. Imports of panty hose increased 43.7 percent in 1976 compared to 1975, from 1,978 thousand dozen in 1975 to 2,842 thousand dozen in 1976. The ratio of imports to domestic production increased from 3.2 percent in 1975 to 4.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

A major customer, representing 27.0 percent of sales, has decreased its purchases of girdles from Elegante Foundations while increasing its imports of girdles and panty hose. All customers mentioned that there has been a tremendous switch in consumer preference from girdles to pany hose and panty girdles.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's girdles produced by Elegante Foundations, Incorporated contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the New York City plant of Elegante Foundations, Incorporated who became totally or partially separated from employment on or after June 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that a significant number or proportion of the workers at the Hato Rey, Puerto Rico plant of Elegante Foundations, Incorporated have not become totally or partially separated and that sales and production at such plant have not declined absolutely as required by the Trade Act of 1974. Therefore, workers engaged in the production of women's girdles at the Hato Rey, Puerto Rico plant are not eligible to apply for adjustment assistance. Signed at Washington, D.C. this 7th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research

[FR Doc.77-20408 Filed 7-14-77;8:45 am]

[TA-W-1481]

JONES AND LAUGHLIN STEEL CORPORATION CLEVELAND, OHIO

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1481: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976 in response to a

worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel at the Cleveland Works, Cleveland, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13082). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Workers engaged in the production of steel at the Cleveland Works are employed in the coke, blast furnace, steel, and rolling departments. Employment of coke workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of blast furnace workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of steel workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of rolling workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Net sales of steel by the Cleveland Works increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976. Production of steel increased 1 percent in quantity in 1976 from 1975 and increased 1 percent in the first quarter of 1977 compared to the first quarter of 1976.

Compared to the same quarter of the previous year, sales and production of steel at the Cleveland Works increased during four of five quarters from the first quarter of 1976 through the first quarter of 1977.

INCREASED IMPORTS

Industry analysts indicate that imports of steel are negligible. The quantity of imports amounted to less than one half of one percent of total domestic production each year from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that approximately 97 percent of 1976 steel sales by Cleveland Works went to Jones and Laughlin Steel Corporation facilities located in Cleveland, Ohio. During 1976 the Cleveland facility supplied more than 95 percent of all steel used in rolling assembly at Jones and Laughlin Steel Corporation facilities located in Cleveland, Ohio. Purchases by one major customer accounted for approximately 69 percent of rolling sales by the Cleveland facilities during the 1977 automobile model year.

During 1976 and 1977 the only quarter in which steel sales, production, and employment declined at the Cleveland facility was the fourth quarter of 1976. Steel operations at the Cleveland plant were adversely affected during the fourth quarter of 1976 by a strike which occurred at the manufacturing facilities of the major rolling customer of Jones and Laughlin Steel Corporation. This strike began in mid-September and ended in late October 1976. Declines in production and employment at the Cleveland facility subsequently occurred for a similar six week period from October through November 1976.

Jones and Laughlin Steel Corporation began placing orders for imported steel late in 1976. The imported steel are cast and partially machined in Japan and then sent to Jones and Laughlin Steel Corporation for completion of machining and assembling processes. The completed steel are then shipped to Jones and Laughlin Steel Corporation facilities in Cleveland, Ohio.

Jones and Laughlin Steel Corporation has only marginal capacity to meet peak market demand for steel. Jones and Laughlin Steel Corporation placed orders for imported steel in order to develop an alternate machining source during periods of excess demand. Imported steel were received by Jones and Laughlin Steel Corporation for the first time in January 1977.

Imports of steel amounted to 5 percent of total units machined at Jones and Laughlin Steel Corporation during the first quarter of 1977. Sales, production, and employment related to the steel product line at the Cleveland facility increased during the first three months of importing by the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with steel produced at the Jones and Laughlin Steel Corporation facilities, Cleveland, Ohio did not contribute importantly to a decline in sales or production or to the separation of workers at that firm.

Signed at Washington, D.C., this 6th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20409 Filed 7-14-77;8:45 am]

but not necessarily more important than any other cause.

The investigation has revealed that criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Workers engaged in the production of steel at the Cleveland Works are employed in the coke, blast furnace, steel, and rolling departments. Employment of coke workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of blast furnace workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of steel workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

Employment of rolling workers increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Net sales of steel by the Cleveland Works increased 1 percent in 1976 from 1975 and increased 1 percent during the first quarter of 1977 compared to the first quarter of 1976. Production of steel increased 1 percent in quantity in 1976 from 1975 and increased 1 percent in the first quarter of 1977 compared to the first quarter of 1976.

Compared to the same quarter of the previous year, sales and production of steel at the Cleveland Works increased during four of five quarters from the first quarter of 1976 through the first quarter of 1977.

INCREASED IMPORTS

Industry analysts indicate that imports of steel are negligible. The quantity of imports amounted to less than one half of one percent of total domestic production each year from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that approximately 97 percent of 1976 steel sales by Cleveland Works went to Jones and Laughlin Steel Corporation facilities located in Cleveland, Ohio. During 1976 the Cleveland facility supplied more than 95 percent of all steel used in rolling assembly at Jones and Laughlin Steel Corporation facilities located in Cleveland, Ohio. Purchases by one major customer accounted for approximately 69 percent of rolling sales by the Cleveland facilities during the 1977 automobile model year.

During 1976 and 1977 the only quarter in which steel sales, production, and employment declined at the Cleveland facility was the fourth quarter of 1976. Steel operations at the Cleveland plant were adversely affected during the fourth quarter of 1976 by a strike which occurred at the manufacturing facilities of the major rolling customer of Jones and Laughlin Steel Corporation. This strike began in mid-September and ended in late October 1976. Declines in production and employment at the Cleveland facility subsequently occurred for a similar six week period from October through November 1976.

Jones and Laughlin Steel Corporation began placing orders for imported steel late in 1976. The imported steel are cast and partially machined in Japan and then sent to Jones and Laughlin Steel Corporation for completion of machining and assembling processes. The completed steel are then shipped to Jones and Laughlin Steel Corporation facilities in Cleveland, Ohio.

Jones and Laughlin Steel Corporation has only marginal capacity to meet peak market demand for steel. Jones and Laughlin Steel Corporation placed orders for imported steel in order to develop an alternate machining source during periods of excess demand. Imported steel were received by Jones and Laughlin Steel Corporation for the first time in January 1977.

Imports of steel amounted to 5 percent of total units machined at Jones and Laughlin Steel Corporation during the first quarter of 1977. Sales, production, and employment related to the steel product line at the Cleveland facility increased during the first three months of importing by the company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with steel produced at the Jones and Laughlin Steel Corporation facilities, Cleveland, Ohio did not contribute importantly to a decline in sales or production or to the separation of workers at that firm.

Signed at Washington, D.C., this 6th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20410 Filed 7-14-77;8:45 am]

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worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing hot rolled sheet, cold rolled sheet and hot rolled plate at the Cleveland, Ohio plant of Jones and Laughline Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1535). No public hearing was requested on none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files:

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the third criterion has been met, the first, second, and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 9.5 percent in 1975 compared to 1974 and increased 12.7 percent in the period January through November 1976 compared to the same period in 1975. Employment increased in every quarter of 1976 compared to the corresponding quarter in 1975. The average number of hours worked by production workers decreased 12.2 percent in 1975 from 1974 and increased 11.6 percent in January-November 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total shipments declined 35.9 percent in 1975 compared to 1974 and increased 57.2 percent during the period January-November 1976 compared to the same period in 1975. Shipments in each of the first three quarters of 1976 were higher than in same quarters of 1975.

Shipments of hot rolled sheets decreased 24.5 percent in value in 1975 from 1974 and increased 81.9 percent in January-November 1976 compared to the same period in 1975.

Shipments of cold rolled sheets decreased 28.9 percent in value in 1975 from 1974 and increased 68.0 percent in January-November 1976 compared to the same period in 1975.

Shipments of hot rolled plate decreased 68.6 percent in quantity in 1975 from 1974 and decreased 59.6 percent in January-November 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of hot rolled carbon steel sheet decreased steadily from 2,231.0 thousand short tons in 1972 to 1,509.2 thousand short tons in 1975. Imports increased eight percent in 1976 to 1,635.9 thousand short tons.

The import/shipment and import/consumption ratios decreased from 1972 to 1973 and then increased in 1974 and 1975 compared to the immediately preceding years. The import/shipment and import/consumption ratios decreased from 14.0 percent and 12.4 percent, respectively, in 1975 to 11.3 percent and 10.2 percent, respectively, in 1976.

Imports of cold rolled carbon steel sheets decreased from 3,236.2 thousand short tons in 1972 to 2,067.1 thousand short tons in 1975 and then increased 13.7 percent in 1976 to 2,350.7 thousand short tons.

The import/shipment and import/consumption ratios decreased from 1972 to 1973 and increased in 1974 and 1975 compared to the immediately preceding years. The import/shipment and import/consumption ratios decreased from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976.

Imports of carbon steel plate decreased in 1973 from 1972 and increased in 1974 from 1973. Imports decreased from 1,699.0 thousand short tons in 1974 to 1,353.0 thousand short tons in 1975 and then increased 15.0 percent to 1,555.4 thousand short tons in 1976.

The import/shipment and import/consumption ratios decreased from 1972 to 1973 and increased steadily from 16.4 percent and 14.5 percent, respectively, in 1973 to 27.7 percent and 21.9 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Total shipments and total employment at the Cleveland plant rose in January-November 1976 compared to the like period in 1975. Shipment and employment levels in each of the first three quarters of 1976 were higher than respective levels in the corresponding quarters of 1975. Hot and cold rolled sheet represented over 95 percent of total shipments in 1976. The increased shipments of sheet in 1976 were attributed to the rise in demand for consumer durable products, especially automobiles and household appliances. Customers who purchased hot and cold rolled sheet from Jones and Laughlin did not shift to imports in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hot and cold rolled carbon steel sheet produced at the Cleveland, Ohio plant of Jones and Laughlin Steel Corporation did not contribute importantly to the total or partial separations of workers at that plant and that separations of workers at the Cleveland, Ohio plant did not occur as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 1st day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-20409 Filed 7-14-77;8:45 am]

[TA-W-1980]

MALDEN RENTAL SERVICE, INC. MALDEN, MASSACHUSETTS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1980: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 14, 1977 in response to a worker petition received on April 13, 1977 which was filed on behalf of workers and former workers at Malden Rental Service, Inc., Malden, Massachusetts, who were engaged in providing transportation services.

The notice of investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21874). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Malden Rental Service and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm, or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Malden Rental Service does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airway, Incorporated (TA-W-153, 40 FR 54639). The only question in this case is whether Converse Rubber Company, i.e., a firm which produces an article, namely footwear, and for whom the service is provided, can be considered the "workers' firm." See Notice of Determination in Nu-Car Driveway, Incorporated (TA-W-393, 41 FR 12749).

Malden Rental Service, Inc. is a transport business incorporated in the state of Massachusetts and licensed and regulated by that state and the Interstate Commerce Commission. Malden Rental competes for business with other carriers in the Malden, Massachusetts area and each is free to haul for any business requesting their services.

Neither Malden Rental, nor Converse Rubber is financially or otherwise involved in the business of the other. Malden Rental owns or rents the facilities necessary to the operation of its business.

The workers upon whose behalf this petition was filed were hired and are paid by Malden Rental Service, Inc. They are supervised by and subject to the control of Malden Rental personnel only. All employment benefits which they enjoy are provided and maintained by Malden Rental.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Malden Rental Service, Inc. are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that Converse Rubber Company cannot be considered the "workers' firm." The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20410 Filed 7-14-77;8:45 am]

[TA-W-1250]

TERRANCE FOOTWEAR, INC.

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 77-12368 appearing at page 21871 in the FEDERAL REGISTER of April 29, 1977, the impact date appearing on page 21871 is corrected in the third column, sixth line from the bottom, to read "on or after May 1, 1976."

Signed at Washington, D.C., this 6th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20411 Filed 7-14-77;8:45 am]

[TA-W-1663]

VANITY CORSET COMPANY, INC. NEW YORK, NEW YORK

Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1663: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 17, 1977 in response to a worker petition received on February 17, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers producing corsets and girdles at the New York, New York plant of the Vanity Corset Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13094). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the International Ladies' Garment Workers' Union, Vanity Corset Company, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

The New York, New York plant of the Vanity Corset Company, Inc. produces girdles and corsets.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 9.2 percent in 1975 compared to 1974 and declined 8.9 percent in 1976 compared to 1975. Employment of production workers declined 9.8 percent in the first quarter of 1976 compared to the first quarter of 1975. Production workers are used interchangeably on all product lines.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of corsets and girdles, in value deflated to 1974 dollars, declined 21.3 percent in 1975 compared to 1974 and declined 9.9 percent in 1976 compared to 1975.

INCREASED IMPORTS

U.S. imports of corsets and girdles increased from 55 thousand dozens in 1971 to 106 thousand dozens in 1972. Imports declined to 66 thousand dozens in 1973 before increasing to 116 thousand dozens and 137 thousand dozens, respectively in 1974 and 1975. U.S. imports increased to 231 thousand dozens in 1976.

Imports of panty hose, a product like and directly competitive with girdles, increased 43.7 percent in 1976 compared to 1975 from 1,978 thousand dozen in 1975 to 2,842 thousand dozen in 1976. The ratio of imported panty hose to domestic production increased from 3.2 percent in 1975 to 4.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

One of the two major customers that purchase 85 percent of the girdles and corsets sold by the Vanity Corset Company, Inc. maintained purchases of imported corsets and girdles at a constant level while decreasing purchases from Vanity Corset.

CONCLUSION

After careful review of the facts obtained during the course of the investigation, I conclude that increased imports of articles like or directly competitive with the girdles and corsets produced at the New York City plant of the Vanity Corset Co., Inc. contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the New York City plant of the Vanity Corset Co., Inc. who became totally or partially separated from employment on or after January 26, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20413 Filed 7-14-77;8:45 am]

[TA-W-2070]

WHEELING MACHINE PRODUCTS COMPANY, CAMBRIDGE, OHIO; WHEELING, WEST VIRGINIA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2070: investigation regarding certifi-

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cation of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 12, 1977 in response to a worker petition received on May 12, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel pipe couplings at the Cambridge, Ohio warehouse and the Wheeling, West Virginia plant of Wheeling Machine Products Company.

The Notice of Investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26482). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wheeling Machine Products Company and the United Steelworkers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met at the Cambridge, Ohio warehouse, criterion (1) has not been met.

The Cambridge, Ohio facility of Wheeling Machine Products Company is a warehouse and distribution center for company products.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred at the Cambridge, Ohio warehouse from April 15, 1976, one year prior to the signature date of the petition, to the present.

During the course of the investigation, it was established that all workers at the Wheeling, West Virginia plant of Wheeling Machine Products Company were previously certified eligible to apply for adjustment assistance on April 29, 1977 (See TA-W-1347).

The existing certification will expire on November 1, 1977 unless terminated by the Secretary of Labor. Since workers newly separated totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (November 1, 1975) and before the certification expiration date (November 1, 1977), no further investigation of the Wheeling, West Virginia plant of Wheeling Machine Products Company is necessary at this time.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Cambridge, Ohio warehouse of Wheeling Machine Products Company have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20412 Filed 7-14-77;8:45 am]

Office of the Secretary

[TA-W-1814]

CLASSIC TRIM, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1814: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 17, 1977 which was filed on behalf of workers and former workers producing trimmings at the New York, New York plant of Classic Trim, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Classic Trim, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Imports of automotive and apparel trimmings are negligible. Imports of this type of trimmings was less than 1 percent of domestic production during the 1972-1976 period.

Furthermore, the investigation revealed that this negligible impact of aggregate imports is further diminished in the particular case of Classic Trim due to the fact that most of their trimmings are sewn directly on garments, or parts of garments, sent by the manufacturers. Imports of garments which incorporate trimming of the same origin are not like or directly competitive with trimmings produced by Classic Trim, Incorporated.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with those produced by Classic Trim, Incorporated did not contribute importantly to the total or partial separation of workers and to the absolute decline in sales or production at the New York, New York plant of Classic Trim, Incorporated.

Signed at Washington, D.C. this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20106 Filed 7-14-77;8:45 am]

[TA-W-1273]

CLIFTON HEIGHTS SPORTSWEAR, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1273: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on November 15, 1976 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' jackets, slacks and skirts at Clifton Heights Sportswear, Incorporated, Clifton Heights, Pennsylvania. The Department's investigation revealed that the Clifton Heights plant produces jackets and skirts.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53086). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clifton Heights Sportswear, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 1.8 percent in 1975 compared to 1974, and declined 17.5 percent in the first eleven months of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of Clifton Heights Sportswear, Incorporated increased 72.5 percent in 1975 compared to 1974, before decreasing 30.8 percent in the first eleven months of 1976 compared to the same period of 1975.

Production of women's jackets decreased 50.3 percent in the first eleven months of 1976 compared to the same period of 1975.

Production of women's skirts began in January 1976 and has increased steadily.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased in 1973 to 1,807,000 dozens from 1,441,000 dozens in 1971. Imports then decreased in 1974 to 1,478,000 dozens, before increasing again in 1975 to 1,517,000 dozens. Imports also increased in the first three quarters of 1976 compared to the same period of 1975, from 1,109,000 dozens to 1,680,000 dozens.

Imports of women's, misses' and children's suits including pant suits and jump suits increased each year from 1972 through 1975. Imports declined one percent in 1976 compared to 1975. The ratio of imports to domestic production increased each year from 1972 through 1974; then decreased each year thereafter through 1976.

CONTRIBUTED IMPORTANTLY

Clifton Heights produced clothing primarily for two clothing manufacturers. One manufacturer closed in 1976. Neither this manufacturer nor customers representing 100 percent of its sales purchased any imported women's jackets and pant suits. The other major manufacturer for whom Clifton Heights produced clothing decreased purchases in 1976 in favor of other domestic contractors. Most customers of this manufacturer surveyed do not purchase imported women's jackets or pant suits. Those that do purchase imports have increased purchases from the manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's jackets and skirts produced at Clifton Heights Sportswear, Clifton Heights, Pennsylvania, did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C. this 1st day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20107 Filed 7-14-77;8:45 am]

[TA-W-1616]

CTS OF PADUCAH, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1616: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 26, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing loudspeakers at CTS at Paducah, Inc., Paducah, Kentucky, a subsidiary of CTS Corporation, Elkhart, Indiana.

The Notice of Investigation was published in the FEDERAL REGISTER on February 15, 1977 (42 FR 9239). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of CTS of Paducah, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Approximately 90 percent of total production at CTS of Paducah, Inc. consisted of medium and heavy-duty loudspeakers (from 8" to 18" in cone diameter). Industry sources estimate that less than 10 percent of all imported loudspeakers are classified as medium and heavy-duty speakers.

Declines in production at CTS of Paducah, Inc. from mid-1975 through early 1977 were due to a 17 mnoth strike at the facility. The strike began in August 1975 and continued until the plant closed in January 1977. During the strike period production operations were performed by salaried personnel, who were unable to produce in sufficient quantities and provide adequate service to maintain existing accounts.

Customers of CTS of Paducah reduced purchases due to the reduced output and quality of service caused by the strike. The customers indicated that imports have had little impact on the market for medium and heavy-duty speakers such as those produced at CTS of Paducah. Customers who reduced purchases from CTS of Paducah during the strike period increased purchases from other domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with loudspeakers produced by CTS of Paducah, Inc. did not contribute importantly to a decline in sales or production or to the separation of workers at that firm.

Signed at Washington, D.C. this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20108 Filed 7-14-77;8:45 am]

[TA-W-1810]

HIATT SHOE PLANT, OF THE STRIDE RITE MANUFACTURING CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-

W-1810: investigation regarding certifi-

half of 1976 production was higher than

[TA-W-2025]

pared to 1975 and declined 6 percent in

[TA-W-1647]

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W–1810: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 13, 1977 in response to a worker petition received on February 20, 1977 which was filed on behalf of workers and former workers producing children's shoes and sandals at the Hiatt Shoe Plant, Lawrence, Massachusetts of the Stride Rite Manufacturing Corporation, Boston, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER (42 FR 18155) on April 5, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Stride Rite Manufacturing Corporation, its customers, the American Footwear Industries Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Hiatt Shoe Plant increased 0.8 percent from 1974 to 1975 and decreased 1.7 percent from 1975 to 1976. In the first half of 1976 employment was higher than in the first half of 1975, while in the second half of 1976, employment was lower than in the second half of 1975. Plant employment in January–February 1977 was 23.4 percent below that in January–February 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of children's shoes and sandals at the Hiatt Shoe Plant declined 0.3 percent from 1974 to 1975 and 2.5 percent from 1975 to 1976. In the first half of 1976 production was higher than in the first half of 1975, while in the second half of 1976 production was lower than in the second half of 1975. Plant production in January–February 1977 was 36.1 percent lower than an January–February 1976.

INCREASED IMPORTS

Imports of nonrubber footwear for infants and babies declined yearly from 9.0 million pairs in 1972 to 6.8 million pairs in 1974 and increased annually to 10.7 million pairs in 1976. The ratio of imports to domestic production rose from 28.5 percent in 1975 to 41.0 percent in 1976.

Imports of children's footwear decreased yearly from 17.0 million pairs in 1972 to 11.1 million pairs in 1975 and rose to 15.8 million pairs in 1976. The ratio of imports to domestic production rose from 60.0 percent in 1975 to 72.1 percent in 1976.

Imports of misses' nonrubber footwear, excluding athletic footwear, declined annually from 11.2 million pairs in 1972 to 7.1 million pairs in 1975 and increased to 11.6 million pairs in 1976. The ratio of imports to domestic production rose from 54.3 percent in 1975 to 77.6 percent in 1976.

Imports of dress and casual footwear for youth and boys decreased yearly from 11.9 million pairs in 1972 to 7.8 million pairs in 1974 and increased annually to 19.7 million pairs in 1976. The ratio of imports to domestic production rose from 73.5 percent in 1975 to 118.7 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers who bought children's footwear from the Stride Rite Manufacturing Corporation indicated that those customers who reduced purchases from Stride Rite bought imports of children's shoes and sandals.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the children's shoes and sandals produced at the Hiatt Shoe Plant, Lawrence, Massachusetts contributed importantly to the total or partial separations of workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Hiatt Shoe Plant, Lawrence, Massachusetts of the Stride Rite Manufacturing Corporation who became totally or partially separated from employment on or after February 25, 1976 are eligible to apply of adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 1st day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Policy.

[FR Doc.77–20109 Filed 7–14–77;8:45 am]

[TA–W–2025]

HYGRADE HANDBAG CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–2025: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 25, 1977 in response to a worker petition received on April 22, 1977 which was filed by three individual workers on behalf of workers and former workers producing handbags at Hygrade Handbag Corporation, New Brunswick, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on May 10, 1977 (42 FR 23656). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of Hygrade Handbag Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Hygrade Handbag Corporation increased 12 percent in 1975 compared to 1974, declined 29 percent in 1976 compared to 1975 and declined 20 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of Hygrade, in quantity, increased 31 percent in 1975 compared to 1974, declined 51 percent in 1976 compared to 1975 and declined 6 percent in the first quarter of 1977 compared to the first quarter of 1976.

Sales, in value, increased 47 percent in 1975 compared to 1974, declined 37 percent in 1976 compared to 1975 and again declined 37 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of handbags declined in 1973 and 1974 when compared to the previous year, increased in 1975 compared to 1974, increased by 56 percent in 1976 compared to 1975, and increased 5 percent in the first quarter of 1977 when compared to the first quarter of 1976. The ratio of imports to domestic production increased from 83.5 percent in 1975 to 140.5 percent in 1976.

Imports of leather handbags decreased absolutely in 1973 and 1974 when compared to the previous year, increased in 1975 compared to 1974, increased 13 percent in 1976 when compared to 1975, and decreased 15 percent in the first quarter of 1977 compared to the first quarter of 1976.

Imports of non-leather non-leather plastic handbags, which includes fabric handbags, increased absolutely in 1973 and 1974 when compared to the previous year, increased in 1975 compared to 1974, increased 53 percent in 1976 when compared to 1975, and increased 37 percent in the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

Customers of Hygrade Handbag Corporation indicated they decreased purchases from Hygrade and increased purchases of imports which resulted in decreased sales by Hygrade and separations of workers of Hygrade.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with handbags produced at Hygrade Handbag Corporation, New Brunswick, New Jersey, contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification.

All workers of Hygrade Handbag Corporation, New Brunswick, New Jersey, who became totally or partially separated from employment on or after April 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77–20121 Filed 7–14–77;8:45 am]

[TA–W–1647]

JOE AND RUBEN BARRERA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–1647: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 14, 1977, in response to a worker petition received on February 10, 1977, which was filed by workers on behalf of workers and former workers producing shrimp at Joe and Ruben Barrera, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13087). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Joe and Ruben Barrera, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decrease absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data in the shrimp fishing industry have been expressed in number of trips or landings and gross crew earnings since shrimp boat complements usually remain constant with three crewmen per trawler as required for insurance and safety purposes.

Employment records in the shrimp industry are not maintained as to hours worked. Gross crew earnings are calculated as a percentage of the sale value of shrimp landings.

Employment of workers at Joe and Ruben Barrera, in terms of gross crew earnings increased 37.2 percent from 1974 to 1975 and decreased 1.6 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in terms of quantity increased 13.1 percent in 1975 compared to 1974 and decreased 25.6 percent in 1976 compared to 1975. Sales in terms of value increased 34 percent in 1975 compared to 1974 and increased 8.4 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp, in terms of quantity, decreased 9.3 percent in 1973 compared to 1972 and increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Joe and Ruben Barrera's only customer indicated that purchases of imported shrimp have remained relatively stable at about 20 percent of total purchases from 1974 to 1976. This customer has an agreement with the shrimp broker that deals with Joe and Ruben Barrera to purchase all shrimp landed at the broker's facilities.

The decline in the quantity of shrimp caught by Joe and Ruben Barrera fishermen was due to several factors, including adverse weather conditions during the height of the shrimping season in November and December 1976 which kept the trawlers in port, the lack of success by the trawler captain in finding adequate supplies of shrimp in the usual fishing grounds, and the 200 mile fishing restrictions imposed by the Mexican government which prevented domestic shrimpers without special permits from fishing off Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the shrimp produced by Joe and Ruben Barrera Company, Port Isabel, Texas did not contribute importantly to the total or partial separations of the workers of that firm, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77–20110 Filed 7–14–77; 8:45 am]

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[TA-W-1776]

LEVERENZ SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1776: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 8, 1977 in response to a worker petition received on March 7, 1977 which was filed on behalf of workers and former workers producing men's dress and casual footwear at the Valders, Wisconsin plant of Leverenz Shoe Company, Sheboygan, Wisconsin.

The Notice of Investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leverenz Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Separations at the Valders plant occurred in the fourth quarter of 1976. Employment declined by 13.7 percent in the first three months of 1977 compared to the first three months of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Valders plant declined from the first half of 1976 to the second half of 1976 by 13.1 percent, and declined 15.3 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of men's dress and casual non-rubber footwear increased both in absolute terms and relative to domestic production and consumption from 1972 to 1973, decreased from 1973 to 1974 and increased again from 1974 to 1975. Imports rose from 47.5 million pairs in 1975 to 58.7 million pairs in 1976, an increase of 23.6 percent. The ratios of imports to domestic production and consumption increased from 58.7 percent and 37.0 percent, respectively, in 1975 to 68.5 percent and 40.7 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that their purchases of imported men's dress and casual footwear increased while their purchases from Leverenz Shoe Company, Valders, Wisconsin decreased. The Valders plant began purchasing imported shoes in the fourth quarter of 1976. The recent finding of the International Trade Commission based on the very high penetration of imported shoes is that customers of domestic manufacturers such as the Valders plant of Leverenz Shoe Company increasingly shifted from domestically produced shoes to imported shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress and casual footwear produced by the Valders plant of Leverenz Shoe Company contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Valders, Wisconsin plant of Leverenz Shoe Company, Sheboygan, Wisconsin, who became totally or partially separated from employment on or after August 28, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of June 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-20114 Filed 7-14-77;8:45 am]

[TA-W-1750]

PAUL LOUIS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1750: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 23, 1977, which was filed by workers and former workers producing leather coats and vests at the Peabody, Massachusetts, plant of Paul Louis, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paul Louis, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of all hourly and salaried workers at Paul Louis, Inc. increased 120 percent in the last nine months of 1975 compared to the same period in 1974, and increased 38.1 percent in 1976 over 1975. Employment began at the firm in April, 1974 and ceased in December 1976 when the company closed.

Average weekly hours per worker decreased 5 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at Paul Louis, Inc. increased in quantity 179.6 percent in the last seven months of 1975 compared to the same period in 1974. Paul Louis began selling garments in June 1974. Sales increased in quantity 0.5 percent in 1976 compared to 1975. Production ceased in December 1976 when the company closed.

INCREASED IMPORTS

Imports of leather coats and jackets increased absolutely and relative to domestic production and consumption in each year from 1972 to 1976. Imports rose in value from 91.7 million dollars in 1972 to 154.3 million dollars in 1975 and to 236.6 million dollars in 1976. The ratios

of imports to domestic production and consumption increased from 52.7 percent and 34.7 percent, respectively, in 1972 to 81.6 percent and 44.9 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Major customers of Paul Louis, Inc., increased purchases of imports in 1976 compared to 1975 either directly or by increasing purchases from domestic sources that supply imported leather coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather coats produced at Paul Louis, Inc., Peabody, Massachusetts, contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers at the Peabody, Massachusetts, plant of Paul Louis, Inc., who became totally or partially separated from employment on or after November 13, 1976, and before January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-20112 Filed 7-14-77;8:45 am]

[TA-W-1661, 1662]

RCA CORP.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1661 and 1662: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

Investigations were initiated on February 16, 1977, in response to worker petitions received on February 9, 1977, which were filed by the International Union of Electrical, Radio, and Machine Workers on behalf of workers and former workers producing power transistors at the Mountaintop, Pennsylvania, plant [TA-W-1661] and solid state devices at the Somerville, New Jersey, plant [TA-W-1662], both plant facilities of the RCA Corporation, Solid State Division.

Notices of the investigations were published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13092). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed, with regard to the Mountaintop plant, that all the criteria have been met, but that with regard to the Somerville plant, criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly workers at the Mountaintop plant increased 12.5 percent from 1975 to 1976 and decreased 1.2 percent from the first quarter of 1976 to the same quarter of 1977. Employment of hourly workers at the Somerville plant decreased 11.2 percent from 1975 to 1976 and decreased 18.8 percent from the first quarter of 1976 to the same quarter of 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of power transistors at the Mountaintop plant increased 55 percent from 1975 to 1976 and then decreased 14.4 percent from the first quarter of 1976 to the same quarter of 1977. Production of power transistors for heart pacer units was transferred from the Somerville plant to the Mountaintop plant in 1977. Production of silicon-on-sapphire integrated circuits was transferred from the Somerville plant to West Palm Beach, Florida, during the first quarter of 1977.

INCREASED IMPORTS

The volume of imported transistors increased steadily from 1972 through 1974, then fell sharply during the 1975 economic downturn. Imports, measured by quantity, increased from 980.4 million units in 1975 to 1,543 million units in 1976, from 89.3 percent of domestic production in 1975 to 108.7 percent in 1976.

There are no imports of silicon-on-sapphire integrated circuits since it is an experimental product being produced by RCA.

CONTRIBUTED IMPORTANTLY

The transistor market is characterized by rapid technological advances and strong price competition. U.S. firms have been the leaders in technological advances, but to remain competitive have utilized facilities in low-wage countries for the labor-intensive phase of transistor production. The bulk of imported transistors are produced at overseas facilities of U.S. firms.

Because of strong price competition from imported transistors, RCA decided to minimize costs by transferring production of one product line of power transistors from Mountaintop to its overseas facility in Malaysia.

Company imports of power transistors in the first quarter of 1977 were 22.2 percent above imports in the fourth quarter of 1976 and 125.6 percent above imports in the first quarter of 1976.

Production of power transistors for heart pacer units was transferred from Somerville to Mountaintop. The sole customer of this product did not purchase imports.

Production of silicon-on-sapphire integrated circuits was transferred from Somerville to RCA's West Palm Beach, Florida, facility. Silicon-on-sapphire integrated circuits are a new product being developed by RCA; there are no imports of this product.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transistors produced at the Mountaintop, Pennsylvania, plant of RCA Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All production workers at the Mountaintop, Pennsylvania, plant of RCA Corporation Solid State Division who became totally or partially separated from employment on or after January 16, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of import like or directly competitive with power transistors for heart pacer units and silicon-on-sapphire integrated circuits produced at the Somerville, New Jersey, plant of RCA Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-20112 Filed 7-14-77;8:45 am]

[TA-W-1447]

U.S. STEEL CORP.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor, herein presents the results of TA-W-1447: investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in Section 222 of the Act.

The Notice of Investigation was published in the FEDERAL REGISTER on January 26, 1977 (42 FR 4722). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of all hourly workers at the Fairless Hills, Pennsylvania, plant of U.S. Steel Corporation declined 10.2 percent in the first quarter of 1977 compared to the first quarter of 1976. Employment declined 10.1 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of steel at the Fairless Hills plant declined 10.1 percent in the first quarter of 1977 compared to the first quarter of 1976. Production declined 10.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of steel mill products increased absolutely and relative to domestic production and consumption in each year from 1972 to 1976. Imports rose in quantity from 15.4 million tons in 1972 to 18.3 million tons in 1975 and to 18.4 million tons in 1976. The ratios of imports to domestic production and consumption increased from 12.4 percent and 12.9 percent, respectively, in 1972 to 18.3 percent and 18.4 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Major customers of U.S. Steel Corporation, Fairless Hills, Pennsylvania, increased purchases of imports in 1976 compared to 1975 either directly or by increasing purchases from domestic sources that supply imported steel mill products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with steel mill products produced at the Fairless Hills, Pennsylvania, plant of U.S. Steel Corporation contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Fairless Hills, Pennsylvania, plant of U.S. Steel Corporation who became totally or partially separated from employment on or after January 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with carbon steel plates and structural shapes produced at the McDonald, Ohio plant of the Youngstown-Sheet and Tube Company and have increased purchases of imported carbon steel plates and structural shapes, but that such increases have not contributed importantly to the total or partial separations of the workers at such plant.

U.S. Steel's domestic steel operations are organized into four divisions: Eastern, Western, Southern, and Texas. Each division is a profit center. Each division has its own sales force, and each division has its own customers. Each division has its own production facilities. Each division has its own production workers. Each division has its own hourly employment. Each division has its own sales and production. Each division has its own imports. Each division has its own contributed importantly. Each division has its own conclusion.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-20113 Filed 7-14-77;8:45 am]

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adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers engaged in employment related to the production of carbon steel plates, carbon steel structural shapes, and carbon steel pipe and tubing at the Geneva Works of the U.S. Steel Corporation located in Provo, Utah.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (42 FR 1541). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met for workers engaged in employment related to the production of either carbon steel plates or carbon steel structural shapes. Furthermore, the investigation has revealed that with respect to workers engaged in employment related to the production of carbon steel pipe and tubing, criteria (1), (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

A. *Plate.* Average employment declined 21.9 percent in the fourth quarter of 1975 as compared to the like 1974 quarter. Average employment continued to decline 31.8 percent in the first eleven months of 1976 as compared to the like 1975 period.

B. *Structural Shapes.* Average employment declined 47.4 percent in the fourth quarter of 1975 as compared to the like 1974 quarter. Average employment declined 10.4 percent in the first eleven months of 1976 as compared to the like 1975 period.

C. *Pipe and Tubing.* Average employment increased 19.8 percent in the first eleven months of 1976 as compared to the like 1975 period.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A. *Plates.* Sales in quantity of carbon steel plate declined 31.5 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 33.3 percent in quantity in the first eleven months of 1976 as compared to the like 1975 period.

B. *Structural Shapes.* Sales of carbon steel structural shapes declined 53.7 percent in quantity in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 16.1 percent in the first eleven months of 1976 as compared to the like 1975 period.

C. *Pipe and Tubing.* Sales of pipe and tubing increased 16.9 percent in quantity in the first eleven months of 1976 as compared to the like 1975 period.

INCREASED IMPORTS

A. *Plates.* Imports of carbon steel plate decreased from 1.7 million tons in 1972 to 1.3 million tons in 1973. Imports increased to 1.7 million tons in 1974, then decreased to 1.4 million tons in 1975. In 1976 imports increased 14.3 percent to 1.6 million tons.

The ratio of imports to domestic shipments of carbon steel plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973. In 1974 the ratio increased to 18.8 percent and increased again in 1975 to 19.4 percent. The ratio continued to increase in 1976 to 27.7 percent.

B. *Structurals.* Imports of carbon steel structural shapes decreased from 1.6 million tons in 1972 to 1.3 million tons in 1973. In 1974, imports decreased to 1.1 million tons and further decreased to .8 million tons in 1975. In 1976, imports increased 75 percent to 1.4 million tons.

The ratio of imports to domestic shipments of carbon steel structural shapes decreased from 34.1 percent in 1972 to 21.3 percent in 1973. The ratio declined to 19.7 percent in 1974 and further declined to 19.5 percent in 1975. In 1976, the ratio increased to 40.0 percent.

C. *Pipe and Tubing.* Imports of carbon steel pipe and tubing declined from 1,768.1 thousand short tons in 1972 to 1,574.6 thousand short tons in 1973. Imports increased to 1,781.5 thousand short tons in 1974, declined to 1,542.5 thousand short tons in 1975 and increased to 1,820.7 thousand short tons in 1976.

The ratio of imports to domestic shipments of carbon steel pipe and tubing decreased from 28.6 percent in 1972 to 20.3 percent in 1973. The ratio increased to 21.5 percent in 1974, and further increased to 22.8 percent in 1975. The ratio increased again in 1976 to 35.8 percent.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that some customers reduced purchases of carbon steel plates and carbon steel structural shapes from the Geneva Works and have increased purchases of imported carbon steel plates and structural shapes.

The investigation further revealed that customers of carbon steel pipe and tubing from the Geneva Workers did not reduce purchases and did not switch to imported pipe and tubing.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the carbon steel pipe and tubing produced at the Geneva Works of U.S. Steel Corporation located at Provo, Utah have not contributed importantly to the total or partial separation of workers engaged in employment related to the production of carbon steel pipe and tubing at the plant as required for certification under Section 222 of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with carbon steel plates and carbon steel structural shapes produced at the Geneva Works of the U.S. Steel Corporation located at Provo, Utah, have contributed importantly to the total or partial separation of workers engaged in employment related to the production of either carbon steel plates or carbon steel structural shapes.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of either carbon steel plate or carbon steel structural shapes at the Geneva Works of the U.S. Steel Corporation in Provo, Utah who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20113 Filed 7-14-77;8:45 am]

[TA-W-1443]

U.S. STEEL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1443: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel bar-size light shapes at the McDonald, Ohio plant of the Youngstown-McDonald Works of U.S. Steel Corporation, Pittsburgh, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1540). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criterion (3) has not been met.

U.S. Steel's domestic steel operations are organized into four divisions; Eastern, Central, Western and Southern. Each division is further subdivided into production units which are referred to as "works". A works consists of one or more plants which produce finished steel products and/or semifinished steel products.

The Youngstown-McDonald Works produces bars, plates, structurals, hot rolled sheet, hot rolled strip, cold rolled sheet and cold rolled strip. The petition was filed on behalf of workers producing carbon steel bar-size light shapes at the McDonald, Ohio plant. The Youngstown-McDonald Works consists of two plants; one is located in McDonald, Ohio and the other is located in Youngstown, Ohio.

U.S. imports of carbon steel bar-size light shapes declined from 562.7 thousand short tons in 1972 to 457.4 thousand short tons in 1973 and increased to 521.5 thousand short tons in 1974 before declining to 167.2 thousand short tons in 1975 and 164.3 thousand short tons in 1976. The ratio of imports to domestic shipments declined from 75.1 percent in 1972 to 44.2 percent in 1973 and increased to 53.1 percent in 1974 before declining to 22.7 percent in 1975 and 19.5 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the carbon steel bar-size light shapes produced at the McDonald, Ohio plant of the Youngstown-McDonald Works of U.S. Steel Corporation have not increased as required by Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20115 Filed 7-14-77;8:45 am]

[TA-W-1450]

U.S. STEEL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1450: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel bar-size light shapes at the Youngstown, Ohio plant of the Youngstown-McDonald Works of U.S. Steel Corporation, Pittsburgh, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3380). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criterion (3) has not been met.

U.S. Steel's domestic steel operations are organized into four divisions; Eastern, Central, Western and Southern. Each division is further subdivided into production units which are referred to as "works". A works consists of one or more plants which produce finished steel products and/or semi-finished steel products.

The Youngstown-McDonald Works produces bars, plates, structurals, hot rolled sheet, hot rolled strip, cold rolled sheet and cold rolled strip. The petition was filed on behalf of workers producing carbon steel bar-size light shapes at the Youngstown, Ohio plant. The Youngstown-McDonald Works consists of two plants; one is located in McDonald, Ohio and the other is located in Youngstown, Ohio.

U.S. imports of carbon steel bar-size light shapes declined from 562.7 thousand short tons in 1972 to 457.4 thousand short tons in 1973 and increased to 521.5 thousand short tons in 1974 before declining to 167.2 thousand short tons in 1975 and 164.3 thousand short tons in 1976. The ratio of imports to domestic shipments declined from 75.1 percent in 1972 to 44.2 percent in 1973 and increased to 53.1 percent in 1974 before declining to 22.7 percent in 1975 and 19.5 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the carbon steel bar-size light shapes produced at the Youngstown-McDonald Works of U.S. Steel Corporation have not increased as required by Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20116 Filed 7-14-77;8:45 am]

[TA-W-1361]

WALWORTH CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein present the results of TA-W-1361: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976, in response to a worker petition received on December 1, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the South Braintree, Massachusetts, plant of Walsworth Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 905). No public hearing was requested and none was held.

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The information upon which the determination was made was obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total average employment of production workers at Walworth Company's South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kewanee, Illinois, plants declined 15.1 percent in 1975 compared to 1974 and declined 6.1 percent in the first eleven months of 1976 compared to the like 1975 period.

Employment figures are not separately identifiable for each plant, however all three plants have experienced declines in employment.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of valves increased 3.2 percent in value in 1975 compared to 1974 before declining 7.3 percent in the first three quarters of 1976 compared to the like 1975 period. Sales declined 5.8 percent in the last quarter of 1975 compared to the last quarter in 1974.

Company production declined 35.7 percent in quantity in 1975 compared to 1974 and declined 22 percent in the first three quarters of 1976 compared to the like 1975 period.

The above company sales and production figures represent total company sales and production of valves. Walworth Company produces valves, of which 90 percent or greater are hand operated, at company facilities in South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kewanee, Illinois. Separate data by plant were not available.

INCREASED IMPORTS

Imports of articles considered like or directly competitive with the valves produced by Warworth are classified under the category "valves and similar devices" in the official import statistics. Statistics are also compiled for a subcategory of valves and similar devices: "all hand-operated and check valves." The principal type of valves produced by Walworth are of the hand-operated type.

Imports of valves and similar devices in terms of value increased each year from $67.6 million in 1972 to $179.7 million in 1976. The ratio of imports to domestic production increased each year from 1972 through 1975, from 2.7 percent in 1972 to 4.5 percent in 1975. The ratio declined to 4.4 percent in 1976.

Imports of hand operated and check valves increased each year from $30.3 million in 1971 to $114.5 million in 1975, an increase of 277.9 percent. Imports remained at $114.5 million in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of the Walworth Company has indicated that some customers have decreased purchases from Walworth and increased purchases of imported valves. A majority of the customers surveyed felt that imports had adversely affected the Walworth Company, either directly or indirectly.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with valves produced at the South Braintree, Massachusetts, plant of the Walworth Company did contribute importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the South Braintree, Massachusetts, plant of the Walworth Company who became totally or partially separated from employment on or after November 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning

[FR Doc.77-2017 Filed 7-14-77;8:45 am]

[TA-W-1360]

WALWORTH CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein present the results of TA-W-1360: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976, in response to a worker petition received on December 1, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the South Greensburg, Pennsylvania, plant of Walworth Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 904). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Total average employment of production workers at Walworth Company's South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kenawee, Illinois, plants declined 15.1 percent in 1975 compared to 1974 and declined 6.1 percent in the first eleven months of 1976 compared to the like 1975 period.

Employment figures are not separately identifiable for each plant, however, all three plants have experienced declines in employment.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of valves increased 3.2 percent in value in 1975 compared to 1974 before declining 7.3 percent in the first three quarters of 1976 compared to the like 1975 period. Sales declined 5.8 percent in the last quarter of 1975 compared to the last quarter in 1974.

Company production declined 35.7 percent in quantity in 1975 compared to 1974 and declined 22 percent in the first three quarters of 1976 compared to the like 1975 period.

The above company sales and production figures represent total company sales and production of valves. Walworth Company produces valves, of which 90 percent or greater are hand operated, at company facilities in South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kewanee, Illinois. Separate data by plant were not available.

INCREASED IMPORTS

Imports of articles considered like or directly competitive with the valves produced by Walworth are classified under the category "valves and similar devices" in the official import statistics. Statistics are also compiled for a sub-category of valves and similar devices: "all hand-operated and check valves". The principal type of valves produced by Walworth are of the hand-operated type.

Imports of valves and similar devices in terms of value increased each year from $67.6 million in 1972 to $179.7 million in 1976. The ratio of imports to domestic production increased each year from 1972 through 1975, from 2.7 percent in 1972 to 4.5 percent in 1975. The ratio declined to 4.4 percent in 1976.

Imports of hand operated and check valves increased each year from $30.3 million in 1971 to $114.5 million in 1975, an increase of 277.9 percent. Imports remained at $114.5 million in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of the Walworth Company has indicated that some customers have decreased purchases from Walworth and increased purchases of imported valves. A majority of the customers surveyed felt that imports had adversely affected the Walworth Company, either directly or indirectly.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with valves produced at the South Greensburg, Pennsylvania, plant of the Walworth Company did contribute importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the South Greensburg, Pennsylvania, plant of the Walworth Company who became totally or partially separated from employment on or after November 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-20118 Filed 7-14-77;8:45 am]

[TA-W-1359]

WALWORTH CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-1359; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976, in response to a worker petition received on December 1, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Kewanee, Illinois, plant of Walworth Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 904). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Walworth Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

Total average employment of production workers at Walworth Company's South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kewanee, Illinois, plants declined 15.1 percent in 1975 compared to 1974 and delcined 6.1 percent in the first eleven months of 1976 compared to the like 1975 period.

Employment figures are not separately identifiable for each plant, however, all three plants have experienced declines in employment.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of valves increased 3.2 percent in value in 1975 compared to 1974 before declining 7.3 percent in the first three quarters of 1976 compared to the like 1975 period. Sales declined 5.8 percent in the last quarter of 1975 compared to the last quarter in 1974.

Company production declined 35.7 percent in quantity in 1975 compared to 1974 and declined 22 percent in the first three quarters of 1976 compared to the like 1975 period.

The above company sales and production figures represent total company sales and production of valves. Walworth Company produces valves, of which 90 percent or greater are hand operated, at company facilities in South Greensburg, Pennsylvania, South Braintree, Massachusetts, and Kewanee, Illinois. Separate data by plant were not available.

INCREASED IMPORTS

Imports of articles considered like or directly competitive with the valves produced by Walworth are classified under the category "valves and similar devices" in the official import statistics. Statistics are also compiled for a sub-category of valves and similar devices: "all hand-operated and check valves." The principal type of valves produced by Walworth are of the hand-operated type.

Imports of valves and similar devices in terms of value increased each year from $67.6 million in 1972 to $179.7 million in 1976. The ratio of imports to domestic production increased each year from 1972 through 1975, from 2.7 percent in 1972 to 4.5 percent in 1975. The ratio declined to 4.4 percent in 1976.

Imports of hand operated and check valves increased each year from $30.3 million in 1971 to $114.5 million in 1975, an increase of 277.9 percent. Imports remained at $114.5 million in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of the Walworth Company has indicated that some customers have decreased purchases from Walworth and increased purchases of imported valves. A majority of the customers surveyed felt that imports had adversely affected the Walworth Company, either directly or indirectly.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with valves produced at the Kewanee, Illinois, plant of the Walworth Company did contribute importantly to the total or partial separations of the workers at that plant. In

accordance with the provisions of the Act, I make the following certification:

have not been met with respect to speaker cabinets, and criterion (3) has not

the following industry committees for the indicated industries:

elry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other an-

vene to conduct its investigation and begin its public hearing.

In determining whether there should be classifications within an industry, in

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accordance with the provisions of the Act, I make the following certification:

All workers at the Kewanee, Illinois, plant of the Walworth Company who became totally or partially separated from employment on or after November 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20119 Filed 7-14-77;8:45 am]

[TA-W-1923]

WASHINGTON WOOD PRODUCTS, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department herein presents the results of TA-W-1923: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1977 in response to a worker petition received on March 28, 1977 which was filed on behalf of workers and former workers producing speaker cabinets and luggage frames at the Washington, New Jersey plant of Washington Wood Products, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19182). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Washington Wood Products, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, the investigation revealed that criteria (1) and (2) have not been met with respect to speaker cabinets, and criterion (3) has not been met with respect to luggage frames.

Washington Wood Products manufactured both speaker cabinets and luggage frames until the end of 1976 when the company ceased production of luggage frames.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Company employment of production workers on speaker cabinets increased 76.8 percent in 1976 compared to 1975 and increased 4.3 percent in the first quarter of 1977 compared to the same quarter in 1976.

SALES OF PRODUCTION, OF BOTH, HAVE DECREASED ABSOLUTELY

Company sales of speaker cabinets, which equal company production, increased 71.5 percent in 1976 compared to 1975 and increased 42.8 percent in the first quarter of 1977 compared to the same quarter in 1976.

INCREASED IMPORTS

There are no separately identifiable imports of luggage frames. The product is not listed as a separate item in the Tariff Schedules of the United States. In addition, industry spokesmen were not aware of any imports of luggage frames.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that sales or production of speaker cabinets at the Washington, New Jersey plant of Washington Wood Products, Incorporated have not declined and that separations of workers engaged in the production of such products at that plant have not occurred as required for certification under Section 222 of the Trade Act of 1974.

It is further concluded that articles like or directly competitive with luggage frames produced at the Washington, New Jersey plant of Washington Wood Products, Incorporated are not being imported in increased quantities, either actual or relative to domestic production, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-20120 Filed 7-14-77;8:45 am]

Wage and Hour Division

[Administrative Order No. 651]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.:	Industry
143-A	Hosiery.
143-B	Sweater and knit swimwear.
144-A	Corsets, brassieres, and allied garments.
144-B	Handkerchief, scarf, and art linen.
144-C	Women's outerwear, needle work, and miscellaneous fabricated textile products.
144-D	Children's dress and related products.
144-E	Women's and children's underwear and women's blouse.

2. These industries are defined as indicated below:

(a) The hosiery industry in Puerto Rico is defined as follows: The manufacture and processing of hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

(b) The sweater and knit swimwear industry in Puerto Rico is defined as follows: The manufacture of men's, women's, misses' boys', and girls' knit sweaters, sport shirts, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

(c) The corsets, brassieres and allied garments industry in Puerto Rico is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

(d) The handkerchief, scarf, and art linen industry in Puerto Rico is defined as follows: The manufacture of plain, scalloped, or ornamental handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkin, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

(e) The women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico is defined as follows: The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other apparel industries in Puerto Rico as defined in the wage orders for those industries in Puerto Rico.

(f) The children's dress and related products industry in Puerto Rico is defined as follows: The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

(g) The women's and children's underwear and women's blouse industry in Puerto Rico is defined as follows: The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding searves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 143-A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, October 31, 1977.

Following this hearing Industry Committee No. 143-B will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 144-A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, November 7, 1977.

Following this hearing Industry Committee No. 144-B will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 144-C will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 144-D will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 144-E will immediately convene to conduct its investigation and begin its public hearing.

These dates are subject to change depending upon developments in connection with proposed amendments to the FLSA now under consideration in the U.S. Congress.

The hearings will take place in the offices of the Wage and Hour Division on the fourth floor of the New Federal Office Building, Carlos Chardon Street, Hato Rey, Puerto Rico.

4. The rates or rates recommended by the committees shall not exceed the rates prescribed by sections 6(a) and 6(b) of the Act, namely $2.30 an hour after December 31, 1976.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rate for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Adminitsrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. October 21, 1977, for matters to be considered by Industry Committees No. 143-A and 143-B; and October 28, 1977, for matters to be considered by Industry Committees No. 144-A, 144-B, 144-C, 144-D, and 144-E.

These dates are also subject to change in the event of legislative developments regarding amendments to the Fair Labor Standards Act.

Signed at Washington, D.C., this 8th day of July 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-20091 Filed 7-14-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transactions Exemption 77-7]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Transfer of Individual Life Insurance and Annuity Contracts to Employee Benefit Plans

Correction

In FR Doc. 77-17667 appearing on page 31575 in the issue for Tuesday, June 21, 1977, on page 31576, the 2nd column, the 6th line should read as follows: "(less than 50 participants) do provide • • •."

(6) make nominations for and elect repre-

Time of Nominations for Delegates: July 16

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On page 31577, the 2nd column, paragraph (b) should be corrected to read:

• • • • •

"(b) If the plan is a defined benefit plan, the value of the participant's accrued benefit at the time of the transaction (determined under any reasonable actuarial method); or • • •."

• • • • •

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[77-48]

SPACE SCIENCE STEERING COMMITTEE, SPACE TELESCOPE AD HOC ADVISORY SUBCOMMITTEE

Establishment

Purusant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee to review proposals for participation in investigations for the Space Telescope mission is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the astronomical community on proposals in the specialized areas identified by the name of the Subcommittee.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs.

JULY 11, 1977.

[FR Doc.77-20301 Filed 7-14-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

MEETINGS

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 5 U.S.C. App. 1), announcement is made of the State Women's Meetings in Florida, Indiana, and Kansas.

The purposes of the meetings are to:

(1) recognize the contributions of women to the development of our country;

(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) assess the role of women in economic, social, cultural, and political development;

(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) make nominations for and elect representatives to the National Women's Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Recommendations will be developed in workshops and other discussion groups and voted on by the State Meeting. Topics to be discussed during the periods scheduled below include a variety of issues concerning women including health, education, employment, and the legal and economic status of women.

These meetings are open to the public. All persons 16 years old or older who are residents of the State or enrollees at educational institutions in the State may register to participate in any activities. Participation in some activities may be limited by the available space. Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee.

FLORIDA WOMEN'S MEETING

Place: Sheraton Towers, Orlando, Florida.
Time: 5:00 p.m., July 15 to 1:00 p.m., July 17.
Number of Delegates to National Women's Conference: 40.
Time of Nominations for Delegates: 10:00 p.m. to 11:15 p.m., July 15.
Time of Election of Delegates: 2:00 p.m. to 10:00 p.m., July 16.
Time of Workshops: July 16, 8:00 a.m. to 10:00 a.m., 2:00 p.m. to 4:00 p.m., 4:15 p.m. to 6:15 p.m.
Time for Voting on Recommendations: July 17, 10:30 a.m. to 1:00 p.m.
For further information contact Gwen Cherry, Chair, IWY Coordinating Committee, at 305-379-1892.

INDIANA WOMEN'S MEETING

Place: Indiana Convention-Exposition Center, Indianapolis.
Time: 1:00 p.m., July 15 to 7:00 p.m., July 16.
Number of Delegates to National Women's Conference: 32.
Time of Nominations for Delegates: July 16, 9:00 a.m. to 10:20 a.m.
Time of Election of Delegates: July 16, 2:00 p.m. to 5:00 p.m.
Time of Workshops: July 16, 10:30 a.m. to 3:00 p.m.
Time of Voting on Recommendations: July 16, 4:00 p.m. to 7:00 p.m.
For further information contact Fran Rhome, IWY Coordinating Committee, P.O. Box 1082, Bloomington, Indiana 47401 or call 803-336-9185.

KANSAS WOMEN'S MEETING

Place: Holiday Inn Plaza, Century II Exhibition Hall, Wichita, Kansas.
Time: 1:00 p.m., July 15 to 11:00 p.m., July 16.
Number of Delegates to National Women's Conference: 20.
Time of Nominations for Delegates: July 16, 9:00 a.m. to 10:30 a.m.
Time of Election of Delegates: July 16, 12 noon to 9:15 p.m.
Time of Workshops: July 15, 2:00 p.m. to 4:00 p.m., 4:00 p.m. to 6:00 p.m., 7:00 p.m. to 9:00 p.m. July 16, 10:30 a.m. to 12 noon, 2:00 p.m. to 4:00 p.m.
Time of Voting on Recommendations: July 16, 4:30 p.m. to 5:30 p.m., 7:00 p.m. to 11:00 p.m.
For further information contact Kay Camin, Chair, IWY Coordinating Committee, Wichita State University, Wichita, Kansas 67208 or call 316-689-3223.

General notice of these meetings has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

Dated: July 11, 1977.

LINDA COLVARD DORIAN,
General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-20300 Filed 7-14-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

FELLOWSHIPS PANEL

Meeting

JULY 11, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 4, 1977.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of United States History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20093 Filed 7-14-77;8:45 am]

FELLOWSHIPS PANEL

Meeting

JULY 11, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1025, from 9:30 a.m. to 5:30 p.m. on August 5, 1977.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Modern European History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20394 Filed 7-14-77;8:45 am]

FELLOWSHIPS PANEL

Meeting

JULY 11, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 p.m. on August 5, 1977.

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of History of Philosophy, Philosophy of Education, Philosophy of Religion, and Phenomenology submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20395 Filed 7-14-77;8:45 am]

FELLOWSHIPS PANEL

Meeting

JULY 11, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Fellowships Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9:30 a.m. to 5:30 pm. on August 1, 1977

The purpose of the meeting is to review Fellowships for Independent Study and Research applications in the field of Literary Criticism and Theory submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-20396 Filed 7-14-77;8:45 am]

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-116]

DELHI GAS PIPELINE CORP.

Supplemental Emergency Order

On July 5, 1977 Delhi Gas Pipeline Corporation (Delhi) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a supplemental petition requesting authorization to add another point of delivery to be located in Victoria County, Texas for delivery of gas to United Gas Pipe Line Company (United). For the reasons set forth below I grant Delhi's supplemental request.

By order issued June 7, 1977 in Docket No. E77-116 United was authorized to purchase up to 9.1 Bcf from Delhi at $2.05 per MMBtu of gas delivered in the State of Oklahoma and $2.245 per MMBtu of gas delivered in the State of Texas.

Delhi was authorized to deliver this gas for the account of United to Panhandle Eastern Pipeline Company in Dewey, Woodward and Major Counties, Oklahoma to either Kansas-Nebraska Gas Company, or Arkansas-Louisiana Gas Company in Blaine and Custer Counties, Oklahoma and to Northern Natural Gas Company in Pecos County, Texas.

In its July 5, 1977 filing Delhi stated that it and United have agreed to add another point of delivery located in Victoria County, Texas to allow delivery of gas directly into the pipeline facilities of United, without the necessity of the service of a third party pipeline transporter. The maximum quantity of 9.1 Bcf to be sold will not be affected.

Pursuant to section 6(a) of the Act, I hereby authorize the additional delivery point to be constructed in Victoria County, Texas for delivery of gas from Delhi to United.

To the extent, not inconsistent with this Order, the provisions in the previous order issued in this docket remain in full force and effect. All conditions and authorizations granted therein remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Delhi, United, Panhandle Eastern Pipeline Company, Kansas-Nebraska Gas Company and Arkansas-Louisiana Gas Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JULY 11, 1977.

[FR Doc.77-20506 Filed 7-14-77; 8:45 am]

[Docket No. E77-126]

UNITED GAS PIPE LINE CO.

Emergency Order

On July 1, 1977, United Gas Pipe Line Company (United) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a petition to make certain emergency purchases of natural gas from Clajon Gas Company (Clajon). United also requests permission to have this gas transported. For the reasons set forth

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below, I authorized the purchase and

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below, I authorized the purchase and transportation requested.

United has agreed to purchase up to 5,000 Mcfd of natural gas from Clajon at the Gomez Field, Pecos County, Texas. The emergency gas purchase agreement between United and Clajon will remain in effect until July 31, 1977.

United will purchase these supplies at a price of $1.975 per MMBtu. To the extent this price does not exceed $2.25 per MMBtu, I find it to be fair and equitable in accordance with Order No. 2.

United advises that a series of arrangements have been made with Northern Natural Gas Company (Northern Natural) and Natural Gas Pipeline Company of America (Natural) for the transportation of the subject gas: Northern Natural will receive such gas, for the account of United, at the Gomez Plant in Pecos County, Texas; it will transport and deliver the same to Natural in Mills County, Iowa. Natural, in turn, will redeliver such gas to United through existing interconnections at either Erath, Vermilion Parish, Louisiana, or at United's Goodrich Station in Polk County, Texas.

United has agreed to pay Northern Natural 28.36 cents per Mcf for such transportation; Northern Natural will retain 3 percent of the volumes received at the Gomez Plant for use as company fuel. United has agreed to pay Natural 12 cents per Mcf for all gas redelivered to United; Natural will not retain any volumes for use as company fuel.

I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

United shall submit weekly reports as required by Order No. 4.

Pursuant to section 6(a) of the Act, I hereby authorize Clajon to sell to United up to 5,000 Mcfd of natural gas, in accordance with the terms and conditions set forth in United's filing in this proceeding. Pursuant to section 6(c) (1) of the Act, I hereby authorize and order Northern Natural and Natural to transport gas for United.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon United, Clajon, Northern Natural and Natural. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JULY 8, 1977.

[FR Doc.77-20507 Filed 7-14-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 29058, etc.]

NORFOLK-ATLANTA

Environmental Rejection

On March 29, 1976, Piedmont Aviation, Inc., submitted an environmental evaluation, pursuant to § 312.12(a) (1) of the Board's rules of practice in Docket its application for nonstop authority between Norfolk, Virginia, and Atlanta, Georgia, filed pursuant to Subpart M of the oBard's rules of practice in Docket 29058. Two additional carriers, Allegheny Airlines, Inc., and Eastern Air Lines, Inc., have filed applications for the same authority. Both carriers also filed motions to consolidate their applications with Piedmont's, and both included environmental evaluations of their proposed services. None of the three applicants proposes to add more than four round trip flights if it receives an award of nonstop authority between Norfolk and Atlanta.

Pursuant to §§ 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluations and other available information with respect to the applications described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such applications would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., July 11, 1977.

BARBARA A. CLARK,
Chief, Legal Division,
Bureau of Operating Rights.

[FR Doc.77-20415 Filed 7-14-77;8:45 am]

[Docket Nos. 31106, 19923; Order 77-7-30]

PARTICIPATING CARRIERS LIABILITY AND CLAIMS RULES AND PRACTICES INVESTIGATION

Order of Suspension and Investigation Regarding Air Freight Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1977.

By tariff revisions[1] issued May 12 and marked to become effective July 12, 1977, participating carriers propose air freight rules purportedly in compliance with the Board's decision in the Liability and Claims Rules and Practices Investigation, Docket 19923, as set forth in the Board's Orders 76-3-139, 77-3-61, and 77-4-15.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 202.

A complaint requesting suspension has been filed by the Shippers National Freight Claim Council, Inc. (SNFCC)[2] covering a number of the provisions including, inter alia, Rules 18 (O), (P), and (Q); Rule 30(C)(2)(a); Rule 33; and Rule 60(C)(2). Rules 18 (O), (P), and (Q) of Tariff C.A.B. No. 292 provide that shipments of certain commodities will be accepted for carriage only upon advance arrangement. Rule 33 applicable to Eastern Airlines, Inc. and Airlift International, Inc.) provides, among other things, that the average declared value per pound of a shipment shall be determined by dividing the declared value of the shipment by the chargeable weight of the shipment; if a part of the shipment is lost, damaged or delayed, the carrier's limit of liability would be the piece weight times the average declared value per pound. Rule 30(C)(2)(a), applicable to a number of carriers, would provide, in essence, that the carriers would not be liable for consequential damages which, when combined with any other damages, would result in total damages greater than those for which the carrier is otherwise liable. Rule 60(C)(2) applies only to Continental Air Lines, Inc. (Continental) and deals with claim procedures domestically providing a time limit of 9 months and 9 days after acceptance of the shipment by the originating carrier for filing loss and damage claims.

In protesting these rules, the complainant asserts, among other things, that Rules 18 (O), (P), and (Q) were added to the new rules tariff without proper symbols noting that they represent new matter; that, without such notation, shippers of the commodities involved will be unaware of this new requirement of advance arrangement before an airline will accept their shipment; that the reason for advance notice on some of the articles is not apparent; that the method of computing average declared value per pound (by dividing the total declared value of the shipment by the chargeable weight) in Rule 33(B) is objectionable because it could result in claimants recovering less than the declared value for portions of mixed value shipments; that permitting that provision to become effective will result in irreparable harm to the shipping public and therefore it should be suspended in its entirety; that Rule 30(C)(2)(a) would use the term "consequential damages" instead of "special or consequential damages" in the rule in clear violation of the Board's decision in the "Liability" case; and that Continental's Rule 60(C)(2) fails to adhere to the generally accepted understanding of the time limit

[2] SNFCC is a national organization of claim managers from over 650 member firms, both large and small, throughout the nation representing shippers and receivers of freight via all modes of transportation.

for filing claims as it omits the necessary language that "in computing the time periods under this paragraph the first day of the period shall be the day after acceptance of the shipment by the originating carrier."

An answer to the complaint filed by Trans World Airlines, Inc. (TWA) deals with Rules 18(Q) and 30(C)(2)(a). TWA declares, inter alia, that, contrary to the complaint's assertion, the justification in support of Rule 18(Q) is adequate because its filing is required by the Board's decision in the "Liability" case, which directs the carriers to place in the tariff any terms and conditions of carriage imposed in fact and published elsewhere. As for the use in the tariff of the term "consequential damages" instead of "special or consequential damages" as required by the Board's decision in the "Liability" case, the carrier states that the decision is legally in error and that TWA is appealing the matter in court. The carrier also states that, if the court does not grant a stay of the Board's decision, the rule proposed is consistent with the Board's decision and orders. TWA contends that the term "consequential damages" does not change the ultimate aim of the Board's general statement of liability" (Order 77-3-61 at page 11), but rather clarifies it.

Upon consideration of the tariff proposal, complaint, answer, and all other relevant matters, the Board finds that Rules 18(P) and 18(Q) may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Furthermore, we have concluded to suspend these rules.

In the "Liability" case, Order 76-3-139, at page 55, the Board found unlawful the failure of carriers to include in their tariffs terms or conditions of carriage which the carriers in fact impose and publish elsewhere. But this finding, contrary to TWA's assertion, does not serve to condone any particular restrictions that the carriers may have imposed. Nor does it authorize the carriers to file in tariffs such terms or conditions as may have been imposed and published elsewhere, without the justification required by § 221.165, of the Economic Regulations. As the Board stated, in approving the administrative law judge's (ALJ) recommendation on this point, "the ALJ pointed out that omission leaves the shipper without notice and deprives the shipper of the opportunity to protest, and the Board of the opportunity to scrutinize, the terms and conditions which carriers are in fact applying." (Order 76-3-139, page 49, footnote 95.)

Although Rules 18(P) and 18(Q) are rejectable as not properly justified, we have concluded to suspend them on the ground that rejection at this time would mean rejecting the entire page on which the proposals are shown and thus disrupting the implementation of other provisions the Board has found warranted. Suspension will affect the effectiveness of only the rules we consider not properly justified. We will expect the carriers to resubmit these provisions, if they see fit, with appropriate justification.

As for the carrier's proposal on "consequential damages" the standard of liability which has been in effect for all carriers except United Air Lines, Inc., contains a blanket exculpation for special or consequential damages, even if the carrier has knowledge that such damages may be incurred. Board Orders 76-3139 and 77-3-61 required the air carrier parties to assume liability for special or consequential damage up to the normally assumed liability limit, unless a higher value is declared and paid for. Tariffs filed by thirteen carriers, including TWA, omit any reference to "special" damages. Complainant objects to these tariffs on the grounds that they do not employ the historical "special or consequential" language and are not in compliance with the Board's orders.

TWA's answer, as indicated above, filed on July 5th, justifies its tariff on two grounds. First, it states it has appealed from, and requested court stay of, this aspect of the Board's decision, and has filed the tariff only to be "in compliance" should stay be denied. Second, it urges that the filed tariff is in fact consistent with the Board's orders because omission of the word "special" does not change but clarifies the Board's purposes.

Inasmuch as liability for special or consequential damages is a part of the carriers' general standard of liability, the Board prescribed exact uniform language to be used in the tariffs. That language includes the words "special or consequential."[3] Tariff omitting that language are, therefore, on their face not in compliance with the Board orders. The fact that appeal has been taken, or stay requested, in no way affects a carrier's obligation to file a prescribed tariff.

TWA's contention that the filed tariff clarifies the Board's intention is based on two propositions: (1) That the term "special or consequential"— in spite of its long historical use—has no clear meaning with respect to air freight and is subject to overlapping and conflicting interpretations; and (2) that a sentence in the Board's opinion refers to "foreseeability," that "foreseeability bespeaks of consequences," and that a tariff referring only to consequential damages is therefore consistent with the Board's orders. We do not agree.

It is true that some types of damage may be referred to as both "special" and "consequential"; usage of these terms may vary in different jurisdictions. With specific reference to air freight, "special damages" and "consequential damages" have been described as synonymous in a district court opinion applying the blanket exculpatory language.[4] However, the prescribed term is of long-standing usage and was consistently employed throughout this proceeding.[5] Its omission in the tariff could conceivably, though unjustifiably, be used as a basis for denial of shipper claims on the grounds that they arose out of special circumstances unknown to the carrier. Such denials would, of course, force shippers to resort to litigation and frustrate the purposes of the Board. Use of the entire term, as prescribed, removes any possible doubt that the newly assumed liability encompasses all damages other than those destroying or reducing the value of the freight itself, i.e., all damages other than direct damages. In drafting the blanket exculpation which has been effective in the past, the carriers protected themselves against all damages which might be classified as special or consequential in any jurisdiction. In requiring the carriers now to assume liability in this area, it was the intention of the Board to give the same certainty of protection to shippers.

By letter dated June 24, 1977, the Chief of the Board's Tariffs Section wrote to the carriers listing the proposed rules which were not in line with the Board's decisions in Docket 19923, including the "consequential damages" rule. While, at this writing, we have not been advised by the carriers whether they will revise their proposals accordingly, their failure to do so in this instance will be in violation of the Board's orders and we intend to proceed forthwith with enforcement action to deal with such violations. The provisions of the tariff which do not conform to the Board's decisions are rejectable; however, we do not chose to reject at this time because to do so would disrupt the entry into force of other provisions in this totally revised tariff that are clearly in the best interests of the shipping public. If the modifications discussed herein are not made promptly, in addition to taking appropriate enforcement action for violation of the Board's decision in the "Liability" case, the provisions could subsequently be rejected.

As for the other matters raised by complainant, the tariffs are consistent with the Board's decision in the "Liability" case, the differences from the decision are due to inadvertent errors that have been corrected, as is the case with Continental's claim-filing rule, or the complained-against provisions are already in the carriers' tariffs. The provision that the average value per pound

[3] The prescribed langauge is:

The carrier shall not be liable for special or consequential damages which exceed the carrier's normally assumed monetary liability under Rule 32 or which, when combined with any other damages for which the carrier is liable, would result in total damages in excess of said liability, unless a higher value is declared on the airbill and the additional transportation charge assessed by the carrier is paid. In no event shall the carrier's liability for special or consequential damages exceed such higher declared value.

[4] Hycel, Inc. v. American Airlines, Inc., 328 F. Supp. 190, 193 (D.C.S.D. Texas 1971).

[5] The only exception was the petition for reconsideration of The Flying Tiger Line Inc. (FTL). Here a footnote explained that, for purpose of the petition, the term "consequential" was used to include "special". FTL's tariff properly employs the entire prescribed phrase.

of a shipment should be used for the purpose of determining carrier liability

On March 29, 1976, Piedmont Aviation, Inc., filed an application, pursuant to

Atlanta-Florida markets and its alternative request for consideration of its

This order will be published in the

version from competing carriers will be expanded to other markets and thereby

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of a shipment should be used for the purpose of determining carrier liability is consistent with the Board decision which permits shippers to select "released" (limited liability) coverage and to declare excess value on separate pieces in a shipment as an alternative to declaring excess value on the whole shipment. Rule 18(O), which provides that shipments of firearms are subject to advance arrangement is now Rule 18(L) of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule Nos. 18(P) and (Q) on Original Page 18 and 1st Revised Page 18 of Tariff C.A.B. No. 292, issued by Airline Tariff Publishing Company, Agent, and rules, regulations or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule Nos. 18(P) and (Q) on Original Page 18 and 1st Revised Page 18 of Tariff C.A.B. No. 292 issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including October 9, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 31106 be assigned to hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaint of the Shippers National Freight Claim Council, Inc. in Docket 31039 is dismissed; and

5. Copies of this order shall be filed with the tariff and served upon all parties to the "Liability and Claim Rules and Practices Investigation," which are hereby made parties to Docket 31106.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc.77-20416 Filed 7-14-77;8:45 am]

[Docket Nos. 29058, etc.; Order 77-7-33]

PIEDMONT AVIATION, INC., ET AL.

Order Consolidating and Setting Applications for Hearing in Accordance With Subpart M Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1977.

[4] All Members concurred.

On March 29, 1976, Piedmont Aviation, Inc., filed an application, pursuant to Subpart M of the Board's rules of practice, requesting an amendment of its certificate of public convenience and necessity for Route 87 to permit the carrier to provide nonstop service between Norfolk, Virginia, and Atlanta, Georgia.[1] By Order 76-5-54, May 13, 1976, the Board set Piedmont's application for further proceedings pursuant to the provisions of Subpart M.

On June 7, 1976, the Norfolk Port and Industrial Authority, Allegheny Airlines, Eastern Air Lines, and United Air Lines filed answers to the Piedmont application. The Norfolk Port and Industrial Authority requested that the Piedmont application be set for hearing. Three carrier parties opposed the Piedmont pleading. Allegheny (Docket 28797) and Eastern (Docket 29368) have also applied for nonstop Norfolk-Atlanta authority and both carriers have filed motions to consolidate their applications into any proceeding convened to consider the Piedmont application in Docket 29058. The motions to consolidate were filed on June 7, 1976.

National Airlines filed an answer opposing the Eastern motion on June 30, 1976. On July 2, 1976, the Albany Parties[2] and the Norfolk Port and Industrial Authority filed answers to the motions to consolidate; on the same date, the Town of Islip, Long Island, filed an answer in support of the Allegheny motion.

Also on July 2, 1976, Allegheny and Eastern filed answers opposing the rival applications; United Air Lines, the incumbent nonstop carrier, filed an answer opposing the motions of Allegheny and Eastern and requesting that the Board impose a pre-trial restriction prohibiting single-plane service in the Norfolk-Atlanta-Florida markets, or, in the alternative, that is consider an application by United for removal of its own single-plane restrictions in these markets. In addition, Piedmont filed a consolidated answer and reply to the pleadings of the other parties.

On July 19, Allegheny, Eastern, and the Norfolk Port and Industrial Authority filed replies. Finally, by Order 76-10-106, October 22, 1976, the Board directed Allegheny and Eastern to supplement their exhibits. Both carriers have done so.

Upon consideration of the pleadings and all the relevant facts, the Board has decided that Piedmont's application should be set for hearing under the procedures prescribed by Subpart M and that the applications of Allegheny in Docket 28797 and Eastern in Docket 29368 should be consolidated with Piedmont's application in Docket 29058. We have also decided to deny United's request for a pre-trial restriction prohibiting single-plane service in the Norfolk-Atlanta-Florida markets and its alternative request for consideration of its application for removal of its own single-plane restriction in these same markets.[3]

Finally, we note that, by Notice of Environmental Rejection, contemporaneously issued with this order, the Chief of the Legal Division, Bureau of Operating Rights, having reviewed the environmental evaluations provided by the carrier applicants, and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8 of the Board's Procedural Regulations, has found, pursuant to § 312.13 of the Board's Procedural Regulations, that the proceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion is not intended to foreclose any party from presenting evidence (subject to the usual evidentary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issue in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's rules, might nonetheless be relevant to our decision.

Accordingly, *it is ordered*, That:

1. The application of Piedmont Aviation, Inc., in Docket 29058, is set for hearing, to be hereafter known as the "Norfolk-Atlanta Subpart M Proceeding," before an administrative law judge of the Board at a time and place to be hereafter designated, as the orderly administration of the Board's docket permits;

2. The motion of Allegheny Airlines to consolidate its application in Docket 28797 with Piedmont's application in Docket 29058 is granted;

3. The motion of Eastern Air Lines to consolidate its application in Docket 29368 with Piedmont's application in Docket 29058 is granted; and

4. United Air Lines' requests for a pre-trial restriction or for consideration of the removal of its own restriction are denied.

[1] Piedmont's current Norfolk-Atlanta authority is subject to a one-stop restriction.

[2] The County of Albany and the Joint Chambers of Commerce Airport Committee.

[3] In this connection, we note that United is free to argue the merits of the need for restriction at the hearing in this case. Furthermore, although United alternatively requests that the removal of its single-plane restriction in the Norfolk-Atlanta-Florida markets be considered in this proceeding, it has filed no application (or motion to consolidate) requesting this relief. The carrier is undoubtedly aware of the Board's Regulations, § 302.1309(a), which reads in part, "Motions to consolidate which request different authority from that requested in the original application with which consolidation is sought shall be denied, except where consolidation is required by law." Any other policy would defeat the purpose of the abbreviated procedures of Subpart M.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc.77-20417 Filed 7-14-77;8:45 am]

[Docket Nos. 30988-30991; Order 77-7-29]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaints Regarding Chicago-Los Angeles "Super-Coach" Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1977.

By tariff revisions[1] marked to become effective July 12, 1977, Trans World Airlines, Inc. (TWA), proposes to introduce a new class of service, "Super-Coach," in the Chicago-Los Angeles market for travel on and after September 8, 1977. The one-way fare for this service would be $99 (tax included), 37 percent less than the normal coach fare of $156. TWA emphasizes that its proposal is not a new promotional fare but, rather, is a cost-based "normal" fare, and that, consequently, the fare has no restrictions attached to its use as is typical of promotional fares.

In support of its proposal, TWA contends that, in the last four years, the Chicago-Los Angeles market has experienced mediocre traffic growth (less than four percent a year) as well as overcapacity. TWA's load factor in this market during 1976 was 49 percent—insufficient to support its present level of operations. In an attempt to remedy the situation, the carrier has decided to decrease capacity by reducing from five to two the number of daily nonstop round trips it will offer in the market. However, in order to maintain a significant market identity, TWA will offer a new low-fare class of service on the two remaining round trips, and the "Super-Coach" fare will be the only local fare offered. The two round trips will be operated with B-707 aircraft in a single configuration consisting of 187 seats, at a 32-inch seat pitch. TWA's "standard" B-707 first-class/coach configuration consists of 145 coach seats at a seat-pitch ranging between 34 and 38 inches. TWA alleges that, because it is cutting back the amount of overall capacity it will operate, competing carriers will realize a net increase in passenger levels over that which they achieve today.

TWA expects to earn an annual profit, before tax, of five million dollars from this service, based on a projected load factor of 80 percent and using fully allocated costs. The carrier asserts that it can earn a 12-percent ROI at a load factor of 61.2 percent, and can break even at 55.3 percent.[2] TWA contends that, if one-third of its "Super-Coach" passengers are newly generated, the diversion from competing carriers will be minimal, and will be more than offset by TWA's "regular" passengers which they will gain. The carrier further alleges that, with its significantly reduced capacity, there will be no net diversion from other carriers if only 11 percent of the passengers are generated.

In summary, TWA claims that it is proposing to allow the public an opportunity to decide on an appropriate price/service-quality mix in the Chicago-Los Angeles market, and that it is willing to provide a less costly service in the expectation of achieving sufficiently high load factors (and thus lower cost per passenger) to make the proposed service profitable.

Complaints have been filed by American Airlines, Inc. (American), and three charter tour operators—Vacation Ventures, Carefree Travel, Inc., Charter Ventures, Inc., and Pathfinder Corp. (Tour Operators). American contends that TWA has failed to provide any comparison between the cost of the proposed service and normal coach cost, and that a reduction in seat pitch to 32 inches cannot create sufficient cost savings to justify a 37-percent fare reduction. It alleges that TWA's estimated profit is based upon operating at much higher load factors, and assumes that it will be the only carrier to offer the fare. American claims that the Board cannot make that assumption since other carriers will not willingly suffer diversion of their traffic. The carrier further alleges that it is by no means clear that TWA's greater density will result in lower costs than those of other carriers in the market noting, for example, that its DC-10 cost per seat-mile is less than the cost of TWA's B-707-300, even with the latter configured with a 32-inch seat pitch. It contends that the Board must consider TWA's proposal in light of its responsibility for the entire industry and, since fares in both the Los Angeles-Chicago and beyond-Chicago markets are based on industry average costs, the Board must face the question of whether it will allow an uneconomic fare for a particular market to undermine the entire domestic fare structure.[3] Finally, the carrier asserts, based upon its own B-707 costs adjusted to reflect TWA's higher fuel costs, that the cost for a Chicago-Los Angeles trip for its 187-seat B-707 will be $103 per passenger assuming a 54-percent load factor, and will thus result in a loss of more than $11 per passenger.

The charter tour operators argue, essentially, that TWA's proposal is designed to destroy the ABC charter program; will prompt charter cancellations by charter organizers and the payment of cancellation penalties; and will be expanded to other markets, and thereby threaten the long-term availability of domestic charter transportation.

TWA, in its answer, asserts that American has failed to address the three fundamental features which justify "Super-Coach" service: traffic generation, increased seating density, and reduced overall capacity. The carrier alleges that the reduction in capacity from 766 to 374 daily seats, in combination with the traffic stimulating effect of the longer fare, will substantially increase load factors. It contends that the cost per passenger carried in "Super-Coach" service will be sharply reduced as compared to the costs per passenger in regular service because of the greater number of passengers who will be sharing to cover the costs incurred. With regard to the two pending low-fare proceedings, TWA asserts that its proposal is significantly different in that, rather than involving additional service, its proposal contemplates service cutbacks. Also the proposal is being offered by an incumbent carrier with a substantial stake in the market.

As to the complaints of the charter tour operators, TWA contends that allegations of predatory design and gloomy predictions are not founded on one iota of substantive evidence. The carrier also alleges that claims of an insufficient differential between "Super-Coach" and the charter operators' prices are inaccurate, noting that round-trip prices of charters begin around $149 in the Chicago-Los Angeles market—a difference of about $50 from its proposal, which should be sufficient to allow the charter tour operators to compete with "Super-Coach." TWA also points out that the same types of claim made by the charter tour operators were made against American's "Super-Saver" fares, and the Board rejected those arguments.

The Civil Aeronautics Board's Office of the Consumer Advocate and the U.S. Department of Justice have filed answers supporting TWA's proposal, contending, among other things, that innovative low-cost fare proposals should be encouraged by the Board, and that "Super-Coach" service is the type of price competition which would maximize the public benefits of air travel.

Upon consideration of the proposal, the complaints and answers and all other relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation and consequently the requests for suspension will be denied and the complaints dismissed.

For the first time in many years, a carrier proposes to introduce a new class of regularly scheduled service at a fare well below the regulator coach level. The key elements of TWA's proposed "Super-Coach" service are high-density seating, and a load factor significantly above the 55-percent standard, coupled with a 60-percent reduction in flight frequencies. The combination of these changes along with a significantly reduced fare should, in our opinion, work to the benefit of both TWA and the traveling public. Faced with lagging traffic growth and

[4] All Members concurred.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 220 and 259.

[2] These load factors are based on the 187-seat configuration.

[3] It is also alleged that many of the same issues presented in the "Chicago-Midway Low Fare Proceedings" and the "Transcontinental Low-Fare Route Proceeding" are raised by the TWA proposal, but the Board does not have the luxury of waiting for development of a record before ruling upon them.

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uneconomic load factors in this market. TWA's proposal strikes us as a rational experiment to improve its operational and financial position in the Chicago-Los Angeles market.

We are satisfied that the costs projected by TWA for this operation, while slightly lower than those resulting from our own analysis, are not so far out of line as to invalidate the proposal. Given the traffic characteristics of the Chicago-Los Angeles market, particularly its high density for markets of this distance, we believe there is a reasonable prospect that TWA will achieve the high load factors which are necessary to make this service profitable. Furthermore, although the load factor implicit in TWA's proposal is somewhat higher than the DPFI standard applicable to all markets of this distance, it does not appear prima facie excessive, considered from the standpoint of adequacy of service. Since this is a high-density, high-frequency market, adequate service levels can be provided at an above-average load factor.

We recognize that TWA's proposal may ultimately require modifications in some of the DPFI ratemaking standards and policies, and that the proposal has ratemaking implications which go beyond the Chicago-Los Angeles market. It is our intention to institute a rulemaking proceeding in the near future to deal with these issues. We see no justification for delaying this promising experiment while we undertake the rulemaking. Indeed, we would expect that some period of experience with the new service will be useful in indentifying and resolving the ratemaking issues.

The arguments raised by the charter tour operators are essentially the same as those they raised against American's "Super-Saver" fares in the New York-Los Angeles/San Francisco markets—i.e., that the fare is predatory and will cause cancellation of ABC charter programs. In our opinion, the charter tour operators have a much weaker case here than they had in connection with "Super-Saver" fares. The Board found the arguments raised there insufficient to warrant suspension. The discount here is 37 percent versus a maximum of 45 percent for the "Super-Saver" fare, and TWA is proposing the new service on only two round trips.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaints in Dockets 30988, 30989, 30990, and 30991 are dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Trans World Airlines, Inc., Vacation Ventures/Carefree Travel, Inc., Charter Ventures, Inc., Pathfinder Corporation, the U.S. Department of Justice, and the Civil Aeronautics Board's Office of the Consumer Advocate.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc.77-20418 Filed 7-14-77;8:45 am]

[Docket No. 31030; Order 77-7-26]

VARIOUS CARRIERS

Order Vacating Suspension Regarding Domestic Passenger-Fare Increase

Adopted by the Civil Aeronautics Boarrd at its office in Washington, D.C., on the 8th day of July 1977.

By Order 77-6-109, June 21, 1977, the Board suspended a seven-tenths percent general domestic passenger-fare increase proposed to become effective on various dates between June 22 and July 1, 1977, by a number of carriers.[1] The Board's suspension was based on an analysis which showed the industry's ratemaking return on investment (ROI) to be 12.4 percent, well above the 12-percent standard established in the "Domestic Passenger-Fare Investigation (DPFI).

The Board has now discovered errors in the ROI analysis contained in that order. Certain costs which should have been assigned to the non-capacity portion were erroneously assigned to the capacity-cost portion (aircraft related). In addition, revenue passenger miles were understated due to an error in the fare elasticity computation. The net effect of these adjustments is to lower the industry ratemaking return on investment to 11.2 percent after the seven-tenths percent fare increase, rather than the 12.4 percent previously relied upon. (See Appendix A.)[2] In view of these circumstances, the Board concludes that the proposed seven-tenths fare increase is not excessive, and we will accordingly vacate the suspension and terminate the investigation previously ordered. Further, where carriers have already cancelled the suspended fares, we will grant Special Tariff Permission applications to reinstate them.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof:

It is ordered, That:

1. Ordering paragraphs 1, 2, and 4 of Order 77-6-109 are vacated effective July 15, 1977; and

2. Copies of this order be filed with the aforesaid tariff and be served upon all scheduled certificated air carriers and the National Passenger Traffic Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[3]
Secretary.

[4] All Members concurred.

[1] Revisions to Airline Tariff Publishing Company, Agent, C.A.B. No. 259.

[2] In order to provide reasonable notice to the public and time for the carriers to evaluate their relative competitive positions, we will vacate the suspension effective July 6, 1977.

APPENDIX A

DOMESTIC TRUNK INDUSTRY RATE OF RETURN ON INVESTMENT
48-STATE SCHEDULED PASSENGER SERVICE
FOR THE 12-MONTHS ENDED MAR 1977 AS ADJUSTED TO JUL 1 1977

-DOLLAR AMOUNTS IN THOUSANDS-

	ACTUAL	UTILIZATION	55.0 PERCENT STANDARD LOAD FACTOR	ANNUALIZATION OF PAST FARE INCREASES @ 1.04549 PERCENT	COLUMN -5- INCLUDING A 0.7 PERCENT FARE INCREASE
	-1-	-2-	-3-	-4-	-5-
RPM'S -MILLIONS	119513.6	119513.6	119513.6	110749.9	110210.5
ASM'S -MILLIONS	217579.3	225887.9	217297.4	201363.5	200382.1
LOAD FACTOR	54.93	52.91	55.00	55.00	55.00
YIELD CENTS/RPM-	8.31724	8.31724	8.31724	9.98303	9.04553
PASSENGER REVENUE	$9940238.	$9940238.	$9940238.	$9917443.	$9969128.
OTHER REVENUE	164842.	164842.	164842.	164842.	164842.
OPERATING REVENUE	$9940238.	$10105080.	$10105080.	$9982285.	$10133970.
CAPACITY EXPENSE	6380736.	6361538.	6139974.	5947715.	6018341.
NON-CAPACITY EXPENSE	3256593.	3256593.	3256593.	3113892.	3193436.
OPERATING EXPENSE	9637329.	9618131.	9396566.	8981614.	9211782.
OPERATING PROFIT	$ 467751.	$ 486949.	$ 708512.	$ 900672.	$ 922188.
INTEREST	216567.**	210947.	204334.	193272.	188830.
EARNINGS BEFORE TAX	$ 251184.	$ 276002.	$ 504177.	$ 807400.	$ 712932.
TAX AT 48 PERCENT	120568.	132481.	242005.	387552.	342207.
NET INCOME	$ 130616.#	$ 143521.	$ 262172.	$ 419848.	$ 370725.
RETURN ELEMENT	$ 367183.	$ 354668.	$ 466506.	$ 613120.	$ 559555.
INVESTMENT	$6089617.	$5952996.	$5746882.	$5461831.	$5326545.
R.O.I. -PERCENT-	5.7	6.0	8.1	11.3	10.5

*INCLUDES STANDARD SEATS

**EXCLUDING CHILDREN AND MILITARY FARES

NOTE—THE DETAILS OF THE BOARD'S ANALYSIS WILL BE AVAILABLE FOR PUBLIC INSPECTION IN THE PUBLIC REFERENCE ROOM

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APPENDIX B

PHASE II PAY FORMULA ARRANGEMENT

Base Formula	6% [1]	plus 0.667%/wt.	(0-500 miles)
		plus 0.033%/wt.	(501-1500 miles)
		plus 1.000%/wt.	(1501 miles and over)
Cumulative Adjustment Factor		Source	
[redacted]		Order 76-3-82, Opinion, p. 92	
83.00754		Phase 4 Opinion and Order on Recommendation p. 26.	
83.06		Fuel-related face increase effective April 16, 1976	
83.04		Pure increase effective December 15, 1976	
83.03		Pure increase effective November 15, 1975	
83.01		Pure increase effective February 2, 1976	
83.02		Pure increase effective March 1, 1976	
[redacted]		Pure increase effective May 2, 1976	
83.02		Pure increase effective September 15, 1976	
83.02		Pure increase effective January 15, 1977	
83.00 [2]		Pure increase prescribed herein	
2.3009			
Adjusted Pure Formula [2]		2/3 (6 plus [redacted])	(0-500 miles)
		plus [redacted]	(501-1500 miles)
		plus [redacted]	(1501 miles and over)

[1] Includes security charge of 1%.
[2] Base formula times the cumulative adjustment factor.

[FR Doc.77-20419 Filed 7-14-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12 noon on July 30, 1977, 1405 Curtis Street, Suite 1700, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street Denver, Colorado 80202.

The purpose of this meeting is to introduce new members of the newly chartered Advisory Committee, start plans for proposed major study/report.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-20339 Filed 7-14-77;8:45 am]

CONNECTICUT ADVISORY COMMITTEES

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 8:30 p.m. on August 11, 1977, at 5 Longlane Middletown, Connecticut 06457.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is for the hearing on Domestic Violence.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-20340 Filed 7-14-77;8:45 am]

FLORIDA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 4:30 p.m. on August 24, 1977, at the Stirrup Room, Imni International Hotel, Biscayne Blvd. at 16th, Miami, Florida 33132.

Persons wishing to attend this open meeting should contract the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

Subcommittees meeting simultaneously on subjects of migrants, criminal Justice, operation of district office of EEOC, and Employment practices of the Dade County School System.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-20341 Filed 7-14-77;8:45 am]

OREGON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oregon Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 12:30 p.m. on August 6, 1977, Downtown Thunderbird Motor Inn, 1225 No. Thunderbird Way, Portland, Oregon 97212.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwest Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to plan for future SAC project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

* All Members concurred.

Dated at Washington, D.C., July 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-20342 Filed 7-14-77;8:45 am]

WISCONSIN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wisconsin Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 noon on August 4, 1977, at Howard Johnson Motel, 525 West Johnson Street Madison, Wisconsin.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is program orientation and planning for Fiscal Year 1978.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-20343 Filed 7-14-77;8:45 am]

CIVIL SERVICE COMMISSION

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Congressional and Governmental Affairs, Office of Congressional and Governmental Affairs.

UNITED STATES CIVIL SERVICE COMMISSSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20050 Filed 7-14-77;8:45 am]

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Assistant to the Director for Transition Planning for Domestic Operations, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20051 Filed 7-14-77;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Negotiator from the Department of Defense for the Panama Canal Treaty Negotiations, Immediate Office, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20052 Filed 7-14-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Administrator for Congressional and Intergovernmental Affairs and Assistant Associate Administrator for Congressional Affairs, Office of Congressional and Intergovernmental Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20053 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for planning and evaluation, Office of

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the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20054 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Health (Programs), Immediate Office, Office of the Assistant Secretary for Health, Public Health Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20055 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commisioner of Education for the Handicapped, Bureau of Education for the Handicapped, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20056 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary-Policy, Budget and Administration, Office of the Assistant Secretary-Policy, Budget and Administration, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20057 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Legislative Counsel, Office of Congressional and Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20058 Filed 7-14-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Office of National Programs, Employment and Training Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.77-20059 Filed 7-14-77;8:45 am]

VETERANS ADMINISTRATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Veterans Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.77-20060 Filed 7-14-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Intergovernmental Relations and Special Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.77-20061 Filed 7-14-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Congressional Affairs, Office of Congressional Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20062 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Program Systems, Office of the Deputy Assistant Secretary for Program Systems, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20063 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Program Development and Budget, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20064 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Legislative Counsel and Director, Office of Legislation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20065 Filed 7-14-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20066 Filed 7-14-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator for Transition Planning, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-20067 Filed 7-14-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

MORRIS WHITE FASHIONS, INC.

Notice of Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Morris White Fashions, Inc., 362 Fifth Avenue, New York, New York 10001, a producer of handbags, was accepted for filing on July 8, 1977, pursuant to Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than July 25, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-20321 Filed 7-14-77;8:45 am]

ROCCO HANDBAG CORP.

Notice of Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Rocco Handbag Corporation, 311 First Street, Newburg, New York 12550, a producer of ladies' handbags, was accepted for filing on July 11, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than July 25, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-20322 Filed 7-14-77;8:45 am]

Maritime Administration

[Docket No. S-547, Sub. 1]

AMERICAN EXPORT LINES, INC.

Amended Application

Notice is hereby given that American Export Lines, Inc., a New York Corporation, has filed an amendment dated June 6, 1977, to its application of February 10, 1977, as amended, for a long-term operating-differential subsidy contract, with the Maritime Subsidy Board. The application of February 10, 1977, as amended, was noticed in the FEDERAL REGISTER on March 4, 1977 (42 FR 12452), under Docket S-547, and provided for the following:

A maximum of 25 sailings annually, with six existing C3 type vessels, between U.S. Atlantic ports (Maine-Atlantic Coast of Florida to, but not including, Key West) and, via the Suez Canal, ports in the Gulf of Suez, Red Sea, Gulf of Aden, West Pakistan, India, Bangladesh, Burma, and Sri Lanka, plus service to a port or ports in the Mediterranean Sea west of 29 degrees longitude, a port or ports in the Mediterranean Sea west of 29 degrees longitude (provided that calls may not be made at United States Atlantic ports south of Virginia to discharge Mediterranean cargo before the discharge of inbound cargo at United States North Atlantic ports, or to load Mediterranean cargo after departure outbound from United States North Atlantic ports, and further provided that on outbound voyages, calls to discharge U.S. commercial cargo at a port or ports in the foreign area of Trade Route 10 west of 29 degrees longitude may be made only with the prior approval of the United States), a port or ports in the U.S. Gulf and a port or ports in the Persian Gulf and Gulf of Oman.

The amended application of June 6, 1977, reflects the following service to be provided with aid under Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended;

A maximum of 30 sailings annually, with six existing C3 type vessels, between U.S. Atlantic and Gulf ports (Maine-Texas) and, via the Suez Canal, ports in the Gulf of Suez, Gulf of Aqaba, Red Sea, Gulf of Aden, Gulf of Oman, Persian or Arabian Gulf, West Pakistan, India, East Pakistan, Burma, and Sri Lanka, and a port or ports in the Mediterranean Sea (including the seas which are arms of or tributaries to the Mediterranean).

If awarded, the Operating-Differential Subsidy Contract which is the subject of this application would become effective upon the expiration of American Export Lines, Inc.'s, present Contract No. FMB-87 on December 31, 1979, and would succeed that portion of FMB-87 which concerns American Export Lines service on Trade Route 18.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on July 25, 1977. The Maritime Subsidy Board will consider such views and comments, and take such action with respect thereto as may be deemed appropriate.

All parties who are presently intervenors in the original application (Docket S-547) will be deemed to have standing in this Docket.

(Catalog of Federal Domestic Assistance Program No. 11504, Operating-Differential Subsidy (ODS).)

By order of the Maritime Subsidy Board.

Dated: July 8, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-20401 Filed 7-14-77;8:45 am]

V 42 136 JUL 15 77 UMI

CONSTRUCTION OF FIVE 35,000 DWT DRY BULK CARRIERS

Computation of Foreign Cost; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board pursuant to the provisions of Section 501(a) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of five 35,000 dwt dry bulk carriers, MA Design C5–M–129a.

Any person, firm, or corporation having any interest (within the meaning of Section 501(a)) in such computations may file written statements by the close of business on August 5, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated: July 8, 1977.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-20402 Filed 7-14-77;8:45 am]

[Docket No. S-564]

PARTICIPATION BY VESSELS BUILT WITH CDS IN CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Application by Boston VLCC Tankers, Inc., VI

Notice is hereby given that Boston VLCC Tankers, Inc., VI has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of its U.S. flag tanker, the SS *Maryland*, in the carriage of Alaskan oil in the domestic trade. The vessel is to commence making voyages from Alaska to the Panama Canal on or about September 1, 1977. The SS *Maryland*, of 265,000 DWT, was built with construction-differential subsidy and is under time charter to the Atlantic Richfield Company. Although the original application requested permission for a period not to exceed eleven months, in accordance with the provisions set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations as published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), the SS *Maryland* will be permitted to engage in the carriage of Alaskan oil in the Alaska–Panama Canal trade for a period not exceeding six months in any consecutive 12-month period, commencing with the entry date of the vessel in the Alaska–Panama Canal trade.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations and desires to protest such application should submit such protests in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received on or before July 22, 1977. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Assistant Secretary for Maritime Affairs.

Dated: July 12, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-20400 Filed 7-14-77;8:45 am]

National Oceanic and Atmospheric Administration

HADDOCK, COD, YELLOWTAIL FLOUNDER

Termination of Haddock Optional Settlement Agreements for 1977

Notice is hereby given pursuant to 50 CFR 651.7(c) that the Director, National Marine Fisheries Service has determined that United States vessels operating in the Atlantic Ocean over which the United States exercises exclusive fishery management authority have taken 80 percent of the allowable by-catch quota of 6,200 metric tons of haddock for 1977. The quota is described in § 651.3 of the FEDERAL REGISTER published on June 10, 1977, page 29877.

I hereby announce that all Optional Settlement Agreements for haddock authorized pursuant to 50 CFR 651.7(c) are hereby terminated for the remainder of 1977 effective 0001 hours July 15, 1977. At that time, all vessels catching haddock shall land no more than 5,510 pounds (2.5 metric tons) or ten percent by weight of all other fish on board, per trip, whichever is greater.

Issued at Washington, D.C. and dated July 11, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-20423 Filed 7-14-77;8:45 am]

HADDOCK, COD, YELLOWTAIL FLOUNDER

Termination of Yellowtail Flounder Optional Settlement Agreements for 1977

Notice is hereby given pursuant to 50 CFR 651.7(d) that the Director, National Marine Fisheries Service has determined that United States vessels operating in the Atlantic Ocean over which the United States exercises exclusive fishery management authority and which is west of 69°00' West Longitude have taken 80 percent of the allowable by-catch quota of yellowtail flounder. The quota is described in § 651.3 of the FEDERAL REGISTER published on June 10, 1977, page 29877.

I hereby announce that all Optional Settlement Agreements for yellowtail flounder in the area west of 69°00' West Longitude are hereby terminated for the remainder of 1977 effective 0001 hours July 15, 1977. At that time all vessels catching yellowtail flounder in the area west of 69°00' West Longitude shall land no more than 5,510 pounds (2.5 metric tons) or 10 percent by weight of all other fish on board, per trip, whichever is greater.

Issued at Washington, D.C. and dated July 11, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-20424 Filed 7-14-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to procurement list 1977 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: July 15, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703–557–1145).

SUPPLEMENTARY INFORMATION: On May 20, 1977, and May 13, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 25901) and (42 24302) of proposed additions to procurement list 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Government under 41 U.S.C. 46–48(c), 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to procurement list 1977:

Class 7930

Rinse Additive, Dishwashing, 7930–00–619–9573 (100 percent of requirements, 7930–00–619–9575 (60 percent of requirements).

SIC 7349

Custodial Services, Pentagon Officers Athletic Center, The Pentagon, Washington, D.C.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-20346 Filed 7-14-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1977 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before August 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703–557–1145).

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to procurement list 1977, November 18, 1976 (41 FR 50975):

Class 7530

Folder, File, 7530–01–NIB–0001 (12" x 8⅝"), 7530–01–NIB–0002 (8" x 11½").

Paper, Looseleaf, Blank, 7530–00–286–5778, 7530–00–286–5782, 7530–00–286–5780, 7530–00–286–5781, 7530–00–286–5779, 7530–00–286–5777.

Paper, Looseleaf, Ruled, 7530–00–286–4332, 7530–00–286–4331, 7530–00–286–4333, 7530–00–286–4334, 7530–00–286–4335, 7530–00–196–6265, 7530–00–286–4336, 7530–00–286–4337, 7530–00–286–4338, 7530–00–286–4339, 7530–00–286–6366.

SIC 7349

Custodial Services, Fairchild Air Force Base, Washington.

For the following areas: Alert Facility Bldg. 2080, Alert Trailers (6 controlled, 7 uncontrolled), Post Office, Bldg. 644, Library Bldg. 716, Military Family Housing Bldg. 2451B, 47 Air Division Hq. Bldg. 2285, Audit Agency, Red Cross, Civilian Personnel and NAF (Rm 209) of Bldg. 2245, Base Chapel Bldg. 4200, Base Education Center Bldg. 2385, Family Visitation Center Bldg. 2092.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-20347 Filed 7-14-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLAZING MATERIALS

Solicitation of Comments on Petition To Amend Standard

In this document, the Consumer Product Safety Commission publishes for public comment a petition (CP 77–12) from the Stained Glass Association of America (SGAA) to exempt decorative glass, including patinaed, carved, faceted, and leaded glass, from the requirements of the Safety Standard for Architectural Glazing Materials, 16 CFR 1201, 42 FR 1428 (January 6, 1977). That Standard, which became effective on July 6, 1977, establishes requirements for glazing materials used in doors, patio doors, storm doors, bathtub and shower enclosures, and certain glazed panels. The Standard attemps to reduce the unreasonable risk of injury associated with glazing materials used in those products by ensuring that the glazing materials either do not break when impacted with a specified energy, or break with characteristics that are less likely than other glazing materials to present an unreasonable risk of injury.

The petition from SGAA was filed with the Commission on April 20, 1977. In its petition, SGAA argues that the glazing for which an exemption is requested is used exclusively for decorative and artistic purposes, does not present a hazard due to its easy visibility, and application of the Standard to this product would eliminate its use in "glazed panels" as defined in the Standard. On June 21, 1977, SGAA filed a request with the Commission that it stay the glazing Standard for the products described in CP 77–12 pending a decision by the Commission on SGAA's request that the Standard be amended, or if that decision is not favorable, pending judicial review of the Standard. On June 30, 1977, the Commission partially granted the request by SGAA to stay the effectiveness of the Standard as to decorative glass pending action on the petition (and if the Commissioin denies the petition, pending judicial review of the Standard). The Commission's stay is more limited than that requested by SGAA in that it applies only to patinaed, faceted and leaded glass used in "Category I" applications (16 CFR 1201.2(a)(3)). It does not apply to carved glass or other decorative glass. The Commission in acting on the motion to stay also determined that it would be appropriate to publish in the FEDERAL REGISTER the petition submitted by SGAA in order to receive public comment on the merits of the petition.

The Commission invites comment on the merits of the petition filed by SGAA particularly in regard to the scope of the requested exemption. In this regard, the Commission specifically seeks comment on whether each of the types of glazing identified by SGAA, i.e., patinaed, faceted, carved, and leaded glass should be exempted from the Standard, keeping in mind that these glazing materials are essentially decorative annealed glass. In addition, the Commission seeks information on the need of the public for the type of decorative glass described in the petition and the effect of not granting some type of exemption on the utility, cost and availability of the products to meet the need of the public. In addition, any information on injuries or injury potential associated with decorative glass would also be useful to the Commission in considering the petition.

Petition CP 77–12 is set forth below:

BEFORE THE CONSUMER PRODUCT SAFETY COMMISSION

Stained Glass Association of America, Petitioner

Petition Under Section 10, Consumer Product Safety Act

This petition is brought pursuant to section 10 of the Consumer Product Safety Act to request the initiation of a rule-making proceeding directed to the amendment as hereinafter set forth in the Consumer Product Safety Standard for Architectural Glazing Material promulgated by the Commission on January 6, 1977, and effective July 6, 1977.

The Petitioner in this action is a voluntary association composed of artists, craftsmen, and businessmen who produce and sell various types of artistic and decorative glass. A brief description of Petitioner's activities is set forth in Attachment 1.

The Petitioner proposes the following amendments to the above-mentioned Consumer Product Safety Standard:

Section 1201.1(c)(4) should be eliminated and the following language substituted: "Decorative glass, including, leaded glass, carved glass, patinaed glass, faceted glass, and combinations of any of the above with other materials when such glass has the following qualifications:

A. The coloring, texturing, or other design qualities and materials of the panel are permanently irremovable without destroying the material.

B. The panel's primary purpose is decorative or artistic.

C. The panel is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold).

D. The panel is divided into segments by conspicuous and plainly visable lines.

Section 1201.2 (Definitions) should be amended by adding the following definitions:

(36) Faceted glass: made up of pieces of slab dalle imbeded in a matrix of concrete or epoxy.

(37) Carved glass: made by etching, polishing, or grinding a panel of glass, to create a permanent design in the glass panel.

(38) Patinaed glass: made by creating a design on a piece of glass by a process in which various chemical coatings are fused by firing in such manner that the design is permanently integrated into the glass.

(39) Leaded glass: made up of pieces of glass held together by a lead or zinc matrix with solder or comparable connections.

In support of this Petition the Petitioner advises the Commission that the types of glass defined in proposed definitions 36–39 for which an exemption is proposed by their very nature, cannot be manufactured to conform to the safety standard provided by the Commission. They are used exclusively for decora-

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tive and artistic purposes and are ordinarily manufactured on commission to create a specific design required by the customer. Their use is therefore extremely limited. By their very nature, they are intended to call observation to them, and are therefore not subject to the hazards provided for in the act of accidental mistake for a passageway or door. The aesthetic considerations and the lack of significant safety hazard have been acknowledged indirectly by the Commission in its preamble to the safety standard as published in Part 1201 of Chapter II of the Code of Federal Regulations. For instance, louvres of jalousie doors were exempted, as to which the Commission stated, "The use of laminated glass may also meet with a good deal of consumer resistance because the exposed interlayer might be thought by many to be aesthetically unsightly."

Likewise with respect to possible safety problems referring to curved glazed materials of revolving doors, the Commission stated, "The Commission does not have any injury information associated with the curved sidelights of revolving doors."

With respect to leaded glass, the Commission stated, "Because of the infrequent use of the product in locations addressed by the standard, it is difficult to assess the degree of the risk of injury associated with this product."

The Petitioner knows of no instance in which a person has been injured by its products for which exemption is sought, and believes that no such significant hazards are presented by its products.

A further consideration which must be made under the act, and was in fact made by the Commission in connection with the original standard, is the potential economic impact upon affected parties. With respect to the various forms of art glass for which the standard in its present form is applicable, the Petitioner and its members believe that the standard effectively eliminates all of their products from use in glazed panels as defined in the standard.

Without destroying the art form, there is no possible way of meeting the standard for these categories of glass.

Moreover, such glass is regularly used in glazed panels as defined. The Petitioner submits herewith a variety of photographs showing applications which would be prevented by the standard.

Wherefore, your Petitioner respectfully asks that a proceeding be instituted under section 10 of the Consumer Product Safety Act directed toward amending the Consumer Product Safety Standard for Architectural Glazing Materials in the manner set forth hereinabove; and that the present standard be, pending a resolution of this petition, suspended insofar as it applies to the defined category of glazed materials.

Respectfully submitted,
STAINED GLASS ASSOCIATION OF AMERICA
By LEMUEL R. GREEN,
Counsel for Stained Glass Association of America, 1005 Central Trust Tower, Canton, Ohio 44702 (452-3003).

Interested persons are invited to submit, on or before August 1, 1977, written comments on the petition from SGAA. The short comment period is necessary so that the Commission may act on the petition within the 120 day period provided in section 10 of the Consumer Product Safety Act. Written submissions should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and entitled "Comments on CP 77-12." All material which the Commission has that is relevant to this petition, including any comments that may be received, may be seen or copies obtained from the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

For further information contact Harry Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-492-6453.

Dated: July 13, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc.77-20476 Filed 7-14-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from July 4 through July 8, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 29, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, (202-447-6827).

FOREST SERVICE

Final

Markagunt Plateau Unit Plan, Dixie National Forest, Iron, Kane, and Garfield Counties, Utah, July 5: The statement proposes a management plan for the 400,000-acre Markagunt Plateau Unit in Dixie National Forest, Utah. The planning unit is divided into 5 management areas which are assigned such designations as wilderness areas, recreational areas, and roadless areas. Minor adverse effects will be stream sedimention and short periods of air pollution. Comments made by: USDA, HEW, OEO, HUD, AHP, EPA, DOI, state and local agencies, concerned citizens. (ELR Order No. 70819.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202-377-4335).

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Vallejo Waterfront Development Project, Solano County, Calif., July 6: The statement concerns a proposal to provide infrastructural components for a 54-acre section of a 207-acre industrial park and municipal marina in Vallejo. The construction would include fill and compaction, streets, storm sewers, water lines, sewer lines, street lighting, traffic signals, and landscaping. Impacts caused by the construction and operation of the industrial park include aggravation of existing air, water, and noise pollution; energy consumption; probable land use shifts adjacent to the site; and generation of traffic, solid, and liquid wastes. There will also be adverse impacts of the area's marine biology. Comments made by: DOI, EPA, AHP, HEW, state and local agencies, concerned citizens. (ELR Order No. 70823.)

DEPARTMENT OF DEFENSE

Draft

Bold Eagle 78—Joint Readiness Exercise, Florida, July 8: Proposed is the execution of Bold Eagle 78, a Joint Readiness Exercise, at the Eglin AFB Test Range Complex from October 24 to October 30, 1977. The objectives are to exercise and evaluate the planning and execution of an air superiority campaign; strategic deployment and tactical employment; and the planning and use of electronic warfare to penetrate air defense systems. Adverse impacts include increased air contamination through use of explosives, damage to underbrush and habitat caused by track vehicle operations, and disturbance of the Red-Cockaded Woodpecker and Okaloosa Darter, both endangered species. (ELR Order No. 70839.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202-693-6795).

Draft

West Point Lake, Chattahoochee River, Ga.-Ala., July 7: Proposed is construction of a multipurpose concrete and earth dam on West Point Lake and Chattahoochee River in Alabama and Georgia. The dam would provide 73,375 kW of hydroelectric power, flood control, general recreational facilities, improved fishery and would aid downstream navigation. The project will result in loss of wildlife and timber resources in the 25,900 acres, relocation of 61 families and 29 cemeteries, and low oxygen concentrations and increased iron and manganese concentrations during periods of lake stratification. (Savannah District.) (ELR Order No. 70833.)

Green Bay Harbor, O. & M., Green Bay and Brown Counties, Wis., July 7: This statement proposes the continuation of operation and maintenance activities for the Green Bay Harbor in Wisconsin. It is anticipated that 1,200,000 cubic yards of sediment classified as unsuitable for unrestricted disposal by Region V, EPA will be removed during an eight year period beginning 1978. A confined disposal facility for this dredged material, with an incorporated effluent filter, will be constructed on a 55 acre water site in Green Bay, approximately 500 feet off-shore of Bay Beach Park. Adverse impacts will be increased levels of air pollution and disturbance of wildlife. (Chicago District.) (ELR Order No. 70832.)

Manitowac Harbor Interim I, Manitowac County, Wis., July 8: The proposed action is the construction of a new recreational boat harbor at Manitowac, Wisconsin, located on the western shore of Lake Michigan. Project plans call for construction of a new north rubblemound breakwater, removal of the existing breakwater, construction of a bulkhead, and dredging of 81,000 cubic yards. Nagative effects will be permanent loss of aquatic and benthic communities in the dredging area, increases in air and noise pollution, and loss of 18 acres of aquatic habitat. (Chicago District.) (ELR Order No. 70842.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Director Office of Environmental Affairs, Department of Health, Education and Welfare, Room 524 F2 HEW South, 200 Independence Avenue SW., Washington, D.C. 20201 (202-245-7243).

FOOD AND DRUG ADMINISTRATION

Draft

Fluorocarbons: Environmental and health implications, July 8: Proposed is the prohibition of nonessential use of chlorfluorbons as propellants in aerosolized containers in products subject to the Federal Food, Drug, and Cosmetic Act. The Commissioner of FDA has concluded that the continued use of chlorofluorocarbon propellants poses an unreasonable risk of long-term biological and climatic impacts. The regulations apply to the following products: human food, food additives, human drugs, including biological products, animal food, animal drugs, cosmetics, and medical devices. Among other beneficial effects, the regulation will cause a reduction of the steady state ozone depletion levels. (ELR Order No. 70840.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-755-6308).

Draft

Autumn Run and Bear Creek Subdivisions, Harris County, Tex., July 6: The proposed action is acceptance of, for HUD/FHA home mortgage insurance purposes, Autumn Run and Bear Creek subdivisions in Harris County, Texas. The 910-acre development will consist of two planned communities, 278-acre Autumn Run and 632-acre Bear Creek, composed of single family housing with recreational facilities. The project will result in an increase of some 10,400 residents in the project area, loss of agricultural lands, and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70825.)

Final

Wedgewood Estates Subdivision, Chester County, Pa., July 6: Proposed is the development of the 213-acre Wedgewood Estates, which is located 40 miles west of Philadelphia, Pennsylvania. The project will consist of 509 townhouses, 50 twin, and 80 quadraplex units on 38 acres. Dedicated R.O.W. and easements will use an additional 8 acres. The remaining 167 acres are to be controlled under a Homeowners Association and will be used for service roads, parking areas, open space, and recreational areas. The principal adverse effects are related to increased traffic and demand for community facilities. Comments made by: DOI, EPA, VA, DOT, USDA, DRBC, state and local agencies, concerned citizens. (ELR Order No. 70827.)

Section 104(h)

Draft

Petersburg, Va.—Graham Road improvements, July 8: The proposed project consists of the widening and extension of Graham Road between Crater Road and Halifax Street in Petersburg, Virginia. The action involves two stages: the improvement of the road between the I-85 overpass and Sycamore Street and the replacement of a box culvert in Lieutenant Run; and construction of the remainder of the project. Long-term impacts will be demolition of 21 structures, relocation of between 60 and 75 residents, and closing of some existing streets. (ELR Order No 70841.)

Final

Roig Community Sewer System, Humacao, P.R., July 7: Proposed is the construction of a sanitary sewer system in the Roig Community in the Municipality of Humacao, Puerto Rico. The project consists of the installation of approximately 5,068 linear meters of 8-inch diameter concrete pipes along the streets of the Roig Community and the construction of a temporary sewage treatment plant with a 0.09 mgd capacity, to discharge into the Coto Mabu Creek. This system would eliminate privies and septic tanks currently being utilized for sanitary waste disposal, and would benefit approximately 1,500 persons. Comments made by EPA. (ELR Order No. 70834.)

Renton, Cedar River Trail System, King County, Wash., July 7: Proposed is the construction of a continuous multi-use recreational system along the Cedar River from the mouth of the river at Lake Washington to the proposed King County Park, adjacent to the Maplewood Golf Course five miles up river. The project is to be completed in phases and includes three different environmental zones: the Industrial Park Zone, the Urban Zone, and the Natural Zone. These areas fall directly within Census Tracts 253, 256, and 257. Adverse impacts are expected to be minimal. Comments made by: AHP, DOI, EPA, state and local agencies, concerned citizens. (ELR Order No. 70597.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202-343-3891).

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

San Francisco Bay National Wildlife Refuge, Alameda, San Mateo, and Santa Clara Counties, Calif., July 5: Proposed is the acquisition of 23,000 acres of land for a national wildlife refuge in Alameda, San Mateo, and Santa Clara Counties, California. The project is designed to protect fish and wildlife in the south San Francisco Bay Region and to provide opportunities for wildlife oriented recreation and nature study. As part of the proposal, the Leslie Salt Co. would be permitted to continue using certain salt ponds to produce salt through the solar evaporation process. Impacts on the environment are expected to be favorable. Comments made by: AHP, DOD, DOT, EPA, state and local agencies, concerned citizens. (ELR Order No. 70822.)

NATIONAL PARK SERVICE

Draft

Buffalo National River, Ark., July 7: Proposed is congressional designation of 10,529 acres of federal land within the authorized boundary of the Buffalo National River as wilderness. Plans also call for the designation of 25,471 acres of non federal lands as potential wilderness additions. The proposal involves 3 separate units and aggregating 36,000 acres. Beneficial environment impacts are anticipated. (ELR Order No. 70831.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Office of Environmental and Economic Impact Assessment, Room N-3673, Washington, D.C. 20210 (202-523-7076)

Draft

Beryllium—Proposed standards for exposure, July 8: The Occupational Safety and Health Administration proposes to limit employee exposure to beryllium, a toxic substance known to produce both acute and cronic disease and suspected of being a human carcinogen. The proposal establishes a permissible exposure limit of 1 ug/m3 (averaged over a 8-hour work day) and a ceiling limit of 5 ug/m3 (measured over a 15-minute sampling period). The workplace environment and the general human environment are discussed in the statement. (ELR Order No. 70843.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

Final

Passenger Auto Average Fuel Economy, July 5: Proposed is the establishment of Average Fuel Economy Standards for passenger automobiles which are manufactured in Model Years 1981 through 1984. The term "passenger automobile" means any automobile which the Secretary determines, by rule, is manufactured primarily for use in the transportation of not more than 10 individuals. Included in this proposal are large station wagons which exceed 6,000 lbs. gross weight, but do not exceed 10,000 lbs. gross vehicle weight. The Secretary of Transportation has prescribed the following fuel economy standards for model years 1981-84: 22 mpg for 1981, 24 mpg for 1982, 26 mpg for 1983, and 27 mpg for 1984. Comments made by: DOI, EPA, HEW, ERDA, and interested groups and persons. (ELR Order No. 70818.)

Vehicle Occupant Crash Protection (2), July 5: This statement is a modification of a draft EIS filed with CEQ in July, 1976. Proposed are three alternative actions to protect motor vehicle occupants from death or injury resulting from traffic accidents. These proposals are (1) to continue the existing version of Federal Motor Vehicle Safety Standard 208 which requires either seat belts, or passive restraints, or a combination of the two; (2) to require states to take action to increase seat belt use; or, (3) to require that manufacturers provide passive restraints on all cars. The Secretary of Transportation has determined to follow the recommendations outlined in the third alternative. Comments made by: DOC, DOT, EPA, HEW, and interested groups and persons. (ELR Order No. 70820.)

FEDERAL AVIATION ADMINISTRATION

Draft

Yap District Airport, Trust Territory of the Pacific Islands, July 6: The proposed action is the improvement of Yap District Airport in the Yap District of the Trust Territory of the Pacific Islands. Project plans call for the following changes: rotation of the runway six degrees counter clockwise, construction of a new paved 6,900 x 150 ft. runway, provision of a graded area centered on the runway and extended runway safety areas, installation of navigational aids, construction of a fire, crash, and rescue building, and other improvements. Total development requires acquisition of 301.5 acres of land and

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relocation of 25 individuals. (ELR Order No. 70834.)

ment of homes and businesses, severence of community activities, and possible undesirable development of adjacent areas. (Region

The environmental assessment of this federal action indicates that the project will not create significant adverse local

other radioactive materials will be disposed of in accordance with applicable

1. Call to Order and Announcements by the Chairman.

The above meetings are open to broadcast industry representatives and inter-

relocation of 25 individuals. (ELR Order No. 70824.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

White River Bridge at St. Charles, Monroe County, Ark., July 7: Proposed is construction of a new bridge on Arkansas Highway #1 across the White River at St. Charles. The project will also provide approximately 7 miles of approaches through the White River National Wildlife Refuge, which is a section 4(f) property. Three location alternatives are considered for the bridge. Adverse impacts include increased air and noise pollution and destruction of 14 acres of wetlands. (Region 6). (ELR Order No. 70838.)

Death Valley Road, State Route 168 to Death Valley National Monument, Inyo County, Calif., July 6: Proposed is the improvement of Death Valley Road, RS–W658, which extends about 62.4 miles from S.R. 168 near Big Pine to the northerly boundary of Death Valley National Monument near Ubehebe Crater in Inyo County, California. Plans call for the pavement of portions which are now gravel, realignment of isolated sections, and upgrading of the roadway to increase safety. The project will displace 44 acres of vegetation and wildlife, and will increase noise, litter and secondary air pollution. (Region 9). (ELR Order No. 70826.)

State Route 166 and State Route 61, Carrollton Bypass to Interstate 20, Carroll County, Ga., July 7: Proposed is the improvement of State Route 166 and State Route 61 in Carroll County, Georgia. The project consists of the widening and upgrading of the two routes, beginning at the Carrollton Bypass following State Route 166 east to the intersection of State Route 61, and then following State Route 61 northeast to the intersection of Interstate 20. Adverse effects include displacement of homes and businesses, short term erosion and siltation, and increases in air and noise pollution. (Region 4). (ELR Order No. 70835.)

State Route 27, Interstate 24 to State Route 28, Marion County, Tenn., July 6: Proposed is the construction of a section of State Route 27 from Interstate 24 south of Jasper to Whitwell, in Marion County. The project begins at Interstate 24 south of Jasper and extends in a northeasterly direction on new location to new State Route 28 at Whitwell. The facility will be a 2- or 4-lane highway with a 46 foot median and a minimum right-of-way of 250 feet. Negative effects include displacement of residences, loss of natural resources, and increases in air and noise pollution. (Region 4). (ELR Order No. 70830.)

State Route 509, Pacific Avenue to Port of Tacoma Road, Pierce County, Wash., July 6: Proposed is the improvement of two sections of State Route 509 in the city of Tacoma, Washington. The project area consists of: a 1.8 miles north-south section, which lies within a corridor in the vicinity of "A" Street on the west side of City Waterway; and a 2.3 miles east-west section, which lies in the corridor in the vicinity of South 20th Street. Adverse effects include relocation of businesses, utilities and one residential unit, some removal of vegetation, conflict with redevelopment plans around Union Station, and increases in air and noise pollution. (Region 10). (ELR Order No. 70829.)

West 10th Street, Interstate 465 to West Street, Marion County, Ind., July 6: The proposed action consists of the upgrading to primary arterial status of West 10th Street from its intersection with Interstate 465 east to its intersection with West Street. The only portion of the Proposed Action scheduled for improvement at this time is the bridge over the White River and its approaches. Adverse effects include displacement of homes and businesses, severence of community activities, and possible undesirable development of adjacent areas. (Region 5). (102 pages). Comments made by: USDA, EPA, DOT, DOI, and state and local agencies, and concerned citizens. (ELR Order No. 70828.)

Final

Interstate 391 Chicopee-Holyoke, Hampden County, Mass., July 7: The proposed action consists of construction of Interstate 391 for a distance of approximately 5 miles from Chicopee to Holyoke. The project will be a six-lane divided highway with shoulders including two six-lane river crossings. Adverse impacts are the displacement of 64 residences and 19 businesses, increased noise levels, and temporary construction disruption. (Region 1). Comments made by: DOI, COE, DOC, HEW, DOD, TREA, EPA, USCG, USDA, and state and local agencies, and concerned citizens. (ELR Order No. 70836.)

Interstate 70, Sevier Valley, Sevier County, Utah, July 7: Proposed is the construction of 32 miles of 4-lane, divided Interstate 70 between Clear Creek Canyon and Salina Canyon, Utah. The facility would be a 4-lane freeway extending from Sevier Junction on the south to Salina on the north, bounded on both sides by mountains. A major impact will be the shift in local employment away from agricultural to tourism, energy extraction, and commerce. (Region 8). Comments made by: AHP, USDA, DOC, HUD, DOI, DLAB, EPA, ICC, and state and local agencies, and concerned citizens. (ELR Order No. 70837.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260.

Final

South Cicero Avenue Post Office Relocation, Chicago, Cook County, Ill., July 5: Proposed is relocation of the postal processing operation of the South Suburban Facility, presently located in leased facilities at 7401 South Cicero Avenue in Chicago, to a 39.28 acre site at 7500 Roosevelt Road in Forest Park. Adverse impacts include additional runoff as a result of increased paved surface, increased traffic in the area, and the potential for racial conflict as a result of the relocation of minority families to new residences in the western suburbs of Chicago. Comments made by: HEW, EPA, HUD, state and local agencies, and concerned citizens. (ELR Order No. 70821.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-20338 Filed 7-14-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

DECOMMISSIONING OF THE STURGIS (MH–1A) NUCLEAR POWER PLANT AT FORT BELVOIR, VA.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of The Council on Environmental Quality Guidelines issued on August 1, 1973, the Department of the Army, U.S. Department of Defense, gives notice that an environmental impact statement is not being prepared for the decommissioning of the nuclear power barge *Sturgis* at Fort Belvoir, Virginia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Colonel James R. C. Miller, Commander and Director, U.S. Army Facilities Engineering Support Agency, Fort Belvoir, Virginia 22060, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The *Sturgis* was built for the Army by the Martin-Marietta Corporation, Baltimore, Maryland, in 1966 and contains a conventional pressurized-water nuclear reactor. The 10 MW floating power plant has been a part of the Army's contingency reserve of mobile power generating equipment. All of the ship's original propulsion equipment was removed to make room for the nuclear reactor and associated equipment, making it necessary to tow the *Sturgis* when it is relocated. The plant had been used to supply electrical power to the Panama Canal Company. Upon completion of that mission, the *Sturgis* was towed to Fort Belvoir, Virginia, in March 1977.

Fort Belvoir is the home station of the *Sturgis* and the location of the U.S. Army Facilities Engineering Support Agency (FESA). Engineers and technicians from FESA are responsible for the decommissioning work. The *Sturgis* operated at Fort Belvoir from 1966 until it was deployed to the Panama Canal Zone in 1968. With construction of additional power sources in the Canal Zone, the *Sturgis* was taken out of operation in July 1976.

The decommissioning work will be performed adjacent to the SM–1 land based nuclear power plant at Fort Belvoir. The SM–1 was decommissioned in 1974 following procedures similar to those to be used in decommissioning the *Sturgis*. After decommissioning, the *Sturgis* will be prepared for long-term anchorage.

Decommissioning will follow removal of the reactor core and shipment of the fuel to the Energy Research and Development Administration's Savannah River reprocessing facility at Aiken, S.C. Fuel shipments are made in accordance with Nuclear Regulatory Commission (NRC) and Department of Transportation (DOT) regulations in shipping containers licensed by NRC.

Decommissioning requires protection of the general public from all radiation sources remaining on board the *Sturgis*. To accomplish this, the reactor pressure vessel and other activated primary system components will be sealed and the entire system will be further sealed within the reactor containment vessel. This vessel provides a physical barrier to protect the public from the radioactivity contained therein. Some radioactive material of low activity also will be sealed within the reactor access compartment and the spent fuel storage tank. These spaces and the containment vessel will be maintained as restricted areas. All other radioactive materials will be disposed of in accordance with applicable state and federal regulations. These materials will be of low specific activity.

Procedures for decommissioning the *Sturgis* and its subsequent long-term anchorage are essentially the same as those approved by the Nuclear Regulatory Commission for the decommissioning of Nuclear Ship *Savannah*.

The environmental assessment file is available for inspection during regular working hours at the following location.

U.S. Army Facilities Engineering Support Agency, Office of the Commander and Director, Bldg. 358, Room 113, Telephone 664–5221, Fort Belvoir, Virginia 22060.

Dated: July 8, 1977.

JAMES R. C. MILLER,
Colonel, CE, Commander and Director USA Facilities Engineering Support Agency.

[FR Doc.77-20366 Filed 7-14-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST SERVICE WORKING GROUPS, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Scheduling of Meetings

JULY 12, 1977.

Pursuant to Public Law 92–463, notice is hereby given of the following meetings for August 1977.

WARC–79 INTERNATIONAL BROADCASTING SERVICE GROUP

Wednesday, August 10, 1977—10:00 AM to 12:30 PM, Room A–110, 1229 20t St. NW., Washington, D.C.
Chairman: Stanley Leinwoll.
FCC Liaison: Lloyd R. Smith.

WARC–79 TV BROADCASTING SERVICE GROUP

Thursday, August 11, 1977—9:30 AM to 12 Noon, Room 8210, 2025 M Street NW., Washington, D.C.
Chairman: James D. Parker.
FCC Liaison: Charles H. Breig.

WARC–79 AUXILIARY BROADCASTING SERVICE GROUP

Thursday, August 11, 1977—1:30 PM to 4:00 PM, Room 8210, 2025 M Street NW., Washington, D.C.
Chairman: John Serafin.
FCC Liaison: Al Jarratt.

WARC–79 SATELLITE BROADCASTING SERVICE GROUP

Friday, August 12, 1977—9:30 AM to 4:00 PM, Room A–110, 1229 20th St. NW., Washington, D.C.
Chairman: Edward E. Reinhart.
FCC Liaison: Charles H. Breig.

The Agendas will be as follows:

1. Call to Order and Announcements by the Chairman.
2. Approval of Minutes of Previous Meeting.
3. Discussion of Comments for Fifth Notice of Inquiry in Docket 20271 and possible drafting of Reply Comments.
4. Reports from Task Groups.
5. Further Discussion.
6. Next Meeting Date and Adjustment.

The above meetings are open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20362 Filed 7-14-77;8:45 am]

[Report No. 1060]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

JULY 12, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20901	Sec. 73.202(b)	Amendment of sec. 73.202(b) table of assignments, FM broadcast stations. (Brewer, Maine). Filed by Harry G. Sells, attorney for Bangor Broadcasting Corp.	June 23, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Aug. 1, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20365 Filed 7-14-77;8:45 am]

[Report No. I–367]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

JULY 11, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

516–DSE–ML–77 American Television & Jackson, Mississippi. For modification of license to permit the reception of programming of the Christian Broadcasting Network, Inc.

517–DSE–ML–77 Teleprompter Corporation (WB73), Huntsville, Alabama. Modification of license to convert the existing private receive-only earth station into a common carrier facility.

518–DSE–P/L–77 Teleprompter Corporation, Leesville, Louisiana. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°08'04" Long. 93°17'28". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 4.5 meter antenna.

519–DSE–P/L–77 Teleprompter Corporation, Brainerd, Minnesota. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 46°20'50" Long. 94°13'27". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 4.5 meter antenna.

520–DSE–P/L–77 Cox Cable Communications, Inc., Virginia Beach, Virginia. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 36°50'35", Long. 76°09'51". Rec. freq.: 3700–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

521–DSE–P/L–77 General Electric Cablevision Corporation, Anderson, Indiana. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°06'33", Long. 85°40'52". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 5 meter antenna.

522–DSE–P–77 Board of Regents, State of Florida, Gainesville, Florida. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°42'35",

Long. 82°23'42". Rec. freq: 3700–4200 MHz.

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Long. 82°23'42". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

523-DSE-P-77 KQED, Inc., San Bruno, California. For authority to construct, own, and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°41'18", Long. 122°26'11". Rec. freq: 37000–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

SSA-12-77 Western Union Telegraph Company, McLean, Virginia, and Glenwood, New Jersey. Requests an extension for a period of sixty days, beginning July 16, 1977, to continue an ongoing developmental program consisting of radio transmission tests and demonstrations to document the feasibility of utilizing small aperture receive-only terminals as an integral segment of domestic communications satellite system operation. This developmental program utilizes the Glenwood, New Jersey, earth station and the transportable earth station at McLean, Virginia, in conjunction with four small aperture receive-only earth stations at various locations throughout the contiguous United States.

SSA-13-77 Western Union Telegraph Company, WESTAR II (Cedar Hill, Texas). Requests extension of time for operations of the WESTAR II satellite which is located at the orbital position of 123.5° west longitude and the authority to operate the pilot/command control facilities at the WESTAR Cedar Hill, Texas, earth station through the second antenna at this location, to control WESTAR II.

[FR Doc.77-20363 Filed 7-14-77;8:45 am]

[Docket Nos. 21272, 21273; File Nos. BPH-9729, BPH-10,116]

RICHARD NOVIK, ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 30, 1977.

Released: July 12, 1977.

In re applications of Richard Novik, Kenneth Steinberg, Harry Novik, Fredrick Dill, Sr., Ross Daniels and Carl G. Dill, d.b.a. Patterson Communications Associates, Patterson, New York, requests: 105.5 MHz, Channel No. 288; 1.10 kW (H&V); 460 feet (H&V), and Wayne Hicklin and Edward H. Valentine, d.b.a. Patterson Broadcasting Company, Patterson, New York, requests: 105.5 MHz, Channel No. 288; 1.10 kW (H&V); 460 feet (H&V), for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration the above-captioned mutually exclusive applications of Richard Novik, Kenneth Steinburg, Harry Novik, Fredrick Dill, Sr., Ross Daniels, and Carl G. Dill, d.b.a. Patterson Communications Associates (Patterson Communications), and Wayne Hicklin and Edward H. Valentine d.b.a. Patterson Broadcasting Company (Patterson Broadcasting), for a construction permit for a new FM station at Patterson, New York.

2. Because Patterson Broadcasting proposes independent programming while Patterson Communications proposes to duplicate some of the programming of its standard broadcast station WPUT, Brewster, New York, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. *James T. Sudbury*, 8 FCC 2d 360 (1967).

3. Section 73.207 of the Commission's Rules requires that co-channel Class A stations must be separated by a minimum distance of 65 miles. Both applicants have requested waiver of the Rule because their proposed facilities will not meet the mileage requirements with respect to station WQRB, Pittsfield, Massachusetts. In support of their request, the applicants originally argued that WQRB was precluded from objecting to short-spacing by virtue of a condition imposed on its construction permit.[1] However, in reply to the waiver request, the Commission sent a letter to both applicants stating that the condition imposed on WQRB's construction permit was not a prospective waiver of the Commission's requirements. Rather, the Commission, in assigning Channel 288 to Patterson, specifically stated that there was an area located south of Patterson where a non-short-spaced antenna could be located. *First Report and Order in Docket 20121, supra*, 50 FCC 2d at 81. Although both applicants have submitted additional comments in support of their waiver requests they have not adequately explained their failure to use this area. Accordingly, an issue will be specified to determine whether waivers of Section 73.207 are justified.

4. Except as indicated by the issues specified above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Patterson Broadcasting Company and Patterson Communications Associates, whether their proposed operations would be consistent with the minimum mileage separation requirements of Section 73.207 of the Commission's Rules and, if not, whether circumstances are present which warrant a waiver of that Section of the Rules.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicant herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, either individually or if feasible and consistent with the Rules, jointly, within the time and the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 1.594 (g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-20361 Filed 7-14-77;8:45 am]

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[1] When the rule making proceeding for assignment of Channel 288 to Patterson was pending before the Commission, WQRB asked to move the site for its station two miles closer toward Patterson. *First Report and Order in Docket 20121*, 50 FCC 2d 80 (1974). In approving the move of WQRB, the Commission conditioned the grant as follows:

Subject to the condition that Station WQRB accept a short-spacing of not more than two miles with a station in Patterson, New York, on channel 288, should channel 288 be assigned as a result of the rule making proceedings in Docket No. 20121 (RM-2321). (Construction permit dated December 11, 1974.)

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given that the Federal Communications Commission, in accordance with 5 U.S.C. 552a(e)(4) and (11), intends to adopt the notice of an additional system of records set forth below.

Interested persons are invited to submit comments on the "routine uses" of this system of records on or before August 16, 1977.

An original and 5 copies of all comments shall be furnished to the Commission. Comments will be available for inspection in the Commission's Broadcast and Dockets Reference Room. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this Notice.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FCC/OED-13

System name:

Employee Locator System—FCC/OED-13.

System location:

Federal Communications Commission, 1919 "M" Street, NW.; 2025 "M" Street, NW.; 1229 20th Street, NW., Washington, D.C. 20554.

Categories of individuals covered by the system:

Current FCC headquarters employees.

Categories of records in the system:

Include name of employee; office address; mailing address; home address and telephone number; name, address and telephone number of an emergency contact.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

System will be used by employee's division to contact individual designated by employee in case of an emergency involving employee. Information contained in the system will also be used to update payroll master records, administrative records and to provide office location of employees for outside telephone callers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3" x 5" paper.

Retrievability:

Indexed alphabetically by last name of employee.

Safeguards:

Stored in the standard file box. Access limited to individuals within the division who require the information in an emergency situation. Office is locked at close of each business day.

Retention and Disposal:

Retained for the duration of an employee's employment in the division. Information is manually shredded within 30 days of employee's departure from the division or in accordance with existing records control schedules.

System manager:

Executive Director, Office of the Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedures:

Same as above.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual on whom the record is maintained.

[FR Doc.77-20360 Filed 7-14-77;8:45 am]

[Report No. 1062]

RADIOTELEGRAPHY IN THE MARITIME SERVICES

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

JULY 11, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20613	Parts 2, 13, 81 and 83	Amendment of pts. 2, 13, 81, and 83 to implement changes in frequencies, operating procedures, technical standards, and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974. Filed by H. R. Smith, manager product planning for ITT Mackay Marine.	June 16, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Aug. 1, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-20364 Filed 7-14-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Representative Average Unit Costs of Energy

AGENCY: Federal Energy Administration.

ACTION: Notice.

SUMMARY: By this notice, the Federal Energy Administration is providing information respecting representative average unit costs of energy for use in the Energy Conservation Program for Appliances under the Energy Policy and Conservation Act.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Director, Office of Appliance Programs, Room 307, Old Post Office Building, Federal Energy Administration, Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION: Section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (Act) Pub. L. 94-163) requires that the Federal Energy Administration (FEA) prescribe test procedures for the determination of the estimated annual operating costs and other measures of energy consumption of the appliances covered by the Energy Conservation Program for Appliances under Part B (42 U.S.C. 6291-6309) of Title III of the Act. FEA has prescribed test procedures for room air conditioners in 10 CFR Part 430 and is proposing test procedures for several other appliances as additions to 10 CFR Part 430. As required by section 323(b) of the Act (42 U.S.C. 6293(b)(2)), estimated annual operating costs are to be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (provided by the Administrator) of energy needed to operate covered appliances during such cycles.

By this notice FEA is providing representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with test procedures in 10 CFR Part 430. These test procedures do not of themselves require testing (including calculations) to be performed. Such test procedures merely establish standard methods for testing when testing is otherwise required by the Act or by regulations implementing other parts of the program, such as appliance efficiency labeling.

The representative average unit costs of energy provided by this notice were developed from interpolations between 1975 prices in the Federal Energy Data System (FEDS) and the April 15, 1977, base case results of the Project Independence Evaluation System (PIES) for the year 1980. The PIES is a computer model that is used to forecast quantities and prices of energy by type of fuel for ten FEA regions. The prices are calculated by modeling cost during extraction, transportation and transformation of primary fuels to the end use energy form, i.e., crude petroleum to automotive gasoline.

Each PIES scenario is a conditional forecast based upon assumptions of economic growth, technology, world petroleum prices and FEA policy. The base case scenario utilizes the following major assumptions:

A macroeconomic forecast consistent with the Council of Economic Advisers forecast.

Exogenous estimates of energy conservation obtained from the Office of Conservation of FEA that incorporates energy saving resulting from existing FEA conservation programs.

Continued natural gas regulation at $1.33 per MCF (1975 dollars).

Imported oil at $13 a barrel.

Further information relevant to the PIES is available in "PIES: A User's Guide" by Elizabeth Chase MacRae. This document is available for inspection as provided below.

Representative average unit costs are provided for electricity, oil, natural gas,

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and propane. For purposes of this notice: "oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71; "natural gas" means natural gas as defined by the Federal Power Commission; and "propane" means a hydrocarbon whose chemical composition is predominantly C_3H_8, whether recovered from natural gas or crude oil. FEA intends to review the representative average unit cost figures on an annual basis. These figures will be modified, if needed, based on this review."

"PIES: A User's Guide" by Elizabeth Chase MacRae is being printed and will shortly be available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY

The following representative average unit costs of energy in current dollars for 1977 are provided pursuant to section 323(b)(2) of the Act and are effective until further notice:

Electricity $0.038 per kilowatt hour, 37.97 per megawatt hour, or 11.13 per million British thermal units.

Oil $3.32 per million British thermal units, 19.35 per barrel, or 0.461 per gallon.

Natural Gas $2.07 per million British thermal units, 2.14 per thousand cubic feet, or 0.207 per therm.

Propane $3.15 per million British thermal units, 12.64 per barrel, or 0.301 per gallon.

Issued in Washington, D.C., July 11, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-20345 Filed 7-14-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 579]

C. H. TIMM & SONS, INC.

Order of Revocation

On July 8, 1977, C. H. Timm & Sons, Inc., 107 Washington Street, New York, N.Y. 10006, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 579 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 579 issued to C. H. Timm & Sons, Inc., be and is hereby revoked effective July 8, 1977, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon C. H. Timm & Sons, Inc.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc.77-20398 Filed 7-14-77;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE APPLICANTS

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Manuel S. Guerrero, 6437 So. Kostner Ave., Chicago, IL 60629.

Steve S. Saml, 3900 N. 17th Street, Arlington, VA 22207.

Chas Dorsch, Inc., 632 Switzer Street, 10th Avenue Terminal, San Diego, CA 92101; Officers: Charles C. Dorsch, President; Diane Luther, Vice President; Donald R. Daniel, Secretary Treasurer.

A. C. Wilson Company (Arlene C. Wilson, d.b.a.), 803 Board of Trade Building, 310 SW Fourth Street, Portland, Oregon 97204.

Socal Forwarding (William R. Kokott, d.b.a.), 1339 N. Columbus, No. 306, Glendale, CA 91202.

Carl V. Lowell, 620 Santurce Avenue, Coral Gables, FL 33143.

WAC International, Ltd., 793 Golf Lane, Bensenville, IL 60106; Officers: Walter A. Ciszak, President Treasurer; Marie T. Spraner, Vice President/Secretary; Paul R. Gigous, Vice President/Oper.; Ralph A. Trankina, Vice President/Sales.

Oil Services and Trading, Inc., 915 Brenda Street, Houston, TX 77076; Officers: V. B. Wilson, Chief Executive Officer; B. L. Powell, Jr., President; T. L. Hudson, Vice President; W. W. Hollingsworth, Vice President; J. J. McCarthy, Secretary Treasurer.

Fitzgerald Forwarding Co. (John J. Fitzgerald, Jr., d.b.a.), 1205 Skidaway Road, Savannah, GA 31404

Andrews Forwarders, Inc., 7th and Park Avenue, Norfolk, NE 68701; Officers: Clayton Andrews, President; Vivian Andrews, Secretary Treasurer.

World Express Co. (Peter Michael Heath, d.b.a.), P.O. Box 480438, Los Angeles, CA 90036.

Spreen Import Export Ltd. (David A. Spreen, d.b.a.), 1016 E. Tri Oaks, No. 39, Houston, TX 77043.

Scully & Company (Nicholas A. Scully & Stephen C. Scully, Partner, d.b.a.), 125 W. Mountain Street, No. 112, Glendale, CA 91202.

By the Federal Maritime Commission.

Dated: July 12, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20399 Filed 7-14-77;8:45 am]

LYKES BROS. STEAMSHIP CO., INC., AND STRACHAN SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by August 3, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. T-3486, between Lykes Bros. Steamship Co., Inc. (Lykes), and Strachan Shipping Company (Strachan), provides for the performance of stevedoring services by Strachan at Jacksonville and Fernandino Beach, Florida. As compensation, Lykes agrees to pay such rates mutually agreed to by the parties from time-to-time. The term of the agreement is for one year, automatically renewed on a year-to-year basis, and may be terminated upon 30 days' written notice by either party.

By order of the Federal Maritime Commission.

Dated: July 12, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-20397 Filed 7-14-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 8, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

FEDERAL COMMUNICATIONS COMMISSION

FCC is requesting clearance of a new reporting requirement under Section 89.102(c)(3), (4) and (5) of its Rules, as amended, to establish a "Traveler's Information Station" as a new class of radio station within the local government radio service in the Public Safety Radio Services group. Traveler's Information Stations are intended to be a source of localized information pertinent only to the traveler in the immediate proximity of the station. Sites of such stations are proposed to be air, train and bus terminals, public parks and historical sites, interstate highway interchanges, bridges, and tunnels. The type of noncommercial voice information proposed to be transmitted by the Traveler's Information Stations are arrivals and departures at terminals and availability of parking areas at such terminals, and for other locations, general announcements of the availability and location of services (lodging, rest stops, service stations, description of local points of interest) for the traveling public and traffic and road conditions and hazards within specific geographical areas.

Potential respondents are State and Federal Governments (territories, possessions, states, other governmental subdivisions including counties, cities, towns, and similar governmental subdivisions including districts and authorities, but specifically excluding park authorities). Applicants will be required to file additional information as supplemental material with FCC Form 400. Submission of the additional information by each applicant is in the form of a certification statement and deals primarily with location of proposed station in relation to existing broadcast stations. The data will be used to verify that proposed stations comply with applicable technical standards and coordination criteria. FCC estimates it will receive approximately 10 applications per year and that respondent burden will average three hours per request.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.77-20337 Filed 7-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration:

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity.	Aug. 1, 9 a.m., Conference Room II, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of functional evaluation of hepatotoxicity, specific tests and toxicology.

Committee name	Date, time, and place	Type of meeting and contact person
2. Endocrinology and Metabolism Advisory Committee.	Aug. 4 and 5, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 4, 9 a.m. to 10 a.m.; open committee discussion Aug. 4, 10 a.m. to 5 p.m., Aug. 5, 9 a.m. to 5 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Glipizide (NDA 17–783) Pfizer Pharmaceuticals, Glyburide (NDA 17–498) The Upjohn Company, guidelines for clinical testing of lipid lowering drugs, guidelines for clinical evaluations of antiosteoporotic and osteogenetic agents, and safety considerations of Clofibrate.

Committee name	Date, time, and place	Type of meeting and contact person
3. Device Good Manufacturing Practice Advisory Committee.	Aug. 4 and 5, 9 a.m., 1st floor auditorium, HEW-N, 330 Independence Ave., SW., Washington, D.C.	Open committee discussion Aug. 4, 9 a.m. to 5 p.m.; open public hearing Aug. 5, 9 a.m. to 5 p.m., Leonard J. Stauffer (HFK-120), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7194.

General function of the committee. Reviews proposed regulations regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations regarding feasibility and reasonableness of the proposed regulations.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the proposed Good Manufacturing Practice (GMP) Regulations for Medical Devices to the executive secretary. Those desiring to make formal presentations should notify the executive secretary by July 28, 1977, as noted in the June 28, 1977 FEDERAL REGISTER.

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94–295), amending the Federal Food, Drug, and Cosmetic Act (hereinafter referred to as "the act"), became law on May 28, 1976. Section 520(f) of the amended act (21 U.S.C. 360j(g)) provides the agency with the authority to prescribe regulations requiring that the methods used in, and facilities and controls used for, the manufacture, packing, storage, and installation of devices conform to current GMP requirements.

In the FEDERAL REGISTER of August 27, 1976 (41 FR 36233) an announcement

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was published which stated that on August 12, 1976, the Commissioner of Food and Drugs formally established the Device GMP Advisory Committee as specifically authorized by section 520(f) of the act.

The function of this committee is to review regulations proposed for promulgation regarding good manufacturing practices for devices and to make recommendations to the Commissioner concerning the feasibility and reasonableness of any such proposals. The committee will also advise the Commissioner regarding any petition submitted by a manufacturer for an exemption or variance from GMP's which the Commissioner refers to the committee.

The advisory committee will be composed of nine members selected from different interest groups as follows:

1. Three officers or employees of any State, local government, or of the Federal government;
2. Two industry representatives;
3. Two representatives of physcians and other health care professionals;
4. Two representatives of the general public.

Open committee discussion. Discussion of operating guidelines and scheduling of future meetings. The afternoon's activities, starting at 1 p.m., will be a review of comments received on the proposed umbrella device GMP regulations published in the FEDERAL REGISTER of March 1, 1977 (42 FR 11997).

Committee name	Date, time, and place	Type of meeting and contact person
4. Panel on Review of Miscellaneous External Drug Products.	Aug. 5 and 6, 9 a.m., Conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 5, 9 a.m. to 10 a.m.; open committee discussion Aug. 5, 10 a.m. to 4:30 p.m., Aug. 6, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before August 2, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
5. Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity.	Aug. 8, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of clinical testing, Phases I and II.

Committee name	Date, time, and place	Type of meeting and contact person
6. Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity.	Aug. 9, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally in writing, on issues pending before the committee.

Open committee discussion. Discussion of special techniques for detection and evaluation of hepatotoxicity.

Committee name	Date, time, and place	Type of meeting and contact person
7. Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity.	Aug. 10, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of coordination of all working groups for this subcommittee.

Committee name	Date, time, and place	Type of meeting and contact person
8. FDA/NIDA Drug Abuse Research Advisory Committee.	Aug. 11, 8:30 a.m., conference rooms D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 5 p.m.; John A. Scigliano, Ph. D. (HFD-123), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3501.

General function of the committee. Advises the Food and Drug Administration on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institute on Drug Abuse (NIDA) on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability on investigational drugs may be estimated.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of minutes and action memorandum, review of IND's, marihuana guidelines (update), and heroin for treatment of opiate dependence.

Committee name	Date, time, and place	Type of meeting and contact person
9. Pulmonary Functions and Respiratory Therapy Subcommittee of the Anesthesiology Device Classification Panel.	Aug. 16, 8:30 a.m., room 5051, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 4 p.m.; Dennis J. Cotter (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda.—Open public hearing. Interested parties are encouraged to present information pertinent to classification of pulmonary functions and respiratory therapy devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by August 6, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The subcommittee will review all supplemental data sheets completed in previous meetings for the following device categories: exercise testing (pulmonary function); gas and ion analysis, blood phase; gas analysis (gaseous phase); gas calibrating/collecting/measuring devices; gas calibrating/collecting/measuring process and analysis; gas calibrating/collecting/measuring transducers; lung water measurement device; miscellaneous respiratory therapy devices; plethysmograph whole body; spirometry; breathing system respiratory therapy devices.

Committee name	Date, time, and place	Type of meeting and contact person
10. Anesthesiology Device Classification Panel.	Aug. 17, 8:30 a.m., room 5051, HEW-N, 330 Independence Ave., SW., Washington, D.C.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 4 p.m.; Dennis J. Cotter (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda.—Open public hearing. Interested parties are encouraged to present information pertinent to anesthesiological devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by August 7, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review all supplemental data sheets completed in previous meetings for the following device categories: anesthetic state evaluation equipment; blood flow measurement; blood cerebrospinal fluid pressure measurement; bronchoscopy; electrical signal measurement (physiologic); miscellaneous monitors; sound measurement; anesthesia breathing circuit components; anesthesia conduction

equipment; anesthesia electrically induced equipment; anesthesia inhalation equipment; anesthesia monitoring equipment (patient); extracorporeal systems; fluid administration equipment; gas

General function of the committee. they wish to present; the names and allowed to make an oral presentation at

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equipment; anesthesia electrically induced equipment; anesthesia inhalation equipment; breathing assist devices; breathing machines for medical use; breathing system components, miscellaneous; breathing system suction equipment; breathing systems airway components and aids; environmental equipment (patient); extracorporeal systems; fluid administration equipment; gas management general equipment; gas management scavenging systems and components, oxygen supply and delivery; resuscitation equipment; surgical furniture and apparel; and surgical instruments.

Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Antiperspirant Drug Products.	Aug. 22 and 23, 9 a.m., Conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 22, 9 a.m. to 10 a.m.; open committee discussion Aug. 22, 10 a.m. to 4:30 p.m., Aug. 23, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the executive secretary before August 17, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Topical Analgesics.	Aug. 22, 23, and 24, 9 a.m., conference room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 22, 9 a.m. to 10 a.m.; open committee discussion Aug. 22, 10 a.m. to 4:30 p.m., Aug. 23 and 24, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the executive secretary before August 17, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Dentifrices and Dental Care Agents.	Aug. 25 and 26, 9 a.m., Conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 25, 9 a.m. to 10 a.m.; open committee discussion Aug. 25, 10 a.m. to 4:30 p.m., Aug. 26, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before August 22, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
14. Panel on Review of Hemmorhoidal Drugs.	Aug. 25, 26, and 27, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open hearing Aug. 25, 9 a.m. to 10 a.m.; open committee discussion Aug. 25, 10 a.m. to 4:30 p.m., Aug. 26 and 27, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the executive secretary before August 22, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
15. Panel on Review of Antimicrobial Agents.	Aug. 26 and 27, 9 a.m., Conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Aug. 26, 9 a.m. to 10 a.m.; open committee discussion Aug. 26, 10 a.m. to 4:30 p.m., Aug. 27, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before August 23, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Miscellaneous Internal Drug Products.	Aug. 28 and 29, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Aug. 28, 9 a.m. to 4:30 p.m.; open public hearing Aug. 29, 9 a.m. to 10 a.m.; open committee discussion Aug. 29, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before August 24, 1977, and submit a brief statement of the general nature of the data, information, or views they wish to present; the names and addresses of proposed participants; and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the Chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: July 12, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-20455 Filed 7-14-77;8:45 am]

[Docket No. 76N-0494]

GRAS SAFETY REVIEW OF CERTAIN GLUTAMATES

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing that a public hearing will be held on July 25 and 26, 1977 for certain glutamates so that data, information, and views can be presented orally to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

ADDRESSES: The hearing will be held in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-4750).

George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, (301-530-7033).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 1, 1977 (42 FR 17526) the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), concerning the safety of the following four categories of food ingredients and the Select Committee's tentative determination of whether or

not they are GRAS or subject to a prior

W. A. Reynolds, Ph.D., University of Illinois

[Docket No. 76N-0494]

Ave., Bethesda, Md. 20014. Those who

Biology DCBD. Attendance by the public

V 42 136 JUL 15 77 UMI

not they are GRAS or subject to a prior sanction:

Glutamates, Protein hydrolysates, Caffeine, Lard and lard oil.

No requests were received for a hearing on lard and lard oil. Accordingly, no hearing will be held on these food ingredients.

The Select Committee received requests from the following companies, institutions, and individuals, asking for an opportunity to appear at a public hearing on glutamates to make an oral presentation:

Istituto di Ricerche Farmacologiche "Mario Negri," 20157 Milano, Via Eritrea, 62, Italy.
Mead Johnson Research Center, Evansville, IN 47721.
Department of Nutrition and Food Science, Massachusetts Institute of Technology, Cambridge, MA 02139.
Department of Anatomy, University of Illinois at the Medical Center, 1853 West Polk St., Chicago, IL 60680.
Department of Experimental Chemical Pathology, the Vincent Square Laboratories of Westminster Hospital, 124 Vauxhall Bridge Rd., London SW1V 2RH, England.
Department of Nutrition, Harvard University School of Public Health, 665 Huntington Ave., Boston, MA 02115.
Department of Pediatrics, University of Iowa Hospitals and Clinics, Iowa City, IA 52242.
Department of Obstetrics and Gynecology, University of Iowa Hospitals and Clinics, Iowa City, IA 52242.
Huntingdon Research Centre, Huntingdon, Cambs, PE18 6ES, England.
Nestle Products Technical Assistance Co. Ltd., Case Postale 1009, CH 1009, Lausanne, Switzerland.
Swankin and Turner, Suite 923, 1625 I St. NW., Washington, DC 20006.
Department of Psychiatry, Washington University School of Medicine, 4940 Audubon Ave., St. Louis, MO 63110.
William J. Sauber, 1304 Airfield Lane, Midland MI 48640.
David W. Alapaugh, 202 W. Front St., Wheaton, IL 60187.
Department of Social Medicine, Montefiore Hospital and Medical Center, 111 East 210th St., Bronx, NY 10467.
Central Research Laboratories, Ajinomoto Co., Inc., 214 Maeda-Cho, Totsuka-ku, Yokohama-shi, Japan.
Department of Ophthalmology, Harvard Medical School, 20 Staniford St., Boston, MA 02114.

No other requests for a hearing on glutamates were received.

In accordance with the procedures set forth in the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), announcement is hereby made that a hearing on glutamates will be held at 9 a.m., on July 25, 1977 and continued at 9 a.m., on July 26, 1977 in the Holiday Inn, 8210 Wisconsin Ave., Bethesda, MD 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentations within the periods indicated and in accordance with the following schedule:

JULY 25, 1977, 9 A.M. TO 12:30 P.M.

S. Garattini, M.D., Istituto di Ricerche Farmacologiche "Mario Negri," Milano, Italy—20 minutes.
M. Holliday, M.D., University of California, San Francisco School of Medicine and H. P. Sarett, Ph.D., Mead Johnson Research Center—20 minutes.
W. A. Reynolds, Ph.D., University of Illinois Medical Center, Chicago—40 minutes.
Professor D. M. Matthews, The Vincent Square Laboratories of Westminster Hospital, London, England—15 minutes.
G. R. Kerr, M.D., Harvard University School of Public Health—20 minutes.
L. D. Stegink, Ph. D., Department of Pediatrics, University of Iowa—20 minutes.
R. M. Pitkin, M.D., Department of Obstetrics and Gynecology, University of Iowa—20 minutes.
Dr. A. N. Worden, Huntingdon Research Centre, Cambridge, England—15 minutes.

JULY 25, 1977, 2 TO 5 P.M.

Dr. K. Anantharaman, Nestle Products Technical Assistance Co. Ltd., Lausanne, Switzerland—20 minutes.
J. S. Turner and K. A. Meyer, Swankin and Turner—90 minutes.
J. W. Olney, M.D., Department of Psychiatry, Washington University—40 minutes.

JULY 26, 1977, 9 A.M. TO 12 M.

W. J. Sauber—20 minutes.
D. W. Alspaugh—15 minutes.
D. L. Drosness, Department of Social Medicine, Montefiore Hospital and Medical Center—40 minutes.
R. J. Wurtman, M.D., Massachusetts Institute of Technology—25 minutes.
Y. Takasaki, Central Research Laboratories, Ajinomoto Co., Inc., Yokohama-shi, Japan—25 minutes.
L. Reif-Lehrer, Ph. D., Department of Ophthalmology, Harvard Medical School—15 minutes.

Dated: July 5, 1977.

JOSEPH P. HILO,
Associate Commissioner for Compliance.

[FR Doc.77-20178 Filed 7-14-77;8:45 am]

[Docket No. 76N-0494]

GRAS SAFETY REVIEW OF PROTEIN HYDROLYSATES

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing that a public hearing will be held on July 26, 1977 for protein hydrolysates so that data, information, and views can be presented orally to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

ADDRESSES: The hearing will be held in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md. 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-4750).

George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014 (301-530-7033).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), concerning the safety of the following four categories of food ingredients and the Select Committee's tentative determination of whether or not they are GRAS or subject to a prior sanction:

Glutamates
Protein hydrolysates
Caffeine
Lard and lard oil

No requests were received for a hearing on lard and lard oil. Accordingly, no hearing will be held on these food ingredients.

The Select Committee received requests from the following companies and institutions, asking for an opportunity to appear at a public hearing on protein hydrolysates to make an oral presentation:

International Hydrolyzed Protein Council, 1625 K Street NW., Washington, D.C. 20006.
Mead Johnson Research Center, Evansville, Ind. 47721.
Department of Pediatrics, University of Iowa Hospitals and Clinics, Iowa City, Iowa 52242.
Department of Psychiatry, Washington University School of Medicine, 4940 Audubon Ave., St. Louis, Mo. 63110.
Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wis. 53184.
Kraft, Inc., 801 Waukegan Road, Glenview, Ill. 60025.

No other requests for a hearing on protein hydrolysates were received.

In accordance with procedures set forth in the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), announcement is made that a hearing on protein hydrolysates will be held at 1 p.m. on July 26, 1977, in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md. 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentations within the periods indicated and in accordance with the following schedule:

JULY 26, 1977, 1 TO 6 P.M.

H. B. Rogers, et al., International Hydrolyzed Protein Council—40 minutes.
M. Holliday, M.D., University of California, San Francisco School of Medicine, and H. P. Sarett, Ph.D., Mead Johnson Research Center—20 minutes.
L. D. Stegink, Ph. D. Department of Pediatrics, University of Iowa—20 minutes.
J. W. Olney, M.D., Department of Psychiatry, Washington University—40 minutes.
Kikkoman Foods, Inc., speaker(s) to be named—90 minutes.
J. F. Proctor, Ph. D., Kraft, Inc.—15 minutes.

Dated: July 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77 20176 Filed 7-14-77;8:45 am]

[Docket No. 76N-0494]

GRAS SAFETY REVIEW OF CAFFEINE

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing that a public hearing will be held on September 26, 1977, for caffeine so that data, information, and views can be presented orally to determine if it is generally recognized as safe (GRAS) or subject to a prior sanction.

ADDRESSES: The hearing will be held in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md. 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-472-4750).

George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014 (301-530-7033).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), concerning the safety of the following four categories of food ingredients and the Select Committee's tentative determination of whether or not they are GRAS or subject to a prior sanction:

Glutamates
Protein hydrolysates
Caffeine
Lard and lard oil

No requests were received for a hearing on lard and lard oil. Accordingly, no hearing will be held on these food ingredients.

The Select Committee received requests from the following organizations, asking for an opportunity to appear at a public hearing on caffeine to make an oral presentation:

National Soft Drink Association, 1101 Sixteenth Street NW., Washington, D.C. 20036.
Center for Science in the Public Interest, 1757 S Street NW., Washington, D.C. 20009.

No other requests for a hearing on caffeine were received.

In accordance with procedures set forth in the FEDERAL REGISTER of April 1, 1977 (42 FR 17526), a hearing on caffeine will be held at 9 a.m. on September 26, 1977, in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md. 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentations within the periods they requested and in accordance with the following schedule:

T. F. Baker, National Soft Drink Association—120 minutes.
M. Jacobson, Ph.D., Center for Science in the Public Interest—20 minutes.

Dated: July 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-20177 Filed 7-14-77;8:45 am]

[Docket No. 77N-0148]

METABOLIC, INC.

Hearing and Prehearing Conference on Proposed Revocation of U.S. License No. 415; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document corrects the notice that was published in the FEDERAL REGISTER of Friday, July 8, 1977, by adding two dates that were inadvertently omitted.

DATES: This correction is effective July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

John F. Harty, Jr., Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3480).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-19629 appearing at page 35221 in the FEDERAL REGISTER of Friday, July 8, 1977, on page 35222 in the right column, the 11th line in the second full paragraph is corrected by adding "May 1975, March 1976, and" immediately before "February and April."

Dated: July 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-20454 Filed 7-14-77;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, DIVISION OF CANCER BIOLOGY AND DIAGNOSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, October 14 and 15, 1977. Building 31 "C" Wing, Conference Room 7, National Institutes of Health. This meeting will be open to the public on October 14, 1977, from 9 a.m. to 5 p.m. to discuss the scientific research program of the Laboratory of Molecular Biology, DCBD. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6),

Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 15, 1977, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014, 301-496-4345 will furnish summary minutes, rosters of committee members, and substantive program information.

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-20220 Filed 7-14-77;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, August 26, 1977, Building 31, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. for opening remarks and a brief review of the Minority Access to Research Careers Program.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public from 9:30 a.m. to adjournment for the review, discussion, and evaluation of institutional grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014, Telephone 301-496-7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirchstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, Telephone 301-496-7891 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Sciences.)

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-20222 Filed 7-14-77;8:45 am]

V 42-136 JUL 15 77 UMI

NATIONAL DIABETES ADVISORY BOARD National Institutes of Health, Bethesda, CHANGES IN SCOPE OF RECOGNITION

October 21, 1976 (90 Stat. 2754; 43 U.S.C. [M 166] 92.26 ft., to corner No. 8, on line 2-3 of the

NATIONAL DIABETES ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on August 17, 1977, 8:30 a.m. to 5:00 p.m., in Conference Room 723A, South Portal Building of Health, Education, and Welfare, at 330 Independence Avenue SW., Washington, D.C.

In addition, the Executive Committee of the Board will have a meeting on August 16, 1977, 8:30 a.m. to 5:00 p.m. at the same location. The meetings, which will be open to the public both days from 8:30 a.m. to 5:00 p.m., are being held to continue review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-20221 Filed 7-14-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD AND ITS SUBCOMMITTEES

Cancellation of Meeting

NOTE.—This document originally appeared at page 36037 in the FEDERAL REGISTER for July 13, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

Notice is hereby given of the cancellation of the meeting of the National Diabetes Advisory Board and its subcommittees, National Institute of Arthritis, Metabolism, and Digestive Diseases, on July 14-15, 1977, Conference Room 4137, HEW North Building, and Rooms 8A24, 9A51, and 10A24, Building 31, National Institutes of Health, which was published in the FEDERAL REGISTER, May 27, 1977, 42 FR 27305.

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-20218 Filed 7-12-77;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, August 4, 1977, Building 37, Room 1B04, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on August 4, 1977, from 9:00 a.m. to 9:30 a.m. to discuss management practices. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 4, 1977, from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the meeting and rosters of committee members.

Dr. Maurice L. Guss, Executive Secretary, Landow Building, Room A-910, National Institutes of Health, Bethesda, Maryland 20014, (301-496-4533) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.393, National Institutes of Health.)

Dated: July 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-20219 Filed 7-14-77;8:45 am]

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

Revisions to List

For purposes of determining eligibility for Federal assistance, pursuant to 20 U.S.C. 1141(a) and other legislation, beginning with the Veterans Readjustment Assistance Act of 1952, the U.S. Commissioner of Education hereby publishes revisions to the list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

These revisions may be added to the list previously promulgated by the Commissioner of Education on April 20, 1977, 42 FR 20507-20510.

NATIONAL INSTITUTIONAL AND SPECIALIZED ACCREDITING AGENCIES AND ASSOCIATIONS

CHANGES IN NAME

BIBLE COLLEGE EDUCATION

American Association of Bible Colleges, Commission Accediting

LANDSCAPE ARCHITECTURE

American Society of Landscape Architects, Landscape Architectural Accreditation Board

CHANGES IN SCOPE OF RECOGNITION

BIBLE COLLEGE EDUCATION

American Association of Bible Colleges, Commission on Accrediting (Bible colleges and institutes)

THEOLOGY

Association of Theological Schools in the United States and Canada, Commission on Accrediting (graduate professional degree programs offered by schools of theology)

NATIONAL ACCREDITING AGENCIES AND ASSOCIATIONS RECOGNIZED FOR PREACCREDITATION CATEGORIES

ADDITION

American Dietetic Association, Commission on Evaluation of Dietetic Education: Developmental Accreditation

CHANGES IN SCOPE OF RECOGNITION

American Association of Bible Colleges, Commission on Accrediting: Candidate for Accreditation.

Liaison Committee on Medical Education: Reasonable Assurance, Provisional Accreditation

Dated: July 7, 1977.

ERNEST L. BOYER,
United States Commissioner
of Education.

[FR Doc.77-20314 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 14347]

FLORIDA

Opportunity for Public Hearing and Republication of Proposed Withdrawal

The U.S. Fish and Wildlife Service, Department of Interior, on September 23, 1974, filed application, under serial number ES 14347, for withdrawal of land in Lee County, Florida, more particularly described as:

TALLAHASSEE MERIDIAN

T. 46 S., R. 23 E.,
Sec. 21: Lot 1 and that part of Lot 2 lying eastward of a line running N. 0°00'20" E., F.W.Z. and situated 1,000 feet due west of the center of Sanibel Lighthouse.

The applicant desires the area for use both as a headquarters site in connection with the management of the J. N. "Ding" Darling National Wildlife Refuge and as a wildlife-oriented public use area. This area is presently withdrawn for use by the Coast Guard. However, that agency had filed, under serial number ES 16153, notice of intent to relinquish control and accountability of all but 6.32 acres of the land originally withdrawn by Executive Order of December 19, 1883. It should be noted that 54.72 acres are presently under jurisdiction of the Coast Guard under the authority of the aforementioned Executive Order but, because of erosion, only 26.52 acres, more or less, actually remain on the ground.

A notice of proposed withdrawal was previously published on Wednesday, September 1, 1976, in 41 FR 36825 under FR Doc. No. 76-25591.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714), notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the undersigned officer of the Bureau of Land Management on or before August 12, 1977.

Upon determination by this office that a public hearing should be held, a notice of public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned officer of the Bureau of Land Management on or before August 12, 1977. Previous comments of record regarding this withdrawal application will also be considered in arriving at a final determination.

The regulations of the Department of the Interior provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period of two years from the date of publication of this notice in the FEDERAL REGISTER, the land will be segregated from entry, as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the land will remain segregated.

All communications in connection with this withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-20371 Filed 7-14-77;8:45 am]

[M 166]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 77-17271, appearing at page 30692 in the issue of Thursday, June 16, 1977, the sixth from bottom line in the second column of the document should read, "T. 1 N., R. 15 W.,".

[M 33777(SD)]

SOUTH DAKOTA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Veterans Administration filed application, Serial No. M 33777(SD), on March 22, 1976, for a withdrawal in relation to the following described lands:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 5 N., R. 5 E.,
Sec. 11, metes and bounds tracts in Lot 3 described as follows:

CEMETERY TRACT

Commencing at the cor. of secs. 11, 12, 13, and 14, T. 5 N., R. 5 E., B.H.M., S.D., thence N. 89°48' W., on the line bet. secs. 11 and 14, 1066.33 ft. dist., thence N. 0°12' E., normal to the line bet. secs. 11 and 14, 39.79 ft. dist. to the point of beginning and corner No. 1:

From corner No. 1, by metes and bounds, N. 86°25'45" W., 147.54 ft., to corner No. 2; thence N. 01°34'22" W., 268.80 ft., to corner No. 3; thence N. 83°35'54" E., 175.73 ft., to corner No. 4; thence S. 45°37'23" E., 110.91 ft., to corner No. 5; thence S. 01°18'44" E., 145.08 ft., to corner No. 6; thence S. 53°57'37" W., 126.91 ft., to corner No. 1, the place of beginning.

The tract has an area of 1.51 acres.

ACCESS ROAD TRACT

Commencing at the cor. of secs. 11, 12, 13, and 14, T. 5 N., R. 5 E., B.H.M., S.D., thence N. 89°48' W., on the line bet. secs. 11 and 14, 1066.33 ft. dist., thence N. 0°12' E., normal to the line bet. secs. 11 and 14, 39.79 ft. dist. to corner No. 1 of the Fort Meade Cemetery Tract, thence N. 86°25'45" W., on line 1-2 of the Fort Meade Cemetery Tract, 147.54 ft., dist. to corner No. 2, thence N. 01°34'22" W., on line 2-3 of the Fort Meade Cemetery Tract, 109.54 ft. dist. to the point of beginning and corner No. 1:

From corner No. 1, by metes and bounds, S. 84°20' W., 87.53 ft., to corner No. 2 and point of curve, thence along a 9°12'36" curve to the right having a radius of 621.82 ft., 63.31 ft. to corner No. 3 and point of tangency, thence N. 89°50' W., 52.34 ft., to corner No. 4, thence N. 24°28'21" W., 72.62 ft., to corner No. 5, thence S. 89°50' E., 82.62 ft., to corner No. 6 and point of curve, thence along a 10°18'00" curve to the left having a radius of 555.82 ft., 56.59 ft. to corner No. 7 and point of tangency, thence N. 84°20' E., 92.26 ft., to corner No. 8, on line 2-3 of the Fort Meade Cemetery Tract, thence S. 01° 34'22" E., on line 32 of the Fort Meade Cemetery tract, 66.16 ft., to corner No. 1, the place of beginning.

The tract has an area of 0.33 acres.

The applicant desires that the land be reserved for cemetery purposes as part of the National Cemetery System.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 15, 1976, Volume No. 41, Page No. 39358, Document No. 76-26925.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before August 18, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 18, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department

V 42 136 JUL 15 77 UMI

of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20297 Filed 7-14-77;8:45 am]

[Wyoming 58780 Amdt.]

WYOMING

Notice of Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Company, Inc., filed an amendment to right-of-way application Wyoming 58780 for a 12¾" natural gas pipeline to include launcher and receiver valve sites on the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 89 W.
Sec. 31.
T. 37 N., R. 90 W.
Sec. 23.

Kansas-Nebraska Natural Gas Company seeks to amend its right-of-way application No. W-58780 for the primary purpose of installing a launcher in sec. 23, T. 37 N., R. 90 W. for on-stream cleaning purposes at the north end of the proposed pipeline and at the south end in sec. 31, T. 34 N., R. 89 W. a receiver for this equipment plus the valves necessary at the delivery point into Northern Utilities lines located in Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-20295 Filed 7-14-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Desert Research Institute, Water Resources Center, University of Nevada System, Reno, Nevada 89506, Lloyd P. Smith, President.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Cui-ui eggs from various developmental stages would be preserved for anatomical and histological studies of the normal embryological development.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. David L. Koch, Associate Research Prof.
Water Resources Center
Desert Research Institute
University of Nevada System
Reno, Nevada 89506
(702) 784-6955

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 155
DATE OF BIRTH: 9-1-43 COLOR HAIR: DK Brn COLOR EYES: Hazel
PHONE NUMBER WHERE EMPLOYED: 702-784-6955 SOCIAL SECURITY NUMBER: 515-46-5774
OCCUPATION: Associate Research Professor
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Scientific research - non-profit educational
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lloyd P. Smith, President, Desert Research Institute
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Desert Research Institute
Water Resources Center, Reno, Nevada 89506
and
Biology Department
University of Nevada
Reno, Nevada 89507

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 2-761

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: May 11, 1977
11. DURATION NEEDED: May 11, 1978

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): David L Koch
DATE: May 11, 1977

STATEMENT FOR ENDANGERED WILDLIFE PERMIT

17.22 Permit for scientific purposes or for enhancement of propagation or survival.

a.1. Cui-ui lakesucker (*Chasmistes cujus* Cope 1883). Cui-ui eggs from various developmental stages will be preserved for anatomical and histological studies of the normal embryological development.

a.2. The cui-ui are presently in captivity in the form of spawners which will be released to Pyramid Lake and in the form of incubating eggs that will be returned to Pyramid Lake as fry.

a.3. The applicant has made arrangements with the Director of the Pyramid Lake Hatchery program for the obtaining and preserving of cui-ui eggs.

a.4. The cui-ui eggs are currently incubating in captivity.

a.5. The cui-ui eggs will be maintained in a preserved form for embryonic research at the Desert Research Institute, University of Nevada System, P.O. Box 60220, Reno, Nevada 89506.

a.6. Applicant does not seek to have live cui-ui.

a.7. The research to be carried out will be for a graduate M.S. Thesis and is not supported by any contract. The student's name who will be working with the cui-ui eggs is Mimi G. Hutcheson.

a.8. The applicant is justified in obtaining the specimens due to the fact that understanding the embryonic development may assist in the preservation of the species. The applicant (Koch) developed the hatching techique that is currently being used by the Fish ad Wildlife Service in their recovery program for the cui-ui.

The specimens will be maintained at the Biology Department of the University of Nevada.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-871-07; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977 will be considered.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20374 Filed 7-14-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Jack E. Hemphill, Regional Director, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit for the purpose of enhancement of the survival of Kirtland's warbler, Dendroica kirtlandii including but not limited to the following activities: live-trapping, holding, salvaging specimens, eggs and parts, harassing, photographing, observing, and studying.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Jack E. Hemphill, Regional Director
U. S. Fish and Wildlife Service
Federal Bldg., Ft. Snelling
Twin Cities, MN. 55111
and Written Designees

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT WEIGHT
DATE OF BIRTH COLOR HAIR COLOR EYES
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The U. S. Fish & Wildlife Service is responsible for the enhancement and protection of the Kirtland's warbler; the Regional Office, located in the Twin Cities, MN., is responsible for enhancement and protection of endangered species in Wisconsin, Minnesota, Illinois, Indiana, Ohio, and Michigan.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Jack E. Hemphill, Regional Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
States of Michigan, Ohio, Indiana, Illinois, Minnesota and Wisconsin

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: ASAP
11. DURATION NEEDED: Indefinitely

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Jack E Hemphill
DATE: June 8, 1977

ATTACHMENTS: AS REQUIRED UNDER 17.22

(1) Kirtland's warbler (wood) (*Dendroica kirtlandii*). Number is undetermined. Activity to be authorized includes all practices recommended by the Kirtland's warbler advisory committee, and those necessary to accomplish the objectives of the Kirtland's warbler recovery plan. Specific programs will include but are not limited to:

1. Take (harass only) live Kirtland's warblers (*Dendroica kirtlandii*) for the purpose of collecting information about population size and distribution, cowbird parasitism, egg production and fledging parameters.

2. Take (harass only) live Kirtland's warblers (*Dendroica kirtlandii*) for the purpose of conducting guided public tours of its breeding grounds.

3. Take and possess nonviable or abandoned eggs, Kirtland's warblers (*Dendroica kirtlandii*) that have suffered natural mortality, injured birds and parts of birds.

4. Take and possess parts of live birds, to include but not limited to blood samples and feathers for purposes of physiological studies.

5. Take (capture) and release Kirtland's warblers (*Dendroica kirtlandii*) for purposes of banding, tagging, or attaching tracking devices as authorized by a valid Federal marking and salvage permit.

6. All activities conducted under authority of this letter must be for official business only and all Kirtland's warblers (*Dendroica kirtlandii*) or parts or eggs thereof taken hereunder shall remain the property of the Fish and Wildlife Service.

(2) Kirtland's warblers (*Dendroica kirtlandii*) under this permit are still in the wild.

(3) N/A.

(4) N/A.

(5) Wildlife taken under this request will be released to the wild or held at Service approved facilities.

(6) N/A.

(7) The programs will be conducted by agents of the Fish and Wildlife Service and or written designees of applicant.

(8) The purpose of the taking of Kirtland's warbler and its parts is to continue activities leading to the recovery of the endangered population of Kirtland's warblers. Ongoing activities include the collection of information on population size and distribution through observations of singing males on territory, nest observations to determine incidence of cowbird parasitism and collection of data on egg production and fledging. In order to insure against public harassment of this species on its breeding grounds the permittee will supervise the conduct of guided public tours. Parts of live birds, to be released, are needed for the conduct of planned physiological studies. The permittee will be engaged in an intensive cowbird control program to minimize cowbird parasitism on Kirtland's warblers. In the course of the above activities nonviable eggs, dead warblers, injured warblers or warbler parts may be encountered; hence, incidental salvage permit is required. This permit is necessary to carry out the Kirtland's warbler management practices recommended by the Kirtland's warbler recovery team to enhance the recovery of the Kirtland's warbler population.

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Holding of specimens or parts will be at Service approved facilities including but not

ments received on or before August 15,

10611 MT. EGBACHO,

is widely recognized by those who are con-

If this letter and Dr. Alex's own letter or for the last three years. They will have their

Holding of specimens or parts will be at Service approved facilities including but not limited to present research facilities. Any sick animals or deaths resulting from described activities will be handled according to § 17.21 (c)(3).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in tripicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1063-07; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977 will be considered.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20375 Filed 7-14-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Kurt Anthony Alex, 6517 North Nordica Avenue, Chicago, Illinois 60631.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

IMPORT OR EXPORT LICENSE [ ] PERMIT [X]

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
IMPORTATION OF EITHER TWO *AMAZONA IMPERIALIS* (IMPERIAL PARROT) AN ENDANGERED SPECIES OR TWO *AMAZONA ARAUSIACA* (ARAUSIACA PARROT) (AS USDI CONSIDERS IT AS AN ENDANGERED SPECIES AT THE TIME OF IMPORTATION) FROM DOMINICA, WINDWARD ISLANDS, WEST INDIES, TO 10611 MT. BORACHO, SAN ANTONIO, TEXAS, FOR THE PURPOSE OF PROPAGATION AND STUDY

3. APPLICANT: (Name, complete address or principal place of business, and additional location for which permit is requested)
KURT ANTHONY ALEX
6517 N. NORDICA AVE.
CHICAGO, IL 60631
312-631-0663

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
SEX: [X] MALE [ ] FEMALE [ ] MALE & FEMALE | HEIGHT: 6'1" | WEIGHT: 180 LBS.
DATE OF BIRTH: NOV. 30, 1946 | COLOR EYES: BROWN | COLOR HAIR: BLUE
PHONE NUMBER WHERE EMPLOYED: 312-631-0663 | SOCIAL SECURITY NUMBER: 340-40-0547
OCCUPATION: TECHNICAL TRANSLATOR

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
[illegible]

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: WORK SPONSORED BY "WILDLIFE PRESERVATION TRUST" (FORMERLY "SAFE" (SAVE ANIMALS FROM EXTINCTION))

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: TWO BIRDS WILL BE TAKEN FROM THE WILD AS NESTLINGS ON DOMINICA, WINDWARD ISLANDS, WEST INDIES; IMPORTED THROUGH MIAMI, FLORIDA TO 10611 MT. BORACHO, SAN ANTONIO, TEXAS 78213, RESIDENCE OF JULY A.J. AND DR. T.D. NICHOLS

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdiction and type of document)
AS ATTACHED NOTE FROM DOMINICAN GOVERNMENT INDICATES, EXPORT PERMISSION WILL BE GIVEN WHEN BIRDS ARE READY FOR EXPORT AND UPON RECOMMENDATION BIRDS WHEN IMPORTED INTO U.S.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 1 JUNE 1977

11. DURATION NEEDED: 3 MONTHS

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. ATTACHMENTS (1) LETTER (S) ANNEXED BY JULY A.J. NICHOLS ET AL. (2) COPY OF NOTE FROM DOMINICA GOVERNMENT; (3) COPY OF GROUND PLANS OF PENS

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND THAT THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE AND TITLE: Kurt Anthony Alex | DATE: Feb. 18, 1977

10611 MT. BORACHO,
SAN ANTONIO, TEX. 78213,
May 15, 1977.

MR. DONALD DONAHOO,
Chief of Permit Office, Federal Wildlife Permit Office, Washington, D.C. 20240.

DEAR MR. DONAHOO: I have just been informed by phone by Dr. Kurt Alex that you have some questions concerning his application (PRT 2-646) to import two *Amazona imperialis* (Imperial Parrot), or two *Amazona arausiaca* (Arausiaca Parrot) both species from the island Dominica. The former species has of course been on your endangered species list for several years; I believe you are currently considering the addition of the latter species to your list.

Dr. Alex has been in the mountains of Dominica since late February as field manager of the expedition studying these two species. It takes about two weeks for mail to reach him and again two weeks for replies, so we have from the beginning been concerned about processing this application in time. I believe you will note in Dr. Alex's letter to you he, therefore, requested you send future correspondence care of myself at the above address and not to his Chicago address as you have done. Although I am sure you will want to wait for Dr. Alex's direct reply, perhaps I should answer some of your questions since Dr. Alex intends to bring the birds directly here upon his return to the U.S.A. and permanently keep these birds under the care of myself and my wife, Holly A. J. Nichols.

You noted I understand that you required answers to 50 CFR 17.22 items 3 and 6 (II), (III), (IV) and (V). I am somewhat perplexed by your request for it would seem that these questions are at least partially answered in Dr. Alex's letter to you, but perhaps my copy of that letter is not the same as the copy you received.

No. 3. As may have been stated in Dr. Alex's letter to you, "Of the four Imperials and approximately six Arausiacas Mrs. Nichols knows to presently be in captivity on Dominica, I understand she and the Dominican Government agree that none are available and suitable for the establishment of a breeding project." I should perhaps add that some of those captives on Dominica have apparently died since Dr. Alex's letter. There are of course no captive Imperials or Arausiacas in captivity legally outside of Dominica except the two Arausiacas under our care at the above address. If, therefore, Dr. Alex is to obtain birds for the proposed project under the supervision of my wife and myself, the birds must be taken from the wild in the manner previously agreed upon with the Dominican Government.

No. 6 (II). As I believe is rather explicitly stated in the copy I have of Dr. Alex's letter to you, prior to January he had essentially no technical expertise in caring for, or propagating parrots. I think we should note, however, that by now Dr. Alex has become very familiar with the habits of the two species in the wild, and by the time he returns in July or August he will have been trained in the temporary avicultural needs and handling of the species or at least these particular individuals. Dr. Alex's primary responsibility which he will be shouldering entirely alone is transporting the birds from St. Vincent (where they will be for most of July) to San Antonio.

I believe you might note that Dr. Alex's letter states he will always leave these birds under the care of myself or my wife. My wife is widely recognized by those who are concerned with endangered species as the foremost authority on the four Lesser Antillean Amazons both in the wild and in captivity. I believe again you will find it noted in Dr. Alex's letter that Holly was directly and entirely responsible for the 1972 breeding of one *A. guildingii* chick at the Houston Zoo. (There may be one error in Dr. Alex's letter in that I think one other *A. guildingii* was successfully bred on Barbados in 1975 or 1976.) None of the other three Lesser Antillean Amazons have bred in captivity.

No. 6(III). I believe Dr. Alex rather explicitedly stated in his letter that these birds would be allowed to bred as a part of the project established with the cooperation of JWPT and WPT/SAFE and furthermore stated Holly and I would be responsible for making all decisions concerning the care and treatment of the birds. I might, therefore, go on to note that we would be eager to cooperate with any other owners of legally exported individuals of these two species should there ever be any other birds legally exported. I would certainly be less eager to cooperate with owners of birds illegally exported from the islands, and would have to make such decisions on a case by case basis in consultation with other leaders of the conservation world considering what would be best for the species in the long term. Our personal willingness to cooperate with other legal owners has been well demonstrated by both our willingness to accept the loan of rare birds and to make such loans for breeding purposes. The USDI's inability or unwillingness to effectively do anything about illegal endangered species has been demonstrated personally to me in 80 percent of the specific cases I have brought to their attention, and I would be very reluctant to further encourage illegal exportation of these species by cooperating with owners of illegal birds unless there were some clear indications that the survival of the species might be enhanced by such cooperation, or at least that their survival would not be further imperilled.

I believe Dr. Alex's letter specifically states that these birds would be registered in the IZY Studbooks my wife keeps for these species.

No. 6(IV) I believe Dr. Alex already noted that he would return with the two birds in the same manner my wife has transported endangered Lesser Antillean Amazons for the last three years. If the airlines are willing (and we have found that on any particular day certain airline employees might be reluctant despite advance arrangements and promises), the two parrots will ride in the cabin with Dr. Alex in their own seat. Their cage in which they will spend those approximately 18 hours will be custom designed to fit the smallest airline seat they will ride in, and since I do not yet know which planes they will be riding on I do not yet know (and will not till mid-July) the exact dimensions of their wood and wire cage. Dr. Alex will be with the birds constantly (unless there is some problem with the airlines) and thus should be able to attend to whatever water or food they need in their food and water containers.

No. 6(V). Prior to this moment Dr. Alex has never kept any parrots and thus none have ever died under his care.

As I believe is rather explicitedly stated in Dr. Alex's letter, during the last five years the only bird to have died under the care of Mrs. Nichols in the order Psitaciformes was a male Triciaria malachitacea of an acute (apparently viral) pneumonia. She no longer keeps this delicate and unique species—there are none in the U.S.A. She has never had an Amazon parrot which died. She is now keeping fifteen endangered Amazons—five of which belong to the U.S. Government.

If this letter and Dr. Alex's own letter or confirmation of this one do not adequately answer your questions I trust you will contact me as soon as conveniently possible. Unfortunately I am not by my phone for most of the remainder of this week. I would, however, like to clear up these questions as soon as possible since I suspect David Gonzalez and Gary Graham may have similar questions arise with their similar applications.

(Phone 512-342-4417.)

Thank you.

Sincerely,

THOMAS DUNCAN NICHOLS, Ph. D., M.D.

6517 NORTH NORDICA,
CHICAGO, ILL. 60631.
January 20, 1977.

DIRECTOR,
Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240.

DEAR SIR: I request a permit allowing importation of two individuals of an endangered species, either two *Amazona imperialis* (Imperial Parrot), or two *Amazona arausiaca* (Arausiaca Parrot) both species from the island Dominica.

This request is part of a project organized by Holly A. J. Nichols with the cooperation of Jersey Wildlife Preservation Trust and Save Animals From Extinction/Wildlife Preservation Trust. The long term goal is to establish captive breeding populations of the four Lesser Antillean Amazons, *A. guildingii* of St. Vincent, *A. versicolor* of St. Lucia, and *A. imperialis* and *A. arausiaca* of Dominica in Europe at Jersey Wildlife Preservation Trust and in the United States under the supervision of Holly A. J. Nichols and her husband, Thomas Duncan Nichols.

The two Imperial Parrots or two Arausiaca Parrots will be taken from the wild as nestlings during April or May on Dominica, they will be temporarily moved to St. Vincent in June, and I am requesting a permit to return with them in July or August 1977.

The Dominica Government has given Mrs. Nichols permission to take from the wild a total of six Imperials and six Arausiacas for this project. All twelve parrots are to be eventually kept under the supervision of Mrs. and Dr. Nichols at the avicultural facilities of Mrs. Nichols in San Antonio. Thus far Mrs. Nichols has only been able to obtain two *A. arausiaca* which she returned to San Antonio with in July 1976. I will be working with Mrs. Nichols studying the nestling of the Dominica Parrots from late February till June and we are optimistic about obtaining the remaining ten birds needed to establish the project. I, Mrs. Nichols and perhaps a few other associates will each be requesting permission to import two of these parrots in 1977.

The sexes of the birds will not be known at the time of importation in 1977.

Of the four above mentioned species only *A. guildingii* has been successfully bred in captivity. Captive bred *A. imperialis* or *A. arausiaca* are thus not available for the establishment of the planned project. Of the four Imperials and approximately six Arausiacas Mrs. Nichols knows to presently be in captivity on Dominica, I understand she and the Dominican Government agree that none are available and suitable for the establishment of a breeding project. We, furthermore, believe that taking feathered nestlings from the wild does not disturb the breeding habits of adult birds and thus has relatively minimal effect on the wild population.

I will transport these two birds back to San Antonio in the same manner Mrs. Nichols has transported endangered parrots for the last three years. They will have their own airline seat next to me in the cabin in a wooden cage. We will go through U.S. Customs, USPHS and USDA inspection in San Juan and meet your representatives in Miami. I assume your representatives are still at 305-526-2916.

After the birds have been quarantined I will leave them in care of Mrs. Nichols and her husband, Dr. Nichols. I will never sell the birds and will always leave them under their care. They will be responsible for making all decisions concerning their care and treatment. Any offspring from these birds will be the property of Dr. and Mrs. Nichols.

In case of my death these birds will become the property of Mrs. Nichols, or if she is not alive Dr. Nichols. In case of the death of all three of us or in case neither Mrs. Nichols nor Dr. Nichols are able to care for the birds, the Scientific Advisory Committee of Wildlife Preservation Trust will decide to whom the birds are donated.

In case of a death of a bird in this project the specimen will be donated to LSU Museum of Zoology.

I myself have a very limited avicultural background, but I expect to be working closely with Mrs. Nichols during the next six months and to be trained by her in the care of the birds. When handling the birds I will be supervised by Mrs. Nichols.

As previously noted none of the four Lesser Antillean Amazon species has ever been raised in captivity except for one *A guildingii* chick in 1972 at the Houston Zoo. Mrs. Nichols was responsible for that breeding pair and their offspring.

Mrs. Nichols is the studbook keeper for International Zoo Yearbook for both *A. imperialis* and *A. arausiaca* and of course will register all birds in the project.

During the last five years the only bird to have died under the care of Mrs. Nichols in the order Psitaciformes was a male *Triciaria malachitacea* of an acute (apparently viral) pneumonia. She no longer keeps this delicate and unique species—there are none in the U.S.A. She has never had an Amazon parrot which died. She is now keeping eleven endangered Amazons.

Appropriate export documents will accompany the birds when they are exported from Dominica, as noted in the enclosed copy of a note from the Dominican Permanent Secretary of Agriculture and Natural Resources.

As the enclosed paper, Endangered Amazons of Dominica: The Imperial and Arausiaca Parrots, indicates there are approximately 150 Imperials and 350 Arausiacas in the wild. We judge the species to be appropriate candidates for attempted captive breeding programs because of (1) Apparent rapid decrease in the wild population, (2) Pressures on the wild population which will be very difficult to alter in the foreseeable future, and (3) Relatives of these species have bred in captivity.

These parrots will be permanently maintained at the avicultural facilities of Dr. and Mrs. Nichols. Their present address is 10611 Mt. Boracho, San Antonio, Texas 78213. Their pens for these species are five feet wide, 28 feet long and approximately 8 feet high. The floor of this area is concrete below the feeding area, dirt below part of the flight, and heavy trap rock below the main perching areas. The walls are ½ inch wire hardware cloth. A safety area with a four feet high door decreases chances of accidental escape.

Those who are familiar with the work of Mrs. Nichols include:

(1) Dr. Thomas E. Lovejoy, Project Officer, World Wildlife Fund, 1319 Eighteenth Street NW., Washington, D.C. 20036.

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(2) Dr. and Mrs. Noel Snyder, Patuxent Wildlife Research Center, USDI, Laurel, Md. 20810.

(3) Dr. Cameron B. Kepler, Patuxent Wildlife Research Center.

(4) Dr. Warren B. King, Ornithology Department, Smithsonian Institution, Washington, D.C. 20560.

Thank you.

Please send future correspondence to me care of Dr. T. D. Nichols, 10611 Mt. Boracho, San Antonio, Texas 78213.

Sincerely,

Dr. KURT ALEX.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-646-07; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20372 Filed 7-14-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Tennessee Valley Authority, Norris, Tennessee 37828.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. NAME (Person, agency, or institution for which permit is requested)

Tennessee Valley Authority
Norris, Tennessee 37828

[ ] IMPORT OR EXPORT [x] PERMIT

For collection and salvage of dead freshwater mussel shells representing those species listed as endangered on the Federal List (41FR191, 43357-43358). Species are identified on application attachment.

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
DATE OF BIRTH: ☐ MO. ☐ DAY ☐ YEAR ☐ AGE
HEIGHT: WEIGHT:
SEX: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Federal Agency - regional resources development and conservation.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Aubrey J. Wagner, Chairman, Board of Directors, Ph. FTS 852-3554

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
na

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
All areas for which TVA has Congressional authorization to conduct regional resources development and conservation programs.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL, FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s))
PRT-7-05-C-Z-NV PRT 2-4
4-PR-977

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Coordinated with: State Game & Fish Agencies in KY, VA, NC, GA, AL, MS, and TN

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:
Not required

10. DESIRED EFFECTIVE DATE:
Immediately

11. DURATION NEEDED:
Permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Thomas H. Ripley
DATE: April 14, 1977

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ATTACHMENT TO APPLICATION OF TENNESSEE VALLEY AUTHORITY FOR WILDLIFE SALVAGE PERMITS

INFORMATION REQUIRED BY 50 CFR 17.22(d)

(1) Common & Scientific Names:

Alabama pearly mussel, *Lampsilis virescens.*
Appalachian monkeyface pearly mussel, *Quadrula sparsa.*
Birdwing pearly mussel, *Conradilla caelata.*
Cumberland bean pearly mussel, *Villosa (-Micromya) trabilis.*
Cumberland monkeyface pearly mussel, *Quadrula intermedia.*
Dromedary pearly mussel, *Dromus dromas.*
Finerayed pigtoe pearly mussel, *Fusconaia cuneolus.*
Greenblossom pearly mussel, *Epioblasma (-Dysnomia) torulosa gubernaculum.*
Pale lilliput pearly mussel, *Toxolasma (-Carunculina) cylindrella.*
Pink mucket pearly mussel, *Lampsilis orbiculata orbiculata.*
Rough pigtoe pearly mussel, *Pleurobema plenum.*
Shiny pigtoe pearly mussel, *Fusconaia edgariana.*
Tuberculedblossom pearly mussel, *Epioblasma (-Dysnomia) torulosa torulosa:*
Turgidblossom pearly mussel, *Epioblasma (-Dysnomia) turgidula.*
White wartyback pearly mussel, *Plethobasis cicatrocosus.*
Yellowblossom pearly mussel, Epioblasma (-*Dysnomia*) *florentina florentina.*
Orangefooted pimpleback, *Plethobasis cooperianus.*

Number, age, and sex. Up to 100 dead specimens of each species will be collected without regard to sex.

Activity to be authorized. Dead specimens of the listed species will be taken for scientific and educational purposes.

(2) The naiad mollusks covered by this permit are in the wild. However, dead specimens can and should be picked up before they deteriorate.

(3) The listed species must be removed from the wild to be studied because no known captive populations of these species exist. Collecting will be done by hand to avoid destruction of habitat or disturbance of live populations.

(4) Not applicable.

(5) All specimens collected will be maintained at TVA laboratories in Norris, Tennessee, and Muscle Shoals, Alabama.

TVA Fisheries Laboratory, FF&WD, Norris, Tennessee 37828.
TVA, DEP, E&D Building, Muscle Shoals, Alabama 35660.

(6) Not applicable.

(7) The activities to be covered under the permit will be carried out by TVA biologists under the general supervision of Dr. Thomas H. Ripley, Director of TVA's Division of Forestry, Fisheries, and Wildlife Development, and under the direct supervision of Richard B. Fitz (FF&WD), Donley M. Hill (FF&WD), and Billy G. Isom (Division of Environmental Planning).

(8)

(i) Collection of dead mussel shells for identification and study is essential to environmental investigations pertaining to TVA's regional resources development. A knowledge of the distribution and density of these species is critical in implementing successful conservation programs.

(ii) Collections will be made by hand from river substrates and shorelines.

(iii) The identification of mollusks, in many cases, must be done in the laboratory with access to necessary instruments and taxonomic keys. Although dead mollusks

contribute nothing to the continued existence of their species, they provide valuable information on historic and present occurrence and distribution. Such information is vital to insure survival of the wildlife and to restore habitat. These specimens, salvaged and maintained, will be a tangible record of past and present communities for taxonomic reference or verification by TVA biologists and scientists from other agencies and institutions.

(iv) Collected specimens will be maintained by TVA for study. Some may be loaned or donated to other agencies and institutions for scientific and educational purposes.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-643-07; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20376 Filed 7-14-77;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: Robert L. Brownell, Jr., National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20240.

APPLICATION FOR SEA OTTER RESEARCH PERMIT AS REQUIRED BY THE MARINE MAMMAL PROTECTION ACT OF 1972 AND THE ENDANGERED SPECIES ACT OF 1973

INFORMATION REQUIRED BY 50 CFR 13.12

1. Applicant's name, address, and phone number: Clyde Jones, National Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, National Museum of Natural History, Washington, D.C. 20560, Phone 202-381-5161.

2. Date of birth: March 3, 1935; Height, 6'; Weight: 195; Color of Hair: Brown; Color of Eyes: Hazel; Sex: Male; Affiliation: Director, National Fish and Wildlife Laboratory.

3. Agency Director: Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service, Washington, D.C.

4. Location of Activity: California.

5. Information required by 50 CFR 18.31 for marine mammal research permit and 50 CFR 17.22 for endangered species research permit:

(1) *Purpose:* This permit is requested for an intensive study of sea otters, *Enhydra lutris*, in California. The major objectives of the study requiring marked animals are: to determine daily and seasonal movement and other activity; to determine dispersal patterns of independent young; to provide additional knowledge of the reproductive cycle, i.e., length of dependence of pups, age of maturity of females, frequency of pregnancy (birth or mating); and to develop a pool of known aged individually recognizable animals in the population.

Dates of taking: August 1, 1977 to July 31, 1979.

Location: Otters will be captured and released within the following coastal segments: Point Piedras Blancas to Cambria and Point Buchon to Pecho Rock. Based on periodic counts made by USFWS biologists and others the estimated populations in these areas are 200 to 250 and about 100 respectively.

Manner of Taking: Otters will be captured by using the diver-held underwater capture device designed and successfully used by the California Department of Fish and Game. However, when conditions warrant, we propose to use a tangle net (9-inch stretch net, 20 ft. deep, 300 ft. long) which will be monitored at all times. This method has been used recently by Ancel M. Johnson in Prince William Sound to capture 16 sea otters with no mortalities. By using a tangle net we can capture otters more effectively when conditions such as poor underwater visibility preclude using the diver-held device.

(2) Stocks, numbers and products to be taken, weights, ages, sizes, sex, and condition: The sea otter population in California, about 1,800 animals, ranges from near Avila north to Ano Nuevo Island. It is estimated that the population has increased at about 5 percent per year for the past several decades. Simultaneously the range has increased to present size. The distribution of sea otters within the range is typically clustered with group size ranging from individuals to over 100 animals with considerable variation in group size over time. Near the limits of the range relatively large numbers of apparently non-reproductive animals accumulate in pods.

All sex and age classes will be captured in the tangle nets; the diver-held device is more selective. All sex and age classes will be marked excluding small pups weighing less than approximately 18 lbs. A pup weighing this amount or more, based on growth rates of captive sea otter pups, would be 3 months old or older. Much of the marking will be done during the period July through December in an attempt to capture pups just prior to reaching the age of independence. Most of the animals will be marked in the area from Piedras Blancas to Cambria; access for observing is excellent in this area. Also concentrating the marking effort in a limited area increases the likelihood of resighting animals. The reliability of conclusions from activity and behavioral observations of marked animals is much greater than can be obtained from observing unmarked animals. The age and sex composition of these peripheral groups is not known but apparently males and young animals predominate. The biological significance of these groups is not known. Females with pups are common throughout the range except rarely are they observed among the groups at or near the limits of the range. Adult males are common throughout the range. Based on data collected from the Alaska population it is believed that females produce their first young at 3 to 5 years of age and produce a pup approximately every 2 years thereafter. Pupping, believed to take place in the water, apparently occurs at anytime of the year with a peak early in the year between January and April. Pups are dependent for 6 to 8 months and suckle or attempt to suckle during the entire period.

(3) Manner of transporting and maintaining and applicant's qualifications and experience: at least three staff members (Ronald Jameson, Ancel Johnson, and James Estes) of the National Fish and Wildlife Laboratory will be involved in this project and they all have had extensive experience with sea otters. A biographical sketch is attached for each.

(4) Description of research project: The Marine Mammal Protection Act of 1972 directs the Department of Interior to protect and study sea otters and their ecosystems.

Until recently individually recognizable sea otters have not been available for observation, consequently our knowledge of several population characteristics is incomplete, unreliable or entirely lacking. Recently, limited marking has been done in California. The California Department of Fish and Game tagged a total of 57 sea otters from 1969 until passage of the MMPA in 1972. This marking was not followed by the intensive observation necessary to gain maximum benefit from marking.

In 1975 and 1976 Loughlin and Costa marked about 30 animals and their observations have provided useful information on methods of marking and the activity of a limited number of animals. Of 24 sea otters double tagged with aluminum tags Loughlin has resighted all at least once and 6 have been resighted more than 6 months after release. Some tag loss was noted but data are not sufficient to provide a reliable estimate of tag loss. Tag loss was probably 10 percent or greater. Of 7 animals marked July 17, 1975, none have been resighted after March 1976. (This information was taken from Loughlin's report dated October 7, 1976).

In summary areas where knowledge is lacking include movement and activity, interactions of individuals, and reproductive biology. Intensive observation of individually identifiable animals will provide much information on these topics if continued for several years with sufficient intensity.

(5) Methods and location: Because of uncertainties in such factors as natural mortality, tag retention, and movements we will develop this study in stages. We will capture, mark, and release, 35 sea otters (5 adult males, 10 adult females, 10 young females), each year. Based on crude estimates of natural mortality (10 percent per year) tag loss (10 percent per year), and observability (80 percent) we expect less than 5 adult males and less than 10 animals in each of the other categories will be sighted at the end of three years. Future marking will depend on the results of observations of these animals. Animals will be marked with one or two plastic tags (Temple Tage, cattle size or button tag, same as used to tag polar bears) and one monel animal tag (National Band and Tag, style 4-1005) in the hind flipper(s). Plastic tags are colored and will be attached in combinations allowing recognition of individuals. The monel tag is small and is for permanent marking, not for remote recognition.

The amount of information collected on each animal when captured, marked and released will depend upon the condition of the animal and on other factors such as sea conditions, temperature, etc. Sex, approximate age, weight, and general condition will be recorded when possible.

There is no practical or acceptable alternative method for obtaining the information discussed here. When the problem of attaching radio transmitters to otters has been solved an amendment allowing the use of transmitters will be requested.

Although every effort will be made to elimi-

The Zoo director, assistant director and

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Although every effort will be made to eliminate accidental mortality it is unrealistic to expect no deaths. We expect accidental mortality may reach 10 percent.

When possible, the following information will be obtained for all carcasses recovered:

1. Age (from cementum annuli).
2. Sex.
3. Reproductive condition.
4. Stomach contents.
5. Parasites.
6. Appropriate measurements.
7. Cause of death.

Certain skeletal parts, as well as entire or portions of pelts, will be retained. These will ultimately be deposited in various educational and scientific repositories.

6. Documentation for importation from foreign country: Not applicable.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Desired effective date of permit: August 1, 1977 to July 31, 1979.

9. Date of application: May 13, 1977.

10. Signature of applicant:

ROBERT L. BROWNELL, Jr.,
Acting Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-844-01-07; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20378 Filed 7-14-77;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: San Antonio Zoological Gardens and Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212, Louis R. DiSabato, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate one only): [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To purchase, import and transport one male polar bear (Ursus maritimus) from Metro Toronto Zoo, West Hill, Ontario, Canada, to San Antonio Zoo for propagation and exhibition.

3. APPLICANT: (Name, complete address and phone number if individual, business, agency, or institution for which permit is requested)
San Antonio Zoological Gardens
& Aquarium
3903 N. St. Mary's Street
San Antonio, TX 78212
(512) 734-7183

4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
DATE OF BIRTH | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Gardens & Aquarium operated by San Antonio Zoological Society for the City of San Antonio

ANY BUSINESS AGENCY OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE ACTIVITY TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Louis R. DiSabato, Director
(512) 734-7183
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Texas

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
West Hill, Ontario, Canda to San Antonio, Texas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit number(s))
ES-SP-320 PRT2-244 ES-48 ES-61 PRT2-125AQ PRT2-151 ES-12 ES-78

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document)
Export permit from Canadian government to be obtained by Metro Toronto Zoo.

9. ENCLOSED IS CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE IN AMOUNT OF: $0

10. DESIRED EFFECTIVE DATE: As soon as possible

11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50CFR 18.31(a)(2)(3)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Louis R. DiSabato
DATE: January 12, 1977

16-748

SAN ANTONIO ZOOLOGICAL
GARDENS & AQUARIUM,
SAN ANTONIO, TEX.,
January 12, 1977.

Director,
U.S. Fish & Wildlife Service,
Permit Office,
Washington, D.C.

DEAR SIR: Enclosed is a permit application in accordance with paragraph 18.31 Title 50 CFR for the purchase, importation and transportation of one male polar bear (*Ursus maritimus*) from the Metro Toronto Zoo, Ontario, Canada.

The following is the information required by paragraph 18.31 (a):

(1) This permit is requested in order to obtain a male polar bear for propagation and exhibition purposes. The primary purpose is propagation since we have three adult female polar bears in our collection. The animal to be covered by this permit is already in captivity at the Metro Toronto Zoo. It was captured in the wild on May 17, 1973, by the University of Guelph under a permit issued to them by the Canadian government. The animal was estimated to be between 4 and 5 years of age when captured and was subsequently transferred to the custody of the Metro Toronto Zoo on June 7, 1973.

(2) The animal to be imported is an adult male polar bear (*Ursus maritimus*) approximately 8½ years of age. It is identified in the Metro Toronto Zoo records as Mr. Pooh, ISIS identification No. 774. It was originally taken from the population stock in the vicinity of Churchill, Manitoba, Canada.

(3) Shipment will be from the Metro Toronto Zoo, Ontario, Canada, to the San Antonio Zoo by truck, effected by professional animal transporters. The animal will be shipped in a crate provided by the Metro Toronto Zoo. This crate will allow for size and postural adjustments of the animal and for proper cleaning, feeding and watering in transit.

The Zoo director, assistant director and superintendent of mammals each has over 20 years experience in the care and handling of wild animals in captivity which includes polar bears as well as a number of other species of bears. The supervisor of the bear exhibits has over 4 years experience, and a staff of six keepers works under him. San Antonio Zoo has a fulltime resident veterinarian plus 4 Health Center attendants and complete hospital facilities available on the grounds. The zoo currently has polar bears, Himalayan bears and grizzly bears in its collection and has propagated all three species. It has exhibited American black bears, sun bears and Kodiak bears in the past. All the bears are exhibited in large, open-moated exhibits with natural rock back walls and large pools for swimming and drinking. Den facilities provide a separate den for each animal off-exhibit where they can be maintained, fed and observed. Bears can be isolated for privacy, etc., when cubbing. See enclosed photo and diagram of facilities.

A. The polar bear exhibit is 75 feet wide by 64 feet deep and contains a pool 30 feet long by 20 feet wide with a maximum depth of 7½ feet sloping to 3 feet on the shallow end. Underwater steps provide for easy access in and out of the pool. The exhibit is fronted by a dry open moat. There is a separate den for each bear. Den 45A is 10½ feet long by 9 feet deep by 7½ feet high. Dens 45B, C, and D are 7½ feet long by 9 feet deep and 7½ feet high.

The zoo is licensed under the Animal Welfare Act and is inspected periodically by federal veterinarians of the Department of Agriculture. They have found the arrangements to be adequate for the well-being of the animals. In addition, a statement by the zoo's resident licensed veterinarian is included as an attachment.

(6) The animal will be displayed at the San Antonio Zoological Gardens and Aquarium. The zoo is open to the public daily from 9:30 a.m. to 5:00 p.m. (winter) and 9:30 a.m. to 6:30 p.m. (summer). The City of San Antonio owns the zoo, and the San Antonio Zoological Society operates the zoo for the city on a contract. The society is a nonprofit, educational organization incorporated in the state of Texas. More than 850,000 people visit the zoo annually.

Sincerely,

LOUIS R. DISABATO,
Zoo Director.

SAN ANTONIO ZOOLOGICAL
GARDENS & AQUARIUM,
SAN ANTONIO, TEX.
May 27, 1977.

Re: FWS/WPO PRT 2-653

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service, USDI, Washington, D.C.

DEAR MR. DONAHOO: The following is the additional information requested as required by 18.31(a)(3) concerning our recent application for a marine mammal permit to import one male polar bear from Canada.

We have been in contact with the Metro Toronto Zoo concerning the crate. They have informed us that the crate is 10 feet long, 4 feet wide and 6½ feet high. The crate is a white rhino crate that has been modified to accommodate a polar bear. It has a metal frame with heavy wooden timbers for the floor, sides and top. The end has a steel bar arrangement to safely contain the bear yet allow for feeding, watering the bear and cleaning the cage during transit. A similar cage has been recently used by the Metro Toronto Zoo to transport a polar bear to Australia.

The animal will be transported from the Metro Toronto Zoo to the San Aantonio Zoo by Mr. Jurgen Schultz, Associate Director, Catskill Game Farm, Inc., Catskill, New York. Mr. Schultz is a professional animal transporter with over 20 years experience in the care, handling, and transportation of wildlife. Over the years, he has transported some 200 bears of a number of different species including 4 or 5 polar bears.

The bear will be transported in a covered 35-foot semi-trailer that has been custom built especially for moving animals. It is designed with plenty of ventilation for the animals. The polar bear will be en route 3 days from Toronto to San Antonio. During this period, it will be fed a commercial dry diet. This will eliminate problems associated with handling perishable products. The crate will be cleaned and the animal hosed down periodically each day. Drinking water will be changed during these periods.

Should any additional information be required, please advise.

Sincerely,

ERNEST E. RONEY, Jr.,
Assistant to the Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-653-10; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20377 Filed 7-14-77;8:45 a.m.]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Henry Vilas Park Zoo, 702 South Randall Avenue, Madison, Wisconsin 53715, Mr. Alvie C. Nelson, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one): [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
For delivery, receipt, carriage transportation, or shipment in interstate commerce, or sale or offer for sale species of captive self-sustaining populations as found in 50 CFR 17.11, and other activities as specified in 50 CFR 17.33

3. APPLICANT: (Name, complete address and phone number if individual, business, agency, or institution for which permit is requested)
Henry Vilas Park Zoo
702 South Randall Avenue
Madison, WI 53715
Phone: (608) 266-4732

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
DATE OF BIRTH | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Municipal Zoological Gardens
Open to the public daily as a free facility. Concerned with Education, Conservation, and Scientific Studies.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Not Applicable

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Mr. Alvie C. Nelson, Director.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Henry Vilas Park Zoo
702 South Randall Avenue
Madison, WI 53715

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMITS? [ ] YES [X] NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of document)

9. ENCLOSED IS CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ Not Applicable

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: 2 years from receipt

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachments.
50 CFR 17.33

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Alvie C. Nelson
DATE: June 9 1977

16-748

V 42 136 JUL 15 77 UMI

ATTACHMENTS TO FORM 3-200, APPLICATION FOR CAPTIVE SELF-SUSTAINING POPULATIONS PERMIT

1. Species to be covered by this permit:

Jaguar, *Panthera onca.*
Lemur, Black, *Lemur macaco.*
Lemur, Ringtailed, *Lemur catta.*
Leopard, *Panthera pardus.*
Tiger, *Panthera tigris.*
Pheasant, Brown-eared, *Crossoptilon mantchuricum.*
Pheasant, Edward's, *Lophura edwardsi.*
Pheasant, Bar-tailed, *Syrmaticus humiae.*
Pheasant, Mikado, *Syrmaticus mikado.*
Pheasant, Palawan peacock, *Polyplectron emphanum.*
Pheasant, Swinhoe's, *Lophura swinhoii.*

The activities to be authorized under this permit are the delivery, receipt, carriage, transportation, or shipment in interstate commerce, or sale or offer for sale species of captive self-sustaining populations as listed in 50 CFR 17.11, and other activities as specified in 50 CFR 17.33.

The period of duration sought in this permit application is 2 years from the date of receipt of the permit, and will cover all transactions occuring during the duration of the permit.

2. Description of the facilities:

The Henry Vilas Park Zoo is a municipal zoological park, owned and operated by the City of Madison, Wisconsin. It provides education, recreation, conservation, and research programming which serves approximately 700,000 visitors annually. It was founded in 1911, and substantial renovation of many of the zoo exhibit areas in the past 6 years has stressed naturalistic exhibit designs to enhance the interpretive educational programs, and captive propagation programs. It exhibits approximately 1200 specimens, representing approximately 250 species. The Henry Vilas Park Zoo is one of thirteen zoological parks in the United States and Canada which is Accredited by the American Association of Zoological Parks and Aquariums, and is an Approved Zoo under United States Department of Agriculture regulations. It also contributes information to the American Association of Zoological Parks and Aquariums International Species Inventory System. It is an Institutional Member of the American Association of Zoological Parks and Aquariums.

The specimens, or closely related species, for which activities in this permit application are sought are housed in appropriate facilities on the zoo grounds. In addtion to the specifications listed below, please refer to the attached diagram of enclosure areas, Appendix I.

The species of *Panthera* are housed in the following facilities:

1. Indoor quarters consisting of six enclosures measuring approximately 8 feet by 11 feet, two enclosures measuring approximately 11 feet by 11 feet, and four enclosures 8 feet by 8 feet.

2. Outdoor quarters, adjacent to one of the above for access from the above, consisting of one enclosure approximately 67 feet by 85 feet, and four enclosures which are each approximately 14 feet by 14 feet.

This enclosure space includes area for off-exhibit parturition and raising young. In the event that the young can not be cared for by the mother, complete nursery facilities are provided in the zoo veterinary treatment facilities.

All feline enclosures are cleaned daily and disinfected consistent with accepted sanitary procedures. Waste water goes directly to the sanitary sewer system. Enclosure pools are cleaned and kept algae-free. Fresh water input is maintained throughout the day.

The specimens receive a balanced diet which is commercially produced to the zoo's dietary specifications. Several other major zoological parks use this diet. Food preparation areas are maintained in the Feline Building and a central commissary. Refrigeration facilities are located in the Feline Building and the central commissary.

The *Lemur catta* are housed in indoor quarters measuring approximately 15 feet by 9 feet, with adjacent outdoor quarters measuring approximately 19 feet by 5 feet by 12 feet high. The enclosure is cleaned daily and disinfected consistant with accepted sanitary procedures. The specimens receive a balanced diet consisting of fruit, vegetables, prepared primate biscuits, and dietary supplements. All food is prepared and stored in the Primate Building kitchen facilities, and additional food storage and refrigeration is in the central commissary.

The species of pheasants in the zoo collection are housed in six enclosures each measuring approximately 11 feet by 20 feet in outdoor area, and 5 feet by 9 feet of indoor enclosure area. In addition, another enclosure provides an outdoor exhibit area of approximately 10 feet by 50 feet. The specimens are fed a balanced diet consisting of commercially produced game bird feed, and dietary supplements. Food storage and preparation areas are located in the Bird Building and central commissary.

All enclosures at the Henry Vilas Park Zoo exceed the minimum enclosure standards set by the United States Department of Agriculture and the American Association of Zoological Parks and Aquariums. Animal care standards and procedures meet or exceed the standards required by the United States Department of Agriculture for Exhibitor licensing and Approved Zoo status, and the requirements set by the American Association Zoological Parks and Aquariums in the Zoo Accreditation Program.

3. Personnel caring for these species:

The Zoo Director, Mr. Alvie C. Nelson, has approximately 14 years of experience in the captive care and propagation of exotic zoo specimens, including the species, or closely related species, named in this application. He is an active Professional Fellow member of the American Association of Zoological Parks and Aquariums, and has served on and chaired various committees in that organization.

The Assistant Zoo Director, Gene Leo, has approximately 8 years of experience in the captive care and propagation of exotic zoo specimens, including the species, or closely related species, named in this application. He is an active Professional Fellow member of the American Association of Parks and Aquariums, and currently serves on the Surplus Animal Special Committee of that organization.

The Zoo Supervisor, Richard Walter, has approximately 12 years of experience in the captive care and propagation of exotic zoo specimens, including the species, or closely related species, named in this application. He is an active Professional Fellow member of the America Association of Zoological Parks and Aquariums.

The Zoo Veterinarian, Dr. Arlie McDermid, has approximately 26 years of experience in the captive care and veterinary treatment of exotic zoo specimens, including the species, or closely related species, named in this application. He is an active member of the American Association of Zoo Veterinarians.

The zoological park has maintained Siberian tigers for approximately 8 years. Prior to that time, it maintained Bengal tigers. It received a pair of Siberian tigers in February, 1969 from captive breeding stock located in two zoological parks in the United States. These animals subsequently produced 15 offspring. The staff is experienced in providing facilities and animal care for maternal and handraising care of young tigers.

The zoological park has maintained jaguars for over 30 years. In the past six years, four offspring have been produced. Similarly, the zoological park has maintained leopards for over 30 years, and in the past six years seven offspring have been produced. The zoological park has maintained ringtailed lemurs for approximately six years, during which time 10 offspring have been produced. The zoological park has maintained numerous species of pheasants, including ring-neck, golden, Lady Amhearst, silver, and Reeve's pheasants. The zoo has not maintained any of the species listed in this application, however due to the similarity of the species, the zoological park feels that it is fully capable in providing captive care and propagating the species.

4. Statement of Willingness to Participate in Cooperative Breeding Programs and to Maintain or Contribute Data on a Studbook.

The Henry Vilas Park Zoo has participated in captive breeding cooperative programs, and contributed information to studbook keepers on a regular basis for at least the past ten years. It maintains accurate animal management records and freely exchanges such information with other zoological parks in the interest of better animal management techniques. Necropsy studies are conducted on mortalities in the collection. The Henry Vilas Park Zoo fully intends to continue this policy of cooperative breeding programs with recognized zoological parks and contribute data to appropriate studbooks.

5. Description of Containers for Shipping Specimens:

The containers used for animal transport will vary in size and construction depending on the age and size of the specimens to be transported. All containers will exceed the minimum standards required by the International Air Transport Association. The felines will have metal lined, heavy plywood, reinforced crates, commensurate with the size and strength of the animal. Lemurs will have heavy plywood crates of the size and design consistent with the needs of the animal. Pheasants will have crates built of plywood of the size and type most appropriate for the health and well-being of the animal. All crates will have provision for adequate ventilation at two ends of the crate, and have food and water chutes for servicing. Feeding and watering provisions will depend on the mode of transportation, length of time in transit, weather conditions at the time of shipment, and layover stops and locations en route. Effort will be made to reduce the amount of time in transit to a minimum, and when possible, professional animal care personnel will servite the enclosures during stopovers and points of unavoidable delay. In past experience, all animal shipments of these species have been via commercial airlines, or zoological park personnel and vehicles. These modes of transportation have resulted in excellent results for these species.

6. Description of Mortalities for the Preceding 5 Year Period:

Date of death	Sex	Species	Cause of death	Age at death (days)
June 20, 1972	1.1	Leopard	Stillborn	
June 21, 1972	2.0	Siberian Tiger	Infant mortality	7
Oct. 6, 1972	0.1	do	Stillborn	
Oct. 18, 1972	1.0	do	Infant mortality	3
Apr. 22, 1973	1.0	do	do	20
Aug. 18, 1973	0.0.1	Ringtailed Lemur	do	6
May 8, 1975	0.1	Leopard	Stillborn	
June 19, 1976	0.0.1	Ringtailed Lemur	Infant mortality	10

These statistics show that of the ten mortalities in zoo specimens which are classified as captive self-sustaining populations in 50 CFR 17.11, all occurred within one month of birth. Most of these deaths can be attributed to poor or inexperienced maternal care, although deformities and similar conditions in the offspring are certainly contributing factors.

In cases where the parents have had a history of poor maternal care, offspring have been removed to be raised by experienced zoo attendants. In view of the total number of successful births, a normal mortality must be considered.

Mortalities among the pheasants in the zoo collection total 10 in the past five years. All of these mortalities were young birds raised in brooder facilities, with the exception of one adult female which died as a result of injuries sustained by flying into an enclosure fence. The zoo maintains a collection of about 25 birds, with surplus specimens traded to other institutions.

7. The Henry Vilas Park Zoo feels that interpretive education programs and captive propagation programs for threatened and endangered wildlife are a vital function of zoological parks, and that such programs can enhance the survival of the species.

In view of the zoo's past performance in captive propagation of these species, its cooperative performance in breeding agreements with other zoological parks, its maintenance of accurate records including studbook registry of the appropriate species, its physical facilities for the specimens, and the experience of the zoo staff, the Henry Vilas Park Zoo is qualified to receive a captive self-sustaining population permit. This permit would enable the zoological park to continue to pursue its captive propagation programs in these species, and avoid the inevitable local surplus of specimens which would result if this permit were not granted. It would also allow more convenient acquisition of new gene pools as the program progresses.

The Henry Vilas Park Zoo intends to continue its captive propagation programs, and apply for renewal permits as necessary. No termination of this program is anticipated. Specimens acquired by the Henry Vilas Park Zoo, or born in the facility under the conditions of this permit, will be used, while under our control, for the captive propagation programs and interpretive education programs at the zoo.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the penalties of 18 U.S.C. 1001.

Dated: June 9, 1977.

ALVIE C. NELSON,
Zoo Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1064-25; please refer to this number when submitting comments. All relevant comments received on or before August 15, 1977.

Dated: July 12, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-20378 Filed 7-14-77;8:45 am]

Geological Survey

ALTON-KANAB, UTAH

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual No. 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Utah have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(44) UTAH

Alton-Kanab (Utah) Known Recoverable Coal Resource Area (KRCRA); November 19, 1976; 115,305.18 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: July 8, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-20368 Filed 7-14-77;8:45 am]

SIDNEY, MONTANA

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Sidney (Montana) Known Recoverable Coal Resource Area; January 3, 1977; 308,984 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: July 8, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-20369 Filed 7-14-77;8:45 am]

[Coal Land Classification Order Utah No. 119]

UTAH

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN

COAL LANDS

T. 37 S., R. 3 W.,
Sec. 29, W½E½, W½;
Secs. 30 and 31;
Sec. 32, W½NE¼, W½, SE¼.
T. 37 S., R. 4 W.,
Secs. 25 and 26;
Sec. 27, E½;
Sec. 33, E½SE¼;
Secs. 34 to 36, inclusive;
HES. 118 and 119.
T. 38 S., R. 3 W.,
Sec. 5, lots 2 to 4, inclusive, SW¼NE¼, W½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 6;
Sec. 7, lots 1 to 3, inclusive, N½NE¼, SW¼NE¼, E½W½, SE¼;
Sec. 8, NW¼NW¼, W½SW¼.

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T. 38 S., R. 4 W.,
Secs. 1 to 3, inclusive;
Sec. 4, E½;
Sec. 9, E½, E½W½;
Secs. 10 and 11;
Sec. 12, N½, N½S½;
Sec. 13, SW¼, S½SE¼;
Sec. 14, W½NE¼, W½, SE¼;
Secs. 15 and 16;
Sec. 22, E½, E½W½;
Sec. 23;
Sec. 24, N½, SW¼, NW¼SE¼;
Sec. 26, W½E½, W½;
Sec. 27, E½, E½W½;
Sec. 33, SE¼;
Sec. 34, NE¼, E½NW¼, S½;
Sec. 35, W½E½, W½, SE¼SE¼;
HES. 118 and 119.
T. 39 S., R. 4 W.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, S½E½;
Sec. 8, E½;
Secs. 9 to 23, inclusive;
Sec. 24, N½NE¼, W½;
Sec. 25, W½;
Sec. 26, NE¼NE¼, W½E½, W½;
Secs. 27 to 34, inclusive;
Sec. 35, W½NE¼, W½, NW¼SE¼.
T. 39 S., R. 4½ W.,
Sec. 13, SE¼SW¼, SE¼;
Sec. 14, S½SW¼;
Sec. 15, lot 4, SE¼SW¼, S½SE¼;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 39 S., R. 5 W.,
Sec. 3, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 10, E½NE¼;
Sec. 14, S½NW¼, SW¼;
Sec. 23, NE¼, NE¼NW¼, N½SE¼;
Sec. 24, N½.
T. 40 S., R. 4 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, NW¼SE¼;
Secs. 5 and 6;
Sec. 7, lots 1 to 19, inclusive, NE¼, N½SE¼;
Sec. 8, N½, NW¼SW¼, SE¼;
Sec. 9, W½NW¼, NW¼SW¼;
Sec. 18, lots 1 to 13, inclusive, and lot 16;
Sec. 19, lot 5.
T. 40 S., R. 4½ W.,
Secs. 4 to 9, inclusive;
Sec. 16, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 17, N½, SW¼, NW¼SE¼;
Sec. 18;
Sec. 19, lots 1 and 2, W½NE¼, E½NW¼;
Sec. 20, NW¼, N½SW¼;
Sec. 21, NE¼NE¼.

RECLASSIFIED COAL LAND FROM NONCOAL LAND

Prior classification of the following described land as noncoal is hereby revoked and the land reclassified as coal land:

T. 38 S., R. 3 W.,
Sec. 5, SE¼SW¼;
Sec. 7, SE¼NE¼;
Sec. 8, E½NW¼, SW¼NW¼, NE¼SW¼.
T. 38 S., R. 5 W.,
Sec. 19, SE¼SE¼;
Sec. 20;
Sec. 21, NW¼, S½;
Sec. 27, W½, W½SE¼;
Sec. 28;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 30, lots 3 and 4, NW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 33, NE¼, E½NW¼, E½SE¼;
Sec. 34;
Sec. 35, SW¼.
T. 38 S., R. 6 W.,
Sec. 25, SE¼SE¼;
Sec. 36, NE¼NE¼, W½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼.
T. 39 S., R. 5 W.,
Sec. 1, W½SW¼;
Sec. 2;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½E½, W½;
Sec. 14, E½.
T. 39 S., R. 6 W.,
Sec. 25, SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 35, NE¼NE¼.
T. 40 S., R. 4 W.,
Sec. 2, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 3, lots 1 to 4, inclusive, SE¼NE¼, SW¼NW¼.
T. 40 S., R. 5 W.,
Sec. 27, W½SW¼;
Sec. 28, W½NW¼, S½SE¼;
Sec. 29, NW¼SE¼;
Sec. 33, S½NE¼, SE¼NW¼.
T. 40 S., R. 7 W.,
Sec. 13, lot 12;
Sec. 24, SW¼NE¼;
Sec. 25, NW¼NW¼.

The area classified total 62,937 acres (25,470 ha), more or less, of which 55,005 acres (22,260 ha) are coal land, and 7,932 acres (3,210 ha) which were formerly classified as noncoal are reclassified as coal land.

Dated: July 8, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 77-20370 Filed 7-14-77;8:45 am]

VELVA, NORTH DAKOTA

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Velva (North Dakota) Known Recoverable Coal Resource Area; February 23, 1977; 20,626 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: July 8, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-20367 Filed 7-14-77;8:45 am]

Office of the Secretary

[INT FES 77-26]

APPROVAL BY THE SECRETARY OF THE INTERIOR OF A LEASE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a Final Environmental Statement on a lease between the Pueblo De Tesuque, Santa Fe County, New Mexico, and Sangre De Cristo Development, Inc. which was submitted for the approval of the Secretary of the Interior.

The Environmental Statement considers human and physical environmental effects associated with the proposed approval by the Secretary of the Interior of a 99 year lease for 1,342 acres of land with an option to lease an additional 4,100 acres of Pueblo De Tesuque lands to be used for development. A residential community of 16,000 people is proposed on the 5,442 acres.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Division of Trust Facilitation, Room 4554, Department of the Interior, Washington, D.C. 20245, telephone 202-343-8248.
Bureau of Indian Affairs, Albuquerque Area Office, First National Bank Bldg., East, 5301 Central Avenue NE., Albuquerque, New Mexico 87108, telephone 505-766-3374.
Bureau of Indian Affairs, Northern Pueblos Agency, Federal Post Office Bldg., Santa Fe, New Mexico 87501, telephone 505-988-6431.

Limited numbers of copies of the Final Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs.

Dated: July 12, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-20403 Filed 7-14-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

PHENMETRAZINE

Final 1977 Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas each year for all controlled substance listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On April 29, 1977, a notice of the proposed aggregate production quota for 1977 for phenmetrazine was published in the FEDERAL REGISTER (42 FR 21860). All interested parties were invited to comment or to object to the proposed aggregate production quota on or before May 31, 1977. Two comments were received.

Milton W. Skolaut, Director of the Department of Pharmacy and Chief Pharmacist of Duke Hospital, Duke University, located in Durham, North Carolina, stated in his comment that he objected "to the proposed 2,900,000 gram quota as being a legitimate amount needed within the United States." Mr. Skolaut, noting that this controlled substance "is so subject to abuse," suggested "that a million gram aggregate production quota would be perfectly suitable to supply every legitimate patient in the United States."

While the Drug Enforcement Administration shares Mr. Skolaut's anxieties concerning the abuse of phenmetrazine within the United States, it is the Drug Enforcement Administration's position that the proposed aggregate production quota of 2,900,000 grams represents a sound, conservative approach to the problem of supply reduction as it relates to this controlled substance.

The firm of Arnold & Porter of Washington, D.C., attorneys for Wester Fher Laboratories, a division of Fher Corporation, Ltd., for Boehringer Ingelheim, Ltd., and for Ciba-Geigy Corporation, submitted objections and requests for a hearing with reference to the proposed 1977 aggregate production quota for phenmetrazine. These requests for hearing have been assigned to Administrative Law Judge Francis L. Young, for the conduct of appropriate proceedings under the Administrative Procedure Act.

Therefore, under the authority vested in the Attorney General by 21 U.S.C. 826, and delegated to the Administrator of the Drug Enforcement Administration pursuant to the regulations of the Department of Justice, and to provide for the on-going manufacture and needs of the United States while this matter remains in litigation, the Administrator of the Drug Enforcement Administration orders that the final 1977 aggregate production quota for phenmetrazine, expressed in grams in terms of anhydrous base, be established as follows:

Basic class:	*Final 1977 aggregate production quota (grams)*
Phenmetrazine	2,900,000

This order is effective July 15, 1977.

Dated: July 11, 1977.

PETER B. BENSINGER,
Administrator Drug Enforcement Administration.

[FR Doc.77-20435 Filed 7-14-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 8, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable. The frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

(Israel) Certificate to A.I.D., on occasion, business firms, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Evaluation of Veterans' Canteen Service, single-time, hospital patients and employees housing, veterans and labor division, Raynsford, R., 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, follow-up questionnaire for the general coverage study, DH-805, single-time, households in Oakland, Calif., Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Neurological Disease, single-time, noncurrent sample households in and around Edwards, Miss. Richard Eisinger, 395-6140.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Medical Recordkeeping and Reporting System—Feasibility Study, BLS-3091, single-time, labor unions and associations, Ellett, C. A., 395-5867.
Bureau of Labor Statistics, 790 Program Review, 13LS-790PR, on occasion, 51 employment security agencies, Strasser, A., 395-5867.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Long-Term Effects of Relocation on Low Income Group, single-time, low-income persons who are highway relocatees, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Statement of Person Claiming to Have Stood in Relation of Parent 21-524, on occasion, parents of veterans, Warren Topelius, 395-5872.
Report of Home Loan Proceeds on Automatic Basis, 26-1820, on occasion, lenders, Warren Topelius, 395-5872.
Notice of Lapse—No Physical Examination Required, 29-389, on occasion, insured veterans, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Food Stamp Program—Regulations on occasion, state agencies, human resources division, Warren Topelius, 395-3532.
Statistical Reporting Service, Pullet Chicks for Hatchery Supply Flocks, Monthly, Chicken Breeders, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Institutes of Health, A Study of Low Fertility Cohorts in the United States, Contract No. 1-HD-62818, single-time, sample white women born 1901-10 and subsample of husbands, Richard Eisinger, Maria Gonzalez, 395-6140.
Bureau of Census Cotton, Man-Made Fiber Staple, and Linters (Consumption and Stocks, and Spindle Activity), M-22P, monthly, fiber spinning mill companies, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Reporting Requirements for Monitoring and Auditing Sterilizations pursuant to 42 CFR 50.204, quarterly, ambulatory health care organizations, Lowry, R. L., 395-3772.
Federal Highway Administration: Outdoor Advertising and Junkyard Report, FHWA-1424, quarterly, 52 state highway departments, Strasser, A., 395-5867.
Bid Price Data, PR-45, on occasion, state highway agencies and FHWA field offices, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, Record of Preparation and Disposition of Remains (Deaths Occurring in the Continental United States), DA2774, on occasion, mortuary officers, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Bueau of Mines, Platinum and Allied Metals (Consumption), 6-1110-QA, other (see SF-83), consumers of platinum and allied metals, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Federal Aid To Airports, FAR-151, on occasion, airport sponsors, budget review division, Lowry, R. L., 395-4775.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-20392 Filed 7-14-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13729; File No. SR-BSPS-77-4]

BRADFORD SECURITIES PROCESSING SERVICES, INC. (BSPS)

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is the change in the Houston, Texas and Den-

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ver, Colorado facilities from correspondent to BSPS branch clearance facilities. These facilities are similar to the additional branches approved by the Commission in Rel. No. 34-12915 dated October 12, 1976 and Rel. No. 34-13511 dated May 6, 1977.

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose is to insure present and potential customers timely clearance of securities transactions in each of these locations.

These facilities will help to provide for the continued prompt and accurate clearance of security transactions in each of the regional locations. It will allow for any qualified bank or broker/dealer to utilize these facilities for the prompt and accurate clearance of their respective securities transactions.

Verbal comments received from our existing customers and potential customers indicate a continued need for our services in these cities.

BSPS is of the opinion that converting these facilities will not impose any burden on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77-20382 Filed 7-14-77;8:45 am]

[Release No. 34-13734; File No. SR-CBOE-1977-4]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 3, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Chicago Board Options Exchange, Inc. ("CBOE") proposes to amend its Rule 9.10(a) to eliminate the requirement that member firms obtain, on an annual basis, renewal of written authorization to maintain a discretionary account. The text of the proposed amendment is as follows:[1]

DISCRETIONARY ACCOUNTS

Rule 9.10(a) Authorization and Approval Required. No member organization shall exercise any discretionary power with respect to Exchange transactions in a customer's account unless such customer has given prior written authorization and the account has been accepted in writing by a Registered Options Principal who is an officer or partner of the member organization. [Such written authorization must be renewed annually]. Each discretionary order shall be approved and initialled on the day entered by [the] *a* Registered Options Phincipal, or, in the case of a branch office, by a branch office manager, provided that such approval shall be confirmed within a reasonable time by [the] *a* Registered Options Principal. Every discretionary order must be identified as discretionary on the order at the time of entry. Discretionary accounts shall receive frequent appropriate supervisory review by the *Senior* Registered *Options* Principal *or his designee.*

CBOE'S STATEMENT OF BASIS AND PURPOSE

The proposed change to CBOE Rule 9.10(a) is designed to eliminate the requirement that member firms qualified to conduct a non-member customer business obtain, on an annual basis, renewal of written authorization to maintain a discretionary account.

The CBOE is currently the only self-regulatory organization with such a requirement (the New York Stock Exchange, Inc. eliminated a similar rule on April 3, 1975). It is the belief of the CBOE that, due to the expansion of the options industry, this requirement is causing a significant paperwork problem for member firms.

In addition, as the rule presently stands, member firms would be required to discontinue exercising discretion in a customer's account unless they could obtain a timely renewal. In the event a timely renewal could not be obtained, for example if the customer were traveling or unable to be located for some other reason, the CBOE believes that the member firm's inability to continue to exercise discretion could cause the investor losses and could result in unwanted member firm/public customer controversy.

Moreover, in the opinion of the CBOE, the public and the member firms will be protected because most discretionary authorization forms contain a provision that the authorizations are valid until terminated. Thus, a customer will be able to enjoy discretionary management of his account until he takes affirmative action to terminate that relationship.

Finally, the CBOE believes that the requirement that each discretionary order be approved and initialed by a Registered Options Principal (or in the case of a branch office, the branch manager subject to ROP confirmation) and the requirement that each discretionary account receive periodic review by a Senior Registered Options Principal or his designee will provide the requisite degree of supervisory control for the protection of investors and the member firms.

The CBOE believes that the foregoing amendment to CBOE Rule 9.10(a) fosters cooperation and coordination with other self-regulatory organizations, facilitates transactions in securities and protects investors and the public interest as provided in section 6(b)(5) of the Securities Exchange Act of 1934, as amended.

Comments were not solicited, nor have comments been received from members of the CBOE.

The CBOE believes that no burden will be imposed upon competition by virtue of the implementation of this rule change.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

[1] Italics indicate new language; [brackets] indicate deletions.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 11, 1977.

[FR Doc.77-20383 Filed 7-14-77;8:45 am]

[Release No. 34-13733; File No. SR-MSE-77-21]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Stated Policy

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 22, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed stated policy as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED STATED POLICY (ADDITIONS ITALICIZED)

THE MIDWEST STOCK EXCHANGE, INC., CO-SPECIALIST JOB DESCRIPTION

I. General

An Exchange member who is registered as a co-specialist is accountable to the Exchange and the investing public for the quality of the Exchange markets in the securities in which he is registered and is responsible for fostering and acting to maintain liquid and continuous two-sided auction markets on the Exchange Floor in those securities. This is accomplished by his acting as agent and principal in such securities, in accordance with the provisions of Federal and Exchange rules and policies, to help insure that such markets are fair, orderly and operationally efficient in the public interest and competitive with non-Exchange markets in those securities. A "fair" market is one which is free from manipulative and deceptive practices and which affords no undue advantage to any of the participants therein. An "orderly" market is one with regularity and reliability of operation manifested by the presence of price continuity and depth exhibited by the avoidance of large and unreasonable price variations between consecutive sales on the consolidated tape for dually listed issues and on the MSE tape for exchange issues and the avoidance of overall price movements without appropriate accompanying volume.

A co-specialist's continuing registration in the securities in which he is registered is dependent upon his satisfactory performance of his responsibilities as a co-specialist as defined in Federal and Exchange rules, interpretations, releases, and notices, this job description, the Code of Acceptable Business Practice for Co-Specialists, and the rules and practices for trading on the Midwest (a copy of which is attached). A co-specialist's registration, in one or more of the securities in which he is registered, may be suspended or terminated by the Committee on Specialist Assignment and Evaluation upon a determination that he has not satisfactorily performed his responsibilities as a co-specialist. A determination by the Committee on Specialist Assignment and Evaluation to suspend or terminate a co-specialist's registration may be based on answers by floor members to questionnaires sent out by the Committee and shall be made in accordance with rules of the Exchange establishing fair procedures.

II. Principal Duties

A. As Agent:

1. To act as agent on behalf of orders entrusted to him, to hold the interests of such orders above his own interest and to fulfill in a professional manner all other duties of an agent to include, but not be limited to, insuring that each such order, regardless of its size or source, receives proper representation and timely, best possible execution in accordance with the terms of the order and the rules and policies of the Exchange.

2. To act as a catalyst in the markets for the securities in which he is registered by professionally and impartially servicing the interests of other members, to be helpful, communicative, cooperative, and professional, to make reasonable efforts to bring together buyers and sellers without interfering as principal unless reasonably necessary to the performance of his duties, and to act together with all members involved to insure that the equitable needs of all parties are considered.

3. To perform effectively the administrative duties with respect to orders entrusted to him as agent to include, but not be limited to, cooperating with other members in the confirmation of open orders and issuing timely and accurate status reports and execution reports.

4. To insure that his acceptance and execution of orders as agent are in compliance with applicable Federal and Exchange rules and policies; to accept as agent only those types of orders he is permitted to accept pursuant to those rules and policies, and not to accept any order for the purchase or sale of a stock in which he is registered directly from the company issuing such stock or any officer, director, or controlling stockholder.

B. As Principal:

1. To buy and sell securities as principal when such transactions are necessary in the public interest to minimize an actual or reasonably anticipated imbalance between supply (offers at or near the last sale price) and demand (bids at or near the last sale price) in the exchange market, and the absence of his transactions could otherwise result in an unreasonable lack of continuity and/or depth.

2. To make continuous two-sided quotations in the securities in which he is registered and buy and sell those securities in a manner that enhances the depth and liquidity of the Exchange's market in those securities and the competitiveness of the Exchange's market with markets on other Exchanges and elsewhere.

3. To make continuous two-sided quotations and effect transactions when necessary to fulfill his duties as principal, and to insure that such quotations, if acted upon, and transactions are in the public interest by being reasonably calculated to contribute to the maintenance of price continuity with reasonable depth in view of the general market, the market in the particular security and the adequacy of his total position in such security with respect to the actual or reasonably anticipated needs of the market.

4. To make such quotations and effect such transactions in accordance at all times with applicable Federal or Exchange rules and policies, to act as principal in a manner which does not upset the natural longer term forces of supply and demand, and to insure that each opening and reopening price (when Midwest is operating as the primary market) reflects a professional assessment of market conditions at the time with due consideration given to the balance of supply and demand as reflected by public orders.

5. To avoid transactions in a security as principal which are excessive in view of the market for such security. To trade as principal in a manner which reflects an awareness of his financial resources and to report to the Exchange any actual or imminent financial problems.

C. Other Duties:

1. To insure the orderly functioning of the trading Crowd by exercising leadership and objectively observing trading Crowd activity and orderflow, to seek the advice and assistance of a member of the Committee on Floor Procedure when required, and to request delays in openings or trading halts when called for by unusual market conditions.

2. In order to foster a positive professional relationship between the Exchange and listed companies and to educate company representatives regarding the workings of the Exchange's market system, the co-specialist is permitted to have periodic contact with representatives of the companies in whose securities he is registered as specialist provided he abides by applicable Federal or Exchange rules or guidelines with regard to such contacts.

3. To foster the efficient operation of the Exchange's market process by insuring the presence of adequate manpower (professional and clerical, full-time or relief) on the Floor at all times, by efficiently processing necessary trade documents and by cooperating in the resolution of questioned trades and errors.

4. To keep records required by Federal and Exchange rules, to report required information to the Exchange on a timely and accurate basis and to comply with all Exchange rules which govern the financing of co-specialist operations.

5. To be aware of and abide by all Federal and Exchange rules and policies governing his activities to include, but not be

limited to, rules governing activities in the co-specialist in the performance of

The proposed stated policies were dis-

consulted in the event of any disagree-

no more than ½ of $1 where the last pre-

the foregoing and of all written submis-

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limited to, rules governing activities in non-specialty securities and trading activities off the Exchange Floor, and to be aware of and abide by any Exchange-developed code of acceptable business practices for co-specialists.

6. In addition to the above, to take any other action not prohibited by Federal or Exchange rule or policy or precluded by professional judgment to foster and maintain liquid continuous two-sided markets on the Exchange Floor and to insure that such markets are fair, orderly and efficient in the public interest and competitive with non-Exchange markets in Exchange listed securities; and to avoid any action which would hinder the achievement of these objectives.

III. Eligibility Requirements

An Exchange member who desires to be registered to act as an Exchange co-specialist must:

1. Be associated with an existing or newly created specialist unit approved by the Exchange.

2. Complete an adequate training period.

3. Pass the Exchange-administered Floor Member examination.

4. Insure that the specialist unit with which he is to be associated meets the Exchange's specialist capital requirements.

MIDWEST STOCK EXCHANGE, INC. CODE OF ACCEPTABLE BUSINESS PRACTICES FOR CO-SPECIALISTS

The co-specialist occupies the central position in the Exchange's continuous trading process. Consequently, the manner in which he performs significantly affects the efficiency, competitiveness and overall quality of the Exchange's markets, and largely determines the Exchange's success as a national securities market. In addition, the co-specialist occupies a position of public trust and should act at all times in a manner which does not violate that trust. Therefore, it is essential that the co-specialist adhere to the highest standards of business and ethical conduct in the performance of all aspects of his job. Failure to do so can be detrimental to the Exchange and constitutes a breach of public trust.

While the co-specialist is required to act in accordance with the specific rules and policies which govern his activities, he should definitely avoid actions which are not in keeping with the spirit and intent of those rules and policies or not in accordance with high standards of business and ethical conduct. This duty is formalized by the Exchange's Rule 7 of Article VIII which states that "No member or member organization or partner, officer, director or registered employee of a member organization shall engage in conduct or proceeding inconsistent with past and equitable principles of trade."

This Code, of which the specific items set forth below are a part, has been adopted to minimize possible misconceptions as to what constitute good business practices for co-specialists and to guide the co-specialist in the performance of his duties. Certain specific areas of concern are enumerated below. This list may be modified from time to time as circumstances require. This is not to be construed as a complete list of acceptable business practices, and in circumstances not specifically addressed below, the co-specialist should be guided by the spirit and intent of the Code as described below.

Any violation of this Code will be subject to investigation and may lead to disciplinary or remedial action.

1. Trading Practices. While a co-specialist is required to act in accordance with specific trading rules and policies, he should avoid practices and patterns of trading activity which are not in keeping with the spirit and intent of those rules and policies or which might interfere with the fair and orderly functioning of the Exchange's markets in the public interest. In this regard, a co-specialist should conduct his trading activities at all times in a manner which is consistent with this Code and with the duties of a specialist which are explained in the Exchange's Co-Specialist Job Description. When in doubt about the suitability of any action related to his co-specialist function, he should immediately consult with a member of the Committee on Floor Procedure.

2. Openings. Due to the importance of the opening trade in a stock, a co-specialist should:

a. Provide accurate and complete current opening price indications and pre-opening information, such as the amount of stock paired off and the excess to buy or sell, to inquiring members.

b. For issues that MSE acts as the primary market, insure that the opening is not unduly hasty, particularly when at a price disparity from the previous close, and that the price reflects a thorough and professional assessment of market conditions at the time.

These practices should also be followed in the case of re-openings.

3. Cooperation and Communication. In view of his central position in the Exchange's continuous trading process, a co-specialist should:

a. Reflect the depth of the current market, to the extent his agency responsibility allows, to any reasonable member inquiry.

b. Provide market information to members in a professional and courteous manner without discrimination.

c. Make every reasonable attempt to bring together known buyers and sellers.

d. Given a reasonable time frame and lack of substantive change in market conditions, refrain from interfering with a cross when he has previously indicated "no interest".

e. Refrain from interfering with a "clean" agency cross unless his bid or offer has been previously solicited; or unless the reasonably anticipated needs of the market require him to do so in order to be able to fulfill his market maintenance responsibilities, and a Floor Procedure Committee member has been consulted in the event of any disagreement.

f. Insure that in his absence, his Post is properly staffed by his registered relief co-specialist.

4. Stop Orders. When a co-specialist has been entrusted as broker with a stop order, he should insure, consistent with current market conditions, that its election results from the fair and orderly price movement of the stock and does not result from poor performance or inadequate depth.

5. Operating Practices. In view of his central position in the Exchange's marketplace, a co-specialist's operating practices can have a significant impact on the competitiveness of the market. Therefore, a co-specialist should:

a. Report executions of orders entrusted to him in a timely and adequate manner.

b. Maintain necessary manpower and supervision of staff to insure the efficiency of his co-specialist operations.

c. Readily provide records when necessary to research the status of an order or a questioned trade.

d. Cooperate with other members in the resolution and adjustment of errors.

e. Cooperate in the implementation and operation of new Exchange procedures and systems.

f. Cooperate in the resolution of inquiries and complaints which relate to the stocks in which he is registered.

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed stated policy is as follows:

The purpose of the proposed stated policy is to establish within the framework of the Exchange Rules, a Co-Specialist Job Description which sets forth a general definition of the co-specialist function and a detailed listing of the principal and other duties of the co-specialist necessary for the maintenance of continuous fair and orderly markets.

Also proposed as stated policy is a Code of Acceptable Business Practices for Co-Specialists which sets forth guidelines of performance essential to the maintenance of high standards of business and ethical conduct in all espects of the co-specialist function.

It is intended that the Exchange Committee on Specialist Assignment and Evaluation will utilize the current Rules and Practices for Trading on the Midwest Stock Exchange, Incorporated along with the Co-Specialist Job Description and Code of Acceptable Business Practices for Co-Specialist in carrying out its responsibility to monitor the ongoing performance of co-specialists and assigning issues for trade.

The stated policy is proposed to promote just and equitable principles of trade, to provide a regulatory climate to allow the Exchange to enforce compliance by co-specialists with the provisions of the Act, and to facilitate the maintenance of a fair and orderly market.

The proposed stated policies were distributed for comment to all Exchange floor members. To date, no comments, either pro or con, have been received.

The Midwest Stock Exchange, Incorporated, believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 11, 1977.

[FR Doc.77-20384 Filed 7-14-77;8:45 am]

[Release No. 34-13735; File No. SR-MSE-77-22]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 6 of Article XLVII is hereby amended as follows: Additions Italicized—[Deletions Bracketed]

Rule 6. (a) No change in text.

(b) No change in text.

(i) Bidding and/or offering so as to create differences of no more than ¼ of $1 between the bid and the offer for each option contract for which the last preceding transaction price was $.50 or less, no more than ½ of $1 where the last preceding transaction price was more $.50 but did not exceed $10, nor more than ¾ of $1 where the last preceding transaction price was more than $10 but less than $20, and no more than $1 where the last preceding transaction price was $20 or more, provided that the Options Floor Procedure Committee may establish differences other than the above for one or more series or classes of options[.], *and provided further that during the course of a trading day, differences other than the above may be established for one or more series or classes by three members of the Floor Procedure Committee, at least two of whom do not have positions in the options class involved.*

(ii) No change in text.

(c) No change in text.

(d) No change in text.

(i) No change in text.

(ii) No change in text.

(iii) No change in text.

Interpretations and Policies:

.01 No change in text.

.02 No change in text.

.03 No change in text

.04 No change in text.

.05 No change in text.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to allow the action permitted by the rule to be taken during a trading day when it would be impracticable or impossible to convene a meeting of the full Floor Procedures Committee.

The basis for the proposed rule change described above is found in Section 6(b)(5) of the Securities Exchange Act of 1934 as amended, which, in pertinent part, states that the rules of the Exchange should be designed to promote just and equitable principles of trade, protect investors and the public and not permit unfair discrimination between customers, brokers and dealers.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 11, 1977.

[FR Doc.77-20385 Filed 7-14-77;8:45 am]

[Release No. 34-13728; File No. SR-MSE-77-20]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions Italicized [Deletions Bracketed].

ARTICLE XXXI

[Suspension of Dealings]

Termination of Registration

Rule 15. [Dealings in odd-lots by an odd-lot dealer or his or its odd-lot agent on the Exchange may be suspended at any time by the Committee on Floor Procedure. After an opportunity for fair hearing, the Committee on Specialist Assignment and Evaluation may withdraw the registration of any odd-lot dealer or odd-lot agent.] *Whenever it shall appear or be called to the attention of any member of the Committee on Floor Procedure or the President that an odd-lot dealer is violating any of the Rules of the Exchange or the Federal Securities laws or is conducting business as an odd-lot dealer in an unethical or unbusinesslike manner, the member of the Committee on Floor Procedure or the President shall, without the necessity of previous notice, suspend the registration of such odd-lot dealer pending an opportunity for a hearing on the apparent violation in accordance with Article XII of the Rules of the Exchange.*

In connection with its responsibilities to monitor and evaluate the performance of registered odd-lot dealers, the Committee on Specialist Assignment and Evaluation may suspend or terminate any such registration based upon a find-

ing after an opportunity for a hearing

U.S.C. 78s(b)(1), as amended by Pub. L.

organization consents, the Commission

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ing after an opportunity for a hearing in accordance with Article XVII that the particular odd-lot dealer has not satisfactorily performed his responsibilities as defined in the federal securities laws and the rules and policies of the Exchange.

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate wording in order to clearly define the authority of the President of the Exchange and members of the Committee on Floor Procedure in matters concerning apparent violations of Exchange Rules or the Federal Securities Laws by odd-lot dealers.

The proposed rule change helps prevent fraudulent and manipulative acts and practices and promotes just and equitable principles of trade.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77-20386 Filed 7-14-77;8:45 am]

[Release No. 34-13722; File No. SR-MSRB-77-6]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 5, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The amendment to rule G-3 filed by the Municipal Securities Rulemaking Board (the "Board") prohibits an associated person of a municipal securities broker or municipal securities dealer from receiving or giving assistance of any nature in the course of taking a qualification examination prescribed by the Board. The proposed rule change proscibes disclosure of questions or answers on any such qualification examination as well as other activity inconsistent with the confidential nature of such qualification examination. In addition, an associated person taking a qualification examination prescribed by the Board would be prohibited from knowingly signing a false certification concerning such qualification examination.

The text of the proposed rule amendment appears below.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to require associated persons of a municipal securities broker or municipal securities dealer to maintain the confidentiality of qualification examinations prescribed by the Board and to refrain from receiving or giving assistance of any nature in the course of taking such qualification examinations.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15B (b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(A) of the Act authorizes the Board to adopt rules establishing standards of professional qualification for associated persons of municipal securities brokers and municipal securities dealers.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

BURDEN ON COMPETITION

In the opinion of the Board, the proposed rule change does not constitute a burden on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pusruant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 6, 1977.

Rule G-3. Classification of Principals and Representatives; Numercial Requirements; Testing.[1]

(a) through (e) No change.

(f) Confidentiality of Qualification Examinations. No associated person of a municipal securities broker or municipal securities dealer shall:

(i) in the course of taking a qualification examination required by paragraphs (c), (d), or (e) of this rule, receive or give assistance of any nature;

(ii) disclose to any person questions on any such qualification examination or the answers to any such questions;

(iii) engage in any activity inconsistent with the confidential nature of any such qualification examination or its purpose as a test of the qualifications of persons taking such examinations; or

(iv) knowingly sign a false certification concerning any such qualification examination.

[(f)] (g) Employment. Notwithstanding any other provision of this rule, a person who first becomes associated with a municipal securities broker or municipal securities dealer in a representative capacity (whether as a general securities representative or a municipal securities representative) or in a principal capacity without previously having qualified as a general securities representative or municipal securities representative shall not transact business with any member of the public with respect to, or be compensated for any transactions in, municipal securities for a period of at least 90 days following the commencement of such person's association with such municipal securities broker or municipal securities dealer, regardless of such person's having qualified as a municipal securities principal or municipal securities representative during such period; provided, however, that the requirements of this section [(f)] (g) may be waived by a registered securities association with respect to a person associated with a member of such association, by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer), or by the appropriate regulatory agency with respect to a person associated with a bank dealer, in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the business of such municipal securities broker or municipal securities dealer in municipal securities.

[1] Italics indicates new language; [brackets] indicate deletions.

[FR Doc.77-20387 Filed 7-14-77;8:45 am]

[Release No. 34-13732; File No. SR-MSRB-77-5]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follow:

MSRB'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes would effect the following changes in rules G-8 and G-9:

(1) Subparagraph (G) of rule G-8(a)(xi), relating to evidence of authority to effect transactions on behalf of a joint account, corporation or partnership, would be deleted.

(2) Municipal securities brokers and municipal securities dealers would be required to note on trading tickets or similar records for municipal securities transactions the name and address (if other than that of the account) of the person entering an order on behalf of a joint account, corporation, or partnership.

(3) In lieu of written authorization from a customer to pledge or loan securities, municipal securities brokers and municipal securities dealers would be permitted to give written notice to the customer at or prior to the completion of each transaction in the event securities carried for the customer's account are or may be loaned or pledged. This provision would apply to cash accounts ("special cash accounts" within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System). For any other type of account, prior written authorization would have to be obtained from the customer in the event the customer's securities are to be loaned or pledged. It should be noted that the written authorization contemplated by this provision may be in the form of a blanket authorization from the customer with respect to the pledge or loan of securities carried for the customer's account.

(4) Although evidence of authority to effect transactions on behalf of an account would not be required to be obtained for purposes of the Board's recordbreaking requirements, if such documentation is submitted to a municipal securities broker or municipal securities dealer, the documentation would be required to be preserved for three years.

(5) The proposed rule changes would also make certain related technical and clarifying changes in rules G-8 and G-9.

The text of the proposed rule changes follows.

MSRB's STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE CHANGES

The basis and purpose of the foregoing proposed rule changes is as follows:

The Board's recordkeeping rules, rules G-8 through G-10, were approved by the Securities and Exchange Commission (the "Commission") on February 24, 1977, and became effective on April 25, 1977. In the interim period between the approval and effective dates, the Board received several inquiries regarding subparagraphs G-8(a)(xi)(G) (on authorization to effect transactions for corporate and other accounts) and G-8(a)(xi)(K) (on authorization to loan or pledge securities). In view of the important questions raised by these inquiries, the Board filed an amendment to rule G-8 to defer the effectiveness of these two subparagraphs until September 1, 1977, in order to provide the Board and the Commission sufficient time to consider substantive amendments to the subparagraphs. The Commission approved on May 20, 1977 the amendment delaying the effectiveness of the subparagraphs. (See Securities Exchange Act Release No. 13554, May 20, 1977).

The proposed rule changes reflect the results of the Board's reconsideration of subparagraphs G-8(a)(xi)(G) and G-8(a)(xi)(K). The proposed rule changes would delete paragraph G-8(a)(xi)(G) in its entirety. Paragraphs G-8(a)(vi) (on records for agency transactions) and G-8(a)(vii) (on records for transactions as principal) would be modified to require that the name and address (if other than that of the account) of the person entering an order on behalf of a joint account, corporation, or partnership be noted on trading tickets or similar records for agency and principal transactions.

As a result of its reconsideration of subparagraph G-8(a)(xi)(G), the Board is of the view that its implementation would impose an unnecessary burden on municipal securities professionals. The Board would leave to the business judgment of municipal securities professionals the decision as to whether evidence of authority should be obtained prior to transacting business with a corporate or other account.

The Board believes, however, that it is necessary and appropriate to require the recordation of the name and address (if other than that of the account) of any person entering an order on behalf of a joint account, corporation, or partnership. Such information would provide a necessary evidentiary trail for transactions with such accounts in the event enforcement or other questions arise. Also, in view of the limited nature of the informational requirements and the fact that the information is to be noted on trading tickets or similar records, which are already required to be made under paragraphs G-8(a)(vi) and (vii), the requirement to record such information should not be burdensome to municipal securities professionals.

The proposed rule changes would also modify subparagraph G-8(a)(xi)(K) to permit a municipal securities broker or municipal securities dealer, in the case of a cash account (a "special cash account" within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System), to loan or pledge securities carried for the account of a customer without first obtaining the written consent of the customer, if written notice is given to the customer at or before the completion of each transaction. Accordingly, compliance with the notice requirement for such cash accounts could be accomplished through an appropirate legend on customer confirmations. The proposed rule changes would make subparagraph G-8(a)(xi)(K) parallel to Commission rules 8c-1 and 15c2-1, relating to the commingling of customer securities under the lien of a single pledge.

The proposed rule changes would also make clear that, although evidence of authority to transact business for an account need not be obtained, if such documentation is submitted, the documentation must be preserved for three years. This is consistent with the Board's treatment in rule G-9 of other records that are not required by rule G-8, but are made or received by municipal securities professionals.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to section 15(b)(2)(G) of the Securities Exchange Act of 1934, as amended (the "Act"), which requires and empowers the Board to adopt rules prescribing the records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records shall be preserved.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited or received on the proposed rule changes. However, the Board received comments from the municipal securities industry regarding the anticipated difficulty of complying with subparagraphs G-8(a)(xi)(G) and (K) as adopted by the

Board and approved by the Commission. See item 3 above.

copies of resolutions empowering an agent to act on behalf of a corporation.

crease is consistent with increased expenses incurred by the PSE in connec-

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Board and approved by the Commission. See item 3 above.

BURDEN ON COMPETITION

The Board is of the opinion that the proposed rule changes will not impose any burden on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

Rule G–8.[1] Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers.

(a) Description of Books and Records Required to be Made.–Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) through (v) No change.

(vi) Records for Agency Transactions. A memorandum of each agency order and any instructions given or received for the purchase or sale of municipal securities pursuant to such order, showing the terms and conditions of the order and instructions, and any modification thereof, the account for which entered, the date and time of receipt of the order by such municipal securities broker or municipal securities dealer, the price at which executed, the date of execution and, to the extent feasible, the time of execution[.] *and, if such order is entered on behalf of a joint account, corporation or partnership, the name and address (if other than that of the account) of the person who entered the order.* If an agency order is cancelled by a customer, such records shall also show the terms, conditions and date of cancellation, and, to the extent feasible, the time of cancellation. Orders entered pursuant to the exercise of discretionary powers by such municipal securities broker or municipal securities dealer shall be designated as such. For purposes of this subparagraph, the term "agency order" shall mean an order given to a municipal securities broker or municipal securities dealer to buy a specific security from another person or to sell a specific security to another person, in either case without such municipal securities broker or municipal securities dealer acquiring ownership of the security. Customer inquiries of a general nature concerning the availability of securities for purchase or opportunities for sale shall not be considered to be orders. For purposes of this subparagraph and subparagraph (vii) below, the term "memorandum" shall mean a trading ticket or other similar record. For purposes of this subparagraph, the term "instructions" shall mean instructions transmitted within an office with respect to the execution of an agency order, including but not limited to, instructions transmitted from a sales desk to a trading desk.

(vii) Records for transactions as Principal. A memorandum of each transaction in municipal securities (whether purchase or sale) for the account of such municipal securities broker or municipal securities dealer, showing the price and date of execution and, to the extent feasible, the time of execution; and in the event such purchase or sale is with a customer, a record of the customer's order, showing the date and time of receipt, the terms and conditions of the order, and the name or other designation of the account in which it was entered[.] *and, if such order is entered on behalf of a joint account, corporation, or partnership, the name and address (if other than that of the account) of the person who entered the order.*

(viii) through (x) No change.

(xi) Customer Account Information. A record for each customer, other than an institutional account, setting forth the following information to the extent applicable to such customer:

(A) through (F) No change.

[(G) Name and address of person or persons authorized to transact business for such account if pursuant to a power of attorney or in the case of a joint account, account of a corporation or account of a partnership, and copy of powers of attorney, resolutions or other evidence of authority to effect transactions for such account;]

(G)[(H)] Signature of municipal securities representative or general securities representative introducing the account and signature of a municipal securities principal or general securities principal indicating acceptance of the account;

(H)[(I)] With respect to discretionary accounts, customer's written authorization to exercise discretionary power or authority with respect to the account, written approval of municipal securities principal who supervises the account, and written approval of muncipal securities principal with respect to each transaction in the account, indicating the time and date of approval;

(I)[(J)] Whether customer is employed by another broker, dealer or municipal securities dealer; and

(J)[(K)] Written authorization of customer in the event securities carrier for customer's account are to be loaned or pledged[.] *;provided, however, that in lieu of such authorization with respect to a special cash account within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System, written notice may be given or sent to the customer disclosing that securities carried for the account of the customer are or may be loaned or pledged, provided such notice is transmitted at or prior to the completion of each transaction for such account.*

For purposes of this subparagraph, the terms "general securities representative" and "general securities principal" shall mean such persons as so defined by the rules of a national securities exchange or registered securities association. For purposes of this subparagraph, the term "institutional account" shall mean the account of an investment company as defined in section 3(a) of the Investment Company Act of 1940, a bank, an insurance company, or any other institutional type account. Anything in this subparagraph to the contrary notwithstanding, every municipal securities broker and municipal securities dealer shall maintain a record of the information required by items (A), (C), (G), (H), [(I)], and [(K)] (J) of this subparagraph with respect to each customer which is an institutional account.

(xii) No change.

(b) through (g) No change.

Rule G–9 Preservation of Records.

(a) No change.

(b) Records to be Preserved for Three Years. Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than three years:

(i) through (vii) No change.

(viii) The following records, to the extent made *or received* by such municipal securities broker or municipal securities dealer in connection with its business as such municipal securities broker or municipal securities dealer and not otherwise described in this rule:

(A) through (D) No change.

(E) all powers of attorney and other evidence of the granting of any authority to act on behalf of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

(ix) No change.

(c) through (g) No change.

[1] Italics indicate new language; [brackets] indicate deletions.

[FR Doc.77–20388 Filed 7–14–77;8:45 am]

[Release No. 34–13730; File No. SR–OCC–77–10]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would extend the time for tendering an exercise notice to 3:30 p.m. Central Time (4:30 p.m. Eastern Time) on business days other than the business day prior to the expiration date of the option.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 801 is to extend the time for tender of an exercise notice on business days other than the day prior to the expiration date of the option. This would give Clearing Members and their correspondents additional time to make a determination as to whether to exercise an option contract on such business days.

The proposed rule change contributes to the protection of investors and the public interest by giving Clearing Members additional time to tender exercise notices.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

On or before August 19, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77–20389 Filed 7–14–77;8:45 am]

[Release No. 34–13731; File No. SR–PSE–77–19]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94–29, 16 (June 4, 1975), notice is hereby given that on July 5, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend its current fee schedule. The Amendment reflects changes in the schedules of rates for options transactions of our members in all option classes listed on the Exchange. The text of the fee schedule describing these changes is set forth below:

TRANSACTION FEES

(1) Member Market Maker—5¢ per contract side on all transactions in options listed on the Exchange; and

(2) All Other—35¢ per contract side where the option price is $1.00 per contract or more, and 15¢ per contract side where the option price is less than $1.00 per contract.

OBO rates (price per contract)	Number of trading units	
	1 to 10 units	11 and above
Under $.50	0.50	0.40
$.50 to $.99	.75	.65
$1 to $1.99	.90	.75
$2 to $3.99	1.10	.90
$4 to $7.99	1.50	1.30
$8 to $13.99	2.00	1.50
$14 to $19.99	2.50	1.85
$20 and above	3.00	2.30

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed change in Exchange fees is intended to generate additional revenues to meet rising expenses. The increase is consistent with increased expenses incurred by the PSE in connection with the transactions that are the subject of the increase.

The proposed rule change, by changing the fees chargeable for certain transactions, reflects the increased expenses of the PSE and relates to the equitable allocation of fees and others charges among its members and member firms.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1977.

[FR Doc.77–20390 Filed 7–14–77;8:45 am]

[Rel. No. 20107; 70–6026]

ALLEGHENY POWER SYSTEM, INC.

Authorization of Stock Issuance for Dividend Reinvestment and Stock Purchase Plan and Employee Stock Ownership Plan

JULY 8, 1977.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022 a registered holding company, has filed a declaration with this Commission and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50(a)(5)(c) promulgated, thereunder, as applicable to the following proposed transactions.

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All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Allegheny proposes to issue not more than 1,000,000 shares of itsauthorized and unissued common stock, par value $2.50 per share ("Additional Common Stock") pursuant to a proposed Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan") and pursuant to a proposed Tax Reduction Act Stock Ownership Plan ("TRASOP"). As of May 31, 1977, Allegheny is authorized to issue 40,000,000 shares of its Common Stock of which 30,792,231, are outstanding. Allegheny states that its Charter provides that no holder of Common Stock is entitled as a matter of right to subscribe to any new or additional shares of Common Stock unless the same is offered for money other than by a public offering.

It is stated that the Dividend Plan will make either or both of the following options available, on a voluntary basis, to all holders of record from time to time of Allegheny's Common Stock:

(a) The investment of cash dividends automatically, on each quarterly dividend payment date, in Additional Common Stock.

(b) Optional cash purchases of not less than $50 and not more than $5,000 per quarter of Additional Common Stock provided that in each quarter the maximum aggregate amount of Additional Common Stock to be made available for purchase shall not exceed the number of shares which have been offered to, but not purchased by, the holders of shares of Common Stock with cash dividends.

It is further stated that in each case the price of the Additional Common Stock will be equal to the average of the daily high and low market prices of Allegheny's Common Stock as published in the Wall Street Journal Report of New York Stock Exchange-Composite Transactions for the 10 trading days prior to the dividend payment date. All costs and charges of participation in the Dividend Plan will be paid by Allegheny. A shareholder may withdraw from the Dividend Reinvestment part of the Dividend Plan at any time by giving appropriate written notice, and such withdrawal will have no effect on such shareholder's right to continue to make optional cash purchases. Manufacturers Hanover Trust Company, the transfer agent and registrar (as of July 1, 1977) of Allegheny's Common Stock, will administer the Dividend Plan, keep records, send statements to shareholders and perform all other duties related to the Plan. Shareholders who currently participate in the Automatic Dividend Reinvestment Plan for Allegheny's Common Stock will automatically be enrolled in the Dividend Plan unless they give notice that they no longer wish to participate. Allegheny reserves the right to direct the administrator of the Plan to purchase shares in the open market, subject to applicable regulatory requirements, with funds provided from participants' cash dividends and optional cash payments. In such event Allegheny states that the price of any such shares to the participant will be the average cost of the shares excluding any related brokerage fees or commissions which will be paid by Allegheny. In the event optional cash payments exceed the number of shares available for optional cash purchases, that is the number of shares which have been offered to but not purchased by the holders of shares with cash dividends in that quarter, the available shares will be allotted among those who have made optional cash payments, in proportion to the amount of their optional cash payments, and any excess cash remaining will be refunded to participants without interest. Allegheny reserves the right to amend, suspend, modify, or terminate the Dividend Plan at any time, and upon such termination or upon withdrawal from the Dividend Plan by any shareholder, certificates for whole shares in the participants account will be issued to the participant and a cash payment will be made for any fraction of a share.

Allegheny proposes to issue Additional Common Stock to a trust for the benefit of qualified Allegheny employees pursuant to the requirements of the Tax Reduction Act of 1975, as amended by the Tax Reform Act of 1976. The value of shares of Additional Common Stock to be issued to the trust will be equal to 10% of the prior year's investment tax credit (adjusted as required for any recapture of investment tax credit), and will be funded by the amount, now estimated to be $1.2 million for 1976, by which Allegheny's income taxes are reduced as a result of the additional 1% investment tax credit available to Allegheny pursuant to Section 46(a)(2)(b)(1) of the Internal Revenue Code. The number of shares of Additional Common Stock to which each qualified employee (an employee of subsidiaries of Allegheny who is not included in a unit of employees covered by a collective bargaining agreement and who has been an employee for a specified period, generally 6 months, as more fully defined in the Plan) shall be entitled will be computed in proportion to the compensation of each of them (maximum $100,000 a year) to the total compensation of all such qualified employees in that year and the price of the shares will be equal to the daily average of the closing prices (as published in the Wall Street Journal Report of New York Stock Exchange-Composite Transactions) for the 20 business days preceding the day the stock is issued to the trust. The Additional Common Stock issued to the trust will be in consideration for the past labor and services of qualified Allegheny employees. All costs of administration of the TRASOP, in excess of those allowed by the Tax Reduction Act to be paid from contributions to the trust will be paid by Allegheny.

The proceeds from the issuance of the Additional Common Stock under the Dividend Plan and the tax savings which will be realized as a result of the TRASOP, the total amount of which cannot be determined, will be added to Allegheny's general funds and are expected to be used for pre-payment, or payment at maturity of short-term debt then outstanding, acquisition of common stock of and capital contributions to Allegheny's subsidiaries and for other corporate purposes. It is stated that on December 31, 1976 and May 31, 1977 Allegheny had no short-term debt outstanding and it is expected that on September 30, 1977, $40 million in short-term debt will be outstanding pursuant to this Commission's Order in File No. 70-5809.

The fees and expenses incurred or to be incurred in connection with the Dividend Plan are estimated at $114,000, exclusive of the fees of the Administrator of said Plan and other recurring operating costs estimated at $21,000 annually. The estimated fees and expenses of Allegheny in connection with the TRASOP will be filed by amendment.

The Maryland Public Service Commission has approved the proposed transactions. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than August 2, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 77-20379 Filed 7-14-77;8:45 am]

[Rel. No. 20106; 70-5993]

APPALACHIAN POWER CO., ET AL.

Acquisition of Evidences of Indebtedness From Residential Gas Utility Customers Pursuant to a Residential Insulation Financing Program

In the Matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009, Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, Kentucky Power Company, 15th Street and Carter Avenue, Ashland, Kentucky 41101, Kingsport Power Company, 40 Franklin Road, Roanoke, Virginia 24009, Michigan Power Company, P.O. Box 413, Three Rivers, Michigan 49093, Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702, Wheeling Electric Company, 51 Sixteenth Street, Wheeling, West Virginia 26003.

Notice is hereby given that the above-named electric utility subsidiary companies of American Electric Power Company, Inc., a registered holding company, (collectively, "the Applicants"), have filed with this Commission a first post-effective amendment to their application previously filed in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 9(a)(1) of the Act and Rule 40 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By order dated May 27, 1977 (HCAR No. 20052), this Commission, among other things, authorized the seven applicants to acquire evidences of indebtedness from their respective residential electric utility customers pursuant to a Residential Insulation Financing Program ("Program"). Loans of up to $750 per customer were authorized, with the maximum amount of loans outstanding at any one time from all the Applicants limited to $7,500,000. The maximum amount authorized for Michigan Power Company ("Michigan") was $100,000.

By their first post-effective amendment, applicants propose to extend the Program to Michigan's 52,000 residential gas customers. It is stated that the inclusion of these gas customers will increase Michigan's need to $250,000, which in turn, will require the maximum aggregate amount of loans outstanding at any one time from all the Applicants to be increased to $7,650,000.

It is stated that no additional fees and expenses are to be incurred in connection with the proposed transaction. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed acquisition of customers' notes, except that several state commissions will, in the exercise of their general regulatory authority, pass upon and approve the general provisions of the Program.

Notice is further given that any interested person may, not later than August 2, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may further be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-20380 Filed 7-14-77;8:45 am]

[Rel. No. 20105; 70-5756]

ARKANSAS-MISSOURI POWER CO. AND ASSOCIATED NATURAL GAS CO.

Notice of Proposal To Make Short-Term Borrowings From Banks; Exception From Competitive Bidding

JULY 8, 1977.

Notice is hereby given that Associated Natural Gas Company ("Associated"), a wholly-owned subsidiary of Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park Street, Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a post-effective amendment to an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

Associated proposes to make unsecured short-term borrowing from various commercial banks from time to time for a period of one year from the effective date of this post-effective amendment in an aggregate amount not to exceed $2,750,000 at any one time outstanding. To effect such borrowings Associated proposes to issue and sell to the First National Bank, Sikeston, Missouri, for the account of participating banks, an unsecured promissory note payable not more than 270 days from the date of issuance and which may be renewed from time to time but to mature not later than one year from the effective date of the post-effective amendment. Except as stated above, the terms and conditions of these borrowings, including the form of the note to be issued by Associated, applicable interest rate, and right of prepayment, will be the same as those set forth in the application-declaration as amended and the Commission's orders of November 26, 1975 (HCAR No. 19264) and August 17, 1976 HCAR No. 19651). The net proceeds of the borrowings will be applied to the payment at maturity of Associated's presently outstanding bank borrowings previously authorized by the Commission. Associated currently intends to repay the proposed borrowings from the proceeds of permanent financing or with funds that might otherwise become available to Associated.

It is stated that the issuance and sale of the note is exempted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(2) thereof. Associated states that no separate or special expenses are anticipated in connection with the proposed transaction. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 1, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-20381 Filed 7-14-77;8:45 am]

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[File No. 7-4962]

MIDWEST STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 30, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common or capital stock of 912 companies, which securities are listed and registered on one or more other national securities exchanges. The 912 companies are the issuers of all securities listed on the New York Stock Exchange that are currently not listed or admitted to unlisted trading privileges on the Midwest Stock Exchange. A list of such companies is attached below as Exhibit A.

Upon receipt of a request, on or before July 27, 1977 from any interested person, the Commission will determine whether the application with respect to any or all of the companies named shall be set down for hearing. Any such request should state briefly the title of the security to which the request pertains, the nature of the interest of the person making the request and the position which the interested party proposes to take at a hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. Reference should be made to File No. 7-4962. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

LIST OF COMPANIES WHOSE SECURITIES ARE THE SUBJECT OF MIDWEST STOCK EXCHANGE, INC. APPLICATION FOR UNLISTED TRADING PRIVILEGES

Amerace Corp.
American Air Filter, Inc.
American Medicorp, Inc.
Ambac Industries, Inc.
American Bakeries Co.
A B Dick Co.
Airborne Freight Corp.
American Ship Bldg. Co., Inc.
American Bldg Maintenance
Albertsons, Inc.
Armada Corp.
Albany International Corp.
Arkansas Best Corp.
Arcata National Corp.
ACF Industries, Inc.
American Credit Corp.
Alberto-Culver Co.
American Distilling Co.
Ames Department Stores
Adams Drug Company, Inc.
Allied Products Corp. DE.
Applied Digital Data Systems Inc.
American Dist. Telegraph Co.
American Dual Vest Fund
Adams Express Co.
Aileen Inc.
Artic Enterprises, Inc.
American Family Corp.
American Finance System
Ansul Co.
Allegheny Ludlum Ind.
Alabama Gas Corp.
American General Bond Fund, Inc.
A G Edwards & Sons, Inc.
Aguirre Co
Angelica Corp.
Amalgamated Sugar Co.
American General Convertible Securities
H F Ahmanson & Co.
American Hoist & Derrick
Automation Ind. Inc.
Alaska Interstate Co.
Alcon Laboratories, Inc.
Adams Millis Corp.
Allied Maintenance Corp.
Allen Group, Inc.
Allright Auto Park, Inc.
Allied Stores Corp.
Alexander's, Inc.
Amfac, Inc.
Ametek, Inc.
American Medical International, Inc.
Amic Corp
Ameron, Inc.
Acme-Cleveland Corp.
American Seating Co.
Amixter Bros. Inc.
APCO Oil Corp.
Ampco—Pittsburgh Corp.
Alpha Portland Ind., Inc.
Air Products & Chemicals
A P L Corp.
Applied Magnetics Corp.
A R A Services, Inc.
Anchor Hocking Corp.
Armstrong Rubber Co.
A R O Corp.
Aristar Corp.
American Stores Co.
Amstar Corp.
Allied Supermarkets, Inc.
American Sterilizer Co.
Atlantic City Electric Co.
Athlone Industries Inc.
Amtel, Inc.
Avis, Inc.
Avery International Corp.
American Water Works, Inc.
Akzona, Inc.
Anderson Clayton Co.
Atlas Corp.
Barns Group, Inc.
Bache Group, Inc.
Basic, Inc.
Baker Industries, Inc.
Bates Manufacturing, Inc.
Blue Bell, Inc.
Barber Oil Corp.
Bluebird, Inc.
Bell Telephone Co. Canada
C. R. Bard, Inc.
Beech Aircraft Corp.
Burndy Corp.
D. H. Baldwin Co.
Bechman Instruments, Inc.
Bearings, Inc.
Best Products, Inc.
Buffalo Forge Co.
Bay State Gas Co.
Briggs & Stratton Corp.
Buttes Gas & Oil Co.
Budget Industries, Inc.
Bunker Hill Income Sec., Inc.
Belding Heminway, Inc.
Big Three Ind. Inc.
John Blair & Co.
Bank of N.Y., Inc.
Beker Industries Corp.
Baker International Corp.
Bank of Virginia Co.
Berkley Photo, Inc.
Bliss & Laughlin Ind.
Bemis, Inc.
Ban Cal Tri-State Corp.
Brown & Sharpe Manufacturing Co.
Bundy Corp.
Book-of-the-Month Club, Inc.
Dutch Boy, Inc.
Bormans, Inc.
Brockway Glass Co., Inc.
C. F. Braun & Co.
Boston Edison Co.
Beneficial Standard Mortgage Investors
Bankers Trust New York Corp.
The Brooklyn Union Gas Co.
Bulova Watch Co., Inc.
Brush Wellman, Inc.
Brown Co.
Bayuk Cigars, Inc.
Conagra, Inc.
Carolina Freight Carriers
Conrac Corp.
Coldwell Banker & Co.
Cheesebrough Ponds, Inc.
Carborundum Co.
Cabot Co.
Combined Communications
Capital Cities Communications, Inc.
CCI Corp.
Carolina Clinchfield & Ohio Railway
Chris Craft Industries, Inc.
CECO Corp.
Continental Copper & Steel Industries
Cunningham Drug Stores, Inc.
Cadence Industries Corp.
Cordura Corp.
Combustion Equipment Association, Inc.
Cessna Aircraft Co.
Central Louisiana Electric
Centronics Data Computer Corp.
Collins Foods International, Inc.
Chase Convertible Fund of Boston
Cascade Natural Gas Corp.
Chicago Pneumatic Tool Co.
Carriers & General Corp.
Cutler Hammer, Inc.
Chelsea Industries, Inc.
Chock Full O'Nuts Corp.
Chicago Milwaukee Corp.
Carter Hawley Hale Stores, Inc.
Chemical New York Corp.
Charter Corp.
Church's Fried Chicken
Collins & Aikman Corp.
Carling O'Keefe Ltd.
Castle & Cooke, Inc.
Clark Equipment Co.
Crocker National Corp.
Clark Oil & Refining Corp.
CLC America, Inc.
Cole National Corp.
Coleco Industries Corp.
California Pacific Utilities Co.
Cluett Peabody & Co., Inc.
Clevepak Corp.
Crum & Forster
C M I Investment Corp.
Callahan Mining Corp.
Cincinnati Milacron, Inc.
Charter New York Corp.
Consolidated Freightways, Inc.
Central Hudson Gas & Electric Corp.
Crompton & Knowles Corp.
C L Assets, Inc.
Columbus & Southern Ohio Electric Co.
Cone Mills Corp.
Congoleum Corp.
Cooper Laboratories, Inc.
Copperweld Corp.
Cox Broadcasting Corp.
Capital Holding Corp.
Compugraphic Corp.

Copper Range Co.
Crane Co.
Craig Corp.
Creditthrift Financial, Inc.
Copeland Corp.
Canal Randolph Corp.
Chromalloy American Corp.
Carpenter Technology Corp.
Colonial Stores, Inc.
The Chesapeake Corporation of Virginia
Carlisle Corp.
Cincinnati Bell, Inc.
Central Soya Co., Inc.
Cooper Tire & Rubber, Inc.
Campbell Taggard, Inc.
Central Main Power Co.
C T S Corporation
Centex Corp.
Culbro Corp.
Culligan International Co.
Cummins Engine, Inc.
Current Income Shares, Inc.
Cowles Communications
Cyclops Corp.
Cyprus Mines Corp.
Dayco Corp.
Dielbold, Inc.
Drexel Bond-Debenture Trading Fund
Dictaphone Corp.
Dana Corp.
Del Monte Corp.
Dexter Corp.
Dial Financial Corp.
Associated Dry Goods Corp.
Data General Corp.
Dayton Hudson Corp.
Dillingham Corp.
D. Giorgio Corp.
Dow Jones & Co., Inc.
Donaldson, Lufkin & Jenerette, Inc.
Dillon Companies, Inc.
Diversified Industries, Inc.
Diamond M. Drilling Co.
Dan River, Inc.
Damon Corp.
Dymo Industries, Inc.
Dun & Bradstreet Co., Inc.
Dorr Oliver, Inc.
Dover Corp.
Dayton Power & Light Co.
Duquesne Light Co.
Dravo Corp.
Dreyfus Corp.
De Soto, Inc.
Dentsply International, Inc.
Dorsey Corp.
Dean Witter Organization, Inc.
Transco Companies, Inc.
Electronic Associates, Inc.
Emery Air Freight Corp.
Ennis Business Forms, Inc.
Echlin Manufacturing Co.
Jack Eckerd Corp.
Empire District Electric Co.
Electronic Data System Corp.
E. F. Hutton Group, Inc.
Equifax, Inc.
Empire Gas Corp.
Emrey Industries, Inc.
Excelsior Income Shares, Inc.
Emhart Industries, Inc.
Edison Brothers Stores, Inc.
Eagle Picher Industries, Inc.
Equimark Corp.
Equitable Gas Co.
Easco Corp.
Esterline Corp.
Esquire, Inc.
E-Systems, Inc.
Eltra Corp.
Entex, Inc.
Eastern Utilities Assoc.
Envirotect Corp.
Elixir Industries
First National Boston Corp.
Fibreboard Corp.
Faberge, Inc.
Frank B. Hall & Co., Inc.
Federal Paper Board, Inc.
First City Bancrop Texas
Fabri Centers of America, Inc.
Foote Cone & Belding Communications
Facet Enterprises, Inc.
Fidelity Union Ban Corporation
Fidelity Financial Corp.
Federal Corp.
Financial Federation, Inc.
Food Fair Stores, Inc.
United States Fidelity & Guaranty Co.
Fort Howard Paper Co.
Fischer Foods, Inc.
First International Bancshares, Inc.
Fishbach & Moore, Inc.
Florida East Coast Railway Co.
Fielderest Mills, Inc.
Florida Gas Company
Fleming Companies
Florida Steel Corp.
Filtrol Corporation
Flexi Van Corp.
Fairmont Foods Co.
Federal Mogul Corp.
First National State Ban Corporation
Flintkote Co.
Ferro Corporation
The Foxboro Co.
First Pennsylvania Corp.
Farah Manufacturing, Inc.
Frigitronics, Inc.
Fisher Scientific Co.
Financial Corp. of San Barbara
Federal Signal Corp.
Fort Dearborn Income Securities
First Virginia Bankshares Corp.
Foster Wheeler Corp.
Far West Financial Corp.
General American Investors Co.
General American Oil Co. of Texas
Gateway Industries, Inc.
Gable Industries, Inc.
Garfinckel, Brooks Bros., Miller & Rhoads, Inc.
GCA Corp.
Gannett Co., Inc.
General Cinema Corp.
Golden West Financial Corp. (DEL)
Gemini Fund, Inc.
Getty Oil Co.
G F Business Equipment, Inc.
Gibraltar Financial Corp. of California
Gifford-Hill & Co., Inc.
Green Giant Co.
General Host Corp.
Giddings & Lewis, Inc.
Globe-Union, Inc.
The Gleason Works
Global Marine, Inc.
General Medical Corp.
Great Northern Nekoosa Corp.
Gearhart-Owens Industries, Inc.
Gordon Jewelry Corp.
Genuine Parts Co.
Giant Portland Cement Co.
The Gap Stores, Inc.
Guardian Industries Corp.
Gulf Resources & Chemical Corp.
General Refactories Co.
General Steel Industries, Inc.
Genstar Ltd.
The Gas Service Co.
General Signal Corp.
Gulton Industries, Inc.
Grand Union Co.
Graniteville Co.
Great Western United Corp.
Hardees Food System, Inc.
Hospital Affiliates International
Harman International Industries, Inc.
Hatteras Income Securities, Inc.
Hayes Albion Corp.
Hillenbrand Industries, Inc.
Hoover Ball & Bearing Co.
Harcourt, Brace Johanovich, Inc.
Helene Curtis Industries, Inc.
Phillip A. Hunt Chemical Corp.
Hawaiian Electric, Inc.
Hoffman Electronics, Corp.
Hemisphere Fund, Inc.
Hecks, Inc.
House of Fabrics, Inc.
Hughes & Hatcher, Inc.
Harte-Hanks Newspapers, Inc.
Host International, Inc.
Hecla Mining Co.
Holly Sugar Corp.
Hammermill Paper Co.
HMW Industries, Inc.
Houston Natural Gas Corp.
Handy & Harman
The Hanna Mining Co.
Hanes Corp.
Hobart Corp.
Helmerich & Payne, Inc.
Harnischfeger Corp.
Harrah's
Harris Corp.
Harsco Corporation
Hershey Foods Corp.
Houghton Mifflin Co.
Humana, Inc.
High Voltage Engineering Corp.
Hackensack Water Co.
Hewlett Packard Co.
Huyck Corporation
Hazeltine Corp.
Horizon Corp.
Itel Corp.
Inspiration Consolidated Copper Co.
Intercontinental Diversified Corp.
ICN Pharmaceuticals
Income and Capital Shares, Inc.
Ideal Toy Corp.
Idaho Power Co.
Ideal Basic Industries Inc.
Iowa Electric Light & Power Co.
International Flavors & Fragrances, Inc.
Indiana Gas Co.
Ipco Hospital Supply Corp.
Inmont Corp.
International Mining Corp.
International Multifoods Corp.
Inland Container Corp.
Industrial National Corp.
Interpace Corp.
Inexco Oil Co.
Interpublic Group of Companies, Inc.
Questor Corp.
International Rectifier Corp.
Integon Corp.
Interstate United Corp.
Janitzen, Inc.
Jewelcor, Inc.
Johnson Controls, Inc.
E. F. Johnson Co.
John Hancock Investors, Inc.
John Hancock Income Securities Corp.
Fred S. James & Co., Inc.
Jonathan Logan, Inc.
Earle M. Jorgensen Co.
Jostens, Inc.
The Japan Fund, Inc.
Jack Winter, Inc.
J. Walter Thompson Co.
Kaneb Services, Inc.
Kawecki, Berylco Industries, Inc.
Kaiser Cement & Gypsum Corp.
King's Department Stores, Inc.
Keene Corp.
Keller Industries, Inc.
Keystone Consolidated Industries, Inc.
Kroehler Manufacturing Co.
Kansas Gas & Electric Co.
Kerr Glass Manufacturing Corp.
Kirsch Co.
Kane-Miller Corp.
Kennametal, Inc.
Kansas-Nebraska Natural Gas, Inc.
The Coca-Cola Bottling Co. of New York
Koehring Co.
Knight-Ridder Newspaper, Inc.
Quaker State Oil Refining Corp.
Kansas City Southern Industries, Inc.

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Katy Industries, Inc.
Kentucky Utilities Co.
Kellwood Company
Kysor Industrial Corp.
Lawter Chemicals, Inc.
Liberty Corp.
Long's Drug Stores, Inc.
Lees & Northrup Co.
Lennar Corp.
Leslie Fay, Inc.
Leverage Fund of Boston, Inc.
L F E Corporation
Long Island Lighting Co.
Liberty Loan Corp.
Lamson & Sessions Co.
Lincoln National Direct Placement Fund, Inc
Lomas & Nettleton Financial Corp.
Lenox, Inc
Lane Bryant, Inc.
Loctite Corp.
Loral Corp.
Lehigh Portland Cement Co.
Leesona Corp.
M. Lowenstein & Sons, Inc.
Leaseway Transportation Corp.
Lukens Steel Co.
Ludlow Corp.
Lynch Communications Systems, Inc.
Lubrizoll Corp.
E. F. MacDonald Co.
Madison Fund, Inc.
MacAndrews and Forbes Co.
Microwave Associates, Inc.
Macke Co.
Manpower, Inc.
Maremont Corp.
Masco Corp.
Milton Bradley Co.
MCA, Inc.
Mesta Machine Co.
Michigan Gas Utilities Co.
Massmutual Corporate Investors, Inc.
McCord Corp.
McDonnell Douglas Corp.
Maryland Cup Corp
Montana Dakota Utilities Corp.
Meredith Corp.
M E I Corp.
Menasco Manufacturing Co.
Mission Equities Corp.
Melville Corp.
Metromedia, Inc.
Munford, Inc.
Mountain Fuel Supply Co.
Magic Chef, Inc.
McGraw Edison Co.
Mobile Homes Industries, Inc.
Malone & Hyde, Inc.
Manhattan Industries, Inc.
Microdot, Inc.
Mid-Continent Telephone Co.
Miles Laboratories, Inc.
Mirro Aluminum Co.
Massmutual Income Investors, Inc.
I. W. Mays, Inc.
Marion Laboratories, Inc.
Mary Kay Cosmetics, Inc.
McLean Trucking Co.
Midland Ross Corp.
McLouth Steel Corp.
Molycorp, Inc.
Marine Midland Banks, Inc.
McNeil Corp.
Monarch Machine Tool Co.
Moore McCormac Resources
Minnesota Gas Co.
Mohasco Corp.
The Mountain States Telephone & Telegraph Co.
McIntyre Mines Ltd.
G. C. Murphy Co.
Missouri Public Service Co.
Morrison Knudsen, Inc.
Missouri Portland Cement Co.
Morse Shoe, Inc.
P. R. Mallory & Co., Inc.
Mesa Petroleum Co.
Madison Square Garden Co.
Mercantile Stores, Inc.
Marathon Manufacturing Co.
Montana Power Co.
Montgomery Street Income Securities, Inc.
Munsingwear, Inc.
Mutual of Omaha Interest Shares, Inc.
Murphy Oil Corp.
Mohawk Rubber Co.
MBPXL Corp.
Marley Co.
Maytag Co.
L. E. Myers Co
R. H. Macy & Co., Inc.
Narco Scientific Industries, Inc.
National Service Industries, Inc.
National Detroit Corp.
North American Coal Corp.
National Chemsearch Corp.
New England Gas & Electric Association
New England Electric System
National Fuel Gas Co.
Norfolk & Western Railway Co.
Niagara Share Corp.
Newhall Land & Farming Co.
National Medical Care, Inc.
National Medical Enterprises, Inc.
Northwestern Mutual Life Mortgage & Realty Investors
National Mine Service Co.
North American Philips Corp.
National Presto Industries, Inc.
Neptune International Corp.
Southern National Resources, Inc.
Norris Industries, Inc.
Norlin Corp.
Norton Co.
National Starch & Chemical Corp.
Nashua Corp.
Northwestern Steel & Wire Co.
Northern Telecom Limited
National Aviation & Technology Corp.
National City Lines, Inc.
New England Telephone & Telegraph Co.
National Tea Co.
Nucor Corp.
NVF Co.
Nevada Power Co.
Northwest Energy Co.
Quanex Corp.
Owens Corning Fiberglass Corp.
Oneida Ltd.
Orange Co., Inc.
O K C Corp
Olinkraft, Inc.
Oakite Products, Inc.
Oscar Mayer & Co., Inc.
Omark Industries, Inc.
Opelika Manufacturing Corp.
Orange & Rockland Utilities, Inc.
Overseas Shipholding Group, Inc.
Overnite Transportation Co.
Oxford Industries, Inc.
Pacific Telephone & Telegraph Co.
Pargas, Inc.
Pacific American Incom Shares, Inc.
Pamida, Inc.
Pay Less Drug Stores Northwest, Inc.
Peabody International Corp.
Papercraft Corp.
People Drug Stores, Inc.
Penn Dixie Industries
Petroleum Corp. of America
Pittsburgh Forgings Co.
Portland General Electric Co.
Parker-Hannifin Corp.
Pueblo International, Inc.
Pickwick International, Inc.
Pier 1 Imports
Pizza Hut, Inc.
Parker Drilling Co.
Playboy Enterprises, Inc.
Planning Research Corp.
Pacific Lighting Corp.
Palm Beach Co.
Pioneer Corp.
Pneumo Corp.
Public Service Co. of New Hampshire
Public Service of New Mexico
Piedmont Natural Gas Co.
Pope & Talbot, Inc.
Patrick Petroleum Co.
Purolator, Inc.
PPG Industries, Inc.
Peter Paul, Inc.
Pennsylvania Power & Light Co.
Pacific Power & Light Co.
Products Research & Chemical Corp.
Premier Industrial Corp.
Puerto Rican Cement Co., Inc.
Proler International Corp.
PSA Inc.
Philadelphia Suburban Corp.
Puget Sound Power & Light Co.
Pinnwalt Corp.
Petrie Stores Corp.
Pacific Tin Consolidated Corp.
Petroland, Inc.
Publicker Industries, Inc.
Phillips-VanHeusen Corp.
Paine Webber, Inc.
Northern Central Railway Co.
Rite Aid Corp.
A. H. Robins, Inc.
Raybestos-Manhattan, Inc.
Rubbermaid, Inc.
Royal Crown Cola Co.
Reece Corp.
Reichhold Chemicals, Inc.
Richmond Corp.
Richardson Co.
Rowan Companies, Inc.
Redman Industries, Inc.
Reliance Electric Co.
Republic Corp.
Reliable Stores Corp.
Republic Financial Services, Inc.
Rio Grande Industries, Inc.
Rochester Gas & Electric Corp.
H. H. Robertson Co.
Raymond International, Inc.
Ranco, Inc.
Rockower Brothers, Inc.
Robertshaw Controls Co.
Rohm & Haas Co.
Rollins, Inc.
Ronson Corp.
Roper Corp.
Rorer Amchem, Inc.
Rosario Resources Corp.
Rapid American Corp.
Republic of Texas Corp.
Reynolds Securities International, Inc.
Rochester Telephone Corp.
R T E Corp.
Russ Togs, Inc.
Riegel Textile Corp.
Revere Copper & Brass, Inc.
Reserve Oil & Gas Co.
Reeves Brothers, Inc.
Rexham Corp.
Richardson-Merrell, Inc.
Sabine Corporation
Santa Fe International Corp.
St. Joseph Light & Power Co.
Seligman & Latz, Inc.
Savannah Electric & Power Co.
Sterchi Bros. Stores, Inc.
Storer Broadcasting Co.
Standard Brands Paint Co.
South Carolina Electric & Gas Co.
Seaboard Coast Line Industries, Inc.
Sheller Globe Corp.
Stop and Shop Companies, Inc.
Sherwin-Williams Co.
Southern Indiana Gas & Electric Co.
Sonesta International Hotels Corp.
Smith International Corp.
Simmons Co.
South Jersey Industries, Inc.
J. M. Smucker Co.
San Juan Racing Association, Inc.
Skil Corp.
Skaggs Companies, Inc.
Shakespeare Co.
Southland Corp.

Scot Lad Foods, Inc.
Salant Corp.
A. O. Smith Corp.
Spring Mills, Inc.
State Mutual Securities, Inc.
Sea Containers, Inc.
Scovill Manufacturing Co.
S C A Services, Inc.
L S Starrett & Co.
San Diego Gas & Electric Co.
Standard Pressed Steel Co.
Sterndent Corp.
Scudder Duo-Vest, Inc.
Southdown, Inc.
SEDCO, Inc.
Spartan Food Systems, Inc.
Safeguard Industries, Inc.
Scott Foresman & Co.
F. M. Schaefer Corp.
SAGA Corp.
Supermarkets General Corp.
Shapell Industries, Inc.
Scotty's Inc.
Shearson, Hayden Stone, Inc.
Southern New England Telephone Co.
Sperry & Hutchinson Co.
Swank, Inc.
Sun Chemical Corp.
Scoa Industries, Inc.
Superior Oil Co.
Sola Basic Industries, Inc.
SOO Line Railroad Co.
SOS Consolidated, Inc.
Simmons Precision Products, Inc.
Sparton Corp.
Standard & Poor's Cap. Intercapital Income Securities
Suburban Propane Gas Corp.
St. Paul Securities, Inc.
Southeastern Public Service Co.
Sealed Power Corp.
Southern Railway Co.
Southland Royalty Co.
Sierra Pacific Power Co.
Stride Rite Corp.
Service Corp. International
Sunshine Mining Co.
Superscope, Inc.
Smith's Transfer Corp.
A. E. Staley Mfg. Co.
Southeast Banking Corp.
Stauffer Chemical Co.
Storage Technology Corp.
J. P. Stevens & Co., Inc.
Stone Container Corp.
Standard Prudential Corp.
Sucrest Corp.
Southern Union Co.
Savin Business Machine Co.
Seagrave Corp.
Servomation Corp.
Sav-on-Drugs, Inc.
Sav-a-Stop, Inc.
Super Valu Stores, Inc.
Stone & Webster, Inc.
Southwest Bancshares, Inc.
Southwest Forest Industries, Inc.
Stanley Works
Suave Shoe Corp.
Standex International Corp.
Sycor, Inc.
Systron-Donner Corp.
Tandycrafts, Inc.
Talley Industries, Inc.
Tandy Corp.
Tappan Co.
Tobin Packing, Inc.
Texas Commerce Bancshares, Inc.
Transcon Lines
Techicon Corp.
Telecor, Inc.
Technicare Corp.
Texas International Co.
Taft Broadcasting Co.
Transohio Financial Corp.
Thrifty Corporation
T.I. Corp. of California
Thomas Industries, Inc.
Tishman Realty & Construction Co.
Technicolor, Inc.
Tonka Corp.
Time, Inc.
Talcott National Corp.
Times Mirror Co.
Tidewater Marine Service, Inc.
Thomas & Betts Corp.
Todd Shipyards Corp.
Tropicana Products, Inc.
Triangle Pacific Corp.
Texas Pacific Land Trust Sub-Share Ctfs.
Tootsie Roll Industries, Inc.
T.R.E. Corp.
Triangle Industries, Inc.
Trinity Industries, Inc.
Tracor, Inc.
Tesoro Petroleum Corp.
Trans Union Corp.
Texel Industries, Inc.
Texas Oil & Gas Corp.
Tyco Laboratories, Inc.
Tyler Corp.
United Corp.
United States Tobacco Co.
Union Commerce Corp.
Union Corp.
Union Fidelity Corp.
Universal Foods Corp.
United Financial Corp. of California
United States & Foreign Securities Corp.
United Guaranty Corp.
U.G.I. Corp.
U.S. Home Corp.
United Inns, Inc.
United Industrial Corp.
Uslife Income Fund, Inc.
United Illuminating Co.
United Jerseys Banks
United Merchants Manufacturers, Inc.
Union Bancorp, Inc.
UNARCO Industries, Inc.
United Park City Mines Co.
UARCO, Inc.
United Refining Co.
United States Leasing International, Inc.
United States Shoe Corp.
Utah Power & Light Co.
Unitrode Corp.
Universal Leaf Tobacco Co., Inc.
UNIVAR Corp.
Victor Comptometer Corp.
VENDOR Co.
Vestaur, Inc.
VETCO, Inc.
V F Corp.
Valley Industries, Inc.
VIACOM International Inc.
Venice Industries, Inc.
Vulcan Materials Co.
The Seagrams Co., Ltd.
VARO, Inc.
V S I Corp.
Warner Co.
Wachovia Corp.
Ward Foods, Inc.
Woods Corp.
Weyenberg Shoe Manufacturing Co.
Wallace Business Forms
Wells Fargo & Co.
Wisconsin Gas Co.
Washington Gas & Light Co.
Weatherhead Co.
Wheeling Pittsburgh Steel Corp.
Wean United, Inc.
Wieboldt Stores, Inc.
Winn Dixie Stores, Inc.
Witco Chemical Corp.
Watkins-Johnson Co.
Wayne Gossard Corp.
Wheeling & Lake Erie Railway Co.
Wallace Murray Co.
Weis Markets, Inc.
Wylain, Inc.
Wal Mart Stores, Inc.
Waste Management, Inc.
Washington National Corp.
World Airways, Inc.
Wilshire Oil Co. of Texas
Woods Petroleum Corp.
WOMETCO Enterprises, Inc.
Western Publishing, Inc.
Western Pacific Industries, Inc.
West Point Pepperell, Inc.
WARNACO, Inc.
Warner & Swasey Co.
WESCO Financial Corp.
The Western Co. of North America
Washington Steel Corp.
Westcoast Transmission, Ltd.
Whiting Co.
Wurlitzer Co.
Washington Water Power Co.
Wolverine World Wide, Inc.
Ex-Cell-O Corp.
XTRA Inc.
Allegheny Corp.
Yates Industries, Inc.
Zale Corp.

[FR Doc.77-20391 Filed 7-14-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

SBA Approved Loans

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA after July 15, 1977, under section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective July 15, 1977, the maximum rate of interest acceptable to SBA on a guaranteed loan or a guaranteed revolving line of credit shall be nine and one-half percent (9½%) per year, and the maximum rate on an immediate participation loan shall be eight and one-half percent (8½%) per year. These maximum interest rates are one quarter percent (¼%) lower from those published in the FEDERAL REGISTER on April 11, 1977 (42 FR 18913), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the July–September 1977 quarter will be seven and one quarter percent (7¼%) per year.

This is an optional "peg" rate for use in connection with fluctuating-interest rate loans made in participation with SBA. This Notice is issued under 13 CFR 120.3(b)(2)(iv).

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

No. 59.002 Economic Injury Disaster Loans (E, F).
No. 59.012 Small Business Loans (E, F).
No. 59.013 State and Local Development Company Loans (E, F).
No. 59.014 Coal Mine Health and Safety Loans (E, F).
No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
No. 59.018 Occupational Safety Health Loans (E, F).
No. 59.001 Displaced Business Loans (E, F).
No. 59.003 Economic Opportunity Loans for Small Businesses (E, F).
No. 59.010 Product Disaster Loans (E).
No. 59.023 Strategic Arms Economic Injury Loans (E, F).
No. 59.021 Handicapped Assistance Loans (E, F).

No. 59.022 Emergency Energy Shortage Eco-

nese imports of heavyweight motorcycles

in a hearing room to be later designated,

operating rights of BARRE GRANITE, BRASKA EASTERN EXPRESS, INC., stituting the following paragraph (1) for

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No. 59.022 Emergency Energy Shortage Economic Injury Loans (E, P).
No. 59.023 Strategic Arms Economic Injury Loans (E, P).
No. 59.024 Water Pollution Control Loans (E, F).
No. 59.025 Air Pollution Control Loans (E, F).

Date: July 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-20090 Filed 7-14-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

MOTORCYCLES FROM JAPAN

Antidumping Proceeding Notice

AGENCY: United States Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether or not imports of motorcycles from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. Sales at less than fair value generally occur when the prices of merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward F. Haley or Anthony L. Russo, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW, Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 8, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), from counsel acting on behalf of the Harley-Davidson Motor Company, Inc., a domestic producer of the subject merchandise, indicating a possibility that motorcycles from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was submitted by the law firm of Steptoe and Johnson, representing the Harley-Davidson Motor Company, Inc., a subsidiary of AMF, Inc.

For purposes of this notice, the term "motorcycles" refers to motorcycles having engines with total piston displacement over 90 cubic centimeters, whether for use on or off the road.

There is evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of any industry in the United States. This evidence indicates a significant increase in U.S. market share on the part of Japanese imports of heavyweight motorcycles has occurred during the period 1971 through 1976. During the last year, Petitioner's sales, production and capacity utilization with reference to heavyweight motorcycles has significantly declined. Further, there is information indicating that the margin by which the domestic producer is being undersold by Japanese imports would be completely or almost completely eliminated were the apparent margins of dumping eliminated. There is also information on record indicating that U.S. production of smaller motorcycle sizes could be established, absent the alleged less than fair value sales of such smaller motorcycles from Japan.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined that there are grounds for doing so, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information from all sources is as follows:

The information received tends to indicate that the prices of merchandise sold for exportation to the United States are less than the prices for home consumption, or to third countries.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

HUGO A. RANTA,
Acting General Counsel.

JULY 8, 1977.

[FR Doc.77-20318 Filed 7-14-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 437]

ASSIGNMENT OF HEARINGS

JULY 12, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114457 Sub No. 285 Dart Transit Company, now being assigned October 12, 1977 (1 day), for hearing in Chicago, Illinois, in a hearing room to be later designated.
MC 123407 Sub No. 348, Sawyer Transport, Inc., now being assigned October 13, 1977 (1 day), for hearing in Chicago, Illinois, in a hearing room to be later designated.
MC 720 Sub No. 23 Bird Trucking Company, Inc., now being assigned October 14, 1977 (1 day), for hearing in Chicago, Illinois, in a hearing room to be later designated.
MC 28060 Sub-No. 34 Willers, Inc., DBA Willers Truck Service postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20428 Filed 7-14-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 12, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by August 1, 1977.

FSA No. 43397—*Joint Rail-Water Container Rates—Italian Line.* Filed by Italian Line, (No. 6), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals at U.S. ports, and water carriers terminals in France, Spain, Italy, and Portugal.

Grounds for relief—Water competition.

Tariffs—Italian Line Eastbound Midwest/Mediterranean tariff No. 1, I.C.C. No. 5, F.M.C. No. 23, and Westbound Mediterranean/Midwest tariff No. 1, I.C.C. No. 6, F.M.C. No. 24. Rates are published to become effective on August 1, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20429 Filed 7-14-77;8:45 am]

[Notice No. 196]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77200. By application filed July 8, 1977, ROBERT BELVILLE, JR., Administrator of the Estate of Robert Belville, Sr., an individual, d/b/a NEW YORK AND VERMONT MOTOR EXPRESS, Smith Street, Barre, VT 05641, seeks temporary authority to transfer a portion of the operating rights of BARRE GRANITE TRANSFER, INC., So. Vine Street, Barre, VT 05641, under section 210a(b). The transfer to ROBERT BELVILLE, JR., Administrator of the Estate of Robert Belville, Sr., an individual, d/b/a NEW YORK AND VERMONT MOTOR EXPRESS, of a portion of the operating rights of BARRE GRANITE TRANSFER, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20427 Filed 7-14-77;8:45 am]

[Notice No. 197]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77202. By application filed July 5, 1977, TRIPLE A TRANSPORT, INC., Littlefield Road, Springvale, ME 04083, seeks temporary authority to transfer the operating rights of NEBRASKA EASTERN EXPRESS, INC., P.O. Box 663, Nebraska City, NE 68410, under section 210a(b). The transfer to TRIPLE A TRANSPORT, INC., of the operating rights of NEBRASKA EASTERN EXPRESS, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-20426 Filed 7-14-77;8:45 am]

[Amdt. No. 1 to I.C.C. Order No. 31 Under S.O. 1252]

REROUTING OF TRAFFIC

Upon further consideration of I.C.C. Order No. 31, (Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 31 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m. June 30, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 28, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-20432 Filed 7-14-77;8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, July 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., Subject

* * * * *

Common carrier—10—Proposed testimony for hearings on repeal of Section 222 of the Communications Act.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given of this additional agenda item.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 12, 1977.

[S-881-77 Filed 7-12-77;2:47 pm]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 2 p.m., open meeting, Wednesday, July 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTERS TO BE CONSIDERED: The Federal Communications Commission will consider two additional agenda items both relating to Commission personnel matters.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given of these additional agenda items.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 12, 1977.

[S-882-77 Filed 7-12-77;2:47 pm]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, July 19, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., Subject,

Special—1—Budget estimates for fiscal year 1979—submission to Office of Management and Budget. 2—Briefing on International Telecommunications Proposals.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 12, 1977.

[S-883-77 Filed 7-12-77;2:47 pm]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Federal Register citation of previous announcement: 5834-77, 42 FA 35721, July 8, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., July 12, 1977.

CHANGE IN THE MEETING: The following item, originally announced for the open session, has been deleted from the agenda:

(3) *Review of procedures for seeking temporary restraining orders.* A majority of the entire membership of the Commission has determined by recorded vote that the business of the Commission requires this change and that no earlier announcement was possible.

The vote was as follows:

In favor of change: Eleanor Holmes Norton, Chair, July 7, 1977; Ethel Bent Walsh, Vice Chair, July 11, 1977; Daniel E. Leach, Commissioner, July 8, 1977.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer. Executive Secretariat at 202-634-6748.

This notice issued July 11, 1977.

[S-884-77 Filed 7-13-77;9:31 am]

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, July 20, 1977. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: The major portion of this meeting will be open to the public. The remainder of the meeting will be closed.

MATTERS TO BE CONSIDERED:

Open portions:

1. Proposal to amend Regulation Z (Truth in Lending) to clarify provisions relating to discounts for cash customers. (Proposed earlier for public comment; Docket No. R-0072).

2. Board response on the Securities and Exchange Commission proposals issued for public comment on revisions in its regulations (Article 9 of Regulation S-X) with respect to the "Form and Content of Financial Statements of Bank Holding Companies and Banks."

Closed portions:

1. Appointment of an officer at a Federal Reserve Bank.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne. Assistant to the Board 202-452-3204.

Dated: July 12, 1977.

THEODORE E. ALLISON.

[S-885-77 Filed 7-13-77;9:31 am]

6

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (42 FR 35726).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 13, 1977, 10 a.m.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No., and Company

G-73—C177-329, Texaco Inc.; CP77-304, Sabine Pipe Line Co.; CP64-94.

KENNETH F. PLUMB, *Secretary.*

[S-886-77 Filed 7-13-77;9:31 am]

7

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 35726.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 13, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G-58—CP75-295, Texas Gas Transmission Corporation.
G-59—AR64-2, et al., Area Rate Proceeding, Blanco Oil Company, et al.
G-60—RP75-108 and RP76-106, Natural Gas Pipeline Company of America.
G-61—CP76-421, Colorado Interstate Gas Company; CP76-456, Northern Natural Gas Company; CP77-464, Panhandle Eastern Pipe Line Company.
G-62—CP77-408, El Paso Natural Gas Company; CP77-411, Southwest Gas Corporation.
G-63—CP77-173, Northern Natural Gas Company.
G-64—CP77-366, Colorado Interstate Gas Company.
G-65—CP77-397, Western Gas Interstate Company.
G-66—CP77-412, Natural Gas Pipeline Company of America, Interstate Power Company.
G-67—CP74-126, El Paso Natural Gas Company; CP74-162, Natural Gas Pipeline Company of America.
G-68—CP77-309, Panhandle Eastern Pipe Line Company.
G-69—CP77-406, Colorado Interstate Gas Company.
G-70—CP76-458, Transcontinental Gas Pipe Line Corporation.
G-71—CP77-176, Kansas-Nebraska Natural Gas Company, Inc.
G-72—CP74-322, et al., Michigan Gas Storage Company, et al.
P-35—Project No. 2725, Georgia Power Company.
P-36—Project No. 199, South Carolina Public Service Company.
P-37—Project No. 2716, Virginia Electric and Power Company.
P-38—Project No. 2157-Washington, City of Everett, Washington, and Public Utility District No. 1 of Snohomish County.
P-39—Project No. 1862, City of Tacoma, Washington; Docket No. E-6454, City of Centralia, Washington.
P-40—Project No. 2205, Central Public Service Corporation.
P-41—Project No. 2301-Montana, Montana Power Company.
P-42—Project No. 946, City of Hyrum, Utah.
M-3—Alaska Power Survey.

KENNETH F. PLUMB, *Secretary.*

[S-887-77 Filed 7-13-77;9:31 am]

8

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, July 18, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Short notice of open meeting.

MATTER TO BE CONSIDERED: Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting on short notice to consider the following agenda: 1. Review of present Division workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, Telephone 202-275-7535.

[S-888-77 Filed 7-13-7;9:31 am]

9

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 9:30 a.m., Tuesday, July 19, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. Motor Carrier Task Force Report: Item 1—Summary grant procedures (for discussion). Item 2—Protest standards (for discussion).

2. I. & S. No. 9052, Wheat, New Mexico; and Texas to Texas Ports (briefing and discussion).

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, Telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-889-77 Filed 7-13-77;9:31 am]

10

INDIAN CLAIMS COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 35937, July 12, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:15 a.m., July 13, 1977:

CHANGE OF MEETING SUBJECT MATTER: The following two open items are added to the Commission meeting of July 13, 1977:

Fourth quarter fiscal year 1977 financial plan.

March 31, 1978, employment level target.

JULY 12, 1977.

[S-890-77 Filed 7-13-77;10:01 am]

11

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 35726.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 13, 1977, 10 a.m.

CHANGE IN MEETING: The following items have been added:

Item No., Docket No., and Company

G-74—CP77-427, Transcontinental Gas Pipe Line Corporation; CP77-480, Panhandle Eastern Pipe Line Company and Trunkline Gas Company.
G-75—CP76-403, Texas Gas Transmission Corporation; CP77-426, Transcontinental Gas Pipe Line Corporation.
G-76—RP77-107, United Gas Pipe Line Company.
G-77—RP77-106, Transcontinental Gas Pipe Line Corporation.
G-78—RP77-108, Transcontinental Gas Pipe Line Corporation.
G-79—RP73-77 (PGA77-2), et al., Alabama-Tennessee Natural Gas Company, et al.
G-80—CP77-100, CP77-101, and CP77-102, Tenneco Atlantic Pipeline Company; CP77-103, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
P-43—ES77-40, Gulf States Utilities Company.

KENNETH F. PLUMB, *Secretary.*

[S-891-77 Filed 7-13-77;10:16 am]

12

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: July 13, 1977, 3 p.m.

PLACE: Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, and over a conference telephone circuit.

STATUS: Closed.

MATTERS TO BE CONSIDERED: By majority vote on July 12, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 16.204(b) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. Certain aspects of the Commission's fiscal year 1979 budget submission are to be discussed and voted upon at said meeting.

CONTACT PERSONS FOR MORE INFORMATION:

James A. Fife, Executive Assistant (202-724-3113).

[S-892-77 Filed 7-13-77;10:49 am]

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federal register

FRIDAY, JULY 15, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Final and Proposed Flood Elevation Determinations for Various Communities

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2692]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Vero Beach, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Vero Beach, Florida. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the City of Vero Beach, Florida.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Vero Beach, Florida.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Vero Beach, Florida, are available for review at the City Hall, 686 Date Palm Drive, Vero Beach, Florida.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian River	Indian River Dr. (east)	5
	Sunset Dr	5
	Bethel Creek Dr	5
	Indian River Blvd	5
	Sea Gull Ave	5
	Sea Horse Lane	5
	Starfish Dr	5
	Sailfish Rd	5
	Park Ave	5
	Dolphin Dr	5
	Tulip Lane	5
	East Causeway Blvd.	5
	Point Lane	5
	Indian Bay Dr	5
	West Camino Del Rio.	5
	East Camino Del Rio.	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19756 Filed 7-14-77;8:45 am]

[Docket No. FI-2440]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Scituate, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Scituate, Massachusetts. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Town of Scituate, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Scituate, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Scituate, Massachusetts are available for review at the Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
1st Herring Brook	Maple St	61
	Countryway	17
Satuit Brook	Beaver Rd.[1]	25
	Stockbridge Rd	22
Bound Brook	State Route 3A [1]	30
	Countryway	19
Massachusetts Bay	Mann Hill Rd	11
	Egypt St	11
	Blanchard Rd	11
	Monticello	11
North River	State Route 3A	11
South River	Marshfield Ave	11
	Julian Ave	11
Musquashcut Brook	Hatherly Rd	11

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19757 Filed 7-14-77;8:45 am]

[Docket No. FI-2373]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Gladstone, Michigan

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Gladstone, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate map for the City of Gladstone, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Gladstone, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gladstone, Michigan, are available for review at the City Hall, 1100 Delta Avenue, Gladstone, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Bay De Noc	6th St.[1]	585
	8th St.[1] (In Gladstone Industrial Park).	585
	Buckeye Dr. (extended across North Lake Shore Dr. to the Lakeshore).	585

[1] Extended.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 USC 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19758 Filed 7-14-77;8:45 am]

[Docket No. FI-1014]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Rolla, Missouri

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Rolla, Missouri. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Rolla, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Rolla, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Rolla, Missouri are available for review at City Hall, 204 East 8th Street, Rolla, Missouri.

The final 100-year flood elevations for selected locations are.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Love Branch	Gene St	999
	Rolla St	1,055
	Kings Highway	1,029
Burgher Branch	Scout Rd	988
	10th St	1,035
	Old St. James Rd	1,005
East Fork Burgher Branch.	10th St	1,042
Burgher Branch tributary.	Irene St	1,025
Spring Creek tributary.	Vichy Rd	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77-19759 Filed 7-14-77;8:45 am]

[Docket No. FI-1087]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Ste. Genevieve, Missouri

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Ste. Genevieve, Missouri. These base uood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Ste. Genevieve, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ste. Genevieve, Missouri.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and

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Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ste. Genevieve, Missouri are available for review at City Hall, 145 Jefferson St., Ste. Genevieve, Missouri.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Gabaret Creek	U.S. Highway 61	311
	4th St.	298
North Gabaret Creek	do	296
Mississippi River	U.S. Highway 61	296
	Market St.	296
	Washington St.	296

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 77 19760 Filed 7-14-77;8:45 am]

[Docket No. FI–1059]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Allendale, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Allendale, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Allendale, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Allendale, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Allendale are available for review at the Borough Hall, 290 Franklin Turnpike, Allendale, New Jersey 07401.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hohokus Brook	Brookside Ave.	40
	West Crescent Ave.	43
	Park Ave.	47
Valentine Brook	Forest Rd.	57
Ramsey Brook	Erie Luckawanna R.R.	36
	West Crescent Ave.	39
	Brookside Ave.	39
Allendale Brook	Franklin Turnpike	34
	West Allendale Ave.	34
	West Orchard St.	37

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77 19761 Filed 7–14–77;8:45 am]

[Docket No. FI–2443]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Beatrice, Nebraska

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Beatrice, Nebraska. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Beatrice, Nebraska.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Beatrice, Nebraska.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Beatrice, Nebraska are available for review at City Hall, 1309 Sandpiper Drive, Beatrice, Nebraska.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Blue River	Court St.	1,259
	6th St.	1,256
Indian Creek	Highway 77	1,261
	Irving St.	1,260

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19762 Filed 7–14–77;8:45 am]

[Docket No. FI–2615]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lower Frederick, Montgomery Co., Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lower Frederick, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Frederick, Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Frederick, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Frederick, Montgomery County, Pennsylvania are available for review at the Township Building, Hendricks Road, Zieglerville, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Perkiomen Creek	Downstream corporate limits.	147
	Spring Mount Rd.	159
	Reading RR.	160
	Salford Station Rd.	171
	Hendricks Rd.	182
	Kratz Rd.	185
Swamp Creek	Reading RR.	149
	Spring Mount Rd.	150
	Pennsylvania Routes 73 and 29.	157
	Old Gravel Pike.	159
	Gerloff Rd.	169
	Private Rd.	178
	Neiffer Rd.	197
	Corporate limits.	203
Goshenhoppen Creek.	Zieglerville Rd.	193
	Salford Station Rd.	214
	Pennsylvania Route 29.	225
	Simmons Rd.	243
	Corporate limits.	261
Scioto Creek	Pennsylvania Route 73.	184
	Simmons Rd.	200
	Corporate limits.	207

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19763 Filed 7–14–77;8:45 am]

[Docket No. FI–2225]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lower Allen, Cumberland County, Penn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lower Allen, Cumberland County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Allen, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Allen, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Allen, Pa. are available for review at Gorgas Hall, Township Building, 1993 Hummel Avenue, Lower Allen.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Breeches Creek	Upstream corporate limits.	375	450	(1)
	Route 114.	371	500	(1)
	Sheepford Rd.	358	460	(1)
	Upstream from State correctional institution.	343	180	(1)
	Downstream from State correctional institution.	338	100	(1)
	Downstream from corporate limits.	317	300	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

vided, and the Administrator has resolved the appeals presented by the com-

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19764 Filed 7-14-77;8:45 am]

[Docket No. FI-2173]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Beaufort, South Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the County of Beaufort. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the County of Beaufort.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Beaufort.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Beaufort are available for review at the County Council Office Building, King and Wilmington Streets, Beaufort, South Carolina.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean		8-13	(1)

[1] Approximately 75 pct of Beaufort County is inundated by the 100-yr flood.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19765 Filed 7-14-77;8:45 am]

[Docket No. FI-2396]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lower Makefield, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100–year flood) are listed below for selected locations in the Township of Lower Makefield. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Makefield.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Makefield.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Makefield are available for review at the Administrative Office, 1100 Edgewood Road, Yardley, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Delaware River	Upstream corporate limits	18	(1)	1,100
	Delaware Expressway	18	(1)	1,650
	Reading RR	18	(1)	1,650
	Munor Lane (extended)	25	(1)	250
	Michael Rd. (extended)	31	(1)	150
	Wilson Ave. (extended)	30	(1)	250
	Downstream corporate limits	28	(1)	900
Buck Creek	Houston Rd	91	100	60
	Bel Air Rd. (extended)	80	15	300
	Downstream corporate limits	49	200	140
Buck Creek	Stony Hill Rd	112	20	5
	Reading RR	99	30	10
	Edgewood Rd	90	20	10
	Reading Ave. (extended)	77	60	150
	Sandy Run Rd	68	80	140
	Downstream corporate limits	62	10	40
Silver Creek	Ramsey Rd	102	20	20
	South Dr	83	15	200
	Edgewood Rd	80	15	5
	Gainsway Road (extended)	87	110	110
	Downstream corporate limits (Oxford Rd.)	68	20	120
Rock Run	David Ter	152	140	300
	Esther Lane	130	40	320
	Derbyshire Rd	127	20	150
	Hunters Lane	125	410	180
	Makefield Rd	115	90	50
	Big Oak Rd	100	40	320
	Valley Dr	82	60	(2)
	Downstream corporate limits (Rock Run tributary)	82	(2)	--
Rock Run tributary	Pevsner Rd. (extended)	93	40	30
	Big Oak Rd	86	30	10
	Gordon Dr	81	40	15
	Downstream corporate limits	82	80	(2)

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19766 Filed 7-14-77;8:45 am]

[Docket No FI-2643]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sparta, White County, Tennessee

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Sparta. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Sparta.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance. 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for City of Sparta.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448, 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sparta, Tennessee are available for review at City Hall Bulletin Board, Sparta, Tennessee.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Calfkiller River	Louisville and Nashville RR.	857
	U.S. Route 70	860
	West Bronson St. (extended).	863
	North Church St. (extended).	865
	Wagner St. (extended)	867
Town Creek	Mayberry St	855
	St. Louis RR	857
	U.S. Route 111	860
	U.S. Route 70 (upstream of bridge).	866

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19767 Filed 7-14-77;8:45 am]

[Docket No. FI-266]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Gonzales, Gonzales County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Gonzales, Texas.

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These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Gonzales, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for City of Gonzales.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for City of Gonzales, Gonzales County, Texas, are available for review at Municipal Building, 820 Saint Joseph Street, Gonzales, Texas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Guadalupe River	West Wallace St. (extended).	285
	Saint Louis St. (extended).	284
	Saint John St. (extended).	283
	Saint Joseon St. (extended).	282
	North College St. (extended).	281
	Ponton St. (extended).	279
	Reid St. (extended)	278
Kerr Creek	Upstream corporate limits.	279
	Saint Louis St.	278
Tinsley Creek	U.S. Highway 90	303
	Corporate limits	294
	Waco St. (extended)	291
	Robinson St. (extended).	288
	Southern Pacific RR.	287
	Saint Andrew St.	282
	Fischer St.	281

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19772 Filed 7–14–77;8:45 am]

[Docket No. FI–2627]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Painted Post, Steuben County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Painted Post. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Village of Painted Post.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of North Wales.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Borough of North Wales are available for review at counter at Municipal Building, 300 School Street, North Wales.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Dodsworth Run	10th St.	426	50	50
	9th St./Box Inlet	411	50	100
	Montgomery Ave.	388	60	60
	8th St.	379	30	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19768 Filed 7–14–77;8:45 am]

[Docket No. FI–3144]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of North Wales, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Borough of North Wales.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Borough of North Wales.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 200–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Painted Post.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Painted Post are available for review at the Village Hall in Painted Post, Painted Post, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chemung River	Downstream corporate limit	942
Tioga River	Confluence with Weaver Hollow Creek.	945
	Upstream corporate limit.	947
Cohocton River	Con Rail	941
	Upstream corporate limit.	945

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19773 Filed 7–14–77;8:45 am]

[Docket No. FI–2319]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Grafton, Jersey County, Illinois

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Grafton. There these base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Grafton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Grafton.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Grafton are available for review at the Bulletin Board, City Hall, Main Street, Grafton.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Mississippi River	Upstream corporate limits	441	500	
	Hollow St.	441	1,190	
	Overmeyer St.	441	710	
	Canal St.	441	730	
	Church St.	441	760	
	Sycamore St.	441	980	
	Vine St.	441	630	
	Cherry St.	441	570	
	Downstream corporate limits	441	140	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19774 Filed 7–14–77;8:45 am]

[Docket No. FI–2506]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wood Dale, Dupage County, Illinois

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Wood Dale.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Wood Dale.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh

lected locations in the City of North Sioux City. These base flood elevations are the basis for the flood plain man-

trator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

The final 100-year flood elevations for selected locations are:

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–

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Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Wood Dale.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Wood Dale are available for review at 404 North Wood Dale Road, in the lobby on the bulletin board, Wood Dale.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Salt Creek	Elizabeth Dr	677
	Irving Park Rd	680

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19775 Filed 7-14-77;8:45 am]

[Docket No. FI-2674]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of North Sioux City, Union County, South Dakota

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of North Sioux City. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of North Sioux City.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of North Sioux City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Sioux City are available for review at City Hall, on the window, North Sioux City, South Dakota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Sioux River	Upstream zoning limits.	1,110
	Upstream corporate limits.	1,109
	Chicago, Milwaukee, St. Paul and Pacific RR.	1,107
	U.S. Route 77	1,105
	Lloyd Ave. (extended).	1,104
	Downstream corporate limits.	1,103
	Downstream zoning limits.	1,102

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19776 Filed 7-14-77;8:45 am]

[Docket No. FI-2655]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Sodus Point, Wayne County, New York

AGENCY: Federal Insurance Administration, HUD

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Sodus Point. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Sodus Point.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Sodus Point.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period for ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Sodus Point are available for review at the entrance of the Village Clerk's Office, Lake Road, Sodus Point, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Ontario	West of North Ontario St.	253
	East of 7th St	251
Sodus Bay	Wickham Blvd	250
	Margaretta Rd. (extended).	250
	Central Ave. (extended).	251
	South corporate limits	250

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19777 Filed 7-14-77;8:45 am]

[Docket No. FI-2654]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Sag Harbor, Suffolk County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Sag Harbor. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for The Village of Sag Harbor.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Sag Harbor.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Sag Harbor are available for review at the Village Clerk's Office on the bulletin board, Main Street, Sag Harbor, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Gardiner's Bay	Entire coastline	+9.0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77 19778 Filed 7-14-77;8:45 am]

[Docket No. FI-2668]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of West Conshohocken, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of West Conshohocken. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of West Conshohocken.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of West Conshohocken.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of West Conshohocken are available for review at the Borough Hall, 112 Ford Street, West Conshohocken, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Downstream corporate limits.	65
	Fayette Street Bridge	67
	Bullock Ave. (extended).	68
	Plymouth Dam	69
	T 476 Bridge	70
	Upstream corporate limits.	71

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD D. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19779 Filed 7-14-77;8:45 am]

[Docket No. FI-2401]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Bridgeton, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations

This final rule is issued in accordance with Section 110 of the Flood Disaster

solved the appeals presented by the community.

FOR FURTHER INFORMATION CON-

ACTION: Final rule.

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ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Township of Bridgeton, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Township of Bridgeton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Bridgeton.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Township of Bridgeton are available for review at Bridgeton Post Office, Upper Black Eddy, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Delaware River	Downstream corporate limits	140	(1)	475
	Milford and Upper Black Eddy Bridge	144	(1)	1,210
	Confluence with High Falls Creek	149	(1)	930
	Upstream corporate limits	155	(1)	255

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19780 Filed 7–14–77;8:45 am]

[Docket No. FI–2608]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of West Norriton, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in West Norriton. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for West Norriton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for West Norriton.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for West Norriton are available for review at Bulletin Board, 14 Orchard Lane, West Norriton, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Eastern corporate limits.	80
	Schuylkill Ave. (extended).	81
	Port Indian Rd. (extended).	82
	West end of Indian Lane.	83
	Old Route 363 Bridge.	84
Stony Creek	Eastern corporate limits.	136

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19781 Filed 7–14–77;8:45 am]

[Docket No. FI–2515]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Emporia, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Emporia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Township of Emporia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Emporia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Emporia are available for review at the Municipal Building, on the Bulletin Board, 201 South Main Street, Emporia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Meherrin River	Hicksford Ave	98
	Seaboard Coast RR Bridge.	99
	Main St	100
	Interstate 95	104
	Vepco Dam	105

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19782 Filed 7–14–77;8:45 am]

[Docket No. FI–2495]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of El Cajon, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of El Cajon, California. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the City of El Cajon, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of El Cajon, California.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of El Cajon, California, are available for review at the City Hall, 200 East Main Street, El Cajon, California.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Forester Creek	Bradley Ave	383
	Vernon Ave	390
	Fletcher Parkway	403
	Arnelle Ave	404
	Johnson Ave	405
	Ballantyne Ave	427
	Mollison Ave	442
	1st St	458
	2d St	479
	Interstate Route 8	496
	Main St	498
County Ditch Creek	Interstate Route 8	405
	Johnson Ave	416
	Main St	424
	El Cajon Blvd. (downstream).	425
	El Cajon Blvd. (upstream).	426
	Lexington Ave	429
	Washington Ave	438
	Patrica Lane	438
	Grant Ave	442
	Renette Ave	445
Washington Creek	Interstate Route 8	412
	Madison Ave	423
	Wisconsin Ave	425
	Park Ave	430
	Cypress Ave	444
	Julian Ave	447
	Main St	448
	Claydelle Ave	449
	Avocado Ave	452
	Taft Ave	454
	Lincoln Ave	458
	Lexington Ave	458
	Mollison Ave	453
	Anza St	461
	1st St	467
	Ballard St	473
	2d St	481
	Washington Ave	486
	Dorothy St	491
	Jamacha Rd	502
Broadway Creek	Cypress Ave	393
	Mollison Ave	435
	Anza St	454
	1st St	459
	Oro St	474

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR of 1968), November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–19783 Filed 7–14–77;8:45 am]

[Docket No. FI–2410]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Las Animas, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Las Animas, Colorado. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for Las Animas County, Colorado.

FOR FURTHER INFORMATION CONTACT:

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Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Las Animas County, Colorado.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Las Animas, Colorado, are available for review at Las Animas County Courthouse, Trinidad, Colorado.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Powell Arroyo	Atchison Topeka & Santa Fe RR. Bridge.[1]	5,937.8
	Route 239	5,958.7
	I-25 Bridge, south bound.	5,993.0
	Linden Ave.[1]	6,018.0
Purgatoire River	Trinidad corporate limits (1,300 ft above Hospital Canyon).	5,959.8
	Trinidad corporate limits (5,750 ft below Colorado Canyon).	6,021.3
	Trinidad Lake project boundary 750 ft above Atchison Topeka & Santa Fe RR.	6,076.5
Raton Creek	Atchison Topeka & Santa Fe RR. Bridge.[1]	6,095.7
	North Starkville Rd.	6,283.7
Reilly Canyon	State Highway 12	6,282.0
	Cokedale Bridge	6,306.5

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19784 Filed 7-14-77;8:45 am]

[Docket No. FI-2502]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Sykesville, Carroll County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Sykesville. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Town of Sykesville.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Sykesville.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insuance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Sykesville are available for review at the bulletin board in the Town Hall, 7547 Main Street, Box 3, Sykesville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Piney Branch	B & O R.R. Bridge	410
	Oklahoma Hill Rd.	475
Tributary No. 1	Church St.	391

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19743 Filed 7-14-77;8:45 am]

[Docket No. FI-2660]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Amherst, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Amherst, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Town of Amherst.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 124–8872, Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Town of Amherst, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Town of Amherst, Virginia are available for review at Municipal Building, Amherst, Virginia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Rutledge Creek	Southern Ry.	800
	Route 659.	810

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19744 Filed 7-14-77;8:45 am]

[Docket No. FI-2587]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lower Gwynedd, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lower Gwynedd. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lower Gwynedd.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lower Gwynedd.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Gwynedd are available for review at the Township Building on the bulletin board, Box 293, Bethlehem Pike Spring House, Lower Gwynedd, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Wissahickon Creek	Western corporate limits.	270
	U.S. Route 202	262
	Con Rail	251
	Plymouth Rd.	246
	Gypsy Hill Rd. (extended).	243
	Grasshopper Lane (extended).	235
	Southern corporate limits.	226
	Trewellyn Ave. (extended).	214
	Southern corporate limits.	208

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19745 Filed 7-14-77;8:45 am]

[Docket No. FI-2619]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of East Norriton, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Township of East Norriton. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Township of East Norriton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for East Norriton.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Township of East Norriton are available for review at Lobby Bulletin Board, 2828 Swede Road, Norristown, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Powell Arroyo	Atchison Topeka & Santa Fe RR. Bridge.[1]	5,937.8
	Route 239	5,958.7
	I-25 Bridge, south bound.	5,993.0
	Linden Ave.[1]	6,018.0
Purgatoire River	Trinidad corporate limits (1,300 ft above Hospital Canyon).	5,959.8
	Trinidad corporate limits (5,750 ft below Colorado Canyon).	6,021.3
	Trinidad Lake project boundary 750 ft above Atchison Topeka & Santa Fe RR.	6,076.5
Raton Creek	Atchison Topeka & Santa Fe RR. Bridge.[1]	6,095.7
	North Starkville Rd.	6,283.7
Reilly Canyon	State Highway 12	6,282.0
	Cokedale Bridge	6,306.5

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 13, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19784 Filed 7-14-77;8:45 am]

[Docket No. FI-2502]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Sykesville, Carroll County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Sykesville. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Town of Sykesville.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Sykesville.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Sykesville are available for review at the bulletin board in the Town Hall, 7547 Main Street, Box 3, Sykesville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Piney Branch	B & O R.R. Bridge	410
	Oklahoma Hill Rd.	475
Tributary No. 1	Church St.	391

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19743 Filed 7-14-77;8:45 am]

[Docket No. FI-2660]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Amherst, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Amherst, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Town of Amherst.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 124–8872, Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Town of Amherst, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of

[Docket No. FI-2733]

87 Stat. 980, which added section 1363 to

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Source of flooding	Location	Elevation in feet above mean sea level
Stony Creek	Southern corporate limits.	139
	Reading RR	158
	U.S. 422—Germantown Pike.	164
	Roland Dr. Circle	180
	Northern corporate limits.	195

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19746 Filed 7-14-77;8:45 am]

[Docket No. FI-2616]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of McKean, Erie County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of McKean.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of McKean.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of McKean.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of McKean are available for review at the District Justice Office, 8952 Main Street, McKean, Pennsylvania 16426.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lamson Run	Kevin St. (extended)	[illegible]
	Paula Way (extended).	[illegible]
Elk Creek	High School Dr. (extended).	[illegible]
	Main St.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34, FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19747 Filed 7-14-77;8:45 am]

[Docket No. FI-2555]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Pulteney, Steuben County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Pulteney.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Pulteney.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line 800 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Pulteney.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pulteney are available for review at the Town Hall, Pulteney, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Keuka Lake	Northern corporate limits.	721
	Armstrong Rd. (extended).	721
	Brown Rd. (extended).	721
	Southern corporate limits.	721

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19748 Filed 7-14-77;8:45 am]

[Docket No. FI-2733]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Madison, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Madison. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Madison.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance. (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Madison.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, as developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Madison are available for review at Municipal Building, 120 North Market Street, Madison, North Carolina 27025.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dan River	U.S. 220 bypass downstream side of road.	568
	N.C. 704 downstream side of road.	571
	SR 1138	583
Mayo River	SR 2177	571
Big Beaver Island Creek	U.S. 311	559
Little Beaver Island Creek	U.S. 311	559
Reed Creek	U.S. 311	581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19749 Filed 7-14-77;8:45 am]

[Docket No. FI-2626]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of North Haven, Suffolk County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in North Haven. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for North Haven.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for North Haven.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for North Haven are available for review at Village office, First National Bank Building, Main Street, Sag Harbor.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sag Harbor Cove	Short Beach Rd.	[illegible]
	Cove Dr.	[illegible]
	Cove View Lane	[illegible]
Noyack Bay Shelter Island Sound	Sunset Beach Ave	[illegible]
	North Dr.	[illegible]
	South Ferry Rd	[illegible]
	Tyndall Place (extended).	[illegible]
	Shelter Island Ave	[illegible]
	Division Ave	[illegible]
	Fresh Pond Rd.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19750 Filed 7-14-77;8:45 am]

[Docket No. FI-2583]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of South Boston, Independent City, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in South Boston, Virginia. These base flood elevations are the basis for the flood plain management

measures that the community is required

SUPPLEMENTARY INFORMATION: [illegible]

ACTION: Final rule.

areas and the final elevations for the

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

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measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for South Boston.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for South Boston.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for City of South Boston, Virginia are available for review at Municipal Building, South Boston, Virginia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Dan River	Upstream corporate limits.	338
	U.S. Highway 501 (Watkins Bridge).	335
	State Highway 304 (John Randolph Bridge).	333
	Downstream corporate limits.	332
Poplar Creek	Upstream corporate limits.	364
	Poplar Creek St.	340
	Summit Dr.	336
Balmoral Creek	Cavalier Blvd.	396
	Beechmont Rd.	362
	Sutpain Rd.	350
Reedy Creek	Ridge St.	370
	College St.	[illegible]
	State Highway 304	[illegible]
	Downstream corporate limits.	332
Rocky Branch	State Highway 304 West.	371
	State Highway 304 East.	360
	Eastover Rd.	332
	Downstream corporate limits.	332

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19751 Filed 7–14–77;8:45 am]

[Docket No. FI–2614]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Hulmeville, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Hulmeville. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Hulmeville.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Hulmeville.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Hulmeville are available for review at the home of the Borough Secretary, Mrs. Harriet W. Black, 150 Trenton Avenue, Hulmeville, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Neshaminy Creek	Downstream corporate limit.	[illegible]
	150 ft upstream of Philadelphia Electric Co. lines across Neshaminy Creek.	[illegible]
	Ford Ave.	[illegible]
	300 ft upstream of Pennsylvania Ave.	[illegible]
	750 ft downstream of Hulmeville Rd.	[illegible]
	Hulmeville Rd.	[illegible]
	300 ft upstream of Hulmeville Rd.	[illegible]
	Dam near Park Lane.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19752 Filed 7–14–77;8:45 am]

[Docket No. FI–2617]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Grove City, Mercer County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Grove City.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Grove City.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Grove City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Grove City are available for review at the Council Chamber on the bulletin board, 1328 West Main Street, Grove City.

The final 100-year flood elevations for selected locations are:

Source of Flooding	Location	Elevation (feet above national geodetic vertical datum 1929)
Wolf Creek	Greenwood Dr. (extended).	1,221
	Clark St. (extended)	1,226
	Stowe St. (extended)	1,229
	East Main St.	1,234
	West Pine Ave.	1,237
	Park Ave.	1,239
	ConRail	1,239
	Lincoln Ave.	1,241
	Chestnut St.	1,242
	North St.	1,243
	Upstream corporate limits.	1,245
Black Run	Downstream corporate limits.	1,245
	Abandoned Bridge	1,246
	Upstream corporate limits.	1,246

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19753 Filed 7–14–77;8:45 am]

[Docket No. FI–2613]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Homer City, Indiana County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Homer City. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Homer City.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Homer City.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Homer City are available for review at the Borough Building, 30 East Wiley Street, Homer City, Pennsylvania 15748.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Two Lick Creek	Oakland Ave. (extended).	1,006
	Route 56.	1,011
	Main St.	1,015
Yellow Creek	Penn Central Bridge (ConRail).	1,018
	Main St.	1,019
	Station St. (extended).	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–19754 Filed 7–14–77;8:45 am]

[Docket No. FI–2439]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Whatcom, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Whatcom County. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Whatcom County.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–558 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Whatcom County.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Whatcom County are available for review at Bulletin Board, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, Washington.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet
[illegible]	[illegible]	[illegible]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

enact stricter requirements on its own, or pursuant to policies established by

local circulation in the above-named community.

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Source of flooding	Location	Elevation in feet above mean sea level
Nooksack River....	Bakerview Rd.	10
	Route 540	17
	Ulrick Rd.	23
	Harksell Rd. (extended).	38
	Guide Meridian Rd.	47
	Hannegan Rd.	56
	Johnson Rd. (extended).	64
	Zwashka Rd. (extended).	101
	Mount Baker Highway.	156
South Fork Nooksack River.	Potter Rd.	237
	Strand Rd.	256
	Swamp Rd. (extended).	268
	Route 9	293
	Saxon Rd.	360
Nooksack River Overflow in Sumas Valley.	Halverstick Rd.	46
	Clearbrook Rd.	48
	Lindsay Rd.	70
	Tom Rd.	75

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19755 Filed 7-14-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3122]

CITY OF PLATTSMOUTH, CASS COUNTY, NEBR.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Plattsmouth, Cass County, Nebraska. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Clerk's Office, City Hall, 136 North 5th Street, Plattsmouth, Nebraska. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Clayton J. Rhylander, Mayor; City of Plattsmouth, City Hall, 136 North 5th Street, Plattsmouth, Nebraska.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice notice of the proposed determinations of base flood elevations (100-year flood) for the City of Plattsmouth, Cass County, Nebraska, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River.....	3.03 miles downstream of Highway 34.	957.1
	2.35 miles downstream of Highway 34	958.1
	0.38 miles downstream of Highway 34	959.6
	1.69 miles downstream of confluence with Platte River.	964.2
	0.37 miles upstream of confluence with Platte River.	965.7
Platte River.....	0.75 miles upstream of confluence with Missouri River.	967.3
	200 ft upstream of Highway 73-75.	970.3
	Burlington Northern RR. and Missouri Pacific RR. Bridges.	971.0
	1,700 ft upstream of Burlington Northern RR. and Missouri Pacific RR. Bridges.	971.8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19829 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3121]

TOWN OF BABYLON, SUFFOLK COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Babylon, Suffolk County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby of the Babylon Town Hall, 200 East Sunrise Highway, North Lindenhurst, New York. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Thomas F. Fallon, Supervisor of the Town of Babylon, Babylon Town Hall, 200 East Sunrise Highway, North Lindenhurst, New York 11757.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Babylon, Suffolk County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above level
Great South Bay...	Along Great Neck Creek, upstream to Audley Ct.	5
	Buchanan Ave.	5
	Lake St.	5
	Howell Creek	5
	Riviera Dr. East and West.	5
	Along Strongs Creek	5
	Along Neguntatogue Creek.	5
	Along Santapogue Creek upstream to Montauk Highway.	5
	Along West Babylon Creek.	5
	Along Woods Creek	5
	North side of Barrier Island.	5
	All islands between Barrier Island and Main Island.	5

Source of flooding	Location	Elevation in feet above mean sea level

tions of base flood elevations (100-year flood) for the City of Kinsley, Edwards

the flood plain management measures that the community is required to either

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

These elevations, together with the flood plain management measures re-

ADDRESSES: Maps and other informa-

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Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	South side of Barrier Island.	‖
	South and West side Fire Island.	‖
Fire Island Inlet	South side Barrier Island.	5
	North side Fire Island.	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19830 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3120]

CITY OF KINSLEY, EDWARDS COUNTY, KANS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Kinsley, Edwards County, Kansas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the front office, Kinsley City Hall, 721 Marsh Avenue, Kinsley, Kansas. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Keith Jantz, City Manager, P.O. Box 7, Kinsley, Kansas 52801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Kinsley, Edwards County, Kansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet; national geodetic vertical datum
Arkansas River	Township Rd.	2,162
	U.S. Highway 183	2,175
Big Coon Creek	U.S. Highway 50	2,164
	Briggs Ave.	2,168
	U.S. Highway 183	2,170
	12th St.	2,173
	Township Rd.	2,174
Little Coon Creek	Winchester St.	2,172
	1st St.	2,170

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 17, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19831 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3119]

TOWNSHIP OF LOWER PROVIDENCE, MONTGOMERY COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Lower Providence, Montgomery County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Office, 2836 West Ridge Pike, Norristown, Pennsylvania. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. J. Scott Miller, Township Manager, 2836 West Ridge Pike, Norristown, Pennsylvania 19401.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Lower Providence, Montgomery County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Downstream corporate limits.	83.9
	Pawling Rd.	96.1
Perkiomen Creek	ConRail Railroad Bridge.	97.4
	Egypt Rd.	99.8
	Arcola Rd.	107.4
	Yerkes Rd.	114.3
	U.S. Route 422	119.7
Skippack Creek	Arcola Rd.	104.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19832 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3118]

CITY OF ATLANTIS, FLORIDA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Atlantis, Florida. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 260 Orange Tree Drive, Atlantis, Florida 33462.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor John Moss, City Hall, 260 Orange Tree Drive, Atlantis, Florida 33462.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Atlantis, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding (rainfall runoff).	Areas on the eastern side of the city. Areas surrounding Congress Lake.	[1] 14

[1] Depth 1 by 3 ft.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

Issued: May 17, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-19833 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3117]

TOWNSHIP OF LOWER MILFORD, LEHIGH COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Lower Milford, Lehigh County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lower Milford Township office, Chestnut Hill Church Road, Coopersburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. J. Wesley Eltonhead, Chairman of the Board of Supervisors of Lower Milford, Scott Road, R.D. 1, Zionsville, Pennsylvania 18092.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krim, Assistant Administrator, Office of Flood Insurance; 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Lower Milford, Lehigh County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hosensack Creek	Downstream corporate limits.	300
	Schultz Bridge Rd.	394
	Kings Highway	416
	Limeport Pike	444
	School House Lane	445
Indian Creek	Schultz Bridge Rd.	399
	Palm Rd.	450
	ConRail Bridge	456
	Corporate limits	468
Beacon Creek	do.	500
	Emmaus Rd.	511

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation

of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as

tions are the minimum that are required.

office of the Safety Service Director, Ore-

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of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19834 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3116]

TOWNSHIP OF UPPER GWYNEDD, MONTGOMERY COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Upper Gwynedd, Montgomery County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Lobby, Upper Gwynedd Township Building, Parkside Place, West Point, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Kenneth H. Pope, Secretary Manager, P.O. Box 1, West Point, Pennsylvania 19486.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Upper Gwynedd, Montgomery County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 19103 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wissahickon Creek	South corporate limits	271
	North Wales Rd.	277
	Sumneytown Pike	285
	Wissahickon Ave.	329
	Hancock Rd.	344
	East Main St.	366

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-19835 Filed 7-14-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3115]

CITY OF OREGON, LUCAS COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Oregon, Lucas County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the office of the Safety Service Director, Oregon Municipal Building, 5330 Seaman Road, Oregon, Ohio.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Leonard J. Wasseman; Mayor of Oregon, Oregon Municipal Building, 5330 Seaman Road, Oregon, Ohio 43616.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Oregon, Lucas County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Otter Creek	Mouth to Park St.	579
	Corduroy St.	583
	Yarrow St.	584
	Seaman St.	586
	Wheeling St.	587
	Starr Ave.	588
	Dearborn Ave.	590
	Navarre Ave. (upstream).	595
	Toledo Terminal RR (downstream).	595
	Culvert Inlet, downstream of Pickle Rd.	594
	Pickle Rd. (upstream).	598
	Maginnis Rd.	598
	Woodville Rd. (upstream).	[illegible]
	Brown Rd.	603
	Bay Terminal RR.	606
Maumee River	Entire portion along city.	579
Maumee Bay (Lake Erie):	From western corporate limits to approximately 1,000 ft west of Johnlin Ditch.	579

Source of flooding	Location	Elevation in feet above mean sea level
Maumee Bay (Lake Erie).	Band of shoreline 15 ft wide, from 1,000 ft west of Johnlin Ditch east to Stadium Rd.	581
	Bank of shoreline 15 ft wide, from Lagundovie Rd. east to the corporate limits.	580
	Bay Shore Rd. between East Lane and Tabernilla Rd., from dike to approximately 800 ft inland of Bay Shore Rd.	579
	From shoreline inland to Bay Shore Rd., between Stadium Rd. and Lagundovie Rd.	578
	Lagundovie Rd. east to the corporate limits, from approximately 15 ft inland from the shoreline, landward the following distances: at Lagundovie Rd., 950 ft; at Norden Rd., 1,600 ft; at corporate limits, 1,850 ft.	578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-19836 Filed 7-14-77;8:45 am]

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FRIDAY, JULY 15, 1977
PART III

federal register

FRIDAY, JULY 15, 1977
PART III

FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Energy Efficiency Improvement Targets

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FEDERAL ENERGY ADMINISTRATION

VI. ENVIRONMENTAL AND INFLATIONARY REVIEW

(8) Television sets

a given manufacturer to achieve the evaluation. Where the increased cost ex- Table I summarizes the methodology

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearings Regarding Energy Efficiency Improvement Targets

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration hereby proposes energy efficiency improvement targets under the Energy Policy and Conservation Act, as amended by the Energy Conservation and Production Act. This legislation requires that energy efficiency improvement targets be prescribed for certain types of appliances. The intended effect of this proposal is to solicit public comments before the targets are prescribed.

DATES: Comments by August 22, 1977; requests to speak by August 10, 1977; statements by August 12, 1977; hearings to be held from August 16, 1977, to August 19, 1977.

ADDRESSES: Comments, requests to speak at hearings, and statements to:

Federal Energy Administration, Executive Communications, Room 3317, Box NU, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461.

HEARING LOCATION:

Federal Building, Room 3000A, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Program Office), Room 307, Old Post Office Building, Federal Energy Administration, Washington, D.C. 20461, 202-566-4635.

Robert C. Gillette (Hearing Procedures), 2000 M Street, NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

Jim Mernа (Media Relations), 12th & Pennsylvania Ave., NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

William J. Dennison (Office of General Counsel), 12th & Pennsylvania Ave., NW., Room 7148, Washington, D.C. 20461, 202-566-9750.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Technical Analysis
A. Methodology for determining technological feasibility.
B. Technological analysis of each product.
III. Economic Analysis
A. Methodology for determining economic feasibility.
B. Economic analysis of each product.
C. Aggregate economic analysis.
IV. Request for Particular Comments
V. Comment Procedures
A. Written comment.
B. Public hearing.
VI. Environmental and Inflationary Review

I. Introduction

Part B (42 U.S.C. 6291–6309) of Title III of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163), as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94–385), requires the implementation of an energy conservation program for consumer products other than automobiles. As part of this program, the Federal Energy Administration (FEA), with the assistance of the National Bureau of Standards (NBS), is required to prescribe energy efficiency improvement targets for covered products, which are types of appliances specified in section 322(a) of the Act. The targets are required to be designed so as to identify the maximum improvement in the energy efficiency of appliances determined by FEA to be technologically and economically feasible by 1980. This notice is intended to replace Subpart C of previously proposed Part 430, Chapter II, Title 10, Code of Federal Regulations (41 FR 19981, May 14, 1976). The targets proposed today are more specific than the targets in the original proposal of Subpart C, which is today withdrawn.

Section 323 of the Act requires FEA to prescribe test procedures for covered products. The test procedures to be prescribed in Subpart B of Part 430 will be used in monitoring the progress of manufacturers toward meeting the energy efficiency improvement targets. These test procedures will also be used by the Federal Trade Commission (FTC) under section 324 of the Act, which requires FTC to prescribe product labeling rules designed to provide consumers with energy information which will assist them in making purchasing decisions concerning appliances.

Under section 325(a)(4) of the Act, FEA will require manufacturers of covered products to submit such reports as FEA determines may be necessary to ascertain whether the energy efficiency improvement target for a type of covered product will be met. If FEA then determines that a particular target is not likely to be met, FEA is required to commence a proceeding to prescribe an energy efficiency standard for the particular type of product or a class thereof.

Section 325 of the Act requires that FEA direct NBS to develop and that FEA by rule prescribe an energy efficiency improvement target for each of the following types of products (including their functional equivalents):

(1) Refrigerators and refrigerator-freezers
(2) Freezers
(3) Dishwashers
(4) Clothes dryers
(5) Water heaters
(6) Room air conditioners
(7) Home heating equipment, not including furnaces
(8) Television sets
(9) Kitchen ranges and ovens
(10) Clothes washers
(11) Humidifiers and dehumidifiers
(12) Central air conditioners
(13) Furnaces

This notice proposes targets for products listed in (1) through (10) above. Targets for products (11) through (13) will be proposed at a later date.

The targets for products listed in (1) through (10) are required to be designed so that, if met, the aggregate energy efficiency of all such products which are manufactured in 1980 will exceed the aggregate energy efficiency of all such products manufactured in 1972 by a percentage which is the maximum percent age improvement which FEA determines is economically and technologically feasible, but which in any case is not less than 20 percent.

The proposed targets were established in three stages. First, potential energy efficiency improvement design options for each product type were identified and then analyzed to determine whether they were technologically feasible. The energy savings of individual design options were combined to provide a single target for each product. In the second stage the economic feasibility of the energy efficiency targets calculated in the first stage was evaluated. In the third stage the individual product type targets were combined to determine the aggregate energy efficiency improvement of these product types manufactured in 1980 as compared with the aggregate energy efficiency of those products types manufactured in 1972.

II. Technical Analysis

A. Methodology for Determining Technological Feasibility

The determination of a technologically feasible energy efficiency improvement target for a product type required a thorough analysis to identify the design characteristics of currently available products which affect their energy efficiency. The Act requires that the aggregate energy efficiency improvement for these products be at least a 20 percent improvement over their 1972 efficiency performance. Accordingly, this analysis used the products produced in 1972 as a baseline. Further, the 1980 targets were required to be the maximum technologically and economically feasible, which necessitated an iterative process whereby various design improvement options and combinations of these options were studied to determine their technological feasibility, effects on improving the efficiency of the product type, and economic feasibility.

The design options referred to in this notice demonstrate the technological and economic feasibility of the 1980 targets but are not intended to dictate future product design. There may be other design options or combinations of design options which can be used by a given manufacturer to achieve the 1980 energy efficiency targets being proposed today, but no greater efficiency improvement is feasible for any appliance industry as a whole.

FEA and NBS relied on the cooperation of the relevant manufacturing industries to define the 1972 baseline energy efficiency performance of the covered products. The data that were requested of and supplied by the industries included data which described the capacities, energy efficiency performance, and production volume for the covered products. The energy efficiency performance data were reported by the industry using test procedures that had been developed by industry for internal use. Several of the test procedures which were recommended by NBS for use in FEA's appliance efficiency program were quite similar to the industry test procedures, allowing a straight-forward use of the industry-supplied data. For those industry test procedures which measured energy efficiency in a manner different from FEA's test procedures now under consideration, NBS was able to adjust the industry data to reflect energy efficiency as it would be measured by FEA's test procedures.

In addition to the measures of efficiency describing the 1972 product baseline, FEA also received information describing the percentage of 1972 products possessing certain design characteristics which, if included in a higher percentage of the 1980 products, would contribute to an overall improvement in product efficiency. This was done to assure that the industry initiatives in 1972 to improve a product's efficiency were taken into account in the development of 1980 targets.

This accounting process is explained later in this notice when the energy factors are discussed.

The technological feasibility analysis began with the identification of design options that would improve the energy efficiency of a product. Once these design options were identified, they were evaluated by NBS to determine their contribution to improving the energy efficiency of the product, their impact on increased retail cost, and their impact on material usage. In order for the design option to be considered technologically feasible, it had to be an available technology that could be incorporated into production by 1980 without significant hardship. Increased materials necessary for the implementation of the design change had to be readily available, so that incorporation of the design change would not be limited by the lack of materials.

The contribution of each design improvement to the product's efficiency was evaluated by NBS. The increased costs were estimated using industrial engineering techniques or catalogues for those design features which already existed in the marketplace. A simple payback analysis which compared increased retail costs to operating cost savings was used by NBS as a final criterion for selecting a design option for further evaluation. Where the increased cost exceeded the savings, an option was rejected. Of course, a target incorporating these options still had to meet the further economic feasibility test discussed below.

After the technologically feasible individual design options were identified, combinations of design options were evaluated using the proposed or final FEA test procedures (and in appropriate cases, the 1972 baseline data), to determine the maximum technologically feasible energy efficiency improvement for a product type. This was done for product types and where necessary within such types, by power source (e.g., gas, oil, electricity). Energy factors for these products were determined using the proposed or final FEA test procedures as a touchstone.

The combination of design improvement options chosen to demonstrate the technological feasibility of the 1980 targets was then subjected to an economic analysis to determine their economic feasibility. As described in detail below, this economic feasibility analysis relied on NBS estimates of the design improvements' effects on efficiency improvement, increased retail costs, and increased material usage. The efficiency improvement targets within product types were combined by a simple weighted average approach using their estimated 1972 energy consumption.

Table I summarizes the methodology used in calculating a 1980 production-weighted aggregate percent efficiency improvement over 1972 for the 10 products concerned. First, the production-weighted 1972 annual energy consumption of each product type was summed in computation 1. These figures are based on 1972 production and efficiencies for each product type. Then the production-weighted annual energy savings for each product type in 1980 (computed by multiplying the percent of energy savings by the 1972 production-weighted energy consumption) was summed in computation 2. In computation 3, the percent of production-weighted energy savings in 1980 was calculated by dividing the result of computation 2 by the result of computation 1. An aggregate energy efficiency improvement for all 10 products in 1980 was derived in computation 4, which yields a 35 percent improvement over 1972.

The detailed 1980 targets for the product types and classes within a product type are presented below. A list of design options chosen to demonstrate technological feasibility is also included. Energy factors representing average 1972 product efficiency and the 1980 target efficiency are presented. The energy factor for a product can be determined through application of the FEA test procedures.

TABLE 1.—*Percent energy efficiency improvement computation chart*

Product type	Production-weighted 1972 annual energy consumption (10^{12} Btu)	Aggregate production-weighted annual energy savings in 1980 based on 1972 production (x 10^{12} Btu)
1. Refrigerators and refrigerator freezers	38.95	12.46
2. Freezers	7.68	1.77
3. Dishwashers	18.89	3.78
4. Clothes dryers	15.70	1.50
5. Water heaters	[1] (176.91 - 48.62)	52.88
6. Room air-conditioners	19.44	4.47
7. Home heating equipment	42.56	2.10
8. Television sets	16.70	7.29
9. Kitchen ranges and ovens	34.72	13.64
10. Clothes washers	34.35	10.99
Aggregate	[2] 357.28	[3] 92.38

[1] Production weighted annual energy consumption for water heaters includes 15.79×10^{12} Btu consumed by dishwashers and 32.83×10^{12} Btu consumed by clothes washers for hot water usage. Therefore, the water heater energy consumption is reduced by 48.62×10^{12} Btu since it is already accounted for in the dishwasher and clothes washer figures.
[2] Computation 1.
[3] Computation 2.

Computation 3: Aggregate production weighted annual energy savings (computation 2) / production-weighted 1972 annual energy consumption (computation 1) = Percent of 1972 production-weighted energy savings

Computation 4: Percent of 1972 production-weighted energy savings / 100—pct of 1972 production-weighted energy savings = Aggregate percent EEI

B. Technological Analysis of Each Product

Each of the following proposed product-specific energy efficiency improvement targets is based on the best available information and represents FEA's determination of the maximum efficiency that is technologically feasible, as derived by use of the methodology described above.

Included in each analysis is a description of the design options selected as the means to attain the 1980 targets. Each discussion refers to a table that states the production-weighted energy savings of each design option selected for a particular product, as well as the estimated lead-time required before the option can be incorporated into the product. The design options identified may not encompass all the design options available to a given manufacturer for improving the energy efficiency of a particular product, but they do demonstrate the technological feasibility of the proposed energy efficiency improvement target for a particular product type.

A detailed discussion of the target de-

TABLE 3.—*Summary of 1980 energy effi-*

could be improved by 18 percent, and

TABLE 7.—*Clothes dryer product type energy efficiency improvement target*

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A detailed discussion of the target determination procedure for each product is contained in a separate technical paper prepared by NBS. As provided later in this notice, each paper is available for inspection by interested persons.

Refrigerators and Refrigerator-freezers

The proposed energy efficiency improvement target for refrigerators and refrigerator-freezers is 47 percent. The refrigerator and refrigerator-freezer design options that were selected to demonstrate the technological feasibility of the proposed target are: improving the compressor motor efficiency through the use of permanent split capacitor (PSC) motors, eliminating the condenser fan motor, improving the insulation by using foam insulation instead of fiberglass, improving the door seals and cabinet throat design, and providing an on-off control switch for the antisweat heater, when an antisweat heater is used as a condensation control device. The production-weighted energy savings of each design option described above for refrigerators and refrigerator-freezers, and the estimated lead time required for implementation, are presented in Table 2.

TABLE 2.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for refrigerators and refrigerator-freezers*

Recommended design options	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improve compressor motor efficiency	9	
2. Eliminate condenser fan motor	1	
3. Improve insulation	14	
4. Improve door seals and cabinet throat design	4	
5. Provide on-off switch for anti-sweat heaters	6	1
Aggregate	32	

1980 energy efficiency improvement target

$$=\frac{32}{100-\ldots}\times 100=47\text{ pct.}$$

1972 energy factor: 3.80 ft³/kWh/d.
1980 energy factor: 5.59 ft³/kWh/d.
[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

Freezers

The proposed energy efficiency improvement target for freezers is 30 percent. The freezer design options that were selected to demonstrate the technological feasibility of the proposed target are: improving the compressor motor efficiency through the use of permanent split capacitor (PSC) motors, improving the insulation in freezers by using foam instead of fiberglass insulation, and providing an "on-off" control switch for the antisweat heater, when an antisweat heater is used as a condensation control device. The production-weighted energy savings of each design option described above for freezers, and the estimated lead time required for implementation are presented in Table 3.

TABLE 3.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for freezers*

Recommended design options	Production weighted energy savings (percent)	Lead time for implementation (years)
1. Improve compressor motor efficiency	9	3
2. Improve insulation	11	2
3. Provide on-off switch for anti-sweat heaters	3	1
Aggregate	23	

1980 energy efficiency improvement target

$$=\frac{23}{100-23}\times 100=30\text{ pct.}$$

1972 energy factor: 4.32 ft³/kWh/d.
1980 energy factor: 5.62 ft³/kWh/d.[1]
[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{pct EEI}}{100}.$$

Dishwashers

The proposed energy efficiency improvement target for dishwashers is 25 percent. The dishwasher design options that were selected to demonstrate the technological feasibility of the proposed energy efficiency improvement target are: a switch to deactivate the optional hot drying of the dishes after the last rinse and before the drying heater is activated; the elimination of one rinse cycle from the normal wash cycle; changing the washing chamber geometry to lower water usage; and improving the accuracy of water fill controls to reduce overfilling. The production-weighted energy savings of each design option described above and the estimated lead time required for implementation are presented in Table 4.

TABLE 4.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for dishwashers*

Recommended design options	Production-weighted energy savings (percent)	Lead time for implementation (years)
1. Optional hot dry	3.0	1.0
2. Reduce one rinse cycle	5.6	1.5
3. Change in geometry	7.1	2.0
4. Improved fill controls	3.9	2.0
Aggregate	20	

1980 energy efficiency improvement target

$$=\frac{20}{100-20}\times 100=25\text{pct.}$$

1972 energy factor = 0.213 loads/kWh.
1980 energy factor = 0.304 loads/kWh.[1]
[1] 1980 Energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

Clothes Dryers

The proposed energy efficiency improvement target for clothes dryers is 11 percent. To arrive at this target, the determination was made that gas dryers could be improved by 18 percent, and electric dryers by 8 percent.

The gas clothes dryer design option that was selected to demonstrate the technological feasibility of the proposed energy efficiency improvement target is the elimination of the gas pilot light by utilizing an automatic ignition system. The electric clothes dryer design options that were selected to demonstrate the technological feasibility of the proposed target are: The attachment of insulation to the inside surfaces of the clothes dryer and improvement of the electric heating-element efficiency through design changes which improve the heat transfer characteristics between the heating surface and the dryer drum.

The production-weighted energy savings of each design option described above for clothes dryers, and the estimated lead time required for implementation are presented in Tables 5 and 6. The data in Table 7 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 11 percent for clothes dryers

TABLE 5.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for gas-fueled clothes dryers*

Recommended design option	Production-weighted energy savings gas dryers (percent)	Lead time for implementation (years)
1. Eliminate pilot	15	1
Aggregate	15	

1980 energy efficiency improvement target

$$=\frac{15}{100-15}\times 100=18\text{ pct.}$$

1972 energy factor = 1.96 lbs/kWh.
1980 energy factor = 2.31 lbs/kWh.[1]
[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 6.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for electric-fueled clothes dryers*

Recommended design options	Production-weighted energy savings electric dryers (percent)	Leadtime for implementation (years)
1. Add insulation	5	2
2. Improve electric heater	2	2
Aggregate	7	

1980 energy efficiency improvement target

$$=\frac{7}{100-7}\times 100=8\text{ pct.}$$

1972 energy factor = 2.64 lbs/kWh.
1980 energy factor = 2.85 lbs/kWh.[1]
[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 7.—*Clothes dryer product type energy efficiency improvement target*

	1972 energy consumption × 10¹⁵ Btu	Percent of energy savings	Energy efficiency improvement target (percent)	1972 energy factor pounds per kilowatt-hour	1980 energy factor pounds per kilowatt-hour
Clothes dryers	15.70	10	11		
Gas clothes dryers	4.91	15	18	1.96	2.31
Electric clothes dryers	10.79	7	8	2.64	2.85

Water Heaters

The proposed energy efficiency improvement target for water heaters is 23 percent. To arrive at this target, the determination was made that gas water heaters could be improved by 25 percent, oil water heaters by 23 percent, and electric water heaters by 18 percent.

The gas water heater design options that were selected to demonstrate the technological feasibility of the proposed target are: Improved heat transfer, improved insulation of the storage tank, reduced factory setting of the thermostat and a detent on the controls at this setting, reduced energy input from the pilot light, and heat traps in the cold water inlet and hot water outlet piping. The oil water heater design options that were selected to demonstrate the technological feasibility of the proposed target are: improved heat transfer, improved insulation of the storage tank, reduced factory setting of the thermostat and a detent in the controls at this setting, ignition system improvements, combustion and burner efficiency improvements, and heat traps in the cold water inlet and hot water outlet piping. The electric water heater design options that were selected to demonstrate the technological feasibility of the proposed target are: improved insulation of the storage tank, reduced factory setting of the thermostat and a detent in the controls at this setting, and heat traps in the cold water inlet and hot water outlet piping.

The production-weighted energy savings of each design option described above for gas, oil and electric water heaters, and the estimated lead time required for implementation, are presented in Tables 8, 9, and 10. The data in Table 11 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 23 percent for water heaters.

TABLE 8.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for electric water heaters*

Design option	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Increased or improved insulation	8.0	2
2. Reduced thermostat setting	6.0	0
3. Heat trap	2.0	1
Aggregate	[1] 15.0	

1980 energy efficiency improvement target

$$=\frac{15}{100-15}\times 100=18\text{ pct.}$$

1972 energy factor: 80 pct.
1980 energy factor: 95 pct.[2]
[1] These values are not additive. Refer to the water heater technical background paper.
[2] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}$$

TABLE 9.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for gas fueled water heaters*

Design option	Estimated [1] production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improved heat transfer	5.0	1
2. Increased or improved insulation	8.0	2
3. Reduced thermostat setting	5.0	0
4. Reduced pilot rate	2.0	0.5
5. Heat trap	1.0	1
Aggregate	[2] 20.0	

1980 energy efficiency improvement target

$$=\frac{20}{100-20}\times 100=25\text{ pct.}$$

1972 energy factor: 44 pct.
1980 energy factor: 55 pct.[3]
[1] These values are not additive. Refer to the water heater technical background paper.
[2] 1980 energy factor = 1972 energy factor $\times\frac{100+\text{EEI}}{100}$.

TABLE 10.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for oil fueled water heaters*

Design option	Estimated [1] production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improved heat transfer	1.3	1
2. Increased or improved insulation	8.0	2
3. Reduced thermostat setting	5.0	0
4. Ignition system improvement	2.0	0.5
5. Combustion and burner improvements	2.6	1.5
6. Heat trap	1.0	1
Aggregate	[2] 19	

1980 energy efficiency improvement target

$$=\frac{19}{100-19}\times 100=23\text{ pct.}$$

1972 energy factor: 46 pct.
1980 energy factor: 57 pct.[3]
[1] These values are not additive. Refer to the water heater technical background paper.
[2] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 11.—*Water heater product type energy efficiency improvement target*

TABLE 14.—*Summary of 1980 energy ef-*

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TABLE 11.—*Water heater product type energy efficiency improvement target*

	1972 energy consumption×10[15] Btu	Percent of energy savings	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Water heaters	176.91	19	23		
Electric water heaters	49.6	15	18	80	94.4
Gas water heaters	125.6	20	24	44	55.0
Oil water heaters	1.71	19	23	46	56.6

Room Air Conditioners

The proposed energy efficiency improvement target for room air conditioners is 30 percent. The room air conditioner design options that were selected to demonstrate the technological feasibility of the proposed target are: installation of a fan switch, improvement of fan motor efficiency, improvement of compressor efficiency, and improvement of cycle efficiency. A preliminary value of energy savings for the fan switch has been established on the basis of available information and calculations. The contribution of this innovative feature may be modified on the basis of information received in this proposed rulemaking. FEA may amend the room air conditioner test procedure to measure the contribution of the fan switch if the information received demonstrates that it saves energy with typical consumer usage. The production-weighted energy savings of each design option described above and the estimated lead time required for implementation are presented in Table 12.

TABLE 12.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for room airconditioners*

Recommended design options	Production-weighted energy savings (percent)	Estimated lead time for implementation (years)
1. Install a switch to cycle fan with compressor	[1] 5	0.5
2. Improve fan motor efficiency	3	.5
3. Improve compressor efficiency	5	1.0
4. Improve cycle efficiency	10	1.0
Aggregate	23	

1980 energy efficiency improvement target

$$=\frac{23}{100-23}\times 100=30 \text{ pct.}$$

1972 energy efficiency ratio: 6.51 Btu/kWh.
1980 energy efficiency ratio: 8.46 Btu/kWh.[2]

[1] Value to be modified as required on the basis of information received from this proposal.
[2] 1980 energy factor=1972 energy factor

$$\times\frac{100\times\text{percent EEI}}{100}.$$

Home Heating Equipment, Not Including Furnaces

The proposed energy efficiency improvement target for vented home heating equipment is 13 percent. To arrive at this target, the determination was made that vented gas heaters could be improved by 14 percent, and vented oil heaters could be improved by 12 percent. Unvented home heating equipment is considered to be 100 percent efficient at the point of end use.

The vented gas heater design options that were selected to demonstrate the technological feasibility of the proposed target are improved heat transfer, electric ignition, and a flue damper. The vented oil heater design options that were selected to demonstrate the technological feasibility of the proposed target are improved heat transfer, flue damper, and power burner system with forced air.

The production-weighted energy savings of each design option described above for gas and oil vented heaters, and the estimated lead time required for implementation are presented in Tables 13 and 14. The data in Table 15 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 13 percent for vented home heating equipment.

TABLE 13.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for gas fueled heaters*

Design option	Estimated [1] production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improved heat transfer	7.6	1.0
2. Electric ignition	1.2	1.5
3. Flue damper	3.5	2.5
Aggregate	12	

1980 energy efficiency improvement target

$$=\frac{12}{100-12}\times 100=14 \text{ pct.}$$

1972 energy factor: 53 pct.
1980 Energy Factor: 60.4 pct. [1]

[1] 1980 energy factor=1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 14.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for oil fueled heaters*

Design option	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improved heat transfer	5.0	2
2. Flue damper	3.3	2
3. Power burner system	2.2	2
Aggregate	11	

1980 energy efficiency improvement target

$$=\frac{11}{100-11}\times 100=12 \text{ pct.}$$

1972 energy factor: 41 pct.
1980 energy factor: 45.7 pct.

[1] 1980 energy factor=1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 15.—*Vented home heating equipment product type energy efficiency improvement target*

	1972 energy consumption ×10[12] Btu	Percent of energy savings	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Vented heaters	30.63	12	13		
Gas heaters	22.40	12	14	53	60.4
Oil heaters	8.23	11	12	41	45.7

Television Sets

The proposed energy efficiency improvement target for television receivers is 79 percent. To arrive at this target, the determination was made that monochrome televisions could be improved by 186 percent, and color televisions could be improved by 54 percent.

The television design options that were selected to demonstrate the technological feasibility of the proposed target are the elimination of the instant-on feature and a 100 percent changeover to solid state circuitry. The production-weighted energy savings of each design option for color and monochrome television receivers, and the estimated lead time required for implementation, are presented in Tables 16 and 17. The data in Table 18 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 79 percent for television receivers.

TABLE 16.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for monochrome television receivers*

Design option	Estimated production-weighted energy savings (percent)	Estimated lead time for implementation
1. Changeover to 100 pct solid state circuitry	52	[1] 0
2. Elimination of instant-on	13	[1] 0
Aggregate	65	

1980 energy efficiency improvement target

$$=\frac{65}{100-65}\times 100=186 \text{ pct.}$$

1972 energy factor: 35 pct.
1980 energy factor: 100 pct.
Changeover in progress.
[1] 1980 energy factor=1972 energy factor

$$+\frac{100\times\text{pct EEI}}{100}.$$

TABLE 17.—*Summary of energy efficiency improvement (EEI) target calculations for color television receivers*

Design option	Estimated production-weighted energy savings (percent)	Estimated lead time for implementation
1. Changeover to 100 pct. solid state circuitry	28	[1] 0
2. Elimination of instant-on	7	[1] 0
Aggregate	35	

1980 energy efficiency improvement target

$$=\frac{35}{100-35}\times 100=54 \text{ pct.}$$

1972 energy factor: 65 pct.
1980 energy factor target: [2]100 pct.

[1] Changeover in progress.
[2] 1980 energy factor=1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

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TABLE 18.—*Television receiver product type energy efficiency improvement target*

	1972 energy consumption × 10¹² Btu	Percent of energy savings	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
Television receivers	16.70	44	79		
Monochrome TV	4.83	65	186	35	100
Color TV	11.87	35	54	65	100

Kitchen Ranges and Ovens

The proposed energy efficiency improvement target for kitchen ranges and ovens is 64 percent. To arrive at this target, the determination was made that gas kitchen ranges and ovens could be improved by 104 percent, electric kitchen ranges and ovens by 3 percent, and microwave ovens by 5 percent.

The gas kitchen range and oven design options that were selected to demonstrate the technological feasibility of the proposed target are the elimination of continuous burning pilots and the reduction of flue gas losses from the oven. The electric kitchen range and oven design options that were selected to demonstrate the technological feasibility of the proposed target are increasing the insulation in the walls of the oven, and improving the oven door seals. The microwave oven design options that were selected to demonstrate the technological feasibility of the proposed target include improved oven linings, improved power sources, reduction in the power requirements of features such as lights and timers in the microwave oven, and improved coupling between the magnetron and the food.

The production-weighted energy savings of each design option described above, and the estimated lead time required for implementation, are presented in Tables 19, 20, and 21. The data in Table 22 were used in the methodology discussed above to determine the proposed energy efficiency improvement target of 64 percent for kitchen ranges and ovens.

TABLE 19.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for electric kitchen ranges and ovens*

Design option	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improve oven insulation	3	2
2. Improve oven door seal	1	(1)
Total	4	
Penalty to meet safety regulations	[2] −1	
Aggregate	3	

1980 energy efficiency improvement target

$$=\frac{3}{100-3}\times 100=3 \text{ pct.}$$

1972 energy factor: 39.41.
1980 energy factor: 40.59.[3]

[1] Less than 1 yr.

[2] Discussions with the industry and limited test data indicate that average range energy efficiencies have decreased since 1972, due to design changes that have been made to meet safety regulations to lower range surface temperatures. It has been determined that an effort to optimize the requirements to improve the energy efficiency of the range and meet the safety regulation will result in a limited negative impact on range energy efficiency.

[3] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}$$

TABLE 20.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for gas kitchen ranges and ovens*

Design option	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Elimination of continuous-burning pilot	47	2
2. Reduce excess flue gas losses	4	2
Aggregate	51	

1980 energy efficiency improvement target

$$=\frac{51}{100-51}\times 100=104 \text{ pct.}$$

1972 energy factor: 10.08.
1980 energy factor: 20.56.[1]

[1] 1980 energy factor = 1972 energy factor

$$+\frac{100+\text{percent EEI}}{100}.$$

TABLE 21.—*Summary of 1980 energy efficiency improvement (EEI) target calculations for microwave ovens*

Design options	Estimated production-weighted energy savings (percent)	Lead time for implementation (years)
1. Improved oven linings		
2. Improved power source		
3. Improved coupling between magnetion and food	5	2
4. Reduced feature power requirements		
Aggregate	5	

1980 energy efficiency improvement target

$$=\frac{5}{100-5}\times 100=5 \text{ pct.}$$

1972 energy factor: 37.99.
1980 energy factor: 39.89.[1]

[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

TABLE 22.—*Kitchen range and oven product type energy efficiency improvement target*

	1972 energy consumption×10¹² Btu	Percent of energy savings (percent)	Energy efficiency improvement target (percent)	1972 energy factor (percent)	1980 energy factor (percent)
1. Kitchen ranges and ovens	34.78	39	64		
Electric ranges/ovens	8.38	3	3		
Ranges	7.52	3	3	39.41	40.59
Cooking tops	.54	0	0	63.60	63.60
Ovens	.52	5	5	14.56	15.29
Gas ranges/ovens	26.24	51	104		
Ranges	24.35	51	104	10.08	20.56
Cooking tops	.92	53	113	16.63	35.42
Ovens	.97	48	92	3.64	6.99
Microwave ovens	.10	5	5	37.99	39.89

Clothes Washers

The proposed energy efficiency improvement target for clothes washers is 47 percent. The clothes washer design options that were selected to demonstrate the technological feasibility of the proposed energy efficiency improvement target are: the elimination of the warm rinse by closing off the hot water port and only supplying cold water during a rinse cycle, and the reduction of the water temperature at the warm temperature setting of the wash cycle. The production-weighted energy savings of each design option described above and the estimated lead time required for implementation are presented in Table 23.

TABLE 23.—*Summary of 1980 energy efficiency improvement (EEI) target calculation for clothes washers*

Recommended design option	Production-weighted energy savings (percent)	Lead time for implementation (years)
1. Eliminate warm rinse	23.6	1
2. Reduce warm temperature setting	8.0	
Aggregate	32	

1980 efficiency improvement target

$$=\frac{32}{100-32}\times 100=47 \text{ pct.}$$

1972 energy factor: 0.198 load/kWh.
1980 energy factor: 0.291 load/kWh.
1980 energy factor: 0.291 load/kWh.[1]

[1] 1980 energy factor = 1972 energy factor

$$\times\frac{100+\text{percent EEI}}{100}.$$

III. ECONOMIC ANALYSIS

A. METHODOLOGY FOR DETERMINING ECONOMIC FEASIBILITY

The economic feasibility analysis of today's proposal is complex because the analysis touches upon a vast array of demand-supply relationships which affect consumers not only in their purchasing decisions but also in their daily use of appliances. In performing this analysis, a comprehensive methodology for examining all significant and relevant economic effects was used in order to insure that the proposed targets maximize benefits, especially in the area of energy conservation, while minimizing any adverse consequences.

The analytical procedures used both to project trends and to quantify economic factors consisted of the application of econometrics, statistics and other mathematical methods. In assessing the role of consumer products within the economy, a micro-economic analysis was relied upon, as much as possible, to project trends and simulate changes which the proposed targets might induce. However, where either the lack of data or limited model structure prevented strict adherence to econometrics, the expertise of FEA played a large role.

Most economic factors are quantified in terms of 1980 prices and quantities because 1980 is the year in which impacts of the targets will generally first occur. The projection of prices and quantities for 1980 relies upon a combination of analytical procedures. One essential feature of these procedures is that the outcome, both for energy savings and for cost-benefit impacts, is not significanly altered by variance around these projections. The forecast of shipments, prices and other economic factors relating to 1980 provides a base case for quantifying possible impacts. If these projections are not accurate then the quantified impacts for various costs and benefits shift in a proportional manner. For example, variations in projected 1980 sales yield similar net benefits for consumers with negligible impact on long-term energy trends.

Various data sources were used in quantifying economic factors and in the analysis of economic possibilities. Primary data sources were Federal Government publications, including the Census of Manufacturers (U.S. Bureau of the Census, Industry Series, 1975) and Current Industrial Reports (U.S. Bureau of the Census, 1973), together with private sector publications such as Appliance Manufacturer (Data Chase Publications Inc., 1975) and Merchandising Week (Billboard Publication Inc., 1972–75). Another source of data was testimony submitted at May and June 1976 hearings on subpart C as previously proposed (41 FR 19977, May 14, 1976), as well as the written comments received in response to that proposal.

The structure of the methodology consists of establishing a definition of economic feasibility, and conducting a four-stage analysis which quantifies all relevant economic factors. Use of this methodology by FEA should not preclude interested parties from suggesting different methodologies, but such suggestions should include a clearly defined methodology along with verified quantifications. Presentations from respondents are encouraged, since a thorough understanding of all relevant economic factors is necessary in prescribing economically feasible targets for consumer products.

A proposed energy efficiency improvement target for a particular consumer product (or aggregate set of consumer products) is economically feasible when:

1. Appropriate economic resources are available for production and shipment of the more energy-efficient consumer product (or aggregate set of consumer products), and

2. Either benefits exceed costs of implementing the proposed targets, or negative impacts are not of substantial consequence.

Economic resources are considered available when manufacturers can obtain necessary scarce or imported materials to implement energy improvements, and can secure sufficient capital to finance the required investment in plant and equipment, and to finance other costs, including materials. In addition, when costs of implementing and utilizing more energy-efficient consumer products are outweighted by the dollar value of benefits, the target is considered to be economically feasible. Where, however, costs exceed benefits, and both energy savings are substantial and economic impact on overall economic trends is not of substantial consequence, then the proposed target remains economically feasible. An economic impact is not of substantial consequence when it does not alter a reasonable projected path of stable growth by an appreciable margin in a manner which causes undue stress or burden to some sector of the economy.

FEA applied this definition first to each individual type of product, and then to the entire set of products specified in paragraphs (1) through (10) of section 322(a) of the Act. The first criterion of the definition, which involves an examination of scarce material supply and investment requirements, is analyzed in stage two of the analysis. The second criterion, which involves the quantification of costs and benefits associated with proposed targets, is analyzed in stages three and four of the analysis, where effects on employment, production, prices, demand, energy, investment and market structure are also quantified. The first stage of the analysis relates energy savings design options to basic economic factors upon which the other stages depend.

Stage I.—Integration of design options with economic impacts. Certain technological engineering factors are accepted as given for the purpose of the economic analysis. These technological factors include the set of design options discussed in Part II above, with corresponding material requirements and resulting energy efficiency improvements for each consumer product. The economic analysis derives a cost estimate for implementing each design option by pricing required materials along with costs for labor and overhead when these are considered important elements in the redesign. The

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energy savings attributable to the individual design options, and their costs, are combined so as to account for any overlapping energy savings, in order to arrive at an overall energy improvement and total cost increase. The increase in total cost is then translated into an increase in purchase price. Evidence of current price differentials for products already incorporating energy efficient design options was used where appropriate. In this manner, the price increase per unit is directly linked to technical design options and energy efficiency improvements.

The per unit price increase is further adjusted in two ways. First, the per unit price increase is production-weighted, as are energy efficiency improvements, according to 1972 and 1980 shipment characteristics. For each consumer product, the percentage of 1972 shipments incorporating a particular design option is subtracted from the projected percentage of 1980 shipments incorporating the same design option, resulting in the percentage increase in products marketed with a specific design option in 1980 over 1972. This net increase in percentage of improved products between base period and target date is multiplied by the appropriate design option price increase, yielding a production-weighted price increase by design option. The production-weighted price increase for each design option is summed for all design options to arrive at a production-weighted price increase for the consumer product.

The second adjustment is the calculation of the production-weighted price increase expressed in 1980 prices. Because recent available retail prices were most often 1975 prices, an inflation rate of about 3 percent per year, compounding to 15.9 percent, was used to inflate 1975 prices into 1980 prices. Although an annual price rise of 3 percent is lower than projected inflation in the economy, it is in line with past consumer product price trends, which typically rise at a significantly lower rate than inflation.

For the aggregate set of consumer products, the production-weighted price increase in 1980 is multiplied by projected 1980 shipments to derive the total additional consumer cost of achieving the proposed targets. Projected unimproved consumer product prices multiplied by base-case projected 1980 shipments yields an initial unimproved purchase cost that is compared to the increased purchase cost of improved products for evaluating the impact on demand and supply relationships.

Stage II.—Availability of economic resources. This stage of the analysis evaluates the sufficiency of economic resources, including materials and capital, to permit the manufacture and shipment of the more energy-efficient consumer products. The particular investment requirements described in this evaluation are not meant to prescribe for manufacturers a necessary investment or financial procedure. Although particular manufacturing and financial factors are presented along with their impacts, the purpose of this analysis is only to demonstrate one economically feasible approach in the achievement of the proposed targets.

This evaluation relies essentially upon the given technological factors to define material requirements. Each design option is related to the number of pounds of material per unit. Per unit material requirements are aggregated by using production-weighted percentages such as were used for price increases. Total material changes from incorporating design options is the product of 1980 shipments and production-weighted changes. Total material changes are expressed as a percent of U.S. total to assess potential impact. If the material impact is judged to be nonsignificant then it is considered to be an available economic resource.

For the set of 10 consumer products, material changes are summed. Total material changes for all 10 consumer products are expressed as a percent of U.S. total to assess potential scarce material impact and to determine impact by industry, if any, with respect to plant operating capacity, investment and employment. If the material impact is judged either to be nonsignificant relative to total U.S. production and imports, or easily supplied by the respective industry, then that material is considered to be an available economic resource.

Investment requirements are also analyzed in stage two. First, investment requirements are estimated for a typical size manufacturing firm. A typical size firm is considered to be one which has a market share equal to or better than the average market share of all firms manufacturing the product. The necessary investment resources are considered to be available if the financial status of a typical firm manufacturing the particular product is adequate to undertake the investment. Second, the availability of sufficient funds for the entire industry is evaluated by aggregating the investment requirements of all firms in the industry. The aggregation of investment at the industry level is calculated by multiplying the investment required by a typical firm times the number of firms estimated to account for over 90 percent of the market wherever possible. The additional investment for the industry is compared to recent investment trends by the industry itself to assess the possible burden. Also, the availability of funds in the financial market is evaluated by contrasting the additional industry needs with manufacturers' performance in terms of growth and profitability. If the financial position of manufacturers of a consumer product is adequate to obtain necessary funds, then investment requirements are considered to be an available resource.

For the aggregate set of products, investment requirements are examined collectively with respect to the number of firms supplying each product and their general financial position. Growth and profitability of firms which collectively account for over 90 percent of market share, where possible, are evaluated with respect to total investment requirements. If the financial position of the group of industries is adequate to secure funds from the capital market, then investment requirements are considered to be an available economic resource.

Stage III.—Cost-benefit tradeoffs and energy consumption. This stage of the analysis examines the cost-benefit tradeoff confronting consumers of household appliances, along with corresponding energy savings. The tradeoff is essentially a measurement of net life cycle benefits from the perspectives of both an individual purchaser and all household sector purchasers. These purchase decisions determine net energy savings, which are quantified by comparing the reduced energy consumption in the normal operation of the product and the possible greater energy consumed in the manufacture of a more efficient product.

First, costs and benefits to the household sector are evaluated. Net life cycle benefits are derived both for individual purchases of a more energy-efficient product and for total consumer purchases by product and by set of products. The premise underlying both perspectives is that a more energy-efficient consumer product typically sells for a higher price but operates at a lower cost, since less energy is required to perform the same task. Future dollar savings from lower operating costs are accumulated over the life of the product (or set of products) and expressed in present dollars by discounting future dollar flows. The discounting formula is based on a 10 percent interest rate and an engineering estimate of product life. In this manner, a rational consumer can compare, dollar for dollar, the current value of future operating savings with the increase in purchase price of the more energy-efficient product.

The benefit derived from the present value of life cycle operating savings is reduced by the increase in initial purchase price to determine net life cycle benefits. The present value of net life cycle benefits for individual purchasers is aggregated by using a projection of 1980 shipments by product. The 1980 shipment projection is assumed to equal all household purchases and provides the basis for quantifying reduced energy consumption, household savings and increased expenditures resulting from the household sector purchase and use of more efficient products which sell at a higher price but operate at a lower energy cost.

However, total energy savings is even greater than the amount of reduced consumption by the household sector. Reduced energy consumption is measured first at household end use in kilowatt-hours and second at utility plants in Btu's. The measurement of energy consumed by the utility is the actual energy content of fuel consumed in order ultimately to operate the consumer product in the home. The energy content of fuel delivered to the utility plant is about three times the delivered energy to the household due to losses of energy in generation and transmission. A conversion factor of 10,600 Btu's/kWh (FEA conversion factor) is used to convert household energy in kWh's into energy expended by the utility plant in Btu's. For each one kWh, which is equivalent to 3412 Btu's, saved by the household, approximately 10,600 Btu's are saved by the utility.

The measurement of energy consumed by the utility is further converted into barrels of crude petroleum by using a conversion factor of 5.6 million Btu's per barrel. However, simply because reduced energy consumption is equivalently measured in quantity of crude petroleum, this does not imply that either imports or domestic production of petroleum will decline by a similar amount, since only about 20 percent of energy supplied to utilities is in the form of petroleum fuel. But overall reduction in household energy consumption will proportionately make available for more productive uses supplies of petroleum, coal and natural gas, especially in industry.

Stage IV.—Assessment of negative impact on demand and employment. The last stage of the analysis quantifies impacts within and between household and manufacturing sectors. This stage is primarily an evaluation of possible substantial negative impacts but, where appropriate, costs are offset by benefits. The analysis examines the potential impact of shifts in household demand on production and employment. Other areas of potential negative impacts include industry structure and income groups.

The purpose of this stage is to examine, for each of the consumer products, changes in demand-supply relationships in terms of economic feasibility. The study of the interaction of demand-supply relationships within and between the household and manufacturing sectors yields costs, benefits and impacts of energy efficiency targets. The extent to which costs, benefits and impacts vary depends essentially upon two factors.

1. The extent to which manufacturing costs, including substituted materials, new investment in plant and equipment and additional financing costs, increase purchase price.

2. The degree to which household demand for consumer products varies with respect to higher prices on the one hand but lower operating costs on the other.

The higher the manufacturing cost requirements to implement proposed targets, the greater the negative impact from higher prices on household demand, employment, production, inflation and market structure. Negative impacts are, however, viewed in relative terms since, although they may be significant, such impacts may also be outweighed by favorable benefits consisting of either reduced energy consumption on the demand side or innovative manufacturing techniques on the supply side. In contrast, the lower the manufacturing cost requirements, the greater the opportunity for energy savings, enhanced household purchasing power, and negligible negative impacts.

This fourth stage of the analysis initially evaluates the possible changes in aggregate demand along with the resulting impact on production, employment and market structure. The analysis examines possible deviations from the 1980 base case shipment projection in order to assess possible substantial negative impacts resulting from the achievement of the proposed energy efficiency targets. The 1980 base case projection of shipments and purchases was used as the most reasonable basis and best approximation for quantifying material and energy impacts along with life cycle benefits discussed in stages two and three. Thus, even though possible negative impacts might cause a deviation around the base case projection, the previously qualified impacts would not be substantially altered. The reasonableness of using the 1980 base case projections in stages two and three stems, in part, from an assumption that between 1972 and 1980 manufacturers will have introduced higher-priced, more efficient products in a progressive manner so that households are not suddenly faced with a one time jump in prices of more energy efficient products in 1980. If the latter assumption holds true, the negative impacts would not be of material consequence since they would be spread over a number of years and in essence diluted by other economic factors.

However, in order to measure the possibility of more substantial negative impacts, this methodology in stage four further analzes an alternative case in which households react to a sudden jump in 1980 prices of more energy-efficient products. The extent to which demand shifts in response to a sudden jump in prices is subject to continuing fluctuation as the relative prices of purchasing and operating the product change, along with changes in awareness and preception of future price trends. For these reasons, a plausible maximum-minimum range of household response to higher prices is presented. For example, where rational consumers compare life cycle operating savings to increased purchase price and the positive impact from operating savings outweighs the negative impact from higher purchase price then demand could, in fact, exceed the 1980 base case projections. But, where life cycle operating savings are ignored, demand could fall below the base case projection. It is these two plausible consumer preceptions which are captured by a maximum-minimum range.

FEA has determined that the minimum negative impact is the most plausible case for several reasons. First, the quantification of shifts in both demand and employment does not fully consider the positive effect that a successful consumer education and labeling program might have on increasing consumer preference for low energy usage products with the ultimate effect of outweighing the negative effects of purchase price elasticity. Also, recent structural changes in consumer preferences between purchase price and operating cost have not been given appropriate weighting since time series used in this analysis of relative price elasticities primarily reflect attitudes before the 1973 energy crisis. On this basis, it is concluded that the fall in demand with attendant employee layoffs may approach the minimum negative impact but that it is temporary (most probably less than a year).

In order to examine the responsiveness of households to higher-priced, more energy-efficient products, a demand function was developed for each of the 10 consumer products. Historical time series were relied upon to quantify changes in household purchases with respect to changes in product prices, energy prices, real income, housing starts, household stock and other relevant economic factors. These equations, correlated in logarithmic form, measure the responsiveness between quantity purchased as it relates to product purchase price on the one hand and quantity purchased as it relates to energy usage price on the other. Correlation analysis of the logarithm of quantity purchased (the dependent variable) together with the logarithm of purchase price, energy price, and other related parameters yields coefficients which are the pertinent elasticities. The two key elasticities are purchase price and energy price.

A product price elasticity of one indicates that for every 1 percent increase in product purchase price, quantity purchased declines by 1 percent. If product purchase price elasticity is less than one, then a 1 percent increase in product purchase price generates something less than a 1 percent decline in quantity purchased. If price elasticity is greater than one, however, then a 1 percent increase in product purchase price generates something greater than a 1 percent decline in quantity purchased.

The relationship between the number of units purchased and operating cost elasticity of a particular product is the reverse of the demand elasticity. It is assumed that energy price elasticity derived from regression analysis is similar to operating cost elasticity. Large savings in operating costs directly correlate with lower energy usage prices. For an energy price (or operating cost) elasticity larger than one, a reduction in the operating cost of a particular product will result in a greater increase in the quantity purchased than would result if the energy price elasticity were one or less. The lower the energy usage price elasticity (less than one), the less will be the positive effect of increased efficiency on the quantity purchased. The positive effect on quantity purchased due to operating savings, compared to the negative effect on quantity purchased due to higher prices are netted to derive a corresponding increase or decrease in quantity purchased by households.

The impact of shifting household demand on employment is the direct consequence of a net increase or decrease in quantity purchased. The net change in quantity purchased is expressed as a percent of 1980 projections of sales. The percent increase or decrease in quantity purchased is assumed to equal the corresponding percent increase or decrease in direct employment. This is an assump-

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tion based on available information. Direct employment is the number of production workers in the appropriate industry. If the industry SIC category of production workers according to Bureau of Census Standard Industrial Codes does not match the consumer product being evaluated, then the ratio of dollar value of shipments of a consumer product to shipments of the SIC industry as a whole is used to apportion industry production workers to correspond to consumer product classification. To determine the net effect on employment, the effects for each product were summed.

Two other concerns which are examined in terms of potential negative impact are industry structure and income groups. With respect to industry structure, typical size firms are compared to smaller firms for each product and for the set of products in order to evaluate possible bias against smaller firms. Smaller firms are examined in light of their cost structure and market share. If the investment requirements or other factors do not appear to cause dramatic shifts in industry structure, then the negative impact on small firms is considered to be not of substantial consequence.

With respect to income groups, the burden on lower income purchasers is examined for possible unfavorable bias. If the percentage increase in purchase price for lower income groups does not appear to exceed that for higher income groups by a significant amount, then the negative impact on small firms is con- of substantial consequence.

B. ECONOMIC ANALYSIS OF EACH PRODUCT

Summaries of the economic analysis performed with respect to each product are presented in this notice. The analyses themselves are available for inspection as provided for later in this notice.

The proposed energy efficiency improvement target for each product is the maximum improvement which FEA has determined is economically and technologically feasible. The determination of economic feasibility of each proposed target is the result of an economic analysis which is consistent with the methodology presented above. The format of the analyses as well as of the summaries of the analyses is as follows:

Stage I. The cost of implementing each design option, with attendant energy improvement, cumulates to a total price increase and energy savings. The total per-unit price increase yields a production-weighted price increase in current prices and in 1980 prices.

Stage II. Both scarce materials and investment funds are analyzed to determine whether they are sufficiently available to permit the implementation of the proposed target.

The raw materials primarily affected by a proposed target are stated, and the change in demand is quantified and given as a percent of the U.S. total. It is then determined whether the industry can meet demand shifts without limiting domestic supplies or significantly increasing imports.

A determination is made whether profitability and growth of the major manufacturers are adequate to finance total industry investment, and amounts per firm are stated for research and development along with capital costs. Investment requirement per firm is the cumulative cost of each design option based in part on the May and June 1976 testimony and comments.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient products resulting in measurable energy savings.

The purchase of projected 1980 shipments complying with the proposed target initially is more expensive for consumers, but lower life cycle operating costs yield a net benefit to the consumer calculated on present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings expressed in kWh's, which is then expressed in equivalent Btu's of utility energy supply. Total energy savings of these 1980 shipments is then aggregated in kWh's or Btu's over the life of an average product.

Stage IV. Negative impacts from implementation of proposed targets are then evaluated as to whether they are of substantial consequence based on available information.

Negative impact on demand, production and employment is examined with respect to the base case projection. The minimum negative impact is judged to be the most plausible case since it most probably reflects recent and future consumer perceptions.

Possible shift in industry market structure which might threaten the existence of small firms is examined.

The effect upon the lowest income quartile is examined to consider whether that quartile is paying a proportionately larger price increase for more efficient products.

Refrigerators and Freezers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed efficiency improvement target of 47 percent for refrigerators and refrigerator-freezers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for refrigerators and refrigerator/freezers follows:

Stage I. The total price increase resulting from implementation of the selected design options is $47.75 per unit which yields a production-weighted price increase of $39.00 in current prices and $45.20 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for refrigerators and refrigerator-freezers.

The scarce materials primarily affected by the proposed target are fiberglass, for which demand declines by 39 thousand tons or about 10 percent of the U.S. total, and urethane foam, for which demand increases by 39 thousand tons or about 19 percent of the U.S. total. In both cases, the respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance total industry investment of $7.5 million, which amounts to slightly more than $1 million per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost of each design option based in part on the May–June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $76 million.

State III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient refrigerators and refrigerator-freezers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 7.1 million refrigerators and refrigerator-freezers complying with the proposed target initially costs household an additional $321 million but lowers life cycle operating costs by $1,501 million, yielding a net benefit of $1,180 million calculated on present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in energy savings of 4.0 billion kWh's annually, which is equivalent to 42 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is almost 60 billion kWh's, or 635 trillion Btu's over the 15-year life of an average refrigerator and refrigerator-freezer.

Stage IV. Negative impacts from implementation of the proposed refrigerator and refrigerator-freezer target are not of substantial consequence.

Demand in 1980 might reasonably decline by 1.2 percent, or 85,200 refrigerators and refrigerator-freezers because of the higher purchase price of more efficient products.

Employment might temporarily decline by 280 production workers, or about 1 percent of refrigerator and refrigerator-freezer employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for refrigerator and refrigerator-freezer manufacturers, since 97 percent of total market share is held by seven sizeable firms, with the remaining 3 percent essentially held by imports.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient refrigerators and refrigerator-freezers, but available information suggests that this unfavorable bias is not of substantial consequence.

Freezers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 30 percent for freezers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for freezers follows:

Stage I. The total price increase resulting from implementation of the selected design options is $48.00 per unit, which yields a production-weighted price increase of $33.00 in current prices and $38.30 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for freezers.

The scarce materials primarily affected by the proposed target are fiberglass, for which demand declines by about 10 thousand tons or 2.5 percent of the U.S. total, and urethane foam, for which demand increases by 10 thousand tons or about 5.0 percent of the U.S. total. In both cases, the respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of $7 million, which amounts to about $1 million per firm in additional research and development along with capital costs. The investment requirements per firm is the cumulative cost for each design option based in part on the May-June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $11.4 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient freezers, resulting in measureable energy savings.

The purchase and use of projected 1980 shipments of 1.8 million freezers complying with the proposed target initially costs households an additional $69 million but lowers life cycle operating costs by $215 million, yielding a net benefit of $146 million calculated on present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in energy savings of 0.6 billion kWh's annually, which is equivalent to 6.4 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is almost 9 billion kWh's, or 91 trillion Btu's over the 15-year life of an average freezer.

Stage IV. Negating impacts from implementation of the proposed freezer target are not of substantial consequence.

Demand in 1980 might reasonably decline by 16.0 percent, or 288,000 freezers, because of the higher purchase price of more efficient products.

Employment might temporarily decline by 905 production workers, or about 16 percent of freezer employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for freezer manufacturers, since 93 percent of total market share is held by seven sizeable firms, with the remaining 7 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient freezers, but available information suggests that this unfavorable bias is not of substantial consequence.

Dishwashers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 25 percent for dishwashers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for dishwashers follows:

Stage I. The total price increase resulting from implementation of the selected design options is $21.00 in current prices, both per unit and on a production-weighted basis and $24.00 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for dishwashers.

The scarce materials primarily affected by the proposed target are copper and plastics, for which demand increases by 78 and 20 tons respectively, a negligible amount. The respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of $10.4 million, which amounts to slightly more than $1 million per firm in additional research and development along with capital costs. Investment requirements per firm is the cumulative cost for each design option based in part on the May-June 1976 testimony and comments. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $27.6 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient dishwashers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 4.9 million dishwashers complying with the proposed target initially cost households an additional $117 million but lowers life cycle operating costs by $317 million, yielding a net benefit of $200 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in energy savings of 1.7 billion kWh's annually, which is equivalent to almost 18 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 18 billion kWh's, or almost 200 trillion Btu's, over the 11-year life of an average dishwasher.

Stage IV. Negative impacts from implementation of the proposed dishwasher target are not of substantial consequence.

Demand in 1980 might reasonably decline by 5.9 percent, or 289,000 dishwashers, because of the higher purchase price of more energy-efficient products.

Employment might temporarily decline by 437 production workers, or about 6 percent of dishwasher employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for dishwasher manufacturers, since 93 percent of total market share is held by six sizeable firms, with the remaining 7 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile will not be negatively affected by paying a proportionately larger price increase for more efficient dishwashers, because available information suggests that all income groups pay approximately the same price for dishwashers.

Gas Clothes Dryers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 18 percent for gas clothes dryers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for gas clothes dryers follows:

Stage I. The total price increase resulting from implementation of the selected design options is $12.00 per unit, which yields a production-weighted price increase of $4.60 at current prices and $5.30 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for gas clothes dryers.

No scarce materials are significantly affected by the proposed target for gas dryers.

Profitability and growth of the major manufacturers adequate to finance the total industry investment of $405 thousand which amounts to about $60 thousand per firm in additional research and development along with capital costs. Investment requirements per firm is the cumulative cost for each design option based in part on the May–June 1976 testimony and comments. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $4.9 million.

Stage II. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient gas clothes dryers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 1.0 million gas dryers complying with the proposed target initially costs households an additional $5 million but lowers life cycle operating costs by $15 million, yielding a net benefit of $10 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of

760 million cubic feet of natural gas, which is equivalent to almost one trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient electric dryers, resulting in measurable energy

amount. In both cases, the respective industries can meet demand shifts without limiting domestic supplies or signifi-

nomic findings for gas water heaters follows:

Stage I. The total price increase resulting from implementation of the se-

amounting to $5 million, or 1 percent of market share, is sufficient to finance investment requirements of stated de-

heaters are not presently available, but the data which are available imply that the impacts are not of substantial con-

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760 million cubic feet of natural gas, which is equivalent to almost one trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is about 10 billion cubic feet of natural gas, or 11 trillion Btu's, over the 15-year life of an average gas clothes dryer.

Stage IV. Negative impacts from implementation of the proposed gas clothes dryer target are not of substantial consequence.

Demand in 1980 might reasonably increase by 4.2 percent, or 42,000 gas dryers, because of a higher rate of replacement of more efficient gas dryers.

Employment might temporarily increase by 84 production workers, or about 4 percent of gas dryer employment, in response to higher demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for gas dryer manufacturers, since 98 percent of total market share is held by seven sizeable firms, with the remaining 2 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lower income quartile may be negatively affected by paying a proportionately larger price increase for more efficient gas dryers, but available information suggests that this impact is not of substantial consequence.

Electric Clothes Dryers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 8 percent for electric clothes dryers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for electric dryers follows:

Stage I. The total price increase resulting from implementation of the selected design options is $4.50 in current prices, both per unit and on a production-weighted basis, and $5.20 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for electric dryers.

The scarce material primarily used to achieve the proposed target is fiberglass, for which demand increases by about 4,200 tons, or less than 1 percent of U.S. total. The industry can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of about $800 thousand which amounts to almost $120 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May-June 1976 testimony and comments. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $4.9 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient electric dryers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 4.2 million electric dryers complying with the proposed target initially costs households an additional $22 million but lowers life cycle operating costs by $114 million, yielding a net benefit of $92 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in energy savings of 300 million kWh's annually, which is equivalent to 3 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is over 4 billion kWh's, or 46 trillion Btu's over the 14-year life of an average electric dryer.

Stage IV. Negative impacts from implementation of the proposed electric clothes dryer target are not of substantial consequence.

Demand in 1980 might reasonably decline by less than 1 percent, or 25,000 electric dryers, because of the higher purchase price of more energy-efficient products.

Employment might temporarily decline by 31 production workers, or about 1 percent of electric dryer employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for electric dryer manufactures, since 98 percent of total market share is held by seven sizeable firms, with the remaining 2 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient electric dryers, but available information suggests that this impact is not of substantial consequence.

Electric Water Heaters

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 18 percent for electric water heaters is the maximum improvement which is technologically and economically feasible. A summary of economic findings for electric water heaters follows:

Stage I. The total price increase resulting from implementation of the selected design options is $23 per unit, which yields a production-weighted price increase of $16 in current prices and $18.50 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for electric water heaters.

The two scarce materials primarily affected by the proposed target are fiberglass, for which demand increases by 4,000 tons, or about 1 percent of U.S. total, and steel, for which demand increases by about 4,000 tons, a negligible amount. In both cases, the respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of manufacturers is adequate to finance the total industry investment of $1.4 million, which amounts to about $127 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May-June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $61 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient electric water heaters, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 4.1 million electric water heaters complying with the proposed target initially costs households an additional $76 million but lowers life cycle operating costs by $1,213 million, yielding a net benefit of $1,137 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 4 billion kWh's, which is equivalent to about 42 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 40 billion kWh's, or 424 trillion Btu's, over the 10 year life of an average electric water heater.

Stage IV. Negative impacts from implementation of the proposed electric water heater target are not of substantial consequence.

Demand in 1980 might reasonably decline by 5.2 percent, or 213 thousand electric water heaters because of the higher purchase price of more efficient products.

Employment might temporarily decline by 127 production workers, or about 5 percent of electric water heater employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the survival of small firms does not appear to be a problem for electric water heater manufacturers, since a revenue base of about $6 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile apparently will not pay a proportionately larger price increase than higher income groups for more efficient electric water heaters, because available information suggests that all income groups pay approximately the same price for electric water heaters.

Gas Water Heaters

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 25 percent for gas water heaters is the maximum improvement which is technologically and economically feasible. A summary of economic findings for gas water heaters follows:

Stage I. The total price increase resulting from implementation of the selected design options is 24 per unit, which yields a production-weighted price increase of $17.00 in current prices and $19.70 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for gas water heaters.

The two scarce materials primarily affected by the proposed target are fiberglass, for which demand increases by about 3,000 tons, or about 1 percent of U.S. total, and steel, for which demand increases by 4,000 tons, a negligible amount. In both cases, the respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of $2.6 million, which amounts to a little over $200 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May-June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $109.8 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced more efficient gas water heaters, resulting in measureable energy savings.

The purchase and use of projected 1980 shipments of 3.1 million gas water heaters complying with the proposed target initially costs households an additional $61 million but lowers life cycle operating costs by $404 million, yielding a net benefit of $343 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of about 25 billion cubic feet of natural gas, which is equivalent to 28 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 246 billion cubic feet of natural gas, or 277 trillion Btu's, over the 10-year life of an average gas water heater.

Stage IV. Negative impacts from implementation of proposed gas water heater target are not of substantial consequence.

Demand in 1980 might reasonably increase by 4.7 percent, or 146 thousand gas water heaters, because of a higher rate of replacement by more efficient products.

Employment might temporarily increase by 134 production workers, or about ten percent of gas water heater employment, in response to greater demand.

The threat of shifts in industry market structure which might affect the survival of small firms does not appear to be a problem for gas water heater manufacturers, since a revenue base amounting to $5 million, or 1 percent of market share, is sufficient to finance investment requirements of stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile apparently will not pay a proportionately larger price increase than higher income groups for more efficient gas water heaters, since available information suggests that all income groups pay approximately the same price for gas water heaters.

Oil Water Heaters

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 23 percent for oil water heaters is the maximum improvement which is technologically and economically feasible. A summary of economic findings for oil water heaters follows:

Stage I. The total price increase resulting from implementation of the selected design options is $38 in current prices, both per unit and on a production-weighted basis, and $44 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for oil water heaters.

No scarce materials are affected by the proposed target.

Profitability and growth of the manufacturers is adequate to finance investment of about $210 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost for each design option. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $900 thousand.

Stage III. Benefits exceed costs for the household sector in the purchase and use and higher-priced, more efficient oil water heaters, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 17 thousand oil water heaters complying with the proposed target initially costs households an additional $0.7 million but lowers life cycle operating costs by $3.3 million, yielding a net benefit of $2.6 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 0.9 million gallons of fuel oil, which is equivalent to 120 billion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 9.2 million gallons, or 1.2 trillion Btu's, over the 10-year life of an average oil water heater.

Stage IV. Negative impacts from implementation of the proposed oil water heater target are not of substantial consequence because the relatively small replacement demand shows signs of further declining below current low levels during the next decade. Comprehensive data concerning demand, employment and industry structure for oil water heaters are not presently available, but the data which are available imply that the impacts are not of substantial consequence.

Room Air Conditioners

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 30 percent for room air conditioners is the maximum improvement which is technologically and economically feasible. A summary of economic findings for room air conditioners follows:

Stage I. The total price increase resulting from implementation of the selected design options is $52 per unit, which yields a production-weighted price increase of $47 in current prices and $54.50 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for room air conditioners.

The scarce material primarily affected by the proposed target is aluminum, for which demand increases by about 9,000 tons, or 0.2 percent of U.S. total. The aluminum industry can meet the demand shift without limiting domestic supplies or significantly increasing imports.

Profitablity and growth of the major manufacturers is adequate to finance the total industry investment of $7.5 million, which amounts to about $500 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based on part on the May-June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $36.5 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient room air conditioners, resulting in measurable energy savings.

The purchase and use of projected 1980 shipmenst of 6.0 million room air conditioners complying with the proposed target initially costs households an additional $327 million but lowers life cycle operating costs by $729 million, yielding a net benefit of $402 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an anual energy savings of 1.9 billion kWh's, which is equivalent to 20 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 29 billion kWh's, or 380 trillion Btu's, over the 15-year life of an average room air conditioner.

Stage IV. Negative impacts from implementation of the proposed room air conditioner target are not of substantial consequence.

Demand in 1980 might reasonably decline by 18.7 percent, or 1.1 million room air conditioners, because of the higher purchase price of more efficient products.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient electric dryers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 4.2 million electric dryers complying with the proposed target initially costs households an additional $22 million but lowers life cycle operating costs by $114 million, yielding a net benefit of $92 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in energy savings of 300 million kWh's annually, which is equivalent to 3 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is over 4 billion kWh's, or 46 trillion Btu's over the 14-year life of an average electric dryer.

Stage IV. Negative impacts from implementation of the proposed electric clothes dryer target are not of substantial consequence.

Demand in 1980 might reasonably decline by less than 1 percent, or 25,000 electric dryers, because of the higher purchase price of more energy-efficient products.

Employment might temporarily decline by 31 production workers, or about 1 percent of electric dryer employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for electric dryer manufactures, since 98 percent of total market share is held by seven sizeable firms, with the remaining 2 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient electric dryers, but available information suggests that this impact is not of substantial consequence.

Electric Water Heaters

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 18 percent for electric water heaters is the maximum improvement which is technologically and economically feasible. A summary of economic findings for electric water heaters follows:

Stage I. The total price increase resulting from implementation of the selected design options is $23 per unit, which yields a production-weighted price increase of $16 in current prices and $18.50 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for electric water heaters.

The two scarce materials primarily affected by the proposed target are fiberglass, for which demand increases by 4,000 tons, or about 1 percent of U.S. total, and steel, for which demand increases by about 4,000 tons, a negligible

available to permit the implementation additional $1.4 million but lowers life

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Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient home heaters (gas vented), resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 700,000 home heaters (gas vented) complying with the proposed target initially costs households an additional $17 million but lowers life cycle operating costs by $55 million, yielding a net benefit of $38 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 2.7 billion cubic feet of natural gas, which is equivalent to 3 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 40 billion cubic feet of natural gas, or 45 trillion Btu's, over the 15-year life of an average home heater (gas vented).

Stage IV. Negative impacts from implementation of the proposed home heater (gas vented) target are not of substantial consequence.

Demand in 1980 might reasonably decline by 12.3 percent, or 86,000 home heaters (gas vented), because of the higher purchase price of more energy-efficient products.

Employment might temporarily decline by 460 production workers, or about 12 percent of home heater (gas vented) employment, in response to lower demand.

Employment might temporarily decline by 1,975 production workers, or about 19 percent for room air conditioner employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for room air conditioner manufacturers, since 93 percent of total market share is held by 12 sizeable firms, with the remaining seven percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile will not be negatively affected by paying a proportionately higher price for more efficient room air conditioners, because available information suggests that all income groups pay approximately the same price for room air conditioners.

Home Heaters (Gas Vented)

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 14 percent for home heaters (gas vented) is the maximum improvement which is technologically and economically feasible. A summary of economic findings for home heaters (gas vented) follows:

Stage I. The total price increase resulting from implementation of the selected design options is $110 per unit, which yields a production-weighted price increase of $21 in current prices and $24.30 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for home heaters (gas vented). No scarce materials are significantly affected by the proposed target.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of $1.2 million, which amounts to about $197 thousand per firm in additional reseach and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May–June 1976 testimony and comments. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $15 million.

The threat of shifts in industry market structure which might affect the existence of small firms does not appear to be a problem for home heating (gas vented) manufacturers, since a revenue base of about $2 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms.

A disproportionate impact on income groups does not appear to exist, since available information suggests that all income groups pay approximately the same price for home heaters (gas vented).

Oil Vented Home Heaters

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 12 percent for oil vented home heaters is the maximum improvement which is technologically and economically feasible. A summary of economic findings for oil vented home heaters follows:

Stage I. The total price increase resulting from implementation of the selected design options is $31 in current prices, both per unit and on a production-weighted basis, and $35.93 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for oil vented home heaters.

No scarce materials are affected by the proposed target.

Profitability and growth of the manufacturers is adequate to finance investment of about $170 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost for each design option. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $1.9 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient oil vented home heaters, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 40 thousand oil vented home heaters complying with the proposed target initially costs households an additional $1.4 million but lowers life cycle operating costs by $4.8 million, yielding a net benefit of $3.4 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments of results in an annual energy savings of 1.3 million gallons of fuel oil, which is equivalent to 173 billion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 19 million gallons, or 2.6 trillion Btu's, over the 15-year life of an average oil vented home heater.

Stage IV. Negative impacts from implementation of the proposed oil vented home heater target are not of substantial consequence because the relatively small replacement demand shows signs of declining below current low levels during the next decade. Comprehensive data concerning demand, employment, and industry structure for oil vented home heaters are not presently available but the data which are available imply that the impacts are not of substantial consequence.

Monochrome Television

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 186 percent for monochrome televisions is the maximum improvement which is technologically and economically feasible. A summary of economic findings for monochrome televisions follows:

Stage I. Energy efficiency improvements have been incorporated into currently produced models with no significant increase in price, because the production of such large numbers of the more efficient products has created economies of scale.

Stage II. Both scarce material supplies and investment fund requirements needed to accomplish the implementation of the proposed target for monochrome television are negligible.

No scarce materials are affected by the proposed target.

Additional investment in research and development and plant and equipment is not necessary, as investment required to implement the design options has already been made by the manufacturers.

Stage III. All savings resulting from more energy-efficient monochrome televisions accure to the household sector, as there is no accompanying increase in purchase price.

The purchase and use of projected 1980 shipments of 3.5 million monochrome televisions complying with the proposed target initially costs households nothing, but lowers life cycle operating costs by $185 million, resulting in a net benefit of the same amount calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 576 million kWh's, which is equivalent to 6 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 6 billion kWh's, or 67 trillion Btu's over the 11-year life of an average monochrome television.

Statge IV. Negative impacts from implementation of the proposed monochrome television target are not of substantial consequence.

Demand would remain essentially unaffected due to the lack of change in the purchase price.

Employment is negligibly affected.

The threat of shifts in industry market structure to the detriment of small firms does not apply for television manufacturers, since the design options are already in effect.

The lowest income quartile will not be affected, as no price increase is involved for more efficient monochrome televisions.

Color Televisions

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 54 percent for color televisions is the maximum improvement which is technologically and economically feasible. A summary of economic findings for color television follows:

Stage I. Energy efficiency improvements have been incorporated into currently produced models with no significant increase in price, due to the enormous production of more efficient color televisions, resulting in economies of scale.

Stage II. Both scarce material supplies and investment funds needed to accomplish the implementation of the proposed target for color television are negligible.

No scarce materials are effected by the proposed target.

Additional investment in research and development and equipment is not necessary, as investment required to implement the design options has already been made by the manufacturers.

Stage III. All savings resulting from more energy-efficient color televisions accrue to the household sector, as there is no accompanying increase in purchase price.

The purchase and use of projected 1980 shipments of 10 million color televisions complying with the proposed target initially costs households nothing, but lowers life cycle operating costs by $518 million, resulting in a net benefit of the same amount calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 1.5 billion kWh's, which is equivalent to 16 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 18 billion kWh's, or 196 trillion Btu's, over the 12-year life of an average color television.

Stage IV. Negative impacts from implementation of the proposed color televisoin target are not of substantial consequence.

Demand would remain essentially unaffected, due to the lack of change in the purchase price.

Employment is negligibly affected.

The threat of shifts in industry market structure to the detriment of small firms does not apply for television manufacturers, since the design options are already in effect.

The lowest income quartile will not be affected, as no price increase is involved for more efficient color television.

Electric Kitchen Ranges and Ovens

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 3 percent for electric kitchen ranges and ovens is the maximum improvement which is technologically and economically feasible. A summary of economic findings for electric ranges follows:

Stage I. The total price increase resulting from implementation of the selected design options is $10 per unit, which yields a production-weighted price increase of $6 at current prices and $7 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for electric ranges.

The scarce material primarily affected by the proposed target is fiberglass, for which demand increases by 4,400 tons, or about 1 percent of the U.S. total. The industry can meet this demand shift without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of about $0.6 million, which amounts to about $50 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $1.9 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient electric ranges, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 4.4 million electric ranges complying with the proposed target initially costs households an additional $31 million in purchase price but lowers life cycle operating costs by $36 million, yielding a net benefit of $5 million calculated on present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 0.1 billion kWh's, which is equivalent to 1.1 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is almost 1.4 billion kWh's or 14.8 trillion Btu's over the 15-year life of an average electric range.

Stage IV. Negative impacts from implementation of the proposed electric range target are not of substantial consequence.

Demand in 1980 might reasonably decline by 0.5 percent, or about 22,000 electric ranges, because of the higher purchase price or more efficient products.

Employment might temporarily decline by .62 production workers, or less than 1 percent of electric range employment, in response to lower demand.

The threat of shifts in industry market structure which might affect the existence of small firms does not appear to be a problem for electric range manufacturers, since a revenue base of about $17 million, or 1 percent of market share, is sufficient to finance investment requirements for the stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient electric ranges, but available information suggests that this unfavorable bias is not of substantial consequence.

Gas Kitchen Ranges and Ovens

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 104 percent for gas kitchen ranges and ovens is the maximum improvement which is technologically and economically feasible. A summary of economic findings for gas ranges follows:

Stage I. The total price increase resulting from implementation of the selected design options is $35.00 in current prices, both per unit and on a production-weighted basis, and $40.60 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for gas ranges.

All scarce materials affected by the proposed target are related to the elimination of the standing pilot, so that added materials are negligible. The respective industries can meet demand shifts without limiting domestic supplies or significantly increasing imports.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of $1.3 million, which amounts to about $115 thousand per firm in additional research and development along with capital costs. Investment requirement per firm is the cumulative cost for each design option based in part on the May–June 1976 testimony and comments. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $67 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient gas ranges, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 2.4 million gas ranges complying with the proposed target initially costs households an additional $97 million but lowers life cycle operating costs by $247 million, yielding a net benefit of $150 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of

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12 billion cubic feet of natural gas, which is equivalent to 14 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 181 billion cubic feet of natural gas, or 204 trillion Btu's, over the 15-year life of an average gas range.

Stage IV. Negative impacts from implementation of proposed gas range target are not of substantial consequence.

Demand in 1980 might reasonably increase by 8.4 percent, or 202,000 gas ranges, because of a higher rate of replacement of more efficient products.

Employment might temporarily increase by 473 production workers, or about 8 percent of gas range employment, in response to increased demand.

The threat of shifts in industry market structure which might affect the existence of small firms does not appear to be a problem for gas range manufacturers, since a revenue base of about $3 million, or 1 percent of market share, is sufficient to finance investment requirements of the stated design options. Such a revenue base is typical of the small firms.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient gas ranges, but available information suggests that this unfavorable bias is not of substantial consequence.

Microwave Ovens

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 5 percent for microwave ovens is the maximum improvement which is technologically and economically feasible. A summary of economic findings for microwave ovens follows:

Stage I. The total price increase resulting from implementation of the selected design options is $20.00 in current prices, both per unit and on a production-weighted basis, and $23.18 in 1980 prices.

Stage II. Both scarce material supplies and investment funds are sufficiently available to permit the implementation of the proposed target for microwave ovens.

No scarce materials are affected by the proposed target.

Profitability and growth of the major manufacturers is adequate to finance investment of 10 thousand per firm in additional research and development along with capital costs. The investment requirement per firm is the cumulative cost for each design option. Alternative investment required to produce an amount of energy equivalent to that which will be saved by the design options is $150 thousand.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient microwave ovens, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 1.0 million microwave ovens complying with the proposed target initially costs households an additional $1.5 million but lowers life cycle operating costs by $1.7 million, yielding a net benefit of $0.2 million calculated on a present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 4.5 million kWh's, which is equivalent to 0.5 billion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 68 million kWh's, or 7.5 billion Btu's, over the 15-year life of an average microwave oven.

Stage IV. Negative impacts from implementation of the proposed microwave ovens target are not of substantial consequence because of the relatively low level of projected demand in 1980 and corresponding slight degree of household penetration. Comprehensive data concerning demand, employment and industry structure for microwave ovens are not presently available, but the data which are available imply that the impacts are not of substantial consequence.

Clothes Washers

FEA, in a manner consistent with the methodology presented above, has determined that the proposed energy efficiency improvement target of 47 percent for clothes washers is the maximum improvement which is technologically and economically feasible. A summary of economic findings for clothes washers follows:

Stage I. The toal price increase resulting from implementation of the selected design options is $1.00 in current prices, both per unit and on a production-weighted basis, and $1.20 in 1980 prices.

Stage II. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient clothes washers, resulting in measurable energy savings.

No scarce materials are affected by the proposed target.

Profitability and growth of the major manufacturers is adequate to finance the total industry investment of almost $800 thousand, which amounts to about $120 thousand per firm in additional research and development along with capital costs. Investment requirements per firm is the cumulative cost for each design option based in part on the May–June 1976 testimony and comments. Alternative investment to produce an amount of energy equivalent to that which will be saved by the design options is $65.0 million.

Stage III. Benefits exceed costs for the household sector in the purchase and use of higher-priced, more efficient clothes washers, resulting in measurable energy savings.

The purchase and use of projected 1980 shipments of 6.1 million clothes washers complying with the proposed target initially costs households an additional $11 million but lowers life cycle operating costs by $704 million, yielding a net benefit of $693 million calculated on present value basis.

Achievement of proposed operating efficiency for projected 1980 shipments results in an annual energy savings of 4.0 billion kWh's, which is equivalent to 44 trillion Btu's of utility energy supply. Total energy savings of these 1980 shipments is 45 billion kWh's, or 303 trillion Btu's, over the 11 year life of an average clothes washer.

Stage IV. Negative impacts from implementation of proposed clothes washer targets are not of substantial consequence.

Demand in 1980 might reasonably increase by 6.3 percent, or 384,300 clothes washers, because of a higher rate of replacement of the more energy-efficient product.

Employment might temporarily increase by 760 production workers, or about 6 percent of the clothes washer industry employment, in response to higher demand.

The threat of shifts in industry market structure which might affect the existence of small firms apparently does not exist for clothes washer manufacturers, since 99 percent of the total market share is held by seven sizeable firms, with the remaining 1 percent of market share essentially held by either imports or subsidiaries of multiproduct corporations of considerable size.

The lowest income quartile may be negatively affected by paying a proportionately larger price increase for more efficient clothes washers, but available information suggests that this unfavorable bias is not of substantial consequence.

C. AGGREGATE ECONOMIC ANALYSIS

FEA, in a manner consistent with the economic methodology described previously in this notice, has determined that implementation of the proposed targets for the set of products specified in paragraph (1) through (10) of section 322(a) of the Act is economically feasible for manufacturers and consumers alike. FEA has also determined that the proposed targets for the individual product types yield the maximum technologically and economically feasible improvement for this set of products, and that these targets exceed the aggregate minimum improvement of 20 percent as required by the Act.

The results of the aggregate economic analysis are presented below.

Stage I. Integration of Energy Factors with Economic Impacts. In Table 24, the cost of improved energy efficiency for each product is cumulated. Both the energy savings and the purchase price increase for each product have been derived by cumulating particular design options for each product which were then production-weighted on the basis of those design options already in existence in 1972 shipments.

TABLE 24.—*Energy factors and cost of implementation*

Consumer product	Production-weighted: Energy savings (percent)	Purchase price increase: Current	Purchase price increase: 1980	Projected costs in 1980: Number of shipments (millions)	Projected costs in 1980: Initial purchase cost (in millions of dollars)	Projected costs in 1980: Cost increase (in millions of dollars)
Refrigerators, refrigerator-freezers	32	$39.00	$45.20	7.1	3,703	321
Freezers	23	33.00	38.30	1.8	626	69
Room air-conditioner	23	47.00	54.50	6.0	1,739	327
TV—Color	35	0	0	10.0	5,560	0
TV—black and white	65	0	0	3.5	406	0
Room heater—gas	12	21.00	24.30	.7	203	17
Clothes washer	32	1.00	1.20	6.1	1,980	11
Dryer—electric	7	4.50	5.20	4.2	1,168	22
Dryer—gas	15	4.60	5.30	1.0	301	5
Dishwasher	20	21.00	24.00	4.9	1,420	117
Water heater—gas	20	17.00	19.70	3.1	503	61
Water heater—electric	15	16.00	18.50	4.1	570	76
Cooking range—gas	51	35.00	40.60	2.4	793	97
Cooking range—electric	3	6.00	7.00	4.4	1,708	31
Total				59.3	20,680	1,154

Proposed efficiency targets for 1980 shipments generate retail price increases for each product, which result from cost increases borne by manufacturers in implementing those design options mentioned above. The total 1980 price increase of $1,154 million is the combined result of achieving the specified energy targets for each type of product. The total price increase amounts to about a 6 percent increase over the initial purchase cost of $20,680 million, which is based on projected shipments of 59.3 million units in 1980. These projections underlie the aggregate economic feasibility analysis which follows.

Stage II—Availability of Economic Resources Material Requirements. Table 25 shows the total changes in demand for materials by all manufacturers when the various design options are incorporated into 1980 shipments. Each material is listed individually and the change in 1980 use is quantified in tons, based upon the forecast of 1980 shipments. The most notable changes occur with respect to urethane foam and fiberglass.

TABLE 25.—*Materials impact*

Materials	Change in tons (1980 shipments)	Change as a percent of U.S. total in 1974
1. Steel	+7,408	+0
2. Copper	+1,158	+.1
3. Fiberglass	−(30,330)	−(7.7)
4. Urethane foam	+49,130	+26.5
5. Plastics	+959	+.2
6. Aluminum	+9,000	+.2
7. Silicon carbide	+38	N/A
8. Capacitors	+9,309	(1)

[1] Capacitors material requirements vary and breakdown of material components is not available at this time.

Demand for urethane foam increases by about 50,000 tons in 1980, which is equivalent to almost one-third of total U.S. production in 1974 (latest data available). Demand for fiberglass declines by about 30,000 tons, which is equivalent to 8 percent of total U.S. production in 1974. The increased demand for urethane foam will probably lead to plants operating at full capacity, plant expansion and added employment of suppliers. The decline in the use of fiberglass will permit a greater use of this material in other energy-saving uses such as household insulation, but may also lead to some short-term dislocations in the industry, such as employee layoffs and plants operating at lower-than-usual capacity. Increases in other material requirements, including steel, copper, plastic, aluminum and silicon carbide, are negligible. These material changes will necessitate adjustments in raw material supplies which are achieveable for the various industries concerned. The increased use of capacitors cannot be stated in terms of exact quantities of specific materials required, but the effect is judged to be negligible. The total impact from shifts in material demand does not produce either a drain on scarce domestic material supplies or a significant increase in critical imports.

Investment Requirement

Additional requirements of capital investment, in research and development as well as in plant and equipment, have been determined by FEA and are based in part on industry testimony and comment in May and June 1976. Table 26 lists additional investment requirements which will be necessary to achieve the proposed targets. The required capital investment for the industry is the product of the number of firms manufacturing the consumer product, multiplied by the average investment of each firm to implement all relevant design options supporting the proposed target. Total additional capital investment by the corporations in an industry ranges, from a high of $10.4 million for dishwashers to a low of approximately $1.0 million per industry for most consumer products including cooking ranges, clothes washers, clothes dryers, electric water heaters, gas room heaters and televisions.

TABLE 26.—*Additional capital investment requirements by industry for each consumer product to achieve energy efficiency improvement targets* [1]

Consumer Product	Capital investment (in millions of dollars)	Capital investment per unit of energy saved (millions of kilowatt-hours
Dishwasher	10.4	0.6
Refrigerator/Refrigerator-Freezer	7.5	.1
Room air-conditioner	7.5	.3
Freezer	7.0	.6
Water heater—gas	2.1	.01
Water heater—electric	1.4	.03
Cooking range—gas	1.3	.02
Room heater—gas	1.2	.1
Clothes washer	.8	.02
Dryer—electric	.8	.2
Cooking range—electric	.6	.4
Dryer—gas	.5	.1
TV—color	0	0
TV—black and white	0	0
Total	41.1	.1

[1] FEA analysis and testimony at May 1976 hearings.

The corporations in the various manufacturing industries have sufficient financial resources to finance the required levels of investment. The structure, growth and profitability of the corporations in the various industries all combine to provide an adequate basis for undertaking the necessary research and development and plant and equipment acquisition which are reflected in the capital investment figures. Each industry is dominated by 8 to 12 firms, which control over 90 percent of market shares, forming an oligopoly. Although market shares have shifted during the past decade, resulting in some bankruptcies and corporate acquisitions, each industry has generally maintained a stable and profitable base. For example, three corporations average almost 60 percent of market share for eight consumer products. These three giant corporations exhibit a return on equity ranging from 8.2 to 17.9 percent, a return on total capital ranging from 6.6 to 14.5 percent, and annual sales growth ranging from 8.0 to 8.8 percent.[1] Smaller firms have either performed in comparable fashion or are subsidiaries of holding companies of comparable financial status.

Although the total additional capital investment requirement of $41.1 million is within the financial ability of the various industries, this level of investment does represent a one-third increase in new capital expenditures over the approximately $126 million invested in 1973 (latest available data). However, when total capital investment is contrasted with profit and overhead of $2,119 million in 1973, the proportion of total additional requirements for capital investment drops to only 2 percent of profit and overhead, even if the total

[1] Forbes Magazine, January 1977.

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amount is required to be invested in 1980. Thus, even though production of efficient products necessitates a sizeable increase in new capital expenditures, total capital investment is a very small portion of profit-overhead expenditures for the various industries.

Not only are financial resources available within the related industries, but this investment represents a least cost alternative for the economy as a whole. The total additional capital investment ($41.1 million) required to achieve the proposed targets, thus reducing energy consumption, is less than the investment required to produce additional energy to run less efficient products. For example, investment required to produce an additional unit of energy in 1980 is projected at 2.5 mills/kWh compared to the 0.1 mill/kWh to save a unit of energy by investing in improvement of the energy efficiency of consumer products. The 0.1 mill/kWh is the cost resulting from the $41.1 million investment requirement divided by the 365,240 billion kWh's of reduced life cycle energy consumption resulting from implementation of the efficiency targets for 1980 shipments.

Stage III—Cost-Benefit Tradeoffs and Energy Consumption Household Sector Net Benefit. In the base forecast, households are projected to spend an estimated $20,680 million for these types of products in 1980. This rate of expenditure is equivalent to the sale of 59.3 million units purchased at an average price of $348.74. In shipping 59.3 million units in compliance with the proposed targets, manufacturers are projected to pass on implementation costs of $1,154 million in 1980.[2] Consequently, the average purchase price on all appliances increases by about $19.46 (from $348.74 to $368.20), a 6 percent rise in purchase price.

The increased purchase price is returned to households in slightly more than one year, due to lower operating costs of more energy-efficient consumer products. Projected annual operating costs for 59.3 million units operating at 1972 efficiency are $4,154 million. However, after implementing the proposed targets, annual operating costs are estimated to decline by $910 million, or 21.9 percent. This means that the increased purchase cost of $1,154 million is returned to households in about 15 months because of the lower annual operating costs. A payback period of 15 months is a strong incentive for consumers to respond positively to higher-priced, more efficient products meeting the proposed targets.

The present value of annual operating costs over the life of each consumer product is $28,201 million. Achievement of the proposed efficiency improvement targets reduces life cycle operating costs by $6,253 million to $21,948 million. The life cycle operating savings of $6,253 million minus the increased purchase cost of $1,154 million units shipped, bought and used in 1980, yields a net benefit to the household sector of $5,099 million.

Energy Consumption

The savings accruing to consumers in lower energy bills translates into reduced annual energy consumption of almost 30 trillion kWh's of equivalent energy. This savings of 30 trillion kWh's lowers the annual energy consumption of 1980 shipments (59.3 million units) from 116 trillion kWh's (operating at 1972 efficiencies) to 86 trillion kWh's. Thus, 1980 shipments which are in compliance with proposed targets yield end-use energy savings of almost 26 percent compared to shipments of 1972-level efficiency.

Annual energy savings of 30 trillion kWh's at household end use is equivalent to 221 trillion Btu's of energy savings at the utility fuel source.[3] Comparing greater efficiencies of 1980 shipments to 1972 shipments in terms of the utility fuel source results in savings of 25 percent. This is 1 percent lower than end use savings in kWh's because of the different weighting of natural gas compared to electricity in translating to Btu's at the utility site. Reduced energy consumption over product lives for 1980 shipments cumulates to 2,730 trillion Btu's or 2.7 quads. Energy savings of 221 trillion Btu's annually and 2,730 trillion But's cumulative are respectively equivalent to the energy content of 39 million barrels of crude oil annually or 483 million barrels cumulative.

Indirect energy consumption caused by both higher energy content of substituted materials and increased directly-purchased energy by manufacturers is negligible compared to the savings from operation of more efficient consumer products. The energy content of substituted materials increases energy consumption by 3 trillion Btu's, which amounts to one-tenth of 1 percent of cumulative energy savings. Directly purchased energy does not change as a result of consumer product improvements. The net effect of the two areas of indirect energy consumption leaves annual and cumulative savings practically unchanged.

Stage IV—Assessment of Negative Impact on Demand and Employment. Depending upon consumer response to higher-priced, more energy-efficient consumer products, a shift in demand could alter production and employment. The net effect on quantity demanded between higher purchase prices and lower operating costs is determined by the tradeoff between negative purchase price elasticity and positive operating cost elasticity.

This tradeoff could decrease demand by 1.2 million units, or 2.0 percent of projected 1980 shipments of 59.3 million units, as a result of the sudden price increase of 6 percent. If a one-to-one correlation exists between quantity demanded and employment, then the 2.0 percent decline in purchases of consumer products would lower production worker employment by approximately 2,800, or about 2.0 percent of total employment for manufacturers of the 10 consumer products and 0.01 percent of total manufacturing employment. Because of the negligible direct employment impact, indirect layoffs of supplying industries are also considered to be negligible.

Although this assessment reveals negligible negative impacts, it is possible that demand and employment will decline to a greater extent if consumers disregard operating savings in purchase decisions. In this case, purchase price elasticity would bear almost full negative impact on demand while the moderating positive effect of operating cost elasticity would be practically negated. Under such conditions, demand could decline by 7.3 percent, or 4.3 million units, causing production worker employment to decline by approximately 9,100, or 7.1 percent of consumer product employment and 0.04 percent of total manufacturing employment.

This analysis of possible shifts in demand and employment does not fully incorporate the effects of changes in household perceptions concerning purchase prices or operating costs. First, the elasticities for purchase price and operating costs are based on statistical analysis of time series which are heavily weighted by pre-1973 perceptions, prior to the energy crisis period. Second, these elasticities ignore the positive effect of a successful consumer education and labeling program, which should alter the relationship between the two elasticities even to the extent that positive operating cost elasticity may outweigh negative purchase price elasticity. On this basis, it has been determined that 1980 layoffs of production workers may approach the lower range of 2,800, but this impact is temporary and negligible.

Industry Structure

Possible shifts in industry structure as a result of implementing the proposed targets have been examined for biased impacts between large and small manufacturers of consumer products. Two aspects of industry structure describe the differences between small and large manufacturers: cost structure and market share. Cost structure is divided into material, payroll, and profit and overhead. Recent data from Census of Manufacturers reveal the following cost structure breakdown between these three parts: 56.1 percent material, 17.5 percent payroll and 26.4 percent for profit and overhead. The same source reveals that large and small manufacturers reflect an essentially similar cost structure with only minor variations. Hence, from a cost perspective, the implementation of various design options affects material, payroll, and profit and overhead in a proportionately similar

[2] For purposes of evaluating impact, shipments and purchases are assumed to occur in the same year, ignoring inventory lags; this does not change the substance of the analysis.

[3] Energy savings by individual consumer product developed from particular design options by National Bureau of Standards for FEA.

fashion, regardless of the manufacturing firm's size.

A possible difference in impact between large and small firms may occur in financing the necessary investment in plant and equipment. A small manufacturer that is not a subsidiary of a holding company is at a relative disadvantage in attempting to finance a large investment in plant and equipment from a relatively small revenue base. However, such heavy investment occurs primarily with respect to dishwashers, refrigerators, freezers and room air conditioners, and the market share of these consumer products is held primarily by firms with sufficient size to finance large investments. These four products are essentially supplied by 7 to 12 firms with the following market share: 99 percent for dishwashers, 97 percent for refrigerators, and 93 percent for both freezers and room air conditioners. Those firms which make up the remaining market share may endure adverse consequences, but the impact on increased concentration of industry structure would be negligible. The small firms, however, do have the opportunity to develop other innovative energy efficiency changes and to incorporate these improvements into their products. Hence, no significant shifts in industry structure are foreseen.

Income Group

Low income purchasers, who on the average buy lower-priced consumer products, may be unfavorably biased if the incorporation of efficiency improvements results in the manufacturer's assigning a uniform price increase in absolute dollars across the whole price range of various product lines. In such a case, although the absolute dollar increase is constant for low and high-priced product lines, the percent increase is greater for bottom-of-the-line products. A higher percent increase in lower-priced product lines means a greater negative impact on demand by these purchasers.

The 1973–74 Purchase and Ownership Survey of the Bureau of Census shows that for eight of the ten consumer products (excluding only room heaters and water heaters), the price paid by the lowest income quartile is 20 percent lower than the average price paid by the highest income quartile. Hence, the income quartile with the lowest discretionary income may be obliged to reduce its purchases to a greater extent than other income groups. Although the possibility of a greater negative effect on this lower income group is not quantifiable from available data, it is judged to be negligible at this time. If the manufacturers do not distribute the cost increases on a uniform basis and instead assign a greater burden of the increased costs to the higher-priced lines, then the negative impact on the lower income groups would be moderated.

IV. REQUEST FOR PARTICULAR COMMENTS

FEA is interested in receiving comments on all definitions previously promulgated or proposed in section 430.2 as these provisions might affect the efficiency improvement targets. Comments with respect to efficiency improvement targets regarding provisions in previously promulgated or proposed section 430.2 are timely until the close of the written record. It is expected that definitions for each of the product types will be finalized before the prescription of targets.

For the convenience of the reviewer, the proposed definitions directly related to efficiency improvement targets proposed today are as follows:

"Refrigerator" means a cabinet designed for the refrigerated storage of food at temperatures above 32° F, and having a source of refrigeration requiring an energy input. It may include a compartment for the freezing and storage of food at temperatures below 32° F but does not provide a separate low temperature compartment designed for the freezing of and the long-term storage of food at temperatures below 8° F. It has only one exterior door, but it may have interior doors on compartments (41 FR 19979, May 14, 1976).

"Refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° F and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° F or below and may be capable of being adjusted by the user to a temperature of 0° F or below. The source of refrigeration requires energy input (41 FR 19979, May 14, 1976).

"Freezer" means a cabinet designed as a unit for the storage of food at temperatures of 0° F, having the ability to freeze food, and having a source of refrigeration requiring an energy input (41 FR 19979, May 14, 1976).

"Dishwasher" means a cabinet-like appliance which, with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils, and most cooking utensils by chemical, mechanical and or electrical means and discharges to the plumbing drainage system (41 FR 19979, May 14, 1976).

"Electric clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumble-type drum with forced air circulation. The heat source is electricity and the drum and blowers are driven by an electric motor(s) (41 FR 19979, May 14, 1976).

"Gas clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumbel-type drum with forced air circulation. The heat source is gas and the drum and blowers are driven by an electric motor(s) (41 FR 19979, May 14, 1976).

"Water heater" means an automatically controlled thermally insulated vessel designed for heating water and storing of heated water, utilizing either oil, gas, or electricity as the energy source for heating water, and intended for residential use (42 FR 21579, April 27, 1977).

"Electric water heater" means a water heater that utilizes electricity as the energy source; that has a manufacturer's specified energy input rating of 12 kilowatts or less at a voltage no greater than 250 volts, a manufacturer's specified storage capacity of not less than 30 gallons nor more than 120 gallons; and that is designed to produce hot water at a temperature less than 180° F (42 FR 21578, April 27, 1977).

"Gas water heater" means a water heater that utilizes gas as the energy source; that has a manufacturer's specified energy input rating of 75,000 Btu per hour or less, a manufacturer's specified storage capacity of not less than 20 gallons nor more than 100 gallons; and that is designed to produce hot water at a temperature less than 180° F (42 FR 21578, April 27, 1977).

"Oil water heater" means a water heater that utilizes oil as the energy source; that has a manufacturer's specified energy input rating of 172,500 Btu per hour or less, a manufacturer's specified storage capacity of 50 gallons or less; and that is designed to produce hot water at a temperature less than 180° F (42 FR 21578, April 27, 1977).

"Room air conditioner" means an encased assembly designed as a unit for mounting in a window or through the wall for the purpose of providing delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and may include a means for ventilating and heating (Final definition: 42 FR 27898, June 1, 1977).

"Home heating equipment, not including furnaces" means vented home heating equipment and unvented home heating equipment (42 FR 23863, May 11, 1977).

"Unvented home heating equipment" means a class of home heating equipment not including furnaces, used for the purpose of furnishing heat to a space proximate to such heater directly from the heater and without duct connections and includes electric heaters and unvented gas heaters (42 FR 23863, May 11, 1977).

"Unvented gas heater" means an unvented, self-contained, free-standing, nonrecessed gas-burning appliance which furnishes warm air by gravity or fan circulation, and includes unvented circulators, radiant heaters, unvented overhead heaters, and wall heaters, unvented closed front (42 FR 23863, May 11, 1977).

"Unvented Circulator" means an unvented gas heater having an external jacket surrounding the burner and designed to convert the energy in gas to convected and radiant heat by direct mixing of air inside the jacket (42 FR 23863, May 11, 1977).

"Radiant heaters" means an open-front unvented gas heater designed primarily to convert the energy in gas to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket and is only installed in an incombustible fireplace (42 FR 23863, May 11, 1977).

"Unvented overhead heater" means an unvented gas heater for suspension from the ceiling in the room being heated (42 FR 23863, May 11, 1977).

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"Wall heater, unvented closed front" means an unvented circulator which has transferring the energy of the flue gas to other movement, and must be one of the

Kitchen ranges and ovens: August 18, 1977, at 1:30 p.m.

ing a statement at the hearings, to Executive Communications, Box NH, FEA

cated to FEA. The purpose of this brief-

"Wall heater, unvented closed front" means an unvented circulator which has a closed front and is designed for insertion in or attachment to a wall or partition (42 FR 23863, May 11, 1977).

"Electric heater" means an electric appliance in which heat is generated from electrical energy and dissipated by convection and radiation and includes baseboard electric heaters, ceiling electric heaters, floor electric heaters, portable electric heaters, and wall electric heaters (42 FR 23863, May 11, 1977).

"Baseboard electric heater" means an electric heater which is intended to be recessed in or surface mounted on walls at floor level, which is characterized by long, low physical dimensions, and which transfers heat by natural convection and/or radiation (42 FR 23863, May 11, 1977).

"Ceiling electric heater" means an electric heater which is intended to be recessed in, surface mounted on, or hung from a ceiling, and which transfers heat by radiation and/or convection (either natural or forced) (42 FR 23863, May 11, 1977).

"Floor electric heater" means an electric heater which is intended to be recessed in a floor, and which transfers by radiation and/or convection (either natural or forced) (42 FR 23863, May 11, 1977).

"Portable electric heater" means an electric heater which is intended to stand unsupported, which is connected to an electric supply by means of a cord and plug, and which transfers heat by radiation and/or convection (either natural or forced) (42 FR 23863, May 11, 1977).

"Wall electric heater" means an electric heater (excluding baseboard electric heaters) which is intended to be recessed in or surface mounted on walls, which transfers heat by radiation and/or convection (either natural or forced) and which includes forced convectors, natural convectors, radiant heaters, high wall, or valance heaters (42 FR 23863, May 11, 1977).

"Vented gas and oil fired room heater" means a vented self-contained, freestanding, nonrecessed gas-burning or oil-burning appliance for furnishing warm air to the space in which installed, directly from the heater without duct connections and includes the following products:

(a) "Vented circulator" means a room heater designed to convert the energy in fuel gas to convected and radiant heat, by transfer of heat from flue gases to a heat exchanger surface, without mixing of flue gases with circulating heated air. Vented circulators may be equipped with transparent panels and radiating surfaces to increase radiant heat transfer as long as separation of flue gases from circulating air is maintained.

(b) "Fan type vented circulator" means a vented circulator equipped with an integral circulating air fan, the operation of which is necessary for satisfactory appliance performance.

(c) "Vented overhead heater" means a room heater designed for suspension from or attachment to or adjacent to the ceiling of the room being heated and transferring the energy of the flue gas to the space being heated primarily by radiation downward from a hot surface and in which there is no mixing of flue gases with the air of the space being heated (41 FR 19979, May 14, 1976).

"Vented" means having an opening, as in a wall, serving as an outlet for the products of combustion (41 FR 19979, May 14, 1976).

"Monochrome television receiver" means an apparatus designed to convert incoming broadcast signals into monochrome television pictures with the customarily associated sound. It is or can be powered by an alternating electric current and is produced primarily for residential use (41 FR 19979, May 14, 1976).

"Color television receiver" means an apparatus designed to convert incoming broadcast signals into color television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use (41 FR 19979, May 14, 1976).

"Kitchen ranges and ovens" means consumer products that are used as the principal household cooking appliances. They are designed to cook or heat different types of food by one or more of the following sources of heat: gas, electricity, or microwave energy. Each product may consist of a horizontal cooking top containing surface units and/or one or more heating compartments. They must be one of the following classes: conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and other kitchen ranges and ovens (42 FR 30632, June 16, 1977).

"Conventional range" means a household cooking appliance consisting of a conventional cooking top and one or more conventional ovens, in which both the cooking top and the oven (or ovens) utilize either gas burners or electric resistance heaters as the source of heat (42 FR 30632, June 16, 1977).

"Conventional cooking top" means a horizontal surface containing surface units heated by means of either gas burners or electric resistance heaters (42 FR 30632, June 16, 1977).

"Conventional oven" means a compartment or compartments intended for the cooking or heating of food by means of gas burners or electric resistance heaters. It may include a broiler (42 FR 30632, June 16, 1977).

"Microwave oven" means a compartment designed to heat food by means of microwave energy (42 FR 30632, June 16, 1977).

"Other kitchen ranges and ovens" means any class of kitchen ranges and ovens other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens (42 FR 30632, June 16, 1977).

"Surface unit" means a unit mounted in a cooking top and designed for the heating or cooking of food (42 FR 30632, June 16, 1977).

"Clothes washer" means a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement, and must be one of the following classes: automatic clothes washers, semi-automatic clothes washers, and other clothes washers (42 FR 25333, May 17, 1977).

"Automatic clothes washer" means a regular, standard or compact clothes washer which has a control system which is capable of scheduling a preselected combination of operations, such as regulation of water temperature, regulation of the water fill level, and performance of wash, rinse, drain and spin functions, without the need for user intervention subsequent to the initiation of machine operation (42 FR 25333, May 17, 1977).

"Semiautomatic clothes washer" means a regular, standard, or compact clothes washer which is the same as an automatic clothes washer except that user intervention is required to regulate the water temperature by means of external water faucet valves (42 FR 25333, May 17, 1977).

"Other clothes washer" means a regular, standard or compact clothes washer that is not an automatic or semiautomatic clothes washer (42 FR 25333, May 17, 1977).

V. Comment Procedures

A. Written Comment

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed energy efficiency improvement targets set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box NU, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Proposed Efficiency Improvement Targets" and should also designate the appliance type to which the comments apply. Fifteen copies should be submitted. All comments received by August 22, 1977, before 4:30 p.m., e.d.t., and all other relevant information will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing

1. *Request Procedures.* Public hearings in this proceeding will be held beginning at 9:30 a.m. on August 16, 1977, in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 in order to receive comments from interested persons on the matters set forth herein. The schedule for such hearings is as follows:

Clothes washers: August 16, 1977, at 9:30 a.m.
Clothes dryers: August 16, 1977, at 1:30 p.m.
Dishwashers: August 17, 1977, at 9:30 a.m.
Water heaters: August 17, 1977, at 1:30 p.m.
Refrigerators, refrigerator-freezers, and freezers: August 18, 1977, at 9:30 a.m.
Kitchen ranges and ovens: August 18, 1977, at 1:30 p.m.
Room air conditioners: August 19, 1977, at 9:30 a.m.
Home heating equipment, not including furnaces, and television sets: August 19, 1977, at 1:30 p.m.

Any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, may request in writing an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble, and must be received before 4:30 p.m. e.d.t., on August 10, 1977. Such a request may be hand-delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled on the document and on the envelope "Proposed Efficiency Improvement Targets" and should state for which hearing or hearings the request is made.

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where he or she may be contacted through August 15, 1977. Each person selected to be heard will be so notified by FEA before 4:30 p.m., August 12, 1977 and must submit 50 copies of his or her statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

2. *Conduct of hearings.* FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Except as provided below, questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearings will be based on all information available to FEA. At the conclusion of all intial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, Box NU, FEA, before 4:30 p.m., e.d.t., August 16, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be persented for answer.

Further questioning will be permitted by FEA pursuant to section 336(a)(1)(B) of the Act. Any interested person will have the opportunity to question (1) other interested persons who have made oral presentations, and (2) employees of the United States who have made written or oral presentations, with respect to disputed issues of material fact. Such an opportunity will be afforded to the extent FEA determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of the issues of material fact. Such opportunity with regard to oral presentations of interested persons and employees of the United States, will be provided at the public hearing. If this opportunity alone is insufficient or inconvenient for any interested person and/or employee, FEA will consider affording an additional opportunity for questioning at a convenient time. An opportunity to question employees of the United States who have made written presentations may be availed of by submission of written questions which must be received by Executive Communications, Box NU, FEA, by August 29, 1977. Questions must pertain to disputed issues of material fact regarding the target which is the subject of the hearing.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer. A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. Technical and economic papers related to today's proposal will also be available for inspection by interested persons at the FEA Freedom of Information Office.

In addition to the information available at the Freedom of Information Office, FEA will make available background materials concerning the assumptions and data which were used in the analysis of economic feasibility. These background materials are classified by product and by fuel type, and are available to any person who submits a written request to James A. Smith, Room 307, Old Post Office Building, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

FEA will hold an economic briefing for interested persons for the purpose of describing the data, assumptions, and methodology which provide the basis for the economic feasibility analysis if sufficient interest in such a briefing is indicated to FEA. The purpose of this briefing would be to convey a better understanding of the basic economic factors which support the determination of economically feasible targets for these ten types of consumer products. The briefing would not be an opportunity for interested persons to submit comments concerning either the methodology or the conclusions, but it would allow the public an opportunity to ask relevant questions. Any person who believes that such a briefing would be useful should indicate in writing his or her interest within 10 days of the publication of this notice to James A. Smith, Room 307, Old Post Office Building, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

VI. Environmental and Inflationary Review

As required in section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires that FEA review Agency proposals to determine whether they constitute "major Federal actions significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of that Act. Since the targets proposed today are voluntary, compliance with these targets is a voluntary private action. This type of compliance is not a "Federal action" within the meaning of the statutory language. Since any compliance with the targets is entirely at the initiative of affected manufacturers and not FEA, it is virtually impossible for FEA to undertake meaningful analysis of the nature or scope of any environmental effects which might indirectly flow from the targets. Moreover, the goal of these targets is to induce reductions in energy consumption, as well as the environmental residuals of energy consumption and, thus, to improve environmental quality. On this basis, FEA has determined that, with respect to prescribing efficiency improvement targets under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A–107 and has been determined to be a major proposal, but only on the assumption that the appliance manufacturers will in fact implement the measures which the economic feasibility analysis has found to be reasonable and achievable and that, therefore, they will fully comply with the targets. The targets, however, are voluntary in nature and since FEA cannot predict the actual degree of compliance it cannot, accordingly, predict the targets' actual economic impact. An economic

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impact evaluation, based upon the assumptions contained in the economic feasibility analysis rather than on actual economic impact, has been completed and is available for public review.

(Energy Policy and Conservation Act, Pub. L. 94-163, amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E. O. 11790, 39 F.R. 23185.)

In consideration of the foregoing, proposed Subpart C of Part 430, Chapter II, Title 10, Code of Federal Regulations, published in 41 FR 19981, May 14, 1976, is hereby withdrawn and it is proposed to amend Chapter II, Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., July 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Part 430 is amended by adding a Subpart C, to read as follows:

Subpart C—Energy Efficiency Improvement Targets

§ 430.31 Purpose and scope.

This subpart contains energy efficiency improvement targets required to be prescribed by FEA pursuant to section 325 (a) of the Act.

§ 430.32 Energy efficiency improvement targets.

(a) The energy efficiency improvement target for refrigerators and refrigerator-freezers shall be a 47 percent increase in energy efficiency for the total number of refrigerators and refrigerator-freezers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of refrigerators and refrigerator-freezers manufactured by all manufacturers in calendar year 1972.

(b) The energy efficiency improvement target for freezers shall be a 30 percent increase in the energy efficiency for the total number of freezers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of freezers manufactured by all manufacturers in calendar year 1972.

(c) The energy efficiency improvement target for dishwashers shall be a 25 percent increase in the energy efficiency for the total number of dishwashers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of dishwashers manufactured by all manufacturers in calendar year 1972.

(d) The energy efficiency improvement target for clothes dryers shall be an 11 percent increase in energy efficiency for the total number of clothes dryers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of clothes dryers manufactured by all manufacturers in calendar year 1972.

(e) The energy efficiency improvement target for water heaters shall be a 23 percent increase in energy efficiency for the total number of water heaters manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of water heaters manufactured by all manufacturers in calendar year 1972.

(f) The energy efficiency improvement target for room air-conditioners shall be a 30 percent increase in energy efficiency for the total number of room air-conditioners manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of room air-conditioners manufactured by all manufacturers in calendar year 1972.

(g) The energy efficiency improvement target for vented home heating equipment shall be a 13 percent increase in energy efficiency for the total amount of vented home heating equipment manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total amount of vented home heating equipment manufactured by all manufacturers in calendar year 1972.

(h) The energy efficiency improvement target for television sets shall be a 79 percent increase in energy efficiency for the total number of television sets manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of television sets manufactured by all manufacturers in calendar year 1972.

(i) The energy efficiency improvement target for kitchen ranges and ovens shall be a 64 percent increase in energy efficiency for the total number of kitchen ranges and ovens manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of kitchen ranges and ovens manufactured by all manufacturers in calendar year 1972.

(j) The energy efficiency improvement target for clothes washers shall be a 47 percent increase in energy efficiency for the total number of clothes washers manufactured by all manufacturers in calendar year 1980 when compared with the energy efficiency of the total number of clothes washers manufactured by all manufacturers in calendar year 1972.

[FR Doc.77-20285 Filed 7-14-77;8:45 am]

federal register

FRIDAY, JULY 15, 1977
PART IV

GENERAL SERVICES ADMINISTRATION

■

AUDIT OF PAYMENTS FOR TRANSPORTATION SERVICES FURNISHED FOR ACCOUNTS OF THE U.S.

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Title 41—Public Contracts and Property

Accordingly, Part 101-41 is added as follows:

Sec.

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER C—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-43]

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

Audit of Payments for Transportation Services Furnished for the Account of the United States

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This rule establishes policies and procedures governing the audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States. It is necessary to issue this rule in GSA's regulations because the responsibility for auditing these payments was transferred from the General Accounting Office (GAO) to GSA. This rule is intended to provide uniform procedures for all affected agencies.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William F. McDade, Jr., Special Assistant to the Deputy Assistant Commissioner for Transportation Audits (202-275-5468).

SUPPLEMENTARY INFORMATION: The General Accounting Office Act of 1974 (Pub. L. 93-604) transferred from the Comptroller General of the United States to the Administrator of General Services authority for the audit and adjustment of payments to carriers and forwarders furnishing transportation services for the account of the United States. The GAO rules formerly were codified in 4 CFR Subchapter D—Transportation. FPMR Temporary Regulation G-23, dated October 9, 1975 (40 FR 47942), which is superseded by this regulation, provided continuity of legal relationships between Government agencies and carriers pending codification in the GSA permanent regulations. Three responses were received subsequent to publication of the temporary regulation. The recommendations contained in those responses suggested either clarification of existing language or additional language to provide for certain exigencies not provided for in the temporary regulation. It was determined that most of the recommendations had validity and appropriate changes to the permanent regulation were warranted.

Accordingly, Part 101-41 is added as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

Sec.
101-41.000 Scope of part.
101-41.001 Applicability of part.
101-41.002 Definitions.
101-41.003 Exceptions to regulations.
101-41.004 Agency implementation.
101-41.005 Forms.

Subpart 101-41.1—General

101-41.100 Scope of subpart.
101-41.101 Examination of payments, settlement of claims, and review of requirements.
101-41.102 GSA responsibilities and functions.

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

101-41.200 Scope and applicability of subpart.
101-41.201 [Reserved]
101-41.202 Standard forms relating to passenger transportation.
101-41.202-1 SF 1169, U.S. Government Transportation Request.
101-41.202-2 SF 1170, Redemption of Unused Tickets.
101-41.202-3 SF 1113, Public Voucher for Transportation Charges.
101-41.202-4 SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request.
101-41.202-5 Procurement of Standard forms by agencies and carriers.
101-41.203 Procurement of passenger transportation services.
101-41.203-1 Procurement from carriers.
101-41.203-2 Use of cash.
101-41.203-3 Quantity (bulk) ticket purchases.
101-41.203-4 Reduced rate services.
101-41.203-5 Joint procurement of rail transportation and accommodations.
101-41.203-6 Air excess baggage service.
101-41.204 Contracts, tenders, and charters.
101-41.204-1 Contracts.
101-41.204-2 Tenders.
101-41.204-3 Procurement and billing of contract or tender service.
101-41.204-4 Procurement and billing of charter service.
101-41.205 Special procedures for preparing agency-stocked tickets for passenger transportation services.
101-41.205-1 Use of teletype ticketing equipment.
101-41.205-2 Use of preprinted rail ticket stock.
101-41.206 Special procedures for automatic payment of carrier charges for passenger transportation services.
101-41.207 Use, preparation, and disposition of GTR's (SF 1169).
101-41.207-1 Use of GTR's.
101-41.207-2 Preparation of GTR's.
101-41.207-3 Disposition of spoiled or canceled GTR's.
101-41.207-4 Accountability for GTR's.
101-41.208 Validation and honoring of GTR's.
101-41.208-1 Validation of GTR's and identification of travelers.
101-41.208-2 GTR identification on tickets and coupons.
101-41.208-3 Honoring GTR's.
101-41.208-4 Issuance and use of sleeping or parlor car tickets when accommodations are not assigned.
101-41.208-5 En route honoring of GTR's for rail and sleeping or parlor car services.
101-41.208-6 En route honoring of GTR's for sleeping or parlor car services only.
101-41.208-7 Honoring of GTR's by bus drivers.
101-41.209 Unused transportation services or accommodations.
101-41.209-1 Reporting unfurnished or unused transportation services or accommodations.
101-41.209-2 Adjustments for unfurnished or unused transportation services or accommodations.
101-41.209-3 Cancellation of reservations.
101-41.209-4 Denied boarding compensation.
101-41.210 Unused transportation refund procedures.
101-41.210-1 SF 1170, Redemption of Unused Tickets.
101-41.210-2 Agency processing of SF 1170.
101-41.210-3 Carrier processing of SF 1170.
101-41.210-4 Agency processing of refunds.
101-41.210-5 Report of carrier failure to make refund for unused transportation services or accommodations.
101-41.210-6 Refund procedures covering unused transportation services billed by foreign-flag carriers.
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Subpart 101–41.6—Claims Against the United States Relating to Transportation Services

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AUTHORITY: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (49 U.S.C. 66); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

§ 101–41.000 Scope of part.

This part sets forth policies and procedures governing the documentation and audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States; provides for uniformity in the procurement of and payment for such services; and furnishes information and guidance to agencies, to common and contract carriers and forwarders as defined in § 101–41.002, and to all others concerned. It continues those regulations and other information formerly in Title 4 CFR Subchapter D—Transportation, as amended, pertinent to the transportation audit function for which relocation has been authorized by Pub. L. 93–604, 88 Stat. 1959, approved January 2, 1975.

§ 101–41.001 Applicability of part.

The provisions of this part are applicable to all agencies whose payments for transportation services are subject to audit as provided by section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66).

§ 101–41.002 Definitions.

"Agency," as used in this Part 101–41, means any department, agency, or establishment of the United States Government whose payments for transportation services are subject to the transportation audit provisions of section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66). "Carrier" means any carrier or forwarder, or duly authorized agent of either, subject to the provisions of section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), which offers to provide transportation services for the account of the United States.

§ 101–41.003 Exceptions to regulations.

Exceptions to the regulations in this Part 101–41 shall be granted only by the Administrator of General Services or his designee. Requests for exceptions shall be made in writing to the General Services Administration (FZA), Chester A. Arthur Building, Washington, D.C. 20406. A copy of the authorizing statement for each deviation, which shall include the nature of the deviation, the reasons for such special action, and the Administrator's approval, will be made available for public inspection in accordance with Subpart 105–60.3 of this title.

§ 101–41.004 Agency implementation.

(a) Agencies shall issue new or revise existing regulations and procedures to conform to the provisions of this Part 101–41 and shall forward two copies of such new or revised regulations and procedures to the General Services Administration (FZAPP), Chester A. Arthur Building, Washington, D.C. 20406.

(b) Government corporations may adopt all or part of the provisions of this Part 101–41 only if advance notice of the extent of adoption and of the effective date of adoption is sent to the address shown in paragraph (a) of this section.

§ 101–41.005 Forms.

Certain GSA and Standard forms required by the procedures governing the documentation and audit of payments for transportation services furnished for the account of the United States are illustrated in Subpart 101–41.49.

Subpart 101–41.1—General

§ 101–41.100 Scope of subpart.

This subpart provides guidance concerning the audit of transportation payments. The provisions shall be enforced and implemented by each head of an agency who has been delegated authority by the Administrator of General Services to perform, as his designee, the audit for which the General Services Administration has responsibility under 49 U.S.C. 66, as amended, to the extent not inconsistent with the delegation.

§ 101–41.101 Examination of payments, settlement of claims, and review of requirements.

Section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), requires payment of carrier bills, in general, upon presentation and prior to audit by the Administrator of General Services or his designee. Further, provisions of Pub. L. 77–560, 56 Stat. 306 (31 U.S.C. 82g), relieve certifying and disbursing officers of liability for overpayments made for transportation furnished on U.S. Government bills of lading and U.S. Government transportation requests when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements.

(a) The authority vested in the Administrator of General Services by 49 U.S.C. 66, as amended, enables the Administrator, or his designee, to:

(1) Examine, settle, and adjust accounts involving payments for transportation and related services for the account of the United States;

(2) Adjudicate and settle transportation claims by and against the United States; and

(3) Deduct the amount of any overcharge by any carrier or forwarder from any amount subsequently found to be due such carrier or forwarder.

(b) The Administrator of General Services, or his designee, will exercise such authority subject to:

(1) The direction of the President;

(2) Fiscal and policy control of the Office of Management and Budget; and

(3) Decisions of the Comptroller General of the United States resulting from Federal agency or common and contract carrier appeals involving disputed claims by and against the United States or issued under the authority vested in the Comptroller General by the Budget and Accounting Act of 1921, as amended (31 U.S.C. 41), and the Accounting and Auditing Act of 1950, as amended (31 U.S.C. 65).

§ 101–41.102 GSA responsibilities and functions.

(a) With respect to the audit of transportation payments and under the statutory authority therefor, the Administrator of General Services or his designee is responsible for and will accomplish the functions set forth in paragraphs (a)(1) through (a)(9) of this section.

(1) Examine and analyze payments for freight and passenger transportation services furnished for the account of the United States to determine their validity, propriety, and conformity with tariffs, quotations, agreements, or tenders and make adjustments to protect the interests of the United States;

(2) Examine, adjudicate, and settle transportation claims by and against the United States;

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(3) Collect from carriers by refund, setoff, or other means, amounts determined to be due the United States;

(4) Compromise, terminate, or suspend debts due on transportation overcharges;

(5) Prepare reports to the Attorney General of the United States setting forth recommendations regarding the legal and technical bases available for use in prosecuting or defending suits by or against the United States and provide technical, fiscal, and factual data from records relative thereto;

(6) Provide transportation specialists and lawyers to serve as expert witnesses, to assist in pretrial conferences, to draft pleadings, orders, and briefs, and to participate as requested in connection with transportation suits by or against the United States;

(7) Review agency policies, programs, and procedures to determine their adequacy and effectiveness insofar as they relate to the audit of freight and passenger transportation payments, and review related fiscal and transportation practices;

(8) Furnish information on rates, fares, routes, and related technical data to agencies upon request; and

(9) Inform agencies of irregular shipping and routing practices, inadequate commodity descriptions, excessive transportation cost authorizations, and unsound principles employed in traffic and transportation management.

(b) In carrying out the foregoing functions, a designee head of an agency, acting in substance as GSA's audit surrogate, shall forward direct to the General Accounting Office (GAO) matters for consideration by the Comptroller General of the United States or by a division of GAO or shall forward direct to the Department of Justice matters for its consideration of collection action, litigation, and related proceedings, as prescribed in 4 CFR Part 105. A claimant who disagrees with the settlement of his claim by GSA's audit surrogate may request reconsideration by the agency head or review by the Comptroller General of the United States in accordance with the guidelines set forth in Subpart 101–41.7. These matters need not be forwarded through GSA.

(c) GSA also makes technical examinations of payments to and claims by or against carriers for transportation services procured on commercial or Government documentation by certain Government agencies and corporations exempted from submitting transportation payment documents for centralized audit.

(d) GSA, independently or in cooperation with other agencies, will confer with individual carriers or carrier groups and associations representing specific modes of transportation to resolve mutual problems concerning technical and accounting matters and to acquaint them with the requirements of the Federal Government.

(e) Carrier accounting and traffic officials may visit the transportation audit facilities of GSA to discuss transportation audit matters. These facilities are located in the Chester A. Arthur Building, 425 I Street NW., Washington, D.C. The mailing address is: General Services Administration (FZA), Chester A. Arthur Building, Washington, D.C. 20406. Notice of an intended visit and, when necessary, an outline or a list of subjects for discussion should be furnished in advance so that necessary internal arrangements can be made and the required records assembled.

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States

§ 101–41.200 Scope and applicability of subpart.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for passenger transportation services for the account of the United States.

§ 101–41.201 [Reserved]

§ 101–41.202 Standard forms relating to passenger transportation.

The Standard forms listed in paragraphs (a) through (h) of this section are prescribed for use in connection with the procurement of passenger transportation services for the account of the United States.

(a) SF 1113, Public Voucher for Transportation Charges (Original).

(b) SF 1113–A, Public Voucher for Transportation Charges (Memorandum Copy).

(c) SF 1169, U.S. Government Transportation Request (Original).

(d) SF 1169–A, U.S. Government Transportation Request (Memorandum Copy).

(e) SF 1169–B, U.S. Government Transportation Request (Duplicate). (Snapout assembly only.)

(f) SF 1169–C, U.S. Government Transportation Request (Triplicate). (Snapout assembly only.)

(g) SF 1170, Redemption of Unused Tickets.

(h) SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request.

§ 101–41.202–1 SF 1169, U.S. Government Transportation Request.

U.S. Government transportation request (GTR) forms are available in books of 10 sets, each set consisting of one original (SF 1169) and one memorandum copy (SF 1169–A) of punched-card stock; or in individual snapout assemblies consisting of one original, one memorandum card copy, and two paper copies (SF 1169–B and SF 1169–C). The GTR's are serially numbered and punched with that number at the time of manufacture, and no other numbering of the forms, including additions or changes to the prefixes or additions of suffixes, is permitted.

(a) The original GTR (blue), given to the traveler for presentation to the ticket agent of the issuing carrier, is evidence of service or accommodations required and shall, except as hereinafter provided, be used as a supporting document with the carrier's bill for the transportation charges.

(b) The memorandum card copy (buff) and the duplicate and triplicate paper copies (white) are distributed as directed by the regulations of each agency.

(c) SF 1169 assemblies are numbered sequentially in seven digits with an alphabetical prefix assigned to differentiate between civilian and military agencies as follows:

(1) *Civilian agencies, books of 10.* The prefix starts at A and advances through the alphabet; e.g., A–0,000,001 through A–9,999,999, then B–0,000,001 through B–9,999,999, etc.

(2) *Civilian agencies, individual snapout assemblies.* The prefix starts with the letter L and changes in reverse order to K, then J, etc.

(3) *Military agencies, individual snapout assemblies.* The prefix starts with the letter M and advances to N and forward through the remainder of the alphabet.

§ 101–41.202–2 SF 1170, Redemption of Unused Tickets.

SF 1170 consists of an original and three copies assembled in snapout carbon-interleaved sets. The original and the last copy are of buff-punched-card stock and the remaining copies are of white paper stock.

§ 101–41.202–3 SF 1113, Public Voucher for Transportation Charges.

SF 1113, which shall be used to bill passenger transportation charges, is printed on white paper, $8\frac{1}{2}$ by $14\frac{3}{16}$ inches overall, including an $8\frac{1}{2}$ by $3\frac{3}{16}$-inch tear-off slip which generally is returned to the payee with the check in payment of charges. (See § 101–41.803 (b) for exception.) The memorandum copy, SF 1113–A, is printed on yellow paper of the same size as the SF 1113 but without the tear-off slip.

§ 101–41.202–4 SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request.

SF 1172 is printed on white paper stock, 8 by $10\frac{1}{2}$ inches. (See § 101–41.211–3 for instructions on use of SF 1172.)

§ 101–41.202–5 Procurement of standard forms by agencies and carriers.

(a) Agencies may obtain supplies of SF 1169 and SF 1170 assemblies from GSA by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. With respect to the GTR assemblies, the Region 3 Federal Supply Service of GSA maintains a record of the serial numbers imprinted on the forms and the names and mailing addresses of the receiving agencies. Where feasible, agencies should order the name and address of the office to be billed for payment of charges preprinted on each SF 1169 and the name and address of the office to receive the refund preprinted on each SF 1170. No other overprinting on SF 1169 or SF 1170 is permitted unless specifically approved in writing by the Deputy Assistant Commissioner for Transportation Audits (FZA), GSA.

(b) Carriers may purchase SF 1113, SF 1113–A, and SF 1172 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or have them printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved Standard forms and, while no minimum grade of paper is set, carriers shall provide a reasonable grade of paper stock. Carriers may have SF 1113 and SF 1113–A printed also in continuous-feed format for machine billing by adding pin-feed strips on the margins. If machine use of the form would be facilitated thereby, the tear-off slip may be moved from the bottom to the right edge of SF 1113, but it must be perforated on all edges to measure $8\frac{1}{2}$ by $3\frac{3}{16}$ inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, color, and arrangement of the approved Standard forms. Any deviations must be approved in writing by the Deputy Assistant Commissioner for Transportation Audits (FZA), GSA.

§ 101–41.203 Procurement of passenger transportation services.

§ 101–41.203–1 Procurement from carriers.

(a) All passenger transportation services must be procured with GTR's unless otherwise provided herein or exempted in writing by the General Accounting Office or the Administrator of General Services (or his designee). Such services, whether procured by the use of cash, the GTR, or otherwise, generally must be procured direct from carriers. Travel agencies may be used only to the extent permitted by the regulations of the General Accounting Office (4 CFR 52.3) or GAO's specific exemption therefrom.

(b) The use of U.S.-flag vessels for travel on official business and of U.S.-flag certificated air carriers for Government-financed passenger transportation is required by statute (46 U.S.C. 1241 and 49 U.S.C. 1517) when such vessels and air carriers are available. Compliance with these statutes is mandatory whether the U.S. Government pays the transportation charges to the carrier direct or through reimbursement of an individual or other entity. Uniform standards and procedures prescribed by the Comptroller General of the United States for guidance of all departments, agencies, travelers, carriers, and others concerned in conforming to these statutes are found in 4 CFR 52.2 and in various Comptroller General decisions.

§ 101–41.203–2 Use of cash.

(a) Cash shall be used to procure all passenger transportation services costing $10 or less, exclusive of Federal transportation tax, and to pay air excess baggage charges of $15 or less for each leg of a trip, unless special circumstances justify the use of a GTR. Agencies have the option of requiring travelers to use cash to procure passenger transportation services from, to, or between points in the United States, including Alaska and Hawaii, and its possessions or the trust territories, where such services cost more than $10 but do not exceed $100, exclusive of Federal transportation tax, for each trip authorized on official travel authorization. GTR's shall be used to procure all passenger transportation services costing in excess of $100, unless otherwise exempted in writing by the Administrator of General Services.

(b) Agencies shall not impose a financial hardship on travelers by requiring their use of personal funds to purchase the services set forth in paragraph (a) of this section but shall provide the funds through travel advances.

(c) Travelers using cash to purchase individual passenger transportation services shall procure such services direct from carriers and shall account for those expenses on their travel vouchers, furnishing passenger coupons or other evidence as appropriate in support thereof. Moreover, travelers shall assign to the Government the right to recover any excess payments involving carriers' use of improper rates. That assignment is preprinted on the travel voucher and shall be initialed by the traveler.

(d) Travelers using cash to procure passenger transportation services shall be made aware of the provisions of § 101–41.209–4 concerning a carrier's liability for liquidated damages because of failure to provide confirmed reserved space. Also, travelers using cash shall adhere to the regulations of the General Accounting Office (4 CFR 52.2) regarding the use of U.S.-flag vessels and air carriers. (See § 101–41.203–1(b).)

§ 101–41.203–3 Quantity (bulk) ticket purchases.

Quantities of transportation tickets for use by persons traveling for the account of the United States may be procured through the issuance of a single GTR. Tickets and/or tokens for intracity transportation involving the use of local or short-haul transit service may be similarly purchased in bulk quantities. Each GTR issued for the procurement of tickets or tokens shall be identified as "Bulk purchase," and tickets so procured shall bear the words "U.S. Government" and "Not Redeemable for Cash Except by the U.S. Government."

(a) *Discretionary authority to approve use of quantity purchase procedures.* The head of an agency or his designee may approve the issuance of one GTR instead of individual GTR's or purchase orders to procure a quantity of tickets or tokens.

(b) *Limitations on and conditions for making quantity purchases.* The discretionary authority to use bulk purchase procedures is restricted to situations in which:

(1) A continuing substantial volume of individual travel via the same mode and class of transporation is required between one origin and one destination;

(2) Each one-way single fare for transportation does not exceed $50 with a corresponding maximum of $100 for the round trip, exclusive of Federal transportation tax; and

(3) Each group of tickets or tokens is to be used within any one 60-day period of a fiscal year.

(c) *Agency regulations governing use of the quantity-purchase system.* Each agency adopting the quantity-ticket-purchase method shall issue internal instructions clearly defining the particular circumstances and conditions under which transportation tickets may be purchased in quantity. Further, each agency shall establish specific accountability controls for stocks of tickets and tokens and for periodically reviewing its regulations to ensure maintenance of a reasonable and objective quantity purchase program.

§ 101–41.203–4 Reduced rate services.

Through fares, special fares, commutation fares, excursion fares, and reduced rate one-way and round-trip fares shall be used for official travel when it can be determined before starting a trip that, all things considered, use of such service would be more practical and economical.

§ 101–41.203–5 Joint procurement of rail transportation and accommodations.

When the need for sleeping or parlor car accommodations is known at the time the rail transportation services are authorized, a single GTR shall be issued for joint procurement of transportation and accommodations. A separate GTR may be used to procure accommodations if such service is authorized after procurement of the rail transportation ticket; the GTR shall bear the name of the carrier issuing the sleeping or parlor car ticket and, when known, the number of the GTR covering the rail transportation service.

§ 101–41.203–6 Air excess baggage service.

(a) Cash shall generally be used to pay for the air carriage of authorized excess baggage when the cost thereof is $15 or less for each leg of a trip. (See § 101–41.203–2.) When the charges will exceed $15, the air carrier to which the authorizing GTR is presented shall prepare one or more sets of a Government excess baggage authorization/ticket (GEBAT) to provide a separate coupon for each change of flight, carrier, or stopover. It is essential to the payment process that the GTR number, the name and address of the office to be billed for the services furnished, and the name of the traveler, as shown on the authorizing GTR, be completely and accurately entered on the GEBAT.

(b) The GEBAT coupons shall be given to the traveler with the air ticket for presentation to the honoring carriers. Each carrier that is to provide excess baggage service shall lift the pertinent coupon, complete it to show the gross and net weights or number of pieces of baggage carried, and use the coupon to

support the subsequent billing of charges.

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§ 101–41.203–7 Use of preprinted rail

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support the subsequent billing of charges. The carrier providing the service may bill its charges direct to the paying office or may forward the coupon to the carrier to which the GTR was tendered for billing.

§ 101–41.204 Contracts, tenders, and charters.

§ 101–41.204–1 Contracts.

With the exception of contracts for intracity bus service and contracts entered into by the Military Airlift Command and the Military Sealift Command, a copy of each contract, negotiated or otherwise, providing rates or charges for passenger transportation services shall be transmitted by agencies, promptly upon execution, to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101–41.204–2 Tenders.

Three copies of each tender or quotation of special rates, fares, charges, or concessions for common or contract carrier passenger transportation services, including those made under section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), shall be promptly submitted by the negotiating agencies to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

§ 101–41.204–3 Procurement and billing of contract or tender service.

Any service offered under a contract or tender shall be obtained by issuance of a GTR bearing the number of the pertinent contract or tender. The carrier shall bill its charges for service on SF 1113.

§ 101–41.204–4 Procurement and billing of charter service.

When air, bus, or water service is chartered for the account of an agency, the terms of the charter shall be in writing and signed by authorized representatives of the Government and the carrier. A GTR shall be issued to procure chartered service and shall be accompanied by the original charter order or certificate when it is presented for payment of charges on SF 1113.

§ 101–41.205 Special procedures for preparing agency-stocked tickets for passenger transportation services.

§ 101–41.205–1 Use of teletype ticketing equipment.

(a) *Teleticketing systems.* (1) Agencies are encouraged to adopt the use of teletype machines for issuing tickets for passenger transportation services (other than air excess baggage services) and the use of the systems concept of automatic payment as set forth in § 101–41.206, whenever cost effective and feasible, so that the number of GTR's issued may be reduced and the expense and time expended in picking up tickets and processing individual carrier bills may be eliminated. Each agency should compare its current costs associated with passenger transportation procurement and payment with the potential costs of using a teleticketing and/or automatic payment system. Specific cost information can be obtained from the local communications company responsible for installing the teletype ticketing equipment. Also, agencies may jointly establish a teleticketing system on a common-use basis to reduce individual agency costs.

(2) GSA has entered into a master contract with passenger-carrying members of the air transportation industry for teleticketing service. Copies of the contract, as well as information on agency procedures and responsibilities and GSA reporting requirements, may be obtained from the appropriate GSA regional office. Additional information and assistance is available from General Services Administration (FZR), Washington, DC 20406. Under this teleticketing system, the contractor-airline furnishes prenumbered teletype ticket stock and a validating stamp to the agency. The issuance of a ticket on that stock is accomplished by activation of thet teletype equipment by the ticketing airline in response to a request from the agency. Each agency shall be responsible for establishing procedures and facilities for effectively maintaining accountability, control, and security of the teleticket receiver, ticket stock, validating stamp, tickets and ticket copies, and GTR's.

(b) *General procedures for issuing and processing teletype tickets.* (1) At the beginning of each calendar week or of a mutually agreed upon payment period not exceeding 1 month, a so-called blanket GTR shall be issued for each agency or paying office using the service at a given location. The number of the GTR shall be furnished to the carrier each time transmission of a ticket is requested during the payment period so that it may be printed on the ticket. Any ticket transmitted by the carrier that does does not bear the applicable GTR number shall not be validated or issued by the Government teletype clerk.

(2) A separate ticket listing shall be maintained for each GTR to show the number and value of each ticket issued under it, the appropriation or fund chargeable, and other information that may be essential to agency and carrier fiscal requirements.

(3) At the end of the payment period, payment shall be effected as set forth in § 101–41.206.

(c) *Procedures for processing unused tickets.* All coupons of a completely unused ticket procured on a GTR that has not been processed for payment shall be marked "VOID," and the pertinent entry on the ticket listing shall be lined out. All voided coupons other than the agent's coupon shall accompany the ticket listing when it is processed for payment. The agent's coupon shall be retained by the agency. A completely unused ticket procured on a GTR that has already been paid and all partially unused tickets, whether paid or not, shall be processed on Standard Form 1170, Redemption of Unused Tickets, to the contractor-carrier for refund under procedures set forth in § 101–41.210.

§ 101–41.205–2 Use of preprinted rail ticket stock.

(a) *Stocking of preprinted rail ticket stock.* (1) Passenger transportation ticket stock, preprinted for rail travel between designated cities only, and other material essential to the preparation and issuance of the tickets are available to agencies under a master contract concluded between GSA and the National Railroad Passenger Corporation (Amtrak). Agencies desiring to adopt this system may procure a copy of the master contract and a ticket service agreement for execution by the agency and Amtrak, as well as information on agency procedures and responsibilities and GSA reporting requirements, from the appropriate GSA regional office. Additional information is available from General Services Administration (FZR), Washington, DC 20406.

(2) Under this contract, Amtrak furnishes the agency with a validating stamp, serially numbered ticket stock preprinted with origin and destination cities, and related material. Also, Amtrak is responsible for training agency personnel in the preparation and issuance of tickets and other essential services. Open ticket stock shall not be supplied or used under any circumstances. Each agency shall be responsible for establishing procedures and facilities for effectively maintaining accountability, control, and security of the ticket stock, validating stamp, tickets and ticket copies, and the stock of GTR's.

(b) *Procedures for issuing tickets under individual GTR's.* Where few tickets are required each month, the agency shall prepare a GTR for each ticket issued and maintain a listing of all individual GTR's issued during the month. A completely unused ticket procured on a GTR that has not been processed for payment shall be voided and the pertinent entry on the GTR listing shall be lined out. All other unused tickets shall be processed under SF 1170 procedures as set forth in § 101–41.210. Within 5 days after the end of the month, the originals of each procuring GTR, the agent's coupons of each ticket issued in that month, all copies of any spoiled or voided tickets prepared during the month, and the listing of issuances shall be forwarded to the designated Amtrak office for preparation of its bill for the applicable charges. A copy of the listing shall be retained by the agency for comparison with the billed charges.

(c) *Procedures for issuing and processing tickets under blanket GTR's.* When the number of required tickets is of sufficient volume to warrant the use of automatic payments procedures as set forth in § 101–41.206, a blanket GTR shall be used to cover all tickets issued during a mutually agreed upon period not exceeding 1 month. Tickets shall be issued as follows:

(1) At the beginning of each payment period, a blanket GTR shall be prepared by the agency or paying office party to the ticket service agreement. The number of that GTR and of the ticket issued shall be furnished to Amtrak each time a reservation is requested. Each ticket shall bear the number of the procuring GTR.

(2) A separate ticket listing shall be maintained for each GTR to show the number and value of the tickets issued during the payment period and such other information as may be agreed upon by Amtrak and the agency.

(3) At the end of the payment period, payment shall be effected as set forth in § 101–41.206.

(d) *Procedures for processing unused tickets.* A completely unused ticket procured on a GTR that has not been processed for payment shall be market "VOID," and the pertinent entry on the ticket listing shall be lined out. All coupons shall be accounted for and submitted to Amtrak with the ticket listing. A completely unused ticket procured on a GTR that has already been paid and all partially unused tickets, whether paid or not, shall be processed to Amtrak on Standard Form 1170 for refund under procedures set forth in § 101–41.210.

§ 101–41.206 Special procedures for automatic payment of carrier charges for passenger transportation services.

(a) At the end of the payment period for which a blanket GTR has been issued according to § 101–41.205, the original GTR, the auditor's and agent's coupons of each ticket issued but not voided during the period, all spoiled or completely unused tickets issued during the period, and the original and two copies of the ticket listing shall be forwarded to the responsible agency accounting activity for preparation of the appropriate disbursing documents and issuance of the check to the contractor-carrier for air transportation charges or to Amtrak for rail transportation charges. The payment check shall bear the name and location of the agency authorizing payment, the applicable GTR number, and the letters "APP" (for automatic payment procedures). For air service, the auditor's coupons and the original of the ticket listing for the period shall be sent to the contractor-carrier to facilitate distribution of the payment to the ticketing carriers. For Amtrak service, the agent's coupons and the original of the ticket listing shall be sent to Amtrak.

(b) Agencies using the disbursing facilities of the Department of the Treasury shall issue Standard Form 1166, Voucher and Schedule of Payments (voucher-schedule), to the Department of the Treasury for issuance of the check. The payee block of the voucher-schedule shall include the above-cited identifying information that is to appear on the payment check. The stub attached to the SF 1166 is not used in this instance and shall be destroyed.

(c) The accounting activity shall send to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406:

(1) A copy of the voucher-schedule (SF 1166) or the appropriate agency disbursing document;

(2) The original of the blanket GTR (SF 1169);

(3) A copy of the ticket listing; and

(4) The agent's coupon of each ticket paid on the listing for air service, or the auditor's coupon of each ticket paid on a listing for Amtrak service.

(d) The air contractor-carrier or Amtrak shall be responsible for making settlement of all overcharges found upon GSA's subsequent audit of the documents covering their respective transportation services and for stating valid claims for additional charges as prescribed in Subpart 101–41.6.

§ 101–41.207 Use, preparation, and disposition of GTR's (SF 1169).

§ 101–41.207–1 Use of GTR's.

GTR's shall be issued and used only for officially authorized travel for the account of the United States. GTR's shall not be issued or used to obtain transportation services or privileges personally desired but not required for official business, such as extra-fare trains or planes, stopovers, and indirect routings which increase or exceed the cost of the authorized transportation or service. When a service other than that authorized is requested by the traveler, the carrier shall collect the additional cost thereof, including the Federal transportation tax, from the traveler at the time the GTR is exchanged for tickets. GTR's shall not be issued to obtain official passenger transportation services costing $10 or less, exclusive of Federal transportation tax, or air excess baggage services costing $15 or less for each leg of a trip, unless special circumstances justify the issuance of a GTR.

(a) *Stopovers.* Travelers required to make stops to conduct official business generally shall use only one GTR to procure a through ticket providing stopover privileges. Each stopover shall be specifically identified on the GTR.

(b) *Taxicab, intracity, transit services, toll charges, etc.* GTR's shall not be used for individually procured taxicab, airport limousine, intracity transit, or so-called drive-yourself type or other for-hire automobile services nor for payment of toll road or toll bridge charges.

§ 101–41.207–2 Preparation of GTR's.

(a) Detailed instructions for the preparation of the GTR and related forms are furnished in the GSA guide "How to Prepare and Process U.S. Government Transportation Requests" (national stock number 7610–01–038–1389). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the General Services Administration regional office providing support to the requesting activity. Copies also are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) The memorandum card copy (SF 1169–A) shall be prepared simultaneously with the original (SF 1169) and shall clearly show all information other than signatures that appears on the original at the time of surrender for service. Carrier agents shall not accept the memorandum card copy in lieu of the original.

§ 101–41.207–3 Disposition of spoiled or canceled GTR's.

A GTR spoiled in preparation, canceled, or prepared for issuance but not used shall be marked "CANCELED" across the face and forwarded immediately through the issuing office to the office maintaining the accountability records. General Records Schedule 9, Travel and Transportation Records (see § 101–11.404–2), provides instructions for the disposal of a GTR.

§ 101–41.207–4 Accountability for GTR's.

Each agency shall prescribe procedures to control GTR procurement, stocking, distribution, and accountability and shall establish safeguards to prevent their improper or unauthorized use. Each officer and employee of the Government or other person having custody of a GTR is responsible for its safekeeping and is liable for amounts which the Government may be required to pay because of improper use of the GTR resulting from fault or negligence of the custodian.

§ 101–41.208 Validation and honoring of GTR's.

§ 101–41.208–1 Validation of GTR's and identification of travelers.

GTR's shall be completely filled out and properly signed by the issuing officer so as to be valid for presentation to obtain transportation services and/or accommodations. Carrier agents shall not honor GTR's which are incomplete or unsigned or which show erasures or alterations not validated by the initials of the issuing officer. Carriers shall require the person presenting a valid GTR to establish his identity as the traveler or party authorized to receive the ticket, exchange order, refund slip, or other transportation document. In the absence of satisfactory identification, the GTR shall not be honored.

§ 101–41.208–2 GTR identification on tickets and coupons.

Carriers shall stamp or endorse each coupon of the ticket, exchange order or other transportation document with the words "U.S. GOVERNMENT" and the serial number of the GTR authorizing the service. Each Government excess baggage authorization/ticket (GEBAT) shall show the GTR number, the complete name and address of the agency to which charges applicable to the excess baggage services shall be billed, and the name of the traveler, as shown on the authorizing GTR.

§ 101–41.208–3 Honoring GTR's.

The GTR shall be drawn on the carrier that is expected to furnish the service. However, a carrier other than the one named may honor the GTR provided the substitute carrier furnishes comparable service. When a different service or a service of lesser value is furnished, the type of service and the name

of the carrier, if other than that shown on the GTR, shall be entered on the reverse of the GTR. That record shall be

§ 101–41.208–6 En route honoring of GTR's for sleeping or parlor car services only.

exchange for GTR's. Carriers are accountable to the Government for refunds or adjustments improperly made

(c) The original and the duplicate copy, together with pertinent unused tickets, exchange orders, refund slips,

areas shall be kept informed of local regulations and requirements to ensure

carrier may transmit its bill (SF 1113 and SF 1172) to the General Services

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of the carrier, if other than that shown on the GTR, shall be entered on the reverse of the GTR. That record shall be signed and dated by the carrier representative and countersigned by the traveler or person in charge of a group of travelers. The traveler or person in charge shall similarly endorse the memorandum card copy (SF 1169–A). If the original and the memorandum card copy are unavailable, the traveler or person in charge shall promptly forward written notification of the change to the office that issued the GTR. The carrier shall bill charges for the changed or lesser cost service to avoid subsequent adjustments with the Government.

§ 101–41.208–4 Issuance and use of sleeping or parlor car tickets when accommodations are not signed.

(a) At the time a traveler presents a GTR authorizing sleeping or parlor car accommodations, the ticket agent shall issue a ticket therefore even if there is no guarantee that the accommodations will be available. This situation arises when a reservation cannot be made in advance for sleeping or parlor car service authorized to begin:

(1) At an intermediate point;

(2) At the initial point of travel but space is currently exhausted; or

(3) At the return portion of a round trip.

(b) It is incumbent upon the traveler holding such ticket to obtain an actual space assignment immediately upon arrival at the point where the authorized accommodations are to be furnished. When the service supplied is different or of a lesser value than that authorized by the ticket, the traveler shall secure written acknowledgment of that fact from the local ticket agent or conductor assigning the space and submit it promptly with a written report of the facts and circumstances, including reference to the number of the GTR exchanged for the ticket, to the office that issued the GTR. The traveler shall also forward with that report any unused tickets or transportation coupons in his possession.

§ 101–41.208–5 En route honoring of GTR's for rail and sleeping or parlor car services.

(a) When there is no ticket agent on duty, necessitating that tickets for rail transportation and/or sleeping or parlor car services be obtained at the nearest available point en route, the conductor shall:

(1) Honor the GTR to the first station en route where such tickets can be obtained;

(2) Endorse on the back of the GTR over his signature the points between which it was honored without tickets; and

(3) Obtain the signature of the traveler below the endorsement.

(b) The ticket agent at the station en route shall issue rail and/or sleeping or parlor car tickets from the initial point of service authorized on the GTR in exchange for the GTR.

§ 101–41.208–6 En route honoring of GTR's for sleeping or parlor car services only.

When a GTR is presented on the train for sleeping or parlor car accommodations only, it shall be honored by the conductor.

§ 101–41.208–7 Honoring of GTR's by bus drivers.

(a) When a GTR is presented direct to a bus driver:

(1) At a bus station not supplied with the proper ticket forms;

(2) At a nonagent station or flag stop; or

(3) At a station at which the ticket office is not open for the sale of tickets, the bus driver shall honor the GTR to destination or arrange for its exchange for a ticket at some intermediate point.

(b) When the GTR is exchanged at an intermediate ticket office, it shall be endorsed to show clearly that transportation was furnished from the point of origin of travel, not from the intermediate point at which the GTR was exchanged for a ticket.

§ 101–41.209 Unused transportation services or accommodations.

§ 101–41.209–1 Reporting unfurnished or unused transportation services or accommodations.

(a) An individual traveler or a person in charge of a group of travelers shall promptly submit to the appropriate office of his agency any unused tickets or coupons as well as a report identifying the appropriate GTR and setting forth pertinent facts if:

(1) Travel is terminated short of the authorized destination;

(2) Services actually furnished are different or of a lesser value than those authorized and the GTR cannot be so endorsed; or

(3) The return portion of a round trip ticket is not used.

(b) Lacking unused tickets or coupons as evidence of the unfurnished services, the traveler or person in charge of the group of travelers shall obtain written acknowledgement of the situation from the carrier's representative for submission with the report. If transportation and/or accommodations are furnished for a lesser number of persons than specified on a party ticket, the carrier's conductor or ticket collector shall note on the ticket or coupon the number of persons actually transported and the number and type of accommodations furnished.

§ 101–41.209–2 Adjustments for unfurnished or unused transportation services or accommodations.

All adjustments for unfurnished or unused services in connection with Government transportation must be processed through a Government agency. Travelers, issuing officers, or private individuals are not authorized to receive refunds or credits for unfurnished services or unused tickets or portions thereof issued in exchange for GTR's. Carriers are accountable to the Government for refunds or adjustments improperly made to issuing officers or individuals traveling at Government expense. (See § 101–41.210 for procedures for collecting the value of unused or unfurnished services.)

§ 101–41.209–3 Cancellation of reservations.

A traveler shall cancel reservations for transportation services and/or accommodations as soon as he knows that such reservations will not be used. Failure of a traveler to take such action may subject him to liability for cancellation charges assessed by the carrier.

§ 101–41.209–4 Denied boarding compensation.

Each traveler shall be made aware that the tariffs of certain scheduled air carriers require the payment of liquidated damages in certain situations if the carriers fail to provide confirmed reserved space. Since the individual's travel on official business is for the account of the United States, the Government would be damaged by the delay or failure and would be entitled to reimbursement if a carrier is liable under its tariff provisions for liquidated damages. Thus the traveler who has been denied confirmed reserved space shall ensure that the liable carrier shows on the compensation check the "Treasurer of the United States" as payee. The traveler shall give the carrier a receipt for the check, retain a copy of the receipt, and forward the check with the copy of the receipt to his agency for deposit.

§ 101–41.210 Unused transportation refund procedures.

§ 101–41.210–1 SF 1170, Redemption of Unused Tickets.

Agencies shall not revise carrier bills or require carriers to rebill items, except as provided in § 101–41.210–6, to recover from carriers the value of unused or unfurnished transportation or accommodations but shall make demand on the carriers through the use of SF 1170. A separate SF 1170 must be used for each GTR, though more than one ticket or adjustment transaction may be related to that GTR and listed on the redemption form. Automation of certain phases of the ticket redemption procedure will be considered by GSA (FZA) upon request of agencies having computer capabilities, where such automation offers potential savings.

§ 101–41.210–2 Agency processing of SF 1170.

Timely processing of SF 1170 is essential to meet the time limitations on refunds provided in the tariffs of certain carriers. Agencies processing SF 1170 shall ensure that:

(a) All copies clearly show the required details;

(b) Claims based on other than unused tickets or portions thereof present the essential facts;

(c) The original and the duplicate copy, together with pertinent unused tickets, exchange orders, refund slips, etc., or portions thereof, are promptly forwarded to the carrier; and

(d) All other copies are retained by the agency for accounting control.

§ 101–41.210–3 Carrier processing of SF 1170.

Each carrier shall promptly refund moneys to adjust items listed on SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170.

§ 101–41.210–4 Agency processing of refunds.

(a) Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and promptly forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

(b) Agencies receiving voluntary refunds from carriers for a difference in class of service furnished to travelers or for a transportation service not furnished shall report such refunds on SF 1170 to GSA (FZATR), showing the amount of the refund and other essential information in the spaces provided.

§ 101–41.210–5 Report of carrier failure to make refund for unused transportation services or accommodations.

If, within 3 months from the time of issuance of SF 1170, the carrier has failed to make refund for unused transportation or accommodations or to furnish satisfactory explanation as to why no refund is due, or has refused to make an adjustment, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406, for appropriate action.

§ 101–41.210–6 Refund procedures covering unused transportation services billed by foreign-flag carriers.

(a) Standard Form 1170 and related procedures shall not be used or considered applicable when unused passenger transportation services billed by foreign-flag carriers are involved, except for:

(1) Canadian or Mexican carriers; or

(2) Foreign-flag carriers maintaining billing offices in the United States.

(b) Agencies shall institute procedures to effect recoveries for such unused services by deduction or setoff from the foreign-flag carriers' unpaid bills. Both agencies and travelers in foreign areas shall be kept informed of local regulations and requirements to ensure that the interests of the United States will be protected.

(c) Adjustments for unfurnished transportation services not reported on SF 1170 but made by deduction or setoff shall be noted on the deduction voucher with a full description of each unused ticket or portion thereof. Reference shall also be made to the transportation request number and the disbursing office (D.O.) voucher number, the D.O. symbol number, and the date of payment of the voucher on which the GTR was paid if other than the deduction voucher. The unused ticket or portion thereof shall be forwarded by the agency to the carrier and a copy of the transmittal letter shall be attached to the deduction voucher involved.

§ 101–41.211 Lost or stolen GTR's; lost Government excess baggage authorization/tickets (GEBAT).

§ 101–41.211–1 Reporting of GTR's lost or stolen before presentation to carrier.

A lost or stolen GTR shall be reported promptly in writing by the accountable person to the appropriate agency office. This report shall include a complete statement of facts. If the lost or stolen GTR shows the carrier that is to honor the GTR, service desired, and point of origin, the accountable person shall also notify promptly in writing the named carrier and other local initial carriers.

§ 101–41.211–2 Disposition of recovered GTR's previously reported lost or stolen.

A GTR that has been reported as lost or stolen but that is subsequently recovered shall not be used to obtain transportation or accommodations. The recovered GTR, whether it is blank or partially or completely filled out, shall be returned promptly to the issuing officer who shall mark it "CANCELED" and forward it through appropriate channels to the office keeping the accountability records. The GSA General Records Schedule 9, Travel and Transportation Records, provides instructions for disposition of canceled GTR's. (See § 101–11.404–2.)

§ 101–41.211–3 Billing charges for GTR's lost by carrier.

(a) A carrier losing or misplacing a GTR may bill charges for the service furnished, provided the SF 1113, Public Voucher for Transportation Charges, is supported by an SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request, and a statement of any other pertinent facts and circumstances. Charges so supported shall be billed separately from charges applicable to other GTR's. (See § 101–41.214 for billing of transportation charges.)

(b) Disbursing officers shall certify on the SF 1172 that the services specified thereon have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment. The carrier may transmit its bill (SF 1113 and SF 1172) to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406, if the paying agency is unknown.

§ 101–41.211–4 Disposition of GTR's previously certified lost by carrier.

An original GTR that is located after issuance of an SF 1172, together with a reference to the carrier's bill on which charges for the lost GTR were paid, shall be forwarded promptly to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101–41.211–5 Billing charges for air excess baggage coupons lost by carrier.

(a) When a carrier has lost its flight coupon copy of the GEBAT covering the air carriage of excess baggage, it shall bill the charges on SF 1113 supported by a statement listing the number of the authorizing GTR, name of traveler, weight or number of pieces of excess baggage authorized and carried, points between which service was authorized and rendered, and all other information pertinent to the transaction. This statement shall bear a certification by the carrier similar to that shown on the SF 1172. The disbursing officer shall certify on the back of the statement that the services specified therein have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment.

(b) Excess baggage charges supported by a certified statement in lieu of a lost GEBAT shall be billed separately from other types of transportation charges. Where the paying agency cannot be determined, the carrier may submit its bill to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406, for forwarding to the responsible agency.

(c) An original GEBAT that is located after issuance of the certified statement in lieu of lost GEBAT, together with a reference to the carrier's bill on which charges for the lost GEBAT were paid, shall be forwarded promptly to GSA (FZATR).

§ 101–41.212 Accountability for lost or stolen tickets or coupons.

Travelers or other accountable persons are responsible for the custody of tickets and other transportation documents received in exchange for GTR's or other procuring instruments. Failure to safeguard these documents may result in personal liability to the traveler or other accountable person if the tickets or documents are used by unauthorized persons. Agency regulations should caution travelers and other accountable persons about such liability.

§ 101–41.213 Carrier entries on GTR's.

(a) The boxed section on the face of the GTR captioned "For Carrier Use Only" is reserved for the recording of proper data by the ticket agent and auditor of the billing carrier.

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(1) In the "Form and Ticket No." tional use by carriers. No other card

(d) An agency shall not require a car-

(1) In the "Form and Ticket No." space, the ticket agent shall enter the ticket number and type of ticket furnished in exchange for the GTR.

(2) In the "Agent's Value" space, the ticket agent shall enter the cost of the transportation services furnished. Any accommodation charge or other supplementary service such as extra fare or excess baggage shall be listed separately and not included in the amount of the regular transportation charge.

(3) In the "Auditor's Value" space, the carrier audit officer shall enter the charges as specified in paragraph (a)(2) of this § 101–41.213 for the "Agent's Value."

(b) On the reverse side of the GTR, the carrier's ticket agent shall show the date travel commenced so that tariff applicability may be determined.

§ 101–41.214 Billing and payment of passenger transportation charges.

§ 101–41.214–1 Carrier billing form.

Carrier charges for transportation services furnished for the account of the United States shall be billed on SF 1113. The bill, plus one memorandum copy (SF 1113–A), shall be submitted to the billing office specified on the GTR. Carrier bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101–41.4. Charges for passenger transportation services shall be billed separately from freight transportation charges.

§ 101–41.214–2 Factual support of charges billed.

(a) Documentary evidence of facts other than those shown on the GTR or other authorized procurement document, necessary to support or explain charges billed shall refer to the number of the GTR or other document involved, be associated therewith, and made a part of the billing record. Certifications or affidavits, section 22 quotations, charter orders, air ferry or live mileage supports, bus deadhead mileage supports, transfer checks, and authorizations are examples of such documents.

(b) The pertinent excess baggage coupon from the GEBAT set shall be furnished in support of charges billed for the air access baggage service furnished for each portion of a journey.

(c) Each bill submitted by a carrier for the payment of charges for Government-financed passenger transportation services involving, in whole or in part, the use of a foreign-flag air carrier or vessel shall be supported by a certification explaining the nonavailability of U.S.-flag service, which shall be signed by the traveler or other responsible official of the agency authorizing such use. (See 4 CFR 52.2.)

§ 101–41.214–3 Carrier machine punching on GTR's.

Carriers using 80-column tabulating equipment have the option of keypunching certain information in the GTR's. Carriers electing to punch the GTR must punch all information in fields 1–20 as specified below. Fields 21–25 are for optional use by carriers. No other card fields may be used.

Fields:	*Information*
1–5	Carrier's code number as published in the Continental Directory of Standard Carrier Alpha Codes (SCAC) and Standard Tariff Agents Codes. Inquiries shall be addressed to the NMFTA Tariff Research Section, ATA Building, 1616 P Street NW., Washington, D.C. 20036.
6–10	Carrier's bill number.
11–18	Total amount of transportation charges.
19–20	Federal account (appropriation) symbol. (To be obtained from the Department of the Treasury annual publication "Federal Account Symbols and Titles.")
21–25	Carrier's optional in-house code.

§ 101–41.214–4 Carrier notations on GTR's.

Unnecessary notations should not be inserted on the GTR during audit by the carrier since it is essential that the GTR show transactions only between travelers and carrier agents. This should not be construed, however, as prohibiting mechanized interpretation in the designated spaces of the GTR or other desirable information notations.

§ 101–41.214–5 Preparation of carrier billing form.

(a) Instructions for the preparation of Standard Form 1113, Public Voucher for Transportation Charges, are furnished in the GSA guide "How to Prepare and Process U.S. Government Transportation Requests" (national stock number 7610–01–038–1389). Agencies may obtain this guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) The billing carrier shall list the serial numbers of all accompanying GTR's on the face of the SF 1113, show the charge applicable to each GTR in the amount column, and complete the column with the total charge. As many GTR's as may be itemized in a single column shall be included on the SF 1113 when the charges are being billed to the same office; however, billings for air excess baggage charges shall be restricted to no more than three GTR's per SF 1113.

(c) The carrier shall properly complete the "Payee Certificate" section of the voucher. Carriers may use a facsimile signature of the carrier's certifying official or a machine-typed name of that official, provided the facsimile signature or machine-typed official's name is initiated by a duly authorized person. The carrier shall properly complete the tear-off portion of the SF 1113 and shall not substitute a memorandum copy (SF 1113–A) for the tear-off portion.

(d) An agency shall not require a carrier to furnish more than one memorandum copy (SF 1113–A).

§ 101–41.214–6 Submission of carrier bills with supporting data.

GTR's being submitted for payment and any appropriately referenced documentation shall be placed in an envelope which shall be securely attached to the covering SF 1113. GTR's must not be folded, stapled, spindled, or mutilated.

§ 101–41.214–7 Cross-reference on billings for additional or supplemental services.

Vouchers supported by GTR's which extend or supplement services covered by other GTR's shall be endorsed by the paying office or issuing agency to show the disbursing office (D.O.) voucher number, date of payment, and D.O. symbol number of the prior payment. Vouchers covering air excess baggage charges need not be so endorsed.

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

§ 101–41.300 Scope and applicability of subpart.

This subpart sets forth regulations and procedures governing the procurement of and the billing and payment for freight or express transportation services for the account of the United States.

§ 101–41.301 [Reserved]

§ 101–41.302 Standard forms relating to shipment, transportation, and delivery of property.

The Standard forms set forth in this subpart are prescribed to accomplish the shipment, transportation, and delivery of all property, except as covered in § 101–41.304, by transportation companies for the account of the United States and the billing and payment of charges therefor.

§ 101–41.302–1 Listing of forms.

(a) SF 1103, U.S. Government Bill of Lading (Original).

(b) SF 1103–A, U.S. Government Bill of Lading (Memorandum Copy).

(c) SF 1103–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(d) SF 1104, U.S. Government Bill of Lading (Shipping Order).

(e) SF 1105, U.S. Government Freight Waybill (Original).

(f) SF 1106, U.S. Government Freight Waybill (Carrier's Copy).

(g) SF 1109, U.S. Government Bill of Lading Continuation Sheet (Original).

(h) SF 1109–A, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy).

(i) SF 1109–B, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy—Consignee).

(j) SF 1110, U.S. Government Bill of Lading Continuation Sheet (Shipping Order).

(k) SF 1111, U.S. Government Freight Waybill Continuation Sheet (Original).

(l) SF 1112, U.S. Government Freight Waybill Continuation Sheet (Carrier's Copy).

(m) SF 1113, Public Voucher for Transportation Charges (Original).

(n) SF 1113–A, Public Voucher for Transportation Charges (Memorandum Copy).

(o) SF 1131, U.S. Government Transit Bill of Lading (Original).

(p) SF 1131–A, U.S. Government Transit Bill of Lading (Memorandum Copy).

(q) SF 1131–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(r) SF 1132, U.S. Government Transit Bill of Lading (Shipping Order).

(s) SF 1133, U.S. Government Transit Freight Waybill (Original).

(t) SF 1134, U.S. Government Transit Freight Waybill (Carrier's Copy).

§ 101–41.302–2 Description and distribution of bills of lading.

(a) The U.S. Government bill of lading (GBL) and the U.S. Government transit bill of lading each consist of six basic forms and are available in sets of seven or nine parts, depending on the number of memorandum copies needed. The sets are carbon-interleaved for simultaneous preparation. The GBL set is arranged in the following order:

(1) SF 1103 (original), which refers to Subpart 101–41.3 for the terms and conditions of the contract of transportation and contains both the description of the articles comprising the shipment and the certificate of delivery is given to the carrier upon tender of shipment for use as supporting documentation with the voucher covering the transportation charges involved.

(2) SF 1104 (shipping order) is retained by the carrier's agent at the shipping point.

(3) SF 1105 (freight waybill (original)) accompanies the shipment or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original GBL is lost.

(4) SF 1106 (freight waybill (carrier's copy)) is for disposition by the carrier.

(5) SF 1103–A (memorandum copy), of which there are two or four copies, is for use by the shipper for fiscal and administrative purposes.

(6) SF 1103–B (memorandum copy—consignee) is sent to the consignee immediately after surrender of the original to the initial carrier.

(b) The U.S. Government transit bill of lading set (SF 1131 through SF 1134) is arranged in the same order as the GBL.

(c) The GBL continuation sheets (SF 1109 through SF 1112) are also available in seven- or nine-part sets and are arranged in order corresponding to the GBL sets. The continuation sheets are for use with both the regular GBL and the transit GBL.

(d) Separate sheets of the memorandum copies (SF 1103–A, SF 1109–A, and SF 1131–A) are available to Government agencies for addition to the respective seven- or nine-part sets.

§ 101–41.302–3 Terms and conditions governing acceptance and use of GBL's.

(a) In no case shall prepayment of charges be demanded by the carrier nor collection be made from the consignee. The GBL, properly certified and attached to an SF 1113, Public Voucher for Transportation Charges, shall be presented to the paying office indicated in the "Bill Charges To" section on the face of the GBL for payment to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL;

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph (a)(1) of this section) in favor of the billing carrier;

(3) A carrier (as described in paragraph (a)(1) of this section) or its properly designated warehouse agent billing in the name of the carrier as authorized in § 101–41.309–2 dealing with certification of shipments in storage; or

(4) An agent of the carrier or forwarder (as described in paragraphs (a)(1) or (a)(2) of this section): *Provided*, The bill is submitted in the name of the principal. The agent's mailing address may be shown on those bills, and the checks, drawn in the name of the principal, may be mailed to the agent.

(b) The GBL is subject to the same rules and conditions as govern shipments made on the usual commercial forms unless otherwise specifically provided or stated herein.

(c) The shipment made on the GBL shall take a rate no higher than that chargeable had the shipment been made on the uniform straight bill of lading, uniform express receipt, or any other form provided for commercial shipments.

(d) No charge shall be made by any carrier for the execution and presentation of a GBL in manner and form as provided in this Subpart 101–41.3.

(e) The shipment is made at the restricted or limited valuation specified in the tariff or classification or established pursuant to section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), or to another equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the GBL.

(f) Receipt for the shipment is subject to the consignee's annotation of loss, damage, or shrinkage on the delivering carrier's documents and the consignee's copy of the same documents. When loss or damage is not discovered until after delivery of shipment and receipt therefor, the consignee shall promptly notify, preferably by telephone, the nearest office of the last delivering carrier and extend to the carrier the privilege of examining the shipment.

(g) In case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments, as they relate to the period within which notice thereof shall be given the carrier or to the period within which claim therefor shall be made or suit instituted, shall not apply. Deletion of this item will be considered valid only with the written concurrence of the Government official responsible for making the shipment.

(h) Carrier's rights to shipping charges are not affected by facts set out in the issuing office section of the GBL.

(i) The nondiscrimination clauses contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated by reference in the GBL.

§ 101–41.302–4 General instructions for the preparation of GBL's and common problem areas.

(a) *Availability of guide.* Instructions for the preparation of GBL's and related forms are furnished in the GSA guide "How to Prepare and Process U.S. Government Bills of Lading," (national stock number 7610–00–682–6740). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) *Use of U.S.-flag carriers.* The use of U.S.-flag vessels by officers and employees of the United States for the transportation of their personal effects and the use of U.S.-flag certificated air carriers for any Government-financed movement of freight by air is required by statute (46 U.S.C. 1241 and 49 U.S.C. 1517) when such vessels and air carriers are available. Compliance with these statutes is required whether the United States pays the transportation charges to the carrier direct or through reimbursement of an individual or other entity. Uniform standards and procedures prescribed by the Comptroller General of the United States for guidance of all departments, agencies, officers, and employees of the United States; carriers; and others concerned, in conforming to these statutes are found in 4 CFR 52.2 and in various Comptroller General decisions.

(c) *Common problem areas.* (1) The "For Use of Destination Carrier Only" section is reserved for the recording of certain data by the accounting officer of the billing carrier and must not be covered by marks or writing by others handling the GBL. This boxed section on the memorandum copies of the GBL form is available to the issuing officer for showing the estimated transportation charges and such accounting classifications as may be required.

(2) The issuing office shall complete the "For Use of Issuing Office" section of the GBL, including any GBL to be used by a contractor as shipper. Failure of the issuing office to show the date and

number of the contract, purchase order, or other authority for the shipment and failure to show the f.o.b. point named

§ 101–41.303 Conversion of commercial bills of lading to GBL's.

Carrier Billing for Charges," and preparation of an SF 1113.

§ 101–41.304–2 Limited authority to use commercial forms and procedures.

forms. Charges for transportation services furnished under commercial documen-

vent and detect duplicate payments, properly account for expenditures, and

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number of the contract, purchase order, or other authority for the shipment and failure to show the f.o.b. point named therein may result in a carrier's refusal to accept the shipment from the contractor-shipper. Accountability for GBL's used by a contractor-shipper remains with the issuing office. Thus the name and title of the issuing officer and the name and address of the issuing office, rather than those of the contractor-shipper, must appear on the GBL.

(3) Erasures, interlineations, or alterations in GBL's must be authenticated and explained by the person who made them.

(4) Subpart 101–40.7 provides a uniform system and forms for agency documentation of discrepancies or deficiencies incurred in shipments of materials to enable initiation and processing of claims against carriers for loss and damage, shortages, and the disposition of overages.

§ 101–41.302–5 Pickup, delivery, or trap-car services.

(a) Pertinent sections on the GBL indicating that the carrier furnished pickup or trap-car service at origin shall be completed and initialed by the shipper or shipper's agent. In certain instances the tariff covering these services provides charges that are in addition to the line-haul rate or charges.

(b) When a shipper or consignee so requests and if the carrier furnishes delivery or trap-car service at destination in connection with a less-than-carload of an any-quantity rail shipment or on shipments by other modes of transportation, the carrier shall check the appropriate box in the "Certificate of Carrier Billing for Charges" section on the GBL.

§ 101–41.302–6 Special services.

(a) Additional information or facts necessary to support higher charges resulting from accessorial or special services ordered and furnished incident to the line-haul transportation shall be inscribed on the face of the GBL in the sections designated "Description of Articles" or "Marks" or on the reverse side of the GBL beneath the caption "Special Services Ordered." The inscription shall contain the name of the carrier upon whom the request was made and the kind and scope of services ordered and shall be signed by or for the person ordering the services. If such an inscription is impractical, a statement containing the information and bearing the number of the covering GBL and signed by or for the person who ordered the services will be acceptable.

(b) When the GBL is not available, the original and one copy of the statement shall be given to the carrier from whom the services were ordered. The original shall be transmitted to the billing carrier for presentation with the bill for all transportation charges.

(c) When accessorial or special services are requested but not furnished, the GBL shall be so annotated by the carrier.

§ 101–41.303 Conversion of commercial bills of lading to GBL's.

§ 101–41.303–1 Necessity for conversion.

GBL procedures shall be followed to preclude a commercial bill of lading or a commercial express receipt from being used on shipments for the United States, except as provided by law or by this Subpart 101–41.3 or by a specific exception to this subpart. Payment of the transportation charges generally will not be made by the Government on such commercial documents alone. However, when a commercial bill of lading or commercial express receipt is unavoidably used on a shipment of property for the account of the United States under circumstances not authorized herein, the words "TO BE CONVERTED TO A U.S. GOVERNMENT BILL OF LADING" must be conspicuously inscribed on the original and all copies of the commercial document.

§ 101–41.303–2 Conversion of commercial bills of lading.

(a) A commercial bill of lading or a commercial express receipt may be converted to a GBL by either of the following procedures:

(1) When the origin carrier requires the original commercial document, the shipper shall surrender it to the initial carrier's agent for his certification as follows:

INITIAL CARRIER'S AGENT, BY SIGNATURE BELOW, CERTIFIES THAT HE RECEIVED THE ORIGINAL OF THIS DOCUMENT

The certification shall be inscribed on the original and all copies of the commercial bill of lading or commercial express receipt, and a memorandum copy thereof shall be returned to the shipper for forwarding to the authorizing agency. The authorizing agency receiving the properly certified memorandum copy of the commercial bill of lading or commercial express receipt shall issue or cause to be issued a GBL, forward the GBL promptly to the origin carrier for transmittal to the billing carrier, and retain the memorandum copy of the commercial document. The billing carrier, having received both the original commercial document and the GBL from the origin carrier, shall execute the "Certificate of Carrier Billing for Charges" on the GBL, cross-reference both original documents, securely attach them together, and use the documents to support its billing.

(2) When the origin carrier does not require the original commercial document, the shipper shall obtain the signature of the origin carrier's agent on the original and all copies and immediately forward the original to the agency that authorized the shipment. The authorizing agency shall issue or cause to be issued a GBL for the shipment involved. The original commercial document and the issued GBL, properly cross-referenced and securely attached together, shall then be forwarded to the origin carrier for transmittal to the billing carrier for execution of the "Certificate of Carrier Billing for Charges," and preparation of an SF 1113.

(b) The signature of the initial carrier's agent shall not be required on GBL's converted from commercial documents when it appears on the commercial documents attached thereto.

§ 101–41.303–3 Lost commercial bills of lading.

(a) When the original commercial bill of lading or commercial express receipt has been lost or destroyed and therefore is not available to the billing carrier, the shipper or origin carrier possessing an authentic copy of the commercial document may have it converted to a GBL by the agency that authorized the shipment.

(b) The issuing office shall, before releasing the copy of the commercial document from which conversion is made, reproduce two additional copies of the authentic copy of the commercial document: One to be retained for its records and the other to be forwarded to the agency's paying office.

(c) The issuing office shall forward the copy of the commercial document and the issued GBL, each properly cross-referenced and securely attached together, to the origin carrier for transmittal to the billing carrier which shall execute the carrier's certificate and use the two documents as support for its bill for the charges.

(d) Each agency and department shall develop procedures and controls to preclude more than one GBL being issued for the same shipment and to preclude duplicate payment of the transportation charges involved.

§ 101–41.303–4 Lost original commercial bills of lading subsequently recovered.

When the original commercial bill of lading or commercial express receipt is recovered after conversion of an authentic copy of the commercial document to a GBL, the original commercial document shall be forwarded to the paying office of the agency concerned, with an appropriate reference to the previous conversion. If the transportation charges on the GBL converted from the copy of the commercial document have already been paid, the recovered original commercial bill of lading or commercial express receipt shall be marked "VOID"; annotated with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and payment date; and transmitted to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101–41.304 Exception to the use of GBL's.

§ 101–41.304–1 Local storage, drayage, and haulage.

GBL's shall not be used when local are procured by contract. They may be storage, drayage, and hauling services used, however, when such services are provided for in established tariffs, schedules, or tenders.

§ 101–41.304–2 Limited authority to use commercial forms and procedures.

(a) *Discretionary authority to approve use of commercial forms and procedures.* Subject to the limitations in paragraph (b) of this section, the head of an agency or his designee may elect to use commercial bills of lading or commercial express receipts and commercial procedures, rather than the regular GBL and related procedures, to procure freight or express transportation services for certain small shipments. This discretionary authority is directed generally toward those situations involving shipments of a recurring nature where it is cumbersome and impractical to issue GBL's. In implementing this small shipment procedure, agencies shall adhere to the restrictions on the use of foreign-flag carriers as set forth in § 101–41.302–4(b).

(b) *Limitations on use of commercial forms and procedures.* The use of commercial forms and procedures for small shipments is subject to the limitations and instructions set forth in paragraphs (b) (1) through (b) (4) of this section.

(1) Upon determination that commercial forms and procedures are to be used, the agency shall establish administrative regulations and procedures clearly defining the particular shipping circumstances and conditions for their use. Notice of adoption and of any subsequent cancellation of the small shipment procedure prescribed in this § 101–41.304–2 shall be sent to the General Services Administration (FZAPP), Chester A. Arthur Building, Washington, D.C. 20406.

(2) The use of commercial forms and procedures for small shipments, as prescribed in § 101–41.304–2, shall be optional on the part of carriers and forwarders. However, a letter of agreement signifying acceptance of the arrangements must be executed and filed with the participating agency by the carrier or forwarder. That letter shall include the following provision:

> The shipments covered by this agreement are subject to the terms and conditions (except as to billing carrier and prepayment) set forth in Standard Form 1103, U.S. Government Bill of Lading, and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on U.S. Government bills of lading.

The letter of agreement also shall include, where applicable, the carrier's concurrence in the use of cash for payment of transportation charges for these shipments as set forth in paragraph (d) (3) of this section.

(3) The commercial forms and procedures authorized in § 101–41.304–2 are to be applied only to shipments in which the transportation charges ordinarily do not exceed $100 per shipment and the occasional exception does not exceed that monetary limitation by an unreasonable amount.

(4) Commercial forms and procedures shall not be used for household goods van shipments.

(c) *Billing of charges for transportation services furnished on commercial forms.* Charges for transportation services furnished under commercial documentation, as authorized by this § 101–41.304–2, shall be billed by and paid to the origin carrier or forwarder and may not be waived to any other carrier or forwarder. Also, these charges shall be billed on the commercial forms customarily used by carriers, rather than on the SF 1113, in order to clearly identify the bills as commercial-type shipments.

(d) *Payment of charges for transportation services procured on commercial forms.* (1) Payment of charges for transportation furnished under the commercial forms and procedures authorized herein are subject to the standards set forth in Subpart 101–41.4.

(2) Payment of charges for transportation services procured on commercial forms as prescribed in § 101–41.304–2 may be made prior to or upon completion of service and at either origin or destination only upon presentation by the origin carrier or forwarder of the usual ticket, receipt, bill of lading, or equivalent document covering the service involved, subject to later recovery by deduction or otherwise of any payment made for any service not received as ordered by the United States. The commercial document shall be clearly annotated to indicate the point at which payment shall be made. Further, regarding shipments paid at origin, the consignee or receiver of a shipment not delivered in good order shall notify the shipper so that proper claim action may be initiated.

(3) Payment may be made in cash from imprest funds at the option of the agency but only with the concurrence of the carrier or forwarder. Imprest fund disbursements, forms, and accountability for the transportation transactions specified herein shall be made in accordance with paragraph (d) (2) of this section and the regulations of the General Accounting Office relating to imprest funds.

(4) All payments, including supplemental payments, are subject to otherwise applicable statutory limitations.

(e) *Administrative procedures for processing vouchers covering small shipments on commercial forms.* (1) The disbursing forms and documentation prescribed by the Department of the Treasury shall be used for commercial-type billings. Agencies shall not classify these paid bills as transportation vouchers for submission to GSA for postpayment audit but shall retain them in file for site audit.

(2) Supplemental transportation claims arising after payment of the original bills should ordinarily be settled by agencies direct with the carriers. However, claims involving a doubtful question of fact or law, or a question regarding the amounts properly due, may be forwarded to GSA (FZATM) for direct settlement as prescribed in Subpart 101–41.6. The complete record shall be furnished including a reference to the appropriation or fund to be charged.

(3) Each agency shall establish adequate procedures and controls to prevent and detect duplicate payments, properly account for expenditures, and require notice from the consignee when a discrepancy in shipment occurs. Agencies may prescribe the use of statistical sampling procedures in accordance with General Accounting Office regulations, for examining and approving those disbursement vouchers.

§ 101–41.305 Procedures governing shipments accorded transmit privileges.

§ 101–41.305–1 General instructions for the preparation of transit GBL's and common problem areas.

(a) *Availability of guide.* Instructions for the preparation of transit GBL's are furnished in the GSA guide "How to Prepare and Process U.S. Government Bills of Lading," (national stock number 7610–00–682–6740). Agencies may obtain copies of the guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) *Common problem areas.* (1) The "For Use of Destination Carrier Only" section is reserved for the recording of certain data by the accounting officer of the billing carrier and shall not be covered by marks or writing by others handling the transit GBL. This section on the memorandum copies of the transit GBL is not ruled and is available to the issuing officer for showing estimated tranportation charges and such accounting classifications as may be required.

(2) The issuing office shall complete the "For Use of Issuing Office" section of the transit GBL, including any transit GBL to be used by a contractor as shipper. Failure of the issuing office to show the date and number of the contract, purchase order, or other authority for the shipment and failure to show the f.o.b. point named therein may result in a carrier's refusal to accept the shipment from the contractor-shipper. Accountability for a transit GBL used by a contractor-shipper remains with the issuing office. Thus, the name and title of the issuing officer and the name and address of the issuing office, rather than those of the contractor-shipper, shall appear on the transit GBL.

(3) Erasures, interlineations, or alterations in GBL's must be authenticated and explained by the person who made them.

§ 101–41.305–2 Transit records; processing and distribution.

(a) *Section 22 quotation and tariff requirements.* Transit shipments shall be handled in accordance with the provisions of the applicable quotations issued under section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), or the provisions of the carriers' tariffs providing the transit privileges.

(b) *Application of transit tonnage.* Inbound transit information shall be provided in the "Transit Reshipping Certificate—Inbound Billing References" section of the transit GBL.

(c) *Furnishing transit certificates.* Transit certificates (record of transit carriers' agent at the time the shipment is tendered. The carrier's agent shall ac-

§ 101–41.307–3 Issuing office records.

and an alphabetical prefix; e.g., A–0,000,– States on GBL's. (See 49 CFR 1056.26 Transportation Charges, bearing the 001 through A–0,000,000, progressing to concerning collection of freight charges same bill number as the line-haul car-

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(c) *Furnishing transit certificates.* Transit certificates (record of transit tonnage and application) need not be prepared and furnished to GSA (FZATR) when the paying office normally verifies or enters the inbound billing information in the "Transit Reshipping Certificate—Inbound Billing References" section of the transit GBL. If the paying office does not verify or provide inbound billing information, the certificates shall be furnished to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406, as follows:

(1) One copy promptly after recording the inbound tonnage information, and

(2) One copy promptly after recording the information on reshipment, partial reshipment, or cancellation.

§ 101–41.305–3 Free or surrendered transit GBL's.

A free or surrendered transit GBL is issued for use with an outbound shipment from the transit installation where the line-haul charge to the transit installation equals or exceeds the through transportation charge plus the transit charge. After completing the "Certificate of Carrier Billing for Charges" section of the free transit GBL, the billing carrier shall attach the free transit GBL to an SF 1113 bearing the carrier's bill number and submit both forms to the paying office of the agency concerned with a check for any amount due the United States.

§ 101–41.305–4 Billing for transit shipments.

A separate SF 1113 with the word "TRANSIT" typed immediately beneath the caption "ALPHA PREFIX AND SERIAL NO. OF SUBVOUCHER" shall be prepared by the carrier for each transit GBL.

§ 101–41.305–5 Paying office action on transit billings.

The paying office shall verify and, if necessary, correct the information in the "Transit Reshipping Certificate—Inbound Billing References" section of the transit GBL. When the required information is not shown, the paying office shall enter the disbursing office (D.O.) voucher number, bureau voucher number, if any, the date of payment, and the D.O. symbol number of the inbound billing on the transit GBL before forwarding the SF 1113 and notice of any refunds to GSA (FZATR). Free or surrendered transit GBL vouchers shall be transmitted to GSA (FZATR) separate from other types of transportation vouchers.

§ 101–41.306 Disposition of GBL forms upon delivery of property to carrier for shipment.

(a) The shipper (issuing officer or contractor) shall surrender the original GBL, shipping order, freight waybill (original), freight waybill (carrier's copy), and comparable copies from continuation sheets, if any, to the initial carriers' agent at the time the shipment is tendered. The carrier's agent shall acknowledge receipt of the shipment and of the original GBL and copies by inserting in the designated spaces on the lower left side of the original GBL and on all copies of the GBL the name of the initial carrier, the date of receipt, and his signature.

(b) The issuing office shall retain a certified memorandum copy; i.e., the issuing office copy (SF 1103–A or SF 1131–A and SF 4109–A, if any), and send the consignee copy (SF 1103–B or SF 1131–B and SF 1109–B, if any) to the consignee. A contractor acting as shipper shall retain one certified memorandum copy, forward one copy to the issuing office, and send the consignee copy to the consignee.

(c) On local or single-line movements, the carrier shall retain the original GBL for use as support for billing of charges after properly executing the "Certificate of Carrier Billing for Charges." On interline or intermodal movements, except those falling under the procedures in § 101–41.312, the origin and interline carriers shall transmit the original GBL to the last linehaul carrier authorized to bill the charges for execution of the "Certificate of Carrier Billing for Charges" on the basis of the delivery documents and for billing of the charges. Carriers must not delay movement or delivery of Government shipments because they have not received the original GBL from the origin or interline carriers.

§ 101–41.307 Lost GBL's.

§ 101–41.307–1 Substitute document.

When the original of the regular GBL or the transit GBL (SF 1103 or SF 1131) has been lost or destroyed, the billing carrier shall use the freight waybill (original) (SF 1105 or SF 1133), properly certified by the issuing office and by the carrier, as a substitute document for billing the charges. Execution of the the "Certificate of Carrier Billing for Charges" on the substitute document is not required for charges billed under the exception procedures in § 101–41.312.

§ 101–41.307–2 Certification of substitute document.

(a) *By issuing office.* The issuing office shall certify the original freight waybill substituted for the lost original GBL on the basis of information shown on the retained memorandum copy thereof. That certification, properly signed, dated, and placed on the reverse of the freight waybill, shall read:

I CERTIFY THAT THE SERVICES SHOWN ON THIS FREIGHT WAYBILL WERE REQUESTED.

(b) *By carrier.* After the original freight waybill has been certified by the issuing office, the billing carrier shall enter on the reverse side of the form a properly executed certificate of delivery showing all information required in the "Certificate of Carrier Billing for Charges" section on the face of the original GBL.

§ 101–41.307–3 Issuing office records.

The issuing office shall enter each certification of a substituted document in its GBL accountability record and promptly notify the responsible payment office so that the paying office may take steps to preclude duplicate payment of the transportation charges.

§ 101–41.307–4 Lost original GBL's recovered before settlement.

When a lost original GBL is recovered by either the Government or the carrier before settlement is effected on the basis of the substitute freight waybill, the original GBL shall be used for payment of the transportation charges. The substitute freight waybill shall be marked "CANCELED—ORIGINAL BILL OF LADING LOCATED" and returned to the issuing office for correction of its GBL accountability records and for notification to the payment office concerned that payment shall be made on the original GBL.

§ 101–41.307–5 Lost original GBL's recovered after settlement.

When a lost original GBL is recovered after settlement is effected on the basis of the freight waybill, the original GBL shall be forwarded to the paying office of the agency concerned for cancellation. The original GBL shall be inscribed with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and the payment date of the freight waybill settlement voucher and shall be forwarded to GSA (FZATR).

§ 101–41.307–6 Lost GBL's and freight waybills (original).

When both the original GBL (SF 1103 or SF 1131) and the freight waybill (SF 1105 or SF 1133) are lost or destroyed, the carrier shall request from the issuing office a certified true copy of that office's memorandum copy (SF 1103–A or SF 1131–A) of the GBL. The issuing office shall make its certification regarding the services requested on the reverse of that copy and forward it to the carrier for certification of delivery and billing. Execution of the carrier's certificate of delivery on the substitute document is not required for charges billed under the exception procedures in § 101–41.312. If the lost GBL (original) or freight waybill (original) is recovered, the procedures in §§ 101–41.307–4 and 101–41.307–5, as applicable, shall be followed.

§ 101–41.308 Accountability for GBL's.

§ 101–41.308–1 Agency control.

Agencies shall maintain accountability records and physical control of GBL stock. Employees responsible for the issuance and use of GBL forms shall be held accountable for their disposition. GBL forms generally are serially numbered at the time of printing; no other numbering of the forms, including additions or changes to the prefixes or additions of suffixes, is permitted.

(a) Regular GBL assemblies are sequentially numbered with seven digits and an alphabetical prefix; e.g., A–0,000,001 through A–9,999,999, progressing to B, then C, etc.

(b) The transit GBL assemblies are sequentially numbered with six digits and a two-letter prefix, the second of which is always T; e.g., AT–000,001 through AT–999,999, then BT, CT, etc.

§ 101–41.308–2 Disposition of unused GBL's.

GBL forms spoiled in preparation, prepared for issuance but not used, or unusable for any other reason shall be canceled and returned to the accountable office. Those forms shall be disposed of in accordance with General Records Schedule 9, Travel and Transportation Records. (See § 101–11.404–2.)

§ 101–41.309 Factual support of charges.

§ 101–41.309–1 International shipments.

(a) *International ocean shipments.* Each bill submitted by a freight or household goods forwarder for the payment of transportation charges for the overseas movement of personal property (including household goods, personal effects, and, for civil agencies, privately owned vehicles) shall be supported by a copy of the ocean freight bill along with the GBL. Also, each bill submitted by an ocean carrier or freight forwarder for the payment of charges for the transportation of personal effects of officers and employees of the United States, furnished in whole or in part by a foreign-flag carrier, shall be supported by the authorizing official's certification of the necessity for the use of the foreign-flag carrier. (See 4 CFR 52.2.)

(b) *International air shipments.* (1) Each bill for the payment of international air freight transportation charges not involving the use of foreign-flag carriers shall be supported:

(i) For air carriers, with a carrier's certification that only U.S.-flag service was used or, in the absence of such certification, with a copy of the air waybill or manifest showing the underlying carriers utilized, and

(ii) For air freight forwarders, with a copy of the air waybill or manifest.

(2) Each bill submitted by an air carrier or air freight forwarder for the payment of international air freight transportation charges involving, in whole or in part, the use of foreign-flag carriers shall be supported by:

(i) A copy of the air waybill or manifest showing the underlying carriers utilized, and

(ii) A certification, adequately explaining the nonavailability of U.S.-flag service, signed by the responsible official of the authorizing agency or the carrier having knowledge of the facts concerning such usage.

§ 101–41.309–2 Motor carrier or freight forwarder destination storage in transit of household goods or mobile dwellings.

This § 101–41.309–2 applies only to shipments of household goods or mobile dwellings (including house trailers) forwarded for the account of the United States on GBL's. (See 49 CFR 1056.26 concerning collection of freight charges on household goods shipments involving loss or destruction in transit.)

(a) *Definition of carrier.* The term "carrier" as used in this section includes a motor carrier or a freight forwarder authorized by certificate or permit to operate as such in intrastate or interstate commerce.

(b) *Certifications.*

(1) Household goods or a mobile dwelling (including house trailer) shipped for the account of the United States may be placed in storage at destination for the account of the line-haul carrier and for ultimate delivery to the consignee or owner. Charges for transportation services from the point of pickup to the point of storage are payable to the delivering carrier, provided the covering GBL has been duly certified by the carrier's agent to show the following:

(i) The described household goods were placed in storage in _____
(Name of destination warehouse)
at _____ on _____
(City and State) (Date)
or
the described mobile dwelling (or house trailer) was placed in destination storage at _____
(Name and location of designated facility)
on _____
(Date)

(ii) Such shipment will be permitted to remain there for a period of ____ days or such shorter period as may meet the demand of the consignee or the property owner or the authorized agent of either;

(iii) The carrier transporting the shipment to the destination storage point assumes full carrier liability for the shipment during storage and until delivery to the property owner or his authorized agent within the designated storage period; and

(iv) Any payment to the carrier for transportation service from point of pickup to the point of destination storage is dependent upon ultimate delivery to the property owner or his authorized agent. The carrier agrees to return all or a portion of the payment to the United States when delivery to the property owner or his authorized agent cannot be accomplished because of complete or partial loss of the shipment within the Government-authorized storage period.

(2) If space for certification on the GBL is insufficient, the above certificate of liability, printed on plain paper and making reference to the GBL number, shall be attached to the GBL.

(3) The certificate may include a statement designating the warehouseman as an agent of the carrier with authority to receive payment in the name of the line-haul carrier for all storage-in-transit, delivery-out, and other applicable charges. A signed copy of the certificate shall be attached to the supplemental bill for such authorized billing. The supplemental bill, however, need not bear the carrier's original bill number.

(c) *Supplemental billing for accessorial charges.* SF 1113, Public Voucher for Transportation Charges, bearing the same bill number as the line-haul carrier's original bill plus a letter suffix; e.g., 12345–A, shall be used to bill any accessorial charges accruing at the point of destination not included in the line-haul carrier's original billing. The voucher shall identify the bill of lading and the tariff or quotation authority for the accessorial charges. The voucher shall be supported by a statement of services ordered and furnished, signed by or for the person who ordered the accessorial services, and by a statement signed by the property owner or his authorized agent, certifying receipt of the property at his residence and listing any loss or damage. The originals of those statements shall be used as support for accessorial charges.

§ 101–41.310 Billing and payment of freight and express transportation charges.

§ 101–41.310–1 Carrier billing forms.

Charges for freight or express transportation services furnished for the account of the United States, except those furnished under procedures set forth in § 101–41.304, shall be billed on SF 1113. Charges for freight or express transportation services shall be billed separately from passenger transportation charges. The SF 1113 (original) and one SF 1113–A (memorandum copy) shall be submitted to the billing office specified on the GBL. The carrier shall not be required to furnish more than one memorandum copy to the agency billed unless otherwise specifically authorized in advance by GSA. Also, a memorandum copy (SF 1113–A) shall not be substituted for the tear-off slip which shall be properly executed by the carrier preparing the SF 1113.

§ 101–41.310–2 Preparation of carrier billing forms.

(a) Instructions for the preparation of SF 1113, Public Voucher for Transporation Charges, are furnished in the GSA guide "How to Prepare and Process U.S. Government Bills of Lading," (national stock number 7610–00–682–6740). Agencies may obtain copies of this guide by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Copies are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(b) The voucher format provides space for listing the complete serial number and amount of each attached subvoucher; e.g., GBL, but does not necessarily require descriptive details of services furnished. Each voucher generally should include as many subvouchers as can be listed when charges are billed to the same paying office, except as provided in §§ 101–41.305–3, 101–41.305–4, and 101–41.310–3.

(c) Carriers may use a facsimile signature of the carrier's certifying official or a machine-typed name of that official in the "Payees Certificate," provided the facsimile signature or machine-typed

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name is initialed by an authorized person.

§ 101–41.310–3 Separate billing for household goods shipments.

Except for domestic shipments of crated household goods, charges for each household goods shipments shall be billed on a separate SF 1113, Public Voucher for Transportation Charges.

§ 101–41.310–4 Presentation and payment of carriers' bills.

Carriers' bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101–41.4.

(a) Bills prepared as provided in § 101–41.310, excluding to the extent otherwise provided in §§ 101–41.304 or 101–41.312, are payable to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL;

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering GBL when the bill is submitted with a waiver accomplished by the last carrier (as described in paragraph (a) (1) of this section) in favor of the billing carrier;

(3) A carrier (as described in paragraph (a) (1) of this section) or its properly designated warehouse agent billing in the name of the carrier as authorized in § 101–41.309–2; or

(4) An agent of the carrier or forwarder (as described in paragraphs (a) (1) or (a) (2) of this section) provided the bill is submitted in the name of the principal. The agent's mailing address may be shown on those bills, and checks drawn in the name of the principal may be mailed to the agent.

(b) Any bill not in conformity with requirements outlined in this section shall be returned to the billing carrier with a statement of the reasons for nonpayment.

§ 101–41.311 Reporting of carrier voluntary refunds.

Agencies shall report voluntary refunds (other than those described in § 101–41.305–3) of excess payments for freight or express charges to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406. Each report shall include the:

(a) GBL reference and amount of refund;

(b) Disbursing office (D.O.) voucher number, bureau voucher number, if any, date of payment, and D.O. symbol number assigned to the orginal payment;

(c) Carrier's name and bill number.

§ 101–41.312 Exception to usual billing and payment procedures.

(a) *Applicability.* Subject to the standards specified in Subpart 101–41.4, payment of transportation charges may be made to a carrier or forwarder in privity with the contract of carriage for unaccompanied baggage shipments by freight, for ocean carrier port-to-port shipments, or for international air shipments, without the billing carrier's certification of delivery: *Provided,* The carrier bills are not presented until 30 days after the shipment departs from point of origin. This does not, however, prevent a carrier from billing earlier on normal certification of delivery.

(b) *Limitations.* Payment on this presumption of delivery shall be subject to the limitations set forth in paragraphs (b) (1) through (b) (3) of this section.

(1) Ocean shipments made for the account of the U.S. Government may, at the option of the agencies, move on GBL forms or commercial bill of lading forms or other commercial documents overprinted or stamped with the provision "THIS SHIPMENT IS MADE UNDER ALL TERMS AND CONDITIONS OF THE U.S. GOVERNMENT BILL OF LADING (EXCEPT AS TO CARRIER'S CERTIFICATION OF DELIVERY) AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN 41 CFR 101–41.302–3." Ocean carriers using commercial documents shall comply with any reasonable numbering system established by each involved agency for payment and accounting control of the commercial documents which need not be converted to GBL's.

(2) The date on which shipment departs from point of origin shall be shown on each carrier's bill. All billings shall be presented on SF 1113.

(3) When a bill is presented under the provisions of this § 101–41.312 by other than the delivering carrier, the billing carrier must submit with its bill or have on file with the paying office a blanket certificate as set forth below in order to protect the United States from duplicate payments and from the consequences of loss, damage, or shrinkage of the property shipped.

CERTIFICATE OF BILLING CARRIER IN LIEU OF WAIVER FROM DELIVERING CARRIER

In consideration of payment by the United States Government to the undersigned, for itself and all participating carriers, of charges billed on 30-day presumptive delivery for the transportation of property for the account of the United States under either U.S. Government bills of lading or commercial documentation, the undersigned agrees and guarantees to (1) make payment to all participating carriers of charges properly due them, (2) assume liability for any loss, damage, or shrinkage in connection with the shipments covered by said documents, notwithstanding that such loss, damage, or shrinkage may have occurred on the line or lines of participating carriers, and compensate the United States therefor, (3) refund promptly to the United States any amount found overcharged in connection with said shipments, and (4) refund promptly to the United States any charges paid to the undersigned which have been or may be paid by the United States directly to any other carrier participating in the movements covered by said bills of lading or commercial documentation.

(Name of billing carrier)

By ---
(Authorized agent)

(c) *Agency procedures.* (1) Agencies using the facilities of dispatch agents, commercial forwarders, or carriers for the preparation of ocean shipping documentation shall establish procedures to ensure that the GBL provision set forth in § 101–41.312(b) (1) is inserted on the commercial bill of lading form or other commercial documents.

(2) Each affected agency shall also establish procedures to ensure that carrier bills covering transportation charges on the shipments specified in paragraph (a) of this § 101–41.312 are not paid before expiration of the 30-day presumptive delivery period, which in each case shall begin with the date on which the shipment departs from point of origin. However, the agency shall ensure that carrier bills presented in compliance with this 30-day requirement shall be processed as expeditiously as possible.

(3) Payments made under the provisions of § 101–41.312 are subject to adjustment, if otherwise proper, when the cargo is lost, damaged, or not delivered to the destination specified in the bill of lading contracts. Agencies shall make a diligent effort to collect all agency claims arising under the provisions of this section and shall report uncollected debts to the Claims Division, U.S. General Accounting Office, Washington, D.C. 20548.

§ 101–41.313 Availability of forms.

§ 101–41.313–1 GBL forms.

(a) Agencies may obtain supplies of the individual snapout GBL sets by submitting a requisition in FEDSTRIP, MILSTRIP format to the GSA regional office providing support to the requesting activity. Agencies having facilities for computer preparation of GBL's may order them in continuous fanfold format with pin-feed strips attached to the sides, but such forms must conform to all other specifications of the GBL, including overall size, wording, arrangement, color, construction, and grade of paper. Minor adjustments in spacing to accommodate differences in alignment of computer line printing are permissible, but all copies in the GBL set must register from part to part. Agency orders for continuous fanfold GBL's shall be executed and processed in accordance with § 101–26.302 of this chapter. The Region 3 Federal Supply Service of GSA maintains records of the serial numbers of all GBL and transit GBL assemblies furnished and the names and mailing addresses of the receiving agencies.

(b) An agency may order overprinting on the GBL forms to the extent of identifying the name, bureau or service, and address of the payment office; appropriation or fund chargeable; and name and title of the issuing officer and place of issue. No other overprinting on the GBL forms is permitted unless specifically approved in writing by the General Services Administration (FZA), Chester A. Arthur Building, Washington, DC 20406.

§ 101–41.313–2 Carrier billing form.

SF 1113, Public Voucher for Transportation Charges, which shall be used to bill freight transportation charges, is printed on 8½ by 11-inch white paper, with an added 8½ by 3⅜6-inch tear-off slip which generally is returned to the

carrier with the check covering payment of the vouchered charges. (See § 101–41.803(b) for exception.) SF 1113–A, Public Voucher for Transportation Charges (Memorandum Copy), printed on yellow paper, is the same size as the original without the tear-off slip.

(a) Carriers may purchase SF 1113 and SF 1113–A from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; or

(b) Carriers may have SF 1113 and SF 1113–A printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved Standard forms. While no minimum grade of paper is set, carriers shall provide a reasonable grade of paper stock. Carriers may have SF 1113 and SF 1113–A printed in continuous-feed format for machine billing by adding pin-feed strips on the margins. If necessary, the tear-off slip may be moved from the botton to the right edge of SF 1113, but the tear-off slip must be perforated on all edges to measure 8½ by 3⅜6 inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, arrangement, etc., of the approved Standard forms.

§ 101–41.314 Contracts and tenders.

§ 101–41.314–1 Contracts.

With the exception of contracts for local storage, drayage, and haulage (see § 101–41.304) and contracts entered into by the Military Sealift Command or the Military Airlift Command, a copy of each contract for freight or express transportation services, negotiated or otherwise, providing rates or charges shall be transmitted by agencies promptly upon execution to the General Services Administration (FZAT), Chester A. Arthur Building, Washington, DC 20406.

§ 101–41.314–2 Quotations and tenders.

Quotations or tenders made by or on behalf of common or contract carriers for freight or express transportation rates or services, including those authorized by section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), shall be in written form. Three copies of each quotation or tender shall be promptly transmitted by administrative or negotiating agencies to GSA (FZAT).

§ 101–41.314–3 Procurement and billing of services under contract or tender.

Transportation services available under contract or tender shall be procured by use of a GBL. Each GBL shall bear reference to the applicable contract or tender, and the carrier shall bill the resultant charges on SF 1113.

Subpart 101–41.4—Standards for the Payment of Charges for Transportation Services Furnished for the Account of the United States

§ 101–41.400 Scope and applicability of subpart.

The regulations in this subpart set forth standards for the payment of charges for the transportation of persons or property for or on behalf of the United States.

§ 101–41.401 Payment upon presentation of bills.

(a) Section 322(a) of the Transportation Act of 1940, as amended (49 U.S.C. 66), provides that payment for the transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor and prior to audit by the Administrator of General Services or his designee. The payment of these bills shall, however, be contingent upon their timely presentation as required by the statute of limitations set forth in 49 U.S.C. 66.

(b) Provisions of Pub. L. 77–560, 56 Stat. 306 (31 U.S.C. 82g) relieve certifying and disbursing officers of liability for overpayments made for transportation furnished for the account of the United States on GBL's and GTR's when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements. However, agencies are not relieved of responsibility for:

(1) Making an administrative determination that the transportation services for which payment is claimed were duly authorized, that such services represent a legal obligation under the appropriation or fund involved, that the carrier's bill is complete and supported with required documentation, and that all extensions and computations of charges are correct; and

(2) Establishing procedures and controls to prevent duplicate payments and to recover any duplicate payments that may be made.

(c) Carrier bills deemed proper for payment as set forth in the foregoing paragraph shall be paid upon presentation and before confirmation of service satisfactorily performed, provided:

(1) For freight transportation (other than that excepted under § 101–41.312), the "Certificate of Carrier Billing for Charges" on the GBL has been properly executed by the carrier; and

(2) For passenger transportation, the proper ticket, coupon, or equivalent document covering the involved service has been furnished by the carrier in exchange for the GTR.

§ 101–41.402 Payment prior to Government confirmation of satisfactory service.

§ 101–41.402–1 Joint standards for advance payment of charges for transportation services.

Standards issued jointly by the Comptroller General of the United States and the Secretary of the Treasury (4 CFR Part 56) under the authority of 49 U.S.C. 66(c) prescribe the payment of carrier or forwarder charges for transportation services in advance of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided,* The carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the satisfactory completion of such services to ensure that advance payments are not made to:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 203 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defenses or other valid reasons when notified by GSA or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills; or

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment, unless, after review of the facts and in the absence of objection by the U.S. General Accounting Office, it is determined administratively that the best interests of the United States will not be jeopardized by such payment.

§ 101–41.402–2 Limitations on advance payment of charges for transportation services.

The payment of charges in advance of completion of service shall be limited to:

(a) Passenger transportation services procured through the use of cash as set forth in § 101–41.203–2; and

(b) Freight transportation services procured through the use of commercial forms and procedures as set forth in § 101–41.304–2.

Subpart 101–41.5—Claims by the United States Relating to Transportation Services

§ 101–41.500 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, and the collection and deposit of amounts due the United States.

§ 101–41.501 Time limitations.

(a) A 3-year limitation applies on deductions of overcharges from amounts

subsequently found due any carrier or

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subsequently found due any carrier or forwarder. The term "overcharges" means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies or under rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), or other equivalent contract, arrangement, or exemption from regulation. (See 49 U.S.C. 66.)

(b) A 3-year limitation generally applies on actions at law and on complaints filed with the Interstate Commerce Commission for the recovery of overcharges from carriers subject to the Interstate Commerce Act. (See 49 U.S.C. 16(3)(i), 304a(8), 908(f)(5), and 1006a(8).)

(c) A 2-year limitation applies on the filing of actions before the Federal Maritime Commission to recover overcharges by ocean carriers. (See 46 U.S.C. 821.)

§ 101–41.502 Examination of payments and initiation of collection action.

(a) *Examination of payments.* (1) Carrier bills and supporting documents which represent payments made by agency disbursing officers for freight and passenger transportation services shall be forwarded to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406, for audit examination in consideration of:

(i) The document ordering the services furnished, to determine the contractual basis upon which the rights of the Government and the carrier are based;

(ii) The pertinent tariffs, special or reduced rate quotations, contracts, or agreements, to determine the proper charge for the services rendered;

(iii) Decisions of the courts, regulatory bodies, and the Comptroller General affecting the rates, fares, and charges; and

(iv) Information furnished to GSA by transportation officers, travelers, or agencies.

(2) The General Services Administration is obligated to honor a carrier bill for charges properly due. However, GSA has a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be unlawful or mathematically incorrect or which is not accompanied by documentary support establishing an obligation of the United States.

(b) *Collection by refund of amounts due the United States.* (1) A GSA notice of overcharge is issued when it is determined that a carrier has been paid a sum in excess of that proper for the services rendered. This notice sets forth the amount paid and the basis for the proper charge for each bill of lading or transportation request and cites applicable tariff references and other data relied upon to support the statement of difference. A separate notice of overcharge is stated for each bill of lading or transportation request and dispatched to the billing carrier.

(2) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed direct to the General Services Administration (FZAPA), Chester A. Arthur Building, Washington, D.C. 20406.

§ 101–41.503 Protests to notices of overcharge.

A carrier that disagrees with a notice of overcharge may protest by letter to the General Services Administration (FZAPA), Chester A. Arthur Building, Washington, D.C. 20406. Since each notice of overcharge is processed as a separate account receivable, the carrier shall use a separate letter for each overcharge notice being protested. The carrier shall present the basis for its protest and submit either the original or a legible copy of all documents substantiating its position. If the carrier believes that an amount less than that claimed on the notice of overcharge is properly due, it should promptly submit a check for the amount admittedly due, together with a full explanation of the reasons for believing the balance is not due. GSA will acknowledge receipt of each letter containing a substantive protest and upon completion of consideration will notify the carrier whether the overcharge determination has been sustained charge determination has been sustained, amended, or canceled. Repetitious letters of protest will not serve to preclude the collection of overcharges found property due.

§ 101–41.504 Collection action by other means.

When a carrier fails to refund a transportation overcharge or protests the overcharge notice and GSA determines that the amount is still due the United States, GSA will effect collection by other means, as set forth in paragraphs (a) through (d) of this section.

(a) When GSA has an indebted carrier's claim against the Government on hand for direct settlement, GSA will apply all or any portion of the amount determined to be due the carrier on that claim to the overcharge.

(b) When the action outlined in paragraph (a) of this section cannot be taken, GSA will send a deduction form, fully identifying the debt item, to major Government disbursing offices requesting that the amount due the United States be deducted from an unpaid bill of the carrier.

(c) When collection cannot be effected through either of the above procedures, GSA will send a formal demand letter to the indebted carrier requesting payment of the amount due within a specified time. Lacking satisfactory response, GSA will place a complete stop order against amounts otherwise payable to the indebted carrier by placing the name of that carrier on the Department of the Army "List of Contractors Indebted to the United States."

(d) When actions to effect collection, as stated in the preceding paragraphs (a) through (c), are unsuccessful, GSA generally reports the debt to the Department of Justice for its consideration of collection action, litigation, and related proceedings, as prescribed in 4 CFR Part 105.

§ 101–41.505 Deposit of collections resulting from transportation audit.

(a) Amounts collected by GSA to liquidate debts asserted in the audit of transportation accounts are generally deposited into the Treasury of the United States as a credit to the appropriation or fund accounts against which the original payments were charged. When the accounts are not readily identifiable on the basic procurement documents, the collected amounts are deposited to miscellaneous receipts. Collections identified with certain Department of Defense activities are deposited to the appropriate military management fund rather than to the account from which the original payment was made.

(b) GSA informs agencies of the amounts and account symbol numbers when collections are credited to the original payment appropriations or funds or to the military management fund but does not inform agencies of collections deposited to miscellaneous receipts. GSA records credits by account symbol numbers only to the basic appropriation level and requires no explanation by agencies regarding subsequent expenditure of the credited moneys.

§ 101–41.506 Transportation debts administratively determined to be due the United States.

(a) Under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953), the Comptroller General of the United States and the Attorney General have joint responsibility for promulgating standards for the collection, compromise, termination, or suspension of collection action on any debts determined by administrative agencies to be due the United States. However, overcharges for unused passenger transportation services are subject to § 101–41.210. Regulations defining agency responsibilities for collecting amounts determined to be due the United States, establishing principles governing agency collection procedures, and prescribing procedures for reporting uncollectible debts to the General Accounting Office (GAO) or the Justice Department are found in 4 CFR Parts 101 through 105 and in Title 4, Claims-General, of the GAO Policy and Procedures Manual for Guidance of Federal Agencies.

(b) Agencies shall refer all administratively determined transportation debts involving loss and/or damage to property to: Claims Division, U.S. General Accounting Office, Washington, D.C. 20548.

(c) Agencies shall refer all administratively determined overcharges involving unused passenger transportation services (see § 101–41.210) to: General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

Subpart 101–41.6—Claims Against the United States Relating to Transportation Services

§ 101–41.600 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the presentation, settlement, reconsideration, and review of claims against the United States relating to freight and passenger transportation services.

§ 101–41.601 Definition.

The word "claims" as used in this subpart includes:

(a) Requests by claimants for amounts not included in the original billing;

(b) Requests by claimants for amounts deducted or set off by the Government;

(c) Requests by claimants for amounts previously refunded by carriers; or

(d) Unpaid original bills requiring direct settlement by GSA, including those subject to doubt regarding the propriety of payment.

§ 101–41.602 Statutory limitations on filing of claims.

(a) 49 U.S.C. 66, as amended, imposes a limitation, generally 3 years, on the filing of claims cognizable by GSA when such claims involve charges for transportation within the purview of 49 U.S.C. 66, as amended. Claims in this category are those which involve transportation charges based on tariffs lawfully on file with Federal and State transportation regulatory agencies or which involve rates, fares, and charges established pursuant to section 22 of the Interstate Commerce Act, as amended (49 U.S.C. 22), or other equivalent contract, arrangement, or exemption from regulation.

(b) A claim must be received by GSA or its designee (the agency out of whose activities the claim arose) within 3 years (not including any time of war) from whichever is the latest of the following dates:

(1) Accrual of the cause of action thereon;

(2) Payment of charges for the transportation involved;

(3) Subsequent refund for overpayment of such charges; or

(4) Deduction made pursuant to 49 U.S.C. 66, as amended.

Claims for filing with the designee agency shall be sent to the payment office shown in the "Bill Charges To" box of the procuring document.

(c) It is imperative that each claim of a carrier or forwarder, whether filed with GSA or with its designee (the agency out of whose activities the transaction arose), be clearly stamped with the month, day, and year of receipt by GSA or the designee agency so that there will be no question regarding the filing date when the determination of compliance with the 3-year limitation imposed thereon by 49 U.S.C. 66 is made.

§ 101–41.603 Presentation of claims.

§ 101–41.603–1 Filing requirements for claimants.

Claims shall be presented in writing:

(a) Over the bona fide signature of the individual claimant or the claimant carrier's authorized official; or

(b) Over the signature of the claimant's agent or attorney accompanied by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant.

§ 101–41.603–2 Form of claims.

(a) Charges claimed for passenger or freight transportation services shall be billed on SF 1113, Public Voucher for Transportation Charges, in the manner prescribed in §§ 101–41.214 and 101–41.310. Those claims for an amount in addition to that originally paid by the carrier for the same service, or for an amount collected by GSA or by another agency shall be presented on SF 1113 in the form of a supplemental bill (claim) bearing the same number as the original bill but with an alphabetical suffix. An alphabetical sequence of suffixes shall be used for any additional supplemental bills. Generally only one supplemental bill shall be presented for all supplemental charges relating to the items paid on the original bill.

(b) Each supplemental bill shall cover charges relating to bills of lading or transportation requests paid on one original bill. However, if supplemental bills (claims) arise from asserted retroactive increases in charges or from currency fluctuations, GSA (FZA) will consider a carrier's written request for the single billing of such charges applicable to multiple original bills, if such request bears the concurrence of the agency's paying office.

(c) Claims supplemental to passenger transportation charges previously paid under the automatic payment system set forth in § 101–41.206 shall show the GTR number, ticket number, and period under which the original charges were paid.

§ 101–41.603–3 Documentation required for claim settlements.

(a) A claim is settled on the basis of the contract of carriage as evidenced by the bill of lading, transportation request, or other contractual agreement; the payment record; reports and information available to GSA and/or to the agency out of whose activities the transaction arose; and the written and documentary record submitted by the claimant. Oral presentations supplementing the written record are not acceptable.

(b) Settlements are founded on a determination of the legal liability of the United States under the factual situation disclosed by the record. The burden is on the claimant to establish the liability of the United States and the claimant's right to payment. Clear and detailed documentation by the claimant is essential to the claim settlement; bare assertions or conclusions are not acceptable.

§ 101–41.603–4 Where to file transportation claims.

(a) Claims involving collection actions resulting from the transportation audit performed by the General Services Administration must be filed direct with GSA (FZATM). All other transportation claims generally shall be filed with the agency out of whose activities they arose; if that is not feasible (e.g., where the responsible agency cannot be determined or is no longer in existence) they may be sent to GSA (FZATM) for forwarding to the responsible agency or for direct settlement by GSA's transportation audit office. Claims for GSA processing shall be addressed to the General Services Administration (FZATM), Chester A. Arthur Building, Washington, DC 20406.

(b) A claimant who disagrees with the action taken on his claim by the agency's payment office may request reconsideration or review of that action, provided he meets applicable time limitations. (See § 101–41.602 and Subpart 101–41.7.) The levels for progression of claims not disposed of to the satisfaction of the claimant are as shown in the following table.

Progressive steps available to claimants requesting reconsideration or review of disputed claims

Disputed claims involving—	Applicable to disputed claims filed with—	Agency action for reconsideration by—	Agency dispositive action for reconsideration or review by—
Deductions for loss or damage to property.	Agencies out of whose activities the claims arose.	Claims Division, U.S. General Accounting Office.[1]	Comptroller General of the United States.[3]
Other than loss or damage to property.	Agencies delegated authority to perform audit as GSA's designee. (See note.)	Head of agency delegated authority.	Comptroller General of the United States.[3]
	Agencies not delegated authority to perform audit as GSA's designee.	General Services Administration (FZAT).[2]	Administrator of General Services[4] or Comptroller General of the United States.[3]

NOTE.—Authority to audit transportation bills was delegated effective Oct. 12, 1975, to the Department of State for bills paid at overseas offices and to the Department of Defense for bills paid at certain overseas offices and for bills paid by the Military Airlift Command for contract airlift services. Mailing addresses for those specifically named above as responsible for the reconsideration or review of transportation claims upon request of claimants are:

[1] Claims Division, U.S. General Accounting Office, Washington, D.C. 20548.
[2] Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548.
[3] General Services Administration (FZATM), Chester A. Arthur Bldg., Washington, D.C. 20406.
[4] Administrator of General Services, General Services Administration (FZA), Chester A. Arthur Bldg., Washington, D.C. 20406.

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§ 101–41.604 Payment of transportation claims.

§ 101–41.604–1 Transportation claims payable by agencies.

Unless GSA (FZA) determines that GSA prepayment audit is necessary generally or in special cases, each agency or department shall pay any properly documented supplemental bill (claim) for freight or passenger transportation charges that is not barred by a statute of limitations, that does not involve a doubtful question, or that is not excepted by the provisions of § 101–41.604–2, provided the following guidelines are observed:

(a) The agency shall pay any supplemental bill (claim), regardless of amount, that involves accessorial freight services, such as switching, demurrage, detention, handling, icing; supplemental passenger transportation services, such as excess baggage, switching, sleeping or parlor car; and mathematical errors in items and/or totals on prior bills. The agency shall annotate each paid supplemental bill, other than a bill for air excess baggage charges, with the payment record on the related procuring Government bill of lading (GBL) or Government transportation request (GTR), including D.O. voucher number, bureau voucher number, date of payment, and D.O. symbol number.

(b) Each agency that retains machine-made reproductions; e.g., microfilm or microfiche, of its paid original transportation documents shall pay any supplemental bill involving changes in rates, weights, classifications, nomenclature of commodities, etc., (1) that is received within 2 years of the original payment date, (2) that does not exceed $200 per GBL or GTR, and (3) that does not involve a GBL or GTR on which a previous supplemental bill has been paid by the agency or forwarded to GSA for settlement. The agency shall support each paid supplemental bill with a copy of (1) the original GBL or GTR, (2) the voucher on which this original procuring document was paid, and (3) all other pertinent attachments supporting the original payment. The agency need not reference the supplemental bill with the original payment data.

(c) The agency shall make an administrative examination of each supplemental bill to ensure that it is not a duplicate billing of a previous payment and that it is properly supported, presented in the name of the carrier to which the original charges were paid, and in agreement with agency records concerning the amount previously paid.

(d) Claims paid in accordance with this § 101–41.604–1 shall be transmitted to GSA (FZATM) separately from other paid transportation documents submitted for audit.

§ 101–41.604–2 Transportation claims not payable by agencies.

(a) Agencies shall not pay claims for amounts administratively deducted from transportation payment vouchers in connection with loss and/or damage to property, but shall forward such claims to: Claims Division, U.S. General Accounting Office, Washington, DC 20548.

(b) Agencies shall not pay the following types of transportation claims:

(1) Any claim that is "time barred" by a statute of limitations as indicated in § 101–41.602 or any claim on which there is doubt as to whether it is "time barred."

(2) Any claim that refers to a GSA file number or to a previously paid amount which is not in agreement with the agency's record of prior payment.

(3) Any claim that involves inbound rail transit bills not properly certified to the effect that the tonnage is still on hand at the transit station.

(4) Any claim that is not payable under § 101–41.604–1(b) because the agency lacks reproducible photographic copies of the original payment documents.

(c) The transportation claims described in § 101–41.604–2(b), as well as any claims subject to doubt as to the propriety of payment, will be handled by GSA under the provisions of § 101–41.605 and shall be forwarded separately from other types of transportation documents to the General Services Administration (FZATM), Chester, A. Arthur Building, Washington, DC 20406. Agencies shall support each claim forwarded to GSA with:

(1) Appropriate certification of factual matters not considered in previous certifications;

(2) Administrative report of any pertinent information not previously furnished;

(3) Recommendation of the action to be taken;

(4) Citations to previous payments, if any, by reference to disbursing office (D.O.) voucher number, date of payment, and D.O. symbol number; and

(5) Citations to applicable appropriation or fund accounts. Administrative reports and recommendations are not required on claims for amounts collected by or through the efforts of GSA, but factual data that were not previously submitted shall be furnished.

(d) Agencies shall notify claimants of the dates on which their claims are forwarded to GSA but shall not inform them of administrative recommendations. Agencies need not take further administrative action but shall forward to GSA (FZATM) any materials subsequently received which relate to forwarded claims and shall furnish supplemental reports to GSA when requested.

§ 101–41.605 GSA processing of direct settlement claims.

§ 101–41.605–1 Acknowledgments.

Each claimant is informed of the number assigned to his claim upon its receipt in GSA. Claimants should withhold inquiries for at least 6 months after receipt of acknowledgments because inquiries merely delay settlement action on the claims.

§ 101–41.605–2 Processing claims certified for payment.

(a) GSA certifies each payable claim by use of a GSA Form 7931, Certificate of Settlement, and includes therein a complete explanation of any amount that is disallowed. GSA forwards the certificate to the agency whose funds are to be charged for processing and prompt payment and concurrently forwards an advance copy of the certificate to the claimant. When an amount of the settlement is to be set off to recover a debt due the United States from the carrier, the agency shall effect such action immediately to preclude the setoff from being barred by expiration of the applicable statutory time period. (See § 101–41.501.)

(b) An agency shall not revise or alter any GSA certificate of settlement except to indicate the appropriation symbol number applicable at the time of payment or to correct subsidiary accounting references relating to the stated appropriation or fund account. Alterations which will result in payment from a different appropriation or fund account or payment in an amount other than that originally stated on the certificate of settlement are not permitted. Any certificate of settlement that cannot be processed shall be immediately returned to GSA (FZAPA) with an explanation of the nonpayment.

(c) GSA forwards the original and four copies of each certificate of settlement to the agency by GSA Form 7933, Certificate of Settlement Transmittal, a copy of which shall be promptly receipted and returned to GSA (FZAPA). When a setoff amount is to be credited to the accounts of other agencies, GSA supplies additional copies of the certificate for the agencies whose accounts are to be credited. The agency shall take action to effect issuance of the check or checks and shall distribute the certificate of settlement as follows:

(1) Forward the original of the certificate, with the D.O. voucher number and date of payment stamped in the upper right corner, to GSA (FZATM). (The agency shall be responsible for preparing any required SF 1096, Schedule of Voucher Deductions.)

(2) Forward the claimant's notice copy to the payee with the settlement check.

(3) Forward a copy of the certificate to each agency whose accounts are to be credited with a withheld amount, if any.

(4) Retain the remaining copies for internal fiscal records, including support for the disbursing officer's accounts.

(d) When the full amount certified for payment is set off, GSA forwards both the advance copy and the notice copy of the certificate to the claimant and forwards the original and fiscal copies to the agency for processing and return of the annotated original certificate to GSA (FZATM). However, when the setoff amount is to be charged and credited to the same appropriation or fund account, GSA retains the original of the certificate and sends only the fiscal copies to the agency.

§ 101–41.605–3 Disallowed claims.

When a claim is wholly disallowed, the claimant is furnished GSA Form 7932, Settlement Certificate, completely explaining the disallowance. One copy of the settlement certificate is furnished to the agency concerned.

§ 101–41.606 Effect of GSA claim settlements.

§ 101–41.606–1 Finality of action.

Claimants may request reconsideration or review of GSA transportation claim settlement actions as set forth in Subpart 101–41.7. However, with reference to agencies of the Federal Government, these settlement actions are the final administrative action. (See § 101–41.605–2(b).) A GSA claim settlement is not to be regarded as a precedent for agency determination of future payments by accountable or other administrative officers.

Subpart 101–41.7—Reconsideration and Review of General Services Administration Transportation Claim Settlements

§ 101–41.700 Protest to settlement action.

(a) A claimant who disagrees with the action taken upon his claim in GSA's transportation audit may write to the Administrator of General Services, General Services Administration (FZA), Chester A. Arthur Building, Washington, D.C. 20406, requesting reconsideration of the action. The letter shall identify the transaction and set forth in detail the legal, technical, or factual data or other information or documentation relied upon by the carrier to raise substantive doubt as to the correctness of the claim settlement.

(b) A claimant who disagrees with the claim settlement action taken by an agency authorized by GSA to perform the transportation audit may address his request for reconsideration to the head of that agency. Such request shall include all information as indicated in paragraph (a) of this section.

§ 101–41.701 Review by the Comptroller General of the United States.

(a) A claimant desiring a review of a transportation settlement action taken by GSA or by a designee agency may request review by the Comptroller General of the United States (4 CFR Part 53). "Settlement" means any final administrative action taken by GSA or by a designee agency in connection with the audit of payments for transportation and related services furnished for the account of the United States, including:

(1) Deduction from moneys otherwise due a carrier (or refund by carried) to adjust asserted transportation overcharges;

(2) Disallowance, either in whole or in part, of a claim or a supplemental bill for charges for transportation and related services; or

(3) Any other action that entails finality of administrative consideration.

(b) A request for review shall be forever barred unless received in the General Accounting Office within 6 months (not including time of war) from the date the settlement action was taken or within the periods of limitation specified in 49 U.S.C. 66, as amended, whichever is later. The request should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, DC 20548.

Subpart 101–41.8—Transportation Disbursement Procedures

§ 101–41.800 Scope and applicability of subpart.

This subpart sets forth procedures for processing documents to request issuance of checks covering freight and passenger transportation services furnished for the account of the United States, and related forms, and for forwarding disbursing officers' paid transportation accounts to the General Services Administration for audit in accordance with section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66).

§ 101–41.801 [Reserved]

§ 101–41.802 Standard forms for scheduling transportation vouchers for payment.

(a) The following Standard forms shall be used in connection with scheduling transportation vouchers for payment and audit:

(1) SF 1096, Schedule of Voucher Deductions.

(2) SF 1166, Voucher and Schedule of Payments (Original) (white paper).

(3) SF 1166–A, Voucher and Schedule of Payments (Memorandum) (yellow paper).

(4) SF 1167, Voucher and Schedule of Payments (Continuation Sheet) (Original) (white paper).

(5) SF 1167–A, Voucher and Schedule of Payments (Continuation Sheet) (Memorandum) (yellow paper).

(6) SF 1186, Transmittal for Transportation Schedules and Related Basic Documents.

(b) The procedures prescribed for preparation of SF 1166, Voucher and Schedule of Payments (voucher-schedule), are applicable to all Federal agencies using the disbursing facilities of the Department of the Treasury. Other agencies may adopt these procedures following notification to General Services Administration (FZAT), Chester A. Arthur Building, Washington, D.C. 20406. The procedures prescribed for the use of SF 1166 apply also to SF 1166–A, SF 1167, and SF 1167–A.

(c) The procedures prescribed for SF 1186, Transmittal of Transportation Schedules and Related Basic Documents, are applicable to all Federal agencies required to send their transportation accounts to GSA for audit.

§ 101–41.803 Scheduling procedures.

(a) Agencies shall prepare a voucher-schedule (SF 1166) for all basic vouchers covering transportation services furnished for the account of the United States submitted by carriers in accordance with §§ 101–41.214 and 101–41.310. Transportation vouchers (SF 1113) shall be listed separately from all other types of payment vouchers. All information required for check issuance purposes must be included on the SF 1166. After certification by the authorized certifying officer, the voucher-schedule shall be transmitted to the appropriate disbursing office. The transportation vouchers shall be retained by the agency for later transmittal to GSA (FZATR) in accordance with § 101–41.807.

(b) Generally, the tear-off slips from the related basic transportation vouchers shall also be sent to the disbursing office for forwarding to the carrier-payees with the payment checks. Agencies using the Department of the Treasury disbursing facility may arrange with that facility for the production of punched cards bearing all information shown on the tear-off slips, which shall be sent to carrier-payees with the payment checks instead of the tear-off slips.

§ 101–41.803–1 Classification of basic transportation vouchers for purposes of separate scheduling.

(a) Basic transportation vouchers shall be sorted into three general classifications for separate listing on SF 1166:

(1) Vouchers for charges payable in U.S. currency;

(2) Vouchers for charges payable in foreign currency; and

(3) "No-check" vouchers requiring no accounting transaction by the disbursing or accounting office.

(b) Vouchers covering charges for intracity transit services; for local storage, drayage, and hauling services; or for small shipments not procured with GBL's as specified in § 101–41.304 shall not be handled as transportation vouchers but shall be listed on voucher-schedules covering payments for other than transportation charges. The terms "intracity" and "local" refer to services which are performed entirely within municipalities or contiguous commercial zones thereof and are not part of, or incident to, any arrangement for past or further transportation beyond the confines of these localities.

§ 101–41.804 Preparation of SF 1166, Voucher and Schedule of Payments.

§ 101–41.804–1 Assignment of schedule numbers.

Each SF 1166 covering transportation vouchers shall be assigned a schedule number, prefixed by the letter "T" and taken from a series of numbers running consecutively for each fiscal year. The "T" numbers assigned to transportation voucher-schedules shall be taken from a series of numbers separate from the series assigned to voucher-schedules covering nontransportation charges.

§ 101–41.804–2 Listing of items on SF 1166.

Each basic voucher shall be listed on a voucher-schedule with all information required for check issuance purposes. The maximum practicable number of

items, consistent with normal spacing requirements, shall be listed on each

(a) Vouchers requiring the processing of an accounting transaction for indi-

of the SF 1166: "See attached SF 1096

the original to support its statement of

From: Name and address of transmitting of-

§ 101–41.4901–1106 Standard Form

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items, consistent with normal spacing requirements, shall be listed on each voucher-schedule page.

§ 101–41.804–3 Combining payments due a single payee.

If the amounts of two or more basic transportation vouchers due one payee can be combined in one check, the individual amounts shall be added and shown as one amount on the voucher-schedule, but the individual bureau voucher numbers (or schedule numbers individually identified by letter or number suffixes) must be listed separately in the voucher number column of the voucher-schedule. When the amounts of basic vouchers are combined into a single payment, an adding machine tape or facesheet listing the individual amounts shall be attached to the related group of basic vouchers.

§ 101–41.804–4 Name and address space.

Generally, the disbursing office draws checks only from information recorded on the SF 1166. Thus, except as provided in § 101–41.805, the information shown in the name and address column shall be complete (including ZIP codes) but shall be restricted to the information to be shown on the face of the check. Long addresses shall be avoided unless necessary for postal identification. The format and State abbreviations developed by the U.S. Postal Service for addressing envelopes shall be used.

§ 101–41.804–5 Amount column.

The amount for which the check is to be drawn shall be imprinted in the amount column on the same line as the payee's name. The total of the amount column on the SF 1166 must include all items listed on the continuation sheets and must agree with the aggregate of amounts classified by appropriation or fund in the appropriation summary block.

§ 101–41.804–6 Appropriation summary block.

In the summary block of the voucher-schedule, the total amount chargeable to each appropriation or fund shall be shown on the same line as the fund account symbol. A breakdown beyond the basic appropriation generally need not be shown. However, if required for administrative purposes, it shall be shown in the summary block as in the following example:

7563901	$1,020.00
(.001—$582.00)	
(.002—$438.00)	
7560271	250.00
7560262	400.00
Total	$1,670.00

§ 101–41.805 Scheduling specific types of transportation vouchers.

§ 101–41.805–1 No-check vouchers.

Basic transportation vouchers for which no checks are to be issued to the voucher-payee shall be assigned bureau voucher numbers and scheduled as follows:

(a) Vouchers requiring the processing of an accounting transaction for inclusion in the agency's SF 1220, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts, or SF 1221, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts (Foreign Service Account), or other approved reporting form, by transfer or without the issuance of a check shall be listed on SF 1166 covering transportation vouchers for which checks are to be issued. Show the words "NO CHECK" in the amount column of SF 1166 opposite the payee's name and address. The amount shall be shown on SF 1096, Schedule of Voucher Deductions, as provided in § 101–41.805–2.

(b) Vouchers which do not require the processing of an accounting transaction by the disbursing or accounting office for inclusion in the agency's SF 1220 or SF 1221, or other approved reporting form, shall be scheduled separately. Such voucher-schedules shall be plainly marked "No-check vouchers." They shall not be submitted to disbursing officers for processing but shall be submitted with other transportation voucher-schedules to GSA (FZATR) for audit.

§ 101–41.805–2 Deductions from disbursement vouchers.

(a) When the payee of an approved basic voucher is not to receive the gross amount and a separate check must be drawn or a transfer made, SF 1096, Schedule of Voucher Deductions, shall be prepared for the amount or amounts of the voucher deduction. SF 1096 shall show, in addition to the data identifying the schedule by number, department, bureau, etc., the following:

(1) The related voucher number from which the deduction is made;

(2) Complete information regarding the purpose for which the voucher deduction is made;

(3) The symbol of the appropriation or other account to be credited; and

(4) The amount of the voucher deduction.

(b) When a deduction is made to recover an amount charged to an appropriation or fund account other than one to which the voucher carrying the deduction is chargeable, reference must be made to the disbursing office (station) symbol number and the voucher number on which the amount was overpaid. When the voucher-schedule contains more than one voucher deduction, a summary by appropriation or fund accounts of all voucher deductions must be made on the voucher-schedule, showing the symbol of each account creditable.

(c) When an amount is deducted from more than one basic voucher listed on an SF 1166, the agency shall take action as follows:

(1) Show the net amount payable to each payee in the amount column of the SF 1166;

(2) Record the total amount deducted as the last item in the address column of the SF 1166: "See attached SF 1096 No. ____ $____";

(3) List the deductions individually on an SF 1096; and

(4) Annotate the basic voucher "Paid in the amount of $____. See SF 1096 No. ____"

§ 101–41.805–3 Vouchers payable in foreign currency.

Disbursements to be made in a foreign currency shall be clearly indicated on the voucher-schedule by noting "Payable in *(name of currency)*" in the address column above the names and addresses of the payees. The individual amount due, expressed in the foreign currency, shall also be recorded in that column opposite each payee's name and adjacent to the amount column. The U.S. dollar equivalents shall be inserted in the amount column and in the appropriation summary block by the disbursing office.

§ 101–41.805–4 Certificate of settlement issued by the General Services Administration.

Procedures relating to payment based on GSA Form 7931, Certificate of Settlement, issued by GSA are outlined in § 101–41.605–2. In scheduling such certificates for payment, the original and the claimant's notice copy of the certificate of settlement shall be forwarded with the voucher-schedule to the disbursing office. After return of the original voucher-schedule by the disbursing office, the agency shall attach to it a copy of the related certificate of settlement.

§ 101–41.806 Processing of SF 1166.

§ 101–41.806–1 Makeup and initial distribution of forms.

Agencies shall prepare an original SF 1166 and at least four copies of the SF 1166–A. The original and three copies shall be forwarded to the appropriate disbursing office for payment processing.

§ 101–41.806–2 Information to be furnished by the disbursing office.

The disbursing office (D.O.) shall insert the D.O. voucher number in the upper right corner of each voucher-schedule (SF 1166) and clearly imprint within the PAID BY block the word "Paid"; the month, day, and year of payment; and the D.O. (station) symbol number. The disbursing office shall also list in the appropriate column opposite each payee's name the serial numbers of any checks issued in payment of the voucher.

§ 101–41.806–3 Disposition of forms after payment.

The disbursing office shall forward the payment check to the carrier-payee with pertinent tear-off slips (or punched cards bearing all information shown on the tear-off slips), return the original and two copies of the voucher-schedule to the issuing agency, and retain one copy of each voucher-schedule to support its statements of accountability. In distributing the accomplished voucher-schedule, the issuing agency shall use

the original to support its statement of transactions (SF 1220 or SF 1221), retain a copy in its files, and forward a copy to GSA (FZATR) with the related basic transportation vouchers. (See § 101–41.807.)

§ 101–41.807 Identification and submission of transportation vouchers and supporting documents to GSA.

§ 101–41.807–1 Identification of basic transportation payment documents.

Each basic transportation voucher (SF 1113) and its related voucher-schedule (SF 1166) shall be cross-referenced by voucher number in a manner which enables positive association of one with the other.

(a) Each basic voucher must bear in the appropriate space a bureau voucher number which shall be assigned in sequence from a series of numbers independent of the schedule numbers. However, if the related schedule number is treated as a component part of the basic bureau voucher number, the bureau voucher number shall include a letter or number suffix. The basic voucher shall also show the schedule number of the related voucher-schedule.

(b) The basic voucher must bear in the appropriate spaces the D.O. voucher number assigned to the accomplished voucher-schedule, the D.O. symbol number, and the date of payment as shown in the PAID BY block of the voucher-schedule.

§ 101–41.807–2 Submission of transportation vouchers.

The following procedures are applicable to all agencies not specifically exempted from submitting their transportation accounts to GSA.

(a) Each month, after the statement of transactions (SF 1220 or SF 1221) has been accomplished, the basic transportation vouchers and supporting documents with the carbon copies of related voucher-schedules placed on top, shall be securely bound with cord or tape and forwarded promptly to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, D.C. 20406.

(b) Each shipment of transportation vouchers shall be made under a covering SF 1186, Transmittal for Transportation Schedules and Related Basic Documents, which shall be included in the package identified as number 1. If receipt is desired, a copy of SF 1186 with an addressed return envelope must be furnished. SF 1186 must be executed and submitted for each accounting period; if no disbursements for transportation services were made during the period, the form should be so annotated.

(c) The shipping cartons used for transmitting voucher shipments to GSA shall not exceed 15 inches long, 12 inches wide, and 10 inches deep. These dimensions are specified under national stock number 8115–00–290–3379 for cartons used to ship documents to Federal Records Centers.

(d) The cover or container of each package shall include the following information:

From: Name and address of transmitting office. Period of account. Disbursing office symbol number. Package number ____ of ____.

To: General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406.

§ 101–41.807–3 Transportation vouchers withheld or delayed.

Transportation vouchers and related documents delayed or withheld from the appropriate accounting submission shall be properly identified and submitted under separate cover by the agency. In no case shall they be filed and transmitted with transportation vouchers for subsequent periods.

§ 101–41.808 Agency stations.

§ 101–41.808–1 New or discontinued agency stations.

Agencies shall notify the General Services Administration (FZAPA), Chester A. Arthur Building, Washington, DC 20406, whenever a new or existing agency station is authorized to prepare voucher-schedules for transportation services or when an agency station is no longer so authorized. This notice shall show the name and station location of the bureau or office and the date on which its authority to schedule payments for transportation services was granted or discontinued.

Subparts 101–41.9—101–41.48 [Reserved]

Subpart 101–41.49—Illustrations of Forms

§ 101–41.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of Part 101–41.

§ 101–41.4901 Standard forms.

(a) The Standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond to the Standard form numbers.

(b) The Standard forms illustrated in § 101–41.4901 may be obtained by Government agencies and carriers as provided in §§ 101–41.202–5 and 101–41.313.

§ 101–41.4901–1103 Standard Form 1103, U.S. Government Bill of Lading (Original).

(a) Page 1 of Standard Form 1103.

(b) Page 2 of Standard Form 1103.

§ 101–41.4901–1103–A Standard Form 1103–A, U.S. Government Bill of Lading (Memorandum Copy).

§ 101–41.4901–1103–B Standard Form 1103–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(a) Page 1 of Standard Form 1103–B.

(b) Page 2 of Standard Form 1103–B.

§ 101–41.4901–1104 Standard Form 1104, U.S. Government Bill of Lading (Shipping Order).

§ 101–41.4901–1105 Standard Form 1105, U.S. Government Freight Waybill (Original).

§ 101–41.4901–1106 Standard Form 1106, U.S. Government Freight Waybill (Carrier's Copy).

§ 101–41.4901–1109 Standard Form 1109, U.S. Government Bill of Lading Continuation Sheet (Original).

§ 101–41.4901–1109–A Standard Form 1109–A, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy).

§ 101–41.4901–1109–B Standard Form 1109–B, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy—Consignee).

§ 101–41.4901–1110 Standard Form 1110, U.S. Government Bill of Lading Continuation Sheet (Shipping Order).

§ 101–41.4901–1111 Standard Form 1111, U.S. Government Freight Waybill Continuation Sheet (Original).

§ 101–41.4901–1112 Standard Form 1112, U.S. Government Freight Waybill Continuation Sheet (Carrier's Copy).

§ 101–41.4901–1113 Standard Form 1113, Public Voucher for Transportation Charges (Original).

§ 101–41.4901–1113–A Standard Form 1113–A, Public Voucher for Transportation Charges (Memorandum Copy).

§ 101–41.4901–1131 Standard Form 1131, U.S. Government Transit Bill of Lading (Original).

(a) Page 1 of Standard Form 1131.

(b) Page 2 of Standard Form 1131.

§ 101–41.4901–1131–A Standard Form 1131–A, U.S. Government Transit Bill of Lading (Memorandum Copy).

§ 101–41.4901–1131–B Standard Form 1131–B, U.S. Government Transit Bill of Lading (Memorandum Copy—Consignee).

(a) Page 1 of Standard Form 1131–B.

(b) Page 2 of Standard Form 1131–B.

§ 101–41.4901–1132 Standard Form 1132, U.S. Government Transit Bill of Lading (Shipping Order).

§ 101–41.4901–1133 Standard Form 1133, U.S. Government Transit Freight Waybill (Original).

§ 101–41.4901–1134 Standard Form 1134, U.S. Government Transit Freight Waybill (Carrier's Copy).

§ 101–41.4901–1169 Standard Form 1169, U.S. Government Transportation Request (Original).

(a) Page 1 of Standard Form 1169.

(b) Page 2 of Standard Form 1169.

§ 101–41.4901–1169–A Standard Form 1169–A, U.S. Government Transportation Request (Memorandum Copy).

(a) Page 1 of Standard Form 1169–A.

(b) Page 2 of Standard Form 1169–A.

§ 101–41.4901–1170 Standard Form 1170, Redemption of Unused Tickets.

(a) Page 1 of Standard Form 1170.

(b) Page 2 of Standard Form 1170.

§ 101–41.4901–1172 Standard Form

sued only by the Central Office of GSA

§ 101–41.4902–7933 GSA Form 7933

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§ 101–41.4901–1172 Standard Form 1172, Certificate in Lieu of Lost U.S. Government Transportation Request.

§ 101–41.4901–1186 Standard Form 1186, Transmittal for Transportation Schedules and Related Basic Documents.

§ 101–41.4902 GSA forms.

(a) The GSA forms are illustrated in this section to show their text, format, and arrangement. The subsection numbers in this section correspond with the GSA form numbers.

(b) The GSA forms illustrated in this section are stocked, completed, and issued only by the Central Office of GSA and are not available to other Government agencies or to carriers and forwarders.

§ 101–41.4902–7931 GSA Form 7931, Certificate of Settlement (Original).

§ 101–41.4902–7931–1 GSA Form 7931, Certificate of Settlement (Claimant's Notice in Advance of Payment).

§ 101–41.4902–7931–2 GSA Form 7931, Certificate of Settlement (Claimant's Notice).

§ 101–41.4902–7932 GSA Form 7932, Settlement Certificate.

§ 101–41.4902–7933 GSA Form 7933, Certificate of Settlement Transmittal.

(a) Page 1 of GSA Form 7933.

§ 101–41.4902–7933 GSA Form 7933, Certificate of Settlement Transmittal.

(b) Page 2 of GSA Form 7933.

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: July 6, 1977.

JOEL W. SOLOMON,
Administrator,
General Services Administration.

This is an Accountable Form

U.S. GOVERNMENT BILL OF LADING — ORIGINAL — B/L NO.

TRANSPORTATION COMPANY TENDERED TO

ROUTE ORDER/RELEASE NO.

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO. | KIND

IMPORTANT
Regulations require Original Shipping Order and Freight Waybill Original and Carrier's Copy to be surrendered to carrier after signature. SF 1103-B Memorandum Copy must be given to consignee.

CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED	MARKED CAPACITY* ORDERED	MARKED CAPACITY* FURNISHED	DATE FURNISHED*	DATE B/L ISSUED

Length/Size

*Furnish this information in case of carload/truckload shipments only

If extra services are ordered see Administrative Directions No. 2 on reverse

Received by the transportation company named above, subject to conditions named on reverse hereof the property hereinafter described, in apparent good order and condition (contents and value unknown) to be forwarded to destination by the said company and connecting lines, there to be delivered in like good order and condition to said consignee.

FROM (Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government)

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO.

APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received.

PACKAGES NO.	KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description.)	NUMBERS ON PACKAGES	WEIGHTS*	FOR USE OF DESTINATION CARRIER ONLY CLASS	RATE	CHARGES

If this shipment fully loads the car or truck used, check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR (Initials of shipper's agent)

B/L NO.

FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY

F.O.B. POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading.

ISSUING OFFICE (Name and title) — DATE

SIGNATURE OF AGENT — PSR

ISSUING OFFICE (Name and complete address)

CERTIFICATE OF CARRIER BILLING FOR CHARGES — Consignee must not pay any charges on this shipment

ON (Date) — AT (Actual delivery point) — THE (Name of delivering carrier)

DELIVERED THIS CONSIGNMENT COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER ☐ SHORTAGE ☐ DAMAGE ☐ CARRIER OS&D REPORT ATTACHED

SERVICE FURNISHED BY CARRIER AT DESTINATION ☐ DELIVERY ☐ TRAP-CAR

NAME OF DESTINATION CARRIER (Last line-haul carrier authorized to bill charges)

SIGNATURE OF CARRIER'S AUTHORIZED AGENT

*Show also cubic measurements for shipments via air, truck or water carriers in cases where required.

1103-110

STANDARD FORM 1103 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

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TERMS AND CONDITIONS

It is mutually agreed and understood between the United States and carriers, including forwarders, who are parties to this bill of lading that:

This bill of lading is governed by the regulations relating thereto as published in Title 41, Subpart 101-41.3 of the Code of Federal Regulations.

Except as provided in 41 CFR 101 or as otherwise stated hereon, this bill of lading is also subject to the same rules and conditions as govern commercial shipments made on the usual forms provided therefor by the carrier.

Prepayment of charges shall in no way be demanded nor shall carrier make any collection of charges at time of delivery.

GENERAL INSTRUCTIONS AND ADMINISTRATIVE DIRECTIONS

1. Continuation sheets of the prescribed form should be used and attached hereto when space under "Description of Articles" on the face of this bill of lading is inadequate.

2. Where accessorial or special services, such as exclusive use of a car or truck, expedited service, protective service, reconsignment, etc., are ordered incident to the line-haul transportation, the bill of lading shall be endorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. The endorsement may be placed on the face hereof under the "Description of Articles" or in the block reserved for "Marks," if space is available, or in the space provided on this page for "Special Services Ordered," and shall be signed by or for the person who ordered the services. If such an endorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading, which shall be signed by or for the person who ordered the services and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original to be transmitted to the last line-haul carrier for presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

3. Shortage or damage reports shall be made on agency-designated forms, not on the bill of lading. Consignees shall observe the instructions on the reverse of the Consignee's Copy of the bill of lading.

4. Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41 CFR) which may be purchased from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. SF 1113 may be purchased from the Superintendent of Documents or reproduced in accordance with 41 CFR 101-41.313-2.

5. American-flag carriers must be used for U.S. Government-financed carriage of personal property (household goods, personal effects, or privately owned vehicles) as prescribed by 46 USC 1241 and for U.S. Government-financed movement of freight as prescribed by 49 USC 1517. Statement by authorizing official justifying use of foreign-flag carrier must accompany appropriate voucher. The air carrier or air freight forwarder must submit with each bill involving the use of a foreign-flag carrier, in whole or in part, a copy of the air waybill or manifest showing the underlying air carriers used with justification statement for use of the foreign-flag carrier. See General Accounting Office standards in 4 CFR 52.2.

SPECIAL SERVICES ORDERED

STANDARD FORM 1103 BACK (REV. 3-77)

This is an Accountable Form

U.S. GOVERNMENT BILL OF LADING

MEMORANDUM COPY — B/L NO.

TRANSPORTATION COMPANY TENDERED TO

ROUTE ORDER/RELEASE NO

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO. | KIND

IMPORTANT — Issuing office is to retain one memorandum copy and send one to the fiscal office

CAR-TRUCK-CONTAINER		MARKED CAPACITY		DATE FURNISHED	DATE B/L ISSUED
ORDERED	FURNISHED	ORDERED	FURNISHED		
Length/Date		*Furnish this information in case of carload/truckload shipments only			

If extra services are ordered see Administrative Directions No. 3 on reverse

Received by the transportation company named above, subject to conditions named on reverse hereof, the property hereinafter described, in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in like good order and condition to said consignee

FROM (Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government)

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO.

Contractor will return unused or canceled bills of lading to the Government office from which received.

APPLIED BY

PACKAGES No.	KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible; otherwise use a clear nonrestricted description.)	NUMBERS ON PACKAGES	WEIGHTS*

If this shipment fully loads the car or truck used, check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR (Initials of shipper's agent)

B/L NO. →

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

F.O.B. POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading.

ISSUING OFFICER (Name and title)

DATE

SIGNATURE OF AGENT

PER

DELIVERING OFFICE (Name and complete address)

THIS CONSIGNMENT DELIVERED COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER →

☐ SHORTAGE ☐ DAMAGE ☐ CARRIER OS&D REPORT ATTACHED

SERVICE FURNISHED BY CARRIER AT DESTINATION ☐ DELIVERY ☐ TRAP-CAR

*Show also basic measurements for shipments via air, truck or water carriers in cases where required.

1103-S19

STANDARD FORM 1103-A (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

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This is an Accountable Form

U.S. GOVERNMENT BILL OF LADING — MEMORANDUM COPY — B/L NO

TRANSPORTATION COMPANY TENDERED TO

ROUTE ORDER/RELEASE NO

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO | KIND

IMPORTANT — Issuing office is to send this copy to consignee immediately after surrender of original to initial carrier

CAR, TRUCK-CONTAINER ORDERED	CAR, TRUCK-CONTAINER FURNISHED	MARKED CAPACITY ORDERED	MARKED CAPACITY FURNISHED	DATE FURNISHED*	DATE B/L ISSUED
Length/cube		Furnish this information in case of carload/truckload shipments only			

See instructions to consignee on reverse

Received by the transportation company named above, subject to conditions named on the reverse of the original bill of lading, the property hereinafter described in apparent good order and condition (contents and value unknown) to be forwarded to destination by the said company and connecting lines, there to be delivered in like good order and condition to said consignee.

FROM

(Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government)

APPROPRIATION CHARGEABLE

SEAL NUMBERS

APPLIED BY

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO

Contractor will return unused or canceled bills of lading to the Government office from which received.

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description.)	NUMBERS OF PACKAGES	WEIGHTS*

If this shipment fully loads the car or truck used, check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR (Initials of shipper's agent)

B/L NO

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

F.O.B. POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading.

ISSUING OFFICER (Name and title)

DATE

SIGNATURE OF AGENT

PER

ISSUING OFFICE (Name and complete address)

MEMORANDUM COPY — CONSIGNEE

THIS CONSIGNMENT DELIVERED COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER ☐ SHORTAGE ☐ DAMAGE ☐ CARRIER'S DRAY REPORT ATTACHED

SERVICE FURNISHED BY CARRIER AT DESTINATION ☐ DELIVERY ☐ TRAP-CAR

*Show shipping weight. Show cubic measurements for shipments moving on truck or water carrier on cases where required.

1103-S18

STANDARD FORM 1103-B (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

INSTRUCTIONS TO CONSIGNEE

1. The consignee, upon receipt of the shipment, shall sign the carrier's delivery receipt or freight bill, as well as the consignee's copy thereof which he shall retain as evidence of receipt. The consignee shall make certain that the Government bill of lading number is shown on the delivering carrier's documents and on the consignee's copy. If the number is not shown, the consignee shall write it on said documents. If the number is not known, the consignee shall receipt for the shipment and add the number to his copy when it becomes available.
2. If the consignee discovers an apparent loss or damage or other discrepancy in the quantity or condition of property while said property is in process of being unloaded from carrier's equipment, he shall note such loss, damage, or other discrepancy on the delivering carrier's documents and on the consignee's copy of those documents. Both the consignee and the carrier's driver or representative must sign the notations.
3. Should the consignee not discover the loss, damage, or discrepancy until after delivery of the shipment and receipt therefor, he shall, as soon as such loss etc., is known, notify the nearest office of the last delivering carrier and extend privilege of examining the shipment. This information is to be conveyed by telephone if the office is located within the vicinity, with written confirmation, including the name and title of the contacted carrier representative, sent to the carrier and copy of the confirmation made a part of the official record.
4. The consignee shall forward an appropriate loss or damage report to the administrative office as soon as possible but no later than 30 days after receipt of the shipment or discovery of the loss or damage. In case of nondelivery of an entire shipment, the consignee shall file a written report of all the facts with the administrative office as soon as possible but no later than 30 days after date of anticipated delivery. In case of rejection of an entire shipment, the consignee shall *immediately* file a written report of all the facts with the administrative office.
5. The consignee shall make every effort to resolve overages or shortages within 10 working days after their detection. Upon detection of such overages or shortages, the consignee must notify the delivering carrier or its agent so that the carrier may investigate the matter. When overages or shortages are resolved after a loss and damage report has been filed, the consignee shall immediately notify the administrative office.
6. Where accessorial or special services are shown as ordered but have not been furnished, the consignee must immediately notify the administrative office responsible for payment of the charges.

SPECIAL SERVICES ORDERED

STANDARD FORM 1103 B BACK (REV. 3-77)

V 42 136 JUL 15 77 UMI

This is an Accountable Form

U.S. GOVERNMENT BILL OF LADING — SHIPPING ORDER — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — NO — ROUTE ORDER/RELEASE NO.

STOP THIS CAR OR TRUCK AT — FOR — WEIGHT IN TONS: GROSS | TARE | NET — CAR-TRUCK-CONTAINER: ORDERED | FURNISHED — MARKED CAPACITY*: ORDERED | FURNISHED — DATE FURNISHED* — DATE B/L ISSUED

CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — LCL LOADING NO — WAYBILL DATE — WAYBILL NO.

CARRIER ROUTING: TO — STATION — STATE — ROUTE (Show each junction and carrier in route order to destination or waybill)

FROM (Shipping point) — NO — FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code) — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government) — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO. — APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received.

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description.)	NUMBERS ON PACKAGES	WEIGHTS*	RATE	FREIGHT	ADVANCES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

If this shipment fully loads the car or truck used, check ☐ YES

CARRIER FURNISHED SERVICE AT ORIGIN — ☐ PICKUP ☐ TRAP-CAR (arrives at shipper's agent) — B/L NO. — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — (what carrier's agent, by signature below, certifies he received the Original Bill of Lading) — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PER

IMPORTANT

- THE ORIGIN CARRIER OR ITS AGENT IS TO RECEIVE:
  Original Government Bill of Lading, SF 1103
  This Shipping Order, SF 1104
  Government Freight Waybill — Original, SF 1106
  Government Freight Waybill — Carrier's Copy, SF 1106
- THE ORIGIN CARRIER OR ITS AGENT IS *NOT* TO RECEIVE THE CONSIGNEE'S MEMORANDUM COPY, SF 1103-B.

*Show also cubic measurements for shipments not on car, truck or trailer carrier in cases where required

1104-116

STANDARD FORM 1104 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

This is an Accountable Form

Place special service pastern here — **U.S. GOVERNMENT FREIGHT WAYBILL** — ORIGINAL — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — NO — ROUTE ORDER/RELEASE NO.

STOP THIS CAR OR TRUCK AT — FOR — WEIGHT IN TONS: GROSS | TARE | NET — CAR-TRUCK-CONTAINER: ORDERED | FURNISHED — MARKED CAPACITY*: ORDERED | FURNISHED — DATE FURNISHED* — DATE B/L ISSUED

CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — GL TRANSFERRED TO OR LCL LOADING NO — WAYBILL DATE — WAYBILL NO.

CARRIER ROUTING: TO — STATION — STATE — ROUTE (Show each junction and carrier in route order to destination or waybill)

FROM — STATION — STATE — NO — FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code) — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO. — APPLIED BY

WEIGHED AT — GROSS — TARE — ALLOWANCE — NET

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	COMMODITY CODE NO	NOS. ON PROS.	WEIGHTS	RATE	FREIGHT	ADVANCES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

If this shipment fully loads the car or truck used, check ☐ YES

CARRIER FURNISHED SERVICE AT ORIGIN — ☐ PICKUP ☐ TRAP-CAR (arrives at shipper's agent) — B/L NO. — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — (what carrier's agent, by signature below, certifies he received the Original Bill of Lading) — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PER

OUTBOUND JUNCTION AGENT — Show junction stamps in space and order provided. Additional junction stamps and all yard stamps to be placed on back hereof.

FIRST JUNCTION	SECOND JUNCTION	THIRD JUNCTION	FOURTH JUNCTION

DESTINATION AGENT — Stamp hereon station name and date reported

1105-115

STANDARD FORM 1106 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

This is an Accountable Form

U.S. GOVERNMENT BILL OF LADING — SHIPPING ORDER — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — NO — ROUTE ORDER/RELEASE NO.

STOP THIS CAR OR TRUCK AT — FOR — WEIGHT IN TONS: GROSS | TARE | NET — CAR-TRUCK-CONTAINER: ORDERED | FURNISHED — MARKED CAPACITY*: ORDERED | FURNISHED — DATE FURNISHED* — DATE B/L ISSUED

CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — LCL LOADING NO — WAYBILL DATE — WAYBILL NO.

CARRIER ROUTING: TO — STATION — STATE — ROUTE (Show each junction and carrier in route order to destination or waybill)

FROM (Shipping point) — NO — FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code) — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government) — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO. — APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received.

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description.)	NUMBERS ON PACKAGES	WEIGHTS*	RATE	FREIGHT	ADVANCES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

If this shipment fully loads the car or truck used, check ☐ YES

CARRIER FURNISHED SERVICE AT ORIGIN — ☐ PICKUP ☐ TRAP-CAR (arrives at shipper's agent) — B/L NO. — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — (what carrier's agent, by signature below, certifies he received the Original Bill of Lading) — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PER

IMPORTANT

- THE ORIGIN CARRIER OR ITS AGENT IS TO RECEIVE:
  Original Government Bill of Lading, SF 1103
  This Shipping Order, SF 1104
  Government Freight Waybill — Original, SF 1106
  Government Freight Waybill — Carrier's Copy, SF 1106
- THE ORIGIN CARRIER OR ITS AGENT IS *NOT* TO RECEIVE THE CONSIGNEE'S MEMORANDUM COPY, SF 1103-B.

*Show also cubic measurements for shipments not on car, truck or trailer carrier in cases where required

1104-116

STANDARD FORM 1104 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

This is an Accountable Form

Place special service pastern here — **U.S. GOVERNMENT FREIGHT WAYBILL** — ORIGINAL — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — NO — ROUTE ORDER/RELEASE NO.

STOP THIS CAR OR TRUCK AT — FOR — WEIGHT IN TONS: GROSS | TARE | NET — CAR-TRUCK-CONTAINER: ORDERED | FURNISHED — MARKED CAPACITY*: ORDERED | FURNISHED — DATE FURNISHED* — DATE B/L ISSUED

CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — GL TRANSFERRED TO OR LCL LOADING NO — WAYBILL DATE — WAYBILL NO.

CARRIER ROUTING: TO — STATION — STATE — ROUTE (Show each junction and carrier in route order to destination or waybill)

FROM — STATION — STATE — NO — FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code) — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO. — APPLIED BY

WEIGHED AT — GROSS — TARE — ALLOWANCE — NET

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	COMMODITY CODE NO	NOS. ON PROS.	WEIGHTS	RATE	FREIGHT	ADVANCES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

If this shipment fully loads the car or truck used, check ☐ YES

CARRIER FURNISHED SERVICE AT ORIGIN — ☐ PICKUP ☐ TRAP-CAR (arrives at shipper's agent) — B/L NO. — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — (what carrier's agent, by signature below, certifies he received the Original Bill of Lading) — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PER

OUTBOUND JUNCTION AGENT — Show junction stamps in space and order provided. Additional junction stamps and all yard stamps to be placed on back hereof.

FIRST JUNCTION	SECOND JUNCTION	THIRD JUNCTION	FOURTH JUNCTION

DESTINATION AGENT — Stamp hereon station name and date reported

1105-115

STANDARD FORM 1106 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

V 42 I 136 JUL 15 77 UMI

This is an Accountable Form

Place special service pasters here

U.S. GOVERNMENT FREIGHT WAYBILL — CARRIER'S COPY — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — ROUTE ORDER/RELEASE NO.

NO

STOP THIS CAR OR TRUCK AT — WEIGHT IN TONS: GROSS, TARE, NET — CAR-TRUCK-CONTAINER: ORDERED, FURNISHED — MARKED CAPACITY: ORDERED, FURNISHED — DATE FURNISHED* — DATE B/L ISSUED

FOR — Length-Style — *Furnish this information in case of carload/truckload shipments only

CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — CL TRANSFERRED TO OR LCL LOADING NO — WAYBILL DATE — WAYBILL NO.

CARRIER'S ROUTING — TO — STATION — STATE — FROM — STATION — STATE

ROUTE (Show each carrier and carrier's route order to destination of waybill) — NO — FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code) — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept./agency, bureau/office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO.

APPLIED BY — WEIGHED AT: GROSS, TARE, ALLOWANCE, NET

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	COMMODITY CODE NO	RIDE OR PROS	WEIGHTS	RATE	FREIGHT	ADVANCES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol. only)

If this shipment fully loads the car or truck used, check ☐ YES

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR (Initials of shipper's agent) — B/L NO. — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading. — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PIER

1108-178 — STANDARD FORM 1108 (REV. 3-77) PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

U.S. GOVERNMENT BILL OF LADING CONTINUATION SHEET

ORIGINAL — B/L NO. — SHEET NO.

(This form is to be used as a continuation sheet for Standard Form 1103, U.S. Government Bill of Lading — Original, or Standard Form 1131, U.S. Government Transit Bill of Lading — Original.)

ISSUING OFFICE *(Name and complete address)*

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description.)*	NUMBERS ON PACKAGES	WEIGHTS*	FOR USE OF DESTINATION CARRIER ONLY CLASS	RATE	CHARGES

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required.

1108-113 — STANDARD FORM 1108 (REV. 3-77) PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

V 42 136 JUL 15 77 UMI V

U.S. GOVERNMENT BILL OF LADING CONTINUATION SHEET

(This form is to be used as a continuation sheet for Standard Form 1103-A, U.S. Government Bill of Lading — Memorandum Copy, or Standard Form 1131-A, U.S. Government Transit Bill of Lading — Memorandum Copy.)

MEMORANDUM

B/L NO. ▶

SHEET NO.

ISSUING OFFICE *(Name and complete address)*

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description.)*	NUMBERS ON PACKAGES	WEIGHTS*

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required.

1109-212

STANDARD FORM 1109-A (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

U.S. GOVERNMENT BILL OF LADING CONTINUATION SHEET

(This form is to be used as a continuation sheet for Standard Form 1103-B, U.S. Government Bill of Lading — Memorandum Copy-Consignee, or Standard Form 1131-B, U.S. Government Transit Bill of Lading — Memorandum Copy-Consignee.)

MEMORANDUM COPY — CONSIGNEE

B/L NO. ▶

SHEET NO.

ISSUING OFFICE *(Name and complete address)*

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description.)*	NUMBERS ON PACKAGES	WEIGHTS*

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required.

1109-312

STANDARD FORM 1109-B (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

V 42 136 JUL 15 77 UMI

U.S. GOVERNMENT BILL OF LADING CONTINUATION SHEET

SHIPPING ORDER

B/L NO.

SHEET NO.

(This form is to be used as a continuation sheet for Standard Form 1104, U.S. Government Bill of Lading — Shipping Order, or Standard Form 1132, U.S. Government Transit Bill of Lading — Shipping Order.)

ISSUING OFFICE *(Name and complete address)*

TRANSPORTATION COMPANY TENDERED TO

FROM *(Shipping point)*

WAYBILL DATE

WAYBILL NO.

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description.)*	NUMBERS ON PACKAGES	WEIGHTS*	RATE	FREIGHT	ADVANCES

*how also cubic measurements for shipments via , truck or water carrier in cases where required.

1110-112

STANDARD FORM 1110 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

U.S. GOVERNMENT FREIGHT WAYBILL CONTINUATION SHEET

ORIGINAL

B/L NO.

SHEET NO.

(This form is to be used as a continuation sheet for Standard Form 1105, U.S. Government Freight Waybill — Original, or Standard Form 1133, U.S. Government Transit Freight Waybill — Original.)

ISSUING OFFICE *(Name and complete address)*

TRANSPORTATION COMPANY TENDERED TO

FROM *(Shipping point)*

WAYBILL DATE

WAYBILL NO.

PACKAGES NO.	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	NUMBERS ON PACKAGES	WEIGHTS	RATE	FREIGHT	ADVANCES

1111-112

STANDARD FORM 1111 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

B/L

PUBLIC VOUCHER

See FPMR (41 CFR) 101-41

D.O. VOU. NO.

V 42 136 JUL 15 77 UMI

U.S. GOVERNMENT FREIGHT WAYBILL CONTINUATION SHEET

CARRIER'S COPY

B/L NO. ▶

SHEET NO.

ISSUING OFFICE *(Name and complete address)*

(This form is to be used as a continuation sheet for Standard Form 1106, U.S. Government Freight Waybill — Carrier's Copy, or Standard Form 1134, U.S. Government Transit Freight Waybill — Carrier's Copy.)

TRANSPORTATION COMPANY TENDERED TO

FROM *(Shipping point)*

WAYBILL DATE

WAYBILL NO.

PACKAGES NO.	KIND	DESCRIPTIONS OF ARTICLES AND EXCEPTIONS	NUMBERS ON PACKAGES	WEIGHTS	RATE	FREIGHT	ADVANCES

1112-112

STANDARD FORM 1112 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

PUBLIC VOUCHER FOR TRANSPORTATION CHARGES

See FPMR (41 CFR) 101-41 for instructions on Completing this Form.

D.O. VOU. NO.

DEPARTMENT OR AGENCY, BUREAU OR SERVICE, AND LOCATION SHOWN ON SUBVOUCHERS

U.S.

BUR. VOU. NO.

SCHED. NO.

THE UNITED STATES, DR., TO: *(Payee's name and address)*

CARRIER'S BILL NUMBER

PAID BY

CARRIER'S SCAC NUMBER

SERVICES FURNISHED (Check one)
☐ FREIGHT ☐ PASSENGER

Do NOT bill GBL and GTR charges on the same form

For payment of services rendered as evidenced by attached subvouchers.

ALPHA PREFIX AND SERIAL NO. OF SUBVOUCHER	AMOUNT
TOTAL CLAIMED ▶	

PAYEE'S CERTIFICATE

I certify that the account stated hereon, as evidenced by the attached subvouchers, is correct and just; that services have been rendered or tickets furnished as indicated; that payment has not been received; and that the charges are not in excess of those applicable thereto under (1) tariffs lawfully on file with any Federal or State transportation regulatory agency or (2) rates, fares and charges established pursuant to section 22 of the Interstate Commerce Act, as amended, or other equivalent contract, arrangement, or exemption from regulation.

DATE

PAYEE *

PER
(Signature)
(Capacity)

* When a voucher is signed in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which the person signs, must appear. For example: "A.B.C. Railway Co., per John Doe, Controller," or "Auditor," as the case may be.

DIFFERENCES	AMOUNT
AMOUNT VERIFIED—CORRECT FOR ▶	
VERIFIED BY (Signature or initials) ▶	
PAID BY CHECK NO. ▶	

1113-108

ACCOUNTING CLASSIFICATION

STANDARD FORM 1113 (REV. 3-77)
(SUPERSEDES SF-1171)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41

The enclosed check settles voucher submitted for payment of the account described in the memorandum hereon. *(No acknowledgement of receipt of the check is necessary.)*

NAME:

ADDRESS:

MEMORANDUM

NOTE—If the payee named in the attached voucher will supply below such data as will identify the check drawn in payment thereof with the account in his office, this slip will be mailed with the check.

(Department, Bureau or Establishment)

BILL NO.:

AMOUNT: $

V42-136 JUL 15 77 UMI V

PUBLIC VOUCHER FOR TRANSPORTATION CHARGES

See FPMR (41 CFR) 101–41 for Instructions on Completing this Form.

D.O. VOU. NO.

DEPARTMENT OR AGENCY, BUREAU OR SERVICE, AND LOCATION SHOWN ON SUBVOUCHERS

U.S.

BUR. VOU. NO.

SCHED. NO.

THE UNITED STATES, DR., TO: *(Payee's name and address)*

CARRIER'S BILL NUMBER

CARRIER'S SCAC NUMBER

SERVICES FURNISHED *(Check one)*

☐ FREIGHT ☐ PASSENGER

PAID BY

Do NOT bill GBL and GTR charges on the same form

For payment of services rendered as evidenced by attached subvouchers.

ALPHA PREFIX AND SERIAL NO. OF SUBVOUCHER	AMOUNT

MEMORANDUM

DIFFERENCES	AMOUNT
AMOUNT VERIFIED—CORRECT FOR ►	

VERIFIED BY *(Signature or initials)* ►

TOTAL CLAIMED ►

PAID BY CHECK NO. ►

ACCOUNTING CLASSIFICATION

STANDARD FORM 1113–A (REV. 3–77)
(SUPERSEDES SF–1171–A)
PRESCRIBED BY GSA, FPMR (41 CFR) 101–41

U.S. GOVERNMENT TRANSIT BILL OF LADING

ORIGINAL B/L NO. ►

TRANSPORTATION COMPANY TENDERED TO ►

ROUTE ORDER/RELEASE NO

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO | KIND

IMPORTANT

Regulations require Original Shipping Order and Freight Waybill Original and Carrier's Copy to be surrendered to carrier after signature. SF 1131-B Memorandum Copy must be sent to the consignee

CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED	MARKED CAPACITY[1] ORDERED	MARKED CAPACITY[1] FURNISHED	DATE FURNISHED[2]	DATE B/L ISSUED

[1] Length/cube [2] Furnish this information in case of carload/truckload shipments only

If extra services are ordered see Administrative Directions No. 2 on reverse

FROM

Received by the transportation company named above, subject to conditions named on the reverse hereof, the property hereinafter described, in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in like good order and condition to said consignee

(Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE *(Name, address and ZIP code)*

MARKS

DESTINATION *(Name, address and ZIP code of installation)*

BILL CHARGES TO *(Dept./agency, bureau/office, mailing address and ZIP code)*

VIA *(Route shipment when advantageous to the Government)*

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO.

Contractor will return unused or canceled bills of lading to the Government office from which received

APPLIED BY

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description.)*	NUMBERS ON PACKAGES	WEIGHTS*	FOR USE OF DESTINATION CARRIER ONLY CLASS	RATE	CHARGES

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES *(CL, TL or Vol. only)*

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	BUREAU NO	FREIGHT BILL DATE	FREIGHT BILL NO.	WAYBILL DATE	WAYBILL NO	ORIGIN STATION	COMMODITY
1								
2								
PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	RATE PAID IN	CAR, TRUCK OR CONTAINER *(Initials and number)*	WEIGHT APPLIED	CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED	DTD VOUCHER NO	DATE PAID	DISBURSING OFFICE SYMBOL NO
1								
2								
PREVIOUS TRANSIT REFERENCE								
3								
4								

[1] Length/cube

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR *(Initials of shipper's agent)*

B/L NO

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

F.O.B. POINT NAMED

SIGNING OFFICER *(Name and title)*

DATE

DATE OF RECEIPT OF SHIPMENT

Inland carrier's agent, by signature below, certifies he received the Original Bill of Lading.

ISSUING OFFICE *(Name and complete address)*

SIGNATURE OF AGENT

PER

CERTIFICATE OF CARRIER BILLING FOR CHARGES — Consignee must not pay any charges on this shipment.

ON *(Date)* AT *(Actual delivery point)* THE *(Name of delivering carrier)*

DELIVERED THIS CONSIGNMENT COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER ► ☐ SHORTAGE ☐ DAMAGE

CARRIER OS&D REPORT ATTACHED

NAME OF DESTINATION CARRIER *(Last line-haul carrier authorized to bill charges)*

SIGNATURE OF CARRIER'S AUTHORIZED AGENT

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required.

1131-114

STANDARD FORM 1131 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

TERMS AND CONDITIONS

U.S. GOVERNMENT TRANSIT BILL OF LADING

MEMORANDUM COPY B/L NO. ►

TRANSPORTATION COMPANY TENDERED TO ►

V 42 136 JUL 15 77 UMI

TERMS AND CONDITIONS

It is mutually agreed and understood between the United States and carriers, including forwarders, who are parties to this bill of lading that:

This bill of lading is governed by the regulations relating thereto as published in Title 41, Subpart 101-41.3 of the Code of Federal Regulations.

Except as provided in 41 CFR 101 or as otherwise stated hereon, this bill of lading is also subject to the same rules and conditions as govern commercial shipments made on the usual forms provided therefor by the carrier.

Prepayment of charges shall in no way be demanded nor shall carrier make any collection of charges at time of delivery.

GENERAL INSTRUCTIONS AND ADMINISTRATIVE DIRECTIONS

1 Continuation sheets of the prescribed form should be used and attached hereto when space under "Description of Articles" on the face of this bill of lading is inadequate.

2 Where accessorial or special services, such as exclusive use of a car or truck, expedited service, protective service, reconsignment, etc., are ordered incident to the line-haul transportation, the bill of lading shall be endorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. The endorsement may be placed on the face hereof under the "Description of Articles" or in the block reserved for "Marks," if space is available, or in the space provided on this page for "Special Services Ordered," and shall be signed by or for the person who ordered the services. If such an endorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading, which shall be signed by or for the person who ordered the services and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original to be transmitted to the last line-haul carrier for presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

3 Shortage or damage reports shall be made on agency-designated forms, not on the bill of lading. Consignees shall observe the instructions on the reverse of the Consignee's Copy of the bill of lading.

4 Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41 CFR) which may be purchased from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. SF 1113 may be purchased from the Superintendent of Documents or reproduced in accordance with 41 CFR 101-41.313-2.

5 American-flag carriers must be used for U.S. Government-financed carriage of personal property (household goods, personal effects, or privately owned vehicles) as prescribed by 46 USC 1241 and for U.S. Government-financed movement of freight as prescribed by 49 USC 1517. Statement by authorizing official justifying use of foreign-flag carrier must accompany appropriate voucher. The air carrier or air freight forwarder must submit with each bill involving the use of a foreign-flag carrier, in whole or in part, a copy of the air waybill or manifest showing the underlying air carriers used with justification statement for use of the foreign-flag carrier. See General Accounting Office standards in 4 CFR 52.

STANDARD FORM 1131 BACK (REV. 3-77)

U.S. GOVERNMENT TRANSIT BILL OF LADING

MEMORANDUM COPY — B/L NO.

*TRANSPORTATION COMPANY TENDERED TO

ROUTE ORDER RELEASE NO

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO. | KIND

IMPORTANT Issuing office is to retain one memorandum copy and send one to the fiscal office

CAR, TRUCK-CONTAINER ORDERED	CAR, TRUCK-CONTAINER FURNISHED	MARKED CAPACITY ORDERED	MARKED CAPACITY FURNISHED	DATE FURNISHED	DATE B/L ISSUED

*Length/cube *Furnish this information in case of carload/truckload shipments only

If extra services are ordered see Administrative Directions No. 2 on reverse

FROM

Received by the transportation company named above, subject to conditions named on the reverse hereof, the property hereinafter described, in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in like good order and condition to said consignee

(Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE *(Name, address and ZIP code)*

MARKS

DESTINATION *(Name, address and ZIP code of installation)*

BILL CHARGES TO *(Dept./agency, bureau/office, mailing address and ZIP code)*

VIA *(Route shipment when advantageous to the Government)*

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO.

APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES *(Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description)*	NUMBERS ON PACKAGES	WEIGHTS*

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES *(CL, TL or Vol. only)*

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	BUREAU NO.	FREIGHT BILL DATE	FREIGHT BILL NO	WAYBILL DATE	WAYBILL NO	ORIGIN STATION	COMMODITY
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	DATE SHIPPED	CAR, TRUCK OR CONTAINER *(Initials and number)*	WEIGHT	CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED	D.O. VOUCHER NO.	DATE	DISBURSING OFFICE SYMBOL NO.
1								
2								
PREVIOUS TRANSIT REFERENCE								
3								
4				*Length/cube				

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR *Initials of shipper's agent*

B/L NO.

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

NAME OF TRANSPORTATION COMPANY

F.O.B. POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent by signature below certifies he received the Original Bill of Lading

ISSUING OFFICER *(Name and title)*

DATE

SIGNATURE OF AGENT

PER

ISSUING OFFICE *(Name and complete address)*

THIS CONSIGNMENT DELIVERED COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER ☐ SHORTAGE ☐ DAMAGE ☐ CARRIER OS&D REPORT ATTACHED

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required.

1131-214

STANDARD FORM 1131-A (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

U.S. GOVERNMENT TRANSIT BILL OF LADING

V 42 136 JUL 15 77 UMI

U.S. GOVERNMENT TRANSIT BILL OF LADING

MEMORANDUM COPY — B/L NO.

TRANSPORTATION CLERK AS ENDORSED TO

ROUTE ORDER/RELEASE NO

STOP THIS CAR OR TRUCK AT

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO. | KIND

IMPORTANT Issuing office: to send this copy to the consignee immediately after submission of original to the initial carrier.

CAR, TRUCK, CONTAINER		MARKED CAPACITY		DATE FURNISHED	DATE B/L ISSUED
ORDERED	FURNISHED	ORDERED	FURNISHED		

[1] Length, cube [2] Furnish this information in case of carload truckload shipments only

SEE INSTRUCTIONS TO CONSIGNEE ON REVERSE

FROM

Received by the transportation company named above subject to conditions named on the reverse of the original bill of lading, the property hereinafter described in apparent good order and condition (contents and value unknown) and to be transported by the said company and connecting lines there to be delivered in like good order and condition to said consignee

(Shipping point)

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept., agency, bureau/office, mailing address and ZIP code)

VIA (Route shipment when advantageous to the Government)

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO

APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description)	NUMBERS ON PACKAGES	WEIGHTS*

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol only)

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	BUREAU NO	FREIGHT BILL DATE	FREIGHT BILL NO	WAYBILL DATE	WAYBILL NO	ORIGIN STATION	COMMODITY
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	RATE PAID IN	CAR, TRUCK OR CONTAINER (initials and number)	WEIGHT APPLIED	CAR, TRUCK, CONTAINER ORDERED	CAR, TRUCK, CONTAINER FURNISHED	D O VOUCHER (SC)	DATE PAID	DISBURSING OFFICE SYMBOL NO
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

[1] Length/cube

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP CAR (Initials of shipper's agent)

B/L NO

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

F O B POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent: by signature below certifies he received the Original Bill of Lading

ISSUING OFFICER (Name and title)

DATE

SIGNATURE OF AGENT

PER

ISSUING OFFICE (Name and complete address)

*Show also cubic measurements for shipments via R.R. truck or water carrier in cases where required

1131-314

STANDARD FORM 1131-B (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

MEMORANDUM COPY — CONSIGNEE

THIS CONSIGNMENT DELIVERED COMPLETE AND IN APPARENT GOOD ORDER EXCEPT AS MAY BE INDICATED HEREAFTER ☐ SHORTAGE ☐ DAMAGE ☐ CARRIER OS&D REPORT ATTACHED

INSTRUCTIONS TO CONSIGNEE

1. The consignee, upon receipt of the shipment, shall sign the carrier's delivery receipt or freight bill, as well as the consignee's copy thereof which he shall retain as evidence of receipt. The consignee shall make certain that the Government bill of lading number is shown on the delivering carrier's documents and on the consignee's copy. If the number is not shown, the consignee shall write it on said documents. If the number is not known, the consignee shall receipt for the shipment and add the number to his copy when it becomes available.

2. If the consignee discovers an apparent loss or damage or other discrepancy in the quantity or condition of property while said property is in process of being unloaded from carrier's equipment, he shall note such loss, damage, or other discrepancy on the delivering carrier's documents and on the consignee's copy of those documents. Both the consignee and the carrier's driver or representative must sign the notations.

3. Should the consignee not discover the loss, damage, or discrepancy until after delivery of the shipment and receipt therefor, he shall, as soon as such loss, etc., is known, notify the nearest office of the last delivering carrier and extend privilege of examining the shipment. This information is to be conveyed by telephone if the office is located within the vicinity, with written confirmation, including the name and title of the contacted carrier representative, sent to the carrier and copy of the confirmation made a part of the official record.

4. The consignee shall forward an appropriate loss or damage report to the administrative office as soon as possible but no later than 30 days after receipt of the shipment or discovery of the loss or damage. In case of nondelivery of an entire shipment, the consignee shall file a written report of all the facts with the administrative office as soon as possible but no later than 30 days after date of anticipated delivery. In case of rejection of an entire shipment, the consignee shall *immediately* file a written report of all the facts with the administrative office.

5. The consignee shall make every effort to resolve overages or shortages within 10 working days after their detection. Upon detection of such overages or shortages, the consignee must notify the delivering carrier or its agent so that the carrier may investigate the matter. When overages or shortages are resolved after a loss and damage report has been filed, the consignee shall immediately notify the administrative office.

6. Where accessorial or special services are shown as ordered but have not been furnished, the consignee must immediately notify the administrative office responsible for payment of the charges.

SPECIAL SERVICES ORDERED

STANDARD FORM 1131-B BACK (REV. 3-77)

V 42 136 JUL 15 77 UMI

U.S. GOVERNMENT TRANSIT BILL OF LADING

SHIPPING ORDER B/L NO

STOP THIS CAR OR TRUCK AT

WEIGHT IN TONS: GROSS | TARE | NET

CAR-TRUCK CONTAINER: ORDERED | FURNISHED

MARKED CAPACITY: ORDERED | FURNISHED

DATE FURNISHED

DATE B/L ISSUED

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO | KIND

CL TRANSFERRED TO OR LCL LOADING NO

WAYBILL DATE

WAYBILL NO

FROM STATION STATE

TO STATION STATE

ROUTE (Show each junction and carrier in route order to destination of waybill)

NO

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept., agency, bureau, office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO OR FREIGHT BILL NO

APPLIED BY

Contractor will return unused or canceled bills of lading to the Government office from which received.

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible, otherwise use a clear nontechnical description)	NUMBERS ON PACKAGES	WEIGHTS*	RATE	FREIGHT	ADVANCES

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol only)

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	BUREAU NO	FREIGHT BILL DATE	FREIGHT BILL NO	WAYBILL DATE	WAYBILL NO	ORIGIN STATION	COMMODITY
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	RATE PAID IN	CAR, TRUCK OR CONTAINER (initials and number)	WEIGHT APPLIED	CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED
1					
2 PREVIOUS TRANSIT REFERENCE					
3					
4					

[1] Length/cube

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP CAR (Initials of shipper's agent)

B/L NO

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

F O B POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading

ISSUING OFFICER (Name and title)

DATE

SIGNATURE OF AGENT

PER

ISSUING OFFICE (Name and complete address)

IMPORTANT

- THE ORIGIN CARRIER OR ITS AGENT IS TO RECEIVE:
  Original Government Transit Bill of Lading, SF 1131
  This Shipping Order, SF 1132
  Government Freight Waybill — Original, SF 1133
  Government Freight Waybill — Carrier's Copy, SF 1134
- THE ORIGIN CARRIER OR ITS AGENT IS *NOT* TO RECEIVE THE CONSIGNEE'S MEMORANDUM COPY, SF 1131-B

*Show also cubic measurements for shipments via air, truck or water carrier in cases where required

1132-114

STANDARD FORM 1132 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

Place special service posters here

U.S. GOVERNMENT TRANSIT FREIGHT WAYBILL

ORIGINAL B/L NO.

TRANSPORTATION COMPANY TENDERED TO

ROUTE ORDER/RELEASE NO

NO

STOP THIS CAR OR TRUCK AT

WEIGHT IN TONS: GROSS | TARE | NET

CAR-TRUCK CONTAINER: ORDERED | FURNISHED

MARKED CAPACITY: ORDERED | FURNISHED

DATE FURNISHED

DATE B/L ISSUED

FOR

CAR, TRUCK OR CONTAINER INITIALS AND NO | KIND

CL TRANSFERRED TO OR LCL LOADING NO

[1] Length/cube [2] Furnish this information in case of carload truckload shipments only

WAYBILL DATE

WAYBILL NO

FROM STATION STATE

TO STATION STATE

ROUTE (Show each junction and carrier in route order to destination of waybill)

NO

FULL NAME OF SHIPPER

CONSIGNEE (Name, address and ZIP code)

MARKS

DESTINATION (Name, address and ZIP code of installation)

BILL CHARGES TO (Dept., agency, bureau, office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT

APPROPRIATION CHARGEABLE

SEAL NUMBERS

FOR CARRIER'S USE ONLY — WAYBILL NO OR FREIGHT BILL NO

APPLIED BY

WEIGHED AT: GROSS | TARE | ALLOWANCE | NET

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	COMMODITY CODE NO	NOS. ON PKGS	WEIGHTS	RATE	FREIGHT	ADVANCES

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol only)

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	B/L NO	FREIGHT BILL DATE	FREIGHT BILL NO	WAYBILL DATE	WAYBILL NO.	ORIGIN STATION	COMMODITY
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	RATE PAID IN	CAR, TRUCK OR CONTAINER (initials and number)	WEIGHT APPLIED	CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED
1					
2 PREVIOUS TRANSIT REFERENCE					
3					
4					

[1] Length/cube

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP CAR (Initials of shipper's agent)

B/L NO

FOR USE OF ISSUING OFFICE

CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY

DATED

NAME OF TRANSPORTATION COMPANY

NO

F O B POINT NAMED

DATE OF RECEIPT OF SHIPMENT

Initial carrier's agent, by signature below, certifies he received the Original Bill of Lading

ISSUING OFFICER (Name and title)

DATE

SIGNATURE OF AGENT

PER

ISSUING OFFICE (Name and complete address)

OUTBOUND JUNCTION AGENT — Show junction stamps in space and order provided. Additional junction stamps and all yard stamps to be placed on back hereof.

FIRST JUNCTION	SECOND JUNCTION	THIRD JUNCTION	FOURTH JUNCTION	DESTINATION AGENT — Stamp herein station name and date reported

1133-114

STANDARD FORM 1133 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

V 42 136 JUL 15 77 UMI

U.S. GOVERNMENT TRANSIT FREIGHT WAYBILL — CARRIER'S COPY — B/L NO.

TRANSPORTATION COMPANY TENDERED TO — ROUTE ORDER/RELEASE NO.

NO.

STOP THIS CAR OR TRUCK AT — WEIGHT IN TONS: GROSS | TARE | NET — CAR TRUCK CONTAINER: ORDERED | FURNISHED — MARKED CAPACITY: ORDERED | FURNISHED — DATE FURNISHED — DATE B/L ISSUED

FOR — CAR, TRUCK OR CONTAINER INITIALS AND NO. — KIND — CL TRANSFERRED TO CARLOAD LOADING NO. — Length | cube — WAYBILL DATE — Furnish this information in case of carload/truckload shipments only — WAYBILL NO.

ROUTE — TO — STATION — STATE — FROM — STATION — STATE

ROUTE: Show each junction and carrier in route order to destination of car — NO. — FULL NAME OF SHIPPER

CONSIGNEE: Name, address and ZIP code — MARKS

DESTINATION (Name, address and ZIP code of installation) — BILL CHARGES TO (Dept., agency, bureau, office, mailing address and ZIP code)

MOVEMENT DESIGNATED BY GOVERNMENT — APPROPRIATION CHARGEABLE

SEAL NUMBERS — FOR CARRIER'S USE ONLY — WAYBILL NO. OR FREIGHT BILL NO. — WEIGHED AT

APPLIED BY — GROSS — TARE — ALLOWANCE — NET

PACKAGES NO	PACKAGES KIND	DESCRIPTION OF ARTICLES AND EXCEPTIONS	COMMODITY CODE NO.	NOS. ON PKGS	WEIGHTS	RATE	FREIGHT	ADVANCES

If this shipment fully loads the car or truck used check ☐ YES

TARIFF OR SPECIAL RATE AUTHORITIES (CL, TL or Vol only)

TRANSIT RESHIPPING CERTIFICATE — INBOUND BILLING REFERENCES

GOVERNMENT BILL OF LADING NUMBER	GOVERNMENT BILL OF LADING DATE	BUREAU NO.	FREIGHT BILL DATE	FREIGHT BILL NO.	WAYBILL DATE	WAYBILL NO.	ORIGIN STATION	COMMODITY
1								
2 PREVIOUS TRANSIT REFERENCE								
3								
4								

ROUTE	PAID IN	CAR, TRUCK OR CONTAINER (Initials and number)	WEIGHT APPLIED	CAR-TRUCK-CONTAINER ORDERED	CAR-TRUCK-CONTAINER FURNISHED
1					
2 PREVIOUS TRANSIT REFERENCE					
3					
4				Length/cube	

CARRIER FURNISHED SERVICE AT ORIGIN ☐ PICKUP ☐ TRAP-CAR (Private or shipper's agent) — B/L NO — FOR USE OF ISSUING OFFICE — CONTRACT OR PURCHASE ORDER NO. OR OTHER AUTHORITY — DATED

NAME OF TRANSPORTATION COMPANY — F.O.B. POINT NAMED

NO. — ISSUING OFFICER (Name and title) — DATE

DATE OF RECEIPT OF SHIPMENT — Initial carrier's agent by signature below certifies he received the Original Bill of Lading — ISSUING OFFICE (Name and complete address)

SIGNATURE OF AGENT — PER

1134-114

STANDARD FORM 1134 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

THIS IS AN ACCOUNTABLE FORM

BILL CHARGES TO (Department/agency, bureau/office, address including ZIP code) — FISCAL DATA (Appropriation, authorization, etc.)

ISSUING GOVERNMENT OFFICER (Signature and office) — PLACE AND DATE OF ISSUE

TRAVELER (Type or print) — OTHERS (Number) — DEPENDENT TRAVEL CHILDREN (Names and ages): ☐ SPOUSE — SPECIAL ACCOMMODATIONS AND REQUIREMENTS

CARRIER OR AGENT TENDERED TO

FOR CARRIER USE ONLY

FORM AND TICKET NUMBER	AGENT'S VALUE	ISSUING OFFICE VALUE	STOP OVER AUTH.	CITIES FROM: / TO:	CARRIER AND CLASS OF SERVICE (First class, coach, charter, etc.)	EXCESS BAGGAGE AUTHORIZED WEIGHT	EXCESS BAGGAGE AUTHORIZED PIECES
TOTAL ▶							

(Continue service required on the reverse)

Do NOT fold, spindle or mutilate

U. S. GOVERNMENT TRANSPORTATION REQUEST
Nontransferable — Penalty for fraudulent or private use

STANDARD FORM 1169 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.2

CONDITIONS

1 The U S Government will not be responsible for charges exceeding those applicable to the transportation or accommodations of the type, class, or character authorized in this request If a service costing more than that authorized is furnished, the difference must not be billed to the Government but be borne by the traveler If circumstances require a service of a different type or of a lesser value than that authorized, the traveler shall state on the right, over his signature, the actual service furnished and the reason for the change

2 The issuing official, by his signature on the face hereof, certifies that the requested transportation is for official business

3 Carrier shall not honor request showing erasures or alterations not validated by initials of the issuing official

4 Carrier shall insert date on which travel commenced, if known

5 The nondiscrimination clause contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated herein

INSTRUCTIONS

1 Money must not be furnished in exchange for transportation requests nor may transportation requests be passed through banks for collection

2 Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41 CFR) which may be purchased from the Superintendent of Documents, U S. Government Printing Office, Washington, DC 20402 SF 1113 may be purchased from the Superintendent of Documents or reproduced in accordance with 41 CFR 101-41 202-5

3 When charges are payable in foreign funds, designate currency in the block titled "Special Accommodations and Requirements"

4 Travelers must use American-flag carriers as prescribed by 49 USC 1241 and 49 USC 1517 Statement by authorizing official or traveler justifying use of foreign-flag carrier must accompany appropriate voucher Lack of acceptable justification may render traveler financially liable See General Accounting Office standards in 4 CFR 52 2

FOR CARRIER USE ONLY (See condition 4) — DATE TRAVEL COMMENCED

SERVICE REQUIRED (Continued)

SERVICE FURNISHED IF OTHER THAN REQUESTED

STANDARD FORM 1169 BACK (REV. 3-77)

V 42 136 JUL 15 77 UMI

THIS IS AN ACCOUNTABLE FORM

BILL CHARGES TO (Department/agency, bureau/office, address including ZIP code) | FISCAL DATA (Appropriation, authorization, etc.)

ISSUING GOVERNMENT OFFICER (Signature and office)

PLACE AND DATE OF ISSUE

TRAVELER (Type or print) | OTHERS (Number) | DEPENDENT TRAVEL CHILDREN (Names and ages): ☐ SPOUSE | SPECIAL ACCOMMODATIONS AND REQUIREMENTS

CARRIER OR AGENT TENDERED TO

TRANSPORTATION AMOUNT (Traveler MUST ascertain cost of transportation and accommodations, if applicable, and record here)

$

Ticket agent WILL NOT accept this copy in lieu of original request

STOP-OVER AUTH	CITIES	CARRIER AND CLASS OF SERVICE (First class, coach, charter, etc.)	EXCESS BAGGAGE AUTHORIZED	
			WEIGHT	PIECES
	FROM			
	TO			
	FROM			
	TO			
	TO			
	TO			

(Continue service required on the reverse)

Do NOT fold, spindle or mutilate

U. S. GOVERNMENT TRANSPORTATION REQUEST
MEMORANDUM COPY

STANDARD FORM 1169-A (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.2

INSTRUCTIONS TO TRAVELER

1. This memorandum copy shall be forwarded in accordance with administrative instructions.
2. Inasmuch as the memorandum copy of the transportation request serves as a very important administrative record, care must be exercised that such copy is legible and complete in all respects when forwarded.
3. Record in the space on the right, the actual service furnished when same is of lesser value than or differs from that requested. Also include reason for the change and sign the statement.

SERVICE REQUIRED, Continued

SERVICE FURNISHED, IF OTHER THAN REQUESTED

STANDARD FORM 1169-A BACK (REV. 3-77)

REDEMPTION OF UNUSED TICKETS — *Original*

GOVERNMENT TRANSPORTATION REQUEST (GTR)

DATE | APPROPRIATION | DATE GTR ISSUED | NO.

FILE REFERENCE | PLACE ISSUED

ORIGIN | DESTINATION

FORM NO	TICKET NO	NO. OF PASSENGERS OR NO. & TYPE OF ACCOMMODATIONS	UNUSED FROM	UNUSED TO	FOR CARRIER'S USE ONLY	AMOUNT OF REFUND
					TOTAL	

REMARKS

(Name and address of carrier)

(Name and address of agency to which refund is to be made)

Gentlemen: Refund is requested for unfurnished passenger transportation services indicated above, any unused tickets involved are attached.

* See detailed instructions on reverse

1170-105

STANDARD FORM 1170 (REV. 3-77)
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.2

INSTRUCTIONS

1. Carriers should not effect adjustment by crediting the value of unused tickets in presenting charges on other bills.
2. Carriers should not request the agency to furnish any payment or billing identification of the bill which covered the charges on the U.S. Government Transportation Request involved.
3. The value of each unused ticket that appears in the listing should be inserted by the carrier on the face of the original copy of this form in the column captioned, "Amount of Refund."
4. The original copy should be returned to the agency specified on the face hereof with the check covering the refund due. Check may be made payable to the agency or the "Treasurer of the United States."

STANDARD FORM 1170 BACK (REV. 3-77)

V 42 136 JUL 15 77 UMI

CERTIFICATE IN LIEU OF LOST U.S. GOVERNMENT TRANSPORTATION REQUEST

LOST U.S. GOVERNMENT TRANSPORTATION REQUEST ▶ (Alpha prefix and serial number)

REQUEST WAS HONORED BY (Name of carrier or travel agent)

TRANSPORTATION TICKET(S) ISSUED

FORM AND TICKET NUMBER(S)	NUMBER OF PERSONS COVERED BY TICKET(S)	VALUE OF TICKET(S)
		$

TRAVEL: ☐ ONE-WAY ☐ ROUND TRIP

MODE: ☐ RAIL ☐ BUS ☐ AIR ☐ WATER

CLASS (First, coach, etc.)

POINTS OF TRAVEL: FROM (Origin)

TO (Destination)

VIA: ROUTE AND JUNCTION(S)

OTHER ACCOMMODATIONS (If any)

FIRM AND TICKET NUMBER(S)	VALUE OF TICKET(S)	ACCOMMODATION (Number and type; lower berth, upper berth, etc.)	POINTS OF TRAVEL From	POINTS OF TRAVEL To
	$			

ISSUING TICKET AGENT'S ADDRESS

ISSUE DATE

CERTIFICATION

I certify that all U.S. Government Transportation Requests honored by the above-named carrier/travel agent pass into my office; that ticket(s) as described above was (were) furnished in exchange for the specified U.S. Government Transportation Request; that the stated value(s) is (are) true and correct; that the said transportation request has been lost or misplaced and cannot be located; that this organization has not received payment for services rendered thereunder; and that, if the said transportation request is later found, it will be marked "Canceled—Certificate in Lieu Issued" and transmitted to the General Services Administration (FZATR), Chester A. Arthur Building, Washington, DC 20406, and no claim made thereon.

CERTIFIED BY (Signature)	OFFICIAL TITLE	DATE SIGNED

1172-104 ★ GPO : 1976 O - 210-461

STANDARD FORM 1172 (Rev. 3-76)
Prescribed by GSA, FPMR 101-41.202

TRANSMITTAL FOR TRANSPORTATION SCHEDULES AND RELATED BASIC DOCUMENTS

DATE

FROM (Name of Bureau or Office)

ADDRESS

DISBURSING OFFICE SYMBOL NUMBER

TO: General Services Administration (FZATR)
Chester A. Arthur Building
Washington, DC 20406

☐ TRANSMITTED HEREWITH ARE THE TRANSPORTATION ACCOUNTS FOR _____ (Month and year) INCLUDED IN THIS SHIPMENT ARE _____ (Number) PACKAGES CONTAINING _____ (Number) TRANSPORTATION VOUCHERS (SF 1113 AND SF 1171). THE BEGINNING AND ENDING SCHEDULE NUMBERS* ARE _____ AND _____. ANY BREAKS IN THE SERIAL SEQUENCE OF SCHEDULE NUMBERS* ARE LISTED AND EXPLAINED BELOW.

(Continue on plain white paper if necessary)

☐ NO PAYMENT FOR TRANSPORTATION SERVICES HAS BEEN MADE BY THE ABOVE-NAMED OFFICE FOR THE PERIOD _____ (Month and year)

SIGNATURE	TITLE

* Agencies not using voucher-schedule (SF 1166) procedures should show the beginning and ending disbursing office voucher numbers.

Standard Form 1186 (Rev. 9-75)
Prescribed by GSA, FPMR 101—41
1186-104
GPO : 1976 O - 208-628

V 42 136 JUL 15 77 UMI

CERTIFICATE OF SETTLEMENT

DATE

D O VOUCHER NUMBER

Please refer all correspondence to ▶ General Services Administration (FZATM)
Chester A. Arthur Building
Washington, DC 20406

CLAIM NUMBER

TK-

PAID BY

I CERTIFY there is due from the United States to the above-named claimant(s), payable from the appropriation(s) indicated,

the sum of $

on account of

CERTIFIED BY (*Signature*)

FOR: Director, Planning, Procedures and Services Division
Office of Transportation and Public Utilities

Paid by check drawn on the Treasurer of the United States

CHECK NUMBER

DATE

GENERAL SERVICES ADMINISTRATION

GSA FORM 7931

NOTICE OF SETTLEMENT OF CLAIM

DATE

Please refer all correspondence to ▶ General Services Administration (FZATM)
Chester A. Arthur Building
Washington, DC 20406

CLAIM NUMBER

TK-

I have certified that there is due you from the United States, payable from the appropriation(s) indicated,

the sum of $

on account of

CERTIFIED BY (*Signature*)

FOR: Director, Planning, Procedures and Services Division
Office of Transportation and Public Utilities

Certificate to cover this settlement will be transmitted to the paying office and check in payment should be received in due course unless otherwise indicated hereon.

GENERAL SERVICES ADMINISTRATION

MEMORANDUM—CLAIMANT'S NOTICE IN ADVANCE OF PAYMENT

GSA FORM 7931 (3-76)

V 42 136 JUL 15 77 UMI V

ADVICE OF PAYMENT OF SETTLEMENT AND CHECK TRANSMITTAL	DATE
Please refer all correspondence to: General Services Administration (FZATM) Chester A. Arthur Building Washington, DC 20406	CLAIM NUMBER TK-

I have certified that there is due you from the United States, payable from the appropriation(s) indicated,

the sum of $ on account of

The enclosed Treasury check is in settlement of said claim(s).

CERTIFIED BY (Signature)	
FOR: Director, Planning, Procedures and Services Division Office of Transportation and Public Utilities	

GENERAL SERVICES ADMINISTRATION CLAIMANT'S NOTICE GSA FORM 7931

SETTLEMENT CERTIFICATE

TO	CLAIM NUMBER TK-	DATE
	IN CORRESPONDENCE REFER TO ABOVE CLAIM NUMBER	
	Mail to: General Services Administration (FZATM) Chester A. Arthur Building Washington, DC 20406	

CERTIFIED BY (Signature)	FOR Director, Planning, Procedures and Services Division Office of Transportation and Public Utilities

GENERAL SERVICES ADMINISTRATION GSA FORM 7932 (3-76)

CERTIFICATE OF SETTLEMENT TRANSMITTAL	TRANSMITTAL NO.
	DATE
Please refer all correspondence to: General Services Administration (FZATM) Chester A. Arthur Building Washington, DC 20406	CLAIM NUMBER TK-

I have certified that there is due you from the United States, payable from the appropriation(s) indicated,

the sum of $ on account of

The enclosed Treasury check is in settlement of said claim(s).

CERTIFIED BY (Signature)	
FOR: Director, Planning, Procedures and Services Division Office of Transportation and Public Utilities	

GENERAL SERVICES ADMINISTRATION CLAIMANT'S NOTICE GSA FORM 7931

SETTLEMENT CERTIFICATE	TRANSMITTAL NO.
	DATE
TO	CLAIM NUMBER TK-
	IN CORRESPONDENCE REFER TO ABOVE CLAIM NUMBER
	Mail to: General Services Administration (FZATM) Chester A. Arthur Building Washington, DC 20406

CERTIFIED BY (Signature)	FOR Director, Planning, Procedures and Services Division Office of Transportation and Public Utilities

GENERAL SERVICES ADMINISTRATION GSA FORM 7932 (3-76)

V42I136 JUL 15 77 UMI

CERTIFICATE OF SETTLEMENT TRANSMITTAL

TRANSMITTAL NO.

DATE

TO:

The listed Certificates of Settlement are forwarded for processing. Please receipt one copy of this form and return it to:

General Services Administration (FZAPA)
Chester A. Arthur Building
Washington, DC 20406

GSA FILE REFERENCE	GSA FILE REFERENCE	GSA FILE REFERENCE

GENERAL SERVICES ADMINISTRATION

GSA FORM 7933 (3-76)

CERTIFICATE OF SETTLEMENT TRANSMITTAL

TRANSMITTAL NO.

DATE

TO:

The listed Certificates of Settlement are forwarded for processing. Please receipt one copy of this form and return it to:

General Services Administration (FZAPA)
Chester A. Arthur Building
Washington, DC 20406

GSA FILE REFERENCE	GSA FILE REFERENCE	GSA FILE REFERENCE

THE ABOVE-LISTED CERTIFICATES OF SETTLEMENT WERE RECEIVED ON ▶

EXCEPTIONS, IF ANY:

RECEIPT FOR GSA

SIGNATURE

TITLE

GENERAL SERVICES ADMINISTRATION

GSA FORM 7933 PAGE 2 (3-76)

[FR Doc.77-20074 Filed 7-14-77;8:45 am]

V 42 136 JUL 15 77 UMI

UMI
94-12136

federal register

FRIDAY, JULY 15, 1977

PART V

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

V 42 I 136 JUL 15 77 UMI

V

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK77–5052	May 20, 1977.
Arkansas:	
AR77–4114	June 10, 1977.
California:	
CA77–5041; CA77–5042	May 6, 1977.
CA77–5043; CA77–5044	May 20, 1977.
Connecticut:	
CT77–3405	Apr. 15, 1977.
Delaware:	
DE77–3042	Apr. 1, 1977.
Kansas:	
KS77–4019	Feb. 4, 1977.
MO77–4075; KS77–4079; KS77–4080; KS77–4081.	Apr. 8, 1977.
MO77–4160	July 8, 1977.
Louisiana:	
LA77–4104	May 20, 1977.
Michigan:	
MI77–2071	June 3, 1977.
Missouri:	
MO77–4033	Feb. 18, 1977.
MO77–4075	Apr. 8, 1977.
MO77–4160	July 8, 1977.
Montana:	
MT77–5057	June 3, 1977.
Oklahoma:	
OK77–4062	Apr. 29, 1977.
OK77–4109	June 3, 1977.
OK77–4150	July 1, 1977.
Pennsylvania:	
PA77–3028; PA77–3034	Apr. 15, 1977.
PA77–3058	May 13, 1977.
PA77–3059	May 20, 1977.
Tennessee:	
TN77–1051	May 6, 1977.
Texas:	
TX77–4071	Apr. 1, 1977.
TX77–4101; TX77–4102	May 13, 1977.
TX77–4137	July 1, 1977.
Wyoming:	
WY77–5054	May 20, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Missouri:	
MO77–4113 (MO77–4162)	June 10, 1977.
New York:	
NY77–3009 (NY77–3099)	Feb. 11, 1977.
Oklahoma:	
OK76–4160 (OK77–4163)	Oct. 1, 1976.
OK77–4062 (OK77–4164)	Mar. 11, 1977.
OK77–4065 (OK77–4166); OK77–4066 (OK77–4167).	Mar. 18, 1977.
OK77–4088 (OK77–4165)	Apr. 29, 1977.
Pennsylvania:	
PA76–3210 (PA77–3100)	July 23, 1976.
Wisconsin:	
WI77–2169 (WI77–2103)	Dec. 10, 1976.
WI77–2049 (WI77–2102)	May 6, 1977.

Signed at Washington, D.C. this 8th day of July 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION NO. CA77-5041 - Mod. #2
(42 FR 23295 - May 6, 1977)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Imperial County					
Electricains	$ 13.00	.75	3%+1.45		
Cable Splicers	13.28	.75	3%+1.45		
Orange County					
Electricians	12.54	.81	3%+1.45		.02
Cable Splicers	13.12	.81	3%+1.45		.02
Riverside County					
Electricians	12.36	.85	3%+1.65		.04
Cable Splicers	12.66	.85	3%+1.65		.04
Inyo, Mono and San Bernardino Counties					
Electricians	12.00	1.11	3%+2.00		.04
Cable Splicers	12.30	1.11	3%+2.00		.04
Tunnel:					
Electricians	13.20	1.11	3%+2.00		.04
Cable Splicers	13.50	1.11	3%+2.00		.04
San Barbara County (Vandenburg AFB)					
Electricians	14.25	1.10	3%+1.35		.03
Cable Splicers	15.25	1.10	3%+1.35		.03
Remainder of County					
Electricians	12.50	1.10	3%+1.35		.03
Cable Splicers	13.50	1.10	3%+1.35		.03
Ventura County					
Electricians	12.77	.84	3%+1.05		.02
Cable Splicers	14.05	.84	3%+1.05		.02
Lathers:					
Los Angeles County (except City of Lancaster)	12.00	.70	.90		.03

MODIFICATIONS P. 1

DECISION #AK77-5052 - Mod. #2
(42 FR 26115 - May 20, 1977)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LINE CONSTRUCTION:					
Groundmen	$14.95	.70	3%+2.00		.15
Equipment Operators; Linemen; Technicians	16.95	.70	3%+2.00		.15
Cable Splicers	18.70	.70	3%+2.00		.15
PLUMBERS:					
Area II	16.50	1.00	1.70		.10

DECISION NO. AR77-4114 - Mod. #1
(42 FR 30106 - June 10, 1977
Sebastian, Crawford and Washington Counties, Arkansas

CHANGE:					
ELECTRICIANS:					
Electricians	$ 9.90	.35	3%+5.5%		1/4%
Cable splicers	10.15	.35	3%+5.5%		1/4%
PLUMBERS-STEAMFITTERS	9.76	.45	.55		.04

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MODIFICATIONS P. 3

DECISION NO. CA77-5041 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Imperial County					
Groundmen	$ 10.40	.75	3%+1.45		
Linemen	13.00	.75	3%+1.45		
Cable Splicers	13.28	.75	3%+1.45		
Orange County					
Groundman, 1st year	10.21	.81	3%+1.45		.02
Groundman, after 1st year	10.82	.81	3%+1.45		.02
Lineman; Heavy Equipment Operators	12.54	.81	3%+1.45		.02
Cable Splicers	13.12	.81	3%+1.45		.02
Inyo, Mono and San Bernardino Counties					
Groundmen	8.89	1.11	3%+2.00		.04
Linemen	12.02	1.11	3%+2.00		.04
Cable Splicers	12.30	1.11	3%+2.00		.04
Riverside County					
Groundmen	9.12	.85	3%+1.65		.04
Linemen; Line Equipment Operators	12.38	.85	3%+1.65		.04
Cable Splicers	12.68	.85	3%+1.65		.04
Ventura County					
Groundmen	11.61	.84	3%+1.05		.02
Linemen	12.77	.84	3%+1.05		.02
Cable Splicers	14.05	.84	3%+1.05		.02
Santa Barbara County (Vandenburg AFB)					
Groundmen	11.13	1.10	3%+1.35		.03
Linemen	14.25	1.10	3%+1.35		.03
Cable Splicers	15.25	1.10	3%+1.35		.03
Remainder of County					
Groundmen	9.38	1.10	3%+1.35		.03
Linemen	12.50	1.10	3%+1.35		.03
Cable Splicers	13.50	1.10	3%+1.35		.03

MODIFICATIONS P. 4

DECISION NO. CA77-5041 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
Ventura County	$ 13.16	.80	$ 2.15		.02
Plasterers Tenders:					
Riverside and San Bernardino Counties	10.98	1.05	2.45		
Tile Setters:					
Los Angeles, Orange and Ventura Counties	11.99	.90	1.10		.09
Riverside and San Bernardino Counties	11.67	1.03	1.35		
Tile Setters' Helpers:					
Los Angeles, Orange and Ventura Counties	9.46	1.25	1.24		.13

DECISION NO. CA77-5042 - Mod. #2
(42 FR 23306 - May 6, 1977)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:
Modification No. 2 to Modification #1 - dated June 3, 1977
Electricians:
Imperial County
Electricians — 13.00 — .75 — 3%+1.45
Cable Splicers — 13.28 — .75 — 3%+1.45

MODIFICATIONS P. 5

DECISION NO. CA77-5042 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Orange County					
Electricians	$ 12.54	.81	3%+1.45		.02
Cable Splicers	13.12	.81	3%+1.45		.02
Riverside County					
Electricians	12.36	.85	3%+1.65		.04
Cable Splicers	12.66	.85	3%+1.65		.04
San Bernardino County					
Electricians	12.00	1.11	3%+2.00		.04
Cable Splicers	12.30	1.11	3%+2.00		.04
Santa Barbara County (Vandenburg AFB)					
Electricians	14.25	1.10	3%+1.35		.03
Cable Splicers	15.25	1.10	3%+1.35		.03
Remainder of County					
Electricians	12.50	1.10	3%+1.35		.03
Cable Splicers	13.50	1.10	3%+1.35		.03
Ventura County					
Electricians	12.77	.84	3%+1.05		.02
Cable Splicers	14.05	.84	3%+1.05		.02
Lathers:					
Los Angeles County (except City of Lancaster)	12.00	.70	.90		.03
Plasterers:					
Ventura County	13.16	.80	2.15		.02
Plasterers' Tenders:					
Imperial, Riverside and San Bernardino Counties	10.98	1.05	2.45		
Tile Setters:					
Los Angeles, Orange and Ventura Counties	11.99	.90	1.10		.09
Riverside and San Bernardino Counties	11.67	1.03	1.35		
Tile Setters' Helpers:					
Los Angeles, Orange and Ventura Counties	9.46	1.25	1.24		.13

MODIFICATIONS P. 6

DECISION NO. CA77-5043 - Mod. #3 (42 FR 26122 - May 20, 1977) San Diego County, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Carpenters	$ 11.26	.56	$ 1.20	.80	.07
Piledrivermen	11.39	.56	1.20	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floor-layers	11.51	.56	1.20	.80	.07
Plasterers	11.46	.65	1.75		.07

DECISION NO. CA77-5044 - Mod. #3 (42 FR 26130 - May 20, 1977) San Diego County, California					
Change:					
Carpenters:					
Carpenters	$ 11.26	$ .56	$ 1.20	$ .80	.07
Piledrivermen	11.39	.56	1.20	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floor-layers	11.51	.56	1.20	.80	.07
Plasterers	11.46	.65	1.75		.07

DECISION NO. CA77-5045- Mod #1
(42 FR 20055- April 15, 1977)
New Haven County, Connecticut

Change:
Cement masons — $9.10 — .50 — .50
Power equipment operators:
Backhoe — 9.50 — .45 — .80 — .10

DECISION #KS77-4080 - Mod. #3
(42 FR 18506 - April 6, 1977)
Shawnee County, Kansas

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters	$8.90	.40	.35		.05
Millwrights; Piledrivermen	9.275	.40	.35		.05
Electricians:					
Electricians	11.35	.45	3%+.55		.05
Cable splicers	12.48¾	.45	3%+.55		.05
Line Construction:					
Lineman	10.00	.45	3%	½%	
Cable splicers	10.50	.45	3%	½%	
Groundman, over 1 year	6.22	.45	3%	½%	
Groundman, 1st year	4.71	.45	3%	½%	
Powderman	8.29	.45	3%	½%	
Line Truck and Equipment Operators:					
1st year	6.37	.45	3%	½%	
2nd year	7.62	.45	3%	½%	
Over 2 years' experience	8.29	.45	3%	½%	
Riprunkler fitters	11.48	.65	.95	.08	

MODIFICATIONS P. 9

DECISION #KS77-4019 - Mod. #2
(42 FR 18506 - April 6, 1977)
Cloud and Riley Counties, Kansas

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.59	1.00	1.25		.03
Ironworkers:	10.90	9%	9%		
Electricians					
Structural, Ornamental, Reinforcing, Riggers, & Machinery Movers	11.95	.84	1.36	.05	
Line construction:					
Lineman, cable slicers	12.03	.40	3%		½ of 1%
Winch truck operators	8.39	.40	3%		½ of 1%
Truck drivers	7.79	.40	3%		½ of 1%
Groundman	7.17	.40	3%		½ of 1%
Pileddrivermen, Mhrf & Dock Builders	10.77	2.13	1.30	c	.12
Sheet metal workers	10.55	1.25	.81		.07

DECISION #KS77-4029 - Mod. #3
(42 FR 1-50) - April 5, 1977)
Shawnee County, Kansas

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters	$8.90	.40	.35		.05
Millwrights; Piledrivermen	9.275	.40	.35		.05
Electricians					
Sprinkler fitters	11.4-	.45			.05

MODIFICATIONS P. 8

DECISION #KS77-4072 - Mod. #5
(42 FR 1-1) - April , 1977)
Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrician	$7.60	.45	3%+.20		.05
Truck Drivers(Building Const.):					
Group I	9.323	.75	1.00		
Group II	9.373	.75	1.00		
Group III	9.45	.75	1.00		
Group IV	9.573	.75	1.00		
Group V	9.473	.75	1.00		
Group VI	9.673	.75	1.00		
Group VII	9.525	.75	1.00		
Group VIII	9.425	.75	1.00		
Changes:					
Sprinkler fitters	$12.63	.65	.95		.06

DECISION #KS77-4042 - Mod. #2
(42 FR-17?6 - April 1, 19?)
State of Delaware

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.59	1.00	1.25		.03
Ironworkers:	10.90	9%	9%		
Electricians					
Structural, Ornamental, Reinforcing, Riggers, & Machinery Movers	11.95	.84	1.36	.05	
Line construction:					
Linemen, cable slicers	12.03	.40	3%		½ of 1%
Winch truck operators	8.39	.40	3%		½ of 1%
Truck drivers	7.79	.40	3%		½ of 1%
Groundmen	7.17	.40	3%		½ of 1%
Pileddrivermen, Mhrf & Dock Builders	10.77	2.13	1.30	c	.12
Sheet metal workers	10.55	1.25	.81		.07

MODIFICATIONS P. 10

DECISION #KS77-4051 - Mod. #3
(42 FR 18609 - April 8, 1977)
Sedgwick County, Kansas

Changes:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians	$10.00	.60	3%+.25		1%
Laborers (Site Preparation & Grading):					
Group 1	5.30	.45	.35		.05
Group 2	5.45	.45	.35		.05
Group 3	5.55	.45	.35		.05
Group 4	5.70	.45	.35		.05
Group 5	5.80	.45	.35		.05
Line Construction:					
Linemen	10.00	.45	3%	½%	
Cable splicers	10.50	.45	3%	½%	
Groundman, over 1 year	6.22	.45	3%	½%	
Groundman, 1st year	4.71	.45	3%	½%	
Powderman	8.29	.45	3%	½%	
Line Truck & equipment operators:					
1st year	6.37	.45	3%	½%	
2nd year	7.62	.45	3%	½%	
Over 2 years' experience	8.29	.45	3%	½%	
Riggers:					
Riggers, Kettlemen	8.80	.28	.20		
Pitch	9.55	.28	.20		

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO77-4160 - Mod. #1 (July 8, 1977) Cass, Clay, Jackson, Platte & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas					
Change:					
Sprinkler fitters	$12.63	.65	.95		.06
Truck Drivers (Building Const.):					
Group 1	9.325	.75	1.00		
Group 2	9.375	.75	1.00		
Group 3	9.45	.75	1.00		
Group 4	9.575	.75	1.00		
Group 5	9.475	.75	1.00		
Group 6	9.675	.75	1.00		
Group 7	9.525	.75	1.00		
Group 8	9.425	.75	1.00		
Add:					
Classification Definitions					
Truck Drivers (Zone 1)					
Group 7: Transit mix, 5yds. and over					
Group 8: Transit mix, under 5 yds.					

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO77-4101 - Mod. #5 (42 FR 24177 - May 20, 1977) Statewide Louisiana					
Change:					
Electricians:					
Electricians:					
Zone 7	$10.35	.85	3%		1%
Cable splicers:					
Zone 7	10.85	.85	3%		1%
Sheet metal workers:					
Zone 4	9.75	3%+.55	.70		.16
DECISION #MO77-4021 - Mod. #2 (42 FR 23703 - June 3, 1977) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Electricians:					
Remainder of Counties:					
Building	$12.00	1.95	3%+1.06		.03
Residential	$12.00	1.95	3%+1.06		.03
DECISION #MO77-4033 - Mod. #4 (42 FR 10240 - February 15, 1977) Jasper, McDonald and Newton Counties, Missouri					
Change:					
Electricians:					
Electricians	$9.90	.35	3%+.50		.01
Cable splicers	10.25	.35	3%+.50		.01
Line Construction:					
Linemen	10.88	.45	3%+.15		5%
Lineman operator	10.37	.45	3%+.15		5%
Groundman	6.96	.45	3%+.15		5%
Groundman 1st 6 mos.	6.28	.45	3%+.15		5%
Groundman powderman	7.54	.45	3%+.15		5%
Plumbers	10.47	.35	.50		.02
Asbestos workers	10.65	.35	.72		.02

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION MT77-5057 - Mod. 3 (42 FR 28769 - June 3, 1977) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
TRUCK DRIVERS:					
Remaining Counties					
See Attached Schedule					

MODIFICATIONS P. 14

DECISION NO. MT77-5057

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: REMAINING COUNTIES					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$ 9.01	.65	.50		
Over 4 cu. yds. to and including 6 cu. yds.	9.08	.65	.50		
Over 6 cu. yds. to and including 8 cu. yds.	9.17	.65	.50		
Over 8 cu. yds. to and including 10 cu. yds.	9.25	.65	.50		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER and HELPER	8.99	.65	.50		
DRY BATCH TRUCKS:					
3 Batch or under	8.76	.65	.50		
Over 3 Batch to and including 5 Batch	8.89	.65	.50		
Over 5 Batch to and including 10 Batch	9.05	.65	.50		
Over 10 Batch to and including 15 Batch	9.21	.65	.50		
Over 15 Batch - addtional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.86	.65	.50		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters and Helpers	8.78	.65	.50		
Warehousemen, Partsmen, Cardex Men, Warehouse Expediter	8.96	.65	.50		

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MODIFICATIONS P. 15

DECISION NO. OK77-5057

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling M.H. 31 or similar Dump Wagons:					
Water Level Capacity, including Sideboards					
7 cu. yds. or less	$ 8.76	.65	.50		
Over 7 cu. yds. to and including 10 cu. yds.	8.88	.65	.50		
Over 10 cu. yds. to and including 15 cu. yds.	8.98	.85	.50		
Over 15 cu. yds. to and including 20 cu. yds.	9.19	.65	.50		
Over 20 cu. yds. to and including 25 cu. yds.	9.25	.65	.50		
Over 25 cu. yds. to and including 30 cu. yds.	9.31	.65	.50		
Over 30 cu. yds. to and including 35 cu. yds.	9.37	.65	.50		
Over 35 cu. yds. to and including 40 cu. yds.	9.43	.65	.50		
Over 40 cu. yds. to and including 45 cu. yds.	9.45	.65	.50		
Over 45 cu. yds. - additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.89	.65	.50		
SERVICEMEN	9.60	.65	.50		
POWER TRUCK DRIVER (bulk unloader type)	8.94	.65	.50		
FLAT TRUCKS:					
To and including 3 tons	8.91	.65	.50		
over 3 tons Factory rating	9.11	.65	.50		

MODIFICATIONS P. 16

DECISION NO. OK77-5057

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	$ 9.38	.85	.50		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	9.11	.85	.50		
LUMBER CARRIERS, LIFT TRUCKS	9.01	.80	.50		
POWER BROOM	8.88	.65	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	8.76	.65	.50		
Over 2,500 gallons to and including 4,500 gallons	9.05	.65	.50		
Over 4,500 gallons to and including 6,000 gallons	9.25	.65	.50		
Over 6,000 gallons to and including 8,000 gallons	9.31	.65	.50		
Over 8,000 gallons to and including 10,000 gallons	9.39	.65	.50		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	9.01	.65	.50		
TRUCK MECHANIC	9.75	.65	.50		

MODIFICATIONS P. 17

DECISION NO. OK77-4062 - Mod. #4
(42 FR 22107 - April 29, 1977)
Tulsa, Creek, Craig, Ottawa, Delaware, Mayes, and Rogers Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION:					
Linemen	$ 9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operator (pole or cat equivalent)	8.94		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed ton and half and under)	7.02		3%		1/2%
LABORERS:					
Group I	7.20	.25	.40		
Group II	7.50	.25	.40		
Group III	7.60	.25	.40		
Group IV	8.05	.25	.40		
BRICKLAYERS-STONEMASONS: Tulsa, Delaware, Ottawa, Craig, and Rogers Counties	10.09	.45	.40	.33	.06
PIPEFITTERS	11.02	.50	.65		.08
CEMENT MASONS:					
Cement masons	9.28		.40		.10
Power tool operator	9.53		.40		.10

MODIFICATIONS P. 18

DECISION NO. OK77-4109 - Mod. #3
(42 FR 28807 - June 3, 1977)
Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole and Pottawatomie Counties. Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	$10.02	.50	.50		.05
Lincoln, Pottawatomie and Seminole Counties	9.50	.50	.30		.05
CARPENTERS - ZONE II					
Carpenters	9.25	.45	.45		.09
Millwrights-Piledrivermen	9.50	.45	.45		.09
Power saw operator	9.50	.45	.45		.09
CARPENTERS - ZONE III					
Carpenters	9.11	.45	.25		.09
Power saw operator	9.36	.45	.25		.09
Millwrights-Piledrivermen	9.36	.45	.25		.09
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	9.10	.50		.25	.03
LABORERS:					
ZONE I					
Group I	7.20	.25	.40		
Group II	7.45	.25	.40		
ZONE II					
Group I	5.95	.25	.40		
Group II	6.20	.25	.40		
ZONE III					
Group I	6.10	.25	.40		
Group II	6.40	.25	.40		
ZONE IV					
Group I	5.80	.25	.40		
Group II	6.05	.25	.40		
ASBESTOS WORKERS	11.05	.45	1.00		.02
LINE CONSTRUCTION:					
Linemen	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy Equipment operator (or pole cat equivalent)	8.94		3%		1/2%

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MODIFICATIONS P. 19

DECISION NO. OK77-4109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Line truck driver (winch op.)	$ 8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman (1st year)	5.12		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed ton and half and under)	7.02		3%		1/2%

MODIFICATIONS P. 20

DECISION NO. OK77-4158 - Mod. #1
(42 FR 34228 - July 1, 1977)
Comanche County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.05	.45	1.00		.02
LABORERS:					
Group I	5.95	.25	.40		
Group II	6.20	.25	.40		
Group III	6.70	.25	.40		
LINE CONSTRUCTION:					
Linemen	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jackhammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundmen	6.57		3%		1/2%
Truck driver (flat bed, ton & half and under)	7.02		3%		1/2%
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	9.10	.50		.25	.03

MODIFICATIONS P. 21

DECISION #PA77-3028 - Mod. # 3 (42 FR 20098 - April 15, 1977) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
York County	$10.035	.55	.40		
Electricians	10.25	.45	3%+.15		.01
Ironworkers	11.28	.84	1.36		.03
Line Construction:					
Lineman	10.81	.40	3%		3/8%
Winch truck op.	7.54	.40	3%		3/8%
Groundman	6.45	.40	3%		3/8%
DECISION #PA77-3034 - Mod. # 4 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania					
Change:					
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	$10.49	.73	3%		.03
North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano. Kline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twps	10.37	.55	3%+.25	f	g
Remainder of County	10.95	.35	3%+.20		.05
Ironworkers	11.80	.84	1.36		.02

MODIFICATIONS P. 22

DECISION #PA77-3058 - Mod. # 2 (42 FR 24702 - May 13, 1977) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$11.36	.70	.40		
Electricians	10.90	4%	6%+3%		½ of 1%
Sprinkler Fitters	11.86	.65	.95		.08
DECISION PA77-3059 - Mod. # 1 (42 FR 26176 - May 20, 1977) Luzerne County, Pennsylvania					
Change:					
Asbestos Workers	$10.70	.65	.60		.01
Bricklayers & Stonemasons:					
Nescopeek, Hollenback & Salem Twps.	9.25	.55	.70		.01
Electricians:					
Hazleton:					
Commercial	10.37	.55	3%+.25	a	b
Remainder of County	10.74	.50	3%+.75		.03
Ironworkers:					
Structural & Ornamental	11.90	e			.10
Reinforcing	11.80	e			.10
Painters:					
Pittston:					
Brush & Rollers	8.40		1.20		
Steel	9.40		1.20		
Piledriwermen	10.77	2.13	1.30	g	.12
Soft floor layers	8.88	.40	.50		.03
OMIT:					
Cement masons:					
Hazleton & Freeland	8.075				
AND:					
Cement masons:					
All North of Hazleton, extending half-way between Wilkes-Barre and Hazleton, Harleigh, Jeddo, Cranberry, Foster Twp., Butler, Twp., Dennison Twp., Sugarloaf Twp., Conyngham, Provs. S. Johns., Borough of Freeland, Borough of White Haven, Banks Twp; Beaver Meadows, Treskow, Jeansville, and Auburn	11.25				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #W77-4137 - Mod. 11 (42 FR 34243 - July 1, 1977) Armstrong, Carson, Castro, Child-ress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hans-ford, Hartley, Hemphill, Hutch-inson, Lipscomb, Ochil-tree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change: Plumbers	$ 9.21	.45	.65	.60	
DECISION #W77-5054 - Mod. #2 (42 FR 26138 - May 20, 1977) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Change: BOILERMAKERS ELECTRICIANS: Goshen, Laramie, Niobrara and Platte Counties	$11.30	.85	1.00	.02	
Electricians Converse and Natrona Counties	10.85	.42	3%+.25	3/40fl%	
Cable Splicers Contracts $150,000 and under:	11.10	.42	3%+.25	3/40fl%	
Electricians Contracts over $150,000:	9.15	.42	3%+.25	3/40fl%	
Electricians	10.35	.42	3%+.35	3/40fl%	

MODIFICATIONS P. 25

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NO. M077-4162
Supersedes Decision No. M077-4113 dated June 10, 1977 in 42 FR 30112
DESCRIPTION OF WORK AND LOCATION
Highway Construction
(Statewide)
Heavy Construction

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: Pensions	Vacation	Education and/or Appr. Tr.
Adair				
Andrew				
Atchison				
Audrain				
Barton				
Bates				
Benton				
Bollinger				
Boone				
Buchanan				
Caldwell				
Callaway				
Camden				
Cape Girardeau				
Carroll				
Cass				
Cedar				
Chariton				
Clark				
Clay				
Clinton				
Cole				
Cooper				
Crawford				
Dade				
Dallas				
Daviess				
DeKalb				
Franklin				
Gasconade				
Gentry				
Greene				
Grundy				
Harrison				
Henry				
Hickory				
Holt				
Howard				
Jackson				
Jasper				
Jefferson				
Johnson				
Knox				
Laclede				
Lafayette				
Lawrence				
Lewis				
Lincoln				
Linn				
Livingstmn				
McDonald				
Macon				
Madison				
Marias				
Marion				
Mercer				
Miller				
Monteau				
Monroe				
Montgomery				
Morgan				
Newton				
Nodaway				
Osage				
Perry				
Pettis				
Phelps				
Pike				
Platte				
Polk				
Pulaski				
Putnam				
Ralls				
Randolph				
Ray				
St. Charles				
St. Clair				
St. Francois				
St. Louis and City				
Saline				
Schuyler				
Scotland				
Scott				
Shelby				
Sullivan				
Vernon				
Warren				
Washington				
Worth				

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Modified # W77-1051 - Mod. # 1, (42 FR 25146 - May 6, 1977) Madison County, Tennessee.					
Change: Bricklayers Tile setters	7.05 6.15	.30 .30			
Laborers: Building Cleaners Bulldozer Crader Paving mahine Roller					
DECISION #W77-4071 - Mod. #5 (42 FR 17747 - April 1, 1977) El Paso County, Texas					
Change: Plasterers	$ 7.88	.67			.01
DECISION #TX77-4101 - Mod. #4 (42 FR 24705 - May 13, 1977) Bexar County, Texas					
Change: Asbestos workers	10.35	.60	.60		.=
DECISION #TX-4108 - Mod. #8 (42 FR 24747 - May 13, 1977) Galveston & Harris Cos., Texas					
Change: Line construction: Lineman & cable splicer	11.62	.40	3%		1/2%
Groundmen (1st 6 mos.)	4.07	.40	3%		1/2%
Groundmen (2nd 6 mos.)	4.88	.40	3%		1/2%
Groundmen	6.74	.40	3%		1/2%

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	$ 9.96	.50	.70	.50	.03
Zone 2	11.00	.50	.30		.05
Zone 3	10.46	.50	.70		
Zone 4	9.81	.50	.70	.50	.03
Zone 5	10.45	.50	.30		.03
Zone 6	9.85	.50	.30		.03
Zone 7	8.95	.50	.70	.50	.03
Zone 8	10.45	.20			.03
Zone 9	10.32	.33			.03
Zone 10	10.22	.23			.03
Zone 11	10.17	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
Zone 2 - Clay, Jackson, Platte and Ray Counties
Zone 3 - St. Louis County & City
Zone 4 - Pike, St. Francois & Washington Counties
Zone 5 - Cass and Lafayette Counties
Zone 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties
Zone 8 - Boone, Cooper & Howard Counties
Zone 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, MOnroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 11 - Cole, Miller, Moniteau and Osage Counties

CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	9.475	.40	.50	.50	
Zone 2	10.93				
Zone 3	9.50	1.00	.95		
Zone 4	10.20	.40	.50	1.25	
Zone 5	7.25	.80	.40	.45	
Zone 6	8.75				
Zone 7	9.325				
Zone 8	10.30				
Zone 9	7.40				
Zone 10	9.30	.40	.50		
Zone 11	10.30				
Zone 12	10.15	1.00	.95		

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass and Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski, and Texas Counties
Zone 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00
Zone 4 - Clay, Jackson, Platte and Ray Counties
Zone 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
Zone 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan and Putnam Cos.
Zone 9 - Barry, Barton, Jasper, Lawrence, McDonald, Newton and Vernon Cos.
Zone 10 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Cos.
Zone 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Cos.
Zone 12 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington [illegible] and over.

ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1					
Electrical contracts over $7,500.00	10.38	4%	3%	11.5%	½%
Electrical contracts $7,500.00 and under	8.43	4%	3%	11.5%	½%
Zone 2	11.22	.38	3%+.51	.80	.06
Zone 3					
Electrical contracts over $5,000.00	11.22	.39	3%+.51	.80	.06
Electrical contracts $5,000.00 and under	10.67	.39	3%+.51	.80	.06
Zone 4					
Electrical contracts over $5,000.00	11.22	.39	3%+.81	.80	.08
Zone 5					
Electrical contracts over $5,000.00	11.22	.39	3%+.81	.80	.06
Electrical contracts $5,000.00 and under	10.06	.39	3%+.51	.80	.06
Zone 6	10.95	.62	3%+.5½%	15½%	.10
Zone 7					
Electrical contracts over $15,000.00	10.95	.62	3%+5½%	15½%	.10
Zone 8					
Electrical contracts $15,000.00 and under	10.25	.62	3%+5½%	15½%	.10
Zone 9					
Electrical contracts $15,000.00 and under	7.93	.62	3%+5½%	15½%	.10
Zone 10					
Electrical contracts $15,000.00 and under	5.80	.62	3%+5½%	15½%	.10

ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11	10.325	.47	3%+.50	6%	.02
Zone 12	10.815	.47	3%+.50	6%	.02
Zone 13	11.24	.60	3%	7%	.01
Zone 14					
Electrical contracts over $10,000.00	11.47	.60	3%	7%	.01
Electrical contracts $10,000.00 and under	11.24	.60	3%	7%	.01
Zone 15					
Electrical contracts over $10,000.00	11.83	.60	3%	7%	.01
Electrical contracts $10,000.00 and under	11.24	.60	3%	7%	.01
Zone 16					
Electricians	9.90	.35	3%+.50		.01
Cable splicers	10.25	.35	3%+.50		.01
Zone 17					
Electricians	10.99	.27	3%	7%+.30	½ of 1
Cable splicers	11.24	.27	3%	7%+.30	½ of 1

AREAS COVERED BY ELECTRICIANS ZONES

Zone 1 - Adair, Audrain (that part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under

Zone 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill

Zone 3 - Remainder of Clay, Jackson, Platte & Cass Cos.:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

Zone 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

Zone 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

Zone 6 - St. Charles County, St. Louis County and City

Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Cos.:
Electrical contracts over $15,000.00

Zone 8 - Franklin, Jefferson, Lincoln and Warren Cos.
Electrical contracts $15,000.00 and under

Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contract $15,000.00 and under

Zone 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Marid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties:
Electrical contracts $15,000.00 and under

Zone 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties

Zone 12 - Pulaski County

Zone 13 - Andrew, Buchanan, Clinton and DeKalb Counties

Zone 14 - Caldwell, Daviess, Gentry, Holt and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under

Zone 15 - Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00

Zone 16 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties

Zone 17 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1	10.625	.55	.70		.05
Zone 2	9.60	.70	1.00	1.00	.05
Zone 3	9.475	.70	1.00	1.00	.05
Zone 4	9.60	.45	.65		.12
Zone 5	10.75	.55	.65		
Zone 6	8.50	.45	.40		.04
Zone 7	8.90	.45	.65		.02

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.

Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.

Zone 3 - Christian, Dade, Douglas, Greene and Webster Cos.

Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.

Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.

Zone 6 - Howell, Oregon, Ozark and Taney Cos.

Zone 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1					
Zone 1	7.98	.50	.50	.50	.10
Zone 2	6.58	.50	.50	.50	.10
Zone 3	6.58	.50	.50	.50	.10
Zone 4	8.75	.40	.50		.10
Zone 5	7.85	.40	.50		.10
Zone 6	7.85	.40	.50		.10
GROUP 2					
Zone 1	8.13	.50	.50	.50	.10
Zone 2	6.73	.50	.50	.50	.10
Zone 3	6.73	.50	.50	.50	.10
Zone 4	8.90	.40	.50		.10
Zone 5	8.00	.40	.50		.10
Zone 6	8.00	.40	.50		.10
GROUP 3					
Zone 1	8.28	.50	.50	.50	.10
Zone 2	6.88	.50	.50	.50	.10
Zone 3	6.88	.50	.50	.50	.10
Zone 4	9.05	.40	.50		.10
Zone 5	8.15	.40	.50		.10
Zone 6	8.15	.40	.50		.10
GROUP 4					
Zone 1	8.48	.50	.50	.50	.10
Zone 2	7.08	.50	.50	.50	.10
Zone 3	7.08	.50	.50	.50	.10
Zone 4	9.25	.40	.50		.10
Zone 5	8.35	.40	.50		.10
Zone 6	8.35	.40	.50		.10
GROUP 5					
Zone 1	8.73	.50	.50	.50	.10
Zone 2	7.33	.50	.50	.50	.10
Zone 3	7.33	.50	.50	.50	.10
Zone 4	9.50	.40	.50		.10
Zone 5	8.60	.40	.50		.10
Zone 6	8.60	.40	.50		.10

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers

GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; chrun drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen

GROUP 5 - Fourth Semi-Skill - Manhole builders, - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Jasper, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Calloway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
Group 1	8.80	.50	.50	.75	.10
Group 2	8.95	.50	.50	.75	.10
Group 3	9.10	.50	.50	.75	.10
Group 4	9.30	.50	.50	.75	.10
Group 5	9.60	.50	.50	.75	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; from setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling cresote ties or creosote materials; men working with and handling epoxy material or materials (where special protectionis required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar man on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 7 - Clay, Jackson, Platte and Ray Counties

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 8 - St. Louis City and County:					
General laborer	9.575	.45	1.00		
Plumbers laborer	9.65	.45	1.00		
Dynamiter or powderman	10.075	.45	1.00		
Pier hole	9.825	.45	1.00		
LINE CONSTRUCTION:					
Zone 1					
Lineman	11.39	.45	3%+.15		4%
Lineman operator	10.06	.45	3%+.15		4%
Groundman powderman	7.90	.45	3%+.15		4%
Groundman	7.50	.45	3%+.15		4%
Groundman (1st year)	6.43	.45	3%+.15		4%
Zone 2					
Lineman	10.88	.45	3%+.15		4%
Lineman operator	10.37	.45	3%+.15		4%
Groundman powderman	7.54	.45	3%+.15		4%
Groundman	6.96	.45	3%+.15		4%
Groundman (1st year)	5.28	.45	3%+.15		4%
Zone 3					
Lineman & cable splicers	10.75	.40	3%	12%%	4%
Groundman - winch driver	7.90	.40	3%	12%%	4%
Groundman - driver	7.62	.40	3%	12%%	4%
Equipment operator	9.61	.40	3%	12%%	4%
Groundman - 1st 6 mos.	6.11	.40	3%	12%%	4%
Groundman - next 12 mos.	6.36	.40	3%	12%%	4%
Groundman - next 12 mos.	6.90	.40	3%	12%%	4%
Groundman - thereafter	7.62	.40	3%	12%%	4%
Zone 4					
Lineman	10.58	.45	1%		.25%
Groundman - Class I	9.02	.45	1%		.25%
Groundman - Class II	7.38	.45	1%		.25%
Groundman - Class A	6.72	.45	1%		.25%
Groundman - 1st. 6 mos.	6.42	.45	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jamkson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clar, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawfmrd, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties.

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Brush and roller	10.19	.55	.70		.08
Spray	11.19	.55	.70		.08
Bridge	10.94	.55	.70		.08
ZONE 2					
Brush	8.15		.25		
Spray	8.90		.25		
ZONE 3					
Brush	7.05				
Spray	7.45				
ZONE 4					
Brush and roller	8.75	.70	.35		
Spray, structural steel and sandblasting	10.80	.70	.35		

PAINTERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5					
Brush	9.25				
Bridge	10.00				
Spray; storage bins & storage tanks underground, storage bins & storage tanks above ground which are over (40) ft. in height or depth; sandblasting operator; work performed on bridges 75 ft., in height	10.25				
All structural steel over 50 ft. in height	10.00				
ZONE 6					
Brush	9.20	.45	.35		
Spray	10.20	.45	.35		
Structural steel 30 ft. or more	9.60	.45	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	7.92		.30		
Spray	8.295		.30		
ZONE 9					
Brush	9.35		.20		
Spray	9.85		.20		
ZONE 10					
Brush	10.88	.42	.30		.04
Spray	11.58	.42	.30		.04
ZONE 11					
Brush	9.05		.50		
Spray, bridgemen, steelman	9.55		.50		
ZONE 12					
Brush	7.50				
Structural steel	8.00				
Spray	6.80				

AREAS COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Marion, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair, Knox, Lima, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Dallas, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 10 - Jefferson, St. Charles and St. Louis & City Counties
ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 12 - St. Francois and Ste. Genevieve Counties

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.10	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 2					
GROUP I	10.17	.50	1.00		
GROUP II	10.17	.50	1.00		
GROUP III	9.62	.50	1.00		
GROUP IV	9.17	.50	1.00		
GROUP V	10.97	.50	1.00		
GROUP VI	11.72	.50	1.00		
GROUP VII	12.17	.50	1.00		
GROUP VIII	12.92	.50	1.00		
GROUP IX	10.67	.50	1.00		
GROUP X	9.17	.50	1.00		
ZONE 3					
GROUP I	10.25	.35	.65	.40	.02
GROUP II	10.05	.35	.65	.40	.02
GROUP III	9.85	.35	.65	.40	.02
GROUP IV	9.25	.35	.65	.40	.02
GROUP V	10.50	.35	.65	.40	.02
GROUP VI	10.75	.35	.65	.40	.02
GROUP VII	11.20	.35	.65	.40	.02
ZONE 4					
GROUP I	9.80	.35	.65	.40	.02
GROUP II	9.45	.35	.65	.40	.02
GROUP III	9.25	.35	.65	.40	.02
GROUP IV	8.40	.35	.65	.40	.02
GROUP V	10.05	.35	.65	.40	.02
GROUP VI	10.30	.35	.65	.40	.02
GROUP VII	10.55	.35	.65	.40	.02

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.90	.50	1.00	.75	.10
GROUP III	9.70	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.85	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
ZONE 6					
GROUP I	9.35	.50	1.00	.75	.10
GROUP II	9.00	.50	1.00	.75	.10
GROUP III	8.80	.50	1.00	.75	.10
GROUP IV	7.60	.50	1.00	.75	.10
GROUP V	9.35	.50	1.00	.75	.10
GROUP VI	9.60	.50	1.00	.75	.10
GROUP VII	9.85	.50	1.00	.75	.10
GROUP VIII	8.10	.50	1.00	.75	.10
ZONE 7					
GROUP I	10.35	.50	.25		.02
GROUP 2	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02
ZONE 8					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoisting engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, BMS, OP Equal); throttle man; track crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operators: tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper, siphons and jets; sub-grading machine operator; tank car heater operator-combinatin boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib)

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley

GROUP II - Air tugger 2/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine, boat operator-push boat or tow boat (job-site); boiler,high pressure breaking in period; boom truck; placing or erecting; boring machine footing foundaion; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-green); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant,power, generating-job site;pump, self-powered, over 2" (one operator will oprate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine; automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered,

POWER EQUIPMENT OPERATORS ZONE 2 CONTD:

GROUP III CONTD: - automatic controlled over 2" during use in connection with construction work; sweeper, street, welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure, oiler engineer; operating under ten pounds

GROUP VI - Air pressure, oiler engineer operating over ten pounds

GROUP VII - Air pressure engineer operating under ten pounds

GROUP VIII - Air pressure engineer operating over ten pounds

GROUP IX - Crane-piledriving with loads, crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X - Heaters

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane

Work in tunnel or tunnel shaft, .25¢ above base rate.

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel op.

GROUP II - A-frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator, concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker powerbroom - self-propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD:

GROUP II - Boilers - 1; chip spreader (front man); chrun drill operatmr; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; firmman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance op.; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator, Siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combaination Boiler & Booster); ulmac, ulric or similar spreader; vibrating machine opmratnr, not hand; welding machine maintenance mperatmr - 1; Trantsm opmratnr (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline opmrator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or pilmdrivers, 150' to 200' of boom (incl.jib)

GROUP VII - Crane, rigs or pilmdrivers 200 ft. of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gumge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop mperator all types; trenching manhine operator; truck crane

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; power-broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD:

GROUP III - Boilers - 1; chip spreader (front man); chrun drill operator; clef plane operator; compressor maintenance operatmr - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenence operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator; other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator; self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (incl. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christina, Greene, Jasper, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon Webster and Wright Counties

NOTICES 36755
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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - St. Louis City and County					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week
b - Employer contribution of $12.50 per week
c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.
d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks
GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity
GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
GROUP 1	8.89	.75	1.00	.75	
GROUP 2	9.09	.75	1.00	.75	
GROUP 3	9.40	.75	1.00	.75	
GROUP 4	9.55	.75	1.00	.75	
GROUP 5	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, simple axle; tank wagon, simple axle
GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump, excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
GROUP 3 - A-frame, low hay, boom
GROUP 4 - Mechanics & welders
GROUP 5 - Mechanic's helpers; oilers, & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1	10.90				
GROUP 2	11.05				
GROUP 3	11.12				
GROUP 4	11.02				
GROUP 5	10.80				
ZONE 4					
GROUP 1	10.20				
GROUP 2	10.35				
GROUP 3	10.42				
GROUP 4	10.31				
GROUP 5	10.10				
ZONE 5					
GROUP 1	9.69	.50	1.00		
GROUP 2	9.84	.50	1.00		
GROUP 3	9.91	.50	1.00		
GROUP 4	9.80	.50	1.00		
GROUP 5	9.59	.50	1.00		
ZONE 6					
GROUP 1	8.83	.50	.75		
GROUP 2	8.98	.50	.75		
GROUP 3	9.10	.50	.75		
GROUP 4	8.99	.50	.75		
GROUP 5	8.73	.50	.75		
ZONE 7					
GROUP 1	8.10	.50	1.00		
GROUP 2	8.25	.50	1.00		
GROUP 3	8.37	.50	1.00		
GROUP 4	8.26	.50	1.00		
GROUP 5	8.00	.50	1.00		

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Gentry, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Monitaeu, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: JEFFERSON
DECISION NO.: NY77-3099 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY77-3009 dated February 11, 1977 in 42 FR 8956.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.15	.81	.35		.04
BOILERMAKERS	11.50	.75	10%		.02
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS & TILE SETTERS	10.71	.55	.60	a	.02
CARPENTERS, (BUILDING):					
Carpenters and soft floor layers	9.60	.55	.50	d	.005
Millwrights	9.85	.55	.50	d	.005
Piledrivermen	9.75	.55	.50	d	.005
CARPENTERS, HEAVY AND HIGHWAY:					
Carpenters and Piledrivermen	9.47	.55	.70	f	.025
CEMENT MASONS, HEAVY AND HIGHWAY	9.05	.55	.60		
ELECTRICIANS:					
Electricians	10.13	.60	17+.60		.8 of 1%
Cable Splicers	10.38	.60	17+.60		.8 of 1%
GLAZIERS	7.90	.50			.01
IRONWORKERS:					
Antwerp, Philadelphia, Leray, Wilna, Champion:					
Structural, ornamental and reinforcing	10.10	.78	.92		.04
Remainder of County:					
Structural, ornamental and reinforcing	10.86	.77	.92		.15
LABORERS, (BUILDING):					
Laborers	7.05	.55	.80	e	
Chain saw op., jackhammer op., scaffold builder, mortar mixer, pipelayer, gas buggy op., wagon drill and wagon jack op., vibrator op., and all air or electric tools (electric tools used in place of air tools), hod carriers (for plasterers only)	7.25	.55	.80	e	

DECISION NO. NY77-3099	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Sandblasters on construction clean up when laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	$ 7.25	.55	.80	e	
Blasters	7.65	.55	.80	e	
LEAD BURNERS	10.75	.40	.25	b	.01
LINE CONSTRUCTION:					
Lineman	11.10	.65	17+.60	c	1/2%
Cable Splicer	12.21	.65	17+.60	c	1/2%
Groundman digging machine operator	9.99	.65	17+.60	c	1/2%
Groundman mobile equipment operator	8.88	.65	17+.60	c	1/2%
Groundman truck driver	8.325	.65	17+.60	c	1/2%
Groundman dynamiteman & mechanic	8.88	.65	17+.60	c	1/2%
PAINTERS: HIGH-RISE	80% Bldg.	.25	.45		
PAINTERS:					
Brush & roller	7.90	.25	.45		
Swing staging & bosun chair	8.25	.25	.45		
Steel, sandblasting, window jacks	8.25	.25	.45		
PLUMBERS AND STEAMFITTERS	10.15	.77	.50		.05
ROOFERS	10.35	1.00	1.35		
SHEET METAL WORKERS	10.655	.60	.80		.07
SPRINKLER FITTERS	11.86	.65	.95		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY77-3099

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: B,C,&D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday; X-Mas Eve and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

d. Holiday: Labor Day, Memorial Day, Thanksgiving Day providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B,D and E provided employee works the working day before and the working day after the holiday.

f. Holidays: Labor Day & Memorial Day.

DECISION NO. NY77-3099	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	$ 7.69	.60	.90	a	
CLASS B	7.89	.60	.90	a	
CLASS C	8.09	.60	.90	a	
CLASS D	8.29	.60	.90	a	

LABORERS DEFINITIONS

CLASS A
Laborers, drill helper, flagman, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete boatman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and singe diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-1092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
CLASS 1	$10.03	.85	.60	a	.10
CLASS 2	9.53	.95	.60	a	.10
CLASS 3	8.51	.95	.60	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

CLASS 1

Asphalt and blacktop roller; automated concrete spreader (CMI or equivalent); Automated fine grade machine (CM); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration Equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operators)

CLASS 2

"A" Frame truck; Blacktop plant non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Forklift ~~(factory rating less than 15 ft.); Front end loader (under 4 cu. yds.);~~ Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); maintenance greaseman; mixer for stabilized base - self propelled (Seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver

DECISION NO. NY77-3060

POWER EQUIPMENT OPERATORS: Building Construction (CONT'D)

CLASS 2 (CONT'D)

(truck or tractor mounted); Power sweeper (Wayne or similar); PUMP 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

CLASS 3

Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heater man (hay drier) Pump (under 4"); Revinius widner (road widner); Steam cleaner or Jenny; Tractor with ot without towed accessories

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

DECISION NO. NY77-3099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
GROUP I	$ 10.05	1.00	.60	a	.15
GROUP II	9.72	1.00	.60	a	.15
GROUP III	9.00	1.00	.60	a	.15
GROUP IV	8.17	1.00	.60	a	.15

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rates 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if secondman is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trenchor, tugger-hoist, winch, winch cat

DECISION NO. NY77-3099

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP III

A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV

Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity) compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing the employee works the working day before and after the holiday.

DECISION NO. NY77-3099	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS 1	$ 8.04	.65	.70	a	
CLASS 2	8.09	.65	.70	a	
CLASS 3	8.14	.65	.70	a	
CLASS 4	8.29	.65	.70	a	
CLASS 5	8.44	.65	.70	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser

CLASS 2
Tandems, hitch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Garfield
DECISION NO.: OK77-4163 DATE: Date of Publication
Supersedes Decision No. OK76-4160 dated October 1, 1976 in 41 FR 43629
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.05	.45	1.00		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	8.45				
CARPENTERS:					
Carpenters	8.10				
Millwrights-Piledrivermen	8.65				
CEMENT MASONS	7.50				
ELECTRICIANS:					
Zone I	9.55	.50	3%+.50		1/2%
Zone II	9.80	.50	3%+.50		1/2%
Zone III	10.05	.50	3%+.50		1/2%
CABLE SPLICERS:					
Zone I	9.80	.50	3%+.50		1/2%
Zone II	10.05	.50	3%+.50		1/2%
Zone III	10.30	.50	3%+.50		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in the City of Enid.

Zone II - The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

Zone III - The area outside zone 1 and 2 within the local union area.

ELEVATOR CONSTRUCTORS	8.855	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	50%JR				
GLAZIERS	8.60				
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I	5.80	.25	.40		
Group II	6.05	.25	.40		
Group III	6.65	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, and clearing of debris; loading and unloading of materials, hoist or cages, [illegible] when the man is directly tenders; and common laborers.

LABORERS CLASSIFICATION DEFINITIONS)CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and hay mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding, operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$ 9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under	7.02		3%		1/2%
MARBLE SETTERS	9.40		.30		
PAINTERS:					
Group I	6.25				
Group II	6.75				
Group III	7.75				
Group IV	7.25				
Group V	7.60				
Group VI	8.25				
Group VII	8.60				

PAINTERS CLASSIFICATION DEFINITIONS

Group I - Brush and tapers
Group II - Sandblasters
Group III - Swinging stage or chair up to 40 ft.; structural steel; tanks and towers 25 ft. and up to 40 feet (brush paid from ground)
Group IV - Sandblasters, on work over 40 ft. (paid from ground)
Group V - Spray painting
Group VI - Swinging stage or chair over 40 feet
Group VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-Pipefitters	$10.97	.60	.85		.10
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.55	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (boom 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fork-on tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type.
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, loaders under jurisdiction of operators, engineers, fireman, helper operators, [illegible] tractor with or without attachments, [illegible] plant operator - [illegible] belt bull handling, scale operators, concrete pump, form conveyor, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or cantilever.

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling.
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	8.60	.45	.25		.04
SHEET METAL WORKERS	9.91	.45	.40		.05
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	9.10	.50		.25	.03
STEAMFITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.40		.30		
TERRAZZO WORKERS HELPERS	6.98				
TERRAZZO WORKERS HELPER, FLOOR MACHINE OPERATOR	7.08				
TERRAZZO WORKERS HELPER, BASE MACHINE OPERATOR	7.28				
TILE LAYERS	9.40		.30		
TILE AND MARBLE HELPERS (Experienced helpers)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch & floats.
GROUP II - Heavy earth moving equipment such as dump trucks and euclids.
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks.

WELDERS - receive rate prescribed for craft to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b - Paid Holidays, A through F
PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Muskogee, Adair & Cherokee
DECISION NO: OK77-4164 DATE: Date of Publication
Supersedes Decision No. OK77-4062 dated March 11, 1977 in 42 FR 13747
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories), and heavy construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-STONEMASONS	9.36	.45	.40		.04
CARPENTERS:					
Carpenters	8.50	.45	.65		.06
Millwrights-Pile driversmen	9.00	.45	.65		.06
CEMENT MASONS:					
Cement masons	8.55				
Power tool operator	8.80				
ELECTRICIANS:					
ZONE I - A 20 mile radius from East Office of City of Muskogee					
ZONE II - Area outside zone I					
ZONE I					
Electricians	9.73	.60	3%		1/2%
Cable splicers	10.13	.60	3%		1/2%
ZONE II					
Electricians	10.03	.60	3%		1/2%
Cable splicers	10.43	.60	3%		1/2%
ELEVATOR CONSTRUCTORS	9.66	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	50%JR				
GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group 1	6.40	.35	.40		
Group 2	6.70	.25	.40		
Group 3	6.90	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots, loading and unloading of materials and equipment, loading and unloading of materials to and from hoist or cages for stock piling only, wheeling and placing of concrete, handling of lumber, steel cement and distribution of materials, all cleaning, including cleaning of windows, wrecking [illegible] building and all structures, cleaning and clearing of [illegible], loading and unloading of materials, hoist or cages, except when the same is directly tending lathers, masons, or plasterers, water boys, when used, carpenter tenders, and common laborers

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II
All machine tool operators that come under the jurisdiction of the laborers, all sewer and drain tile layers and handling at the ditch, excluding distribution, operators of water pumps up to four inches and slip form jacks, and plasterers, mortar mixers, hod carriers and dry fixers, high work over 30 feet from the ground or floors, cement finisher helper, work on swinging scaffold, all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machine, pump-crete machines, and gunite mixing machine, including placing of concrete, handling, creosoted or treated materials, liquid acids, or like material when injurious to health, eye and skin or clothes, all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers, all scale men on batch plants, all laborers screening sand, running sand drier, and feeding, operating sand blaster, except nozzle, signal men and cutting torch operators in connection with laborers' work, concrete grader
GROUP III
Wagon drill operator and powderman or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 7.65				.01
LINE CONSTRUCTION:					
Lineman	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy Equipment operator (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.02		3%		1/2%
PAINTERS:					
Brush and roller	7.45		.40	.20	.07
Highwork and stage	7.85		.40	.20	.07
Sandblasting	8.10		.40	.20	.07
Spray painting	8.10		.40	.20	.07
Hot or bituminous	8.75		.40	.20	.07
Hazardous work	9.65		.40	.20	.07
Sheetrock power tools	7.80		.40	.20	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	10.10	.45	.50		.12
Group 2	9.85	.45	.50		.12
Group 3	9.60	.45	.50		.12
Group 4	9.35	.45	.50		.12
Group 5	9.10	.45	.50		.12
Group 6	8.85	.45	.50		.12
Group 7	8.45	.45	.50		.12
Group 8	8.35	.45	.50		.12
Group 9	8.15	.45	.50		.12
Group 10	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 200' of boom or over (including jib)
GROUP II
All crane type equipment with 150-200' of boom (including jib)
GROUP III
All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg.), sidebeam (booms 30' and over), guy derrick
GROUP IV
Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sidebeam (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V
Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type
Welders for machines not listed under the above classifications shall receive the scale comparable to these classifications.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VI
Locomotive engineer, boring machine, tug boat, mixer, 15 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 5 thru 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) mucks, battery, 3 thru 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operating engineers, fireman, boiler operator, crusher plant, oiler distributor, pulverizer, farmer tractor-with or without attachments, batch plant operator - dual, continuous or belt bulk handling, screed operator, concrete pump, farm grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines
ENGINEERS for machines not listed under the above classifications shall receive the scale comparable to these classifications.
GROUP VII
Greaser, tilt top trailer operator
GROUP VIII
Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling
GROUP IX
Asphalt lay machine back end man, helpers
GROUP X
Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-STEAMFITTERS	$11.30	.50	.80		.15
ROOFERS	8.40	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS HELPER	8.19				
TERRAZZO WORKERS FLOOR OPERATOR	8.30				
TERRAZZO WORKERS BASE MACHINE OP.	8.51				
TILE LAYERS	9.29		.30		
TRUCK DRIVERS:					
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I
Pick-up ½ tons, or 2½ yards and up to but not including 3 tons or 6 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II
3 tons or 6 yards and up to but not including 4 tons or 6 yards
GROUP III
4 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, cat-tds, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV
Ready-mix concrete trucks up to but not including 3 yards
GROUP V
Ready-mix concrete trucks 3 yards and over

FOOTNOTES:
a. 1st 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays - A through F
PAID HOLIDAYS:
A-New Years Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Wagoner
DECISION NO.: OK77-4165 DATE: Date of Publication
Supersedes Decision No. OK77-[illegible] dated April 29, 1977 in 42 FR 22110
DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.[illegible]	.45	.60		.015
BOILERMAKERS	10.[illegible]	.50	1.05		.02
BRICKLAYERS	[illegible]	.45	.40		.04
CARPENTERS:					
Carpenters	[illegible]	.45	.65		.06
Millwrights-Pile driversmen	[illegible]	.45	.65		.06
CEMENT MASONS:					
Zone I - That portion of [illegible] county on a diagonal line from the northwest corner of Wagoner to the Southeast corner of [illegible]	[illegible]		.40		.10
Zone II - Remainder of Wagoner Co.					
ELECTRICIANS:					
Zone I					
Electricians	9.[illegible]	.60	3%		1/2%
Cable splicers	10.[illegible]	.60	3%		1/2%
Zone II					
Electrician	10.[illegible]	.60	3%		1/2%
Cable splicers	10.[illegible]	.60	3%		1/2%
Zone III					
Electricians	10.[illegible]	.45	3%+.40	.30	.07
Cable splicers	10.[illegible]	.45	3%+.40	.30	.07

ELECTRICIANS - CABLE SPLICERS CLASSIFICATIONS
Blue Mound, Coweta, Deer Creek, [illegible], Porter and Stone Bluff Townships.
Zone I - A 20 mile [illegible] from Intersection on Muskogee
Zone II - That area [illegible] Zone I
Zone III - Adams, Creek, Long Star and Shaler Townships Only

GLAZIERS	[illegible]	.50	.30		.01
IRONWORKERS	[illegible]	.45	.65		.12
LABORERS:					
Group I - Construction Laborer	6.[illegible]	.25	.40		
Group II - Mason tenders, [illegible] mixers, sewer drain; tile layers; machine tool operator	6.70	.25	.40		
Group III - [illegible]			.50		

DECISION NO. OK77-4165 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
LINE CONSTRUCTION:					
Lineman	$ 9.85		3%		1/2
Cable splicers	10.44		3%		1/2
Hole digger operator	8.94		3%		1/2
Heavy equipment operator for pole cat equivalent)	8.94		3%		1/
Line truck driver (winch operator)	8.09		3%		1/
Jack hammerman	7.37		3%		1/2
Powderman	8.94		3%		1/2
Groundman	6.57		3%		1/2
Truck driver (flat bed, ton and half and under)	7.02		3%		1/
PAINTERS:					
Brush and roller	7.45		.40	.2	.1
Highwork and stage	7.85		.40	.20	.1
Sandblasting	8.10		.40	.20	.1
Spray painting	8.10		.40	.20	.1
Hot or bituminous	8.75		.40	.2	.07
Hazardous work	9.65		.40	.20	.1
Sheetrock power tools	7.80		.40	.2	.1
PLUMBERS-Steamfitters	11.30	.50	.80		.1
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.1
Group II	9.85	.45	.50		.1
Group III	9.60	.45	.50		.1
Group IV	9.35	.45	.50		.1
Group V	9.10	.45	.50		.1
Group VI	9.85	.45	.50		.1
Group VII	8.45	.45	.50		.1
Group VIII	8.35	.45	.50		.1
Group IX	8.15	.45	.50		.1
Group X	7.85	.45	.50		.1

NOTICES 36770
NOTICES 36771
NOTICES 36768
NOTICES 36769

BOOM EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yds. of more (as rates by mfg.), sideboom (booms 30' and over(, guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sidcboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6 air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pumps, battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on larg whirleys when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
[illegible]HERS	$ 8.80	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
Group II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.
GROUP IV
Ready-mix concrete trucks up to but not including 3 yards
GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: McIntosh
DECISION NO.: OK77-4166 DATE: Date of Publication
Supersedes Decision No. OK77-4065 dated March 18, 1977 in 42 FR 15287
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.75	.45	.40		.05
CARPENTERS:					
Carpenters	8.25		.25		.01
Millwrights-Piled.ivermen	8.75		.25		.01
CEMENT MASONS	8.55				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of Cityof Muskogee					
ZONE II - Area outside Zone I					
Zone I					
Electricians	9.73	.60	3%		½0
Cable splicers	10.13	.60	3%		½0
Zone II					
Electricians	10.03	.60	3%		½0
Cable splicers	10.43	.60	3%		½0
ELEVATOR CONSTRUCTORS	9.66	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	50%JR				
GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
GROUP I	6.40	.25	.40		
GROUP II	6.70	.25	.40		
GROUP III	6.90	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders; and common laborers.

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handline at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the gound or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale man on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	8.65		.30		.01
LINE CONSTRUCTION					
Linemen	9.85		3%		½0
Cable splicers	10.44		3%		½0
Hole digger operator	8.94		3%		½0
Heavy Equipment Operator (or Pole cat Equivalent)	8.94		3%		½0
Line truck driver (winch opr.)	8.09		3%		½0
Jack hammerman	7.37		3%		½0
Powderman	8.94		3%		½0
Groundman	6.57		3%		½0
Truck driver (flat bed, ton and half and under)	7.02		3%		½0
PAINTERS:					
Brush and roller	7.45		.40	.20	.07
High work and stage	7.85		.40	.20	.07
Sandblasting	8.10		.40	.20	.07
Spray painting	8.10		.40	.20	.07
Hot or bituminous	8.75		.40	.20	.07
Hazardous work	9.65		.40	.20	.07
Sheet rock power tools	7.80		.40	.20	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib) all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 of over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer 18. cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Engineers for machines not listed under the above classifications shall receive the wages comparable to these classifications.
GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-STEAMFITTERS	11.30	.50	.80		.15
ROOFERS	8.40	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS' HELPERS	7.70				
TERRAZZO WORKERS' HELPERS FLOOR MACHINE OPERATOR	7.80				
TERRAZZO WORKERS' HELPERS BASE MACHINE OPERATOR	8.00				
TILE LAYERS	9.29		.30		
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 5 yards
GROUP V - Ready-mix concrete trucks 5 yards and over

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates
b - Paid Holidays

PAID HOLIDAYS:
A - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E - Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Pittsburg
DECISION NO. OK77-4167 DATE: Date of Publication
Supersedes Decision N. OK77-4066 dated March 18, 1977 in 42 FR 15289
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments uo to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	9.75	.45	.40		.05
CARPENTERS:					
Carpenters	7.60	.45	.40		
Millwrights-Piledrivermen	8.40	.45	.40		
CEMENT MASONS	6.00				
ELECTRICIANS:					
Electricians	10.65	.46	3%+.40	.30	.07
Cable splicers	10.55	.46	3%+.40	.30	.07
GLAZIERS	9.16	.50	.30		.01
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I	6.10	.25	.40		
Group II	6.40	.25	.40		
Group III	6.60	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of buildings and all structures, cleaning and clearing of debris; loading & unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders, and common laborers.

GROUP II
All machine tool operators that come under the jurisdiction of the laborers; all sewer & drain tile layers & handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle & pot men, tank cleaning, all nozzle dopers; tr. [illegible] including, all men working with chemical & plaster [illegible] crete machines, and gunnite mixing machines, including placing of concrete;

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III
Wagon drill operator and powderman or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Linemen	$ 9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operator (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton & half and under)	7.02		3%		1/2%
PAINTERS:					
Brush and roller	7.45		.40	.20	.07
High work and stage	7.85		.40	.20	.07
Sandblasting	8.10		.40	.20	.07
Spray painting	8.10		.40	.20	.07
Hot or bituminous	8.75		.40	.20	.07
Hazardous work	9.65		.40	.20	.07
Sheet rock power tools	7.80		.40	.20	.07
PLUMBERS-Pipefitters	11.30	.50	.80		.15
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP I
All crane type equipment with 200' of boom or over (including jib)

GROUP II
All crane type equipment with 150-200' of boom (including jib)

GROUP III
All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' and over), guy derrick

GROUP IV
Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 40' and longer mast)

GROUP V
Motor patrol (blade), fork lift (35' and over), dozer(engine H.P. 65 of over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine H.P. 65 or over), asphalt lay machine, tail boom conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

GROUP VI
Locomotive engineer, boring machine, tug boat, mixer 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvi-mixer, farmer tractor with or without attachments, batch plant operator-duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point operator, concrete pump, form grader, screening plant, well point operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines.

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VII
Greaser, tilt top trailer operator

GROUP VIII
Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling

GROUP IX
Asphalt lay machine back end man, helpers

GROUP X
Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS	8.80	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.35	.74a	.03
PAID HOLIDAYS:					
a - 6 Paid Holidays - New Years Day, Memorial Day, July 4th, Labor Day; Thanksgiving Day and Christmas Day.					
SPRINKLER FITTERS	11.15	.65	.95		.03
TERRAZZO WORKERS	9.29		.30		
TILE SETTERS	9.29		.30		
TILE & TERRAZZO WORKERS HELPER	8.19				
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Columbia, Montour and Snyder

DECISION NO.: PA77-3100 DATE: Date of Publication

Supersedes Decision No. PA76-3210, dated July 23, 1976, in 41 FR 30486.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE I	$10.70	.65	.60		.01
ZONE II	10.11	.57	.70		.01

AREA COVERED BY ASBESTOS WORKERS

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

BOILERMAKERS	12.05	.75	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE I	9.50	.55	.65		
ZONE II	9.25	.55	.70		.01

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

CARPENTERS	10.14	.40	.50		.03
CEMENT MASONS					
ZONE I	10.10				
ZONE II	8.60	.55	.70		.01

AREA COVERED BY CEMENT MASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION No. PA77-3100

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS					
ZONE I	$10.95	.35	3%+.20		.05
ZONE II	9.82	.55	3%+.25		.12
ZONE III	10.56	.45	3%+.31		.10

AREA COVERED ELECTRICIANS ZONES

ZONE I - Montour County; North of U.S. Highway #522 and Selesgrove Township in Snyder County and Remainder of Columbia County

ZONE II - Berwick Borough in Columbia County

ZONE III - South of U.S. Highway #522 in Snyder County

GLAZIERS					
ZONE I	9.14	.40	.30		.01
ZONE II	9.39	.40	.40		.01
ZONE III	9.65	.40	.70		

AREA COVERED BY GLAZIERS ZONES

ZONE I - Roaring Creek, Locust, Cleveland, Cunningham, Mt. Carmel Townships in Columbia County, Montour County

ZONE II - Snyder County

ZONE III - Remainder of Columbia County

IRONWORKERS					
ZONE I	11.28	.84	1.36		.03
ZONE II					
Structural and Ornamental	11.90	b			.10
Reinforcing	11.80	b			.10

AREA COVERED BY IRONWORKERS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION NO. PA77-3100	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS					
ZONE I					
CLASS I	$ 7.11	.25	.55		
CLASS II	7.51	.25	.55		
CLASS III	7.21	.25	.55		
CLASS IV	7.36	.25	.55		
ZONE II					
CLASS I	7.20	.40	.35		
CLASS II	7.35	.40	.35		
ZONE III					
CLASS I	7.55	.30	.35		
CLASS II	7.70	.30	.35		
CLASS III	8.02	.30	.35		
CLASS IV	8.12	.30	.35		
CLASS V	7.20	.30	.35		

AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS

ZONE I - Columbia County

CLASS I - Unskilled laborers and window washers

CLASS II - Mason tenders and scaffold builders

CLASS III - Pneumatic electrical tool operator under the jurisdiction of laborers 2' pump-non-metallic pipe laying and making joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material; cement finishers and blasters helpers, power buggies, and walk along hoist

CLASS IV - Plasterers tenders, Blasters and wagon drill operator

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AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS (CONT'D)

ZONE II - Montour County

CLASS I - Unskilled laborers, scaffold Builders, wrecking, window cleaners & Demolitions

CLASS II - Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for manhole, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting on burning torches in the wrecking of buildings, masons tenders

ZONE III - Snyder County

CLASS I - Unskilled laborers

CLASS II - Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners, pipelayers, power-buggy, pressmt slab planers and signal man

CLASS III - Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding) for mansion workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny

CLASS IV - Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment

CLASS V - Nursery workers, window washers, floor scrubbers

DECISION NO. PA77-3100	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE I	$ 6.93		.15		.01
ZONE II	6.71	.25	.25		.01
ZONE III	6.85		.20		.01

AREA COVERED BY LATHERS ZONES

ZONE I - Columbia County

ZONE II - Montour County

ZONE III - Snyder County

LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION					
Linemen, dynamite man, heavy equipment operator	10.30	.35	3%		3/8 of 1%
Winch truck operator	7.28	.35	3%		3/8 of 1%
Groundman	6.97	.35	3%		3/8 of 1%
MARBLE SETTERS	10.00		.50		
MILLWRIGHTS	11.29	.45	.50		.03
PAINTERS					
Brush	9.30	.50	.30		.05
Tapers	9.56	.50	.30		.05
Hazardous	10.56	.50	.30		.05
PILEDRIVERMEN	10.77	2.13	1.30	d	.12
PLASTERERS					
ZONE I	8.60	.55	.70		.01
ZONE II	7.70				
ZONE III	9.40				

AREA COVERED BY PLASTERERS ZONES

ZONE I - Columbia County

ZONE II - Snyder County; Montour County (North of Danville)

ZONE III - Remainder of Montour County

PLUMBERS & STEAMFITTERS	10.85	.30	.65		.12

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
GROUP 1	$12.29	5.5%	9.5%	a	1.2%
GROUP 2	12.00	5.5%	9.5%	a	1.2%
GROUP 3	11.13	5.5%	9.5%	a	1.2%
GROUP 4	10.36	5.5%	9.5%	a	1.2%
GROUP 5	9.89	5.5%	9.5%	a	1.2%
GROUP 6	8.98	5.5%	9.5%	a	1.2%
GROUP 7	12.54	5.5%	9.5%	a	1.2%
GROUP 7-A	12.79	5.5%	9.5%	a	1.2%
GROUP 7-B	13.03	5.5%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench diggers, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, 1 ton fight and batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and transavills, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, mixer boom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

HOLIDAYS:

Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

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DECISION NO. PA77-3100

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE I	$ 9.20	.75	.70		
ZONE II	9.71	.60	.55		

AREA COVERED BY ROOFER ZONES

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

SHEET METAL WORKERS	11.12	.73	.40		.02
SOFT FLOOR LAYERS	8.88	.40	.50		.03
SPRINKLER FITTERS	11.86	.65	.95		.08
TRUCK DRIVERS					
ZONE I	7.20				
ZONE II					
CLASS I	8.07	a	b		
CLASS II	8.12	a	b		
CLASS III	8.08	a	b		

TRUCK DRIVER CLASSIFICATIONS DEFINITIONS

ZONE I - Montour County

ZONE II - Columbia & Snyder Counties

CLASS I - Pick-ups and service dump and flat including "Z" license

CLASS II - All trucks over "Z" license

CLASS III - Fork lifts tow motors, front and pneumatic tired loaders

FOOTNOTES:

a. Employer contributes $41.00 per month to employees who have worked 60 hours or more for the employee during the preceding month.

b. Employer contributes $25.00 per month to employees who have been employed over 13 weeks.

DECISION NO. PA77-3100

BUILDERS - Rate of craft

FOOTNOTES:

a. Paid Holidays: July 4th, Labor Day, Thanksgiving Day and Good Friday.

b. Employer contributes $2.25 to a combined Health and Welfare and Pension Fund.

c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

STATE: Wisconsin COUNTIES: Chippewa, Eau Claire & Pep:
DECISION NUMBER: WI77-2103 DATE: Date of Publication
Supersedes Decision No. WI76-2169, dated December 10, 1976 in 41 FR 54150
DESCRIPTION OF WORK: Building Construction including Residential

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.57	.51	.65		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.75	.65	.25		.03
CARPENTERS	9.67	.45	.50		.03
Residential	5.55	.45	.30		.03
CEMENT MASONS (Eau Claire & Pepin Counties)	9.29	.45	.25		.04
Chippewa County	9.19	.55	.25		.04
ELECTRICIANS					
Electricians (Residential) Twps. of Hallie, Seymour, Union, Washington, Lafayette, Tilden, Wheaton, Eagle Point and Cities of Chippewa Falls, Eau Claire & Altoona. Inside these Cities or Twps	6.17	.55	1%		%of1%
Outside the above areas	5.33	.55	1%		%of1%
Electricians, wiremen	10.92	5%	1%		%of1%
ELEVATOR CONSTRUCTORS:					
Constructors	10.345	.545	.35	4%+a&b	.02
Constructors' Helpers	7.24	.545	.35	4%+a+b	.02
Constructors' Helpers (Probs)	50%JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	11.10	.55	.55		.02
LABORERS:					
Laborers, common	7.83	.30	.35		.02
Mason tender	7.83	.30	.35		.02
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operators, kettlemen dumpmen & pitmen, burner on wrecking, scaffold builder & washing walls on swinging Scaffold	7.98	.30	.35		.02
Gunnite man & nozzle men, puddlers (when concrete pump is & when working behind pneumatic machine), concrete dumpers, scaffold builder, kettlemen, burner on wrecker, dumpman & pitman	7.98	.30	.35		.02
Jackhammer	8.08	.30	.35		.02

DECISION NO. WI77-2103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.30				
LINE CONSTRUCTION:					
Linemen	9.37	.35	5%		.5%
Cable Splicer	10.23	.35	5%		.5%
Groundman - Hvy. Truckdriver	6.46	.35	5%		.5%
Groundman - Light Truckdriver	6.16	.35	5%		.5%
Equipment Operator	7.77	.35	5%		.5%
Groundmen - 1st 6 months	5.09	.35	5%		.5%
Groundmen - thereafter	5.88	.35	5%		.5%
MILLWRIGHTS & PILEDRIVERMEN	10.07	.45	.50		.03
PAINTERS:					
Brush	8.80			.5%	
Structural steel & iron painting	9.05			.5%	
Swing Stage	9.05			.5%	
Spray & Sandblaster	9.30			.5%	
PLUMBERS AND STEAMFITTERS	9.47	.45	.65	1.00	
PLUMBERS (Residential)	8.87	.45	.65	1.00	
ROOFERS: Composition	10.07			3%+.10	
Kettlemen	9.68			3%+.10	
SHEET METAL WORKERS	10.20	.62	.55		.03
(Residential)	6.63	.62	.55		.03
TRUCK DRIVERS:					
Two axles	8.05	d	e		
Three or more axles	8.15	d	e		

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 [illegible] and is available for work the [illegible] days preceding and following the holidays.

d. $14.25 per week for each employee

e. $13.80 per week for each employee

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DECISION NO. WI77-2101

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Hammerhead, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted Hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Mechanic, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 H.p.), Forklift (25' and over), Motor patrol, Scraper operator, Slipform, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type),Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 2" Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Electronic Machines, Robots, Generators (under 150 KW), Pumps (3" and under); Winches (small electric),Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI77-2102 DATE: Date of Publication
Supersedes Decision Number WI77-2049, dated May 6, 1977 in 42 FR 23293
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable water; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS & STONEMASONS:					
Zone 1 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix & Sawyer Cos.	$ 9.19	.55	.25		.03
Zone 2 - Fond Du Lac County	9.20	.65	.40		.02
Zone 3 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, Waupaca, Waushara, & Winnebago Counties	9.20	.65	.40		.02
Zone 4 - Green, Lafayette & Rock Counties	10.65				
Zone 5 - Crawford, Jackson, Juneau, La Crosse, Vernon, Trempealeau & Monroe Cos.	9.70	.40	.25		
Zone 6 - Walworth County	10.05	.50	.50	.50	.02
Zone 7 - Dane, Grant, Iowa & Richland Counties	9.40	.55	.50	.60	
Zone 8 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	11.17	1.07	.90		
Zone 9 - Columbia & Sauk Cos.	9.60	.55	.30		
Zone 10 - Kenosha & Racine Cos.	10.05	.50	.50	.50	.02
Zone 11 - Sheboygan County	8.60	.55	.35		.02
Zone 12 - Ashland, Bayfield, Douglas & Iron Counties	10.06	.45	.45		.01
Zone 13 - Dodge & Jefferson Cos.	9.85	.55	.25	.40	.01
Zone 14 - Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas and Wood Counties	8.80	.45	.25		
CARPENTERS & PILEDRIVERMEN:					
Zone 1 - Ashland County					
Carpenters	7.94	.30	.25	.15	
Piledrivermen	8.14	.30	.25	.15	
Zone 2 - Barron, Burnette, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer & Taylor Counties					

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CARPENTERS (CONT'D) Zone 2 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Carpenters	9.67	.45	.50		.03
Piledrivermen	10.07	.45	.50		.03
Zone 3 - Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca & Waushara & Winnebago Cos.					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03
Zone 4 - Green, Jefferson & Rock Counties					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.01	.30	.40		.04
Zone 5 - Kenosha County					
Carpenters	9.85	.40	.60		.03
Piledrivermen	9.93	.40	.60		.03
Zone 6 - Jackson, La Crosse, Monroe, Trempealeau & Vernon Counties					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03
Zone 7 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Juneau, La Fayette, Richland & Sauk Counties					
Carpenters	9.77	.45	.50		.03
Piledrivermen	10.17	.45	.50		.03
Zone 8 - Florence & Iron Cos.					
Carpenters	9.24	.60	.60		.01
Piledrivermen	9.44	.60	.60		.01
Zone 9 - Milwaukee, Ozaukee, Washington & Waukesha Cos.					
Carpenters	10.37	.80	.80	.51	.06
Piledrivermen	10.91	.80	.80	.51	.06
Zone 10 - Racine County					
Carpenters	9.95	.40	.50		.03
Piledrivermen	10.03	.40	.50		.03

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CARPENTERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Sheboygan County					
Carpenters	8.65	.40	.30		
Piledrivermen	9.54	.40	.30		
Zone 12 - Bayfield & Douglas Counties					
Carpenters	8.45	.30	.40	.50	
Piledrivermen	9.48	.30	.40	.50	
Zone 13 - Walworth County					
Carpenters	9.86	.30	.40		.04
Piledrivermen	10.03	.30	.40		.04
Zone 14 - Forest, Langlade, Lincoln, Marathon, Oneida Portage, Price, Vilas, & Wood Counties					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03
CEMENT MASONS:					
Zone 1 -Ashland, Bayfield, Douglas & Iron Counties	10.25	.30			
Zone 2 - Barron, Burnett, Chippewa, Dunn, Polk, Rusk, St. Croix, Sawyer & Washburn Counties	9.29	.45	.25		.03
Zone 3 - Adams, Clark, Forest, Langlade, Lincoln, Marathon Menominee, Oneida, Portage, Price, Taylor, Vilas & Wood Counties	8.30	.45	.25		.04
Zone 4 - Buffalo, Eau Claire, Pepin & Pierce Counties	9.20	.45	.25		.03
Zone 5 - Brown, Calumet, Door, Florence, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, & Waupaca Counties	8.70	.45	.40		.02
Zone 6 - Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties	9.10	.45	.25		
Zone 7 - Waushara & Winnebago Counties	8.70	.45	.40		.02
Zone 8 - Sheboygan County	8.70	.65	.40		.02
Zone 9 - Pond Du Lac County	8.70	.65	.40		.02

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CEMENT MASONS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 10 - Dodge & Jefferson Cos.	8.35	.55	.35	.30	
Zone 11 - Columbia & Sauk Cos.	9.35	.55	.40		
Zone 12 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	9.93	1.30	.80	.51	
Zone 13 - Iowa, Green, Iowa, Lafayette & Rock Counties	9.50	.65	.65		
Zone 14 - Grant County	9.25				
Zone 15 - Walworth County	9.26	.50	.50		.02
Zone 16 - Racine County	8.33	.40	.50	.50	
Zone 17 - Kenosha County	8.33	.40	.50	.50	
ELECTRICIANS:					
Zone 1 - Calumet, Outagamie, Waupaca, Waushara & Winnebago Counties	10.43	.60	1%		
Zone 2 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk Price, Rusk & St. Croix, & Taylor Counties	10.92	5%	1%		
Zone 3 - Brown, Door, Kewaunee, & Shawano Counties	10.93	.60	1%		1/8%
Zone 4 - Florence & Forest Cos.	10.63	.40	1%		.50%
Zone 5 -Kenosha County	12.07	.51	1%	.25	.75%
Zone 6 - Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau & Vernon Counties	10.80	.5%	1%		.50%
Zone 7 - Walworth County	10.70	.45	1%	7%	.50%
Zone 8 - Columbia, Dane, Dodge, Green Lake, Iowa, Marquette, & Sauk Counties	9.95	.74	1%	7%	.75%
Zone 9 - Sheboygan County	9.19	.85	1%+.20	10%	1.25%
Zone 10 - Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer & Washburn Cos.	10.80	4%	2%	11%	3%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 11 - Langlade, Lincoln, Marathon, Menominee, Oneida, & Vilas Counties	10.20	.45	1%	8%	1/8of1%
Zone 12 - Adams, Portage & Wood Counties	10.20	.45	1%	8%	1/8of1%
Zone 13 - Pond Du Lac County	9.19	.85	1%+.20	10%	1.25%
Zone 14 - Green, Jefferson, Lafayette & Rock Counties	10.70	.45	1%	7%	.50%
Zone 15 - Milwaukee, Ozaukee, Washington & Waukesha Cos.	11.13	.92	1%+.35	10%	1.25%
Zone 16 - Marinette & Oconto Counties	10.93	.60	1%		1/8of1%
Zone 17 - Manitowoc County	10.93	.60	1%		1/8of1%
IRONWORKERS:					
Zone 1 - Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk St. Croix & Trempealeau Counties	10.85	.75	.60		.02
Zone 2 - Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, Rusk, sawyer, Taylor, Vilas & Washburn Counties	11.25	.30	.55	.10	.02
Zone 3 - Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, LaCrosse, Lafayette, Langlade, Marquette, Marathon, Menominee, Monroe, Portage, Richland, Sauk, Shawano, Waupaca, Vernon, Waushara, & Wood Counties	10.22	.50	.25		.03
Zone 4 - Brown, Calumet, Door, Florence, Fond Du Lac, Kenosha, Kewaunee, Manitowoc, Marinette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington & Waukesha & Winnebago Cos.	10.66	1.10	.80	1.15	.15

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IRONWORKERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 5 - Rock County	11.875	.65	.375		.05
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Cable Splicers	10.23	.35	5%		.5%
Equipment Operator	7.77	.35	5%		.5%
Truck Drivers with boom or Digger Tractor or 5th wheel	6.46	.35	5%		.5%
Truck Drivers	6.16	.35	5%		.5%
Groundman	5.88	.35	5%		.5%
Groundman 1st 6 months	5.09	.35	5%		.5%
PAINTERS:					
Zone 1 - Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Price & Taylor Cos.					
Brush	9.25				
Spray	9.75				
Zone 2 - Barron, Buffalo, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau, & Washburn Cos.					
Brush	9.05				
Spray	9.30				
Steel	9.30				
Zone 3 - Brown, Door, Kewaunee, & Oconto Counties					
Brush	8.35	.60			
Spray	8.35	.60			
Zone 4 - Florence County					
Brush	8.00			.75	
Spray	8.75			.75	
Zone 5 - Kenosha County					
Brush	8.725	.40	.40		
Spray	9.32	.40	.40		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 6 - Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon & Wood Counties					
Brush	8.05		.45		
Steel	8.47		.45		
Zone 7 - Walworth County					
Brush	8.725	.40	.40		
Spray	9.32	.40	.40		
Zone 8 - Columbiana, Dane, Dodge, Grant, Green, Iowa, Lafayette Richland, Rock & Sauk Counties					
Brush	9.29	.70	.30	.30	.01
Spray	10.04	.70	.30	.30	.01
Zone 9 - Calumet & Manitowoc Counties					
Brush	8.05				
Spray	8.05				
Zone 10 - Marinette County					
Brush	5.90			.40	
Spray	6.40			.40	
Zone 11 - Jefferson, Milwaukee, Ozaukee, Washington & Waukesha Counties					
Brush	9.80	.96	.80	.50	.02
Steel & Spray	9.80	.96	.80	.50	.02
Zone 12 - Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, & Winnebago Counties					
Brush & Steel	8.50	.30	.10		.03
Spray	9.00	.30	.10		.03
Zone 13 - Racine county					
Brush	8.80	.40	.40		
Spray	9.40	.40	.40		
Zone 14 - Sheboygan County					
Brush, Steel & Spray	7.25	.40	.30	.20+.10	
Zone 15 - Ashland, Bayfield, Douglas, Iron & Vilas Counties					
Brush & Steel	9.25				
Spray	9.75				

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DECISION NO. WI77-2102

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1 - Milwaukee, Ozaukee, Washington and Waukesha Counties					
Group 1	8.21	.75	.80	.25	.02
Group 2	8.31	.75	.80	.25	.02
Group 3	8.36	.75	.80	.25	.02
Group 4	8.41	.75	.80	.25	.02
Group 5	8.46	.75	.80	.25	.02
Group 6	8.51	.75	.80	.25	.02
Group 7	8.86	.75	.80	.25	.02
Zone 2 - Racine County					
Group 1	7.96	.60	.60	.25	.02
Group 2	8.06	.60	.60	.26	.02
Group 3	8.11	.60	.60	.25	.02
Group 4	8.16	.60	.60	.25	.02
Group 5	8.21	.60	.60	.25	.02
Group 6	8.26	.60	.60	.25	.02
Group 7	8.61	.60	.60	.25	.02
Zone 3 - Kenosha County					
Group 1	7.96	.65	.60	.25	.02
Group 2	8.06	.65	.60	.25	.02
Group 3	8.11	.65	.60	.25	.02
Group 4	8.16	.65	.60	.25	.02
Group 5	8.21	.65	.60	.25	.02
Group 6	8.26	.65	.60	.25	.02
Group 7	8.61	.65	.60	.25	.02
Zone 4 - Dane County					
Group 1	8.01	.40	.35		.02
Group 2	8.06	.45	.35		.02
Group 3	8.11	.40	.35		.02
Group 4	8.16	.40	.35		.02
Group 5	8.21	.40	.35		.02
Zone 5 - Remainder of State					
Group 1	7.73	.40	.35		.02
Group 2	7.78	.40	.35		.02
Group 3	7.83	.40	.35		.02
Group 4	7.88	.40	.35		.02
Group 5	7.93	.40	.35		.02

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	10.42	.75	.65		.10
Group 2	10.16	.75	.65		.10
Group 3	10.07	.75	.65		.10
Group 4	9.99	.75	.65		.10
Group 5	9.91	.75	.65		.10
Group 6	9.87	.75	.65		.10
Group 7	9.78	.75	.65		.10
Group 8	9.66	.75	.65		.10
TRUCK DRIVERS					
ZONE 1 - Milwaukee, Ozaukee, Washington & Waukesha Counties					
Group 1	8.34	a27.50	a28.00	.35	
Group 2	8.49	a27.50	a28.00	.35	
Zone 2 - Kenosha & Racine Cms.					
Group 1	8.34	b123.04	a28.00	.35	
Group 2	8.49	b123.04	a28.00	.35	
Zone 3 - Remainder of State					
Group 1	8.34	b119.16	a28.00	.35	
Group 2	8.49	b119.16	a28.00	.35	

FOOTNOTE:
a. Per week peremployme on payroll 30 days or longer

b. Per month per employee on payroll 30 days or longer.

DECISION NO. WI77-2049

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS:

Group 1: Bituminous paver or plant, Concrete breaker (truck mounted heavy), Crane, Derrick, dragline, Dredge, Filedriver, Power shovel, Material hoist, Mixer mr paver 21 cu. ft. or over, Roller over 5 ton, Self-propelled stabilizing mixer, Trenching machine, Tractor (side boom, heavy), Concrete pavement spreader (heavy duty) Rubber tires, Hydraulic back hoe, Asphalt Plant engineer; Automatic slip form concrete paver, Automatic concrete subgrader, Batch mixer, portable, Caisson rigs, Central Mixer concrete, Dredge engineer, Concrete batch plantengineer, Central mix plant concrete, Percussion or rotary drill machine, Grader or motor patrol, Loading machine (conveyor), Mechanic or welder (heavy duty equipment), Tractor (scraper, dozer, push, loader), Tugger, End Loader, Asphalt Heater and planer, Boatman, Bump cutter and grooving machine, Shoulder widener, Winches and "A" frames, Tube finisher

Group 2: Concrete mixer less than 21 cu. ft., Concrete pump, sTeel roller, 5 tons or less

Group 3: Screed (bituminous paver), Shmuldoringmachine, Self-prmpelled whip spreader

Group 4: Concrete breaker and Tamper (light), Concrete spreader, Finishing machine, Mechanical float, Curing machine, Power subgrader, Joint sawer (multiple blade), Launch, Roller (pneumatic tired) Self-propelled tractor (mounted or towed compactors and light equipment), Light rubber tired tractor - end loader, fork-lift, Belting machine, Burlap machine, Jeep digger, Mulcher, Texturing machine

Group 5: Fireman, Evironmental burner

Group 6: Air compressor, Drilling or boring machine (mechanical heavy), Greaser (heavy equipemnt) Lead-man, Tank car heaters, Stump chipper, Curb mashine, Concrete proportioning plant, Generators, Mud Jacks

Group 7: Crusher or screening plant, Automatic belt conveyor and surge bin, pneumatic tired roller farm tractor towed, Pug mill

Group 8: Oiler, Pump over 3" Surge bin, Drilling machine helper

TRUCK DRIVERS

Group 1: Truck drivers, 2 Axle - Mechanics helper, truck

Group 2: TRuck Driver, 3 or more axle trucks - euclid or Dumpster type hauling units - Mechanic, truck

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PART VI

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WATER RESOURCES COUNCIL

WATER RESOURCE POLICY STUDY

Issue and Option Papers

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WATER RESOURCES COUNCIL

WATER RESOURCE POLICY STUDY

President Carter announced in his Environmental Message to Congress on May 23 that he had directed the Secretary of the Interior, as Chairman of the Water Resources Council, together with the Office of Management and Budget and the Council on Environmental Quality, to conduct a comprehensive review of Federal water resources policy.

He said, "I believe it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible criteria as economic efficiency, safety, environmental protection, and fair distribution of project benefits." He further said, "We need comprehensive reform of water resources policy with conservation as its cornerstone."

The review is to be completed within six months and will lead to the establishment of a "national resources management policy in consultation with Congress and the public." Therefore, the review is not to be an examination of individual projects nor require a detailed report on agencies and programs. Rather the exercise is to develop options for the President's consideration in making decisions on policy. The emphasis of his policy is to be sensitive and cost-efficient management,-more care in how the resource is used, and more careful selection and design of the things to be done.

The direction of the study then is not on new programs or more numerous projects but to provide incentives and to make adjustments that will act to encourage or require conservation of water and efficiency in its use. Nor is the study intended to suggest a new or larger Federal role, but to properly define that role in changing times, and to explore alternatives for the future of water resources development and conservation.

On this basis, eight regional hearings have been scheduled to obtain public participation and viewpoints. The hearings will be held on July 28 and 29 in Minneapolis, Denver, Boston, Atlanta, and Los Angeles and on August 1 and 2 in Seattle, Dallas, and Cincinnati. (See issue of July 6, 1977 (42 FR 34563).) To facilitate the presentation of comments and ideas, four papers are published here on the issues for the review: revision of the planning and evaluation criteria, cost sharing, institutions, and conservation. Any additional documents will be published in the FEDERAL REGISTER during the week of July 18, 1977.

Water quality is not included among these major issues as a separate paper because the President's policy position on this subject is being currently presented to the Congress in the comprehensive testimony on amending the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500. This testimony will be published in the FEDERAL REGISTER during the week of July 18, 1977. However, because water quality is an inseparable characteristic of all water supplies and uses, it will also be covered wherever appropriate as a part of the issues. Comment on this topic and water research is also invited as part of the review.

The four issue papers were prepared by task groups from the Federal water resources agencies, with assistance from several State officials and representatives of State and regional organizations. The problem situations are described and options are presented to meet the problems. It should be understood that the presentation of these options is not meant to restrict the discussion nor to suggest that the recommendations to the President will be confined to these. Instead, a thorough and unencumbered review is encouraged, and comments should cover the full range of interest and available options. Ultimately a representative range will be presented to the President, along with the recommendations of the Cabinet-level policy group designated. Public comment is solicited both to improve the discussion of alternatives and to establish positions of various interests on the alternatives.

The public is encouraged to comment on these papers and issues and to contribute other analyses and recommendations. The comments may be presented at the hearings orally or in writing. Written comments are encouraged and should be sent to the Chairman, Water Resources Council, 2120 L Street NW., Washington, D.C. 20036.

The record will remain open for comments until August 20.

Following are the issue and option papers.

Dated: July 13, 1977.

GUY R. MARTIN,
Alternate to the Chairman, Water Resources Council Chairman, Water Resource Policy Committee.

ISSUE AREA NO. 1: REVISION OF WATER RESOURCE PLANNING AND EVALUATION CRITERIA AND PROCEDURES

INTRODUCTION

The planning and evaluation of Federal water resources programs and projects is a complex process currently followed by over a dozen Federal departments and independent agencies. From 1962 to 1973 the process was governed by rules established within the executive branch and promulgated by the President which were published and known popularly as "Senate Document 97." In September 1973 the President approved a new document prepared by the Water Resources Council pursuant to the 1965 Water Resources Planning Act. The document is entitled "Principles and Standards for Planning Water and Related Land Resources" and contains revised rules for Federal water resources planning, to be phased in as a replacement for Senate Document 97.

These Principles and Standards (P&S) set forth the basic national objectives, accounting system, and planning procedures for most Federal and some federally-assisted water resource project, river basin, and regional plans. The P&S are also used by reviewing offices in assessing the merits of such plans.

However, Federal and federally assisted projects constitute only a part of the system including private, local and state actions directed to water management. Thus, the evaluation of Federal projects requires consideration of actions undertaken by others that affect the same hydrologic area.

Although this paper focuses on the Principles and Standards, it should be noted that they are still in the early stages of implementation. Several of the problems addressed in this paper originated with programs and projects which either were developed under earlier rules or are not included within the present scope of coverage of the P&S. The planning process is also affected by specific Congressional actions, such as the legislation which amended the P&S to fix the discount rate formula for computation of future project benefits, and the legislation which established the project deauthorization review procedures for inactive projects of the Corps of Engineers.

The purpose of this paper is to present a summary of the major problems associated with Federal water resource planning and to suggest a number of options for solving or reducing these problems. Other problems, such as more realistic recreation values, incentives to encourage local solutions to local problems, and establishment of instream flow criteria are not specifically included at this time. However, suggestions for additions or revisions are welcomed.

The problems and options are grouped into three issue categories: Goals and Objectives, Planning and Evaluation Procedures, and Administration of the Planning Process. Some options listed under problem statements are mutually exclusive alternatives and others are not. The "status quo" and "further study" options are viable for each problem. They have been omitted only to simplify the paper. Additional research and analysis may be required in order to implement some of the options that are listed.

Some of the proposed options may apply to more than one of the stated problems, or may overlap with options proposed by other task forces. This is appropriate because it identifies where changes in the planning process could resolve multiple problems or enhance the implementation of policy reforms in other issue areas.

ISSUES

A. *Goals and Objectives*

Federal water and related land resource planning and development, excluding grants and loans, is guided by the objectives set forth in the P&S. There are now two co-equal objectives: (1) obtaining an economic return on the Federal investment (National Economic Development) and (2) maintaining or enhancing the natural environment (Environmental Quality). Additional objectives could be added which would direct Federal programs to emphasize other desirable ends such as a more equal distribution of income among regions and improvements to security, health and safety. Federal water resource policies adopted to achieve planning objectives should be consistent with non-Federal roles in water resource management and must consider the entire array of water resource programs. Problems and solution options shown below are illustrative of concerns which have been raised over national water objectives and related policy issues.

1. *Problem.* The rationale for limiting the objectives of Federal water resource policy to net (national) economic development and environmental quality has ben questioned by those who believe water projects should explicity serve social objectives such as regional development, social well-being and conservation. Definitions for existing objectives have also been criticized.

Options. a. Add one or more objectives to the existing objectives of net economic gain and enhancement of environmental quality to allow projects to be designed to do the following, regardless of the lack of economic or environmental benefits, e.g.; (1) transfer income from one region to another, (2) contribute to cultural opportunities, (3) increase health, safety and security, (4) other.

b. Include Social Equity as a co-equal objective so as to provide benefits to low income groups and regions.

c. Expand the definition of the Environmental Quality objective to encompass the quality of the human as well as the natural environment.

d. Emphasize water conservation as a component of all objectives.

2. *Problem.* Federal water policies are frequently not coordinated with overall Federal policy. Undesirable results have occurred, such as navigation projects not consistent with overall transportation policy and irrigation projects not consistent with agricultural policies.

Options. a. Require each water agency to analyze and report on the sensitivity of its proposals to related non-water policies.

b. Require the non-water agency(s) with the appropriate related function to participate in the planning effort and to concur in the proposed action before Administration support is given to the water agency's proposal.

c. Transfer relevant functional responsibilities of water resource agencies to other agencies with related non-water functions.

d. Direct an existing or new organization to monitor and integrate water resource policies and projects with other functional policy areas.

3. *Problem.* The Federal role in water resource development has been criticized as unclear, outdated or inconsistent for a number of functional areas such as municipal and industrial water supply, outdoor recreation, urban flood control, fish and wildlife enhancement, irrigation and hydropower. This problem may have developed because policies have not been updated to meet changing needs, clarified where needed, or developed comprehensively.

Options. a. Submit legislation which defines the Federal role in planning and implementation for all functional areas of water resource management.

b. Revise the P&S to reflect a specifically defined Federal role in planning and implementation of all functional areas of water resource management.

c. Implement and strengthen the review of Federal policies and programs called for in the Water Resources Planning Act of 1965 (P.L. 89-80).

4. *Problem.* Direct Federal water resources projects are formulated under the P&S but the related Federal grant and loan programs are not. This leads to inconsistent Federal and local planning efforts.

Options. a. Revise existing federal grant and loan legislation to consolidate, simplify, and integrate existing programs within an expanded P&S. Grant and loan programs would be required to contribute to the objectives established in the P&S.

b. Retain existing grant and loan legislation but revised Federal administrative procedures to show project impacts as required by the P&S.

c. Convert all water resource programs now implemented directly by Federal agencies to programs implemented by non-Federal interests through Federal grants and loans. Coordination would be through a regional clearinghouse as presently required for grant and loan programs.

d. Convert all grant and loan programs to programs implemented by Federal agencies. The P&S would then apply to all Federal water resource programs.

B. *Planning and Evaluation Procedures*

This category contains the more technical problems with water resource planning and evaluation that have been identified by (1) agencies in applying the P&S, (2) reviewers of agency projects developed prior to the P&S, and (3) the general public.

1. *Problem.* The accuracy, propriety, and integrity of water resource project cost estimation and benefit derivation are being challenged.

Options. a. Include projections of inflation to year of initial construction in estimates of economic costs and benefits to reduce the appearance of large cost overruns.

b. Tighten cost-benefit ratio computation through uniform, detailed guidelines prepared by: (1) interagency agreement or (2) independent review board.

c. Have an independent agency or board review project benefits and costs for accuracy and consistency.

d. Increase cost sharing by project beneficiaries to discourage the promotion of economically unsound investments.

e. Remove legislative constraints on computation of navigation benefits and costs to be more consistent with the state of the art and with computation methods applied to other purposes.

f. Replace or supplement the benefit-cost ratio as a decision criterion with (1) cost-effectiveness to achieve non-economic (social, environmental) goals in the least costly manner; and/or (2) maximization of yield (return on investment) to increase the economic return on government investments and eliminate less economically efficient projects within a limited Federal budget.

g. Require a cost recovery plan for the vendible products and services as a part of the project or program planning process to achieve a more equitable distribution of costs among the beneficiaries.

2. *Problem.* Planning documents currently provide little or no information on who benefits from and who pays for water projects, and the President's recent water project review revealed a possible need for economic and social equity criteria in project evaluation.

Options. a. Require all water resource plans to inolude a uniform presentation of the distribution of project benefits and costs based on Principles and Standards requirements.

b. Establish standards or criteria for the distribution of benefits and costs among project recipients as a requirement for Federal assistance.

c. Explicitly include social equity as a co-equal objective in water and related land resource projects so as to highlight information on and set standards for the design of projects which provide benefits to low income groups.

3. *Problem.* Because quantitative analysis of environmental impacts is relatively new and standard methods have not been developed, it is difficult to evaluate environmental factors appropriately, weight them consistently, compare them with economic and other impacts uniformly, and make inter-project comparisons.

Options. a. Convert all environmental impacts to dollar values by advancing the state of the art where possible, or through the judgemental determinations of an independent valuation board.

b. Strengthen administrative requirements for federal water plans to express environmental impacts of projects in dollars wherever feasible, without the assignment of administratively determined values.

c. Develop standard indices to summarize and compare environmental impacts.

d. Establish a uniform procedure to limit the amount of environmental losses acceptable to obtain an economic gain.

e. Expand and improve uniform measurement of environmental impacts by (1) interagency agreement and/or (2) independent review board.

4. *Problem.* The discount rate for planning and evaluating water projects (based on the Government's cost of long term borrowing) has been criticized as being:

a. too unstable for orderly planning (has changed every year since 1968).

Options. (1) Fix the interest rate for a period of time greater than one year. (2) Enlarge the limits within which the

formula rate may change before it is

the primary coordination role for both

frequently led to building obsolete proj-

Therefore, proposals to change pres-

The costs referred to for sharing in these

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formula rate may change before it is adopted for planning.

b. Too high or too low—those favoring short term gains desire high rates, those favoring long term gains desire low rates.

Option. (1) Adopt a lower (0%–4% rate). (2) Adopt a higher (8%–12%) rate.

c. Inconsistent in its treatment of old versus new projects.

Option. Eliminate the grandfather clause of Section 80(b) of the Water Resources Development Act of 1974, which permits the use of the rate in effect prior to December 1968 for projects authorized prior to January 3, 1969 and apply current criteria.

5. *Problem.* Federal water resource planning is oriented to construction projects rather than to comprehensive management of the nation's water resources by all alternative means. This orientation has precluded the use of nonstructural measures such as flood plain management and pricing policies, and has, therefore, resulted in projects that are not as effective, efficient, or environmentally sound as otherwise possible. At best, nonstructural alternatives do not get a demonstrable consideration as structural measures are considered and authorized.

Options. a. Equalize Federal cost sharing for structural and nonstructural measures to meet all Federal objectives.

b. Favor implementation of nonstructural measures through differential Federal cost sharing policies.

c. Require the presentation of nonstructural or total water management alternatives whenever a structural project is recommended.

d. Expand and strengthen the total resource management role of river basin commissions in both water resource planning and implementation.

C. *Administration of the Planning Process*

Some problems with federal water resource plans and projects appear to be administrative in nature, rather than primarily associated with goals, objectives, or the process and techniques of planning. Some of the significant administrative problems encountered by Federal executive agencies are indicated below.

1. *Problem.* Mechanisms established by existing laws and procedures for coordination of water resources planning have not been implemented, leading to conflicting plans, projects, programs, and policies.

Options. a. Strengthen the organizations responsible for intrawater resource policy coordination in order to implement the coordination procedures called for in the Principles and Standards for Planning and Evaluating Water Resource Projects and in Pub. L. 89–90, the Water Resources Planning Act.

b. Require Federal agency consistency with statewide and regional plans.

c. Establish non-Federal statewide coordinating agencies.

d. Establish and strengthen river basin commissions nationwide and assign them the primary coordination role for both direct Federal and Federally assisted projects and programs.

2. *Problem.* There is a lack of coordination between water quality and water quantity planning efforts, leading to instances of more costly or less effective solutions to watershed problems than would be the case if the planning were less compartmentalized.

Option. a. Require comprehensive regional and state water plans which must include water quantity and water quality elements.

b. Require all federally funded water resource planning to be coordinated through River Basin Commissions or through strengthened Federal Regional Councils, and consistent with areawide water quality plans.

c. Require all federally funded water resource programs to undergo review by a regional clearinghouse agency, as is now required for some federal programs.

d. Require water quality improvement programs to be fully covered by uniform federal requirements of the Principles and Standards, as are direct Federal water resource programs.

e. Allow the states to set coordinated water quality/water quantity project planning and funding priorities.

f. Designate lead responsibility for federal water quality/quantity coordination to one agency or committee.

g. Require water resource planning or project review to be centralized in one federal agency.

3. *Problem.* There is excessive variation in the implementation of project planning procedures and review processes by the individual water resources agencies.

Options. a. Assign all water resource planning to one Federal agency.

b. Develop one set of planning procedures implementing the P&S for use by all water resource agencies.

c. Require a more detailed review of agency procedures for consistent implementation of the Principles and Standards.

d. Require review of agency planning documents by an independent review board.

e. Revise the Principles and Standards to be specific or make other changes which could contribute to consistent implementation.

4. *Problem.* There has been unnecessary duplication and effort resulting from the isolation of the Principles and Standards from the Environmental Impact Statement procedures.

Options. a. Revise the Principles and Standards to incorporate all information required for the EIS into project planning and documentation.

b. Revise the National Environmental Policy Act to permit reports prepared in accordance with the Principles and Standards to substitute for EIS requirements.

5. *Problem.* The lack of effective project termination procedures whereby inactive or outdated projects can be reviewed or dropped by water agencies has frequently led to building obsolete projects, to uncertainties as to the support of local sponsors for the project, and to unnecessary agency administrative burdens.

Options. a. Submit legislation which would result in automatic termination of inactive projects after a fixed period of time.

b. Implement procedures in all water resource agencies which would provide for an automatic review of inactive water projects, and agency head recommendations to continue or terminate projects.

c. Submit all authorized or administratively approved projects which are not completed after a fixed period of time to an independent review board for possible deauthorization or termination recommendations.

6. *Problem.* The existing form, length, and varying specificity of the Principles and Standards leads to difficulty in comprehension and use.

Options. a. Revise, edit, and reorganize the Principles and Standards.

b. Establish a Federally-sponsored training course for Principles and Standards users.

c. Require the Water Resources Council or other Federal agency to monitor implementation of the Principles and Standards, and recommend appropriate improvements.

ISSUE AREA NO. 2

COST SHARING

Existing policies governing Federal and non-Federal cost-sharing arrangements for the water resources activities have been established over a long period of time by unrelated congressional actions on particular projects and programs and by similarly uncoordinated administrative determinations. As a result, the policies are now inconsistent among programs, among purposes, and among agencies. The situation causes widespread confusion, distorted development, and an inequitable distribution of costs among direct beneficiaries and the general taxpayer.

The present water resources policy review requested by the President will rely on previous recent efforts, particularly the Section 80 study for basic data and information, so that old ground will not be plowed anew.

The President's objective to obtain a "comprehensive reform of water resources policy, with water conservation as its cornerstone" brings cost sharing immediately to the forefront for it is well known that who pays and how much has a marked effect on the quantity and manner of use and, therefore, on conservation. Furthermore, spending and payment practices are deeply involved in the concept of reform as the President's amplification of his objective indicates. He said,

"I believe that it is essential to confine the public works efforts of the water development agencies to projects that can meet such defensible criteria as economic efficiency, safety, environmental protection, and a fair distribution of project benefits.

Therefore, proposals to change present cost-sharing arrangements should facilitate the President's objective, emphasizing the amplified points. On this basis, five options are presented for consideration. These options are not the only ones acceptable or conceivable; there is no intention to restrict the choices. The five presented here constitute a selection based on experience in at least some water resources programs and projects. Public comment is invited on these and any other issues.

All of the options involve some level of cost recovery. Three of the options do not change the Federal role in financing. The other two options would change the Federal role in financing. For the purposes of this paper, the term "cost recovery" refers to any level of repayment of the initial or implementation costs and any part of operation and maintenance costs and interest on the funds by non-Federal participants. The term "financing" refers to the initial funding of the project or program through appropriations, bond issues and the like.

Cost recovery may be obtained by marketing the services of a project such as hydroelectric power, water supply, and navigation passage. For those benefits or functions of a project, such as flood control, which have more widespread effects and for which marketing means are insufficient, costs may be recovered by State or local government taxation or other means. The distinction between financing and cost recovery is important in determining the impact of changes in policy.

THE COST-SHARING OPTIONS

The five cost-sharing options are briefly described below. They are intended to cover all the water resource-related programs, including grants and loans, of the agencies in the following list unless otherwise explicitly stated under a particular option. The public should say, in comments on the options, whether any exemptions or exceptions are necessary or desirable and the reason for that view.

Agricultural Stabilization and Conservation Service
Farmers Home Administration
Forest Service
Soil Conservation Service
Corps of Engineers, Civil Works
Appalachian Regional Commission and Title V Commissions
Economic Development Administration
National Oceanic and Atmospheric Administration
Environmental Protection Agency
Community Development
Bureau of Land Management
Bureau of Reclamation
Bureau of Outdoor Recreation
National Park Service
Fish and Wildlife Service
Geological Survey
Coast Guard
St. Lawrence Seaway Development Corporation
Federal Power Commission
Tennessee Valley Authority
Water Resources Council and River Basin Commissions
Small Business Administration

The costs referred to for sharing in these options include planning, implementation, operation and maintenance, and interest.

NOTE.—To facilitate comparison among cost-sharing arrangements, the existing level of cost sharing for each purpose has been computed as a composite percentage (combination of construction costs, and OM&R costs) and is termed a "composite effective rate," and is shown in Table 1.

A "composite effective rate" takes into account the timing of the payments made by the cost sharer, the value and timing of any contributions in kind, such as lands, easements, and rights-of-way, the capitalized value of the project's OM&R purposes, a discount rate for calculating present values of future costs and payments, and the statutory percentage cost-sharing rate.

Use of the "composite effective rate" concept allows the cost-sharing arrangements of programs and agencies to be compared on an equal basis. All cost-sharing rates, when stated in effective composite terms, accurately reflect the differences among the cost-sharing requirements of the several programs. Without this "effective rate" adjustment, an accurate comparison cannot be made. A 20-percent cost share in one area may not mean the same as a 20-percent cost share in another area because the repayment terms are not the same.

Option 1—The current situation.—This option would continue the existing cost-sharing arrangements without change and presumes that the inconsistencies in repayment terms and variations among agency programs and purposes that now exist are supported by valid reasons. There are 185 existing cost-sharing provisions, which vary from purpose to purpose and among agencies. Generally, costs are shared between the Federal Government and certain non-Federal governments or entities on the basis of a portion of the construction cost and another portion of the OM&R. Also, interest on the costs to be repaid is charged for some programs, such as munipical water supply and hydroelectric power. Planning also varies in level of cost sharing but averages about 90 percent Federal.

Option 2—Cost sharing floor.—This option modifies existing cost-sharing arrangements to achieve greater consistency among agencies and measures providing similar benefits. It provides that cost sharing be expressed in terms of "composite effective rates." (This concept is described above.)

Minimum levels of composite effective non-Federal cost sharing would be established for those project purpose categories that are now below a desired average. For example, agencies providing recreation and fish and wildlife or any other purpose targeted at less than a 20-percent composite effective rate would have to impose a minimum 20-percent composite effective rate in the future under this option. However, water quality control programs and projects would not be included.

If existing composite rates are higher than the minimums, the existing higher rates would continue to be charged.

The discount rate used for calculation of composite effect cost-sharing rates should be the project evaluation discount rate except for municipal and industrial water supply and hydroelectric power, where the greater of the project evaluation rate or the current yield rate on long-term Treasury bonds should be used.

The non-Federal cost-sharing level for each program and project purpose would generally be higher than at present, but no existing rate would be decreased if now higher than 50 percent.

Repayment interest rates should continue without change, except the rates for M&I water supply and hydroelectric power, which should be the yield rate on long-term Treasury bonds with at least 15 years left to maturity.

This option would apply to all projects not yet under construction on the date of enactment of necessary legislation, and also to all marketable project services not yet under contract.

Option 3—Joint venture.—This option provides that 50 percent of the initial capital implementation or financing costs of projects would be provided by the Federal Government and the other 50 percent would be provided by State, interstate, or local governments or possibly also by public non-governmental entities. The financing or initial capital implementation costs of the partners would be recovered through marketing of vendible services of the projects. The revenues obtained would be divided between the partners. All operation and maintenance would be non-Federal. (If necessary, a Federal loan program limited to 25 percent of the joint venturer's share might be provided for partners unable to finance otherwise.)

Projects could be planned and proposed by non-Federal governments. Federal planning would be confined to clearly interstate situations. Operation of the joint venture projects would be by the non-Federal partner on mutually determined terms and conditions.

Option 4—Block grant.—This option provides for grants to States as a replacement for the present Federal direct water resources development programs and projects.

Initially, each State would receive grant funds equivalent each year to the average annual Federal water resources investment in that State for the past several years. Eventually grants would be distributed on a formula basis reflecting population, economic, and other factors related to water resources-related investment and expenditures in the States.

The States would select the projects to be built and provide their own additional financing if necessary.

The Federal agencies would build and operate only those interstate inland navigation systems and hydroelectric projects that could be operated to affect direct benefits or costs across State lines. All other projects would be built and operated by non-Federal entities. For projects to be implemented by non-Federal governments or entities, the Federal planning role, if any should not go beyond the feasibility study stage.

This option would be applied to all projects not yet under construction on

the date of enactment of the required

water projects increases. Therefore, im-

Costs would be recovered by marketing of the vendible project services, such

ects. This might result in significant redistribution of existing uses; for example, irrigation users might be

Problem 3. Many State water rights systems have developed without regard

2. The Federal Government could work with the Council of State Governments

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the date of enactment of the required legislation.

The States or their legal subdivisions would carry out the planning, construction, operation, and maintenance of all new water resources development projects (except those interstate navigation and hydroelectric projects referred to above), including nonstructural, such as greenway—floodways and relocations.

Initially, Federal technical assistance would be available to aid States and localities with project implementation problems, but it is expected that the need for Federal technical assistance will decrease within a few years as State, local, and private contractor experience with water projects increases. Therefore, implementation and OM&R would be a non-Federal responsibility.

Option 5—Full Recovery. This option provides that the Federal Government should plan, finance, implement, and operate projects and programs such as they are today. However, cost-sharing terms for each project purpose or service provided by a project would require 100 percent repayment of all costs involved, including operation, maintenance, and replacement costs, interest during construction, and interest at the project evaluation rate for all repayment obligations scheduled over a period of years.

Costs would be recovered by marketing of the vendible project services, such as hydroelectric power, all forms of water supply, navigation passage, etc. Costs of less or nonmarketable features would be recovered from the States or other entities benefiting from the projects.

Implementation and operation of the projects would be by the Federal Government in the same manner as at present.

This option would be applied to all projects not yet under construction on the date of enactment of legislation necessary to authorize the option and also to all marketable services of existing projects that are not yet under contract.

TABLE 1.—*Summary of Effective Composite Non-Federal Cost Sharing Rates for Five Options*[1]

Purpose	OPTION No. 1 Current Situation[2]	No. 2 Cost Sharing Floor	No. 3 Joint Venture	No. 4 Block Grant	No. 5 Full Recovery
Urban flood damage reduction	20	24 min.	55[3]		100
Rural flood damage reduction	11	16 min.	55[3]		100
Drainage	46	55 min.	100		100
Agricultural water supply—irrigation	19	43 min.	100		100
Erosion and runoff control	34	39 min.	60		100
Municipal and industrial water supply	64	100	100		64
Point source water quality management	64	64 min.	84		14
Recreation—general	10	20 min.	55[3]		100
Fishing and hunting	10	24 min.	55[3]		100
Boating—berthed and launched	38	40 min.	55[3]		0
Natural areas	4	[0]	50		0
Historic and cultural sites	0	0	55		0
Ecological systems	26	0	55[3]		100
Navigation	7	10	55[3]		100+
Hydroelectric power	64	100	100+		

[1] Both implementation costs (that is, first costs) and the present value of operation, maintenance and replacement (OM&R) are considered in arriving at an effective composite *non-Federal* cost-sharing rate. Moreover, in computing the effective composite non-Federal cost-sharing rates for Option No. 1 (current situation), any reimbursement at less than 6 percent interest or with terms greater than 50 years or with interest-free periods was considered to involve an implicit subsidy to non-Federal interests and an appropriate adjustment was made.

[2] For a complete presentation and explanation of the current situation, see U.S. Water Resources Council, Planning and Cost Sharing Policy Options for Water and Related Programs, *Part 5A—Options for Cost Sharing: Implementation and O&M Cost Sharing for Federal and Federally Assisted Water and Related Land Programs*, November 1975, U.S. Government Printing Office Stock No. 052-045-00038-0. It should be noted that EPA regards the 64 percent non-Federal cost sharing for point source water quality management, which was estimated in 1975, to be out of date.

[3] Based on the general rule that non-Federal interests will contribute 50 percent of capital costs and bear full costs of OM&R.

ISSUE AREA NO. 3: POLICY CONSIDERATIONS AND ALTERNATIVES RELATIVE TO INSTITUTIONS AND INSTITUTIONAL ARRANGEMENTS

In announcing a comprehensive review of national water resources policy, President Carter emphasized that policy reforms should promote more efficient water use, equitable allocation of water project costs and benefits, increased safety of water development facilities and works, all in recognition that environmental quality must be maintained and enhanced. To a great degree, the institutional arrangements relative to the acquisition, use and disposition of water resources affects whether and to what extent these goals are realized or frustrated. Accordingly, an examination of alternative water resources related institutions is appropriate in a national water resources policy review. The legal and economic institutions influencing water resources are many and complex. Any review must, therefore, be very broad. For the review to be comprehensive, it should not be limited to what has been traditionally viewed as strictly Federal areas concerning water resources. This is because Federal water resources policy and programs are influenced by other governmental institutions, primarily those of the States. The review, however, will respect the fact that the acquisition, use and disposition of rights to use water have historically been a matter of individual State law. But this respect is tempered by the recognition that as demands on the Nation's limited water resources increase, it may be necessary to develop a national perspective both as to water quantity and quality and to ensure that Federal policies promote the recognition of realistic goals through changes in existing institutions at all levels of government.

To elicit comment concerning institutional arrangements and water, a set of identified problems will be stated, followed by a listing of potential options for resolving the problem. Even though the maintenance of the status quo is not listed as an alternative, it is, of course, an option for consideration. The list of problems and options is not assumed to be all inclusive, and comments relating to other areas are welcomed and expected. In addition, it is recognized that many of the problems cited do not exist in all jurisdictions or levels of government and in many cases have been adequately addressed and resolved. The purpose of the notice is to identify what problems are being examined and provide a basis for substantive and constructive public comment.

Problem 1. Water subsidies have promoted or resulted in competitive advantages being afforded certain uses such as irrigation, navigation or recreation, and have restricted the recognition of other uses and values. The same subsidies appear to have failed to provide incentives necessary to promote efficiency, water conservation, economic output or environmental quality. Disparities in subsidies, including the failure to recognize the value of alternate uses of water, have resulted in water quality degradation attributable to overuse. Additional problems of equity may arise from the possibility that individuals may realize an unwarranted and unearned share of values created by government investment.

Options. 1. Reduce the subsidies influencing water prices through modifying Federal statutes and procedures which provide for the use of unrealistic interest rates and repayment obligations relative to water projects. This option is discussed further in the option papers concerning cost-sharing and water conservation.

2. Establish and apply user charges to recover the full cost of programs and projects from the actual water users. This option might also provide incentives to conserve limited water supplies and encourage their most economic use.

3. Allow the market system to operate as freely as possible relative to water prices by selling water to the highest bidder including water in Federal projects. This might result in significant redistribution of existing uses; for example, irrigation uses might be deferred to municipal and industrial uses since municipal and industrial users could presumably pay more than agricultural users.

4. Administer prices for selected social and environment objectives by subsidizing these functions to enable them to compete in a market oriented system. For example, as the need to provide water for energy development increases, it may be necessary to protect certain agricultural interests, recreation or minimum stream flow needs for fish and wildlife habitat or environmental quality.

Problem 2. Water related laws and management practices that may impair the recognition of environmental values include: 1) Concepts of "beneficial use" and "diversion" in water law systems frequently have not evolved to include instream flow needs or certain offstream environmental uses; 2) Water laws in many riparian oriented States may not provide for effective allocation of water to achieve and protect instream flow needs; 3) Inadequate coordination among Federal agencies together with their procedures and levels of compliance with Federal environmental planning requirements may result in substantial disparities in attaining instream flow needs in water resource developments which are Federally constructed, financed, insured or licensed; 4) Federal contracting practices may inhibit re-examination of already constructed water projects to determine if and how they might be modified to obtain environmental objectives.

Options. 1. Direct Federal agencies to review existing water related practices and procedures and to recommend legislative or administrative changes necessary to protect environmental values.

2. Authority to review Federal agency compliance and coordination relative to environmental quality concerns, aside from governmental reorganization, could be vested with the Council on Environmental Quality, Environmental Protection Agency or the Water Resources Council with broad power to monitor and require agency compliance.

3. Establish institutions at the Federal level whereby instream flow needs could be identified, quantified and effectively provided for through specific procedures. These procedures could include full recognition, exercise, and protection of Federally reserved rights to water, compensation to holders of valid rights whose uses are discontinued, either temporarily or permanently, when the water is needed for these instream uses and ensuring that in future Federal projects the instream uses have a greater priority than uses confirmed under contractual arrangements.

4. State and local governments could be required to adopt strategies providing for instream flow needs through State law. Federal sanctions, through contracting, licensing and permit approval could be used to implement this alternative.

Problem 3. Many State water rights systems have developed without regard to the physical fact that surface water is related to groundwater and certain sources of groundwater are related to each other. The creation of legal distinctions where no physical distinctions exist may result in inequitable and inefficient uses and effects while making rational management more difficult. These problems may arise, for instance, in the case where a surface diverter may be protected from adverse upstream junior diversions but is without legal remedy to prevent the same harm due to upstream groundwater pumping since the law does not recognize that the groundwater withdrawals may decrease the downstream surface flow just the same as does the upstream surface diversion. Inefficiencies may arise when groundwater pumpers continue to deplete the underground source even in years when surface supplies are adequate to meet their needs but go to waste since it is legally impermissible for holders of groundwater rights to divert surface water.

A related problem may arise when laws and programs fail to recognize the relationship between water quality and water quantity. Thus, problems may result in stringent regulations of discharges of pollutants into a watercourse while no attention to quality is given to permitting a diversion from the same watercourse even though the diversion may have a greater quality impact by reducing the assimilative capacity of the stream or further concentrating existing pollutants in the stream than does the discharge of the pollutants. In either case there are adverse quality consequences and in each case they should be recognized.

The integration of surface and groundwater and administering rights to make surface diversions from streams are primarily matters of State law; however, the Federal Government does have an interest in these problems, particularly if State law might threaten the viability of a Federal project or program. For example, Federal water quality control programs may be ineffective if State administration continues to grant rights in streams in which existing diversions make water quality standards difficult to attain. Another case is where Federal reclamation storage facilities and thus delivery capabilities and cost recovery prospects are endangered due to decreased surface flows resulting from upstream groundwater withdrawals.

Options. 1. The Federal Government could exercise existing legal powers to ensure that State systems take account of these physical relationships. Legal authority for Federal action could be constitutionally derived under the commerce clause in cases involving navigation and water quality and under the property clause as it relates to public lands and resources. In addition, there could be legal authority to force State action in cases where the proprietary interests of the United States in a dam, reservoir or other facility are damaged due to actions sanctioned under State law.

2. The Federal Government could work with the Council of State Governments or similar entity to develop a comprehensive model water code which would recognize these relationships and provide a basic model and standard for treatment of the problems.

3. The Federal Government could condition future water quality grants, flood control and reclamation expenditures and projects and other water related assistance on States' adopting and implementing legal and administrative systems which recognize these physical relationships and provide for their integrated management.

4. The Federal Government could review all licenses, coptracts and permits and ensure that all actions taken under them are consistent with an integrated approach to water resources management.

Problem 4. Existing substantive water rights systems have resulted in institutional arrangements which may result in inflexibility, relative to the allocation and use of water which may lead to inefficiencies and inequities. Potential problems include: 1) Water rights are established under the laws of a single State and are generally exercisable and alienable only in that State. This institutional constraint may result in interstate and regional programs such as interbasin transfers and regional plans for resource development being more difficult to attain. 2) The transfer of water rights within a State is frequently difficult due to inadequate information about the extent of the right being transferred and the effect of the transfer on other users; legal doctrines such as the appurtenancy doctrine which allows the transfer of water rights only upon the transfer of the land upon which it has been used; legal authority vested in irrigation and other special districts to disapprove transfers within their watersheds whether or not the district can demonstrate an adverse effect on the rights they represent; and subsidies in the form of very low water prices and agricultural supports which distort the market and allow for the maintenance of the existing uses longer than would otherwise be economically feasible. 3) The legal concepts of beneficial use and reasonable use generally are the measure and limit of a water right; however, these standards are rarely defined and even more rarely enforced. The failure to implement these standards may result in more water being used than would otherwise be necessary through more efficent methods of water application and reuse. 4) A related problem may exist in the concept of forfeiture which is frequently legislatively declared and exists almost universally in the common law. The basic idea is that if one does not use the water to which he is entitled, the right to use will cease after a given time. This punishes conservation and rewards excessive use since the former restricts the right and the latter expands it. 5) A final problem may arise from the fact that many rights are not evidenced by any record and many that are have not been adjudicated and specifi-

cally quantified. This circumstance

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Although water for most uses has been supplied at low cost, the major use by

a marked effect on the quantity and manner of water use. In addition to these

Options. 1. Accelerate the development of comprehensive Federal-State

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cally quantified. This circumstance leads to uncertainty, and frequent conflicts usually are resolved in ad hoc judicial proceedings.

This problem consists almost entirely of provisions existing in State law over which there is no direct Federal control. However, the United States holds many water rights as proprietor and trustee and thus has an interest in seeing that they are not infringed and preempted through inadequacies in State law. In addition, many of the water rights exercised under State law have been developed through Federal projects and programs.

Options. 1. States could adopt and implement comprehensive water resource management statutes which could provide for the adjudication, quantification and public recording of all rights to use water. This could provide greater knowledge and certainty concerning water rights and possibly result in greater degree of transferability and public control over the allocation of water.

2. In the case of interstate uses, demands and transfers, the Federal Government could develop a data bank of water rights established under State laws. These data could be used in facilitating interstate water uses and transfers and also in settling interstate water disputes.

3. The Federal Government could review existing State water law systems and determine whether or not they promote equity, efficiency and environmental quality consistent with Federal policy. In States where the water laws failed to meet the Federal standard, future water related Federal programs and projects such as reclamation, flood control and insurance, water quality control and others could be delayed or conditioned upon compliance by the State. Failure to condition Federal assistance in such a way could result in Federal programs and projects being integrated into a system of laws and practices which are completely contrary to current Federal policy.

4. The Federal Government could purchase rights to water and re-allocate them to the most socially desirable or economically productive use. Purchases could be through voluntary sales or through eminent domain procedures.

Public comment is requested on additional methods for resolving the problems in State water rights systems.

Problem 5. Relatively recent legislation and implementing procedures, particularly the National Environmental Policy Act of 1969 (NEPA) have provided increased opportunities for public involvement in water resource program planning, implementation and management. Even so, problems may still exist concerning the timeliness and quality of the opportunities for public input. Increased public participation may result in many other institutional problems being brought forward for discussion and solution.

Options. 1. NEPA requirements for public participation could be strengthened by affording input at the earliest stages of project initiation. For example, require public notice that study is being initiated relative to a potential project and that a public hearing or comment period will be provided concerning the nature and scope of the study and project.

2. The Water Resources Council Principles and Standards could be broadened to increase public input through notice and public hearing and comment at designated stages of the water resource planning process and to apply the procedures to all water related functions and programs including grants and loans.

3. Procedures and practices of governmental agencies might be reviewed to determine the extent of public participation requirements and the degree of compliance with those requirements.

It must again be emphasized that the problems outlined above and the alternatives listed to those problems are not exhaustive and certainly do not represent all institutional problems related to water resources or the range of options available to resolve those problems. Accordingly, the scope of this notice should not be interpreted to limit the scope of comments and suggestions. There is a great need that comments and suggestions be as concise and specific as possible and, where possible, accompanied by proposals and programs for substantive action.

Issue Area No. 4: Water Conservation

Introduction

On the subject of water conservation, President Carter said.

"In the arid West and across the entire Nation, we must begin to recognize that water is not free—it is a precious resource. As with our energy problem, the cornerstones of future water policy should be wise management and conservation. Irrigation efficiency, water pricing, ground water management, and thoughtful land-use decisions will help institute lasting protection from drought and lessen the need for expensive new water projects."

Many water conservation problems and their solutions are intertwined with both water supply and demand. In some cases there is an absence of policy or an indifferent policy so that the consequences of some water use go unrecorded and are, therefore, unknown in cumulative magnitude or effect. In other cases, government policies and programs contribute to excessive use by providing for particular selected uses on a preferential basis and at much less than cost.

Furthermore, the Federal Government sets many prices or rates for water, depending upon the purpose (irrigation, municipal and industrial, hydropower, etc.) and the Federal agency involved. Rates charged are often nonmarket clearing rates and the revenue recovered from selling water is often considerably less than the full cost of providing the service. Pricing lower than actual cost has, in many cases, encouraged the wasteful use of water and led to pressure for unnecessary Federal projects and to heavy subsidies to users, while denying water to more productive uses.

Although water for most uses has been supplied at low cost, the major use by volume, irrigation in the West, has been supplied at much less than cost and so there has been little incentive for users to conserve.

Other areas of the country and other water users have been equally lacking in incentives to conserve. In the East and South, the apparent abundance of water allowed the tacit designation of many streams for waste disposal, which has led to pollution and degradation of water quality.

Industrial and municipal users also contribute to the wasteful use of water. Riparian water law, the absence of rules for the use of ground water, and the lack of metering and other pricing mechanisms often make water available for the taking without payment and without public accounting for effects. Controls on the disposal of waste water, at least at the outset, are also loosely enforced.

These remarks are intended only to describe the situation and the path of its occurrence, not to pass judgment on those who set the course. This paper should serve to bring attention to the entire process of water use, focusing attention on the several parts of the cycle of development, withdrawal, use, and disposal and the effects on the water bodies themselves from the withdrawals and the disposal. The entire process has a potential for conservation—just as it now exhibits a tendency for carelessness and waste.

It should also be recognized that each step in the use of water is often planned and managed separately by diverse public jurisdictions or private entities It may be that this diversity is a contributory factor to the deficiency in conservation.

Problems

The following discussion of problems and options for solutions is intended to provide a basis for substantive and constructive public comment. It is not intended to be all-inclusive, but presents primary issues in order to provide a basis for further discussion and formulation of recommendations to the President.

A. *The price of water is insufficent to provide the incentives necessary to promote efficiency and prevent wasteful uses*

Current policies result in low prices for water, which contribute to wasteful and inefficient uses. a failure to recover the costs of providing the water, and subsidies that result in competitive advantages being afforded certain uses, such as irrigation, navigation or recreation. Movements toward more rational pricing policies will lead to arresting the growth in water use and the more efficient utilization of water.

Options. Options for pricing water are essentially those discussed in the paper on Institutions and Institutional Arrangements in the section on "Options to reduce water subsidies." Furthermore, the issues addressed in the cost sharing paper will directly affect conservation since who pays and how much is paid has

a marked effect on the quantity and manner of water use. In addition to these options, the following should be considered.

1. Provide for economic penalties (monetary charges) in *all* Federal water supply contracts to apply to the consumptive use, measured by the difference between the volume of water served and the volume returned to the stream; that is, an acre-foot charge, in addition to the water service rate or repayment obligation, would be levied against the depletion volume.

2. Provide for an economic penalty applicable to municipalities and other publicly-owned water service entities that do not establish water conservation programs. The penalty would be in the form of a percentage reduction in Federal financial aid for waste treatment facilities and other water-related programs. Also, consideration should be given to a Federal effluent charge against municipalities and others to induce conservation of water.

3. Provide for establishment of the repayment obligation and the water rate for Federal irrigation projects on the basis of the economic benefits attributed to the project, not on the basis of repayment capacity. Also, limit the water service contracts to 10-year periods subject to optional renewal on terms and conditions reflective of the later time. These changes would produce more careful water resource investment decisions by requiring the water user to pay more and for a limited period. This option is closely related to the cost sharing options.

4. Provide for an economic incentive or penalty system for all industrial waste discharges, as described above.

5. Require that the full cost of providing additional water supply be charged to new industry and population served in water-short areas.

B. *Inadequate consideration has been given to meeting existing water needs by means of comprehensive watershed management practices, including storage and transfer of surplus water derived from existing supplies*

Improper farming, grazing, and forestry practices degrade water quality and reduce the quantity of water available for both instream and offstream uses. Excessive surface runoff can cause flooding, soil erosion, and leaching of salts, creating problems for downstream users. Such water is also unavailable for ground water recharge, irrigation, maintenance of minimum streamflows, and other needs which occur when precipitation is inadequate.

Options. 1. Accelerate the development of comprehensive Federal-State water resources management programs for major watersheds and river basins, integrating conservation of surface, ground, and waste water resources in relation to existing uses.

2. Require the adoption of such comprehensive programs to be considered as a major factor in determining future Federal water resource project funding priorities.

3. Establish regional water resource allocation boards, including Federal, State, and interstate government representatives, to coordinate water resource uses now controlled by the respective jurisdictions.

4. Provide economic incentives for metropolitan areas to plan, implement, and manage water supply and waste disposal systems on a unified area-wide system to encourage reductions in water use.

C. *The limited reuse and recycling of water reduces the quantity and quality of water available for all offstream uses and instream values.*

Excessive use of fresh water supplies has led to the development of excess capacity in sewer treatment facilities, mining of ground water, and premature construction of storage and conveyance systems. A major reason users have not realized the potential savings resulting from reuse and recycling is that water has been priced below the cost of acquiring and treating it.

Options. 1. Provide economic incentives for industrial and municipal water recycling and waste water reuse through levying of effluent charges for waste water disposal and more rational water pricing policies. This would include the implementation of the effluent limitation standards provided for under P.L. 92–500.

2. Require all users (municipal, industrial and irrigation) to phase in reuse and recycling techniques to increase the supply of fresh water.

3. Allocate, through Federal-State cooperative programs, water supplies among uses and users according to quality requirements in order to encourage reuse and recycling techniques.

D. *Ground water supplies are poorly regulated and are being seriously depleted in some areas through excessive withdrawals.*

Ground water depletion is occurring at an increasing rate, causing lowered water tables, land subsidence, and reduced surface streamflows. This has resulted from a lack of knowledge of the total capacity and recharge rates of major aquifers and from the absence of effective regulatory and pricing policies which integrate ground and surface water use.

Options. 1. Establish a Federal-State cooperative research and monitoring program to improve the existing ground water data base.

2. Require management plans integrating ground and surface water use as a component of all Federal and federally-assisted water resource development projects.

3. Establish a Federal-State program for management of an integrated surface-ground water system.

4. Develop a Federal regulatory program for ground water management, to be operated and managed by the States after meeting minimum Federal requirements.

E. *Inefficient use of water in existing water-consuming facilities and production processes is using large quantities of water where a significant change in the process could greatly reduce the need for water.*

This problem is prevalent in many sectors: agricultural irrigation practices; water-intensive processing of products; spillage, leakage and waste. Significant savings (and improved water quality) can be realized through the physical modification of existing facilities and improved operation and maintenance.

Options: Adopting the policies that lead to more rational water pricing will provide the incentives to adopt more water-efficient means of doing business for the myriad of industrial, commercial, residential, and agricultural water users. The amount of water saved will depend on the costs and savings of introducing new techniques and equipment in the particular sector. Options to strengthen these incentives include: (1) strong public information and education programs, possibly including technology assessment, workshops, demonstration projects, and surveys of planning and zoning rules to encourage water conservation changes; (2) Federal performance standards for water use to apply to water-intensive industries and products.

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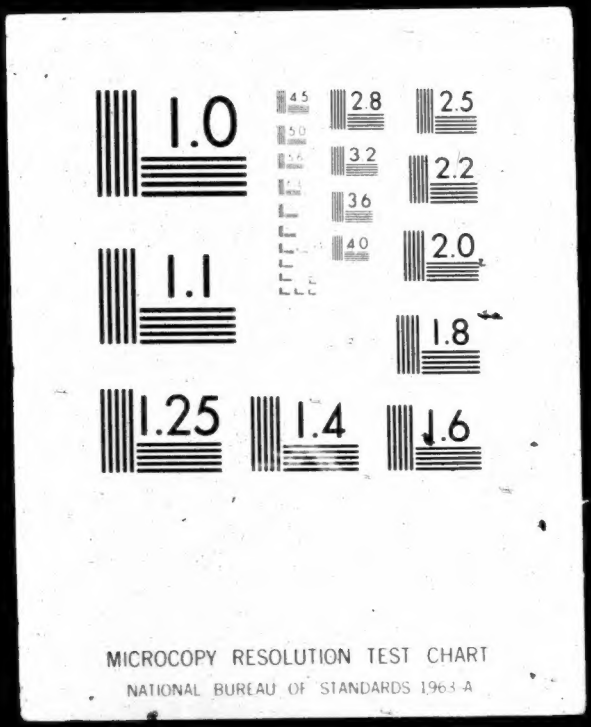

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100 MILLIMETERS

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